

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: A36-10815
Date Received: 9/01/1988
Receipt No: S002020
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAIRY WEST ASSOCIATES
Address: P.O. BOX 95
HAGERMAN, ID

208-837-6105

83332

2. Date of Priority: JAN 01, 1930

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	15E	34	SW	NE	NE		GOODING

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.520		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 1 HOUSE S/ 800 DAIRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	15E	34	NE	NE		DOMEST	
			NE	NE		COMMER	

A36-10815

Page 1

Date: 09/01/88

MICROFILMED

OCT 23 1988

State of Idaho

County of

Twin Falls

)
)
) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at

Buhl, Id

My Commission Expires

6-30-94

POWER OF ATTORNEY

I, GLADE M. KNIGHT, hereby appoint my father, MAC J. KNIGHT, my true and lawful attorney (hereinafter called "my attorney") who is hereby authorized for me and in my name:

1. To act for and in my behalf with respect to all matters relating to the water rights, transfer, sale, or all other rights incident to ownership of certain real property (the "Property") located in Wendall, Idaho, and known as Dairy West, more particularly described as TOWNSHIP 7 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO, SECTION 34 E $\frac{1}{2}$ NE $\frac{1}{2}$.

2. To enter into, make, sign, execute, acknowledge and deliver any note, deed of trust, or other document or instrument, that may, in the opinion of my attorney, be necessary or desirable in connection with the water rights, transfer, sale, or exercise of any right incident to the Property.

3. Without limiting the foregoing, generally to do, execute and perform any other act, deed, matter or thing that ought to be done, executed, and performed, or that, in the opinion of my attorney, ought to be done, executed or performed of every nature and kind whatsoever relating, directly or indirectly, to the matters set forth in paragraph 1 above, as fully and effectively as I could do, if personally present and acting.

I hereby certify and confirm all actions which may be taken by my attorney.

This power of attorney shall not terminate on disability of the principal.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the 21st day of August, 1988.



COMMONWEALTH OF VIRGINIA:

CITY/COUNTY OF :

The foregoing instrument was acknowledged before me this 21st day of August, 1988, by .

My commission expires: MY COMMISSION EXPIRES JUNE 16, 1991


Notary Public

MICROFILMED

OCT 20 1994

P/D P/a

POOR ORIGINAL

Wendell

ROGIE

1997
25

AJ5811NP
SELECTION FILE: SHAFF-BROWN-NOA6

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

DATE: 05/13/93
TIME: 11:57:12
PAGE: 1

36-00004	36-00047	36-00065	36-00066B	36-00067	36-00136A	36-00136B	36-00194	36-02046	36-02166
36-02178	36-07298	36-10033	36-10035	36-10169	36-10223	36-10446	36-10815	36-15094	A36-00004
A36-00047	A36-00065	A36-00065B	A36-00066B	A36-00067	A36-00136	A36-00194	A36-02046	A36-02166	A36-02178
A36-07298	A36-10033	A36-10035	A36-10169	A36-10223	A36-10446	A36-10815	A36-15094		

TOTAL RECORDS IN SELECTION FILE: 38

MICROFILMED
OCT 20 1994

1 Hagerman Water Right Owners, Inc. and its individual members, the
2 following individuals:

3	Alice A. & Paul J. Anderton	✓A36-10223✓
	Fay Coates and/or Fred Beckstead	✓A36-07298✓
4	Fay Coates and/or Fred Beckstead	✓A36-00066B✓
	Fay Coates and/or Fred Beckstead	✓A36-10169✓
	Fay Coates and/or Fred Beckstead	✓A36-00065✓
5	Fay Coates and/or Fred Beckstead	✓A36-00067✓
	Dairy West Associates	✓A36-10815✓
6	Michael J. Fleming	✓A36-15094✓
	Michael J. Fleming	✓A36-10446✓
7	Salmon Falls Land & Livestock	✓A36-00194✓
	Salmon Falls Land & Livestock	✓A36-02046✓
	Salmon Falls Land & Livestock	✓A36-02166✓
8	Salmon Falls Land & Livestock	✓A36-02178✓
	Salmon Falls Land & Livestock	A36-00136B✓
9	Salmon Falls Land & Livestock	A36-00136A✓
	Salmon Falls Land & Livestock	✓A36-10035✓
10	Salmon Falls Land & Livestock	✓A36-10033✓
	Spring Valley Ranch, Inc.	✓A36-00004✓
11	Dixie Adamson	—A36-00047✓

12 Dated this 10 day of May, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ,
14 CHARTERED

15 By: 
16 Patrick D. Brown
17 Attorneys for Respondents
18
19
20
21
22
23



Hepworth,
Nungester,
& Lezamiz

AJ5514NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 05/17/93
TIME: 00:00:44.0
PAGE: 1

INPUT: AJ_SELECTION:SHAFF-BROWN-NOA6.SEL

TYPE OF ACTION: MODIFY
MODIFY ALL FIELDS FLAG: Y

LAST NAME: BROWN
ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ
ADDRESS LINE 3: PO BOX 389
CITY: TWIN FALLS

STATE: ID ZIP: 833030389

FIRST NAME: PATRICK D
ADDRESS LINE 2:133 SHOSHONE ST N
PHONE NUMBER: (208) 734-7510

✓ 36-00004 SUCCESSFULLY CHANGED ON HOST
✓ 36-00047 SUCCESSFULLY CHANGED ON HOST
✓ 36-00065 SUCCESSFULLY CHANGED ON HOST
✓ 36-00066B SUCCESSFULLY CHANGED ON HOST
✓ 36-00067 SUCCESSFULLY CHANGED ON HOST
✓ 36-00136A SUCCESSFULLY CHANGED ON HOST
✓ 36-00136B SUCCESSFULLY CHANGED ON HOST
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✓ 36-10815 SUCCESSFULLY CHANGED ON HOST
✓ 36-15094 SUCCESSFULLY CHANGED ON HOST
✓ A36-00004 SUCCESSFULLY CHANGED ON HOST
✓ A36-00047 SUCCESSFULLY CHANGED ON HOST
✓ A36-00065 SUCCESSFULLY CHANGED ON HOST
✓ A36-00065B SUCCESSFULLY CHANGED ON HOST
✓ A36-00066B SUCCESSFULLY CHANGED ON HOST
✓ A36-00067 SUCCESSFULLY CHANGED ON HOST
✓ A36-00136 SUCCESSFULLY CHANGED ON HOST
✓ A36-00194 SUCCESSFULLY CHANGED ON HOST
✓ A36-02046 SUCCESSFULLY CHANGED ON HOST
✓ A36-02166 SUCCESSFULLY CHANGED ON HOST
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✓ A36-10223 SUCCESSFULLY CHANGED ON HOST
✓ A36-10446 SUCCESSFULLY CHANGED ON HOST
✓ A36-10815 SUCCESSFULLY CHANGED ON HOST
✓ A36-15094 SUCCESSFULLY CHANGED ON HOST

MICROFILMED
OCT 20 1994

1 HEPWORTH, NUNGESTER & LEZAMIZ,
2 CHARTERED
3 133 Shoshone St. North
4 P.O. Box 389
5 Twin Falls, ID 83303-0389
6 Telephone: (208)734-7510
7 Attorneys for Claimant
8 (PDB\21530SUP.NO6\crh)

9
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23
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

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

Case No. 39576

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

HAGERMAN WATER RIGHT OWNERS,
INC. AND ITS INDIVIDUAL
MEMBERS' SIXTH SUPPLEMENTAL
NOTICE OF APPEARANCE

19
20
21
22
23
Petitioner,

vs.

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

Respondents.

* * * * *

COMES NOW the law firm of Hepworth, Nungester & Lezamiz
and supplements its Notice of Appearance to add on behalf of



Hepworth,
Nungester,
& Lezamiz

SIXTH SUPPLEMENTAL NOTICE OF APPEARANCE - 1

MICROFILMED

OCT 20 1994

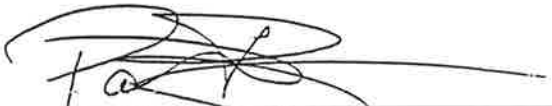
CERTIFICATE OF MAILING

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 he caused to be mailed a copy of the above and foregoing FIFTH SUPPLEMENTAL NOTICE OF APPEARANCE on the 10 day of May, 1993, to:

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

Chief, Natural Resources Division (1)
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

The United States Department of Justice (1)
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734


Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

AGG-10815
DAIY WEST ASSOCIATES
P.O. BOX 95

HARVEY

ID 83302

Dear Claimant(s):

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

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

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

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

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

MICROFILMED
FEB 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 8, 1991

DAIRY WEST ASSOCIATES
P O BOX 95
HAGERMAN ID 83332

RE: Evidence of Priority.- Snake River Basin Adjudication
Claim #A36-10815

Dear Claimant(s):

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

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

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

Sincerely,

for Anna Baumgartner
Allen Merritt, P.E.
Adjudication Section Supv.

Enclosure

MICROFILMED
FEB 07 1993

From: DWR60::MERRITT 16-MAY-1991 10:24:45.11
To: DWR03::STERLING
CC: MERRITT
Subj: A36-10815

I JUST GOT A PHONE CALL FROM FRANK KNIGHT INVOLVED WITH THIS PROPERTY.
HE JUST GOT THE PROOF OF PRIORITY LETTER FROM HIS DAD AND WILL RESPOND TO
THE LETTER AS SOON AS POSSIBLE. I'LL LET YOU KNOW WHEN WE GET SOMETHING.

ALLEN

MICROFILMED
FEB 07 1993

POWER OF ATTORNEY

I, GLADE M. KNIGHT, hereby appoint my father, MAC J. KNIGHT, my true and lawful attorney (hereinafter called "my attorney") who is hereby authorized for me and in my name:

1. To act for and in my behalf with respect to all matters relating to the water rights, transfer, sale, or all other rights incident to ownership of certain real property (the "Property") located in Wendall, Idaho, and known as Dairy West, more particularly described as TOWNSHIP 7 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO, SECTION 34 E $\frac{1}{2}$ NE $\frac{1}{2}$.

2. To enter into, make, sign, execute, acknowledge and deliver any note, deed of trust, or other document or instrument, that may, in the opinion of my attorney, be necessary or desirable in connection with the water rights, transfer, sale, or exercise of any right incident to the Property.

3. Without limiting the foregoing, generally to do, execute and perform any other act, deed, matter or thing that ought to be done, executed, and performed, or that, in the opinion of my attorney, ought to be done, executed or performed of every nature and kind whatsoever relating, directly or indirectly, to the matters set forth in paragraph 1 above, as fully and effectively as I could do, if personally present and acting.

I hereby certify and confirm all actions which may be taken by my attorney.

This power of attorney shall not terminate on disability of the principal.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the 26 day of August, 1988.



COMMONWEALTH OF VIRGINIA:

CITY/COUNTY OF Sumner:

The foregoing instrument was acknowledged before me this 30 day of August, 1988, by Glade M. Knight.

MY COMMISSION EXPIRES JUNE 16, 1991

My commission expires: _____.

June C. Harrison
Notary Public

MICROFILMED
FEB 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

August 6, 1999

KARL J. DREHER
DIRECTOR

IRENE GUNNING
F F GUNNING
PO BOX 716
WENDELL ID 83355

10-14-99
response
JP

CC: W.A.

Re: Snake River Basin Adjudication (SRBA) S^o
Water Rights #36-02457, 36-07054, 36-07116B, 36-07760,
36-08081, 36-10112^o, 36-10113^o, 36-10114, 36-10815,
36-15275, 36-10821A^o & 36-15511^o S^o #
Change of Address #1 #2 #3 #4 #5

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by August 24, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

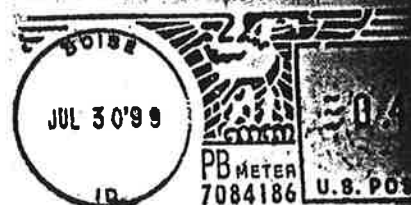
Claimant Signature

Telephone No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION

P.O. Box 716

36-10821A
IRENE GUNNING
F F GUNNING
2027 E 2975 S
WENDELL ID 83355

FOE
LH

AUTO 83355



AJ5811NP
SELECTION FILE: SS-GUNNING

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

DATE: 08/05/99
TIME: 13:36:22
PAGE: 1

36-02457	36-07054	36-07116B	36-07760	36-08081	36-10112	36-10113	36-10114	36-10815	36-15275
~~A36-02457~~	~~A36-07054~~	~~A36-07116B~~	~~A36-07760~~	~~A36-08081~~	~~A36-10112~~	~~A36-10113~~	~~A36-10114~~	~~A36-15275~~	~~R36-02457~~
~~R36-07054~~	~~R36-07116B~~	~~R36-07760~~	~~R36-08081~~	R36-10821A	R36-15511				

TOTAL RECORDS IN SELECTION FILE:

26

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: **A36-10815**
Date Received: 9/ 1/1988
Receipt No: S002020
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: FARM CREDIT SERVICES 208-733-2577
Address: 1363 FILLMORE
TWIN FALLS ID 83301

2. Date of Priority: JAN 1, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	15E	34	SW	NE	NE		GOODING

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.520		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 800 DAIRY CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	15E	34	NE	NE		DOMEST	
			NE	NE		COMMER	

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:

UNDER DAIRY HERD BUY-OUT AT FILING.

*****3/18/96 TF; OWNERSHIP CHANGE COMPLETED PER SF3 REC'D
2/29/96.

15. Basis of Claim: BENEFICIAL USE



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

March 18, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

FARM CREDIT SERVICES
1363 FILLMORE
TWIN FALLS ID 83301

RE: SRBA Claim(s) A36-10815

Dear Claimant:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

MICROFILMED

DEC 05 1996

RECEIVED
FEB 29 1996
Department of Water Resources
Southern Region

RECEIVED
JAN 17 1996
Department of Water Resources
Adjudication Bureau

RECEIVED
JAN 16 1996
OFFICE OF
ATTORNEY GENERAL

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

In Re SRBA

Case No. 35976

) STANDARD FORM NO. 3
)

) SUBCASE NO. 36-10815
) (ONE NUMBER ONLY)
)

) CONSENT TO SUBSTITUTION OF
) PARTY

document accepted by SRBA
court 1/19/96 CM system updated.

INSTRUCTIONS FOR USE

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

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

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

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

MICROFILMED
DEC 05 1996

CHANGE IN ADDRESS

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

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

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

My name is _____

I am the claimant of _____
(insert each water right number)

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

(insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

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

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

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the right

to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

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

I am the new claimant/purchaser of 36-10815
(Insert each water right number)

My name is Farm Credit Services

My address is 1363 Fillmore, Twin Falls, ID 83301

My phone number is: Work (208) 733-2577 Home _____

The name and address of the prior claimant/seller who I wish to be substituted for are:

Dairy West Associates

P. O. Box 95, Hagerman, Idaho 83332


Signature of prior claimant/seller


Signature of new claimant/purchaser

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

Attorney name _____

Attorney of record for _____
(Identify party/claimant)

Attorney address and phone number: _____

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

A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

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

State of Idaho

County of Twin Falls

Kim Herzinger, being first duly sworn, upon oath, deposes and says:
(insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Kim Herzinger
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on January 12, 1996
(insert Date)

Anna Kristine Peterson
Notary Public for Idaho
Residing at: Heyburn
My Commission expires: 12-07-2000

INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

I certify that on January 12, 1996 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

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

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

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

Water Right Number - 36-10815

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
FARM CREDIT SERVICES

1 - 1363 FILLMORE
2 -
3 -
City- TWIN FALLS State- ID Zip- 83301
Phone - 208-733-2577

*** D - DIR RPT OWNER ***
DAIRY WEST ASSOCIATES

1 - PO BOX 95
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6105

*** O - ORIGINAL OWNER ***
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

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
01/01/1930 ERROR IN REGION J - BENEFICIAL USE

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

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 15E 34 SW NE NE (47) GOODING

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

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 15E 34 NE NE 43 DOMESTIC (47) GOODING

Total Acres:

+ - - Diversion Means - WELL AND PUMP
+ - - Non-Irrigation Use - DOMESTIC, 1 HOME
+ - - Other Rights for Same Use - NONE

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DEC 05 1996

Water right number - 36-10815

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - -
No Remarks found.

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

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

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

+ - - - - Comments - - - - -

Date: 03/19/1992 User Id: MERRITT Subject: DISALLOWED
EVIDENCE OF PRIORITY NOT SUBMITTED. USE EXCEEDS 13,000 GAL/DAY.
Date: 03/19/1992 User Id: MERRITT Subject: COPIED FROM REMARKS
UNDER DAIRY HERD BUY-OUT AT FILING.
Date: 09/29/1992 User Id: MERRITT Subject: NOTICE OF ERROR (NOE) FILED BY ATTORNEY COLEMAN IN NAME OF
DAIRY WEST ASSOC.
Date: 10/22/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE
EVIDENCE OF PRIORITY DID NOT SUPPORT A DAIRY OPERATION. FURTHER, CLAIMANT STATES THAT THE DAIRY OPERATION IS WITHIN THE BUY-OUT
PROGRAM AND HAS NOT OPERATED FOR THE LAST SEVERAL YEARS. EXACT DATE NOT CLEAR.
DOMESTIC USE APPEARS TO HAVE EXISTED FOR SOME TIME, THEREFORE I RECOGNIZE THAT USE ONLY. RECOMMEND RIGHT FOR DOMESTIC USE.
KKC 10-22-92.
Date: 03/18/1996 User Id: TFAWCETT Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGED PER SF3 REC'D 2/29/96.

+ - - Audit Fields - - +
03/18/96 TFAWCETT

+ - - - - 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	- 04/29/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/09/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/01/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002020	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- C

MICROFILMED
DEC 05 1996

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

G. C. GUNNING
2298 E 2900 SOUTH
WENDALL, ID

536-5550

2. SUBJECT OF INQUIRY:

status of "claim" that was "turned down".

3. RESPONSE TO INQUIRY:

he brought in a 1994 Proof Sheet of A36-10815 and asked why it was denied. Looked up claim as recommended and went through it. Filled claim fill and reviewed w/ him. Offered copies of any part to him.

He asked for ces M KKC letter supporting his the recommendation of DOM only, an affidavit and the pg (417) in Dir's Report. I made them.

I gave him my card and explained the SF 3 form that should have been sent to the court by PCA or FCA as a report of the closing paperwork. He w/ follow up with them himself.

4. IDWR STAFF AND DATE:

F. Hitchcock 12-12-1995
F. HITCHCOCK (D)

Print name and initial

WATER RIGHT CLAIM (Nos.):

A36-10815 DOM/COMM - MICROFILMED
36-10815 DOM recommended DEC 05 1996

OBJECTION _____

RESPONSE _____

SETTLEMENT _____

RESPONSE _____

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

WAYNE DENNIS
FARM CREDIT

2. SUBJECT OF INQUIRY:

What is the status of the Dairy West Assoc.
claim A36-10815?

3. RESPONSE TO INQUIRY:

Reviewed the claim and file contents.
Explained the Disallowal and the permit requirements
for Dairy uses.
Suggested some options for obtaining a
water Right.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Steve Chelland

9-28-93

STEVE CHELLAND

A36-10815

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OCT 20 1994

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

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

Case No. 36-10815 -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

RESPONSE TO OBJECTION NO. 36-10815 -0001

- PAGE 1

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2. Person who filed objection:

Name: DAIRY WEST ASSOCIATES
Address: PO BOX 95
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

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.
7. |X| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
9. |X| Place of Use: I respond to the objection concerning:
- 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.
14. |X| Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, and all allegations regarding this item, IDWR responds as follows: IDWR recommended the name and address shown on the notice of claim and the objection.

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds as follows: The claimed commercial use was not included in IDWR's recommendation because it is not within the exception to the mandatory permit statute for appropriation of groundwater set forth in Idaho Code Sec. 42-111, and the claimant did not provide information requested by IDWR to show that the claimed commercial use was made prior to enactment of the mandatory permit statute for appropriation of groundwater in 1963. IDWR further responds that by seeking to include a stockwater use that was not identified on the notice of claim, the claimant improperly seeks to use the objection process to amend the notice of claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed just as a party must obtain leave of court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection items 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that irrigation was not claimed, and therefore a number of irrigated acres could not be recommended. The claimant's objection to these items is in error. To the extent that the claimant objects to the place of use of the recommended water

(Over)

use, IDWR responds that the recommended water right accurately describes the place of use of the right.

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) General provision 9 of the director's report states: "Where consumptive use is not stated for a right or a portion of a right, the consumptive use for that right or that portion of the right is so small that it is deemed de minimus". (4) IDWR did not include a consumptive use volume in its recommendation for this right because the consumptive use for this water right is deemed to be de minimus. (5) Because no consumptive use volume has been claimed or recommended for this right, the objection is in error.

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

In response to the sentence listed in Changes to the Director's Report, whereby the claimant attempts to "reserve the right to claim all purposes of use and quantities of use as shown by the evidence at trial," IDWR responds as follows: Insofar as this purported reservation of rights may constitute an attempt to reserve the right to amend at trial the claimant's notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim just as a party must obtain leave of the court to file a late claim after the director's report is filed.

CHANGES TO THE DIRECTOR'S REPORT

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

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

No. of
Pages

Notice of Claim No. A36-10815

5

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

4

(Over)

RESPONSE TO OBJECTION NO. 36-10815 -0001

- PAGE MICROFILMED

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VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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


Signature of person filing response

By:


(Attorney signing in
representative capacity)

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


Notary Public for Idaho

Residing at:

My Commission expires, Notary Public

Danni Smith, Notary Public
Residing at Boise, Idaho

My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

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

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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



Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-10815
Date Received: 9/01/1988
Receipt No: S002020
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAIRY WEST ASSOCIATES
Address: P.O. BOX 95
HAGERMAN, ID

208-837-6105

83332

2. Date of Priority: JAN 01, 1930

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	15E	34	SW	NE	NE		GOODING

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.520		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE S/ 800 DAIRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	15E	34	NE	NE		DOMEST	
			NE	NE		COMMER	

A36-10815

Page 1

Date: 09/01/88

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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:
UNDER DAIRY HERD BUY-OUT AT FILING.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Attorney in Fact of Dairy West Associates, that I have signed the foregoing document in the space below as Attorney in Fact of Dairy West Associates and that the statements contained in the foregoing document are true and correct.

Glenn E. King
Signature of Authorized Agent
Attorney in Fact Dairy West Ass.
Title and Organization
9/1/88
Date

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

POWER OF ATTORNEY

I, GLADE M. KNIGHT, hereby appoint my father, MAC J. KNIGHT, my true and lawful attorney (hereinafter called "my attorney") who is hereby authorized for me and in my name:

1. To act for and in my behalf with respect to all matters relating to the water rights, transfer, sale, or all other rights incident to ownership of certain real property (the "Property") located in Wendall, Idaho, and known as Dairy West, more particularly described as TOWNSHIP 7 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO, SECTION 34 E $\frac{1}{2}$ NE $\frac{1}{4}$.

2. To enter into, make, sign, execute, acknowledge and deliver any note, deed of trust, or other document or instrument, that may, in the opinion of my attorney, be necessary or desirable in connection with the water rights, transfer, sale, or exercise of any right incident to the Property.

3. Without limiting the foregoing, generally to do, execute and perform any other act, deed, matter or thing that ought to be done, executed, and performed, or that, in the opinion of my attorney, ought to be done, executed or performed of every nature and kind whatsoever relating, directly or indirectly, to the matters set forth in paragraph 1 above, as fully and effectively as I could do, if personally present and acting.

I hereby certify and confirm all actions which may be taken by my attorney.

This power of attorney shall not terminate on disability of the principal.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the 21st day of August, 1988.



COMMONWEALTH OF VIRGINIA:

CITY/COUNTY OF Sumner:

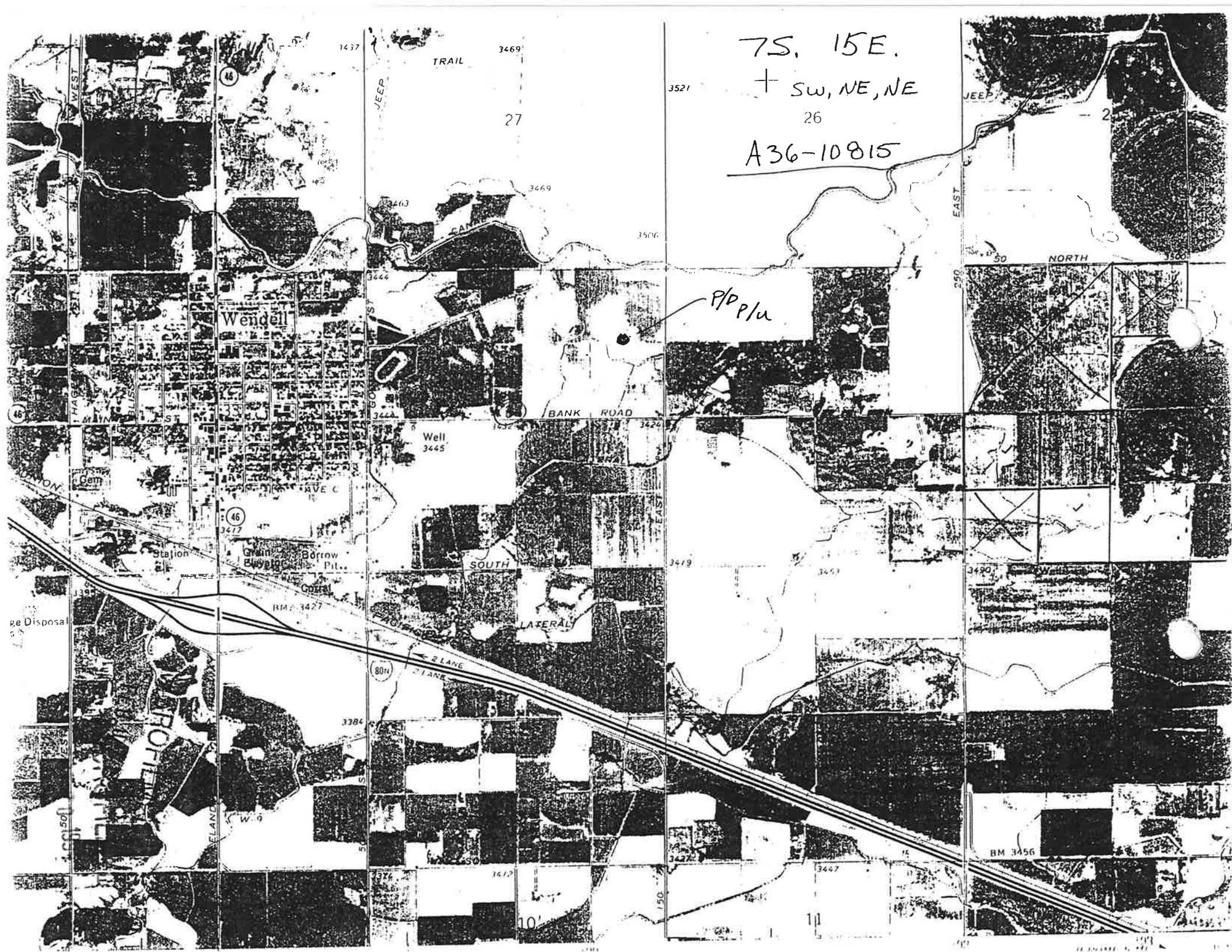
The foregoing instrument was acknowledged before me this 20th day of August, 1988, by Glade M. Knight.

MY COMMISSION EXPIRES JUNE 13, 1991

My commission expires: _____

June C. D. [Signature]
Notary Public
MICROFILMED
FEB 07 1993
MICROFILMED
OCT 20 1994

A36-10815

$$-P/D \quad P/u$$


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

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

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

- WORKS (page 11 of Part I of the director's report)
- (17) VI. General Provision 8. FIRE FIGHTING PURPOSES (page 11 of Part I of the director's report)
 - (18) VI. General Provision 9. CONSUMPTIVE USE (page 12 of Part I of the director's report)
 - (19) VI. GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (page 12 of Part I of the director's report)
 - (20) VI. General Provision 10. DOMESTIC USE (page 12 of Part I of the director's report)
 - (21) VI. GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (22) VI. General Provision 11. STOCK WATER USE (page 13 of Part I of the director's report)
 - (23) VI. GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (24) VI. General Provision 12. IRRIGATION USE (pages 13-14 of Part I of the director's report)
 - (25) VI. General Provision 13. DIVERSION VOLUME FOR IRRIGATION (page 14 of Part I of the director's report)
 - (26) VI. General Provision 14. CONSUMPTIVE USE FOR IRRIGATION (pages 14-15 of Part I of the director's report)
 - (27) VI. General Provision 15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION (page 15 of Part I of the director's report)
 - (28) VI. General Provision 16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE (pages 15-16 of Part I of the director's report)
 - (30) VI. 17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS (pages A-i through A-iii of Part I of the director's report)
 - (31) VI. 18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW (pages A-1 through B-25 of Part I of the director's report)
 - (32) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)
 - (33) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART III)

The attachment also contains part VIII, AFFIRMATIVE DEFENSES (pp. 20 through 28) and a PRAYER FOR RELIEF (untitled, p. 28).

In response to each of the items enumerated above IDWR responds that pursuant to Section 4 a.(2)(c) of SRBA Administrative Order 1, Rules of Procedure, IDWR generally denies each and every allegation, if any, contained in each enumerated portion of the attachment. IDWR affirmatively responds that neither SRBA Administrative Order 1, Rules of Procedure, nor Title 42, Chapter 14, Idaho Code, make provision for IDWR to affirm, amplify, or otherwise respond to the claimant's admissions, or to deny the claimant's denials, and that IDWR therefore does not believe that it is required to do so. Title 42, Chapter 14, Idaho Code solely defines the content and scope of the director's report. It is to contain a description of the water system and is to provide a recommendation as to each water right claimed and as to those matters necessary for administration of those water rights. Therefore, the content and scope of the objection is limited to those same matters. The attachment to the present objection asserts or otherwise raises matters not directly addressing the elements of the water right as recommended, the description of the water system, or the general provisions. Rather, the attachment raises broad issues as to the constitutional, statutory and administrative efficacy of the entire adjudication process. All such issues should be raised by means of motions to designate basinwide issues and similar procedural vehicles specifically designed to provide for basinwide notice and participation. They should not be permitted to divert the focus of any individual subcase away from the issues directly connected to the elements of the water right and the administration thereof. Therefore, because the attachment to the present objection is not within the scope of the statutory purpose of an objection it should be stricken.

However, in the event that the court should determine that all or part of the attachment is properly within the scope of the objection, IDWR further responds as follows:

IDWR affirmatively responds that all statements within the director's report are properly included therein pursuant to Title 42, Chapter 14, Idaho Code, and in particular pursuant to Idaho Code §§ 42-1411 and 42-1412(8); and that the provisions of the Idaho Rules of Civil Procedure regarding pleadings are inapplicable to the extent that they are in conflict with the statutory requirements. Therefore IDWR denies all allegations directed at the contents of the director's report.

As to the enumerated portions of the attachment addressing the listings of recommended water rights, abstracts of federal reserved water right claims, or negotiated agreements, other than the individual recommendation that is the subject of this objection, IDWR responds that such claims or agreements are not brought before this court by this objection.

Responding to the 27 affirmative defenses asserted in the attachment, IDWR generally denies each and every affirmative defense asserted. IDWR further responds that affirmative defense numbers 1, 2, 4, 5, 10, 11, 12, 18, and 22, asserting various violations of civil or constitutional rights, fail to comply with the requirements I.R.C.P. 9(b) providing that in all averments of violation of civil or constitutional rights the factual circumstances constituting such violation must be stated with particularity. Accordingly, IDWR asserts that those affirmative defenses should be stricken.

In response to that portion of the multi-page attachment to the objection wherein the claimant asserts a prayer for relief, IDWR responds as follows:

1. IDWR denies that the director's report asserts any claims against the claimant; rather, the director's report contains only the recommendation of the director as to how the claimant's water right should be decreed and administered.
2. IDWR denies that the claimant is entitled to have the water right decreed as claimed unless in the director's report the water right has been recommended as claimed.
3. IDWR denies that any acts upon its part constitute the taking of private property for which just compensation should be allowed and awarded.
4. IDWR denies that the claimant is entitled to recover court costs and reasonable attorney fees.
5. IDWR denies that the claimant by this objection has raised any claims against IDWR entitling such claimant to any relief other than the eventual judicial determination and decree of the various elements of the claimant's water right, if any, and of those related matters necessary to describe and administer that water right.

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-10815
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

36-10815 -0001/
93-04-0402

vs.

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

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

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By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Dairy West Associates

Address: P.O. Box 95

Hagerman, ID 83332

Briefly describe your interest in this water right:

Beneficial use since 01/01/1930

2. Owner of the water right:

Name: Dairy West Associates

Address: P.O. Box 95

Hagerman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: Hepworth, Nungester & Lezamiz

Attorney Address: P. Parker & Patrick D. Brown

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

Attorney Phone No.: (208)734-7510; Fax: (208)734-4115

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See Page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Maximum quantity: 520 with consumptive use changed accordingly;

purpose of use: include stockwater 800 head

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 Completed)

State of Idaho

County of Blaine Falls

Mac Knight, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Mac Knight
Signature of person filing objection

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

Subscribed and sworn to before me this 28 day of April,
1993.

Linda M. Rousseau
Notary Public for Idaho
Residing at: Blaine Falls, ID
My Commission Expires: 9-11-93

(Over)

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INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Dairy West Associates

Owner's address: P.O. Box 95

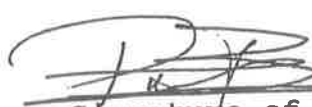
Hagerman, ID 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 1 - See Paragraph 2, page 2 for correct name and/or address.

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

Box 7 - Beneficially used for purposes set forth in notice of claim.

Box 9 - Director's Report fails to accurately state the place of use.

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

Except as specifically admitted herein, objectors deny each and every allegation contained in the Director's Report, any related or subsidiary pleadings, and/or any attachments thereto.

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

The objectors admit that Part I of the Director's recommendation contains some claims to water rights appropriated under state law from Reporting Area 3. The objectors deny all other averments because the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of the averments.

III.

TABLE OF CONTENTS

(DRP-I at 2nd and 3rd unnumbered pages)

The objectors admit that the Table of Contents reflects the page numbers of the referenced sections and deny all other averments based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because any averment, expressed or implied, is so

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

prevent the objectors from fairly knowing what would be admitted or denied; because the standard utilized ("as determined by the director") is ambiguous, subjective and indefinite so as to prevent objectors from knowing what would be admitted or denied; and because it is both expressly and implicitly in excess of the power and authority conferred upon the State of Idaho, the Director or the Department by the Constitutions of the United States and State of Idaho, pertinent provisions of the Idaho Code or valid applicable regulations, if any, adopted by the Department in conformity with law. Therefore, the objectors deny the same.

13. DIVERSION VOLUME FOR IRRIGATION. (DRP-I at page 14)

The objectors admit that Figure 1 generally depicts certain lands in Basin 36; however, the objectors deny all other averments including that the amounts set forth are the maximum annual volume of water reasonably required at the field headgate for irrigation, either within Basin 36 in general, or upon objectors' real property in particular. The objectors additionally deny that the maximum annual volumes per acre set forth is that which is "reasonably required for irrigation unless a higher annual diversion volume is reasonably required due to conveyance losses, method of irrigation or field conditions;" because the standard utilized ("as determined by the director") is ambiguous, subjective and indefinite so as to prevent objectors from knowing what would be admitted or denied; and because it is both expressly and implicitly in excess of the power and authority conferred upon the State of Idaho, the Director or the Department

by the Constitutions of the United States and State of Idaho, pertinent provisions of the Idaho Code or valid applicable regulations, if any, adopted by the Department in conformity with law. Therefore, the objectors deny the same.

14. CONSUMPTIVE USE FOR IRRIGATION. (DRP-I at page 14 and 15)

The objectors admit that the recommended water rights contained within the Director's Report show only the irrigation use listed unless otherwise indicated in "Remarks." The objectors deny all other averments contained within this section, including the amount of maximum annual volume of consumptive use per acre in the northern and southern portions of the basin, all of which is beyond the scope of any power or authority vested in the Director or the Department, and contrary to fact; historical use; established, vested, decreed, licensed or permitted rights.

15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION. (DRP-I at page 15)

The specific averments have no relationship to or basis in fact relating to the individual needs or rights of the objectors, and accordingly, objectors deny this section in its entirety. In addition, no statutory or regulatory authority exists conferring upon the Director, or the Department, the power to limit use and ownership of objectors' private property rights as alleged.

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

1. That the State of Idaho take nothing by reason of its Directors' Report, and that this action, and any claims asserted against objectors, be dismissed.
2. That a decree be entered adjudicating the existence, validity, amount and priority of objectors' water rights in accordance with objectors' claims.
3. That to the extent the acts of the Department or Director constitute a taking of objectors' property for public use, that objectors be allowed and awarded just compensation therefor.
4. That the objectors be allowed all costs of suit and reasonable attorney fees incurred herein.
5. For such further relief to which the Court finds objectors justly entitled.

(WATER\21530ANS)

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

Bob Byce
Farm Credit

2. SUBJECT OF INQUIRY:

WIC on E 1/2 S34 T7S R15E
(DWR data: NSCC water only)

Dairy West Assoc.
Glade Knight

Farm Credit is repossessing it.

3. RESPONSE TO INQUIRY:

(2) SRBA data A36-10815, 36-10815, NSCC
Claim made for Don / Comm (Dairy)
Recommended for Don only (not to say
a small dairy is not part of it, but limit
on volume).
Create him claim & rec. claim

4. IDWR STAFF AND DATE:

Print name and initial

Douglas Jones 1/6/92

WATER RIGHT CLAIM (Nos.):

A36-10815

MICROFILMED

OCT 20 1994

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

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

1. Water right number: 36-10815

2. Name: Dairy West Associates

Address: P. O. Box 95
Hagerman, ID 83332

John R. Coleman,
Attorney

P. O. Box 525
Twin Falls, ID 83303

MICROFILMED

Weekday Telephone Number: (208) 837-6105

FEB U 7 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

3. Describe the portion of proposed recommendation with which you disagree:
Denial of Right based on lack of proof of lawful appropriation.
4. Describe the changes you wish to have made in the proposed recommendation:
Grant filing in amount and place of use described in application.
5. Describe why you disagree with the proposed recommendation:
Affidavit of use for domestic and stockwater purposes signed by Walter Stockham and filed with IDWR on June 21, 1991, established use for such purposes from January 1947.
6. Date: September 23, 1992.

SIGNATURE

A handwritten signature in cursive script, appearing to read "W. J. Wright", is written over a horizontal line.

COLEMAN, RITCHIE & ROBERTSON

ATTORNEYS AT LAW
156 SECOND AVE. WEST
P.O. BOX 525
TWIN FALLS, IDAHO 83303-0525

RECEIVED

SEP 24 1992

Department of Water Resources
Southern Region
TELEPHONE (208) 734-1224

JOHN R. COLEMAN
JOHN S. RITCHIE
THOMAS M. ROBERTSON

FAX (208) 734-3983

September 24, 1992

Mr. Robert Worstell
Water Agent Adjudication Bureau
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Re: Snake River Adjudication Claim No. 36-10815
Dairy West Associates

Dear Mr. Worstell:

I am delivering herewith a Notice of Error Form signed by Dairy West Associates, regarding the above filing.

We would like an opportunity to review our position concerning errors in the finding of the Department concerning this Right. I would be most happy to visit with you at your earliest convenience.

Sincerely yours,


JOHN R. COLEMAN

JRC/jlk
Encl.
cc: Mr. Frank Knight

MICROFILMED
FEB 07 1993

RECEIVED

JUN 21 1991

Department of Water Resources
Southern Region Office

1 STATE OF IDAHO)

) ss.

AFFIDAVIT

2 County of Gooding)

3 Walter Stockholm Jr., being first duly sworn,

4 deposes and says:

5 1. That he is familiar with a farm near Wendell, Idaho,
6 described as the E½NE¼ Section 34, Township 7 South, Range 15 East
7 of the Boise Meridian, Gooding, Idaho.

8 2. That he has been familiar with said farm since

9 1947-Jan.

10 3. That at the first time the undersigned became
11 familiar with said farm there was located thereon a domestic well
12 in operation for the use of the owners of said farm for their house-
13 hold and general farmstead needs and uses, both for domestic water,
14 for the watering of livestock, and for irrigation of the yard
15 adjacent to the house and the garden.

16 Walter Stockholm

17 SUBSCRIBED and SWORN to before me this 18th day of

18 June, 1991.

19
20
21
22 Lowell R. Arhus
23 NOTARY PUBLIC
24
25
26

MICROFILMED

FEB 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Oct-1992

DAIRY WEST ASSOCIATES
PO BOX 95
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIM 36-10815.

Dear Mr Knight

After reviewing the affidavit submitted by Walter Stockham Jr. I am still unable to recommend this claim for commercial use. The affidavit indicates farmstead needs and uses, and watering of livestock. This does not identify a dairy use or its extent.

Rather than recommending the right for disallowal I have recommended it as a valid right for domestic purposes as I feel that the home did exist at the claimed priority date. Domestic rights include lawn/garden irrigation up to 1/2 acre, incidental stockwater, and other minor uses associated with a home.

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

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED
FEB 07 1993

Water Right Number - R36-10815

Prefix Translation:

RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
DAIRY WEST ASSOCIATES

1 - PO BOX 95

2 -

3 -

City- HAGERMAN

Phone - 208-837-6105

State- ID Zip- 83332

+ - - Priority Date - - +
01/01/1930+ - - Region - - - +
ERROR IN REGION+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

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

+ - - - - Tributary - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 15E 34 SW NE NE (47) GOODING

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

43 - DOMESTIC

01/01

12/31

0.040

+ - Total Div. Rate - + + - Total Div. Volume - +
0.040+ - Total Consumptive Use - + + - KW Usage - +
0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 15E 34 NE NE 43 DOMESTIC (47) GOODING

Total Acres:

+ - - Diversion Means - WELL AND PUMP

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

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.MICROFILMED
FEB 07 1993

Water right number - R36-10815

Prefix Translation: RESEARCH

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

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

Date: 03/19/1992 User Id: MERRITT Subject: DISALLOWED
EVIDENCE OF PRIORITY NOT SUBMITTED. USE EXCEEDS 13,000 GAL/DAY.

Date: 03/19/1992 User Id: MERRITT Subject: COPIED FROM REMARKS
UNDER DAIRY HERD BUY-OUT AT FILING.

Date: 09/29/1992 User Id: MERRITT Subject: NOTICE OF ERROR (NOE) FILED BY ATTORNEY COLEMAN IN NAME OF
DAIRY WEST ASSOC.

Date: 10/22/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE
EVIDENCE OF PRIORITY DID NOT SUPPORT A DAIRY OPERATION. FURTHER, CLAIMANT STATES THAT THE DAIRY OPERATION IS WITHIN THE BUY-OUT
PROGRAM AND HAS NOT OPERATED FOR THE LAST SEVERAL YEARS. EXACT DATE NOT CLEAR.

DOMESTIC USE APPEARS TO HAVE EXISTED FOR SOME TIME, THEREFORE I RECOGNIZE THAT USE ONLY. RECOMMEND RIGHT FOR DOMESTIC USE.
KKC 10-22-92.

+ - - Audit Fields - - +

10/22/92 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	- 10/22/1992	Old Judicial District	-
Claim Received Date	- 09/01/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002020	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- C

MICROFILMED

FEB 07 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

Water Right Number - R36-10815

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
DAIRY WEST ASSOCIATES1 - P.O. BOX 95
2 -
3 -
City- HAGERMAN
Phone - 208-837-6105

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1930 ERROR IN REGION 1 - DISALLOWED+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 15E 34 SW NE NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040 1.20
10 - COMMERCIAL 01/01 12/31 0.520 8.60+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.520 9.80 4.6+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 15E 34 NE NE 10 COMMERCIAL (47) GOODING
07S 15E 34 NE NE 43 DOMESTIC (47) GOODING

Total Acres:

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use - DOMESTIC, 1 HOME; STOCKWATER, 800 DAIRY CATTLE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
NO LAWFUL APPROPRIATION SHOWN.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers FoundMICROFILMED
FEB 07 1993

Water right number - R36-10815

Prefix Translation: RESEARCH

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

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

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

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

Date: 03/19/1992 User Id: MERRITT Subject: DISALLOWED
EVIDENCE OF PRIORITY NOT SUBMITTED. USE EXCEEDS 13,000 GAL/DAY.
Date: 03/19/1992 User Id: MERRITT Subject: COPIED FROM REMARKS
UNDER DAIRY HERD BUY-OUT AT FILING.

+ - - Audit Fields - - +

04/24/92 WORSTELL

+ - - - - 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	- 04/24/1992	Old Judicial District	-
Claim Received Date	- 09/01/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002020	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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FEB 07 1993

06-23-2007
06-28-2007

1997 年 10 月 25 日 星期三 第 1077 期

התאריך: 07.08.2019

UNLESS COPIES ARE USED TO SUBSTANTIAL THE CASES EXAMINED, REPORTING THE INFORMATION UNDER THE FOLLOWING EXAMINATION INDICATED AND AT THE UNITED ARMY

A. CHECK ONLY THE FOLLOWING THAT APPLY:

CHANGES
FORFEIT/ABANDON
ADDITIONAL DTU

ACCEPTED AS CLAIMED	NUMBER REMOVED
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-10815

TOTAL DIVERSION RATE OF MR SPLITS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DTU
DATE

MR RIGHT
NUMBERS

DIVERSION
RATE

426-10815

0.520

TOTAL CES

0.520

DIVERSION RATE REVIEW

DO THE SUM CES RATE OF THE SPLITS EQUAL THE ROOT RIGHT CES RATE? (Y/N)
IF NO, is the omitted version sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

PTA 433 MUSEUMS AND GALLERIES

PAGE TWO

07-08-68 TO 7-10-68 00000

THE A. T. T. CO. TEL. B. 1-5

PLAIN ENGLISH: 1980s, 1990s, 2000s, 2010s, 2020s, 2030s, 2040s, 2050s, 2060s, 2070s, 2080s, 2090s, 2100s

ADDITIONAL MATERIAL: 50 3 111 1

DIRECTIONS TO EMPLOYEES / DEMARQUE:

2013年12月11日 星期三 11:11:17

DATE: 11/1/77

REF ID: A66087

1000

A. AZ CLAIM: A 04-18915 PRIORITY DATE: 01-01-1990

STAGE: 1

B. UP RECORD: NO HARRY SCOTT RECORD TO MATCH THIS AZ CLAIM

C. FIELD EXAM REQUIRED?

DATABASE

FIELD
EXAMINER

.DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

Y

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

PAGE: 2
POINT OF DISCREPANCY BETWEEN SOURCE

OF THE DISCREPANCY AND SOURCE

A. AT CLAIM POINT OF DISCREPANCY AND SOURCE:

RIGHT	TWP	RGE	SEC	1/4	1/4	1/4	LOT	COUNTY
A25-10815	072	172	24	SW	NE	NE		CONTOUR

OTHER AT CLAIM WITH SAME AT SOURCE: NO RECORDS IN CASE AS ABOVE TRACT

A. RIGHT: NO RECORDS
B. RIGHT: NO RECORDS

SOURCE: DISCONTINUED

TRIP:

B. NO POINT OF DISCREPANCY AND SOURCE:

WHERE TO NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIP: NO TRIBUTARY FOR RECORD

C. FIELD DATA DISCREPANCY

WATER TO SOURCE DISCREPANCY (Y/N)
WATER TO SOURCE DISCREPANCY (Y/N)

DATAPAGE
Y
Y

FIELD
EXAMINED

REMARKS:

RECOMMENDED POINT(S) OF DISCREPANCY AND SOURCE:

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

SOURCE:

TRIP:

REVIEWED BY:

DATE:

WATER - 10/1/15

A. ROOT WATER RIGHT NUMBERS: A36-10815

B. POB LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AT #/ACRES	MD #/ACRES	LANDSAT DATA	FIELD EXAM	RECOMM ACRES
07S	15E	34	NE	NE		DAIRY WEST ASSOCIATES NORTH SIDE CANAL COMPANY LTD.	A36-10815 / A01-0021270/40.0	- /	22.0		
07S	15E	34	NE	NE		DAIRY WEST ASSOCIATES NORTH SIDE CANAL COMPANY LTD.	A36-10815 / A01-0021270/40.0	- /	22.0		
TOTAL ACRES							A36-10815		72.00		

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

C. FIELD EXAM REQUIRED?

DATABASE
Y FIELD
EXAMINEE

DUE TO POB DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

RECOMMENDED BY:

DATE:

A. AS CLAIMED USES:

PURPOSE	MONTH/DAY	DIVERSION QUANTITY
436-10815 DOMESTIC	FROM 01-01 TO 12-31	640 CFS
436-10815 COMMERCIAL	FROM 01-01 TO 12-31	520 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1160 CFS

B. AS RECORDED USES:

PURPOSE	MONTH/DAY	DIVERSION QUANTITY
---------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIREMENTS

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO US STANDARDS OR OTHERS?

Y() N() Explain in Remarks, below

REMARKS:

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.520 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.200 CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POW AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL/ACRE
A01-0021370	SNAKE RIVER	NORTH SIDE CANAL COMPANY LTD.	2250,000	0.081		
NO RIGHTS WITH SAME POW BUT NOT USED FOR IRRIGATION						

D. RATE/VOLUME CALCULATIONS (IRRIGATION)

15. CALCULATIONS

1a. IRRIGATION RATE
ACRES $\times 0.02 \text{ CFS/ACRE} =$ CFS
(Taken from p/v review)
DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

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

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = AF/A
ACRES $\times$ CONSUMPTIVE UOI AF/A FOR AREA
TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AF/A
ACRES $\times$ DIVERSION UOI AF/A FOR AREA
TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET? Y() N()

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

MICROFILMED

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
DATE CES

REC. DIV
VOL. AF/A

REC. CONS.
USE

DATABASE EXAMINER

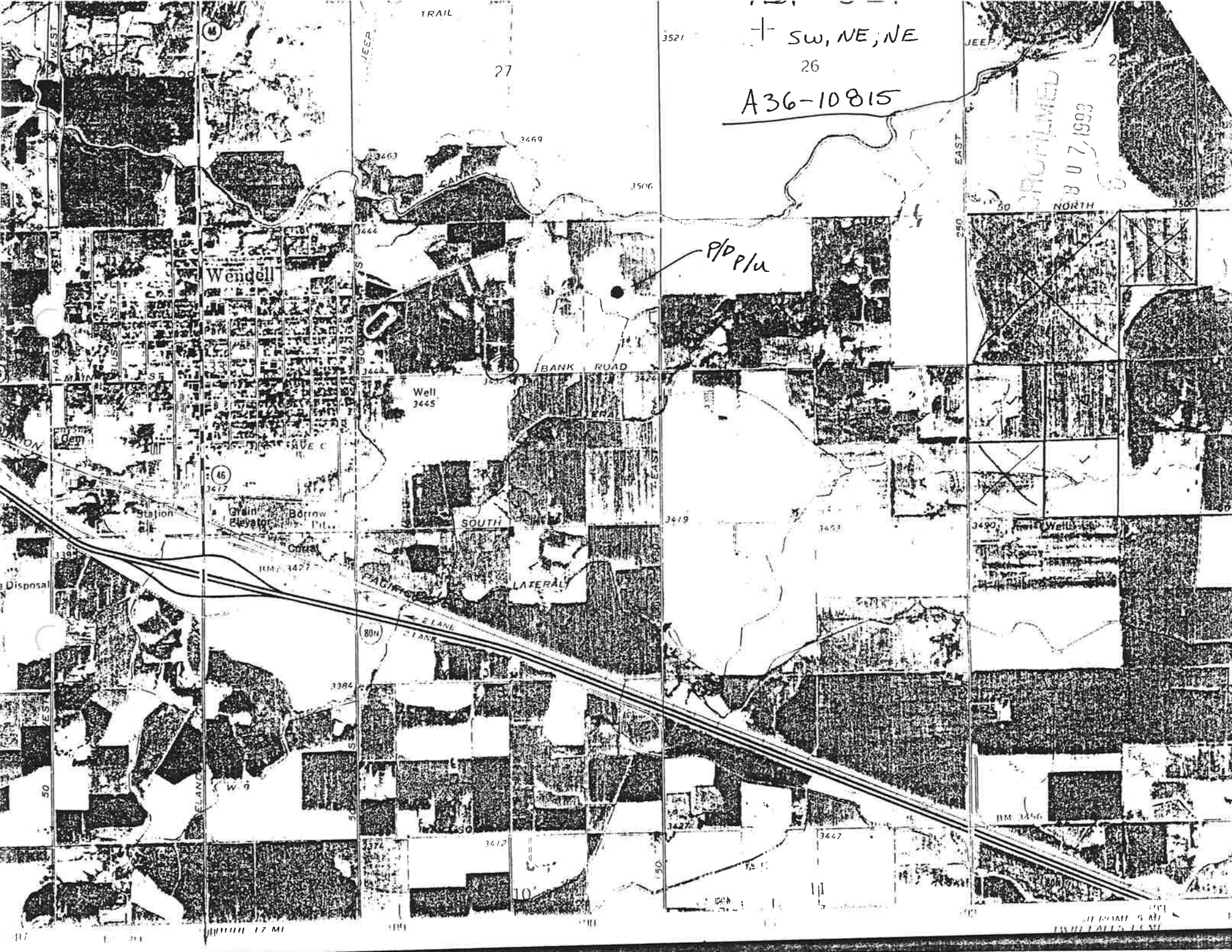
DATABASE EXAMINER

DATABASE EXAMINER

TOTAL FOR THIS RIGHT

REVIEWED BY:

DATE:



Sw, NE, NE
26
A36-10815

P/O P/U

JUL 7, 1993

NORTH

1 inch = 1 mile
1 inch = 1 mile