

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: A36-04091
Date Received: 7/20/1988
Receipt No: S001008
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BRUCE W. REESE 208-837-6398
Address: P.O. BOX 445
HAGERMAN, ID 83332

Name: LA ROSE A. REESE
Address: P.O. BOX 445
HAGERMAN, ID 83332

2. Date of Priority: NOV 04, 1885

3. Source: SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SW	SE	SE		GOODING

5. Description of diverting works:
PIPELINE ACROSS BILLINGSLEY CR. TO GRAVITY SPRINKLERS, 2 TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		
STOCKWATER	05/01	10/15	0.020		

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

8. Total consumptive use is 33.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 10 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	13	NW	NE	STOCK IRR	11.0
Section Acres						11.0
Total Acres						11.0

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:

SAME SYSTEM PROVIDES DOMESTIC WATER UNDER ANOTHER CLAIM

14. Remarks:

SYSTEM WAS DEVELOPED UNDER CANCELLED PERMIT 37-2038. P/U IS A PART OF ORIGINAL LAND, & REPRESENTS THE MAJOR PART OF THE LAND IRRIGATED FROM THIS SPRING.

SAME SYSTEM PROVIDES WATER TO MY HOME UNDER A LATER PRIORITY, AND ALSO TO ONE OR TWO OTHER HOMES AND POSSIBLE SOME IRRIGATION ON OTHER PROPERTY.

P/U WAS SHOWN INCORRECTLY ON CLAIM. PRIORITY CLAIMED IS BASED ON ORIGINAL PERMIT.

AMENDMENT NOTE

GATHERING EVIDENCE FOR THE CLAIMED PRIORITY DATE, MR. REESE DISCOVERED THE IRRIGATION MENTIONED IN THE 1932 DECREE SHOWING AN EARLIER DATE OF 1901 FROM SPRINGS. (UNDER 36-00049)

2ND AMENDMENT NOTES

BASED ON THE EVIDENCE OF PRIORITY RESEARCH BY MR. REESE: THE DECREED WR 36-00048 HAD A POINT OF DIVERSION BELOW THE OLD RAILROAD FILL FROM THE BILLINGSLEY CREEK TO A DITCH ON THE NORTH SIDE OF THE CREEK. THE DITCH FOLLOWED THE CREEK THEN CROSSED VIA A PIPELINE ONTO THE CLAIMANT'S PROPERTY. AS DECREED IT WAS USED HERE TO IRRIGATE. AFTER THE DECREE THE DITCH AND POD WERE ABANDONED FOR UNKNOWN REASONS; AT THIS TIME IT IS BELIEVED THE PIPELINE SYSTEM FROM INDIAN SPRINGS WAS DEVELOPED AS AN UNRECORDED TRANSFER OF 36-00048 PORTION. THIS ALLOWED THE CONTINUED IRRIGATION OF THE CLAIMANT'S POU. (SCC 10-10-90)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Bruce W. Reese Date: 10/10/90

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 10th day

of October 19 90

Shirley L. Oll
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

THIS INDENTURE, Made this 21st day of June in the year of our Lord one thousand
hundred and Seventeen BETWEEN Nellie Payne Johnson (a widow) of Boise, County of Ada,
of Idaho, the party of the first part, and Florence Livestock Company, Limited, a cor-
poration of the state of Idaho, of Mt. Home, County of Elmore, State of Idaho, the party of
second part.

WITNESSETH, that the said party of the first part, for and in consideration of the
sum of Thirty Thousand Dollars, lawful money of the United States of America, to her in hand
paid by the said party of the second part, the receipt whereof is hereby acknowledged, has
sold, bargained and sold, and by these presents does grant, bargain, sell, convey and con-
firm unto the said party of the second part, and to its assigns forever, all the following
described real estate situate in Gooding County of.....and State of Idaho, to-wit:

The Southeast Quarter of Northeast Quarter, East Half of Southeast Quarter, Section
Twelve; The Southwest Quarter of Northwest Quarter; West Half of Southeast Quarter; Southwest
Quarter, Section Twelve; The North Half of the Northwest Quarter; Northwest Quarter of North-
west Quarter, Section Thirteen; The Northeast Quarter of the Northeast Quarter, Section four-
teen, all in Township Seven South, Range Thirteen E. B. M.

Together with all water rights, springs, and ditches, and pipe lines of whatsoever
kind used or intended to be used, for irrigation or domestic use thereon, including water
diversions and permits for the use of water issued by the State Engineer of the State of
Idaho, and particularly one thousand inches under a four inch pressure of the waters of Bill-
ingsly Creek, as shown by water location made by O. P. Johnson now deceased. Said Water
location being dated November 4, 1885. The grantee herein to take said lands and premises
subject to the present existing lease thereon which expires January 1, 1918, and the said
grantee herein for the consideration herein mentioned agrees to grant a right of way over
across the Northeast Quarter of the Northeast Quarter of Section Thirteen, Township Seven
South, Range Thirteen East to the said grantee for the purpose of constructing and maintaining
ditches and carrying water therein to be used for irrigation and other purposes, said water
to be taken from what is known as Billingsly Creek, and the said grantor hereby agrees to pay
at maturity or before, all taxes and assessments levied against the within de-
scribed premises for the year 1917, excepting land mentioned in deed from Orville P. Johnson
and Josephine Johnson to Hagerman Lodge No. 57, I. O. O. F., recorded in Book 8 of Deeds,
Vol. 11, of Lincoln County.

TOGETHER with all and singular the tenements, hereditaments and appurtenances there-
unto belonging, or in anywise appertaining, and the reversion, and reversions, remainder and
residues, rents, issues and profits thereof, and all estate, right, title and interest in
the said property, as well in law as in equity, of the said party of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises,
together with appurtenances, unto the party of the second part, and to its assigns forever.
The said party of the first part, and her heirs, the said premises in the quiet and peace-
able possession of the said party of the second part, its assigns, against the said party of
the first part and her heirs and against all and every person and persons whosoever, lawfully
claiming or to claim the same shall and will Warrant and by these presents forever Defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and
the day and year first above written.

Sealed and Delivered in

presence of:

F. Knapp

Nellie Payne Johnson (SEAL)

MICROFILMED
FEB 01 1993

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.

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Date Received: 7/20/1988
Receipt No: S001008
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AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BRUCE W. REESE
Address: P.O. BOX 445
HAGERMAN, ID 83332

208-837-6398

Name: LA ROSE A. REESE
Address: P.O. BOX 445
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1901

3. Source: SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SW	SE	SE		GOODING

5. Description of diverting works:
PIPELINE ACROSS BILLINGSLEY CR. TO GRAVITY SPRINKLERS, 2 TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		
STOCKWATER	05/01	10/15	0.020		

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

8. Total consumptive use is 33.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 10 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	13	NW	NE	STOCK IRR	11.0
Section Acres						11.0
Total Acres						11.0

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:

SAME SYSTEM PROVIDES DOMESTIC WATER UNDER ANOTHER CLAIM

14. Remarks:

SYSTEM WAS DEVELOPED UNDER CANCELLED PERMIT 37-2038. P/U IS A PART OF ORIGINAL LAND, & REPRESENTS THE MAJOR PART OF THE LAND IRRIGATED FROM THIS SPRING.

SAME SYSTEM PROVIDES WATER TO MY HOME UNDER A LATER PRIORITY, AND ALSO TO ONE OR TWO OTHER HOMES AND POSSIBLE SOME IRRIGATION ON OTHER PROPERTY.

P/U WAS SHOWN INCORRECTLY ON CLAIM. PRIORITY CLAIMED IS BASED ON ORIGINAL PERMIT.

AMENDMENT NOTE

GATHERING EVIDENCE FOR THE CLAIMED PRIORITY DATE, MR. REESE DISCOVERED THE IRRIGATION MENTIONED IN THE 1932 DECREE SHOWING AN EARLIER DATE OF 1901 FROM SPRINGS. (UNDER 36-00049)

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Bruce W. Reese Date: 7/30/90
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of July 19 90 John C. [Signature]
Notary Public
Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

tion line; thence 32 rods due south at right angles; Thence 30 rods due West at right angles; thence 32 rods due north to the point of beginning.

Also: All of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., save and excepting therefrom, four acres, described as follows: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., thence east 20 rods, thence south 32 rods, thence west 20 rods, thence north 32 rods to point of beginning.

36-0048
36-0049

FLORENCE
LIVESTOCK
COMPANY

10 Billingsley Creek Nov. 4, 1885 Florence Livestock
Company Ditch;
9.7 Spring April 1, 1900 Florence Livestock
spring;

(The diversion point of said Florence Livestock Company Ditch is immediately below the old railroad fill on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M. The diversion point of said Florence Livestock Spring is on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 12, Twp. 7 S. R. 13 E. B. M.)

appurtenant to

SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 12; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, both in Sec. 11; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$, both in Sec. 13; all in Twp. 7 S. R. 13 E. B. M.

36-0050

.5 Spring April 1, 1901 Florence Livestock
Spring;

appurtenant to

A certain parcel of land situate in Sec. 14, Twp. 7 S. R. 13 E. B. M. more particularly described as follows, to-wit: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 14, Twp. 7 S. R. 13 E. B. M. and running thence East 1320 feet, thence South 330 feet, thence West 1320 feet, thence North 330 feet to place of beginning, containing 10 acres.

36-0051

GLAUNER,
JOHN AND
EMMA A.
GLAUNER

1.2 Billingsley Creek June 26, 1881 John Bell Ditch;
.4 Unnamed Springs June 26, 1881 4 Unnamed Springs;

(The diversion point of said John Bell Ditch is on the bank of Billingsley Creek 30 yards below the diversion point of the Buckeye Ditch heretofore described. Said four unnamed springs arise on the land described immediately hereafter.)

appurtenant to

These certain tracts of land more particularly described as follows, to-wit:

3.97 ac.

Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet; thence east parallel to the north boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section, Township and Range aforesaid 832 feet; thence north 208

MICROFILMED

FEB 01 1993

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HAGERMAN, ID 83332

Name: LA ROSE A. REESE
Address: P.O. BOX 445
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1910

3. Source: SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SW	SE	SE		GOODING

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6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		
STOCKWATER	05/01	10/15	0.020		

7. Total Quantity Appropriated is:
0.360 C.F.S. (and/or) 44.00 A.F.A.

8. Total consumptive use is 33.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/10 RANGE

A36-04091

Page 1

Date: 07/20/88

MICROFILMED
FEB 01 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	13	NW	NE	STOCK IRR	11.0
Section Acres						11.0
Total Acres						11.0

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:

SAME SYSTEM PROVIDES DOMESTIC WATER UNDER ANOTHER CLAIM

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SYSTEM WAS DEVELOPED UNDER CANCELLED PERMIT 37-2038. P/U IS A PART OF ORIGINAL LAND, & REPRESENTS THE MAJOR PART OF THE LAND IRRIGATED FROM THIS SPRING.

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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): Dwight W. Reem Date: 7/20/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day

of July 19 88

Mary A. Baldwin
Notary Public

Seal

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



CONSERVATION PLAN MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

Gooding

1 C. DISTRICT

OWNER **BRUCE REESE**

OPERATOR

GOODING

COUNTY

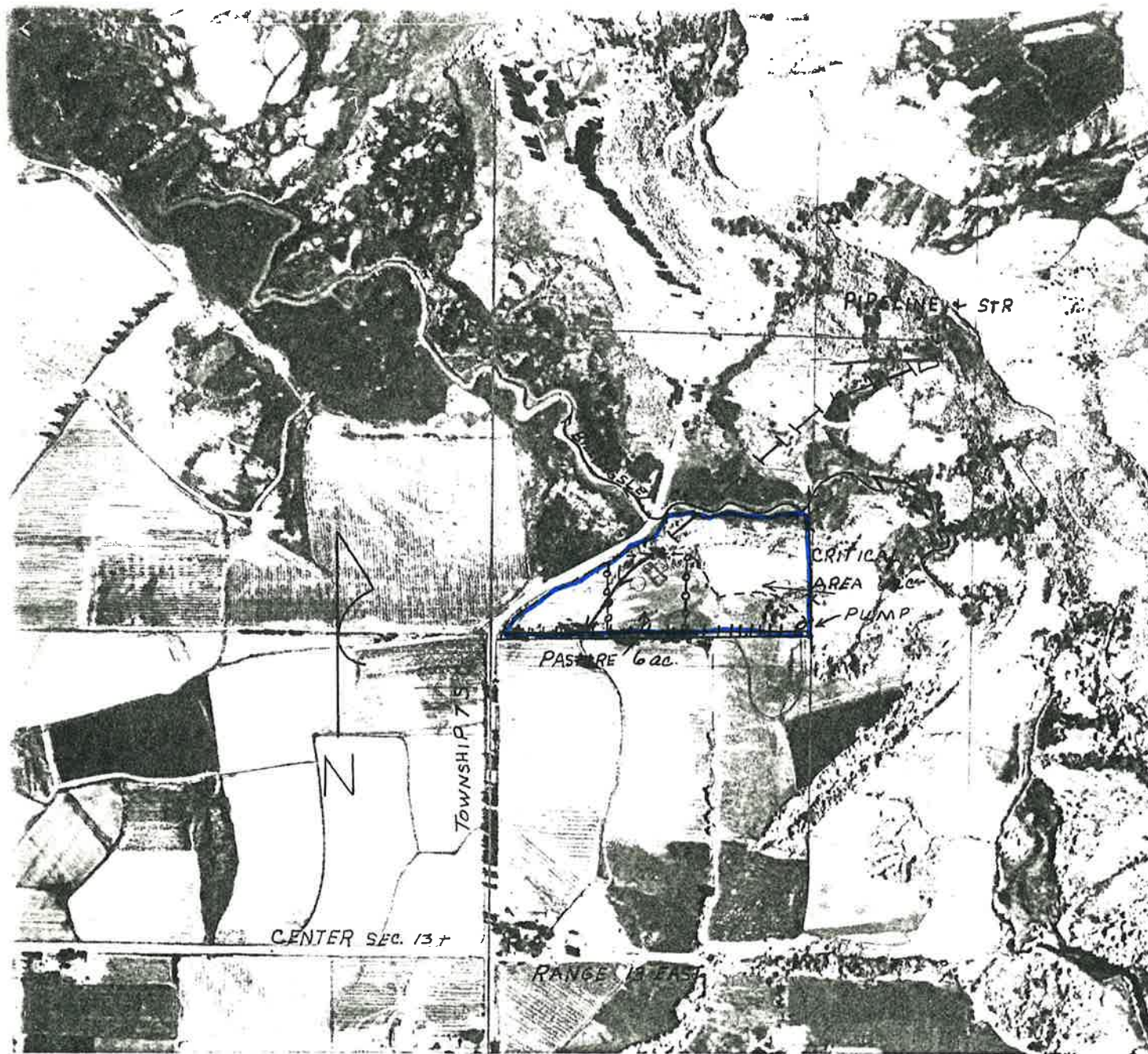
IDAHO

STATE

FARM No. **1058** DATE **5-72**

SCALE **8" = 1 mi.** ACRES **12.6**

PHOTO No. **CNP-1EE-99**



44621-1058

MICROFILMED

FEB 01 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

AGG-04091
BRUCE W. REESE
P.O. BOX 445

HAERMAN

ID 45882

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

MICROFILMED
FEB 01 1993

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

TOTAL RECORDS IN SELECTION FILE: 116

RECEIVED
FEB 10 1993
Department of Water Resources

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

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23
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

10 In Re the General Adjudication)
11 of Rights to the Use of Water)
12 from the Snake River Basin)
13 Water System)

Case No. 39576

14 The State of Idaho, ex rel.
15 R. Keith Higginson in his
16 official capacity as director
17 of the Idaho Department of
18 Water Resources,

NOTICE OF APPEARANCE

19 Petitioner,

20 vs.

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

Respondents.

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

1 Users, Inc. and its individual members:

2	Anderson, Anita G.	A36-00050D
	Babington Lynn J. & Kathy	A36-00003C
3	Banbury Pipe Co., Inc.	A36-10906
	Banbury Pipe Co., Inc.	A36-02038
4	Big Bend Irrigation & Mining Co.	A36-00192
	Big Bend Irrigation & Mining Co.	A36-00133
	Big Spring Water User's Assoc.	A36-00022
5	Big Springs Water User's Assoc.	A36-00023
	Big Springs Water User's Assoc.	A36-15166
6	Blastock, Alma E.	A36-00108B
	Bolduc, Mark E.	A36-00103C
7	Boyer, Dale E. & Elaine M.	A36-00079
	Brailsford, Robert H.	A36-04260
8	Brooks, Allen L. & Andree	A35-00060
	Brooks, Allen L. & Andree	A36-07346
9	Bybee, Gertrude B. Owsley	A36-00042A
	Bybee, Gertrude B. Owsley	A36-00041C
	Candy, Walter W. & Margaret	A36-00135B
10	Candy, Walter W. & Margaret	A36-00134A
	Clouser, Doris H. & John F.	A36-00090A
11	Clouser, Doris H. & John F.	A36-00089A
	Crandlemire, Roger C. & George C.	A36-00113H
12	Crandlemire, Roger C. & George C.	A36-00112B
	Crandlemire, Roger C. & George C.	A36-00111B
	Crandlemire, Roger C. & George C.	A36-00113J
13	Crandlemire, Roger C. & George C.	A36-00110B
	Crandlemire, Roger C.	A36-00134C
14	Crandlemire, Roger C.	A36-00135C
	Crandlemire, Roger C.	A36-10140
15	Crandlemire, Roger C.	A36-10141
	DeVries, Abraham & Hermina	A36-00055AF
16	Dice, Philip F. & Judith A.	A36-00041A
	Dice, Philip F. & Judith A.	A36-10405
	Erwin, Frank C. & Peggy	A36-00092
17	Fleming, Michael J. & Paul F.	A36-00064B
	Flint, William E. and Vera C.	A36-00110A
18	Flint, William E. and Vera C.	A36-00111A
	Flint, William E. and Vera C.	A36-00112A
19	Flint, William E. and Vera C.	A36-10168
	Fuell, Keith L. & Jolene	A36-00086C
20	Gardner, Barbara & Robert B.	A36-00003B
	Gardner, Barbara	A36-00003J
21	Gisler, Harry R.	A36-00021B
	Gisler, Bradley	A36-00077C
	Glauner, Frank L. & Joan	A36-00039E
22	Grigg, Mattie P. & Golden T.	A36-10283B
	Gustafson Family Trust/Gustafson	A36-00033F
23	Ivan J. & Lucille co-trustees	
	Hagerman Gun Club	A36-00100



Hepworth,
Nungester,
& Lezamiz

1	Hagerman Gun Club	A36-00099
	Hagerman Gun Club	A36-07233
2	Hagerman Gun Club	A36-07172
	Hagerman Gun Club	A36-10249
3	Hagerman Water Users Assoc.	A36-15168
	Jensen, Alice	A36-00055BC
	Johnson, Ira L. & Huguette M.	A36-07142
4	Joint Hagerman School Dist 233	A36-15463
	Jones, John W., Jr.	A36-00068
5	Jones, John W., Jr.	A36-00069
	Jones, John W., Jr.	A36-07071
6	Jones, John W., Jr.	A36-00070
	Kipp, Rudy B. & Elberta M.	A36-10119
7	Kipp, Rudy B. & Elberta M.	A36-10120
	Kipp, Rudy B. & Elberta M.	A36-07658
	Kiser, John & Karl Woodall & Sons, Inc	A36-00071A
8	Kiser, John & Karl Woodall & Sons, Inc	A36-00075
	Korbis, George J. & Nellie W.	A36-00039N
9	Laughlin, Craig J. & Rita D.	A36-7089
	Laughlin, Craig J. & Rita D.	A36-00051D
10	Littlefair, Larry & Tara	A36-0121
	Littlefair, Larry & Tara	A36-10055
11	Littlefair, Larry & Tara	A36-00119
	Littlefair, Larry & Tara	A36-00120
12	Lloyd, Cleave C.	A36-04142
	Lloyd, Cleave C.	A36-00003G
	McFaddan, Dan H. & Irma R.	A36-2169
13	McFaddan, Dan H. & Irma R.	A36-00048A
	McFaddan, Dan H. & Irma R.	A36-00049
14	Morris, Howard & Rhonda	A36-00063
	Morris, Howard & Rhonda	A36-00061
15	Morris, Howard & Rhonda	A36-00062
	Mueller, Manfred	A36-00035J
16	Norwood Subdivision/ Ruby Springs Water Company	A36-15240
	Potter, Mark B. & Susan H.	A36-07092A
17	Rawson, Frank S. & Carol A.	A36-00039J
	Reese, Bruce W. & LaRose A.	A36-00123A
18	Reese, Bruce W. & LaRose A.	A36-04091
	Rue, James O. & Beverly Jane	A36-10231
19	Shaffer, Roger	A36-07142A
	Simcoe, Doyt H. & Roxie J.	A36-00034B
20	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-00003F
	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-0123E
21	Strange, Wm. (Penelope Turner-remainder man)	A36-0096A
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
	Strange, Wm. (Penelope Turner-remainder man)	A36-00007
	Strange, Wm. (Penelope Turner-remainder man)	A36-00008
23	Veenendaal, Dick J.	A36-00108A
	Veenendaal, Dick J.	A36-00039C



Hepworth,
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& Lezamiz

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

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

17 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

1 February, 1993, to:

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

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

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

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

21 
22 Patrick D. Brown
23



Hepworth,
Nungester,
& Lezamiz



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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

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

Claimant's Name as listed on Notice of Appearance	As Claimed/ As Recommended	Claim No. or Claimant's Name in IDWR's Records
Mueller, Manfred	A36-00034D/36-00035J	Muller (name spelling is different in IDWR records)
Strange, Wm. (Penelope Turner-remainder man)	A36-00006/36-00006 A36-00007/36-00007 A36-00008/36-00008	Strange, Wm. & Louise (Louise is included as a claimant, Penelope Turner is not in records)
Veenendaal, Dick J.	A36-00108A/36-00108A A36-00039C/36-00039C	Veenendaal, Dick J. & Sigrid E. (Sigrid E. is included as a claimant)
Wiens, M. J., Jr.	A36-80317	A36-08317/36-08317 (no. was transposed on notice)
Wiens, M. J., Jr.	A36-00098/36-15384	36-15384 (claim was combined with no. 36-00141 into no. 36-15384)
Wiens, M. J., Jr.	A36-00141/36-15384	36-15384 (claim was combined with no. 36-00098 into no. 36-15384)

The following claims have not been updated with the notice information because of the discrepancies listed in the third column.

Claimant's Name	Claim No. as listed on Notice of Appearance	Discrepancy Between Notice of Appearance and IDWR Records
Hagerman Gun Club	A36-00100/36-00100 A36-00099/36-00099 A36-07233/36-07233 A36-07172/36-07172 A36-10249/36-10249	Owners are listed as Bob Porter and Fred Surbaugh

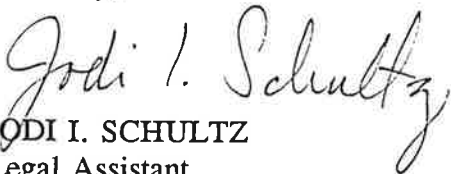
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,



JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

cc: IDWR Southern Region



7-25-90

Badger Flowmeter

Reese

A36-04091

7-25-90

VALVE

Reese

A36-04091

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

DATE: DEC-29-1997

PAGE: A-1

RIGHTS FROM: SOURCE: INDIAN SPRINGS TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-04091

NAME AND ADDRESS: BRUCE W REESE
LA ROSE A REESE
PO BOX 445
HAGERMAN ID 83332SOURCE: INDIAN SPRINGS TRIBUTARY: BILLINGSLEY CREEKQUANTITY: 0.36 CFS

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

PRIORITY DATE: 04/01/1947POINT OF DIVERSION: T07S R13E S12 SWSESE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	<u>IRRIGATION</u>	<u>Irrigation Season</u>	<u>0.36 CFS</u>
	<u>STOCKWATER</u>	<u>05-01 10-15</u>	<u>0.02 CFS</u>

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S13 NWNE 10
10 ACRES TOTAL
0 ACRES TOTALSTOCKWATER
SAME AS OTHER USE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USESTOCKWATER, 10 RANGE CATTLE

12/18/97 ~~su~~
- 4091 Reese

irrig use: during Season

.36 cfs

~~12/31~~/1947

9/1/

10 Acres

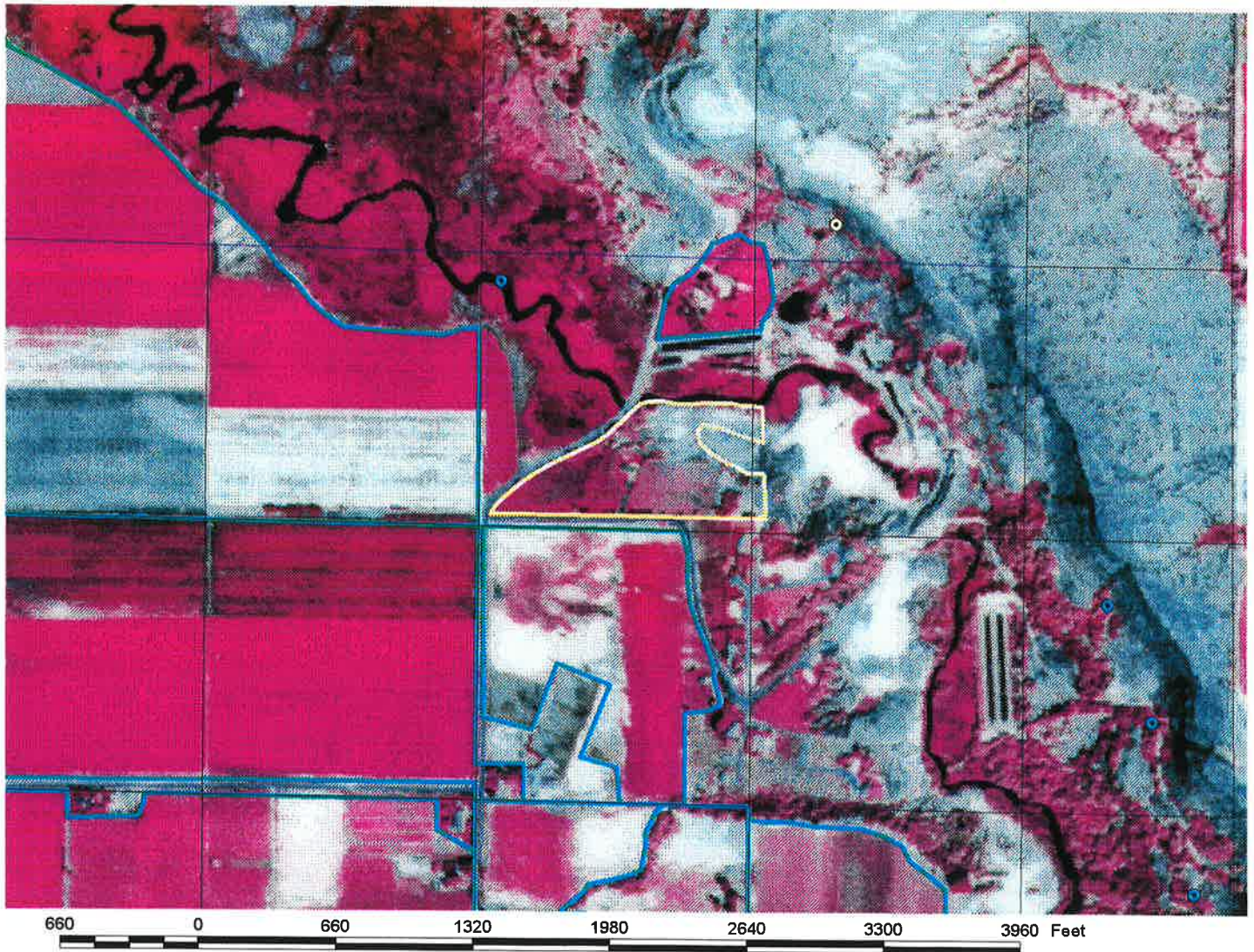
Stock water 5/1 - 10/15

POD as claimed

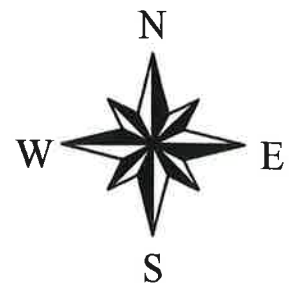
POU " "

IDAHO DEPARTMENT OF WATER RESOURCES

36-04091



TNS 7S, RNG 13E,
SEC 13 NW1/4NE1/4



⊙ Recommended Point of Diversion

Recommended Place of use

Section lines

Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY DECEMBER 15, 1997
BY KELLY K CHRISTENSEN

CLAIM NUMBERS 36-04091DATE 10/2/97

TRANSFER NUMBER _____

OBJECTION FILED _____

AGENT [Signature]TOTAL ACRES FROM RECOMMENDATION 11GEOGRAPHIC INFO SYSTEM 11

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	25	13E	13		11														11
GIS					11														11
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON # _____ UPDATED

B36-DBPOU.DBF _____

POLYGON CREATED ON 604 (✓) _____

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POU.SHP 525 10/14ATTRIBUTES OF B36-POD.SHP 464 10/14

= Indian Springs

* Initially proposed to be allowed w/ 1970 priority date & 11 ac, then disallowed w/ "No Lawful Appropriation". I conclude that IDWR could recommend right as initially proposed, since 1970 predates mandatory permit statute for surface water. Confusing the issue is whether "funnel water" is surface or groundwater.

*P/U CONFLICT yes (X) no ()

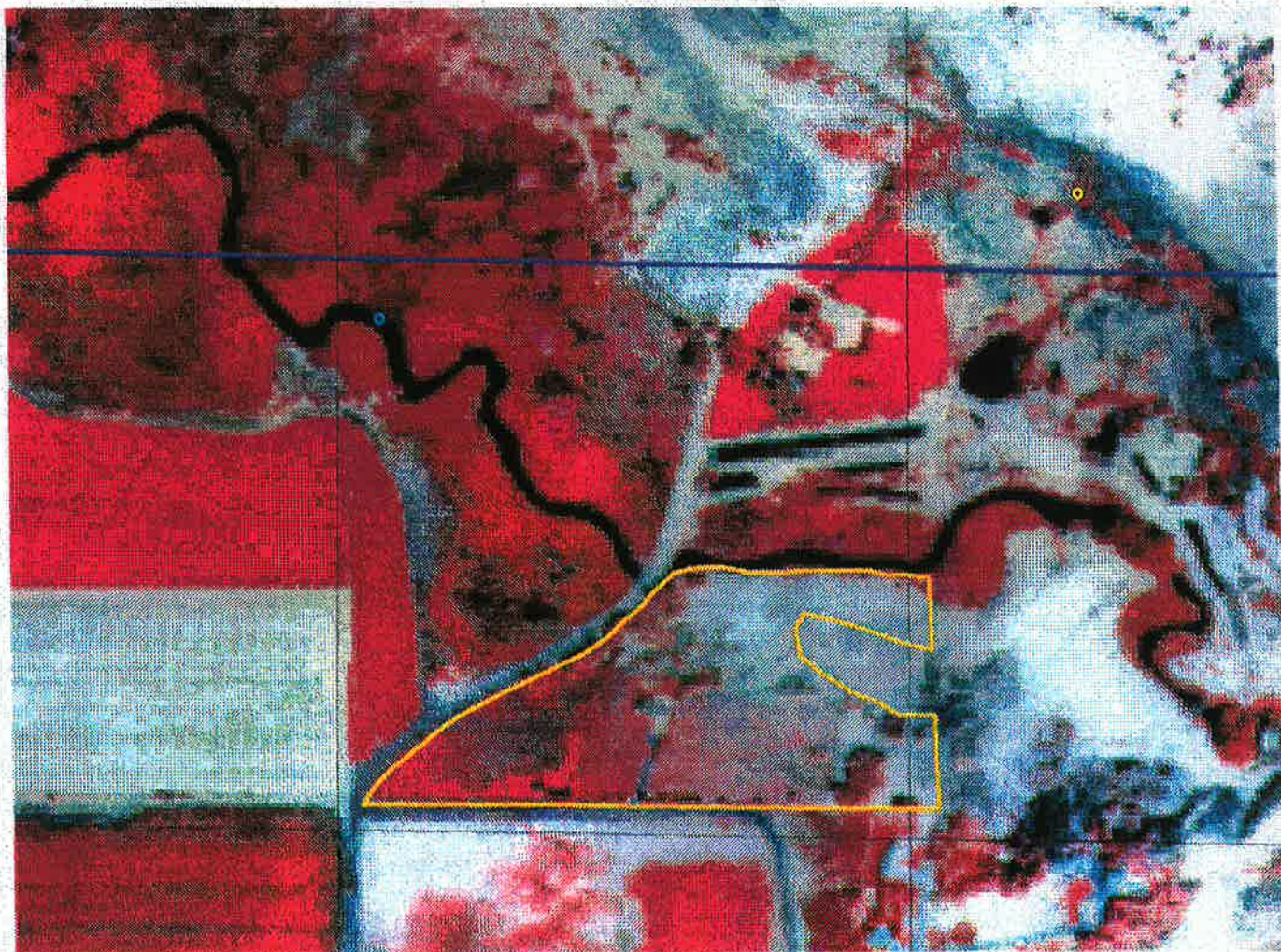
*P/D CONFLICT yes (X) no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

IDAHO DEPARTMENT OF WATER RESOURCES

36-04091
REESE



660 0 660 1320 Feet

TNS 7S, RNG 13E, SEC 13 NWNE



⊙ RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

— SECTION LINES &/OR TRACT LINES

□ QUARTER/QUARTER LINES

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

SUBCASE NO. 36-04091

	CLAIM (7/20/88)	AMENDED CLAIM (7/30/90 & 10/10/90)	RECOMMENDATION	OBJECTION
NAME	Bruce & La Rose Reese	Bruce & La Rose Reese	Disallowed.	Bruce & La Rose Reese
BASIS OF CLAIM	Statutory Claim	Statutory Claim		
SOURCE	Spring	Spring		
QUANTITY	0.360 cfs	0.360 cfs		
PRIORITY DATE	4/1/1910	4/1/1901 * (1st Amendment) 11/4/1885 ** (2nd Amendment)		
PURPOSE OF USE	Irrigation Stockwater	Irrigation Stockwater		
PERIOD OF USE	Irr.: 3/15 - 11/15 S.W.: 5/1 - 10/15	Irr.: 3/15 - 11/15 S.W.: 5/1 - 10/15		
POINT OF DIVERSION	T07S R13E S12	T07S R13E S12		
PLACE OF USE	T07S R13E S13 11.0 acres	T07S R13E S13 11.0 acres		

remarks	"System was developed under cancelled permit 37-2038. Place of use is a part of original land, and represents the major part of the land irrigated from this spring. Same system provides water to my home under a later priority, and also to one or two other homes and possible some irrigation on other property. Place of use was shown incorrectly on claim. Priority claimed is based on original permit."	* Same remarks with the addition of : "Gathering evidence for the claimed priority date, Mr. Reese discovered the irrigation mentioned in the 1932 Decree showing an earlier date of 1901 from Springs (under 36-00049). ** "Based on the evidence for the claimed priority research by Mr. Reese: the decreed water right 36-00048 had a point of diversion below the old railroad fill from the Billingsley Creek to a ditch on the north side of the creek. The ditch followed the creek then crossed via a pipeline onto the claimant's property. As decreed it was used here to irrigate. After the decree the ditch and the point of diversion were abandoned for unknown reasons; at this time it is believed the pipeline system from Indian Springs was developed as an unrecorded transfer of 36-00048 portion. This allowed the continued irrigation of the claimant's place of use."		XX - water right not being recommended. +

+ requests as claimed with 10/23/1889 priority date; add domestic to purpose of use; year round season of use for all purposes; and 12.6 acres.

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 18 1974

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. 36-04091 -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)

MICROFILMED
OCT 18 1994

001 1 2 1994
NICHOLAS B. SPENCER

2. Person who filed objection:

Name: BRUCE W & LA ROSE REESE
Address: PO BOX 445
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

12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.
14. ☒ Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to the description of the objector's interest, IDWR responds as follows: This right was claimed based on beneficial use. The objection seeks to assert a right based on a decree, a priority date earlier than claimed, domestic use which was not claimed, more irrigated acres than were claimed, and a longer season of use for irrigation and stockwater than were claimed. The claimant improperly seeks to use the objection process to amend the notice of claim or to file a late claim for a different water right. A claimant must obtain leave of court to file an amended claim or a new claim after the director's report is

filed. Once leave of court is granted, IDWR can investigate the amended or late claim and make an appropriate recommendation to the court.

In response to Statement of the Objection items 12 and 12.b and all allegations of the objection regarding these items, IDWR responds as follows: This claim was based upon beneficial use, and was recommended for disallowal because the claimed use was found to have occurred, if at all, only after May 20, 1971, the effective date of the mandatory permit statute, established by Idaho Code sec. 42-201, for the appropriation of water from a surface water source.

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:

(Over)

10-1-1984
MICROFILMED

No. of
Pages

Notice of Claim No. A36-04091

3

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

4

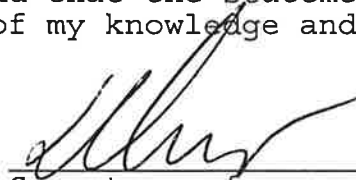
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

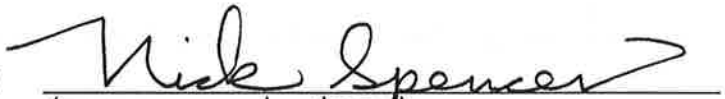
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



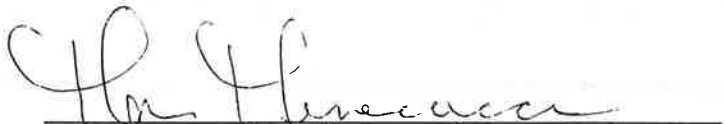
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 9th day of September
1993.



Notary Public for Idaho

Residing at: Boise Idaho

My Commission expires: 6/25/1999

(Over)

001 1 8 1993
UNRECORDED

CERTIFICATE OF MAILING

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

1. Original to:

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

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

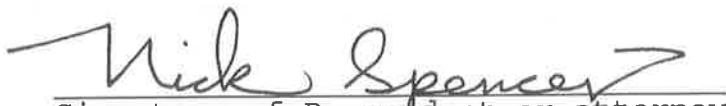
See No. 3

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

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

4. One copy to:

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


Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-04091
Date Received: 7/20/1988
Receipt No: S001008
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BRUCE W. REESE
Address: P.O. BOX 445
HAGERMAN, ID 83332 208-837-6398

Name: LA ROSE A. REESE
Address: P.O. BOX 445
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1901

3. Source: SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SW	SE	SE		GOODING

5. Description of diverting works:
PIPELINE ACROSS BILLINGSLEY CR. TO GRAVITY SPRINKLERS, 2 TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		
STOCKWATER	05/01	10/15	0.020		

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

8. Total consumptive use is 33.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 10 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	13	NW	NE	STOCK IRR	11.0
Section Acres						11.0
Total Acres						11.0

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:

SAME SYSTEM PROVIDES DOMESTIC WATER UNDER ANOTHER CLAIM

14. Remarks:

SYSTEM WAS DEVELOPED UNDER CANCELLED PERMIT 37-2038. P/U IS A PART OF ORIGINAL LAND, & REPRESENTS THE MAJOR PART OF THE LAND IRRIGATED FROM THIS SPRING.

SAME SYSTEM PROVIDES WATER TO MY HOME UNDER A LATER PRIORITY, AND ALSO TO ONE OR TWO OTHER HOMES AND POSSIBLE SOME IRRIGATION ON OTHER PROPERTY.

P/U WAS SHOWN INCORRECTLY ON CLAIM. PRIORITY CLAIMED IS BASED ON ORIGINAL PERMIT.

AMENDMENT NOTE

GATHERING EVIDENCE FOR THE CLAIMED PRIORITY DATE, MR. REESE DISCOVERED THE IRRIGATION MENTIONED IN THE 1932 DECREE SHOWING AN EARLIER DATE OF 1901 FROM SPRINGS. (UNDER 36-00049)

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Bruce W. Reese Date: 7/30/90
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of July 19 90 John C. [Signature]
Notary Public
Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

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

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

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

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UNCLASSIFIED
- 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.

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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.



Department of Water Resources
222 Shoshone Street E.
Twin Falls, ID 83301

Date April 20, 1993

Name HEPWORTH NUNGESTER & LEZAMIZ
133 SHOSHONE N
Address TWIN FALLS ID 83301

No. of Copies	Material	Cost
120	copies of RED FILE Documents as requested by Hagerman Water Right Owners @ .05 ea.	\$ 6.00
TOTAL		\$ 6.00

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

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

Sincerely,

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OCT 18 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

20-Apr-1993

HEPWORTH NUNGESTER & LEZAMIZ
133 SHOSHONE N
TWIN FALLS ID 83301
ATTN: CHRIS HERNANDEZ

Dear Chris:

Enclosed please find the copies of the contents from the RED FILES in the adjudication folders, as requested by the Hagerman Water Right Owners. If I can be of any further assistance, please give me a call at the office.

Sincerely,


Jeanie Robertson
Records Clerk

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DEC 18 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

14-Dec-1992

BRUCE REESE
PO BOX 445
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-04091

Dear Mr. Reese:

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

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

\$5.30

Sincerely,

Jeanie
Jeanie Robertson
Records Clerk

Encl:

Reese
56 x 5 = 2.80
post. 2.36
env. .14
5.30

pd. receipt #
5015230
12/17/92

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DEC 14 1992

Department of Water Resources
Southern Region Office

December 11, 1992
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number 36-04091.

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

Please bill me for the copy charge.

Sincerely,

Bruce W. Reese
(Name)
P.O. Box 445
(Address)
Hagerman, Idaho 83332
(City, State, Zip Code)

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

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DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

BRUCE & LA ROSE A REESE
PO Box 445

HAGERMAN ID 83332

2. SUBJECT OF INQUIRY: REASON FOR DISALLOWAL OF HIS WATER RIGHT?

3. RESPONSE TO INQUIRY: He was holding a copy of the letter sent to him by Kelly Christensen and so I read him parts of that letter explaining the recommendation. I further explained the facts documented in the file do not support the claimed irrigation uses. I told him we are not the final appeal for his claim and he can file an objection with the Court and submit any new evidence you may have to the Court.

Other Discussion: We discussed why McFadden has the 1932 decree for his rights and Mr Reese doesn't. I told him the evidence of irrigation is the reason. Mr Reese explained his claim of irrigation by describing the zigzag ditch and the canal and old Homestead on his place. Again I told him the evidence in the file does not support his claim of irrigation. I took his name and address and said we can mail his objection.

4. IDWR STAFF AND DATE:

Steve Clelland 11-5-92

Print name and initial

STEVE CLELLAND

WATER RIGHT CLAIM (Nos.):

A36-04091

(P. 172)

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OCT 18 1994

DIRECTOR REPORT
CONVERSATION MEMORANDUMEMPLOYEE: STEVE CLELLANDFILE A36-4091RE: DISALLOW OF WATER RIGHT IN DIRECTOR'S REPORT.DATE 11-5-92

NAME OF PARTY

BRUCE REESE

forms to him. He said it sounds like he is being forced to prove his water right is valid and we should instead have to prove it non-valid. I told him he is correct. His water right is a claim based on beneficial use and he must prove some degree of its development and use. I told him new water rights developed today must also prove the water is diverted and placed to beneficial use.

He said we are going to cost him a lot of money and force him to hire a lawyer. I said we are not requiring him to obtain a lawyer at this point in the process. He should follow the Directions of the objection format and then wait to see how the Court will resolve the situation.

Steve Clelland 11-5-92
STEVE CLELLAND su

(p. 2 of 2)

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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. A36-04091
(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,

36-04091 -0001/
93-04-0271

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)

OBJECTION - 1

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OBJECTION
FILED

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: Bruce W. Reese & La Rose A. Reese

Address: P. O. Box 445

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Water right decreed 3/22/32 in New International
Mortgage Bank v. Idaho Power Company, with a
priority date of October 23, 1889

2. Owner of the water right:

Name: Bruce W. Reese & La Rose A. Reese

Address: P. O. Box 445

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See Page 7

CHANGES TO THE DIRECTOR'S REPORT

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

See Page 7

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

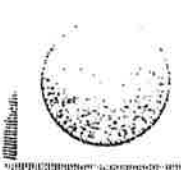
Bruce W. Reese/La Rose A. Reese, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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.

Bruce W. Reese
Signature of person filing objection

By: [Signature]
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 26 day of April,
1993.

 Linda M. Rousseau
NOTARY PUBLIC - STATE OF IDAHO
Residing at _____
My Commission Expires: 9-11-93

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 19th 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: Bruce W. Reese & La Rose A. Reese

Owner's address: P. O. Box 445

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 12 - IDWR recommends a disallowance of a claim that has been decreed and/or beneficially used.

CHANGES TO DIRECTOR'S REPORT, page 4

Priority date of October 23, 1889, Source: spring; Tributary to Billingsley Creek; Point of Diversion: Township 07S, Range 13E, Section 12, SW1/4 SE1/4 SE1/4, County of Gooding; Purpose: irrigation from 1/01 to 12/31, stockwater from 1/01 to 12/31 and domestic as decreed for 12.6 acres

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

EXHIBIT 10A

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

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(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

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NOTICE OF ERROR FORM

UG-24-1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

RECEIVED

OCT 16 1992

Department of Water Resources

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

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

1. Water right number: 36-04091

2. Name: Bruce W. Reese

Address: 1060 Norwood Road
HAGERMAN, Idaho
83332

Weekday Telephone Number: 837-6398

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OCT 19 1992

Department of Water Resources

Southern Region Office

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FEB 01 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

3. Describe the portion of proposed recommendation with which you disagree:

See Attachment

4. Describe the changes you wish to have made in the proposed recommendation:

See Attachment

5. Describe why you disagree with the proposed recommendation:

See Attachment.

6. Date: 10/15/92

SIGNATURE

Bruce W. Rose

P.O. Box 445

HAGERMAN, Idaho 83332

10/27/92 RECEIVED
OCT 29 1992
Department of Water Resources
Southern Region Office

Dep't of Water Resources

Southern Region, 222 Shoshone Street East

Twin Falls, Idaho 83301

D Attention: Mr Kelly K. Christensen

Dear Sir:

Reference is made to my Notice of Error for claim 36-04091 and to your letter of 10/20/92.

When I bought the property in 1970 Billingsley Creek runs on my property for slightly less than $\frac{1}{4}$ mile. There was also a large canal where water from Billingsley Creek flowed across my land. At one time there was a house on my land where people used domestic and stock water as well as at least some limited irrigation. In addition the Soil Conservation Service has a set of aerial photographs, dated 1947, which shows where water from a pipeline eroded a portion of my land into Billingsley Creek. This irrigation and erosion took place at least as far back as 1947.

The point is that there is considerable evidence showing my property was irrigated prior to 1947.

I am continuing to my objection to your disallowal of my water right(s). If you decide you want to review the above mentioned aerial photos they are available in the SCS office in Gooding.

Sincerely yours,

Bruce W. Reed

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Notice of Error Form

OCT 19 1992

Water Right Number: 3604091

Department of Water Resources
Southern Region Office

Item 3. I disagree with the proposed recommendation because (A) The priority date you have set for my water right is 06/01/70. The Priority date should be back to at least 1932 when the U.S. District Court adjudicated the water rights for the Billingsley Creek Area. I believe the priority date should be set back to 10/23/89 when the patent was granted to William Mc Candless by President Benjamin Harrison.

(B) I disagree with the amount of water you have recommended for my land. Your recommendation is a total of 0.28 CFS. My deed and water right is for 0.36 CFS. I want the full 0.36 CFS year round, not just for certain periods of the year.

Item 4. I want the proposed recommendation to be 0.36 CFS year round. I further want the priority date to be set back to 10/23/1989.

Item 5. I disagree with the proposed recommendation because you are attempting to take a portion of ~~me~~ my water right without any compensation for the water you are taking.

Bruce W. Reese

10/15/92

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FEB 01 1993

Bruce W. Reese
P.O. Box 445
HAGERMAN, Idaho
83332



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DEC 14 1992
Department of Water Resources
Southern Region Office

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



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

20-Oct-1992

BRUCE W REESE
1060 NORWOOD RD
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIM 36-04091

Dear Mr Reese

The recommendation for your claim is based upon the evidence that is currently available and relevant to your use as you have claimed it.

Since the original review additional information has been discovered that has affected the recommendation. First, no conclusive evidence exists that the claimed acreage was irrigated in the 1800s. A 1936 photo of the C.C.C camp on Billingsley shows your place of use (P/U) as not being irrigated at that time. The 1974 orthophotographic quad map, although not as clearly, indicates that the P/U is not being irrigated. We discovered a June 1980 ASCS color slide # C256/F13-2 that also shows no irrigation for the P/U. The first evidence of irrigation that is available to the department is the 1987 NAPP photo.

Your claim was recommended as a valid claim based upon the assumption that your property was developed when Maurice Taylor's property was developed, however, the photos described above are in conflict with that assumption. Although irrigation of the property is clearly established prior to the commencement date of November 19, 1987, the available information places the establishment of the use in conflict with the mandatory permit statute for surface water development of May 20, 1971. Based upon the currently available information the department is required to recommend your claim for disallowal. As no further evidence was

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PAGE 2
20-Oct-1992

provided or the evidence was not supportive, this recommendation has been changed to, recommend disallow, and will show such in the final Director's Report.

If you do not agree with the IDWR recommendations to the court, you may file an objection with the court after you receive the final recommendation of your water right. The objection process will be explained when you receive your final recommendation of your water right.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

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FEB 01 1993

Water Right Number - R36-04091

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
REESE

BRUCE W

1 - PO BOX 445

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6398

REESE

LA ROSE A

1 - PO BOX 445

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
06/01/1970 17 SOUTHERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
INDIAN SPRINGS BILLINGSLEY CREEK

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

Twn Rng Sec Tract Lot RFlg County

07S 13E 12 SW SE SE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

0.220

04 - STOCKWATER

05/01

10/15

0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.240 33.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 13

NW NE

11.0

01 IRRIGATION

(47) GOODING

07S 13E 13

NW NE

04 STOCKWATER

(47) GOODING

Total Acres: 11.0

+ - - Diversion Means - PIPELINE ACROSS BILLINGSLEY CR. TO GRAVITY SPRINKLERS, 2 TROUGHS

+ - - Non-Irrigation Use - STOCKWATER/ 10 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
NO LAWFUL APPROPRIATION SHOWN.MICROFILMED
FEB 0 1 1993

Water right number - R36-04091

Prefix Translation: RESEARCH

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

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

No Old Water Right Numbers Found

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

P01 - NO LAWFUL APPROPRIATION SHOWN: There are a number of
- circumstances in which a claim is proposed to be disallowed on
- this basis. This is most commonly included for a claim based on
- beneficial use or posted notice that is PROPOSED to be disallowed
- because the right claimed is not within an exception to the
- mandatory permit statute, and beneficial use of water prior to
- the mandatory permit statute was not confirmed. This is also
- included where a claim is PROPOSED to be disallowed because the
- claim is to water that is not public water subject to
- appropriation. This is also included where a right was
- determined not to exist in a prior adjudication.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

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

Date: 10/07/1991 User Id: BROWN Subject: COPIED FROM REMARKS
SYSTEM WAS DEVELOPED UNDER CANCELLED PERMIT 37-2038. P/U IS A
IRRIGATED FROM THIS SPRING.
ALSO TO ONE OR TWO OTHER HOMES AND POSSIBLE SOME IRRIGATION ON
P/U WAS SHOWN INCORRECTLY ON CLAIM. PRIORITY CLAIMED IS BASED ON
AMENDMENT NOTE
DISCOVERED THE IRRIGATION MENTIONED IN THE 1932 DECREE SHOWING AN
2ND AMENDMENT NOTES
THE DECREED WR 36-00048 HAD A POINT OF DIVERSION BELOW THE OLD
SIDE OF THE CREEK. THE DITCH FOLLOWED THE CREEK THEN CROSSED VIA
HERE TO IRRIGATE. AFTER THE DECREE THE DITCH AND POD WERE ABAN-
LINE SYSTEM FROM INDIAN SPRINGS WAS DEVELOPED AS AN UNRECORDED
GATION OF THE CLAIMANT'S POJ. (SCC 10-10-90)

Date: 10/16/1992 User Id: SHAFF Subject: NOE RECIEVED
ENTERED FLAG FOR NOE REC'D 10/16/92. NOTICES FORWARDED NEXT
Date: 10/20/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
THESE RIGHTS IS LIMITED TO 0.53 CFS(capacity of diversion system)
Date: 10/20/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE & BASIS
SINCE THE CLAIM WAS RECOMMENDED ADDITIONAL EVIDENCE (PRIMARILY
OCCURED FOR SOME TIME. EVIDENCE AVAILABLE INDICATES THAT
RECOMMENDATION CHANGED TO ""DISALLOWED"" BASIS = P01 CODE.

PART OF ORIGINAL LAND, & REPRESENTS THE MAJOR PART OF THE LAND
SAME SYSTEM PROVIDES WATER TO MY HOME UNDER A LATER PRIORITY, AND
OTHER PROPERTY.
ORIGINAL PERMIT.

GATHERING EVIDENCE FOR THE CLAIMED PRIORITY DATE, MR. REESE
EARLIER DATE OF 1901 FROM SPRINGS. (UNDER 36-00049)
BASED ON THE EVIDENCE OF PRIORITY RESEARCH BY MR. REESE:
RAILROAD FILL FROM THE BILLINGSLEY CREEK TO A DITCH ON THE NORTH
A PIPELINE ONTO THE CLAIMANT'S PROPERTY. AS DECREED IT WAS USED
DONED FOR UNKNOWN REASONS; AT THIS TIME IT IS BELIEVED THE PIPE-
TRANSFER OF 36-00048 PORTION. THIS ALLOWED THE CONTINUED IRRI-

BUSINESS DAY BY COURIER FOR IMMEDIATE PROCESSING IN REGION.

DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
OTHER RIGHT NOS.:36-04071, 36-04072.

FOR DISALLOWAL

AN ASCS SLIDE DATED 1980) INDICATES THAT NO IRRIGATION HAS
IRRIGATION COMMENCED SOMEWHERE BETWEEN 1980 AND 1987. CLAIM
CLAIMANT NOTIFIED BY LETTER THIS DATE. KKC 10-20-92.

+ - - Audit Fields - - +

10/20/92 CHRISTEN

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FEB 0 1 1993

Water right number - R36-04091

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	- 10/20/1992	Old Judicial District	-
Claim Received Date	- 07/20/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001008	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- C

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R PROOF



CVR



MAPS



PHOTOS



MISC



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FEB 01 1993

Water Right Number - R36-04091

Prefix Translation: RESEARCH

Old (D) Number -

VERIFIED ADM

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

*** C - CURRENT OWNER ***
REESE

BRUCE W.

1 - P.O. BOX 445

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6398

REESE

LA ROSE A.

1 - P.O. BOX 445

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
06/01/1970 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
INDIAN SPRINGS BILLINGSLEY CREEK

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

TwN Rng Sec Tract Lot RFlg County

07S 13E 12 SW SE SE (47) GOODING

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

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 0.220

04 - STOCKWATER 05/01 10/15 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.240 33.0

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

TwN Rng Sec Tract Lot Acres Code Description County

07S 13E 13 NW NE 11.0 01 IRRIGATION (47) GOODING

07S 13E 13 NW NE 04 STOCKWATER (47) GOODING

Total Acres: 11.0

+ - - Diversion Means - PIPELINE ACROSS BILLINGSLEY CR. TO GRAVITY SPRINKLERS, 2 TROUGHS

+ - - Non-Irrigation Use - STOCKWATER/ 10 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

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

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF

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Water right number - R36-04091

Prefix Translation: RESEARCH

+ ----- Remarks ----- +
THESE RIGHTS IS LIMITED TO 0.53 CFS(capacity of diversion system)
OTHER RIGHT NOS.:36-04071, 36-04072.

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

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

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

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

Date: 10/07/1991 User Id: BROWN Subject: COPIED FROM REMARKS
SYSTEM WAS DEVELOPED UNDER CANCELLED PERMIT 37-2038. P/U IS A
IRRIGATED FROM THIS SPRING.
ALSO TO ONE OR TWO OTHER HOMES AND POSSIBLE SOME IRRIGATION ON
P/U WAS SHOWN INCORRECTLY ON CLAIM. PRIORITY CLAIMED IS BASED ON
AMENDMENT NOTE
DISCOVERED THE IRRIGATION MENTIONED IN THE 1932 DECREE SHOWING AN
2ND AMENDMENT NOTES
THE DECREED WR 36-00048 HAD A POINT OF DIVERSION BELOW THE OLD
SIDE OF THE CREEK. THE DITCH FOLLOWED THE CREEK THEN CROSSED VIA
HERE TO IRRIGATE. AFTER THE DECREE THE DITCH AND POD WERE ABAN-
LINE SYSTEM FROM INDIAN SPRINGS WAS DEVELOPED AS AN UNRECORDED
GATION OF THE CLAIMANT'S POU. (SCC 10-10-90)

PART OF ORIGINAL LAND, & REPRESENTS THE MAJOR PART OF THE LAND
SAME SYSTEM PROVIDES WATER TO MY HOME UNDER A LATER PRIORITY, AND
OTHER PROPERTY.
ORIGINAL PERMIT.
GATHERING EVIDENCE FOR THE CLAIMED PRIORITY DATE, MR. REESE
EARLIER DATE OF 1901 FROM SPRINGS. (UNDER 36-00049)
BASED ON THE EVIDENCE OF PRIORITY RESEARCH BY MR. REESE:
RAILROAD FILL FROM THE BILLINGSLEY CREEK TO A DITCH ON THE NORTH
A PIPELINE ONTO THE CLAIMANT'S PROPERTY. AS DECREED IT WAS USED
DONED FOR UNKNOWN REASONS; AT THIS TIME IT IS BELIEVED THE PIPE-
TRANSFER OF 36-00048 PORTION. THIS ALLOWED THE CONTINUED IRRI-

+ - - Audit Fields - - +
10/18/91 MERRITT

+ ----- 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	- 10/18/1991	Old Judicial District	-
Claim Received Date	- 07/20/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001008	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:30:13
06/30/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04091

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	Y	MR. REESE Amended CLAIM 7-30-90 SCC		N				
POINT OF DIV	Y			N	1,5			
SOURCE				(Y)	5,6			
PLACE OF USE	Y		7-26-90 SCC/HHT	N				
DIV. AMOUNT CFS/VOLUME	Y			(V)	6. Decree			
CONSUMPTIVE USE	-			N				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y	STAT. CL. Decree		N				

See
7-19-90

"VERIFIED BY" CODES

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

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

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FEB 01 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:30:13
06/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04091

LAST: REESE
ADDRESS: P.O. BOX 445
CITY: HAGERMAN
PHONE NUMBER: 208-837-6398

FIRST: BRUCE W.
STATE: ID ZIP: 83332

OWNER CODE: C

LAST: REESE
ADDRESS: P.O. BOX 445
CITY: HAGERMAN
PHONE NUMBER: 208-000-0000

FIRST: LA ROSE A.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: SYSTEM WAS DEVELOPED UNDER CANCELLED PERMIT 37-2038. P/U IS A
PART OF ORIGINAL LAND, & REPRESENTS THE MAJOR PART OF THE LAND
IRRIGATED FROM THIS SPRING.
SAME SYSTEM PROVIDES WATER TO MY HOME UNDER A LATER PRIORITY, AND
ALSO TO ONE OR TWO OTHER HOMES AND POSSIBLE SOME IRRIGATION ON
OTHER PROPERTY.
P/U WAS SHOWN INCORRECTLY ON CLAIM. PRIORITY CLAIMED IS BASED ON
ORIGINAL PERMIT.

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CONTACT PERSON: Mr. Reese

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/26/90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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5" steel line
has flow meter - photo

Re: Mr. Reese -

There was an old pipeline, but he replaced it about 11 yrs ago. The line is buried under Billingley ck and under pond. Former owner was Norwood (many yrs ago).

NOTES

TO: A36-04091 BRUCE REESE DATE: 10-9-90
Met w/ Mr. Reese to discuss the Evidence of Priority.
appears his right is not based on Decree - However
He will search for supporting evidence for the Earliest
possible Date.

FROM: Steve Chell

amended date on 7-30-90

A. AJ CLAIM: # A36-04091 PRIORITY DATE: 04-01-~~1910~~¹⁹⁰¹ STAGE: S
B. WR RECORD: # 36-04091 PRIORITY DATE: 06-01-1970 STAGE: S

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

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

REMARKS: Evidence of this use given under 36-00049 of 1932 Decree.

Cancelled Permit 36-2038 does not identify this spring used on this POU. Canceled permit not evidence of Use or Right.

FIELD EXAM: HILLSIDE HAS SLUMPED IN PAST INDICATING POSSIBLE SATURATION FROM PEST IRRIGATION. AGREEMENT WITH NEARBY FISH FARM IS FOR 0.36 CFS THRU BADGER FLOW METER.

===== RECOMMENDED PRIORITY DATE: =====

4-1-1901

REVIEWED BY SC

DATE 7-30-90
=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04091	07S	13E	12	SW	SE	SE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-08308 NONE
A36-10231

WR RECORDS IN SAME 40 ACRE TRACT

36-04071
36-04072
36-07080
36-08308

SOURCE: SPRING

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04091	07S	13E	12		SE	SE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-04071
36-04072
36-07080

A36-07080 NONE
A36-08308
A36-10231

SOURCE: SPRING

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

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

REMARKS:

Collection Box to Pipeline 5" ^{4"}, under Pond, under BILLINGSLEY CREEK & up hill to MAINLINE. Hand lines under Gravity Pressure are used.

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

SAME AS CLAIMED

INDIAN
SOURCE: SPRING

TRIB: BILLINGSLEY CREEK

REVIEWED BY:

SCC

DATE:

7-30-90

*Change drain
Source*

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A. ROOT WATER RIGHT NUMBERS: A36-04091

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	13	NW	NE		REESE , BRUCE W.	A36-04091 /11.0	-	28.0		11.0
						TAYLOR , MAURICE M.	A36-04072 /	36-04072 /		100	
						REESE , BRUCE W.	A36-10231 /	-			
						RINGERT , W. F.	A36-07800 /	36-07800 /			
						FISH & GAME	A36-00048 /36.0	36-00048 /			
						TAYLOR , MAURICE M.	A36-07655 /	36-07655 /			
						MC FADDAN , DAN H.	A36-00049 /36.0	36-00049 /			
						RINGERT , W.F.	A36-07725 /	36-07725 /			
						RINGERT , W.F.	A36-07731 /	36-07731 /			
						PARR , WILLIAM H.		36-04071 /	5.0		
						STATE OF IDAHO		36-08353 /			
						CLEAR LAKES TROUT CO. INC.		L36-07731 /			
07S	13E	13				REESE , BRUCE W.	A36-04091 /	-			
						NORTH SIDE CANAL CO.		01-00212 /			
						NORTH SIDE CANAL CO.		01-00213 /			
						NORTH SIDE CANAL CO.		01-00215 /			
						NORTH SIDE CANAL CO.		01-00220 /			

TOTAL ACRES

A36-04091

11.00

28.00

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

YES

* within
Tolerances

11.0

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 11.0

REVIEWED BY: SEC

DATE: 7-30-90

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FEB 01 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-04091 IRRIGATION	FROM 03-15 TO 11-15	.360 CFS
A36-04091 STOCKWATER	FROM 05-01 TO 10-15	.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.360 CFS 44.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-04091 IRRIGATION	FROM 03-15 TO 11-15	.360 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.360 CFS

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PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(~~X~~) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(~~X~~)

Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.360 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.360 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?

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

FIELD DATABASE EXAMINER

Y

YES

B.

FLOW MEASUREMENT

MEASUREMENT METHOD Sonic flow, SEE ATTACHED CALCULATIONS.

measured system capacity = 0.53 cfs

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

OTHER RIGHTS LISTED IN CLAIM: SAME SYSTEM PROVIDES DOMESTIC WATER UNDER ANOTHER CLAIM

Maurice Taylor opened all his lines and system was at capacity at time of measurement.

A36-10231

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04091	SPRING	REESE , BRUCE W.	0.360	0.032	44.00	4.00
A36-00048	BILLINGSLEY CREEK	FISH & GAME	10.000	0.056		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-04091	STOCKWATER	REESE , BRUCE W.	FROM 05-01 TO 10-15	.020 CFS	
A36-04072	DOMESTIC	TAYLOR , MAURICE M.	FROM 01-01 TO 12-31	.040 CFS	
A36-04072	STOCKWATER	TAYLOR , MAURICE M.	FROM 01-01 TO 12-31	.020 CFS	
A36-10231	DOMESTIC	REESE , BRUCE W.	FROM 01-01 TO 12-31	.040 CFS	
A36-07800	FISH PROPAGATION	RINGERT , W. F.	FROM 01-01 TO 12-31	8.000 CFS	
A36-07655	FISH PROPAGATION	TAYLOR , MAURICE M.	FROM 01-01 TO 12-31	.580 CFS	
A36-07655	STOCKWATER	TAYLOR , MAURICE M.	FROM 01-01 TO 12-31	.020 CFS	
A36-07725	FISH PROPAGATION	RINGERT , W.F.	FROM 01-01 TO 12-31	100.000 CFS	
A36-07731	FISH PROPAGATION	RINGERT , W.F.	FROM 01-01 TO 12-31	18.000 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 11 x 0.02 CFS/ACRE = 0.22 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 33.0 AF/A
ACRES 11 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =
TOTAL CONSUMPTIVE USE 33.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 44.00 AF/A
ACRES 11 x DIVERSION VOL. AF/A FOR AREA 4 =
TOTAL DIVERSION VOLUME 44.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>IRRIGATION</u>	<u>3-15</u>	<u>11-15</u>	<u>0.21</u>	0.22	<u>44.0</u>		<u>33.0</u>	
<u>STOCKWATER</u>	<u>5-1</u>	<u>10-15</u>	<u>0.02</u>	0.02	<u>—</u>		<u>—</u>	
TOTAL FOR THIS RIGHT			<u>0.21</u>	0.24	<u>44.0</u>		<u>33.0</u>	
REVIEWED BY: <u>SCC</u>	DATE: <u>7-30-90</u>							

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WR proportional Rate of 36-00048 = $\frac{10.0 \text{ cfs}}{520 \text{ Ac.}} = 0.019 \text{ cfs/Ac.}$
 of 36-00049 = $\frac{9.7 \text{ cfs}}{520 \text{ Ac.}} = 0.0186 \text{ cfs/Ac.}$

(* allow 0.019 cfs/Ac.) (review 1-9-91 SCC)

System is capable of 0.53 CFS

	TOTAL DIV RATE
36-4071 -	0.10
36-4072 -	0.06
36-4091 -	0.24
	<u>0.50 CFS</u>

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
 FORFEIT/ABANDON _____
 ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED

()
 ()
 ()

NEEDS
REVIEW

~~()~~ OK
~~()~~ OK
~~()~~

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04091

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.360EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

-

CURRENT
CLAIM NUMBERS

A36-04091

DIVERSION
RATE

0.360

CURRENT "R"
CLAIM NUM.

-

"R" DIV.
RATEWR RIGHT
NUMBERS

36-04091

DIVERSION
RATE

0.360

TOTAL CFS

0.360

0.360

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
YFIELD
EXAMINEROK

REMARKS:

See ~~A36-00048~~ for split Review00048 not recommended as the base of this claim
KKC.

AUTHENTICATION:

SIGNATURE:

Steve Celler

DATE:

1-9-91

NAME OF FIELD EXAMINER:

TITLE:

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FEB 0 1 1993

of the "new" to the "old" is a process of "renewal" and "renewal" is a process of "renewal".

SEC

—SEC

—SEC

—SEC

- SEC

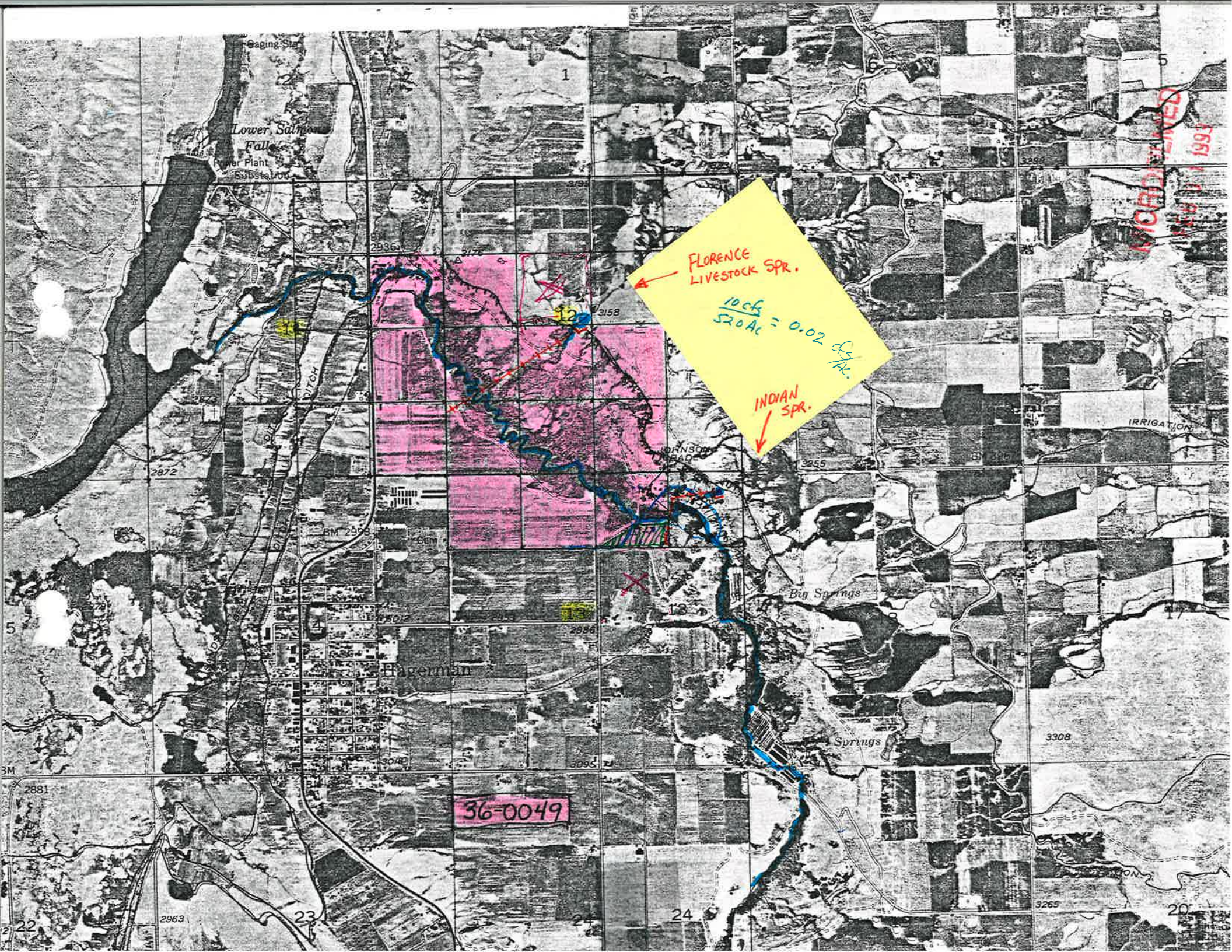
—SEC

Chambers Pa. 13x11 1/2
Lancaster Pa. 13x11 1/2

Handwritten: ~~Handwritten~~

110

...the ...



FLORENCE
LIVESTOCK SPR.

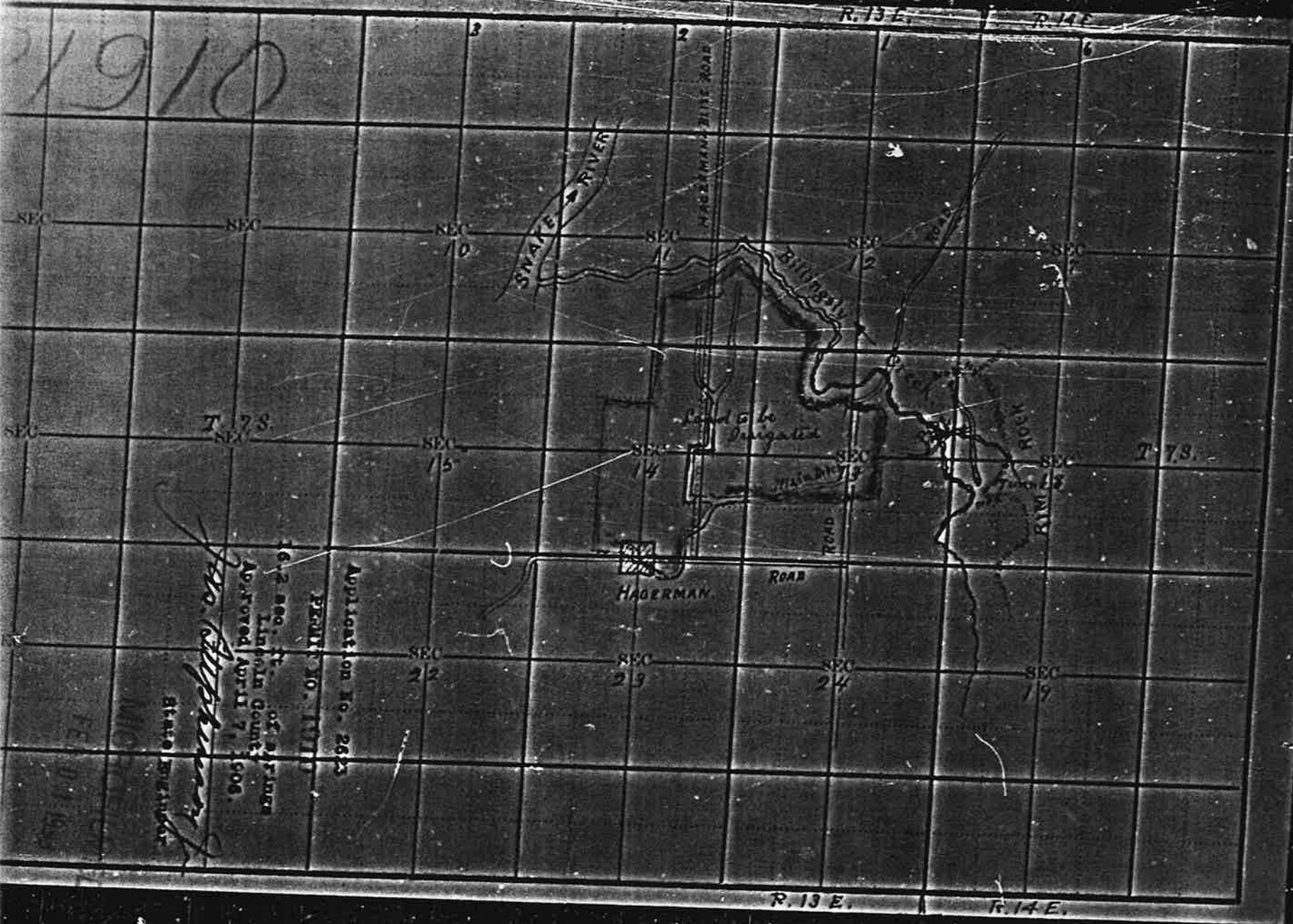
$$\frac{10 \text{ cfs}}{520 \text{ Ac}} = 0.02 \text{ cfs/Ac.}$$

INDIAN
SPR.

36-0049

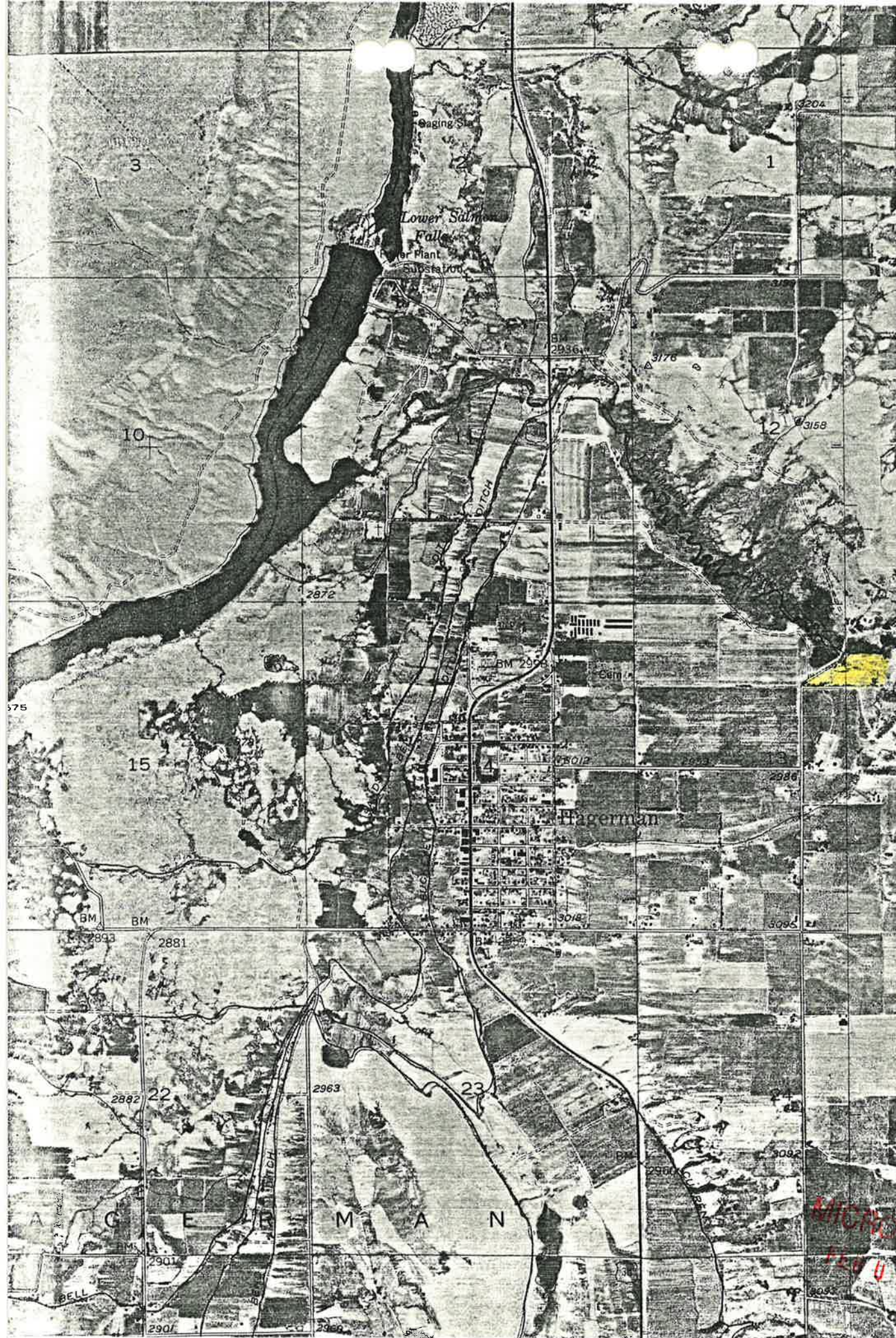
RECEIVED
FEB 11 1991

1910

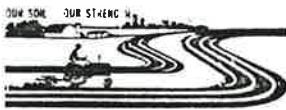


Application No. 2623
Parcel No. 17117
16.2 sec. 14 of 36 sec.
Lincoln County,
Approved April 7, 1906.
Wm. C. Stephens
State Engineer

16.
T7.



MICROFILMED
FEB 4 1993



Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

Gooding

OWNER BRUCE REESE

OPERATOR

GOODING

COUNTY

IDAHO

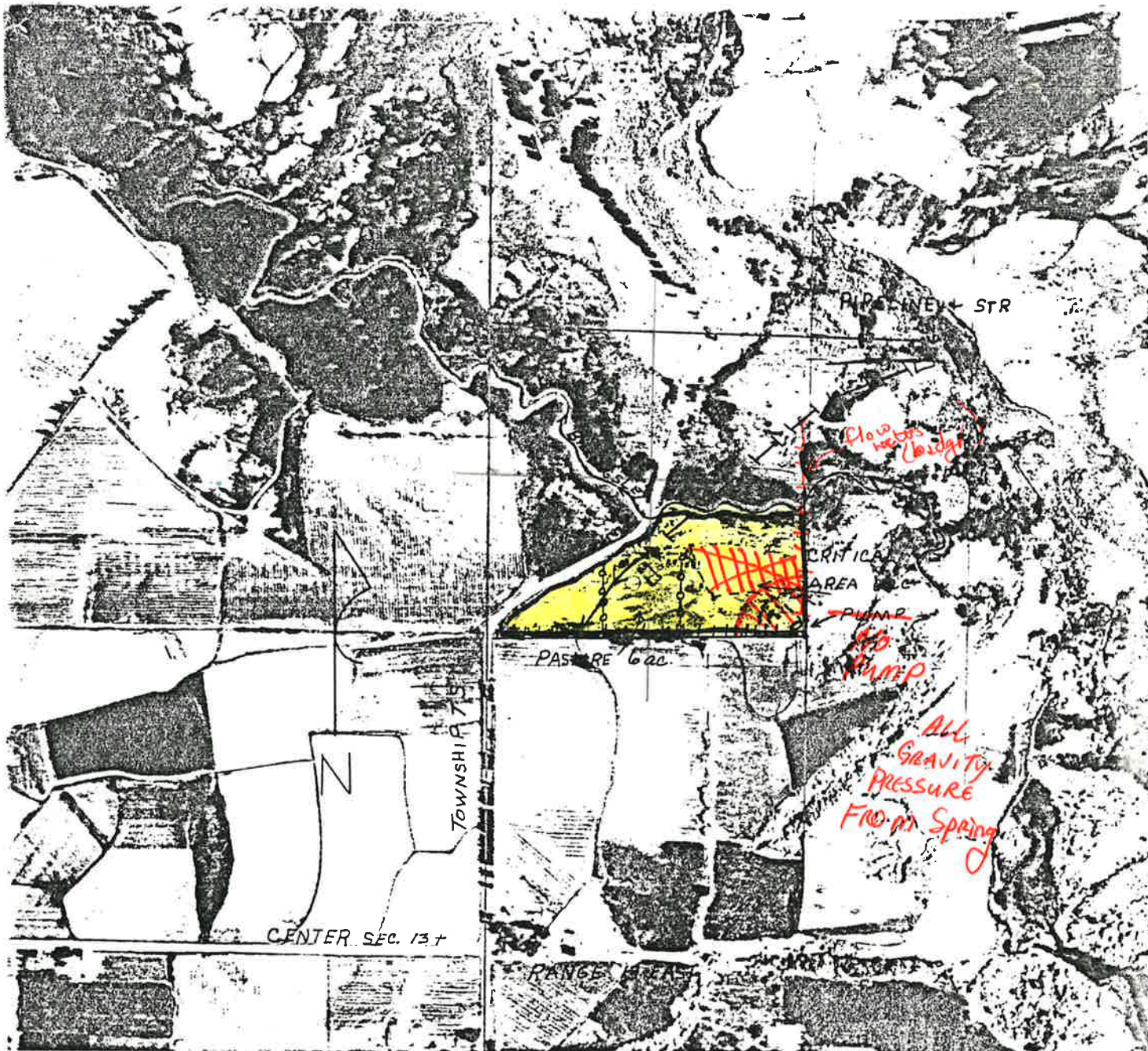
STATE

C. DISTRICT

FARM NO. 1058 DATE 5-72

SCALE 8" = 1 mi. ACRES 12.6

PHOTO NO. CNP-155-98



X- slumped slope
not irrigated
entire lot = 12.5 ac.

44624-1058

all irrigated except MICROFILMED

FEB 01 1993



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REESE
A36-04091



INDIAN SPRINGS



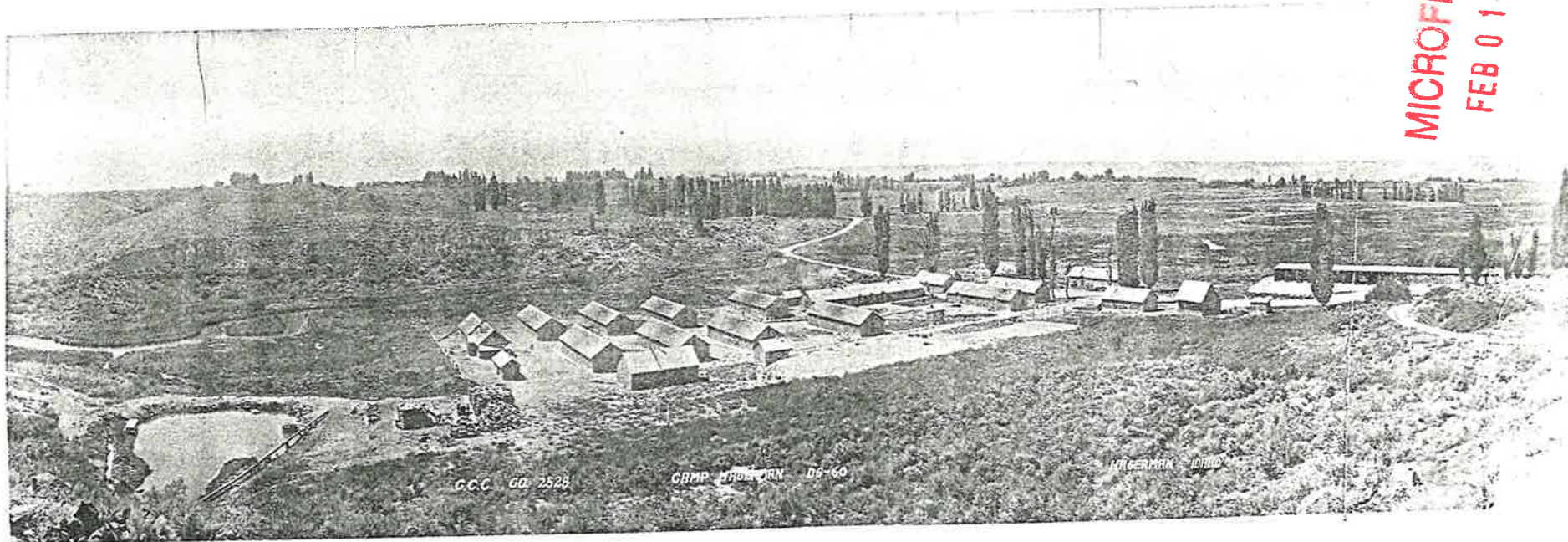
REESE
A36-04091



FEB 01 1993

UNCLASSIFIED

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FEB 0 1 1993



29 C.C.C. camp on Billingsy Creek 1936.
[HAGERMAN]

Reese
A36-04091

CONVERSATION MEMORANDUM

NAME OF PARTY BRUCE REESE
 EMPLOYEE: STEVE CLELLAND

DATE 10-4-90
 FILE A36-04091

RE: Evidence of Priority.

I called Mr. Reese to return his call. He believed this was resolved at the time of the amendment of his claim on 7-30-90. By claiming the 4-1-1961 priority he places the claim in the jurisdiction of The FROST DECREE, therefore the right would be listed in the Decree. Mr. Reese now wants his right to be described by the Decree under 36-00049.

In order to clarify this issue I will research further and call back tomorrow — SAC

10-4-90

11:35am

> After talking to Allen Muritt — it must be determined upon what will he base his claim? — Decree or Statutory?

Mr. Reese said he is willing to base his claim on the Decree and change it likewise. I mentioned he should obtain some evidence to support this choice and he could see no reason since it is listed in the Decree. When I indicated the

POD is not describing his spring under 36-00049 he decided he should come in for an appointment with me.

* Appt. Set: 10-9-90 TUES. AFT. *

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Priority Date of Nov, 4, 1885 analysis

The claimant asserts that the P/U was originally gravity irrigated from a system covered by Decree WR 36-00048.

Although the claimed P/U for this right is within the P/U boundary for 36-00048 no evidence submitted by Mr. Reese substantiates this claim.

Initially 36-00048 was claimed by three separate parties in the adjudication filings. Two have subsequently withdrawn their claims and the third has claimed sole ownership of that right.

The existing pipeline that provides water for the claimed P/U under this claim is also used by claim A36-4071. The claimed priority for his system is June 1, 1970 and is substantiated by an affidavit from the watermaster for Hagerman valley (see attached letter).

This is the best "available" supporting evidence for this claim. Therefore I base my recommendation upon this evidence.

Recommended Priority = 6-1-70

Source

= Indian Springs 7S, 13E, S12, SW SESE

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FEB 06 1993

Original is in file
A36-4071
KHC

October 30, 1990

this pipeline supplies the
same P/U under
36-4091
Also

Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Dear Sirs:

REGARDING: Evidence supporting the priority date on claim identification number A36-04071.

I, the undersigned, George H. Lemmon, hereby state that I have lived in Hagerman Valley for 70 years, have been a water master for over 35 years and am very well acquainted with the subject property owned by Mr. Maurice M. Taylor, commonly known as the CCC Camp.

There was a filing for .06 CFS by the CCC Camp with a priority date of April 1, 1936 and an irrigation pipeline agreement dated December 4, 1961 between McCarter Cattle Company, Inc. and Clyde McFarland, both concerning the subject property.

The property owned by Mr. Maurice M. Taylor was definitely irrigated by the claimed priority date of June 1, 1970, if not before because of the pipeline agreement dated December 4, 1961.

Thank you and if I can be of further assistance in this matter, please contact me.

Sincerely,

Geo H Lemmon
George H. Lemmon

STATE OF IDAHO

County of Gooding

SS.

On this 30th day of October, in the year 1990, before me, a Notary Public in and for said State, personally appeared George H. Lemmon, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Clifton Jensen
Notary Public for State of Idaho
Residing at Hagerman, Idaho
My Bond Expires: 5-10-91

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FEB 01 1993

AGREEMENT

THIS AGREEMENT Made and entered into this 4th day of December, 1961, by and between McCARTER CATTLE CO., INC., a corporation, and CLYDE McFARLAND, Witnesseth:

WHEREAS, the McCarter Cattle Co., Inc. is the owner of certain lands in Gooding County, Idaho, and situated in Sections 11, 12 and 13, Township 7 South, Range 13 E. B. M., through which lands a certain pipeline runs for the purpose of conveying irrigation water for the above mentioned parties, and other various uses,

WHEREAS, the parties desire to define and agree upon their interest in said pipeline and the maintenance thereof,

NOW, THEREFORE, it is AGREED that each of the parties shall contribute equally to the upkeep and maintenance of said pipeline, and each shall be entitled to one-half the water therefrom.

McCARTER CATTLE CO., INC., a corporation

[Signature]
President

Witness:

[Signature]
Secretary

[Signature]
Clyde McFarland

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FEB 01 1983



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MODE SELECT INPUT

OUTER DIAMETER
4.7744 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1250 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
3.048 IN U

08-09 10:0300 *R
+275.003E 0GPM

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-09 10:0500 *R
+003.00 % AI2

MODE SELECT
T0 CHECK

0163.1 MMSEC
096.48 % T0

08-09 10:0700 *R
+246.208E 0GPM

MODE SELECT INPUT

OUTER DIAMETER
4.7744 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1248 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? YES

CHANGE DATA
? END

SPACING
3.048 IN U

08-09 10:1300 *R
+244.095E 0GPM

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-09 10:1500 *R
+003.10 % AI2

MODE SELECT
T0 CHECK

0163.1 MMSEC
096.47 % T0

08-09 10:1600 *R
+235.905E 0GPM

MODE SELECT INPUT

OUTER DIAMETER
4.7744 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1248 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1540 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
3.238 IN U

08-09 10:3000 *R
+242.245E 0GPM

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

08-09 10:3200 *R
+232.207E 0GPM

ZERO MODE
ZERO OPR

08-09 10:3300 *R
+003.00 % AI2

MODE SELECT
T0 CHECK

0164.3 MMSEC
100.35 % T0

08-09 10:3300 *R
+237.490E 0GPM

08-09 10:3400 *R
+239.604E 0GPM

INDIAN SPRINGS
PIPELINE
REESE/TAYLOR

MICROFILMED
FEB 01 1993

INDIAN SPRINGS
PIPELINE

System Capacity

0.53 cfs

$\bar{X} = 238.5$
GPM

W. VAN IORNS
Drugs, Stationery, Confectionery
Fishing Tackle, Etc.

Hagerman, Idaho

April 6

1905

Hon Jas Stephenson Jr

State Engineer Boise

Dear Sir

I have this day made an examination of permit
No 1910. Joseph B. Mack and find it completed as far
as marked on the enclosed plot. I have marked
the size of flumes, pipes and main ditch. The other
are all of ample size to carry the necessary water for
which they are intended. Should there be any thing further
or any thing which you do not understand let me
know at once and I will try to correct.

Yours Respectfully

W. Van Iorns



1910

Memo to File: 36-4091 REESE

From: STEVE CLELLAND

DATE: 10-16-92

While reviewing another file I was looking at a color aerial photo slide from ASCS, dated June 1980. The slide # is C256/F13-2. This photo shows absolutely no irrigation for the 11 acres under this claim.

Consideration is being given to disallowal of this water right.

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FEB 01 1993

Bruce W. Reese
P.O. Box 445
HAGERMAN, Idaho
83332



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FEB 01 1993

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

RECEIVED

OCT 19 1992

Department of Water Resources
Southern Region Office