

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: A36-15240  
Date Received: 8/ 3/1988  
Receipt No: S001266  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: AUG 1, 1976

3. Source: SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S | (or) | A.F.A. |
|----------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.170 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC, 13 HOMES PRESENTLY, 22 LOTS TOTAL

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 07S      | 13E   | 13      | SW     | NE  |     | DOMEST |       |
|          |       |         | SE     | NE  |     | DOMEST |       |

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:  
SEE REMARKS

14. Remarks:

SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED  
THIS CLAIM IS AN EXPANSION IN THE SEASON OF USE FOR A CHANGE IN  
THE NATURE OF USE OF CLAIM 36-07092A FROM IRRIGATION TO THE  
DOMESTIC USE FOR THE 13 DEVELOPED LOTS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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FEB 09 1993

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

TOTAL RECORDS IN SELECTION FILE: 116

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RECEIVED  
FEB 10 1993  
Department of Water Resources

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

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

\* \* \* \* \*

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

Case No. 39576

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

NOTICE OF APPEARANCE

Petitioner,

vs.

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

Respondents.

\* \* \* \* \*

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



Hepworth,  
Nungester,  
& Lezamiz

NOTICE OF APPEARANCE - 1

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OCT 20 1994

|    |                                         |             |
|----|-----------------------------------------|-------------|
| 1  | Users, Inc. and its individual members: |             |
| 2  | Anderson, Anita G.                      | A36-00050D  |
|    | Babington Lynn J. & Kathy               | A36-00003C  |
| 3  | Banbury Pipe Co., Inc.                  | A36-10906   |
|    | Banbury Pipe Co., Inc.                  | A36-02038   |
| 4  | Big Bend Irrigation & Mining Co.        | A36-00192   |
|    | Big Bend Irrigation & Mining Co.        | A36-00133   |
|    | Big Spring Water User's Assoc.          | A36-00022   |
| 5  | Big Springs Water User's Assoc.         | A36-00023   |
|    | Big Springs Water User's Assoc.         | A36-15166   |
| 6  | Blastock, Alma E.                       | A36-00108B  |
|    | Bolduc, Mark E.                         | A36-00103C  |
| 7  | Boyer, Dale E. & Elaine M.              | A36-00079   |
|    | Brailsford, Robert H.                   | A36-04260   |
| 8  | Brooks, Allen L. & Andree               | A35-00060   |
|    | Brooks, Allen L. & Andree               | A36-07346   |
| 9  | Bybee, Gertrude B. Owsley               | A36-00042A  |
|    | Bybee, Gertrude B. Owsley               | A36-00041C  |
| 10 | Candy, Walter W. & Margaret             | A36-00135B  |
|    | Candy, Walter W. & Margaret             | A36-00134A  |
|    | Clouser, Doris H. & John F.             | A36-00090A  |
| 11 | Clouser, Doris H. & John F.             | A36-00089A  |
|    | Crandlemire, Roger C. & George C.       | A36-00113H  |
| 12 | Crandlemire, Roger C. & George C.       | A36-00112B  |
|    | Crandlemire, Roger C. & George C.       | A36-00111B  |
|    | Crandlemire, Roger C. & George C.       | A36-00113J  |
| 13 | Crandlemire, Roger C. & George C.       | A36-00110B  |
|    | Crandlemire, Roger C.                   | A36-00134C  |
| 14 | Crandlemire, Roger C.                   | A36-00135C  |
|    | Crandlemire, Roger C.                   | A36-10140   |
| 15 | Crandlemire, Roger C.                   | A36-10141   |
|    | DeVries, Abraham & Hermina              | A36-00055AF |
| 16 | Dice, Philip F. & Judith A.             | A36-00041A  |
|    | Dice, Philip F. & Judith A.             | A36-10405   |
|    | Erwin, Frank C. & Peggy                 | A36-00092   |
| 17 | Fleming, Michael J. & Paul F.           | A36-00064B  |
|    | Flint, William E. and Vera C.           | A36-00110A  |
| 18 | Flint, William E. and Vera C.           | A36-00111A  |
|    | Flint, William E. and Vera C.           | A36-00112A  |
| 19 | Flint, William E. and Vera C.           | A36-10168   |
|    | Fuell, Keith L. & Jolene                | A36-00086C  |
| 20 | Gardner, Barbara & Robert B.            | A36-00003B  |
|    | Gardner, Barbara                        | A36-00003J  |
| 21 | Gisler, Harry R.                        | A36-00021B  |
|    | Gisler, Bradley                         | A36-00077C  |
| 22 | Glauner, Frank L. & Joan                | A36-00039E  |
|    | Grigg, Mattie P. & Golden T.            | A36-10283B  |
|    | Gustafson Family Trust/Gustafson        | A36-00033F  |
| 23 | Ivan J. & Lucille co-trustees           |             |
|    | Hagerman-Gun Club                       | A36-00100   |



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|    |                                              |             |
|----|----------------------------------------------|-------------|
| 1  | Hagerman Gun Club                            | A36-00099   |
|    | Hagerman Gun Club                            | A36-07233   |
| 2  | Hagerman Gun Club                            | A36-07172   |
|    | Hagerman Gun Club                            | A36-10249   |
| 3  | Hagerman Water Users Assoc.                  | A36-15168   |
|    | Jensen, Alice                                | A36-00055BC |
|    | Johnson, Ira L. & Huguetta M.                | A36-07142   |
| 4  | Joint Hagerman School Dist 233               | A36-15463   |
|    | Jones, John W., Jr.                          | A36-00068   |
| 5  | Jones, John W., Jr.                          | A36-00069   |
|    | Jones, John W., Jr.                          | A36-07071   |
| 6  | Jones, John W., Jr.                          | A36-00070   |
|    | Kipp, Rudy B. & Elberta M.                   | A36-10119   |
| 7  | Kipp, Rudy B. & Elberta M.                   | A36-10120   |
|    | Kipp, Rudy B. & Elberta M.                   | A36-07658   |
| 8  | Kiser, John & Karl Woodall & Sons, Inc       | A36-00071A  |
|    | Kiser, John & Karl Woodall & Sons, Inc       | A36-00075   |
|    | Korbis, George J. & Nellie W.                | A36-00039N  |
| 9  | Laughlin, Craig J. & Rita D.                 | A36-7089    |
|    | Laughlin, Craig J. & Rita D.                 | A36-00051D  |
| 10 | Littlefair, Larry & Tara                     | A36-0121    |
|    | Littlefair, Larry & Tara                     | A36-10055   |
| 11 | Littlefair, Larry & Tara                     | A36-00119   |
|    | Littlefair, Larry & Tara                     | A36-00120   |
| 12 | Lloyd, Cleave C.                             | A36-04142   |
|    | Lloyd, Cleave C.                             | A36-00003G  |
|    | McFaddan, Dan H. & Irma R.                   | A36-2169    |
| 13 | McFaddan, Dan H. & Irma R.                   | A36-00048A  |
|    | McFaddan, Dan H. & Irma R.                   | A36-00049   |
| 14 | Morris, Howard & Rhonda                      | A36-00063   |
|    | Morris, Howard & Rhonda                      | A36-00061   |
| 15 | Morris, Howard & Rhonda                      | A36-00062   |
|    | Mueller, Manfred                             | A36-00035J  |
| 16 | Norwood Subdivision/                         | A36-15240   |
|    | Ruby Springs Water Company                   | A36-07092A  |
|    | Potter, Mark B. & Susan H.                   | A36-00039J  |
| 17 | Rawson, Frank S. & Carol A.                  | A36-00123A  |
|    | Reese, Bruce W. & LaRose A.                  | A36-04091   |
| 18 | Reese, Bruce W. & LaRose A.                  | A36-10231   |
|    | Rue, James O. & Beverly Jane                 | A36-07142A  |
| 19 | Shaffer, Roger                               | A36-00034B  |
|    | Simcoe, Doyt H. & Roxie J.                   | A36-00003F  |
| 20 | Simpson, Michael, on behalf of               | A36-0123E   |
|    | Josephine Simpson Estate                     |             |
| 21 | Simpson, Michael, on behalf of               | A36-0096A   |
|    | Josephine Simpson Estate                     |             |
| 22 | Strange, Wm. (Penelope Turner-remainder man) | A36-00006   |
|    | Strange, Wm. (Penelope Turner-remainder man) | A36-00007   |
|    | Strange, Wm. (Penelope Turner-remainder man) | A36-00008   |
| 23 | Veenendaal, Dick J.                          | A36-00108A  |
|    | Veenendaal, Dick J.                          | A36-00039C  |



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|   |                                 |             |
|---|---------------------------------|-------------|
| 1 | Vernon, Edith L.                | A36-00003E  |
|   | Walmsley, Fred J. & Susan K.    | A36-00039D  |
| 2 | Ward, John P. & Rush, Ruth E.   | A36-00094-A |
|   | Ward, John P. & Rush, Ruth E.   | A36-00090F  |
| 3 | Watkins, Paul E. & Inez S.      | A36-00106   |
|   | Watkins, Paul E. & Inez S.      | A36-08099   |
|   | Wiens, M.J., Jr.                | A36-07229   |
| 4 | Wiens, M.J., Jr.                | A36-07081   |
|   | Wiens, M.J., Jr.                | A36-80317   |
| 5 | Wiens, M.J., Jr.                | A36-00098   |
|   | Wiens, M.J., Jr.                | A36-00097   |
| 6 | Wiens, M.J., Jr.                | A36-02002   |
|   | Wiens, M.J., Jr.                | A36-00101   |
| 7 | Wiens, M.J., Jr.                | A36-00141   |
|   | Wiens, M.J., Jr.                | A36-10520   |
|   | Woolley, Max J. & Blanche       | A36-00039M  |
| 8 | Ya-Ta-Hay Investments, Inc.     | A36-10283A  |
|   | Ya-Ta-Hay Investments, Inc.     | A36-07875   |
| 9 | Zink, Basil Lester & Myrle Hyde | A36-00103F  |

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14  
 15 By   
 16 PATRICK D. BROWN  
 Attorneys for Respondents

17  
 18 CERTIFICATE OF MAILING

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



Hepworth,  
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 & Lezamiz

NOTICE OF APPEARANCE - 4

MICROFILMED

OCT 20 1994

1 February, 1993, to:

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

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

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

10 United States Department of Justice  
Environment and Natural Resources Division  
11 550 West Fort Street, Box 33  
Boise, ID 83734

12  
13   
14 Patrick D. Brown



Hepworth,  
Nungester,  
& Lezamiz



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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

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

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OCT 20 1994

Mr. Patrick D. Brown  
 March 1, 1993  
 Page 3

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

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

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

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**OCT 20 1994**

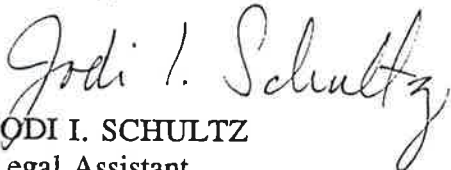
Mr. Patrick D. Brown  
March 1, 1993  
Page 4

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

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

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

Sincerely,

  
JODI I. SCHULTZ

Legal Assistant  
Idaho Department of Water Resources

cc: IDWR Southern Region

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OCT 20 1994

# TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: ANDREW HELMLINGER

IDWR

@ SRBA court

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: RUBY SPRINGS / NORWOOD  
Recommendation  
A36-15240

FROM: IDAHO DEPARTMENT OF WATER RESOURCES  
1341 Fillmore Street, Suite 200  
Twin Falls ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: STEVE CLELLAND

## CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: \_\_\_\_\_

Please remit to the above address.

COMMENTS:

Andrew,

Is the number of homesites correct?

I left it as before but thought you should  
check it with the previous rulings by the court.

Steve

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

DATE: APR-07-1997

PAGE: A-1

RIGHTS FROM: SOURCE: RUBY SPRING TRIBUTARY: BILLINGSLEY CREEK  
SPRING BILLINGSLEY CREEK

RIGHT NUMBER: 36-15240

NAME AND ADDRESS: RUBY SPRINGS WATER COMPANY  
C/O RODERICK R HOWARD  
2638 ACCESS ROAD N  
HAGERMAN ID 83332

NORWOOD SUBDIVISION  
RUBY SPRINGS WATER CO  
RODERICK R HOWARD  
2638 ACCESS ROAD N  
HAGERMAN ID 83332

SOURCE: RUBY SPRING TRIBUTARY: BILLINGSLEY CREEK  
SPRING BILLINGSLEY CREEK

QUANTITY: 0.22 CFS

THE QUANTITY FOR NON/IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY  
USED FOR DOMESTIC/ 22 HOME SITES CONNECTED TO SYSTEM

USE OF THIS RIGHT WITH RIGHT NO. 36-07092A IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.58 CFS.

PRIORITY DATE: 08/16/1976

POINT OF DIVERSION: T07S R13E S13 NENENE Within GOODING County

## PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE         | PERIOD OF USE | QUANTITY |
|----------------|------------------------|---------------|----------|
|                | DOMESTIC 22 HOME SITES | 01-01 12-31   | 0.22 CFS |

PLACE OF USE: DOMESTIC Within GOODING County  
T07S R13E S13 SWNE SENE

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

THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE  
OF USE OF A PORTION OF RIGHT NO. 36/07092A PURSUANT TO IDAHO  
CODE 42/1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY  
DUE TO THE CHANGE IN USE.

RIGHT NO. 36/07092A IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF  
THESE RIGHTS IS LIMITED TO 0.58 CFS.

SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

36-15240 (CONT.)

PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 19, NORMAN SUBDIVISION  
AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE  
S1/2NE1/4 S13, T07S, R13E.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE.

TRANSMISSION VERIFICATION REPORT

TIME : 04/07/1997 09:47  
NAME : IDWR SOUTHERN REGION  
FAX : 2087363037  
TEL : 2087363033

|              |             |
|--------------|-------------|
| DATE, TIME   | 04/07 09:46 |
| FAX NO./NAME | 97362121    |
| DURATION     | 00:01:38    |
| PAGE(S)      | 03          |
| RESULT       | OK          |
| MODE         | STANDARD    |

AJ5809NP  
No. R36-15240

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/96  
PAGE: 147

| OWNER<br>CODE    | NAME & ADDRESS                                                                                                                 | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | NORWOOD SUBDIVISION<br>RUBY SPRINGS WATER CO<br>RODERICK R HOWARD<br>2638 ACCESS ROAD N<br>HAGERMAN ID 83332<br>(208) 837-6633 | 08/16/1976       | DOMESTIC  | 01-01 12-31           | 0.22 CFS          |                     |
| TOTAL DIVERSION: |                                                                                                                                |                  |           |                       | 0.22 CFS          |                     |

Water Source: SPRING

Tributary to: BILLINGSLEY CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R13E S13

NENENE

GOODING County

Place of use Legal Description for: DOMESTIC

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |   |  |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|--|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |  |
| 07S | 13E | 13 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |  |

POU County: GOODING

Non-Irrigation Uses: DOMESTIC/ 22 HOME SITES CONNECTED TO SYSTEM

Other Rights: SEE REMARKS

Remarks: GEN THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE OF USE OF A PORTION OF RIGHT NO. 36-07092A PURSUANT TO IDAHO CODE 42-1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY DUE TO THE CHANGE IN USE.

RIGHT NO. 36-07092A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.58 CFS.

SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE S1/2NE1/4 S13, T07S, R13E.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 36A

Field Inspection Flag:

Presumption Flag: E

Comments: Date: 10/08/1991 User-ID: CHRISTEN Subject: COPIED FROM REMARKS

*Hold  
claim  
presumption  
flag - E.*

*Contested*

*A From  
Don - 2  
pg*

=====

Comments: Date: 10/08/1991 User-ID: CHRISTEN Subject: COPIED FROM REMARKS  
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED  
THIS CLAIM IS AN EXPANSION IN THE SEASON OF USE FOR A CHANGE IN  
THE NATURE OF USE OF CLAIM 36-07092A FROM IRRIGATION TO THE  
DOMESTIC USE FOR THE 13 DEVELOPED LOTS.

Date: 08/11/1992 User-ID: THORNTON Subject: TYPO CORRECTION

Date: 09/23/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)  
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.  
CLAIM VERIFIED 8/13/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 09/29/1992 User-ID: MERRITT Subject: RESPONDED TO NOE  
RE-EVALUATED SYSTEM CAPACITY AND ALLOWED 0.22 CFS FOR 22 HOME  
SITES IDENTIFIED BY CLAIMANT AS SERVED BY SYSTEM. ALL LOTS  
HAVE STUBBED PIPES TO EACH LOT AND PRESENTLY 16 HOUSES ARE  
SERVED WITH 6 LOTS NOT YET DEVELOPED. SYSTEM CAPACITY DETERMINED  
TO BE 0.58 CFS WITH BOTH THE 3 AND 10 HP PUMPS RUNNING.

Date: 02/22/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTORNEY  
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ  
2/10/93.  
CLAIM VERIFIED 9/29/92--DIDN'T REVERIFY CLAIM.

Audit: 09/30/96 DSHAFF

6/9/94

# COMMUNICATION DOCUMENTATION

Claim No. A36-15240

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

IDWR Employee/Agent Steve Clelland

April 4, 1997 1:20pm

**NAME:**

**RON ADAMS**

**CALLIN**

**RE:**

## REQUEST OF TESTIMONY

HE WANTED TO KNOW WHETHER TO SUBPOENA ME OR JUST REQUEST MY APPEARANCE AT THE TRIAL ON 4/14/97. I SUGGESTED HE GO THE SUBPOENA ROUTE TO BE SURE I WILL BE THERE, THAT IS THE PRECEDENCE WE HAVE USED SO FAR IN OTHER CASES. IT IS MORE OF A FORMAL REQUEST FOR THE DEPT. TO ACKNOWLEDGE. HE AGREED. CLAIM: A36-15240

From: DWR60::MBALDWIN 8-APR-1997 09:43:19.61  
To: MBALDWIN, SCLELLAN  
CC:  
Subj: Ron Adams Subpoena

I received a t/c from Mr. Adams on 4/8/97 @ approximately 9:40 a.m. requesting the original Subpoena be retrieved from you and Allen and that copies of the Subpoena be delivered to you. He also requested a Certificate of Delivery from me so he could file it along with the original Subpoena documents to the Court.  
Thx!

6/9/94

## COMMUNICATION DOCUMENTATION

Claim No. A36-15240

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

IDWR Employee/Agent Steve Clelland

April 8, 1997 2:50pm

NAME:  
RON ADAMS

**CALLIN**

RE:  
ADVISEMENT OF TRIAL

HE WAS CALLING ME TO TELL ME SOME OF THE ISSUES HE WILL BE DISCUSSING AT TRIAL NEXT WEEK AND REFERED ME TO MY COM-DOC OF 6/9/94 AS A POINT OF DISPUTE. A36-15240

NEW  
Doc's  
To Be  
Filed



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

August 22, 1995

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

ROD HOWARD  
2638 ACCESS ROAD  
HAGERMAN ID 83332

RE: SETTLEMENT CONFERENCE PROPOSAL

Dear Mr. Howard,

Enclosed please find the draft proposal write-up as we had discussed in the settlement conference on June 16, 1995.

If you have further questions contact me at our office.

Sincerely,

STEVE CLELLAND  
Water Resource Agent

ENC:

CC:

RON ADAMS  
3028 CHISHOLM DR  
HAGERMAN ID 83332

NICK SPENCER  
IDWR  
PO BOX 83720  
BOISE ID 83720

SRBA FILES

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DEC 05 1996

A36 - 15240

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

# DRAFT PROPOSAL

A36-07092A

A36-07092C

BY: STEVE CLELLAND

DATE: AUGUST 21, 1995

---

**PURPOSE:** To develop a recommendation and proposal of the two claims listed above as discussed and identified within the settlement conference on June 16, 1995. This is a starting point for further negotiation and resolution for the next scheduled settlement conference on September 7, 1995.

**ATTACHMENTS:** Three attachments accompany this proposal:

1. Proof Report of 36-07092A as reported to the SRBA court.
2. Proof Report of 36-15240 as reported to the SRBA court.
3. Review of Recommendation by Steve Clelland, 12-14-95.

**LOT 13:** The suggestion was made to separate this portion of Mr. Adams' right from the Norwood Subd. portion. A proportional share of 36-07092A is as follows:

ACRES        0.84 acres X 80% = 0.672 or 0.70 ac.  
FLOW RATE 0.70 acres X 0.02 cfs/ac = 0.014 cfs.  
Domestic use: 0.01 cfs (As allowed in 36-15240)  
                 (split claim A & B)

These amounts would be deducted from the 36-07092A right and split from the 36-15240 right. The resulting rights would be this:

|           |                           |
|-----------|---------------------------|
| 36-07092A | 17.3 acres and 0.346 cfs. |
| 36-15240  | 21 houses and 0.21 cfs.   |

## A36-07092C RECOMMENDATION

This right is being recognized on the basis of the "tapped in" rule, as applied to 36-07092A, and not on the basis of demonstrated beneficial uses. Based on the information in attachment 3. and the further review of this file the draft proposed recommendation for this right would be as follows:

HARTMAN LOT: Lot size 2.78 acres. Allowance for 80% of the lot size but limited to a maximum lot size of 2.0 acres for the "tapped in" allowance. Therefore, 2.0 acres X 80% = 1.60 acres for the lot. Flow rate as licensed and allowed for part A, 0.02 cfs/ac. X 1.60 ac. = 0.032 cfs.

LOWER LOT: Lot size is 7.13 acres. Same conditions as above apply which results in the same acres and flow rate; 1.60 acres and 0.032 cfs.

DOMESTIC USES: Domestic uses allowed to the Norwood Subd.

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DEC 0 5 1996

required an additional claim for expansion of the base license. If Mr. Adams files the similar type claim (or follows the recommended procedure of the SRBA court) the allowed uses and rates would be these: Allow 1 house per lot at the rate of 0.01 cfs per household. This is the same rate as 36-15240.

LOT 13: This portion of part A would be changed to become a listed portion in Mr. Adams' claim, part C.

#### SUMMARY OF CHANGES

| 36-07092A  | 36-07092C | 36-15240A | 36-15240B* |
|------------|-----------|-----------|------------|
| 0.346 CFS  | 0.078 CFS | 0.21 CFS  | 0.03 CFS   |
| 17.3 ACRES | 3.9 ACRES | --        | --         |
|            |           | 21 HOUSES | 3 HOUSES   |

---

(\* This claim may be an amendment of the split or may require another claim to be filed by Adams.)

**VARIATIONS:** The Dept. has limited the allowance of the tapped lots at 80% of actual size for the subdivision lots. Since none of the lots are over 2 acres the Adams' lots were limited to a 2.0 acre maximum when applying the 80% allowance. If the full lot sizes were considered the calculation for acres and flow rates would be as follows:

HARTMAN LOT: Lot size is 2.78 acres,  $2.78 \text{ ac.} \times 80\% = 2.22 \text{ acres}$ ;  $0.02 \text{ cfs/ac.} \times 2.22 \text{ ac.} = 0.044 \text{ cfs}$ .

LOWER LOT: Lot size is 7.13 acres,  $7.13 \text{ ac.} \times 80\% = 5.70 \text{ acres}$ ;  $0.02 \text{ cfs/ac.} \times 5.70 \text{ ac.} = 0.114 \text{ cfs}$ .

Total of the full lot allowance is 0.158 cfs on 7.92 acres versus the previous figures of 0.064 cfs on 3.20 acres as shown in the first example. A difference of 0.094 cfs. This calculation is shown for comparison and is not being recommended by the Department for part C.

#### OTHER ISSUES

1. Easements for pipelines and methods of delivery are items to be negotiated by the separate parties and are normally not granted as a function of the water right.

2. Possibility of converting this spring flow right to a well source is considered valid by IDWR. The process would involve filing an Application for Transfer with the Department and would be processed with advertisement and public notice of the changes.

---

PREPARED BY STEVE CLELLAND      DATE: August 21, 1995  
FILE: (LEG:ADAMS-NORWOOD-SUM.DOC)      REVISED: August 22, 1995

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DEC 05 1996

AJ5808NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

08/22/95 09:46:44  
Page 1

Water Right Number - 36-07092A

Prefix Translation: WATER RIGHT

Old (D) Number -

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

\*\*\* A - ATTORNEY \*\*\*  
BROWN

PATRICK D

1 - HEPWORTH NUNGESTER LEZAMIZ  
2 - 133 SHOSHONE ST N  
3 - PO BOX 389  
City- TWIN FALLS State- ID Zip- 833030389  
Phone - 208-734-7510

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

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

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

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SPRING BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Diversion Name  
07S 13E 13 NE NE NE (47) GOODING

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 03/15 11/15 0.360

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.360 54.0

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

Total Acres: 18.0

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

+ - - Non-Irrigation Use - NONE

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

+ - - - - Remarks - - - - - +  
PRIORITY OF PORTION OF RIGHT CHANGED TO PREVENT INJURY FROM  
CHANGE IN USE, SEE RIGHT NO. 36-15240.  
RIGHT NO. 36-15240 IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF  
THESE RIGHTS IS LIMITED TO 0.58 CFS.  
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

DEC 05 1996  
MICROFILMED

AJ5808NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

08/22/95 09:47:10  
Page 2

Water right number - 36-07092A

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +  
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION  
AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE  
S1/2NE1/4 S13, T07, R13E.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

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

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

+ - - Audit Fields - 01/28/91 BEDKE 06/24/91 SOUTH1 10/08/91 CHRISTEN 10/09/91 CHRISTEN 03/12/92 ROBERTSO  
07/10/92 CWU-PROD 07/18/92 POST-STD 07/27/92 SMITH 08/07/92 CHRISTEN 08/11/92 THORNTON  
08/28/92 PR-PRODM 09/23/92 SCHULTZ 09/29/92 MERRITT 10/15/92 CWU-SHAF 11/02/92 CPSHAW  
12/05/92 ADT-SHAW 02/19/93 SCHULTZ 02/28/94 CM1-SMIT 03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 257245 08/24/92

+ - - - - Comments - - - - - +  
Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS      USE CLAIMED UNDER A35-15240 WITH A NEW PRIORITY DATE.  
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED DOMESTIC  
Date: 08/11/1992 User Id: THORNTON Subject: TYPO CORRECTION  
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)      CLAIM VERIFIED 8/11/92. DID NOT REVERIFY ANY PART OF CLAIM.  
RECEIVED 2 NOE'S 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.  
Date: 09/29/1992 User Id: MERRITT Subject: RESPONDED TO NOE      FIELD EXAM FINDS THAT ADDITIONAL ACRES ARE IRRIGATED.  
RE-EVALUATION OF ACRES IRRIGATED BY USING NAPP AND THE ORIGINAL      ORIGINAL MEASUREMENT WAS PROBABLY NOT DONE WHEN THE SYSTEM WAS  
RE-EVALUATION OF THE CAPACITY OF THE SYSTEM FINDS THAT THE      AND THIS THEORETICAL IS USED TO LIMIT THE CAPACITY WHEN COMBINED  
AT ITS MAXIMUM DIVERSION RATE. A THEORETICAL CALCULATION CONFIRM  
WITH 36-15240.  
Date: 02/19/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY      2/10/93.  
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ  
CLAIM VERIFIED 9/29/92--DID'NT REVERIFY CLAIM.

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

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing   | - 11/02/1992 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date  | - 10/07/1994 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date   | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date   | - 08/03/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date        | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | - 36A   |
| Licensed Date         | - 00/00/0000 | Receipt Number        | - S001266    | Federal/State Indicator | - S     |
| Claims Tape Error Flg | -            | POU Ownership Flag    | - Y          | Presumption Flag        | -       |
| Fee Exempt Flag       | -            | Name Connector        | - AND/OR     | Notice of Error Flag    | - C     |

DEC 0 5 1996  
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AJ5808NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

08/22/95 09:47:17

Page 1

Water Right Number - 36-15240

Prefix Translation: WATER RIGHT

Old (D) Number -

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

\*\*\* A - ATTORNEY \*\*\*  
BROWN

PATRICK D

1 - HEPWORTH NUNGESTER LEZAMIZ  
2 - 133 SHOSHONE ST N  
3 - PO BOX 389  
City- TWIN FALLS  
Phone - 208-734-7510

State- ID Zip- 833030389

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

1 - RUBY SPRINGS WATER CO  
2 - RODERICK R HOWARD  
3 - 2638 ACCESS ROAD N  
City- HAGERMAN  
Phone - 208-837-6633

State- ID Zip- 83332

+ - - Priority Date - - +  
08/16/1976

+ - - Region - - - +  
17 SOUTHERN

+ - - Stage - - - +  
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - - +  
SPRING

+ - - Tributary - - - - - +  
BILLINGSLEY CREEK

| Tw  | Rng | Sec | Tract    | Lot | Rflg | County | Point of Diversion | Diversion Name |
|-----|-----|-----|----------|-----|------|--------|--------------------|----------------|
| 07S | 13E | 13  | NE NE NE |     |      |        | (47) GOODING       |                |

| Code          | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|---------------|-------------|-------------|-----------|-----------|----------------|------------------|
| 43 - DOMESTIC |             | 01/01       | 12/31     |           | 0.220          |                  |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.220 0.0

| Tw  | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County       |
|-----|-----|-----|-------|-----|-------|--------------|-------------|--------------|
| 07S | 13E | 13  | SW NE |     |       | 43 DOMESTIC  |             | (47) GOODING |
| 07S | 13E | 13  | SE NE |     |       | 43 DOMESTIC  |             | (47) GOODING |

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

+ - - Non-Irrigation Use - DOMESTIC/ 22 HOME SITES CONNECTED TO SYSTEM

+ - - Other Rights for Same Use - SEE REMARKS

+ - - Remarks - - - - - +

THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE OF USE OF A PORTION OF RIGHT NO. 36-07092A PURSUANT TO IDAHO CODE 42-1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY DUE TO THE CHANGE IN USE.  
RIGHT NO. 36-07092A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 0.58 CFS.  
SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

DEC 05 1996  
MICROFILMED

AJ5808NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

08/22/95 09:48:10  
Page 2

Water right number - 36-15240

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +  
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION  
AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE  
S1/2NE1/4 S13, T07S, R13E.  
+ - - - - Old Water Right Numbers - - - - - +  
3607092A  
+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.  
+ - - - - Decree Plaintiff - - - - - + - - - - Decree Defendant - - - - - + - - Decree Date - +  
00/00/0000

+ - - Audit Fields - 10/08/91 CHRISTEN 10/11/91 CHRISTEN 07/21/92 POST-STD 08/07/92 CHRISTEN 08/11/92 THORNTON  
08/13/92 MERRITT 09/23/92 SCHULTZ 09/29/92 MERRITT 11/02/92 CPSHAW 12/05/92 ADT-SHAW  
02/22/93 SCHULTZ 03/29/95 POST-STD

+ - - - - Comments - - - - - +  
Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS  
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED  
THE NATURE OF USE OF CLAIM 36-07092A FROM IRRIGATION TO THE  
Date: 08/11/1992 User Id: THORNTON Subject: TYPO CORRECTION  
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)  
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.  
Date: 09/29/1992 User Id: MERRITT Subject: RESPONDED TO NOE  
RE-EVALUATED SYSTEM CAPACITY AND ALLOWED 0.22 CFS FOR 22 HOME  
HAVE STUBBED PIPES TO EACH LOT AND PRESENTLY 16 HOUSES ARE  
TO BE 0.58 CFS WITH BOTH THE 3 AND 10 HP PUMPS RUNNING.  
Date: 02/22/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY  
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ  
CLAIM VERIFIED 9/29/92--DIDN'T REVERIFY CLAIM.  
THIS CLAIM IS AN EXPANSION IN THE SEASON OF USE FOR A CHANGE IN  
DOMESTIC USE FOR THE 13 DEVELOPED LOTS.  
CLAIM VERIFIED 8/13/92. DID NOT REVERIFY ANY PART OF CLAIM.  
SITES IDENTIFIED BY CLAIMANT AS SERVED BY SYSTEM. ALL LOTS  
SERVED WITH 6 LOTS NOT YET DEVELOPED. SYSTEM CAPACITY DETERMINED  
2/10/93.

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +  
Court Report Filing - 11/02/1992 Field Inspection Made - 00/00/0000 Civil Case Number - 39576  
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -  
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -  
Claim Received Date - 08/03/1988 Last Amended Date - 00/00/0000 Temporary Right - P  
Proof Due Date - 00/00/0000 Proof Made Date - 00/00/0000 Water District - 36A  
Licensed Date - 00/00/0000 Receipt Number - S001266 Federal/State Indicator - S  
Claims Tape Error Flg - POU Ownership Flag - Y Presumption Flag - E  
Fee Exempt Flag - Name Connector - AND/OR Notice of Error Flag - E

MICROFILMED  
DEC 05 1996

RECEIPT  
For Monies Paid  
to the  
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 8015715

POOR ORIGINAL

Date: 5/ 5/1993  
Time: 15:01:24

Received  
From: ADAMS, FRAN

| Type of Payment  | Program Acct Class | Amount |
|------------------|--------------------|--------|
| COPIES ADJ FILES | 64100 229 21 1760  | 4.25   |

Total

\$4.25

CASH

Region: SOUTHERN

Signature:

*Janis Robertson*

MICROFILMED

DEC 0 5 1996

## DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

FRAN ADAMS

2. SUBJECT OF INQUIRY:

wanted copies of Norwood Subdiv.  
Claims A36-15240 & A30-07092A.

3. RESPONSE TO INQUIRY:

made copies and charged them  
\$4.25 which they paid in cash & receipted.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Jeanie Robertson 5/5/93

Jeanie Robertson

36-07092A

36-15240

MICROFILMED

DEC 05 1996



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

27-Jan-1993

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

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

Dear Mr. Howard:

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

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

\$5.73

Sincerely,

  
Jeanie Robertson  
Records Clerk

Encl:

Howard  
16  
44  
 $60 \times 5 = 3.00$   
post. 2.59  
encl. .14  
5.73

MICROFILMED

DEC 05 1996

RECEIVED

JAN 15 1993

Department of Water Resources  
Southern Region Office

January 13, 1993  
(Date)

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

Dear Idaho Department of Water Resources:

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

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

Please bill me for the copy charge.

Sincerely,

Ruby Springs Water Company  
% Roderick Howard  
(Name)

2638 Access Road North  
(Address)

Hammerman, Idaho 83332  
(City, State, Zip Code)

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

MICROFILMED

DEC 05 1996

## DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

Rod Howard  
96 Norwood Subdiv on  
Ruby Springs Water Co.

2. SUBJECT OF INQUIRY:

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

3. RESPONSE TO INQUIRY:

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

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

*A. D. Merritt* 11/24/92

A36-07092A

A36-13540 **MICROFILMED**

**DEC 05 1996**

**R PROOF**

**CVR**

**MAPS**

**PHOTOS**

**MISC**

**NOTICE OF ERROR**



**RESPONSE**



**CORRECTED R PROOF**



**MICROFILMED**  
**FEB 09 1993**

Water Right Number - R36-15240

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
NORWOOD SUBDIVISION1 - RUBY SPRINGS WATER CO  
2 - RODERICK R HOWARD  
3 - 2638 ACCESS ROAD N  
City- HAGERMAN  
Phone - 208-837-6633

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
08/16/1976 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SPRING BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County  
07S 13E 13 NE NE NE (47) GOODING+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
43 - DOMESTIC 01/01 12/31 0.220+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.220 0.0+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
07S 13E 13 SW NE 43 DOMESTIC (47) GOODING  
07S 13E 13 SE NE 43 DOMESTIC (47) GOODING

Total Acres:

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

+ - - Non-Irrigation Use - DOMESTIC/ 22 HOME SITES CONNECTED TO SYSTEM

+ - - Other Rights for Same Use - SEE REMARKS

+ - - - - Remarks - - - - - +

THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE  
OF USE OF A PORTION OF RIGHT NO. 36-07092A PURSUANT TO IDAHO  
CODE 42-1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY  
DUE TO THE CHANGE IN USE.RIGHT NO. 36-07092A IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF  
THESE RIGHTS IS LIMITED TO 0.58 CFS.

SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

MICROFILMED  
FEB 09 1993

Water right number - R36-15240

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +  
PROPERTY IS ALSO KNOWN AS LOTS 1 THRU 15, NORWOOD SUBDIVISION  
AND TAX LOTS 46, 47, 54, 55, 56, 57 & 58 LOCATED IN THE  
S1/2NE1/4 S13, T07S, R13E.

+ - - - - - Old Water Right Numbers - - - - - +  
3607092A

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

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

+ - - - - - Comments - - - - - +  
Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS  
SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED  
THE NATURE OF USE OF CLAIM 36-07092A FROM IRRIGATION TO THE  
Date: 08/11/1992 User Id: THORNTON Subject: TYPO CORRECTION  
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)  
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.  
Date: 09/29/1992 User Id: MERRITT Subject: RESPONDED TO NOE  
RE-EVALUATED SYSTEM CAPACITY AND ALLOWED 0.22 CFS FOR 22 HOME  
HAVE STUBBED PIPES TO EACH LOT AND PRESENTLY 16 HOUSES ARE  
TO BE 0.58 CFS WITH BOTH THE 3 AND 10 HP PUMPS RUNNING.  
THIS CLAIM IS AN EXPANSION IN THE SEASON OF USE FOR A CHANGE IN  
DOMESTIC USE FOR THE 13 DEVELOPED LOTS.  
CLAIM VERIFIED 8/13/92. DID NOT REVERIFY ANY PART OF CLAIM.  
SITES IDENTIFIED BY CLAIMANT AS SERVED BY SYSTEM. ALL LOTS  
SERVED WITH 6 LOTS NOT YET DEVELOPED. SYSTEM CAPACITY DETERMINED

+ - - Audit Fields - - +  
09/29/92 MERRITT

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 09/29/1992 | Old Judicial District   | -       |
| Claim Received Date  | - 08/03/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S001266    | Water District          | - 36A   |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | - E     |
|                      |              |                       |              | Notice of Error Flag    | - E     |

MICROFILMED  
FEB 09 1993

RESPONSE TO NOTICE OF ERROR  
IN THE SNAKE RIVER BASIN ADJUDICATION

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

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

Claimant Contact Person Roderick Howard

Others Present None

Contact By (give date) \_\_\_\_\_

Meeting (location): Twin Falls Office IDWR  
week of 9/14/92

Phone Call (no.) \_\_\_\_\_

Letter (attach letter): \_\_\_\_\_

IDWR USE ONLY

Date \_\_\_\_\_ Initials \_\_\_\_\_

Date Entered 9/29/92 Adm

Verified 9/29/92 Adm

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

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

Exact location of Subdivision service area not determined  
and it appears some areas irrigated were missed.

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

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

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

V. Action taken (date): Changed recommendations and sent  
copy of this response & proof reports to Mr.  
Howard. Changed notice of error 1/2/93.

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FEB 09 1993

# NOTICE OF ERROR FORM

AUG-24-1992

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

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

RECEIVED

SEP 22 1992

Department of Water Resources

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

**YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:** SEP-24-1992

RECEIVED

1. Water right number: 36-07092A 15240

SEP 28 1992

Department of Water

Southern Region

2. Name: Norwood Subdivision

Ruby Spring Water Company  
Address: 2638 Access Road North  
Hagerman, Idaho 83332  
c/o Roderick R Howard

Weekday Telephone Number: 837-6633

MICROFILMED

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:

*see attached work sheet for recommended changes as worked out by Allen D. Merritt and myself*

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

5. Describe why you disagree with the proposed recommendation:

6. Date:

SIGNATURE

*Robert R. Howard*  
*President Ruby Springs Water Company*

AUG-24-1992

1126

THIS IS A COPY OF YOUR WATER RIGHT AS IDWR PROPOSES TO RECOMMEND IT TO  
THE DISTRICT COURT\*

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

| RIGHT<br>NUMBER                                                                                                                                                                                                                                                                                                                                                                                                                                               | NAME & ADDRESS                                                                                       | PRIORITY<br>DATE                    | PURPOSE OF USE | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY                         | BASIS OF CLAIM |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------|----------------|--------------------------|---------------------------------------------|----------------|
| 36-15240 ✓                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NORWOOD SUBDIVISION<br>RUBY SPRINGS WATER CO<br>RODERICK R HOWARD<br>PO BOX 658<br>HAGERMAN ID 83332 | <del>08/16/1976</del><br>08/01/1978 | DOMESTIC       | 01-01 12-31              | <del>0.17</del><br>0.22<br>0.22<br>0.17 CFS | BENEFICIAL USE |
| NON-IRRIGATION USES: 22 Home Sites connected to system                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                      |                                     |                |                          | TOTAL QUANTITY: 0.17 CFS                    |                |
| DOMESTIC, 13 HOMES PRESENTLY, 22 LOTS TOTAL                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                      |                                     |                |                          |                                             |                |
| SOURCE: SPRING                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                      |                                     |                |                          |                                             |                |
| POINT OF DIVERSION:                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                      |                                     |                |                          |                                             |                |
| T07S R13E S13 NENENE                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                      |                                     |                |                          |                                             |                |
| PLACE OF USE: DOMESTIC                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                      |                                     |                |                          |                                             |                |
| T07S R13E S13 SWNE SENE                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                      |                                     |                |                          |                                             |                |
| REMARKS: THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE<br>OF USE OF A PORTION OF RIGHT NO. 36-07092A PURSUANT TO IDAHO<br>CODE 42-1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY<br>DUE TO THE CHANGE IN USE.<br>RIGHT NO. 36-07092A IS ALSO DIVERTED THROUGH POINT OF DIVERSION<br>DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF<br>THESE RIGHTS IS LIMITED TO 0.28 CFS. 0.58<br>SOURCE IS ALSO KNOWN AS RUBY SPRINGS. |                                                                                                      |                                     |                |                          |                                             |                |

MICROFILMED  
FEB 09 1993

## WHY IS THE NOTICE OF ERROR REQUIRED?

The court has ordered that IDWR adopt this procedure to provide a simple and inexpensive means to try to resolve potential disputes informally before the Director's Report is filed with the court. Disputes that are not resolved through this procedure will be resolved by the court through the objection procedure described below.

If a dispute can be resolved informally before the Director's Report is filed, it will save time and money for everyone, since you and IDWR will not have to appear before the judge to resolve the matter. Many disagreements can be resolved informally through this procedure.

## WHAT HAPPENS AFTER THE DIRECTOR'S REPORT IS FILED WITH THE COURT?

When the Director's Report is filed with the court, you will be mailed a notice of filing the Director's Report, along with a copy of your claim as it is recommended in the report. The notice will state the locations where a complete copy of the report is available.

If you disagree with any portion of the Director's Report, then you will have an opportunity to file an objection to the report with the court. This includes the director's recommendation as to your water right, or to someone else's water right. If you disagree with any portion of the Director's Report, you must file an objection with the district court by the objection deadline, or you may lose the right to challenge anything that you think is wrong in the report.

IDWR must file a response to each objection. You will have the opportunity to file a response if someone else objects to your water right, or if you wish to participate in the proceedings on an objection to someone else's water right.

Once the deadlines for filing objections and responses have passed, the court will enter a partial decree that determines all of the recommendations to which no objections were filed. The uncontested claims will be decreed the same as they are shown in the Director's Report. The court will then proceed to resolve the disputes raised by the objections (the contested claims), after trial if necessary, and to enter partial decrees of those remaining claims.

The notice of filing the Director's Report will contain further information about the procedures to be followed after the report is filed with the court, including the deadlines for filing objections and responses, and the date and location of the hearing on the partial decree of uncontested matters.

## IS THERE ANYTHING ELSE IN THE DIRECTOR'S REPORT?

The Director's Report will also include "general provisions." These provisions apply to all water rights in the area where your claim is located or to certain types of water rights in your area. Some of the general provisions further describe or limit certain types of water rights. Some of the general provisions will affect the way in which water rights in your area will be administered.

Proposed general provisions for the Director's Report are available for your review and comment at this time. Copies are available for inspection at all IDWR offices (listed below), and at the additional locations printed with your proposed recommendation. Copies can be obtained from IDWR (subject to a small charge for mailing and/or copying).

## WHAT IF YOU DISAGREE WITH THE PROPOSED GENERAL PROVISIONS?

If you disagree with the proposed general provisions, please complete the "Notice of Error" form below, and return it to IDWR by the deadline shown on your proposed recommendation. You are not required to file a notice of error if you disagree with the proposed general provisions, but filing a notice of error will provide an opportunity for resolving disputes as to this portion of the Director's Report before the report is filed with the court.

## HOW CAN YOU GET MORE INFORMATION?

If you have questions about your proposed recommendation or the notice of error procedure, please call your attorney or IDWR.

**IDWR State Office**, 1301 N. Orchard St., Statehouse Mail, Boise, Idaho 83720-9000; (208) 327-7906, or toll-free 1-800-451-4129.

**IDWR Northern Region**, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615; (208) 765-4639.

**IDWR Western Region**, 2735 Airport Way, Boise, Idaho 83705-5082; (208) 334-2190.

**IDWR Southern Region**, 222 Shoshone St. East, Twin Falls, Idaho 83301-6602; (208) 736-3033.

**IDWR Eastern Region**, 150 W. Shoup Ave. Suite 15, Idaho Falls, Idaho 83402-3653; (208) 525-7161.

## EXPLANATION OF ELEMENTS OF A WATER RIGHT

This explanation is provided to assist you in reviewing the proposed recommendation of your claim.

**Water right number:** This number is assigned by IDWR to identify your claim. The first two digits indicate the sub-basin of the Snake River Basin where your claim is located.

**Name and address of claimant:** This is the name and address shown on the notice of claim form, or on the most recent notice of change in address or change in ownership that was filed with IDWR as required by statute.

**Source:** The source is the natural water body to which the claimant has a right. For surface water sources, the natural water body to which the source is tributary is also shown.

**Priority date:** This is the calendar date which is used to determine the relative priority of the right in relation to other rights from the same source, and is determined based on the method of appropriation (see basis of right, below). When there is insufficient water available to satisfy all existing rights, the water right holders with the oldest priorities are entitled to have their water rights satisfied before right holders with newer priorities are entitled to water.

**Purpose of use:** Purpose of use indicates the general type of use made of the water, such as irrigation, domestic, or stockwater.

**Period of use:** The period of use is the portion of the calendar year when water may be used for a particular purpose.

**Quantity:** The quantity of the right is the rate of diversion in cubic feet per second (CFS), the volume of water diverted in acre feet per calendar year (AFY), and/or the volume of water stored in AFY. The quantity for each purpose of use is shown, as well as the total quantity.

**Non-irrigation uses:** If your proposed recommendation includes purposes of use other than irrigation, then this element further describes the other purposes of use.

**Point of diversion:** The point of diversion is the point at which water is diverted from the source, and is generally described by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot within which the point of diversion is located. In some instances the point of diversion is described by a legal description of the 10 acre tract (1/4 1/4 1/4 section or 1/64 section) within which the point of diversion is located.

"B" and "E" suffixes indicate the beginning and ending points of an instream flow right. "I" and "R" suffixes indicate points of injection and rediversion. Points of injection and rediversion are indicated where water is diverted from one source, injected into another source, and then rediverted, or where water from one source is exchanged with water from another source.

**Place of use:** The place of use is the location where water is used, which is indicated by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot where the water is used. For irrigation rights, the number of irrigated acres in each 40 acre tract or government lot is listed.

**Consumptive use:** Consumptive use is the amount of water that does not remain in the water system after use or is not returned to the water system through return flows or seepage. Consumptive use is shown only for irrigation rights or for the irrigation portion of water rights, unless the description of the water right indicates otherwise. Where consumptive use for any purpose of use is not stated, then the consumptive use is so small that it is not quantified.

**Remarks:** Remarks, if any, further describe the particular right. PLEASE REVIEW THE REMARKS CAREFULLY - Due to technical difficulties, the remarks shown on your proposed recommendation may be different from the remarks on your claim but do not show overstrikes and underlines.

**Basis of right:** The basis of the right may be a decree (where the water right was previously determined by a court); posted notice (an historical method of appropriation that is no longer available); beneficial use (another historical method of appropriation that is available today only in very limited circumstances); permit (where IDWR has granted an application seeking approval of a proposed appropriation); or license (where an appropriation has been completed pursuant to a permit).

**R PROOF**



**CVR**

*See 36-07092A*

**MAPS**

**PHOTOS**

**MISC**



**MICROFILMED**  
FEB 09 1993

Water Right Number - 36-15240

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
NORWOOD SUBDIVISION1 - RUBY SPRINGS WATER CO  
2 - RODERICK R HOWARD  
3 - PO BOX 658  
City- HAGERMAN  
Phone - 208-837-6633

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
08/16/1976 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SPRING BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County

07S 13E 13 NE NE NE (47) GOODING

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

43 - DOMESTIC 01/01 12/31 0.170

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.170 0.0+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County07S 13E 13 SW NE 43 DOMESTIC (47) GOODING  
07S 13E 13 SE NE 43 DOMESTIC (47) GOODING

Total Acres:

+ - - Diversion Means - SHAFT, PIPE, COLLECTION BOX

+ - - Non-Irrigation Use - DOMESTIC, 13 HOMES PRESENTLY, 22 LOTS TOTAL

+ - - Other Rights for Same Use - SEE REMARKS

+ - - - - Remarks - - - - - +

THIS RIGHT REPRESENTS AN ACCOMPLISHED CHANGE IN THE PURPOSE  
OF USE OF A PORTION OF RIGHT NO. 36-07092A PURSUANT TO IDAHO  
CODE 42-1416A AND THE PRIORITY RECOMMENDED IS TO PREVENT INJURY  
DUE TO THE CHANGE IN USE.RIGHT NO. 36-07092A IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF  
THESE RIGHTS IS LIMITED TO 0.28 CFS.

SOURCE IS ALSO KNOWN AS RUBY SPRINGS.

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Water right number - R36-15240

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +  
3607092A+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000

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

Date: 10/08/1991 User Id: CHRISTEN Subject: COPIED FROM REMARKS

SUBDIVISION CONSISTING 22 LOTS, 13 PRESENTLY DEVELOPED

THE NATURE OF USE OF CLAIM 36-07092A FROM IRRIGATION TO THE

Date: 08/11/1992 User Id: THORNTON Subject: TYPO CORRECTION

THIS CLAIM IS AN EXPANSION IN THE SEASON OF USE FOR A CHANGE IN  
DOMESTIC USE FOR THE 13 DEVELOPED LOTS.

+ - - Audit Fields - - +

08/13/92 MERRITT

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 08/13/1992 | Old Judicial District   | -       |
| Claim Received Date  | - 08/03/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S001266    | Water District          | - 36A   |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | - E     |
|                      |              |                       |              | Notice of Error Flag    | -       |

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36-7092A & 36-15240 Analysis.

Pg 1/2 10-9-91

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

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

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

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

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

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

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## Analysis for 36-15240

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

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

## Consumptive use

$$0.6 \text{ AFA/HOME} \times 13 \text{ homes} = 7.8 \text{ AFA}$$

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

Claim

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

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

total.

28.8 AF

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

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

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