

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: ~~A36-00009~~ **A36-15157**

Date Received: 8/26/1988

Receipt No: **5001989**

Received By: **D/ 8/31/88**

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STANLEY E. HOSKOVEC 208-837-4956
Address: RT 1 BOX 55
HAGERMAN, ID 83332

AND/OR

Name: BARBARA HOSKOVEC 208-837-4956
Address: RT 1 BOX 55
HAGERMAN, ID 83332

2. Date of Priority: MAR 08, 1902

3. Source: WEATHERBY SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	30	NE	SW			GOODING

5. Description of diverting works:
25HP PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.200		
STOCKWATER	01/01	12/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 DAIRY & BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	26			STOCK	
			SW	NW	IRR	40.0
			NW	SW	IRR	40.0
					Section Acres	80.0
					Total Acres	80.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A36-00068A

14. Remarks:

WATER FROM 2 DECREES SUPPLY WATER FOR LAND WITH 1.6 CFS.
COMBINED WATER FROM 36-0009 & 36-0010 DECREES UNDER THIS
CLAIM BECAUSE OF SAME SOURCE & PRIORITY DATE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
AUG 31 1988
FBI - BUTTE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Stanley S. Workman Date: _____
Ch. Bob J. Workman Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 31 day
of August 19 88 [Signature]
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires June 10, 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-15157
Date Received: 8/31/1988
Receipt No: S001989
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARBARA HOSKOVEC 208-837-4956
Address: RT.1 BOX 55
HAGERMAN, ID 83332

AND/OR
Name: STANLEY E. HOSKOVEC 208-837-4956
Address: RT.1 BOX 55
HAGERMAN, ID 83332

2. Date of Priority: MAR 08, 1902

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Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
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IRRIGATION	01/01	12/31	1.200		
STOCKWATER	01/01	12/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 200 DAIRY & BEEF

TO: A36-00198A
FROM: D. SHAFF 
DATE: SEPTEMBER 1, 1988
RE: CLAIM FILING

I assisted Stan and Barbara Hoskovec in filing their claims. Although Claim A36-00009 states the other right for this land is A36-00068A, the Hoskovec's could not confirm that this water right was appurtenant to their land in the final analysis. Consequently they chose not to claim a part of A36-00068A. From deeds Mrs. Hoskovec concluded the water right they should claim in addition to A36-00009 was A36-00198A, which has copies of those deeds with it.

File this with
A36-00009

MICROFILMED
FEB 09 1993

Notes & D S, F

8/31/88

36-00198	SWNW	Shimp	1910
183	SWNW	"	1902
✓ 36-0009	"	Barton	1902
36-0010	"	Barton	1902

NWSW

✓ 36-0009	Barton	1902
36-0010	"	"
36-0188	Barton, Ralph	"
36-02029	Ormsley/McCarthy	

Above is a computer review of
place of use search for Hoskovec's Cond.

Hoskovec

A36-00009

MICROFILMED
FEB 00 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

DECEMBER 6, 1990

STANLEY E. HOSKOVEC
RT. 1 BOX 55
HAGERMAN, ID 83332

RE: CHANGE OF NUMBER A36-15157

DEAR MR. STANLEY E. HOSKOVEC,

PLEASE FIND ENCLOSED A COPY OF YOUR ADJUDICATION CLAIM PREVIOUSLY
NUMBERED A36-00009. SINCE THIS CLAIM CONSISTS OF COMBINED WATER
RIGHTS YOUR CLAIM HAS BEEN RE-NUMBERED A36-15157 TO MORE
ACCURATELY DESCRIBE YOUR WATER RIGHT. NO CHANGES HAVE BEEN MADE
TO THE INFORMATION YOU SUPPLIED IN YOUR ORIGINAL CLAIM.
IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,

A handwritten signature in cursive script, reading "Steve Clelland".

STEVE CLELLAND
WATER RESOURCE AGENT

SC:sc
ENC:

MICROFILMED
SEP 11 1993

ASSISTANT
INPUT: AJ_SELECTION:HHT-NOA-BROWN1.SEL

ADJUDICATION ATTORNEY NAME ADD/UPDATE

TIME: 23:21:27.5
PAGE: 1

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

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

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

STATE: ID ZIP: 833030389

36-00048C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00055W ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00085A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00085B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00089C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00090E ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00103D ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00198A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04071 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07369B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10671 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-15157 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-15176 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-15184 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-15461 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00048C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00055W ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00085A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00085B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A36-07369B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10671 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-15157 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-15176 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-15184 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-15461 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

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 (PPK\21530sup.noa\lmr)

RECEIVED

FEB 22 1993

Department of Water Resources
Adjudication Bureau

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

11 * * * * *

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

Case No. 39576

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

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

22 Petitioner,)

23 vs.)

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

Respondents.)

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

SUPPLEMENTAL NOTICE OF APPEARANCE - 1

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

Irma M. & Herman W. Petrick	A36-00048C
Creed & Saundra Robinson	A36-00090E
Creed & Saundra Robinson	A36-00089C
Stanley E. Hoskovec	A36-15461
Stanley E. Hoskovec	A36-10671
Stanley E. Hoskovec	A36-15157
Stanley E. Hoskovec	A36-00198A
Jack Martin	A36-00055W
K. Gary Olesen	A36-00103D
Layne Osborne	A36-15184
Layne Osborne	A36-15176
Marilyn Miller & Richard Waite	A36-00085A
Marilyn Miller & Richard Waite	A36-00085B
Marilyn Miller & Richard Waite	A36-07369B
Carl & Mary Lee Pothier	A36-04071

DATED This 19 day of February, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ

By 
PATRICK D. BROWN
Attorneys for Respondents

CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the respondents in this matter, certifies that he caused to be mailed a copy of the above and foregoing SUPPLEMENTAL NOTICE OF APPEARANCE on the 19 day of February, 1993, to:



Hepworth,
Nungester,
& Lezamiz

SUPPLEMENTAL NOTICE OF APPEARANCE - 2

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

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

10 The United States Department of Justice (1)
11 Environment and Natural Resources Division
12 550 West Fort Street, Box 33
13 Boise, ID 83734

14 
15 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

SUPPLEMENTAL NOTICE OF APPEARANCE - 3

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

DATE: DEC-19-1997

PAGE: A-1

RIGHTS FROM: SOURCE: WEATHERBY SPRINGS TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-15157

NAME AND ADDRESS: STANLEY E HOSKOVEC
BARBARA HOSKOVEC
2856 S 900 E
HAGERMAN ID 83332

SOURCE: WEATHERBY SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 1.2 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY
USED FOR STOCKWATER, 200 DAIRY & BEEF

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/08/1902

POINT OF DIVERSION: T07S R14E S30 SENESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	<u>Irrigation Season</u> 03/13 11/13	1.2 CFS
STOCKWATER	<u>Irrigation Season</u>	0.13 CFS
STOCKWATER	<u>Non-Irrigation Season</u>	0.23 CFS
STOCKWATER	03/13 11/13	0.13 CFS
STOCKWATER	11/13 03/14	0.23 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S26 SWNW 40 NWSW 36
NWSW 33

76 ACRES TOTAL
73 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO 36-15461 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 76 ACRES IN A SINGLE
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

Place of use for STOCKWATER is same as IRRIGATION

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

DATE: DEC-19-1997

PAGE: A-2

36-15157 (CONT.)

STOCKWATER WITHIN BOODING COUNTY
T07S R13E S26 SWNW NWSEW

STOCKWATER WITHIN BOODING COUNTY
T07S R13E S26 SWNW NWSEW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

USE OF THIS RIGHT WITH RIGHT NO 36/13461 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 225 AF AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 75 ACRES IN A SINGLE
IRRIGATION SEASON.

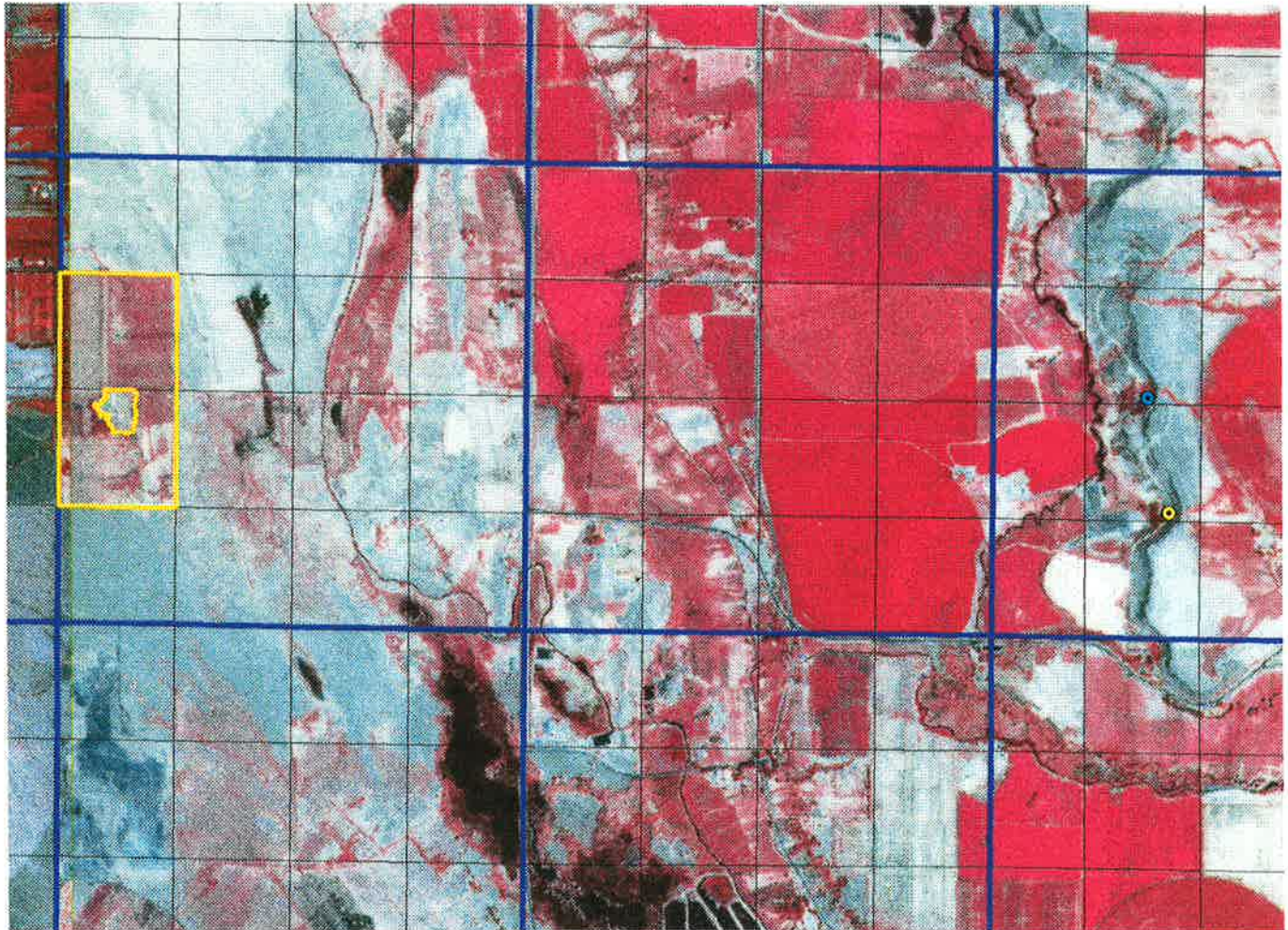
0.170 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT DURING NON-IRRIGATION SEASON.
WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND
NORTH PIPELINE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36/00009 AND
36/00010.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
200 DAIRY & BEEF

IDAHO DEPARTMENT OF WATER RESOURCES

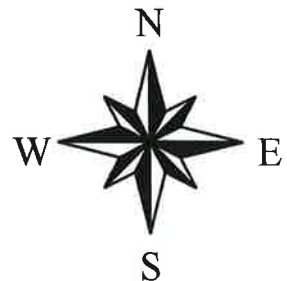
36-15157 & 36-15461
STANLEY & BARBARA HOSKOVEC



660 0 660 1320 Feet



TNS 7S, RNG 13E, SEC 26



⊙ RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 1997
BY JEANIE ROBERTSON

SUBCASE NO. 36-15157

	CLAIM (8/26/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Stanley &/or Barbara Hoskovec	N/A	Stanley Hoskovec Barbara Hoskovec	XX Stanley E. & Barbara Hoskovec 2856 South 900 East Hagerman, ID 83332
BASIS OF CLAIM	Decree		Decree	
SOURCE	Weatherby Springs		Weatherby Springs	
QUANTITY	1.200 cfs		1.200 cfs	XX amount judicially decreed &/or beneficially used
PRIORITY DATE	03/08/1902		03/08/1902	
PURPOSE OF USE	Irrigation Stockwater		Irrigation Stockwater	
PERIOD OF USE	Irr.: 1/1 - 12/31 S.W.: 1/1 - 12/31		Irr.: 3/15 - 11/15 S.W.: 3/15 - 11-15 S.W.: 11/16 - 3/14	XX 1/1 - 12/31
POINT OF DIVERSION	T07S R14E S30		T07S R14E S30	
PLACE OF USE	T07S R13E S26 80 acres		T07S R13E S26 75 acres	XX 80 acres
REMARKS			+ see notes	XX should be stricken except the following: "Water is delivered through the Bar S Ditch, Curren Ditch & North Pipeline," and strike "200 Dairy & Beef."

Notes: claimant/objector mentions this right decreed pursuant to Jones & Lemmon v. Cook, et al., 1911.

+ Use of this right with right no. 36-15461 is limited to a total combined annual consumptive use volume of 225 af and to the irrigation of a combined total of 75 acres in a single irrigation season.

0.10 cfs of this right is limited to use for conveyance losses in delivery of this right during non-irrigation season.

Water is delivered through the Bar S Ditch, Curren Ditch and North Pipeline.

This right is a combination of old right nos. 36-0009 and 36-00010.

CLAIM NUMBERS 36-00198A 36-15157 DATE 10/7/97
36-15461 AGENT [Signature]

TRANSFER NUMBER _____
 OBJECTION FILED ☒
 TOTAL ACRES FROM RECOMMENDATION 75
 GEOGRAPHIC INFO SYSTEM 76

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	075	13E	26							40				35					75
GIS										39.9				36.1					76
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF 540 ✓
 B36-DBPOD.DBF 463 ✓

POLYGON CREATED ON 604 ()
 ATTRIBUTES OF B36-POU.SHP 540
 ATTRIBUTES OF B36-POD.SHP 463 SENE SW-3
Weatherby Springs

* 36-15461 same POU, just more water
 * 36-00198A - disallowed & rec'd. as 36-15157

10/21/97 sur Settled in SRBA court for 76 ACRES.

P/U CONFLICT yes () no (✓)
 P/D CONFLICT yes () no (✓)
 READY FOR DECREE yes (✓) no ()
 SENT FOR DECREE yes (✓) no ()

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. 36-15157 -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)

MICROFILMED

APR 20 1994

2. Person who filed objection:

Name: STANLEY E & BARBARA HOSKOVEC
Address: 2856 SOUTH 900 EAST
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.
8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
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.
11. |X| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

14. |X| Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, IDWR responds that it will change the claimant's address on its records to that shown on the objection. This, however, may not change the claimant's address on the records of the SRBA Court. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The claimant may need to file this form with the SRBA Court.

In response to Statement of Interest of the claimant, IDWR responds as follows: The Jones & Lemmon v. Clark decree was superceded by the New International Mortgage v. Idaho Power Company decree.

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 further response to this objection item, IDWR responds that it recommended the total quantity claimed and the same quantity claimed for irrigation use.

In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas

(Over)

MICROFILMED

throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report.

In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that 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) 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 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. (6) 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 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j)

to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right. In further response to this objection item, IDWR responds that it recommended the non-irrigation uses as claimed.

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. A36-15157	3
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

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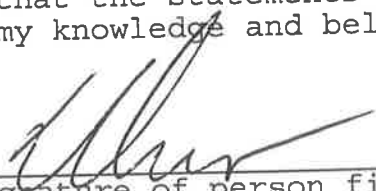
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

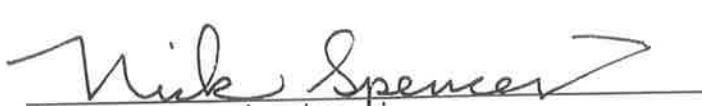
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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 1st 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

CERTIFICATE OF MAILING

I hereby certify that on the 1st 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

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: ~~A36-00009~~
Date Received: 8/26/1988
Receipt No: 5001989
Received By: 8/31/88

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STANLEY E. HOSKOVEC 208-837-4956
Address: RT 1 BOX 55
HAGERMAN, ID 83332

AND/OR

Name: BARBARA HOSKOVEC 208-837-4956
Address: RT 1 BOX 55
HAGERMAN, ID 83332

2. Date of Priority: MAR 08, 1902

3. Source: WEATHERBY SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	30	NE	SW			GOODING

5. Description of diverting works:
25HP PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.200		
STOCKWATER	01/01	12/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 DAIRY & BEEF STOCK

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.

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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.

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 8015688

RECEIVED

APR 23 1993

Department of Water Resources
Southern Region Office

Date: 4/22/1993
Time: 10:28:53

Received

From: HEPWORTH NUNGESTER CHART.

Type of Payment	Program Acct Class	Amount
COPIES OF ADJUDICATION FILES	84100 229 21 1/80	47.00

Total

CHECK 10682

\$47.00

Region: SOUTHERN

Signature: R. Foster

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HEPWORTH, NUNGESTER AND LEZAMIZ, CHARTERED

10362

DATE	DESCRIPTION	INVOICE #	CHECK		NET AMOUNT
			AMOUNT	DEDUCTION	
04/13/93	Department of Water Resources Hagerman/921530 - CPY		47.60		47.60

RECEIVED

APR 22 1993

Department of Water Resources
Southern Region Office

CHECK DATE 04/20/93	CONTROL NUMBER 10362	TOTALS ► GROSS:	47.60	DED:	0.00	NET:	47.60
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OCT 20 1994



Department of Water Resources
222 Shoshone Street E.
Twin Falls, ID 83301

Date April 13, 1993

Name HEPWORTH NUNGESTER & LEZAMIZ
133 Shoshone N
Address Twin Falls ID 83301

No. of Copies	Material	Cost
952	copies of adjudication files @ .05 ea.	\$ 47.60
TOTAL		\$ 47.60

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely,

Janie Robertson

APR 20 1994
A36-02008 - 50
A36-02009 - 45
A36-00125A - 35
A36-10405 - 17
A36-10055 - 36
A36-10308 - 27
A36-10309 - 26
A36-10310 - 26
(A36-00029B) - 14
A36-10220 - 14
A36-00011A - 59
A36-00051C - 43
(A36-00051E) - 47
A36-10312 - 47
A36-00039F - 39
A36-15461 - 17
A36-00121 - 53
A36-00119 - 58
A36-00120 - 57
A36-001030 - 64
A36-00198A - 45
A36-15157 - 48
A36-15176 - 64
A36-15184 - 82

952
x .05
\$47.60

SD-0602-2 Last Name: HOSKOV

S Basin Number: 36

E	First Name	Role Code	Objection Number	Issue Number	Next Event	Next Event Date
L	HOSKOVEC					
-	STANLEY & BA	OC	36-00198A	001-WEATHERBY SPR/265	RSPI	09/01/1993
-	STANLEY E &	OC	36-15157	001-	RSPI	09/01/1993
-	STANLEY E &	OC	36-15461	001- " "	RSPI	09/01/1993

Records changed. (G.I. record)

28565 900 E

HAGERMAN ID 83332

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

97-93

A " " records changed.

SAL -

PLZ Δ ADDRESS
ON "A" # " " RECORDS -

COMMENTS -
PER OBJECTION.

THANK

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SEP 09 1993

Department of Agriculture
Washington, D.C.

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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: Stanley E. & Barbara Hoskovec

Address: 2856 South 900 East

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Decreed right pursuant to Jones & Lemmon v.

Cook, et al. 1911, Decreed right pursuant to

New International Mortgage Bank v. Idaho Power

Company, 3/22/32, with a priority date of

March 8, 1902.

2. Owner of the water right:

Name: Stanley E. & Barbara Hoskovec

Address: 2856 South 900 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.

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(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: 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.

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.

See Hagerman Water Right Owner's, Inc.'s Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

Stanley E. & Barbara J. Hoskovic, 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.

Stanley E. Hoskovic & Barbara J. Hoskovic
Signature of person filing objection

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

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

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

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(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: Stanley E. & Barbara Hoskovec

Owner's address: 2856 South 900 East

Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 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 8 -- IDWR recommends a period of use less than decreed and/or beneficially used. A reduction in water right would constitute a taking.

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

Change address as it appears on page 2, paragraph 2 of this objection; maximum quantity should be changed to the amount judicially decreed and/or beneficially used; period of use: 1/01 to 12/31; place of use: 80 acres. Remarks should be stricken except the following: "Water is delivered through the Bar S Ditch, Curran Ditch and North Pipeline", and strike "200 Dairy and Beef".

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

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Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

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V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

GENERAL PROVISIONS 1 - 8 APPLY TO ALL WATER RIGHTS IN BASIN 36.

(DRP-I at page 9)

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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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.

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

1. That the State of Idaho take nothing by reason of its Directors' Report, and that this action, and any claims asserted against objectors, be dismissed.

2. That a decree be entered adjudicating the existence, validity, amount and priority of objectors' water rights in accordance with objectors' claims.

3. That to the extent the acts of the Department or Director constitute a taking of objectors' property for public use, that objectors be allowed and awarded just compensation therefor.

4. That the objectors be allowed all costs of suit and reasonable attorney fees incurred herein.

5. For such further relief to which the Court finds objectors justly entitled.

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OCT 20 1994

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



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FEB 09 1993

NOTICE OF ERROR FORM

AUG-26-1992

RECEIVED

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

SEP 24 1992

Idaho Department of Water Resources

Statehouse Mail

Department of Water Resources

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: 36-15157

2. Name: Stanley E Hoskovec

Barbara Hoskovec

Address:

RR#1 Box 55

Hagerman, ID 83332

Weekday Telephone Number:

208 837-4956

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FEB 09 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:

N W S W 35.0

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

there is not 5 acres that is not
irrigated - maybe 2 acres the lawn is
also irrigated

5. Describe why you disagree with the proposed recommendation:

~~not~~ 5 acres is to many acres for
the house, Barn & corals.

6. Date: 9/24/92

SIGNATURE

Stanley E. Horspover,
Garrett Horspover



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 19, 1992

STANLEY AND BARBARA HOSKOVEC
RT 1 BOX 55
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)
Notice of Error Response
Recommended Right No. 36-15157

Dear Mr. and Mrs. Hoskovec,

You recently filed a Notice of Error with IDWR concerning the water right referenced above. No change to our recommendation has been made at this time.

Our field investigation report indicates that five acres of the property in the NWSW, Sec. 26, Twp. 07S, Rng. 13E is not irrigated. This land is used for your home and shop area.

After reviewing our explanation, you may still disagree with the proposed IDWR recommendations. You may file an objection with the Court after you receive the final recommendation of your water right. The objection process will be explained at the time you receive this final recommendation.

Please contact this office if you have other questions or concerns.

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:rm

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FEB 9 1993

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)**

DATE: 10/19/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BARBARA HOSKOVEC	03/08/1902	IRRIGATION	03-15 11-15	1.20 CFS	
C	STANLEY E HOSKOVEC		STOCKWATER	04-01 10-31	0.13 CFS	
	RT1 BOX 55		STOCKWATER	11-01 03-31	0.23 CFS	
	HAGERMAN ID 83332					
	(208) 837-4956					
				TOTAL DIVERSION:	1.20 CFS	
				CONSUMPTIVE USE:		225.0 AFA

Water Source: WEATHERBY SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion: T07S R14E S30 SENESW

GOODING County

Place of use Legal Description for: IRRIGATION

Place of use				Legal description for: AGRICULTURE								Total				Acres																					
				NE				NW				SW				SE																					
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
07s	13E	26	:									40								35																	
																												TOTAL ACRES									
																																				75.0	
																																				75.0	

Place of use Legal Description for: STOCKWATER

Place of Use				Legal Description				FOR STOCKWATER																
				NE				NW				SW				SE								
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
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Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE		
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POU County: GOODING

Non-Irrigation Uses: STOCKWATER, 200 DAIRY & BEEF

Other Rights: NONE

Remarks: 0.10 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT DURING NON-IRRIGATION SEASON.
WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND
NORTH PIPELINE.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00009 AND
36-00010.

1995

AJ0749NP
No. R36-15157

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/19/92
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	10/19/1992
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Misc:	Water District Number: 36A	Field Inspection Flag:
		Presumption Flag:

Comments: Date: 08/04/1992 User-ID: CHRISTEN Subject: COPIED FROM REMARKS
COMBINED WATER FROM 36-0009 & 36-0010 DECREES UNDER THIS
CLAIM BECAUSE OF SAME SOURCE & PRIORITY DATE.
THIS CLAIM ORIGINALLY NUMBERED UNDER A36-00009. RENUMBERED
12-4-90 BY SCC.

Date: 09/25/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/24/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/19/1992 User-ID: SOUTH3 Subject: NO CHANGE TO RECOMMENDATION
FIELD EXAM SUPPORTS THE EXCLUSION OF 5 ACRES FROM THIS IRRIGATION
RIGHT. AN EXPLANATORY LETTER HAS BEEN SENT. RMC

Audit: 10/19/92 SOUTH3

RECEIVED
OCT 21 1992

R PROOF



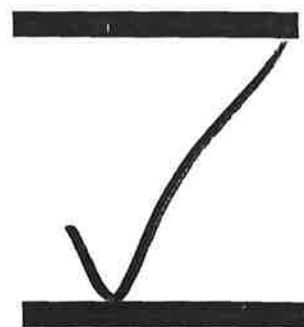
CVR



MAPS



PHOTOS



MISC

MICRO MED

93

Water Right Number - R36-15157

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

HOSKOVEC

STANLEY E

1 - RT1 BOX 55

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4956

HOSKOVEC

BARBARA

1 - RT1 BOX 55

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4956

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/08/1902 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WEATHERBY SPRINGS BILLINGSLEY CREEK

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

Twn Rng Sec Tract Lot RFlg County

07S 14E 30 SE NE SW (47) GOODING

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

01 - IRRIGATION

03/15

11/15

1.200

04 - STOCKWATER

03/15

11/15

0.130

04 - STOCKWATER

11/16

03/14

0.230

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.200 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S

13E

26

SW NW

40.0

01

IRRIGATION

(47) GOODING

07S

13E

26

NW SW

35.0

01

IRRIGATION

(47) GOODING

07S

13E

26

SW NW

04

STOCKWATER

(47) GOODING

07S

13E

26

NW SW

04

STOCKWATER

(47) GOODING

Total Acres: 75.0

+ - - Diversion Means - 25HP PUMP, SPRINKLERS; BAR S DITCH, CURREN DITCH & NORTH PIPELINE

+ - - Non-Irrigation Use - STOCKWATER, 200 DAIRY & BEEF

+ - - Other Rights for Same Use - NONE

changes 10-22-92
HHH

MICROFILMED

FEB 17 1993

Water right number - R36-15157

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +
USE OF THIS RIGHT WITH RIGHT NO 36-15461 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 225 AF AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 75 ACRES IN A SINGLE
IRRIGATION SEASON.
0.10 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT DURING NON-IRRIGATION SEASON.
WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND
NORTH PIPELINE.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00009 AND
36-00010.

+ - - - - Old Water Right Numbers - - - - - +
3600009
3600010

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 00/00/0000

+ - - - - Comments - - - - - +
Date: 08/04/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
COMBINED WATER FROM 36-0009 & 36-0010 DECREES UNDER THIS CLAIM BECAUSE OF SAME SOURCE & PRIORITY DATE.
THIS CLAIM ORIGINALLY NUMBERED UNDER A36-00009. RENUMBERED 12-4-90 BY SCC.
Date: 09/25/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/24/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/19/1992 User Id: SOUTH3 Subject: NO CHANGE TO RECOMMENDATION
FIELD EXAM SUPPORTS THE EXCLUSION OF 5 ACRES FROM THIS IRRIGATION RIGHT. AN EXPLANATORY LETTER HAS BEEN SENT. RMC
Date: 10/21/1992 User Id: CHRISTEN Subject: CHANGE IN CLAIM 10-21-92
CHANGED SEASON OF USE FOR STOCKWATER TO AGREE WITH IRR SEASON.KKC
Date: 10/22/1992 User Id: THORNTON Subject: CHANGE IN RECOMMENDATION
I ADDED A COMBINED USE REMARK BASED ON A NEW CLAIM FILED BY CLAIMANT BASED ON BENEFICIAL USE FOR DAY AFTER 1932 DECREE. THE
NEW CLAIM BROUGHT UP THE TOTAL COMBINED DIVERSION RATE FOR BOTH RIGHT TO 1" PER ACRE.

+ - - Audit Fields - - +
10/22/92 THORNTON

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/31/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001989	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:35:25
06/28/90

CLAIM NUMBER: A36-00009-

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N		See 8-4-92		
POINT OF DIV	Y N			(Y) 10 AC	1/15			
SOURCE				N				
PLACE OF USE	Y N		See 8-28-90	(Y) Reduce 1000	1/15			
DIV. AMOUNT CFS/VOLUME	Y N			(Y)				
CONSUMPTIVE USE	-			(Y)				
PURPOSES	Y N			N				
PERIOD OF USE	Y			(Y)	6. STDS			
BASIS OF CLAIM	Y N			N				
REMARKS	Y			(Y)	6			

See
7-12-90

"VERIFIED BY" CODES

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:35:25
06/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00009

LAST: HOSKOVEC
ADDRESS: RT.1 BOX 55
CITY: HAGERMAN
PHONE NUMBER: 208-837-4956

FIRST: BARBARA

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: HOSKOVEC
ADDRESS: RT.1 BOX 55
CITY: HAGERMAN
PHONE NUMBER: 208-837-4956

FIRST: STANLEY E.

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: COMBINED WATER FROM 36-0009 & 36-0010 DECREES UNDER THIS
CLAIM BECAUSE OF SAME SOURCE & PRIORITY DATE.

Renumbered A36-15157

per IDWR Standards (12-4-90 sec)

36-00009 & 36-00010 were previously decreed in 1911 as 36-00198

- although these claims are for 1.20 cfs on page 1, the remarks indicate it was for 1.60 cfs. also they did claim 36-00198A for .40 cfs which is being recommended under this claim.

TOTAL claimed 1.60 cfs

~~It appears~~
* It appears the 1911 Decreed Right 36-00198 was superseded by the two 1932 Decreed Rights 36-00009 & 36-00010.

5 u
8.4.92

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 8/28/90

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Water is diverted @ Jones fish ponds then down the Bar S Ditch to Curren Ditch
to North pipeline to open ditches. Sprinklers are used here.

MICROFILMED

A. AJ CLAIM: # A36-00009 PRIORITY DATE: 03-08-1902 STAGE: D
B. WR RECORD: # 36-00009 PRIORITY DATE: 03-08-1902 STAGE: D
C. FIELD EXAM REQUIRED? 36-00010 " " "
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

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

REMARKS: 36-00198 decreed in 1911 had a priority of 1910
this same right was then decreed in 1932 with a priority of 1902.
unknown reasons for change ~ allow the 1902 priority.

RECOMMENDED PRIORITY DATE:
03-08-1902

REVIEWED BY See

DATE 7-11-90

See 8-4-92

MICROFILMED
SEP 10 1990

MICROFILMED

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00009	07S	14E	30		NE	SW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-00010
36-00011
36-00015
36-00016
36-00017
36-00033
36-00041
36-00042
36-00044
36-00045
36-00060
36-00061
36-00062
36-00063
36-00068
36-00069
36-00086A
36-00086B
36-00105
36-00116
36-00118
36-00119
36-00120
36-02029
36-07071
36-07740

SOURCE: WEATHERBY SPRINGS

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00009	07S	14E	30		NE	SW		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-00010
36-00011
36-00015
36-00016
36-00017
36-00033
36-00041

A36-00033C NONE
A36-00060
A36-00086G
A36-00119
A36-00033D
A36-00063
A36-00116

36-00044
36-00045
36-00060
36-00061
36-00062
36-00063
36-00068
36-00069
36-00086A
36-00086B
36-00105
36-00116
36-00118
36-00119
36-00120
36-02029
36-07071
36-07740

A36-00086H
A36-00011B
A36-00011A
A36-00011C
A36-00105
A36-00120
A36-00061
A36-00062

UNRECORDED

SOURCE: WEATHERBY SPRINGS

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
N
N

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>7S</u>	<u>14E</u>	<u>30</u>	<u>SE</u>	<u>NE</u>	<u>SW</u>	<u>---</u>	<u>47</u>

change claim.

SOURCE: WEATHERBY SPRINGS

TRIB: BILLINGSLEY CREEK

REVIEWED BY:

DATE: 7-17-70

Via Box S Ditch & North Pipeline

A. ROOT WATER RIGHT NUMBERS: A36-00009

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	26	SW	NW		HOSKOVEC , BARBARA	A36-00009 /40.0	36-00009 /	41.0		
						HOSKOVEC , STANLEY E.	A36-00198A /40.0	- /		40	(40)
						BARTON , R. W.		36-00010 /			
						SHIMP , BASCOM R.		36-00183 /			
						SHIMP , BASCOM R.		36-00198 /			
						HOSKOVEC , STANLEY E.		36-08228 /40.0	Stock		
07S	13E	26	NW	SW		HOSKOVEC , BARBARA	A36-00009 /40.0	36-00009 /	41.0		
						HOSKOVEC , STANLEY E.	A36-00198A /40.0	- /		35	(35)
						HOSKOVEC , STANLEY	A36-10671 /	- /			
						BARTON , R. W.		36-00010 /			
						BARTON , RALPH		36-00188 /		Stock	
						MC CARTY , JOHN		36-02029 /40.0			
						HOSKOVEC , STANLEY E.		36-08228 /40.0			
07S	13E	26				HOSKOVEC , BARBARA	A36-00009 / SW	- /			
						MATHERS , ROBERT L.	A36-10147 /	- /			
						HOSKOVEC , STANLEY	A36-10671 /	- /			
						NORTH SIDE CANAL CO.		01-00212 /			
						NORTH SIDE CANAL CO.		01-00213 /			
						NORTH SIDE CANAL CO.		01-00215 /			
						NORTH SIDE CANAL CO.		01-00220 /			
TOTAL ACRES							A36-00009	80.00	82.00		(75)

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
YFIELD
EXAMINER
N

Based on NAPP photo + OPQ I reduced Acres in NWSW by 5.0
 for the House + Shop Area. (see 7-12-90)
 — confirmed by field exam (see 8-28-90)

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

75.0

REVIEWED BY:

See

DATE:

7-12-70

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00009	IRRIGATION	FROM 01-01 TO 12-31 11-1 10-31	1.200 CFS
A36-00009	STOCKWATER	FROM 01-01 TO 12-31 11-1 10-31	1.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED 11-1 10-31			1.200 CFS

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00009	IRRIGATION	FROM TO	.800 CFS
700010			.800 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			.800 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in remarks, below.

REMARKS:

Split Stock season to allocate winter conveyance losses.

MICROFILMED

200 11 1992

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 1.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS + 0.40 cfs = 1.2

*** 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

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

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: A36-00068A *None*

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00009	WEATHERBY SPRINGS	HOSKOVEC , BARBARA	1.200	0.015		
A36-00198A	WEATHERBY SPRINGS	HOSKOVEC , STANLEY E.	0.400	0.005		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00009	STOCKWATER	HOSKOVEC , BARBARA	FROM 01-01 TO 12-31	1.200 CFS	
A36-10671	DOMESTIC	HOSKOVEC , STANLEY	FROM 01-01 TO 12-31	.040 CFS	
A36-10671	STOCKWATER	HOSKOVEC , STANLEY	FROM 01-01 TO 12-31	.040 CFS	
A36-10147	DOMESTIC	MATHERS , ROBERT L.	FROM 01-01 TO 12-31	.040 CFS	
A36-10147	STOCKWATER	MATHERS , ROBERT L.	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE

ACRES 75 x 0.02 CFS/ACRE = 1.5 CFS
(Taken from p/u review)DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 8 AF/AACRES 75 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =TOTAL CONSUMPTIVE USE 22.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 75 x DIVERSION VOL. AF/A FOR AREA 4.0 =TOTAL DIVERSION VOLUME 300 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

Sprinkler Irrigated -- 300.4 + .4 (A36-000098A) = .80 / 15 ac. = 0.0106 cfs/ac.
Recommended as claimed, does not exceed 1"/ac.

Conveyance loss 0.08 cfs

200 ft

IDWR STDS = 0.13 cfs

Conveyance loss not shown for irrigation
Diversion due to limited F.I.R.Conveyance loss is shown for winter
Stock Use.STOCK 11-1 to 3-31 $(0.13 + 0.08) = \underline{0.23 \text{ cfs}}$

MICROFILMED

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	4-1 10-31	DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
STOCK WATER	3-15 4-15	1.20	800	225
Stock	4-1 10-31	0.13		
	11-1 3-31	0.23	300	225
		1.20	N/A	

TOTAL FOR THIS RIGHT

REVIEWED BY: DATE: 7-12-90

F01
D02(w/EDIT)

#

MICROFILMED

JUL 17 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00009

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.400	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00009	A36-00009	1.200	A36-15157	1.2	36-00009	0.800
A36-00010	A36-00009	1.200	-		36-00010	0.400
TOTAL CFS		2.400				~~0.400~~ 1.200

DIVERSION RATE REVIEW

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

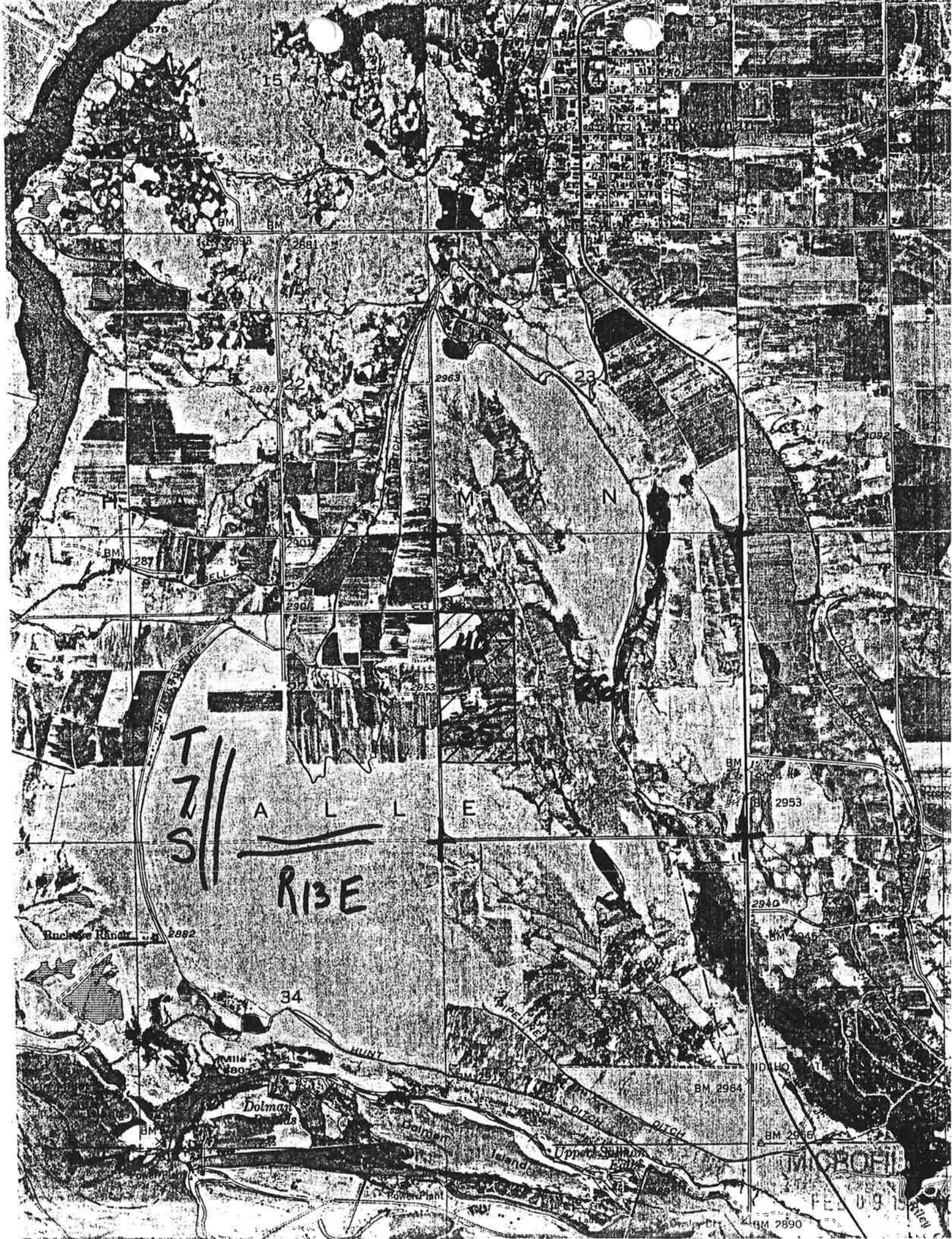
DATABASE	FIELD EXAMINER
N	<u>OK</u>

REMARKS:

AUTHENTICATION:

SIGNATURE: Steve ClellandDATE: 8-31-90NAME OF FIELD EXAMINER: STEVE CLELLAND

TITLE: _____



CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	2600	7.0	2.00	0.46	6.25	6.25	0.0736	0.46	6.71
2	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
3	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
4	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
5	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
6	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
7	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
8				0.00		0.00	0.0000	0.00	-0.00
9				0.00		0.00	0.0000	0.00	-0.00
10				0.00		0.00	0.0000	0.00	-0.00
11				0.00		0.00	0.0000	0.00	-0.00
12				0.00		0.00	0.0000	0.00	-0.00
13				0.00		0.00	0.0000	0.00	-0.00
14				0.00		0.00	0.0000	0.00	-0.00
15				0.00		0.00	0.0000	0.00	-0.00
16				0.00		0.00	0.0000	0.00	-0.00
17				0.00		0.00	0.0000	0.00	-0.00
18				0.00		0.00	0.0000	0.00	-0.00
19				0.00		0.00	0.0000	0.00	-0.00
20				0.00		0.00	0.0000	0.00	-0.00
TOTALS	2600			0.46	6.25			0.46	

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH
 SEEPAGE = SOIL SEEPAGE RATE OF REACH
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
 DELIVERY = TOTAL DELIVERIES IN REACH
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
 DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
 FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

*these rights share in the
conveyance loss:*

36-00011B
 36-00011D
 36-00033B
 36-00105
 36-00189A- DISALLOW

*- But their portions are not
identified in the Decree.*

A36-15157

MICROFILM

UPPER BAR-S DITCH

$$0.46 \text{ cfs} \div 16 = 0.029 \text{ cfs}$$

per RIGHT

THESE RIGHTS SHARE THIS
CONVEYANCE LOSS:

36-00011A ~~36-00198A~~ DISALLOW
 36-00011C 36-15157
 36-00033C 36-00044
 36-00033D 36-00042A
 36-00033E 36-11142
 36-00015

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	1600	10.0	2.00	0.40	0.06	31.06	0.0130	0.00	32.80
2	200	10.0	2.00	0.05	20.69	31.00	0.0016	0.30	32.34
3	1700	10.0	2.00	0.43	1.00	10.31	0.0417	0.06	11.60
4	1500	10.0	2.00	0.38	6.25	9.31	0.0407	0.61	10.17
5	6300	3.0	2.00	0.48	3.06	3.06	0.1561	0.77	3.54
6	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
7	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	11300			1.74	31.06			1.74	

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH
 SEEPAGE = SOIL SEEPAGE RATE OF REACH
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
 DELIVERY = TOTAL DELIVERIES IN REACH
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
 DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
 FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

* THESE RIGHTS SHARE THIS PORTION:

36-00015 36-00011B
 36-00189A 36-00011C
 36-11142 36-00011D
 36-00198A - DISALLOWED
 36-15157 36-00033B
 36-00033C
 36-00033D
 36-00033E

$$0.161 \div 12 = 0.05 \text{ cfs per RIGHT}$$

⊗ Some rights will not have their
 conveyance loss identified in Decree.

36-00042
 36-00011A, 36-00044, 36-00018 (0.10 cfs @)
 36-000105
 *
 36-00004
 CURREN / BAR-S
 DITCHES

MICROFILME
 FEB 10 1993