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CLEAR LAKE COUNTRY CLUB

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Water Right Number - A36-04148 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

*** C - CURRENT OWNER ***
SPLIT RIGHT

1 -
2 -
3 -
City- X State- ID Zip- X
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
CLEAR LAKE RANCH INC.

1 - C/O DAVID BRUSH
2 - 423 IDAHO ST.
3 -
City- GOODING State- ID Zip- 83330
Phone - 208-934-8411

Priority Date: 01/01/1890
Region: 17 SOUTHERN
Stage:
Status: Z - SEE REMARKS

Source: SPRINGS
SPLIT RIGHT

Tributary: CLEAR LAKES

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
09S	14E	1	SE SW NW	5	R	(47) GOODING	
09S	14E	2	SE SE NE	5		(47) GOODING	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/01	11/30	3.000	
04	STOCKWATER	01/01	12/31	0.030	

Total Div. Rate: 3.000
Total Div. Volume:
Total Div. Capacity:
Total Consumptive Use: 270.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SW NW	5	6.0	01	IRRIGATION	(47) GOODING
09S	14E	1	SE NW	6	2.0	01	IRRIGATION	(47) GOODING
09S	14E	1	NE SW	13	45.0	01	IRRIGATION	(47) GOODING
09S	14E	1	NW SW	12	25.0	01	IRRIGATION	(47) GOODING
09S	14E	1	SW SW	15	12.0	01	IRRIGATION	(47) GOODING

Total Acres: 90.0

Diversion Means - CONCRETE HEADBOX, EARTHEN DITCHES

Non-Irrigation Use - STOCKWATER, 100 RANGE CATTLE

Other Rights for Same Use - PERMIT 36-8329 ADDITIONAL USE OF SAME WATER

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Water right number - A36-04148 Prefix Translation: ADJUDICATION CLAIM

Remarks

PROPERTY IS PRESENTLY BEING DEVELOPED AS A PUD AND THE CLEAR LAKE COUNTRY CLUB IS PART OF AND PURCHASING PART OF THE LAND COVERED UNDER THIS CLAIM. DEED IS PENDING HOWEVER CLEAR LAKE COUNTRY CLUB, RT.4 BX 225, BUHL, ID, 83316 SHOULD BE NOTIFIED REGARDING ANY ACTION ON THIS CLAIM.
SPLIT 8/30/1990: A36-04148A & B.

****

THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS:
A36-04148A - CLEAR LAKE RANCH, 1.5 CFS 73.0 AC
A36-04148B - CLEAR LAKE COUNTRY CLUB 1.5 CFS, 90.0 AC
A36-04148C - JOHNSON, 0.02 CFS, DOMESTIC

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Audit Fields - 07/06/88 MERRITT 06/21/90 MERRITT 06/25/90 BEDKE 08/30/90 WHITE 01/24/91 BAUMHOFF

Comments

No Comments Found

Adjudication Rights Dates and Flags Area

Court Report Filing	00/00/0000	Field Inspection Made	00/00/0000	Civil Case Number	39576
Objection Filed Date	00/00/0000	Field Inspection Flag		Old Case Number	
Response Filed Date	00/00/0000	Verified Date	00/00/0000	Old Judicial District	
Claim Received Date	07/06/1988	Last Amended Date	00/00/0000	Temporary Right	P
Proof Due Date	00/00/0000	Proof Made Date	00/00/0000	Water District	
Licensed Date	00/00/0000	Receipt Number	X777777	Federal/State Indicator	S
Claims Tape Error Flg		POU Ownership Flag	Y	Presumption Flag	
Fee Exempt Flag		Name Connector			

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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: **A36-04148**
Date Received: 7/06/1988
Receipt No: 5000713
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: CLEAR LAKE RANCH, INC. 208-934-8411
   Address: C/O DAVID BRUSH
   423 IDAHO ST.
   GOODING, ID 83330

2. Date of Priority: JAN 01, 1890

3. Source: SPRINGS Trib. to: CLEAR LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4			Lot		County
09S	14E	1	SE	SW	NW	5	R	GOODING
		2	SE	SE	NE	5		GOODING

5. Description of diverting works:
   CONCRETE HEADBOX, EARTHEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/30	3.000		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 270.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/100 RANGE

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10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
09S	14E	1	SW	NW	5	IRR	6.0
			SE	NW	6	IRR	2.0
			NE	SW	13	IRR	45.0
			NW	SW	12	IRR	25.0
			SW	SW	15	IRR	12.0
						Section Acres	90.0
						Total Acres	90.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
    36-8329 ADDITIONAL USE OF SAME WATER

14. Remarks:
    PROPERTY IS PRESENTLY BEING DEVELOPED AS A PUD AND THE CLEAR LAKE COUNTRY CLUB IS PART OF AND PURCHASING PART OF THE LAND COVERED UNDER THIS CLAIM. DEED IS PENDING HOWEVER CLEAR LAKE COUNTRY CLUB, RT.4 BX 225, BUHL, ID, 83316 SHOULD BE NOTIFIED REGARDING ANY ACTION ON THIS CLAIM.

15. Basis of Claim: STATUTORY CLAIM
    Water Right Number:

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16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of Clear Lake Ranch Inc., that I have signed the foregoing document in the space below as President of Clear Lake Ranch Inc. and that the statements contained in the foregoing document are true and correct.

David S. Bruns
Signature of Authorized Agent

Pres. Clear Lake Ranch Inc.
Title and Organization

7/6/88
Date

State of Idaho)
) SS.
County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 6th day of July 19 88

Notary Public

Seal

Residing at Kimberly, Id

My Commission Expires 6/30/1994

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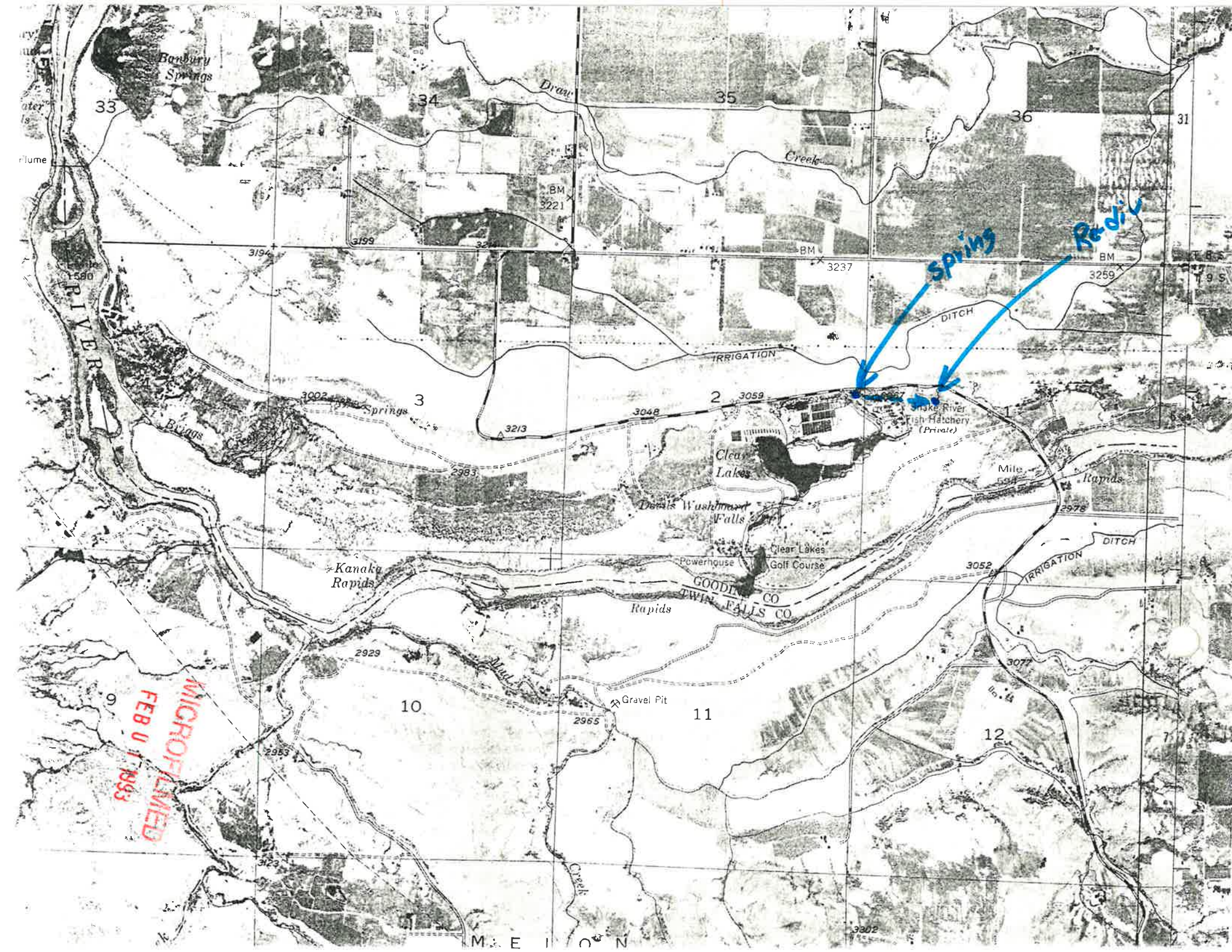

Banbury Springs
Draw
Creek
33
34
35
36
31
BM 3221
BM 3237
BM 3259
3199
3194
RIVER
Spring
Redi
DITCH
IRRIGATION
3002
Springs
3
2
3059
3048
3213
Briggs
Snake River Fish Hatchery (Private)
Clear Lakes
2983
Mile
Rapids
2978
Devils Washboard Falls
Clear Lakes Golf Course
Powerhouse
Kanaka Rapids
GOODING CO
TWIN FALLS CO
Rapids
3052
DITCH
IRRIGATION
2929
Mud
Gravel Pit
9
10
11
12
2965
3077
2953
3123
Creek
3302
M E L O N
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FEB 0 1 1993

FYI : Lori White
B/ok File Lori E. Holmes

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

November 26, 1990

RECEIVED
NOV 28 1990
Department of Water Resources
Southern Region Office

George Brush
Clear Lake Ranch Inc.
292 Clear Lake Ln.
Buhl, ID 83316

RE: Application for Permit No. 36-8291

Dear Mr. Brush:

I have received the proposed amendment of the above application along with evidence documenting historical irrigation of Clear Lake island. I understand that you have worked diligently with Lori White to amend and clarify your various water rights and claims. I and other staff members appreciate your cooperation.

I believe that Lori has also spoken with you about certain state water appropriation rules and regulations which restrict the direct diversion of water for irrigation purposes from the Snake River and tributary springs between Milner Dam and Swan Falls dam. These rules, which largely resulted from the Swan Falls litigation settlement, apply to new water appropriations only. When I first spoke with you about this application, I had overlooked this particular rule. When Lori later spoke with me, I informed her of this rule and told her that it might apply to your application. I had advised that if water from either the springs or Clear Lake had been used continuously for irrigating the island prior to 1985, then the new water appropriation rules would not apply to your application. You obviously attempted to meet this exemption by submitting historical use documentation.

Based on the documentation which you submitted, it appears that the irrigation use on the island had been discontinued many years ago. Any rights which may have been established for this use have since been abandoned or forfeited through non-use for a period of five or more consecutive years. Application no. 36-8291, which is presently before the department, actually represents a new appropriation of water.

Water Appropriation Rule 5,3,9. provides as follows:

"Applications proposing a direct diversion for irrigation purposes from the Snake River between Milner Dam and Swan Falls Dam or from tributary springs in this reach are presumed not to be in the public interest as defined by Section 42-203C, Idaho Code. Such proposals are presumed to prevent the full economic and

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FEB 01 1993

multiple use of water in the Snake River Basin and to adversely affect hydropower availability and electrical energy rates in the state of Idaho."

Since the rule only represents a presumption that the application is not in the public interest, and not a prohibition against the diversion, you may overcome the presumption by submitting any information which you deem relative to the public interest considerations of Section 42-203C, Idaho Code, and the criteria of Water Appropriation Rule 5,3. However, since this presumption may represent the most difficult obstacle to overcome, you may first wish to carefully evaluate the likelihood of overcoming it before gathering and submitting any information.

If you wish to overcome the above presumption, then you should submit a response and any pertinent information within 60 days of receiving this notice. I have enclosed an application withdrawal form in case you should decide not to proceed with the filing. If we do not receive a response within 60 days, we will then take action to reject the application.

Please be advised that as an alternative to this application, you can transfer an existing water right to cover the use proposed by the application. In my opinion, a transfer is really your best and most expedient option. You may call me directly at 327-7864 to discuss this alternative further or to discuss any of the material in this notice. I apologize for not informing you of the implications of Water Appropriation Rule 5,3,9 when we fist talked. Please call me if I can be of any assistance.

Sincerely,

Tim Luke
Sr. Water Resource Spec.

cc: Region
enclosures

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FEB 0 1 1993

OCTOBER 10, 1990

A36-04149
DEPARTMENT OF WATER RESOURCES
ALLEN MERRITT
WATER RIGHTS SUPERVISOR
222 SHOSHONE ST. EAST
TWIN FALLS, IDAHO 83301

DEAR ALLEN,

PLEASE FIND ENCLOSED A COPY OF A PICTURE TAKEN AROUND THE EARLY 1930's OF THE ISLAND AND CANYON WALL AREA LOOKING NORTH OVER CLEAR LAKE. THIS PICTURE VIEWS FROM THE AREA CURRENTLY USED FOR PARKING AND ACCESS TO THE BOAT DOCK BY THE FLY FISHERMEN OF CLEAR LAKE COUNTRY CLUB. I HAVE MADE TWO COPIES, ONE LARGER THAN THE OTHER SO THAT CLARIFICATION MIGHT BE EASIER. I HAVE THE ORIGINAL COPY, BUT DUE TO THE NATURE OF ITS AGE AND THE HISTORY INVOLVED, I WISH TO KEEP IT IN MY POSSESSION. PLEASE FEEL FREE TO CALL ME IF YOU WISH TO VIEW IT FIRST HAND AND I WILL BE GLAD TO ARRANGE TO SHOW IT TO YOU.

THIS PICTURE SHOWS THE ISLAND AREA UNDER CULTIVATION WITH IRRIGATION ROWS AND ALL. ALSO SHOWN IS THE PIPELINE CROSSING THE LAKE WITH ANOTHER BEING CONSTRUCTED. WATER WAS TAKEN FROM THIS PIPELINE AT THAT TIME ~~FROM THIS TIME~~ TO WATER THE ISLAND. SINCE THAT TIME THE PIPELINES WERE ABANDONED AND WATER HAS BEEN REROUTED BY AN EASTERLY ROUTE TO WATER THE LAND ON THE SOUTH SIDE OF THE LAKE. A PUMP STATION WAS USED FROM AROUND 1960 UNTIL 1986 TO WATER NEARLY 40 (FORTY) ACRES APOUND THE ORIGINAL RANCH HOUSE AREA. NOW THAT TOO IS BEING WATERED FROM OTHER ROUTES. WE WOULD LIKE TO BE ABLE TO CONTINUALLY WATER THE ISLAND FROM THE LAKE WITH A PUMP STATION FOR IRRIGATION ONLY: SO ARE ASKING ONLY TO MOVE THE PUMP STATION TO THE ISLAND SIDE OF THE LAKE AND HAVE ONLY RIGHTS TO WATER AN (S)EIGHT ACRE PARCEL.

ALSO, AT GOODING COUNTY COURTHOUSE ARE MANY COPIES OF WATER NEGOTIATIONS AND LAND SALES THAT TOOK PLACE BETWEEN MOLLY SYSTER, OUR GREAT GRANDMOTHER AND ORIGINAL SETTLER OF THIS AREA, AND THE FIRST PEOPLE OBTAINING WATERS AND LAND FOR THE IDAHO POWER CO. IN THE 1930's. MANY HOURS AND COPIES HAVE BEEN ALREADY SPENT IN SUPPLING THE WATER RESOURCE BOARD WITH THIS INFORMATION ON OTHER ORIGINAL CLAIMS(A36-04149). IF YOU ARE IN NEED OF MORE OF THIS INFORMATION, PLEASE FEEL FREE TO CONTACT ME AND I WILL BE GLAD TO BRING MORE COPIES OR HELP RESEARCH FOR MORE.

THANK YOU FOR THE OPPORTUNITY TO HELP YOU IN YOUR CONTINUING EFFORTS TO BRING IDAHO'S WATER PROBLEMS TO BETTER CLARIFICATION.

SINCERELY,

George Brush

GEORGE BRUSH
CLEAR LAKE CORPORATION

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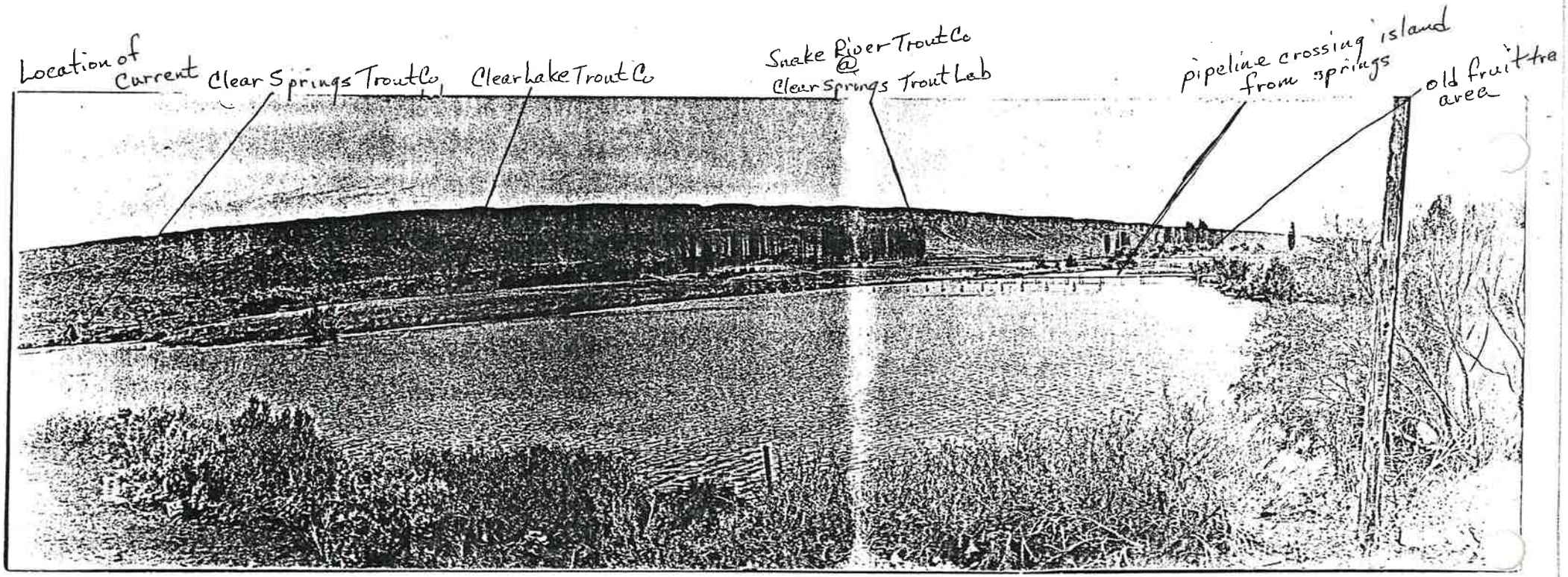

note: window irrigation ditches

picture taken early 1930's from present parking area for fly fisherman (boat dock) for Clear Lake Country Club at Clear Lake, Idaho.

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No 5517

The United States of America.

Certificate No. 322.

To All to whom these Presents shall Come—Greeting:

WHEREAS, Mary E. Briggs of Lincoln County, Idaho, has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that full payment has been made by the said Mary E. Briggs according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act Making Further Provision for the Sale of the Public Lands," and the acts supplemental thereto, for the South half of the South West quarter of Section three, and the Lot numbered one of Section ten in Township nine South of Range fourteen East of Boise Meridian in Idaho, containing ninety eight acres, and fifty five hundredths of an acre

according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said Mary E. Briggs

NOW, KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, **have Given and Granted**, and by these presents **do Give and Grant**, unto the said Mary E. Briggs and to her heirs, the said tract above described;

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said Mary E. Briggs and to her heirs and assigns, forever; subject to any vested and accrued water rights for mining, agriculture, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein, or lode, to extract and remove his ore therefrom, should the same and there is reserved from the lands hereby granted a right of way for ditches or canals constructed by the authority of the United States, be found to penetrate or intersect the premises hereby granted, as provided by law.

IN TESTIMONY WHEREOF, I, William McKinley President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

(Seal)

Given under my hand, at the City of Washington, the sixteenth day of November, in the year of our Lord one thousand eight hundred and ninety seven, and of the Independence of the United States the one hundred and twenty second.

BY THE PRESIDENT: William McKinley

by J. M. McKean Secretary.

Recorded Vol. 34 Page 246 C. H. Brush Recorder of the General Land Office.

Filed for Record at the request of C. H. Ingersoll at 9 o'clock A. M., Aug 15, A. D. 189 1908

Harry W. Anderson
Ex-officio Recorder

By ..... Deputy. Fees 01.00

FILMED
1993

Lithographed, Stephens Printing Co.

19796

The United States of America.

Certificate No. 338

To All to whom these Presents shall Come—Greeting:

WHEREAS, George L. Eveleth, of Logan County, Idaho Territory has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho Territory whereby it appears that full payment has been made by the said George L. Eveleth according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act Making Further Provision for the Sale of the Public Lands," and the acts supplemental thereto, for the North West quarter of the South East quarter and the Lots numbered five and six of Section two and the Lots numbered five and six of Section one in Township nine South of Range fourteen East of Boise Meridian in Idaho Territory, containing one hundred and fifty three acres and fifty-five hundredths of an acre.

NW SE 1/4 S. 2
LOTS 5 & 6
LOTS 5 & 6 S. 1
9S 14E
153.55 Acres

according to the Official Plat of the Survey of the said land, returned to the General Land Office by the said Act; and whereas the said tract has been purchased by the said George L. Eveleth

NOW, KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have Given and Granted, and by these presents do Give and Grant, unto the said George L. Eveleth and to his heirs, the said tract above described;

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said George L. Eveleth and to his heirs and assigns, forever; subject to any vested and accrued water rights for mining, agriculture, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein, or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there are reservations from the lands hereby granted, as follows, to wit: [illegible] contained by the authority of the State.

IN TESTIMONY WHEREOF, I, Benjamin Harrison, President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the first day of April, in the year of our Lord one thousand eight hundred and ninety-two, and of the Independence of the United States the one hundred and sixteenth.

(Seal.)

BY THE PRESIDENT: Benjamin Harrison

By E. Macfarland Asst Secretary.

Recorded Vol. 31 Page 86 D. P. Roberts Recorder of the General Land Office.

Filed for Record at the request of Mary E. Syater at 9 o'clock a. M.,
2nd Dec A. D. 1910

By J. H. Helman Deputy. Harry W. Anderson Ex Recorder

RECEIVED
DEC 2 1910

forty (40) shares of the Capital Stock of the Big Wood River Reservoir and Canal Company Ltd., evidenced by certificate No. 3835 evidencing a water right appurtenant to said premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said grantees, heirs and assigns forever. And We the said grantors James A. Clayton & Lovina Clayton, do hereby covenant to and with the said L. A. Salladay and Anna Salladay their heirs and assigns, that grantors are the owners in fee simple of said premises, that they are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever. except a mortgage given The Federal Land Bank of Spokane for $3000 with interest from Dec. 9, 1925. and a second mortgage for $800 given to W. E. Kyler, Corvallis, Or. Or. subject to 3 months interest

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 23 day of January, 1926.

DONE IN THE PRESENCE OF
Geo. H. Crowell — James A. Clayton (SEAL)

Ernest C. Hornback. — Lovina Clayton (SEAL)

STATE OF OREGON)
) SS
COUNTY OF LINN)

On this 23rd. day of January, A. D. 1926, before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named James A. Clayton and Lovina Clayton his wife to me personally known to be the identical individuals described in and who executed the within instrument and and acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein named.

WITNESS my hand and Notarial Seal the day and year last above written.

(NOTARY SEAL)

Geo. H. Crowell, Notary Public for Oregon.
My Commission Expires May 31, 1927.

Filed for record at the request of L. A. Salladay at 9:05 o'clock A.M. August 29, 1927.

Fees. $1.20

Myrtle P. Enking, Ex-Officio Recorder.

By S. M. Miller, Deputy.

PROVE HEAD

No. 44023

INDENTURE.

THIS INDENTURE, Made, executed and delivered this 27th day of August, 1927, by Otis E. Syster and Mary E. Syster, his wife, of Buhl, Twin Falls County, Idaho, as Grantors, to the IDAHO POWER COMPANY, a Maine corporation, as Grantee; WITNESSETH:

The grantors, in consideration of the sum of One Hundred ($100.00) Dollars, lawful money of the United States of America, to them in hand paid by the said grantee, the receipt of which is hereby acknowledged by the said grantors, and also for other good and valuable consideration, the receipt of all of ~~of~~ which are also hereby acknowledged, by these presents do grant, convey, bargain, sell and confirm unto the said grantee and its successors, grantees and assigns forever, the properties, rights and privileges hereinafter

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set forth, viz:

1st. Flowage rights.

The exclusive, unlimited and perpetual right, privilege and easement to overflow of lands bordering on Clear Lakes, including outlet of Clear Lakes Creek, all in Gooding

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County, Idaho, with the right to raise the waters of said Clear Lakes, including said Outlet, from the normal lake level of said Clear Lakes to the highest water line that may be made or created by raising the level of said lake ten (10) feet above said normal lake level and, for the purpose of conclusively fixing this right, there is hereto attached a map of said lake and surrounding land, which map shows thereon a bench mark inscribed "10.37' August 12 - 1927", which bench mark is 10.37 feet above said normal lake level and is hereby fixed and adopted as the reference and measuring point for the rights, privilege and easement hereinbefore granted; that this conveyance also includes the exclusive and permanent right on the part of the grantee to the fullest use of Clear Lakes and its waters, including the addition thereto of the lands to the highest water line created by raising said lake ten (10) feet above said normal lake level for the purpose of using, regulating, draining, impounding or releasing the waters of said lake and all inlets and outlets thereto, whether surface or subterranean flow, pool or spring, as the same may be needed, useful or convenient for hydro-electric power purposes and purposes incidental thereto; PROVIDED, that in the event of the destruction, removal or tempering-with of said bench mark, then, in order to determine the original location of said bench mark, reference shall be had to the field notes of the Engineering Department of grantee, which field notes for said purpose shall be conclusive evidence of the original location of said bench mark. This right and easement, in addition, also contemplates and includes and does hereby grant complete release of all damage or loss due to the grantee's said uses as just hereinabove designated resulting from seepage to the lands or property of any kind owned by the grantors in Section One (1) and Two (2), Township Nine (9) South, Range Fourteen (14) East, B. M.

2nd. Construction and Maintenance of the Dam.

The full and complete right and easement to build, construct, and forever maintain, repair, reconstruct, and rebuild, approximately across the present outlet of Clear Lakes, a dam of such design, type and material and at such exact location as the grantee in its discretion may select, and which, if desired by the grantee may be extended to contact with solid rock on bottom and sides; such dam to be used solely for hydro-electric power development purposes and uses incidental thereto, including the control, use and regulation of the waters of Clear Lakes ten (10) feet above normal lake level as hereinbefore set forth specifically in paragraph "1st" hereof.

3rd. All rights and interests in and to the water or waters rising from, having its or their origin in, or flowing under or over, or being under or on the lands owned by the grantors north of the high water line of the southerly boundary of Clear Lakes, and its outlet, and those lands owned by the grantors north of Lot Seven (7), Section Two (2), Township Nine (9) South, Range Fourteen (14), East, B. M., and no one, including the grantors, their heirs or assigns, may, without written authorization from the grantee, have any right or privilege whatsoever to use, purchase, lease or appropriate any water flowing on or under said lands or arising or being thereon, or prospect or examine said lands for water or make or initiate any water filings of any type or kind thereon or in connection therewith, or use or permit or grant any right in or to the use of said lands, or any portion thereof, or of any other lands, or any portion thereof, now owned by grantors for any use, projected or actual, of said water or waters for hydro-electrical development or uses or purposes and uses.

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The grantors hereby assign, transfer and convey to the grantee all right, title and interest in and to Permit No. 16551 issued by the Commissioner of Reclamation of the State of Idaho on the 10th day of August, 1926, and Permit No. 13362 issued by the State Engineer of the State of Idaho on the 2nd day of January, 1918, and Permit No. 13363 issued by the State Engineer of the State of Idaho on the 2nd day of January, 1918, and any and all other permits or water rights owned by the grantors to divert, use or appropriate the waters of Clear Lakes or its tributaries as herein fully described, with the exception of the reservations hereinafter in paragraph "6th" made by the grantors.

4th. A right of way fifty (50) feet in width to extend from the dam to be erected as provided in paragraph "2nd" hereof, through Lot Seven (7) of Section (2) and Lots Six (6) and Nine (9) of Section Eleven (11), in Township Nine (9) South, Range Fourteen (14) East, B.M., and on the East side of Clear Lakes Creek for the purpose of installing and permanently maintaining, repairing and re-installing a pipe line or pipe lines to utilize for electric development purposes and purposes incidental thereto, the waters of Clear Lakes and Clear Lakes Creek to their fullest capacity, but the grantee is, insofar as conveniently possible, to avoid destruction of trees on said right of way. This conveyance includes as well a plot of land not to exceed twelve (12) acres in area at the southerly end of said right of way and connected therewith, its location to be hereafter exactly determined by the grantee but not to include the Existing grove on said Lots for the purpose of erecting and permanently maintaining thereon a power plant, power plant attendants' buildings, and also such grounds as the grantee may regard as necessary for the use and maintenance of a power generating station and other buildings and grounds, including attendants' gardens convenient or necessary in connection with said use, not to exceed the area above designated. Whenever the grantee shall definitely locate said right of way and other grounds herein generally described, the grantors will deliver a warranty deed in fee simple to the said grantee for all of the lands so located, and until the right of way and the plot of land above described are specifically designated by the grantee, this agreement to convey the same shall run with the land and bind the grantors, their heirs, executors, administrators and assigns, and any mortgagors, incumbrancers, or other lienors or claimants of lien against the same. Whenever the said pipe line or pipe lines are built, the grantee shall provided a bridge over the said pipe line or pipe lines at its own expense.

addition and change made before execution and delivery O.E.S. M.E.S.

addition and change made before execution and delivery O.E.S. M.E.S.

5th. The permanent right to use the private road now existing across Sections One (1) and Two (2), Township Nine (9) South, Range Fourteen (14) East, B.M., for any and all operations of the grantee and as well any extension of said road which the grantee in its sole discretion may make, to the proposed dam pipe line, power station, and other structures of the grantee as the same may hereafter be erected on all lands described in this Indenture. The said grantee to make such other and more definite written, signed and acknowledged assurances of this right as and if required by the grantors - the said road-way being in no event over thirty (30) feet in width.

6th. It is specifically understood that this grant is not intended to nor does it include a conveyance of the following water or water rights of the grantors now used by them but these grantors specifically reserve from this grant and by its acceptance the grantee recognizes the following described water rights:

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(a) Two (2) second feet of water arising from a spring North of said Clear Lakes which is now diverted by the grantors in a pipe line across said Lake and used by them for irrigation, domestic and fish hatchery purposes on Lots Seven (7) and Nine (9), Section Two (2), Township Nine (9) South, Range Fourteen (14) East, B.M. In this connection the grantee by acceptance of this Indenture is obligated at its own expense to lower or raise said pipe line so that it will be above the high level of said Lake at any time that said grantee raises the level of said lake giving, however, the said grantee the option at its own expense, of supplying the said amount of water at the grantors present point of use by such method as it may choose, the cost, risk and liability incurred in maintaining and repairing the said pipe line or any such line shall be borne by the grantors.

(b) Two (2) second feet of the waters of Clear Lakes and Clear Lakes Creek now diverted by the grantors for irrigation uses in two ditches in the East bank of Clear Lakes Creek in Lot Seven (7), Section Two (2), Township Nine (9) South, Range Fourteen (14) East, B. M. The grantee, by the acceptance of this Indenture, agrees that if the erection of a dam or the building of other structures shall cut off the present flow of said two second feet to or at existing headworks, it shall make available at its own expense at the headworks of the upper ditch or at some other point that may be hereafter agreed upon the said amount of two second feet of water.

(c) Three (3) second feet of water of Clear Lakes and Clear Lakes Creek now used by the grantors for irrigation purposes on their lands North and East of Clear Lakes in Lots Five (5), Six (6), Twelve (12) and Thirteen (13) and Fifteen (15), Section One (1), Township Nine (9) South, Range Fourteen (14) East, B. M., said ditch heading in said Lot Five (5).

7th. The grantors specifically reserve, and by acceptance of this Indenture the grantee specifically confirms and approves the reservation of:

(a) The exclusive right and privilege to utilize Clear Lakes and all of the lands bordering thereon for resort, park, fishing, boating or amusement purposes, excepting that such uses shall not interfere with the use of said Lake and lands for power purposes;

(b) That there shall not be erected or maintained on any lands in Lots Six (6), Seven (7), Eight (8) and Nine (9) and the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼), Section Two (2) or Lots Two (2), Five (5) or Six (6), in Section Eleven (11) and Lot Five (5) in Section One (1), and Lot Twelve (12) in Section One (1), all the said lands being in Township Nine (9) South, Range Fourteen (14) East, B. M., any hotel, inn, boating house, stopping place, bath-house, or other buildings, improvements or structures of similar type or purpose without the written consent of the grantors or of some successor or successors in interest to the grantors' lands now bordering said Clear Lakes in whose deeds this privilege is specifically extended. This paragraph shall not be understood as preventing the non-commercial use by the employees located at the plant or guests of the grantee--such guests not to exceed in any one day four in number--of said Clear Lakes and its bordering lands for boating, bathing, fishing or other recreational purposes.

The grantors hereby recognize, affirm and approve the conveyance heretofore made by Warranty Deed dated November 3, 1917, recorded in Book 3 of Deeds at page 372 of the Records of Gooding County, wherein these grantors made conveyances of certain lands to

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the grantee, and any other conveyances of land heretofore made and recorded in which the grantors have or have had any interest in law or equity are hereby recognized, affirmed and approved.

This Indenture and all and every of the terms hereof shall be binding upon and inure to the benefit of the grantors and the grantee and their respective heirs, executors, administrators, assigns, successors and interest, and the various covenants hereof shall run with the lands as hereinbefore described and shall not be held as merely personal covenants.

To have and to hold the said rights, privileges and easements to the said Idaho Power Company, grantee, its assigns and successors, forever.

Otis E. Syster

Mary E. Syster
Grantors.

STATE OF IDAHO)
) SS.
COUNTY OF TWIN FALLS,)

On this 27th day of August, 1927, before me, Geo. L. Layne, a Notary Public in and for said County, personally appeared Otis E. Syster and Mary E. Syster, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARY SEAL)

Geo. L. Layne, Notary Public
Residing at: Buhl, Idaho

Filed for record at the request of Idaho Power Co. at 10:30 o'clock A.M. August 30th,1927.
Fees. $5.00

Myrtle P. Enking, Ex-officio Recorder.

By S. M. Miller, Deputy.

PROOF READ

No. 44074

THIS INDENTURE, Made this 9th day of September in the year of our Lord one thousand nine hundred and twenty-seven between C. C. Smith of Boise County of Ada State of Idaho the party of the first part, and Harriet J. Smith, wife of said C. C. Smith, of Boise County of Ada State of Idaho, the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the love and affection which he bears for his wife has granted and given, and by these presents does grant, give, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all the following real estate, situated in Gooding County, State of Idaho, to-wit:

All of his interest, the same being an undivided half interest, of, in and to Lots 21, 22, 23 and 24, Block 29, City of Gooding as the same is shown on the

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Fee. $1.50 Harry W. Anderson, Recorder.

---:::###$###:::---

No. 1. Agreement

Kanoka, Idaho April,20 1903.

Agreement between Hopkins and Snodgrass parties of the first part and Mrs. Mary Briggs party of the second part. the partys of the first part does agree to let the party of the second part water through their ditch (known as the ridge ditch) water to be turned in from the creek at the Natural bridge. Party of the second part does agree to widen said ditch sufficient to carry their water.

Signed Hopkins & Snodgrass. Witness

By T W. Snodgrass. Claud Barber

Charles Rose.

Austin Idaho Oct 6th 1905.

I do hereby assign all right obtained by the within to L. H. Norton

Mary E. Briggs

Recorded at the request of C. N. Ingersoll at 9 o'clock A. M. Aug. 18th, 1908.

Fees 50 c Harry W. Anderson, Recorder.

---:::###:::---

No. 2. Agreement.

Kanoka Idaho Sept. 10 1903

Agreement between George Lamb and Mary Briggs George Lamb does agree to Let Mary Briggs run water through his ditch (known as the Natural Bridge ditch) Mary Briggs does agree to widen said ditch sufficient to carry their water

Signed

George Lamb. Witness

Mary E. Briggs C. N. Ingersoll

Samuel D. Briggs

Austin Idaho Oct 6th 1905

I do hereby assign all rights obtained by the within to L. H. Norton Mary E Briggs

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IN THE MATTER OF:

36-8291

State of Idaho

County of Gooding

AFFIDAVIT

I, George Brush being first duly sworn, deposes and says: as Vice-President of Clear Lake Corp. and part owner in the property and water rights to Clear Lake Ranch located six miles north of Buhl, have put together the following articles in support of verification of water useage.

Copies of Land Patents ~~for~~ for George Evelett and Mary Briggs from U.S. Government when these people proved up on their land settlements. These people were my great grandparents. Later George Evelett married Mary Briggs; were later divorced. George then sold his share to Otis Syster after he had remarried Mary (later called Mollie). The first mention in court records of any water rights being an issue was copy of title use in 1903.

A contract in 1929 with Idaho Power clearly shows an agreement of a continued use of water on the described properties. This was the earliest direct contract ~~the~~ dealing with water issue that specified amounts of water that I have found. Water was not an issue earlier in time it seemed.

I feel that the priority date of 1890 was when these people first began using the water as this was when it was first settled and they began their homesteading. No documents were required at that time.

George Brush
(signature)

Subscribed and sworn to before me this 17 day of October 19 90.

Lori White
(notary public)

Residing at ff.

My commission expires 5/94.

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IN THE MATTER OF:)
)
)
)
)
State of Idaho)
County of)

AFFIDAVIT

being first duly sworn,

deposes and says:

I Larry Francis Concerns That Clear Lake Ranch have Ikr 73 ac For the Bette of my Knowledge

F

Larry Francis

(signature)

Subscribed and sworn to before me this 30th day of Aug 1990.

Lori White
(notary public)

Residing at TF.

My commission expires 5/94.

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Water is Used for irgation adjacent to G "Course from 3/01 thru 11/30 due the climate permiting conditions

George Brush
Vice-Pres - Clear Lake Corp.

CLEAR LAKE
CORPORATION

George Brush
324-7300(hm)
324-5053(wk)

292 Clear Lake Lane
Buhl, Idaho 83316
(208) 543-8598

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GOODING COUNTY

Box 417
GOODING, IDAHO 83330

RECEIVED
OCT 22 1990
Department of Water Resources
Southern Region Office

JOHN A. MYERS
CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER
CLERK, BOARD OF COUNTY COMMISSIONERS

OCTOBER 18, 1990

Lori A. White
Sr. Resource Agent
Idaho Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

RE: PRIORITY DATES ON WATER

This office has been asked by numerous people to research the deeds on their property to establish a priority date for spring water. Finding a deed that states "spring water used for irrigation or domestic use" is next to impossible. The reason being property deeds did not then nor do they now require any reference to water.

Obviously any piece of property that has a deed stating "spring water for irrigation" in later years also had that same spring water when the land was deeded from the United States Government in a Land Patent.

Sincerely,

Roxi Reed, Deputy Clerk

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89.83 total acres

WARRANTY DEED

FOR VALUE RECEIVED, CLEAR LAKE RANCH, INC., an Idaho corporation, the Grantor, does hereby grant, bargain, sell and convey unto CLEAR LAKE COUNTRY CLUB, INC., an Idaho corporation, Grantee, the following described premises in Gooding County, Idaho, to-wit:

PARCEL 1:

Fairways 1, 2, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17 & 18.

The following legal description is based upon a land survey performed by Stephen R. Padoris, Idaho registration number LS 5291, and a Record of Survey filed as Instrument Number 133455 on September 2, 1988, in the records of Gooding County, Idaho in accordance with the Idaho Code Title 55, Chapter 19. The basis of bearings, monuments found and monuments set are as identified on said survey. The above mentioned Record of Survey is hereby made an integral part of the following written legal description and as such the two documents must not be separated during subsequent reproductions of said written legal description:

A parcel of land located in Government Lots 12, 13 and 15 of Section 1; Government Lots 7 and 9 of Section 2 and Government Lots 5 and 6 of Section 11, Township 9 South, Range 14 East, Boise Meridian, Gooding County, Idaho; said parcel being more particularly described as follows:

Beginning at the Northeast corner of said Section 2, said point lying S 89°29'41" E, 2648.15 feet from the North One Quarter corner of said Section as shown on a Record of Survey filed December 14, 1983 as Instrument Number 105190 in the Gooding County Recorders Office; thence along the Easterly boundary line of said Section S 00°29'23" W, 5209.11 feet to a point on the easterly boundary line of said Government Lot 9, said point being marked with a found G.L.O. Brass Cap and replaced with an aluminum cap set on a 2" pipe designating the Meander Corner between Sections 1 and 2 and is the TRUE POINT OF BEGINNING;

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thence along the Right Meander Line of the Snake River the following successive courses:

S 63°42'23" W, 163.71 feet to a point on the Northerly boundary line of said Government Lot 5 of Section 11, said point being marked with a found G.L.O. Brass Cap designating the Meander Corner between Sections 2 and 11;
thence S 64°38'00" W, 464.00 feet;
thence S 53°00'00" W, 432.00 feet;
thence S 74°54'00" W, 326.00 feet;
thence N 88°16'00" W, 330.00 feet;
thence N 75°23'25" W, 328.34 feet;
thence leaving said Meander Line N 17°44'09" E, 43.08 feet;
thence N 68°44'09" E, 167.60 feet;
thence N 50°29'09" E, 95.20 feet;
thence N 27°31'09" E, 140.90 feet;
thence N 06°35'09" E, 167.60 feet to a point on the Southerly boundary line of said Government Lot 9 of Section 2, said point lies S 89°52'44" E, 1118.40 feet from the South One Quarter corner of said Section 2;
thence N 20°29'51" W, 400.20 feet;
thence N 04°19'09" E, 230.80 feet;
thence N 80°47'09" E, 175.50 feet;
thence N 36°39'09" E, 159.60 feet;
thence S 88°03'51" E, 63.12 feet;
thence along a curve to the left, said curve having a radius of 115.00 feet and a long chord bearing of N 87°19'39" E, 129.70 feet;
thence N 87°31'04" E, 111.66 feet;
thence S 68°35'40" E, 380.09 feet;
thence N 66°21'42" E, 133.00 feet;
thence N 65°44'06" E, 119.95 feet;
thence N 65°35'00" E, 256.04 feet;
thence N 55°00'00" E, 349.66 feet to a point lying on the west line of said Section 1, said point lies S 00°29'23" W, 1577.44 feet from said One Quarter corner Section 1 and lies N 00°29'23" E, 970.66 feet from the common meander corner to Sections 1 and 2;
thence N 55°00'00" E, 267.45 feet;
thence N 82°00'00" E, 221.15 feet;
thence S 3°46'00" W, 194.09 feet;
thence S 66°35'49" W, 163.39 feet;
thence S 52°11'28" W, 351.70 feet to a point lying on the east line of said Section 2, said point lies S 00°29'23" W,

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1867.44 feet from said One Quarter corner Section 1 and lies N 00°29'23" E, 680.66 feet from the common meander corner to Sections 1 and 2;
thence S 64°25'59" W, 650.21 feet;
thence S 15°01'22" W, 80.91 feet;
thence S 77°36'22" W, 124.00 feet;
thence N 80°32'27" W, 214.27 feet;
thence S 49°09'03" W, 89.71 feet;
thence N 84°33'41" W, 198.59 feet;
thence S 9°12'24" E, 365.76 feet to a point lying on the north line of Lot 5, Section 11;
thence S 9°12'24" E, 127.56 feet;
thence N 56°49'35" E, 229.30 feet to a point lying on the south line of Lot 9, Section 2;
thence N 56°49'35" E, 260.70 feet;
thence N 82°13'31" E, 203.63 feet;
thence N 61°00'42" E, 222.74 feet;
thence N 39°21'30" E, 192.98 feet;
thence N 65°01'52" E, 176.98 feet;
thence N 54°00'07" E, 43.44 feet to a point lying on the west line of Section 1 and lying S 0°29'23" W, 2091.36 feet from the west One Quarter corner Section 1 and N 0°29'23" E, 456.74 feet from the meander corner common to Sections 1 and 2;
thence N 54°00'17" E, 615.72 feet;
thence N 50°58'58" E, 424.19 feet;
thence N 29°14'34" E, 261.16 feet;
thence N 47°01'08" E, 122.03 feet;
thence N 68°08'49" E, 372.66 feet;
thence S 20°42'20" E, 75.00 feet;
thence N 69°17'40" E, 75.00 feet;
thence N 20°42'20" W, 75.00 feet;
thence N 69°17'40" E, 140.35 feet;
thence N 9°24'51" W, 110.64 feet;
thence N 69°34'11" W, 116.56 feet;
thence N 14°36'47" W, 53.82 feet;
thence N 75°22'00" E, 1008.00 feet;
thence N 15°06'07" W, 204.91 feet;
thence N 83°26'59" E, 214.09 feet;
thence N 28°14'15" E, 15.00 feet to a point lying on the southerly Right-of-Way of Clear Lakes Road;
thence along said Right-of-Way, S 61°45'45" E, 86.72 feet to a point lying on the section 1/4 line of said Section 1 and East boundary of Clear Lake Ranch, Inc., property as shown on said Record of Survey

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drawing and lying S 0°22'06" W, 2925.49 feet from the north 1/4 corner;
thence along said section 1/4 line, S 0°22'06" W, 658.27 feet to a point;
thence S 73°47'00" W, 386.36 feet;
thence S 19°23'18" E, 149.66 feet;
thence S 68°39'40" W, 212.14 feet;
thence N 75°33'36" W, 435.63 feet;
thence S 83°29'35" W, 343.31 feet;
thence S 45°53'16" W, 184.90 feet;
thence S 0°47'54" E, 101.66 feet;
thence S 17°54'54" W, 205.36 feet;
thence S 32°45'20" W, 207.22 feet;
thence S 57°56'47" W, 116.27 feet;
thence S 52°31'10" W, 543.46 feet;
thence S 60°36'14" W, 631.38 feet to a point lying on the east line of said Section 2 and lying N 0°29'23" E, 45.48 feet from the meander corner common to Sections 1 and 2;
thence along said east line of Section 2 S 00°29'23" W, 45.48 feet to the POINT OF BEGINNING.

Said described parcel contains 67.169 Acres.

PARCEL 2:

Fairways 3, 6, 7, 8, 9.

The following legal description is based upon a land survey performed by Stephen R. Padoris, Idaho registration number LS 5291, and a Record of Survey filed as Instrument Number 133455 on September 2, 1988, in the records of Gooding County, Idaho, in accordance with the Idaho Code Title 55, Chapter 19. The basis of bearings, monuments found and monuments set are as identified on said survey. The above mentioned Record of Survey is hereby made an integral part of the following written legal description and as such the two documents must not be separated during subsequent reproductions of said written legal description:

A parcel of land located in Government Lots 12 and 13 of Section 1; Government Lots 7, 8 and 9 of Section 2, Township 9 South, Range 14 East, Boise Meridian, Gooding County, Idaho; said parcel being more particularly described as follows:

Beginning at the Northwest corner of said Section 1, said point lying N 89°32'53" W, 2647.38 feet from the

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North One Quarter corner of said Section, as shown on a Record of Survey Drawing filed December 14, 1983, as Instrument Number 105190 in the Gooding County Recorders Office; thence along the West line of said Section 2 S 00°29'23" W, 3901.36 to a point and lies S 00°29'23" W, 1240.35 feet from the West One Quarter corner of said Section 2 and is the TRUE POINT OF BEGINNING;

thence S 54°48'01" W, 364.68 feet;
thence S 84°36'00" W, 350.00 feet;
thence S 65°43'05" W, 119.99 feet;
thence S 60°39'20" W, 250.00 feet;
thence S 51°32'43" W, 114.54 feet;
thence N 59°44'47" W, 75.23 feet;
thence S 30°15'09" W, 93.33 feet;
thence S 49°13'09" W, 107.98 feet to a point lying on a curve;
thence along said curve to the right having a radius of 85.00 feet, a chord bearing of S 81°20'58" W for 37.60 feet to a point on the westerly boundary of Clear Lake Ranch, Inc., and Idaho Power Co. properties;
thence along said common boundaries the following sucessive courses:

N 49°13'09" E, 136.48 feet;
N 30°15'09" E, 233.70 feet;
N 68°56'09" E, 98.00 feet;
N 36°03'09" E, 195.00 feet;

thence leaving said boundary N 81°06'54" E, 171.31 feet;
thence N 84°00'53" E, 238.56 feet;
thence N 73°10'34" E, 110.53 feet;
thence N 36°53'04" E, 186.22 feet;
thence N 47°28'11" E, 234.61 feet;
thence N 70°44'27" E, 76.94 feet to a point on the west line of said Section 1 and lying S 0°29'23" W, 945.35 feet from the west 1/4 corner of Section 1;
thence N 46°50'02" E, 191.26 feet;
thence N 61°01'54" E, 220.18 feet;
thence N 77°00'18" E, 414.75 feet;
thence N 42°24'18" E, 195.69 feet;
thence N 6°21'28" W, 20.00 feet to a point on the southerly line of a commercial roadway easement;
thence along said easement the following successive courses:

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N 83°38'32" E, 463.30 feet;
N 00°00'00" E, 590.24 feet;
N 44°34'30" E, 204.21 feet to a point lying on the southerly Right-of-Way of Clear Lakes Road;

thence along said Right-of-Way S 66°40'45" E, 363.97 feet;
thence leaving said Right-of-Way S 7°24'00" W, 106.82 feet;
thence S 62°36'39" E, 137.55 feet;
thence S 74°05'00" E, 354.52 feet;
thence S 56°25'45" E, 57.52 feet;
thence along a curve to the left having a radius of 940.00 feet and a chord bearing of S 57°57'15" E, 50.04 feet;
thence S 15°03'28" E, 105.46 feet to a point on an access easement;
thence along said access easement along a curve to the right having a radius of 130.00 feet, a chord bearing of S 67°07'06" W, 24.39 feet;
thence continuing along said easement S 69°30'00" W, 58.87 feet;
thence N 65°35'00" W, 201.90 feet;
thence N 74°29'21" W, 200.18 feet;
thence N 66°14'38" W, 188.92 feet;
thence N 54°58'38" W, 215.20 feet;
thence N 64°01'02" W, 90.14 feet;
thence S 4°42'25" E, 647.16 feet to a point on an access easement;
thence along said access easement the following successive courses:

Along a curve to the right having a radius of 320.00 feet and a chord bearing of S 43°12'34" W, 58.11 feet; S 38°00'00" W, 33.42 feet;
Along a curve to the right having a radius of 330.00 feet and a chord bearing of S 56°41'00" W, 211.42 feet; S 75°22'00" W, 714.42 feet;

thence leaving said access easement N 2°14'50" W, 67.76 feet;
thence S 66°28'35" W, 520.63 feet;
thence S 9°18'38" W, 124.54 feet;
thence S 54°48'01" E, 140.40 feet to the TRUE POINT OF BEGINNING.

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Said Described parcel contains 21.694 Acres.

PARCEL 3:

IRRIGATION PUMP SITE

The following legal description is based upon a land survey performed by Stephen.R. Padoris, Idaho registration number LS 5291, and a Record of Survey filed as Instrument Number 13345 on September 2, 1988, in the records of Gooding County, Idaho, in accordance with the Idaho Code Title 55, Chapter 19. The basis of bearings, monuments found and monuments set are as identified on said survey. The above mentioned Record of Survey is hereby made an integral part of the following written legal description and as such the two documents must not be separated during subsequent reproductions of said written legal description:

A parcel of land located in Government Lot 5 and 6 of Section 1, Township 9 South, Range 14 East, Boise Meridian, Gooding County, Idaho; said parcel being more particularly described as follows:

Beginning at the West One Quarter corner Section 1, said point lying S 0°29'23" W, 2661.01 feet from the Northeast corner of said Section 1, and N 0°29'23" E, 2548.11 feet from the meander corner common to Sections 1 and 2 as shown on a Record of Survey filed December 14, 1983, as Instrument Number 105190 in the Gooding County Recorders Office; thence N 77°41'14" E, 1298.25 feet to a point, said point lies N 24°32'49" E, 3105.54 feet from the meander corner common to Sections 1 and 2 and is the TRUE POINT OF BEGINNING.

thence N 46°08'46" E, 27.00 feet;
thence S 41°13'50" E, 45.00 feet to a point lying on the westerly line of a commercial roadway easement;
thence along said easement S 44°34'30" W, 30.00 feet;
thence N 37°33'37" W, 46.05 feet to the TRUE POINT OF BEGINNING.

Said described parcel contains 0.030 Acres.

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PARCEL 4:

BUHL COUNTRY CLUB - CLUBHOUSE SITE

The following legal description is based upon a land survey performed by Stephen R. Padoris, Idaho registration number RLS 5291, and a Record of Survey filed May 17, 1988, as Instrument Number 132201 in accordance with Idaho Code Title 55, Chapter 19 in the Records of Gooding County, Idaho. The basis of bearing, monuments found and monuments set are as identified on said survey. The above mentioned Record of Survey is hereby made an integral part of the following written legal description and as such the two documents must not be separated during subsequent reproductions of said written legal description:

A parcel of land situated in Government Lots 7 and 9 of Section 2, Township 9 South, Range 14 East, B.M., Gooding County, Idaho; said parcel being more particularly described as follows:

Beginning at the meander corner of Sections 1 & 2 on the Right Bank of the Snake River as shown in a Record of Survey drawing as Instrument Number 105190, filed on December 14, 1983, in the Gooding County Recorders office, said point being monumented with an Aluminum cap on a 2" pipe and lying S 00°29'23" W, 5209.11 feet from the Northeast corner of said Section 2, said point also lies on the easterly boundary of Government Lot 9, Section 2, thence N 69°21'22" W, 1598.44 feet to a point on the westerly boundary of Clear Lake Ranch, Inc., said point being a chiseled "X" on a rock and lying S 18°20'40" W, 4894.10 feet from the Northeast corner of said Section 2 and lying S 36°39'09" E, 159.60 feet from an angle point on the westerly boundary of said Clear Lake Ranch, Inc., property said point being monumented with a 5/8" rebar with cap marked "PELS 3260" said point also being the TRUE POINT OF BEGINNING;

Thence along said westerly boundary of Clear Lake Ranch, Inc., N 36°39'09" E, 40.80 feet to a point being monumented by a 1/2" rebar with cap marked "LS 5291";

Thence S 65°13'36" E, 248.68 feet to a point being monumented by a 5/8" rebar with cap marked "LS 5291";

Thence S 8°00'00" W, 143.94 feet to a point being monumented by a 5/8" rebar with cap marked "LS 5291";

Thence N 83°00'00" W, 191.00 feet to a point being monumented by a 5/8" rebar with cap marked "LS 5291";

Thence N 12°00'00" W, 195.00 feet to the TRUE POINT OF BEGINNING.

Said Described parcel contains 0.94 acres.

Together with 1.50 cfs (75 miner's inches) of spring water for irrigation.

A. Together with the following 10 foot Cart and Equipment Easements which are not set forth on Record of Survey recorded as Instrument No. 133455, on September 2, 1988, but are described by reference to said survey as follows:

1. On Sheet 1 of said survey, from the cul-de-sac to Fairway 9 within the call of South 51°32'43" West;

2. On Sheet 2 of said survey, from the cul-de-sac to Fairway 1 to what is designated as the Buhl C.C. Clubhouse Site;

3. On Sheet 3 of said survey, from No. 12 Green to No. 13 Tee Box, the exact location to be agreed to between the Grantor and Grantee based upon the lot lines, etc., in Phase 2 of their development, said Cart and Equipment Easement to commence somewhere near the southerly part of the call of North 47°01'8" East and to go to No. 13 Tee Box;

4. On Sheet 5 of said survey, from No. 5 Green to No. 6 Tee Box, the exact location to be determined on the site;

5. It is understood and agreed that the Grantee shall be responsible for maintaining the Cart and Equipment

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Easements. It is also understood and agreed that while said cart and equipment roads are already in place, that the same may be adjusted by Grantor as the planned Unit Development proceeds, but that said easement must be kept in the same general area to provide the access agreed to herein.

B. The Grantor hereby grants or reserves, as the case might be, that all Water and Cart Easements shown on said survey shall also be used for Equipment Easements.

C. The Grantor does also reserve an eight foot wide Jogging Easement described as follows:

1. On Sheet 1 of said survey, along the Northwest side of the deeded property commencing in the 20 foot right-of-way granted in the above-described survey from near the No. 9 Green next to Clear Lake and the Clear Lake Outlet to irrigation easement shown on Sheet 1;

2. On Sheet 5 of said survey, on the cart path on Fairway 14 where the Cart and Equipment Easement is established; and

3. On Sheet 5 of said survey, on the Cart and Equipment Easement from the No. 5 Green to the No. 6 Tee Box.

D. The Grantor reserves an easement in all fairways for the construction of sewer drain fields. It is understood and agreed that any drain field installed upon any fairways will be constructed at the drain field owner's expense in such a manner as to not interfere with the use of the land as a fairway. The installation of or any change or modification or

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Law Offices
Hepworth, Nungester, Felton and Lezamiz

repair of a drain field will not be commenced until after written approval is given by the Club. The Club will schedule the appropriate time to do said work. All work shall be done in accordance with the requirements of the South Central District Health Department and the Club. The person or persons owning the drain field which is being installed, repaired, or replaced, will, at the owner's expense, replace any and all sprinkler systems, sod, traps, or other items owned by the Club, to the satisfaction of the Club, so that the golf course is placed in playable condition, as close as possible to its original condition before any such installation, maintenance or repair was commenced.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED This _____ day of _____, 1988.

CLEAR LAKE RANCH, INC.

By_____
David Brush

ATTEST:

_____
Nancy McCormick, Secretary

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STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 1988, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared DAVID BRUSH and NANCY McCORMICK, known to me to be the President and Secretary, respectively, of CLEAR LAKE RANCH, INC., who executed the foregoing instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____
NOTARY PUBLIC FOR IDAHO
Residing at: _____

(WLN\CLCC.plm)

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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

03-Oct-1991 08:57

Mr. Herry Ranier, Manager
Clear Lake Country Club
Rt 4 Box 225
Buhl, Idaho 83316

Re: Claim A36-04074

Dear Mr. Ranier;

Your Adjudication claim A36-04074 is a Statutory or Beneficial Use Claim and as such has never been examined or verified as to the claimed date of priority. The law requires that this be done (see enclosed leaflet) be fore we can finish processing this claim. Two of your claims have been processed (A36-04148B & A36-10154) but this one which is for 46 acres with a priority date of 1937 requires some "evidence of priority" for our files. The leaflet describes what is needed. If the evidence you obtain supports a date after March 25, 1963, it will be recommended that a permit be filed to obtain a water right on this property.

Please contact us for further assistance.

Respectfully,

Robert V. Worstell

Robert V. Worstell
Sr. Adjudication Agent

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Proof of Priority information Received from John LeMoyne 10-23-91

CLEAR LAKE COUNTRY CLUB AND GOLF COURSE

A group of Buhl city fathers were responsible for the original incorporation of the Buhl Country Club on May 22, 1929. Hungry for recreational opportunities, the group of 36 charter members combined to purchase 500 acres, 2 miles north of Buhl in Melon Valley. The price was $10 per acre and each member contracted for one or more 10 acre units at $100 each. The founders sold forty acres in exchange for work on the site, seeded twelve acres and later another 68 acres to alfalfa to make the club self-supporting while they picked rock, built trap ranges and laid out a six-hole golf course. The greens were sand and the fairways rubble and stubble.

During 1934 negotiations began toward leasing the present golf course site at Clear Lake, which was owned by Molly and Ote Syster. The property was in pasture at the time, although attempts had been made to raise alfalfa and frogs on the property in earlier ventures. The property had also been a ferry site in earlier days. Rent for the property was $450 per year for golfing, fishing and picnicking for all members. The Systers hired Otto Shropshire as the first manager and irrigator and Molly controlled the fishing, charging 50 cents per carload of anglers.

Otto Syster was named manager in 1936 and did much redesigning of the course. There were only eight holes, thus making the golfers play number one twice to get in a total of nine. There must have been <u>real</u> golf courtesy around that hole. Sheep were everywhere and, in order to protect the sand greens, fences were erected around each of them. The "greens" finally became green in 1946.

Jack Tingey, who had come to Buhl in 1928, was an ardent golfer and major contributor to the growth of the golf course. During the slow season he would dispatch workers from his nearby fish hatchery to work at various projects on the golf course rather than lay them off. There were many others who spent hours and days on the many projects required to keep the course moving forward. The Buhl Country Club Course was truly a "made in Idaho" venture and remains so today.

Various architectural changes were made in the golf course layout over the subsequent years, but the basic personality of the friendly membership remained a constant as did the reputation for remaining open during the winter and allowing play when other courses were shut down. Winter days on the golf course would find a collection of players from throughout Southern Idaho getting in a few licks as they waited impatiently for their own courses to thaw out.

The Buhl Country Club underwent its most dramatic transformation and change of name during 1987-89 when the property was purchased, eleven new holes constructed and a new half-million dollar clubhouse erected. Membership was increased from 200 to 400 members with each member purchasing $1500 stock to go toward the spectacular improvements.

The new eighteen holes, a River Side and a Lake Side, capitalized on the existing water in Clear Lake and the Snake River to provide an exciting golf challenge for both members and visitors. The Lake, now owned by Clear Lake Country Club, provides marvelous rainbow trout fishing, restricted to fly fishing only, and, like the golf course, remains open throughout the year.

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IN THE MATTER OF:)
)
)
)
)

AFFIDAVIT

State of Idaho)
)
County of Gooding)

Larry Francis being first duly sworn, deposes and says: he is at present the manager of Clear Lake Country Club and has held that position since 1974. being first employed by the Buhl Country Club, predecessor to the Clear Lake Country Club. During that time the land has been continuously irrigated from Clear Lake and springs through a pump and ditch system prior to being being piped and sprinkled. The land is mostly of sandy texture and has a high rate of water percolation so that it takes a lot of water to grow good grasses. The five acres put under sprinkler for driving range was put into use in the spring of 1985. This was with water from the pumping system out of Clear Lake.

Larry Francis
(signature)

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Subscribed and sworn to before me this 28th day of October 19 91.

(notary public)

Residing at Hagerman.

My commission expires 11/24/95.

IN THE MATTER OF:)
)
)
)
)

AFFIDAVIT

State of Idaho)
)
County of Gooding)

John R. LeMoyne being first duly sworn, deposes and says: he has been closely associated with farming in Hagerman Valley since moving there in 1928. The soils in Hagerman Valley where he has farmed are similar in nature to the soils on the Clear Lake Country Club golf course, namely sandy with a high rate of water percolation. In the trial of the New International Mortgage Bank vs the Idaho Power Co. which was filed for record on March 23, 1932, the court decreed that kind of soil needed two miners inches of water per acre for irrigation.

John R. LeMoyne
(signature)

MICROFILMED
FEB 01 1993

Subscribed and sworn to before me this 28th day of October 19 91.

Kay Sauer
(notary public)

Residing at Hagerman.
My commission expires 11/24/95.

IN THE MATTER OF:)
)
)
)
)

AFFIDAVIT

State of Idaho)
)
County of Gooding)

Frank Stewart being first duly sworn, deposes and says: he has been associated with the property upon which the present Clear Lake Country Club has their golf course since 1940 and did actively manage and operate the golf course from 1954 to 1975 . during these times the land was irrigated both from Clear Lake by means of a pump system and from springs through ditches. He knows from personal contact that the land has been continuously irrigated since 1940 .

Frank Stewart
(signature)

MICROFILMED
FEB 01 1993

Subscribed and sworn to before me this 28th day of October 19 91 .

Kay Sauer
(notary public)

Residing at Hagerman .
My commission expires 11/24/95 .

Info. received from John LeMoyne

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RECEIVED
MAR 21 1996
Department of Water Resources

RECEIVED
MAR 26 1996
Department of Water Resources
Southern Region

1996 MAR 20 AM 11:46
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	**Subcase No.: 36-04074 and 36-04148B**
	)	
Case No. 39576	)	**ORDER GRANTING MOTION TO FILE LATE OBJECTION**
	)	
	)	

On December 22, 1995, claimant Clear Lakes Country Club filed its *Motion of Clear Lakes Country Club for Leave to File Late Objections* concerning the above water right claims. Attached to the *Motion* were three affidavits and the claimant's Objections. The *Motion* and affidavits alleged that the claimant failed to timely file objections to the Director's recommendations because the claimant reasonably believed its objections would be resolved separately from the SRBA process. By the time it realized the error and consulted with legal counsel, the time to file objections had passed. The *Motion* and affidavits also alleged facts to support its claim to more water than recommended by the Director.

A hearing was held before the Special Master on March 19, 1996, at the SRBA Courthouse in Twin Falls, Idaho. Patrick D. Brown appeared for the claimant and Brent R. King appeared by telephone for IDWR. Norman M. Semanko appeared for L&M, Inc.(Clear Lakes Ranch), which may claim some interest in the two claims.

After considering the pleadings and arguments of counsel, it is clear that the claimant has (1) timely filed its *Motion*, (2) shown good cause to file late objections, and (3) alleged facts which constitute a meritorious position.

THEREFORE, IT IS ORDERED that the *Motion* is **granted**. Objections lodged with the *Motion* are deemed filed this date. Responses to the objections shall be filed no later than April 19, 1996.

DATED March 20, 1996.

TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION was mailed on March 20, 1996, with sufficient first-class postage to the following:

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

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

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

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P O Box 389
Twin Falls, Idaho 83303-0389

Norman Semanko
Rosholt, Robertson & Tucker
P O Box 1906
Twin Falls, Idaho 83303-1906

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	
	)	Case No. 36-04074
Case No. 35976	)	(Insert Water Right Number)
	)	
	)	STANDARD FORM NO. 1
	)	
	)	OBJECTION

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. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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. ***Party/Claimant objecting:***

Name: Clear Lake Country Club

Address: Route 4, Box 225

Buhl, ID 83316

Briefly describe your interest in this water right:

Owner

If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown

Attorney Address: P.O. Box 389

Twin Falls, ID 83303-0389

Attorney Phone No.: (208)734-7510

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Directors Report:***

Name: Clear Lake Country Club

Address: Rt. 4, Box 225, Buhl, ID 83316

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. **Water Right Recommendation:** I object to:

   ☐ a. this water right being recommended at all; or

   ☐ b. this water right not being recommended.

12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. [X] **Other:** I object to: The general provisions in the directors report

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) by number for each box checked. You may use additional pages if necessary.

See Attached Exhibit "A"

CHANGES TO THE DIRECTOR'S REPORT

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

See Attached Exhibit "B"

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.

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. §42-1401A(1)(7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

_____
Signature of person filing objection

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on: December , 1995.

_____
Notary Public for _____
Residing at: _____
My Commission Expires: _____

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 all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on December, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

   Name: _____
   Address: _____

   _____

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 party/claimant or attorney

OBJECTION - EXHIBIT "A"
CLAIM NO. 36-04074

REASONS SUPPORTING EACH BOX CHECKED

3(a) IDWR recommends a water right with a total quantity which is less than the quantity appropriated and the quantity the Country Club presently uses to irrigate their golf course pursuant to this right. The Country Club actually uses 1.400 c.f.s under this right to water the golf course, in conjunction with other rights in a closed system that irrigates 90 acres.

8. IDWR recommends a period of use which is shorter than the period that water is beneficially used under the existing right. Irrigation of the golf course begins in mid-February and extends into mid-November.

9(a) & (b) IDWR's recommended place of use does not accurately reflect the number of acres being irrigated under this water right. For example, while 15 acres of T09S R14E S01 Lot 15 (SWSW) are irrigated pursuant to this water right, the recommendation of IDWR indicates that only 7.5 acres of this lot are irrigated. As set out in the "Changes to the Director's Report" section, every point of diversion listed in the recommendations has been similarly reduced without explanation.

13. The general provisions are unnecessary to the determination or adjudication of this water right.

RECEIVED
DEC 28 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
MAR 26 1996
Department of Water Resources
Southern Region

Claimant: Clear Lakes County Club

Attorney Name and Address:

RECEIVED
DEC 26 1995
OFFICE OF THE
ATTORNEY GENERAL

HEPWORTH, LEZAMIZ & HOHNHORST, CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

* * * * * * * * * * *

In Re SRBA

Case No. 39576

MOTION OF CLEAR LAKES COUNTRY CLUB FOR LEAVE TO FILE LATE OBJECTIONS

* * * * * * * * * * *

COMES NOW Claimant, Clear Lakes Country Club, by and through undersigned counsel and moves the court to enter an order pursuant to *SRBA Admin. Order No. 1*, permitting Claimant to file late objections to recommendations filed by Idaho Department of Water Resources regarding claims made by Clear Lakes Country Club, numbered 36-04148B and 36-04074.

This motion is based upon the *Affidavits of John LeMoyne and Ted Eastman*. Mr. LeMoyne states why objections were not filed within the scheduled deadline for Basin 36. Mr. Eastman states the meritorious basis upon which the objections rest and the factual

foundation on which the rights will be based. Proposed Objections are attached to this motion.

Oral argument is requested.

Dated this 21st day of December, 1995.

HEPWORTH, LEZAMIZ & HOHNHORST, CHARTERED

By: Suzanne Hepworth for
Patrick D. Brown
Attorneys for Claimant

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21st day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh Susan E. Hamlin Deputy Attorneys General P. O. Box 44449 Boise, ID 83711-4449	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
U.S. Department of Justice Environment & Natural Resources Division 550 West Fort St, MSC 033 Boise, ID 83724	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Director of IDWR P. O. Box 83720 Boise, ID 83720-0098	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Susan McMurtrey for
Patrick D. Brown

(WATER\82971MOT.LTE)llm

OBJECTION - EXHIBIT "B"
CLAIM NO. 36-04074

CHANGES TO DIRECTOR'S REPORT

3. Total quantity appropriated should be 1.400 c.f.s., not .82 c.f.s.

8. Period of use should be from 2/1 to 11/15, not from 3/15 to 11/15.

9(a) & (b) Place of use should be modified as follows:

T09S, R14E, S01 Lot 15 (SWSW)	8.0
T09S, R14E, S02 Lot 7 (SWSE)	9.0
T09S, R14E, Lot 9 (SESE)	9.0
T09S, R14E, S11 Lot 5 (NENE)	8.0
T09S, R14E, Lot 6 (NWNE)	12.0
TOTAL	46.0

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

August 11, 1995

RECEIVED
AUG 11 1995
Department of Water Resources
Southern Region

Nick Spencer
Idaho Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83720

VIA FAX

Re: SRBA Claim No. 36-04148A

Dear Nick:

Pursuant to the June 13, 1995 settlement conference and our telephone conversation of August 9, this letter is meant to provide:

(1) A description of the acres continually irrigated under the beneficial use water right represented by SRBA Claim No. 36-04148A; and

(2) A chronology of the events constituting the "change" made to the beneficial use water right represented by SRBA Claim No. 36-04148A.

I. Continually Irrigated Acres under the Beneficial Use Claim

Following up on the explanation provided at the status conference, we have reproduced the map and aerial photograph relied upon to show the acreage that has been continually irrigated under A36-04148A. These acres were irrigated as golf course and pasture up until the time that the Clear Lake Ranch development converted the water use to residential irrigation, supplementing development under Permit No. 36-08329.

The yellow areas on the enclosed map depict the acres that were irrigated as golf course and pasture until the residential development took place. There are a total of 25.64 acres, which are summarized as follows:

A. The area currently made up of Lots 25-31 and 38-39 was continually irrigated as part of the old nine-hole golf course, under lease with the Clear Lake Country Club. This land, and water, was retained by the developers by contract with the Clear Lake Country Club and constitutes no part of the current eighteen-hole golf course. The area depicted covers 6.09 acres.

B. The area currently made up of Lots 61-69 was continually irrigated as pasture, under various leases. The area depicted consists of 6.20 acres.

C. This land, located west of the seventh fairway, was sold to Clear Springs Trout Company on August 31, 1983 and was continually irrigated. The water was retained by the developers for use in the residential development. The area depicted consists of 12.35 acres.

D. The "old homestead" was continually irrigated and consists of 1.0 acres.

The irrigated areas depicted on the map are reinforced by the 1984 aerial photograph which is also enclosed. The photograph was taken during the initial phases of the residential development, while necessary permissions were being sought and agreements entered into, but prior to any dirt being moved.

We feel it important to note that additional acres, beyond the 25.64 acres summarized above, can be claimed on the basis of the doctrine of resumption of use. This is reflected in our SRBA claim of 1.5 cfs covering 73 acres. As we discussed today, we want to avoid litigating the resumption issue. This will only be possible, however, if we can agree on the above-summarized acres which were continually irrigated and incorporated into the residential development. Due to the needs of the development, we cannot agree to anything less than 25.64 acres of irrigation, or .51 cfs.

II. Chronology of the Change in Use/Residential Development

As explained at the settlement conference, the approximately .51 cfs that was continually used to irrigate the above-summarized 25.64 acres was "changed", beginning in 1983. However, there was no change in the point of diversion, place of use, nature of use or period of use. All that was changed was the means of diversion (instead of using the existing earthen ditch, the rediversion from the lake, and other antiquated means of diversion, a pipeline and central pumphouse system was installed -- all coming from the same point of diversion (i.e., the springs)) and the type of irrigation use (the golf course and pasture irrigation described above became residential irrigation).

As a result, we do not believe an "accomplished transfer" issue exists. However, even assuming such an issue exists, the change to the beneficial use water right was made in advance of the commencement of the SRBA.

As part of converting the old irrigation use to residential irrigation, land was sold to Clear Springs Trout Company on October 12, 1983 (while retaining water rights), a water right permit (Permit No. 36-08329) was secured to appropriate additional water

needed for the development (noting that the permit was to be used in combination with other water rights from the springs; e.g., the beneficial use right), zoning approvals were sought and received from Gooding County, and a development agreement was executed with the Clear Lake Country Club on April 21, 1987.

All of these actions occurred before the SRBA was commenced in November of 1987. The pre-existing and antiquated means' of diversion, of which there were more than one, that served the irrigated acres described above were ultimately converted to a 12-inch pipeline and central pumphouse to serve the residential development. This means of diversion provides water for both A36-04148A and Permit No. 36-08329, and is depicted in red on the enclosed map.

We appreciate your willingness to listen to our case and work with us toward settlement of this matter. Please feel free to call us with any questions prior to our second-round settlement conference on Wednesday, August 16. We seek only to leave that conference with a (Standard Form 5) settlement that is consistent with what is described in this letter.

Sincerely,

Norman M. Semanko

NORMAN M. SEMANKO

08099503.NMS

Enclosures (hand-delivered to IDWR Agent Steve Clelland in IDWR-Southern Office pursuant to telephone conversation with Nick Spencer on August 9, 1995)

cc: Steve Clelland, IDWR-Southern Office (hand-delivered with enclosures)
David Brush, President, Clear Lake Corporation
Nancy McCormick
Bruce L. Thomas
Jon Mellen

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	
	)	Case No. 36-04148B
Case No. 35976	)	(Insert Water Right Number)
	)	
	)	STANDARD FORM NO. 1
	)	
_____	)	OBJECTION

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. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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. ***Party/Claimant objecting:***

Name: Clear Lake Country Club

Address: Route 4, Box 225

Buhl, ID 83316

Briefly describe your interest in this water right:

Owner

If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown

Attorney Address: P.O. Box 389

Twin Falls, ID 83303-0389

Attorney Phone No.: (208)734-7510

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Directors Report:***

Name: Clear Lake Country Club

Address: Rt. 4, Box 225, Buhl, ID 83316

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. **Water Right Recommendation:** I object to:

   ☐ a. this water right being recommended at all; or

   ☐ b. this water right not being recommended.

12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☒ **Other:** I object to: The general provisions in the directors report

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) by number for each box checked. You may use additional pages if necessary.

See Attached Exhibit "A"

CHANGES TO THE DIRECTOR'S REPORT

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

See Attached Exhibit "B"

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.

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. §42-1401A(1)(7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

_____
Signature of person filing objection

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on: December , 1995.

_____
Notary Public for _____
Residing at: _____
My Commission Expires: _____

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 all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on December, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

   Name: _____
   Address: _____

   _____

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 party/claimant or attorney

\WATER\STDFRM1.51

OBJECTION - EXHIBIT "B"
CLAIM NO. 36-04148B

CHANGES TO DIRECTOR'S REPORT

3. Total quantity appropriated should be 1.500 c.f.s., not .46 c.f.s.

8. Period of use should be from 2/1 to 11/15, not from 3/15 to 11/15.

9(a) & (b) Place of use should be modified as follows:

T09S, R14E, S01 Lot 6 (SENW)	0.6
T09S, R14E, Lot 13 (NESW)	23.0
T09S, R14E, Lot 12 (NWSW)	10.6
T09S, R14E, Lot 15 (SWSW)	15.6
T09S, R14E, S02 Lot 8 (NESE)	1.9
T09S, R14E, Lot 7 (SWSE)	1.8
T09S, R14E, Lot 9 (SESE)	23.4
T09S, R14E, S11 Lot 5 (NENE)	8.8
T09S, R14E, Lot 6 (NWNE)	4.3
TOTAL	90.0

\WATER\04148B.EXA

OBJECTION - EXHIBIT "A"
CLAIM NO. 36-04148B

REASONS SUPPORTING EACH BOX CHECKED

3(a) IDWR recommends a water right with a total quantity which is less than the quantity appropriated and the quantity the Country Club presently uses to irrigate their golf course pursuant to this right. The Country Club actually uses 1.500 c.f.s under this right to water the golf course, in conjunction with other rights in a closed system that irrigates 90 acres.

8. IDWR recommends a period of use which is shorter than the period that water is beneficially used under the existing right. Irrigation of the golf course begins in mid-February and extends into mid-November.

9(a) & (b) IDWR's recommended place of use does not accurately reflect the number of acres currently being irrigated under this water right. 90 acres are irrigated under this right, and IDWR's recommendation reduces without explanation the acres irrigated to 23.

13. The general provisions are unnecessary to the determination or adjudication of this water right.

RECEIVED
MAR 26 1996
Department of Water Resources
Southern Region

RECEIVED
DEC 28
OFFICE OF THE
ATTORNEY GENERAL

RECEIVED
DEC 28 1995
Department of Water Resources
Adjudication Bureau

Claimant: Clear Lakes County Club

Attorney Name and Address: HEPWORTH, LEZAMIZ & HOHNHORST, CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

* * * * * * * * * * *

In Re SRBA)
)
Case No. 39576)

AFFIDAVIT OF TED EASTMAN
(Subcase Nos. 36-04148B and 36-04074)

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of Twin Falls)

Ted Eastman, being first duly sworn upon oath, deposes and says:

1. My name is Ted Eastman. I make the following statements based upon my personal knowledge. I am otherwise competent to testify.

2. I am generally familiar with the ground upon which the Clear Lakes Country Club golf course is built for several reasons. I live near the golf course and work adjacent to the golf course. I have golfed at the golf course for decades.

3. It is my understanding that two water rights numbered 36-04148B and 36-04074 have been claimed by the golf course in the SRBA. I further understand that IDWR has recommended less than the amount currently being used by the golf course to water the 18 holes of the course and other areas presently being irrigated.

4. Most of the land which is presently being irrigated has been irrigated as either row crops or as pasture since at least 1937. I recall that in 1937 the greens which were then in place were fenced, as they were sand greens, and fencing was necessary in order to keep the livestock from wandering onto the greens. The livestock pastured on the fairways, as well as in much of the rough which was irrigated pasture land. In the attached map, I have outlined the approximate location of the ditches which were utilized to irrigate the ground since the thirties.

5. There is one area of the presently irrigated land which was not irrigated before 1987. The area is on the east end of the golf course as indicated in the map. It was not irrigated because it was a marshy area.

6. It is also my understanding that the two water right claims are for the water which was utilized through the ditches indicated on the attached map. Right 36-04074 is the claim which relates to the ditch that used to run from west to east across the top of the property on the eastern half of the golf course. That ditch then ran down and around to the west and then took another turn clear back around to the east thus enabling most of the land indicated on the map to be irrigated from that ditch.

7. There was also a pipeline which ran from about the same place as the ditch, in a southerly direction across the Clear Lake island and out onto that area indicated

on the map. That water was used since the thirties to irrigate the island and the more eastern end of the golf course.

8. Additionally, there was another main ditch about where I have drawn it on the map. It ran from the outlet of Clear Lakes in a southerly direction, looped around and ran back to the west. That ditch was used to irrigate the ground at the very southeastern portion of the golf course.

9. Most of the land which was not in cultivated agriculture, was pasture land where the ditches were allowed to flood the pastures.

10. Water used through the two main ditches and the pipeline would have been for more water than would be required to sprinkler irrigate the golf course.

11. Further your affiant sayeth not.

Dated this 4 day of August, 1995.

Ted Eastman

SUBSCRIBED and SWORN to before me this 7 day of August, 1995.

NOTARY PUBLIC FOR IDAHO
Residing at: Buhl, Idaho
My Commission Expires: May 1, 1998

(WATER\82971AFF.TE)lm

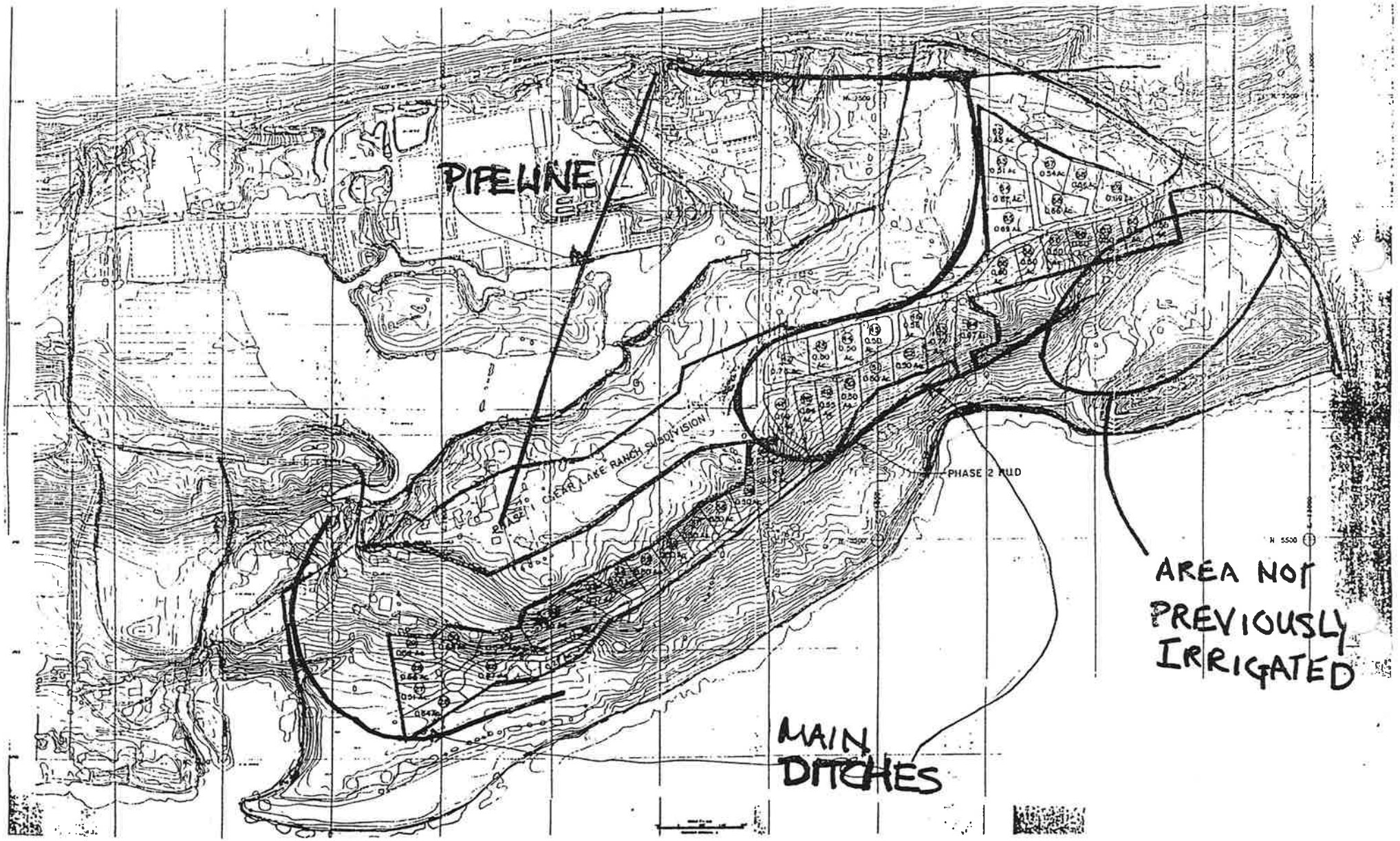
CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21st day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh Susan E. Hamlin Deputy Attorneys General P. O. Box 44449 Boise, ID 83711-4449	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
U.S. Department of Justice Environment & Natural Resources Division 550 West Fort St. MSC 033 Boise, ID 83724	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Director of IDWR P. O. Box 83720 Boise, ID 83720-0098	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Patrick D. Brown

(WATER\82971AFF.TE)lm


PIPELINE
CLEAR LAKE RANCH SUBDIVISION
PHASE 2 MUD
AREA NOT PREVIOUSLY IRRIGATED
MAIN DITCHES

RECEIVED
DEC 2 8 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
MAR 2 6 1996
Department of Water Resources
Southern Region

Claimant: Clear Lakes County Club

Attorney Name and Address:

RECEIVED
DEC 2 6 1995
OFFICE OF THE
ATTORNEY GENERAL

HEPWORTH, LEZAMIZ & HOHNHORST, CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

* * * * * * * * * * *

In Re SRBA	)	Subcase Nos. 36-04148B & 36-04074
	)	
	)	**AFFIDAVIT OF**
Case No. 39576	)	**PATRICK D. BROWN**
	)	

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of Twin Falls)

Patrick D. Brown, being first duly sworn upon oath, deposes and says:

1. My name is Patrick D. Brown and I am an attorney licensed to practice in the State of Idaho. I practice with the firm of Hepworth, Lezamiz & Hohnhorst, which represents Clear Lakes Country Club with regard to its water right claims in the Snake River Basin Adjudication. I make the foregoing and following statements based upon my personal knowledge. I am otherwise competent to testify to the following.

2. Clear Lakes Country Club hired our law firm to represent it in the Snake River Basin Adjudication sometime after the objection deadline had run in Basin 36, and Clear Lakes Country Club had learned that it would not be able to rewrite the paperwork concerning its present use of water as was suggested apparently by IDWR.

3. Since my firm was initially retained by Clear Lakes Country Club, I have spent quite alot of time attempting to document the actual water use made by the Country Club under the rights listed above, and attempting to verify how the waters had been historically used including by locating witnesses, old photographs, documents, and much other material which was not in the possession of my clients. Simply put, the water rights at issue here have a complicated and inter-related history, have undergone numerous changes, and, given my work load, it has taken me literally months to make a reasonable inquiry into the facts of these subcases in order to ascertain how the rights should properly be recommended, what objections should be made by my client, and to otherwise sort out this rather complicated situation.

4. If the number of months it has taken me to sort out these matters appears unjustified at first blush given the original objection deadline was in May of 1993, it is only because the underlying facts have not been considered. These rights not only have a complex history but one that may be fully documented so that my clients may continue to enjoy the use of their water. Any delay in moving to file these late objections since my law firm has been hired is in my opinion not only excusable but was required in order to conduct a reasonable investigation as required by I.R.C.P. 11. Further, it is my opinion that no parties to the adjudication, to my knowledge have been in any way delayed or

prejudiced, and no party could claim such injury since I understand my client has always used the full amount of water it now seeks to have confirmed by the court through objections, even though IDWR has recommended less.

5. Further, I have consulted with attorneys for the Idaho Department of Water Resources concerning these late objections. Those attorneys do not oppose granting leave to file these late objections. I am aware of no other party to the SRBA who is any way prejudiced by the late filing of objections.

6. Further your affiant sayeth not.

Dated this 5 day of December, 1995.

Patrick D. Brown

SUBSCRIBED and SWORN to before me this 5th day of December, 1995.

Liana L. McMillan
NOTARY PUBLIC FOR IDAHO
Residing at: Jerome, Idaho
My Commission Expires: 8/24/2001

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21st day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh Susan E. Hamlin Deputy Attorneys General P. O. Box 44449 Boise, ID 83711-4449	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
U.S. Department of Justice Environment & Natural Resources Division 550 West Fort St. MSC 033 Boise, ID 83724	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Director of IDWR P. O. Box 83720 Boise, ID 83720-0098	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Susie Moncrief for
Patrick D. Brown

(WATER\82971AFF.PDB)llm

RECEIVED
MAR 26 1996
Department of Water Resources
Southern Region
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OFFICE OF THE
ATTORNEY GENERAL
RECEIVED
DEC 28 1995
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Adjudication Bureau

Claimant: Clear Lakes County Club

Attorney Name and Address: HEPWORTH, LEZAMIZ & HOHNHORST, CHARTERED
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Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

* * * * * * * * * * *

In Re SRBA)
)
Case No. 39576)
)

AFFIDAVIT OF JOHN LeMOYNE
(Subcase Nos. 36-04148B and 36-04074)

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of Twin Falls)

John LeMoyne, being first duly sworn upon oath, deposes and says:

1. My name is John LeMoyne. I make the following statements based upon my personal knowledge and beliefs. I am otherwise competent to testify about the matters described below.

2. During the time period of about 1988 through about 1992 I was a director for Clear Lakes Country Club, which is the entity which owns and operates the golf

course along the Snake River near Buhl, Idaho.

3. In my capacity as a director, I was selected by the board to be the person to work with the Idaho Department of Water Resources with respect to having the Country Club's water rights correctly inventoried in the Snake River Basin Adjudication.

4. Before the Director made his recommendations regarding water right numbers 36-04148B and 36-04074, I was working with IDWR employees, mainly Steve Clelland. It was my understanding that I was providing Mr. Clelland with information he needed in order to report the two rights so that they would reflect the amount of actual use of water by the Country Club. The information I provided to him related to the prior uses of water on the lands the Country Club now irrigates by pumps and sprinkler systems.

5. Without informing me the information I had provided was inadequate, or needed to be supplemented or suggesting that I should give some other type of information, IDWR recommended an amount far less than what the golf course actually uses, and far less than what I understand was used before and had agreed to document for IDWR. It was my understanding from IDWR, though, that the recommendations of only about 1/2 of what the golf course needed did not matter in a practical sense because the golf course could simply apply for a new, additional water right. That would "balance the books" so that the total amount of water between the two old rights and what would be the new right would equal the amount of water that the golf course is actually using under its present system. IDWR informed me that it would be unlikely that anyone could successfully oppose the application for a new right because the golf course, or those who irrigated pasture before the golf course, had always diverted the water and therefore no one could

claim that an additional diversion would be taking water from them.

6. In about December of 1992, about a month after the Director's recommendations for less than what the golf course uses, I filed an application for new water with the IDWR, as suggested was the appropriate course by IDWR. Idaho Power Company protested that application for a water right, and nothing has happened on the application since then. Instead of proceeding with that application so that the paperwork reflects what the golf course needs and uses, the Country Club sought legal assistance from the law firm of Hepworth, Lezamiz and Hohnhorst. That law firm has advised the golf course that it should try to object and show the court that the existing rights are for more water than IDWR recommended.

7. I did not file objections to above water rights for the golf course. I did not do so because I understood that IDWR was working with me to simply clean up the paperwork. I do not believe that the Country Club should go without the water it has always used simply because I made errors in judgment by relying on the advise of IDWR about how to clean up the paperwork in order to allow the golf course to continue using the water which it presently uses or because I misunderstood the consequences of not objecting.

8. Further your affiant sayeth not.

Dated this 4th day of August, 1995.

John LeMoyne

SUBSCRIBED and SWORN to before me this 4 day of August, 1995.

ROUSSEAU
NOTARY PUBLIC
STATE OF IDAHO

Linda M. Rousseau
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, ID
My Commission Expires: 9-11-99

(WATER\82971AFF.JL)llm

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21st day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh Susan E. Hamlin Deputy Attorneys General P. O. Box 44449 Boise, ID 83711-4449	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
U.S. Department of Justice Environment & Natural Resources Division 550 West Fort St. MSC 033 Boise, ID 83724	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Director of IDWR P. O. Box 83720 Boise, ID 83720-0098	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Susan McMahon for
Patrick D. Brown

(WATER\82971AFF.JL)llm

No Action
Southern

RECEIVED
OCT 27 1995
OFFICE OF THE ATTORNEY GENERAL

RECEIVED
OCT 30 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
NOV 01 1995
Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	**STANDARD FORM 3**
	(Check Appropriate Box)
Case No. 39576	**☐ NOTICE OF CHANGE IN ADDRESS**
	OR
	☒ CONSENT TO SUBSTITUTION OF PARTY
_____	**SUBCASE 36-04148A**

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is _____

I am the claimant of _____

(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

_____

(Insert each water right number)

My new mailing address is _____

_____

My phone number is: Work _____ Home _____

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A Consent to Substitution of Party (Substitution) must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of 36-04148A

(Insert each water right number)

My name is CLEAR LAKE CORPORATION AND L&M, INC.

My address is 307 CLEAR LAKE LANE, BUHL, IDAHO 83316

My phone number is: Work 208-543-4859

FAX 208-543-4896

The name and address of the prior claimant/seller who I wish to be substituted for are: CLEAR LAKE RANCH, INC., C/O DAVID BRUSH, 432 IDAHO ST., GOODING, IDAHO, 83330

CLEAR RANCH, INC.

By David Brush

David Brush, President

Signature of prior claimant/seller

CLEAR LAKE CORPORATION

By David Brush

David Brush, President

Signature of new claimant/buyer

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name Norman M. Semanko

Attorney of record for Clear Lake Corporation and L & M, Inc.

(Identify party/claimant)

Attorney address and phone number: Rosholt, Robertson & Tucker,

P.O. Box 1906, Twin Falls, Idaho 83303-1906 (208) 734-0700

☒ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.

VERIFICATION

(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of Twin Falls

NORMAN M. SEMANKO, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing form

By: /s/ Norman M. Semanko
Attorney signing in representative capacity

Subscribed and sworn to before me on October 26, 1995
(Insert Date)

Notary Public for Idaho

Residing at: Twin Falls

My commission expires: 6-18-98

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on October 26, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

   _____
   _____
   _____

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

   (Prior claimant entity no longer exists)

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

   N/A

5. One copy to:

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

6. One copy to:

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

Signature of person or attorney mailing the form

ENGINEER'S CERTIFICATE

I, Harold Wm. Merritt, an engineer licensed by the State of Idaho, do hereby certify that this map was prepared from notes of surveys made by me and dated Jan. 10, 1928 and Jan. 11, 1938, that it correctly represents the works described in the accompanying application, and that no part of the 10½ acres under indicated traverse is less than 10 ft. above the normal water level of Clear Lakes.

Harold Wm. Merritt
Engineer

18605

Permit Map No. 18605
As Approved
APR 21 1938
R. W. FARIS
Commissioner of Reclamation

MAP OF
PORTION OF CLEAR LAKES
GOODING CO. - IDAHO
To Accompany Application for Permit
By J. W. TINGEY
Buhl - Idaho Apr. 7, 1938
Scale - 1" = 200'

7201 (10 cfs)
1971
7218 (51 cfs)
'72
X 2710 — park
'40

2708 (200 cfs)
'66
7004 (75 cfs)
'67
2659 (100)
'66
2048 (20)
'38

R PROOF ✓

CVR

MAPS ✓

PHOTOS ✓

MISC ✓

MICROFILMED
FEB 0 1 1993

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

Water Right Number - R36-04148 Prefix Translation: RESEARCH Old (D) Number -

*** C - CURRENT OWNER ***
SPLIT RIGHT

1 -
2 -
3 -
City- X State- ID Zip- X
Phone - 208-000-0000

VERIFIED BY. KKC 6-15-92

MICROFILMED FEB 0 1 1993

*** O - ORIGINAL OWNER ***
CLEAR LAKE RANCH INC.

1 - C/O DAVID BRUSH
2 - 423 IDAHO ST.
3 -
City- GOODING State- ID Zip- 83330
Phone - 208-934-8411

Priority Date: 01/01/1890
Region: 17 SOUTHERN
Stage:
Status: Z - SEE REMARKS

Source: SPRINGS
SPLIT RIGHT

Tributary: CLEAR LAKES

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	2	SE SE NE	5		(47) GOODING
		1	SE SW NW	5	R	(47) GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/01	11/30	3.000	
04	STOCKWATER	01/01	12/31	0.030	

Total Div. Rate: 3.000
Total Div. Volume:
Total Consumptive Use: 270.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SW NW	5	6.0	01	IRRIGATION	(47) GOODING
09S	14E	1	SE NW	6	2.0	01	IRRIGATION	(47) GOODING
09S	14E	1	NE SW	13	45.0	01	IRRIGATION	(47) GOODING
09S	14E	1	NW SW	12	25.0	01	IRRIGATION	(47) GOODING
09S	14E	1	SW SW	15	12.0	01	IRRIGATION	(47) GOODING

Total Acres: 90.0

Diversion Means - CONCRETE HEADBOX, EARTHEN DITCHES

Non-Irrigation Use - STOCKWATER, 100 RANGE CATTLE

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

MICROFILMED
FEB 0 1 1993

Water right number - R36-04148   Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - PERMIT 36-8329 ADDITIONAL USE OF SAME WATER

+ - Remarks - +

SEE NOS. 36-04148A, AND 36-04148B.

+ - Old Water Right Numbers - +

No Old Water Right Numbers Found

+ - Conditions of Approval - +

No Conditions of Approval found.

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

+ -Comments- +

Date: 06/15/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
PROPERTY IS PRESENTLY BEING DEVELOPED AS A PUD AND THE CLEAR LAKE COUNTRY CLUB IS PART OF AND PURCHASING PART OF THE LAND COVERED UNDER THIS CLAIM. DEED IS PENDING HOWEVER CLEAR LAKE COUNTRY CLUB, RT.4 BX 225, BUHL, ID, 83316 SHOULD BE NOTIFIED REGARDING ANY ACTION ON THIS CLAIM. SPLIT 8/30/1990: A36-04148A & B.
|
****

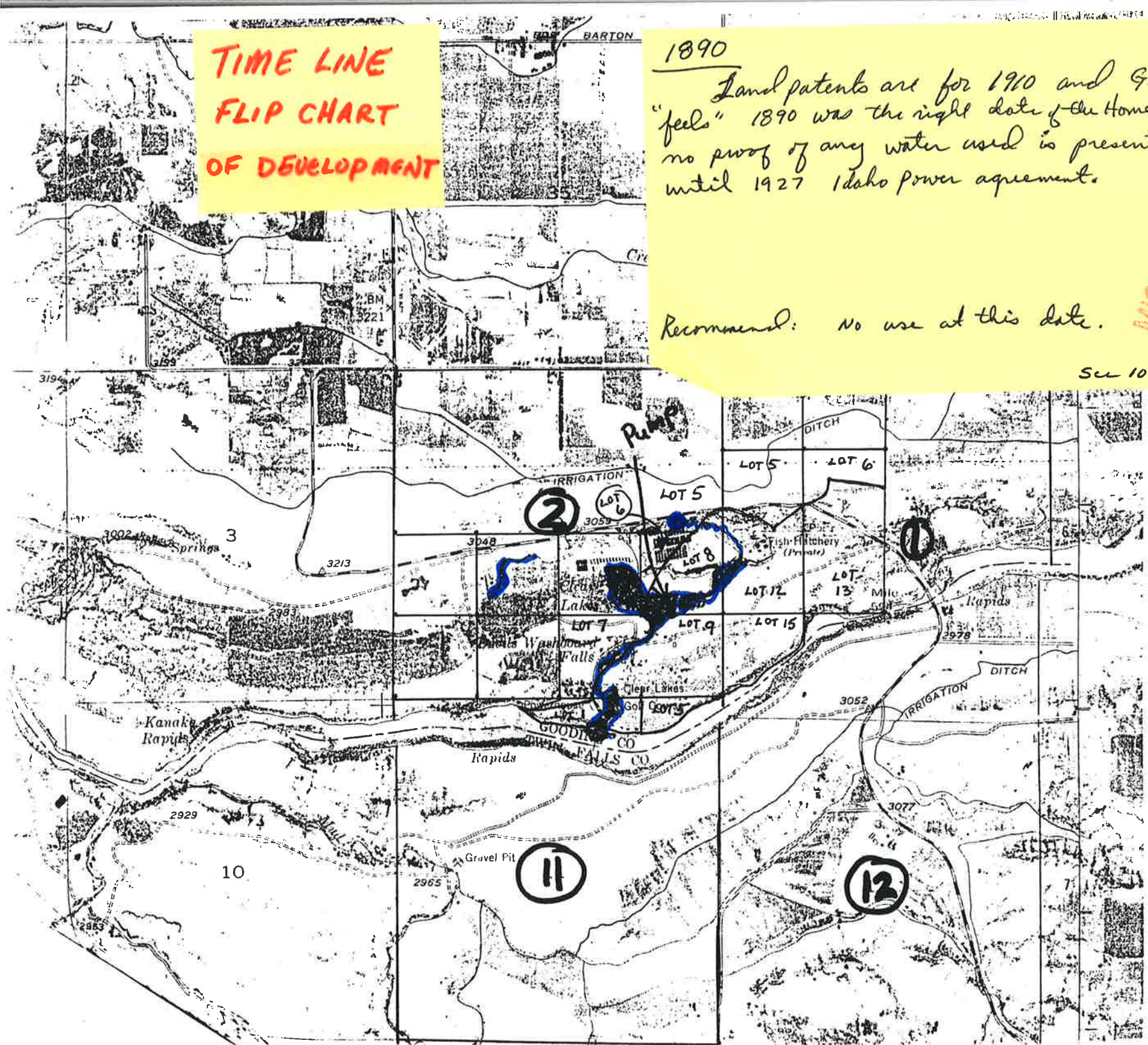
THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS:
A36-04148A - CLEAR LAKE RANCH, 1.5 CFS 73.0 AC
A36-04148B - CLEAR LAKE COUNTRY CLUB 1.5 CFS, 90.0 AC
A36-04148C - JOHNSON, 0.02 CFS, DOMESTIC

Part C is bogus. (a claimstaking error)

+ - - Audit Fields - - +
06/15/92 CHRISTEN

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 06/15/1992	Old Judicial District	-
Claim Received Date	- 07/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-



1890

Land patents are for 1910 and G. Brush "feels" 1890 was the right date of the Homestead no proof of any water used is presented until 1927 Idaho Power agreement.

Recommend: No use at this date.

See 10-23-91

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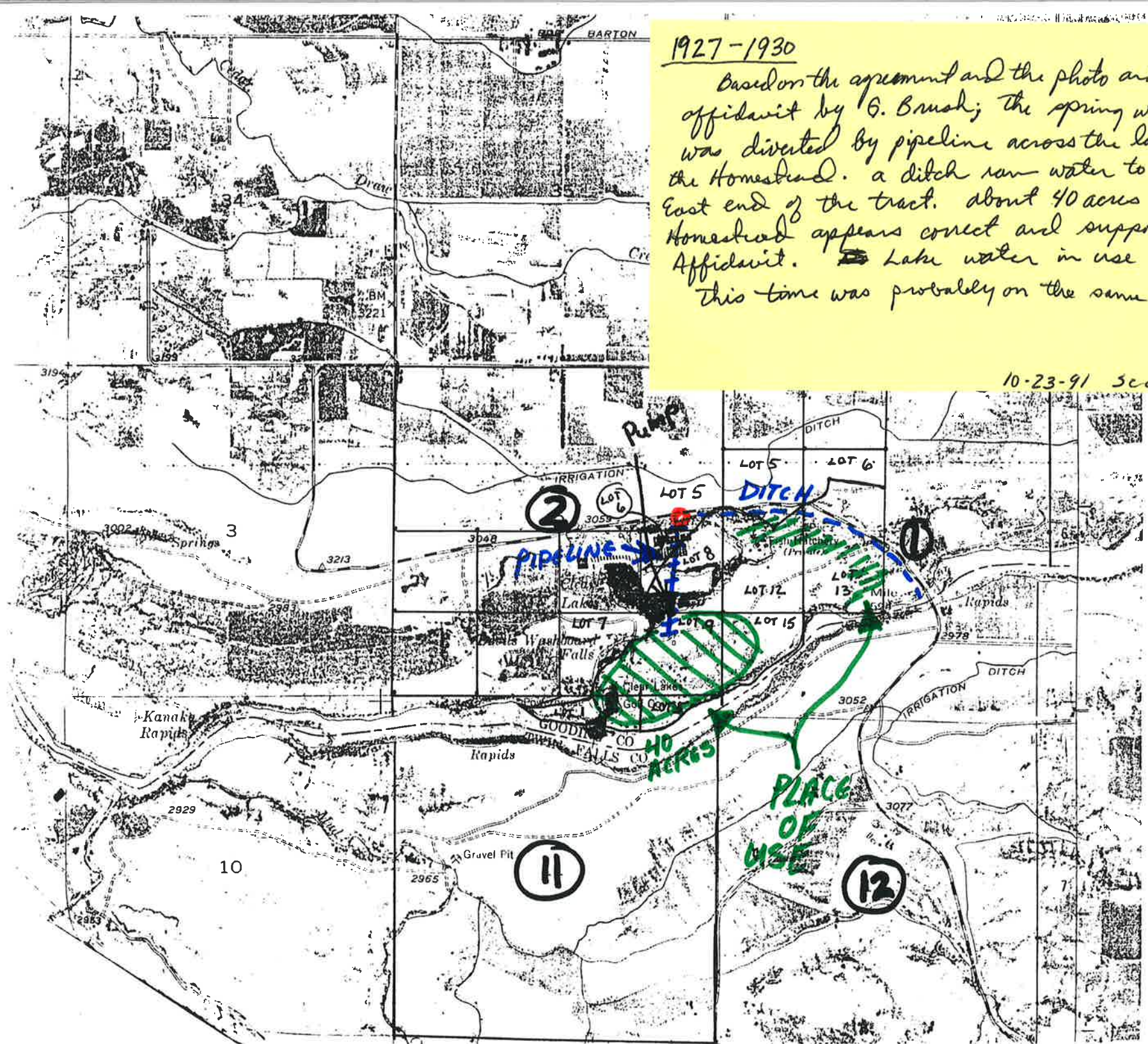
FEB 01 1993

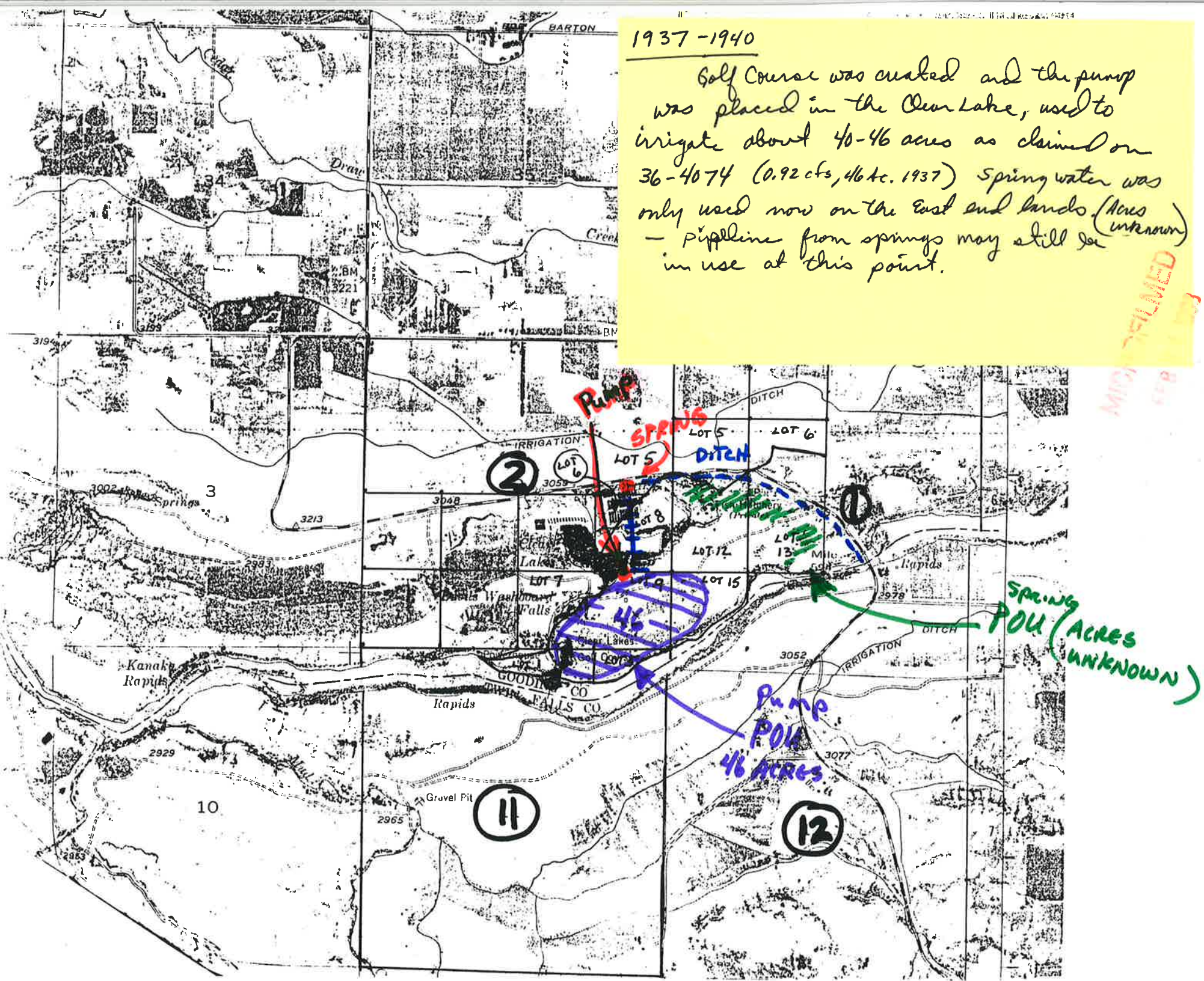


1927-1930

Based on the agreement and the photo and affidavit by G. Brush; the spring water was diverted by pipeline across the lake to the Homestead. a ditch ran water to the East end of the tract. about 40 acres at the Homestead appears correct and supported by Affidavit. Lake water in use at this time was probably on the same hands.

10-23-91 Sec

MICROFILMED 1993



1937-1940

Golf Course was created and the pump was placed in the Clear Lake, used to irrigate about 40-46 acres as claimed on 36-4074 (0.92 cfs, 46 Ac. 1937) Spring water was only used now on the East end lands (Acres unknown) — pipeline from springs may still be in use at this point.

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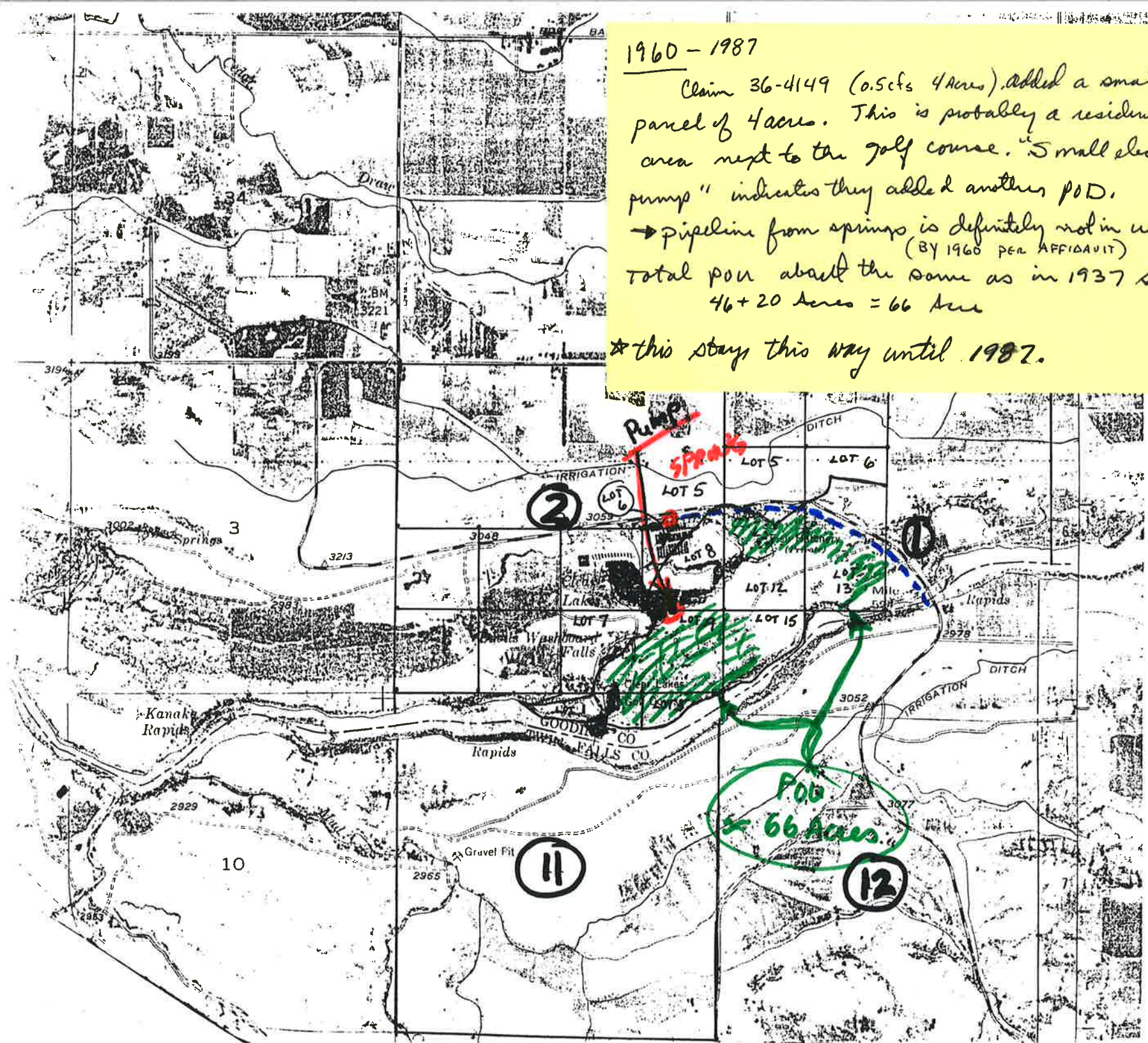


1960 – 1987

Claim 36-4149 (0.5cfs 4 Acres) added a small parcel of 4 acres. This is probably a residential area next to the golf course. "Small electric pump" indicates they added another POD.

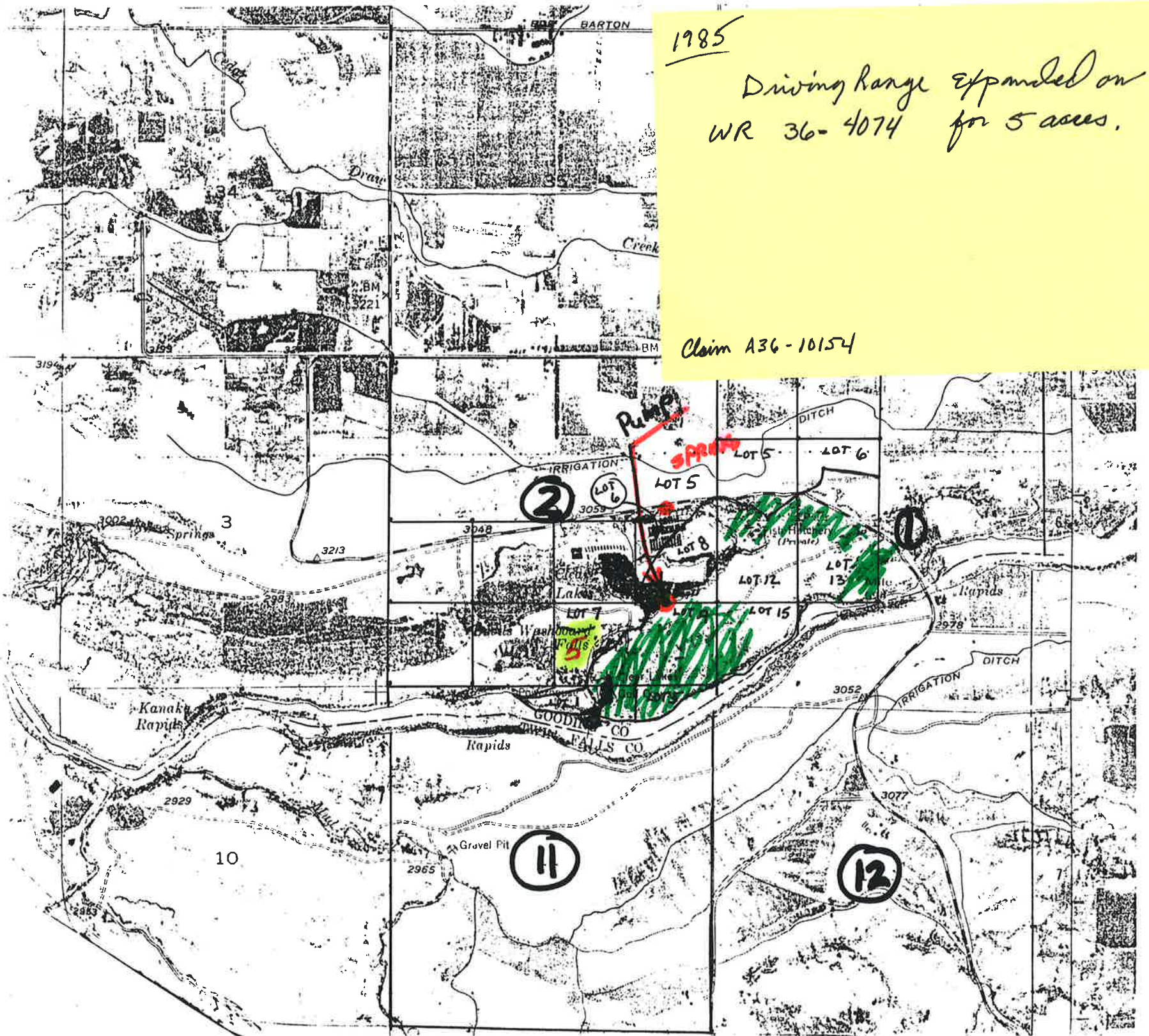
→ pipeline from springs is definitely not in use. (BY 1960 PER AFFIDAVIT)

Total POU about the same as in 1937 stage.

46 + 20 Acres = 66 Acres

☆ this stays this way until 1987.

MICROFILMED FEB 0 1 1993



1985

Driving Range expanded on WR 36-4074 for 5 acres.

Claim A36-10154

MICROFILMED

p. 2

new construction also changes diversion structures of the clear Lakes and springs Diversion points.

date _____.

Current development:

TOTAL 89.9 acres irrigated in Clear Lakes CC lands

Ranch area – no use found (see permit 36-8329) no diversion formed

1986-1987

New construction and development begins for the second nine holes on the golf course. Long Range plans include the Housing development on the High lands.

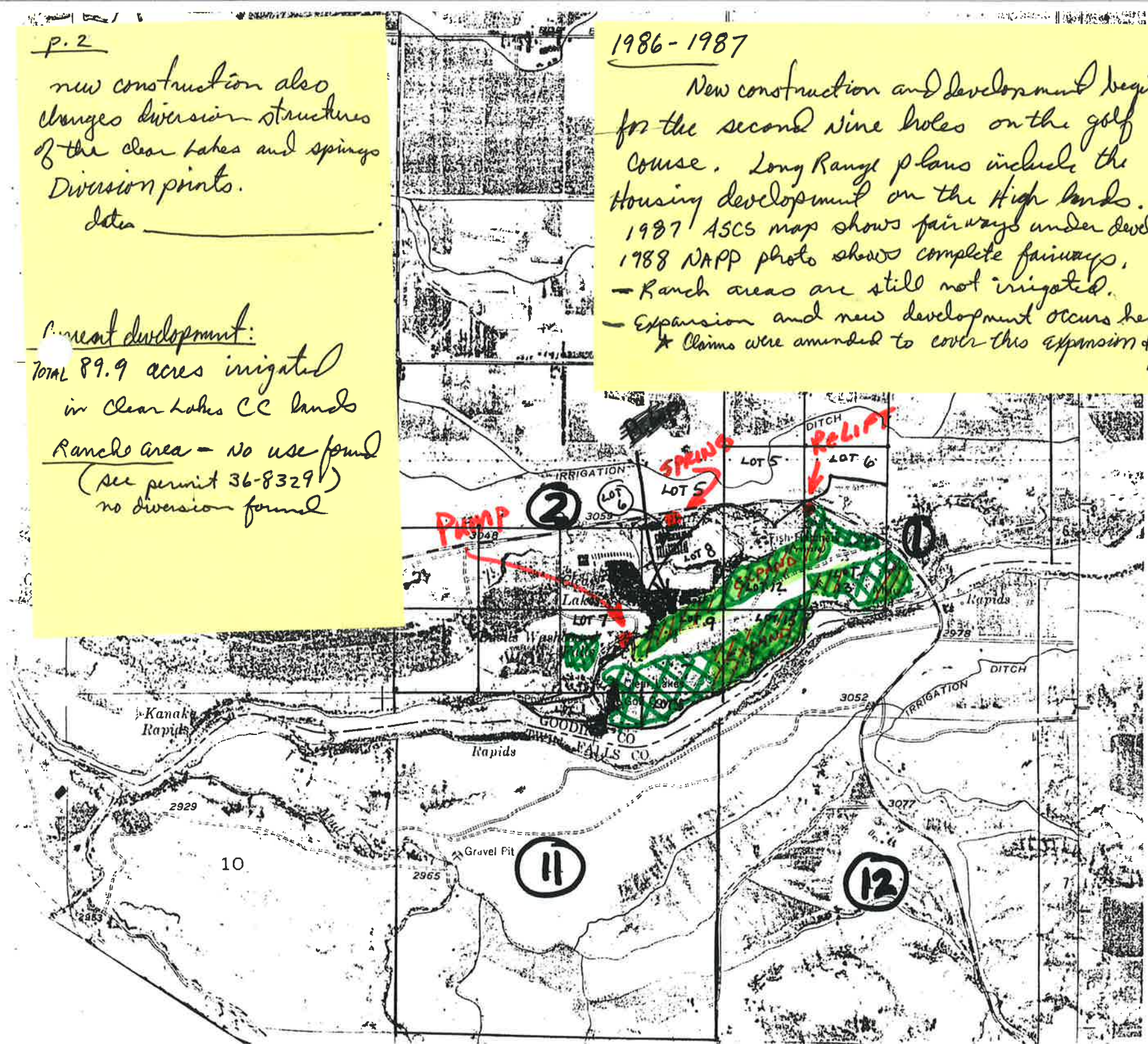
1987 ASCS map shows fairways under development.

1988 NAPP photo shows complete fairways.

– Ranch areas are still not irrigated.

– Expansion and new development occurs here.

* Claims were amended to cover this expansion + growth



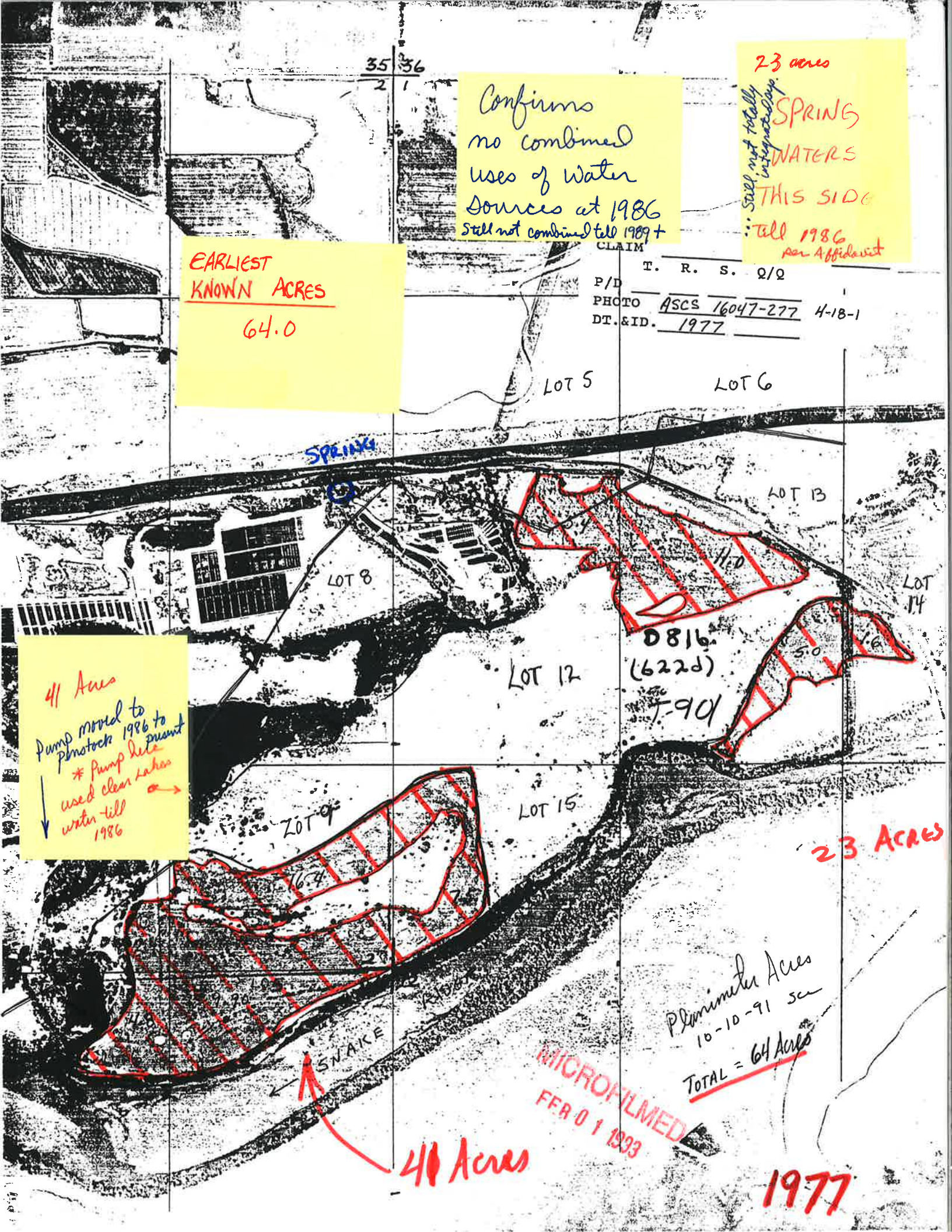
TIME LINE & FLIP CHART OF CLAIMS + AMENDMENTS

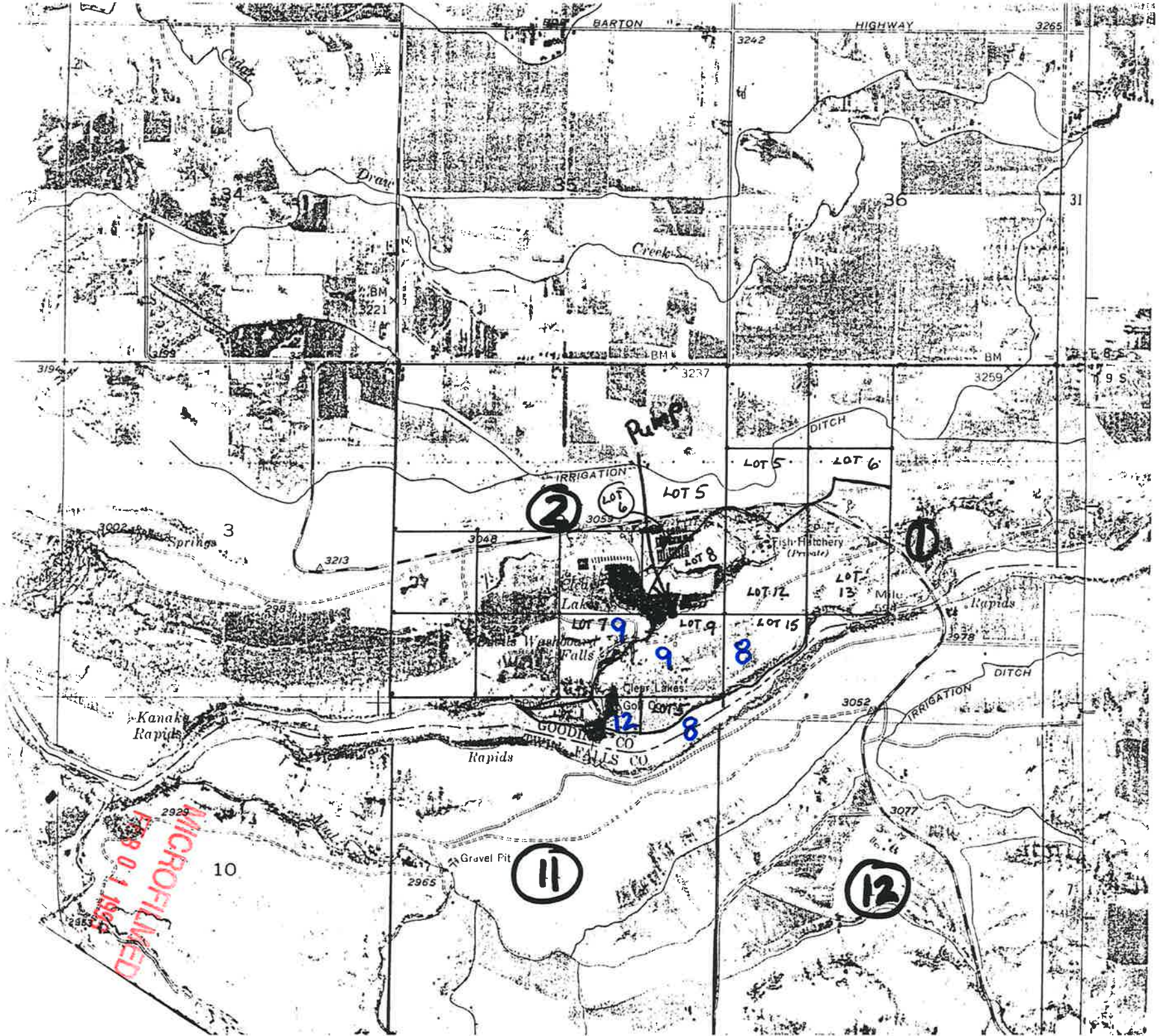
36-4149 WITHDRAWN 10-30 1991

T9S. R14E.

	1977	1979	1980	1982		1985	1987			7-6 1988				8-30 1990		
SECTION 1	ASCS	CLAIM 36-4074 FILED	COLOR SLIDE	CLAIM 36-4148	CLAIM 36-4149	EXPANSION CLAIMS DRIVING RANGE	AMENDED 4148	4149	ASCS NAPP	AJ CLAIMS 4074	4148	4149	10154	AMENDED 4074	4148 (A)	4148 (B)
SWNW LOT 5	2.0		2.0	6			6		FISH Ø POND		6				0.3	
SENW LOT 6	Ø			2			2		0.5		2				1.2	0.6
NWSW LOT 12	3.4		3.4	30			25	4	11.0		25	4			13.1	10.0
NESW LOT 13	16.0		16.0	26			45		22.1		45				29.4	23.0
SWSW LOT 15	7.5	8.0	7.5	16			12	12	11.0	8	12	12		15	11.2	15.6
(LOT 14)	1.6		1.6						Ø							
	30.5	8.0	30.5	80		Ø	90	16	44.6	8	90	16		15	55.2	49.8
SECTION 2																
SENE LOT 5	Ø								Ø							
SWNE LOT 6	Ø			4			3		Ø			3				
SWSE LOT 7	Ø	9.0				12			5.6	9			12	2		1.8
NESE LOT 8	Ø			11			7		3.0			7				1.9
SESE LOT 9	18.8	9.0	18.8	9	4		22		23.7	9		22		17	17.5	23.4
NWSW	Ø								Ø							
	18.8	18.0	18.8	24	4	12	Ø	32	32.3	18	Ø	32		19	17.5	27.1
SECTION 11																
NENE LOT 5	9.9	8.0	9.9						8.3	8	Ø			8	0.3	8.8
NWNE LOT 6	4.8	12	4.8						4.7	12				4		4.3
	14.7	20.0	14.7	Ø	Ø	Ø	Ø	Ø	13.0	20	Ø			12	0.3	13.1
CFS	—	0.92	—	3.0	0.5	—	3.0	0.5	—	1.4	3.0	1.4	36	1.6	1.5	1.5
GRAND TOTALS	64	46	64	104	4	12	90	48	89.9	46	90			46	73	90

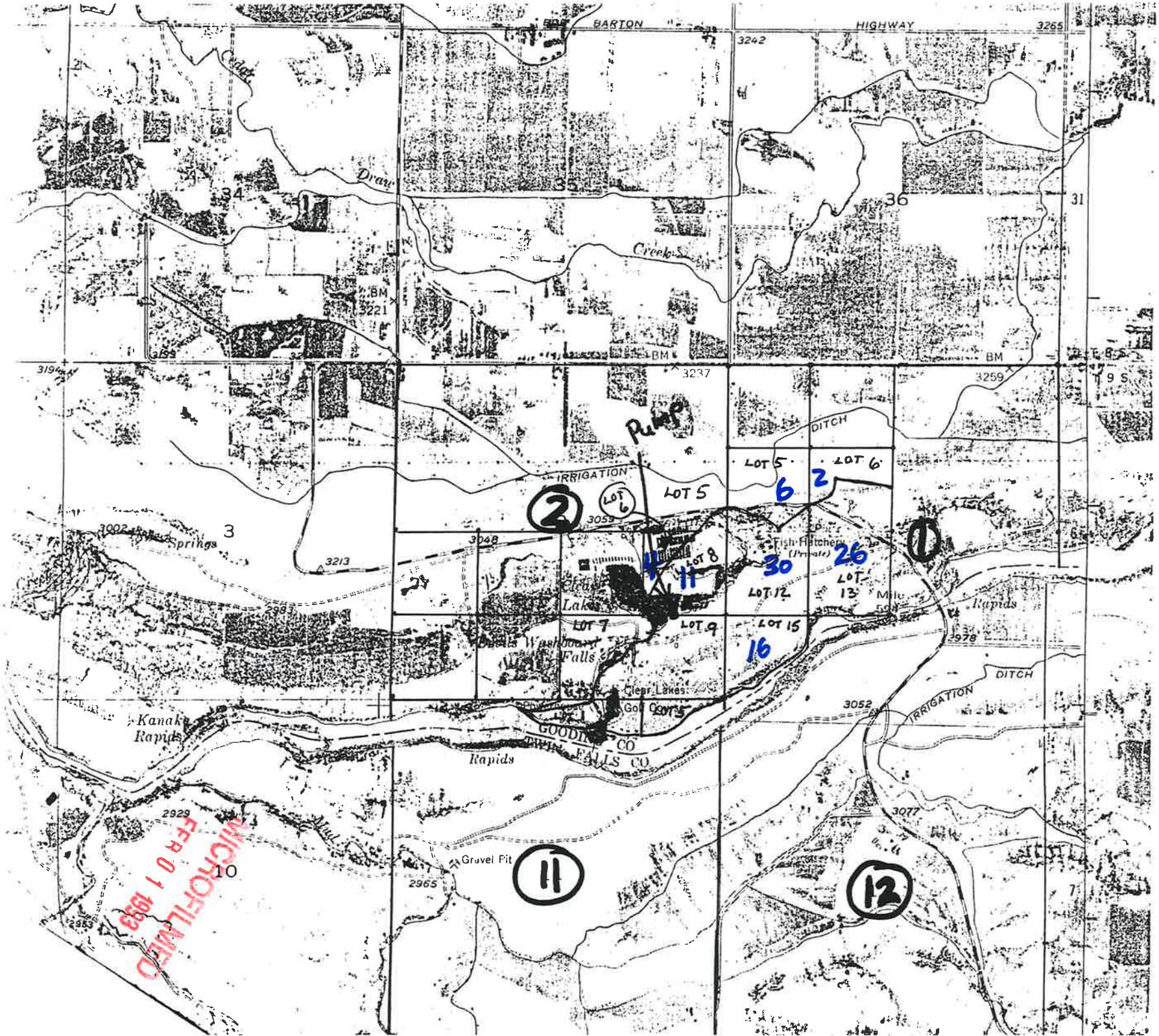
MICROFILMED FEB 4 1993


35
36
2
1
Confirms no combined uses of Water Sources at 1986
Still not combined till 1989+
23 acres
Still not totally integrated up.
SPRING WATERS
THIS SIDE
Till 1986
per Affidavit
EARLIEST KNOWN ACRES
64.0
CLAIM
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-277 4-18-1
DT.&ID. 1977
LOT 5
LOT 6
SPRING
LOT 13
LOT 8
H.O
LOT 14
D816.
(622d)
T-90
LOT 12
5.0
1.6
41 Acres
Pump moved to penstock 1986 to * Pump Rate used clear lakes with till 1986
LOT 9
LOT 15
23 ACRES
6.4
Perimeter Acres
10-10-91 sm
TOTAL = 64 Acres
SNAKE
MICROFILMED
FEB 01 1993
41 Acres
1977



CLAIM
36-4074

FILED 1979

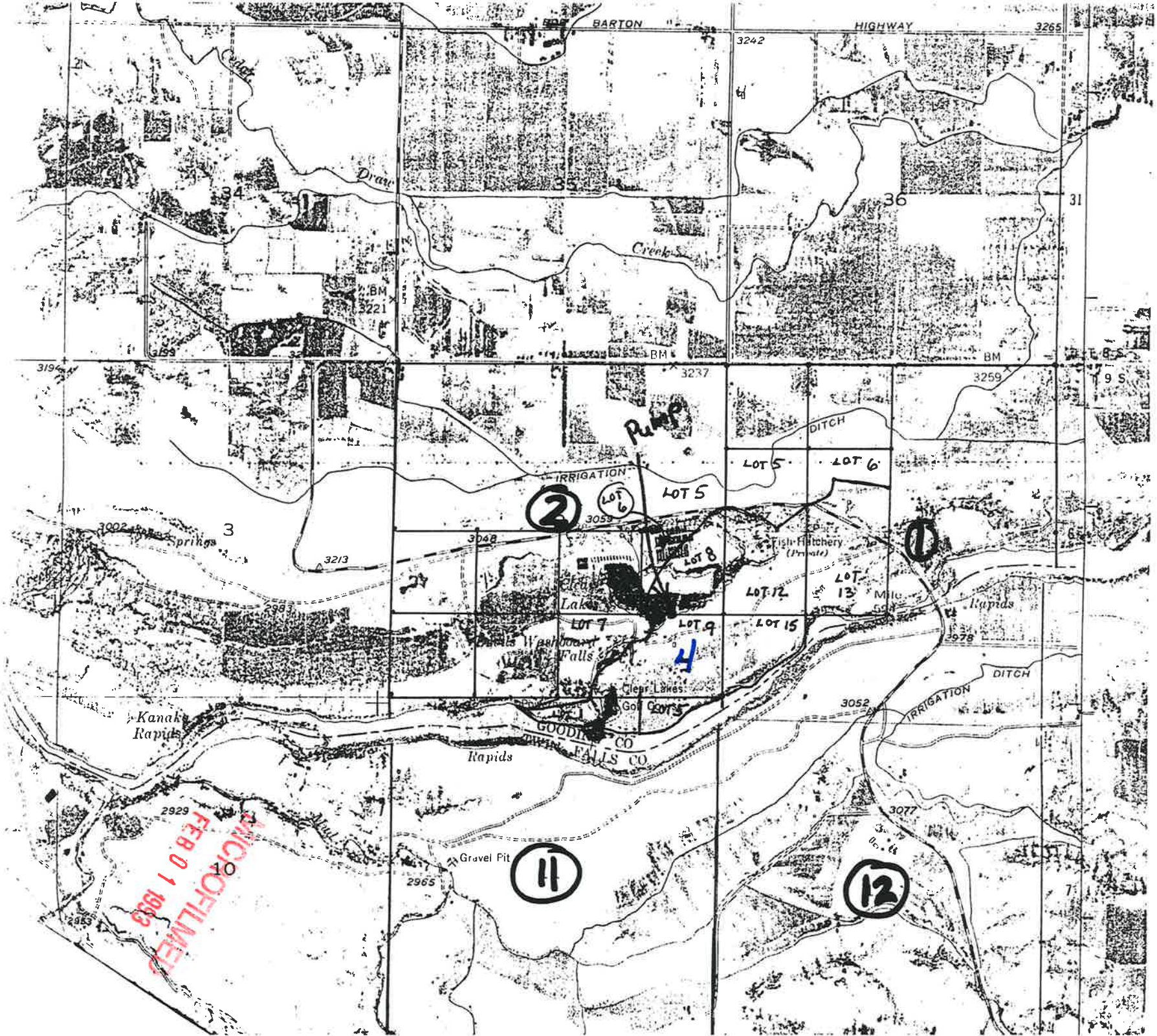


ORIGINAL
36-4148

104 Ac.

filed 1982

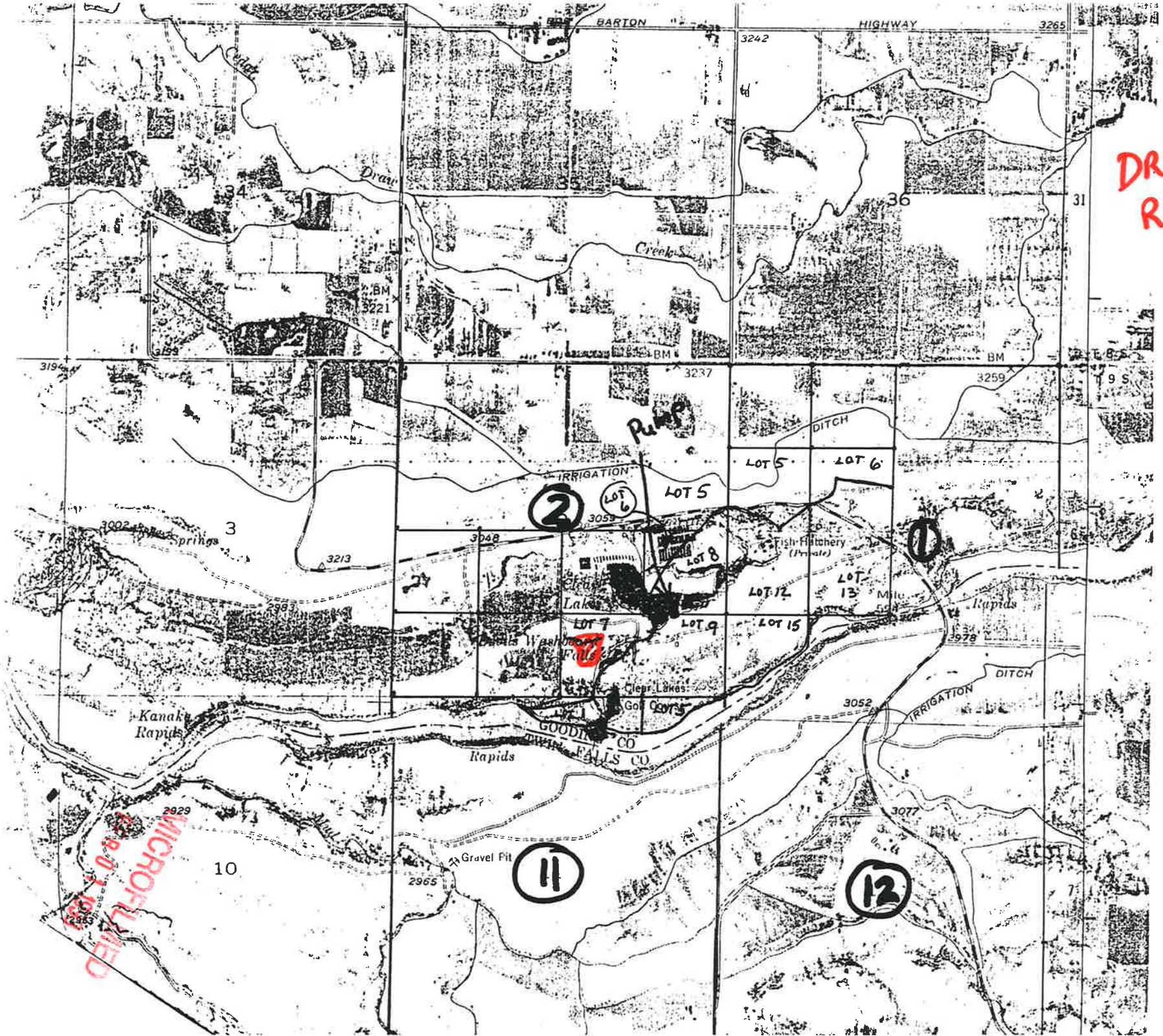
MICROFILMED
FEB 0 1 1993



ORIGINAL
36-4149

FILED 1982

MICROFILMED
FEB 0 1 1993



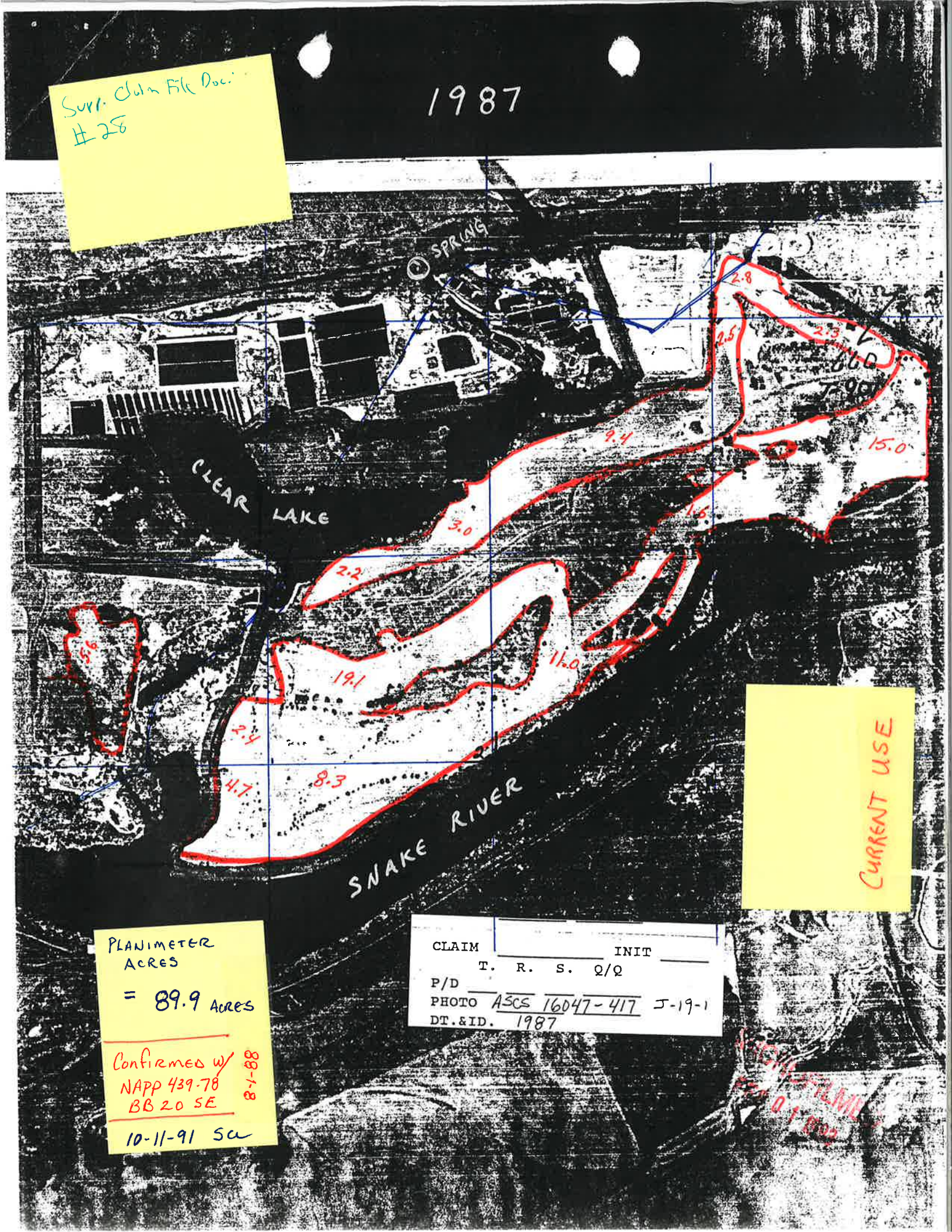
DRIVING RANGE

EXPANSION CLAIM TO 1985

MICROFILMED

Supl. Claim File Doc.
#28

1987



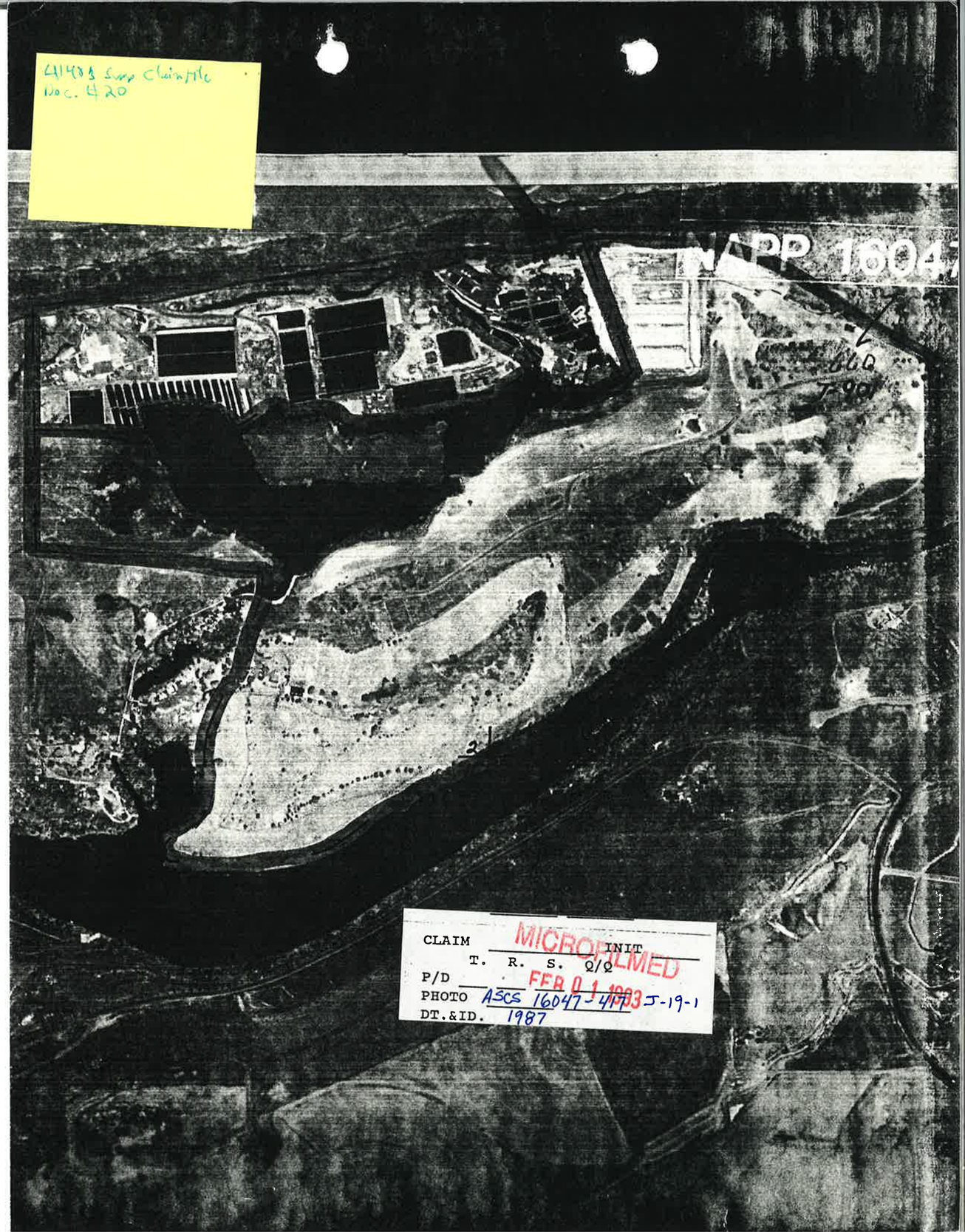
CURRENT USE

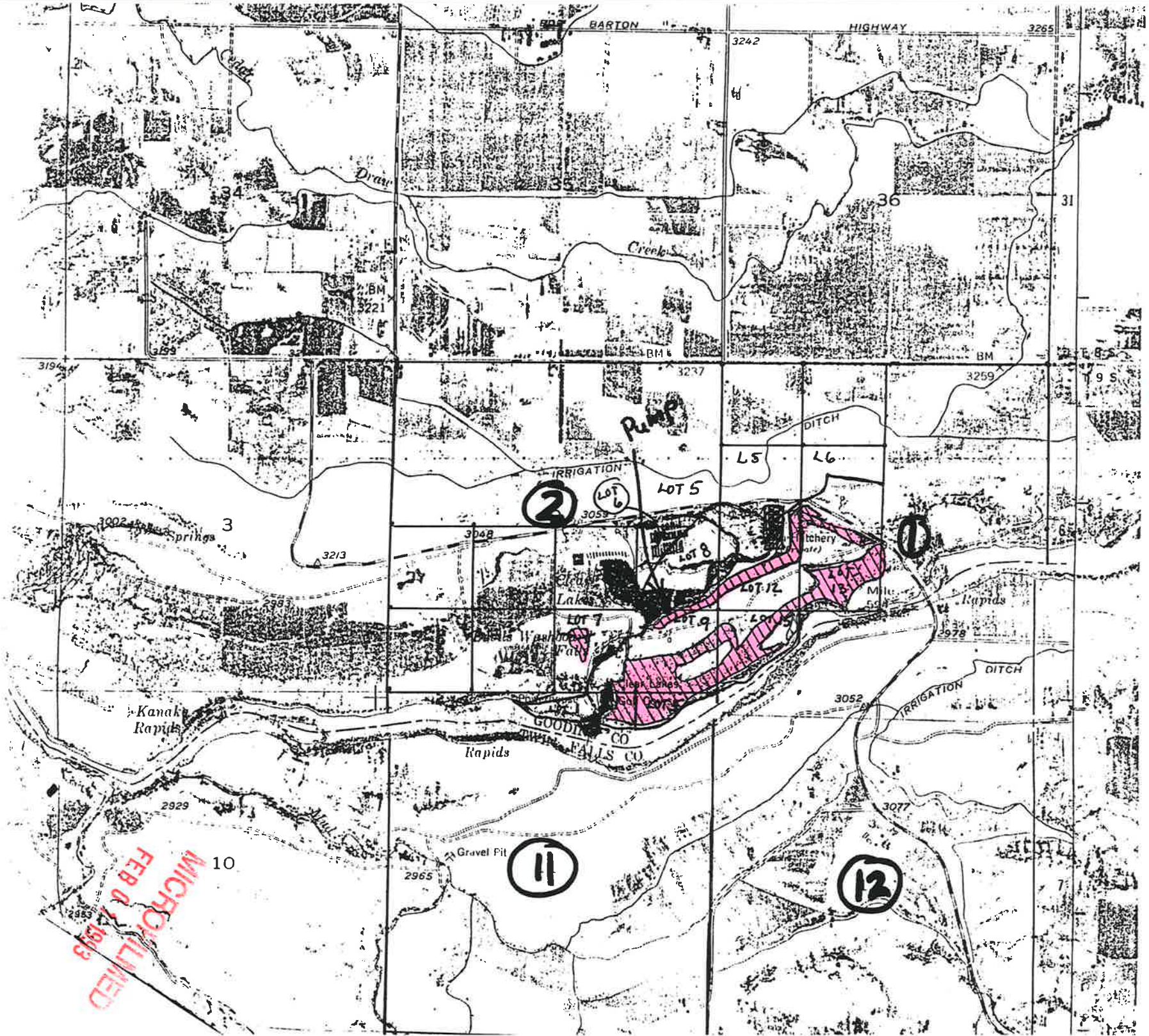
PLANIMETER
ACRES
= 89.9 ACRES

Confirmed w/
NAPP 439-78
BB 20 SE
8-1-88

10-11-91 SA

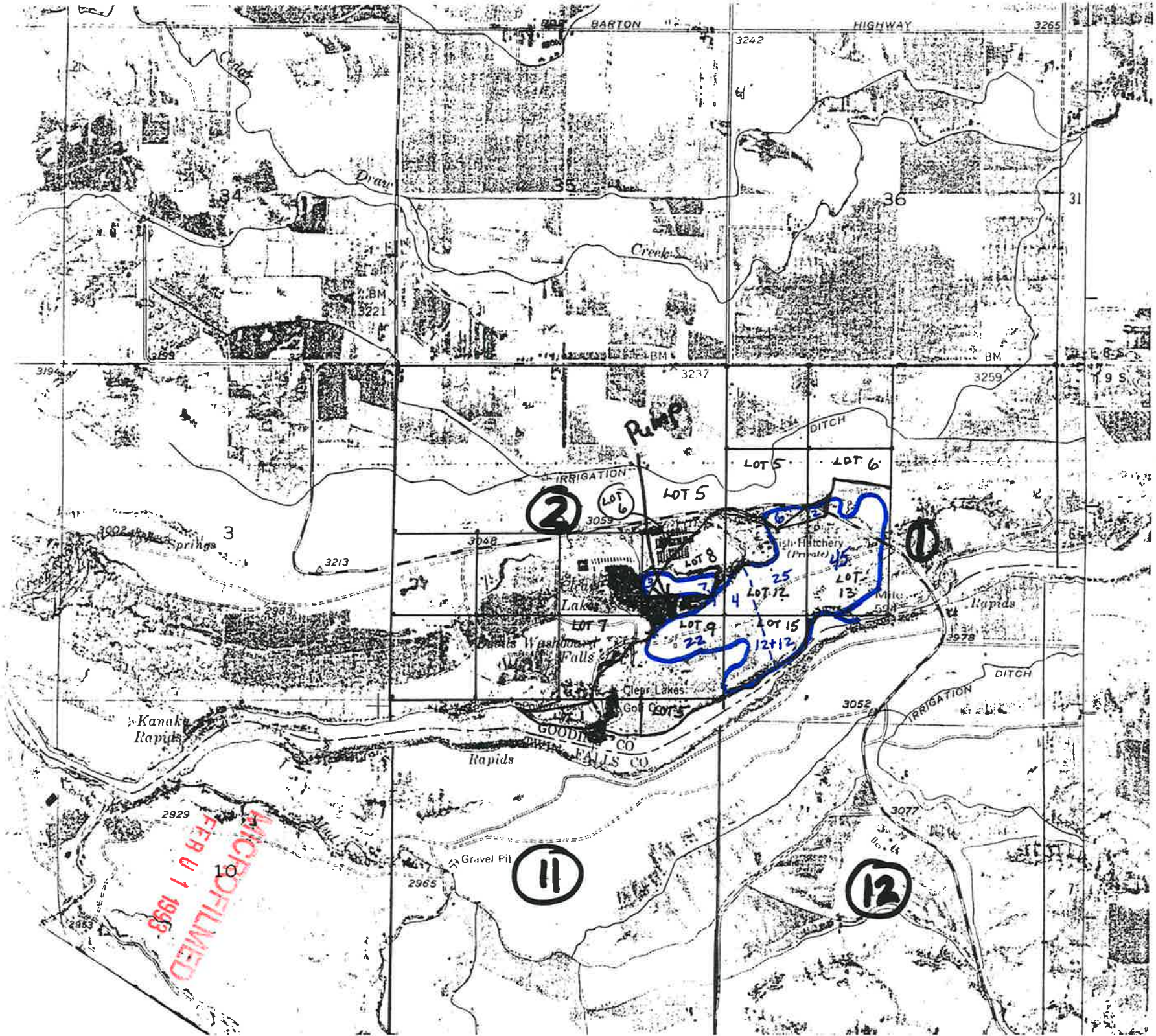
CLAIM _____ INIT _____
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987


41483 Supp Claim file
Doc. 420
APP 1604
CLAIM
INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987
MICROFILMED
FEB 01 1993



1988
NAPP PHOTO

MICROFILMED
FEB 0 7 1995



-4148 90 Ac.

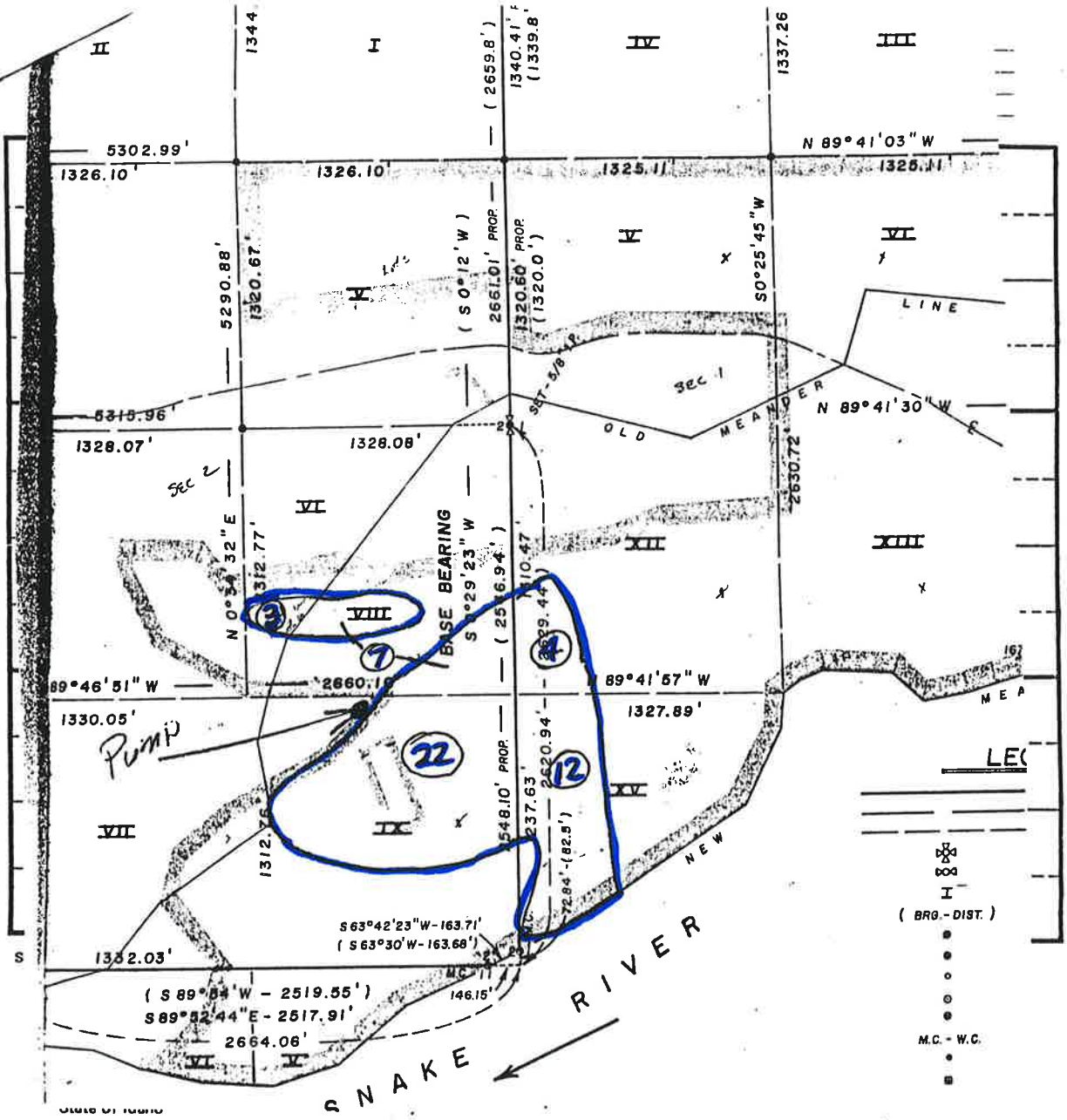
-4149 48 Ac.

138

1987

AMENDED

NO OVERLAPS



State of Idaho

) ss.

County of Twin Falls)

36-4149 AMENDED 1987

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Ranch, Inc, by George Brush
(Claimant) Vice. President

Sworn to before me this 2 day of June, 1987.

Loren O Thalmer
Notary Public
Residing at Twin Falls, ID

My commission expires 3/21/1993

MICROFILMED
FEB 01 1993

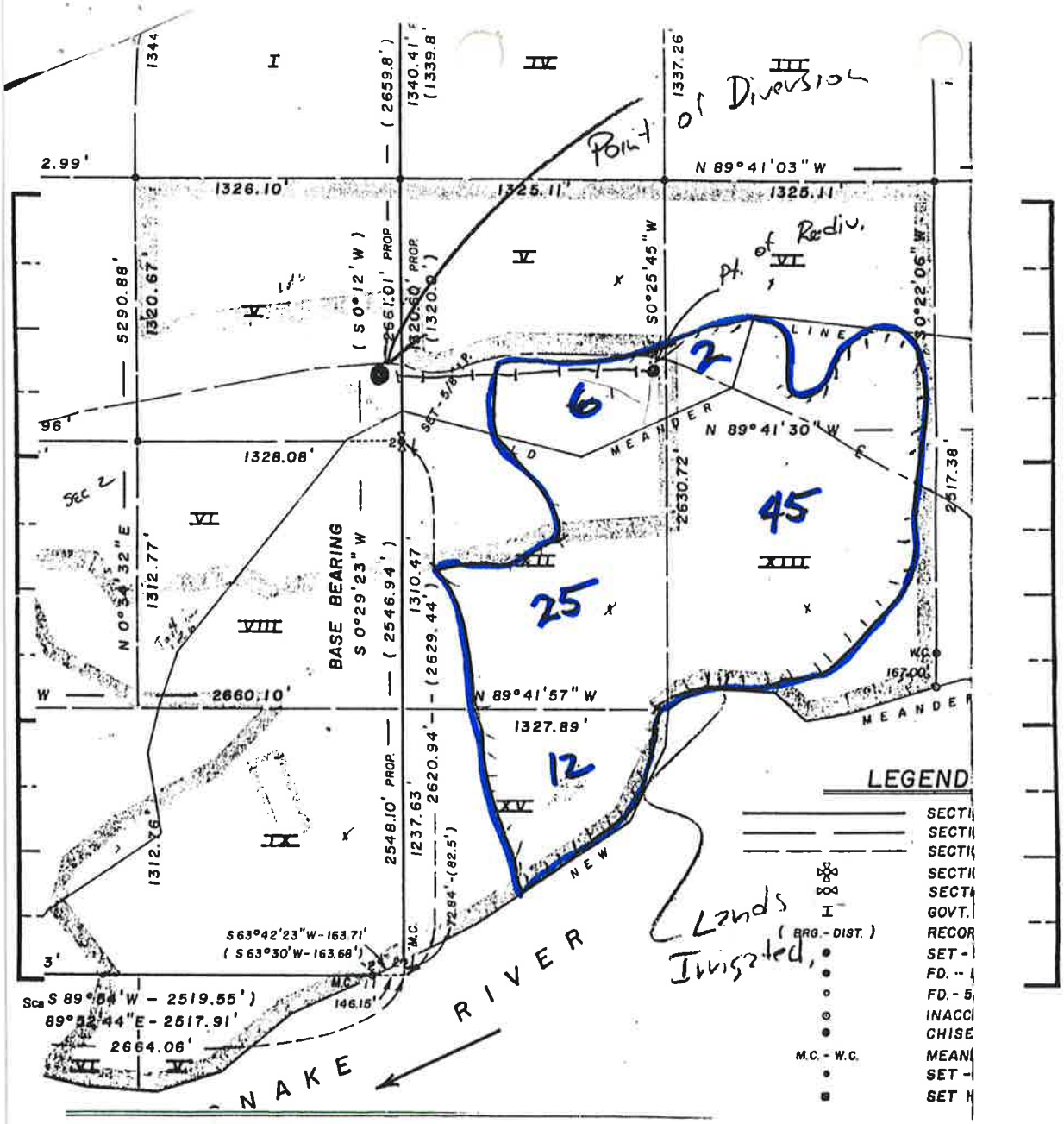
FOR DEPARTMENT USE ONLY

Received by ADR Date 6/2/87
Prelim. check by JE Stanton Date 6-5-87
$30.00 fee received by None Date
Published in Gooding Co. Leader
Dates 8/5 & 8/12/87

Exception filed by:

Fowarded to claimant by:

Date



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

36-4148 AMENDED 1987

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Ranch, Inc, by George Brust
(Claimant) Vice President

Sworn to before me this 2 day of June, 1987.

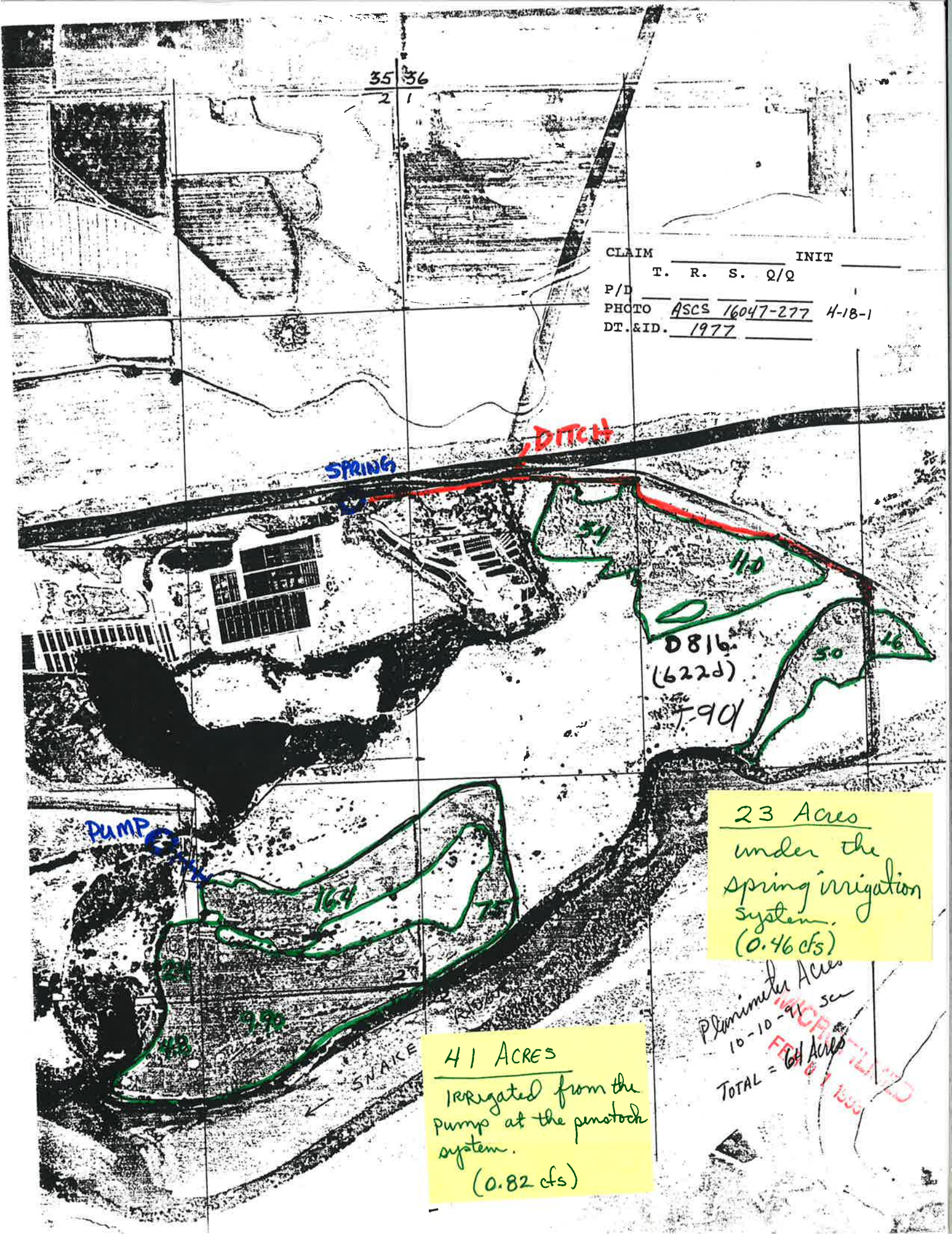
Notary Public
Residing at Twin Falls, ID

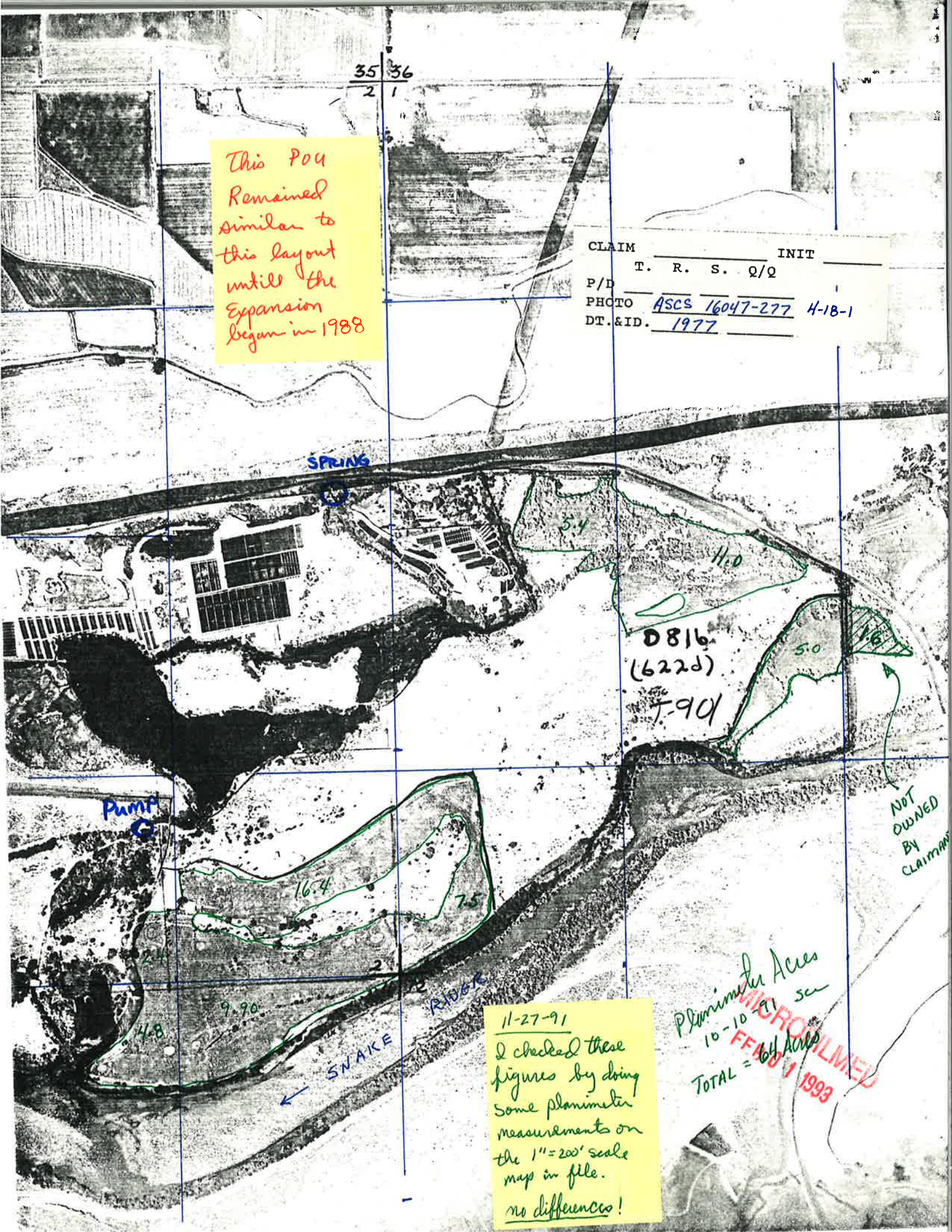
My commission expires 3/4/1993

MICROFILMED
FEB 01 1993

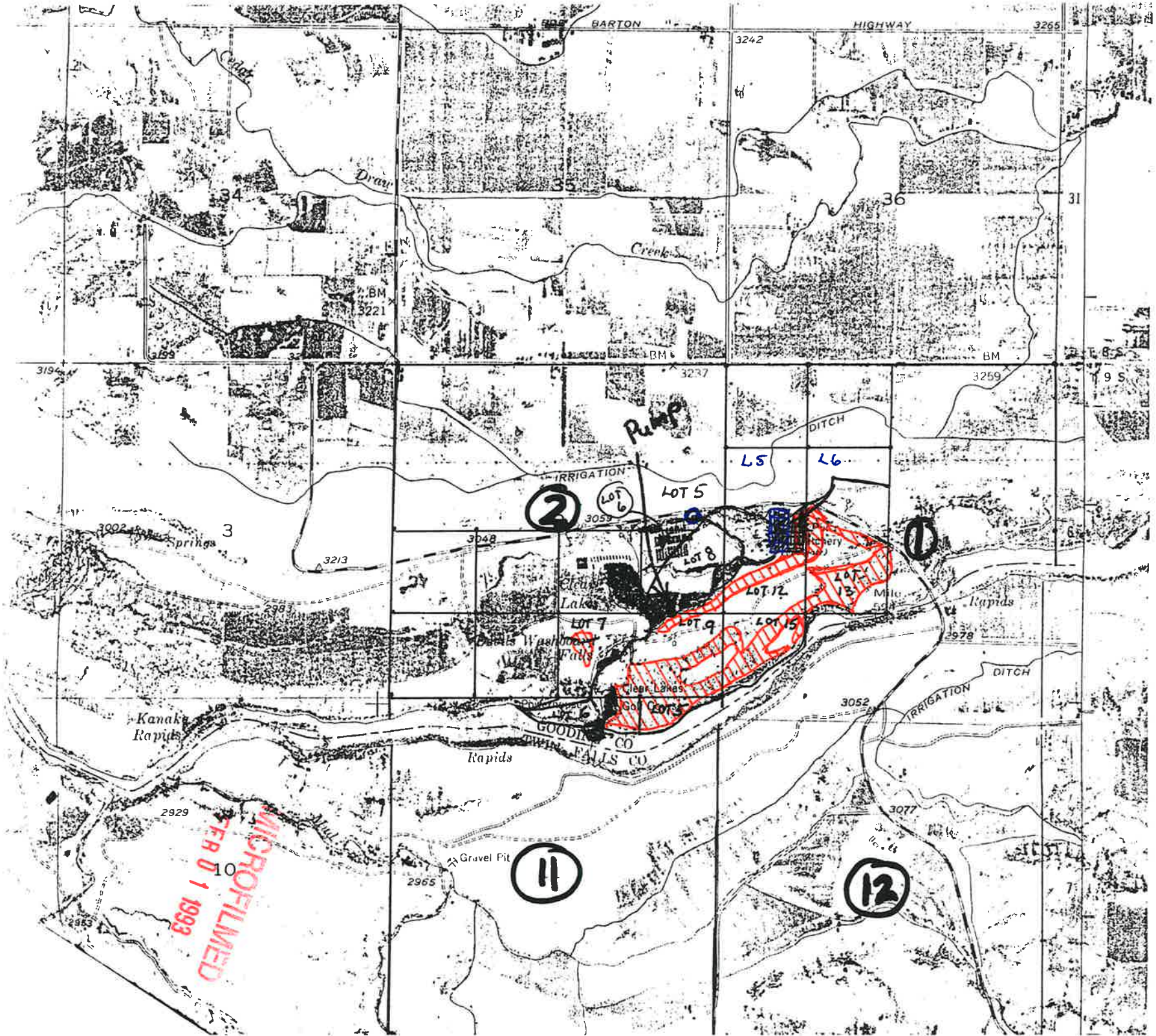
FOR DEPARTMENT USE ONLY

Received by ADL	Date 6/2/87	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by JE Stanton	Date 6-5-87			
$30.00 fee received by None	Date			
Published in Gooding Co. Leader				
Dates 8/5 & 8/12/87				

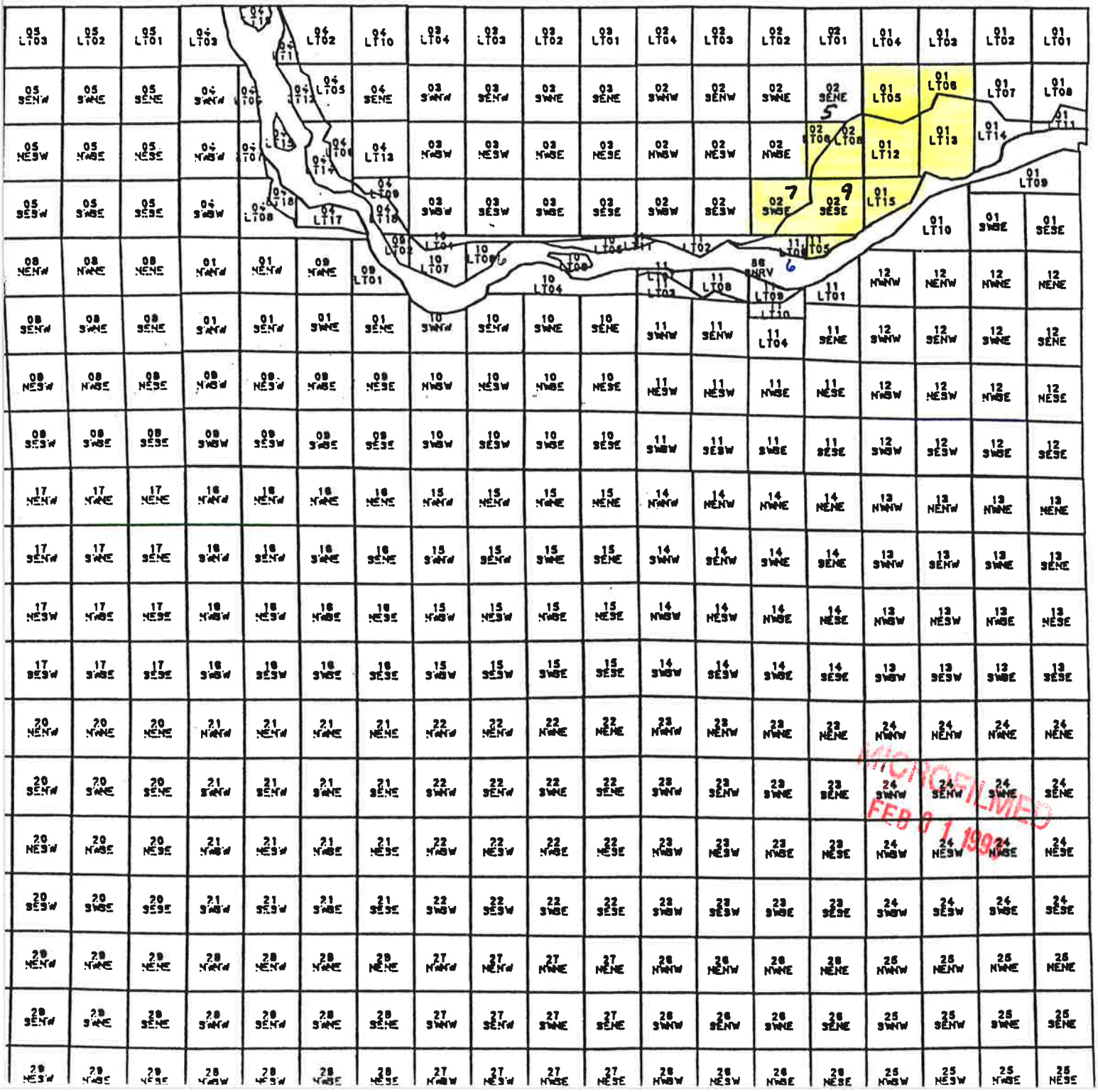

35 36
2 1
CLAIM
INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-277 4-18-1
DT.&ID. 1977
DITCH
SPRING
54
110
D816
(622d)
T-901
50
16
PUMP
164
75
24
9.90
48
SNAKE
23 Acres
under the spring irrigation system.
(0.46 cfs)
41 ACRES
IRRigated from the pump at the penstock system.
(0.82 cfs)
Planimeter Acres
10-10-91 sc
TOTAL = 64 Acres
MICROFILMED
FEB 0 1 1993

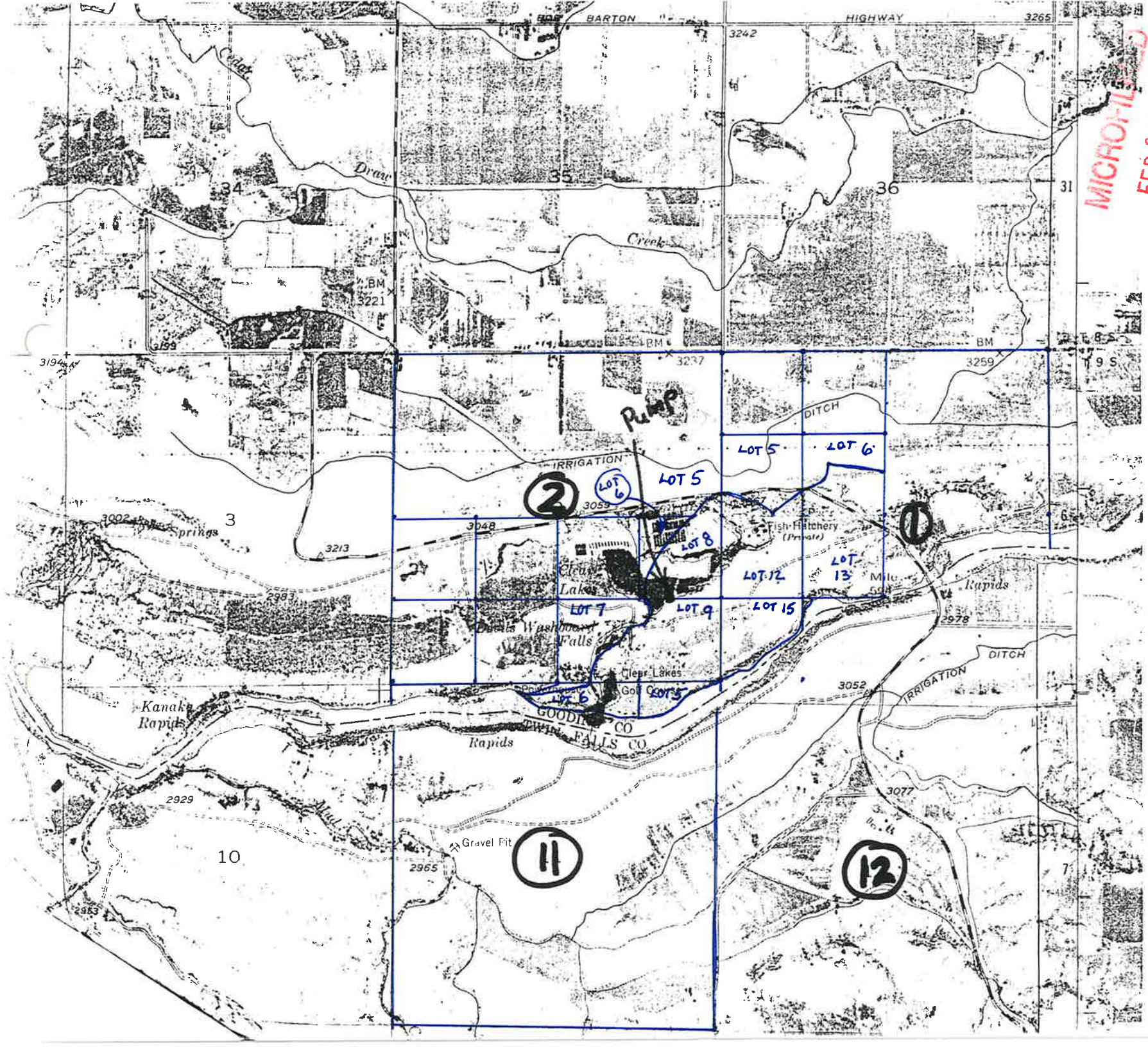

35 36
2 1
This POU Remained similar to this layout untill the Expansion began in 1988
CLAIM INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-277 4-18-1
DT.&ID. 1977
SPRING
5.4
11.0
D816
(622d)
T-901
5.0
1.6
NOT OWNED BY CLAIMANT
PUMP
16.4
7.5
2
9.90
4.8
SNAKE RIVER
Planimeter Acres
10-10-91 sc
TOTAL = 64 Acres
MICROFILMED
FEB 01 1993
11-27-91
I checked these figures by doing some planimeter measurements on the 1"=200' scale map in file.
no differences!

CLAIM _____ INIT _____
T. R. S. Q/Q
P/D _____
PHOTO ASCE 16047-277 H-18-1
DT.&ID. 1977
D816.
(622d)
F-90
MICROFILMED
FEB 01 1993

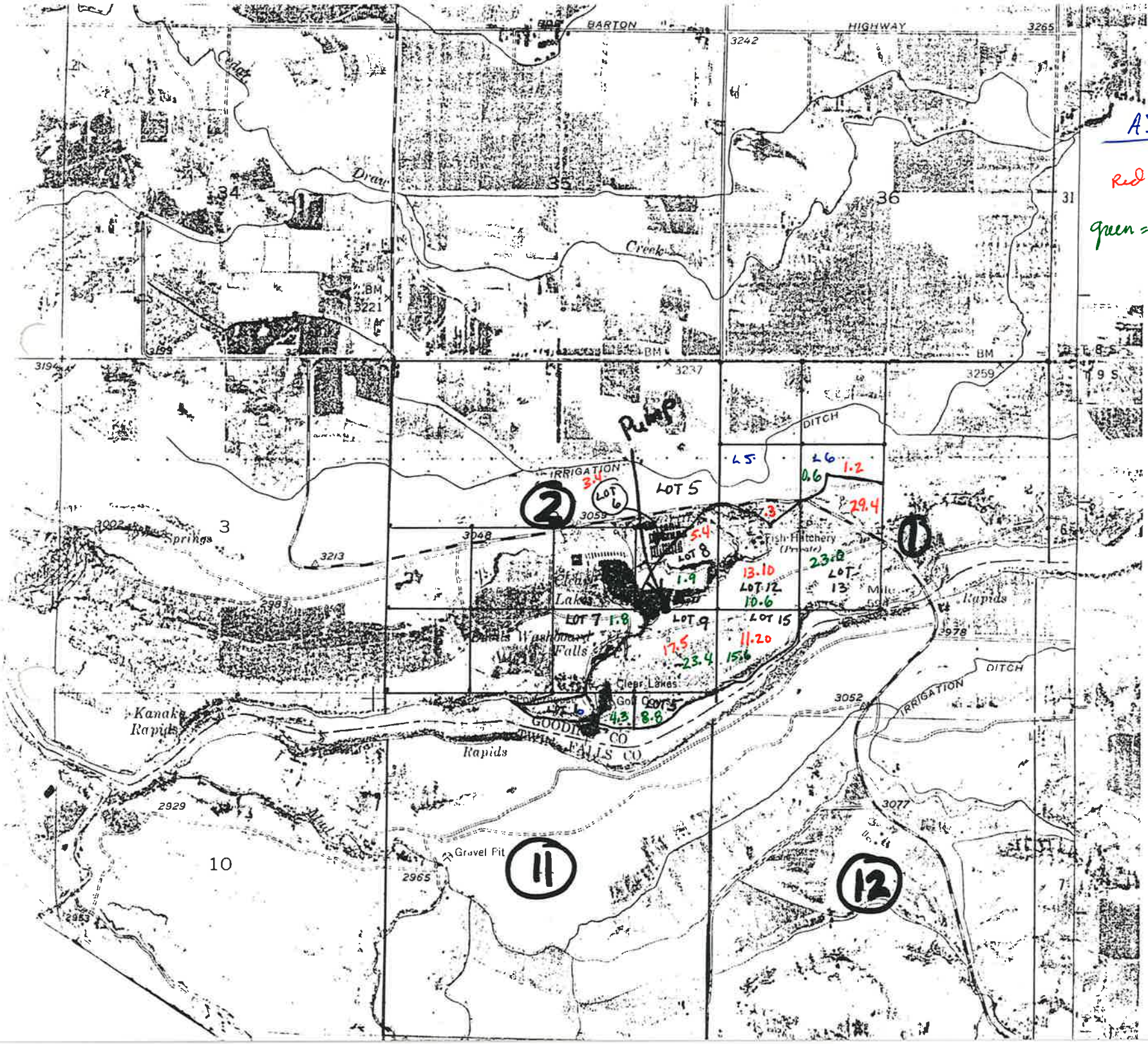

BARTON
HIGHWAY
3265
3242
Cedar
Draw
Creek
35
36
31
34
3
BM
3221
3199
3194
3237
3259
9 S
DITCH
IRRIGATION
LOT 5
LOT 6
L5
L6
2
1
3059
3048
3213
3002
Springs
LOT 8
LOT 12
LOT 13
Mile
Rapids
3978
Clear Lakes
LOT 7
LOT 9
LOT 15
Devils Washbowl
Falls
Kanaka
Rapids
GOODING CO
TWIN FALLS CO
3052
2983
2929
10
Gravel Pit
2965
11
12
3077
7
Pump
1988
NAPP PHOTO
POU
NOT TO SCALE
MICROFILMED
FEB 01 1993

09S14E





MICROFILMED
FEB 01 19



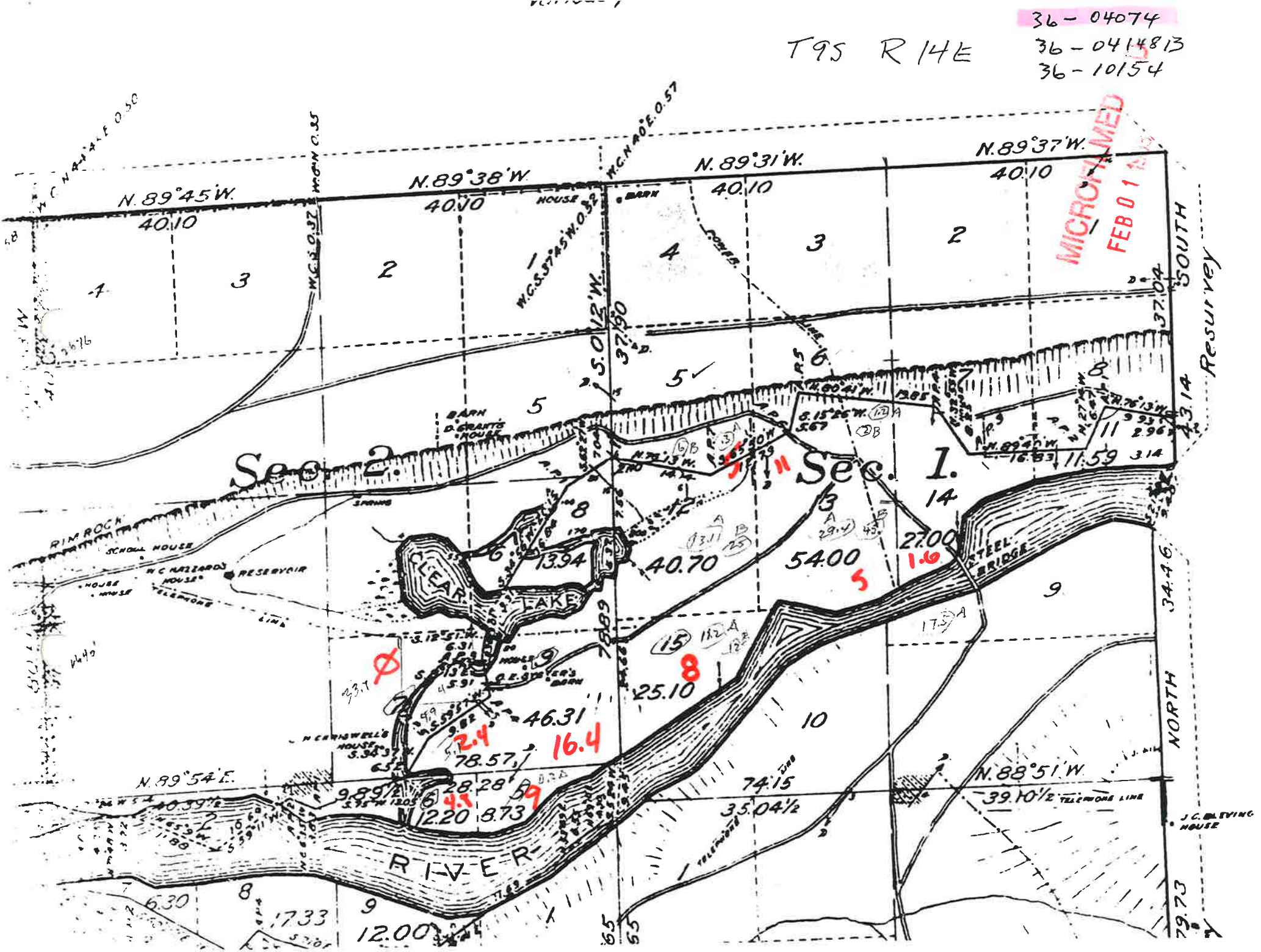
AJ Claims:

Red = 4148A 82 Ac.

Green = 4148B 90 Ac.

36-04074
36-0414813
36-10154

T9S R14E



MICROFILMED FEB 01 19

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

Water Right Number - 36-04148 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

MICROFILMED FEB 2 1 1993

Last Name

*** C - CURRENT OWNER ***
CLEAR LAKES RANCH INC.

First Name

Address

1 - C/O DAVID BRUSH
2 - 423 IDAHO ST.
3 -
City- GOODING State- ID Zip- 83330
Phone - 208-000-0000

Priority Date	Region	Stage	Status
01/01/1890	17	S - STATUTORY CLAIM	

Source	Tributary
SPRINGS	CLEAR LAKE

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	1		5	R (47)	GOODING
		2		5	(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/01	11/30	3.000	
04	STOCKWATER	01/01	12/31	0.030	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
3.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SW NW	5	6.0	01	IRRIGATION	(47) GOODING
			SE NW	6	2.0			(47) GOODING
			NE SW	13	45.0			(47) GOODING
			NW SW	12	25.0			(47) GOODING
			SW SW	15	12.0			(47) GOODING

Total Acres: 90.0

Diversion Means - CONCRETE HEADBOX, EARTHEN DITCHES

Non-Irrigation Use - S/100 RANGE

Other Rights for Same Use -

Remarks

AMENDED CLAIM FILED 6/2/1987

Water right number - 36-04148 Adj. flag translation: Standard Water Right Number

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Audit Fields -

Water Rights Dates and Flags Area

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	-
Approved/Denied	00/00/0000	Protested Date	00/00/0000	Swan Falls	-
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	P
Start Work Date	00/00/0000	Verified Date	01/28/1986	DLE/Carey Act	-
Order Show Cause	00/00/0000	Receipt Number	-	Water District	-
Licensed Date	00/00/0000	Appl Received	00/00/0000	Transfer/Amended	-
Decree Date	00/00/0000				

W. CRAIG FILMED FEB 0 1993

Form No. 243
9/81

RECEIVED
JUN 2 1987
Department of Water Resources
Southern Region Office

Claim No. 36-4148
Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, **Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), **Idaho Code**. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Clear Lake Ranch Inc. (Name of Claimant)

c/o David Brush 423 Idaho St., Gooding, Ida., 83330 (Mailing Address) (Zip Code) Telephone No. 934-8411

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Jan. 1, 1890

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Unnamed Springs tributary to Clear Lake

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive) Period of Use From (Mo., Day)	To (Mo., Day)
Quantity	3.00 cfs	Use Irrigation	Period of Use From Mar. 1	To Nov. 30
Quantity	0.03 cfs	Use Stockwater	Period of Use From Jan. 1	To Dec. 31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 3.00 cfs (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lt. 5 ¼ ¼, Sec. 2 Twp. 9S. Rge. 14E. B.M., County of Gooding Co.
Additional points of diversion: Rediversion Point in Lt.5 Sec 1 T9S R14E near boundary of Clear Springs & Clear Lake Ranch.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Conc. headbox delivering via earthen ditches.
(note that ditches will be replaced by pipeline in near future)

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	1							Lt.5	Lt.6	Lt.13	Lt.12	Lt.15						
									6	2	45	25	12						90

No. of acres 90

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 100 range cattle

(7) If you are claiming water as a member of an organization, list name of organization:

36-4148, Amended

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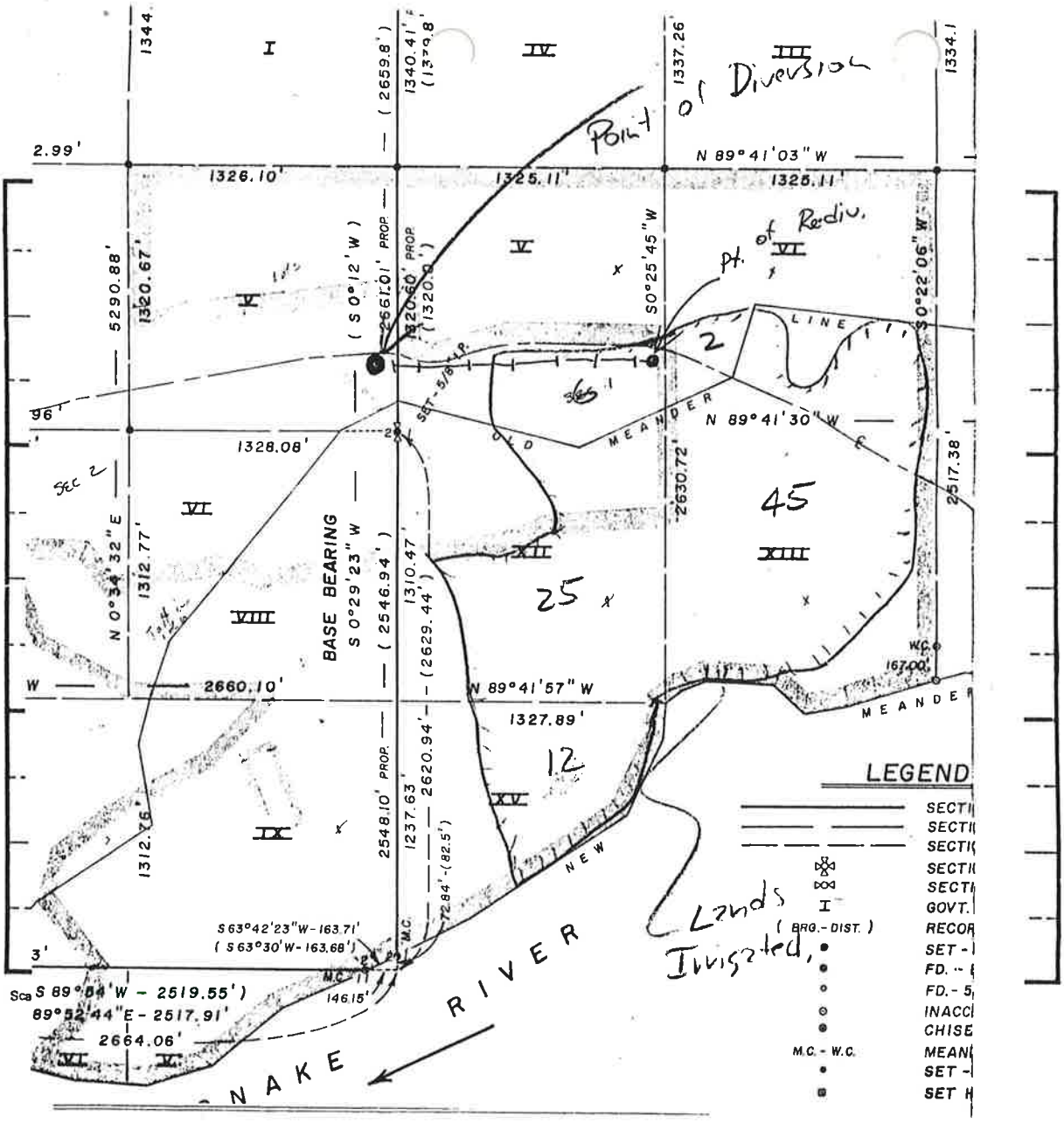
FEB 0 1 1993



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

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Ranch, Inc, by George Brush
(Claimant) Vice-President

Sworn to before me this 2 day of June, 1987.

Laren O Halmer
Notary Public
Residing at Twin Falls, ID

My commission expires 3/21/1993

FOR DEPARTMENT USE ONLY

Received by ADR	Date 6/2/87	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by J E Stanton	Date 6-5-87			
$30.00 fee received by None	Date			
Published in Gooding Co. Leader				
Dates 8/5 + 8/12/87				

MICROFILMED
FEB 01 1993

Form No. 243
7/78

Claim No. 36-4148

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, **Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), **Idaho Code**. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Clear Lake Ranch Inc.
(Name of Claimant)

C/O David Brush 423 Idaho Street, Gooding, ID, 83330 Telephone No. 934-8411
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Jan. 1, 1890

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Unnamed Springs tributary to Clear Lake

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	Period of Use (Both dates inclusive) From (Mo., Day)	To (Mo., Day)
Quantity	3.00 cfs	Use Irrigation	Period of Use From Mar 1	To Nov 30
Quantity	0.03 cfs	Use Stockwater	Period of Use From Jan 1	To Dec 31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 3.00 (cfs, gpd, AFA) TOTAL QUANTITY USED

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot5 ¼ ¼, Sec. 1 Twp. 9S Rge. 14E B.M., County of Gooding
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Concrete headbox diverting to earthen ditches.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	1							Lt5 6	Lt6 2	Lt3 26	Lt2 30	Lt5 16						80
9S	14E	2												Lt6 Lt8 4 11				Lt9 9	24
														Both Lots 6 & 8 in NE¼SE¼ Sec. 2					

No. of acres 104

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 100 Range Cattle

(7) If you are claiming water as a member of an organization, list name of organization:

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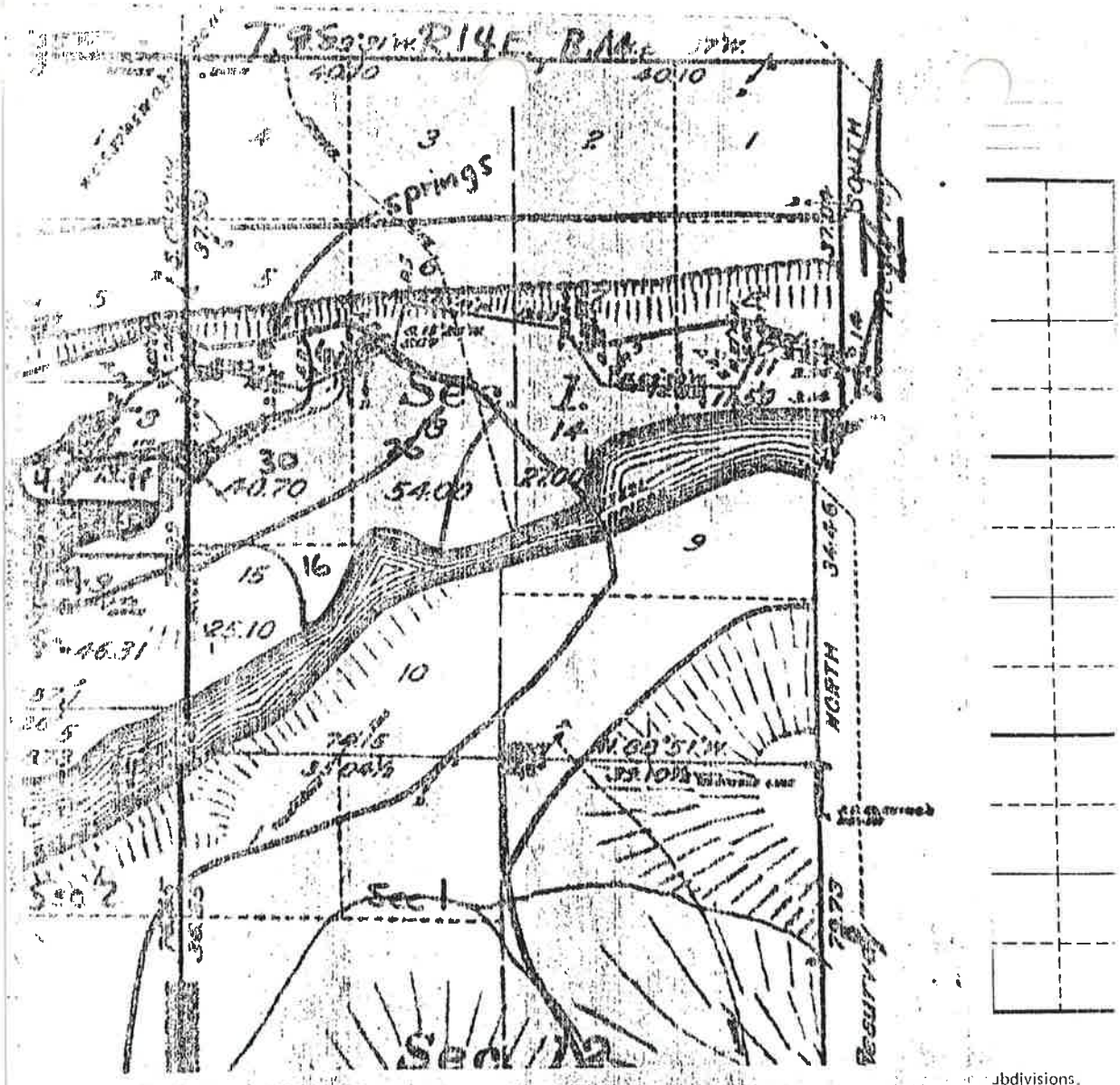
FEB 0 1 1993

36-4148



section, township and range of the public land survey system.

State of Idaho)
) ss.
County of)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Land Inc. Harry Brent Vice President of Corp.
(Claimant)

Sworn to before me this 4 day of August, 19 82.

Notary Public
Residing at Twin Falls, id 8330

My commission expires life

FOR DEPARTMENT USE ONLY

Received by ADM Date 5/4/82 Exception filed by: Fowarded to claimant by: Date
Prelim. check by [illegible] Date 5-5-82
$20.00 fee received by mary a. Date 5/4/82 # 20900
Published in Jerome Co. Leader
Dates 8/11 + 8/18/82

MICROFILMED
FEB 01 1993

Form No. 243
9/81

RECEIVED
JUN 2 1987
Department of Water Resources
Southern Region Office

Claim No. 36-4149
Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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Notice is hereby given that Clear Lake Ranch Inc. (Name of Claimant)
% David Brush 423 Idaho St., Gooding, Ida., 83330 (Mailing Address) (Zip Code) Telephone No. 934-8411

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Mar. 1 1960

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Clear Lake tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates Inclusive) (Mo., Day)		(Mo., Day)
Quantity	0.5 cfs	Use	Irrigation	Period of Use From	Mar. 1	To	Nov. 30
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

(4) 0.5 cfs (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 9 ¼ ____ ¼, Sec. 2 Twp. 9S. Rge. 14E B.M., County of Gooding
Additional points of diversion: ____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pump delivering via pipeline to place of use

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NE	SW¼	SE¼	
															Lt.6	Lt.8		Lt.9	
9S.	14E	2													3	7		22	32
9S.	14E.	1										Lt.12 4	Lt.15 12						16

No. of acres 48

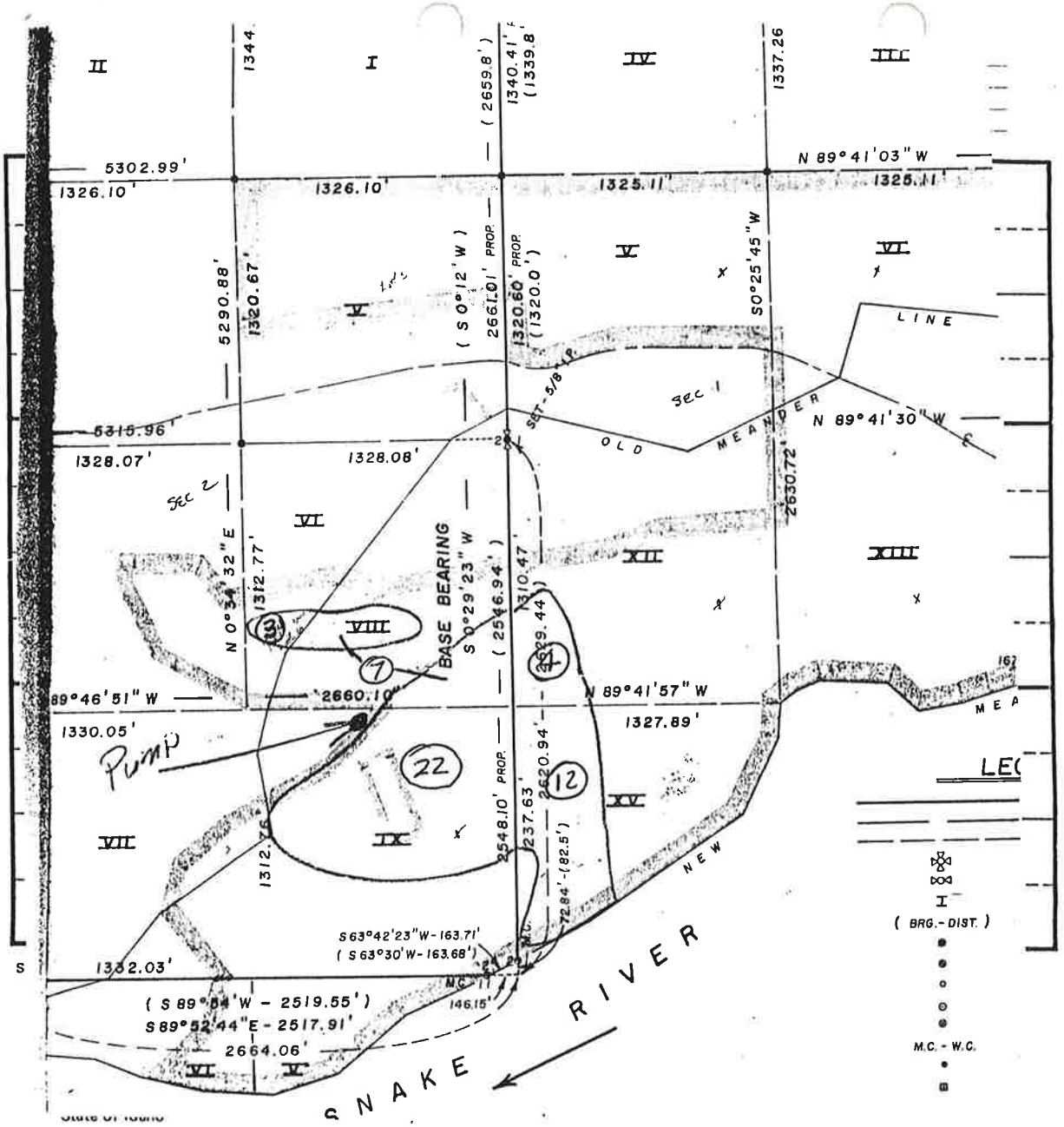
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: ____

NOTE: Include here the type and number of stock watered: ____

(7) If you are claiming water as a member of an organization, list name of organization: ____

MICROFILMED
FEB 01 1993

36-4149 Amended



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

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Ranch, Inc, by George Brusk
(Claimant) Vice. President

Sworn to before me this 2 day of June, 1987.

Loren O Holmes
Notary Public
Residing at Twin Falls, ID

My commission expires 3/21/1993

FOR DEPARTMENT USE ONLY

Received by	ADA	Date	6/2/87	Exception filed by:		Fowarded to claimant by:	Date
Prelim. check by	Jeddanton	Date	6-5-87				
$30.00 fee received by	none	Date					
Published in	Gooding Co. Leader						
Dates	8/5 & 8/12/87						

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Form No. 243
7-78

Claim No. 36-7177

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, **Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), **Idaho Code**. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Clear Lake Ranch Inc.
(Name of Claimant)

% David Brush 423 Idaho Street, Gooding, ID, 83330 Telephone No. 934-8411
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Mar. 1, 1960

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Clear Lake tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	Period of Use (Both dates Inclusive) (Mo., Day)		(Mo., Day)
Quantity	0.5 cfs	Use Irrigation	Period of Use From Mar. 1	To	Nov. 30
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	

(4) 0.5 cfs (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 9 ¼ ¼, Sec. 2 Twp. 9S Rge. 14E B.M., County of Gooding
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Small electric pump delivers to pipeline which delivers open discharge to earthen ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
																		Lt9	
9S	14E	2																4	4

No. of acres 4

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

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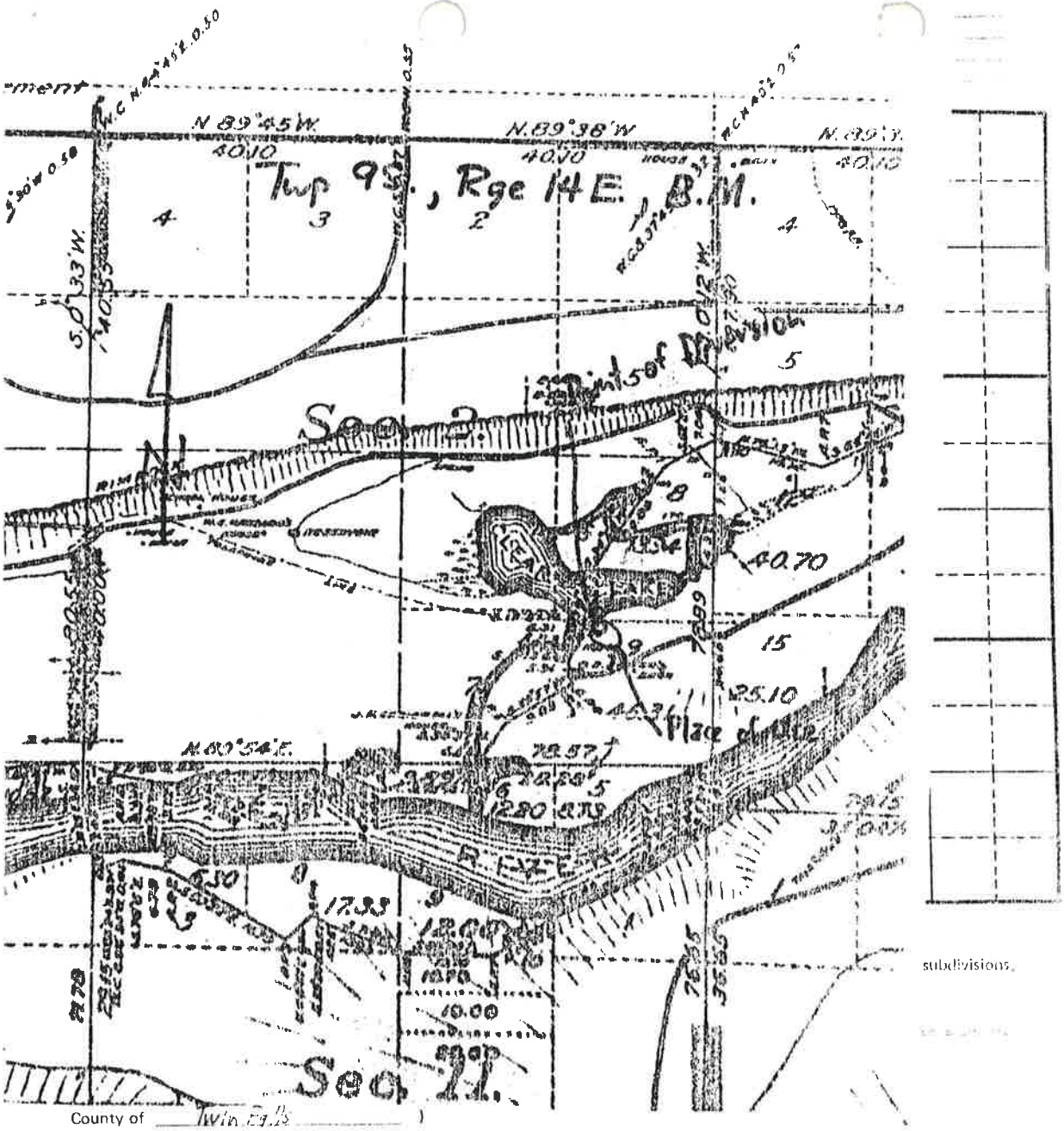
36-4145



subdivisions.

County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Ranch Inc. George Brush
(Claimant) Vice-President of Corp.

Sworn to before me this 4 day of August, 1982.

Mary A. Hill
Notary Public
Residing at Twin Falls, Id. 83301

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by ADM Date 8/4/82 Exception filed by: Fowarded to claimant by: Date
Prelim. check by [illegible] Date 8-4-82
30.00 ~~$20.00~~ fee received by [illegible] Date 8/4/82 #20900
Published in Gooding Co. Leader
Dates 8/11 + 8/18/82

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FEB 01 1993

Form No. 243
7/78

Claim No. 36-4[illegible]4

36-4014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Buhl Country Club
(Name of Claimant)

Route 4, Buhl, Idaho (Mailing Address) (Zip Code) Telephone No. 543-4849

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Feb. 1, 1937

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Clear Lakes Stream tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	Period of Use (Both dates Inclusive) From (Mo., Day)	To (Mo., Day)
Quantity	.92	Use irrigation	Period of Use From Feb 1	To Nov 15
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .92 (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
____ ¼ Lot 9¼, Sec. 2 Twp. 9S Rge. 14E B.M., County of Gooding
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Check dam & gate, pipeline, 30 hp & 60 hp pumps to sprinkler system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	2															Lt 7	Lt 9	18
		11	Lt 5	Lt 6)													9	9	
			8	12)															20
		1											Lt 5 8						8

No. of acres 46

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

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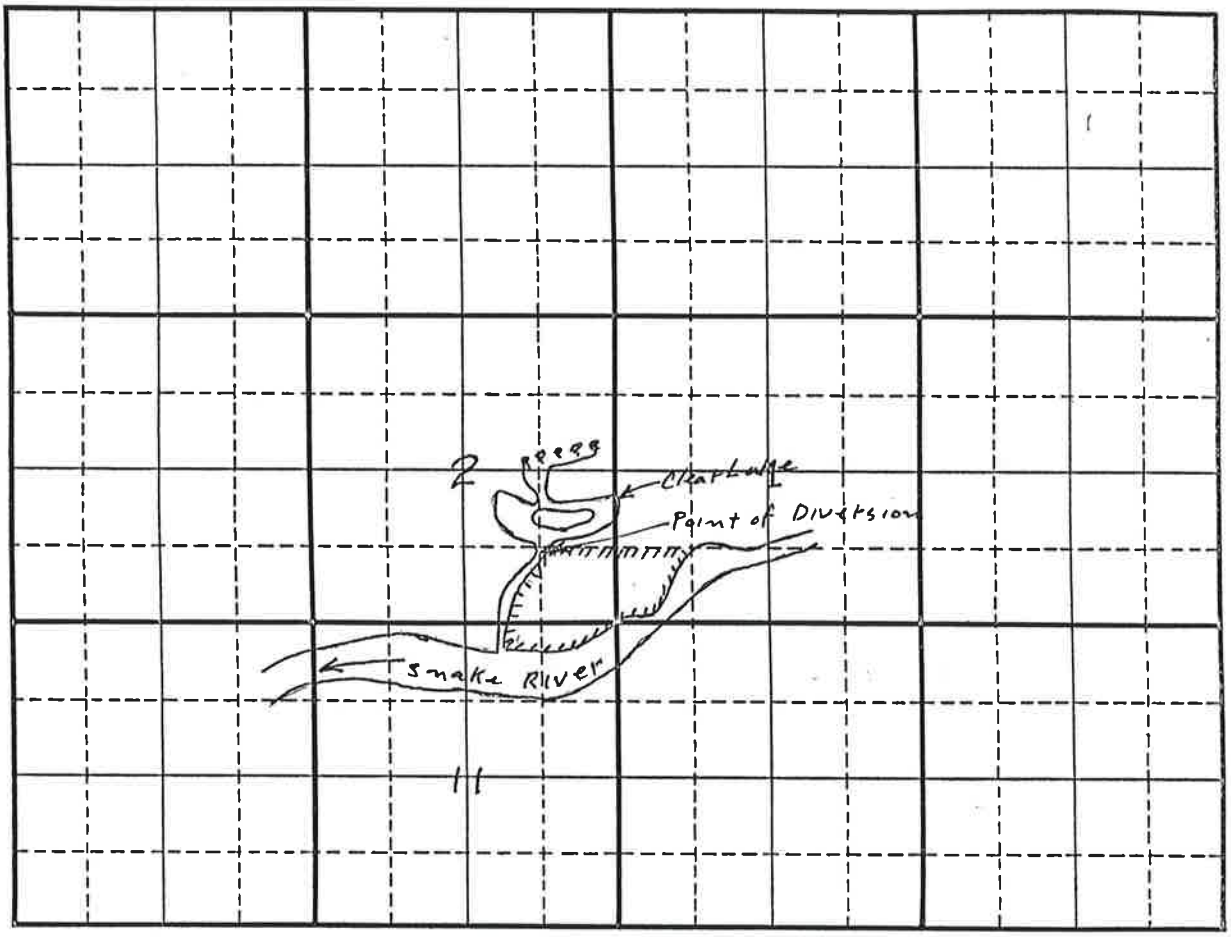
(8) Remarks Water is used to irriga[illegible] golf course and small areas around Club [illegible]ldings.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Bubl Country Club by Laing Lagnais Manager
(Claimant)

Sworn to before me this 29th day of June, 1979.

Loren O Holmes
Notary Public
Residing at Twin Falls, Id

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by LSH Date 6-29-79 Exception filed by: Fowarded to claimant by: Date
Prelim. check by JP Date 7-2-79
$20.00 fee received by Maya Date 6-29-79 #13251
Published in Gooding Co. leader
Dates 7/26 & 8/13/79

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PREPARED BY LORI WHITE

CC	90	ACRES	1.5 CFS	A36-04148 B
CL	82		1.5	A36-04148A
TOTAL	172		3.0	

CL

	SEC		LOT	ACRES
	1	SWNW	5	.3
	1	SENW	6	1.2
	1	NWSW	12	13.10
	1	NESW	13	29.4
	1	SWSW	15	11.20
N/I	2	NESE	6	3.4
N/I	2	NESE	8	5.4
	2	SESE	9	17.5
N/I	2		NWSE	.2
	11	NENE	5	.3
				82
	N/I ACRES			9
	TOTAL IRRIG ACRES			73

CC

SEC		LOT	ACRES
1	SENW	6	.6
1	NWSW	12	10.6
1	NESW	13	23.
1	SWSW	15	15.6
2	SWSE	7	1.8
2	NESE	8	1.9
2	SESE	9	23.4
11	NENE	5	8.8
11	NWNE	6	4.3
			90

Lori's original Review — not correct... 11-27-91 SW

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Indenture

Claims in 1927 agreement — Aug 27, 1927

6a)	2 cfs	Spring N of CL	pipeline across lake
6b)	2 cfs	Clear Lakes	two ditches
Claimed as 4148 36	3 cfs	Clear Lakes	lists POU S.1 + S.2

None Claimed

40 acres in Homestead

these right appear as reserved but no indication of any actual full usage.

* use may have occurred 1910 to 1930 but then has since been abandoned through 5 years of non use

+ claims have claimed less cfs — [4074 (.92), 4148 (3), 4149 (1.4)]

* Warranty Deed conveys 1.5 cfs to Country Club from CL Ranch

Patents to land 1910 — 1890 is speculation

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T9S. R14E.

36-4149 WITHDRAWN 10-30 1990

A = RANCH
B = CLUB

SECTION 1	1977 ASCS	1979 CLAIM 36-4074 FILED	1980 COLOR SLIDE	1982 CLAIM 36-4148	1982 CLAIM 36-4149	1985 EXPANSION CLAIMS DRIVING RANGE	1987 AMENDED 4148	1987 AMENDED 4149	1987 ASCS NAPP	7-6 1988 AS CLAIMS 4074	7-6 1988 AS CLAIMS 4148	7-6 1988 AS CLAIMS 4149	7-6 1988 AS CLAIMS 10154	8-30 1990 AMENDED 4074	8-30 1990 AMENDED 4148 (A)	8-30 1990 AMENDED 4148 (B)
SWNW LOT 5	2.0		2.0	6			6		FISH POND Ø		6				0.3	
SENW LOT 6	Ø			2			2		0.5		2				1.2	0.6
NWSW LOT 12	3.4		3.4	30			25	4	11.0		25	4			13.1	10.6
NESW LOT 13	16.0		16.0	26			45		22.1		45				29.4	23.0
SWSW LOT 15	7.5	8.0	7.5	16			12	12	11.0	8	12	12		15	11.2	15.6
(LOT 14)	1.6		1.6						Ø							
	30.5	8.0	30.5	80		Ø	90	16	44.6	8	90	16		15	55.2	49.8
SECTION 2																
SENE LOT 5	Ø								Ø							
SWNE LOT 6	Ø			4				3	Ø			3				
SWSE LOT 7	Ø	9.0				12			5.6	9			12	2		1.8
NESE LOT 8	Ø			11				7	3.0			7				1.9
SESE LOT 9	18.8	9.0	18.8	9	4			22	23.7	9		22		17	17.5	23.4
NWSW	Ø								Ø							
	18.8	18.0	18.8	24	4	12	Ø	32	32.3	18	Ø	32		19	17.5	27.1
SECTION 11																
NENE LOT 5	9.9	8.0	9.9						8.3	8	Ø			8	0.3	8.8
NWNE LOT 6	4.8	12	4.8						4.7	12				4		4.3
	14.7	20.0	14.7	Ø	Ø	Ø	Ø	Ø	13.0	20	Ø			12	0.3	13.1
CFS	—	0.92	—	3.0	0.5	—	3.0	0.5	—	1.4	3.0	1.4	.36	1.6	1.5	1.5
GRAND TOTALS	64	46	64	104	4	12	90	48	89.9	46	90			46	73	90

TOTAL ACRES + EVOL. (WILL NOT EXPAND ON AGAIN)

0.92 1.0 1.0

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4148 from 104 Ac '82
amended to 90 Acres '87

Δ POD

4149 amended
.5 cfs

originally for 4 Acres
in 1982

amended to 48 in 6/87

4074

.92 @ 46 Acres in 1979

amended to 1.6 @ 46 acres in 1990

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FEB 01 1993

AQUACULTURE IN IDAHO and Nationwide

by

George W. Klontz
Fishery Resources

and

John G. King
Watershed Management

College of Forestry, Wildlife and Range Sciences

Idaho Water Resources Research Institute
University of Idaho
Moscow, Idaho

John S. Gladwell, Director

Department of Water Resources
Statehouse
Boise, Idaho 83720

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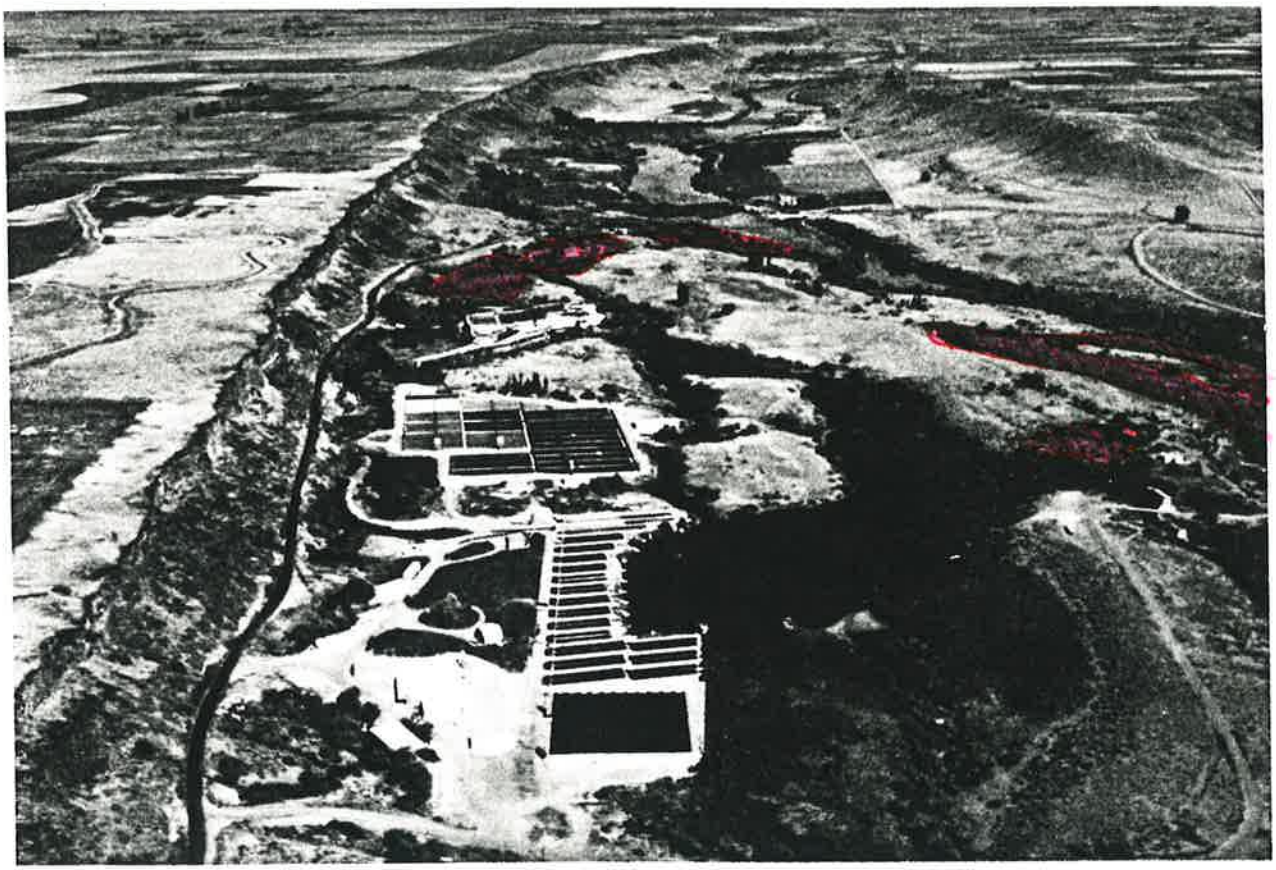

photo date:
EST. PRE 1975

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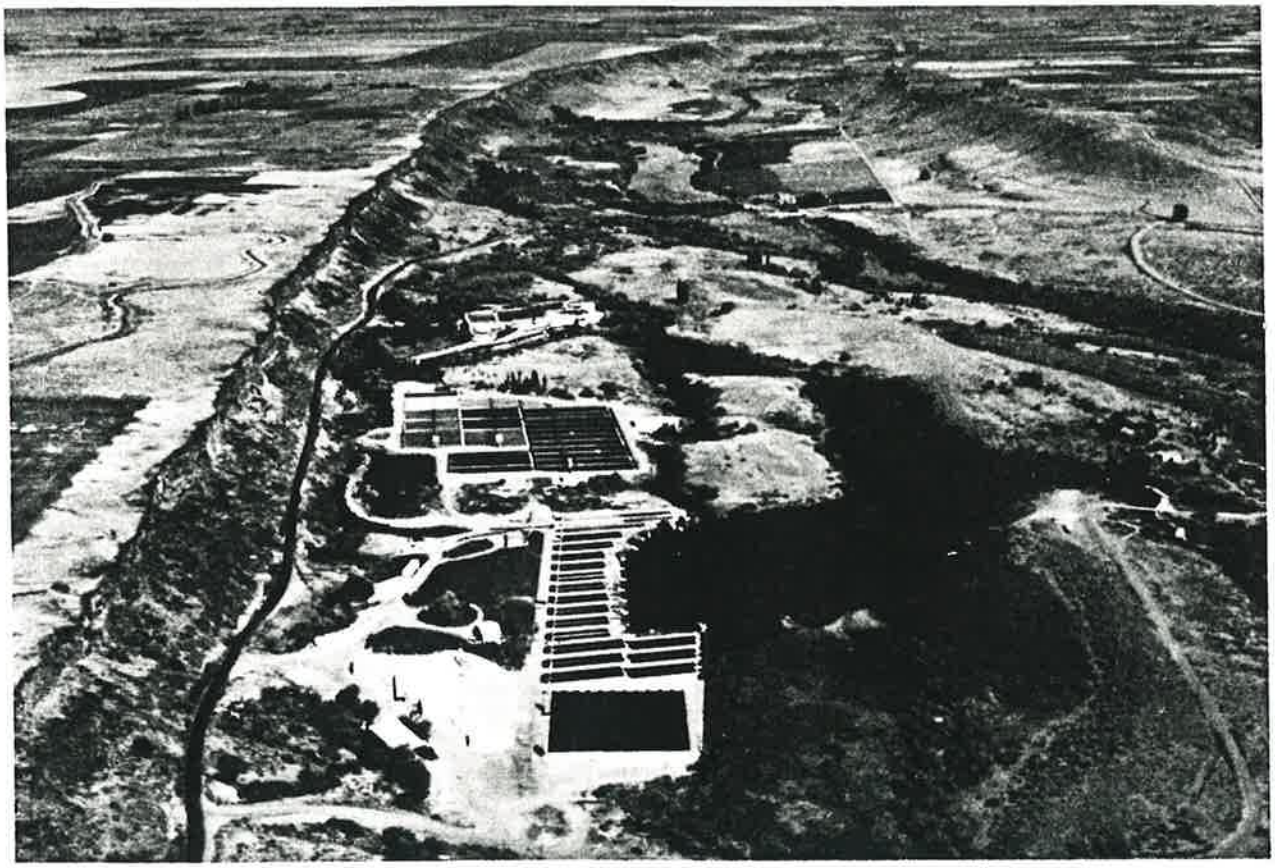

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Linda Parkinson
"Bisbee took Postcard photos about 1930's..."
T.F.P.L.
733-2964

NO DATE !

TWIN FALLS PUBLIC LIBRARY
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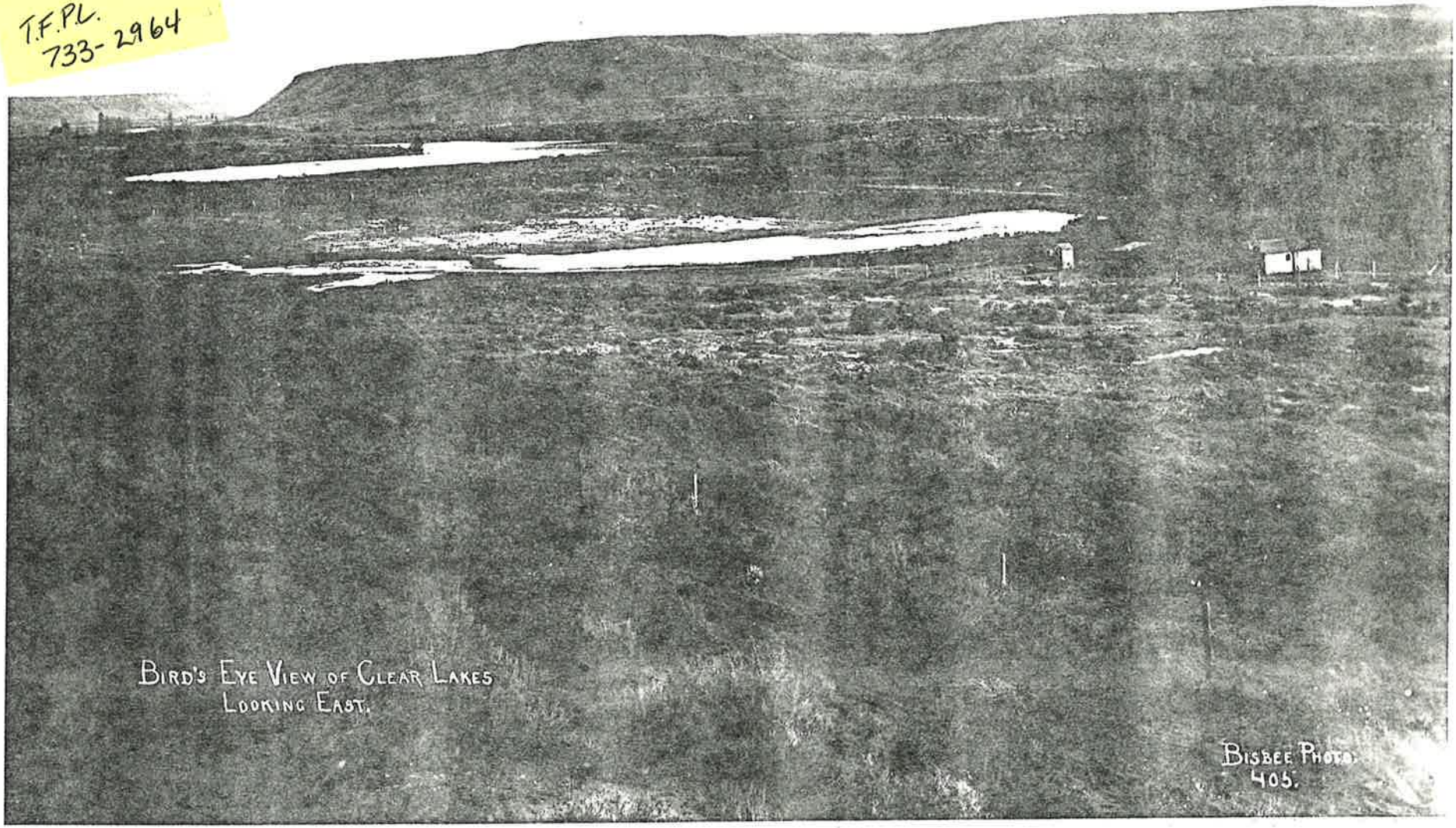
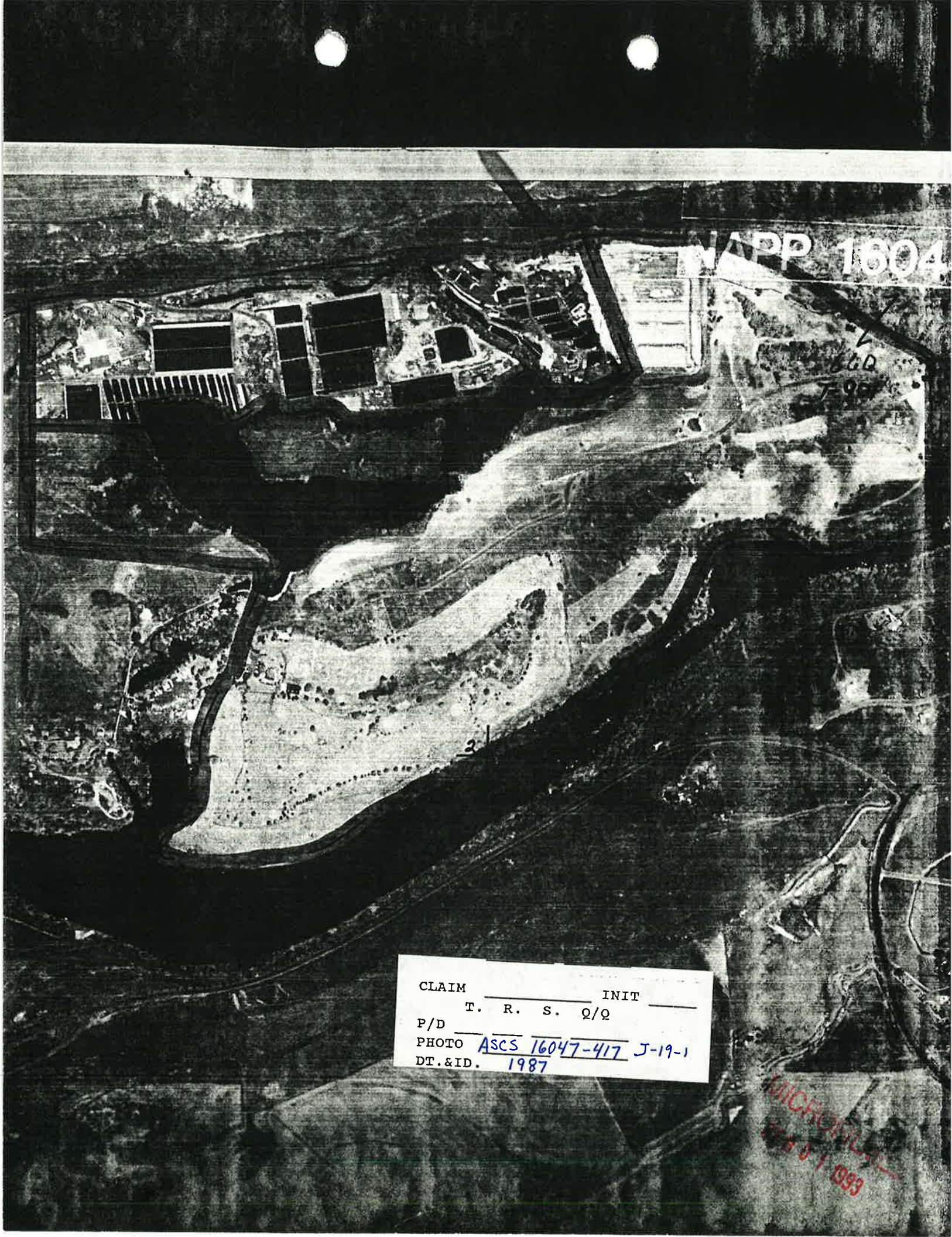
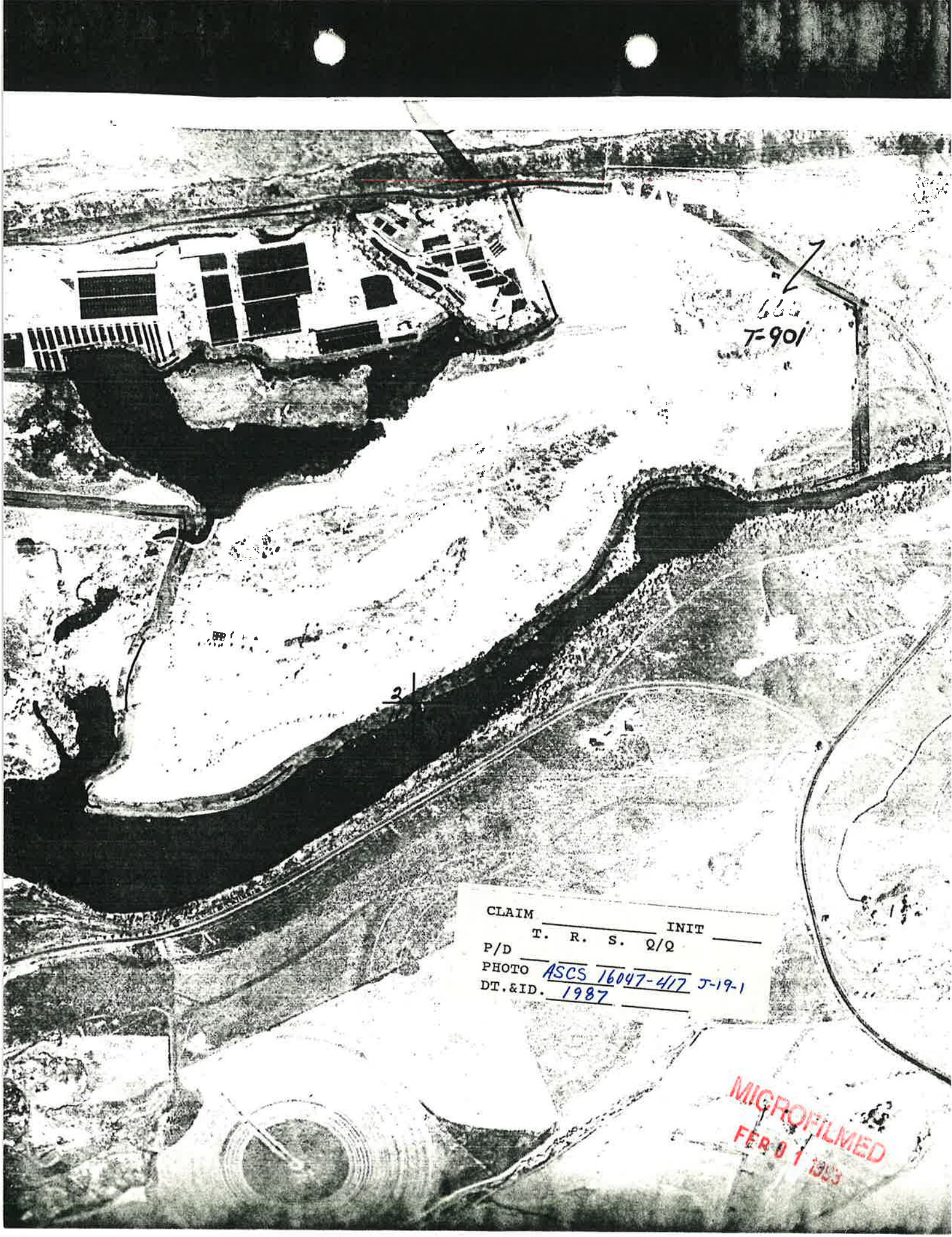
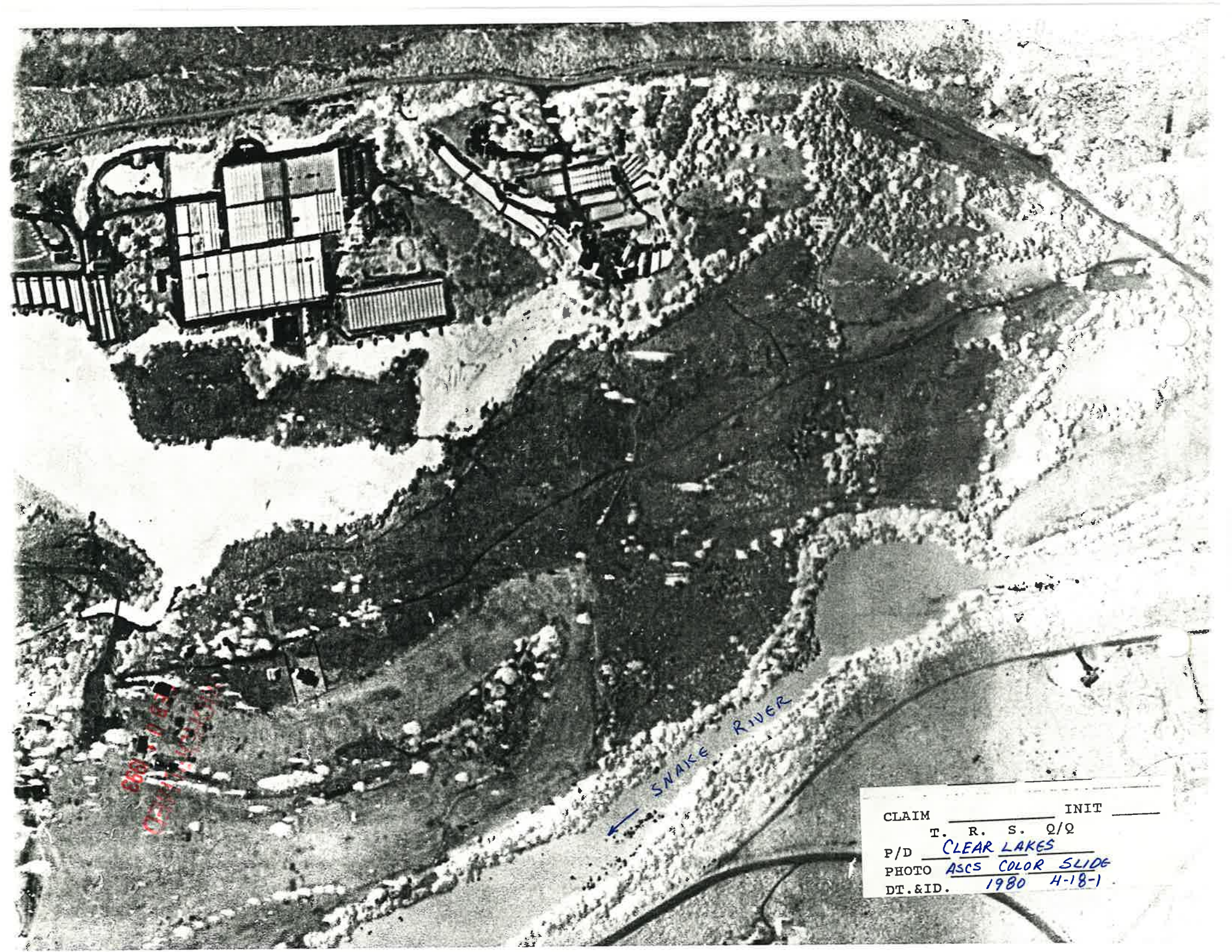


73-221.296 Clear Lakes


NAPP 1604
CLAIM _____ INIT _____
T. R. S. Q/Q
P/D ___ ___ ___ ___
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987


T-901
CLAIM
INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987
MICROFILMED
FEB 01 1993

T-901
CLAIM _____ INIT _____
T. R. S. Q/Q
P/D _____
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987
MICROFILMED
FEB 01 1993



CLAIM _____ INIT _____

T. R. S. Q/Q

P/D CLEAR LAKES

PHOTO ASCS COLOR SLIDE

DT.&ID. 1980 4-18-1

Miscellaneous:

Clear Lake Trout Coop office
543-4316

10-23-91

- called 'CALLY' to ask if they had any older photos of the area.
- I did not pursue the matter after my initial request.

CLEAR LAKE COUNTRY CLUB 543-4849

DENNY KUNTZ = GROUNDS KEEPER

LARRY FRANCIS = MANAGER

JOHN LEMOYNE = PRES. C.C.

GEORGE BRUSH WORK – 324-5053

HOME – 324-7300

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FEB 01 1993

other rights with common Point of Diversion

SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

Max # Records 68

SEL	Tract	LOT	RDV	Water Right No.	STATE	Name Last, First	OWN	STG	Priority Date	Source	Total Diversion
_	SWNE			A36-02710		SMTIH, BRUCE M	A	L	07/24/1940	SPRINGS	0.100
_						IDAHO POWER CO	C				
_	SWSWNE			R36-02710		IDAHO POWER CO	C	L	07/24/1940	SPRINGS	0.100
_						NELSON, THOMAS	A				
_	SESWNE			R36-02708		RINGERT, WILLI	A	L	09/28/1966	SPRINGS	200.000
_						PROSPECT CO, T	C				
_						CLEAR SPRINGS	C				
_	SESWNE			A36-07201		CLEAR SPRINGS	C	L	08/04/1971	SPRINGS (CL	10.000
_						PROSPECT CO.,	C				
_						RINGERT, WILLI	A				
_	SESWNE			A36-07218		CLEAR SPRINGS	C	L	01/24/1972	SPRINGS (CL	51.550
_						PROSPECT CO.,	C				
_						RINGERT, WILLI	A				
_	SESWNE			A36-02708		PROSPECT CO.,	C	L	09/28/1966	SPRINGS (CL	200.000
_						CLEAR SPRINGS	C				
_						RINGERT, WILLI	A				

(Enter=Continue) (GOLD7=This Query) (MENU _____)

IMAGE FILMED
FEB 0 1 1993

SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

Max # Records 68

SEL	Tract	LOT	RDV	Water Right No.	STATE Name Last, First	OWN	STG	Priority Date	Source	Total Diversion
	SESWNE			R36-07218	PROSPECT CO, T	C	L	01/24/1972	SPRINGS	51.550
					CLEAR SPRINGS	C				
					RINGERT, WILLI	A				
	SENE	5		A36-02659	CLEAR LAKES TR	C	L	06/23/1966	CLEAR LAKES	100.000
					RINGERT, W.F.	A				
					KASTER, RICHAR	O				
	SENE	5		A36-07004	CLEAR LAKES TR	C	L	07/21/1967	CLEAR LAKES	75.000
					RINGERT, W.F.	A				
	SWSENE	5		R36-02708	RINGERT, WILLI	A	L	09/28/1966	SPRINGS	200.000
					PROSPECT CO, T	C				
					CLEAR SPRINGS	C				
	SWSENE	5		R36-07218	PROSPECT CO, T	C	L	01/24/1972	SPRINGS	51.550
					CLEAR SPRINGS	C				
					RINGERT, WILLI	A				
	SESENE			A36-07148	RINGERT, WILLI	A	L	01/31/1971	SPRINGS (CL	1.670
					CLEAR SPRINGS	C				

(Enter=Continue) (GOLD7=This Query) (MENU _____)

MICROFILMED
FEB 0 1 1993

SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

Max # Records 68

SEL	Tract	LOT	RDV	Water Right No.	STATE Name Last, First	OWN	STG	Priority Date	Source	Total Diversion
	SESWNE			R36-07218	PROSPECT CO, T	C	L	01/24/1972	SPRINGS	51.550
					CLEAR SPRINGS	C				
					RINGERT, WILLI	A				
	SENE	5		A36-02659	CLEAR LAKES TR	C	L	06/23/1966	CLEAR LAKES	100.000
					RINGERT, W.F.	A				
					KASTER, RICHAR	O				
	SENE	5		A36-07004	CLEAR LAKES TR	C	L	07/21/1967	CLEAR LAKES	75.000
					RINGERT, W.F.	A				
	SWSENE	5		R36-02708	RINGERT, WILLI	A	L	09/28/1966	SPRINGS	200.000
					PROSPECT CO, T	C				
					CLEAR SPRINGS	C				
	SWSENE	5		R36-07218	PROSPECT CO, T	C	L	01/24/1972	SPRINGS	51.550
					CLEAR SPRINGS	C				
					RINGERT, WILLI	A				
	SESENE			A36-07148	RINGERT, WILLI	A	L	01/31/1971	SPRINGS (CL	1.670
					CLEAR SPRINGS	C				

(Enter=Continue) (GOLD7=This Query) (MENU _____)

MICROFILMED
JUL 1 1993

SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

STATE Max # Records 68

SEL	Tract	LOT	RDV	Water Right No.	Name Last, First	OWN	OST	Priority Date	Source	Total Diversion
_	SESENE	5		A36-02703	CLEAR SPRINGS RINGERT, WILLI	C A	L	11/23/1933	SPRINGS (CL	40.000
_	SESENE	5		R36-04148B	CLEAR LAKE COU	C	J	01/01/1890	SPRINGS	1.500
_	SESENE	5		A36-04013A	CLEAR SPRINGS RINGERT, WILLI	C A	S	09/15/1955	SPRINGS (CL	15.000
_	SESENE	5		A36-04013B	CLEAR SPRINGS RINGERT, WILLI	C A	S	02/04/1964	SPRINGS (CL	31.000
_	SESENE	5		A36-04148B	CLEAR LAKE COU	C	S	01/01/1890	SPRINGS	1.500
_	SESENE	5		A36-04148	CLEAR LAKE RAN SPLIT RIGHT,	O C		01/01/1890	SPRINGS SPLIT RIGHT	3.000
_	SESENE	5		A36-04013	CLEAR SPRINGS SPLIT RIGHT, RINGERT, WILLI	O C A		01/01/1940	SPRINGS (CL SPLIT RIGHT	14.000
_	SESENE	5		A36-02048	CLEAR SPRINGS RINGERT, WILLI	C A	L	04/11/1938	SPRINGS (CL	20.000
_	SESENE	5		A36-04013C	CLEAR SPRINGS	C	S	01/01/1940	SPRINGS (CL	14.000

(Enter=Continue) (GOLD7=This Query) (MENU _____)

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SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

Max # Records 68

S E L	Tract	LOT	RDV	Water Right No.	Name Last, First	OWN	STAT	Priority Date	Source	Total Diversion
_	SESENE	5		A36-04013C	RINGERT, WILLI	A	S	01/01/1940		14.000
_	SESENE	5		A36-04148A	CLEAR LAKE RAN L & M INC.,	C C	S	01/01/1890	SPRINGS	1.500
_	SESENE	5		R36-04013	SPLIT RIGHT, CLEAR SPRINGS RINGERT, WILLI	C O A		01/01/1940	SPRINGS (CL SPLIT RIGHT	14.000
_	SESENE	5		R36-04148A	CLEAR LAKE RAN L & M INC,	C C		01/01/1890	SPRINGS	1.500
_	NENENW			A36-10475	BORCHARD, PAUL	C	J	07/20/1940	GROUNDWATER	0.050
_	NENENW			R36-10475	BORCHARD, PAUL	C	J	07/20/1940	GROUNDWATER	0.050
_	NWNENW			A36-07319	BORCHARD, PAUL	C	L	03/22/1973	GROUNDWATER	1.110
_	NWNENW			A36-07454	BORCHARD, PAUL	C	L	03/11/1974	GROUNDWATER	0.400
_	NWNENW			R36-07319	BORCHARD, PAUL	C	L	03/22/1973	GROUNDWATER	1.110
_	NWNENW			R36-07454	BORCHARD, PAUL	C	L	03/11/1974	GROUNDWATER	0.280
_	NWNWNW			A36-10474	BORCHARD, PAUL	C	J	08/25/1972	GROUNDWATER	0.040
_	NWNWNW			R36-10474	BORCHARD, PAUL	C	J	08/25/1972	GROUNDWATER	0.040

(Enter=Continue) (GOLD7=This Query) (MENU _____)

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INTER-DEPARTMENT MEMO

TO: FILE 36-08329 (FOR THE RECORD) SUBJECT: IRRIGATION USE

FROM: STEVE CLELAND DATE: 12-2-91

I just finished the final review of the adjudication claims for Clear Lake Ranch INC. (AKA Clear Lake Corp; AKA George Brunk) No valid water rights were found for irrigation use by this claimant at the place of use listed. After speaking to their attorney, Gary Slette, it appears they believe this permit as issued allows them 1/2 acre of irrigation PER HOME. I spoke to Tim Luker and he admits it has been done before.

* During the exam of this water right the use of this water for irrigation should be reviewed and resolved.

Steve Cleland
signature

(X) For your information

( ) Response required

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Water Right Number - 36-08329   Adj. Flag Translation: Standard Water Right Number   Old (D) Number -

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

*** C - CURRENT OWNER ***
CLEAR LAKE RANCH INC.

1 - C/O DAVID BRUSH
2 - 423 IDAHO ST.
3 -
City- GOODING   State- ID Zip- 833300000
Phone - 208-934-8411

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+ - - Priority Date - - + 06/02/1987

+ - - - Region - - - + 17

+ - - - Stage - - - + P - PERMIT

+ - - - Status - - - - +

+ - - - - - - - Source - - - - - - - - - - - - - + SPRINGS

+ - - - - - - - - Tributary - - - - - - - - - - - - - - - - - + CLEAR LAKE

+ - Point of Diversion - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	2	SE NE	5		(47) GOODING

+ - Water Use - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43	DOMESTIC	01/01	12/31	0.700	
10	COMMERCIAL	01/01	12/31	0.200	
49	FIRE PROTECTION	01/01	12/31	1.500	

+ - Total Div. Rate - + 1.500   + - Total Div. Volume - +   + - Total Div. Capacity - +

+ - Place of Use - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SW NW	5		10	COMMERCIAL	(47) GOODING
			SE NW	6				(47) GOODING
			NE SW	13				(47) GOODING
			NW SW	12				(47) GOODING
			SW SW	15				(47) GOODING
		2	NE SE	8				(47) GOODING
			SE SE	9				(47) GOODING

Total Acres:

+ - - Diversion Means - COLLECTOR PIPE, DIVERSION BOX, PIPELINE, STORAGE TANK

+ - - Non-Irrigation Use - D/250 FAMILY UNITS, C/14 UNITS.

+ - - Other Rights for Same Use -

Spoke to Tim L.
Memo to Water Right file 11-27-91
Re: irrigation use in assn. w/ @ house

Water right number - 36-08329 Adj. flag translation: Standard Water Right Number

+ - Remarks - +

No Remarks found.

+ - Conditions of Approval - +

026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.
004 - The issuance of this permit in no way grants any right-of-way or
- easement across the land of another.
01F - The permit holder shall either install a measuring device or a
- flow measurement port or provide a certified measurement or
- computation of flow based upon system design to be prepared by a
- professional engineer.
032 - Consumptive use of water under this permit shall not exceed 2.0
- acre feet per day.
09E - Water used under this permit if discharged into a natural channel
- or subsurface system shall meet Idaho Water Quality Standards.

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+ - - - - Decree Plaintiff - - - - +

+ - - - - Decree Defendant - - - - +

+ - - Decree Date - - +
00/00/0000

+ - - Audit Fields -

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 07/01/1993	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 08/03/1988	Protested Date	- 00/00/0000	Swan Falls	- C
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 06/02/1987	Transfer/Amended	-
Decree Date	- 00/00/0000				

TABLE OF CONTENTS

A36-04148B CLAIM FILE
CLEAR LAKE COUNTRY CLUB

1	8/21/90	GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS
2	8/22/90	WATER MEASUREMENT READINGS
3	12/2/91	REVIEW OF FLOW RATES ON CLEAR LAKES COUNTRY CLUB Review done by Steve Clelland showing the general flow rates of this system at the time of adjudication and as the system operates as of the date of review.
4	10/7/92	ADJUDICATION CLAIMS PROOF READING REPORT (REGIONAL)
5	10/28/92	ADJUDICATION CLAIM PROFILE REPORT (REGIONAL)
6	8/24/92	NOTICE OF ERROR FORM Completed and returned to the Department by _____**(Larry ??)**
7	10/11/91	COPY OF MAP SHOWING T9S, R14E, Sections 1, Lots 6 & 13 WITH HANDWRITTEN NOTATIONS
8		COPY OF 1987 ASCS MAP LABELED AS 16047-417 J-19-1 WITH HANDWRITTEN NOTATIONS
9	9/6/90	ADJUDICATION CLAIM VERIFICATION REPORT
10	7/7/92	ADJUDICATION CLAIMS PROOF READING REPORT (REGIONAL)
11	10/7/92	IDWR LETTER TO CLEAR LAKE COUNTRY CLUB Response to Notice of Error filed by Clear Lake Country Club for A36-04148B, A36-04074 & A36-10154.
12	10/18/90	ADJUDICATION CLAIMS PROOF READING REPORT
13	8/30/90	WATER RIGHT CLAIMS PROOF READING REPORT
14	10/2/92	DEPT. OF AGRICULTURE LETTER TO BRIAN MILLER, DISTRICT CONSERVATIONIST, PREPARED BY NEIL D. WILTON, IRRIGATION ENGINEER, SOIL CONSERVATION SERVICE
15	10/7/92	DEPT. OF AGRICULTURE LETTER TO DAN MCFADDAN, FROM BRIAN MILLER
16	10/28/92	DIRECTOR'S REPORT CONVERSATION MEMO John Lemoyne (person making enquiry)
17	11/19/92	IDWR LETTER TO JOHN LEMOYNE Response to request for information of acres without water right coverage as recommended by the Director's Report.
18	_____	ADDENDUM (Pages 3&4 only)
19	8/30/90	AFFIDAVIT of George Brush
20	_____	HAND WRITTEN NOTE Explanation of season of use for the golf course.
21	8/30/90	AMENDED NOTICE OF CLAIM TO A WATER RIGHT

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: **A36-04148B**
Date Received: 7/06/1988
Receipt No: S000713
Received By: _____

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

1. Name: CLEAR LAKE COUNTRY CLUB 208-543-4849
   Address: RT. 4 BOX 225
   BUHL, ID 83316

2. Date of Priority: JAN 01, 1890

3. Source: SPRINGS Trib. to: CLEAR LAKES

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot		County
09S	14E	1	SE SW NW	5	R	GOODING
		2	SE SE NE	5		GOODING

5. Description of diverting works:
   CONCRETE HEADBOX, PIPE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/30	1.500		

7. Total Quantity Appropriated is:
   1.500 C.F.S. (and/or) 360.00 A.F.A.

8. Total consumptive use is 270.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	1	SE NW	6	IRR	0.6
			NE SW	13	IRR	23.0
			NW SW	12	IRR	10.6
			SW SW	15	IRR	15.6

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
					Section Acres		49.8
		2	NE	SE	8	IRR	1.9
			SW	SE	7	IRR	1.8
			SE	SE	9	IRR	23.4
					Section Acres		27.1
		11	NE	NE	5	IRR	8.8
			NW	NE	6	IRR	4.3
					Section Acres		13.1
					Total Acres		90.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A36-04074

14. Remarks:
AMENDED CLAIM 8/30/1990:
THE SPRINGS HAVE BEEN USED TO IRRIGATE ~163 ACRES SINCE THE DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT BETWEEN CLEAR LAKE RANCH AND CLEAR LAKE COUNTRY CLUB. THIS CLAIM REPRESENTS CLEAR LAKE COUNTRY CLUB'S P/U AND PORTION OF THE ORIGINAL CLAIM. A36-04074 & A36-10154 ALSO USED FOR GOLF COURSE IRRIGATION.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

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For Organizations:

I do solemnly swear or affirm that I am MANAGER of
Title
CLEAR LAKE CC., that I have signed the foregoing
Organization
document in the space below as MANAGER of
Title
CLEAR LAKE CC. and that the statements contained in the
Organization
foregoing document are true and correct.

[signature]
Signature of Authorized Agent

MANAGER
Title and Organization

8-30-90
Date

State of Idaho)
) SS.
County of TF)

Subscribed and sworn (or affirmed) before me this 30th day
of Aug 19 90

[signature]
Notary Public

Seal

Residing at TF

My Commission Expires 5/94

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Explanation

Golf Course water is used for IRR in Early Spring and late Fall for Grass in Dry Pearch

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36-04148B

IN THE MATTER OF: Priority date of Claim A36-04148B

State of Idaho
County of Twin Falls

AFFIDAVIT

George Brush being first duly sworn, deposes and says: to the best of my knowledge 90 acres that Clear Lake Country Club now owns has been irrigated since 1890.

George Brush
(signature)

Subscribed and sworn to before me this 30th day of August 19 90.

(notary public)

Residing at Jf.
My commission expires 5/94.

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representative to attend Club directors meetings. Said representative must be a member of the Club in good standing.

4. It is understood and agreed that Item 12, Drain Fields and Common Areas, is hereby amended to read as follows:

12. Drain Fields and Common Areas. It is understood and agreed that the Ranch is retaining for the lots they are holding for sale, an easement for sewer drain fields in the fairways of the Club's golf course. Title to the land will be placed in the name of the Club with a perpetual drain field easement being retained by Ranch for its successors and assigns.
It is understood and agreed that any drain field upon said land will be constructed in such a manner as to not interfere with the use of the land as a fairway and that any change or modification or repair of the drain field will not be done until approval by the Club which will schedule the appropriate time to do said work which shall be in accordance with requirements of the South Central District Health Department. The person owning the drain field and repairing, replacing or installing the same, will at their expense, replace any and all sprinkler systems, sod, traps, or other items so that the golf course is placed in playable condition, as close as possible to its original condition before any maintenance or repair was commenced, and do so to the satisfaction of the Club.

5. It is understood and agreed that Item 15, Irrigation Water, is amended to read as follows:

15. Irrigation Water. It is understood and agree that the Club owns the right to use 60 miner's inches of water from Clear Lake. Ranch agrees to give Club an additional 1.5 cfs or 75 miner's inches of water for irrigation of the entire golf course. It will be the Club's responsibility and expense to divert the water from the springs referred to under

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Madalena Water above to the lake so as to use said water.

Club agrees to allow Ranch to tap into Club's water system at Ranch's expense for the purpose of irrigating the Ranch's land until the Ranch's domestic water system is in operation for that phase of development. Ranch's use of the water will be secondary to the Club's use and it is therefore understood that Ranch agrees to water at times when it is not necessary to water the golf course. It is also understood that in no instance can the Club water system be tapped into for domestic use either for drinking or irrigation by any individual land owner and that the right to use Club's water ceases whenever the land is transferred from the Ranch to a third person.

6. The parties agree to add the following to their agreement:

26. Common Areas, Etc. Club agrees to maintain the designated common areas described as follows until trees are planted or any construction is commenced on the following areas:

1. Common area adjacent to the No. 8 fairway.

2. Common area adjacent to the No. 12 fairway.

3. A portion of the old nine hole course retained by Ranch.

The original maintenance by the Club will be at its expense. After trees have been planted or construction placed upon the property, the Club may continue to maintain said property, but will do so only upon a pre-agreed compensation arrangement with Ranch.

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27. Easements and Boundaries, Etc.

A. Ranch and Club agree to abide by the boundaries and easements depicted upon

S e 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

NOVEMBER 19, 1992

JOHN LEMOYNE
901A GRIDLEY ISLAND
HAGERMAN ID 83332

RE: ACRES NOT COVERED IN RECOMMENDATIONS OF 36-04148B, 36-04074 & 36-10154

DEAR JOHN,

THIS LETTER IS IN RESPONSE TO THE YOUR REQUEST FOR ACRES FOUND TO BE WITHOUT WATER RIGHT COVERAGE IN THE RECOMMENDATIONS MADE IN BASIN 36 DIRECTOR'S REPORT. ENCLOSED ARE SOME MAPS TO FURTHER ILLUSTRATE THE FOLLOWING DESCRIPTIONS.

PLANIMETER/EXAM FOUND	89.9 ACRES	
ACRES UNDER 36-4148B	-23.0	
ACRES UNDER 36-4074	-41.0	
ACRES UNDER 36-10154	- 5.6	
ADJUSTMENT TO LOT 9	- 0.6	(NON-IRRIGATED AREAS)
TOTAL	19.7 ACRES REMAINING	

THE LEGAL DESCRIPTION OF THE 19.7 ACRES IS:

T09S R14E	SEC 1	NESE	LOT 9	2.2 ACRES
	SEC 1	SESE	LOT 8	3.0 ACRES
	SEC 2	NWSW	LOT 12	11.0 ACRES
	SEC 2	SWSW	LOT 15	3.5 ACRES
			TOTAL	19.7 ACRES

I THINK THIS IS WHAT YOU WERE LOOKING FOR. IF YOU HAVE ANY QUESTIONS LET ME KNOW.

SINCERELY,

Steve Clelland

STEVE CLELLAND
SENIOR WATER AGENT

SCC:sc
ENC:

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DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:
   Include address and phone no.
   in case follow-up is needed.

   JOHN LEMOYNE

2. SUBJECT OF INQUIRY: (CLEAR LAKE BUHL) COUNTRY CLUB

He asked if they could file an application for permit for the acres added under the new Development in 1988. I suggested he speak with the water allocations staff and I advised him of the current Moratorium

He asked if there were any obstacles to a transfer of Madalena's water rights. I told him none I know of.

He asked if we had considered the info he sent to me (the Dan McFaddan letter from SCS) and I told him we had and we have allowed some additional flows for Mint Uses.

3. RESPONSE TO INQUIRY: (above)

I reminded him His claims must still go through the approval of the Court to verify our recommendations.

4. IDWR STAFF AND DATE: Steve Clelland 10-28-92

   Print name and initial: STEVE CLELLAND

   WATER RIGHT CLAIM (Nos.): 36-04148 B

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Steve,

Please consider this when you recommend the Mono Lake C.C. water quantity rights.

Thank you,

John

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RECEIVED
OCT 14 1992
Department of Water Resources
Southern Region Office

A36-04148 B

United States Department of Agriculture
Soil Conservation Service
122 5th Ave West
Gooding, ID. 83330

Dan McFaddan
Rt 1 Box 406
Hagerman, Idaho 83332

October 7, 1992

Dear Dan,

This letter supplements the final report of the Hagerman Water Users from the Soil Conservation Service, dated October 2, 1992, and is more specific to your farm.

Application rates for pivot and wheeline systems are mentioned in paragragph four. At a design efficiency of 65%, the application rate of 10.5 gpm/ac (1.16in/ac) is indicated. If this application rate were applied at a peak consumptive use rate of 0.36in/ac, the crop would need to be irrigated every 3.2 days. This frequency may not be feasible from a management perspective, as prohibitive increased costs to labor, production capital, and operation and maintainence would result.

Currently, based on existing management, capital and labor factors, the system is operated with a frequency of five days. This indicates the need for water application rates of 1.8in/ac (16.2 gpm/ac). This appears to meet the management objectives for your operation.

Furrow irrigation modeling shows application rates of 28 gpm/ac (3.1in/ac) and a high degree of irrigation water management needed to meet consumptive use rates for mint. These application rates are needed due to a combination of factors including climate, soil textures, excessively drained soil, topography, and the lower irrigation efficiencies of surface irrigation systems. Erosion and sediment transport are not a problem due to little runoff, but the model shows excessive deep percolation.

I hope this portrays information of use to you. Please call if you have any questions. Thank you,

Sincerely,
Brian Miller
Brian Miller
District Conservationist
Gooding F.O.t

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Department of Water Resources
Southern Region Office
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United States Department of Agriculture
Soil Conservation Service
3244 Elder Street
Room 124
Boise, Idaho 83705

RECEIVED
OCT 14 1992
Department of Water Resources
Southern Region Office

Subject: ENG - Hagerman Water Users, Final Report

Date: October 2, 1992

To: Brian Miller
District Conservationist
SCS, Gooding FO

File code: 210

This is the final report of the Hagerman Water Users group which we have been working with since last spring. Since that time, a sprinkler evaluation was conducted in the field. One surface system was evaluated by the FIRI SCS computer program, another by the SCS Furrow Analysis program, as were eight flow measurements of Big Bend and Buckeye Ditches to determine seepage losses.

Two unique features of the Hagerman area are:

1. A climate hotter than that of the Snake River Plain a few hundred feet higher in elevation; and,
2. Sandy soils of high permeability, low water holding capacity, and low water holding retention ability.

To address the first of these two issues, SCS can concede to this area as fitting SCS Climatic Area I. Crop consumptive use will be higher than the adjacent Snake River Plain. In fact, a mint root crop on sandy soils may have a peak daily consumptive use rate of 0.36 inches per day, expected to occur in July. Other crops will be near this value too. The irrigation season is in excess of 200 days.

Pivot sprinklers at 75 percent efficiency should meet peak mint root needs at a rate of 9.5 gpm/ac.; a sideroll, handline, or solid set at 65 percent efficiency should meet the same crop need at a rate of 10.5 gpm/ac. These rates are greater than one miner inch per acre.

Sandy soils within this area probably fall into an Intake Family of 2.0 or so. It takes a high degree of management to surface irrigate these soils. It can be argued that it takes 28 gpm/ac. delivered to the field to successfully manage surface irrigation. Sandy soils, bare conditions, steep slopes, and high flows per furrow can all contribute to erosion and sediment transport. Computer modeling, however, shows little runoff, but, high deep percolation.

High permeability contributes to both gains and losses to the canal systems in this area. Along the headends of the canals near the canyon walls, gains are due to springs and uphill seepage. Further on, seepage from the canals flow to lower elevations. Losses

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varied from 4 to 32 percent per mile. Highest water losses occurred in canals and ditches with low flows. This is because, all other factors equal, high flows are transmitted more efficiently than are low flows.

In the discussion of canals it is important to realize that unless sediment is causing an obvious problem, it is probably better to limit canal cleaning. Fine soils tend to seal the canal bottom and sides and should be left in place. Vegetation, however, should be kept back from canal banks since it is a consumptive water-use user every bit as much as a vigorous stand of alfalfa or equivalent.

Prepared By: Neil D. Wilton

Neil D. Wilton
Irrigation Engineer

Concur: Karl D. Larson, Jr.

H. LeRoy Zollinger
State Conservation Engineer

cc: Lee Brooks, AC, Boise Area Office
Bob Bishop, AE, Boise Area Office

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

JAN - 3 2002

Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 2001

CLEAR LAKE COUNTRY CLUB
~~C/O JOHN R LEMOYNE~~ Steve Meyerhoefer
403 CLEAR LAKE LN
BUHL ID 83316

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #36-4074, 36-4148B, 36-10154, 36-10155 36-04148A
Change of Address

Dear Water Right Holder: all records modified 1-4-02 - ss See Attached

IDWR has been notified the address presently in our records is incorrect. 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. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

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 **and list any other water rights you may have** before returning this letter by January 18, 2002. 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.

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 record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#######

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

Steve Meyerhoefer
Claimant Signature

208-543-4849
Telephone No.

Form 42-248/42-1409(6) February 3, 1997

RECEIVED

JAN - 3 2002

Department of Water Resources

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 36-04148A

   Adjudication Claim No(s).: 36-04148A (partial decree attached hereto)

2. The following REQUIRED information must be submitted with this form:

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant: L & M Inc. and Clear Lake Corporation

   307 Clear Lake Lane, Buhl, Idaho 83316

4. New Owner/Claimant(s): Clear Lake Country Club

   New Mailing Address (Name Connector (Check one): [ ] and, [ ] or, [ ] and/or): Rt. 1 Box 225

   City, State and ZIP Code: Buhl, Idaho 83316

   New Telephone Number: (208) 543-4849

5. Date you acquired the property: January 27, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. (more particularly described in partial decrees for water rights nos. 36-04148B and 36-04074, attached heret

   Number of acres you irrigate 90 Number and type of stock _____

   Diversion rate in CFS .6 cfs Number of homes _____ Other uses _____

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s): Gary Gast President

   (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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

In Re SRBA	)	PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
Case No. 39576	)	Water Right 36-04148A

1997 NOV 24 PM 3:57
DISTRICT COURT-S
TWIN FALLS CO. IDAHO
FILED

NAME & ADDRESS: L & M INC
CLEAR LAKE CORPORATION
307 CLEAR LAKE LANE
BUHL ID 83316

SOURCE: CLEAR SPRINGS TRIBUTARY: CLEAR LAKES

QUANTITY: 1.5 CFS

PRIORITY DATE: 09/19/1912

POINT OF DIVERSION: T09S R14E S02 LOT 5 (SESENE) Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	1.5 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T09S R14E S01	Lot 5 (SWNW) 0.3	Lot 6 (SENW) 0.8	Lot 13 (NESW)33.6	Lot 12 (NWSW)21.6	
	Lot 15 (SWSW)21.1				
S02	Lot 8 (NESE) 1.9	Lot 7 (SWSE) 1.8	Lot 9 (SESE)38.5		
S11	Lot 5 (NENE) 9.1	Lot 6 (NWNE) 4.3			

133 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 133 ACRES. COMBINED RIGHT NOS.: 36-04148B & 36-04074.

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

RULE 54(b) CERTIFICATE

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

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

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

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 36-04148B

1997 NOV 24 PM 3:57

DISTRICT COURT-[illegible]
TWIN FALLS COUNTY, IDAHO
FILED

NAME & ADDRESS: CLEAR LAKE COUNTRY CLUB
RT 4 BOX 225
BUHL ID 83316

SOURCE: CLEAR SPRINGS TRIBUTARY: CLEAR LAKES

QUANTITY: 1.5 CFS

PRIORITY DATE: 09/19/1912

POINT OF DIVERSION: T09S R14E S02 LOT 5 (SESENE) Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	1.5 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T09S R14E	S01	Lot 6	(SENW) 0.6	Lot 13	(NESW)23	Lot 12	(NWSW)10.6	Lot 15	(SWSW)15.6
	S02	Lot 8	(NESE) 1.9	Lot 7	(SWSE) 1.8	Lot 9	(SESE)23.4		
	S11	Lot 5	(NENE) 8.8	Lot 6	(NWNE) 4.3				

90 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 133 ACRES. COMBINED RIGHT NOS.: 36-04148A & 36-04074.

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

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

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

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 36-04074

1997 NOV 24 PM 3:59
DISTRICT COURT-SRBA
TWIN FALLS COUNTY, IDAHO
FILED

NAME & ADDRESS: CLEAR LAKE COUNTRY CLUB
RT 4 BOX 225
BUHL ID 83316

SOURCE: CLEAR LAKES STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 1.4 CFS

PRIORITY DATE: 09/19/1912

POINT OF DIVERSION: T09S R14E S02 LOT 7 (NESWSE) Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	1.4 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T09S R14E S01	Lot 6 (SENW) 0.6	Lot 13 (NESW)23	Lot 12 (NWSW)10.6	Lot 15 (SWSW)15.6	
S02	Lot 8 (NESE) 1.9	Lot 7 (SWSE) 1.8	Lot 9 (SESE)23.4		
S11	Lot 5 (NENE) 8.8	Lot 6 (NWNE) 4.3			

90 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 133 ACRES. COMBINED RIGHT NOS.: 36-04148A & 36-04148B.

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

RULE 54(b) CERTIFICATE

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

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

36-4074
✓-4148B
✓-~~8369~~ closed
✓-~~8370~~ closed
✓-10154
✓-10155

CID 65734

Notice to Mailer of Correction in Address

Addressee's Account Number *(All numbers, dates, and letters)*

☐ No account number on mail
☐ Account number illegible

Addressee's Name: Clear Lake Country Club c/o John R. Lemayne

Old Address *(Include apartment or suite number)*	Rt 4 Box 225
City, State, and ZIP Code	Buhl ID 83316
New Address *(Include apartment or suite number)*	403 Clear Lake Ln
City, State, and ZIP Code	Buhl ID 83316

This card is furnished: ☒ For address correction, as requested *(your mailpiece was forwarded).*
☐ In place of Form 3579 *(see reason for nondelivery below).*

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address ☐ No such street ☐ No such number
☐ Refused ☐ Attempted, not known ☐ Unclaimed

PS Form **3547,** June 1995

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Jan-4-02 1:44PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
411	1/ 4 1:43PM	1'10"	208 543 4849	Send.....	4/ 4	EC144	Completed.....

Total 1'10" Pages Sent: 4 Pages Printed: 0

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-5400

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

DATE: January 4, 2002
TO: Steve Meyerhoeffer
Clear Lake Country Club
Ph:
Fx: 208/543-4855

FROM: Sally Sherman
Ph: 327-7862
Fx: 208/327-5400

DOCUMENT DESCRIPTION

Thank you for signing and returning my address change letter so promptly, Steve. Here is Adjudication Claim Report 36-10155 you asked me to send you. I have updated all records for Clear Lake Country Club as of this afternoon. 36-4148A is owned by Clear Lake Corporation. 36-4148B is owned by Clear Lake Country Club and is included.

Please contact me if I can be of further assistance.

COVER SHEET + 3 PAGES

Sally

~ Celebrating Our Centennial Year of Service t

Could you please fax the information you have on (36-10155) to 543-4855. Couldn't find in our Records. FAX'd 1-4-02 - NS
Also bought a partial in 1998. Info Attached.
Thanks

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 0 1 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

OCTOBER 7, 1992

CLEAR LAKE COUNTRY CLUB
RT 4 BOX 225
BUHL ID 83316

RE: NOTICE OF ERROR IN THE SRBA FOR A36-04148B, A36-04074 & A36-10154

Dear Mr. Larry Francis,

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim listed above. Your NOE questions the basis for recommending reduced acreage and water rate flows.

Your water rights are based on the beneficial use of water and one is based on the expansion of this beneficial use. After evaluating all the evidence submitted and collected to support these water uses as claimed, the acres and diversion amounts are recommended to reflect the actual and legal uses of the waters described. While there may be additional waters diverted and additional acres being developed for irrigation, no legal appropriation can be shown for this development.

If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process. As part of the objection process, IDWR will work with the claimants to resolve disputed issues, including efforts to obtain additional data which will be made available to the water users.

Sincerely,

Steve Clelland
Senior Water Agent

SCC:sc

MICROFILMED
FEB 0 1 1993

R PROOF ✓

CVR ✓

MAPS ✓

PHOTOS

MISC

MICROFILMED
FEB 0 1 1993

MICROFILMED FEB 0 1 1993

Water Right Number - R36-04148B   Prefix Translation: RESEARCH   Old (D) Number -

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

*** C - CURRENT OWNER ***
CLEAR LAKE COUNTRY CLUB

1 - RT 4 BOX 225
2 -
3 -
City- BUHL   State- ID Zip- 83316
Phone - 208-543-4849

+ - - Priority Date - - +	+ - - - Region - - - +	+ - - - Stage - - - +	+ - - - Status - - - - +
01/01/1927	17 SOUTHERN	J - BENEFICIAL USE	

+ - - - - - - - Source - - - - - - - - - - - - - +
SPRINGS

+ - - - - - - - - Tributary - - - - - - - - - - - - - - - - +
CLEAR LAKE

+ - Point of Diversion - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	2	SE SE NE	5		(47) GOODING

+ - Water Use - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/01	11/30	0.460	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.460		69.0	

+ - Place of Use - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SE NW	6	0.4	01	IRRIGATION	(47) GOODING
09S	14E	1	NE SW	13	22.6	01	IRRIGATION	(47) GOODING

Total Acres: 23.0

+ - - Diversion Means - CONCRETE HEADBOX, PIPELINE TO RELIFT PUMP TO SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - Remarks - +

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 116.0 CFS. OTHER RIGHT NOS.: 36-04076, 36-02048, 36-02703, 36-04013A, 36-04013B & 36-04013C.

+ - Old Water Right Numbers - +

3604148

Water right number - R36-04148B   Prefix Translation: RESEARCH

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

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

+ -Comments- +
Date: 10/02/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS
AMENDED CLAIM 8/30/1990:
DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT BETWEEN CLEAR LAKE
LAKE COUNTRY CLUB'S P/U AND PORTION OF THE ORIGINAL CLAIM.
THE SPRINGS HAVE BEEN USED TO IRRIGATE ~163 ACRES SINCE THE
RANCH AND CLEAR LAKE COUNTRY CLUB. THIS CLAIM REPRESENTS CLEAR
A36-04074 & A36-10154 ALSO USED FOR GOLF COURSE IRRIGATION.

+ - - Audit Fields - - +
07/07/92 MERRITT

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 07/07/1992	Old Judicial District	-
Claim Received Date	- 07/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 0 1 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:04:52
09/06/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04142B

MICROFILMED FEB 01 1993

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			LW 8/2/90					
POINT OF DIV			See 9-91	N				
SOURCE	Y			N		10/2/91		10/2/91
PLACE OF USE	Y			N		See 12-2-91		See 12-2-91
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	Y			N				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y				

OB 10-18-90

"VERIFIED BY" CODES

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:04:52
09/06/90

PAGE: 1
CENERAL INFORMATION

CLAIM NUMBER: A36-04148B

MICROFILMED
FEB 0 1 1993

LAST: CLEAR LAKE COUNTRY CLUB FIRST:
ADDRESS: RT. 4 BOX 225
CITY: BUHL STATE: ID
PHONE NUMBER: 208-543-4849

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
VERIFICATION REQUIRED DUE TO REMARKS? Y

CLAIM REMARKS: AMENDED CLAIM 8/30/1990:
THE SPRINGS HAVE BEEN USED TO IRRIGATE ~16
DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT
RANCH AND CLEAR LAKE COUNTRY CLUB. THIS C
LAKE COUNTRY CLUB'S P/U AND PORTION OF THE
A36-04074 & A36-10154 ALSO USED FOR GOLF C

FIELD EXAMINATION INFORMATION

CONTACT PERSON: HERRY RANIER - MGR

DATE OF FIELD EXAM: 8/22/90 APPOINTMENT MADE:

ACCOMPANIED BY:

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

10-22-91

- probably used this Rt. on about 40-67 acres per 1977 & 1980 maps. & golf course since 1940's.

— not since 1890 as claimed.

⊛ ~~Needs~~ expansion for additional nine Holes in 1989

Not Requested because of increase in diversion Rate to accomplish change.

11-27-91

see also development after Commencement - 4148 B C.Club

CLAIM NUMBER: A36-04148B

A. AD CLAIM: # A36-04148B PRIORITY DATE: 01-01-1890 STAGE: S

B. WR RECORD: # 36-04148 PRIORITY DATE: 01-01-1890 STAGE: S

Change to J

C. FIELD EXAM REQUIRED?

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

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

REMARKS: see enclosed affidavit from George Brush.
More proof documents submitted in
A36-04148A
(see 36-04148)
Based on final Review and Review w/ Legal Staff (LKH on 11-20-91)
the only date supported with evidence is 1927

RECOMMENDED PRIORITY DATE:
01-01-~~1890~~ 1927

REVIEWED BY lw DATE 9/6/90

Scu 11-27-91

Warranty Deed 7/23/01
Except Deed 12/20/09 11/10/65
Deed 12/3/1917 12/31/86
4/17/1918
11/23/48
12/17/75
11/10/83
5/22/08

MICROFILMED
FEB 0 1 1993

POINT OF DIVERSION REVIEW SHEET

CLAIM NUMBER: A36-04148B

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04148B	09S	14E	~~1~~	~~SE~~	~~SW~~	~~NW~~	~~5~~	GOODING
A36-04148B	09S	14E	2	SE	SE	NE	5	GOODING

Relift

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-04148	NONE
A36-04148A	
A36-02048	
A36-02703	
A36-04013	
A36-04013A	
A36-04013B	

WR RECORDS IN SAME 40 ACRE TRACT

36-08393
36-02048
36-02703
36-04013
36-07798
36-08329

SOURCE: SPRINGS

TRIB: CLEAR LAKES

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04148	09S	14E	2				5	GOODING
36-04148	09S	14E	1				5	GOODING

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
NONE	NONE

SOURCE: SPRINGS

TRIB: CLEAR LAKE

C. FIELD EXAM REQUIRED?

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

Maps & field exams show:

Spring @ Sec. 2

SESENE Lot 5

MICROFILMED FEB 01 1993

POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-04148B

REMARKS:

MICROFILMED FEB 01 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
		~~[illegible]~~	See p. 3				

SOURCE: TRIB:

REVIEWED BY: [illegible] DATE: 9/6/90

See 11-27-91

C03

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-04148B

A. ROOT WATER RIGHT NUMBERS: A36-04148C
A36-04148A
A36-04148B

MICROFILMED FEB 0 1 1993

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES		LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	14E	1	SE	NW	6	CLEAR LAKE COUNTRY CLUB	A36-04148B / 0.6	-	/12.0	13.0	0.4	~~.6~~ 0.4
						CLEAR LAKE RANCH INC.	A36-04148A / 1.2	-	/			
						CLEAR LAKES RANCH INC.		36-04148	/ 2.0			
						CLEAR LAKE RANCH INC.		36-08329	/			
09S	14E	1	NE	SW	13	CLEAR LAKE COUNTRY CLUB	A36-04148B /23.0	-	/12.0	38.0	22.6	~~23~~ 22.6
						CLEAR LAKE RANCH INC.	A36-04148A /29.4	-	/			
						CLEAR LAKES RANCH INC.		36-04148	/45.0			
						CLEAR LAKE RANCH INC.		36-08329	/			
09S	14E	1	NW	SW	12	CLEAR LAKE COUNTRY CLUB	A36-04148B /10.6	-	/12.0	10.0		~~10.6~~
						CLEAR SPRINGS TROUT CO.	A36-02048 /	36-02048	/			
						CLEAR SPRINGS TROUT CO.	A36-04013 /	36-04013	/			
						CLEAR SPRINGS TROUT CO.	A36-04013A /	-	/			
X						CLEAR LAKE RANCH INC.	A36-04149 / 4.0	36-04149	/ 4.0			
						CLEAR LAKE RANCH INC.	A36-04148A /13.1	-	/			
						CLEAR SPRINGS TROUT CO.	A36-02703 /	36-02703	/			
						CLEAR SPRINGS TROUT CO.	A36-04013B /	-	/			
						CLEAR SPRINGS TROUT CO.	A36-07148 /	36-07148	/			
						CLEAR LAKES RANCH INC.		36-04148	/25.0			
						CLEAR LAKE RANCH INC.		36-08329	/			
09S	14E	1	SW	SW	15	CLEAR LAKE COUNTRY CLUB	A36-04148B /15.6	-	/12.0	17.0		~~15.6~~
						CLEAR LAKE RANCH INC.	A36-04149 /12.0	36-04149	/12.0			
						CLEAR LAKE RANCH INC.	A36-04148A /11.2	-	/			
X						CLEAR LAKE COUNTRY CLUB	A36-04074 /15.0	36-04074	/ 8.0			
						CLEAR LAKES RANCH INC.		36-04148	/12.0			
						CLEAR LAKE RANCH INC.		36-08329	/			
09S	14E	2	NE	SE	8	CLEAR LAKE COUNTRY CLUB	A36-04148B / 1.9	-	/12.0	3.0		~~1.9~~
						CLEAR LAKES TROUT CO. INC.	A36-07004 /	36-07004	/			
						CLEAR LAKE RANCH INC.		36-04149	/ 7.0			
X						CLEAR LAKE RANCH INC.		36-08329	/			
09S	14E	2	SW	SE	7	CLEAR LAKE COUNTRY CLUB	A36-04148B / 1.8	-	/12.0	12.0		~~1.8~~
						CLEAR LAKE COUNTRY CLUB	A36-10154 /12.0	-	/			
						CLEAR LAKE COUNTRY CLUB	A36-04074 / 2.0	36-04074	/ 9.0			
X						CLEAR LAKE COUNTRY CLUB		36-08369	/			
09S	14E	2	SE	SE	9	CLEAR LAKE COUNTRY CLUB	A36-04148B /23.4	-	/12.0	33.0		~~23.4~~
						CLEAR LAKE COUNTRY CLUB	A36-10155 /	-	/			
						CLEAR LAKE RANCH INC.	A36-04149 /22.0	36-04149	/22.0			
						CLEAR LAKE RANCH INC.	A36-04148A /17.5	-	/			
						CLEAR LAKE RANCH INC.	A36-10150 /	-	/			
X						CLEAR LAKE COUNTRY CLUB	A36-04074 /17.0	36-04074	/ 9.0			

Delete POU

7.5 Acres under 36-4074 Partial Expansion

Expansion 11.0

11.0

Expansion 3.0

3.0

Expansion 5.6

See A36-10154

Expansion 20.5 +3.2

See A36-~~10154~~ -4074

						CLEAR LAKE RANCH INC.			36-08291	/17.0		
						CLEAR LAKE RANCH INC.			36-08329	/		
09S	14E	11	NE	NE	5	CLEAR LAKE COUNTRY CLUB	A36-04148B	/ 8.8	-	/12.0	7.0	8.3
						CLEAR LAKE RANCH INC.	A36-04148A	/ 0.3	-	/		
						CLEAR LAKE COUNTRY CLUB	A36-04074	/ 8.0	36-04074	/ 8.0	EXP.	8.3
09S	14E	11	NW	NE	6	CLEAR LAKE COUNTRY CLUB	A36-04148B	/ 4.3	-	/12.0	7.0	4.7
						CLEAR LAKE COUNTRY CLUB	A36-04074	/ 4.0	36-04074	/12.0	EXP.	4.7
					TOTAL ACRES		A36-04148B		90.00	108.00	140.00	90

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

See A36-04074 no water right for other portions claimed

REC: TOTAL 23.0

MICROFILMED FEB 01 1993

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N) DATABASE Y FIELD EXAMINER N

PRESUMPTION FLAG:

REMARKS:

determined with maps, field exam & palemeter measurements.
Expansion based on the presumption not requested because it appears the water diversion rate has been increased to accomplish Expansion.

RECOMMENDATIONS:

TOTAL ACRES: ~~90~~ 23.0

REVIEWED BY: [illegible] DATE: 9/6/90

See 12-2-91

this is the only POU served by the spring water that has been historically irrigated. In the expansion of acres some effort has been made to combine the two sources into one system but that is/was ~~not~~ not complete at the time the AJ commenced.

See 12-2-91

PURPOSES REVIEW SHEET

CLAIM NUMBER: A36-04148B

MICROFILMED FEB 0 1 1993

A. AS CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-04148B	IRRIGATION	FROM 03-01 TO 11-30	1.500 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED 1.500 CFS 360.00 AF/A

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-04148	IRRIGATION	FROM 03-01 TO 11-30	3.000 CFS
36-04148	STOCKWATER	FROM 01-01 TO 12-31	.030 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED 3.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(✓) N(___)

RECOMMEND TO WR STANDARDS OR OTHER? Y(___) N(___) Explain in remarks, below.

REMARKS:

longer period of use due to golf course season — see enclosed statement OR

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A36-04148B

MICROFILMED FEB 0 1 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(___) N(/)

AD TOTAL CLAIMED DIVERSION RATE: 1.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.000 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?	DATABASE	FIELD EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)	Y	N

Spring Relift Pump:
8-22-90 found = 1.28 cfs
10-11-90 found = 2.18 cfs
$\bar{X}$ = 1.73 cfs

B. FLOW MEASUREMENT

MEASUREMENT METHOD See Sonic flow, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~A36-04074~~ NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04148B	SPRINGS	CLEAR LAKE COUNTRY CLUB	1.500	0.016	360.00	4.00
A36-04148A	SPRINGS	CLEAR LAKE RANCH INC.	1.500	0.020	328.00	4.49
A36-04149	CLEAR LAKES	CLEAR LAKE RANCH INC.	1.400	0.029		
A36-04074	CLEAR LAKES STREAM	CLEAR LAKE COUNTRY CLUB	1.160	0.025	184.00	4.00
A36-10154	CLEAR LAKES STREAM	CLEAR LAKE COUNTRY CLUB	0.360	0.030		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY		RATE	VOLUME
A36-02048	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	20.000 CFS	
A36-04013	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	14.000 CFS	
A36-04013	DOMESTIC	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	.040 CFS	
A36-04013	INDUSTRIAL	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	2.000 CFS	
A36-04013A	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	15.000 CFS	
A36-02703	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	40.000 CFS	
A36-04013B	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	31.000 CFS	
A36-07148	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	1.670 CFS	
A36-07148	DOMESTIC	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	.040 CFS	
A36-07004	FISH PROPAGATION	CLEAR LAKES TROUT CO. INC.	FROM 01-01	TO 12-31	75.000 CFS	
A36-10155	DOMESTIC	CLEAR LAKE COUNTRY CLUB	FROM 01-01	TO 12-31	.050 CFS	
A36-10150	DOMESTIC	CLEAR LAKE RANCH INC.	FROM 01-01	TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES ~~90~~ 23 x 0.02 CFS/ACRE = ~~1.8~~ 0.46 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(__) ***

1b. CALCULATIONS

MICROFILMED FEB 01 1993

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 270.0 AF/A

ACRES ~~90~~ 23 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 69 ~~270~~ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 360.00 AF/A

ACRES ~~90~~ 23 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 92 ~~360~~ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____) *See attached memo on flow Rates dated 12-2-91. SCW

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

not correct figures SCW 12-2-91

NOTES

TO: A36-04148B, -04074, -10154 DATE: 9/7/90

		CFS	CONS	AF/A
90	A36-04148B	1.5	270	360
46	A36-04074	.92	138	184
12	A36-10154	~~.36~~ 0	36	48
	(~~.02~~ 148 * ACRES)			
	LIMITS =	~~2.04~~ 2.42 CFS		

FROM: LW

DIVERSION AMOUNT REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-04148B

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
~~Irrig~~	3-1	11-30	~~1.5~~	0.46	~~360~~		~~270~~	
TOTAL FOR THIS RIGHT				0.46		92		69

REVIEWED BY: [illegible] DATE: 9/6/90

[illegible] 12-2-91

MICROFILMED FEB 01 1993

BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-04148B

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	(✓)	( )
FORFEIT/ABANDON	(N/A)	( )
ADDITIONAL DIV. AMOUNT	( )	( )

MICROFILMED FEB 0 1 1993

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04148

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE: 3.000 — EXAMINER: ✓ — CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-04148	A36-04148C	0.020	-		36-04148	3.000
36-04148	A36-04148A	1.500) 3.0	-		36-04148	3.000
36-04148	A36-04148B	1.500	-		36-04148	3.000
	TOTAL CFS	3.020				3.000

DIVERSION RATE REVIEW

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

REMARKS:

A36-04148C in question - filed in error

A36-04148A + B OK

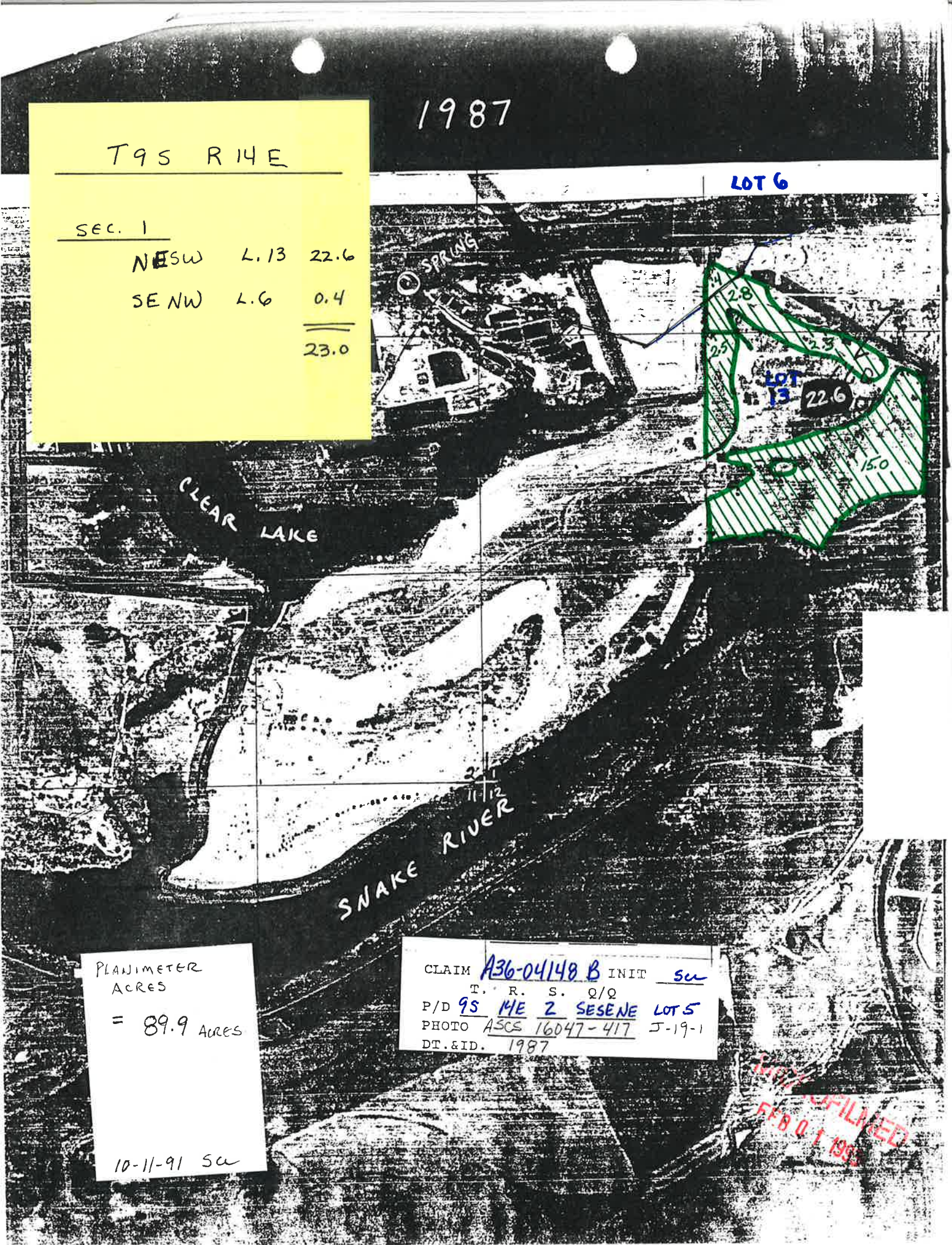
==========

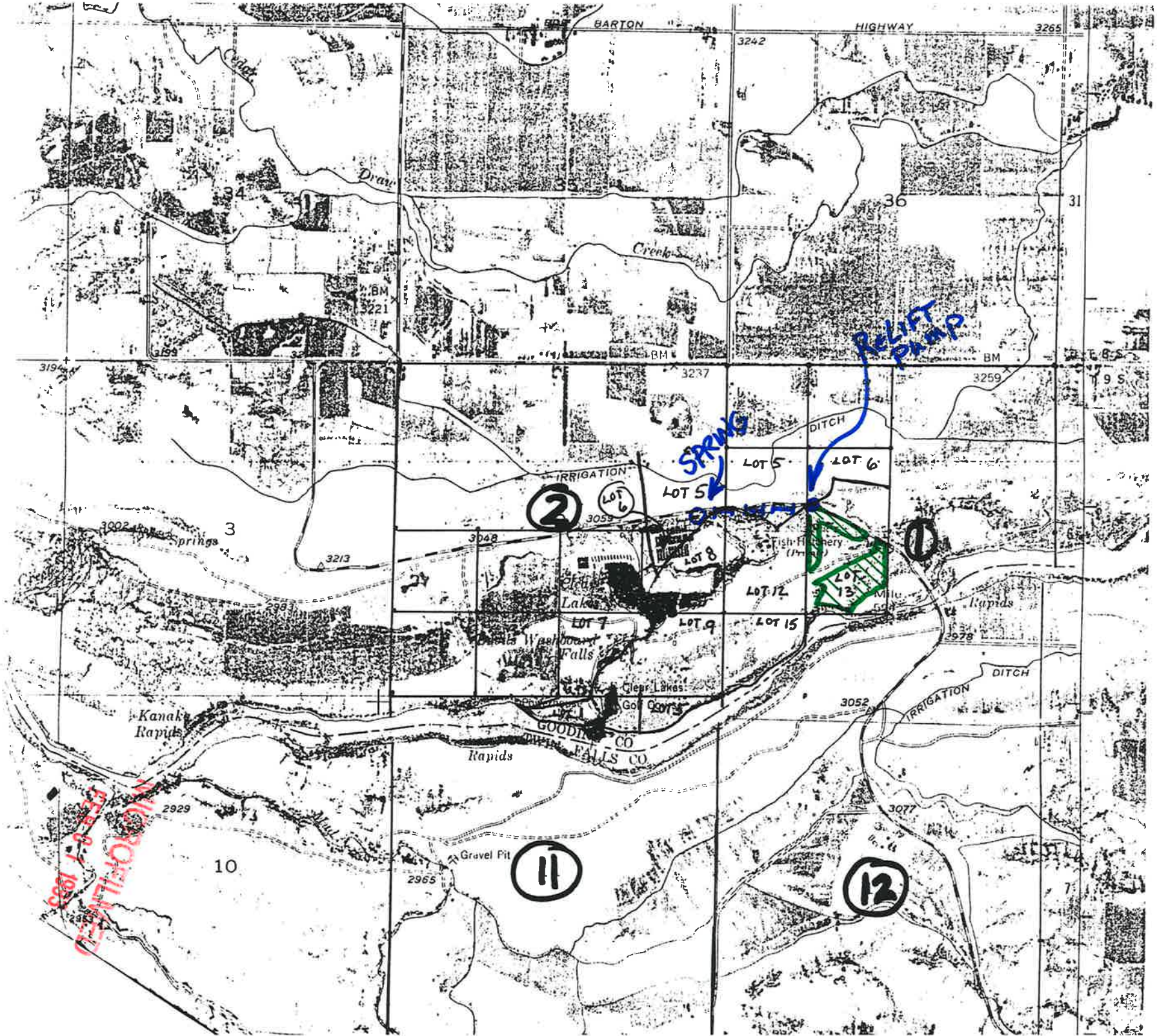
AUTHENTICATION:

SIGNATURE: ✓ DATE: 9/6/90

NAME OF FIELD EXAMINER: Steve Caldwell 12-2-91 TITLE:

R.V.W. 10/2/91


1987
T9S R14E
sec. 1
NESW L.13 22.6
SENW L.6 0.4
23.0
LOT 6
SPRING
2.8
2.3
2.5
LOT 13
22.6
15.0
CLEAR LAKE
SNAKE RIVER
11
12
PLANIMETER ACRES
= 89.9 ACRES
10-11-91 SW
CLAIM A36-04148 B INIT SW
T. R. S. Q/Q
P/D 9S 14E 2 SESENE LOT 5
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987
FILED
FEB 01 199


BARTON
HIGHWAY
3265
3242
Draw
Creek
34
35
36
31
BM
3221
3237
3259
T 8 S
T 9 S
RELIFT PUMP
SPRING
DITCH
IRRIGATION
LOT 5
LOT 6
LOT 5
LOT 6
2
3059
3002
Springs
3
3048
3213
LOT 8
Fish Hatchery
1
LOT 12
LOT 13
Mile
Rapids
2983
Clear Lakes
LOT 7
LOT 9
LOT 15
Washboard Falls
2978
DITCH
Clear Lakes
Golf Course
3052
IRRIGATION
Kanaka Rapids
GOODING CO
TWIN FALLS CO
Rapids
2929
3077
Gravel Pit
11
12
10
2965
7
NUCOR FILMED
FEB 8 1995

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED
SEP 18 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: 36-04148B

2. Name: Clear Lake Country Club

Address: Rt. 4, Box 225
Buhl, ID. 83316

MICROFILMED
FEB 01 1993

Weekday Telephone Number: 543-4849

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

Amount of land & water allowed.

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

Authorize as applied for.

5. Describe why you disagree with the proposed recommendation:

will not be able to irrigate the land with this amount of water.

6. Date: 9-17-92

SIGNATURE Larry Pranier

AJ0749NP
No. R36-04148B

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

DATE: 10/28/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CLEAR LAKE COUNTRY CLUB RT 4 BOX 225 BUHL ID 83316 (208) 543-4849	01/01/1927	IRRIGATION	03-15	11-15	0.46 CFS	
					TOTAL DIVERSION:	0.46 CFS	
					CONSUMPTIVE USE:		69.0 AFA

Water Source: SPRINGS Tributary to: CLEAR LAKES Stage: BENEFICIAL USE

Point(s) of Diversion: T09S R14E S02 Lot05(SESENE) GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
09S	14E	1								06-.4	13-22								23.0
																		TOTAL ACRES	23.0

POU County: GOODING

Other Rights: NONE

Remarks: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 116.0 CFS. OTHER RIGHT NOS.: 36-04076, 36-02048, 36-02703, 36-04013A, 36-04013B & 36-04013C.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 10/02/1991 User-ID: WORSTELL Subject: COPIED FROM REMARKS
AMENDED CLAIM 8/30/1990:
THE SPRINGS HAVE BEEN USED TO IRRIGATE ~163 ACRES SINCE THE DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT BETWEEN CLEAR LAKE RANCH AND CLEAR LAKE COUNTRY CLUB. THIS CLAIM REPRESENTS CLEAR LAKE COUNTRY CLUB'S P/U AND PORTION OF THE ORIGINAL CLAIM. A36-04074 & A36-10154 ALSO USED FOR GOLF COURSE IRRIGATION.

Date: 07/22/1992 User-ID: THORNTON Subject: SEASON OF USE
CHANGED TO STANDARD SEASON OF USE AND REVERIFIED.

Date: 09/21/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/18/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 7/22/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/07/1992 User-ID: CLELLAND Subject: RESPONSE TO NOE
LETTER TO CLAIMANT EXPLAINING EVIDENCE SUPPORTS RECOMMENDATION.

MICROFILMED FEB 01 1993

Date: 10/28/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION

MICROFILMED
FEB 0 1 1993

Comments: Date: 10/28/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGED TRIB TO CLEAR LAKES (PLURAL).

Audit: 10/28/92 THORNTON

MICROFILMED
FEB 0 1 1993

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

SCANNED BY:

MICROFILMED
FEB 0 1 1993

Water Right Number - R36-04148B Prefix Translation: RESEARCH Old (D) Number -

*** C - CURRENT OWNER ***
CLEAR LAKE COUNTRY CLUB

1 - RT 4 BOX 225
2 -
3 -
City- BUHL State- ID Zip- 83316
Phone - 208-543-4849

Priority Date	Region	Stage	Status
01/01/1927	17 SOUTHERN	J - BENEFICIAL USE	

Source: SPRINGS
Tributary: CLEAR LAKE

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	2	SE SE NE	5	(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.460	

Total Div. Rate: 0.460
Total Div. Volume:
Total Consumptive Use: 69.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SE NW	6	0.4	01	IRRIGATION	(47) GOODING
09S	14E	1	NE SW	13	22.6	01	IRRIGATION	(47) GOODING

Total Acres: 23.0

Diversion Means - CONCRETE HEADBOX, PIPELINE TO RELIFT PUMP TO SPRINKLERS

Non-Irrigation Use -

Other Rights for Same Use - NONE

Remarks

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 116.0 CFS. OTHER RIGHT NOS.: 36-04076, 36-02048, 36-02703, 36-04013A, 36-04013B & 36-04013C.

Old Water Right Numbers

3604148

Water right number - R36-04148B   Prefix Translation: RESEARCH

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

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

+ - - - Comments- - - - +
Date: 10/02/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS
AMENDED CLAIM 8/30/1990: THE SPRINGS HAVE BEEN USED TO IRRIGATE ~163 ACRES SINCE THE DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT BETWEEN CLEAR LAKE RANCH AND CLEAR LAKE COUNTRY CLUB. THIS CLAIM REPRESENTS CLEAR LAKE COUNTRY CLUB'S P/U AND PORTION OF THE ORIGINAL CLAIM. A36-04074 & A36-10154 ALSO USED FOR GOLF COURSE IRRIGATION.
Date: 07/22/1992 User Id: THORNTON Subject: SEASON OF USE
CHANGED TO STANDARD SEASON OF USE AND REVERIFIED.
Date: 09/21/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/18/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 7/22/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/07/1992 User Id: CLELLAND Subject: RESPONSE TO NOE
LETTER TO CLAIMANT EXPLAINING EVIDENCE SUPPORTS RECOMMENDATION.

+ - - Audit Fields - - +
10/07/92 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/07/1992	Old Judicial District	-
Claim Received Date	- 07/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- B

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FEB 01 1993

A36-4148 B

* Review of flow Rates on Clear Lakes Country Club

12-2-91
Ecc

Until the expansion in 1988, these two water sources were operated as separate systems. (per George Brush, see memo.) as of this date they are still not fully operated as one system. This review will explain the general flow rates of this system at the time of adjudication and as the system operates today. This review is based on the maps of irrigated land, sonic flow measurements, theoretical calculations and IDWR standard rates of use.

PRIOR to EXPANSION 1977 to 1987 —

	SPRING (36-4148 B)	CLEAR LAKE (36-4074)
SOURCE:		
DELIVERY:	DITCHES to GRAVITY SYSTEM	PIPELINE to SPRINKLER
ACRES:	23.0	46.6
STD. RATE:	0.46 cfs	0.93 cfs
ADDITIONAL FLOW:	Maybe some ditch loss	NONE
		41 ACRES @ 0.02 cfs/Ac. = 0.82 cfs
		[2 SOURCE TOTAL = 1.39 cfs]
DIVERTED RATE:	UNKNOWN (CLAIMED 1.5 cfs)	(UNKNOWN) (CLAIMED 0.92, 1.4, 1.6)

AFTER EXPANSION IN 1988-1990

	SPRING	CLEAR LAKE
SOURCE:		
DELIVERY:	PIPELINE to Pump to SPRINKLER	Pump to SPRINKLERS
ACRES:	(EST. 53) UNKNOWN PART OF 90 ACRES	(EST. 37) UNKNOWN PART OF 90 ACRES
STD. RATE:	1.80 cfs	1.80 cfs
ADD. FLOW:	NONE	NONE
DIVERTED RATE:	SONIC 1.28; SONIC 2.18; THEOR. CALC. 2.25; MEAS. SPRINKLER 1.78 cfs	SONIC 1.04; SONIC 0.98; THEOR. CALC. 1.825
	AVE: = 1.87 cfs	AVE: = 1.28 cfs

AVE: TOTAL FLOW 3.15 cfs

MICROFILMED FEB 0 1 1993

12-2-91
SCL

AFTER EXPANSION / CURRENT SYSTEM — (continued)

AVE. TOTAL FLOW = 3.15 cfs (see p. 1)

SONIC FLOWS — HIGH = 3.16
— LOW = 2.32
— AVE = 2.74

Per/Acre rates:

3.15 cfs ÷ 90 Acres = 0.035 cfs/Ac.

2.74 cfs ÷ 90 Acres = 0.030 cfs/Ac.

Acres = Based on the maximum rate above:

Spring water irrigates 53 Acres

Clear Lake water irrigates 37 acres

Basis for final recommendations —

the standard rate for the acres irrigated under both sources, prior to the expansion, is 1.39 cfs. If I assume the spring has a ditch loss of 50%, then 1.39+0.46 = 1.85 cfs. This figure is close to the amount standard for use on 90 acres as expanded. However, the system uses almost twice that amount and has increased the original diversion rate to accomplish the change in irrigated acres. At this time (12-2-91) no allowance is being given for the ditch loss from the spring. The ditch no longer exists and no proof given to support an accurate conveyance loss for the system.

MICROFILMED
FEB 01 1993

CLEAR LAKES
8/22/90 6AM to 7:30 AM

```
MODE SELECT
        INPUT

OUTER DIAMETER
8.6358    IN

PIPE MATERIAL
?         CS,SS

WALL THICKNESS
0.1870    IN

INNER LINING
?         NO LING.

KIND OF FLUID
?         WATER

SENSOR MOUNTING
?         U

TYPE OF SENSOR
?         SMALL

DATA CHANGE
?         NO

SPACING
6.472     IN U

ZERO MODE
        CLEAR

ZERO MODE
        AUT ZEI

ZERO MODE
        ZERO OI

00-00 00:5000 *R
+140.539E 2GPH

MODE SELECT
        T0 CHECK

0311.4   MMSEC
100.86   % T0  - OK

DAMPING SET
20       SEC

00-00 00:5300 *R
+214.243E 0GPM

00-00 00:5400 *R
+001.70 %  AI2  - TURBULANCE
```

LRG PIPE NEXT to CLUB

CLEAR LAKES
Pump

214.24 GPM
253.34
467.58 ÷ 448.8
= 1.04 cfs

```
MODE SELECT
        INPUT

OUTER DIAMETER
6.6780    IN

PIPE MATERIAL
?         CS,SS

WALL THICKNESS
.18400    IN

INNER LINING
?         NO LING.

KIND OF FLUID
?         WATER
```

SONAR MEAS.
3 PIPES highest reading of 2 measurement:

LRG PIPE	287.7
Sm PIPE	253.34
E. PIPE	980.07

1521.1 GPM = 3.39 cfs

3 PIPES lowest reading of 2 measurements:

Lrg PIPE	214.24
Sm PIPE	151.37
E. PIPE	574.83

940.40 GPM = 2.09 cfs

```
MODE SELECT
        T0 CHECK

0237.5   MMSEC
100.73   % T0  - OK

00-00 01:0900 *R
+253.341E 0GPM
```

SM PIPE NEXT to CLUB

TOTAL THIS DAY:
COMBINED
214.24
253.34
574.84
1042.42 ÷ 448.8
= 2.32 cfs

```
MODE SELECT
        INPUT

OUTER DIAMETER
10.050    IN

PIPE MATERIAL
?         CS,SS

WALL THICKNESS
.10000    IN

INNER LINING
?         NO LING.

KIND OF FLUID
?         WATER

 MOUNTING
   U

F SENSOR
  SMALL

HANGE
  NO

G
    IN U

ODE
  CLEAR

ODE
  AUT ZERO

01:3100 *R
91E 0GPM

ODE
  ZERO OPR

MODE SELECT
        T0 CHECK

0372.8   MMSEC
101.29   % T0  - OK

00-00 01:3300 *R
+002.70 %  AI2  - OK

00-00 01:3300 *R
+574.838E 0GPM
```

$\bar{X} = 2.74$

PIPE E. of CLEAR SPRING
(variance in GPM, due to automatic sprinkler system shutting down
SPRING RELIFT '+BW

574.84 GPM
÷ 448.8
=
1.28 cfs

MICROFILMED
FEB 0 1 1993

CLEAR LAKES COUNTRY CLUB
10/11/90 9PM to 10:30 PM

```
MODE SELECT
        INPUT

OUTER DIAMETER
8.63580   IN

PIPE MATERIAL
?       CS,SS

WALL THICKNESS
0.1870    IN

INNER LINING
?       NO LING.

KIND OF FLUID
?       WATER

SENSOR MOUNTING
?       V

TYPE OF SENSOR
?       SMALL

DATA CHANGE
?       NO

SPACING
6.472     IN V

ZERO MODE
        CLEAR

ZERO MODE
        AUT ZERO

ZERO MODE
        ZERO OPR

10-11 21:4600 *R
+001.80 %  AI2

MODE SELECT
        T0 CHECK

0310.6  MMSEC
100.63  % T0

10-11 21:4800 *R
+287.683E 0GPM
```

LRG PIPE NEXT to CLUB

TOTAL THIS DAY:

287.68
151.37
980.08
1419.13 ÷ 448.8

= 3.16 cfs

```
MODE SELECT
        INPUT

OUTER DIAMETER
6.6780    IN

PIPE MATERIAL
?       CS,SS

WALL THICKNESS
.18400    IN

INNER LINING
?       NO LING.

KIND OF FLUID
?       WATER

SENSOR MOUNTING
?       V

TYPE OF SENSOR
?       SMALL

DATA CHANGE
?       NO

SPACING
4.781     IN V

ZERO MODE
        CLEAR

ZERO MODE
        AUT ZERO

ZERO MODE
        ZERO OPR

10-11 22:0400 *R
+002.80 %  AI2

MODE SELECT
        T0 CHECK

0237.9  MMSEC
100.89  % T0

10-11 22:0500 *R
+151.370E 0GPM
```

SM PIPE NEXT to CLUB

CLEAR LAKES
PUMP

287.68 GPM
151.37
439.05 ÷ 448.8

= 0.98 cfs

```
MODE SELECT
        INPUT

OUTER DIAMETER
10.0500   IN

PIPE MATERIAL
?       CS,SS

WALL THICKNESS
0.1000    IN

INNER LINING
?       NO LING.

KIND OF FLUID
?       WATER

SENSOR MOUNTING
?       V

TYPE OF SENSOR
?       SMALL

DATA CHANGE
?       NO

SPACING
7.550     IN V

ZERO MODE
        CLEAR

ZERO MODE
        AUT ZERO

ZERO MODE
        ZERO OPR

10-11 21:0800 *R
+002.80 %  AI2

MODE SELECT
        T0 CHECK

0372.9  MMSEC
101.33  % T0

10-11 21:1000 *R
+978.493E 0GPM

10-11 21:1000 *R
+980.078E 0GPM
```

PIPE E. OF CLEAR SPRING
SPRING RELIFT
980.08 GPM
÷ 448.8

= 2.18 cfs

MICROFILMED
FEB 01 1993

CLUBHOUSE PUMPS

A36-10154

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS FILE: A36-04074
********** DATE: 8/21/90
BY: LW + BW

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open dicharge assume zero [0])

37 GPM
40HP - 12 heads
25HP - 8 heads 300

$$Q = \frac{(8.8)\ (.40+.25....)\ (0.70)}{[\ (.....)\ +\ (....95....\ X\ 2.31)\ ]} = \frac{400.4}{219.45} = 1.825$$

LIFT FROM:	PSI FROM: 95	NOTES ON PUMP:
measurement ( )	measurement ( )	Motor Make, Serial or ID
owner ( )	owner ( )	U.S. F-B052-00-030 K192R041 - 25HP Motor
area estimate ( )	estimate (✓)	Pump Make, Serial or ID, rating
well logs ( )	owner gage ( )	ZJ82JT - 40HP Pump

Booster (Y) (N)

REMARKS

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(DAYS\ IN\ SEASON) \times (1.98) \times (Q)}{(RECOMMENDED\ ACRES\ IRRIGATED)}$

(season)	(days)
3/15 - 11/15	246
4/1 - 11/1	215
4/15 - 10/15	184
3/1 - 12/1	276

POTENTIAL = $\frac{(.....) \times (1.98) \times (.....)}{(.....)}$

POTENTIAL = _____

REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is **NOT** Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ( )

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ( )

MICROFILMED
FEB 0 1 1993

RECEIVED
MAR 21 1996
Department of Water Resources

RECEIVED
MAR 26 1996
Department of Water Resources
Southern Region

RECEIVED
1996 MAR 20 AM 11:46
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA Case No. 39576	**Subcase No.: 36-04074 and 36-04148B** **ORDER GRANTING MOTION TO FILE LATE OBJECTION**

On December 22, 1995, claimant Clear Lakes Country Club filed its *Motion of Clear Lakes Country Club for Leave to File Late Objections* concerning the above water right claims. Attached to the *Motion* were three affidavits and the claimant's Objections. The *Motion* and affidavits alleged that the claimant failed to timely file objections to the Director's recommendations because the claimant reasonably believed its objections would be resolved separately from the SRBA process. By the time it realized the error and consulted with legal counsel, the time to file objections had passed. The *Motion* and affidavits also alleged facts to support its claim to more water than recommended by the Director.

A hearing was held before the Special Master on March 19, 1996, at the SRBA Courthouse in Twin Falls, Idaho. Patrick D. Brown appeared for the claimant and Brent R. King appeared by telephone for IDWR. Norman M. Semanko appeared for L&M, Inc.(Clear Lakes Ranch), which may claim some interest in the two claims.

After considering the pleadings and arguments of counsel, it is clear that the claimant has (1) timely filed its *Motion*, (2) shown good cause to file late objections, and (3) alleged facts which constitute a meritorious position.

THEREFORE, IT IS ORDERED that the *Motion* is **granted**. Objections lodged with the *Motion* are deemed filed this date. Responses to the objections shall be filed no later than April 19, 1996.

DATED March 20, 1996.

TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION was mailed on March 20, 1996, with sufficient first-class postage to the following:

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

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

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

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P O Box 389
Twin Falls, Idaho 83303-0389

Norman Semanko
Rosholt, Robertson & Tucker
P O Box 1906
Twin Falls, Idaho 83303-1906

Deputy Clerk

RECEIVED
DEC 28 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
MAR 26 1996
Department of Water Resources
Southern Region

Claimant: Clear Lakes County Club

Attorney Name and Address:

RECEIVED
DEC 28 1995
OFFICE OF THE
ATTORNEY GENERAL

HEPWORTH, LEZAMIZ & HOHNHORST, CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

* * * * * * * * * * *

In Re SRBA	)	**MOTION OF CLEAR LAKES COUNTRY CLUB FOR LEAVE TO FILE LATE OBJECTIONS**
Case No. 39576	)	

* * * * * * * * * * *

COMES NOW Claimant, Clear Lakes Country Club, by and through undersigned counsel and moves the court to enter an order pursuant to *SRBA Admin. Order No. 1*, permitting Claimant to file late objections to recommendations filed by Idaho Department of Water Resources regarding claims made by Clear Lakes Country Club, numbered 36-04148B and 36-04074.

This motion is based upon the *Affidavits of John LeMoyne and Ted Eastman*. Mr. LeMoyne states why objections were not filed within the scheduled deadline for Basin 36. Mr. Eastman states the meritorious basis upon which the objections rest and the factual

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21st day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh Susan E. Hamlin Deputy Attorneys General P. O. Box 44449 Boise, ID 83711-4449	X U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
U.S. Department of Justice Environment & Natural Resources Division 550 West Fort St, MSC 033 Boise, ID 83724	X U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Director of IDWR P. O. Box 83720 Boise, ID 83720-0098	X U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Susan McMurtrey for
Patrick D. Brown

(WATER\82971MOT.LTE)llm

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Case No. 36-04074
	)	(Insert Water Right Number)
Case No. 35976	)	
	)	STANDARD FORM NO. 1
	)	
	)	OBJECTION

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. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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. ***Party/Claimant objecting:***

Name: Clear Lake Country Club

Address: Route 4, Box 225

Buhl, ID 83316

Briefly describe your interest in this water right:

Owner

If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown

Attorney Address: P.O. Box 389

Twin Falls, ID 83303-0389

Attorney Phone No.: (208)734-7510

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Directors Report:***

Name: Clear Lake Country Club

Address: Rt. 4, Box 225, Buhl, ID 83316

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. **Water Right Recommendation:** I object to:

   ☐ a. this water right being recommended at all; or

   ☐ b. this water right not being recommended.

12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. [X] **Other:** I object to: The general provisions in the directors report

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) by number for each box checked. You may use additional pages if necessary.

See Attached Exhibit "A"

CHANGES TO THE DIRECTOR'S REPORT

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

See Attached Exhibit "B"

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.

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. §42-1401A(1)(7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

_____
Signature of person filing objection

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on: December , 1995.

_____
Notary Public for _____
Residing at: _____
My Commission Expires: _____

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 all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on December, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

   Name: _____
   Address: _____

   _____

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 party/claimant or attorney

OBJECTION - EXHIBIT "A"
CLAIM NO. 36-04074

REASONS SUPPORTING EACH BOX CHECKED

3(a) IDWR recommends a water right with a total quantity which is less than the quantity appropriated and the quantity the Country Club presently uses to irrigate their golf course pursuant to this right. The Country Club actually uses 1.400 c.f.s under this right to water the golf course, in conjunction with other rights in a closed system that irrigates 90 acres.

8. IDWR recommends a period of use which is shorter than the period that water is beneficially used under the existing right. Irrigation of the golf course begins in mid-February and extends into mid-November.

9(a) & (b) IDWR's recommended place of use does not accurately reflect the number of acres being irrigated under this water right. For example, while 15 acres of T09S R14E S01 Lot 15 (SWSW) are irrigated pursuant to this water right, the recommendation of IDWR indicates that only 7.5 acres of this lot are irrigated. As set out in the "Changes to the Director's Report" section, every point of diversion listed in the recommendations has been similarly reduced without explanation.

13. The general provisions are unnecessary to the determination or adjudication of this water right.

OBJECTION - EXHIBIT "B"
CLAIM NO. 36-04074

CHANGES TO DIRECTOR'S REPORT

3. Total quantity appropriated should be 1.400 c.f.s., not .82 c.f.s.

8. Period of use should be from 2/1 to 11/15, not from 3/15 to 11/15.

9(a) & (b) Place of use should be modified as follows:

T09S, R14E, S01 Lot 15 (SWSW)	8.0
T09S, R14E, S02 Lot 7 (SWSE)	9.0
T09S, R14E, Lot 9 (SESE)	9.0
T09S, R14E, S11 Lot 5 (NENE)	8.0
T09S, R14E, Lot 6 (NWNE)	12.0
TOTAL	46.0

Water Right Number - A36-04148 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

*** C - CURRENT OWNER ***
SPLIT RIGHT

1 -
2 -
3 -
City- X State- ID Zip- X
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
CLEAR LAKE RANCH INC.

1 - C/O DAVID BRUSH
2 - 423 IDAHO ST.
3 -
City- GOODING State- ID Zip- 83330
Phone - 208-934-8411

Priority Date: 01/01/1890
Region: 17 SOUTHERN
Stage:
Status: Z - SEE REMARKS

Source: SPRINGS
SPLIT RIGHT

Tributary: CLEAR LAKES

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
09S	14E	1	SE SW NW	5	R	(47) GOODING	
09S	14E	2	SE SE NE	5		(47) GOODING	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/01	11/30	3.000	
04	STOCKWATER	01/01	12/31	0.030	

Total Div. Rate: 3.000
Total Div. Volume:
Total Div. Capacity:
Total Consumptive Use: 270.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SW NW	5	6.0	01	IRRIGATION	(47) GOODING
09S	14E	1	SE NW	6	2.0	01	IRRIGATION	(47) GOODING
09S	14E	1	NE SW	13	45.0	01	IRRIGATION	(47) GOODING
09S	14E	1	NW SW	12	25.0	01	IRRIGATION	(47) GOODING
09S	14E	1	SW SW	15	12.0	01	IRRIGATION	(47) GOODING

Total Acres: 90.0

Diversion Means - CONCRETE HEADBOX, EARTHEN DITCHES

Non-Irrigation Use - STOCKWATER, 100 RANGE CATTLE

Other Rights for Same Use - PERMIT 36-8329 ADDITIONAL USE OF SAME WATER

Water right number - A36-04148 Prefix Translation: ADJUDICATION CLAIM

Remarks

PROPERTY IS PRESENTLY BEING DEVELOPED AS A PUD AND THE CLEAR LAKE COUNTRY CLUB IS PART OF AND PURCHASING PART OF THE LAND COVERED UNDER THIS CLAIM. DEED IS PENDING HOWEVER CLEAR LAKE COUNTRY CLUB, RT.4 BX 225, BUHL, ID, 83316 SHOULD BE NOTIFIED REGARDING ANY ACTION ON THIS CLAIM.
SPLIT 8/30/1990: A36-04148A & B.

****

THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS:
A36-04148A - CLEAR LAKE RANCH, 1.5 CFS 73.0 AC
A36-04148B - CLEAR LAKE COUNTRY CLUB 1.5 CFS, 90.0 AC
A36-04148C - JOHNSON, 0.02 CFS, DOMESTIC

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff | Decree Defendant | Decree Date
00/00/0000

Audit Fields - 07/06/88 MERRITT 06/21/90 MERRITT 06/25/90 BEDKE 08/30/90 WHITE 01/24/91 BAUMHOFF

Comments

No Comments Found

Adjudication Rights Dates and Flags Area

Court Report Filing	00/00/0000	Field Inspection Made	00/00/0000	Civil Case Number	39576
Objection Filed Date	00/00/0000	Field Inspection Flag		Old Case Number	
Response Filed Date	00/00/0000	Verified Date	00/00/0000	Old Judicial District	
Claim Received Date	07/06/1988	Last Amended Date	00/00/0000	Temporary Right	P
Proof Due Date	00/00/0000	Proof Made Date	00/00/0000	Water District	
Licensed Date	00/00/0000	Receipt Number	X777777	Federal/State Indicator	S
Claims Tape Error Flg		POU Ownership Flag	Y	Presumption Flag	
Fee Exempt Flag		Name Connector			

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: **A36-04148**
Date Received: 7/06/1988
Receipt No: 5000713
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: CLEAR LAKE RANCH, INC. 208-934-8411
   Address: C/O DAVID BRUSH
   423 IDAHO ST.
   GOODING, ID 83330

2. Date of Priority: JAN 01, 1890

3. Source: SPRINGS Trib. to: CLEAR LAKE

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot		County
09S	14E	1	SE	SW	NW	5	R	GOODING
		2	SE	SE	NE	5		GOODING

5. Description of diverting works:
   CONCRETE HEADBOX, EARTHEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/30	3.000		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 270.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/100 RANGE

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
09S	14E	1	SW	NW	5	IRR	6.0
			SE	NW	6	IRR	2.0
			NE	SW	13	IRR	45.0
			NW	SW	12	IRR	25.0
			SW	SW	15	IRR	12.0
					Section Acres		90.0
					Total Acres		90.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
36-8329 ADDITIONAL USE OF SAME WATER

14. Remarks:
PROPERTY IS PRESENTLY BEING DEVELOPED AS A PUD AND THE CLEAR LAKE COUNTRY CLUB IS PART OF AND PURCHASING PART OF THE LAND COVERED UNDER THIS CLAIM. DEED IS PENDING HOWEVER CLEAR LAKE COUNTRY CLUB, RT.4 BX 225, BUHL, ID, 83316 SHOULD BE NOTIFIED REGARDING ANY ACTION ON THIS CLAIM.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President (Title) of Clear Lake Ranch Inc. (Organization), that I have signed the foregoing document in the space below as President (Title) of Clear Lake Ranch Inc. (Organization) and that the statements contained in the foregoing document are true and correct.

David D. Brown
Signature of Authorized Agent

Pres. Clear Lake Ranch Inc.
Title and Organization

7/6/88
Date

State of Idaho)
) SS.
County of Twin Falls)

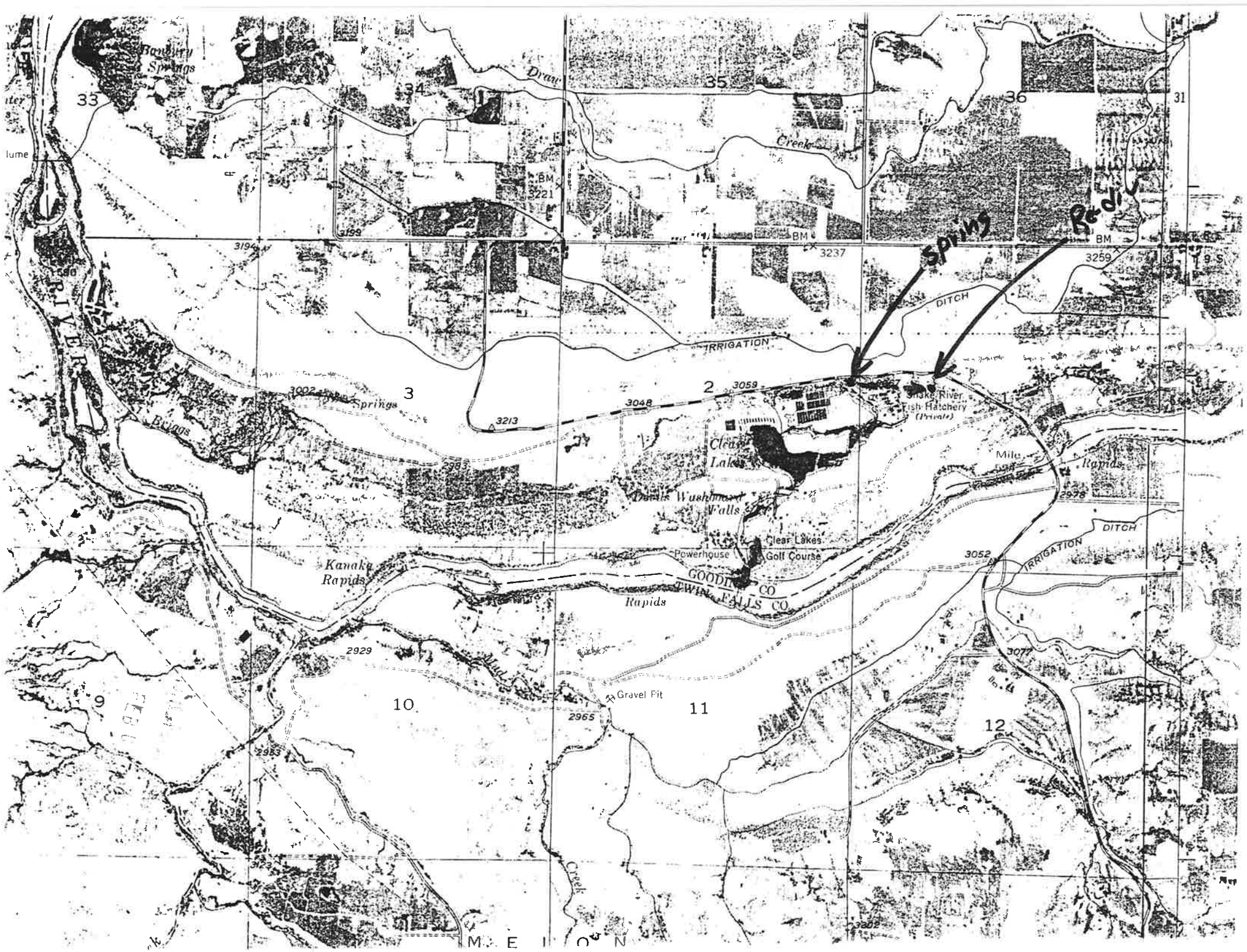
Subscribed and sworn (or affirmed) before me this 6th day of July 19 88

Alle D Merrill
Notary Public

Seal

Residing at Kimberly, Id

My Commission Expires 6/30/1994



Banbury Springs
Draw
Creek
33
34
35
36
31
lume
BM 3221
BM 3237
BM 3259
3199
3194
Spring
Redi
DITCH
IRRIGATION
RIVER
3002
Springs
3
2
3059
3048
3213
Snake River Fish Hatchery (Private)
Briggs
Clear Lakes
Mile
Rapids
2983
Devils Washboard Falls
2978
DITCH
Clear Lakes
Powerhouse
Golf Course
3052
IRRIGATION
Kanaka Rapids
GOODING CO
TWIN FALLS CO
Rapids
2929
Mud
3077
Gravel Pit
9
10
11
12
2965
2953
Creek
3202
M E I O N

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

November 26, 1990

RECEIVED
NOV 28 1990
Department of Water Resources
Southern Region Office

George Brush
Clear Lake Ranch Inc.
292 Clear Lake Ln.
Buhl, ID 83316

RE: Application for Permit No. 36-8291

Dear Mr. Brush:

I have received the proposed amendment of the above application along with evidence documenting historical irrigation of Clear Lake island. I understand that you have worked diligently with Lori White to amend and clarify your various water rights and claims. I and other staff members appreciate your cooperation.

I believe that Lori has also spoken with you about certain state water appropriation rules and regulations which restrict the direct diversion of water for irrigation purposes from the Snake River and tributary springs between Milner Dam and Swan Falls dam. These rules, which largely resulted from the Swan Falls litigation settlement, apply to new water appropriations only. When I first spoke with you about this application, I had overlooked this particular rule. When Lori later spoke with me, I informed her of this rule and told her that it might apply to your application. I had advised that if water from either the springs or Clear Lake had been used continuously for irrigating the island prior to 1985, then the new water appropriation rules would not apply to your application. You obviously attempted to meet this exemption by submitting historical use documentation.

Based on the documentation which you submitted, it appears that the irrigation use on the island had been discontinued many years ago. Any rights which may have been established for this use have since been abandoned or forfeited through non-use for a period of five or more consecutive years. Application no. 36-8291, which is presently before the department, actually represents a new appropriation of water.

Water Appropriation Rule 5,3,9. provides as follows:

"Applications proposing a direct diversion for irrigation purposes from the Snake River between Milner Dam and Swan Falls Dam or from tributary springs in this reach are presumed not to be in the public interest as defined by Section 42-203C, Idaho Code. Such proposals are presumed to prevent the full economic and

FEB 01 1991

OCTOBER 10, 1990

indicates 40 Acres were irrigated near Homestead

A36 04149
DEPARTMENT OF WATER RESOURCES
ALLEN MERRITT
WATER RIGHTS SUPERVISOR
222 SHOSHONE ST. EAST
TWIN FALLS, IDAHO 83301

DEAR ALLEN,

PLEASE FIND ENCLOSED A COPY OF A PICTURE TAKEN AROUND THE EARLY 1930's OF THE ISLAND AND CANYON WALL AREA LOOKING NORTH OVER CLEAR LAKE. THIS PICTURE VIEWS FROM THE AREA CURRENTLY USED FOR PARKING AND ACCESS TO THE BOAT DOCK BY THE FLY FISHERMEN OF CLEAR LAKE COUNTRY CLUB. I HAVE MADE TWO COPIES, ONE LARGER THAN THE OTHER SO THAT CLARIFICATION MIGHT BE EASIER. I HAVE THE ORIGINAL COPY, BUT DUE TO THE NATURE OF ITS AGE AND THE HISTORY INVOLVED, I WISH TO KEEP IT IN MY POSSESSION. PLEASE FEEL FREE TO CALL ME IF YOU WISH TO VIEW IT FIRST HAND AND I WILL BE GLAD TO ARRANGE TO SHOW IT TO YOU.

THIS PICTURE SHOWS THE ISLAND AREA UNDER CULTIVATION WITH IRRIGATION ROWS AND ALL. ALSO SHOWN IS THE PIPELINE CROSSING THE LAKE WITH ANOTHER BEING CONSTRUCTED. WATER WAS TAKEN FROM THIS PIPELINE AT THIS TIME FROM THIS TIME TO WATER THE ISLAND. SINCE THAT TIME THE PIPELINES WERE ABANDONED AND WATER HAS BEEN REROUTED BY AN EASTERLY ROUTE TO WATER THE LAND ON THE SOUTH SIDE OF THE LAKE. A PUMP STATION WAS USED FROM AROUND 1960 UNTIL 1956 TO WATER NEARLY 40 (FORTY) ACRES AROUND THE ORIGINAL RANCH HOUSE AREA. NOW THAT TOO IS BEING WATERED FROM OTHER ROUTES. WE WOULD LIKE TO BE ABLE TO CONTINUALLY WATER THE ISLAND FROM THE LAKE WITH A PUMP STATION FOR IRRIGATION ONLY; SO ARE ASKING ONLY TO MOVE THE PUMP STATION TO THE ISLAND SIDE OF THE LAKE AND HAVE ONLY RIGHTS TO WATER AN (8)EIGHT ACRE PARCEL.

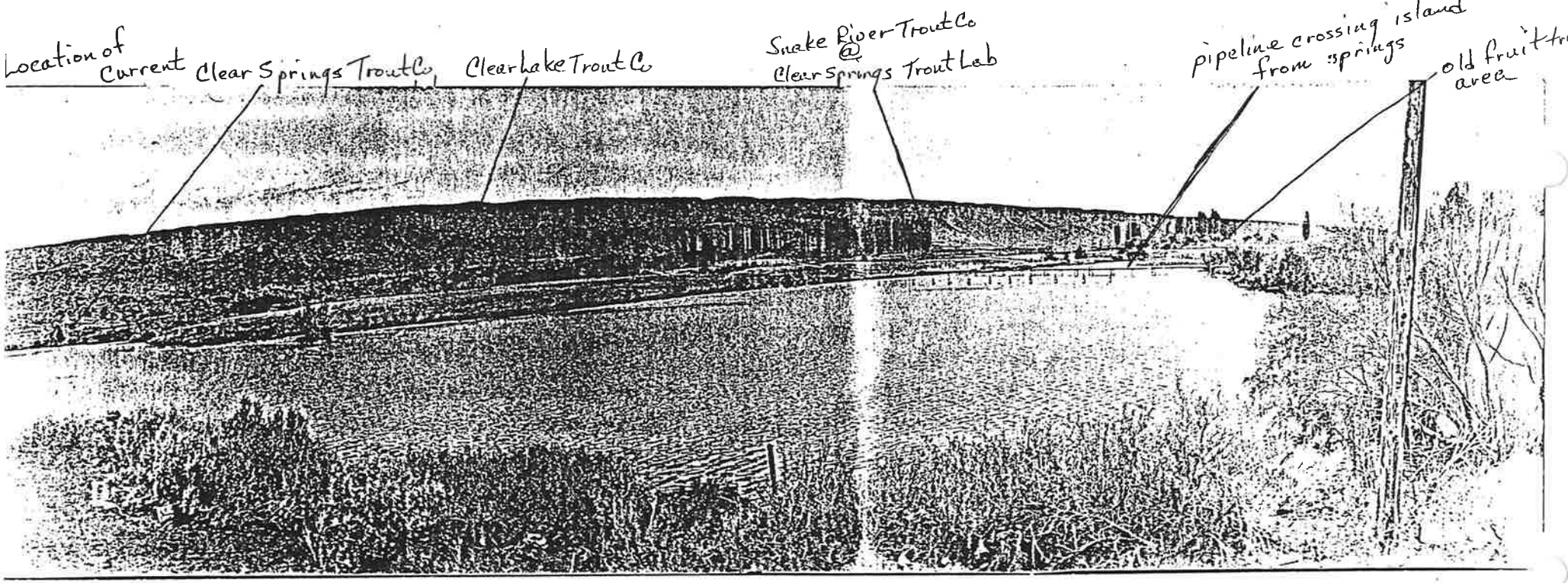
ALSO AT GOODING COUNTY COURTHOUSE ARE MANY COPIES OF WATER NEGOTIATIONS AND LAND SALES THAT TOOK PLACE BETWEEN MOLLY SYSTER, OUR GREAT GRANDMOTHER AND ORIGINAL SETTLER OF THIS AREA, AND THE FIRST PEOPLE OBTAINING WATERS AND LAND FOR THE IDAHO POWER CO. IN THE 1910's. MANY HOURS AND COPIES HAVE BEEN ALREADY SPENT IN SUPPLING THE WATER RESOURCE BOARD WITH THIS INFORMATION ON OTHER ORIGINAL CLAIMS(A36-04149). IF YOU ARE IN NEED OF MORE OF THIS INFORMATION, PLEASE FEEL FREE TO CONTACT ME AND I WILL BE GLAD TO BRING MORE COPIES OR HELP RESEARCH FOR MORE.

THANK YOU FOR THE OPPORTUNITY TO HELP YOU IN YOUR CONTINUING EFFORTS TO BRING IDAHO'S WATER PROBLEMS TO BETTER CLARIFICATION.

SINCERELY,

George Brush

GEORGE BRUSH
CLEAR LAKE CORPORATION



note: windrow irrigation ditches

picture taken early 1930's from present parking area for fly fisherman (boat dock) for Clear Lake Country Club at Clear Lake, Idaho.

The United States of America.

Certificate No. 322.

To All to whom these Presents shall Come—Greeting:

WHEREAS, Mary E. Briggs of Lincoln County, Idaho, has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that full payment has been made by the said Mary E. Briggs according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act Making Further Provision for the Sale of the Public Lands," and the acts supplemental thereto, for the South half of the South West quarter of Section three, and the lot numbered one of Section ten in Township nine South of Range fourteen East of Boise Meridian in Idaho, containing ninety eight acres and fifty five hundredths of an acre.

S1/2 SW1/4 S. 3
LOT IN S. 10
9S. 14E.
98.55 Acres

according to the Official Plat of the Survey of the said land, r... ...rveyor General, which said tract has been purchased by the said Mary E. ...

NOW, KNOW YE, That the United States of America, in ... in conformity with the several Acts of Congress in such case made and provided, have Given ... and by these presents do Give and Grant, unto the said Mary E. Briggs and to ... heirs, the said tract above described;

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said Mary E. Briggs and to her heirs and assigns, forever; subject to any vested and accrued water rights for mining, agriculture, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein, or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

IN TESTIMONY WHEREOF, I, William McKinley President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

(Seal)

Given under my hand, at the City of Washington, the sixteenth day of November, in the year of our Lord one thousand eight hundred and ninety seven, and of the Independence of the United States the one hundred and twenty second.

BY THE PRESIDENT: William McKinley

by J. M. McKean Secretary.

Recorded Vol. 34 Page 246 C. H. Brush Recorder of the General Land Office.

Filed for Record at the request of C. M. Ingersoll at 9 o'clock A. M., Aug 23, A. D. 1908

Harry H. Anderson
Ex-officio Recorder

By ..... Deputy. Fees 61 cc

U.S. Patent Record

19796

The United States of America.

Certificate No. 338

To All to whom these Presents shall Come—Greeting:

WHEREAS, George L. Eveleth, of Logan County, Idaho Territory has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho Territory whereby it appears that full payment has been made by the said George L. Eveleth according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act Making Further Provision for the Sale of the Public Lands," and the acts supplemental thereto, for the North West quarter of the South East quarter and the Lots numbered five and six of Section two and the Lots numbered five and six of Section one in Township nine South of Range fourteen East of Boise Meridian in Idaho Territory, containing one hundred and fifty three acres and fifty-five hundredths of an acre.

according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said George L. Eveleth

NOW, KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have Given and Granted, and by these presents do Give and Grant, unto the said George L. Eveleth and to his heirs, the said tract above described;

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said George L. Eveleth and to his heirs and assigns, forever; subject to any vested and accrued water rights for mining, agriculture, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein, or lode, to extract and remove [illegible] from, should the same be found to penetrate or intersect the premises hereby granted, as p[illegible] [illegible] granted, a right of way thereon for ditches or can[illegible] authority of the United States.

IN TESTIMONY WHEREOF, I, Benjam[illegible] of the United States of America, have caused these [illegible] of the General Land Office to be hereunto affixed.

Given under my hand, at [illegible] at day of April eight hundred and ninety-two [illegible] United States the one hundred and sixteen [illegible]

(Seal)

BY THE PRESIDENT: Benjamin Harrison

by E. Macfarland Asst Secretary.

Recorded Vol. 3A Page 86 D. P. Roberts Recorder of the General Land Office.

NW SE 1/4 S. 2
LOTS 5 & 6
LOTS 5 & 6 S. 1
9S 14E
153.55 Acres

Filed for Record at the request of Mary E. Syster at 9 o'clock a M.

22nd Dec A. D. ~~189~~ 1910

Harry W. Anderson
Co. Recorder

By J. H. Helman Deputy.

forty (40) shares of the Capital Stock of the Big Wood River Reservoir and Canal Company Ltd., evidenced by certificate No. 3835 evidencing a water right appurtenant to said premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said grantees, heirs and assigns forever. And We the said grantors James A. Clayton & Lovina Clayton, do hereby covenant to and with the said L. A. Salladay and Anna Salladay their heirs and assigns, that grantors are the owners in fee simple of said premises, that they are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever. except a mortgage given The Federal Land Bank of Spokane for $3000 with interest from Dec. 9, 1925. and a second mortgage for $800 given to W. E. Kyler, Corvallis, Or. Or. subject to 3 months interest

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 23 day of January, 1926.

DONE IN THE PRESENCE OF
Geo. H. Crowell — James A. Clayton (SEAL)

Ernest C. Hornback. — Lovina Clayton (SEAL)

STATE OF OREGON)
) SS
COUNTY OF LINN)

On this 23rd. day of January, A. D. 1926, before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named James A. Clayton and Lovina Clayton his wife to me personally known to be the identical individuals described in and who executed the within instrument and and acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein named.

WITNESS my hand and Notarial Seal the day and year last above written.

(NOTARY SEAL)

Geo. H. Crowell, Notary Public for Oregon.
My Commission Expires May 31, 1927.

Filed for record at the request of L. A. Salladay at 9:05 o'clock A.M. August 29, 1927.

Fees. $1.20

Myrtle P. Enking, Ex-Officio Recorder.

By S. M. Miller, Deputy.

No. 44023

INDENTURE.

THIS INDENTURE, Made, executed and delivered this 27th day of August, 1927, by Otis E. Syster and Mary E. Syster, his wife, of Buhl, Twin Falls County, Idaho, as Grantors, to the IDAHO POWER COMPANY, a Maine corporation, as Grantee; WITNESSETH:

The grantors, in consideration of the sum of One Hundred ($100.00) Dollars, lawful money of the United States of America, to them in hand paid by the said grantee, the receipt of which is hereby acknowledged by the said grantors, and also for other good and valuable consideration, the receipt of all of of which are also hereby acknowledged, by these presents do grant, convey, bargain, sell and confirm unto the said grantee and its successors, grantees and assigns forever, the properties, rights and privileges hereinafter

set forth, viz:

1st. Flowage rights.

The exclusive, unlimited and perpetual right, privilege and easement to overflow of lands bordering on Clear Lakes, including outlet of Clear Lakes Creek, all in Gooding

County, Idaho, with the right to raise the waters of said Clear Lakes, including said Outlet, from the normal lake level of said Clear Lakes to the highest water line that may be made or created by raising the level of said lake ten (10) feet above said normal lake level and, for the purpose of conclusively fixing this right, there is hereto attached a map of said lake and surrounding land, which map shows thereon a bench mark inscribed "10.37' August 12 - 1927", which bench mark is 10.37 feet above said normal lake level and is hereby fixed and adopted as the reference and measuring point for the rights, privilege and easement hereinbefore granted; that this conveyance also includes the exclusive and permanent right on the part of the grantee to the fullest use of Clear Lakes and its waters, including the addition thereto of the lands to the highest water line created by raising said lake ten (10) feet above said normal lake level for the purpose of using, regulating, draining, impounding or releasing the waters of said lake and all inlets and outlets thereto, whether surface or subterranean flow, pool or spring, as the same may be needed, useful or convenient for hydro-electric power purposes and purposes incidental thereto; PROVIDED, that in the event of the destruction, removal or tempering-with of said bench mark, then, in order to determine the original location of said bench mark, reference shall be had to the field notes of the Engineering Department of grantee, which field notes for said purpose shall be conclusive evidence of the original location of said bench mark. This right and easement, in addition, also contemplates and includes and does hereby grant complete release of all damage or loss due to the grantee's said uses as just hereinabove designated resulting from seepage to the lands or property of any kind owned by the grantors in Section One (1) and Two (2), Township Nine (9) South, Range Fourteen (14) East, B. M.

2nd. Construction and Maintenance of the Dam.

The full and complete right and easement to build, construct, and forever maintain, repair, reconstruct, and rebuild, approximately across the present outlet of Clear Lakes, a dam of such design, type and material and at such exact location as the grantee in its discretion may select, and which, if desired by the grantee may be extended to contact with solid rock on bottom and sides; such dam to be used solely for hydro-electric power development purposes and uses incidental thereto, including the control, use and regulation of the waters of Clear Lakes ten (10) feet above normal lake level as hereinbefore set forth specifically in paragraph "1st" hereof.

3rd. All rights and interests in and to the water or waters rising from, having its or their origin in, or flowing under or over, or being under or on the lands owned by the grantors north of the high water line of the southerly boundary of Clear Lakes, and its outlet, and those lands owned by the grantors north of Lot Seven (7), Section Two (2), Township Nine (9) South, Range Fourteen (14), East, B. M., and no one, including the grantors, their heirs or assigns, may, without written authorization from the grantee, have any right or privilege whatsoever to use, purchase, lease or appropriate any water flowing on or under said lands or arising or being thereon, or prospect or examine said lands for water or make or initiate any water filings of any type or kind thereon or in connection therewith, or use or permit or grant any right in or to the use of said lands, or any portion thereof, or of any other lands, or any portion thereof, now owned by grantors for any use, projected or actual, of said water or waters for hydro-electrical development or uses or purposes and uses.

The grantors hereby assign, transfer and convey to the grantee all right, title and interest in and to Permit No. 16551 issued by the Commissioner of Reclamation of the State of Idaho on the 10th day of August, 1926, and Permit No. 13362 issued by the State Engineer of the State of Idaho on the 2nd day of January, 1918, and Permit No. 13363 issued by the State Engineer of the State of Idaho on the 2nd day of January, 1918, and any and all other permits or water rights owned by the grantors to divert, use or appropriate the waters of Clear Lakes or its tributaries as herein fully described, with the exception of the reservations hereinafter in paragraph "6th" made by the grantors.

4th. A right of way fifty (50) feet in width to extend from the dam to be erected as provided in paragraph "2nd" hereof, through Lot Seven (7) of Section (2) and Lots Six (6) and Nine (9) of Section Eleven (11), in Township Nine (9) South, Range Fourteen (14) East, B.M., and on the East side of Clear Lakes Creek for the purpose of installing and permanently maintaining, repairing and re-installing a pipe line or pipe lines to utilize for electric development purposes and purposes incidental thereto, the waters of Clear Lakes and Clear Lakes Creek to their fullest capacity, but the grantee is, insofar as conveniently possible, to avoid destruction of trees on said right of way. This conveyance includes as well a plot of land not to exceed twelve (12) acres in area at the southerly end of said right of way and connected therewith, its location to be hereafter exactly determined by the grantee but not to include the Existing grove on said Lots for the purpose of erecting and permanently maintaining thereon a power plant, power plant attendants' buildings, and also such grounds as the grantee may regard as necessary for the use and maintenance of a power generating station and other buildings and grounds, including attendants' gardens convenient or necessary in connection with said use, not to exceed the area above designated. Whenever the grantee shall definitely locate said right of way and other grounds herein generally described, the grantors will deliver a warranty deed in fee simple to the said grantee for all of the lands so located, and until the right of way and the plot of land above described are specifically designated by the grantee, this agreement to convey the same shall run with the land and bind the grantors, their heirs, executors, administrators and assigns, and any mortgagors, incumbrancers, or other lienors or claimants of lien against the same. Whenever the said pipe line or pipe lines are built, the grantee shall provided a bridge over the said pipe line or pipe lines at its own expense.

addition and change made before execution and delivery O.E.S. M.E.S.

addition and change made before execution and delivery O.E.S. M.E.S.

5th. The permanent right to use the private road now existing across Sections One (1) and Two (2), Township Nine (9) South, Range Fourteen (14) East, B.M., for any and all operations of the grantee and as well any extension of said road which the grantee in its sole discretion may make, to the proposed dam pipe line, power station, and other structures of the grantee as the same may hereafter be erected on all lands described in this Indenture. The said grantee to make such other and more definite written, signed and acknowledged assurances of this right as and if required by the grantors - the said road-way being in no event over thirty (30) feet in width,

6th. It is specifically understood that this grant is not intended to nor does it include a conveyance of the following water or water rights of the grantors now used by them but these grantors specifically reserve from this grant and by its acceptance the grantee recognizes the following described water rights:

(a) Two (2) second feet of water arising from a spring North of said Clear Lakes which is now diverted by the grantors in a pipe line across said Lake and used by them for irrigation, domestic and fish hatchery purposes on Lots Seven (7) and Nine (9), Section Two (2), Township Nine (9) South, Range Fourteen (14) East, B.M. In this connection the grantee by acceptance of this Indenture is obligated at its own expense to lower or raise said pipe line so that it will be above the high level of said Lake at any time that said grantee raises the level of said lake giving, however, the said grantee the option at its own expense, of supplying the said amount of water at the grantors present point of use by such method as it may choose, the cost, risk and liability incurred in maintaining and repairing the said pipe line or any such line shall be borne by the grantors.

(b) Two (2) second feet of the waters of Clear Lakes and Clear Lakes Creek now diverted by the grantors for irrigation uses in two ditches in the East bank of Clear Lakes Creek in Lot Seven (7), Section Two (2), Township Nine (9) South, Range Fourteen (14) East, B. M. The grantee, by the acceptance of this Indenture, agrees that if the erection of a dam or the building of other structures shall cut off the present flow of said two second feet to or at existing headworks, it shall make available at its own expense at the headworks of the upper ditch or at some other point that may be hereafter agreed upon the said amount of two second feet of water.

(c) Three (3) second feet of water of Clear Lakes and Clear Lakes Creek now used by the grantors for irrigation purposes on their lands North and East of Clear Lakes in Lots Five (5), Six (6), Twelve (12) and Thirteen (13) and Fifteen (15), Section One (1), Township Nine (9) South, Range Fourteen (14) East, B. M., said ditch heading in said Lot Five (5).

7th. The grantors specifically reserve, and by acceptance of this Indenture the grantee specifically confirms and approves the reservation of:

(a) The exclusive right and privilege to utilize Clear Lakes and all of the lands bordering thereon for resort, park, fishing, boating or amusement purposes, excepting that such uses shall not interfere with the use of said Lake and lands for power purposes;

(b) That there shall not be erected or maintained on any lands in Lots Six (6), Seven (7), Eight (8) and Nine (9) and the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼), Section Two (2) or Lots Two (2), Five (5) or Six (6), in Section Eleven (11) and Lot Five (5) in Section One (1), and Lot Twelve (12) in Section One (1), all the said lands being in Township Nine (9) South, Range Fourteen (14) East, B. M., any hotel, inn, boating house, stopping place, bath-house, or other buildings, improvements or structures of similar type or purpose without the written consent of the grantors or of some successor or successors in interest to the grantors' lands now bordering said Clear Lakes in whose deeds this privilege is specifically extended. This paragraph shall not be understood as preventing the non-commercial use by the employees located at the plant or guests of the grantee--such guests not to exceed in any one day four in number--of said Clear Lakes and its bordering lands for boating, bathing, fishing or other recreational purposes.

The grantors hereby recognize, affirm and approve the conveyance heretofore made by Warranty Deed dated November 3, 1917, recorded in Book 3 of Deeds at page 372 of the Records of Gooding County, wherein these grantors made conveyances of certain lands to

the grantee, and any other conveyances of land heretofore made and recorded in which the grantors have or have had any interest in law or equity are hereby recognized, affirmed and approved.

This Indenture and all and every of the terms hereof shall be binding upon and inure to the benefit of the grantors and the grantee and their respective heirs, executors, administrators, assigns, successors and interest, and the various covenants hereof shall run with the lands as hereinbefore described and shall not be held as merely personal covenants.

To have and to hold the said rights, privileges and easements to the said Idaho Power Company, grantee, its assigns and successors, forever.

Otis E. Syster

Mary E. Syster
Grantors.

STATE OF IDAHO)
) SS.
COUNTY OF TWIN FALLS,)

On this 27th day of August, 1927, before me, Geo. L. Layne, a Notary Public in and for said County, personally appeared Otis E. Syster and Mary E. Syster, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARY SEAL)

Geo. L. Layne, Notary Public
Residing at: Buhl, Idaho

Filed for record at the request of Idaho Power Co. at 10:30 o'clock A.M. August 30th,1927.

Fees. $5.00

Myrtle P. Enking, Ex-officio Recorder.

By S. M. Miller, Deputy.

PROOF READ

No. 44074

THIS INDENTURE, Made this 9th day of September in the year of our Lord one thousand nine hundred and twenty-seven between C. C. Smith of Boise County of Ada State of Idaho the party of the first part, and Harriet J. Smith, wife of said C. C. Smith, of Boise County of Ada State of Idaho, the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the love and affection which he bears for his wife has granted and given, and by these presents does grant, give, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all the following real estate, situated in Gooding County, State of Idaho, to-wit:

All of his interest, the same being an undivided half interest, of, in and to Lots 21, 22, 23 and 24, Block 29, City of Gooding as the same is shown on the

Fee. $1.50 Harry W. Anderson, Recorder.

---:::###:::---

No. 1. Agreement

Kanoka, Idaho April,20 1903.

Agreement between Hopkins and Snodgrass parties of the first part and Mrs. Mary Briggs party of the second part. the partys of the first part does agree to let the party of the second part have water through their ditch (known as the ridge ditch) water to be turned in from the creek at the Natural bridge. Party of the second part does agree to widen said ditch sufficient to carry their water.

Signed Hopkins & Snodgrass. Witness

By T W. Snodgrass. Claud Barber

Charles Rose.

Austin Idaho Oct 6th 1905.

I do hereby assign all right obtained by the within to L. H. Norton

Mary E. Briggs

Recorded at the request of C. N. Ingersoll at 9 o'clock A. M. Aug. 18th, 1908.

Fees 50 c Harry W. Anderson, Recorder.

---:::###:::---

No. 2. Agreement.

Kanoka Idaho Sept. 10 1903

Agreement between George Lamb and Mary Briggs George Lamb does agree to let Mary Briggs have water through his ditch (known as the Natural Bridge ditch) Mary Briggs does agree to widen said ditch sufficient to carry their water

Signed Witness

George Lamb. C. N. Ingersoll

Mary E. Briggs Samuel D. Briggs

Austin Idaho Oct 6th 1905

I do hereby assign all rights obtained by the within to L. H. Norton Mary E Briggs

IN THE MATTER OF:)
)
)
36-8291)
State of Idaho)
County of Gooding)

AFFIDAVIT

I, George Brush being first duly sworn, deposes and says: as Vice-President of Clear Lake Corp. and part owner in the property and water rights to Clear Lake Ranch located six miles north of Buhl, have put together the following articles in support of verification of water usage.

Copies of land Patents ~~for~~ for George Ewelth and Mary Briggs from U.S. Government when these people proved up on their land settlements. These people were my great grand parents. Later George Ewelth married Mary Briggs; were later divorced. George then sold his share to Mrs. Syster after he had remarried Mary (later called Mollie). The first mention in court records of any water rights being an issue was copy of title use in 1903.

A contract in 1929 with Idaho Power clearly shows an agreement of a continued use of water on the described properties. This was the earliest direct contract ~~the~~ dealing with water issue that specified amounts of water that I have found. Water was not an issue earlier in time it seemed.

I feel that the priority date of 1890 was when these people first began using the water as this was when it was first settled and they began their homesteading. No documents were required at that time.

George Brush
(signature)

Subscribed and sworn to before me this 17 day of October 19 90.

Lori White
(notary public)

Residing at TF.
My commission expires 5/94.

IN THE MATTER OF:)
)
)
)
)

AFFIDAVIT

State of Idaho)
)
County of)

being first duly sworn,

deposes and says:

I Larry Francis Concerns That Clear Lake Ranch have Ier 73 ac For The Bottle of my Knowledge

Larry Francis

(signature)

Subscribed and sworn to before me this 30th day of Aug 19 90.

Lori White
(notary public)

Residing at TF.
My commission expires 5/94.

Water is Used for irrigation adjacent to G[illegible] Course from 3/01 thru 11/30 due the climate permiting conditions

George Brush
Vice-Pres - Clear Lake Corp.

CLEAR LAKE
CORPORATION

George Brush
324-7300 (hm)
324-5053 (wk)

292 Clear Lake Lane
Buhl, Idaho 83316
(208) 543-8598

GOODING COUNTY

Box 417
GOODING, IDAHO 83330

RECEIVED
OCT 22 1990
Department of Water Resources
Southern Region Library

JOHN A. MYERS
CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER
CLERK, BOARD OF COUNTY COMMISSIONERS

OCTOBER 18, 1990

Lori A. White
Sr. Resource Agent
Idaho Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

RE: PRIORITY DATES ON WATER

This office has been asked by numerous people to research the deeds on their property to establish a priority date for spring water. Finding a deed that states "spring water used for irrigation or domestic use" is next to impossible. The reason being property deeds did not then nor do they now require any reference to water.

Obviously any piece of property that has a deed stating "spring water for irrigation" in later years also had that same spring water when the land was deeded from the United States Government in a Land Patent.

Sincerely,

Roxi Reed, Deputy Clerk

87.83 total acres

WARRANTY DEED

FOR VALUE RECEIVED, CLEAR LAKE RANCH, INC., an Idaho corporation, the Grantor, does hereby grant, bargain, sell and convey unto CLEAR LAKE COUNTRY CLUB, INC., an Idaho corporation, Grantee, the following described premises in Gooding County, Idaho, to-wit:

PARCEL 1:

Fairways 1, 2, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17 & 18.

The following legal description is based upon a land survey performed by Stephen R. Padoris, Idaho registration number LS 5291, and a Record of Survey filed as Instrument Number 133455 on September 2, 1988, in the records of Gooding County, Idaho in accordance with the Idaho Code Title 55, Chapter 19. The basis of bearings, monuments found and monuments set are as identified on said survey. The above mentioned Record of Survey is hereby made an integral part of the following written legal description and as such the two documents must not be separated during subsequent reproductions of said written legal description:

A parcel of land located in Government Lots 12, 13 and 15 of Section 1; Government Lots 7 and 9 of Section 2 and Government Lots 5 and 6 of Section 11, Township 9 South, Range 14 East, Boise Meridian, Gooding County, Idaho; said parcel being more particularly described as follows:

Beginning at the Northeast corner of said Section 2, said point lying S 89°29'41" E, 2648.15 feet from the North One Quarter corner of said Section as shown on a Record of Survey filed December 14, 1983 as Instrument Number 105190 in the Gooding County Recorders Office; thence along the Easterly boundary line of said Section S 00°29'23" W, 5209.11 feet to a point on the easterly boundary line of said Government Lot 9, said point being marked with a found G.L.O. Brass Cap and replaced with an aluminum cap set on a 2" pipe designating the Meander Corner between Sections 1 and 2 and is the TRUE POINT OF BEGINNING;

Law Offices
Hepworth, Nungester, Felton and Lezamiz

thence along the Right Meander Line of the Snake River the following successive courses:

S 63°42'23" W, 163.71 feet to a point on the Northerly boundary line of said Government Lot 5 of Section 11, said point being marked with a found G.L.O. Brass Cap designating the Meander Corner between Sections 2 and 11;
thence S 64°38'00" W, 464.00 feet;
thence S 53°00'00" W, 432.00 feet;
thence S 74°54'00" W, 326.00 feet;
thence N 88°16'00" W, 330.00 feet;
thence N 75°23'25" W, 328.34 feet;
thence leaving said Meander Line N 17°44'09" E, 43.08 feet;
thence N 68°44'09" E, 167.60 feet;
thence N 50°29'09" E, 95.20 feet;
thence N 27°31'09" E, 140.90 feet;
thence N 06°35'09" E, 167.60 feet to a point on the Southerly boundary line of said Government Lot 9 of Section 2, said point lies S 89°52'44" E, 1118.40 feet from the South One Quarter corner of said Section 2;
thence N 20°29'51" W, 400.20 feet;
thence N 04°19'09" E, 230.80 feet;
thence N 80°47'09" E, 175.50 feet;
thence N 36°39'09" E, 159.60 feet;
thence S 88°03'51" E, 63.12 feet;
thence along a curve to the left, said curve having a radius of 115.00 feet and a long chord bearing of N 87°19'39" E, 129.70 feet;
thence N 87°31'04" E, 111.66 feet;
thence S 68°35'40" E, 380.09 feet;
thence N 66°21'42" E, 133.00 feet;
thence N 65°44'06" E, 119.95 feet;
thence N 65°35'00" E, 256.04 feet;
thence N 55°00'00" E, 349.66 feet to a point lying on the west line of said Section 1, said point lies S 00°29'23" W, 1577.44 feet from said One Quarter corner Section 1 and lies N 00°29'23" E, 970.66 feet from the common meander corner to Sections 1 and 2;
thence N 55°00'00" E, 267.45 feet;
thence N 82°00'00" E, 221.15 feet;
thence S 3°46'00" W, 194.09 feet;
thence S 66°35'49" W, 163.39 feet;
thence S 52°11'28" W, 351.70 feet to a point lying on the east line of said Section 2, said point lies S 00°29'23" W,

1867.44 feet from said One Quarter corner Section 1 and lies N 00°29'23" E, 680.66 feet from the common meander corner to Sections 1 and 2;
thence S 64°25'59" W, 650.21 feet;
thence S 15°01'22" W, 80.91 feet;
thence S 77°36'22" W, 124.00 feet;
thence N 80°32'27" W, 214.27 feet;
thence S 49°09'03" W, 89.71 feet;
thence N 84°33'41" W, 198.59 feet;
thence S 9°12'24" E, 365.76 feet to a point lying on the north line of Lot 5, Section 11;
thence S 9°12'24" E, 127.56 feet;
thence N 56°49'35" E, 229.30 feet to a point lying on the south line of Lot 9, Section 2;
thence N 56°49'35" E, 260.70 feet;
thence N 82°13'31" E, 203.63 feet;
thence N 61°00'42" E, 222.74 feet;
thence N 39°21'30" E, 192.98 feet;
thence N 65°01'52" E, 176.98 feet;
thence N 54°00'07" E, 43.44 feet to a point lying on the west line of Section 1 and lying S 0°29'23" W, 2091.36 feet from the west One Quarter corner Section 1 and N 0°29'23" E, 456.74 feet from the meander corner common to Sections 1 and 2;
thence N 54°00'17" E, 615.72 feet;
thence N 50°58'58" E, 424.19 feet;
thence N 29°14'34" E, 261.16 feet;
thence N 47°01'08" E, 122.03 feet;
thence N 68°08'49" E, 372.66 feet;
thence S 20°42'20" E, 75.00 feet;
thence N 69°17'40" E, 75.00 feet;
thence N 20°42'20" W, 75.00 feet;
thence N 69°17'40" E, 140.35 feet;
thence N 9°24'51" W, 110.64 feet;
thence N 69°34'11" W, 116.56 feet;
thence N 14°36'47" W, 53.82 feet;
thence N 75°22'00" E, 1008.00 feet;
thence N 15°06'07" W, 204.91 feet;
thence N 83°26'59" E, 214.09 feet;
thence N 28°14'15" E, 15.00 feet to a point lying on the southerly Right-of-Way of Clear Lakes Road;
thence along said Right-of-Way, S 61°45'45" E, 86.72 feet to a point lying on the section 1/4 line of said Section 1 and East boundary of Clear Lake Ranch, Inc., property as shown on said Record of Survey

drawing and lying S 0°22'06" W, 2925.49 feet from the north 1/4 corner;
thence along said section 1/4 line, S 0°22'06" W, 658.27 feet to a point;
thence S 73°47'00" W, 386.36 feet;
thence S 19°23'18" E, 149.66 feet;
thence S 68°39'40" W, 212.14 feet;
thence N 75°33'36" W, 435.63 feet;
thence S 83°29'35" W, 343.31 feet;
thence S 45°53'16" W, 184.90 feet;
thence S 0°47'54" E, 101.66 feet;
thence S 17°54'54" W, 205.36 feet;
thence S 32°45'20" W, 207.22 feet;
thence S 57°56'47" W, 116.27 feet;
thence S 52°31'10" W, 543.46 feet;
thence S 60°36'14" W, 631.38 feet to a point lying on the east line of said Section 2 and lying N 0°29'23" E, 45.48 feet from the meander corner common to Sections 1 and 2;
thence along said east line of Section 2 S 00°29'23" W, 45.48 feet to the POINT OF BEGINNING.

Said described parcel contains 67.169 Acres.

PARCEL 2:

Fairways 3, 6, 7, 8, 9.

The following legal description is based upon a land survey performed by Stephen R. Padoris, Idaho registration number LS 5291, and a Record of Survey filed as Instrument Number 133455 on September 2, 1988, in the records of Gooding County, Idaho, in accordance with the Idaho Code Title 55, Chapter 19. The basis of bearings, monuments found and monuments set are as identified on said survey. The above mentioned Record of Survey is hereby made an integral part of the following written legal description and as such the two documents must not be separated during subsequent reproductions of said written legal description:

A parcel of land located in Government Lots 12 and 13 of Section 1; Government Lots 7, 8 and 9 of Section 2, Township 9 South, Range 14 East, Boise Meridian, Gooding County, Idaho; said parcel being more particularly described as follows:

Beginning at the Northwest corner of said Section 1, said point lying N 89°32'53" W, 2647.38 feet from the

North One Quarter corner of said Section, as shown on a Record of Survey Drawing filed December 14, 1983, as Instrument Number 105190 in the Gooding County Recorders Office; thence along the West line of said Section 2 S 00°29'23" W, 3901.36 to a point and lies S 00°29'23" W, 1240.35 feet from the West One Quarter corner of said Section 2 and is the TRUE POINT OF BEGINNING;

thence S 54°48'01" W, 364.68 feet;
thence S 84°36'00" W, 350.00 feet;
thence S 65°43'05" W, 119.99 feet;
thence S 60°39'20" W, 250.00 feet;
thence S 51°32'43" W, 114.54 feet;
thence N 59°44'47" W, 75.23 feet;
thence S 30°15'09" W, 93.33 feet;
thence S 49°13'09" W, 107.98 feet to a point lying on a curve;
thence along said curve to the right having a radius of 85.00 feet, a chord bearing of S 81°20'58" W for 37.60 feet to a point on the westerly boundary of Clear Lake Ranch, Inc., and Idaho Power Co. properties;
thence along said common boundaries the following sucessive courses:

N 49°13'09" E, 136.48 feet;
N 30°15'09" E, 233.70 feet;
N 68°56'09" E, 98.00 feet;
N 36°03'09" E, 195.00 feet;

thence leaving said boundary N 81°06'54" E, 171.31 feet;
thence N 84°00'53" E, 238.56 feet;
thence N 73°10'34" E, 110.53 feet;
thence N 36°53'04" E, 186.22 feet;
thence N 47°28'11" E, 234.61 feet;
thence N 70°44'27" E, 76.94 feet to a point on the west line of said Section 1 and lying S 0°29'23" W, 945.35 feet from the west 1/4 corner of Section 1;
thence N 46°50'02" E, 191.26 feet;
thence N 61°01'54" E, 220.18 feet;
thence N 77°00'18" E, 414.75 feet;
thence N 42°24'18" E, 195.69 feet;
thence N 6°21'28" W, 20.00 feet to a point on the southerly line of a commercial roadway easement;
thence along said easement the following successive courses:

N 83°38'32" E, 463.30 feet;
N 00°00'00" E, 590.24 feet;
N 44°34'30" E, 204.21 feet to a point lying on the southerly Right-of-Way of Clear Lakes Road;

thence along said Right-of-Way S 66°40'45" E, 363.97 feet;
thence leaving said Right-of-Way S 7°24'00" W, 106.82 feet;
thence S 62°36'39" E, 137.55 feet;
thence S 74°05'00" E, 354.52 feet;
thence S 56°25'45" E, 57.52 feet;
thence along a curve to the left having a radius of 940.00 feet and a chord bearing of S 57°57'15" E, 50.04 feet;
thence S 15°03'28" E, 105.46 feet to a point on an access easement;
thence along said access easement along a curve to the right having a radius of 130.00 feet, a chord bearing of S 67°07'06" W, 24.39 feet;
thence continuing along said easement S 69°30'00" W, 58.87 feet;
thence N 65°35'00" W, 201.90 feet;
thence N 74°29'21" W, 200.18 feet;
thence N 66°14'38" W, 188.92 feet;
thence N 54°58'38" W, 215.20 feet;
thence N 64°01'02" W, 90.14 feet;
thence S 4°42'25" E, 647.16 feet to a point on an access easement;
thence along said access easement the following successive courses:

Along a curve to the right having a radius of 320.00 feet and a chord bearing of S 43°12'34" W, 58.11 feet; S 38°00'00" W, 33.42 feet;
Along a curve to the right having a radius of 330.00 feet and a chord bearing of S 56°41'00" W, 211.42 feet; S 75°22'00" W, 714.42 feet;

thence leaving said access easement N 2°14'50" W, 67.76 feet;
thence S 66°28'35" W, 520.63 feet;
thence S 9°18'38" W, 124.54 feet;
thence S 54°48'01" E, 140.40 feet to the TRUE POINT OF BEGINNING.

Said Described parcel contains 21.694 Acres.

PARCEL 3:

IRRIGATION PUMP SITE

The following legal description is based upon a land survey performed by Stephen.R. Padoris, Idaho registration number LS 5291, and a Record of Survey filed as Instrument Number 13345 on September 2, 1988, in the records of Gooding County, Idaho, in accordance with the Idaho Code Title 55, Chapter 19. The basis of bearings, monuments found and monuments set are as identified on said survey. The above mentioned Record of Survey is hereby made an integral part of the following written legal description and as such the two documents must not be separated during subsequent reproductions of said written legal description:

A parcel of land located in Government Lot 5 and 6 of Section 1, Township 9 South, Range 14 East, Boise Meridian, Gooding County, Idaho; said parcel being more particularly described as follows:

Beginning at the West One Quarter corner Section 1, said point lying S 0°29'23" W, 2661.01 feet from the Northeast corner of said Section 1, and N 0°29'23" E, 2548.11 feet from the meander corner common to Sections 1 and 2 as shown on a Record of Survey filed December 14, 1983, as Instrument Number 105190 in the Gooding County Recorders Office; thence N 77°41'14" E, 1298.25 feet to a point, said point lies N 24°32'49" E, 3105.54 feet from the meander corner common to Sections 1 and 2 and is the TRUE POINT OF BEGINNING.

thence N 46°08'46" E, 27.00 feet;
thence S 41°13'50" E, 45.00 feet to a point lying on the westerly line of a commercial roadway easement;
thence along said easement S 44°34'30" W, 30.00 feet;
thence N 37°33'37" W, 46.05 feet to the TRUE POINT OF BEGINNING.

Said described parcel contains 0.030 Acres.

PARCEL 4:

BUHL COUNTRY CLUB - CLUBHOUSE SITE

The following legal description is based upon a land survey performed by Stephen R. Padoris, Idaho registration number RLS 5291, and a Record of Survey filed May 17, 1988, as Instrument Number 132201 in accordance with Idaho Code Title 55, Chapter 19 in the Records of Gooding County, Idaho. The basis of bearing, monuments found and monuments set are as identified on said survey. The above mentioned Record of Survey is hereby made an integral part of the following written legal description and as such the two documents must not be separated during subsequent reproductions of said written legal description:

A parcel of land situated in Government Lots 7 and 9 of Section 2, Township 9 South, Range 14 East, B.M., Gooding County, Idaho; said parcel being more particularly described as follows:

Beginning at the meander corner of Sections 1 & 2 on the Right Bank of the Snake River as shown in a Record of Survey drawing as Instrument Number 105190, filed on December 14, 1983, in the Gooding County Recorders office, said point being monumented with an Aluminum cap on a 2" pipe and lying S 00°29'23" W, 5209.11 feet from the Northeast corner of said Section 2, said point also lies on the easterly boundary of Government Lot 9, Section 2, thence N 69°21'22" W, 1598.44 feet to a point on the westerly boundary of Clear Lake Ranch, Inc., said point being a chiseled "X" on a rock and lying S 18°20'40" W, 4894.10 feet from the Northeast corner of said Section 2 and lying S 36°39'09" E, 159.60 feet from an angle point on the westerly boundary of said Clear Lake Ranch, Inc., property said point being monumented with a 5/8" rebar with cap marked "PELS 3260" said point also being the TRUE POINT OF BEGINNING;

Thence along said westerly boundary of Clear Lake Ranch, Inc., N 36°39'09" E, 40.80 feet to a point being monumented by a 1/2" rebar with cap marked "LS 5291";

Thence S 65°13'36" E, 248.68 feet to a point being monumented by a 5/8" rebar with cap marked "LS 5291";

Thence S 8°00'00" W, 143.94 feet to a point being monumented by a 5/8" rebar with cap marked "LS 5291";

Thence N 83°00'00" W, 191.00 feet to a point being monumented by a 5/8" rebar with cap marked "LS 5291";

Thence N 12°00'00" W, 195.00 feet to the TRUE POINT OF BEGINNING.

Said Described parcel contains 0.94 acres.

Together with 1.50 cfs (75 miner's inches) of spring water for irrigation.

A. Together with the following 10 foot Cart and Equipment Easements which are not set forth on Record of Survey recorded as Instrument No. 133455, on September 2, 1988, but are described by reference to said survey as follows:

1. On Sheet 1 of said survey, from the cul-de-sac to Fairway 9 within the call of South 51°32'43" West;

2. On Sheet 2 of said survey, from the cul-de-sac to Fairway 1 to what is designated as the Buhl C.C. Clubhouse Site;

3. On Sheet 3 of said survey, from No. 12 Green to No. 13 Tee Box, the exact location to be agreed to between the Grantor and Grantee based upon the lot lines, etc., in Phase 2 of their development, said Cart and Equipment Easement to commence somewhere near the southerly part of the call of North 47°01'8" East and to go to No. 13 Tee Box;

4. On Sheet 5 of said survey, from No. 5 Green to No. 6 Tee Box, the exact location to be determined on the site;

5. It is understood and agreed that the Grantee shall be responsible for maintaining the Cart and Equipment

Easements. It is also understood and agreed that while said cart and equipment roads are already in place, that the same may be adjusted by Grantor as the planned Unit Development proceeds, but that said easement must be kept in the same general area to provide the access agreed to herein.

B. The Grantor hereby grants or reserves, as the case might be, that all Water and Cart Easements shown on said survey shall also be used for Equipment Easements.

C. The Grantor does also reserve an eight foot wide Jogging Easement described as follows:

1. On Sheet 1 of said survey, along the Northwest side of the deeded property commencing in the 20 foot right-of-way granted in the above-described survey from near the No. 9 Green next to Clear Lake and the Clear Lake Outlet to irrigation easement shown on Sheet 1;

2. On Sheet 5 of said survey, on the cart path on Fairway 14 where the Cart and Equipment Easement is established; and

3. On Sheet 5 of said survey, on the Cart and Equipment Easement from the No. 5 Green to the No. 6 Tee Box.

D. The Grantor reserves an easement in all fairways for the construction of sewer drain fields. It is understood and agreed that any drain field installed upon any fairways will be constructed at the drain field owner's expense in such a manner as to not interfere with the use of the land as a fairway. The installation of or any change or modification or

repair of a drain field will not be commenced until after written approval is given by the Club. The Club will schedule the appropriate time to do said work. All work shall be done in accordance with the requirements of the South Central District Health Department and the Club. The person or persons owning the drain field which is being installed, repaired, or replaced, will, at the owner's expense, replace any and all sprinkler systems, sod, traps, or other items owned by the Club, to the satisfaction of the Club, so that the golf course is placed in playable condition, as close as possible to its original condition before any such installation, maintenance or repair was commenced.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED This _____ day of _____, 1988.

CLEAR LAKE RANCH, INC.

By _____
David Brush

ATTEST:

_____
Nancy McCormick, Secretary

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 1988, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared DAVID BRUSH and NANCY McCORMICK, known to me to be the President and Secretary, respectively, of CLEAR LAKE RANCH, INC., who executed the foregoing instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____
NOTARY PUBLIC FOR IDAHO
Residing at: _____

(WLN\CLCC.plm)

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

03-Oct-1991 08:57

Mr. Herry Ranier, Manager
Clear Lake Country Club
Rt 4 Box 225
Buhl, Idaho 83316

Re: Claim A36-04074

Dear Mr. Ranier;

Your Adjudication claim A36-04074 is a Statutory or Beneficial Use Claim and as such has never been examined or verified as to the claimed date of priority. The law requires that this be done (see enclosed leaflet) be fore we can finish processing this claim. Two of your claims have been processed (A36-04148B & A36-10154) but this one which is for 46 acres with a priority date of 1937 requires some "evidence of priority" for our files. The leaflet describes what is needed. If the evidence you obtain supports a date after March 25, 1963, it will be recommended that a permit be filed to obtain a water right on this property.

Please contact us for further assistance.

Respectfully,

Robert V. Worstell

Robert V. Worstell
Sr. Adjudication Agent

Part of Historic information Received from John LeMoyne 10-23-91

CLEAR LAKE COUNTRY CLUB AND GOLF COURSE

A group of Buhl city fathers were responsible for the original incorporation of the Buhl Country Club on May 22, 1929. Hungry for recreational opportunities, the group of 36 charter members combined to purchase 500 acres, 2 miles north of Buhl in Melon Valley. The price was $10 per acre and each member contracted for one or more 10 acre units at $100 each. The founders sold forty acres in exchange for work on the site, seeded twelve acres and later another 68 acres to alfalfa to make the club self-supporting while they picked rock, built trap ranges and laid out a six-hole golf course. The greens were sand and the fairways rubble and stubble.

During 1934 negotiations began toward leasing the present golf course site at Clear Lake, which was owned by Molly and Ote Syster. The property was in pasture at the time, although attempts had been made to raise alfalfa and frogs on the property in earlier ventures. The property had also been a ferry site in earlier days. Rent for the property was $450 per year for golfing, fishing and picnicking for all members. The Systers hired Otto Shropshire as the first manager and irrigator and Molly controlled the fishing, charging 50 cents per carload of anglers.

Otto Syster was named manager in 1936 and did much redesigning of the course. There were only eight holes, thus making the golfers play number one twice to get in a total of nine. There must have been <u>real</u> golf courtesy around that hole. Sheep were everywhere and, in order to protect the sand greens, fences were erected around each of them. The "greens" finally became green in 1946.

Jack Tingey, who had come to Buhl in 1928, was an ardent golfer and major contributor to the growth of the golf course. During the slow season he would dispatch workers from his nearby fish hatchery to work at various projects on the golf course rather than lay them off. There were many others who spent hours and days on the many projects required to keep the course moving forward. The Buhl Country Club Course was truly a "made in Idaho" venture and remains so today.

Various architectural changes were made in the golf course layout over the subsequent years, but the basic personality of the friendly membership remained a constant as did the reputation for remaining open during the winter and allowing play when other courses were shut down. Winter days on the golf course would find a collection of players from throughout Southern Idaho getting in a few licks as they waited impatiently for their own courses to thaw out.

The Buhl Country Club underwent its most dramatic transformation and change of name during 1987-89 when the property was purchased, eleven new holes constructed and a new half-million dollar clubhouse erected. Membership was increased from 200 to 400 members with each member purchasing $1500 stock to go toward the spectacular improvements.

The new eighteen holes, a River Side and a Lake Side, capitalized on the existing water in Clear Lake and the Snake River to provide an exciting golf challenge for both members and visitors. The Lake, now owned by Clear Lake Country Club, provides marvelous rainbow trout fishing, restricted to fly fishing only, and, like the golf course, remains open throughout the year.

IN THE MATTER OF:)
)
)
)
)

AFFIDAVIT

State of Idaho)
)
County of Gooding)

Larry Francis being first duly sworn, deposes and says: he is at present the manager of Clear Lake Country Club and has held that position since 1974. being first employed by the Buhl Country Club, predecessor to the Clear Lake Country Club. During that time the land has been continuously irrigated from Clear Lake and springs through a pump and ditch system prior to being being piped and sprinkled. The land is mostly of sandy texture and has a high rate of water percolation so that it takes a lot of water to grow good grasses. The five acres put under sprinkler for driving range was put into use in the spring of 1985. This was with water from the pumping system out of Clear Lake.

Larry Francis
(signature)

Subscribed and sworn to before me this 28th day of October 19 91.

(notary public)

Residing at Hagerman.

My commission expires 11/24/95.

IN THE MATTER OF:)
)
)
)
)

AFFIDAVIT

State of Idaho)
)
County of Gooding)

John R. LeMoyne being first duly sworn, deposes and says: he has been closely associated with farming in Hagerman Valley since moving there in 1928. The soils in Hagerman Valley where he has farmed are similar in nature to the soils on the Clear Lake Country Club golf course, namely sandy with a high rate of water percolation. In the trial of the New International Mortgage Bank vs the Idaho Power Co. which was filed for record on March 23, 1932, the court decreed that kind of soil needed two miners inches of water per acre for irrigation.

John R. LeMoyne
(signature)

Subscribed and sworn to before me this 28th day of October 19 91.

Kay Sauer
(notary public)

Residing at Hagerman

My commission expires 11/24/95

IN THE MATTER OF:)
)
)
)
)

AFFIDAVIT

State of Idaho)
)
County of Gooding)

Frank Stewart being first duly sworn, deposes and says: he has been associated with the property upon which the present Clear Lake Country Club has their golf course since 1940 and did actively manage and operate the golf course from 1954 to 1975 . during these times the land was irrigated both from Clear Lake by means of a pump system and from springs through ditches. He knows from personal contact that the land has been continuously irrigated since 1940 .

Frank Stewart
(signature)

Subscribed and sworn to before me this 28th day of October 19 91 .

Kay Smith
(notary public)

Residing at Hagerman .
My commission expires 11/24/95 .

Info information Received from John LeMoyne

CLEAR LAKE COUNTRY CLUB AND GOLF COURSE

A group of Buhl city fathers were responsible for the original incorporation of the Buhl Country Club on May 22, 1929. Hungry for recreational opportunities, the group of 36 charter members combined to purchase 500 acres, 2 miles north of Buhl in Melon Valley. The price was $10 per acre and each member contracted for one or more 10 acre units at $100 each. The founders sold forty acres in exchange for work on the site, seeded twelve acres and later another 68 acres to alfalfa to make the club self-supporting while they picked rock, built trap ranges and laid out a six-hole golf course. The greens were sand and the fairways rubble and stubble.

During 1934 negotiations began toward leasing the present golf course site at Clear Lake, which was owned by Molly and Ote Syster. The property was in pasture at the time, although attempts had been made to raise alfalfa and frogs on the property in earlier ventures. The property had also been a ferry site in earlier days. Rent for the property was $450 per year for golfing, fishing and picnicking for all members. The Systers hired Otto Shropshire as the first manager and irrigator and Molly controlled the fishing, charging 50 cents per carload of anglers.

Otto Syster was named manager in 1936 and did much redesigning of the course. There were only eight holes, thus making the golfers play number one twice to get in a total of nine. There must have been <u>real</u> golf courtesy around that hole. Sheep were everywhere and, in order to protect the sand greens, fences were erected around each of them. The "greens" finally became green in 1946.

Jack Tingey, who had come to Buhl in 1928, was an ardent golfer and major contributor to the growth of the golf course. During the slow season he would dispatch workers from his nearby fish hatchery to work at various projects on the golf course rather than lay them off. There were many others who spent hours and days on the many projects required to keep the course moving forward. The Buhl Country Club Course was truly a "made in Idaho" venture and remains so today.

Various architectural changes were made in the golf course layout over the subsequent years, but the basic personality of the friendly membership remained a constant as did the reputation for remaining open during the winter and allowing play when other courses were shut down. Winter days on the golf course would find a collection of players from throughout Southern Idaho getting in a few licks as they waited impatiently for their own courses to thaw out.

The Buhl Country Club underwent its most dramatic transformation and change of name during 1987-89 when the property was purchased, eleven new holes constructed and a new half-million dollar clubhouse erected. Membership was increased from 200 to 400 members with each member purchasing $1500 stock to go toward the spectacular improvements.

The new eighteen holes, a River Side and a Lake Side, capitalized on the existing water in Clear Lake and the Snake River to provide an exciting golf challenge for both members and visitors. The Lake, now owned by Clear Lake Country Club, provides marvelous rainbow trout fishing, restricted to fly fishing only, and, like the golf course, remains open throughout the year.

DO
NOT
FILM

Water Right Number - A36-04148 Adj. Flag Translation: ADJUDICATION CLAIM Old (D) Number -

*** C - CURRENT OWNER ***
SPLIT RIGHT

1 -
2 -
3 -
City- X State- ID Zip- X
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
CLEAR LAKE RANCH INC.

1 - C/O DAVID BRUSH
2 - 423 IDAHO ST.
3 -
City- GOODING State- ID Zip- 83330
Phone - 208-934-8411

Priority Date: 01/01/1890
Region: 17 Error in Region
Stage:
Status: Z - SEE REMARKS

Source:
SPRINGS
SPLIT RIGHT

Tributary:
CLEAR LAKES

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County (Blank if no Index Code)
09S	14E	1	SE SW NW	5	R	(47) GOODING
09S	14E	2	SE SE NE	5		(47) GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/01	11/30	3.000	
04	STOCKWATER	01/01	12/31	0.030	

Total Div. Rate: 3.000
Total Div. Volume:
Total Consumptive Use: 270.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SW NW	5	6.0	01	IRRIGATION	(47) GOODING
09S	14E	1	SE NW	6	2.0	01	IRRIGATION	(47) GOODING
09S	14E	1	NE SW	13	45.0	01	IRRIGATION	(47) GOODING
09S	14E	1	NW SW	12	25.0	01	IRRIGATION	(47) GOODING
09S	14E	1	SW SW	15	12.0	01	IRRIGATION	(47) GOODING

Total Acres: 90.0

Diversion Means - CONCRETE HEADBOX, EARTHEN DITCHES

Non-Irrigation Use - STOCKWATER, 100 RANGE CATTLE

Water right number - A36-04148 Adj. flag translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - PERMIT 36-8329 ADDITIONAL USE OF SAME WATER

+ - Remarks - +

PROPERTY IS PRESENTLY BEING DEVELOPED AS A PUD AND THE CLEAR LAKE COUNTRY CLUB IS PART OF AND PURCHASING PART OF THE LAND COVERED UNDER THIS CLAIM. DEED IS PENDING HOWEVER CLEAR LAKE COUNTRY CLUB, RT.4 BX 225, BUHL, ID, 83316 SHOULD BE NOTIFIED REGARDING ANY ACTION ON THIS CLAIM.
SPLIT 8/30/1990: A36-04148A & B.

+ - Old Water Right Numbers - +

No Old Water Right Numbers Found

+ - Conditions of Approval - +

No Conditions of Approval found.

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

+ -Comments- +

No Comments Found

+ - - Audit Fields - - +
WHITE

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-

COPY

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

In Re SRBA,	Subcase Nos. 36-04074 36-04148A and 36-04148B
	ORAL DEPOSITION OF
Case No. 39576	STEVE CLELLAND

DATE: July 30, 1996

TIME: 1:34 p.m.

PLACE: Law Offices of Hepworth, Lezamiz & Hohnhorst
Twin Falls, Idaho

APPEARANCES:

For the Claimant Clear Lake Country Club	HEPWORTH LEZAMIZ & HOHNHORST by PATRICK D. BROWN 133 Shoshone Street North Twin Falls, Idaho 83301
For the Claimant Clear Lake Corporation	ROSHOLT ROBERTSON & TUCKER by NORMAN M. SEMANKO 143 Third Avenue North Twin Falls, Idaho 83301
	Idaho Department of Water Resources by BRENT R. KING and CHARLES HONSINGER 1301 North Orchard Boise, Idaho 83706-2237
Also Present	ALLEN MERRITT

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Witness, STEVE CLELLAND

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DEPOSITION OF STEVE CLELLAND, taken at the instance of the claimant, at the Law Offices of Hepworth, Lezamiz & Hohnhorst, 133 Shoshone Street North, in the City of Twin Falls, State of Idaho, before Connie Stone, a Notary Public and Certified Shorthand Reporter in and for the State of Idaho, pursuant to notice and in accordance with the Idaho Rules of Civil Procedure.

****

(Exhibit 1 marked.)

STEVE CLELLAND,

called as a witness at the instance of the claimant, being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. BROWN:

Q. Mr. Clelland, I know you've had your deposition taken before; is that correct?

A. That is correct.

Q. And you're here pursuant to the subpoena, Notice of Taking Deposition filed by Clear Lake Country Club; is that correct?

A. Yes.

Q. And I understand that you performed the investigation, the field investigation, of the three water right claims we're talking about today?

A. Part of it, yes.

Q. Okay. Who else performed investigations?

A. Lori White and Robert Worstell.

Q. And did you perform your investigation before or after these two people?

A. On one occasion I was there with them, and then subsequent visits was after theirs.

Q. Mr. Worstell no longer works for the department; is that correct?

A. Right. He's retired.

Q. Okay. And Lori White, do you know where she is?

A. She's up in western regional office in Boise.

Q. And what's her position now, do you know?

A. I believe she's a senior water agent in the allocations section.

Q. What's your present title?

A. I'm a senior water resource agent.

Q. And what was your job position when you investigated these three claims?

A. The same, senior water agent.

Q. Okay. I understand that you may testify in the capacity of an expert; is that correct?

A. An expert in what?

Q. That's my question. Do you consider yourself to be an expert with regard to one or more of the elements of these three water rights?

A. I consider myself to be an expert in the investigation of water rights.

Q. And what do you mean by that?

A. Meaning that elements defining a water right, I have a thorough knowledge and background to determine what those elements are.

Q. And where did you acquire the background with which you're able to make such determinations?

A. Through my past job experiences, work experiences, education, and on-the-job work experience with IDWR.

Q. Can you tell me what your educational background is as it pertains to investigating water rights.

A. I have a degree, Bachelor of Science, ag education. And in that degree, I have a variety of agriculturally engineering related trainings and studies such as soils, crop rotations, crop

management, engineering tasks such as surveying, reading maps, writing or developing topo maps. Also working with various sprinkler irrigation systems.
Q. Do you have a resume or curriculum vitae that is that background?
A. Not at the present, no.
Q. Okay.
MR. KING: I believe, Pat, that you'll find something of a resume in 706 reports that were submitted to the court.
Q. BY MR. BROWN: You're familiar with the elements in 42-1411 as they pertain to state-based water rights, are you not?
A. If I could have an Idaho Code book just to refresh my memory.
Q. Let me just do it quickly. I'll tell you what they are. They're the name and address of the claimant, the source of the water, the quantity, the priority date, the legal description of the points of diversion, purpose of the use, period of use, place of use, and other matters necessary to define -- I think it says to define or administer the rights. You're familiar with those elements, correct?
A. Yes.
Q. And as part of your investigation, you are

to determine each of those elements as it pertains to each water right, correct?
A. Yes.
Q. And did you do that in these three cases?
A. Yes.
Q. Okay. Can you tell me which of those elements you believe it takes expertise in water investigation in order to be able to come up with a quantification or description? Do you understand the question?
A. Perhaps if you could restate it again.
Q. My question is -- and maybe we could start through this one at a time. Is it your view that you need to be an expert to determine the source of water for a water right?
A. In some instances, yeah.
Q. And does that apply to any of the instances in these cases?
A. I would say yeah.
Q. Okay. Tell me what it is that an expert could do that a layperson could not do with respect to determining the source in these three cases.
A. To begin with, he would need to research and examine some of the other water rights out of the same source and view the whole picture from all the

water rights coming out of the same source; determine exactly how many sources are actually in there; make sure that delivery from that source is indeed being delivered as claimed or recommended.
Q. Okay. What is it that you had to do in these cases in order to determine what the source of the three rights were?
A. Most of what I just described. And then confirming on a map.
Q. Okay. Let's talk about 4148A and B together. What did you do to determine the source of those three rights? Of those two rights, rather.
A. The right as a whole or are you talking about A or B in particular?
Q. If we can do them together, that would be quicker. If not, let me know and we'll talk about them one at a time.
A. Can you refresh the question?
Q. Can you tell me what the source of the 4148 rights are?
A. They are from the springs tributary to Clear Lake.
Q. Where do those springs run from?
A. They rise out of the basalt rock.
Q. And then where does this spring flow go if

it's not diverted?
A. It's a tributary to Clear Lake.
Q. And how far is it from the point of diversion for the 4148 right and the other right which I call the lake right, that is 4074?
A. Just over a quarter of a mile.
Q. So there's about a quarter of a mile between the two diversion points. Are they on the same source?
A. They're not considered the same source by the department's view of sources and tributaries.
Q. Okay. Explain that to me.
A. The springs are viewed as a tributary to the lake, and the lake in turn is a tributary to the Snake River. All three water sources are considered and evaluated as individual water sources for the purposes of injury, diversions, developments, transfers and uses.
Q. Why are they considered separate for purposes of injury? Well, let me back up.
Is injury relevant to any of the investigation you've performed to date on these three rights?
A. We found no injury as the rights have been recommended, no.

Q. Did you find that these rights as claimed could injure other rights?
A. If the rights were to be recommended as claimed, some additional injury analysis would need to be done for the expansion acres on the golf course area.
Q. Why is that?
A. Because based on the recommendation of the right, there's an increase in diversion rate and acreage irrigated at the golf course site. Since the recommendation was less than what was claimed, complete injury analysis was not done on the excessive amounts in the claim, but rather determined from the information and recommendation amounts.
Q. What rights could potentially be injured if recommended as claimed?
A. Well, again, we didn't continue with a complete injury analysis to determine what those rights may be. But those rights could include the Idaho Power project also on the lake. It may interfere with other fish hatchery rights on Clear Springs. But that's speculation on my part, since we did not perform a complete analysis of those injuries.
Q. Explain something to me. If we assumed

that the full amount that is claimed as being used and has been used, as least since 1988, who is it that could be injured if the rights were recommended as they have been claimed?
A. I just explained that.
Q. Okay. Now, let's just say that the rights total -- let me get the number. I believe it's claimed a total about -- let's call it 4 cfs. 1.5, 1.5 and 1.0 for the lake. Is that a fair number?
MR. KING: Calls for speculation.
A. Fair number for what?
Q. BY MR. BROWN: Let me just use 4 as an approximation of what was claimed, 4 cfs between the three rights. In other words, there was a claim to 1.5 by the ranch, a claim to 1.5 by the golf course out of the springs, correct? And then the other right is approximately, for purposes of expediting this discussion, let me just call the lake right a claim for 1 cfs. Is that fair enough? Do you understand what I'm doing?
A. Yes.
Q. Okay. So that would total 4 cfs claimed between the three rights. Now, assume that 4 cfs has been used since 1987 or 1988. Now, if that is in fact the case, who would be injured if those rights

are recommended at 4 cfs?
MR. KING: Calls for facts not in evidence. And asked and answered.
A. I couldn't give you a complete list or speculate on who the potential injured parties may be, because the recommendation was not as claimed but merely as found to be beneficial use. Those injured parties did not come forward prior to this point.
Q. BY MR. BROWN: So as you sit here today, you don't know that any party would be injured if 4 cfs is continued to be diverted?
MR. KING: Asked and answered.
MR. BROWN: Counsel, I've asked three separate questions. And I don't mind your objecting, but I do mind unfounded objections which string things out.
MR. KING: Counsel, I'll object to questions that are the same question no matter how they're phrased, thank you.
A. Can you restate the question?
Q. BY MR. BROWN: Let me ask you this. When did you first investigate these claims?
A. I would have to look.
Q. Just give me a year, approximately.
A. It would have been -- I believe it was August of '90.

Q. Okay. And from August of '90 -- did you take measurements at that time?
A. That was my first visit to the site was the polysonic measurement.
Q. Okay. And you measured how much being used at that time total?
A. It would have been on August 22, 1990. Total was 2.32 cfs.
Q. That's the amount you measured being used?
A. That's the amount we measured being diverted from their systems.
Q. And that included which systems?
A. It included a large pipe next to the clubhouse, a small pipe next to the clubhouse, and then the pipe east of Clear Springs.
Q. So it included all the points of diversion for these three rights?
A. Which three rights would you be referring to?
Q. 4148A and B, and 4074.
A. The information we were given on that day was, yes, this was the diversion points for all of these water rights.
Q. That includes the lake right?
A. Yeah.

Q. Let me show you this page out of the claim file. Did you prepare that page?
A. Yes.
Q. Can you turn to that page.
A. Can I look at that again? Okay.
Q. Is that the first page of an analysis concerning the flow rates at Clear Lakes Country Club?
A. Yes.
Q. Okay. Look at the bottom of that page, please. One of the last lines, it says "diverted rate." Do you see where I'm --
A. Yes.
Q. -- looking? It says "sonic," and then under that, 1.28, sonic, 2.8, and then it goes across the column. Do you see that column?
A. Yes.
Q. When were those measurements taken?
A. The first diverted rate under the spring column, which is the left most figure, 1.28, was taken on August 22 of '90. In the Clear Lake column, the left most number, 1.04, was also taken on that day. Then the next column across or the next figure back under the "spring" column, the 2.18, and likewise the second sonic measurement under the Clear

Lake column, 0.198, those measurements were taken on the same day on October 11 of '90.
Q. Did you take measurements on any other days?
A. There is a mention of spring measurement of the sprinklers listed at 1.78 cfs.
Q. That's the next column over on the bottom of the page in the left-hand column?
A. It's under the left-hand column, yeah, the spring. Lori White and Bob Worstell apparently did some measurements off of sprinkler heads, which they documented on the last page of this claim file on what we refer to as the theoretical analysis page.
Q. So can you explain to me your understanding of what that 1.7 cfs is a measurement of.
A. Okay. In the file at that page I referenced, the sprinkler head measurements on this theoretical file, in 4148B, there wasn't enough information on that file to calculate the cfs from that information. So that sprinkler measurement that's listed on my reference or in my review summary on that two-page review was taken from another theoretical calculation for the Clear Lakes system. Under 4074, in the remarks there, they had

16 heads at 47 gallons per minute and 27 gallons per minute. They estimated a flow at 800 gallons per minute, and I converted that to 1.78 cfs. The relevance to my review of that number was more or less for comparison reason to show that the numbers are consistent.
Q. Look at the far right-hand bottom corner of the page we've been talking about.
A. Yeah.
Q. It says "average total flow, 3.15." What does that number represent?
A. That is the average total flow of the spring source and the Clear Lakes source combined together.
Q. The total flow or the total diversion?
A. Total diversion as measured by the department.
Q. Okay. If 3.15 is the average, what is the highest measurement you ever took? If you would explain to me what you're doing as you do it so we follow along, then maybe we won't have to go back.
A. I'm just repeating my calculations to make sure that I understand where my averages came from. And the averages listed below here are -- the combined averages under the spring are the combining

average of all four of those two sonic flows, theoretical calculation and the sprinkler measurement for an average of 1.87. Under Clear Lake, the sonic, the two sonic flows plus the theoretical calculation for an average of 1.28, for a total of 3.15 average flow.
Q. What's the highest measurement you ever took?
A. The sonic flows, which are referred to on the next page, the high sonic flows were 3.16.
Q. And that would have been on what date?
A. That would have been on October 11. That was the total of all three diversions, the large pipe, the small pipe, and the pipeline east of Clear Springs.
Q. And the system was not running at capacity at that time?
A. My understanding -- I was there for the first one on 8/22/90. The purpose of being there, that measurement was taken at six a.m. The purpose for being there early was to catch the system at full operation. They returned a second time because the system shut down in the morning. As a comparison, they returned a second time to gather a polysonic measurement in the evening time. So the second one

was from nine to ten o'clock at night so that they could catch both sides of the system in operation, a start-up and the ending sessions of irrigation.
Q. You don't know what heads were on at the start of the day in the session, though?
A. I don't.
Q. You don't know if the system was running at capacity at either time?
A. I could not say if it was running at capacity. However, the purpose of our measurements for those specific times were to obtain the measurements at the time the golf course would be operating at their normal capabilities.
Q. Isn't it true that a water right entitles you to the maximum diversion rate, not your usual rate?
A. Do you want my personal opinion or --
Q. I want to know your understanding.
A. Could you ask the question again.
Q. Isn't it true that a water right is to be based on your maximum diversion rate and not on your usual diversion rate or your typical diversion rate?
A. That is not my understanding.
Q. Explain your understanding.
A. A water right is not based on the maximum

rate.
Q. What is it based on?
A. It's based on the amount of water put to beneficial use, along with the ability to deliver that beneficial use.
Q. And your water right is your maximum beneficial use; is that correct?
A. I guess I don't understand that question.
Q. Let me ask it differently. In the time you took -- any time when you took measurements out there, did you attempt to have the system turned on at its maximum operating capacity when you took the measurements?
A. For the Clear Lake Country Club?
Q. Yes.
A. That was the intent when I was there, the first time we measured, was that they have the system at full operation.
Q. And at maximum capacity or whatever heads happened to be running at the time you were there?
A. At their full capacity, normal operating conditions. There are circumstances where systems can operate at a higher maximum capacity than what they're designed for or than what their water right calls for, but that doesn't necessarily mean that

that's the definition of their water right.
Q. You say that their water right when you were there at six in the morning was running at its full capacity?
A. That's what the grounds keeper had told to us. Because the question that we were very concerned about on these particular measurements is why we returned for a second measurement -- we wanted to be sure that we had an accurate representation of their system. They were concerned that we not get their full measurement because of their operating during the evening. So we made special arrangements to be there early in the morning and late at night to accommodate their particular needs for a measurement to catch their system at its full capacity. So that was part of the condition for us being there at those times. That was why they designated those times to be there. There was a person in attendance from the department -- or from the Clear Lakes Country Club that stated at the time, now, this is our system, this is running the way it runs at full capacity.
Q. Did they say -- who was that person?
A. I believe it was Denny Kuntz.
Q. And he told you that the system was operating at full capacity when you measured on 8/22,

1990?
A. Yes.
Q. Are those his words?
A. Not exact words, no.
Q. What are his exact words?
A. I can't recall exact words. I just know we were concerned to have the system at full operation, and they confirmed for us that was the case, that it was at full operation. No more additional sprinklers could be added or turned on under those conditions that we were operating under.
Q. Then why did you come back to measure again?
A. Because at the end of that measurement -- and you can see it designated on the first polysonic page, variance in the two p.m. due to automatic sprinkler system shutting down. At the tail end of the measurement for the spring side, the system began to shut down and certain segments of their operation began to turn off. And once that started happening, it affected the flow rate coming through their system. So rather than risk the thought that maybe we had incorrectly -- you know, something may have shut off before it became noticeable on our gauge, they made arrangements to come back at a time which

wouldn't be close to shutoff but rather after they had begun the start-up of the irrigation system, so that if it took longer, we were not going to be threatened with the system closing down on us.
Q. So the 8/22 measurement is not an accurate measurement of their operation at full capacity, correct?
A. Not correct.
Q. Not correct?
A. I didn't say it was not accurate.
Q. Is it?
A. I believe it's accurate.
Q. Of their full capacity?
A. For the day we were there, yes.
Q. Even though it was shutting down while you were measuring it?
A. I don't believe the shutdown significantly affected the flow rates we were measuring.
Q. And why is that? Do you know why it is that you believe it was, in fact, without looking at your notes?
A. I would like to confirm --
Q. Please answer the question.
A. -- before I speak.
Q. Can you tell me why, without looking at

your notes, you believe that that was an accurate measurement of the full capacity?
A. There was nothing to indicate that it shouldn't be accurate. The follow-up measurement was merely to confirm and provide additional data to backup the first documentation.
Q. What was the amount on the first documentation?
A. Without looking at my notes, I couldn't tell you.
Q. What was the amount on the second documentation?
A. Without looking at my notes, I couldn't tell you.
Q. Is it reflected on the page in front of you, on the polysonic flow meter readouts?
A. There are some polysonic flow meters in front of me, yes.
Q. Tell me first what first measurement are you talking about? When did that occur?
A. May I look at the notes?
Q. Yes.
A. The first measurement was August 22 of '90.
Q. When was the second measurement you just

referred to?
A. October 11 of '90.
Q. And that was the measurement of 2.18?
A. Correct.
Q. Now, it is your testimony that the 2.18 confirmed the previous measurement of 1.28 was accurate?
A. I haven't been allowed to review the rest of my polysonic information so I can't give you a complete answer on that.
Q. Well, can you answer the question?
MR. KING: Asked and answered, counsel.
A. You want to restate the question?
Q. BY MR. BROWN: The question is, you just stated that the second measurement confirmed the first measurement. Now, the first measurement was for 1.28 and the second measurement was for 2.18, correct?
A. That is what was reported.
Q. Now, explain to me how the 2.18 confirms the previous measurement of 1.28.
MR. KING: Asked and answered.
A. Can I continue looking at my notes?
Q. BY MR. BROWN: Sure. Do you need to look at your notes to answer that?

A. Yes, I do.
Q. Okay. Then go ahead, please.
A. As to your question, I believe that the polysonic measurement is accurate as to the flow that was going through the system. And the second measurement of 2.18 confirms that it's accurate. There's no reason to believe the flow measured on the first go-around at 8/22 of '90 was not accurate. There was just some variance that we observed in the printout and in the recording of the flow that led us to choose to come back and try and get an additional measurement for the benefit of the claimant.
Q. Tell me, is the 2.18 measurement on 10/11/90 accurate?
A. To the best of my knowledge, yes.
Q. Explain to me, please, how the system operation at capacity went up by about nine-tenths of a cfs.
A. I can just represent to you that it was represented to us by a department -- by an official for Clear Lakes, the grounds keeper there, that the system was operating.
Q. Was that water being beneficially applied --
MR. KING: Objection, calls for speculation.

Q. -- to irrigation --
MR. KING: Calls for speculation.
Q. -- when you made the measurement?
A. The amount of water that was being measured was being applied to beneficial use.
Q. BY MR. BROWN: Where was it being applied?
A. On the grounds of the golf course.
Q. On which grounds?
A. I could not be specific as to the exact fairways or common areas.
Q. Can you show me generally where --
MR. BROWN: Let's marked this as Exhibit No. 2, please.
(Exhibit 2 marked.)
Q. BY MR. BROWN: If you could look at Exhibit No. 2, do you recognize that exhibit?
A. Yes, it looks familiar.
Q. And what does it show?
A. It appears to be a graphical sketch of the golf course area and the Clear Lake Ranch area.
Q. Okay. When you made the measurement of 1.28 cfs, what sprinkler systems were on on the golf course?
A. I don't recall.
Q. Do you recall which area of the golf

course now?
A. No, I don't.
Q. Did you look and see if the system was on?
A. Yes, we confirmed the system was on, but we did not identify specific sprinkler heads or fairways or lots where the sprinkler was occurring.
Q. So you can't tell me where it was on?
A. Other than I observed it on the golf course.
Q. Okay. Who were you with?
A. Lori White, Bob Worstell and the grounds keeper.
Q. All three of you were together, or --
A. Yes.
Q. -- all four of you, excuse me?
A. We were all at this pump station.
Q. And from there, could you see -- do you know if Mr. Worstell or Miss White have any notes or records concerning those measurements?
A. I believe all their notes are recorded in this file.
Q. Tell me who was with you when you measured the 2.18 on 10/11/90.
A. I was not personally responsible for that measurement. That measurement was done on a second

trip by Lori White and Bob Worstell.
Q. Do you know if Lori White or Bob Worstell checked to see which sprinklers were running when that measurement was taken?
A. I couldn't speak for them.
Q. Do you know who they were with?
A. It would be speculation on my part.
Q. Let me represent to you that 3.33 cfs have been measured running on those two pipelines when the system's on. Do you have any reason to believe, based on your knowledge of these properties and the irrigation systems, that the systems don't carry 3.33 cfs when they're in full operation?
A. I have no reason to believe they aren't capable of that capacity, no.
Q. Do you have any reason to believe that they don't need to use that much?
MR. KING: Objection, vague.
A. Are we talking about what they need to use or what their water right under the rights before us were recommended for as beneficial use?
Q. BY MR. BROWN: Given the acreage that you saw when you were out there that's been irrigated, do you have any reason to believe that it doesn't take 3.4 cfs to irrigate that?

A. I don't believe we've determined exactly what it would take to irrigate that. We have followed the standard rule an inch per acre is adequate to irrigate that under a sprinkler system. This area has also been expanded above and beyond what was originally recommended under the old rights.
Q. Do you have any reason to believe that it doesn't take 3.4 cfs to run the system when it's running fully to irrigate the acreage?
A. With or without a water right?
Q. I'm not asking about a water right, I'm ask how much water it takes to irrigate what's irrigated out there.
MR. KING: Objection, vague.
A. I don't have specific information at this time to say it's not possible.
Q. BY MR. BROWN: So you're not aware of any information which would suggest it doesn't take that much water, correct?
MR. KING: Asked and answered.
A. Correct.
Q. BY MR. BROWN: Do you know Tim Luke?
A. Yes, I do.
Q. What does Tim Luke do for a living?
A. He works for the Department of Water

Resources.
Q. Does Tim Luke know how to measure water, to your knowledge?
A. To my knowledge, yes.
Q. Does he know how to set and calibrate meters that measure water?
A. To the best of my knowledge, yes.
Q. Do you have any reason to question Tim Luke's ability to accurately measure water?
MR. KING: Assumes facts not in evidence, asked and answered.
A. What was the question again?
Q. BY MR. BROWN: Do you have any reason to question Tim Luke's ability to accurately measure water?
A. Not at this point, no.
Q. If Tim Luke handed you a water measurement and said he took it, would you assume that it's accurate?
MR. KING: Calls for speculation.
A. I would probably expect to know a little bit more of the details and specifics about what it represented.
Q. What more would you want to know?
A. For instance, why the measurement was

taken, where it was taken, conditions of the stream, equipment used, what I was going to be making the assumption for to accept his measurement.
Q. If Tim Luke sent an affidavit to you that says, I, Tim Luke, measured the water at Clear Springs, total measurement between the two points of diversion were 3.4 cfs, would you question the accuracy of that measurement?
MR. KING: Calls for speculation.
A. Only in the context that I previously mentioned, as to a discussion of why I'm assuming it to be correct, and where I'm using the information, what I'm being asked to use that information for.
Q. BY MR. BROWN: Okay. Assume the reason why he took it was because he wanted to know how much water was flowing. Assuming where he took it was at those two points of diversion at the same place you took your measurements. Assume that the conditions were that the system was running, the sprinklers were open, and he wanted to measure it to find out how much water was going through the system. Would you assume that it's accurate?
MR. KING: Calls for speculation.
Q. Or would you accept the measurement?
MR. KING: Calls for speculation.

A. I would certainly consider his measurement.
Q. BY MR. BROWN: Would you accept it as being accurate without more information?
MR. KING: Asked and answered.
A. I would probably discuss it with him to gather some of the details, as I stated earlier, before I made the assumption than it was accurate.
Q. What details?
A. I mentioned those earlier.
Q. I told you. You said you needed to know why, and I just told you to assume why. You said you needed to know where, I told you where. Correct? Same place you measured it. I told you what the conditions are. What else do you need to know?
A. What type of equipment he used.
Q. Say it was a sonic flow meter.
A. Then I suppose it's possible that he would have an accurate measurement.
Q. Would you accept it as an accurate measurement given those criteria I just laid out for you?
MR. KING: Calls for speculation.
A. In a hypothetical situation, yes.
Q. BY MR. BROWN: Okay. What if the

measurement was based upon an average flow, based on totalizing meters that he calibrated based on polysonic meters?
MR. KING: Vague.
Q. Do you understand what I'm saying?
A. I understand.
Q. Is it something that the department does quite often?
A. It's something that we have incorporated over the last couple years, but I'm familiar with that.
Q. And if that were the type of measurement, would you accept it as accurate?
MR. KING: Calls for speculation.
A. I could accept it as accurate.
Q. BY MR. BROWN: Is there a reason you've been reluctant to answer these questions about Tim Luke's measurement, that you're hesitant to say that you would accept it's accurate, a measurement that he's taken, that you're not aware of?
MR. KING: Objection, mischaracterizes prior testimony.
A. You want to restate that question?
Q. Yes. You hesitated several times in answering these questions and were reluctant to

accept a measurement by Mr. Luke without knowing much more detail. Is one of the reasons you were reluctant that you were concerned that Mr. Luke has taken measurements at Clear Springs?
MR. KING: Mischaracterizes his prior testimony.
MR. BROWN: It doesn't characterize any testimony, counsel. It asks a question.
A. I'm merely thinking over the questions presented to me. That's the reason for hesitation.
Q. BY MR. BROWN: And it never entered your mind, during the whole time I asked you these questions, that there might be measurements taken by Mr. Luke that you're not aware of?
A. Oh, it's entirely possible that he's taken measurements I'm not aware of. That's within the course of his job.
Q. And you believe that he can do his job capably and take measurements accurately?
A. Yes, I do.
Q. Let me ask you about acreage. You were here this morning when Mr. Tuthill testified, correct?
A. Correct.
Q. And you heard his testimony concerning the

consideration?
A. The oldest evidence taken into consideration was the land patents submitted by George Brush. Those supported -- those patents indicated no proof of any water use at that time.
Q. So it's your testimony that land patents do not indicate water was used?
A. This particular document submitted did not indicate any water use.
Q. Are you familiar with the requirements of a person, a homesteader, must fulfill in order to obtain a patented ground?
A. Not anything factual.
Q. Okay. What's the next oldest information you considered.
A. The next one would have been the 1927 agreement with Idaho Power stating the spring water was diverted by pipeline across the lake to the homestead.
Q. And what bearing does that have on irrigated acreage?
A. It indicated that water was being used in the homestead area, and they had documentation of such through an agreement specifically mentioning the water.

information in the file on the historic irrigated acres, correct?
A. Yes.
Q. And you heard him describe several photographs. I believe what he described were 1987 and 1986 ASCS photos, aerials, orthophotoquad, that he said he had -- the file contains some pre -- I believe it was pre-1975 photo, and that he thought he had in the file a 1980 photo. Correct?
A. I recall him mentioning the pre-'75.
Q. Do you know whether there are any other photos in your files that have any bearing on the historic irrigated acres?
A. I would have to review the file and see what photos he marked.
Q. Okay.
A. Since I'm not --
Q. Let's do this maybe more quickly. Let's start with the first -- I want to start with your determination. I understand that you're the one that determined the amount of the irrigated acres upon which the recommendation is based; is that correct?
A. Yes.
Q. Okay. Let's go back in time. What is the oldest evidence that you have that you took into

Q. Does it mention quantities of water?
A. It does mention some specific water amounts in several spots throughout that agreement.
Q. What are those amounts?
A. In one case under 6-A, it mentions two second feet of water from the north spring. In part B, it mentions two second feet of water of Clear Lakes and Clear Lakes Creek. In section C, it mentions three second feet of water with Clear Lakes and Clear Lakes Creek. And I believe that's all.
Q. Have you done anything in your analysis to try to relate those recitations to any water right claims in the adjudication?
A. Yes, I did.
Q. And to which rights did you consider those recitations?
A. I can't find the exact documentation at this point, but I recall that it was rather confusing since none of those descriptions in water uses match with the rights currently claimed.
Q. Does that surprise you?
A. No, not really.
Q. Why is that?
A. Documentation of water changes. And historically they've never kept good records.

Q. Does that mean that the water was not used?
A. I merely weighed that evidence to indicate that it did support a claim as filed by the claimants.
Q. At what acreage amount?
A. That information was used to determine the priority date of the water right. No particular acres were determined specifically for that, other than we had 40 acres at the homestead, and it was supported by an affidavit from George Brush.
Q. When you say at the homestead, where would that be? If you could indicate on Exhibit 2 the approximate location of what you understand the homestead to be.
A. I believe it was this area in here, as pointed out to the Brushes. In the past affidavits, it was a piece --
Q. Excuse me. When you're indicating on the --
A. Between the Clear Lake outlet and the Snake River eastward, east of where the present day clubhouse sits.
Q. In other words, generally on the west end of the golf course near the 10th hole and --

A. Running down to the Snake River.
Q. 9th hole and the 2nd hole, generally that area?
A. Yes.
Q. Okay. So based on that information -- we're up to 1927 now, correct? -- do you believe that there may have been about 40 acres in that area irrigated?
A. That, combined with a letter from George Brush dated October 10, 1990. They had a picture of the island that they submitted. And they state in that letter, from 1960 until 1986, water for 40 acres around the original house area was being watered.
Q. And how many acres were irrigated on the island?
MR. KING: Objection, relevancy.
A. I don't believe they ever said. And since no claim or no water right was found pertinent to the island, we never investigated any use on the island. It was established early on in review of the water rights that the island portion had long since been abandoned.
Q. BY MR. BROWN: Do you have any facts to suggest that the island was not fully irrigated

during that time period?
MR. KING: Objection, irrelevant.
A. During which time period?
Q. BY MR. BROWN: Anytime from 1927 or earlier.
A. As I stated, the island really wasn't investigated.
Q. Why wasn't it investigated?
A. Because it was established that that water right had long been abandoned.
Q. It was established that that place used to have been irrigated, correct?
MR. KING: Asked and answered, irrelevant.
Q. It was; is that correct?
A. Is what?
Q. Do your question whether the island used to be irrigated and cropland?
MR. KING: Asked and answered, irrelevant.
A. I've heard the island was irrigated, but --
Q. BY MR. BROWN: Haven't you seen a picture that shows corn growing on it?
A. If you're referring to the letter from George Brush, it's been a long time since I viewed that picture.

Q. Have you ever seen any photographs showing crops growing on the island?
A. Not that I recall.
Q. Are there any photos of crops growing on the island in your file?
A. Not to my knowledge.
Q. Tell me what your understanding of the irrigation system was in the 1920s or before.
A. Just that they used ditches to transport the water across the place of use.
Q. Let's start with the spring right, 4148, up at the springs. What's your understanding of where the ditches were from that spring source?
A. There was an old ditch that ran from the spring source --
Q. If you could, take this red pen and draw in the system as you understand it to have existed at that time.
A. In 1927?
Q. Yes.
MR. KING: Objection, irrelevant.
A. With the assumption of what? What I know is taken from affidavits and from observation of the land as it now lays. I was not there in 1927, so I can't say exactly to the letter that this is how the

system laid out.
Q. BY MR. BROWN: I want you to tell me what your understanding of the facts was at that time.
MR. KING: Objection, irrelevant and calls for speculation.
A. The spring up there, they had a ditch that came across in this general direction and went on across to another part over there.
Q. That's what would be called the Magdalene ditch?
A. I am not familiar with the name of it. And then irrigation was accomplished through ditches such as this.
Q. You're drawing ditches on Exhibit 2 with a red pen, correct?
Where did those ditches run?
A. Basically like that (indicating).
Q. At any time before 1980, is it your understanding that the island was watered?
MR. KING: Asked and answered.
A. I believe the island was irrigated prior to the 1930s.
Q. BY MR. BROWN: Okay. Can you draw in where the island is. Maybe if you could circle that in blue on Exhibit 2.

A. The island sits in there (indicating).
Q. Do you know what the source of water for the irrigation of the island was?
A. It was from the spring.
Q. From where, do you know?
A. From Clear Spring was all I was ever told.
Q. Have you seen any evidence in any of your investigations of where the waterline went, came from when it went to the island?
MR. KING: Objection, irrelevant.
A. I believe in Mr. Brush's picture that he brought in to me, it showed a photo of a pipeline on the island.
Q. BY MR. BROWN: Do you know where that pipeline came from?
MR. KING: Objection, irrelevant.
A. Not specifically, no.
Q. BY MR. BROWN: Do you know generally where it came from?
A. From one of the larger Clear Spring.
Q. Generally where do the Clear Springs arise on this map?
A. Where I've indicated up there. However, there's springs all along the foot of the rim along the lake there.

Q. So it'd be fair to say that the top of the page of Exhibit 2 is generally where the canyon rim goes up, and that the water comes out at the base of the canyon rim along the top of Exhibit 2, correct?
A. Yes.
Q. And it's collected into ditches and pipes, correct?
A. Yes.
Q. And then distributed from there?
A. Yes.
Q. Now, in that photograph that Mr. Brush showed you that showed those pipes, what else did it show on the island?
A. I don't recall. It's been six years since I've seen it.
Q. Do you recall whether it showed irrigated crops?
MR. KING: Asked and answered.
A. I don't recall, no.
Q. BY MR. BROWN: Do you have any reason to believe that the island was not irrigated up through 1930, say?
MR. KING: Asked and answered, irrelevant.
A. I have nothing in the file to indicate much detail about the island, other than the photo

that we've referred to that Mr. Brush brought in.
Q. BY MR. BROWN: You don't have evidence to show that it was not watered in that time frame?
A. And likewise, I don't have evidence to show that it was, either.
Q. Let's move on from 1927. What's the next oldest piece of information in your files that pertains to the acres irrigated?
A. That would have to be starting in 1937 or 1940, depending on the documentation or the affidavit. That was the beginning of the golf course in the early stages, and they began to irrigate. There's a statement by Frank Stewart in an affidavit stating that from 1940, he was the active manager and operator of the golf course -- or he was present around the property, and then actively managed from '54 to '75. During these times, the land was irrigated both from Clear Lake by means of a pump and from springs through ditches.
Q. Do you have any reason to question the truth or accuracy of that statement by Mr. Stewart?
A. It appears to fit consistently with the recommendation and observations we found.
Q. Which are?
A. Which are that a portion of the water

right is pumped from Clear Lake and a portion of it comes from the spring on the east end.
Q. As of the 1937 to '40 time period?
A. That's all the information we have, yes.
Q. Do you have any other evidence in your files which pertains to that time frame?
A. We have the history as described by John LeMoyne or received from John LeMoyne about the golf course and how it was developed, where he defines development of the country club in the early days.
Q. What does that information tell you with regard to acreage?
A. It mentions that a group of them purchased 500 acres. And then I don't understand what it -- the founder sold 40 acres in exchange for work on the site, seeded 12 acres and later another 68 acres to make the club self-supporting. It said the greens were sand, the fairways were rubble and stubble. It says the greens finally became green in 1946, which would indicate to me that they weren't irrigated prior to that time.
Q. The greens?
A. Well, that's what that particular paper would seem to indicate.

Q. Do you have any reason to question any of that history?
A. I don't know about the accuracy of it. It appears to fall within the general history as laid out by some of the other affiants. And the amount of acreage found to be irrigated tends to -- the original nine holes appear to be the same as the original homestead area.
Q. And what acreage do you understand that to be?
A. That would be the 41 acres on the west end of the property.
Q. Which would be down around what we referred to earlier as the homestead site?
A. Yes.
Q. Why is it that you believe that 40 acres or 67 acres or whatever amount it is was not irrigated prior to the 1940s, late '30s?
MR. KING: Objection, assumes facts not in evidence.
A. Do you mean the 68 acres mentioned in that history or 40 acres on the homestead?
Q. BY MR. BROWN: Let's talk about the 68 acres mentioned in the history. Do you have any reason to believe that wasn't irrigated at any time

prior to 1940?
A. Based on the history itself, yes. It says they were picking rock and preparing it and it was rubble and stubble, so they were preparing it. It wasn't on an irrigatable, cultivatable land. They were trying to make it as such.
Secondly, they bought 500 acres. It doesn't say specifically where the 68 acres are. It could have been with any other sections of the 500. So it's very unclear. That's why I say it's -- as to the specifics of the history of that document, I can't assess their accuracy. It makes for interesting reading. It does seem to fit consistently with the affiants and the history that other elements of the recommendation have or other elements the claimants have submitted.
Q. Did you ever ask any person from the golf course to be more specific or particularize what acres they were talking about or provide you with information about those particular acres?
MR. KING: Objection, vague.
A. Acres for what? I'm not clear what you want.
Q. BY MR. BROWN: Where do you understand the 68 acres to be?

A. I don't have any idea where they -- what they're referring to.
Q. You have no idea what area they're referring to?
A. Not from that document, no.
Q. From any information you have? Are you aware that the golf course area, excluding the greens, was pasture ground before it was a golf course? By that, I mean irrigated pasture.
A. I have heard -- heard that.
Q. Where did you hear that?
A. Pardon?
Q. Where did you hear that?
A. From the Brushes. Both explained the history as they believe it to be.
Q. Which Brushes?
A. David and George.
Q. And do you have any reason to question those descriptions?
A. As to their history and their memory of the property, probably not. As to the accuracy of their water right quantification, I don't believe that they may be fully on track with the quantification of the acres.
Q. And why is that? What evidence do you

have that suggests that 68 acres isn't a fair number?
A. Well, if you count the 41 we've allowed and the 23, you get 65, 64, plus 5 over in the expansion and golf course driving range, there's 69.
Q. Do you have any reason to question whether there were 68 acres irrigated before the 1940s, say from the time of the homestead through the 1940s?
A. I believe the irrigated is the homestead of 41 acres and the east end from the spring of 23 acres.
Q. And you believe that was irrigated since when?
A. They've submitted evidence that supports the 1927 date, given the Idaho Power indenture.
Q. Have you reviewed the deeds which showed the history of the property and the water which was bought and sold?
A. Which deeds would you be referring to?
Q. The deeds from the time of the homestead forward.
A. I probably have not reviewed each and every one, but I've reviewed some of the most recent ones, specifically the deeds between the ranch and the country club.
Q. And what do those deeds tell you between

the ranch and the country club?
A. It basically indicated that the spring water right had been split.
Q. And do those deeds say where the place of use of those rights are?
A. They describe the place of use, the place, the property that was conveyed in the sale. I don't believe those deeds accurately describe the place of use of the water right.
Q. So under the law, those rights would be appurtenant to the ground to which they have been used, is that a correct understanding?
A. Can you restate it.
Q. Given that the deeds do not particularly lay out the place of use, the water rights would be appurtenant to the ground upon which they were used, correct?
A. Correct. And that's what we're trying to identify through the adjudication, is what the historical place of use has been.
Q. Okay. Did you ever consider the affidavit of Ted Eastman in any of your analysis?
A. I believe that was received after recommendations and everything had been filed, but I did read through that affidavit.

Q. Do you have any reason to question what he said in that affidavit?
A. I don't know that I could specifically refute anything at this point. However, most of what he describes is a network of ditches, which don't necessarily represent irrigation or beneficial use of the water right.
Q. Doesn't he tell you that the grounds were irrigated?
A. He mentions some irrigation occurred, yes. We already know that.
Q. Have you ever asked any -- have you ever told any one of the claimants, that is either the ranch or the golf course people, that they need to give you particularized information of the historically irrigated acres?
A. Okay. Would you restate your question again.
Q. Have you ever told any of the claimants or any of the people that were working for them on the investigation that you needed more specific information as to the historically irrigated acres?
A. I had numerous conversations with George Brush in the review of this file. One of the last ones that was documented on 10/30 of '91, when I

began to explain to him the recommendation that I was preparing, he merely stated he was going to call his lawyer and left.
Q. And Mr. Brush was speaking to you with regard to the recommendation of what right?
A. 4148A.
Q. That would be the ranch's right, correct?
A. Correct.
Q. Did you ever tell him you needed more particularized information as to the irrigated acreage?
A. I can't recall a specific date or instant that I did that. But it's a common request that we request this in discussing recommendations of claimants, because that is their first question, is, well, what can I do at this point to change your mind or what can I provide?
Q. Are you testifying that it was your usual practice to tell people that, and therefore you must have told Mr. Brush that?
A. That was my usual practice.
Q. And did you tell Mr. Brush that?
A. I can't say for absolute surety.
Q. Did you tell anyone related to the golf course that?

A. I don't believe so, because it was apparent to us at the time of what the place of use was historically. We didn't have questions surrounding that particular issue.
Q. Do you question whether the spring ditches, as Mr. Eastman has shown in his affidavit, also ran down to the east and around the hill and -- or to the west and irrigated part of the western half of the golf course?
A. It doesn't do that now. It hasn't done that in many years.
Q. In what years? The years that you have photographs of, are those the years that you're referring to?
A. From 1977 forward, '75 forward, possibly '80 forward. 1975, '77, '80, '87. And then I think we've got the ASCS color slides of '86 and '87, NAPP photography of '87 and '88. So in 20 years, this place of use has remained unchanged in its place of use and system of delivery and irrigation methods.
Q. So you think it hasn't been irrigated from 1977 on; is that correct?
A. That's correct.
Q. What about before 1977?
A. The photo, as mentioned early, the

pre-1975 photo in the aquaculture reference book is consistent with the photo in '77 showing the original nine holes and the eastern end being irrigated. Nothing in between.
Q. When you say the aquaculture reference book, what year is that book? And also, is that the book where you got the photo that you're talking about as the pre-'75 photo?
A. Yes. It's called Aquaculture in Idaho and Nationwide by George Clements, Fishery and Resources, John G. King, Watershed Management, College of Forestry and Wildlife and Marine Sciences.
Q. Do you know when that was published?
A. I believe it was 1975. I thought it was on the title page, but I wrote it on the photo. It was estimated the photo to be pre-'75, because the date of this resource was 1975.
Q. Okay. Because you think you had that photo -- when did you find that photo?
A. It's part of our library resources there in our office.
Q. Do you know when you copied it and put it into your file?
A. I don't.
Q. Do you know when you obtained the other

photographs?
A. The 1980 photo, or actually the aerial slides -- this is a copy of the negative -- the negative copy of the slide. That's a group of files the department has as part of their resources. The 1987 ASCS photo is obtainable from the ASCS office in Gooding.
Q. My question is, when did you obtain those?
A. I haven't documented that particular date on our files.
Q. But you went out and obtained all of those before you determined that it wasn't necessary to ask anyone from the golf course if they could provide you information as to the historically irrigated acres?
MR. KING: Objection, assumes facts not in evidence.
Q. BY MR. BROWN: Is that correct?
A. Was that a question?
Q. Yes.
A. Could you restate it.
Q. You just testified that you don't recall asking anyone from the golf course to provide you with information on these historically irrigated acres, correct? And you stated part of that reason was because you had already determined the place of

use based on your photographs, correct?
A. Correct.
Q. So from that we can conclude that you collected all the photographs and made a determination before you informed the clients that they could submit evidence or needed to submit evidence of particularized acres, correct?
A. Clients are always welcome to submit evidence at any point along the way. Nothing --
Q. Please answer the question.
A. I'm answering the question, if you'll let me finish it. Nothing prevents them from adding to their file at any point. And they're notified of that at several points along the way, that they're free to submit additional supportive evidence. There's never a deadline to submitting that evidence. In fact, these proceedings are proof of that.
MR. BROWN: Let's take a break. And during the break, if you could pull out all documents you have showing that you notified -- each time you notified the golf course people that they could submit additional information or needed to submit additional evidence concerning acres, we can talk about those documents when we are done with our break. Okay?

THE WITNESS: That would be fine.
(Break.)
MR. BROWN: We're back on the record.
Q. BY MR. BROWN: You were going to go through your files and mark the places where you indicated to the claimants of any of these three rights that they needed to provide you with particularized information concerning acreage. You've done that?
A. I've done that.
Q. And can you show me where in your file that reflects that you informed them that they needed to do that?
A. In A36-04148B, my conversation memo with John LeMoyne on 10/28 of '92. This is after the proposed report. He's asking for application for a new permit. After I had mailed him a response to a letter he sent -- or I guess I sent this letter after talking with him identifying the acres that were remaining without a water right under the Clear Lake Country Club, which was about a total of 20 acres.
Q. And what does it say in that conversation memo?
A. He asked about the possibility of filing permits. I referred him to the allocation staff.

And he asked about obstacles to a transfer on Magdalene's rights, and I told him there were none. He asked if I had considered the information he sent me regarding Dan McFaddan's letter from the SCS. I told him I had, and we had allowed some additional flows for main use. And I reminded him his claims will go still through the approval in court to verify the recommendations.
Q. Where in there does it state something about acres?
A. I don't suppose I fully documented it. One of the things that he asked for was a recommendation of these acreages that are printed on this letter (indicating) about 20 days later, where I identified the 20 acres that are not being recommended for water right for the Clear Lakes Country Club.
Q. Okay. So you sent that letter to him on the 19th of --
A. November.
Q. -- November 1992. And that was after the department had made its recommendations?
A. Right. And the conversation was just prior to the recommendation. That's one instance where we had had contact with the claimants.

Probably the best --
Q. Are there any others in 4148B?
A. Yes. Part of these would be (indicating). Those aren't mine. We made a request under representative Robert Worstell indicating a claim -- in this case 4074 -- but the information supported other claims as well. Requested proof of the priority, and in proving the priority, that includes proving other elements of the water right along with it. His response was affidavits, deeds --
Q. Okay. Let's go back to the letter. When was that letter sent?
A. That letter was sent October 3, 1991.
Q. And that letter states nothing specifically about acreage but does refer to priority, right?
A. With the priority, yes.
Q. And in response, he filed several affidavits, right?
A. Right. And in his one response, he mentions many hours and copies have already been spent in supplying the Water Resource Board with this information on other original claims, A36-04148. If you are in need of more of this information, please feel free to contact me, and I will be glad to bring

more copies or help research for more.
Again --
Q. Did you ever take him up on that invitation to let him know if you needed any more information?
MR. KING: Assumes facts not in evidence.
A. He had submitted sufficient enough information to satisfy our recommendation for this right. Based on the information we had in the files, it was our judgment that we had enough to make the recommendation accurately and correctly, and we saw no need for additional information.
Q. BY MR. BROWN: Okay. Let's go back. Are there any other letters that pertain to the golf course rights?
A. Probably the most basic one is -- and there's not a copy of it in the file -- when people file their original statutory claim files, a letter was sent back to them stating something to the effect that this doesn't confirm your water right, it merely records it, you're welcome to submit any evidence to further support your water right from this point on. And that was a long-standing invitation for all of the water-right holders of these statutory claims.
Q. When you say "statutory claims," what

statute are you talking about? When would this letter -- assuming a letter was sent, when would it have been sent?
A. This one would have been sent June 2, 1987.
Q. Do you know that one was sent?
A. Without checking the files, I couldn't be positive, but in all likelihood, yes.
Q. But it's not in the claim file?
A. I didn't copy it to the claim file, no.
Q. Where do you keep it?
A. The original claim file is kept in the vault at Boise. We have microfiche copies at our office.
Q. But the copies you brought with you today are not complete copies?
A. Not of the letters, no. Just of the claims and the minutes.
Q. What else is in the vault in the claim file in Boise that's not in the documents you brought today?
A. I couldn't tell you that.
Q. Have you seen the document in the vault?
A. No, I have not.
Q. How do you know that a letter would be in

that file?
A. It was standard procedure to send those letters out once these statutory claims were received.
Q. And when you say you received a statutory claim, are you referring to a claim based on what statute? What do you mean by "statutory claim"?
A. 42-243.
Q. In other words, a notice of claim that was originally filed in the '70s? Is that what you're referring to, the statutory notice procedure?
A. 42-243 is the -- I believe the code. This particular claim was first filed -- Brushes first filed a claim in 1979 and two more claims in '82. They amended those claims in '87 and again in 1990.
Q. So the claims originally filed would have not been part of the adjudication, but part of the statutory notice procedure under 42-243, correct?
A. I believe that's the code, yes.
Q. So the letter sent back to them would not tell them what was required in the SRBA, correct?
A. No, but it does inform them that they have the option to submit additional information until such time as their claim is confirmed.
Q. Did it tell them that they need to?

A. I don't know if it was determined at that point whether it was needed or not.
Q. Any other letters?
A. Only other letter that would reference similar things would be a letter by Allen Merritt in response to a notice of error filed by Clear Lake Ranch in which he explains the recommendation, the basis of the recommendation.
Q. And that would not have gone to anyone from the golf course, correct?
A. Not if they didn't file a notice of error, which it does not prove they did.
Q. The letter regarding the ranch right would not have been sent to the golf course people, correct?
A. Correct.
Q. We talked about the time frame before 1940 and the time frame from '77 on. Let's talk about that interim period. 1940 to 1977, do I correctly understand the department doesn't have any evidence pertaining to irrigated acreage during that time frame with the single exception of a photo you referred to in the aquaculture book?
A. There's little documentation, other than statements sent by the affiants that the pump was

used at Clear Lakes and the spring was used on the east end through that period.
Q. Those are the affidavits we already spoke about, correct, that Mr. LeMoyne submitted?
A. And Frank Stewart. Larry Francis, John LeMoyne and Frank Stewart. Frank Stewart specifically saying from '54 to '75, during this time, the land was irrigated from Clear Lake by means of a pump system and from the springs through ditches. And that's consistent with everything we see in the aerial photos from 1975 to the present, or to the present expansion.
Q. You were here this morning when Mr. Tuthill testified about the significance of -- or what he called the insignificance, I guess, of the diversion rate as it relates to an expansion. Do you recall that?
A. Not in detail. I --
Q. I'm paraphrasing what he said, but I think the gist of it was that in determining the original diversion rate would not lead to a greater recommendation, in any event, because of the expansion and the acreage limitations. Do you agree with that?
MR. KING: The question is vague.

A. I think I do, and let me clarify. You used an example earlier of 3.4 cfs as measured by Tim Luke for the same system that we measured. Increasing that total flow rate measured to 3.4 doesn't change the fact that we've only found evidence of 64 acres being irrigated. And as it stands to date, the recommended rate of irrigation on that 64 acreage -- those 64 acres would be an inch to the acre. So increasing your diversion rate any further at this point seems irrelevant.

Q. BY MR. BROWN: Is it true the department's made no investigation of the duty of water on the acreage other than just to apply an inch per acre?

A. Well, I wouldn't say that we made no investigation. As it stated in my conversation with John LeMoyne, he did submit some information, and the affidavits do say it's sandy soil. We reviewed the information. That information is prepared for Dan McFaddan's property where he grows mint. That is not the crop we're talking about here. Certainly no evidence to indicate it's the same soil type. So I stated I had reviewed the information. It did not appear relevant to the review of this particular water right and was not pursued any further. From there we relied on the Idaho Code standard of an inch

per acre. Since this water right is based on a statutory claim, that was the basis of the water right. There's no preexisting license or decree. And no further information was given as to support the excess amount.

Q. Nor requested?

A. Nor requested. You know, they submitted the information that they had.

Q. Isn't it rather obvious from Mr. LeMoyne's statements that he was saying that we have sandy soil like Dan McFaddan and need more water?

MR. KING: Calls for speculation.

A. There again, we recommended an inch per acre based on the sprinkler diversion system.

Q. BY MR. BROWN: Isn't it rather obvious from Mr. LeMoyne's correspondence that he was saying, I got ground like Dan McFaddan, it's sandy, it's in the Hagerman Valley, it needs more than an inch per acre?

MR. KING: Same objection.

A. The Dan McFaddan example was regarding the crop of mint. Mint has never been mentioned or expressed or claimed to have been grown on this particular piece of property. And therefore, there was no relevance to the recommendation for this water

right.

Q. BY MR. BROWN: Isn't it a rather reasonable and obvious interpretation of Mr. LeMoyne's statement to say that he was saying, I got ground like Dan McFaddan and I need more water?

MR. KING: Same objection.

Q. BY MR. BROWN: Is that a reasonable interpretation or isn't it?

A. I suppose you could assume that.

Q. You didn't?

A. I weighed the evidence that he submitted. It did not appear relevant. We recommended the water right as recommended -- or as the Idaho Code suggests, an inch per acre.

Q. You did not tell him, though, what kind of evidence he needed to support an excess duty of water claim, although you did know that that's the type of claim he intended to be making, correct?

MR. KING: Assumes facts not in evidence.

A. I don't know what kind of claims people want to make or try to make. That's the purpose for them to make the claim. It's their claim; it's not mine. It's not my duty to tell them how to prove their claim. It's not my duty to tell them how to support their claim. If I knew what evidence and

data was required to prove more than an inch -- you know, if I knew that, then I wouldn't have to ask them for that in the first place. So if a claimant comes in and asks me, what have I got to do to convince you that what I'm asking for and you'll give it to me, well, I can't provide that kind of information because I don't know what it is.

And in this case, I assume they have supplied me with the information that they wish me to see. Now, if they're holding something back and they chose not to send it to us, they chose not to send it to us then, they chose not to send it to us at notice of error period, because we still haven't seen any of that information. So if it is out there and it's so easy to prove and document this kind of usage or acreage or whatever else, then it should be readily apparent and easy to obtain that documentation and submit it to the department or the court. And so far, none of that has come forward.

Q. If it's readily apparent, can you tell me why the department did not obtain it before making any recommendations in the Hagerman Valley?

MR. KING: Vague, calls for speculation.

A. If what's readily apparent?

Q. BY MR. BROWN: The type of information

needed to support an excess duty of water claim.
A. I didn't say it was readily available. I said if it was, why didn't they bring it forth?
Q. You know and you understand and have since before you recommended this right, sandy soil requires more water to irrigate per acre than other types of soil, correct?
MR. KING: Assumes facts not in evidence.
MR. BROWN: It doesn't assume anything. Please refrain from your objections. It's a question. It's asking him if that's true or not. It doesn't assume anything. It asks him the question. And I will seek a protective order if I keep getting unfounded objections, because we're wasting a lot of time here.
A. Can you restate your question.
Q. BY MR. BROWN: You know and have known since before you made the recommendations on the golf course that sandy soil typically requires more water per acre than other type soils, correct?
A. I think that would depend upon the crops grown and the sprinkler or irrigation systems that are being used. There's a lot of variations in that. I know of several instances of sandy soil up in the Minidoka and Rupert area where they are in

below sand, they get by on quite a bit less than an inch per acre. They get by on seven gallons per minute per acre, and that's their ideal delivery rate, which is .016 cfs per acre.
Q. So you're saying you don't know or it depends on whether --
A. I'm saying you cannot make a generalized statement that just because there's sand in the soil type or texture, that it requires more than an inch per acre. You can't make that generalization. You've got to have more specific facts.
Q. Okay. What specific facts? List them, please.
A. Well, this wouldn't be all inclusive, but for instance you would need to have a more accurate description of the chemical and physical properties of the soil, which is supplied by the Soil Conservation Service. You would need to have type of crops grown.
Q. What else?
A. Irrigation method. Probably need some form of climatological data. That's all I can think of at this point.
Q. You knew the type of crops grown on the golf course, correct?

A. Correct.
Q. You didn't need that information.
You knew the irrigation method, correct?
A. Correct.
Q. Did you have climatological data?
A. We didn't look for it.
Q. Did you tell anyone you needed it?
A. It was determined we didn't need it.
Q. Who determined you didn't need it?
A. I determined we didn't need it based on the policy that we follow, IDWR -- or the Idaho Code that one inch per acre is sufficient for sprinklers.
Q. Where in the Idaho Code does it say an inch an acre is sufficient for sprinklers?
A. Not sprinklers, let me take that back. The statutory code says one inch per acre is a starting point or sufficient for crop use. And in doing some calculations within our department, running several calculations based on typical sprinkler systems in the Magic Valley area, it was easy to document one inch per acre is more than enough water under a typical irrigation sprinkler.
Q. When were these calculations on sprinkler systems done?
A. We did some initial calculations at the

start of the field season back in 1990.
Q. Do you remember testifying in a deposition in a case where the claimants were Walter and Margaret Candy?
A. Yes, I do.
Q. Do you remember testifying that the inch per acre for sprinklers was not based on any calculations, but was simply an oral standard which you were told to follow?
A. It was based on a policy that I was told to follow, too.
Q. And it was an oral policy?
A. Yes.
Q. Not a written one?
A. Not that I've ever seen.
Q. And you didn't know what the source of it was?
A. Not exactly, no.
Q. And since then you've learned that the source was calculations on sprinkler systems in the Magic Valley, correct?
A. I have since learned that that calculation procedure that we went through explains that inch-per-acre policy that was --
Q. Who went through the calculation

procedure?
A. I've observed the calculation as demonstrated by Allen Merritt, our supervisor.
Q. And when was that conducted?
A. I couldn't give you a specific date. We did it on numerous occasions to illustrate the inch-per-acre analysis.
Q. Before you made your investigations?
A. Yes.
Q. So before --
A. And during.
Q. Before '91?
A. I believe so.
Q. Is that the calculation based on average monthly figures?
A. No, it's not.
MR. KING: Objection, vague.
Q. BY MR. BROWN: Do you know whether or not it's based on peak figures?
MR. KING: Objection, vague.
A. It's based on typical sprinkler delivery systems.
Q. Based on what quantity?
A. Based on the quantity of 150 gallons per minute delivered through a quarter mile line. Two of

those lines per 40-acre tract, which is a very common setup in the Magic Valley area.
Q. And it's appropriate to extrapolate from that that the requirement throughout the Magic Valley is an inch per acre, correct?
A. We found very few exceptions, very rare exceptions to that rule.
Q. Can you answer the question?
A. Which question would that be?
Q. That it's appropriate to extrapolate from that calculation that an inch per acre is obviously needed for sprinkler systems throughout the Magic Valley?
A. Given the fact we could find no exceptions to that rule or to that specific example, and in fact this was an example lenient toward the maximum diversion rates actually found in the field, yes, it was appropriate.
Q. What did the department do to look for exceptions to the rule?
A. I don't know that the department specifically went seeking exceptions to the rule. Again, it was more a case of if someone knew of that information, then they needed to supply that to us, because we certainly didn't even know where to look

for it.
Q. You didn't know to look to the SCS for the chemical and physical properties of the soil?
A. We knew the department had contracted with the Hubble engineering firm to prepare that report for us.
Q. You didn't know to look to the SCS for the chemical and physical properties of the soil?
A. The procedure to apply that information was in the process of being developed by the Hubble engineering firm for the department's use.
Q. Did you know where to look for that information?
MR. KING: Objection, vague.
Q. BY MR. BROWN: It's true, isn't it, that you knew that you had to look to the SCS to go get the information on the soil types?
A. You could, yes.
Q. And you knew that?
MR. KING: Asked and answered.
A. Yes.
Q. BY MR. BROWN: Okay. Same thing, type of crops, you knew where to look for the type of crops information, right?
A. Yes.

Q. You knew where to look for the irrigation method information?
A. Yes.
Q. And you knew where to look for climatological records, correct?
A. Not at the particular time, no.
Q. You didn't know that you could get a hold of the university and get the climatological records?
A. Not at that time, no. I was instructed that that would be answered when the Hubble information was prepared for the department, so I did not spend my time, nor was I expected to spend my time repeating duties and procedures that were contracted out to more qualified personnel to obtain that information. My time was rather spent in the area I was hired to do, which is field investigations.
Q. And part of your duties were not to determine whether a person needed more than an inch per acre when they told you they needed more than an inch per acre?
MR. KING: Objection, compound and vague.
Q. BY MR. BROWN: Was it part of your duties or was it not to calculate the duty of water when someone told you they needed more than an inch per

'acre for their sprinkler systems?
A. My duties would require that I acknowledge their situation, observe evidence submitted. But the department's stance on sprinkler irrigation was pretty firm, that an inch per acre under sprinkler systems was what would be recommended.
MR. KING: Do you need to take a break, Steve?
THE WITNESS: No.
Q. BY MR. BROWN: So were you supposed to do a calculation or not?
A. Calculation on what?
Q. Duty of water?
MR. KING: The question is vague, asked and answered.
A. The calculations we did on duty of water, number one, under sprinkler irrigation, it was consistent policy one inch per acre would be allowed under sprinkler systems.
The second example for duty of water is when the claimant's claim exceeded the amount above an inch per acre. As a -- at a convenience to the claimant, as a result of our Hubble analysis recommendations, we calculated a lot of that Hubble analysis information for those claimants that requested more than an inch per acre, simply for the

matter of fact that most of the claimants could not answer, even though the duty or the burden was on them to provide us that information, they could not adequately provide it or process it in a form that was acceptable and convincing as evidence to the department.
Q. Therefore, you looked to them to give you the information, you would perform the analysis?
A. That's correct.
Q. And it was part of your duty to perform the analysis when someone claimed more than an inch per acre for sprinkler?
MR. KING: That was asked and answered.
Q. BY MR. BROWN: It's a simple question. I want to know whether it was your duty to do that calculation or not. Either you were instructed that an inch per acre was sufficient or you were instructed to do the analysis.
A. Under sprinkler systems, we were instructed an inch per acre is the maximum recommendation.
Q. It wouldn't have mattered what information you provided, you already had your instructions?
A. That's correct.
Q. Okay. Do you know the period of year for

which the golf course is irrigated?
A. You want to clarify that?
Q. Do you know when irrigation begins, how early in the spring irrigation begins on the golf course?
A. I believe that would vary considerably. I know affidavits, statements by affiants in the claim file mentioned early season and late season.
Q. Did you perform any investigation as to how early it would be necessary for them to begin their irrigation?
A. I don't recall doing anything along that line.
Q. Was the department's position at that time that it simply followed the general provision?
MR. KING: Objection, vague.
A. Well, I would say the original recommendation showed an early and late season, but due to changes in the season, recommendations right prior to the final director's report, programmatic changes were made to all rights with irrigation seasons, and it standardized the irrigation season to that of the current water resource standards.
Q. BY MR. BROWN: So the period determination wasn't based on the particular facts of this case,

it's a general standard from someone in the department?
A. As it got finally recommended. But it initially, from the agents' perspective, we recommended an earlier and later season in the standard.
Q. Okay. You recognize that the golf course only waters for an 8-hour period and not 24 hours a day, correct?
A. I've heard references to that, yes.
Q. And you understand that because they do that, you have to be able to hurl more water because you have a third of the time in which to apply it, correct?
A. That would make sense.
Q. And has anyone from the golf course ever expressed those concerns to you?
A. Perhaps John LeMoyne in my conversations with him, but I don't recall specific dates.
Q. Did you ever report those concerns or that situation to any of your superiors?
A. I recall having informal conversations amongst the adjudication staff at our region about those type of conditions. And the general consensus was there had been rumors that that particular issue

had arisen before within the department and they'd made allowances for it, but I was never given any specific recommendation to place that in the water right itself.

The basic idea behind this water right was it was an irrigation right from a pasture setup, and that's the right that we have today. The fact that somebody's changed it from a 24-hour-a-day right to an 8-hour-a-day right has yet to be brought up as an issue.

Q. Who did you get guidance from about that question?

MR. KING: The question assumes facts.

A. Again, I wouldn't really recall it as guidance so much as we just discussed the issue. And it was determined that this is an irrigation right, and that's the way it's been claimed and that's the way it will be recommended.

Q. BY MR. BROWN: When was water first applied when the expansion occurred to 90 acres? In other words, when the golf course was expanded to 18 holes.

A. I don't know.

Q. Did you participate in the preparation of the 706 report?

A. Yes, I did.

Q. Were you aware that it states that there's no information of use prior to 1988 concerning the expansion?

A. Say that again.

Q. You understand that the director's 706 report states that there is no information to support a claim to use prior to 1988 on the expansion?

A. That would be correct.

Q. And you were not provided information from Richard Kelly stating when the sprinkler system was put in when the grass was seeded and when the water was turned on in 1977?

A. In 1977?

Q. Or excuse me, September of 1987.

A. No, I've never seen any such document.

Q. And it's nowhere in the department's files that you're aware of?

A. I'm not aware of where it's at.

Q. Have you ever had any discussions with anybody about Richard Kelly as it pertains to these claims?

A. I asked you for a copy of that document during our last court settlement.

Q. That would have been two weeks ago,

correct?

A. Whenever. I'm not sure of the time frame. Whenever our last court setup thing was. So that I'm able to take a look at it.

Q. Any other conversations with anyone about it before that time?

A. No. That day was the first I'd ever heard of it.

Q. Did you review the files before this deposition?

A. Briefly.

Q. How much time did you take?

A. How much prior to this deposition? How much time prior to the deposition?

Q. In preparing for the deposition.

A. Very little time in preparing for the deposition. Many hours prior to that preparing for the 706 reports.

Q. What about between now and the time you first say that you became aware of information from Richard Kelly at the last court hearing?

A. I don't know that I've looked at them in detail, no.

Q. Have you gone through your files to see if information from Richard Kelly is in there since you

became aware of that?

A. Not specifically, no.

Q. But you're sure it's not in there?

A. I can only state I haven't seen it.

Q. Did you ever discuss it at any time before that court hearing?

A. No. I didn't know anything about it prior to the court hearing.

Q. When you took measurements on the irrigation system, was the irrigation sprinkler system connected so that the lake right and the spring right flowed into the same system?

A. We were told they were not.

Q. That they were not connected?

A. Not connected.

Q. How were you able to determine, then, where each right was used? And if they weren't connected, they joined to different places, right? And it's your testimony that the one went to 23 acres and another went to 46.6 acres?

MR. KING: Compound question.

A. That's my testimony, yes.

Q. BY MR. BROWN: When you were out there yesterday with Mr. Merritt and Mr. Tuthill, did you observe any evidence of overwatering anywhere?

MR. KING: Question is vague.
A. It was not something I was looking for and was undeterminable from the distance in which we viewed the property.
Q. BY MR. BROWN: From the facts you're aware of, do you have any opinion as to whether or not any of the claimants are wasting water?
MR. KING: Calls for speculation.
A. Perhaps you could define what constitutes waste. It's pretty subjective.
Q. BY MR. BROWN: Using water unbeneficially.
A. Given the facts that we've been made aware of or the facts contained in the file prior to the recommendation leading up to the recommendation, the recommendation represents the beneficial use of the water right. Now, since that time, additional information has been brought forth, and I'm sure additional information will continue to come forth from the claimants and, from the sounds of it, from the department. So that recommendation is subject to change as the information available to base it on changes. Anything above that recommendation would be considered nonbeneficial use.
Q. I'm not asking you for a legal

definition. I'm asking you if you are aware of any facts that would suggest that water has been diverted and wasted on any of these properties?
A. And other than answer it the way I just did, given the fact that "waste" is such a subjective term, that's the only way I can answer that question.
Q. What does "waste" mean to you?
A. Water that's applied to property that does not lead to the benefit -- or to the benefit of the crop being grown or to the use for which it was intended.
Q. Okay. Did you ever observe or are you aware of any facts which would suggest that irrigation has occurred anywhere on those properties which is wasteful?
MR. KING: Asked and answered.
A. Again, I'd have to say my previous answer explaining the recommendations based on beneficial use.
Q. BY MR. BROWN: You observed any wasteful practices anywhere on this property?
MR. KING: Question is vague.
A. Not that I recall.
MR. BROWN: I don't have any more. Thank you.
MR. SEMANKO: I suggest a five-minute break, if

that would be all right.
(Break.)
MR. SEMANKO: We'll back on the record.
Norm Semanko with Clear Lake Corporation.
Steve, just a few questions. I hate to prolong this, but like I said before, this is the time and place, I guess.

EXAMINATION
BY MR. SEMANKO:
Q. When I review the claims file, it's pretty obvious -- you were here this morning when Mr. Tuthill testified, were you not?
A. Yes.
Q. One of the things we dwelled on toward the time of his testimony -- maybe we can pick it up from there -- was the lack of diversion. In the recommendation, there was found to be no diversion; is that correct? For --
A. Correct.
Q. -- 36-04148A?
A. Yes.
Q. Referring to your notes, there's a memo to the file dated 11/27/91 where you note that there's no diversion, and there are other places in the file

where that's reflected; is that correct?
A. Yes.
Q. And because of that, there really was no detailed analysis as to the other elements of the right?
A. That's correct.
Q. You were here when I was asking Mr. Tuthill about the amended claim from August of 1990 that mentions a pipe as being a diversion work for the irrigation right of 4148A, were you not?
A. When you mentioned the permit, the application --
Q. Let's skip that.
Do you have the amended claim for 36-04148A, August 1990, in your file there somewhere?
A. Yeah.
Q. Can you describe the diverting works that are mentioned in the amended claim.
A. Concrete head box, pipe, sprinklers.
Q. And the other water rights used under that amended claim?
A. P36-08329.
Q. Is it your understanding that that's the permit for the residential subdivision, the domestic portion of the residential subdivision?

A. Yes, that's what I understand.
Q. On page 7 of the 706 report, it says at the bottom, in referring to the pipeline that is out there since, I believe, 1988, it says, this pipeline was believed to be developed under the permit, water right permit 36-08329, which was not claimed in the SRBA. Then it goes on to say, since the pipeline is thought to be developed under a permit was not claimed in the SRBA, and since the permit process has its own field exam investigation procedure, no investigation on this pipeline was performed for purposes of this adjudication.
And is it on that basis that there was no -- that you didn't look at the pipeline that went to the subdivision as being a diversion, point of diversion in the diversion works for the irrigation right 4148A?
A. That, and the fact when we were out doing the polysonic measurements -- now, as I stated earlier, we wanted to be sure we had all the diversions, we wanted to be sure the system was up at capacity so that we were getting all the water that they had to put out from all of the points of diversion that they had. So we stressed over several times with this guy, is this the only place you guys

take water? Is this the only place water is diverted to irrigate? And yes, yes, yes. And time and time again, everybody always said, yes, this is the only place. And so it was portrayed to us that those two points -- actually three measurement sites, but basically two points of diversion -- were the only sites used to divert water for irrigation.
Q. So are you saying that that pipeline absolutely was not a point of diversion for that right, or are you saying at the time that you had to make this call, you were not led in that direction by the claimant? It's a little bit of both or one or the other?
A. We didn't investigate the pipeline, whether it was even there or not.
Q. Were you aware --
A. Because we -- excuse me.
Q. Go ahead.
A. We were led to believe that all the irrigation occurred from those two other sites. And we were not aware any irrigation was coming through that pipeline for the ranch.
Q. So despite the fact that the amended claim of August 1990, which is basically about the period that the exam started, the field exam started,

mentioned the pipe in the diverting works, you didn't look at that because of statements by someone out there? Or what exactly caused you to not look at that when it was in the amended complaint?
A. That statement, in and of itself, doesn't lead us to believe anything in particular, aside from what we found, because we did find a concrete box going through a pipeline structure to sprinklers. It just so happened that water right was under 4148B, under the golf course.
Q. You don't believe any of that pipeline -- this particular pipeline that's claimed under 36-4148A -- and also the permit went to the residential subdivision?
A. I don't -- I don't question that. I'm saying at the time we were doing the field exam, we didn't investigate it. And as far as being led to a concrete head box with pipe and sprinklers, we found a concrete head box, pipe and sprinkler for the springs going to the irrigation of the place of use. And --
Q. Is the 706 report accurate in that it concludes that the pipe was not part of the irrigation right because it was presumed to be just developed for the permit? Is it correct in that

conclusion, in your view? I mean, is that why it wasn't looked at for the irrigation right? Whether that's right now or not, is that why it wasn't looked at at the time, is because it was thought to be just part of the permit?
A. It was thought to be a part of the permit, that pipeline.
Q. Do you have the proof permit 08329? I think Mr. Tuthill was looking at that this morning.
A. Yes.
Q. Do you share the sentiment expressed by Mr. Tuthill this morning -- correct me if I'm characterizing it wrong -- but that one possible reading of the intent of this permit, when you look at item 4, with the types of uses and the amount, and you look at number 6, the type of diverting works that were going to be constructed, and numbers 9 and 10 regarding the place of the use, the type of use, and most specifically number 10, that some other rights were going to be used for irrigation of the lawns, the common areas and that, including 4148, do you share the sense that the intent there was to use other rights for irrigation and to use this permit for domestic, commercial and fire protection as of 1987 when this was applied for?

A. I think I would agree with Mr. Tuthill's conclusion there.

Q. Do you think the 706 report's characterization of the permit -- and I'm speaking on page -- let's see if I can find it now. Page 7, under 1987, just take a second to read that last paragraph under 1987, application for permit number 36-08329 was filed by the ranch on 6/2, 1987, to cover the uses of the proposed subdivision. Source listed is springs and listed 1.5 cfs diversion rate to be diverted via pipeline. Intent of this permit was to provide half an acre of irrigation for home site and not to be used to provide irrigation of historical place of use as evidenced by conversation memo 12/2/91 between Gary Slette and Steve Clelland. This permit is currently active.

The first part of the second to the last sentence, intent of this permit was to provide a half an acre of irrigation per home site, was that the intent as of the time that the permit was applied for, or are you thinking of some other point in time? I'm speaking to, I guess, now as one of the authors of this thing, but what point in time do you think that intent is talking about?

MR. KING: Calls for speculation.

A. Well, I have a statement of a conversation with, I believe, Gary Slette where we discussed that.

Q. BY MR. SEMANKO: So you would say that the intent was as of December 2, 1991, when that conversation took place?

A. Is that when that conversation occurred?

Q. According to the 706 report. Conversation memo, 12/2/91, between Gary Slette and Steve Clelland. I've got a copy if you want to look at it. 12/2/91 memo states, from Steve Clelland to the file for 36-08329, I just finished the final review of the adjudication claims for Clear Lake Ranch, Inc. No valid water rights were found for irrigation use by this claimant at the place of use listed. After speaking to their attorney, Gary Slette, it appears they believe this permit as issued allows them half a acre of irrigation per home. I spoke to Tim Luke, and he admits it has been done before. During the exam of this water right, the use of this water for irrigation should be reviewed and resolved.

Is that the memo you're referring to, dated 12/2/91?

A. No. I was referring to one of 11/19/91.

Q. Okay. I've got that one, too. Does the 706 report not say 12/2/91, though? Can you answer

that question? Doesn't the 706 report say memo of 12/2, 1991?

A. It does.

Q. And that's all right. I understand there's a series of memos.

And the 11/26/91 memo states, Gary called again regarding the above. I told him we would recommend what has been supported by the file and evidence.

Is this the one you're talking about, or are you talking about 11/19/91?

A. 11/19/91.

Q. Okay. Sorry. That one states, Gary Slette and George Brush. Gary called on a conference call and asked about the file. I told him it looked like it would be disallowed, leaving only the permit 36-8329. I said I would be meeting with Lynn Krogh-Hampe tomorrow for a legal review. He asked me to call him back after the review.

Is that the one you're thinking of?

A. Yes.

Q. How does that show the intent to use the permit for irrigation of a half acre per lot?

A. Well, down there in the sentence, I agreed to contact Spackman at Boise to confirm this permit

validity for irrigation of a half acre per lot within the subdivision.

Q. Okay, I'm sorry. You're now speaking of the 11/26/91 entry, right?

A. Right.

Q. And that says, I told him we would recommend what has been supported by the file and evidence submitted. Since I have not made the final review, that won't be out until the report of 1992, I did indicate I would allow about 60 to 70 acres to the country club. I agreed to contact Spackman at Boise to confirm this permit validity for irrigation of half per lot with the subdivision.

Was the intent or the need or the urgency to find out if we could do a half an acre per lot prompted -- I mean, was that the original intent of this permit, or was that prompted by the fact in your mind in your conversation with Gary Slette and others that it looked like the right that was going to be for irrigation under No. 10 in the permit application was going to be denied?

A. I got the impression that the intent was they were allowing a half acre per home site.

Q. I'm asking you the developer's intent. Do you feel like, in 1987 when they filed this, they

intended to use this permit for irrigation, or 4148 and 4149 for irrigation, just by strictly by what's in the permit?
MR. KING: Calls for speculation.
A. I can't speak for the developers. I can only speak based on my conversation with Gary Slette. He asked me to pursue some questions regarding the half acre per home site and whether it had been done. And so I followed up on that. And then that kind of left my hands, and he dealt with Norm Young out of the Boise office directly once the ball got rolling. And then basically the permit drifted away from my concern or my input on to it. So I was left with the impression that that was their intent, was to develop the half acre per home site.
Q. BY MR. SEMANKO: As of what date did you feel that was the intent? The date of the memo?
A. Well, it'd have to be the date of the memo. That's when I discussed it with him.
Q. But you don't dispute that under No. 10 in the permit that was applied for in 1987, it described other rights being used for irrigation?
A. That's clear.
Q. You don't feel that the urgency to find out whether a half an acre is allowable per lot for

irrigation was because of the impending -- which is well-documented in the same memo -- impending nonrecommendation or recommendation of disallowal of the irrigation right? You don't feel that that is what prompted the concern or the intent to want to use a half an acre, irrigate half an acre per lot?
MR. KING: Calls for speculation.
A. I can only respond to the questions that were asked of me. The questions were asked, can we allow a half acre per lot for irrigation?
Q. BY MR. SEMANKO: Let me rephrase it this way. Were you ever asked that type of question previous to revealing to the claimants and their attorneys that it was likely that 4148A would be disallowed? Were you ever asked that question before that point in time?
A. I don't recall.
Q. It's not reflected in any of your memos, is it?
A. It appears you can find my memos better than I can. I don't -- I don't recall the specific order, no.
Q. Let's turn our attention now, if I could, to the adjudication claim verification form that we spent some time with Mr. Tuthill on this morning.

It's dated at the top 9/6/90, and goes pages 1 through, as near as I can tell, 12 -- correct me if I'm wrong; I may not have as good a copy as you. On page 1, in some notes dated 10/22/91, it states that no diversion was found. Is that your handwriting?
A. Yes, it is.
MR. KING: Mr. Semanko, I don't mean to interrupt. Just to make it clear for the record, that's on water right No. 4148A?
MR. SEMANKO: Yes, that's right. That's the one we've claimed.
Q. BY MR. SEMANKO: So that is your handwriting?
A. Yes.
Q. Okay. On page 3 -- well, let me ask you first of all, on page 11, there's an entry at the bottom there. It says "authentication," then it has a line for signature with the date. When you, as a senior water agent, sign that, what significance is that? What does that mean to you when you're signing under that authentication? What is the significance of that?
A. When I sign it, it means, based on the information I've had to review in the file at this point, this is the recommendation of the right.

Q. Is it accurate -- is it fair to say that's your expert conclusion as to what the recommendation for this right should be?
A. As of that date.
Q. Would it be fair to say that any senior water resource agent signing under that would be signing or authenticating as to the same thing, what their particular conclusion was as to a claim they signed on that line?
A. I couldn't speak for others. I only know in the instances that I sign it, that's what it means from my signature to be on there.
Q. That's what it's meant for, to say this is my review of the claim, this is what I think it means, and authenticate it and sign it, that's what it's for? That's what that line is for? That's why you sign it there?
A. Correct.
Q. It's not just to show my name is Steve Clelland, it's to show that's your expert opinion on it?
A. Correct. I might add, however, because of the continuing information flow into the files and continuing information supplied by claimants, investigations, court proceedings that may occur,

those may be dated one instance when the review is believed to be complete, and then have to be revised at a later date, either by the same party or a different party, so it is a dynamic instrument. And all tracks are intended to be submitted either in the CVR or as an attachment to the CVR in the file so that we can come to the same conclusions that the examiners did. Even though the initial examiner may have thought one thing, a final recommendation may be something different due to change in information available.

Q. On page 1, there's a notation of a date of field exam, 8/2/90 and 8/30/90. Who made those field exams, to the best of your knowledge? They're noted on page 1.

A. I see the 8/2/90. I don't see the 8/30/90.

Q. I'm looking on page 1 up in the left corner of --

A. Oh, that page?

Q. -- page 1.

A. Okay. Those are Lori White's handwriting.

Q. So she made those two examinations, are you saying?

A. Yes.

Q. And her review was signed on 9/6/90, is that right, on most of these pages?

A. Yes.

Q. And that was after some field exams had been conducted, correct?

A. Yes.

Q. On page 3, down at the bottom -- well, throughout the page, I guess, there are some analysis of the point of diversion. And the point of diversion for 4148A seems to be identified by Lori White; is that correct?

A. On page 3?

Q. Yes. Page 3, point of diversion review sheet.

A. Are you referring to the N's in field C, the third field on the bottom there?

Q. I'm asking first of all, I guess, whether this is an analysis of the point of diversion for 4148A? Is that what this sheet is?

A. It's designed to provide comparisons and begin the analysis, yes.

Q. What is the significance of her entries at the bottom of the page under C, field exam required?

A. She indicates no field exam is needed.

Q. Is she concluding that there was no point

of diversion discrepancy and no source discrepancy?

A. I can't speak for Lori on this particular case as to what she perceived to be the case here.

Q. Guessing by what those N's represent, no, be your conclusion in reviewing this that she would have said, due to the point of diversion discrepancy, no. Due to source description, no. No field exam required? Is there any other way to read this?

A. The fact that the quarter to quarter descriptions listed under the claim don't match the quarter to quarter descriptions listed under the water right on the earlier claim would indicate to me that there's some form of discrepancy there.

Q. I didn't ask you if you see a discrepancy, I asked you whether it looks like she found a discrepancy in putting no and no down here? It's a pretty simple question.

A. I can't answer for Lori White.

Q. Does no mean no? When you fill in an N on these sheets, does no mean no?

A. You asked if she found a discrepancy. I can't answer for her.

Q. I think I can establish what no means.

On page 4 here, judging by your initials, this is your writing here?

A. Yes.

Q. No diversion found for ranch area, it says. Do you still feel -- I know this was in 1991. Do you still feel there's no point of diversion for 4148A with five years gone by since this? You said things change, information comes in. Is it still your contention that there's no point of diversion and no method of diversion for 4148A?

MR. KING: Vague.

A. I can't say that there isn't a diversion, but I would need to do further investigation to confirm that there is and confirm that delivery occurs to the place of use.

Q. BY MR. SEMANKO: Are there acres in the historical place of use on the east side irrigated from the springs that your files would tell you are owned by other than the country club?

A. Can you restate that.

Q. In your beneficial use examination, you found certain number of acres on the east side -- I believe it was 23 acres -- irrigated from the springs. Are all 23 of those acres owned by the country club?

MR. KING: Question is vague.

A. I'm not quite sure how to answer that.

That was information that was derived as a part of the settlement conference that we had.

Q. BY MR. SEMANKO: I'm not asking you to produce anything from a settlement conference. I'm asking you, from your understanding of where those 23 acres are, does the country club own all 23 of those acres, or does the partnership that I represent own some portion of those 23 acres?

A. As we discovered -- as I discovered through the settlement conference, it would appear so, yes.

Q. Appear so what?

A. That the ranch owns portions of irrigated land.

Q. Can you say how many acres out of those 23?

A. I would have to refer to documents that were developed through the settlement conference.

Q. That's fair enough. Does it make sense that if those acres have historically been irrigated, that water would have had to be diverted to get there?

A. Yes.

Q. Okay. On page -- and I'm still looking at the review sheet, verification sheet for 4148A. On

page 10, Lori White seems to make a number of conclusions regarding this particular claim on 9/6/90 after some of the field examinations, is that correct, that she seems to have made some conclusions here?

A. It appears so.

Q. And those were after some field examinations had been conducted; is that correct?

A. That's my understanding, yes.

Q. Now, you marked all that out and said it should be disallowed; is that correct?

A. That's correct.

Q. I'm going to ask you some questions that maybe are better directed at Allen, but in general, when you review a file as the senior water resource agent, who has the ability to review that and correct it or reverse it or whatever you want to call it? Is it another senior water resource agent that has the authority to do that, or is it your supervisor that has the authority to do that, or would it be taken up to the top for a reconciliation if there's a difference of opinion?

A. I could see situations where either case may apply. A typical case may involve just the two agents sitting down and resolving the discrepancy

amongst themselves.

Q. Did that happen in this case?

A. No, it did not.

Q. Was it taken to your superior -- who was your superior at this point, I should ask you, in November of '91?

A. Allen Merritt.

Q. Was this taken to your superior? Lori found this, I found this, which way should it go? Or was it just -- did it just go ahead with your changes?

A. It was -- Lori White left our office shortly after this -- I can't be precise on the date -- and she left several files in a partial completeness state. And this was tied in with some of those files that I was given to review by my supervisor Allen Merritt.

Q. Did she leave previous to 11/27, '91, to the best of your recollection?

A. I don't remember when she left.

Q. To your recollection, did she leave previous to you making the disallow recommendation?

A. She was gone when I made that recommendation.

Q. When you say "gone," where was she?

A. She went to Boise.

Q. Were you able to talk with her about this recommendation and what she had found versus what you had not found? Was she available to talk to?

A. I believe she was available, yes.

Q. Did she still work for the Department of Water Resources?

A. Yes, she did.

Q. Was she still reviewing SRBA claims?

A. No, she was not.

Q. What was she doing?

A. She was in the water appropriations issuing new permits.

Q. So she'd been put into allocations?

A. That's correct.

Q. Just for the record, it appears that she found -- or I don't know how you would characterize it. It says recommendations, page 10, purposes of irrigation, from 3/1 to 11/30, for a diverting rate of 1.5 cfs, et cetera, and then it's signed and it has a date. Is it your impression that those were her recommendations as to this claim?

A. I believe that was her initial impression.

Q. Is it an initial impression or is it a recommendation signed 9/6/90 after a couple of field

examinations that she conducted?
A. I believe it was an initial impression, because she went back on 10/11 of '90 and did further field investigations.
Q. Do you know what she was looking for during those field investigations?
A. I can tell you that's the date of the second polysonic measurement.
Q. So you were measuring things? Or she was measuring things?
A. She was.
Q. Now, on page 12, quick look information, it says, was a field exam conducted regarding a number of the elements? Does that Y next to most of those elements indicate that, yes, a field exam had been conducted on those elements that are noticed up there?
A. Are you referring to the first column?
Q. Yeah. The first column after the element column, it says field examination, yes or no, and then a column that has yeses.
A. Those are computer generated, and they are basically generated that if the claim doesn't match with the existing record on file, it flags it for a field exam. And it has to match perfectly or it gets

flagged. So that's a computer-generated field there.
Q. It notes a field exam in the third column. Is that Lori White, August 2, 1990, field examination, is that what that means?
A. Yes.
Q. In the next column, it says, whether, I guess, to change the claim or not, there's an overlay there, I assume, is your writing with disallow, with a line down to the bottom with a circle around the Y or across from remarks, is that your writing?
A. Yes.
Q. Underneath of that, there's on my copy some lighter writing with Y's and N's. Is that Lori's writing?
A. Yes.
Q. So in looking at that, she didn't see a need to change the claim, other than for a diversion amount, consumptive use and remarks; is that correct?
A. It would appear that way.
Q. And remarks refers to -- is that some remarks in this particular item? I'll take that back.
Under remarks, under the next column, verified by co, she has a 6 and a 6 next to the Y's for diversion amount and consumptive use, and I'm

assuming that means see remarks by the key at the bottom; is that correct?
A. Yeah.
Q. Are those remarks within this particular verification report?
A. They were generally listed on page 10.
Q. Can you tell me what those remarks say as generated by Lori White?
A. I cannot find any remarks referred to by Lori White.
Q. Are there some remarks on page 6? I'll withdraw that question.
Aren't there remarks on page 6 by Lori White which state, quote, confirmed acres with field exam, NAPP photos and perimeter measurements, dated 9/6/90?
A. There is that remark, yes.
Q. Okay. I think I'm done with the verification report.
So I want to characterize this correctly now. In terms of your reviewing what Lori had originally done, were you reconsidering what she had done or adding to it or reversing it? What would be your characterization of what you were doing? There was a verification form done in September of 1990,

and then you took it on sometime after that; is that correct?
A. Yes.
Q. Were you involved in it before that point?
A. Yes, I was involved with it.
Q. With the verification report?
A. Not the verification report. I attended the first field exam when they did a polysonic measurement on 8/22 of '90.
Q. In her report on page 12, doesn't she conclude that there's a point of diversion? In the column across from point of diversion, whether it needs to be changed, it says no. Is that correct?
A. That's correct.
Q. And that was after a couple of field examinations had been conducted, correct?
A. Correct.
Q. And you were along on one or both of those?
A. One of them.
Q. Which one was that?
A. The one when they did the polysonic measurement on 8/22 --
Q. So were you out there for purposes of the measurements, or to do the other things that you do

during a field exam? What generally were your duties during this field examination?. What were you looking for?

A. I was mainly there to assist in the measurement, but the measurements occur generally at points of diversion. So had we measured the point of diversion for this property, I would have observed that.

Q. You were looking basically at quantity, though, is that fair, in terms of the elements that have been investigated? On that particular date, you were looking at quantity, you weren't really looking at where are the points of diversion, what is the source, what's the priority date, those kinds of things? You were basically looking at quantity, weren't you, doing measurements?

A. No. When you're out in the field, you generally observe those other elements as much as possible also.

Q. You stated earlier, I think, that Lori White conducted the field examination. Was she looking for those other elements or were you looking for them or both looking for them?

A. I was. I assume she was.

Q. But she was the one who put the pencil to

the paper in September of 1990 and said that there was a point of diversion; is that true?

A. That's true.

Q. Does your job description include reviewing what other senior water resource agents have done in the essence of a superior, reviewing it and correcting it if it's wrong?

A. At times, yes.

Q. Is it common for other senior agents to do that with your work, to correct it if it's wrong, or does your work go straight to the superior?

A. It's common for them to correct my work also.

Q. Do they correct it or do they corroborate with you, discuss it, and try to reach reconciliation, typically, or will they just fix it?

A. It would depend upon the deadlines that we're being placed under. A lot of the deadlines in preparing this director's report in 1992, they would have just collected it without a lot of corroboration time.

Q. If you had never touched this claim verification form in 1991, was it completed in September of 1990, the claim verification form itself, by Lori White with her signature?

A. I would have to say no.

Q. Why is that?

Let me ask you this. What is the purpose of the claim verification form? Is it to make a recommendation? Is that what it's for?

A. It's to assist in providing a framework from which to do an analysis of the water rights and compare it with existing rights, other rights, and a place to maintain, track and record all the steps, thoughts, procedures that evolve into the final recommendation.

Q. Is it a common occurrence to derive SRBA recommendations from these review sheets, these verification forms? Is that a common occurrence to derive a recommendation from these forms?

A. Initially, yes.

Q. You've done several of these, I'm assuming, a number of them, these verification forms?

A. Yes.

Q. When you have reached a conclusion or a recommendation, is it common for you to enter that recommendation on page 10 where it says "recommendations," and then sign it and date it with the recommendations as to those elements listed on

that page, page 10?

A. There could be instances where you complete that set of elements but have yet to resolve other elements in the water right. For instance, location of a point of diversion.

Q. I'm sorry, you must have misunderstood my question. When you reach a conclusion as to those elements that are listed on page 10, is it common for you to enter those conclusions as recommendations under the title "recommendations" and sign it and date it on that page? Is that the common practice for completing these forms?

A. Yes.

Q. Do you have any reason to believe it would be any different for any other senior water resource agent?

A. The only thing I can explain in this particular case, not particular to this water right, but due to the time frame of it, at the time CVR was developed, this had only been in existence for about four months. And it was still in the process of being developed for the agents being trained in its use on how to use certain pages, when to sign, what to sign for, what to document in the CVR. So it is possible that Lori misunderstood what some of these

elements meant, because she understood they had until the time of the decree to be changed or altered.
Q. Are you saying that she did not understand what she was entering on page 10 in terms of numbers and words under the title "recommendations" and then signing it, dating it? Are you saying she didn't understand what she was doing or wasn't properly trained in what she was doing?
A. I'm not stating either one of those. I'm merely stating it was a new document, and different agents had different interpretations of when to enter that and the finality of what it meant when they signed it.
Q. In your judgment -- and if this is too vague, let me know. That's fine. Who was more familiar with the development history? And when I say development history of the subdivision, I mean from 1983 when the agreement was struck with the food company to go ahead and let them develop that, from 1983 until about 1990 or so, who was more familiar with the history of the development out there and in working with the developers in deciding what they were going to do in terms of permits and claims and things? Was it you or was it Lori White?
A. I don't know that I could answer that

question.
Q. Would her signature as the notary on several documents indicate that she probably was involved? Documents submitted by the developers indicated she probably was involved in at least reviewing, if not drafting, some of those documents, assisting in drafting those documents. Would that be a normal scenario for a notary who's at the bottom after signature by George Brush or someone else?
A. As agents in water resources, we assisted people in filing their notice of claims. Notice of claims contain information supplied by claimants, not --
Q. Are you a notary?
A. I'm a notary, yes.
Q. And Lori's a notary?
A. Yes.
Q. In your experience, if you are notarizing something, is that typically indicating that you were involved in that process with that claimant?
A. Our --
Q. Is it a good indicator? I mean not absolute, but a good indicator?
A. Our purpose of notary, as authorized under the department as an employee of the department,

merely we represent that the person signing that document is that person. We don't represent the contents of the document.
Q. I understand that. I'm just asking in your experience, if you happen to be the person who does the notary, to swear that you saw this person sign this claim or permit or whatever, is it typically your experience that when you're doing that, it's because you're the one that's been involved as versus other agents in the office who are notaries involved in assisting on that particular document, or are you just called over to sign it and you never look at it?
A. The first part of your statement would be correct. It was common for an agent to assist in filling the form and then to continue and notarize those forms.
Q. The notary means you swear you saw the signature, right --
A. Correct.
Q. -- it was a valid signature? It doesn't mean you're swearing that you believe everything that's in the document?
A. Correct.
Q. But it generally probably means you're

familiar with what's in the document? I think you just said that. You are familiar with what's in the document or what's going into the document because you were there to notarize it?
A. I don't think you could state that as a generality.
Q. Is it true, more often than not, that if you notarized it, you were involved in knowing the content of the particular document?
A. Being involved in preparation of the document and knowing the content, I believe, would indicate or constitute separate delineations.
Q. Did you assist the developers at Clear Lake in filing the application for permit 36-08329, to the best of your recollection?
A. If I did, I don't recall.
Q. Do you remember if Lori was involved in that?
A. I don't recall.
Q. Were you involved in assisting the country club in -- I'm sorry, the developer's 36-4148A in submitting their amended claim or the original 36-4148 claim? Were you involved in assisting, in drafting or in having that submitted, to the best of your recollection?

A. I don't recall that I was. I know Lori spent some time with those people because she knew them on a social level.
Q. Would it be your impression from your experiences in working with Lori that she was familiar with the plan for the subdivision, development, making the subdivision development?
A. I don't know her knowledge of that.
Q. Do you think she -- I mean, from your experience in working with her, is it your impression that she was familiar with what the developers were intending to do in terms of their permit?
A. Again, I couldn't say what her familiarity is.
Q. Have you ever done any measurements or has anybody in the department, to the best of your knowledge, done any measurements regarding the number of acres irrigated or the amount of water going to irrigation in the residential subdivision as opposed to the golf course?
A. At your particular subdivision?
Q. That particular subdivision, yes.
A. I'm not aware of any measurements, no.
Q. You were out there yesterday; is that correct?

A. Yes.
Q. And you've been out there several times before?
A. Yes.
Q. Have you observed any irrigation within the residential subdivision?
A. Yes.
Q. Could you venture a guess how many acres were irrigated?
A. Based on my observation yesterday -- and this is just an estimate -- there were about eight houses. If you assume a half acre per house, there's four acres there being irrigated. And the house lawns. The irrigation that occurs other locations is more difficult to determine, because there are no distinct lines that I can observe readily between --
Q. You're speaking now of common areas, perhaps? Areas that are not home lots but irrigated elsewhere in the residential subdivision?
A. Well, I'm speaking of areas that were found to be irrigated that have no development on them. Now, I don't know whether they're home lots or common areas, particularly.
Q. Are you saying it's difficult because those areas tend to join the golf course, or why is

it difficult?
A. Yeah, it appears that they're all one area.
Q. Could that same difficulty have existed in 1990 and 1991 when the field examinations were conducted in determining which acres were in the subdivision and which acres were actually golf course?
A. I don't know that I could state that. I can't speak for Lori or Bob. But I know from the aerial photography that it's difficult to tell what the ownership delineations are for this particular parcel.
Q. On page 11 of the 706 report, I'll quote to you, it says, a warranty deed shows that Clear Lake Country Club bought part of a historical place of use for Clear Springs in 1988. Of the land that the ranch retained, only a fraction of the ranch property included the historical place of use for Clear Springs irrigation water.
Does that statement in the 706 report that you helped generate mean that part of the property that was irrigated was owned by the ranch as of this 1988 date referred to in here?
A. Now, what was your question regarding that

statement?
Q. In reading those couple of sentences, is it your impression that -- was it your conclusion in helping generate this thing that all of the property in the historical place of use you're referring to in the report was owned by the Clear Lake Country Club, or was some part of it within the residential subdivision owned by the developers, just on the basis of that statement there?
A. I believe it's -- some was owned by the ranch.
Q. And that's of the historical place of usage found?
A. That's correct.
Q. And that's of 1988?
A. That's correct.
Q. So when you went out and made field examinations in 1990 and 1991, isn't it possible that you thought it was all in the golf course, but some was actually in the subdivision? Is that not possible?
A. Well, that ties in with the statement that I made earlier. We asked -- I believe it was Denny Kuntz, the grounds keeper assisting us with the measurements when we were out there, are these the

only diversion points in delivery systems to irrigate the property being irrigated? And the answer was yes. So the system that we were led to believe irrigating all the lands we saw irrigated was the spring that the Clear Lake Company owned and the pumps, the two pumps back up by the clubhouse.

Q. I understand what the other folks said to you. I'm asking you now, is there a mistake in your recommendation -- no fault of your own at the time -- that results from the fact that you just didn't know where the precise boundaries were between the golf course and the subdivision? Isn't there a mistake in the recommendation because of that?

A. I have found some discrepancies of that type through settlement conference.

Q. And, again, I won't repeat the answer, but again, isn't it elemental that if that portion is irrigated, it was -- the water was diverted from somewhere and taken there?

A. That's correct.

Q. So is your opinion regarding 36-04148A different today than it was when you made the recommendation in September of 1991?

A. Yes, it is.

Q. Can you explain that with precision, or do

you need more time to review that?

A. How much precision?

Q. However much you can give me would be great.

A. Well, I believe we've provided you some precise acreage information through the settlement conference. Basically the change in my recommendation would be based on knowledge of precise boundaries now and previous arrangements of irrigation established under the warranty deeds to explain the situation found.

There would still be questions as to change in points of diversion and changes in source of water right, even as a result of my proposed new recommendation for the Clear Lake water right. There would be a portion of the spring water on the east end of the 23 acres recommended to the ranch, and there would be a portion of the lake water on the west end recommended to the ranch.

Q. That is without any consideration as to whether there may have been a possible expansion on the golf course due to basically using less water on more acres -- or the same amount of water on more acres, there's no factoring in of that when you made this new opinion?

A. That's merely a more precise description of the appurtenant water rights to separate ownerships.

Q. On page 7 of the 706 report, it's mentioned that 5.4 acres of irrigation are taken out to construct fish raceways. That's under 1987. It may have occurred a little bit before that, I'd represent to you, but it says 5.4 acres of irrigation are taken out to construct fish raceways. That 5.4 acres is not any part of your 23-acre recommendation, is it, as to the water diverted and used on the east side?

A. I believe it makes up part of the 23 --

Q. Makes up part of the 23 acres?

A. Yes.

Q. Are you sure of that?

A. Yes.

Q. When it says 5.4 acres are taken out, what does that mean, "taken out"? It continued to be irrigated, is that what it means? Wasn't it replaced by a fish raceway?

A. Right. The irrigation was taken out to construct raceways.

Q. But the 23 acres that you found had been continually irrigated, had it not, at least as of

1964 or whatever the date is?

A. The 5.4 acres shown in that statement is part of the 23 acres in the recommendation.

Q. I'm asking you the question, is the 23 acres that you found, was that continually irrigated without interruption from 1964 through the present time, through the recommendation time?

A. Put that way, no.

Q. The 23 acres was not continually irrigated?

A. No. 5.4 of it was taken out in 1987 and moved somewhere else.

Q. Are there other areas in this report or the file that indicate that that's the case, 5.4 acres was moved around?

A. I'm not aware of where it may be in this particular report, but that leans toward what Mr. Tuthill discussed this morning about the migrating place of use. It was clear that that land's no longer irrigated. And so given the accomplished transfer statutes, that 5.4 acres was allotted to a nearby piece of property.

Q. When did that change take place, the 5.4 acres being moved?

A. I have it shown up in '87.

Q. Is there anything in the file that reflects the move happening in 1987, other than the 706 report?

A. I don't think we specifically said 5.4 acres have been moved to this such and such land as in the case of a transfer. More or less we determined the historic place of use, a historic number of acres within that place of use of 23 acres. It was clear that 23 acres was easily being irrigated after this acreage had been dried up, and so it fit within the transfer statutes. We allowed it and recommended it as part of the 23 acres on the east end of the golf course. We recommended it to the golf course because the golf course was the only ones who we had found, then told, rightly or wrongly, that had an irrigation system, it's the only system we were able to measure and verify. And so the recommendation was made to them based on that information.

Q. But Lori White found the point of diversion for the 4148A, had she not?

MR. KING: Asked and answer.

MR. SEMANKO: That's fine.

Q. BY MR. SEMANKO: So beginning in 1987, you've got a solid block of 23 acres that you can

point at and say, that's the spring right, correct? Those are the 23 acres being in 1987, because the 5 acres had been moved over, there's your 23; is that correct?

A. Because of the nature of the recommendations for the director's report, yes, we did identify 23 acres. However, because of the expansion of acres and the efforts to bring the systems into one combined system, it becomes difficult to say which particular acre is covered under that right at any one time.

Q. Can you show me on any map in your file where the 5 acres out of the 23 is that was not irrigated before 1987? In other words, the 5 acres was over where the fish farm is now. That supposes there was 18 over here. Can you show me the 5 acres where that water was moved to by comparing '77 and '87 or '80 and '87, or not?

A. Yes, I can do that.

MR. KING: We've got here Deposition Exhibit 1 is the June 1986 ASCS slide, and maybe we can mark this one as Exhibit 3. The June 1987, if we could mark that as Exhibit 3, June 1987 ASCS slide.

(Exhibit 3 marked.)

Q. BY MR. SEMANKO: Is the change indicated

between these two maps, Steve?

A. What do you mean, is there a change indicated?

Q. In the five acres. The five acres that was irrigated previous to 1987, where the trout farm now is, and the five acres that were not irrigated before that time that were irrigated as of 1987?

A. In '86 they're there. In '87, construction has begun on the raceway. The five acres discrepancy, the five acres came out of here and is now recommended on property down here and down here (indicating) that were not historically irrigated.

Q. All right. Is it possible that those five acres are an expansion rather than a transfer? In other words, where those five acres showed up the next year, is it possible that's an expansion, and the other portion of the right was transferred somewhere else onto the property?

A. I could see how that could be --

Q. Let's go back to an earlier line of questioning just briefly. You stated that you saw a certain numbers of acres irrigated in the residential subdivision, correct --

A. Yes.

Q. -- without saying what the number was? Are you aware of how many acres are stubbed in to be irrigated in the residential subdivision?

A. Not precisely, no.

Q. Do you have any guess at it?

A. No.

Q. Do you think it could be five acres?

A. In that same 40-acre tract?

Q. In the residential subdivision, generally.

A. I'm sure there's at least another five acres.

Q. At least another five acres. So is it possible that this five acres that was where the trout farm is now was transferred to acres that are stubbed in and the other five acres were actually an expansion, is that a possible scenario? Or do you know for a fact that it was transferred from the five acres to the five acres that showed up green?

A. I don't know for a fact. It is possible, given the facts that have been discovered through settlement conference and provided up to this point, that it could go either way, depending on who wanted to make the case.

Q. And whatever happened, happened in 1987, is that correct, not at a later time?

A. I believe it happened in '87.
Q. There's a list on page 8 of this report of exam schedule for all claims. Does that include or should that include the 9/6/90, September 6, '90, analysis, recommendations, whatever you want to call them, verification done by Lori White, or is that just strictly field examinations?
A. These are strictly field examinations.
Q. Finally one more question on this verification form. On page 11, there's an indication there for forfeiture or abandonment. Do you see that on page 11?
A. Top? Bottom? Where is it located?
Q. Page 11, at the top of the page under A, it says, check one of the following that apply, ownership, forfeit, abandon, additional diversion amount. And it states accepted as claimed or needs review. Isn't it true that Lori White's indication is that forfeiture and abandonment are not applicable to 4148A?
A. That's what she checked.
Q. And then your check a year later or so was that forfeiture, abandon, needs review; is that correct?
A. That's correct.

MR. SEMANKO: That's all I have. Sorry to keep you so long.
MR. BROWN: I just have a few quick follow-up questions.

FURTHER EXAMINATION
BY MR. BROWN:
Q. You had this page in your claim investigation file regarding -- I believe this is 4148. This is the lake right, 4074. And there's a page I'm showing you is in handwriting. It says, sems, or s-e-m-s, period, three types, highest reading, two measurements, colon, and it says large pipe, small pile and E pipe. Whose handwriting is that?
A. That's Lori White's.
Q. And after that it says, it totals those three, and it says 3.39 cfs. Do you understand that to be the highest reading of measurements taken by IDWR personnel involving the two golf course rights?
A. Yes.
Q. Do you have any reason to question that figure?
A. Not at this point.
Q. Let me show you next from the claim file a

chart. Do you know who prepared that chart?
A. I did.
Q. That chart is a handwritten chart which starts -- the first line of it would maybe be a third of the way down the page, and it says T9SR14E. And then the next column down, running from left to right, starts with 1977, 1979, 1980, 1992, 1985, 1987, 7/6, 1988, and 8/30, 1990. Do you know who prepared that chart?
A. I did.
Q. And what does that chart show?
A. This chart is kind of a summary review of all the claims and amendments to those claims to show the variations in the acreages from when they were first filed to when they were finally submitted to the SRBA.
Q. Do you know when you prepared that chart?
A. I don't know exactly when I prepared these, no.
Q. Can you tell from its location in the file when it was prepared in relation to other documents?
A. Would have been somewhere around October of '91, just guessing.
Q. Okay. Do you know when -- had you seen Exhibit No. 1 when you prepared that report?

A. No, I had not.
Q. Had you seen Exhibit No. 3 when you prepared that report?
A. No, I had not.
Q. Can you tell me what this photograph depicts and when it was taken?
A. This photograph was submitted by --
MR. BROWN: Can you mark that.
(Exhibit 4 marked.)
Q. BY MR. BROWN: I'm showing you what's been marked Deposition Exhibit No. 4.
A. This photo was submitted by George Brush during settlement conference showing Clear Lake Ranch. On there he drew out the areas that he believed to be retained in ranch ownership and currently irrigated for acres that should be recommended under the ranch's portion of this right.
Q. Do you know when that photograph was taken?
A. No, I don't.
Q. Have you ever seen that photograph -- have you ever factored what that photograph shows into your analysis of these claims?
A. To some degree through the settlement conference.

Q. What's your understanding of -- well, let me ask you this. If you would look at Exhibit No. 1, if you drew a vertical and essentially on the west end of the golf -- of the original nine holes, which would be pretty much straight up from the S and SCS through the top of that photograph, you can see above the original nine holes the ground appears to be one color, correct?

A. Correct.

Q. And then as you move off to the right of the page, the ground appears to be a different color, correct?

A. Correct.

Q. In other words, to me, I guess, that's a light brown and a dark brown. Can you tell me whether the two different colors have any significance to you as far as determining whether grounds have been irrigated or not?

A. I would have to interpret the upper portion next to the lake between the nine holes and the lake to have been burned off, it appears like that, as a result of a fire.

Q. Would be the more westerly portion?

A. Yeah.

Q. What do you believe the more easterly

portion shows?

A. I would have to say it's somewhat inconclusive and consult our photography.

Q. Inconclusive in what regard?

A. I can't say it's irrigated, but it doesn't also look like the totally nonirrigated areas also visible in the picture.

Q. Is it your testimony that there's no evidence of old ditches on the eastern portion of the property? In other words, from where the old nine holes was east?

A. No, that was not my testimony.

Q. Have you seen old ditches out in that area?

A. Not with on-site visits. But what appear to be ditches or remnants of ditches show up in the ASCS photos, and in this photo marked Exhibit 4.

Q. And have you ever asked anyone to show you where those ditches are on the ground?

A. No, I have not.

Q. Do any of those ditches that you've observed in any of those photos lead to areas which could have been irrigated that aren't in your recommendation of 64 acres?

MR. KING: Counsel, are we entering settlement

conference information into this deposition?

MR. BROWN: I don't know. I wasn't at the settlement conference.

MR. SEMANKO: I haven't heard Mr. Clelland say such and such said at the settlement conference. If I heard that, I would object, but I haven't heard that yet.

A. What was your question?

Q. BY MR. BROWN: From what you've seen of the photographs, both ditches, do any of the ditches run to areas which are not included in the 64 acres that you recommended as always having been irrigated, historically irrigated?

MR. KING: Objection, vague.

A. My interpretation of the photos that I've seen, and likewise with my on-site visits, have been that although there are remnants of old ditches, I have yet to see evidence of irrigation from those ditches.

Q. BY MR. BROWN: But you haven't asked anybody to show you where those ditches irrigated land?

A. And there again, it would be in a judgment call of mine, based on my recommendation, my interpretation of the information available, that

that was unnecessary.

Q. It was unnecessary to see if the ditches led to ground other than what you believe to have been irrigated?

A. It was rather a situation where we observed what was irrigated, not what wasn't irrigated. We observed the beneficial uses we found and that's what we reported. If there was new systems out there that somebody claimed to have existed or gleaned does exist, we failed to find them. We recommended the beneficial use we found. It's not that we thought their information was unnecessary, it's just that we didn't ask the question to go looking for that information in the first place.

Q. So in other words, the people claimed to be irrigating places that you didn't believe were irrigated, and you didn't ask them to show you the ditches that ran to those places and show you those places that had been irrigated; is that correct?

A. Somewhat, because the irrigated places of use were readily apparent in all the other documentation that they had supplied and that we had available at our hands.

Q. The problem was that some of those places

didn't show up on the photos that you had collected, correct?
A. That hasn't been established.
MR. KING: Objection, vague.
Q. BY MR. BROWN: What hasn't been established?
A. That there's irrigation going on there that no one knows about except the claimants.
Q. The claimants claimed it was irrigated, didn't they?
A. They did.
Q. And you didn't ask them to show you where it was irrigated because you determined that you already knew what had been irrigated?
A. Based on the systems that they described, their affiants described, that their claims described, their investigations viewed and our aerial photography viewed, we made the recommendation and were unaware that any further review was necessary for these lost ditches.
Q. Let's look at Exhibit No. 2. You drew a red line from the springs that has one, two, three, four, five arrows, red arrows that come off of that line, correct?
A. That's correct.

Q. Did you follow any of those first two lines down to see if there were ditches that showed that places outside the 64 acres had been irrigated?
A. Those ditches didn't exist at the time of our exam.
Q. Did you go and look to see if they existed or not?
MR. KING: Asked and answered.
A. None of the original delivery system for this water right existed. The expansion was complete on the golf course. Everything was now under full operation under sprinkler systems.
Q. BY MR. BROWN: So it's your testimony that both ditches don't exist today on this end of the property?
MR. KING: Asked and answered.
A. It's my testimony that those ditches have been destroyed and removed through the construction process and were not visible when we were there on the property. I believe it is possible, however, for affiants, claimants to go out and find representations of what they believe to be old ditches, because I've encountered that before.
Q. BY MR. BROWN: Don't you know it could be important to go and look and see if those are, in

fact, the ditches that run to places you don't believe were irrigated?
A. Having ditches through rocks and sagebrush does not constitute irrigation for the beneficial use of irrigation. And the ditches, in and of themselves, are not enough evidence to, based on the other evidence that we have, to show irrigation has occurred.
Q. So despite the affidavits, and if you could go out there tomorrow and look at the ditches, it's your testimony you still could not recommend those as historic places of use?
MR. KING: Objection, assumes facts.
A. The recommendation so far has been based on the beneficial use as we find. That's the recommendation that I continue to base my -- or that's the facts that I continue to base my recommendation on.
Q. BY MR. BROWN: But you have not bothered to go out there with the claimants so that they could show you the old ditches that still exist that run to those places of use which you did not recommend, correct?
MR. KING: The question assumes facts and is vague, and has been asked and answered.

A. That delivery system no longer is used or appurtenant to the property.
MR. BROWN: Please read back the question.
(Previous question read back.)
A. The ditches that exist there now, whether they are there now or not, is irrelevant, because the --
Q. BY MR. BROWN: Please respond to the question. I'm not asking you if you think it's relevant or not. I'm asking you if it's correct.
MR. KING: Asked and answered.
Q. Is it correct or isn't it?
MR. KING: Continuing objection.
A. We did a complete and correct review of this water right in order to arrive at the recommendation that was reported in the director's report.
MR. BROWN: Please read back the question.
(Question starting at page 144, line 19 read.)
A. I personally did not go out there.
Q. BY MR. BROWN: So that statement is correct?
A. And visit with those people about that specific item.

Q. Is that statement correct or is it not?
MR. KING: Asked and answered.
A. The beneficial use of the right has been recommended based on the information we had available, and that was not --
Q. BY MR. BROWN: The question is not what you made your recommendation based on. Excuse me.
MR. BROWN: Please read back the question, and please answer the question so that we can all go home.
A. I've answered the question.
Q. BY MR. BROWN: The question is, is that statement correct or is it not?
A. I've answered the question.
Q. Is it correct or is it not? You have not told me.
A. I answered the question.
MR. KING: I still have a continuing objection.
Q. BY MR. BROWN: And what was your response?
A. I told you I have not personally asked those people to go out and show me abandoned ditches.
Q. So the statement is correct?
A. As I just stated.
Q. When you prepared this summary we spoke about that, I guess, you said summarizes what

information the department had concerning places of use in the various lots and sections, you stated that you hadn't seen the June 1986 ASCS slide, Exhibit 1. Is there any other information, any other photos which we've talked about today which you hadn't seen when you prepared that chart?
A. There should be three ASCS slides, '86, '87 and 1988.
MR. KING: It's a slide back at your office, Steve?
THE WITNESS: Yeah. It would show slides where you stopped in and got a copy of when you came back into town that one day.
A. There's these ASCS photos that I picked up at Gooding County Assessor, and I copied off their maps directly. They're addressed in the 706 report as far as dates and locations.
Q. BY MR. BROWN: When did you pick those maps up?
MR. KING: Do you need a break, Steve?
MR. BROWN: I'll be done in about two minutes.
MR. KING: If you need a break, let me know.
A. I would have picked these maps up this spring sometime and have them copied off.
Q. BY MR. BROWN: This spring 1996?

A. 1996. In anticipation of further settlement conferences.
Q. You don't know what years these maps reflect?
A. It was stated in here.
MR. KING: How about if we take a five-minute break?
MR. BROWN: I'll only be about two minutes.
MR. KING: We still have Allen Merritt to go through.
A. I still can't -- I can't find the dates of those particular maps. I know one of them was 1977. And one of them was '64, July 4 of '64, because that was one that was dated.
Q. BY MR. BROWN: Does the ASCS make copies of slides or maps and give them to the department without charge?
A. Who?
Q. Well, let me ask you first about the ASCS slides. As Exhibits 1 and 3, you obtained those from the ASCS?
A. The slides.
Q. And does the ASCS give you those without charging for copies?
A. We borrowed the slides and had copies made

into prints at our expense.
Q. So there would be a record reflecting when you had the slides copied?
A. Yes, there would be.
Q. And where would that record be within the department's files?
A. I would have to refer that question to Allen Merritt. I'm not sure where those billing charges go.
Q. Do you have to sign for the slides when you take them out from ASCS --
A. Yes, I do.
Q. And do you take them somewhere to be copied?
A. Yes.
Q. Where do you typically take them to be copied?
A. I believe it's Associated Business Products here in Twin Falls.
Q. And then these other maps you refer to, these are aerial photos?
A. They're based -- they're aerial photos of old ASCS maps that are retained by the county assessor.
Q. And you obtained those from Gooding

County?
A. Yes.
Q. What office would that be, the assessor's office?
A. Assessor's office.
Q. And do they make copies of those for you?
A. They made the copies, yes.
Q. And do they charge the department for those copies?
A. Yes, they do.
Q. And so there would be a record of when you obtained those with the county assessor, Gooding County, correct?
A. I don't believe she receipted it, the moneys. It was only like a dime a copy.
Q. And how did you pay for them?
A. Out of my own pocket.
Q. And did you ask for reimbursement from --
A. No, I didn't.
Q. -- the department? So you don't believe there's any record of when those were obtained?
A. It would have been the same time that I picked up these slides.
Q. Okay. So you would have picked up these slides sometime in the spring of 1996 also?

A. Yeah.
Q. Okay. Had you looked at those slides before that time?
A. Not -- the day I picked them up is the first day that I had viewed them.
Q. Okay. So the chart we're referring to, first column says 1977 ASCS. What information did you have from the ASCS as of 1977?
A. In my main review file called the supplemental file to 4148B, I have a 1977 ASCS map, which I calculated out the acreages and then divided them up according to the legal description.
Q. Is that the map that the ASCS produces where they write the number of irrigated acres on each field?
A. It is that map, but I don't have those acres on this particular copy.
Q. Does the department maintain those maps in its office, or does it go out and get them in special cases?
A. We get them from several sources. We can either go pick them up ourselves, or sometimes we get them from the claimants themselves, or sometimes they're in another file nearby. And if we know of a map to be nearby in a particular place, we'll go copy

that map from another claim file.
Q. I just want to finish up with this column on the chart. It says there's a 1980 color slide. What is the source of that slide?
A. There's a set of slides that the department obtained from the ASCS, which are similar to these exhibits. They were apparently throwing them out and they offered them to the department years ago, so we still have those for Gooding County. And I made a copy of that slide into a photo exhibit like there. And I --
Q. Okay. And the next photo, at the time you prepared this chart, the next photograph you had would have been a 1987 ASCS?
A. Yes.
Q. And it also says NAPP, N-A-P-P. Is that the same thing?
A. No. They're two separate maps.
Q. Okay. And the next thing you have by way of any photograph or depiction was -- is that all --
A. There should have been a NAPP photo on the '88 version also.
Q. Okay. So the column in 1987 has two entries, ASCS and NAPP, and then under that column are a series of acreages for section, right?

A. Yes.
Q. Okay. And when you get to the bottom of that, you say in 1987 there are 89.9 acres. Does that 89.9 reflect the number of irrigated acres in 1987?
A. That reflects the number of acres within the golf course as I understood it to be at the time of my review and recommendation.
Q. And that reflects what had occurred in 1987, correct?
A. Yes.
And I would like to clarify an earlier question. You asked if I had ever seen the Richard Kelly letter. And I can now say that I have seen it. It's a part of a permit filed by the Clear Lake Country Club. The letter was submitted December 8 of 1992, in response to a permit request that they show establishment of this water right prior to the moratorium. This letter never made it into the file of the adjudication. So prior to today, I've never seen this letter.
Q. Okay. But the bottom line is, when you said the department didn't have any information about irrigation of the 90 acres in 1987, you would retract that statement based on that letter?

A. I have nothing to contradict what he's stated in that letter.

MR. BROWN: Okay. I have nothing further. Thank you.

MR. SEMANKO: Can I ask one more question before we do whatever we're going to do? I forgot one important topic.

FURTHER EXAMINATION

BY MR. SEMANKO:

Q. When you make an analysis on a claim, do you look at forfeiture and abandonment as issues, whether the right's been forfeited or abandoned?

A. It's one of those issues that we're supposed to consider.

Q. Did you do that with regard to 4148A, look at forfeiture and abandonment? Wasn't that on page 11 of the verification, one of the things you looked at that you said needed to be looked at more, abandonment and forfeiture?

A. Right. Right. I think the file shows that that was not our initial impression on that right. It was only arrived at through subsequent reviews and establishment of the country club's rights or what we recommended as the country club's

rights.

Q. When you review a file -- this could just be a generic SRBA file -- and you find or conclude that there's a forfeiture or abandonment, do you go a level after that and determine whether there's been any type of resumption of use of the right, or is that something you're not instructed to do?

A. I think usually it's the other way around. We find resumption of the right first, and then it's only upon investigation of the right that we find it had undergone a period of nonuse.

Q. I'm confused. Resumption means that it's been used again after it's been forfeited, is that your understanding of resumption? It's not been used for a period of five years or more, and then it's resumed; is that correct?

A. That's my understanding.

Q. So how would you know that it's a resumption before you know that there's a forfeiture? Don't you have to have a forfeiture first for a five-year period and then you look at resumption?

A. Yeah. In semantics, I guess, you would look at it that way. What I'm saying is from a field examiner's perspective, you find the water right

being used; therefore, the resumption portion. And it's only later that you investigate, you find out that it was forfeited, and then realize that it's actually been resumed. So you actually find the water right being in use.

Q. What's your understanding of the department's policy on resumption of use when you apply that to a claim?

MR. KING: Objection, foundation.

Q. BY MR. SEMANKO: Does the department have a policy on resumption, to your knowledge?

A. I have not encountered a lot of water rights with the resumption issue. And most of those issues that have been discussed regarding that, that I'm aware of, have always been referred to an upper-level administrator to --

Q. Is there a policy or not, to the best of your understanding? It sounds to me like you're saying if you hit that issue, you buck it up to the next level, but there isn't a set policy to refer to. Is there a policy or not?

A. I believe that for me, the policy is to refer it on to an administrator.

Q. With regard to this case, did you recognize resumption of use as an issue, 36-4148A?

A. No.

MR. SEMANKO: Okay. That's all I have.

MR. BROWN: If I could just follow up.

FURTHER EXAMINATION

BY MR. BROWN:

Q. Is it your understanding that the ranch's right, 48B, was recommended as forfeited for nonuse?

A. I don't believe it was recommended so much as forfeiture. And it was disallowed as a claim and recommended as 4148B because our interpretation of what we saw and observed was this was all one system from two points of diversion. And so any water right that overlaps onto the ranch's land at this point is recommended under that 4148B water right.

Q. I'm not sure I followed. You're saying that all recommended right was under 48B because the use was on the golf course?

A. When we went out to measure the water and investigate delivery systems, the only two systems that were pointed out to us were the systems that watered the golf course. We could find no system watering portions for the ranch area. Therefore, we disallowed that right, recommended all the irrigation that we found to the limit we could historically

justify under the Clear Lakes Country Club.
Q. You're saying because you thought the diversion belonged to the golf course, you put all the recommended water under the golf course's right?
A. Correct. And it has only been made more clear through the settlement conferences the exact acreages that actually may belong to the ranch's as the ranch's water right. They're not large parcels, but there are parcels that belong to the ranch that were recommended under the place of use of 4148B.
MR. SEMANKO: I've got to ask a follow up.

FURTHER EXAMINATION
BY MR. SEMANKO:
Q. It isn't just as a result of settlement discussions, is it? Isn't it the result of your going back and looking at the file again? You didn't just arrive at this in settlement discussion, really; didn't you go back and review the file again and come to the conclusion as to the acres?
A. Yes. Of course.
Q. Just to clarify, the department filed a response in this matter, didn't they, in terms of the objection that the Clear Lake Ranch filed against the disallowable of 36-4148A; the department filed a

response, did they not, to the objection?
A. I think we're required to file a response to every rejection.
Q. I'll represent to you that the response was filed 8/30/93, and it states in pertinent part, quote, this notice of claim was recommended for disallowal because the claimed use is not already recommended under 36-4148B, occurred, if at all, only after the May 20, 1971, effective date of the mandatory permit statute.
Is that your understanding of the basis for the disallowal of 4148A, or is it more than that?
A. You'd have to read it again.
Q. Sure. It says this notice of claim was recommended for disallowal because the claimed use is not already recommended under part B, occurred, if at all, only after the 1971 effective date of the mandatory permit statute.
In other words, as I read it, it says 4148A either wasn't developed, A, or, B, it was developed after 1971 without getting a permit. So forfeiture isn't really an issue, is it?
A. I think it's correct based on the timing of the forfeiture of the response following the objection. At that time, that was the idea we

believed.
Q. And it's your opinion now that there was some irrigation prior to 1971 under 4148A somewhere?
A. Yes, to the extent that it is recommended in 4148B.
Q. The pie is not any bigger in your V, the part of the pie is 4148A, is that what you're saying? The 23 and the 41 aren't any bigger?
A. That's right.
MR. SEMANKO: Okay. Thank you.

EXAMINATION
BY MR. KING:
Q. For record clarification, on Deposition Exhibit No. 4, Mr. Clelland, did you see this before or after you made your initial recommendation to --
MR. BROWN: Counsel, I'm going to make the same objection. I don't believe the department's entitled to ask questions. It's not a party to the lawsuit, and I'll leave that as a continuing objection.
But before I do that, let me ask Mr. Semanko, do you have any problem with the submission of Exhibits 1 through 4?
MR. SEMANKO: No, I don't.
MR. BROWN: Thank you.

Q. BY MR. KING: Before I was interrupted, for clarification on the record, Mr. Clelland, the question is, did you see what's been marked as Deposition No. 4 before or after you made your initial recommendation for 4148A, 4148B, and 4074?
A. That was submitted after my recommendation.
(Deposition concluded at 6:57 p.m.)

STATE OF IDAHO)
COUNTY OF _____) ss: VERIFICATION

I, STEVE CLELLAND, being first duly sworn, depose and say:

That I am the witness named in the foregoing deposition consisting of pages numbered 1 through 161, that I have read the said deposition and know the contents thereof; that the questions contained therein were propounded to me; that the answers to said questions were given by me; and that the answers as contained therein (or as corrected by me therein) are true and correct.

STEVE CLELLAND

SUBSCRIBED AND SWORN to before me this _____ day of _____, 199__.

_____
Notary Public residing at _____
My commission expires _____

REPORTER'S CERTIFICATE

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss

I, CONNIE STONE, Certified Shorthand Reporter and Notary Public in and for the State of Idaho, do hereby certify that prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth and nothing but the truth;

That the foregoing transcript is a true and correct transcript of my original stenographic notes.

I further certify that I have no interest in the event of the action.

WITNESS my hand and seal this day of September, 1996.

Connie Stone
CSR Number 353
My commission expires 4/5/99

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BROCKWAY
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September 13, 1996

Mr. Norm Semanko
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83301

VIA FACSIMILE (hard copy will follow)

Re: Clear Lakes historical irrigation

Dear Norm:

I have finished my determination of the historical irrigated area in the Clear Lakes area. The estimate of irrigated acres was based on the memories of Mr. George Brush and Ms. Nancy McCormick of the historical ditch and field locations, and on photos which document much of the irrigation. The irrigation boundaries were overlaid on a topographic map dated July 5, 1983, and the areas calculated using a planimeter.

According to Mr. Brush and Ms McCormick, some of the irrigation took place via seepage from higher-elevation fields which caused lower areas to be productive pasture. These acres were termed sub-irrigation, and were calculated separately from those acres irrigated directly from ditches.

The total direct irrigation was calculated as 120.9 acres, and the total sub-irrigation was calculated as 15.5 acres, for a total of 136.4 acres. The areas are broken down as follows:

Highland areas north and east of homestead	41.4
Island	7.8
Homestead area	7.3
Two parcels south of homestead	7.6
Current golf course area	45.2
Lowlands used for frog propagation	11.6
Sub-irrigation regions	15.5
TOTAL	136.4 acres

If you have any questions, please do not hesitate to call.

Sincerely,

Charles G. Brockway

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 The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources, 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.	**STANDARD FORM 5** **AMENDED MAY 14, 1996** **SUBCASE NO: 36-04148A** **(ONE NUMBER ONLY)** **STIPULATED ELEMENTS OF A WATER RIGHT**

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF ONE WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany **each** element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

ELEMENTS

1. The **name and address** of the claimant is:

   Clear Lake Corporation and L & M, Inc.
   307 Clear Lake Lane
   Buhl, ID 83316

   Required Statement:

   The Idaho Department of Water Resources recommended this claim for disallowal and concluded that there was: "No lawful appropriation shown". As a result, the Director's Report includes no conclusion or recommendation for this element of the right.

   Ownership of the right has previously been established through the filing of a Standard Form 3 (Substitution) and a New Property Owner (Notice of Change of Water Right Ownership) and related correspondence.

2. The **source** of water is:

   Springs tributary to Clear Lake

   Required Statement:

   The Idaho Department of Water Resources recommended this claim for disallowal and concluded that there was: "No lawful appropriation shown". As a result, the Director's Report includes no conclusion or recommendation for this element of the right.

   The source of water for this right is established by the evidence in this matter and is stipulated to by the parties.

3. The **quantity** of water used is:

1.5 cfs

Required Statement:

The Idaho Department of Water Resources recommended this claim for disallowal and concluded that there was: "No lawful appropriation shown". As a result, the Director's Report includes no conclusion or recommendation for this element of the right.

The quantity of water diverted is established by the evidence in this matter and is stipulated to by the parties. According to the IDWR Adjudication Claim Verification Report for this claim, examination of the claim by IDWR Senior Resource Agent Lori White resulted in an original recommended quantity of 1.5 cfs on September 6, 1990. However, this recommendation was changed to 0 cfs by IDWR Senior Resource Agent Steve Clelland on November 27, 1991. The reason for this discrepancy is that Clelland found no diversion for the claim while White did. While a pipeline to the place of use was in existence, replacing the old ditch system, Clelland mistakenly believed that the pipeline served only Permit No. 36-08329. However, the approved application for Permit No. 36-08329 clearly indicates that the beneficial use right 36-04148 was to be used for irrigation while the permit was to be used for domestic, commercial and fire protection purposes. In addition, the amended claim to a water right for 36-04148 filed pursuant to I.C. Sec. 42-243 on June 2, 1987 indicated that the earthen ditches would soon be replaced by a pipeline system. Finally, the Amended SRBA Claim for 36-04148A indicated that the diversion works included a pipe. Despite these clear indications, Clelland failed to recognize the pipeline as the diversion for both 36-04148A and Permit No. 36-08329. Nevertheless, as the evidence indicates, the right is diverted through the pipeline to the place of use. In addition, pursuant to agreement between the parties, a portion of the right is diverted through the Clear Lake Country Club's system for use on its golf course. The remainder of the right is used on the residential subdivision owned by the Claimant.

Needs Trans →

In addition, this quantity, combined with the quantity of water used under 36-04148B, is the quantity the quantity of water included in the claim to a water right claim for 36-04148 filed on August 4, 1982 and June 2, 1987 pursuant to I.C. Sec. 42-243. As such, it serves as evidence of the quantity of water for 36-04148A and 36-04148B pursuant to I.C. Sec. 42-246.

4. **The priority date is:**

as of date of filing

August 23, 1893.

Required Statement:

The Idaho Department of Water Resources recommended this claim for disallowal and concluded that there was: "No lawful appropriation shown". As a result, the Director's Report includes no conclusion or recommendation for this element of the right.

This is the priority date established by the evidence in this matter and stipulated to by the parties.

5. The legal description of the **point(s) of diversion** is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

SE 1/4 of NE 1/4, Govt. Lot 5, Section 2, Township 09S, Range 14E, B.M., Gooding County

Required Statement:

The Idaho Department of Water Resources recommended this claim for disallowal and concluded that there was: "No lawful appropriation shown". As a result, the Director's Report includes no conclusion or recommendation for this element of the right.

This is the point of diversion established by the evidence in this matter and stipulated to by the parties.

According to the IDWR Adjudication Claim Verification Report for this claim, examination of the claim by IDWR Senior Resource Agent Lori White resulted in an original recommended point of diversion as claimed. However, this recommendation was changed to state that no current point of diversion was found during the field examination by IDWR Senior Resource Agent Steve Clelland. While a pipeline to the place of use was in existence, replacing the old ditch system, Clelland mistakenly believed that the pipeline served only Permit No. 36-08329. However, the approved application for Permit No. 36-08329 clearly indicates that the beneficial use right 36-04148 was to be used for irrigation while the permit was to be used for domestic, commercial and fire protection purposes. In addition, the Amended Claim for 36-04148A indicated that the diversion works included a pipe. Despite these clear indications, Clelland failed to recognize the pipeline as the diversion for both 36-04148A and Permit No. 36-08329. Nevertheless, as the evidence indicates, the right is diverted through the pipeline to the place of use. In addition, pursuant to agreement between the parties, a portion of the right is diverted through the Clear Lake Country Club's system for use on its golf course. The remainder of the right is used on the residential subdivision owned by the Claimant.

6. The **purpose of use** is:

Irrigation

Required Statement:

The Idaho Department of Water Resources recommended this claim for disallowal and concluded that there was: "No lawful appropriation shown". As a result, the Director's Report includes no conclusion or recommendation for this element of the right.

This is the purpose of use established by the evidence in this matter and stipulated to by the parties.

7. The **period of year** when the water is to be used:

Irrigation Season.

Required Statement:

The Idaho Department of Water Resources recommended this claim for disallowal and concluded that there was: "No lawful appropriation shown". As a result, the Director's Report includes no conclusion or recommendation for this element of the right.

This is the period of use required by the SRBA District Court's decision in Basin-Wide Issue No. 5.

8. The legal description of the **place of use** or of the reservation is:

T09S, R14E B.M., Gooding County:

Section 1 - SW NW (Lot 5)	.7
SE NW (Lot 6)	2.4
NE SW (Lot 13)	40.0
NW SW (Lot 12)	22.7
SW SW (Lot 15)	21.1
Section 2 - SE SE (Lot 9)	38.5
NE SE (Lot 8)	6.9
NW SE (Lot 6)	3.0
SW SE (Lot 7)	9.0
Section 11 - NE NE (Lot 5)	9.1
NW NE (Lot 6)	5.0
TOTAL	158.4

Required Statement:

The Idaho Department of Water Resources recommended this claim for disallowal and concluded that there was: "No lawful appropriation shown". As a result, the Director's Report includes no conclusion or recommendation for this element of the right.

This is the place of use established by the evidence in this matter and stipulated to by the parties.

9. The **annual volume of consumptive use** is:

202.5 AFA

Required Statement:

The Idaho Department of Water Resources recommended this claim for disallowal and concluded that there was: "No lawful appropriation shown". As a result, the Director's Report includes no conclusion or recommendation for this element of the right.

This is the amount supported by the evidence in this matter and stipulation between the parties.

10. Other matters necessary to define this water right:

None.

These matters are necessary because:

N/A.

These matters do not fall within the nine elements listed above because:

N/A.

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 199___, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copy to:

   Idaho Department of Water Resources
   Adjudication Bureau
   P O Box 83720
   Boise, ID 83720-0098

3. Copies to (insert names and addresses):

   Patrick D. Brown
   Hepworth, Lezamiz & Hohnhorst
   P.O. Box 389
   Twin Falls, ID 83303-0389

   Norman M. Semanko
   Rosholt, Robertson & Tucker, Chartered
   P.O. Box 1906
   Twin Falls, ID 83303-1906

08069602.NMS

_____
Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources, 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.	**STANDARD FORM 5** **AMENDED MAY 14, 1996** **SUBCASE NO: 36-04148B** **(ONE NUMBER ONLY)** **STIPULATED ELEMENTS OF A WATER RIGHT**

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF ONE WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

ELEMENTS

1. The **name and address** of the claimant is:

   Clear Lake Country Club
   Rt. 4 - Box 225
   Buhl, Idaho 83316

   Required Statement:

   As recommended in the Director's Report.

2. The **source** of water is:

   Springs tributary to Clear Lakes.

   Required Statement:

   As recommended in the Director's Report.

3. The **quantity** of water used is:

   1.5 cubic feet per second

   Required Statement:

   Pursuant to the evidence in this matter and as stipulated by the parties.

4. The **priority date** is:

   August 12, 1893

   Required Statement:

   Pursuant to the evidence in this matter and as stipulated by the parties.

5. The legal description of the **point(s) of diversion** is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T. 9S, R. 14E, S. 02, Lot 5 (SESENE)

Required Statement:

As recommended in the Director's Report.

6. The **purpose of use** is:

Irrigation

Required Statement:

As recommended by the Director's Report.

7. The **period of year** when the water is to be used:

Irrigation season.

Required Statement:

Pursuant to the SRBA District Court's decision in Basin-Wide Issue No. 5.

8. The legal description of the **place of use** or of the reservation is:

T09S, R14E B.M., Gooding County:

Section 1 - SW NW (Lot 5)	.7
SE NW (Lot 6)	2.4
NE SW (Lot 13)	40.0
NW SW (Lot 12)	22.7
SW SW (Lot 15)	21.1
Section 2 - SE SE (Lot 9)	38.5
NE SE (Lot 8)	6.9
NW SE (Lot 6)	3.0
SW SE (Lot 7)	9.0
Section 11 - NE NE (Lot 5)	9.1
NW NE (Lot 6)	5.0
TOTAL	158.4

Required Statement:

Pursuant to the evidence in this matter and as stipulated by the parties.

9. The **annual volume of consumptive use** is:

202.5 AFA

Required Statement:

Pursuant to the evidence in this matter and as stipulated by the parties.

10. Other matters necessary to define this water right:

N/A

These matters are necessary because:

N/A

These matters do not fall within the nine elements listed above because:

N/A

Review by IDWR

To speed up entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

Signature and Address of Parties and their Attorney of Record (attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Clear Lake Country Club

Address: Rt. 4 - Box 225

City/State/Zip: Buhl, ID 83316

Attorney of Record: Patrick D. Brown

Name: Clear Lake Corp. and L & M, Inc.

Address: 307 Clear Lake Lane

City/State/Zip: Buhl, ID 83316

Attorney of Record: Norman M. Semanko

Party's Signature Date

Party's Signature Date

Attorney's Signature Date

Attorney's Signature 7-1-96 Date

IDWR Concurrence:

Signature Date

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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   253 Third Avenue North
   P.O. Box 2707
   Twin Falls, ID 83303-2707

2. Copy to:

   Idaho Department of Water Resources
   Adjudication Bureau
   P.O. Box 83720
   Boise, ID 83720-0098

3. Copies to (insert names and addresses):

   Patrick D. Brown
   Hepworth, Lezamiz & Hohnhorst
   P.O. Box 389
   Twin Falls, ID 83303-0389

   Norman M. Semanko
   Rosholt, Robertson & Tucker, Chartered
   P.O. Box 1906
   Twin Falls, ID 83303-1906

_____
Signature of person or attorney mailing the form

08219602.NMS

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 The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources, 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.	**STANDARD FORM 5** **AMENDED MAY 14, 1996** **SUBCASE NO: 36-04074** **(ONE NUMBER ONLY)** **STIPULATED ELEMENTS OF A WATER RIGHT**

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF ONE WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

ELEMENTS

1. **The name and address** of the claimant is:

   Clear Lake Country Club
   Rt. 4 - Box 225
   Buhl, Idaho 83316

   Required Statement:

   As recommended in the Director's Report.

2. The **source** of water is:

   Clear Lakes Stream

   Required Statement:

   As recommended in the Director's Report.

3. The **quantity** of water used is:

   1.40 cubic feet per second

   Required Statement:

   Pursuant to the evidence in this matter and as stipulated by the parties.

4. The **priority date** is:

   August 23, 1893

   Required Statement:

   Pursuant to the evidence in this matter and as stipulated by the parties.

5. The legal description of the **point(s) of diversion** is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T. 9S, R. 14E, S. 02, Lot 7 (NESWSE)

Required Statement:

As recommended in the Director's Report.

6. The **purpose of use** is:

Irrigation

Required Statement:

As recommended by the Director's Report.

7. The **period of year** when the water is to be used:

Irrigation season

Required Statement:

Pursuant to the SRBA District Court's decision in Basin-Wide Issue No. 5.

8. The legal description of the **place of use** or of the reservation is:

T09S, R14E B.M., Gooding County:

Section 1 - SW NW (Lot 5)	.7
SE NW (Lot 6)	2.4
NE SW (Lot 13)	40.0
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NW SE (Lot 6)	3.0
SW SE (Lot 7)	9.0
Section 11 - NE NE (Lot 5)	9.1
NW NE (Lot 6)	5.0
TOTAL	158.4

Required Statement:

Pursuant to the evidence in this matter and as stipulated by the parties.

9. **The annual volume of consumptive use** is:

189 AFA

Required Statement:

Pursuant to the evidence in this matter and as stipulated by the parties.

10. Other matters necessary to define this water right:

N/A

These matters are necessary because:

N/A

These matters do not fall within the nine elements listed above because:

N/A

Review by IDWR

To speed up entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

Signature and Address of Parties and their Attorney of Record (attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Clear Lake Country Club

Address: Rt. 4 - Box 225

City/State/Zip: Buhl, ID 83316

Attorney of Record: Patrick D. Brown

Name: Clear Lake Corp. and L. & M, Inc.

Address: 307 Clear Lake Lane

City/State/Zip: Buhl, ID 83316

Attorney of Record: Norman M. Semanko

Party's Signature Date

Party's Signature Date

Attorney's Signature Date

N. Semanko 9-9-96

Attorney's Signature Date

IDWR Concurrence:

Signature Date

INSTRUCTIONS FOR MAILING

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You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

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   Clerk of the District Court
   Snake River Basin Adjudication
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   P.O. Box 389
   Twin Falls, ID 83303-0389

   Norman M. Semanko
   Rosholt, Robertson & Tucker, Chartered
   P.O. Box 1906
   Twin Falls, ID 83303-1906

_____

Signature of person or attorney mailing the form

08219601.NMS

EVALUATION OF IRRIGATION DIVERSION RATE

WATER RIGHT NUMBERS: 36-04074, 36-04148A, AND 36-04148B

In Re SRBA
Twin Falls County Civil Case No. 39576
Sub-Case Nos.: 36-04074, 36-04148A, and 36-04148B

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Acting Adjudication Bureau Chief

August 15, 1996

EVALUATION OF IRRIGATION DIVERSION RATE

WATER RIGHT NUMBERS: 36-04074, 36-04148A and 36-04148B

INTRODUCTION

These water rights were recommended by the Idaho Department of Water Resources (IDWR) in the Director's Report with a diversion rate of 0.82 cfs for right number 36-04074 and 0.46 cfs for right number 36-04148B. Right number 36-04148A was recommended to be disallowed. The total amounts for right numbers 36-04074 and 36-04148B were recognized as the on-farm irrigation requirement. Conveyance loss was not necessary because the water is piped from the source to the irrigation system. IDWR's recommendation for right number 36-04074 was based on 0.02 cfs per acre for 41 acres[1], and the recommendation for right number 36-04148B was based on 0.02 cfs for 23 acres.

Because IDWR has received new information and has refined the methodology since the time of the original analysis of irrigation diversion requirement, a revised analysis has been completed. The revised analysis is based upon information already contained in the claim file and the new information detailed in this report. The revised analysis is based entirely on the existing irrigation systems. Information regarding the historical irrigation methods and practices are not available to IDWR at this time.

An expanded explanation of the methodology used is contained in the report entitled, "Report Regarding Evaluation of Irrigation Diversion Rates", dated August, 1996. A copy of that report is included with this report for reference. Hereinafter, that report will be referred to as IDWR's Methodology Report.

Several factors must be considered when determining the necessity of an irrigation diversion rate greater than 0.02 cfs per acre. Those factors are crop types, irrigated acres, types of irrigation systems used, evapotranspiration estimates, field application efficiencies, operation time limitations, and conveyance loss. These items are discussed in the following paragraphs, along with the results of the analysis.

IRRIGATED ACRES/CROPS

The property described on the claims as the place of use was found to have 69.6 acres of irrigated land under these rights. Of that total acreage, 5.6 acres are

---

[1]This right includes an expansion of 5.6 acres for a total of 46.6 acres.

irrigated under an expansion of right number 36-04074. For this reason, the irrigation diversion rate for these rights was based on a total of 64 irrigated acres.

Right numbers 36-04074 and 36-04148B are served by a common irrigation system. The place of use irrigated under these two rights is turf grass for a golf course which is sprinkler irrigated using a fixed sprinkler system.[2] Right number 36-04148A claims irrigation use for a subdivision (turf grass) using a fixed sprinkler system.[3]

EVAPOTRANSPIRATION

Evapotranspiration (ET) is the amount of water evaporated from the soil plus the amount used by a crop during crop growth. The nearest location where representative ET estimates are available is the Hagerman area. IDWR's estimates for ET for the Hagerman area have been refined since the original recommendations were completed. Originally, the monthly consumptive irrigation requirements for the Bliss weather station were used, based on consumptive irrigation requirements estimated by Allen and Brockway (Allen and Brockway, 1983, Appendix E). IDWR has since obtained information allowing adjustments to the values that more accurately represent conditions in the Hagerman area. This process is outlined in the section of IDWR's Methodology Report titled EVAPOTRANSPIRATION (CROP CONSUMPTIVE USE) and the resulting ET values are summarized in Attachment 1.

ET values for turf grass are not shown in Attachment 1 because turf grass estimates were not developed by Allen and Brockway. Peak ET for turf grass can be estimated as 87% of the alfalfa reference ET (shown as ETR in Attachment 1).[4] The monthly average value for the alfalfa reference ET for the month of July (peak water-use month) was multiplied by 0.87 to determine the monthly average for turf grass. The 80th percentile value was calculated from the monthly average using the standard deviation for the reference ET from Attachment 1 and assuming a normal distribution of data (see Attachment 2 for calculations). The resulting 80th percentile monthly value of ET for turf grass in July is 8.32 mm per day.

---

[2]Information as to crop types and irrigation method was verbally provided by IDWR Senior Agent Steve Clelland, July 19, 1996.

[3]Information as to crop types and irrigation method was based on communication with David Brush of Clear Lakes Ranch, August 5, 1996.

[4]Based on communication with James L. Wright of the USDA Agricultural Research Service, July 12, 1996.

To determine the peak period ET from the 80th percentile monthly value a procedure developed by the Food and Agricultural Organization (FAO) of the United Nations was used. The 80th percentile monthly value is multiplied by a ratio which represents the peak period ET divided by the monthly ET. The appropriate ratio is dependent on the net irrigation application. The net irrigation application represents the portion of the total amount of water applied during an irrigation that is available to satisfy the ET requirements of the crop. The net irrigation application is equivalent to the management allowed deficit (MAD) in this analysis. Refer to the "Soil Information" section of this report for specific soils information used in this analysis.

The net irrigation application is used in a computer spreadsheet described later in this report to calculate the peak period ET and the on-farm irrigation requirement. Refer to the EVAPOTRANSPIRATION section of IDWR's Methodology Report for a more detailed explanation of evapotranspiration estimates.

Soil Information

The management allowed deficit (MAD) is required for each soil type within the irrigated area for this analysis. The MAD is based on the maximum soil moisture deficit which will not cause the crop to exceed its stress point. The Natural Resources Conservation Service (NCRS), formerly Soil Conservation Service (SCS), compiles soil surveys describing the various soil types within the state and the locations where those soils may be found. The procedure to determine the value of MAD using SCS data is described in the sections of IDWR's Methodology Report titled NET IRRIGATION APPLICATION. In order to use correct values for MAD, it is necessary to determine the worst-case significant soil if more than one soil type is present in the irrigated area.

There are four significant soil types on the place of use for these water rights. These soil types are Vining-Kecko-Starbuck complex (373), Fathom loamy fine sand (FAC), Fluvaquents-Histic Endoaquolls complex (CHB), and Bahem very fine sandy loam (DEB). The MAD values for grass are provided in Attachment 3. These tables were created using a computer spreadsheet developed by IDWR to simplify calculations. The worst-case significant soil is soil type 373 with a MAD value of 1.27 inches.

FIELD APPLICATION EFFICIENCY

The field application efficiency was determined for the sprinkler irrigation systems based on typical or expected values found in existing literature. Sprinkler systems are flexible in their ability to apply water at the necessary rates and time

periods for various crops and soil conditions. Properly designed and managed systems will achieve these expected efficiencies under normal conditions. An average value of 72.5 percent was used for this analysis based on the range given for solid set laterals in the section of IDWR's Methodology Report titled FIELD APPLICATION EFFICIENCY.

ON-FARM IRRIGATION REQUIREMENT

The on-farm irrigation requirement is the amount of water needed on the farm itself to provide adequate water to the crop(s) being grown. The procedure used to determine that amount is described in detail in the section of IDWR's Methodology Report titled ON-FARM IRRIGATION REQUIREMENT. The results of that procedure are provided in Attachment 4. Attachment 4 was created using a computer spreadsheet developed by IDWR which utilizes the information detailed above and calculates the on-farm irrigation requirement. The resulting on-farm irrigation requirement for right numbers 36-04074, 36-04148A, and 36-04148B was determined to be 1.37 cfs, or approximately 0.021 cfs per acre for 64 acres. This amount is based on continuous use of the water.

Golf course irrigation systems typically apply water during the night and early morning hours. These systems require a diversion rate high enough to apply the total water requirement in the limited time available (Pair, et al., 1983, p. 358). For this analysis, the diversion rate for 36-04074 and 36-04148B was calculated based on the procedure outlined in an IDWR Administrators's Memorandum entitled "Irrigation Diversion Rate for Turf Grass in Public Areas" (see Attachment 5). This procedure requires that the on-farm irrigation requirement based on continuous use be divided by the ratio of actual system operating hours to 24 hours. The ratio used in this analysis was 1/3 (8 divided by 24).[5] The resulting on-farm irrigation requirement was calculated to be approximately 0.063 cfs per acre.

IRRIGATION DIVERSION REQUIREMENT

The total irrigation diversion requirement is the sum of the on-farm irrigation diversion requirement and the conveyance loss. Since there is no conveyance loss for these rights, the irrigation diversion requirement is 0.021 cfs per acre for right number 36-04148A and 0.063 cfs per acre for right numbers 36-04074 and 36-04148B. These irrigation diversion requirements are based on the existing irrigation systems.

---

[5]System operation information was based on data provided by the claimant on July 30, 1996 (see attachment 6).

REFERENCES

Allen, R.G. and C.E. Brockway, 1983, Estimating Consumptive Irrigation Requirements for Crops in Idaho, Idaho Water and Energy Resources Research Institute, University of Idaho.

Hubble Engineering, Inc. and Associated Earth Sciences, Inc., 1991, Evaluation Workbook for Irrigation Diversion Rates, Idaho Department of Water Resources.

Hubble Engineering, Inc. and Associated Earth Sciences, Inc., 1991, Guidelines for the Evaluation of Irrigation Diversion Rates, Idaho Department of Water Resources.

Idaho Department of Water Resources, 1996, Irrigation Diversion Rate for Turf Grass in Public Areas, Administrator's Memorandum.

Idaho Department of Water Resources, 1996, Report Regarding Evaluation of Irrigation Diversion Rates.

Natural Resource Conservation Service - Gooding, Idaho office, 1996, Unpublished soil survey data.

Pair, C.H., et al., eds., 1983, *Irrigation*, fifth edition, Virginia: The Irrigation Association, 1986.

State of Idaho)
) ss.
County of Ada)

Jeff Peppersack, being first duly sworn, upon oath, deposes and says:

That I am an Engineer for the Adjudication Bureau of IDWR, that I have prepared the foregoing report, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.

Jeff Peppersack

Subscribed and sworn to before me this 15th day of August, 1996.

Notary Public for Idaho
Residing at: Boise ID
My commission expires: 12/5/2000

CERTIFICATE OF SERVICE

I certify that I served true and correct copies of the foregoing document to each person at the address listed below by mailing in the U.S. Mail with the correct postage affixed thereto on the 15th day of August, 1996.

Patrick D. Brown
P.O. Box 389
Twin Falls, ID 83303-0389

Norman M. Semanko
P.O. Box 389
Twin Falls, ID 83303-1906

Person mailing document(s)

ATTACHMENT 1

80th Percentile values of monthly ET estimated for the Hagerman Valley adjusted from the Bliss Station (mm/day)

	MO	ETR	ALFH.	BEANS	F.CRN	SILGE	S.CRN	PEAS	POTAT	SBEET	SGRAN	WGRAN	PAST.	VEGES
AVE ET	4	5.28	3.30					1.60	1.58	1.58	1.65	4.82	3.27	
TMP ADJ	4	5.68	3.55					1.72	1.70	1.70	1.77	5.18	3.52	
ALT ADJ	4	5.75	3.59					1.74	1.72	1.72	1.80	5.25	3.56	
STDD ET	4	0.47	0.29					0.14	0.14	0.14	0.15	0.43	0.29	
ADJ STDD	4	0.80	0.49					0.24	0.24	0.24	0.26	0.73	0.49	
80PCT ET	4	6.42	4.01					1.94	1.92	1.92	2.01	5.86	3.97	
AVE ET	5	6.79	6.29	2.04	2.04	2.04	2.04	3.85	2.19	2.04	5.11	6.79	5.23	2.07
TMP ADJ	5	7.18	6.65	2.16	2.16	2.16	2.16	4.07	2.31	2.16	5.40	7.18	5.53	2.19
ALT ADJ	5	7.27	6.73	2.18	2.18	2.18	2.18	4.12	2.34	2.18	5.47	7.27	5.60	2.21
STDD ET	5	0.49	0.46	0.15	0.15	0.15	0.15	0.28	0.16	0.15	0.37	0.49	0.38	0.15
ADJ STDD	5	0.80	0.75	0.25	0.25	0.25	0.25	0.46	0.26	0.25	0.61	0.80	0.62	0.25
80PCT ET	5	7.94	7.37	2.39	2.39	2.39	2.39	4.51	2.56	2.39	5.98	7.94	6.12	2.42
AVE ET	6	8.41	7.32	3.26	3.66	3.66	3.53	6.82	5.77	3.91	8.39	8.41	6.47	4.40
TMP ADJ	6	8.82	7.68	3.42	3.84	3.84	3.70	7.15	6.05	4.10	8.80	8.82	6.79	4.62
ALT ADJ	6	8.93	7.77	3.46	3.89	3.89	3.75	7.24	6.13	4.15	8.91	8.93	6.87	4.67
STDD ET	6	0.47	0.41	0.18	0.21	0.21	0.20	0.38	0.32	0.22	0.47	0.47	0.36	0.25
ADJ STDD	6	1.27	1.11	0.49	0.57	0.57	0.54	1.03	0.86	0.59	1.27	1.27	0.97	0.68
80PCT ET	6	10.00	8.71	3.87	4.36	4.36	4.20	8.11	6.85	4.65	9.98	10.00	7.69	5.24
AVE ET	7	8.54	6.94	7.37	7.68	7.68	7.47	2.99	7.17	8.14	7.05	6.80	6.57	6.57
TMP ADJ	7	8.89	7.22	7.67	7.99	7.99	7.78	3.11	7.46	8.47	7.34	7.08	6.84	6.84
⇒ ALT ADJ	7	9.00	7.31	7.77	8.09	8.09	7.87	3.15	7.56	8.58	7.43	7.17	6.92	6.92
STDD ET	7	0.26	0.21	0.23	0.24	0.24	0.23	0.09	0.22	0.25	0.22	0.21	0.20	0.20
ADJ STDD	7	0.58	0.47	0.51	0.53	0.53	0.51	0.20	0.49	0.56	0.49	0.47	0.44	0.44
80PCT ET	7	9.49	7.71	8.20	8.54	8.54	8.30	3.32	7.97	9.05	7.84	7.56	7.30	7.30
AVE ET	8	7.18	5.41	4.97	6.63	6.63	6.38		5.57	7.06	1.47	1.32	5.53	5.72
TMP ADJ	8	7.50	5.65	5.19	6.92	6.92	6.66		5.82	7.37	1.53	1.38	5.77	5.97
ALT ADJ	8	7.59	5.72	5.25	7.01	7.01	6.74		5.89	7.46	1.55	1.40	5.84	6.05
STDD ET	8	0.33	0.25	0.23	0.30	0.30	0.29		0.26	0.32	0.07	0.06	0.25	0.26
ADJ STDD	8	0.70	0.53	0.49	0.64	0.64	0.62		0.55	0.68	0.15	0.13	0.53	0.55
80PCT ET	8	8.18	6.17	5.66	7.54	7.54	7.26		6.35	8.04	1.68	1.50	6.29	6.51
AVE ET	9	5.60	3.67	0.77	4.19	4.19			3.29	4.86			4.32	3.83
TMP ADJ	9	5.90	3.87	0.81	4.42	4.42			3.47	5.12			4.55	4.04
ALT ADJ	9	5.97	3.92	0.82	4.47	4.47			3.51	5.19			4.61	4.09
STDD ET	9	0.41	0.27	0.06	0.31	0.31			0.24	0.36			0.32	0.28
ADJ STDD	9	0.66	0.43	0.10	0.50	0.50			0.39	0.58			0.52	0.45
80PCT ET	9	6.53	4.28	0.90	4.89	4.89			3.84	5.67			5.04	4.47
AVE ET	10	3.73	1.26		1.04					2.48			2.88	
TMP ADJ	10	4.02	1.36		1.12					2.67			3.10	
ALT ADJ	10	4.07	1.37		1.13					2.70			3.14	
STDD ET	10	0.35	0.12		0.10					0.24			0.27	
ADJ STDD	10	0.47	0.16		0.14					0.32			0.36	
80PCT ET	10	4.46	1.51		1.25					2.98			3.45	

ET and standard deviation data (AVE ET and STDD ET) for Bliss weather station taken from Appendix E (unpublished) of Brockway, C.E., and R.G. Allen, 1983, Estimating Consumptive Irrigation Requirements for Crops in Idaho, Idaho Water and Energy Resources Research Institute.

Adjustments to standard deviation (ADJ STDD) based on Allen & Brockway Report, pp. 18, and Allen, R.G., and J.L. Wright, 1983, Variation Within Measured and Estimated Consumptive Use Requirements, Proceedings of the Irrigation and Drainage Specialty Conference of the American Society of Agricultural Engineers, Jackson Hole, Wyoming, July 20-22, 1983, pp. 1-12.

Temperature adjustment (TMP ADJ) based on temperature differences between Bliss and Hagerman and temperature sensitivity of ET estimates given in Brockway, C.E., G.S. Johnson, J.L. Wright, and A.L. Coiner, 1985, Remote Sensing for Irrigated Crop Water Use - Phase 1, Water Resources Research Institute, pp. 101-107.

Altitude adjustment (ALT ADJ) based on Doorenbos, J., and W.O. Pruitt, 1977, Crop Water Requirements, Food and Agriculture Organization of the United Nations, p. 59.

80th percentile ET values (80PCT ET) calculated based on Walpole, R.E., and R.H. Meyers, 1985, third edition, PROBABILITY AND STATISTICS FOR ENGINEERS AND SCIENTISTS, New York: Macmillan Publishing Company, pp. 132-144 and 574.

ATTACHMENT 2

80th PERCENTILE ET ESTIMATE FOR TURF GRASS (PEAK MONTH)

ALFALFA REFERENCE ET FOR HAGERMAN = 9.00 mm/day
(JULY MONTHLY AVERAGE) (SEE ATTACHMENT 1)

USE 87% OF ALFALFA REFERENCE ET FOR TURF GRASS DURING PEAK PERIOD
9.00 mm/day X 0.87 = 7.83 mm/day = AVERAGE TURF GRASS ET (PEAK MONTH)

80th PERCENTILE VALUE (PEAK MONTH)
AVE. ET + (STDD X 0.842) = 80th PCT ET FOR TURF GRASS (PEAK MONTH)
7.83 + (0.58 X 0.842) = 8.32 mm/day

NOTE: STDD = ADJUSTED STANDARD DEVIATION FOR ALFALFA REFERENCE ET
(SEE ATTACHMENT 1)

ATTACHMENT 3

SOIL CHARACTERISTICS initials: JP date: 07/18/96

Soil Type = Vining-Kecko-Starbuck complex (#3 - Starbuck very fine sandy loam)
Source of Soils Data = NRCS - Gooding office

373

soil depth (inches)		AWC (in/in)		PH		organic (%)	
lower	upper	lower	upper	lower	upper	lower	upper
0	4	0.1	0.16	6.6	7.3	0.7	1
4	17	0.13	0.18				
17	21						

soil depth (ft)	AWC (inches)
1	1.76
2	2.53
3	2.53
4	2.53
5	2.53

intake family	
flood	furrow
1.5	0.5

alternate method	
1.5	0.5

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	1.27
corn (field or silage)	4	0.5	1.27
grain (winter or spring)	4	0.5	1.27
pasture (or grass hay)	3	0.5	1.27 ✓
other (enter below)			

For definition of terms, refer to the sections called NET IRRIGATION APPLICATION and IRRIGATION APPLICATION SYSTEMS of the IDWR report titled Report Regarding Evaluation of Irrigation Diversion Rates, dated July, 1996.

SOIL CHARACTERISTICS initials: JP date: 07/18/96

Soil Type = Vining-Kecko-Starbuck complex (#1 - Vining fine sandy loam)
Source of Soils Data = NRCS - Gooding office

373

soil depth (inches)		AWC (in/in)		PH		organic (%)	
lower	upper	lower	upper	lower	upper	lower	upper
0	3	0.1	0.14	6.6	7.8	0.7	1
3	24	0.09	0.12				
24	28						

soil depth (ft)	AWC (inches)
1	1.31
2	2.57
3	2.57
4	2.57
5	2.57

intake family	
flood	furrow
2	0.55

alternate method	
2	0.55

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	1.28
corn (field or silage)	4	0.5	1.28
grain (winter or spring)	4	0.5	1.28
pasture (or grass hay)	3	0.5	1.28
other (enter below)			

SOIL CHARACTERISTICS initials: JP date: 07/18/96

Soil Type = Fathom loamy fine sand
Source of Soils Data = NRCS - Gooding office

FAC

soil depth (inches)		AWC (in/in)		PH		organic (%)	
lower	upper	lower	upper	lower	upper	lower	upper
0	7	0.09	0.1	6.6	8.4	0.6	0.9
7	61	0.09	0.1				

soil depth (ft)	AWC (inches)
1	1.14
2	2.28
3	3.42
4	4.56
5	5.70

intake family	
flood	furrow
3	0.7

alternate method	
3	0.7

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	2.85
corn (field or silage)	4	0.5	2.28
grain (winter or spring)	4	0.5	2.28
pasture (or grass hay)	3	0.5	1.71 ✓
other (enter below)			

SOIL CHARACTERISTICS initials: JP date: 07/18/96

Soil Type = Vining-Kecko-Starbuck complex (#2 - Kecko loamy fine sand)
Source of Soils Data = NRCS - Gooding office

373

soil depth (inches)		AWC (in/in)		PH		organic (%)	
lower	upper	lower	upper	lower	upper	lower	upper
0	6	0.08	0.1	6.6	8.4	0.5	1
6	19	0.12	0.14				
19	51	0.08	0.13				
51	66	0.12	0.17				

soil depth (ft)	AWC (inches)
1	1.32
2	2.76
3	4.02
4	5.28
5	6.90

intake family	
flood	furrow
3	0.7

alternate method	
3	0.7

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	3.45
corn (field or silage)	4	0.5	2.64
grain (winter or spring)	4	0.5	2.64
pasture (or grass hay)	3	0.5	2.01
other (enter below)			

SOIL CHARACTERISTICS initials: JP date: 08/05/96

Soil Type = Fluvaquents-Histic Endoaquolls complex (#1 - Fluvaquents fine sandy loam)
Source of Soils Data = NRCS - Gooding office

CHB

soil depth (inches)		AWC (in/in)		PH		organic (%)	
lower	upper	lower	upper	lower	upper	lower	upper
0	7	0.14	0.16	6.6	7.3	1	4
7	60	0.1	0.17				

soil depth (ft)	AWC (inches)
1	1.73
2	3.35
3	4.97
4	6.59
5	8.21

intake family	
flood	furrow
3	0.7

alternate method	
3	0.7

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	4.10
corn (field or silage)	4	0.5	3.29
grain (winter or spring)	4	0.5	3.29
pasture (or grass hay)	3	0.5	2.48 ✓
other (enter below)			

SOIL CHARACTERISTICS initials: JP date: 07/18/96

Soil Type = Bahem very fine sandy loam (DEB)
Source of Soils Data = NRCS - Gooding office

soil depth (inches)		AWC (in/in)		PH		organic (%)	
lower	upper	lower	upper	lower	upper	lower	upper
0	11	0.13	0.17	7.4	7.8	1	2
11	41	0.14	0.19				
41	60	0.09	0.12				

soil depth (ft)	AWC (inches)
1	1.82
2	3.79
3	5.78
4	7.33
5	8.59

intake family	
flood	furrow
1.5	0.5

alternate method	
2	0.55

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	4.30
corn (field or silage)	4	0.5	3.67
grain (winter or spring)	4	0.5	3.67
pasture (or grass hay)	3	0.5	2.89
other (enter below)			

SOIL CHARACTERISTICS initials: JP date: 08/05/96

Soil Type = Fluvaquents-Histic Endoaquolls complex (#2 - Histic Endoaquolls - mucky-peat) CHB
Source of Soils Data = NRCS - Gooding office

soil depth (inches)		AWC (in/in)		PH		organic (%)	
lower	upper	lower	upper	lower	upper	lower	upper
0	11	0.22	0.25	6.6	7.3	60	85
11	60	0.12	0.16				

soil depth (ft)	AWC (inches)
1	2.73
2	4.41
3	6.08
4	7.76
5	9.45

intake family	
flood	furrow
~~0.5~~	~~0.35~~
NA	
alternate method	
NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	4.72
corn (field or silage)	4	0.5	3.88
grain (winter or spring)	4	0.5	3.88
pasture (or grass hay)	3	0.5	3.04 ✓
other (enter below)			

ATTACHMENT 4

FIELD IRRIGATION REQUIREMENT

initials: JP

date: 08/05/95

Claimant = 36-04074, 36-04148A, 36-04148B

Weather Station = Bliss/Hagerman

crop	acres	irrig. system	eff. (%)	Monthly ET (mm/day) mar	apr	may	jun	jul	aug	sep	oct	AVE IR season (mm/yr)	net irrig. app. (in)	ET ratio	irrig. freq. (days)	Gross Irrigation Application (peak period ET/eff. in mm/day) mar	apr	may	jun	jul	aug	sep	oct	season (mm/yr)
turf	64	spr	72.5					8.32					1.27	1.13	3.4					12.97				

Summary 64

Peak Gross Irrigation Application (mm/day) =	12.97	12.97
On-Farm Irrigation Requirement (cfs/acre) =	0.021	
Total On-Farm Irrigation Requirement (cfs) =	1.37	
Irrigation Diversion Volume (ft/yr) =	0.00	
Total Irrigation Diversion Volume (ac-ft/yr) =	0	

ATTACHMENT 5

ADMINISTRATOR'S MEMORANDUM

Application Processing Memo # 60
Adjudication Memo # 44

To: Water Management Division
Adjudication Bureau

From: Norman C. Young NCY

Re: Irrigation Diversion Rate for Turf Grass in Public Areas

Date: August 15, 1996

Irrigation of turf grass in public areas such as golf courses, parks, schools, and cemeteries often requires that the irrigation occur during the night or early morning hours. Since water cannot be applied continuously over a 24-hour period, the irrigation diversion rate is often higher than the statutory standard of 0.02 cfs per acre.

In some cases, a holding pond or regulation pond may eliminate the necessity of diverting a higher rate from the source. A holding pond is used to store the daily requirements of the irrigation system. The diversion rate from the source to the holding pond is based on the continuous-use irrigation requirement and the diversion rate from the pond to the irrigation system is based on the actual hours of operation of the system.

In situations where a holding pond is not practical, a higher rate is considered reasonable and necessary. The diversion rate for a new water right should be based on the requirements of a modern irrigation system with proper management. In an adjudication of water rights, the diversion rate recommended cannot exceed the historical diversion rate nor the amount determined to be reasonably necessary using acceptable irrigation practices. In both cases, a condition is required that limits the daily volume of water diverted.

To calculate the irrigation diversion rate for turf grass for irrigation systems that can not apply water continuously, divide the diversion rate based on continuous operation by the ratio of actual hours of operation per day to 24 hours per day.

Example: A golf course irrigates every day from 10 p.m. to 6 a.m. (eight hours per day). Based on an analysis of the irrigation diversion requirements, the irrigation diversion rate is calculated to be 0.02 cfs per acre under continuous operation. The diversion rate based on the reduced operation time would be 0.06 cfs per acre (0.02 divided by 8/24). The diversion rate of 0.06 cfs per acre is considered reasonable and necessary due to the operation time limitations of the system. This water right must include a condition which limits the daily volume of water diverted.

ATTACHMENT 6

Run Time 10 PM to 6 AM

no of heads

Heads 395 x 55 GPM x 20 min — per night } average times

24 sets 20 min 480 min

95 psi 434,500 Gal per Night 55 GPM

85 PSI 395,000 " " " 50 GPM

189 x 34 GPM x 20 Min

24 sets 20 Min 480 Min

95 PSI 128,520 Gal per Night 34 GPM

85 PSI 113,400 " " " 30 GPM

16 sets 30 Min 480 Min Total

198 x 34 GPM x 30 Min

95 PSI 201,960 Gal per Night 34 GPM

85 PSI 178,200 " " " 30 GPM

95 PSI 764,980 Gal per Night

85 PSI 686,600 " " "

7-22 to 7-23 716,600 Total meter reading per Night

8" stream 463,000 meter readings per Night

8" Lake 212,000 85 PSI

4" Lake 41,600 97,100 x (3) ÷ 7 = per day

times a week

1 AF = 325850 gal

$\frac{716600 \text{ gal}}{\text{day}}$ =

2.2 AF/day

26.4 AC-IN/day

OR

$\frac{0.29 \text{ IN.}}{\text{day}}$

over 90 acres

Gross applic. < 1 in.

Net applic. < 1 in.

⊕ no discharge at end

⊕ no. of acres = ~90 ac.

716600 gal in 8 hrs = 3.33 CFS

REPORT REGARDING CLAIM TO WATER RIGHT NOS. 36-04148A, 36-04148B, and 36-04074 (2ND)

In Re SRBA
Twin Falls County Civil Case No. 39576
Sub-Case Nos. 36-04148A, 36-04148B, 36-04074

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Acting Adjudication Bureau Chief

August 15, 1996

The Director of the Idaho Department of Water Resources (IDWR) submits this second report regarding claim to water right nos. 36-04148A, 36-04148B and 36-04074 in response to the request of Special Master Haemmerle, pursuant to Idaho Code §42-1412(4) and the court's Order Consolidating Subcases and Requiring IRE 706 Affidavit. This report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill Jr., Acting Adjudication Bureau Chief for IDWR.

David R. Tuthill, Acting Adjudication Bureau Chief, reviewed and verified this report. The Affidavit of David R. Tuthill Jr. describes Mr. Tuthill's education and work experience, and is incorporated by reference herein. Mr. Tuthill also reviewed the two reports prepared by Jeff Peppersack, described below.

Jeff Peppersack, Adjudication Engineer, prepared and verified IDWR's Report Regarding Evaluation of Irrigation Diversion Rates and IDWR's report entitled Evaluation of Irrigation Diversion Rate Water Right Nos. 36-04074, 36-04148A and 36-04148B. Both of these reports are incorporated by reference herein. The Affidavit of Jeff Peppersack describes Mr. Peppersack's education and work experience, and is incorporated by reference herein.

IRRIGATION DIVERSION RATE

The special master requested information regarding the duty of water and excess flow irrigation requirements for water right nos. 36-04148A, 36-04148B and 36-04074. As noted in IDWR's first Report Regarding Claims to Water Right Nos. 36-04148A, 36-04148B and 36-04074 (IDWR's First Report), IDWR found a total of 64 acres to have been historically irrigated pursuant to these rights. The 64 acres includes 23 acres in the "east end property" historically irrigated from Clear Spring by means of gravity and ditches from Clear Spring, and recommended as right no. 36-04148B. It also includes 41 acres in the "west end property" historically irrigated from Clear Lake stream by gravity and flood systems, and recommended as right no. 36-04074. (36-04148A was recommended for disallowal as described in IDWR's First Report.) By the time of IDWR's field exam, the historical diversion systems had been replaced with sprinkler irrigation systems, some "rearrangement" of the irrigated acres had occurred within those quarter-quarter sections within the historical place of use, and the irrigation use changed from agricultural irrigation to irrigation for a golf course.

IDWR's methodology for investigating and recommending claims to water for irrigation in excess of 0.02 cfs per acre is described in IDWR's Report Regarding

Evaluation of Irrigation Diversion Rates.[1] The application of that methodology to these claims is described in IDWR's report entitled Evaluation of Irrigation Diversion Rate Water Right Numbers: 36-04074, 36-04148A and 36-04148B. This report evaluated the **current** irrigation system and **current** irrigation use. IDWR found 0.021 cfs per acre to be reasonably required for irrigation of the 64 acres based on the current irrigation system; based on the current irrigation use (for a golf course where irrigation is limited to night-time and early-morning hours), IDWR found 0.063 cfs per acre to be reasonably required for irrigation of the 64 acres.

However, neither the claimant nor IDWR's investigation has yielded information which would confirm beneficial use of an amount greater than 0.02 cfs per acre based upon the historical diversion system and the historical irrigation use. Therefore, director has not changed the recommendation as to these three rights based on the information set forth in IDWR's report entitled Evaluation of Irrigation Diversion Rate Water Right Numbers: 36-04074, 36-04148A and 36-04148B.[2] IDWR is prepared to conduct further evaluation of the irrigation requirement based on the historical irrigation system and the historical irrigation use when and if this information is made available to IDWR.

---

[1] IDWR relied upon the following in reaching its conclusions: Idaho Code §42-220 (which provides that no license or decree will be issued confirming a right to more than 0.02 cfs per acre for irrigation unless it can be shown that more is reasonably necessary) and Idaho Code §42-1402 (which limits the amount of water allotted by a decree to the amount of water beneficially used).

[2] IDWR relied upon the following in reaching its conclusions: the decision by Judge Hurlbutt that Idaho Code §42-1427 cannot be used to to change or exceed the previously established element of a water right, Revised Memorandum Decision and Order on Basin-Wide Issue 4, dated May 17, 1995, at page 9, and Idaho Code §42-1426 (allowing enlargements in violation of the mandatory permit statute to be claimed in the SRBA with a priority as of the date of the enlargement, but not allowing an increase in diversion rate).

REPORT REGARDING CLAIM TO WATER RIGHT NOS. 36-04148A, 36-04148B and 36-04074 (2nd)

State of Idaho)
) ss.
County of Ada)

David R. Tuthill, Jr., being first duly sworn, upon oath, deposes and says:

That I am the Acting Adjudication Bureau Chief for IDWR, that I have read the foregoing report, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.

David R. Tuthill, Jr.

Subscribed and sworn to before me this 15th day of August, 1996.

Notary Public for Idaho
Residing at: BOISE ID
My commission expires: 12/5/2000

Certificate of Service

I certify that I served true and accurate copes of the foregoing document to each person at the address listed below by mailing in the U.S. Mail with the correct postage affixed thereto on the 15th day of August, 1996.

Patrick D. Brown
P.O. Box 389
Twin Falls, ID 83303-0389

Norman M. Semanko
P.O. Box 1906
Twin Falls, ID 83303-1906

Person mailing document(s)

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Attorney for IDWR

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos. 36-04148A, 36-04148B, 36-04074
Case No. 39576	)	AFFIDAVIT OF DAVID R. TUTHILL, JR.

STATE OF IDAHO)
) ss.
County of Ada)

David R. Tuthill, Jr., being first duly sworn, deposes and states as follows:

1. My name is David R. Tuthill, Jr.. I am the acting Adjudication Bureau Chief for the Idaho Department of Water Resources (IDWR).

2. My work address is Idaho Department of Water Resources (IDWR), 1301 North Orchard, Boise, Idaho 83706. I reside in Boise, Idaho.

3. I make the following statements based upon my personal knowledge of the facts related therein.

4. My educational background includes a Bachelor of Science degree in agricultural engineering from Colorado State University at Fort Collins, Colorado, in 1974, and a Master of Science degree in civil engineering from the University of Colorado at Boulder, Colorado, in 1975. My course work included, but was not limited to: fluid mechanics, hydrology, hydraulics, statics and dynamics, thermodynamics, soil mechanics, chemistry, mathematics, materials, structures, sanitary engineering, electrical circuits, physics, computer programming, statistics, writing and report preparation.

5. I have been registered as a professional engineer in Idaho since 1979. To become registered, I spent four years as an engineer-in-training and passed an eight hour exam on engineering fundamentals.

6. After graduating from college, I worked from 1/1976 to 9/1976 for IDWR as the Adjudication Section Supervisor. My duties included, but were not limited to: review of applications for water permits; analysis of proposed transfers of water with beneficial use calculations; analysis of decreed rights as to location and amount; supervision of six people in the drafting and report writing sections; supervision of water distribution statewide and responding to watermaster/water district problems of water delivery; and supervision and monitoring of three ongoing water adjudications.

7. I worked for IDWR as the Payette Adjudication Supervisor from 9/1976 to 12/1978. My duties included, but were not limited to: responsibility for the Payette River Basin adjudication which was a 10 year water rights adjudication involving some 10,000 water rights

covering an area of 3,200 square miles; supervision of three professionals, a secretary, and two data entry staff; analysis of methods of computation of water rights to include comingling of rights, ditch losses, and exchanges; preparation of water rights reports; arrangement for public meetings, use of radio, newspapers, posters, and television to provide public information about the adjudication; and responsibility for the preparation of recommendations of state and federal water rights including federal reserved water rights.

8. From 12/1978 to 5/1985 I worked as the IDWR Water Allocation Section Supervisor. My duties included, but were not limited to: supervision of four state office sub-sections; custodianship of a central filing system for all Idaho water rights including claims, permits, licenses, and decrees, including cross-referencing systems for water rights research; responsibility for water right processing including state office review for approval of water right permits, amendments, assignments, licenses, and transfers; central processing and guidance for water right adjudications which were handled in the regional offices; oversight of the state office drafting department; and responsibility for implementation of a state-wide mandatory water right claim filing program which included preparation of posters and brochures, radio and television advertisements, and public education programs.

9. From 6/1985 to 6/1996, I worked as the Regional Office Manager of IDWR's Western Regional Office. As engineer in charge of IDWR's Western Region, my duties included, but were not limited to: oversight of all aspects of Western Regional Office activities, including personnel and salary; oversight of water right application processing and beneficial use examinations; general oversight of the Western Regional Office's adjudication unit; oversight of dam safety and stream channel alteration programs; implementation of IDWR policy and

procedure; implementation and maintenance of IDWR data-bases and files used at the Western Regional Office; coordination of the various section activities in the Western Regional Office; water distribution and administration; serving as chairman of the GIS Utilization Task Force; supervision of the creation of the Southeast Boise Ground Water Management Area (SEBGWMA); and formation, operation, and technical liaison of the SEBGWMA Advisory Committee.

11. My additional education/training since college has included, but is not limited to participation in various seminars and symposia, and completion of various courses related to water management, such as open channel hydraulics and geohydrology.

12. Planimeters are a generally accepted tool of measurement in the field of civil enigineering, and the measurements recorded by planimeters are relied upon by engineers and others who use maps. Planimeters are a common tool used in mapping and are used by many private and government entities. For instance, planimeters are taught as part of course-work in most civil engineering curriculums. My first experience with planimeters was as part of an undergraduate surveying course I took in the late 1960's. The planimeter works by relating the area under an arc to a scaled unit of distance.

13. I reviewed IDWR's Report Regarding Claim to Water Right Nos. 36-04148A, 36-04148B and 36-04074 (2nd), and the statements contained therein are true and correct to the best of my knowledge and belief. IDWR's Report Regarding Claim to Water Right Nos. 36-04148A, 36-04148B and 36-04074 (2nd) is incorporated herein by reference.

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.

SUBSCRIBED AND SWORN to before me this 15th day of August, 1996.

Dawn M Smith
Notary Public for the State of Idaho
Residing at: BOISE ID
My commission expires: 12/5/2000

CERTIFICATE OF SERVICE

I certify that I served true and correct copie of the foregoing document to each person at the address listed below by mailing in the U.S. Mail with the correct postage affixed thereto on the 15th day of August, 1996.

Patrick D. Brown
P.O. Box 389
Twin Falls, Idaho 83303-0389

Norman M. Semanko
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Dawn M Smith
Person mailing document(s)

ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

CHARLES L. HONSINGER
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 36-04148A, 36-04148B, 36-04074
Case No. 39576	)	
	)	AFFIDAVIT OF STEVE CLELLAND

STATE OF IDAHO)
) ss.
County of Twin Falls)

Steve Clelland, being first duly sworn on oath, deposes and states as follows:

A. WORK EXPERIENCE AND EDUCATION

My name is Steve Clelland, and I am a Senior Water Resource Agent with the Idaho Department of Water Resources (IDWR). I make the following statements based upon my personal knowledge of the facts related therein.

1. My work address is Idaho Department of Water Resources (IDWR), Southern Regional Office, 222 Shoshone St. East, Twin Falls, ID 83301-6105. I reside in Twin Falls, Idaho.

2. I have previously been qualified by the Snake River Basin Adjudication Court as an expert in the field of water rights investigation and so testified as such in the trial of subcase no. 36-00003G.

3. My educational background includes a bachelor's degree in Agricultural Education from the University of Idaho in May, 1982. As part of my college education, I took classes pertaining to soils, crop management, farm business management, accounting, agricultural engineering, surveying, water measurement and animal science courses related to livestock production and management.

4. My work experience includes the following:

a. In 1981, I worked as an irrigation scheduling field technician for Stukenholtz Consulting where I was responsible for determining the irrigation requirements for fields under a variety of irrigation systems. Determining the irrigation requirements for these fields involved the use of tensiometers, instruments that measure soil tensile strength. (A high tensile strength tensiometer reading indicates a low moisture content in a particular soil sample; conversely, a low tensil strength tensiometer reading indicates a high moisture content in a particular soil sample.) Throughout the growing season, I monitored specific fields; charting tensiometer readings, and taking soil and crop samples to determine nutrient and irrigation requirements. I used this information to assist the farmer in determining

proper irrigation and fertilization requirements and techniques for specific soil and crop types, and specific irrigation systems.

b. Upon my graduation from college, I worked with Simplot Soilbuilders from 1982 to 1986 as a fieldman. My duties in that position included but were not limited to: developing my knowledge of sprinkler systems to help farmers determine the proper application of fertilizers and pesticides; determining farm tract acreages from a variety of maps to resolve disputes regarding the area over which a particular fertilizer or pesticide had been applied; and conducting field examinations which often involved speaking with the farmer about their crop rotation practices, and their application and use of fertilizers and pesticides. During these field examinations I took crop and soil samples to determine nutrient and pesticide requirements for specific soil and crop types. Often, I could apply pesticides or fertilizers to a field by using the field's irrigation system. Thus, I had to learn about and understand various aspects of specific irrigation systems, including the area irrigated by the system, type of irrigation system, and the system's flow rates.

c. I then worked for the Twin Falls Canal Company for two years from 1986 to 1988 where I was responsible for helping the company's engineer plan and construct water diversion structures and canals, and for ensuring that water measurement devices were both accurate and properly maintained. My duties also included: surveying potential canal and diversion sites to prepare for construction of measurement devices and structures; in conjunction with the company's engineer, drawing plans for measurement devices and structures; building weirs and other

measuring devices using welding equipment; and monitoring the work of construction crews to ensure that measuring devices and structures were being built in accordance with plans.

d. After working for Twin Falls Canal Company, I started a position with the Idaho Department of Water Resources as a Water Resource Agent in 1988. After one year in this position, I was promoted to Senior Water Resource Agent. I have held this position for the past seven years. My duties as a Senior Water Resource Agent are detailed in the attached job description. During my employment with the Idaho Department of Water Resources, I have received professional training in: hydrology; the use of polysonic flowmeters; the use of IDWR's methodology for calculating field irrigation diversion rates (see IDWR's Report Regarding Evaluation of Irrigation Diversion Rates); the preparation and use of claim verification records; and the use of ArcView geographical information systems. Through my experience while employed in this position, I have gained a good working knowledge (or become more practiced where I already had a familiarity) with the following:

i. Water flow measurement methods through the use of flow meters, various types of weirs, bucket and stopwatch, and other measurement devices and methods;
ii. The interpretation of aerial photography;
iii. The calculation of acreage using aerial photographs, ortho photo quads, and other photographs and maps using grids, planimeters and other devices and techniques;
iv. Reading and interpreting legal descriptions in order to locate that area described on maps or aerial photographs;
v. The public land survey system;
vi. Global positioning equipment;
vii. All types of irrigation systems and methods;
viii. Different types of wells and pumps and the calculation of pump outputs;

ix. All of IDWR's electronic databases;

x. The various diversion systems in the Hagerman Valley, including locations of all points of diversion and places of use of all the various water right claims.

xi. Farming practices and techniques, including historic cropping patterns and irrigation practices in the Hagerman Valley.

Using this knowledge and other methods and devices, I have conducted over 400 water right claim field exams during my period of employment with IDWR..

B. FAMILIARITY WITH THE HAGERMAN VALLEY

Beginning in July, 1990, as part of my duties as a senior water resource agent with IDWR, I began conducting field examinations in the Hagerman Valley. During the irrigation seasons of 1990 through 1992, I visited the Hagerman Valley approximately 200 times to investigate aspects of specific claims to water rights. Since 1992, I have visited the Hagerman area many times for various purposes, including: verifying earlier observations relating to IDWR water right recommendations; examining new claims; familiarizing other IDWR personnel. Deputy Attorneys General, and SRBA Court personnel with the water delivery systems in the Hagerman Valley.

C. CLAIM INVESTIGATIONS GENERALLY

1. The details and results of my water right claim investigations and field examinations are documented in the claim files of every claim that I investigated. IDWR used this information as the basis of its recommendations for the following water rights:

36-04148A 36-04148B 36-04074

2. When beginning the investigation of a water right in the Hagerman Valley, I would generally receive a file with the following documents and information:

a. The notice of claim.

b. Any documents concerning change of ownership.
c. Any correspondence regarding the claim. (Typically no correspondence was present).
d. Request for evidence of priority from IDWR (if the claim was to a beneficial use right).
e. Proof of priority (not always present).
f. Claim verification report (added to file by investigator if not present).

3. After receiving the file, if a claim verification report (CVR) was not present, I would proceed to print one using the computer and place it in the file. The CVR is the document that compiles all information pertinent to investigation of the claim to the water right; using information already in IDWR's electronic database and information obtained through my investigation of the claim. The CVR would serve both as an organizer so that I could tell what information was needed to complete the investigation, and as a checklist to ensure that I investigated all elements of the claimed right.

a. IDWR's electronic database contains information reflecting elements of both the claim to the specific water right and the existing water right as licensed or decreed. Thus, the CVR, as generated by IDWR's computer system presents a comparison of each of the elements as claimed to each of the elements as licensed or decreed. I used this comparison to determine whether there was a discrepancy between the claim and the existing record of the right that I needed to investigate and resolve.

b. If the claim to the water right is based on beneficial use, and there is no existing right or claim, and no information in IDWR's database to compare to the claim, the CVR will contain information reflecting only the claim. Therefore, in the case of a beneficial use claim, I would have to investigate every element of the

claimed right as if it were a new right being established through the permit application process.

c. The CVR is a dynamic document; the information it contains can change up to the time the Director's report is issued. When my investigation revealed information different from that either claimed, licensed or decreed, I would generally document the information with a handwritten explanation on the CVR page corresponding to the element investigated.

d. The CVR is divided into subsections by water right element, which is listed in the top left-hand corner of each page. Although the pages of the CVR are numbered, those numbers do not correspond to a specific element or subsection of the CVR. Rather, the number of pages a CVR contains is determined by the amount of information available in IDWR's database as to the specific claim.

e. In each of the subsections, there are indications by the computer as to whether a field exam or verification of a specific element is required due to a discrepancy or remark noted by the computer. As the investigating agent, I had the discretion to verify the element by either conducting a field examination or by using some other method. I would note in the specific CVR subsection the results of the field examination or verification.

4. The specific subsections of the CVR are broken down as follows:

a. The first page is generally the checklist page (Although the checklist page is not labeled as Page 1, it is placed at the front of the CVR to better assist the investigating agent.) This page acted as a tracking device to let me know whether the

computer had detected a discrepancy between elements of the claim and elements of any existing water right record (as entered into IDWR's database). Using this information in combination with other information in the claim file, I was able to determine whether I needed to conduct a field exam as to a specific element or whether some other type of review would suffice. This page also helped me to ensure that all elements in the CVR (and thus the claim) were reviewed before issuance of the director's report.

b. The first subsection after the checklist page is the general information sheet. This subsection contains information from IDWR's database as to the claimant's address and phone number, and also contains any remarks the claimant listed in the claim. In this subsection, there is also a designated area in which the field examiner may make notes.

c. The second subsection is the priority date review sheet. This subsection contains information as to the priority date claimed and as to the priority date of the existing water right record. There is a designated area in which the field examiner may make notes and an area in which the investigating agent may either use the priority date as listed in IDWR's database, or make a recommendation as to the priority date.

d. The third subsection is the point of diversion review sheet. This subsection contains information as to the point of diversion and source claimed and as to the point of diversion and source of the existing water right record as listed in IDWR's database. This subsection lists other claims with a point of diversion within

the same 40-acre tract as the subject claim. The same information is listed with respect to water right records in IDWR's database. There is a designated area in which the field examiner may make notes and an area in which the investigating agent may make a recommendation as to the point of diversion and source.

e. The fourth subsection is the place of use review sheet. This subsection shows the water right numbers of any claims split from the same water right as the subject claim. This subsection shows the number of irrigated acres as claimed, as shown in IDWR's database, and as shown by Landsat imagery. There are also areas to show the number of irrigated acres as found by the field examiner and as recommended. There is a designated area fn which the field examiner may make notes and an area in which the investigating agent may make a recommendation as to the total irrigated acres.

f. The fifth subsection is the purposes review sheet. This subsection shows the purposes of use, seasons of use for each use, and quantity diverted for each use as claimed. The same information is listed with respect to water right records in IDWR's database. There is a period of use section where the investigating agent indicates whether the period of use should be recommended as claimed or recommended differently based on other standards or information. There is also a designated area in which the field examiner may make remarks and notes.

g. The sixth subsection is the diversion amount review sheet. This subsection contains a comparison of the total claimed diversion rate of all claims split from the same water right, to the diversion rate of the original water right from which

those claims were split. The investigating agent uses this comparison to ensure that the total claimed diversion rate from all claims split from the same water right does not exceed the diversion rate of the original water right. There is a section to indicate the measurement method used to determine the diversion flow rate. There is a section listing all rights used on the same place of use (overlapping rights). There is a section in which the investigating agent completes his calculations as to the flow rate, consumptive use, and diversion volume required for the particular claim. There is a designated area in which the field examiner may make remarks and notes, and an area in which the investigating agent may make recommendations as to purposes of use, period of use, diversion rate, diversion volume, and consumptive use.

h. The seventh subsection is the basis of claim review sheet. This subsection guides the agent as to whether the claimant owns a claimed water right, whether the claimant has abandoned or forfeited a claimed water right, or whether an additional diversion amount claimed is necessary. There is a section containing a split water right review to help the agent ensure that the recommended diversion rate does not exceed that of the original water right. There is a designated area in which the field examiner may make remarks and notes.

i. Finally, there is an authentication subsection the investigating agent signs after the initial investigation is complete.

4. If a field exam was necessary, I would travel to Hagerman to conduct the exam. Normally, I conducted the field exam to establish the farm's location, the irrigated area, the purposes for which the water was used, and the presence of a water delivery system

to deliver water pursuant to the claimed water right. I also used the field exam to confirm any other element or aspect of the claim that could be confirmed through observation, and sometimes used the field exam to take certain measurements. Before leaving the office for a field exam in Hagerman, I would ensure that I had the necessary claim file(s), and the appropriate maps and photographs, including the appropriate NAPP infrared photographs, ASCS maps, and orthophoto quad maps.

a. The NAPP photographs I used in my investigation of claims in the Hagerman area are listed as follows:

i.	IDWR# AA69NE	NAPP#419-61	06/25/87
ii.	IDWR# AA69NE	NAPP#419-51	06/25/87
iii.	IDWR# AA70NW	NAPP#439-45	08/01/88

b. The ASCS maps I used in my investigation of claims in the Hagerman area are listed as follows:

i. 1977 ASCS map covering Hagerman, Idaho

ii. 1987 ASCS map covering Hagerman, Idaho

c. The orthophoto quads I used in my investigation of claims in the Hagerman area are listed as follows:

i.	IDWR# AA69	1974	Hagerman, Idaho
ii.	IDWR# AA70	1974	Tuttle, Idaho

a. When preparing for a field exam, I would not typically make an appointment with the claimant as it was difficult to determine the time I would be available to conduct the exam. However, if the claimant requested a meeting to discuss their claim or to show me some aspect of their property or delivery system, I would try to accomodate their wishes. If I had not previously spoken with the

claimant, I generally attempted to contact them while at the exam site.

b. I did not typically use the field exam as an opportunity to determine the size of an irrigated tract. Instead, I would confirm irrigated areas (not acres) as shown on NAPP photos, orthophoto quad maps and ASCS maps. I would confirm the accuracy of these items by checking whether an area shown as irrigated by a photograph or map was actually irrigated. Further, I would check to ensure that that the geographical landmarks shown on maps or photographs matched the actual geographical landmarks. Through this procedure, I was able to determine that the maps and photos fairly represented conditions as they actually existed. I could then accurately establish the irrigated acreage through the use of a planimeter, ASCS maps and other maps.

c. Although the date of the field exam listed on the CVR is the date I formally investigated a claim to a water right, I generally observed the property several times. On many occasions, I had opportunity to observe a property where I had previously conducted a field exam while I was conducting a field exam on the adjoining property. Although not documented in the claim files, I took the opportunity to observe a diversion system or property a second, third or fourth time to confirm the results of my initial field examination.

d. There were occasions when the investigation of a particular claim required an additional field examination to confirm or add new or more detailed information. For example, when IDWR began using the Hubble methodology (see IDWR's Report Regarding Evaluation of Irrigation Diversion Rates) to evaluate

claims to irrigation water where the claimed diversion rate exceeded .02 cfs per acre (excess flow claims), I returned to properties I had previously examined to obtain information such as soil types and irrigation system types necessary to complete the calculations that are a part of that methodology.

e. As part of the claim investigation process, I generated notes that I organized in notebooks. I also generated some field notes that I organized in a file in my office. To the extent that the information reflected in any of these notes were part of the recommendation as to a specific claim, I documented the information in the claim file.

5. After a field examination, I would typically determine the irrigated acreage for a specific claim by developing a map of the property. From this map, I was also able to determine other elements of the claimed right such as: point of diversion, location, delivery system, etc.

a. My method for estimating the irrigated acreage claimed is as follows:

i. I used a transparent scaled grid on an orthophoto quad to measure the size of the irrigated acreage as represented by the photo and as confirmed by my field examination. I then converted the measurements to their proper scale to come up with an accurate measurement of the irrigated acreage.

ii. I then compared my estimate against that of maps made by the Agricultural Stabilization and Conservation Service. My estimates were generally somewhat higher than those of ASCS. If one of my estimates was lower than that of ASCS, it indicated to me that I may have missed something

in my investigation, and that I needed to ensure that both the bases for my estimate and my estimate itself were correct.

iii. I sometimes used a planimeter on an orthophoto quad, ASCS map, or some other map to confirm my estimate obtained from using the grid system. During my field examination, I ensured the accuracy of any map I planned to use as a part of my investigation by comparing the map to actual conditions.

iv. When finished with my estimate, I noted the irrigated acreage on the appropriate page of the CVR and proceeded with my investigation.

6. As part of the final phase of my investigation, I completed the CVR with information obtained from the field exam and derived from other information determined during the field exam. For example, if the claimant irrigated her property with sprinklers, I would calculate the recommended flow by applying IDWR's standard of .02cfs/acre to the number of irrigated acres I estimated as a part of my investigation.

7. When the investigation was complete, the information in the claim files listed above included the following:

a. Copies of any maps or photos I used in the investigation, including those I made myself.

b. Memorandums regarding conversations with the claimant or IDWR personnel regarding the interpretation or recommendation of the claim.

c. Copies of the calculations and figures used as a part of recommending a flow rate based on the Hubble methodology.

d. Copies of the calculations and figures used to estimate conveyance losses based on the Worstell method. (See also IDWR's Report Regarding Evaluation of Irrigation Diversion Rates)

e. The elements of the right as recommended in preparation for publication of the Director's Report. This document is labeled as an "Adjudication Claims Proof Reading Report," is stamped "verified." and is initialed by the reviewing agent.

f. Any split analysis necessary to show that a right was part of a previously

existing, decreed right.

g. The notice of claim.

8. Upon completion of my investigation, I turned the claim file over for review by Allen Merrit, then the IDWR Southern Region Adjudication Supervisor, now the Regional Manager for IDWR's Southern Region.

D. INVESTIGATION OF CLAIM NOS. 36-04148A, 36-04148B AND 36-04074

As part of my duties as senior water rights agent, I conducted an investigation of claim nos. 36-04148A, 36-04148B and 36-04074. The pertinent details of that investigation are set forth in IDWR's Report Regarding Claims to Water Right Nos. 36-04148A, 36-04148B and 36-04074. The statements contained therein are true and correct to the best of my knowledge and belief. IDWR's Report Regarding Claims To Water Right Nos. 36-04148A, 36-04148B and 36-04074 is incorporated herein by reference.

Steve Clelland

Subscribed and sworn to before me this 15th day of July, 1996.

Notary Public for Idaho
Residing at: Twin Falls, Id.
My commission expires: 9-23-2000

Certificate of Service

I certify that I served true and correct copes of the foregoing document to each person at the address listed below by mailing in the U.S. Mail with the correct postage affixed thereto on the 16th day of August, 1996.

Patrick D. Brown
P.O. Box 389
Twin Falls, ID 83303-0389

Norman M. Semanko
P.O. Box 1906
Twin Falls, Idaho 83303-0389

Patricia Fawcett
Person mailing document(s)

ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

CHARLES L. HONSINGER
Deputy Attorney General
Department of Water Resources
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Boise, ID 83720-0098
Telephone: (208) 327-5458
Fax: (208) 327-7866

RECEIVED AUG 16 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 36-04148A, 36-04148B, 36-04074
Case No. 39576	)	
	)	AFFIDAVIT OF STEVE CLELLAND

STATE OF IDAHO)
) ss.
County of Twin Falls)

Steve Clelland, being first duly sworn on oath, deposes and states as follows:

A. WORK EXPERIENCE AND EDUCATION

My name is Steve Clelland, and I am a Senior Water Resource Agent with the Idaho Department of Water Resources (IDWR). I make the following statements based upon my personal knowledge of the facts related therein.

ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

CHARLES L. HONSINGER
Deputy Attorney General
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208) 327-5458
Fax: (208) 327-7866

Rigby, Andrus
& Moeller
Twin Falls, ID

AUG 16 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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STATE OF IDAHO)
) ss.
County of Twin Falls)

Steve Clelland, being first duly sworn on oath, deposes and states as follows:

A. WORK EXPERIENCE AND EDUCATION

My name is Steve Clelland, and I am a Senior Water Resource Agent with the Idaho Department of Water Resources (IDWR). I make the following statements based upon my personal knowledge of the facts related therein.

R PROOF ✓

CVR

MAPS ✓

PHOTOS ✓

MISC ✓

FEB 0 1 1993

Water right number - R36-04148   Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - PERMIT 36-8329 ADDITIONAL USE OF SAME WATER

+ - Remarks - +

SEE NOS. 36-04148A, AND 36-04148B.

+ - Old Water Right Numbers - +

No Old Water Right Numbers Found

+ - Conditions of Approval - +

No Conditions of Approval found.

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

+ -Comments- +

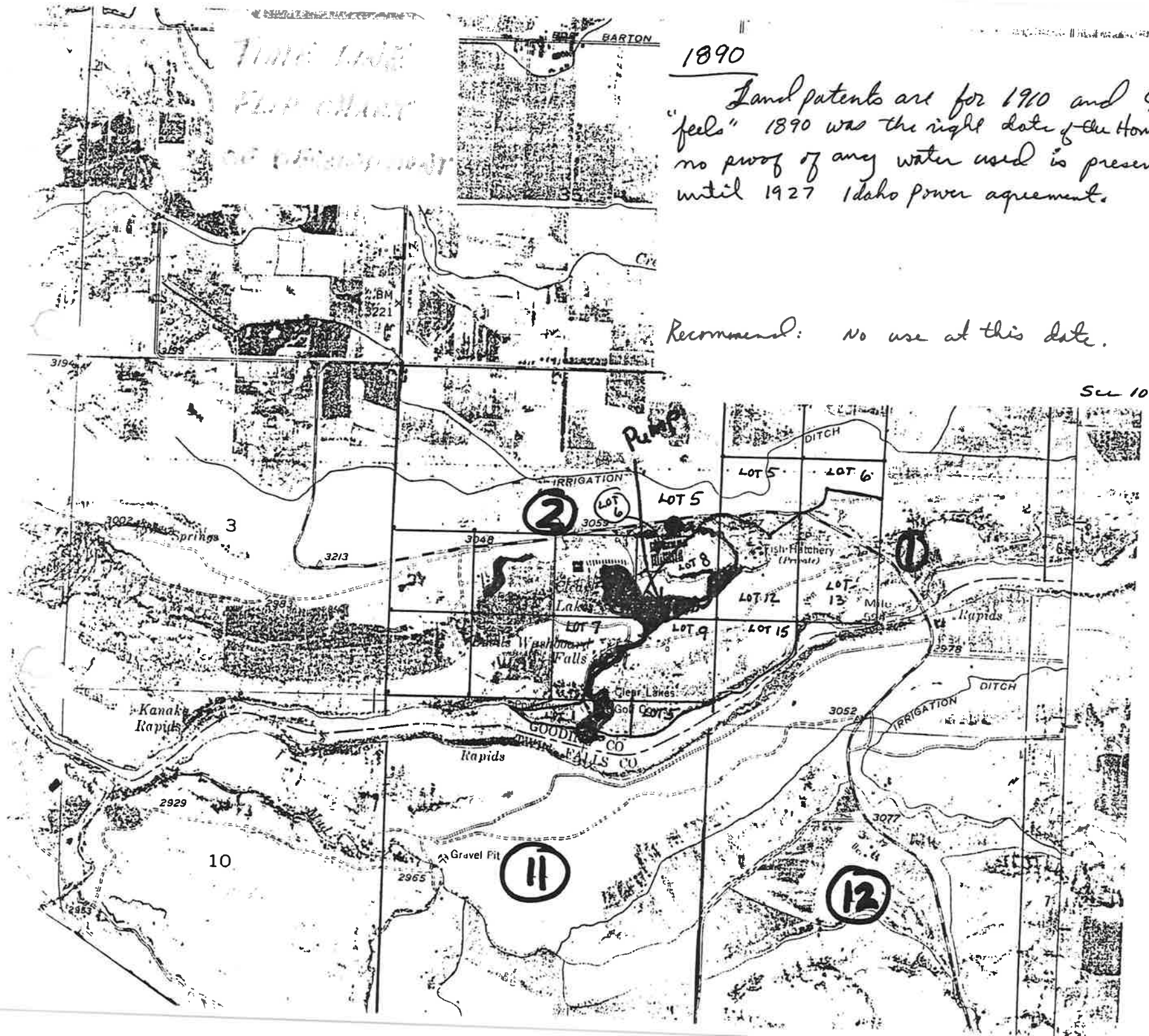
Date: 06/15/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
PROPERTY IS PRESENTLY BEING DEVELOPED AS A PUD AND THE CLEAR LAKE COUNTRY CLUB IS PART OF AND PURCHASING PART OF THE LAND
COVERED UNDER THIS CLAIM. DEED IS PENDING HOWEVER CLEAR LAKE COUNTRY CLUB, RT.4 BX 225, BUHL, ID, 83316 SHOULD BE NOTIFIED
REGARDING ANY ACTION ON THIS CLAIM. SPLIT 8/30/1990: A36-04148A & B.
|
****
THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS:
A36-04148A - CLEAR LAKE RANCH, 1.5 CFS 73.0 AC
A36-04148B - CLEAR LAKE COUNTRY CLUB 1.5 CFS, 90.0 AC
A36-04148C - JOHNSON, 0.02 CFS, DOMESTIC

+ - - Audit Fields - - +

06/15/92 CHRISTEN

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 06/15/1992	Old Judicial District	-
Claim Received Date	- 07/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-



1890

Land patents are for 1910 and G. Emch "feels" 1890 was the right date of the Homestead no proof of any water used is presented until 1927 Idaho Power agreement.

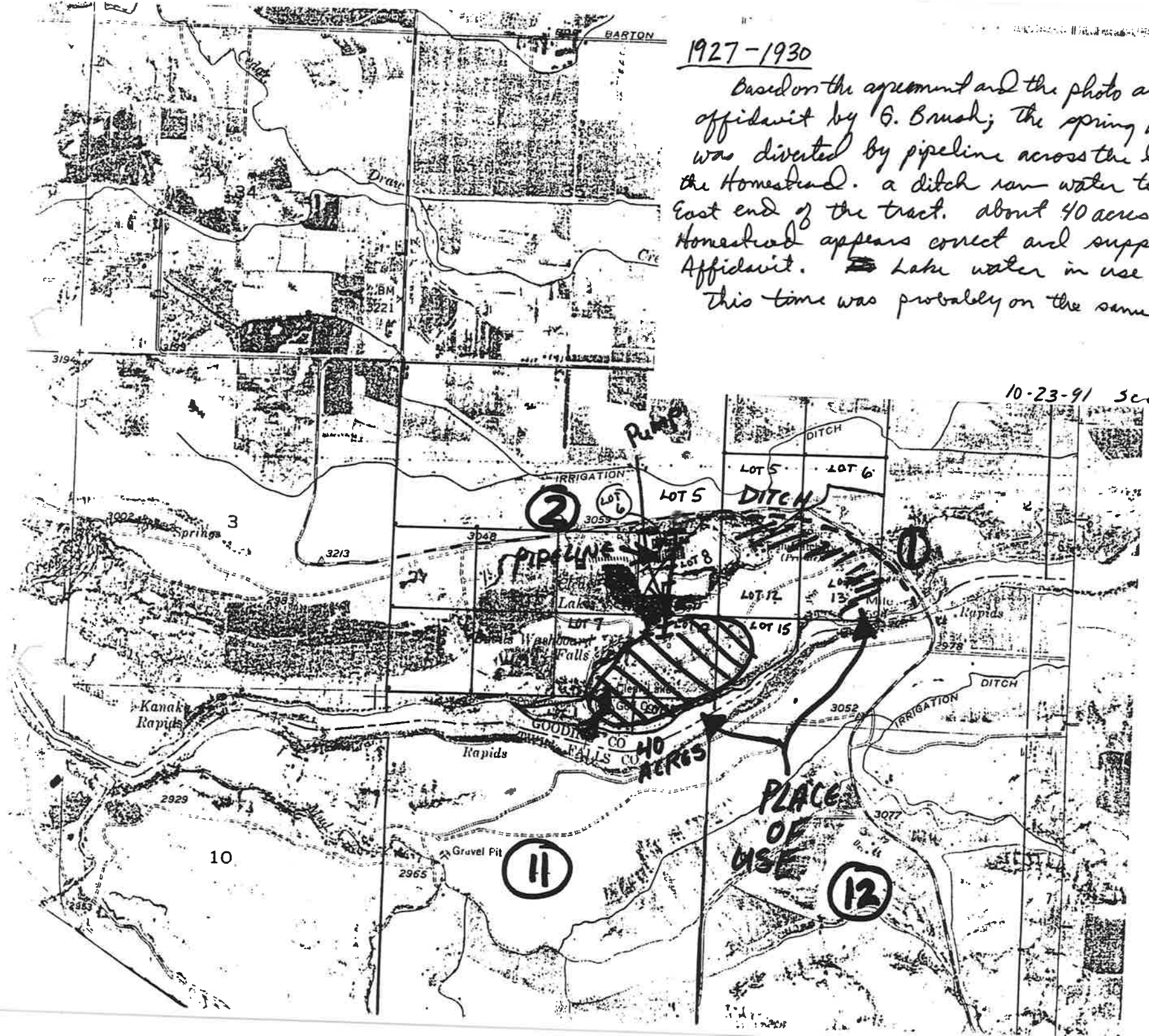
Recommend: No use at this date.

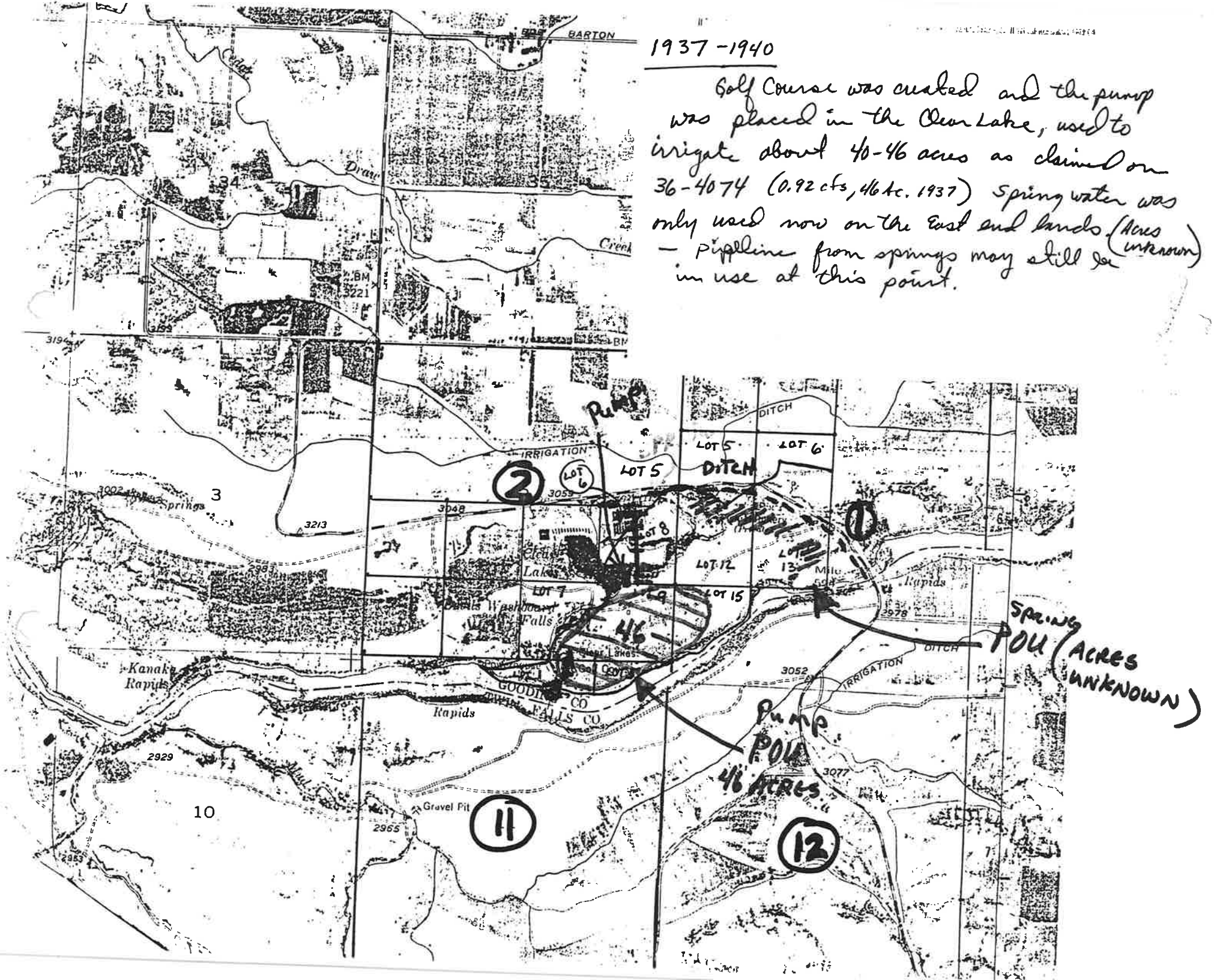
Scc 10-23-91

1927-1930

Based on the agreement and the photo and affidavit by G. Brush; the spring water was diverted by pipeline across the lake to the Homestead. a ditch ran water to the East end of the tract. about 40 acres at the Homestead appears correct and supported by Affidavit. Lake water in use at this time was probably on the same hands.

10-23-91 Sec





1937-1940

Golf Course was created and the pump was placed in the Clear Lake, used to irrigate about 40-46 acres as claimed on 36-4074 (0.92 cfs, 46 Ac. 1937) Spring water was only used now on the East end lands (Acres unknown) — pipeline from springs may still be in use at this point.

1960 – 1987

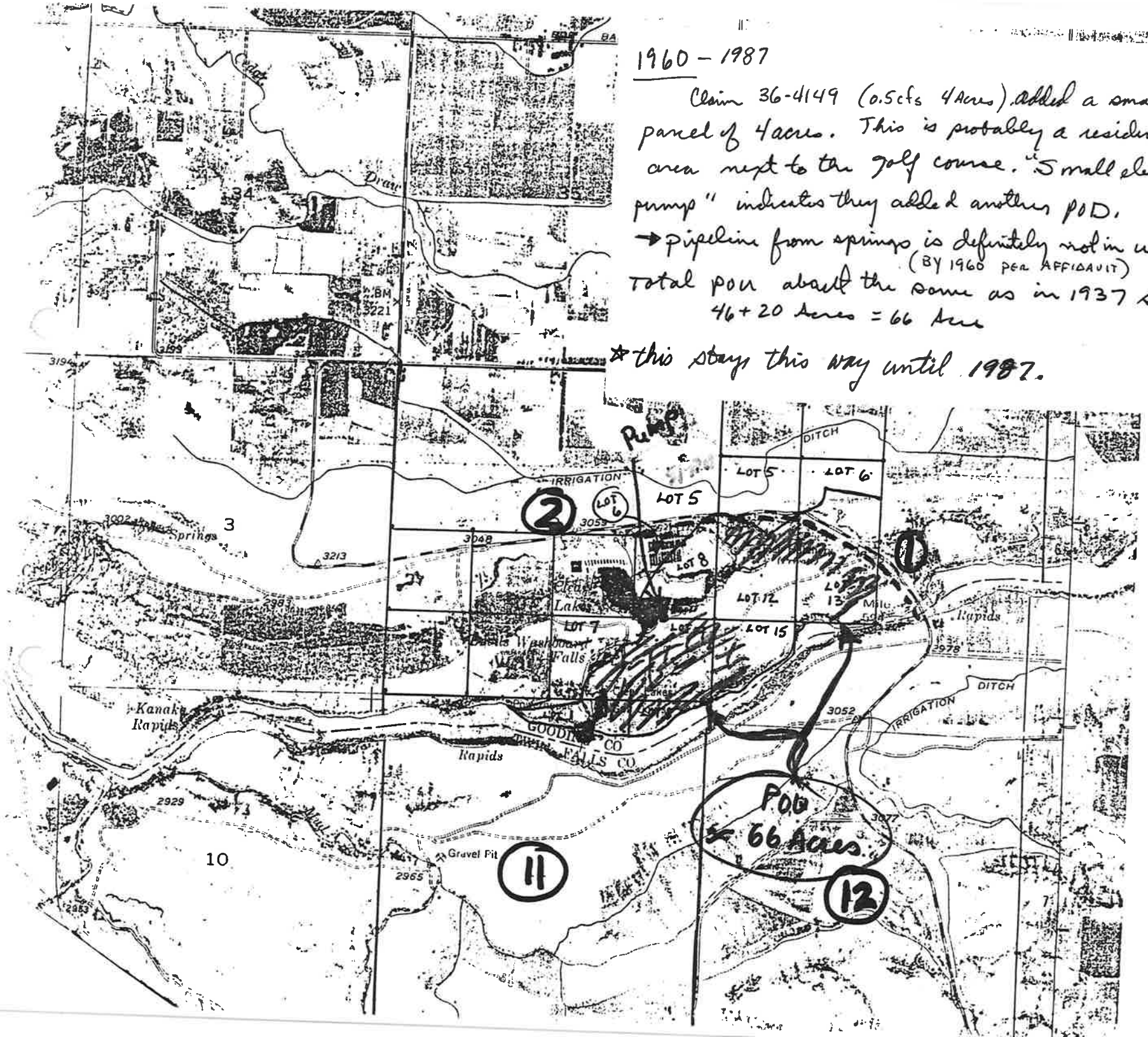
Claim 36-4149 (0.5cfs 4Acres) added a small parcel of 4acres. This is probably a residential area next to the golf course. "Small electric pump" indicates they added another POD.

→ pipeline from springs is definitely not in use. (BY 1960 PER AFFIDAVIT)

Total POU about the same as in 1937 stage.

46 + 20 Acres = 66 Acres

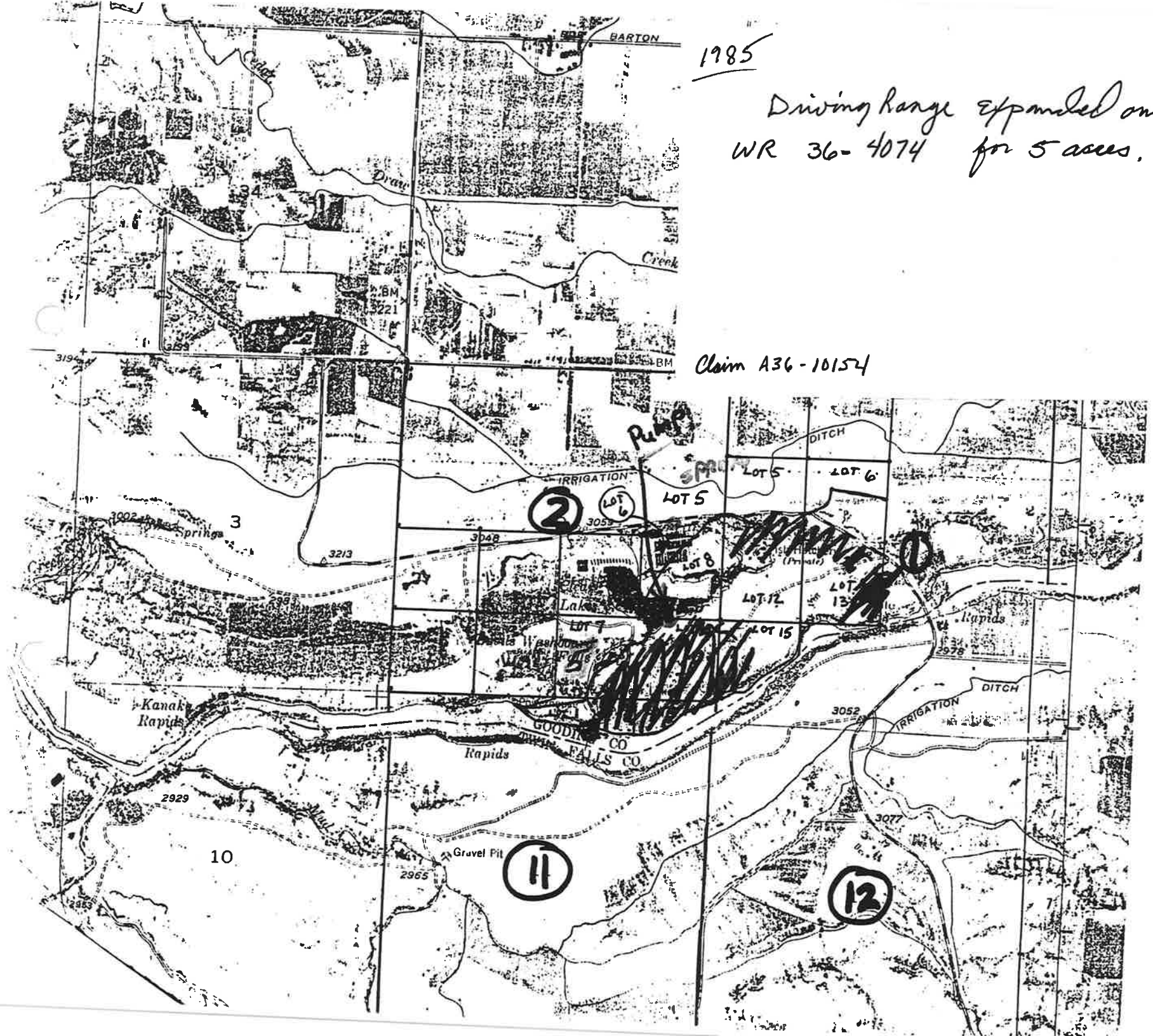
☆ this stays this way until 1987.



1985

Driving Range Expanded on WR 36-4074 for 5 acres.

Claim A36-10154



p. 2

new construction also changes diversion structures of the clear Lakes and springs Diversion points.

dates _____

Great development:

Total 89.9 acres irrigated in Clear Lakes CC lands

Ranch area – no use found (see permit 36-8329) no diversion formed

1986-1987

New construction and development begins for the second nine holes on the golf course. Long Range plans include the housing development on the High lands.

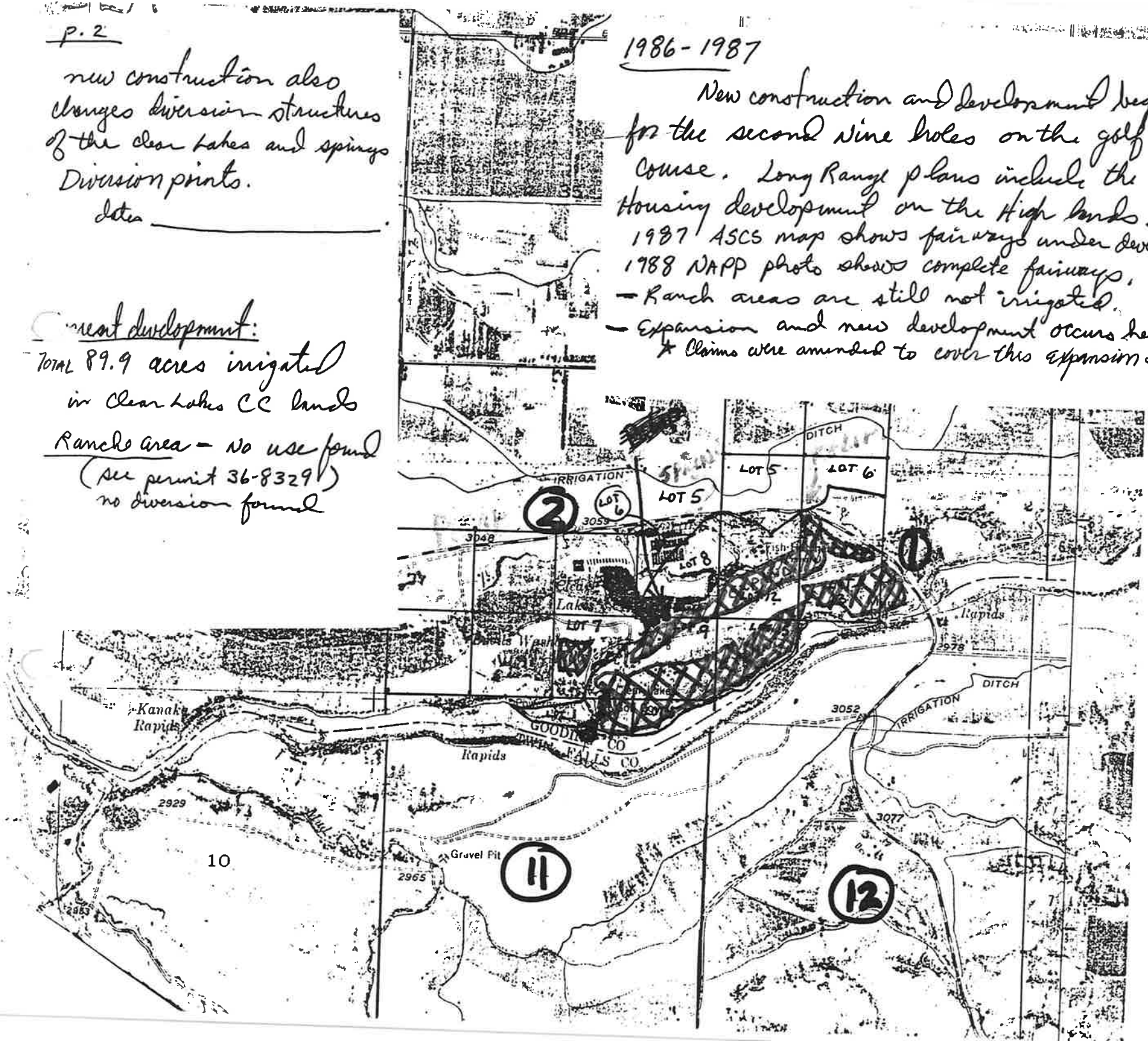
1987 ASCS map shows fairways under development.

1988 NAPP photo shows complete fairways.

– Ranch areas are still not irrigated.

– Expansion and new development occurs here.

* Claims were amended to cover this expansion & growth.

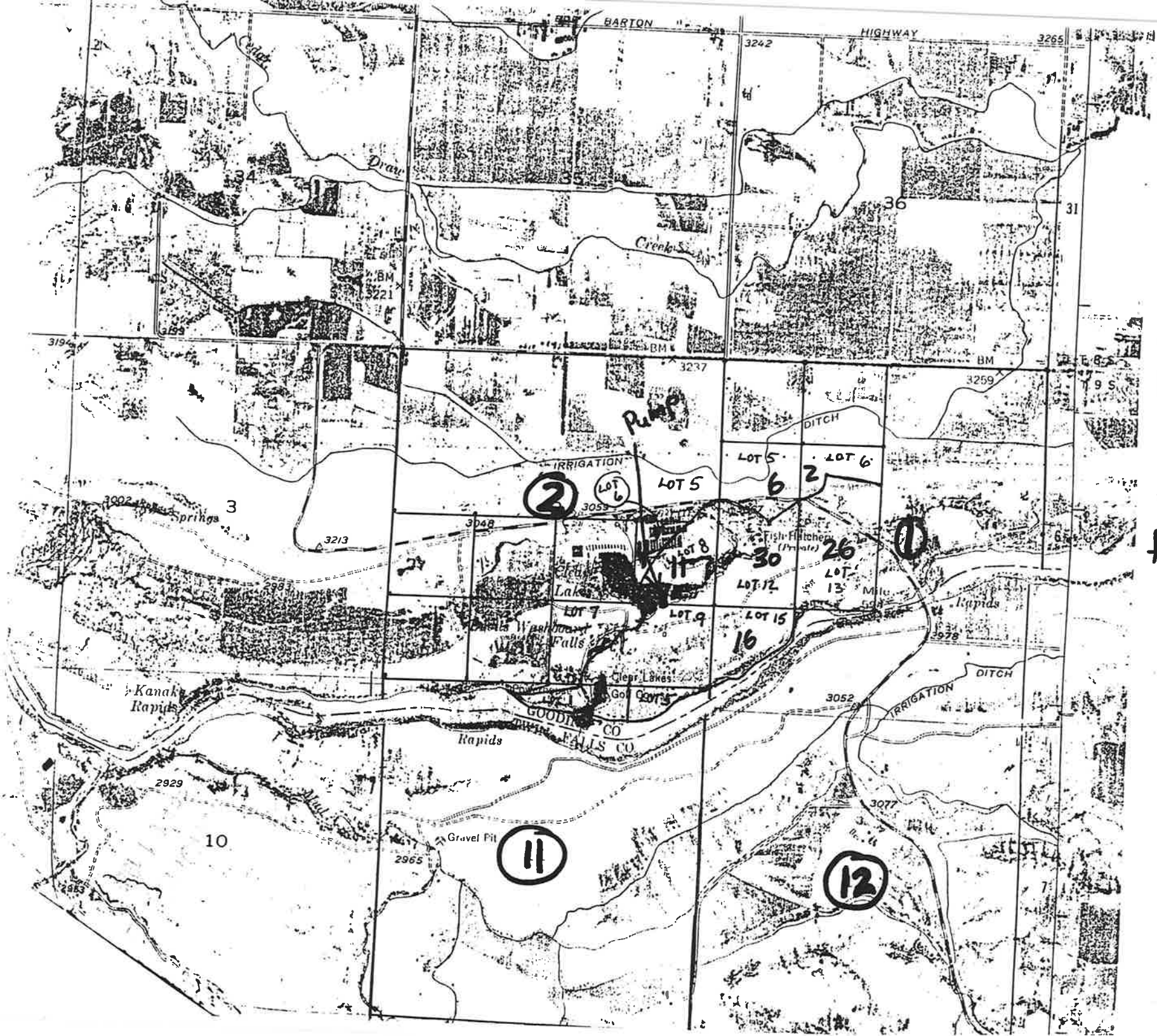


TIME LINE & FLIP CHART OF CLAIMS + AMENDMENTS

36-4149 WITHDRAWN 10-30 1990

T9S. R14E.

SECTION 1	1977 ASCS	1979 CLAIM 36-4074 FILED	1980 COLOR SLIDE	1982 CLAIM 36-4148	1982 CLAIM 36-4149	1985	1987 AMENDED 4148	1987 4149	1987 ASCS NAPP	7-6 1988 AJ CLAIMS 4074	1988 4148	1988 4149	1988 10154	8-30 1990 AMENDED 4074	1990 4148 (A)	1990 4148 (B)
SWNW LOT 5	2.0		2.0	6			6		FISH Ø POND		6				0.3	
SENW LOT 6	Ø			2			2		0.5		2				1.2	0.6
NWSW LOT 12	3.4		3.4	30			25	4	11.0		25	4			13.1	10.6
NESW LOT 13	16.0		16.0	26			45		22.1		45				29.4	23.0
SWSW LOT 15	7.5	8.0	7.5	16			12	12	11.0	8	12	12		15	11.2	15.6
(LOT 14)	1.6		1.6						Ø							
	30.5	8.0	30.5	80		Ø	90	16	44.6	8	90	16		15	55.2	49.8
SECTION 2																
SENE LOT 5	Ø								Ø							
SWNE LOT 6	Ø			4			3		Ø			3				
SWSE LOT 7	Ø	9.0				12			5.6	9			12	2		1.8
NESE LOT 8	Ø			11			7		3.0			7				1.9
SESE LOT 9	18.8	9.0	18.8	9	4		22		23.7	9		22		17	17.5	23.4
NWSW	Ø								Ø							
	18.8	18.0	18.8	24	4	12	Ø	32	32.3	18	Ø	32		19	17.5	27.1
SECTION 11																
NENE LOT 5	9.9	8.0	9.9						8.3	8	Ø			8	0.3	8.8
NWNE LOT 6	4.8	12	4.8						4.7	12				4		4.3
	14.7	20.0	14.7	Ø	Ø	Ø	Ø	Ø	13.0	20	Ø			12	0.3	13.1
CFS	—	0.92	—	3.0	0.5	—	3.0	0.5	—	1.4	3.0	1.4	.36	1.6	1.5	1.5
GRAND TOTALS	64	46	64	104	4	12	90	48	89.9	46	90	1		46	73	90

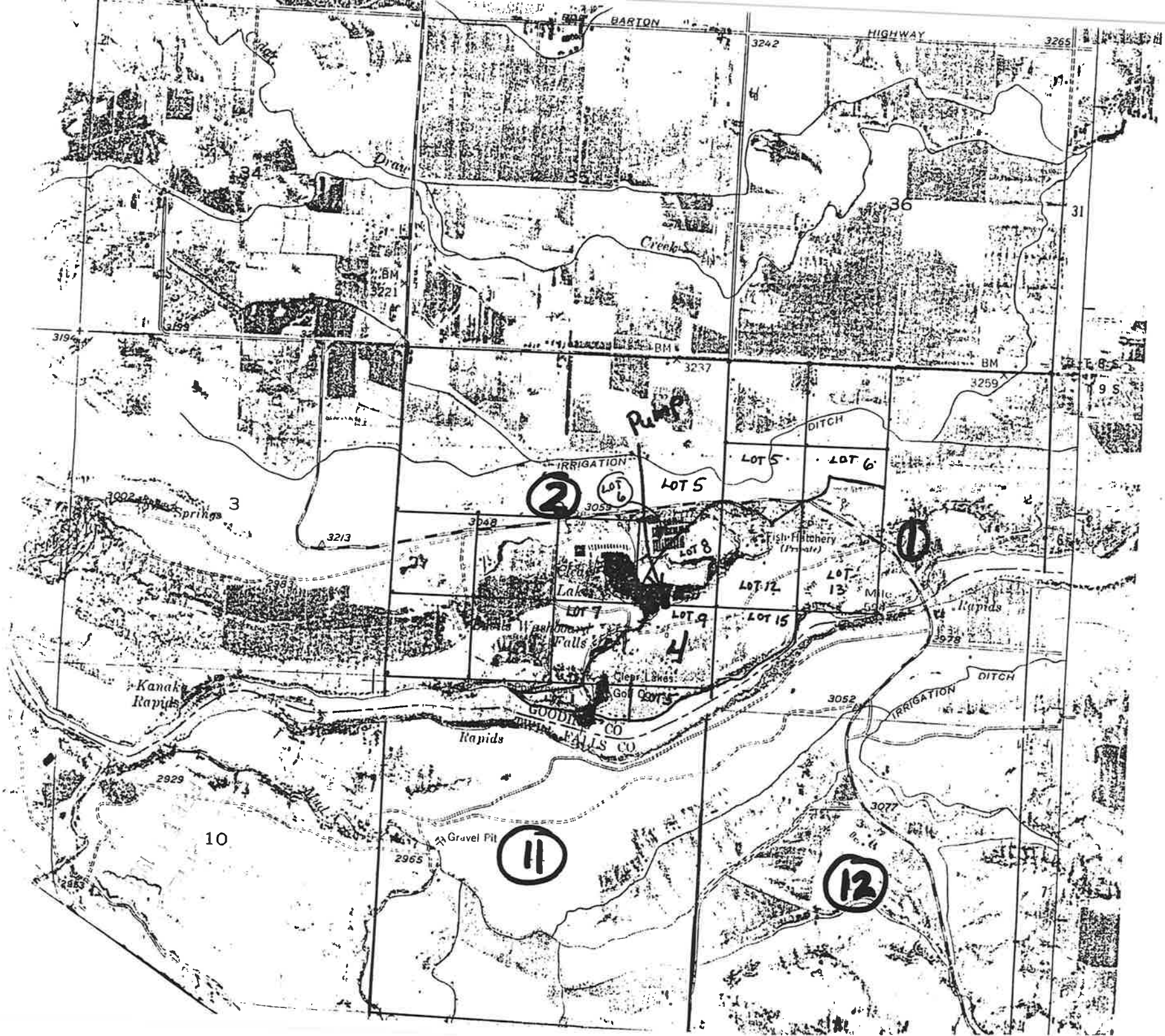


ORIGINAL

36-4148

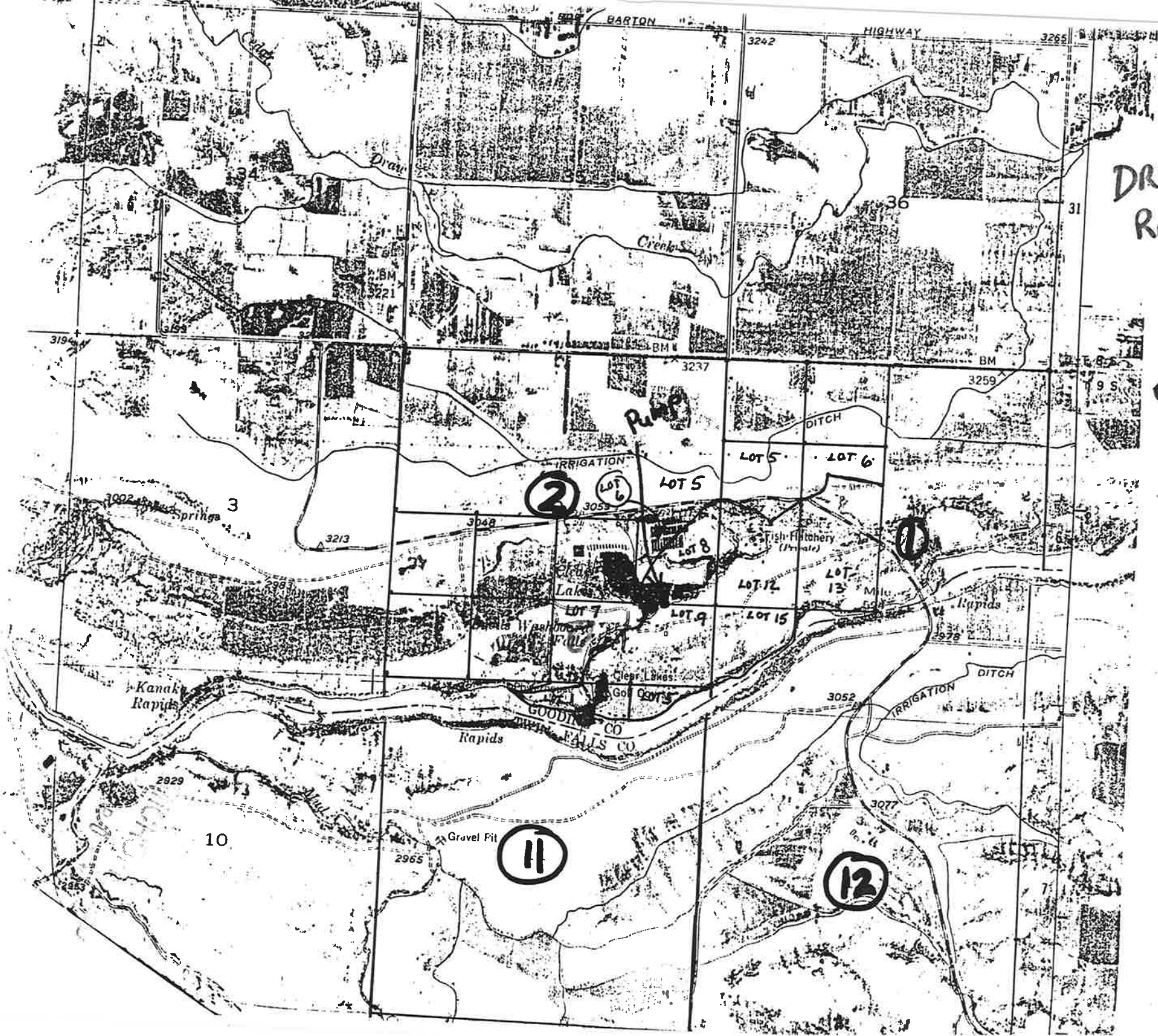
104 Ac.

filed 1982



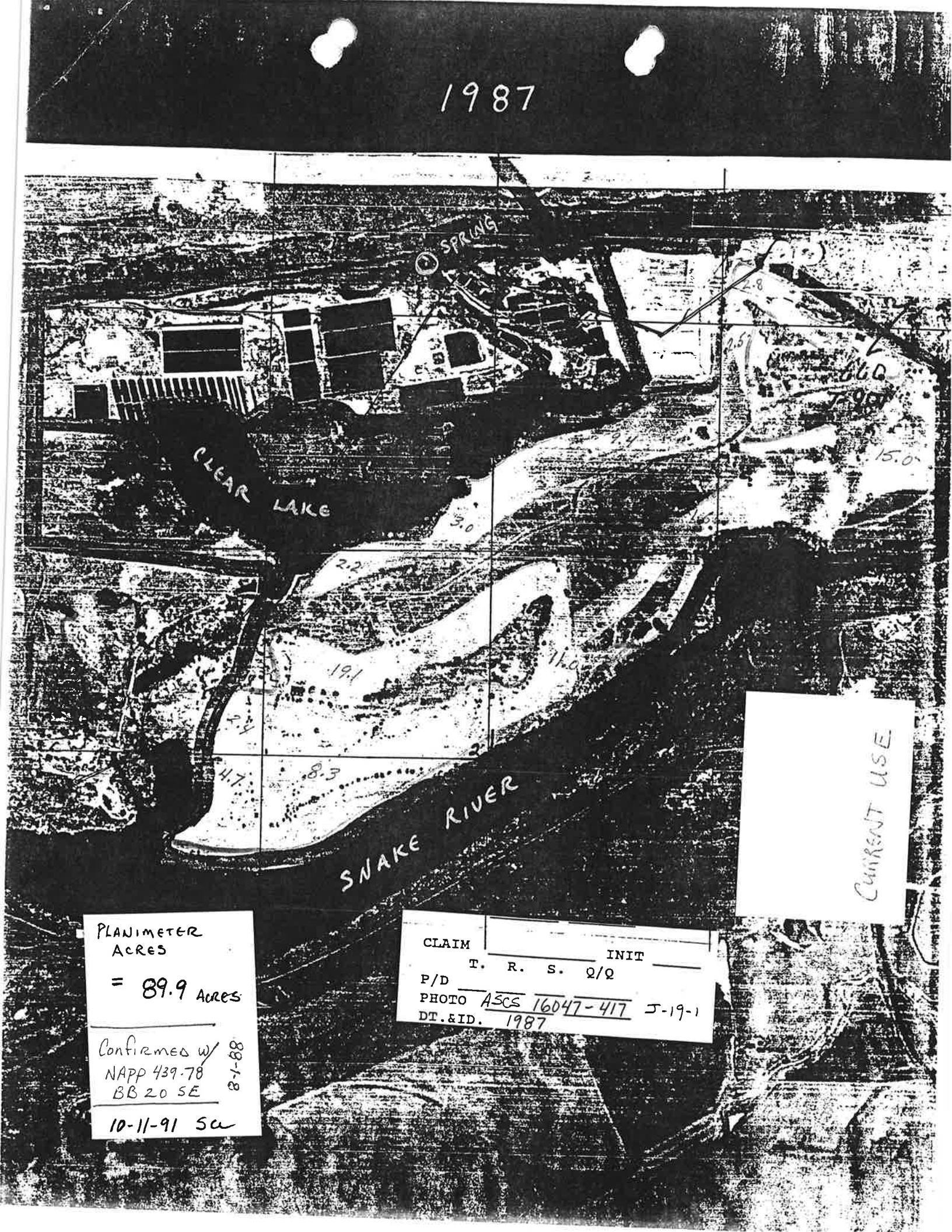
ORIGINAL
36-4149

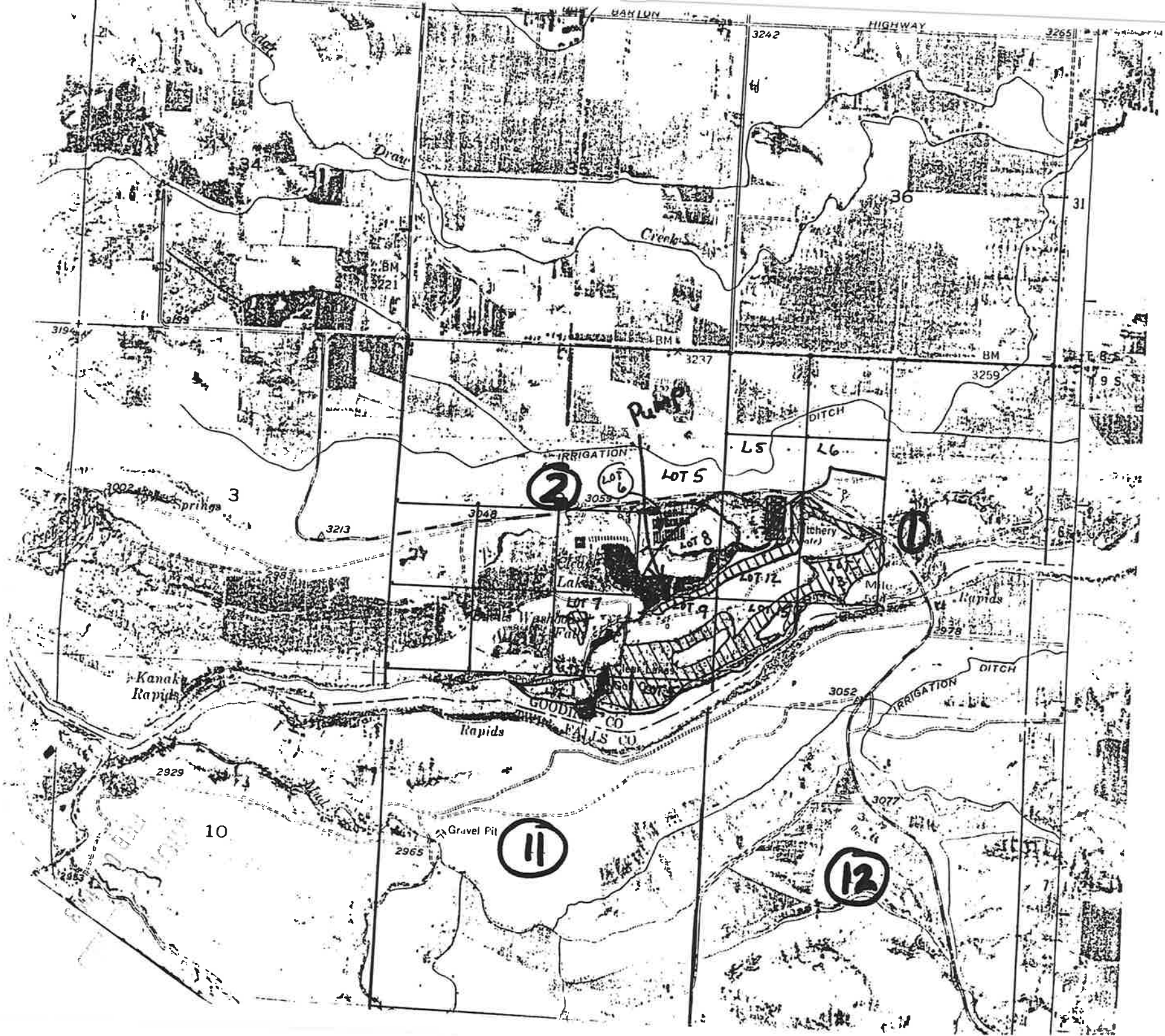
FILED 1982



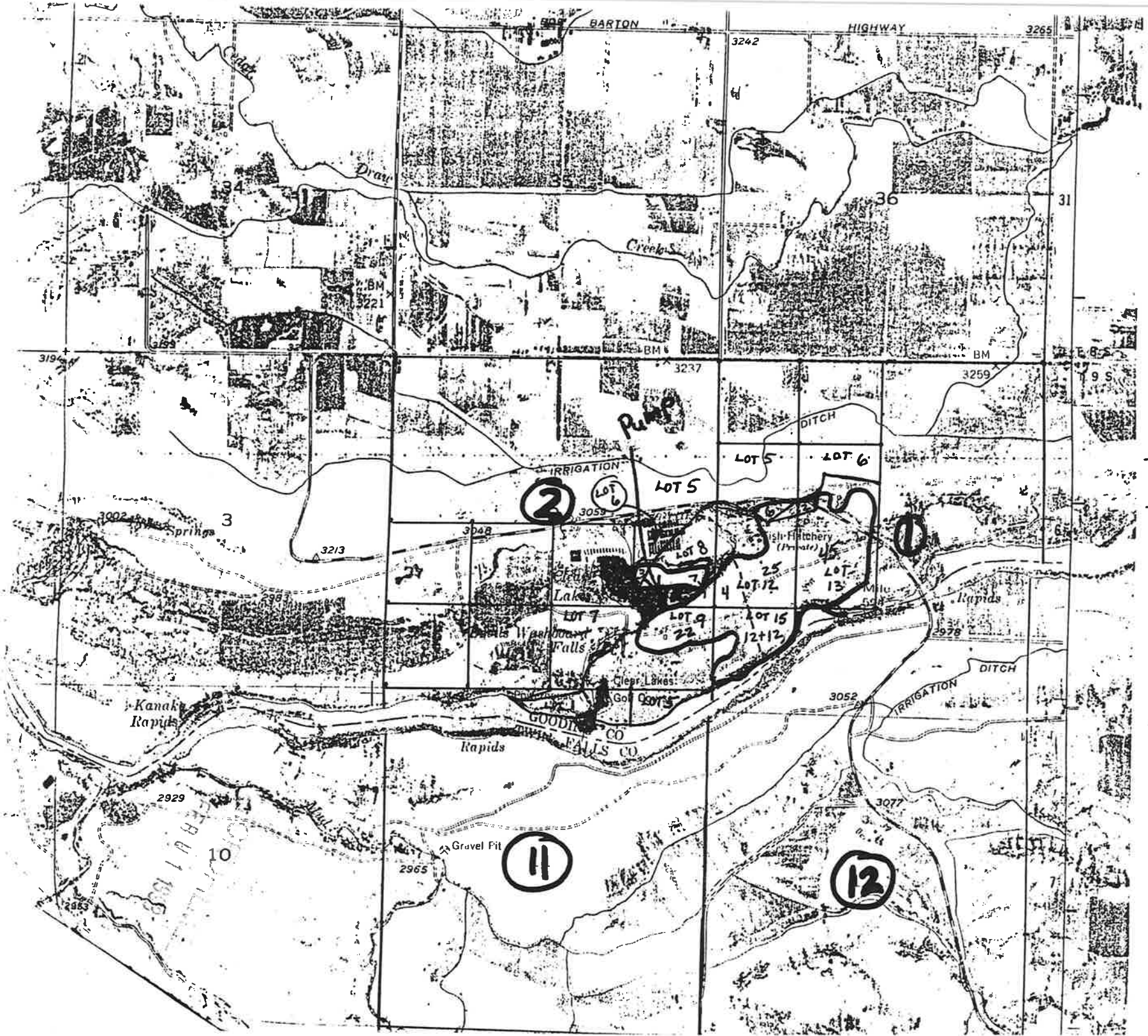
DRIVING RANGE

EXPANSION CLAIM TO 1985


1987
SPRING
CLEAR LAKE
SNAKE RIVER
CURRENT USE
PLANIMETER
ACRES
= 89.9 ACRES
Confirmed w/
NAPP 439-78
BB 20 SE
8-1-88
10-11-91 Sa
CLAIM
INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987



1988
NAPP PHOTO



-4148 90 Ac.

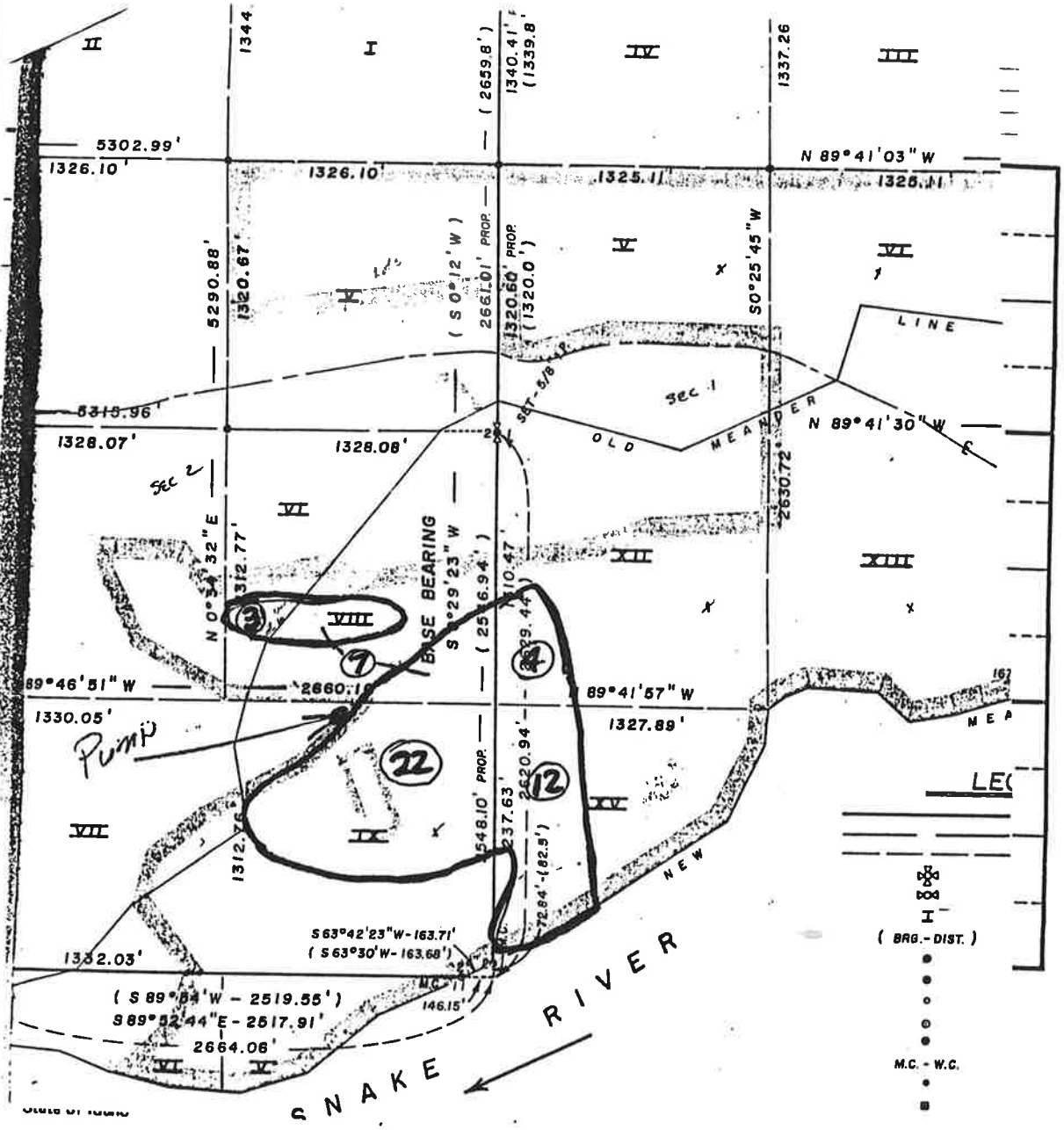
-4149 48 Ac.

138

1987

AMENDED

NO OVERLAPS



State of Idaho

County of Twin Falls) ss.

36-4149 AMENDED 1987

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached Information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Ranch, Inc, by George Brush
(Claimant) Vice. President

Sworn to before me this 2 day of June, 1987.

Loren O Holmes
Notary Public
Residing at Twin Falls, ID

My commission expires 3/21/1993

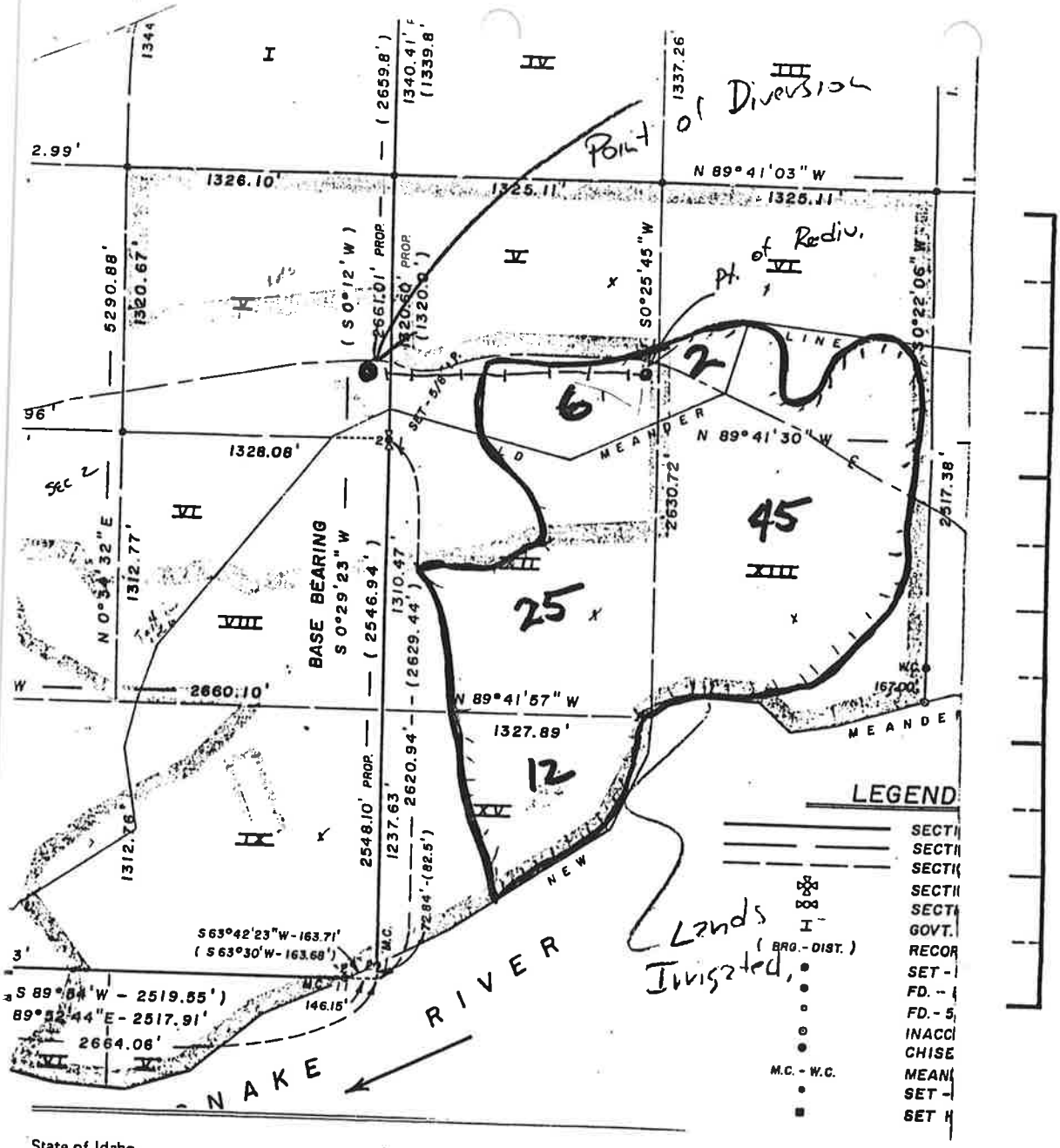
FOR DEPARTMENT USE ONLY

Received by ADR Date 6/2/87
Prelim. check by J.E. Stanton Date 6-5-87
$30.00 fee received by None Date
Published in Gooding Co. Leader
Dates 8/5 & 8/12/87

Exception filed by:

Fowarded to claimant by:

Date



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) ss.
County of Twin Falls)

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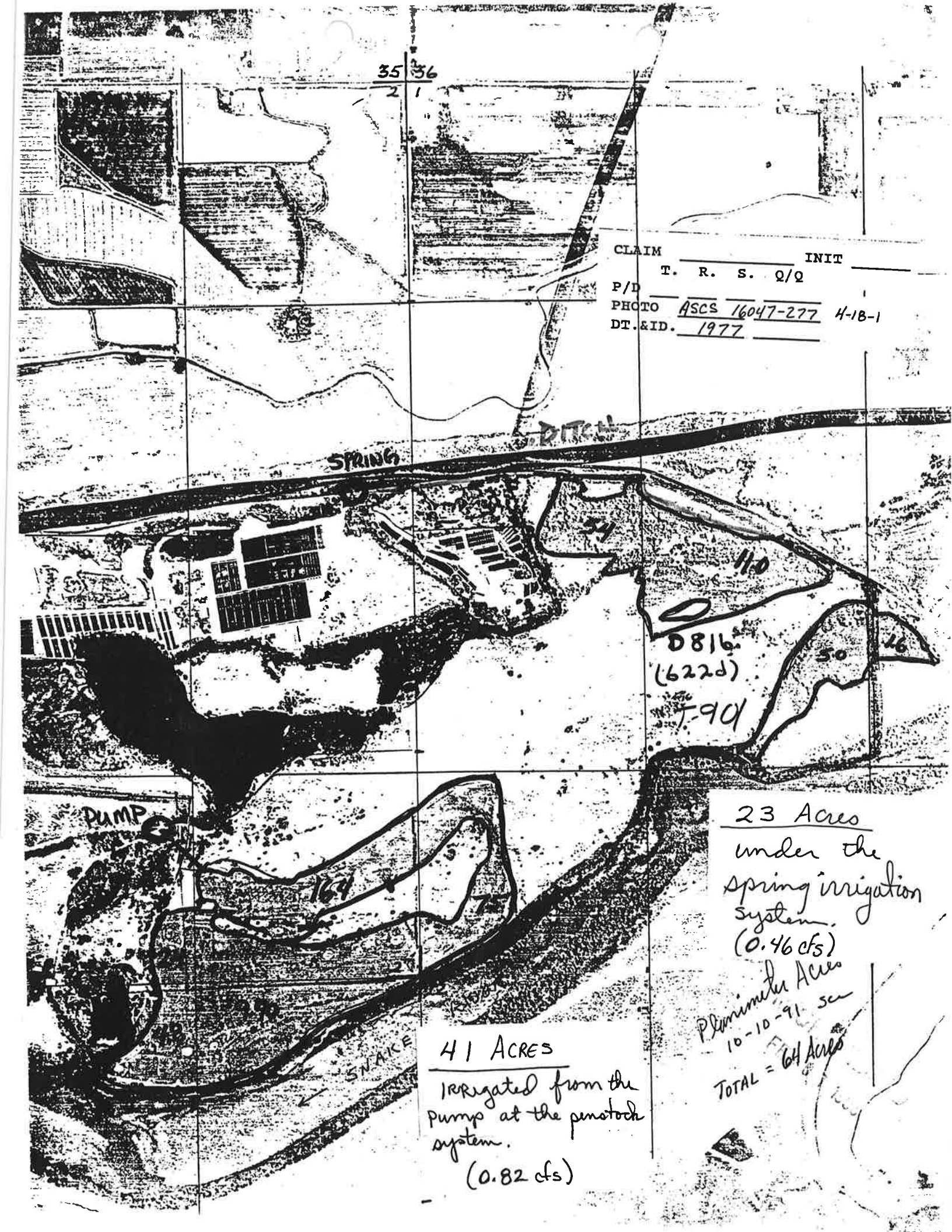
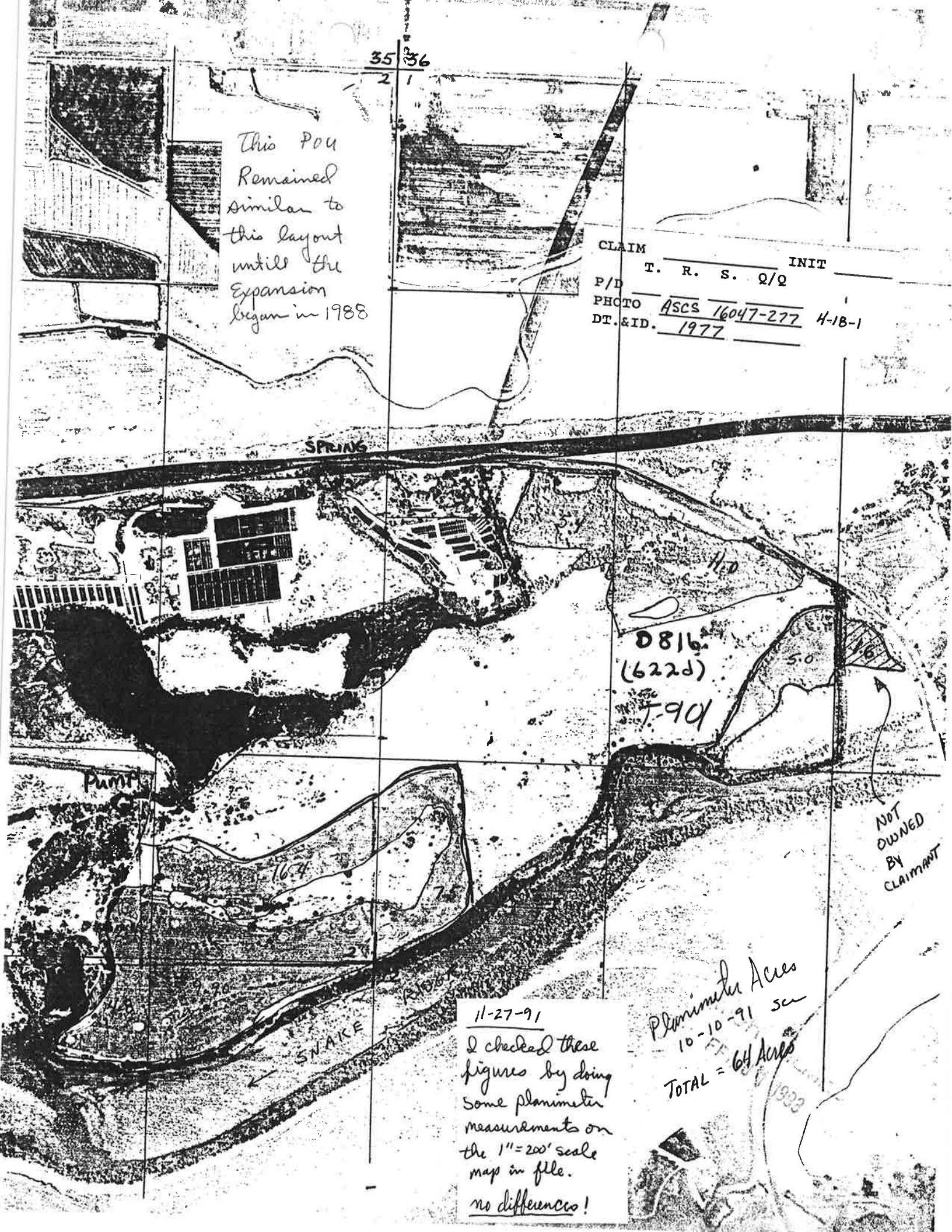
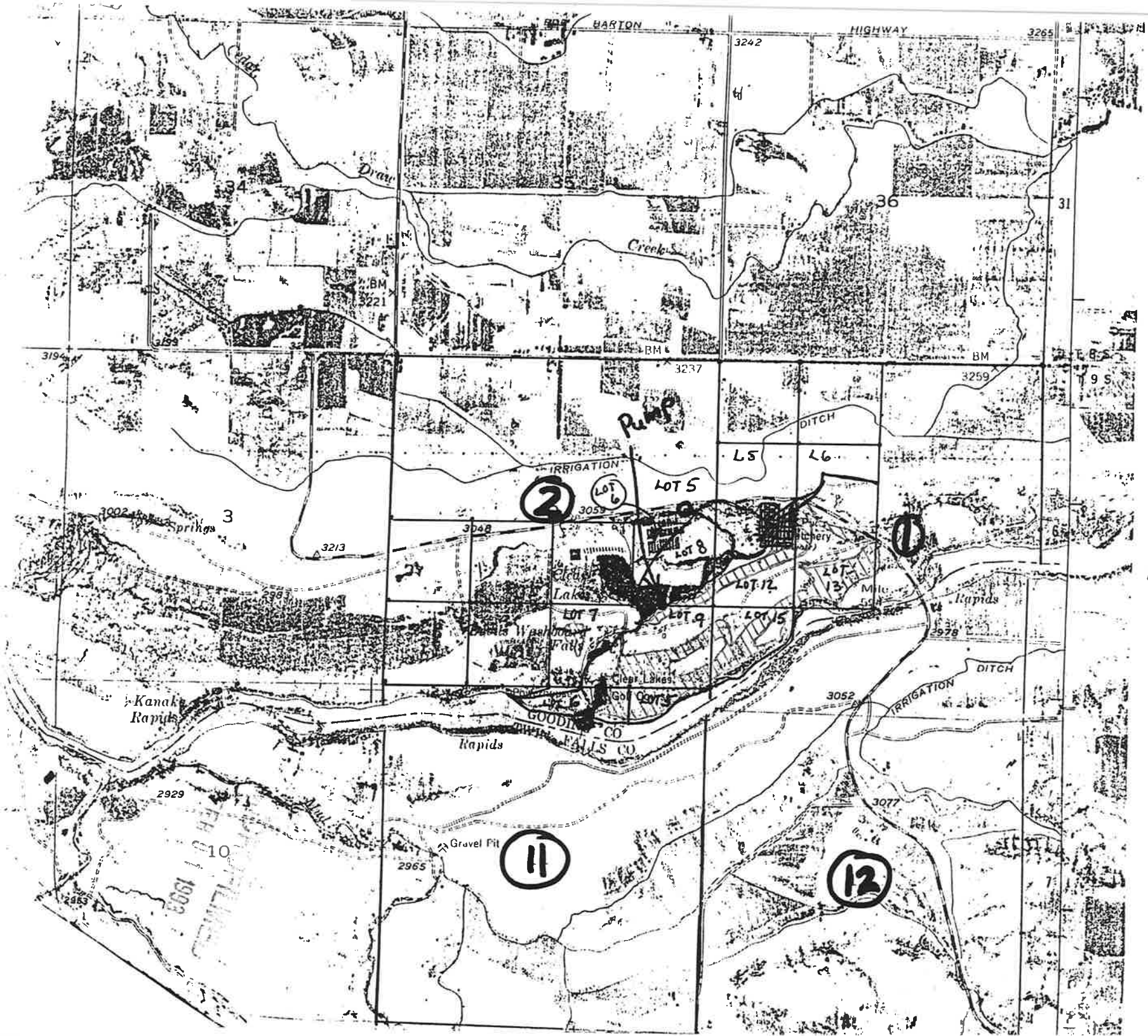
FEB 01 1993

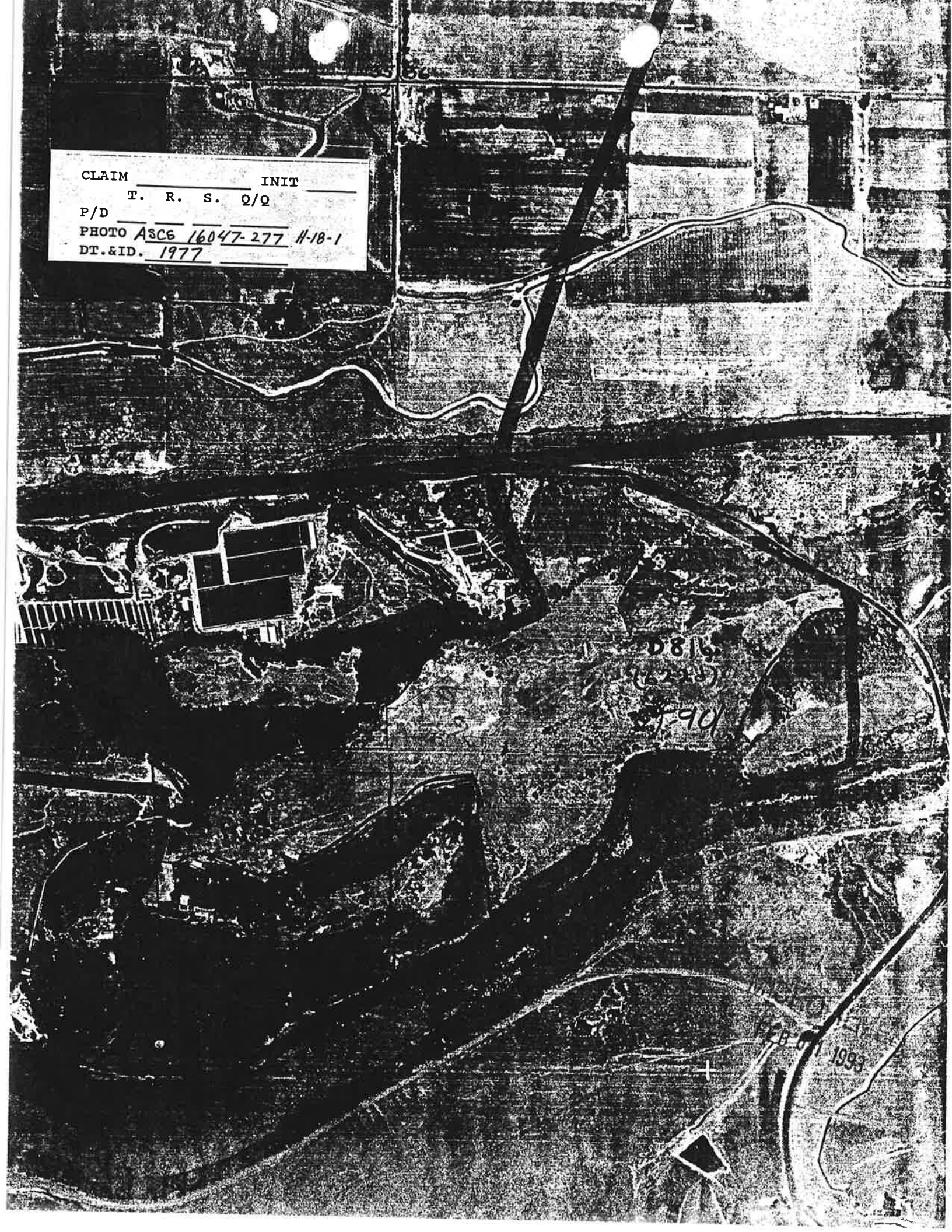

35
36
2
1
CLAIM
INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-277 4-18-1
DT.&ID. 1977
SPRING
DITCH
D816
(622d)
T-90
PUMP
SNAKE
41 ACRES
IRRIGATED from the pump at the penstock system.
(0.82 cfs)
23 Acres
under the spring irrigation system.
(0.46 cfs)
Planimeter Acres
10-10-91 scr
TOTAL = 64 Acres


35 36
2 1
This POU Remained similar to this layout untill the Expansion began in 1988
CLAIM
INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-277 4-18-1
DT.&ID. 1977
SPRING
5.4
11.0
D816
(622d)
T-901
5.0
1.6
PUMP
16.4
7.5
2
9.90
SNAKE
NOT OWNED BY CLAIMANT
11-27-91
I checked these figures by doing some planimeter measurements on the 1"=200' scale map in file.
no differences!
Planimeter Acres
10-10-91 sc
TOTAL = 64 Acres



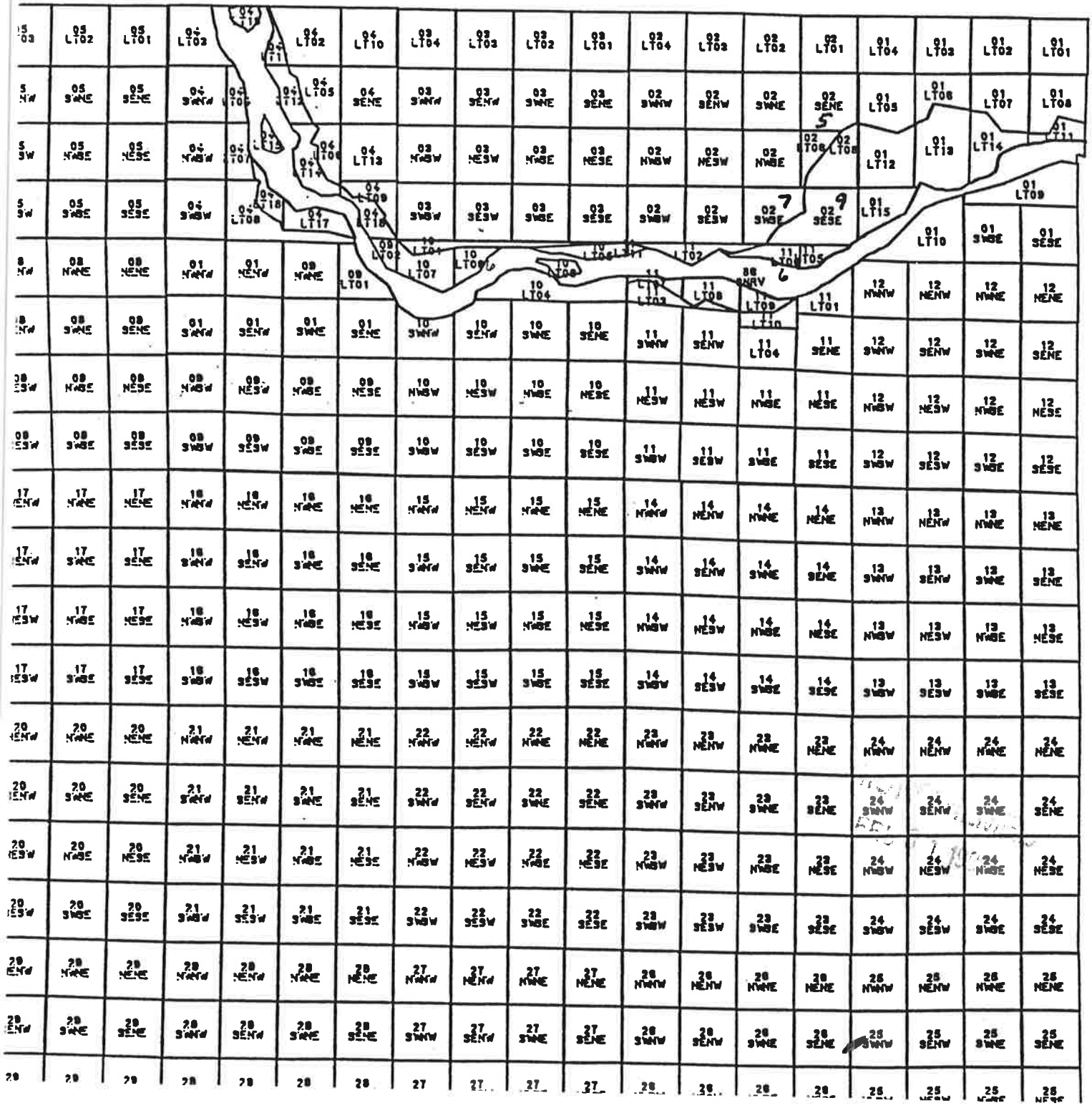
1988
NAPP PHOTO

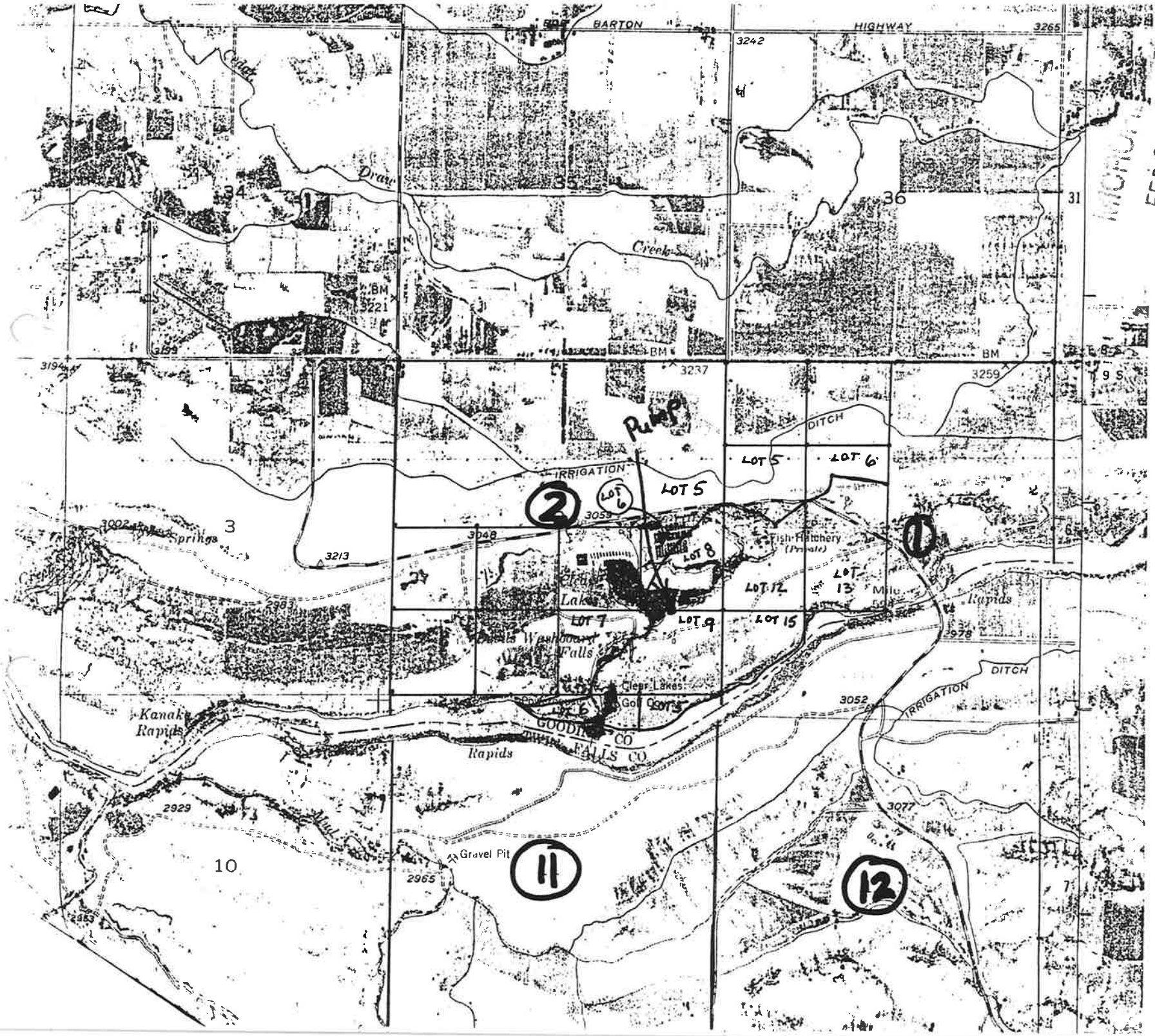
POU
NOT TO SCALE


CLAIM
INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-277 H-18-1
DT.&ID. 1977
D816
(6228)
ST 901
FEB 01 1993

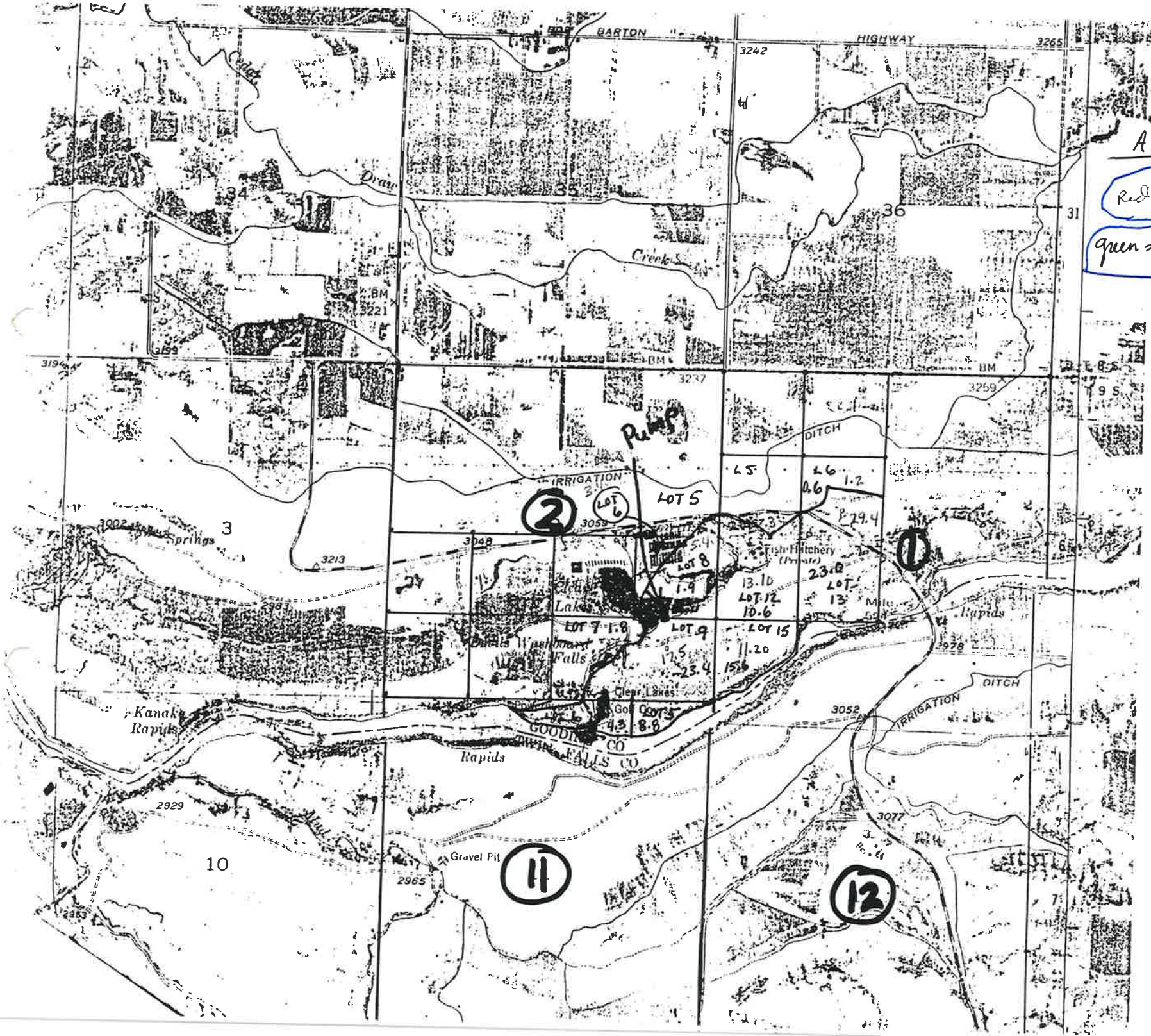
APP 1604
CLAIM
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-41-3 J-19-1
DT.&ID. 1987
MICROFILMED
FEB 01 1993

C9S14E




BARTON
HIGHWAY
3265
3242
Cedar
Draw
Creek
34
35
36
31
BM
3221
3199
3194
BM
3237
BM
3259
T 9 S
Pump
DITCH
IRRIGATION
LOT 5
LOT 6
LOT 5
LOT 6
2
3059
3002
Springs
3
3048
3213
Fish Hatchery
(Private)
1
LOT 8
LOT 12
LOT 13
Mile
Rapids
2983
Lakes
LOT 7
LOT 9
LOT 15
Washboard
Falls
3978
DITCH
Clear Lakes
Golf Course
3052
IRRIGATION
Kanaka
Rapids
GOODING CO
TWIN FALLS CO
Rapids
2929
3077
Gravel Pit
10
2965
11
12
2953

FER 0 1



AJ claims:

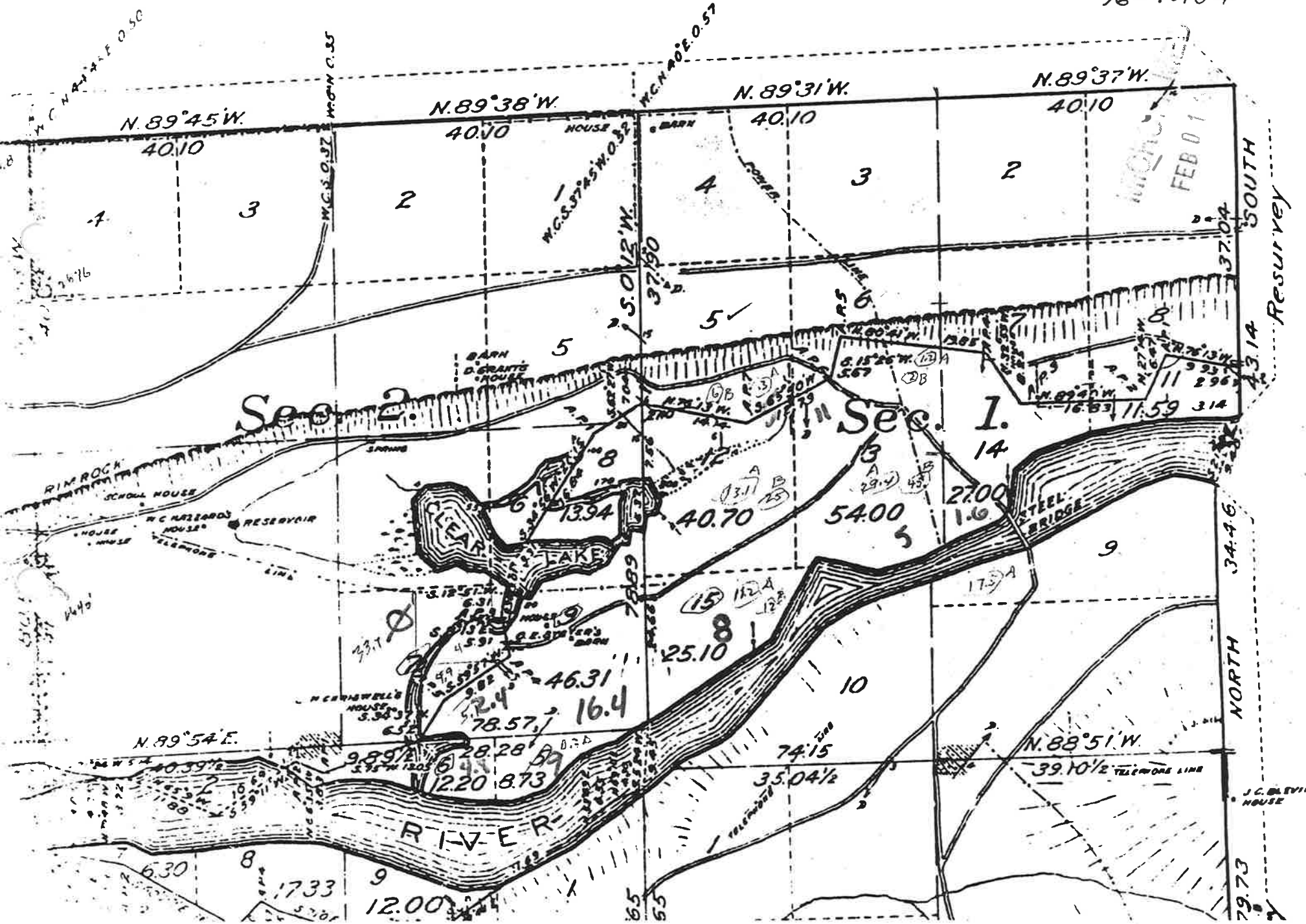
Red = 4148A 82 Ac.

green = 4148B 90 Ac

various places in the

36 - 04074
36 - 0414813
36 - 10154

T9S R14E



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

Water Right Number - 36-04148

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

Last Name

First Name

Address

*** C - CURRENT OWNER ***
CLEAR LAKES RANCH INC.

1 - C/O DAVID BRUSH
2 - 423 IDAHO ST.
3 -
City- GOODING
Phone - 208-000-0000

State- ID Zip- 83330

IDAHO DEPT. OF WATER RESOURCES
FEB 5 1991

Priority Date: 01/01/1890

Region: 17

Stage: S - STATUTORY CLAIM

Status

Source: SPRINGS

Tributary: CLEAR LAKE

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	1		5	R	(47) GOODING
		2		5		(47) GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/01	11/30	3.000	
04	STOCKWATER	01/01	12/31	0.030	

Total Div. Rate: 3.000

Total Div. Volume:

Total Div. Capacity:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SW NW	5	6.0	01	IRRIGATION	(47) GOODING
			SE NW	6	2.0			(47) GOODING
			NE SW	13	45.0			(47) GOODING
			NW SW	12	25.0			(47) GOODING
			SW SW	15	12.0			(47) GOODING

Total Acres: 90.0

Diversion Means - CONCRETE HEADBOX, EARTHEN DITCHES

Non-Irrigation Use - S/100 RANGE

Other Rights for Same Use -

Remarks

AMENDED CLAIM FILED 6/2/1987

Water right number - 36-04148 -- Adj. flag translation: Standard Water Right Number

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

Audit Fields

Water Rights Dates and Flags Area

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	
Approved/Denied	00/00/0000	Protested Date	00/00/0000	Swan Falls	
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	P
Start Work Date	00/00/0000	Verified Date	01/28/1986	DLE/Carey Act	
Order Show Cause	00/00/0000	Receipt Number		Water District	
Licensed Date	00/00/0000	Appl Received	00/00/0000	Transfer/Amended	
Decree Date	00/00/0000				

Form No. 243
9/81

RECEIVED
JUN 2 1987
Department of Water Resources
Southern Region Office

Claim No. 36-4[illegible]
Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, **Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), **Idaho Code**. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Clear Lake Ranch Inc. (Name of Claimant)

c/o David Brush 423 Idaho St., Gooding, Ida., 83330 (Mailing Address) (Zip Code) Telephone No. 934-8411

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Jan. 1, 1890

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
~~Unnamed~~ Springs tributary to Clear Lake

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)		(Both dates Inclusive) (Mo., Day)		(Mo., Day)
Quantity	3.00 cfs	Use	Irrigation	Period of Use From	Mar. 1	To Nov. 30
Quantity	0.03 cfs	Use	Stockwater	Period of Use From	Jan. 1	To Dec. 31
Quantity		Use		Period of Use From		To
Quantity		Use		Period of Use From		To
Quantity		Use		Period of Use From		To

(4) 3.00 cfs (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lt. 5 ¼ ¼, Sec. 1 Twp. 9S. Rge. 14E. B.M., County of Gooding Co.
Additional points of diversion: Rediversion Point in Lt. 5 Sec 1 T9S R14E near boundary of Clear Springs & Clear Lake Ranch.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Conc. headbox delivering via earthen ditches.
(note that ditches will be replaced by pipeline in near future)

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	1							Lt.5	Lt.6	Lt.13	Lt.12	Lt.15						
									6	2	45	25	12						90

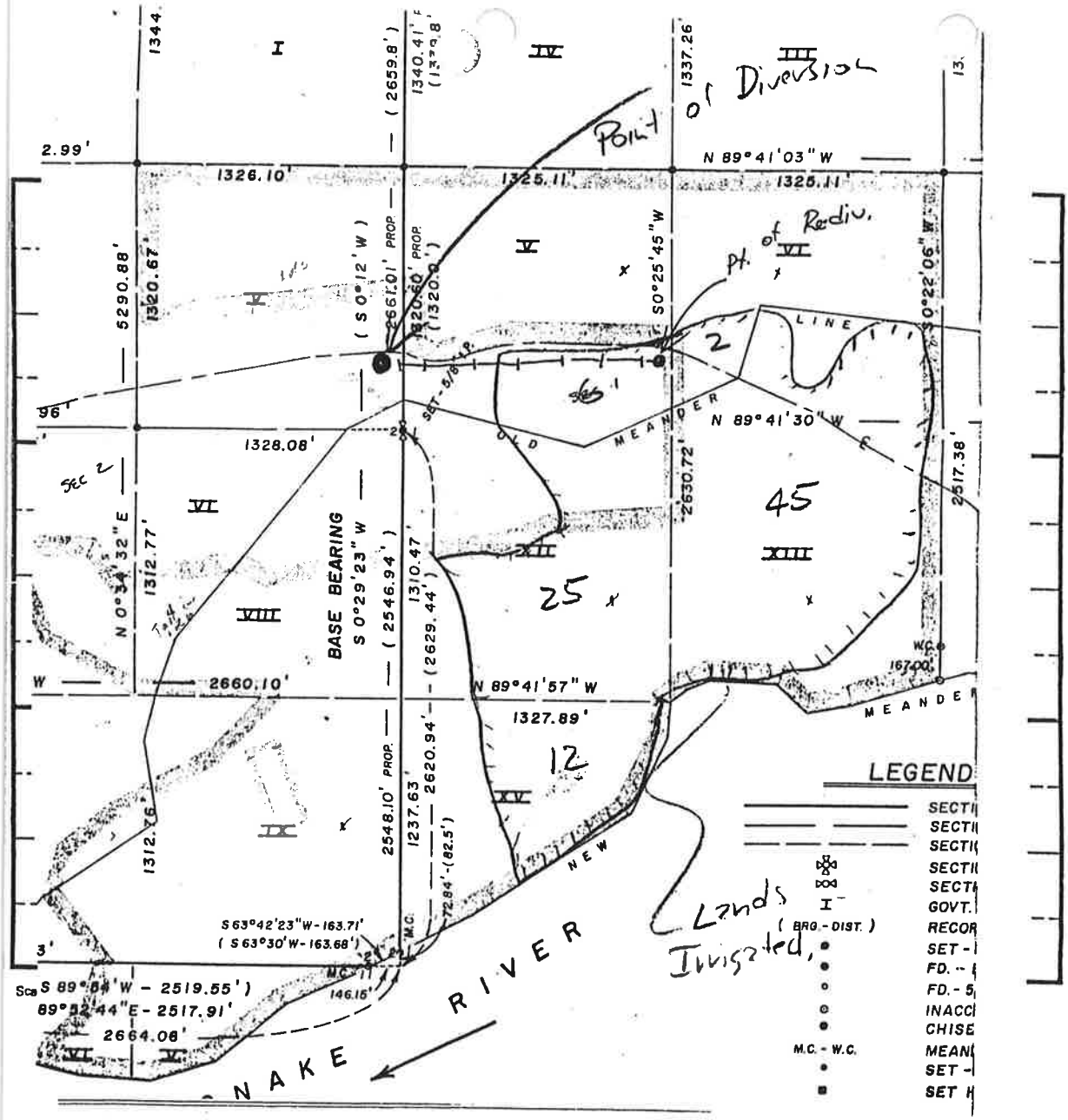
No. of acres 90

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: 100 range cattle

(7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED
FEB 01 1993



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

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Clear Lake Ranch, Inc, by George Brusl
(Claimant) Vice President

Sworn to before me this 2 day of June, 1987.

Karen O Hansen
Notary Public
Residing at Twin Falls, ID

My commission expires 3/4/1993

FOR DEPARTMENT USE ONLY

Received by ADA	Date 6/2/87	Exception filed by:	Fowarded to claimant by:	Date	
Prelim. check by JGPlanton	Date 6-5-87				
$30.00 fee received by None	Date				
Published in Gooding Co. Leader					
Dates 8/5 & 8/12/87					

RECEIVED
FEB 01 1993

Form No. 243
7/78

Claim No. 31-148

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DEPARTMENT OF WATER RESOURCES

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(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Jan. 1, 1890

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Unnamed Springs tributary to Clear Lake

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates Inclusive) (Mo., Day)		(Mo., Day)
Quantity	3.00 cfs	Use	Irrigation	Period of Use From	Mar 1	To	Nov 30
Quantity	0.03 cfs	Use	Stockwater	Period of Use From	Jan 1	To	Dec 31
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

(4) 3.00 (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot5 ¼ ¼, Sec. 1 Twp. 9S Rge. 14E B.M., County of Gooding
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Concrete headbox diverting to earthen ditches.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	1							Lt5	Lt6	Lt13	Lt12	Lt15						
									6	2	26	30	16						80
9S	14E	2												Lt5	Lt8			Lt9	
														4	11			9	24
													Both Lots 6 & 8						
													in NE¼SE¼ Sec. 2						

No. of acres 104

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 100 Range Cattle

(7) If you are claiming water as a member of an organization, list name of organization:

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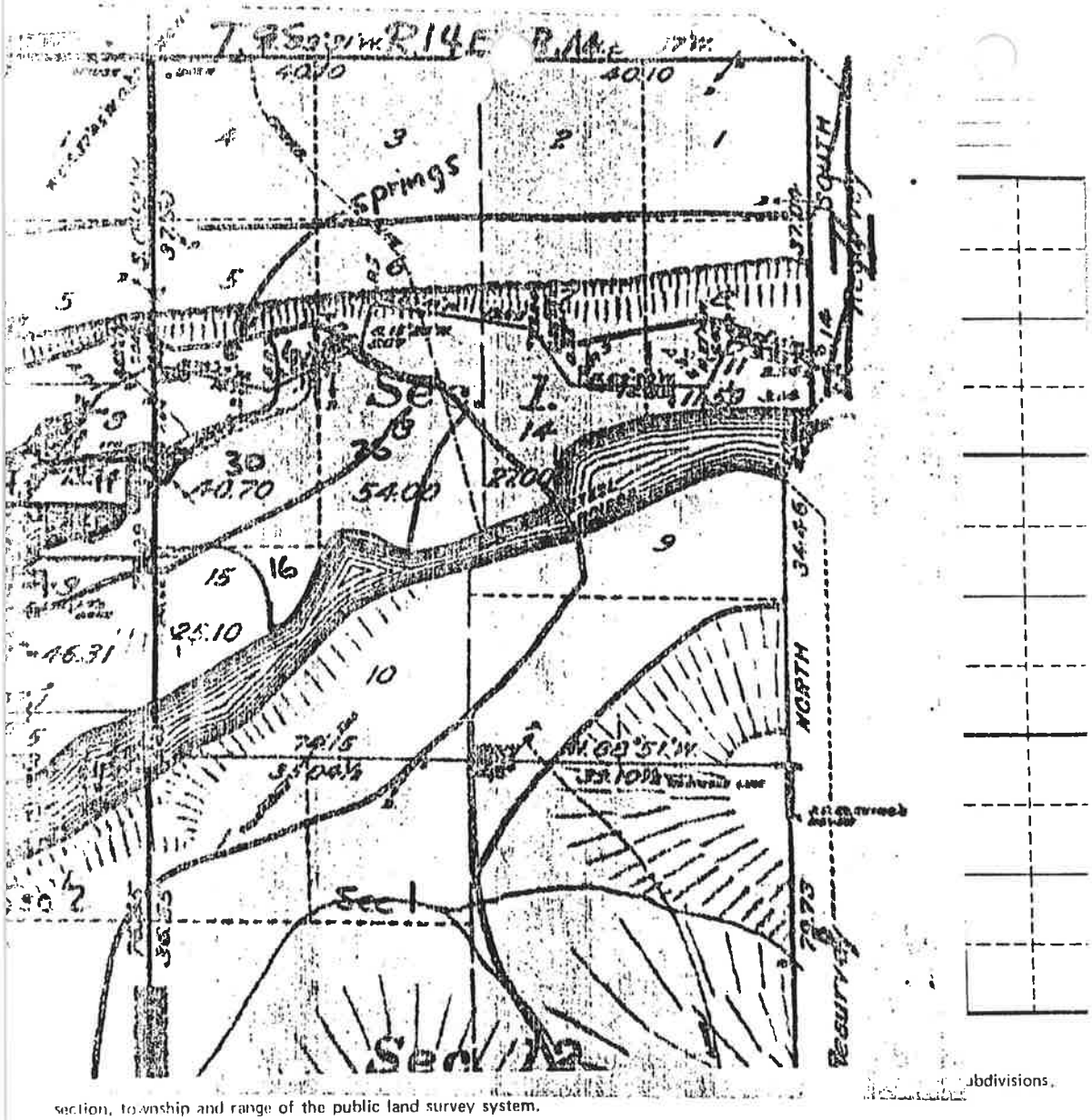

...ubdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Ranch Inc. (Claimant) Vice President of Corp.

Sworn to before me this 4 day of August, 19 82.

Mary A. Hill
Notary Public
Residing at Twin Falls id 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by ADM	Date 8/4/82	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by	Date 8-5-82			
~~$20.00~~ fee received by Mary A	Date 8/4/82 # 20900			
Published in Gooding Co. leader				
Dates 8/11 + 8/18/82				

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Form No. 243
9/81

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JUN 2 1987

Department of Water Resources
Southern Region Office

Claim No. 36-[illegible]49
A[illegible]nded

S[illegible]TE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, **Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), **Idaho Code.** Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Clear Lake Ranch Inc.
(Name of Claimant)

% David Brush 423 Idaho St., Gooding, Ida., 83330 Telephone No. 934-8411
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Mar. 1 1960

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Clear Lake tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive) (Mo., Day)		(Mo., Day)
Quantity	0.5 cfs	Use	Irrigation	Period of Use From	Mar. 1	To	Nov. 30
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

(4) 0.5 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 9 ¼ ____ ¼, Sec. 2 Twp. 9S. Rge. 14E B.M., County of Gooding
Additional points of diversion: ____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pump delivering via pipeline to place of use

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
															Lt.6	Lt.8		Lt.9	
9S.	14E	2													3	7		22	32
9S.	14E.	1										Lt.12 4	Lt.15 12						16

No. of acres 48

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: ____

NOTE: Include here the type and number of stock watered: ____

(7) If you are claiming water as a member of an organization, list name of organization: ____

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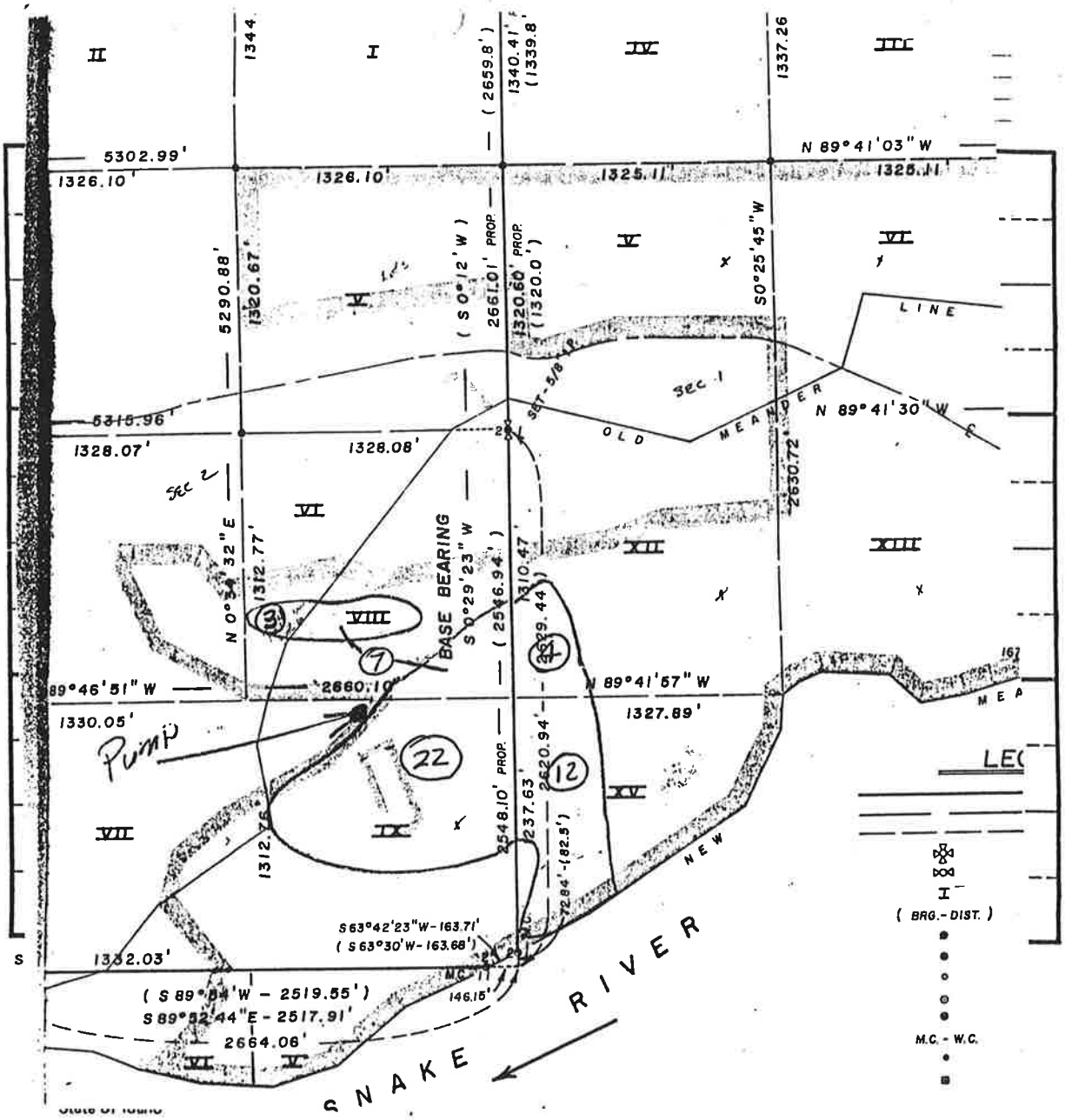

State of Idaho) ss.

County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Ranch, Inc, by George Brush
(Claimant) Vice. President

Sworn to before me this 2 day of June, 1987.

Loren O Thalmer
Notary Public
Residing at Twin Falls, ID

My commission expires 3/21/1993

FOR DEPARTMENT USE ONLY

Received by ADR	Date 6/2/87	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by JE Stanton	Date 6-5-87			
$30.00 fee received by None	Date			
Published in Gooding Co. Leader				
Dates 8/5 & 8/12/87				

FEB 01 1993

Form No. 241
7-78

Claim No. 36-4149

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Clear Lake Ranch Inc. (Name of Claimant)

% David Brush 423 Idaho Street, Gooding, ID, 83330 (Mailing Address) (Zip Code) Telephone No. 934-8411

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Mar. 1, 1960

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Clear Lake tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) Period of Use (Mo., Day)	To (Mo., Day)
Quantity	0.5 cfs	Use Irrigation	From Mar. 1	To Nov. 30
Quantity		Use	From	To
Quantity		Use	From	To
Quantity		Use	From	To
Quantity		Use	From	To

(4) 0.5 cfs (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 9 ¼ ¼, Sec. 2 Twp. 9S Rge. 14E B.M., County of Gooding
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Small electric pump delivers to pipeline which delivers open discharge to earthen ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
																		Lt9	
9S	14E	2																4	4

No. of acres 4

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

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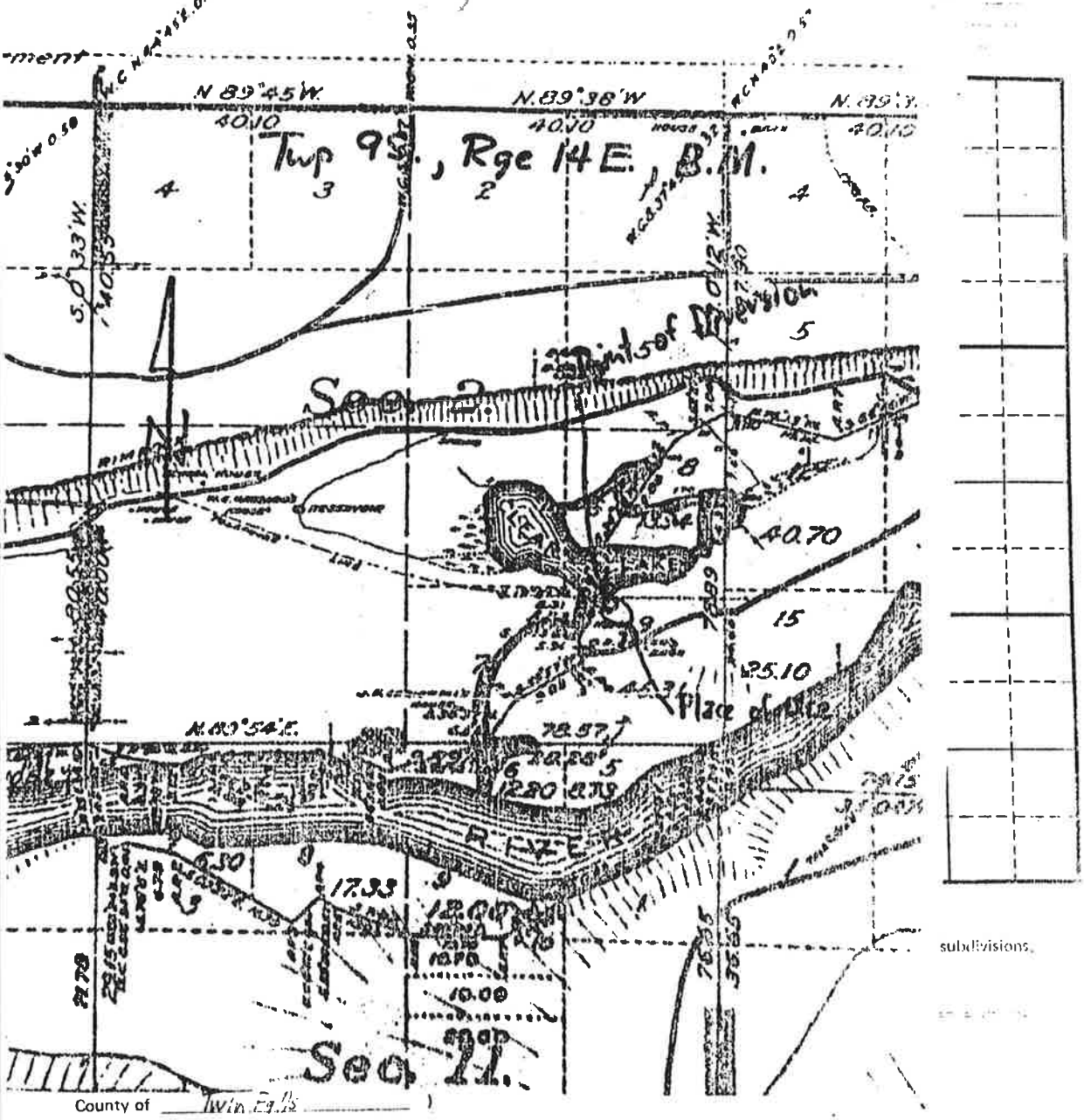
36-4149



subdivisions.

County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clear Lake Ranch Inc. George Brush
(Claimant) Vice-President of Corp.

Sworn to before me this 4 day of August, 1982.

Mary A. Hill
Notary Public
Residing at Twin Falls, Id. 83301

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by ADM Date 8/4/82 Exception filed by: Forwarded to claimant by: Date
Prelim. check by [illegible] Date 8-4-82
30.00 ~~$20.00~~ fee received by [illegible] Date 8/4/82 #20100
Published in Gooding Co. Leader
Dates 8/1 & 8/18/82

FEB 01 1993

Form No. 243
7/78

Claim No. 36-4014

36-4014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Buhl Country Club
(Name of Claimant)

Route 4, Buhl, Idaho (Mailing Address) (Zip Code) Telephone No. 543-4849

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Feb. 1, 1937

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Clear Lakes Stream tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	Period of Use From (Mo., Day)	To (Mo., Day) (Both dates inclusive)
Quantity	.92	Use irrigation	Period of Use From Feb 1	To Nov 15
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .92 (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
¼ Lot 9 ¼, Sec. 2 Twp. 9S Rge. 14E B.M., County of Gooding
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Check dam & gate, pipeline, 30 hp & 60 hp pumps to sprinkler system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	2															Lt 7	Lt 9	18
		11	Lt 5	Lt6)													9	9	
			8	12	)														20
		1											Lt1p						8

No. of acres 46

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

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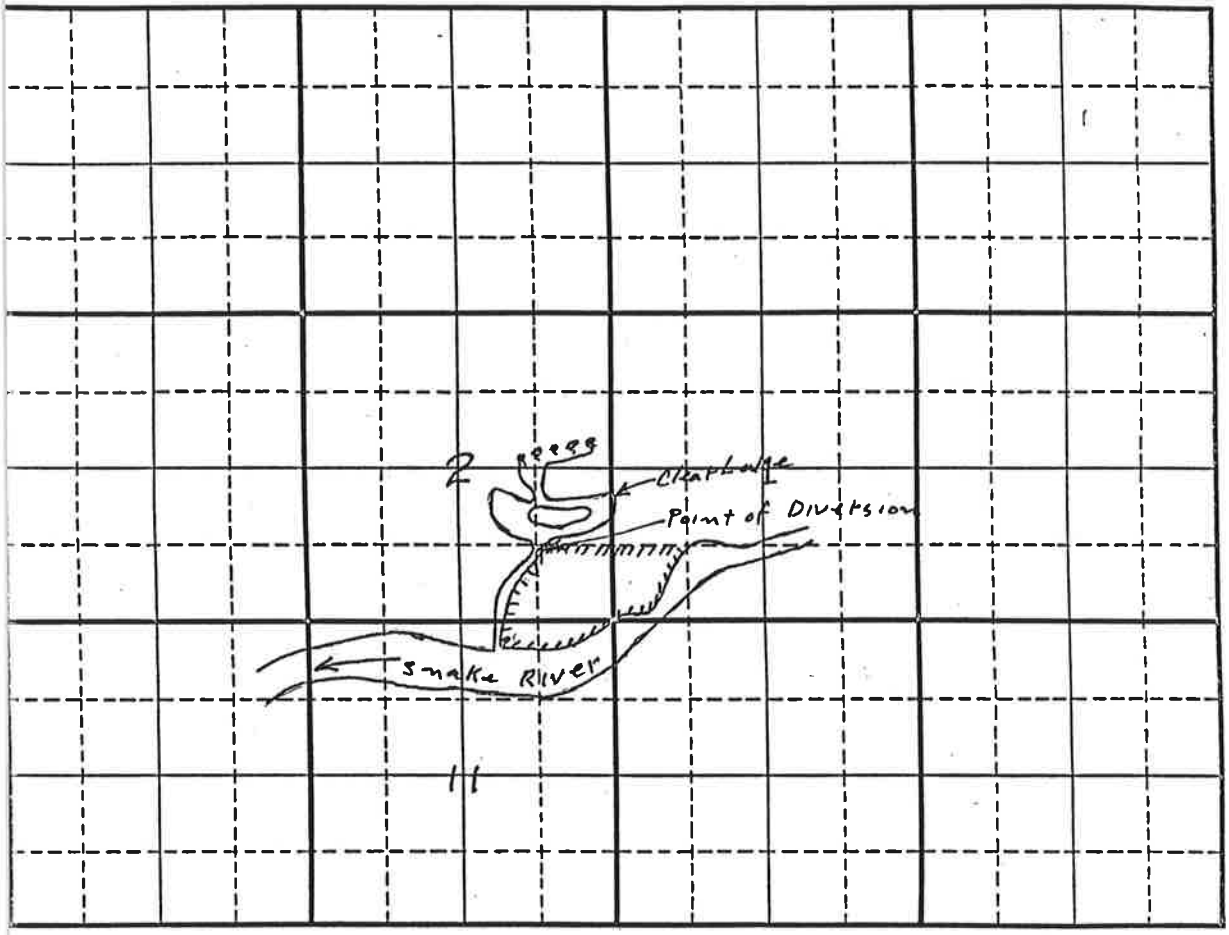
(8) Remarks Water is used to irriga' course and small areas around Club ngs.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Bubl Country Club by Larry Pagnas Manager
(Claimant)

Sworn to before me this 29th day of June, 1979.

Loren O Holmes
Notary Public
Residing at Twin Falls, Id

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by LSH	Date 6-29-79	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by JP	Date 7-2-79			
$20.00 fee received by Marya	Date 6-29-79 #13251			
Published in Gooding Co. leader				
Dates 7/26 & 8/13/79				

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PREPARED BY LORI WHITE

CC	90	ACRES	1.5 CFS	A36-04148 B
CL	82		1.5	A36-04148A
TOTAL	172		3.0	

	CL			CC		
	SEC	LOT	ACRES	SEC	LOT	ACRES
	1	5	.3			
	1	6	1.2	1	6	.6
	1	12	13.10	1	12	10.6
	1	13	29.4	1	13	23.
	1	15	11.20	1	15	15.6
N/I	2	6	3.4			
				2	7	1.8
N/I	2	8	5.4	2	8	1.9
	2	9	17.5	2	9	23.4
N/I	2	NWSE	.2			
	11	5	.3	11	5	8.8
				11	6	4.3
			82			
	N/I ACRES		9			
	TOTAL IRRIG ACRES		73			90

Lori's original Review — not correct...
11-27-91
SW

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Indenture

Claims in 1927 agreement Aug 27, 1927

6a) 2 cfs Spring N of CL pipeline across lake

NONE Claimed → 6b) 2 cfs Clear Lakes two ditches

Claimed as 4148 3 cfs Clear Lakes lists POU S.1 & S.2

36

40 acres in Homestead

these rights appear as reserved but no indication of any actual full usage.

* use may have occurred 1910 to 1930 but the has since been abandoned through 5 years of non use

& claims have claimed less cfs — [4074 (.92) 4148 (3) 4149 (1.4)]

* Warranty Deed conveys 1.5 cfs to Country Club from Cl Ranch

Patents to land 1910 — 1890 is speculation

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T9S. R14E.

36-4149 WITHDRAWN 10-30 1990

A = RANCH
B = CLUB

	1977	1979	1980	1982		1985	1987			7-6 1988			8-30 1990 —		
SECTION 1	ASCS	CLAIM 36-4074 FILED	COLOR SLIDE	CLAIM 36-4148	CLAIM 36-4149	EXPANSION CLAIMS	AMENDED 4148	4149	ASCS MAPP	AJ 4074	CLAIMS 4148	4149	10154	AMENDED 4074	4148 (A)	4148 (B)
WNW LOT 5	2.0		2.0	6		DRIVING RANGE	6		FISH POND Ø		6				0.3	
ENW LOT 6	Ø			2			2		0.5		2				1.2	0.6
WSW LOT 12	3.4		3.4	30			25	4	11.0		25	4			13.1	10.6
YESW LOT 13	16.0		16.0	26			45		22.1		45				29.4	23.0
DWSW LOT 15	7.5	8.0	7.5	16			12	12	11.0	8	12	12		15	11.2	15.6
(LOT 14)	1.6		1.6						Ø							
	30.5	8.0	30.5	80		Ø	90	16	44.6	8	90	16		15	55.2	49.8
SECTION 2																
ENE LOT 5	Ø								Ø							
WNE LOT 6	Ø			4			3		Ø			3				
SWSE LOT 7	Ø	9.0				12			5.6	9			12	2		1.8
NESE LOT 8	Ø			11			7		3.0			7				1.9
ESE LOT 9	18.8	9.0	18.8	9	4		22		23.7	9		22		17	17.5	23.4
NWSW	Ø								Ø							
	18.8	18.0	18.8	24	4	12	Ø	32	32.3	18	Ø	32		19	17.5	27.1
SECTION 11																
ENE LOT 5	9.9	8.0	9.9						8.3	8	Ø			8	0.3	8.8
WNE LOT 6	4.8	12	4.8						4.7	12				4		4.3
	14.7	20.0	14.7	Ø	Ø	Ø	Ø	Ø	13.0	20	Ø			12	0.3	13.1
CFS	—	0.92	—	3.0	0.5	—	3.0	0.5	—	1.4	3.0	1.4	.36	1.6	1.5	1.5
GRAND TOTALS	64	46	64	104	4	12	90	48	89.9	46	90			46	73	90

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0.92 1.0 1.0

TOTAL ACRES + EXPS. CANNOT EXCEED 90 ACRES

4148 from 104 Ac '82
amended to 90 Acres '87

Δ POD

4149 amended
.5 cfs

originally for 4 Acres
in 1982

amended to 48 in 6/87

4074

.92 @ 46 Acres in 1979

amended to 1.6 @ 46 acres in 1990

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FEB 01 1993

AQUACULTURE IN IDAHO and Nationwide

by

George W. Klontz
Fishery Resources

and

John G. King
Watershed Management

College of Forestry, Wildlife and Range Sciences

Idaho Water Resources Research Institute
University of Idaho
Moscow, Idaho

John S. Gladwell, Director

Department of Water Resources
Statehouse
Boise, Idaho 83720

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FEB 01 1993

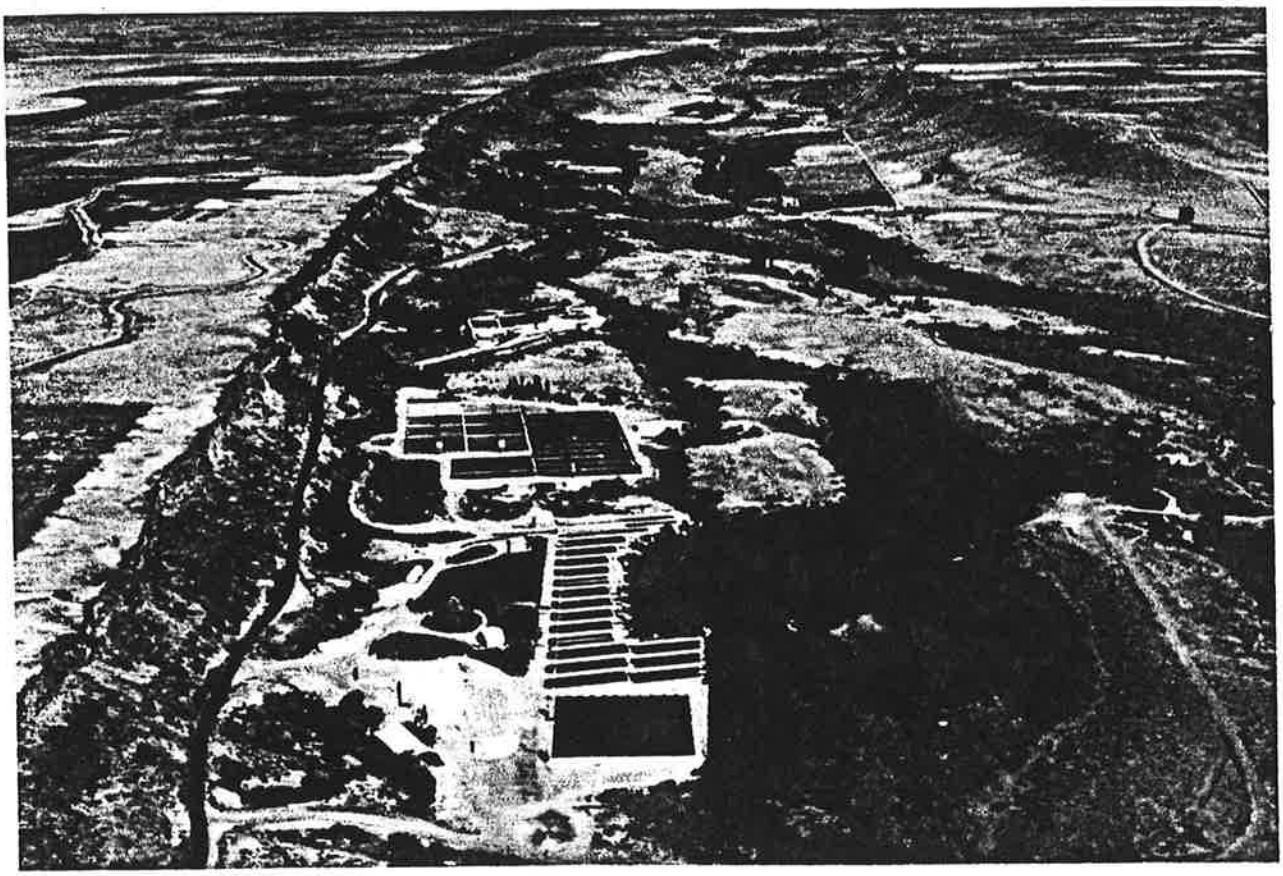
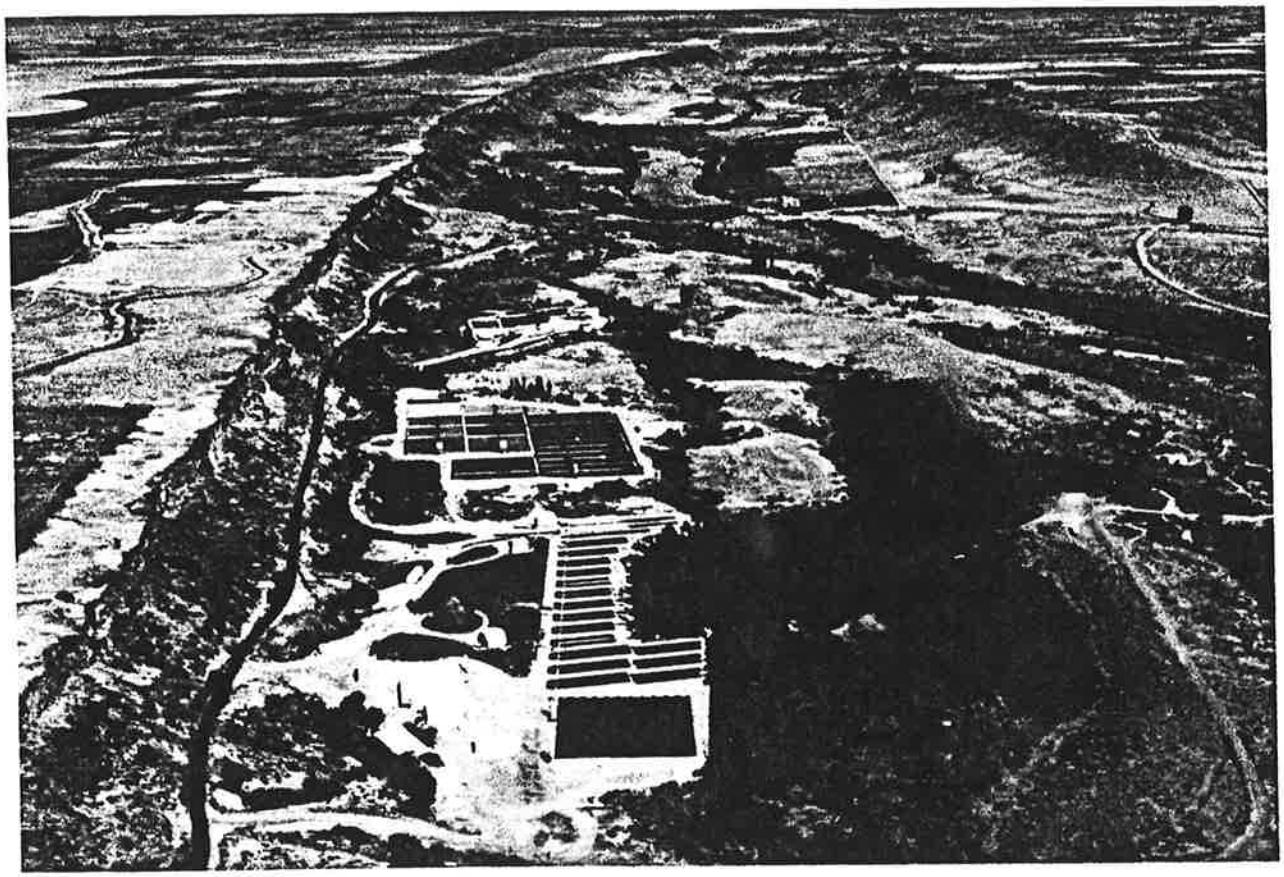


photo date:
EST. PRE 1975

MICROFILMED
FEB 0 1 1993

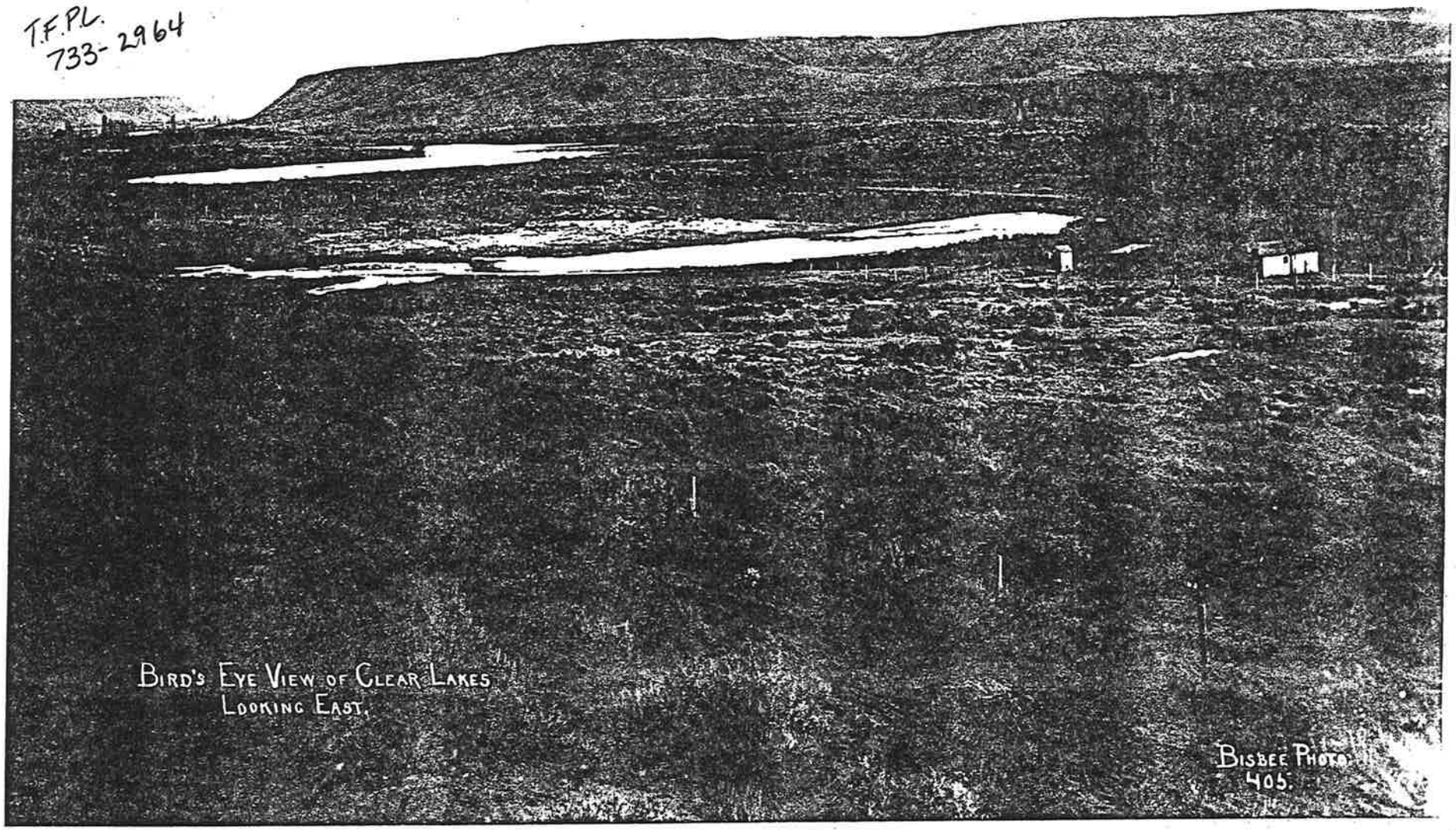


MICROFILMED
FEB 0 1 1993

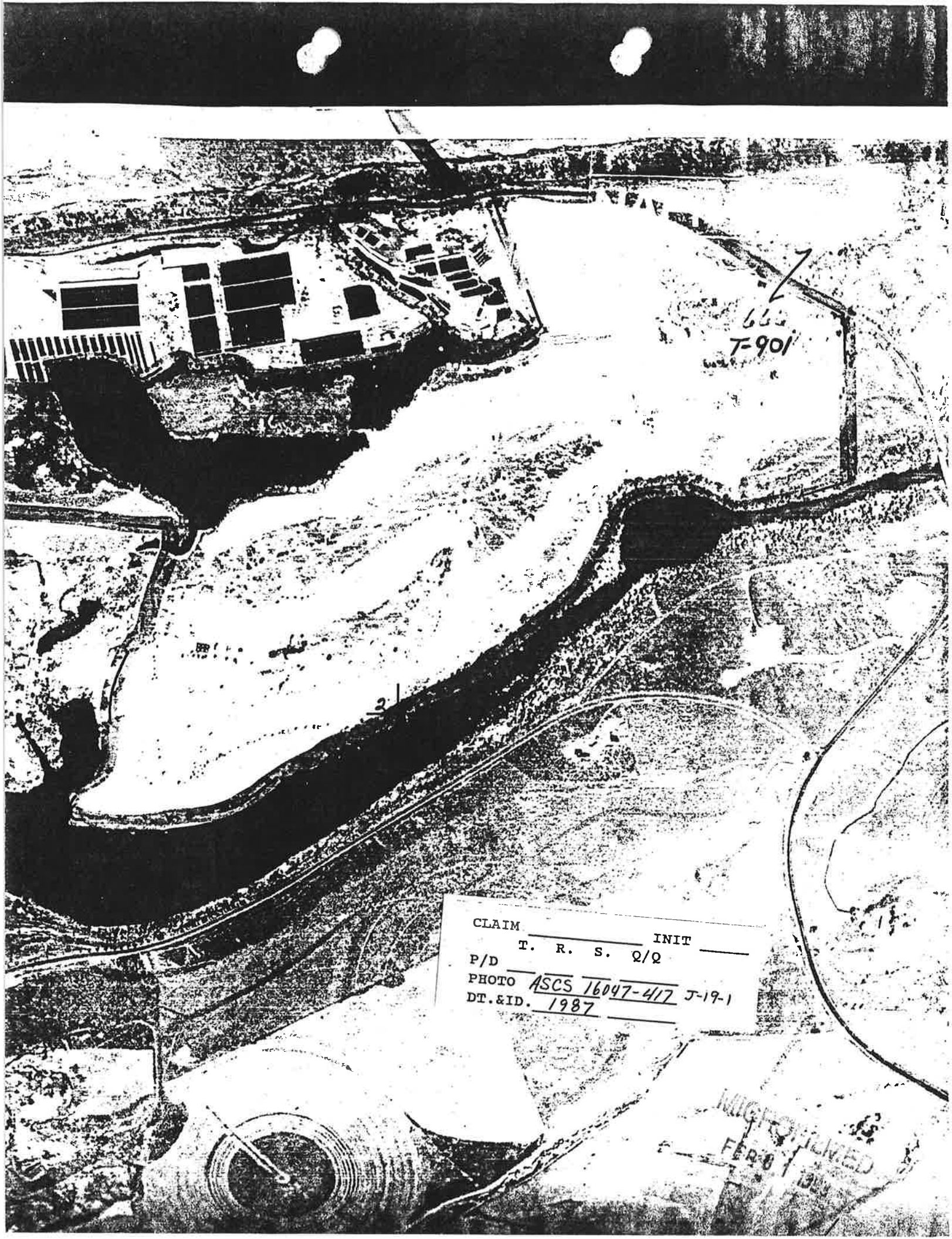
Linda Parkinson
"Bisbee took Postcard photos about 1930's..."
T.F.P.L. 733-2964

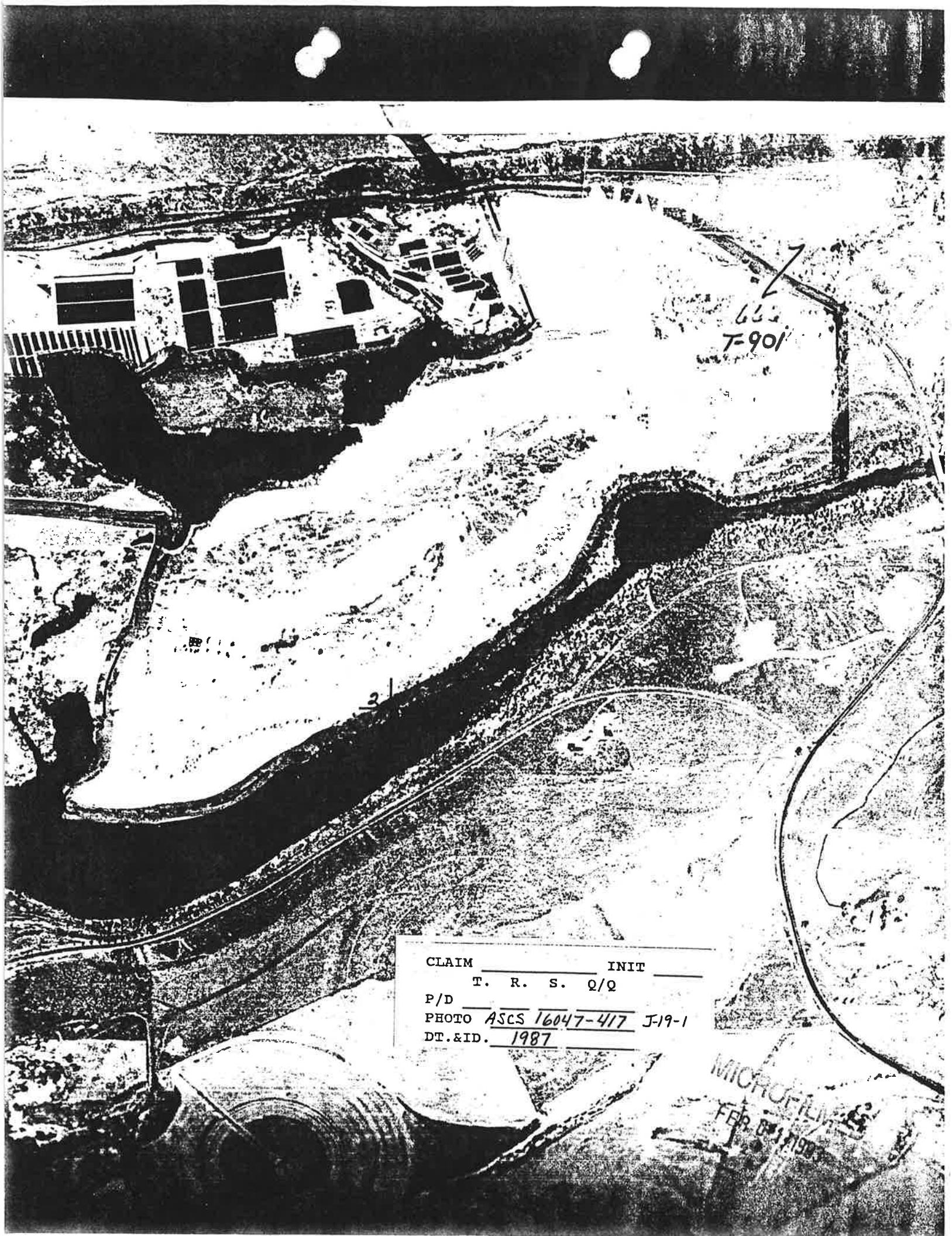
NO DATE !

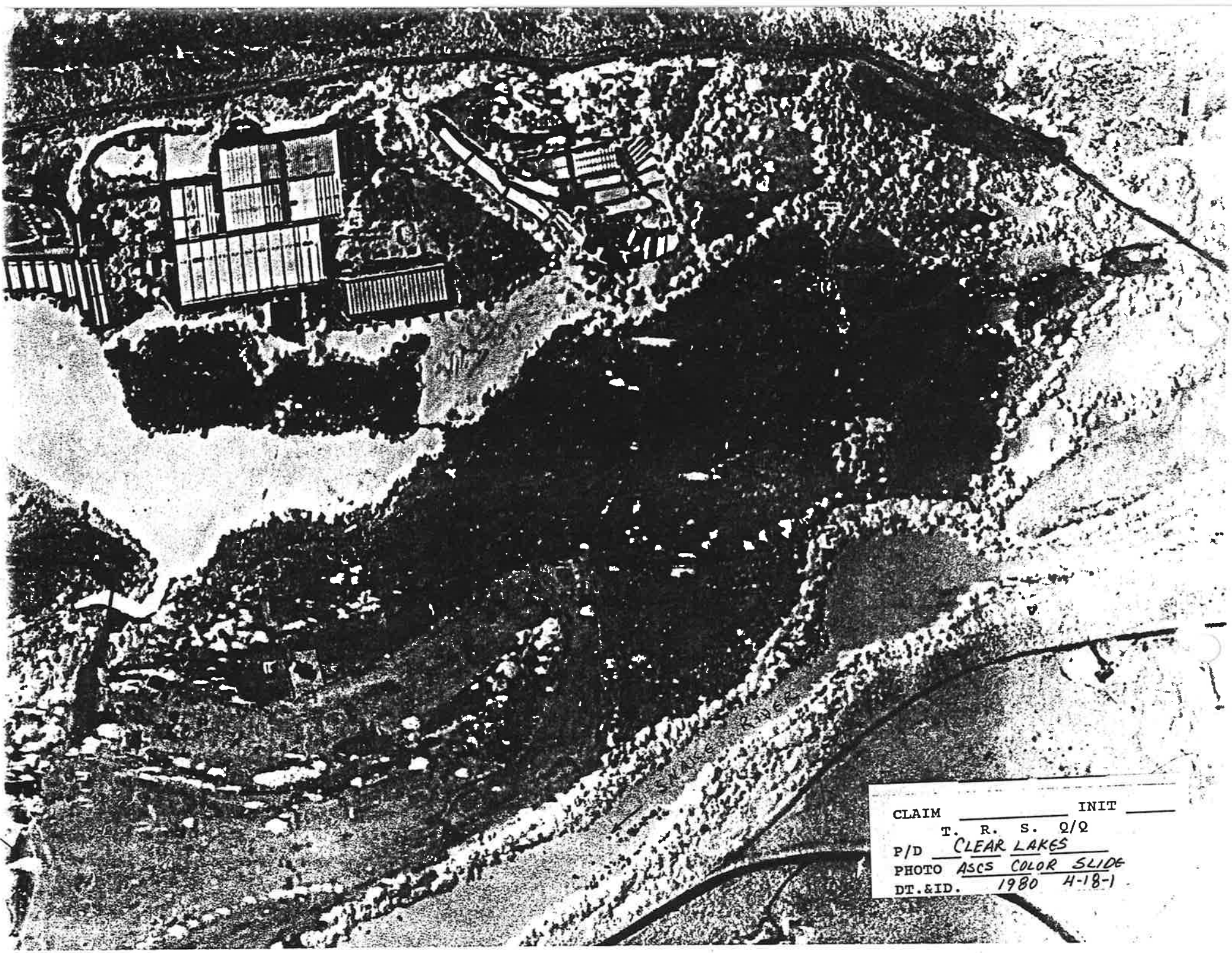
TWIN FALLS PUBLIC LIBRARY
FEB 01 1999



NAPP 1604
CLAIM
INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987


T-901
CLAIM
INIT
T. R. S. Q/Q
P/D
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987


T-901
CLAIM _____ INIT _____
T. R. S. Q/Q
P/D _____
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987
MICROFILMED
FEB 01 1990


CLAIM _____ INIT ____
T. R. S. Q/Q
P/D CLEAR LAKES
PHOTO ASCS COLOR SLIDE
DT.&ID. 1980 H-18-1

Miscellaneous:

Clear Lake Trout Corp office
543-4316

10-23-91

- called 'CALLY' to ask if they had any older photos of the area.
- I did not pursue the matter after my initial request.

CLEAR LAKE COUNTRY CLUB 543-4849

DENNY KUNTZ = GROUNDS KEEPER

LARRY FRANCIS = MANAGER

John LeMoyne = PRES. C.C.

GEORGE BRUSH WORK — 324-5053

HOME — 324-7300

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FEB 01 1993

other rights with common Point of Diversion

SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

STATE — Max # Records 68

SEL	Tract	LOT	RDV	Water Right No.	Name Last, First	OWN	STG	Priority Date	Source	Total Diversion
_	SWNE			A36-02710	SMTIH, BRUCE M	A	L	07/24/1940	SPRINGS	0.100
_					IDAHO POWER CO	C				
_	SWSWNE			R36-02710	IDAHO POWER CO	C	L	07/24/1940	SPRINGS	0.100
_					NELSON, THOMAS	A				
_	SESWNE			R36-02708	RINGERT, WILLI	A	L	09/28/1966	SPRINGS	200.000
_					PROSPECT CO, T	C				
_					CLEAR SPRINGS	C				
_	SESWNE			A36-07201	CLEAR SPRINGS	C	L	08/04/1971	SPRINGS (CL	10.000
_					PROSPECT CO.,	C				
_					RINGERT, WILLI	A				
_	SESWNE			A36-07218	CLEAR SPRINGS	C	L	01/24/1972	SPRINGS (CL	51.550
_					PROSPECT CO.,	C				
_					RINGERT, WILLI	A				
_	SESWNE			A36-02708	PROSPECT CO.,	C	L	09/28/1966	SPRINGS (CL	200.000
_					CLEAR SPRINGS	C				
_					RINGERT, WILLI	A				

(Enter=Continue) (GOLD7=This Query) (MENU _____)

FEB 01 1993

SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

STATE Max # Records 68

S E L	Tract	LOT	RDV	Water Right No.	Name Last, First	OWN	ST	Priority Date	Source	Total Diversion
	SESWNE			R36-07218	PROSPECT CO, T	C	L	01/24/1972	SPRINGS	51.550
					CLEAR SPRINGS	C				
					RINGERT, WILLI	A				
	SENE	5		A36-02659	CLEAR LAKES TR	C	L	06/23/1966	CLEAR LAKES	100.000
					RINGERT, W.F.	A				
					KASTER, RICHAR	O				
	SENE	5		A36-07004	CLEAR LAKES TR	C	L	07/21/1967	CLEAR LAKES	75.000
					RINGERT, W.F.	A				
	SWSENE	5		R36-02708	RINGERT, WILLI	A	L	09/28/1966	SPRINGS	200.000
					PROSPECT CO, T	C				
					CLEAR SPRINGS	C				
	SWSENE	5		R36-07218	PROSPECT CO, T	C	L	01/24/1972	SPRINGS	51.550
					CLEAR SPRINGS	C				
					RINGERT, WILLI	A				
	SESENE			A36-07148	RINGERT, WILLI	A	L	01/31/1971	SPRINGS (CL	1.670
					CLEAR SPRINGS	C				

(Enter=Continue) (GOLD7=This Query) (MENU _____)

MICROFILMED
FEB 0 1 1993

SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

S E L	Tract	LOT	RDV	Water Right No.	STATE Name Last, First	OWN	S T G	Priority Date	Source	Max # Records 68 Total Diversion
	SESWNE			R36-07218	PROSPECT CO, T	C	L	01/24/1972	SPRINGS	51.550
					CLEAR SPRINGS	C				
					RINGERT, WILLI	A				
	SENE	5		A36-02659	CLEAR LAKES TR	C	L	06/23/1966	CLEAR LAKES	100.000
					RINGERT, W.F.	A				
					KASTER, RICHAR	O				
	SENE	5		A36-07004	CLEAR LAKES TR	C	L	07/21/1967	CLEAR LAKES	75.000
					RINGERT, W.F.	A				
	SWSENE	5		R36-02708	RINGERT, WILLI	A	L	09/28/1966	SPRINGS	200.000
					PROSPECT CO, T	C				
					CLEAR SPRINGS	C				
	SWSENE	5		R36-07218	PROSPECT CO, T	C	L	01/24/1972	SPRINGS	51.550
					CLEAR SPRINGS	C				
					RINGERT, WILLI	A				
	SESENE			A36-07148	RINGERT, WILLI	A	L	01/31/1971	SPRINGS (CL	1.670
					CLEAR SPRINGS	C				

(Enter=Continue) (GOLD7=This Query) (MENU _____)

1993

SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

Max # Records 68

SEL	Tract	LOT	RDV	Water Right No.	STATE Name Last, First	OWN	STG	Priority Date	Source	Total Diversion
_	SESENE	5		A36-02703	CLEAR SPRINGS RINGERT, WILLI	C A	L	11/23/1933	SPRINGS (CL	40.000
_	SESENE	5		R36-04148B	CLEAR LAKE COU	C	J	01/01/1890	SPRINGS	1.500
_	SESENE	5		A36-04013A	CLEAR SPRINGS RINGERT, WILLI	C A	S	09/15/1955	SPRINGS (CL	15.000
_	SESENE	5		A36-04013B	CLEAR SPRINGS RINGERT, WILLI	C A	S	02/04/1964	SPRINGS (CL	31.000
_	SESENE	5		A36-04148B	CLEAR LAKE COU	C	S	01/01/1890	SPRINGS	1.500
_	SESENE	5		A36-04148	CLEAR LAKE RAN SPLIT RIGHT,	O C		01/01/1890	SPRINGS SPLIT RIGHT	3.000
_	SESENE	5		A36-04013	CLEAR SPRINGS SPLIT RIGHT, RINGERT, WILLI	O C A		01/01/1940	SPRINGS (CL SPLIT RIGHT	14.000
_	SESENE	5		A36-02048	CLEAR SPRINGS RINGERT, WILLI	C A	L	04/11/1938	SPRINGS (CL	20.000
_	SESENE	5		A36-04013C	CLEAR SPRINGS	C	S	01/01/1940	SPRINGS (CL	14.000

(Enter=Continue) (GOLD7=This Query) (MENU _____)

MICROFILMED
FEB 01 1993

SD-37 Township: 09S Range: 14E Section: 2 Tract: SESENE Lot: 5

STATE

Max # Records 68

SEL	Tract	LOT	RDV	Water Right No.	Name Last, First	OWN	STG	Priority Date	Source	Total Diversion
_	SESENE	5		A36-04013C	RINGERT, WILLI	A	S	01/01/1940		14.000
_	SESENE	5		A36-04148A	CLEAR LAKE RAN L & M INC.,	C C	S	01/01/1890	SPRINGS	1.500
_	SESENE	5		R36-04013	SPLIT RIGHT, CLEAR SPRINGS RINGERT, WILLI	C O A		01/01/1940	SPRINGS (CL SPLIT RIGHT	14.000
_	SESENE	5		R36-04148A	CLEAR LAKE RAN L & M INC,	C C		01/01/1890	SPRINGS	1.500
_	NENENW			A36-10475	BORCHARD, PAUL	C	J	07/20/1940	GROUNDWATER	0.050
_	NENENW			R36-10475	BORCHARD, PAUL	C	J	07/20/1940	GROUNDWATER	0.050
_	NWNENW			A36-07319	BORCHARD, PAUL	C	L	03/22/1973	GROUNDWATER	1.110
_	NWNENW			A36-07454	BORCHARD, PAUL	C	L	03/11/1974	GROUNDWATER	0.400
_	NWNENW			R36-07319	BORCHARD, PAUL	C	L	03/22/1973	GROUNDWATER	1.110
_	NWNENW			R36-07454	BORCHARD, PAUL	C	L	03/11/1974	GROUNDWATER	0.280
_	NWNWNW			A36-10474	BORCHARD, PAUL	C	J	08/25/1972	GROUNDWATER	0.040
_	NWNWNW			R36-10474	BORCHARD, PAUL	C	J	08/25/1972	GROUNDWATER	0.040

(Enter=Continue) (GOLD7=This Query) (MENU _____)

RECEIVED
JUL 01 1993

INTER-DEPARTMENT MEMO

TO: FILE 36-08329 (FOR THE RECORD) SUBJECT: IRRIGATION USE

FROM: STEVE CLELAND DATE: 12-2-91

I just finished the final review of the adjudication claims for Clear Lake Ranch INC. (AKA Clear Lake Corp; AKA George Branch) No valid water rights were found for irrigation use by this claimant at the place of use listed. After speaking to their attorney, Gary Slette, it appears they believe this permit as issued allows them 1/2 acre of irrigation PER HOME. I spoke to Tim Luther and he admits it has been done before. During the review of this water right the use of this water for irrigation should be reviewed and resolved.

(X) For your information

( ) Response required

Steve Cleland
signature

Water Right Number - 36-03329 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

Last Name | First Name | Address

*** C - CURRENT OWNER ***
CLEAR LAKE RANCH INC.

1 - C/O DAVID BRUSH
2 - 423 IDAHO ST.
3 -
City- GOODING State- ID Zip- 833300000
Phone - 208-934-8411

Priority Date: 06/02/1987
Region: 17
Stage: P - PERMIT
Status:

Source: SPRINGS
Tributary: CLEAR LAKE

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	2	SE NE	5	(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43	DOMESTIC	01/01	12/31	0.700	
10	COMMERCIAL	01/01	12/31	0.200	
49	FIRE PROTECTION	01/01	12/31	1.500	

Total Div. Rate: 1.500
Total Div. Volume:
Total Div. Capacity:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SW NW	5		10	COMMERCIAL	(47) GOODING
			SE NW	6				(47) GOODING
			NE SW	13				(47) GOODING
			NW SW	12				(47) GOODING
			SW SW	15				(47) GOODING
		2	NE SE	8				(47) GOODING
			SE SE	9				(47) GOODING

Total Acres:

Diversion Means - COLLECTOR PIPE, DIVERSION BOX, PIPELINE, STORAGE TANK

Non-Irrigation Use - D/250 FAMILY UNITS, C/14 UNITS.

Other Rights for Same Use -

Spoke to Tim L
Memo to
Water Right
file 11-27-91
Re: irrigation
use
in area w/
@ house

Water right number - 36-08329 Adj. flag translation: Standard Water Right Number

+ - Remarks - +

No Remarks found.

+ - Conditions of Approval - +

026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.

004 - The issuance of this permit in no way grants any right-of-way or
- easement across the land of another.

01F - The permit holder shall either install a measuring device or a
- flow measurement port or provide a certified measurement or
- computation of flow based upon system design to be prepared by a
- professional engineer.

032 - Consumptive use of water under this permit shall not exceed 2.0
- acre feet per day.

09E - Water used under this permit if discharged into a natural channel
- or subsurface system shall meet Idaho Water Quality Standards.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields -

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 07/01/1993	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 08/03/1988	Protested Date	- 00/00/0000	Swan Falls	- C
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 06/02/1987	Transfer/Amended	-
Decree Date	- 00/00/0000				

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: **A36-04148B**
Date Received: 7/06/1988
Receipt No: S000713
Received By: _____

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

1. Name: CLEAR LAKE COUNTRY CLUB 208-543-4849
   Address: RT. 4 BOX 225
   BUHL, ID 83316

2. Date of Priority: JAN 01, 1890

3. Source: SPRINGS Trib. to: CLEAR LAKES

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4			Lot		County
09S	14E	1	SE	SW	NW	5	R	GOODING
		2	SE	SE	NE	5		GOODING

5. Description of diverting works:
   CONCRETE HEADBOX, PIPE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/30	1.500		

7. Total Quantity Appropriated is:
   1.500 C.F.S. (and/or) 360.00 A.F.A.

8. Total consumptive use is 270.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
09S	14E	1	SE	NW	6	IRR	0.6
			NE	SW	13	IRR	23.0
			NW	SW	12	IRR	10.6
			SW	SW	15	IRR	15.6

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
					Section Acres		49.8
		2	NE	SE	8	IRR	1.9
			SW	SE	7	IRR	1.8
			SE	SE	9	IRR	23.4
					Section Acres		27.1
		11	NE	NE	5	IRR	8.8
			NW	NE	6	IRR	4.3
					Section Acres		13.1
					Total Acres		90.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A36-04074

14. Remarks:
AMENDED CLAIM 8/30/1990:
THE SPRINGS HAVE BEEN USED TO IRRIGATE ~163 ACRES SINCE THE DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT BETWEEN CLEAR LAKE RANCH AND CLEAR LAKE COUNTRY CLUB. THIS CLAIM REPRESENTS CLEAR LAKE COUNTRY CLUB'S P/U AND PORTION OF THE ORIGINAL CLAIM. A36-04074 & A36-10154 ALSO USED FOR GOLF COURSE IRRIGATION.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am MANAGER (Title) of CLEAR LAKE CO. (Organization), that I have signed the foregoing document in the space below as MANAGER (Title) of CLEAR LAKE CO. (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

MANAGER
Title and Organization

8-30-90
Date

State of Idaho)
) SS.
County of TF)

Subscribed and sworn (or affirmed) before me this 30th day of Aug 19 90

Notary Public

Seal

Residing at TF

My Commission Expires 5/94

Explanation

Golf Course water is used for IRR in Early Spring and late Fall for grass in dry years.

IN THE MATTER OF: Priority date of Claim A36-04148B

AFFIDAVIT

State of Idaho)
County of Twin Falls)

George Brush being first duly sworn, deposes and says: to the best of my knowledge 90 acres that Clear Lake Country Club now owns has been irrigated since 1890.

George Brush
(signature)

Subscribed and sworn to before me this 30th day of Aug 19 90.

Lon White
(notary public)

Residing at Tf.
My commission expires 5/94.

representative to attend Club directors meetings. Said representative must be a member of the Club in good standing.

4. It is understood and agreed that Item 12, Drain Fields and Common Areas, is hereby amended to read as follows:

12. Drain Fields and Common Areas. It is understood and agreed that the Ranch is retaining for the lots they are holding for sale, an easement for sewer drain fields in the fairways of the Club's golf course. Title to the land will be placed in the name of the Club with a perpetual drain field easement being retained by Ranch for its successors and assigns.
It is understood and agreed that any drain field upon said land will be constructed in such a manner as to not interfere with the use of the land as a fairway and that any change or modification or repair of the drain field will not be done until approval by the Club which will schedule the appropriate time to do said work which shall be in accordance with requirements of the South Central District Health Department. The person owning the drain field and repairing, replacing or installing the same, will at their expense, replace any and all sprinkler systems, sod, traps, or other items so that the golf course is placed in playable condition, as close as possible to its original condition before any maintenance or repair was commenced, and do so to the satisfaction of the Club.

5. It is understood and agreed that Item 15, Irrigation Water, is amended to read as follows:

15. Irrigation Water. It is understood and agree that the Club owns the right to use 60 miner's inches of water from Clear Lake. Ranch agrees to give Club an additional 1.5 cfs or 75 miner's inches of water for irrigation of the entire golf course. It will be the Club's responsibility and expense to divert the water from the springs referred to under

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Madalena Water above to the lake so as to use said water.

Club agrees to allow Ranch to tap into Club's water system at Ranch's expense for the purpose of irrigating the Ranch's land until the Ranch's domestic water system is in operation for that phase of development. Ranch's use of the water will be secondary to the Club's use and it is therefore understood that Ranch agrees to water at times when it is not necessary to water the golf course. It is also understood that in no instance can the Club water system be tapped into for domestic use either for drinking or irrigation by any individual land owner and that the right to use Club's water ceases whenever the land is transferred from the Ranch to a third person.

6. The parties agree to add the following to their agreement:

26. Common Areas, Etc. Club agrees to maintain the designated common areas described as follows until trees are planted or any construction is commenced on the following areas:

1. Common area adjacent to the No. 8 fairway.

2. Common area adjacent to the No. 12 fairway.

3. A portion of the old nine hole course retained by Ranch.

The original maintenance by the Club will be at its expense. After trees have been planted or construction placed upon the property, the Club may continue to maintain said property, but will do so only upon a pre-agreed compensation arrangement with Ranch.

27. Easements and Boundaries, Etc.

A. Ranch and Club agree to abide by the boundaries and easements depicted upon

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

NOVEMBER 19, 1992

JOHN LEMOYNE
901A GRIDLEY ISLAND
HAGERMAN ID 83332

RE: ACRES NOT COVERED IN RECOMMENDATIONS OF 36-04148B, 36-04074 & 36-10154

DEAR JOHN,

THIS LETTER IS IN RESPONSE TO THE YOUR REQUEST FOR ACRES FOUND TO BE WITHOUT WATER RIGHT COVERAGE IN THE RECOMMENDATIONS MADE IN BASIN 36 DIRECTOR'S REPORT. ENCLOSED ARE SOME MAPS TO FURTHER ILLUSTRATE THE FOLLOWING DESCRIPTIONS.

PLANIMETER/EXAM FOUND	89.9	ACRES
ACRES UNDER 36-4148B	-23.0	
ACRES UNDER 36-4074	-41.0	
ACRES UNDER 36-10154	- 5.6	
ADJUSTMENT TO LOT 9	- 0.6	(NON-IRRIGATED AREAS)
TOTAL	19.7	ACRES REMAINING

THE LEGAL DESCRIPTION OF THE 19.7 ACRES IS:

T09S R14E	SEC 1	NESE	LOT 9	2.2 ACRES
	SEC 1	SESE	LOT 8	3.0 ACRES
	SEC 2	NWSW	LOT 12	11.0 ACRES
	SEC 2	SWSW	LOT 15	3.5 ACRES
			TOTAL	19.7 ACRES

I THINK THIS IS WHAT YOU WERE LOOKING FOR. IF YOU HAVE ANY QUESTIONS LET ME KNOW.

SINCERELY,

STEVE CLELLAND
SENIOR WATER AGENT

SCC:sc
ENC:

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:
   Include address and phone no.
   in case follow-up is needed.

   JOHN LEMOYNE

2. SUBJECT OF INQUIRY: (CLEAR LAKE BUHL) COUNTRY CLUB

He asked if they could file an application for permit for the acres added under the new Development in 1988. I suggested he speak with the water allocations Staff and I advised him of the current Moratorium

He asked if there were any obstacles to a transfer of Madalena's water rights. I told him none I know of.

He asked if we had considered the info he sent to me (the Dan McFadden letter from SCS) and I told him we had and we have allowed some additional flows for Mint Uses.

3. RESPONSE TO INQUIRY: (also above)

I reminded him His claims must still go through the approval of the Court to verify our recommendations.

4. IDWR STAFF AND DATE: Steve Clelland 10-28-92

   Print name and initial: STEVE CLELLAND

   WATER RIGHT CLAIM (Nos.): 36-04148 B

FEB 0

Steve,

Please consider this
when you recommend the
Clear Lake C.C. water
quantity rights.

Thank you,

John

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OCT 14 1992
Department of Water Resources
Southern Region Office

A36-04148 B

United States Department of Agriculture
Soil Conservation Service
122 5th Ave West
Gooding, ID. 83330

Dan McFaddan
Rt 1 Box 406
Hagerman, Idaho 83332

October 7, 1992

Dear Dan,

This letter supplements the final report of the Hagerman Water Users from the Soil Conservation Service, dated October 2, 1992, and is more specific to your farm.

Application rates for pivot and wheeline systems are mentioned in paragragph four. At a design efficiency of 65%, the application rate of 10.5 gpm/ac (1.16in/ac) is indicated. If this application rate were applied at a peak consumptive use rate of 0.36in/ac, the crop would need to be irrigated every 3.2 days. This frequency may not be feasible from a management perspective, as prohibitive increased costs to labor, production capital, and operation and maintainence would result.

Currently, based on existing management, capital and labor factors, the system is operated with a frequency of five days. This indicates the need for water application rates of 1.8in/ac (16.2 gpm/ac). This appears to meet the management objectives for your operation.

Furrow irrigation modeling shows application rates of 28 gpm/ac (3.1in/ac) and a high degree of irrigation water management needed to meet consumptive use rates for mint. These application rates are needed due to a combination of factors including climate, soil textures, excessively drained soil, topography, and the lower irrigation efficiencies of surface irrigation systems. Erosion and sediment transport are not a problem due to little runoff, but the model shows excessive deep percolation.

I hope this portrays information of use to you. Please call if you have any questions. Thank you,

Sincerely,
Brian Miller
Brian Miller
District Conservationist
Gooding F.O.t

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1992
FEB 0

United States Department of Agriculture
Soil Conservation Service
32 Elder Street
Room 124
Boise, Idaho 83705

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OCT 1 1992
Department of Water Resources
Southern Region Office

Subject: ENG - Hagerman Water Users, Final Report

Date: October 2, 1992

To: Brian Miller
District Conservationist
SCS, Gooding FO

File code: 210

This is the final report of the Hagerman Water Users group which we have been working with since last spring. Since that time, a sprinkler evaluation was conducted in the field. One surface system was evaluated by the FIRI SCS computer program, another by the SCS Furrow Analysis program, as were eight flow measurements of Big Bend and Buckeye Ditches to determine seepage losses.

Two unique features of the Hagerman area are:

1. A climate hotter than that of the Snake River Plain a few hundred feet higher in elevation; and,
2. Sandy soils of high permeability, low water holding capacity, and low water holding retention ability.

To address the first of these two issues, SCS can concede to this area as fitting SCS Climatic Area I. Crop consumptive use will be higher than the adjacent Snake River Plain. In fact, a mint root crop on sandy soils may have a peak daily consumptive use rate of 0.36 inches per day, expected to occur in July. Other crops will be near this value too. The irrigation season is in excess of 200 days.

Pivot sprinklers at 75 percent efficiency should meet peak mint root needs at a rate of 9.5 gpm/ac.; a sideroll, handline, or solid set at 65 percent efficiency should meet the same crop need at a rate of 10.5 gpm/ac. These rates are greater than one miner inch per acre.

Sandy soils within this area probably fall into an Intake Family of 2.0 or so. It takes a high degree of management to surface irrigate these soils. It can be argued that it takes 28 gpm/ac. delivered to the field to successfully manage surface irrigation. Sandy soils, bare conditions, steep slopes, and high flows per furrow can all contribute to erosion and sediment transport. Computer modeling, however, shows little runoff, but, high deep percolation.

High permeability contributes to both gains and losses to the canal systems in this area. Along the headends of the canals near the canyon walls, gains are due to springs and uphill seepage. Further on, seepage from the canals flow to lower elevations. Losses

OCT 1 1992

varied from 4 to 32 percent per mile. Highest water losses occurred in canals and ditches with low flows. This is because, all other factors equal, high flows are transmitted more efficiently than are low flows.

In the discussion of canals it is important to realize that unless sediment is causing an obvious problem, it is probably better to limit canal cleaning. Fine soils tend to seal the canal bottom and sides and should be left in place. Vegetation, however, should be kept back from canal banks since it is a consumptive water-use user every bit as much as a vigorous stand of alfalfa or equivalent.

Prepared By: Neil D. Wilton

Neil D. Wilton
Irrigation Engineer

Concur: Karl D. Larson, Jr.

H. LeRoy Zollinger
State Conservation Engineer

cc: Lee Brooks, AC, Boise Area Office
Bob Bishop, AE, Boise Area Office

DO NOT FILM

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

Water Right Number - 36-04148 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

Last Name

*** C - CURRENT OWNER ***
CLEAR LAKES RANCH INC.

First Name

Address

1 - C/O DAVID BRUSH
2 - 423 IDAHO ST.
3 -
City- GOODING State- ID Zip- 83330
Phone - 208-000-0000

Priority Date	Region	Stage	Status
01/01/1890	17	S - STATUTORY CLAIM	

Source: SPRINGS

Tributary: CLEAR LAKE

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	1		5	R	(47) GOODING
		2		5		(47) GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/01	11/30	3.000	
04	STOCKWATER	01/01	12/31	0.030	

Total Div. Rate: 3.000
Total Div. Volume:
Total Div. Capacity:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SW NW	5	6.0	01	IRRIGATION	(47) GOODING
			SE NW	6	2.0			(47) GOODING
			NE SW	13	45.0			(47) GOODING
			NW SW	12	25.0			(47) GOODING
			SW SW	15	12.0			(47) GOODING

Total Acres: 90.0

Diversion Means - CONCRETE HEADBOX, EARTHEN DITCHES

Non-Irrigation Use - S/100 RANGE

Other Rights for Same Use -

Remarks

AMENDED CLAIM FILED 6/2/1987

Water right number - 36-04148 Adj. flag translation: Standard Water Right Number

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date - 00/00/0000

Audit Fields

Water Rights Dates and Flags Area

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	
Approved/Denied	00/00/0000	Protested Date	00/00/0000	Swan Falls	
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	P
Start Work Date	00/00/0000	Verified Date	01/28/1986	DLE/Carey Act	
Order Show Cause	00/00/0000	Receipt Number		Water District	
Licensed Date	00/00/0000	Appl Received	00/00/0000	Transfer/Amended	
Decree Date	00/00/0000				

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

Water Right Number - R36-04148B Adj. Flag Translation: RESEARCH Old (D) Number -

*** C - CURRENT OWNER ***
CLEAR LAKE COUNTRY CLUB

1 - RT. 4 BOX 225
2 -
3 -
City- BUHL State- ID Zip- 83316
Phone - 208-543-4849

Priority Date: 01/01/1890
Region: 17 Error in Region
Stage: S - STATUTORY CLAIM
Status:
Source: SPRINGS
Tributary: CLEAR LAKES

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County (Blank if no Index Code)
09S	14E	1	SE SW NW	5	R	(47) GOODING
09S	14E	2	SE SE NE	5		(47) GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/01	11/30	~~1.500~~ 0.46	~~360.00~~

Total Div. Rate: ~~1.500~~ 0.46
Total Div. Volume: ~~360.00~~
Total Consumptive Use: ~~270.0~~ 64
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SE NW	6	~~0.6~~ 0.4	01	IRRIGATION	(47) GOODING
09S	14E	1	NE SW	13	~~23.0~~ 22.6	01	IRRIGATION	(47) GOODING
09S	14E	1	NW SW	12	10.6	01	IRRIGATION	(47) GOODING
09S	14E	1	SW SW	15	15.6	01	IRRIGATION	(47) GOODING
09S	14E	2	NE SE	8	1.9	01	IRRIGATION	(47) GOODING
09S	14E	2	SW SE	7	1.8	01	IRRIGATION	(47) GOODING
09S	14E	2	SE SE	9	23.4	01	IRRIGATION	(47) GOODING
09S	14E	11	NE NE	5	8.8	01	IRRIGATION	(47) GOODING
09S	14E	11	NW NE	6	4.3	01	IRRIGATION	(47) GOODING

Delete

Total Acres: ~~90.0~~ 23

Diversion Means - CONCRETE HEADBOX, PIPE LINE TO RECEIVE PUMP, SPRINKLERS

Non-Irrigation Use -

Other Rights for Same Use - ~~A36-04074~~ NONE

Water right number - R36-04148B Adj. flag translation: RESEARCH

Remarks

AMENDED CLAIM 8/30/1990:
THE SPRINGS HAVE BEEN USED TO IRRIGATE ~163 ACRES SINCE THE DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT BETWEEN CLEAR LAKE RANCH AND CLEAR LAKE COUNTRY CLUB. THIS CLAIM REPRESENTS CLEAR LAKE COUNTRY CLUB'S P/U AND PORTION OF THE ORIGINAL CLAIM. A36-04074 & A36-10154 ALSO USED FOR GOLF COURSE IRRIGATION.

Old Water Right Numbers

3604148

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments

No Comments Found

Audit Fields
BEDKE

Water Rights Dates and Flags Area

Temporary Right -P Receipt Number - X777777 Water District -

Scr
12-2-91

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Case No. 36-04148B
	)	(Insert Water Right Number)
Case No. 35976	)	
	)	STANDARD FORM NO. 1
	)	
	)	OBJECTION

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. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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.

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. **Water Right Recommendation:** I object to:

   ☐ a. this water right being recommended at all; or

   ☐ b. this water right not being recommended.

12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. [X] **Other:** I object to: The general provisions in the directors report

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) by number for each box checked. You may use additional pages if necessary.

See Attached Exhibit "A"

CHANGES TO THE DIRECTOR'S REPORT

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

See Attached Exhibit "B"

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.

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. §42-1401A(1)(7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

_____
Signature of person filing objection

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on: December , 1995.

_____
Notary Public for _____
Residing at: _____
My Commission Expires: _____

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 all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on December, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

   Name: _____
   Address: _____

   _____

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 party/claimant or attorney

\WATER\STDFRM1.51

OBJECTION - EXHIBIT "B"
CLAIM NO. 36-04148B

CHANGES TO DIRECTOR'S REPORT

3. Total quantity appropriated should be 1.500 c.f.s., not .46 c.f.s.

8. Period of use should be from 2/1 to 11/15, not from 3/15 to 11/15.

9(a) & (b) Place of use should be modified as follows:

T09S, R14E, S01 Lot 6 (SENW)	0.6
T09S, R14E, Lot 13 (NESW)	23.0
T09S, R14E, Lot 12 (NWSW)	10.6
T09S, R14E, Lot 15 (SWSW)	15.6
T09S, R14E, S02 Lot 8 (NESE)	1.9
T09S, R14E, Lot 7 (SWSE)	1.8
T09S, R14E, Lot 9 (SESE)	23.4
T09S, R14E, S11 Lot 5 (NENE)	8.8
T09S, R14E, Lot 6 (NWNE)	4.3
TOTAL	90.0

\WATER\04148B.EXA

OBJECTION - EXHIBIT "A"
CLAIM NO. 36-04148B

REASONS SUPPORTING EACH BOX CHECKED

3(a) IDWR recommends a water right with a total quantity which is less than the quantity appropriated and the quantity the Country Club presently uses to irrigate their golf course pursuant to this right. The Country Club actually uses 1.500 c.f.s under this right to water the golf course, in conjunction with other rights in a closed system that irrigates 90 acres.

8. IDWR recommends a period of use which is shorter than the period that water is beneficially used under the existing right. Irrigation of the golf course begins in mid-February and extends into mid-November.

9(a) & (b) IDWR's recommended place of use does not accurately reflect the number of acres currently being irrigated under this water right. 90 acres are irrigated under this right, and IDWR's recommendation reduces without explanation the acres irrigated to 23.

13. The general provisions are unnecessary to the determination or adjudication of this water right.

RECEIVED
MAR 26 1996
Department of Water Resources
Southern Region

RECEIVED
DEC 28 1995
Department of Water Resources
Adjudication Bureau

Claimant: Clear Lakes County Club

Attorney Name and Address:

HEPWORTH, LEZAMIZ & HOHNHORST, CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

* * * * * * * * * * *

In Re SRBA)
)
Case No. 39576)

AFFIDAVIT OF TED EASTMAN
(Subcase Nos. 36-04148B and 36-04074)

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of Twin Falls)

Ted Eastman, being first duly sworn upon oath, deposes and says:

1. My name is Ted Eastman. I make the following statements based upon my personal knowledge. I am otherwise competent to testify.

2. I am generally familiar with the ground upon which the Clear Lakes Country Club golf course is built for several reasons. I live near the golf course and work adjacent to the golf course. I have golfed at the golf course for decades.

3. It is my understanding that two water rights numbered 36-04148B and 36-04074 have been claimed by the golf course in the SRBA. I further understand that IDWR has recommended less than the amount currently being used by the golf course to water the 18 holes of the course and other areas presently being irrigated.

4. Most of the land which is presently being irrigated has been irrigated as either row crops or as pasture since at least 1937. I recall that in 1937 the greens which were then in place were fenced, as they were sand greens, and fencing was necessary in order to keep the livestock from wandering onto the greens. The livestock pastured on the fairways, as well as in much of the rough which was irrigated pasture land. In the attached map, I have outlined the approximate location of the ditches which were utilized to irrigate the ground since the thirties.

5. There is one area of the presently irrigated land which was not irrigated before 1987. The area is on the east end of the golf course as indicated in the map. It was not irrigated because it was a marshy area.

6. It is also my understanding that the two water right claims are for the water which was utilized through the ditches indicated on the attached map. Right 36-04074 is the claim which relates to the ditch that used to run from west to east across the top of the property on the eastern half of the golf course. That ditch then ran down and around to the west and then took another turn clear back around to the east thus enabling most of the land indicated on the map to be irrigated from that ditch.

7. There was also a pipeline which ran from about the same place as the ditch, in a southerly direction across the Clear Lake island and out onto that area indicated

on the map. That water was used since the thirties to irrigate the island and the more eastern end of the golf course.

8. Additionally, there was another main ditch about where I have drawn it on the map. It ran from the outlet of Clear Lakes in a southerly direction, looped around and ran back to the west. That ditch was used to irrigate the ground at the very southeastern portion of the golf course.

9. Most of the land which was not in cultivated agriculture, was pasture land where the ditches were allowed to flood the pastures.

10. Water used through the two main ditches and the pipeline would have been for more water than would be required to sprinkler irrigate the golf course.

11. Further your affiant sayeth not.

Dated this 4 day of August, 1995.

Ted Eastman

SUBSCRIBED and SWORN to before me this 7 day of August, 1995.

NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My Commission Expires: May 1, 1998

(WATER\82971AFF.TE)llm

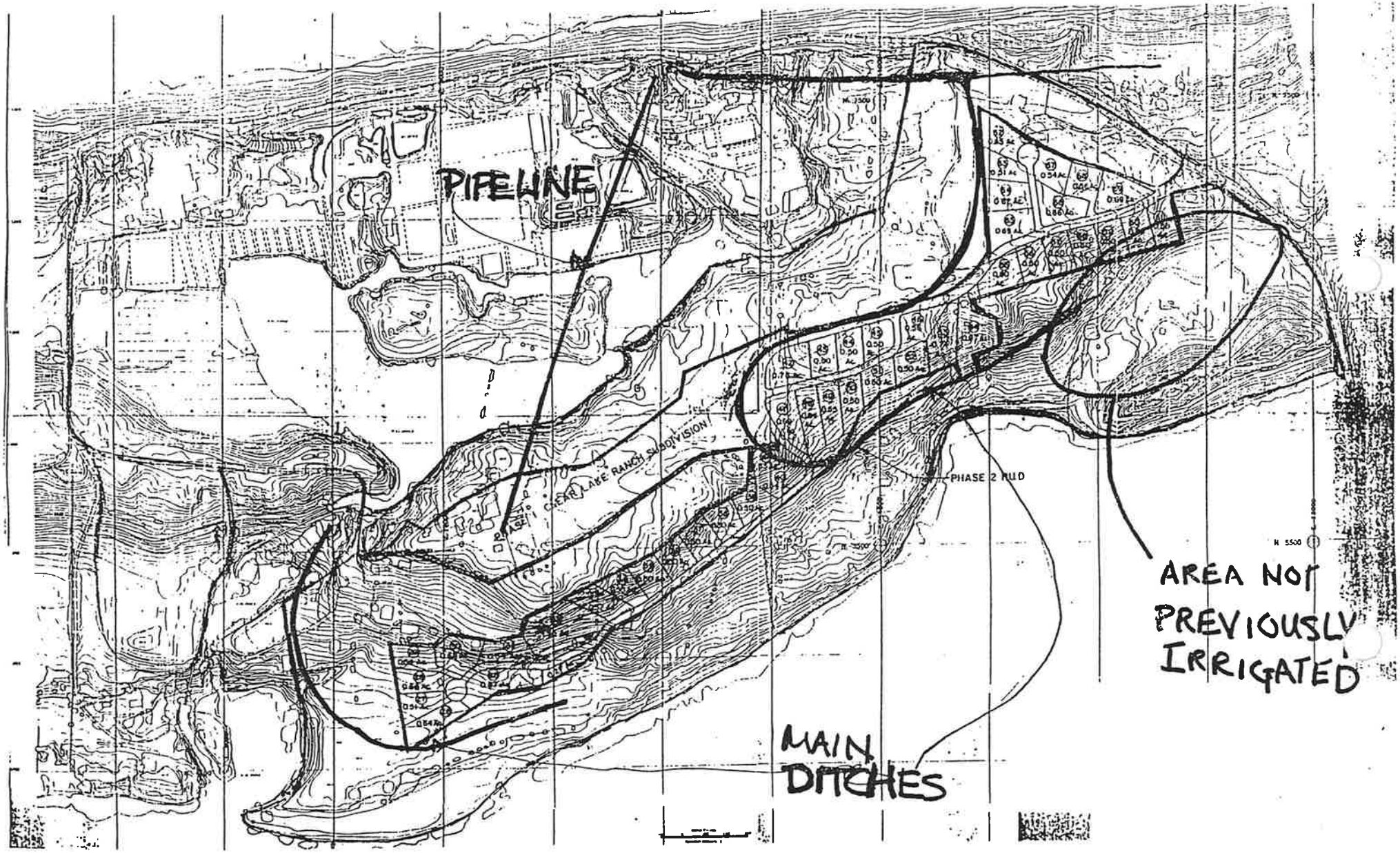
CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21st day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh Susan E. Hamlin Deputy Attorneys General P. O. Box 44449 Boise, ID 83711-4449	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
U.S. Department of Justice Environment & Natural Resources Division 550 West Fort St. MSC 033 Boise, ID 83724	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Director of IDWR P. O. Box 83720 Boise, ID 83720-0098	_X_ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Patrick D. Brown

(WATER\82971AFF.TE)lm


PIPELINE
CLEAR LAKE RANCH SUBDIVISION
PHASE 2 FILED
AREA NOT PREVIOUSLY IRRIGATED
MAIN DITCHES

RECEIVED
DEC 2 8 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
MAR 2 6 1996
Department of Water Resources
Southern Region

Claimant: Clear Lakes County Club

Attorney Name and Address:

RECEIVED
DEC 2 6 1995
OFFICE OF THE
ATTORNEY GENERAL

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

* * * * * * * * * *

In Re SRBA	)	Subcase Nos. 36-04148B & 36-04074
	)	
	)	**AFFIDAVIT OF**
Case No. 39576	)	**PATRICK D. BROWN**
	)	

* * * * * * * * * *

STATE OF IDAHO)
) ss.
County of Twin Falls)

Patrick D. Brown, being first duly sworn upon oath, deposes and says:

1. My name is Patrick D. Brown and I am an attorney licensed to practice in the State of Idaho. I practice with the firm of Hepworth, Lezamiz & Hohnhorst, which represents Clear Lakes Country Club with regard to its water right claims in the Snake River Basin Adjudication. I make the foregoing and following statements based upon my personal knowledge. I am otherwise competent to testify to the following.

2. Clear Lakes Country Club hired our law firm to represent it in the Snake River Basin Adjudication sometime after the objection deadline had run in Basin 36, and Clear Lakes Country Club had learned that it would not be able to rewrite the paperwork concerning its present use of water as was suggested apparently by IDWR.

3. Since my firm was initially retained by Clear Lakes Country Club, I have spent quite alot of time attempting to document the actual water use made by the Country Club under the rights listed above, and attempting to verify how the waters had been historically used including by locating witnesses, old photographs, documents, and much other material which was not in the possession of my clients. Simply put, the water rights at issue here have a complicated and inter-related history, have undergone numerous changes, and, given my work load, it has taken me literally months to make a reasonable inquiry into the facts of these subcases in order to ascertain how the rights should properly be recommended, what objections should be made by my client, and to otherwise sort out this rather complicated situation.

4. If the number of months it has taken me to sort out these matters appears unjustified at first blush given the original objection deadline was in May of 1993, it is only because the underlying facts have not been considered. These rights not only have a complex history but one that may be fully documented so that my clients may continue to enjoy the use of their water. Any delay in moving to file these late objections since my law firm has been hired is in my opinion not only excusable but was required in order to conduct a reasonable investigation as required by I.R.C.P. 11. Further, it is my opinion that no parties to the adjudication, to my knowledge have been in any way delayed or

prejudiced, and no party could claim such injury since I understand my client has always used the full amount of water it now seeks to have confirmed by the court through objections, even though IDWR has recommended less.

5. Further, I have consulted with attorneys for the Idaho Department of Water Resources concerning these late objections. Those attorneys do not oppose granting leave to file these late objections. I am aware of no other party to the SRBA who is any way prejudiced by the late filing of objections.

6. Further your affiant sayeth not.

Dated this 5 day of December, 1995.

Patrick D. Brown

SUBSCRIBED and SWORN to before me this 5th day of December, 1995.

Liana L. McMillan
NOTARY PUBLIC FOR IDAHO
Residing at: Jerome, Idaho
My Commission Expires: 8/24/2001

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21st day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh Susan E. Hamlin Deputy Attorneys General P. O. Box 44449 Boise, ID 83711-4449	X U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
U.S. Department of Justice Environment & Natural Resources Division 550 West Fort St. MSC 033 Boise, ID 83724	X U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Director of IDWR P. O. Box 83720 Boise, ID 83720-0098	X U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Susie McNott for
Patrick D. Brown

(WATER\82971AFF.PDB)llm

RECEIVED
MAR 26 1996
Department of Water Resources
Southern Region

RECEIVED
DEC 28 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
DEC 28 1995
OFFICE OF THE
ATTORNEY GENERAL

Claimant: Clear Lakes County Club

Attorney Name and Address: HEPWORTH, LEZAMIZ & HOHNHORST, CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

* * * * * * * * * * *

In Re SRBA	)	
	)	**AFFIDAVIT OF JOHN LeMOYNE**
Case No. 39576	)	(Subcase Nos. 36-04148B and 36-04074)
	)	

* * * * * * * * * * *

STATE OF IDAHO)
) ss.
County of Twin Falls)

John LeMoyne, being first duly sworn upon oath, deposes and says:

1. My name is John LeMoyne. I make the following statements based upon my personal knowledge and beliefs. I am otherwise competent to testify about the matters described below.

2. During the time period of about 1988 through about 1992 I was a director for Clear Lakes Country Club, which is the entity which owns and operates the golf

course along the Snake River near Buhl, Idaho.

3. In my capacity as a director, I was selected by the board to be the person to work with the Idaho Department of Water Resources with respect to having the Country Club's water rights correctly inventoried in the Snake River Basin Adjudication.

4. Before the Director made his recommendations regarding water right numbers 36-04148B and 36-04074, I was working with IDWR employees, mainly Steve Clelland. It was my understanding that I was providing Mr. Clelland with information he needed in order to report the two rights so that they would reflect the amount of actual use of water by the Country Club. The information I provided to him related to the prior uses of water on the lands the Country Club now irrigates by pumps and sprinkler systems.

5. Without informing me the information I had provided was inadequate, or needed to be supplemented or suggesting that I should give some other type of information, IDWR recommended an amount far less than what the golf course actually uses, and far less than what I understand was used before and had agreed to document for IDWR. It was my understanding from IDWR, though, that the recommendations of only about 1/2 of what the golf course needed did not matter in a practical sense because the golf course could simply apply for a new, additional water right. That would "balance the books" so that the total amount of water between the two old rights and what would be the new right would equal the amount of water that the golf course is actually using under its present system. IDWR informed me that it would be unlikely that anyone could successfully oppose the application for a new right because the golf course, or those who irrigated pasture before the golf course, had always diverted the water and therefore no one could

claim that an additional diversion would be taking water from them.

6. In about December of 1992, about a month after the Director's recommendations for less than what the golf course uses, I filed an application for new water with the IDWR, as suggested was the appropriate course by IDWR. Idaho Power Company protested that application for a water right, and nothing has happened on the application since then. Instead of proceeding with that application so that the paperwork reflects what the golf course needs and uses, the Country Club sought legal assistance from the law firm of Hepworth, Lezamiz and Hohnhorst. That law firm has advised the golf course that it should try to object and show the court that the existing rights are for more water than IDWR recommended.

7. I did not file objections to above water rights for the golf course. I did not do so because I understood that IDWR was working with me to simply clean up the paperwork. I do not believe that the Country Club should go without the water it has always used simply because I made errors in judgment by relying on the advise of IDWR about how to clean up the paperwork in order to allow the golf course to continue using the water which it presently uses or because I misunderstood the consequences of not objecting.

8. Further your affiant sayeth not.

Dated this 4TH day of August, 1995.

John LeMoyne

SUBSCRIBED and SWORN to before me this 4 day of August, 1995.

ROUSSEAU
NOTARY
PUBLIC
STATE OF IDAHO

Linda M. Rousseau
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, ID
My Commission Expires: 9-11-99

(WATER\82971AFF.JL)llm

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21st day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh Susan E. Hamlin Deputy Attorneys General P. O. Box 44449 Boise, ID 83711-4449	X U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
U.S. Department of Justice Environment & Natural Resources Division 550 West Fort St. MSC 033 Boise, ID 83724	X U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Director of IDWR P. O. Box 83720 Boise, ID 83720-0098	X U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Smeare McNatona for

Patrick D. Brown

(WATER\82971AFF.JL)llm

NO ACTION
SOUTHERN

RECEIVED
OCT 27 1995
OFFICE OF THE
ATTORNEY GENERAL

RECEIVED
OCT 30 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
NOV 01 1995
Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	**STANDARD FORM 3**
	(Check Appropriate Box)
Case No. 39576	☐ **NOTICE OF CHANGE IN ADDRESS**
	OR
	☒ **CONSENT TO SUBSTITUTION OF PARTY**
	SUBCASE 36-04148A

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, ***SRBA Administrative Order 1 Rules of Procedure*** (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A Consent to Substitution of Party (Substitution) must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of 36-04148A

(Insert each water right number)

My name is CLEAR LAKE CORPORATION AND L&M, INC.

My address is 307 CLEAR LAKE LANE, BUHL, IDAHO 83316

My phone number is: Work 208-543-4859

FAX 208-543-4896

The name and address of the prior claimant/seller who I wish to be substituted for are: CLEAR LAKE RANCH, INC., C/O DAVID BRUSH, 432 IDAHO ST., GOODING, IDAHO, 83330

CLEAR RANCH, INC.

By David Brush

David Brush, President

Signature of prior claimant/seller

CLEAR LAKE CORPORATION

By David Brush

David Brush, President

Signature of new claimant/buyer

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name Norman M. Semanko

Attorney of record for Clear Lake Corporation and L & M, Inc.

(Identify party/claimant)

Attorney address and phone number: Rosholt, Robertson & Tucker,

P.O. Box 1906, Twin Falls, Idaho 83303-1906 (208) 734-0700

☒ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.

VERIFICATION

(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of Twin Falls

NORMAN M. SEMANKO, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing form

By: Norman M. Semanko
Attorney signing in representative capacity

Subscribed and sworn to before me on October 26, 1995
(Insert Date)

Notary Public for Idaho

Residing at: Twin Falls
My commission expires: 6-18-98

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on October 26, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

   _____
   _____
   _____

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

   (Prior claimant entity no longer exists)

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

   N/A

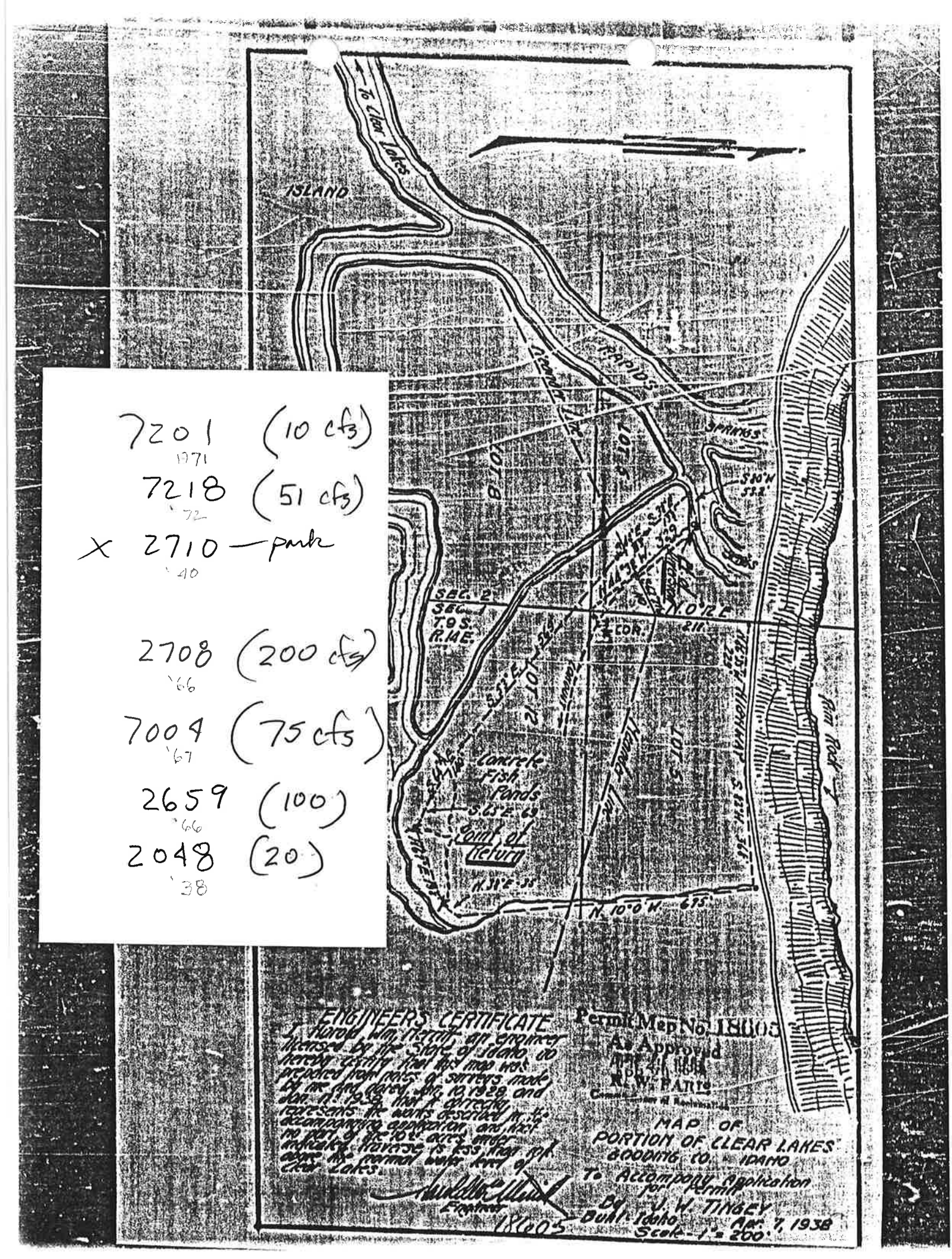
5. One copy to:

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

6. One copy to:

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

Signature of person or attorney mailing the form



7201 (10 cfs)
1971

7218 (51 cfs)
'72

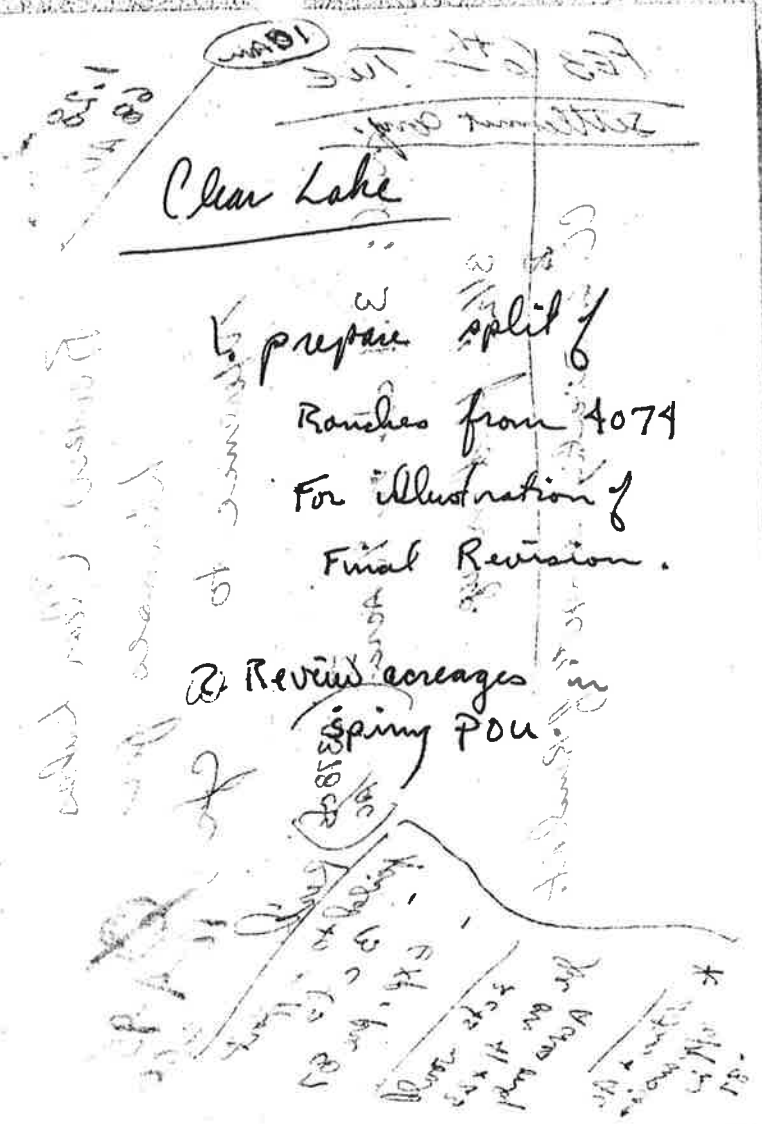
X 2710 — park
'40

2708 (200 cfs)
'66

7004 (75 cfs)
'67

2659 (100)
'66

2048 (20)
'38


Clear Lake
1. prepare split of
Ranches from 4074
For illustration of
Final Revision.
2. Review acreages in
spring pou

Clear Lakes

4/98

per obj:

in addition to the lack of Diversion, system, & POU this right was "sold" per Warr. Deed to the Golf Course (ie sold 1.50 cfs > recommend as 0.46 cfs/23Ac)

∴ Disallowed at

Re-Run: Planimeter Acres for Clear Lake

ALT-B

* assume an indepent review of the split parcels! (as drawn on Board)

Planimeter of Acres

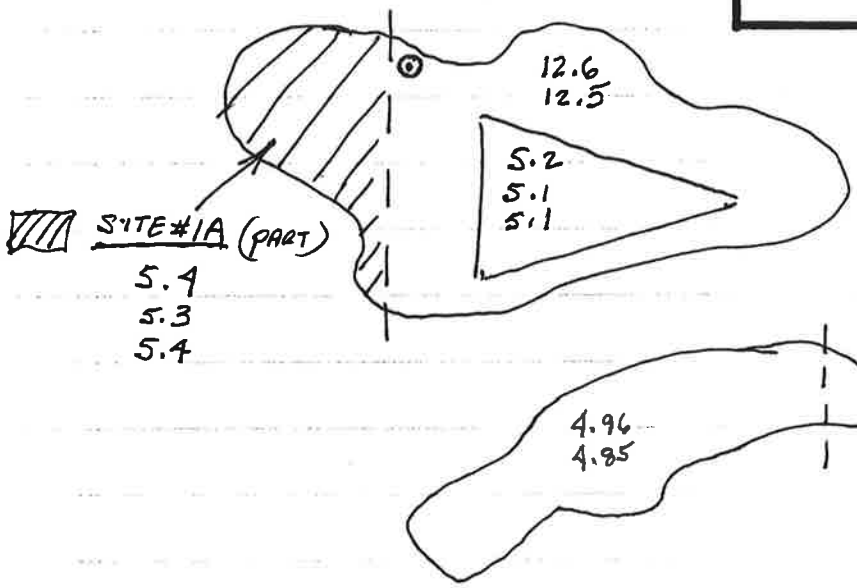
11-8-95
SCC

@ CLEAR LAKE AREA:

Settings: 1" = 200' claim map scale
Medium Arm
(0.015908) set: 0.01591

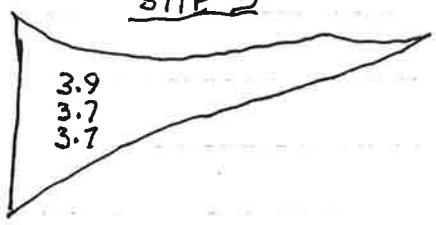
36-09148

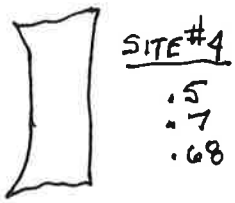
SITE #1 (TOTAL) 17.8
17.7
17.9



SITE #2 (TOTAL) 6.16
6.11
6.00

36-04074





Right Number: 36-04074

Name and Address: CLEAR LAKE COUNTRY CLUB
RT 4 BOX 225
BUHL, ID 83316

Source of Water: CLEAR LAKES STREAM
Triburary: SNAKE RIVER

Priority Date: 02-01-1937

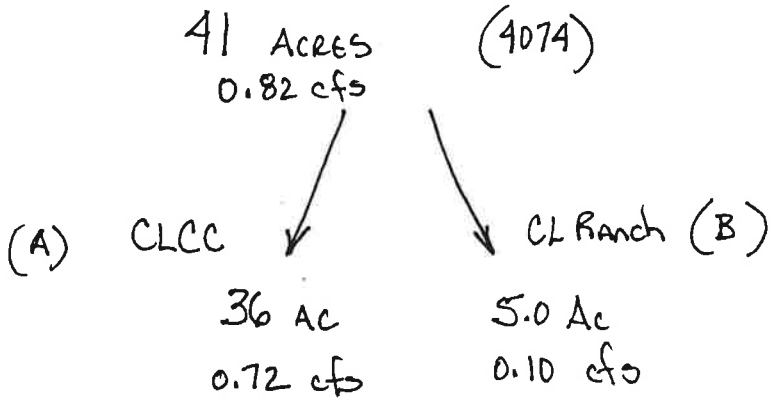
Purpose of Use	Period of Use	Quantity
Irrigation	03-15 TO 11-15	.82 CFS
	Total Quantity:	.82 CFS

Basis of Claim: Beneficial Use

Diversion Point: T09S R14E S02 LOT 07 (NESWSE)

Place of Use: Irrigation
T09S R14E S01 LOT 15 (SWSW) 7.5
S02 LOT 09 (SESE)20.5 LOT 07 (SWSE) 5.6
S11 LOT 05 (NENE) 8.3 LOT 06 (NWNE) 4.7
46.6 Acres Total

Remarks: THIS RIGHT IS LIMITED TO THE IRRIGATION OF 41 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-10154 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
RIGHT NO. 36-10154 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2).
USE OF THIS RIGHT WITH RIGHT NO. 36-10154 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.82 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 139.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 46.6 ACRES IN A SINGLE IRRIGATION SEASON.



Right Number: 36-04148B

Name and Address: CLEAR LAKE COUNTRY CLUB
RT 4 BOX 225
BUHL, ID 83316

Source of Water: SPRINGS
Tributary: CLEAR LAKES

Priority Date: 01-01-1927

Purpose of Use:	Period of Use	Quantity
Irrigation	03-15 TO 11-15	.46 CFS
	Total Quantity:	.46 CFS
	Consumptive Use:	69.0 AFY

Basis of Claim: Beneficial Use

Diversion Point: T09S R14E S02 LOT 05 (SESENE)

Place of Use: Irrigation
T09S R14E S01 LOT 06 (SENW) 0.4 LOT 13 (NESW)22.6
23.0 Acres Total

Remarks: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 116.0 CFS. OTHER RIGHT NOS.: 36-04076, 36-02048, 36-02703, 36-04013A, 36-04013B & 36-04013C.

CLCC	CL Ranch	
-4148B	-4148A	
23.0 Ac	∅	As Rec'd
0.46 CFS		
ALT-B	10 ACRE	
13 Ac.		
0.26 cfs	0.20 cfs	

Right Number: 36-10154

Name and Address: CLEAR LAKE COUNTRY CLUB
RT 4 BOX 225
BUHL, ID 83316

Source of Water: CLEAR LAKE STREAM
Tributary: SNAKE RIVER

Priority Date: 03-01-1985

Purpose of Use:	Period of Use	Quantity
Irrigation	03-15 TO 11-15	.10 CFS
	Total Quantity:	.10 CFS

Basis of Claim: Beneficial Use

Diversion Point: T09S R14E S02 LOT 07 (NESWSE)

Place of Use: Irrigation
T09S R14E S01 LOT 15 (SWSW) 7.5
S02 LOT 07 (SWSE) 5.6 LOT 09 (SESE)20.5
S11 LOT 05 (NENE) 8.3 LOT 06 (NWNE) 4.7
46.6 Acres Total

Remarks: THIS RIGHT IS LIMITED TO THE IRRIGATION OF 5.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-04074 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-04074 PURSUANT TO IDAHO CODE 42-1416(2).
USE OF THIS RIGHT WITH RIGHT NO. 36-04074 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.82 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 139.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 46.6 ACRES IN A SINGLE IRRIGATION SEASON.

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
AUG
Department of Water Resources
Southern Region

August 11, 1995

Nick Spencer
Idaho Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83720

VIA FAX

Re: SRBA Claim No. 36-04148A

Dear Nick:

Pursuant to the June 13, 1995 settlement conference and our telephone conversation of August 9, this letter is meant to provide:

(1) A description of the acres continually irrigated under the beneficial use water right represented by SRBA Claim No. 36-04148A; and

(2) A chronology of the events constituting the "change" made to the beneficial use water right represented by SRBA Claim No. 36-04148A.

I. Continually Irrigated Acres under the Beneficial Use Claim

Following up on the explanation provided at the status conference, we have reproduced the map and aerial photograph relied upon to show the acreage that has been continually irrigated under A36-04148A. These acres were irrigated as golf course and pasture up until the time that the Clear Lake Ranch development converted the water use to residential irrigation, supplementing development under Permit No. 36-08329.

The yellow areas on the enclosed map depict the acres that were irrigated as golf course and pasture until the residential development took place. There are a total of 25.64 acres, which are summarized as follows:

A. The area currently made up of Lots 25-31 and 38-39 was continually irrigated as part of the old nine-hole golf course, under lease with the Clear Lake Country Club. This land, and water, was retained by the developers by contract with the Clear Lake Country Club and constitutes no part of the current eighteen-hole golf course. The area depicted covers 6.09 acres.

B. The area currently made up of Lots 61-69 was continually irrigated as pasture, under various leases. The area depicted consists of 6.20 acres.

C. This land, located west of the seventh fairway, was sold to Clear Springs Trout Company on August 31, 1983 and was continually irrigated. The water was retained by the developers for use in the residential development. The area depicted consists of 12.35 acres.

D. The "old homestead" was continually irrigated and consists of 1.0 acres.

The irrigated areas depicted on the map are reinforced by the 1984 aerial photograph which is also enclosed. The photograph was taken during the initial phases of the residential development, while necessary permissions were being sought and agreements entered into, but prior to any dirt being moved.

We feel it important to note that additional acres, beyond the 25.64 acres summarized above, can be claimed on the basis of the doctrine of resumption of use. This is reflected in our SRBA claim of 1.5 cfs covering 73 acres. As we discussed today, we want to avoid litigating the resumption issue. This will only be possible, however, if we can agree on the above-summarized acres which were continually irrigated and incorporated into the residential development. Due to the needs of the development, we cannot agree to anything less than 25.64 acres of irrigation, or .51 cfs.

II. Chronology of the Change in Use/Residential Development

As explained at the settlement conference, the approximately .51 cfs that was continually used to irrigate the above-summarized 25.64 acres was "changed", beginning in 1983. However, there was no change in the point of diversion, place of use, nature of use or period of use. All that was changed was the means of diversion (instead of using the existing earthen ditch, the rediversion from the lake, and other antiquated means of diversion, a pipeline and central pumphouse system was installed -- all coming from the same point of diversion (i.e., the springs)) and the type of irrigation use (the golf course and pasture irrigation described above became residential irrigation).

As a result, we do not believe an "accomplished transfer" issue exists. However, even assuming such an issue exists, the change to the beneficial use water right was made in advance of the commencement of the SRBA.

As part of converting the old irrigation use to residential irrigation, land was sold to Clear Springs Trout Company on October 12, 1983 (while retaining water rights), a water right permit (Permit No. 36-08329) was secured to appropriate additional water

needed for the development (noting that the permit was to be used in combination with other water rights from the springs; e.g., the beneficial use right), zoning approvals were sought and received from Gooding County, and a development agreement was executed with the Clear Lake Country Club on April 21, 1987.

All of these actions occurred before the SRBA was commenced in November of 1987. The pre-existing and antiquated means' of diversion, of which there were more than one, that served the irrigated acres described above were ultimately converted to a 12-inch pipeline and central pumphouse to serve the residential development. This means of diversion provides water for both A36-04148A and Permit No. 36-08329, and is depicted in red on the enclosed map.

We appreciate your willingness to listen to our case and work with us toward settlement of this matter. Please feel free to call us with any questions prior to our second-round settlement conference on Wednesday, August 16. We seek only to leave that conference with a (Standard Form 5) settlement that is consistent with what is described in this letter.

Sincerely,

Norman M. Semanko

NORMAN M. SEMANKO

08099503.NMS

Enclosures (hand-delivered to IDWR Agent Steve Clelland in IDWR-Southern Office pursuant to telephone conversation with Nick Spencer on August 9, 1995)

cc: Steve Clelland, IDWR-Southern Office (hand-delivered with enclosures)
David Brush, President, Clear Lake Corporation
Nancy McCormick
Bruce L. Thomas
Jon Mellen

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 0 1 1993

1.28
68 AC

Review Clear Lakes
Licenses for
reference to 3 cfs

Ø 12-4-95
3CC

10 AM

FEB 6th 7

Settlement Conf.

Need: 3.4 cfs on 90 Acres = (.0378 cfs/AC)

3 1/2" flood in reg.

CC is Diverting 30-40" of Ranch Rt.

Rec'd
failed to support
- 3 cfs
- Exp. pre 87

3 cfs would
be on 41 x 23
Acres only

* water + AC
Expansion
in
'87

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED
SEP 18 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: 36-04148B

2. Name: Clear Lake Country Club

MICROFILMED
FEB 01 1993

Address: Rt. 4, Box 225
Buhl, ID. 83316

Weekday Telephone Number: 543-4849

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

Amount of land & water allowed.

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

Authorize as applied for.

5. Describe why you disagree with the proposed recommendation:

will not be able to irrigate the land with this amount of water.

6. Date: 9-17-92

SIGNATURE Larry Pranier

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CLEAR LAKE COUNTRY CLUB RT 4 BOX 225 BUHL ID 83316 (208) 543-4849	01/01/1927	IRRIGATION	03-15	11-15	0.46 CFS	
					TOTAL DIVERSION:	0.46 CFS	
					CONSUMPTIVE USE:		69.0 AFA

RECEIVED
FEB 01 1993
WATER RESOURCES

Water Source: SPRINGS Tributary to: CLEAR LAKES Stage: BENEFICIAL USE

Point(s) of Diversion: T09S R14E S02 Lot05(SESENE) GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
09S	14E	1								06-.4	13-22								23.0
																		TOTAL ACRES	23.0

POU County: GOODING

Other Rights: NONE

Remarks: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 116.0 CFS. OTHER RIGHT NOS.: 36-04076, 36-02048, 36-02703, 36-04013A, 36-04013B & 36-04013C.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 10/02/1991 User-ID: WORSTELL Subject: COPIED FROM REMARKS
AMENDED CLAIM 8/30/1990:
THE SPRINGS HAVE BEEN USED TO IRRIGATE ~163 ACRES SINCE THE DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT BETWEEN CLEAR LAKE RANCH AND CLEAR LAKE COUNTRY CLUB. THIS CLAIM REPRESENTS CLEAR LAKE COUNTRY CLUB'S P/U AND PORTION OF THE ORIGINAL CLAIM.
A36-04074 & A36-10154 ALSO USED FOR GOLF COURSE IRRIGATION.

Date: 07/22/1992 User-ID: THORNTON Subject: SEASON OF USE
CHANGED TO STANDARD SEASON OF USE AND REVERIFIED.

Date: 09/21/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/18/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 7/22/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/07/1992 User-ID: CLELLAND Subject: RESPONSE TO NOE
LETTER TO CLAIMANT EXPLAINING EVIDENCE SUPPORTS RECOMMENDATION.

Date: 10/28/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION

MICROFILMED
FEB 0 1 1993

Comments: Date: 10/28/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGED TRIB TO CLEAR LAKES (PLURAL).

Audit: 10/28/92 THORNTON

IMAGED
FEB 01 1993

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

Water Right Number - R36-04148B Prefix Translation: RESEARCH Old (D) Number -

Last Name

*** C - CURRENT OWNER ***
CLEAR LAKE COUNTRY CLUB

Address

1 - RT 4 BOX 225
2 -
3 -
City- BUHL State- ID Zip- 83316
Phone - 208-543-4849

Priority Date: 01/01/1927

Region: 17 SOUTHERN

Stage: J - BENEFICIAL USE

Status:

Source: SPRINGS

Tributary: CLEAR LAKE

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	2	SE SE NE	5	(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.460	

Total Div. Rate: 0.460
Total Div. Volume:
Total Consumptive Use: 69.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SE NW	6	0.4	01	IRRIGATION	(47) GOODING
09S	14E	1	NE SW	13	22.6	01	IRRIGATION	(47) GOODING

Total Acres: 23.0

Diversion Means - CONCRETE HEADBOX, PIPELINE TO RELIFT PUMP TO SPRINKLERS

Non-Irrigation Use -

Other Rights for Same Use - NONE

Remarks

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 116.0 CFS. OTHER RIGHT NOS.: 36-04076, 36-02048, 36-02703, 36-04013A, 36-04013B & 36-04013C.

Old Water Right Numbers

3604148

FEB 01 1993

Water right number - R36-04148B   Prefix Translation: RESEARCH

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

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

+ - - - - - -Comments- - - - - - +
Date: 10/02/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS
AMENDED CLAIM 8/30/1990: THE SPRINGS HAVE BEEN USED TO IRRIGATE ~163 ACRES SINCE THE
DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT BETWEEN CLEAR LAKE RANCH AND CLEAR LAKE COUNTRY CLUB. THIS CLAIM REPRESENTS CLEAR
LAKE COUNTRY CLUB'S P/U AND PORTION OF THE ORIGINAL CLAIM. A36-04074 & A36-10154 ALSO USED FOR GOLF COURSE IRRIGATION.
Date: 07/22/1992 User Id: THORNTON Subject: SEASON OF USE
CHANGED TO STANDARD SEASON OF USE AND REVERIFIED.
Date: 09/21/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/18/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 7/22/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/07/1992 User Id: CLELLAND Subject: RESPONSE TO NOE
LETTER TO CLAIMANT EXPLAINING EVIDENCE SUPPORTS RECOMMENDATION.

+ - - Audit Fields - - +
10/07/92 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/07/1992	Old Judicial District	-
Claim Received Date	- 07/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- B

MICROFILMED FEB 01 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

OCTOBER 7, 1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

CLEAR LAKE COUNTRY CLUB
RT 4 BOX 225
BUHL ID 83316

RE: NOTICE OF ERROR IN THE SRBA FOR A36-04148B, A36-04074 & A36-10154

Dear Mr. Larry Francis,

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim listed above. Your NOE questions the basis for recommending reduced acreage and water rate flows.

Your water rights are based on the beneficial use of water and one is based on the expansion of this beneficial use. After evaluating all the evidence submitted and collected to support these water uses as claimed, the acres and diversion amounts are recommended to reflect the actual and legal uses of the waters described. While there may be additional waters diverted and additional acres being developed for irrigation, no legal appropriation can be shown for this development.

If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process. As part of the objection process, IDWR will work with the claimants to resolve disputed issues, including efforts to obtain additional data which will be made available to the water users.

Sincerely,

Steve Clelland
Senior Water Agent

SCC:sc

FEB 0 1 1993

R PROOF ✓

CVR ✓

MAPS ✓

PHOTOS

MISC

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FEB 0 1 1993

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

Water Right Number - R36-04148B Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
CLEAR LAKE COUNTRY CLUB

1 - RT 4 BOX 225
2 -
3 -
City- BUHL State- ID Zip- 83316
Phone - 208-543-4849

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
01/01/1927 17 SOUTHERN J - BENEFICIAL USE

+ - - - - - - - - Source - - - - - - - - - - - - + + - - - - - - - - Tributary - - - - - - - - - - - - - - - - - +
SPRINGS CLEAR LAKE

+ - Point of Diversion - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	14E	2	SE SE NE	5		(47) GOODING

+ - Water Use - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/01	11/30	0.460	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.460 69.0

+ - Place of Use - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	1	SE NW	6	0.4	01	IRRIGATION	(47) GOODING
09S	14E	1	NE SW	13	22.6	01	IRRIGATION	(47) GOODING

Total Acres: 23.0

+ - - Diversion Means - CONCRETE HEADBOX, PIPELINE TO RELIFT PUMP TO SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - Remarks - +

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 116.0 CFS. OTHER RIGHT NOS.: 36-04076, 36-02048, 36-02703, 36-04013A, 36-04013B & 36-04013C.

+ - Old Water Right Numbers - +

3604148

MICROFILMED
FEB 0 1 1993

Water right number - R36-04148B   Prefix Translation: RESEARCH

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

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

+ -Comments- +
Date: 10/02/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS
AMENDED CLAIM 8/30/1990:
THE SPRINGS HAVE BEEN USED TO IRRIGATE ~163 ACRES SINCE THE
DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT BETWEEN CLEAR LAKE
RANCH AND CLEAR LAKE COUNTRY CLUB. THIS CLAIM REPRESENTS CLEAR
LAKE COUNTRY CLUB'S P/U AND PORTION OF THE ORIGINAL CLAIM.
A36-04074 & A36-10154 ALSO USED FOR GOLF COURSE IRRIGATION.

+ - - Audit Fields - - +
07/07/92 MERRITT

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 07/07/1992	Old Judicial District	-
Claim Received Date	- 07/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 0 1 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:04:52
09/06/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04142B

RECEIVED
FEB 01 1993
WATER RESOURCE BOARD

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			LW 8/2/90				OB 10-18-90	
POINT OF DIV	Y		See 9-91	N		R.V.W 10/2/91		R.V.W 10/2/91
SOURCE	Y			N		See 12-2-91		See 12-2-91
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-			N				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y			1	

"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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:04:52
09/06/90

PAGE: 1
CENTRAL INFORMATION

CLAIM NUMBER: A36-04148B

MICROFILMED
FEB 0 1 1993

LAST: CLEAR LAKE COUNTRY CLUB FIRST:
ADDRESS: RT. 4 BOX 225
CITY: BUHL STATE: ID
PHONE NUMBER: 208-543-4849

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
VERIFICATION REQUIRED DUE TO REMARKS? Y

CLAIM REMARKS: AMENDED CLAIM 8/30/1990:
THE SPRINGS HAVE BEEN USED TO IRRIGATE "1(
DATE OF PRIORITY BUT HAS SINCE BEEN SPLIT
RANCH AND CLEAR LAKE COUNTRY CLUB. THIS C
LAKE COUNTRY CLUB'S P/U AND PORTION OF THE
A36-04074 & A36-10154 ALSO USED FOR GOLF C

10-22-91

- probably used this Rt. on about 40-67 acres per 1977 & 1980 maps & golf course since 1940's.

— not since 1890 as claimed.

⊛ N/A's expansion for additional nine Holes in 1987

FIELD EXAMINATION INFORMATION

CONTACT PERSON: HERRY RANIER - MGR

DATE OF FIELD EXAM: 8/22/90 APPOINTMENT MADE:

ACCOMPANIED BY:

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

Not requested because of increase in diversion Rate to accomplish change.

11-27-91

see also development after Commencement - 4148 B C.Club

PAGE: 2
PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A36-04148B

A. AS CLAIM: # A36-04148B PRIORITY DATE: 01-01-1890 STAGE: S

B. WR RECORD: # 36-04148 PRIORITY DATE: 01-01-1890 STAGE: S

Change to (J)

MICROFILMED FEB 01 1993

C. FIELD EXAM REQUIRED?

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

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

REMARKS: see enclosed affidavit from George Brush.
More proof documents submitted in
A36-04148A
(see 36-52498)
Based on final Review and Review w/ Legal Staff (LKH on 11-20-91)
the only date supported with evidence is 1927

RECOMMENDED PRIORITY DATE:
01-01-~~1890~~ 1927

REVIEWED BY [signature] DATE 9/6/90

SCW 11-27-91

Warranty Deed 7/23/91

Except Ibid 12/20/87 11/10/65
[illegible] 12/3/1917 12/31/86
4/17/1918
11/23/[illegible]
12/17/75
11/16/83
[illegible]

POINT OF DIVERSION REVIEW SHEET

CLAIM NUMBER: A36-04148B

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04148B	09S	14E	~~1~~	~~SE~~	~~SW~~	~~NW~~	~~5~~	GOODING
A36-04148B	09S	14E	2	SE	SE	NE	5	GOODING

Re Lift

MICROFILMED FEB 01 1993

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-04148	NONE
A36-04148A	
A36-02048	
A36-02703	
A36-04013	
A36-04013A	
A36-04013B	

WR RECORDS IN SAME 40 ACRE TRACT

36-08393
36-02048
36-02703
36-04013
36-07798
36-08329

SOURCE: SPRINGS

TRIB: CLEAR LAKES

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04148	09S	14E	2				5	GOODING
36-04148	09S	14E	1				5	GOODING

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
NONE	NONE

SOURCE: SPRINGS

TRIB: CLEAR LAKE

C. FIELD EXAM REQUIRED?

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

maps & field exams show:

Spring @ Sec. 2

SESENE Lot 5

POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-04148B

REMARKS:

MICROFILMED FEB 01 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
		~~[illegible]~~	See p. 3				

SOURCE: TRIB:

REVIEWED BY: [illegible] DATE: 9/6/90

See 11-27-91

C03

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-04148B

A. ROOT WATER RIGHT NUMBERS: A36-04148C
A36-04148A
A36-04148B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES		LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	14E	1	SE	NW	6	CLEAR LAKE COUNTRY CLUB	A36-04148B / 0.6	-	/12.0	13.0	0.4	~~.6~~ 0.4
						CLEAR LAKE RANCH INC.	A36-04148A / 1.2	-	/			
						CLEAR LAKES RANCH INC.		36-04148	/ 2.0			
						CLEAR LAKE RANCH INC.		36-08329	/			
09S	14E	1	NE	SW	13	CLEAR LAKE COUNTRY CLUB	A36-04148B /23.0	-	/12.0	38.0	22.6	~~37~~ 22.6
						CLEAR LAKE RANCH INC.	A36-04148A /29.4	-	/			
						CLEAR LAKES RANCH INC.		36-04148	/45.0			
						CLEAR LAKE RANCH INC.		36-08329	/			
09S	14E	1	NW	SW	12	CLEAR LAKE COUNTRY CLUB	A36-04148B /10.6	-	/12.0	10.0		~~10.6~~
						CLEAR SPRINGS TROUT CO.	A36-02048 /	36-02048	/			
						CLEAR SPRINGS TROUT CO.	A36-04013 /	36-04013	/			
						CLEAR SPRINGS TROUT CO.	A36-04013A /	-	/			
X						CLEAR LAKE RANCH INC.	A36-04149 / 4.0	36-04149	/ 4.0			
						CLEAR LAKE RANCH INC.	A36-04148A /13.1	-	/	Expansion 11.0		
						CLEAR SPRINGS TROUT CO.	A36-02703 /	36-02703	/			
						CLEAR SPRINGS TROUT CO.	A36-04013B /	-	/			
						CLEAR SPRINGS TROUT CO.	A36-07148 /	36-07148	/			
						CLEAR LAKES RANCH INC.		36-04148	/25.0			
						CLEAR LAKE RANCH INC.		36-08329	/			
09S	14E	1	SW	SW	15	CLEAR LAKE COUNTRY CLUB	A36-04148B /15.6	-	/12.0	17.0		~~15.6~~
						CLEAR LAKE RANCH INC.	A36-04149 /12.0	36-04149	/12.0	7.5 Acres under 36-4074 Partial Expansion	11.0	
X						CLEAR LAKE RANCH INC.	A36-04148A /11.2	-	/			
						CLEAR LAKE COUNTRY CLUB	A36-04074 /15.0	36-04074	/ 8.0			
						CLEAR LAKES RANCH INC.		36-04148	/12.6			
						CLEAR LAKE RANCH INC.		36-08329	/			
09S	14E	2	NE	SE	8	CLEAR LAKE COUNTRY CLUB	A36-04148B / 1.9	-	/12.0	3.0		~~1.9~~
						CLEAR LAKES TROUT CO. INC.	A36-07004 /	36-07004	/		3.0	
						CLEAR LAKE RANCH INC.		36-04149	/ 7.0			
X						CLEAR LAKE RANCH INC.		36-08329	/	Expansion		
09S	14E	2	SW	SE	7	CLEAR LAKE COUNTRY CLUB	A36-04148B / 1.8	-	/12.0	12.0		~~1.8~~
						CLEAR LAKE COUNTRY CLUB	A36-10154 /12.0	-	/		5.6	
						CLEAR LAKE COUNTRY CLUB	A36-04074 / 2.0	36-04074	/ 9.0	Expansion		
X						CLEAR LAKE COUNTRY CLUB		36-08369	/	See A36-10154		
09S	14E	2	SE	SE	9	CLEAR LAKE COUNTRY CLUB	A36-04148B /23.4	-	/12.0	33.0		~~23.4~~
						CLEAR LAKE COUNTRY CLUB	A36-10155 /	-	/			
						CLEAR LAKE RANCH INC.	A36-04149 /22.0	36-04149	/22.0	Expansion 20.5 +3.2		
						CLEAR LAKE RANCH INC.	A36-04148A /17.5	-	/			
						CLEAR LAKE RANCH INC.	A36-10150 /	-	/	See A36-~~10154~~ -4074		
X						CLEAR LAKE COUNTRY CLUB	A36-04074 /17.0	36-04074	/ 9.0			

Partial POU

						CLEAR LAKE RANCH INC.			36-08291	/17.0		
						CLEAR LAKE RANCH INC.			36-08329	/		
09S	14E	11	NE	NE	5	CLEAR LAKE COUNTRY CLUB	A36-04148B	/ 8.8	-	/12.0	7.0	~~8.8~~ 0
						CLEAR LAKE RANCH INC.	A36-04148A	/ 0.3	-	/		
						CLEAR LAKE COUNTRY CLUB	A36-04074	/ 8.0	36-04074	/ 8.0	EXP. 8.3	
09S	14E	11	NW	NE	6	CLEAR LAKE COUNTRY CLUB	A36-04148B	/ 4.3	-	/12.0	7.0	~~4.3~~ 0
						CLEAR LAKE COUNTRY CLUB	A36-04074	/ 4.0	36-04074	/12.0	EXP. 4.7	
			TOTAL ACRES				A36-04148B		90.00	108.00	140.00	~~90~~ 0

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

See A36-04074 no water right for other portions claimed

RECEIVED FEB 01 1993 WATER RIGHTS

REC: TOTAL 23.0

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE: Y

FIELD EXAMINER: ~~N~~

PRESUMPTION FLAG:

REMARKS:

determined with maps, field exam & palmeters measurements.
Expansion based on the presumption not requested because it appears the water diversion rate has been increased to accomplish Expansion.

RECOMMENDATIONS:

TOTAL ACRES: ~~23.0~~ 23.0

REVIEWED BY: [illegible]

DATE: 9/6/90

See 12-2-91

this is the only POU served by the spring water that has been historically irrigated. In the expansion of 7 acres some effort has been made to combine the two sources into one system but that is/was ~~need~~ not complete at the time the AJ commenced.

See 12-2-91

PURPOSES REVIEW SHEET

CLAIM NUMBER: A36-04148B

A. AS CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-04148B	IRRIGATION	FROM 03-01 TO 11-30	1.500 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		1.500 CFS 360.00 AF/A

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-04148	IRRIGATION	FROM 03-01 TO 11-30	3.000 CFS
36-04148	STOCKWATER	FROM 01-01 TO 12-31	.030 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		3.000 CFS

MICROFILMED FEB 01 1993

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(✓) N(___)

RECOMMEND TO WR STANDARDS OR OTHER? Y(___) N(___) Explain in remarks, below.

REMARKS:

longer period of use due to golf course season - see enclosed statement (OK)

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A36-04148B

MICROFILMED FEB 01 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(___) N(✓)

AD TOTAL CLAIMED DIVERSION RATE: 1.500 CFS
WR ROUTE RIGHT TOTAL DIVERSION RATE: 3.000 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?	DATABASE	FIELD EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)	Y	0

Spring Relift Pump:
8-22-90 found = 1.28 cfs
10-11-90 found = 2.18 cfs
$\bar{X}$ = 1.73 cfs

B. FLOW MEASUREMENT

MEASUREMENT METHOD See Sonic flow. SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~A36-04074~~ NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04148B	SPRINGS	CLEAR LAKE COUNTRY CLUB	1.500	0.016	360.00	4.00
A36-04148A	SPRINGS	CLEAR LAKE RANCH INC.	1.500	0.020	328.00	4.49
A36-04149	CLEAR LAKES	CLEAR LAKE RANCH INC.	1.400	0.029		
A36-04074	CLEAR LAKES STREAM	CLEAR LAKE COUNTRY CLUB	1.160	0.025	184.00	4.00
A36-10154	CLEAR LAKES STREAM	CLEAR LAKE COUNTRY CLUB	0.360	0.030		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY		RATE	VOLUME
A36-02048	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	20.000 CFS	
A36-04013	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	14.000 CFS	
A36-04013	DOMESTIC	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	.040 CFS	
A36-04013	INDUSTRIAL	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	2.000 CFS	
A36-04013A	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	15.000 CFS	
A36-02703	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	40.000 CFS	
A36-04013B	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	31.000 CFS	
A36-07148	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	1.670 CFS	
A36-07148	DOMESTIC	CLEAR SPRINGS TROUT CO.	FROM 01-01	TO 12-31	.040 CFS	
A36-07004	FISH PROPAGATION	CLEAR LAKES TROUT CO. INC.	FROM 01-01	TO 12-31	75.000 CFS	
A36-10155	DOMESTIC	CLEAR LAKE COUNTRY CLUB	FROM 01-01	TO 12-31	.050 CFS	
A36-10150	DOMESTIC	CLEAR LAKE RANCH INC.	FROM 01-01	TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES ~~[illegible]~~ 23 x 0.02 CFS/ACRE = ~~[illegible]~~ 0.46 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(__) ***

1b. CALCULATIONS

MICROFILMED FEB 01 1993

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 270.0 AF/A

ACRES ~~[illegible]~~ 23 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 69 ~~[illegible]~~ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 360.00 AF/A

ACRES ~~[illegible]~~ 23 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 92 ~~[illegible]~~ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(___) N(___) *See attached memo on flow Rates dated 12-2-91. SCM

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

not correct figures SCM 12-2-91

NOTES

TO: A36-04148B, -04074, -10154 DATE: 9/7/90

		CFS	CONS	AF/A
90	A36-04148B	1.5	270	360
46	A36-04074	.92	138	184
12	A36-10154	~~.36~~ 0	36	48

(~~.02~~ 148 * ACRES)

LIMITS = ~~2.04~~ 2.42 CFS

FROM: LW

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
Irrig	3-1	11-30		~~1.6~~ 0.46		~~360~~		~~270~~
TOTAL FOR THIS RIGHT				0.46		92		69

REVIEWED BY: lw DATE: 9/6/90

Sw 12-2-91

MICROFILMED FEB 01 1993

BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-04148B

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	(✓)	( )
FORFEIT/ABANDON	N/A	( )
ADDITIONAL DIV. AMOUNT		( )

MICROFILMED FEB 01 1993

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04148

	DATABASE	EXAMINER	
TOTAL DIVERSION RATE OF WR SPLITS	3.000	✓	CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-04148	A36-04148C	0.020	-		36-04148	3.000
36-04148	A36-04148A	1.500) 3.0	-		36-04148	3.000
36-04148	A36-04148B	1.500	-		36-04148	3.000
	TOTAL CFS	3.020				3.000

DIVERSION RATE REVIEW

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

REMARKS:

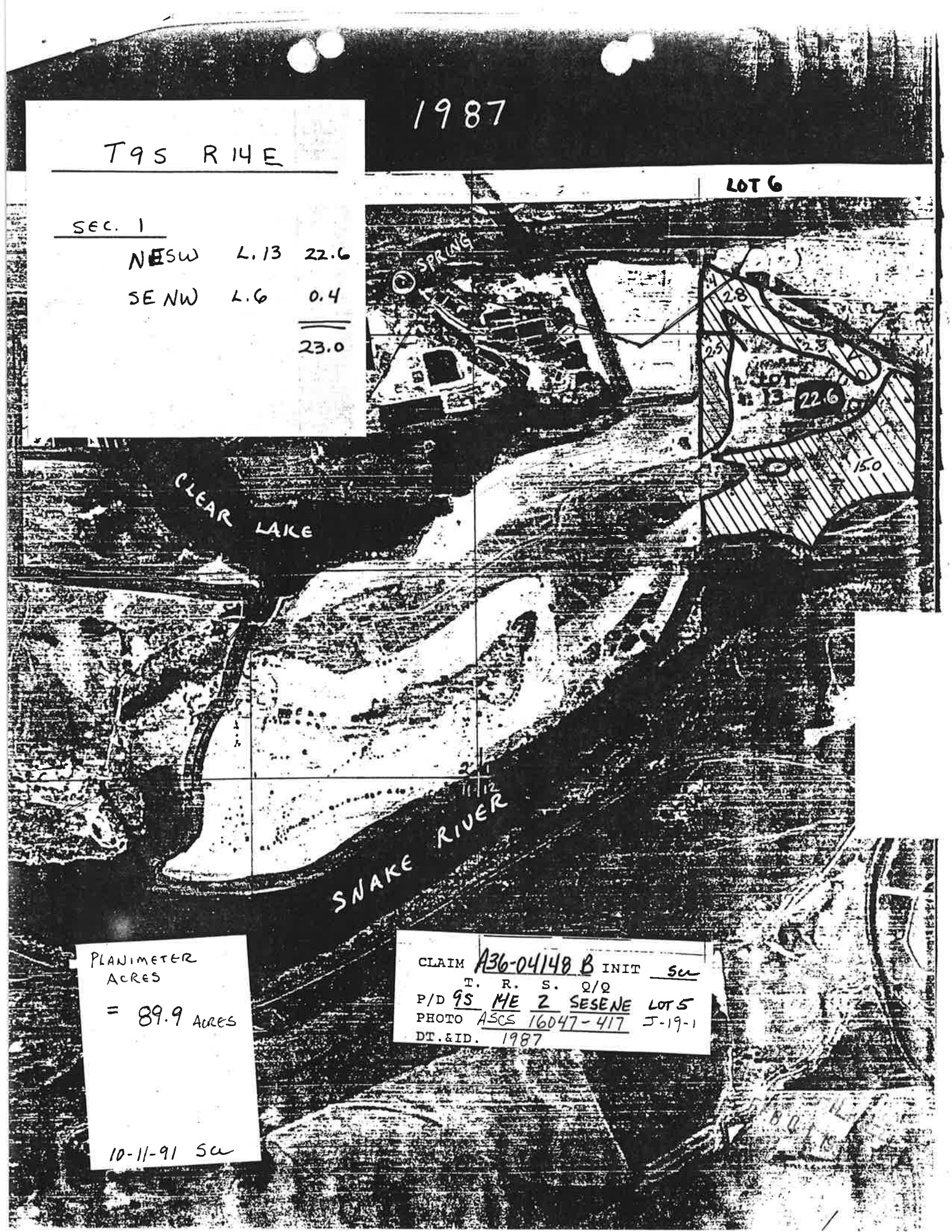
A36-04148C in question - filed in error
A36-04148A + B O/C

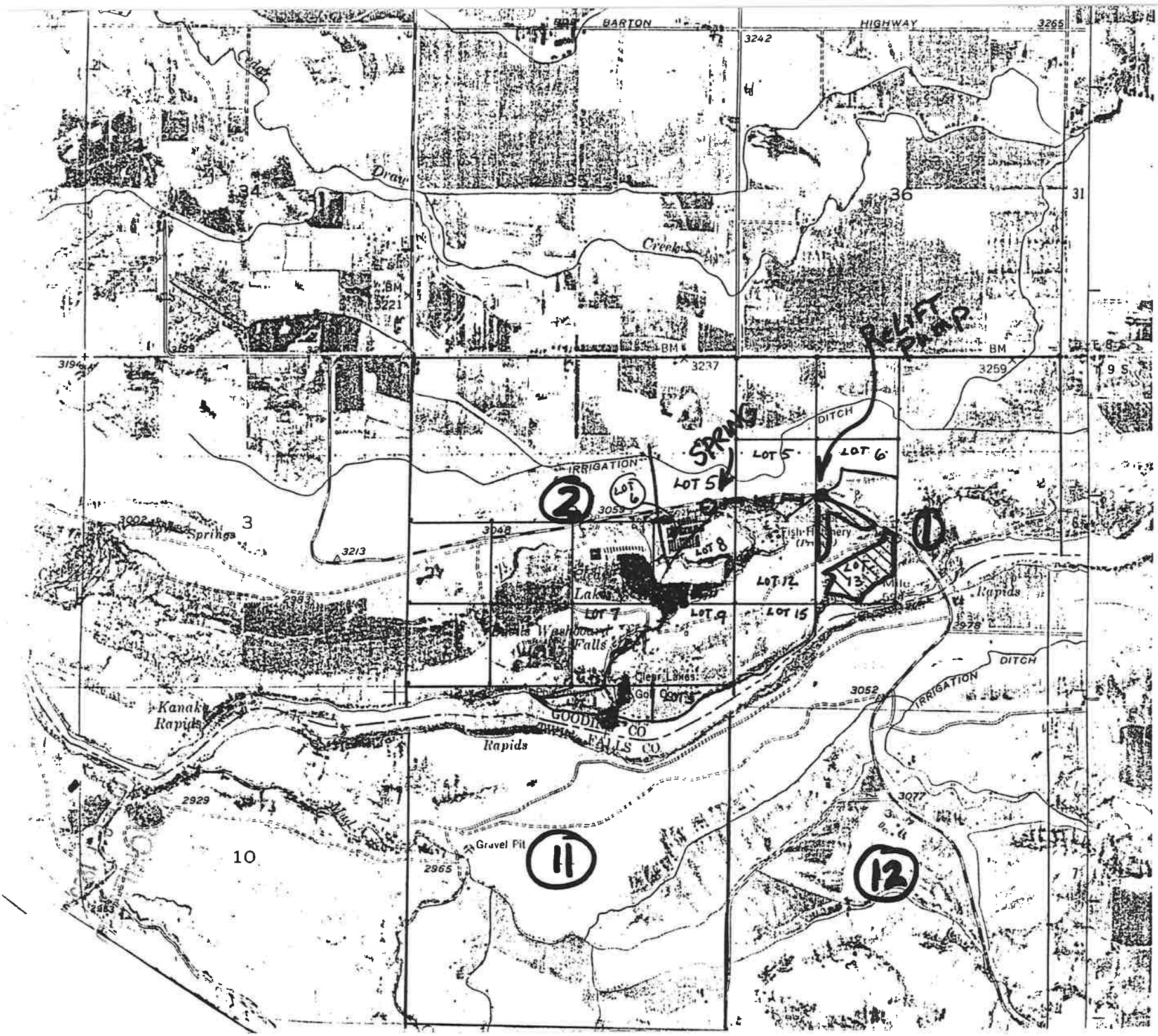
AUTHENTICATION:

SIGNATURE: [signature] DATE: 9/6/90

NAME OF FIELD EXAMINER: Steve Clelland 12-2-91 TITLE:

[signature] 10/2/91


1987
T 9 S R 14 E
SEC. 1
NE SW L. 13 22.6
SE NW L. 6 0.4
23.0
LOT 6
SPRING
2.8
2.5
LOT 13
22.6
15.0
CLEAR LAKE
SNAKE RIVER
11
12
PLANIMETER ACRES
= 89.9 ACRES
10-11-91 SW
CLAIM A36-04148 B INIT SW
T. R. S. Q/Q
P/D 9S 14E 2 SESENE LOT 5
PHOTO ASCS 16047-417 J-19-1
DT.&ID. 1987


BARTON
HIGHWAY
3265
3242
Draw
Creek
34
35
36
31
BM
3221
3237
3259
RELIFT PUMP
SPRING
DITCH
IRRIGATION
LOT 5
LOT 6
LOT 5
LOT 6
2
1
3059
3048
3213
3002
Springs
3
LOT 8
LOT 12
LOT 13
LOT 7
LOT 9
LOT 15
Rapids
2978
DITCH
IRRIGATION
3052
Clear Lakes
Golf Course
GOODING CO
TWIN FALLS CO
Kanaka Rapids
Rapids
2929
Mud
3077
Gravel Pit
11
12
10
2965
2983

* Review of flow Rates on Clear Lakes Country Club

12-2-91
Ec

Until the expansion in 1988, these two water sources were operated as separate systems. (per George Brush, see memo.) as of this date they are still not fully operated as one system. This review will explain the general flow rates of this system at the time of adjudication and as the system operates today. This review is based on the maps of irrigated land, sonic flow measurements, theoretical calculations and IDWR standard rates of use.

PRIOR to EXPANSION 1977 to 1987 —

	SPRING (36-4148 B)	CLEAR LAKE (36-4074)
SOURCE:	SPRING	CLEAR LAKE
DELIVERY:	DITCHES to GRAVITY SYSTEM	PIPELINE to SPRINKLER
ACRES:	23.0	46.6
STD. RATE:	0.46 cfs	0.93 cfs
		[2 SOURCE TOTAL = 1.39 cfs]
ADDITIONAL FLOW:	maybe some ditch loss	NONE
		41 ACRES @ 0.02 cfs/Ac. = 0.82 cfs
DIVERTED RATE:	UNKNOWN (CLAIMED 1.5 cfs)	(UNKNOWN) (CLAIMED 0.92, 1.4, 1.6)

AFTER EXPANSION IN 1988-1990

	SPRING	CLEAR LAKE
SOURCE:	SPRING	CLEAR LAKE
DELIVERY:	PIPELINE to Pump to SPRINKLER	Pump to SPRINKLERS
ACRES:	(EST. 53) UNKNOWN PART OF 90 ACRES	(EST. 37) UNKNOWN PART OF 90 ACRES
STD. RATE:	1.80 cfs	1.80 cfs
ADD. FLOW:	NONE	NONE
DIVERTED RATE:	SONIC 1.28; SONIC 2.18; THEOR. CALC. 2.25; MEAS. SPRINKLER 1.78 cfs	SONIC 1.04; SONIC 0.98; THEOR. CALC. 1.825
	AVE: = 1.87 cfs	AVE: = 1.28 cf

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AFTER EXPANSION / CURRENT SYSTEM — (continued)

AVE. TOTAL FLOW = 3.15 cfs (see p. 1)

SONIC FLOWS — HIGH = 3.16

— LOW = 2.32

— AVE = 2.74

Per/Acre rates:

3.15 cfs ÷ 90 ACRES = 0.035 cfs/Ac.

2.74 cfs ÷ 90 ACRES = 0.030 cfs/Ac.

Acres = Based on the maximum rate above:

Spring water irrigates 53 Acres

Clear Lake water irrigates 37 acres

Basis for final recommendations —

the standard rate for the acres irrigated under both sources, prior to the expansion, is 1.39 cfs. If I assume the spring has a ditch loss of 50%, then 1.39 + 0.46 = 1.85 cfs. This figure is close to the amount standard for use on 90 acres as expanded. However, the system uses almost twice that amount and has increased the original diversion rate to accomplish the change in irrigated acres. At this time (12-2-91) no allowance is being given for the ditch loss from the spring. The ditch no longer exists and no proof given to support an accurate conveyance loss for the system.

RECEIVED FEB 0 1993

CLEAR LAKES COUNTRY CLUB
8/22/90 6AM to 7:30 AM

MODE SELECT
INPUT

OUTER DIAMETER
8.6358 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1870 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
6.472 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZEI

ZERO MODE
ZERO OI

00-00 00:5000 *R
+140.539E 2GPH

MODE SELECT
T0 CHECK

0311.4 MMSEC
100.86 % T0 - OK

DAMPING SET
20 SEC

00-00 00:5300 *R
+214.243E 0GPM

00-00 00:5400 *R
+001.70 % AI2 - TURBULANCE

LRG PIPE NEXT to CLUB

CLEAR LAKES
Pump

214.24 GPM
253.34
467.58 ÷ 448.8
= 1.04 cfs

MODE SELECT
INPUT

OUTER DIAMETER
6.6780 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
.18400 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SONAR MEAS.
3 PIPES highest reading of 2 measurement:

LRG PIPE 287.7
Sm PIPE 253.34
E. PIPE 980.07
1521.1 GPM = 3.39 cfs

3 PIPES lowest reading of 2 measurements:

Lrg PIPE 214.24
Sm PIPE 151.37
E. PIPE 574.83
940.40 GPM = 2.09 cfs

MODE SELECT
T0 CHECK

0237.5 MMSEC
100.73 % T0 - OK

00-00 01:0900 *R
+253.341E 0GPM

Sm PIPE NEXT to CLUB

TOTAL THIS DAY:
COMBINED
214.24
253.34
574.84
1042.42 ÷ 448.8
= 2.32 cfs

MODE SELECT
INPUT

OUTER DIAMETER
10.050 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
.10000 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

: MOUNTING
U

IF SENSOR
SMALL

HANGE
NO

G
IN U

ODE
CLEAR

ODE
AUT ZERO

01:3100 *R
91E 0GPM

$\bar{X}$ = 2.74

ODE
ZERO OPR

MODE SELECT
T0 CHECK

0372.8 MMSEC
101.29 % T0 - OK

00-00 01:3300 *R
+002.70 % AI2 -OK

00-00 01:3300 *R
+574.838E 0GPM

PIPE E. of CLEAR SPRING
(variance in GPM due to automatic sprinkler system shutting down
SPRING RELIFT '+BW

574.84 GPM
÷ 448.8
= 1.28 cfs

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CLEAR LAKE COUNTRY CLUB
10/11/90 9PM to 10:30 PM

```
MODE SELECT
        INPUT

OUTER DIAMETER
8.63580  IN

PIPE MATERIAL
?       CS,SS

WALL THICKNESS
0.1870   IN

INNER LINING
?       NO LING.

KIND OF FLUID
?       WATER

SENSOR MOUNTING
?       V

TYPE OF SENSOR
?       SMALL

DATA CHANGE
?       NO

SPACING
6.472    IN V

ZERO MODE
        CLEAR

ZERO MODE
        AUT ZERO

ZERO MODE
        ZERO OPR

10-11 21:4600 *R
+001.80 %  AI2

MODE SELECT
        T0 CHECK

0310.6  MMSEC
100.63  % T0

10-11 21:4800 *R
+287.683E 0GPM
```

LRG PIPE NEXT to CLUB

TOTAL THIS DAY:

287.68
151.37
980.08
1419.13 ÷ 448.8

= 3.16 cfs

```
MODE SELECT
        INPUT

OUTER DIAMETER
6.6780   IN

PIPE MATERIAL
?       CS,SS

WALL THICKNESS
.18400   IN

INNER LINING
?       NO LING.

KIND OF FLUID
?       WATER

SENSOR MOUNTING
?       V

TYPE OF SENSOR
?       SMALL

DATA CHANGE
?       NO

SPACING
4.781    IN V

ZERO MODE
        CLEAR

ZERO MODE
        AUT ZERO

ZERO MODE
        ZERO OPR

10-11 22:0400 *R
+002.80 %  AI2

MODE SELECT
        T0 CHECK

0237.9  MMSEC
100.89  % T0

10-11 22:0500 *R
+151.370E 0GPM
```

SM PIPE NEXT to CLUB

CLEAR LAKES
PUMP

287.68 GPM
151.37
439.05 ÷ 448.8

= 0.98 cfs

```
MODE SELECT
        INPUT

OUTER DIAMETER
10.0500  IN

PIPE MATERIAL
?       CS,SS

WALL THICKNESS
0.1000   IN

INNER LINING
?       NO LING.

KIND OF FLUID
?       WATER

SENSOR MOUNTING
?       V

TYPE OF SENSOR
?       SMALL

DATA CHANGE
?       NO

SPACING
7.550    IN V

ZERO MODE
        CLEAR

ZERO MODE
        AUT ZERO

ZERO MODE
        ZERO OPR

10-11 21:0800 *R
+002.80 %  AI2

MODE SELECT
        T0 CHECK

0372.9  MMSEC
101.33  % T0

10-11 21:1000 *R
+978.493E 0GPM

10-11 21:1000 *R
+980.078E 0GPM
```

PIPE E. OF CLEAR SPRINGS
SPRING RELIFT

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980.08 GPM
÷ 448.8

= 2.18 cfs

CLUBHOUSE PUMPS

A36-10154

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS FILE: A36-04074
********** DATE: 8/21/90
BY: LW + BW

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open dicharge assume zero [0])

37 GPM
40HP - 12 heads
25HP - 8 heads 30 GPM

$$Q = \frac{(8.8)\ (40+25)\ (0.70)}{[\ (\quad) + (95 \times 2.31)\ ]} = \frac{400.4}{219.45} = 1.825$$

LIFT FROM:
measurement ( )
owner ( )
area estimate ( )
well logs ( )
Booster (Y) (N)

PSI FROM: 95
measurement ( )
owner ( )
estimate (✓)
owner gage ( )

NOTES ON PUMP:
Motor Make, Serial or ID
U.S. F-B052-00-030 K192R041 - 25HP Motor
Pump Make, Serial or ID, rating
2J82JT - 40HP Pump

REMARKS

ANNUAL VOLUME ANALYSIS

$$\text{POTENTIAL Acre Feet/Acre/Annum} = \frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$$

(season)	(days)
3/15 - 11/15	246
4/1 - 11/1	215
4/15 - 10/15	184
3/1 - 12/1	276

$$\text{POTENTIAL} = \frac{(\quad) \times (1.98) \times (\quad)}{(\quad)}$$

POTENTIAL = _____

REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is **NOT** Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ( )

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ( )

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