



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

August 24, 1999

KARL J. DREHER
DIRECTOR

ALLEN L BROOKS
PO BOX 694
HAGERMAN ID 83332-0694

10-14-99
response
-10

Re: Snake River Basin Adjudication (SRBA)
Water Rights #36-00060, 36-07346 & 36-10715
Change of Address 01 04

Dear Water Right Holders:

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

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by September 17, 1999. Thank you for your help.

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

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

Sincerely,

Sally Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Claimant Signature

Telephone No.

return
to sender

fee due 50¢

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

ADDRESS SERVICE
REQUESTED

PRIORITY
FIRST CLASS



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

PD
METER
7084186 U.S. POSTAGE

IMPORTANT WATER RIGHT INFORMATION

+36-00060, -10715

36-07346
ALLEN L BROOKS
ANDREE G BROOKS
2930 S 1050 E
HAGERMAN ID 83332

BR00930* 32322005 1A98 08 06/02/99
BROOKS ALLEN L
PO BOX 684
HAGERMAN ID 83332-0694
FORM 3547

AUTO 83332



U.S. POSTAL SERVICE
PS FORM 3547





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

August 24, 1999

KARL J. DREHER
DIRECTOR

ANDREE G BROOKS
PO BOX 516
HAGERMAN ID 83332-0516

10-14-99

response, m

Re: Snake River Basin Adjudication (SRBA) ^D
Water Rights #36-00060, 36-07346 & 36-10715
Change of Address ^D

Dear Water Right Holders:

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

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Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Claimant Signature

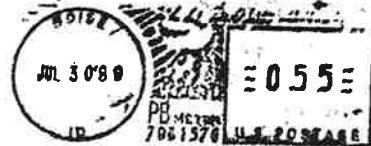
Telephone No.

U.S. POSTAL SERVICE
PS FORM 3547

U.S. POSTAL SERVICE
PS FORM 3547

DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237

ADDRESS SERVICE
REQUESTED



BROO930* 833322014 1A98 03 08/03/99
BROOKS, ANDREE G
PO BOX 916
HAGERMAN ID 83332-0516



R36-00060
ANDREE G BROOKS
ALLEN L BROOKS
2930 S 1050 E
HAGERMAN ID 83332

+ 36-07346
36-10715

First-Class Mail
Postage & Fees Paid
USPS
Permit No G-10

return
to sender

fee due 50¢

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: A36-07346
Date Received: 8/29/1988
Receipt No: 500 1857
Received By: AD~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONALD R. ISAAK 208-837-4872
Address: 2930 SOUTH 1050 EAST
RT. 1 BOX 238
HAGERMAN, ID 83332

AND/OR

Name: ETHELENE M. ISAAK 208-837-4872
Address: 2930 SOUTH 1050 EAST
RT. 1 BOX 238
HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1973

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	36	NE	SW	NE		GOODING

5. Description of diverting works:
TWO SPRINGS COLLECTED BY DAM & BOX TO 5" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
STOCKWATER	01/01	12/31	0.200		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/75 RANGE.

A36-07346

Page 1

Date: 08/29/88

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OCT 19 1988

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	36	SW NE		IRR	4.0
Section Acres						4.0
Total Acres						4.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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 e wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): *Ronald K. Smith* Date: 3/29/88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day

of Aug 19 88

 Alvin S. Merritt
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/91



POOR ORIGINAL

MICROFILMED
FEB 03 1993
OCT 19 1994

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

TOTAL RECORDS IN SELECTION FILE: 116

MICROFILMED
OCT 19 1994

RECEIVED
FEB 10 1993
Department of Water Resources

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\HAGERMAN.NOA\lmr)

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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

* * * * *

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

Case No. 39576

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

NOTICE OF APPEARANCE

19 Petitioner,

20 vs.

21 United States; State of Idaho;
22 and all claimants to the use
23 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

MICROFILMED
OCT 19 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
	Big Bend Irrigation & Mining Co.	A36-00192
4	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
	Brooks, Allen L. & Andree	A35-00060
8	Brooks, Allen L. & Andree	A36-07346
	Bybee, Gertrude B. Owsley	A36-00042A
9	Bybee, Gertrude B. Owsley	A36-00041C
	Candy, Walter W. & Margaret	A36-00135B
10	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
	Glauner, Frank L. & Joan	A36-00039E
22	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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Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 2

MICROFILMED
OCT 19 1994

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. & Huguette 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
	Kiser, John & Karl Woodall & Sons, Inc	A36-00071A
8	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/ Ruby Springs Water Company	A36-15240
	Potter, Mark B. & Susan H.	A36-07092A
17	Rawson, Frank S. & Carol A.	A36-00039J
	Reese, Bruce W. & LaRose A.	A36-00123A
18	Reese, Bruce W. & LaRose A.	A36-04091
	Rue, James O. & Beverly Jane	A36-10231
19	Shaffer, Roger	A36-07142A
	Simcoe, Doyt H. & Roxie J.	A36-00034B
20	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-00003F
	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-0123E
21	Strange, Wm. (Penelope Turner-remainder man)	A36-0096A
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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OCT 19 1994

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
4	Wiens, M.J., Jr.	A36-07229
	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 Patrick D. Brown
 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,
 Nungester,
 & Lezamiz

NOTICE OF APPEARANCE - 4

MICROFILMED
 OCT 19 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
6 Office of Attorney General
Statehouse
Room 210
Boise, Idaho 83720

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

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

12
13 
14 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

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OCT 19 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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OCT 19 1994

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

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

MICROFILMED

OCT 19 1994

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

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

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

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

MICROFILMED
OCT 19 1994

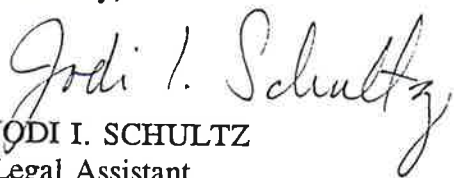
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,


JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED
OCT 19 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-07346
Date Received: 8/29/1988
Receipt No: S001857
Received By: RLV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

CHANGE OF
OWNERSHIP

1. Name: ALLEN L. BROOKS 208-837-4969
Address: 2930 SOUTH 1050 EAST
HAGERMAN, ID 83332

OR

Name: ANDREE G. BROOKS 208-837-4969
Address: 2930 SOUTH 1050 EAST
HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1973

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	36	NE	SW	NE		GOODING

5. Description of diverting works:
TWO SPRINGS COLLECTED BY DAM & BOX TO 5" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
STOCKWATER	01/01	12/31	0.200		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/75 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	36	SW NE		IRR	4.0

Section Acres 4.0

Total Acres 4.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS PROPERTY WAS SOLD ON 5/23/90 TO MR. & MRS. BROOKS.

15. Basis of Claim: LICENSE

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 _____

RECEIVED

MAY 31 1990

CHANGE IN OWNERSHIP

Department of Water Resources
Southern Region Office Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A36-07346

[] Name and Address of
Former Claimant(s): Ronald R. Isaak & Ethelene M. Isaak

2930 South 1050 East, Route #1

Hagerman, Idaho 83332

[] New Claimant(s): Allen L. Brooks

Andree G. Brooks

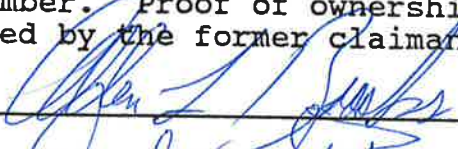
[] New Mailing Address: 2930 South 1050 East, Route #1

Hagerman, Idaho 83332

New Telephone Number: (208) 837 -4969

[] Does the change in ownership result in a splitting of the
water right claimed? yes X no
If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Copy of the recorded Warranty Deed.
(Proof of ownership must describe either the property
conveyed or include the claim number. Proof of ownership is
not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): 



Date: May 23, 1990

MICROFILMED

FEB 03 1993

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s):

Ethelene M. Isaac

Date:

May 23, 1990

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

MICROFILMED

FEB 03 1993



WARRANTY DEED

For Value Received

Ethelene M. Isaak, a single woman,

the grantor, does hereby grant, bargain, sell, and convey unto

Allen L. Brooks and Andree G. Brooks, husband and wife,

the grantees, whose current address is

P.O. Box 2125, Ketchum, ID, 83340

the following described premises, to-wit:

A portion of the North one-half of the Southwest Quarter of the Northeast Quarter of Section 36, Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho, described as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 36;
 Thence running South for a distance of 660 feet;
 thence running West a distance of 1126 feet to a point on the Brailsford Ditch (formerly Kennally Ditch) 204.4 feet East of the West boundary of the North one-half of the Southwest Quarter of the Northeast Quarter;
 Thence Northwest along the Brailsford Ditch (formerly Kennally Ditch) North 9°15' West for a distance of 360 feet to the Northwest corner of the Southwest Quarter of the Northeast Quarter;
 Thence East to the TRUE POINT OF BEGINNING.

E.I. TOGETHER with 25 inches of water from Hoagland tunnel with a priority date 12-12-1901, State Water License No. A36-00060

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owners in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that she will warrant and defend the same from all claims whatsoever.

Dated: May 23, 1990

Ethelene M. Isaak
 Ethelene M. Isaak

141075

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE20 min. past 4 o'clock P M. this 23of May, 1990. Fee 43.00

JOHN A. MYERS, Recorder

By Helin K. Pratt Deputy

STATE OF IDAHO)

: ss

COUNTY OF GOODING)

On This 23rd day of May, in the year 1990, before me, a Notary Public in and for said State, personally appeared Ethelene M. Isaak, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that she executed the same.



Jessie M. Laito
 Notary Public of Idaho
 Residing at Gooding, Idaho
 Commission Expires: 10-16-92

First American Title Company of Idaho

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by Ethelene Isaak, as personal representative of the estate of Ronald Isaak, deceased, to Allen L. Brooks and Andree G. Brooks, husband and wife, Grantees whose address is P. O. Box 2125, Ketchum, Idaho.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Number 21297, in Gooding County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys Grantee the following described real property in Gooding County, Idaho:

A portion of the North one-half of the Southwest Quarter of the Northeast Quarter of Section 36, Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho, describes as follows:

BEGINNING at the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 36; Thence running South for a distance of 660 feet; thence running West a distance of 1126 feet to a point on the Brailsford Ditch (formerly Kennally Ditch) 204.4 feet East of the West boundary of the North one-half of the Southwest Quarter of the Northeast Quarter;

Thence Northeast along the Brailsford Ditch (formerly Kennally Ditch) North 9 15' West of a distance of 360 feet to the Northwest corner of the Southwest Quarter of the Northeast Quarter;

Thence East to the TRUE POINT OF BEGINNING.

**

EXECUTED this 23rd day of May, 1990.


Personal Representative of
Estate of Ronald Isaak
deceased



** TOGETHER with 25 inches of water from Hoagland tunnel with a priority date of 12-12-1901, State Water License No. A36-00060

MICROFILMED

FEB 03 1993

1 STATE OF IDAHO)
2) ss.
3 County of Gooding)

4 On this 23rd day of May, 1990, before
5 me, Susan M. Bolton, a Notary Public, personally
6 appeared ETHELENE ISAAK, known to me to be the person whose
7 name is subscribed to the within instrument, as personal
8 representative of the estate of Ronald Isaak, and acknowledged
9 to me that she executed the same as such personal representative.

10
11 Susan M. Bolton
12 Notary Public for Idaho
13 Residing at Gooding, Idaho
14 My Commission Expires: 10-16-92

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141074

STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of FIRST AMERICAN TITLE

23 min. past 4 o'clock P M. this 23
of May, 1990. Fee \$6.00

JOHN A. MYERS, Recorder

By Helen K. Pratt Deputy

ATTORNEY AT LAW
131 SECOND STREET WEST
POST OFFICE BOX 1923
TWIN FALLS, IDAHO 83303-1923

MICROFILMED
FEB 03 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7346 Priority June 26, 1973 Amount 0.20 cfs

THIS IS TO CERTIFY, that JENNY STEWART
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7346 issued pursuant to Application for Permit dated June 26, 1973,
and has submitted proof to the Department of Water Resources on June 16, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.20 cfs of water from a spring,
tributary to the Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Stockwater</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.20</u> cfs and			<u>1.4 acre feet</u>
<u>Irrigation</u> from <u>March 1</u> to <u>Nov. 1</u> at <u>0.20</u> cfs and			<u>72.0 acre feet or</u>
			<u>4.0 af per acre</u>

(both dates inclusive)

Subject, however, to the condition that no more than 0.20 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
73.4 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36,
Twp. 7 S, Rge. 13 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	13 E	36			X														18

Total number of acres irrigated 18

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

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

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

Director

LICENSE ISSUED FOR 0-20 SEC. Ft.
LICENSE PAGE NO. _____

Identification No. _____

Application No. 36-7346

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant JENNY STEWART
post office address Hagerman, Idaho 83332
2. Source of water supply spring which is a tributary of Snake River
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36 Township 7 S.
Range 13 E. B.M. Gooding County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Irrigation ditch at a point in SE $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 36 Township 7 S. Range 13 E. B.M. _____
4. Water will be used for the following purposes:
Amount .2 c/f/s for Irrigation purpose from March 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .2 c/f/s for stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .2 c/f/s for aesthetic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .2 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Spring arises and flows
into existing ditch.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 2 years.
b. Estimated construction cost is \$ 1,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36 Township 7 S.
Range 13 E. B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 75 head cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: Natural flow adds to aesthetic
beauty of the premises.

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S.	13 E.	36			20														20

Total number of acres to be irrigated 20

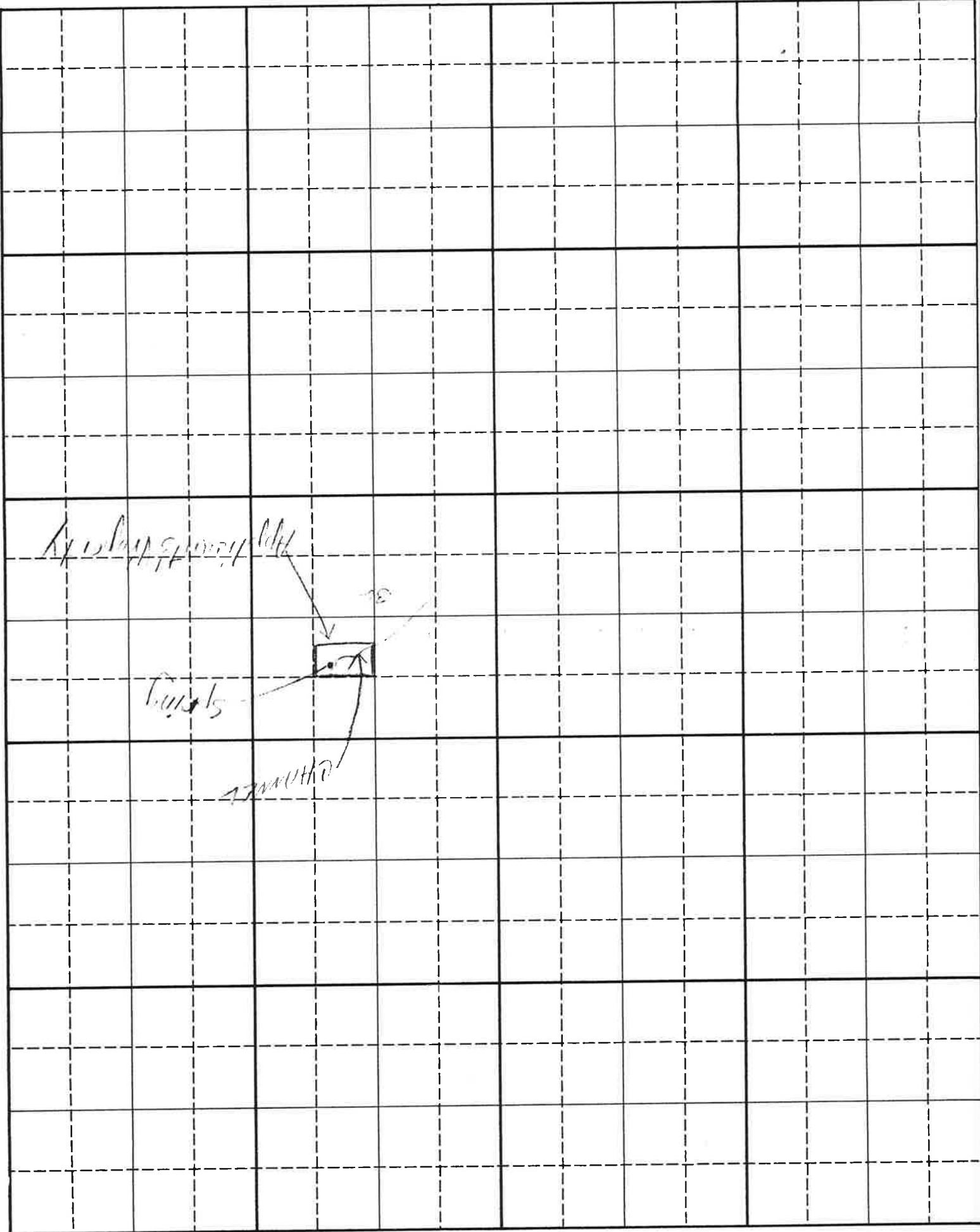
c. Describe any other water rights used for the same purposes as described above. Decree
New International Mortgage vs. Idaho Power Co. - 1932

9. a. Who owns the property at the point of diversion Applicant
 b. Who owns the land to be irrigated or place of use Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Applicant has traditionally used water - excess goes into irrigation ditch below. If permit is protested, applicant may file claim and adjudication to prove earlier priority by usage.

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

T. 7 S. R 13 E.B.M. Gooding County



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James H. Henson
(Applicant)
346

Proposed Priority 6-16-1973

Received by jmm Date 6-26-73 Time 3:00 pm

Preliminary check by KOF Fee \$ 10.00

Receipted by jmm Date 6-26-73 # 10928

KOF Publication prepared by jmm Date 6-27-73

Published in Gooding County Leader

Publication dates 7-5 & 7-12-73

Publication approved jmm Date 7-13-73

Priority ~~reduced to~~ 6-16-73 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by KOF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7346, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1975.
- c. Other: Pursuant to Order dated July 27, 1973

2. Denial of said application is for the following reasons: _____

Witness my hand this 30th day of July 1973.


Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Application for)
Permit No. 's 36-7346 and 36-7347)
in the name of JENNY STEWART)
_____)

ORDER

WHEREAS, on June 26, 1973, Jenny Stewart filed with the Department of Water Administration two applications for permit to appropriate 0.2 cubic feet per second (36-7346) of water from a spring within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 and 0.2 cubic feet per second (36-7347) of water from a spring within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, both in Twp. 7 S, Rge. 13 E, B. M., Gooding County, to be used for irrigation, stockwater, and aesthetic purposes; and,

WHEREAS, it has been determined by the Department that an appropriation of public water cannot be made without a diversion point to physically gain possession and control of the water; and,

WHEREAS, aesthetic purposes for natural flow in a channel would not constitute an appropriation of the water;

IT IS, THEREFORE, ORDERED and Application for Permit No. 's 36-7346 and 36-7347 are hereby APPROVED subject to the following conditions:

- (1) That said permits be and are subject to all prior rights.
- (2) That proof of construction of work and application of water to beneficial use be submitted to the Department on or before August 1, 1975.
- (3) That the purpose of use of the water shall include irrigation and stockwatering only, and that aesthetics be deleted as a purpose for the use of the water.

Dated this 27 day of July, 1973.


R. KEITH HIGGINSON
Director

BDF:jc

36 7346

RECEIVED

FIELD REPORT

837-4977

JUN 19 1975

Phone _____
Department of Water Resources
Southern District Office
Phone _____

Person to contact

Spring

Tributary to Snake River (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 0.20 c.f.s. for Irrigation
 AF/Annum (nature of use)

Period of Use: from March 1 to Nov. 1
(mo.-day) inclusive (mo.-day)

Amount 0.20 c.f.s. for Stockwater (75 head cattle)
 AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.20 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 7S N/S, Range 13E E/W, B.M., Section 36, Subdivision SW $\frac{1}{4}$ NE $\frac{1}{4}$, Gooding
County

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____1/4_____1/4, _____
County

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____1/4_____1/4, _____
County_____

Other Points of Diversions: _____

Description of diverting works: gravity flow to ditch.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

2014

Permit No. 36-7346

Examination for b/u

Rge. 13 E

T
7
S

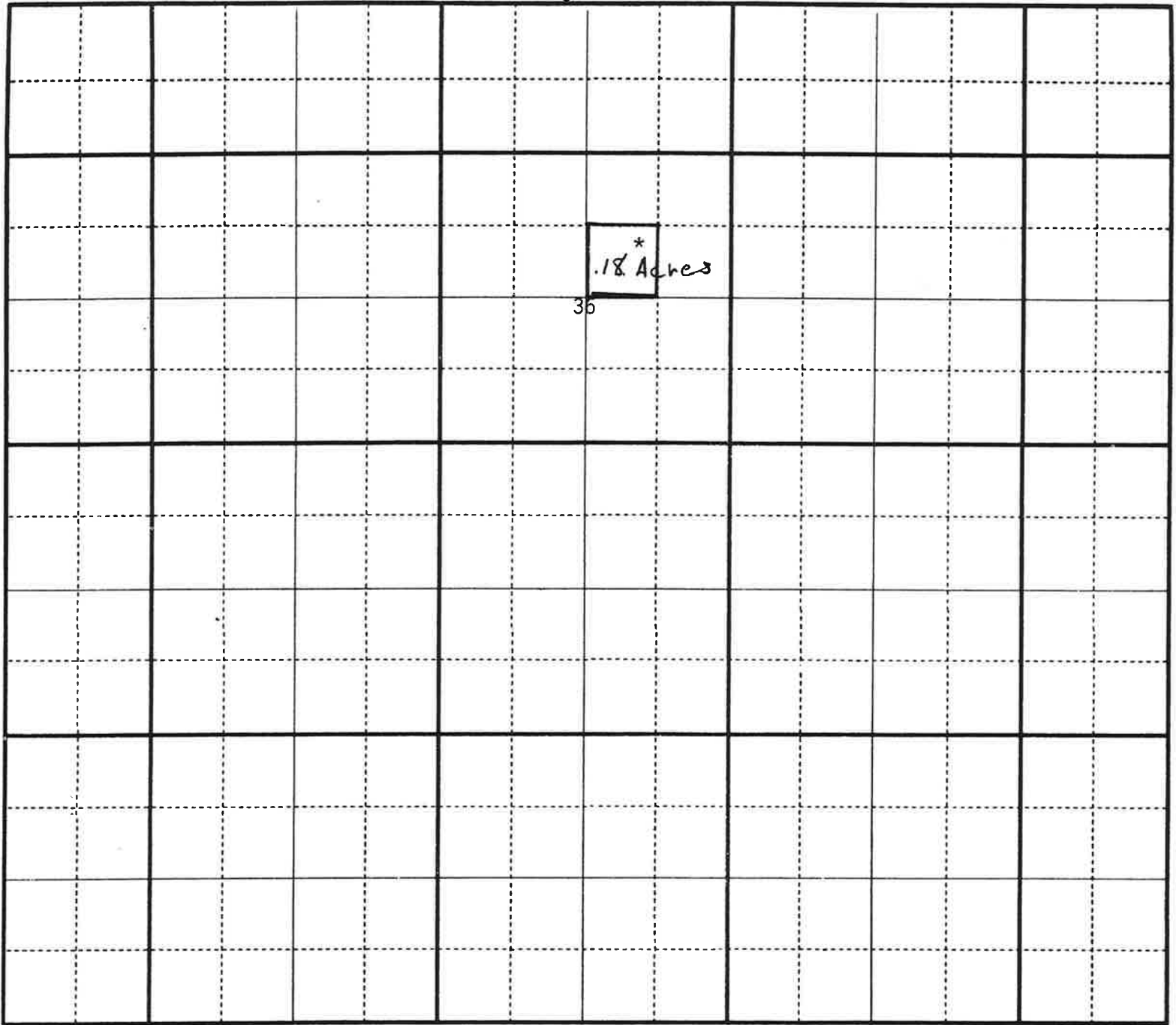


Diagram of System

DATE OF EXAM 10-10-75

ACREAGE
Found 18
Recommended 18

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 0.067 c.f.s. V = 32.5 AF/Ann. from March 1 to Nov. 1
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = 0.02 c.f.s. V = 0.4 AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no ✓

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured 0.067 C.f.s. Method of measurement (5 gal bucket) Bucket Method

Total Q recommended 0.067 C.f.s. Meter No. ✓ Type ✓ Condition ✓

Total V recommended 32.5 Ac Ft/Ann.

Recommended Amendments:

P.D.
Place of Use
Other
None ✓

MEASUREMENT CALCULATION:

Irr. Q = 0.067 C.f.s. = (.5 gal/sec) ÷ (7.48 gal/Cu.Ft.)
V = 32.5 Ac Ft/Ann = (1.98 Ac Ft. (C.f.s. (days))) (245 day/Ann) (0.067 C.f.s)

Livestock Q = 0.02 C.f.s. @ 24 Hd Range Cattle Dept Memo
V = 0.4 Ac Ft/ANN = @ 24 Hd Range Cattle Dept Memo

SYSTEM DESCRIPTION:

Springs divert into small ditches where the water is
conveyed to its place of use.

REMARKS:

Springs arise in small areas in the ditches
which make it impossible to meas.

Examiner's Signature Larry Lunderburg Date 10-14-75

Checked by Terry S Blay Date 10-20-75

Approved by Michael Stull Date 11-21-75

CLAIM NUMBERS 36-07346DATE 10/7/97
AGENT su

TRANSFER NUMBER _____

OBJECTION FILED YesTOTAL ACRES FROM RECOMMENDATION 4.0GEOGRAPHIC INFO SYSTEM 3.2

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	<u>7S</u>	<u>13E</u>	<u>36</u>			<u>4</u>														<u>4</u>
GIS						<u>3.2</u>														<u>3.2</u>
RECOM																				
GIS																				
RECOM																				
GIS																				
RECOM																				
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RECOM																				
GIS																				

UPDATED

POLYGON #

UPDATED

POLYGON CREATED ON 604 ()

ATTRIBUTES OF B36-POU.SHP

ATTRIBUTES OF B36-POD.SHP

B36-DBPOU.DBF

B36-DBPOD.DBF

less acres found than Reported.

P/U CONFLICT yes (X) no ()

P/D CONFLICT yes () no (X)

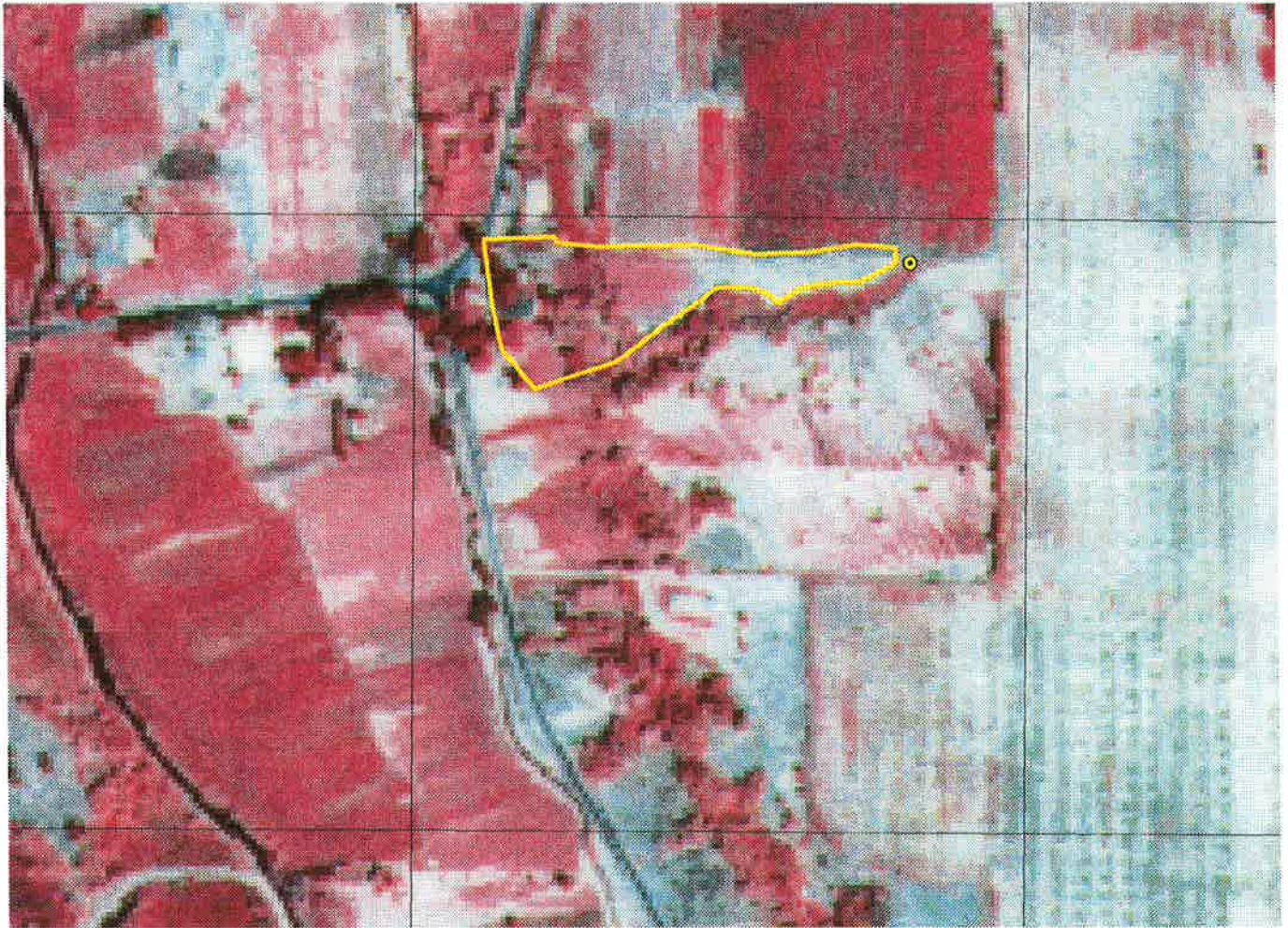
READY FOR DECREE yes (X) no ()

SENT FOR DECREE yes () no ()

KKC: 8/13/97

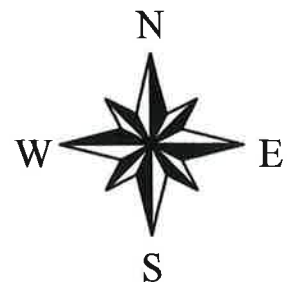
IDAHO DEPARTMENT OF WATER RESOURCES

36-07346



660 0 660 Feet

TNS 7S, RNG 13E,
SEC 36, SWNE



○ 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 STEVE CLELLAND

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
SEP 02 1999
Department of Water Resources
Boise, Idaho

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) Portion of A36-0060 and all of 36-07346 and all of 36-10715
Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.) OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) ANDREE G. BROOKS AND ALLEN L. BROOKS
2930 S. 1050 E. Hagerman, ID 83332

4. New Owner/Claimant(s) ANDREE G. BROOKS

New Mailing Address 2930 South 1050 East Name connector (Check one): [] AND, [] OR, [] AND/OR

P.O. Box 516

City, State and ZIP Code Hagerman, ID 83332

New Telephone Number () -

5. Date you acquired the property August 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Andree G. Brooks

Date 8/26/99

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

AJ5809NP
No. 36-00060

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT**

DATE: 08/10/95

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANDREE G BROOKS	12/12/1901	IRRIGATION	03-15 11-15	0.500 CFS	
C	ALLEN L BROOKS 2930 S 1050 E HAGERMAN ID 83332 (208) 837-4969					
TOTAL DIVERTON:					0.500 CFS	

Water Source: HOAGLAND TUNNEL

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion: T07S R14E S30

SENESH

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	13E	36	:					:					:					:						:		
							14	:					:					:						:		
																								14.0		
																							TOTAL ACRES	14.0		

POU County: GOODING

Other Rights: NONE

Remarks: EXP WATER IS DELIVERED THROUGH THE HOAGLAND DITCH.

Dates: **Exam Made Date:**

Verified Data:

Objection Filed Date:

Misc: Water District Number: 36A

Field Inspection Flag:

Presumption Flag:

AJ5809NP
No. 36-07346

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/10/99
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANDREE G BROOKS	06/26/1973	IRRIGATION	03-15 11-15	0.120 CFS	16.00 AFA
C	ALLEN L BROOKS		STOCKWATER	01-01 12-31	0.020 CFS	1.40 AFA
	2930 S 1050 E					
	HAGERMAN ID 83332					
	(208) 837-4969					
				TOTAL DIVERSION:	0.140 CFS	17.40 AFA

Water Source: SPRINGS

Tributary to: RILEY CREEK

Stage: DECREED

Point(s) of Diversion: T07S R13E S36

NESWNE

GOODING County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
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	: 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	: 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	36	:	04	:	:	:	:	:	:	:	:	:	4.0		
														TOTAL ACRES 4.0		

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
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	: 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	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac			
07S	13E	36	:	S	:	:	:	:	:	:	:	:	:			

POU County: GOODING

Non-Irrigation Uses: STOCKWATER

Other Rights: NONE

Conditions of Approval:

- N01 - THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
- DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
- WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO
- LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT
- CONSTITUTE UNREASONABLE WASTE.
- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 36A

Field Inspection Flag:

Presumption Flag:

AJ5809NP
No. 36-10715

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/10/99

PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALLEN L BROOKS	11/10/1952	DOMESTIC	01-01 12-31	0.040 CFS	
C	ANDREE G BROOKS					
	2930 SOUTH 1050 EAST					
	HAGERMAN ID 83332			TOTAL DIVERSION:	0.040 CFS	
	(208) 837-4969					

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07S R13E S36

NWSWNE

GOODING County

Place of Use Legal Description for: DOMESTIC

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
07S	13E	36	:																												
			:																												

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP07S13E361200

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

TRANSMITTAL COVER SHEET

8374205

TO: Becky - "The Rat"

TOTAL PAGES SENT: 4
(including cover sheet)

DOCUMENT DESCRIPTION:

Profile Reports - Brooks
36-000160, 36-10715, 36-07346

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

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.

SENDER:

Vikie

COMMENTS:

10715 appears to be on the N $\frac{1}{2}$
of the SW $\frac{1}{4}$ NE as it is a domestic well with
a point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE.

The other two may or may not be used
on the N $\frac{1}{2}$ of the 40 ac tract. This is all
I found for Brooks in that section.
All are SRBA decreed.

Vikie

WARRANTY DEED

RECEIVED

#GG-01466

SEP 02 1999

Department of Water Resources
Southern Region

For Value Received

ALLEN L. BROOKS, AN UNMARRIED MAN and ANDREE G. BROOKS, A MARRIED WOMAN CONTRACTING WITH HER SOLE AND SEPARATE PROPERTY

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ANDREE G. BROOKS, A MARRIED WOMAN CONTRACTING WITH HER SOLE AND SEPARATE PROPERTY

Address: P.O. BOX 516, HAGERMAN, ID 83332

Hereinafter called the Grantee, the following described premises situated in GOODING County, Idaho, to-wit:

See attached Schedule A

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including but not limited to any licenses with the State of Idaho, including but not limited to a portion of Water right No-36-00060, represented by 1.8 inches of water, and rights No. 36-07346 and No. 36-10715.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1999 and subsequent years, which are a lien, but not yet due and payable.

Assessments levied or to be levied by any local irrigation district.

Pole Line Easement given by John O. McKnight, to Great Shoshone and Twin Falls Water Power Company, dated November 5, 1909, recorded December 16, 1911 in Book 20 Page 487 as Instrument Number 24927, Gooding County, records, affecting a part of Section 36, Township 7 South, Range 13, East Boise Meridian, Gooding County, Idaho.

Pole Line Easement given by Jacob Jacobson, to Great Shoshone and Twin Falls Water Power Company, dated November 9, 1909, recorded December 16, 1911 in Book 20 Page 488 as Instrument Number 24929, Gooding County records, affecting the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 7 South, Range 13, East Boise Meridian, Gooding County Idaho.

A road lying between Sections 25 and 36 of Township 7 South, Range 13, East Boise Meridian, Gooding County, Idaho as contained in Commissioners Minutes dated July 19, 1913, recorded in Book 1 of Commissioners Minutes Page 38, Gooding County records.

Power Line Easement given by Albert Higley, to Idaho Power Company, a corporation, recorded May 21, 1932 in Book 3 Page 468. Gooding County records, affecting a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36.

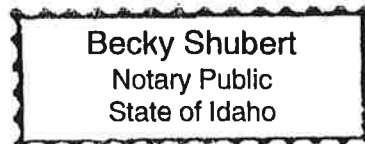
Allen L. Brooks
ALLEN L. BROOKS

Andree G. Brooks
ANDREE G. BROOKS

STATE OF IDAHO)
) ss.
COUNTY OF Goodign)

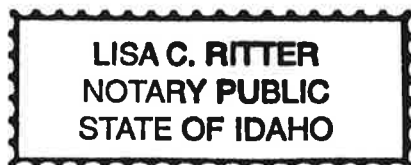
On this 27th day of August, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared ALLEN L. BROOKS, known or identified to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Becky Shubert
Notary Public
Residing at: Jerome, ID
My Commission expires: 02-23-05



STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 26 day of August, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Andree G. Brooks, known or identified to me to be the person whose name is she subscribed to the within instrument, and acknowledged to me that she executed the same.



[Signature]
Notary Public
Residing at: Hagerman, ID
My Commission expires: 10/08/01

182150

STATE OF IDAHO COUNTY OF GOODING LAND TITLE & ESCROW

Filed for record at the request of

36 min. past 2 o'clock P. on this 31st
of August : 99 9:00
By Penny Archibald Deputy

A. B.

SCHEDULE A

Order Number: GG-01466

**TOWNSHIP 7 SOUTH, RANGE 13 EAST, BOISE MERIDIAN, GOODING COUNTY,
IDAHO**

Section 36: A parcel of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and that portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:

Commencing at the North one quarter corner of said Section 36, from which the Northeast corner of said Section 36 bears North 89°54'00" East, 2627.69 feet;

Thence South 00°03'46" West along the West boundary of the NE $\frac{1}{4}$ of said Section 36, 1326.75 feet to the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36;

Thence North 89°45'54" East along the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36, 45.42 feet to a point on the centerline of a county road, said point being on the arc of a curve left, and being the TRUE POINT OF BEGINNING.

Thence continuing North 89°45'54" East along the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36, 32.25 feet to a point on the Easterly Right of Way boundary of a county road;

Thence Northeasterly along the Easterly Right of Way boundary of the county road and on the arc of the curve left for a distance of 12.47 feet, said arc having a radius of 350.00 feet and a long chord bearing and distance of North 36°24'48" East, 12.46 feet;

Thence North 89°45'54" East parallel with the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{2}$ of said Section 36, 276.32 feet;

Thence South 01°13'05" West, 10.00 feet to a point on the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36;

Thence North 89°45'54" East along the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36, 370.91 feet;

Thence South 13°19'37" East, 170.89 feet;

Thence South 69°54'32" West, 213.70 feet;

Thence South 69°01'18" West, 229.93 feet;

Thence North 80°29'24" West, 128.63 feet;

Thence South 79°40'36" West, 186.84 feet to a point in the center of a county road;

Thence North 12°59'45" West along the center of the county road, 144.31 feet;

Thence North 16°22'52" West along the center of the county road, 127.02 feet to the centerline intersection of county roads;

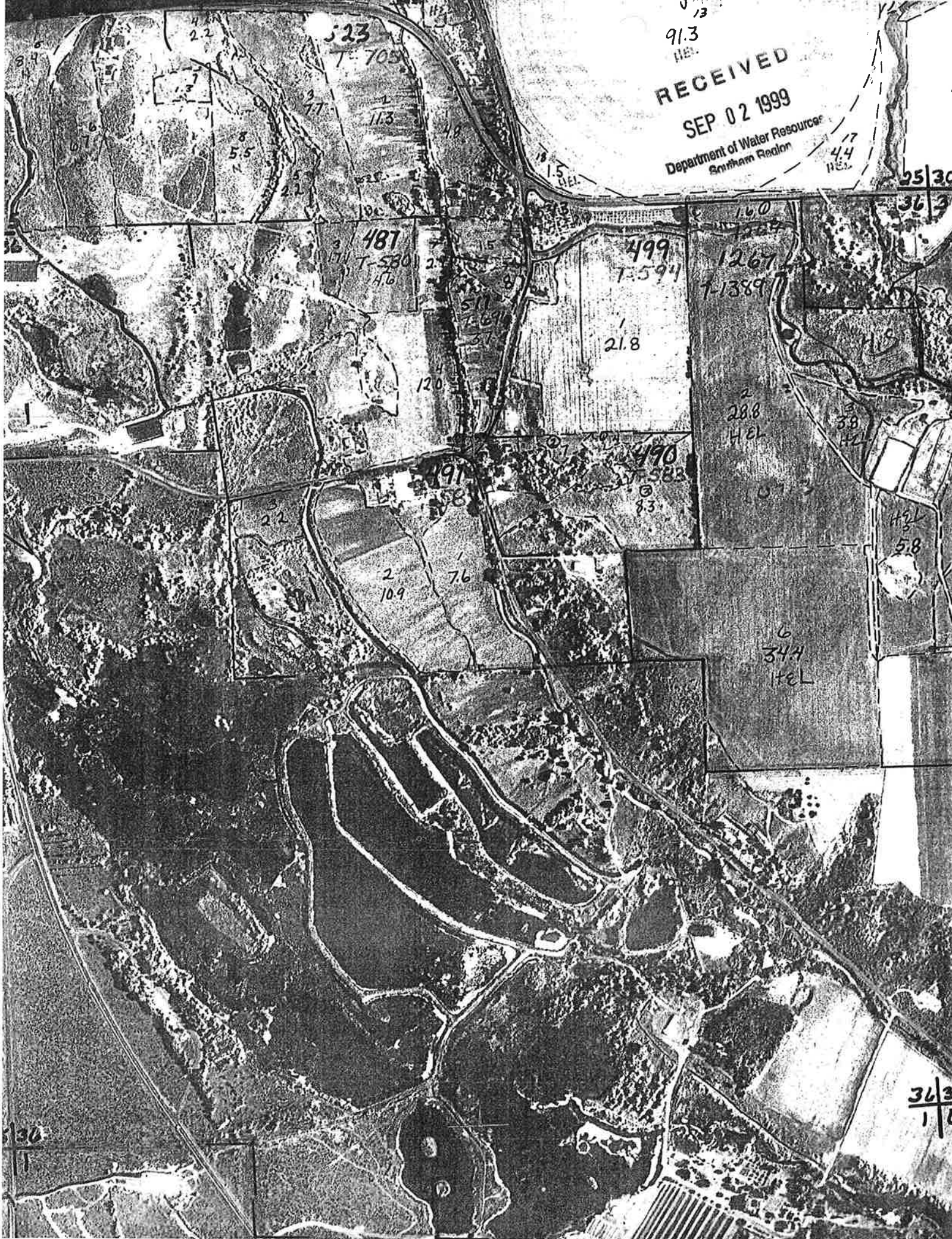
Thence North 45°27'57" East along the center of the county road, 67.27 feet to the point of curvature of a curve left;

Thence Northwesterly along the center of the county road and on the arc of the curve left, 29.79 feet to the TRUE POINT OF BEGINNING, said arc having a radius of 350.00 feet and a long chord bearing and distance of North 43°01'38" East, 29.78 feet.

SUBJECT TO a 25.0 foot wide County Road Easement along the Westerly boundary of the before described parcel.

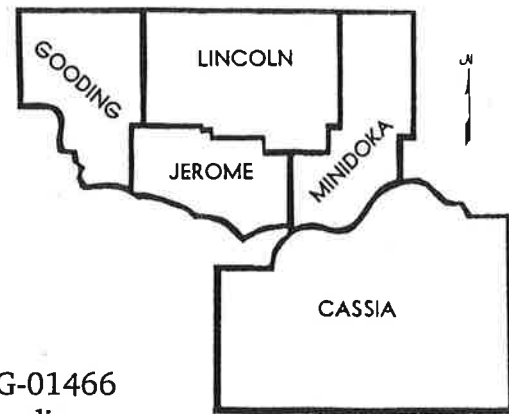
RECEIVED
SEP 02 1999

Department of Water Resources
Birmingham Region



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



September 8, 1997

REFER TO: GG-01466
OFFICE: Gooding

State of Idaho
Department of Water Resources
Southern Region
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

SEP 02 1999

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Brooks to Brooks
Cert. Mail #Z 321 169 002

Dear Sirs:

At the request of the Buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership
- Copy of Deed # 182150
- Copy of Map

Thank You,

LAND TITLE AND ESCROW, INC.

Keri Craig
Keri Craig
Escrow Assistant

(208) 934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

cc:

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

December 28, 2001

KARL J. DREHER
DIRECTOR

ANDREE G BROOKS
PO BOX 516
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)
Water Rights #36-60, 36-7346, 36-10204, 36-10715

Dear Ms. Brooks:

Allen Brooks notified us your address has changed and that you are the sole owner of the water rights. I have updated our records to reflect your current address and also Mr. Brooks' new address.

We cannot change the water right owners without a Notice of Change in Water Right Ownership form being completed. I have enclosed that form for your possible use. A copy of your divorce decree showing conveyance of the property to you will replace the need for a Warranty Deed. If your name has changed we will need legal proof of that as well. As requested in Item 2.C., we do require maps of your property.

The 1999 legislature passed a law assessing filing fees for water right ownership changes (HB No. 545). Since your water rights are decreed a fee of \$25.00 per water right is required to change the ownership.

Please call me toll-free at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Form 42-248/42-1409(6)
cc: Allen L. Brooks

RECEIVED

DEC 27 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 21, 2001

Delete name from Rights
~~ALLEN L BROOKS~~
ANDREE G BROOKS
~~PO BOX 694~~
HAGERMAN ID 83332

Divorced from Andree - no longer owner
Sole Owner of Water Rights
Box 516

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #36-60, 36-7346, 36-10204, 36-10715
Change of Address

Records modified 12-28-01

Dear Water Right Holder:

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

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 11, 2002. Thank you for your help.

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

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

CHANGE OF OWNERSHIP
LETTER SENT *12-28-01*

SS:region

#####

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

Andree Brooks is
Claimant Signature

208-837-4201
Telephone No.

Sole Owner of rights

By Allen L Brooks 12-22-01

14449
83711-4449

ADDRESS SERVICE
REQUESTED

NOV 23 '01

PD
METER
71160

U.S. POST



☐ INSUFFICIENT ADDRESS
☐ NO SUCH ADDRESS
☐ INCORRECT ZIP CODE
☐ ZIP CODE NOT KNOWN
☐ NO SUCH STREET
☐ VACANT
☐ UNRECOGNIZABLE
☒ NO DELIVERABLE AS
ADDRESSED UNABLE
TO DELIVER
ROUTE NO. _____ DATE _____
CARRIER/INITIALS _____

36-60
36-7346
36-10715
36-10204

P.O. Box 694
BROOKS, ALLEN L
2930 S 1050 E
HAGERMAN ID 83332
Andree G.

no sheet, no jacket.

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

DATE: OCT-16-1997

PAGE: A-1

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: RILEY CREEK

RIGHT NUMBER: 36-07346

NAME AND ADDRESS: ANDREE G BROOKS
ALLEN L BROOKS
2930 S 1050 E
HAGERMAN ID 83332

SOURCE: SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 0.14 CFS
17.4 AFY

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY
USED FOR STOCKWATER, 75 HEAD RANGE RATTLE

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO
LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT
CONSTITUTE UNREASONABLE WASTE.

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

PRIORITY DATE: 06/26/1973

POINT OF DIVERSION: T07S R13E S36 NESWNE Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY

STOCKWATER

03/13 11/13
01-01 12-31

0.12 CFS
16.0 AFY
0.02 CFS
1.4 AFY

PLACE OF USE:

IRRIGATION

Within GOODING County

T07S R13E S36

SWNE 4

4 ACRES TOTAL

STOCKWATER

Within GOODING County

T07S R13E S36

SWNE

CONSUMPTIVE USE:

12.0 AFY

☐ RECOMMENDATION

OCT 20 1997

[Signature]
SPECIAL MASTER

C.2.74.
[Signature]
[Signature]

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

DATE: OCT-16-1997

PAGE: A-2

36-07346 (CONT.)

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

C.27.
ALB
RB

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

OCT 20 1997

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

SUBCASE(S) 36-07346

SPECIAL MASTER'S REPORT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the claim and his *Report* contained a recommendation of the elements of this water right.

- ☐ There were no objections to this claim; however, this claim is used in combination with another claim which is the subject of an objection.
- ☒ All objections to this claim were resolved by stipulation of the parties at hearing or with a *Standard Form 5*. All parties to the subcase and IDWR have signed the *Standard Form 5*.
- ☐ All objections to this claim were resolved at trial. The court made oral findings of fact and conclusions of law at the trial and they are incorporated herein reference.

Therefore, based on the file and record herein, IT IS RECOMMENDED that this claim be decreed with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: 10-20-97


Special Master
Snake River Basin Adjudication

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

OCT 20 1997

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

SUBCASE(S): 36-07346

NOTICE OF ISSUANCE and SERVICE

Special Master FRITZ X. HAEMMERLE issued a **SPECIAL MASTER'S REPORT AND RECOMMENDATION** for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 9.

The documents were served only on parties to the subcase and IDWR. They were not served on the Presiding Judge. Parties to this subcase may file a *Motion to Alter or Amend* with the Special Master, but must do so within 14 days of the date of the **SPECIAL MASTER'S REPORT AND RECOMMENDATION**.

I certify that a true and correct copy of the **SPECIAL MASTER'S REPORT AND RECOMMENDATION** were hand delivered to the following:

Representative of IDWR:

Charles Hunsinger

Allen Brooks
Claimant/Attorney

Claimant/Attorney

Representative of U.S. Dept. of Justice

Party/Attorney

Party/Attorney

DATED 10-20-97

Debbie Lash
Deputy Clerk

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

OCT 20 1997

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Subcase(s) 36-07346

Case 39576

STANDARD FORM 5

This form is used to report the stipulated elements of a water right acquired under state law and/or a federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the element of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 10/20/97

Rianne Brown Charles
IDWR Concurrence

Allen L. Banks
Claimant

Claimant/Attorney

Claimant/Attorney

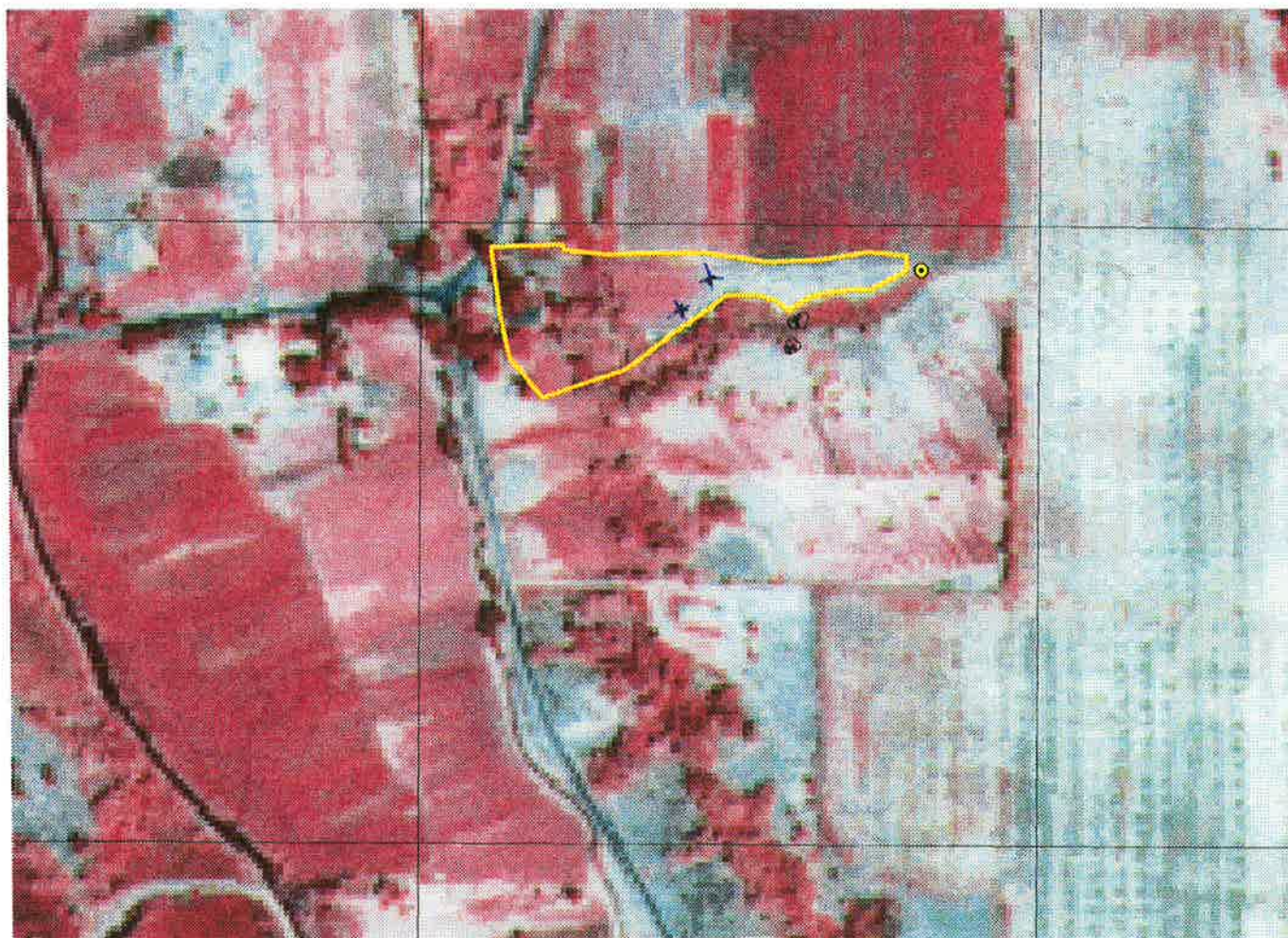
Allen L. Banks
Objector

Objector/Attorney

Objector/Attorney

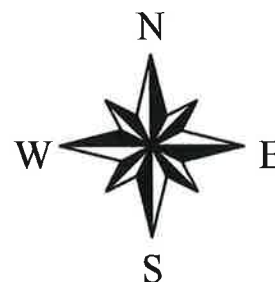
IDAHO DEPARTMENT OF WATER RESOURCES

36-07346



660 0 660 Feet

TNS 7S, RNG 13E,
SEC 36, SWNE



○ 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 STEVE CLELLAND

CLAIM NUMBERS 36-07346

DATE 10/7/97
AGENT su

TRANSFER NUMBER _____
OBJECTION FILED Yes
TOTAL ACRES FROM RECOMMENDATION 4.0
GEOGRAPHIC INFO SYSTEM 3.2

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	<u>7s</u>	<u>13E</u>	<u>36</u>			<u>4</u>													<u>4</u>
GIS						<u>3.2</u>													<u>3.2</u>
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____
B36-DBPOD.DBF _____

POLYGON CREATED ON 604 () _____
ATTRIBUTES OF B36-POU.SHP 546 See 10/7/97
ATTRIBUTES OF B36-POD.SHP 468

less acres found than Reported.

P/U CONFLICT yes (X) no ()

P/D CONFLICT yes () no (X)

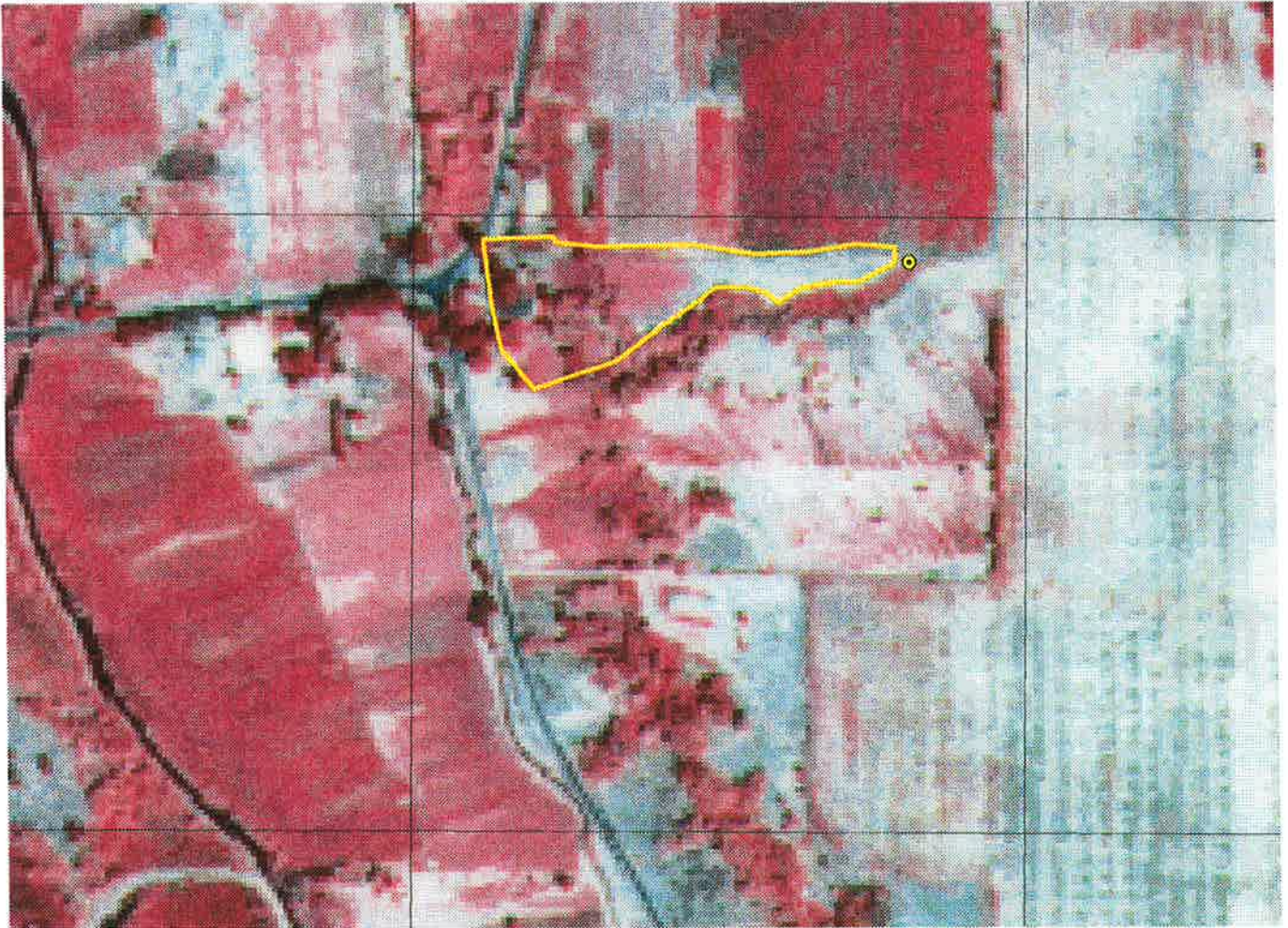
READY FOR DECREE yes (X) no ()

SENT FOR DECREE yes () no ()

KKC: 8/13/97

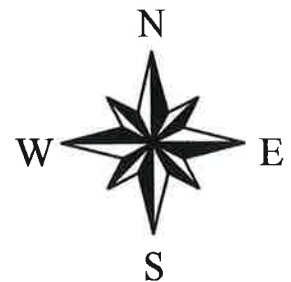
IDAHO DEPARTMENT OF WATER RESOURCES

36-07346



660 0 660 Feet

TNS 7S, RNG 13E,
SEC 36, SWNE



⊙ 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 STEVE CLELLAND

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 19 1984

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

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

Case No. 36-07346 -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)

7-1-80
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2. Person who filed objection:

Name: ALLEN L & ANDREE G BROOKS
Address: 2930 SOUTH 1050 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

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. ☒ 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 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 licensed, will not constitute a taking because the right is limited to that amount beneficially used.

In further response to this objection item, IDWR responds as follows: The claimants' license provided .20 cfs for 18 irrigated acres. However, the claimants only claimed, and the IDWR field exam only found, 4 acres of irrigation. Therefore only 4 irrigated acres were recommended, and the claimants have not objected to this number of recommended acres. IDWR further responds that it has recommended .12 cfs for those 4 acres, a larger quantity of water per acre than was provided by the license or was claimed pursuant thereto.

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: The license upon which the claimant's claim is based does not set an annual volume of consumptive use for this water right. 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. IDWR has developed uniform standards of consumptive use for various climatic areas throughout the state, based upon the definition of consumptive use contained in Idaho Code Sec. 42-1401A(2), which is the maximum volume of water consumed by "the most water consumptive crop that can be grown in the area during the period of year when water is used for irrigation." The consumptive use recommended for this water right is based upon the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the irrigation season. 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, and not as a limitation on the quantity of water that the claimant may divert pursuant to this recommended right. In further response to this objection item, IDWR responds that it recommended this element of the water right as claimed.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds

(Over)

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

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

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

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

	No. of Pages
Notice of Claim No. A36-07346	4
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4
Recommended Water Rights Acquired Under State Law	1

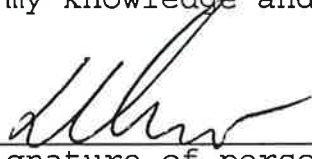
VERIFICATION (Must be Completed)

State of IDAHO

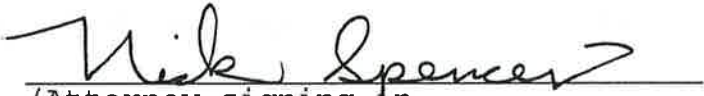
County of ADA

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

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

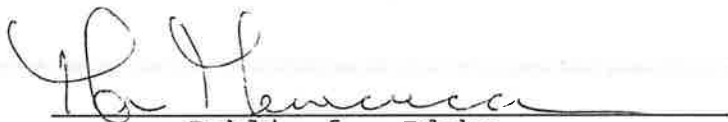


Signature of person filing response

By: 
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 9th day of September,
1993.




Notary Public for Idaho
Residing at: Bose, Idaho
My Commission expires: 6/25/1999

(Over)

WFOB0011110

CERTIFICATE OF MAILING

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

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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



Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-07346
Date Received: 8/29/1988
Receipt No: 500 1857
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONALD R. ISAAK 208-837-4872
Address: 2930 SOUTH 1050 EAST
RT. 1 BOX 238
HAGERMAN, ID 83332

AND/OR

Name: ETHELENE M. ISAAK 208-837-4872
Address: 2930 SOUTH 1050 EAST
RT. 1 BOX 238
HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1973

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	36	NE	SW	NE		GOODING

5. Description of diverting works:
TWO SPRINGS COLLECTED BY DAM & BOX TO 5" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
STOCKWATER	01/01	12/31	0.200		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/75 RANGE.

A36-07346

Page 1

Date: 08/29/88

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OCT 19 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	36	SW NE		IRR	4.0
Section Acres						4.0
Total Acres						4.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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FEB 03 1993

OCT 19 1994

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: 1

For Individuals:

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

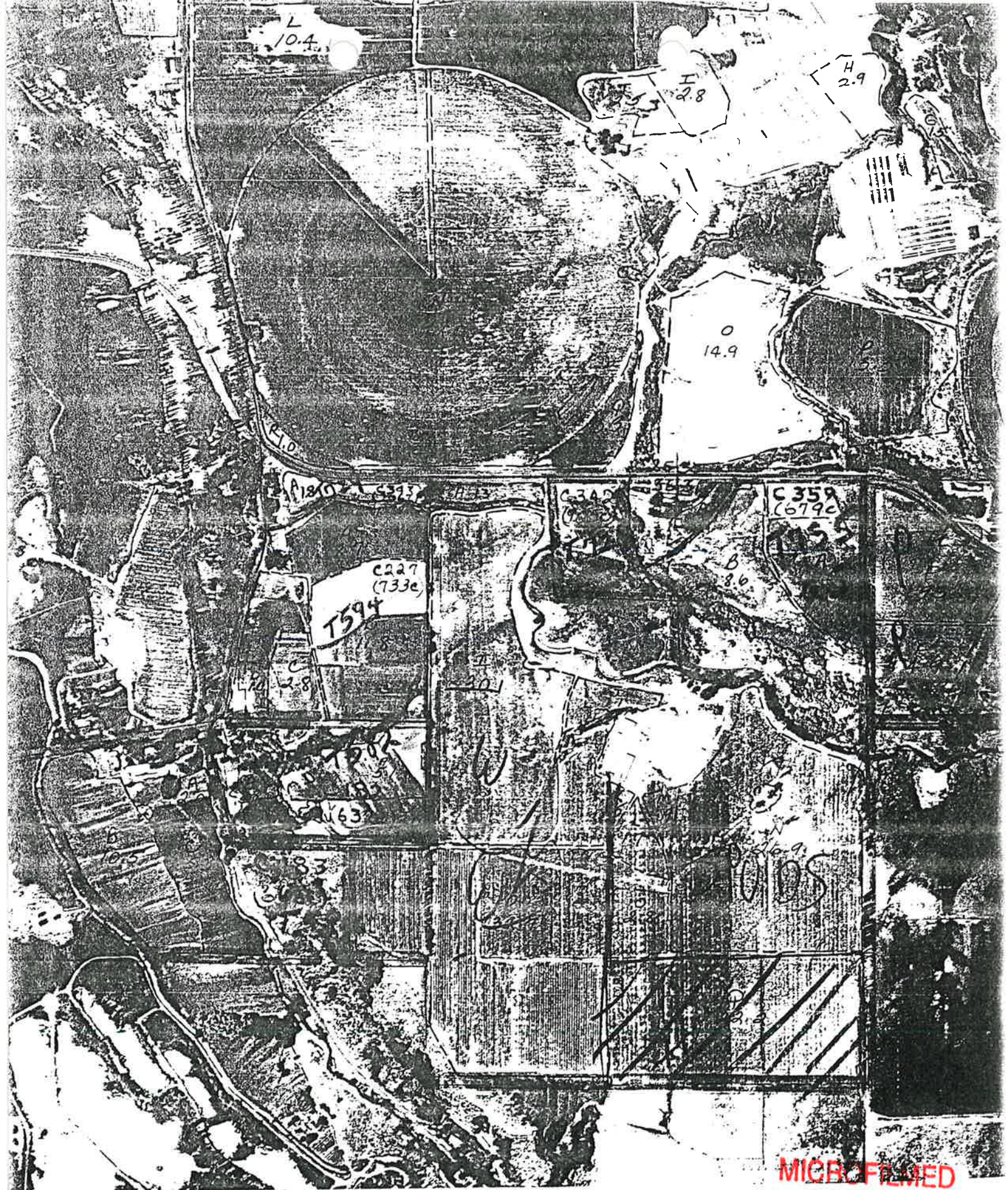
Signature of Claimant(s): *Paul K. Smith* Date: 8/29/88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of Aug 19 88 *Paul K. Smith*
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/98



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FEB 03 1993

OCT 19 1994

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

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

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

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

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

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

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

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

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

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

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

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

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

DATE: SEP-8-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRINGS		TRIBUTARY: RILEY CREEK				
36-07346	ANDREE G BROOKS ALLEN L BROOKS 2930 S 1050 E HAGERMAN ID 83332	06/26/1973	IRRIGATION	03-15 11-15	.12 CFS	LICENSE
			STOCKWATER	01-01 12-31	16.0 AFY .02 CFS 1.4 AFY	
			TOTAL QUANTITY:		.14 CFS 17.4 AFY	
			CONSUMPTIVE USE:		12.0 AFY	
NON-IRRIGATION-USES:						
STOCKWATER, 75 HEAD RANGE CATTLE						
POINT OF DIVERSION:						
T07S R13E S36 NESWNE						
PLACE OF USE: IRRIGATION						
T07S R13E S36 SWNE 4.0						
4.0 ACRES TOTAL						
PLACE OF USE: STOCKWATER						
T07S R13E S36 SWNE						
REMARKS:	~~THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED ABOVE.~~ ~~THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE DIVERTED SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF DIVERSION FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE PUBLIC INTEREST, AS DETERMINED BY THE DIRECTOR.~~					

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OCT 19 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

5015319

RECEIVED

JAN 27 1993

Department of Water Resources
Southern Region Office

Date:
Time:

1/27/1993
09:09:26

A36-07346

Received
From:

BROOKS ALLEN L
Type of Payment

Program Acct Class

Amount

FEE FOR COPY OF ADJUDICATION CLAIM

64100

229 21 1760

7.57

Total

CHECK

0210

\$7.57

Region: SOUTHERN

Signature:

R. Foster

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OCT 19 1994

CECIL D. ANDRUS
GovernorR. KEITH HIGGINSON
Director

13-Jan-1993

ALLEN L BROOKS
PO BOX 238
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00060, 36-07346

Dear Mr. Brooks:

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:

\$7.57

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

Brooks
46
43
89 x 5 = 445
post. 2.90
env. .22
7.57

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OCT 19 1994

RECEIVED

JAN 12 1993

(Date)

1/11/93

Department of Water Resources
Southern Region Office

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 36-00060.

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,

Allen L. Brooks
(Name)

Rt 1 Box 238
(Address)

Hagerman Id. 83332
(City, State, Zip Code)

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

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APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-07346
(You must insert the
water right number you
are objecting to)

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

OBJECTION

36-07346 -0001/
93-04-0315

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.

INSTRUCTIONS

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

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

(Over)

MICROFILMED

OCT 19 1994

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: Allen L. and Andree G. Brooks

Address: 2930 So 1050 East

Hagerman, ID 83332

Briefly describe your interest in this water right:

License with date of priority of 6/26/1973

2. Owner of the water right:

Name: Allen L. and Andree G. Brooks

Address: 2930 So 1050 East

Hagerman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

12. ☐ Water Right Recommendation: I object to:

a. ☐ this water right being recommended at all; or

b. ☐ this water right not being recommended.

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

14. ☒ Other: I object to: See attached

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Maximum quantity and consumptive use: as licensed, .20;

remarks: strike all

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



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

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

Allen L. Brooks

(Name of person filing objection), being first duly 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.

Allen L. Brooks

Signature of person filing objection

By: [Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 22 day of April, 1993.

Linda M. Roussau
Notary Public for Idaho
Residing at: Twin Falls, Idaho
My Commission Expires: 9-11-93
Residing at _____, Idaho

LINDA M. ROUSSAU
NOTARY PUBLIC - STATE OF IDAHO

(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 _____ 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: Allen L. and Andree G. Brooks

Owner's address: 2930 So 1050 East

Hagerman, ID 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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 license issued by the Director and Department, which license is 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 license.

AFFIRMATIVE DEFENSE NO. 7

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

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

FD-302a

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

(WATER\LICENSES.A)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED

FEB 03 1993

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

SEP 18 1992

Department of Water Resources

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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

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

1. Water right number:

36-07346

MICROFILMED

2. Name:

Allen L. Brooks

FEB 03 1993

Address:

Rt 1 Box 238

Hagerman, Idaho

83332

Weekday Telephone Number:

837-4969

FAX

837-6220

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:

Period of use — you deleted 1/2 the year-around use!

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

From 01/01 to 12/30 for 0.200 CFS
as per original license.

5. Describe why you disagree with the proposed recommendation:

Springs originate on property and will be
required for year-around stock water!

- 6.

Date:

9/16/92

SIGNATURE

Alex L. Jacobs



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

15-Oct-1992

ALLEN L BROOKS
RT 1 BOX 238
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIM 36-07346.

Dear Mr Brooks

After reviewing your notice of error and your claim file I feel that it would be correct to reinstate the stockwater. However it is not a beneficial use for 0.20 CFS for 75 head of range cattle. Based upon department standards I have recommended 0.02 CFS for year round use. I have adjusted the total diversion rate and the diversion volume to reflect the additional stock water.

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

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED

FEB 03 1993

Water Right Number - R36-07346

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
BROOKS

ANDREE G

1 - 2930 S 1050 E

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4969

BROOKS

ALLEN L

1 - 2930 S 1050 E

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4969

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/26/1973 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS RILEY CREEK

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

Twn Rng Sec Tract Lot RFlg County
07S 13E 36 NE SW NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.120 16.00
04 - STOCKWATER 01/01 12/31 0.020 1.40+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.140 17.40 12.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 36 SW NE 4.0 01 IRRIGATION (47) GOODING
07S 13E 36 SW NE 04 STOCKWATER (47) GOODING

Total Acres: 4.0

+ - - Diversion Means - TWO SPRINGS COLLECTED BY DAM & BOX TO 5" PIPELINE

+ - - Non-Irrigation Use - STOCKWATER, 75 HEAD RANGE CATTLE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.MICROFILMED
FEB 03 1993
added and
codes not y/n
KKC
10-21-92

Water right number - R36-07346

Prefix Translation: RESEARCH

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

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

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

Date: 03/09/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS

THIS PROPERTY WAS SOLD ON 5/23/90 TO MR. & MRS. BROOKS.

Date: 03/17/1992 User Id: CLELLAND Subject: NO OVERLAP

THIS 4 ACRE PARCEL IS NOT COVERED BY THE DECREED RIGHT 36-00060.

Date: 09/21/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)

RECEIVED NOE 9/18/92. CHANGED NOE FLAG FROM BLANK TO A.

Date: 10/15/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE

I ADDED STOCKWATER TO THE CLAIM AS IT WAS ORIGINALLY LICENSED

RELATED RATES AND VOLUMES ADJUSTED TO INCLUDE THE STOCKWATER.

CLAIM VERIFIED 8/3/92. DID NOT REVERIFY ANY PART OF CLAIM.

THAT WAY HOWEVER FOR 75 HEAD I RECOMMENDED ONLY 0.02 CFS.
KKC 10-15-92.

+ - - Audit Fields - - +

10/15/92 CHRISTEN

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

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 08/29/1988

Field Inspection Made - 08/21/1990
Field Inspection Flag -
Verified Date - 10/15/1992
Last Amended Date - 00/00/0000
Receipt Number - S001857
POU Ownership Flag - Y
Name Connector - OR

Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District - 36A
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag - C

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FEB 03 1993

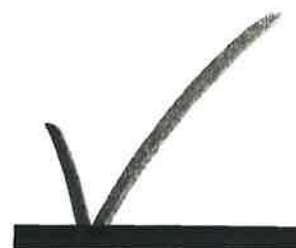
R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED
FEB 03 1993

Water Right Number - ~~R36~~-07346

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
BROOKS

ANDREE G

1 - 2930 S 1050 E

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4969

1 - 2930 S 1050 E

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4969

BROOKS

ALLEN L

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/26/1973 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRINGS RILEY CREEK

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

TwN Rng Sec Tract Lot RFlg County

07S 13E 36 NE SW NE (47) GOODING

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		0.120	16.0

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.120 16.0 12.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	36	SW NE		4.0	01	IRRIGATION	(47) GOODING

Total Acres: 4.0

+ - - Diversion Means - TWO SPRINGS COLLECTED BY DAM & BOX TO 5" PIPELINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - Remarks
No Remarks found.

*added 8/2/92 ARN
Verified*

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FEB 03 1993

Water right number - R36-07346

Prefix Translation: RESEARCH

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

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

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

Date: 03/09/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS

THIS PROPERTY WAS SOLD ON 5/23/90 TO MR. & MRS. BROOKS.

Date: 03/17/1992 User Id: CLELLAND Subject: NO OVERLAP

THIS 4 ACRE PARCEL IS NOT COVERED BY THE DECREEED RIGHT 36-00060.

+ - - Audit Fields - - +

08/01/92 WORSTELL

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 08/21/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/01/1992	Old Judicial District	-
Claim Received Date	- 08/29/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001857	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

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FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:56:54
07/03/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07346

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 3-92-92		
POINT OF DIV	Y			N		See 7-30-92		
SOURCE	Y			Y	5,6			
PLACE OF USE	Y		See/HHT 8-21-90	N	1,4,5,2			
DIV. AMOUNT CFS/VOLUME				Y	6. LICENSE			
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE	Y			Y	6			
BASIS OF CLAIM				N				
REMARKS	Y			Y	6.			

"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.

cc.

MICROFILMED

FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:56:54
07/03/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07346

LAST: ISAAK
ADDRESS: RT. 1 BOX 238
2930 S. 1050 E.
CITY: HAGERMAN
PHONE NUMBER: 208-837-4872

FIRST: RONALD R.

STATE: ID ZIP: 83332

OWNER CODE: 0

LAST: ISAAK
ADDRESS: RT. 1 BOX 238
2930 S. 1050 E.
CITY: HAGERMAN
PHONE NUMBER: 208-837-4872

FIRST: ETHELENE M.

STATE: ID ZIP: 83332

OWNER CODE: 0

LAST: BROOKS
ADDRESS: 2930 S. 1050 E.
CITY: HAGERMAN
PHONE NUMBER: 208-837-4969

FIRST: ALLEN L.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: BROOKS
ADDRESS: 2930 S. 1050 E.
CITY: HAGERMAN
PHONE NUMBER: 208-837-4969

FIRST: ANDREE G.

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS PROPERTY WAS SOLD ON 5/23/90 TO MR. & MRS. BROOKS.

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FEB 03 1993

CONTACT PERSON: Constrator

PHONE NUMBER: () -

DATE OF FIELD EXAM: 8/21/90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: Working on guest house

DIRECTIONS TO PROPERTY / REMARKS:

4 acres are around house pump in runoff (stream) from Springs

ok.

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FEB 03 1993

A. AJ CLAIM: # A36-07346 PRIORITY DATE: 06-26-1973 STAGE: L
B. WR RECORD: # 36-07346 PRIORITY DATE: 06-26-1973 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
06-26-1973

REVIEWED BY

See

DATE

8-27-90

=====

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FEB 03 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07346	07S	13E	36	NE	SW	NE		GOODING

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SPRINGS

TRIB: SNAKE RIVER

Riley Creek

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07346	07S	13E	36		SW	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

A36-10715
A36-10191

NONE

SOURCE: SPRING

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER

N
N

REMARKS:

MICROFILMED
FEB 03 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Same

as claims

NO CHANGE

SOURCE: _____

TRIB: _____

REVIEWED BY: _____

DATE: _____

MICROFILMED

FEB 03 1993

A. ROOT WATER RIGHT NUMBERS: A36-07346

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	36	SW	NE		BROOKS , ALLEN L.	A36-07346 / 4.0	36-07346 / 18.0	39.0	180	4.0
						WISE , SHELBY	A36-00084 / 7.0	36-00084 /			
						BROOKS , ALLEN L.	A36-10715 /	- /			
						WISE , GLEN A.	A36-10191 /	- /			
						MORRIS , HOWARD L.	A36-00061 / 5.0	36-00061 /			
						MORRIS , HOWARD L.	A36-00062 /	36-00062 /			
						BROOKS , ANDREE G.	A36-00060 / 14.0	36-00060 /			
						MORRIS , HOWARD L.	A36-00063 / 5.0	36-00063 /			
						JENKINS , COLUMBUS E.		36-00180 /			
TOTAL ACRES							A36-07346	4.00	18.00	39.00	4.0

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

X

PRESUMPTION FLAG:

REMARKS:

claimant reduced acres.

No Stock found on the 4 acre site.
Based on Maps, field Exam and licensed
field Exam this 4 acres is Not overlapped by
the Decreed right A36-00060.

No overlap w/ 36-0060.

RECOMMENDATIONS:

TOTAL ACRES:

4.0

REVIEWED BY:

su

DATE:

8-27-90

su

3-17-92

A. AJ CLAIMED USES:

PURPOSES
A36-07346 IRRIGATION
~~A36-07346 STOCKWATER~~

MONTH/DAY
FROM ~~03-15~~ TO ~~11-15~~
~~FROM 01-01 TO 12-31~~

4-10-31

DIVERSION QUANTITY
.200 CFS
~~.200 CFS~~
.200 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

B. WR RECORDED USES:

PURPOSES
36-07346 IRRIGATION
36-07346 STOCKWATER

MONTH/DAY
FROM 03-01 TO 11-01
FROM 01-01 TO 12-31

DIVERSION QUANTITY
.200 CFS 73.40 AF/A
.200 CFS 1.40 AF/A
.200 CFS 73.40 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

DATABASE
N
N
Y

FIELD EXAMINER
N
YES
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(~~X~~) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(~~X~~) Explain in remarks, below.

REMARKS:

no stock found.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

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

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

Y

1

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FEB 03 1993

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-07346	SPRINGS	BROOKS , ALLEN L.	0.200	0.050		
A36-00084	LEN LEWIS SPRING	WISE , SHELBY	1.600	0.069		
A36-00062	SPRINGS	MORRIS , HOWARD L.	0.280	0.002		
A36-00063	SPRINGS	MORRIS , HOWARD L.	0.800	0.006		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-07346	STOCKWATER	BROOKS , ALLEN L.	FROM 01-01 TO 12-31	.200 CFS	
A36-10715	DOMESTIC	BROOKS , ALLEN L.	FROM 01-01 TO 12-31	.040 CFS	
A36-10191	DOMESTIC	WISE , GLEN A.	FROM 01-01 TO 12-31	.060 CFS	
A36-00061	STOCKWATER	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.070 CFS	
A36-00061	DOMESTIC	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.040 CFS	
A36-00062	STOCKWATER	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.070 CFS	
A36-00062	DOMESTIC	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.040 CFS	
A36-00063	STOCKWATER	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.070 CFS	
A36-00063	DOMESTIC	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 0.03
ACRES 4.0 x 0.02 CFS/ACRE = 0.08 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 12.0 AF/A

ACRES 4.0 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 12.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 4.0 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 16.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
~~IRRIGATION~~ ~~STOCKWATER~~	~~03-13~~	~~11-15~~	~~0.200~~	~~0.044~~	~~14.0~~	~~12.0~~	~~12.0~~	
	01-01	12-31	0.200	0.044				
			0.200	0.044				
TOTAL FOR THIS RIGHT				0.12			12	
REVIEWED BY: <u>See</u>	DATE: <u>8-27-90</u>							

* as licensed 0.20 for 18.0 Acres = 0.011 cfs/Ac.
~~provided allowance~~ allowed 0.03 cfs/Ac

~~For 18.0 Acres~~

MICROFILMED
FEB 03 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(X)
(X)
()

NEEDS
REVIEW
()
(X) *reduced acres*
(X)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07346

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.200

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07346	0.200	-		36-07346	0.200
	TOTAL CFS	0.200				0.200

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
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Steve Keller

DATE:

3-9-92

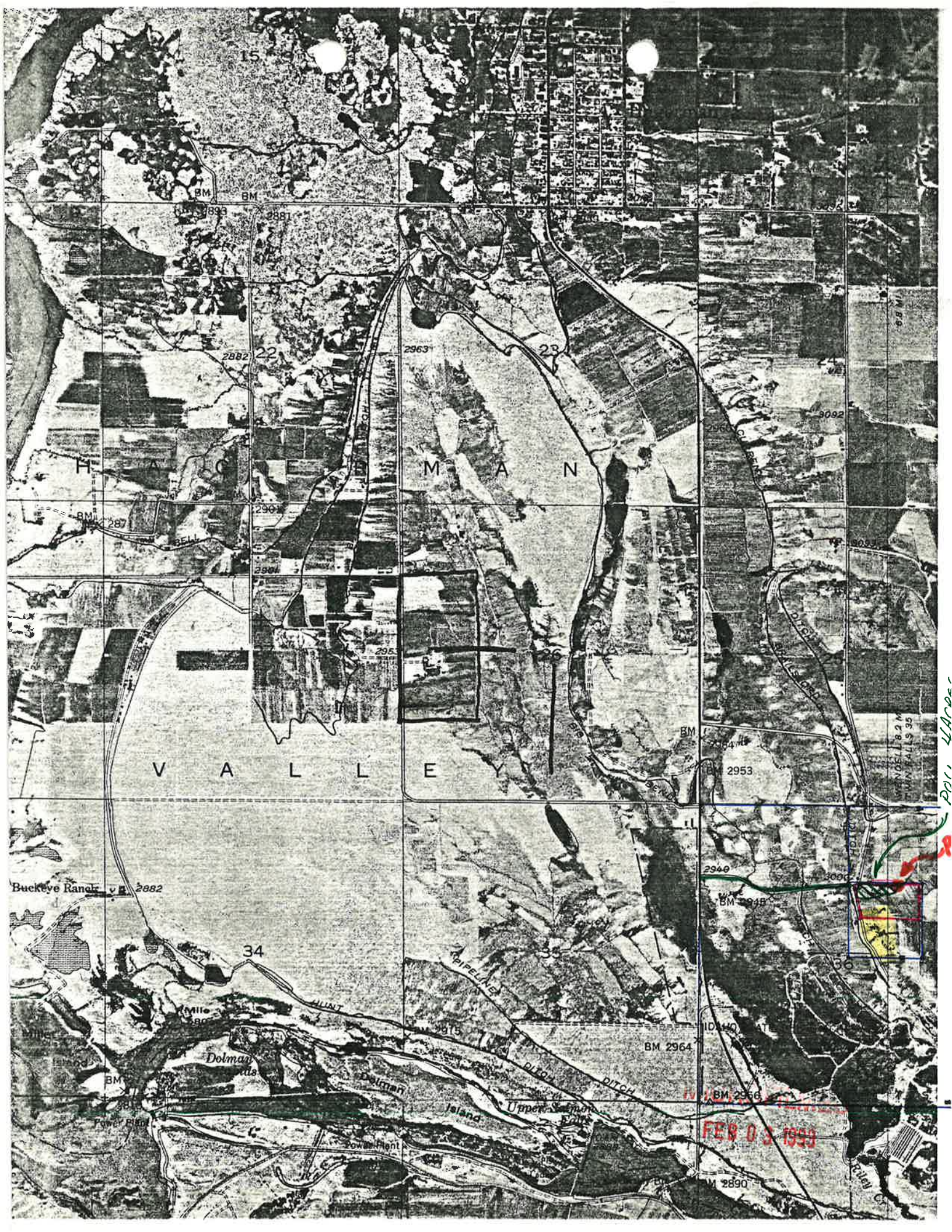
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