

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: A36-02449

Date Received: 4/07/1988

Receipt No: 5000/36

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES R. HISAW 208-532-4166
Address: RT 1 BOX 1420
PAUL, ID 83347

AND/OR

Name: PAMELA HISAW 208-532-4166
Address: RT.1 BOX 1420
PAUL, ID 83347

2. Date of Priority: JUL 26, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	23E	31	NW	SE	NW		LINCOLN

5. Description of diverting works:
WELL, 200 HP MAIN PUMP, 150 HP BOOSTER, HAND SPRINKLER LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.230		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 927.6 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOME

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	23E	31	NW		NW	1	IRR	44.0
			SW		NW	2	IRR	50.0
			SE		NW		IRR	35.0
			SE		NW		DOMEST	
			NE		SW		IRR	38.0
			NW		SW	3	IRR	50.0
			SW		SW	4	IRR	52.0
			SE		SW		IRR	40.0
							Section Acres	309.0
							Total Acres	309.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
36-7835

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 362449

16. Signature(s)

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

Number of attachments: 2

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): Charles R. Hise Date: 4-26-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of April 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding ID

My Commission Expires 10/16/1992

WATER LICENSE

36-2449

Water License No. C-28901/36-2449 Priority July 26, 1960 Amount 4.23 c.f.s.

THIS IS TO CERTIFY at Ronald E. MacKenzie
of Rupert, Idaho made application for a permit to appropriate the public waters of
the State of Idaho, dated July 26, 1960; that Permit C-28901/36-2449 was issued pursuant
to said application, that the proposed works were completed on or about June 1965
with a storage or carrying capacity of 4.23 c.f.s., said works consisting of
well, pump, motor, and diversion pond and that on July 30, 1965
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1,236
acre feet per season, with a maximum rate of diversion of 4.23 cubic feet per second of the waters
of ground-water, tributary of
for the purpose of Domestic from January 1 to December 31
and for Irrigation from April 1 to October 31; and for
from to and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in SE 1/4 NW 1/4, Sec 31, T. 6 S., R. 23 E., B.M., and
other additional points in the County of
Lincoln; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 1,236 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 S	23 E	31						44	50	35	38	50	52	40					309

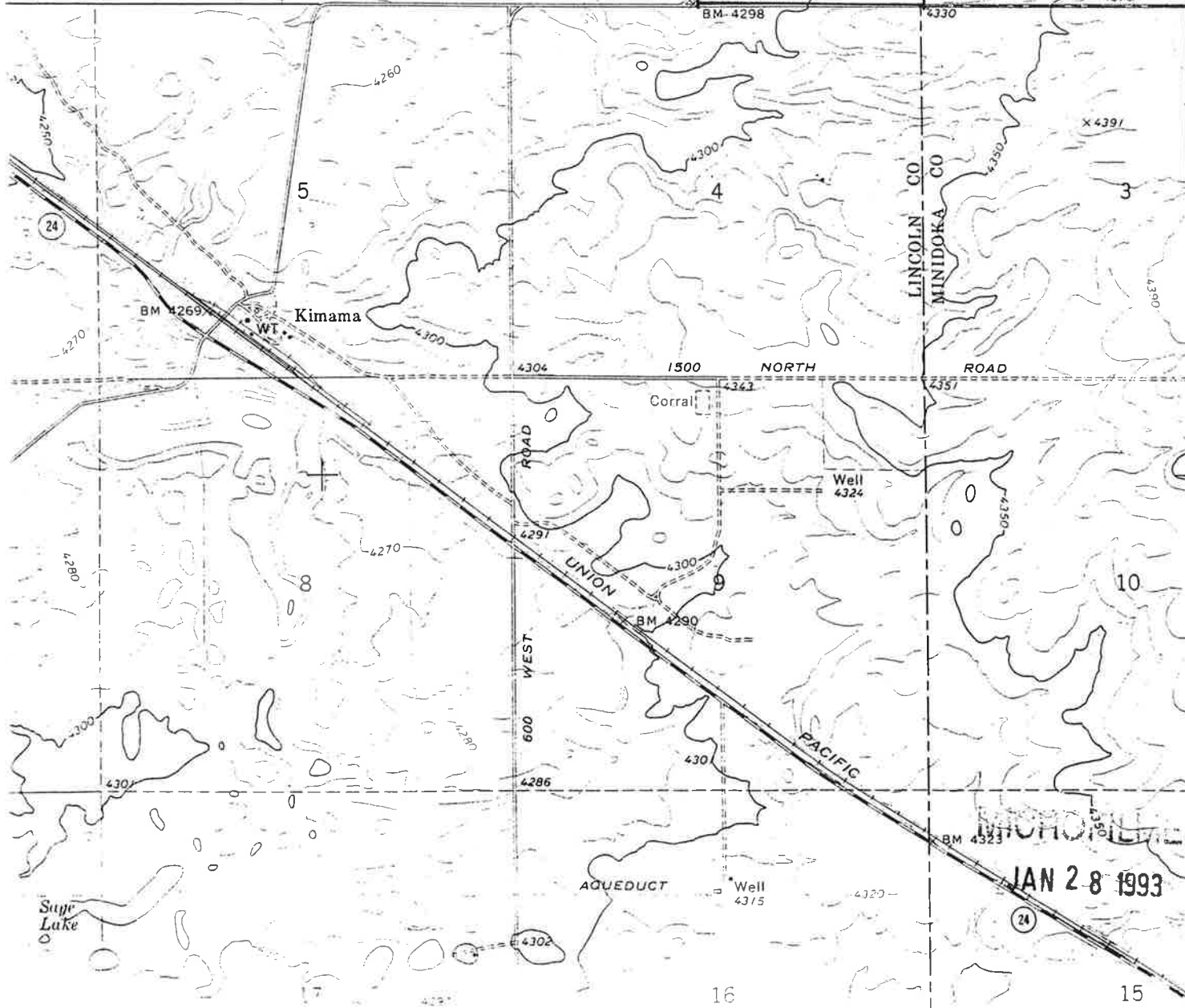
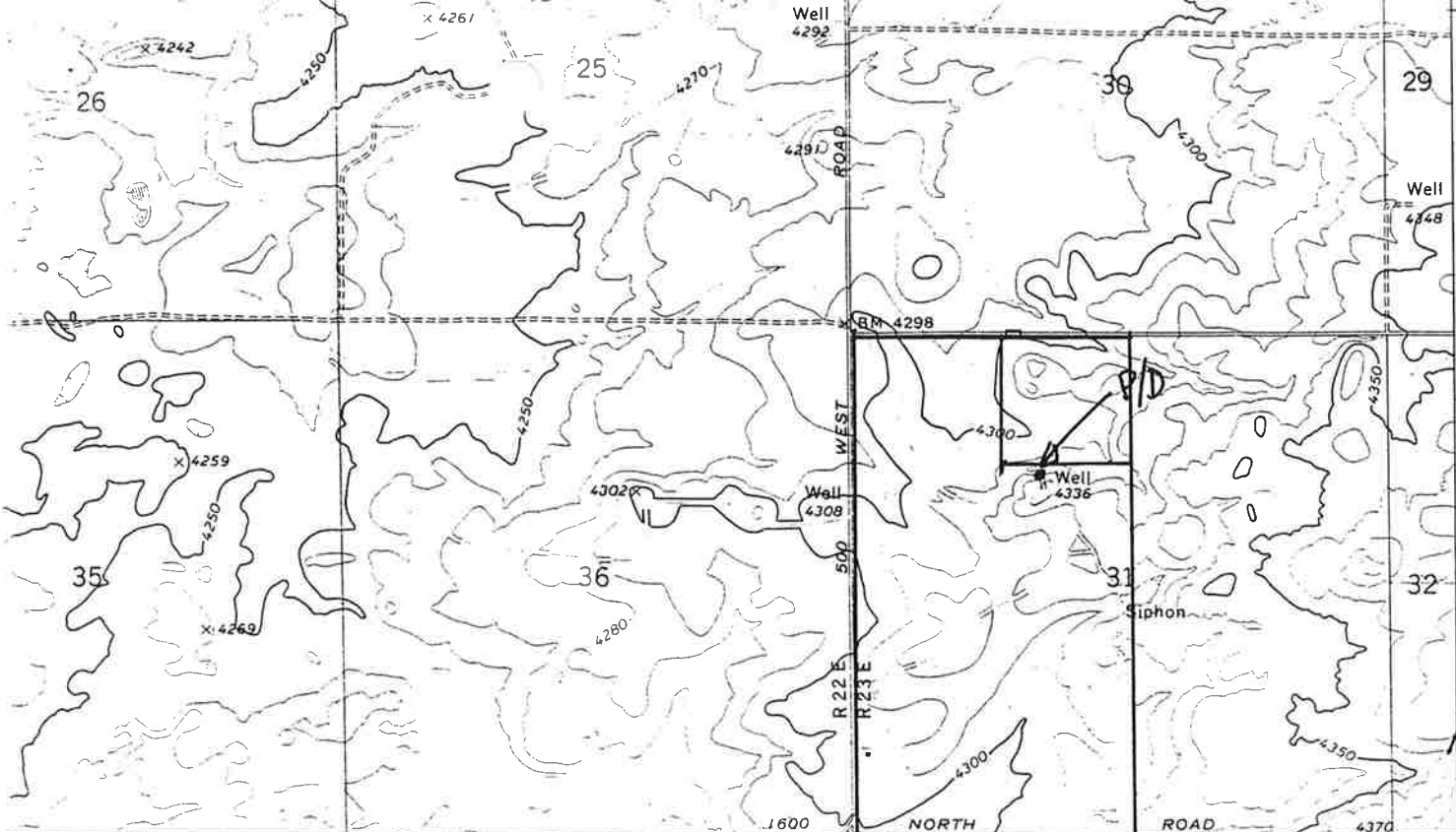
MICROFILMED

JAN 28 1993

Total number of acres irrigated 309

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described.

440 000
FEET



JAN 28 1993

NORLAND 4.2 MI.
RUPERT 27 MI.

9-21-98
KRC

Water Right Number - R36-02449

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
HISAW

CHARLES R

1 - RT 1 BOX 1420
2 -
3 -

City- PAUL
Phone - 208-532-4167

State- ID Zip- 83347

HISAW

PAMELA

1 - RT 1 BOX 1420
2 -
3 -

City- PAUL
Phone - 208-532-4167

State- ID Zip- 83347

+ - - Priority Date - - + + - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/26/1960 ERROR IN REGION L - LICENSE

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
06S 23E 31 NW SE NW (63) LINCOLN
SW SW 4 (63) LINCOLN

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 4.230
43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.230 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
06S 23E 31 NE NW 40.0 01 IRRIGATION (63) LINCOLN
06S 23E 31 NW NW 1 51.0 01 IRRIGATION (63) LINCOLN
06S 23E 31 SW NW 2 51.0 01 IRRIGATION (63) LINCOLN
06S 23E 31 SE NW 40.0 01 IRRIGATION (63) LINCOLN
06S 23E 31 NE SW 40.0 01 IRRIGATION (63) LINCOLN
06S 23E 31 NW SW 3 51.0 01 IRRIGATION (63) LINCOLN
06S 23E 31 SW SW 4 48.0 01 IRRIGATION (63) LINCOLN
06S 23E 31 SE SW 39.0 01 IRRIGATION (63) LINCOLN
06S 23E 31 SW SW 4 43 DOMESTIC (63) LINCOLN

Total Acres: 360.0

+ - - Diversion Means - TWO WELLS, 200 HP PUMP, 150 HP BOOST FOR IRR.; AND DOMESTIC WELL

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use - 1 HOME

+ - - Other Rights for Same Use - 36-07835

+ Remarks

QNT RIGHT NOS. 36-02449 AND 36-07835 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.90 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1440 AF.

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 309 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NOS. 36-02449 AND 36-07835 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP RIGHT NOS. 36-02449 AND 36-07835 ARE DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE.

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

No Old Water Right Numbers Found

+ Conditions of Approval

N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
- NOT EXCEED 13,000 GALLONS PER DAY.
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.

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

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

Date: 02/20/1992 User Id: KEEN Subject: CLAIM REVIEW
DESKTOP REVIEW, RECOMMENDATIONS, AND DATA ENTRY BY S.W. KEEN ON 2-20-1992.
Date: 02/20/1992 User Id: KEEN Subject: NEW PHONE NUMBER
THE CORRECT PHONE NUMBER IS 532-6167. I CALLED CHARLIE HISAW ON 2-20-1992 TO BE SURE. THE INCORRECT NUMBER WHICH APPEARS ON THE
CLAIM BELONGS TO A MR. KENZIE.

+ - - Audit Fields - - +

09/21/98 KCHRISTE

[illegible]

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-----------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |

AJ0743NP
(OD-124)

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

09/21/98 16:54:03
Page 3

Water right number - R36-02449

Prefix Translation: RESEARCH

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

| | | | | | |
|---------------------|--------------|--------------------|--------------|-------------------------|-----|
| Claim Received Date | - 04/26/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S000136 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - C |
| | | | | Notice of Error Flag | - |

RECEIVED

MAY 15 1998

1998 MAY 13 PM 4:26

MAY 27 1998

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 92

Division of Water Resources

Southern Division

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

SOUTH

FILES

In Re SRBA

Subcases 36-02449 and 36-07835

Case No. 39576

SPECIAL MASTER'S REPORT AND
RECOMMENDATION TO SET ASIDE
PARTIAL DECREES

REPORT

36-07835

A *Partial Decree* for 36-07835 was entered on December 29, 1997. On January 22, 1998, IDWR wrote a letter to the claimants concerning the claimants' desire to modify the *Partial Decree* by deletion of a combined limitation remark. The letter reminded the claimants that requests for such modifications must be made to the SRBA. A copy of the letter was sent to the SRBA where it was deemed to be a motion to modify the *Partial Decree*. On February 24, 1998, the Presiding Judge entered an *Order of Reference to Special Master Dolan*.

36-02449 and 36-07835

A *Partial Decree* in 36-02449 was entered on January 15, 1998. On May 11, 1998, the claimants filed a *Motion to Modify Partial Decrees; Memorandum in Support* in both subcases. The claimants sought to increase the diversion rate in 36-07835 from .67 cfs to 3.13 cfs and remove the combined use remark from the quantity element of both rights. On May 12, 1998, the Presiding Judge entered an *Order of Reference to Special Master Dolan* in 36-02449.

Hearing

On May 13, 1998, a hearing on the claimants' *Motion to Modify Decrees* was held for both claims. Norman M. Semanko appeared for the claimants and John M. Marshall appeared for IDWR. There are no other parties.

Charles R. Hisaw's affidavit, attached to the claimants' *Motion*, stated that they require 360 inches or 7.2 cfs under both claims to irrigate 360 acres. The combined use limit of 4.9 cfs for both rights was apparently based on faulty readings at the well made in 1980. The pump and booster are actually capable of producing 7.2 cfs, the amount historically beneficially used.

1 Norman M. Semanko
2 ROSHOLT, ROBERTSON & TUCKER
3 P.O. Box 1906
4 Twin Falls, Idaho 83303-1906
5 Telephone: (208) 734-0700
6 Facsimile: (208) 736-0041
7 05119801.NMS

8 Attorneys for Claimant
9 Charles R. Hisaw

RECEIVED

JUN 10 1998

Department of Water Resources
Southern Region

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

13 In Re SRBA)

14)
15) MOTION TO MODIFY PARTIAL DECREES;
16) MEMORANDUM IN SUPPORT

17 Case No. 39576)
18)
19)
20)

Subcase Nos. 36-07835 and 36-02449

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DESCRIPTIVE SUMMARY

21 This is the motion to modify partial decrees, and the memorandum in support, filed on
22 behalf of Charles R. Hisaw regarding SRBA Claim Nos. 36-07835 and 36-02449, in order to
23 correct the quantity decreed for irrigation.
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MOTION

COMES NOW the Claimant, Charles R. Hisaw, through counsel, pursuant to SRBA Administrative Order 1 (AO1), Sec. 14.d. (Amended 10/16/97), and Rule 60(b), I.R.C.P., and moves this Court for an order modifying the Partial Decrees entered for Water Right Nos. 36-07835 and 36-02449 on December 29, 1997 and January 15, 1998¹, respectively, by:

1. Changing the diversion rate for Water Right No. 36-07835 from .67 to 3.13 cfs; and
2. Removing the following combined use remark from the quantity element of both rights²:

Right Nos. 36-02449 and 36-07835 are limited to a total combined diversion rate of 4.90 cfs, and a total combined annual diversion volume of 1440 AF.

The grounds for this motion are that the licensed/claimed quantity of 3.13 cfs has, through mistake, neglect, or inadvertence, been reduced to .67 cfs without evidence of forfeiture, abandonment, or other loss or reduction of the right. In addition, the combined use remark has, by mistake, neglect, or inadvertence, been improperly placed on the Claimant's water rights and is inconsistent with the actual beneficial use of the rights. The grounds for this motion are discussed further below.

¹ A copy of the partial decrees are attached as Exhibit "A".

² Before retaining counsel, the Claimant visited the Southern Office of the Idaho Department of Water Resources on January 20, 1998, requesting that the partial decree for 36-07835 be modified. The Court was notified on January 22, the matter was referenced to Special Master Dolan on February 24, a Notice of Appearance was filed by counsel on March 2, and an Initial Hearing was ultimately scheduled for May 13. See, Exhibit "B". The Claimant has since discovered that the same combined use remark is included in the partial decree for 36-02449.

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MEMORANDUM IN SUPPORT

A permit for water right no. 36-07835 was issued on February 23, 1979, allowing the development of 3.13 cfs for irrigation. The stated purpose of the permit was to bring the total amount of water up to 1 inch (.02 cfs) per acre, or 7.36 cfs, when combined with License No. 36-02449. See, Exhibit "C".³ Charles Hisaw developed the permit and submitted proof of beneficial use for 368.5 acres during 1980.

A beneficial use field examination was conducted by the department during July, 1980 and found the capacity of the well to be 4.90 cfs. See, Exhibit "D". However, this measurement was in error and did not reflect the actual beneficial use of 7.2 cfs. See, Affidavit of Charles R. Hisaw. A license was subsequently issued in the amount of 3.13 cfs, recognizing irrigation of 360 acres, but limiting the combined use with License No. 36-02449 to 4.9 cfs or 1440 acre feet per annum. Charles Hisaw does not recall ever receiving a copy of the beneficial use exam or the license prior to issuance of the partial decrees. Id.

SRBA Claim No. 36-07835 was prepared by department personnel and signed by Charles Hisaw during April, 1988. It claimed 3.13 cfs, but mistakenly contained the combined use remark referred to above. Not realizing the problem, Hisaw did not object to the director's recommendation. Id. When the water right was decreed, the quantity was reduced from the licensed/claimed amount of 3.13 cfs to .67 cfs. In addition, a combined use remark limited use of Water Right Nos. 36-07835 and 36-02449 to no more than 4.9 cfs.

³ License No. 36-02449 allowed the diversion of 4.23 cfs, while Permit No. 36-07835 was issued for 3.13 cfs, for a total of 7.36 cfs, or 368 inches. The recognized place of use is 360 acres. When combined, the two water rights therefore provide one-inch per acre. As limited by the combined use remark, the two rights would only provide 4.9 cfs, or 245 inches, which amounts to only .68 of an inch per acre.

1 After Water Right No. 36-07835 was decreed, Charles Hisaw inquired with the
2 department and counsel about the reduced quantity and the combined use remark. Id. The
3 remark was also included in the partial decree for Water Right No. 36-02449.
4

5 The reduced quantity and the combined use remark were included in the partial decrees
6 as the result of mistake, inadvertence, and/or excusable neglect. In addition, Charles Hisaw has
7 a meritorious position regarding the actual level of beneficial use under the two water rights,
8 as evidenced by his affidavit and the accompanying evidence. As a legal matter, the licensed
9 quantity of 3.13 cfs is binding under I.C. Sec. 42-220 and should not have been reduced to .67
10 cfs. There is no evidence that any portion of the right has been forfeited, abandoned, or
11 otherwise lost or reduced. The amount of water currently decreed is not sufficient to raise the
12 crops historically grown by the Claimant and is not representative of actual beneficial use.
13

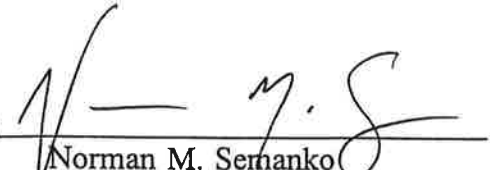
14 As a result, pursuant to AO1, Sec. 14(d), the partial decrees should be modified by
15 increasing the quantity of Water Right No. 36-07835 to the licensed/claimed amount of 3.13
16 cfs and removing the combined use remark limiting total use of the two rights to 4.9 cfs.
17

18 CONCLUSION

19 The Claimant, Charles Hisaw, respectfully requests that the quantity of Water Right No.
20 36-07835 be increased from .67 cfs to 3.13 cfs, as licensed and claimed, and that the remark
21 limiting the combined use of Water Right Nos. 36-07835 and 36-02449 to 4.9 cfs be removed.
22

23 DATED this 11th day of May, 1998.

24 ROSHOLT, ROBERTSON & TUCKER

25 By: 
26

Norman M. Semanko

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CERTIFICATE OF MAILING

I hereby certify that on this 11th day of May, 1998, I served a copy of the foregoing
MOTION TO MODIFY PARTIAL DECREES; MEMORANDUM IN SUPPORT, by depositing
same in the United States mail, postage prepaid, in an envelope, addressed to the following:

John Marshall
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

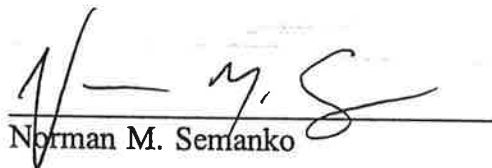

Norman M. Semanko

EXHIBIT A

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07835

1997 DEC 29 AM 9:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: PAMELA HISAW
CHARLES R HISAW
RT 1 BOX 1420
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 0.67 CFS

RIGHT NOS. 36-02449 AND 36-07835 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.90 CFS, AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1440 AF.

PRIORITY DATE: 12/22/1978

POINT OF DIVERSION: T06S R23E S31 NWSNW

Within LINCOLN County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season QUANTITY
0.67 CFS

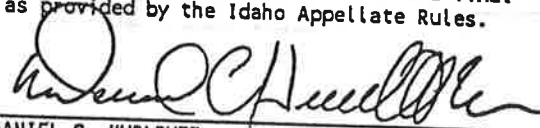
PLACE OF USE: IRRIGATION
T06S R23E S31
360 ACRES TOTAL

Within LINCOLN County
NENW 40 Lot 1 (NWNW)51 Lot 2 (SWNW)51
NESW 40 Lot 3 (NWSW)51 Lot 4 (SWSW)48
SENW 40
SESW 39

RIGHT NOS. 36-02449 AND 36-07835 ARE LIMITED TO THE IRRIGATION
OF 360 ACRES IN A SINGLE IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

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


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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

In Re SRBA

Case No. 39576

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

Water Right 36-02449

1993 JUN 15 AM 11:24

NAME & ADDRESS: CHARLES R HISAW
PAMELA HISAW
RT 1 BOX 1420
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 4.23 CFS

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

RIGHT NOS. 36-02449 AND 36-07835 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.90 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1440 AF.

PRIORITY DATE: 07/26/1960

POINT OF DIVERSION: T06S R23E S31 N5SENW
LOT 4 (SWSW)

Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION
DOMESTIC 1 HOME

PERIOD OF USE
Irrigation Season
01-01 12-31

QUANTITY
4.23 CFS
0.04 CFS

PLACE OF USE:

IRRIGATION
T06S R23E S31
360 ACRES TOTAL

Within LINCOLN County

NENW 40
NESW 40

Lot 1 (NWNW)51
Lot 3 (NWSW)51

Lot 2 (SWNW)51
Lot 4 (SWSW)48

SENW 40
SESW 39

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 309 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NOS. 36-02449 AND 36-07835 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE
IRRIGATION SEASON.

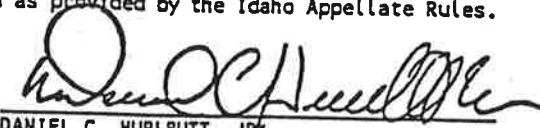
DOMESTIC Within LINCOLN County
T06S R23E S31 Lot 4 (SWSW)

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.

RULE 54(b) CERTIFICATE

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


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02449

EXHIBIT B



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 22, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES HISAW
RT 1 BOX 1420
PAUL ID 83347

RE: Modification of Partial Decree No. 36-07835

Dear Mr. Hisaw:

The purpose of this letter is to acknowledge your visit to this office on January 20, 1998, regarding the modification of Partial Decree No. 36-07835 in the Snake River Basin Adjudication. It is my understanding that you desire to modify your partial decree by disregarding the combined limitation remark of 4.90 cfs from the original license and have the full licensed diversion rate of 3.13 cfs.

Modifications of the type that you have proposed are required to be reviewed by the Fifth Judicial Court in Twin Falls. By copy of this letter this office is notifying the Court of your requested change. You can anticipate that the Court will be contacting you to describe the method by which you can proceed with this requested change.

Please advise me if you desire assistance in identifying information relative to your partial decree.

Sincerely,

A handwritten signature in cursive script that reads "Douglas Jones".

Douglas Jones
Water Rights Supervisor
Southern Adjudication Unit

cc: Clerk of the Fifth Judicial Court in Twin Falls
State Office (D. Smith)
Claim File

1
2 Norman M. Semanko
3 ROSHOLT, ROBERTSON & TUCKER
4 P.O. Box 1906
5 Twin Falls, Idaho 83303-1906
6 Telephone: (208) 734-0700
7 Fax: (208) 736-0041
8 03029801.NMS/bh

9
10 Attorneys for Claimant
11 Charles Hisaw

1998 MAR -2 PM 4:34
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

15 In Re SRBA)
16)
17 Case No. 39576)
18)
19)

NOTICE OF APPEARANCE

Subcase No. 36-07835

20 YOU WILL PLEASE TAKE NOTICE that Norman M. Semanko of the firm of Rosholt,
21 Robertson & Tucker hereby enters the appearance of said firm as attorneys of record for Charles
22 Hisaw in the above-entitled subcase.

23 DATED this 2 day of March, 1998.

24 ROSHOLT, ROBERTSON & TUCKER

25 By: [Signature]
26 Norman M. Semanko

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CERTIFICATE OF MAILING

I hereby certify that on this 2 day of March, 1998, I served a copy of the foregoing
NOTICE OF APPEARANCE, by depositing same in the United States mail, postage prepaid,
in an envelope, addressed to the following:

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

United States Dept. of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

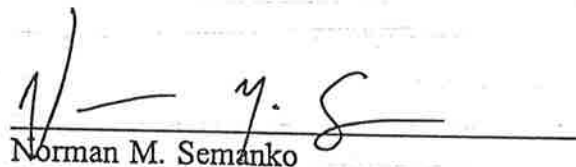

Norman M. Semanko

EXHIBIT C

Identification No. 36-7835

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APPROVED
DEC 27 1978

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

Department of Water Resources
Southern District Office

1. Name of applicant CHARLES R. HISAW and/or MARY JO HISAW (208) 532-4167
post office address Ht. 1, Bx. 155-B Paul, Idaho 83347
2. Source of water supply underground which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31 Township 6 S
Range 23 E B.M. Lincoln County; additional points of diversion if any: none
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes: Mar. 15 Nov. 15 *As per phone con.
Amount 3.13 for irrigation purpose from Apr. 1 to Dec. 31 ADD 12-28-78
(cfs or acre-feet per annum) (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.13 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline, handlines.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.
b. Estimated construction cost is \$ 60,000.00
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: 350 hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: livestock

[illegible]

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

| TWP. | RANGE | SEC. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|------------|------------|--------|--------|------------|------------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| CS | 23 E | 31 | | | | | 40 | L. 1
52 | L. 2
52 | 40 | 40 | L. 3
52 | L. 4
52 | 40 | | | | | 368 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated 368

c. Describe any other water rights used for the same purposes as described above. G-28907/36-2449
July 25, 1960

9. a. Who owns the property at the point of diversion Charles R. Hisaw and/or Mary Jo Hisaw
 b. Who owns the land to be irrigated or place of use SAME AS ABOVE
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks This filing will bring total amount up to 1" per acre when combined with License No. 36-2449.

Proposed Priority 12-22-78

Received by JG Date 12/22/78 Time 2:50 p.m.

Preliminary check by ADM Fee \$ 65.00

Received by mary Date 12/28/78 # 12649

Publication prepared by ADM Date 1/2/79

Published in Lincoln County Journal

Publication dates 1/18/79 & 1/25/79

Publication approved hwp Date 1/22/79

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by LK SS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7835, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 80.

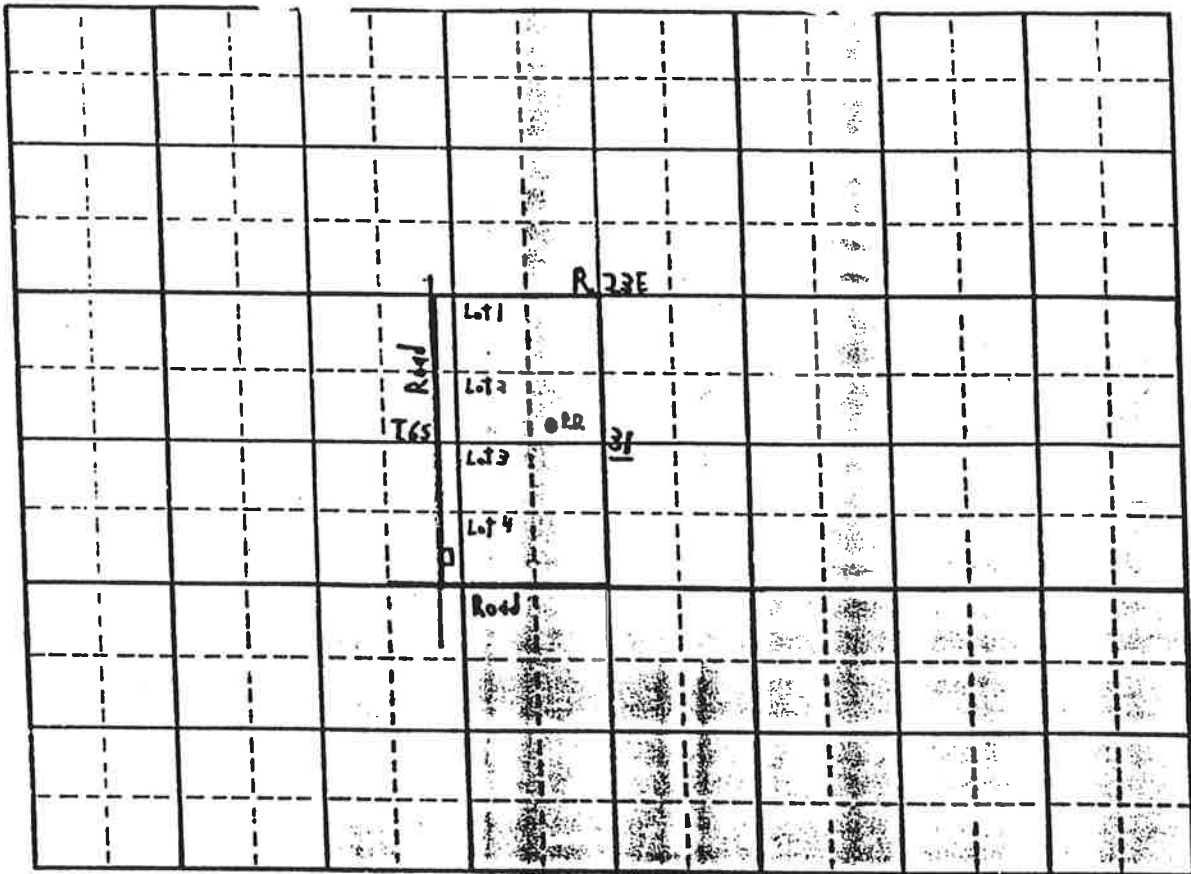
c. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

2. Denial of said application is for the following reasons: _____

Witness my hand this 23rd day of February, 19 79.

EXHIBIT D

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE 1/4 NW 1/4 31 T6S R23E

Place(s) of Use

| TWP | RGE. | SEC. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTALS |
|-----|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 6S | 23E | 31 | | | | | 40 | 51 | 51 | 43 | 43 | 51 | 43 | 37 | | | | | 360 |
| | | | | | | | | | | | | | | | | | | | |
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Recommended Amendments:

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

☒ None

☐ Other

Signature

Robert J. Martin

Date 7-29-80

Date 7/28/80

Date 12/16/80

6/9/94

COMMUNICATION DOCUMENTATION

HISAW

Claim No.

36-02449 ✓
-07523
-07835

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

IDWR Employee/Agent

H

Date

11-01-1994

Contact Person(s)

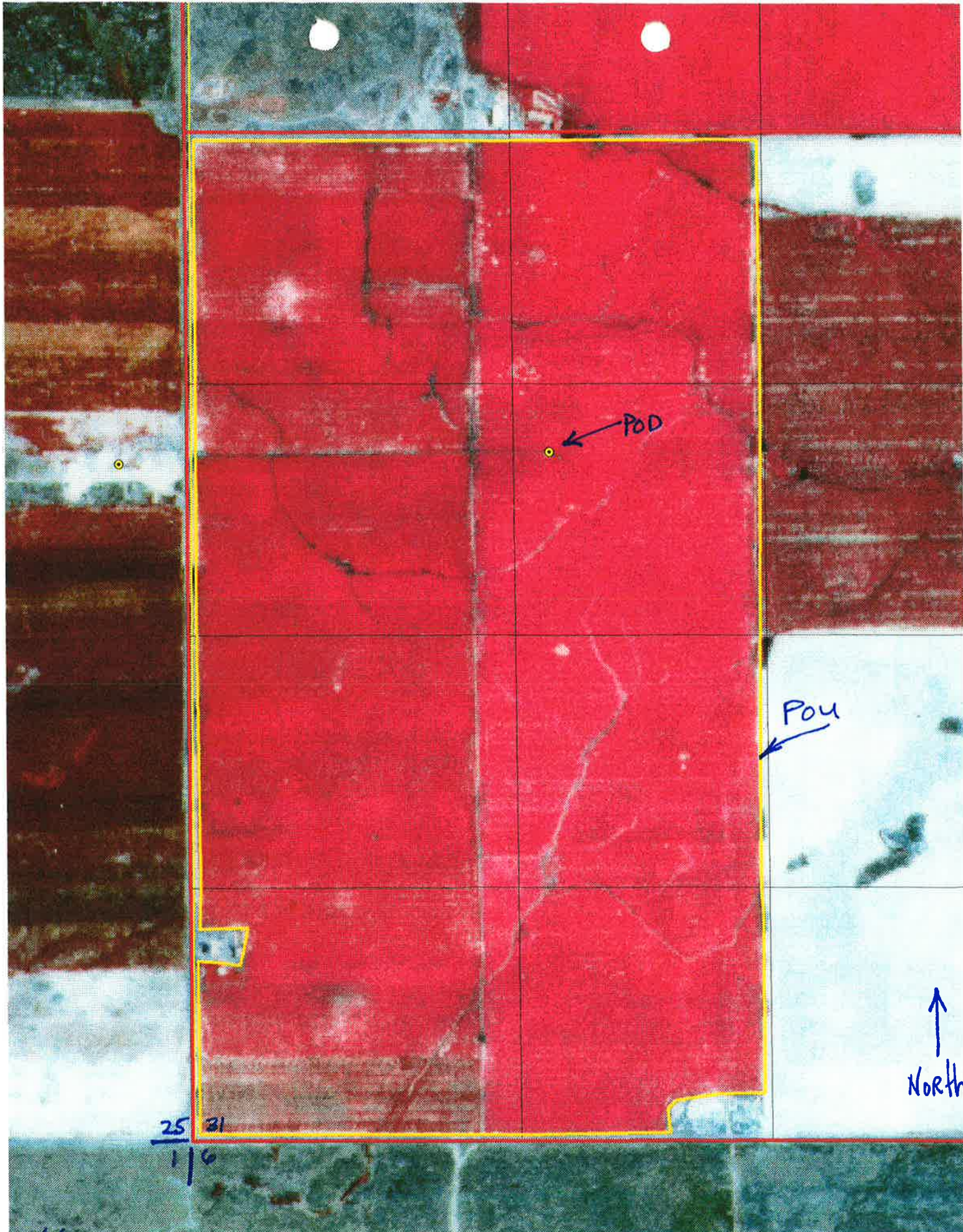
WAYNE BAKER

Nature of Contact

request for wages on property per
warranty deed as provided

Substance of Communication

run A.T. & S. summons, print same; ditto
A records / bank put fix proofs for com-
parison.



8/5/97
su

36-02449

36-07835

TRANSFER NUMBER

| RIGHT
NO | | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|-------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| | TNS | RNG | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| RECOM | 6s | 23E | 31 | | | | | 40 | 51 | 51 | 40 | 40 | 51 | 48 | 39 | | | | | 360 |
| GIS | | | | | | | | 37 | 49 | 51 | 39 | 39 | 51 | 49 | 35 | | | | | 350 |
| | | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

R PROOF



CVR



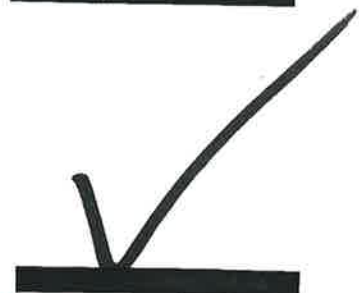
MAPS



PHOTOS



MISC



MICROFILMED

JAN 28 1993

Water Right Number - R36-02449

Prefix Translation: RESEARCH

Old (D) Number - 362449

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

*** C - CURRENT OWNER ***

HISAW

CHARLES R.

1 - RT 1 BOX 1420

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4167

HISAW

PAMELA

1 - RT 1 BOX 1420

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4167

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
07/26/1960 ERROR IN REGION L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

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

| TwN | Rng | Sec | Tract | Lot | RFlg | County |
|-----|-----|-----|----------|-----|------|---------|
| 06S | 23E | 31 | NW SE NW | | (63) | LINCOLN |
| | | | SW SW | 4 | (63) | LINCOLN |

| Code | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION | | 04/01 | 10/31 | 4.230 | |
| 43 - DOMESTIC | | 01/01 | 12/31 | 0.040 | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.230 0.0+ - - - - - - - - - - - - - - - Place of Use - - - - - +

| TwN | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|--------|
|-----|-----|-----|-------|-----|-------|------|-------------|--------|

| | | | | | | | | |
|-----|-----|----|-------|---|------|----|------------|--------------|
| 06S | 23E | 31 | NE NW | | 40.0 | 01 | IRRIGATION | (63) LINCOLN |
| 06S | 23E | 31 | NW NW | 1 | 51.0 | 01 | IRRIGATION | (63) LINCOLN |
| 06S | 23E | 31 | SW NW | 2 | 51.0 | 01 | IRRIGATION | (63) LINCOLN |
| 06S | 23E | 31 | SE NW | | 40.0 | 01 | IRRIGATION | (63) LINCOLN |
| 06S | 23E | 31 | NE SW | | 40.0 | 01 | IRRIGATION | (63) LINCOLN |
| 06S | 23E | 31 | NW SW | 3 | 51.0 | 01 | IRRIGATION | (63) LINCOLN |
| 06S | 23E | 31 | SW SW | 4 | 48.0 | 01 | IRRIGATION | (63) LINCOLN |
| 06S | 23E | 31 | SE SW | | 39.0 | 01 | IRRIGATION | (63) LINCOLN |
| 06S | 23E | 31 | SW SW | 4 | | 43 | DOMESTIC | (63) LINCOLN |

Total Acres: 360.0

+ - - Diversion Means - TWO WELLS, 200 HP PUMP, 150 HP BOOST FOR IRR.; AND DOMESTIC WELL

VERIFIED ADJ

MICROFILMED
JAN 28 1993

Water right number - R36-02449

Prefix Translation: RESEARCH

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

+ - - Other Rights for Same Use - 36-07835

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 309 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.USE OF THIS RIGHT WITH RIGHT NO. 36-07835 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.90 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1440 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 1080 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 360 ACRES IN A SINGLE IRRIGATION SEASON.RIGHT NO. 36-07835 IS ALSO DIVERTED THROUGH THE POINT OF
DIVERSION WITHIN THE NWSNW S31, T06S, R23E.

+ - - - - - 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.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

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

Date: 02/20/1992 User Id: KEEN Subject: CLAIM REVIEW
DESKTOP REVIEW, RECOMMENDATIONS, AND DATA ENTRY BY S.W. KEEN ON 2-20-1992.Date: 02/20/1992 User Id: KEEN Subject: NEW PHONE NUMBER
THE CORRECT PHONE NUMBER IS 532-6167. I CALLED CHARLIE HISAW ON 2-20-1992 TO BE SURE. THE INCORRECT NUMBER WHICH APPEARS ON THE
CLAIM BELONGS TO A MR. KENZIE.+ - - Audit Fields - - +
04/24/92 MERRITT

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 02/20/1992 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 04/24/1992 | Old Judicial District | - |
| Claim Received Date | - 04/26/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S000136 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - C |
| | | | | Notice of Error Flag | - |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:46:20
02/19/92

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02449

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | | SW Keen
2-20-92 | No | 6 | SW Keen
2-20-92 | SW Keen
2-20-92 | S.W. Keen
2-21-92 |
| POINT OF DIV | Y | | | Yes | 6, 1, 4 | | | |
| SOURCE | | | | No | 6 | | | |
| PLACE OF USE | Y | | | Yes | 4, 2 | | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | ~~No~~ No | 6 | | | |
| CONSUMPTIVE USE | - | | | Yes | 6 | | | |
| PURPOSES | | | | No | 6, 4 | | | |
| PERIOD OF USE | Y | | | Yes | 6 | | | |
| BASIS OF CLAIM | | | | No | 6 | | | |
| REMARKS | | | | Yes | 6 | | | |

"VERIFIED BY" CODES

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

NAPP A79NE

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

Flag = C
Cond. code = C05

Remarks = F05: 36-07835

E01: 36-07835; 4.90 cfs; 1440 AF; 1080 AF; 360 ACRES.

JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:46:20
02/19/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02449

LAST: HISAW
ADDRESS: RT. 1 BOX 1420
CITY: PAUL
PHONE NUMBER: 208-532-4166
OWNER CODE: C

FIRST: CHARLES R.
STATE: ID ZIP: 83347

LAST: HISAW
ADDRESS: RT. 1 BOX 1420
CITY: PAUL
PHONE NUMBER: 208-532-4166

FIRST: PAMELA
STATE: ID ZIP: 83347

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

Phone # is 532-4167.

SW Kean
2-20-92

MICROFILMED

JAN 28 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

UNRECORDED

JAN 28 1993

A. AJ CLAIM: # A36-02449 PRIORITY DATE: 07-26-1960 STAGE: L

B. WR RECORD: # 36-02449 PRIORITY DATE: 07-26-1960 STAGE: L

C. FIELD EXAM REQUIRED?

| | DATABASE | FIELD EXAMINER |
|---|----------|----------------|
| DUE TO PRIORITY DATE DISCREPANCY? (Y/N) | N | |

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

REMARKS: Priority date claimed matches the priority date licensed.

=====

RECOMMENDED PRIORITY DATE:
07-26-1960

REVIEWED BY S.W. Keen

DATE 2-20-92

=====

RECORDED

JAN 28 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|---------|
| A36-02449 | 06S | 23E | 31 | NW | SE | NW | | LINCOLN |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-07835 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-07835
36-07934

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-02449 | 06S | 23E | 31 | | SE | NW | | LINCOLN |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-07835
36-07934

A36-07835 NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y No
N

FIELD
EXAMINER
SWKeen
SWKeen

REMARKS:

Point of Diversion is T06S, R23E, S31, NWSE NW. Well is portrayed at this location on USGS orthophoto quadrangle AA78.

The domestic point of diversion is Lot 4.

MICROFILMED

JAN 28 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|-----------|------------|-----------|------------|------------|------------|------------|----------------|
| <u>6S</u> | <u>23E</u> | <u>31</u> | <u>NW</u> | <u>SE</u> | <u>NW</u> | <u>4</u> | <u>Lincoln</u> |
| <u>6S</u> | <u>23E</u> | <u>31</u> | <u>---</u> | <u>---</u> | <u>---</u> | <u>---</u> | <u>---</u> |

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: S.W. Keen

DATE: 2-20-92

MICROFILMED
JAN 28 1993

A. ROOT WATER RIGHT NUMBERS: A36-02449

B. POU LISTING

| B. POU LISTING | | | | | | | | | | | LANDSAT DATA | | NAPP
FIELD
EXAM. | RECOMM.
ACRES |
|----------------|-----|-----|-----|-----|-----|------------------------|---------------------|----------------|--------|--|--------------|--------|------------------------|------------------|
| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | | | | | | |
| 06S | 23E | 31 | NW | NW | 1 | HISAW , CHARLES R. | A36-02449 /44.0 | - / | | | 52.0 | | 51.0 | 44.0 |
| | | | NW | NW | 1 | HISAW , CHARLES R. | A36-07835 /51.0 | 36-07835 /51.0 | | | | | (Roads) | |
| | | | NW | NW | | MAC KENZIE , RONALD F. | | 36-02449 /44.0 | | | | | | |
| 06S | 23E | 31 | SW | NW | 2 | HISAW , CHARLES R. | A36-02449 /50.0 | - / | | | 50.0 | | 51.0 | 50.0 |
| | | | SW | NW | 2 | HISAW , CHARLES R. | A36-07835 /51.0 | 36-07835 /51.0 | | | | | | |
| | | | SW | NW | | MAC KENZIE , RONALD F. | | 36-02449 /50.0 | | | | | | |
| 06S | 23E | 31 | SE | NW | | HISAW , CHARLES R. | A36-02449 /DOMESTIC | 36-02449 /35.0 | | | 40.0 | | ~~40.0~~ | |
| | | | SE | NW | | HISAW , CHARLES R. | A36-07835 /40.0 | 36-07835 /40.0 | | | | | | |
| 06S | 23E | 31 | SE | NW | | HISAW , CHARLES R. | A36-02449 /35.0 | 36-02449 /35.0 | | | 40.0 | | 40.0 | 40.0 |
| | | | SE | NW | | HISAW , CHARLES R. | A36-07835 /40.0 | 36-07835 /40.0 | | | | | | |
| 06S | 23E | 31 | NE | SW | | HISAW , CHARLES R. | A36-02449 /38.0 | 36-02449 /38.0 | | | 40.0 | | 40.0 | 38.0 |
| | | | NE | SW | | HISAW , CHARLES R. | A36-07835 /40.0 | 36-07835 /40.0 | | | | | | |
| 06S | 23E | 31 | NW | SW | 3 | HISAW , CHARLES R. | A36-02449 /50.0 | - / | | | 51.0 | | 51.0 | 50.0 |
| | | | NW | SW | 3 | HISAW , CHARLES R. | A36-07835 /51.0 | 36-07835 /51.0 | | | | | | |
| | | | NW | SW | | MAC KENZIE , RONALD F. | | 36-02449 /50.0 | | | | | | |
| 06S | 23E | 31 | SW | SW | 4 | HISAW , CHARLES R. | A36-02449 /52.0 | - / | | | 51.0 | | 51.0 | 48.0 |
| | | | SW | SW | 4 | HISAW , CHARLES R. | A36-07835 /48.0 | 36-07835 /48.0 | | | | | (Homestead) | |
| | | | SW | SW | | MAC KENZIE , RONALD F. | | 36-02449 /52.0 | | | | | | |
| 06S | 23E | 31 | SE | SW | | HISAW , CHARLES R. | A36-02449 /40.0 | 36-02449 /40.0 | | | 39.0 | | 39.0 | 39.0 |
| | | | SE | SW | | HISAW , CHARLES R. | A36-07835 /39.0 | 36-07835 /39.0 | | | | | | |
| TOTAL ACRES | | | | | | | A36-02449 | 309.00 | 148.00 | | | 363.00 | 323.0 | 309 |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET: Acres in NENW S31 are covered by A36-07835.

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE

Y

FIELD
EXAMINER

POU COUNTY: LINCOLN

ASCS Total = 57.3 + 54.8 + 122.2 + 122.6 = 356.9 acres (This total includes NENW.)

Domestic Well is located at T06S, R23E, S31, Lot 4.

JAN 28 1993

PRESUMPTION FLAG:

REMARKS:

Acres are rearranged slightly so that the SE SW and SWSW match 36-07835 a bit better. Place of use the same as appears on 7/24/80 field exam for # 36-7835.

RECOMMENDATIONS:

TOTAL ACRES: 309

REVIEWED BY: S.W. Keen

DATE: 2-20-92

JAN 28 1993

A. AJ CLAIMED USES:

| | PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-----------|------------|---------------------|--------------------|
| A36-02449 | IRRIGATION | FROM 03-15 TO 11-15 | 4.230 CFS |
| A36-02449 | DOMESTIC | FROM 01-01 TO 12-31 | .040 CFS |

TOTAL DIVERSION RATE/VOLUME CLAIMED

4.230 CFS

B. WR RECORDED USES:

| | PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|----------|------------|---------------------|------------------------|
| 36-02449 | IRRIGATION | FROM 04-01 TO 10-31 | 4.230 CFS 1236.00 AF/A |
| 36-02449 | DOMESTIC | FROM 01-01 TO 12-31 | 4.230 CFS |

TOTAL DIVERSION RATE/VOLUME CLAIMED

4.230 CFS 1236.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE
N
Y

FIELD EXAMINER
SWKee
SWKee
SWKee

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(✓)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

New irrigation season standard for this area is 4-1 to 10-31.

JAN 28 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 4.230 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 4.230 CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

N

SW/Keen

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: A36-07835

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

*See attached
P.O.U. comparison report.*

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-------------|--------------------|-----------|----------------|-----------|----------------|
| A36-02449 | GROUNDWATER | HISAW , CHARLES R. | 4.230 | 0.013 | | |
| A36-07835 | GROUNDWATER | HISAW , CHARLES R. | 3.130 | 0.008 | | |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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JAN 28 1993

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE | NE | | | | NW | | | | SW | | | | SE | | | | SE | | | | SUM |
|------------|---------------|-------------|----|----|----|----------|----|----|-------|----------|----|----|----|----------|-------|-------|----|----|----|----|----|-----|
| | | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | |
| R3607835 | T06S R23E S31 | GROUNDWATER | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | 40 | 01-51 | 02-51 | | 40 | | 40 | 03-51 | 04-48 | | 39 | | | | 360 |
| 3602449 | GROUNDWATE | | | | | | | | 44 | 50 | | 35 | | 38 | 50 | 52 | | 40 | | | | 309 |
| A3602449 | GROUNDWATE | | | | | | | | 01-44 | 02-50 | | 35 | | 38 | 03-50 | 04-52 | | 40 | | | | 309 |
| R3602449 | GROUNDWATE | | | | | | | | 01-44 | 02-50 | | 40 | | 38 | 03-50 | 04-48 | | 39 | | | | 309 |
| 3607611 | GROUNDWATE | | 39 | | 39 | | 40 | | 40 | | | | | | | | | 40 | | 40 | | 39 |
| A3607611 | GROUNDWATE | | 39 | | 39 | | 40 | | 40 | | | | | | | | | 40 | | 40 | | 39 |
| R3607611 | GROUNDWATE | | 37 | | 39 | | 40 | | 37 | | | | | | | | | 40 | | 39 | | 39 |
| R3607830 | GROUNDWATE | | 37 | | 39 | | 40 | | 37 | | | | | | | | | 40 | | 39 | | 39 |
| 3607835 | GROUNDWATE | | | | | | | 40 | 01-51 | 02-51 | | 40 | | 40 | 03-51 | 04-48 | | 39 | | | | 360 |
| A3607835 | GROUNDWATE | | | | | | | 40 | 01-51 | 02-51 | | 40 | | 40 | 03-51 | 04-48 | | 39 | | | | 360 |
| --86 MAP-- | C63Q-AA 78 | | 37 | | 40 | | 39 | | 37 | | 35 | | 40 | | | | | 39 | | 37 | | 39 |
| NO QTRS | MAPPING | Lot01-52 | | | | Lot02-50 | | | | Lot03-51 | | | | Lot04-51 | | | | | | | | |
| --86 MAP-- | C67Q-AA 78 | | 35 | | 39 | | 40 | | 39 | | 40 | | 40 | | | | | 39 | | 37 | | 39 |
| NO QTRS | MAPPING | Lot01-51 | | | | Lot02-52 | | | | Lot03-51 | | | | Lot04-37 | | | | | | | | |

R 36-02449 overlaps with R 36-07835

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 309 x 0.02 CFS/ACRE = 6.18 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 = 927.6 AF/A

ACRES 309 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 927.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 309 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 1236 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

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

MICROFILMED
JAN 28 1993

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|--|----------------------|-----------------------|-----------------------|
| IRRIGATION | <u>4-1</u> <u>10-31</u> | DATABASE EXAMINER | DATABASE EXAMINER | DATABASE EXAMINER |
| DOMESTIC | ~~03-15~~ ~~11-15~~
01-01 12-31 | 4.230
0.040 |
 | 927.6
 |
| TOTAL FOR THIS RIGHT | | 4.230 | Covered in
Remarks | Covered in
Remarks |

REVIEWED BY: S.W. Keen DATE: 2-20-92

Remarks in 36-07835 limit combined use to 4.90 cfs and 1440 AF.

MICROFILMED

JAN 28 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

| ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
|------------------------|-----------------|
| () | () |
| () | () |
| () | () |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02449

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
4.230

EXAMINER

CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - | A36-02449 | 4.230 | - | | 36-02449 | 4.230 |
| TOTAL CFS | | 4.230 | | | | 4.230 |

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:

No splits!

AUTHENTICATION:

SIGNATURE:

Shelley Walter Keen

DATE:

Feb. 20, 1992

NAME OF FIELD EXAMINER:

Shelley Walter Keen

TITLE:

Sr. W. R. Agent

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JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:51:56
02/19/92

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A36-02449

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | CHARLES R. HISAW | 07/26/1960 | IRRIGATION | 03-15 11-15 | 4.23 CFS | |
| C | PAMELA HISAW | | DOMESTIC | 01-01 12-31 | 0.04 CFS | |
| | RT. 1 BOX 1420 | | | | | |
| | PAUL ID 83347 | | | | | |
| | (208) 532-4166 | | | | | |
| | | | | TOTAL DIVERSION: | 4.23 CFS | |
| | | | | CONSUMPTIVE USE: | | 927.6 AFA |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06S R23E S31

NWSENW

LINCOLN County

Place of use Legal Description for: IRRIGATION

| NE | | | | NW | | | | SW | | | | SE | | | | | | | | | | | | | |
|-----|-----|----|---|------|------|------|------|----|------|------|-------|-------|----|------|------|-------|-------|----|------|------|------|------|-------------|-------|-------|
| T | R | S | | NENE | NWNE | SWNE | SENE | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : | SUM | |
| | | | | Lt | Ac | Lt | Ac | | Lt | Ac | Lt | Ac | | Lt | Ac | Lt | Ac | | Lt | Ac | Lt | Ac | | | |
| 06S | 23E | 31 | : | | | | | : | | | 01-44 | 02-50 | 35 | : | 38 | 03-50 | 04-52 | 40 | : | | | | | : | 309.0 |
| | | | | | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 309.0 | |

Place of use Legal Description for: DOMESTIC

| NE | | | | NW | | | | SW | | | | SE | | | | | | | | | | | | |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|--|
| T | R | S | | NENE | NWNE | SWNE | SENE | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : | |
| | | | | Lt | Ac | Lt | Ac | | Lt | Ac | Lt | Ac | | Lt | Ac | Lt | Ac | | Lt | Ac | Lt | Ac | | |
| 06S | 23E | 31 | : | | | | | : | | | | | : | | | | | : | | | | | : | |
| | | | | | | | | | | | | | | | | | | | | | | | D | |

POU County: LINCOLN

Other Rights: A36-07835

Non-Irrigation Use: DOMESTIC, 1 HOME

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

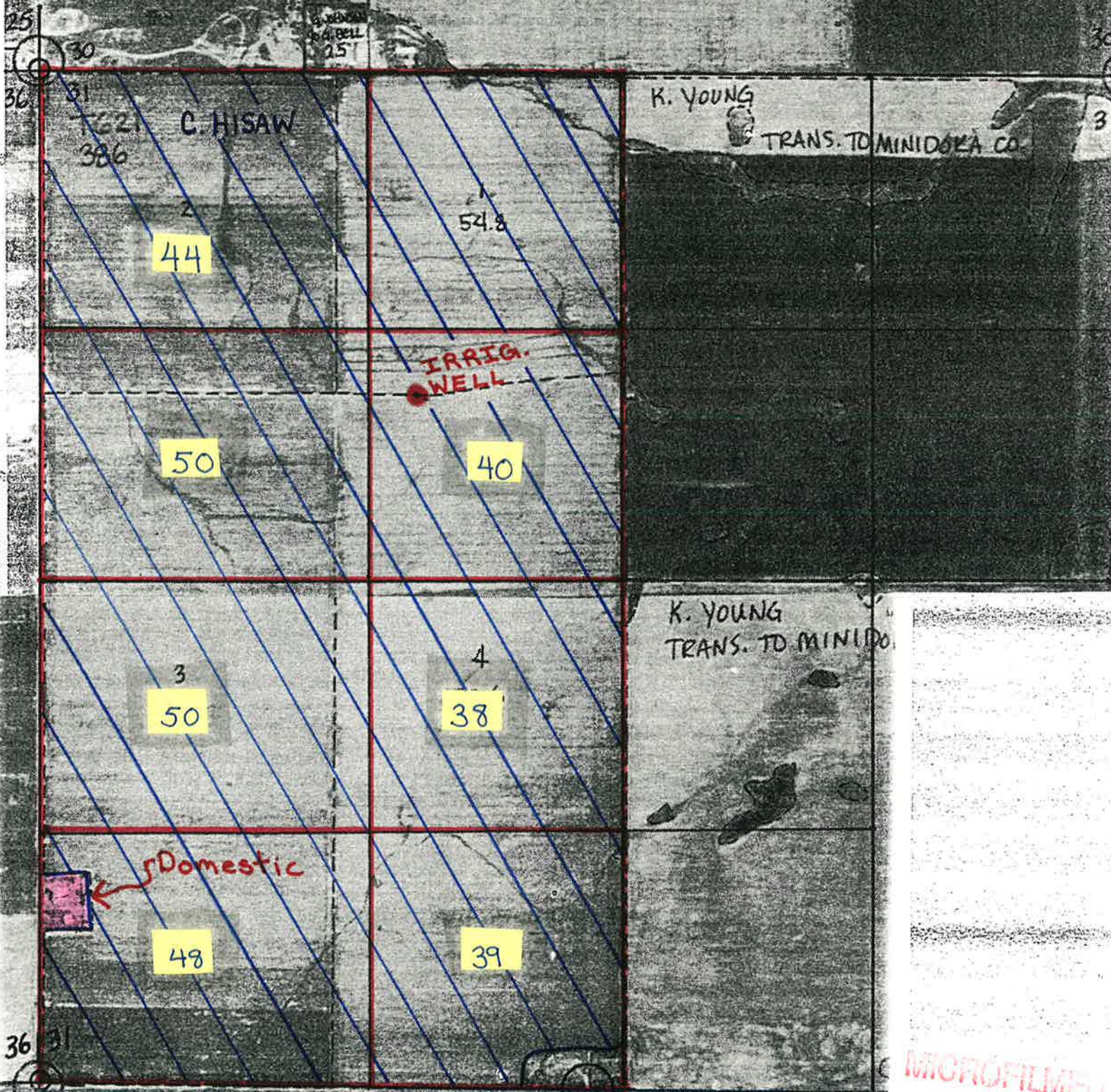
Field Inspection Flag:
Presumption Flag:

JAN 28 1993

A36-02449
T06S, R23E, S31
Scale = $\frac{1}{8300}$



5
122.1



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JAN 28 1993

A36-02449
6S, 23E, S31

N
4
+

AA78

owell

31

Domestic use

LINCOLN CO.

MINI-DOKA CO.

1997

ROAD



1999

11

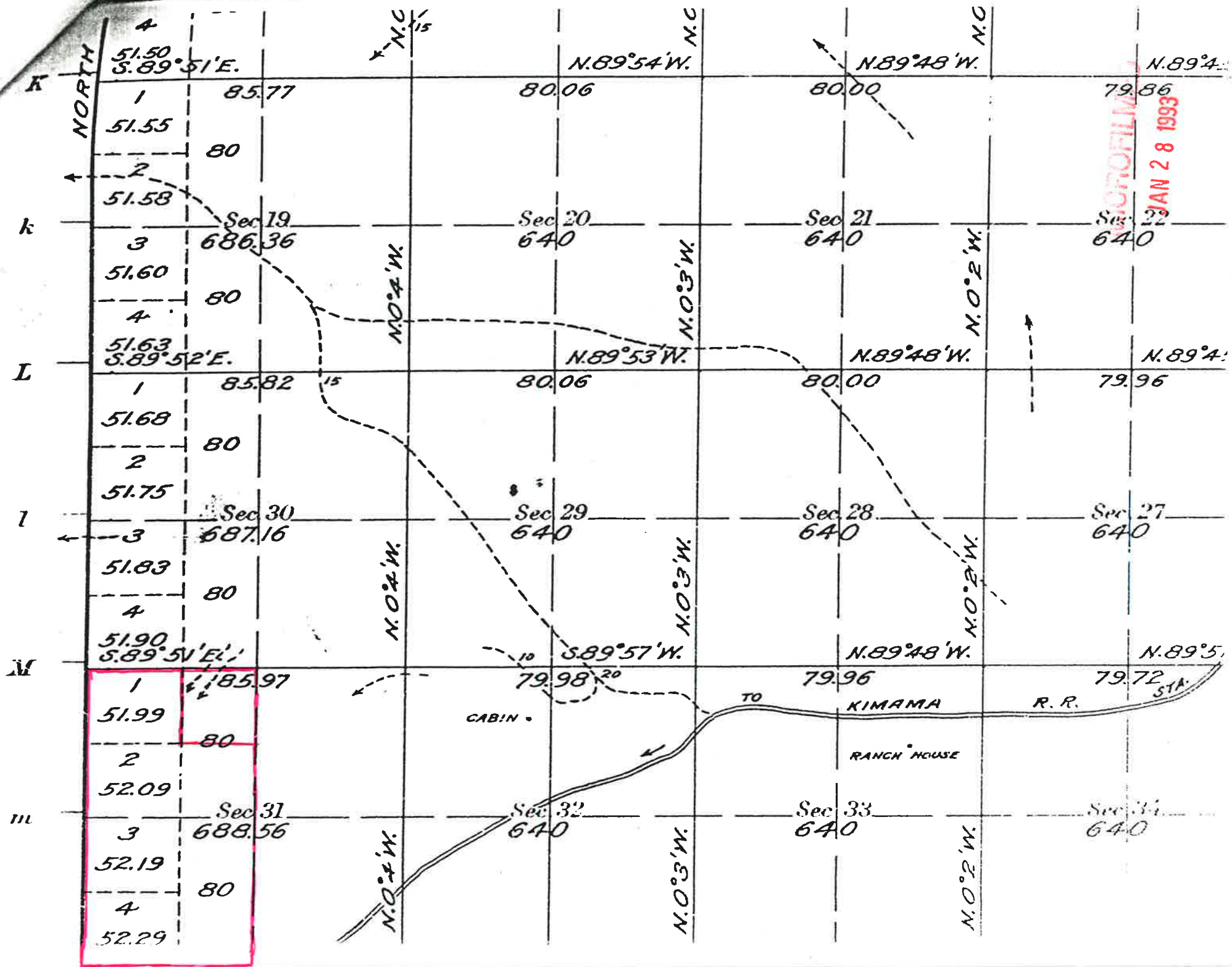
15

1993

24

ORLANDO 2 MI.
PIPERT 27 MI.

A36-02449



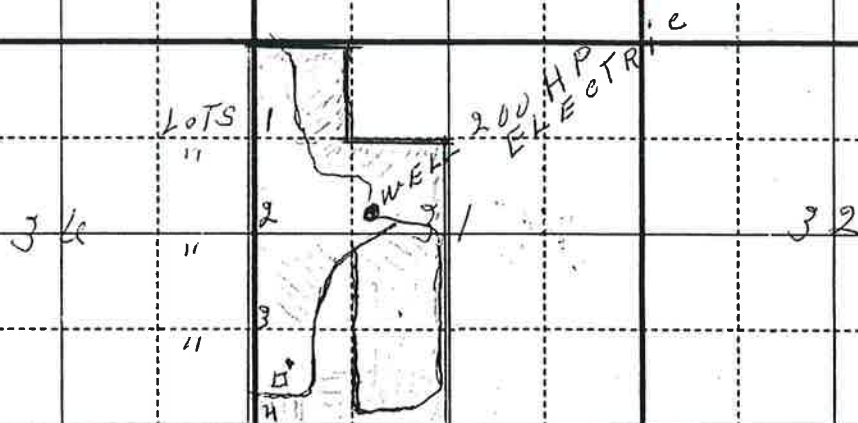
Copied from
License File

36-02449

12-6-90

T. 6S R 23 E, B.M.

30



LOTS = 1, 2, 3, 4 = 108.54 ACRES + 120 = 328.54 ACRES

— = DITCHES CAPACITY 100 MINER INCHES EACH

• = DOMESTIC WELL PRESSURE SYSTEM.

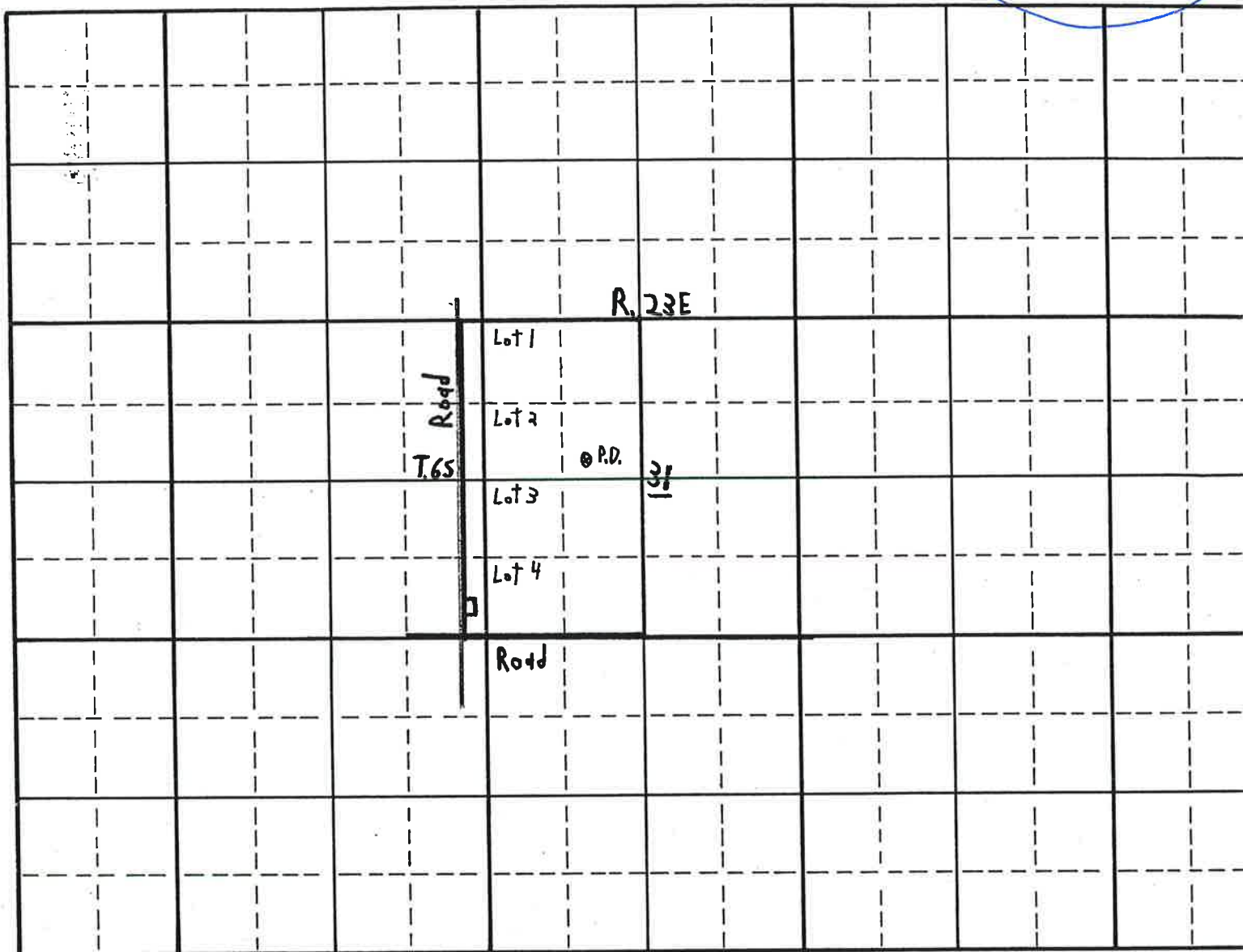
III = 140 ACRES POTATOES

BALANCE 90% DEVELOPED FOR CROP

WATER REQUIREMENTS $\frac{1}{2}$ TO $\frac{3}{4}$ MINER INCHES PER ACRE

JAN 28 1993

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE 1/4 NW 1/4 Sec 31 T65 R. 23E

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Place(s) of Use

JAN 28 1993

| TWP. | RGE. | SEC. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTALS |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 65 | 23E | 31 | | | | | 40 | 51 | 51 | 40 | 40 | 51 | 48 | 39 | | | | | 360 |

2.2

1
36.3

USA

7.8

T635 (G. BELL)?
397 (BLM)
USA

T636 G. BELL
398

2
118.0

1
5.5

USA

USA

2
5.2

5
122.1

G. BELL
G. BELL
25

31
T621 C. HISAW
386

2
57.3

1
54.8

K. YOUNG

TRANS. TO MINIDOKA CO.

30

31

NOT TO scale

Z 12

MICROFILMED

JAN 28 1993

See
Z-12

T621 C. HISAW
386

3
122.2

4
122.6

K. YOUNG
TRANS. TO MINIDOK

36 | 31

4 | 3

NOT TO scale

Z/3

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JAN 28 1993

CLAIMANT'S NAME: Charles Hisaw

DATE: 2-20-92

COUNTY: Lincoln

EMPLOYEE: S.W. Keen

I spoke with Charlie Hisaw at 532-4167* to ask him ~~***~~ about the location of the domestic use in T06S, R23E, S31. It is claimed in SENW, Sect. 31, but the photographic sources (USGS, NAPP, ASCS) all show the domestic use in Lot 4. The field examiner's report in the license file also seems to show the domestic well and home in lot 4.

There is no indication of where the domestic use exists on the license.

* This is the correct phone number. It also appears on App. for Permit 36-7835. (Claims show 532-4166.)

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JAN 28 1993