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: A36-07092A
Date Received: 8/03/1988
Receipt No: S001266
Received By: LW JS

COPY
FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: NORWOOD SUBDIVISION 208-837-6633
   Address: RUBY SPRINGS WATER CO.
   C/O RODERICK R. HOWARD
   BOX 658
   HAGERMAN, ID 83332

2. Date of Priority: NOV 06, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	13	NE NE		GOODING

5. Description of diverting works:
   SHAFT, PIPE,COLLECTION BOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		
DOMESTIC	01/01	12/31	0.170		

7. Total Quantity Appropriated is:
   1.100 C.F.S. (and/or) 220.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   D/13 HOUSES PRESENTLY, 22 LOTS TOTAL

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10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	13	SW	NE		IRR	20.0
			SE	NE		IRR	25.0
			NW	SE		IRR	10.0
					Section Acres		55.0
					Total Acres		55.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

15. Basis of Claim: LICENSE

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FEB 03 1993

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: _____

For Organizations:

I do solemnly swear or affirm that I am President (Title) of Ruby Springs Water Coop. (Organization), that I have signed the foregoing document in the space below as President (Title) of Ruby Spring Water Coop (Organization) and that the statements contained in the foregoing document are true and correct.

Frederick K Howard
Signature of Authorized Agent

Ruby Springs
Title and Organization

1 August 1988
Date

State of Idaho)
) SS.
County of T.F)

Subscribed and sworn (or affirmed) before me this 1st day of August 19 88

Lori White
Notary Public

Seal

Residing at T.F

My Commission Expires 5/95

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FEB 03 1993

From: DWR03::SMITH 28-FEB-1994 09:44:30.54
To: DWR60::MERRITT
CC:
Subj: NEW OBJECTION

ORDER GRANTING MOTION TO FILE LATE OBJECTION WAS ISSUED ON JANUARY 19, 1994 ON 36-07092A. THEREFORE & SO-FORTH (TEE HEE) WE NEED THE ORIGINAL CLAIM FILED ON 36-07092A. NEXT TRIP FROM YOU GUYS OR US GUYS, PLEASE SEND SO NICK CAN FILE A RESPONSE. I WILL COPY AND SEND TO YOU THIS WEEK. THANKS....HAVE A GOOD DAY.

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OCT 19 1994

SELECTION FILE: HHT-NOA-BROWN

SELECTION FILE CONTENTS

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

TOTAL RECORDS IN SELECTION FILE: 116

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FEB 10 1993
Department of Water Resources

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

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

* * * * * * * * * * *

In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System	Case No. 39576
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, vs. United States; State of Idaho; and all claimants to the use of water from the Snake River Basin Water System, Respondents.	**NOTICE OF APPEARANCE**

* * * * * * * * * * *

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

LAW OFFICES
HN&L
Chartered
Hepworth, Nungester, & Lezamiz

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Users, Inc. and its individual members:

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

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

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

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

DATED This 9 day of February, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ

By _____
PATRICK D. BROWN
Attorneys for Respondents

CERTIFICATE OF MAILING

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

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OCT 19 1994

February, 1993, to:

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

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

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

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

Patrick D. Brown

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OCT 19 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Jodi I. Schultz

JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

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AUG 13 1976

Department of Water Resources

Eastern District Office

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7092 A Priority Nov. 6, 1969 Amount 1.10 cfs

THIS IS TO CERTIFY, that NORWOOD SUBDIVISION

of Hagerman, Idaho, has complied with the terms and conditions of Permit No. 36-7092 A issued pursuant to Application for Permit dated November 6, 1969, and has submitted proof to the Department of Water Resources on June 25, 1975, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.10 cfs of water from unnamed springs, tributary to Billingsley Creek, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Irrigation	from April 1	to Nov. 1	at 1.10 cfs and	220 acre feet or 4.0 af per acre
	from	to	at cfs and	
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.10 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 220 acre feet per year, said waters to be diverted within the NE¼NE¼ of Sec. 13, Twp. 7 S, Rge. 13 E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 S	13 E	13			20	25										10			55

Total number of acres irrigated 55

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of August, 19 76.

Director

R PROOF

CVR

MAPS

PHOTOS

MISC

OCT 19 1994

COPY

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Department of Water Resources
Southern Region Office

LARRY ECHOHAWK
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

NICHOLAS B. SPENCER
Deputy Attorney(s) General
Department of Water Resources
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 327-7900

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. 36-07092A -0001
	)	
Case No. 39576	)	**RESPONSE TO OBJECTION**
	)	

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

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OCT 19 1994

2. Person who filed objection:

Name: RONALD H ADAMS
Address: 3028 CHISHOLM
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |X| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.

3. |X| Quantity: I respond to the objection concerning:

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

9. |X| Place of Use: I respond to the objection concerning:

9a. |X| The legal description of the place of use.

9b. |X| The number of irrigated acres within each forty (40) acre subdivision.

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

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items, 1, 3.a, 9.a, 9.b, 10 and 11, and all allegations of the objection regarding those items, IDWR responds as follows: The 15 acres asserted by the objector as allegedly being within the place of use of this right were not claimed by the claimant (Norwood Subdivision/Ruby Springs Water Company) as being within the place of use of this right. IDWR further responds that the attachments to the objection reveal that the objector no longer owns land upon which water is diverted or used pursuant to this right. In response to the allegations of the objector, contained in the attachments to his objection, asserting that the claimant is legally or contractually obligated to include the objector's use within its claim under this right, IDWR lacks sufficient information to form a belief as to the truth or falsity of such allegations and, accordingly, denies the same for lack of information. IDWR denies all other allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

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

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

	No. of Pages
Notice of Claim No. A36-07092A	3

(Over)

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OCT 19 1994

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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

Signature of person filing response

By: Mike Spencer
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 18th day of March, 1994.

Danni M Smith
Notary Public for Idaho
Residing at: Danni Smith, Notary Public Residing at Boise, Idaho
My Commission expires: My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 18TH day of MARCH, 1994, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

   Name: NORWOOD SUBD. RUBY SPRINGS WATER CO
   Address: C/O RODERICK R HOWARD
   2638 ACCESS RD N
   HAGERMAN ID 83332

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

   Name: RONALD H ADAMS
   Address: 3028 CHISHOLM
   HAGERMAN ID 83332

4. One copy to:

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

Nick Spencer
Signature of Respondent or attorney mailing on Respondent's behalf

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OCT 19 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-07092A**
Date Received: 8/03/1988
Receipt No: S001266
Received By: LW JS

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: NORWOOD SUBDIVISION 208-837-6633
   Address: RUBY SPRINGS WATER CO.
   C/O RODERICK R. HOWARD
   BOX 658
   HAGERMAN, ID 83332

2. Date of Priority: NOV 06, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	13	NE NE		GOODING

5. Description of diverting works:
   SHAFT, PIPE,COLLECTION BOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		
DOMESTIC	01/01	12/31	0.170		

7. Total Quantity Appropriated is:
   1.100 C.F.S. (and/or) 220.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   D/13 HOUSES PRESENTLY, 22 LOTS TOTAL

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10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	13	SW	NE		IRR	20.0
			SE	NE		IRR	25.0
			NW	SE		IRR	10.0
					Section Acres		55.0
					Total Acres		55.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

15. Basis of Claim: LICENSE

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FEB 03 1993

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: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Ruby Springs Water Corp., that I have signed the foregoing
Organization
document in the space below as President of
Title
Ruby Spring Water Corp and that the statements contained in the
Organization
foregoing document are true and correct. Roderick R Howard
Signature of Authorized Agent

Ruby Springs
Title and Organization

1 August 1988
Date

State of Idaho)
) SS.
County of T.F)

Subscribed and sworn (or affirmed) before me this 1st day of August 19 88

Lori White
Notary Public

Seal

Residing at T.F

My Commission Expires 5/95

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OCT 19 1994
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FEB 03 1993

OCT 0 7 1993
Department of Water Resources
Adjudication Bureau

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

FILED
MAR 1994
Department of Water Resources
Southern Region Office

In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System	Water Right No. 36 07092A (The water right number you are objecting to must be inserted here)
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 1 OBJECTION 36-07092A -0001/ 93-10-0036

INSTRUCTIONS

This form must be used to file an objection to a water right recommended in the director's report. ***Only one party/claimant 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. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The objection must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this objection (Page 6) or the court will not accept it for filing. This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more objections must make an appointment with the Clerk of the SRBA Court.

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 is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

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OCT 19 1994

I. GENERAL INFORMATION

Please fill in the following information:

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

Name: Ronald H Adams

Address: 3028 Chisholm dr
Hagerman Ida 83332

Phone: Work: _____ Home: 8376615

Briefly describe your interest in this water right: I own the land that the original right was for

If this objection is *filed by an attorney:*

Attorney Name: _____

Attorney Address: _____

_____

Attorney Phone No.: _____

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

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

Name: Forwood Subdivision

Address: Ruby Springs Water Co
2638 Access rd N Hagerman Id
83332

II. STATEMENT OF THE OBJECTION

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

1. ☒ *Name and Address*: I object to the name and/or address of the owner of the water right.
2. ☐ *Source*: I object to the source of water.
3. ☒ *Quantity:* I object to:
   a. ☒ the total quantity of water used in cubic feet per second; or
   b. ☐ the total quantity of water stored in acre-feet per year; or
   c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ *Priority Date*: I object to the priority date.
5. ☐ *Points of Diversion*: I object to the legal description of the point(s) of diversion.
6. ☐ *Instream Flow*: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ *Purpose(s) of Use*: I object to the purpose(s) of use.
8. ☐ *Period of Year*: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ *Place of Use*: I object to:
   a. ☒ the legal description of the place of use; or
   b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ *Consumptive Use*: I object to the annual volume of consumptive use.
11. ☒ *Remarks*: I object to the "remarks" listed with the water right.
12. ☐ *Water Right Recommendation*: I object to:
    a. ☐ this water right being recommended at all; or
    b. ☐ this water right not being recommended.

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OCT 19 1994

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

14. ☐ *Other*: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

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

1. Ruby Springs deleted Norwood's name and failed to replace it with mine.

3. aThe total quantity is limited to 22 acres. My 15 acres was omitted.

9.a-My legal description was was omitted.

b-My 15 acres was omitted. Acreage shown does not include me.

10. Provisions for my use were omitted. Consumptive use is incorrect.

11. The remarks are limited to chosen property with Ruby Springs. My property has been omitted. 14. Ruby Springs omitted the balance of Norwood's water to me.

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.

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

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

VERIFICATION (Must be Complete)

State of Idaho

County of Gooding

Ronald H Adams, being first duly sworn, upon oath, deposes and says:
(Name of party/claimant filing objection)

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

Ronald H Adams
Signature of party/claimant filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 6, 1993
(Insert Date)

Fe Lora M Adams
Notary Public for Idaho
Residing at: Hagerman, Idaho
My Commission expires: 5-3-95

S.F. 1
Amended 6/22/93

(Over)

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OCT 19 1994

INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

I certify that on October 6, 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, and you must fill in the following information:

   Owner name: Norwood Subdivision Ruby Springs Water Co
   Owner's address: Roderick C Howard 2638 Access rd n.
   Sagerman Idaho 83332

3. One copy to:

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

4. One copy to:

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

Ronald H Adams
Signature of party/claimant or attorney

Table of Contents

A___ Affidavit of Ronald H. Adams

B___ Exhibits 1 thru 14

1. Map used in Ruby Springs Water Co. readjudication

1a Map used in Ruby Springs Water Co. application

2. Map with Ronald Adams adjacent property shaded in

3. Copy of the Norwood Subdivision Lots and adjacent parcels found in their Covenant records

4. A copy of the original Water Right License to Virgil Norwood for the Norwood Subdivision

5. A copy of the Ruby Springs Water Co. Articles of Incorporation

6. A copy of Norwood Subdivision Covenants

7. A copy of the Real Estate Purchase and Sale Agreement between Ronald Adams and Roderick Howard

8. Copy of the letter from Rod Howard to Jim Jones dated July 28, 1992

8a Copy of the letter from Rod Howard on behalf of Ruby Springs Water Co. to Ron Adams dated July 29, 1992

8b Copy of the letter from Rod Howard to Ron Adams dated November 14, 1992

9. Copy of the cover sheets for the Norwood Subdivision Ruby Springs Water Co. application dated August 1, 1988

10. Copy of a letter from D. Darlene Reich dated August 19, 1976, to the Norwoods

(continued)

10a Copy of memo from Bob Fleener to Mike Steele dated March 5, 1976

10b Copy of letter from Virgil Norwood to Department of Water Resources dated March 24, 1976

10c Copy of the re-exam Gary Finderburg did for Virgil Norwood dated May 14, 1976

10d Copy of the Assignment Of Permit granted to Norwood Subdivision on August 9, 1976

11. Copy of the Director's Report issued to Ruby Springs Water Co. for 18 acres total in Rod Howard's readjudication in 1992

12. Copy of request by the Hartman's to Ruby Springs Water Co. requesting their water transfer to Ron Adams on February 13, 1993

12a Copy of note the Hartman's sent to Ruby Springs Water Co. conflicting Rod Howard's statement that the Hartman Lot had no right to water dated February 13, 1993

13 Copy of memos contained in the Director's Report issued to Ruby Springs Water Co. for the 18 acres total in Rod Howard's readjudication in 1992

C___Photographs showing lines from the 4.88 acre parcel

D___Final pleading of Ron Adams

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OCT 19 1994

A

AFFIDAVIT OF RONALD ADAMS

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October 3, 1993

Affidavit of Ronald H. Adams

in re: MOTION TO FILE A LATE NOTICE OF CLAIM

The 15.57 acres that I am requesting the use of water for now, was originally included in all of the original water right licenses issued to Virgil Norwood. In 1985, my mother, along with my wife and myself, purchased 53 acres from Joe Rand. Mr. Rand had purchased it from Virgil Norwood in 1983. I let Mr. Norwood run his livestock on this property until the time that he removed them in 1988. Virgil kept the pasture watered and he also took good care of the property. In 1988, Virgil had removed his livestock from the property. At that time, I asked Bill Curtis if he would mind me putting horses back on the property. Mr. Curtis owned Hidden Springs Trout Ranch, Inc.. Bill requested that I refrain from turning horses back onto the property because it would interfere with his fish farm operation. Knowing that the fence was bad seperating our two properties, I did not turn the horses on it. I had no desire to interfere with Bill's fish rearing operation.

In January, 1987, my wife and I purchased Lot 1 of the Norwood Subdivision. I made a verbal agreement with Ruby Springs Water Co. Chairman Bill Sant giving me one share of the corporation water if I would let them use my property for their new road. I agreed to let them use my property for the company share. My carpenter and I repaired the house, built a new attached garage and finished building the home. During that time I spoke with Bill Sant on several occasions. Bill said he was in charge of their water corporation so I asked him if this share could be split. He assured me that if I let them use my property for the road, I would get the share of the corporation. The split was not a problem.

A short time later in 1987, Rod Howard and his wife purchased the Lot 1 house and property from my wife and I. In their contract, I stipulated that I was retaining a 3/4 inch water line from their two inch water line. They signed the contract and bought the property. In June of 1992, I asked Mr. Howard for the 3/4 inch of water. I used this 3/4 hose bib several times when Mr. Howard was not watering his garden. After I had used this water for several weeks, Rod Howard denied me the use of it. I repeatedly asked him for the use of the water and he repeatedly denied me the use of it. After it was clearly obvious that Rod Howard did not intend to honor his contract with me, I had an attorney write Mr. Howard a letter. Mr. Howard responded to the attorney with a letter making false accusations and accusing me of wrong doing. Please see attached letter dated July 28, 1992 to Jim Jones, atty..

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Once again I reiterate, I had only used a hose bib tap (3/8 inch) and only at times when Rod Howard himself was not using the same hose bib to water his garden. I did not connect to his two inch line. There were no restrictions as to where water could go in the original Norwood Subdivision Covenants. But, this did change. In May of 1993, they voted not to allow any water to leave the Lots or Parcels that a shareholder owned. Please see attached copy of RESTRICTIVE AND PROTECTIVE COVENANTS FOR NORWOOD SUBDIVISION, Recorded June 15, 1972 and signed by Virgil and Ardith Norwood.

Also, in 1992, I requested and was granted the use of water from Ruby Springs Water Company. In the past, they had applied for me and kept my water rights current in their applications, notices and so forth. These water rights had been filed on in Virgil Norwood's original water rights. Since they were already filed on, I could not file for a double water right.

In July, 1992, I purchased Tax Lot 29 from Mr. and Mrs. Floid Hartman. Mr. Hartman was an original member of Ruby Springs Water Company. Please see attached ARTICLES OF INCORPORATION OF RUBY SPRINGS WATER COMPANY, Recorded as instrument number 56784 at the State of Idaho, Department of State, Secretary of State's Office on November 2, 1977. In Article 6 of this document, page 4, the fifth name down is Floid Hartman. On page five (5) of the same document, second column of the top half of the page, the seventh (7th) name down is signed Floid C.(?) Hartman. Page seven (7) of the document is not numbered. It is a Notary page. In the middle of this page, Floid Hartman's name is notarized into the instrument and acknowledged. Mr. Hartman was irrefutably listed as an original member of the original Ruby Springs Water Company. When acquiring Lots and/or Parcels in the original Corporation, it is clear that shares were not equal. ARTICLE 5, paragraph (c) states: The interest of the members may, or may not, be equal. The owner of a lot in said Norwood Subdivision or any of the eight tracts adjacent thereto shall be entitled to one vote for each such lot or tract so owned. ARTCILE 6, INCORPORATORS, page 4, Virgil Norwood-Hagerman, Idaho-two (2) votes, etc. etc.. It would appear that the intent of the document was for noone to be without water. However, there have been mistakes. Fifteen (15) Lots and eight (8) parcels or tracts of land makes twenty three (23). There are only twenty two (22) shares accounted for in Ruby Springs Water Company's filing. When I requested water for the Hartman Lot, it was denied me. Please see attached letter from Rod Howard, President, Ruby Springs Water Company dated July 29, 1992. Note that this letter was cc'd to, not only my attorney, but to the Gooding County Commissioners and the Planning and Zoning Board. I was forced to request notification of any upcoming meetings for Ruby Springs Water Company members. This was in the form of a Certified Letter dated April 9, 1992. I received a response from Pat Howard for the Ruby Springs assessment and a telephone call from Rod Howard stating that the next meeting was scheduled for May 4, 1993. I had no idea that Ruby Springs Water

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OCT 1 0 1994

Company would let me lose my water right in their adjudication process. I did not learn about this happening until May 5, 1993. Ruby Springs Water Company had filed for their water right, but, my original share had been excluded. This exclusion of water rights affected the Hartman Lot and the adjacent parcels or tracts of land to the Norwood Subdivision that Virgil Norwood had used for pasture land. Please find enclosed letters to and from the Department of Water Resources concerning the original filings. Ruby Springs Water Company has denied in writing that Floid Hartman ever had any water rights with them. I have tried to reason with Ruby Springs Water Company to get them to release the water that belonged with my property. They remain adamant in their refusal.

My daughter-in-law purchased Lot 13 of the Norwood Subdivision in October of 1992. She did allow me to use water from Lot 13 to water the Hartman Lot and portions of the 7.13 acre owned by me. Due to hostilities shown her by Rod Howard in threats and members of Ruby Springs Water Company and the neighbors in the Norwood Subdivision, she does not feel as if she can ever live there in peace and harmony.

Let it be known that there are three (3) two inch taps on the 4.88 acre parcel owned by me. One of them points directly at the Hartman Lot. This two inch line was destroyed durning the construction of the road turnaround by the County in 1988. Mr. Hartman had suffered a stroke. He was unaware that his property had not had water to it since the construction of the new road. Irregardless of the water line torn out, Mr. Hartman had electric service and a septic system installed on his property after he purchased it from Virgil Norwood in 1972. For some time, Mr. Hartman had utilized a travel trailer on his land with the hopes of some day being able to build a cabin retreat.

One of the other two inch lines, is for servicing Lot 13 from the 4.88 acre parcel. The third and last two inch line on the 4.88 acre parcel comes directly off of an eight (8) inch line located across my property on the old railroad berm. This line comes across to my 7.13 acre parcel where it thereby 'Y's and goes two different ways. Enclosed you will find pictures of this line. It was broken sometime earlier than the picture was taken and capped off by Ruby Springs Water Company.

As stated earlier, Rod Howard denies me the use of the water that we agreed upon when he and his wife bought my property. (Lot 1) Billy Sant promised me a share of water in Ruby Springs Water Co. if I would let the County use my property for constructing the road across the ditch to Tax Lots 46, 47, 54, 55, 56, 57, 58 and Lots 1, 2 and 3 of the Norwood Subdivision. This road was completed in 1988. The L.I.D. for Norwood Subdivision was finalized in 1989. As it was promised to me, I have requested the use of the water promised. To date, not only are my requests being denied, but, I have lost water that Ruby Springs Water Company have vowed to protect.

MICROFILMED

In November of 1992, there were approximately 14 to 18 sections of 40' three inch aluminum irrigation pipe left piled on my 4.88 acre parcel. When I told Bill Sant that I was going to remove the pipe that Mr. Norwood had left, Mr. Sant told me that the pipe belonged to him. It had always been laying there. I did not argue with him about the pipe. I let Bill Sant take all the pipe. Mr. Norwood had used this same pipe to irrigate his land with.

By Ruby Springs Water Co. not notifying me that they were not including me in their readjudication, they prevented me from contesting in a timely manner. Members of the Norwood Subdivision and Ruby Springs Water Co. were instructed not to talk to any members of my family concerning water or any upcoming meetings. They were told not to by Roderick Howard. Rod Howard simply omitted my taps when he readjudicated for Ruby Springs Water Co.. During the May 5 meeting, Rod Howard said that it was already too late for anyone to protest his claim. Department of Water Resources accepted his claim for water taps without verifying them. This was all done without my knowledge. It was intentional, done in a maliscious manner with no regard for my property or its heirs. I have had surgery for bladder cancer several times.

When I gave my permission to Gooding County to build the new access road to Norwood across my property, and also to place the turnaround for the school bus on my property, I thought I was being considerate and neighborly in my actions granting approval. Gooding County agreed to reclaim the land they disturbed and have it graded down, sloped and reseeded. They have failed in their agreements also. I attempted to reclaim the land they disturbed and got into a mess for my efforts.

The property this road lies upon is still owned by myself, my wife and my mother. There are no written or verbal easements associated with it. Neither has it ever been deeded to Gooding County. This property purchased by myself and my family eight years ago has been placed in jeopardy and its value now without water is nominal to say the least. My water rights are now at risk along with the property the water rights were assigned to service. Please, your Honor, accept this Late Notice of Claim and investigate the facts surrounding my request.

Respectfully,

Ronald H. Adams

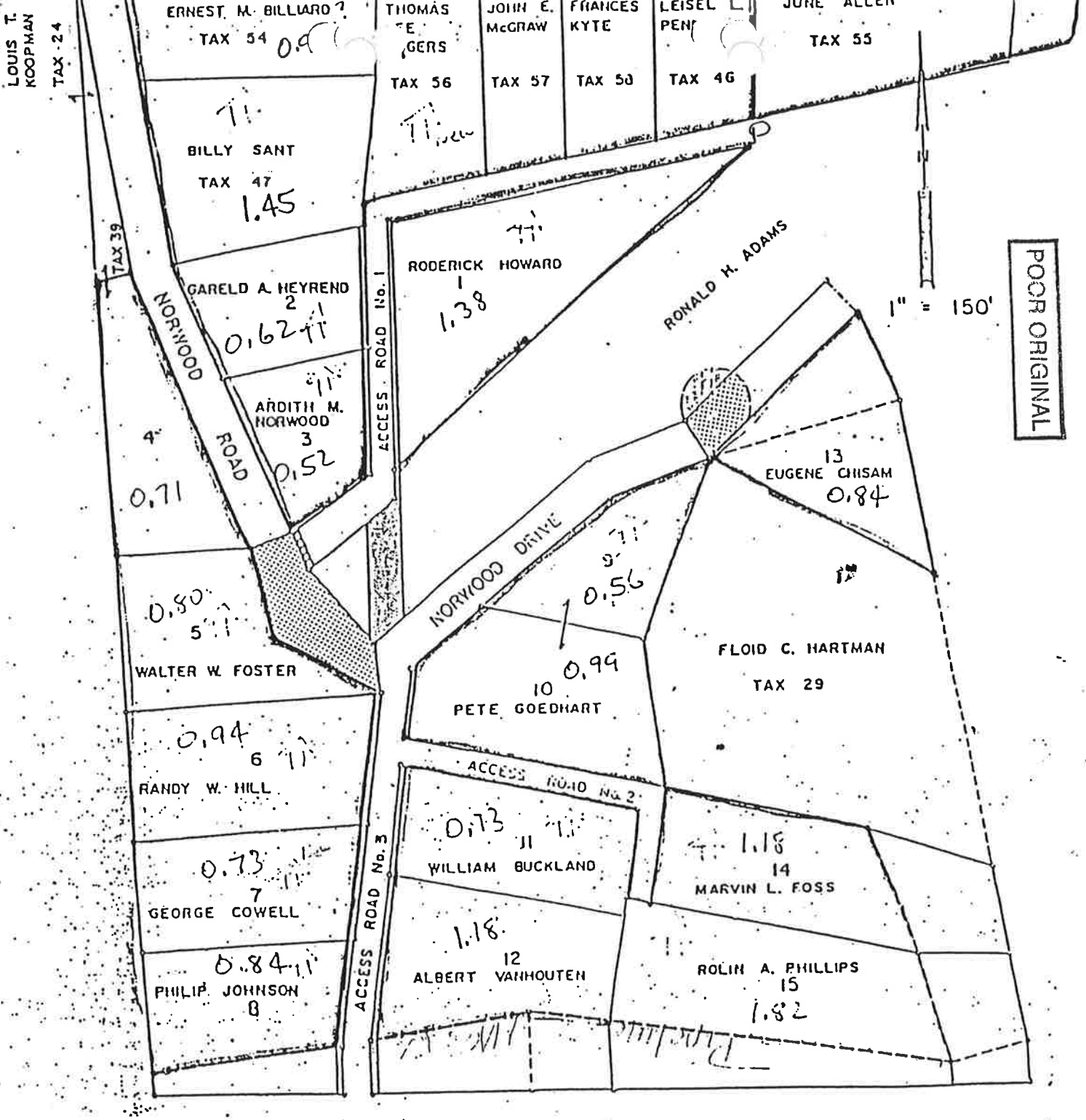
Ronald H. Adams

MICROFILMED
OCT 10 199

B

EXHIBITS 1 thru 14

MICROFILMED
OCT 19 1994



NORWOOD SUBDIVISION
ROAD RECONSTRUCTION
MAY, 1986

KEY:

RECONSTRUCTION

NEW CONSTRUCTION and/or EASEMENTS

Edwards, Howard & Martinez, Inc.
ENGINEERS / PLANNERS / SURVEYORS

LOCATED IN: S 1/2 NE 1/4, SEC. 13, T. 7 S., R. 13 E., B.M.

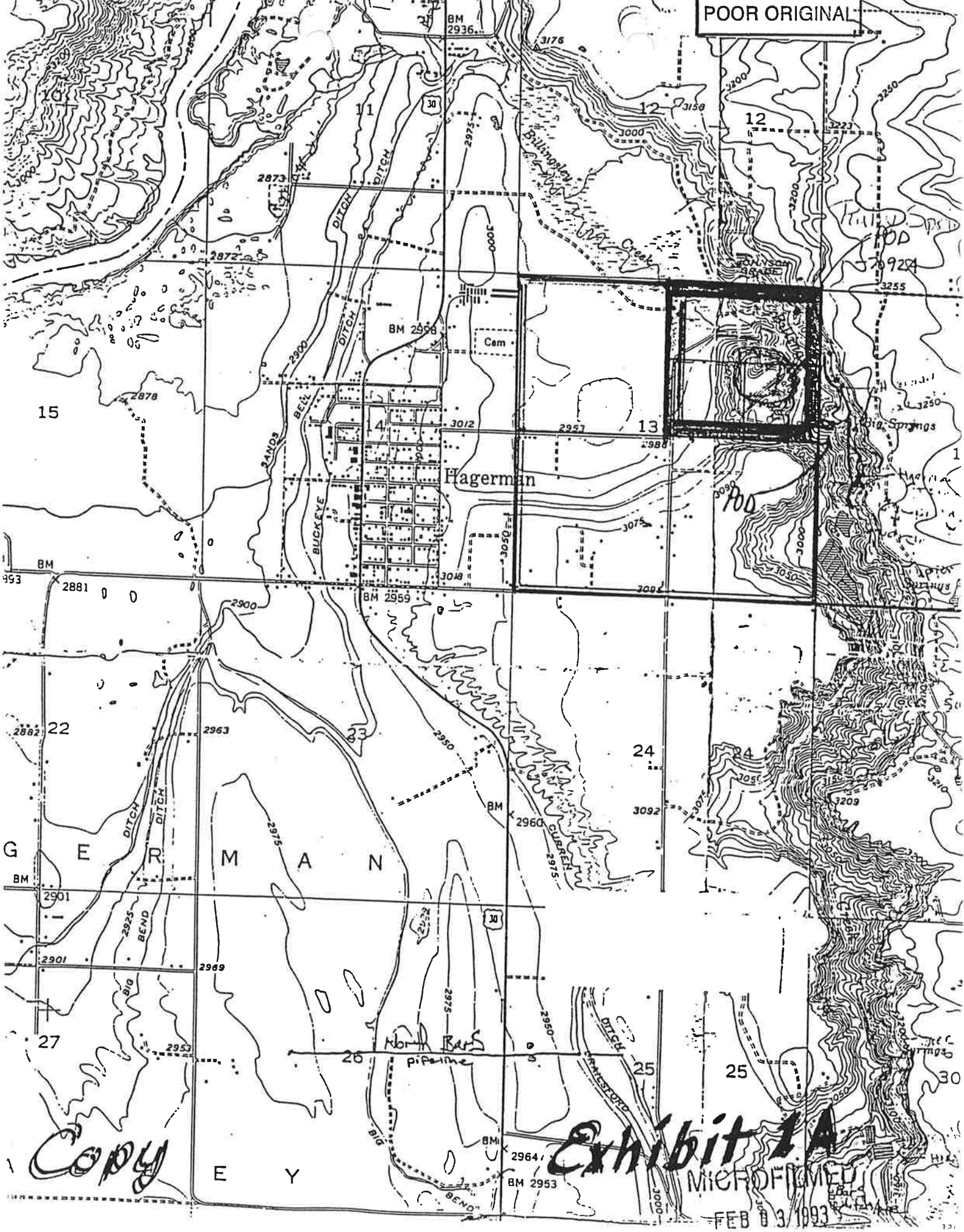
Map in Ruby springs application for water.

Copy

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Exhibit 1

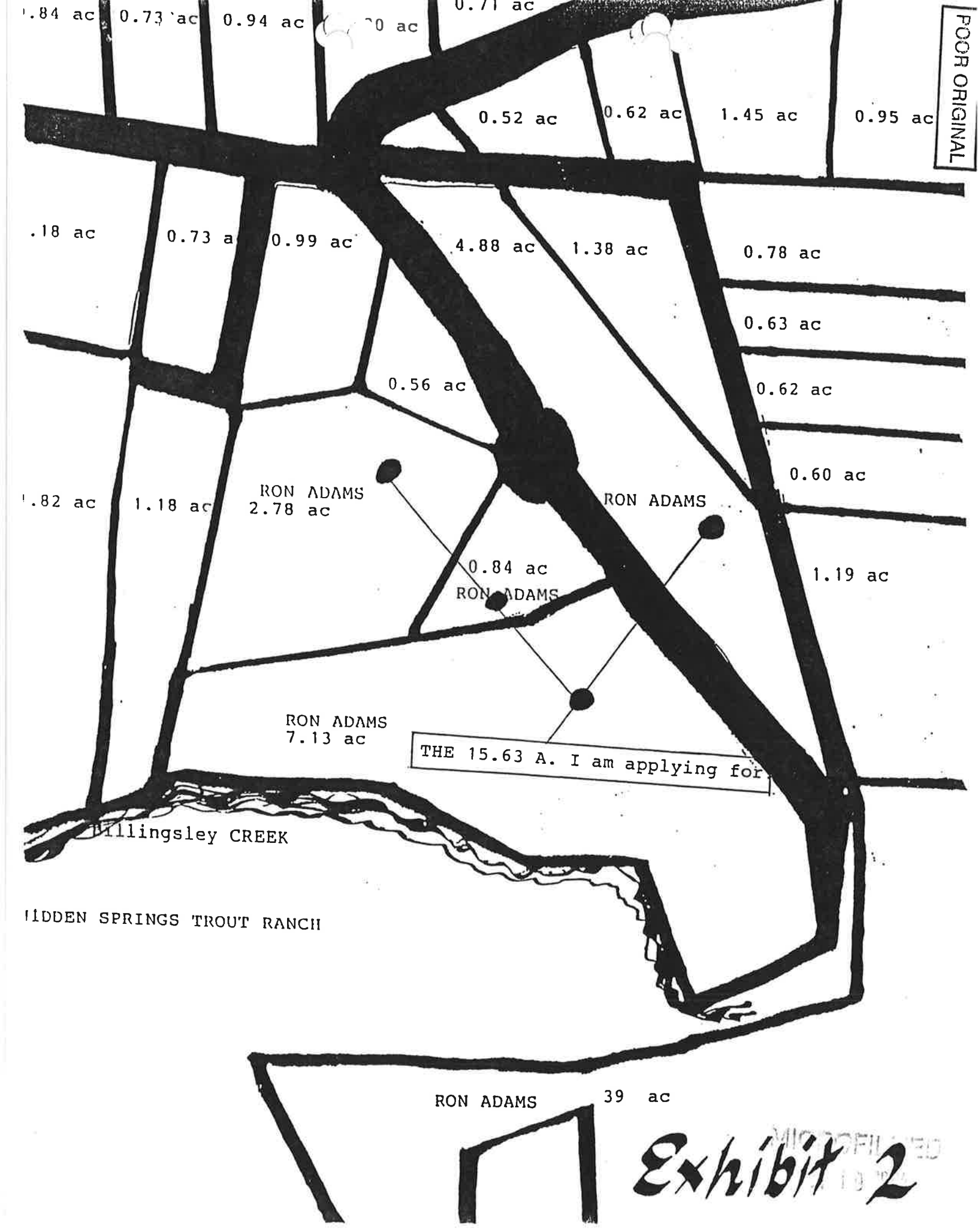
POOR ORIGINAL



Copy

Exhibit 1A

MICROFILMED
FEB 03 1993



POOR ORIGINAL

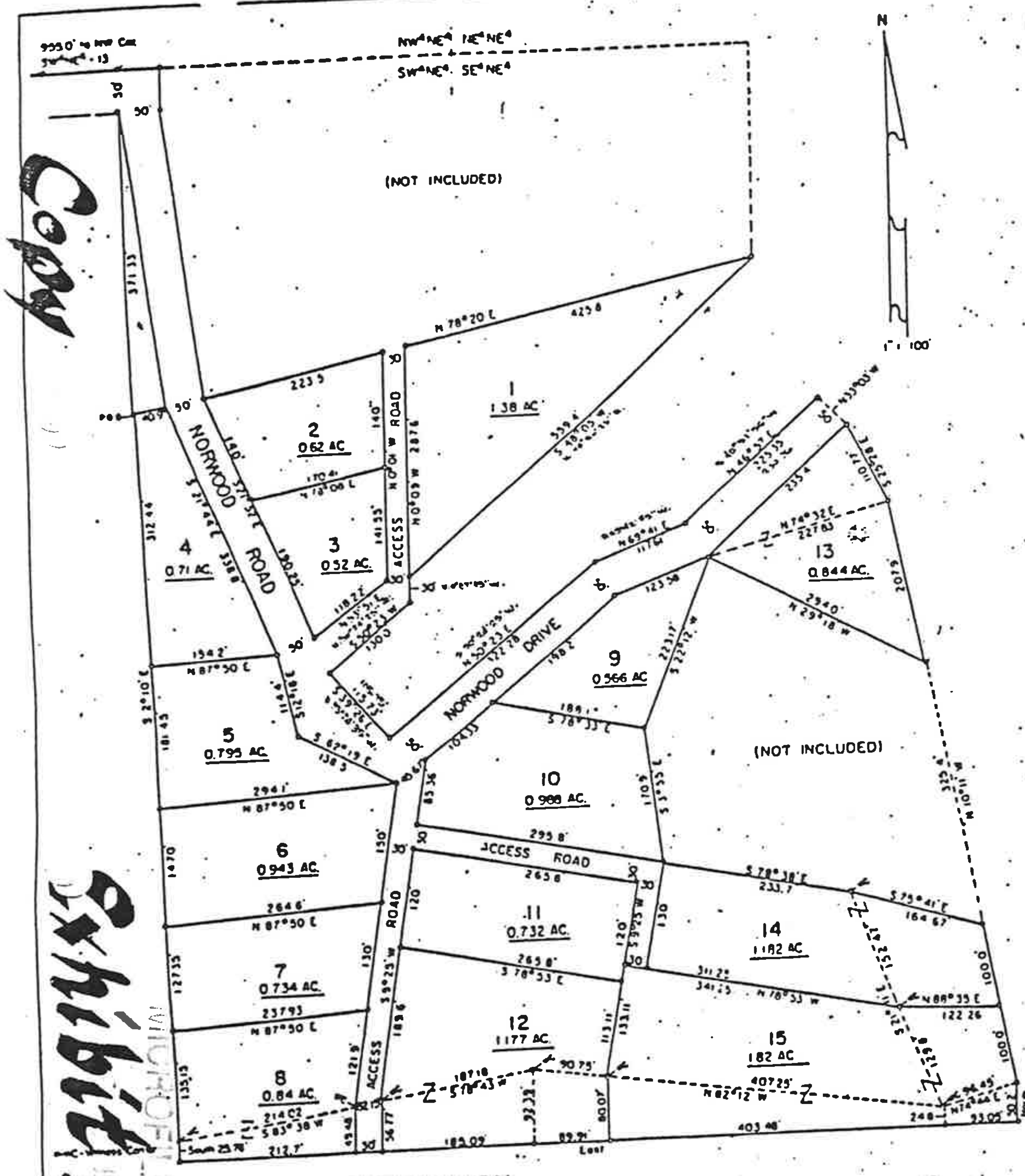
MICROFILMED

Exhibit 2

Copy

Exhibit 3

POOR ORIGINAL



NORWOOD SUBDIVISION

IN S² NE⁴, SEC. 13, T. 7 S., R. 13 E., B.M.

DEDICATION

This is to certify that the undersigned are owners in fee simple of the property hereinafter described; That the correct description of the land in this plat is as follows: That part of the S1/2 NE1/4 of SEC. 13, T. 7 S., R. 13 E., B.M., Gooding Co., Idaho, described as follows: Beginning at a point on the north line of said S1/2 NE1/4, which point is N 89°23' E., 955.0 feet from the NW corner of said S1/2 NE; Thence S 2°10' E., 903.39 ft.; Thence South, 25.78; Thence South, 50.0 ft.; Thence S 2°10' E., 371.33 ft. to the true point of beginning; Thence N 33°03' W., 50.0 ft.; Thence East, 1014.23 ft., Thence North, 50.2 ft., Thence N 10°11' W., 733.3 ft.; Thence N 25°28' W., 110.77 ft.; Thence N 39°26' W., 115.73 ft.; Thence S 46°57' W., 225.35 ft.; Thence S 69°41' W., 117.61 ft.; Thence S 50°23' W., 322.28 ft.; Thence N 40°05' E., 359.4 ft.; Thence S 78°20' W., 770.2 ft. to the point of beginning; Thence N 50°23' E., 130.0 ft.; Thence N 0°09' W., 30.0 ft.; Thence ... by these presents hereby include said land in this plat; that the undersigned owners do by these presents grant, bargain, sell, convey, conform and dedicate to the public, for public use forever, all thoroughfares and streets as shown on this plat. That it is the intention of the undersigned to and they do by these presents ...

Virgil U. Norwood

Ardith M. Norwood

ACKNOWLEDGMENT

STATE OF IDAHO) ss

County of Gooding)

On this 14 day of June, 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared VIRGIL U. NORWOOD and ARDITH NORWOOD, known to me to be the persons whose names are subscribed to the foregoing dedication, 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.

Ralf M. Lucke

Notary Public

My Comm. expires 10-10

SURVEYOR'S CERTIFICATE

This is to certify that I, ORVIE A. JENSEN, a duly qualified Land Surveyor, surveyed the land described in the foregoing dedication; and that this plat is a true and accurate representation of said survey as made and staked by me on said land and designated herein as "NORWOOD SUBDIVISION."

REGISTERED LAND SURVEYOR S-693 STATE OF IDAHO ORVIE A. JENSEN

Orvie A. Jensen

Registered Land Surveyor

ACKNOWLEDGMENT

STATE OF IDAHO) ss

County of Jerome)

On this 14 day of June, 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared ORVIE A. JENSEN, known to me to be the person whose name is subscribed to the foregoing Surveyor's Certificate, and acknowledged to me that he 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

My Comm. expires 4-1-74

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly accepted and approved by the Board of Commissioners of the County of Gooding, Idaho on the 14 day of June, 1971.

Vivian M. Burden

Clerk

Chairman

036134

COUNTY RECORDER'S CERTIFICATE

This is to certify that the foregoing plat was filed for record in the office of the Recorder of Gooding County, Idaho, 22nd day of June, 1971, at the request of Security Title Co. and duly recorded in Plat Book No. 3 / 13 page ____.

VIVIAN M. BURDEN

Clerk

Ex-Officio Recorder

*Lots pertaining to Norwood Subdivision Covenants

ATTACHMENT TO EXHIBIT 3

In Rod Howard's last application for a Water Right License, he used the map in Exhibit 1. He submitted a count of the water taps that he wanted based on the Lots that he wanted included. He omitted my property. Exhibit 1 is in conflict with the original map submitted for the Norwood Subdivision Covenants established in 1972. The map used for their Covenants is shown as Exhibit 3. Exhibit 9 shows the 1988 adjudication license submitted by Rod Howard on behalf of Ruby Springs Water Co. Exhibit 11 shows the Director's Report issued for only 18 acres total in Rod Howard's readjudication in 1992. My property was not included in Exhibit 11.

Exhibit 1 submitted by Rod Howard allows for 19.35 acres.
The entire area located from the original maps with the Adams property allows for 34.14 acres.

MICROFILMED
OCT 19 '99

RECEIVED

AUG 13 1976

State of Idaho

Department of Water Resources

Boise District Office

WATER RIGHT LICENSE

License of Water Right No. 36-7092A Priority Nov. 6, 1969 Amount 1.10 cfs

THIS IS TO CERTIFY, that NORWOOD SUBDIVISION

of Hagerman, Idaho , has complied with the terms and conditions of Permit No. 36-7092A issued pursuant to Application for Permit dated November 6, 1969, and has submitted proof to the Department of Water Resources on June 25, 1975, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.10 cfs of water from unnamed springs, tributary to Billingsley Creek, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from April 1	to Nov. 1	at 1.10	cfs and	220 acre feet or 4.0 af per acre
	from	to	at	cfs and	
	from	to	at	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.10 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 220 acre feet per year, said waters to be diverted within the NE¼NE¼ of Sec. 13, Twp. 7 S, Rge. 13 E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 S	13 E	13			20	25										10			55

Total number of acres irrigated 55

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of August, 19 76.

Director

MICROFILMED

Copy

Exhibit 4

my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho
Residing at Hagerman, Idaho

POOR ORIGINAL

MICROFILMED
OCT 19 1994

State of ....IDAHO.....
County of .....Twin Falls.....
ss.

On this.....day of....., 19..77.., before me, the undersigned notary public in and for said state, personally appeared

JEWELL A. VONINS

known to me to be the person.... whose name....is.....subscribed to the within instrument and acknowledged to me that.....he.....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 the State of...Idaho.....
Residing at.....

POOR ORIGINAL

State of .....IDAHO.....
County of .....Twin Falls.....
ss.

On this.....29th.....day of.....June....., 1977... before me, the undersigned notary public in and for said state, personally appeared

FLOYD HARTMAN

known to me to be the person whose name.....is.....subscribed to the within instrument and acknowledged to me that.....he.....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.

Helen C Houston
Notary Public for the State of....Idaho.....
Residing at Twin Falls

State of .....WASHINGTON.....
County of .....King.....
ss.

On this.....10th.....day of.....October....., 19....77 before me, the undersigned notary public in and for said state, personally appeared

JAMES LETTMAN

known to me to be the person.... whose name....is.....subscribed to the within instrument and acknowledged to me that.....he.....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 the State of.....Washington.....
Residing at..Kirkland.....

County of .....

On this 24 day of Oct., 19 77 before me, the ...ed notary public in and for said state, personally appeared

JOHN E. McGRAW

known to me to be the person.... whose name is subscribed to the within instrument and acknowledged to me that he 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 the State of Idaho

Residing at Mountain Home

State of IDAHO } ss.
County of Gooding

On this 22nd day of Oct., 1977, before me, the undersigned notary public in and for said state, personally appeared

A. ARTHUR ALLEN JR.

known to me to be the person.... whose name is subscribed to the within instrument and acknowledged to me that he 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 the State of Idaho

Residing at Gooding

State of Idaho } ss.
County of TWIN FALLS

On this 12th day of MAY, 1977, before me, the undersigned notary public in and for said state, personally appeared

MRS. JEWEL L. VON INS

known to me to be the person.... whose name is subscribed to the within instrument and acknowledged to me that she 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 the State of IDAHO

Residing at TWIN FALLS

MICROFILMED
5

STATE OF IDAHO }
COUNTY OF GOODING } ss

I hereby certify that the foregoing is a true copy of the original instrument on file in my office.

Dated Feb 12 19 93

JOHN A. MYERS
District Court Clerk

By Alberta Stiles
Deputy Clerk

POOR ORIGINAL

STATE OF IDAHO }
COUNTY OF GOODING } ss

I hereby certify that the foregoing is a true copy of the original instrument on file in my office.

Dated Oct 4 19 93

JOHN A. MYERS
District Court Clerk

By Alberta Stiles
Deputy Clerk

No. 56784

Articles of Incorporation

of

RUBY SPRINGS WATER COMPANY

Place of business Hagerman, Idaho
Existence Perpetual
Capital Stock Chapter 10

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the records of articles of incorporation of the State of Idaho and certificate issued this 7th day of November A. 19 88 at ____ o'clock ____ M.

FEES PAID	
Filing	$ 15.00
Recording	3.20
Cert. Copy	
Certificate	
License Tax	
	TOTAL $ 18.20

Pete T. Cenarrusa
SECRETARY OF STATE

BY Ann Dick
CORPORATION CLERK

James, Robbey & Varin
P.O. Box 178

5

: RESTRICTIVE AND PROTECTIVE COVENANTS
FOR NORWOOD SUBDIVISION
GOODING COUNTY, IDAHO

KNOW ALL MEN BY THESE PRESENTS:

That Virgil U. Norwood and Ardith M. Norwood, husband and wife, Hagerman, Idaho do hereby certify and declare:

(1) That the said Virgil U. Norwood and Ardith M. Norwood are the owners in fee simple of all that certain real property situate in Gooding County, State of Idaho and particularly described as follows, to wit:

> All of Norwood Subdivision, being Lots 1 through 15 Inc., thereof, according to the official plat thereof on file in the office of the County Recorder of Gooding County, State of Idaho on June 28, 1971, as Instrument Number 36134, Records of Gooding County, Idaho. And being located in the S½NE¼, Section 13, Twp. 7 S., R. 13 E.B.M.

(2) That all of the real property and all lots, parcels, and tracts thereof, and any conveyance covering or describing all or any parts thereof either by reference to th e above described plat or by name, number or designation thereof, or by any other description, shall be subject to the following restrictions, protective covenants, and conditions; and that by the acceptance of any conveyance of any property in said Norwood Subdivision, the grantee or grantees therein, and their heirs, executors, administrators, successors or assigns, covenant with the parties hereto, or their heirs or assigns and with the other grantees or subsequent owners of property in said Norwood Subdivision as to the property so described and convey ed in or by such conveyances as follows:

> (a) LAND USE AND BUILDING TYPE.
> No lot shall be used except for residential purposes. A building site shall consist of one of the residential tracts as platted on the recording plat. No building or structure shall be erected, constructed, maintained, or permitted upon said real property except upon a building site as hereinabove defined. No building or structure shall be erected, constructed, maintained on a building site other than a detached single family dwelling not to exceed one and one-half storiesin heighth.

MICROFILMED
Exhibit 6

(b) DWELLING QUALITY AND SIZE
No dwelling shall be permitted on any building site less than a minimum of 800 square feet of floor space.

(c) BUILDING LOCATION.
No building shall be located on any building site nearer to the front line than 20 feet, nor nearer than 10 feet to any side lot line or interior lot line.

(d) SUBDIVISION RESTRICTION
All of Norwood Subdivision Sites, being Lots 1 through 15 Inc., shall not be subdivided and no part, parcel or segment of a lot shall be sold.

(e) EASEMENTS.
Easements for installation and maintenance of drainage facilities are reserved as shown on the recorded plat and no permanent structure shall be erected on those areas.

(f) NUISANCES.
No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon that may be or may become an annoyance or nuisance to the neighborhood.

(g) TEMPORARY STRUCTURES
No structure of a temporary character or out-building shall be used on any lot at any time as a residence either temporarily or permanently. Mobile Trailer homes are expressly recognized and exempted from the provision but in the use of a temporary structure as a residence.

(h) SIGNS.
No sign of any kind shall be displayed to the public view except one-sign not more than 2 feet square stating who resides on the lot. In case of sale of the property, one sign not more than 4 square feet may be displayed advertising the property for sale.

(i) GARBAGE AND REFUSE DISPOSAL.
No lot shall be used or maintained as a dumping ground for rubbage. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a closed and sanitary condition.

(j) SANITATION.
All lavatories and toilets shall be built indoors and connected with an outside septic tank until such time as a sewer system shall be constructed in that area. If connected with a septic tank, the same must be of a definite type as recommended by the Idaho State Department of Health, Engineering and Sanitation Section. The affluent from such septic tank shall not be permitted to discharge into a stream, storm

OF 16
OCT 19 1994

sewer, open ditch, or drain unless it has first passed through an adequate absorption field which meets the standards as adopted by the Idaho State Department of Health, Engineering and Sanitation section.

(k) LIVESTOCK
No livestock shall be kept or maintained on any of said sites for commercial purposes.

(l) FENCES.
In the event that fences are erected the same shall be erected using woven wire, concrete or board fence.

(m) IRRIGATION WATER.
Each lot owner shall pay to the said Virgil U. Norwood and Ardith M. Norwood, their heirs, successors and assigns the sum of $5.00 per month for the months of April, May, June, July, August, September and October of each year for the use of water for sprinkling acreages or pasture land.

(3) These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of ten years from the date these covenants are recorded after which time such covenants shall be automatically extended for successive periods of five years unless an instrument signed by the majority of the then-owners of the lots or building sites has been recorded agreeing to change such covenants in whole or in part.

(4) REMEDIES. If an interested party, or any of his or her heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situate in said Norwood Subdivision to prosecute any proceedings at law or in equity against said person or persons violating or attempting to violate any such covenant, and either to prevent him or them from doing so, or to recover damages, at law or in equity.

(5) INVALIDATION. Invalidation of any one of these covenants by judgment or court order, shall in no wise affect any of the other provisions which shall remain in full force

MICROFILMED

OR ORIGINAL

and effect.

Virgil U. Norwood

Ardith M. Norwood

STATE OF IDAHO)
) ss.
County of Gooding)

On this 15th day of June, 1972 before me, the undersigned, a notary public in and for said State personally appeared Virgil U. Norwood and Ardith M. Norwood 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 Public for the State of Idaho, residing at Gooding.

STATE OF IDAHO
COUNTY OF GOODING } ss
I hereby certify that the foregoing is a true copy of the original instrument on file in my office.
Dated Oct 4 19 23
JOHN A. MYERS
District Court Clerk
By Deputy Clerk

IV. C46847

STATE OF IDAHO, COUNTY OF GOODING, ss.
Filed for record at the request of .....
.....min. past 10 o'clock A.M. this 15th day
of June, 1972
VIVIAN M. BURDEN, Recorder
By Dona Scott, Deputy

MICROFILMED

Virgil Norwood
Route 1
Hagerman, Ida 83332

Twin Falls, Idaho May 7 19 87

RODERICK R. HOWARD and PATRICIA HOWARD, husband and wife (hereinafter called "Buyer") agree to, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" located in County of Gooding State of Idaho, commonly known as Lot 1 Norwood Subdivision, Gooding County, Idaho. legally described as:

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous.)

1. TOTAL PURCHASE PRICE IS FIFTY-EIGHT /EIGHT HUNDRED AND NO/100---------- DOLLARS ($ 58,800.00) payable as follows:

A. Earnest Money.
(a) Buyer hereby deposits and a receipt is hereby acknowledged of TWO THOUSAND and No/100 Dollars ($ 2,000.00) evidenced by: ☐ Cash, ☒ Personal Check, ☐ Cashiers Check, ☐ Note Due, or _____ paid or delivered as earnest money in part payment of the purchase price for the premises.
(b) Earnest Money to be deposited in trust account upon acceptance by all parties.
(c) All Earnest Money shall be held by SELLER for the benefit of the parties hereto, and N/A (Broker) shall hold the completely executed broker's copy of this agreement.

B. Balance of purchase price to be paid as follows: Approximately $11,760.00 including above earnest money payable in cash upon close of escrow. The Balance of $47,040.00 by new loan with lender of buyers choice. Should buyer be unable to obtain a bank loan, seller agrees to carry $47,040.00 on promissory note and deed of trust with interest at 10.5% per annum ammortized over 30 years with full prepayment privileges without penalty. Buyer will pay all of his loan costs including loan fee, and discount points.

Buyer agrees to pay rent to seller at $392.35 per month commencing May 16, 1987, to date of closing. Seller reserves the right to connect a 3/4 inch line for domestice water from existing line on subject property. $600.00 of the 47,040.00 coming off for carpet furnished by Ed Hearn RRH RHA

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of _____. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are: Subject to approval of Title Insurance Commitment buybuyers.

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that First American Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be First American Title Company. N/A is the broker responsible for the closing.
Where not otherwise provided by law, the parties shall each pay one-half of said closing agent's fees. The closing date shall be On or before Sept. 7, 1987

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.

7. Seller shall deliver possession to Buyer on or before May 16, 1987 and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of close of escrow. except as follows:
Buyer shall pay for fuel in fuel tank, the amount to be determined by the supplier at Seller's expense.

8. The parties agree that this agreement contains the following additional terms and conditions: This offer is contingent upon buyers obtaining a loan with interest rate at no more than 11% per annum and discount points no more than 3.5%. Should buyers refuse to close, they agree to forfait all earnest money. Should sellers refuse to close, they agree to refund earnest money to buyers.

9. The following items of property now on the premises are specifically excluded from the sale: none
The following items of personal property are specifically included in the sale: stove, drapes and all attached items.

10. IMPORTANT: THE REVERSE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full.

Listing Agency: N/A

Selling Agency: N/A

BUYER

BUYER

By:

Buyer's Address

Buyer's Phone

On this date, _____, I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller, and the undersigned Seller further agrees to pay a commission of _____ % of selling price or N/A DOLLARS ($_____) to the above named broker(s) for services. I/We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises inserted and signed by both parties.

SELLER

SELLER

Seller's Address

Seller's Phone

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this 7th day of May, 19 87.

BUYER

BUYER

STATE OF IDAHO)
: ss
County of Twin Falls)

On this 7th day of May, 19 87, before me, the undersigned, a Notary Public in and for said State, personally appeared Ronald H. Mains known to me to be the person(s) who signed the foregoing instrument as Seller and acknowledged to me that ___he___ executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public for Idaho

Residing at

Copy

Exhibit 7

POOR ORIGINAL

FILMED

1994

Jim Jones
Attorney
960 Broadway, Suite 310
Boise, Idaho 83706

July 28, 1992

Dear Jim Jones:

Ref: Ron Adams Domestic Water

Jim, this is the second time I have had the opportunity to answer one of your letters. The first time I was the Jarbidge District Ranger of the Humboldt National Forest. Your brother Cal and one of my Range Conservationist had had a disagreement. As I replied in my answer to you, Cal and I rode the Garden of Eden Ranch permit and found that wewere in total agreement. The disagreement was over a procedural matter and not of substance. I regretted to see Cal give up his Forest permit. He was a very good permittee. He had a knowledgeable and dedicated full time rider and his range was in show class condition.

The situation you have written to me concerning Ron Adams is a different matter.

When I signed the Earnest Money Agreement with Ron, I did it with full intent of keeping my agreement and still intend to do what is right and legal. Mr. Adams has placed a 3/8 inch Y on one of my taps and has been using it for settling dust on a earth moving project out of the subdivision without asking or receiving permission.

He has changed the setting on the tap and "blown out" ditchs in my garden causing flooding, some work and considerable irritation. Possibly the connecting the Y fulfills the letter of the law to some extent. The connection of a 3/4 inch line into my personal property line does not make common sense. My personal line is connected to one of the Corporations main lines and angles to the north. The property Mr. Adams desires water for is south of the Corporation main line. As a result, the Corporations water would be taken out of my line and than piped back across the Corporations main line to Adams property. The Corporation would not give an easement for Corporation water to be piped across the same Corporations pipe line. A desireable connection site for Mr. Adams proposed building location is not a problem. A Corporation main line borders the location on two sides. The problem in question is really not the connection or the sitee of connection but the <u>WATER.</u>

Ron Adams purchased my building lot in January 1987, my earnest agreement is dated May 7, 1987. I had full faith that Mr. Adams was an honest and reputable business man who had researched laws, regulations and covenants pertaining to selling and purchasing of this property. It appears apparent that Mr. Adams had not and probably still has not read the Norwood Subdivision Covenants, the Ruby Springs Water Company (an Idaho non-profit corporation) articles and by laws and the State of Idaho water Right License to the Norwood Subdivision. For Mr. Adams to connect into my water line or any water line carrying Ruby Springs Water Company water and to remove it from Subdivisions designated lots and tracts is a violation of State Law, Corporation Law, and Subdivision Covenants. It appears to me to become a party in such case would make me an accessory to breaking State Laws, Corporation Laws, Subdivision Covenants and theft of water.

MICROFILMED 199

Exhibit 8

Jim, you are a legal counselor and you initiated this response with your letter and I feel that I am intitled to ask your opinion as to what I should do. I am President of the Ruby Springs Water Company and I am entrusted with seeing that laws, by laws, articles and covenants pertaining to the Subdivision are kept. Should I break the trust of those good people who elected me to this position and violate State Law, Corporation Law and Subdivision Covenants to honor the agreement with Mr. Adams?

To fulfill the obligation I have with Ron it appears I could allow a 3/4 water line to be connected to my personal water line. However, such a connection would need to be permanently capped and never leave my property.

I will be looking forward to hearing from you pertaining to violations of State Laws, Corporation Law, Subdivision Covenants and theft of water.

Sincerely yours,

Rod Howard

Rod Howard

cc;

Ron Adams
Ruby Springs Shareholders

MICROFILMED
OCT 19

Ronald Adams
3028 Chisholm Dr.
Hagerman, ID 83332

July 29, 1992

Dear Adams Family;

We the Norwood Subdivision owners have just completed a Summer meeting of which your development was one of the subjects discussed. We have been shocked to see you developing the super steepened, highly erodible "bad lands" type adjacent to Billingsley Creek. We had been given the impression that Norwoods had selectively put the developable lands into the Norwood Subdivision and left the "bad lands" as open space. The permanant marring and scaring of the landscape you are doing will depreciate the aesthetic value of the area. Cutting the toe of the slope and disturbing the clay soil type of this area will cause formation failure of severe enviromental proportion endangering surrounding properties and degrading Billingsley Creek.

Our feeling of security for this area was reinforced by Gooding County Ordinance No. 36 where each lot, parcel of land and other property was assessed in the LID according to use and future use of the Norwood road system. Hearings were held and appeal period given. You were assessed and accepted one lot share and the road was planned and constructed accordingly. If you intented to build on more than one lot you should have stepped forward and expressed your intention. The road could have been designed and constructed accordingly and you would have been assessed your true proportionate share. The road is half paid for. Each lot or track owner is paying $3,778.99 plus 8% interest annually.

My calculations show the amount of $3,778.99 compounded annually at 8% to be $5,552.56 at the end of 5 years and still increasing. We intend to place a Torque Claim against the county if you are allowed to increase the customary traffic on the road.

In all fairness we request that you either abandon your development and do what is possible to reclaim the damage you have done, or you voluntarily pay $3,778.99 plus 8% interest for each lot you develop or sell. Payment to the present lot and track owners who are or have paid for the road. We are recommending to the County Commissioners that no additional building permits be given beyond those the road was planned, constructed and assessed for.

You have expressed you intention to use Norwood Subdivisions, Ruby Springs Water Companies water for a lot in the draw south of Lot #1 out of the Subdivision.

In reviewing the Subdivision Covenants, the articles of Incorporation of Ruby Springs Water Company, an Idaho Corporation, the State of Idaho Department of Water Resources Water Right License it is clear that you have no claim to any water belonging to the Subdivision. The water rights belong to the Corporation with one share per lot, which may not be subdivided or

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altered in any way. I virtue of owning Lot #1 in 198[illegible] ou were a member of the Ruby Springs Water Company. We have no record of you paying any dues or attending any meetings. When you sold the lot you sold all entitlements to any water. What you have intended to do was to give Corporation Rights as an individual shareholder.

You never had any water rights in the Ruby Springs Water. All water rights are owned by the corporation. As lot owner (shareholder) a person is entitled to use corporation water on that lot. To use or attempt to use corporation water for purposes other than use on the 22 lots without permission of the corporation is illegal.

The shareholders of the Corporation feel that if you are going to develop it would be desireable for you to obtain potable water before you progress any further. As a result, we have taken a vote and decided that you should stop and desist from using Norwood Subdivision, Ruby Springs water Company, an Idaho Corporation, water for the present and the future.

Further, we would like to caution you that we have several easements and right aways for drain lines and pipelines on your present property that our Covenants direct us to protect. It is our intention that these easements and right-of-ways be not disturbed.

Roderick Howard, President
Ruby Springs Water Company

cc:
Shareholders
Jim Jones
County Commissioners
Planning and Zoning Board

MICROFILMED
OCT 1 [illegible]4

SECRETARY OF STATE
STATE CAPITAL
BOISE, IDAHO

#1998
No. 67280
FILED
NOV 7 1977
A.M. 3:40 P.M.
GOODING COUNTY RECORDER
Margaret F. Clements

77 NOV 2 AM 8 3?

ARTICLES OF INCORPORATION
OF
RUBY SPRINGS WATER COMPANY STATE

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, all citizens of the United States of legal age, have this day voluntarily associated ourselves together for the purpose of forming a nonprofit corporation pursuant to Title 30, Chapter 10 and Section 30-117A, Idaho Code, and do hereby make, execute and acknowledge in triplicate, this certificate in writing.

ARTICLE 1

CORPORATE NAME

The Corporate name of this Corporation shall be RUBY SPRINGS WATER COMPANY.

ARTICLE 2

OBJECTS AND PURPOSES

The objects and purposes for which this Corporation is formed are as follows:

(a) To acquire water rights, together with the necessary means of diversion, storage and conveyance thereof, for domestic and irrigation purposes, for uses upon the lots in the Norwood Subdivision, being lots 1 through 15, inclusive, according to the official plat thereof on file in the office of the County Recorder of Gooding County, State of Idaho, on June 28, 1971, as Instrument No. 36134, records of Gooding County, Idaho, and upon eight parcels or tracts of land presently surveyed and adjacent to said Norwood Subdivision and being located in the S½NE¼, Section 13, Township 7

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OCT 19 1994

Exhibit 5

South, Range 13 E.B.M. (formerly owned by Virgil U. Norwood and Ardith M. Norwood and conveyed to the respective incorporators hereof).

(b) To provide and establish rules and regulations for the use of such water and water system so acquired.

(c) To make assessments for the costs of operation and maintenance, the repair, replacement, and rehabilitation of such water system or systems.

(d) To make all such assessments levied against the association members for the costs and expenses set forth in Subparagraph (c) above upon a prorata basis, determined by the number of lots or tracts owned by each such member.

(e) To sue and be sued, complain and defend in any court of law or equity.

(f) To make By-laws not inconsistent with the Constitution and laws of the United States, or of this State, for the management of its properties, regulation and government of its affairs; and for the enforcement of its By-laws in the event of failure of any member to comply therewith.

ARTICLE 3

PRINCIPAL PLACE OF BUSINESS

The principal place of business of the Corporation shall be located at Hagerman, Gooding County, Idaho.

ARTICLE 4

DIRECTORS

The business of the Corporation shall be managed by a

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OCT 19 1994

board of at least three directors who must be members and provided, that any greater number of directors may be provided for by the By-laws of said Corporation.

POOR ORIGINAL

ARTICLE 5

MEMBERSHIP AND STOCK CERTIFICATES

(a) This Corporation shall issue no capital stock or membership certificates.

(b) Membership shall be limited to members who produce satisfactory proof that such member is the owner of, or is acquiring a tract or tracts of land in the described Norwood Subdivision or the described eight parcels adjacent thereto, all as hereinabove more particularly described.

(c) The interest of the members may, or may not, be equal. The owner of a lot in said Norwood Subdivision or any of the eight tracts adjacent thereto shall be entitled to one vote for each such lot or tract so owned.

ARTICLE 6

INCORPORATORS

The names, Post Office addresses, and initial number of votes to which the incorporators are entitled are as follows:

Name	Address	No. of Votes
Jerry W. Boyd	Star Rt., Bliss, ID	1
Gerald Heyrend	Hagerman, Idaho	1
Ira Wells	Hagerman, Idaho	1
Walter W. Foster	Hagerman, Idaho	1
William Johnson	Hagerman, Idaho	1
Jewell A. VonIns	1624 Kimes Avenue Twin Falls, Idaho	1

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Name	Address	No. of Votes
Virgil U. Norwood	Hagerman, Idaho	2
Darrell J. Savage	Hagerman, Idaho	3
Stan Iwakiri	Hagerman, Idaho	2
Robin A. Phillips	Star Rt., Bliss, ID	1
Floyd Hartman	722 Green Acres Drive Twin Falls, Idaho	1
Thomas L. Rogers	Hagerman, Idaho	1
Edsell "J" Kyte	Hagerman, Idaho	1
Billy J. Sant	Hagerman, Idaho	1
James Lettman	13647 - 103 NE Kirkland, WA	1
John E. McGraw	4595 Castlewood Dr. Meridian, Idaho	1
Ernest M. Billiard	Hagerman, Idaho	1
A. Arthur Allen Jr.	6128 N. Russell Ave. Minneapolis, Minnesota	1

POOR ORIGINAL

ARTICLE 7

BY-LAWS

The By-laws for the government of the Corporation and the management of its affairs shall be adopted by the members of said Corporation, and said members shall be empowered to amend or repeal said By-laws in accordance with the provisions thereof, and pursuant to the laws of this State.

ARTICLE 8

TERM

The term and existence of this Corporation shall be perpetual.

ARTICLE 9

AMENDMENT

These Articles of Incorporation may be amended in accordance

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OCT 19 1994

with the provisions of the statutes of the State of Idaho then in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of February, 1977.

POOR ORIGINAL

STATE OF IDAHO)
) SS.
County of Gooding)

On this 11th day of ~~February~~, 1977, before me, the undersigned, notary public in and for said State, personally appeared

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

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Ronald Adams
3028 Chisholm Dr.
Hagerman, Idaho 83332
November 14, 1992

Dear Mr. Adams,

This letter is to document our phone conversation of November 13, 1992. I told you to stop using Ruby Springs Water on the Hartman lot. You said you would not, but the water was turned off last night. Removal of water from the twenty-two lots is a violation of Subdivision Covenants and the Water Company's by laws. The County Commissionars have advised me that if any Covenants or by laws are allowed to be violated that they all become void. To my knowledge we have not allowed any Covenants or by laws to be violated, nor do I intend too. You act as if every time we ask you to comply with Laws and Covenants that it is a personal item, and we are unreasonable, and you should be given personal exemption from our Governing Regulations. Once more I am asking you to become familiar and comply with Governing Regulations of the area before plowing ahead and create problems for yourself and others.

You have repeatedly indicated that you have secret information that you have water rights to Ruby Springs. One of our articles of Corporation says membership shall be limited to members who produce satisfactory proof that they are a legitimate member. If you feel you have any proof submit it to the Corporation President or Board of Directors for review.

We, like other water users in Hagerman Valley, are working our way through the Snake River Water Adjudication with the Division of Water Resources. If you have any evidence that the Hartman parcel of land has had a Ruby Spring Water system connection and/or has used Ruby Springs Water continuesly without more than a 5 consecutive year lapse since the Corperation of Ruby Springs Water Co. in 1977 let me know immediately.

Sincerely yours

Rod Howard, President
Ruby Springs Water Company

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OCT 19 1994

IN THE DISTRICT COURT OF T FIFTH JUDICIAL DISTRICT C HE 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: A36-07092A
Date Received: 8/03/1988
Receipt No: S001266
Received By: LW JS

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: NORWOOD SUBDIVISION 208-837-6633
   Address: RUBY SPRINGS WATER CO.
   C/O RODERICK R. HOWARD
   BOX 658
   HAGERMAN, ID 83332

2. Date of Priority: NOV 06, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	13	NE NE		GOODING

5. Description of diverting works:
   SHAFT, PIPE,COLLECTION BOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		
DOMESTIC	01/01	12/31	0.170		

7. Total Quantity Appropriated is:
   1.100 C.F.S. (and/or) 220.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   D/13 HOUSES PRESENTLY, 22 LOTS TOTAL

Copy

Exhibit 9

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10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	13	SW	NE		IRR	20.0
			SE	NE		IRR	25.0
			NW	SE		IRR	10.0
					Section Acres		55.0
					Total Acres		55.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

15. Basis of Claim: LICENSE

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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: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Ruby Springs Water Corp., that I have signed the foregoing
Organization
document in the space below as President of
Title
Ruby Springs Water Corp and that the statements contained in the
Organization
foregoing document are true and correct.

Frederick G Howard
Signature of Authorized Agent

Ruby Springs
Title and Organization

1 August 1988
Date

State of Idaho)
) SS.
County of T.F)

Subscribed and sworn (or affirmed) before me this 1st day of August 19 88

Lori Wilcox
Notary Public

Seal

Residing at T.F

My Commission Expires 5/95

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OCT 19 1994



POOR ORIGINAL

August 19, 1976

Re: Permits No. 36-7092 36-7159
36-7092A 36-7160

Virgil U. &/or Ardith Norwood
Route # 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Norwood:

This is to acknowledge receipt of the assignment conveying a part of permit 36-7092 to Norwood Subdivision. The assignment has been recorded and given the identification number 36-7092A.

Enclosed for your records are copies of the Water Licenses issued on the above referenced permits along with a copy of the approved application for amendment for 36-7160.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

Enclosures (5)

Copy

Exhibit 10

RECEIVED
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M E M O

TO: Mike Stoolo

FROM: Bob Fleenor

DATE: 3/5/76

SUBJ: Exams for 36-7092, 36-7159 & 36-7160
(Virgil U. &/or Ardith Norwood)

Mr. & Mrs. Norwood were in the office today concerning the findings of our examination.

They are particulary concerned that irrigation was omitted from the proposed license under 36-7092. Claim that they have a buried pipeline from the spring in the NE¼NE¼, Sec. 13 which crosses Billingsley Creek and irrigates several acres of land in and around their subdivision. Mr. Norwood also has an aerial photo of his place and the location of the springs should be verified.

Since permits 36-7159 & 36-7160 are related, we are also returning those exams.

POOR ORIGINAL

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10A

POOR ORIGINAL

10 B

Cheyenne, Wyo.
Mar. 21, 1976

Dept. of Water Resources
375 W. Franklin
Boise, Idaho

DF
File and
mail for field
exam from Boise

Bobby Atkinson
Surveyed and leveled
over to the spring in question
which provides water for our
subdivision and he agreed
with me that there were no
possible way to get a measure-
ment. The spring is about
into the side of the canyon
and is all surrounded on one
side by the cliff except
the creek. (36-7692 in the
permit number

Sincerely
Virgil Howard

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OCT 19 1994

Re: for Irrigation Only

DATE OF EXAM 5-27-15
5-14-16

ACRLAGE
Found 55
Recommended 55

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q= 11 c.f.s. V= 220 AF/Ann. from 4/1 to 11/1
Domestic Q= c.f.s V= AF/Ann. from to
Livestock Q= c.f.s. V= AF/Ann. from to

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge. E/W, B.M., Sec., Sub. ¼ ¼ County

Exchange? yes no

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec., Sub. ¼ ¼ County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec., Sub. ¼ ¼ County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec., Sub. ¼ ¼ County

Total Q measured None Method of measurement ✓

Total Q recommended 11 Meter No. ✓ Type ✓ Condition ✓

Total V recommended 220 Ac Ft/Ann.

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:
Q=11.0 c.f.s (See Remarks)
V=220 Ac Ft/Ann. (Irr. Req. 4.0 (Ac Ft) (55 Acres)
(Ac Ann)

SYSTEM DESCRIPTION:
Spring water is diverted to a concrete pipe which conveys the water to the ponds. Once entered the pipe, four (5) subsurface sections allow the water to flow out the ground and into the nearby floodplain. Because of this method a measuring device will fail to make a measurement.

REMARKS:
The Norwood will need a letter of clearance from a licensed engineer certifying adequacy of the irrigation ditch to convey 11 c.f.s, because of the loss of water and also that the amount be applied for.

Examiner's Signature Jay Ludlow Date 5-27-16

Checked by Date

Approved by Date

POOR ORIGINAL

10C
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State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

POOR ORIGINAL

I, Virgil E. & Arlin Norwood, hereby assign to NORWOOD SUBDIVISION
of HAGERMAN, ID.
Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to Permit No. 36-7092 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

1.10 cfs for irrigation from the point of diversion located in NE¼NE¼ Sec. 13 T7S R13E.

Made this 5 day of August, 19 76.

Virgil E. Norwood
Permit Holder

Arlin Norwood
Spouse of Permit Holder

State of Idaho
County of Ada } ss.

On this 9th day of August, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

seal

Notary Public residing at
Boise, Idaho

My commission expires:
5/14/78

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: SPRING		TRIBUTARY: BILLINGSLEY CREEK					
36-07092A	NORWOOD SUBDIVISION RUBY SPRINGS WATER CO C/O RODERICK R HOWARD 2638 ACCESS ROAD N HAGERMAN ID 83332	11/06/1969	IRRIGATION	03-15	11-15	.36	CFS	LICENSE
				TOTAL QUANTITY:		.36	CFS	
				CONSUMPTIVE USE:		54.0	AFY	

POINT OF DIVERSION:
T07S R13E S13 NENENE
PLACE OF USE: IRRIGATION
T07S R13E S13 SWNE 6.0 SENE 12.0
18.0 ACRES TOTAL
REMARKS: A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.58 CFS.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4 S13, T07, R13E.

36-10231	LA ROSE A REESE BRUCE W REESE P O BOX 445 HAGERMAN ID 83332	06/01/1970	DOMESTIC	01-01	12-31	.04	CFS	BENEFICIAL USE
				TOTAL QUANTITY:		.04	CFS	

NON-IRRIGATION-USES:
DOMESTIC 1 HOME
POINT OF DIVERSION:
T07S R13E S12 SWSESE
PLACE OF USE: DOMESTIC
T07S R13E S13 NWNE
REMARKS: PARCEL NO. RP07S13E131124

Copy
Exhibit 11
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February 13, 1993

TO: Ruby Springs Water Association

Please transfer our share of water to Ron Adams.

Thank you, By Ruth Hartman

Floid Hartman Floid G. Hartman

RUTH
[redacted] Hartman Ruth A. Hartman

Copy

Exhibit 12

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OCT 1 199

February 13, 1993

TO: Ruby Springs Water Association

To our knowledge, our water share was still in effect when we sold our land to Ron Adams. We have never received anything saying that it had been cancelled.

By Wife Ruth Hartman

Floid Hartman Floid E. Hartman

Ruth Hartman Ruth A. Hartman

Copy

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OCT 1 9 1994

12A

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUI
Include address and phone no.
In case follow-up is needed.

Rod Howard
% Norwood Subdiv or
Ruby Springs Water Co.

2. SUBJECT OF INQUIRY: Mr. Howard wanted to know if someone filed an objection against their right was the state going to handle all the legal expense to defend it. He indicated that member of the Hagerman Water ~~Right~~ Rights Group had approached him and wanted him to kick in and pay for legal costs for the group. He indicated that if he didn't contribute the may find objections with their claims and they may file objections on their rights.

3. RESPONSE TO INQUIRY: I told Mr. Howard that the state would respond to all objections but that the water right owner has his own burden of filing his own response and providing for his own legal council ect. I told Mr. Howard that although the state made changes based on his NOE and these changes seemed to be agreable to him he was not bound by our recommendation and he could object to it. I told him the state changed the recommendation based on what appeared to be errors. The basis of change was not because of "negotiations or agreements".

4. IDWR STAFF AND DATE: Jean D Merritt 11/24/92

Print name and Initial

WATER RIGHT CLAIM (Nos.): A36-07092A & A36-15240

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Copy

Exhibit 13

Norwood Subdivision

License 36-7092 was split on Aug 16, 1976 with the B portion being issued for 10 CFS for fish propagation and the A portion being issued for 1.10 CFS for irrigation of the Norwood Subdivision. I recognize this date as sufficient evidence of the domestic use, as the dept recognized the subdivision at that time. Per Steve Clelland's field exam, the source change has occured some time ago and indicates support for the recommendation. No protests of the change in source or use has been recorded for this right. I accept the changes as accomplished.

Recommendations

POOR ORIGINAL

I recommend 36-7092A for 7 acres irrigation and 13 units domestic per the 8-9-90 field exam by Steve Clelland for the ~~Dept standard~~ season for irrigation of ~~3-15~~ 4-1 - ~~10-15~~ 10-31. As the ~~use~~ irrigation combined with the domestic use is less than the licensed use Condition code C09 is required. The change in source is from one spring to another spring within the same Q/Q, therefore ~~no~~ change in P/D flag is recommended.

The change in the nature of use is required to recognize the change from irrigation to domestic for the expanded season covered by ~~the~~ claim 36-15240 (~~code~~ Remark code C01.)

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36-7092A & 36-15240 Analysis

POOR ORIGINAL

The license was issued (under 36-7092A) for irrigation of 55 acres at 1.10 CFS only. The property was subsequently subdivided and called the Norwood Subdivision.

Per Steve Clelland (IDWR) during the field exam he observed evidence indicating that the booster pump installed for the subdivision pressure system was likely installed in 1976 as claimed. I accept the claimed priority for the change in the nature of use for this system.

The overall use has been reduced since licensing only 7 acres were identified as currently being irrigated and those 7 acres are recommended under 36-7092A.

The domestic use would not be considered an expansion to the system except for the change in the season of use. (Going from the irrigation season of 3-15/11-15 to year round.)

Based upon the Dept's Claim Investigation Manual; Feb 19, 1991 edition, Pg 94 section B. Claim based upon Decree or License, part 4, Discrepancy includes increase in Season of use (54), this claim should be seperated. Therefore 36-15240.

36-15240 is recommended for the domestic use for the found 13 units.

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OCT 19 1993

13

Analysis for 36-1524

As the source is surface water the increase in the season of use requires a new claim with the priority based upon the expansion. I recognize the Aug 16, 1976 split of the base right as evidence of domestic use.

This claim is being recommended for the domestic use for the full season & year round

Consumptive use

0.6 AFA/Home * 13 homes = 7.8 AFA

POOR ORIGINAL

36-7092A was licensed for 55 acres & 220 AF

Claim

36-7092A is recommended for 7 acres & 21 AF cons. use

36-1524D is recommended for 13 units & 7.8 AF cons use

total. 28.8 AF

total consumptive use is considerably less than the licensed rate therefore the change in season of use has not expanded the orig right.

domestic div rate is @ legal limit for 13 units = .17 CFS

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13

Analysis for 36-15240

As the source is surface water the increase in the season of use requires a new claim with the priority based upon the expansion. I recognize the Aug 16, 1976 split of the ban right and evidence of domestic use.

This claim is being recommended for the domestic use for the full season (year round)

Consumptive use

0.6 AFA/Home * 13 homes = 7.8 AFA

POOR ORIGINAL

36-7022A was licensed for 55 acres & 220 AF

Claim

36-7092A is recommended for 7 acres & 21 AF cons. use
36-15240 is recommended for 13 units & 7.8 AF cons use
total. 28.8 AF

Total consumptive use is considerably less than the licensed rate therefore the change in season of use has not expanded the orig right.

Domestic dis rate is @ legal limit for 13 units = .17 CFS

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:19
07/03/90

PAGE: 1

CLAIM NUMBER: A36-07092A

GENERAL INFORMATION

LAST: NORWOOD SUBDIVISION FIRST:
ADDRESS: RUBY SPRINGS WATER CO.
C/O RODERICK R. HOWARD
P.O. BOX 658
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-6633

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	

CLAIM REMARKS: SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: __/__/__ APPOINTMENT MADE: Y(___) N(___) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY: _____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Memo to file: A field exam found about 7 acres actually irrigated. There were 13-14 houses tied into this system. We measured the flow in the pump house to be at 0.28 cfs. Since the license is for limited season and irrigation uses, the recommendation is for the license. The change in use may need to file a permit perhaps a transfer. Advise a referal to Legal Review to clarify.

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IN THE SNAKE RIVER BASIN ADJUDICATION

Water Right No: 36-07092A (5240 Contact Date: 9/29/92

IDWR Contact Person: (print and initial) Helen Merritt (ADM)

Claimant Contact Person Roderick Howard

Others Present None

Contact By (give date) _____

Phone Call (no.) _____

Meeting (location): Twin Falls Office IDWR week of 5/11/92

Letter (attach letter): _____

Date	Initials
Date Entered 9/29/92	ADM
Verified 9/29/92	ADM

I. Issues identified by claimant: Not enough water, not enough acres and not enough houses for water system.

II. Reasons provided claimant for original recommendation: System was measured 8/9/90 and found 0.28 cfs being used however only one pump was running and it may have been throttled back.

Exact location of subdivision service area not determined and it appears some acres irrigated were missed.

Number of houses recommended were houses existing and not the number of lots served.

III. Additional information provided by claimant: Re-evaluated system capacity based on theoretical calculation and acres & lot description as provided by claimant (Map Enclosed)

IV. Changes to be made in final recommendation (if any): Made determination to allow 22 home sites for domestic purposes and 80% of gross area in subdivision for irrigation.

V. Action taken (date): Changed recommendations and sent copy of this response & proof reports to Mr. Howard. Changed notice of error flags.

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(Original to IDWR. copy to claimant)

OCT 19 1994

AUG-24-1992

RECEIVED
SEP 22 1992
Department of Water Resources

POOR ORIGINAL

Please type or p[illegible] clearly, fill out completely, and ret[illegible]o:

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: ~~[illegible]~~ 15240

2. Name: Naraleen Subdivision
Ruby Springs water Company c/o Roderick R Heward
Address: 2635 Access Road North
Sturgeon, Idaho 83352
Weekday Telephone Number: 537-6653

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FEB 09 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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OCT 19 1994

13

proposed rec(mendat..1 with the changes mark(on the c.. .y.)

3. Describe the portion of proposed recommendation with which you disagree:
See attached work sheet for recommended changes as worked out by Allen D. Merritt and myself

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

5. Describe why you disagree with the proposed recommendation:

POOR ORIGINAL

6. Date:

SIGNATURE Richard E. Howard
President Ruby Springs Water Company

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13

36-7092A & 36-15240 analyses.

POOR ORIGINAL

The license was issued (under 36-7092A) for irrigation of 55 acres at 1.10 CFS only. The property was subsequently subdivided and called the Norwood Subdivision.

Per Steve Clelland (IDWR) during the field exam he observed evidence indicating that the booster pump installed for the subdivision pressure system was likely installed in 1976 as claimed. I accept the claimed Priority for the change in the nature of use for this system.

The overall use has been reduced since licensing only 7 acres were identified as currently being irrigated and those 7 acres are recommended under 36-7092A.

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Based upon the Dept's Claim Investigation Manual; Feb 19, 1991 edition, Pg 94 section B. Claim based upon Decree or License, part 4, Discrepancy includes increase in Season of Use (54), this claim should be seperated. Therefore 36-15240.

36-15240 is recommended for the domestic use for the found 13 units.

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analysis for 36-15240

As the source is surface water the increase in the season of use requires a new claim with the priority based upon the expansion. I recognize the Aug 16, 1976 split of the base right as evidence of domestic use.

This claim is being recommended for the domestic use for the full season (year round)

Consumptive use
0.6 AFA/Home * 13 homes = 7.8 AFA

POOR ORIGINAL

36-7022A was licensed for 55 acres & 220 AF

Claim
36-7092A is recommended for 7 acres & 21 AF cons. use
36-15240 is recommended for 13 units & 7.8 AF cons use
total. 28.8 AF

Total consumptive use is considerably less than the licensed rate therefore the change in season of use has not expanded the orig right.

Domestic dis rate is @ legal limit for 13 units = .17 CFS

MICROFILMED
FEB 08 1993
MICROFILMED
OCT 19 1994

13

C

PHOTOGRAPHS SHOWING LINES FROM THE 4.88 ACRE PARCEL

MICROFILMED
OCT 19 1994

POOR ORIGINAL

POOR ORIGINAL



OCT 19 1994
LMED

FOR ORIGINAL

D

FINAL PLEADING OF RON ADAMS

MICROFILMED
OCT 19 1994

Your Honor,

It has been my intention to allow Ruby Springs Water Co. every opportunity to straighten out this water right issue. I did not know until the last Ruby Springs Water Co. meeting held on 9/10/93 that they did not actually own the water right license. Mr. Howard their President, stated at the 9/10/93 meeting that Ruby Springs Water Co. did not, had not at any time, ever owned the water right license.

I have endured months of slow, methodical, painstaking research in an effort to understand the full truth concerning this entire water right issue as it pertained to the original water rights for the original properties that Virgil Norwood owned. It is my belief that Mr. Norwood did not intend for any of the original land he owned to be without the water rights he had obtained.

The parcels and tracts of land that Virgil Norwood owned, not including Lots 1 thru 15, add up to 55.14 acres. The only way to figure up the original 55 acres, is to include the land that I have owned since 1985. Never, at any time, were the owners of the Norwood Subdivision Lots and adjacent parcels of land to be without water for this original land. Part of the land located on the East side of Billingsley Creek was Hidden Springs Trout Ranch. It was sold along with shares from Hagerman Water Users, Inc.. Virgil Norwood never intended that Ruby Springs be devoted to Hidden Springs Trout Ranch, Inc..

I beg you sir, please allow this late filing.

MICROFILMED
OCT 19 1994

RECEIVED
JAN 19 1993
Department of Water Resources
Adjudication Bureau

RECEIVED
MAR 1994
Department of Water Resources
Southern Region Office

1994 JAN 18 PM 4:31
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 the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System.	**Subcase No. 36-07092A** **ORDER GRANTING MOTION TO FILE LATE OBJECTION**
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.	

Dan Steckel, Deputy Attorney General, representing Idaho Department of Water Resources

Ronald Adams, Pro Se.

Roderick Howard, Ruby Springs Water Co., Pro Se.

A hearing was held on January 18, 1994 on the *Motion to File Late Objection* to the water right no. 36-07092A.

MICROFILMED
OCT 19

For good cause shown, IT IS ORDERED the *Motion to File Late Objection* is GRANTED and the objection previously lodged with the court shall be deemed to be filed as of January 18, 1994.

Responses to the Objections shall be filed on or before 5:00 p.m., March 21, 1994.

IT IS SO ORDERED.

DATED January 18, 1994.

DANIEL C. HURLBUTT, JR.
Presiding Judge
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 January 18, 1994, 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

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

Ronald H. Adams
3028 Chisholm Drive
Hagerman, ID 83333

Roderick Howard
Ruby Springs Water Co.
Norwood Subdivison
2638 Access Road N.
Hagerman, ID 833332

Deputy Clerk

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

POOR ORIGINAL

Receipt No:

Date:
Time:

Received From: ADAMS, FRAN

Type of Payment	Program Acct Class	Amount
COPIES ADJ FILES	64100 229 21 1760	

Total

Region SOUTHERN

Signature

MICROFILMED
OCT

DIRECTOR'S REPORT CONVERSATION MEMO

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

   FRAN ADAMS

2. SUBJECT OF INQUIRY: wanted copies of Norwood Subdiv. Claims A36-15240 & A36-07092A.

3. RESPONSE TO INQUIRY: made copies and charged them $4.25 which they paid in cash & I receipted.

4. IDWR STAFF AND DATE: ~~Jeanie Robertson~~ 5/5/93

   Print name and initial: Jeanie Robertson

   WATER RIGHT CLAIM (Nos.): 36-07092A
   36-15240

MICROFILMED
OCT 19 1994

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

27-Jan-1993

RUBY SPRINGS WATER CO
C/O RODERICK HOWARD
2638 ACCESS ROAD N
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-07092A, 36-15240

Dear Mr. Howard:

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

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

$5.73

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

MICROFILMED
OCT

DIRECTOR'S REPORT CONVERSATION MEMO

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

Rod Howard
% Norwood Scabdiu or
Ruby Springs Water Co.

2. SUBJECT OF INQUIRY: Mr. Howard wanted to know if someone filed an objection against their right was the state going to handle all the legal expense to defend it. He indicated that member of the Hagerman Water ~~Right~~ Rights Group had approached him and wanted him to kick in and pay for legal costs for the group. He indicated that if he didn't contribute the may find objections with their claims and they may file objections on their rights.

3. RESPONSE TO INQUIRY: I told Mr. Howard that the state would respond to all objections but that the water right owner has his own burden of filing his own response and providing for his own legal council ect. I told Mr. Howard that although the state made changes based on his NOE and these changes seemed to be agreable to him he was not bound by our recommendation and he could object to it. I told him the state changed the recommend based on what appeared to be errors. The basis of change was not because of "negotiations or agreements".

4. IDWR STAFF AND DATE: Jean D Merritt 11/24/92

Print name and initial

WATER RIGHT CLAIM (Nos.): A36-07092A & A36-15240

MICROFILMED
OCT 19 1994

RECEIVED
JAN 15 1993
Department of Water Resources
Southern Region Office

January 13, 1993
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number 36-15240 & 36-07092A

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

Please bill me for the copy charge.

Sincerely,

c/o Ruby Springs Water Company
Roderick Howard
(Name)

2638 access Road North
(Address)

Hagerman Idaho 83332
(City, State, Zip Code)

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

MICROFILMED
DEC 1 1 1997

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



RESPONSE TO NOTICE OF ERROR
IN THE SNAKE RIVER BASIN ADJUDICATION

IDWR USE ONLY
Date Initials
Date Entered 9/29/92 ADM
Verified 9/29/92 ADM

Water Right No: 36-07092A & 36-15240 Contact Date: 9/29/92

IDWR Contact Person: (print and initial) Allen Merritt (ADM)

Claimant Contact Person Roderick Howard

Others Present None

Contact By (give date) _____ Meeting (location): Twin Falls office IDWR week of 9/14/92

Phone Call (no.) _____ Letter (attach letter): _____

I. Issues identified by claimant: Not enough water, not enough acres and not enough houses for water system.

II. Reasons provided claimant for original recommendation: System was measured 8/9/90 and found 0.28 cfs being used however only one pump was running and it may have been throttled back.

Exact location of subdivision service area not determined and it appears some acres irrigated were missed.

Number of houses recommended were houses existing and not the number of lots served.

III. Additional information provided by claimant: Re-evaluated system capacity based on theoretical calculation and acres & lot description as provided by claimant (Map Enclosed)

IV. Changes to be made in final recommendation (if any): Made determination to allow 22 home sites for domestic purposes and 80% of gross area in subdivision for irrigation.

V. Action taken (date): Changed recommendations and sent copy of this response & proof reports to Mr. Howard. Changed notice of error flags.

(Original to IDWR, copy to claimant)

RECEIVED
FEB 0 2 1993

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

Water Right Number - R36-07092A Prefix Translation: RESEARCH Old (D) Number -

*** C - CURRENT OWNER ***
NORWOOD SUBDIVISION

1 - RUBY SPRINGS WATER CO
2 - C/O RODERICK R HOWARD
3 - 2638 ACCESS ROAD N
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6633

Priority Date	Region	Stage	Status
11/06/1969	17 SOUTHERN	L - LICENSE	

Source: SPRING
Tributary: BILLINGSLEY CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	13	NE NE NE		(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.360	

Total Div. Rate: 0.360
Total Div. Volume:
Total Consumptive Use: 54.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SW NE		6.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE NE		12.0	01	IRRIGATION	(47) GOODING

Total Acres: 18.0

Diversion Means - SHAFT, PIPE,COLLECTION BOX TO PIPELINE TO TWO PUMPS TO PIPELINE

Non-Irrigation Use - NONE

Other Rights for Same Use - 36-15240 FROM SAME SYSTEM FOR DOMESTIC USE

Remarks

PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.

RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.58 CFS.

SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE

Water right number - R36-07092A Prefix Translation: RESEARCH

Remarks

S1/2NE1/4 S13, T07, R13E.

Old Water Right Numbers

No Old Water Right Numbers Found

Conditions of Approval

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments

Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED DOMESTIC USE CLAIMED UNDER A35-15240 WITH A NEW PRIORITY DATE.
Date: 08/11/1992 User Id: THORNTON Subject: TYPO CORRECTION
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED 2 NOE'S 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/11/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 09/29/1992 User Id: MERRITT Subject: RESPONDED TO NOE
RE-EVALUATION OF ACRES IRRIGATED BY USING NAPP AND THE ORIGINAL FIELD EXAM FINDS THAT ADDITIONAL ACRES ARE IRRIGATED.
RE-EVALUATION OF THE CAPACITY OF THE SYSTEM FINDS THAT THE ORIGINAL MEASUREMENT WAS PROBABLY NOT DONE WHEN THE SYSTEM WAS
AT ITS MAXIMUM DIVERSION RATE. A THEORETICAL CALCULATION CONFIRM AND THIS THEORETICAL IS USED TO LIMIT THE CAPACITY WHEN COMBINED
WITH 36-15240.

Audit Fields

09/29/92 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	09/29/1992	Old Judicial District	
Claim Received Date	08/03/1988	Last Amended Date	00/00/0000	Temporary Right	P
		Receipt Number	S001266	Water District	36A
		POU Ownership Flag	Y	Federal/State Indicator	S
		Name Connector		Presumption Flag	
				Notice of Error Flag	C

Ruby Spri - Theoretical Ca

36-07092A #

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS
****

FILE: 36-15240
DATE: 9/29/92
BY: AM

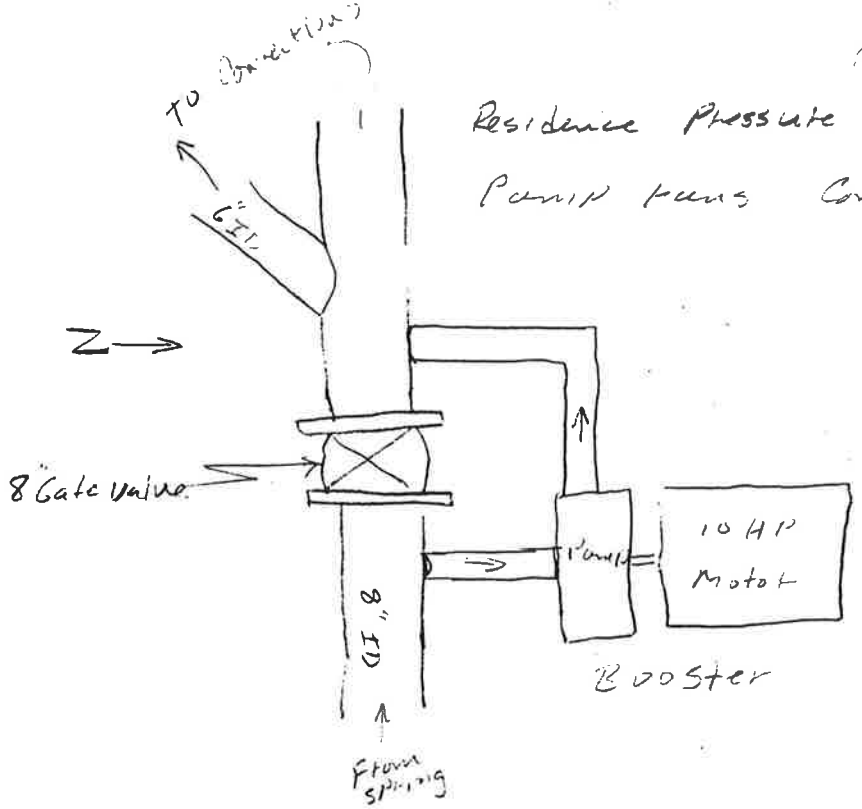
THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

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])

$$Q = \frac{(8.8)\ (10 + 3)\ (0.70)}{[\ (0) + (60 \times 2.31)\ ]} = 0.58$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ( )	measurement ( )	Motor Make, Serial or ID
owner (X)	owner (X)	
area estimate ( )	estimate ( )	Pump Make, Serial or ID, rating
well logs ( )	owner gage ( )	Two Duplex Fairbanks with line from spring.
Booster (Y) (N)		

REMARKS



Residence Pressure = 83 PSI min.

Pump runs Constantly.

Notwood Subdivision

8/19/94

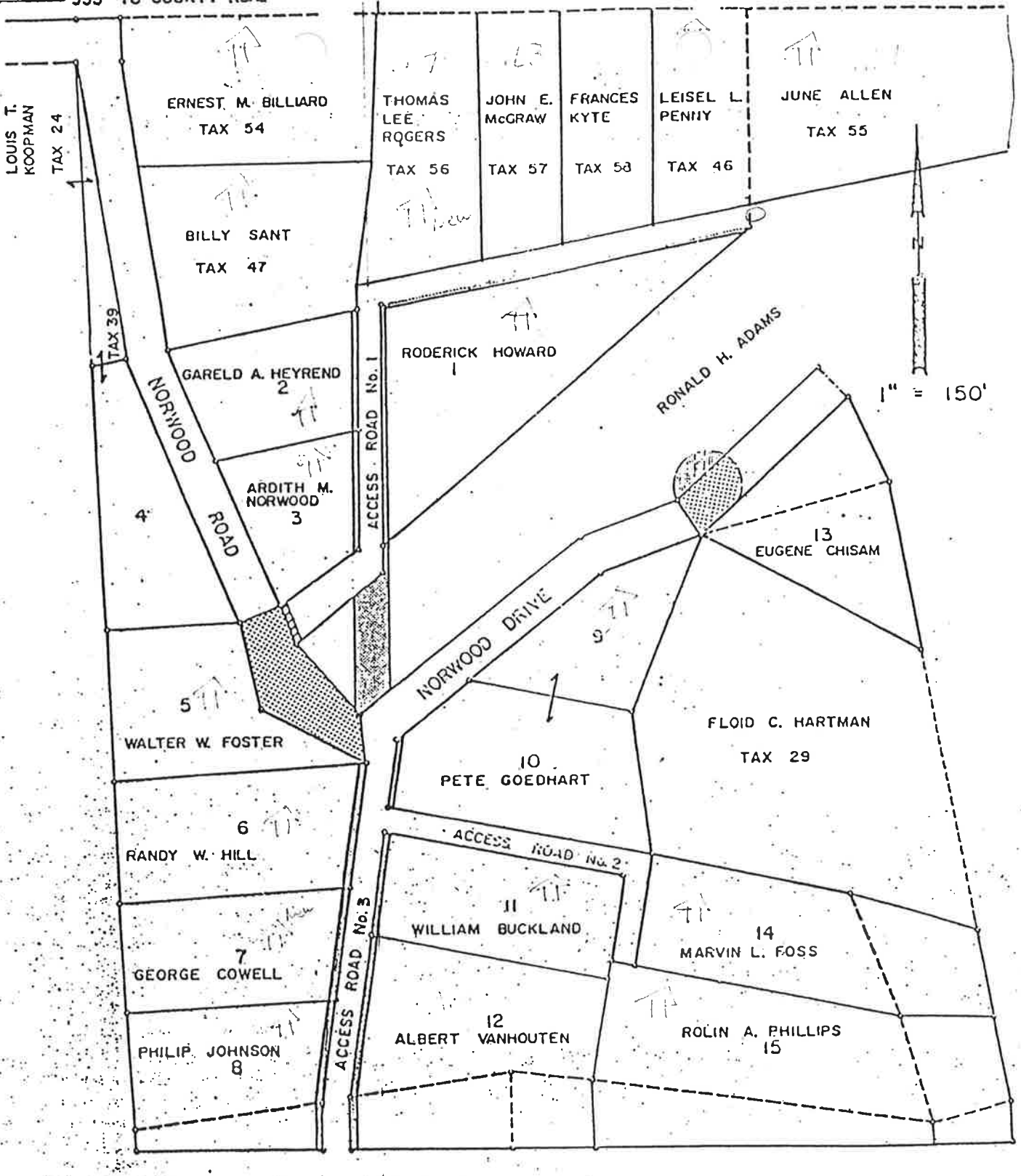
Rudy Eps water co.

Pres.

Water Factor - 837-4840

Copied for —
Water Applic. for —
permit file 36-87C
pending applic. for —
subdiv. that was
postponed & held.
This permit should
be canceled

Notwood 837-4454



NORWOOD SUBDIVISION ROAD RECONSTRUCTION MAY, 1986

KEY:

RECONSTRUCTION

NEW CONSTRUCTION and/or EASEMENTS

Edwards, Howard & Martens, Inc.
ENGINEERS / PLANNERS / SURVEYORS

LOCATED IN: S 1/2 NE 1/4, SEC. 13, T. 7 S., R. 13 E., B.M.


531
T-716
461
T-674
462
T-675
525
T-709
540
T-725
464
T-677
496
T-590
521
T-726
521
T-711
624
T-706
937
T-715
1332
T-736
468
T-561
469
T-562
497
T-591

RECEIVED
SEP 22 1992
Department of Water Resources

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

Dear Sir;

Enclosed find our Notice of Error Form and attached copy of "YOUR WATER RIGHT AS IDWR PROPOSES TO RECOMMEND IT TO THE DISTRICT COURT."

On the work form are the recommendations as jointly worked out by Allen D. Merritt, P.E. of Idaho DWR and myself.

Our agreement for the Norwood Subdivision is that each of our 22 Home sites receive .01 CFS for a total domestic use of .22 CFS. That we receive credit for 18 acres of irrigated land at the rate of .02 CFS per acre for a total of .36 CFS. The total combined volume is .58 CFS.

Roderick R. Howard, President
Ruby Springs Water Company

THE DISTRICT COURT"

***THIS IS NOT A FINAL DETERMINATION OF YOUR CLAIM. YOU MUST FILE A *NOTICE OF ERROR* WITH IDWR IF YOU DISAGREE WITH THE PROPOSED RECOMMENDATION.**

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	PERIOD OF USE TO	MAXIMUM QUANTITY	BASIS OF CLAIM
36-07092A	NORWOOD SUBDIVISION RUBY SPRINGS WATER CO C/O RODERICK R MCNARD PO BOX 650 HAGERMAN ID 83332	11/06/1969	IRRIGATION	04-01	10-31	~~0.14~~ CFS ~~0.36~~	LICENSE

RECEIVED
SEP 22 1992
Department of Water Resources

TOTAL QUANTITY: ~~0.14~~ CFS

TOTAL VOLUME: ~~21.0~~ AFY 54

CONSUMPTIVE USE: ~~21.0~~ AFY

NON-IRRIGATION USES:

SOURCE: SPRING
TRIBUTARY: BILLINGSLEY CREEK

POINT OF DIVERSION:
T07S R13E S13 NENENE

PLACE OF USE: IRRIGATION
T07S R13E S13 SWNE ~~2.0~~ 6 SENE ~~2.0~~ 12

~~2.0~~ 18 ACRES TOTAL

PLACE OF USE: ~~DOMESTIC~~
SAME AS OTHER USE

REMARKS: A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO ~~0.28~~ CFS. 0.58
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

R PROOF X

CVR X

MAPS

PHOTOS X

MISC

MICROFILMED
FEB 0 3 1993

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

Water Right Number 36-07092A Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** NORWOOD SUBDIVISION		1 - RUBY SPRINGS WATER CO 2 - C/O RODERICK R HOWARD 3 - PO BOX 658 City- HAGERMAN Phone - 208-837-6633 State- ID Zip- 83332

VERIFIED BY KKC

Priority Date	Region	Stage	Status
11/06/1969	17 SOUTHERN	L - LICENSE	

Source: SPRING

Tributary: BILLINGSLEY CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	13	NE NE NE			(47) GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.140	

Total Div. Rate: 0.140
Total Div. Volume:
Total Consumptive Use: 21.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SW NE		2.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE NE		5.0	01	IRRIGATION	(47) GOODING

Total Acres: 7.0

Diversion Means - SHAFT, PIPE,COLLECTION BOX

Non-Irrigation Use - NONE

Other Rights for Same Use - NONE

Remarks

PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.28 CFS (capacity of diversion system).
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

Water right number - R36-07092A   Prefix Translation: RESEARCH

+ - Old Water Right Numbers - +

+ - Old Water Right Numbers - +

No Old Water Right Numbers Found

+ - Conditions of Approval - +

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

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

+ -Comments- +

Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED DOMESTIC USE CLAIMED UNDER A35-15240 WITH A NEW PRIORITY DATE.

+ - - Audit Fields - - +
08/07/92 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	- 08/07/1992	Old Judicial District	-
Claim Received Date	- 08/03/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001266	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 03 1993

Norwood Subdivision

License 36-7092 was split on Aug 16, 1976 with the B portion being issued for 10 CFS for fish propagation and the A portion being issued for 1.10 CFS for irrigation of the Norwood Subdivision.

I recognise this ~~date~~ as sufficient evidence of the domestic use, as the dept recognised the subdivision at that time. Per Steve Clelland's field exam, the source change has occured ~~some~~ time ago and indicates support for the recommendation. No protests of the change in source or use has been recorded for this right. I accept the changes as accomplished.

Recommendations

I recommend 36-7092A for 7 acres irrigation and 13 units domestic per the 8-9-90 field exam by Steve Clelland for the ~~licensed~~ season for irrigation of ~~3-15 - 11-15~~ 10-31. As the ~~use~~ irrigation combined with the domestic use is less than the licensed use Condition code C09 is required. The change in source is from one spring to another spring within the same Q/Q, therefore ~~no~~ change in P/D flag is recommended.

The change in the nature of use is required to recognise the change from irrigation to domestic for the expanded season covered by ~~the~~ claim 36-15241 (~~code~~ Remark code C01.)

MICROFILMED

Analysis for 36-15240

As the source is surface water the increase in the season of use requires a new claim with the priority based upon the expansion. cl recognize the Aug 16, 1976 split of the base right as evidence of domestic use.

This claim is being recommended for the domestic use for the full season (year round)

Consumptive use

0.6 AFA/Home * 13 homes = 7.8 AFA

36-7092A was licensed for 55 acres & 220 AF

Claim

36-7092A is recommended for 7 acres & 21 AF cons. use

36-15240 is recommended for 13 units & 7.8 AF cons use

total. 28.8 AF

total consumptive use is considerably less than the licensed rate therfore the change in season of use has not expanded the orig right.

Domestic div rate is @ legal limit for 13 units = .17 CFS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:19
07/03/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07092A

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	N		SCL/HHT 8-9-90	N			NB	
POINT OF DIV	Y 10 Ac.			Y 10 Ac.	1,5	2nd review by JJ 10-8-91 KKC		
SOURCE	N			Y	1,5			
PLACE OF USE	Y			Y	1,2,4,5			
DIV. AMOUNT CFS/VOLUME	Y			Y	6. License			
CONSUMPTIVE USE	- N			Y				
PURPOSES	Y			Y	6. License			
PERIOD OF USE	Y N			N				
BASIS OF CLAIM	Y N			N				
REMARKS	Y N			N				

SCL
7-18-90

"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.

MICROFILMED
AUG 13 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:19
07/03/90

PAGE: 1

CLAIM NUMBER: A36-07092A

MICROFILMED
FEB 03 1993

GENERAL INFORMATION

LAST: NORWOOD SUBDIVISION FIRST:
ADDRESS: RUBY SPRINGS WATER CO.
C/O RODERICK R. HOWARD
P.O. BOX 658
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-6633

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	

CLAIM REMARKS: SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: ___/___/___ APPOINTMENT MADE: Y(___) N(___) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY: _____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Memo to file: A field Exam found about 7 acres actually irrigated. There were 13-14 Houses tied into this system. We measured the flow in the pump house to be at 0.28 cfs. Since this license is for limited season and irrigation uses, the recommendation is for the license. The change in use may need to file a permit or perhaps a transfer. Advise a referal to Legal Review to clarify.

CLAIM NUMBER: A36-07092A

MICROFILMED
SEP 13 1993

A. AJ CLAIM: # A36-07092A PRIORITY DATE: 11-06-1969 STAGE: L

B. WR RECORD: # 36-07092A PRIORITY DATE: 11-06-1969 STAGE: L

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(X)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
11-06-1969

REVIEWED BY SCC DATE 7-18-90

MICROFILMED
FEB 03 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07092A	07S	13E	13		NE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07725	NONE
A36-07731	
A37-11259	
A36-10855	
A36-10856	
A36-00057	
A36-07080	

WR RECORDS IN SAME 40 ACRE TRACT

36-00048
36-00057
36-02005
36-02602
36-07080
36-07642
36-07725
36-07731
36-08089
L36-07731

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07092A	07S	13E	13		NE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

36-00048
36-00057
36-02005
36-02602
36-07080
36-07642
36-07725
36-07731
36-08089

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-07725	NONE
A36-07731	
A37-11259	
A36-10855	
A36-10856	
A36-00057	
A36-07080	
A36-00048	

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

		DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY?	(Y/N)	Y	YES
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	N

10 Ac. 1/4

CLAIM NUMBER: A36-07092A

REMARKS:

LOCATE 10 Ac. 1/4. this is a separate spring from that described in Part 'B'.

MICROFILMED
FEB 03 1992

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	~~1/4~~	1/4	1/4	LOT	COUNTY
7S.	13E.	13	NE	NE	NE	—	47
—	—	—	—	—	—	—	—

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

REVIEWED BY: SCC 12-3-90 DATE: 7-18-90

SOURCE AKA "RUBY SPRINGS"

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-07092A

A. ROOT WATER RIGHT NUMBERS: A36-07092
A36-07092A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	13	SW	NE		NORWOOD SUBDIVISION	A36-07092A /20.0	36-07092A /20.0	39.0	2.0	2.0
						HAGERMAN WATER USERS ASSOCIATIA	36-00057 /30.0	- /			
						NORWOOD , VIRGIL U.		36-07642 / also Domestic			
07S	13E	13	SE	NE		NORWOOD SUBDIVISION	A36-07092A /25.0	36-07092A /25.0	41.0	5.0	5.0
						AQUARIUS AQUACULTURE INC.	A36-07159 /	36-07159 /			
						AQUARIUS AQUACULTURE INC.	A36-07160 /	36-07160 /			
						AQUARIUS AQUACULTURE INC.	A36-07092 /	- /			
						NORWOOD , VIRGIL U.		36-07092B /			
						NORWOOD , VIRGIL U.		36-07642 /			
						HIDDEN SPRINGS TROUT RANCH INC		36-07659 / 4.0			
						CURTIS , WILLIAM A.		36-08338 / also Domestic			
07S	13E	13	NW	SE		NORWOOD SUBDIVISION	A36-07092A /10.0	36-07092A /10.0	39.0	Ø	Ø
						BIG SPRING WATER USER'S ASSN.	A36-00022 /	- /			
						WALLACE , TERRIE ANN	A36-00047B / 3.4	- /			
						HAGERMAN WATER USERS ASSOCIATIA	36-00057 /19.0	- /			
						ADAMSON , DIXIE		36-00047 /			
						NEWCOMB , W. G.		36-00156 /			
						TOTAL ACRES	A36-07092A	55.00	55.00	119.00	7.0

Delete

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE: Y

FIELD EXAMINER: YES

* Acre figures taken from the ASCS calculations.

MICROFILMED

PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-07092A

PRESUMPTION FLAG:

REMARKS:

POU NOT ALL IRRIGATION.
Not all acres claimed are irrigated nor irrigatable.

RECOMMENDATIONS:

TOTAL ACRES: 7.0

REVIEWED BY: SCC DATE: 12-3-90

MICROFILMED

PURPOSES REVIEW SHEET

CLAIM NUMBER: A36-07092A

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-07092A	IRRIGATION	FROM 04-01 TO 11-01	1.100 CFS
~~A36-07092A~~	~~DOMESTIC~~ OK	~~FROM 01-01 TO 12-31~~	~~.170 CFS~~
		TOTAL DIVERSION RATE/VOLUME CLAIMED	1.100 CFS 220.00 AF/A

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-07092A	IRRIGATION	FROM 04-01 TO 11-01	1.100 CFS 220.00 AF/A
		TOTAL DIVERSION RATE/VOLUME CLAIMED	1.100 CFS 220.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	YES
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(X)

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) N(___) Explain in remarks, below.

REMARKS: AS LICENSED + Transfer

Based on unrecorded transfer there has been a change in Nature of use in about August 1976.

MICROFILMED FEB 03 1993

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A36-07092A

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(X) N(__)

AJ TOTAL CLAIMED DIVERSION RATE: 1.100 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.100 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)	N	N

B. FLOW MEASUREMENT

MEASUREMENT METHOD Sonic flow, SEE ATTACHED CALCULATIONS. = 0.28 cfs

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-07092A	SPRINGS	NORWOOD SUBDIVISION	1.100	0.020	220.00	4.00
A36-00057	SPRINGS	HAGERMAN WATER USERS ASSOCIATI	36.200	0.073		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY			RATE	VOLUME
A36-07092A	DOMESTIC	NORWOOD SUBDIVISION	FROM	01-01	TO 12-31	.170 CFS	
A36-00057	STOCKWATER	HAGERMAN WATER USERS ASSOCIATI	FROM	01-01	TO 12-31	.300 CFS	
A36-07159	FISH PROPAGATION	AQUARIUS AQUACULTURE INC.	FROM	01-01	TO 12-31	10.000 CFS	
A36-07160	FISH PROPAGATION	AQUARIUS AQUACULTURE INC.	FROM	01-01	TO 12-31	2.640 CFS	
A36-07092	FISH PROPAGATION	AQUARIUS AQUACULTURE INC.	FROM	01-01	TO 12-31	10.000 CFS	
A36-00022	DOMESTIC	BIG SPRING WATER USER'S ASSN.	FROM	01-01	TO 12-31	5.860 CFS	
A36-00022	FISH PROPAGATION	BIG SPRING WATER USER'S ASSN.	FROM	01-01	TO 12-31	7.000 CFS	
A36-00022	STOCKWATER	BIG SPRING WATER USER'S ASSN.	FROM	01-01	TO 12-31	5.860 CFS	

MICROFILMED FEB 03 1993

CLAIM NUMBER: A36-07092A

MICROFILMED
FEB 03 1999

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 7.0 x 0.02 CFS/ACRE = 0.14 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 165.0 AF/A

ACRES 7 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 21.0 AF/A

B01 Source also known.

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 220.00 AF/A

ACRES 7 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 28.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(___) N(X) → IDWR STDS.

13 Houses = 0.17 cfs

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

CLAIM NUMBER: A36-07092A

MICROFILMED
FEB 03 1993

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
IRRIGATION	4-1	11-1		0.14		28		21
Domestic	1-1	12-31		0.17				
TOTAL FOR THIS RIGHT				0.28		220 *		21

REVIEWED BY: SCL DATE: 12-3-90 * per license

~~DISALLOW DOMESTIC USE; NOT LICENSED.~~
Revised: SEC 1-15-90

0.28 system capacity as measured.

NOTE: change in diversion system occurred in November 1987; added pressure boosting pump.

PAGE: 11
BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-07092A

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	( )	(X)
FORFEIT/ABANDON	( )	(X)
ADDITIONAL DIV. AMOUNT	( )	(X)

Legal Review

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07092

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE 11.100 — EXAMINER _____ — CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-07092B	A36-07092	10.000	-		36-07092	
07092A	A36-07092A	1.100	-7092A	0.14	36-07092A	1.100
-	-				36-07092B	10.000
	TOTAL CFS	11.100				11.100

DIVERSION RATE REVIEW — DATABASE — FIELD EXAMINER

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N) — N — OK

IF NO, is the written review sheet attached? (Y/N)

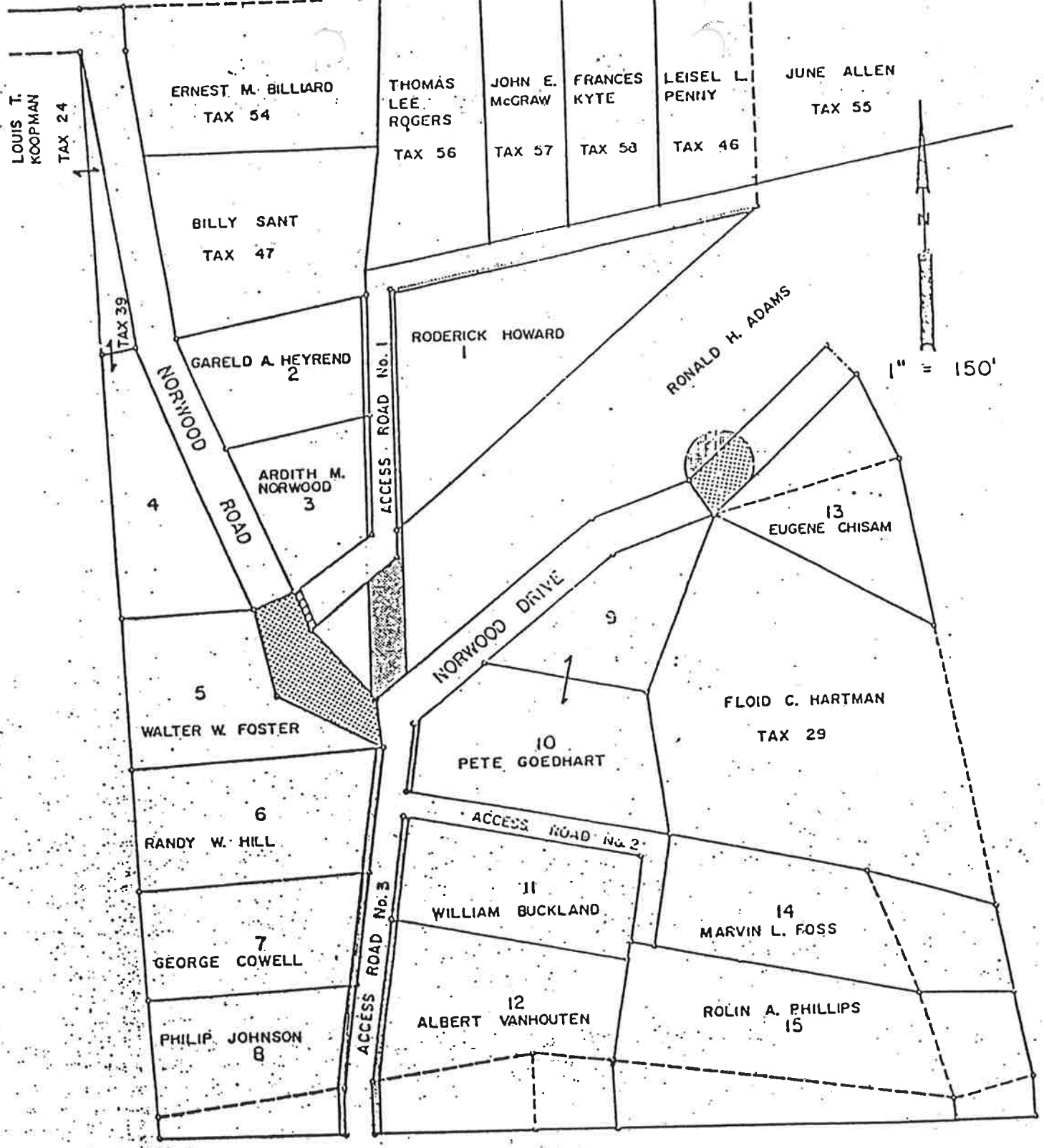
REMARKS: No Split Review Required — Both Rights by transfer

AUTHENTICATION:

SIGNATURE: Steve Clell — DATE: 12-3-90

NAME OF FIELD EXAMINER: _____ TITLE: _____

MICROFILMED
FEB 03 1993



NORWOOD SUBDIVISION ROAD RECONSTRUCTION MAY, 1986

KEY:

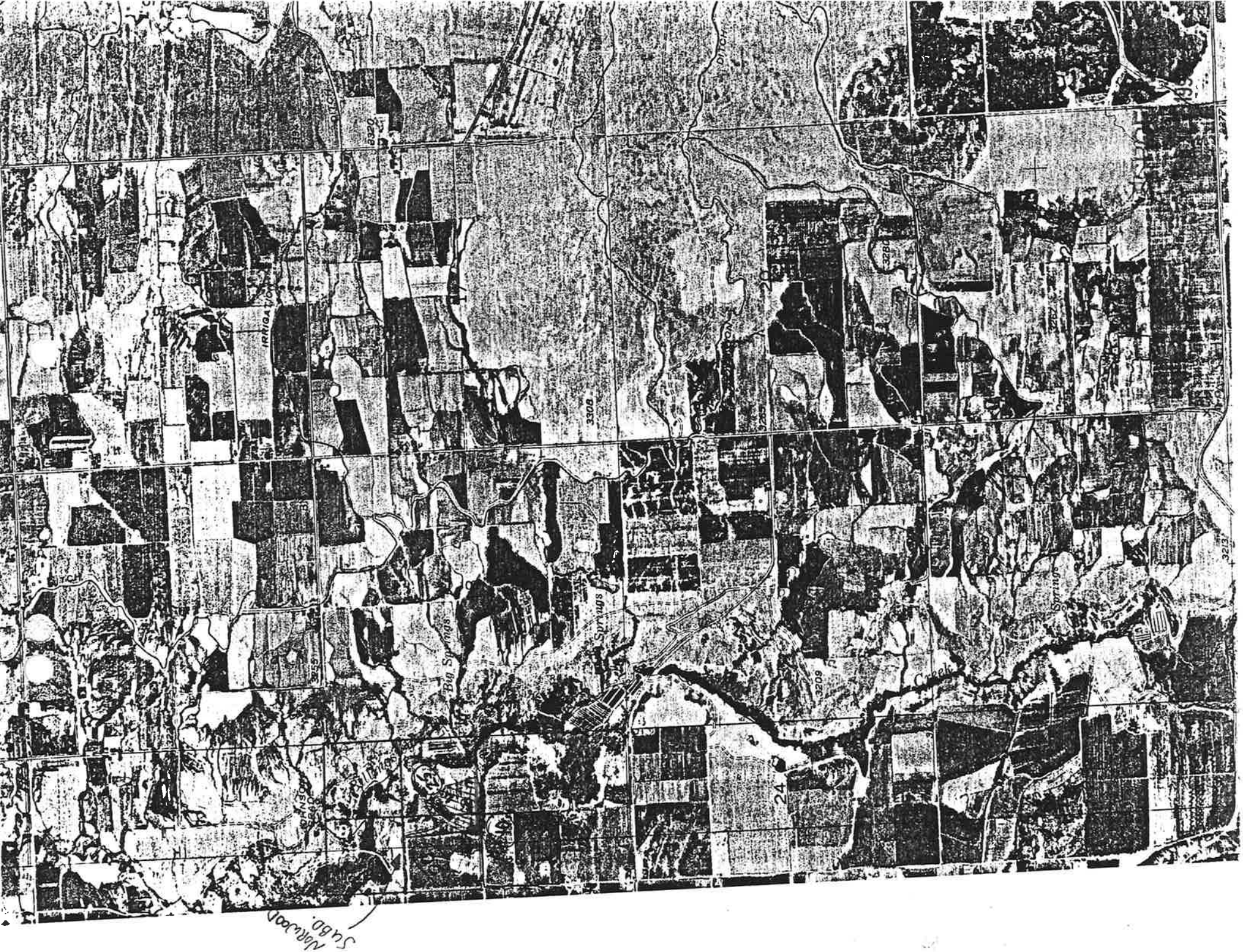
RECONSTRUCTION

NEW CONSTRUCTION and/or EASEMENTS

Edwards, Howard & Martinez, Inc.
ENGINEERS / PLANNERS / SURVEYORS

LOCATED IN: S 1/2 NE 1/4, SEC. 13, T. 7 S., R. 13 E., B.M.

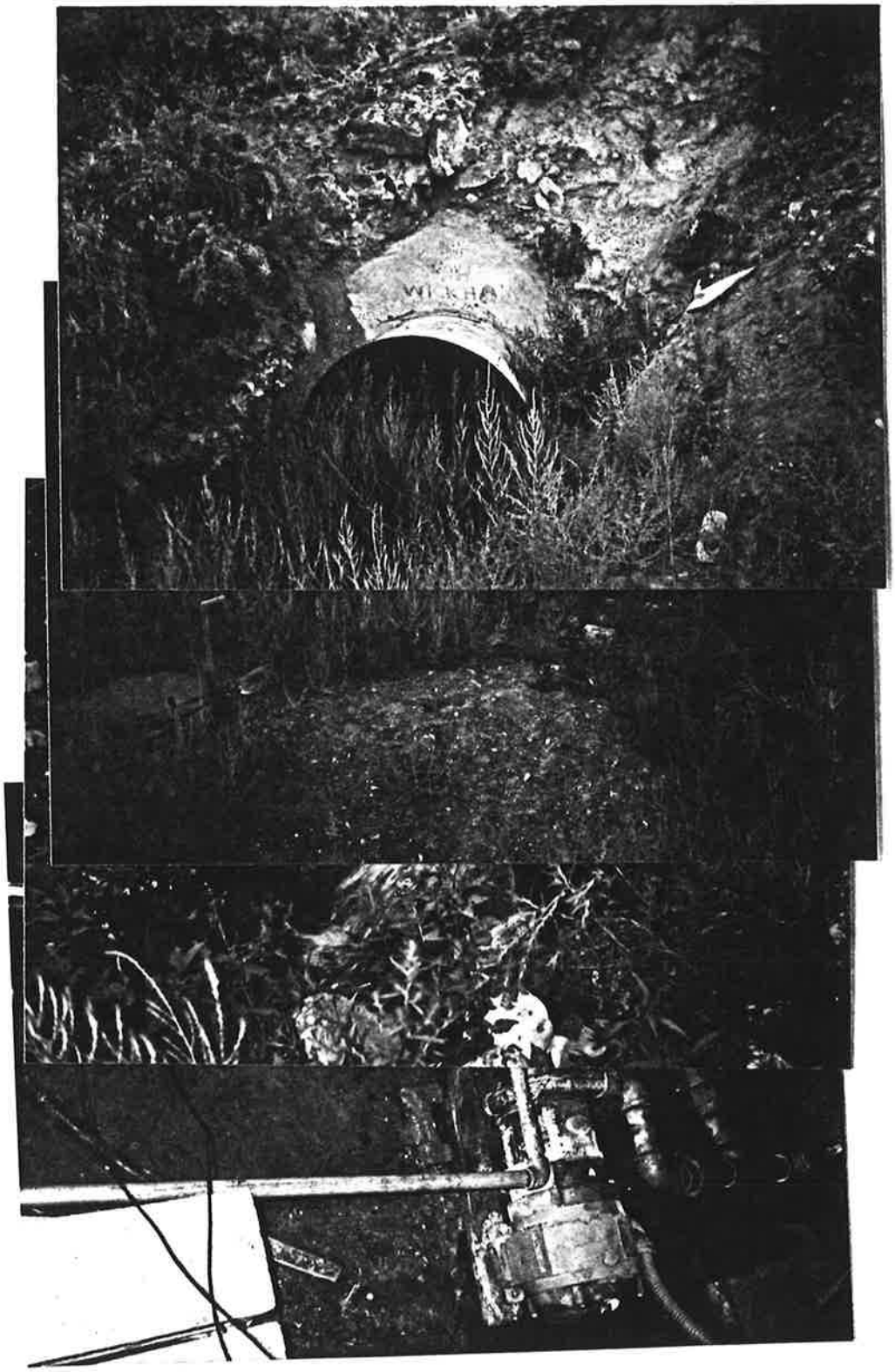
MICROFILMED
FEB 0 3 1993


Big Springs
Creek
24
Nebraska
Subd.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director



8-9-1990

Ruby Springs
Pipeline
Diversion &
Pumphouse.

MICROFILMED
FEB 0 3 1993

te of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

```
MODE SELECT
      INPUT

OUTER DIAMETER
8.1165    IN

PIPE MATERIAL
?         CS,SS

WALL THICKNESS
0.1100    IN

INNER LINING
?         NO LING.

KIND OF FLUID
?         WATER

SENSOR MOUNTING
?         V

TYPE OF SENSOR
?         SMALL

DATA CHANGE
?         NO

SPACING
5.902     IN V

08-09 13:0700 *R
+220.847E 0GPM

ZERO MODE
      CLEAR

ZERO MODE
      AUT ZERO

ZERO MODE
      ZERO OPR

08-09 13:0900 *R
+002.20 %  AI2

MODE SELECT
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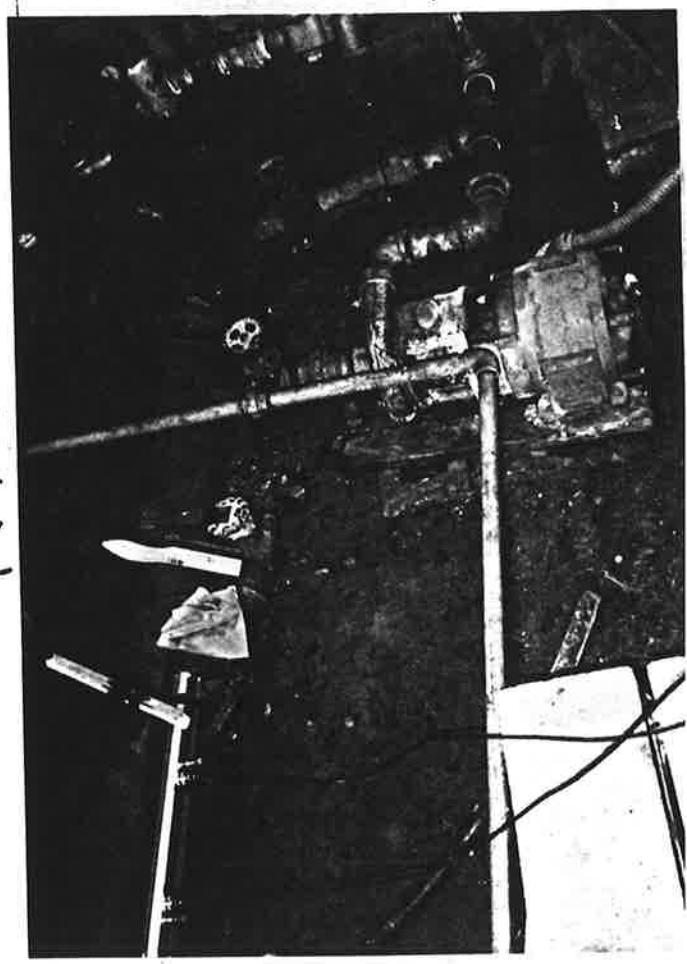
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099.65  % T0

08-09 13:1000 *R
+123.104E 0GPM

08-09 13:1100 *R
+125.481E 0GPM

08-09 13:1200 *R
+126.010E 0GPM
```

Norwood Subd.



$\bar{X}$ = 124.9 GPM

= 0.28 cfs

MICROFILMED
FEB 03 1993

NORWOOD SUBDIVISION

APPLICATION 36-2092

MICROFILMED
SEP 03 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-07092A
Date Received: 8/03/1988
Receipt No: S001266
Received By: LW JS

COPY
FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: NORWOOD SUBDIVISION 208-837-6633
   Address: RUBY SPRINGS WATER CO.
   C/O RODERICK R. HOWARD
   BOX 658
   HAGERMAN, ID 83332

2. Date of Priority: NOV 06, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	13	NE NE		GOODING

5. Description of diverting works:
   SHAFT, PIPE,COLLECTION BOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		
DOMESTIC	01/01	12/31	0.170		

7. Total Quantity Appropriated is:
   1.100 C.F.S. (and/or) 220.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   D/13 HOUSES PRESENTLY, 22 LOTS TOTAL

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FEB 03 1993
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OCT 19 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	13	SW	NE		IRR	20.0
			SE	NE		IRR	25.0
			NW	SE		IRR	10.0
					Section Acres		55.0
					Total Acres		55.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

15. Basis of Claim: LICENSE

MICROFILMED
OCT 19 1994
FEB 03 1993

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: _____

For Organizations:

I do solemnly swear or affirm that I am President (Title) of Ruby Springs Water Corp. (Organization), that I have signed the foregoing document in the space below as President (Title) of Ruby Spring Water Corp (Organization) and that the statements contained in the foregoing document are true and correct.

Roderick R Howard
Signature of Authorized Agent

Ruby Springs
Title and Organization

1 August 1988
Date

State of Idaho)
) SS.
County of T.F)

Subscribed and sworn (or affirmed) before me this 1st day of August 19 88

Lori White
Notary Public

Seal

Residing at T.F

My Commission Expires 5/95

MICROFILMED
OCT 19 1994
FEB 03 1993

From: DWR03::SMITH 28-FEB-1994 09:44:30.54
To: DWR60::MERRITT
CC:
Subj: NEW OBJECTION

ORDER GRANTING MOTION TO FILE LATE OBJECTION WAS ISSUED ON JANUARY 19, 1994 ON 36-07092A. THEREFORE & SO-FORTH (TEE HEE) WE NEED THE ORIGINAL CLAIM FILED ON 36-07092A. NEXT TRIP FROM YOU GUYS OR US GUYS, PLEASE SEND SO NICK CAN FILE A RESPONSE. I WILL COPY AND SEND TO YOU THIS WEEK. THANKS....HAVE A GOOD DAY.

MICROFILMED
OCT 19 1994

AJ5811NP
SELECTION FILE: HHT-NOA-BROWN

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

DATE: 03/05/93
TIME: 12:06:19

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

TOTAL RECORDS IN SELECTION FILE: 116

MICROFILMED
OCT 19 1994

RECEIVED
FEB 10 1993
Department of Water Resources

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

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

* * * * * * * * * * *

In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System	Case No. 39576
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, vs. United States; State of Idaho; and all claimants to the use of water from the Snake River Basin Water System, Respondents.	**NOTICE OF APPEARANCE**

* * * * * * * * * * *

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

LAW OFFICES HN&L Chartered
Hepworth, Nungester, & Lezamiz

MICROFILMED
OCT 19 1994

Users, Inc. and its individual members:

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

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

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

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

DATED This 9 day of February, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ

By _____
PATRICK D. BROWN
Attorneys for Respondents

CERTIFICATE OF MAILING

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

LAW OFFICES HN&L Chartered
Hepworth, Nungester, & Lezamiz

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OCT 19 1994

February, 1993, to:

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

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

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

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

Patrick D. Brown

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OCT 19 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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OCT 19 1994

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

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

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OCT 19 1994

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

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

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

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OCT 19 1994

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

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

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

Sincerely,

Jodi I. Schultz

JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

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OCT 19 1994

36-7092A

RECEIVED
AUG 13 1976
Department of Water Resources
Southern District Office

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7092A Priority Nov. 6, 1969 Amount 1.10 cfs

THIS IS TO CERTIFY, that NORWOOD SUBDIVISION

of Hagerman, Idaho, has complied with the terms and conditions of Permit No. 36-7092A issued pursuant to Application for Permit dated November 6, 1969, and has submitted proof to the Department of Water Resources on June 25, 1975, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.10 cfs of water from unnamed springs, tributary to Billingsley Creek, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Irrigation	from April 1	to Nov. 1	at 1.10 cfs and	220 acre feet or 4.0 af per acre
	from	to	at cfs and	
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.10 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 220 acre feet per year, said waters to be diverted within the $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 13, Twp. 7 S, Rge. 13 E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 S	13 E	13			20	25										10			55

Total number of acres irrigated 55

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of August, 19 76.

Director

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-07092A

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

IDWR Employee/Agent Steve Clelland

◇◇

April 2, 1997 4:35pm

NAME:		RE:
DIANA TRIMPLE	**CALLIN**	**QUESTIONS ON RON ADAMS RTS.**

SHE CALLED TO ASK ABOUT THE DIFFERENCES BETWEEN GROUNDWATER AND SURFACE WATER RIGHTS. AFTER I DESCRIBED THAT SHE WANTED TO KNOW ABOUT THE RIGHTS ISSUED TO THE PARCELS OWNED BY RON ADAMS. I EXPLAINED SOME OF THE PARCELS WERE RECOGNIZED AS HAVING APPURTENANT WATER BUT THAT MR. ADAMS IS PURSUING ADDITIONAL CLAIMS FOR WATER THROUGH THE COURT SYSTEM.

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: ANDREW H

TOTAL PAGES SENT: 11

DOCUMENT DESCRIPTION: RON ADAMS REQUEST

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE-SUITE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033
FAX: 736-3037

SENDER: STEVE

P-9999

NO.	DATE	ST. TIME	TOTAL TIME	PAGE (S)			MODE	
120	03-06	15:21	00'42"	04				MG- 0

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-07092A

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

IDWR Employee/Agent Steve Clelland

◇◇

January 6, 1997 4:51pm

NAME:		RE:
LEON SMITH	**CALLBACK**	**FOLLOW UP CALL**

I CALLED HIM BACK TO FOLLOW UP ON A MESSAGE HE LEFT EARLIER... RE: DIANA TRIMPLE AND RON ADAMS QUESTIONS.

I SUMMARIZED THE RESULTS OF THE TRIAL AS BEST I COULD REMEMBER AND OFFERED TO PROVIDE ADDITIONAL INFO AS NEEDED. HE SAID HE WOULD BE IN TOUCH IF THIS CONFLICT PROGRESSES.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-07092A

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

IDWR Employee/Agent Steve Clelland

December 16, 1996 11:02am

NAME: **DIANA TRIMPLE CALLIN**

RE: **RON ADAMS CASE**

SHE WANTED TO KNOW THE DETAILS OF THE WATER RIGHTS FOR RON ADAMS AT BILLINGSLEY CREEK... SHE IS HIS SISTER FROM CA AND IS ALSO EXECUTOR OF THE ESTATE FOR THEIR MOTHER (PREVIOUS OWNER). I TOLD HER ABOUT THE TRIAL WE HELD IN NOV. AND THE SUMMARY OF THE SPECIAL MASTER'S DECISION AWARDING THE RIGHT TO THE RUBY SPRINGS WATER CO. I COMPARED THIS TO THE CLAIMS MADE BY ADAMS OF HIS OWNERSHIP OF THE RIGHT AND ADDITIONAL ACRES BEING IRRIGATED.

SHE SAYS HE REFUSES TO GIVE HER THE FULL STORY OF WHAT HAS BEEN GOING ON HERE.. SHE SAYS SHE HAS BEEN GIVEN THE RUN AROUND BY HER BROTHER REGARDING THE RIGHTS. SHE ASKED IF HER ATTORNEY COULD CALL AND TALK WITH ME AND I AGREED (LEON SMITH, ESQ.).

CLAIM: A36-07092A

Leon Smith, esq phone: 733-6689

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-07092A

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

IDWR Employee/Agent Steve Clelland

December 10, 1996 11:50am

NAME:
RON ADAMS CALLIN

RE:
REQUEST FOR DOCUMENTS

HE CALLED TO REQUEST DOCUMNETS FROM 5/93 TO THE DATE HE FILED HIS LATE CLAIM; SPECIFICALLY WANTS THE PERSONAL MEMOS FROM ALLEN MERRITT. HE EXPLAINED SEVERAL OF HIS POINTS THAT HE DISAGREED WITH THE COURT'S REPORT. I TOLD HIM I WOULD RESEARCH THE FILES AND GET THE DOCUMENTS IF THEY EXIST. CLAIM: A36-07092A

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-07092A

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

IDWR Employee/Agent Steve Clelland

December 9, 1996 11:35am

NAME: **BECKY ADAMS** **CALLIN**

RE: **RECOMMENDATION OF POU**

SHE WANTED TO KNOW ABOUT MY RECOMMENDATION OF THE ACRES IN THE CASE. I TOLD HER THE RIGHT AS ISSUED BY THE SPECIAL MASTER IS SATISFACTORY AS GIVEN. I REMINDED HER OF THE SETTLEMENT CONF. PROPOSALS THAT WOULD NOT BE RECOMMENDED IN THE FINAL RECOMMENDATION IF THE ISSUE WENT TO TRIAL. I TOLD HER I FOUND NO EVIDENCE OF IRRIGATION ON THE PROPERTY FROM FIELD EXAMS SINCE 1990 AND EARLIER AS SHOWN BY AERIAL PHOTOS. SHE MENTIONED THE TESTIMONY OF WITNESSES AS PROOF AND I DID NOT RESPOND.

SHE TOLD ME THEY PLAN TO APPEAL THIS "FOR PRINCIPLE" NOW SINCE THE COURT HAS GONE BEYOND ITS AUTHORITY. SHE ASKED IF OTHERS HAD DONE THIS, I TOLD HER I KNEW OF SOME AND EVEN MENTIONED THE PERRY PATTERSON CASE THAT HAD GONE TO THE LEVEL OF APPEALLING TO THE SUPREME COURT BUT WAS NOT ALLOWED APPEAL.

WE DISCUSSED SEVERAL OTHER ISSUES ABOUT THE TRIAL PROCESS AND I OFFERED ANY FURTHER ASSISTANCE IF NEEDED.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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

IDWR Employee/Agent Steve Clelland

August 20, 1996 8:55am

NAME: **BECKY ADAMS** **CALLIN**

RE: **REQUEST FOR DISCOVERY**

SHE WANTED ME TO PREPARE A WRITTEN STATEMENT OF HOW I INVESTIGATED THE RUBY SPRINGS WATER SYSTEM AND RIGHTS. I TOLD HER I COULD DO THAT BUT I WOULD HAVE TO FORWARD A COPY TO RUBY SPRINGS WATER CO. ALSO. I TOLD HER I WOULD NEED TO CONSULT WITH NICK S. ON THE PROTOCOL FOR THIS REQUEST BUT IT IS NORMAL. SHE THEN SAID SHE WILL CALL NICK DIRECTLY AND THEN FAX ME HER REQUEST.

ON ANOTHER ISSUE: SHE INFORMED ME THAT HER DAD ALSO OWNS 2.5 ACRES SOUTH AND ALONG THE BILLINGSLEY CREEK THAT IS IRRIGATED. I ASKED WHERE DOES THE WATER COME FROM AND SHE STATED IT WAS FROM THE SPRING ABOVE AND ACROSS THE CREEK. (SHERMAN SPRINGS) SHE SAID THIS SPRING IS ALSO USED BY OTHERS ON TOP OF THE HILL. I ASKED IF HE PLANNED ON FILING ON THE RIGHT AND IT SOUNDED AS IF THEY HADN'T DECIDED. SHE WILL CONTACT THE OWNERS OF THE SHERMAN SPRING RIGHT.

CLAIMS: A36-00047, A36-07092A, A36-07092C

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-07092A & C

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

IDWR Employee/Agent Steve Clelland

ORIGINAL

December 9, 1996 11:35am

NAME: **BECKY ADAMS** **CALLIN**

RE: **RECOMMENDATION OF POU**

SHE WANTED TO KNOW ABOUT MY RECOMMENDATION OF THE ACRES IN THE CASE. I TOLD HER THE RIGHT AS ISSUED BY THE SPECIAL MASTER IS SATISFACTORY AS GIVEN. I REMINDED HER OF THE SETTLEMENT CONF. PROPOSALS THAT WOULD NOT BE RECOMMENDED IN THE FINAL RECOMMENDATION IF THE ISSUE WENT TO TRIAL. I TOLD HER I FOUND NO EVIDENCE OF IRRIGATION ON THE PROPERTY FROM FIELD EXAMS SINCE 1990 AND EARLIER AS SHOWN BY AERIAL PHOTOS. SHE MENTIONED THE TESTIMONY OF WITNESSES AS PROOF AND I DID NOT RESPOND.

SHE TOLD ME THEY PLAN TO APPEAL THIS "FOR PRINCIPLE" NOW SINCE THE COURT HAS GONE BEYOND ITS AUTHORITY. SHE ASKED IF OTHERS HAD DONE THIS, I TOLD HER I KNEW OF SOME AND EVEN MENTIONED THE PERRY PATTERSON CASE THAT HAD GONE TO THE LEVEL OF APPEALLING TO THE SUPREME COURT BUT WAS NOT ALLOWED APPEAL.

WE DISCUSSED SEVERAL OTHER ISSUES ABOUT THE TRIAL PROCESS AND I OFFERED ANY FURTHER ASSISTANCE IF NEEDED.

December 10, 1996 11:50am

NAME: **RON ADAMS** **CALLIN**

RE: **REQUEST FOR DOCUMENTS**

HE CALLED TO REQUEST DOCUMNETS FROM 5/93 TO THE DATE HE FILED HIS LATE CLAIM; SPECIFICALLY WANTS THE PERSONAL MEMOS FROM ALLEN MERRITT. HE EXPLAINED SEVERAL OF HIS POINTS THAT HE DISAGREED WITH THE COURT'S REPORT. I TOLD HIM I WOULD RESEARCH THE FILES AND GET THE DOCUMENTS IF THEY EXIST. CLAIM: A36-07092A

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN RI ON
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

October 17, 1996

RONALD H ADAMS
3028 CHISHOLM DR
HAGERMAN ID 83332

RE: COPIES OF SRBA COURT EXHIBITS 23 & 24
REQUEST FOR PAGES IN SRBA CLAIM A36-07092A

Dear Mr. & Mrs. Adams,

At the end of the trial held yesterday, Becky requested these above mentioned documents be sent to your address and attention.

The first two sheets are the color copies of the Adams Exhibits 23, the NAPP map, and 24, the map prepared by Allen Merritt and Rod Howard. I personally took these exhibits to Associated Business Products here in Twin Falls and watched them copy the documents and compared the with the original for accuracy.

Another set of these exhibits was delivered by me to the staff at the SRBA court house to be forwarded to Special Master Dolan.

The bundle of documents also enclosed are the pages that were marked and requested to be copied for your review. I personally copied these pages from the file and know they are the pages you marked.

If you need further copies or would like to review the files remember they are open to your viewing. If I can be of any other assistance feel free to contact me at our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

COPY

From: DWR60::AMERRITT 24-SEP-1996 14:49:07.86
To: DWR03::AHELMLIN
CC: AMERRITT
Subj: MY PARTICIPATION IN NOTICE OF ERROR FOR A36-07092A

ON YOUR REQUEST I HAVE REVIEWED THE FILE TO SEE HOW I CAME UP WITH THE ACRES RECOMMENDED. AS YOU KNOW ON 9/29/92 I MET WITH RODERICK HOWARD WHO REPRESENTED THE SUBDIVISION'S WATER COMPANY AND WE DISCUSSED THEIR NOTICE OF ERROR IN LIGHT OF STEVE INITIAL REVIEW AND KELLY'S RECOMMENDATION. BASED ON OUR DISCUSSION AND THE FACT THAT STEVE & KELLY DID NOT RECOMMEND ALL THE HOOKUPS IN THE SUBDIVISION, I DECIDED TO MODIFY THE RECOMMENDATION GIVING BENEFIT TO THE CLAIMANT. THE NUMBER OF DOMESTIC UNITS WAS BASED ON THE HOOKUPS DESCRIBED BY MR. HOWARD THAT WAS PRESENTLY ON THE SYSTEM AND NOT THE NUMBER OF HOUSES PRESENTLY EXISTING. THIS WAS BEING DONE ON THE THEORY THAT THERE WAS A CHANGE OF NATURE OF USE OF A PORTION OF THE ORIGINAL IRRIGATION RIGHT TO DOMESTIC PURPOSES WHICH WAS RECOMMENDED AS 36-15240. THE IRRIGATION COMPONENT OF THE SUBDIVISION WAS RECOMMENDED TO THE EXTENT POSSIBLE UNDER THE ORIGINAL LICENSE. SINCE WE DID NOT HAVE CLEAR AND CONVINCING EVIDENCE IN THE FILE TO SHOW HOW THE ACRES WERE DRIED UP I DETERMINED THAT 80% OF THE GROSS AREA WAS RESONABLE TO BE THE BENEFICIAL USE DETERMINED BASED ON MR. HOWARDS DESCRIPTION OF HOW THE LOTS WERE IRRIGATED. THE 80% WAS AN ESTIMATE TAKING OUT HOUSES, ROADS & NON-PRODUCTIVE AREA IN THE LOTS.

DURING OUR MEETING I TOOK A COPY OF A PLAT MAP WE HAD IN THE FILE AND MR. HOWARD PROVIDED ME A LISTING OF THE LOTS AND TAX LOTS PROVIDED WATER BY THE SYSTEM. I NOTED THESE IN RED ON THE PLAT MAP. HE ALSO PROVIDED ME WITH THE ACREAGES OF THESE LOTS WHICH I WROTE IN IN RED ON THE MAP. HE ALSO TOLD ME WHICH LOTS HAD EXISTING HOUSES. I DREW A BLUE HOUSE ON EACH LOT WITH AN EXISTING HOUSE. I ALSO DREW ON THE MAP THE APPROXIMATE LOCATION OF THE NORTH-SOUTH LINE BETWEEN SWNE & SENE TRACTS WHICH WAS DETERMINED FROM EXAMINATION OF THE AERIAL PHOTO FOUND IN THE FILE. THIS ORIGINAL MARKED UP MAP IS CONTAINED IN THE FILE.

THE LOTS SERVED ARE TABULATED BELOW:

LOT	GROSS ACRES		TRACT	RECOMMENDED ACRES *80% OF GROSS
TAX 54	0.95		SWNE	0.76
TAX 47	1.45		SWNE	1.16
2	0.62		SWNE	0.50
3	0.52		SWNE	0.42
4	0.71		SWNE	0.57
5	0.80		SWNE	0.64
6	0.94		SWNE	0.75
7	0.73		SWNE	0.58
8	0.84		SWNE	0.67
	7.56			6.05 ACRES
TAX 55	1.19		SENE	0.95
TAX 46	0.6?	HOLE PUNCH	SENE	0.48
TAX 58	0.62		SENE	0.50
TAX 57	0.63		SENE	0.50
TAX 56	0.78		SENE	0.62
1	1.38		SENE	1.10
9	0.56		SENE	0.45
10	0.99		SENE	0.80
11	0.73		SENE	0.58

*I RECOMMENDED 6 ACRES; COULD BE INCREASED TO 6.1 ACRES

12	1.18	SHOULD BE (1.77)	SENE	0.94	(1.42)
13	0.84		SENE	0.79	
14	1.18	SHOULD BE (1.82)	SENE	0.94	(1.46)
15	1.82		SENE	1.46	
	12.50	(13.73)		10.11	(11.11)

*I RECOMMENDED 12 ACRES IN SENE; COULD BE REDUCED TO 11.1 ACRES.

IN REVIEWING THESE FIGURES IT MAY BE THAT I MADE A MISTAKE IN NOT APPLYING THE 80% TO THE ACRES IN SENE AS I ROUNDED TO 12. IN CLOSER REVIEW OF THE FILE IT APPEARS THAT MR. HOWARD MADE A MISTAKE IN REPORTING ACRES IN LOTS 12 AND 14 WHICH SOMEWHAT COMPENSATED FOR MY ERROR. IN ANY EVENT THERE MAY BE SOME SLIGHT ADJUSTMENT IN THESE NUMBERS.

IF YOU HAVE QUESTIONS, LET ME KNOW.

ALLEN

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-07092A
A36-07092C

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

IDWR Employee/Agent Steve Clelland

◇◇◇

May 20, 1996 9:19am

NAME:		RE:
ROD HOWARD	**CALLIN**	**NORWOOD INFO & UPDATE**

HE WANTED TO GIVE ME SOME ITEMS TO CONSIDER IN MY NEXT REVIEW OF THESE RIGHTS AND RECOMMENDATIONS.

ON THE DRAIN ON THE WEST SIDE (IN THE TREE), TO BE USED IT WOULD HAVE TO BE RUN BACK ACROSS THE MAIN PIPELINE TO BE USED ON THE LOTS AS CLAIMED. ALSO, IT WOULD BE TOTALLY UNSUPPORTED PIPELINE FOR 20-30 FEET UNTIL IT COULD REACH A POINT OF BEING BURIED.

REGARDING THE LOWER DRAIN, HE REMINDED ME THIS IS AN INVERTED SIPHON SYSTEM. IF THE DRAIN IS USED AS ADAMS CLAIMED IT WOULD BREAK THE SIPHON AND MAKE THE SYSTEM UNUSABLE TO DELIVER WATER AT THE PUMP HOUSE. THIS DRAIN WAS USED BRIEFLY TO DELIVER TO LOT 13 BUT THIS LOT IS THE SAME ELEVATION AS THE PUMP HOUSE.

HE ASKED ABOUT THE PHOTO I MENTIONED ABOUT SPRINKLERS ON BANKS OF BILLINGSLEY CREEK. I TOLD HIM THE PHOTO WAS OWNED BY ADAMS BUT IF THIS CASE GOES TO TRIAL OR I MUST RE-EVALUATE THE FILES THIS ITEM SHOULD BE COPIED TO THE FILE AS EVIDENCE OF USE.

I TOLD HIM ADAMS NEVER CAME IN TO AMEND THEIR CLAIM AS DISCUSSED IN COURT AND I HAD NOT HEARD ANYMORE FROM NICK. I SUPPOSE NICK IS STILL TRYING TO WRITE UP A SETTLEMENT AGREEMENT THAT CAN RESOLVE THIS CASE INSTEAD OF GOING TO TRIAL. HOWEVER IF IT GOES TO TRIAL I WILL HAVE TO PREPARE A RECOMMENDATION FOR ADAMS' LATE CLAIM (AND SUBMIT IT AS SUPPLEMENTAL REPORT).
CLAIMS: A36-07092A & A36-07092C

REVIEW OF RECOMMENDATION

A36-07092A
NORWOOD SUBDIVISION

BY: STEVE CLELLAND & ALLEN MERRITT
DATE: December 14, 1994

PURPOSE: To identify the methodology used to calculate the recommendations found in the SRBA claim A36-07092A and apply those standards to the claim by Ron Adams, A36-07092C.

DOMESTIC: Recommendation was for 22 homesites under A36-15240. Since only 16 houses are shown on the map, 6 houses were allowed under the "Tap to Lot" rule. Under this policy the two lots claimed by Adams will be recommended for 2 domestic sites.

IRRIGATION: Recommendation was for 6 acres in SWNE and 12 acres in the SENE of section 13, T07S, R13E, for a total of 18.0 acres. The basis of the recommendation was listed in the Response To Notice of Error form memo by ADM on 9-29-92. Part IV. reads:

> "Made determination to allow 22 home sites for domestic purposes and 80% of the gross area in subdivision for irrigation."

In the SWNE, the acres lots 2-8 were added to the acres in two parcels north of lot 2 for a total acreage of 7.56 acres. This value was taken at 80% for the recommended acres of 6.0 acres. In the next tract, SENE, the acres in lots 1, 9-15 and the remaining parcels north of lot 1 were totaled to 12.55 acres. The 80% factor was NOT applied in the calculation and the recommendation was made for 12.0 acres.

OPTIONS: It appears some allowance of irrigation was given to all the lots in the Subdivision, regardless of the use but tapped to the system. Therefore, the Adams lots should receive a similar recommendation.

1. Add the Adams' two domestic uses to the claim filed by Norwood Subd. as A36-15240?
2. Does Adams file an expansion claim like the Subd. did?
3. Is the irrigation in the claim recommendation for A36-07092A including the parcel Tax Lot 29? Or does the rec'd need to be corrected to 80% of the acres?
4. Is the irrigation for Adams to be listed under a separate right as claimed?

RESOLVED: This file needs to be reviewed with legal staff to provide the final results.

A 36-07092 A

CONVERSATION AND FIELD EXAM MEMO
HAGERMAN WATER USERS
AND NORWOOD SUBD. SYSTEMS

DATE: 11-29-94
BY: STEVE CLELLAND

THIS IS A SUMMARY OF MY FIELD EXAMINATION AND VARIOUS CONVERSATIONS WITH THE PARTIES LISTED HEREIN. THE EXAM WAS AT THE REQUEST OF RON ADAMS & BECKY ADAMS FOR THEIR USES UNDER THE HAGERMAN WATER USER'S RIGHT A36-15168.

ON THIS DAY I MET WITH RON ADAMS, BECKY ADAMS (HIS DAUGHTER), AND ROD STUBBS (BECKY'S HUSBAND) AT THE NORWOOD SUBD. IN FRONT OF DAVID HUFF'S RESIDENCE. I TALKED WITH DAVID HUFF AND HE GRANTED PERMISSION TO WALK THE ROADWAY TO VIEW THE HAGERMAN WATER USER'S (HWU) SYSTEM. I ALSO REQUESTED TO LOOK AT THE FISH FACILITIES OWNED BY AQUARIUS AQUACULTURE AND EXPLAINED TO HIM THE COMPLAINT FILED BY BECKY ADAMS PROMPTS ME TO INVESTIGATE THE USE OF THE WATER RIGHT. HE AGREED TO ALLOW ME ON THE PREMISES BUT HE ASKED THAT THE ADAMS' NOT BE SHOWN THE FISH PROPERTIES AND THEY ONLY TAKE PART IN THE HWU REVIEW. I AGREED.

WE WALKED THE LENGTH OF THE SOUTH DITCH DIVERSION SYSTEM TO BIG SPRINGS AND BACK, DISCUSSING THE SPRINGS, FLOWS, CULVERTS AND PROPERTY LINES AS WE WALKED. THE HWU SYSTEM REMAINS UNCHANGED AND APPEARS THE SAME AS WHEN I EXAMINED THE SYSTEM IN 1990 & 1991. THE ONLY NOTICEABLE DIFFERENCE WAS THE CLEARING OF BRUSH AND TREES FROM THE DITCH BANK ON THE DOWNHILL SIDE, AS A PART OF THE MAINTENANCE OF THE DITCH SYSTEM.

AQUARIUS AQUACULTURE HAS DEVELOPED THE 20 FOOT DIAMETER, ROUND FISH TANKS TO A TOTAL OF 3 TANKS WITH A NEW DIVERSION POINT AT A SPRING. AT THIS EXAM, THE TWO LOWER END PONDS, OF THE TWO EAST RACEWAYS WERE NOT IN OPERATION AND THE THREE ROUND TANKS WERE ONLY ABOUT ONE FOOT DEEP. THIS COMBINATION OF WATER USES DOES NOT APPEAR TO EXCEED THE VOLUME LIMITS. I EXPLAINED MY OBSERVATIONS TO BECKY ADAMS.

FROM A POINT OVERLOOKING THE NORWOOD SUBD. WE DISCUSSED THE RUBY SPRINGS CLAIM, A36-07092C, AND THE USES ON ADAMS' LOTS. I EXPLAINED TO THEM, NO PROOF OF IRRIGATION USES, AS CLAIMED, HAS BEEN FOUND. HOWEVER, IDWR WILL RECOGNIZE THE TAPS ON TWO LOTS AND APPLY THE SAME STANDARDS THAT WERE USED ON THE OTHER PORTIONS OF THE RUBY SPRINGS SYSTEM.

AS WE LEFT, I STOPPED AT DAVID HUFF'S AND EXPLAINED THAT WE HAD PROCEEDED AS DISCUSSED EARLIER. I MENTIONED THE POD TRANSFER NEEDED FOR THE CHANGE IN POD AND HE TOLD ME HE HAD DISCUSSED IT WITH SOMEONE AT IDWR BEFORE. I SUGGESTED HE FILE THE TRANSFER AND LET IDWR RETURN THE REQUEST IF IT IS NOT NEEDED. REGARDING THE

VOLUME CHANGES, HE TOLD ME THE RACEWAYS HAD BEEN CHANGED AND 900 YARDS OF FILL HAD BEEN ADDED. NOW THE WIDTH OF THE RACEWAYS IS 30' WIDE AS OPPOSED TO THE PREVIOUS 40' WIDTHS AS LICENSED (NOTE: SRBA CLAIM FILE SHOWS THE 30' FIGURE WAS USED TO CALCULATE TOTAL ALLOWED VOLUME). I SUGGESTED HE PREPARE A DRAWING WITH THE DIMENSIONS OF THE PONDS AND BE PREPARED TO SUBMIT IT IN RESPONSE TO THE FORTHCOMING LETTER FROM IDWR. AT THAT POINT I MAY NEED TO COME BACK FOR ACTUAL MEASUREMENTS OF THE SYSTEM, WITH MR. HUFF, IF COMPLIANCE IS STILL QUESTIONED.

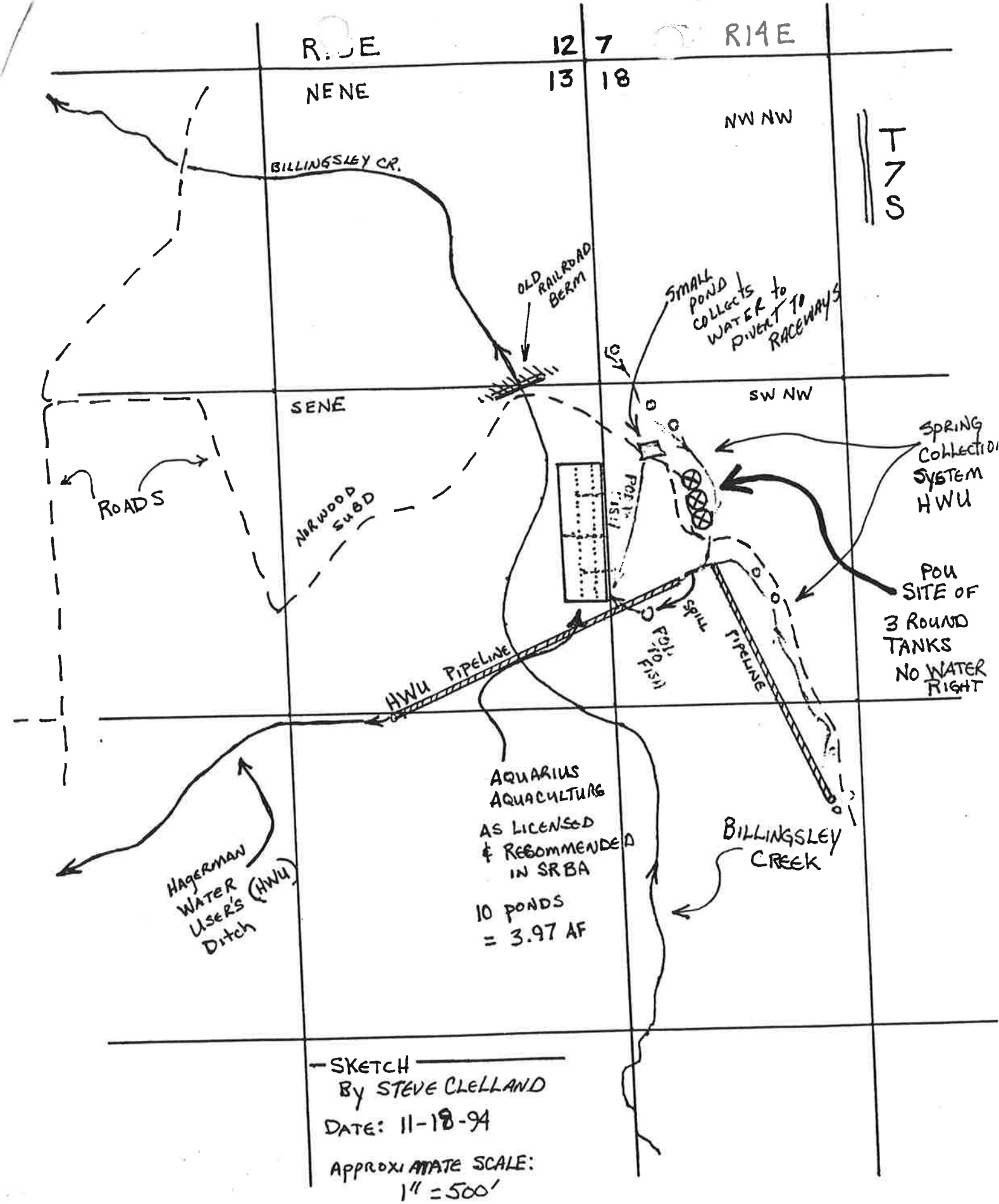
I MET AGAIN WITH THE ADAMS' AT RON'S HOME. THEY SHOWED ME FILES OF DEEDS & MAPS. I EXPLAINED THE PROCESS OF THE ADJUDICATION AND HOW THE HWU FILE IS IN THE JURISDICTION OF THE COURT AND JUDGE HURLBUTT. I REMINDED THEM TO USE THAT PROCESS TO CHANGE THE RECOMMENDATIONS.

THEY WILL SEND COPIES OF THE DEEDS AND A MAP SHOWING THE ORIGINAL EIGHT PARCELS AS REFERRED TO IN THE ARTICLES OF INCORPORATION OF RUBY SPRINGS WATER CORP. THIS INFORMATION APPEARS TO SUPPORT THE CLAIM OF THE TAP DELIVERY TO ADAMS' PARCEL EAST OF THE HARTMAN PARCEL AND LOT 13, AS BEING PART OF THE ORIGINAL SYSTEM AND CLAIMED UNDER A36-07092C.

(NOTE: AFTER REVIEWING THE SRBA RECOMMENDATIONS OF THE AQUARIUS CLAIM, IT WAS RECOMMENDED TO INCLUDE THE SPRING AREA, NOW USED TO FILL THE ROUND TANKS, AS A POINT OF DIVERSION. TRANSFER DOES NOT APPEAR TO BE NECESSARY. FOLLOW UP CALL TO DAVID HUFF TO APPRISE.)

CC: A36-15168, A36-07092A, A36-07092B, A36-07092C

PREPARED BY STEVE CLELLAND DATE: November 30, 1994
FILE: (MM:ADAMS-EXAM-112994.WP) REVISED:


R.. E
12
7
R14E
NE NE
13
18
NW NW
T
7
S
BILLINGSLEY CR.
OLD RAILROAD BERM
SMALL POND COLLECTS WATER to DIVERT TO RACEWAYS
SW NW
SE NE
SPRING COLLECTION SYSTEM HWU
ROADS
NORWOOD SUBD
POND FOR FISH
POU SITE OF 3 ROUND TANKS NO WATER RIGHT
SPILL
FOR FISH
HWU PIPELINE
PIPELINE
AQUARIUS AQUACULTURE AS LICENSED & RECOMMENDED IN SRBA
10 PONDS = 3.97 AF
HAGERMAN WATER USER'S (HWU) Ditch
BILLINGSLEY CREEK
SKETCH
By STEVE CLELLAND
DATE: 11-18-94
APPROXIMATE SCALE:
1" = 500'

NOTES ON RUBY SPRINGS FILE
#5240022

SOUTH CENTRAL HEALTH DISTRICT

CONSENT ORDER - 5-24-89
REQUIRED CHLORINATION SYSTEM.
REQUIRED STORAGE BELOW CHLORINE INJECTION.

ENGINEERING REPORT - 4-1-88
RUBY SPRINGS SYSTEM ANALYSIS

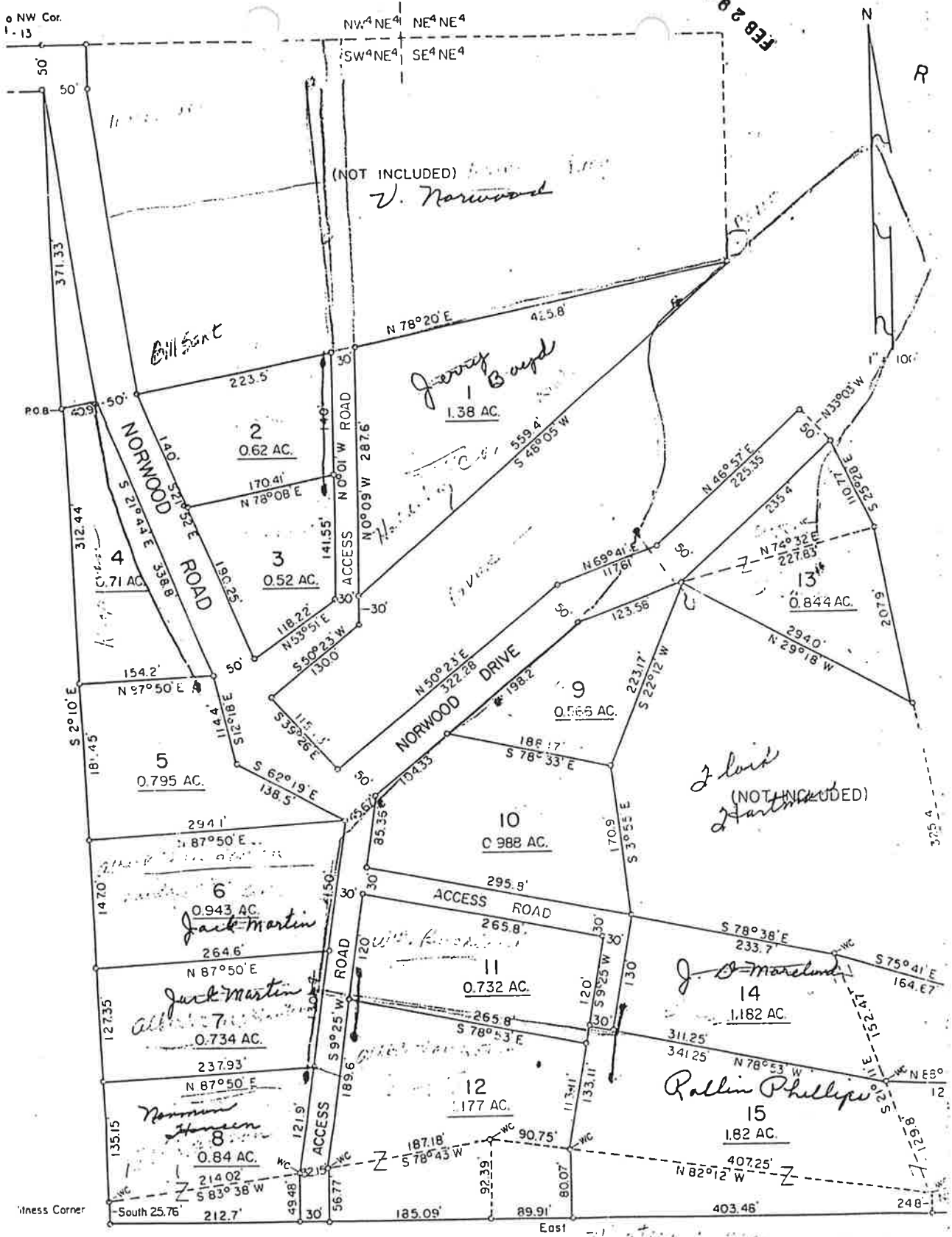
R. CRAIG SMITH, P.E.
880 NEVADA CIRCLE
ELKO NV 89801
PHONE: 702-738-3862

FOUND:
75 PSI DELIVERY SYSTEM
10 HP BOOSTER PUMP
ESTIMATED 300 GPM OUTPUT FROM SPRING

FLOW NOTES BY: G.B. 5-12-88
PEAK DEMANDS

DOMESTIC FLOW =	80 GPM
IRRIGATION =	110 GPM
	=======
	190 GPM
FIRE PROTECTION	500 GPM
	=======
	690 GPM VS. SPRING FLOW = 300 GPM

COMPILED FROM FILE RECORDS FOUND IN THE SOUTH CENTRAL HEALTH DEPT. BY STEVE CLELLAND. 11-09-94 (ASSISTED BY MERL EGBERT).



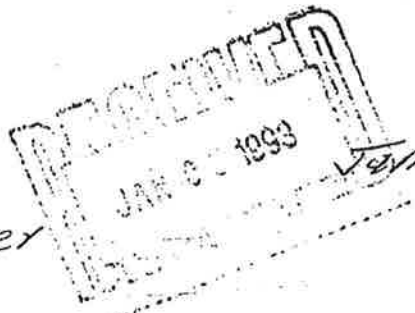
NORWOOD SUBDIVISION

IN S² NE⁴, SEC. 13, T. 7 S., R. 13 E., B.M.

GOODING COUNTY, IDAHO

RUBY SPRINGS FILE #5R40022

DIST. HEALTH DEPT.



Jan. 4, 1994

Shannon Cooper
Compliance officer
EPA
Seattle Washington 98101

Re: Ruby Springs Water Company

Dear Shannon:

During December two more wells were completed in the Ruby Spring water company service area. The 14 occupied homes in the area are now being serviced by four independent water sources. The company members have agreed to share finance a fifth water source. when and where the fourth well will be drilled has not been decided.

I am enclosing a 12/21/93 bacteria Test for well #2. The Paul E Harrell residence.

During the last three months approximately $2200 has been spent on new wells within the company area.

Sincerely Yours
Rod Howard
President Ruby Spring water Company

cc merl W Egbert
Environmental Health Specialist
Public Health District 5
P.O Box 494
Gooding, Idaho 83330

RUBY SPRINGS WATER COMPANY
ACCESS ROAD - NORWOOD SUBDIVISION
December 21, 1993

Merl W. Egbert
Environmental Health Specialist
Public Health District V
P.O. Box 494
Gooding, ID 83330

Dear Merl:

This is verification of our December 21, 1993 telephone conversation:

Ruby Springs Water Company is servicing 14 homes with 33 permanent residents. They are:

Rod and Pat Howard
Ralph and Jackie Casad
Walt and Debbie Foster
Steve Wilkins and Jacque Lanlin
George and Ada Ruth Colwell
Phil and Betty Johnson, & Mike and Gena Johnson & son
David Huff
Bill and Lana Buckland & daughter
Marvin and Martha Foss
Brian and Elaine Davis & 3 children
Bill and Marilyn Sant
Dr. John and Fern Kieffer
Paul Harrell
Lorna Ozburn and friend

During October and November three wells were drilled in the Subdivision. The wells are completed and four families are now connected to their own water source. They are as follows:

Drill permit number 36-93-5-0366, owner Phillip Johnson, domestic water for Phil and Betty Johnson, Mike and Gena Johnson and son. Five (5) permanent residents.

Drill Permit No. 36-93-5-0385, owner Paul Harrell, domestic water for one (1) resident.

Drill Permit No. 36-93-5-0391, owners Billy J. Sant and Ralph Casad, domestic water for Bill and Marilyn Sant and Ralph and Jackie Casad. Four (4) parmanent residents.

At this point we have removed four (4) homes from our water system leaving ten (10) homes being serviced by Ruby Spring Water. Ten (10) people are now using well water

leaving 23 on spring water. The company has approved share cost assistance for five families to go to personal wells. Four families are now on wells, a fifth family has not volunteered as yet. However, another well is likely. The company members have voted that any vacant lot will not be allowed to connect to domestic water from the spring. Any additional homes will be required to drill a domestic well at the time of house construction.

Enclosed are copies of each well log.

Sincerely

Roderick Howard by Tim A. Kieffer

Roderick Howard, President
Ruby Springs Water Company

cc: Shannon Cooper
Seattle, Washington

Form 238-7
6/93

C

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

RECEIVED
DEC 2 1993

1. DRILLING PERMIT NO. 31-93-S-0391
Other IDWR No.

2. OWNER:
Name Scott T. Sant and Ralph Cassel
Address PO Box 61
City Hagerman State Id. Zip 83332

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 7 North ☐ or South ☒
R. 13 East ☒ or West ☐
Sec. 13 , 10 acres 1/4 SE 40 acres 1/4 NE 160 acres 1/4
Gov't Lot ____ County Gooding

Address of Well Site 2635 Access Rd. N.
(Give at least Direction + Distance to Road or Landmark)

Lot No. ____ Block No. ____ Subd. Name ____

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other ____

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other ____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite Clay	0	168		Drilling Fluid Filtered To Bot. Into Annulus

Was drive shoe seal tested? YES NO How? ____

8. CASING/LINER:

Diameter	From	To	Guage	Casting	Liner	Steel	Plastic	Welded	Threaded
6	0	166	250			☒	☐	☒	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes 166'
Top Packer or Headpipe ____ Bottom Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS: ☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
33		210'	2 hrs.

Temperature of water 58 Was a water analysis done? Yes ☐ No ☒
By whom? ____
Water Quality (odor, etc.) Poor Discolored w/ Sand
Bottom Hole Temperature ____

11. STATIC WATER LEVEL:
11.4 ft. below surface Depth artesian flow found ____
Artesian pressure ____ lb. Describe access port Sch. 40 pipe
Describe Controlling Devices: ____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM
8	0	130	Brown Clay	
	130	160	Blue Clay	
	160	168	Blue Clay w/ Some Gravel	
6	168	200	Black Lava	X
	200	211	Red Cinders	
	211	241	Grey Lava	
	241	247	Black Cinders	X
	247	280	Soft Brown Lava w/ Brix	
	280	300	Very Large Black Cinders	X

RECEIVED
DEC 14 1993
Department of Water Resources
Southern Region Office

Date: Started Nov 18/93 Completed Nov 22/

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Layton Well Drilling Firm No. 2
Firm Official [signature] Date 11-23
and
Supervisor or Operator [signature] Date Nov. 2
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
6/93

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

RECEIVED DEC 2 1993

1. DRILLING PERMIT NO. 36-93-S-0385
Other IDWR No.

2. OWNER:
Name Paul Harrell
Address 2652-17 Access Rd. W.
City Hagerman State ID Zip 83332

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 7 North ☐ or South ☒
R. 13 East ☒ or West ☐
Sec. 13, 10 acres 1/4, 40 acres SE 1/4, 160 acres NE 1/4
Gov't Lot ____ County Gooding

Address of Well Site
(Give at least Direction + Distance to Road or Landmark)
Lot No. 2 Block No. ____ Subd. Name Wesswood

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	30	60	200	Poured Into Annular Orig

Was drive shoe seal tested? Y☐ N☐ How?

8. CASING/LINER:

Diameter	From	To	Guage	Casing	Liner	Steel	Plastic	Welded	Threaded
6	2	138	250			☒	☐	☒	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes 138'
Top Packer or Headpipe ____ Bottom Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method
☐ Screens Type ____ Material ____

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
20	----------	200	2 hrs

Temperature of water 85 Was a water analysis done? Yes ☐ No ☒
By whom?
Water Quality (odor, etc.) No odor / 5% Sand
Bottom Hole Temperature

11. STATIC WATER LEVEL:
162 ft. below surface Depth artesian flow found
Artesian pressure ____ lb. Describe access port
Describe Controlling Devices:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM
8	0	138	Brown Clay	
6	138	190	Gray Lava	
	190	198	Black Cinders	20
	198	212	Black Lava	
	212	240	Tan Sand	

RECEIVED
DEC 14 1993
Department of Water Resources
Southern Region Office

Date: Started Nov. 16/93 Completed Nov. 17/93

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied w
the time the rig was removed.

Firm Name Eaton Drilling Firm No.
Firm Official Date Nov. 1
and
Supervisor or Operator Date Nov. 17
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

6/93

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

or Ball Point Pen

DEC 2 1993

1. DRILLING PERMIT NO. 36 - 93 - S - 0366 - 000
Other IDWR No. _____

2. OWNER:
Name Phillip A. Johnson
Address PO Box 265
City Hagerman State ID Zip 83332

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 7 North ☐ or South ☒
R. 13 East ☒ or West ☐
Sec. 13, 10 acres 1/4 SE 40 acres 1/4 NE 160 acres 1/4
Gov't Lot ____ County Gooding

Address of Well Site 2649 Access Rd.
(Give at least Direction + Distance to Road or Landmark)
Lot No. 8 Block No. _____ Subd. Name Norwood

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	157	200	Bentonite Pump
				Dry Into Annular
				Pedalling Clay
				Allowed To Run Into

Was drive shoe seal tested? YES ☐ NO ☒ How? Annular

8. CASING/LINER:

Diameter	From	To	Guage	Casting	Liner	Steel	Plastic	Welded	Threaded
6	3	157	250			☒	☐	☒	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes 157
Top Packer or Headpipe _____ Bottom Tailpipe _____

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☐ Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
95		220	1 hr.

Temperature of water 85 Was a water analysis done? Yes ☐ No ☒
By whom? _____
Water Quality (odor, etc.) No odor / Some Silt
Bottom Hole Temperature _____

11. STATIC WATER LEVEL:
205 ft. below surface Depth artesian flow found _____
Artesian pressure _____ lb. Describe access port Screw-on
Describe Controlling Devices: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM
8	0	4	Top Soil	
	4	105	Brown Clay	
	105	157	Blue Clay	
6	157	220	Coarse Lava	
	220	231	Black Cinders	4
	231	254	Gray Lava	
	254	260	Black Cinders	20
	260	282	Black Lava	
	282	294	Black Lava	
	294	301	Black Cinders	11
	301	304	Black Lava	
	304	304	Top Soil	

NOV 8 1993
Department of Water Resources
Southern Idaho Office

Date: Started Oct 16/93 Completed Oct 17

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied w
the time the rig was removed.

Firm Name Eaton Drilling Firm No. 2
Firm Official Larry Madson Date Oct 24
and
Supervisor or Operator Earl Eaton Date Oct 2
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

NORWOOD
RUBY SPRINGS

DRAFT

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 9

To STEVE CLELLAND	From NICK SPENCER
Co. @ SOUTHERN	Co.
Dept.	Phone #
Fax # THIS IS REVISED TO ADAMS AND	Fax # DRAFT I MAILED EMAILED YESTERDAY. NBS

A. LYNNE KROGH
NICHOLAS B. SPENCER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7920
FAX: (208) 327-7866

ATTORNEYS FOR THE IDAHO
DEPARTMENT OF WATER RESOURCES

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. 36-07092A and 36-15240
Case No. 39576	**STIPULATION AND SETTLEMENT AGREEMENT TO RESOLVE OBJECTION TO RECOMMENDED WATER RIGHT**

Descriptive Summary

This document is a stipulation and agreement between Norwood Subdivision/Ruby Springs Water Company, Mr. Ronald H. Adams, and IDWR to resolve Mr. Adams' objection to recommended water right no. 36-07092A.

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STIPULATION AND SETTLEMENT AGREEMENT

This stipulation and agreement is made and entered into between Norwood Subdivision/Ruby Springs Water Company ("Norwood"), Ronald H. Adams ("Adams"), and the Idaho Department of Water Resources ("IDWR"). These parties to the stipulation and settlement agreement (collectively "parties") hereby agree as follows:

1. Norwood Subdivision is a duly platted subdivision located in Gooding County, Idaho. Its subdivision plat is filed of record in Gooding County. Norwood Subdivision is the named holder of Water Right License No. 36-7092A, issued August 16, 1976. It holds this license in the name of Norwood Subdivision by virtue of the assignment of a portion of Permit No. 36-7092, pursuant to an Assignment of Permit executed by Virgil U. Norwood and Ardith Norwood on August 9, 1976.

2. Ruby Springs Water Company is ~~an~~ nonprofit Idaho corporation incorporated for the purpose of holding legal title to Norwood's water rights and for operating a water distribution system distributing water pursuant to those rights both to the lots within the Norwood Subdivision and to certain lots outside of it.

3. Water Right No. 36-07092A was claimed in the Snake River Basin Adjudication ("SRBA") in the name of Norwood Subdivision/Ruby Springs Water Company. Upon its investigation of this claim IDWR determined that, in addition to the use of this right for irrigation, a portion of it was also being used for domestic

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purposes. IDWR determined that this additional use constituted an accomplished change in the purpose of use of a portion of water right no. 36-07092A, which change could be recommended as an accomplished transfer pursuant to the former Idaho Code §42-1416A (repealed 1994). IDWR recommended that portion of the right used for domestic purposes as water right no. 36-15240. Water right no. 36-07092A as modified, and water right no. 36-15240 as so identified, were both recommended in the director's report for Reporting Area 3 (Basin 36).

4. Adams thereafter filed both a motion for leave to file a late objection to recommended water right no. 36-07092A, and a motion for leave to file a late claim to a water right denoted as water right no. 36-07092C. Adams asserted that he was the owner of a portion of water right no. 36-07092A, but that Norwood had not recognized that ownership in its claim for that right and IDWR had failed to acknowledge his interest in its recommendation of the right. Therefore, by his objection and late claim, Adams sought to have his portion of the right recognized and recommended in his name.

5. The SRBA Court granted both Adams' motion for leave to file a late objection and his motion for leave to file a late claim. Both IDWR and Norwood filed responses to the late objection. IDWR subsequently investigated the late claim and prepared a draft proposal addressing both how claim number 36-07092C should be recommended and how recommended water right no. 36-07092A should be modified to accomplish this. The purpose of

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the proposal was to address how Adams' claimed interest in the water right could be recognized and recommended as a separate water right rather than as a portion of Norwood's recommended water right no. 36-07092A.

6. As the result of arms length, good faith negotiations held among Norwood, Adams and IDWR during two court-sponsored settlement conferences, all parties agree that recommended water right no. 36-07092A should be modified to permit Adams' portion of it to be recommended as a separate water right. To accomplish this split IDWR has created two new, proposed, recommended water rights.[1] Water right number 36-07092D will replace number 36-07092A as recommended to Norwood, and number 36-07092E will replace number 36-07092C as claimed by Adams. The parties further agree that recommended water right no. 36-15240 should similarly be split into two additional, proposed, recommended water rights: water right nos. 36-15240A and 36-15240B, the former describing Norwood's domestic use and the latter describing Adams' domestic use.

7. The parties agree that if the contingency described in paragraphs 8 through 13, below, is satisfied in all particulars,

[1] By use of the term "proposed" the parties do not intend to imply that the four water rights that are the subject of this stipulation and settlement agreement are anything other than presently existing and valid water rights. Rather, the use of the term is intended to make clear that the present agreement is contingent in part upon IDWR's approval of the change in the point of diversion of water right nos. 36-07092E and 36-15240B; and that the rights as presently described in the agreement reflect that change, which has not yet been approved by IDWR. At such time as the contingency is satisfied, the four rights as presently proposed will be incorporated into Standard Form 5's and recommended to the SRBA Court to be decreed as described.

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water right nos. 36-07092D, 36-07092E, 36-15240A and 36-15240B should be recommended to the SRBA Court to be decreed as they are described in Exhibits 1, 2, 3, and 4, attached hereto and incorporated herein by reference.

8. Norwood and Adams agree that the source of water for proposed water right nos. 36-07092E and 36-15240B should be changed from Ruby Springs to groundwater. Adams agrees to undertake his best efforts to accomplish this by filing with IDWR an application to transfer the point of diversion of these two rights from Ruby Springs to a location of his choice upon his property, in order that he be permitted to drill a well of sufficient size to supply him the water to be used pursuant to his two water rights as presently proposed.

9. Norwood agrees that it shall not file a protest to the transfer application described in the preceding paragraph so long as that application conforms to Adams' two proposed water rights as described in Exhibits 2 and 4.

10. Both Norwood and Adams understand and agree that IDWR is prohibited by law from committing itself to reach any predetermined result in any future administrative proceeding. Therefore both Norwood and Adams understand and agree that IDWR cannot guarantee or insure that the transfer application described above will necessarily be approved by IDWR.

11. Adams agrees to file the transfer application described above with IDWR ~~within sixty (60) days from the date~~ after this stipulation and settlement agreement is filed with the SRBA Court.

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12. ~~Within ninety (90) days following the date that~~ After IDWR approves the transfer application described above, if IDWR does grant such approval, Adams agrees to commence drilling of the well described above to provide water for use pursuant to proposed water right nos. 36-07092E and 36-15240B. Adams further agrees that he will undertake his best efforts to insure that the well is completed within a reasonable time after drilling is commenced.

13. Norwood agrees that ~~within ninety (90) days~~ following the date that IDWR approves the transfer application described above, if IDWR does grant such approval, Norwood will ~~pay~~ refund to Adams the sum of five hundred dollars ($500.00) ~~toward the cost of drilling the well described above. Adams agrees that he will use that money for expenses directly connected to the drilling of that well~~ previously assessed by Norwood and payed to it by Adams.

14. At such time as the contingency described in paragraphs 8 through 13, above, is met~~, and within ninety (90) days following completion of the well described above~~, the parties will jointly execute and file with the SRBA Court a Standard Form 5 for each of the four water rights, which Standard Form 5's shall describe the water rights as they are described in Exhibits 1, 2, 3, and 4, respectively. The parties further agree that any conditions or limitations contained within the approved transfer, which must be included in order to correctly describe the water rights, also will be incorporated into the Standard Form 5's.

15. Norwood further agrees to assume liability, and to hold Adams harmless, for any damage or injury of any kind or nature

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whatsoever proximately caused by the location or operation of any part of its water distribution system located upon Adams' property, save for damage or injury arising from any harm to or changes in the distribution system itself proximately caused by Adams and undertaken by him without the express permission of Norwood. If Adams requests such permission of Norwood, Norwood must respond to that request within forty-eight (48) hours, and such permission may not be unreasonably withheld.

16. Norwood and Adams further agree to dismiss any pending legal actions commenced by either one against the other which are based upon any issues of fact or law concerning title to or ownership of ~~the use of~~ the water rights which ~~is are~~ the subject of this stipulation and settlement agreement. However, the provisions of this paragraph shall not apply to any pending legal actions involving Adams and any individuals persons residing or owning lots within the Norwood Subdivision.

17. Upon entry of the partial and final decrees for water right numbers 36-07092D, 36-07092E, 36-15240A and 36-15240B, the objection of Adams to recommended water right no. 36-07092A shall be deemed withdrawn.

18. This stipulation and settlement agreement has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding involving title to or ownership of

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these water rights, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

19. All parties agree that if the transfer application described in paragraphs 8 through 11 above is not approved by IDWR this agreement shall be null and void.

20. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

21. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

22. Exhibits 3 and 4 include an accomplished transfer recommended by IDWR pursuant to Idaho Code § 42-1416A (repealed 1994), which section has been held unconstitutional by the SRBA District Court. This stipulation is not intended to address any issues arising as a result of the court's ruling on that statute, which issues will be addressed as appropriate by the parties at a later date.

23. Four originals of this stipulation and settlement agreement shall each be executed by the parties to it, and each executed original is to be deemed for all purposes to be the original stipulation and settlement agreement. One executed original shall be filed with the SRBA Court. One executed original shall be retained by Norwood, one by Adams, and one by IDWR.

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DATED this _____ day of December, 1995.

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

DATED this _____ day of December, 1995.

RONALD H. ADAMS

DATED this _____ day of December, 1995.

NORWOOD SUBDIVISION/RUBY SPRINGS WATER COMPANY

by _____
RODERICK R. HOWARD
President, Ruby Springs Water Co.

ATTEST: _____
Secretary

DRAFT

Post-it® Fax Note 7671	Date 11/13	# of pages ▶ 8
To Steve Clelland	From Nick	
Co./Dept. Southern	Co. IDWR	
Phone #	Phone #	
Fax #	Fax #	

A. LYNNE KROGH
NICHOLAS B. SPENCER
Deputy Attorneys General
Idaho Department of Water Resources
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Boise, Idaho 83720-0098
Telephone: (208) 327-7920
FAX: (208) 327-7866

ATTORNEYS FOR THE IDAHO
DEPARTMENT OF WATER RESOURCES

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. 36-07092A and 36-15240
Case No. 39576	**STIPULATION AND SETTLEMENT AGREEMENT TO RESOLVE OBJECTION TO RECOMMENDED WATER RIGHT**

Descriptive Summary

This document is a stipulation and agreement between Norwood Subdivision/Ruby Springs Water Company, Mr. Ronald H. Adams, and IDWR to resolve Mr. Adams' objection to recommended water right no. 36-07092A.

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STIPULATION AND SETTLEMENT AGREEMENT

This stipulation and agreement is made and entered into between Norwood Subdivision/Ruby Springs Water Company ("Norwood"), Ronald H. Adams ("Adams"), and the Idaho Department of Water Resources ("IDWR"). These parties to the stipulation and settlement agreement (collectively "parties") hereby agree as follows:

1. Norwood Subdivision is a duly platted subdivision located in Gooding County, Idaho. Its subdivision plat is filed of record in Gooding County. Norwood Subdivision is the named holder of Water Right License No. 36-7092A, issued August 16, 1976. It holds this license in the name of Norwood Subdivision by virtue of the assignment of a portion of Permit No. 36-7092, pursant to an Assignment of Permit executed by Virgil U. Norwood and Ardith Norwood on August 9, 1976.

2. Ruby Springs Water Company is an Idaho corporation incorporated for the purpose of holding legal title to Norwood's water rights and for operating a water distribution system distributing water pursuant to those rights to the lots within the Norwood Subdivision.

3. Water Right No. 36-07092A was claimed in the Snake River Basin Adjudication ("SRBA") in the name of Norwood Subdivision/Ruby Springs Water Company. Upon its investigation of this claim IDWR determined that, in addition to the use of this right for irrigation, a portion of it was also being used for domestic

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purposes. IDWR determined that this additional use constituted an accomplished change in the purpose of use of a portion of water right no. 36-07092A, which change could be recommended as an accomplished transfer pursuant to the former Idaho Code §42-1416A (repealed 1994). IDWR recommended that portion of the right used for domestic purposes as water right no. 36-15240. Water right no. 36-07092A as modified, and water right no. 36-15240 as so identified, were both recommended in the director's report for Reporting Area 3 (Basin 36).

4. Adams thereafter filed both a motion for leave to file a late objection to recommended water right no. 36-07092A, and a motion for leave to file a late claim to a water right denoted as water right no. 36-07092C. Adams asserted that he was the owner of a portion of water right no. 36-07092A, but that Norwood had not recognized that ownership in its claim for that right and IDWR had failed to acknowledge his interest in its recommendation of the right. Therefore, by his objection and late claim, Adams sought to have his portion of the right recognized and recommended in his name.

5. The SRBA Court granted both Adams' motion for leave to file a late objection and his motion for leave to file a late claim. Both IDWR and Norwood filed responses to the late objection. IDWR subsequently investigated the late claim and prepared a draft proposal addressing both how claim number 36-07092C could be recommended and how recommended water right no. 36-07092A should be modified to accomplish this. The purpose of the

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proposal was to address how Adams' claimed interest in the water right could be recognized and recommended as a separate water right rather than as a portion of Norwood's recommended water right no. 36-07092A.

6. As the result of arms length, good faith negotiations held among Norwood, Adams and IDWR during two court-sponsored settlement conferences, all parties agree that recommended water right no. 36-07092A should be modified to permit Adams' portion of it to be recommended as water right no. 36-07092C. The parties further agree that recommended water right no. 36-15240 should similarly be split into recommended water right nos. 36-15240A and 36-15240B, the former describing Norwood's domestic use and the latter describing Adams' domestic use.

7. The parties agree that if the contingency described in paragraphs 8 through 13, below, is satisfied in all particulars, water right nos. 36-07092A, 36-07092C, 36-15240A and 36-15240C should be recommended to the SRBA Court to be decreed as they are described in Exhibits 1, 2, 3, and 4, attached hereto and incorporated herein by reference.

8. Norwood and Adams agree that the source of water for proposed water right nos. 36-07092C and 36-15240B should be changed from Ruby Springs to groundwater. Adams agrees to undertake his best efforts to accomplish this by filing with IDWR an application to transfer the point of diversion of these two rights from Ruby Springs to a location of his choice upon his property, in order that he be permitted to drill a well of sufficient size to supply

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him the water to be used pursuant to his two water rights as presently proposed.

9. Norwood agrees that it shall not file a protest to the transfer application described in the preceeding paragraph so long as that application conforms to Adams' two proposed water rights as described in Exhibits 2 and 4.

10. Both Norwood and Adams understand and agree that IDWR is prohibited by law from committing itself to reach any predetermined result in any future administrative proceeding. Therefore both Norwood and Adams understand and agree that IDWR cannot guarantee or insure that the transfer application described above will necessarily be approved by IDWR.

11. Adams agrees to file the transfer application described above with IDWR within **sixty (60) days** from the date this stipulation and settlement agreement is filed with the SRBA Court.

12. Within **ninety (90) days** following the date that IDWR approves the transfer application described above, if IDWR does grant such approval, Adams agrees to commence drilling of the well described above to provide water for use pursuant to proposed water right nos. 36-07092C and 36-15240. Adams further agrees that he will undertake his best efforts to insure that the well is completed within a reasonable time after drilling is commenced.

13. Norwood agrees that within **ninety (90) days** following the date that IDWR approves the transfer application described above, if IDWR does grant such approval, Norwood will pay to Adams the sum of five hundred dollars ($500.00) toward the cost of drilling the

DRAFT

well described above. Adams agrees that he will use that money for expenses directly connected to the drilling of that well.

14. At such time as the contingency described in paragraphs 8 through 13, above, is met, and within ninety (90) days following completion of the well described above, the parties will jointly execute and file with the SRBA Court a Standard Form 5 for each of the four water rights, which Standard Form 5's shall describe the water rights as they are described in Exhibits 1, 2, 3, and 4, respectively. The parties further agree that any conditions or limitations contained within the approved transfer, which must be included in order to correctly describe the water rights also will be incorporated into the Standard Form 5's.

15. Norwood further agrees to assume liability, and to hold Adams harmless, for any damage or injury of any kind or nature whatsoever proximately caused by the location or operation of any part of its water distribution system located upon Adams' property, save for damage or injury arising from any harm to or changes in the distribution system itself proximately caused by Adams and undertaken by him without the express permission of Norwood.

16. Norwood and Adams further agree to dismiss any pending legal actions commenced by either one against the other which are based upon any issues of fact or law concerning the use of the water which is the subject of this stipulation and settlement agreement.

17. Upon entry of the partial and final decrees for water right numbers 36-07092A, 36-07092C, 36-15240A and 36-15240B, the

DRAFT

objection of Adams to recommended water right no. 36-07092A shall be deemed withdrawn.

18. This stipulation and settlement agreement has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

19. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

20. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

21. Exhibits 3 and 4 include an accomplished transfer recommended by IDWR pursuant to Idaho Code § 42-1416A (repealed 1994), which section has been held unconstitutional by the SRBA District Court. This stipulation is not intended to address any issues arising as a result of the court's ruling on that ~~two~~ section, which issues will be addressed as appropriate by the parties at a later date. ?

22. Four originals of this stipulation and settlement agreement shall each be executed by the parties to it, and each executed original is to be deemed for all purposes to be the

DRAFT

original stipulation and settlement agreement. One executed original shall be filed with the SRBA Court. One executed original shall be retained by Norwood, one by Adams, and one by IDWR.

DATED this _____ day of November, 1995.

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

DATED this _____ day of November, 1995.

NORWOOD SUBDIVISION/RUBY SPRINGS WATER COMPANY

by _____
RODERICK R. HOWARD
President, Ruby Springs Water Co.

ATTEST: _____
Secretary

DATED this _____ day of November, 1995.

_____
RONALD H. ADAMS

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: NICK SPENCER

IDWR

TOTAL PAGES SENT: 5

DOCUMENT DESCRIPTION: 4-R-RECORDS, 1 COVER SHEET

NORWOOD RECOMMENDATIONS.

Nick,

The split of part 'A' was used instead of the 'A-C' version because the 'C' claim was late and has not been reported.

Hope this is what you need.

— STEVE

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	NORWOOD SUBDIVISION	11/06/1969	IRRIGATION	03-15	11-15	0.35 CFS	

TOTAL DIVERSION: 0.35 CFS
CONSUMPTIVE USE: 51.90 AFA

Water Source: SPRING Tributary to: BILLINGSLEY CREEK Stage: LICENSE

Point(s) of Diversion: T07S R13E S13 NENENE GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
07S	13E	13			06	11													17.3
																		TOTAL ACRES	17.3

POU County: GOODING

Other Rights: 36-15240A FROM SAME SYSTEM FOR DOMESTIC USE

Conditions of Approval:
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240A.
RIGHT NO. 36-15240A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.56 CFS.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 12, 14 & 15, NORWOOD SUB DIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4, S13, T07, R13E.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag: E

AJ0749NP
No. R36-07092E

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	RONALD H ADAMS	11/06/1969	IRRIGATION	03-15	11-15	0.09 CFS	
					TOTAL DIVERSION:	0.09 CFS	
					CONSUMPTIVE USE:		13.60 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T07S R13E S13 SENE GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
07S	13E	13				04													4.5
																		TOTAL ACRES	4.5

POU County: GOODING

Other Rights: 36-15240B

Conditions of Approval:
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240B.
RIGHT NO. 36-15240B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.10 CFS.
PROPERTY IS ALSO KNOWN AS LOT 13 NORWOOD SUBDIVISION AND TAX LOTS LOCATED IN THE SENE, S13, T07, R13E.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: E

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	NORWOOD SUBDIVISION	08/16/1976	DOMESTIC	01-01	12-31	0.21 CFS	
					TOTAL DIVERSION:	0.21 CFS	

Water Source: SPRING Tributary to: BILLINGSLEY CREEK Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R13E S13 NENENE GOODING County

Place of use Legal Description for: DOMESTIC

			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
07S	13E	13			D	D												

POU County: GOODING

Non-Irrigation Uses: DOMESTIC, 21 HOME SITES CONNECTED TO SYSTEM

Other Rights: 36-07092D & SEE REMARKS

Conditions of Approval:

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE OF USE OF A PORTION OF RIGHT NO. 36-07092D PURSUANT TO IDAHO CODE 42-1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY DUE TO THE CHANGE IN USE.
RIGHT NO. 36-07092D IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.56 CFS.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 12, 14 & 15, NORWOOD SUB DIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4, S13, T07, R13E.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag: E

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	RONALD H ADAMS	08/16/1976	DOMESTIC	01-01	12-31	0.03 CFS	
				TOTAL DIVERSION:		0.03 CFS	

Water Source: GROUNDWATER Tributary to: Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R13E S13 SENE GOODING County

Place of use Legal Description for: DOMESTIC

			NE				NW				SW				SE			
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac
07S	13E	13				D												

POU County: GOODING

Non-Irrigation Uses: DOMESTIC, 3 HOME SITES CONNECTED TO SYSTEM

Other Rights: 36-07092E & SEE REMARKS

Conditions of Approval:
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE OF USE OF A PORTION OF RIGHT NO. 36-07092E PURSUANT TO IDAHO CODE 42-1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY DUE TO THE CHANGE IN USE.
RIGHT NO. 36-07092E IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.10 CFS.
PROPERTY IS ALSO KNOWN AS LOT 13 NORWOOD SUBDIVISION AND TAX LOTS LOCATED IN THE SENE, S13, T07, R13E.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag: E

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: Nick Spencer

IDWR

TOTAL PAGES SENT: 9

DOCUMENT DESCRIPTION: R - Records of Norwood Drafts

Nick,

These Records still need Fine Tuning in the Remarks, But the Acres & Flows should be Correct.

THE → Domestic Claims Didn't get finished But look like this (as before).

	36-15240A	36-15240B*
	0.21 CFS	0.03 CFS
	--	--
	21 HOUSES	3 HOUSES

STEVE C.

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

Water Right Number - R36-07092A Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY ***		
BROWN	PATRICK D	1 - HEPWORTH NUNGESTER LEZAMIZ 2 - 133 SHOSHONE ST N 3 - PO BOX 389 City- TWIN FALLS State- ID Zip- 833030389 Phone - 208-734-7510
*** C - CURRENT OWNER ***		
SPLIT CLAIM		1 - 2 - 3 - City- X State- ID Zip- 0 Phone - 208-000-0000
*** O - ORIGINAL OWNER ***		
NORWOOD SUBDIVISION		1 - RUBY SPRINGS WATER CO 2 - C/O RODERICK R HOWARD 3 - 2638 ACCESS ROAD N City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6633

Priority Date	Region	Stage	Status
11/06/1969	17 SOUTHERN		Z - SEE REMARKS

Source	Tributary
SPRING SPLIT CLAIM	BILLINGSLEY CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	13	NE NE NE		(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	0.360	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
0.360		54.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SW NE		6.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE NE		12.0	01	IRRIGATION	(47) GOODING

Total Acres: 18.0

Diversion Means - SHAFT, PIPE,COLLECTION BOX TO PIPELINE TO TWO PUMPS TO PIPELINE

Non-Irrigation Use - NONE

M

Water right number - R36-07092A Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 36-15240 FROM SAME SYSTEM FOR DOMESTIC USE

+ - Remarks - +

SEE NOS. 36-07092D & 36-07092E.

+ - Old Water Right Numbers - +

No Old Water Right Numbers Found

+ - Conditions of Approval - +

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

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

+ -Comments- +

Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED DOMESTIC USE CLAIMED UNDER A35-15240 WITH A NEW PRIORITY DATE.
Date: 08/11/1992 User Id: THORNTON Subject: TYPO CORRECTION
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED 2 NOE'S 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/11/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 09/29/1992 User Id: MERRITT Subject: RESPONDED TO NOE
RE-EVALUATION OF ACRES IRRIGATED BY USING NAPP AND THE ORIGINAL FIELD EXAM FINDS THAT ADDITIONAL ACRES ARE IRRIGATED.
RE-EVALUATION OF THE CAPACITY OF THE SYSTEM FINDS THAT THE ORIGINAL MEASUREMENT WAS PROBABLY NOT DONE WHEN THE SYSTEM WAS
AT ITS MAXIMUM DIVERSION RATE. A THEORETICAL CALCULATION CONFIRM AND THIS THEORETICAL IS USED TO LIMIT THE CAPACITY WHEN COMBINED
WITH 36-15240.
Date: 02/19/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ 2/10/93.
CLAIM VERIFIED 9/29/92--DID'NT REVERIFY CLAIM.
Date: 11/09/1995 User Id: SCLELLAN Subject: COPIED FROM REMARKS
PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
THESE RIGHTS IS LIMITED TO 0.58 CFS. SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE
S1/2NE1/4 S13, T07, R13E.

+ - - Audit Fields - - +
11/09/95 SCLELLAN

+ - - - - - - - - - - - - - - - - - - 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	- 08/03/1988	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	-	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- C

AJ0743NP
(OD-124)

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

11/09/95 16:39:54
Page 1

Water Right Number - R36-07092C Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** ADAMS	RONALD H	1 - 3028 CHISHOLM DR 2 - 3 - City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6615
*** O - ORIGINAL OWNER *** NORWOOD SUBDIVISION		1 - RUBY SPRINGS WATER CO 2 - C/O RODERICK R HOWARD 3 - PO BOX 658 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6633

Priority Date	Region	Stage	Status
11/06/1969	17 SOUTHERN		I - DISALLOWED

Source: SPRING Tributary: BILLINGSLEY CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	13	NE NE NE			(47) GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43	DOMESTIC	04/01	11/01	0.080	

Total Div. Rate: 0.080 Total Div. Volume: Total Consumptive Use: 0.0 KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SE NE			43	DOMESTIC	(47) GOODING

Total Acres:

- Diversion Means - COLLECTION BOX, PIPELINE TO BOOSTER, TAPS TO LOTS AND HOUSES
- Non-Irrigation Use - DOMESTIC, 2 HOMES
- Other Rights for Same Use - NONE

Remarks

RECOMMENDED AS RIGHT NO. 36-07092E.

Water right number - R36-07092C Prefix Translation: RESEARCH

Old Water Right Numbers

Old Water Right Numbers

3607092A

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

Comments

Date: 12/14/1994 User Id: SCLELLAN Subject: COPIED FROM REMARKS
ITEM 5. 8" CEMENT PIPELINE RUNNING ACROSS THE NE SECTION OF PROPERTY ACROSS THE OLD RAILROAD BERM.
ITEM 14. THE SENE OF SECTION 13 CONTAINS A PORTION OF TAX LOTS 56, 57, 58, 46 AND 55 PLUS LOTS 1, 9, 10, 11, 12, 14, 15, AND TAX
29 LOT 13 WITH A 4.88 AC PARCEL AND A 7.13 AC PARCEL. TOTAL ACREAGE CLAIMED ON THE ORIGINAL APLICATION CLAIMS 25 ACRES IN THE
SENE. TOTAL ACRES CLAIMED ON RUBY SPRINGS 1992 IS 18 AC. ALL ACRES IN THE SENE WITH OUR LAND INCLUDED IS 24.03 AC ALLOWING THE
SMALL PORTIONS OF TAX LOTS 56, 57, 58, 46 AND 56 WOULD ACCOUNT FOR 25 ACRES IN THE SENE OF SECTION 13.
Date: 11/09/1995 User Id: SCLELLAN Subject: DISALLOWAL
THIS CLAIM IS DISALLOWED BUT THE USE IS CONSIDERED A SPLIT OF THE NORWOOD FILING AS A36-07092A. PART `A' IS SPLIT INTO PARTS `D'
& `E' FOR NORWOOD AND ADAMS RESPECTIVELY. AS DETERMINED BY SETTLEMENT AGREEMENTS TO DATE.

Audit Fields

11/09/95 SCLELLAN

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 10/25/1994	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	- 01/21/1994	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C029467	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

9

AJ0749NP
No. R36-07092D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/09/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NORWOOD SUBDIVISION	11/06/1969	IRRIGATION	03-15	11-15	0.35 CFS	
					TOTAL DIVERSION:	0.35 CFS	
					CONSUMPTIVE USE:		51.90 AFA

Water Source: SPRING Tributary to: BILLINGSLEY CREEK Stage: LICENSE

Point(s) of Diversion: T07S R13E S13 NENENE GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
07S	13E	13			06	11													17.3
																		TOTAL ACRES	17.3

POU County: GOODING

Other Rights: 36-15240A FROM SAME SYSTEM FOR DOMESTIC USE

Conditions of Approval:

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE - MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240A.
RIGHT NO. 36-15240A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO ~~0.66~~ .57 CFS.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 12, 14 & 15, NORWOOD SUB DIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4 S13, T07, R13E.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag: E

Comments: Date: 10/08/1991 User-ID: CHRISTEN Subject: COPIED FROM REMARKS SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED DOMESTIC USE CLAIMED UNDER A35-15240 WITH A NEW PRIORITY DATE.

Date: 08/11/1992 User-ID: THORNTON Subject: TYPO CORRECTION

Date: 09/23/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)

Comments: Date: 09/23/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED 2 NOE'S 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/11/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 09/29/1992 User-ID: MERRITT Subject: RESPONDED TO NOE
RE-EVALUATION OF ACRES IRRIGATED BY USING NAPP AND THE ORIGINAL
FIELD EXAM FINDS THAT ADDITIONAL ACRES ARE IRRIGATED.
RE-EVALUATION OF THE CAPACITY OF THE SYSTEM FINDS THAT THE
ORIGINAL MEASUREMENT WAS PROBABLY NOT DONE WHEN THE SYSTEM WAS
AT ITS MAXIMUM DIVERSION RATE. A THEORETICAL CALCULATION CONFIRM
AND THIS THEORETICAL IS USED TO LIMIT THE CAPACITY WHEN COMBINED
WITH 36-15240.

Date: 02/19/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
2/10/93.
CLAIM VERIFIED 9/29/92--DID'NT REVERIFY CLAIM.

Date: 11/09/1995 User-ID: SCLELLAN Subject: SETTLEMENT CONFERENCE DRAFT CREATED
R-RECORD CREATED THIS DATE TO DEVELOP DRAFT FOR PROPOSED IDEAS.

Audit: 11/09/95 SCLELLAN

AJ0749NP
No. R36-07092E

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/09/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	RONALD H ADAMS	11/06/1969	IRRIGATION	03-15	11-15	0.09 CFS	
				TOTAL DIVERSION:		0.09 CFS	
				CONSUMPTIVE USE:			13.60 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R13E S13 SENE

GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
07S	13E	13				04													4.5
																		TOTAL ACRES	4.5

POU County: GOODING

Other Rights: 36-15240B

Conditions of Approval:

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE - MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.66 CFS.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOT 13 NORWOOD SUBDIVISION AND TAX LOTS LOCATED IN THE SENE, S13, T07, R13E.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: E

Comments: Date: 12/14/1994 User-ID: SCLELLAN Subject: COPIED FROM REMARKS
ITEM 5. 8" CEMENT PIPELINE RUNNING ACROSS THE NE SECTION OF PROPERTY ACROSS THE OLD RAILROAD BERM.
ITEM 14. THE SENE OF SECTION 13 CONTAINS A PORTION OF TAX LOTS 56, 57, 58, 46 AND 55 PLUS LOTS 1, 9, 10, 11, 12, 14, 15, AND TAX 29 LOT 13 WITH A 4.88 AC PARCEL AND A 7.13 AC PARCEL. TOTAL ACREAGE CLAIMED ON THE ORIGINAL APLICATION CLAIMS 25 ACRES IN THE SENE. TOTAL ACRES CLAIMED ON RUBY SPRINGS 1992 IS 18 AC. ALL ACRES IN THE SENE WITH OUR LAND INCLUDED IS 24.03 AC ALLOWING THE SMALL PORTIONS OF TAX LOTS 56, 57, 58, 46 AND 56 WOULD ACCOUNT FOR 25 ACRES IN THE SENE OF SECTION 13.

Date: 11/09/1995 User-ID: SCLELLAN Subject: SETTLEMENT CONFERENCE DRAFT CREATED R-RECORD CREATED FOR PROPOSALS IN SETTLEMENT.

Audit: 11/09/95 SCLELLAN

RUBY SPRINGS WATER COMPANY
2638 ACCESS ROAD NORTH
Hagerman, Idaho 83332
September 7, 1995

We, Norwood Subdivision & Ruby Springs Water Company are prepared to withdraw our protest of application #36-07092C and 36-15240B, and accept Judge Hurlbutt's decision with the following stipulations:

1. Steve Clelland's recommendation #36-07092C:

"This right is being recognized on the basis of the "tapped in" rule, as applied to 36-07092A, and not on the basis of demonstrated beneficial uses. Based on the information in attachment 3, and the further review of this file, the draft proposed recommendation for this right would be as follows:

HARTMAN LOT: Lot size 2.78 acres. Allowance for 80% of the lot size but limited to a maximum lot size of 2.0 acres for the "tapped in" allowance. Therefore, 2.0 acres X 80% = 1.60 acres for the lot. Flow rate as licensed and allowed for part A, 0.02 cfs/ac. X 160 ac. = 0.032 cfs.

LOWER LOT: Lot size is 7.13 acres. Same conditions as above apply which results in the same acres and flow rate; 1.60 acres and 0.032 cfs.

DOMESTIC USES: Domestic uses allowed to the Norwood Subdivision required an additional claim for expansion of the base license. If Mr. Adams files the similar type claim (or follows the recommended procedure of the SRBA court)the allowed uses and rates would be these: Allow 1 house per lot at the rate of 0.01 cfs. per household. This is the same rate as 36-15240.

LOT #13: This portion of part A would be changed to become a listed portion in Mr. Adams' claim, part C.

SUMMARY OF CHANGES

36-07092A	36-07092C	36-15240A	36-15240B*
0.346 CFS	0.078 CFS	0.21 CFS	0.03 CFS
17.3 ACRES	3.9 ACRES	---	----
		21 HOUSES	3 Houses

2. That we be recorded in court records of claiming Steve Clellan's proposal is not legitimate for the following reasons:

a. The lands recorded for irrigation are clearly documented as never having irrigation water on them.

b. The two connections for domestic use are drains to the Norwood Subdivision/Ruby Springs Water Company pipeline. Norwood Subdivision's covenants of January 1972 states:

"EASEMENTS.
Easements for installation and maintenance of drainage facilities are reserved as shown on the recorded plat and no permanent structure shall be erected on those areas."

As a result, use of these drains for "tapped in" rules are in violation of Subdivision covenants. The subdivision is a legal governing organization of Gooding County. Violation of a County approved subdivision regulation would therefore be a violation of county civic authority.

c. In 1988 Norwood Subdivision/Ruby Springs Water Company filed on 1.1 cfs of water for 55 acres on the basis of a water license #36-7092A issued to Norwood Subdivision priority date November 6, 1969. This water license was issued to Norwood Subdivision on basis of a 1933 water decree. In 1992 the division of water resources made a recommendation that water license #36-07092A and 36-15240 be limited to .36 cfs based on actual irrigated lands on Norwood Hill and 13 homes. The irrigated acres were clearly marked on an aerial photo. By projecting the irrigated acres onto the county LID plat of the subdivision and 7 additional lots we were able to convince DWR officials that the 22 lots on Norwood hill had been irrigated. We have verified by the Norwood family the fact that no other lands within the water license area had been irrigated. The DWR rejected our claim to additional acres. In as much as the remainder of the 55 acres had never been irrigated we did not pursue the matter further. All 22 lots had water connections in the form of irrigations connections or domestic hook ups. Now the DWR has made the recommendation that the non-irrigated lands that were denied to Norwood Subdivision/Ruby Springs Water Company be given to Ron Adams who has never owned a water right in this area or ever had water on his lands.

d. In as much as Norwood Subdivision/Ruby Springs Water Company was first to apply for this water and in as much as DWR has changed the rules to recommending water we feel we should have first opportunity of the water in addition to the .58 cfs.

e. The two drains Ron Adams was given credit for are not the only drains on the pipeline and it should be necessary to recommend water for each drain if Mr. Adams is given credit. If non-irrigated land is credited then there appears to be sufficient land and drains on our system to restore the entire 1.1 cfs on the 55 acres.

f. Ruby Springs Water Company is an Idaho Corporation. We would like to know how the DWR has the authority to break up a corporation and divide it up as they see fit. Does the DWR have anti-trust authority to break up corporations?

g. Norwood Subdivision is a legal subdivision of Gooding County. By what authority does the DWR have authority to over rule the civic authority of Gooding County?

h. Norwood Subdivision is a legal identity, by what authority does DWR have to violate the covenants of the subdivision?

i. A corporation is not a group of individuals with independent rights. It is an identity of itself with shareholders. Any possible claim to water for the Hartman Lot or "Lower Lot" would have to be through the authority of Ruby Springs Water Company, Neither have ever paid corporation yearly maintenance fees or special maintenance assessments (required by by-laws of Corporation). Past assessments for the last 19 years figured yearly at 10% interest amounts to $3485.00 each.

j. The SE¼ NE¼ of sec. 13 which Mr. Adams has claimed water for has 25 acres on the water license. Norwood Subdivision/Ruby Springs Water Company has been credited with 12 acres. This leaves 13 acres of the remaining 28 in the 40. There is no meets and bounds survey showing where that 13 acres are. Mr. Adams is only one of 4 water users in this 40 acres. If proposed recommendations are not based on prior use and drains in

j. (continued)
the Ruby Springs pipeline are accepted, then the other 3 users will need to be given an equal chance.

k. The water license is clearly in the name of Norwood Subdivision for 55 acres. If prior use is not a determining factor then Norwood Subdivision should be allowed to sell water to any owner in the 55 acres above the .58 sec. ft/ac and sale should be honored by the DWR.

3. That Mr. Adams' water permit be completely separated from Norwood Subdivision/Ruby Springs Water Company.

4. Mr. Adams agrees in writing to apply for a point of diversion of water and drill a well or obtain water from a source other than Ruby Springs.

5. Mr. Adams agrees in writing to withdraw any claim to Ruby Springs water, water collection system, water pipelines, water distribution system, and easements existing on paper or in/on the ground.

6. Mr. Adams withdraw all legal action pertaining to water against Norwood Subdivision, Ruby Springs Water Company and their shareholders.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-7092 A

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

IDWR Employee/Agent Steve Clelland

November 2, 1995 9:30am

NAME:
ROD HOWARD **CALLIN**

RE:
CONFERENCE ON MONDAY?

HE CALLED TO FOLLOW UP ON THE CONFERENCE HE SAYS IS SCHEDULED FOR MONDAY 11/6. NICK WAS TO WRITE UP A DOCUMENT OF THE SETTLEMENT AND FORWARD TO THE PARTIES FOR POTENTIAL AGREEMENT PRIOR TO THE TRIAL. HE HAS NOT RECEIVED THIS PROPOSAL. I AGREED TO CONTACT NICK AND THE COURT AND RETURN AN ANSWER TO ROD H. BY TODAY. PHONE: 837-6633 (LEAVE MESSAGE).

November 3, 1995 9:29am

NAME:
ROD HOWARD **CALLIN**

RE:
STATUS CONF. MONDAY

HE CALLED TO ASK WHAT I HAD FOUND OUT FROM NICK... I TOLD HIM NICK IS WORKING ON THE STIPULATION DOC. AND HAD PLANNED TO CALL TERRY DOLAN TODAY (FRI) TO UPDATE HIM FOR MONDAY. I SUGGESTED HE CALL THE SRBA COURT AND SPEAK TO MASTER DOLAN ABOUT THE CONF. ON MONDAY; I WILL NOT BE PART OF THAT MEETING. I GAVE HIM THE COURTS NUMBER.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

August 22, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

ROD HOWARD
2638 ACCESS ROAD
HAGERMAN ID 83332

RE: SETTLEMENT CONFERENCE PROPOSAL

Dear Mr. Howard,

Enclosed please find the draft proposal write-up as we had discussed in the settlement conference on June 16, 1995.

If you have further questions contact me at our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

CC:
RON ADAMS
3028 CHISHOLM DR
HAGERMAN ID 83332

NICK SPENCER
IDWR
PO BOX 83720
BOISE ID 83720

SRBA FILES

A36-7092A

DRAFT PROPOSAL

A36-07092A
A36-07092C

BY: STEVE CLELLAND
DATE: AUGUST 21, 1995

PURPOSE: To develop a recommendation and proposal of the two claims listed above as discussed and identified within the settlement conference on June 16, 1995. This is a starting point for further negotiation and resolution for the next scheduled settlement conference on September 7, 1995.

ATTACHMENTS: Three attachments accompany this proposal:

1. Proof Report of 36-07092A as reported to the SRBA court.
2. Proof Report of 36-15240 as reported to the SRBA court.
3. Review of Recommendation by Steve Clelland, 12-14-95.

LOT 13: The suggestion was made to separate this portion of Mr. Adams' right from the Norwood Subd. portion. A proportional share of 36-07092A is as follows:

ACRES 0.84 acres X 80% = 0.672 or 0.70 ac.
FLOW RATE 0.70 acres X 0.02 cfs/ac = 0.014 cfs.
Domestic use: 0.01 cfs (As allowed in 36-15240)
(split claim A & B)

These amounts would be deducted from the 36-07092A right and split from the 36-15240 right. The resulting rights would be this:

36-07092A 17.3 acres and 0.346 cfs.
36-15240 21 houses and 0.21 cfs.

A36-07092C RECOMMENDATION

This right is being recognized on the basis of the "tapped in" rule, as applied to 36-07092A, and not on the basis of demonstrated beneficial uses. Based on the information in attachment 3. and the further review of this file the draft proposed recommendation for this right would be as follows:

HARTMAN LOT: Lot size 2.78 acres. Allowance for 80% of the lot size but limited to a maximum lot size of 2.0 acres for the "tapped in" allowance. Therefore, 2.0 acres X 80% = 1.60 acres for the lot. Flow rate as licensed and allowed for part A, 0.02 cfs/ac. X 1.60 ac. = 0.032 cfs.

LOWER LOT: Lot size is 7.13 acres. Same conditions as above apply which results in the same acres and flow rate; 1.60 acres and 0.032 cfs.

DOMESTIC USES: Domestic uses allowed to the Norwood Subd.

required an additional claim for expansion of the base license. If Mr. Adams files the similar type claim (or follows the recommended procedure of the SRBA court) the allowed uses and rates would be these: Allow 1 house per lot at the rate of 0.01 cfs per household. This is the same rate as 36-15240.

LOT 13: This portion of part A would be changed to become a listed portion in Mr. Adams' claim, part C.

SUMMARY OF CHANGES

36-07092A	**36-07092C**	**36-15240A**	**36-15240B***
0.346 CFS	0.078 CFS	0.21 CFS	0.03 CFS
17.3 ACRES	3.9 ACRES	--	--
		21 HOUSES	3 HOUSES

(* This claim may be an amendment of the split or may require another claim to be filed by Adams.)

VARIATIONS: The Dept. has limited the allowance of the tapped lots at 80% of actual size for the subdivision lots. Since none of the lots are over 2 acres the Adams' lots were limited to a 2.0 acre maximum when applying the 80% allowance. If the full lot sizes were considered the calculation for acres and flow rates would be as follows:

HARTMAN LOT: Lot size is 2.78 acres, 2.78 ac. X 80% = 2.22 acres; 0.02 cfs/ac. X 2.22 ac. = 0.044 cfs.

LOWER LOT: Lot size is 7.13 acres, 7.13 ac. X 80% = 5.70 acres; 0.02 cfs/ac. X 5.70 ac. = 0.114 cfs.

Total of the full lot allowance is 0.158 cfs on 7.92 acres versus the previous figures of 0.064 cfs on 3.20 acres as shown in the first example. A differenc of 0.094 cfs. This calculation is shown for comparison and is not being recommended by the Department for part C.

OTHER ISSUES

1. Easements for pipelines and methods of delivery are items to be negotiated by the separate parties and are normally not granted as a function of the water right.
2. Possibility of converting this spring flow right to a well source is considered valid by IDWR. The process would involve filing an Application for Transfer with the Department and would be processed with advertisement and public notice of the changes.

PREPARED BY STEVE CLELLAND DATE: August 21, 1995
FILE: (LEG:ADAMS-NORWOOD-SUM.DOC) REVISED: August 22, 1995

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

08/22/95 09:46:44

Water Right Number - 36-07092A

Prefix Translation: WATER RIGHT

Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY *** BROWN	PATRICK D	1 - HEPWORTH NUNGESTER LEZAMIZ 2 - 133 SHOSHONE ST N 3 - PO BOX 389 City- TWIN FALLS State- ID Zip- 833030389 Phone - 208-734-7510
*** C - CURRENT OWNER *** NORWOOD SUBDIVISION		1 - RUBY SPRINGS WATER CO 2 - C/O RODERICK R HOWARD 3 - 2638 ACCESS ROAD N City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6633

Priority Date	Region	Stage	Status
11/06/1969	17 SOUTHERN	L - LICENSE	

Source: SPRING

Tributary: BILLINGSLEY CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
07S	13E	13	NE NE NE			(47) GOODING	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	0.360	

Total Div. Rate: 0.360
Total Div. Volume:
Total Div. Capacity:
Total Consumptive Use: 54.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SW NE		6.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE NE		12.0	01	IRRIGATION	(47) GOODING
				Total Acres:	18.0			

Diversion Means - SHAFT, PIPE,COLLECTION BOX TO PIPELINE TO TWO PUMPS TO PIPELINE

Non-Irrigation Use - NONE

Other Rights for Same Use - 36-15240 FROM SAME SYSTEM FOR DOMESTIC USE

Remarks

PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.58 CFS.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

Water right number - 36-07092A Prefix Translation: WATER RIGHT

Remarks

PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION
AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE
S1/2NE1/4 S13, T07, R13E.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Decree Plaintiff

Decree Defendant

Decree Date - 00/00/0000

Audit Fields - 01/28/91 BEDKE 06/24/91 SOUTH1 10/08/91 CHRISTEN 10/09/91 CHRISTEN 03/12/92 ROBERTSO
07/10/92 CWU-PROD 07/18/92 POST-STD 07/27/92 SMITH 08/07/92 CHRISTEN 08/11/92 THORNTON
08/28/92 PR-PRODM 09/23/92 SCHULTZ 09/29/92 MERRITT 10/15/92 CWU-SHAF 11/02/92 CPSHAW
12/05/92 ADT-SHAW 02/19/93 SCHULTZ 02/28/94 CM1-SMIT 03/29/95 POST-STD

Certified Numbers & Date Mailed - 257245 08/24/92

Comments

Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED DOMESTIC USE CLAIMED UNDER A35-15240 WITH A NEW PRIORITY DATE.
Date: 08/11/1992 User Id: THORNTON Subject: TYPO CORRECTION
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED 2 NOE'S 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/11/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 09/29/1992 User Id: MERRITT Subject: RESPONDED TO NOE
RE-EVALUATION OF ACRES IRRIGATED BY USING NAPP AND THE ORIGINAL FIELD EXAM FINDS THAT ADDITIONAL ACRES ARE IRRIGATED.
RE-EVALUATION OF THE CAPACITY OF THE SYSTEM FINDS THAT THE ORIGINAL MEASUREMENT WAS PROBABLY NOT DONE WHEN THE SYSTEM WAS
AT ITS MAXIMUM DIVERSION RATE. A THEORETICAL CALCULATION CONFIRM AND THIS THEORETICAL IS USED TO LIMIT THE CAPACITY WHEN COMBINED
WITH 36-15240.
Date: 02/19/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ 2/10/93.
CLAIM VERIFIED 9/29/92--DID'NT REVERIFY CLAIM.

Adjudication Rights Dates and Flags Area

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 10/07/1994	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/03/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 36A
Licensed Date	- 00/00/0000	Receipt Number	- S001266	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- AND/OR	Notice of Error Flag	- C

Water Right Number - 36-15240

Prefix Translation: WATER RIGHT

Old (D) Number -

*** A - ATTORNEY ***
BROWN

PATRICK D

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

*** C - CURRENT OWNER ***
NORWOOD SUBDIVISION

1 - RUBY SPRINGS WATER CO
2 - RODERICK R HOWARD
3 - 2638 ACCESS ROAD N
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6633

Priority Date: 08/16/1976

Region: 17 SOUTHERN

Stage: J - BENEFICIAL USE

Status:

Source: SPRING

Tributary: BILLINGSLEY CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
07S	13E	13	NE NE NE			(47) GOODING	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43	DOMESTIC	01/01	12/31	0.220	

Total Div. Rate: 0.220

Total Div. Volume:

Total Div. Capacity:

Total Consumptive Use: 0.0

KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SW NE			43	DOMESTIC	(47) GOODING
07S	13E	13	SE NE			43	DOMESTIC	(47) GOODING

Diversion Means - SHAFT, PIPE,COLLECTION BOX TO PIPELINE TO TWO PUMPS TO PIPELINE

Non-Irrigation Use - DOMESTIC/ 22 HOME SITES CONNECTED TO SYSTEM

Other Rights for Same Use - SEE REMARKS

Remarks

THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE OF USE OF A PORTION OF RIGHT NO. 36-07092A PURSUANT TO IDAHO CODE 42-1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY DUE TO THE CHANGE IN USE.

RIGHT NO. 36-07092A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.58 CFS.

SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

Water right number - 36-15240 Prefix Translation: WATER RIGHT

Remarks

PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION
AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE
S1/2NE1/4 S13, T07S, R13E.

Old Water Right Numbers

3607092A

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

Audit Fields - 10/08/91 CHRISTEN 10/11/91 CHRISTEN 07/21/92 POST-STD 08/07/92 CHRISTEN 08/11/92 THORNTON
08/13/92 MERRITT 09/23/92 SCHULTZ 09/29/92 MERRITT 11/02/92 CPSHAW 12/05/92 ADT-SHAW
02/22/93 SCHULTZ 03/29/95 POST-STD

Comments

Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED
THE NATURE OF USE OF CLAIM 36-07092A FROM IRRIGATION TO THE
Date: 08/11/1992 User Id: THORNTON Subject: TYPO CORRECTION
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.
Date: 09/29/1992 User Id: MERRITT Subject: RESPONDED TO NOE
RE-EVALUATED SYSTEM CAPACITY AND ALLOWED 0.22 CFS FOR 22 HOME
HAVE STUBBED PIPES TO EACH LOT AND PRESENTLY 16 HOUSES ARE
TO BE 0.58 CFS WITH BOTH THE 3 AND 10 HP PUMPS RUNNING.
Date: 02/22/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
CLAIM VERIFIED 9/29/92--DIDN'T REVERIFY CLAIM.

THIS CLAIM IS AN EXPANSION IN THE SEASON OF USE FOR A CHANGE IN DOMESTIC USE FOR THE 13 DEVELOPED LOTS.

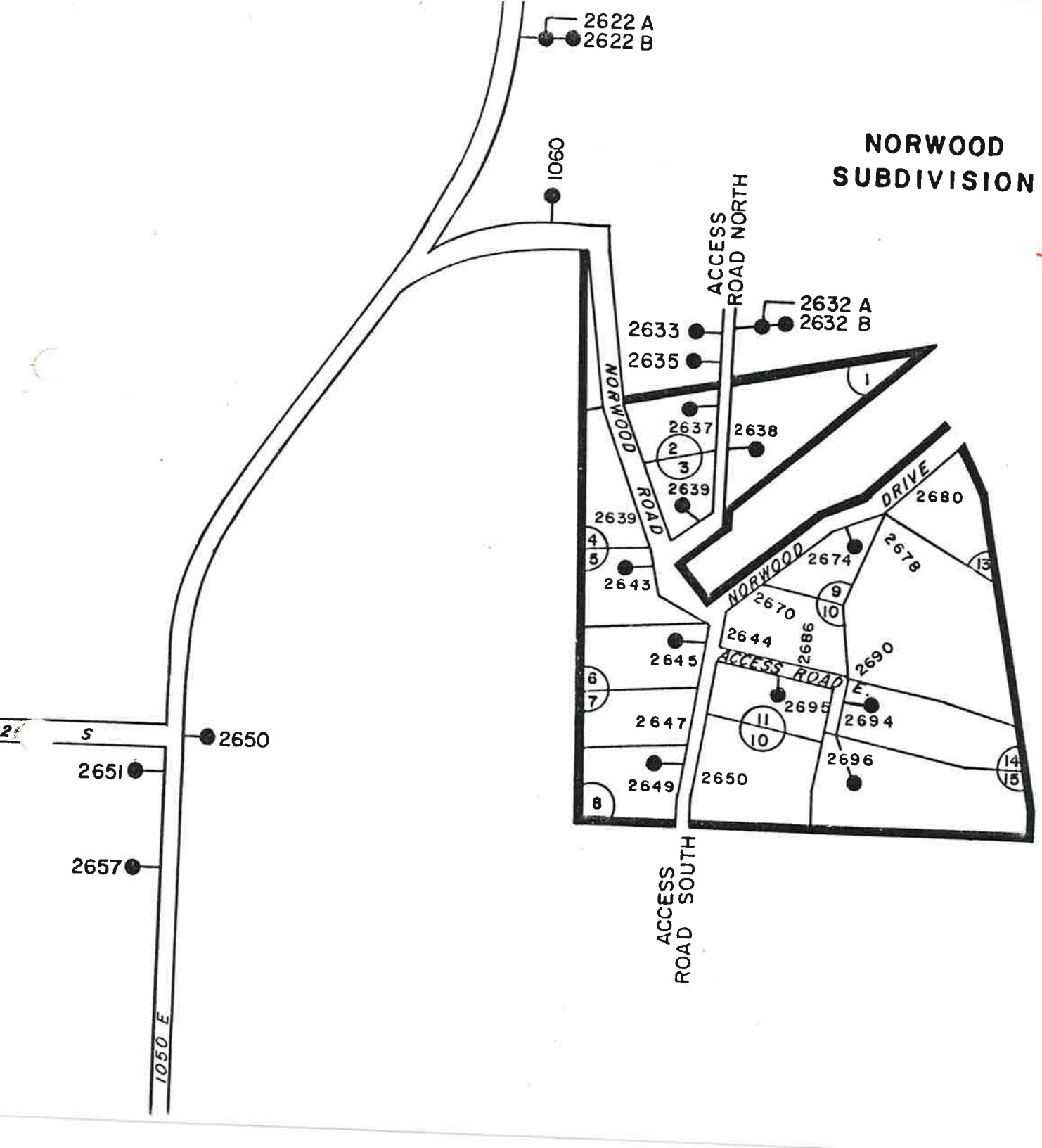
CLAIM VERIFIED 8/13/92. DID NOT REVERIFY ANY PART OF CLAIM.

SITES IDENTIFIED BY CLAIMANT AS SERVED BY SYSTEM. ALL LOTS SERVED WITH 6 LOTS NOT YET DEVELOPED. SYSTEM CAPACITY DETERMINED

2/10/93.

Adjudication Rights Dates and Flags Area

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 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	- 08/03/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 36A
Licensed Date	- 00/00/0000	Receipt Number	- S001266	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	- E
Fee Exempt Flag	-	Name Connector	- AND/OR	Notice of Error Flag	- E


NORWOOD
SUBDIVISION
A36-07092 A
2622 A
2622 B
1060
ACCESS
ROAD NORTH
2632 A
2632 B
2633
2635
NORWOOD
ROAD
2637
2638
2639
2639
2643
2645
2647
2649
2650
2651
2657
2650
1050 E
S
2
1
2
3
4
5
6
7
8
9
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11
10
13
14
15
DRIVE
2680
2674
2678
NORWOOD
2670
2644
2686
2690
ACCESS ROAD E.
2695
2694
2696
ACCESS
ROAD SOUTH

REVIEW OF RECOMMENDATION

A36-07092A
NORWOOD SUBDIVISION

BY: STEVE CLELLAND & ALLEN MERRITT
DATE: December 14, 1994

PURPOSE: To identify the methodology used to calculate the recommendations found in the SRBA claim A36-07092A and apply those standards to the claim by Ron Adams, A36-07092C.

DOMESTIC: Recommendation was for 22 homesites under A36-15240. Since only 16 houses are shown on the map, 6 houses were allowed under the "Tap to Lot" rule. Under this policy the two lots claimed by Adams will be recommended for 2 domestic sites.

IRRIGATION: Recommendation was for 6 acres in SWNE and 12 acres in the SENE of section 13, T07S, R13E, for a total of 18.0 acres. The basis of the recommendation was listed in the Response To Notice of Error form memo by ADM on 9-29-92. Part IV. reads:

> "Made determination to allow 22 home sites for domestic purposes and 80% of the gross area in subdivision for irrigation."

In the SWNE, the acres lots 2-8 were added to the acres in two parcels north of lot 2 for a total acreage of 7.56 acres. This value was taken at 80% for the recommended acres of 6.0 acres. In the next tract, SENE, the acres in lots 1, 9-15 and the remaining parcels north of lot 1 were totaled to 12.55 acres. The 80% factor was NOT applied in the calculation and the recommendation was made for 12.0 acres.

OPTIONS: It appears some allowance of irrigation was given to all the lots in the Subdivision, regardless of the use but tapped to the system. Therefore, the Adams lots should receive a similar recommendation.

1. Add the Adams' two domestic uses to the claim filed by Norwood Subd. as A36-15240?
2. Does Adams file an expansion claim like the Subd. did?
3. Is the irrigation in the claim recommendation for A36-07092A including the parcel Tax Lot 29? Or does the rec'd need to be corrected to 80% of the acres?
4. Is the irrigation for Adams to be listed under a separate right as claimed?

RESOLVED: This file needs to be reviewed with legal staff to provide the final results.

A36-07092A

CONVERSATION AND FIELD EXAM MEMO
HAGERMAN WATER USERS
AND NORWOOD SUBD. SYSTEMS

DATE: 11-29-94
BY: STEVE CLELLAND

THIS IS A SUMMARY OF MY FIELD EXAMINATION AND VARIOUS CONVERSATIONS WITH THE PARTIES LISTED HEREIN. THE EXAM WAS AT THE REQUEST OF RON ADAMS & BECKY ADAMS FOR THEIR USES UNDER THE HAGERMAN WATER USER'S RIGHT A36-15168.

ON THIS DAY I MET WITH RON ADAMS, BECKY ADAMS (HIS DAUGHTER), AND ROD STUBBS (BECKY'S HUSBAND) AT THE NORWOOD SUBD. IN FRONT OF DAVID HUFF'S RESIDENCE. I TALKED WITH DAVID HUFF AND HE GRANTED PERMISSION TO WALK THE ROADWAY TO VIEW THE HAGERMAN WATER USER'S (HWU) SYSTEM. I ALSO REQUESTED TO LOOK AT THE FISH FACILITIES OWNED BY AQUARIUS AQUACULTURE AND EXPLAINED TO HIM THE COMPLAINT FILED BY BECKY ADAMS PROMPTS ME TO INVESTIGATE THE USE OF THE WATER RIGHT. HE AGREED TO ALLOW ME ON THE PREMISES BUT HE ASKED THAT THE ADAMS' NOT BE SHOWN THE FISH PROPERTIES AND THEY ONLY TAKE PART IN THE HWU REVIEW. I AGREED.

WE WALKED THE LENGTH OF THE SOUTH DITCH DIVERSION SYSTEM TO BIG SPRINGS AND BACK, DISCUSSING THE SPRINGS, FLOWS, CULVERTS AND PROPERTY LINES AS WE WALKED. THE HWU SYSTEM REMAINS UNCHANGED AND APPEARS THE SAME AS WHEN I EXAMINED THE SYSTEM IN 1990 & 1991. THE ONLY NOTICEABLE DIFFERENCE WAS THE CLEARING OF BRUSH AND TREES FROM THE DITCH BANK ON THE DOWNHILL SIDE, AS A PART OF THE MAINTENANCE OF THE DITCH SYSTEM.

AQUARIUS AQUACULTURE HAS DEVELOPED THE 20 FOOT DIAMETER, ROUND FISH TANKS TO A TOTAL OF 3 TANKS WITH A NEW DIVERSION POINT AT A SPRING. AT THIS EXAM, THE TWO LOWER END PONDS, OF THE TWO EAST RACEWAYS WERE NOT IN OPERATION AND THE THREE ROUND TANKS WERE ONLY ABOUT ONE FOOT DEEP. THIS COMBINATION OF WATER USES DOES NOT APPEAR TO EXCEED THE VOLUME LIMITS. I EXPLAINED MY OBSERVATIONS TO BECKY ADAMS.

FROM A POINT OVERLOOKING THE NORWOOD SUBD. WE DISCUSSED THE RUBY SPRINGS CLAIM, A36-07092C, AND THE USES ON ADAMS' LOTS. I EXPLAINED TO THEM, NO PROOF OF IRRIGATION USES, AS CLAIMED, HAS BEEN FOUND. HOWEVER, IDWR WILL RECOGNIZE THE TAPS ON TWO LOTS AND APPLY THE SAME STANDARDS THAT WERE USED ON THE OTHER PORTIONS OF THE RUBY SPRINGS SYSTEM.

AS WE LEFT, I STOPPED AT DAVID HUFF'S AND EXPLAINED THAT WE HAD PROCEEDED AS DISCUSSED EARLIER. I MENTIONED THE POD TRANSFER NEEDED FOR THE CHANGE IN POD AND HE TOLD ME HE HAD DISCUSSED IT WITH SOMEONE AT IDWR BEFORE. I SUGGESTED HE FILE THE TRANSFER AND LET IDWR RETURN THE REQUEST IF IT IS NOT NEEDED. REGARDING THE

VOLUME CHANGES, HE TOLD ME THE RACEWAYS HAD BEEN CHANGED AND 900 YARDS OF FILL HAD BEEN ADDED. NOW THE WIDTH OF THE RACEWAYS IS 30' WIDE AS OPPOSED TO THE PREVIOUS 40' WIDTHS AS LICENSED (NOTE: SRBA CLAIM FILE SHOWS THE 30' FIGURE WAS USED TO CALCULATE TOTAL ALLOWED VOLUME). I SUGGESTED HE PREPARE A DRAWING WITH THE DIMENSIONS OF THE PONDS AND BE PREPARED TO SUBMIT IT IN RESPONSE TO THE FORTHCOMING LETTER FROM IDWR. AT THAT POINT I MAY NEED TO COME BACK FOR ACTUAL MEASUREMENTS OF THE SYSTEM, WITH MR. HUFF, IF COMPLIANCE IS STILL QUESTIONED.

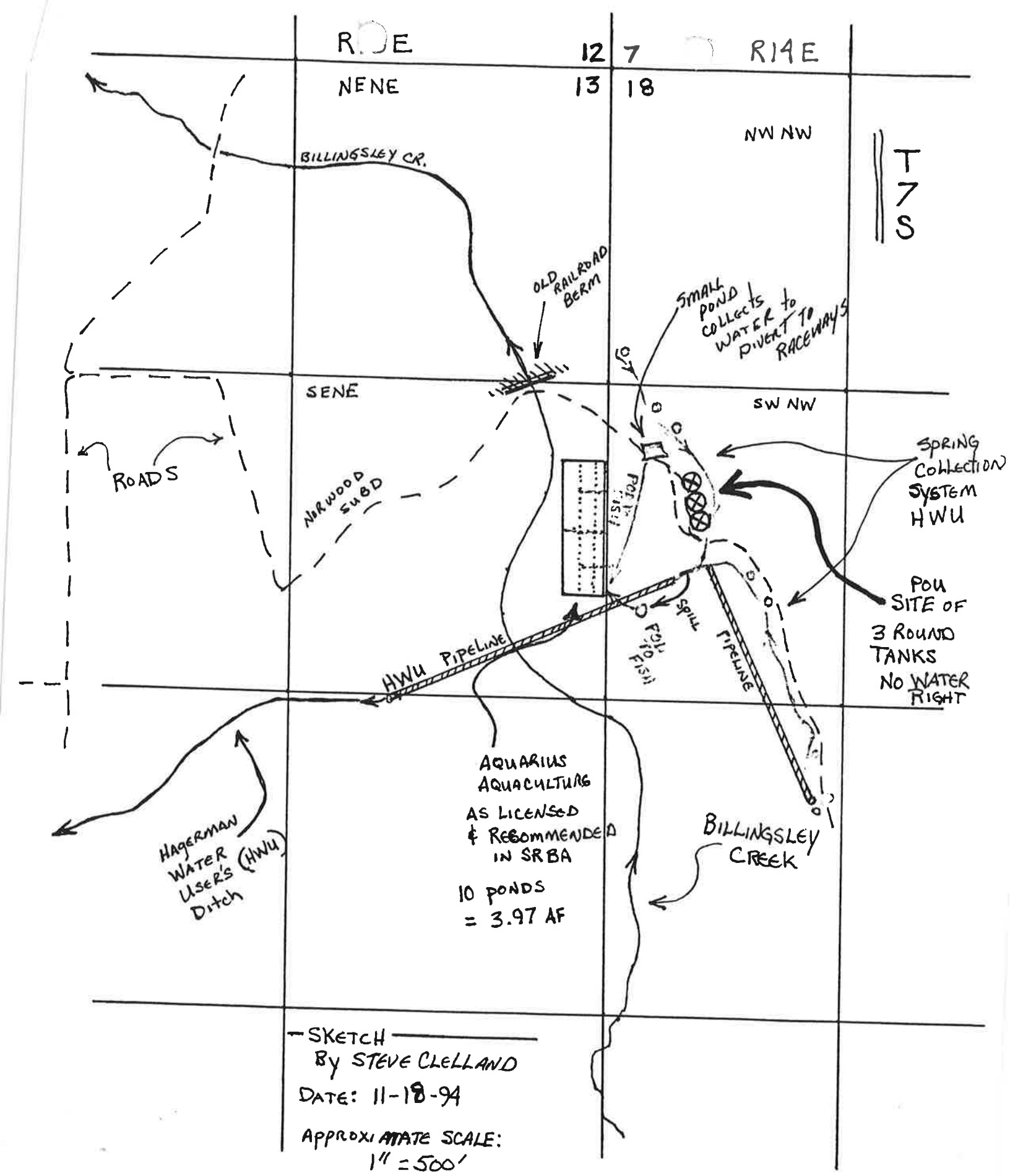
I MET AGAIN WITH THE ADAMS' AT RON'S HOME. THEY SHOWED ME FILES OF DEEDS & MAPS. I EXPLAINED THE PROCESS OF THE ADJUDICATION AND HOW THE HWU FILE IS IN THE JURISDICTION OF THE COURT AND JUDGE HURLBUTT. I REMINDED THEM TO USE THAT PROCESS TO CHANGE THE RECOMMENDATIONS.

THEY WILL SEND COPIES OF THE DEEDS AND A MAP SHOWING THE ORIGINAL EIGHT PARCELS AS REFERRED TO IN THE ARTICLES OF INCORPORATION OF RUBY SPRINGS WATER CORP. THIS INFORMATION APPEARS TO SUPPORT THE CLAIM OF THE TAP DELIVERY TO ADAMS' PARCEL EAST OF THE HARTMAN PARCEL AND LOT 13, AS BEING PART OF THE ORIGINAL SYSTEM AND CLAIMED UNDER A36-07092C.

(NOTE: AFTER REVIEWING THE SRBA RECOMMENDATIONS OF THE AQUARIUS CLAIM, IT WAS RECOMMENDED TO INCLUDE THE SPRING AREA, NOW USED TO FILL THE ROUND TANKS, AS A POINT OF DIVERSION. TRANSFER DOES NOT APPEAR TO BE NECESSARY. FOLLOW UP CALL TO DAVID HUFF TO APPRISE.)

CC: A36-15168, A36-07092A, A36-07092B, A36-07092C

PREPARED BY STEVE CLELLAND DATE: November 30, 1994
FILE: (MM:ADAMS-EXAM-112994.WP) REVISED:


R. E
12
7
R14E
NENE
13
18
NW NW
T
7
S
BILLINGSLEY CR.
OLD RAILROAD BERM
SMALL POND COLLECTS WATER TO DIVERT TO RACEWAYS
SENE
SW NW
ROADS
NORWOOD SUBD
POND
FISH
SPRING COLLECTION SYSTEM HWU
POU SITE OF 3 ROUND TANKS NO WATER RIGHT
SPILL
POU TO FISH
HWU PIPELINE
PIPELINE
AQUARIUS AQUACULTURE AS LICENSED & RECOMMENDED IN SRBA
10 PONDS = 3.97 AF
HAGERMAN WATER USER'S (HWU) Ditch
BILLINGSLEY CREEK
SKETCH
By STEVE CLELLAND
DATE: 11-18-94
APPROXIMATE SCALE:
1" = 500'

NOTES ON RUBY SPRINGS FILE
#5240022

SOUTH CENTRAL HEALTH DISTRICT

CONSENT ORDER - 5-24-89
REQUIRED CHLORINATION SYSTEM.
REQUIRED STORAGE BELOW CHLORINE INJECTION.

ENGINEERING REPORT - 4-1-88
RUBY SPRINGS SYSTEM ANALYSIS

R. CRAIG SMITH, P.E.
880 NEVADA CIRCLE
ELKO NV 89801
PHONE: 702-738-3862

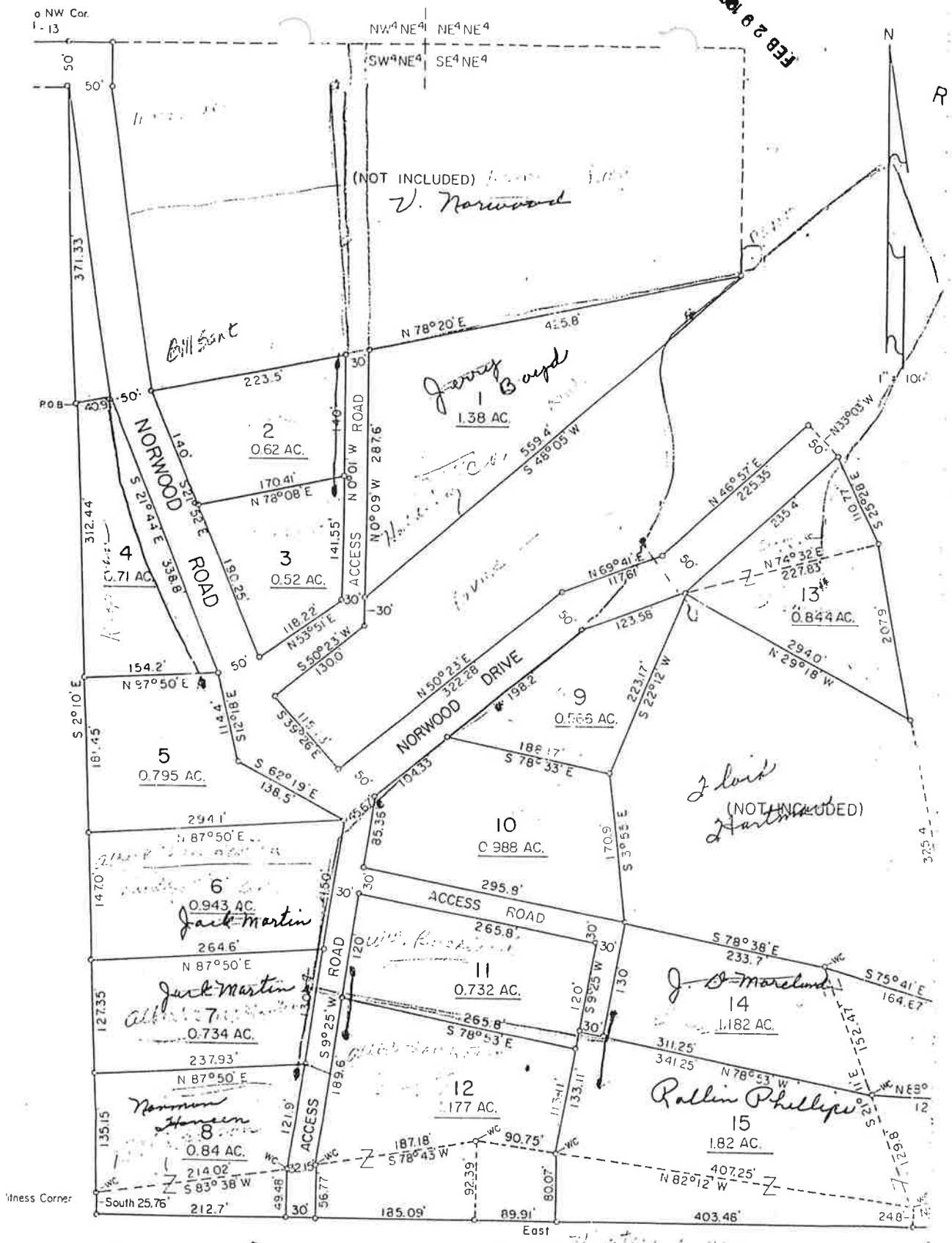
FOUND:
75 PSI DELIVERY SYSTEM
10 HP BOOSTER PUMP
ESTIMATED 300 GPM OUTPUT FROM SPRING

FLOW NOTES BY: G.B. 5-12-88
PEAK DEMANDS
DOMESTIC FLOW = 80 GPM
IRRIGATION = 110 GPM
=======
190 GPM

FIRE PROTECTION 500 GPM
=======
690 GPM VS. SPRING FLOW = 300 GPM

◇◇

COMPILED FROM FILE RECORDS FOUND IN THE SOUTH CENTRAL HEALTH DEPT. BY STEVE CLELLAND. 11-09-94 (ASSISTED BY MERL EGBERT).



RUBY SPRINGS FILE #5R40022
DIST. HEALTH DEPT.

RECEIVED
JAN 0 - 1993

Jan. 4, 1994

Shannon Cooper
Compliance officer
EPA
Seattle Washington 98101

Re: Ruby Springs Water Company

Dear Shannon:

During December Two more wells were completed in The Ruby Spring water company service area. The 14 occupied homes in The area are now being serviced by four independent water sources. The company members have agreed to share finance a fifth water source. when and where The fourth well will be drilled has not been decided. I am enclosing a 12/21/93 bacteria Test for well #2. The Paul E Harrell residence. During The last Three months approximately $2200 has been spent on new wells within The company area.

Sincerely Yours
Bob Howard
President Ruby Spring Water Company

cc Merl W. Egbert
Environmental Health Specialist
Public Health District 5
P.O Box 494
Gooding, Idaho 83330

RUBY SPRINGS WATER COMPANY
ACCESS ROAD - NORWOOD SUBDIVISION
December 21, 1993

Merl W. Egbert
Environmental Health Specialist
Public Health District V
P.O. Box 494
Gooding, ID 83330



Dear Merl:

This is verification of our December 21, 1993 telephone conversation:

Ruby Springs Water Company is servicing 14 homes with 33 permanent residents. They are:

Rod and Pat Howard
Ralph and Jackie Casad
Walt and Debbie Foster
Steve Wilkins and Jacque Lanlin
George and Ada Ruth Colwell
Phil and Betty Johnson, & Mike and Gena Johnson & son
David Huff
Bill and Lana Buckland & daughter
Marvin and Martha Foss
Brian and Elaine Davis & 3 children
Bill and Marilyn Sant
Dr. John and Fern Kieffer
Paul Harrell
Lorna Ozburn and friend

During October and November three wells were drilled in the Subdivision. The wells are completed and four families are now connected to their own water source. They are as follows:

Drill permit number 36-93-5-0366, owner Phillip Johnson, domestic water for Phil and Betty Johnson, Mike and Gena Johnson and son. Five (5) permanent residents.

Drill Permit No. 36-93-5-0385, owner Paul Harrell, domestic water for one (1) resident.

Drill Permit No. 36-93-5-0391, owners Billy J. Sant and Ralph Casad, domestic water for Bill and Marilyn Sant and Ralph and Jackie Casad. Four (4) parmanent residents.

At this point we have removed four (4) homes from our water system leaving ten (10) homes being serviced by Ruby Spring Water. Ten (10) people are now using well water

leaving 23 on spring water. The company has approved share cost assistance for five families to go to personal wells. Four families are now on wells, a fifth family has not volunteered as yet. However, another well is likely. The company members have voted that any vacant lot will not be allowed to connect to domestic water from the spring. Any additional homes will be required to drill a domestic well at the time of house construction.

Enclosed are copies of each well log.

Sincerely

Roderick Howard by Tom A. Kieffer

Roderick Howard, President
Ruby Springs Water Company

cc: Shannon Cooper
Seattle, Washington

Form 238-7
6/93

C

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

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DEC 2 1993

1. DRILLING PERMIT NO. 31-93-S-0391
Other IDWR No.

2. OWNER:
Name Scott and Ralph Cassel
Address PO Box 61
City Hagerman State Id. Zip 83332

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 7 North ☐ or South ☒
R. 13 East ☒ or West ☐
Sec. 13 ____ 1/4 SE 1/4 NE 1/4
Gov't Lot ____ County Gooding

Address of Well Site 2635 Access Rd. N.
(Give at least Direction + Distance to Road or Landmark)

Lot No. ____ Block No. ____ Subd. Name ____

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other ____

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other ____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Pendleton Clay	0	168		Drilling Fluid Followed To Bottom

Was drive shoe seal tested? Y☐ N☐ How? ____

8. CASING/LINER:

Diameter	From	To	Guage	Casing	Liner	Steel	Plastic	Welded	Threaded
6	0	166	250			☒	☐	☒	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes 166'
Top Packer or Headpipe ____ Bottom Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS: ☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
33		210'	2 hrs

Temperature of water 58 Was a water analysis done? Yes ☐ No ☒
By whom? ____
Water Quality (odor, etc.) Poor Discolored w/ Sand
Bottom Hole Temperature ____

11. STATIC WATER LEVEL:
11.4 ft. below surface Depth artesian flow found ____
Artesian pressure ____ lb. Describe access port Sch. 40 PVC
Describe Controlling Devices: ____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	S.
8	0	130	Brown Clay		
	130	160	Blue Clay		
	160	168	Blue Clay w/ Fine Gravel		
6	168	206	Black Lava	X	
	206	211	Red Cinders		
	211	241	Grey Lava		
	241	247	Black Cinders	X	
	247	280	Soft Brown Lava w/ Brick		
	280	300	Very Large Black Cinders	X	

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Department of Water Resources
Southern Region Office

Date: Started Nov 18/93 Completed Nov 22/93

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with the time the rig was removed.

Firm Name Layton Well Drilling Firm No. 226
Firm Official [signature] Date 12-23-93
and
Supervisor or Operator [signature] Date Nov 22/93
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
6/93

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

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1. DRILLING PERMIT NO. 36-93-S-0385
Other IDWR No.

2. OWNER:
Name Paul Harrell
Address 2432-17 Access Rd. 10.
City Hagerman State ID Zip 83332

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 7 North ☐ or South ☒
R. 13 East ☒ or West ☐
Sec. 13, 1/4 (10 acres) SE 1/4 (40 acres) NE 1/4 (160 acres)
Gov't Lot ____ County Gooding

Address of Well Site
(Give at least Direction + Distance to Road or Landmark)
Lot No. 2 Block No. ____ Subd. Name Unnamed

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	300	60	200	Pour in Byte Annular Org

Was drive shoe seal tested? Y☐ N☐ How?

8. CASING/LINER:

Diameter	From	To	Guage	Casing	Liner	Steel	Plastic	Welded	Threaded
6	2	138	250			☒	☐	☒	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes 138'
Top Packer or Headpipe Bottom Tailpipe

9. PERFORATIONS/SCREENS
☐ Perforations Method
☐ Screens Type Material

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
20		200	2 hrs

Temperature of water 85 Was a water analysis done? Yes ☐ No ☒
By whom?
Water Quality (odor, etc.) No odor / 5% Sand
Bottom Hole Temperature

11. STATIC WATER LEVEL:
162 ft. below surface Depth artesian flow found
Artesian pressure ____ lb. Describe access port
Describe Controlling Devices:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM
8	0	138	Brown Clay	
6	138	190	Gray Lava	
	190	198	Black Cinders	20
	198	212	Black Lava	
	212	240	Tan Sand	

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DEC 14 1993
Department of Water Resources
Southern Region

Date: Started Nov. 16/93 Completed Nov. 17/93

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Eaton Drilling Firm No. 26
Firm Official [signature] Date Nov 18,
and
Supervisor or Operator [signature] Date Nov. 17
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPO

or Ball Point Pen

1. DRILLING PERMIT NO. 36 - 93 - S - 0366 - 000
Other IDWR No.

2. OWNER:
Name Phillip A. Johnson
Address PO Box 216
City Hagerman State ID Zip 83332

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 7 North ☐ or South ☒
R. 13 East ☒ or West ☐
Sec. 15, 10 acres 1/4 SE 40 acres 1/4 NE 160 acres 1/4
Gov't Lot ____ County Gooding

Address of Well Site 2649 Access Rd.
(Give at least Direction + Distance to Road or Landmark)
Lot No. 8 Block No. ____ Subd. Name Norwood

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	157	200	Bentonite Pound
				Dry Into Annular
				Puddling Clay
				Allowed To Run Into

Was drive shoe seal tested? Y☐ N☒ How? Annular

8. CASING/LINER:

Diameter	From	To	Guage	Casting	Liner	Steel	Plastic	Welded	Threaded
6	3	157	250			☒	☐	☒	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes 157
Top Packer or Headpipe ____ Bottom Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method
☐ Screens Type ____ Material ____

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
35		280	1 hr.

Temperature of water 85 Was a water analysis done? Yes ☐ No ☒
By whom?
Water Quality (odor, etc.) No odor / Some Silt
Bottom Hole Temperature

11. STATIC WATER LEVEL:
205 ft. below surface Depth artesian flow found
Artesian pressure ____ lb. Describe access port Screwed - In
Describe Controlling Devices:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM
8	0	4	Top Soil	
	4	105	Brown Clay	
	105	157	Blue Clay	
8/6	157	220	Grey Lava	
	220	231	Black Cinders	4
	231	254	Grey Lava	
	254	260	Black Cinders	20
	260	282	Black Lava	
	282	304	Black Lava	
	304	301	Black Cinders	11
	301	304	Black Lava	
	304	304	Top Soil	

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NOV 1 1993
Department of Water Resources
Eastern Idaho Office

Date: Started Oct 16/93 Completed Oct 17/9

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Eaton Drilling Firm No. 26
Firm Official Larry Watson Date 10/24/9
and
Supervisor or Operator Brad Eaton Date Oct 17
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

R PROOF

CVR

MAPS

PHOTOS

MISC

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OCT 19 1994

Southern

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MAR 23 1994
Department of Water Resources
Southern Region Office

LARRY ECHOHAWK
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

NICHOLAS B. SPENCER
Deputy Attorney(s) General
Department of Water Resources
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 327-7900

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. 36-07092A -0001
	)	
Case No. 39576	)	**RESPONSE TO OBJECTION**
	)	

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

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2. Person who filed objection:

Name: RONALD H ADAMS
Address: 3028 CHISHOLM
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |X| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.

3. |X| Quantity: I respond to the objection concerning:

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

9. |X| Place of Use: I respond to the objection concerning:

9a. |X| The legal description of the place of use.

9b. |X| The number of irrigated acres within each forty (40) acre subdivision.

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

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items, 1, 3.a, 9.a, 9.b, 10 and 11, and all allegations of the objection regarding those items, IDWR responds as follows: The 15 acres asserted by the objector as allegedly being within the place of use of this right were not claimed by the claimant (Norwood Subdivision/Ruby Springs Water Company) as being within the place of use of this right. IDWR further responds that the attachments to the objection reveal that the objector no longer owns land upon which water is diverted or used pursuant to this right. In response to the allegations of the objector, contained in the attachments to his objection, asserting that the claimant is legally or contractually obligated to include the objector's use within its claim under this right, IDWR lacks sufficient information to form a belief as to the truth or falsity of such allegations and, accordingly, denies the same for lack of information. IDWR denies all other allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

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

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

	No. of Pages
Notice of Claim No. A36-07092A	3

(Over)

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VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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

Signature of person filing response

By: Nick Spencer
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 18th day of March, 1994.

Notary Public for Idaho
Residing at:
My Commission expires:

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

CERTIFICATE OF MAILING

I hereby certify that on the 18TH day of MARCH, 1994, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

   Name: NORWOOD SUBD. RUBY SPRINGS WATER CO
   Address: C/O RODERICK R HOWARD
   2638 ACCESS RD N
   HAGERMAN ID 83332

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

   Name: RONALD H ADAMS
   Address: 3028 CHISHOLM
   HAGERMAN ID 83332

4. One copy to:

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

Nick Spencer
Signature of Respondent or attorney mailing on Respondent's behalf

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OCT 19 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-07092A**
Date Received: 8/03/1988
Receipt No: S001266
Received By: LW JS

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: NORWOOD SUBDIVISION 208-837-6633
   Address: RUBY SPRINGS WATER CO.
   C/O RODERICK R. HOWARD
   BOX 658
   HAGERMAN, ID 83332

2. Date of Priority: NOV 06, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	13	NE NE		GOODING

5. Description of diverting works:
   SHAFT, PIPE,COLLECTION BOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		
DOMESTIC	01/01	12/31	0.170		

7. Total Quantity Appropriated is:
   1.100 C.F.S. (and/or) 220.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   D/13 HOUSES PRESENTLY, 22 LOTS TOTAL

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FEB 03 1993
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OCT 10 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	13	SW	NE		IRR	20.0
			SE	NE		IRR	25.0
			NW	SE		IRR	10.0
						Section Acres	55.0
						Total Acres	55.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

15. Basis of Claim: LICENSE

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FEB 03 1993

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: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Ruby Springs Water Corp., that I have signed the foregoing
Organization
document in the space below as President of
Title
Ruby Spring Water Corp and that the statements contained in the
Organization
foregoing document are true and correct.

Roderick R Howard
Signature of Authorized Agent

Ruby Springs
Title and Organization

1 August 1988
Date

State of Idaho)
) SS.
County of T.F)

Subscribed and sworn (or affirmed) before me this 1st day of August 19 88

Lori White
Notary Public

Seal

Residing at T.F

My Commission Expires 5/95

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OCT 19 1994
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OCT 0 7 1993
Department of Water Resources
Adjudication Bureau

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

RECEIVED
MAR 3 1994
Department of Water Resources
Southern Region Office

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.

Water Right No. 36 07092A

(The water right number you are objecting to must be inserted here)

STANDARD FORM 1

OBJECTION

36-07092A -0001/
93-10-0036

INSTRUCTIONS

This form must be used to file an objection to a water right recommended in the director's report. ***Only one party/claimant 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. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The objection must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this objection (Page 6) or the court will not accept it for filing. This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more objections must make an appointment with the Clerk of the SRBA Court.

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 is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

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I. GENERAL INFORMATION

Please fill in the following information:

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

Name: Ronald H Adams

Address: 3028 Chisholm dr
Hagerman Ida 83332

Phone: Work: _____ Home: 8376615

Briefly describe your interest in this water right: I own the land that the original right was for

If this objection is *filed by an attorney:*

Attorney Name: _____

Attorney Address: _____

_____

Attorney Phone No.: _____

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

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

Name: Forwood Subdivision

Address: Ruby Springs Water Co
2638 Access rd N Hagerman Id
83332

II. STATEMENT OF THE OBJECTION

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

1. ☒ *Name and Address*: I object to the name and/or address of the owner of the water right.
2. ☐ *Source*: I object to the source of water.
3. ☒ *Quantity:* I object to:
   a. ☒ the total quantity of water used in cubic feet per second; or
   b. ☐ the total quantity of water stored in acre-feet per year; or
   c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ *Priority Date*: I object to the priority date.
5. ☐ *Points of Diversion*: I object to the legal description of the point(s) of diversion.
6. ☐ *Instream Flow*: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ *Purpose(s) of Use*: I object to the purpose(s) of use.
8. ☐ *Period of Year*: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ *Place of Use*: I object to:
   a. ☒ the legal description of the place of use; or
   b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ *Consumptive Use*: I object to the annual volume of consumptive use.
11. ☒ *Remarks*: I object to the "remarks" listed with the water right.
12. ☐ *Water Right Recommendation*: I object to:
    a. ☐ this water right being recommended at all; or
    b. ☐ this water right not being recommended.

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OCT 19 1994

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

14. ☐ *Other*: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

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

1. Ruby Springs deleted Norwood's name and failed to replace it with mine.

3. aThe total quantity is limited to 22 acres. My 15 acres was omitted.

9.a-My legal description was was omitted.
b-My 15 acres was omitted. Acreage shown does not include me.

10. Provisions for my use were omitted. Consumptive use is incorrect.

11. The remarks are limited to chosen property with Ruby Springs. My property has been omitted. 14. Ruby Springs omitted the balance of Norwood's water to me.

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.

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

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

RIFICATION (Must be Compl...

State of Idaho

County of Gooding

Ronald H Adams, being first duly sworn, upon oath, deposes and says:
(Name of party/claimant filing objection)

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

Ronald H Adams
Signature of party/claimant filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 6, 1993
(Insert Date)

Fe Lora M...
Notary Public for Idaho
Residing at: Hagerman, Idaho
My Commission expires: 5-3-95

S.F. 1
Amended 6/22/93

(Over)

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OCT 19 1994

INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

I certify that on October 6, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

   Owner name: Idlewood Subdivision Ruby Springs Water Co
   Owner's address: Roderick C Howard 2638 Access rd N.
   Sagerman Idaho 83332

3. One copy to:

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

4. One copy to:

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

Ronald H Adams

Signature of party/claimant or attorney

Table of Contents

A___ Affidavit of Ronald H. Adams

B___ Exhibits 1 thru 14

1. Map used in Ruby Springs Water Co. readjudication

1a Map used in Ruby Springs Water Co. application

2. Map with Ronald Adams adjacent property shaded in

3. Copy of the Norwood Subdivision Lots and adjacent parcels found in their Covenant records

4. A copy of the original Water Right License to Virgil Norwood for the Norwood Subdivision

5. A copy of the Ruby Springs Water Co. Articles of Incorporation

6. A copy of Norwood Subdivision Covenants

7. A copy of the Real Estate Purchase and Sale Agreement between Ronald Adams and Roderick Howard

8. Copy of the letter from Rod Howard to Jim Jones dated July 28, 1992

8a Copy of the letter from Rod Howard on behalf of Ruby Springs Water Co. to Ron Adams dated July 29, 1992

8b Copy of the letter from Rod Howard to Ron Adams dated November 14, 1992

9. Copy of the cover sheets for the Norwood Subdivision Ruby Springs Water Co. application dated August 1, 1988

10. Copy of a letter from D. Darlene Reich dated August 19, 1976, to the Norwoods

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(continued)

10a Copy of memo from Bob Fleener to Mike Steele dated March 5, 1976

10b Copy of letter from Virgil Norwood to Department of Water Resources dated March 24, 1976

10c Copy of the re-exam Gary Finderburg did for Virgil Norwood dated May 14, 1976

10d Copy of the Assignment Of Permit granted to Norwood Subdivision on August 9, 1976

11. Copy of the Director's Report issued to Ruby Springs Water Co. for 18 acres total in Rod Howard's readjudication in 1992

12. Copy of request by the Hartman's to Ruby Springs Water Co. requesting their water transfer to Ron Adams on February 13, 1993

12a Copy of note the Hartman's sent to Ruby Springs Water Co. conflicting Rod Howard's statement that the Hartman Lot had no right to water dated February 13, 1993

13 Copy of memos contained in the Director's Report issued to Ruby Springs Water Co. for the 18 acres total in Rod Howard's readjudication in 1992

C___ Photographs showing lines from the 4.88 acre parcel

D___ Final pleading of Ron Adams

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A

AFFIDAVIT OF RONALD ADAMS

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OCT 19 1994

October 3, 1993

Affidavit of Ronald H. Adams

in re: MOTION TO FILE A LATE NOTICE OF CLAIM

The 15.57 acres that I am requesting the use of water for now, was originally included in all of the original water right licenses issued to Virgil Norwood. In 1985, my mother, along with my wife and myself, purchased 53 acres from Joe Rand. Mr. Rand had purchased it from Virgil Norwood in 1983. I let Mr. Norwood run his livestock on this property until the time that he removed them in 1988. Virgil kept the pasture watered and he also took good care of the property. In 1988, Virgil had removed his livestock from the property. At that time, I asked Bill Curtis if he would mind me putting horses back on the property. Mr. Curtis owned Hidden Springs Trout Ranch, Inc.. Bill requested that I refrain from turning horses back onto the property because it would interfere with his fish farm operation. Knowing that the fence was bad seperating our two properties, I did not turn the horses on it. I had no desire to interfere with Bill's fish rearing operation.

In January, 1987, my wife and I purchased Lot 1 of the Norwood Subdivision. I made a verbal agreement with Ruby Springs Water Co. Chairman Bill Sant giving me one share of the corporation water if I would let them use my property for their new road. I agreed to let them use my property for the company share. My carpenter and I repaired the house, built a new attached garage and finished building the home. During that time I spoke with Bill Sant on several occasions. Bill said he was in charge of their water corporation so I asked him if this share could be split. He assured me that if I let them use my property for the road, I would get the share of the corporation. The split was not a problem.

A short time later in 1987, Rod Howard and his wife purchased the Lot 1 house and property from my wife and I. In their contract, I stipulated that I was retaining a 3/4 inch water line from their two inch water line. They signed the contract and bought the property. In June of 1992, I asked Mr. Howard for the 3/4 inch of water. I used this 3/4 hose bib several times when Mr. Howard was not watering his garden. After I had used this water for several weeks, Rod Howard denied me the use of it. I repeatedly asked him for the use of the water and he repeatedly denied me the use of it. After it was clearly obvious that Rod Howard did not intend to honor his contract with me, I had an attorney write Mr. Howard a letter. Mr. Howard responded to the attorney with a letter making false accusations and accusing me of wrong doing. Please see attached letter dated July 28, 1992 to Jim Jones, atty..

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Once again I reiterate, I had only used a hose bib tap (3/8 inch) and only at times when Rod Howard himself was not using the same hose bib to water his garden. I did not connect to his two inch line. There were no restrictions as to where water could go in the original Norwood Subdivision Covenants. But, this did change. In May of 1993, they voted not to allow any water to leave the Lots or Parcels that a shareholder owned. Please see attached copy of RESTRICTIVE AND PROTECTIVE COVENANTS FOR NORWOOD SUBDIVISION, Recorded June 15, 1972 and signed by Virgil and Ardith Norwood.

Also, in 1992, I requested and was granted the use of water from Ruby Springs Water Company. In the past, they had applied for me and kept my water rights current in their applications, notices and so forth. These water rights had been filed on in Virgil Norwood's original water rights. Since they were already filed on, I could not file for a double water right.

In July, 1992, I purchased Tax Lot 29 from Mr. and Mrs. Floid Hartman. Mr. Hartman was an original member of Ruby Springs Water Company. Please see attached ARTICLES OF INCORPORATION OF RUBY SPRINGS WATER COMPANY, Recorded as instrument number 56784 at the State of Idaho, Department of State, Secretary of State's Office on November 2, 1977. In Article 6 of this document, page 4, the fifth name down is Floid Hartman. On page five (5) of the same document, second column of the top half of the page, the seventh (7th) name down is signed Floid C.(?) Hartman. Page seven (7) of the document is not numbered. It is a Notary page. In the middle of this page, Floid Hartman's name is notarized into the instrument and acknowledged. Mr. Hartman was irrefutably listed as an original member of the original Ruby Springs Water Company. When acquiring Lots and/or Parcels in the original Corporation, it is clear that shares were not equal. ARTICLE 5, paragraph (c) states: The interest of the members may, or may not, be equal. The owner of a lot in said Norwood Subdivision or any of the eight tracts adjacent thereto shall be entitled to one vote for each such lot or tract so owned. ARTCILE 6, INCORPORATORS, page 4, Virgil Norwood-Hagerman, Idaho- two (2) votes, etc. etc.. It would appear that the intent of the document was for noone to be without water. However, there have been mistakes. Fifteen (15) Lots and eight (8) parcels or tracts of land makes twenty three (23). There are only twenty two (22) shares accounted for in Ruby Springs Water Company's filing. When I requested water for the Hartman Lot, it was denied me. Please see attached letter from Rod Howard, President, Ruby Springs Water Company dated July 29, 1992. Note that this letter was cc'd to, not only my attorney, but to the Gooding County Commissioners and the Planning and Zoning Board. I was forced to request notification of any upcoming meetings for Ruby Springs Water Company members. This was in the form of a Certified Letter dated April 9, 1992. I received a response from Pat Howard for the Ruby Springs assessment and a telephone call from Rod Howard stating that the next meeting was scheduled for May 4, 1993. I had no idea that Ruby Springs Water

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Company would let me lose my water right in their adjudication process. I did not learn about this happening until May 5, 1993. Ruby Springs Water Company had filed for their water right, but, my original share had been excluded. This exclusion of water rights affected the Hartman Lot and the adjacent parcels or tracts of land to the Norwood Subdivision that Virgil Norwood had used for pasture land. Please find enclosed letters to and from the Department of Water Resources concerning the original filings. Ruby Springs Water Company has denied in writing that Floid Hartman ever had any water rights with them. I have tried to reason with Ruby Springs Water Company to get them to release the water that belonged with my property. They remain adamant in their refusal.

My daughter-in-law purchased Lot 13 of the Norwood Subdivision in October of 1992. She did allow me to use water from Lot 13 to water the Hartman Lot and portions of the 7.13 acre owned by me. Due to hostilities shown her by Rod Howard in threats and members of Ruby Springs Water Company and the neighbors in the Norwood Subdivision, she does not feel as if she can ever live there in peace and harmony.

Let it be known that there are three (3) two inch taps on the 4.88 acre parcel owned by me. One of them points directly at the Hartman Lot. This two inch line was destroyed durning the construction of the road turnaround by the County in 1988. Mr. Hartman had suffered a stroke. He was unaware that his property had not had water to it since the construction of the new road. Irregardless of the water line torn out, Mr. Hartman had electric service and a septic system installed on his property after he purchased it from Virgil Norwood in 1972. For some time, Mr. Hartman had utilized a travel trailer on his land with the hopes of some day being able to build a cabin retreat.

One of the other two inch lines, is for servicing Lot 13 from the 4.88 acre parcel. The third and last two inch line on the 4.88 acre parcel comes directly off of an eight (8) inch line located across my property on the old railroad berm. This line comes across to my 7.13 acre parcel where it thereby 'Y's and goes two different ways. Enclosed you will find pictures of this line. It was broken sometime earlier than the picture was taken and capped off by Ruby Springs Water Company.

As stated earlier, Rod Howard denies me the use of the water that we agreed upon when he and his wife bought my property. (Lot 1) Billy Sant promised me a share of water in Ruby Springs Water Co. if I would let the County use my property for constructing the road across the ditch to Tax Lots 46, 47, 54, 55, 56, 57, 58 and Lots 1, 2 and 3 of the Norwood Subdivision. This road was completed in 1988. The L.I.D. for Norwood Subdivision was finalized in 1989. As it was promised to me, I have requested the use of the water promised. To date, not only are my requests being denied, but, I have lost water that Ruby Springs Water Company have vowed to protect.

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In November of 1992, there were approximately 14 to 18 sections of 40' three inch aluminum irrigation pipe left piled on my 4.88 acre parcel. When I told Bill Sant that I was going to remove the pipe that Mr. Norwood had left, Mr. Sant told me that the pipe belonged to him. It had always been laying there. I did not argue with him about the pipe. I let Bill Sant take all the pipe. Mr. Norwood had used this same pipe to irrigate his land with.

By Ruby Springs Water Co. not notifying me that they were not including me in their readjudication, they prevented me from contesting in a timely manner. Members of the Norwood Subdivision and Ruby Springs Water Co. were instructed not to talk to any members of my family concerning water or any upcoming meetings. They were told not to by Roderick Howard. Rod Howard simply omitted my taps when he readjudicated for Ruby Springs Water Co.. During the May 5 meeting, Rod Howard said that it was already too late for anyone to protest his claim. Department of Water Resources accepted his claim for water taps without verifying them. This was all done without my knowledge. It was intentional, done in a maliscious manner with no regard for my property or its heirs. I have had surgery for bladder cancer several times.

When I gave my permission to Gooding County to build the new access road to Norwood across my property, and also to place the turnaround for the school bus on my property, I thought I was being considerate and neighborly in my actions granting approval. Gooding County agreed to reclaim the land they disturbed and have it graded down, sloped and reseeded. They have failed in their agreements also. I attempted to reclaim the land they disturbed and got into a mess for my efforts.

The property this road lies upon is still owned by myself, my wife and my mother. There are no written or verbal easements associated with it. Neither has it ever been deeded to Gooding County. This property purchased by myself and my family eight years ago has been placed in jeopardy and its value now without water is nominal to say the least. My water rights are now at risk along with the property the water rights were assigned to service. Please, your Honor, accept this Late Notice of Claim and investigate the facts surrounding my request.

Respectfully,

Ronald H. Adams

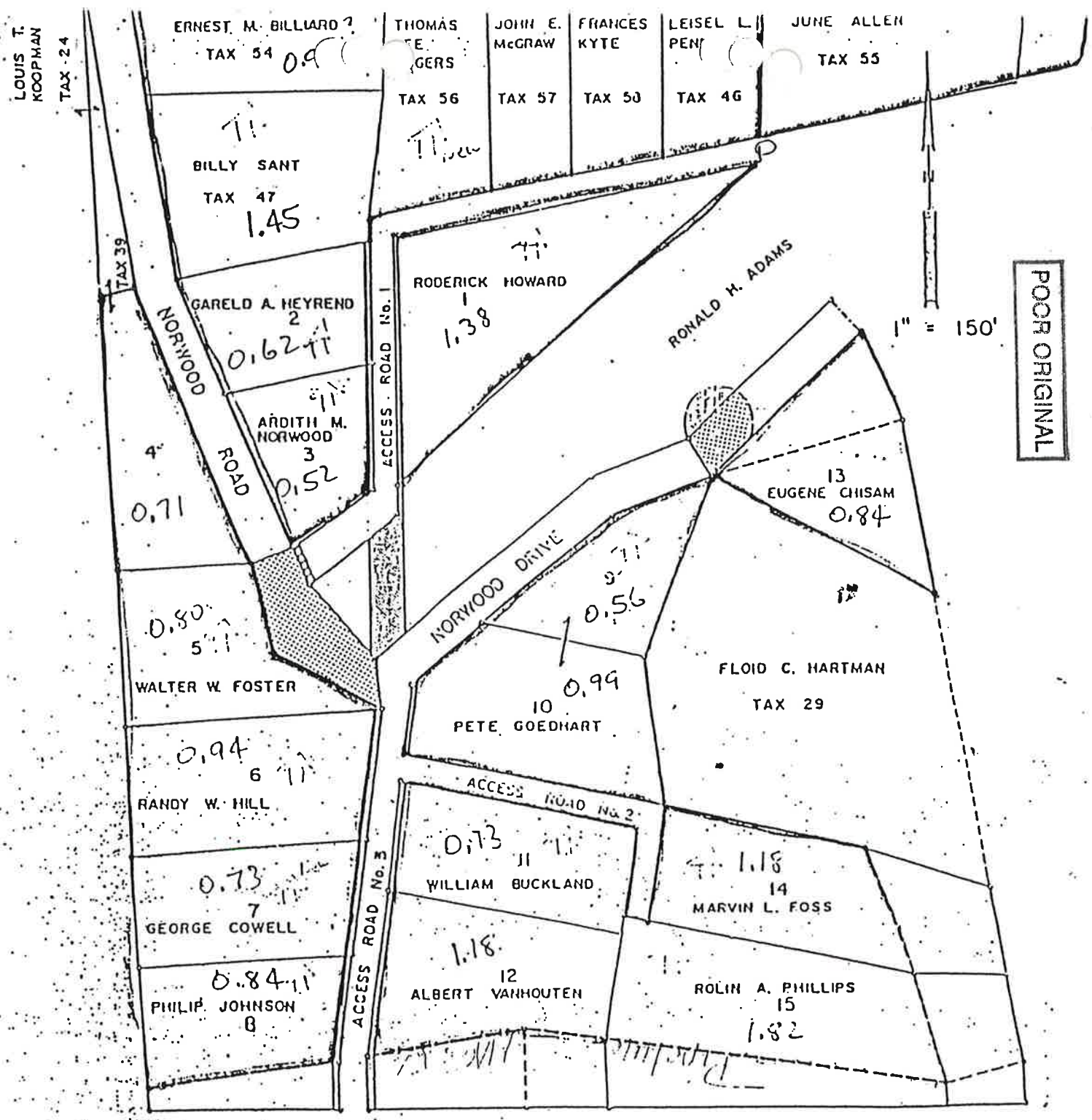
Ronald H. Adams

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B

EXHIBITS 1 thru 14

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NORWOOD SUBDIVISION ROAD RECONSTRUCTION MAY, 1986

KEY:

RECONSTRUCTION

NEW CONSTRUCTION and/or EASEMENTS

Edwards, Howard & Martens, Inc.
ENGINEERS / PLANNERS / SURVEYORS

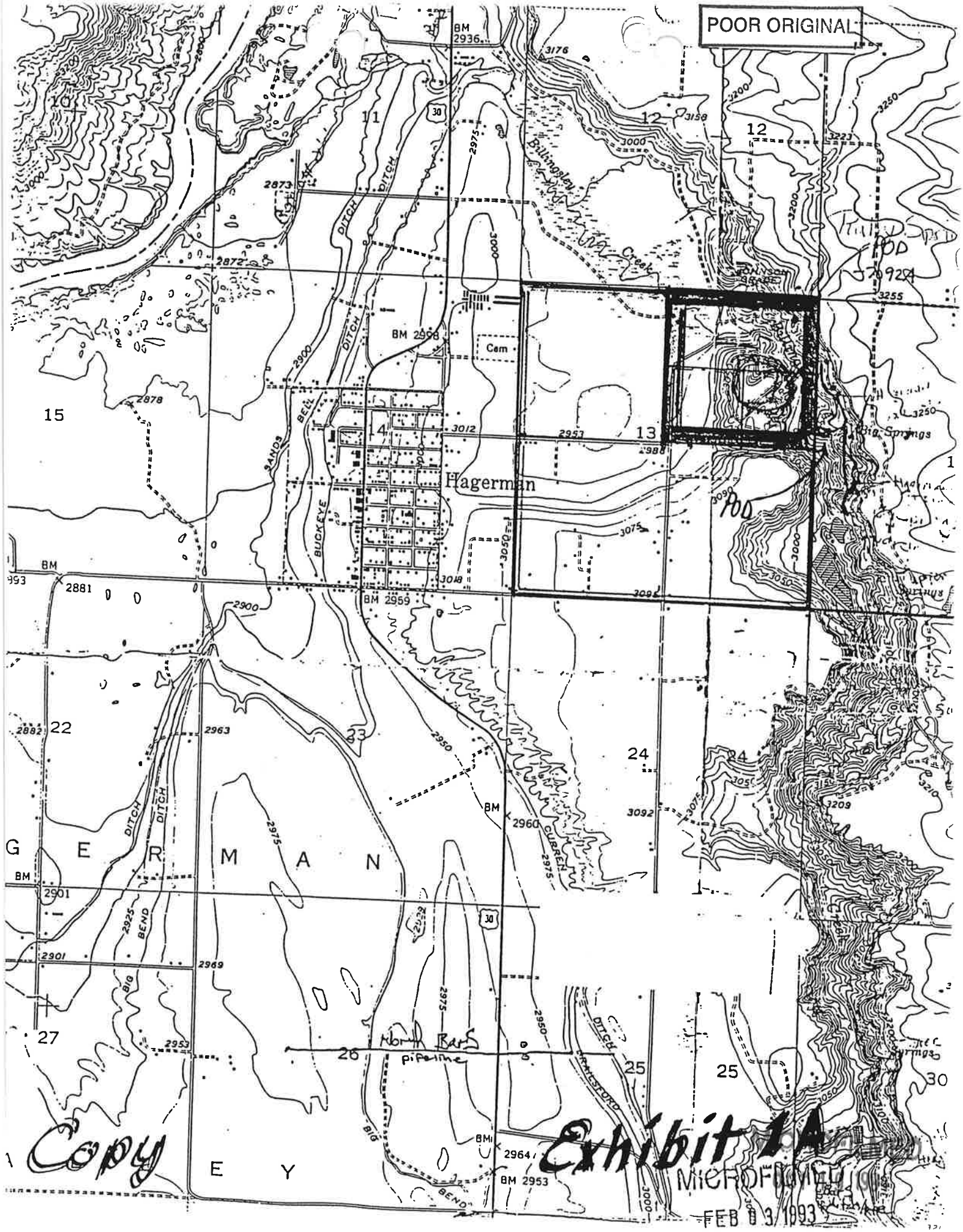
LOCATED IN: S 1/2 NE 1/4, SEC. 13, T. 7 S., R. 13 E., B.M.

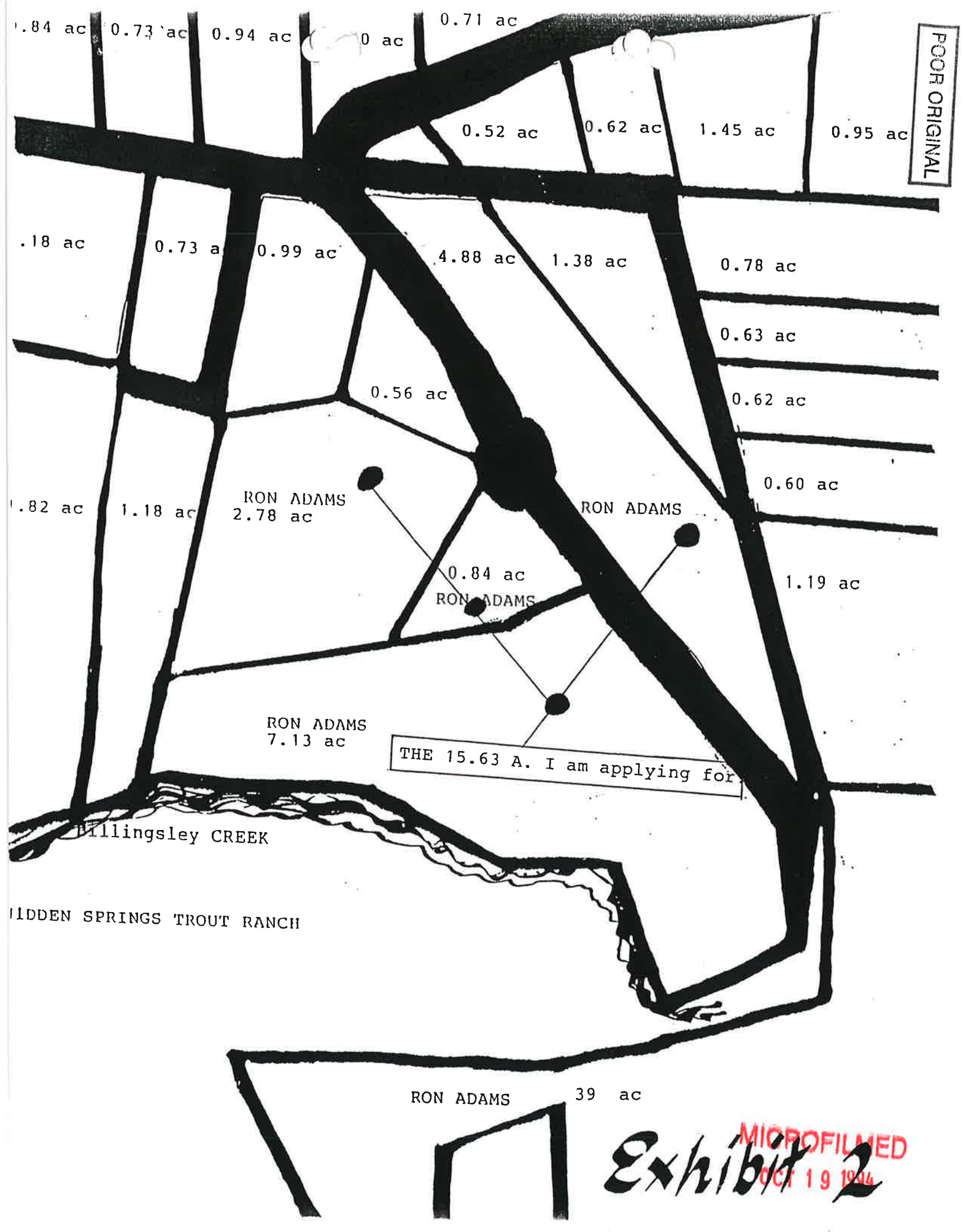
Map in Ruby springs application for water.

Copy

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OCT 19 1994

Exhibit 1


POOR ORIGINAL
Hagerman
Big Springs
Cem
BM 2936
BM 2908
BM 2959
BM 2960
BM 2953
BM 2964
BM 2901
BM 2881
BM 2993
Johnson Slough
Bullington Draw
Creek
DITCH
BUCKEYE
BELL
SANDS
BEND
CURREN
ORTHESTORD
North Bar
Pipeline
G E R M A N
E Y
Copy
Exhibit 1A
MICROFILMED
FEB 03 1993

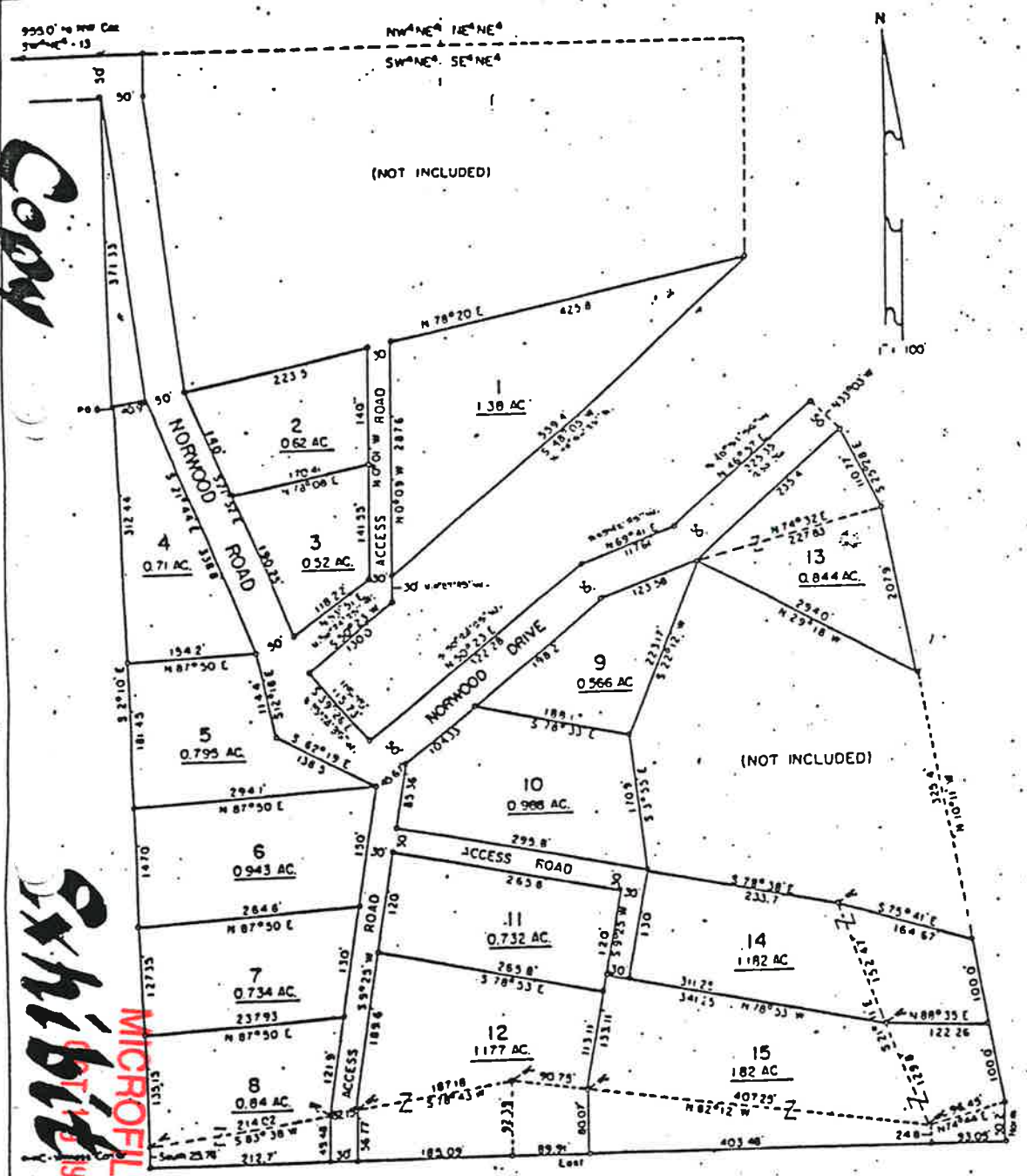


POOR ORIGINAL

Exhibit 2

MICROFILMED
OCT 19 1994

POOR ORIGINAL



Copy

Exhibit B

MICROFILMED OCT 19 1995

NORWOOD SUBDIVISION

IN S½ NE¼, SEC. 13, T. 7 S., R. 13 E., B.M.

GOODING COUNTY, IDAHO

DEDICATION

This is to certify that the undersigned are owners in fee simple of the property hereinafter described; That the correct description of the land in this plat is as follows: That part of the S½ NE¼ of SEC. 13, T. 7 S., R. 13 E., B.M., Gooding Co., Idaho, more bed as follows: Beginning at a point on the north line of said S½ NE¼, which point is N 89°23' E, 995.0 feet from the NW corner of said S½ NE¼; Thence South, 50.0 ft.; Thence S 2°10' E, 371.33 ft. to the true point of beginning; Thence S 2°10' E, 903.39 ft.; Thence South, 25.76 Thence East, 1014.23 ft., Thence North, 50.2 ft., Thence N 10°11' W, 733.3 ft.; Thence N 25°28' W, 110.77 ft.; Thence N 33°03' W, 50.0 ft Thence S 46°57' W, 225.35 ft.; Thence S 69°41' W, 117.61 ft.; Thence S 50°23' W, 322.28 ft.; Thence N 39°26' W, 115.73 ft.; Thence N 50°23' E, 130.0 ft.; Thence N 0°09' W, 30.0 ft.; Thence N 46°05' E, 559.4 ft.; Thence S 78°20' W, 770.2 ft. to the point of beginn That it is the intention of the undersigned to and they do by these presents hereby include said land in this plat; that the undersi owners do by these presents grant, bargain, sell, convey, confirm and dedicate to the public, for public use forever, all thoroughfa and streets as shown on this plat.

Virgil U. Norwood

Ardith M. Norwood

ACKNOWLEDGMENT

STATE OF IDAHO }
County of Gooding } ss

On this 1st day of June, 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared VIRGIL U. NORWOOD and ARDITH NORWOOD, known to me to be the persons whose names are subscribed to the foregoing dedication, 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 above written.

Ralf M. Lucke
Notary Public

My Comm. expires 10-10

SURVEYOR'S CERTIFICATE

This is to certify that I, ORVIE A. JENSEN, a duly qualified Land Surveyor, surveyed the land described in the foregoing dedication; and that this plat is a true and accurate representation of said survey as made and staked by me on said land and designated herein as "NORWOOD SUBDIVISION."

REGISTERED LAND SURVEYOR
S-693
STATE OF IDAHO
ORVIE A. JENSEN

Orvie A. Jensen
Registered Land Surveyor

ACKNOWLEDGMENT

STATE OF IDAHO }
County of Jerome } ss

On the 14 day of June, 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared before ORVIE A. JENSEN, known to me to be the person whose name is subscribed to the foregoing Surveyor's Certificate, and acknowledged to me that he executed the same.

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

Notary Public

My Comm. expires 4-1-74

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly accepted and approved by the Board of Commissioners of the County of Gooding, Idaho on the 14 day of June, 1971.

Vivian M. Burden
Clerk

Chairman

COUNTY RECORDER'S CERTIFICATE

036134

This is to certify that the foregoing plat was filed for record in the office of the Recorder of Gooding County, Idaho, on the 8th day of June, 1971, at the request of Security Title Co. and duly recorded in Plat Book No. 3 at page 114.

YVIAN M. BURDEN
Clerk

Ex-Officio Recorder

*Lots pertaining to Norwood Subdivision Covenants

ATTACHMENT TO EXHIBIT 3

In Rod Howard's last application for a Water Right License, he used the map in Exhibit 1. He submitted a count of the water taps that he wanted based on the Lots that he wanted included. He omitted my property. Exhibit 1 is in conflict with the original map submitted for the Norwood Subdivision Covenants established in 1972. The map used for their Covenants is shown as Exhibit 3. Exhibit 9 shows the 1988 adjudication license submitted by Rod Howard on behalf of Ruby Springs Water Co. Exhibit 11 shows the Director's Report issued for only 18 acres total in Rod Howard's readjudication in 1992. My property was not included in Exhibit 11.

Exhibit 1 submitted by Rod Howard allows for 19.35 acres.
The entire area located from the original maps with the Adams property allows for 34.14 acres.

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OCT 19 1994

RECEIVED

AUG 13 1976

D[illegible] Resources
[illegible] District Office

State of Idaho
Department of Water Resources

36-7092A

WATER RIGHT LICENSE

License of Water Right No. 36-7092A Priority Nov. 6, 1969 Amount 1.10 cfs

THIS IS TO CERTIFY, that NORWOOD SUBDIVISION of Hagerman, Idaho, has complied with the terms and conditions of Permit No. 36-7092A issued pursuant to Application for Permit dated November 6, 1969, and has submitted proof to the Department of Water Resources on June 25, 1975, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.10 cfs of water from unnamed springs tributary to Billingsley Creek, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Irrigation	from April 1	to Nov. 1	at 1.10 cfs and	220 acre feet or 4.0 af per acre
	from	to	at cfs and	
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.10 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 220 acre feet per year, said waters to be diverted within the NE¼NE¼ of Sec. 13, Twp. 7 S, Rge. 13 E, B. M. in the County of Gooding.

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 S	13 E	13			20	25										10			55

Total number of acres irrigated 55

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of August, 19 76.

Director

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OCT 19 1994

Copy

Exhibit 4

my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho
Residing at Hagerman, Idaho

POOR ORIGINAL

MICROFILMED
OCT 19 1994

State of ....IDAHO.....
ss.
County of .....Twin Falls.....

On this.....day of....., 19..77., before me, the undersigned notary public in and for said state, personally appeared

JEWELL A. VONINS

known to me to be the person.... whose name.....is.....subscribed to the within instrument and acknowledged to me that.....he.....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 the State of...Idaho.....

Residing at.....

POOR ORIGINAL

State of .....IDAHO.....
ss.
County of .....Twin Falls.....

On this.....29th.....day of.....June....., 1977..., before me, the undersigned notary public in and for said state, personally appeared

FLOYD HARTMAN

known to me to be the person...whose name.....is.....subscribed to the within instrument and acknowledged to me that.....he.....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.

Helen C Huston

Notary Public for the State of....Idaho.....

Residing at Twin Falls

State of .....WASHINGTON.....
ss.
County of .....King.....

On this.....10th.....day of.....October....., 19....77, before me, the undersigned notary public in and for said state, personally appeared

JAMES LETTMAN

known to me to be the person.... whose name.....is.....subscribed to the within instrument and acknowledged to me that.....he.....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.

Lettman

Notary Public for the State of.....Washington.....

Residing at..Kirkland.....

MICROFILMED
OCT 19 1994

County of .....

On this 24 day of Sept. 19 77 before me, the undersigned notary public in and for said state, personally appeared

JOHN E. McGRAW

known to me to be the person.... whose name.....is.....subscribed to the within instrument and acknowledged to me that..he.....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 the State of..Idaho.....

Residing at Mountain Home

State of ..... IDAHO .....
County of ..... Gooding .....
} ss.

On this 22nd day of Oct. 1977 before me, the undersigned notary public in and for said state, personally appeared

A. ARTHUR ALLEN JR.

known to me to be the person.... whose name.....is.....subscribed to the within instrument and acknowledged to me that.....he.....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 the State of..Idaho .....

Residing at .....

State of ..Idaho.....
County of ..TWIN FALLS.....
} ss.

On this 12th day of MAY 19 77 before me, the undersigned notary public in and for said state, personally appeared

MRS. JEWEL L. VON INS

known to me to be the person.... whose name.....is.....subscribed to the within instrument and acknowledged to me that..she.....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 the State of Idaho

Residing at Twin Falls

5

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OCT 19 1994

STATE OF IDAHO
COUNTY OF GOODING } ss

I hereby certify that the foregoing is a true copy of the original instrument on file in my office.

Dated Feb 12 19 93

JOHN A. MYERS
District Court Clerk

By Juanita Sides
Deputy Clerk

POOR ORIGINAL

STATE OF IDAHO
COUNTY OF GOODING } ss

I hereby certify that the foregoing is a true copy of the original instrument on file in my office.

Dated Oct 4 19 93

JOHN A. MYERS
District Court Clerk

By Juanita Sides
Deputy Clerk

No. 56784

Articles of Incorporation

of

RUBY SPRINGS WATER COMPANY

Place of business Hagerman, Idaho
Existence Perpetual
Capital Stock Chapter 10

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the records of articles of incorporation of the State of Idaho and certificate issued this November 22
day of 8:38 A. 19
at o'clock M.

FEES PAID	15.00
Filing	$ 3.20
Recording	
Cert. Copy	
Certificate	
License Tax	
	TOTAL $ 18.20

Pete T. Cenarrusa
SECRETARY OF STATE

BY Ann Fisk
CORPORATION CLERK

James, Hobdey & Varin
P.O. Box 178

MICROFILMED
OCT 19 1994

: RESTRICTIVE AND PROTECTIVE COVENANTS
FOR NORWOOD SUBDIVISION
GOODING COUNTY, IDAHO

KNOW ALL MEN BY THESE PRESENTS:

That Virgil U. Norwood and Ardith M. Norwood, husband and wife, Hagerman, Idaho do hereby certify and declare:

(1) That the said Virgil U. Norwood and Ardith M. Norwood are the owners in fee simple of all that certain real property situate in Gooding County, State of Idaho and particularly described as follows, to wit:

> All of Norwood Subdivision, being Lots 1 through 15 Inc., thereof, according to the official plat thereof on file in the office of the County Recorder of Gooding County, State of Idaho on June 28, 1971, as Instrument Number 36134, Records of Gooding County, Idaho. And being located in the S½NE¼, Section 13, Twp. 7 S., R. 13 E.B.M.

(2) That all of the real property and all lots, parcels, and tracts thereof, and any conveyance covering or describing all or any parts thereof either by reference to th e above described plat or by name, number or designation thereof, or by any other description, shall be subject to the following restrictions, protective covenants, and conditions; and that by the acceptance of any conveyance of any property in said Norwood Subdivision, the grantee or grantees therein, and their heirs, executors, administrators, successors or assigns, covenant with the parties hereto, or their heirs or assigns and with the other grantees or subsequent owners of property in said Norwood Subdivision as to the property so described and convey ed in or by such conveyances as follows:

> (a) LAND USE AND BUILDING TYPE.
> No lot shall be used except for residential purposes. A building site shall consist of one of the residential tracts as platted on the recording plat. No building or structure shall be erected, constructed, maintained, or permitted upon said real property except upon a building site as hereinabove defined. No building or structure shall be erected, constructed, maintained on a building site other than a detached single family dwelling not to exceed one and one-half storiesin heighth.

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Exhibit 6

(b) DWELLING QUALITY AND SIZE
No dwelling shall be permitted on any building site less than a minimum of 800 square feet of floor space.

(c) BUILDING LOCATION.
No building shall be located on any building site nearer to the front line than 20 feet, nor nearer than 10 feet to any side lot line or interior lot line.

(d) SUBDIVISION RESTRICTION
All of Norwood Subdivision Sites, being Lots 1 through 15 Inc., shall not be subdivided and no part, parcel or segment of a lot shall be sold.

(e) EASEMENTS.
Easements for installation and maintenance of drainage facilities are reserved as shown on the recorded plat and no permanent structure shall be erected on those areas.

(f) NUISANCES.
No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon that may be or may become an annoyance or nuisance to the neighborhood.

(g) TEMPORARY STRUCTURES
No structure of a temporary character or out-building shall be used on any lot at any time as a residence either temporarily or permanently. Mobile Trailer homes are expressly recognized and exempted from the provision but in the use of a temporary structure as a residence.

(h) SIGNS.
No sign of any kind shall be displayed to the public view except one-sign not more than 2 feet square stating who resides on the lot. In case of sale of the property, one sign not more than 4 square feet may be displayed advertising the property for sale.

(i) GARBAGE AND REFUSE DISPOSAL.
No lot shall be used or maintained as a dumping ground for rubbage. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a closed and sanitary condition.

(j) SANITATION.
All lavatories and toilets shall be built indoors and connected with an outside septic tank until such time as a sewer system shall be constructed in that area. If connected with a septic tank, the same must be of a definite type as recommended by the Idaho State Department of Health, Engineering and Sanitation Section. The affluent from such septic tank shall not be permitted to discharge into a stream, storm

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sewer, open ditch, or drain unless it has first passed through an adequate absorption field which meets the standards as adopted by the Idaho State Department of Health, Engineering and Sanitation section.

(k) LIVESTOCK
No livestock shall be kept or maintained on any of said sites for commercial purposes.

(l) FENCES.
In the event that fences are erected the same shall be erected using woven wire, concrete or board fence.

(m) IRRIGATION WATER.
Each lot owner shall pay to the said Virgil U. Norwood and Ardith M. Norwood, their heirs, successors and assigns the sum of $5.00 per month for the months of April, May, June, July, August, September and October of each year for the use of water for sprinkling acreages or pasture land.

(3) These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of ten years from the date these covenants are recorded after which time such covenants shall be automatically extended for successive periods of five years unless an instrument signed by the majority of the then-owners of the lots or building sites has been recorded agreeing to change such covenants in whole or in part.

(4) REMEDIES. If an interested party, or any of his or her heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situate in said Norwood Subdivision to prosecute any proceedings at law or in equity against said person or persons violating or attempting to violate any such covenant, and either to prevent him or them from doing so, or to recover damages, at law or in equity.

(5) INVALIDATION. Invalidation of any one of these covenants by judgment or court order, shall in no wise affect any of the other provisions which shall remain in full force

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POOR ORIGINAL

and effect.

Virgil U. Norwood

Ardith M. Norwood

STATE OF IDAHO)
) ss.
County of Gooding)

On this 15th day of June, 1972 before me, the undersigned, a notary public in and for said State personally appeared Virgil U. Norwood and Ardith M. Norwood 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 Public for the State of Idaho, residing at Gooding.

STATE OF IDAHO
COUNTY OF GOODING } ss
I hereby certify that the foregoing is a true copy of the original instrument on file in my office.
Dated Oct 4 1993
JOHN A. MYERS
District Court Clerk
By Deputy Clerk

IV. C46847

STATE OF IDAHO, COUNTY OF GOODING, ss.
Filed for record at the request of .....
10 min. past 10 o'clock 9 M. this 15th day
of June, 1972
VIVIAN M. BURDEN, Recorder
By Deputy.

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OCT 19 1993

Virgil Norwood
Route 1
Hagerman, Ida 83332

Twin Falls, Idaho May 7 19 87

RODERICK R. HOWARD and PATRICIA HOWARD, husband and wife (hereinafter called "Buyer") agree to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" located in Gooding County of Gooding, State of Idaho, commonly known as Lot 1 Norwood Subdivision, Gooding County, Idaho. legally described as: " " " "

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous. THOUSAND date.)

1. TOTAL PURCHASE PRICE IS FIFTY-EIGHT /EIGHT HUNDRED AND NO/100---------- DOLLARS ($ 58,800.00) payable as follows:

A. Earnest Money.
(a) Buyer hereby deposits and a receipt is hereby acknowledged of TWO THOUSAND and No/100 Dollars ($ 2,000.00) evidenced by: ☐ Cash, ☒ Personal Check, ☐ Cashiers Check, ☐ Note Due, or _____ paid or delivered as earnest money in part payment of the purchase price for the premises.
(b) Earnest Money to be deposited in trust account upon acceptance by all parties.
(c) All Earnest Money shall be held by SELLER for the benefit of the parties hereto, and N/A (Broker) shall hold the completely executed broker's copy of this agreement.

B. Balance of purchase price to be paid as follows: Approximately $11,760.00 including above earnest money payable in cash upon close of escrow. The Balance of $47,040.00 by new loan with lender of buyers choice. Should buyer be unable to obtain a bank loan, seller agrees to carry $47,040.00 on promissory note and deed of trust with interest at 10.5% per annum ammortized over 30 years with full prepayment privileges without penalty. Buyer will pay all of his loan costs including loan fee, and discount points.

Buyer agrees to pay rent to seller at $392.35 per month commencing May 16, 1987, to date of closing. Seller reserves the right to connect a 3/4 inch line for domestica water from existing line on subject property. The $ of the 47,040 to be used for carpet furnished by Pat Howard RPH RHA

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of _____. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are: Subject to approval of Title Insurance Commitment buybuyers.

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that First American Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be First American Title Company. N/A is the broker responsible for the closing. Where not otherwise provided by law, the parties shall each pay one-half of said closing agent's fees. The closing date shall be On or before Sept. 7, 1987

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.

7. Seller shall deliver possession to Buyer on or before May 16, 1987, and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of close of escrow. except as follows:

Buyer shall pay for fuel in fuel tank, the amount to be determined by the supplier at Seller's expense.

8. The parties agree that this agreement contains the following additional terms and conditions: This offer is contingent upon buyers obtaining a loan with interest rate at no more than 11% per annum and discount points no more than 3.5%. Should buyers refuse to close, they agree to forfeit all earnest money. Should sellers refuse to close, they agree to refund earnest money to buyers.

9. The following items of property now on the premises are specifically excluded from the sale: none

The following items of personal property are specifically included in the sale: stove, drapes and all attached items.

10. IMPORTANT: THE REVERSE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full.

Listing Agency: N/A

BUYER

BUYER

Selling Agency: N/A

By:

Buyer's Address

Buyer's Phone

On this date. _____. I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller, and the undersigned Seller further agrees to pay a commission of _____ % of selling price or N/A DOLLARS ($ _____) to the above named broker(s) for services. I/We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises inserted and signed by both parties.

SELLER

SELLER

Seller's Address

Seller's Phone

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this 7th day of May, 19 87.

BUYER

BUYER

STATE OF IDAHO)
: ss
County of Twin Falls)

On this 7th day of May, 19 87, before me, the undersigned, a Notary Public in and for said State, personally appeared Ronald H. Adams known to me to be the person(s) who signed the foregoing instrument as Seller and acknowledged to me that he executed the same.

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

Notary Public for Idaho

Residing at

Copy

Exhibit 7

FOR ORIGINAL

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OCT 19 1994

Jim Jones
Attorney
960 Broadway, Suite 310
Boise, Idaho 83706

July 28, 1992

Dear Jim Jones:

Ref: Ron Adams Domestic Water

Jim, this is the second time I have had the opportunity to answer one of your letters. The first time I was the Jarbidge District Ranger of the Humboldt National Forest. Your brother Cal and one of my Range Conservationist had had a disagreement. As I replied in my answer to you, Cal and I rode the Garden of Eden Ranch permit and found that wewere in total agreement. The disagreement was over a procedural matter and not of substance. I regretted to see Cal give up his Forest permit. He was a very good permittee. He had a knowledgeable and dedicated full time rider and his range was in show class condition.

The situation you have written to me concerning Ron Adams is a different matter.

When I signed the Earnest Money Agreement with Ron, I did it with full intent of keeping my agreement and still intend to do what is right and legal. Mr. Adams has placed a 3/8 inch Y on one of my taps and has been using it for settling dust on a earth moving project out of the subdivision without asking or receiving permission.

He has changed the setting on the tap and "blown out" ditchs in my garden causing flooding, some work and considerable irritation. Possibly the connecting the Y fulfills the letter of the law to some extent. The connection of a 3/4 inch line into my personal property line does not make common sense. My personal line is connected to one of the Corporations main lines and angles to the north. The property Mr. Adams desires water for is south of the Corporation main line. As a result, the Corporations water would be taken out of my line and than piped back across the Corporations main line to Adams property. The Corporation would not give an easement for Corporation water to be piped across the same Corporations pipe line. A desireable connection site for Mr. Adams proposed building location is not a problem. A Corporation main line borders the location on two sides. The problem in question is really not the connection or the sitee of connection but the <u>WATER.</u>

Ron Adams purchased my building lot in January 1987, my earnest agreement is dated May 7, 1987. I had full faith that Mr. Adams was an honest and reputable business man who had researched laws, regulations and covenants pertaining to selling and purchasing of this property. It appears apparent that Mr. Adams had not and probably still has not read the Norwood Subdivision Covenants, the Ruby Springs Water Company (an Idaho non-profit corporation) articles and by laws and the State of Idaho water Right License to the Norwood Subdivision. For Mr. Adams to connect into my water line or any water line carrying Ruby Springs Water Company water and to remove it from Subdivisions designated lots and tracts is a violation of State Law, Corporation Law, and Subdivision Covenants. It appears to me to become a party in such case would make me an accessory to breaking State Laws, Corporation Laws, Subdivision Covenants and theft of water.

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Exhibit 8

Jim, you are a legal counselor and you initiated this response with your letter and I feel that I am intitled to ask your opinion as to what I should do. I am President of the Ruby Springs Water Company and I am entrusted with seeing that laws, by laws, articles and covenants pertaining to the Subdivision are kept. Should I break the trust of those good people who elected me to this position and violate State Law, Corporation Law and Subdivision Covenants to honor the agreement with Mr. Adams?

To fulfill the obligation I have with Ron it appears I could allow a 3/4 water line to be connected to my personal water line. However, such a connection would need to be permanently capped and never leave my property.

I will be looking forward to hearing from you pertaining to violations of State Laws, Corporation Law, Subdivision Covenants and theft of water.

Sincerely yours,

Rod Howard

Rod Howard

cc;

Ron Adams
Ruby Springs Shareholders

MICROFILMED
OCT 19 [illegible]

Ronald Adams
3028 Chisholm Dr.
Hagerman, ID 83332

July 29, 1992

Dear Adams Family;

We the Norwood Subdivision owners have just completed a Summer meeting of which your development was one of the subjects discussed. We have been shocked to see you developing the super steepened, highly erodible "bad lands" type adjacent to Billingsley Creek. We had been given the impression that Norwoods had selectively put the developable lands into the Norwood Subdivision and left the "bad lands" as open space. The permanant marring and scaring of the landscape you are doing will depreciate the aesthetic value of the area. Cutting the toe of the slope and disturbing the clay soil type of this area will cause formation failure of severe enviromental proportion endangering surrounding properties and degrading Billingsley Creek.

Our feeling of security for this area was reinforced by Gooding County Ordinance No. 36 where each lot, parcel of land and other property was assessed in the LID according to use and future use of the Norwood road system. Hearings were held and appeal period given. You were assessed and accepted one lot share and the road was planned and constructed accordingly. If you intented to build on more than one lot you should have stepped forward and expressed your intention. The road could have been designed and constructed accordingly and you would have been assessed your true proportionate share. The road is half paid for. Each lot or track owner is paying $3,778.99 plus 8% interest annually.

My calculations show the amount of $3,778.99 compounded annually at 8% to be $5,552.56 at the end of 5 years and still increasing. We intend to place a Torque Claim against the county if you are allowed to increase the customary traffic on the road.

In all fairness we request that you either abandon your development and do what is possible to reclaim the damage you have done, or you voluntarily pay $3,778.99 plus 8% interest for each lot you develop or sell. Payment to the present lot and track owners who are or have paid for the road. We are recommending to the County Commissioners that no additional building permits be given beyond those the road was planned, constructed and assessed for.

You have expressed you intention to use Norwood Subdivisions, Ruby Springs Water Companies water for a lot in the draw south of Lot #1 out of the Subdivision.

In reviewing the Subdivision Covenants, the articles of Incorporation of Ruby Springs Water Company, an Idaho Corporation, the State of Idaho Department of Water Resources Water Right License it is clear that you have no claim to any water belonging to the Subdivision. The water rights belong to the Corporation with one share per lot, which may not be subdivided or

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altered in any way. By virtue of owning Lot #1 in 1987 you were a member of the Ruby Springs Water Company. We have no record of you paying any dues or attending any meetings. When you sold the lot you sold all entitlements to any water. What you have intended to do was to give Corporation Rights as an individual shareholder.

You never had any water rights in the Ruby Springs Water. All water rights are owned by the corporation. As lot owner (shareholder) a person is entitled to use corporation water on that lot. To use or attempt to use corporation water for purposes other than use on the 22 lots without permission of the corporation is illegal.

The shareholders of the Corporation feel that if you are going to develop it would be desireable for you to obtain potable water before you progress any further. As a result, we have taken a vote and decided that you should stop and desist from using Norwood Subdivision, Ruby Springs water Company, an Idaho Corporation, water for the present and the future.

Further, we would like to caution you that we have several easements and right aways for drain lines and pipelines on your present property that our Covenants direct us to protect. It is our intention that these easements and right-of-ways be not disturbed.

Roderick Howard, President
Ruby Springs Water Company

cc:
Shareholders
Jim Jones
County Commissioners
Planning and Zoning Board

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SECRETARY OF STATE
STATE CAPITAL
BOISE, IDAHO

77 NOV 2 AM 8 39

STATE

#1998
No. 67280
FILED
NOV 7 1977
A.M. 3:40 P.M.
GOODING COUNTY RECORDER
Margaret F. Clements

ARTICLES OF INCORPORATION
OF
RUBY SPRINGS WATER COMPANY

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, all citizens of the United States of legal age, have this day voluntarily associated ourselves together for the purpose of forming a nonprofit corporation pursuant to Title 30, Chapter 10 and Section 30-117A, Idaho Code, and do hereby make, execute and acknowledge in triplicate, this certificate in writing.

ARTICLE 1

CORPORATE NAME

The Corporate name of this Corporation shall be RUBY SPRINGS WATER COMPANY.

ARTICLE 2

OBJECTS AND PURPOSES

The objects and purposes for which this Corporation is formed are as follows:

(a) To acquire water rights, together with the necessary means of diversion, storage and conveyance thereof, for domestic and irrigation purposes, for uses upon the lots in the Norwood Subdivision, being lots 1 through 15, inclusive, according to the official plat thereof on file in the office of the County Recorder of Gooding County, State of Idaho, on June 28, 1971, as Instrument No. 36134, records of Gooding County, Idaho, and upon eight parcels or tracts of land presently surveyed and adjacent to said Norwood Subdivision and being located in the S½NE¼, Section 13, Township 7

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Exhibit 5

South, Range 13 E.B.M. (formerly owned by Virgil U. Norwood and Ardith M. Norwood and conveyed to the respective incorporators hereof).

(b) To provide and establish rules and regulations for the use of such water and water system so acquired.

(c) To make assessments for the costs of operation and maintenance, the repair, replacement, and rehabilitation of such water system or systems.

(d) To make all such assessments levied against the association members for the costs and expenses set forth in Subparagraph (c) above upon a prorata basis, determined by the number of lots or tracts owned by each such member.

(e) To sue and be sued, complain and defend in any court of law or equity.

(f) To make By-laws not inconsistent with the Constitution and laws of the United States, or of this State, for the management of its properties, regulation and government of its affairs; and for the enforcement of its By-laws in the event of failure of any member to comply therewith.

ARTICLE 3

PRINCIPAL PLACE OF BUSINESS

The principal place of business of the Corporation shall be located at Hagerman, Gooding County, Idaho.

ARTICLE 4

DIRECTORS

The business of the Corporation shall be managed by a

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OCT 19 1994

board of at least three directors who must be members and provided, that any greater number of directors may be provided for by the By-laws of said Corporation.

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ARTICLE 5

MEMBERSHIP AND STOCK CERTIFICATES

(a) This Corporation shall issue no capital stock or membership certificates.

(b) Membership shall be limited to members who produce satisfactory proof that such member is the owner of, or is acquiring a tract or tracts of land in the described Norwood Subdivision or the described eight parcels adjacent thereto, all as hereinabove more particularly described.

(c) The interest of the members may, or may not, be equal. The owner of a lot in said Norwood Subdivision or any of the eight tracts adjacent thereto shall be entitled to one vote for each such lot or tract so owned.

ARTICLE 6

INCORPORATORS

The names, Post Office addresses, and initial number of votes to which the incorporators are entitled are as follows:

Name	Address	No. of Votes
Jerry W. Boyd	Star Rt., Bliss, ID	1
Gerald Heyrend	Hagerman, Idaho	1
Ira Wells	Hagerman, Idaho	1
Walter W. Foster	Hagerman, Idaho	1
William Johnson	Hagerman, Idaho	1
Jewell A. VonIns	1624 Kimes Avenue Twin Falls, Idaho	1

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Name	Address	No. of Votes
Virgil U. Norwood	Hagerman, Idaho	2
Darrell J. Savage	Hagerman, Idaho	3
Stan Iwakiri	Hagerman, Idaho	2
Robin A. Phillips	Star Rt., Bliss, ID	1
Floyd Hartman	722 Green Acres Drive Twin Falls, Idaho	1
Thomas L. Rogers	Hagerman, Idaho	1
Edsell "J" Kyte	Hagerman, Idaho	1
Billy J. Sant	Hagerman, Idaho	1
James Lettman	13647 - 103 NE Kirkland, WA	1
John E. McGraw	4595 Castlewood Dr. Meridian, Idaho	1
Ernest M. Billiard	Hagerman, Idaho	1
A. Arthur Allen Jr.	6128 N. Russell Ave. Minneapolis, Minnesota	1

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ARTICLE 7

BY-LAWS

The By-laws for the government of the Corporation and the management of its affairs shall be adopted by the members of said Corporation, and said members shall be empowered to amend or repeal said By-laws in accordance with the provisions thereof, and pursuant to the laws of this State.

ARTICLE 8

TERM

The term and existence of this Corporation shall be perpetual.

ARTICLE 9

AMENDMENT

These Articles of Incorporation may be amended in accordance

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OCT 19 1994

with the provisions of the statutes of the State of Idaho then in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of February, 1977.

POOR ORIGINAL

STATE OF IDAHO)
) SS.
County of Gooding)

On this 21st day of February, 1977, before me, the undersigned, notary public in and for said State, personally appeared

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

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OCT 19 1994

Ronald Adams
3028 Chisholm Dr.
Hagerman, Idaho 83332
November 14, 1992

Dear Mr. Adams,

This letter is to document our phone conversation of November 13, 1992. I told you to stop using Ruby Springs Water on the Hartman lot. You said you would not, but the water was turned off last night. Removal of water from the twenty-two lots is a violation of Subdivision Covenants and the Water Company's by laws. The County Commissionars have advised me that if any Covenants or by laws are allowed to be violated that they all become void. To my knowledge we have not allowed any Covenants or by laws to be violated, nor do I intend too. You act as if every time we ask you to comply with Laws and Covenants that it is a personal item, and we are unreasonable, and you should be given personal exemption from our Governing Regulations. Once more I am asking you to become familiar and comply with Governing Regulations of the area before plowing ahead and create problems for yourself and others.

You have repeatedly indicated that you have secret information that you have water rights to Ruby Springs. One of our articles of Corporation says membership shall be limited to members who produce satisfactory proof that they are a legitimate member. If you feel you have any proof submit it to the Corporation President or Board of Directors for review.

We, like other water users in Hagerman Valley, are working our way through the Snake River Water Adjudication with the Division of Water Resources. If you have any evidence that the Hartman parcel of land has had a Ruby Spring Water system connection and/or has used Ruby Springs Water continuesly without more than a 5 consecutive year lapse since the Corperation of Ruby Springs Water Co. in 1977 let me know immediately.

Sincerely yours

Rod Howard, President
Ruby Springs Water Company

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IN THE DISTRICT COURT OF TH. FIFTH JUDICIAL DISTRICT OF .HE 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: A36-07092A
Date Received: 8/03/1988
Receipt No: S001266
Received By: LW JS

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: NORWOOD SUBDIVISION 208-837-6633
   Address: RUBY SPRINGS WATER CO.
   C/O RODERICK R. HOWARD
   BOX 658
   HAGERMAN, ID 83332

2. Date of Priority: NOV 06, 1969

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	13	NE NE		GOODING

5. Description of diverting works:
   SHAFT, PIPE,COLLECTION BOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		
DOMESTIC	01/01	12/31	0.170		

7. Total Quantity Appropriated is:
   1.100 C.F.S. (and/or) 220.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   D/13 HOUSES PRESENTLY, 22 LOTS TOTAL

Copy

Exhibit 9

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10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	13	SW	NE		IRR	20.0
			SE	NE		IRR	25.0
			NW	SE		IRR	10.0
					Section Acres		55.0
					Total Acres		55.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

15. Basis of Claim: LICENSE

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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: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Ruby Springs Water Corp., that I have signed the foregoing
Organization
document in the space below as President of
Title
Ruby Springs Water Corp. and that the statements contained in the
Organization
foregoing document are true and correct.

Frederick F Howard
Signature of Authorized Agent

Ruby Springs
Title and Organization

1 August 1988
Date

State of Idaho)
) SS.
County of T.F)

Subscribed and sworn (or affirmed) before me this 1st day
of August 19 88

Lori White
Notary Public

Seal

Residing at T.F

My Commission Expires 5/95.

MICROFILMED
OCT 19 1994

POOR ORIGINAL

August 19, 1976

Re: Permits No. 36-7092 36-7159
36-7092A 36-7160

Virgil U. &/or Ardith Norwood
Route # 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Norwood:

This is to acknowledge receipt of the assignment conveying a part of permit 36-7092 to Norwood Subdivision. The assignment has been recorded and given the identification number 36-7092A.

Enclosed for your records are copies of the Water Licenses issued on the above referenced permits along with a copy of the approved application for amendment for 36-7160.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

Enclosures (6)

Copy

Exhibit 10

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OCT 19 1994

MEMO

TO: Mike Stoolo

FROM: Bob Fleenor

DATE: 3/5/76

SUBJ: Exams for 36-7092, 36-7159 & 36-7160
(Virgil U. &/or Ardith Norwood)

Mr. & Mrs. Norwood were in the office today concerning the findings of our examination.

They are particulary concerned that irrigation was omitted from the proposed license under 36-7092. Claim that they have a buried pipeline from the spring in the NE¼NE¼, Sec. 13 which crosses Billingsley Creek and irrigates several acres of land in and around their subdivision. Mr. Norwood also has an aerial photo of his place and the location of the springs should be verified.

Since permits 36-7159 & 36-7160 are related, we are also returning those exams.

POOR ORIGINAL

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OCT 19 1994

10A

POOR ORIGINAL

10B

Hagerman, Idaho
Mar. 21, 1976

Dept. of Water Resources
325 W. Franklin
Boise, Idaho

IDF
File and
mail for field
exams from Region

Bobby Fleenor
Dewey and I went
over to the property in question
which provides water for our
subdivision and he agreed
with me that there were no
possible way to get a measure-
ment. The people on about
into the side of the canyon
and could accomodate no more
than one other trailer except
the exception (36-7072 in the
permit number.

Sincerely
Virgil Howard
Hagerman
Idaho 83332

measurement
Boise Project
"practice"

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OCT 19 1994

Re-Exam for Irrigation Only

DATE OF EXAM 5-27-15
5-14-16

ACRLAGE
Found 55
Recommended 55

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q= 11 c.f.s. V= 220 AF/Ann. from 4/1 to 11/1
Domestic Q= c.f.s V= AF/Ann. from to
Livestock Q= c.f.s. V= AF/Ann. from to

Is water co-mingled? yes no ✓

Name source:
Twp. N/S, Rge. E/W, B.M., Sec., Sub. ¼ ¼ County

Exchange? yes no ✓

Name source exchanged with:
Twp. N/S, Rge E/W, B.M., Sec., Sub. ¼ ¼ County

Point of Injection:
Twp. N/S, Rge E/W, B.M., Sec., Sub. ¼ ¼ County

Point of exchange:
Twp. N/S, Rge E/W, B.M., Sec., Sub. ¼ ¼ County

Total Q measured None Method of measurement ✓

Total Q recommended 11 Meter No. ✓ Type ✓ Condition ✓

Total V recommended 220 Ac Ft/Ann.

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:
Q = 11.0 c.f.s. (See Remarks)
V = 220 Ac Ft/Ann. (Irr. Req. 4.0 (Ac Ft) (55 Acres) (Ac Ann)

SYSTEM DESCRIPTION:
Spring water is diverted to a concrete pipe which conveys the water to the lands. Drip hardware & the pipe has (5) individual sections which convey the water under the ground to the nearby Eucalyptus trees. Existing meters will be used to make a measurement.

REMARKS:
Mr. Norwood will write a letter requesting the measuring device by the Engineer. I advised Richard of the terms of the permit and also that the amount is applied for

Examiner's Signature Tony Landeberg Date 5-14-16

Checked by Date

Approved by Date

POOR ORIGINAL

10C

MICROFILMED

State of Idaho
Department of Water Resources

NOT ORIGINAL

ASSIGNMENT OF PERMIT

I, Virgil W. & Judith Norwood, hereby assign to NORWOOD SUBDIVISION
of HAGERMAN, ID.
Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to Permit No. 36-7092 (to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

1.10 cfs for irrigation from the point of diversion located in NE¼NE¼ Sec. 5 T7S R13E

Made this 9th day of August, 1976.

Virgil W. Norwood
Permit Holder

Judith M. Norwood
Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 9th day of August, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Seal

Matthew W. Hagie
Notary Public residing at
Boise, Idaho

My commission expires:
5/14/78

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	PERIOD OF USE TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: SPRING		TRIBUTARY: BILLINGSLEY CREEK					
36-07092A	NORWOOD SUBDIVISION RUBY SPRINGS WATER CO C/O RODERICK R HOWARD 2638 ACCESS ROAD N HAGERMAN ID 83332	11/06/1969	IRRIGATION	03-15	11-15	.36	CFS	LICENSE
			TOTAL QUANTITY:			.36	CFS	
			CONSUMPTIVE USE:			54.0	AFY	

POINT OF DIVERSION:
T07S R13E S13 NENENE
PLACE OF USE: IRRIGATION

T07S R13E S13 SWNE 6.0 SENE 12.0
18.0 ACRES TOTAL
REMARKS: A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.58 CFS.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4 S13, T07, R13E.

36-10231	LA ROSE A REESE BRUCE W REESE P O BOX 445 HAGERMAN ID 83332	06/01/1970	DOMESTIC	01-01	12-31	.04	CFS	BENEFICIAL USE
			TOTAL QUANTITY:			.04	CFS	

NON-IRRIGATION-USES:
DOMESTIC 1 HOME
POINT OF DIVERSION:
T07S R13E S12 SWSESE
PLACE OF USE: DOMESTIC

T07S R13E S13 NWNE
REMARKS: PARCEL NO. RP07S13E131124

Copy

Exhibit 11

MICROFILMED
OCT 19 199

February 13, 1993

TO: Ruby Springs Water Association

Please transfer our share of water to Ron Adams.

Thank you, By Ruth Hartman

Floid Hartman Floid G. Hartman

RUTH

[redacted] Hartman Ruth A. Hartman

Copy

Exhibit 12

MICROFILMED
OCT 1 199

February 13, 1993

TO: Ruby Springs Water Association

To our knowledge, our water share was still in effect when we sold our land to Ron Adams. We have never received anything saying that it had been cancelled.

By Wife Ruth Hartman

Floid Hartman Floid C. Hartman

Ruth Hartman Ruth A. Hartman

Copy

MICROFILMED
OCT 1 9 1994

12A

DIRECTOR'S REPORT CONVERSATION MEMO

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

   Rod Howard
   % Norwood Subdiv or
   Ruby Springs Water Co.

2. SUBJECT OF INQUIRY: Mr. Howard wanted to know if someone filed an objection against their right was the state going to handle all the legal expense to defend it. He indicated that member of the Hagerman Water ~~Right~~ Rights Group had approached him and wanted him to kick in and pay for legal costs for the group. He indicated that if he didn't contribute the may find objections with their claims and they may file objections on their rights.

3. RESPONSE TO INQUIRY: I told Mr. Howard that the state would respond to all objections but that the water right owner has his own burden of filing his own response and providing for his own legal council ect. I told Mr. Howard that although the state made changes based on his NOE and these changes seemed to be agreable to him he was not bound by our recommendation and he could object to it. I told him the state changed the recommendat based on what appeared to be errors. The basis of change was not because of "negotiations or agreements".

4. IDWR STAFF AND DATE: John D Merritt 11/24/92

   Print name and Initial

   WATER RIGHT CLAIM (Nos.): A36-07092A & A36-15240

MICROFILMED
OCT 19 1994

Copy

Exhibit 13

Norwood Subdivision

License 36-7092 was split on Aug 16, 1976 with the B portion being issued for 10 CFS for fish propagation and the A portion being issued for 1.10 CFS for irrigation of the Norwood Subdivision. I recognise this date as sufficient evidence of the domestic use as the dept recognised the subdivision at that time. Per Steve Clelland's field exam, the source change has occured some time ago and indicates support for the recommendation. No protests of the change in source or use has been recorded for this right. I accept the changes as accomplished.

Recommendations

POOR ORIGINAL

I recommend 36-7092A for 7 acres irrigation and 13 units ~~domestic~~ per the 8-9-90 field exam by Steve Clelland for the ~~Dept standard~~ season for irrigation of ~~3-15~~ 4-1 - ~~11-15~~ 10-31. As the ~~use~~ irrigation combined with the domestic use is less than the licensed use Condition code C09 is required. The change in source is from one spring to another spring within the same Q/Q, therefore ~~no~~ change in P/D flag is recommended. The change in the nature of use is required to recognise the change from irrigation to domestic for the expanded season covered by ~~the~~ claim 36-15240. (~~code~~ Remark code C01.)

MICROFILMED
OCT 19 1994

13

19 1/2 10-9-91

36-7092A & [redacted] Analysis

POOR ORIGINAL

The license was issued (under 36-7092A) for irrigation of 55 acres at 1.10 CFS only. The property was subsequently subdivided and called the Norwood Subdivision.

Per Steve Clelland (IDWR) during the field exam he observed evidence indicating that the booster pump installed for the subdivision pressure system was likely installed in 1976 as claimed. I accept the claimed Priority for the change in the nature of use for this system.

The overall use has been reduced since licensing only 7 acres were identified as currently being irrigated and those 7 acres are recommended under 36-7092A.

The domestic use would not be considered an expansion to the system except for the change in the season of use. (Going from the irrigation season of 3-15/11-15 to year round.)

Based upon the Dept's Claim Investigation Manual; Feb 19, 1991 edition, Pg 94 section B. Claim based upon Decree or License, part 4, Discrepancy includes increase in Season of Use (54), this claim should be seperated. Therefore 36-15240.

36-15240 is recommended for the domestic use for the found 13 units.

MICROFILMED
FEB 09 1993
OCT 19 1994

13

Analysis for 36-1524C

As the source is surface water the increase in the season of use requires a new claim with the priority based upon the expansion. I recognize the Aug 16, 1976 split of the base right as evidence of domestic use.

This claim is being recommended for the domestic use for the full season & year round

Consumptive use

0.6 AFA/Home * 13 homes = 7.8 AFA

POOR ORIGINAL

36-7092A was licensed for 55 acres & 220 AF

Claim

36-7092A is recommended for 7 acres & 21 AF cons. u

36-1524D is recommended for 13 units & 7.8 AF cons u

total. 28.8 AF

total consumptive use is considerably less than the licensed rate therefor the change in season of use has not expanded the orig right.

domestic div rate is @ legal limit for 13 units = .17 CFS

MICROFILMED
OCT 19 1994

Analysis for 36-15240

As the source is surface water the increase in the season of use requires a new claim with the priority based upon the expansion. I recognize the Aug 16, 1976 split of the ban right as evidence of domestic use.

This claim is being recommended for the domestic use for the full season (year round)

Consumptive use

0.6 AFA/Home * 13 homes = 7.8 AFA

POOR ORIGINAL

36-7092A was licensed for 55 acres & 220 AF

Claim

36-7092A is recommended for 7 acres & 21 AF cons. use

36-15240 is recommended for 13 units & 7.8 AF cons use

total. 28.8 AF

total consumptive use is considerably less than the licensed rate therefore the change in season of use has not expanded the orig right.

domestic div rate is @ legal limit for 13 units = .17 CFS

MICROFILMED
MICROFILMED
OCT 19 1994

13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:19
07/03/90

PAGE: 1

GENERAL INFORMATION

CLAIM NUMBER: A36-07092A

LAST: NORWOOD SUBDIVISION FIRST:
ADDRESS: RUBY SPRINGS WATER CO.
C/O RODERICK R. HOWARD
P.O. BOX 658
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-6633

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	

CLAIM REMARKS: SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-_____

DATE OF FIELD EXAM: ___/___/___ APPOINTMENT MADE: Y(___) N(___) TIME: ____:____ A(___) P(___)

ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-_____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Memo to file: A field exam found about 7 acres actually irrigated. There were 13-14 Houses tied into this system. We measured the flow in the pump house to be at 0.28 cfs. Since the license is for limited season and irrigation uses, the recommendation is for the license. The change in use may need to file a permit & perhaps a transfer. Advise a referal to Legal Review to clarify.

MICROFILMED
OCT 19 1994

13

IN THE SNAKE RIVER BASIN ADJUDICATION

Water Right No: 36-07092A ( ) 5240 Contact Date: 9/29/92 ( )

IDWR Contact Person: (print and Initial) Allen Merritt (ADM)

Claimant Contact Person Roderick Howard

Others Present None

Contact By (give date) _____

Phone Call (no.) _____

Date	Initials
Date Entered 9/29/92	ADM
Verified 9/29/92	ADM

Meeting (location): Twin Falls office IDWR week of 9/14/92

Letter (attach letter): _____

I. Issues identified by claimant: Not enough water, not enough acres and not enough houses for water system.

II. Reasons provided claimant for original recommendation: System was measured 8/9/90 and found 0.28 cfs being used however only one pump was running and it may have been throttled back.

Exact location of subdivision service area not determined and it appears some acres irrigated were missed.

Number of houses recommended were houses existing and not the number of lots served.

III. Additional Information provided by claimant: Re-evaluated system capacity based on theoretical calculation and acres & lot description as provided by claimant (Map Enclosed)

IV. Changes to be made in final recommendation (if any): Made determination to allow 22 home sites for domestic purposes and 80% of gross area in subdivision for irrigation.

V. Action taken (date): Changed recommendations and sent copy of this response & proof reports to Mr. Howard, Changed notice of error flags.

MICROFILMED

OCT 19 1994

(Original to IDWR, copy to claimant)

13

AUG-24-1992

RECEIVED
SEP 22 1992
Department of Water Resources

POOR ORIGINAL

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: ~~[illegible]~~ 15240

2. Name: Norwood Subdivision
Ruby Springs water Company c/o Roderick R Heward
Address: 2655 access Road North
Sturgeon, Idaho 83332

Weekday Telephone Number: 837-6653

MICROFILMED
FEB 09 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

MICROFILMED
OCT 19 1994

13

proposed rec[illegible]mendat[illegible] with the changes mark[illegible]n the c[illegible]y.)

3. Describe the portion of proposed recommendation with which you disagree:
See attached work sheet for recommended changes as worked out by Allen D. Merritt and myself

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

5. Describe why you disagree with the proposed recommendation:

POOR ORIGINAL

6. Date:

SIGNATURE Kenneth K. Howard
President Ruby Springs Water Company

MICROFILMED
OCT 19 1994

36-70[illegible] A & 36-15240 analysis. 10-9-91

POOR ORIGINAL

The license was issued (under 36-7092A) for irrigation of 55 acres at 1.10 CFS only. The property was subsiquently subdivided and called the Norwood Subdivision.

Per Steve Clelland (IDWR) during the field exam he observed evidence indicating that the booster pump installed for the subdivision pressure system was likely installed in 1976 as claimed. I accept the claimed Priority for the change in the nature of use for this system.

The overall use has been reduced since licensing only 7 acres were identified as currently being irrigated and those 7 acres are recommended under 36-7092A.

The domestic use would not be considered an expansion to the system except for the change in the season of use. (Going from the irrigation season of 3-15/11-15 to year round.)

Based upon the Dept's Claim Investigation Manual; Feb 19, 1991 edition, Pg 94 section B. Claim based upon Decree or Licens, part 4, Discrepancy includes increase in Season of use (54), this claim should be seperated. Therefore 36-15240.

36-15240 is recommended for the domestic use for the found 13 units.

FILMED
OCT 9 1993
MICROFILMED
OCT 19 1994

13

Analysis for 36-15240

As the source is surface water the increase in the season of use requires a new claim with the priority based upon the expansion. I recognize the Aug 16, 1976 split of the ban right as evidence of domestic use.

This claim is being recommended for the domestic use for the full season (year round)

Consumptive use

0.6 AFA/Home * 13 homes = 7.8 AFA

POOR ORIGINAL

36-7022A was licensed for 55 acres & 220 AF

Claim

36-7092A is recommended for 7 acres & 21 AF cons. use

36-15240 is recommended for 13 units & 7.8 AF cons use

total. 28.8 AF

Total consumptive use is considerably less than the licensed rate therfor the change in season of use has not expanded the orig right.

domestic div rate is @ legal limit for 13 units = .17 CFS

MICROFILMED
FEB 09 1993
MICROFILMED
OCT 19 1994

C

PHOTOGRAPHS SHOWING LINES FROM THE 4.88 ACRE PARCEL

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OCT 19 1994

POOR ORIGINAL

POOR ORIGINAL



MICROFILMED
FEB 19 1999

FOR ORIGINAL

FILMED
OCT 19 1994

D

FINAL PLEADING OF RON ADAMS

MICROFILMED
OCT 19 1994

Your Honor,

It has been my intention to allow Ruby Springs Water Co. every opportunity to straighten out this water right issue. I did not know until the last Ruby Springs Water Co. meeting held on 9/10/93 that they did not actually own the water right license. Mr. Howard their President, stated at the 9/10/93 meeting that Ruby Springs Water Co. did not, had not at any time, ever owned the water right license.

I have endured months of slow, methodical, painstaking research in an effort to understand the full truth concerning this entire water right issue as it pertained to the original water rights for the original properties that Virgil Norwood owned. It is my belief that Mr. Norwood did not intend for any of the original land he owned to be without the water rights he had obtained.

The parcels and tracts of land that Virgil Norwood owned, not including Lots 1 thru 15, add up to 55.14 acres. The only way to figure up the original 55 acres, is to include the land that I have owned since 1985. Never, at any time, were the owners of the Norwood Subdivision Lots and adjacent parcels of land to be without water for this original land. Part of the land located on the East side of Billingsley Creek was Hidden Springs Trout Ranch. It was sold along with shares from Hagerman Water Users, Inc.. Virgil Norwood never intended that Ruby Springs be devoted to Hidden Springs Trout Ranch, Inc..

I beg you sir, please allow this late filing.

MICROFILMED
OCT 19 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

POOR ORIGINAL

Receipt No: 0015715

Date: 5/ 5/1993
Time: 15:01:12

Received From: ADAMS, FRAN

Type of Payment	Program Acct Class		Amount
COPIES ADJ FILES	64100	229 21 1760	4.25
		Total	4.25

CASH

Region: SOUTHERN Signature: Jane Robertson

MICROFILMED
OCT 19 1994

DIRECTOR'S REPORT CONVERSATION MEMO

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

   FRAN ADAMS

2. SUBJECT OF INQUIRY: wanted copies of Norwood Subdiv. Claims A36-15240 & A36-07092A.

3. RESPONSE TO INQUIRY: made copies and charged them $4.25 which they paid in cash & a receipted.

4. IDWR STAFF AND DATE: Jeanie Robertson 5/5/93

   Print name and initial: Jeanie Robertson

   WATER RIGHT CLAIM (Nos.): 36-07092A
   36-15240

MICROFILMED
OCT 19 1994

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

27-Jan-1993

RUBY SPRINGS WATER CO
C/O RODERICK HOWARD
2638 ACCESS ROAD N
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-07092A, 36-15240

Dear Mr. Howard:

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

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

$5.73

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

MICROFILMED
OCT 19 1994

DIRECTOR'S REPORT CONVERSATION MEMO

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

Rod Howard
% Norwood Scabdiv or
Ruby Springs Water Co.

2. SUBJECT OF INQUIRY: Mr. Howard wanted to know if someone filed an objection against their right was the state going to handle all the legal expense to defend it. He indicated that member of the Hagerman Water ~~Right~~ Rights Group had approached him and wanted him to kick in and pay for legal costs for the group. He indicated that if he didn't contribute the may find objections with their claims and they may file objections on their rights.

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4. IDWR STAFF AND DATE: [signature] 11/24/92

Print name and initial

WATER RIGHT CLAIM (Nos.): A36-07092A & A36-15240

MICROFILMED
OCT 19 1994

RECEIVED
JAN 15 1993
Department of Water Resources
Southern Region Office

January 13, 1993
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number 36-15240 & 36-07092A

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

Please bill me for the copy charge.

Sincerely,

c/o Ruby Springs Water Company
Roderick Howard
(Name)

2638 access Road North
(Address)

Hagerman, Idaho 83332
(City, State, Zip Code)

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

MICROFILMED
OCT 19 1994

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 0 3 1993

RESPONSE TO NOTICE OF ERROR IN THE SNAKE RIVER BASIN ADJUDICATION

IDWR USE ONLY	
Date	Initials
Date Entered 9/29/92	ADM
Verified 9/29/92	ADM

Water Right No: 36-07092A & 36-15240 Contact Date: 9/29/92

IDWR Contact Person: (print and initial) Allen Merritt (ADM)

Claimant Contact Person Roderick Howard

Others Present None

Contact By (give date) _____ Meeting (location): Twin Falls Office IDWR week of 9/14/92

Phone Call (no.) _____ Letter (attach letter): _____

I. Issues identified by claimant: Not enough water, not enough acres and not enough houses for with system.

II. Reasons provided claimant for original recommendation: System was measured 8/9/90 and found 0.28 cfs being used however only one pump was running and it may have been throttled back.

Exact location of Subdivision service area not determined and it appears some acres irrigated were missed.

Number of houses recommended were houses existing and not the number of lots served.

III. Additional information provided by claimant: Re-evaluated system capacity based on theoretical calculation and acres & lot description as provided by claimant (Map Enclosed)

IV. Changes to be made in final recommendation (if any): Made determination to allow 22 home sites for domestic purposes and 80% of gross area in subdivision for irrigation.

V. Action taken (date): Changed recommendations and sent copy of this response & proof reports to Mr. Howard. Changed notice of error flags.

(Original to IDWR, copy to claimant)

MICROFILMED
FEB 03 1993

MICROFILMED
FEB 03 1993

Water Right Number - R36-07092A Prefix Translation: RESEARCH Old (D) Number -

*** C - CURRENT OWNER ***
NORWOOD SUBDIVISION

1 - RUBY SPRINGS WATER CO
2 - C/O RODERICK R HOWARD
3 - 2638 ACCESS ROAD N
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6633

Priority Date	Region	Stage	Status
11/06/1969	17 SOUTHERN	L - LICENSE	

Source	Tributary
SPRING	BILLINGSLEY CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	13	NE NE NE		(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.360	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
0.360		54.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SW NE		6.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE NE		12.0	01	IRRIGATION	(47) GOODING

Total Acres: 18.0

Diversion Means - SHAFT, PIPE,COLLECTION BOX TO PIPELINE TO TWO PUMPS TO PIPELINE

Non-Irrigation Use - NONE

Other Rights for Same Use - 36-15240 FROM SAME SYSTEM FOR DOMESTIC USE

Remarks

PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.

RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.58 CFS.

SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE

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Water right number - R36-07092A Prefix Translation: RESEARCH

Remarks

S1/2NE1/4 S13, T07, R13E.

Old Water Right Numbers

No Old Water Right Numbers Found

Conditions of Approval

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments

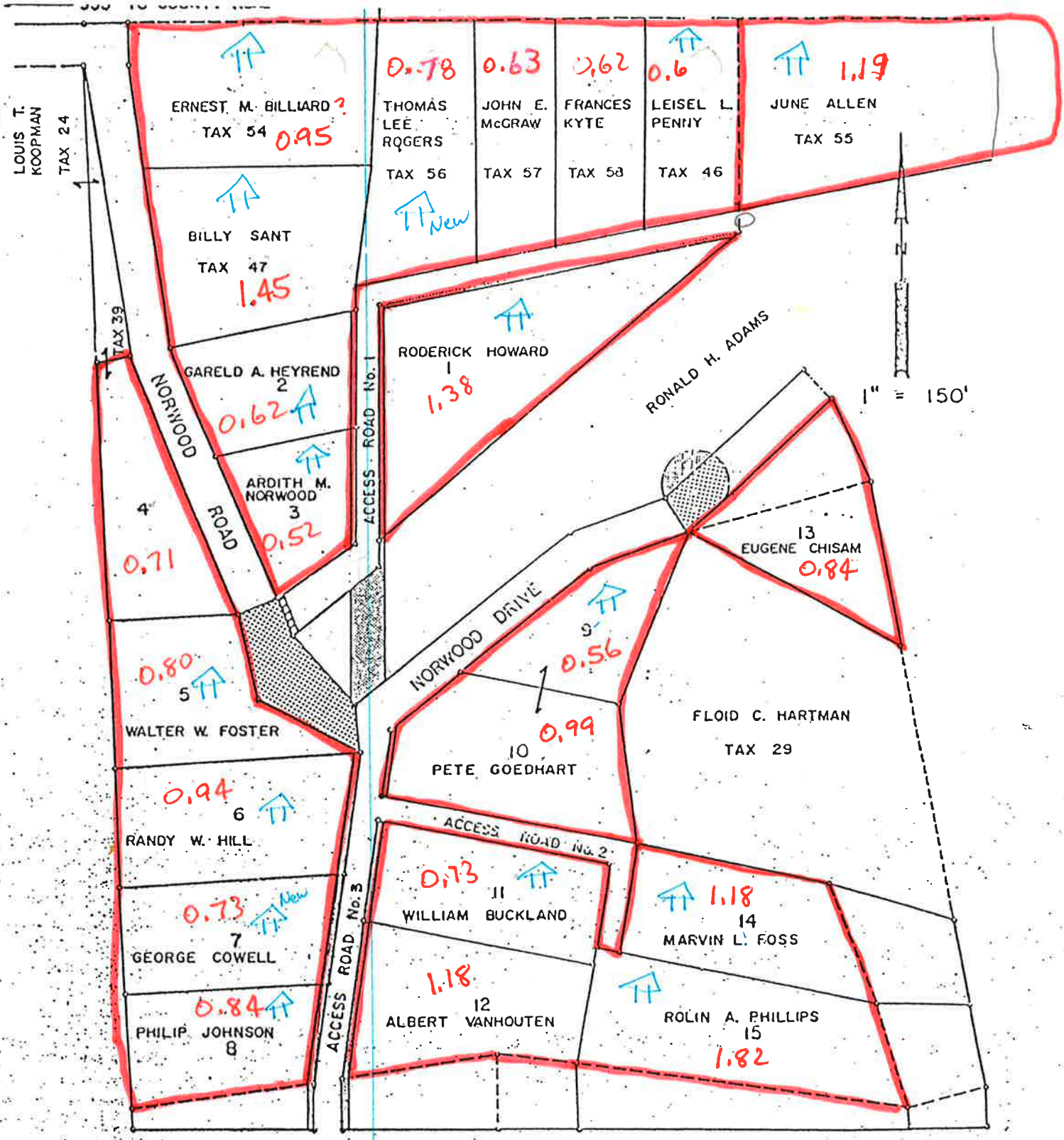
Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED DOMESTIC USE CLAIMED UNDER A35-15240 WITH A NEW PRIORITY DATE.
Date: 08/11/1992 User Id: THORNTON Subject: TYPO CORRECTION
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED 2 NOE'S 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/11/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 09/29/1992 User Id: MERRITT Subject: RESPONDED TO NOE
RE-EVALUATION OF ACRES IRRIGATED BY USING NAPP AND THE ORIGINAL FIELD EXAM FINDS THAT ADDITIONAL ACRES ARE IRRIGATED.
RE-EVALUATION OF THE CAPACITY OF THE SYSTEM FINDS THAT THE ORIGINAL MEASUREMENT WAS PROBABLY NOT DONE WHEN THE SYSTEM WAS
AT ITS MAXIMUM DIVERSION RATE. A THEORETICAL CALCULATION CONFIRM AND THIS THEORETICAL IS USED TO LIMIT THE CAPACITY WHEN COMBINED
WITH 36-15240.

Audit Fields

09/29/92 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	- 09/29/1992	Old Judicial District	-
Claim Received Date	- 08/03/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001266	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- C



NORWOOD SUBDIVISION
ROAD RECONSTRUCTION
MAY, 1986

KEY:

RECONSTRUCTION

NEW CONSTRUCTION and/or EASEMENTS

houses existing

Edwards, Howard & Martens, Inc.
ENGINEERS / PLANNERS / SURVEYORS

LOCATED IN: S 1/2 NE 1/4, SEC. 13, T. 7 S., R. 13 E., B.M.

EXHIBIT
Adams
24

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FEB 0 3 1993

Ruby Spri ;s Theoretical C2 .

~~GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS~~
****

FILE: 36-07092A & 36-15240
DATE: 9/29/92
BY: AD

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])

$$Q = \frac{(8.8)\ (10+3)\ (0.70)}{[\ (0) + (60 \times 2.31)\ ]} = 0.58$$

LIFT FROM:
measurement ( )
owner (X)
area estimate ( )
well logs ( )

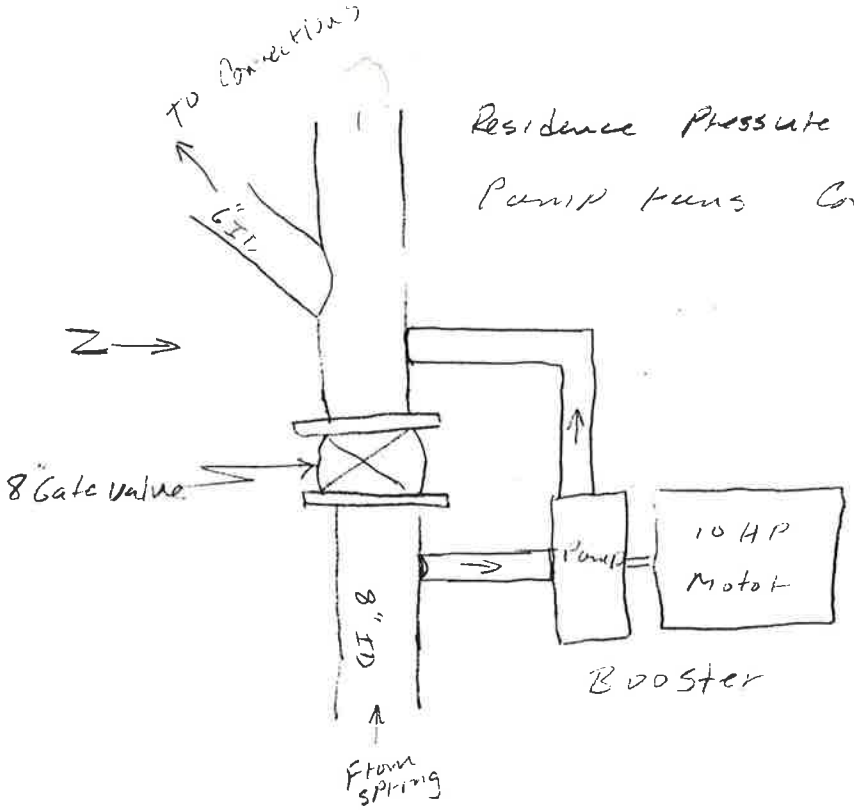
PSI FROM:
measurement ( )
owner (X)
estimate ( )
owner gage ( )

Booster (Y) (N)

NOTES ON PUMP:
Motor Make, Serial or ID

Pump Make, Serial or ID, rating
Two pumps MICROFILMED
main line from springs.
FEB 03 1993

REMARKS



Residence Pressure = 831 psi min.

Pump runs Constantly.

Norwood Subdivision Permit

8/19/82

Ruby Eps Water Co.

Pres.

Walt Foster - 837-4840

Copied for—
~~Water~~ Applic. for-
permit file ~~WA~~ 36-07642
pending applic for-
subdiv. that was
protested & held.
This permit should
be canceled

V... Norwood 837-4454

12 ...

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FEB 0 3 1993

NOTICE OF ERROR FORM

AUG-24-1992

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

RECEIVED
SEP 28 1992
Department of Water Resources
Southern Region Office

1. Water right number: 36-07092A

2. Name: Norwood Subdivision

Address: Ruby Springs Water Company c/o Roderick R Howard
2638 Access Road North
Hagerman, Idaho 83332

Weekday Telephone Number: 837-6633

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FEB 03 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

See attached work sheet for recommended changes as worked out by Allen D. Merritt of DWR and myself.

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

RECEIVED
SEP 2 2 1992
Department of Water Resources

5. Describe why you disagree with the proposed recommendation:

6. Date:

SIGNATURE Roderick A Howard
President Ruby Springs Water Company

RECEIVED
JAN 19 1993
Department of Water Resources
Adjudication Bureau

RECEIVED
MAR 1994
Department of Water Resources
Southern Region Office

1994 JAN 18 PM 4:31
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 the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System.	**Subcase No. 36-07092A** **ORDER GRANTING MOTION TO FILE LATE OBJECTION**
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.	

Dan Steckel, Deputy Attorney General, representing Idaho Department of Water Resources

Ronald Adams, Pro Se.

Roderick Howard, Ruby Springs Water Co., Pro Se.

A hearing was held on January 18, 1994 on the *Motion to File Late Objection* to the water right no. 36-07092A.

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OCT 19 1994

For good cause shown, IT IS ORDERED the *Motion to File Late Objection* is GRANTED and the objection previously lodged with the court shall be deemed to be filed as of January 18, 1994.

Responses to the Objections shall be filed on or before 5:00 p.m., March 21, 1994.

IT IS SO ORDERED.

DATED January 18, 1994.

DANIEL C. HURLBUTT, JR.
Presiding Judge
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 January 18, 1994, 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

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

Ronald H. Adams
3028 Chisholm Drive
Hagerman, ID 83333

Roderick Howard
Ruby Springs Water Co.
Norwood Subdivison
2638 Access Road N.
Hagerman, ID 833332

Deputy Clerk


531
T-716
461
T-674
462
T-675
525
T-709
464
T-677
540
T-725
541
T-726
496
T-590
527
T-711
524
T-706
1332
T-736
468
T-561
469
T-562
497
T-591
MICROFILMED
FEB 03 1993
NORWOOD SUBD.

RECEIVED
SEP 22 1992
Department of Water Resources

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

Dear Sir;

Enclosed find our Notice of Error Form and attached copy of "YOUR WATER RIGHT AS IDWR PROPOSES TO RECOMMEND IT TO THE DISTRICT COURT."

On the work form are the recommendations as jointly worked out by Allen D. Merritt, P.E. of Idaho DWR and myself.

Our agreement for the Norwood Subdivision is that each of our 22 Home sites receive .01 CFS for a total domestic use of .22 CFS. That we receive credit for 18 acres of irrigated land at the rate of .02 CFS per acre for a total of .36 CFS. The total combined volume is .58 CFS.

Roderick R. Howard

Roderick R. Howard, President
Ruby Springs Water Company

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FEB 03 1993

THIS IS A COPY OF YOUR WATER RIGHT AS IDWR PROPOSES TO RECOMMEND IT TO THE DISTRICT COURT*

***THIS IS NOT A FINAL DETERMINATION OF YOUR CLAIM. YOU MUST FILE A *NOTICE OF ERROR* WITH IDWR IF YOU DISAGREE WITH THE PROPOSED RECOMMENDATION.**

RECEIVED
SEP 22 1992
Department of Water Resources
Southern Region Office

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	PERIOD OF USE TO	MAXIMUM QUANTITY	BASIS OF CLAIM
36-07092A	NORWOOD SUBDIVISION RUBY SPRINGS WATER CO C/O RODERICK R HOWARD PO BOX 658 MAGERMAN ID 83332	11/06/1969	IRRIGATION	04-01	10-31	~~0.14~~ CFS	LICENSE
						~~0.28~~	
						~~0.28~~	0.36

RECEIVED
SEP 22 1992
Department of Water Resources

TOTAL QUANTITY: ~~0.14~~ CFS
TOTAL VOLUME: ~~0.28~~
CONSUMPTIVE USE: ~~21.0~~ AFY 54

NON-IRRIGATION USES:

SOURCE: SPRING TRIBUTARY: BILLINGSLEY CREEK

POINT OF DIVERSION:
T07S R13E S13 NENENE

PLACE OF USE: IRRIGATION
T07S R13E S13 SWNE ~~2.0~~ 6
SENE ~~2.0~~ 12

~~18.0~~ ACRES TOTAL

PLACE OF USE: ~~DOMESTIC~~
SAME AS OTHER USE

REMARKS: A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO ~~0.28~~ CFS. 0.58
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

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FEB 03 1993

WHY IS THE NOTICE OF ERROR REQUIRED?

The court has ordered that IDWR adopt this procedure to provide a simple and inexpensive means to try to resolve potential disputes informally **before** the Director's Report is filed with the court. Disputes that are not resolved through this procedure will be resolved by the court through the objection procedure described below.

If a dispute can be resolved informally before the Director's Report is filed, it will save time and money for everyone, since you and IDWR will not have to appear before the judge to resolve the matter. Many disagreements can be resolved informally through this procedure.

WHAT HAPPENS AFTER THE DIRECTOR'S REPORT IS FILED WITH THE COURT?

When the Director's Report is filed with the court, you will be mailed a **notice of filing** the Director's Report, along with a copy of your claim as it is recommended in the report. The notice will state the locations where a complete copy of the report is available.

If you disagree with any portion of the Director's Report, then you will have an opportunity to file an **objection** to the report with the court. This includes the director's recommendation as to your water right, or to someone else's water right. If you disagree with any portion of the Director's Report, you must file an objection with the district court by the objection deadline, or you may lose the right to challenge anything that you think is wrong in the report.

IDWR must file a **response** to each objection. You will have the opportunity to file a response if someone else objects to your water right, or if you wish to participate in the proceedings on an objection to someone else's water right.

Once the deadlines for filing objections and responses have passed, the court will enter a **partial decree** that determines all of the recommendations to which no objections were filed. The uncontested claims will be decreed the same as they are shown in the Director's Report. The court will then proceed to resolve the disputes raised by the objections (the contested claims), after trial if necessary, and to enter partial decrees of those remaining claims.

The **notice of filing the Director's Report** will contain further information about the procedures to be followed after the report is filed with the court, including the deadlines for filing objections and responses, and the date and location of the hearing on the partial decree of uncontested matters.

IS THERE ANYTHING ELSE IN THE DIRECTOR'S REPORT?

The Director's Report will also include "general provisions." These provisions apply to all water rights in the area where your claim is located or to certain types of water rights in your area. Some of the general provisions further describe or limit certain types of water rights. Some of the general provisions will affect the way in which water rights in your area will be administered.

Proposed general provisions for the Director's Report are available for your review and comment at this time. Copies are available for inspection at all IDWR offices (listed below), and at the additional locations printed with your proposed recommendation. Copies can be obtained from IDWR (subject to a small charge for mailing and/or copying).

WHAT IF YOU DISAGREE WITH THE PROPOSED GENERAL PROVISIONS?

If you disagree with the proposed general provisions, please complete the "Notice of Error" form below, and return it to IDWR by the deadline shown on your proposed recommendation. You are not required to file a notice of error if you disagree with the proposed general provisions, but filing a notice of error will provide an opportunity for resolving disputes as to this portion of the Director's Report before the report is filed with the court.

HOW CAN YOU GET MORE INFORMATION?

If you have questions about your proposed recommendation or the notice of error procedure, please call your attorney or IDWR.

IDWR State Office, 1301 N. Orchard St., Statehouse Mail, Boise, Idaho 83720-9000; (208) 327-7906, or toll-free 1-800-451-4129.

IDWR Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615; (208) 765-4639.

IDWR Western Region, 2735 Airport Way, Boise, Idaho 83705-5082; (208) 334-2190.

IDWR Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6602; (208) 736-3033.

IDWR Eastern Region, 150 W. Shoup Ave. Suite 15, Idaho Falls, Idaho 83402-3653; (208) 525-7161.

EXPLANATION OF ELEMENTS OF A WATER RIGHT

This explanation is provided to assist you in reviewing the proposed recommendation of your claim.

Water right number: This number is assigned by IDWR to identify your claim. The first two digits indicate the sub-basin of the Snake River Basin where your claim is located.

Name and address of claimant: This is the name and address shown on the notice of claim form, or on the most recent notice of change in address or change in ownership that was filed with IDWR as required by statute.

Source: The source is the natural water body to which the claimant has a right. For surface water sources, the natural water body to which the source is tributary is also shown.

Priority date: This is the calendar date which is used to determine the relative priority of the right in relation to other rights from the same source, and is determined based on the method of appropriation (see basis of right, below). When there is insufficient water available to satisfy all existing rights, the water right holders with the oldest priorities are entitled to have their water rights satisfied before right holders with newer priorities are entitled to water.

Purpose of use: Purpose of use indicates the general type of use made of the water, such as irrigation, domestic, or stockwater.

Period of use: The period of use is the portion of the calendar year when water may be used for a particular purpose.

Quantity: The quantity of the right is the rate of diversion in cubic feet per second (CFS), the volume of water diverted in acre feet per calendar year (AFY), and/or the volume of water stored in AFY. The quantity for each purpose of use is shown, as well as the total quantity.

Non-irrigation uses: If your proposed recommendation includes purposes of use other than irrigation, then this element further describes the other purposes of use.

Point of diversion: The point of diversion is the point at which water is diverted from the source, and is generally described by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot within which the point of diversion is located. In some instances the point of diversion is described by a legal description of the 10 acre tract (1/4 1/4 1/4 section or 1/64 section) within which the point of diversion is located.

"B" and "E" suffixes indicate the beginning and ending points of an instream flow right. "I" and "R" suffixes indicate points of injection and rediversion. Points of injection and rediversion are indicated where water is diverted from one source, injected into another source, and then rediverted, or where water from one source is exchanged with water from another source.

Place of use: The place of use is the location where water is used, which is indicated by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot where the water is used. For irrigation rights, the number of irrigated acres in each 40 acre tract or government lot is listed.

Consumptive use: Consumptive use is the amount of water that does not remain in the water system after use or is not returned to the water system through return flows or seepage. Consumptive use is shown only for irrigation rights or for the irrigation portion of water rights, unless the description of the water right indicates otherwise. Where consumptive use for any purpose of use is not stated, then the consumptive use is so small that it is not quantified.

Remarks: Remarks, if any, further describe the particular right. PLEASE REVIEW THE REMARKS CAREFULLY - Due to technical difficulties, the remarks shown on your proposed recommendation may be different from the remarks on your claim but do not show overstrikes and underlines.

Basis of right: The basis of the right may be a decree (where the water right was previously determined by a court); posted notice (an historical method of appropriation that is no longer available); beneficial use (another historical method of appropriation that is available today only in very limited circumstances); permit (where IDWR has granted an application seeking approval of a proposed appropriation); or license (where an appropriation has been completed pursuant to a permit).

R PROOF X

CVR X

MAPS

PHOTOS X

MISC

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FEB 0 3 1993

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

Water Right Number - R36-07092A Prefix Translation: RESEARCH Old (D) Number -

Last Name / First Name / Address

*** C - CURRENT OWNER ***
NORWOOD SUBDIVISION

1 - RUBY SPRINGS WATER CO
2 - C/O RODERICK R HOWARD
3 - PO BOX 658
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6633

VERIFIED BY KKC

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FEB 03 1993

Priority Date	Region	Stage	Status
11/06/1969	17 SOUTHERN	L - LICENSE	

Source	Tributary
SPRING	BILLINGSLEY CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	13	NE NE NE		(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.140	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
0.140		21.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SW NE		2.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE NE		5.0	01	IRRIGATION	(47) GOODING

Total Acres: 7.0

Diversion Means - SHAFT, PIPE,COLLECTION BOX

Non-Irrigation Use - NONE

Other Rights for Same Use - NONE

Remarks

PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240.
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.28 CFS (capacity of diversion system).
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

Water right number - R36-07092A Prefix Translation: RESEARCH

+ - Old Water Right Numbers - +

+ - Old Water Right Numbers - +

No Old Water Right Numbers Found

+ - Conditions of Approval - +

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

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

+ -Comments- +

Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED DOMESTIC USE CLAIMED UNDER A35-15240 WITH A NEW PRIORITY DATE.

+ - - Audit Fields - - +
08/07/92 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	- 08/07/1992	Old Judicial District	-
Claim Received Date	- 08/03/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001266	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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FEB 03 1993

Norwood Subdivision Pg 1/2

License 36-7092 was split on Aug 16, 1976 with the B portion being issued for 10 CFS for fish propagation and the A portion being issued for 1.10 CFS for irrigation of the Norwood Subdivision.

I recognise this date as sufficient evidence of the domestic use, as the dept recognised the subdivision at that time. Per Steve Clelland's field exam, the source change has occured some time ago and indicates support for the recommendation. No protests of the change in source or uses has been recorded for this right. I accept the changes as accomplished.

Recommendations

I recommend 36-7092A for 7 acres irrigation and 13 units domestic per the 8-9-90 field exam by Steve Clelland for the ~~Dept standard~~ season for irrigation of ~~3-1~~ 4-15 - ~~10-31~~ 10-15. As the ~~use~~ irrigation combined with the domestic use is less than the licensed use Condition code C09 is required. The change in source is from one spring to another spring within the same Q/Q, therefore no change in P/D flag is recommend.

The change in the nature of use is required to recognise the change from irrigation to domestic for the expanded season covered by ~~the~~ claim 36-15240. (~~code~~ Remark code C01.)

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FEB 03 1993

Analysis for 36-15240

As the source is surface water the increase in the season of use requires a new claim with the priority based upon the expansion. I recognize the Aug 16, 1976 split of the base right as evidence of domestic use.

This claim is being recommended for the domestic use for the full season (year round)

Consumptive use

0.6 AFA/Home * 13 homes = 7.8 AFA

36-7092A was licensed for 55 acres & 220 AF

Claim

36-7092A is recommended for 7 acres & 21 AF cons. use

36-15240 is recommended for 13 units & 7.8 AF cons use

total. 28.8 AF

total consumptive use is considerably less than the licensed rate therefore the change in season of use has not expanded the orig right.

Domestic div rate is @ legal limit for 13 units = .17 CFS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:19
07/03/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07092A

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	N		SCL/HHT 8-9-90	N			NB	
POINT OF DIV	Y 10 Ac.			Y 10 Ac.	1,5	2nd review by KKC - 10-8-91		
SOURCE	N			Y	1,5			
PLACE OF USE	Y			Y	1,2,4,5			
DIV. AMOUNT CFS/VOLUME	Y			Y	6. License			
CONSUMPTIVE USE	- N			Y				
PURPOSES	Y			Y	6. License			
PERIOD OF USE	Y N			N				
BASIS OF CLAIM	Y N			N				
REMARKS	Y N			N				

SCL 7-18-90

"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.

MICROFILMED
FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:19
07/03/90

PAGE: 1

GENERAL INFORMATION

CLAIM NUMBER: A36-07092A

MICROFILMED
FEB 03 1993

LAST: NORWOOD SUBDIVISION FIRST:
ADDRESS: RUBY SPRINGS WATER CO.
C/O RODERICK R. HOWARD
P.O. BOX 658
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-6633

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	

CLAIM REMARKS: SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-_____

DATE OF FIELD EXAM: __/__/__ APPOINTMENT MADE: Y(___) N(___) TIME: ____:____ A(___) P(___)

ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-_____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Memo to file: A field Exam found about 7 acres actually irrigated. There were 13-14 houses tied into this system. We measured the flows in the pump house to be at 0.28 cfs. Since this license is for limited season and irrigation uses, the recommendation is for the license. The change in use may need to file a permit or perhaps a transfer. Advise a referal to Legal Review to clarify.

PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A36-07092A

A. AJ CLAIM: # A36-07092A PRIORITY DATE: 11-06-1969 STAGE: L

B. WR RECORD: # 36-07092A PRIORITY DATE: 11-06-1969 STAGE: L

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(X)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
11-06-1969

REVIEWED BY SCL DATE 7-18-90

MICROFILMED
FEB 03 1993

CLAIM NUMBER: A36-07092A

MICROFILMED
FEB 03 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07092A	07S	13E	13		NE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07725	NONE
A36-07731	
A37-11259	
A36-10855	
A36-10856	
A36-00057	
A36-07080	

WR RECORDS IN SAME 40 ACRE TRACT

36-00048
36-00057
36-02005
36-02602
36-07080
36-07642
36-07725
36-07731
36-08089
L36-07731

SOURCE: SPRINGS TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07092A	07S	13E	13		NE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

36-00048
36-00057
36-02005
36-02602
36-07080
36-07642
36-07725
36-07731
36-08089

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-07725	NONE
A36-07731	
A37-11259	
A36-10855	
A36-10856	
A36-00057	
A36-07080	
A36-00048	

SOURCE: SPRINGS TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

		DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY?	(Y/N)	Y	YES
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	N

10 Ac. 1/4

POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-07092A

REMARKS:

LOCATE 10 Ac. 1/4. this is a separate spring from that described in Part 'B'.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
7S.	13E.	13	NE	NE	NE		47

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

REVIEWED BY: SCL SCL

DATE: 7-18-90 12-3-90

SOURCE AKA "RUBY SPRINGS"

MICROFILMED FEB 03 1993

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-07092A

A. ROOT WATER RIGHT NUMBERS: A36-07092
A36-07092A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	13	SW	NE		NORWOOD SUBDIVISION	A36-07092A /20.0	36-07092A /20.0	39.0	2.0	2.0
						HAGERMAN WATER USERS ASSOCIATIA	36-00057 /30.0	- /			
						NORWOOD , VIRGIL U.		36-07642 / also Domestic			
07S	13E	13	SE	NE		NORWOOD SUBDIVISION	A36-07092A /25.0	36-07092A /25.0	41.0	5.0	5.0
						AQUARIUS AQUACULTURE INC.	A36-07159 /	36-07159 /			
						AQUARIUS AQUACULTURE INC.	A36-07160 /	36-07160 /			
						AQUARIUS AQUACULTURE INC.	A36-07092 /	- /			
						NORWOOD , VIRGIL U.		36-07092B /			
						NORWOOD , VIRGIL U.		36-07642 /			
						HIDDEN SPRINGS TROUT RANCH INC		36-07659 / 4.0			
						CURTIS , WILLIAM A.		36-08338 / also Domestic			
07S	13E	13	NW	SE		NORWOOD SUBDIVISION	A36-07092A /10.0	36-07092A /10.0	39.0	Ø	Ø
						BIG SPRING WATER USER'S ASSN.	A36-00022 /	- /			
						WALLACE , TERRIE ANN	A36-00047B / 3.4	- /			
						HAGERMAN WATER USERS ASSOCIATIA	36-00057 /19.0	- /			
						ADAMSON , DIXIE		36-00047 /			
						NEWCOMB , W. G.		36-00156 /			
						TOTAL ACRES	A36-07092A	55.00	55.00	119.00	7.0

Delete

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

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POU DISCREPANCY? (Y/N)	Y	YES

* Acre figures taken from the ASCS calculations.

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PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-07092A

PRESUMPTION FLAG:

REMARKS:

POU NOT ALL IRRIGATION.
Not all acres claimed are irrigated nor irrigatable.

RECOMMENDATIONS:

TOTAL ACRES: 7.0

REVIEWED BY: SCC DATE: 12-3-90

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FEB 03 1993

PURPOSES REVIEW SHEET

CLAIM NUMBER: A36-07092A

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-07092A	IRRIGATION	FROM 04-01 TO 11-01	1.100 CFS
~~A36-07092A~~	~~DOMESTIC~~ OK	~~FROM 01-01 TO 12-31~~	~~.170 CFS~~
	TOTAL DIVERSION RATE/VOLUME CLAIMED		1.100 CFS 220.00 AF/A

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY	
36-07092A	IRRIGATION	FROM 04-01 TO 11-01	1.100 CFS	220.00 AF/A
	TOTAL DIVERSION RATE/VOLUME CLAIMED		1.100 CFS	220.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	YES
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(X)

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) N(___) Explain in remarks, below.

REMARKS: AS LICENSED + transfer

Based on unrecorded transfer there has been a change in Nature of use in about August 1976.

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DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A36-07092A

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(X) N(___)

AJ TOTAL CLAIMED DIVERSION RATE: 1.100 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.100 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)	N	N

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FEB 0 3 1993

B. FLOW MEASUREMENT

MEASUREMENT METHOD Sonic flow, SEE ATTACHED CALCULATIONS. = 0.28 cfs

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-07092A	SPRINGS	NORWOOD SUBDIVISION	1.100	0.020	220.00	4.00
A36-00057	SPRINGS	HAGERMAN WATER USERS ASSOCIATI	36.200	0.073		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY			RATE	VOLUME
A36-07092A	DOMESTIC	NORWOOD SUBDIVISION	FROM	01-01	TO 12-31	.170 CFS	
A36-00057	STOCKWATER	HAGERMAN WATER USERS ASSOCIATI	FROM	01-01	TO 12-31	.300 CFS	
A36-07159	FISH PROPAGATION	AQUARIUS AQUACULTURE INC.	FROM	01-01	TO 12-31	10.000 CFS	
A36-07160	FISH PROPAGATION	AQUARIUS AQUACULTURE INC.	FROM	01-01	TO 12-31	2.640 CFS	
A36-07092	FISH PROPAGATION	AQUARIUS AQUACULTURE INC.	FROM	01-01	TO 12-31	10.000 CFS	
A36-00022	DOMESTIC	BIG SPRING WATER USER'S ASSN.	FROM	01-01	TO 12-31	5.860 CFS	
A36-00022	FISH PROPAGATION	BIG SPRING WATER USER'S ASSN.	FROM	01-01	TO 12-31	7.000 CFS	
A36-00022	STOCKWATER	BIG SPRING WATER USER'S ASSN.	FROM	01-01	TO 12-31	5.860 CFS	

CLAIM NUMBER: A36-07092A

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FEB 03 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 7.0 x 0.02 CFS/ACRE = 0.14 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 165.0 AF/A

ACRES 7 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 21.0 AF/A

B01 Source also known.

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 220.00 AF/A

ACRES 7 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 28.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(___) N(X) → IDWR STDS:

13 Houses = 0.17 cfs

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

 CLAIM NUMBER: A36-07092A

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
IRRIGATION	4-1	11-1		0.14		28		21
Domestic	1-1	12-31		0.17				
TOTAL FOR THIS RIGHT				0.28		220 *		21

REVIEWED BY: SCC DATE: 12-3-90 * per license

~~DISALLOW DOMESTIC USE; NOT LICENSED.~~

Revised: SEC 1-15-90

0.28 system capacity as measured.

NOTE: change in diversion system occurred in November 1987; added pressure boosting pump.

MICROFILMED FEB 03 1993

BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-07092A

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	( )	( )
FORFEIT/ABANDON	( )	(X)
ADDITIONAL DIV. AMOUNT	( )	( )

legal Review

MICROFILMED FEB 03 1993

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07092

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE 11.100 — EXAMINER _____ — CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-07092B	A36-07092	10.000	-		36-07092	
07092A	A36-07092A	1.100	-		36-07092A	1.100
-	-		-7092A	0.14	36-07092B	10.000
	TOTAL CFS	11.100				11.100

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)		OK

REMARKS:

No Split Review Required - Both Rights by transfer

AUTHENTICATION:

SIGNATURE: Steve Cell — DATE: 12-3-90

NAME OF FIELD EXAMINER: _____ TITLE: _____

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

8-9-1990



Ruby Springs
Pipeline
Diversion &
Pumphouse.

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FEB 03 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director



8-9-1990

Ruby Springs
Pipeline
Diversion &
Pumphouse.

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Ruby Springs
Tunnel
(Norwood Surp.)

ER RESOURCES
n Falls, Idaho 83301 (208) 734-3578

R. KEITH HIGGINSON
Director

8-9-1990

Ruby Springs
Pipeline
Diversion &
Pumphouse.



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FEB 0 3 1993

Ruby Springs
Pipeline

ER RESOURCES
n Falls, Idaho 83301 (208) 734-3578

R. KEITH HIGGINSON
Director

8-9-1990

Ruby Springs
Pipeline
Diversion &
Pumphouse.



MICROFILMED
FEB 0 3 1993

ER RESOURCES
n Falls, Idaho 83301 (208) 734-3578

R. KEITH HIGGINSON
Director

8-9-1990

overflow/bypass
Ruby Springs

Ruby Springs
Pipeline
Diversion &
Pumphouse.



MICROFILMED
FEB 03 1993

S te of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

```
MODE SELECT
        INPUT

OUTER DIAMETER
8.1165    IN

PIPE MATERIAL
?         CS,SS

WALL THICKNESS
0.1100    IN

INNER LINING
?         NO LING.

KIND OF FLUID
?         WATER

SENSOR MOUNTING
?         V

TYPE OF SENSOR
?         SMALL

DATA CHANGE
?         NO

SPACING
5.902     IN V

08-09 13:0700 *R
+220.847E 0GPM

ZERO MODE
        CLEAR

ZERO MODE
        AUT ZERO

ZERO MODE
        ZERO OPR

08-09 13:0900 *R
+002.20 %  AI2

MODE SELECT
        T0 CHECK

0294.0  MMSEC
099.65  % T0

08-09 13:1000 *R
+123.104E 0GPM

08-09 13:1100 *R
+125.481E 0GPM

08-09 13:1200 *R
+126.010E 0GPM
```

Norwood pond.



$\bar{X}$ = 124.9 GPM

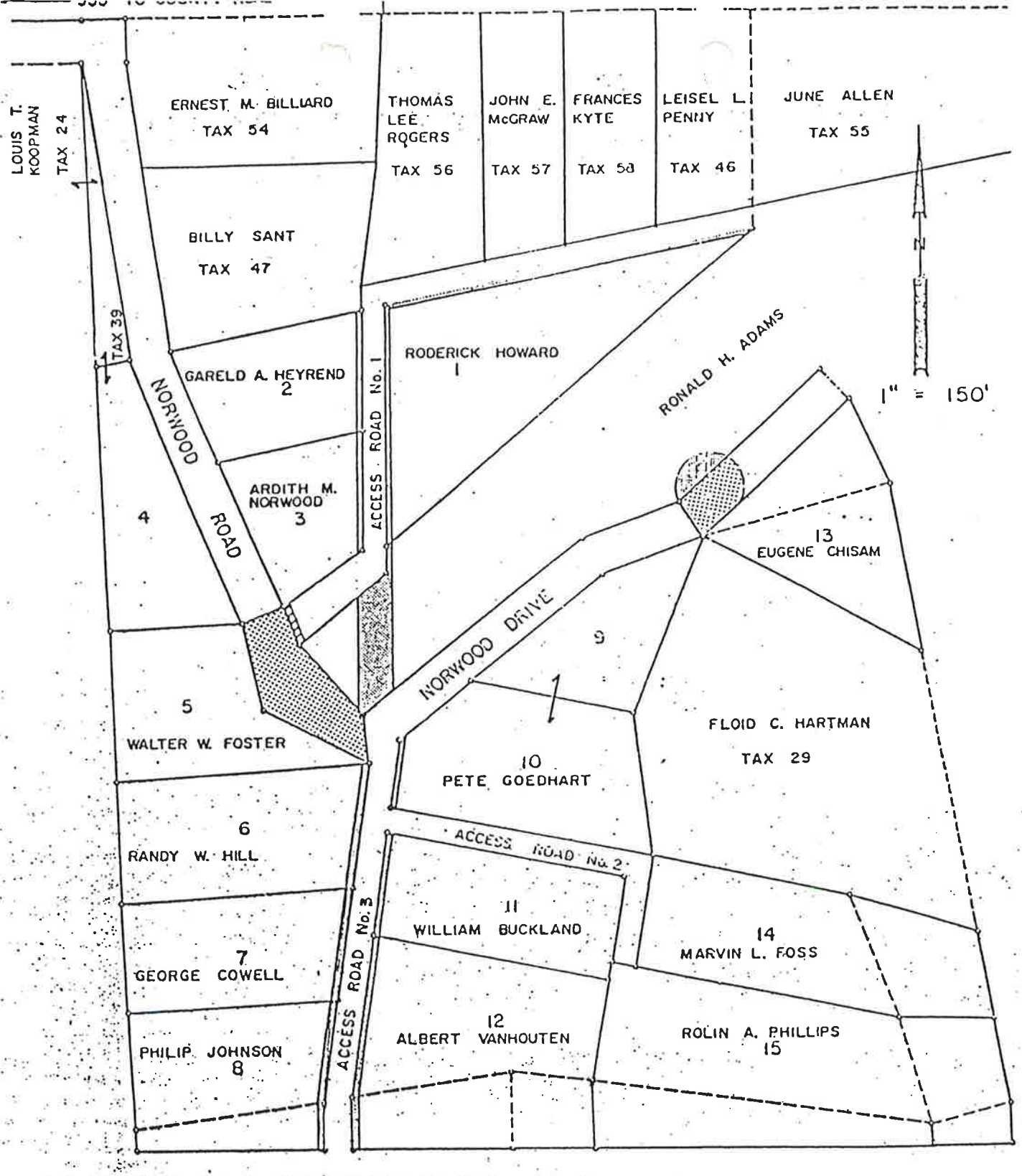
= 0.28 cfs

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NORWOOD SUBDIVISION

Application 36-7092

MICROFILMED
FEB 03 1993



NORWOOD SUBDIVISION
ROAD RECONSTRUCTION
MAY, 1986

KEY:

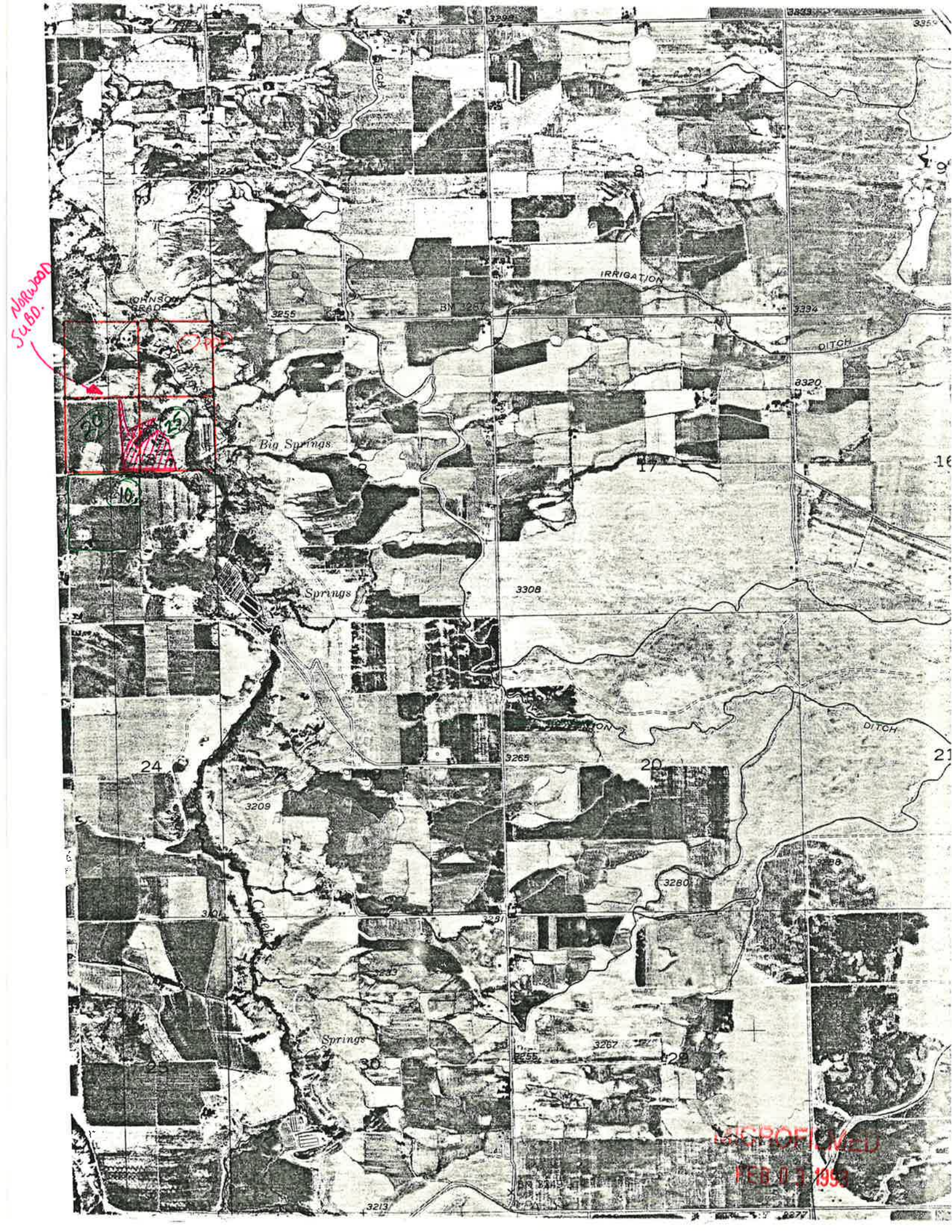
RECONSTRUCTION

NEW CONSTRUCTION and/or EASEMENTS

Edwards, Howard & Morrison, Inc.
ENGINEERS / PLANNERS / SURVEYORS

LOCATED IN: S 1/2 NE 1/4, SEC. 13, T. 7 S., R. 13 E., B.M.

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FEB 0 3 1993



MICROFILMED
FEB 03 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

DEC 05 1996

Department of Water Resource
Southern Region

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Norwood - S.M. Report

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: Dec 5 1996

TO: Allen Merritt
Steve Clelland

FROM: _____

DOCUMENT DESCRIPTION: Ruby Spring Recommendation.

COVER SHEET + 12 PAGES

CONTACT: (208) 327 5446 IF YOU DO NOT RECEIVE ALL THE PAGES

THANK YOU!

RECEIVED
DEC 0 5 1996
Department of Water Resources

County of Twin Falls - State of Idaho
DEC - 5 1996
By _____ Clerk
Deputy

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

RECEIVED
DEC 0 5 1996
Department of Water Resources

In Re SRBA)
)
Case No. 39576)
)

Subcase: 36-07092A

PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION

Background

1. Claim

Roderick R. Howard, president of Ruby Springs Water Company, filed this claim on behalf of "Norwood Subdivision, Ruby Springs Water Co." on August 3, 1988.[1] The claim was for 1.1 cfs from "Springs", tributary to Billingsley Creek, for domestic use and to irrigate 55 acres with a priority date of November 6, 1969. The claim is based on license 36-07092. Under remarks, the claim noted: "Subdivision consisting 22 lots, 13 presently developed."[2]

On November 2, 1992, IDWR filed with the SRBA Court its *Director's Report for Reporting Area 3 (Basin 36)*. The Director recommended .36 cfs for irrigation of 18 acres and noted that the source is known as Ruby Springs. The *Director's Report* also described the property as lots 1 through 15, Norwood Subdivision, and tax lots 46, 47 and 54-58 (22 lots, total).

The domestic portion of the claim was reported under 36-15240 with a later priority date because of a change in the purpose of use of part of 36-07092A. The recommended total combined diversion rate for 36-07092A and 36-15240 was .58 cfs-- the capacity of the Ruby Springs Water Company system.

Ronald and Frances Adams filed their late *Objection* to 36-07092A on January 18, 1994, objecting to name and address, quantity, place of use, consumptive use and remarks. Essentially,

---

[1] Norwood Subdivision was not incorporated, so its legal status was undefined. However, Ruby Springs Water Company is an Idaho nonprofit corporation. Articles of Incorporation, Adams Exhibit 25.

[2] Adams Exhibit 26.

the Adamses alleged that approximately 15 acres they own in the SE¼NE¼ of § 13 were omitted from the irrigation use portion of the claim.[3]

Mr. Howard filed a *Response to Objection* for Norwood Subdivision, Ruby Springs Water Company on March 17, 1994. The *Response* generally denied that the Adamses own any interest in water from Ruby Springs. IDWR lodged its *Response to Objection* on March 21, 1994. It proposed no changes to the Director's recommendation.

Extensive negotiations over eight months failed to produce a settlement between the claimant and objectors. In preparation for trial, the Adamses requested, and the court ordered, that IDWR file a "706 Report" disclosing expert opinions it may have and the underlying facts and data upon which each opinion is based.

IDWR lodged its *Report Regarding Claim to Water Right No. 36-07092A* ("*706 Report*") on October 2, 1996. On November 27, 1996, it lodged a *Supplemental I.R.E. 706 Report* "to clarify IDWR's recommendation of this water right based upon the previously filed 706 Report and the evidence presented at trial."[4] *Supplemental 706 Report*, p. 2. In the two *Reports*, IDWR revised its recommendation of place of use. In addition to the 18 acres first recommended in the *Director's Report*, IDWR added the Adamses' tax lot 29, also known as the "Floid C. Hartman lot", because that lot was "stubbed-in." With that revision, the recommended place of use became 19.4 acres and quantity of water was .39 cfs. The recommended annual volume of consumptive use was raised to 67.9 afy.

2. Trial

A 14 hour trial was held on October 16, 1996, at the SRBA Courthouse in Twin Falls, Idaho. The claimant, Norwood Subdivision, Ruby Springs Water Company chose not to retain counsel and appear at trial. However, its president and several subdivision lot owners were present in court and

---

[3] The Adamses filed a *Motion to File a Late Notice of Claim* in 36-15240 on October 7, 1993. The late claim was for irrigation of 15 acres and domestic use (2 home taps). But the basis for the late claim was license 36-07092A. The Court was not aware of the discrepancy when it granted the *Motion* on January 18, 1994. Thereafter, IDWR identified the Adamses' late claim as 36-07092C. Because the Adamses' "claim" in 36-15240 is more in the nature of an objection, the January 18th late claim order was amended on August 23, 1996, to be: **Order Granting Motion to File Late Objection**. Hence, the Adamses are now *objectors* who claim some interest in both 36-15240 (domestic use) and 36-07092A (irrigation use). It is expected that 36-07092C will not be reported by the Director and will necessarily be determined by resolution of 36-15240 and 36-07092A.

[4] The court requested the *Supplemental 706 Report* to clarify IDWR's recommendations in the event of findings at variance with the *Director's Report*. For instance, any change in the place of use as recommended by the Director would necessitate changes in the quantity and consumptive use elements.

testified at the request of the court. Essentially, the claimant relied on the *Director's Report*. The Adamses appeared *pro se*. IDWR was represented by J. Andrew Helmlinger and Nicholas B. Spencer.

3. Adamses' Closing Statement

On November 14, 1996, the Adamses lodged their 11 page "closing statement" summarizing their arguments and authorities. *Lasted 2 hrs.

Findings of Fact

1. License 36-07092A and Norwood Subdivision

Claim 36-07092A can be traced back to permit 36-07092. Virgil and Ardith Norwood applied for permit 36-07092 on November 6, 1969, to appropriate a total of 11.12 cfs from unnamed springs tributary to Billingsley Creek. The Norwoods sought 1.1 cfs for irrigation of 55 acres, 10 cfs for fish propagation and .02 cfs for domestic use. The map filed with the permit described the places of use for irrigation as 20 acres in the SW¼NE¼, 25 acres in the SE¼NE¼ and 10 acres in the NW¼SE¼, all in § 13, T 7S, R 13E, B.M., Gooding County, Idaho. IDWR Exhibit A. The permit was approved on July 2, 1970.[5]

An IDWR field exam done on May 27, 1975, reported use of 10 cfs for fish propagation, but no domestic or irrigation uses.[6] A second exam one year later reported 1.1 cfs used for irrigation of the 55 permitted acres.[7] IDWR Exhibit E.

On August 9, 1976, the Norwoods assigned the entire irrigation portion of 36-07092 to the "Norwood Subdivision of Hagerman, ID" which they developed five years earlier.[8] IDWR Exhibit

---

[5] Almost a year later, the Norwoods amended permit 36-07092 by deleting domestic use and amending the place of use for fish propagation. The map submitted with the Application for Amendment described the same place of use for irrigation as the permit map. IDWR Exhibit B.

[6] The fish propagation use was licensed under 36-07092B to the Norwoods on August 16, 1976. The claim for 36-07092B in the SRBA is uncontested. IDWR Exhibit I.

[7] The second exam was done after the Norwoods contacted IDWR on March 5, 1976. An IDWR memo by one of its staff members reported the meeting:

> They [the Norwoods] are particularly concerned that irrigation was omitted from the proposed license under 36-7092. Claim that they have a buried pipeline from the spring in the NE¼NE¼, Sec. 13 which crosses Billingsley Creek and irrigates several acres of land in and around their subdivision.

Memo, dated March 5, 1976, attached to *706 Report*.

[8] On June 14, 1971, the Gooding County Board of Commissioners approved the Norwoods' plat for the Norwood Subdivision containing 15 lots, plus thoroughfares and streets. The total acreage in the 15 lots equals

F. A week later, on August 16, 1976, IDWR issued license 36-07092A to "Norwood Subdivision of Hagerman, Idaho" for 1.1 cfs to irrigate 55 acres. IDWR Exhibit H. There was no explanation of why the license included 10 acres (NW¼SE¼ of § 13) outside of the subdivision.[9]

2. Ruby Springs Water Company

Ruby Springs Water Company was incorporated on November 2, 1977-- over a year after IDWR issued license 36-07092A to Norwood Subdivision. The purposes of forming the Ruby Springs Water Company included:

> To acquire water rights, together with the necessary means of diversion, storage and conveyance thereof, for domestic and irrigation purposes, for uses upon the lots in the Norwood Subdivision, being lots 1 through 15, inclusive, according to the official plat thereof on file in the office of the County Recorder of Gooding County, State of Idaho, on June 28, 1971, ... and upon eight parcels or tracts of land presently surveyed and adjacent to said Norwood Subdivision and being located in the S½NE¼, Section 13, Township 7 South, Range 13 E.[,]B.M. (formerly owned by Virgil U. Norwood and Ardith M. Norwood and conveyed to the respective incorporators hereof) [emphasis added].

Articles of Incorporation, Article 2, pp. 1-2, Adams Exhibit 25.

Membership in the corporation was "limited to members who produce satisfactory proof that such member is the owner of, or is acquiring a tract or tracts of land in the described Norwood Subdivision or the described eight parcels adjacent thereto...." Articles of Incorporation, Article 5, p. 3. Virgil Norwood was among the 18 listed incorporators.[10] IDWR found no documents conveying 36-07092A to Ruby Springs Water Company. *706 Report*, p. 3.

3. Bases for Original Recommendation

IDWR first recommended a total of 18 irrigable acres under claim 36-07092A, primarily based on statements by Roderick Howard, president of Ruby Springs Water Company. IDWR took the number of existing houses on lots in the Norwood Subdivision and adjacent tax lots, plus the

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13.86 acres. The entire subdivision is in the S½NE¼ of § 13. Adams Exhibit 11B.

[9] Sometime after the claim for 36-07092A was filed in the SRBA, IDWR added Ruby Springs Water Company to Norwood Subdivision as the owner "believing Ruby Springs to be the owner of the right for the subdivision." *706 Report*, p. 3.

[10] The Articles of Incorporation of Ruby Springs Water Company, Article 5, p. 3, granted the owners of 15 lots in the Norwood Subdivision and the owners of 8 adjacent tracts one vote for each lot and tract. That would equal 23 votes. However, Article 6, p. 3, listed incorporators holding a total of 22 votes. There was no explanation for the discrepancy.

remaining lots with hook-ups as described by Mr. Howard. IDWR added up the total acreage of the 22 lots and then subtracted the estimated acreage for houses, roads and non-productive areas-- 20%.[11] That left 80% of the total acreage as IDWR's "reasonable determination of the acreage beneficially used."[12] Affidavit of Allen Merritt, p. 2, attached to *706 Report*.

When it recommended 18 irrigable acres in the *Director's Report*, IDWR did not include the Adamses' tax lot 29. Mr. Howard said "it was not a part of the water distribution system and not stubbed into the water lines." Affidavit of Allen Merritt, p. 4. However, after the *Director's Report* was filed and the Adamses filed their *Objection*, IDWR confirmed that tax lot 29 was also stubbed-in.[13] With that, the total acreage recommended as irrigable was 19.25 acres. Then, because of the requirement to describe places of use by quarter-quarters, IDWR rounded up the acreage to 19.4 acres and applied its .02 cfs per acre standard to arrive at a recommended total irrigation diversion rate of .39 cfs.

4. Adamses' Objections

The Adamses maintained that the irrigation claim filed by Norwood Subdivision, Ruby Springs Water Company should have included all four parcels the Adamses own in the SE¼NE¼ of § 13. That is the quarter-quarter licensed for 25 acres under 36-07092A. Two of those parcels, lot 13 (.844 acres) and tax lot 29 (2.78 acres), *were* included in IDWR's amended recommendation as the place of use for irrigation. So, that left whether the other two parcels should be included. One parcel was described as the "ravine" (4.88 acres) and the other parcel (7.13 acres) was east of the Norwood Subdivision and the adjoining tax lots.[14]

The Adamses argued that their two disputed parcels were included in the total of 55 acres

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[11] IDWR's total acreages for the 22 lots correspond with acreages provided by the Adamses, except for lots 12 and 14. Affidavit of Allen Merritt, pp. 3-4, attached to *706 Report* and Adams Exhibit 24. The Adamses' total is 20.06 acres while IDWR's total is 21.29 acres.

[12] Another term for describing the 80% of the total acreage beneficially used is "irrigable acreage." The 20% for houses, roads and non-productive areas would be "non-irrigable acreage."

[13] The Adamses offered several documents to show that tax lot 29 was served by the Ruby Springs Water Company, even though it was not part of the Norwood Subdivision. Adams Exhibits 2 and 3. "Floyd [sic] Hartman" was one of the incorporators of Ruby Springs Water Company, so presumably his tax lot 29 was one of the 8 tracts adjacent to Norwood Subdivision intended to be served by Ruby Springs.

[14] Location of the Adamses' ravine parcel was apparent in various maps of the Norwood Subdivision and adjacent tax lots. Location of the Adamses' 7.13 acre parcel was less clear. Some, or all, of that land may actually be in the adjacent § 18, T 7S, R 14E-- outside of land licensed for irrigation under 36-07092A. That possibility was suggested by the Adamses' argument that both the permit map and amendment of permit map were wrong.

licensed for irrigation under 36-07092A, and none of the licensed acreage has been abandoned or forfeited. As proof, they submitted evidence that both parcels were stubbed into the Ruby Springs Water Company system. However, that evidence was disputed by Mr. Howard who said the "taps" were nothing more than drain lines for the system.

In their closing statement, the Adamses requested a higher duty of water for their land--higher than IDWR's standard of .02 cfs per acre. They suggested .03 cfs per acre, but offered no evidence in support of their position.

Finally, in their closing statement, the Adamses argued that because 36-07092A was licensed as a "municipal water source" to Norwood Subdivision, its use provided for "future development and expansion of said subdivision." Adamses' *Closing Statement*, p. 11. Thus, they argued that the right may be used anywhere within the 55 acres in the license.

5. Stubbed-In Rule

In its *706 Report*, IDWR stated the general rule that actual beneficial use is necessary to establish and maintain an appropriation. However, in a case like this where there was no actual irrigation on some of the lots, IDWR's policy and practice has been to follow the "stubbed-in" rule. Simply stated, the rule allowed IDWR issue a license for the subdivision to the extent lots were stubbed-in:

> This policy has been codified by recent amendments to Idaho Code §§ 42-219 and 42-222, which allow IDWR to issue licenses to municipal providers for an amount up to the capacity of the system so long as that amount is reasonably necessary for existing uses and reasonably anticipated future needs, and which provide that a water right held by a municipal provider shall not be forfeited unless it is no longer necessary for reasonably anticipated future needs.

706 Report, p. 9.

IDWR reasoned that Ruby Springs Water Company is a *municipal provider* because it supplies water for *municipal purposes* through a *public water supply*. IDWR also cited *Beus v. City of Soda Springs*, 62 Idaho 1, 107 P.2d 151 (1940), as holding that a city has not forfeited or abandoned the portion of a water right that has not been beneficially used, because a city may appropriate water for the probable future needs of its inhabitants. *706 Report*, p. 9, footnote 25.

6. Alternative Theories of Ownership

After describing the stubbed-in rule, IDWR posed two alternative theories concerning ownership of 36-07092A. Both began with the assumption that Norwood Subdivision is not a

separate legal entity which can own a water right. Under the first theory, if ownership of the water right passed from the Norwoods to the individual owners of the 55 acres included in the license, only those making current beneficial use of the water would be entitled to a water right. Individual lot owners cannot hold water rights for future anticipated uses and the stubbed-in rule would not apply. Therefore, all stubbed-in lots, including all four of the Adamses' parcels, should *not* be included in 36-07092A.

The second theory suggested by IDWR was that ownership would be with Ruby Springs Water Company, in which case the stubbed-in rule would apply. This theory requires the court to find some intent to create an entity with the capacity to hold the right and deliver water to all lot owners. IDWR suggested that intent may be inferred by (1) the Norwoods' actions, (2) the Adamses' objection that the recommendation for 36-07092A did not include water for their property and (3) the actions of the other lot owners in not filing separate claims to 36-07092A. *706 Report*, p. 10.[15]

Conclusions of Law

1. *Prima Facie* Evidence

Elements of water rights recommended in the *Director's Report* are presumed to be true unless disproved by some evidence to the contrary. The Idaho Legislature put it this way in their latest amendment of I.C. § 42-1411 (4):

> [T]he director's report... shall constitute prima facie evidence of the nature and extent of the water rights acquired under state law. The unobjected to portions of the director's report shall be decreed as reported.

Since passage of the amendment, the Idaho Supreme Court has had the opportunity to put its stamp of approval on the legislation:

> The Legislature's direction that the contents of the Director's report shall constitute prima facie evidence of some water right claims was a permissible exercise of the authority, recognized in I.R.E. 301, to create an evidentiary presumption. Unless that evidentiary presumption is overcome by the evidence or the application of that presumption is clearly erroneous on its face, the facts set forth in the Director's report are established.

In Re SRBA Case No. 39576, 128 Idaho 246, 912 P.2d 614, 624 (1995).

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[15] At the pretrial hearing on September 30, 1996, Mr. Howard stated that he and the other lot owners served by Ruby Springs Water Company would be willing to assign whatever interest they may own in 36-07092A to the Ruby Springs Water Company. He felt this would resolve any questions of ownership between the lot owners and the company.

2. Municipal Provider

At first glance, it may appear that issuance of license 36-07092A was flawed. After all, IDWR issued the license to the Norwood Subdivision, an entity which IDWR and the parties agreed cannot hold a license. On top of that, the license included 10 acres outside the subdivision. But if one were to examine the matter in its entirety, the pieces fit together-- albeit with some discrepancies. In the end, there is no doubt both the Norwoods and, later, the landowners with appurtenant rights under 36-07092A, intended that a municipal provider for the Norwood Subdivision and the 8 adjacent tax lots own the irrigation water right.

As noted earlier, the Norwoods first applied for 36-07092 in 1969. They described 55 acres in three quarter-quarters as the places of use for irrigation. The Norwoods may not have had a subdivision in mind at that time because the domestic water (.02 cfs) was intended to supply only one family. IDWR Exhibit A, p. 1, paragraph 8, a, (4). However, by mid-1971, the Norwood Subdivision was approved. By 1975, when the first licensure field exam was done, the Norwoods had installed a pipeline to irrigate "in and around their subdivision."

It is true that the permit was issued for irrigation of 55 acres in three quarter-quarters, while the Norwood Subdivision lies in only two of those quarter-quarters-- the S½NE¼ of § 13. But that may be explained by the Norwoods' possible view toward future expansion of the water system. Idaho water law permits such growth for municipal providers:

> A license may be issued to a municipal provider for an amount up to the full capacity of the system constructed or used in accordance with the original permit provided that the director determines that the amount is reasonably necessary to provide for the existing uses and reasonably anticipated future needs within the service area ....

I.C. § 42-219, (1).

The same statute allowing for licensure of reasonably anticipated future needs would also explain what the Norwoods may have had in mind when they assigned the whole irrigation portion of permit 36-07092 to the Norwood Subdivision. The fact that they retained none of the irrigation use is evidence they planned for growth beyond the 15 subdivision lots, but still within the permitted 55 acres.

The parties and IDWR agreed that Norwood Subdivision was never incorporated and therefore was not a separate legal entity entitled to hold a water right. In August, 1976, when the Norwoods assigned the irrigation portion of permit 36-07092A to the subdivision, it was probably

no more than an unincorporated nonprofit association-- an aggregate of individuals, but with some characteristics of a business partnership.[16] Regardless, the Norwoods' assignment included the major component of a public water supply-- the pipeline in place by early 1976.

When Mr. Norwood and the other landowners incorporated the Ruby Springs Water Company in November, 1977, they believed they were the co-owners of 36-07092A. They said so in the Articles of Incorporation. They also believed they were forming a separate legal entity, a corporation, to acquire that water right, along with the water delivery system. The corporation would then deliver the water within its service area defined as the 15 Norwood Subdivision lots, plus the 8 adjacent tax lots. It requires no great imagination to conclude that Mr. Norwood and the others were convinced that, by forming Ruby Springs Water Company, they assigned their rights in 36-07092A to the new company.

In any event, what is clear is that in 1976, the Norwoods intended to convey the irrigation portion of 36-07092 to a municipal provider for the Norwood Subdivision. A year later, the lot owners formed a corporation to become that municipal provider and the lot owners thus transferred their irrigation water rights under 36-07092A to the corporation, the Ruby Springs Water Company.

3. Accomplished Transfers

The Adamses argued at length that because a license was issued to irrigate 55 acres, a partial decree of anything less would mean forfeiture or abandonment. Neither occurred in this subcase. The owners of the right to whom the permit was assigned, transferred that right to the Ruby Springs Water Company in 1977.

Actually, two transfers were accomplished when the incorporators executed the Articles of Incorporation for Ruby Springs Water Company. First, the irrigation acreage was substantially reduced, and second, the 8 tax lots adjoining the Norwood Subdivision were added to the *service area* which the municipal provider was then obligated to serve. However, the land added to the service area was still within the licensed area.

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[16] Since 1993, Idaho law has recognized unincorporated nonprofit associations as separate legal entities. Uniform Unincorporated Nonprofit Association Act, I.C. §§ 53-701 through 53-717. An unincorporated nonprofit association is defined as "consisting of two (2) or more members joined by mutual consent for a common, nonprofit purpose." I.C. § 53-701 (2). Like a corporation, an unincorporated nonprofit association may acquire, hold, encumber or transfer real property. I.C. § 53-704. Both corporations and associations may be a *municipal provider* which supplies water for *municipal purposes* through a water system regulated by the state of Idaho as a *public water supply*. I.C. § 42-202B, (2), (c).

The incorporators of Ruby Springs clearly intended the irrigation right to become appurtenant to the 15 lots in Norwood Subdivision, plus the "eight parcels or tracts of land presently surveyed and adjacent to said Norwood Subdivision and being located in the S½NE¼, Section 13...." Adams Exhibit 25, p. 1. That effectively eliminated from license 36-07092A the 10 acres in the NW¼SE¼, leaving no more than a maximum of 45 acres in the S½NE¼ where the Norwood Subdivision was formed. But, because the license was now appurtenant to land used or intended to be used for residential purposes, that meant some land would be non-irrigable because of houses, roads and non-productive areas. The court is convinced that IDWR's estimate of total irrigable acreage in the 23 lots is reasonable.

Idaho law allowed the incorporators to add the 8 adjacent tax lots to the service area of the Ruby Springs Water Company and thereby transfer some portion of the license 36-07092A to other land:

> For a municipal provider that is not a municipality, the service area shall correspond to the area that it is authorized or obligated to serve, including changes therein after the permit or license is issued.

I.C. § 42-202B, (6).

The Articles of Incorporation clearly defined the service area for the Ruby Springs Water Company. The company was obligated to serve only the 15 lots in Norwood Subdivision and the 8 adjoining tax lots. For all practical purposes, that service area defined the place of use for irrigation under 36-07092A. There is no credible evidence that the Adamses' two disputed parcels were ever intended to be included in the service area.

One of the new water laws passed by the Idaho Legislature in 1994, permits the sort of transfers seen in this subcase. The law is known as the "accomplished transfer" statute:

> Any change of place of use ... of a water right by any person entitled to use of water or owning any land to which water has been made appurtenant either by decree of the court or under the provisions of the constitution and statutes of this state, prior to November 19, 1987, the date of commencement of the Snake River basin adjudication, may be claimed in a general adjudication even though the person has not complied with sections 42- 108 and 42-222, Idaho Code, provided no other water rights existing on the date of the change were injured and the change did not result in an enlargement of the original right.

I. C. § 42-1425, (2).

The accomplished transfer statute requires that where an objection is filed to a claim for an accomplished change in place of use, the court must remand the claim to the Director. The Director would then determine whether the change injured an existing water right or was an enlargement of the original right. However, in this subcase, remand of the claim back to the Director is not necessary. The objectors and IDWR actively participated in lengthy settlement conferences; IDWR lodged an exhaustive *706 Report*; and the objectors and IDWR appeared at a full trial on the merits. In addition, it is unlikely that any other claimant can prove injury because, (1) the claim for 36-07092A is for fewer acres than licensed, and (2) those acres are within the licensed places of use. Further, there was no change in the licensed capacity of the system.

The Adamses' arguments that the irrigation place of use for 36-07092A included their two disputed parcels were not convincing. The ravine and the 7.13 acre parcel were not stubbed-in as were the 15 Norwood Subdivision lots and 8 tax lots. Neither were the two parcels included in the Ruby Springs Water Company service area. Hence, the parcels cannot be within the company's "reasonably anticipated future needs." Equally as important, the licensed place of use for irrigation under 36-07092A was changed from 55 acres in three quarter-quarters to the irrigable acreage in lots 1 through 15 of the Norwood Subdivision, plus the 8 adjacent tax lots. Idaho law approves of such accomplished transfers.

Recommendation

It is recommended that Ruby Springs Water Company be adjudicated the following water right under claim 36-07092A:

Name and address of claimant:
Ruby Springs Water Company
c/o Roderick R. Howard
2638 Access Road North
Hagerman, Idaho 83332

Source of water:
Ruby Springs, tributary to Billingsley Creek

Quantity of water used:
.39 cfs
Use of this right, with 36-15240, is limited to a total combined diversion rate of .58 cfs.

Date of priority:
November 6, 1969

Point of diversion:
T 7S, R 13E, § 13, B.M., Gooding County, Idaho,
NE¼NE¼NE¼

Purposes of use:
Irrigation

Period of use:
Irrigation season

Places of uses:
T 7S, R 13E, § 13, B.M., Gooding County, Idaho,
SW¼NE¼- 6.1 acres
SE¼NE¼- 13.3 acres
Total- 19.4 acres
Property also known as Lots 1 through 15, Norwood Subdivision, and Tax Lots 29, 46, 47, 54-58 located in the S½NE¼, § 13, T 7S, R 13E, B.M., Gooding County, Idaho.

Annual volume of consumptive use:
67.9 afy

Matters necessary for definition or administration of this water right:
A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.

DATED December 4, 1996.

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

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED
NOV 20 1996
Department of Water Resources

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 11/20/96

TO: Steve Clelland, IDWR

FROM: Andrea Helmbrecht

DOCUMENT DESCRIPTION: Notes on elements of 38-07012A

COVER SHEET + 2 **PAGES**

CONTACT: (208) 327-5446 **IF YOU DO NOT RECEIVE ALL THE PAGES**

THANK YOU!

* * * C O N F I D E N T I A L * * * ATTORNEY COMMUNICATION * * *

To: Steve Clelland

From: J. Andrew Helmlinger SENT VIA FAX

Re: Special Master inquiries in 36-07092A

Date: November 20, 1996

RECEIVED
NOV 20 1996
Department of Water Resources
Southern Region

MEMORANDUM

Below is my recollection of IDWR's recommendation, based upon the 70s report and the evidence presented at trial. Those elements in issue at trial are in **bold type.**

1. Owner. Ruby Springs Water Company, as the municipal provider for the rural subdivision of more than ten domestic sites.

2. Source. Ruby Springs

3. **Quantity. 0.36 cfs, figured at the agreed 0.02 cfs per acre standard over 18.17 acres. The rate was agreed to be a non-issue at the pre-trial conference and at trial. The acreage includes acreage within the subdivision (lots 1-15), the seven lots north of the subdivision and the "Hartman lot," lot 29. The total acreage for this land is 22.72 acres. IDWR's estimation of beneficial use considers eighty percent of the total acreage to be beneficially used, totaling 18.17 acres. (Twenty percent lost to house sites, sidewalks, driveways, etc.) This equals our initial recommendation. Use of this right in combination with 36-15240 is limited to the capacity of the diversion system, 0.57 cfs. There cannot be a water right for a municipal provider in excess of the diversion system capacity. This allows for 36-15240 to include water for 21 home sites at 0.01 cfs per site before the limitation must be imposed.**

4. Priority date. Based upon the original license 11/6/69.

5. POD. T07S R13E S13 SENE

6. Purpose of Use. Irrigation. Domestic use for the subdivision is additional to claim 36-15240.

7. Season of Use. Irrigation season.

8. Place of Use. T07S R13E S13, 7.56 acres in the SWNE and 15.15 acres in the SENE. This is based upon the acreage discussed above and dividing by 0.80

(reversing the beneficial use figure.)

9. Consumptive use. 63.61 AFA. This element is Indirectly at issue. At the pre-trial we agreed that 3.5 AFA per acre would be the standard, based upon IDWR's standards for the Hagerman area. Using the beneficial acreage above, and multiplying by 3.5 gives the proper figure.

10. Other matters. Not that this needs to be decreed, but some relevant matters to this case...this right is based upon beneficial use of land under a licensed water right. No evidence showed any land other than that recommended above has ever had water applied to it. Therefore, this is not a case of partial forfeiture or abandonment. The original license exam, submitted into evidence as IDWR exhibit E indicated the deficiencies with the original investigation. Upon proper review, this license should well have been similarly limited. IDWR is not adjusting the rate per acre licensed, but maintains 0.02 cfs per acre, as per the license, is the proper amount.

NORWOOD MEMO ON RECOMMENDATIONS

TO: **Andrew Helmlinger**

FROM: **Steve Clelland**

RE: **Request to clarify recommendations**

DATE: **November 21, 1996**

Andrew you covered the key points in your previous message under item #3. Quantity. I will refer to that as a basis. The 0.36 cfs you list was based upon our initial report of 18.0 acres; that is correct. That 18.0 acre figure does not include the Hartman lot. (See Allen's review memo from Sept. 24, 1996) He listed Lots 1-15 and the seven tax lots to the north. He originally calculated 18.0 but during his revisit to the numbers he found 17.2 acres to actually reflect the 80% portion of these parcels.

The domestic portion was recommended at 0.21 cfs under 36-15240 and when added to the irrigation flow rate, COINCIDENTLY was equal to the calculated system capacity of 0.57 cfs.

My review of Adams' claims led me to believe we could recommend two domestic uses and 80% irrigation of a similar lot size. (Similar lot size was considered since no other lot in the Subdivision exceeds 2.0 acres; 2.0 acres was used in the following calculations.) Although the Hartman Lot, Tax Lot 29, is 2.78 acres and the creekside lot is 7.13 acres, I did not have evidence to justify larger irrigation uses. I have told Adams from the first exam that based on beneficial use found there would be no recommendation to these lots, however, I would apply the same standards as used on the rest of the Subdivision for tapped in lots. Given this understanding it seemed unreasonable to allow the largest irrigation uses to go to these two lots.

Therefore, allowing a gross acreage of 2.0 acres per lot and giving 80% as irrigated the Adams portion adds another 3.2 acres to the right. Using Allen's acreage of 17.2 plus 3.2 = 20.4 acres total. Allowing the licensed rate of 0.02 cfs/ac. * 20.4 ac. = 0.41 cfs. This would be conditioned with remarks that limit combined use with 36-15240 (0.21 cfs) to 0.57 cfs (system capacity).

Another variation is to allow the Hartman lot at full gross acreage of 2.78 acres, 2.22 acres is 80% irrigated, and no use on the lower creekside lot. In this case the total acres would be 19.4 acres and 0.39 cfs.

See the attached accompanying summary reports of the right under these two synopsis.

PREPARED BY SCC
ON 11/21/96
FILE(mm:norwood-rev.doc)

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FROM: **Steve Clelland**

RE: **Request to clarify recommendations**

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PREPARED BY SCC
ON 11/21/96
FILE(mm:norwood-rev.doc)

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: ANDREW H.

TOTAL PAGES SENT: 4

DOCUMENT DESCRIPTION: ARRC for NORWOOD

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE AVE E
TWIN FALLS ID 83301
PHONE: 736-3033
FAX: 736-3037

SENDER: STEVE

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COMMENTS:

It worked! So HERE they ARE TODAY 11-26-96

RIGHTS FROM: SOURCE: RUBY SPRINGS
SPRING
TRIBUTARY: BILLINGSLEY CREEK
BILLINGSLEY CREEK

RIGHT NUMBER: 36-07092A

NAME AND ADDRESS:
RUBY SPRINGS WATER COMPANY
NORWOOD SUBDIVISION
C/O RODERICK R HOWARD
2638 ACCESS ROAD N
HAGERMAN ID 83332

NORWOOD SUBDIVISION
RUBY SPRINGS WATER CO
C/O RODERICK R HOWARD
2638 ACCESS ROAD N
HAGERMAN ID 83332

SOURCE: RUBY SPRINGS
SPRING
TRIBUTARY: BILLINGSLEY CREEK
BILLINGSLEY CREEK

QUANTITY: 0.41 CFS
0.36 CFS
USE OF THIS RIGHT WITH RIGHT NO. 36-15240 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.58 CFS.

PRIORITY DATE: 11/06/1969

POINT OF DIVERSION: T07S R13E S13 NENENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season 03/15 11/15	0.41 CFS 0.36 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S13 SWNE 6.1 SENE 14.3
SWNE 6.0 SENE 12.0
20.4 ACRES TOTAL
18.0 ACRES TOTAL
PROPERTY IS ALSO KNOWN AS LOTS 1-15 NORWOOD SUBDIVISION AND TAX LOTS 29, 46, 47, 54-58.

CONSUMPTIVE USE: 67.9 AFY
34.0 AFY

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE

36-07092A (CONT.)

MAINTAINED AS A PART OF THE DIVERTING WORKS.

PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE/ SEE RIGHT NO/ 36/15240/

RIGHT NO/ 36/15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE/ AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0/38 CFS/

SOURCE IS ALSO KNOWN AS RUBY SPRINGS/

PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 13/ NORWOOD SUBDIVISION AND TAX LOTS 46/ 47/ 34/ 33/ 36/ 37 & 38 LOCATED IN THE S1/2NE1/4 S13/ T07/ R13E/

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

RIGHTS FROM: SOURCE: RUBY SPRINGS
SPRING
TRIBUTARY: BILLINGSLEY CREEK
BILLINGSLEY CREEK

RIGHT NUMBER: 36-07092A

NAME AND ADDRESS:
RUBY SPRINGS WATER COMPANY
NORWOOD SUBDIVISION
C/O RODERICK R HOWARD
2638 ACCESS ROAD N
HAGERMAN ID 83332

NORWOOD SUBDIVISION
RUBY SPRINGS WATER CO
C/O RODERICK R HOWARD
2638 ACCESS ROAD N
HAGERMAN ID 83332

SOURCE: RUBY SPRINGS
SPRING
TRIBUTARY: BILLINGSLEY CREEK
BILLINGSLEY CREEK

QUANTITY: 0.39 CFS
0.36 CFS
USE OF THIS RIGHT WITH RIGHT NO. 36-15240 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.58 CFS.

PRIORITY DATE: 11/06/1969

POINT OF DIVERSION: T07S R13E S13 NENENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season 03/15 11/15	0.39 CFS 0.36 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S13 SWNE 6.1 SENE 13.3
SWNE 6.0 SENE 12.0
19.4 ACRES TOTAL
18.0 ACRES TOTAL
PROPERTY IS ALSO KNOWN AS LOTS 1-15 NORWOOD SUBDIVISION AND TAX LOTS 29, 46, 47, 54-58.

CONSUMPTIVE USE: 67.9 AFY
34.0 AFY

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE

36-07092A (CONT.)

MAINTAINED AS A PART OF THE DIVERTING WORKS.

PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE/ SEE RIGHT NO/ 36/15240/

RIGHT NO/ 36/15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE/ AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0/38 CFS/

SOURCE IS ALSO KNOWN AS RUBY SPRINGS/

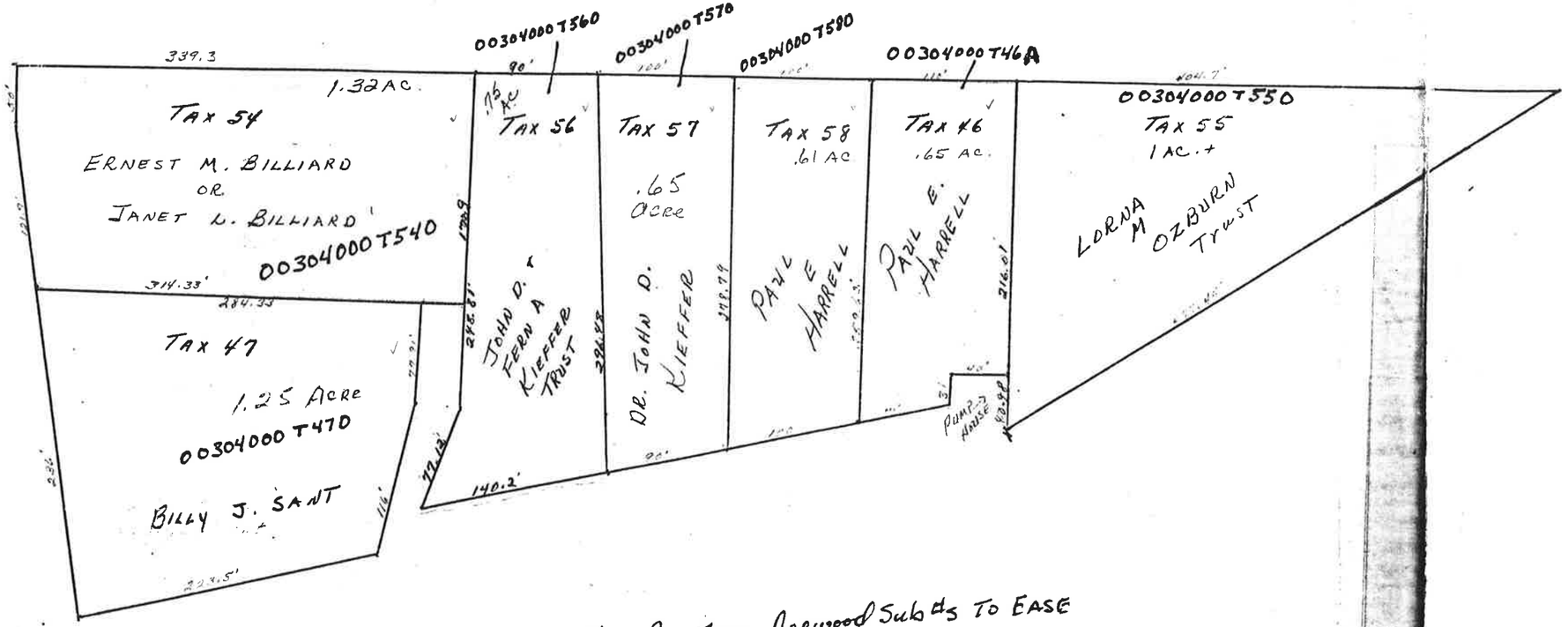
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 13/ NORWOOD SUBDIVISION AND TAX LOTS 46/ 47/ 34/ 33/ 36/ 37 & 38 LOCATED IN THE S1/2NE1/4 S13/ T07/ R13E/

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Section 13 Township 7 South Range 13 E.B.M.

Part of S½ NE¼



These Put Into Norwood Subds To EASE
TRENDING And Uniformity

00304000 ____

Scale 1" = 100'

#3

@ STEVE: STIP-NORMLI, JAH

COPY

NICHOLAS B. SPENCER
J. ANDREW HELMLINGER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-9000
Telephone: (208) 327-5446
FAX: (208) 327-5400

ATTORNEYS FOR THE IDAHO
DEPARTMENT OF WATER RESOURCES

COPY

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. 36-07092A and 36-15240
Case No. 39576	)	**STIPULATION AND SETTLEMENT AGREEMENT TO RESOLVE OBJECTION TO RECOMMENDED WATER RIGHT**

COPY

Descriptive Summary

This document is a stipulation and agreement between Ruby Springs Water Company/Norwood Subdivision (Ruby Springs), Mr. Ronald H. Adams (Adams), and IDWR to resolve Mr. Adams' objection to recommended water right no. 36-07092A.

COPY

COPY

STIPULATION AND SETTLEMENT AGREEMENT

This stipulation and agreement is made and entered into between Ruby Springs Water Company/Norwood Subdivision ("Ruby Springs"), Ronald H. Adams ("Adams") and the Idaho Department of Water Resources ("IDWR"). These parties to the stipulation and settlement agreement (collectively "parties") hereby agree as follows:

1. Norwood Subdivision is a duly platted subdivision located in Gooding County, Idaho. Its subdivision plat is filed of record in Gooding County. Norwood Subdivision is the named holder of Water Right License No. 36-07092A, dated August 16, 1976. It holds this license in the name of Norwood Subdivision by virtue of the assignment of a portion of Permit No. 36-07092A, pursuant to an Assignment of Permit executed by Virgil U. Norwood and Ardith Norwood on August 9, 1976.

2. Ruby Springs is a non-profit Idaho corporation incorporated for the purpose of holding legal title to water rights for the Norwood Subdivision and certain lots outside the subdivision, as well to operate a water distribution system distributing water pursuant to those rights to the lots within the subdivision and to certain lots outside the subdivision.

3. Water Right No. 36-07092A was claimed in the Snake River Basin Adjudication ("SRBA") in the name of Norwood Subdivision/Ruby Springs. Upon its investigation of the claim, IDWR determined that, in addition to the use of this right for irrigation, a portion of it was also being used for domestic purposes. IDWR determined that this additional use constituted as accomplished change in the purpose of use of a portion of water right no. 36-07092A, which change could be recommended as an accomplished

transfer pursuant to Idaho 42-1425. IDWR recommended that portion of the right used for domestic purposes as water right no. 36-15240. Water right no. 36-07092A as modified, and water right no. 36-15240 as so identified, were both recommended in the director's report for Reporting Area 3 (Basin 36).

4. Adams thereafter filed both a motion for leave to file a late objection to recommended water right no. 36-07092A, and a motion for leave to file a late claim to a water right denoted as water right no. 36-07092C. Adams asserted that he was the owner of a portion of water right no. 36-07092A, but that Ruby Springs had not recognized that ownership in its claim for that right and IDWR had failed to acknowledge his interest in its recommendation of the right. Therefore, by his objection and late claim, Adams sought to have his portion of the right recognized and recommended in his name.

5. The SRBA Court granted both Adams' motion for leave to file a late objection and his motion for leave to file a late claim. Both IDWR and Ruby Springs filed responses to the late objection. IDWR subsequently investigated the late claim and prepared a draft proposal addressing both how to recommend claim no. 36-07092C and how IDWR could modify its recommendation of water right no. 36-07092A. The purpose of the proposal was to address how Adams' claimed interest in the water right could be recognized and recommended as a separate water right rather than as a portion of Ruby Springs' recommended water right no. 36-07092A.

6. As the result of arms length, good faith negotiations held among Ruby Springs, Adams, and IDWR, all parties agree that recommended water right no. 36-07092A should be modified to permit Adams' portion of it to be recommended as a separate water

right. To accomplish this split, IDWR has created two new, proposed, recommended water rights.[1] Water right no. 36-07092D will replace no. 36-07092A as recommended to Ruby Springs, and no. 36-07092E will replace no. 36-07092C as claimed by Adams. The parties further agree that recommended water right no.36-15240 should similarly be split into two additional, proposed, recommended water rights: water right nos. 36-15240A and 36-15240B, describing domestic uses for Ruby Springs and Adams respectively.

7. The parties agree that if the contingency described in paragraphs 8 through 13, below, is satisfied in all particulars, water right nos. 36-07092D, 36-07092E, 36-15240A and 36-15240B should be recommended to the SRBA Court to be decreed as they are described in Exhibits 1, 2, 3, and 4, attached hereto and incorporated herein by reference.[2]

---

[1] By use of the term "proposed" the parties do not intend to imply that the four water rights that are the subject of this stipulation and settlement agreement are anything other than presently existing and valid water rights. Rather, the use of the term is intended to make clear that the present agreement is contingent in part upon IDWR's approval of the change in the point of diversion of water right nos. 36-07092E and 36-15240B; and that the rights as presently described in the agreement reflect that change, which has not yet been approved by IDWR. At such time as the contingency is satisfied, the four rights as presently proposed will be incorporated into Standard Form 5 documents and recommended to the SRBA Court to be decreed as described.

[2] In relevant part, the proposed water rights would be recommended as follows: Water right nos. 36-07092D and 36-15240A would be recommended to Ruby Springs. Right 36-07092D would be an irrigation right appurtenant to 17.3 acres within the Ruby Springs service area, excluding of lot 13 of the Norwood Subdivision. The diversion rate would be 0.34 cfs with a consumptive use of 51.90 AFA. Right 36-15240A would be a domestic use right appurtenant to 21 parcels in the Ruby Springs service area, with a diversion rate of 0.21 cfs. Rights 36-07092E and 36-15240B should be recommended to Adams, as an irrigation and a domestic use right respectively. Right 36-07092E would be appurtenant to 8.6 acres of 10.75 acres of Adams' property, which includes lot 13 of the Norwood Subdivision, parcel 29 that is due south of lot 13, and the 7.13 acre parcel that is due east of the Norwood Subdivision. This irrigation right would not be appurtenant to the 4.88 acres parcel known to the parties as "the ravine," bordered to the north by lot 1 of the Norwood

8. Ruby Springs and Adams agree that the source of water for proposed water right nos. 36-07092E and 36-15240B should be changed from the unnamed springs tributary to Billingsley Creek to ground water. Adams agrees to undertake his best efforts to accomplish this by filing with IDWR an application to transfer the point of diversion of these two rights from the unnamed springs to a location of his choice upon his property, in order that he be permitted to drill a well of sufficient size to supply him the water to be used pursuant to his two water rights as presently proposed.

9. Ruby Springs agrees that it shall not file a protest to the transfer application described in the preceding paragraph so long as the application conforms to Adams' two proposed water rights as described in Exhibits 2 and 4.

10. Both Ruby Springs and Adams understand and agree that IDWR is prohibited by law from committing itself to reach any predetermined result in any future administrative proceeding. Therefore, both Ruby Springs and Adams understand and agree that IDWR cannot guarantee or insure that the transfer application described above will necessarily be approved by IDWR.

11. Adams agrees to file the transfer application described above with IDWR after this stipulation and settlement agreement is filed with the SRBA Court.

12. After IDWR approves the transfer application described above, if IDWR does

---

Subdivision, to the south by Norwood Drive and to the west by Adams' 7.13 acre parcel. This right would have a diversion rate of 0.17 cfs with a consumptive use volume of 30.1 AFA. Right 36-15240B would be appurtenant to 3 domestic sites and have a diversion rate of 0.03 cfs. Adams may seek to amend this claim through normal SRBA procedure prior to the court issuing the final decree.

grant such approval, Adams agrees to commence drilling of the well described above to provide water for use pursuant to proposed water right nos. 36-07092E and 36-15240B. Adams further agrees that he will undertake his best efforts to insure that the well is completed within a reasonable time after drilling commenced.

13. Ruby Springs agrees that after IDWR approves the transfer application described above, if IDWR does grant such approval, Ruby Springs will refund to Adams the sum of five hundred dollars ($500.00) previously assessed by Ruby Springs and paid to it by Adams.

14. At such time as the contingency described in paragraphs 8 through 13, above, is met, the parties will jointly execute and file with the SRBA Court Standard Form 5 documents for each of the four water rights, which Standard Form documents shall describe the water rights as they are described in Exhibits 1, 2, 3, and 4, respectively. The parties further agree that any conditions or limitations contained within the approved transfer, which must be included in order to correctly describe the water rights, also will be incorporated into the Standard Form 5 documents.

15. Ruby Springs is responsible for all maintenance of the existing water distribution system now used by Ruby Springs. Ruby Springs further agrees that any damage or injury proximately caused by the location or operation of the water distribution works used by Ruby Springs but laying on or adjacent to Adams' property will be the responsibility and liability of Ruby Springs. Ruby Springs will not be responsible for such damage or injury if it is caused by any harm or changes to the water distribution system proximately caused by Adams and undertaken without the express consent of Ruby Springs.

Additionally, if Adams requests consent to alter or modify the water distribution system, Ruby Springs must respond to the request within forty-eight (48) hours, and Ruby Springs may not unreasonably withhold its consent. Ruby Springs must request Adams' consent to enter onto his property to maintain, modify or repair the water diversion system, Adams must respond to the request within forty-eight (48) hours, and Adams may not unreasonably withhold such consent. If Ruby Springs should ever intentionally relinquish future use of the diversion works in whole or in part, ownership of the abandoned portion of the diversion works from the source to and or through Adams' property as described by the IDWR Re-examination for Irrigation of May 14, 1976, on file with IDWR, will vest in Adams. Adams may request Ruby Springs provide, within forty-eight (48) hours, a written statement setting forth whether Ruby Springs has abandoned all or a portion of the diversion works, or in the alternative, to what reasonable future use Ruby Springs intends to make of the diversion works. Ruby Springs may of its own will send Adams written notice of Ruby Springs intent to abandon all or a portion of the diversion works, providing at least one week notice prior to the date certain upon which title to the works will vest in Adams. Once title to the diversion works or any portion thereof has vested in Adams, maintenance and liability for that portion of the works will become the responsibility of Adams.

16. Ruby Springs and Adams further agree to dismiss any pending legal actions commenced by either one against the other that are based upon any issues of fact or law concerning title to or ownership of the water rights that are the subject of this stipulation and settlement agreement. However, the provisions of the paragraph shall not apply to any pending legal actions involving Adams and any individual persons residing or owning lots

within the Ruby Springs service area.

17. Upon entry of the partial and final decrees for water right numbers 36-07092D, 36-07092E, 36-15240A and 36-15240B, the objection of Adams to IDWR's recommendation for water right no. 36-07092A shall be deemed withdrawn.

18. This stipulation and settlement agreement has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding involving title to or ownership of these water rights, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

19. All parties agree that if the transfer application described in paragraphs 8 through 11 above is not approved by IDWR, this agreement shall be null and void.

20. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

21. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

22. Four originals of this stipulation and settlement agreement shall each be executed by the parties to it, and each executed original is to be deemed for all purposes to be the original stipulation and settlement agreement. One executed original shall be filed with the SRBA Court. One executed original shall be retained by Ruby Springs, one by Adams and one by IDWR.

DATED this _____ day of October, 1996.

_____
NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

DATED this _____ day of October, 1996.

_____
RONALD H. ADAMS

DATED this _____ day of October, 1996.

_____
RUBY SPRINGS WATER COMPANY/
NORWOOD SUBDIVISION

by _____
RODERICK R. HOWARD
President, Ruby Springs Water Company

ATTEST: _____
Secretary

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: Oct 8, 1996

TO: Steve Clelland
(208) 736-3037 (fax)

FROM: J. Andrew Helgeson
(208) 327-5446

DOCUMENT DESCRIPTION: Draft Stipulation & Settlement

COVER SHEET + 13 **PAGES**

CONTACT: (208) 327-5446 **IF YOU DO NOT RECEIVE ALL THE PAGES**

THANK YOU!

NORWOOD STIP.

10/9/96 Attorneys called. Hathaway called. All parties have signed. Trial is cancelled

DRAFT

NICHOLAS B. SPENCER
J. ANDREW HELMLINGER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-9000
Telephone: (208) 327-5446
FAX: (208) 327-5400

ATTORNEYS FOR THE IDAHO
DEPARTMENT OF WATER RESOURCES

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. 36-07092A and 36-15240
Case No. 39576	)	**STIPULATION AND SETTLEMENT AGREEMENT TO RESOLVE OBJECTION TO RECOMMENDED WATER RIGHT**

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6. As the result of arms length, good faith negotiations held among Ruby Springs, Adams, and IDWR, all parties agree that recommended water right no. 36-07092A should be modified to permit Adams' portion of it to be recommended as a separate water

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8. Ruby Springs and Adams agree that the source of water for proposed water right nos. 36-07092E and 36-15240B should be changed from the unnamed springs tributary to Billingsley Creek to ground water. Adams agrees to undertake his best efforts to accomplish this by filing with IDWR an application to transfer the point of diversion of these two rights from the unnamed springs to a location of his choice upon his property, in order that he be permitted to drill a well of sufficient size to supply him the water to be used pursuant to his two water rights as presently proposed.

9. Ruby Springs agrees that it shall not file a protest to the transfer application described in the preceding paragraph so long as the application conforms to Adams' two proposed water rights as described in Exhibits 2 and 4.

10. Both Ruby Springs and Adams understand and agree that IDWR is prohibited by law from committing itself to reach any predetermined result in any future administrative proceeding. Therefore, both Ruby Springs and Adams understand and agree that IDWR cannot guarantee or insure that the transfer application described above will necessarily be approved by IDWR.

11. Adams agrees to file the transfer application described above with IDWR after this stipulation and settlement agreement is filed with the SRBA Court.

12. After IDWR approves the transfer application described above, if IDWR does

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grant such approval, Adams agrees to commence drilling of the well described above to provide water for use pursuant to proposed water right nos. 36-07092E and 36-15240B. Adams further agrees that he will undertake his best efforts to insure that the well is completed within a reasonable time after drilling commenced.

13. Ruby Springs agrees that after IDWR approves the transfer application described above, if IDWR does grant such approval, Ruby Springs will refund to Adams the sum of five hundred dollars ($500.00) previously assessed by Ruby Springs and paid to it by Adams.

14. At such time as the contingency described in paragraphs 8 through 13, above, is met, the parties will jointly execute and file with the SRBA Court Standard Form 5 documents for each of the four water rights, which Standard Form documents shall describe the water rights as they are described in Exhibits 1, 2, 3, and 4, respectively. The parties further agree that any conditions or limitations contained within the approved transfer, which must be included in order to correctly describe the water rights, also will be incorporated into the Standard Form 5 documents.

15. Ruby Springs is responsible for all maintenance of the water distribution system. Ruby Springs further agrees that any damage or injury proximately caused by the location or operation of the water distribution works belonging to Ruby Springs but laying on or adjacent to Adams' property will be the responsibility and liability of Ruby Springs. Ruby Springs will not be responsible for such damage or injury if it is caused by any harm or changes to the water distribution system proximately caused by Adams and undertaken without the express consent of Ruby Springs. Additionally, if Adams requests consent to

DRAFT

alter or modify the water distribution system, Ruby Springs must respond to the request within forty-eight (48) hours, and Ruby Springs may not unreasonably withhold its consent. Ruby Springs must request Adams' consent to enter onto his property to maintain, modify or repair the water diversion system, Adams must respond to the request within forty-eight (48) hours, and Adams may not unreasonably withhold such consent. If Ruby Springs should ever discontinue operation of the diversion works or portion of the diversion works on or adjacent to Adams' property, ownership of the diversion works, to the extent it lays on or adjacent to Adams' property will vest in Adams.

16. Ruby Springs and Adams further agree to dismiss any pending legal actions commenced by either one against the other that are based upon any issues of fact or law concerning title to or ownership of the water rights that are the subject of this stipulation and settlement agreement. However, the provisions of the paragraph shall not apply to any pending legal actions involving Adams and any individual persons residing or owning lots within the Ruby Springs service area.

17. Upon entry of the partial and final decrees for water right numbers 36-07092D, 36-07092E, 36-15240A and 36-15240B, the objection of Adams to IDWR's recommendation for water right no. 36-07092A shall be deemed withdrawn.

18. This stipulation and settlement agreement has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding involving title to or ownership of these water rights, and that this agreement is not and shall not be used as

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precedent for any other claim to a water right.

19. All parties agree that if the transfer application described in paragraphs 8 through 11 above is not approved by IDWR, this agreement shall be null and void.

20. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

21. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

22. Four originals of this stipulation and settlement agreement shall each be executed by the parties to it, and each executed original is to be deemed for all purposes to be the original stipulation and settlement agreement. One executed original shall be filed with the SRBA Court. One executed original shall be retained by Ruby Springs, one by Adams and one by IDWR.

DRAFT

DATED this _____ day of October, 1996.

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

DATED this _____ day of October, 1996

RONALD H. ADAMS

DATED this _____ day of October, 1996.

RUBY SPRINGS WATER COMPANY/
NORWOOD SUBDIVISION

by _____
RODERICK R. HOWARD
President, Ruby Springs Water Company

ATTEST: _____
Secretary

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	NORWOOD SUBDIVISION RUBY SPRINGS WATER CO C/O RODERICK R HOWARD 2638 ACCESS ROAD N HAGERMAN ID 83332 (208) 837-6633	08/16/1976	DOMESTIC	01-01	12-31	0.21 CFS	
					TOTAL DIVERSION:	0.21 CFS	

Water Source: SPRING Tributary to: BILLINGSLEY CREEK Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R13E S13 NENENE GOODING County

Place of use Legal Description for: DOMESTIC

			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
07S	13E	13			D	D												

POU County: GOODING

Non-Irrigation Uses: 21 HOMES

Other Rights: 36-07092D & SEE REMARKS

Conditions of Approval:

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.
C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
- TO SECTION 42-1425, IDAHO CODE.
C06 - PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.

Remarks: EXP RIGHT NO. 36-07092D IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 12, 14 & 15, NORWOOD SUB DIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4, S13, T07, R13E.
NON-IRRIGATION USES INCLUDE SERVICE TO 21 HOMESITES AND NOT ALL SITES CURRENTLY ARE DEVELOPED BUT HAVE TAPPED-IN WATER.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag: C

R.S. 1D.

DRAFT

AJ0749NP
No. R36-15240A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/19/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NORWOOD SUBDIVISION RUBY SPRINGS WATER CO C/O RODERICK R HOWARD 2638 ACCESS ROAD W HAGERMAN ID 83332 (208) 837-6634	08/16/1976	DOMES	01-01	12-31	0.21 CFS	
				TOTAL DIVERSION:		0.21 CFS	

Water Source: SPRING Tributary to: BILLINGSLEY CREEK Stage: BENEFICIAL USE

Point(s) of Diversion: 10TS R13E S13 NENENE GOODING County

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE			
T R S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac
07S 13E 13			D	D												

POU County: GOODING

Non-Irrigation Uses: ~~DOMESTIC~~, 21 HOME SITES CONNECTED TO SYSTEM

Other Rights: 36-07092D & SEE REMARKS

Conditions of Approval:
MUST A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE OF USE OF A PORTION OF RIGHT NO. 36-07092D PURSUANT TO IDAHO CODE 42-1426A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY DUE TO THE CHANGE IN USE.
RIGHT NO. 36-07092D IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.56 CFS.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 12, 14 & 15, NORWOOD SUB DIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4, S13, T07, R13E.

Dates: Exam Wide Date: Verified Date:

Misc: Water District Number: 36A Field Inspect Flag:
Presumption Flag:

leave in cond. code C04 C06

N13

EXP

N11

SW 10-9-96

10/09/1995 14:32 8275400 TEMP PAGE 12

AJ0749NP
No. R36-15240B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/10/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	RONALD H ADAMS 3028 CHISHOLM DR HAGERMAN ID 83332 (208) 837-6615	08/16/1976	DOMESTIC	01-01	12-31	0.03 CFS	
				TOTAL DIVERSION:		0.03 CFS	

Water Source: GROUNDWATER Tributary to: Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R13E S13 SENE GOODING County

Place of use Legal Description for: DOMESTIC

		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
07S	13E 13				D												

POU County: GOODING

Non-Irrigation Uses: 3 HOMES

Other Rights: 36-07092E & SEE REMARKS

Conditions of Approval:

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.
C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
- TO SECTION 42-1425, IDAHO CODE.
C06 - PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.

Remarks: EXP RIGHT NO. 36-07092E IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
PROPERTY IS ALSO KNOWN AS LOT 13 NORWOOD SUBDIVISION AND TAX LOTS LOCATED IN THE SENE, S13, T07, R13E.
NON-IRRIGATION USES ARE FOR 3 HOME SITES. DEVELOPMENT IS NOT COMPLETE AT THIS TIME, ~~NO HOMES EXIST.~~

Dates: Exam Made Date: Verified Date: SCC 10/10/96 Objection Filed Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag: C

DRAFT

AJ0749MP
No. R36-152408

Adams D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/19/95
PAGE: 1

pre-transfer should reflect spring source & POD

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	TO	DIVERSION RATE	DIVERSION VOLUME
C	RONALD H ADAMS 3028 CHISHOLM DR HAGERMAN ID 83332 (208) 837-6615	08/16/1976	DOMESTIC	01-01	12-31	0.03 CFS	
				TOTAL DIVERSION:		0.03 CFS	

Spring

Water Source: GROUNDWATER — Tributary to: — Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R13E S13 SENE — GOODING County

Place of Use Legal Description for: DOMESTIC

	NE				NW				SW				SE			
T R S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac
07S 13E 13				D												

POU County: GOODING

Non-Irrigation Uses: ~~DOMESTIC~~, 3 HOME SITES CONNECTED TO SYSTEM

Other Rights: 36-07092E ~~& SEE REMARKS~~

EXP.

N13

C06 C04 ~~C06~~

Conditions of Approval:

~~001 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.~~

Delete = Cond. Code =

Remarks: THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE OF USE OF A PORTION OF RIGHT NO. 36-07092E PURSUANT TO IDAHO CODE 42-1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY DUE TO THE CHANGE IN USE.

RIGHT NO. 36-07092E IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, ~~AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.10 CFS.~~

PROPERTY IS ALSO KNOWN AS LOT 13 NORWOOD SUBDIVISION AND TAX LOTS LOCATED IN THE SENE, S13, T07, R13E.

~~EXP~~ EXP ~~EXP~~ EXP

Comm

N11

Dates: Exam Made Date: — Verified Date:

Misc: Water District Number: 36A — Field Inspection Flag: — Presumption Flag:

C

Comm: this record prepared to illustrate right after transfer is accomplished. sm 10-9-96

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	NORWOOD SUBDIVISION RUBY SPRINGS WATER CO C/O RODERICK R HOWARD 2638 ACCESS ROAD N HAGERMAN ID 83332 (208) 837-6633	11/06/1969	IRRIGATION	03-15	11-15	0.35 CFS	
					TOTAL DIVERSION:	0.35 CFS	
					CONSUMPTIVE USE:		60.60 AFA

Water Source: SPRING Tributary to: BILLINGSLEY CREEK Stage: LICENSE

Point(s) of Diversion: T07S R13E S13 NENENE 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
07S	13E	13			06	11													17.3
																		TOTAL ACRES	17.3

POU County: GOODING

Other Rights: 36-15240A FROM SAME SYSTEM FOR DOMESTIC USE

Conditions of Approval:
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: EXP RIGHT NO. 36-15240A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 12, 14 & 15, NORWOOD SUB DIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4, S13, T07, R13E.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag: C

R.S. 1

DRAFT

AJ0749NP
No. R36-07092D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/19/95
PAGE: 1

OWNER CODE	NAME & ADDRESS
C	NORWOOD SUBDIVISION RUBY SPRINGS WATER CO C/O RODERICK R HOWARD 2638 ACCESS ROAD N HAGERMAN ID 83332 (208) 837-6633

PRIORITY DATE	WATER USE	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
11/06/1969	IRRIGATION	~~03-15~~ irrigation season	~~11-15~~	0.35 CFS	
		TOTAL DIVERSION:		0.35 CFS	
		CONSUMPTIVE USE:			~~51.98 AFA~~ 60.55

Water Source: SPRING

Tributary to: BILLINGSLEY CREEK

Stage: LICENSE

Point(s) of Diversion: T07S R13E S13 NENENE

GOODING County

Place of use Legal Description for: IRRIGATION

T	R	S	NE NENE Lt	NE NENE Ac	NE NWNE Lt	NE NWNE Ac	NE SWNE Lt	NE SWNE Ac	NE SENE Lt	NE SENE Ac	NW NENW Lt	NW NENW Ac	NW NWNW Lt	NW NWNW Ac	NW SWNW Lt	NW SWNW Ac	NW SENW Lt	NW SENW Ac	SW NESW Lt	SW NESW Ac	SW NWSW Lt	SW NWSW Ac	SW SWSW Lt	SW SWSW Ac	SW SESW Lt	SW SESW Ac	SE NESE Lt	SE NESE Ac	SE NWSE Lt	SE NWSE Ac	SE SWSE Lt	SE SWSE Ac	SE SESE Lt	SE SESE Ac	SUM
07S	13E	13						06		11																									17.3
																																		TOTAL ACRES	17.3

POU County: GOODING

Other Rights: 36-15240A FROM SAME SYSTEM FOR DOMESTIC USE

Conditions of Approval:

~~401~~ - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240A.
~~RIGHT NO. 36-15240A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.56 CFS.~~ Delete
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 12, 14 & 15, NORWOOD SUB DIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4, S13, T07, R13E. Exp.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag:

C

17.3 x 3.5 = 60.55

17.3 x 0.02 cfs/Ac = 0.346 cfs

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	RONALD H ADAMS 3028 CHISHOLM DR HAGERMAN ID 83332 (208) 837-6615	11/06/1969	IRRIGATION	03-15	11-15	0.17 CFS TOTAL DIVERSION: 0.17 CFS	CONSUMPTIVE USE: 30.10 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T07S R13E S13 SENE 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
07S	13E	13				08													8.6
																	TOTAL ACRES		8.6

POU County: GOODING

Other Rights: 36-15240B

Conditions of Approval:
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: EXP RIGHT NO. 36-15240B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
PROPERTY IS ALSO KNOWN AS LOT 13 NORWOOD SUBDIVISION AND TAX LOTS LOCATED IN THE SENE, S13, T07, R13E.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag: C

DRAFT

Adams I

AJ0749NP
No. R36-07092E

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/19/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	RONALD H ADAMS 3028 CHISHOLM DR HAGERMAN ID 83332 (208) 837-6615	11/06/1969	IRRIGATION	~~03-15~~ Irrigation season	~~11-15~~	~~0.09~~ 0.17 CFS	
				TOTAL DIVERSION:		0.09 CFS	
				CONSUMPTIVE USE:		~~13.00~~ AFA	30.1 AFA

Pre-transfer should reflect source & POD

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T07S R13E S13 SENE 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	SUN
07S 13E 13								~~4.5~~ 6.6																								~~4.5~~ 8.6

TOTAL ACRES

POU County: GOODING

Other Rights: 36-15240B

8.6 x 3.5 = 30.1 AFA

Conditions of Approval:

NOT - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM CHANGE IN USE, SEE RIGHT NO. 36-15240B.
RIGHT NO. 36-15240B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, ~~AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 3.16 CFS.~~
PROPERTY IS ALSO KNOWN AS LOT 13 NORWOOD SUBDIVISION AND TAX LOTS LOCATED IN THE SENE, S13, T07, R13E.

Comm.

Comb. App. 36A

Exp.

Dates: Exam Mode Date: Verified Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag:

C

MEMO

TO: SRBA Claims Exhibits For Stipulation
FROM: Steve Clelland
DATE: October 9, 1996

RE: 36-07092D, 36-07092E, 36-15240A & 36-15240B

==========

Today I prepared the Exhibits of the above claims for the Stipulation and Settlement Agreement. The documents as prepared reflect the FINAL version of each parties right AFTER the proposed transfer is approved and accomplished.

If the transfer is not completed before this recommendation goes to a Supplemental Director's Report, the source and point of diversion for Ron Adams' claims should be revised to show the spring diversion. The main effect of these Exhibits is to show the end product of the Stipulation Agreement.

The rights as described are drafted according to the most current format agreed upon by IDWR and the SRBA Court.

QUANTITY NOTE:

The previous recommendations of this source show some combined diversion rate language. This was based on the reported capacity of the spring flow to be 300 gpm or 0.068 cfs. The total combined diversions of the rights as currently recommended would total 0.76 cfs. Previous license exam indicated 1.10 cfs was originally developed and lower flows in the springs have been noted due to changes in the aquifer and weather patterns.

MEMO

TO: SRBA Claims Exhibits For Stipulation
FROM: Steve Clelland
DATE: October 9, 1996

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