

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 A36-11060Date Received 9-1-88Receipt Number 002209

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) BUCKEYE LAND COMPANY Phone (208) 837-6174Mailing Address RT. #1, Hagerman ID Zip 833322. Date of Priority (Only one (1) per claim) March 1, 19713. Source of water supply (a) BIG SPRINGS WATER USERS ASSN. -- THREE SPRINGS
which is tributary to (b) BILLINGSLEY CREEK4. a. Location of existing point of diversion is: Township 7S Range 14E Section 18,
BIG SPRING
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of GOODINGAdditional points of diversion if any: THREE SPRINGS -- SE1/4 NW1/4, Sec. 30, T. 7 S., R. 14 E.B.M.

b. If instream flow, beginning point of claimed instream flow is:

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

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. EXISTING PIPELINES CONVEYING WATER TO APPLICANT FROM BIG SPRINGS USERS ASSN. (154 shares) AND THREE SPRINGS CONVERGE AT PONDS. AFTER PROPAGATION USE, WATER GOES TO IRRIGATION, OR TO BILLINGSLEY CREEK WHEN NOT NEEDED FOR IRRIGATION.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For FISH PROPAGATION purposes from Jan 1 to Dec 31 amount 7.7 or 5621

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.7 (cfs) and/or (b) 5621 (acre feet)

8. Total consumptive use claimed is 0 acre feet per annum.

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	14E	24													H				

Total number of acres irrigated _____

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

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

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

14. Remarks:
12 RACEWAYS, 8' x 100" each

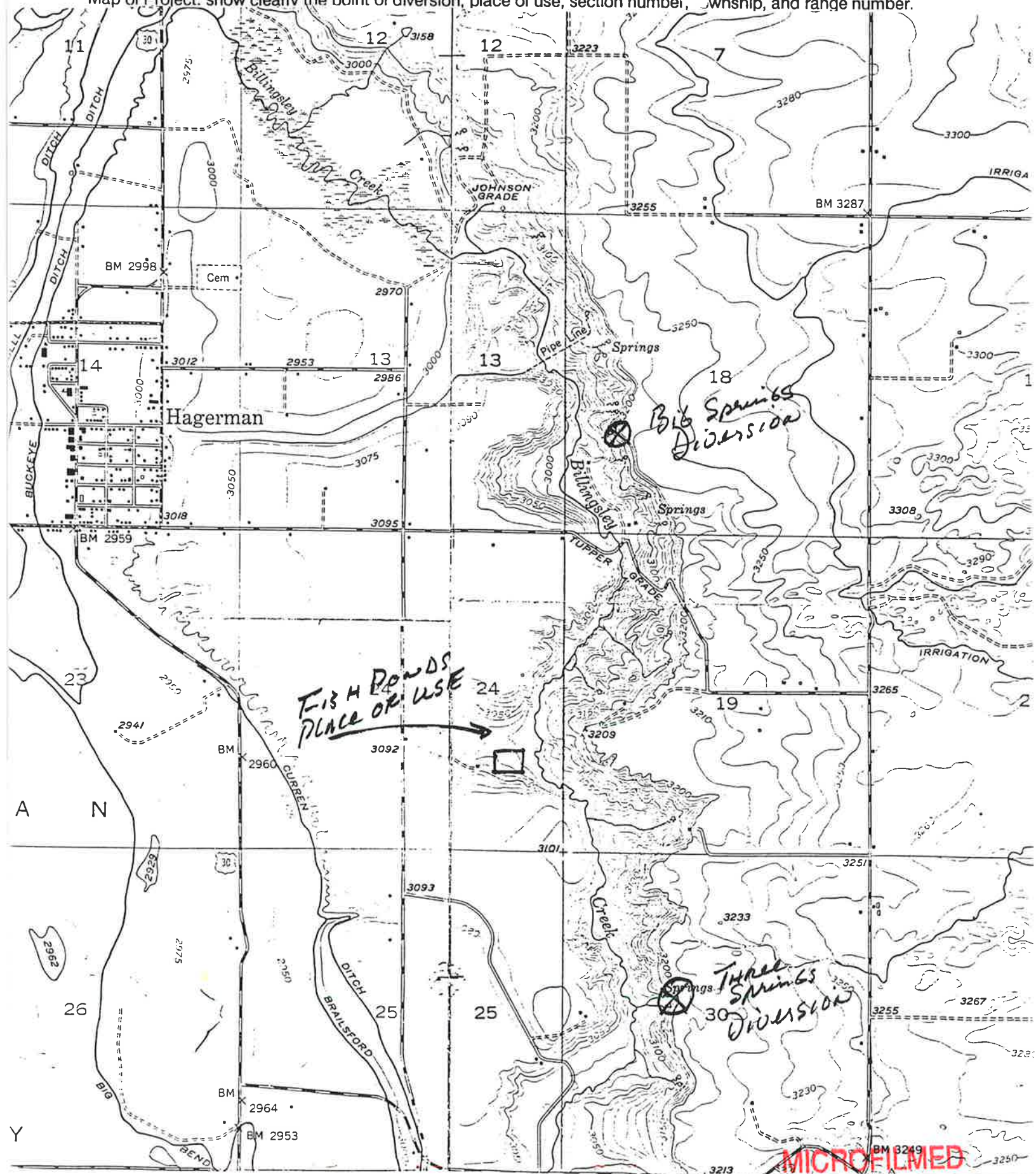
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Last Name BUCKEYE LAND CO. Ident No. _____

Copies: White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.



Last Name BUCKEYE LAND COMPANY Ident No. _____

Copies: White-State Yellow-Cumant **OCT 20 1994**

15. Basis of Claim (check one) Be Special Use XX Posted Notice Use Permit
Decree
If applicable provide IDWR Water Right Number
Court Case Number Decree Date
Plaintiff vs Defendant

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

Number of attachments 1

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

Signature of Claimant (s) Date
 Date

For Organizations: I do solemnly swear or affirm that I am PRESIDENT
Title
of BUCKEYE LAND COMPANY, that I have signed the foregoing
Organization
document in the space below as PRESIDENT of BUCKEYE LAND COMPANY
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Donna M. Kessler*

Title and Organization PRESIDENT, BUCKEYE LAND COMPANY Date 9/1/88

State of Idaho/or)
County of TWIN FALLS) SS.

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

SEAL

Notary Public *Sherry R. Gail*

Residing at *Twin Falls, Idaho*

My Commission Expires *3/19/92*

Please Print Name

17. Notice of Appearance:

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

Signature *John A. Rosholt*

Address P.O. Box 1906, Twin Falls ID 83303-1906

Date 9/1/88

Last Name BUCKEYE LAND CO. Ident. Number

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OCT 20 1988
Copies White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE
DISTRICT OF IDAHO, SOUTHERN DIVISION.

NEW INTERNATIONAL MORTGAGE
BANK, a corporation,

Plaintiff,

-vs-

IDAHO POWER COMPANY, a
corporation, et al,

Defendants.

In Equity No. 1602

D E C R E E S. DISTRICT COURT
DISTRICT OF IDAHO

FILED MAR 23 1932

W. B. McIntyre
W. B. McIntyre, Clerk

By _____ Deputy

WHEREAS, The above entitled action having heretofore been submitted to the court upon pleadings and stipulations of fact, on file herein, and WHEREAS, the court being duly advised in the premises, and having made its findings of fact and conclusions of law;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, That all of the land described in the complaint of the plaintiff, and in the answers, cross-complaints, and counter-claims of the defendants and intervenors, and each of them, is semi-arid in character and requires the artificial application of water or irrigation in order to produce thereon ordinary agricultural crops; that said land is situate in what is known as the Hagerman Valley, east of and adjacent to the Snake River, and that the same lies between the rim rock, or canyon wall, to the east of the Snake River and said Snake River; that the subsoil of said valley underlying said valley and all of the same is shattered, fissured lava flow, upon which has been deposited layers of clay and gravel, interspersed with water worn boulders, fragments of rock, and the soil is composed mainly of decomposed lava rock, oxidized lava rock and sand, and that owing to the nature of the soil and subsoil, the coarse texture and the mechanical composition of the soil and its free drainage, the said land and all of the land

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POOR ORIGINAL

	NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
36-0022 -0023	BIG SPRING WATER USERS ASSOCIATION, a corporat- ion	12.9 Spring 5 Spring	March 21, 1901 April 1, 1911	Big Spring; (Durfee-Secor Tunnel) Big Spring; (Durfee-Secor Tunnel)
	(Said Big Spring is located on the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 7 S. R. 14 E. B. M.)			
36-0024 -0025	BLACKHART, CHARLES R. AND IENA C. BLACKHART	2.4 Billingsley Creek .2 Billingsley Creek SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Dit Buckeye Ditch
36-0026 -0027	BLACKHART, HABEL	2.4 Billingsley Creek .4 Billingsley Creek SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Ditch Buckeye Ditch
36-0028	BOYER, EM- ERSON, AND ETHEL BOYER	2 Riley Creek SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 E. B. M.	Oct. 1, 1908	Pipe Ditch re- ferred to in paragraph 7 of the Finding
36-0029	BOYER, LEE, and ALICE BOYER	2 Spring (Said Three Springs is located immediately east of the east boundary line of the Dan Jones' Ranch about one-eighth mile east of Billingsley Creek and about one mile north of the head of said Billingsley Creek.) SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 24, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.	Feb. 17, 1893	Three Springs
36-0030	BRAILSFORD A. H., AND BEATRICE E. BRAILSFORD	8 Len Lewis Spring W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; E $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 26, Twp. 7 S. R. 13 E. B. M.	Sept. 1, 1889	Brailsford- Owens Ditch;
36-0031 -0032	BRIGGS, E. G., AND EDNA C. BRIGGS	.5 Riley Creek 1 Riley Creek (The diversion point of said Conyers Ditch is on Riley Creek 100 yards below the diversion point of said Hunt Ditch described in paragraph 7 of the Finding.)	May 1, 1883 May 1, 1883	Hunt Ditch; Conyers Ditch;

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IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE
DISTRICT OF IDAHO, SOUTHERN DIVISION.

NEW INTERNATIONAL MORTGAGE
BANK, a corporation,

Plaintiff,

-vs-

IDAHO POWER COMPANY, a
corporation, et al,

Defendants.

In Equity No. 1602

D E C R E E S. DISTRICT COURT
DISTRICT OF IDAHO

FILED MAR 23 1932

W. B. McCreary
U. S. District Judge, Clerk

By.....Deputy

WHEREAS, The above entitled action having heretofore been submitted to the court upon pleadings and stipulations of fact, on file herein, and WHEREAS, the court being duly advised in the premises, and having made its findings of fact and conclusions of law;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, That all of the land described in the complaint of the plaintiff, and in the answers, cross-complaints, and counter-claims of the defendants and intervenors, and each of them, is semi-arid in character and requires the artificial application of water or irrigation in order to produce thereon ordinary agricultural crops; that said land is situate in what is known as the Hagerman Valley, east of and adjacent to the Snake River, and that the same lies between the rim rock, or canyon wall, to the east of the Snake River and said Snake River; that the subsoil of said valley underlying said valley and all of the same is shattered, fissured lava flow, upon which has been deposited layers of clay and gravel, interspersed with water worn boulders, fragments of rock, and the soil is composed mainly of decomposed lava rock, oxidized lava rock and sand, and that owing to the nature of the soil and subsoil, the coarse texture and the mechanical composition of the soil and its free drainage, the said land and all of the land

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6-0043

-0044

ELIASON, 1.6
JACOB AND
CARRIE I. X .7

Len Lewis Spring
Nevada Omohundro
Spring

Sept. 1, 1889
March 3, 1902

Drailsford-
Gwens Ditch
Weatherby Springs;

The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. 1.; also that certain portion of the northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 33, in Twp. 7 S. R. 13 E. B. 1. in Idaho, more particularly described as follows, to-wit: Beginning at the quarter corner between sections 25 and 33 in said Twp. 7 S. R. 13 E. B. 1. running thence east a distance of 320 feet to the center of the public highway, thence in a southeasterly direction in the center of the said highway a distance of 373 feet; thence westerly along the north bank of the Clifford Ditch a distance of 370 feet to the west boundary line of the said northwest quarter of the northeast quarter of said Sec. 36, thence north along the said west boundary line a distance of 257 feet to the place of beginning, known as Tax No. 1 in Sec. 33, in the office of the Assessor of Gooding County, Idaho;

Also that certain tract of land more particularly described as follows, to-wit: Beginning at the southwest corner of the southwest quarter of the southeast quarter of Sec. 25, Twp. 7 S. R. 13 E. B. 1., thence running east 397 feet, thence northwesterly to a point distant eighteen hundred and seventy feet on section line from the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said section, thence south 1870 feet to the place of beginning. Said piece of land being a triangular piece of land containing 9.5 of an acre according to the survey thereof, and known as Tax No. 1 of said Sec. 25, in the office of the Assessor of Gooding County, Idaho.

-0045

-0046

FARMER, J.
EUGENE, AND
MARVEL FARMER

.5 Spring
5.7 Spring

Feb. 1, 1888 Weatherby Springs;
Feb. 17, 1896 "Three Springs"

(Said "Three Springs" is located immediately east of the east boundary line of the Dan Jones' Ranch, about one-eighth mile east of Billingsley Creek and about one mile north of the head of said Billingsley Creek.)

SE $\frac{1}{4}$ of Sec. 24, Twp. 7 S. R. 13 E. B. 1. and Lot 4 of Sec. 19, Twp. 7 S. R. 14 E. B. 1.

-0047

FISH, EARL,
AND ALLISON
MARY FISH

1.6 Spring

July 23, 1910 Sherman Springs;

(Said Sherman Springs arises about one mile east of the land described below and is about 200 feet from "Big Springs" elsewhere described herein.)

Beginning at a point 50 rods east of the northwest corner of the northwest quarter of the southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Twp. 7 S. R. 13 E. B. 1. and on the north line of the above described forty acres. Thence 50 rods due east on the half sec-

POOR OR MICROFILMED

OCT 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Dec-1992

DONNIE MC FADDEN
BILLINGSLEY CREEK RANCH
RT 1 BOX 216
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-02379, 36-10870, 36-11060

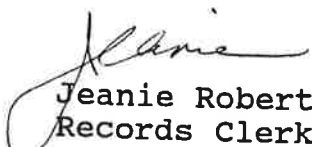
Dear Mr. Mc Fadden:

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

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

\$11.77

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

pd. 1-13-93
receipt # 5015279

Billingsley
C. Buck

44
43
86
173 x 5 = 8.65
Post. 2.90
env. .22
11.77

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OCT 20 1994



BILLINGSLEY CREEK RANCH

RECEIVED

DEC 17 1992

Department of Water Resources
Southern Region Office

Route 1 Box 216
Hagerman, Idaho 83332

Phone 208-837-6174
Fax 208-837-6563

December 16, 1992

Loren Holmes
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Dear Loren:

I would appreciate it if you would have someone in your office copy all of the information in the files that pertain to water right numbers 36-02379, 36-11060 and 36-10870. I realize that there will be a charge for the copies and will pay for them when you advise me that they are ready to be picked up. As I plan to argue these recommendations in District Court, I need to know and understand all of the facts upon which you based your decisions. If, for some reason, you do not release all of the information in these files, I want to know what was not copied and why. Please call me at 837-6174 when this information is available. I would like to have it within 30 days.

Sincerely,

Donnie McFadden

DM/2t

cc: David B. Shaw
John Hepworth

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OCT 20 1994

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

1

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

In Re SRBA

Case No. 39576

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

Water Right 36-11060

1998 AUG 13 AM 9:27

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: BILLINGSLEY CREEK RANCH
2726 S 1050 E
HAGERMAN, ID 83332

SOURCE: THREE SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 4.00 CFS
1476.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 36-00046 AND 36-15462 IS
LIMITED TO A COMBINED DIVERSION RATE OF 3.50 CFS FROM 04-01 TO
09-30 AND TO A COMBINED DIVERSION RATE OF 4.0 CFS FOR THE
REMAINDER OF THE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-15462 IS LIMITED TO A
COMBINED DIVERSION RATE OF 4.0 CFS DURING THE NON-IRRIGATION
SEASON.

STORAGE CAPACITY 12 AF.

PRIORITY DATE: 03/01/1971

PURSUANT TO A CALL IN TIMES OF SCARCITY, AS AMONG RIGHTS
TO WATER WITH A SOURCE DESCRIBED AS THREE SPRINGS TRIBUTARY TO
BILLINGSLEY CREEK, THE PRIORITY DATE FOR THIS RIGHT IS
02-18-1896 AND SHALL BE ADMINISTERED ACCORDINGLY.

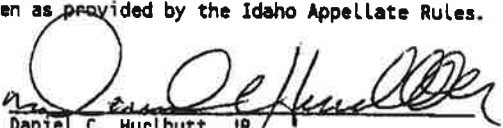
POINT OF DIVERSION: T07S R14E S30 SENW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	04-01 TO 09-30	3.50 CFS
	Recreation	10-01 TO 03-31	4.00 CFS
	Recreation Storage	01-01 TO 12-31	1476.00 AFY

PLACE OF USE:	Recreation		Within Gooding County
	T07S R14E S24	NESE	
	Recreation Storage		Within Gooding County
	T07S R14E S24	NESE	

RULE 54(b) CERTIFICATE

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


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-11060 V2

WATER RIGHT NUMBER: 36-11060 V2

Owner Type Name and Address
 Current Owner BILLINGSLEY CREEK RANCH
 2726 S 1050 E
 HAGERMAN, ID 83332
 (208)837-6174

Priority Date: 03/01/1971

Basis: Beneficial Use

Status: Active

Source Tributary
 THREE SPRINGS BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	4/01 to 9/30	3.500 CFS	
RECREATION STORAGE	1/01 to 12/31		1,476.00 AF
	<u>Total Diversion:</u>	4.000 CFS	1,476.00 AF

Location of Point(s) of Diversion

THREE SPRINGS SE1/4NW1/4 Sec. 30, Twp 07S, Rge 14E, B.M.
 GOODING County

Place of Use

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	24													X				

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	24													X				

Conditions of Approval:Remarks:

Steve emailed 3/21
Should match SRBR decree per SFS 3/22

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-11060 V2

1. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 36-00046 AND 36-15462 IS LIMITED TO A COMBINED DIVERSION RATE OF 3.50 CFS FROM 04-01 TO 09-30 AND TO A COMBINED DIVERISON RATE OF 4.00 CFS FOR THE REMAINDER OF THE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-15462 IS LIMITED TO A COMBINED DIVERSION RATE OF 4.00 CFS DURING THE NON-IRRIGATION SEASON. STORAGE CAPACITY 12 AF.
2. Explanatory RECREATION USE IS FISHING, BOATING, AETHETICS, SWIMMING AND WILDLIFE. RIGHT NO. 36-15462 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
3. Priority Date PURSUANT TO A CALL IN TIMES OF SCARCITY, AS AMONG RIGHTS TO WATER WITH A SOURCE DESCRIBED AS THREE SPRINGS TRIBUTARY TO BILLINGSLEY CREEK, THE PRIORITY DATE OF THIS RIGHT IS 02-18-1896 AND SHALL BE ADMINISTERED ACCORDINGLY.

Comments:

1. CHRISTEN 8/7/1992 BASIS FOR RECOMMENDATION

Comment: CLAIM IS FOR COMMERCIAL FISH PROPAGATION WHICH WAS ESTABLISHED IN 1979. THIS IS IN VIOLATION OF THE MANDATORY PERMIT STATUTES. COPIED FROM REMARKS 12 RACEWAYS, 8' X 100" EACH. EXISTING PIPELINES CONVEY WATER FROM BIG SPRINGS USERS ASSN. (154 SHARES) AND 3 SPRINGS CONVERGE AT PONDS. AFTER PROPAGATION USE, WATER GOES TO IRRIGATION, OR TO BILLINGSLEY CREEK WHEN NOT NEEDED FOR IRRIGATION.

2. SCHULTZ 9/22/1992 NOTICE OF ERROR (NOE)

Comment: RECEIVED NOE 9/21/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/7/92. DID NOT REVERIFY ANY PART OF CLAIM.

3. ROBERTSO 10/2/1992 NAME AND ADDRESS CHANGE

Comment:

4. CHRISTEN 10/16/1992 RESPONSE TO NOE

Comment: CLAIMANT DID NOT SUBMIT ANY ADDITIONAL INFORMATION TO REBUT THE INFORMATION THAT THIS RECOMMENDATION WAS BASED UPON. NO CHANGES RECOMMENDED AT THIS TIME. KKC 10-16-92.

5. CHRISTEN 10/21/1992 CLAIM AMENDED 10-19-92 RECOMMENDATION CHANGED.

Comment: CLAIMANT AMENDED USE OF CLAIM AND PROVIDED ADDITIONAL INFORMATION TO ALLOW THIS CLAIM TO BE RECOMMENDED AS A VALID CLAIM. KKC.

6. CFRITSCH 8/5/1996 CONSUMPTIVE USE

Comment: THE COMBINED CONSUMPTIVE USE WAS CALCULATED BASED ON 303 ACRES OF IRRIGATION ON 36-00046 (303 AC. X 3.5 AF/AC. = 1060.5 AF) AND 4 ACRES OF SURFACE AREA FOR THE RECREATIONAL POND IN 36-11060 (4 AC. X 4.0 AF/AC. = 16 AF). NON-IRRIGATION USE RECREATION, FISHING, BOATING, AETHETICS, SWIMMING, WILDLIFE

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 36-11060 V2

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: RECEIVED - CHANGED BEFORE PROP RECOM RPT
State or Federal: S
Owner Name Connector:
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 36-11060
Class: 2
SF5 Filed Date:
Special Master Recom Signed Date: 2/25/1998
Attorney Assigned: NICHOLAS B SPENCER
Adjudication Agent:
Basis of Claim:
Date Filed: 4/29/1993 Objection Status: Active
Date Filed: 4/28/1993 Objection Status: Active

RECEIVED

JUN 09 1998

Department of Water Resources
Southern Region

RECEIVED

JUN 01 1998

Department of Water Resources

SOUTHERN
SSC

525

1998 MAY 29 AM 9:03

DISTRICT COURT-SREA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

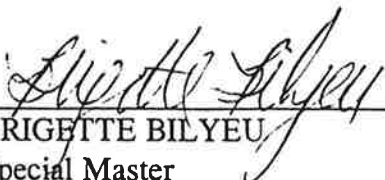
Subcase: 36-11060 and 36-15462

ORDER VACATING HEARING ON
MOTIONS TO ALTER OR AMEND

Motions to Alter or Amend were filed in the above subcases by the State of Idaho and North Snake Ground Water District. Subsequently, all parties and IDWR stipulated to all elements of these water rights and executed *Standard Forms 5*. The court accepts the *Standard Forms 5* and dismisses the *Motions to Alter or Amend*.

Therefore, IT IS ORDERED that the hearing on the *Motions to Alter or Amend* set for July 30 and 31, 1998 is **vacated**. IT IS FURTHER ORDERED that all dates and deadlines set forth in the *Amended Order Setting Subcase Deadlines and Resetting Hearing on Motion to Alter or Amend* are **vacated**.

DATED May 29, 1998.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **AMENDED ORDER SETTING SUBCASE DEADLINES AND RESETTING HEARING ON MOTION TO ALTER OR AMEND** was mailed on May 29, 1998, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Peter Ampe, Deputy Attorney General
State of Idaho
Environment & Natural Resources Div.
PO Box 44449
Boise, ID 83711-4449

Patrick Brown
Parker, Warr & Brown
812 Shoshone Street East
Twin Falls, ID 83301

Gary Slette
Rosholt, Robertson & Tucker
PO Box 1906
Twin Falls, ID 83303-1906

Josephine Beeman & Dana Hofstetter
Beeman & Hofstetter
PO Box 1427
Boise, ID 83701-1427


Deputy Clerk

RECEIVED

MAY 01 1998

Department of Water Resources
Southern Region

1998 APR 16 PM 3:29

FILED
TWIN FALLS CO., IDAHO

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

In Re SRBA	)	Subcase: 36-11060 and 36-15462
	)	
Case No. 39576	)	ORDER SETTING SUBCASE
	)	DEADLINES AND RESETTNG
	)	HEARING ON MOTION TO ALTER
	)	OR AMEND
	)	

A Scheduling Conference was held April 15, 1998, the *Motions to Alter or Amend* filed by the State of Idaho and North Snake Ground Water District. The court sets the following deadlines for proceeding on the *Motions to Alter or Amend*:

April 30, 1998	5:00 pm	Deadline for Billingsley Creek Ranch filing Motion to Withdraw as Counsel or Motion for Substitution of Counsel.
----------------	---------	--

May 29, 1998	5:00 pm	Deadline for filing Motion to Amend Claim.
--------------	---------	--

Deadline for supporting affidavits regarding: date of change of use, reduction in quantity and acreage from original irrigation right, the quantity used for the new use.

June 19, 1998	1:30 pm	Hearing on the Motion to Amend Claim. LOCATION: SRBA District Court 253 Third Avenue North Twin Falls, ID
---------------	---------	--

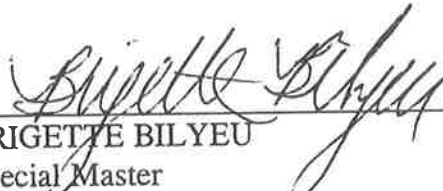
NOTE: Parties may participate by telephone by contacting the clerk prior to 6/17/98.

June 30, 1998	5:00 pm	Deadline for filing Amended Director's Report.
---------------	---------	--

July 15, 1998	5:00 pm	Deadline for filing Objections to Amended Director's Report.
July 22, 1998	10:00 am	Pretrial Conference. LOCATION: SRBA District Court 253 Third Avenue North Twin Falls, ID
July 22, 1998	5:00 pm	Deadline for filing Responses to Objections. Discovery deadline.
July 30, 1998 and July 31, 1998	10:00 am	EVIDENTIARY HEARING on <i>Motions to Alter or Amend</i> . LOCATION: SRBA District Court 253 Third Avenue North Twin Falls, ID

IT IS ORDERED that the hearing on the *Motions to Alter or Amend* previously set for May 12, 1998 is **vacated**.

DATED April 16, 1998.



 BRIGETTE BILYEU
 Special Master
 Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER SETTING SUBCASE DEADLINES AND RESETTING HEARING ON MOTION TO ALTER OR AMEND** was mailed on April 16, 1998, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Peter Ampe, Deputy Attorney General
State of Idaho
Environment & Natural Resources Div.
PO Box 44449
Boise, ID 83711-4449

Patrick Brown
Parker, Warr & Brown
812 Shoshone Street East
Twin Falls, ID 83301

Gary Slette
Rosholt, Robertson & Tucker
PO Box 1906
Twin Falls, ID 83303-1906

Josephine Beeman & Dana Hofstetter
Beeman & Hofstetter
PO Box 1427
Boise, ID 83701-1427


Deputy Clerk

1998 MAR -6 PM 2: 51

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHOIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Water Rights: 36-00022, 36-00023,
36-02465, 36-11060, 36-15462AMENDED
NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an amended application for an Administrative Proceeding for the above water right(s). The claimant has removed water rights 36-00022, 36-00023, 36-11060 and 36-15462 from the transfer process. Water right 36-02465 will be the only right involved in this Administrative Proceeding.

The Administrative Proceeding contemplates a change in the water right 36-02465 as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer

☐ point of diversion ☒ place of use

☒ period of use ☒ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than:
December 1, 1998.

DATED:

3/6/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3-6, 1996, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Patrick Brown
Hepworth Lezamiz & Hohnhorst
PO Box 389
Twin Falls ID 83303-0389
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

March 6, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**PATRICK D BROWN
HEPWORTH LEZAMIZ & HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-0389**

**RE: SRBA Claim(s) 36-00022, 36-00023, 36-02465, 36-11060,
36-15462**

Dear Mr. Brown:

Please find the enclosed copy of the Notice of Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

**Trish Fawcett
Technical Records Specialist**

**/tf
Enc**

1997 NOV 26 PM 2:03

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

In Re SRBA

Case No. 39576

Water Rights: 36-00022, 36-00023,
36-02465, 36-11060, 36-15462
NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

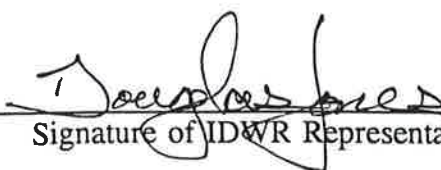
☒ I.C. § 42-222 transfer

☐ point of diversion ☒ place of use

☒ period of use ☒ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than:
December 1, 1998.

DATED: 11/25/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-26, 199⁷~~6~~, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Patrick Brown
Hepworth Lezamiz & Hohnhorst
PO Box 389
Twin Falls ID 83303-0389
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

November 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK BROWN
HEPWORTH LEZAMIZ & HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-389

RE: SRBA Claim(s) 36-00022, 36-00023, 36-02465, 36-11060,
36-15462 / City of Hagerman and Billingsley Creek Ranch

Dear Mr. Brown:

Please find the enclosed copy of the Notice of Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enc

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 20 1984

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. 36-11060 -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. 36-11060 -0001 - PAGE 1

MICROFILMED

OCT 20 1994

2. Person who filed objection:

Name: DONNIE MC FADDEN
Address: 2726 S 1050 E
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

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

3c. ☒ The total quantity of water reserved for each and every purpose, including all present and future uses.

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

BASIS FOR THE RECOMMENDATION.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 3c., and all allegations of the objection regarding that item, IDWR responds as follows: Since this water right is not a federal reserved water right, this objection item is inapplicable and the claimant's assertion of it is in error. IDWR further responds that under Idaho law water cannot be reserved for future use, but must be appropriated and put to beneficial use before the user can acquire a water right.

Insofar as the claimant's statement in Reasons Supporting Each Box Checked of the objection that he "objected to the quantity

recommended" may be deemed an objection to items 3, 3.a and 3.b, 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).

In further response to this part of this objection, IDWR offers the following explanation. The claimant claimed a fish propagation use for 7.7 cfs of water. While the 7.7 cfs may or may not be an appropriate diversion rate for fish propagation in the claimant's pond, IDWR determined that the beneficial use of water in this case is actually recreation because there is no commercial element to the use of the water, and any fish grown in the pond are harvested on a recreational basis only. IDWR determined the diversion rate beneficially used for recreation by determining the maximum rate necessary to maintain the pond at its current level.

In response to Statement of the Objection 14, and all allegations of the objection regarding this item, IDWR responds that the basis for its recommendation is the same basis under which the claimant filed his claim, i.e. beneficial use. Although diverted from the same source and delivered through the same works, the water use recommended in this right is not part of right 36-00046, which was decreed in New International Mortgage Bank v. Idaho Power Company, because the recreational use of this water, which commenced in 1971, constitutes an enlargement of the use of the water beyond the decreed use of the water.

In addition, there is an error in the remarks in the description of this water right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

MICROFILMED

OCT 20 1994

No. of
Pages

Notice of Claim No. A36-11060
Recommended Water Rights Acquired Under State Law

8
1

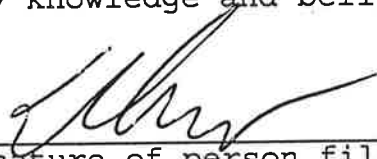
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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



Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: _____

My Commission expires _____

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

(Over)

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:

Name: JOHN A ROSHOLT
Address: PO BOX 1906
TWIN FALLS ID 83303

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: DONNIE MC FADDEN
Address: 2726 S 1050 E
HAGERMAN ID 83332

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 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: 39576Ident. Number A36-11060Date Received 9-1-88Receipt Number 0002209

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) BUCKEYE LAND COMPANY Phone (208) 837-6174Mailing Address RT. #1, Hagerman ID Zip 833322. Date of Priority (Only one (1) per claim) March 1, 19713. Source of water supply (a) BIG SPRINGS WATER USERS ASSN. -- THREE SPRINGSwhich is tributary to (b) BILLINGSLEY CREEK4. a. Location of existing point of diversion is: Township 7S Range 14E Section 18,
BIG SPRING1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of GOODINGAdditional points of diversion if any: THREE SPRINGS -- SE1/4 NW1/4, Sec. 30, T. 7 S., R. 14 E.B.M.

b. If instream flow, beginning point of claimed instream flow is:

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

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

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

1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

EXISTING PIPELINES CONVEYING WATER TO
APPLICANT FROM BIG SPRINGS USERS ASSN. (154 shares) AND THREE SPRINGS CONVERGE
AT PONDS. AFTER PROPAGATION USE, WATER GOES TO IRRIGATION, OR TO BILLINGSLEY
CREEK WHEN NOT NEEDED FOR IRRIGATION.

MICROFILMED

FEB 07 1993

MICROFILMED

OCT 20 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For FISH PROPAGATION purposes from Jan 1 to Dec 31 amount 7.7 or 5621
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.7 (cfs) and/or (b) 5621 (acre feet)

8. Total consumptive use claimed is 0 acre feet per annum.

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

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	14E	24													H				

Total number of acres irrigated _____

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

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

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

14. Remarks: 12 RACEWAYS, 8' x 100" each

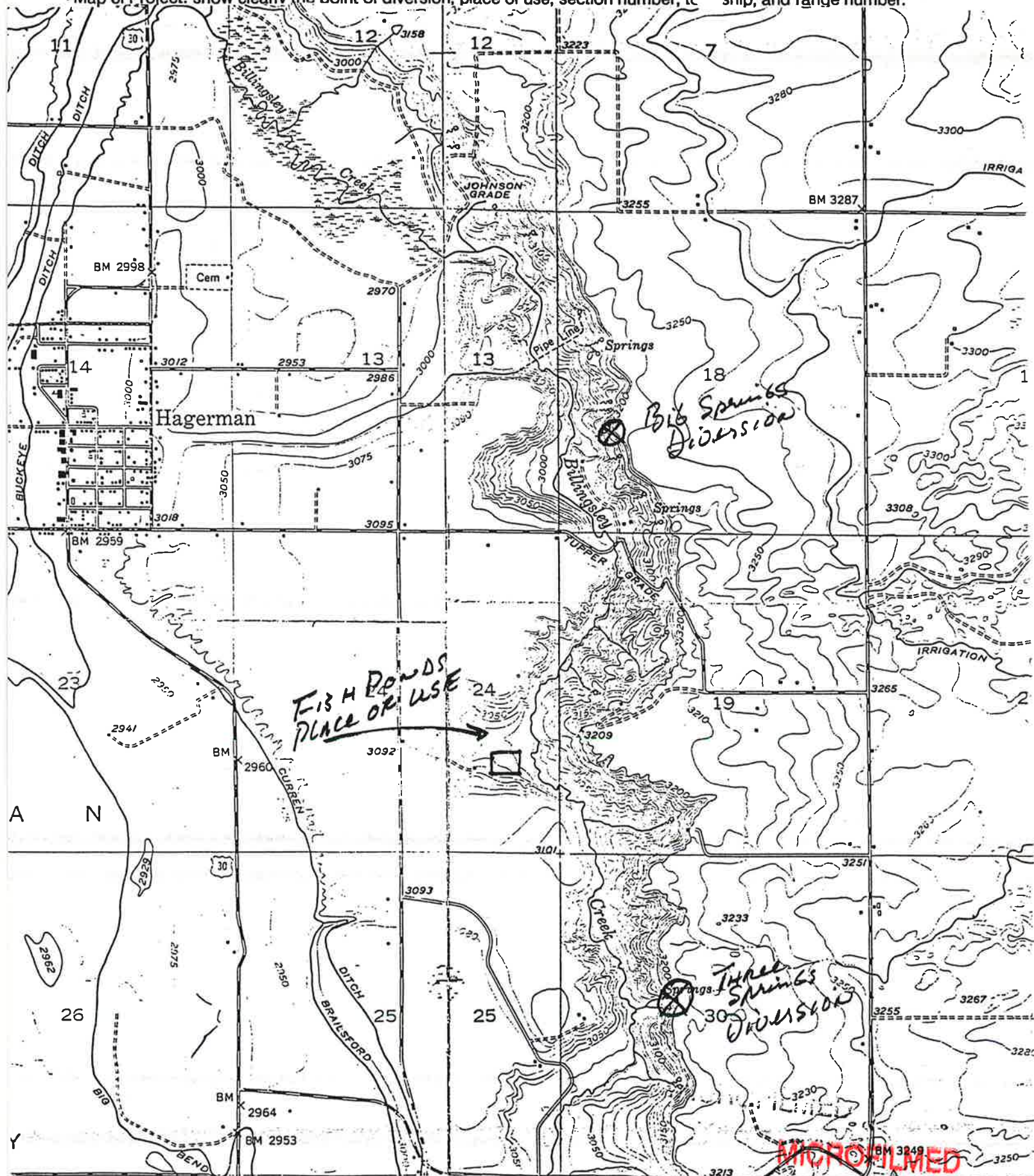
Last Name BUCKEYE LAND CO. Ident No. _____

Copies: White - State, Yellow - Claimant

RECEIVED
FEB 07 1993

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Map of Project: show clearly the point or diversion, place of use, section number, township, and range number.



Last Name BUCKEYE LAND COMPANY Ident No. _____

Copies: White-State, Yellow-Claimant
OCT 20 1994
MICROFILMED

15. Basis of Claim (check one) Be Use XX Posted Notice _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT

Title

of BUCKEYE LAND COMPANY, that I have signed the foregoing

Organization

document in the space below as PRESIDENT of BUCKEYE LAND COMPANY

Title

Organization

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

Signature of Authorized Agent

Donna M. Kessler

Title and Organization PRESIDENT, BUCKEYE LAND COMPANY Date 9/1/88

State of Idaho/or _____)
County of TWIN FALLS) SS.

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

SEAL

Notary Public Sherry R. Cull

Residing at Twin Falls, Idaho

My Commission Expires 3/19/92

Please Print Name

17. Notice of Appearance:

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

Signature John A. Rosholt

Address P.O. Box 1906, Twin Falls ID 83303-1906

Date 9/1/88

RECORDED
FEB 07 1993

MICROFILMED

Last Name BUCKEYE LAND CO. Ident. Number _____

OCT 20 1994
Copies White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE
DISTRICT OF IDAHO, SOUTHERN DIVISION.

NEW INTERNATIONAL MORTGAGE
BANK, a corporation,

Plaintiff,

-vs-

IDAHO POWER COMPANY, a
corporation, et al,

Defendants.

In Equity No. 1602

D E C R E E S. DISTRICT COURT
DISTRICT OF IDAHO

FILED MAR 23 1932

W. B. McKinstry
W. B. McKinstry, Jr., Clerk

By.....Deputy

WHEREAS, The above entitled action having heretofore been submitted to the court upon pleadings and stipulations of fact, on file herein, and WHEREAS, the court being duly advised in the premises, and having made its findings of fact and conclusions of law;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, That all of the land described in the complaint of the plaintiff, and in the answers, cross-complaints, and counter-claims of the defendants and intervenors, and each of them, is semi-arid in character and requires the artificial application of water or irrigation in order to produce thereon ordinary agricultural crops; that said land is situate in what is known as the Hagerman Valley, east of and adjacent to the Snake River, and that the same lies between the rim rock, or canyon wall, to the east of the Snake River and said Snake River; that the subsoil of said valley underlying said valley and all of the same is shattered, fissured lava flow, upon which has been deposited layers of clay and gravel, interspersed with water worn boulders, fragments of rock, and the soil is composed mainly of decomposed lava rock, oxidized lava rock and sand, and that owing to the nature of the soil and subsoil, the coarse texture and the mechanical composition of the soil and its free drainage, the said land and all of the land

MICROFILMED
POOR ORIGINAL
OCT 20 1994

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE
DISTRICT OF IDAHO, SOUTHERN DIVISION.

NEW INTERNATIONAL MORTGAGE
BANK, a corporation,

Plaintiff,

-vs-

IDAHO POWER COMPANY, a
corporation, et al,

Defendants.

In Equity No. 1602

D E C R E E S. DISTRICT COURT
DISTRICT OF IDAHO

FILED MAR 23 1932

W. D. McLaughlin
W. D. McLaughlin, Clerk

By _____ Deputy

WHEREAS, The above entitled action having heretofore been submitted to the court upon pleadings and stipulations of fact, on file herein, and WHEREAS, the court being duly advised in the premises, and having made its findings of fact and conclusions of law;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, That all of the land described in the complaint of the plaintiff, and in the answers, cross-complaints, and counter-claims of the defendants and intervenors, and each of them, is semi-arid in character and requires the artificial application of water or irrigation in order to produce thereon ordinary agricultural crops; that said land is situate in what is known as the Hagerman Valley, east of and adjacent to the Snake River, and that the same lies between the rim rock, or canyon wall, to the east of the Snake River and said Snake River; that the subsoil of said valley underlying said valley and all of the same is shattered, fissured lava flow, upon which has been deposited layers of clay and gravel, interspersed with water worn boulders, fragments of rock, and the soil is composed mainly of decomposed lava rock, oxidized lava rock and sand, and that owing to the nature of the soil and subsoil, the coarse texture and the mechanical composition of the soil and its free drainage, the said land and all of the land

MICROFILMED

POOR ORIGIN/OCT 20 1994

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
36-0022 -0023 BIG SPRING WATER USERS ASSOCIATION, a corporation	12.9 Spring 5 Spring	March 21, 1901 April 1, 1911	Big Spring; (Durfee-Secor Tunnel) Big Spring; (Durfee-Secor Tunnel)
(Said Big Spring is located on the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 7 S. R. 14 E. B. M.)			
36-0024 -0025 BLACKHART, CHARLES R. AND IEMA C. BLACKHART	2.4 Billingsley Creek .2 Billingsley Creek SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Ditch Buckeye Ditch
36-0026 -0027 BLACKHART, MABEL	2.4 Billingsley Creek .4 Billingsley Creek SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Ditch Buckeye Ditch
36-0028 BOYER, EMERSON, AND ETHEL BOYER	2 Riley Creek SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 E. B. M.	Oct. 1, 1908	Pipe Ditch referred to in paragraph 7 of the Finding
36-0029 BOYER, LEE, and ALICE BOYER	2 Spring (Said Three Springs is located immediately east of the east boundary line of the Dan Jones' Ranch about one-eighth mile east of Billingsley Creek and about one mile north of the head of said Billingsley Creek.) SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 24, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.	Feb. 17, 1893	Three Springs
36-0030 BRAILSFORD A. H., AND BEATRICE E. BRAILSFORD	8 Len Lewis Spring W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 26, Twp. 7 S. R. 13 E. B. M.	Sept. 1, 1889	Brailsford-Owens Ditch;
36-0031 -0032 BRIGGS, E. C., AND EDNA C. BRIGGS	.5 Riley Creek 1 Riley Creek (The diversion point of said Conyers Ditch is on Riley Creek 100 yards below the diversion point of said Hunt Ditch described in paragraph 7 of the Finding.)	May 1, 1883 May 1, 1883	Hunt Ditch; Conyers Ditch;

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OCT 20 1994

6-0043

-0044

NAME	IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
ELIASON, JACOB AND GARRIE I. X	1.6 Len Lewis Spring .7 Nevada Omokundwa Spring	Sept. 1, 1889 March 3, 1902	Drailsford- Owaha Ditch Weatherby Springs;

The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. 1.; also that certain portion of the northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 33, in Twp. 7 S. R. 13 E. B. 1. in Idaho, more particularly described as follows, to-wit: Beginning at the quarter corner between sections 25 and 33 in said Twp. 7 S. R. 13 E. B. 1. running thence east a distance of 300 feet to the center of the public highway, thence in a southeasterly direction in the center of the said highway a distance of 378 feet; thence westerly along the north back of the Clifford Ditch a distance of 370 feet to the west boundary line of the said northwest quarter of the northeast quarter of said Sec. 33, thence north along the said west boundary line a distance of 257 feet to the place of beginning, known as Tax No. 1 in Sec. 33, in the office of the Assessor of Gooding County, Idaho;

Also that certain tract of land more particularly described as follows, to-wit: Beginning at the southwest corner of the southwest quarter of the southeast quarter of Sec. 25, Twp. 7 S. R. 13 E. B. 1., thence running east 397 feet, thence northwesterly to a point distant eighteen hundred and seventy feet on section line from the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, thence south 1870 feet to the place of beginning. Said piece of land being a triangular piece of land containing 9.5 of an acre according to the survey thereof, and known as Tax No. 1 of said Sec. 25, in the office of the Assessor of Gooding County, Idaho.

-0045

-0046

FARMER, J. EUGENE, AND MARVEL FARMER	.5 Spring 5.7 Spring	Feb. 1, 1888 Feb. 17, 1896	Weatherby Springs; "Three Springs"
---	-------------------------	-------------------------------	---------------------------------------

(Said "Three Springs" is located immediately east of the east boundary line of the Dan Jones' Ranch, about one-eighth mile east of Billingsley Creek and about one mile north of the head of said Billingsley Creek.)

SE $\frac{1}{4}$ of Sec. 34, Twp. 7 S. R. 13 E. B. 1. and Lot 4 of Sec. 19, Twp. 7 S. R. 14 E. B. 1.

-0047

FISH, EARL, AND ALLISON MARY FISH	1.6 Spring	July 23, 1910	Sherman Springs;
--------------------------------------	------------	---------------	------------------

(Said Sherman Springs arises about one mile east of the land described below and is about 200 feet from "Big Springs" elsewhere described herein.)

Beginning at a point 50 rods east of the northwest corner of the northwest quarter of the southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Twp. 7 S. R. 13 E. B. 1. and on the north line of the above described forty acres. Thence 50 rods due east on the half sec-

POOR ORIGINAL

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OCT 20 1994

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

DATE: SEP-3-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRINGS		TRIBUTARY: BILLINGSLEY CREEK				
36-11060	BILLINGSLEY CREEK RANCH 2726 S 1050 E HAGERMAN ID 83332	03/01/1971	RECREATION RECREATION STORAGE	01-01 12-31 01-01 12-31	2.04 CFS 1476.0 AFY 12.0 AFY TOTAL QUANTITY: 2.04 CFS 1476.0 AFY CONSUMPTIVE USE: 16.0 AFY	BENEFICIAL USE
NON-IRRIGATION-USES: RECREATION, FISHING, BOATING, AESTHETICS, SWIMMING, WILDLIFE						
POINT OF DIVERSION: T07S R14E S18 NWSW S30 SENW						
PLACE OF USE: RECREATION T07S R14E S24 NESE						
PLACE OF USE: RECREATION STORAGE T07S R14E S24 NESE						
REMARKS: RIGHT NO. 36-15462 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416B. USE OF THIS RIGHT WITH RIGHT NO. 36-15462 IS LIMITED TO A COMBINED DIVERSION RATE OF 2.04 CFS. USE OF THIS RIGHT WITH RIGHT NOS. 36-00046 AND 36-15462 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.7 CFS.						

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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. 36-11060 -0002

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)

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OCT 20 1994

2. Person who filed objection:

Name: JOHN W JONES JR
Address: PO BOX 265
HAGERMAN ID 83332

3. If this response is filed by an attorney:

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3, 3a., and 11, all allegations of the objection regarding these items, IDWR responds as follows: There is an error in the remarks in the description of this water right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law." While the claimant may be using the same flow of water under the three rights, the three rights are recommended for different uses with different priority dates. The additional remark in the revised recommendation clarifies that the claimant is using the

same flow of water under all these rights.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) 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) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The consumptive use volume is not derived from the flow rate, but rather from the number of acres irrigated. Even the diversion rate suggested by this objection is sufficient to produce the recommended consumptive use volume over the course of the recommended irrigation season. The consumptive use volume is not a limitation on the quantity of water that the claimant may divert pursuant to this recommended right.

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

No. of
Pages

The notice of claim is attached to IDWR's response
to Objection No. 36-11060-0001
Recommended Water Rights Acquired Under State Law

1

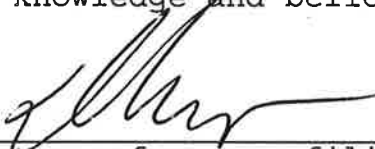
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

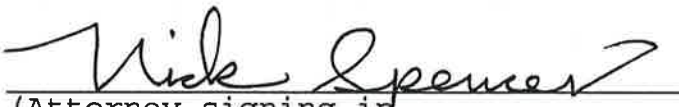
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



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

(Over)

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:

Name: BILLINGSLEY CREEK RANCH
Address: 2726 S 1050 E
HAGERMAN ID 83332

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

Name: 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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-3-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRINGS		TRIBUTARY: BILLINGSLEY CREEK				
36-11060	BILLINGSLEY CREEK RANCH 2726 S 1050 E HAGERMAN ID 83332	03/01/1971	RECREATION	01-01 12-31	2.04 CFS 1476.0 AFY	BENEFICIAL USE
			RECREATION STORAGE	01-01 12-31	12.0 AFY	
				TOTAL QUANTITY:	2.04 CFS	
					1476.0 AFY	
				CONSUMPTIVE USE:	16.0 AFY	
NON-IRRIGATION-USES: RECREATION, FISHING, BOATING, AESTHETICS, SWIMMING, WILDLIFE						
POINT OF DIVERSION: T07S R14E S18 NWSW S30 SENW						
PLACE OF USE: RECREATION T07S R14E S24 NESE						
PLACE OF USE: RECREATION STORAGE T07S R14E S24 NESE						
REMARKS: RIGHT NO. 36-15462 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416B. USE OF THIS RIGHT WITH RIGHT NO. 36-15462 IS LIMITED TO A COMBINED DIVERSION RATE OF 2.04 CFS. USE OF THIS RIGHT WITH RIGHT NOS. 36-08046 AND 36-15462 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.7 CFS.						

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Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

RECEIVED

OCT 04 1993

Department of Water Resources
Adjudication Bureau

Name(s) of Claimant (please print):

Billingsley Creek RanchI ☒ acknowledge (check one):☒

The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

RECEIVED

I/we are now represented by the attorney at the address below.

OCT 08 1993

Department of Water Resources
Southern Region Office

Attorney's Phone _____

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

36-00046 36-15462 36-02379 _____36-10870 36-11060 36-10394 _____

For Individuals:

Authorized signature(s) Date _____

For Organizations:

I am Gen. Partner of Billingsley Creek Ranch, and I

Title

Organization

have signed the foregoing document in the space below as

Gen. Partner of Billingsley Creek Ranch

Title

Organization

Signature of Authorized Agent Donna McFaddenTitle Gen. PartnerDate 10/1/93Organization Billingsley Creek Ranch

IDWR Use:

Date Received 10/8/93Data Entry 16

Revised Date 4-03-92

MICROFILMED

OCT 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

02-Nov-1993 11:09

BILLINGSLEY CREEK RANCH
DONNIE MC FADDEN
2726S 1050E
HAGERMAN ID 83332

RE: ADJUDICATION CLAIM(S) 36-00046- 36-15462 - 36-02379 - 36-10870 -
36-11060 - 36-10394

Dear Claimant(s):

Pursuant to the notification that you wish to remove Mr. Rosholt as your attorney on the above-referenced Adjudication Claims, I have changed the Department's record(s) as you have requested. Enclosed is a copy of the Claim(s), please review the record(s) for accuracy.

Should you have any questions, please feel free to contact me at this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

c.c. ROSHOLT ROBERTSON TOLMAN & TUCKER
ATTN CRYSTAL

MICROFILMED

OCT 20 1994

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

RECEIVED

OCT 04 1993

Department of Water Resources
Adjudication Bureau

Name(s) of Claimant (please print):

Billingsley Creek Ranch

I/we acknowledge (check one):

☒ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☐ I/we are now represented by the attorney at the address below.

Attorney's Phone _____

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

36-00046 36-15462 36-02379 _____

36-10870 36-11060 36-10394 _____

For Individuals:

Authorized signature(s) Date _____

For Organizations:

I am Gen. Parker of Billingsley Creek Ranch, and I

Title

Organization

have signed the foregoing document in the space below as

Gen. Parker of Billingsley Creek Ranch.

Title

Organization

Signature of Authorized Agent

Title

Date

Organization

IDWR Use:

Date Received 10-4-93Data Entry 9/11-4-93

Revised Date 4-03-92

MICROFILMED

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 Rights to the Use of Water
from the Snake River Basin
Water System

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

Petitioner,

vs.

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

Respondents.

Case No. 36-11060
(You must insert the
water right number you
are objecting to)

OBJECTION

36-11060 -0001/
93-04-0412

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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OCT 20 1994

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: the basis for the
recommendation.

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.

I objected to the quantity recommended (3c.)
and the basis for the recommendation (14).
Please see letter of explanation attached.

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.

We need ~~an~~ entire water right approved on a
year around basis for this non-consumptive
beneficial use. The recommendation would cause
economic hardship and loss of property value.

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.

Letter of explanation - 2 pages

VERIFICATION (Must be Completed)

State of

Idaho

County of

Gooding

Donnie McFadden

, 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. § 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.

Donnie McFadden

Signature of person filing objection

By:

(Attorney signing in
representative capacity)

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

Elizabeth M. Robinson

Notary Public for Idaho

Residing at: Gooding

My Commission expires: 12/12/1996

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 21 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:

Billingsley Creek Ranch

Owner's address:

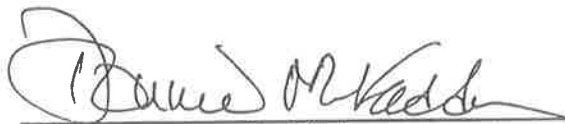
2726 South 1050 East
Hagerman, ID 83332

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, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf



BILLINGSLEY CREEK RANCH

Route 1 Box 216
Hagerman, Idaho 83332

Phone 208-837-6174
Fax 208-837-6563

LETTER OF EXPLANATION FOR OBJECTION CASE NO. A36-11060

We purchased this acreage in the early spring of 1971 and moved on to the property. We came from Southern California suburbia (bad) and had never had any prior experience with water rights. My neighbor directly across the street was George Lemmon and he was the Watermaster for 36A. He told me that the water rights that went with the property (5.7 cfs from Three Springs and 154 shares from Big Springs) were decreed by a Federal Court in 1932 and could be used not only for irrigation, domestic and power generation but for many other beneficial uses among which were raising fish, recreation, waterfowl habitat and aesthetics. In April of 1971, I began the construction of a large pond (approximately 4-5 acres) for the purpose of raising fish, recreation, waterfowl habitat and aesthetics. I constructed buried pipelines through the property to bring both water sources to a common location (the new pond). I stocked the pond with rainbow trout. I was told that I had established additional non-consumptive beneficial uses for my water right on a year around basis.

In 1977, I decided to construct some concrete raceways to run this same water through right before it entered the pond. If I placed my irrigation pumps at the end of the raceways, I could pump out the fish manure on to my pastures. I was already raising fish for recreation in the same location with the exact same water so I did not see any reason to seek a permit. In fact, I asked the IDWR office in Twin Falls and was told that they did not think a permit was necessary because I had been raising fish in the same location with the same water prior to the May 20, 1971 date that required permits. I did, however, file for four other applications at the exact same time for the Buckeye Ranch. To give you an example of the competency of the IDWR at that point, the other four applications required two full days of hearings which were conducted at the College of Southern Idaho. A year later when I called to ask why the applications had not been acted upon, I was told that they could not find the tapes from the hearings and therefore the director could not write up the reports. Amazing! Five years later, they wanted to rehear the applications because the tapes were still missing. The tapes were never located. To pay John Rosholt to represent me at another two days of hearings seemed ridiculous simply because IDWR had lost the tapes.

MICROFILMED

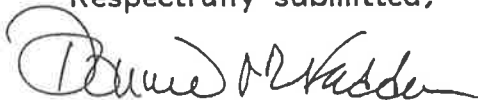
OCT 20 1994

Letter of Explanation for Objection
Case No. A36-11060
Page 2

To get back to my objection, I was under the impression that I had established non-consumptive beneficial uses for all of my decreed water prior to the May 20, 1971 deadline and that the construction of the concrete raceways was not an expansion of use. It was the same use but the fish raised would be harvested commercially instead of caught for recreation. An expansion of use sounded to me as if it meant using more water.

In the director's report for water right 36-11060, the department allowed for a total flow of 2.04 cfs. This would not be anywhere near enough water to keep the pond from freezing in the winter (killing all of the fish, destroying the aesthetics and eliminating the waterfowl habitat). This reduced flow would also increase algae and plant growth, deplete oxygen and increase water temperatures in the summer thereby also killing the fish and destroying the aesthetics and recreation. The pond almost froze in December of 1972 and 1991 when the winter temperatures dropped to minus 20°. The full flow of both springs (7.7 cfs) was all that kept the pond open. The formula that produces a figure of 2.04 cfs for my pond is not accurate or reasonable. I am entitled to my full decree on a year around basis. I have established these beneficial uses and I did so before the date that permits were required. In my amended claim, I filed only for recreation use as it cost \$100 per cfs for each use and I was advised by IDWR that one use would naturally cover aesthetics and wildlife habitat. It is non-consumptive and does not adverse any downstream water right holder.

Respectfully submitted,



Donnie McFadden
Billingsley Creek Ranch

DM/2t

RECEIVED

MAY 20 1993

Department of Water Resources
Adjudication Bureau1993 APR 29 AM 9:18
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHOIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water SystemCase No. A36-11060(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,

36-11060 -0002/
93-04-0413

vs.

The United States; the State
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Respondents.

INSTRUCTIONS

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(Over)

OCT 20 1994

OBJECTION - 1

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: John W. Jones, Jr.

Address: P. O. Box 265

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Water for this right is diverted through the
objector's diversion and the amounts claimed by
Billingsley Creek Ranch and/or recommended
exceed actual and historical use. Therefore,
the objector's rights would be diminished if
the recommendation is followed.

2. Owner of the water right:

Name: Billingsley Creek Ranch

Address: 2726 South 1050 East

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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: _____
- _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

See page 7

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



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

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

John W. Jones, Jr.

, 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.

John W. Jones Jr.

Signature of person filing objection

By: [Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 27th day of April, 1993.

[Signature]

Notary Public for Idaho

Residing at: [Signature]

My Commission Expires: 9-20-94

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 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: Billingsley Creek Ranch

Owner's address: 2726 South 1050 East

Haqerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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


Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 3, 3a, 10 & 11 - The recommendation fails to recognize that the 2.04 cfs recommended is the same water claimed under water right claim no. 36-00046, with an additional partial use and without the use of additional water during the irrigation season.

CHANGES TO DIRECTOR'S REPORT, page 4

This claim should be disallowed as it is a change in use of claim No. 36-00046 as of June, 1971 to the extent diversion of more than a total of 3.5 cfs is allowed under claim Nos. 36-11060, 36-00046 and 36-15462 and to the extent the 2.04 cfs is considered different water than that in 36-00046.

Objectors reserve the right to make additional and more specific objections which will be shown by the evidence at trial.