

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: A36-04142
Date Received: 9/19/1988
Receipt No: S002268
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEAVE LLOYD
Address: RT. 1, BOX 14
HAGERMAN, ID 83332
2. Date of Priority: APR 01, 1960
3. Source: UPPER TUCKER SPRINGS Trib. to: RILEY CREEK
LOWER TUCKER SPRINGS RILEY CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	22	SE	NE	NE	R	GOODING
		36	SE	NW	SE		GOODING
			NW	SE	SE		GOODING

- (5) Description of diverting works:
HEADBOX, BIG BEND DITCH, CHECK DAM & DIVERSION INTO N. LATERAL

*From
Data
Base*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	11.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER PLANT
GENERATING CAPACITY 8.0 KILOWATTS

FEB 0 1 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	22	NE NE		POWER	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
POWER PLANT GENERATES 8 KW FOR PERSONAL USE ON LLOYD PROPERTY.

15. Basis of Claim: STATUTORY CLAIM

RECORDED
FEB 01 1989

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
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

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OCT 19 1994

RECEIVED

FEB 10 1993

Department of Water Resources

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

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

* * * * *

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

Case No. 39576

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

NOTICE OF APPEARANCE

Petitioner,

vs.

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

Respondents.

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

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OCT 19 1994

1 Users, Inc. and its individual members:

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



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NOTICE OF APPEARANCE - 2

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OCT 19 1994

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
	Norwood Subdivision/	A36-15240
16	Ruby Springs Water Company	A36-07092A
	Potter, Mark B. & Susan H.	A36-00039J
17	Rawson, Frank S. & Carol A.	A36-00123A
	Reese, Bruce W. & LaRose A.	A36-04091
18	Reese, Bruce W. & LaRose A.	A36-10231
	Rue, James O. & Beverly Jane	A36-07142A
19	Shaffer, Roger	A36-00034B
	Simcoe, Doyt H. & Roxie J.	A36-00003F
20	Simpson, Michael, on behalf of	A36-0123E
	Josephine Simpson Estate	
21	Simpson, Michael, on behalf of	A36-0096A
	Josephine Simpson Estate	
	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00007
	Strange, Wm. (Penelope Turner-remainder man)	A36-00008
23	Veenendaal, Dick J.	A36-00108A
	Veenendaal, Dick J.	A36-00039C



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OCT 19 1994

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 [Signature]
 16 PATRICK D. BROWN
 17 Attorneys for Respondents

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

MICROFILMED
OCT 19 1994

1 February, 1993, to:

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

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

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

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

12 
13 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 5

MICROFILMED
OCT 19 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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OCT 19 1994

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

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

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

MICROFILMED
 OCT 19 1994

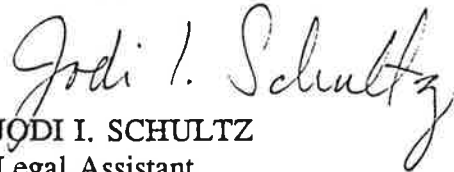
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,



JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED
OCT 19 1994

Suscribed and sworn to before me this 15th day of

April, 1991.

Mary A. Baldwin

Mary A. Baldwin
Notary Public

Residing at Gooding, ID 83330
My commission expires 10/16/1992.

NOTARIAL
FEB 01 1993

Suscribed and sworn to before me this 15th day of
April, 1991.

Mary A. Baldwin
Mary A. Baldwin
Notary Public

Residing at Gooding, ID 83330
My commission expires 10/16/1992.

NOT RECORDED
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

CIVIL CASE NUMBER: 39576

Ident. Number 136-04142Date Received 9-19-88Receipt Number 5002268

COPY
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
FOR YOUR FILES
DO NOT RETURN

Please type or print clearly

1. Name of Claimant (s) Cleave Lloyd Phone () NoneMailing Address Rt. 1 Box 14 Hagerman, Ida Zip 833322. Date of Priority (Only one (1) per claim) 4/1/19603. Source of water supply (a) Upper & Lower Tucker Springs
which is tributary to (b) Riley Creek4. a. Location of existing point of diversion is: Township 7S Range 13E Section 36,Upper Tucker NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, Gooding B.M., County of GoodingAdditional points of diversion if any: Lower Tucker SE 1/4 NW 1/4 SE 1/4 Sec 36 T.7S. R.13E.b. If instream flow, beginning point of claimed instream flow is: Rediv. SE 1/4 NE 1/4 NE 1/4 Sec. 22
T.7S., R.13E., B.M.

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Upper & Lower Tucker
Springs are collected by the Big Bend Irrig. & Mining
Co. Ditch and transports water to location of
power plant.

CLAIMANT'S NAME Lloyd CLAY ENT. NO. A36-04142

DATE RECEIVED 9-19-88 CK # 500 2268 AMOUNT \$ 500 2268

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒	☐	
Is the consumptive use correct?	☒	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	
22. Should this claim be receipted and data entered?	☒	☐	

Claim checked by: CT Date: 2-7-89

Claim must be returned to claimant: (Yes) (No)

Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: Allen Merritt
 Claim data entered by: CT
 Sent to claimant by:

Date: 9-19-88
 Date: 2-7-89
 Date:

Checked by: CT Date: 2-8-89

Comments:

FILED
 FEB 01 1989



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

A36-04142
CLEAVE LLOYD
RT. 1 BOX 14

HARRISMAN

ID 86332

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

RECORDED
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

April 8, 1991

MR CLEAVE LLOYD
RT 1 BOX 14
HAGERMAN ID 83332

RE: Evidence of Priority - Snake River Basin Adjudication
Claim #A36-04142

Dear Claimant(s):

Our records indicate that your claim(s) listed above, is based upon either a "Statutory Claim" or "Beneficial Use" of the water. For water rights of this type, the claimed "Priority Date" must be substantiated with supporting evidence. We previously requested this supporting evidence be submitted by November 1, 1990, and to date we have not received the requested documentation.

Before the Department can make a recommendation to the Court to decree the claim(s), some evidence of the priority date must be submitted. Again we are enclosing a brochure outlining the types of evidence you may submit, and a printout of your claim(s) for reference. We request that you submit your evidence of priority as soon as possible. If we do not receive the requested documentation, your claim(s) will be recommended for disallowal due to lack of evidence supporting any priority date.

Please submit the required evidence supporting the priority date(s) by April 23, 1991. Please reference the claim number on your correspondence. If you have questions or need other assistance please contact this office.

Sincerely,

for
Anna Baumbach

Allen Merritt, P.E.
Adjudication Section Supv.

Enclosure

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FEB 01 1993

AGREEMENT

This agreement made between the Big Bend Irrigation and Mining Co., a corporation, first party, and Cleave Lloyd, second party, both of Hagerman, Idaho.

In consideration of the mutual covenants and agreements herein contained first party hereby grants to second party the right and privilege of installing and maintaining a plant for generating electricity in the canal or ditch of first party where the same passes over and across second party's lands situate in Hagerman Valley and described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, Twp. 7 S. R. 13 E.B.M., Gooding County, Idaho. The purpose of installing such plant is to enable second party to generate electricity ~~power~~ for his personal and domestic use on his land and in his home and adjacent buildings situate on the above described land.

In the installation, maintenance and operation of said generating plant second party expressly agrees and warrants that there will be no interference with or diminution in the flow of the first party's canal, with the sole exception that for a short time during the actual construction and installation of said plant it may be necessary

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FEB 01 1993

It is agreed that the plant so to be constructed by second party will be on the above described land in the vicinity where the water falls for approximately 50 ft through a presently constructed pipeline. As consideration on his part second party agrees to maintain said pipe line now in use by first party for a distance of approximately 150 ft, where such presently operated pipeline is used for transporting the waters of said canal over and along said 50 ft drop, the length of said pipeline in its pre sent status being approximately 150 ft.

Second party's obligation to maintain said pipeline includes the duty and obligation of second party to replace the same in the event it becomes so worn or damaged that it will not transport the water to first party and its stockholders in the usual and satisfactory manner.

Such construction and installation of second party's plant will be under the general supervision and control of first party and its duly authorized officers and agents and must comply with their reasonable directions and requirements insofar as the delivery of water through first party's system may be affected.

In the event second party abandons or discontinues use of said plant he expressly agrees to leave first party's ditch, canal and pipeline in as good condition and state of repair as the same

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FEB 01 1993

LAW OFFICES

BIRD & HOBDEY

1ST. SECURITY BANK BLDG.

GOODING, IDAHO

BRANCH BIRD
CECIL D. HOBDEYPHONE WEST 4-4271
P. O. BOX 905

October 17, 1958

Big Bend Irrigation & Mining Co. Inc.
Hagerman, IdahoMr. Cleave Lloyd
Hagerman, Idaho

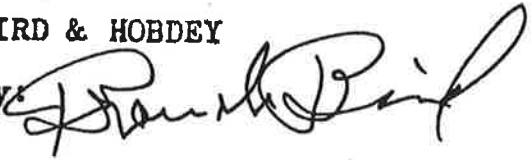
Gentlemen:

We inclose to each of you a copy of the proposed agreement relative to operation of a generating plant by Mr. Lloyd in the ditch of the Big Bend Co. If this is satisfactory we suggest that you folks get together and sign both copies, each of you keeping one. If they are not satisfactory or any changes are desired please return both copies to us with instructions.

If the agreement is satisfactory one of you please send us a check for \$10.00.

Sincerely yours,

BIRD & HOBDEY

By: BB:fm
Encl.MICROFILMED
FEB 01 1993

April 10, 1991

RECEIVED

Hagerman, Idaho

APR 15 1991

I Cleave C. Lloyd was born in the state of Idaho of good but poor parents on November 11, 1926, as far as I know.

I was raised up in poverty and deprived of education, jobs, luxury or any of the good things I read about.

In order to survive I have had to learn to do things that people who were learned said I could not possibly do.

On October 31-1958 I had a agreement made with Big Bend Irrigation and mining co. and motorized to use waters to generate power on my property for my use.

On April 4-1-1960 I set in motion a hydro electric generating plant that I fabricated and built out of junk and scrap that I aquired and gathered over the years that is still functioning to this date of April 10-1991.

I have had repeated denials by the Department of Water Resources that I have not done this and need more proof

I testify to whom it may concern as I live and feel, that I have done this, it does work and it is real. As a witness to this Dick Cook also of Hagerman Idaho has helped me from time to time and was present when I first turned water through the facility.

Claim #

36-4142

I swear this to be true

Among the living

Cleave C. Lloyd

MICROFILMED
APR 01 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

SEP 28 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 11, 2001

BETTY LLOYD
CLEAVE LLOYD
2715 S 900 E
HAGERMAN ID 83332

736-3032

RE: Snake River Basin Adjudication (SRBA)
Water Rights #36-3G and 36-4142

Records Modified 9-28-01.

Dear Water Right Holders:

Mail sent to you by the SRBA Court was returned to the SRBA Court by the Postal Service. The Postal Service advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by October 28, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

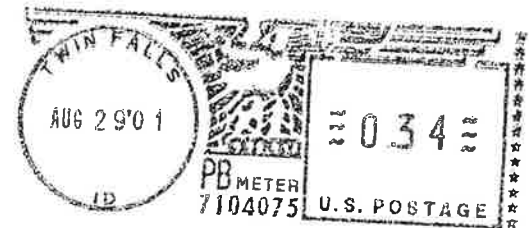
The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

-  RETURN TO SENDER
- ☐ MOVED, LEFT NO ADDRESS
 - ☐ NOT DELIVERABLE AS ADDRESSED
 - ☐ UNABLE TO FORWARD
 - ☐ ATTEMPTED - NOT KNOWN
 - ☐ UNCLAIMED ☐ REFUSED
 - ☐ NO SUCH STREET - NUMBER
 - ☐ DO NOT REMAIL IN THIS ENVELOPE
 - ☒ INSUFFICIENT ADDRESS
 - ☐ NO POST RECEIPTABLE
 - ☐ BOX CLOSED IN ORDER



2715 So. 900E

36-36
36-4142

BETTY LLOYD
CLEAVE LLOYD
RT 1 BOX 14
HAGERMAN, ID 83332



IDaho DEPT. OF WATER RESOURCES
SOUTHERN REGION

202 Shoshone Street East
Twin Falls, ID 83301



Department of Water Resources
Southern Region
2148 4th Ave. E.
Twin Falls, Idaho 83301

Date 3-17-95

Name Jo Berman, Moffatt Thomas

Address PO Box 829
Boise, ID 83701

No. of
Copies

Material

Cost

96	Basin 36 Claim Forms	\$ 4.80
	+ CKR's	

TOTAL \$ 4.80

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, ALB

MEMO

TO: A36-04142
FROM: STEVE CLELLAND
DATE: February 22, 1996

RE: CLEAVE LLOYD'S POWER USE DIVERSION MEASUREMENTS

=====

ON 2-21-96 I MEASURED THE WATER FLOWS IN THE PIPELINES USED BY MR. LLOYD TO GENERATE POWER ON THE BIG BEND DITCH; ALSO PRESENT MR. LLOYD AND GEORGIA SATTERLEE, IDWR AGENT. WE DISCUSSED THE SETUP AND OPERATION AS IT WAS RUNNING THIS DAY AND MR. LLOYD STATED THE SYSTEM WAS OPERATING AT CAPACITY OF THE WATER FLOW. I DOUBLE CHECKED WITH MR. LLOYD THIS STATEMENT: AT CAPACITY? HE CLARIFIED THE NOZZLES WERE BOTH RUNNING AS MUCH WATER AS POSSIBLE AS THE SYSTEM IS CONSTRUCTED, BUT, HE SAID THE POWER GENERATOR IS NOT AT CAPACITY AND CAN HANDLE EVEN MORE WATER. FUTURE PLANS INCLUDE DIVERTING THE REST OF THE WATER IN THE FLUME AND ADDING IT TO THE CURRENT FLOW THRU THE GENERATING SYSTEM.

POLYSONIC METER WAS OPERATING VERY WELL AND CONDITIONS WERE VERY GOOD FOR OPERATION, I.E. GOOD WEATHER ETC. SEE THE ATTACHED PAGES FOR POLYSONIC TAPE PRINTS WITH FLOW RESULTS. I LEFT A HAND WRITTEN NOTE WITH MR. LLOYD OF THE MEASUREMENTS TAKEN FOR HIS REFERENCE.

SMALL NOZZLE = 2.33 CFS
LARGE NOZZLE = 5.53 CFS
TOTAL = 7.86 CFS

15" PIPELINE = 8.23 CFS

THIS RESULTS IN A DIFFERENCE IN MEASUREMENTS OF
0.37 CFS OR 18.5 MINERS INCHES.

I ASKED MR. LLOYD TO SHOW ME THE IRRIGATION USES AND ACRES AS HE HAD CLAIMED. HE POINTED OUT SEVERAL PIPELINE SYSTEMS AND DESCRIBED THE HEADGATE DIVERSIONS BUT STILL DID NOT IDENTIFY AND NEW AREAS OF ACTUAL IRRIGATION. HE REFERENCED PAST OWNERS WHO HAD TRIED THOROUGHLY TO IRRIGATE BETWEEN THE LAVA ROCK VENTS BUT DID NOT INDICATE HE HAS ACTIVELY PURSUED THE FULL IRRIGATION OF THE TRACT. HE SAID HE HAD SOME MAPS IN HIS RECORDS AND I ENCOURAGED HIM TO BRING THEM ON MONDAY FOR THE CONFERENCE. I CANNOT FIND SUPPORT FOR ANY INCREASE IN THE ACRES IRRIGATED AS A RESULT OF THIS ON-SITE VISIT.

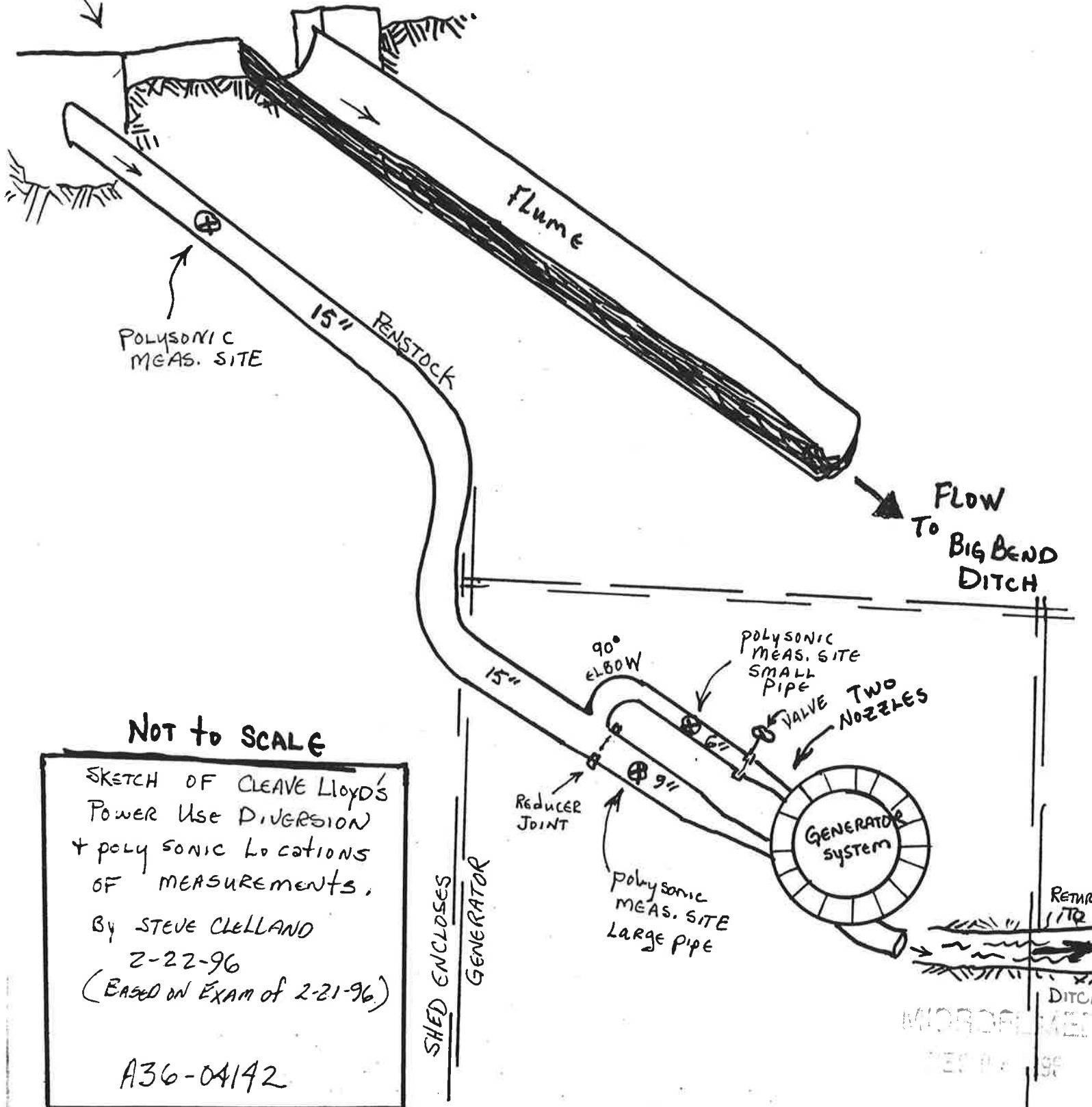
WIC-04142

15 FEB 1996

A36-04142

CONCRETE
HEADGATES

& CONTROL STRUCTURE
OF BIG BEND DITCH



NOT TO SCALE

SKETCH OF CLEAVE LLOYD'S
Power Use DIVERSION
+ poly sonic Locations
OF MEASUREMENTS.

By STEVE CLELLAND

2-22-96

(BASED ON EXAM of 2-21-96)

A36-04142

SHED ENCLOSES
GENERATOR

RETURN
DITCH

MIDROFL

PER 11/1/96



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

CLEAVE LLOYD

A36-04142

POWER USE DIVERSION

Polysonic measurement by
STEVE CLELLAND
Georgia Satterlee

2-21-96

21 FEB 96 GLS
Pipe

< measurement of large main
15" penstock.

$\bar{X} = 3696$ gpm

8.23 cfs

A36-4142



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

CLEAVE LLOYD

POWER USE
DIVERSION

POLY SONIC
MEASUREMENT
By STEVE Clelland
WITH -
GEORGIA
SATTERLEE

2-21-96

small pipe
2-21-96
sec

lg pipe
2-21-96
sec

SMALL NOZZLE

$\bar{X} = 1046 \text{ GPM}$

2.33 cfs

LARGE NOZZLE

$\bar{X} = 2480 \text{ GPM}$

5.53 cfs

(see also
attached
Drawing
+ memo)

Combined total:

7.86 cfs

A36-04142

Lloyd

Power Plant
Capacity

3"

$$1\frac{1}{2}^2 \times \pi$$

$$2.25 \pi$$

$$7.06$$

5

$$2.5^2 \times \pi$$

$$6.25 \pi$$

$$19.63 \square$$

$$26.7 \square''$$

$$0.185 \square'$$

$$9.64 \text{ CFS}$$

Geo H Lemmon

GEORGE H. LEMMON
1050 E. 2727 SOUTH
HAGERMAN, ID 83332

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DEC 04 1995

IDAHO DEPT. OF WATER RESOURCES

SOUTHERN REGION

212 Shoshone Street East

Twin Falls, ID 83301



Department of Water Resources
Southern Region
2148 4th Ave. E.
Twin Falls, Idaho 83301

Date *3-17-95*

Name *JO BEERMAN, McFatt Thomas*

Address *PO BOX 829
BOISE, ID 83701*

No. of
Copies

Material

Cost

<i>96</i>	<i>Basin 36 Claim Forms</i>	<i>\$ 4.80</i>
	<i>+ CVR's</i>	
TOTAL		<i>\$ 4.80</i>

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, *HLB*

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DEC 04 1996

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OC1 19 1994

District Court SRBA
Twin Falls, Idaho

Bagerman, Idaho

July 6-1994

1994 JUL -7 AM 11:47

36-00003-G +
36-04142

I cannot afford the ~~expense~~ of a attorney
and financially survive so if I am destined
to loss I will do so defending myself
against the system of the State.

Cleave C. Lloyd

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OCT 19 1994

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

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

Case No. 36-04142 -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)

RESPONSE TO OBJECTION NO. 36-04142-0001 - PAGE 1

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OCT 19 1994

(62) 100
UNRECORDED

2. Person who filed objection:

Name: CLEAVE C LLOYD
Address: RT 1 BOX 14
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

3. ☒ Quantity: I respond to the objection concerning:

3a. ☒ The total quantity of water used in cubic feet per second.

4. ☒ Priority Date: I respond to the objection concerning the priority date.

10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

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

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

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

REASONS SUPPORTING EACH BOX CHECKED

In response to the claimant's description of interest in the water right, IDWR responds as follows: IDWR recommended the water right in question based on beneficial use with the priority date claimed by the claimant. The claimant here asserts that the right is decreed with a 1903 priority date. To the extent that the claimant is now attempting to assert a different basis for the claim and priority date, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used. IDWR further responds that the claimant originally claimed 11 cfs under this right. Per the objection the claimant now seeks 20 cfs. By here asserting a quantity greater than the quantity claimed, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 4, and all allegations of the objection regarding this item, IDWR responds that it recommended the priority date as claimed. By now seeking an earlier priority date the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report

-(Over)

NOT RECORDED

is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: Because the use of water under this right is nonconsumptive, no consumptive use volume was either claimed or recommended. The claimant's objection to this item is in error.

In response to Statement of the Objection item 11 and all allegations of the objection regarding that item, IDWR responds as follows: There is an error in the remarks in the description of this water right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law." In further response to Statement of the Objection item 11, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

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

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

See attached List of Recommended Water Rights Acquired under State Law.

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

	No. of Pages
Notice of Claim No. A36-04142	5
Recommended Water Rights Acquired under State Law	1
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

RESPONSE TO OBJECTION NO. 36-04142 -0001 - PAGE 5

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OCT 19 1994

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

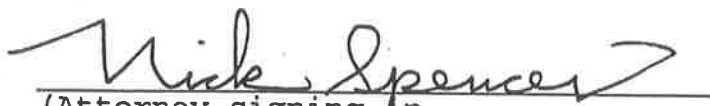
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September,
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

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

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 A36-04142Date Received 9-19-88Receipt Number 5002268

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Cleave Lloyd Phone () NoneMailing Address Rt. 1 Box 14 Hagerman, Ida Zip 833322. Date of Priority (Only one (1) per claim) 4/1/19603. Source of water supply (a) Upper & Lower Tucker Springs
which is tributary to (b) Riley Creek4. a. Location of existing point of diversion is: Township 7S Range 13E Section 36,
Upper NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Gooding
TuckerAdditional points of diversion if any: Lower SE 1/4 NW 1/4 SE 1/4 Sec 36 T.7S. R.13E.
Tuckerb. If instream flow, beginning point of claimed instream flow is: Rediv. SE 1/4 NE 1/4 NE 1/4 Sec. 22
T.7S., R.13E., B.M.

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Upper & Lower Tucker
Springs are collected by the Big Bend Irrig. & Mining
Co. Ditch and transports water to location of
power plant.

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FEB 01 1993

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OCT 19 1994

6. Water is claimed for the following uses:

(both dates are Inclusive)

(cfs)

(acre feet)

For Power purposes from 1/1 to 12/31 amount 11.0 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 11.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is none acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	22	P																

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
None or None ()

14. Remarks: Power plant generates 8 Kw for personal use
on Lloyd property.

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FEB 0

1993

MICROFILMED

Last Name

Lloyd

Ident No. _____

OC 19 1994
Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

A large grid of graph paper, consisting of 20 columns and 20 rows of squares. Each square contains a small crosshair pattern. In the center of the grid, the words "See Attached" are handwritten in a cursive script. The text is oriented diagonally, with "See" on the left and "Attached" on the right. The handwriting is dark and appears to be in ink or a dark marker. The grid lines are thin and light gray, while the crosshairs are slightly darker. The overall appearance is that of a standard sheet of graph paper used for technical drawing or mathematics.

See Attached

Microfilm

FEB 01 1993

1993
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Last Name

Lloyd

Ident No.

Copies: White-State, Yellow-Claimant

Yellow-Claimant
OCT 14 1994

15. Basis of Claim (check one) ☒ Being Used ☐ Posted Notice ☐ Use ☐ Permit

Decree 36-4142

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 2 - Map & Agreement

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) x Clave C. Lloyd Date _____

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day of Aug 19 84

SEAL

Notary Public [Signature]

Residing at Kimberly, ID

My Commission Expires 6/30/98

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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Last Name _____ Ident. Number _____

Copies White State, Yellow Claimant

POOR ORIGINAL

Point of
River
p/d



OCT 19 1954

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

DATE: SEP-9-1993

PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
	SOURCE: TUCKER SPRINGS, LOWER			TRIBUTARY: RILEY CREEK		
36-04142	CLEAVE LLOYD RT 1 BOX 14 HAGERMAN ID 83332	04/01/1960	POWER	01-01 12-31	5.00 CFS	BENEFICIAL USE
				TOTAL QUANTITY:	5.00 CFS	
	NON-IRRIGATION-USES: POWER/8 KW GENERATOR, POWER FOR ONE HOUSEHOLD					
	POINT OF DIVERSION: T07S R13E S36	SENWSE NWSESE				
	PLACE OF USE: POWER					
	T07S R13E S22	NENE				
	REMARKS: WATER DELIVERED THROUGH BIG BEND DITCH.					
	~~PORTIONS OF RIGHT NOS. 36-00133 & 36-00192 ARE LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.~~					
	~~RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 35.0 CFS. OTHER RIGHT NOS.: 36-00133, 36-00192, 36-07237, 36-07865, 36-08318, 36-02056.~~					
	SOURCES FOR THIS RIGHT ARE UPPER TUCKER SPRINGS AND LOWER TUCKER SPRINGS, BOTH TRIBUTARY TO RILEY CREEK.					

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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

IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR
RELIEF OF CLAIMANT, Page 1

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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.

WICHITA, KANSAS

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.

For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

- 000036
- 04143

Receipt No: S015416

RECEIVED

FEB 24 1993

Department of Water Resources
Southern Region Office

Date: 2/24/1993
Time:

Received

From: LLOYD CLEVE OR BETTY

Type of Payment	Program Acct Class	Amount
FEE FOR COPY OF ADJUDICATION CLAIM 64100	229 21 1760	8.42

Total

CHECK 2177

\$8.42

Region: SOUTHERN

Signature: _____

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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

25-Jan-1993

CLEVE LLOYD
RT 1 BOX 14
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00003G, 36-04142

Dear Mr. Lloyd:

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:

\$8.42

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

Lloyd
5/
55-
106x5= 5.30
post. 2.90
env. 22
8.42

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UCL 19 1994

RECEIVED

JAN 19 1993

Department of Water Resources
Southern Region Office

January 19-93
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number 36-04142.

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,

Cleaveland Lloyd
(Name)

RT. 1 Box 14
(Address)

Hagerman Idaho 83332
(City, State, Zip Code)

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

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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. A36-04142

(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,

36-04142 -0001/
93-04-0272

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)

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OBJECTION - 1

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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: Cleave C. Lloyd

Address: Route #1, Box 14

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

1903 priority date, based on New International
Mortgage Bank v. Idaho Power Company dated
March 22, 1932

2. Owner of the water right:

Name: Cleave C. Lloyd

Address: Route #1, Box 14

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.

Maximum quantity 20.00 cfs; total consumptive use adjusted
accordingly if there is any; priority date of 1903; and 2nd
sentence of remarks: "Portions of Right Nos. 36-00133 &
36-00192 are limited to use for conveyance losses in delivery
of this Right" - should be stricken.

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~~ Gooding

Cleave C. Lloyd, 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.

Cleave C. Lloyd
Signature of person filing objection

By: [Signature]

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 20th day of April,
1993.

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

(Over)

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INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Cleave C. Lloyd

Owner's address: Route #1, Box 14

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

Box 4 - IDWR recommends a junior priority date which is not supported by the previously decreed right or the date of first beneficial use.

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

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.

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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.

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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.

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

(10/14/14)

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.

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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OCT 19 1994

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 0 1 1993

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

SEP 22 1992

Department of Water Resources

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

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

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

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

1. Water right number: 36-04142

RECEIVED

2. Name: Cleave C. Lloyd

SEP 23 1992

Address: Rt. 1 Box 14 Hagerman

RECEIVED
SEP 23 1992
Idaho 1 1993

Weekday Telephone Number:

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE



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

OCT. 16, 1992

MR CLEAVE LLOYD

RT 2 BOX 14

HAGERMAN, ID 83332

RE: CLAIMS 36-04142 AND
36-0003G

DEAR MR. LLOYD;

YOU SUBMITTED NOTICE OF ERROR FORMS FOR THE ABOVE
RECOMMENDED CLAIMS. A FIELD EXAM OF CLAIM 36-00003G
SHOWED THAT ONLY 3 ACRES OF YOUR PROPERTY UNDER THIS CLAIM
IS BEING IRRIGATED WITH THIS WATER AND THE REST IS NOT IN
PRODUCTION. ONLY THE ACRES IRRIGATED BENEFICIALLY CAN BE
RECOMMENDED.

YOUR CLAIM FOR POWER GENERATION (36-04142) WAS FOR 11 CFS
OF FLOW. THIS FLOW WAS MEASURED AS 5 CFS ON MAY 6, 1991.
THE EXAMINATION SHOWED THIS FLOW WAS THROUGH A 9" PIPE TO
THE GENERATOR. THE MEASURED FLOW RATE WAS LESS THAN 1/2
OF THE CLAIMED FLOW RATE, SO WE WILL RECOMMEND 5 CFS AS THE
DIVERSION RATE ON THIS CLAIM.

RESPECTFULLY,

ROBERT V. WORSTELL
WATER RIGHT AGENT

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FEB 01 1993

Water Right Number - R36-04142 Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
LLOYD CLEAVE 1 - RT 1 BOX 14
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-000-0000

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

04/01/1960 17 SOUTHERN J - BENEFICIAL USE

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

TUCKER SPRINGS, UPPER RILEY CREEK
TUCKER SPRINGS, LOWER RILEY CREEK

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

Tw	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	36	SE NW SE		(47)	GOODING
			NW SE SE		(47)	GOODING

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

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
28 - POWER		01/01	12/31	5.000	

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

5.000 0.0 8.0

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

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	22	NE NE			28	POWER	(47) GOODING

Total Acres:

+ - - Diversion Means - HEADBOX, BIG BEND DITCH, CHECK DAM & DIVERSION TO PENSTOCK

+ - - Non-Irrigation Use - POWER/8 KW GENERATOR, POWER FOR ONE HOUSEHOLD

+ - - Other Rights for Same Use - NONE

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

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

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FEB 01 1993

Water right number - R36-04142

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
3604142
+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - - + - - - - Decree Defendant - - - - + - - - - Decree Date - - - - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 05/07/1991 User Id: CLELLAND Subject: COPIED FROM REMARKS
POWER PLANT GENERATES 8 KW FOR PERSONAL USE ON LLOYD PROPERTY. POINT OF REDIVERSION: TWP. 7S, RGE. 13E, SEC. 22, SENENE.
Date: 09/22/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/18/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/17/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORD - NO CHANGE

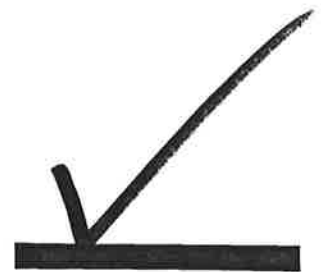
+ - - Audit Fields - - +
10/17/92 WORSTELL

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 05/06/1991 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 10/17/1992 Old Judicial District -
Claim Received Date - 09/19/1988 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S002268 Water District - 36A
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag - B

R PROOF



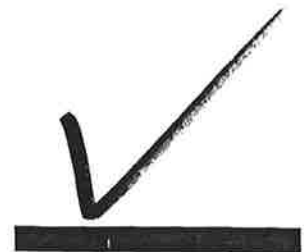
CVR



MAPS



PHOTOS



MISC



MICROFILMED
FEB 01 1993

Water Right Number R36-04142

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
LLOYD

CLEAVE

1 - RT 1 BOX 14

2 -

3 -

City- HAGERMAN

Phone - 208-000-0000

State- ID Zip- 83332

+ - - Priority Date - - +
04/01/1960+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - +
TUCKER SPRINGS, UPPER
TUCKER SPRINGS, LOWER+ - - Tributary - - - - +
RILEY CREEK
RILEY CREEK+ - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County07S 13E 36 SE NW SE (47) GOODING
NW SE SE (47) GOODING+ - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
28 - POWER 01/01 12/31 5.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
5.000 0.0 8.0+ - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 22 NE NE 28 POWER (47) GOODING

Total Acres:

+ - - Diversion Means - HEADBOX, BIG BEND DITCH, CHECK DAM & DIVERSION TO PENSTOCK

+ - - Non-Irrigation Use - POWER/8 KW GENERATOR, POWER FOR ONE HOUSEHOLD

+ - - Other Rights for Same Use - NONE

+ - - Remarks - - - - - +
WATER DELIVERED THROUGH BIG BEND DITCH.
PORTIONS OF RIGHT NOS. 36-00133 & 36-00192 ARE LIMITED TO USE
FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.+ - - Old Water Right Numbers - - - - - +
3604142MICROFILMED
FEB 0 1 1993

Water right number - R36-04142

Prefix Translation: RESEARCH

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

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -

Date: 05/07/1991 User Id: CLELLAND Subject: COPIED FROM REMARKS

POWER PLANT GENERATES 8 KW FOR PERSONAL USE ON LLOYD PROPERTY. POINT OF REDIVERSION: TWP. 7S, RGE. 13E, SEC. 22, SENENE.

+ - - Audit Fields - - +

08/08/92 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 05/06/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/08/1992	Old Judicial District	-
Claim Received Date	- 09/19/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002268	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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FEB 0 1 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:51:51
06/30/90

CLAIM NUMBER: A36-04142

PAGE: 11
QUICKLOOK INFORMATION

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			8-30-90 SCL/HHT	Y	6. AGREEMENT	SC 10-2-91	SC 5-7-91	KKC 8-7-92
POINT OF DIV	Y			Y	1,5			
SOURCE	Y			Y				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME			measured 5-6-91 SC/NB	Y	6. sonic	5-7-91 SC		
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y			N	6.			

"VERIFIED BY" CODES

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

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 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:31:31
06/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04142

LAST: LLOYD
ADDRESS: RT. 1 BOX 14
CITY: HAGERMAN
PHONE NUMBER: 208-000-0000

FIRST: CLEAVE

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: POWER PLANT GENERATES 8 KW FOR PERSONAL USE ON LLOYD PROPERTY.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: CLEAVE LLOYD

PHONE NUMBER: () -

DATE OF FIELD EXAM: 8/30/90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Made sonic flow measurement 5-6-91. Spoke to Mrs. Lloyd.

UNRECORDED
FEB 01 1993

A. AJ CLAIM: # A36-04142 PRIORITY DATE: 04-01-1960 STAGE: S
B. WR RECORD: # 36-04142 PRIORITY DATE: 04-01-1960 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
Y

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

REMARKS: Based on Agreement with Big Bend Ditch (attached to claim) the recommended is
probably more accurate. In a conversation with Mr Lloyd on 10-17-90 he said he
was ready to install the power plant at this time - he was waiting on this agreement.
all the equipment used in the said plant was Homemade by Mr. Lloyd therefore no receipts exist
for purchases.

Recommended date: OCTOBER 31, 1958

unless amended - as claimed

RECOMMENDED PRIORITY DATE:

04-01-1960

10-31-1958

4-1-1960

OK 10-2-91

SC

DATE

5-7-91

10-18-90

REVIEWED BY

SC

SC

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.
A36-04142	07S	13E	22
A36-04142	07S	13E	36
A36-04142	07S	13E	36

1/4	1/4	1/4	LOT
SE	NE	NE	Rediv. LOT
SE	NW	SE	
NW	SE	SE	

CNTY

GOODING
GOODING
GOODING

Rediversion
To
Comments

actual 2 POPs

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07237	NONE
A36-07865	
A36-08317	
A36-10064	
A36-10510	
A36-00133	
A36-08318	
A36-02007	

WR RECORDS IN SAME 40 ACRE TRACT

36-04066
36-04067
36-07228
36-07237
36-07865
36-08317
36-08318
36-08348
L36-08317
36-00020
36-00028
36-00127
36-00133
36-00136
36-00174
36-00194
36-02055
36-02056
36-02478
36-04065
36-07762
L36-07762
36-08325
36-08377
L36-08318

SOURCE: TUCKER SPRINGS, UPPER
TUCKER SPRINGS, LOWERTRIB: RILEY CREEK
RILEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.
36-04142	07S	13E	36
36-04142	07S	13E	36
36-04142	07S	13E	22

1/4	1/4	1/4	LOT
	SE	SE	
	NW	SE	
	NE	NE	

CNTY

GOODING
GOODING
GOODING

OTHER WR RECORDS WITH SAME WR POD

36-00020
36-00028
36-00127

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-00194	NONE
A36-07762	
A36-00136	

FILED
FEB 01 1993

36-00133
36-00136
36-00174
36-00194
36-02055
36-02056
36-02478
36-04065
36-07237
36-07762
36-07865
36-04066
36-04067
36-07228

A36-00133
A36-07865
A36-08318
A36-10064
A36-02007
A36-08317
A36-10510
A36-10523
A36-10272

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SOURCE: UPPER TUCKER SPRINGS
LOWER TUCKER SPRINGS

TRIB: RILEY CREEK
RILEY CREEK

C. FIELD EXAM REQUIRED?

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

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>75.</u>	<u>13E</u>	<u>36</u>	<u>SE</u>	<u>NW</u>	<u>SE</u>	<u> </u>	<u>47</u>
<u> </u>	<u> </u>	<u>36</u>	<u>NW</u>	<u>SE</u>	<u>SE</u>	<u> </u>	<u> </u>

change claim

SOURCE: TUCKER SPRINGS, UPPER
REVIEWED BY: 11 11, LOWER

TRIB: RILEY CREEK
DATE:

SCC

10-18-90

A. ROOT WATER RIGHT NUMBERS: A36-04142

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	22	NE	NE		LLOYD , CLEAVE	A36-04142 /	36-04142 /	2.0		
						MADARIETA , FELIX	A36-10272 /	- /			
						PETERSON , ORLAND	A36-10523 /	- /			
						BIG BEND IRRIGATION & MINING	CA36-00192 / 9.0	36-00192 /			
						BIG BEND IRRIGATION & MINING	CA36-00133 / 9.0	36-00133 /			
						LLOYD , CLEAVE	A36-00003G /20.0	- /			
						BIG BEND IRRIGATION & MINING C		36-02007 /			
TOTAL ACRES							A36-04142		2.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
YFIELD
EXAMINERY

PRESUMPTION FLAG:

REMARKS:

Power Plant Use.

RECOMMENDATIONS:

TOTAL ACRES: 0REVIEWED BY: SCCDATE: 10-18-90

FEB 01 1993

A. AJ CLAIMED USES:

PURPOSES
A36-04142 POWER

MONTH/DAY
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
11.000 CFS
11.000 CFS

B. WR RECORDED USES:

PURPOSES
36-04142 POWER

MONTH/DAY
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
11.000 CFS
11.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

DATABASE	FIELD EXAMINER
N	<u>N</u>
N	<u>N</u>
N	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N()
Y() N(X)

Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 11.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 11.000 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

Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

Sonic flow

, SEE ATTACHED CALCULATIONS.

— will depend on the total diversions of Below ditch users.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00192	TUCKER SPRINGS, LOWER	BIG BEND IRRIGATION & MINING C	15.000	0.017	10859.70	12.35
A36-00003G	BILLINGSLEY CREEK	LLOYD , CLEAVE	0.400	0.020		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-04142	POWER	LLOYD , CLEAVE	FROM 01-01 TO 12-31	11.000 CFS	
A36-10272	DOMESTIC	MADARIETA , FELIX	FROM 01-01 TO 12-31	.040 CFS	
A36-10523	DOMESTIC	PETERSON , ORLAND	FROM 01-01 TO 12-31	.040 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)
DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

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

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = _____ AF/A
ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(X) N() *sonic flow*

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

(86,400 ^{sec}/_{day}) (5.0 cfs) x 365 days/yr = No Volume Needed

60 sec/min x 60 min/hr x 24 hr/day = 86,400 sec/day

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED(✓)
(✓)
(✓)NEEDS
REVIEW()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04142

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
11.000

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERSCURRENT
CLAIM NUMBERSDIVERSION
RATECURRENT "R"
CLAIM NUM."R" DIV.
RATEWR RIGHT
NUMBERSDIVERSION
RATE

-

A36-04142

11.000

-

36-04142

11.000

TOTAL CFS

11.000

11.000

DIVERSION RATE REVIEW

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

DATABASE
YFIELD
EXAMINERCR

REMARKS:

Since there is an agreement w/ BBI and this right is an expansion ^{in use} of the original decreed right but is non consumptive this right has been recommended under claimants name and not as a portion of the two decreed rights 36-00133 & 36-00192.

AUTHENTICATION:

SIGNATURE:

Steve Cella SC

DATE:

5-7-91

10-18-90

NAME OF FIELD EXAMINER:

TITLE:

Steve Cella

10-2-91

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
POWER	01-01 12-31	DATABASE EXAMINER ~~11.000~~ 5.0	DATABASE EXAMINER _____	DATABASE EXAMINER 0.0 _____
TOTAL FOR THIS RIGHT		~~11.000~~ 5.0		0.0

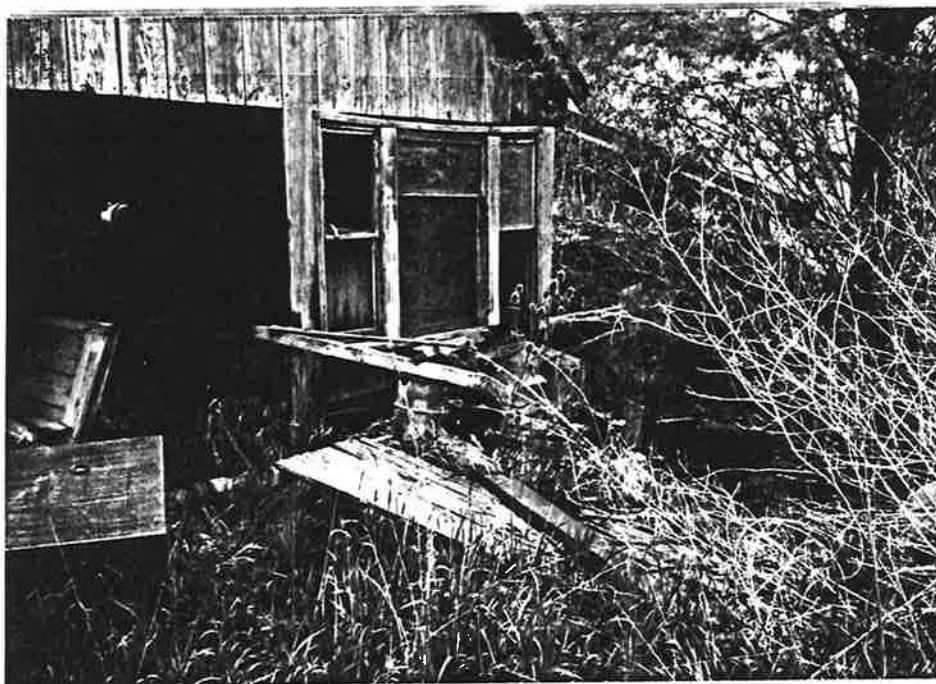
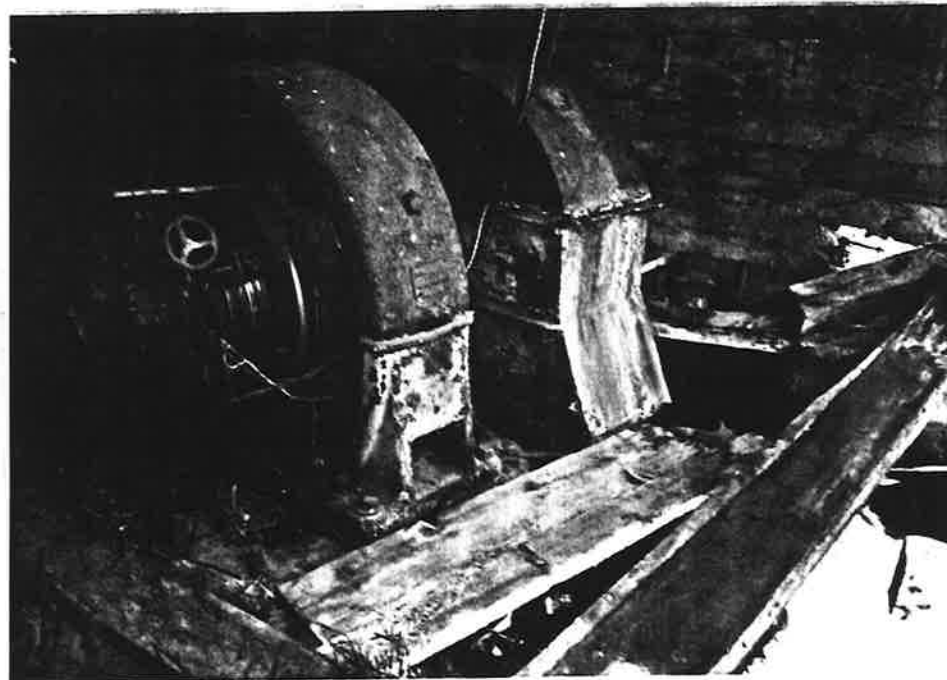
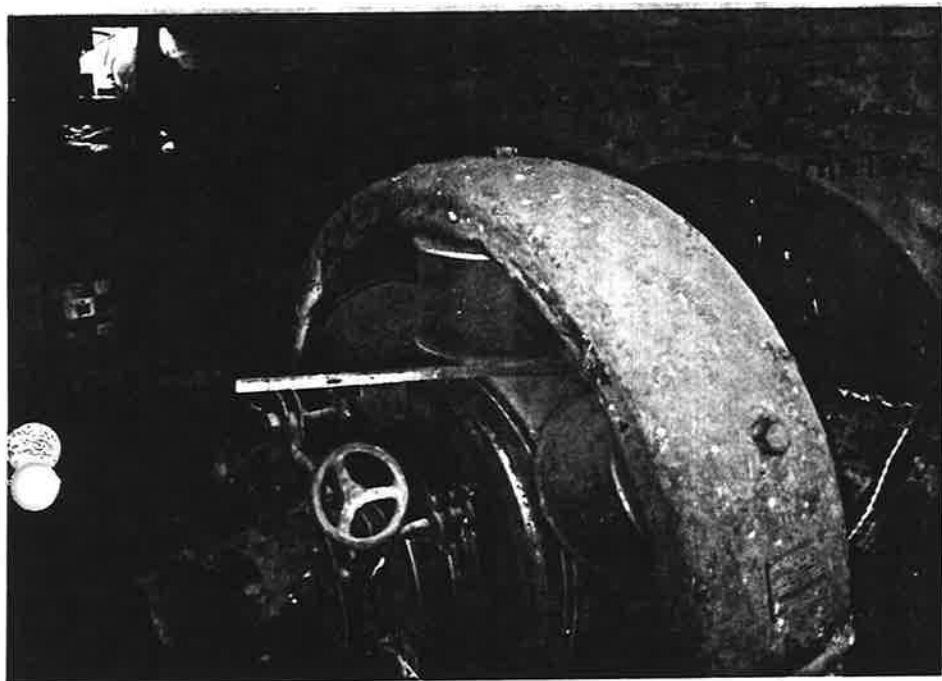
REVIEWED BY: SCCDATE: 10-18-90

* subject to the users downstream uses & amount.

F01 = Big Bend ~~irrigation~~ Ditch.

E07 = 35 cfs
 variation 36-00133 + 36-00192
 (20 cfs) (15 cfs)

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CLEAVE LLOYD

A36-04142

5-6-91

UNRECORDED

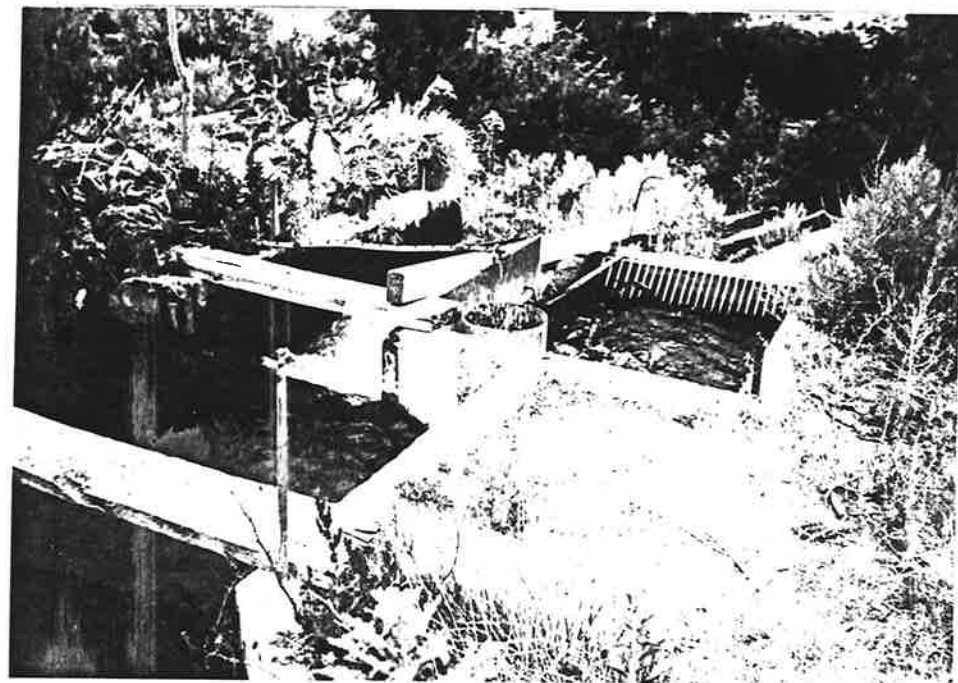
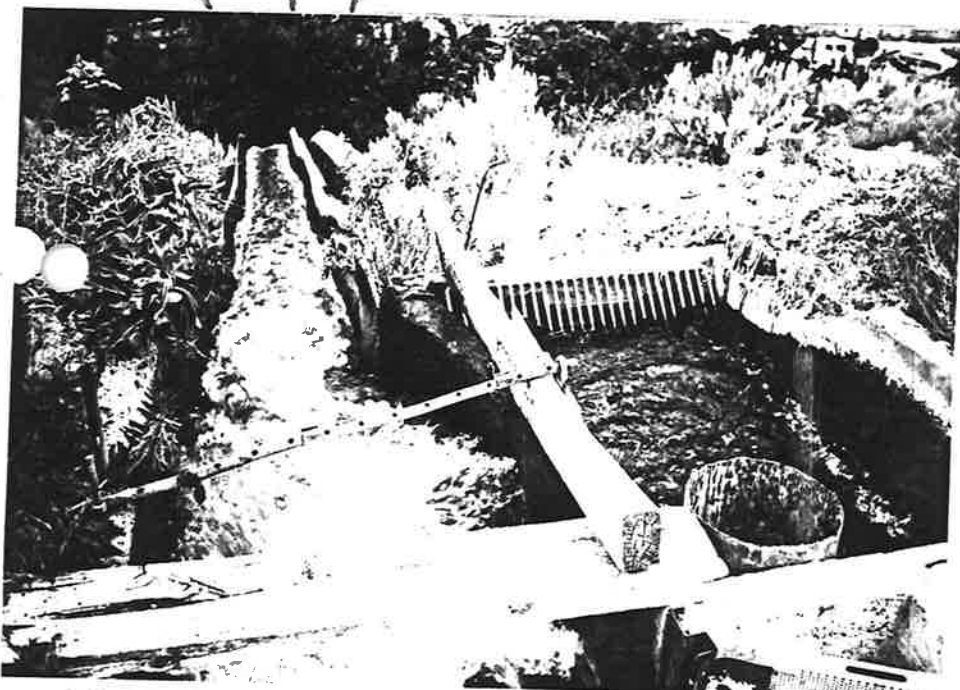
FEB 01 1993

8-30-40

REDIVERSION ON
BIG BEND DITCH
ABOVE CLEAVE LLOYD'S
POWER PLANT



DITCH
FLUME
SMALL
PIPELINE
TO DOMESTIC
POWER
DIVERSION



AGREEMENT

This agreement made between the Big Bend Irrigation and Mining Co., a corporation, first party, and Cleave Lloyd, second party, both of Hagerman, Idaho.

In consideration of the mutual covenants and agreements herein contained first party hereby grants to second party the right and privilege of installing and maintaining a plant for generating electricity in the canal or ditch of first party where the same passes over and across second party's lands situate in Hagerman Valley and described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, Twp. 7 S. R. 13 E.B.M., Gooding County, Idaho. The purpose of installing such plant is to enable second party to generate electricity power for his personal and domestic use on his land and in his home and adjacent buildings situate on the above described land.

In the installation, maintenance and operation of said generating plant second party expressly agrees and warrants that there will be no interference with or diminution in the flow of the first party's canal, with the sole exception that for a short time during the actual construction and installation of said plant it may be necessary to briefly interfere with the flow in such canal.

It is further expressly understood and agreed that the construction, maintenance and operation of such generating plant by second party is entirely separate and distinct from first party's rights and interests in and to said irrigation canal and the waters flowing therethrough, and that by the maintenance and operation of said generating plant second party shall not claim or acquire any rights in or to the water flowing in said canal other than the right and privilege of running such water through his plant for the purpose of generating electricity. No interference in the delivery and use of irrigation water by first party to its various users under the direction and control of first party's watermaster will be caused by second party in connection with his use of said water for the above purposes.

It is agreed that the plant so to be constructed by second party will be on the above described land in the vicinity where the water falls for approximately 50 ft through a presently constructed pipeline. As consideration on his part second party agrees to maintain said pipe line now in use by first party for a distance of approximately 150 ft, where such presently operated pipeline is used for transporting the waters of said canal over and along said 50 ft drop, the length of said pipeline in its present status being approximately 150 ft.

Second party's obligation to maintain said pipeline includes the duty and obligation of second party to replace the same in the event it becomes so worn or damaged that it will not transport the water to first party and its stockholders in the usual and satisfactory manner.

Such construction and installation of second party's plant will be under the general supervision and control of first party and its duly authorized officers and agents and must comply with their reasonable directions and requirements insofar as the delivery of water through first party's system may be affected.

In the event second party abandons or discontinues use of said plant he expressly agrees to leave first party's ditch, canal and pipeline in as good condition and state of repair as the same now is, agreeing among other things to remove all equipment and paraphernalia which he may have installed or constructed in connection with the plant he is so authorized to build and operate.

It is expressly understood and agreed that time is of the essence of this agreement and all the terms and conditions hereof shall be promptly performed by the respective parties.

IN WITNESS WHEREOF these presence have been executed this 31st day of October, 1958.

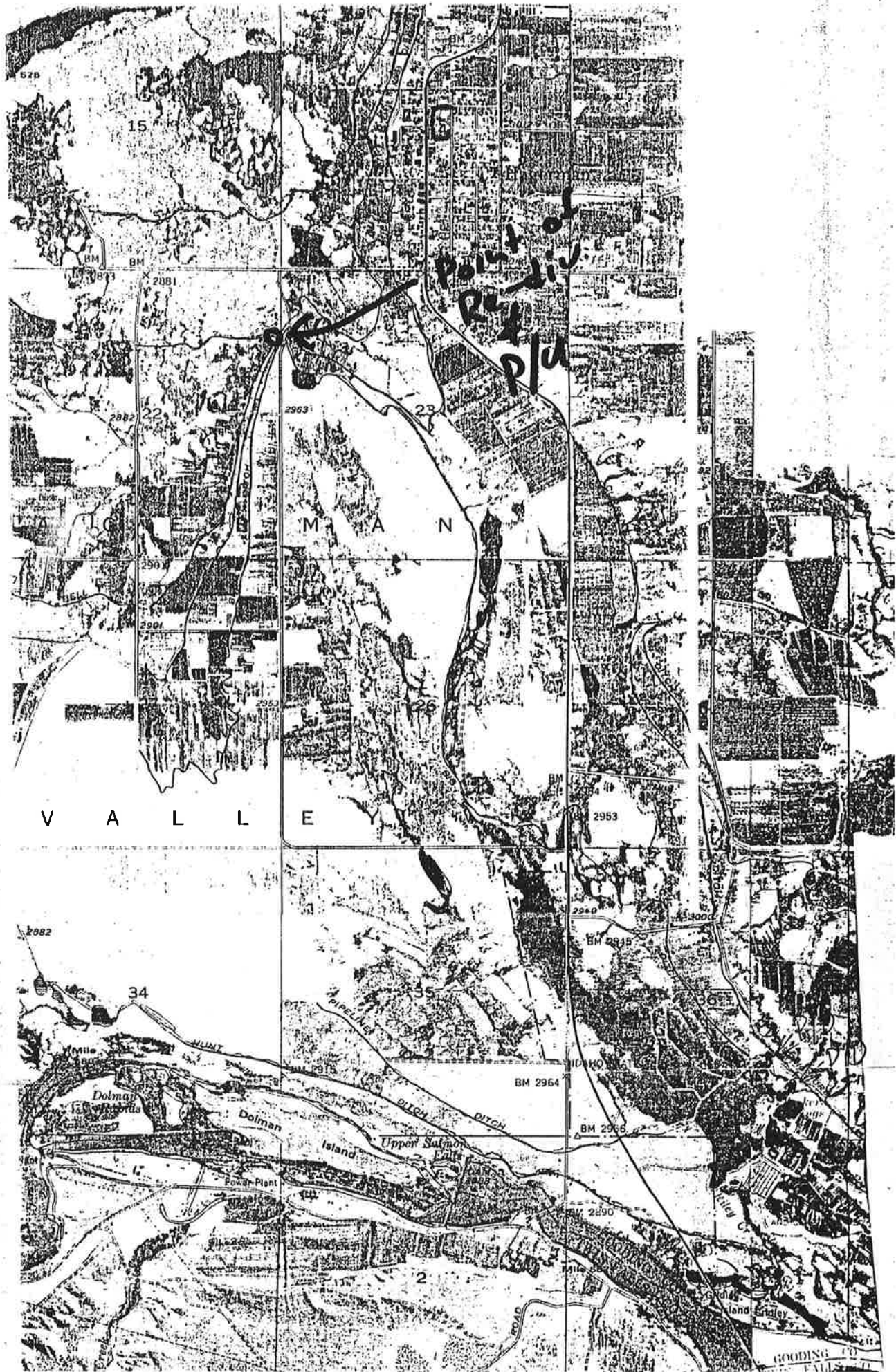
Attest: [Signature]
Secretary.

BIG BEND IRRIGATION & MINING CO.,
a corporation.

By [Signature]
First Party President.

SEAL)

[Signature]
Second Party.





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
9.1669 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
.08500 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
6.766 IN U

MODE SELECT
TO CHECK

0335.0 MMSEC
099.65 % TO

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

05-06 13:5700 *R
+002.60 % AI2

05-06 13:5800 *R
+ 2.248E 3GPM

05-06 13:5900 *R
+ 2.251E 3GPM

CLEAVE LLOYD
POWER PLANT @ 114 volts
sec/nb

CLEAVE LLOYD

POWER PLANT

A36-04142

5-6-91 sec/nb

$$ID = 9.1669 - (2 \times 0.085) = 8.9969''$$

$$or = 0.74974'$$

$$A = (0.7497417)^2 \times 0.7854 = 0.44148 \square'$$

$$V = \frac{11 \text{ cfs claimed}}{0.44148 \square'} = 24.92 \text{ fps}$$

$$\frac{V^2}{2g} = 9.64'$$

$$or V = \frac{5 \text{ cfs measured}}{0.44148 \square'} = 11.32636 \text{ fps}$$

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$$\frac{V^2}{2g} = 1.97 \text{ ft}$$

$$if H_e = 0.5 (1.99) \approx 1.0 \text{ ft}$$

$$\bar{X} = 22$$

$$= 5.0 \text{ cfs}$$

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R. J. H.
10/1/92

w/ Mrs Power Plant pipe
Clive Lloyd (pipe)

2 PM $\pm$

5/6/81

0.085" thickness

28.8" circumference

$\approx 9"$ dia
9.12"

6.766 spacing

114 Volts She said prior to start

2250. G PM

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CONVERSATION MEMORANDUM

NAME OF PARTY Cleave Lloyd
EMPLOYEE: STEVE CLELLAND

DATE 10-17-90
FILE A36-000039

RE:

He says he uses Buckeye ditch water and Big Bend water to irrigate lawn, garden, trees and shop area uses like washing out trucks. These rights are combined when used. a separate Diversion exists for Domestic uses from the Big Bend Ditch. The diversion is near the power diversion and a small pipe runs alongside the open chute parallel to the power pipe supply. Supplies all water except for Drinking water which is hauled in from the City Water supply.

Cleave estimated his irrigation (actual irrigation use) to be about 10 ACRES. Water is run in between the rock piles to grow grasses.

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MEMO TO FILE

A36- 04142

RE: CHANGE IN USE OF BIG BEND IRRIGATION WATER

THIS CLAIM APPEARS TO CLAIM USES FOR THE WATER ALSO CLAIMED UNDER THE BIG BEND IRRIGATION CO. (BBI) AS A36-00133 AND A36-00192.

BASED ON MY FIELD EXAM STUDIES, IT SEEMS THE USE OF THE BBI WATER WAS ORIGINALLY DECREED AS IRRIGATION USES. RECENTLY THOSE IRRIGATED ACRES HAVE BEEN ABANDONED AND THE WATER HAS BEEN CHANGED IN ITS NATURE OF USE TO WILDLIFE PONDS, FISH PROPAGATION AND/OR OTHER USES.

THE WATER RIGHT WAS DECREED TO BBI FOR IRRIGATION AND THE NEWER USES ARE APPEARING IN THE NAMES OF INDIVIDUALS AS BOTH LICENSED AND UNRECORDED RIGHTS. THIS BRINGS UP A LEGAL QUESTION OF OWNERSHIP.

*** THIS FILE SHOULD BE INCLUDED IN A TOTAL REVIEW OF THE BBI, AND THESE NEWER USES AND LICENSES AS THEY ARE IDENTIFIED, BEFORE A FINAL RECOMMENDATION IS MADE OF THIS WATER RIGHT CLAIM.

STEVE CLELLAND *sc*
WATER RIGHTS AGENT

*See also agreement between BBI
and Dave Lloyd.*

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