

RECEIVED

JUL 28 1988

Department of Water Resources
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

Indent. Number: R36-00133

Date Received: 8/31/1988

Received By: S001972

SECOND AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

SECOND AMENDED

1. Name: BIG BEND IRRIGATION & MINING CO. 208-837-6622
Address: C/O IVAN GUS GUSTAFSON
P.O. Box 209
HAGERMAN, ID 83332

2. Date of Priority: Dec 17, 1903

3. Source: TUCKER SPRINGS, UPPER Trib. to: RILEY CREEK

4. Point of Diversion

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	36	NW	SE	SE		GOODING

5. Description of diverting works:
CHECK DAM & WEIR TO BIG BEND DITCH, GRAVITY & SPRINKLER IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.S.F.	(or)	A.F.A.
IRRIGATION	01/01	12/31	20.000		
DOMESTIC	01/01	12/31	0.500		
STOCKWATER	01/01	12/31	1.200		
WILDLIFE	03/15	11/15	6.340		
WILDLIFE STORAGE	01/01	12/31			2.50
STOCKWATER	11/16	03/14	1.030		
DOMESTIC	11/16	03/14	0.280		
WILDLIFE	11/16	03/14	11.600		

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

8. Total Consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
2 HOUSES

R36-00133

Page 1

Date: 07/15/98

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	15	SW		SW		IRR	10.0
			SE		SW		IRR	10.0
			Section Acres					20.0
		16	NE		SE	3	IRR	10.0
			SW		SE		IRR	15.0
			SE		SE	6	IRR	40.0
			Section Acres					65.0
		21	NE		NE	1	IRR	35.0
			NW		NE	1	IRR	5.0
			SE		NE	5	IRR	18.0
			Section Acres					58.0
		22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	37.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	4.0
			NE		SE		IRR	15.0
			NW		SE		IRR	40.0
			SE		SE		IRR	29.0
			Section Acres					405.0
		23	<i>SE</i>		<i>NE</i>		<i>IRR</i>	<i>40.0</i>
			SW		NE		IRR	40.0
			SE		NW		IRR	20.0
			SW		NW		IRR	40.0
			NE		SW		IRR	15.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					275.0
		26	NW		NE		IRR	40.0
			SW		NE		IRR	30.0
			NW		SE		IRR	19.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					169.0
		27	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			Section Acres					80.0

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	27	SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
Section Acres						200.0
		36	NW	NW	IRR	22.0
			SE	NW	IRR	3.0
Section Acres						25.0
Total Acres						1,177.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
36-00192

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 34.05 CFS FOR ALL USES IDENTIFIED DURING THE IRRIGATION SEASON AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.91 CFS DURING THE NON-IRRIGATION SEASON.

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.
STOCK, 1000 MIXED; WILDLIFE, PONDS AND HABITAT.

ACRES SET OUT IN THE PLACE OF USE SECTION HEREOF IDENTIFY THE BOUNDARY OF THE APPLICANT'S SERVICE AREA. THE ACTUAL IRRIGATED ACRES ARE 567.

STOCKWATER USAGE SHOULD BE PERMITTED THROUGHOUT THE BOUNDARY AREA.

15. Basis of Claim: DECREED

Case No. : R36-000133
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff vs.

IDAHO POWER COMPANY, ET.AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of Big Bend Irrigation & Mining Co., that I have signed the foregoing document in the space below as
Title Organization
President of Big Bend Irrigation and Mining Co. and that the statements
Title Organization
contained in the foregoing documents are true and correct.

Ivan I. Gustafson, Pres.
Signature of Authorized Agent

Big Bend Irrigation and Mining Co.
Title and Organization

7/21/98
Date

STATE OF IDAHO)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 21st day of July, 1998.

Seal

Bonnie Christensen
Notary Public

Residing at *Twin Falls, Idaho*

My Commission Expires: *6-8-2002*

17. Notice of Appearance:

Notice is hereby given that I, Curtis R. Webb will be
Print Name

acting as attorney at law on behalf of the claimant signing above,
and that all notices required by law to be mailed by the director to
the claimant signing above should be mailed to me at the address
listed below.

Signature

C. R. Webb

Address

Box 1768 Twin Falls, ID.

Date

7-28-98

4	3	2	1
9	10	11	12
16	15	14	13
21	22	23	24
28	27	26	25
33	34	35	36

Township

7S

Range

13 E

Claim

A36-00133

RECEIVED

JUL 28 1998

Department of Water Resources
Southern Region

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

In Re SRBA

)

Subcase R36-00133

)

(Insert water right number)

)

Case 39576

)

STANDARD FORM 4

)

)

MOTION TO FILE:

)

☐ LATE NOTICE OF CLAIM

)

☒ AMENDED NOTICE OF CLAIM
(SECOND)

INSTRUCTIONS

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

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

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

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

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

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Big Bend Irrigation & Mining Co.

My name is Curtis R. Webb

My address is P.O. Box 1768
Twin Falls, ID 83303-1768

My phone number is (208) 734-1616

MOTION TO FILE A LATE NOTICE OF CLAIM

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

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

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

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

I have attached:

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

Follow these instructions regarding the hearing on this motion.

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

This motion will be heard on _____
(Insert Date and Time)

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

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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

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

The claims file 8-31-88 inadvertently omitted certain quarter
quarter sections of Place of Use (Application Sec. 10). The omitted areas
have enjoyed historical water usage and should be included in the areas of
use under the water rights identified.

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

I have attached:

Second

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of Twin Falls

CURTIS R. WEBB, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

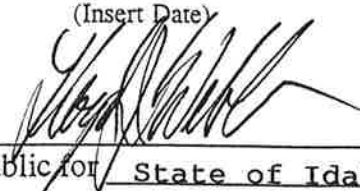
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Signature of person filing motion



Attorney signing in representative capacity

Subscribed and sworn to before me on 7-28-98
(Insert Date)



Notary Public for State of Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6/8/2002

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on July 88, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

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

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

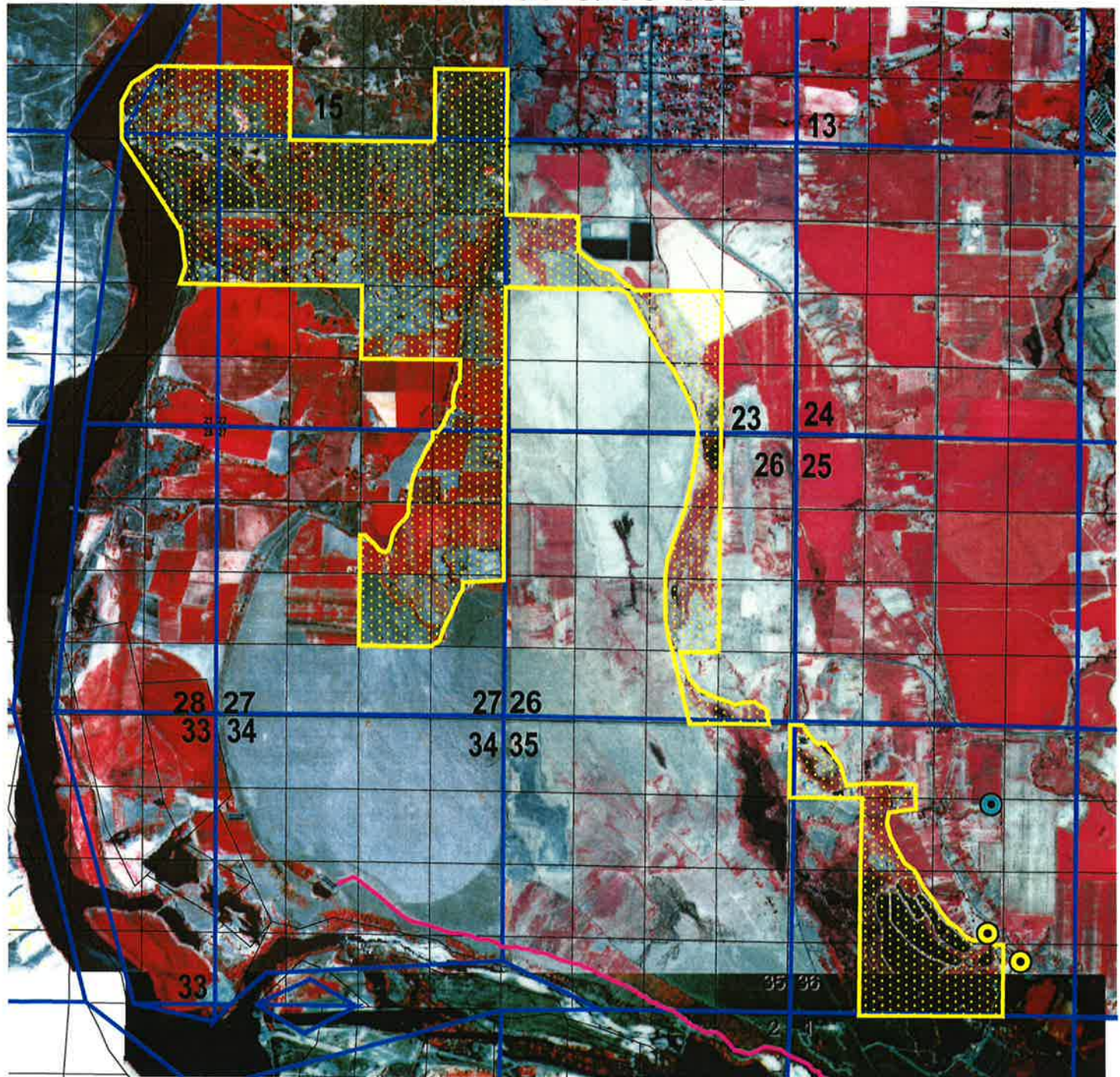
(Insert Names/address of parties)



Signature of person or attorney mailing the form

IDAHO DEPT OF WATER RESOURCES

36-133 & 36-192



1320 0 1320 2640 Feet



BIG BEND IRR & MINING CO



RECOMMENDED PLACE OF USE

◉ POINT OF DIVERSION

▬ SECTION LINES

□ 1/4 - 1/4 LINES

**GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY**

**DATA ENTRY BY: STEVE CLELLAND
DATE: JULY 2, 2003**

Clelland, Steve

From: Clelland, Steve
Sent: Thursday, July 03, 2003 8:04 AM
To: 'waterlandplan@earthlink.net'; 'jbeeman@beemanlaw.com'; 'jks@idahowaters.com'; 'dbarber@ag.state.id.us'
Cc: Spencer, Nick; Kelly, Vicki
Subject: Big Bend Irrigation Place of Use Border map

Hello all,

Attached is the map which shows the POU border for the Big Bend Irrigation rights 36-133 and 36-192. It was left off the SF5 by accident. It is the same shape as I gave you copies of on 1-24-03 so nothing has changed.

We will be forwarding this to the court as an attachment to the SF5 within the next week or so unless I hear from one of you regarding any necessary corrections.

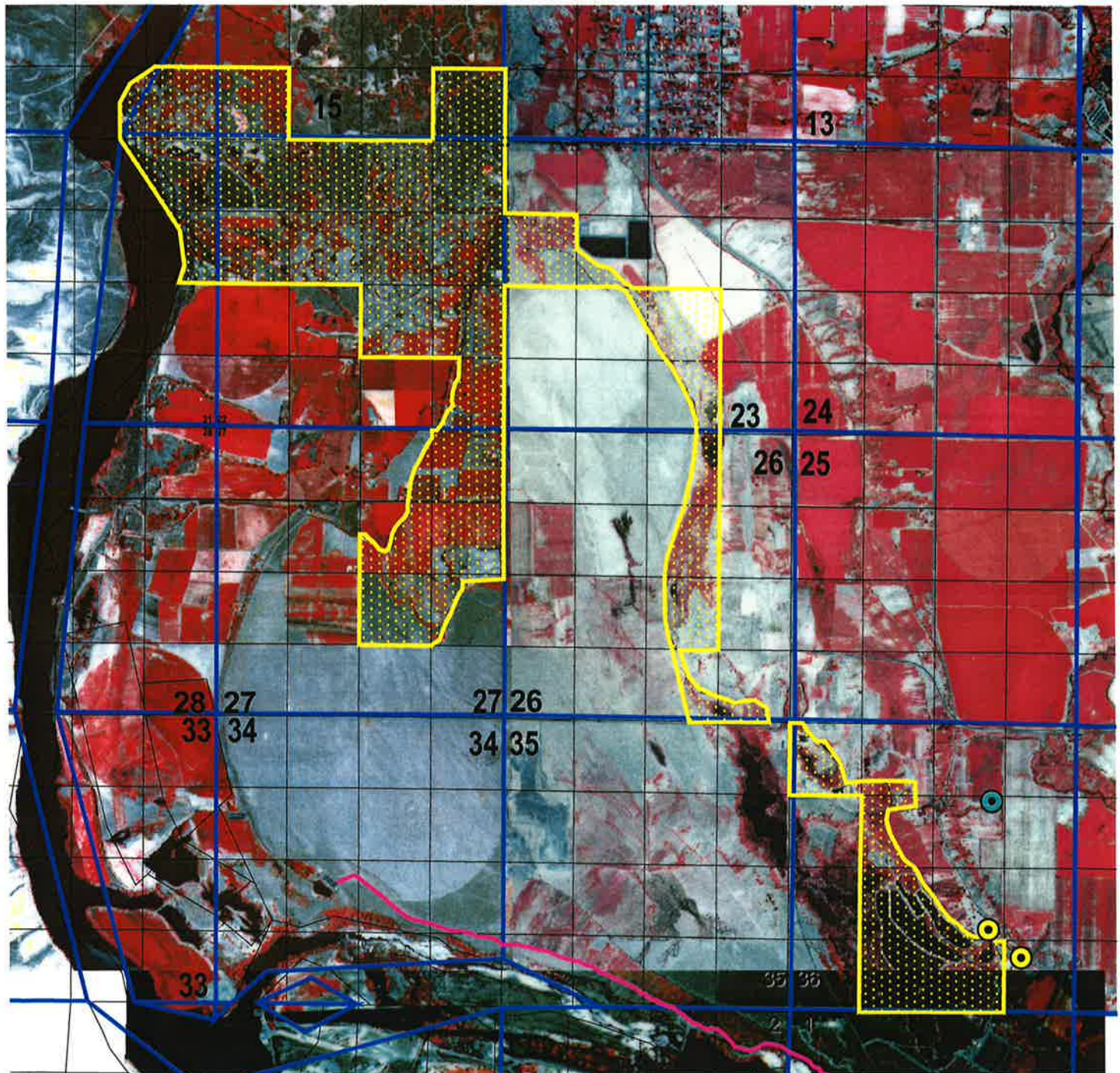


bbi boundary
revised.jpg

Steve Clelland
IDWR
1301 N. Orchard
Boise, ID 83706-2237
(208) 327-5450

IDAHO DEPT OF WATER RESOURCES

36-133 & 36-192



1320 0 1320 2640 Feet

BIG BEND MINING & IRR CO



RECOMMENDED PLACE OF USE

◦ POINT OF DIVERSION

∧ SECTION LINES

□ 1/4 - 1/4 LINES

**GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY**

**DATA ENTRY BY: STEVE CLELLAND
DATE: JULY 2, 2003**

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BB1
BORDER
1/24/03
SCC

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36

03/24/2003

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

RIGHT NUMBER: **36-192**

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: LOWER TUCKER SPRINGS

TRIBUTARY: RILEY CREEK

QUANTITY: 15.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 34.05 CFS INCLUDING CONVEYANCE LOSSES DURING THE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO 26.4 CFS FOR IRRIGATION USE, 1.03 CFS FOR STOCKWATER USE, 0.28 CFS FOR DOMESTIC USE AND 6.34 CFS FOR WILDLIFE USE.

USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.31 CFS INCLUDING CONVEYANCE LOSSES DURING THE NON-IRRIGATION SEASON.

USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 04/01/1906

THE PORTION OF COMBINED WATER RIGHT NOS. 36-133 AND 36-192 IN EXCESS OF A TOTAL COMBINED DIVERSION RATE OF 19 CFS IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

POINT OF DIVERSION:

T07S R13E S36 SENWSE Within GOODING County Source: LOWER TUCKER SPRINGS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	1.030 CFS
WILDLIFE	02/15 11/30	6.340 CFS
WILDLIFE STORAGE	01/01 12/31	2.50 AFY
DOMESTIC	01/01 12/31	0.280 CFS
IRRIGATION	02/15 11/30	15.000 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T07S R13E S15	SWSW	T07S R13E S15	SESE
T07S R13E S16 Lot 6	SWSE	T07S R13E S16 Lot 6	SESE
T07S R13E S21 Lot 1	NENE	T07S R13E S21 Lot 1	NWNE
T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
T07S R13E S22	NWNE	T07S R13E S22	SWNE
T07S R13E S22	SENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S22	SWNW
T07S R13E S22	SENW	T07S R13E S22	NESE
T07S R13E S22	NWSE	T07S R13E S22	SESE
T07S R13E S23	SWNW	T07S R13E S23	SENW

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T07S R13E S23	NESW	T07S R13E S23	NWSW
T07S R13E S23	NWSE	T07S R13E S23	SWSE
T07S R13E S25	SWSW	T07S R13E S26	NWNE
T07S R13E S26	SWNE	T07S R13E S26	SWNW
T07S R13E S26	NWSW	T07S R13E S26	NWSE
T07S R13E S26	SWSE	T07S R13E S26	SESE
T07S R13E S27	NENE	T07S R13E S27	NWNE
T07S R13E S27	SWNE	T07S R13E S27	SENE
T07S R13E S27	NESE	T07S R13E S27	NWSE
T07S R13E S35	NENE	T07S R13E S35	NWNE
T07S R13E S35	SENE	T07S R13E S36	NENW
T07S R13E S36	NWNW	T07S R13E S36	SWNW
T07S R13E S36	SENW	T07S R13E S36	NESW
T07S R13E S36	NWSW	T07S R13E S36	SWSW
T07S R13E S36	SESW	T07S R13E S36	NWSE
T07S R13E S36	SWSE	T07S R13E S36	SESE

WILDLIFE Within GOODING County

T07S R13E S21 Lot 1	NENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S36	NWNW
T07S R13E S36	NESW	T07S R13E S36	SESW
T07S R13E S36	NWSE	T07S R13E S36	SWSE

WILDLIFE STORAGE Within GOODING County

T07S R13E S22 NENW

DOMESTIC Within GOODING County

T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
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434 ACRES TOTAL

PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION
AND MINING CO.

USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

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

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT AND WATER RIGHT NO. 36-133 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE OR GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. THE SUBORDINATIONS SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND WATER RIGHT NO. 36-133 INCLUDING ANY TRANSFERS OF THESE WATER RIGHTS.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

8.42 CFS OF THIS RIGHT AND RIGHT NO. 36-133 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THESE RIGHTS DURING THE IRRIGATION SEASON. THERE IS NO CONVEYANCE LOSS FOR WILDLIFE USE. DURING THE NON-IRRIGATION SEASON, 0.22 CFS OF THIS RIGHT AND RIGHT NO. 36-133 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE DOMESTIC WATER, AND 0.80 CFS OF THIS RIGHT AND RIGHT NO. 36-133 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE STOCK WATER.

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.

03/24/2003

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

RIGHT NUMBER: 36-133

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: UPPER TUCKER SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 20.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 34.05 CFS INCLUDING CONVEYANCE LOSSES DURING THE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO 26.4 CFS FOR IRRIGATION USE, 1.03 CFS FOR STOCKWATER USE, 0.28 CFS FOR DOMESTIC USE AND 6.34 CFS FOR WILDLIFE USE.

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.31 CFS INCLUDING CONVEYANCE LOSSES DURING THE NON-IRRIGATION SEASON.

USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 12/17/1903

THE PORTION OF COMBINED WATER RIGHT NOS. 36-133 AND 36-192 IN EXCESS OF A TOTAL COMBINED DIVERSION RATE OF 19 CFS IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

POINT OF DIVERSION:

T07S R13E S36 NWSESE Within GOODING County Source: UPPER TUCKER SPRINGS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	1.030 CFS
DOMESTIC	01/01 12/31	0.280 CFS
WILDLIFE	02/15 11/30	6.340 CFS
WILDLIFE STORAGE	01/01 12/31	2.50 AFY
IRRIGATION	02/15 11/30	20.000 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T07S R13E S15	SWSW	T07S R13E S15	SESE
T07S R13E S16 Lot 6	SWSE	T07S R13E S16 Lot 6	SESE
T07S R13E S21 Lot 1	NENE	T07S R13E S21 Lot 1	NWNE
T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
T07S R13E S22	NWNE	T07S R13E S22	SWNE
T07S R13E S22	SENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S22	SWNW
T07S R13E S22	SENW	T07S R13E S22	NESE
T07S R13E S22	NWSE	T07S R13E S22	SESE
T07S R13E S23	SWNW	T07S R13E S23	SENW

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T07S R13E S23	NESW	T07S R13E S23	NWSW
T07S R13E S23	NWSE	T07S R13E S23	SWSE
T07S R13E S25	SWSW	T07S R13E S26	NWNE
T07S R13E S26	SWNE	T07S R13E S26	SWNW
T07S R13E S26	NWSW	T07S R13E S26	NWSE
T07S R13E S26	SWSE	T07S R13E S26	SESE
T07S R13E S27	NENE	T07S R13E S27	NWNE
T07S R13E S27	SWNE	T07S R13E S27	SENE
T07S R13E S27	NESE	T07S R13E S27	NWSE
T07S R13E S35	NENE	T07S R13E S35	NWNE
T07S R13E S35	SENE	T07S R13E S36	NENW
T07S R13E S36	NWNW	T07S R13E S36	SWNW
T07S R13E S36	SENE	T07S R13E S36	NESW
T07S R13E S36	NWSW	T07S R13E S36	SWSW
T07S R13E S36	SESW	T07S R13E S36	NWSE
T07S R13E S36	SWSE	T07S R13E S36	SESE
<u>DOMESTIC Within GOODING County</u>			
T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
<u>WILDLIFE Within GOODING County</u>			
T07S R13E S21 Lot 1	NENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S36	NWNW
T07S R13E S36	NESW	T07S R13E S36	SESW
T07S R13E S36	NWSE	T07S R13E S36	SWSE
<u>WILDLIFE STORAGE Within GOODING County</u>			
T07S R13E S22	NENW		

434 ACRES TOTAL

PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION AND MINING CO.

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

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

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT AND WATER RIGHT NO. 36-192 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE OR GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. THE SUBORDINATIONS SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND WATER RIGHT NO. 36-192 INCLUDING ANY TRANSFERS OF THESE WATER RIGHTS.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

8.42 CFS OF THIS RIGHT AND RIGHT NO. 36-192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THESE RIGHTS DURING THE IRRIGATION SEASON. THERE IS NO CONVEYANCE LOSS FOR WILDLIFE USE. DURING THE NON-IRRIGATION SEASON, 0.22 CFS OF THIS RIGHT AND RIGHT NO. 36-192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE DOMESTIC WATER, AND 0.80 CFS OF THIS RIGHT AND RIGHT NO. 36-192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE STOCK WATER.

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.

~~WATER IS DELIVERED THROUGH BIG BEND DITCH.~~

03/24/2003

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

RIGHT NUMBER: 36-192

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: LOWER TUCKER SPRINGS

TRIBUTARY: RILEY CREEK

QUANTITY: 15.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 34.05 CFS INCLUDING CONVEYANCE
LOSSES DURING THE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO 26.4 CFS FOR
IRRIGATION USE, 1.03 CFS FOR STOCKWATER USE, 0.28 CFS FOR DOMESTIC
USE AND 6.34 CFS FOR WILDLIFE USE.

USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.31 CFS INCLUDING CONVEYANCE LOSSES
DURING THE NON-IRRIGATION SEASON.

USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE
BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 04/01/1906

THE PORTION OF COMBINED WATER RIGHT NOS. 36-133 AND 36-192 IN EXCESS OF
A TOTAL COMBINED DIVERSION RATE OF 19 CFS IS SUBORDINATED TO ALL
GROUND WATER ~~AND SURFACE WATER~~ RIGHTS WITH PRIORITY DATES OF
DECEMBER 31, 1999 OR EARLIER.

POINT OF DIVERSION:

T07S R13E S36 SENWSE Within GOODING County Source: LOWER TUCKER SPRINGS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	1.030 CFS
WILDLIFE	02/15 11/30	6.340 CFS
WILDLIFE STORAGE	01/01 12/31	2.50 AFY
DOMESTIC	01/01 12/31	0.280 CFS
IRRIGATION	02/15 11/30	15.000 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T07S R13E S15 SWSW	T07S R13E S15 SESE
T07S R13E S16 Lot 6 SWSE	T07S R13E S16 Lot 6 SESE
T07S R13E S21 Lot 1 NENE	T07S R13E S21 Lot 1 NWNE
T07S R13E S21 Lot 5 SENE	T07S R13E S22 NENE
T07S R13E S22 NWNE	T07S R13E S22 SWNE
T07S R13E S22 SENE	T07S R13E S22 NENW
T07S R13E S22 NWNW	T07S R13E S22 SWNW
T07S R13E S22 SENW	T07S R13E S22 NESE
T07S R13E S22 NWSE	T07S R13E S22 SESE
T07S R13E S23 SWNW	T07S R13E S23 SENW

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

T07S R13E S23	NESW	T07S R13E S23	NWSW
T07S R13E S23	NWSE	T07S R13E S23	SWSE
T07S R13E S25	SWSW	T07S R13E S26	NWNE
T07S R13E S26	SWNE	T07S R13E S26	SWNW
T07S R13E S26	NWSW	T07S R13E S26	NWSE
T07S R13E S26	SWSE	T07S R13E S26	SESE
T07S R13E S27	NENE	T07S R13E S27	NWNE
T07S R13E S27	SWNE	T07S R13E S27	SENE
T07S R13E S27	NESE	T07S R13E S27	NWSE
T07S R13E S35	NENE	T07S R13E S35	NWNE
T07S R13E S35	SENE	T07S R13E S36	NENW
T07S R13E S36	NWNW	T07S R13E S36	SWNW
T07S R13E S36	SENW	T07S R13E S36	NESW
T07S R13E S36	NWSW	T07S R13E S36	SWSW
T07S R13E S36	SESW	T07S R13E S36	NWSE
T07S R13E S36	SWSE	T07S R13E S36	SESE

WILDLIFE Within GOODING County

T07S R13E S21 Lot 1	NENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S36	NWNW
T07S R13E S36	NESW	T07S R13E S36	SESW
T07S R13E S36	NWSE	T07S R13E S36	SWSE

WILDLIFE STORAGE Within GOODING County

T07S R13E S22 NENW

DOMESTIC Within GOODING County

T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
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434 ACRES TOTAL

PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION
AND MINING CO.

USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT AND WATER RIGHT NO. 36-133 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE OR GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. THE SUBORDINATIONS SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND WATER RIGHT, NO. 36-133 INCLUDING ANY TRANSFERS OF THESE WATER RIGHTS.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

8.42 CFS OF THIS RIGHT AND RIGHT NO. 36-133 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THESE RIGHTS DURING THE IRRIGATION SEASON. THERE IS NO CONVEYANCE LOSS FOR WILDLIFE USE. DURING THE NON-IRRIGATION SEASON, 0.22 CFS OF THIS RIGHT AND RIGHT NO. 36-133 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE DOMESTIC WATER, AND 0.80 CFS OF THIS RIGHT AND RIGHT NO. 36-133 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE STOCK WATER.

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.

03/24/2003

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

RIGHT NUMBER: 36-133

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: UPPER TUCKER SPRINGS

TRIBUTARY: RILEY CREEK

QUANTITY: 20.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 34.05 CFS INCLUDING CONVEYANCE
LOSSES DURING THE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO 26.4 CFS FOR
IRRIGATION USE, 1.03 CFS FOR STOCKWATER USE, 0.28 CFS FOR DOMESTIC
USE AND 6.34 CFS FOR WILDLIFE USE.

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.31 CFS INCLUDING CONVEYANCE LOSSES
DURING THE NON-IRRIGATION SEASON.

USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE
BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 12/17/1903

THE PORTION OF COMBINED WATER RIGHT NOS. 36-133 AND 36-192 IN EXCESS OF
A TOTAL COMBINED DIVERSION RATE OF 19 CFS IS SUBORDINATED TO ALL
GROUND WATER ~~AND SURFACE WATER~~ RIGHTS WITH PRIORITY DATES OF
DECEMBER 31, 1999 OR EARLIER.

POINT OF DIVERSION:

T07S R13E S36 NWSESE Within GOODING County Source: UPPER TUCKER SPRINGS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	1.030 CFS
DOMESTIC	01/01 12/31	0.280 CFS
WILDLIFE	02/15 11/30	6.340 CFS
WILDLIFE STORAGE	01/01 12/31	2.50 AFY
IRRIGATION	02/15 11/30	20.000 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T07S R13E S15 SWSW	T07S R13E S15 SESE
T07S R13E S16 Lot 6 SWSE	T07S R13E S16 Lot 6 SESE
T07S R13E S21 Lot 1 NENE	T07S R13E S21 Lot 1 NWNE
T07S R13E S21 Lot 5 SENE	T07S R13E S22 NENE
T07S R13E S22 NWNE	T07S R13E S22 SWNE
T07S R13E S22 SENE	T07S R13E S22 NENW
T07S R13E S22 NWNW	T07S R13E S22 SWNW
T07S R13E S22 SENW	T07S R13E S22 NESE
T07S R13E S22 NWSE	T07S R13E S22 SESE
T07S R13E S23 SWNW	T07S R13E S23 SENW

03/24/2003

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

T07S R13E S23	NESW	T07S R13E S23	NWSW
T07S R13E S23	NWSE	T07S R13E S23	SWSE
T07S R13E S25	SWSW	T07S R13E S26	NWNE
T07S R13E S26	SWNE	T07S R13E S26	SWNW
T07S R13E S26	NWSW	T07S R13E S26	NWSE
T07S R13E S26	SWSE	T07S R13E S26	SESE
T07S R13E S27	NENE	T07S R13E S27	NWNE
T07S R13E S27	SWNE	T07S R13E S27	SENE
T07S R13E S27	NESE	T07S R13E S27	NWSE
T07S R13E S35	NENE	T07S R13E S35	NWNE
T07S R13E S35	SENE	T07S R13E S36	NENW
T07S R13E S36	NWNW	T07S R13E S36	SWNW
T07S R13E S36	SENW	T07S R13E S36	NESW
T07S R13E S36	NWSW	T07S R13E S36	SWSW
T07S R13E S36	SESW	T07S R13E S36	NWSE
T07S R13E S36	SWSE	T07S R13E S36	SESE

DOMESTIC Within GOODING County

T07S R13E S21 Lot 5 SENE

T07S R13E S22 NENE

WILDLIFE Within GOODING County

T07S R13E S21 Lot 1 NENE

T07S R13E S22 NENW

T07S R13E S22 NWNW

T07S R13E S36 NWNW

T07S R13E S36 NESW

T07S R13E S36 SESW

T07S R13E S36 NWSE

T07S R13E S36 SWSE

WILDLIFE STORAGE Within GOODING County

T07S R13E S22 NENW

434 ACRES TOTAL

PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION AND MINING CO.

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT AND WATER RIGHT NO. 36-192 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY ~~SURFACE OR~~ GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. THE SUBORDINATIONS SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND WATER RIGHT NO. 36-192 INCLUDING ANY TRANSFERS OF THESE WATER RIGHTS.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

8.42 CFS OF THIS RIGHT AND RIGHT NO. 36-192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THESE RIGHTS DURING THE IRRIGATION SEASON. THERE IS NO CONVEYANCE LOSS FOR WILDLIFE USE. DURING THE NON-IRRIGATION SEASON, 0.22 CFS OF THIS RIGHT AND RIGHT NO. 36-192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE DOMESTIC WATER, AND 0.80 CFS OF THIS RIGHT AND RIGHT NO. 36-192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE STOCK WATER.

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.

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

RIGHT NUMBER: **36-16126**

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: LOWER TUCKER SPRINGS
UPPER TUCKER SPRINGS

TRIBUTARY: RILEY CREEK
TRIBUTARY: RILEY CREEK

QUANTITY: 11.600 CFS

USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE
BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 12/01/1946

POINT OF DIVERSION:

T07S R13E S36 SENWSE Within GOODING County Source: LOWER TUCKER SPRINGS
T07S R13E S36 NWSESE Within GOODING County Source: UPPER TUCKER SPRINGS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	12/01 02/14	11.600 CFS

PLACE OF USE: WILDLIFE Within GOODING County

T07S R13E S21 Lot 1 NENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S36
T07S R13E S36	SESW	NWSE
T07S R13E S36	SWSE	

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

WATER RIGHT NO. 36-16126 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY ~~SURFACE OR~~ GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. THE SUBORDINATION SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON WATER RIGHT 36-16126 INCLUDING ANY TRANSFERS OF THIS WATER RIGHT.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

5.26 CFS OF THIS RIGHT IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

WATER IS DELIVERED THROUGH BIG BEND DITCH.

03/24/2003

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

RIGHT NUMBER: **36-16126**

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: LOWER TUCKER SPRINGS TRIBUTARY: RILEY CREEK
UPPER TUCKER SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 11.600 CFS
USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE
BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 12/01/1946

POINT OF DIVERSION:
T07S R13E S36 SENWSE Within GOODING County Source: LOWER TUCKER SPRINGS
T07S R13E S36 NWSESE Within GOODING County Source: UPPER TUCKER SPRINGS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	12/01 02/14	11.600 CFS

PLACE OF USE: WILDLIFE Within GOODING County

T07S R13E S21 Lot 1 NENE	T07S R13E S22	NENW
T07S R13E S22 NWNW	T07S R13E S36	NESW
T07S R13E S36 SESW	T07S R13E S36	NWSE
T07S R13E S36 SWSE		

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

WATER RIGHT NO. 36-16126 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE OR GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. THE SUBORDINATION SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON WATER RIGHT 36-16126 INCLUDING ANY TRANSFERS OF THIS WATER RIGHT.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

5.26 CFS OF THIS RIGHT IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

WATER IS DELIVERED THROUGH BIG BEND DITCH.

02/05/2003

IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: **36-16126**

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: LOWER TUCKER SPRINGS TRIBUTARY: RILEY CREEK
UPPER TUCKER SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 11.600 CFS

~~IN THE EVENT OF A CALL AGAINST THE EASTERN SNAKE PLAIN AQUIFER FROM water right(s) whose source is THE UPPER TUCKER SPRINGS, or LOWER TUCKER SPRINGS, or RILEY CREEK DRAINAGES, THIS RIGHT SHALL BE ADMINISTERED WITH A PRIORITY DATE OF DECEMBER 31, 1999.~~

USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 12/01/1946

POINT OF DIVERSION:

T07S R13E S36 SENWSE Within GOODING County
T07S R13E S36 NWSESE Within GOODING County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	12/01 02/14	11.600 CFS

PLACE OF USE: WILDLIFE Within GOODING County

T07S R13E S21 Lot 1 NENE	T07S R13E S22	NENW
T07S R13E S22 NWNW	T07S R13E S36	NESW
T07S R13E S36 SESW	T07S R13E S36	NWSE
T07S R13E S36 SWSE		

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

IN → WATER RIGHT NO. 36-16126 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION from ~~FROM ANY SURFACE OR any~~ GROUND WATER RIGHTS held by a member of the North Snake Groundwater District WITH PRIORITY DATES OF DECEMBER 31, 1999 ~~OR~~ EARLIER. THE SUBORDINATION SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON WATER RIGHT 36-16126 ~~AND UPON THE ASSOCIATED LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTION OF WATER RIGHT 36-16126 IS TRANSFERRED. [Note: The lands are not owned by Big Bend]~~ *and any transfers of these WR.* 99

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

5.26 CFS OF THIS RIGHT IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

WATER IS DELIVERED THROUGH BIG BEND DITCH.

Water Right 36-16126

1

02/07/2003

IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAWRIGHT NUMBER: **36-192**NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: LOWER TUCKER SPRINGS

TRIBUTARY: RILEY CREEK

~~UPPER TUCKER SPRINGS~~~~TRIBUTARY: RILEY CREEK~~

QUANTITY: 15.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00133 IS LIMITED TO 26.4 CFS FOR IRRIGATION USE, 1.03 CFS FOR STOCKWATER USE, 0.28 CFS FOR DOMESTIC USE, AND 6.34 CFS FOR WILDLIFE USE.

USE OF THIS RIGHT WITH RIGHT NO. 36-00133 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 34.05 CFS INCLUDING CONVEYANCE LOSSES DURING THE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-00133 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.31 CFS INCLUDING CONVEYANCE LOSSES DURING THE NON-IRRIGATION SEASON.

~~THE PORTION OF COMBINED WATER RIGHT NOS. 36-00192 AND 36-00133 IN EXCESS OF A TOTAL COMBINED DIVERSION RATE OF 19 CFS (BY PRIORITY) IS SUBORDINATED TO ALL GROUND WATER rights decreed in the name of a member of the North Snake Groundwater District AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 199987 OR EARLIER.~~

AND SW Rights turned by NSGWD.

~~USE OF THIS RIGHT WITH RIGHT NO. 36-00133 IS LIMITED TO MAXIMUM DIVERSION RATES OF 20 CFS FROM UPPER TUCKER SPRINGS AND 15 CFS FROM LOWER TUCKER SPRINGS, THE COMBINATION NOT TO EXCEED 34.05 CFS.~~

USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 04/01/1906

~~THE PORTION OF COMBINED WATER RIGHT NOS. 36-00192 AND 36-00133 IN EXCESS OF A TOTAL COMBINED DIVERSION RATE OF 19 CFS IS SUBORDINATED TO ALL GROUND WATER WITH PRIORITY DATES OF DECEMBER 31, 1987 OR EARLIER.~~

POINT OF DIVERSION:

T07S R13E S36 SENWSE WITHIN GOODING County

~~{T07S R13E S36 NWSESE Within GOODING County}~~PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	1.030 CFS
WILDLIFE	02/15 11/30	6.340 CFS
WILDLIFE STORAGE	01/01 12/31	2.50 AFY
DOMESTIC	01/01 12/31	0.280 CFS
IRRIGATION	02/15 11/30	15.000 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T07S R13E S15	SWSW	T07S R13E S15	SESE
T07S R13E S16 Lot 6	SWSE	T07S R13E S16 Lot 6	SESE
T07S R13E S21 Lot 1	NENE	T07S R13E S21 Lot 1	NWNE
T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
T07S R13E S22	NWNE	T07S R13E S22	SWNE

Water Right 36-192

1

02/07/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T07S R13E S22	SENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S22	SWNW
T07S R13E S22	SENW	T07S R13E S22	NESE
T07S R13E S22	NWSE	T07S R13E S22	SESE
T07S R13E S23	SWNW	T07S R13E S23	SENW
T07S R13E S23	NESW	T07S R13E S23	NWSW
T07S R13E S23	NWSE	T07S R13E S23	SWSE
T07S R13E S25	SWSW	T07S R13E S26	NWNE
T07S R13E S26	SWNE	T07S R13E S26	SWNW
T07S R13E S26	NWSW	T07S R13E S26	NWSE
T07S R13E S26	SWSE	T07S R13E S26	SESE
T07S R13E S27	NENE	T07S R13E S27	NWNE
T07S R13E S27	SWNE	T07S R13E S27	SENE
T07S R13E S27	NESE	T07S R13E S27	NWSE
T07S R13E S35	NENE	T07S R13E S35	NWNE
T07S R13E S35	SENE	T07S R13E S36	NENW
T07S R13E S36	NWNW	T07S R13E S36	SWNW
T07S R13E S36	SENW	T07S R13E S36	NESW
T07S R13E S36	NWSW	T07S R13E S36	SWSW
T07S R13E S36	SESW	T07S R13E S36	NWSE
T07S R13E S36	SWSE	T07S R13E S36	SESE

WILDLIFE Within GOODING County

T07S R13E S21 Lot 1	NENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S36	NWNW
T07S R13E S36	NESW	T07S R13E S36	SESW
T07S R13E S36	NWSE	T07S R13E S36	SWSE

WILDLIFE STORAGE Within GOODING County

T07S R13E S22 NENW

DOMESTIC Within GOODING County

T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
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PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION
AND MINING CO.
USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT AND WATER RIGHT NO. 36-00133 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ~~ANY ANY SURFACE OR GROUND WATER RIGHTS decreed to a member of the North Snake Groundwater District~~ WITH PRIORITY DATES OF DECEMBER 31, 1999~~87~~ OR EARLIER. THE SUBORDINATIONS SHALL RUN WITH AND BE PERPETUAL SERVITUDES UPON THIS WATER RIGHT AND WATER RIGHT NO. 36-00133 ~~AND UPON THE ASSOCIATED LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF THESE TWO WATER RIGHTS ARE TRANSFERRED.~~

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

8.42 CFS OF THIS RIGHT AND RIGHT NO. 36-00133 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THESE RIGHTS DURING THE IRRIGATION SEASON. THERE IS NO CONVEYANCE LOSS FOR WILDLIFE USE. DURING THE NON-IRRIGATION SEASON, 0.22 CFS OF THIS RIGHT AND RIGHT NO. 36-00133 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE DOMESTIC WATER, AND 0.8 CFS OF THIS RIGHT AND RIGHT NO. 36-00133 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE STOCK WATER.

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.

02/07/2003

IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-133

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: UPPER TUCKER SPRINGS TRIBUTARY: RILEY CREEK
~~LOWER TUCKER SPRINGS~~ ~~TRIBUTARY: RILEY CREEK~~

QUANTITY: 20.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO 26.4 CFS FOR IRRIGATION USE, 1.03 CFS FOR STOCKWATER USE, 0.28 CFS FOR DOMESTIC USE, AND 6.34 CFS FOR WILDLIFE USE.

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 34.05 CFS INCLUDING CONVEYANCE LOSSES DURING THE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.31 CFS INCLUDING CONVEYANCE LOSSES DURING THE NON-IRRIGATION SEASON.

~~THE PORTION OF COMBINED WATER RIGHT NOS. 36-00133 AND 36-00192 IN EXCESS OF A TOTAL COMBINED DIVERSION RATE OF 19 CFS (BY PRIORITY) IS SUBORDINATED TO ALL GROUND WATER rights decreed to a member of the North Snake Groundwater District AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 199987 OR EARLIER.~~

~~USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO MAXIMUM DIVERSION RATES OF 20 CFS FROM UPPER TUCKER SPRINGS AND 15 CFS FROM LOWER TUCKER SPRINGS, THE COMBINATION NOT TO EXCEED 34.05 CFS.~~

USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 12/17/1903

~~THE PORTION OF COMBINED WATER RIGHT NOS. 36-00133 AND 36-00192 IN EXCESS OF A TOTAL COMBINED DIVERSION RATE OF 19 CFS IS SUBORDINATED TO ALL GROUND WATER rights WITH PRIORITY DATES OF DECEMBER 31, 1907 OR EARLIER.~~

99

AND S.W.
RIGHTS

POINT OF DIVERSION:

T07S R13E S36 NWSESE Within GOODING County

~~{T07S R13E S36 SENWSE Within GOODING County}~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	1.030 CFS
DOMESTIC	01/01 12/31	0.280 CFS
WILDLIFE	02/15 11/30	6.340 CFS
WILDLIFE STORAGE	01/01 12/31	2.50 AFY
IRRIGATION	02/15 11/30	20.000 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T07S R13E S15	SWSW	T07S R13E S15	SESE
T07S R13E S16 Lot 6	SWSE	T07S R13E S16 Lot 6	SESE
T07S R13E S21 Lot 1	NENE	T07S R13E S21 Lot 1	NWNE
T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
T07S R13E S22	NWNE	T07S R13E S22	SWNE

Water Right 36-133

1

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T07S R13E S22	SENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S22	SWNW
T07S R13E S22	SENE	T07S R13E S22	NESE
T07S R13E S22	NWSE	T07S R13E S22	SESE
T07S R13E S23	SWNW	T07S R13E S23	SENE
T07S R13E S23	NESW	T07S R13E S23	NWSW
T07S R13E S23	NWSE	T07S R13E S23	SWSE
T07S R13E S25	SWSW	T07S R13E S26	NWNE
T07S R13E S26	SWNE	T07S R13E S26	SWNW
T07S R13E S26	NWSW	T07S R13E S26	NWSE
T07S R13E S26	SWSE	T07S R13E S26	SESE
T07S R13E S27	NENE	T07S R13E S27	NWNE
T07S R13E S27	SWNE	T07S R13E S27	SENE
T07S R13E S27	NESE	T07S R13E S27	NWSE
T07S R13E S35	NENE	T07S R13E S35	NWNE
T07S R13E S35	SENE	T07S R13E S36	NENW
T07S R13E S36	NWNW	T07S R13E S36	SWNW
T07S R13E S36	SENE	T07S R13E S36	NESW
T07S R13E S36	NWSW	T07S R13E S36	SWSW
T07S R13E S36	SESW	T07S R13E S36	NWSE
T07S R13E S36	SWSE	T07S R13E S36	SESE
<u>DOMESTIC Within GOODING County</u>			
T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
<u>WILDLIFE Within GOODING County</u>			
T07S R13E S21 Lot 1	NENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S36	NWNW
T07S R13E S36	NESW	T07S R13E S36	SESW
T07S R13E S36	NWSE	T07S R13E S36	SWSE
<u>WILDLIFE STORAGE Within GOODING County</u>			
T07S R13E S22	NENW		

PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION
AND MINING CO.
USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE
IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT AND WATER RIGHT NO. 36-00192 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ~~ANY ANY SURFACE OR GROUND WATER RIGHTS decreed to member of the North Snake Groundwater District~~ WITH PRIORITY DATES OF DECEMBER 31, 1999 ~~OR~~ EARLIER. THE SUBORDINATIONS SHALL RUN WITH AND BE PERPETUAL SERVITUDES UPON THIS WATER RIGHT AND WATER RIGHT NO. 36-00192 AND UPON THE ASSOCIATED LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF THESE TWO WATER RIGHTS ARE TRANSFERRED. *IN* *and any transfers of these WR.*

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

8.42 CFS OF THIS RIGHT AND RIGHT NO. 36-00192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THESE RIGHTS DURING THE IRRIGATION SEASON. THERE IS NO CONVEYANCE LOSS FOR WILDLIFE USE. DURING THE NON-IRRIGATION SEASON, 0.22 CFS OF THIS RIGHT AND RIGHT NO. 36-00192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE DOMESTIC WATER, AND 0.8 CFS OF THIS RIGHT AND RIGHT NO. 36-00192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE STOCK WATER.

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 36-16099

WATER RIGHT NUMBER: **36-16099**

Owner Type Name and Address
 Current Owner PATRICIA FORGEON
 PO BOX 5654
 KETCHUM, ID 83340
 (208)726-2661

Current Owner RALPH FORGEON
 PO BOX 5654
 KETCHUM, ID 83340
 (208)726-2661

Priority Date: 12/23/2002

Basis:

Status: Active

Source Tributary
 WASTE WATER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WATER QUALITY IMPROVEMENT STORAGE	01/01 to 12/31		5.00 AF
	<u>Total Diversion:</u>		5.00 AF

Location of Point(s) of Diversion

WASTE WATER SW1/4SW1/4NW1/4 Sec. 22, Twp 07S, Rge 13E, B.M.
 GOODING County

Place of Use

WATER QUALITY IMPROVEMENT
 STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	13E	22							X										

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 36-16099

Comments:

1. cskinner 1/14/2003 3:12:03 PM Special Administration Area Notes
Comment: Special Administration Areas : Eastern Snake River Plain Area (Moratorium Area)
Exempt: Y
Reason:
Doc Attached:
Explanation: ADMINISTRATIVE DIRECTION TO PROCESS AS NON CONSUMPTIVE

Special Administration Areas : Thousand Springs (Groundwater Management Area)
Exempt: Y
Reason:
Doc Attached:
Explanation: SOURCE IS SURFACE WATER

2. cskinner 1/14/2003 3:14:03 PM Additional Information Supporting Application
Comment: Residency affidavit for hydropower development: N/A
Additional hydropower project information: N/A
Additional fish propagation project information: N/A
Appropriation Rule 40.05.c information: N/A
Mitigation Plan or acceptance form: N/A
Evidence of Pre-1987 development: N/A

3. cskinner 1/14/2003 Comment/Analysis
Comment: Application is being processed as non-consumptive per direction from Department Administration.
Application is for an existing pond with a surface area of approximately 1.4 acres and storage capacity approaching five acre-feet. Existing embankment is non jurisdictional for dam safety (reservoir volume less than 10 acre-feet and low hazard). Embankment is constructed in a draw that leads directly to the Snake River, about 1/8 of a mile to the west.

4. cskinner 1/14/2003 Legal Notice Remarks
Comment: Applicants are attempting to obtain a non-consumptive water right for an existing pond located approximately 1.5 miles west and 0.5 miles south of Hagerman.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 36-16099

Dates and Other Information:

Application Received Date: 12/23/2002

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date: 2/24/2003

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: This dam was constructed many years ago by chinese gold miners, but was poorly constructed. The dam failed and the reservoir was not properly maintained. The dam and pond have been rebuilt to a size that requires a water right. Sediment collected in the pond is removed and spread on our land instead of running into the Snake River. Water entering the pond comes from the Big Bend & Bell Ditches out of Billingsley Creek, and is used for irrigation and other purposes before reaching this pond. No additional water will reach this pond as a result of this application.

Other Water Rights:

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Water Application Report 36-8599

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEAN COOK 827 E 2700 S HAGERMAN, ID 83332 (208)837-4880

Current Owner VAY M COOK
827 E 2700 S
HAGERMAN, ID 83332
(208)837-4880

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
LOWER TUCKER SPRING	RILEY CREEK
UPPER TUCKER SPRINGS	RILEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.740 CFS	
FIRE PROTECTION STORAGE	1/01 to 12/31		8.00 AF
RECREATION STORAGE	1/01 to 12/31		8.00 AF
DIVERSION TO STORAGE	1/01 to 12/31	0.740 CFS	
	<u>Total Diversion:</u>	0.740 CFS	

LOWER TUCKER SPRING GOODING County	SE1/4NW1/4SE1/4	Sec. 36,	Twp 07S,	Rge 13E, B.M.
UPPER TUCKER SPRINGS GOODING County	NW1/4SE1/4SE1/4	Sec. 36,	Twp 07S,	Rge 13E, B.M.

IRRIGATION

[illegible]

Total Acres: 42

RECREATION STORAGE

Twp Rge Sec | NE | NW | SW | SE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 36-8599

07S 13E 22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
					X												

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Application Received Date: 8/15/1991

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks:

Other Water Rights:

Time to Complete Works:

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Water Right Report 36-8318

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PATRICIA FORGEON PO BOX 5654 KETCHUM, ID 83340 (208)726-2661
Directors Report Owner	CHARLOTTE E CALLOW PO BOX 126 HAGERMAN, ID 83332
Directors Report Owner	LYLE W CALLOW PO BOX 126 HAGERMAN, ID 83332 (208)837-6456
Current Owner	RALPH FORGEON PO BOX 5654 KETCHUM, ID 83340 (208)726-2661

Status: Active

LOWER TUCKER SPRINGS	RILEY CREEK
UPPER TUCKER SPRINGS	RILEY CREEK

UPPER TUCKER SPRINGS GOODING County	NW1/4SE1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.
LOWER TUCKER SPRINGS GOODING County	SE1/4NW1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.

WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
07S	13E	22											X						

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-8318

Conditions of Approval:

Remarks:

1. Explanatory WILDLIFE STORAGE/HABITAT PONDS WATER IS DELIVERED THROUGH BIG BEND DITCH.

Comments:

1. CLELLAND 12/10/1991 COPIED FROM REMARKS

Comment: CLAIM IS BASED ON IDWR LICENSING EXAM CONDUCTED IN 1987. PART OF THIS WATER IS USED FOR IRRIGATION UNDER SHARES IN BIG BEND DITCH. WE ARE CLAIMING ONLY 2 CFS FOR THIS USE DUE TO THE EXPENSE OF CLAIMING MORE. THIS ENOUGH TO PROPERLY MAINTAIN THESE PONDS. ALSO, THE POND VOLUME IS ABOUT 0.8 AF. AVERAGE POND DEPTH IS ABOUT 18" INSTEAD OF THE 3' SHOWN ON THE LICENSE EXAM.

2. SCLELLAN 11/25/1997 COPIED FROM REMARKS

Comment: WATER IS DELIVERED THROUGH BIG BEND DITCH. PORTIONS OF RIGHT NOS. 36-00133 & 36-00192 ARE LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. SOURCES FOR THIS RIGHT ARE UPPER TUCKER SPRINGS AND LOWER TUCKER SPRINGS, BOTH TRIBUTARY TO RILEY CREEK. REFORMAT REFORMAT

3. SCLELLAN 5/28/1998 NAME CHANGE

Comment: THE DATA IN THE NAME FILE WAS CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. TYPICALLY THIS CHANGE IS TO THE CURRENT OWNER OF THE WATER RIGHT. HOWEVER, THE CHANGE MAY BE TO ADD OR DELETE AN ATTORNEY OR LIENHOLDER, FOR EXAMPLE, WITHOUT CHANGING THE CURRENT OWNER OF THE WATER RIGHT.

Dates and Other Information:

Licensed Date:

Decreed Date: 12/29/1997

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: And

Water District Number: 36A

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Water Right Report 36-8377

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ARTHUR L TROUTNER 6953 KINGSDALE DR BOISE, ID 83704-7346 (208)323-0221
Current Owner	PAT KEEGAN 3233 ADDISON AVE E TWIN FALLS, ID 83301 (208) 733-5371
Current Owner	TERRY KEEGAN 3233 ADDISON AVE E TWIN FALLS, ID 83301 (208) 733-5371
Security Interest	FIRST FEDERAL SAVINGS BANK PO BOX 249 TWIN FALLS, ID 83303 (208)733-4222

Status: Active

LOWER TUCKER SPRINGS	RILEY CREEK
UPPER TUCKER SPRINGS	RILEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	1/01 to 12/31		20.00 AF
RECREATION	1/01 to 12/31	1.000 CFS	724.00 AF
DIVERSION TO STORAGE	1/01 to 12/31	1.000 CFS	
	Total Diversion:	1.000 CFS	724.00 AF

UPPER TUCKER SPRINGS GOODING County	NW1/4SE1/4SE1/4	Sec. 36,	Twp 07S,	Rge 13E, B.M.
LOWER TUCKER SPRINGS GOODING County	SE1/4NW1/4SE1/4	Sec. 36,	Twp 07S,	Rge 13E, B.M.

RECREATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-8377

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R39 A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Remarks:

1. General This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses through evaporation.
Use of water under this right is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.

Comments:

Dates and Other Information:

Licensed Date: 11/24/1992
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: And/Or
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 36-8796

WATER RIGHT NUMBER: **36-8796**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WESTERN LEGENDS LLC PO BOX 5656 TWIN FALLS, ID 83303 (208)837-6641

Priority Date: 09/20/1999

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
TUCKER SPRINGS	RILEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	1/01 to 12/31		76.00 AF
DIVERSION TO STORAGE	1/01 to 12/31	16.000 CFS	
	<u>Total Diversion:</u>	16.000 CFS	

Location of Point(s) of Diversion

TUCKER SPRINGS	SE1/4NW1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.
GOODING County		
TUCKER SPRINGS	NW1/4SE1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of Use

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	23									X	X	X	X		X	X		
07S	13E	26					X			X									

DIVERSION TO STORAGE same as RECREATION STORAGE

Conditions of Approval:

Remarks:

- General Recreation storage is for ponds at golf course.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 36-8796

Comments:

Dates and Other Information:

Application Received Date: 9/20/1999
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 1
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks:
Other Water Rights:
Time to Complete Works:
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8567

WATER RIGHT NUMBER: **36-8567**

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GUSTAFSON TRUST
	, ZZ
Current Owner	BIG BEND IRRIGATION & MINING CO C/O PAM WASCHER PO BOX 334 HAGERMAN, ID 83332-0334

Priority Date: 10/30/1990

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
LOWER TUCKER SPRINGS	RILEY CREEK
UPPER TUCKER SPRINGS	RILEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE	11/15 to 03/15	5.000 CFS	
	<u>Total Diversion:</u>	5.000 CFS	

Location of Point(s) of Diversion

UPPER TUCKER SPRINGS	NW1/4SE1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.
GOODING County		
LOWER TUCKER SPRINGS	SE1/4NW1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of Use

WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	27													X	X			

Conditions of Approval:

1. 027 Use of water under this right shall be non-consumptive.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8567

1. General The rate of diversion shall not conflict or interfere with the future diversion of water for irrigation or other beneficial uses.
2. Explanatory Water is delivered through Big Bend Ditch.

Comments:

Dates and Other Information:

Licensed Date: 3/5/2002

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 36A

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust: T

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-8752

WATER RIGHT NUMBER: **36-8752**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUSTAFSON FAMILY TRUST PO BOX 209 HAGERMAN, ID 83332-0209 (208)837-6411

Priority Date: 04/17/1996

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
TUCKER SPRINGS	RILEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE	3/16 to 11/14	3.000 CFS	
WILDLIFE STORAGE	1/01 to 12/31		54.00 AF
	<u>Total Diversion:</u>	3.000 CFS	

Location of Point(s) of Diversion

TUCKER SPRINGS	NW1/4SE1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.
GOODING County		
TUCKER SPRINGS	SE1/4NW1/4SE1/4	Sec. 36, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of Use

WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
07S	13E	27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X	X			

WILDLIFE STORAGE same as WILDLIFEConditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
3. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. 051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-8752

6. 053 The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.

Remarks:

1. General This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses through evaporation.
This right does not authorize the development of additional ponds or enlargement of existing ponds.
The rate of diversion shall not conflict or interfere with the future diversion of water for irrigation or other beneficial uses.

Comments:

1. MBALDWIN 5/16/1996 TRUSTEE NAMES
Comment: Co-trustees are Ivan J. & Lucille E. Gustafson.
2. VAULT 8/27/1996 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd
3. PHARRELL 10/1/1996 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Permit Proof Due Date: 8/1/1997
Permit Proof Made Date: 8/27/1996
Permit Approved Date: 8/16/1996
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

BIG BEND IRRIGATION AND MINING COMPANY

It is hereby ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross complainant, Big Bend Irrigation and Mining Company, a corporation, is the owner of, and entitled to the use of, and the right to use for irrigation and domestic purposes the following amounts of water, to-wit:

- 0133 Twenty (20) second foot of the waters of what is commonly known as the large Thompson, or Tucker, spring, being situate in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp. 7 South, Range 13 East, B. M. in Gooding County, Idaho, the place of diversion being at said spring and by means of a tunnel, flume and ditch and other necessary diversion works built and constructed at said spring and conveying the same through such ditch to and upon the lands hereinafter described for the irrigation of the same and for the watering of stock and other domestic use. The priority of said water right to be, and is, fixed as the 17th day of December, 1903.
- 0172 Also all of the waters of what is known as the smaller Thompson, or Tucker, Spring, situate in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Twp. 7 South, Range 13 East, B. M. in Gooding County, Idaho, and estimated to flow 15 second foot, with a priority of April 1, 1906. That said water is diverted at said spring by means of a dam and ditch directly into said ditch, being the same ditch diverting and carrying the waters from the large Thompson, or Tucker, spring hereinbefore described and conveying the same to the hereinafter described lands of the stockholders of the defendant and cross complainant, Big Bend Irrigation and Mining Company, and used for the irrigation thereof and for domestic purposes.

Said water of said two water rights is hereby made appurtenant to and to be used upon and in the irrigation of the follow-

ing described lands belonging to the stockholders of the said defendant and cross complainant, Big Bend Irrigation and Mining Company, situate in Gooding County, Idaho, being approximately 1940 acres of land in Sections 15, 16, 21, 22, 23, 26, 27, 35 and 36 in Township 7 South, Range 13 East B. M. and being situate in the following 40 acre tracts in the above named sections, township and range, to-wit:

- In Sec. 15: $SE\frac{1}{4} SW\frac{1}{4}$ and $SW\frac{1}{4} SW\frac{1}{4}$.
- In Sec. 16: $NE\frac{1}{4} SE\frac{1}{4}$ and $SE\frac{1}{4} SE\frac{1}{4}$.
- In Sec. 21: $NW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} NE\frac{1}{4}$, $SE\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} SE\frac{1}{4}$, $SE\frac{1}{4} SE\frac{1}{4}$, and $SW\frac{1}{4} SE\frac{1}{4}$.
- In Sec. 22: $NW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} NE\frac{1}{4}$, $SE\frac{1}{4} NE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4}$, $NW\frac{1}{4} SE\frac{1}{4}$, $NE\frac{1}{4} SE\frac{1}{4}$, $NW\frac{1}{4} NW\frac{1}{4}$, $NE\frac{1}{4} NW\frac{1}{4}$, $SE\frac{1}{4} NW\frac{1}{4}$, $SW\frac{1}{4} NW\frac{1}{4}$, $NW\frac{1}{4} SW\frac{1}{4}$, and $NE\frac{1}{4} SW\frac{1}{4}$.
- In Sec. 23: $SW\frac{1}{4} NW\frac{1}{4}$, $SE\frac{1}{4} NW\frac{1}{4}$, and $SW\frac{1}{4} SE\frac{1}{4}$.
- In Section 26: $NW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} NE\frac{1}{4}$, $SE\frac{1}{4} NE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4}$, $NW\frac{1}{4} SE\frac{1}{4}$, $NE\frac{1}{4} SE\frac{1}{4}$, $SE\frac{1}{4} SE\frac{1}{4}$, and $SW\frac{1}{4} SE\frac{1}{4}$.
- In Sec. 27: $NW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} NE\frac{1}{4}$, $SE\frac{1}{4} NE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4}$, $NW\frac{1}{4} SE\frac{1}{4}$, $NE\frac{1}{4} SE\frac{1}{4}$, $SE\frac{1}{4} SE\frac{1}{4}$, $SW\frac{1}{4} SE\frac{1}{4}$, $NE\frac{1}{4} NW\frac{1}{4}$, $SE\frac{1}{4} NW\frac{1}{4}$, $NW\frac{1}{4} SW\frac{1}{4}$, $NE\frac{1}{4} SW\frac{1}{4}$, $SW\frac{1}{4} SW\frac{1}{4}$, and $SE\frac{1}{4} SW\frac{1}{4}$.
- In Sec. 35: $NE\frac{1}{4} NE\frac{1}{4}$.
- In Sec. 36: $NW\frac{1}{4} NW\frac{1}{4}$ and $SW\frac{1}{4} NW\frac{1}{4}$.

Further searches show no \$400 fees paid on behalf of BBI by a third party from 1/1/1998 to 6/15/1999.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-15525 V1

WATER RIGHT NUMBER: 36-15525 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUSTAFSON FAMILY TRUST PO BOX 209 HAGERMAN, ID 83332-0209 (208)837-6411

Priority Date: 03/08/1968
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4NE1/4SE1/4	Sec. 27, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
07S	13E	27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	32.0

Total Acres: 32

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 36-15525 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

BB1 Review 2/5/03
SC

ADAMSON — #34 #33

lands were included in the POU as irrigation
as told to me by Adamson's earlier.

Ponds, at time of Exam, were incidental to irrigation.
No indication of Wildlife diversions in control
structures.

DAVIS — #32

incidental to irrigation. common in the area.

HAYES — #31 #30

(AKA: JAY COOK)

pond is rec'd as wildlife in previous BB1.

several smaller ponds are incidental to irrigation.

Some evidence in 1946.

(36-8599) Appl.

JEAN COOK — #29

Rec'd as irrigation area, considered incidental to irig.

CRIST — #28

incidental to irrigation. Rec'd as irrigation POU.

TROUTNER — #26 #27 #25

previously rec'd to BB1 & licensed.

some proof in 1946 of 1 pond.

(36-8377) Lic.

FORGEON - #23 #24

incidental to irrigation.

licensed right for larger pond. 36-8318 (3.22 SWNW) WILDLIFE

WMA WEST POND - #22 #21 #20

No evidence this is diversion for wildlife purposes from BBI.

may be some wastewater from Buckeye irrigation but no deliberate diversions from BBI, based on my exams.

LEO RAY - #19 #18

already part of BBI wildlife. (36-7865 36-7237 fish)

TENSEN (?) #17

shows Leo Ray ponds & some ponds incidental to irrigation (North group)

Tensen has irrigation uses only.

BUCKEYE - #16 #15

incidental uses to irrigation & ditch loss
Pond area was included in POU for irrigation.
no uses were found for this water south of the County road in the WMA per exams.

Brailsford - #14

(36-7762 fish)

all wetlands appear incidental to irrigation.
waste water and run off collect in the pond area
w/o any other place to go. (compare to injection well in
East Pond)
Pond does not appear in 1946 photo
"Red arrow" wetland is included in POU for irrigation.

#13 pivot was in violation of transfer laws
& was temporary use - unknown how it
dried up other acres w/in the BBI system to operate
#12 pivot. most of this acreage is in 36-04 irrigation use.

#11 Brailsford/Western leg. Pond area.

#10 " " " "

#9 Pond incidental to irrigation.

#8 #7

#4 SVR photos

#3 iniq. Season.

#50 #49 #48 #47 #46 #45 #44 #43 #42 #41 #~~40~~ } aerial
#51 #~~38~~ photos
various dates

#37 #38-1946 aerial

#40 1964 aerial

#36 1946

b35 #a35

Brown/Saul/Weins

#39 1957 photo

#1 STATUTES

#2 Shareholders

#6 wetlands map

#5 Brown/saul/Weins

Weins: irrigated from Sands D.
Brown/Saul: incidental to irrig
and Pou includes some ponds.

BIG BEND IRRIGATION & MINING - PLACE OF USE OF WATER

2/3/03

	Shares	irr. acres	Wildlife acres	place of use	Shareholder(s)	Address	City	
1	35.37	10.00	10.00	NW NE 22	Adamson, Dale & Barbara	P.O.Box 74	Hagerman, ID 83332	
2	16.00	6.00	0.00	SE NE 22	Bates, Bruce & Dee	2751 So. 900 E.	Hagerman, ID 83332	
3	48.00	31.80	0.00	SW NE 27	Bell, Verl & Wanda	853 E. 2830 So.	Hagerman, ID 83332	
4	20.00	13.50	0.00	SE NW 22	Brown, Tim & Nancy	P.O. Box 191	Gooding, ID 83330	
5	67.50	20.00	—	3.00	Buckeye Farms c/o Dan Yore	18335 U.S. Hwy 30	Hagerman, ID 83332	
6	7.00	7.00	0.00	NW NE 27	Qvale, Kjell H.	901 Van Ness Ave	San Francisco, CA 94109	
7	5.00	5.00	0.00	NW NE 27	Simon, Evelyn	P.O. Box 651	Hagerman, ID 83332	
8	48.63	22.00	0.00	SW NE 22	Childs, Ruth	P. O. Box 107	Hagerman, ID 83332	
9	10.00	10.00	0.00	SW SW 15	Cook, Dick & Margaret	880 E. 2700 So.	Hagerman, ID 83332	
10	2.00	2.00	0.00	NE NW 22	Cook, Jean	P.O. Box 513	Hagerman, ID 83332	
11	30.00	31.00	8.00	lt. 6 Sec. 16	Crist, Kenny & Ronda	760 E. 2700 So.	Hagerman, ID 83332	
12	5.00	4.00	0.25	SW NE 22	Davis, Rick & Christine	P. O. Box 749	Hagerman, ID 83332	
13	20.00	0.00	3.00	NE NW 36	Fish Processors c/o Leo Ray	P. O. Box 479	Hagerman, ID 83332	
14	87.50	37.00	8.00	NW NE 26	Flying Triangle c/o Wm. Brailsford	P. O. Box 180	Hagerman, ID 83332	
15	58.00	0.00	6.00	lt. 5, Sec. 21	Forgeon, Ralph & Pat	P. O. Box 5654	Ketchum, ID 83340	
16	60.00	67.00	—	2.00	NW NE 27	Gustafson, Ivan & Lucy	Hagerman, ID 83332	
17	35.00	14.00	—	6.00	NE NW 22	Hayes, Scott	2610 Starcrest Dr.	Boise, ID 83712
18	2.00	2.00	0.00	NW NW 36	Jensen, D. W.	P. O. Box 670	Hagerman, ID 83332	
19	9.00	9.00	—	0.00	NE NE 21	Lloyd, Cleave & Betty	2715 So. 900 E.	Hagerman, ID 83332
20	55.00	21.00	—	0.00	NE SE 21	Loranger, Gene & Barbara	P. O. Box 205	Hagerman, ID 83332
21	3.00	3.00	—	0.00	36	Maderietta, Fairy	P. O. Box 355	Hagerman, ID 83332
22	3.00	3.00	0.00		Cook, Alison & Jean	P. O. Box 513	Hagerman, ID 83332	
23	1.00	1.00	0.00	SE SE 22	Pearson, Mike	2775 So. 900 E	Hagerman, ID 83332	
24	20.00	13.50	0.00	SE NW 22	Saul, Don & Catherine	2751 So. 850 E.	Hagerman, ID 83332	
25	3.00	3.00	0.00	SE SE 22	Shappee, Bill	P. O. Box 358	Hagerman, ID 83332	
26	2.00	2.00	0.00	SE SE 22	Wolf, Marvin & Barbara Joseph	2075 N. Sequoia Pl.	Meridian, ID 83642	
27	31.00	19.00	0.00	SE SE 22	Skarr, Kent & Sarah	2795 A So. 900 E	Hagerman, ID 83332	
28	29.00	20.00	3.00	SE NE 22	Smith, Jeffery	P. O. Box 642	Hagerman, ID 83332	
29	35.00	35.00	—	6.00	Sec. 23	Western Legends	P. O. Box 5656	Twin Falls, ID 83303
30	40.00		345.00	WMA	State of Idaho Fish & Game	1060 State Fish Hatchery Rd.	Hagerman, ID 83332	
31	80.00	52.00	—	15.00	lt. 1, Sec 21	Troutner	10557 Ridgeway Road	Middleton, ID 83644
32								
33	25.00	23.00	—	0.00	SW NW 23	Vernon, Edith	2722 So. 900 E.	Hagerman, ID 83332
34	20.00	0.00	10.00	lt. 3, Sec 16	Wiens, M. J. Jr	1701 Las Vegas Blvd. So.	Las Vegas, NV 89104	
35				c/o	Bill Carey	P. O. Box 5157	Ketchum, ID 83340	
36	913.00	486.80	425.25					
37	Total acres including irrigated and wildlife 912.05 acres							

36-16126

DRAFT:

new needs (-133 - 192 - new #)

- identify winter uses (11.6 cfs) is this the limit?
- acres via GIS
- subd. ?
- volume
- combined limits on D/S/w amounts
- combined flow w/ other rights (see notes)

- fully subd.
- used to 1987 (enlargement) (1987 season only)
- added used to irrigation

EVALUATION CLAIM:

waiting to file - will drive support extra & water?

BB1
2-3-03
3RD

Big Bend Ditch

-2056

Combined
use
to 35 cfs

-133

-192

-7865

-7237

-7762

-4142

-8318

-8318

Ray

Brailsford fish

Lloyd power

Troutner fish

Forgeon

11/4 10-12

NEXT MTG →

Permits

10/16/02

10-12 pm

resolved to include
combined use limits w/ rights
listed above - limit to 35 cfs

36-8567 BBI (L)

36-8752 Trust (P)

36-15525 Trust (later)
(was irig)

W. Legends?

(A)

36-8796

1/16/03

BB1

<u>Jo's offer</u>		<u>IDWR</u>	<u>BB1</u>
<u>Acres</u>	350	339	389?
field Hg.			
unsuba.	15.81	25.63	35
subord	19.19		
DOU	3/15 11/5 w/ shoulder?	2/15/30	
CL	reasonable	8.42	
total	<u>35 cfs</u>	<u>34.05</u>	<u>35</u>

AFA

1750 AFA

x2 for Ch issue

12/5/04

BB1

Settlement

Reid

= .053 cfs/ac.

34.05

- WL

- CL

- D/S

w/ CL.

= .078 cfs/ac
(3.9"/ac)

18.01 cfs

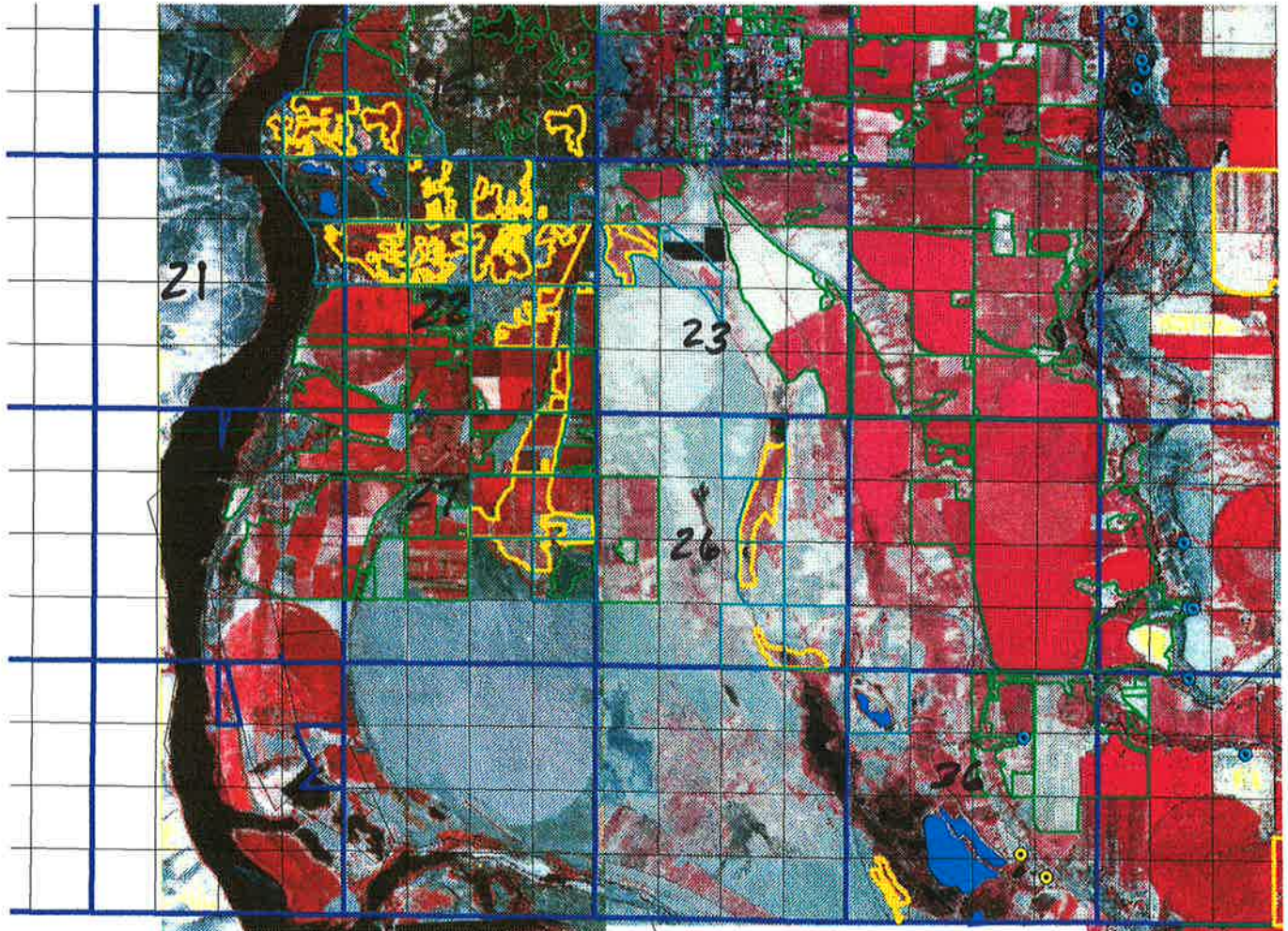
* Use of Vol in trans? ask Dove T.

"Relevance
to
Admins. of
the Right?"

IDAHO DEPARTMENT OF WATER RESOURCES

36-00133 & 36-00192

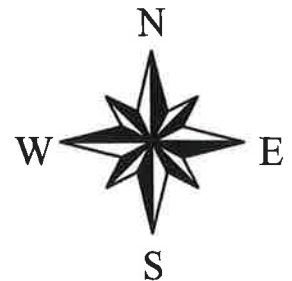
Big Bend Irrigation & Mining Co.



660 0 660 Feet



TNS 7S, RNG 13E



Claimed Place of Use Borders

⊙ Recommended Point of Diversion



Recommended Place of use



Section lines



Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND

IDAHO DEPARTMENT OF WATER RESOURCES

36-00133 & 36-00192

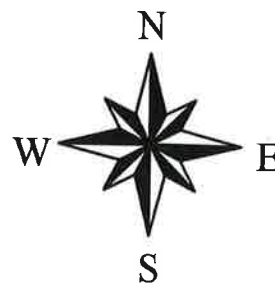
Big Bend Irrigation & Mining Co.



660 0 660 Feet

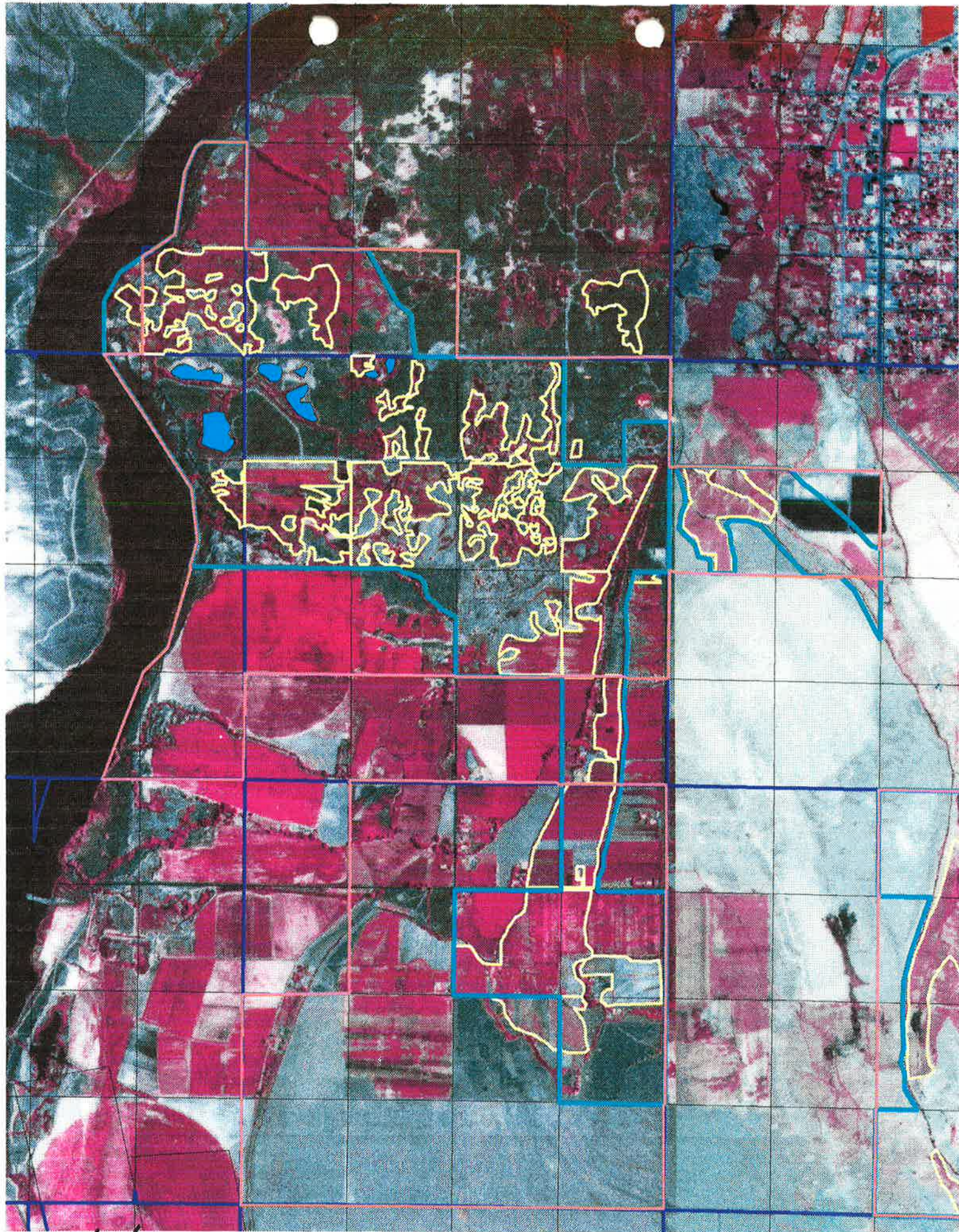


TNS 7S, RNG 13E



-  Claimed Place of Use Borders
-  Recommended Point of Diversion
-  Recommended Place of use
-  Section lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND



5/26/98 sa

BBI - DECEASED

BIG BEND IRRIGATION AND MINING COMPANY

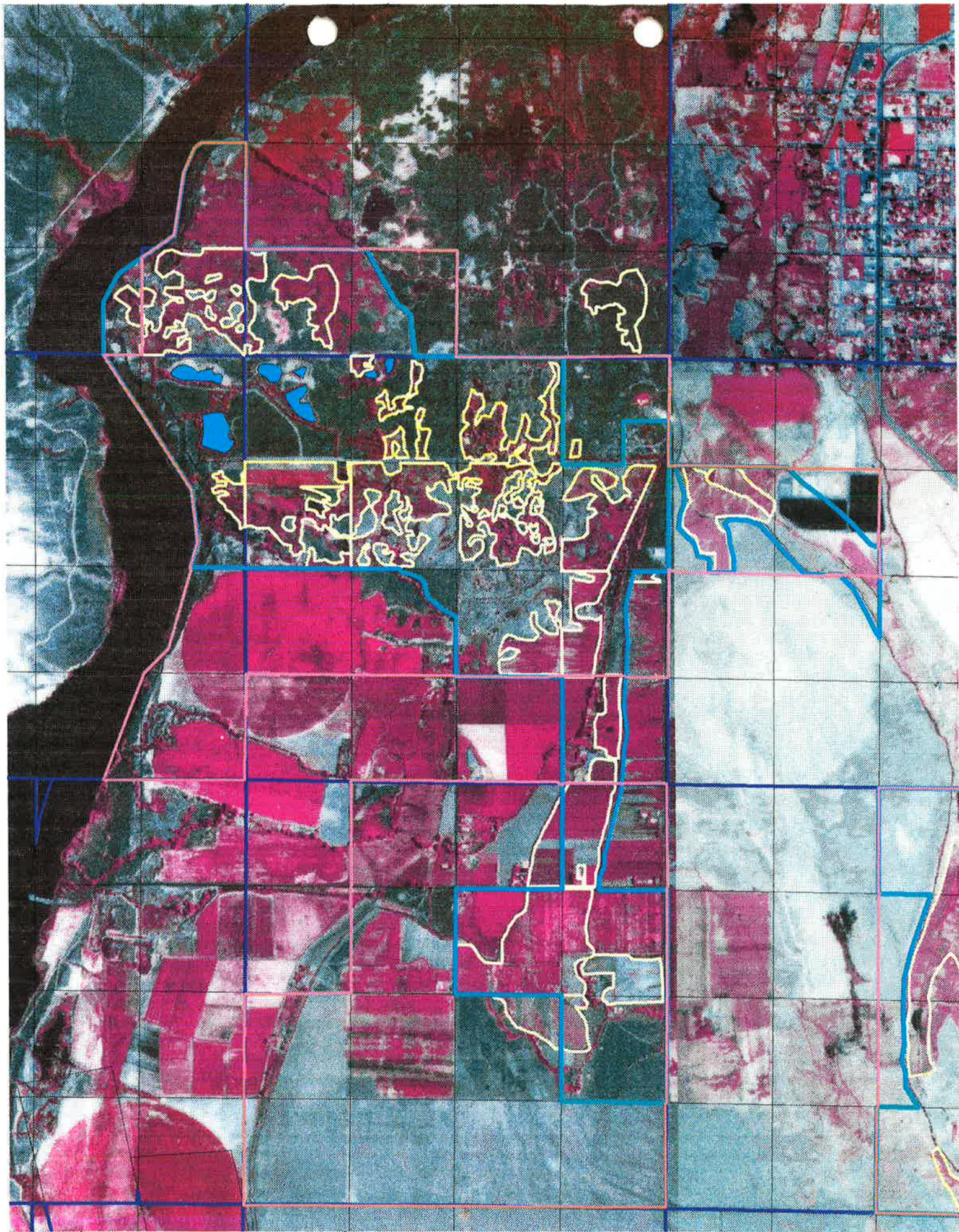
It is hereby ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross complainant, Big Bend Irrigation and Mining Company, a corporation, is the owner of, and entitled to the use of, and the right to use for irrigation and domestic purposes the following amounts of water, to-wit:

- 0133 Twenty (20) second feet of the waters of what is commonly known as the large Thompson, or Tucker, spring, being situate in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp. 7 South, Range 13 East, B. M. in Gooding County, Idaho, the place of diversion being at said spring and by means of a tunnel, flume and ditch and other necessary diversion works built and constructed at said spring and conveying the same through such ditch to and upon the lands hereinafter described for the irrigation of the same and for the watering of stock and other domestic use. The priority of said water right to be, and is, fixed as the 17th day of December, 1903.
- 0192 Also all of the waters of what is known as the smaller Thompson, or Tucker, Spring, situate in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Twp. 7 South, Range 13 East, B. M. in Gooding County, Idaho, and estimated to flow 15 second feet, with a priority of April 1, 1906. That said water is diverted at said spring by means of a dam and ditch directly into said ditch, being the same ditch diverting and carrying the waters from the large Thompson, or Tucker, spring hereinbefore described and conveying the same to the hereinafter described lands of the stockholders of the defendant and cross complainant, Big Bend Irrigation and Mining Company, and used for the irrigation thereof and for domestic purposes.

Said water of said two water rights is hereby made appurtenant to and to be used upon and in the irrigation of the follow-

ing described lands belonging to the stockholders of the said defendant and cross complainant, Big Bend Irrigation and Mining Company, situate in Gooding County, Idaho, being approximately 1940 acres of land in Sections 15, 16, 21, 22, 23, 26, 27, 35 and 36 in Township 7 South, Range 13 East B. M. and being situate in the following 40 acre tracts in the above named sections, township and range, to-wit:

- In Sec. 15: $SE\frac{1}{4} SW\frac{1}{4}$ and $SW\frac{1}{4} SW\frac{1}{4}$.
- In Sec. 16: $NE\frac{1}{4} SE\frac{1}{4}$ and $SE\frac{1}{4} SE\frac{1}{4}$.
- In Sec. 21: $NW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} NE\frac{1}{4}$, $SE\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} SE\frac{1}{4}$, $SE\frac{1}{4} SE\frac{1}{4}$, and $SW\frac{1}{4} SE\frac{1}{4}$.
- In Sec. 22: $NW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} NE\frac{1}{4}$, $SE\frac{1}{4} NE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4}$, $NW\frac{1}{4} SE\frac{1}{4}$, $NE\frac{1}{4} SE\frac{1}{4}$, $NW\frac{1}{4} NW\frac{1}{4}$, $SE\frac{1}{4} NW\frac{1}{4}$, $SW\frac{1}{4} NW\frac{1}{4}$, $NW\frac{1}{4} SW\frac{1}{4}$, and $NE\frac{1}{4} SW\frac{1}{4}$.
- In Sec. 23: $SW\frac{1}{4} NW\frac{1}{4}$, $SE\frac{1}{4} NW\frac{1}{4}$, and $SW\frac{1}{4} SE\frac{1}{4}$.
- In Section 26: $NW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} NE\frac{1}{4}$, $SE\frac{1}{4} NE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4}$, $NW\frac{1}{4} SE\frac{1}{4}$, $NE\frac{1}{4} SE\frac{1}{4}$, $SE\frac{1}{4} SE\frac{1}{4}$, and $SW\frac{1}{4} SE\frac{1}{4}$.
- In Sec. 27: $NW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} NE\frac{1}{4}$, $SE\frac{1}{4} NE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4}$, $NW\frac{1}{4} SE\frac{1}{4}$, $NE\frac{1}{4} SE\frac{1}{4}$, $SE\frac{1}{4} SE\frac{1}{4}$, $SW\frac{1}{4} SE\frac{1}{4}$, $NE\frac{1}{4} NW\frac{1}{4}$, $SE\frac{1}{4} NW\frac{1}{4}$, $NW\frac{1}{4} SW\frac{1}{4}$, $NE\frac{1}{4} SW\frac{1}{4}$, $SW\frac{1}{4} SW\frac{1}{4}$, and $SE\frac{1}{4} SW\frac{1}{4}$.
- In Sec. 35: $NE\frac{1}{4} NE\frac{1}{4}$.
- In Sec. 36: $NW\frac{1}{4} NW\frac{1}{4}$ and $SW\frac{1}{4} NW\frac{1}{4}$.



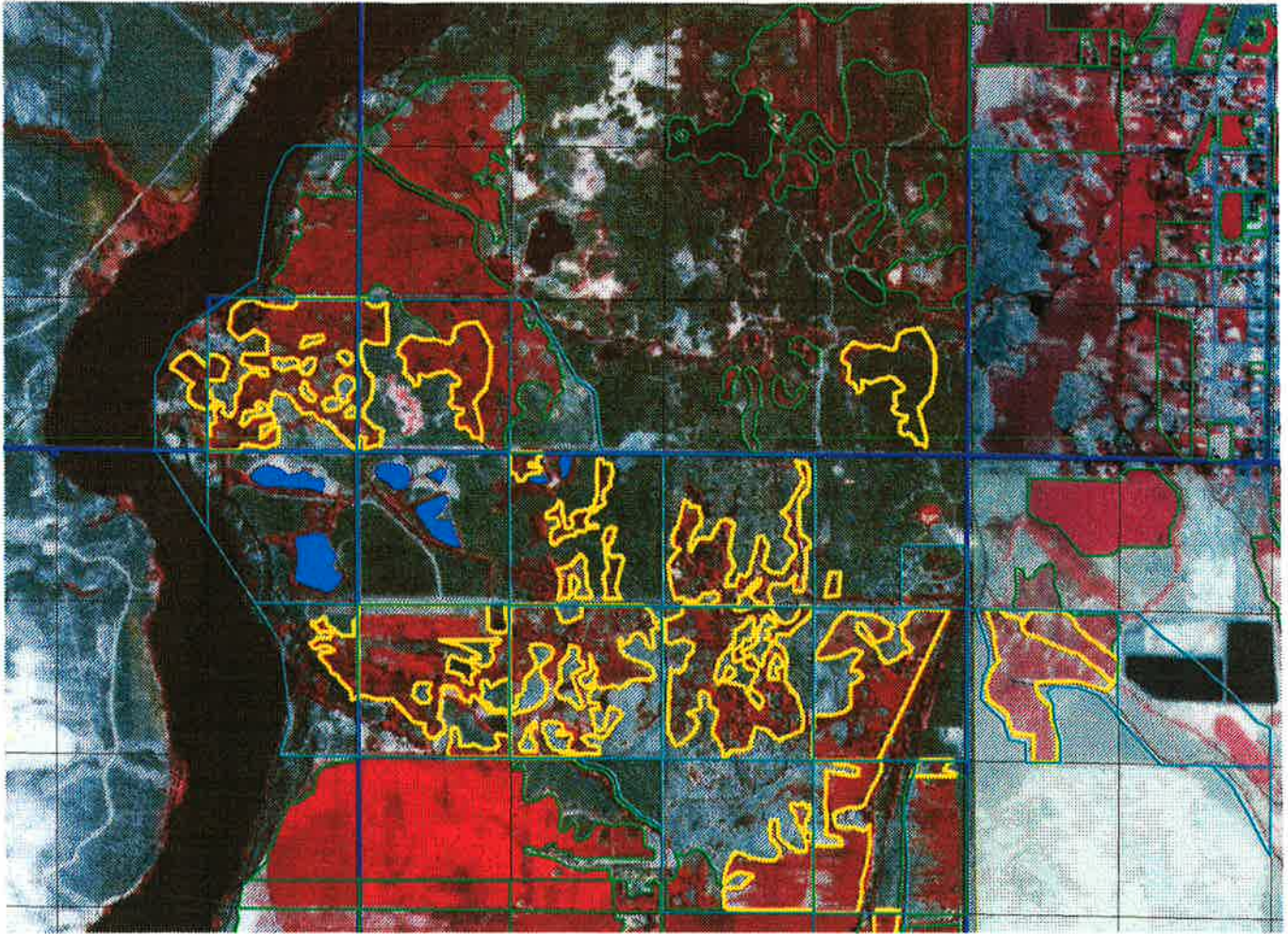
5/26/98 en

BB1 - DECREE

IDAHO DEPARTMENT OF WATER RESOURCES

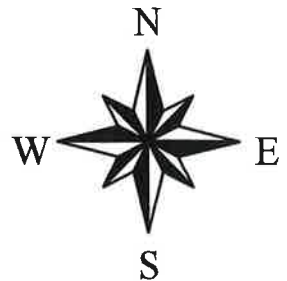
36-00133 & 36-00192

Big Bend Irrigation & Mining Co.



660 0 660 Feet

TNS 7S, RNG 13E



-  Claimed Place of Use Borders
-  Recommended Point of Diversion
-  Recommended Place of use
-  Section lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND

IDAHO DEPARTMENT OF WATER RESOURCES

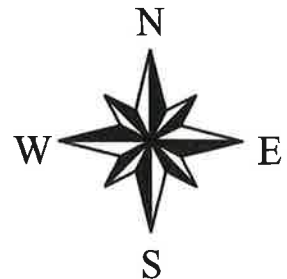
36-00133 & 36-00192

Big Bend Irrigation & Mining Co.



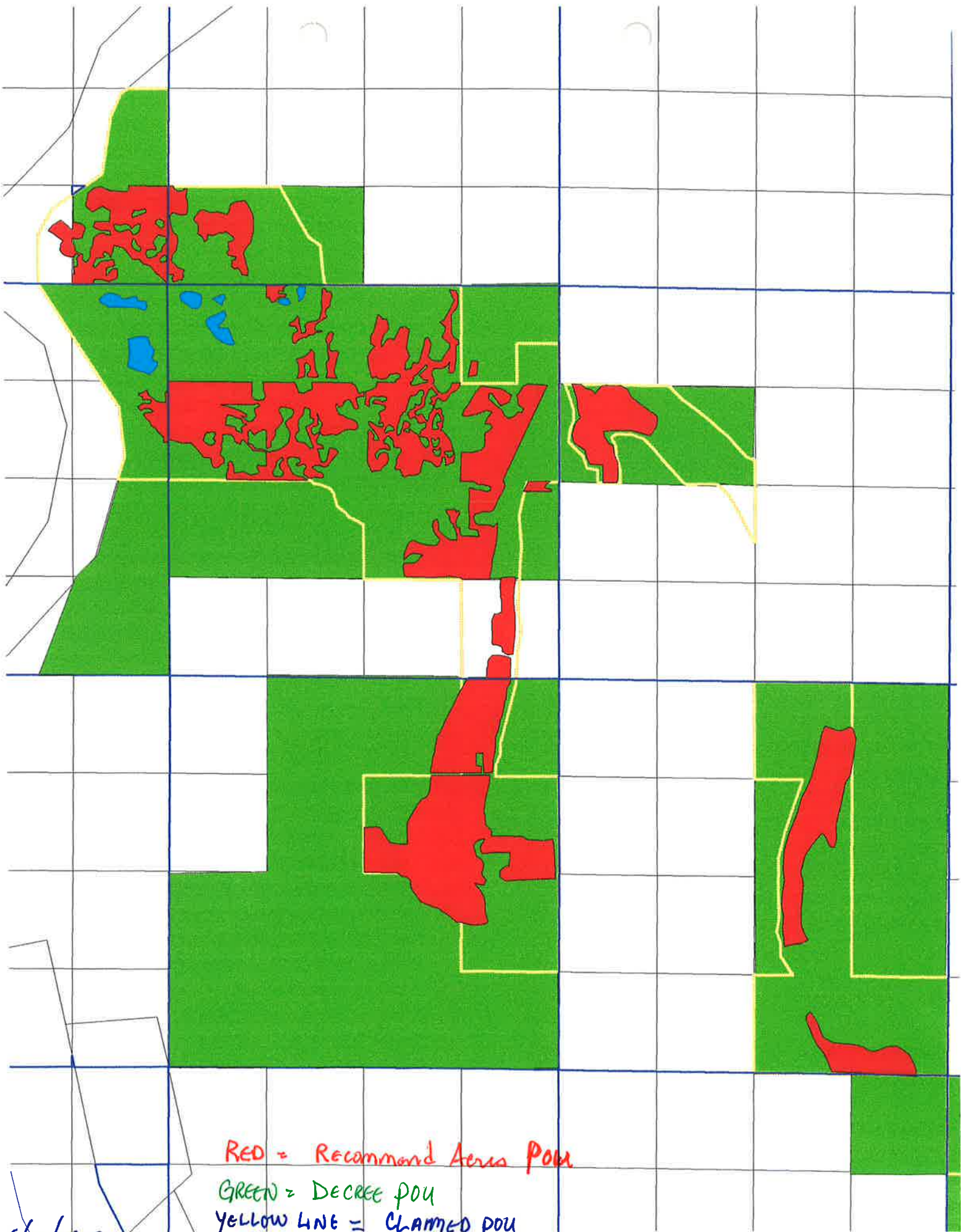
660 0 660 Feet

TNS 7S, RNG 13E



-  Claimed Place of Use Borders
-  Recommended Point of Diversion
-  Recommended Place of use
-  Section lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND



DRAFT

Met w/ Nick 3/4

- 339 Ac Vs 393 Ac?
change in approach
allows revision, esp.
for such great difference

- W.L. overlap?
- much time spent to resolve BA,
no mention made of BBI overlap.
BA is expanded to acres.
 - No proof of use; or exam proof.
 - proof was made for BA use.

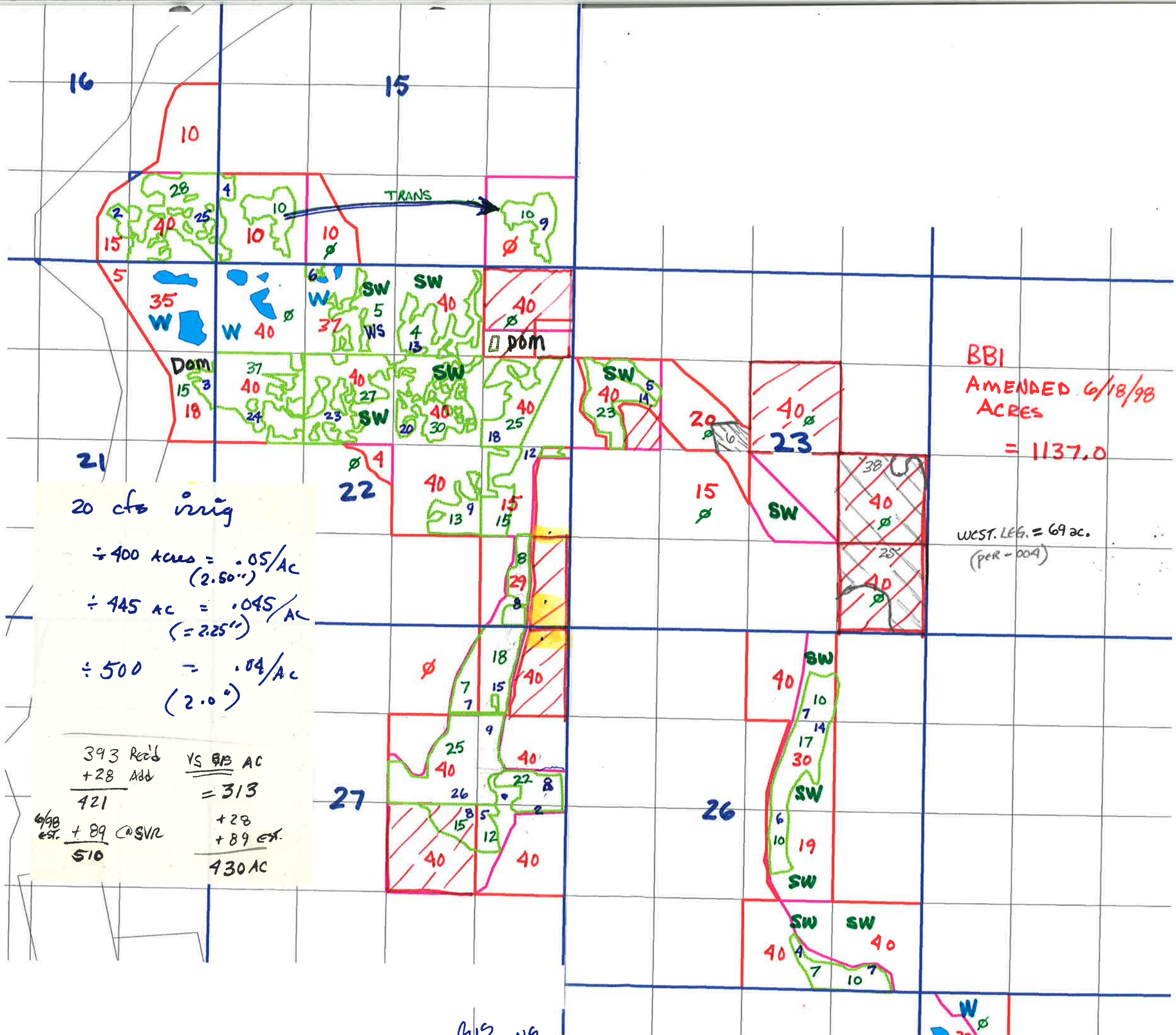
TRANS.

WESTERN
LEGENDS
?

GIS = 339 AC.

BBI
Border
Draft
3/4/99
scw

DRAFT



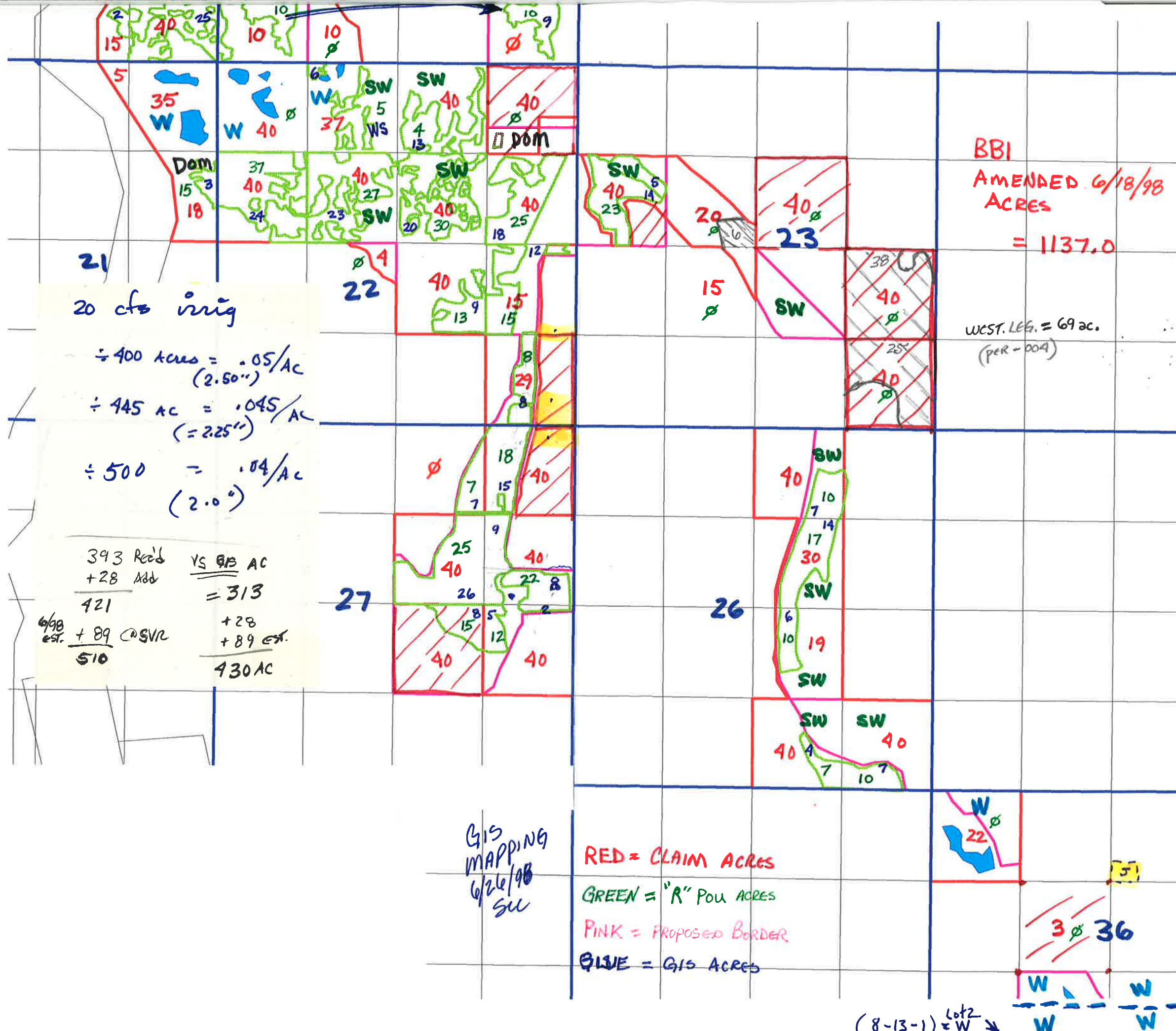
20 cfs irrig

$$\div 400 \text{ acres} = .05/\text{Ac} \quad (2.50'')$$

$$\div 445 \text{ ac} = .045/\text{Ac} \quad (= 2.25'')$$

$$\div 500 = .04/\text{Ac} \quad (2.0'')$$

393 Rec'd	VS 815 AC
+28 Add	
421	= 313
6/98 est. + 89 @ SVR	+28
510	+89 est.
	430 AC



20 cfs irig

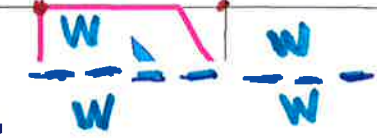
$$\begin{aligned} \div 400 \text{ Acres} &= .05/\text{Ac} \\ &\quad (2.50'') \\ \div 445 \text{ AC} &= .045/\text{Ac} \\ &\quad (= 2.25'') \\ \div 500 &= .04/\text{Ac} \\ &\quad (2.0'') \end{aligned}$$

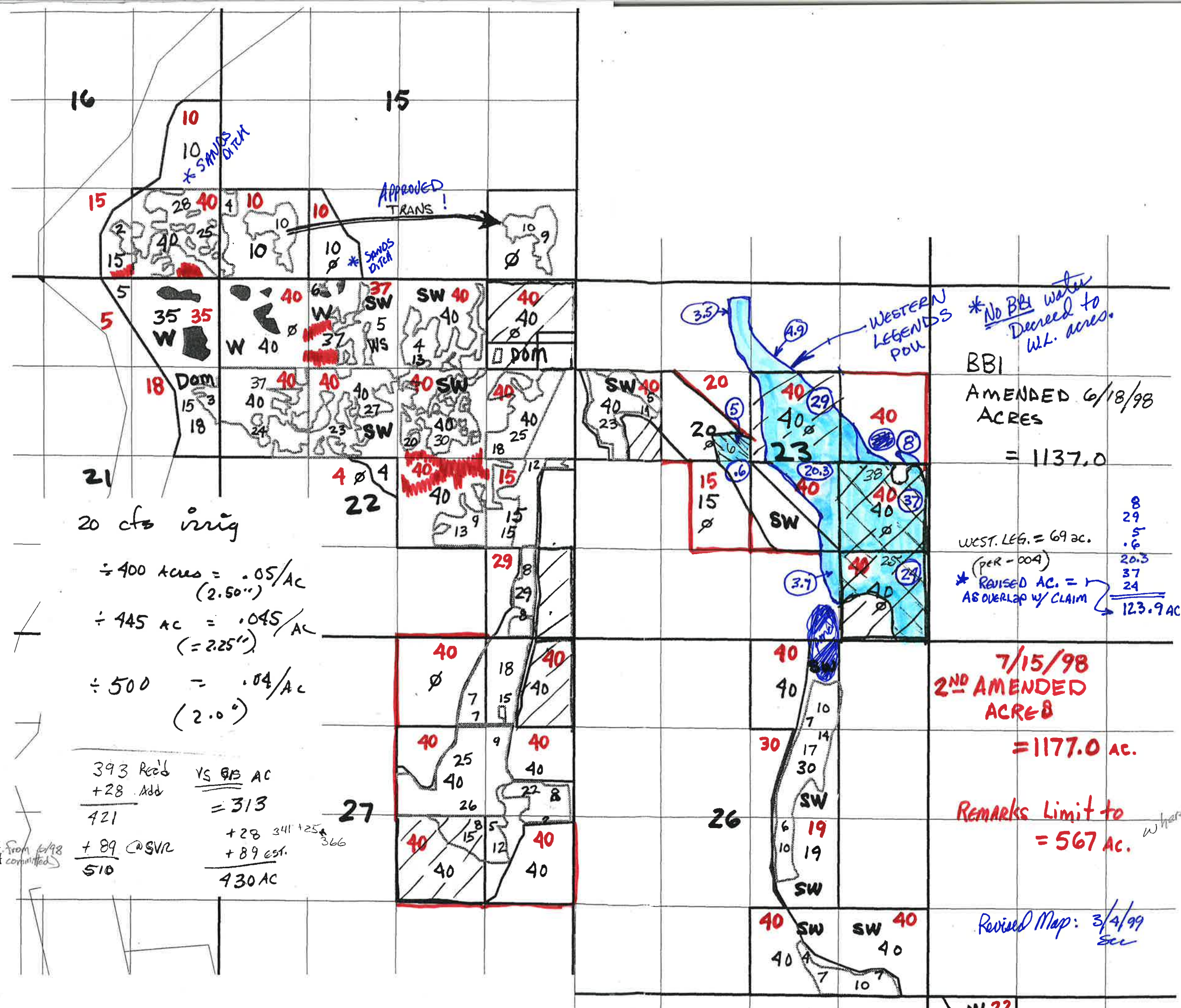
393 Rec'd	VS	GB AC
+28 Add		
421		= 313
6/98 est. + 89 @ SVR		+28
510		+89 est.
		430 AC

GIS
MAPPING
6/26/98
SUL

- RED = CLAIM ACRES
- GREEN = "R" Pou ACRES
- PINK = Proposed BORDER
- BLUE = GIS ACRES

(8-13-1) Lot 2 W





20 cfs irig

$$\begin{aligned} \div 400 \text{ Acres} &= .05/\text{Ac} \quad (2.50'') \\ \div 445 \text{ Ac} &= .045/\text{Ac} \quad (= 2.25'') \\ \div 500 &= .04/\text{Ac} \quad (2.0'') \end{aligned}$$

393 Rec'd	VS 915 AC
+28 Add	= 313
421	
+89 @ SVR	+28 341 +25 366
510	+89 est.
	430 AC

Est. from 6/98 (not committed)

BBI
AMENDED 6/18/98
ACRES
= 1137.0

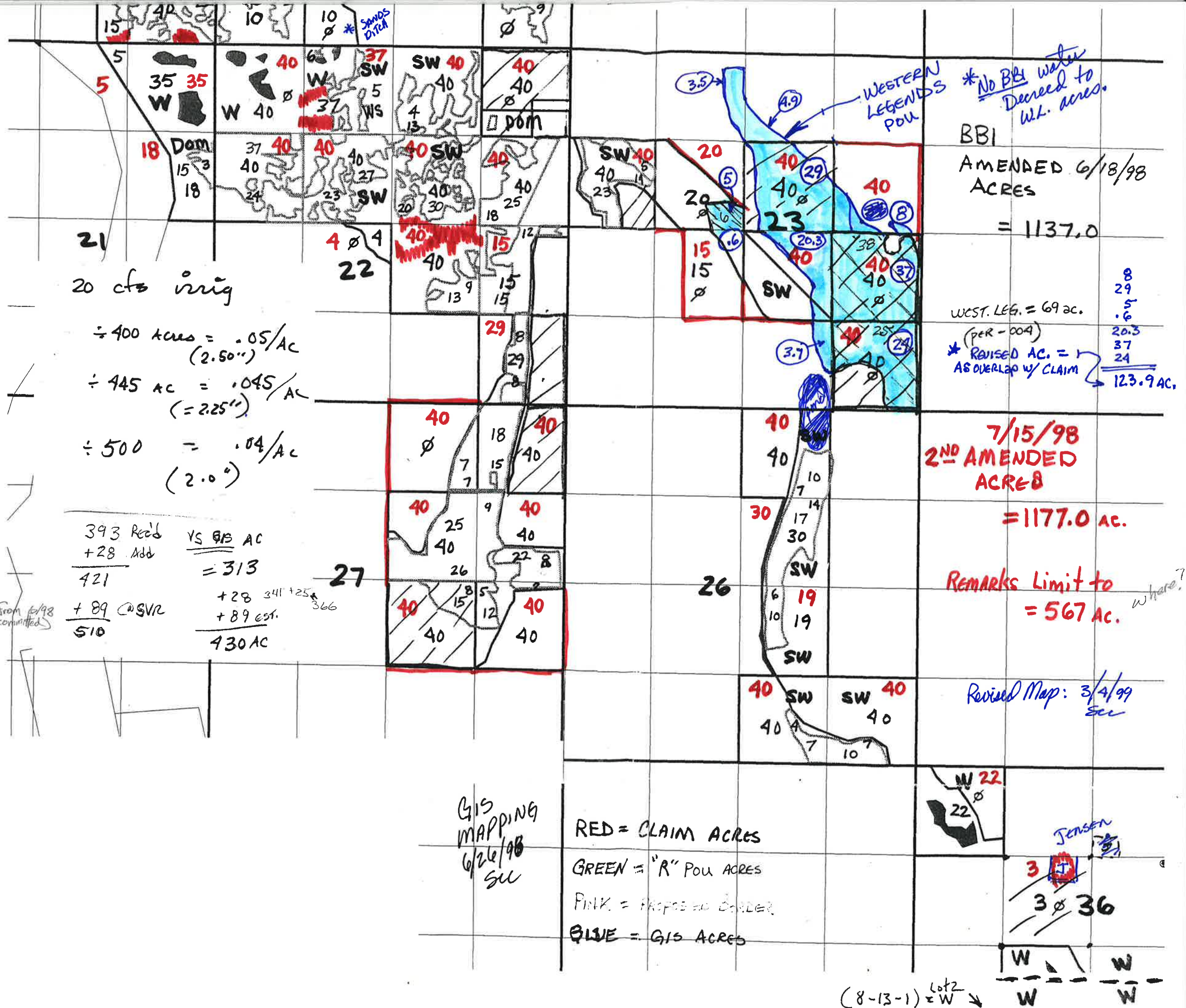
WEST. LEG. = 69 ac.
(PER - 004)
* REVISED AC. = 123.9 AC.
AS OVERLAP W/ CLAIM

8
29
.5
.6
20.3
37
24
<u>123.9 AC.</u>

7/15/98
2ND AMENDED
ACRES
= 1177.0 ac.

REMARKS Limit to
= 567 ac. where?

Revised Map: 3/4/99
see


$$(8-13-1) \approx \frac{L+2}{W} \rightarrow$$

600 dpi



PHOTO BY STEVE CLELLAND
8-20-91

Scanned 5/29/98

120%

by see

original in BBI
36-00133

300 dpi



PHOTO BY STEVE CLELAND
8-20-91

Scanned 5/29/98
by SCC
original in BBI
36-00133

COMMUNICATION DOCUMENTATION

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BBI SETTLEMENT

She asked about the irrigation rate analysis done for the first D. R. and she seemed to already know the details... I confirmed it used the "wild flooding" methods that are no longer applied. However, the sprinkler lands would now get to use the Gravity-Sprinkler policy rates not applied earlier. In my opinion it would be a wash, as one went down the other would go up and they still get a FIR of about 19 cfs for irrigation on 339 acres.

FAX COVER PAGE

RECEIVED

FEB 22 2000

Department of Water Resources
Department of Water Resources
Bureau of Water Resources
Bureau of Water Resources

FEBRUARY 21, 2000

TO STEVE CLEVELAND - WATER RESOURCES

TELEPHONE # 736-3033

FAX 736-3037

NUMBER OF PAGES FOUR

REGARDING: CHRISTINE & RICK DAVIS - BIG BEND AFFIDAVIT

FROM: CHRISTIE DAVIS

COMPANY NAME: BOARD MEMBER - BIG BEND DITCH...

FAX: 1-208-837-6494

TELEPHONE: 1-208-837-6494

COMMENTS: IN REGARDS TO OUR BOARD MEETING THE OTHER DAY (LEO RAY)
SAID THAT ANYBODY WHOM HE FELT WATER RESOURCES DID NOT HAVE THERE
AFFIDAVIT SHOULD GET IT TO THEM AS SOON AS POSSIBLE. I TURNED THIS AFFIDAVIT
INTO GUS IN 1998 AND I ALSO HAVE TURNED A COPY OF IT OVER TO OUR ATTORNEY
LLOYD WEBB, BUT I DON'T THINK THAT THE ATTORNEY MAY HAVE NOT AMENDED
OUR CLAIM TO WATER RESOURCES. IF THERE IS ANYTHING ELSE THAT YOU WOULD
NEED, PLEASE CALL OR FAX ME AT THE ABOVE PHONE NUMBER. OTHERWISE, I WILL
ASSUME THAT THIS WILL PROVIDE ALL THE INFORMATION NEEDED TO JUSTIFY MY
CLAIM WITH THE BIG BEND FOR WATER RESOURCES.... THANK YOU FOR YOUR TIME....

AFFIDAVIT

BE IT ACKNOWLEDGED, that Ron Summers
of Hagerman, Idaho the undersigned
deponent, being of legal age, does hereby depose and say under oath as follows:

I bought the property at 2732 So. 850 East on or about June 20, 1991 with rights from Big Ben Irrigation Water transferred from Burk & Davis, who put all the irrigation pipes in. Burk owed the property for approximately 20 years and irrigated it before I did. I or my tenants watered the property until 1995, when I sold the property to Rick and Christine Davis.

And I affirm that the foregoing is true except as to statements made upon information and belief, and as to those I believe them to be true.

Witness my hand under the penalties of perjury this 26 day of May, 19 98

Ron Summers
Name

1121 A East 2900 South
Address

HAGERMAN, ID. 83332

STATE OF
COUNTY OF }

On 26 May 1998 before me, Colette L Poynter, personally appeared Ron Summers, personally known to me (or proved to me on the basis of satisfactory evidence) 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

Signature



Affiant ✓ Known Unknown
ID Produced
(Seal)

DUE BY MAY 25, 1998

7/19/98 11:58 AM
Called Swan but before 7/19/98
He said he put 5 acres
on the Amendment for our
property. Christine Davis

NAME: Rick & Christine Davis

ADDRESS: P.O. Box 749 2732 South 850 East Hagerman, Idaho 83332

PHONE NUMBER: 1-208-837-6494

LEGAL DESCRIPTION OF LAND:

A parcel of land located in the SW1/4 NE1/4 of Section 22, Township 7 South, Range 13 East, Boise Meridian, Gooding County Idaho, more particularly described as follows:

Beginning at the Northwest corner NE1/4 of said Section 22;

Thence South 0 17' 12" West a distance of 1429.13 feet along the westerly boundary of said NE1/4 to the TRUE POINT OF BEGINNING;

Thence North 89 50' 57" East a distance of 288.75 feet parallel with the northerly boundary of said SW1/4 NE1/4;

Thence South 0 17' 12" West a distance of 305.00 feet parallel with the westerly boundary of said SW1/4 NE1/4;

Thence South 89 50' 57" West a distance of 288.75 feet parallel with the Notherly boundary of said SW1/4 NE1/4 to the westerly boundary of said SW1/4 NE1/4;

Thence North 0 17' 12" East a distance of 305.00 feet to the TRUE POINT OF BEGINNING.

Together with their appurtenances.

NUMBER OF ACRES OWNED: 5 1/2

ACRES IRRIGATED

1982-1987 5 1/2

PRIOR TO 1982 (HISTORICALLY) 5 1/2

IRRIGATED AFTER 1987

STARTING IN YEAR _____

ACRES RECOMMENDED BY DEPT. WATER RESOURCES:

(IF YOU DO NOT KNOW JUST INDICATE UNKNOWN)

ACRES _____ UNKNOWN _____

ACRES IRRIGATED CLAIMED BY OWNER (1982-1987) 5 1/2

**PROOF OF ACRES IRRIGATED 1982-1987
(AFFIDAVITS, PERSONS WHO WILL TESTIFY AND
OTHER RELEVANT FACTS, MAPS, AND PHOTOS.)**

1. Affidavit from Ron Summers.
2. Plan for ditch pipes put in by Burk & Davis.
3. Photos to follow...
- 4.
- 5.

**BRIEF SUMMARY OF WHY YOU BELIEVE THE RECOMMENDATION
OF THE DEPT. OF WATER RESOURCES IS NOT CORRECT.**

We believe that we need fire protection, water for cows, the water is beneficial to tremendous waterfowl and wildlife population. We have beneficially used our water and have not abandoned at all, we have used it constantly while we have owed the right. Obviously the water has been used prior to us buying the property because the trees and vegetation are a minimum of 50 years old...

I SWEAR TO THE BEST OF MY KNOWLEDGE THE ABOVE INFORMATION IS CORRECT...

SIGNED:



Rick Davis & Christine Davis

COMMUNICATION DOCUMENTATION

They wanted to know if I could adjust the BBI acres in light of being promised the acres after a meeting with Dave Tuthill and Norm Young. I said if my bosses said it then I will go along with it and increase the acres. It appears to be in line with the resumption policy that has been handed down to us in the last couple months. I asked that the parcel of Leo Ray's get an affidavit from Mavencamps who farmed the place. We discussed many issues around the acres and flow rates for BBI.

RECEIVED
JUN 29 1999
Department of Water Resources
Southern Region

RECEIVED
JUN - 1 1999
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

A. Subcase 36-00192

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Big Bend Irrigation and Mining Company

Address: P.O. Box 749

Hagerman, ID 83332

Daytime Phone: (208) 837-6494

Name & Address of Attorney, if any:

Lloyd J. & Curtis R. Webb

P.O. Box 1768

Twin Falls, ID 83303-1768

(208) 734-1616

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: North Snake Ground Water District, May Farms, Ltd.
and Faulkner Land & Livestock Company

Address: 2092 East 3600 South

Wendell, ID 83555

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use ~~The place of use should be as designated in Big Bend's Objections to the Amended Director's Report.~~
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION** (Must be Completed)

State of IDAHO)
)ss.
County of Twin Falls)

Paul Burton, duly sworn, upon oath, deposes and says:
(Name of person filing response)

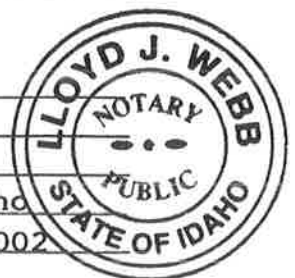
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

x Paul Burton
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 28, 1999

[Signature]
Notary Public for Idaho
Residing at: Twin Falls, Idaho
My Commission Expires: 8-8-2002



INSTRUCTIONS FOR MAILING

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

F.

CERTIFICATE OF MAILING

I certify that on May 28, 1999, I mailed the original and copies of this response, including all attachments, to the following persons:

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 the claimant of the water right at the following address:

Name:	<u>Big Bend Irrigation & Mining Co.</u>	<u>Lloyd J. & Curtis R. Webb</u>
Address:	<u>P.O. Box 749</u>	<u>P.O. Box 1768</u>
	<u>Bagerman, ID 83332</u>	<u>Twin Falls, ID 83303-1768</u>

3. One copy to the party who filed the objection at the following address:

Name:	<u>North Snake Ground Water Dist, May Farms, Ltd.</u>	<u>Dana L Hofstetter</u>
Address:	<u>and Faulkner Land & Livestock Company</u>	<u>608 West Franklin St.</u>
	<u>2092 East 3600 South</u>	<u>P.O. Box 1427</u>
	<u>Wendell, ID 83355</u>	<u>Boise, ID 83701-1427</u>

4. Copies to:

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

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

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



Your signature or signature of attorney
mailing on your behalf

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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IDWR Employee/Agent: Steve Clelland

3/3/2000 10:45 AM

3/3/2000 10:45 AM

NAME:

CHRISTI DAVIS

CALLIN

RE:

BBI QUESTIONS

She wanted me to write a statement about her use of water rights under the BBI and I declined. I felt it placed me between her (shareholder) and the Company of BBI. I did offer to give her a copy of the recommendation and a GIS map. I did tell her that her property is within the BBI boundary and I do know it was considered in the calculation of the 339 acre total. I cannot tell the BBI where or who to deliver water to, that is the responsibility of the BBI Co.

More work to continue on the wording of the settlement to arrive at the right numbers. Trial is planned to be vacated.

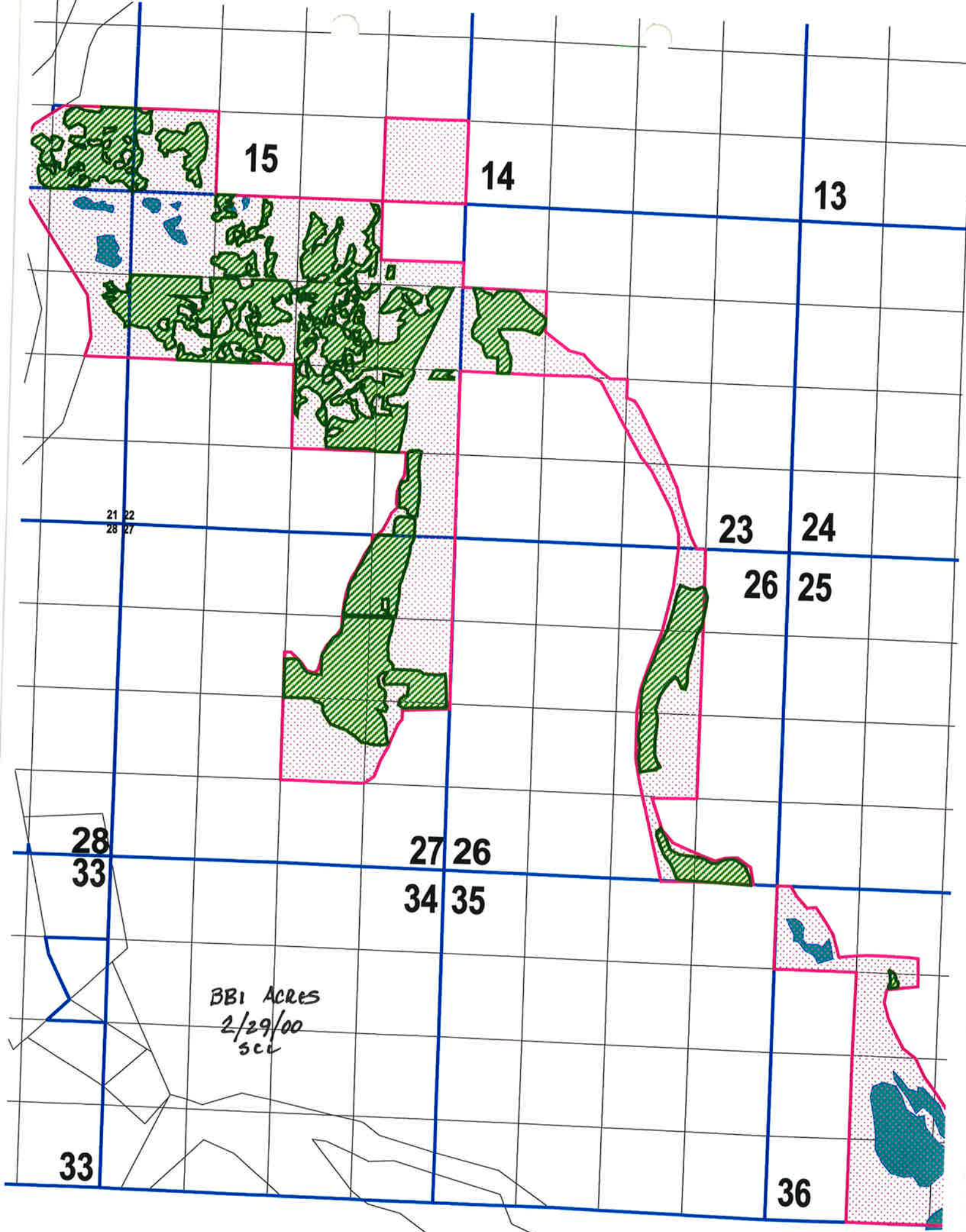
MEMORANDUM

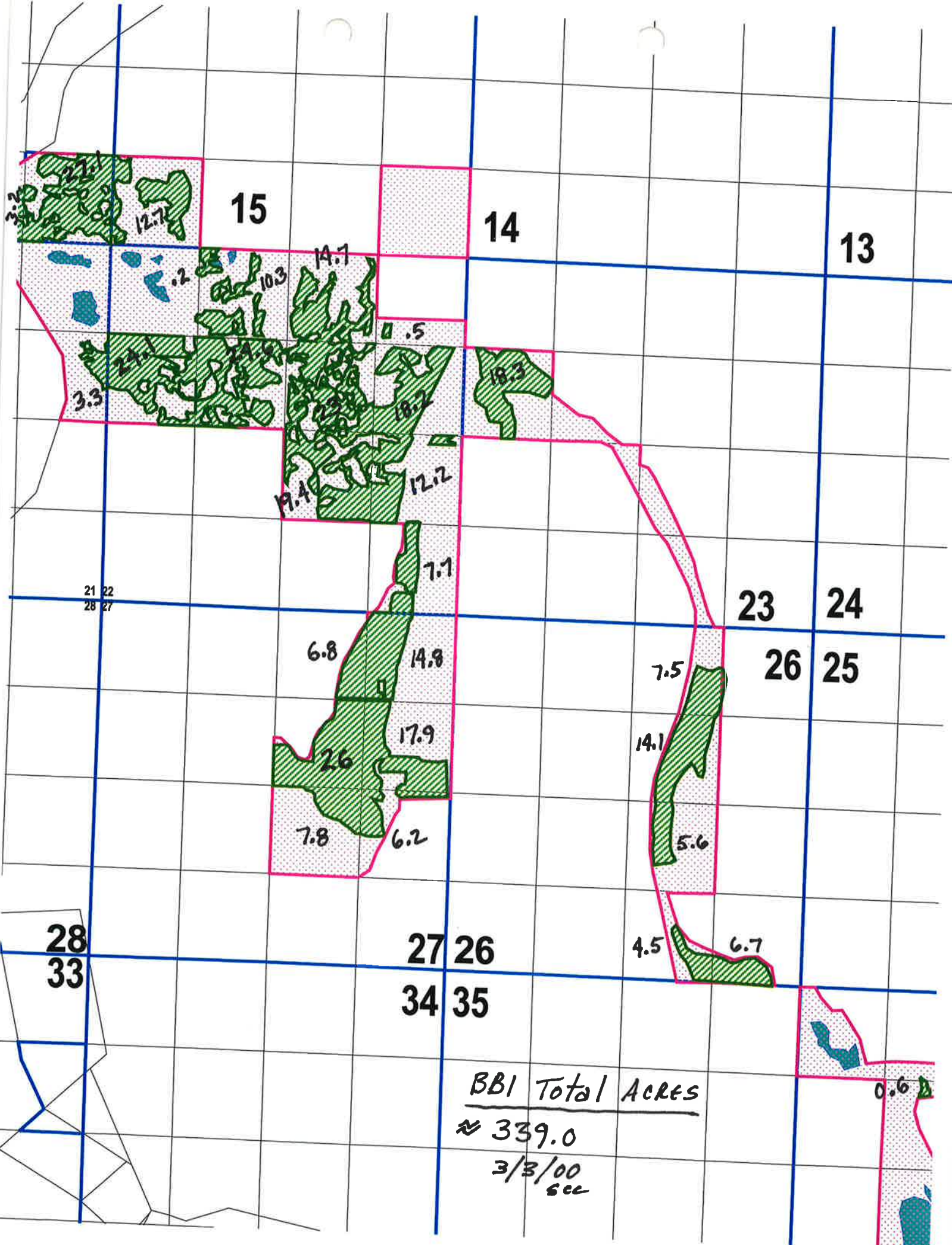
TO: LEO RAY
FROM: STEVE CLELLAND *SC*
SUBJECT: BBI PLACE OF USE MAPS
DATE: 02/29/00
CC: BBI FILES

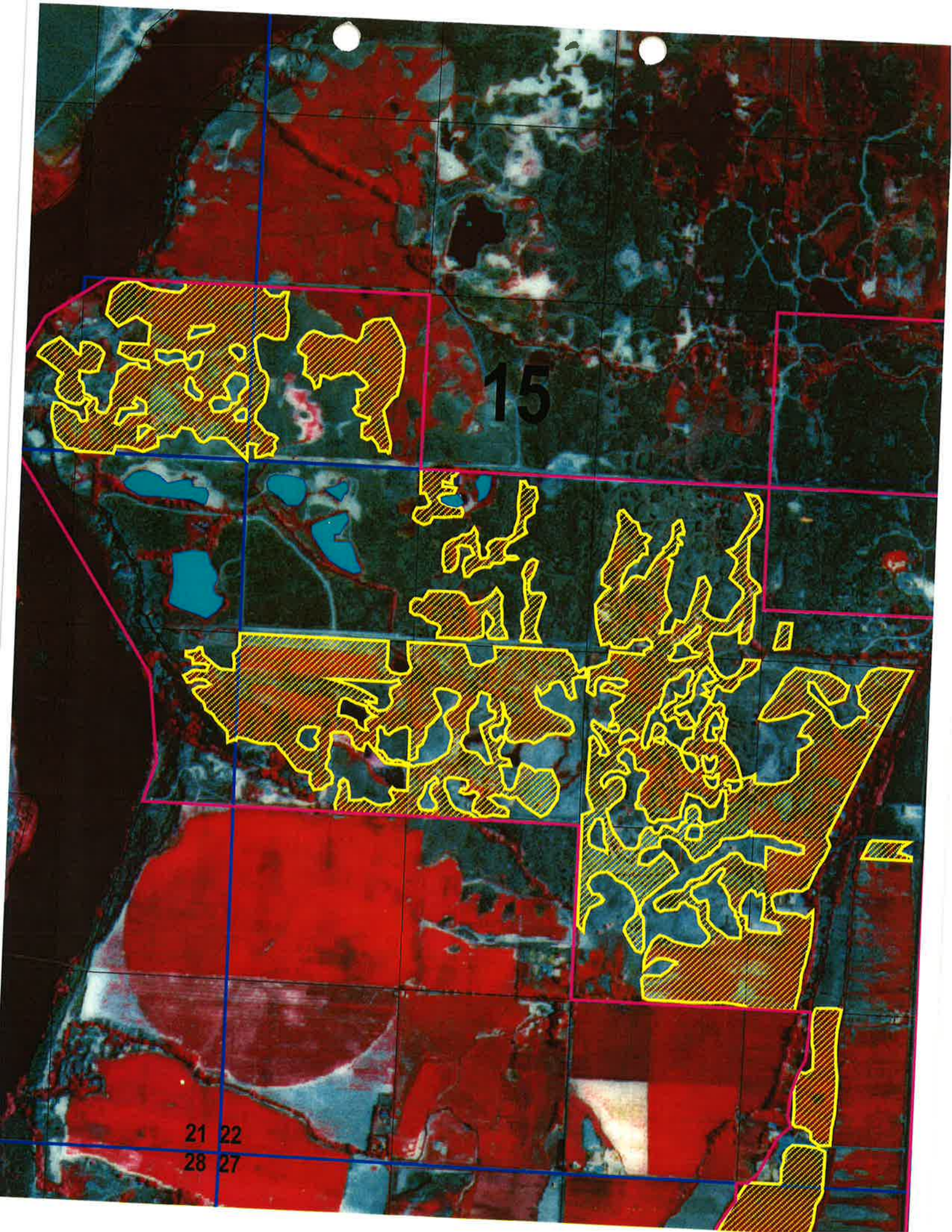
The four GIS maps attached show the most current Place of Use (POU) for the Big Bend Irrigation (BBI) rights. They are printed at the same scale for easy comparison and the copy with cross-hatching is provided to better show the areas around the lava rocks. Total acres shown by this group of maps is 339.0 acres.

I did not make adjustments to add in the acres discussed with Ivan Gustafson and Leo Ray. I would like to get a better idea of the additional irrigated acres with some supporting evidence since the lands are not irrigated in the photo and were not irrigated at the time of my exams. I will also provide you with a line drawing, which you can modify and forward to me showing the changes you would like to see to the final exhibit.

You should be aware the 1992 irrigation uses can only be recommended if it is shown to be a Resumption of use and not a new irrigation use.

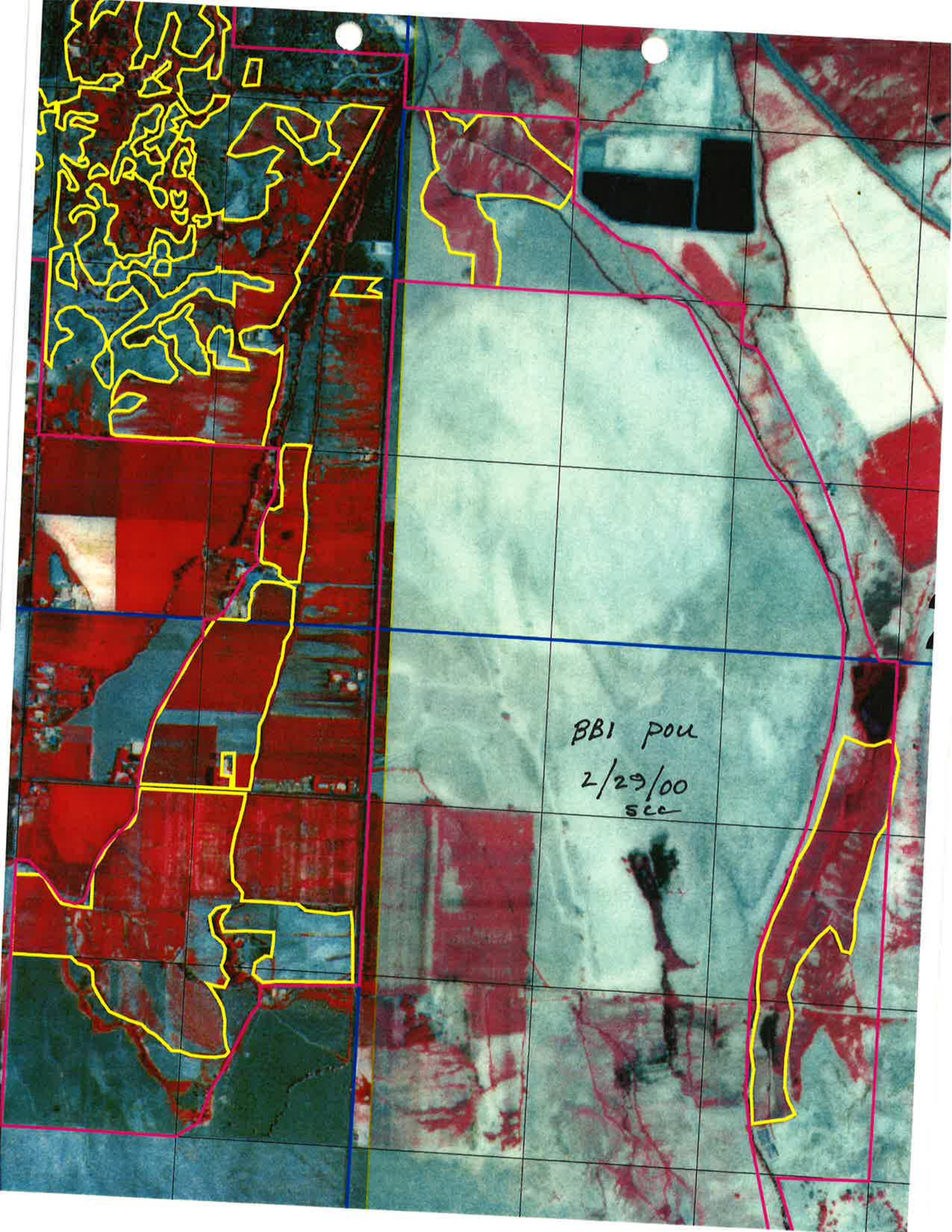




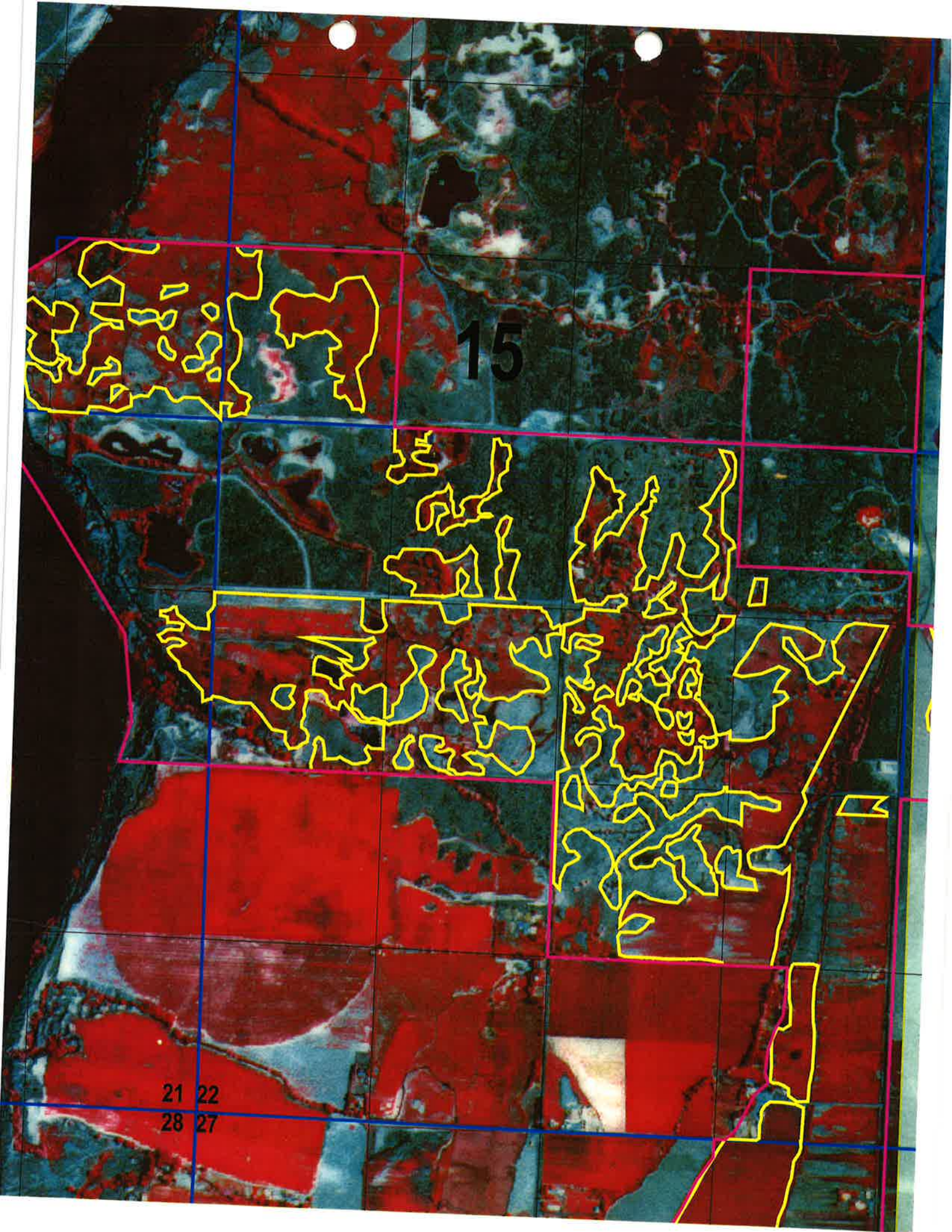


15

21	22
28	27

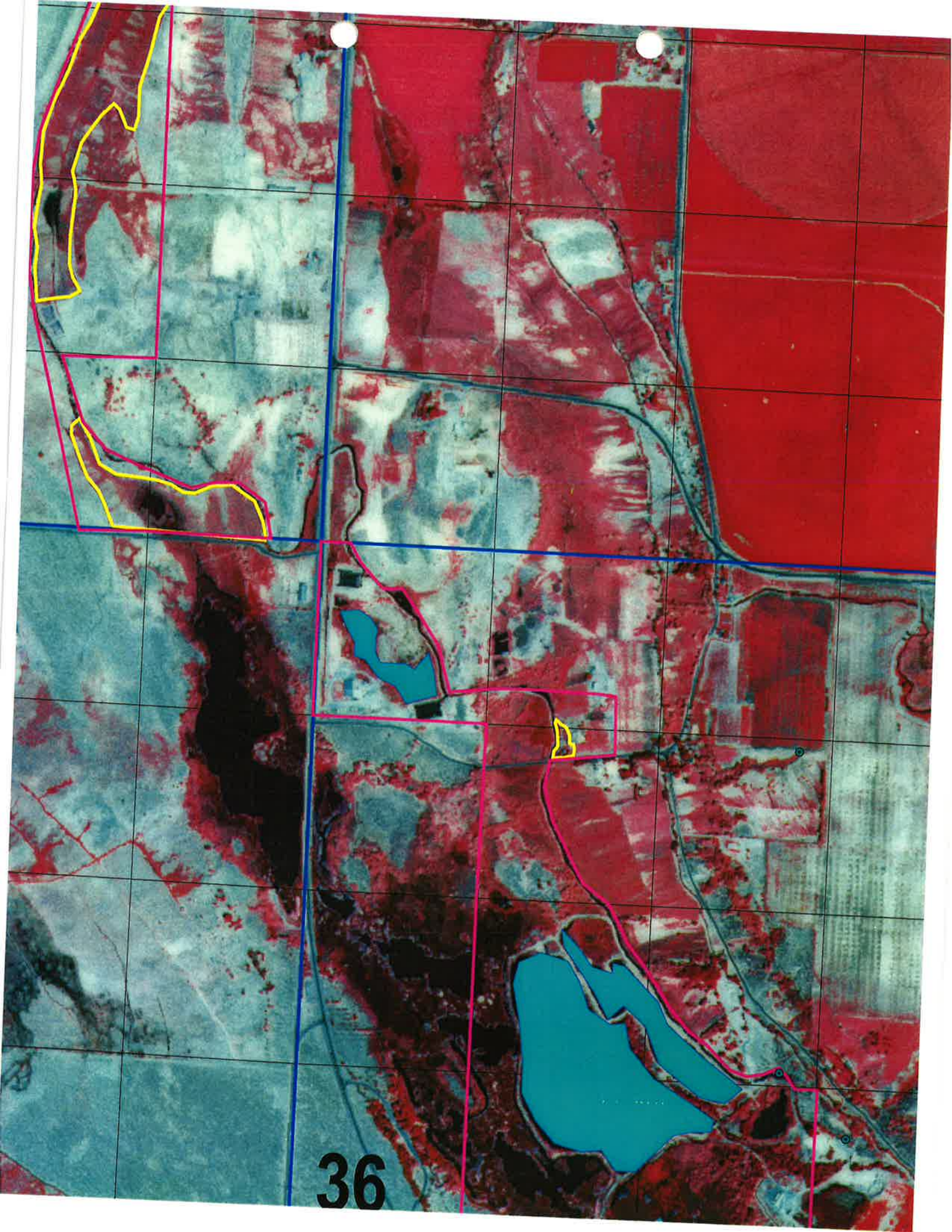


BBI pou
2/29/00
scc



15

21 22
28 27



36

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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3/3/2000 10:45 AM

3/3/2000 10:45 AM

NAME:

CHRISTI DAVIS

CALLIN

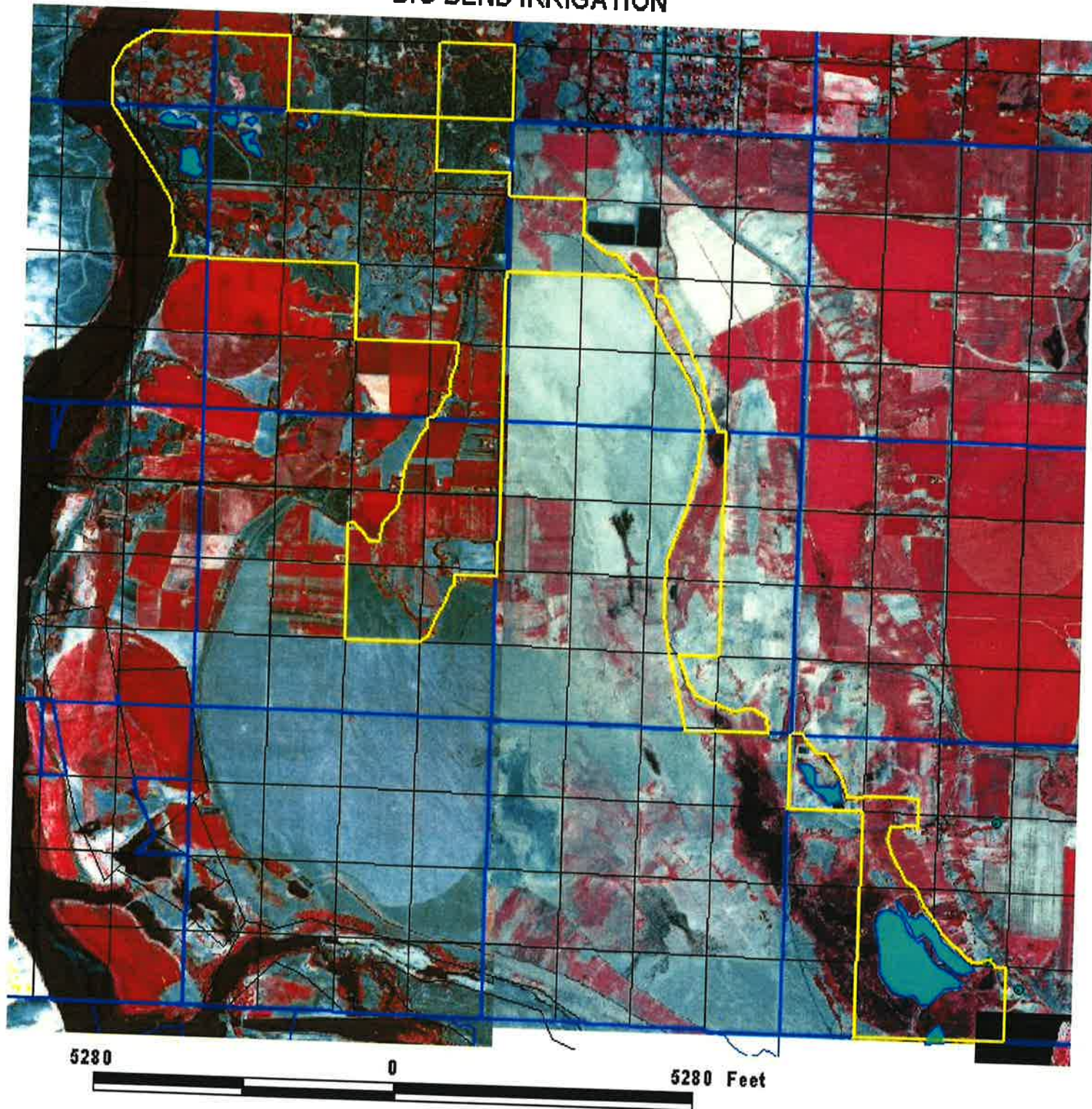
RE:

BBI QUESTIONS

She wanted me to write a statement about her use of water rights under the BBI and I declined. I felt it placed me between her (shareholder) and the Company of BBI. I did offer to give her a copy of the recommendation and a GIS map. I did tell her that her property is within the BBI boundary and I do know it was considered in the calculation of the 339 acre total. I cannot tell the BBI where or who to deliver water to, that is the responsibility of the BBI Co.

IDAHO DEPT OF WATER RESOURCES

BIG BEND IRRIGATION



POU BOUNDARY

- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ∧ SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 & 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: MARCH 8, 1999

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman
Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

March 8, 2000

Via Federal Express

Steve Clelland
IDWR Southern
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

MAR 09 2000

Department of Water Resources
Southern Region

Re: Big Bend Irrigation & Mining Co. -- Snake River Basin Adjudication
Subcase Nos. 36-00133 and 36-00192

Dear Steve:

I enclose aerial photography for the big Bend Ditch service area for the period of 1986 through 1992. The photographs were produced using color slides obtained from the USDA Farm Service Agency office in Gooding. The photos include the following:

- 1986 - Four photographs with partial coverage of the service area. Area covered is the southern, eastern, and northern edges of the service area.
- 1987 - Two photographs with partial coverage of the service area. Area covered is the eastern and northern edges of the service area.
- 1988 - Two photographs with partial coverage of the service area. Area covered is the eastern and northern edges of the service area.
- 1989 - Five photographs with complete coverage of the service area.
- 1990 - Six photographs with complete coverage of the service area.

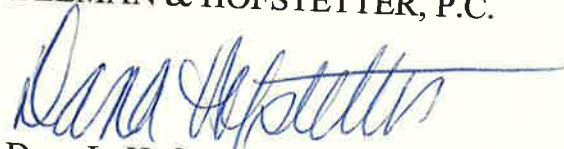
Steve Clelland
Re: Big Bend Irr. & Mining
March 8, 2000
Page 2

- 1991 - Six photographs with complete coverage of the service area.
- 1992 - Five photographs with complete coverage of the service area.

Please return the photographs when your review is completed. Thank you.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



Dana L. Hofstetter

DLH:ja
Enclosures
D:\1780\2b\BB\3815

FAX COVER PAGE

MARCH 7, 2000

RECEIVED

MAR 07 2000

Department of Water Resources
Southern Region

TO STEVE CLEVELAND - WATER RESOURCES

TELEPHONE # 736-3033

FAX # 736-3037

NUMBER OF PAGES: ONE

REGARDING: BIG BEND IRRIGATION & MINING CO.

FROM: CHRISTINE DAVIS - BOARD MEMBER OF BIG BEND

FAX: 1-208-837-6494

TELEPHONE: 1-208-837-6494

COMMENTS: I CONTACTED VICKI KELLY THE OTHER DAY AND SHE SAID THAT SHE E-MAILED YOU AND THAT YOU HAD THE ORIGINAL PACKETT FILED BY CHARLOTTE CALLOW FOR WATER RIGHT # LISTED BELOW IN AUGUST 1988....

#36-02007-0001

#36-00192-0001

#36-00192-0002

#36-00133-0001

#36-00133-0002

I WOULD LIKE TO REQUEST A COPY OF THIS FILING AND ALL LEGAL DEEDS OR OTHER DOCUMENTATION SUBMITTED WITH THIS PACKETT.... PLEASE HAVE SOMEONE CALL ME FROM YOUR OFFICE WHEN IT HAS BEEN COPIED AND IS READY FOR ME... THANK YOU VERY MUCH FOR ALL YOUR COOPERATION....

CHRISTINE DAVIS
BOARD MEMBER - **BIG BEND MINING & IRRIGATION**
P.O. BOX 749
HAGERMAN, IDAHO 83332

Call back 2:10pm

3/7/00 sc

*she will come
in and review
the file for parts
she wants to copy.*

COMMUNICATION DOCUMENTATION

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

3/15/2000 9:50 AM

BBI REVIEW

I also told her I am thinking of raising the acre limit to 350 acres based in part on the findings of Terry Scanlan who says he found a maximum of 348 acres. This should account for any missing acres in the system. I cannot justify any more than that.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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

IDWR Employee/Agent: Steve Clelland

3/14/2000 10:45 AM

3/14/2000 10:45 AM

NAME:

LEO RAY

CALLIN

RE:

REQUEST FOR PHOTOS

He called to ask if he could get copies of the 1992 photos that were loaned to by Dana Hofstetter... I told him I would try to get them scanned. Phone: 837-6114.

FOLLOW-UP:

3:00 PM – He came to my office to get the photos for the BBI area, I did not get them scanned yet. We talked about the photos and I showed him what they covered... it was clear the areas claimed by Gus were not irrigated in the 1992 shots. We discussed the settlement offer made to BBI.

We discussed the settlement offer made to BBI. Leo Ray told me that BBI couldn't settle for a 1999 priority date for the last 10 cfs of their water right. I suggested he call Nick Spencer, who is very skilled at resolving these types of stalemates. Perhaps Nick can provide some additional perspective to bring the parties closer to settlement. I will try to get the photos scanned and printed for Leo.

I will try to get the photos scanned and printed for Leo before the BBI meeting tomorrow.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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

IDWR Employee/Agent: Steve Clelland

3/13/2000 9:20 AM

NAME:

LEO RAY

CALLIN

RE:

BBI ACRES ETC.

He asked if there were a lot of persons to show up and ask for more acres under the BBI system... I told him only two and they really did not argue for more, just wanted to know what was there.

He asked if I got the pictures to confirm Gus's acres... I told him the 1992 photos show no irrigation beyond what I have recommended so far. It is my understanding the irrigation was to be resumed to qualify for the resumption policy. Merely intending to resume was not sufficient, many people fit that category. I viewed some 1998 photos and see that even when Gus did irrigate it was not on the entire 33 acres he claims.

1992





1992



1992

1992

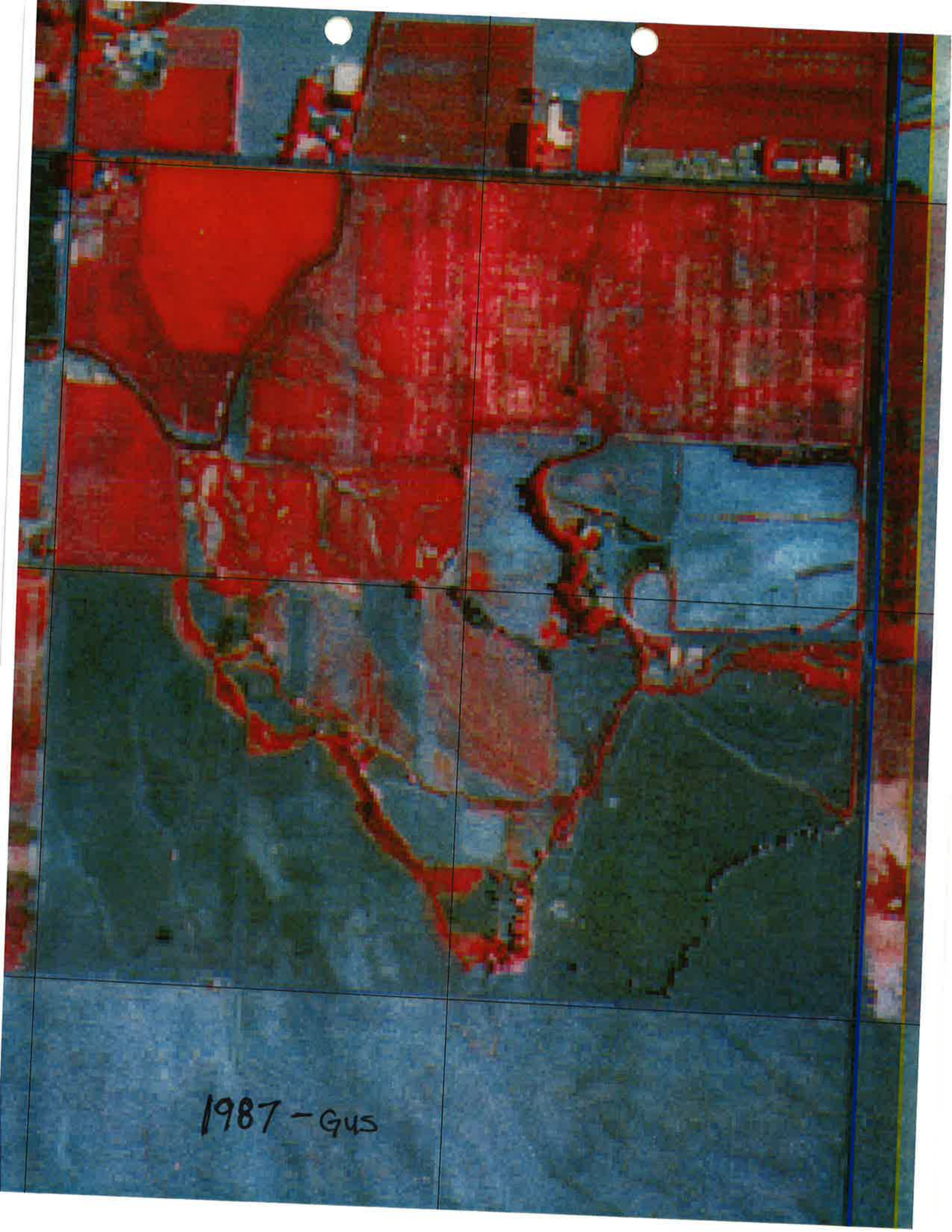




1992



1986 - Gus

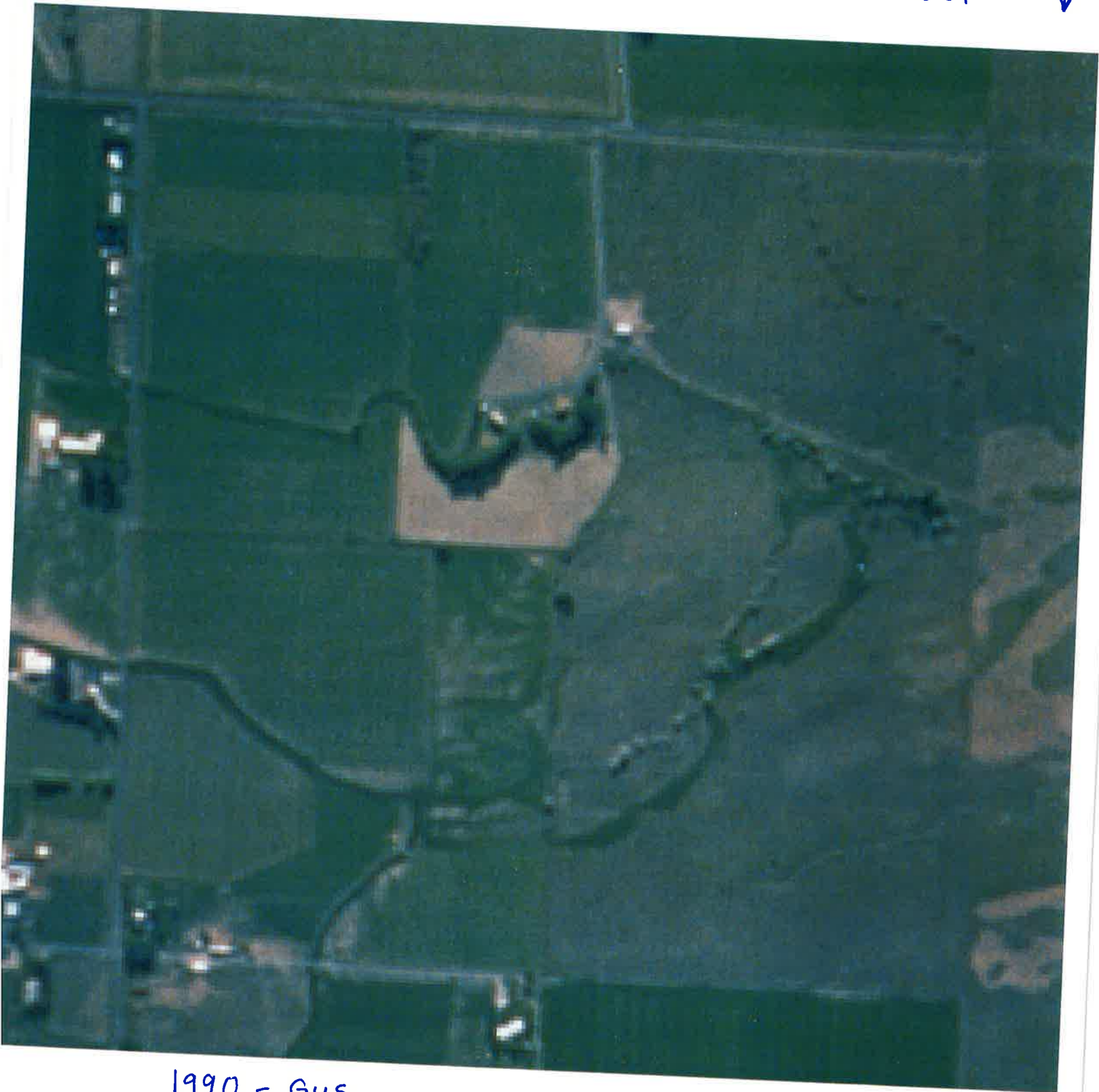


1987 - G45

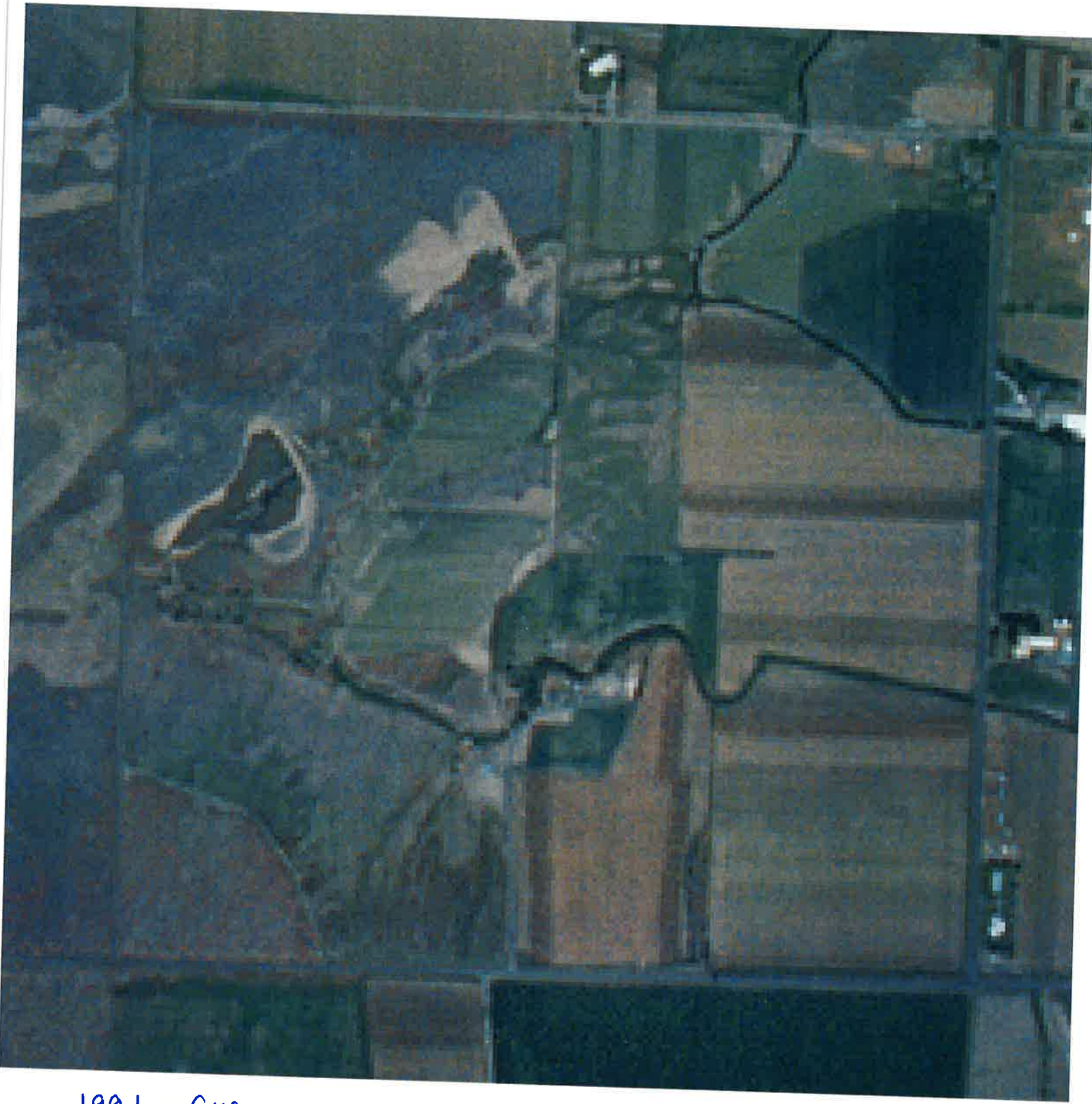


1989 Gus

sn9- 9661



1990 - Gus



1991 - Gus



1992 - Gus

BB1

(overlapping rights)

36-08567

BB1

5 cfs

@S.O. (P)

36-08752

Trust

3 cfs

No Exam (P)

36-15525

(late claim)

WW 1 Reg. (Trust)

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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IDWR Employee/Agent: Steve Clelland

3/28/200010:00 AM (est.)

NAME:

GUS GUSTAFSON

CALLIN

RE:

BBI ACRES

He wanted to know how I stood on allowing the acres on his farm under the BBI acres. I told him I reviewed his info and I will include the land under the BBI boundary. I have yet to map the fields into the shape files using the GIS software. Gus told me he will get about 33 acres added to the 339 already recommended and by adding the lands under the Western Legends the total will be around 400 acres. I told him that is not going to work that way.

NOTE: (The total acres under the BBI system in any average year is about 340-350 acres. He is showing a piece of the system as irrigated but has failed to show the parts of the whole that are not being irrigated so he can irrigate these acres. That is the purpose of the Boundary law and description; to allow the migration of irrigated acres within the system. I must review the system as a whole not as that of individual ownership's.)

1986-070

3/22 Ivan Gustafson.
'92 irrig.

Had '93 + '92 photos, ^{photo} planted 9/92 '93, had partially field
Receipts 191 pipe, seed, bubbler
192 more pipe

→ Assump: '92 resumption valid.

RECEIVED
MAR 22 2000

Department of Water Resources
Southern Region



'93 photo

RECEIVED

MAR 22 2000

Department of Water Resources
Southern Region



x2 photo

RECEIVED

MAR 22 2000

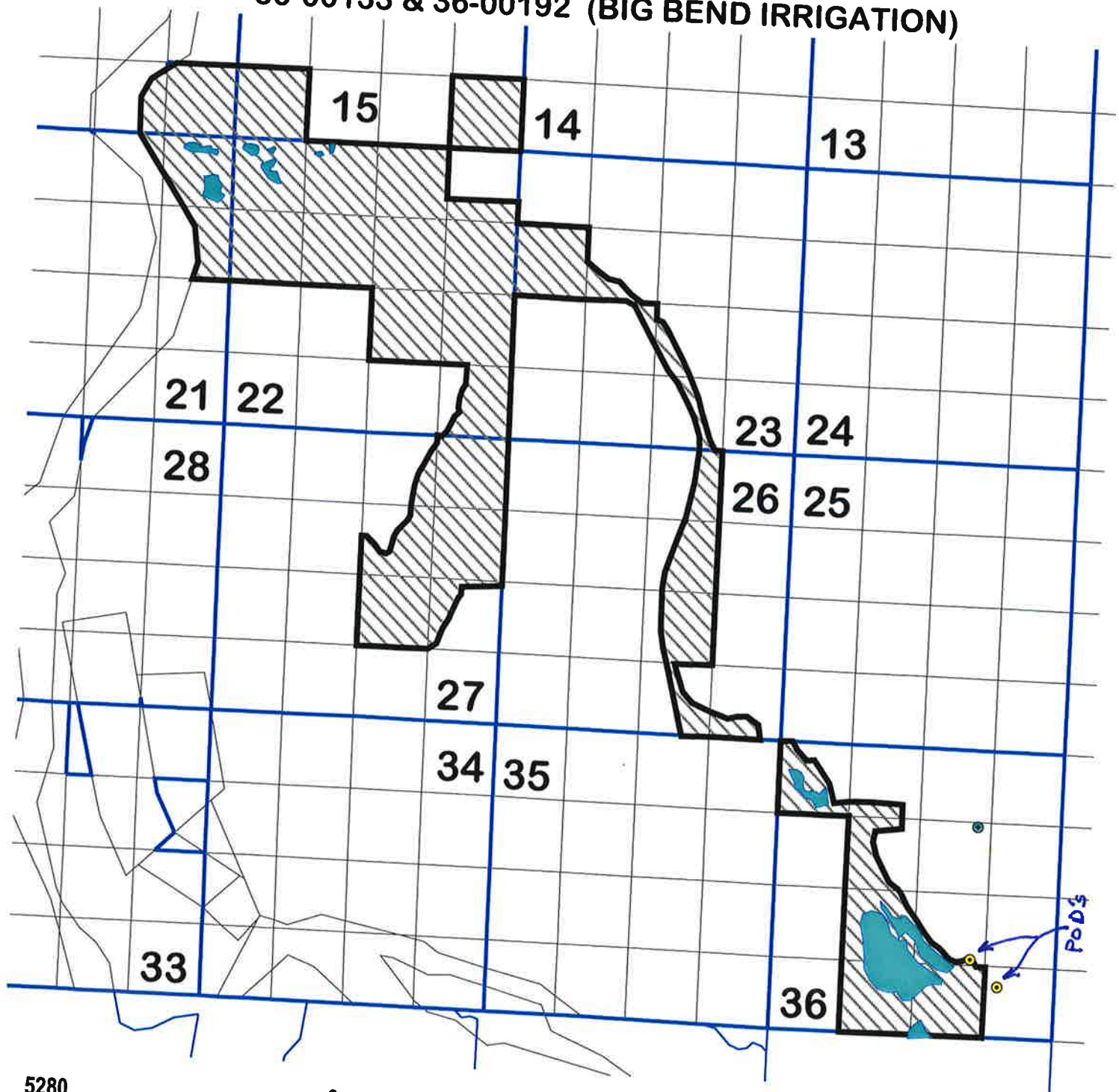
Department of Water Resources
Southern Region

1992 image
CFSA/NRS



IDAHO DEPT OF WATER RESOURCES

36-00133 & 36-00192 (BIG BEND IRRIGATION)



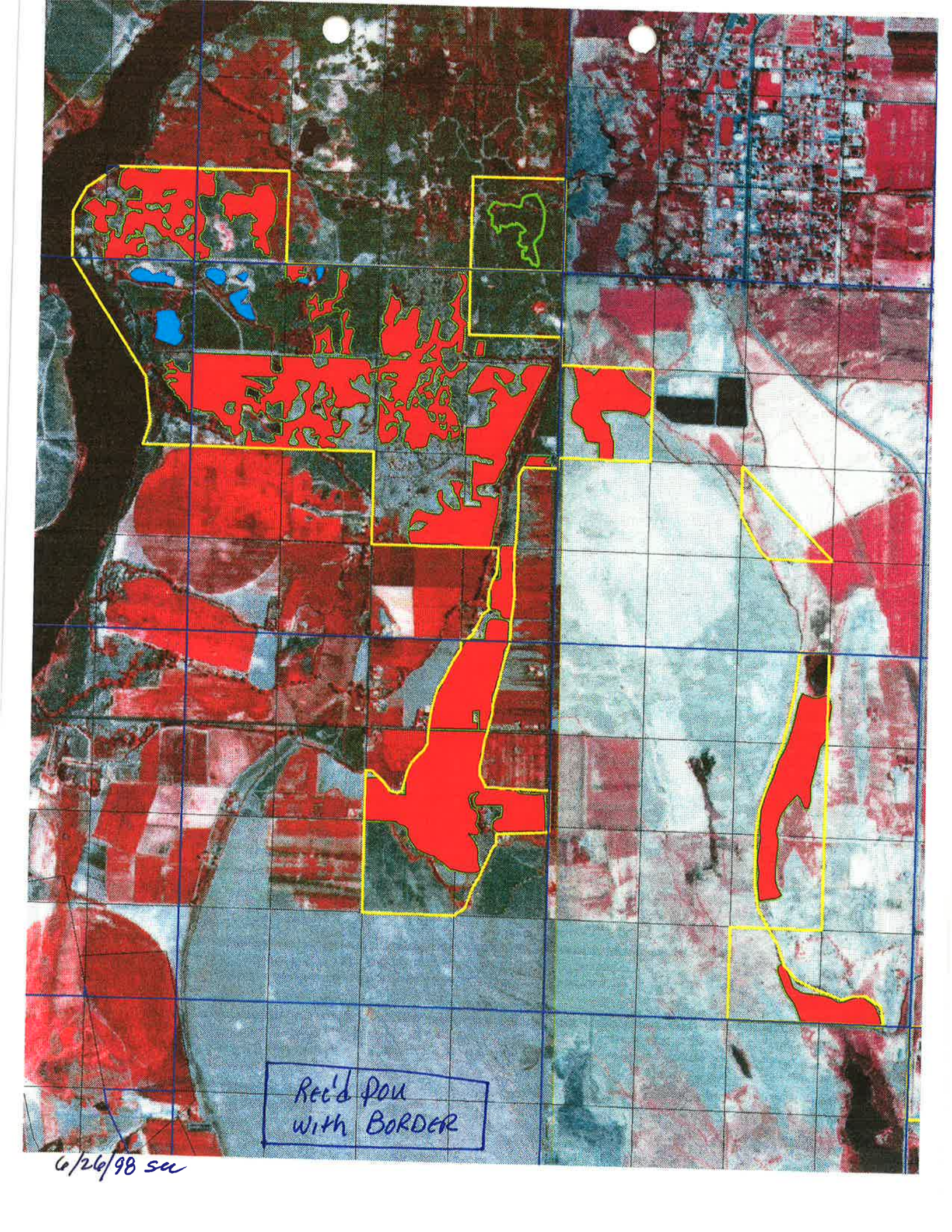
T07S R13E



- BOUNDARY
- RECOMMENDED PLACE OF USE
 - POINT OF DIVERSION
 - SECTION LINES
 - 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: APRIL 7, 1999

An aerial photograph of a landscape, possibly a wetland or coastal area, with a grid overlay. The grid is composed of blue lines. Several regions are shaded in red, indicating specific areas of interest. A yellow outline follows the general shape of these red-shaded areas. A small green outline is visible in the upper right quadrant. Two punch holes are visible at the top of the page.

Rec'd Pou
with BORDER

6/26/98 sca

TRANSMITTAL COVER SHEET

TO: KENT SKAAR

837-6122

TOTAL PAGES SENT: 2
(including cover sheet)

DOCUMENT DESCRIPTION: BIG BEND BOUNDARY MAP (GIS)

FROM:

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

PHONE: 736-3033

FAX: 736-3037

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

Please consider this document as a billing statement.
The charge for your fax copies is: _____

Please remit to the above address.

SENDER: STEVE CLELLAND

COMMENTS: CALL ME IF YOU HAVE QUESTIONS ON
THIS MAP.

STANDARD
OK
02
00:01:13
98376122
04/07 09:49

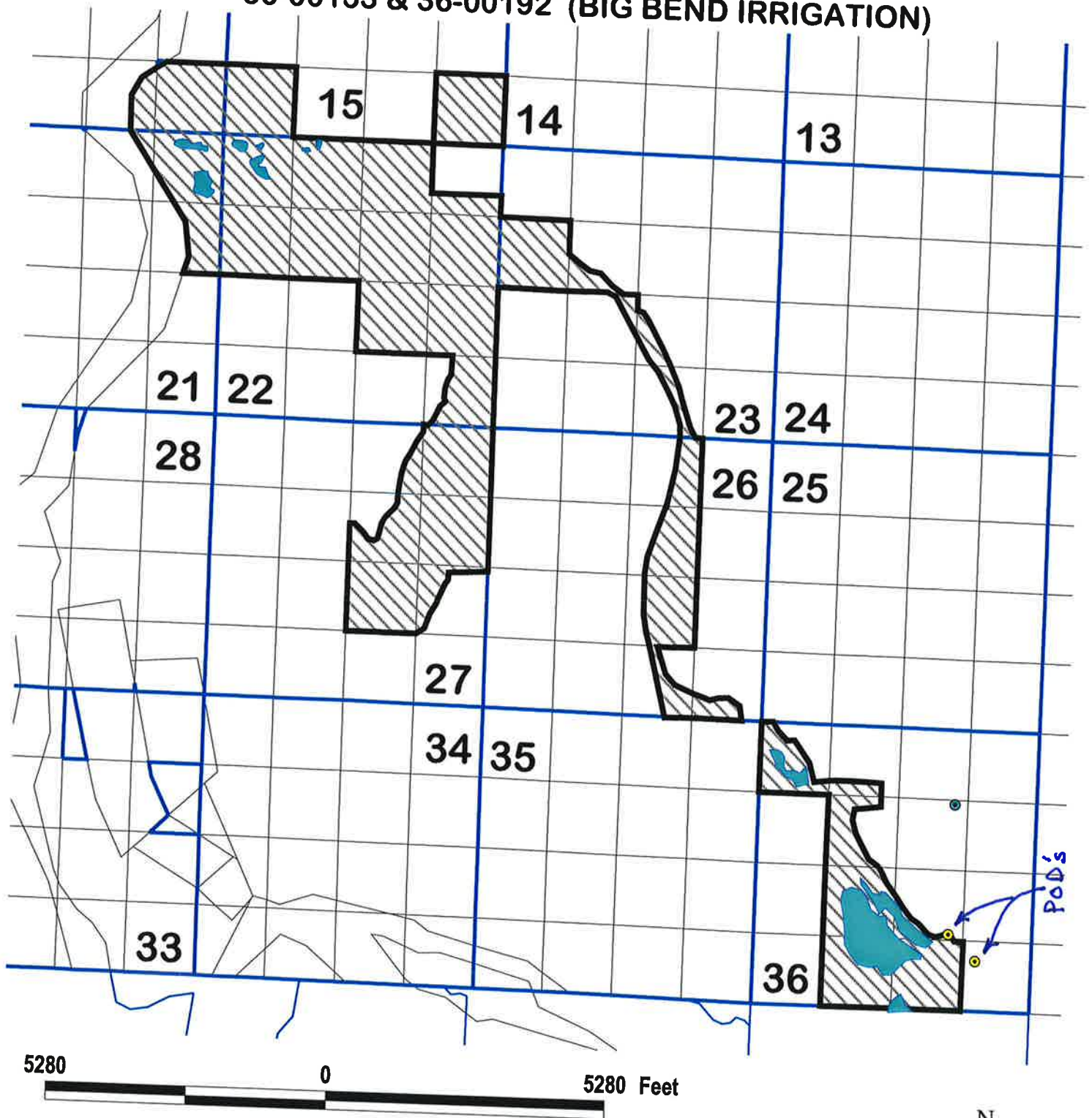
DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

TIME : 04/07/1999 09:50
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

IDAHO DEPT OF WATER RESOURCES

36-00133 & 36-00192 (BIG BEND IRRIGATION)



- BOUNDARY
- ▨ RECOMMENDED PLACE OF USE
 - POINT OF DIVERSION
 - ~ SECTION LINES
 - 1/4 - 1/4 LINES

T07S R13E



GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: APRIL 7, 1999

TRANSMISSION VERIFICATION REPORT

TIME : 06/19/1998 08:35
 NAME : IDWR SOUTHERN REGION
 FAX : 2087363037
 TEL : 2087363033

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

06/19 08:32
 AJ SO
 00:02:41
 09
 OK
 STANDARD
 ECM

Post-it® Fax Note

7671

Date	6/19	# of pages	9
To	JOHN M.		
From	STEVE		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

BIG BEND
 CLAIMS

BBI

- irrig by Boundary
- Stockwater on all?
- BBI to file,
 after Partial Decree,
 1) Permit for irrig exp.
 Wildlife, power uses
 2) Transfer:
 changes in boundary
 since 1987

5/27/98

Claim will have to
 be amended for
 Western Legends uses.

Revised Recommendation:
 for POU will describe
 boundary w/ acres
 allowed $\approx 400-475$ acres
 (assuming F.I.R. = 19 cfs,
 $C 0.04 \text{ cfs/AC} = 475 \text{ acres}$)
 [original Rec'd 0.048 cfs/AC]

- Border reflects POU as rights
 exist at adjudication, any changes
 require Transfer (not intended to Annul Δ s)

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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

IDWR Employee/Agent Steve Clelland

4/6/99 11:05 AM

NAME:

RE:

KENT SKAAR

CALLIN

BBI QUESTIONS

He is now on the BBI board and wanted to know how to get the matter resolved ASAP so they can avoid incurring future attorney costs. I pointed out the major points of disagreement between the recommendation and the recent amendment by BBI; irrigated acres and the amount and use for Western Legends. He told me they are having a meeting tonight and will get in touch when the new president is elected.

Kent Skaas:
* boundary maps
837-6/22

He wants to know what the latest news on the BBI claims. I told him I heard he is no longer the president at BBI and I am working with others. He says he still helps with the SRBA work. I will send him a recent recommendation of the claims and maps for the BBI. I told him of the 339 acres recommended and how the land for Western Legends is not included in the acre description. Send to PO Box 209, Hagerman, ID 83332.

COMMUNICATION DOCUMENTATION

Claim No. BBI

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

IDWR Employee/Agent: Steve Clelland

3/3/2000 8:50 AM

NAME:

PAM WASCHER

RE:

BBI MEETING UPDATE

CALLIN

She gave me a recap of the BBI meeting of last night. Two points appear to be somewhat misleading; 1) the use of the 1992 resumption and 2) the development and recognition of wildlife uses.

1. The idea of the irrigation in 1992 is only valid where a party has **resumed** the use of irrigation. This will not allow me to recognize those irrigation uses that are new developments. I have pretty much identified all the irrigation under this system and I have met with most of the active individuals in the past. Nonetheless, if someone is going to prove the resumption uses they will need to provide me with evidence of the irrigation prior to 1987 and irrigation as of 1992. I have my own personal observations of the irrigated lands in 1990 & 1991 and some of 1992. It does not appear an amended claim is necessary for additional irrigated acres since the current claim is for 567 acres within a Permissible Place of Use.
2. If the BBI wants additional wildlife uses or flow rates an amended claim is required. I have recommended all the wildlife uses as claimed by BBI therefore any increase or addition will require it to be described in an amended claim.

I am going to fax this to Pam W. as part of a written follow-up to this conversation. I hope this clarifies the points we have discussed.

While I will discuss the acres with individuals, it is quite confusing when trying to deal with BBI as a single entity. It is unclear who has the authority to respond or speak on the BBI Company's behalf for final resolution of the issues.

Fax to Pam Wascher: 837-9165 -- Pam: the next time you come in we can discuss the irrigation acres that can be added for Western Legends irrigation from BBI. They were not included in the last recommendation.

7/22/99

F & G shares = 40

Non-irrig season: Wildlife uses

IDFG & Cook can be priority 1950 ±

Ray & Troutner priority will be later
Same as ② dates?

$$\left(\frac{20 \text{ cfs}}{339 \text{ Ac}} = .0589 \text{ cfs/ac} \right)$$

Proof — Dick Cook & '46 aerial

add: 1 acre @ C. Lloyd
 Jensen acres, (2)
 Shopper acres, (5)
 West. Leg. Ac: 35?
 Gus fields 33?

if all added to
 339
 = 415 Ac

WESTON

Amended?
New fees?

P

1840

L

1500

ppa

1850

u

u

u

7/27/99

BBI

Jay Cook ponds - (mid 30s) c. 1940 (per Dick Cook)
Troutman ponds - same, but have been enlarged
L. Ray. - c. 1978 construction begun
(but had ~~seeps~~ there - use?)

F&G. - (1941) biennial reports (see Brailford files)

Earliest info of irrig. 1946 & 1957 for BBI project
(ask Pam W.)

Western Leg: wants Wildlife use & Q

Semanko: (for Buckeye) (Simpson)

- * what about pivot? "illegal trans."
- * 17 acres in SE 1/4 S.26?

Can we add pda Border for S 1/2 SE 1/4?
(May result in Overlap Remarks.)

C. Davis: wildlife on Adamson
- No Claim

MATT H:

17 400 AF div.

1356 AF use

Volume rate before TRANS vs
Volume after transfer to wildlife.

1:30-1:45 - PRETRIAL CONF.

< TRIAL: NOV. 3RD 11am >

* proposed property inspection of share holders

MEDIATION: (can use IDOR STAFF for this!)

Note Rec'd:

Duty of Water on D4?

- will apply to the acres
allowed under BBI

Acres? 567 or 587
(claim) (obs.)

8/24/99

BSI

484.8 Ac.

* Possible
annexed?
* Now claims?
* Now claims?

WILDLIFE:

- designation by USA ≠ WR for wildlife
IDFG = 345 Ac = (40 shares)
* maybe expanding this use in BCI claims

CB. - est. $2\frac{1}{2}''/Ac$ duty rate
(via Buckeye & W.L. #1's)

Pam W. - 51 boards as exhibits
\$ 3-Ring Binder w/ details

Teery: Acres? (field visit 8/23)

RECEIVED

MAY 20 1999

Department of Water Resources
Southern Region

COPY

RECEIVED

MAY 14 1999

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

AY

Subcase 36-00133

(Insert water right number
From the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B NAME AND ADDRESS OF PERSON RESPONDING

Name: North Snake Ground Water District, May Farms, Ltd.,
and Faulkner Land & Livestock Company
2092 East 3600 South
Wendell, ID 83355
Daytime Phone: 208-536-6553

Name & Address of Attorney, if any:

Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
Phone: 208-388-8900
Fax: 208-388-8400

**C NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Big Bend Irrigation & Mining Co.
P. O. Box 749
Hagerman, ID 83332
208-837-6494

D I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E

VERIFICATION (Must be Completed)

State of Idaho)
) ss:
County of Ada)

Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Dana L. Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 13, 1999

Sue E. Gieberman
Notary Public for the State of Idaho

Residing at: Boise Idaho

My Commission Expires: 10/11/2000

INSTRUCTIONS FOR MAILING

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

FF

CERTIFICATE OF MAILING

I certify that on May 13, 1999, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Big Bend Irrigation & Minding Co.
Address: C/O Ivan Gustafson
P O Box 209
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

Name:	Big Bend Irrigation & Mining Co.	Lloyd J. and Curtis R. Webb
Address:	P. O. Box 749	P. O. Box 1768
	Hagerman, ID 83332	Twin Falls, ID 83303-1768

4. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

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

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



Your signature or signature of attorney
mailing on your behalf

RECEIVED

MAY 20 1999

Department of Water Resources
Southern Region

COPY

RECEIVED

MAY 14 1999

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

Subcase 36-00192

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B NAME AND ADDRESS OF PERSON RESPONDING

Name: North Snake Ground Water District, May Farms, Ltd.,
and Faulkner Land & Livestock Company
2092 East 3600 South
Wendell, ID 83355
Daytime Phone: 208-536-6553

Name & Address of Attorney, if any:

Dana L. Hofstetter
Beeman & Hofstetter, P.C.
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P. O. Box 1427
Boise, ID 83701-1427
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P. O. Box 749
Hagerman, ID 83332
208-837-6494

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- | | | |
|-----|-------------------------------------|--|
| 1. | ☐ | Name and Address |
| 2. | ☐ | Source |
| 3. | ☐ | Quantity |
| 4. | ☐ | Priority Date |
| 5. | ☐ | Point(s) of Diversion |
| 6. | ☐ | Instream Flow Description |
| 7. | ☐ | Purpose(s) of Use |
| 8. | ☐ | Period of Year |
| 9. | ☒ | Place of Use |
| 11. | Recommendation | |
| | ☐ | This water right should not exist. |
| | ☐ | This water right was not recommended, but should be recommended with the elements described above. |

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County of Ada) ss:

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(Name of person filing response)

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(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 13, 1999

Sue E. Giberman
Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission Expires: 10/11/2000

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P O Box 209
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

Name:	Big Bend Irrigation & Mining Co.	Lloyd J. and Curtis R. Webb
Address:	P. O. Box 749	P. O. Box 1768
	Hagerman, ID 83332	Twin Falls, ID 83303-1768

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

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



Your signature or signature of attorney
mailing on your behalf

RECEIVED

APR 25 2001

Department of Water Resources

RECEIVED

MAY 15 2001

Department of Water Resources
Southern Region

APR 24 AM 9:31

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

Subcases 36-00133 and 36-00192

ORDER SETTING MANDATORY
SETTLEMENT CONFERENCE

A status conference was held by telephone on April 23, 2001. John K. Simpson appeared for claimant Big Bend Irrigation & Mining Company; John R. Kormanik appeared for objector the State of Idaho, Department of Fish and Game; Dana L. Hofstetter appeared for objector the North Snake Ground Water District; and Nicholas B. Spencer appeared for IDWR. The parties agreed an unmoderated mandatory settlement conference within the next sixty (60) days would be useful.

THEREFORE, IT IS ORDERED that the parties shall agree upon and attend an unmoderated mandatory settlement conference at IDWR's Southern Regional office in Twin Falls, Idaho, no later than Friday, June 22, 2001. Within ten (10) days of the conference, the parties shall file with the SRBA Court a settlement conference report stating the outcome of the conference, whether trial is necessary and suggested dates for a trial schedule.

Dated April 24, 2001.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER SETTING MANDATORY SETTLEMENT CONFERENCE** was mailed April 24, 2001, with sufficient first-class postage prepaid as follows:

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

Office of the Attorney General
Peter J Ampe
Box 83720
Boise, Idaho 83720-0010

United States Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

Dana L. Hofstetter
Josephine P. Beeman
P O Box 1427
Boise, Idaho 83701-1427

Lloyd J. Webb
P O Box 1768
Twin Falls, Idaho 83303-1768

John K. Simpson
P O Box 2139
Boise, Idaho 83701-2139


Deputy Clerk

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent: Steve Clelland

9/27/2000 2:45 PM

NAME :

RE:

IVAN GUSTAFSON

CALLIN

WANTS INFO ON RIGHTS

He wanted to meet with Nick S. and me to settle his remaining water rights... I told him I was not aware of any pending settlement. I asked about the BBI rights and he said no, his other rights. I told him I will need to contact Nick and research the rights he is asking about. Callback on Monday.

[Call to Nick: no other rights were apparent for settlement except the
BBI.]

CALLBACK 10/2/00 4:15 PM

He called in to ask about what I have found I told him there is no pending rights for settlement. I found his Permits for Wildlife (36-8752 & 36-8567) and I found his late claim for wastewater (36-15525), but that has not yet been reported to the court. He then tells me it is the BBI stuff he wants to settle. I explained I am working with the attorneys in the case but there hasn't been much action since last spring. I told him this is not something he and I can resolve without the rest of the parties in the objection. He wanted to be contacted when the case becomes active again and I told him the attorneys of the case are the ones that are notified. He should work with the BBI attorney to get notified if necessary.

COMMUNICATION DOCUMENTATION

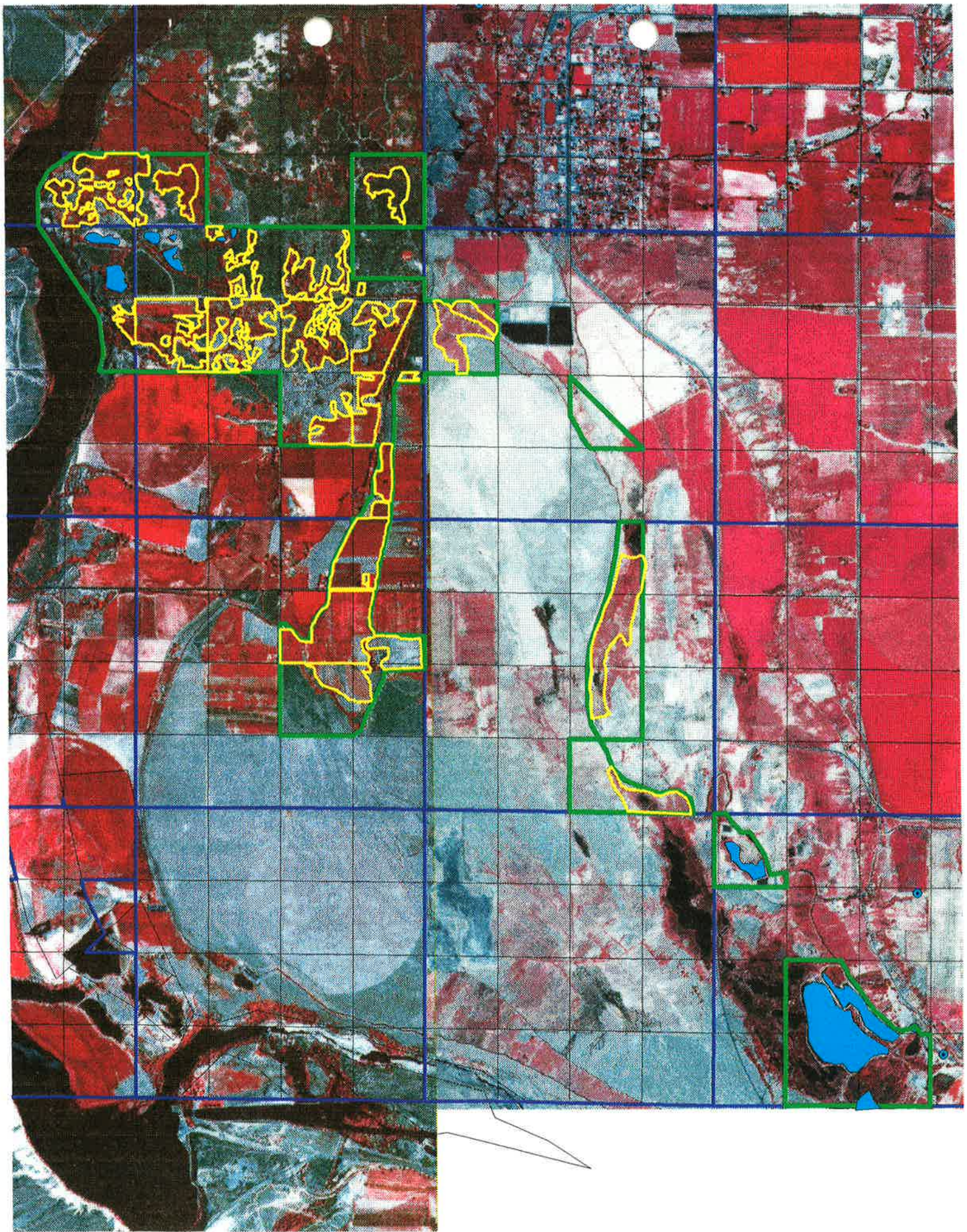
This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not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

RE:

BBI ACRES AND FLOW

I told her the recommendation is still at 339 acres; although the BBI is trying to get me to add some acres, especially around the Gustafson POU.

I told her no recent Hubble Analysis had been done. We did the first version and we settled the Q element early on in the settlement process and had no need to re-do the analysis.



CLAIM NUMBERS 36-00133
36-00192

DATE 10/24/97
 AGENT See

TRANSFER NUMBER _____
 OBJECTION FILED yes
 TOTAL ACRES FROM RECOMMENDATION 393.5
 GEOGRAPHIC INFO SYSTEM 311

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	7s	13E	15											10					10
GIS														9					9
RECOM			16															(2) 28	28
GIS																		2 25	27
RECOM			21				15												15
GIS							3												3
RECOM			22	(D) 4	30	25	5		37	27						15	13		8 164
GIS				(D ^{pm}) 63	22	18	6		24	23						12	9		8 135

UPDATED

POLYGON # _____ UPDATED

B36-DBPOU.DBF _____
 B36-DBPOD.DBF _____

POLYGON CREATED ON 604 (✓) 10/24/97 See
 ATTRIBUTES OF B36-POU.SHP (see attached sheet)
 ATTRIBUTES OF B36-POD.SHP 11/13/97 See

COPY

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

P. 292

CLAIM NUMBERS

36-00133

36-00192

DATE

10/24/97

AGENT

SC

TRANSFER NUMBER

OBJECTION FILED

TOTAL ACRES FROM RECOMMENDATION 393

GEOGRAPHIC INFO SYSTEM 311

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	7s	13E	23							23									23
GIS										18									18
RECOM			26		10	17											10	7	10
GIS					8	14											6	4	7
RECOM			27	18	7	25	22									12	15		99
GIS				15	7	26	18									6	8		80
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF

POLYGON CREATED ON 604

(✓) 10/29/97 SC

ATTRIBUTES OF B36-POU.SHP

B36-DBPOD.DBF

ATTRIBUTES OF B36-POD.SHP

see attached sheet 11/13/97 SC

GIS Rounded Acres = 311

Actual decimal Ac. = 313.94

P/U CONFLICT yes (X) no ()

P/D CONFLICT yes () no (X)

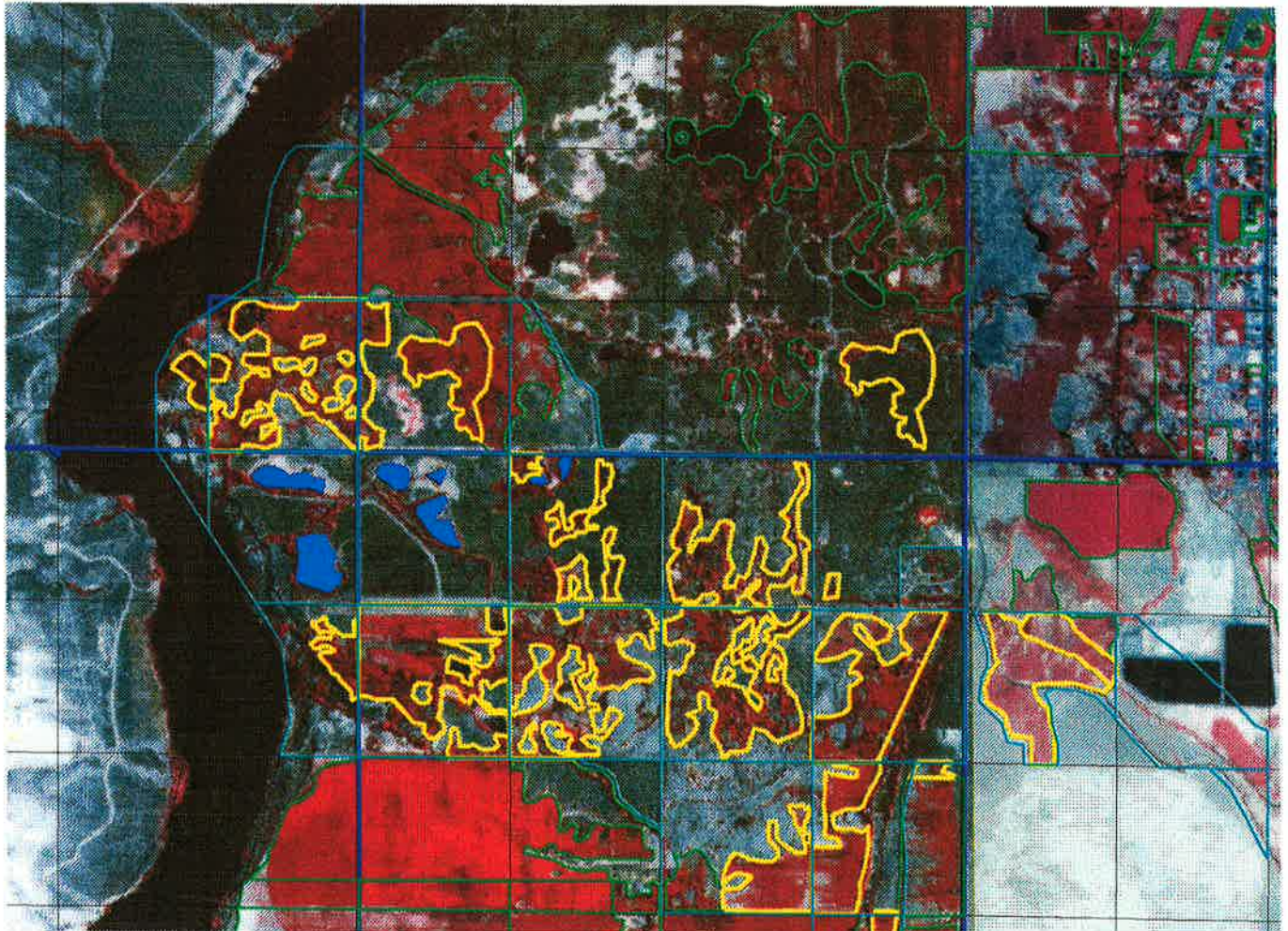
READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

IDAHO DEPARTMENT OF WATER RESOURCES

36-00133 & 36-00192

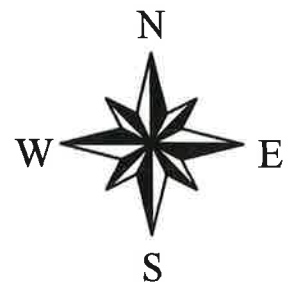
Big Bend Irrigation & Mining Co.



660 0 660 Feet



TNS 7S, RNG 13E



Claimed Place of Use Borders

⊙ Recommended Point of Diversion



Recommended Place of use



Section lines



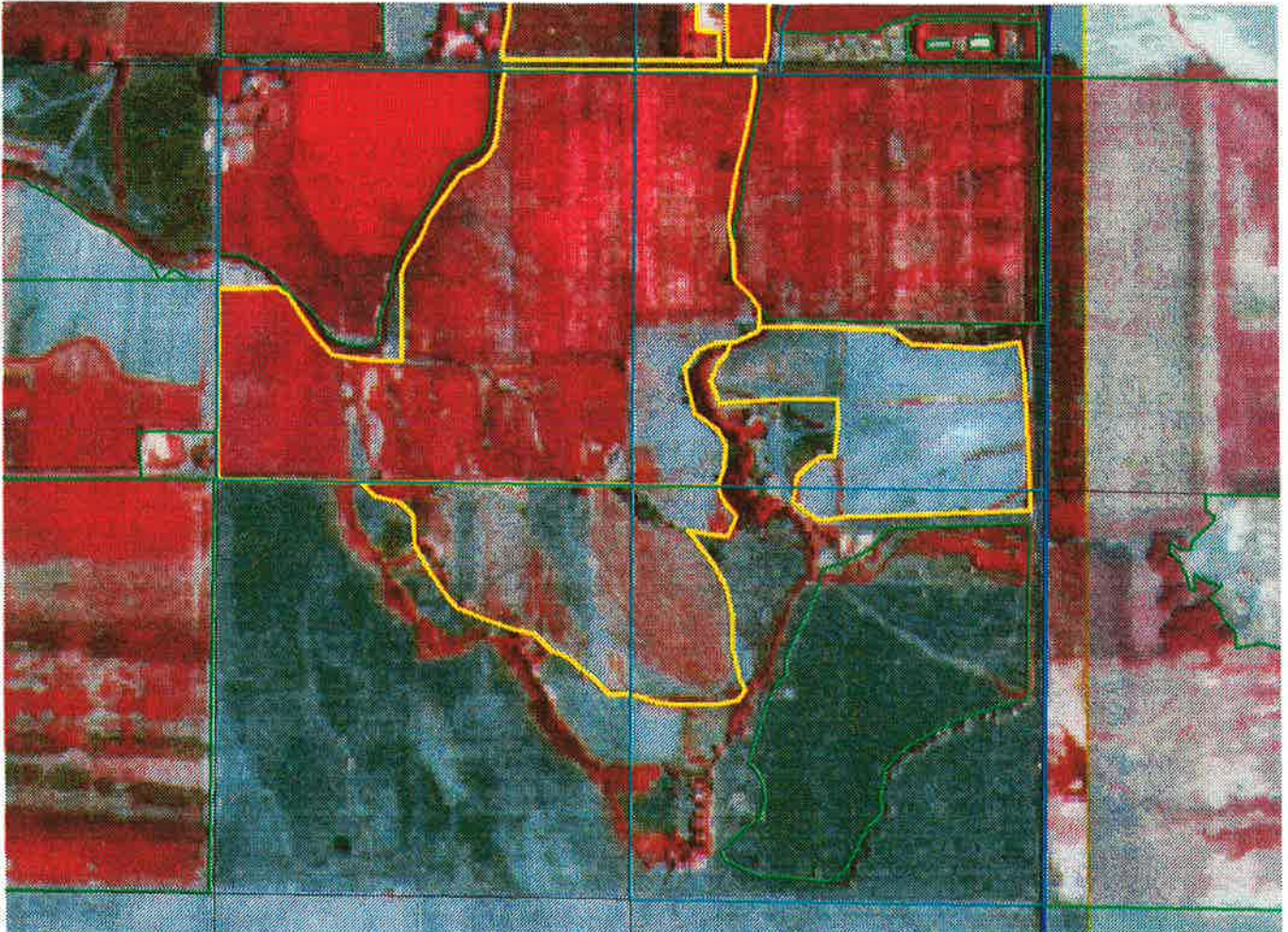
Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND

IDAHO DEPARTMENT OF WATER RESOURCES

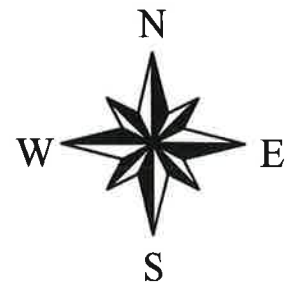
36-00133 & 36-00192

Big Bend Irrigation & Mining Co.



660 0 660 Feet

TNS 7S, RNG 13E



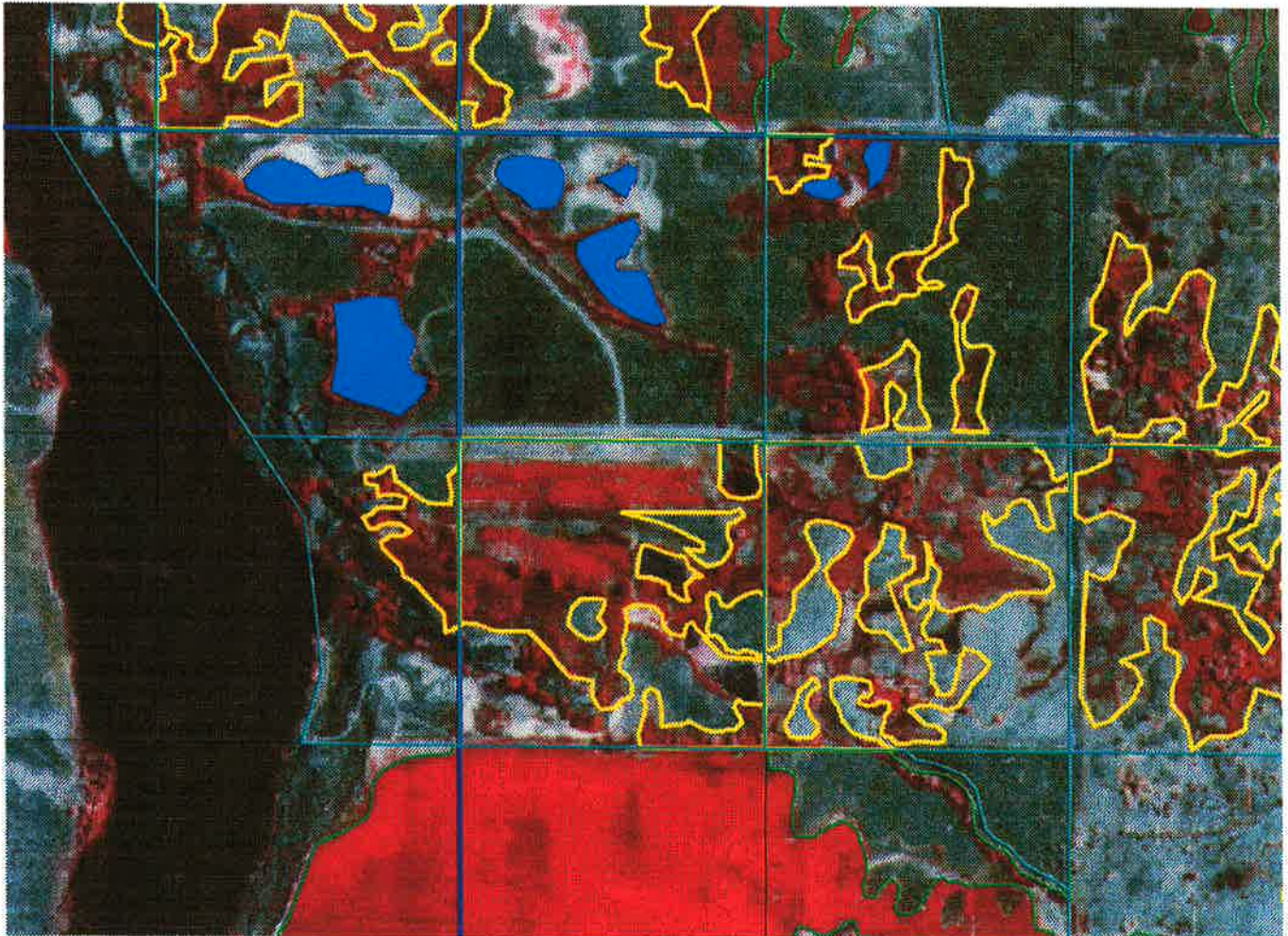
-  Claimed Place of Use Borders
-  Recommended Point of Diversion
-  Recommended Place of use
-  Section lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND

IDAHO DEPARTMENT OF WATER RESOURCES

36-00133 & 36-00192

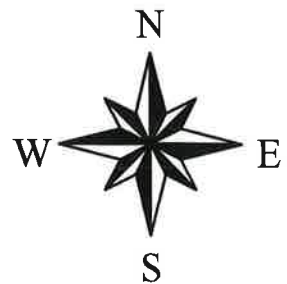
Big Bend Irrigation & Mining Co.



660 0 660 Feet



TNS 7S, RNG 13E



Claimed Place of Use Borders

◉ Recommended Point of Diversion



Recommended Place of use



Section lines



Quarter/Quarter Lines

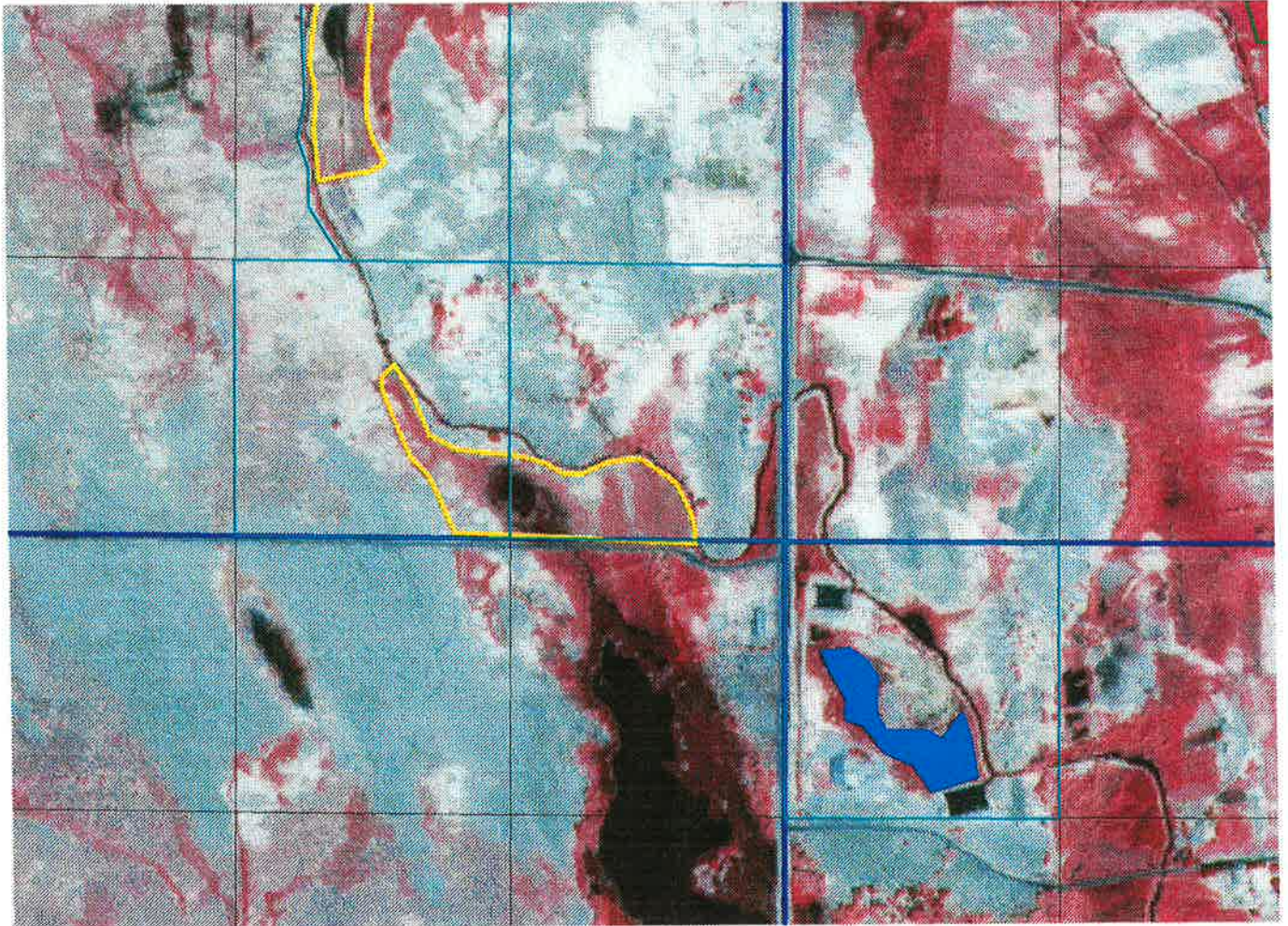
GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND

ASCS SLIDE #55

IDAHO DEPARTMENT OF WATER RESOURCES

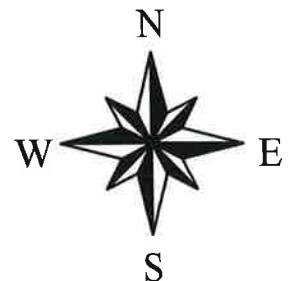
36-00133 & 36-00192

Big Bend Irrigation & Mining Co.



660 0 660 Feet

TNS 7S, RNG 13E



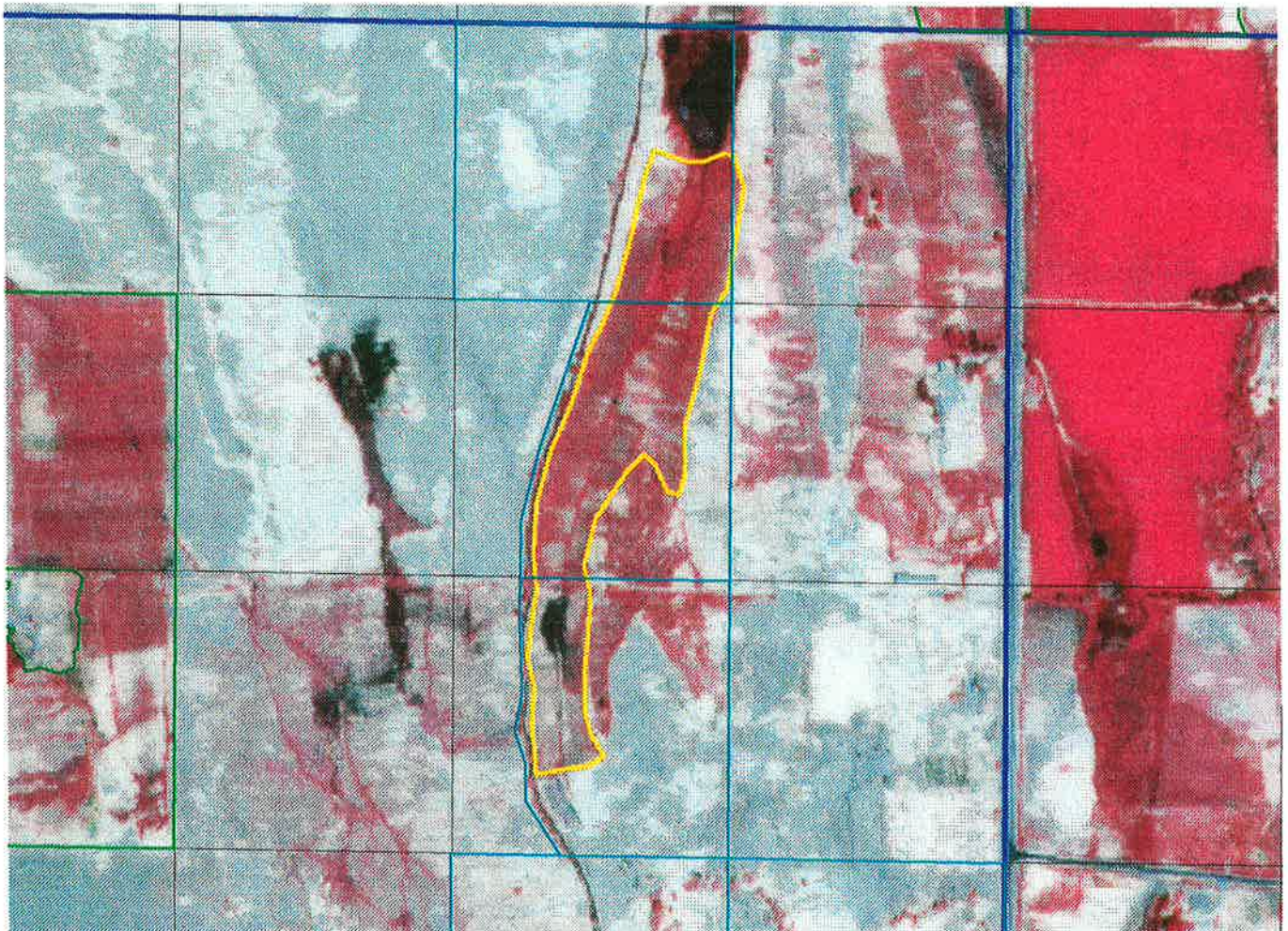
-  Claimed Place of Use Borders
-  Recommended Point of Diversion
-  Recommended Place of use
-  Section lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND

IDAHO DEPARTMENT OF WATER RESOURCES

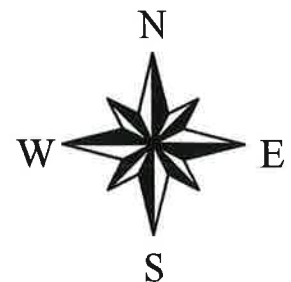
36-00133 & 36-00192

Big Bend Irrigation & Mining Co.



660 0 660 Feet

TNS 7S, RNG 13E



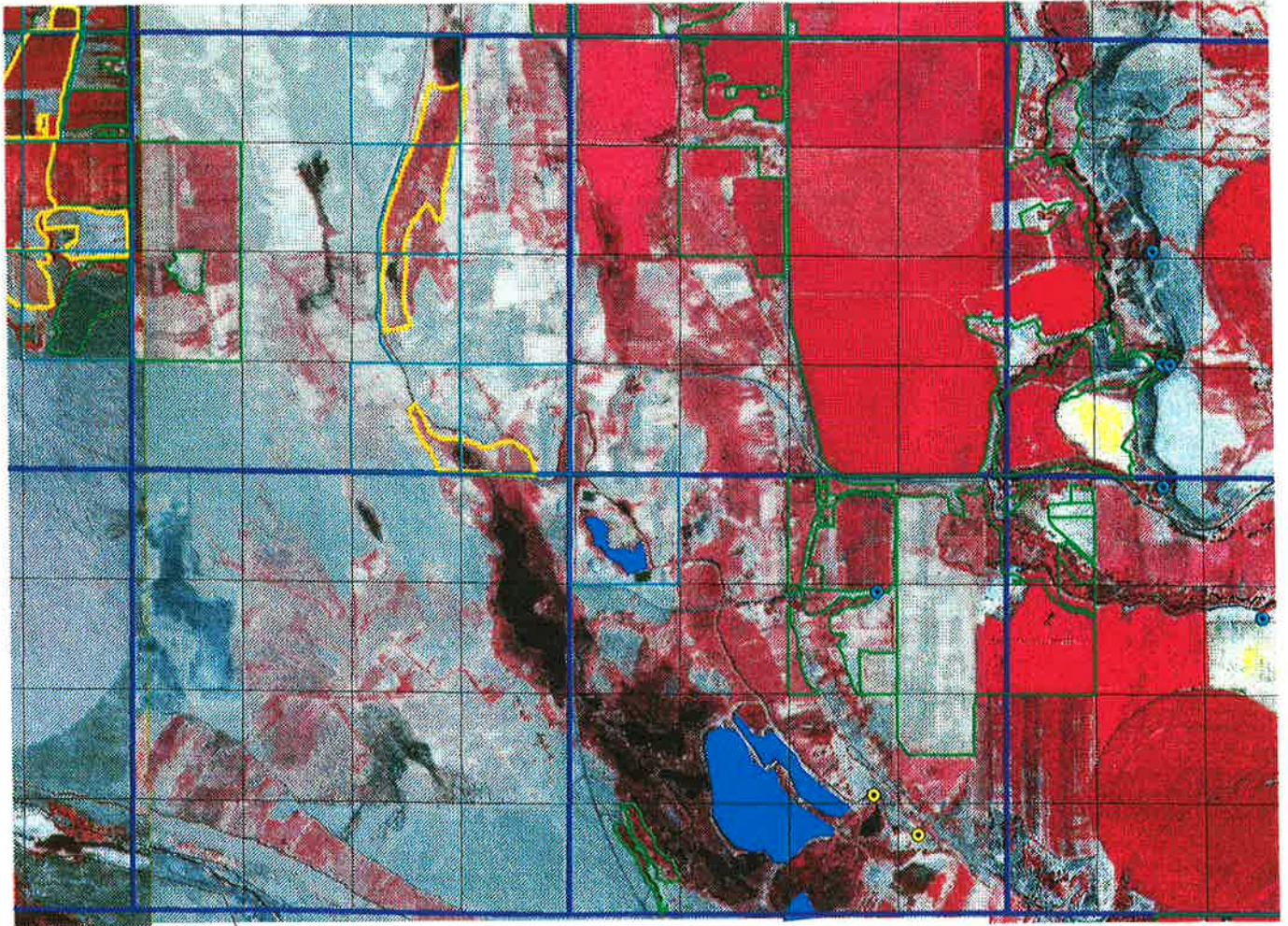
-  Claimed Place of Use Borders
-  Recommended Point of Diversion
-  Recommended Place of use
-  Section lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND

IDAHO DEPARTMENT OF WATER RESOURCES

36-00133 & 36-00192

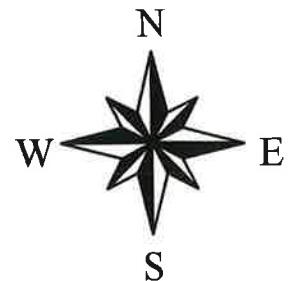
Big Bend Irrigation & Mining Co.



660 0 660 Feet



TNS 7S, RNG 13E



Claimed Place of Use Borders

⊙ Recommended Point of Diversion



Recommended Place of use



Section lines

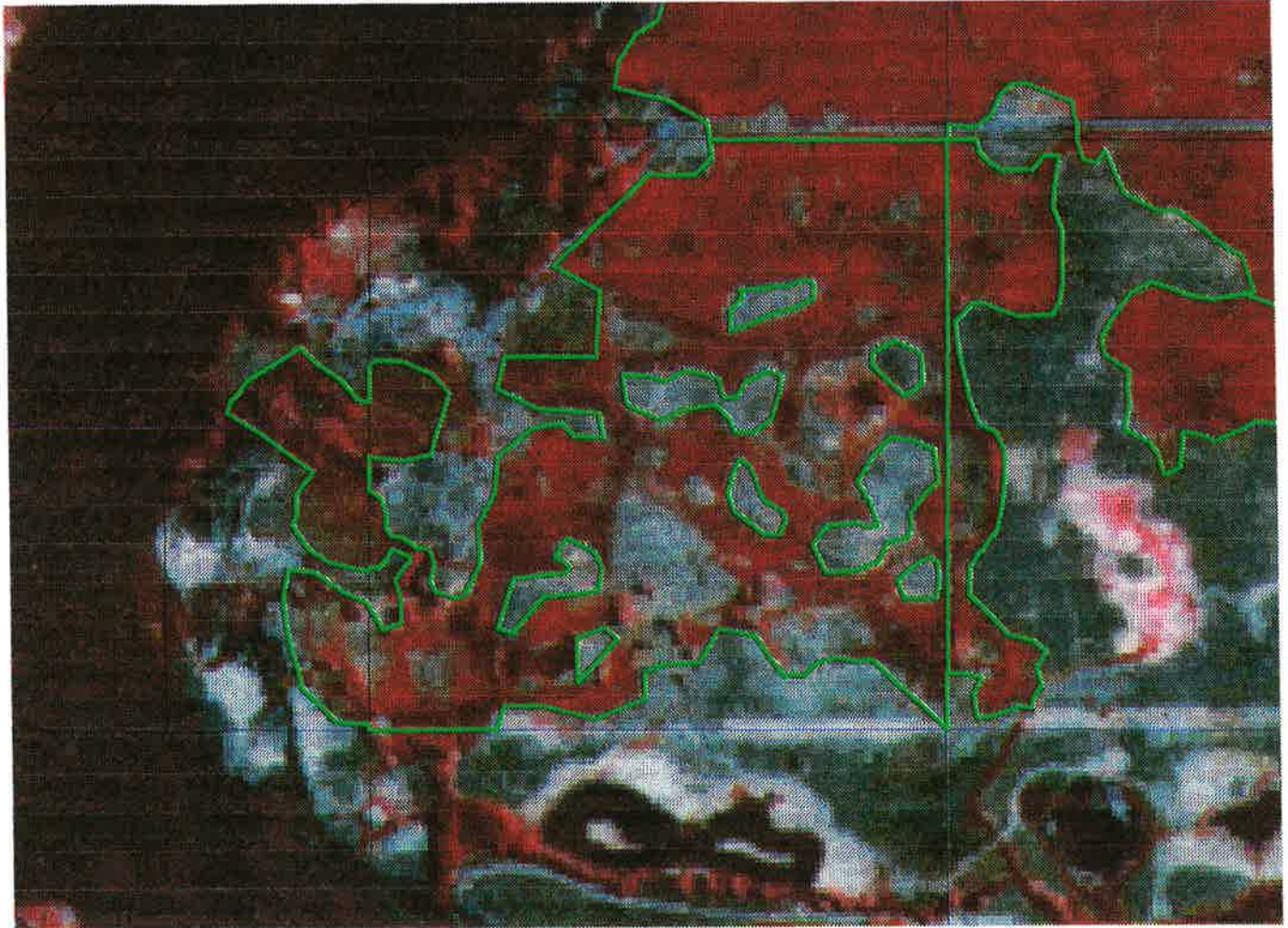


Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND

IDAHO DEPARTMENT OF WATER RESOURCES

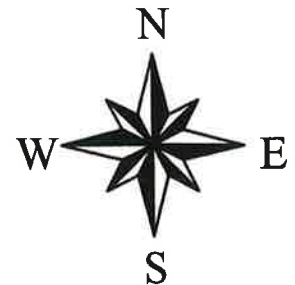
**36-00133 & 36-00192
BIG BEND IRRIGATION**



660 0 660 Feet

A horizontal scale bar with three segments. The first segment is labeled '660', the second is labeled '0', and the third is labeled '660 Feet'.

**TNS 7S, RNG 13E
SEC 16, SWSE & SESE**



⊙ **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 DECEMBER 27, 1997
BY STEVE CLELLAND

COMMUNICATION DOCUMENTATION

Claim No. BBI

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

IDWR Employee/Agent Steve Clelland

5/13/99 11:17 AM

NAME:

RE:

DANA HOFSTETTER

CALLIN

BBI RESPONSE ON POU

She wanted me to call her and answer questions on the POU for BBI. I told her the difference in the acres from 1992 recommendation and the 1999 recommendation is based on the GIS calculation of irrigated acreage. The 393 acres of 1992 is less accurate. GIS has proven to be very accurate since its use was adopted and that is the data used in the recommendation for BBI. I did not know where BBI got the acre figure of 567 and I relayed this concern to the new BBI president, Paul Burton, this very day.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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

IDWR Employee/Agent Steve Clelland

5/13/99 9:00-11:00 AM

NAME:

RE:

PAUL BURTON

APPT. FOR BBI

REVIEW POU ON BBI

We met to discuss the process of the Objection phase of the claims. Mr. Burton is the new president of BBI and had a few questions about the claims and SRBA. We discussed the POU and the boundary lines. I showed him on the PC-GIS where the possible acre disagreements may be and explained the issues with Western Legends. We will have the chance to discuss a solution for this claim in future settlements.

He had questions on the season of use for the Wildlife uses... I could not find any documentation addressing the change in the season of use from the irrigation season to the year around season. The uses for Wildlife were considered and accomplished transfer in the nature of use from irrigation. This may have been an oversight by IDWR in the recommendation for BBI. He was going to call Nick S. to discuss IDWR's position and possible options. If other parties disagree with the results it would seem appropriate to object to the BBI rights. It does not seem appropriate to base other recommendations of the court upon these possible errors as a matter of precedence. Phone: 334-4525.

TRANSMITTAL COVER SHEET

TO: Roxanne & Nick

TOTAL PAGES SENT: 5
(including cover sheet)

DOCUMENT DESCRIPTION: R-Records for BBI

FROM:

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

PHONE: 736-3033
FAX: 736-3037

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RESULT
MODE

TIME : 03/08/1999 17:10
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

AJ0749NP
No. R36-00133

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

DATE: 03/08/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BIG BEND IRRIGATION & MINING CO C/O IVAN GUS GUSTAFSON PO BOX 209 HAGERMAN ID 83332 (208) 837-6622	12/17/1903	IRRIGATION	03-15 11-15	20.00 CFS	
			STOCKWATER	03-15 11-15	0.23 CFS	
			STOCKWATER	11-16 03-14	1.03 CFS	
			WILDLIFE	03-15 11-15	6.34 CFS	
			WILDLIFE	11-16 03-14	11.60 CFS	
			WILDLIFE STORAGE	01-01 12-31		2.50 AFA
			DOMESTIC	11-16 03-14	0.28 CFS	
			DOMESTIC	03-15 11-15	0.06 CFS	
TOTAL DIVERSION:					20.00 CFS	

Water Source: TUCKER SPRINGS, UPPER Tributary to: RILEY CREEK Stage: DECREED

Point(s) of Diversion: T07S R13E S36 NWSESE GOODING County

POU County:

Non-Irrigation Uses: 2 HOMES

Other Rights: 36-00192

Conditions of Approval:

- C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- N09 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N14 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 34.05 CFS FOR ALL USES IDENTIFIED DURING THE IRRIGATION SEASON AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.91 CFS DURING THE NON-IRRIGATION SEASON.

POU1 PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION & MINING CO. TOTAL IRRIGATED ACRES: 339.0 AC.
USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 339.0 ACRES IN A SINGLE IRRIGATION SEASON.

EXP WATER IS DELIVERED THROUGH THE BIG BEND DITCH.
STOCK, 1000 MIXED; WILDLIFE, PONDS AND HABITAT.

AJ0749NP
No. R36-00133

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

DATE: 03/08/99
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	03/08/1999	Objection Filed Date:
Misc:	Water District Number: 36A	Field Inspection Flag:		
		Presumption Flag:	C	

AJ0749NP
No. R36-00192

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

DATE: 03/08/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	BIG BEND IRRIGATION & MINING CO C/O IVAN GUS GUSTAFSON PO BOX 209 HAGERMAN ID 83332 (208) 837-6622	04/01/1906	IRRIGATION	03-15	11-15	15.00 CFS	2.50 AFA
			STOCKWATER	03-15	11-15	0.23 CFS	
			STOCKWATER	11-16	03-14	1.03 CFS	
			WILDLIFE	03-15	11-15	6.34 CFS	
			WILDLIFE	11-16	03-14	11.60 CFS	
			WILDLIFE STORAGE	01-01	12-31		
			DOMESTIC	11-16	03-14	0.28 CFS	
			DOMESTIC	03-15	11-15	0.06 CFS	
			TOTAL DIVERSION:			15.00 CFS	

Water Source: TUCKER SPRINGS, LOWER

Tributary to: RILEY CREEK

Stage: DECREED

Point(s) of Diversion: T07S R13E S36

SENWSE

GOODING County

POU County:

Non-Irrigation Uses: 2 HOUSES

Other Rights: 36-00133

Conditions of Approval:

- C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- N09 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N14 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 36-00133 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 34.05 CFS FOR ALL USES IDENTIFIED DURING THE IRRIGATION SEASON AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.91 CFS DURING THE NON-IRRIGATION SEASON.

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EXP WATER IS DELIVERED THROUGH THE BIG BEND DITCH.
STOCK, 1000 MIXED; WILDLIFE, PONDS AND HABITAT.

AJ0749NP
No. R36-00192

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

DATE: 03/08/99
PAGE: 2

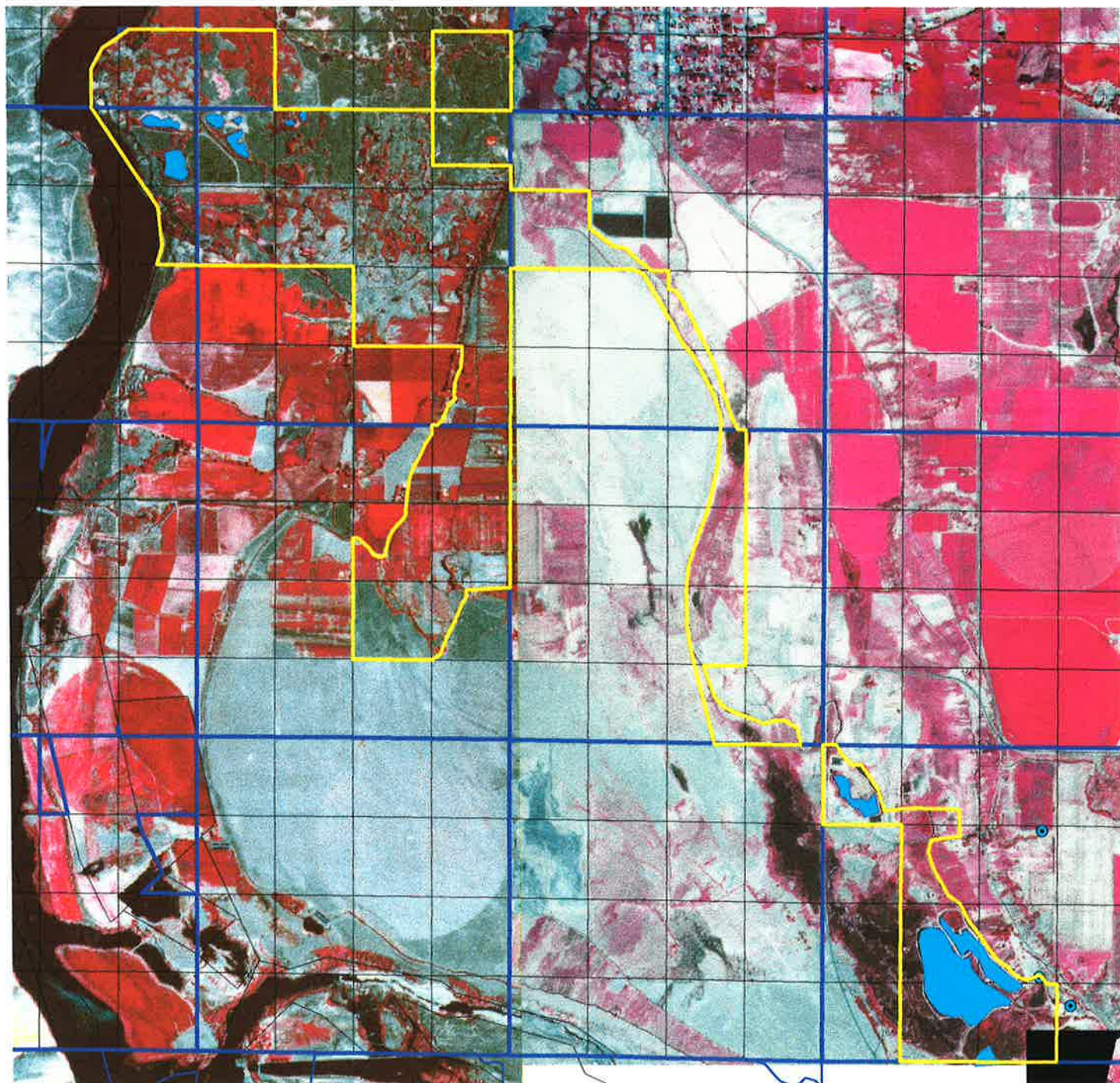
=====

Dates: Exam Made Date: Verified Date: 03/08/1999 Objection Filed Date:

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

IDAHO DEPT OF WATER RESOURCES

BIG BEND IRRIGATION



5280

0

5280 Feet

POU BOUNDARY

- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ∩ SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: MARCH 8, 1999



Before Amended

DATE: 07/15/98
PAGE: 1

GOODING County

NF

TOTAL ACRES

Remarks: GEN LAND CLAIMED IS APPROXIMATE BASED ON SHARES OWNED BY VARIOUS SHAREHOLDERS. SOME OF THE LAND IS ALSO IRRIGATED FROM OTHER DITCHES. SOME LAND IS ABOVE THE DITCH, AND IS IRRIGATED VIA PUMPS IN THE DITCH; EXPANSION IS CLAIMED UNDER SEC. 42-1416 OF THE IDAHO CODE. A LOT OF LAND IN THE HAGERMAN VALLEY WAS PUT UNDER SPRINKLERS FROM 1972 THRU 1985, POSSIBLY DOUBLING THE AMOUNT OF LAND IRRIGATED. THE VOLUME CLAIMED IS FOR 20 CFS FLOWING CONTINUOUSLY ALL YEAR. BETWEEN A 50% DITCH LOSS THRU 9 MILES OF THE BIG BEND DITCH & BENEFICIAL USE, ALMOST ALL OF THIS WATER IS CONSUMED. DUE TO MILD CONDITIONS IN THE HAGERMAN VALLEY, SOME IRRIGATION OCCURS ALL YEAR. EXCEPT FOR A FEW OTHER DIVERSIONS, ALL THE WATER FROM UPPER & LOWER TUCKER SPRINGS FLOWS THRU THE

AJ5809NP
No. A36-00133

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/15/98
PAGE: 2

Remarks: BIG BEND DITCH ALL YEAR.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 36A

Field Inspection Flag:

Presumption Flag: D

AJ5809NP
No. A36-00192

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/15/98
PAGE: 3

Before Amended

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BIG BEND IRRIGATION & MINING CO C/O CATHERINE SAUL 2751 S 850 E HAGERMAN ID 83332 (208) 837-6622	04/01/1906	IRRIGATION	01-01 12-31	15.00 CFS	
TOTAL DIVERSION:					15.00 CFS	10859.70 AFA
CONSUMPTIVE USE:						2637.00 AFA

Water Source: TUCKER SPRINGS, LOWER

Tributary to: RILEY CREEK

Stage: DECREED

Point(s) of Diversion:

T07S R13E S36

NESWSE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:		
07S	13E	15	:					:					:					:					:	20.0	
07S	13E	16	:					:					:				10	:					:	40.0	
07S	13E	21	:	01-35	01-05		05-18	:					:					:	03-10			15	06-15	:	58.0
07S	13E	22	:		09	40	40	:	37	40	40	40	:	04				:	15	40		29	:	374.0	
07S	13E	23	:					:			25	20	:	15				:					:	60.0	
07S	13E	26	:			40	30	:					:					:		19	40	27	:	156.0	
07S	13E	27	:		29		40	:					:					:	40				:	149.0	
07S	13E	36	:					:		22			:					:					:	22.0	
																							TOTAL ACRES		879.0

POU County: GOODING

Other Rights: A36-00133, A36-02007

Remarks: GEN LAND CLAIMED IS APPROXIMATE BASED ON SHARES OWNED BY VARIOUS SHAREHOLDERS. SOME OF THE LAND IS ALSO IRRIGATED FROM OTHER DITCHES. DUE TO THE MILD CONDITIONS IN THE HAGERMAN VALLEY, SOME IRRIGATION OCCURS ALL YEAR. DITCH LOSS THRU 9 MILES OF THE BIG BEND DITCH IS ABOUT 50%, SO ALL THE WATER DIVERTED IS NEEDED TO INSURE DELIVERY TO ALL THE SHAREHOLDERS. EXCEPT FOR A FEW OTHER DIVERSIONS, ALL THE OUTPUT OF THE UPPER & LOWER TUCKER SPRINGS RUNS THRU THE BIG BEND DITCH ALL YEAR. SOME LAND IRRIGATED IS ABOVE THE DITCH, AND IS IRRIGATED BY PUMPS IN THE DITCH; EXPANSION IS CLAIMED UNDER SEC. 42-1416 OF THE IDAHO CODE. VOLUME CLAIMED IS 15 CFS FLOWING CONTINUOUSLY ALL YEAR. BETWEEN DITCH LOSS & BENEFICIAL USE, NEARLY ALL THE WATER IS CONSUMED. A LOT OF LAND IN THE HAGERMAN VALLEY WAS PUT UNDER SPRINKLERS FROM 1972 THRU 1985, POSSIBLY DOUBLING THE AMOUNT OF LAND IRRIGATED.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 36A

Field Inspection Flag:
Presumption Flag: D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BIG BEND IRRIGATION & MINING CO C/O CATHERINE SAUL 2751 S 850 E HAGERMAN ID 83332 (208) 837-6622	12/17/1903	IRRIGATION STOCKWATER STOCKWATER WILDLIFE WILDLIFE WILDLIFE STORAGE DOMESTIC DOMESTIC	03-15 11-15 03-15 11-15 11-16 03-14 03-15 11-15 11-16 03-14 01-01 12-31 11-16 03-14 03-15 11-15	20.00 CFS 0.23 CFS 1.03 CFS 6.34 CFS 11.60 CFS 0.28 CFS 0.06 CFS	 2.50 AFA
TOTAL DIVERSION:					20.00 CFS	

Water Source: TUCKER SPRINGS, UPPER

Tributary to: RILEY CREEK

Stage: DECREED

Point(s) of Diversion:

T07S R13E S36

NWSESE

GOODING County

Place of use Legal Description for: IRRIGATION

Large Reservoirs for Irrigation																															
NE								NW								SW								SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM							
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:						
07S	13E	15	:					:						:					:					:							
07S	13E	16	:					:						:					:					:	10.0						
07S	13E	21	:				05-15	:						:					:				06-28	:	28.0						
07S	13E	22	:		04	30	25	:	05		37	27	:					:	15	13		08	:	15.0							
07S	13E	23	:					:			23		:					:					:	23.0							
07S	13E	26	:		10	17		:					:					:					:	54.0							
07S	13E	27	:	18	07	25	22	:					:					:	12	15	07	10	:	99.0							
																							TOTAL ACRES		:	393.5					

Place of use Legal Description for: STOCKWATER

NE																								NW								SW								SE							
T	R	S	:	NENE		NWNE		SWNE		SENE		:	NENW		NWNW		SWNW		SENW		:	NESW		NWSW		SWSW		SESW		:	NESE		NWSE		SWSE		SESE										
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac									
07S	13E	22	:			S		S				:	S						S		:							:																			
07S	13E	23	:									:					S				:							:																			
07S	13E	26	:			S		S				:									:							:			S		S		S		S										

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE																			
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
07S	13E	22				S		S				S						S																
07S	13E	23														S																		
07S	13E	26				S		S																				S			S		S	

Place of use Legal Description for: WILDLIFE

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	13E	21	:	W															
07S	13E	22	:																
07S	13E	36	:																
08S	13E	1	:			02-W								W				W	

Place of use Legal Description for: WILDLIFE

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	13E	21	:	W															
07S	13E	22	:																
07S	13E	36	:																
08S	13E	1	:			02-W								W				W	

Place of use Legal Description for: WILDLIFE STORAGE

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	13E	22	:																
			:																
			:																

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	13E	21	:																
07S	13E	22	:	D															

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	13E	21	:																
07S	13E	22	:	D															

POU County: GOODING

Non-Irrigation Uses: 2 HOMES

Other Rights: 36-00192

Conditions of Approval:

- C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
- TO SECTION 42-1425, IDAHO CODE.

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 34.05 CFS FOR ALL USES.
IDENTIFIED DURING THE IRRIGATION SEASON AND IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 12.91 CFS DURING THE NON-IRRIGATION
SEASON.

POU1

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 393.5 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.
STOCK, 1000 MIXED; WILDLIFE, PONDS AND HABITAT.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 36A

Field Inspection Flag:

Presumption Flag: C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BIG BEND IRRIGATION & MINING CO C/O CATHERINE SAUL 2751 S 850 E HAGERMAN ID 83332 (208) 837-6622	04/01/1906	IRRIGATION STOCKWATER STOCKWATER WILDLIFE WILDLIFE WILDLIFE STORAGE DOMESTIC DOMESTIC	03-15 11-15 03-15 11-15 11-16 03-14 03-15 11-15 11-16 03-14 01-01 12-31 11-16 03-14 03-15 11-15	15.00 CFS 0.23 CFS 1.03 CFS 6.34 CFS 11.60 CFS 0.28 CFS 0.06 CFS	 2.50 AFA
TOTAL DIVERSION:					15.00 CFS	

Water Source: TUCKER SPRINGS, LOWER

Tributary to: RILEY CREEK

Stage: DECREED

Point(s) of Diversion:

T07S R13E S36

SENVSE

GOODING County

Place of use Legal Description for: IRRIGATION

IRRIGATION																																										
NE												NW				SW				SE																						
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM																		
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:																	
07S	13E	15	:											:											:																	
07S	13E	16	:											:			10								:	10.0																
07S	13E	21	:											:									06-28		:	28.0																
07S	13E	22	:			04	30		05-15					:	05			37	27						:	15.0																
07S	13E	23	:									23		:						15	13		08		:	164.5																
07S	13E	26	:			10	17							:							10	07	10		:	23.0																
07S	13E	27	:	18	07	25	22							:						12	15				:	54.0																
																					TOTAL ACRES				:									:								
																									:									:								99.0
																									:									:								393.5

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
07S	13E	22	:		S	S		:	S			S	:					:					:
07S	13E	23	:					:			S		:					:		S			:
07S	13E	26	:		S	S		:					:					:		S	S	S	:

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
07S	13E	22	:		S	S		:	S			S	:					:					:
07S	13E	23	:					:			S		:					:		S			:
07S	13E	26	:		S	S		:					:					:		S	S	S	:

Place of use Legal Description for: WILDLIFE

			NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac
07S	13E	21	:	W				:					:					:				
07S	13E	22	:					:	W		W		:					:				
07S	13E	36	:					:			W		:	W				:			W	W
08S	13E	1	:			02-W		:					:	W			W	:		W		W

Place of use Legal Description for: WILDLIFE

			NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac
07S	13E	21	:	W				:					:					:				
07S	13E	22	:					:	W		W		:					:				
07S	13E	36	:					:			W		:	W				:			W	W
08S	13E	1	:			02-W		:					:	W			W	:			W	

Place of use Legal Description for: WILDLIFE STORAGE

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	13E	22	:					:					:					:						:	
								W																	

Place of use Legal Description for: DOMESTIC

NE								NW								SW								SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:								
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:						
07S	13E	21	:				05-D	:					:					:						:							
07S	13E	22	:	D				:					:					:						:							

Place of use Legal Description for: DOMESTIC

			NE				NW				SW				SE																			
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	13E	21							05-D																									
07S	13E	22		D																														

POU County: GOODING

Non-Irrigation Uses: 2 HOUSES

Other Rights: 36-00133

Conditions of Approval:

- C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
- TO SECTION 42-1425, IDAHO CODE.

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 36-00133 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 34.05 CFS FOR ALL USES
IDENTIFIED DURING THE IRRIGATION SEASON AND IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 12.91 CFS DURING THE NON-IRRIGATION
SEASON.

POU1

USE OF THIS RIGHT WITH RIGHT NO. 36-00133 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 393.5 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.
STOCK, 1000 MIXED; WILDLIFE, PONDS AND HABITAT.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 36A

Field Inspection Flag:

Presumption Flag: C

RECEIVED

DEC 02 1998

Department of Water Resources
Southern Region

RECEIVED

NOV 27 1998

Department of Water Resources
Adjudication Bureau

1998 NOV 25 AM 11:18

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED DL

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 36-00133 and 36-00192

ORDER VACATING TRIAL DATE
and SECOND ORDER SETTING
DEADLINES

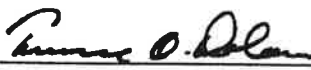
On July 31, 1998, an *Order Setting Deadlines* was entered setting a date for IDWR to lodge an *Amended Director's Report*, plus deadlines for filing of objections and responses. Then, on November 3, 1998, an *Order Setting Trial Date* was entered.

However, on November 24, 1998, counsel for IDWR contacted the SRBA Court to say that IDWR will not be able to complete an *Amended Director's Report* until mid-January, 1999, after which the objection and response periods must run. Counsel also advised the Court that counsel for claimant Big Bend Irrigation & Mining Company does not oppose the delays.

THEREFORE, FOR GOOD CAUSE SHOWN, IT IS ORDERED:

1. That the trial date of December 10, 1998, is hereby **vacated**;
2. That IDWR shall investigate the amended claims and lodge with the SRBA Court *Amended Director's Reports* no later than Friday, **January 15, 1999**;
3. That objections to the *Amended Director's Reports* shall be filed no later than Monday, **March 1, 1999**; and
4. That responses to the objections, if any, shall be filed no later than Monday, **March 22, 1999**.

DATED November 25, 1998.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

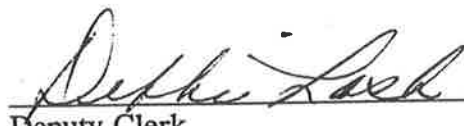
I certify that a true and correct copy of the ORDER VACATING TRIAL DATE and SECOND ORDER SETTING DEADLINES was mailed on November 25, 1998, with sufficient first-class postage to the following:

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

Lloyd J. Webb
Box 1768
Twin Falls, Idaho 83303-1768

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

Idaho Department of Fish and Game
Parks and Rec. Dept.
Statehouse Mail
Boise, Idaho 83720


Deputy Clerk

LLOYD J. AND CURTIS R. WEBB

L A W Y E R S

LLOYD J. WEBB, CHARTERED*

CURTIS R. WEBB

*ALSO ADMITTED IN
UTAH AND ALASKA

155 2ND AVENUE NORTH
P.O. BOX 1768
TWIN FALLS, ID 83303-1768
TELEPHONE 208/734-1616
FAX NO. 208/734-5769

October 29, 1998

RECEIVED
OCT 30 1998
Department of Water Resources
Southern Region

JOHN MARSHALL
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Big Bend Mining and Irrigation Co.

Dear John:

Please find enclosed a letter this day sent to Judge Dolan.

If you have conflicts during periods of time not noted in my letter as unavailable to me, I would request that you indicate them to the Judge and to me.

Let's hope that we can complete this matter this year.

Sincerely yours,



LLOYD J. WEBB

LJW:bc

cc: Ivan Gustafson

LLOYD J. AND CURTIS R. WEBB

L A W Y E R S

LLOYD J. WEBB, CHARTERED*

CURTIS R. WEBB

*ALSO ADMITTED IN
UTAH AND ALASKA

155 2ND AVENUE NORTH

P.O. BOX 1768

TWIN FALLS, ID 83303-1768

TELEPHONE 208/734-1616

FAX NO. 208/734-5769

October 29, 1998

RECEIVED

OCT 30 1998

Department of Water Resources
Southern Region

SPECIAL MASTER TERRANCE DOLAN
SRBA Chambers
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: Big Bend Mining and Irrigation

Dear Judge Dolan:

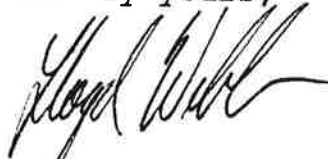
I am back from my stint as District Judge Pro Tem and would like to get the Big Bend matter completed this year, if possible.

I would be available any time during the balance of the year, except during these periods of time:

November 4 through 13
November 19 through 27
December 14 through 18.

If you can find an availability during the next two months (excluding the periods noted), which is also workable to the Department of Water Resources, I would appreciate it.

Sincerely yours,



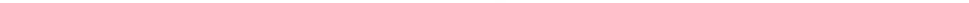
LLOYD J. WEBB

LJW:bc

cc: John Marshall
Ivan Gustafson

COMMUNICATION DOCUMENTATION

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

□ 

NAME:

KENT SKAAR

CALLIN

RE:

BBI ISSUES

He is having problems from the BBI regarding his use of the water above the ditch... I told him he is covered by the water right as it is to be listed with the SRBA recommendation. I told him earlier, when he came to file a transfer to cover the use, that if I used the boundary law it could make the transfer unnecessary. Our admin. wants to do this so he doesn't need to file a transfer.

COMMUNICATION DOCUMENTATION

He asked about the up coming settlement conf. next week and I agreed it is still on as scheduled. He wanted to know what my position was... I told him the share ditch water will be listed as belonging to the Tzanakakis' and Shappes will get the BBI water as we discussed at the last hearing. Now Mr. Shappe wants to have some of the Share ditch water also in exchange for the ditch easement across his land. I think this is best handled at the sett. conf. next week.

COMMUNICATION DOCUMENTATION

THEY REQUESTED COPIES OF THE FILES AND I PROVIDED COPIES OF SELECT PAGES AT THIS TIME.

COMMUNICATION DOCUMENTATION

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

6/10/98 10:30 PM

REVIEW NEEDED AMENDMENTS

I AGREED TO INCLUDE A TOTAL OF 13 ACRES AT THE ADAMSON Q-Q AND TO ADD THE 14 ACRES IN THE SOUTH Q-Q OF CHILDS. I HAD REVIEWED THE CHILDS INFO WITH DICK COOK ON GIS MAPS. UNCLEAR AT THIS POINT WHAT MAY BE CLAIMED UNDER THE WESTERN LEG. AND JENSEN PORTIONS.

He wanted to get a copy of the large BBI map used in the meeting and prepared by Marci Pape. After talking it over I decided to give him my copy; I will try to get another if needed.

COMMUNICATION DOCUMENTATION

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BBI FEES ON AMENDMENT

She asked if BBI had fees due... I told her they probably did have some for the wildlife and irrigation increases on the amended claim. She will route them my way to advise of the fees.

She wanted to know how the amendment of the BBI claim was progressing... I told her of my meeting with Mr. Webb and I mentioned we did not discuss the addition of any wildlife uses. I am aware of Western Legends' claim to water in the Duck Pond from the BBI. She will contact Mr. Webb.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 29, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**CHRISTIE DAVIS
PO BOX 749
HAGERMAN ID 83332**

RE: Listing of Water Rights on Big Bend System

Dear Ms. Davis,

Enclosed are the printouts of all the water rights that divert from the same source as the Big Bend Irrigation rights. Hope this helps answer your questions regarding this matter.

Please feel free to call me if you need further assistance.

Sincerely,

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

**STEVE CLELLAND
Sr. Water Resource Agent**

ENC:

Phone: 837-6494

OD-5813
AJ5813NP
SELECTION FILE: SCLELLAN-1248194

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

DATE: 06/29/98
TIME: 12:49:58
PAGE: 1

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (1 or less)

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	S T G	POINT OF DIVERSION	F L G	TOTAL DIVERSION	POD DIVERSION NAME	*M P U O S D E
=====								
WATER SOURCE: TUCKER SPRING								

36-08317	GARY COOK CORP	10/20/1986	P 07S	13E 36 SENWSE		3.000 CFS		Y 17
36-08317	GARY COOK CORP	10/20/1986	P 07S	13E 22 SENWNW	R	3.000 CFS		Y 17
				TOTAL:		3.000 CFS		
WATER SOURCE: TUCKER SPRINGS, LOWER								

36-00192	BIG BEND IRRIGATION & MINING CO	04/01/1906	D 07S	13E 36 SENWSE		15.000 CFS		N 01
36-04142	LLOYD, CLEAVE	04/01/1960	D 07S	13E 36 NWSESE		8.230 CFS		Y 28
36-04142	LLOYD, CLEAVE	04/01/1960	D 07S	13E 36 SENWSE		8.230 CFS		Y 28
36-07237	RAY, LEO E	04/21/1972	D 07S	13E 36 NWSESE		30.000 CFS		Y 19
36-07237	RAY, LEO E	04/21/1972	D 07S	13E 36 SENWSE		30.000 CFS	BIG BEND DITCH	Y 19
36-07762	FLYING TRIANGLE INC	11/10/1977	D 07S	13E 36 SENWSE		30.000 CFS	BIG BEND DITCH	Y 19
36-07762	FLYING TRIANGLE INC	11/10/1977	D 07S	13E 36 NWSESE		30.000 CFS	BIG BEND DITCH	Y 19
36-07865	RAY, LEO E	07/06/1979	D 07S	13E 36 NWSESE		30.000 CFS		Y 19
36-07865	RAY, LEO E	07/06/1979	D 07S	13E 36 SENWSE		30.000 CFS	BIG BEND DITCH	Y 19
36-08318	FORGEON, RALPH	10/28/1986	D 07S	13E 36 NWSESE		3.950 CFS		Y 17
36-08318	FORGEON, RALPH	10/28/1986	D 07S	13E 36 SENWSE		3.950 CFS	BIG BEND DITCH	Y 17
				TOTAL:		15.000 CFS		
WATER SOURCE: TUCKER SPRINGS, UPPER								

36-00194	SALMON FALLS LAND & LIVESTOCK CO IN	04/01/1901	D 07S	13E 36 NWSESE		0.500 CFS		N 04
36-00133	BIG BEND IRRIGATION & MINING CO	12/17/1903	D 07S	13E 36 NWSESE		20.000 CFS		N 01
36-001368	SALMON FALLS LAND & LIVESTOCK CO IN	10/01/1908	D 07S	13E 36 NWSESE		3.330 CFS		N 01
36-00136A	SALMON FALLS LAND & LIVESTOCK CO IN	10/01/1908	D 07S	13E 36 NWSESE		3.610 CFS		N 01
36-00028	STATE OF IDAHO	10/01/1908	D 07S	13E 36 NWSESE		0.160 CFS	PIPELINE DITCH	N 01
36-02478	IDAHO POWER CO	10/21/1939	D 07S	13E 36 NWSESE		3.210 CFS		N 01
36-02056	STATE OF IDAHO	09/16/1947	D 07S	13E 36 NWSESE		3.000 CFS	BIG BEND DITCH	N 19
36-02055	STATE OF IDAHO	09/16/1947	D 07S	13E 36 NWSESE		64.000 CFS		N 19
36-02159	STATE OF IDAHO	04/23/1956	D 07S	13E 36 NWSESE		20.000 CFS		N 19
36-04142	LLOYD, CLEAVE	04/01/1960	D 07S	13E 36 NWSESE		8.230 CFS		Y 28
36-04142	LLOYD, CLEAVE	04/01/1960	D 07S	13E 36 SENWSE		8.230 CFS		Y 28
36-07237	RAY, LEO E	04/21/1972	D 07S	13E 36 SENWSE		30.000 CFS	BIG BEND DITCH	Y 19
36-07237	RAY, LEO E	04/21/1972	D 07S	13E 36 NWSESE		30.000 CFS		Y 19
36-07762	FLYING TRIANGLE INC	11/10/1977	D 07S	13E 36 NWSESE		30.000 CFS	BIG BEND DITCH	Y 19
36-07762	FLYING TRIANGLE INC	11/10/1977	D 07S	13E 36 SENWSE		30.000 CFS	BIG BEND DITCH	Y 19
36-07865	RAY, LEO E	07/06/1979	D 07S	13E 36 NWSESE		30.000 CFS		Y 19
36-07865	RAY, LEO E	07/06/1979	D 07S	13E 36 SENWSE		30.000 CFS	BIG BEND DITCH	Y 19
36-08318	FORGEON, RALPH	10/28/1986	D 07S	13E 36 SENWSE		3.950 CFS	BIG BEND DITCH	Y 17
36-08318	FORGEON, RALPH	10/28/1986	D 07S	13E 36 NWSESE		3.950 CFS		Y 17
				TOTAL:		283.940 CFS		

OD-5813
WR5813NP
SELECTION FILE: SCLELLAN-1244570

IDAHO DEPARTMENT OF WATER RESOURCES
WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

DATE: 06/29/98
TIME: 12:45:58
PAGE: 1

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (only 1)

WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	S T G	POINT OF DIVERSION	F L G	TOTAL DIVERSION	POD DIVERSION NAME	*M P O D	U S E
WATER SOURCE: LOWER TUCKER SPRINGS										
36-08377	TROUTNER, A L		08/28/1988	L 07S	13E 36 NWSESE		1.000 CFS		Y	46
36-08377	TROUTNER, A L		08/28/1988	L 07S	13E 36 SENWSE		1.000 CFS		Y	46
36-08599	COOK, VAY		08/15/1991	A 07S	13E 36 NWSESE		0.740 CFS		Y	01
36-08599	COOK, VAY		08/15/1991	A 07S	13E 36 SENWSE		0.740 CFS		Y	01
WATER SOURCE: TUCKER SPRINGS										
36-08348	RAY, LEO		04/19/1988	P 07S	13E 36 SENWNW	R	30.000 CFS		Y	19
36-08348	RAY, LEO		04/19/1988	P 07S	13E 36 SENWSE		30.000 CFS		Y	19
36-08348	RAY, LEO		04/19/1988	P 07S	13E 36 NESWSE		30.000 CFS		Y	19
36-08348	RAY, LEO		04/19/1988	P 07S	13E 36 NWSESE		30.000 CFS		Y	19
36-08752	GUSTAFSON FAMILY TRUST		04/17/1996	P 07S	13E 36 NWSESE		3.000 CFS		Y	16
36-08752	GUSTAFSON FAMILY TRUST		04/17/1996	P 07S	13E 36 SENWSE		3.000 CFS		Y	16
					TOTAL:		33.000 CFS			
WATER SOURCE: TUCKER SPRINGS, LOWER										
36-08567	BIG BEND MINING & IRRIGATION CO.		10/30/1990	P 07S	13E 36 NWSESE		5.000 CFS		Y	16
36-08567	BIG BEND MINING & IRRIGATION CO.		10/30/1990	P 07S	13E 36 SENWSE		5.000 CFS		Y	16
36-08571	BIG BEND MINING & IRRIGATION		12/25/1990	P 07S	13E 36 NWSESE		4.000 CFS		Y	16
36-08571	BIG BEND MINING & IRRIGATION		12/25/1990	P 07S	13E 23 SWNNW	R	4.000 CFS		Y	16
36-08571	BIG BEND MINING & IRRIGATION		12/25/1990	P 07S	13E 36 SENWSE		4.000 CFS		Y	16
WATER SOURCE: TUCKER SPRINGS, UPPER										
36-08567	BIG BEND MINING & IRRIGATION CO.		10/30/1990	P 07S	13E 36 SENWSE		5.000 CFS		Y	16
36-08567	BIG BEND MINING & IRRIGATION CO.		10/30/1990	P 07S	13E 36 NWSESE		5.000 CFS		Y	16
36-08571	BIG BEND MINING & IRRIGATION		12/25/1990	P 07S	13E 23 SWNNW	R	4.000 CFS		Y	16
36-08571	BIG BEND MINING & IRRIGATION		12/25/1990	P 07S	13E 36 NWSESE		4.000 CFS		Y	16
36-08571	BIG BEND MINING & IRRIGATION		12/25/1990	P 07S	13E 36 SENWSE		4.000 CFS		Y	16
					TOTAL:		9.000 CFS			
WATER SOURCE: UPPER TUCKER SPRINGS										
36-08325	SALMON FALLS SHEEP CO		04/28/1987	L 07S	13E 36 NWSESE		10.400 CFS		N	19
36-08377	TROUTNER, A L		08/28/1988	L 07S	13E 36 SENWSE		1.000 CFS		Y	46
36-08377	TROUTNER, A L		08/28/1988	L 07S	13E 36 NWSESE		1.000 CFS		Y	46
36-08599	COOK, VAY		08/15/1991	A 07S	13E 36 NWSESE		0.740 CFS		Y	01
36-08599	COOK, VAY		08/15/1991	A 07S	13E 36 SENWSE		0.740 CFS		Y	01
					TOTAL:		12.140 CFS			

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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IDWR Employee/Agent Steve Clelland

6/29/98 2:46 PM

NAME:
GUS GUSTAFSON

CALLIN

RE:
WHAT TO DO NEXT?

He wanted to know what he should do next for the BBI claims... he wanted to know how he could get more acres. I told him he needs to show the whole POU being irrigated larger than what we have found to date. I mentioned the efforts to gain more acreage are exact opposite of the rest of the Hagerman valley. They have spent their efforts to show how they need more water on less acres; a greater duty of water. BBI has been trying to show how they have historically used a lesser duty of water for the same area. With a lesser duty of water Gus says they can irrigate more acres than has been recommended by IDWR.

I did tell him the claim as amended is very inaccurate as proposed. The amended claim will fully supersede any previous claims. The claim I have shows the wildlife has been completely left out.

LLOYD J. AND CURTIS R. WEBB

L A W Y E R S

LLOYD J. WEBB, CHARTERED*

CURTIS R. WEBB

*ALSO ADMITTED IN
UTAH AND ALASKA

155 2ND AVENUE NORTH

P.O. BOX 1768

TWIN FALLS, ID 83303-1768

TELEPHONE 208/734-1616

FAX NO. 208/734-5769

June 17, 1998

RECEIVED

JUN 18 1998

DEPARTMENT OF WATER RESOURCES
ATTN: Steve Clelland
1341 Fillmore St., Suite 200
Twin Falls, ID 83303-3380

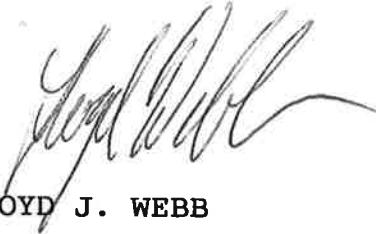
Department of Water Resources
Southern Region

Re: A36-00133
A36-00192

Dear Steve:

The Amended Claim does not address our Stipulation for a revised C.F.S. amount, but only the proposed changes in the place of use. Our agreement, of course, stands as to the quantity of water appropriated.

Sincerely yours,



LLOYD J. WEBB

LJW:bc

cc: IDWR Document Depository, w/enc.
Chief, Natural Resources Division, w/enc.
United States Department of Justice, w/enc.
Ivan Gustafson, w/enc.

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

Indent. Number: A36-00133

Date Received: _____

Received By: _____

DRAFT

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

1. Name: BIG BEND IRRIGATION & MINING CO. 208-837-6622
Address: C/O IVAN GUS GUSTAFSON
P.O. Box 209
HAGERMAN, ID 83332
2. Date of Priority: Dec 17, 1903
3. Source: TUPPER SPRINGS, UPPER Trib. to: RILEY CREEK
4. Point of Diversion

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	36	NW	SE	SE		GOODING
5. Description of diverting works:
CHECK DAM & WEIR TO BIG BEND DITCH, GRAVITY & SPRINKLER IRRIG.
6. Water is used for the following purposes:

Purpose	From	To	C.S.F.	(or)	A.F.A.
IRRIGATION	01/01	12/31	20.000		
DOMESTIC	01/01	12/31	0.500		
STOCKWATER	01/01	12/31	1.200		
7. Total Quantity Appropriated is:
20.000 C.F.S. (and/or) 14479.60 A.F.A.
8. Total Consumptive use is 14479.6 Acre Feet Per Annum.
9. Non-irrigation uses:
FISH PROPAGATION/ WILD LIFE/WILD LIFE STORAGE/ DOMESTIC/ A FEW HOMES
W/HEAT PUMPS, STOCK/1000 DAIRY, 1500 OTHER

RECEIVED

JUN 18 1998

A36-00133

Page 1 Department of Water Resources
Southern Region

Date:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	15	SW		SW		IRR	10.0
			SE		SW		IRR	10.0
Section Acres								20.0
		16	NE		SE	3	IRR	10.0
			SW		SE		IRR	15.0
			SE		SE	6	IRR	40.0
Section Acres								65.0
		21	NE		NE	1	IRR	35.0
			NW		NE	1	IRR	5.0
			SE		NE	5	IRR	18.0
Section Acres								58.0
		22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	37.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	4.0
			NE		SE		IRR	15.0
			NW		SE		IRR	40.0
			SE		SE		IRR	29.0
Section Acres								405.0
		23	SW		NW		IRR	40.0
			SE		NW		IRR	20.0
			NE		SW		IRR	15.0
			NE		SE		IRR	40.0
			SW		NE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								195.0
		26	NW		NE		IRR	40.0
			SW		NE		IRR	30.0
			NW		SE		IRR	19.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								169.0
		27	NE		NE		IRR	40

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	27	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
Section Acres							200.0
		36	NW	NW		IRR	22.0
			SE	NW		IRR	3.0
Section Acres							25.0
Total Acres							1,137.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
36-0192, 36-2007

14. Remarks:

LAND CLAIMED IS APPROXIMATE BASED ON SHARES OWNED BY VARIOUS SHAREHOLDERS. SOME OF THE LAND IS ALSO IRRIGATED FROM OTHER DITCHES. SOME LAND IS ABOVE THE DITCH, AND IS IRRIGATED VIA PUMPS IN THE DITCH; EXPANSION IS CLAIMED UNDER SEC. 42-1416 OF THE IDAHO CODE. A LOT OF LAND IN THE HAGERMAN VALLEY WAS PUT UNDER SPRINKLERS FROM 1972 THRU 1985, POSSIBLY DOUBLING THE AMOUNT OF LAND IRRIGATED. THE VOLUME CLAIMED IS FOR 20 CFS FLOWING CONTINUOUSLY ALL YEAR. BETWEEN A 50% DITCH LOSS THRU 9 MILES OF THE BIG BEND DITCH & BENEFICIAL USE, ALMOST ALL OF THIS WATER IS CONSUMED. DUE TO MILD CONDITIONS IN THE HAGERMAN VALLEY, SOME IRRIGATION OCCURS ALL YEAR. EXCEPT FOR A FEW OTHER DIVERSIONS, ALL THE WATER FROM UPPER & LOWER TUCKER SPRINGS FLOWS THRU THE BIG BEND DITCH ALL YEAR.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff vs.

IDAHO POWER COMPANY, ET.AL.
Decree Defendant

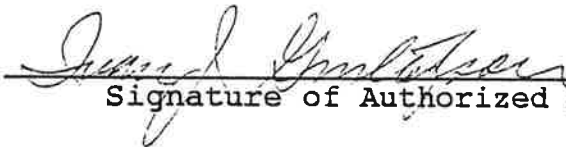
16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of Big Bend Irrigation & Mining Co., that I have signed the foregoing document in the space below as President of Big Bend Irrigation and Mining Co. and that the statements
Title Organization
contained in the foregoing documents are true and correct.


Signature of Authorized Agent

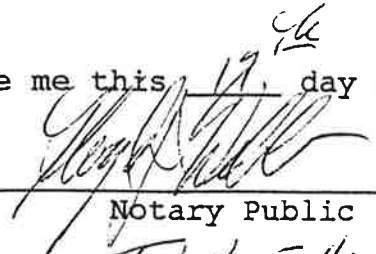
Big Bend Irrigation and Mining Co.
Title and Organization

6-17-98
Date

STATE OF IDAHO)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 19th day of June, 1998.

Seal


Notary Public
Residing at Twin Falls, ID
My Commission Expires: 8-8-98

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

Indent. Number: A36-00192

Date Received: _____

Received By: _____

DRAFT

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5. Description of diverting works:
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6. Water is used for the following purposes:

Purpose	From	To	C.S.F.	(or)	A.F.A.
IRRIGATION	01/01	12/31	20.000		
DOMESTIC	01/01	12/31	0.500		
STOCKWATER	01/01	12/31	1.200		
7. Total Quantity Appropriated is:
20.000 C.F.S. (and/or) 14479.60 A.F.A.
8. Total Consumptive use is 14479.6 Acre Feet Per Annum.
9. Non-irrigation uses:
FISH PROPAGATION/ WILD LIFE/WILD LIFE STORAGE/ DOMESTIC/ A FEW HOMES
W/HEAT PUMPS, STOCK/1000 DAIRY, 1500 OTHER

RECEIVED

A36-00192

Page 1

JUN 18 1998

Date:

Department of Water Resources
Southern Region

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	15	SW		SW		IRR	10.0
			SE		SW		IRR	10.0
			Section Acres					20.0
		16	NE		SE	3	IRR	10.0
			SW		SE		IRR	15.0
			SE		SE	6	IRR	40.0
			Section Acres					65.0
		21	NE		NE	1	IRR	35.0
			NW		NE	1	IRR	5.0
			SE		NE	5	IRR	18.0
			Section Acres					58.0
		22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	37.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	4.0
			NE		SE		IRR	15.0
			NW		SE		IRR	40.0
			SE		SE		IRR	29.0
			Section Acres					405.0
		23	SW		NW		IRR	40.0
			SE		NW		IRR	20.0
			NE		SW		IRR	15.0
			NE		SE		IRR	40.0
			SW		NE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					195.0
		26	NW		NE		IRR	40.0
			SW		NE		IRR	30.0
			NW		SE		IRR	19.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					169.0
		27	NE		NE		IRR	40.0

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	27	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
Section Acres								200.0
			36		NW	NW	IRR	22.0
					SE	NW	IRR	3.0
Section Acres								25.0
Total Acres								1,137.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
36-0192, 36-2007

14. Remarks:
LAND CLAIMED IS APPROXIMATE BASED ON SHARES OWNED BY VARIOUS SHAREHOLDERS. SOME OF THE LAND IS ALSO IRRIGATED FROM OTHER DITCHES. SOME LAND IS ABOVE THE DITCH, AND IS IRRIGATED VIA PUMPS IN THE DITCH; EXPANSION IS CLAIMED UNDER SEC. 42-1416 OF THE IDAHO CODE. A LOT OF LAND IN THE HAGERMAN VALLEY WAS PUT UNDER SPRINKLERS FROM 1972 THRU 1985, POSSIBLY DOUBLING THE AMOUNT OF LAND IRRIGATED. THE VOLUME CLAIMED IS FOR 20 CFS FLOWING CONTINUOUSLY ALL YEAR. BETWEEN A 50% DITCH LOSS THRU 9 MILES OF THE BIG BEND DITCH & BENEFICIAL USE, ALMOST ALL OF THIS WATER IS CONSUMED. DUE TO MILD CONDITIONS IN THE HAGERMAN VALLEY, SOME IRRIGATION OCCURS ALL YEAR. EXCEPT FOR A FEW OTHER DIVERSIONS, ALL THE WATER FROM UPPER & LOWER TUCKER SPRINGS FLOWS THRU THE BIG BEND DITCH ALL YEAR.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs.

IDAHO POWER COMPANY, ET.AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of Big Bend Irrigation & Mining Co., that I have signed the foregoing document in the space below as President of Big Bend Irrigation and Mining Co. and that the statements contained in the foregoing documents are true and correct.

[Signature]
Signature of Authorized Agent

Big Bend Irrigation and Mining Co.
Title and Organization

6-17-98
Date

STATE OF IDAHO)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 17th day of June, 1998.

Seal

[Signature]
Notary Public
Residing at Twin Falls, ID
My Commission Expires: 8-8-98

RECEIVED

JUN 18 1998

Department of Water Resources
Southern Region

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

In Re SRBA

) Subcase A36-00133

) (Insert water right number)

Case 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☐ LATE NOTICE OF CLAIM

) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

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

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

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

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

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

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Big Bend Irrigation & Mining Co.

My name is Lloyd J. Webb

My address is P.O. Box 1768
Twin Falls, ID 83303-1768

My phone number is (208) 734-1616

MOTION TO FILE A LATE NOTICE OF CLAIM

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

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

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

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

I have attached:

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

Follow these instructions regarding the hearing on this motion.

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

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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

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

The claims filed 8-31-88 inadvertently omitted certain quarter
quarter sections of Place of Use (Application Sec. 10). The omitted areas
have enjoyed historical water usage and should be included in the areas of
use under the water rights identified.

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

I have attached:

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- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

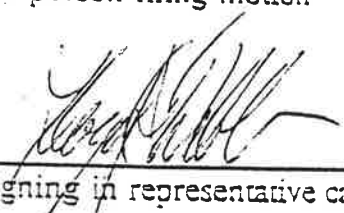
State of IDAHO

County of Twin Falls

LLOYD J. WEBB, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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

Signature of person filing motion



Attorney signing in representative capacity

Subscribed and sworn to before me on 6-¹⁷~~15~~-98

(Insert Date)



Notary Public for State of Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6-8-2002

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on June 15¹⁷, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

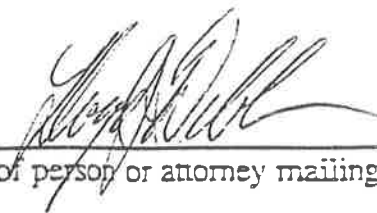
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

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

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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

In Re SRBA

) Subcase A36-00192

) (Insert water right number)

Case 39576

) STANDARD FORM 4

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RECEIVED

JUN 18 1998

Department of Water Resources
Southern Region

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My phone number is: Work _____ Home _____

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County of Twin Falls

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Attorney signing in representative capacity

Subscribed and sworn to before me on 6-¹⁷18-98

(Insert Date)



Notary Public for State of Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6-8-2002

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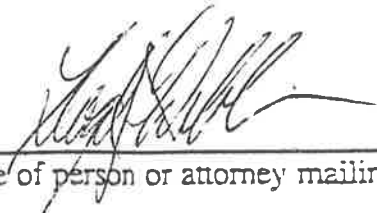
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(Insert Names/address of parties)



Signature of person or attorney mailing the form

COMMUNICATION DOCUMENTATION

I explained the need for BBI to file a permit after the issue of the Partial Decree of their right to cover the uses recently developed; such as wildlife, expansion of irrigation acres due to improved efficiency, etc.

REC

JUN 17 1998

June 17, 1998

Department of Water Resources
Southern Region

Department of Water Resources
1314 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380
736-3033

9AM meeting:

Mr. Steve Clelland :

Mr. and Mrs. Dale Adamson:
Township 7 South, Range 13, EBM Section 22 NW1/4 NE1/4

Requesting Permits :

Transferable irrigation	<u>Not Applicable</u> acres
Stock water (all year)	<u>Rec. to cover irr. pow</u>
Wildlife	<u>should file Permit w/ BBI</u>
Domestic Well	<u>1993 - Not in SRBA</u>

6/17/98 sc

My responses to these questions by Adamson's.

June 10, 1998

RECEIVED

Department of Water Resources
1314 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380
736-3033

JUN 17 1998

Department of Water Resources
Southern Region

Dear Steve Clelland,

We are interested in meeting with you as soon as possible. The last meeting, May 27, 1998, we were informed to apply for our water rights. Permits concerning transferable acres irrigation, all year stock water, wildlife and well.

We are located Township 7 South, Range 13, EBM Section 22 NW1/4 NE1/4. Department of Water Resources issued a permit to drill a well No. 36-93-S-0334-000, September 3, 1993. Eaton Drilling completed the well September 17, 1993 at total depth of 145 feet.

We bought our 40 acres from Carl Hayden May 20, 1992. We had a meeting with Idaho Department of Water Resources, Mr. Bob Worthcell, September 1992. We discussed our plan to build a home and shop. We would irrigate the land and pasture cattle year around. We bought this property for the wildlife sanctuary that had been established. Mr. Hayden made a special effort to keep the ponds open for the wildlife. The wildlife has been a priority with us since the purchased of this property.

Carl Hayden bought this property from Ralph L. Behrens and Elizabeth Behrens, husband and wife, March 1, 1966. Ralph L. Behrens purchased this property from Mariner Ranch Co-Op June 19, 1962. The previous owner, Frank C. Mariner, will date back to 1909. (Frank C. Mariner from E.H. Purdy 12-23-1909 Book D-251, Shoshone Court House). Mr. Mariner was the secretary of the Big Bend Irrigation and Mining company.

Sincerely,


Dale Adamson and Barbara Adamson

Sept. 24, 1992

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

JUN 17 1998

Department of Water Resources
Southern Region

We are buying our land from Carl Hyland

The Title Company record our water:

A-36-02007

A-36-00192

A-36 00133

May 28, 1992.

We are irrigating and we will be
sprinkling our pasture and will
be watering stock as our income.

We do not want any of our water
to be cut or taken away.

We need all the water that was
recorded at the Land Title v Escrow
at closing May 26, 1992.

Sincerely,

Barbara J. Adamson

Dale Adamson

Idaho Department of Water Resources

Statehouse Mail

Boise, ID 83720-9000

RECEIVED

JUN 17 1998

Department of Water Resources
Southern Region

Dear Sir,

We purchased our land and the water rights May 28, 1992. The title company recorded:

A-36-02007

A-36-00192

A-36-00133 these rights for the Big Bend Ditch. We also visited with IWR Oct. 1992 at that time they confirmed our 35.37 shares.

We have flood irrigated and watered livestock. We invested in a sprinkling system to sprinkle 30 acres.

We are depending on the Big Bend Ditch to be on all year. We bought this property for the income use of this water.

Sincerely yours,

Dale Adamson

Mr. Dale Adamson

Mrs. Barbara Adamson

Mrs. Barbara Adamson



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 28, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JIM & PATTI OSBORN
645 WILLOW DR
MOUNTAIN HOME ID 83647

RE: WATER USAGE ON YOUR PROPERTY

Dear Mr. & Mrs. Osborn,

Thank you for attending the Big Bend Settlement meeting yesterday at our office. I believe great progress was made in resolving the place of use questions with the Company. If you choose to pursue your use of Big Bend water you should continue to work with the Big Bend Irrigation Company to document that use.

Enclosed you will find a blank SRBA claim form and the SRBA court's form SF4 for filing late claims. I believe you may have a claim for the Weatherby Springs water from the Share Ditch.

I am gathering the photos I have taken in 1990 showing that water being used on your property and I will recommend this use if you choose to claim it.

Please feel free to contact me at our office if you have further questions.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

P.S. Enclosed is the profile report for the Share Ditch right, 36-00033, appurtenant to your property. No Big Bend water right is decreed to your land (see enclosed partial copy of the 1932 decree).

P.S.S. Also enclosed copy of one of my photos,
the other is not AVAILABLE YET. *SC*

3/18/98

Jim Osborne

587-7797

645 Willow Dr
Mtn Home 83647

Exam & Appt.

- appears to have share ditch right as basis of irrigation. Currently using BBI ditch for irrigation (not a recognized POU under that right).

- bought property in '86 ?
- when did pumping begin ?

820

PATTY Osborn

322-2003

Jim's wife

Delivery Ditch
for weatherby
Springs Waters.



Property owned by OSBORN,
Betty Hoskauer's son;

No weatherby SPRINGS
CLAIM OR RIGHT.

But they use the WATER!

PHOTO BY STEVE CLELLAND
8-30-90

Scanned 5/29/98
by SC
original in BBI
36-00133

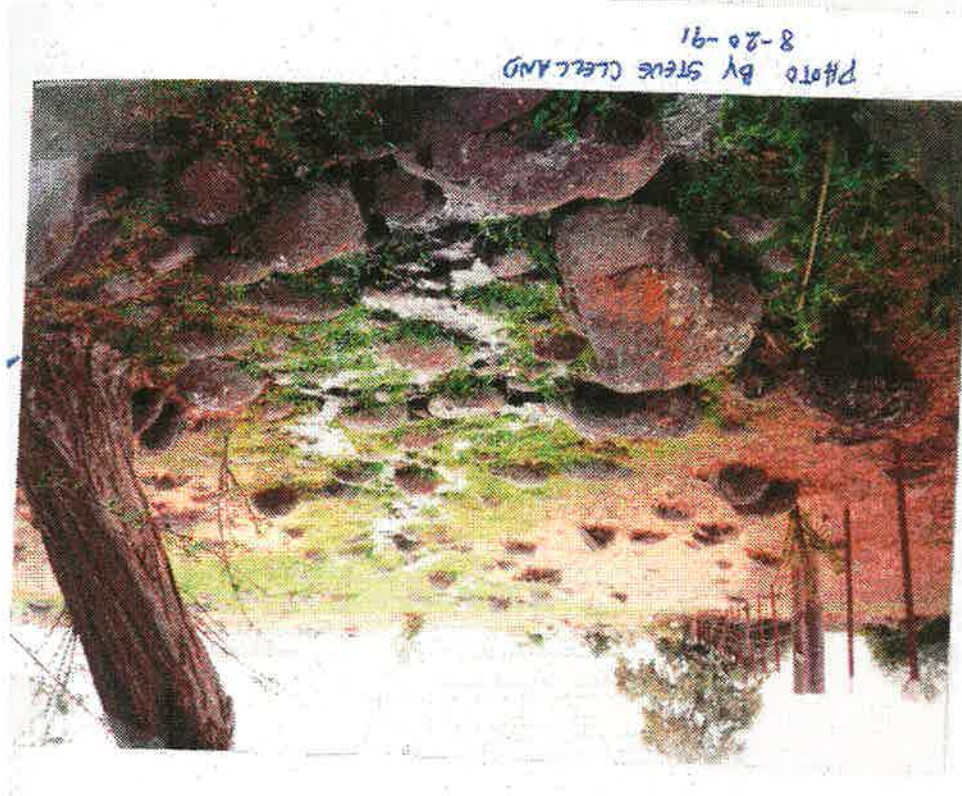


Photo by STEVE CLELAND
8-20-91



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380
PH. (208) 736-3033

Date 6-10-98
Name G. TZANAKAKIS
Address _____

No. of Copies	Materials	Cost
332	@ .05	\$ 16.60
	Big Bend Irrigation	
	File 36-00133	
TOTAL		\$ 16.60

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

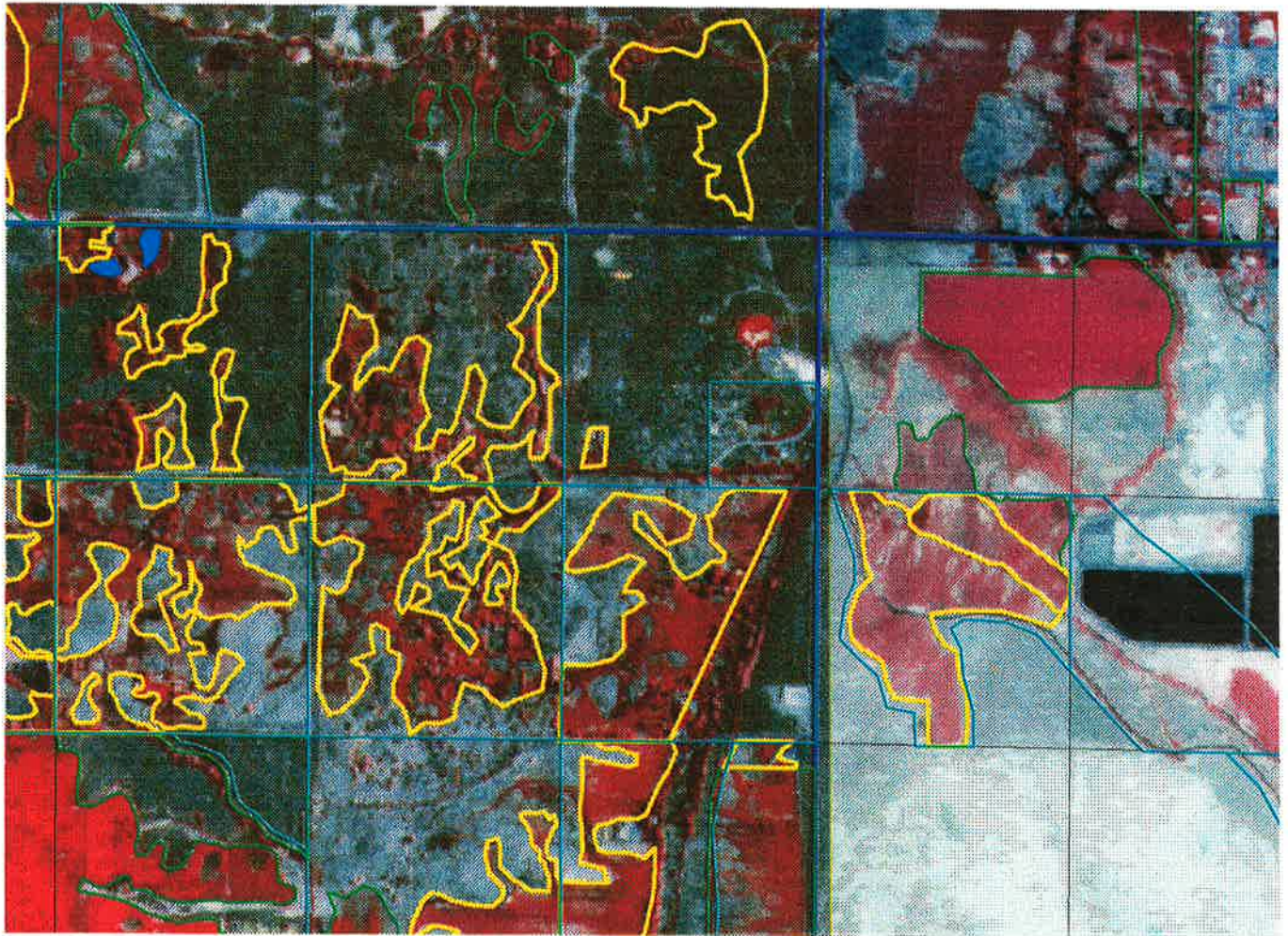
Sincerely,

Drew Hancock

IDAHO DEPARTMENT OF WATER RESOURCES

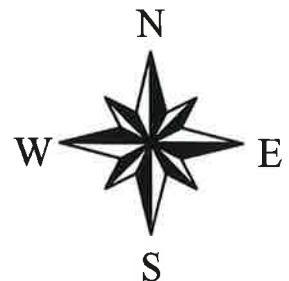
36-00133 & 36-00192

Big Bend Irrigation & Mining Co.



660 0 660 Feet

TNS 7S, RNG 13E



-  Claimed Place of Use Borders
-  Recommended Point of Diversion
-  Recommended Place of use
-  Section lines
-  Quarter/Quarter Lines

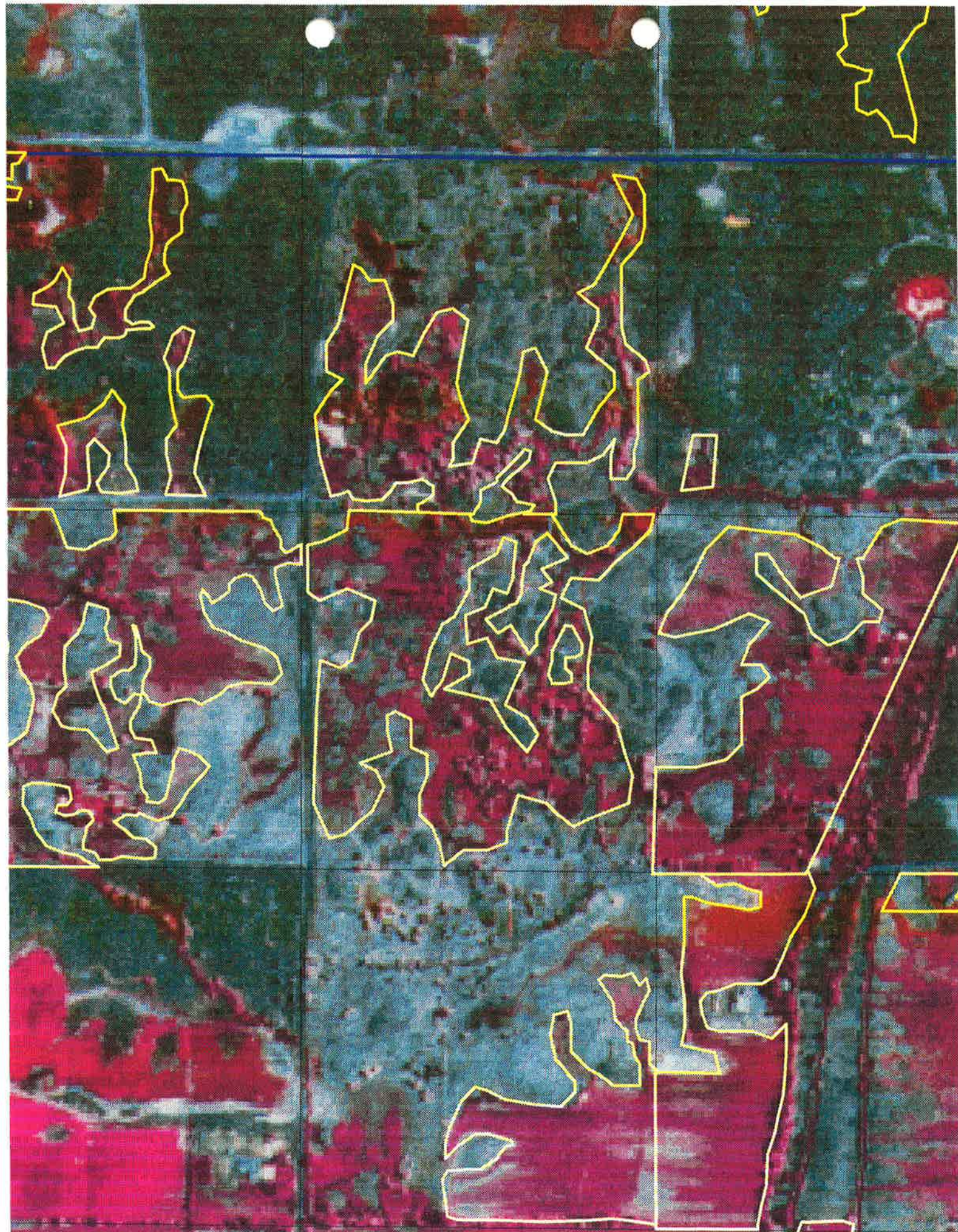
Madrieta
Place

1974 OPO

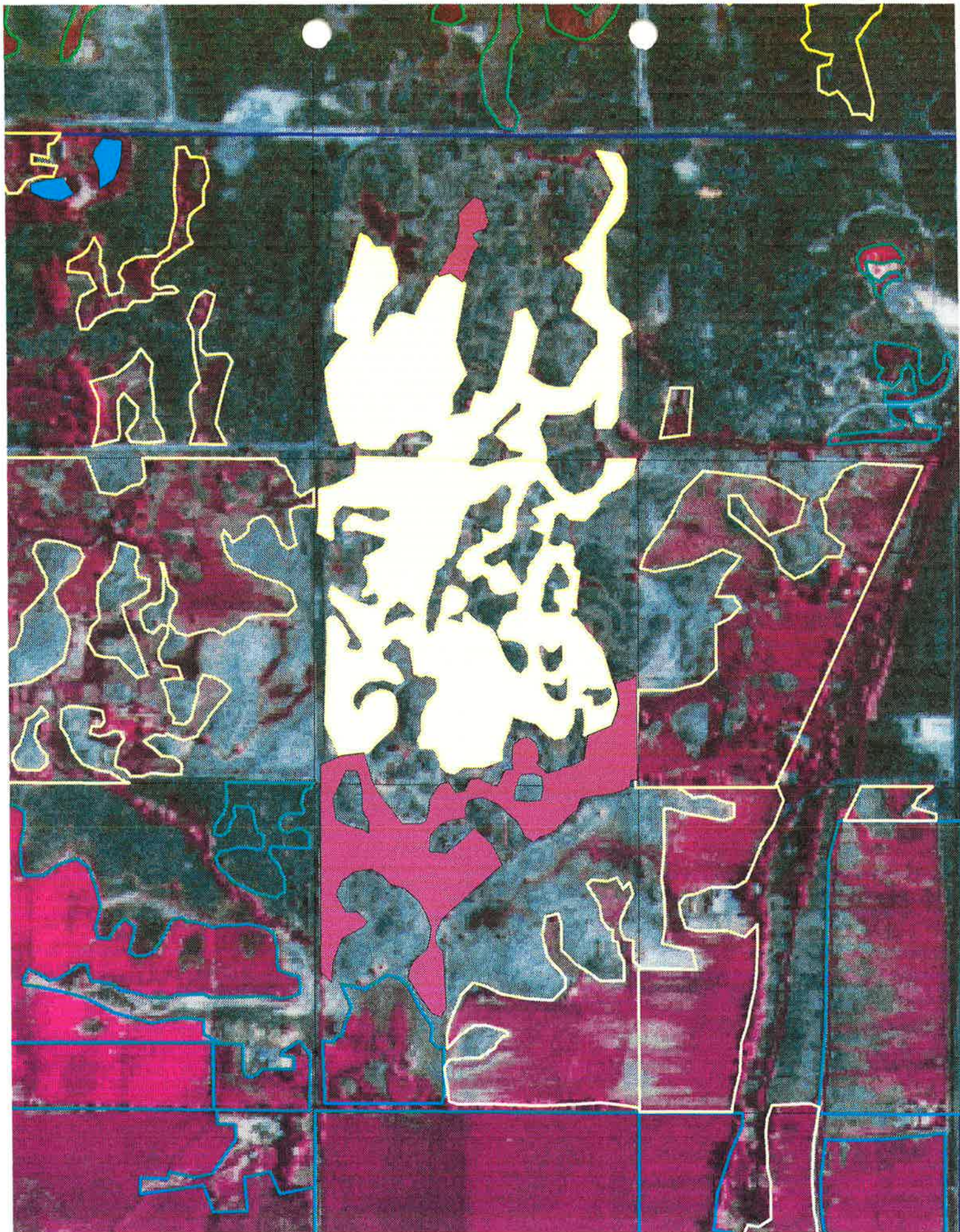
1980 ASCS #55

both show
same pou

PLACE OF USE PRESENTATION
197 and/or 1988 NAPP PHOTOGRAPHY
TA ENTRY NOVEMBER 13, 1997
STEVE CLELLAND

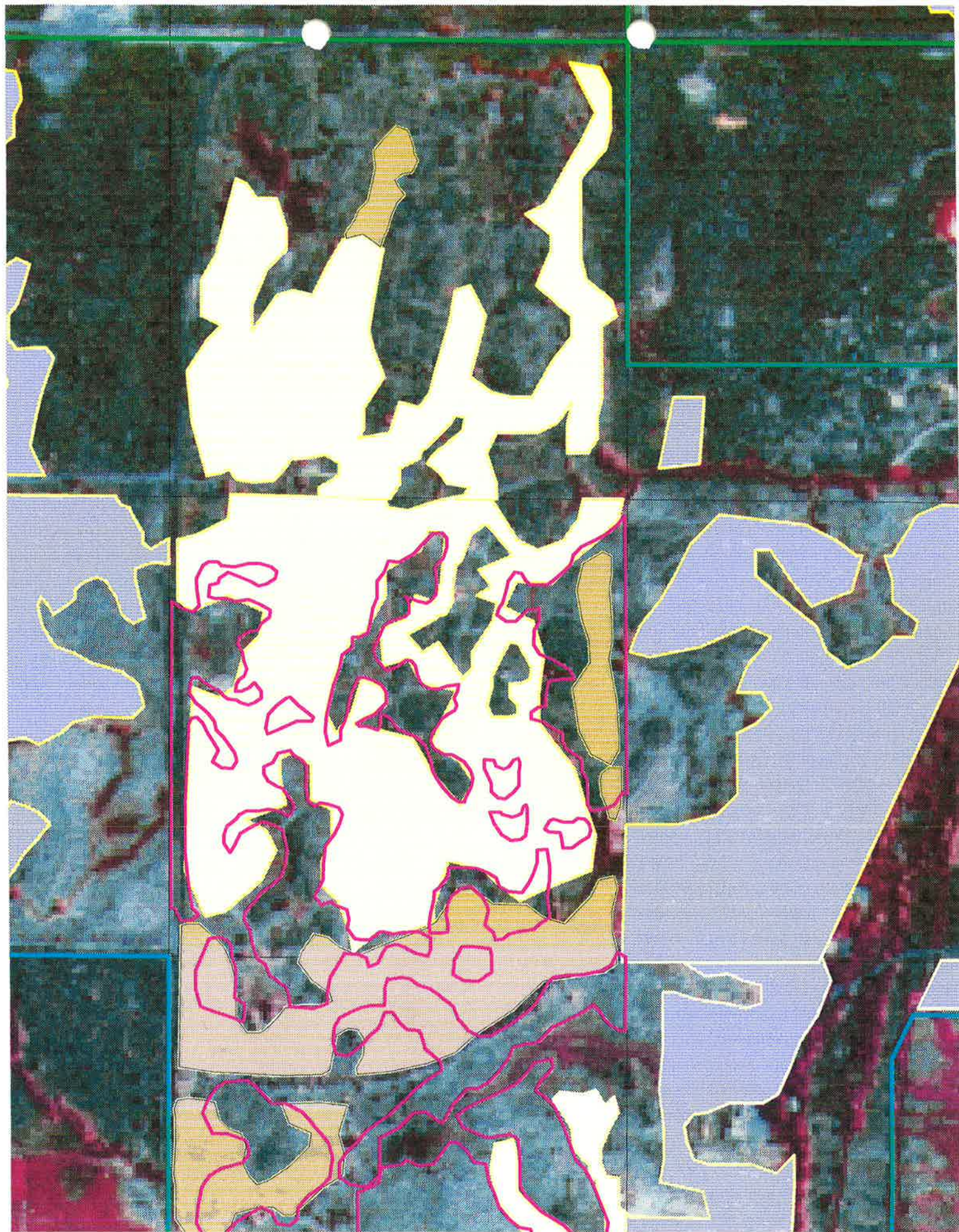


5/20/98 sec



5-22-98 see

CHILDS - REVISIONS





BB1 - Rock. silt

5/22/98 scl

The x'd areas
were irrigated - she
needs to know the acreage
irrigated

Ruth Childs

Map was generated here.

area in the north also

~~Kelly~~

837-4919

Big Bend
Affidavits

53 acres

- Dick Cook -

NEW BGI 20 Ac. in Q-Q



.7

13.76
Acres

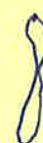
5/20/98
Sec

My Division
of Acres
= 12.0

11.7



1.2



.16

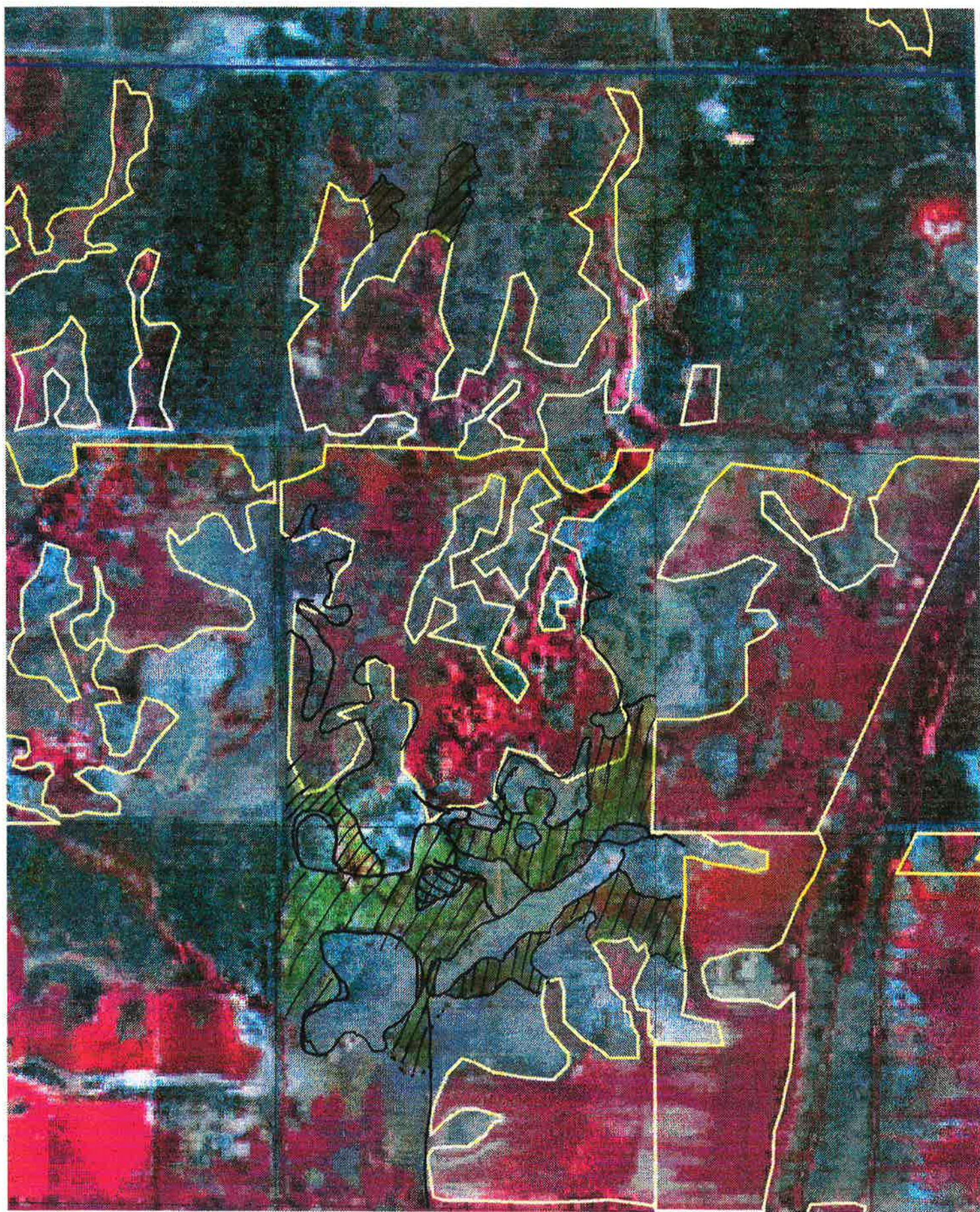


9



2.7





5/20/98 sw

GIS Presentation for: Big Bend Irrigation & Mining Co.

36-00133 & 36-00192

Revised: 12/26/1997 by Steve Clelland

POU.shp #	General Location of polygon shape	Decimal Acres by GIS
702	Edith Vernon, above and below Big Bend	13.73
703	Edith Vernon, below Buckeye Ditch	4.57
704	Madrieta field	18.25
705	NESE Section 22	10.54
706	Loranger lot.	0.50
707	Cleave Lloyd, domestic use.	0
708	Dick Cook transfer of 10 acres.	8.76
		0
735	Kenny Crist place.	28.0
736	Vay Cook place.	6.23
737	North Hayden 40	13.27
738	South Hayden 40	21.99
739	SENE Section 22	22.90
		0
740	SWNW Section 22	24.09
741	Callow home place.	3.29
742	NWSE Section 22	9.18
743	Skaar/Hoskavec place.	7.66
744	Skaar/East of Sturtevant's	21.67
		0
745	Edna Rea & Verl Bell	35.30
746	Ivan Gustafson, above BBI ditch.	10.07
747	Ivan Gustafson, below BBI ditch.	12.64
748	Brailsford place.	27.49
749	Buckeye @ Dan Yore house.	11.32
		0
758	Dick Cook place/Slope Com.	4.0
	Total GIS Acreage =	315.45

Total Claimed acreage = 879.00
 Total Recommended acreage = 397.50

GIS Presentation for: Big Bend Irrigation & Mining Co.

36-00133 & 36-00192

11/13/1997 by Steve Clelland

POU.shp #	General Location of polygon shape	Decimal Acres by GIS
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708	Dick Cook transfer of 10 acres.	8.76
		0
735	<i>crst</i> Slope Compaction/Dick Cook place.	30.49
736	Vay Cook place.	6.23
737	North Hayden 40	13.27
738	South Hayden 40	21.99
739	SENE Section 22	22.90
		0
740	SWNW Section 22	24.09
741	Callow home place.	3.29
742	NWSE Section 22	9.18
743	<i>skoer</i> Mueller/Hoskavec place.	7.66
744	East of Sturtevant's <i>/skoer</i>	21.67
		0
745	Edna Rea & Verl Bell	35.30
746	Ivan Gustafson, above BBI ditch.	10.07
747	Ivan Gustafson, below BBI ditch.	12.64
748	Brailsford place.	27.49
749	Buckeye @ Dan Yore house.	11.32
	Total GIS Acreage =	313.94

SPLIT SHAPE
 #758 4.0 cook
 735 28.0 crst
 12/24/97
 scu

Total Claimed acreage = 879.00
 Total Recommended acreage = 393.50

Revised
 12/26/97
 scu

P.1 q2

CLAIM NUMBERS 36-00133
36-00192

DATE 10/24/97
AGENT scu

TRANSFER NUMBER _____

OBJECTION FILED yes

TOTAL ACRES FROM RECOMMENDATION 393.5

GEOGRAPHIC INFO SYSTEM 311

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	75	13E	15											10					10
GIS														913					913
RECOM			14															(2)	28
GIS																		2	25
																		26	26
RECOM			21				15												15
GIS							3												3
RECOM			22	(D)	4	30	25	5		37	27					15	13		8
GIS				(D ^{0.5})	613	22	18	6		24	23					12	9		8
																			135

UPDATED

POLYGON # UPDATED

POLYGON CREATED ON 604 (✓) 10/24/97 scu

B36-DBPOU.DBF _____

ATTRIBUTES OF B36-POU.SHP (

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POD.SHP well attached sheet 11/13/97 scu

12/24/97 scu revised shape # 735 + split off portion # 758; for Ken Crist pou.
* 735 = 28.0 AC. # 758 = 4.0 Ac (increase S.15SWSW +4)
12/26/97 scu update dbf files for both rights -133 + -192.

P/U CONFLICT yes (X) no ()

P/D CONFLICT yes () no (X)

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

P. 292

CLAIM NUMBERS 36-00133
36-00192

DATE 10/24/97
AGENT SC

TRANSFER NUMBER _____

OBJECTION FILED _____

TOTAL ACRES FROM RECOMMENDATION 393

GEOGRAPHIC INFO SYSTEM 311

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	7s	13E	23							23									23
GIS										18									18
RECOM			26		10	17											10	7	10
GIS					8	14											6	4	7
RECOM			27	18	7	25	22									12	15		99
GIS				15	7	26	18									6	8		80
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

POLYGON CREATED ON 604 (✓) 10/24/97 SC

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POU.SHP See attached sheet

ATTRIBUTES OF B36-POD.SHP 11/13/97 SC

GIS Rounded Acres = 311

Actual decimal ac. = 313.94

P/U CONFLICT yes (X) no ()

P/D CONFLICT yes () no (X)

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

9AM

5-27-98

Big Bend Settlement

MEETING AT IDWR

{ Ray Mahnke }
{ Oliver V. Skurgen }
{ for A. L. Troutner }
Nancy L Brown
John T. Brown

Pat Forgeon

RALPH FORGEON

Patti Osborn

James Osborn

MB Shappee

Steve Clelland

Mr & Mrs Dick Cook

Clare C. Lloyd

Wan Gore

Mike McCarthy

Pam Wachter

Elizabeth Madarato

Barbara Adamson

Dale Adamson

Christina Davis

Rick Davis

Scott M. Hayes

Darl Bell

with:

Steve Clelland

John Marshall

BB1 Review of Q-Q

5/27/98
su

(25) J.22 SENE (Materita) pump in 60 & 70's no in from 70's

(15) NESE (Loranger)

Ø NENE (Lloyd) 10 claim by

(10) SWSW (Cook) w/trans No A

(28) SESE S.16 (Christ ~~slip~~) [ask 35]

(5) NENE S.22 (Hayes/Jaylook) (claims 35) w/affidavits Reviewed

(4) NWNE S.22 (20 asked)

Needs corrected?

(30) SWNE S.22 (childs 35 asked)

(27) SENW S.22 (20 ok w/ Burton) (asked 18 w/ Saul)

(37) SWNW S.22 (forgoan cellars) No A

(15) SE NE S.21 " "

(13) NWSE S.22 same as may add - 13/14 acres

(8) SESE S.22 No A (okane)

(25) NWNE NENE S.27 No A (ston/Burton)

(41) S½ NE (Bell/lea) = Gus needs work!

(27) 797 (Gus) N $\frac{1}{2}$ SE s.27 (wants 30 ac)

(37) Brailsford (No Δ) s.26

(17) Buschge OK (wants first?)

ϕ McKnight — SUR/wt 0 acres

19.6 ft = .048 ac/m
393 acres

June 22 & 23 — Trial

other: — Not claimed —

- 1) Osborn 2 Acres
- 2) Pearson 1.25 Acres
- 3) Shipper/TZ.
- 4) Jensen (2 shares) (East of Ray's) yes!
- 5) Davis — (between Childs & Adamson)

Steve Callan

Deputy Water Commissioner

Art Troutner

Vay Cook

DALE A.
BARBARA J.
ADAMSON

LARRY
J.
LLOYD

Cleave
Lloyd +
BETTY
Lloyd

nted 2-10-65 3600

JOHN TIMOTHY
+
NANCY L.
BROWN

4200

TAX 6 522
1387
RICK DAVIS
CHRISTINE
BOYLE
+ WILLIAM
DAVIS
ST.

1345

1801

e W. Callow

4500

CYNDE PHILLIP
SAUL +
KATH THOMAS
SAUL
1/2 out each

THOMAS JACKSON
CHILDOS
LIVING TRUST

JEFFREY C.
SMITH

HIGH BRIDGE
FAIRY MADONNETTA
2329

194

752

775.5

528

2249

775

1319

775

1319

4987

ROBERT B.

Gisler

TAX 4 80
ALBERT L.
+
CORALIE M.
ADKISON

TAX 3

CHILDOS
LIVING TRUST

TAX 2-A

Omer E. Loranger

Beverly B. Loranger

7650

60 ac + or -

HARRY R

Gisler

TAX 5 10
BYRON J.
ADKISON

6000

6750

5361

8400

9150

THOMPSON

T. 12 9149
9130

JAMES O. +
PATRICIA A.
OSBORN

Harry R. Gisler

Paul Orland Peterson

Lloyd Brown

RICHARD
D.
HON

BETTY B.
HOSKOVIC
TAX 10

MICHAEL -
JONETTA F.
9005

TRUST
VIRGINIA F.
SCHUELE
DEE ANN R
Hagerman
Highway
District
7205
Last #5154

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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IDWR Employee/Agent Steve Clelland

May 20, 1998 11:17pm

NAME:
DICK COOK CAMEIN

RE:
BBI POU ACRES

HE WANTED TO SHOW ME WHERE THE AREAS HE HAD IRRIGATED ON THE OLD CARL HAYDEN PLACE. I PRINTED OUT A LARGE SCALE MAP OF THE GIS DATA AND WE DISCUSSED THE IRRIGATION. HE SAID HE QUIT IRRIGATING THE LANDS IN 1987 AND NO ONE HAS IRRIGATED THEM SINCE. WHEN I ASKED HE SAID THE LANDS ARE STILL NOT BEING IRRIGATED TO THIS DAY.

I TOLD HIM OF MY BELIEF THERE ARE ALOT OF AREAS THAT MAY HAVE AT ONE TIME BEEN IRRIGATED WITH BBI WATER, BUT THE BOTTOM LINE IS IN ANY GIVEN YEAR ONLY A CERTAIN NUMBER ACRES CAN POSSIBLY BE IRRIGATED UNDER THE SYSTEM DUE TO THE LIMITS OF THE TYPE OF IRRIGATION AND AMOUNT OF WATER AVAILABLE. I BELIEVE THAT NUMBER IS ABOUT 400 ACRES AS PRESENTLY DESCRIBED. THIS IS SUPPORTED BY THE SRBA OBSERVATIONS MADE BY ME AND THE HUBBLE ANALYSIS OF THE WATER USAGE RATE NEEDED FOR THOSE ACRES AND THE FLOW RATES ALREADY AGREED UPON.

HE WAS UNABLE TO SAY FOR CERTAIN HOW MUCH OR WHERE ANY ADDITIONAL ACREAGE MAY HAVE BEEN IRRIGATED. HE TOOK THE MAP TO REVIEW AND WILL PLAN TO ATTEND THE MEETING WITH BBI NEXT WEEK.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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

IDWR Employee/Agent Steve Clelland

May 20, 1998 2:04pm

NAME:
JUDY OSBORN

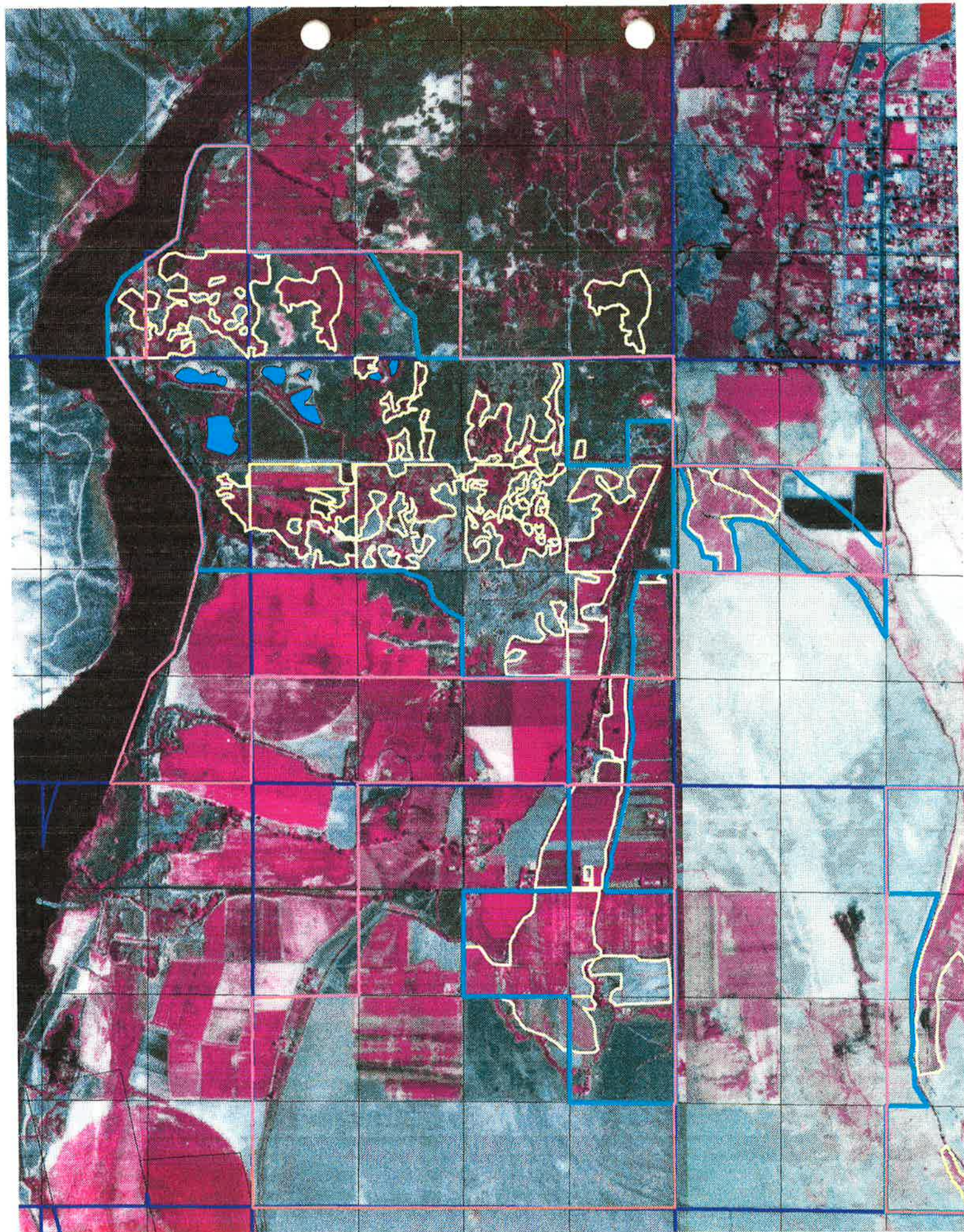
CALLBACK/IN

RE:
LAYNE OSBORN CLAIMS

SHE WANTED TO KNOW WHY I HAD CALLED EARLIER... I TOLD HER OF THE NEED TO FILE A SF4 TO GET THE THREE NEW CLAIMS THAT WERE FILED IN FRONT OF THE SRBA COURT; THE COURT TOLD ME CONTACT THEM FOR THIS NEW FORM REQUIREMENT. I WILL SUBMIT THE FORMS AND COPIES OF THE CLAIMS TO THEM BY MAIL.

LATER WE WILL MEET TO COMPLETE THE EXAMINATION OF THE AMENDED CLAIMS (& LATE CLAIMS).

PHONE: 837-6332



5/26/98 sw

BB1 - DECEED

BIG BEND IRRIGATION AND MINING COMPANY

It is hereby ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross complainant, Big Bend Irrigation and Mining Company, a corporation, is the owner of, and entitled to the use of, and the right to use for irrigation and domestic purposes the following amounts of water, to-wit:

- 0133 Twenty (20) second feet of the waters of what is commonly known as the large Thompson, or Tucker, spring, being situate in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp. 7 South, Range 13 East, B. M. in Gooding County, Idaho, the place of diversion being at said spring and by means of a tunnel, flume and ditch and other necessary diversion works built and constructed at said spring and conveying the same through such ditch to and upon the lands hereinafter described for the irrigation of the same and for the watering of stock and other domestic use. The priority of said water right to be, and is, fixed as the 17th day of December, 1903.
- 0192 Also all of the waters of what is known as the smaller Thompson, or Tucker, Spring, situate in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Twp. 7 South, Range 13 East, B. M. in Gooding County, Idaho, and estimated to flow 15 second feet, with a priority of April 1, 1906. That said water is diverted at said spring by means of a dam and ditch directly into said ditch, being the same ditch diverting and carrying the waters from the large Thompson, or Tucker, spring hereinbefore described and conveying the same to the hereinafter described lands of the stockholders of the defendant and cross complainant, Big Bend Irrigation and Mining Company, and used for the irrigation thereof and for domestic purposes.

Said water of said two water rights is hereby made appurtenant to and to be used upon and in the irrigation of the follow-

ing described lands belonging to the stockholders of the said defendant and cross complainant, Big Bend Irrigation and Mining Company, situate in Gooding County, Idaho, being approximately 1940 acres of land in Sections 15, 16, 21, 22, 23, 26, 27, 35 and 36 in Township 7 South, Range 13 East B. M. and being situate in the following 40 acre tracts in the above named sections, township and range, to-wit:

- In Sec. 15: SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- In Sec. 16: NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- In Sec. 21: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- In Sec. 22: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- In Sec. 23: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- In Section 26: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- In Sec. 27: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- In Sec. 35: NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- In Sec. 36: NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

RECEIVED
MAY 22 1998
Department of Water Resources
Southern Region

RECEIVED
MAY 15 1998
Department of Water Resources

1998 MAY 13 AM 10:57
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

Southern
SCC DJ

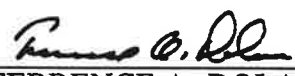
In Re SRBA)
Subcases 36-00133 and 36-00192
Case No. 39576)
ORDER RESETTING TRIAL
_____)

A pretrial hearing was held on May 13, 1998. Lloyd J. Webb appeared for the claimant, Big Bend Irrigation and Mining Company; Peter J. Ampe appeared for a respondent, the State of Idaho, Department of Fish and Game; and John M. Marshall appeared for IDWR.

Big Bend moved to reset the trial to a later date for two reasons. First, board members and shareholders who will testify as court witnesses in support of Big Bend's claims require additional time to prepare their testimony and exhibits. And second, Big Bend needs to confer with IDWR concerning the impact of recent amendments to I.C. §42-219 and the place of use description for its irrigation project.

THEREFORE, IT IS ORDERED that the trial is reset to **Monday, June 22, 1998**, beginning at 10:00 a.m., at the SRBA Courthouse, 253 3rd Avenue North, Twin Falls, Idaho.

DATED May 13, 1998.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

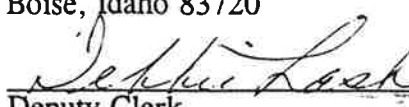
I certify that a true and correct copy of the ORDER RESETTING TRIAL was mailed on May 13, 1998, with sufficient first-class postage to the following:

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

Lloyd J. Webb
Box 1768
Twin Falls, Idaho 83303-1768

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

Idaho Fish & Game
Parks and Rec. Dept.
Statehouse
Boise, Idaho 83720


Deputy Clerk

RECEIVED

APR 15 1998

Department of Water Resources
Adjudication Bureau

Handwritten initials

SOUTHERN

APR 17 1998

Department of Water Resources
Southern Region

Post-It* Fax Note	7671	Date	4/13	# of pages	2
To	Pete Ampe	From	Cindy Robertson		
Co./Dept.	AG Office	Co.	IDFG		
Phone #		Phone #			
Fax #	334 2690	Fax #			

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

In Re SRBA

Subcase 36-00133 and 36-00192

Case No. 39576

TRIAL SCHEDULING ORDER

THIS MATTER came before the special master on April 7, 1998. The SRBA District Court received a letter from Lloyd Webb, counsel for the claimants, requesting pretrial and trial be set.

1. The following dates shall govern the conduct of the subcase through the trial. No further order shall issue:

Pretrial Date: Wednesday, May 13, 1998, 9:00 a.m.
Location: SRBA District Court
253 3rd Ave. N
Twin Falls, Idaho

Trial Date: Wednesday, May 27, 1998, 9:00 a.m.
Location: SRBA District Court
253 3rd Ave. N
Twin Falls, Id

These dates are final and may only be reset on motion, hearing and order of the court. The hearing on a Motion to reset will be held with all parties present including those represented by an attorney. The moving party may be held responsible for the costs of the resulting delay.

DATED April 8, 1998.

MAIL13562



Signature of Terrence A. Dolan
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

RECEIVED

APR 13 1998

OFFICE OF THE
ATTORNEY GENERAL

CERTIFICATE OF MAILING

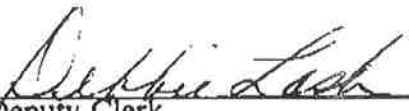
I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on April 8, 1998, with sufficient first-class postage to the following:

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

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

Lloyd J. Webb
Box 1768
Twin Falls, Idaho 83303-1768

Rinda Just
Idaho Fish & Game
Parks and Rec. Dept.
Statehouse
Boise, Idaho 83720


Deputy Clerk

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BB1 ACRES

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

IDWR Employee/Agent Steve Clelland

June 2, 1998 1:35pm

NAME:

KENT SKAAR

APPT.

RE:

BBI ACRES W/ TRANSFER

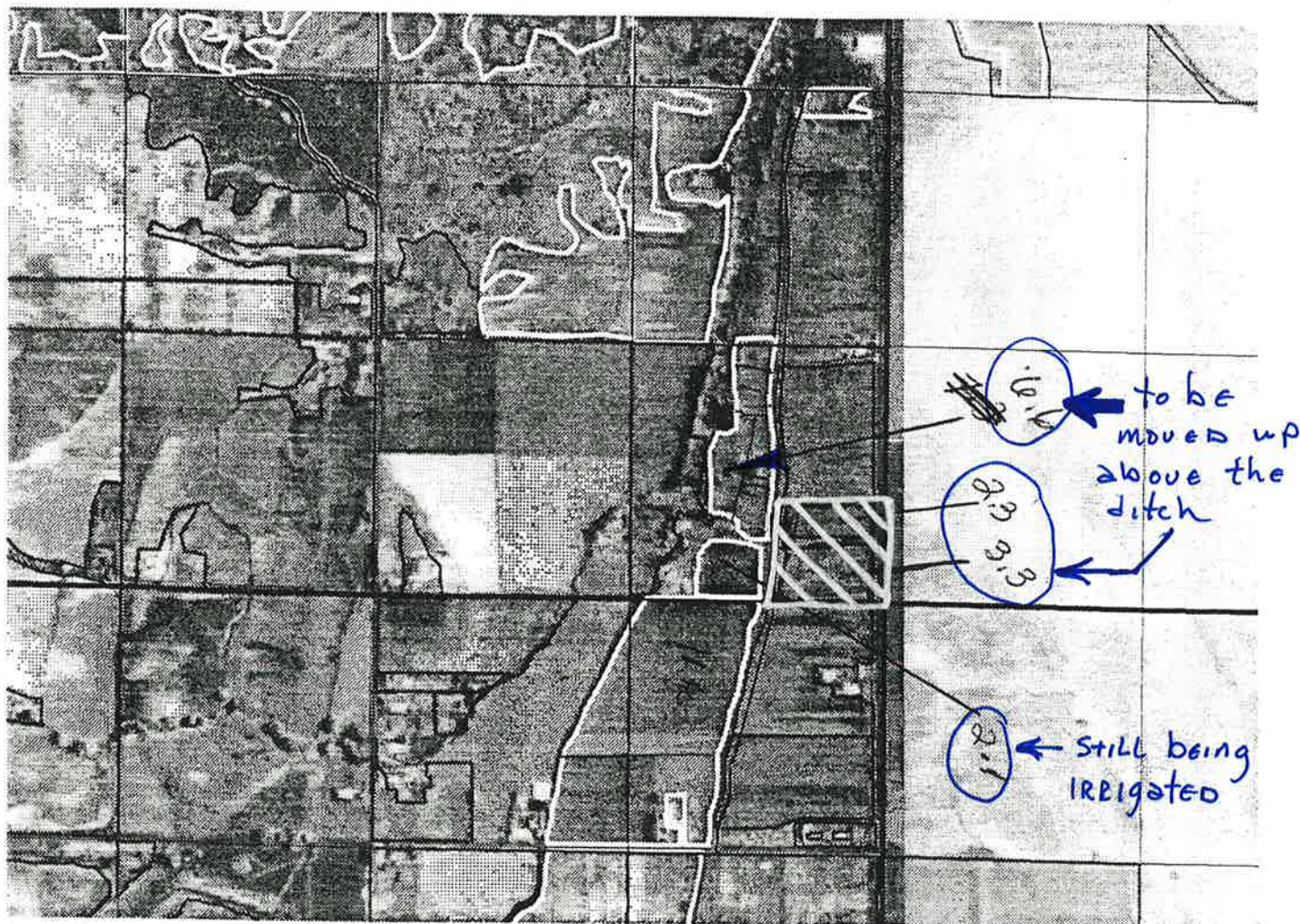
HE WANTS TO FILE THE APPROPRIATE TRANSFER TO DOCUMENT HIS POU OF IRRIGATION UNDER THE BIG BEND IRRIG. CO. HE HAS STOPPED IRRIGATING LAND BELOW THE BBI DITCH AND HAS BUILT CORRALS AND BUILDINGS ON THE PREVIOUSLY IRRIGATED LAND; BELOW THE BBI DITCH AND ABOVE THE BUCKEYE DITCH. HE IS CURRENTLY IRRIGATING ABOVE THE BIG BEND DITCH ON ABOUT THE SAME AMOUNT OF ACRES AS WERE DRIED UP. <SEE ATTACHED MAP FOR MORE INFO>

I TOLD MR. SKAAR TO HOLD OFF ON THE TRANSFER FILING SINCE THERE ARE STILL NEGOTIATIONS WITH BIG BEND TO RESOLVE. I TOLD HIM I WILL DOCUMENT HIS EFFORTS IN THIS MEMO. THE TRANSFER MAY OR MAY NOT BE NEEDED WHEN THE FINAL RECOMMENDATION IS DECREED FOR BBI; DEPENDS ON THE AFFECTS OF THE PROPOSED BORDER IN THE REC/D.

IDAHO DEPARTMENT OF WATER RESOURCES

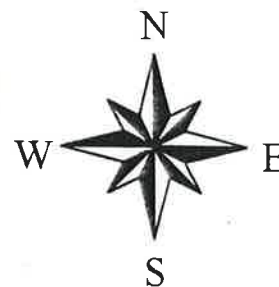
36-00133 & 36-00192

Big Bend Irrigation & Mining Co.



660 0 660 Feet

Attachment to Memo w/ KENT SKAAR
6/2/98 sec TNS 7S, RNG 13E



-  Claimed Place of Use Borders
-  Recommended Point of Diversion
-  Recommended Place of use
-  Section lines
-  Quarter/Quarter Lines

* shows proposed
TRANSFER
OF POW

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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IDWR Employee/Agent Steve Clelland

May 18, 1998 8:30am

NAME:

PAM WASCHER

CALLIN

RE:

BBI RIGHTS AND USES

SHE HAS BEEN ADDRESSING THE ISSUES WITH THEIR BBI WATER AND HAD SOME QUESTIONS ON HOW TO GET THE USES COVERED. SHE SAYS THEY HAVE USED THE WATER FOR WILDLIFE USES (AT THE GRAVEL PIT) AND NOT FOR IRRIGATION. I TOLD HER THEY WILL NEED TO GET BBI TO AMEND THE CLAIM FOR THAT PURPOSE.

WE PLAN TO MEET AT THE SETTLEMENT CONF. ON 5/27/98 AT 9 AM.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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IDWR Employee/Agent Steve Clelland

March 30, 1998 8:45am

NAME :

PAT MATERITA

CALLIN

RE:

BBI SHARES

HE CALLED AGAIN TO DISCUSS THE USE OF BBI WATER ON HIS MOTHER'S LAND. I EXPLAINED THE RECOMMENDATION OF WATER ON SOME LANDS AND NOT ON LAND NOT BEING IRRIGATED. THE PROBLEM WITH SHARES WTIHOUT A VALID USE OF WATER RIGHT HAS NOT BEEN RESOLVED AND IS A COMPLEX MATTER. TO DATE NOT EVEN THE ATTORNEYS HAVE DEVELOPED A RESOLUTION FOR THIS ISSUE. I SUGGESTED HE NOT GIVE UP THE SHARES JUST YET, THERE MAY BE A WAY TO FILE A PERMIT TO COVER THE NEWER USES THAT I HAVE NOT INCLUDED IN THE RECOMMENDATION.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 36-00133 BBI

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

IDWR Employee/Agent Steve Clelland

March 23, 1998 4:34pm

NAME:
WESTERN LEGENDS

CAMEIN/APPT. RE:
 BBI SHARES

PAM AND MIKE MET WITH ME TO REVIEW THE BBI SHARES THEY USE ON THE WESTERN LEGENDS PROPERTY. GUS HAS BEEN ADVISING THEM TO COME MEET WITH ME TO REVIEW THIS ISSUE. I TOLD THEM I FOUND STOCKWATER USED ON THE PLACE BUT NO IRRIGATION. THEY WERE NOT REAL FAMILIAR WITH OTHER USES.

I PROVIDED THEM WITH COPIES OF THE 1988 CLAIM, MAPS OF THE DECREEED POU, CLAIMED POU AND RECOMMENDED POU, GIS POU, AND GIS SPREAD SHEET SUMMARY. ALSO INCLUDED A RECENT PROOF REPORT OF THE CLAIMS 36-00133 AND 36-00192 (NOT FULLY UP TO DATE).

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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IDWR Employee/Agent Steve Clelland

March 23, 1998 11:00am

NAME:

PAM WASCHER

CALLIN

RE:

BBI RIGHTS

SHE WANTED TO KNOW ABOUT THE BBI CLAIMS AND RECOMMENDATIONS. I EXPLAINED ABOUT THE SHARES VS. WATER RIGHT IDEAS AND SOME OF THE ISSUES BEING DEBATED. SHE WILL COME LOOK AT THE FILE AND I OFFERED COPIES OF WHATEVER SHE NEEDED.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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

IDWR Employee/Agent Steve Clelland

March 20, 1998 1:00pm

NAME:
GUS GUSTAFSON

APPT

RE:
FILE LATE CLAIM

HE BROUGHT A SF4 AND WANTED TO FILE A LATE CLAIM FOR WASTEWATER FROM THE BIG BEND DITCH. I PREPARED THE CLAIM AS HE REQUESTED AND MADE THE NECESSARY COPIES FOR HIS FILING.

CLAIM: A36-15525

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI

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IDWR Employee/Agent Steve Clelland

March 16, 1998 9:15am

NAME:

PAT MATERITA

CALLIN

RE:

BBI SHARES

HE WANTED TO KNOW HOW THINGS WERE GOING WITH THE BBI CLAIMS. I TOLD HIM WE WERE STILL IN THE NEGOTIATION STAGE AND THAT OUR MAIN DISPUTE APPEARS TO BE IN THE NUMBER OF ACRES UNDER IRRIGATION. HE STATED HE OWNS SHARES BUT HASN'T USED THE WATER FOR MANY YEARS. I TRIED TO EXPLAIN HOW THE WATER RIGHT HAS BEEN RECOMMENDED TO THE LAND ACTUALLY BEING IRRIGATED. WE DISCUSSED THE PROBLEM OF THE COMPANY OWNING SHARES THAT ARE NOT IN USE FOR IRRIGATION. I TOLD HIM THAT IS A PROBLEM FOR THE IRRIGATION COMPANY; WHAT IDWR IS REPORTING IS HOW THE WATER RIGHT SHOULD BE DESCRIBED.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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

IDWR Employee/Agent Steve Clelland

March 6, 1998 10:28am

NAME:

BILL & DALE SHAPPEE

APPT.

RE:

IRRIGATION OF PARCEL

WHAT IS THE CORRECT WATER RIGHT FOR THEIR LANDS? THEY HAVE BEEN TOLD BY NEIGHBORS AND IN DEEDS THAT THEY SHOULD USE THE BIG BEND DITCH. I FOUND AND RECOMMENDED THE LANDS HAVE ALWAYS BEEN IRRIGATED BY THE "SHARE DITCH". BIG BEND USE DID NOT START UNTIL AFTER MY SRBA EXAMINATIONS IN 1990 & 1991. NONE OF THEIR PARCEL IS RECOMMENDED WITHIN THE BBI POU, WHICH IS WHY THEY CAME TO MEET WITH ME. I HAVE RECOMMENDED THE RIGHT 36-00033G TO THEIR PROPERTY, HOWEVER, THIS RIGHT IS SPLIT BETWEEN THEM AND A NEIGHBOR (CURRENTLY LISTED AS NIKO A. TZANAKAKIS).

IN 1991 WHEN KING SOLD A PORTION TO STRINGER, IDWR MISTAKENLY CHANGED THE OWNERSHIP OF THE ENTIRE RIGHT TO SHOW STRINGER AS CURRENT OWNER; DIRECTORS REPORT WAS ISSUED AS SUCH. IN REVIEWING THE WARRANTY DEED DESCRIPTION SUBMITTED IT IS CLEAR THE WATER RIGHT WAS SPLIT AT THAT TIME. TZANAKAKIS IS OWNER OF ABOUT 1/2 THE RIGHT AND UPON PROOF OF DEEDS THE SHAPPEES WILL BE SHOWN AS OWNERS OF THE REMAINING 1/2.

I WILL SPLIT THE RIGHT TO SHOW THIS CORRECTION AND NOTIFY TZANAKAKIS OF THE CHANGES. THE OTHER PORTION WILL BE LISTED AS KING OWNERSHIP UNTIL I RECEIVE THE DEEDS FROM SHAPPEE.

CLAIMS: A36-00033G & BBI 36-00133

HE WAS DISAPPOINTED WITH THE INFORMATION OF THE FORFEITURE.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00133

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

IDWR Employee/Agent Steve Clelland

March 4, 1998 1:33pm

NAME:

IVAN GUSTAFSON

CALLBACK

RE:

FILE LATE CLAIM

HE WAS IN YESTERDAY AND AT THE SRBA COURT TO FILE ON A WASTE WATER RIGHT. I CALLED HIM TO FIND OUT HOW I COULD HELP. HE SAID HE WANTED TO FILE ON THE WASTE WATER FROM THE BIG BEND DITCH THAT ENDS ON HIS PROPERTY. I TRIED TO EXPLAIN THE UNIQUE CONSIDERATIONS OF A WASTEWATER RIGHT. I THOUGHT HE HAS SOME OBLIGATION AS A SHAREHOLDER IN THE BBI CO. TO USE THE WATER IN THE DITCH FOR BENEFICIAL USES SO I ENCOURAGE HIM TO CONTINUE USING THE WATER AS HE AND HIS PREDECESSORS HAVE DONE. SINCE HE IS THE FINAL DELIVERY OF THE BBI USERS ON THE DITCH HE HAS CONTROL OF WHAT BECOMES WASTEWATER TO BE RELEASED AND DRAINED INTO THE BUCKEYE DITCH.

SINCE WASTEWATER IS NOT AVAILABLE FOR CALLS IT CANNOT BE GUARANTEED AND DOES NOT ALWAYS REQUIRE A TYPICAL WATER RIGHT TO USE THE WATER. GENERALLY THE ONLY TIME A FILING ON WW HELPS IS IN DISPUTES BETWEEN THE WW USERS; THERE APPEARS TO BE NO OTHER USERS OF THIS WATER. I LEFT THE DECISION TO FILE A LATE CLAIM TO MR. GUSTAFSON.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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

IDWR Employee/Agent Steve Clelland

February 27, 1998 10:23am

NAME:

BILL SHAPPEE

CALLIN

RE:

BBI AND SHARE DITCH

HE HAS BEEN TALKING WITH IVAN GUSTAFSON ABOUT THE WATER USES ON THE HOSKOVEC LANDS. HE SAYS HE HAS 5 SHARES FROM BBI AND NOTHING FROM THE SHARE DITCH. HE WAS TOLD BETTY HOSKOVEC STACKED THE SHARE DITCH WATER ON HER 7 ACRES... I TOLD HIM SHE HAS BEEN PLAYING WATER DIRECTOR DOWN THERE BUT THAT DUTY HAS ALREADY BEEN GIVEN TO ANOTHER PERSON, THEREFORE, HER RULES ARE NOT VALID. I HAVE TOLD MRS. HOSKOVEC SHE IS IN ERROR AND THE SRBA COURT HAS RULED IT SO.

WE AGREED TO SET AN APPT. AND MEET NEXT FRIDAY, 3/6/98 AT 9 AM.

3/6/98 su

*Determined he and his son own a portion of
36-000336 from the share ditch.*

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BBI RIGHTS

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

IDWR Employee/Agent Steve Clelland

February 19, 1998 11:45am

NAME:

DEE BATES

CAMEIN

RE:

BBI ACRES

SHE WAS SENT IN BY MR. GUSTAFSON TO CLARIFY HER PLACE OF USE UNDER THE BBI RIGHTS. I SHOWED HER THE GIS MAP AND PART OF HER LANDS ARE ALREADY INCLUDED; SOUTH OF THE MADERITA PLACE. SHE SAYS SHE IRRIGATES BETWEEN THE THREE DITCHES ON THE HILLSIDE, THE BIG BEND TO BUCKEYE TO THE BELL DITCH. SHE ALSO SAYS SHE HAS BEEN IRRIGATING ABOVE THE BIG BEND DITCH FOR YEARS. THE NAPP SHOWS NO IRRIGATION, THE 1980 ASCS SLIDE #60 SHOW NO IRRIGATION AND MY EXAMS IN 1990 & 1991 SHOWED NO IRRIGATION. IF SHE CAN PROVIDE SOME EVIDENCE OF THE IRRIGATION I WILL ADD MORE ACRES TO THE LIST. SHE WILL ATTEMPT TO GATHER THE DOCUMENTS AND SEND THEM TO ME FOR REVIEW.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00133

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

IDWR Employee/Agent Steve Clelland

January 20, 1998 2:09pm

NAME:

DONALD SAUL

CALLBACK

RE:

BBI POU ACRES

HE NEEDED TO SET UP AN APPT. TO REVIEW THE BBI RIGHTS. SET FOR 1/21/98 AT 10 AM. PHONE: 837-6622

January 21, 1998 10:30am

NAME:

DONALD SAUL

APPT.

RE:

BBI ACRES

WE DISCUSSED THE POU HE OWNS WITHIN THE BBI, SEC. 22 SENW, HE OWNS THE SOUTH 20 ACRES. WE REVIEWED THE GIS MAP AND THE 1980 ASCS SLIDE #55; BOTH SHOWING THE SAME AREAS OF IRRIGATION. I TOLD HIM HE IS NOT REQUIRED TO IRRIGATE WITHIN THE GIS "YELLOW LINES", INSTEAD THE LIMIT IS THE WHOLE 1/4-1/4 TRACT IS FOUND TO IRRIGATE 27 ACRES, YOU HAVE THE CHOICE OF WHERE THOSE 27 ACRES ARE LOCATED. HE AGREED WITH THE AMOUNT OF ACRES FOUND AND I TOLD HIM IF HE CAN SHOW ADDITIONAL ACRES BEING IRRIGATED IN THAT TRACT I AM WILLING TO ALTER MY FINDINGS. HE SAID THERE MUST HAVE BEEN A MIS-COMMUNICATION BETWEEN THE PARTIES INVOLVED.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00133

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

IDWR Employee/Agent Steve Clelland

January 14, 1998 4:05pm

NAME:
JEFF SMITH CALLBACK

RE:
BBI POU

HE CALLED MY VOICE MAIL I RETURNED HIS CALL TO 837-4999.

HE SAID HE OWNS THE MADERITA PLACE NEAR C. LLOYD, HE IS NOT SURE WHAT THE PROCESS IS BUT WAS ADVISED BY IVAN GUSTAFSON TO COME VISIT WITH ME. HE SAID HE OWNS 27 ACRES.

WE SET AN APPT. FOR 9 AM 1/15/98 AT MY OFFICE TO REVIEW THE POU FOR THE BBI ACRES.

January 15, 1998 9:00am

NAME:
JEFF SMITH APPT.

RE:
BBI AT MADRIETA POU

WE MET AND I SHOWED HIM THE GIS MAP OF THE PLACE AND EXPLAINED I CONFIRMED IT WITH THE 1974 OPQ AND 1980 ASCS SLIDE PHOTOS AND ALL SHOW THE SAME AREAS BEING IRRIGATED. GIS FOUND 18 ACRES BUT THE REC/D WAS FOR 25 ACRES; I TOLD HIM WE SOULD STAY WITH THE REC/D ACRES. I PRINTED A COPY OF THE GIS MAP FOR HIM.

Claim No. BBI COMPANY

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

IDWR Employee/Agent Steve Clelland

January 13, 1998 2:15pm

NAME:

MR. & MRS. RALPH FORGEON

RE:

CAMEIN

BBJ REC/D ON CALLOW POU

THEY FIRST MET WITH DOUG JONES AND THEN HE BROUGHT THEM TO MY OFFICE TO FINISH THE DISCUSSION. THEY HAVE PURCHASED THE CALLOW PROPERTY AND WANTED TO KNOW WHAT THE WATER RIGHTS WERE UNDER THE BBI CLAIMS. I SHOWED THEM THE GIS MAPS AND THE SUMMARY SHEET AND POINTED OUT THE ACREAGE DIFFERENCE; I STRESSED THE RECOMMENDATION WAS FOR MORE ACRES THAN WAS FOUND IN THE GIS STUDY - WE ARE USING THE ACRES AS ORIGINALLY REC/D. THEY WERE IN AGREEMENT WITH THE ACRES SHOWN FOR THE PROPERTY OF 15 AC AND 37 AC FOR THE WEST AND EAST TRACTS RESPECTIVELY.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. BIG BEND IRRIG.

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

IDWR Employee/Agent Steve Clelland

January 13, 1998 1:10pm

NAME:
IVAN GUSTAFSON BIG BEND IRRIGATION

RE:
APPT FOR QUESTIONS

HE HAD SEVERAL QUESTIONS TO ASK OF ME. FIRST HE WANTED TO KNOW WHAT INFORMATION WE HAD TO SHOW THE LANDS HE OWNS AS IRRIGATED OR NOT IRRIGATED. I SHOWED HIM THE 1974 OPQ WHICH SHOWS SPRINKLER IRRIGATION. I SHOWED HIM THE 1980 ASCS SLIDE WHICH SHOWS NO IRRIGATION FOR THE PROPERTY. THE 1987 NAPP HE ALREADY HAD COPIES OF SHOWING NO IRRIG. AND IT WAS CONFIRMED BY MY EXAMS IN 1990-91 WHICH CONFIRMED THE NAPP PHOTO SHOWING NO IRRIG.

APPEARS THE LAND IN QUESTION IS MAINLY THAT ABOVE THE DITCH AND WOULD REQUIRE A PUMP TO DELIVER TO SPRINKLER SYSTEM. EXAM SHOWED NO SYSTEM IN PLACE. HE HAS ONLY RECENTLY (SINCE 1992) ADDED THE GATED PIPE TO IRRIGATE THESE LANDS. I BELIEVE NO IRRIGATION OCCURRED HERE FROM 1980 THRU 1992 OR LATER WHEN MR. GUSTAFSON INSTALLED THE SYSTEM IN USE TODAY.

WE DISCUSSED THE WATER USED TO IRRIGATE ON THE BETTY HOSKAVEC PROPERTY ABOVE THE BBI DITCH. DURING MY EXAM IN 1990 IT WAS IRRIGATED WITH BAR S DITCH WATER UNDER A36-00033B. SHE SUBSEQUENTLY SOLD PORTIONS OF THAT LAND AND WITHHELD THE A36-00033B RIGHT AND TOLD THE BUYERS THEY COULD USE BBI WATER FOR IRRIGATION. SHE HAD PREVIOUSLY TOLD ME SHE HAD NEVER USED THE WATER ABOVE THE DITCHS AS DIVERTED. NO BBI WATER IS FOUND TO BE USED ABOVE THE DITCH ON HER PROPERTY PRIOR TO 1991 AND WAS NOT REC/D THERE.

WE DISCUSSED BRIEFLY THE POSSIBILITIES OF RESUMPTION OF USE. I RESTATED WHAT CHARLIE HONSINGER HAD MENTIONED BEFORE, BASED ON THE DECISION OF MUSSEY CASE THERE IS GOING TO BE INTERVENING USERS IN THE GROUNDWATER PUMPERS AREA.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BIG BEND IRRIGATION & MINING CO
C/O CATHERINE SAUL
2751 S 850 E
HAGERMAN ID 83332

RE: SRBA CLAIMS 36-00133 & 36-00192; SHAREHOLDER CONTACTS

Dear Sirs,

Enclosed is a recent response to one of your shareholders, Ken Crist.

I have also met with several other shareholders at my office in recent months and I list them here for your information.

Paul Burton
Dick Cook
Ruth Childs
Mr. & Mrs. Dale Adamson
Kenny Crist
Kent Skaar

To date Mr. Crist is the only contact that has resulted in a change to our recommendation of the rights listed above. I am unable to include a copy of those records at this time due to computer access problems, however, I will send you a copy as soon as I am able to modify the records accordingly. The change will be in the total acres from 393.5 acres up to 397.5 acres.

Please contact me if you have further questions in this matter.

Sincerely,


STEVE CLELLAND
Sr. Water Resource Agent

ENC:

CC: Lloyd J. Webb
Charlie Honsinger, IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KEN CRIST
260 E 2700 S
HAGERMAN ID 83332

RE: PLACE OF USE ACRES UNDER BIG BEND IRRIGATION CLAIMS 36-00133
& 36-00192

Dear Mr. Crist,

Enclosed is the revised GIS map as we discussed during our conversation on 12/12/97. I adjusted the boundaries to match closer to the place of use we had talked about. There will be an additional 4.0 acres added to the total acres as listed in the Big Bend rights; total is now 397.5 acres.

Total acres for your lands in T07S, R13E, S16, SE1/4 are 28.0 acres.

Please feel free to call me if you have any further questions.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

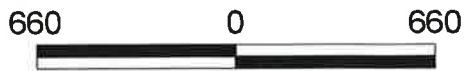
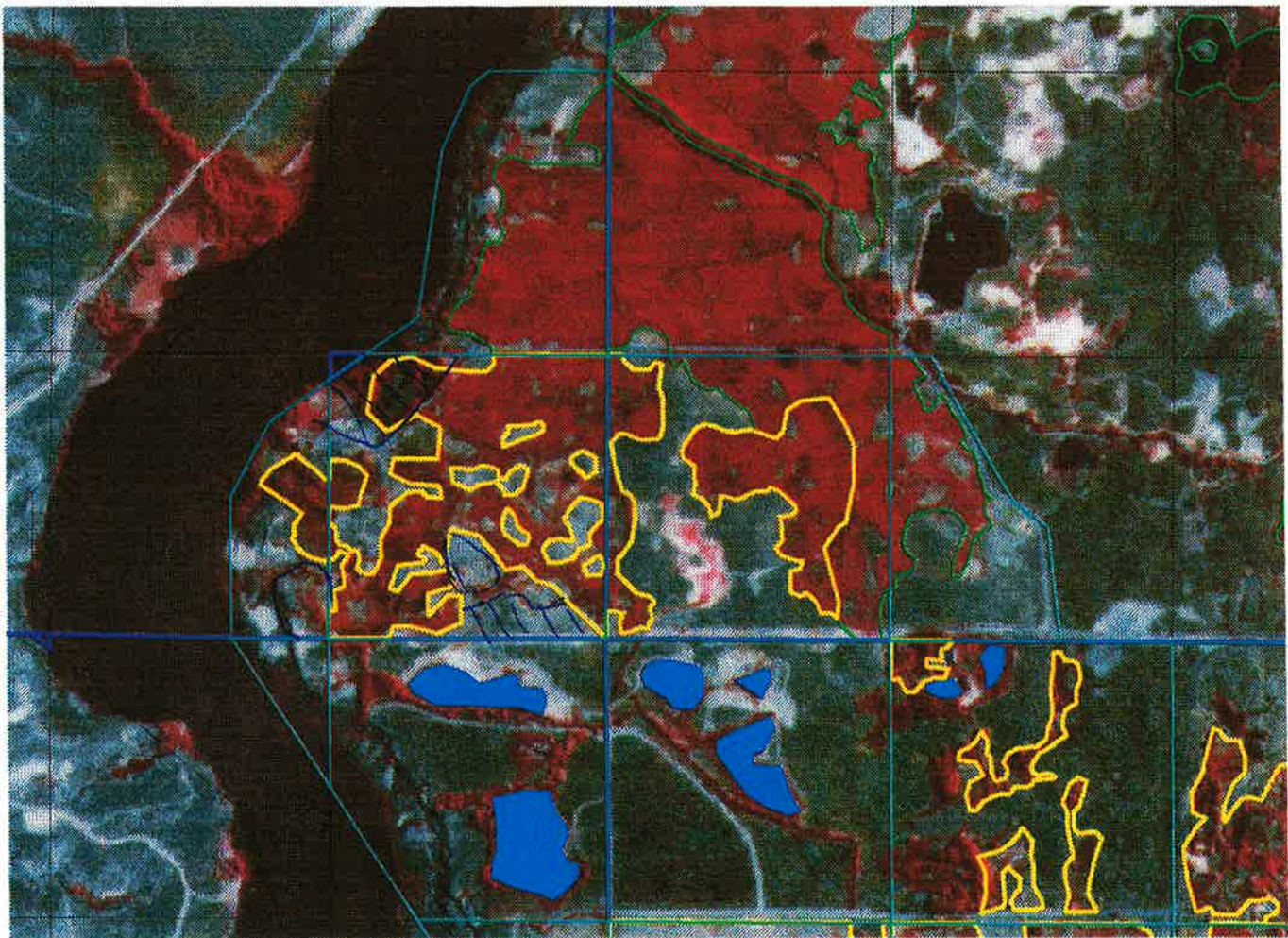
ENC:

CC: Big Bend Irrigation Co.
Charlie Honsinger, IDWR

Revised
12-24-97
SW

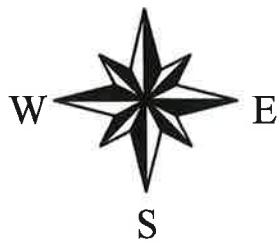
IDAHO DEPARTMENT OF WATER RESOURCES
36-00133 & 36-00192

Big Bend Irrigation & Mining Co.



MAIL TO → *260 E 2700 S*

TNS 7S, RNG 13E



-  Claimed Place of Use Borders
-  Recommended Point of Diversion
-  Recommended Place of use
-  Section lines
-  Quarter/Quarter Lines

Ken Crist
Total Acres
for this
Pou

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 13, 1997
BY STEVE CLELLAND



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KEN CRIST
260 E 2700 S
HAGERMAN ID 83332

RE: PLACE OF USE ACRES UNDER BIG BEND IRRIGATION CLAIMS 36-00133
& 36-00192

Dear Mr. Crist,

Enclosed is the revised GIS map as we discussed during our conversation on 12/12/97. I adjusted the boundaries to match closer to the place of use we had talked about. There will be an additional 4.0 acres added to the total acres as listed in the Big Bend rights; total is now 397.5 acres.

Total acres for your lands in T07S, R13E, S16, SE1/4 are 28.0 acres.

Please feel free to call me if you have any further questions.

Sincerely,

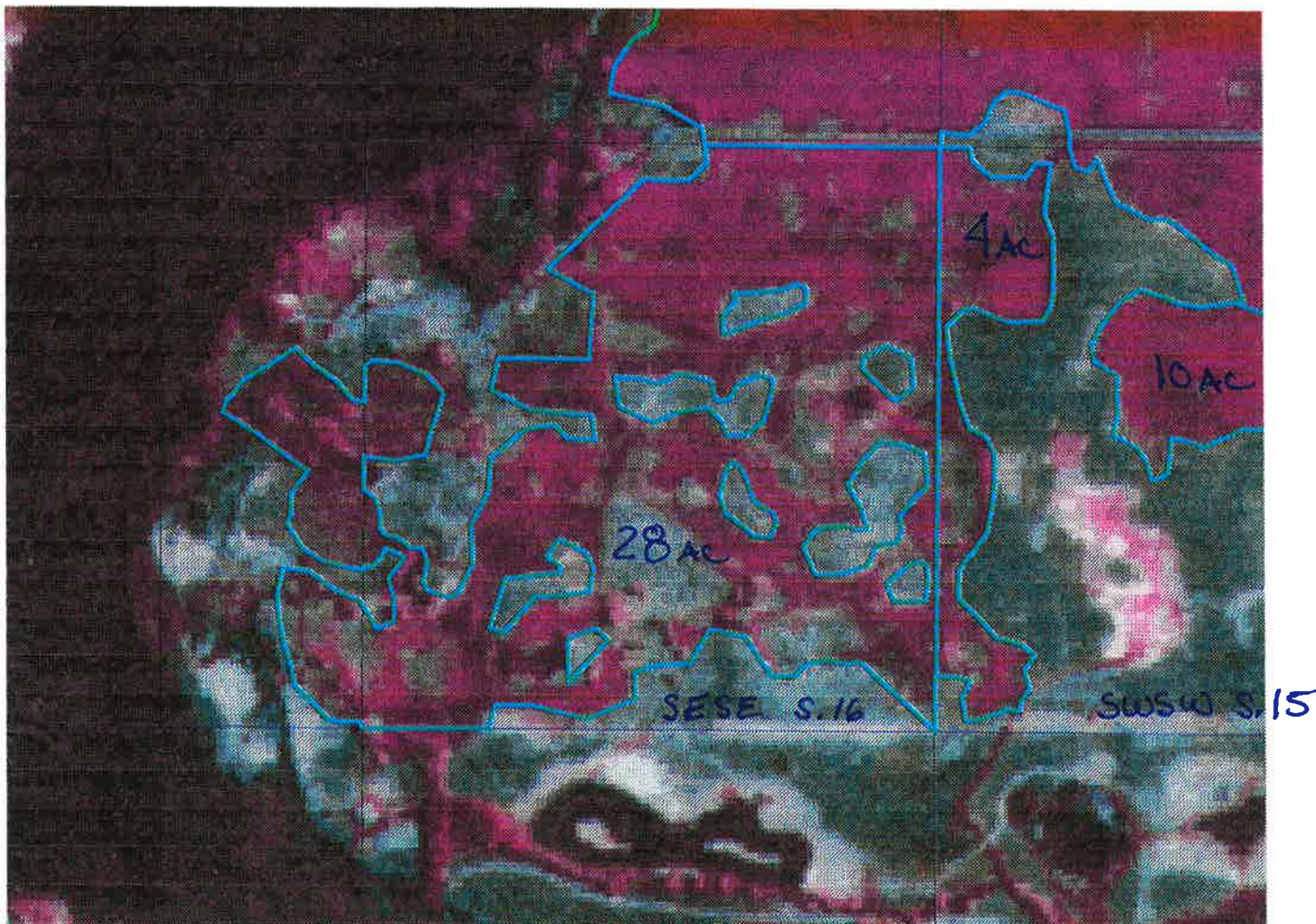
STEVE CLELLAND
Sr. Water Resource Agent

ENC:

CC: Big Bend Irrigation Co.
Charlie Honsinger, IDWR

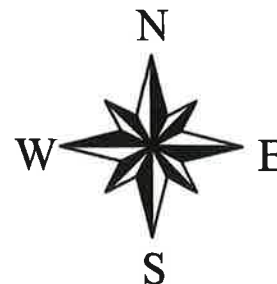
IDAHO DEPARTMENT OF WATER RESOURCES

36-00133 & 36-00192
BIG BEND IRRIGATION



660 0 660 Feet

TNS 7S, RNG 13E
SEC 16, SWSE & SESE



⊙ 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 DECEMBER 27, 1997
BY STEVE CLELLAND

Copy sent to BBI

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00133

A36-00033B & A36-00035J

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IDWR Employee/Agent Steve Clelland

December 22, 1997 10:19am

NAME:

KENT SKAAR

APPT: 10 AM

RE:

ACRES IN BBI REVIEW

HE HAS PURCHASED LAND ORIGINALLY OWNED IN THE SRBA BY BETTY HOSKAVEC. WE SEEMED TO AGREE ON ALL THE ACREAGE USED EXCEPT FOR ABOUT 5 ACRES ABOVE THE BIG BEND DITCH THAT IS CURRENTLY UNDER SPRINKLER IRRIGATION. I EXPLAINED THIS LAND WAS NOT BEING IRRIGATED WITH BIG BEND WATER AT MY EXAM AND ALL OTHER EVIDENCE IN THE FILES INDICATES IT NEVER WAS; INSTEAD, THE WATER FROM THE BAR S DITCH WAS USED TO IRRIGATE THE LAND.

HE PROVIDED A STATEMENT FROM MRS. HOSKAVEC, IT SEEMS TO BE VAGUE ABOUT WHAT WAS IRRIGATED. HE WILL TRY TO GET ANOTHER STATEMENT FROM HER SPECIFICLY IDENTIFYING THE WATER USES. I TOLD HIM I KNEW HOSKAVEC HAD TRIED TO RETAIN OWNERSHIP OF ALL THE BAR S DITCH WATER AND WITHHELD IT FROM A PREVIOUS SALE, HOWEVER, THAT IS HOW THE LAND WAS IRRIGATED. ANY CHANGES HAVE TAKEN PLACE AFTER THE SRBA COMMENCEMENT DATE AND WILL HAVE TO BE ADDRESSED ACCORDING TO CURRENT WATER LAWS. YOU MAY BE ABLE TO FILE A TRANSFER TO MOVE THE WATER THERE BUT WILL HAVE TO SHOW WHAT ACRES WERE DRIED UP. HE WAS FAMILIAR WITH TRANSFERS AND SAID THERE IS SOME LAND THAT HAS BEEN CONVERTED TO CORRALS THAT MAY BE ENOUGH LAND TO JUSTIFY THE TRANSFER. I TOLD HIM TO DISCUSS THIS WITH THE COMPANY AS TO HOW THEY WISH TO PROCEED WITH A TRANSFER.

HE ALSO SUBMITTED A CHANGE OF OWNERSHIP FOR HIS RIGHTS UNDER A36-00033B AND A36-00035J. HE INCLUDED DEEDS TO SUPPORT THIS.

December 17, 1997

To Whom It May Concern:

In 1987-88 and before, I owned the property irrigated by Big Bend Ditch Inc., water right 3600033B. During the time I owned the property we irrigated and raised crops on all of the property in this water right claim.

A handwritten signature in cursive script, reading "Betty Hoskovec", written over a horizontal line.

Betty Hoskovec
Hagerman, Idaho

by Kent Skaar
copy to A36-00133

WARRANTY DEED

#G-24898

For Value Received

RICHARD D. SIMON, A MARRIED MAN CONTRACTING WITH HIS SOLE AND SEPARATE PROPERTY

RECEIVED

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

DEC 22 1997

Brothers
SKAAR BROTHERS FARMS PARTNERSHIP
Address: 421 NORTH 3200 EAST, LEWISVILLE, IDAHO 83431

Department of Water Resource
Bozeman, Montana

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

SEE EXHIBIT "A" ATTACHED

This Warranty Deed is being re-recorded to correct the name of the Grantee

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

Dated: APRIL 30, 1997

Richard D Simon
RICHARD D. SIMON

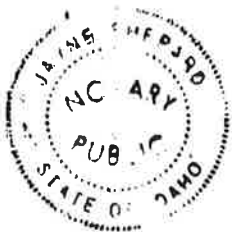
STATE OF IDAHO)

) ss.

COUNTY OF GOODING)

On this 2nd day of MAY, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD D. SIMON, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Jarvis Supard
Notary Public
Residing at: Buhl, Idaho
My Commission expires: 8-21-99



170698

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Land Title & Escrow Inc.

30 min. past 1 o'clock P m. this 2nd

of may 19 97 6.00

By Jeremy Watson Deputy

Copy to A36-00133

EXHIBIT "A"

1700.78
STATE OF IDAHO COUNTY OF GOODING
Land Title & Escrow Inc.
Filed for record at the request of
25 min. past 3 o'clock P.m. this 15th
of May 1997 \$6.00
By Penny Watson Deputy

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$; EXCEPTING THEREFROM that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said
Section 22, described as follows:

Beginning at the Northeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South along the East boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 836.0 feet;
Thence West parallel with the North boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 550.0 feet
more or less to the centerline of the Big Bend Irrigation Ditch as now
constructed;
Thence Northerly along the centerline of the Big Bend Irrigation Ditch, 836.0
feet more or less to the North boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence East 550.0 feet to THE TRUE POINT OF BEGINNING.

TOGETHER WITH ALL WATER AND WATER RIGHTS, DITCHES AND DITCH RIGHTS
USED THEREON OR APPURTENANT THERETO INCLUDING BUT NOT LIMITED TO
19 SHARES BIG BEND IRRIGATION AND MINING CO., LTD. STOCK AND
20 ~~SHARES~~ BUCKEYE DITCH.

SUBJECT TO THE FOLLOWING:

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

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

Assessments, if any, levied or to be levied by the Big Bend
Irrigation District.

Assessments, if any, levied or to be levied by the Buckeye
Ditch Irrigation District.

Terms and conditions of an Agreement by and between F. D. Brown and Florence M.
Brown, husband and wife, and L. L. Ormsby and Lillian F. Ormsby, husband and wife,
parties of the first part, and W. H. Clifford, party of the second part, dated April 25,
1918, recorded July 21, 1919 in Book 2 Page 47 as Instrument Number 20006, Gooding
County records, pertaining to an easement of conducting through that certain ditch,
flumes and pipeline, affecting the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 7 South, Range 13,
East Boise Meridian, and other property.

Power Line Easement given by H. F. Clifford, a single man to Idaho Power Company,
a corporation, dated October 29, 1930, recorded September 18, 1931 as Instrument
Number 53118, Gooding County records, affecting SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township
7 South, Range 13 East, Boise Meridian.

Power Line Easement given by Dale Cady and Verne Cady, husband and wife, to
Idaho Power Company, a corporation, dated August 31, 1945, recorded October 22,
1945 in Book 5 Page 602 as Instrument Number 94510, Gooding County records,
affecting the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, all of Township 7
South, Range 13, East Boise Meridian.

Subject to a perpetual easement for road right of way 30 feet wide as revealed in
Warranty Deed dated February 6, 1991, recorded February 20, 1991 as Instrument
Number 143749, Gooding County records.

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Steve Clelland

PLAN TO RE-DO THE GIS WITH CHANGES DISCUSSED AND CLOSER MATCH TO 1980 SLIDE. SEND COPY TO CRIST WITH LISTING OF ACRES FOUND IN THE NEW VERSION FOR HIS REVIEW.

COMMUNICATION DOCUMENTATION

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

December 9, 1997 1:00pm-3:00PM

THEY CAME AS A GROUP TO REVIEW THE RECOMMENDATIONS FOR THE BIG BEND IRRIGATION RIGHTS FOR THEIR RESPECTIVE LANDS. WE DISCUSSED THE GIS MAPS AND HOW I DETERMINED THE FINAL ACREAGE AS RECOMMENDED FOR THE COMPANY'S RIGHT. I EXPLAINED HOW THEY CAN ADD ADDITIONAL ACRES UNDER PERMIT FOR "SPREAD ACRES" AND HOW IT IS POSSIBLE TO FILE TRANSFERS FOR MAJOR SHIFTS IN THE LAND UNDER IRRIGATION.

THEY REQUESTED COPIES OF THE GIS MAPS FOR THEIR LANDS AND I
AGREED TO MAIL THEM OUT.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00133 &
A36-00192

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

IDWR Employee/Agent Steve Clelland

September 17, 1997 11:45am

NAME:
PAUL BURTON

CAMEIN

RE:
LOCATION OF ACRES - BBI

HE WANTED TO KNOW WHERE HIS FARM FIT INTO THE RECOMMENDATION OF THE BBI RIGHTS. I SUGGESTED HE COME IN AND LOOK AT THE MAPS FOR THE BEST INFORMATION. I SHOWED HIM THE MAP OF THE REC'D ACRES FOR THE BBI RIGHTS AND THEN PROVIDED HIM WITH A COPY OF THE MAP ALSO. I ADDED THE SIMILAR COLOR MARKINGS SHOWING THE ACRES REC'D. CONFIRMED THAT HIS PROPERTY WAS FULLY COVERED BY THE BBI RIGHTS.
CLAIMS: A36-00133 & A36-00192

COMMUNICATION DOCUMENTATION

A36-00192

IDWR Employee/Agent Steve Clelland

BBI ACRES

CLAIM: A36-00133, A36-00192

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00133 &
A36-00192

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

IDWR Employee/Agent Steve Clelland

September 17, 1997 9:00am

NAME:

GUS GUSTAFSON

CALLIN

RE:

BBI ACRES

HE NEEDED SOME CLARIFICATION ON THE ACRE LIMIT AS DESCRIBED ON THE SRBA CLAIMS FOR BBI. HIS ATTORNEY HAD TOLD HIM THE ACRE LIMIT DIDN'T MEAN ANYTHING AFTER THE FLOW RATE WAS CALCULATED AND THEY COULD IRRIGATE WHEREVER THEY WANTED. I TOLD HIM NO, THE ACRES ARE DESCRIBED TO SHOW THE ACTUAL LOCATION OF THE IRRIGATION UNDER THIS RIGHT.

HE ASKED ABOUT "SPREAD ACRES" THAT HE HAS HEARD REFERENCE TO RE: GROUNDWATER PUMPERS. I TOLD HIM THIS IS ACRES THAT WERE INCREASED DUE TO THE MORE EFFICIENT USE OF WATER ON A FARM. IN THE PAST, BEFORE SRBA, THERE IS A LAW WHICH ALLOWS FOR THESE ACRES IN THE SRBA RECORDS. HOWEVER, SUCH INCREASES NOW REQUIRE A NEW WATER RIGHT PERMIT TO BE FILED.

CLAIM: A36-00133, A36-00192

w/o error 8/22/97 sun
 12.91 NIS flow
 34.05 IS flow

<u>NIS</u>		<u>IRR Season</u>
Dom .28		Dom 0.06
Stock 1.03		Stock 0.23
<u>W</u> : (Fug)	1.74	<u>W</u> (Fug) 1.60
(Cook)	5.86	(Cook) 0.74
(Ray)	.80	(Ray) .80
(Troutner)	3.20	(Troutner) 3.20
	<u>12.91</u>	<u>6.63</u>
		FIR: 19.00
		C.L. 8.42
		<u>34.05</u>

RECEIVED

SEP 17 1997

Department of Water Resources

1997 SEP 12 PM 4: 27

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED SL

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

In Re SRBA

Subcase 36-00133

Case No. 39576

ORDER GRANTING MOTION
TO AMEND CLAIM

Big Bend Irrigation & Mining Company (Big Bend) filed its *Notice of Claim to a Water Right Acquired Under State Law* on August 31, 1988. It claimed 20 cfs from Upper Tupper Springs for year 'round irrigation, domestic and stock water uses based on a decree.

On December 5, 1995, the State of Idaho, Department of Fish and Game (Fish and Game), was allowed to file late responses because its claims to year 'round wildlife use as a shareholder of Big Bend would not otherwise be protected.

On September 2, 1997, Big Bend, Fish and Game and IDWR filed a *Stipulation* agreeing that wildlife should be listed as a purpose of use for 1.72 cfs during the irrigation season and 7.6 cfs during the non-irrigation season. On September 9, 1997, Big Bend moved to amend its claim to include year 'round wildlife use with no net increase in the claimed total diversion rate.

THEREFORE, for good cause shown, IT IS ORDERED that Big Bend's motion to amend its claim is **granted**. Under the unique circumstances of this subcase, it is not required that the amended claim be noticed on the Docket Sheet.

DATED September 12, 1997.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

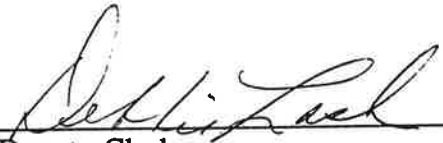
I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND CLAIM was mailed on September 12, 1997, with sufficient first-class postage to the following:

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

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

Lloyd J. Webb
Box 1768
Twin Falls, Idaho 83303-1768
Rep: Big Bend Irrigation

Rinda Just
Idaho Fish & Game
Parks and Rec. Dept.
Statehouse, Idaho 83720


Deputy Clerk

COPY *SCV*

AJ5809NP
No. 36-00192

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/03/97
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BIG BEND IRRIGATION & MINING CO	04/01/1906	IRRIGATION	03-15 11-15	15.00 CFS	15.00 CFS
TOTAL DIVERSION:					15.00 CFS	

Water Source: TUCKER SPRINGS, LOWER Tributary to: RILEY CREEK Stage: DECREED
Point(s) of Diversion: T07S R13E S36 SENWSE GOODING County
Place of use Legal Description for: IRRIGATION

Plate of use legal description for: IRRIGATION																																				
			NE				NW				SW				SE																					
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
07S	13E	15																																	10.0	
07S	13E	16																																	28.0	
07S	13E	21																																	15.0	
07S	13E	22																																	23.0	
07S	13E	23																																	54.0	
07S	13E	26																																	99.0	
07S	13E	27																																	393.5	
			TOTAL ACRES																																	

POU County: GOODING

Other Rights: 36-00133

Conditions of Approval:

- C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: GEN

WATER IS DELIVERED THROUGH BIG BEND DITCH.

USE OF THIS RIGHT WITH RIGHT NO. 36-00133 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.43 CFS FOR ALL USES IDENTIFIED DURING THE IRRIGATION SEASON. BOTH ARE ALSO LIMITED TO A TOTAL COMBINED FIELD HEADGATE REQUIREMENT OF 19.00 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1180.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 393.5 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT WITH RIGHT NO. 36-00133 IS LIMITED TO A TOTAL OF 8.42 CFS FOR USE AS CONVEYANCE LOSS IN DELIVERY OF THE RIGHTS DELIVERED THROUGH THE BIG BEND DITCH.

Dates: Exam Made Date: 08/20/1990

Verified Date:

Objection Filed Date: 04/29/1993

Misc: Water District Number: 36A

Field Inspection Flag:
Presumption Flag: C

add non-irrig uses for different source if needed.

QNT Comm POU *33.73 cfs and 13.21 cfs during New IRR. Season for New IRR. Uses.*

Comments: Date: 08/08/1992 User-ID: CLELLAND Subject: COPIED FROM REMARKS
LAND CLAIMED IS APPROXIMATE BASED ON SHARES OWNED BY VARIOUS
SHAREHOLDERS. SOME OF THE LAND IS ALSO IRRIGATED FROM OTHER
DITCHES. DUE TO THE MILD CONDITIONS IN THE HAGERMAN VALLEY, SOME
IRRIGATION OCCURS ALL YEAR. DITCH LOSS THRU 9 MILES OF THE BIG
BEND DITCH IS ABOUT 50%, SO ALL THE WATER DIVERTED IS NEEDED TO
INSURE DELIVERY TO ALL THE SHAREHOLDERS. EXCEPT FOR A FEW OTHER
DIVERSIONS, ALL THE OUTPUT OF THE UPPER & LOWER TUCKER SPRINGS
RUNS THRU THE BIG BEND DITCH ALL YEAR. SOME LAND IRRIGATED IS
ABOVE THE DITCH, AND IS IRRIGATED BY PUMPS IN THE DITCH; EXPAN-
SION IS CLAIMED UNDER SEC. 42-1416 OF THE IDAHO CODE.
VOLUME CLAIMED IS 15 CFS FLOWING CONTINUOUSLY ALL YEAR. BETWEEN
DITCH LOSS & BENEFICIAL USE, NEARLY ALL THE WATER IS CONSUMED.
A LOT OF LAND IN THE HAGERMAN VALLEY WAS PUT UNDER SPRINKLERS
FROM 1972 THRU 1985, POSSIBLY DOUBLING THE AMOUNT OF LAND IRRIG-
ATED.

Date: 09/21/1992 User-ID: MERRITT Subject: NOTICE OF ERROR RECEIVED FROM LEO RAY

Date: 09/22/1992 User-ID: SCHULTZ Subject: 1 NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92 FROM CLEAVE C. LLOYD. LEFT NOE FLAG AS A.

Date: 09/23/1992 User-ID: SCHULTZ Subject: 5 NOTICES OF ERROR (NOE)
RECEIVED 5 NOE'S 9/22/92. LEFT NOE FLAG AS A.
1 NOE WAS FROM CLAIMANT.

Date: 09/24/1992 User-ID: SCHULTZ Subject: 7 NOTICES OF ERROR (NOE)
RECEIVED 7 NOE'S 9/23/92. LEFT NOE FLAG AS A.

Date: 09/25/1992 User-ID: SCHULTZ Subject: 5 NOTICES OF ERROR (NOE)
RECEIVED 5 NOE'S 9/24/92. LEFT NOE FLAG AS A.

Date: 09/25/1992 User-ID: SCHULTZ Subject: 3 NOTICES OF ERROR (NOE)
3 NOE'S RECEIVED 9/25/92. LEFT NOE FLAG AS A.

Date: 09/29/1992 User-ID: MERRITT Subject: NOTICE OF ERROR FILED BY ATTORNEY COLEMAN FOR SPRING VALLEY
RANCH INC.

Date: 10/20/1992 User-ID: CLELLAND Subject: RESPONSE TO NOE
SEE R36-00133. ALL ISSUES WILL NEED RESOLVED IN THE OBJECTION
PHASE.

Date: 02/19/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
2/10/93.
CLAIM VERIFIED 10/20/92--DID NOT REVERIFY ANY PART OF CLAIM.

Audit: 12/14/90 BEDKE 07/10/92 CWU-PROD 07/18/92 POST-STD 08/08/92 CLELLAND
08/28/92 PR-PROD 09/21/92 MERRITT 09/22/92 SCHULTZ 09/23/92 SCHULTZ
09/24/92 SCHULTZ 09/25/92 SCHULTZ 09/28/92 SCHULTZ 09/29/92 SCHULTZ
09/29/92 MERRITT 10/15/92 CWU-SHAF 10/20/92 CLELLAND 11/02/92 CPSHAW

AJ5809NP
No. 36-00192

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

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Audit: 12/05/92 ADT-SHAW 02/19/93 SCHULTZ 06/16/93 CMDATFIX 09/17/93 UPD-SCHU
10/20/94 JGIVENS 03/29/95 POST-STD

BIG BEND IRRIGATION COMPANY

REVIEW AFTER SETTLEMENT

Date: September 5, 1997

By: Steve Clelland

On August 22, 1997 a settlement conference was held at IDWR's Southern Region office to resolve the objection for the water right claims 36-00133 & 36-00192, in the name of the Big Bend Irrigation Co. (BBI). In attendance at this meeting were Ivan Gustafson and Leo Ray for BBI, Lloyd Webb as attorney for BBI, and Charlie Honsinger and myself for IDWR. We came to an agreement that we would add in the wildlife uses for Leo Ray (0.80 cfs) and Troutner (3.20 cfs) to the previous total recommended of 29.43 cfs. Because of an error in my calculations (the 0.12 cfs in addition to the 1.60 cfs for wildlife uses for IDFG, presumably the conveyance loss for this amount) it was agreed to allow the same percentage of error on these new wildlife uses for an additional 0.30 cfs. The total resulted as this: $29.43 + 4.00 + 0.30 = 33.73$ cfs. That was how the meeting ended and I was to prepare the database with the new figures in preparation for the partial decree.

During the re-calculation of the claims and the review of the files I found the 0.12 cfs error should have more accurately been an additional wildlife use amount of 0.74 cfs for the claim made by Vay Cook under claim A36-10064. In reviewing my notes I found where I had calculated it into the non-irrigation season uses for a total of 2.62 cfs. (This is for the uses of domestic, stockwater and wildlife uses in the winter season.) I also added on the appropriate conveyance loss amount of 6.28 cfs bringing the total to 8.91 cfs during the non-irrigation season. The 2.63 cfs amount differed from the amount used in calculating the non-irrigation uses during the irrigation season. The number used in that calculation was 2.01 cfs and when added to the Field Irrigation Requirement (FIR) of 19.00 cfs, and 8.42 cfs for conveyance loss, the total resulted in the original 29.43 cfs.

To correctly account for all the uses as agreed to during settlement conference I re-calculated the non-irrigation season uses and the irrigation season uses based on actual uses and left out the previously mentioned "error adjustment". The following charts show those calculations.

Non-Irrigation Season

Domestic uses 0.28 cfs
 Stockwater uses . . . 1.03 cfs
 Wildlife uses 11.60 cfs
 (IDFG 1.74 cfs)
 (V.Cook 5.86 cfs)
 (L.Ray 0.80 cfs)
 (Trout. 3.20 cfs)

Total 12.91 cfs
 (includes 6.28 cfs conv. loss)

Irrigation Season

Domestic uses 0.06 cfs
 Stockwater uses . . . 0.23 cfs
 Wildlife uses 6.34 cfs
 (IDFG 1.60 cfs)
 (V.Cook 0.74 cfs)
 (L.Ray 0.80 cfs)
 (Trout. 3.20 cfs)

Sub-Total 6.63 cfs
 FIR 19.00 cfs
 Conv. Loss 8.42 cfs
 =====
 Total 34.05 cfs

As shown above, the final total resulted in an increase in the combined flow rate instead of the 33.73 cfs previously agreed upon. I believe this to be a much more accurate number and the calculations are consistent during each season.

Finally, I re-calculated the conveyance loss program based on the increases due to the additional flows from Ray and Troutner. There was no increase in the total conveyance loss figure.

Amendment of Claims:

There was no mention of this at the time of the settlement conference but no claims are on file to allow for the recommendation of the Ray and Troutner wildlife uses. BBI should probably amend their claims to include these uses. The question of the \$400.00 fees due for such an amendment has been forwarded to IDWR legal staff for review.

From: DWR60::SCLELLAN "STEVE @ SOUTHERN" 2-SEP 1997 08:43:07.60
To: DWR03::CHONSING
CC: SCLELLAN
Subj: big bend question

Charlie,

It just struck me... does the Big Bend Co. need to amend their claim and pay the appropriate fees for the additional wildlife water we agreed upon?

If so they would pay fees of another \$400 for Leo Ray and Troutner uses.

There is no claim for these uses anywhere to justify the recommendation. Sorry I didn't think of this at settlement.

Steve

Post-it® Fax Note 7671		Date 9/2/97	# of pages 1
To CHARLIE H.	From STEVE		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

P.S. Couldnt send this by e-mail today
So here it is by FAX

Steve

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: Charlie

TOTAL PAGES SENT: 4

DOCUMENT DESCRIPTION: BIG BEND R. RECORDS

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

PHONE: 736-3033

FAX: 736-3037

SENDER: Steve

CHARGES:

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

Please consider this document as a billing statement.

The charge for your fax copies is: _____

Please remit to the above address.

COMMENTS: Charlie, I have found a total combined rate of 34.05 cfs
the 0.12 error should belong to Vay Cook - it should have been 0.74 cfs
this increases the rate for Wildlife by 0.62 (But subtract back the 0.30 adj.)
Results in a net increase of 0.32 cfs. CALL ME ☺

COPY *sa*

AJ5809NP
No. 36-00133

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/03/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BIG BEND IRRIGATION & MINING CO	12/17/1903	IRRIGATION	03-15 11-15	20.00 CFS	
			STOCKWATER	03-15 11-15	0.23 CFS	
			STOCKWATER	11-16 03-14	1.03 CFS	
			WILDLIFE	03-15 11-15	1.72 CFS	
			WILDLIFE	11-16 03-14	7.60 CFS	
			WILDLIFE STORAGE	01-01 12-31		2.50 AFA
			DOMESTIC	11-16 03-14	0.28 CFS	
			DOMESTIC	03-15 11-15	0.06 CFS	
TOTAL DIVERSION:					20.00 CFS	

*add to
-192
to allow
use of lower
springs for these
uses*

Water Source: TUCKER SPRINGS, UPPER Tributary to: RILEY CREEK Stage: DECREED
Point(s) of Diversion: T07S R13E S36 NWSESE GOODING County

Place of use Legal Description for: IRRIGATION

			NE								NW								SW								SE								
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
07S	13E	15																															10.0		
07S	13E	16																															28.0		
07S	13E	21								05-15																							15.0		
07S	13E	22			04		30		25		05				37		27									15		13			08		164.5		
07S	13E	23													23																		23.0		
07S	13E	26			10		17																				10		07		10		54.0		
07S	13E	27		18	07		25		22																	12		15					99.0		
																															TOTAL ACRES				393.5

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE																				
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
07S	13E	22			S		S				S						S																		
07S	13E	23												S														S							
07S	13E	26			S		S																				S		S		S				

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	13E	22	:			S	S	:	S			S	:					:						:	
07S	13E	23	:					:			S		:					:		S				:	
07S	13E	26	:			S	S	:					:					:		S	S	S		:	

AJ5809NP
No. 36-00133

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Place of use Legal Description for: WILDLIFE

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
07S	13E	36	:					:					:					:					:
08S	13E	1	:			02-W		:					:					:					:

Place of use Legal Description for: WILDLIFE

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
07S	13E	36	:					:					:					:					:
08S	13E	1	:			02-W		:					:					:					:

Place of use Legal Description for: WILDLIFE STORAGE

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
07S	13E	22	:					:					:					:					:

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
07S	13E	21	:				05-D	:					:					:					:
07S	13E	22	:			D		:					:					:					:

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
07S	13E	21	:				05-D	:					:					:					:
07S	13E	22	:			D		:					:					:					:

POU County: GOODING

Non-Irrigation Uses: ~~DOMESTIC~~, 2 HOMES; STOCK, 1000 MIXED; WILDLIFE, PONDS AND HABITAT

Other Rights: 36-00192

Conditions of Approval:

- C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: GEN WATER IS DELIVERED THROUGH BIG BEND DITCH.

Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.43 CFS FOR ALL USES IDENTIFIED DURING THE IRRIGATION SEASON. BOTH ARE ALSO LIMITED TO A TOTAL COMBINED FIELD HEADGATE REQUIREMENT OF 19.00 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1180.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 393.5 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO A TOTAL OF 8.42 CFS FOR USE AS CONVEYANCE LOSS IN DELIVERY OF THE RIGHTS DELIVERED THROUGH THE BIG BEND DITCH DURING THE IRRIGATION SEASON; 6.28 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THE RIGHTS DELIVERED THROUGH THE BIG BEND DITCH DURING THE NON-IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO A WILDLIFE STORAGE VOLUME OF 2.5 AFY.

29.43

+4.00 (Ray & Troutman wildlife)

+ .30 (adj to flow based on error)

33.73 etc

... and 13.21 etc during NIS.

Dates: Exam Made Date: 08/20/1990

Verified Date:

Objection Filed Date: 04/29/1993

Misc: Water District Number: 36A

Field Inspection Flag:
Presumption Flag: C

Comments: Date: 08/08/1992 User-ID: CLELLAND Subject: OTHER RIGHTS
THESE RIGHTS LISTED IN THE ADJUDICATION ARE OTHER USES OF THE SAME WATERS DESCRIBED HEREIN. OTHER RIGHT NOS.: 36-07865, 36-07237, 36-04142 & 36-08318.
THE FOLLOWING ARE CURRENT PERMITS FOR THE SAME WATERS BUT DIFFERENT USES: 36-08317, 36-08377, 36-08567 & 36-08571.

Date: 08/08/1992 User-ID: CLELLAND Subject: RECOMMENDATIONS
THIS RIGHT REPRESENTS ALL THE NON-IRRIGATION SEASON OF USE AS CLAIMED IN THIS CLAIM AND A36-00133A AND A36-10064.
ACTUAL IRRIGATION FIELD REQUIREMENT IS 19.00 CFS
TOTAL OF OTHER USES DURING IRRIGATION: 2.01 CFS
TOTAL: 21.01 CFS (1.01 CFS @192)
TOTAL IRRIGATION SEASON CONVEYANCE LOSS 8.42 CFS (36-00192)
TOTAL: 29.43 CFS
DURING NON-IRRIGATION SEASON THIS RIGHT CAN SUPPLY ALL THE WATER NEEDED FOR BENEFICIAL USES FOUND. USE OF THE LOWER SPRING

see
8/22/97

(based on results of today's settlement Conf.)

Comments: Date: 08/08/1992 User-ID: CLELLAND Subject: RECOMMENDATIONS
WATER UNDER 36-00192 IS NOT NEEDED DURING THIS TIME.
THIS RIGHT DELIVERS THE FOLLOWING IN NON-IRRIGATION SEASON:
2.63 CFS HEADGATE REQ. + 6.28 CFS CONVEYANCE LOSS = 8.91 CFS.

Date: 08/08/1992 User-ID: CLELLAND Subject: COPIED FROM REMARKS
LAND CLAIMED IS APPROXIMATE BASED ON SHARES OWNED BY VARIOUS
SHAREHOLDERS. SOME OF THE LAND IS ALSO IRRIGATED FROM OTHER
DITCHES. SOME LAND IS ABOVE THE DITCH, AND IS IRRIGATED VIA
PUMPS IN THE DITCH; EXPANSION IS CLAIMED UNDER SEC. 42-1416 OF
THE IDAHO CODE. A LOT OF LAND IN THE HAGERMAN VALLEY WAS PUT
UNDER SPRINKLERS FROM 1972 THRU 1985, POSSIBLY DOUBLING THE
AMOUNT OF LAND IRRIGATED. THE VOLUME CLAIMED IS FOR 20 CFS FLOW-
ING CONTINUOUSLY ALL YEAR. BETWEEN A 50% DITCH LOSS THRU 9 MILES
OF THE BIG BEND DITCH & BENEFICIAL USE, ALMOST ALL OF THIS WATER
IS CONSUMED. DUE TO MILD CONDITIONS IN THE HAGERMAN VALLEY, SOME
IRRIGATION OCCURS ALL YEAR. EXCEPT FOR A FEW OTHER DIVERSIONS,
ALL THE WATER FROM UPPER & LOWER TUCKER SPRINGS FLOWS THRU THE
BIG BEND DITCH ALL YEAR.

Date: 09/21/1992 User-ID: MERRITT Subject: NOTICE OF ERROR RECEIVED FROM LEO RAY

Date: 09/22/1992 User-ID: SCHULTZ Subject: 1 NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92 FROM CLEAVE C. LLOYD. LEFT NOE FLAG AS A.

Date: 09/23/1992 User-ID: SCHULTZ Subject: 3 NOTICES OF ERROR (NOE)
RECEIVED 3 NOE'S 9/22/92. LEFT NOE FLAG AS A.
1 NOE WAS FROM CLAIMANT.

Date: 09/24/1992 User-ID: SCHULTZ Subject: 7 NOTICES OF ERROR (NOE)
RECEIVED 7 NOE'S 9/23/92. LEFT NOE FLAG AS A.

Date: 09/25/1992 User-ID: SCHULTZ Subject: 5 NOTICES OF ERROR (NOE)
5 NOE'S RECEIVED 9/24/92. LEFT NOE FLAG AS A.

Date: 09/25/1992 User-ID: SCHULTZ Subject: 3 NOTICES OF ERROR (NOE)
3 NOE'S RECEIVED 9/25/92. LEFT NOE FLAG AS A.

Date: 09/29/1992 User-ID: MERRITT Subject: NOTICE OF ERROR (NOE) FILED BY ATTN. COLEMAN FOR SPRING VALLEY
RANCH

Date: 10/20/1992 User-ID: CLELLAND Subject: RESPONSE TO NOE
MET THIS DAY WITH IVAN GUSTAFSON, CLEAVE LLOYD AND LEO RAY AT
IDWR OFFICE. WE DISCUSSED MULTIPLE ITEMS AND RESOLVED THAT ALL

Comments: Date: 10/20/1992 User-ID: CLELLAND Subject: RESPONSE TO NOE
ISSUES SHOULD BE CARRIED TO THE OBJECTION PHASE. THEY WILL BE
COMPLETING THEIR OWN CONVEYANCE LOSS STUDIES. THEY ALSO WANT TO
BE RECOGNIZED AS A SERVICE AREA TYPE DELIVERY SYSTEM FOR 900 AC.

Date: 10/21/1992 User-ID: CHRISTEN Subject: CHANGE TO CLAIM 10-21-92
CHANGED SEASON OF USE FOR STOCKWATER TO AGREE WITH IRR SEASON.KKC

Date: 10/23/1992 User-ID: SHAFF Subject: SEASON OF USE
MADE DOM. & WIDL CONSISTENT IN SEASON WITH IRR. & STOCK SEASONS.

Date: 02/19/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
2/10/93.

Date: 02/25/1993 User-ID: SCHULTZ Subject: ADDED ATTORNEY (NOT UPDATED-SEE PREVIOUS COMMENT)
ADDED NEW ATTORNEY.

Audit: 12/14/90 BEDKE 01/14/92 CLELLAND 07/10/92 CWJ-PROD 07/18/92 POST-STD
08/08/92 CLELLAND 08/17/92 THORNTON 08/19/92 THORNTON 08/28/92 PR-PROD
09/21/92 MERRITT 09/22/92 SCHULTZ 09/23/92 SCHULTZ 09/24/92 SCHULTZ
09/25/92 SCHULTZ 09/28/92 SCHULTZ 09/29/92 SCHULTZ 09/29/92 MERRITT
10/15/92 CWJ-SHAF 10/20/92 CLELLAND 10/21/92 FRAZEE 10/21/92 CHRISTEN
10/23/92 SHAFF 11/02/92 CPSHAW 12/05/92 ADT-SHAW 02/19/93 SCHULTZ
02/25/93 SCHULTZ 06/16/93 CMDATFIX 09/17/93 UPD-SCHU 10/20/94 JGIVENS
03/29/95 POST-STD

Create Record

* add in Leo Ray 20 shares = .8 cfs

Revised Consequence losses

- BBI study
- J. Pappasack Revision?

adjust.

1.72

.12 was Error (of N.I.S. for C.L.) see p. 17 cfr
= .075 of error

* add Troutman Wildlife pm 3.20 cfs
Leo Ray .80 cfs

4.00
x .075

adj. = .3 cfs

N.S. (from p.17 CVR)

		CL	
Dom.	0.06	0.22	= .28
Stock	0.23	0.80	= 1.03
Wild (F+G)	1.60	0.14	= 1.74
Wild (Coke)	0.74	5.12	= 5.86
	2.63	6.28	= 8.91

(Error adj) + 0.30
 + Wildlife (Ray) .80
 + Wildlife (Troutner) 2.20 = 13.21

1.72 = 1.60 + .12
 ??

error of
 N in Season
 Con. Loss

Non IRR uses

POU

Dom. (lloyd) S. 22 NENE
 S. 21 SE NE
 Wild life (Vlook) S. 22 NENE
 Wild life (F+G) S. 36 NWSE +

STOCK

C. Hayden S. 22 NWNE
 C. Hayden S. 22 SWNE
 SVR S. 23 NWSE
 Bransford S. 26 SWNE
 Bransford S. 26 NWSE

WILDLIFE (R24) S. 36 NWNE
 WILDLIFE (Troutner) S. 22 NWNE
 S. 21 NE

* Copy of
 my yellow pad
 notes. see
 8/22/97

19.0 FIR in

2.01 N. in uses

21.01 (1.01 in -192)

8.42 CL/IS

29.43 cfs

Non in Seas.

2.63 Key + 4.30 cfs

6.28 CL/NS.

8.91 cfs

= 13.21 cfs

8/22/97
 see



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 8, 1997

Ivan Gustafson
PO Box 209
Hagerman, ID 83332

RE: Troutner Ponds

Dear Mr. Gustafson:

As follow up to our meeting we had yesterday, please find enclosed a copy of documents found in the water right file for License No. 36-08377 in the name of A L Troutner. As these documents show, it appears that the ponds we observed yesterday are essentially the same ponds as observed in the licensing field exam conducted by Jim Stanton on 6/18/1991. Additional letters in the file from Troutner indicate that these ponds were built during a time spanning from 1973 to 1985.

I hope this information is helpful to you. Hopefully the meeting yesterday will prompt Mr. Troutner and Mr. Crist to work together to assure delivery of the Crist irrigation shares through the Troutner property. Additionally, it is hopeful that the meeting will prompt the Big Bend Irrigation Company to develop better control of the shareholders/diversions so that equitable delivery to the shareholders can be achieved.

If you have further questions, please feel free to contact our office.

Sincerely,


Allen Merritt, PE
Southern Region Manager

CC: Tim Luke

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00133

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

IDWR Employee/Agent Steve Clelland

May 13, 1997 11:03am

NAME:
IVAN GUSTAFSON CALLIN

RE:
QUESTIONS ON BBI

HE WANTED TO KNOW HOW FAR THE AUTHORITY OF IDWR EXTENDED... I TOLD HIM WE CAN REQUIRE MEASUREMENT DEVICES AT THE SOURCE BUT ONCE THE WATER IS DELIVERED TO THE DITCH IT THEN IS UP TO THE WATER USERS TO ALLOCATE THE WATER IN THEIR SYSTEM. HE WOULD LIKE TO HAVE WEIRS INSTALLED ON THE DITCH SYSTEM; I AGREED BUT TOLD HIM THE USERS WILL HAVE TO DO IT VOLUNTARILY... HE WAS HOPING WE COULD BE MORE FORCEFUL IN GETTING THIS DONE SINCE HE IS NOW WITHOUT WATER.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00133

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

IDWR Employee/Agent Steve Clelland

April 22, 1997 10:55am

NAME:
LEO RAY CALLIN

RE:
QUESTIONS ON 36-00133

HE WANTED TO KNOW WHERE THE NUMBERS FROM THE REC'D RIGHT CAME FROM FOR THE WILDLIFE USES. WE HAVE 1.72 CFS IN THE IRRIGATION SEASON AND 7.60 CFS DURING THE NON-IRR. SEASON. I CONSULTED WITH C. HONSINGER AND WILL REVIEW THE MATTER AND RETURN A CALL TO LEO RAY TODAY FOR THE BIG BEND MEETING SCHEDULED TONIGHT.

837-6114

CONVEYANCE LOSS - WORSTELL

add new
Reach to
Leo Ray 3750
3750 @

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	12.0	2.00	0.24	1.60	20.83	0.0116	0.02	28.18
2	7500	12.0	2.00	2.27	1.62	19.23	0.1182	0.21	26.33
3	1000	12.0	2.00	0.30	0.74	17.61	0.0172	0.11	22.44
4	9000	12.0	2.00	2.73	0.55	16.87	0.1618	0.17	21.40
5	1000	12.0	2.00	0.30	11.18	16.32	0.0186	3.66	18.12
6	400	8.0	2.00	0.08	1.70	5.14	0.0157	0.58	6.64
7	1600	8.0	2.00	0.32	0.54	3.44	0.0940	0.24	4.85
8	1200	8.0	2.00	0.24	0.78	2.90	0.0836	0.41	3.99
9	1400	8.0	2.00	0.28	0.50	2.12	0.1335	0.33	2.97
10	1300	8.0	2.00	0.26	0.64	1.62	0.1622	0.52	2.19
11	1500	8.0	2.00	0.30	0.98	0.98	0.3094	1.10	1.28
12				0.00		-0.00	0.0000	0.00	0.00
13				0.00		-0.00	0.0000	0.00	0.00
14				0.00		-0.00	0.0000	0.00	0.00
15				0.00		-0.00	0.0000	0.00	0.00
16				0.00		-0.00	0.0000	0.00	0.00
17				0.00		-0.00	0.0000	0.00	0.00
18				0.00		-0.00	0.0000	0.00	0.00
19				0.00		-0.00	0.0000	0.00	0.00
20				0.00		-0.00	0.0000	0.00	0.00
TOTALS	26700			7.35	20.83			7.35	

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

MAIN & South BRANCH

Big Bend

A36-00133

add 3.2 cfs
@ Reach 5 and
0.8 cfs to revised
Reach #2.

San
9/5/97

Revised

Total 7.35
1.07
8.42 cfs

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAG (FT/DAY)	WORSTEL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	800	12.0	2.00	0.24	1.60	24.83	0.0098	0.02	32.18
2	3750	12.0	2.00	1.14	0.80	23.23	0.0489	0.05	30.33
3	3750	12.0	2.00	1.14	1.62	22.43	0.0507	0.18	28.40
4	1000	12.0	2.00	0.30	0.74	20.81	0.0146	0.09	25.64
5	9000	12.0	2.00	2.73	0.55	20.07	0.1360	0.14	24.60
6	1000	12.0	2.00	0.30	14.38	19.52	0.0155	3.96	21.32
7	400	8.0	2.00	0.08	1.70	5.14	0.0157	0.50	6.64
8	1600	8.0	2.00	0.32	0.54	3.44	0.0940	0.21	4.85
9	1200	8.0	2.00	0.24	0.78	2.90	0.0836	0.37	3.99
10	1400	8.0	2.00	0.28	0.50	2.12	0.1335	0.30	2.97
11	1300	8.0	2.00	0.26	0.64	1.62	0.1622	0.49	2.19
12	1500	8.0	2.00	0.30	0.98	0.98	0.3094	1.05	1.28
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	26700			7.35	24.83			7.35	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

No Net Changes Resulted.

Big Bend Ditch
MAIN & South Branch

Revised
9/5/97
SC

WEST BRANCH

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	2100	8.0	2.00	0.42	4.12	11.14	0.0381	0.16	12.21
2	400	8.0	2.00	0.08	2.54	7.02	0.0115	0.13	7.67
3	500	8.0	2.00	0.10	1.04	4.48	0.0226	0.08	5.05
4	2300	8.0	2.00	0.46	3.44	3.44	0.1351	0.71	3.90
5	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
6	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
7	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	5300			1.07	11.14		1.07		

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

BIG BEND

A36-00133

add 3.2 to the
end for Addition
of Troutweir Wildlife.

sw
9/5/97

Revised

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAG (FT/DAY)	WORSTEL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	2100	8.0	2.00	0.42	4.12	14.34	0.0296	0.12	15.41
2	400	8.0	2.00	0.08	2.54	10.22	0.0079	0.10	10.87
3	500	8.0	2.00	0.10	1.04	7.68	0.0132	0.05	8.25
4	2300	8.0	2.00	0.46	6.64	6.64	0.0700	0.80	7.10
5	0			0.00		0.00	0.0000	0.00	0.00
6	0			0.00		0.00	0.0000	0.00	0.00
7	0			0.00		0.00	0.0000	0.00	0.00
8	0			0.00		0.00	0.0000	0.00	0.00
9	0			0.00		0.00	0.0000	0.00	0.00
10	0			0.00		0.00	0.0000	0.00	0.00
11	0			0.00		0.00	0.0000	0.00	0.00
12	0			0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	5300			1.07	14.34			1.07	

No Net Changes Result.

Big Bend Ditch
West Branch

Revised
9/5/97
See

Big Bend Ditch
Seepage Loss Study
September 1992

Big Bend Ditch conveys water to a state fish hatchery as well as irrigated cropland south of Hagerman, Idaho. The ditch originates from Tucker Springs in the SE⁴SE⁴ Sec36, T7S, R13E, found in the Tuttle, Idaho quadrangle. An 8 foot Cipoletti weir measures spring flow into Big Bend Ditch. Distance from Tucker Springs to the distal end of Big Bend Ditch is about six miles. Flow travels north and west from Tucker Springs to within 1/2 mile southwest of Hagerman, then sharply south for its last couple of miles.

On August 26, 1992, eight cross-sections of Big Bend Ditch were flow measured. Turn-out flows between consecutive sections were measured or estimated and subtracted from the upper reach inflow, which determined net loss or gain within the reach. Gains to the ditch were observed at three locations, but not directly measured. Other inflow sites, especially in the first mile of ditch, may well have been camouflaged by dense brush along the east uphill side of the ditch or intercepted by the ditch itself from groundwater flow.

The staff gauge on the 8 foot Cipoletti weir at Tucker Springs read 0.82 feet, indicating a flow of 20.9 cfs. However, less than 300 feet downstream, an instream flow meter yielded 14.0 cfs. This difference is too great for normal error. It is not known if the weir staff gauge is properly set. Therefore, the value of 14.0 cfs from the flow meter was accepted, as well as for the remainder of the readings taken with the flow meter.

The first measuring site downstream of the weir had a cross-section of 33.4 square feet, a flow of 14.0 cfs, and a mean velocity of 0.42 fps. Water surface velocity was nearly 2 fps in the center of the ditch. Moss covered much of the bottom of the ditch at this and all other sites.

One take-out discharging 1.5 cfs to hatchery fish ponds was encountered in the first 4,000 feet of Big Bend Ditch. The ditch gained cross-sectional area in the downstream direction to 46.0 square feet, 4,000 feet from Tucker Springs. This second flow measuring site was 235 feet north and downstream of a county road. Flow had increased to 34.5 cfs, indicating a net gain of 22.0 cfs.

The next measuring site was three miles downstream where the ditch crosses a county road and turns sharply southward. Ditch configuration was radically diminished at this location with flow reduced to 6.2 cfs, a cross-sectional area of 10.4 square feet and a velocity of 0.60 fps. Water diverted for hatchery fish ponds and irrigation account for 28.3 cfs, which includes loss or gains due to seepage and return flows respectively.

The next reach of ditch to Mueller's farm lane had five small take-outs totaling about 1.5 cfs. Within 500 feet of the farm lane, springs or surface runoff was observed inflowing to the ditch. A

The following listing summarizes the flow measurements of August 26, 1992.

Summary Flow Measurements

<u>Location</u>	<u>Flow (cfs)</u>
Big Bend Ditch	
300' d.s. Tucker Spring Weir	14.0
T.O. @ F&G Bass Ponds	-1.5
Inflow-uphill side of ditch	(22.0 gain) (Tucker Spring)
4,000' d.s. Tucker Spring Weir	34.5
4 Miles d.s. Tucker Springs	6.2
5 T.O.s to Mueller farm lane	1.5
500' U.S. Mueller farm lane	3.4
Net loss (in 3,350' of ditch)	1.3
Inflow U.S. Mueller farm lane	(1.9 gain)
100' U.S. Mueller farm lane	5.3
 Buckeye Ditch	
@ County Bridge Crossing	28.9
500'd.s. County Bridge	24.4
"Blow-out", point source loss	4.5
4,100'd.s. County Bridge near Mueller lane	23.7
Net loss (in 3,600' of ditch)	0.7

Submitted By:


Neil D. Wilton
Irrigation Engineer

Concurred By:


H. LeRoy Zollinger
State Conservation Engineer

new cross-section just upstream and downstream of this area were flow measured. The upstream flow was 3.4 cfs, with a cross-sectional area of 11.9 square feet and a mean velocity of 0.29 fps. Accounting for the take-out flow, the estimated loss in 3,350 lineal feet is 1.3 cfs. This is also equal to 2.0 cfs/mile or 32 percent loss/mile which is significant. Past this inflow reach and just upstream of Mueller's lane, a flow of 5.3 cfs was determined, showing a gain of 1.9 cfs from the inflow. Cross-sectional area increased to 12.2 square feet, velocity to 0.44 fps.

Big Bend Ditch has reaches of gains and losses. Some of the gains are difficult to find and quantify. Significant gain occurs in the first mile of ditch. On the other hand, losses occur from constructed take-outs or from seepage assumed as uniform loss within reasonable reach lengths.

The most significant loss in this ditch occurs in its 3,400 foot reach as it turns south and parallels the Buckeye and Bell Ditches. The hillside on which these three ditches run is very steep for a half mile or more, probably causing steep groundwater gradients to exacerbate the seepage potential. The 1.3 cfs loss in this reach may equal 400 ac-ft. loss to the system each year. When considering costs for lining this ditch, the benefit will be to the 400 ac-ft. saved for beneficial use. Higher flows may generate higher losses, hence higher benefits.

Three measurements were made on the Buckeye Ditch where it parallels the Big Bend and Bell Ditches. The first section was taken at the outlet of the county road rectangular concrete bridge crossing. The flow rate at this section was 28.9 cfs, with a flow area of 13.2 square feet and a mean velocity of 2.20 fps.

About 400 feet downstream, a ditch bank failure was in progress spilling a large quantity of water through rubble rockfill. Seepage water from this failure was intercepted by the lower Bell Ditch. Immediately downstream of this failure, ditch flow was 24.4 cfs, implying a combined loss of 4.5 cfs in 400 feet, most of which was escaping through the bank fill failure. Velocity in this section of ditch was 1.60 fps.

The Buckeye Ditch near Mueller's lane and house, about 3,500 feet farther on, flowed at 23.7 cfs and at a mean velocity of 1.86 fps. The net loss in this reach was 0.7 cfs which equals 1.0 cfs/mi. or 4 percent per mile, which is not significant. The ditch bottom at this location was armored with cobbles from bank to bank with no moss. Flow velocities in the Buckeye are 3 to 6 times greater than in the Big Bend. Cleaner cross-section and steeper gradient is probably the cause for higher mean velocities in the Buckeye Ditch.

its interests regarding its claimed water rights and should be allowed to argue its position on its merits.

5. In McFarland v. Curtis, *id.*, the Idaho Court of Appeals discussed the possibility that setting aside a default judgment could cause prejudice to the non-moving party. The Court noted that this was not a serious problem at the relatively early stage of setting aside an entry of default, but that the court should consider whether setting aside the default would cause injury to the non-movant. Allowing Fish and Game to file a late response in this matter prejudices no one, as there have been no proceedings in this subcase other than the filing of objections and responses. Nor does it appear that granting this motion would be unduly disruptive to the court's calendar.

6. In the absence of objections to this motion, Fish and Game is willing to submit the matter to the Special Master for decision without a hearing.

MOTION TO PARTICIPATE

SRBA Administrative Order 1, as amended, provides at section 6.g. that:

[a]ny party to the adjudication who is not a party to a subcase may, by timely motion, seek leave to participate in a subcase. The motion shall be titled "Motion to Participate." A *Motion to Participate* shall be treated like a *Motion to Intervene* (I.R.C.P. 24) and shall be decided by the Presiding Judge or the assigned special master.

The grounds for this motion are as follows:

1. Intervention as of Right. I.R.C.P. 24(a) provides:

"Upon timely application anyone shall be permitted to intervene in an action: . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter

impair or impede applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

In support of Fish and Game's position that this motion is timely under I.R.C.P. 24(a) and SRBA Administrative Order 1, Fish and Game reasserts the facts contained in paragraphs 1, 2, and 3 of the Motion to File Late Response, above. As stated in the attached Affidavit of Cynthia Robertson, Fish and Game did not learn that its interests were at issue in this subcase until August 15, 1995.

If Big Bend's water rights are decreed as set out in Water Resource's Response to Objections, Fish and Game will be directly impacted as it will lose its ability to use Big Bend water for wildlife on a year-round basis. Clearly, Fish and Game has an interest relating to the water rights at issue, and its interest could be substantially affected by the outcome of the subcase. As set out in paragraph 4 of the Motion to File Late Response, above, Fish and Game clearly cannot rely on the other parties to this proceeding to represent its interests.

Fish and Game clearly meets the four-part test for intervention set out in Sierra Club v. U.S. Environmental Protection Agency, 995 F.2d 1478, 1481 (9th Cir., 1993). See also, Scotts Valley Band of Pomo Indians of the Sugar Bowl Rancheria v. United States, 921 F.2d 924, 925. The rule governing intervention as of right is to be broadly construed in favor of the applicants for intervention. *id.*

Because Fish and Game meets all of the criteria for intervention as of right under I.R.C.P. 24(a), it should be allowed to participate in subcase no. 36-00192.

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2. Permissive Intervention. I.R.C.P. 24(b) provides:

"Upon timely application anyone may be permitted to intervene in an action: . . . (2) when an applicant's claim or defense and the main action have a question of law or fact in common."

As set out in paragraphs 1 through 5 of the preceding Motion to File Late Response, this subcase concerns a resolution of disputes concerning the water rights of a number of users for the eventual purpose of issuing a final decree concerning those rights. As one of the water users whose rights will be decreed, Fish and Game's claims have questions of fact and law in common with the original parties to the subcase.

CONCLUSION

Because Fish and Game comes within the provisions of the administrative orders of the SRBA court governing the filing of late responses, and meets the standards of I.R.C.P. 55(c) as to the setting aside of an entry of default, it should be allowed to file a Late Response in subcase no. 36-00192.

In the alternative, Fish and Game should be allowed to participate in subcase no. 36-00192 because it meets the standards set out in SRBA Administrative Order 1, as amended, and I.R.C.P. 24 for the granting of intervention as of right or permissive intervention.

DATED this ¹⁸/₁₇th day of August, 1995.

Respectfully submitted,

ALAN G. LANCE
ATTORNEY GENERAL



Rinda Just, Deputy Attorney General
Natural Resources Division

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Department of Water Resources
Southern Region

RECEIVED

DEC 07 1995

Department of Water Resources
Adjudication Bureau

RECEIVED

DEC 08 1995

OFFICE OF THE
ATTORNEY GENERAL

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED sm

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

In Re SRBA

Case No. 39576

Subcase Nos. 36-00133 and 36-00192

ORDER GRANTING MOTION TO
FILE LATE RESPONSES

On August 18, 1995, the Idaho Department of Fish and Game (Fish and Game) filed its *Motion to File Late Response, or in the Alternative, Motion to Participate (Motion)* in the above two subcases. The same date, Fish and Game lodged responses to objections in each subcase. Fish and Game seeks to file its late responses because its claims to year 'round wildlife use as a shareholder of the claimant, Big Bend Irrigation and Mining Co. (Big Bend), will not otherwise be protected. Fish and Game only recently discovered this lapse too late to file timely objections or responses.

A postponed hearing was held on December 4, 1995, at the SRBA Courthouse in Twin Falls, Idaho. Rinda R. Just appeared in person on behalf of Fish and Game. Lloyd J. Webb appeared in person on behalf of Big Bend which did not oppose the *Motion*. Nicholas B. Spencer appeared by telephone on behalf of IDWR. Daria Zane appeared by telephone on behalf of the United States to announce that it has completed and will soon cause to be filed a stipulation to withdraw its objections in both subcases.

After considering the pleadings and hearing arguments of counsel, it is clear that Fish and Game has (1) timely filed its *Motion*, (2) shown good cause to file late responses and (3) alleged facts which constitute a meritorious position.

ORDER GRANTING MOTION TO FILE
LATE RESPONSE
12/5/95

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DEC 03 1996

Therefore, IT IS ORDERED that the *Motion* is granted. Responses to the objections lodged with the *Motion* are deemed filed the date of this Order.

DATED December 5, 1995.



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE RESPONSES** was mailed on December 5, 1995, 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

Lloyd J. Webb
P.O. Box 1768
155 2nd Avenue North
Twin Falls, ID 83303-1768
Rep.: Big Bend Irrigation & Mining

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

Laird Lucas
Land & Water Fund of Rockies
P.O. Box 1612
Boise, ID 83701

Rinda R. Just
Deputy Attorney General
Parks and Recreation Department
Statehouse, ID 83720
Rep.: Idaho Department of Fish & Game


Deputy Clerk

RECEIVED
AUG 21 1995
Department of Water Resources
Adjudication Bureau

ALAN G. LANCE
ATTORNEY GENERAL

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

RINDA JUST
Deputy Attorney General
Natural Resources Division
Statehouse, Room 210
PO Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-4120
FAX: (208) 334-2690

See File A36-00133
For Affidavit of
Cynthia Robertson,
IDFG Biologist
12/27 DJ

Attorneys for Idaho Department of Fish and Game

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

In Re SRBA)
Case No. 39576)
_____)

Subcase No. 36-00192

**IDAHO DEPARTMENT OF
FISH AND GAME'S MOTION
TO FILE LATE RESPONSE, OR
IN THE ALTERNATIVE,
MOTION TO PARTICIPATE**

**MICROFILMED
DEC 03 1996**

DESCRIPTIVE SUMMARY

This motion of the Idaho Department of Fish and Game (Fish and Game) requests the Special Master to allow Fish and Game to file a late response to the objections filed by Big Bend Irrigation and Mining Co. (Big Bend) in the above-referenced subcase. In the alternative, Fish and Game seeks leave to participate in the above-referenced subcase.

MOTION TO FILE LATE RESPONSE

The Idaho Department of Fish and Game, by and through Rinda Just, Deputy Attorney General, moves the Special Master to allow Fish and Game to file a late response to the objections filed by Big Bend on April 20, 1993, and the United States on April 29, 1993, and in support of the Director's Report dated November 2, 1992. This motion is made pursuant to the court's July 28, 1995 *Order Granting In Part, and Denying In Part, Joint Motions for Amendment of Administrative Order 1*. The grounds for the motion are as follows:

1. As evidenced in the affidavit and supporting documents attached, Fish and Game is a shareholder in the Big Bend Irrigation and Mining Co. (Big Bend), and as a shareholder claims a right to use Big Bend water from Upper (Large) Tucker Springs on a year-round basis for wildlife purposes. When Big Bend filed its claims (36-00133 and 36-00192) in the Snake River Basin Adjudication (SRBA), it did not include wildlife uses as a part of its claims. After consultation with staff of the Department of Water Resources (Water Resources), Fish and Game filed its own claim (36-00133A) for its portion of Big Bend water used in the Hagerman Wildlife Management Area (WMA). The Fish and Game claim was disallowed for the reason that it

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represented water included in Big Bend's claim no. 36-00133 and was subsumed in that claim filed by Big Bend. The Director's Report recommendations for Big Bend claim no. 36-00133 included water for wildlife with a 1903 priority date and in a quantity and for a season of use acceptable to Fish and Game. Big Bend and the United States did file objections to the Director's Report. Big Bend did not object to Fish and Game's priority date, nature of use, quantity, or season of use. The United States objected to including non-irrigation uses under 36-00133 and recommended they be included in 36-00192. Fish and Game filed no response to the objections or in support of the Director's Report because it had no disagreement with elements of the recommended Fish and Game uses. Further, Fish and Game reasonably expected that the Water Resources Director (Director), as party to the adjudication, would participate in defense of its recommendations. Investigation of the objections by Water Resources, however, led that department to the conclusion that it had made an error in its recommendation, and Water Resources attached a proposed revised recommendation when it filed its response to the objections. The response and its attachments were provided to Big Bend and the United States, but not to Fish and Game. The amended proposed recommendation directly impacts Fish and Game's claimed rights because it limits the season of use to the irrigation season only, and attaches Fish and Game's use to Big Bend's claim no. 36-00192 with a 1906 priority date.

2. As stated in the attached affidavit of Cynthia Robertson, Fish and Game only became aware of the proposed revisions to the recommendation affecting its water rights during a discussion with Water Resource's staff on August 15, 1995. Until August 15, 1995, Fish and Game had reasonably relied on the only information which it had received, the initial

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recommendation, with which it had no quarrel, and which it expected the Director to defend. In that this issue came to light only recently, this motion is timely under the Idaho Rules of Civil Procedure and SRBA Administrative Orders.

3. Fish and Game comes within the provisions of I.R.C.P. 55(c) and the July 28 , 1995 *Order*. The July 28, 1995 *Order* provides that motions to file a late response will be reviewed under the same criteria as an entry of default under I.R.C.P. 55(c), and must show both good cause for untimeliness and the existence of a meritorious position. Fish and Game can demonstrate good cause for its failure to file a response to the objections filed by Big Bend and the United States. It was not until long past the time for filing responses to the Director's Report that Fish and Game learned that elements of its claimed right were directly at issue. The circumstance in which Fish and Game now finds itself arises through no fault of its own. Fish and Game, as a shareholder in Big Bend, originally filed its separate claim for wildlife use when Big Bend failed to include those uses in its claim. When the Fish and Game claim (36-00133A) was disallowed and included as a part of the Big Bend claim no. 36-00133, Fish and Game received notice, through the Director's Report, that its claim had been recommended as a part of the Big Bend claim with a 1903 priority date, and in a quantity and for a season of use that was acceptable. Fish and Game reviewed a summary of the objections filed by Big Bend and the United States, none of which appeared to affect the Fish and Game claim. Further, Fish and Game reasonably expected that the recommendations made by the Director would be defended by the Director in the adjudication. Clearly, Fish and Game could not have known that it needed to file a response to the Director's Report until Water Resources filed its responses to the

objections of Big Bend and the United States. Fish and Game received no notice of the proposed revisions to the recommendation, and files this motion as quickly as possible following its fortuitous discovery of the amended recommendation. A copy of IDWR Adjudication Claim Profile Report, dated August 15, 1995, still clearly shows year-round wildlife use as part of the recommendation.

4. Fish and Game's position with regard to its claimed water right is clearly meritorious. No other claimant objected to any portion of the Fish and Game claim and the Director's Report initially recommended it as a portion of Big Bend's claim no. 36-00133. The Idaho courts have long recognized the policy that cases should be decided upon their merits, and thus has imposed a more lenient standard for setting aside an entry of default. (McFarland v. Curtis, 123 Idaho 931, 936, 854 P.2d 274, 279 (Ct. App. 1993)). Certainly, Fish and Game should be given an opportunity to argue the validity of the initial Director's Report on its merits, since the response to objections issued by Water Resources strikes at the very heart of the Fish and Game claim by limiting the use of water to the irrigation season and changing the priority date. Following the removal of the Director of the Department of Water Resources as a party to the adjudication on July 23, 1995, Fish and Game is permitted to represent its interests in the adjudication. Fish and Game now finds itself at odds with Water Resources concerning the use of water for wildlife outside the irrigation season. It is clear that Fish and Game cannot rely on Big Bend to represent its interests, Big Bend having failed even to notify its shareholders that their claimed rights could be at issue. Surely, Fish and Game is in the best position to represent

its interests regarding its claimed water rights and should be allowed to argue its position on its merits.

5. In McFarland v. Curtis, *id.*, the Idaho Court of Appeals discussed the possibility that setting aside a default judgment could cause prejudice to the non-moving party. The Court noted that this was not a serious problem at the relatively early stage of setting aside an entry of default, but that the court should consider whether setting aside the default would cause injury to the non-movant. Allowing Fish and Game to file a late response in this matter prejudices no one, as there have been no proceedings in this subcase other than the filing of objections and responses. Nor does it appear that granting this motion would be unduly disruptive to the court's calendar.

6. In the absence of objections to this motion, Fish and Game is willing to submit the matter to the Special Master for decision without a hearing.

MOTION TO PARTICIPATE

SRBA Administrative Order 1, as amended, provides at section 6.g. that:

[a]ny party to the adjudication who is not a party to a subcase may, by timely motion, seek leave to participate in a subcase. The motion shall be titled "Motion to Participate." A *Motion to Participate* shall be treated like a *Motion to Intervene* (I.R.C.P. 24) and shall be decided by the Presiding Judge or the assigned special master.

The grounds for this motion are as follows:

1. Intervention as of Right. I.R.C.P. 24(a) provides:

"Upon timely application anyone shall be permitted to intervene in an action: . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter

impair or impede applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

In support of Fish and Game's position that this motion is timely under I.R.C.P. 24(a) and SRBA Administrative Order 1, Fish and Game reasserts the facts contained in paragraphs 1, 2, and 3 of the Motion to File Late Response, above. As stated in the attached Affidavit of Cynthia Robertson, Fish and Game did not learn that its interests were at issue in this subcase until August 15, 1995.

If Big Bend's water rights are decreed as set out in Water Resource's Response to Objections, Fish and Game will be directly impacted as it will lose its ability to use Big Bend water for wildlife on a year-round basis. Clearly, Fish and Game has an interest relating to the water rights at issue, and its interest could be substantially affected by the outcome of the subcase. As set out in paragraph 4 of the Motion to File Late Response, above, Fish and Game clearly cannot rely on the other parties to this proceeding to represent its interests.

Fish and Game clearly meets the four-part test for intervention set out in Sierra Club v. U.S. Environmental Protection Agency, 995 F.2d 1478, 1481 (9th Cir., 1993). See also, Scotts Valley Band of Pomo Indians of the Sugar Bowl Rancheria v. United States, 921 F.2d 924, 925. The rule governing intervention as of right is to be broadly construed in favor of the applicants for intervention. *id.*

Because Fish and Game meets all of the criteria for intervention as of right under I.R.C.P. 24(a), it should be allowed to participate in subcase no. 36-00133.

2. Permissive Intervention. I.R.C.P. 24(b) provides:

"Upon timely application anyone may be permitted to intervene in an action: . . . (2) when an applicant's claim or defense and the main action have a question of law or fact in common."

As set out in paragraphs 1 through 5 of the preceding Motion to File Late Response, this subcase concerns a resolution of disputes concerning the water rights of a number of users for the eventual purpose of issuing a final decree concerning those rights. As one of the water users whose rights will be decreed, Fish and Game's claims have questions of fact and law in common with the original parties to the subcase.

CONCLUSION

Because Fish and Game comes within the provisions of the administrative orders of the SRBA court governing the filing of late responses, and meets the standards of I.R.C.P. 55(c) as to the setting aside of an entry of default, it should be allowed to file a Late Response in subcase no. 36-00133.

In the alternative, Fish and Game should be allowed to participate in subcase no. 36-00133 because it meets the standards set out in SRBA Administrative Order 1, as amended, and I.R.C.P. 24 for the granting of intervention as of right or permissive intervention.

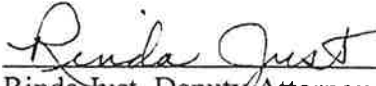
DATED this ¹⁸/₁₇th day of August, 1995.

Respectfully submitted,

ALAN G. LANCE
ATTORNEY GENERAL

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Rinda Just, Deputy Attorney General
Natural Resources Division

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 35976

Case No. 36-00192

(Insert the Case No. from the
Objection you are responding to)

STANDARD FORM 2

RESPONSE TO OBJECTION

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to objections filed against one water right, using one response form. The water right number listed as the "Case No." on the Objection you are responding to must be inserted above as the "Case No." If you choose to file one form to respond to all objections filed against the same water right, your response should cover every issue raised in the objections.

To respond to objections filed against more than one water right, you must file a separate response form for each water right. 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 response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for mailing this response are found at Page 5, and must be strictly followed.

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

By filing a response form, you are certifying that the response 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. ***Party/Claimant Responding:***

Name: Idaho Department of Fish and Game

Address: P. O. Box 25, 600 S. Walnut
Boise, ID 83707-0025

Phone: Work: 334-3700 Home: _____

Briefly describe your interest in this water right:

IDFG owns 40 shares (1.6 cfs) of water stock in the Big Bend Irrigation
and Mining Co. and has used this water for year-round wildlife purposes
at the Hagerman Wildlife Management Area since 1951. The current
recommendation for this right only allows water to be diverted for
wildlife use during the irrigation season

If this response is filed by an attorney:

Attorney Name: Rinda Just

Attorney Address: Natural Resources Division, Office of the Attorney General
P. O. Box 44449, Boise, ID 83711-4449

Attorney Phone No.: 334-4120

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

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:***

Name: Big Bend Irrigation and Mining Co.

Address: c/o Catherine Saul
2751 S., 850 E.
Hagerman, ID 83332

II. STATEMENT OF THE RESPONDER

Please check each "Box" which identifies your response.

1. ☐ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☐ Source: I respond to the objection concerning the source of water.
3. Quantity: I respond to the objection concerning:
 - ☐ 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 respond to the objection concerning the priority date.
5. ☐ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. Place of Use: I respond to the objection concerning:
 - ☐ 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 respond to the objection concerning the annual volume of consumptive use.
11. Water Right Recommendation: I respond to the objection concerning:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.

12. ☐ Description of Reservation: I respond to the objection concerning the legal description of the reservation.

13. ☐ Other: I respond to the objection concerning: _____

REASONS SUPPORTING EACH BOX CHECKED

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

Box 7 and 8: Big Bend Irrigation and Mining Co. objected to the period of use and the United States objected to the nature of use. The recommendation for wildlife use under this right is limited to the irrigation season only. IDFG has used its 40 shares (1.6 cfs) of water for year-round wildlife purposes at the Hagerman Wildlife Management Area since 1951.

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.

Revise the Director's Report to show wildlife and wildlife storage year-round under this right in the following amounts: Wildlife 1.6 cfs, 1-1 to 12-31 and Wildlife Storage, 2.5 AFY, 1-1 to 12-31. In the alternative, recommend right 36-00133 for the same purposes, quantity and season of use, or allow claim 36-00133A for the same.

Please note that you should attach copies of documents which support your response. 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:

Affidavit of Cynthia Robertson, Staff Fishery Biologist, IDFG, regarding SRBA Claim nos. 36-00133, 36-00133A, and 36-00192 (22 pages); Motion to File Late Response, or in the Alternative, Motion to Participate, 8 pages.

State of Idaho

County of Ada

Rinda Just, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response (as listed on Page 2, Section 3, "Party/Claimant Obecting") , that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing response

By: Rinda Just
Attorney signing in representative capacity

Subscribed and sworn to before me on: 8-18-95



Sheila Crawford
Notary Public for IDPHV
Residing at: 7301 W 10
My Commission expires: 5-9-96

INSTRUCTIONS FOR MAILING

You must mail the response, 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 you responded to, if other than yourself; to the party who filed the objection to which you are responding, if different from the owner of the water right; 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 August 18th, 1995, ^{hand-delivered} ~~mailed~~ the original and ^{mailed} ~~copies~~ of this response, 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

Hand Delivered

2. One copy to the owner of the water right at the following address:

Name: Big Bend Irrigation and Mining Co.

Address: Cleve Lloyd, President
Route 1, Box 14
Hagerman, ID 83332

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney at the following address:

Name: Same as above U.S. Department of Justice
Address: Environmental and Natural Res. Div.
550 W. Fort Street, Box 033
Boise, ID 83734

4. One copy to:

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

5. One copy to:

~~United States Department of Justice~~
~~Environmental and Natural Resource Division~~
~~550 West Fort Street, Box 033~~
~~Boise, Idaho 83734--~~

Randa Just
Signature of Respondent or attorney
mailing on Respondent's behalf

Lodged
DISTRICT OF THE
OF TWIN FALLS
JAN 11 1907
FILED

)
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Case No. 36-00133

STANDARD FORM 2

RESPONSE TO OBJECTION

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to objections filed against one water right, using one response form. The water right number listed as the "Case No." on the Objection you are responding to must be inserted above as the "Case No." If you choose to file one form to respond to all objections filed against the same water right, your response should cover every issue raised in the objections.

To respond to objections filed against more than one water right, you must file a separate response form for each water right. 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 response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for mailing this response are found at Page 5, and must be strictly followed.

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

modification or reversal
such as to harass, cause

I. GENERAL INFORMATION

Please fill in the following information:

1. ***Party/Claimant Responding:***

Name: Idaho Department of Fish and Game
P. O. Box 25, 600 S. Walnut
Address: Boise, ID 83707-0025

Phone: Work: 334-3700 Home: _____

Briefly describe your interest in this water right:

IDFG owns 40 shares (1.6 cfs) of water stock in the Big Bend Irrigation
and Mining Co. and has used this water for year-round wildlife purposes
at the Hagerman Wildlife Management Area since 1951. The current IDWR
Director's Report Recommendation for this right does not include any
wildlife use of the water.

If this response is filed by an attorney:

Attorney Name: Rinda Just

Attorney Address: Natural Resources Division, Office of the Attorney General
P. O. Box 44449, Boise, ID 83711-4449

Attorney Phone No.: 334-4120

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

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:***

Name: Big Bend Irrigation and Mining Co.
c/o Catherine Saul
Address: 2751 S. 850 E.
Hagerman, ID 83332

II. STATEMENT OF THE RESPONDER

Please check each "box" which identifies your response.

1. ☐ **Name and Address:** I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☐ **Source:** I respond to the objection concerning the source of water.
3. **Quantity:** I respond to the objection concerning:
 - ☐ 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 respond to the objection concerning the priority date.
5. ☐ **Points of Diversion:** I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ **Instream Flow:** I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☒ **Purpose(s) of Use:** I respond to the objection concerning the purpose(s) of use.
8. ☒ **Period of Year:** I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. **Place of Use:** I respond to the objection concerning:
 - ☐ 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 respond to the objection concerning the annual volume of consumptive use.
11. **Water Right Recommendation:** I respond to the objection concerning:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.

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DEC 03 1996

12. ☐ **Description of Reservation:** I respond to the objection concerning the legal description of the reservation.
13. ☐ **Other:** I respond to the objection concerning: _____

REASONS SUPPORTING EACH BOX CHECKED

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

Box 7. The recommended purposes do not include wildlife as a use of this water. IDFG has been using its 40 shares (1.6 cfs) for year-round wildlife purposes at the Hagerman Wildlife Management Area since 1951.

Box 8. The recommended right does not include wildlife uses on a year-round basis. IDFG has been using its 40 shares (1.6 cfs) for year-round wildlife use at the Hagerman Wildlife Management Area since 1951.

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.

Revise the Director's Report to show wildlife and wildlife storage as year-round uses in the following amounts: Wildlife, 1.6 cfs and Wildlife Storage, 2.5 AFY for right 36-00133. In the alternative, allow claim 36-00133A for the same purpose or revise claim 36-00192 to allow year-round use of above quantities of water for wildlife.

Please note that you should attach copies of documents which support your response. 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:

Affidavit of Cynthia Robertson, Staff Fishery Biologist, IDFG, regarding SRBA claim nos. 36-00133, 36-00133A, and 36-00192 (22 pages); Motion to File Late Response or in the Alternative, Motion to Participate (8) pages.

State of Idaho
 County of Ada

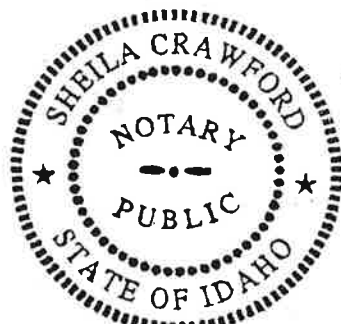
Randa Just, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response (as listed on Page 2, Section 3, "Party/Claimant Objecting"), that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

 Signature of person filing response

By: Randa Just
 Attorney signing in representative capacity

Subscribed and sworn to before me on: 7-18-95



Sheila Crawford
 Notary Public for IDAHO
 Residing at: Boise, ID
 My Commission expires: 5-9-96

INSTRUCTIONS FOR MAILING

You must mail the response, 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 you responded to, if other than yourself; to the party who filed the objection to which you are responding, if different from the owner of the water right; 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.

MICROFILMED
DEC 03 1996

CERTIFICATE OF MAILING

I hereby certify that on August 18th, 1995, I ^{hand-delivered} ~~mailed~~ the original and/copies of this response, 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 Hand Delivered
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right at the following address:

Name: Rig Bend Irrigation and Mining Co.
c/o Cleve Lloyd, President
Address: Route 1, Box 14
Hagerman, ID 83332

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney at the following address:

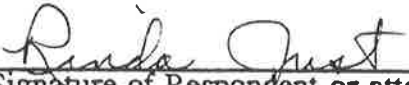
Name: See owner above U.S. Dept. of Justice
Environmental and Natural Res. Div.
Address: 550 West Fort St., Box 033
Boise, ID 83734

4. One copy to:

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

5. One copy to:

~~United States Department of Justice~~
~~Environmental and Natural Resource Division~~
~~550 West Fort Street, Box 033~~
~~Boise, Idaho 83734~~


Signature of Respondent or attorney
mailing on Respondent's behalf

RECEIVED

AUG 25 1994

Department of Water Resources
Adjudication Bureau

1994 JUN 27 PM 4:25

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

OCT 19 1994

Department of Water Resources
Southern Region Office

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

In Re SRBA

Case No. 39576

) Subcase Nos: 36-02007, 36-00192, 36-00133
)
) ORDER RE: WITHDRAWAL OF
) COUNSEL

A Stipulation for Withdrawal of Counsel for Big Bend Irrigation & Mining Company was filed with this Court on June 23, 1994. This stipulation was granted and the court issued an *Order Allowing Withdrawal of Counsel for Big Bend Irrigation & Mining Company (Order Allowing Withdrawal)* on June 23, 1994.

IT IS ORDERED that within 20 days from the date of service or mailing of the *Order Allowing Withdrawal*, Big Bend Irrigation & Mining Company shall appoint another attorney to appear or shall file a written notice with the court stating how they intend to proceed.

IT IS SO ORDERED.

DATED June 27, 1994


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

DEC 03 1996

CERTIFICATE OF MAILING

I certify that a true and correct copy of the Order was mailed on June 27, 1994, with sufficient first-class postage to the following:

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

United States department of Justice
Environment & Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83724

Big Bend Irrigation & Mining Company
Route 1, Box 14
Hagerman, ID 83331


Deputy Clerk

OCT 19 1994

Department of Water Resources
Southern Region Office

1994 JUN 23 PM 4:46

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

RECEIVED

AUG 25 1994

Department of Water Resources
Adjudication Bureau

1 HEPWORTH, LEZAMIZ & HOHNHORST,
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 (PDB/crh/21530bb.ord)

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

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

Case No. 39576

Subcase Nos. ~~36-02007-0001~~
36-00192-0001
36-00192-0002
36-00133-0001
36-00133-0002

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

ORDER ALLOWING
WITHDRAWAL OF COUNSEL
FOR BIG BEND IRRIGATION
& MINING COMPANY

Petitioner,

vs.

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

Respondents.

24 BASED ON THE Stipulation for Withdrawal of Counsel for
25 Big Bend Irrigation & Mining Company filed by the parties in this

MICROFILMED

DEC 23 1995

ORDER ALLOWING WITHDRAWAL OF COUNSEL FOR BIG BEND IRRIGATION
COMPANY - 1

SC
1245

H_LH
Chartered
Hepworth,
Lezamiz &
Hohnhorst

1 matter, and for good cause showing;

2 IT IS HEREBY ORDERED that the firm of Hepworth, Lezamiz
3 & Hohnhorst is withdrawn as counsel for Big Bend Irrigation &
4 Mining Company in subcase nos. 36-02007-0001, 36-00192-0001,
5 36-00192-0002, 36-00133-0001 and 36-00133-0002.

6 DATED this 23 day of June, 1994.

7
8 S/ DANIEL C. HURLBUTT JR.

9 Hon. Daniel C. Hurlbutt, Jr.
10 Presiding Judge
11 Snake River Basin Adjudication
12
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23

MICROFILMED

DEC 03 1996

H_LH

Chartered

Hepworth,
Lezamiz &
Hohnhorst

ORDER ALLOWING WITHDRAWAL OF COUNSEL FOR BIG BEND IRRIGATION
COMPANY - 2

CERTIFICATE OF MAILING

The undersigned, certifies that she caused to be mailed a copy of the above and foregoing ORDER ALLOWING WITHDRAWAL OF COUNSEL FOR BIG BEND IRRIGATION & MINING COMPANY on the 23 day of June, 1994, to:

Clerk of the SRBA Court (original)
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Chief, Natural Resources Division (1)
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

The United States Department of Justice (1)
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

Big Bend Irrigation and Mining Company
Route #1, Box 14
Hagerman, Idaho 83331


Clerk

MICROFILMED
DEC 03 1996

AUG 25 1994

Department of Water Resources
Adjudication Bureau

MAR 18 1994

11-25-94

11-25-94

SEP 23 1994

Department of Water Resources
Southern Region Office

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510
Attorneys for Claimant
(PDB/crh/21530bb.stp)

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

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

Case No. 39576

Subcase Nos. 36-02007-0001
36-00192-0001
36-00192-0002
36-00133-0001
36-00133-0002

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

STIPULATION FOR
WITHDRAWAL OF COUNSEL
FOR BIG BEND IRRIGATION
& MINING COMPANY

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.

MICROFILMED

DEC 03 1996



Hepworth,
Nungester,
& Lezamiz

STIPULATION FOR WITHDRAWAL AS COUNSEL - 1

1
2 STIPULATION FOR WITHDRAWAL AS COUNSEL

3 COME NOW Patrick D. Brown of the firm Hepworth, Nungester
4 & Lezamiz, Nicholas B. Spencer, Deputy Attorney General, Daria J.
5 Zane, United States Department of Justice, Environment & Natural
6 Resources Division, the only parties to the subcases, and stipulate
7 and agree to an Order allowing Hepworth, Nungester & Lezamiz to
8 withdraw as counsel for Big Bend Irrigation & Mining Company in
9 subcase nos. 36-02007-0001, 36-00192-0001, 36-00192-0002,
10 36-00133-0001 and 36-00133-0002. This stipulation is entered
11 pursuant to I.R.C.P. 11(b) and Section 6 of SRBA Administrative
12 Order 1, Rules of Procedure.

13 This Stipulation is made because Big Bend Irrigation &
14 Mining Company is no longer employing the firm of Hepworth,
15 Nungester & Lezamiz as their counsel in the SRBA. Big Bend
16 Irrigation & Mining Company is also no longer a member of Hagerman
17 Water Right Owners, Inc.

18 DATED: March 2, 1994

DATED: FEBRUARY 8, 1994

19 HEPWORTH, NUNGESTER & LEZAMIZ,
20 CHARTERED

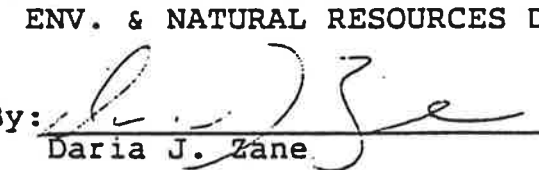
IDAHO DEPARTMENT OF WATER RESOURCES

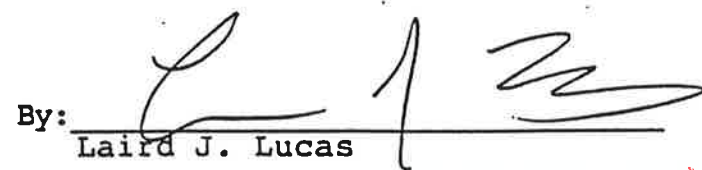
21 By: 
22 Patrick D. Brown

By: 
Nicholas B. Spencer

23 DATED: 2/22/94
U. S. DEPT. OF JUSTICE
ENV. & NATURAL RESOURCES DIV.

DATED: 3/18/94
LAND & WATER FUND OF THE ROCKIES

By: 
Daria J. Zane

By: 
Laird J. Lucas

MICROFILMED
DEC 03 1996

LLOYD J. AND CURTIS R. WEBB
Attorneys at Law
155 2nd Avenue North
P.O. Box 1768
Twin Falls, ID 83303-1768
208/734-1616

Attorneys for: Big Bend Mining and Irrigation Co.

RECEIVED

JUL 18 1994

Department of Water Resources
Adjudication Bureau

Service 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

) SUBCASE NUMBERS:

) 36-00133

) 36-00192

) 36-02007

) NOTICE OF APPEARANCE

The undersigned attorneys now appear as counsel for BIG
BEND MINING AND IRRIGATION COMPANY in the above-entitled
action.

DATED this 8th day of July, 1994.

LLOYD J. and CURTIS R. WEBB, ATTORNEYS

By: Lloyd J. Webb

LLOYD J. WEBB

Attorneys for Big Bend Mining and
Irrigation Company

MICROFILMED

DEC 03 1996

CERTIFICATE OF MAILING

I certify that a true and correct copy of NOTICE OF APPEARANCE was mailed on July 8th, 1994, with sufficient first-class postage to the following:

Clive Strong/ Nicholas Spencer
Natural Resources Division
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resources Division
55 West Fort St., Box 33
Boise, ID 83724

Laird J. Lucas
Land & Water Fund of the Rockies
P.O. Box 1612
Boise, ID 83701



LLOYD J. WEBB

MICROFILMED

DEC 03 1996

Water Right Number - 36-00133

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** A - ATTORNEY ***
WEBB

LLOYD J

1 - ATTORNEY AT LAW
2 - PO BOX 1768
3 -
City- TWIN FALLS
Phone - 208-734-1616

State- ID Zip- 833031768

*** C - CURRENT OWNER ***
BIG BEND IRRIGATION & MINING CO1 - C/O CATHERINE SAUL
2 - 2751 S 850 E
3 -
City- HAGERMAN
Phone - 208-837-6622

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
12/17/1903 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
TUCKER SPRINGS, UPPER RILEY CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 13E 36 NW SE SE (47) GOODING

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		20.000	
43 - DOMESTIC		03/15	11/15		0.060	
04 - STOCKWATER		03/15	11/15		0.230	
16 - WILDLIFE		03/15	11/15		1.720	
17 - WILDLIFE STORAGE		01/01	12/31			2.50
04 - STOCKWATER		11/16	03/14		1.030	
43 - DOMESTIC		11/16	03/14		0.280	
16 - WILDLIFE		11/16	03/14		7.600	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
20.000 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	15	SW SW		10.0	01	IRRIGATION	(47) GOODING
07S	13E	16	SE SE	6	28.0	01	IRRIGATION	(47) GOODING
07S	13E	21	SE NE	5	15.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW NE		4.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SW NE		30.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SE NE		25.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE NW		5.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SW NW		37.0	01	IRRIGATION	(47) GOODING

MICROFILMED
2000 1996

Water right number - 36-00133

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +									
Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
07S	13E	22	SE NW		27.0	01	IRRIGATION	(47)	GOODING
07S	13E	22	NE SE		15.5	01	IRRIGATION	(47)	GOODING
07S	13E	22	NW SE		13.0	01	IRRIGATION	(47)	GOODING
07S	13E	22	SE SE		8.0	01	IRRIGATION	(47)	GOODING
07S	13E	23	SW NW		23.0	01	IRRIGATION	(47)	GOODING
07S	13E	26	NW NE		10.0	01	IRRIGATION	(47)	GOODING
07S	13E	26	SW NE		17.0	01	IRRIGATION	(47)	GOODING
07S	13E	26	NW SE		10.0	01	IRRIGATION	(47)	GOODING
07S	13E	26	SW SE		7.0	01	IRRIGATION	(47)	GOODING
07S	13E	26	SE SE		10.0	01	IRRIGATION	(47)	GOODING
07S	13E	27	NE NE		18.0	01	IRRIGATION	(47)	GOODING
07S	13E	27	NW NE		7.0	01	IRRIGATION	(47)	GOODING
07S	13E	27	SW NE		25.0	01	IRRIGATION	(47)	GOODING
07S	13E	27	SE NE		22.0	01	IRRIGATION	(47)	GOODING
07S	13E	27	NE SE		12.0	01	IRRIGATION	(47)	GOODING
07S	13E	27	NW SE		15.0	01	IRRIGATION	(47)	GOODING
07S	13E	22	NW NE			04	STOCKWATER	(47)	GOODING
07S	13E	22	SW NE			04	STOCKWATER	(47)	GOODING
07S	13E	22	NE NW			04	STOCKWATER	(47)	GOODING
07S	13E	22	SE NW			04	STOCKWATER	(47)	GOODING
07S	13E	23	SW NW			04	STOCKWATER	(47)	GOODING
07S	13E	23	NW SE			04	STOCKWATER	(47)	GOODING
07S	13E	26	NW NE			04	STOCKWATER	(47)	GOODING
07S	13E	26	SW NE			04	STOCKWATER	(47)	GOODING
07S	13E	26	NW SE			04	STOCKWATER	(47)	GOODING
07S	13E	26	SW SE			04	STOCKWATER	(47)	GOODING
07S	13E	26	SE SE			04	STOCKWATER	(47)	GOODING
07S	13E	36	NE SW			16	WILDLIFE	(47)	GOODING
07S	13E	36	SE SW			16	WILDLIFE	(47)	GOODING
07S	13E	36	NW SE			16	WILDLIFE	(47)	GOODING
07S	13E	36	SW SE			16	WILDLIFE	(47)	GOODING
08S	13E	1	NW NE	2		16	WILDLIFE	(47)	GOODING
07S	13E	22	NE NW			17	WILDLIFE STORAGE	(47)	GOODING
07S	13E	21	SE NE	5		43	DOMESTIC	(47)	GOODING
07S	13E	22	NE NE			43	DOMESTIC	(47)	GOODING

Total Acres: 393.5

+ - - Diversion Means - CHECK DAM & WEIR TO BIG BEND DITCH, GRAVITY & SPRINKLER IRRIG.

+ - - Non-Irrigation Use - DOMESTIC, 2 HOMES; STOCK, 1000 MIXED; WILDLIFE, PONDS AND HABITAT

+ - - Other Rights for Same Use - 36-00192

+ - - - - - Remarks - - - - - +
WATER IS DELIVERED THROUGH BIG BEND DITCH.
USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO A

NOT LIMITED
JUL 03 1996

Water right number - 36-00133

Prefix Translation: WATER RIGHT

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

TOTAL COMBINED DIVERSION RATE OF 29.43 CFS FOR ALL USES IDENTIFIED DURING THE IRRIGATION SEASON. BOTH ARE ALSO LIMITED TO A TOTAL COMBINED FIELD HEADGATE REQUIREMENT OF 19.00 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1180.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 393.5 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO A TOTAL OF 8.42 CFS FOR USE AS CONVEYANCE LOSS IN DELIVERY OF THE RIGHTS DELIVERED THROUGH THE BIG BEND DITCH DURING THE IRRIGATION SEASON; 6.28 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THE RIGHTS DELIVERED THROUGH THE BIG BEND DITCH DURING THE NON-IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO A WILDLIFE STORAGE VOLUME OF 2.5 AFY.

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

3600133

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

C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
- TO IDAHO CODE 42-1416A.

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

+ - - - - Decree Plaintiff - - - +

NEW INTERNATIONAL MORTGAGE BANK

+ - - - - Decree Defendant - - - +

IDAHO POWER COMPANY, ET. AL.

+ - Decree Date - +

03/22/1932

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

No Comments Found

+ - - Audit Fields - - +

00/00/00

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 08/20/1990	Civil Case Number	- 39576
Objection Filed Date	- 04/29/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/31/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001972	Water District	- 36A
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	- B

DEC 03 1996
MICROFILMED

Water Right Number - A36-00133

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** A - ATTORNEY ***
WEBB

LLOYD J

1 - ATTORNEY AT LAW

2 - PO BOX 1768

3 -

City- TWIN FALLS

State- ID Zip- 833031768

Phone - 208-734-1616

*** C - CURRENT OWNER ***

BIG BEND IRRIGATION & MINING CO

1 - C/O CATHERINE SAUL

2 - 2751 S 850 E

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6622

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
12/17/1903 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
TUPPER SPRINGS, UPPER RILEY CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 13E 36 NW SE SE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 01/01 12/31 20.000
43 - DOMESTIC 01/01 12/31 0.500
04 - STOCKWATER 01/01 12/31 1.200+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
20.000 14479.60 14479.6+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	13E	15	SW SW		10.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SE SW		10.0	01	IRRIGATION	(47) GOODING
07S	13E	16	NE SE	3	10.0	01	IRRIGATION	(47) GOODING
07S	13E	16	SW SE		15.0	01	IRRIGATION	(47) GOODING
07S	13E	16	SE SE	6	15.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE NE	1	35.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NW NE	1	5.0	01	IRRIGATION	(47) GOODING
07S	13E	21	SE NE	5	18.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE NE		9.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE NW		37.0	01	IRRIGATION	(47) GOODING

MICHOPI-MED
1995

Water right number - A36-00133

Prefix Translation: ADJUDICATION CLAIM

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	22	NW NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SW NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SE NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		4.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SE		15.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SE SE		29.0	01	IRRIGATION	(47) GOODING
07S	13E	23	SW NW		25.0	01	IRRIGATION	(47) GOODING
07S	13E	23	SE NW		20.0	01	IRRIGATION	(47) GOODING
07S	13E	23	NE SW		15.0	01	IRRIGATION	(47) GOODING
07S	13E	26	NW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	26	SW NE		30.0	01	IRRIGATION	(47) GOODING
07S	13E	26	NW SE		19.0	01	IRRIGATION	(47) GOODING
07S	13E	26	SW SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	26	SE SE		27.0	01	IRRIGATION	(47) GOODING
07S	13E	27	NE NE		29.0	01	IRRIGATION	(47) GOODING
07S	13E	27	SW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	27	SE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	27	NE SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	36	NW NW		22.0	01	IRRIGATION	(47) GOODING

Total Acres: 879.0

+ - - Diversion Means - CHECK DAM & WEIR TO BIG BEND DITCH, GRAVITY & SPRINKLER IRRIG.

+ - - Non-Irrigation Use - DOMESTIC/A FEW HOMES W/HEAT PUMPS, STOCK/1000 DAIRY, 1500 OTHER

+ - - Other Rights for Same Use - A36-00192, A36-02007

Remarks
LAND CLAIMED IS APPROXIMATE BASED ON SHARES OWNED BY VARIOUS SHAREHOLDERS. SOME OF THE LAND IS ALSO IRRIGATED FROM OTHER DITCHES. SOME LAND IS ABOVE THE DITCH, AND IS IRRIGATED VIA PUMPS IN THE DITCH; EXPANSION IS CLAIMED UNDER SEC. 42-1416 OF THE IDAHO CODE. A LOT OF LAND IN THE HAGERMAN VALLEY WAS PUT UNDER SPRINKLERS FROM 1972 THRU 1985, POSSIBLY DOUBLING THE AMOUNT OF LAND IRRIGATED. THE VOLUME CLAIMED IS FOR 20 CFS FLOWING CONTINUOUSLY ALL YEAR. BETWEEN A 50% DITCH LOSS THRU 9 MILES OF THE BIG BEND DITCH & BENEFICIAL USE, ALMOST ALL OF THIS WATER IS CONSUMED. DUE TO MILD CONDITIONS IN THE HAGERMAN VALLEY, SOME IRRIGATION OCCURS ALL YEAR. EXCEPT FOR A FEW OTHER DIVERSIONS, ALL THE WATER FROM UPPER & LOWER TUCKER SPRINGS FLOWS THRU THE BIG BEND DITCH ALL YEAR.

+ - - Old Water Right Numbers - - - - -
No Old Water Right Numbers FoundMICHAEL
DEC 01 1996

Water right number - A36-00133

Prefix Translation: ADJUDICATION CLAIM

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

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

+ - - - - Decree Defendant - - - +
IDAHO POWER COMPANY, ET. AL.

+ - Decree Date - +
03/22/1932

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

+ - - Audit Fields - - +
10/20/94 JGIVENS

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/31/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001972	Water District	- 36A
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- D
				Notice of Error Flag	-

MICROFILMED
DEC 03 1996



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

October 20, 1994

LLOYD J WEBB
ATTORNEY AT LAW
PO BOX 1768
TWIN FALLS ID 83303-1768

Re: NOTICE OF APPEARANCE - 36-00133 - 36-00192 - 36-02007
BIG BEND MINING AND IRRIGATION CO
Case No. 39576

Dear Mr. Webb:

Pursuant to the notification that you are representing the Big Bend Mining and Irrigation Co. on the above-referenced Adjudication Claims, we have changed the Department's record(s).

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

Sincerely,

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

Judy Givens
Technical Records Specialists

Enclosure: Proof Reports

c.c. Patrick D. Brown
HEPWORTH NUNGESTER & LEZAMIZ
PO BOX 389
TWIN FALLS ID 83303-0389

c.c. BIG BEND IRRIGATION & MINING CO
C/O CATHERINE SAUL
2751 S. 850 E.
HAGERMAN ID 83332

MICROFILMED
DEC 03 1996