

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2003 JAN 28 AM 9 05

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

In Re SRBA )

Subcase(s): 36-00136A & 36-02178

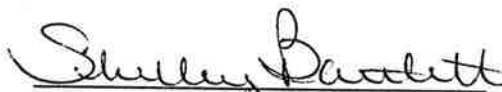
Case No. 39576 )

NOTICE OF RESETTING  
MOTION TO SET ASIDE

The Motion to Set Aside has been reset. Please note it has been rescheduled for  
Tuesday, March 11, 2003, at 1:30 p.m. at the Bingham County Courthouse, 501 N.  
Maple, Blackfoot, Idaho.

Any party wanting to participate by telephone may do so by calling  
1-918-583-3445, and when prompted, entering the code 406128.

DATED: 1-28-03

  
SHELLEY BARTLETT  
Deputy Court Clerk  
Snake River Basin Adjudication

NOTICE ON MOTION TO FILE LATE CLAIM

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-02178  
Date Received: 5/27/1988  
Receipt No: 5000127  
9

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: SALMON FALLS SHEEP CO. 208-837-4534  
Address: RT. 1 BOX 74  
HAGERMAN, ID 83332

2. Date of Priority: SEP 18, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County  |
|----------|-------|---------|-------------------|-----|---------|
| 07S      | 14E   | 34      | SE                | NW  | GOODING |
|          |       |         | NE                | SW  | GOODING |
|          |       |         | NE                | SE  | GOODING |

5. Description of diverting works:

TWO IRRIGATION WELL W/CONNECTING MAINLINE; SEPARATE DOMESTIC WELL

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S (or) | A.F.A. |
|------------|-------|-------|------------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.680      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040      |        |

7. Total Quantity Appropriated is:

1.680 C.F.S. (and/or) 297.60 A.F.A.

8. Total consumptive use is 223.6 Acre Feet Per Annum.

9. Non-irrigation uses:

1 DOMESTIC - 1 HOME

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 07S      | 14E   | 34      | SW         | NW  | IRR | 10.0  |

A36-02178

Page 1

Date: 05/27/88

MICROFILMED

OCT 13 1984

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 07S      | 14E   | 34      | SE     | NW  |     | IRR           | 4.0   |
|          |       |         | NE     | SW  |     | IRR           | 20.0  |
|          |       |         | NE     | SW  |     | DOMEST        |       |
|          |       |         | NW     | SW  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 74.0  |
|          |       |         |        |     |     | Total Acres   | 74.0  |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

CANAL SHARES & WASTE WATER ARE ALSO USED ON THIS LAND.

14. Remarks:

WELL LICENSED UNDER 36-2166 IS ALSO USED REGULARLY ON THIS LAND.  
WELLS JOIN IN A COMMON MAINLINE.

NESE SEC. 33 IS NOT INCLUDED IN THIS CLAIM. IT IS NOW IRRIGATED  
BY A SEPARATE SYSTEM UNDER LIC. 36-2419, AND HAS ALMOST 1"/ACRE  
UNDER THIS LICENSE.

THE LAND WAS CHANGED FROM GRAVITY TO SPRINKLER IRRIGATION IN 1975  
WHEN HANDLINES WERE INSTALLED. PIVOTS REPLACED MOST OF THE HAND-  
LINES IN 1981.

15. Basis of Claim: LICENSE

Water Right Number: 23063

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): Almont Falls Sheep Co Date: 7/4/88  
James E. Penslee Pres. Date: 7/6/88

State of Idaho

County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 6th day

of July 19 88

Mary D. Baldwin  
Notary Public

Seal

Residing at Gooding Id

My Commission Expires 10/16/1992



POOR ORIGINAL

MICROFILMED  
OCT 13 1994

|           |           |            |            |           |           |           |           |           |           |
|-----------|-----------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|
| 36-00004  | 36-00047  | 36-00065   | 36-00066B  | 36-00067  | 36-00136A | 36-00136B | 36-00194  | 36-02046  | 36-02166  |
| 36-02178  | 36-07298  | 36-10033   | 36-10035   | 36-10169  | 36-10223  | 36-10446  | 36-10815  | 36-15094  | A36-00004 |
| A36-00047 | A36-00065 | A36-00065B | A36-00066B | A36-00067 | A36-00136 | A36-00194 | A36-02046 | A36-02166 | A36-02178 |
| A36-07298 | A36-10033 | A36-10035  | A36-10169  | A36-10223 | A36-10446 | A36-10815 | A36-15094 |           |           |

TOTAL RECORDS IN SELECTION FILE: 38

MICROFILMED  
OCT 13 1994

1 Hagerman Water Right Owners, Inc. and its individual members, the  
2 following individuals:

|    |                                  |                          |
|----|----------------------------------|--------------------------|
| 3  | Alice A. & Paul J. Anderton      | ✓A36-10223 <sup>x</sup>  |
|    | Fay Coates and/or Fred Beckstead | ✓A36-07298 <sup>x</sup>  |
| 4  | Fay Coates and/or Fred Beckstead | ✓A36-00066B <sup>x</sup> |
|    | Fay Coates and/or Fred Beckstead | ✓A36-10169 <sup>x</sup>  |
| 5  | Fay Coates and/or Fred Beckstead | ✓A36-00065 <sup>x</sup>  |
|    | Fay Coates and/or Fred Beckstead | ✓A36-00067 <sup>x</sup>  |
| 6  | Dairy West Associates            | ✓A36-10815 <sup>x</sup>  |
|    | Michael J. Fleming               | ✓A36-15094 <sup>x</sup>  |
|    | Michael J. Fleming               | ✓A36-10446 <sup>x</sup>  |
| 7  | Salmon Falls Land & Livestock    | ✓A36-00194 <sup>x</sup>  |
|    | Salmon Falls Land & Livestock    | ✓A36-02046 <sup>x</sup>  |
| 8  | Salmon Falls Land & Livestock    | ✓A36-02166 <sup>x</sup>  |
|    | Salmon Falls Land & Livestock    | ✓A36-02178 <sup>x</sup>  |
| 9  | Salmon Falls Land & Livestock    | A36-00136B <sup>x</sup>  |
|    | Salmon Falls Land & Livestock    | A36-00136A <sup>x</sup>  |
| 10 | Salmon Falls Land & Livestock    | ✓A36-10035 <sup>x</sup>  |
|    | Salmon Falls Land & Livestock    | ✓A36-10033 <sup>x</sup>  |
| 11 | Spring Valley Ranch, Inc.        | ✓A36-00004 <sup>x</sup>  |
|    | Dixie Adamson                    | ✓A36-00047 <sup>x</sup>  |

12 Dated this 10 day of May, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ,  
14 CHARTERED

15 By:   
16 Patrick D. Brown  
17 Attorneys for Respondents  
18  
19  
20  
21  
22  
23



Hepworth,  
Nungester,  
& Lezamiz

INPUT: AJ\_SELECTION:SHAFF-BROWN-NOA6.SEL

TYPE OF ACTION: MODIFY

MODIFY ALL FIELDS FLAG: Y

LAST NAME: BROWN

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

FIRST NAME: PATRICK D

ADDRESS LINE 2:133 SHOSHONE ST N

STATE: ID ZIP: 833030389

PHONE NUMBER: (208) 734-7510

✓ 36-00004 SUCCESSFULLY CHANGED ON HOST  
✓ 36-00047 SUCCESSFULLY CHANGED ON HOST  
✓ 36-00065 SUCCESSFULLY CHANGED ON HOST  
✓ 36-00066B SUCCESSFULLY CHANGED ON HOST  
✓ 36-00067 SUCCESSFULLY CHANGED ON HOST  
✓ 36-00136A SUCCESSFULLY CHANGED ON HOST  
✓ 36-00136B SUCCESSFULLY CHANGED ON HOST  
✓ 36-00194 SUCCESSFULLY CHANGED ON HOST  
✓ 36-02046 SUCCESSFULLY CHANGED ON HOST  
✓ 36-02166 SUCCESSFULLY CHANGED ON HOST  
✓ 36-02178 SUCCESSFULLY CHANGED ON HOST  
✓ 36-07298 SUCCESSFULLY CHANGED ON HOST  
✓ 36-10033 SUCCESSFULLY CHANGED ON HOST  
✓ 36-10035 SUCCESSFULLY CHANGED ON HOST  
✓ 36-10169 SUCCESSFULLY CHANGED ON HOST  
✓ 36-10223 SUCCESSFULLY CHANGED ON HOST  
✓ 36-10446 SUCCESSFULLY CHANGED ON HOST  
✓ 36-10815 SUCCESSFULLY CHANGED ON HOST  
✓ 36-15094 SUCCESSFULLY CHANGED ON HOST  
✓ A36-00004 SUCCESSFULLY CHANGED ON HOST  
✓ A36-00047 SUCCESSFULLY CHANGED ON HOST  
✓ A36-00065 SUCCESSFULLY CHANGED ON HOST  
✓ A36-00066B SUCCESSFULLY CHANGED ON HOST  
✓ A36-00067 SUCCESSFULLY CHANGED ON HOST  
✓ A36-00136 SUCCESSFULLY CHANGED ON HOST  
✓ A36-00194 SUCCESSFULLY CHANGED ON HOST  
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✓ A36-10223 SUCCESSFULLY CHANGED ON HOST  
✓ A36-10446 SUCCESSFULLY CHANGED ON HOST  
✓ A36-10815 SUCCESSFULLY CHANGED ON HOST  
✓ A36-15094 SUCCESSFULLY CHANGED ON HOST

MICROFILMED  
OCT 13 1994

1 HEPWORTH, NUNGESTER & LEZAMIZ,  
2 CHARTERED  
3 133 Shoshone St. North  
4 P.O. Box 389  
5 Twin Falls, ID 83303-0389  
6 Telephone: (208)734-7510  
7 Attorneys for Claimant  
8 (PDB\21530SUP.NO6\crh)  
9

10 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
11 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
12

13 \* \* \* \* \*

14 In Re the General Adjudication )  
15 of Rights to the Use of Water )  
16 from the Snake River Basin )  
17 Water System )

Case No. 39576

18 \_\_\_\_\_ )  
19 The State of Idaho, ex rel. )  
20 R. Keith Higginson in his )  
21 official capacity as director )  
22 of the Idaho Department of )  
23 Water Resources, )

HAGERMAN WATER RIGHT OWNERS,  
INC. AND ITS INDIVIDUAL  
MEMBERS' SIXTH SUPPLEMENTAL  
NOTICE OF APPEARANCE

Petitioner,

vs.

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

Respondents.

\* \* \* \* \*

COMES NOW the law firm of Hepworth, Nungester & Lezamiz  
and supplements its Notice of Appearance to add on behalf of



Hepworth,  
Nungester,  
& Lezamiz

SIXTH SUPPLEMENTAL NOTICE OF APPEARANCE - 1

**MICROFILMED**

**OCT 13 1994**

CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the respondents in this matter, certifies that he caused to be mailed a copy of the above and foregoing FIFTH SUPPLEMENTAL NOTICE OF APPEARANCE on the 10 day of May, 1993, to:

Snake River Adjudication (original)  
District Court  
P.O. Box 27070  
Twin Falls, ID 83303-0126

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

  
Patrick D. Brown



Hepworth,  
Nungester,  
& Lezamiz

SIXTH SUPPLEMENTAL NOTICE OF APPEARANCE - 3

**MICROFILMED**  
**OCT 13 1994**

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-02178**

Date Received: 7/ 6/1988

Receipt No: S000727

Received By: name change *JK*

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

1. Name: SALMON FALLS LAND AND LIVESTOCK 208-837-4534  
Address: RT 1 BOX 74  
HAGERMAN ID 83332

2. Date of Priority: SEP 18, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 07S      | 14E   | 34      | SE     | SW     | NW  |     | GOODING |
|          |       |         | NE     | NE     | SW  |     | GOODING |
|          |       |         | NE     | SE     | SW  |     | GOODING |

5. Description of diverting works:  
TWO IRRIGATION WELL W/CONNECTING MAINLINE; SEPARATE DOMESTIC WELL

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.680 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040 |      |        |

7. Total Quantity Appropriated is:  
1.680 C.F.S. (and/or) 297.60 A.F.A.

8. Total consumptive use is 222.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC, 1 HOME

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 07S      | 14E   | 34      | SW     | NW  |     | IRR | 10.0  |

**MICROFILMED**  
**JAN 26 1993**

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 07S      | 14E   | 34      | SE         | NW  | IRR           | 4.0   |
|          |       |         | NE         | SW  | IRR           | 20.0  |
|          |       |         | NE         | SW  | DOMEST        |       |
|          |       |         | NW         | SW  | IRR           | 40.0  |
|          |       |         |            |     | Section Acres | 74.0  |
|          |       |         |            |     | Total Acres   | 74.0  |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:  
NONE

14. Remarks:

WELL LICENSED UNDER 36-2166 IS ALSO USED REGULARLY ON THIS LAND.  
WELLS JOIN IN A COMMON MAINLINE.

NESE SEC. 33 IS NOT INCLUDED IN THIS CLAIM. IT IS NOW IRRIGATED  
BY A SEPARATE SYSTEM UNDER LIC. 36-2419, AND HAS ALMOST 1"/ACRE  
UNDER THIS LICENSE.

THE LAND WAS CHANGED FROM GRAVITY TO SPRINKLER IRRIGATION IN 1975  
WHEN HANDLINES WERE INSTALLED. PIVOTS REPLACED MOST OF THE HAND-  
LINES IN 1981.

CANAL SHARES AND WASTE WATER ARE ALSO USED ON THIS LAND.

15. Basis of Claim: LICENSE

Water Right Number: 23063

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

MICROFILMED  
JAN 20 1993

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

MICROFILMED  
JAN 26 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

01-Oct-1992

SALMON FALLS LAND AND LIVESTOCK  
RT 1 BOX 74  
HAGERMAN ID 83332

Re: Name Change for Adjudication Claim #A36-00136A, A36-00136B,  
#A36-00194, A36-02046,  
A36-02166, A36-02178,  
A36-02419, A36-10033,  
A36-10035, A36-10037

Dear Claimant(s):

Pursuant to notification that you presently own the property in which the above referenced Adjudication Claim is appurtenant, the Department has changed the record of the current owner as you requested. Please find enclosed a copy of the computer record of our recommendation to the court noting the name change in claimant.

Please review the record and if you have any corrections or questions, feel free to call this office.

Sincerely,

  
Jeanie Robertson  
Records Clerk

/jlr  
Enclosures:

MICROFILMED  
JAN 26 1993



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: May 28, 1992

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
 Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
 Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.  
 If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s) Assigned by IDWR: All claims listed under Salmon Falls Sheep Company.

☐ Name and Address of Former Owner/Claimant(s)(Seller): Salmon Falls Sheep Company  
same as orig

☐ New Owner/Claimant (Purchaser): Salmon Falls Land and Livestock

☐ New Mailing Address: same as old address.

☐ New Telephone Number: ( ) \_\_\_\_\_ - \_\_\_\_\_

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

☐ Attach proof of ownership, describe proof attached: \_\_\_\_\_

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

☐ Signature of New Owner/Claimant(s): James F. Henstee Date 9/11/92

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

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

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-1-92 By: X

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

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

MICROFILMED

JAN 26 1993

# State of Idaho

## Department of State

CERTIFICATE OF AMENDMENT

OF

COPY

SALMON FALLS SHEEP COMPANY

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Amendment to the Articles of Incorporation of SALMON FALLS SHEEP COMPANY changing its name to SALMON FALLS LAND & LIVESTOCK COMPANY duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Amendment to the Articles of Incorporation and attach hereto a duplicate original of the Articles of Amendment.

May 28, 1992



*Pete T. Cenarrusa*

SECRETARY OF STATE

By

*Angie F. [unclear]*

MICROFILMED

JAN 26 1993

SD-0601-2 Last Name: SALMON FALLS

STATE

| S<br>E<br>L           | First<br>Name | O<br>W<br>N | Water<br>Right No. | Priority<br>Date | Source      | Total<br>Diversion | Use<br>Code Desc |
|-----------------------|---------------|-------------|--------------------|------------------|-------------|--------------------|------------------|
| SALMON FALLS SHEEP CO |               |             |                    |                  |             |                    |                  |
|                       |               | C           | A36-02419✓         | 02/08/1960       | GROUNDWATER | 4.810              | 01 IRR           |
|                       |               | C           | A36-00136✓         | 10/01/1908       | TUCKER SPRI | 8.000              | 01 IRR           |
|                       |               | C           | R36-02046✓         | 12/01/1939       | RILEY CREEK | 3.500              | 01 IRR           |
|                       |               | C           | R36-02178✓         | 09/18/1952       | GROUNDWATER | 1.680              | 01 IRR           |
|                       |               |             |                    |                  |             |                    | 43 DOMEST        |
|                       |               | C           | A36-10033✓         | 03/15/1975       | GROUNDWATER | 2.140              | 01 IRR           |
|                       |               | C           | A36-02166✓         | 02/27/1952       | GROUNDWATER | 2.040              | 01 IRR           |
|                       |               | C           | A36-02178✓         | 09/18/1952       | GROUNDWATER | 1.680              | 01 IRR           |
|                       |               |             |                    |                  |             |                    | 43 DOMEST        |
|                       |               | C           | A36-10035✓         | 03/15/1981       | GROUNDWATER | 2.020              | 01 IRR           |
|                       |               | C           | R36-10037✓         | 03/15/1974       | GROUNDWATER | 1.650              | 01 IRR           |
|                       |               | C           | A36-10037✓         | 03/15/1974       | GROUNDWATER | 2.780              | 01 IRR           |
|                       |               | C           | R36-02166✓         | 02/27/1952       | GROUNDWATER | 2.040              | 01 IRR           |
|                       |               | C           | R36-02419✓         | 02/08/1960       | GROUNDWATER | 4.810              | 01 IRR           |
|                       |               | C           | R36-10033✓         | 03/15/1975       | GROUNDWATER | 0.960              | 01 IRR           |

(Enter=Continue)

(GOLD7=This Query)

(Menu \_\_\_\_\_)

SD-0601-2 Last Name: SALMON FALLS

STATE

| S<br>E<br>L                  | First<br>Name | O<br>W<br>N | Water<br>Right No. | Priority<br>Date | Source      | Total<br>Diversion | Use<br>Code Desc |
|------------------------------|---------------|-------------|--------------------|------------------|-------------|--------------------|------------------|
| SALMON FALLS SHEEP CO        |               |             |                    |                  |             |                    |                  |
|                              |               | C           | R36-10035✓         | 03/15/1981       | GROUNDWATER | 0.980              | 01 IRR           |
|                              |               | C           | A36-02046✓         | 12/01/1939       | RILEY CREEK | 3.500              | 01 IRR           |
|                              |               |             |                    |                  |             |                    | 04 STOCK         |
|                              |               | C           | R36-00136✓         | 10/01/1908       | TUCKER SPRI | 4.710              | 01 IRR           |
|                              |               |             |                    |                  | SPLIT RIGHT |                    |                  |
|                              |               | C           | R36-00136A✓        | 10/01/1908       | TUCKER SPRI | 3.610              | 01 IRR           |
|                              |               | C           | R36-00136B✓        | 10/01/1908       | TUCKER SPRI | 3.330              | 01 IRR           |
|                              |               | C           | R36-00194✓         | 04/01/1901       | TUCKER SPRI | 0.500              | 04 STOCK         |
|                              |               |             |                    |                  |             |                    | 43 DOMEST        |
| SALMON FALLS SHEEP CO INC    |               |             |                    |                  |             |                    |                  |
|                              |               | C           | A36-00194✓         | 04/01/1901       | UPPER TUCKE | 0.500              | 04 STOCK         |
|                              |               |             |                    |                  |             |                    | 43 DOMEST        |
| SALMON FALLS SHEEP CO., INC. |               |             |                    |                  |             |                    |                  |
|                              |               | C           | A36-00195✓         | 05/01/1918       |             | 0.500              |                  |
|                              |               | C           | R36-00195✓         | 05/01/1918       |             | 0.500              |                  |

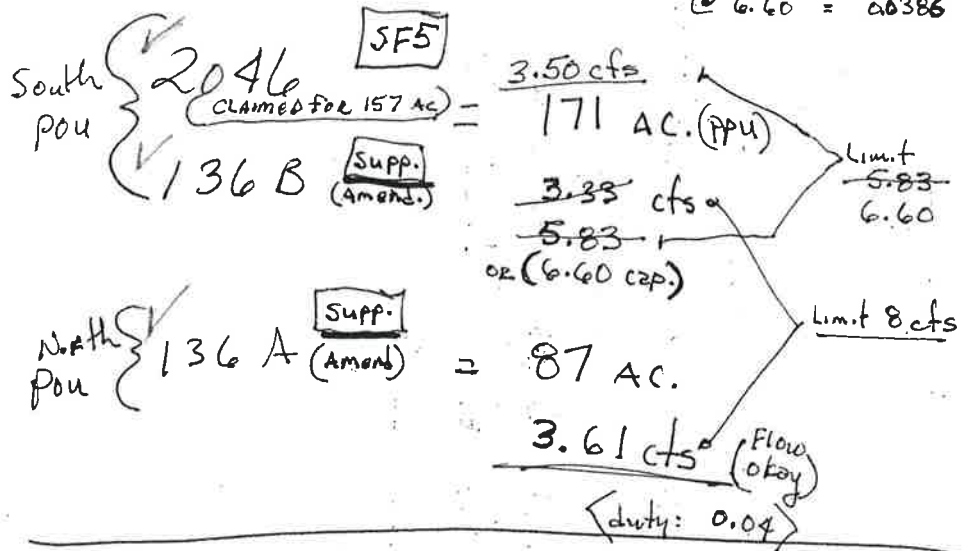
(Enter=Continue)

(GOLD7=This Query)

0.500  
0.500  
MICROFILMED  
JAN 25 1993  
(Menu \_\_\_\_\_)

@ 5.83 = 0.034

@ 6.60 = 0.0386



36-15540

LATE

Q

✓ - 2166 SF5 102 AC. ✓ (2.04 cfs)

✓ - 10033 SF5 (107 AC) 107 Update Attny [1.07]

✓ - 2178 Supp (Amended) 114 AC. (1.68 cfs)

✓ - 10035 SF5 (101 AC) 47 [0.47]

all 10033 Part 10035 → 370 AC. 3.72 cfs  
① = 216 AC (0.01) / AC

✓ - 10037 where? -> LEGAL @ issue update shapes ✓

- 2419 \* (p. decree)

✓ - 194 @ issue! (Amended?) where? + Southern  
⊗ Lic. Limits to NI Season?

See  
2/22/02

**DRAFT**

02/15/2002

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

RIGHT NUMBER: **36-2178**

NAME AND ADDRESS: SALMON FALLS LAND & LIVESTOCK CO INC  
123 BELL RAPIDS RD  
HAGERMAN ID 83332

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.68 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 3.72 CFS AND A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 1480 AF.  
COMBINED RIGHT NOS.: 36-02166, 36-10033, AND 36-10035.

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

PRIORITY DATE: 09/18/1952

POINT OF DIVERSION:

T07S R14E S34 SESWNW Within GOODING County

T07S R14E S34 NENESW Within GOODING County

T07S R14E S34 NESESW Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DOMESTIC              | 1/01 12/31           | 0.040 CFS       |
| IRRIGATION            | 3/15 11/15           | 1.680 CFS       |

PLACE OF USE: DOMESTIC Within GOODING County

T07S R14E S34 NESW

IRRIGATION Within GOODING County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T07S R14E S34       | SWNW | 30.0 | T07S R14E S34       | SENW | 12.0 |
| T07S R14E S34       | NESW | 38.0 | T07S R14E S34       | NWSW | 40.0 |
| T07S R14E S34       | SWSW | 40.0 | T07S R14E S34       | SESW | 40.0 |
| T07S R14E S34       | SWSE | 36.0 | T07S R14E S34       | SESE | 20.0 |
| T08S R14E S03 Lot 2 | NWNE | 35.0 | T08S R14E S03 Lot 3 | NENW | 35.0 |
| T08S R14E S03 Lot 4 | NWNW | 34.0 | T08S R14E S04       | NENE | 10.0 |

370 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 114 ACRES WITHIN THE PLACE OF  
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 36-02166, 36-10033, 36-10035 & 36-15540.

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

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

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

---

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: License

RIGHT NOS. 36-10033 AND 36-10035 ARE ENLARGEMENTS OF THIS RIGHT  
PURSUANT TO SECTION 42-1426, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 36-02166, 36-10033, AND 36-10035.

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

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL  
CO. LTD.

RECEIVED

MAY 22 1998

Department of Water Resources  
Adjudication Bureau

Name of Party Filing Document:  
Salmon Falls Land & Livestock Co., Inc.

Attorney Name & Address:  
ROGER D. LING  
LING, NIELSEN & ROBINSON  
615 H Street, P. O. Box 396  
Rupert, Idaho 83350

MAY 27 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

Case No. 39576

Subcase No. 36-02178

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 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 Salmon Falls Land & Livestock Co., Inc.

My address is 123 Bell Rapids Rd.  
Hagerman, Idaho 83332-6041

My phone number is: Work: 837-6053 Home:

I am an attorney representing Salmon Falls Land & Livestock Co., Inc.

My name is Roger D. Ling

My address is P. O. Box 396  
Rupert, Idaho 83350

My phone number is (208) 436-4717

#### 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 Amended Notice of Claim to the use of water in the SRBA because:

Claim No. 36-02178 failed to note an accomplished change in the place of use, and therefore the entire 114 acres represented by the license supporting this claim was not originally claimed. This error was not noticed until other objections were being addressed in this subcase.

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

See License 36-02178 on record with IDWR.

I have attached:

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

\$ 0 as these acres will be deducted from 36-10035, one of the enlargement claims of claimant, for which the per-acre fee has been previously paid.

**VERIFICATION (Must be Completed)**

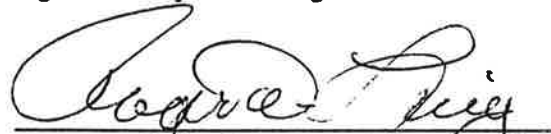
State of Idaho

County of Minidoka

Roger D. Ling, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

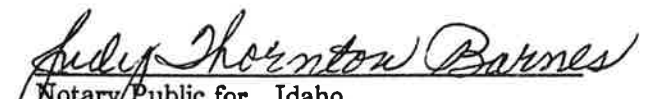
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. § 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that 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: May 20, 1998  
(Insert Date)



  
Notary Public for Idaho  
Residing at: Rupert, Idaho  
My Commission expires: 02/03/99

**INSTRUCTION FOR MAILING**

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

### CERTIFICATE OF MAILING

I hereby certify that on the 20<sup>th</sup> day of May, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

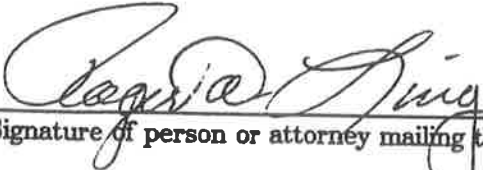
IDWR Document Depository  
P. O. Box 83720  
Boise, ID 83720-0098

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

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 033  
Boise, Idaho 83734

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.

The Honorable Terrence A. Dolan  
Special Master  
Snake River Basin Adjudication  
P. O. Box 2707  
Twin Falls, ID 83303-2707

  
Signature of person or attorney mailing the form

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: 36-02178

Date Received:

Receipt No:

Received By:

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

1. Name: SALMON FALLS LAND & LIVESTOCK CO., INC.  
Address: 123 BELL RAPIDS ROAD  
HAGERMAN, IDAHO 83332
2. Date of Priority: 9/18/1952
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion: T07S, R14E, SEC. 34  
SESWNW GOODING COUNTY  
NENESW GOODING COUNTY  
NESESW GOODING COUNTY
5. Description of diverting works: WELL, PUMP AND SPRINKLER
6. Water is used for the following purposes:

| Purpose            | From  | To    | C.F.S (or) A.F.A. |
|--------------------|-------|-------|-------------------|
| IRRIGATION         | 03-15 | 11-15 | 1.68 CFS          |
| DOMESTIC, ONE HOME | 01-01 | 12-31 | .04 CFS           |
7. Total Quantity Appropriated is: 1.72 C.F.S. (and/or)
8. Total consumptive use is 342 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use: DOMESTIC AND IRRIGATION

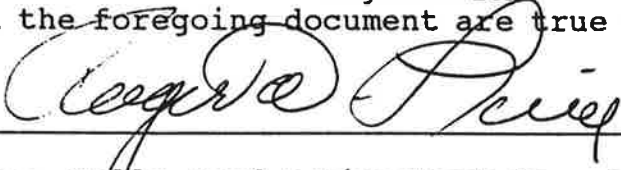
| Township     | Range | Section | 1/4 of 1/4 | Lot | Use              | Acres |
|--------------|-------|---------|------------|-----|------------------|-------|
| 7S           | 14E   | 34      | SW NW      |     | irrigation       | 29    |
|              |       |         | SE NW      |     | irrigation       | 12    |
|              |       |         | NE SW      |     | irrig & domestic | 33    |
|              |       |         | NW SW      |     | irrigation       | 40    |
| TOTAL ACRES: |       |         |            |     |                  | 114.0 |

11. Place of use in counties: GOODING
12. Do you own the property listed above as place of use? YES .
13. Other Water Rights Used: FOR IRRIGATION PURPOSES  
36-02166, 36-10033, 36-10035
14. Remarks: ALTHOUGH THIS RIGHT IS LIMITED TO 114 ACRES, THE COMBINED  
RIGHTS ARE USED FOR THE IRRIGATION OF 370 ACRES TOTAL.
15. Basis of Claim: LICENSE NO. 36-02178

16. Signature (s)

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

**For Organizations:** I do solemnly swear or affirm that I am the attorney <sup>Title</sup> for Salmon Falls Land & Livestock Co., Inc., <sup>Organization</sup> that I have signed the foregoing document in the space below as attorney <sup>Title</sup> for Salmon Falls Land & Livestock Co. Inc. <sup>Organization</sup> and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent 

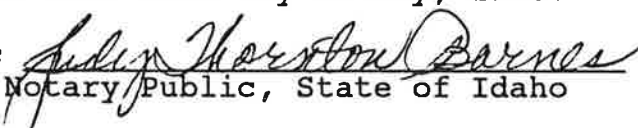
Title/Organization Attorney for Salmon Falls Land & Livestock Co., Inc.

Date: May 20, 1998

State of Idaho )

County of Minidoka )

Subscribed and sworn (or affirmed) before me this 20th day of May, 1998.

Notary Public 

Notary Public, State of Idaho

 **SEAL**

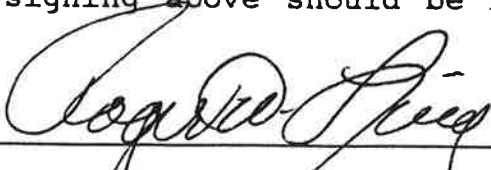
Residing at: Rupert Idaho

My Commission Expires: 02/03/1999

Please Print Name: Judy Thornton Barnes

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature 

Address P. O. Box 396, Rupert, Idaho 83350

Date: May 20, 1998

Last Name: Salmon Falls Land & Livestock Co., Inc. Ident. No. 36-02178

SF.4 - Motion to Amend 36-02178



**SUBCASE NO. 36-02178**

|                           | <b>CLAIM</b><br>(5/27/1988)                 | <b>AMENDED CLAIM</b> | <b>RECOMMENDATION</b>                                                              | <b>OBJECTION</b>                                    |
|---------------------------|---------------------------------------------|----------------------|------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>NAME</b>               | Salmon Falls Sheep Co. *                    | N/A                  | Salmon Falls Land & Livestock                                                      | Salmon Falls Land & Livestock/J. Henslee, President |
| <b>BASIS OF CLAIM</b>     | License                                     |                      | License                                                                            |                                                     |
| <b>SOURCE</b>             | Groundwater                                 |                      | Groundwater                                                                        |                                                     |
| <b>QUANTITY</b>           | 1.680 cfs                                   |                      | 1.68 cfs                                                                           |                                                     |
| <b>PRIORITY DATE</b>      | 9/18/1952                                   |                      | 9/18/1952                                                                          |                                                     |
| <b>PURPOSE OF USE</b>     | Irrigation<br>Domestic                      |                      | Irrigation<br>Domestic                                                             |                                                     |
| <b>PERIOD OF USE</b>      | Irr.: 3/15 - 11/15<br>Domestic: 1/1 - 12/31 |                      | Irr.: Irrigation Season<br>(re-formatted on<br>3/28/1997)<br>Domestic: 1/1 - 12/31 |                                                     |
| <b>POINT OF DIVERSION</b> | T07S R14E S34                               |                      | T07S R14E S34                                                                      |                                                     |
| <b>PLACE OF USE</b>       | T07S R14E S34<br>74.0 acres                 |                      | T07S R14E S34<br>T08S R14E S3<br>T08S R14E S4<br>370.0 acres                       |                                                     |

|         |                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| remarks | <p>"Well licensed under 36-2166 is also used regularly on this land. Wells join in a common mainline. NESE Sec. 33 is not included in this claim. It is now irrigated by a separate system under lic. 36-2419, and has almost 1"/acre under this license. The land was changed from gravity to sprinkler irrigation in 1975 when handlines were installed. Pivots replaced most of the handlines in 1981."</p> |  | <p>"Right nos. 36-10033 and 36-10035 are expansions of this right pursuant to Idaho Code 42-1416(2). This right is limited to the irrigation of 74 acres within the place of use described above in a single irrigation season. The following rights are also diverted through point of diversion described above: 36-02166, 36-10033 and 36-10035. Use of this right with rights listed below is limited to a total combined diversion rate of 3.72 cfs, a total combined annual diversion volume of 1480 af, a total combined annual diversion volume of 1480 af, a total combined annual consumptive use volume of 1110 af, and to the irrigation of a combined total of 370 acres in a single irrigation season. Combined right nos.: 36-02166, 36-10033, and 36-10035."</p> | <p>XX - requests all remarks regarding combined diversion rate be deleted.</p> |
|         |                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                |

\* Name change from Salmon Falls Sheep Company to Salmon Falls Land and Livestock on 9/16/92. NCAP filed on 4/22/97.

When this water right was re-formatted the following remarks were moved to explanatory material:

"Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from North Side Canal Co. Ltd."

007 APR 25 PM 3:01

DISTRICT COURT-5

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

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDINGS

SUBCASE NO. 36-00136A, 36-00136B,  
36-00194, 36-02046, 36-02166, 36-02178,  
36-02419, 36-10033, 36-10035, 36-10037

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

Salmon Falls Land & Livestock Co Inc  
123 Bell Rapids Rd  
Hagerman ID 83332

Phone: 837-6053

The Claimant has filed Objections or Responses to the following water rights: 36-00136A, 36-00136B, 36-00194, 36-02046, 36-02166, 36-02178, 36-10033, 36-10035

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

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

DATED:

4/22/97

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 4-25, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

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

2. One Copy to:

Claimant or attorney of record:

Salmon Falls Land & Livestock  
123 Bell Rapids Rd  
Hagerman ID 83332

Patrick Brown

Hepworth Lezamiz & Hohnhorst  
PO Box 389

Twin Falls ID 83303-0389

3. One Copy to:

Each party in the subcase or attorney of record:

4. One Copy to:

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

5. One Copy to:

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



Signature of person or attorney mailing the form

-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 36-02178

NAME & ADDRESS: SALMON FALLS LAND & LIVESTOCK CO INC  
123 BELL RAPIDS RD  
HAGERMAN ID 83332-6041

SOURCE: GROUNDWATER

QUANTITY: 1.68 CFS

PRIORITY DATE: 09/18/1952

POINT OF DIVERSION: T07S R14E S34 SESNW Within GOODING County  
NENESW  
NESESW

## PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE            | PERIOD OF USE     | QUANTITY |
|----------------|---------------------------|-------------------|----------|
|                | IRRIGATION                | Irrigation Season | 1.68 CFS |
|                | DOMESTIC DOMESTIC, 1 HOME | 01-01 12-31       | 0.04 CFS |

| PLACE OF USE: | IRRIGATION                                                          | Within GOODING County                   |
|---------------|---------------------------------------------------------------------|-----------------------------------------|
|               | T07S R14E S34                                                       | SWNW 30.0 SENW 12.0 NESW 38.0 NWSW 40.0 |
|               |                                                                     | SWSW 40.0 SESW 40.0 SWSE 36.0 SESE 20.0 |
|               | T08S R14E S03 Lot 2 (NWNE) 35.0 Lot 3 (NENW) 35.0 Lot 4 (NWNW) 34.0 |                                         |
|               | S04 NENE 10.0                                                       |                                         |
|               | 370.0 ACRES TOTAL                                                   |                                         |
|               | DOMESTIC                                                            | Within GOODING County                   |
|               | T07S R14E S34                                                       | NESW                                    |

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

RIGHT NOS. 36-10033 AND 36-10035 ARE EXPANSIONS OF THIS RIGHT  
PURSUANT TO IDAHO CODE 42-1416(2).THIS RIGHT IS LIMITED TO THE IRRIGATION OF 74 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE: 36-02166, 36-10033, AND 36-10035.USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 3.72 CFS, A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 1480 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE  
USE VOLUME OF 1110 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL  
OF 370 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:  
36-02166, 36-10033, AND 36-10035.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE



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

April 28, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

SALMON FALLS LAND & LIVESTOCK CO INC  
123 BELL RAPIDS RD  
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00136A, 36-00136B, 36-00194, 36-02046,  
36-02166, 36-02178, 36-02419, 36-04260C, 36-10033, 36-10035,  
36-10037, A02-07249A, A02-07249B, A02-10005A, A02-10005B,  
A47-00048, A47-02355, A47-02386, A47-07221, A47-07755, A47-  
10567, A47-10570, A47-10574, A47-10594, A47-10595, A71-00060A,  
A71-00060B, A71-00062

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above Basin 36 claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

All other non-basin 36 claims listed above have also had the address updated as requested. Since these basins are not yet listed in a Director's Report, it is not necessary to notify the SRBA court of these changes.

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

Sincerely,

Trish Fawcett  
Technical Records Specialist

/tf

cc: Patrick Brown

AJ0743NP  
(00-124)

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

03/25/97 13:09:15  
Page 1

Water Right Number - 36-02178

Prefix Translation: WATER RIGHT

Old (D) Number - 23063

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

\*\*\* A - ATTORNEY \*\*\*  
BROWN

PATRICK D

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

\*\*\* C - CURRENT OWNER \*\*\*  
SALMON FALLS LAND & LIVESTOCK CO INC

1 - 123 BELL RAPIDS RD  
2 -  
3 -  
City- HAGERMAN State- ID Zip- 833326041  
Phone - 208-837-6053

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
09/18/1952 ERROR IN REGION L - LICENSE

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

| Point of Diversion - - - - - + |     |     |          |     |      |         |
|--------------------------------|-----|-----|----------|-----|------|---------|
| TwN                            | Rng | Sec | Tract    | Lot | RFlg | County  |
| 07S                            | 14E | 34  | SE SW NW |     | (47) | GOODING |
|                                |     |     | NE NE SW |     | (47) | GOODING |
|                                |     |     | NE SE SW |     | (47) | GOODING |

| Code |   | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|------|---|-------------|-------------|-----------|----------------|------------------|
| 01   | - | IRRIGATION  | 04/01       | 10/31     | 1.680          |                  |
| 43   | - | DOMESTIC    | 01/01       | 12/31     | 0.040          |                  |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
1.680 0.0

| Place of Use - - - - - + |     |     |       |     |       |      |             |              |  |
|--------------------------|-----|-----|-------|-----|-------|------|-------------|--------------|--|
| TwN                      | Rng | Sec | Tract | Lot | Acres | Code | Description | County       |  |
| 07S                      | 14E | 34  | SW NW |     | 30.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 07S                      | 14E | 34  | SE NW |     | 12.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 07S                      | 14E | 34  | NE SW |     | 38.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 07S                      | 14E | 34  | NW SW |     | 40.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 07S                      | 14E | 34  | SW SW |     | 40.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 07S                      | 14E | 34  | SE SW |     | 40.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 07S                      | 14E | 34  | SW SE |     | 36.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 07S                      | 14E | 34  | SE SE |     | 20.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 08S                      | 14E | 3   | NW NE | 2   | 35.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 08S                      | 14E | 3   | NE NW | 3   | 35.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 08S                      | 14E | 3   | NW NW | 4   | 34.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 08S                      | 14E | 4   | NE NE |     | 10.0  | 01   | IRRIGATION  | (47) GOODING |  |
| 07S                      | 14E | 34  | NE SW |     |       | 43   | DOMESTIC    | (47) GOODING |  |

"DO NOT FILM"

alc  
obj  
SFL+L

Water right number - 36-02178

Prefix Translation: WATER RIGHT

- + - - Diversion Means - TWO IRRIGATION WELL W/CONNECTING MAINLINE; SEPARATE DOMESTIC WELL
- + - - Non-Irrigation Use - DOMESTIC, 1 HOME
- + - - Other Rights for Same Use - SEE REMARKS

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

GEN RIGHT NOS. 36-10033 AND 36-10035 ARE EXPANSIONS OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2). THIS RIGHT IS LIMITED TO THE IRRIGATION OF 74 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02166, 36-10033, AND 36-10035. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.72 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1480 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1110 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-02166, 36-10033, AND 36-10035.

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

+ - - - - - Conditions of Approval - - - - - +  
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
- PURSUANT TO SECTION 42-1425, IDAHO CODE.  
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
- SECTION 42-1425, IDAHO CODE.  
S17 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
- NORTH SIDE CANAL CO. LTD.

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

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

Date: 06/11/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS  
WELL LICENSED UNDER 36-2166 IS ALSO USED REGULARLY ON THIS LAND. WELLS JOIN IN A COMMON MAINLINE.  
NESE SEC. 33 IS NOT INCLUDED IN THIS CLAIM. IT IS NOW IRRIGATED BY A SEPARATE SYSTEM UNDER LIC. 36-2419, AND HAS ALMOST 1"/ACRE  
UNDER THIS LICENSE. THE LAND WAS CHANGED FROM GRAVITY TO SPRINKLER IRRIGATION IN 1975  
WHEN HANDLINES WERE INSTALLED. PIVOTS REPLACED MOST OF THE HAND- LINES IN 1981.  
CANAL SHARES AND WASTE WATER ARE ALSO USED ON THIS LAND. \*\*\* CLAIMS 36-10033 AND 36-10035 ARE EXPANSION CLAIMS BASED ON  
THIS CLAIM AND CLAIM 36-02166 PURSUANT TO IDAHO CODE 42-1416(2).  
Date: 08/01/1991 User Id: CHRISTEN Subject: THREE P/DS.  
THE THIRD P/D REPRESENTS A SEPERATE WELL USED FOR THE DOMESTIC PORTION OF THIS RIGHT. AS DOMESTIC WAS A PART OF THE ORIGINAL  
RIGHT, IT IS INCLUDED HERE WITH ITS P/D LEGAL DESCRIPTION.  
Date: 10/01/1992 User Id: ROBERTSO Subject: NAME CHANGE  
Change of ownership form, along with a Certificate of Amendment, changing the name from Salmon Falls Sheep Co to Salmon Falls Land  
& Livestock was received 9/16/92. A36-02178 also changed on this date.

"DO NOT FILM"

AJ0743NP  
(00-124)

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

03/25/97 13:09:16  
Page 3

Water right number - 36-02178

Prefix Translation: WATER RIGHT

+ - - - - - Comments - - - - - +  
Date: 01/03/1996 User Id: DSMITH Subject: NAME AND/OR ADDRESS CHANGE  
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A  
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE.  
\*CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS  
Date: 03/25/1997 User Id: TFAWCETT Subject: ADDRESS CHANGE  
ADDRESS CHANGED FROM ROUTE AND BOX TO GRID SYSTEM.

+ - - Audit Fields - - +  
03/25/97 TFAWCETT

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 11/02/1992 | Field Inspection Made | - 00/00/0000 | 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  | - 07/06/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S000727    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | - C     |
|                      |              |                       |              | Notice of Error Flag    | -       |

"DO NOT FILM"



**SALMON FALLS LAND & LIVESTOCK, Inc.**

123 BELL RAPIDS ROAD • HAGERMAN, IDAHO 83332

RECEIVED

FEB 10 1997

Department of Water Resources

7 FEBRUARY 1997

KARLJ. DREHER, DIRECTOR  
DEPT. OF WATER RESOURCES  
1301 N ORCHARD STREET  
BOISE, IDAHO 83720-0098

NOTICE OF NAME AND ADDRESS CHANGE AS OF MAY 1992. PLEASE CHANGE  
YOUR RECORDS AND ETC. FROM:

old----- SALMON FALLS SHEEP CO  
RT 1 BOX 741  
HAGERMAN, ID 83332

correct name SALMON FALLS LAND & LIVESTOCK CO., INC.  
& ----- 123 BELL RAPIDS ROAD  
address HAGERMAN, IDAHO 83332-6041

THANK YOU FOR YOUR ATTENTION AND TIME TO THIS CHANGE.

---

KATHY A. HENSLEE, SEC/TRES.  
(208)837-6053 or (208)837-4917

NAME:

LeAnn-Pat Brown

DATE:

5/22/96

ADDRESS:

CITY/ZIP:

PHONE:

(please print)

I HAVE REQUESTED TO REVIEW AND/OR OBTAIN COPIES OF THE FOLLOWING DOCUMENTS ON FILE WITH THE DEPARTMENT OF WATER RESOURCES.

ADJUDICATION  
CLAIM NUMBERS

ALLOCATION WATER  
RIGHT NUMBERS

OTHER  
DOCUMENTS

36-00034

36-02166

36-02178

36-02046

36-02166

36-02178

36-02046

RESEARCH SUBJECT:

COPIES MADE OF:

10 COPIES OR LESS: FREE

NUMBER OF COPIES MADE: 140 + 33

FEE DUE @ \$0.05 PER COPY: \$7 + \$16.9

OTHER FEES:

RECEIPT NUMBER:

ASSISTING AGENT:

(customer signature)

MICROFILMED

DEC 03 1996

LeAnn McMullan  
5/27/96  
SO 19161-4  
SO 19162

**R PROOF**

**CVR**

**MAPS**

**PHOTOS**

**MISC**

**OCT 13 1994**

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

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

Case No. 36-02178 -0001

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

RESPONSE TO OBJECTION

Petitioner, )

vs. )

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

Respondents. )  
\_\_\_\_\_ )

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

Name: SALMON FALLS LAND & LIVESTOCK  
Address: J HENSLEE PRESIDENT  
ROUTE 1 BOX 74  
HAGERMAN ID 83332

3. If this response is filed by an attorney:

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

11. ☒ Remarks: I respond to the objection concerning the  
"remarks" listed with the water right.

14. ☒ Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

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

#### CHANGES TO THE DIRECTOR'S REPORT

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

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

|                                                                                      | No. of<br>Pages |
|--------------------------------------------------------------------------------------|-----------------|
| Notice of Claim No. A36-02178                                                        | 4               |
| IDWR's Response to Answer, Affirmative Defenses and Prayer<br>for Relief of Claimant | 4               |

(Over)

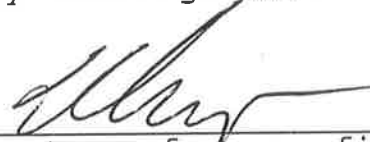
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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



\_\_\_\_\_  
Signature of person filing response

By:



\_\_\_\_\_  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 10<sup>th</sup> day of September, 1993.



\_\_\_\_\_  
Notary Public for Idaho

Residing at: \_\_\_\_\_

My Commission expires \_\_\_\_\_

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

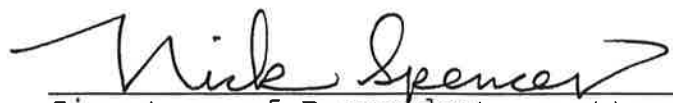
See No. 3

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

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

4. One copy to:

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



Signature of Respondent or attorney  
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-02178

Date Received: 5/27/1988

Receipt No: 5000127

g

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: SALMON FALLS SHEEP CO. 208-837-4534  
Address: RT. 1 BOX 74  
HAGERMAN, ID 83332

2. Date of Priority: SEP 18, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4       | Lot | County  |
|----------|-------|---------|--------|--------|-----------|-----|---------|
| 07S      | 14E   | 34      | SE     | SW     | NW*       |     | GOODING |
|          |       |         | NE     | NE     | SW-00 NE* |     | GOODING |
|          |       |         | NE     | SE     | SW-       |     | GOODING |

5. Description of diverting works:

- TWO IRRIGATION WELL W/CONNECTING MAINLINE; SEPARATE DOMESTIC WELL

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.680~ |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040  |      |        |

7. Total Quantity Appropriated is:

1.680 C.F.S. (and/or) 297.60 A.F.A.

8. Total consumptive use is 223.6 Acre Feet Per Annum.

9. Non-irrigation uses:

1 DOMESTIC - 1 HOME

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 07S      | 14E   | 34      | SW     | NW  |     | IRR | 10.0  |

A36-02178

Page 1

Date: 05/27/88

MICROFILMED  
OCT 13 1984  
JAN 26 1985

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot           | Use    | Acres |
|----------|-------|---------|--------|-----|---------------|--------|-------|
| 07S      | 14E   | 34      | SE     | NW  |               | IRR    | 4.0   |
|          |       |         | NE     | SW  |               | IRR    | 20.0  |
|          |       |         | NE     | SW  |               | DOMEST |       |
|          |       |         | NW     | SW  |               | IRR    | 40.0  |
|          |       |         |        |     | Section Acres |        | 74.0  |
|          |       |         |        |     | Total Acres   |        | 74.0  |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

CANAL SHARES & WASTE WATER ARE ALSO USED ON THIS LAND.

14. Remarks:

WELL LICENSED UNDER 36-2166 IS ALSO USED REGULARLY ON THIS LAND. WELLS JOIN IN A COMMON MAINLINE.

NESE SEC. 33 IS NOT INCLUDED IN THIS CLAIM. IT IS NOW IRRIGATED BY A SEPARATE SYSTEM UNDER LIC. 36-2419, AND HAS ALMOST 1"/ACRE UNDER THIS LICENSE.

THE LAND WAS CHANGED FROM GRAVITY TO SPRINKLER IRRIGATION IN 1975 WHEN HANDLINES WERE INSTALLED. PIVOTS REPLACED MOST OF THE HANDLINES IN 1981.

15. Basis of Claim: LICENSE

Water Right Number: 23063

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): Almonte, Felipe Date: 7/6/88  
James E. Henslee, Jr. Date: 7/6/88

State of Idaho

County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 6th day

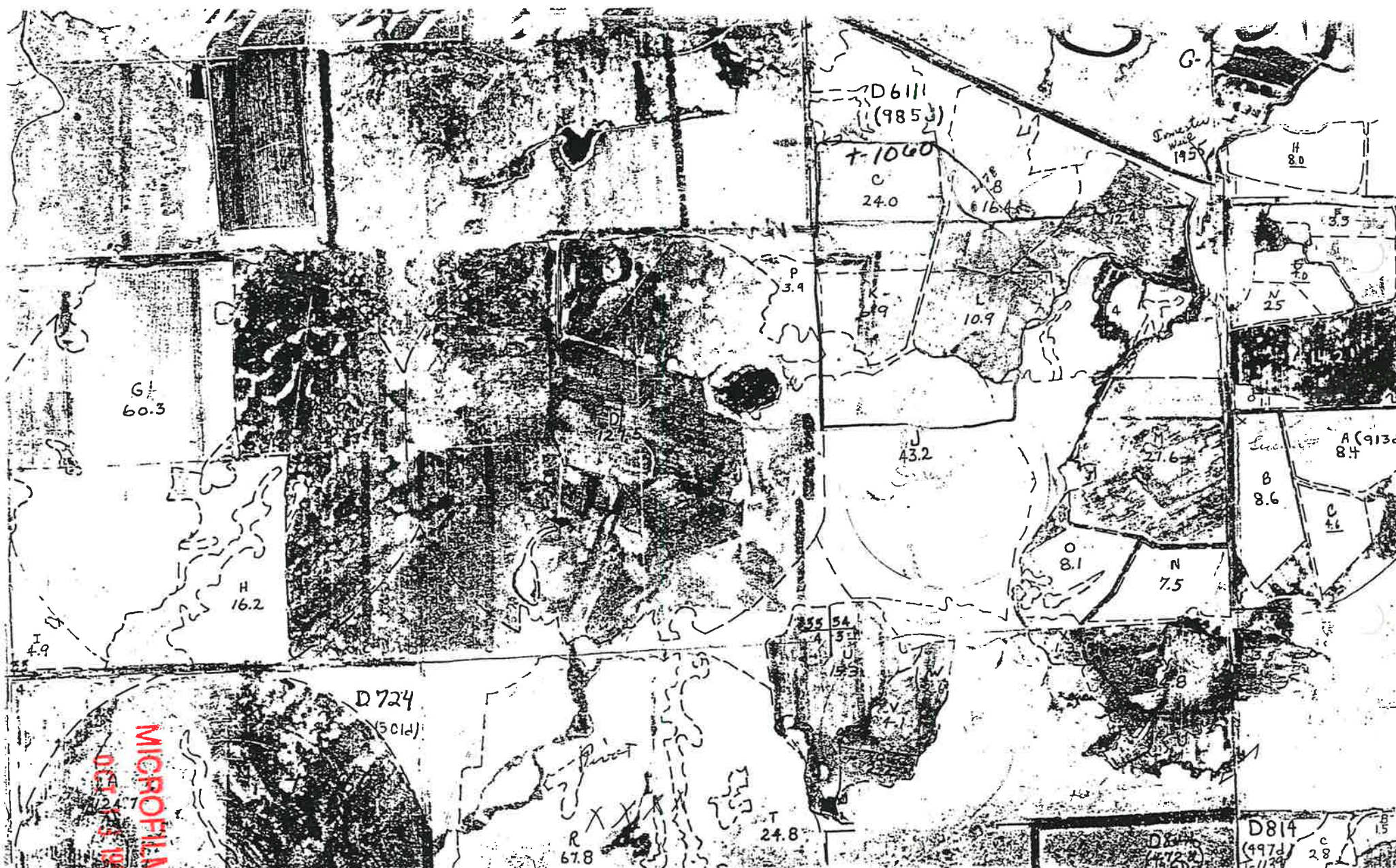
of July 19 88

Mary D. Baldwin  
Notary Public

Seal

Residing at Gooding Rd  
My Commission Expires 10/16/1992

POOR ORIGINAL



MICROFILMED  
 1984

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

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

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

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

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

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

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

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

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

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

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

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

RECEIVED

APR 30 1993

Department of Water Resources  
Adjudication Bureau

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

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

Case No. A36-02178  
(You must insert the  
water right number you  
are objecting to)

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

OBJECTION

Petitioner,

36-02178 -0001/  
93-04-0178

vs.

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

Respondents.

INSTRUCTIONS

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

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

(Over)

MICROFILMED

OCT 13 1994

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Salmon Falls Land and Livestock-J.Henslee, Pres.

Address: Rt 1 Box 74  
Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Licensed water right with date of priority  
of 9/18/1952

2. Owner of the water right:

Name: Salmon Falls Land & Livestock

Address: Rt 1 Box 74  
Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Hepworth, Nungester & Lezamiz

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

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

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

## II. STATEMENT OF THE OBJECTION

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

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

(Over)

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OCT 13 1994

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

REASONS SUPPORTING EACH BOX CHECKED

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

See Page 7

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHANGES TO THE DIRECTOR'S REPORT

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

Strike all remarks after words "use pursuant to Idaho Code  
42-1416A." There should be no restriction on the "total  
combined diversion rate" in connection with right nos. 36-02166,  
36-10033 and 36-10035.

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



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

\_\_\_\_\_  
See Hagerman Water Right Owners, Inc.'s

\_\_\_\_\_  
Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

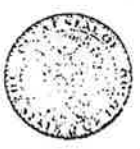
County of Twin Falls

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

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

Jim Henslee  
Signature of person filing objection  
By: [Signature]  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 27 day of April,  
1993.

 Linda M. Rousseau  
LINDA M. ROUSSEAU  
Notary Public for Idaho  
NOTARY PUBLIC - STATE OF IDAHO  
Residing at: Twin Falls, ID  
My Commission Expires: 9-11-93

(Over)

**MICROFILMED**  
**OCT 13 1994**

### INSTRUCTIONS FOR MAILING

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

### CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Salmon Falls Land & Livestock  
Owner's address: Rt 1 Box 74  
Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney  
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

#### IV.

##### INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

## VI.

### GENERAL PROVISIONS

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

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(DIRECTOR'S REPORT PART II)**

**I.**

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

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

**(DIRECTOR'S REPORT PART III)**

**I.**

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

**VIII.**

**AFFIRMATIVE DEFENSES**

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

**AFFIRMATIVE DEFENSE NO. 1**

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

**AFFIRMATIVE DEFENSE NO. 5**

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

**AFFIRMATIVE DEFENSE NO. 6**

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

**AFFIRMATIVE DEFENSE NO. 7**

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

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

**AFFIRMATIVE DEFENSE NO. 19**

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

**AFFIRMATIVE DEFENSE NO. 20**

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

**AFFIRMATIVE DEFENSE NO. 21**

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

(WATER\21530ANS)

**R PROOF**



**CVR**



**MAPS**



**PHOTOS**



**MISC**



**MICROFILMED**

**JAN 20 1993**

Water Right Number - R36-02178 Prefix Translation: RESEARCH Old (D) Number - 23063

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

\*\*\* C - CURRENT OWNER \*\*\*

SALMON FALLS LAND AND LIVESTOCK

1 - RT 1 BOX 74

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4534

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
09/18/1952 ERROR IN REGION L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
GROUNDWATER+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County07S 14E 34 SE SW NW (47) GOODING  
NE NE SW (47) GOODING  
NE SE SW (47) GOODING+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 10/31 1.680  
43 - DOMESTIC 01/01 12/31 0.040+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
1.680 0.0+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
07S 14E 34 SW NW 30.0 01 IRRIGATION (47) GOODING  
07S 14E 34 SE NW 12.0 01 IRRIGATION (47) GOODING  
07S 14E 34 NE SW 38.0 01 IRRIGATION (47) GOODING  
07S 14E 34 NW SW 40.0 01 IRRIGATION (47) GOODING  
07S 14E 34 SW SW 40.0 01 IRRIGATION (47) GOODING  
07S 14E 34 SE SW 40.0 01 IRRIGATION (47) GOODING  
07S 14E 34 SW SE 36.0 01 IRRIGATION (47) GOODING  
07S 14E 34 SE SE 20.0 01 IRRIGATION (47) GOODING  
08S 14E 3 NW NE 2 35.0 01 IRRIGATION (47) GOODING  
08S 14E 3 NE NW 3 35.0 01 IRRIGATION (47) GOODING  
08S 14E 3 NW NW 4 34.0 01 IRRIGATION (47) GOODING  
08S 14E 4 NE NE 10.0 01 IRRIGATION (47) GOODING  
07S 14E 34 NE SW 43 DOMESTIC (47) GOODING

Total Acres: 370.0

+ - - Diversion Means - TWO IRRIGATION WELL W/CONNECTING MAINLINE; SEPARATE DOMESTIC WELL

MICROFILMED  
JAN 26 1993

Water right number - R36-02178

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use - DOMESTIC, 1 HOME

+ - - Other Rights for Same Use - SEE REMARKS

+ - - - - - Remarks - - - - - +  
RIGHT NOS. 36-10033 AND 36-10035 ARE EXPANSIONS OF THIS RIGHT  
PURSUANT TO IDAHO CODE 42-1416(2).  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 74 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE: 36-02166, 36-10033, AND 36-10035.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 3.72 CFS, A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 1480 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE  
USE VOLUME OF 1110 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL  
OF 370 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:  
36-02166, 36-10033, AND 36-10035.

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

+ - - - - - Conditions of Approval - - - - - +  
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
- PURSUANT TO IDAHO CODE 42-1416A.  
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
- IDAHO CODE 42-1416A.  
S17 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
- NORTH SIDE CANAL CO. LTD.

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

+ - - - - - Comments - - - - - +  
Date: 06/11/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS  
WELL LICENSED UNDER 36-2166 IS ALSO USED REGULARLY ON THIS LAND. WELLS JOIN IN A COMMON MAINLINE.  
NESE SEC. 33 IS NOT INCLUDED IN THIS CLAIM. IT IS NOW IRRIGATED BY A SEPARATE SYSTEM UNDER LIC. 36-2419, AND HAS ALMOST 1"ACRE  
UNDER THIS LICENSE. THE LAND WAS CHANGED FROM GRAVITY TO SPRINKLER IRRIGATION IN 1975  
WHEN HANDLINES WERE INSTALLED. PIVOTS REPLACED MOST OF THE HAND- LINES IN 1981.  
CANAL SHARES AND WASTE WATER ARE ALSO USED ON THIS LAND. \*\*\* CLAIMS 36-10033 AND 36-10035 ARE EXPANSION CLAIMS BASED ON  
THIS CLAIM AND CLAIM 36-02166 PURSUANT TO IDAHO CODE 42-1416(2).  
Date: 08/01/1991 User Id: CHRISTEN Subject: THREE P/DS.  
THE THIRD P/D REPRESENTS A SEPERATE WELL USED FOR THE DOMESTIC PORTION OF THIS RIGHT. AS DOMESTIC WAS A PART OF THE ORIGINAL  
RIGHT, IT IS INCLUDED HERE WITH ITS P/D LEGAL DESCRIPTION.  
Date: 10/01/1992 User Id: ROBERTSO Subject: NAME CHANGE  
Change of ownership form, along with a Certificate of Amendment, changing the name from Salmon Falls Sheep Co to Salmon Falls Land  
& Livestock was received 9/16/92. A36-02178 also changed on this date.

+ - - Audit Fields - - +  
10/01/92 ROBERTSO

MICROFILMED  
JAN 20 1993

Water right number - R36-02178

Prefix Translation: RESEARCH

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 10/01/1992 | Old Judicial District   | -       |
| Claim Received Date  | - 07/06/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S000727    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | - C     |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED

JAN 20 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

01:53:40  
06/30/90

PAGE: 12  
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02178

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| POINT OF DIV              | Y                 |                                                 |                            | Y                      | 6                   |                                  |                                      |                               |
| SOURCE                    |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| PLACE OF USE              | Y                 |                                                 |                            | N                      | 6                   |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                 |                                                 |                            | Y                      | PART C              |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            | N                      |                     |                                  |                                      |                               |
| PURPOSES                  |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 |                            | N                      |                     |                                  |                                      |                               |
| BASIS OF CLAIM            |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            | N                      |                     |                                  |                                      |                               |

"VERIFIED BY" CODES

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

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

MICROFILMED

JAN 20 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

01:53:40  
06/30/90

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A36-02178

LAST: SALMON FALLS SHEEP CO.  
ADDRESS: RT. 1 BOX 74  
CITY: HAGERMAN  
PHONE NUMBER: 208-837-4534

FIRST:  
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE  
Y

FIELD  
EXAMINER

CLAIM REMARKS: WELL LICENSED UNDER 36-2166 IS ALSO USED REGULARLY ON THIS LAND.  
WELLS JOIN IN A COMMON MAINLINE.  
NESE SEC. 33 IS NOT INCLUDED IN THIS CLAIM. IT IS NOW IRRIGATED  
BY A SEPARATE SYSTEM UNDER LIC. 36-2419, AND HAS ALMOST 1"/ACRE  
UNDER THIS LICENSE.  
THE LAND WAS CHANGED FROM GRAVITY TO SPRINKLER IRRIGATION IN 1975  
WHEN HANDLINES WERE INSTALLED. PIVOTS REPLACED MOST OF THE HAND-  
LINES IN 1981.  
CANAL SHARES AND WASTE WATER ARE ALSO USED ON THIS LAND.

MICROFILMED  
JAN 20 1999

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

DATE OF FIELD EXAM: \_\_\_\_/\_\_\_\_/\_\_\_\_

APPOINTMENT MADE: Y(\_\_\_\_) N(\_\_\_\_)

TIME: \_\_\_\_:\_\_\_\_ A(\_\_\_\_) P(\_\_\_\_)

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MICROFILMED  
JAN 26 1993

A. AJ CLAIM: # A36-02178 PRIORITY DATE: 09-18-1952 STAGE: L  
B. WR RECORD: # 36-02178 PRIORITY DATE: 09-18-1952 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE  
N

FIELD  
EXAMINER  
N

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

REMARKS:

RECOMMENDED PRIORITY DATE:  
09-18-1952

REVIEWED BY

LW

DATE

8/16/90

MICROFILMED  
JAN 20 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4           | 1/4           | 1/4           | LOT                    | CNTY    |
|-----------|------|------|------|---------------|---------------|---------------|------------------------|---------|
| A36-02178 | 07S  | 14E  | 34   | SE            | SW            | NW            | ← OK IRR WELL          | GOODING |
| A36-02178 | 07S  | 14E  | 34   | <del>NE</del> | <del>SE</del> | <del>SW</del> | <del>OK IRR WELL</del> | GOODING |
| A36-02178 | 07S  | 14E  | 34   | <del>NE</del> | <del>NE</del> | <del>SW</del> | Domestic               | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
A36-10033 NONE  
A36-10035  
A36-02166

WR RECORDS IN SAME 40 ACRE TRACT  
36-02166

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY    |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-02178 | 07S  | 14E  | 34   |     | SW  | NW  |     | GOODING |

OTHER WR RECORDS WITH SAME WR POD  
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX  
A36-10033 NONE  
A36-10035  
A36-02166

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

|  | DUE TO POD DISCREPANCY? (Y/N) | DUE TO SOURCE DISCREPANCY? (Y/N) | DATABASE | FIELD EXAMINER |
|--|-------------------------------|----------------------------------|----------|----------------|
|  |                               |                                  | Y        | <u>N</u>       |
|  |                               |                                  | N        | <u>N</u>       |

REMARKS:

*Recommend licensed POD*

*TWO IRRIGATION WELLS — ONE DOMESTIC WELL ACCOMPLISHED TRANSFER FOR ONE IRRIGATION & FOR THE DOMESTIC WELL*

MICROFILMED  
JAN 20 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP.      | RGE.       | SEC.      | 1/4       | 1/4       | 1/4       | LOT | COUNTY         |
|-----------|------------|-----------|-----------|-----------|-----------|-----|----------------|
| <u>7S</u> | <u>14E</u> | <u>34</u> | <u>SE</u> | <u>SW</u> | <u>NW</u> | —   | <u>47</u> 12R. |
| <u>7S</u> | <u>14E</u> | <u>34</u> | <u>NE</u> | <u>SE</u> | <u>SW</u> | —   | <u>47</u> 12R. |
| <u>7S</u> | <u>14E</u> | <u>34</u> | <u>NE</u> | <u>NE</u> | <u>SW</u> | —   | <u>47</u> Dom. |

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: lw

DATE: 8/16/90

MICROFILMED  
JAN 20 1993

A. ROOT WATER RIGHT NUMBERS: A36-02178

B. POU LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME                          | AJ<br>#/ACRES     | WR<br>#/ACRES  | LANDSAT<br>DATA         | FIELD<br>EXAM. | RECOMM<br>ACRES |
|-------------|-----|-----|-----|-----|-----|-------------------------------|-------------------|----------------|-------------------------|----------------|-----------------|
| 07S         | 14E | 34  | SW  | NW  |     | SALMON FALLS SHEEP CO.        | A36-02178 /10.0   | 36-02178 /10.0 | 33.0                    |                |                 |
|             |     |     |     |     |     | SALMON FALLS SHEEP CO.        | A36-10035 /19.0   | - /            |                         |                |                 |
| 07S         | 14E | 34  | SE  | NW  |     | SALMON FALLS SHEEP CO.        | A36-02178 / 4.0   | 36-02178 / 4.0 | 30.0                    |                |                 |
|             |     |     |     |     |     | SALMON FALLS SHEEP CO.        | A36-10035 / 9.0   | - /            |                         |                |                 |
| 07S         | 14E | 34  | NE  | SW  |     | SALMON FALLS SHEEP CO.        | A36-02178 /20.0   | 36-02178 /20.0 | 40.0                    |                |                 |
|             |     |     |     |     |     | NORTH SIDE CANAL COMPANY LTD. | A01-0021220 / 5.0 | - /            |                         |                |                 |
|             |     |     |     |     |     | SALMON FALLS SHEEP CO.        | A36-02166 / 5.0   | 36-02166 / 5.0 |                         |                |                 |
|             |     |     |     |     |     | SALMON FALLS SHEEP CO.        | A36-10035 /18.0   | - /            |                         |                |                 |
| 07S         | 14E | 34  | NE  | SW  |     | SALMON FALLS SHEEP CO.        | A36-02178 /       | 36-02178 /20.0 | 40.0                    |                |                 |
|             |     |     |     |     |     | NORTH SIDE CANAL COMPANY LTD. | A01-0021220 / 5.0 | - /            |                         |                |                 |
|             |     |     |     |     |     | SALMON FALLS SHEEP CO.        | A36-02166 / 5.0   | 36-02166 / 5.0 |                         |                |                 |
|             |     |     |     |     |     | SALMON FALLS SHEEP CO.        | A36-10035 /18.0   | - /            |                         |                |                 |
| 07S         | 14E | 34  | NW  | SW  |     | SALMON FALLS SHEEP CO.        | A36-02178 /40.0   | 36-02178 /40.0 | 37.0                    |                | 40              |
| TOTAL ACRES |     |     |     |     |     |                               | A36-02178         | 74.00          | <del>94.00</del><br>74. | 180.00         | 74              |

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER  
N

PRESUMPTION FLAG:

REMARKS:

CHANGED TO PERMISSABLE PLACE OF USE (SEE ATTACHED LAND USE MAPS)  
BWS 7-31-91 74AC

RECOMMENDATIONS:

TOTAL ACRES: 74

REVIEWED BY: LC

DATE: 8/16/90

MICROFILMED  
JAN 26 1993

A. AJ CLAIMED USES:

|                                     | PURPOSES   | FROM       | MONTH/DAY | TO | DIVERSION QUANTITY         |
|-------------------------------------|------------|------------|-----------|----|----------------------------|
| A36-02178                           | IRRIGATION | FROM 03-15 | TO 11-15  |    | 1.680 CFS                  |
| A36-02178                           | DOMESTIC   | FROM 01-01 | TO 12-31  |    | .040 CFS                   |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |            |            |           |    | 1.680 CFS      297.60 AF/A |

B. WR RECORDED USES:

|                                     | PURPOSES   | FROM | MONTH/DAY | TO | DIVERSION QUANTITY |
|-------------------------------------|------------|------|-----------|----|--------------------|
| 36-02178                            | IRRIGATION | FROM | TO        |    | 1.680 CFS          |
| 36-02178                            | DOMESTIC   | FROM | TO        |    | 1.680 CFS          |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |            |      |           |    | 1.680 CFS          |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y( ☒ ) N( ☐ )

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y( ☒ ) N( ☐ )

AJ TOTAL CLAIMED DIVERSION RATE: 1.680 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.680 CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD  
DATABASE EXAMINER  
Y N

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~NONE~~ *A36-02166, canal share, ~~A36-10035~~, A36-10035*

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM     | SOURCE      | NAME                   | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-------------|------------------------|-----------|----------------|-----------|----------------|
| A36-02178 | GROUNDWATER | SALMON FALLS SHEEP CO. | 1.680     | <u>0.022</u>   | 297.60    | 4.02           |
| A36-10035 | GROUNDWATER | SALMON FALLS SHEEP CO. | 2.020     | 0.020          | 404.00    | 4.00           |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES 74 x 0.02 CFS/ACRE = 1.48 CFS  
(Taken from p/u review)

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

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ☐ ) N( ☒ ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 222.0 AF/A

ACRES 74 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 222 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 297.60 AF/A

ACRES 74 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 296 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ☐ ) N( ☐ )

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

addit. vol. for Dam use

{licensed 1.68 cfs - .022 per acre}

Exp. claims A36-10033 + -10035 filed for additional lands developed after sprinklers were installed in 1975 + 1981.

384 total acres claimed limited to 1.68 - A36-02178

2.04 - A36-02166

3.72 CFS

land in N.E.S.W. sec 34 limited to 40 acres,  
120 cons. use, 160 AF/A.

|           |                 |
|-----------|-----------------|
| A36-02166 | 5               |
| -10035    | 18              |
| -02178    | 20              |
|           | <u>43 acres</u> |

These acres also overlap with 5 share Canal water

1b. CALCULATIONS

TOTAL D.I.V. RATE  
= 3.72

TOTAL P.P.Q.U. ACRES = 370

3.72 = .01005 CFS/AC  
370  
OK  
BHS  
7/31/91

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RECOMMENDATIONS:

| REC.<br>PURPOSES     | REC. PERIOD<br>FROM TO | REC. DIV<br>RATE CFS | REC. DIV<br>VOL. AF/A | REC. CONS.<br>USE |
|----------------------|------------------------|----------------------|-----------------------|-------------------|
| IRRIGATION           | 03-15 11-15            | DATABASE 1.680       | DATABASE 296          | DATABASE 222.0    |
| DOMESTIC             | 01-01 12-31            | 0.040                | 1.6                   |                   |
| TOTAL FOR THIS RIGHT |                        | 1.680                | 297.60                |                   |

REVIEWED BY: lw

DATE: 8/16/90

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED                  | NEEDS<br>REVIEW |
|------------------------------|-----------------------------------------|-----------------|
| OWNERSHIP _____              | ( <input checked="" type="checkbox"/> ) | ( )             |
| FORFEIT/ABANDON _____        | ( <input checked="" type="checkbox"/> ) | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( <input checked="" type="checkbox"/> ) | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02178

TOTAL DIVERSION RATE OF WR SPLITS  
DATABASE 1.680

EXAMINER

CFS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A36-02178                | 1.680             | -                         |                  | 36-02178            | 1.680             |
| TOTAL CFS            |                          | 1.680             |                           |                  |                     | 1.680             |

DIVERSION RATE REVIEW

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

DATABASE  
Y

FIELD  
EXAMINER

REMARKS:

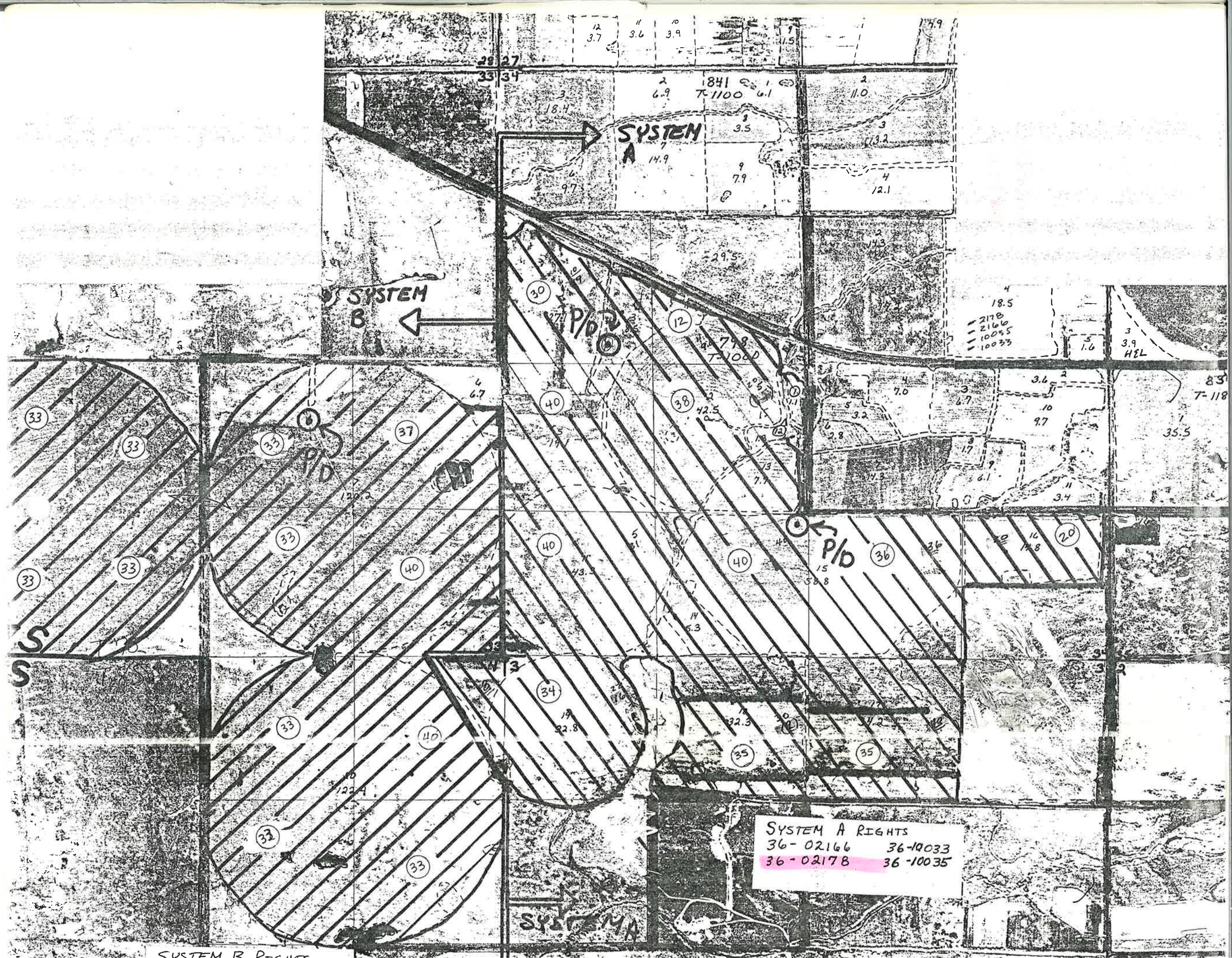
AUTHENTICATION:

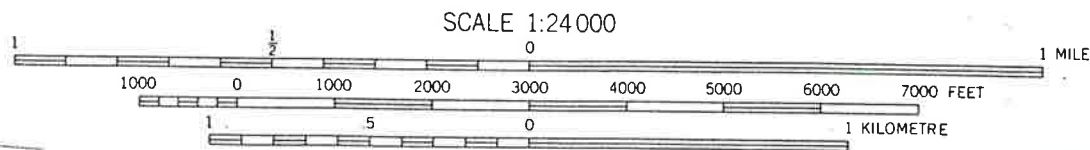
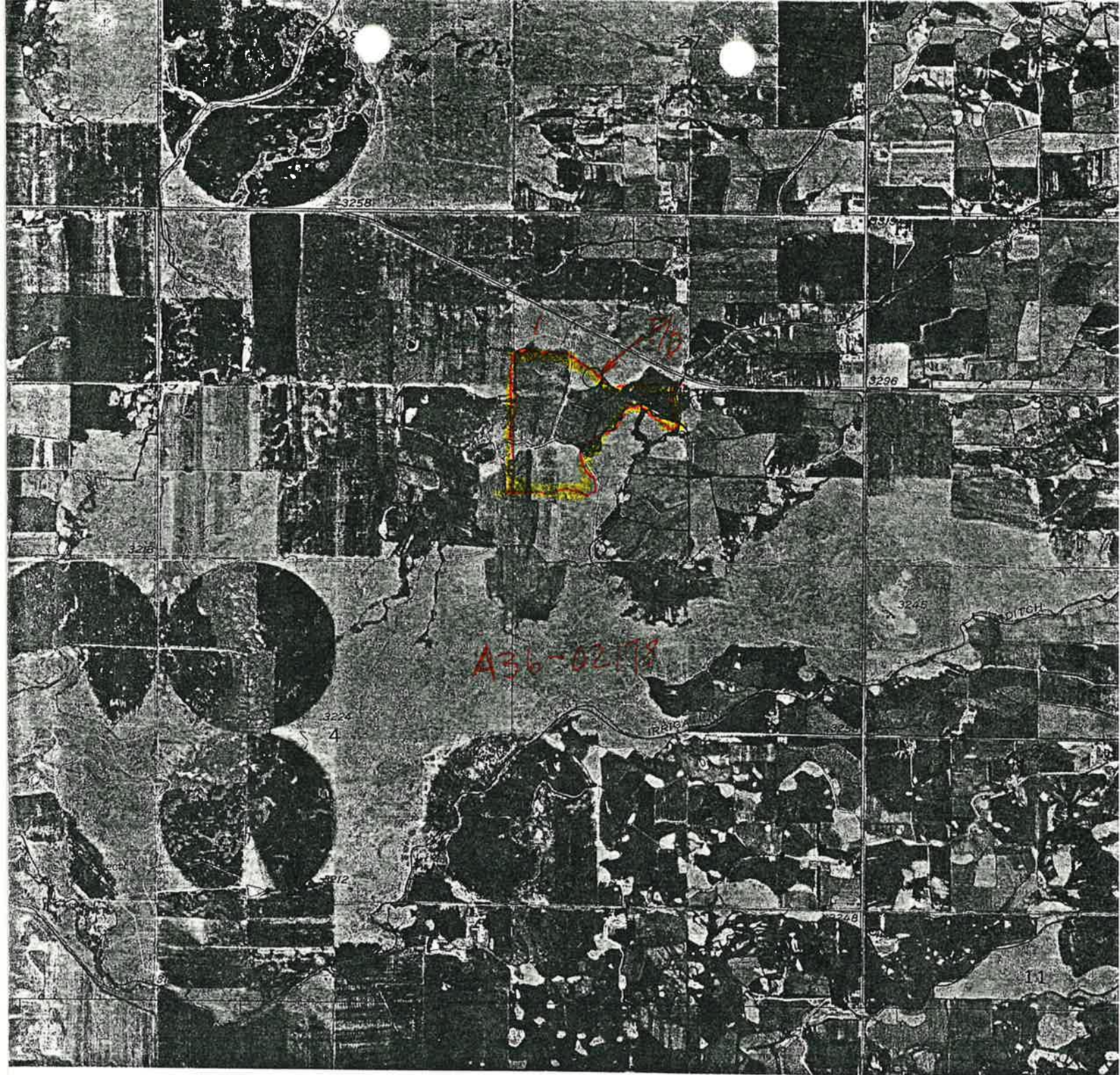
SIGNATURE:                     

DATE: 8/16/90

NAME OF FIELD EXAMINER:                                      TITLE:                                     

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JAN 20 1994





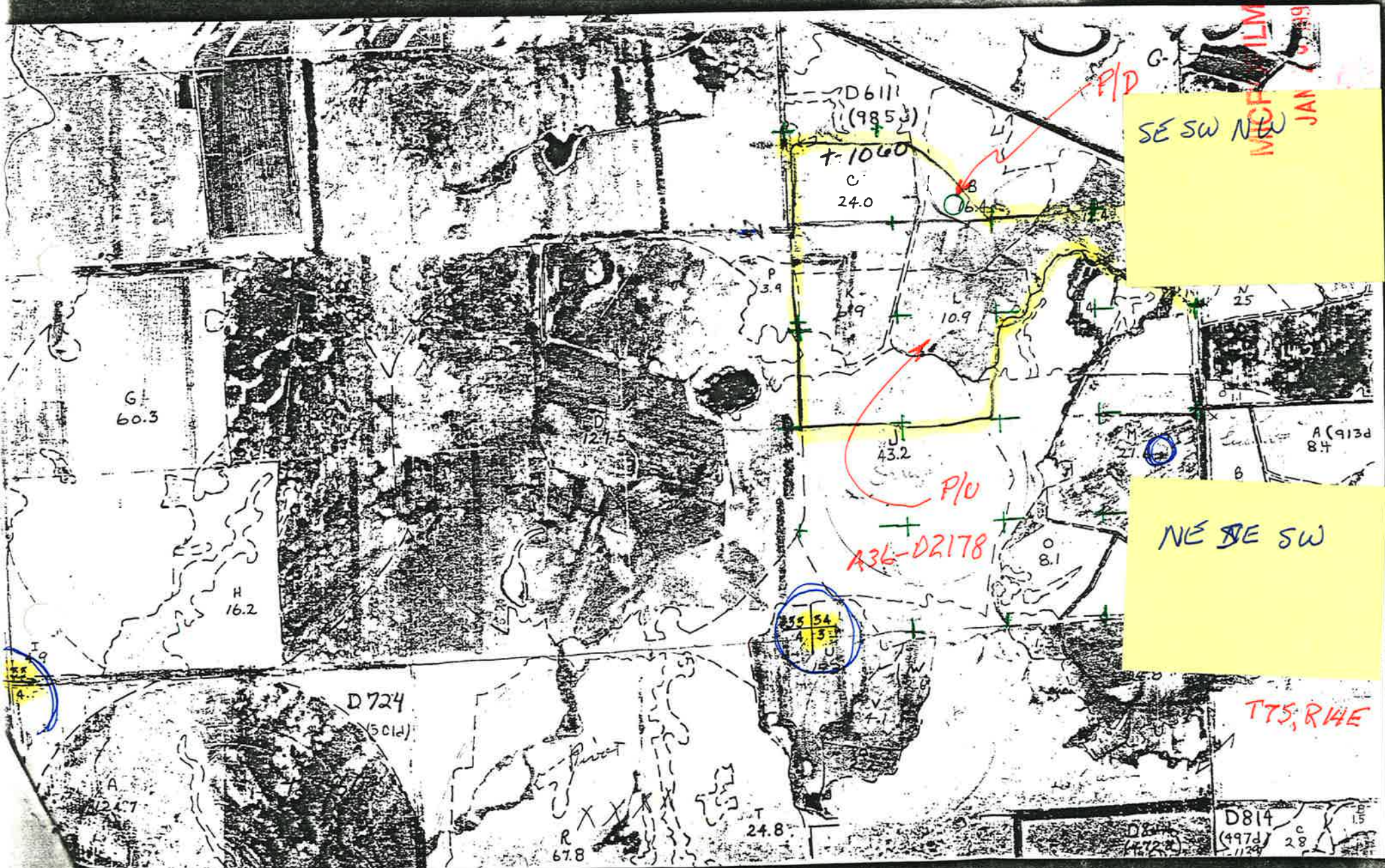
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

T7S R14E  
Sec 34

MICROFILMED

JAN 20 1993

Copies Of These Maps Can Be Obtained  
At Bonneville Blue Print Boise Idaho



SYSTEM CLAIM NUMBERS

36 0217836 1003536 0216636 10033

AGENT

INITIALS

KAC

DATE

CLAIM NO.  
OR ENTRY  
ORDERREMARK  
CODE

ENTRY DATA

CONDITION  
CODESTAGE  
OR  
STATUSPRESUMPTION  
CODE

R 36-02178

K03

36-10033

36-10035

E04

~~36~~ 3.72 CFS

1480 AF

1110 AF

370 AC

# 36-02166

36-10033

36-10035

K06

74 AC

F06

36-02166

36-10033

36-10035

W0?

?

add second P/O see R report

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JAN 20 1994

| SEC 34      | NUMBER      | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |       | TOTAL | SYSTEM TOTAL |
|-------------|-------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------|--------------|
|             |             |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE    |       |              |
| FOUND ACRES |             |     |     | 34  |    |    |    |    |    |    | 30 | 12 | 38 | 40 | 40 | 40 |    |    | 36 | 20    |       | 256          |
| RECOMMENDED | 36<br>2178  |     |     | 34  |    |    |    |    |    |    | 10 | 4  | 20 | 40 |    |    |    |    |    |       | 74    |              |
| RECOMMENDED | 36<br>2166  |     |     | 34  |    |    |    |    |    |    |    |    | 5  |    | 5  | 40 |    |    |    |       | 50    |              |
| RECOMMENDED | 36<br>10035 |     |     |     |    |    |    |    |    |    | 20 | 8  | 13 |    | 35 |    |    |    |    |       | 76    |              |
| RECOMMENDED | 36-10033    |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 36 20 | 56    |              |

| SEC 3       | NUMBER      | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL | SYSTEM TOTAL |
|-------------|-------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------------|
|             |             |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |              |
| FOUND ACRES |             |     |     | 3   | 35 |    |    |    | 35 | 34 |    |    |    |    |    |    |    |    |    |    |       | 104          |
| RECOMMENDED | 36<br>2166  |     |     |     |    |    |    |    | 30 | 22 |    |    |    |    |    |    |    |    |    |    | 52    |              |
| RECOMMENDED | 36<br>10035 |     |     |     |    |    |    |    |    | 12 |    |    |    |    |    |    |    |    |    |    | 12    |              |
| RECOMMENDED | 36<br>10033 |     |     |     | 35 |    |    |    | 5  |    |    |    |    |    |    |    |    |    |    |    | 40    |              |

| SEC 4       | NUMBER      | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL | SYSTEM TOTAL |
|-------------|-------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------------|
|             |             |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |              |
| FOUND ACRES |             |     |     | 4   | 40 | 33 | 33 | 33 |    |    |    |    |    |    |    |    |    |    |    |    | 17    | 139          |
| RECOMMENDED | 36<br>10035 |     |     | 4   | 10 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 10    |              |
| RECOMMENDED | 36<br>2419  |     |     |     |    |    | 33 | 33 |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
| RECOMMENDED | 36<br>10037 |     |     |     | 30 |    |    | 33 |    |    |    |    |    |    |    |    |    |    |    |    |       |              |

| SEC 33      | NUMBER      | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL | SYSTEM TOTAL          |
|-------------|-------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-----------------------|
|             |             |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |                       |
| FOUND ACRES |             |     |     | 33  |    |    |    |    |    |    |    |    | 33 | 33 | 33 | 33 | 30 | 33 | 33 | 40 |       | 275<br><del>146</del> |
|             | 36<br>2419  |     |     |     |    |    |    |    |    |    |    |    | 23 | 33 |    | 37 | 33 | 33 | 40 |    |       |                       |
|             | 36<br>10037 |     |     |     |    |    |    |    |    |    |    |    | 33 | 10 |    | 33 |    |    |    |    |       |                       |

TWO SYSTEMS (SEE MAP)

SYSTEM A: 36-02166

36-02178

36-10033

36-10035

74A  
SYSTEM B: 36-02419  
36-10037  
System Total = 370A

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APR 20 1993

# State of Idaho License and Certificate of Water Right

Water License No. 0-23063

Water District No.

Amount 1.69 c.f.s.

Priority September 18, 1952

THIS IS TO CERTIFY that

ROY VADER

of Hagerman, Idaho

made application for a permit to appropriate the public waters of the State of Idaho, dated September 18, 1952, that Permit No. 0-23063 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.68 second feet, was issued thereunder on October 8, 1959, showing that said works were completed on the 18 day of March, 1957, and that on the 18 day of March, 1957

ROY VADER

of Hagerman

State of Idaho

State Reclamation Engineer

made proof to the satisfaction of the

of Idaho, of the right to use the waters of a well

a tributary of subterranean flow

for the purpose of irrigation and domestic use

under Use Permit No. 0-23063

of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 5784 on the 8 day of October, 1959.

The right hereby confirmed dates from September 18, 1952

The Point of Diversion is located

In the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 34 Tp. 7 S., R. 14 E., M. 2 N. County Gooding

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.68 cubic feet per second.

Description and location of use:

| Twp.                                   | Range | Sec. | Forty-acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|----------------------------------------|-------|------|------------------|-------------------------------|------------------------------|
| 7 S.                                   | 14 E. | 33   | NE SE            | 40                            | 40                           |
|                                        |       | 34   | SE NW            | 10                            | 4                            |
|                                        |       |      | SW NW            | 20                            | 10                           |
|                                        |       |      | NE SW            | 20                            | 20                           |
|                                        |       |      | NW SW            | 20                            | 40                           |
| Total number of acres to be irrigated: |       |      |                  |                               | 114                          |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 8 day of October, 1959

(SEAL)

GEO. M. CARTER

State Reclamation Engineer, 36 2178

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. G-23063

This proof is for Completion of Works &amp; Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant: Ray Vader2. Source of water supply: Subterranean flow from a well3. Location of point of diversion: Is in the SE corner of SW $\frac{1}{4}$ N $\frac{1}{2}$  of Section 34T. 7 S. R. 14 E., S. 14 E. County of Gooding

4. Describe works as they exist, giving dimensions and capacities of same: Well 16" x 12" cased 8'  
4.0 hp. H.S. Motor #874613 Layne Bowler  
Turbine #19223 Delivery to west thru 8" x 6' pipe  
into concrete head box - to fields by gravity

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

10 acres in SE $\frac{1}{4}$ N $\frac{1}{2}$ , 15 acres in SW $\frac{1}{4}$ N $\frac{1}{2}$ , 30 acres in NE $\frac{1}{4}$ S $\frac{1}{2}$ , 30 acres in NE $\frac{1}{4}$ S $\frac{1}{2}$  of  
Sec. 34., 25 acres in NW $\frac{1}{4}$ SE $\frac{1}{2}$ , 10 acres NW $\frac{1}{4}$ SE $\frac{1}{2}$ , 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{2}$  of Sec. 33.,  
Twp. 7 S., Rgw. 14 E., S. 14 E.

See map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Crops are Hay, Grain, Pasture

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This examination was made on the

7

day of

June, 19 57

R-14E.



Subdivisions = fine  
Area = 114 acres.  
C = 84 inches.

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