

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: A36-10035
Date Received: 5/27/1988
Receipt No: 5000727

COPY
FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SALMON FALLS SHEEP CO. 208-837-4534
Address: RT. 1 BOX 74
HAGERMAN, ID 83332

2. Date of Priority: MAR 15, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	34	SE	SW	NW		GOODING
			NE	SE	SW		GOODING

5. Description of diverting works:
TWO CONNECTED WELLS & PUMPS, PIVOT SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.020		

7. Total Quantity Appropriated is:
2.020 C.F.S. (and/or) 404.00 A.F.A.

8. Total consumptive use is 303.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	14E	34	SW	NW		IRR	19.0
			SE	NW		IRR	9.0
			NE	SW		IRR	18.0
			SW	SW		IRR	31.0

Section Acres 77.0

A36-10035

Page 1

Date: 05/27/88

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OCT 20 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	3	NW	NW	4	IRR	16.0
						Section Acres	16.0
		4	NE	NE	1	IRR	8.0
						Section Acres	8.0
						Total Acres	101.0

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:
CANAL SHARES & WASTE WATER

14. Remarks:
THIS CLAIM REPRESENTS A SECOND EXPANSION OF RTS. 36-2166 & 36-2178 DUE TO INSTALLATION OF PIVOT SPRINKLERS IN 1981.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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 X 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) Salmon Falls Sheep Co Inc Date: 7/5/88

James P. Benson Pres. Date: 7/5/88

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day

of July 19 88

Mary G. Baldwin
Notary Public

Seal

Residing at Gooding ID

My Commission Expires 10/16/1992

State of Idaho

Department of State

CERTIFICATE OF AMENDMENT

OF

COPY

SALMON FALLS SHEEP COMPANY

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Amendment to the Articles of Incorporation of SALMON FALLS SHEEP COMPANY changing its name to SALMON FALLS LAND & LIVESTOCK COMPANY duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Amendment to the Articles of Incorporation and attach hereto a duplicate original of the Articles of Amendment.

May 28, 1992



Pete T. Cenarrusa

SECRETARY OF STATE

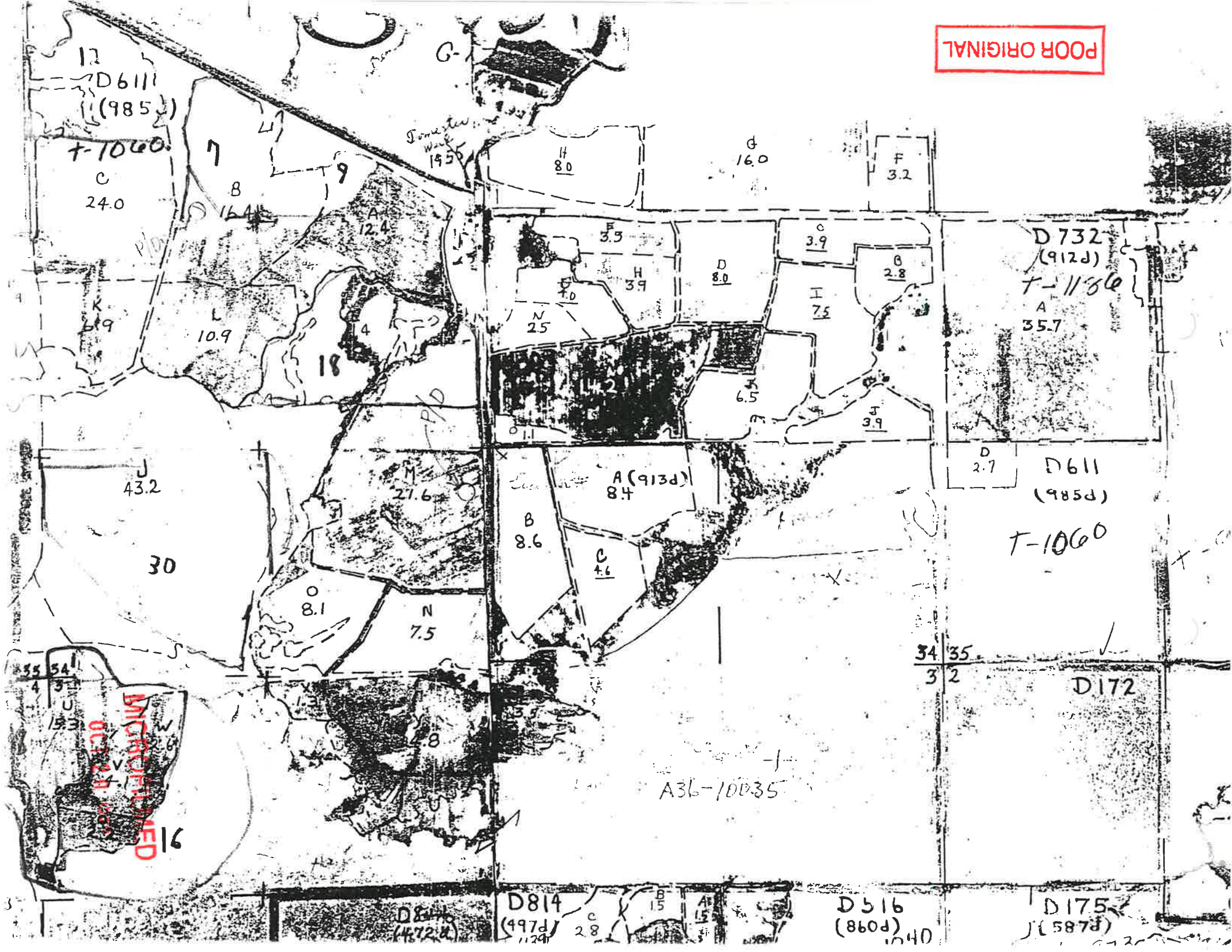
By

George T. Hahn

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OCT 20 1994

POOR ORIGINAL



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

TOTAL RECORDS IN SELECTION FILE: 38

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OCT 20 1994

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

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

12 Dated this 10 day of May, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ,
14 CHARTERED

15 By: 

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



Hepworth,
Nungester,
& Lezamiz

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OCT 20 1994

INPUT: AJ_SELECTION:SHAFF-BROWN-NOA6.SEL

TYPE OF ACTION: MODIFY

MODIFY ALL FIELDS FLAG: Y

LAST NAME: BROWN

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

FIRST NAME: PATRICK D

ADDRESS LINE 2:133 SHOSHONE ST N

STATE: ID ZIP: 833030389

PHONE NUMBER: (208) 734-7510

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

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OCT 20 1994

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

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

12 * * * * *

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

Case No. 39576

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

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

23 Petitioner,)

24 vs.)

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

29 Respondents.)
30 _____)

31 * * * * *

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

SIXTH SUPPLEMENTAL NOTICE OF APPEARANCE - 1



Hepworth,
Nungester,
& Lezamiz

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OCT 20 1994

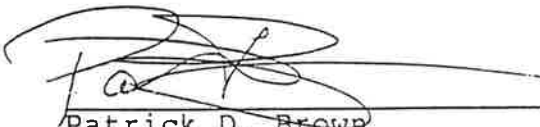
CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the respondents in this matter, certifies that he caused to be mailed a copy of the above and foregoing FIFTH SUPPLEMENTAL NOTICE OF APPEARANCE on the 10 day of May, 1993, to:

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

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

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


Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

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OCT 20 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-10035**
Date Received: 7/ 6/1988
Receipt No: S000727
Received By: _____

name change *JK*

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

1. Name: SALMON FALLS LAND AND LIVESTOCK 208-837-4534
Address: RT 1 BOX 74
HAGERMAN ID 83332

2. Date of Priority: MAR 15, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	34	SE	SW	NW		GOODING
			NE	SE	SW		GOODING

5. Description of diverting works:
TWO CONNECTED WELLS & PUMPS, PIVOT SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.020		

7. Total Quantity Appropriated is:
2.020 C.F.S. (and/or) 404.00 A.F.A.

8. Total consumptive use is 303.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	14E	34	SW	NW		IRR	19.0
			SE	NW		IRR	9.0
			NE	SW		IRR	18.0
			SW	SW		IRR	31.0

RECORDED

FEB 07 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	77.0
08S	14E	3	NW	NW	4	IRR	16.0
						Section Acres	16.0
		4	NE	NE	1	IRR	8.0
						Section Acres	8.0
						Total Acres	101.0

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:
CANAL SHARES & WASTE WATER

14. Remarks:
THIS CLAIM REPRESENTS A SECOND EXPANSION OF RTS. 36-2166 & 36-2178 DUE TO INSTALLATION OF PIVOT SPRINKLERS IN 1981.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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FEB 07 1993

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 _____

MICROFILMED
FEB 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Oct-1992

SALMON FALLS LAND AND LIVESTOCK
RT 1 BOX 74
HAGERMAN ID 83332

Re: Name Change for Adjudication Claim #A36-00136A, A36-00136B,
#A36-00194, A36-02046,
A36-02166, A36-02178,
A36-02419, A36-10033,
A36-10035, A36-10037

Dear Claimant(s):

Pursuant to notification that you presently own the property in which the above referenced Adjudication Claim is appurtenant, the Department has changed the record of the current owner as you requested. Please find enclosed a copy of the computer record of our recommendation to the court noting the name change in claimant.

Please review the record and if you have any corrections or questions, feel free to call this office.

Sincerely,


Jeanie Robertson
Records Clerk

/jlr
Enclosures:

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FEB 07 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: May 28, 1992

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) Assigned by IDWR: All claims listed under Salmon Falls Sheep Company.

☐ Name and Address of Former Owner/Claimant(s)(Seller): Salmon Falls Sheep Company
same as orig

☐ New Owner/Claimant (Purchaser): Salmon Falls Land and Livestock

☐ New Mailing Address: same as old address.

☐ New Telephone Number: () _____ - _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(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 owner/claimant.)

☐ Signature of New Owner/Claimant(s) James F. Jensen Date 9/16/92

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-1-92 By: X

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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FEB 07 1993

SD-0601-2 Last Name: SALMON FALLS

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
SALMON FALLS SHEEP CO							
		C	A36-02419✓	02/08/1960	GROUNDWATER	4.810	01 IRR
		C	A36-00136✓	10/01/1908	TUCKER SPRI	8.000	01 IRR
		C	R36-02046✓	12/01/1939	RILEY CREEK	3.500	01 IRR
		C	R36-02178✓	09/18/1952	GROUNDWATER	1.680	01 IRR
							43 DOMEST
		C	A36-10033✓	03/15/1975	GROUNDWATER	2.140	01 IRR
		C	A36-02166✓	02/27/1952	GROUNDWATER	2.040	01 IRR
		C	A36-02178✓	09/18/1952	GROUNDWATER	1.680	01 IRR
							43 DOMEST
		C	A36-10035✓	03/15/1981	GROUNDWATER	2.020	01 IRR
		C	R36-10037✓	03/15/1974	GROUNDWATER	1.650	01 IRR
		C	A36-10037✓	03/15/1974	GROUNDWATER	2.780	01 IRR
		C	R36-02166✓	02/27/1952	GROUNDWATER	2.040	01 IRR
		C	R36-02419✓	02/08/1960	GROUNDWATER	4.810	01 IRR
		C	R36-10033✓	03/15/1975	GROUNDWATER	0.960	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0601-2 Last Name: SALMON FALLS

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
SALMON FALLS SHEEP CO							
		C	R36-10035✓	03/15/1981	GROUNDWATER	0.980	01 IRR
		C	A36-02046✓	12/01/1939	RILEY CREEK	3.500	01 IRR
							04 STOCK
		C	R36-00136✓	10/01/1908	TUCKER SPRI	4.710	01 IRR
					SPLIT RIGHT		
		C	R36-00136A✓	10/01/1908	TUCKER SPRI	3.610	01 IRR
		C	R36-00136B✓	10/01/1908	TUCKER SPRI	3.330	01 IRR
		C	R36-00194✓	04/01/1901	TUCKER SPRI	0.500	04 STOCK
							43 DOMEST
SALMON FALLS SHEEP CO INC							
		C	A36-00194✓	04/01/1901	UPPER TUCKE	0.500	04 STOCK
							43 DOMEST
SALMON FALLS SHEEP CO., INC.							
		C	A36-00195✓	05/01/1918		0.500	
		C	R36-00195✓	05/01/1918		0.500	

(Enter=Continue)

(GOLD7=This Query)

0.500
0.500
MICROFILMED
FEB 07 1993
(Menu _____)



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

A36-10035
SALMON FALLS SHEEP CO.
RT. 1 BOX 74

HAGERMAN ID 83332

Dear Claimant(s):

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

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

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

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

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

MICROFILMED
FEB 07 1993



SALMON FALLS SHEEP CO., Inc.

HAGERMAN, IDAHO 83332

PHONE 837-4534

RECEIVED

OCT 30 1990

Hagerman, Idaho

Nov. 25, 1990

Department of Water Resources
222 Shoshone Street East
Twin Fall, Idaho 83301

Department of Water Resources
Southern Region Office

Enclosed are the affidavits . They are submitted as proof of priority for
water claims:

A 36 10033: 10035; 10037.

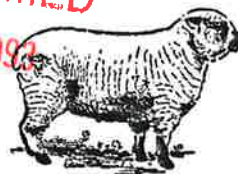
Yours truly

Salmon Falls Sheep Co. Inc.

Pres.



MICROFILMED
FEB 07 1992



1008
IN THE MATTER OF: Wright

RECEIVED

AFFIDAVIT

OCT 30 1990

Department of Water Resources
Southern Region Office

A36 10035
State of Idaho
County of Gooding

W
I: Elmer Wayne Hensleee being first duly sworn,
deposes and says: I was irrigator for Salmon Falls Sheep Co.
from 1954 to 1989 .

The original Lands, irrigated by gravity Flow.

The increase in Lands irrigated by the original
Water Rights, were created by the installation of Pivots,
and Hand Lines in 1981.

E. W. Hensleee
(signature)

Subscribed and sworn to before me this 29 day of October 1990.

Eugene H. Christofferson
(notary public)

Residing at Wendell, Id
My commission expires Feb 1996

MICROFILMED
FEB 07 1993

02/15/2002

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

RIGHT NUMBER: **36-10035**

NAME AND ADDRESS: SALMON FALLS LAND & LIVESTOCK CO INC
123 BELL RAPIDS RD
HAGERMAN ID 83332

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.47 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-02166, 36-02178 AND 36-10033 IS LIMITED TO A TOTAL DIVERSION RATE OF 3.72 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1480 AF.

PRIORITY DATE: 03/15/1981

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T07S R14E S34 SESWNW Within GOODING County

T07S R14E S34 NESESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.470 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T07S R14E S34	SWNW	30.0	T07S R14E S34	SENE	12.0
T07S R14E S34	NESW	38.0	T07S R14E S34	NWSW	40.0
T07S R14E S34	SWSW	40.0	T07S R14E S34	SESW	40.0
T07S R14E S34	SWSE	36.0	T07S R14E S34	SESE	20.0
T08S R14E S03 Lot 2	NWNE	35.0	T08S R14E S03 Lot 3	NENW	35.0
T08S R14E S03 Lot 4	NWNW	34.0	T08S R14E S04	NENE	10.0

370 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS.: 36-02166, 36-02178, 36-10033, & 36-15540 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 36-02166, AND 36-02178 PURSUANT TO SECTION 42-1426, IDAHO CODE. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT NOS. 36-02166, 36-02178 AND 36-10033 ARE ALSO DIVERTED

THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 47 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-10035 V2

WATER RIGHT NUMBER: 36-10035 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SALMON FALLS LAND & LIVESTOCK CO INC 123 BELL RAPIDS RD HAGERMAN, ID 83332 (208)837-4917
Attorney	PATRICK D BROWN HEPWORTH LEZAMIZ & HOHNHORST 133 SHOSHONE ST N PO BOX 389 TWIN FALLS, ID 833030389 (208)734-7510

LING # 194989

Priority Date: 03/15/1981
Basis: Beneficial Use
Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

3/15 to 11/15

0.980 CFS

Total Diversion:

0.980 CFS

0.47 cfs

Based on
47 acresLocation of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4NW1/4

Sec. 34, Twp 07S, Rge 14E, B.M.

GOODING County

GROUND WATER

NE1/4SE1/4SW1/4

Sec. 34, Twp 07S, Rge 14E, B.M.

GOODING County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	34							30.0	12.0	38.0	40.0	40.0	40.0			36.0	20.0	256.0
08S	14E	3		35.0			35.0	34.0											104.0
				L 2			L 3	L 4											
08S	14E	4	10.0																10.0

Total Acres: 370

Conditions of Approval:See
2/15/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-10035 V2

1. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 36-02166, 36-02178 AND 36-10033 IS LIMITED TO A TOTAL DIVERSION RATE OF 3.72 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1480 AF.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 36-02166, 36-02178 AND 36-10033 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON. 36-13590
3. Explanatory RIGHT NOS. 36-02166, 36-02178 AND 36-10033 ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 96 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT. 147
4. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 36-02166, AND 36-02178 PURSUANT TO SECTION 42-1426, IDAHO CODE.

Comments:

1. WORSTELL 6/11/1991 COPIED FROM REMARKS
Comment: THIS CLAIM REPRESENTS A SECOND EXPANSION (TOGETHER WITH 36-10033) OF CLAIMS A36-02166 AND A36-02178 PURSUANT TO IDAHO CODE 42-1416(2).
2. ROBERTSO 10/1/1992 NAME CHANGE
Comment: Change of ownership form, along with a Certificate of Amendment, changing the name from Salmon Falls Sheep Co to Salmon Falls Land & Livestock was received 9/16/92. A36-10035 also changed on this date.
3. DSMITH 1/3/1996 NAME AND/OR ADDRESS CHANGE
Comment: THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. *CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS
4. TFAWCETT 3/25/1997 ADDRESS CHANGE
Comment: ADDRESS CHANGED FROM ROUTE AND BOX TO GRID SYSTEM.
5. ENORQUES 8/28/1997 REFORMAT
Comment: REFORMATTED TO CURRENT STANDARDS.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 36-10035 V2

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 3610035
Class: 2
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned: NICHOLAS B SPENCER
Date Filed: 10/31/1997 Objection Status: Active
Date Filed: 4/29/1993 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-10035 V1

WATER RIGHT NUMBER: 36-10035 V1

Owner TypeName and Address

Current Owner

SALMON FALLS LAND & LIVESTOCK CO INC
 123 BELL RAPIDS RD
 HAGERMAN, ID 83332
 (208)837-4917

Priority Date: 03/15/1981

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/01 to 10/31

0.980 CFS

Total Diversion: 0.980 CFS

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4NW1/4

Sec. 34, Twp 07S, Rge 14E, B.M.

GOODING County

GROUND WATER

NE1/4SE1/4SW1/4

Sec. 34, Twp 07S, Rge 14E, B.M.

GOODING County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	34							30.0	12.0	38.0	40.0	40.0	40.0			36.0	20.0	256.0
08S	14E	3		35.0			35.0	34.0											104.0
				L 2			L 3	L 4											
08S	14E	4	10.0																10.0

Total Acres: 370

Conditions of Approval:

1. S17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-10035 V1

1. General THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 36-02166 AND 36-02178 PURSUANT TO IDAHO CODE 42-1416(2).
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 98 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.72 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1480 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1110 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 36-02166, 36-02178 AND 36-10033.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 36-02166, 36-02178 AND 36-10033.

Comments:

1. WORSTELL 6/11/1991 COPIED FROM REMARKS
Comment: THIS CLAIM REPRESENTS A SECOND EXPANSION (TOGETHER WITH 36-10033) OF CLAIMS A36-02166 AND A36-02178 PURSUANT TO IDAHO CODE 42-1416(2).
2. ROBERTSO 10/1/1992 NAME CHANGE
Comment: Change of ownership form, along with a Certificate of Amendment, changing the name from Salmon Falls Sheep Co to Salmon Falls Land & Livestock was received 9/16/92. A36-10035 also changed on this date.
3. DSMITH 1/3/1996 NAME AND/OR ADDRESS CHANGE
Comment: THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. *CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS
4. TFAWCETT 3/25/1997 ADDRESS CHANGE
Comment: ADDRESS CHANGED FROM ROUTE AND BOX TO GRID SYSTEM.
5. SSHERMAN 11/21/1997 NAME AND/OR ADDRESS CHANGE
Comment: THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. NAME CHANGE THE DATA IN THE NAME FILE WAS CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. TYPICALLY THIS CHANGE IS TO THE CURRENT OWNER OF THE WATER RIGHT. HOWEVER, THE CHANGE MAY BE TO ADD OR DELETE AN ATTORNEY OR LIENHOLDER, FOR EXAMPLE, WITHOUT CHANGING THE CURRENT OWNER OF THE WATER RIGHT. MOTION TO WITHDRAW MOTION TO WITHDRAW FROM PAT BROWN DATED 10/06/1997

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 36-10035 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 3610035
Class: 2
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned: NICHOLAS B SPENCER
Date Filed: 10/31/1997 Objection Status: Active
Date Filed: 4/29/1993 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 36-10035

WATER RIGHT NUMBER: 36-10035

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	PATRICK D BROWN HEPWORTH LEZAMIZ & HOHNHORST 133 SHOSHONE ST N PO BOX 389 TWIN FALLS, ID 833030389 (208)734-7510
Current Owner	SALMON FALLS LAND & LIVESTOCK CO INC 123 BELL RAPIDS RD HAGERMAN, ID 83332 (208)837-4917

Priority Date: 03/15/1981

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	to 11/15	2.020 CFS	
	<u>Total Diversion:</u>		2.020 CFS	404.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SW1/4	Sec. 34, Twp 07S, Rge 14E, B.M.
GOODING County		
GROUND WATER	SE1/4SW1/4NW1/4	Sec. 34, Twp 07S, Rge 14E, B.M.
GOODING County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	34							19.0	9.0	18.0			31.0					77.0
08S	14E	3						16.0											16.0
								L 4											
08S	14E	4	8.0																8.0
			L 1																

Total Acres: 101

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 36-10035

Remarks:

1. General THIS CLAIM REPRESENTS A SECOND EXPANSION OF RTS. 36-2166 & 36- 2178 DUE TO INSTALLATION OF PIVOT SPRINKLERS IN 1981.

Comments:

Dates and Other Information:

Claim Received Date: 7/6/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 3610035
Class: 2
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned: NICHOLAS B SPENCER
Date Filed: 10/31/1997 Objection Status: Active
Date Filed: 4/29/1993 Objection Status: Active

Log for claim 36-10035

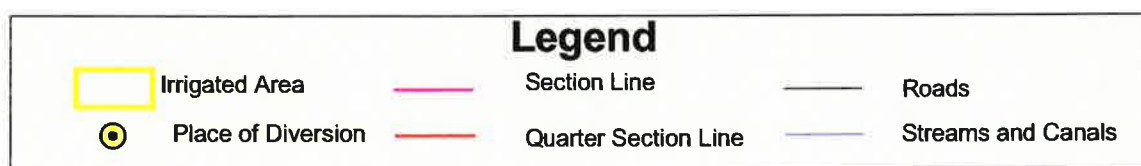
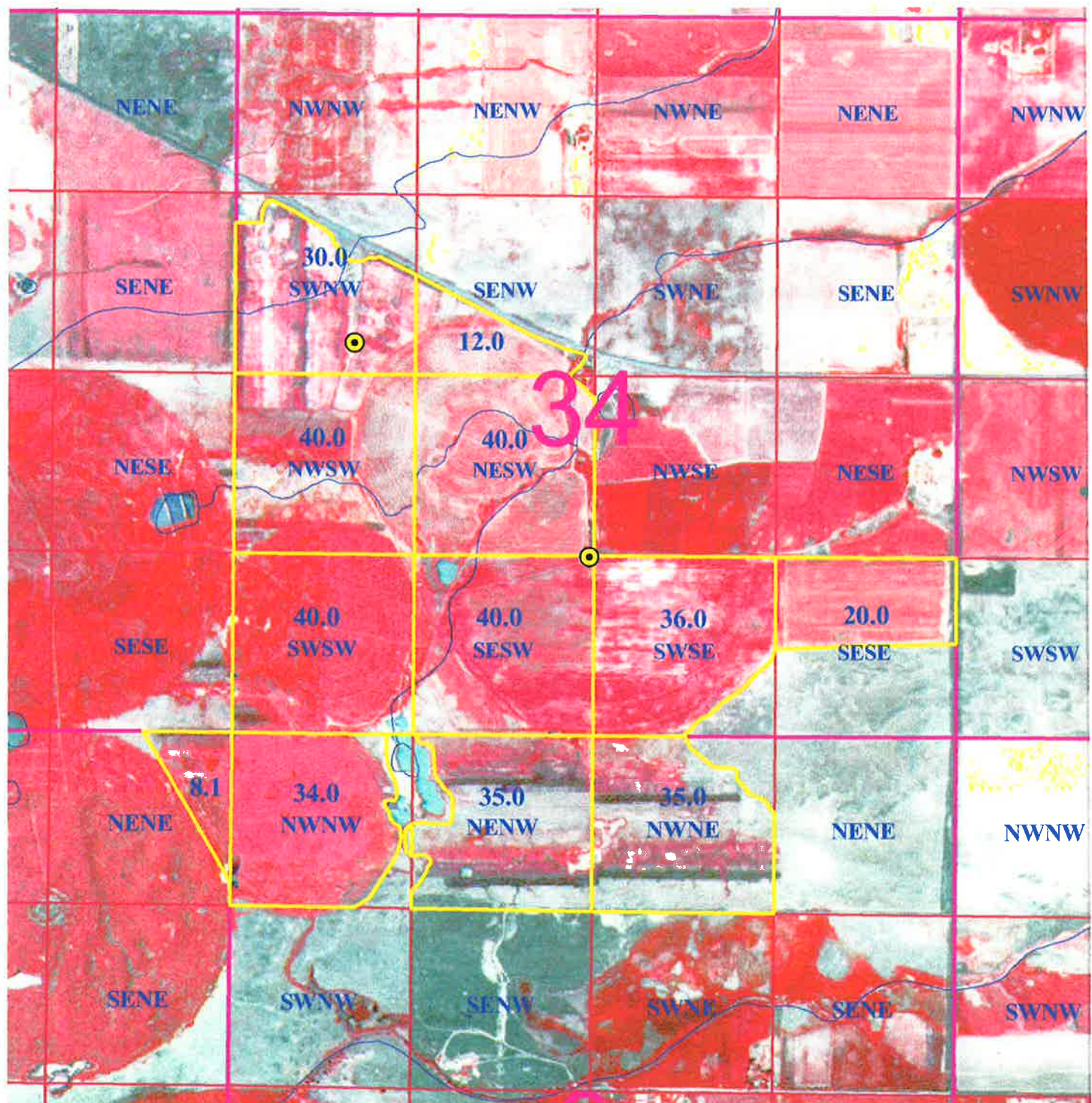
Spatial Dynamics LTD

11/7/01

TR	SEC	QQ	Acres Recommended	Acres Shaped	COMMENT
07s14e	34	SWNW	30	30	
07s14e	34	SENW	12	12	
07s14e	34	NESW	38	40	
07s14e	34	NWSW	40	40	
07s14e	34	SWSW	40	40	
07s14e	34	SESW	40	40	
07s14e	34	SWSE	36	36	
07s14e	34	SESE	20	20	
08s14e	3	NWNE	35	35	
08s14e	3	NENW	35	35	
08s14e	3	NWNW	34	34	
08s14e	4	NENE	10	8.1	
Totals:			370	370.1	

Water Right Number 36-10035
Townships , 7S14E, 8S14E

11/07/2001



800 0 800 1600 Feet



SPATIAL
DYNAMICS

NOV 3 1997

Department of Water Resources
Adjudication Bureau

Parties' Names: Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breeding

NOV 05 1997

Attorneys' Names and Address

Jeffrey C. Fereday
 Michael C. Creamer
 GIVENS PURSLEY & HUNTLEY LLP
 277 North 6th Street, Suite 200
 P.O. Box 2720
 Boise, Idaho 83701-2720
 (208) 342-6571
 (208) 343-9492 (facsimile)

Henry R. Boomer, Esq.
 Boomer Law Offices
 514 Tyhee
 P.O. Box 70
 American Falls, ID 83211
 (208) 226-2562
 (208) 226-5419 (facsimile)

RECEIVED

OCT 31 1997

OFFICE OF THE
ATTORNEY GENERAL

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

In Re: SRBA

Case No. 39576

A. Subcase No. 36-10035

JOINT RESPONSE OF MAGIC VALLEY GROUND
 WATER DISTRICT, ABERDEEN-AMERICAN FALLS
 GROUND WATER DISTRICT, BINGHAM GROUND
 WATER DISTRICT, TIM DEEG, MACK NEIBAUR,
 AND RALPH BREEDING TO SALMON FALLS LAND
 & LIVESTOCK CO., INC.'S OBJECTION

(Standard Form 2)

B. NAME AND ADDRESS OF PERSONS RESPONDING

Magic Valley Ground Water District
 1099 N. 400 W.
 Route 5, Box 139
 Rupert, ID 83350
 (208) 532-4524

Mack Neibaur
 1200 N. 510 W. Norland
 Route 1, Box 1478
 Paul, ID 83347
 (208) 532-4175

Ralph E. Breeding
 2875 Visiting Road
 American Falls, ID 83211
 (208) 226-2109

Tim Deeg
 2957 Deeg Road
 American Falls, ID 83211
 (208) 226-5588

Aberdeen-American Falls Ground
 Water District
 P.O. Box 70
 American Falls, ID 83211
 (208) 226-5914

Bingham Ground Water District
 1523 W. 300 N.
 Blackfoot, ID 83221
 (208) 684-3614

MAIL9341



Name & Address of Attorneys:

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley & Huntley LLP
277 No. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

Henry R. Boomer, Esq.
514 Tyhee
P.O. Box 70
American Falls, ID 83211

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Salmon Falls Land & Livestock Co., Inc.

Address: 123 Bell Rapids Road
Hagerman, Idaho 83332

- D. Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breeding (collectively, "Respondents"), hereby respond to Salmon Falls Land & Livestock Co., Inc.'s objections to the following elements.

4. ☒ **Priority Date.** Summary response: The use involved in this claim is an enlarged use which began, and has continued, without complying with the mandatory permit system applicable to water diversions and uses under Idaho law. Accordingly, the enlarged use must cease unless it qualifies as an enlargement as defined in I.C. § 42-1426, a statute which became effective April 12, 1994. To the extent the use qualifies as an enlargement, it may be recognized as a new water right in the SRBA only if it is subordinated to all other, non-enlarged water rights existing on that date or given a priority date no earlier than April 12, 1994. If the new water is not conditioned in this manner, it will cause injury to the priorities and the water rights of other water right holders, including members of respondent.

If the priority date asserted by the claimant in this matter is assigned to this enlarged right, without the subordination condition recommended by the IDWR, then Respondents' water rights will be injured by having new water rights created in the SRBA which are given priorities ahead of Respondents' water right priorities.

Recommendation.

This water right claim should be denied unless it is decreed with the subordination condition as recommended in the Director's Report or given a priority date no earlier than April 12, 1994.

VERIFICATION

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

Jeffrey C. Fereday and Henry R. Boomer, being first duly sworn, upon oath, deposes and says:

That we are the party/claimant filing this response as defined by I.C. 42-1401A(1) and (6); or that we are the attorneys for the parties/claimants responding and that we have read this response, know its contents and that the statements are true to the best of our knowledge.

By: Jeffrey C. Fereday
(Attorney signing in representative capacity for Magic Valley Ground Water District, Mack Neibaur, Tim Deeg, and Ralph Breeding)

Subscribed and sworn to before me this
30th day of October, 1997.

Julie Best-Gilster
Notary Public for Idaho
Residing at: Nampa, Idaho
My commission expires: 4-21-2001

By: Henry R. Boomer
(Attorney signing in representative capacity for Aberdeen-American Falls Ground Water District, and Bingham Ground Water District)

Subscribed and sworn to before me this
30th day of October, 1997.

Betty Huse
Notary Public for Idaho
Residing at: American Falls, Idaho
My commission expires: 1/14/98

JULIE BEST-GILSTER
☆ NOTARY PUBLIC ☆
STATE OF IDAHO



F.

CERTIFICATE OF SERVICE

I certify that on October 30, 1997, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Salmon Falls Land & Livestock Co., Inc.
Address: 123 Bell Rapids Road
Hagerman, Idaho 83332

3. One copy to the party who filed the objection at the following address:

Name: Salmon Falls Land & Livestock Co., Inc.
Address: 123 Bell Rapids Road
Hagerman, Idaho 83332

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

Environment & Natural Resources Div.
United States Department of Justice
550 West Fort Street, Box 033
Boise, ID 83724



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SEP 26 1997

OCT 01 1997

Department of Water Resources
Southern Region

Department of Water Resources

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

In Re SRBA

Subcase 36-10035

(Insert water right number)

Case 39576

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a **separate form for each** objection and there must be **only one objector** for each 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.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it 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 needlessly increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. **Party/Claimant objecting:**

Name: Lalmon Falls Land & Livestock Co. Inc.

Address: 123 Bell Rapids Rd.
Hagerman, Idaho 83332

Phone: Work: 837-6053 Home: 837-6240

Briefly describe your interest in this water right:

We are the owner of this water right.

2. **If this objection is filed by an attorney:**

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

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. ☐ **Point(s) 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 40-acre subdivision.
10. ☐ **Consumptive Use:** I object to the annual volume of consumptive use.
11. **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

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

#4 WE OBJECT, TO THE SUBORDINATION CLAUSE, BECAUSE OUR
ENLARGEMENT OF IRRIGATED ACRES WAS A RESULT OF OUR BETTER UTILIZING
OF OUR EXISTING WATER RIGHT.

CHANGES TO THE DIRECTOR'S REPORT

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

WE WANT THE SUBORDINATION CLAUSE TAKEN OUT. THE DATE 3/15/81
WAS WHEN THE LAND WAS PUT UNDER IRRIGATION AND THE DATE WE WANT
AS THE PRIORITY DATE.

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 Gooding

Mike Hershee, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant objecting") as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Mike Hershee V.P. for
Salmon Falls Land & Livestock Co. Inc.
Signature of person filing objection

Attorney signing in representative capacity

Subscribed and sworn to before me on: 9-23-97

Clayton Jensen
Notary Public for State of Idaho
Residing at: Hagerman, ID.
My Commission expires: 5-10-2003

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 24 SEPTEMBER, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: SALMON FALLS LAND & LIVESTOCK, CO., INC.
Address: 123 BELL RAPIDS ROAD
HAGERMAN, IDAHO 83332-6041

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Mike Henslee V.P.
Salmon Falls Land & Livestock Co.
Signature of Objector or attorney *Inc.*
mailing on Objector's behalf

SUBCASE NO. 36-10035

	CLAIM (5/27/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Salmon Falls Sheep Co. *	N/A	Salmon Falls Land & Livestock	Salmon Falls Land & Livestock
BASIS OF CLAIM	Beneficial Use		Beneficial Use	
SOURCE	Groundwater		Groundwater	
QUANTITY	2.020 cfs		0.98 cfs	
PRIORITY DATE	3/15/1981		3/15/1981	
PURPOSE OF USE	Irrigation		Irrigation	XX - requests stockwater for 1000 head be included.
PERIOD OF USE	3/15 - 11/15		4/1 - 10/31 (Director's Report) Irrigation Season (re-formatted on 3/28/97)	XX - requests year round for both uses.
POINT OF DIVERSION	T07S R14E S34		T07S R14E S34	
PLACE OF USE	T07S R14E S34 T08S R14E S3 T08S R14E S4 101.0 acres		T07S R14E S34 T08S R14E S3 T08S R14E S4 370.0 acres (with 98-acre limitation per single irrigation season)	

remarks	"This claim represents additional land put under irrigation when sprinklers were installed in 1975. No new water was developed. This is an expansion of licenses 36-2166 & 36-2178."		"Use of this right is combined with water from North Side Canal Co. Ltd. This right is an expansion of right nos. 36-02166 and 36-02178 pursuant to Idaho Code 42-1416(2). This right is limited to the irrigation of 98 acres within the place of use described above in a single irrigation season. Use of this right with rights listed below is limited to a total combined diversion rate of 3.72 cfs, a total combined annual diversion volume of 1480 af, a total combined annual consumptive use volume of 1110 af, and to the irrigation of a combined total of 370 acres in a single irrigation season. Combined right nos. 36-02166, 36-02178, and 36-10033. The following rights are also diverted through points of diversion described above: 36-02166, 36-02178, and 36-10033." ** note changes in remarks on re-format dated 3/28/97	XX - requests that all remarks be stricken - particularly, the combined diversion rate.

* Name change to Salmon Falls Land & Livestock Company on 10/1/92. NCAP filed for Change of Address on 4/22/97.

** "This right is an expansion of right nos. 36-02166 and 36-02178 pursuant to Idaho Code 42-1416(2).
This right is limited to the irrigation of 98 acres within the place of use described above in a single irrigation season.
Use of this right with rights listed below is limited to a total combined diversion rate of 3.72 cfs, a total combined annual diversion volume of 1480 af, a total combined annual consumptive use volume of 1110 af, and to the irrigation of a combined total of 370 acres in a single irrigation season.
Combined right nos.: 36-02166, 36-02178, and 36-10033."
The following rights are also diverted through point of diversion described above: 36-02166, 36-02178, and 36-10033.

The following remark was moved to explanatory material:

Use of this right is combined with water from North Side Canal Co. Ltd.

36-10035 continued

MAY 25 PM 2:04

DISTRICT COURT

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

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUBCASE NO. 36-00136A, 36-00136B,
36-00194, 36-02046, 36-02166, 36-02178,
36-02419, 36-10033, 36-10035, 36-10037

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

Salmon Falls Land & Livestock Co Inc
123 Bell Rapids Rd
Hagerman ID 83332

Phone: 837-6053

The Claimant has filed Objections or Responses to the following water rights: 36-00136A, 36-00136B, 36-00194, 36-02046, 36-02166, 36-02178, 36-10033, 36-10035

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

4/22/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4-25, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One Copy to:

Claimant or attorney of record:

Salmon Falls Land & Livestock
123 Bell Rapids Rd
Hagerman ID 83332

Patrick Brown

Hepworth Lezamiz & Hohnhorst

PO Box 389

Twin Falls ID 83303-0389

3. One Copy to:

Each party in the subcase or attorney of record:

4. One Copy to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

5. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: MAR-28-1997

PAGE: A-16

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-10035

NAME & ADDRESS: SALMON FALLS LAND & LIVESTOCK CO INC
123 BELL RAPIDS RD
HAGERMAN ID 83332-6041

SOURCE: GROUNDWATER

QUANTITY: 0.98 CFS

PRIORITY DATE: 03/15/1981

POINT OF DIVERSION: T07S R14E S34 SESNW Within GOODING County
NESESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.98 CFS

PLACE OF USE:	IRRIGATION	Within GOODING County			
	T07S R14E S34	SWNW 30.0	SENW 12.0	NESW 38.0	NWSW 40.0
		SWSW 40.0	SESW 40.0	SWSE 36.0	SESE 20.0
	T08S R14E S03	Lot 2 (NWNE) 35.0	Lot 3 (NENW) 35.0	Lot 4 (NWNW) 34.0	
	S04	NENE 10.0			
	370.0 ACRES TOTAL				

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

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 36-02166 AND 36-02178
PURSUANT TO IDAHO CODE 42-1416(2).

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 98 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.72 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1480 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 1110 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 370 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 36-02166, 36-02178 AND 36-10033.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 36-02166, 36-02178 AND 36-10033.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 28, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SALMON FALLS LAND & LIVESTOCK CO INC
123 BELL RAPIDS RD
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00136A, 36-00136B, 36-00194, 36-02046,
36-02166, 36-02178, 36-02419, 36-04260C, 36-10033, 36-10035,
36-10037, A02-07249A, A02-07249B, A02-10005A, A02-10005B,
A47-00048, A47-02355, A47-02386, A47-07221, A47-07755, A47-
10567, A47-10570, A47-10574, A47-10594, A47-10595, A71-00060A,
A71-00060B, A71-00062

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above Basin 36 claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

All other non-basin 36 claims listed above have also had the address updated as requested. Since these basins are not yet listed in a Director's Report, it is not necessary to notify the SRBA court of these changes.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Patrick Brown

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

03/25/97 13:19:59
Page 1

a/c
obj
SFLTL

Water Right Number - 36-10035

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** A - ATTORNEY ***
BROWN

PATRICK D

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

*** C - CURRENT OWNER ***
SALMON FALLS LAND & LIVESTOCK CO INC

1 - 123 BELL RAPIDS RD
2 -
3 -
City- HAGERMAN State- ID Zip- 833326041
Phone - 208-837-6053

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/15/1981 ERROR IN REGION J - BENEFICIAL USE

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

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 14E 34 SE SW NW (47) GOODING
NE SE SW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.980

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.980 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 14E 34 SW NW 30.0 01 IRRIGATION (47) GOODING
07S 14E 34 SE NW 12.0 01 IRRIGATION (47) GOODING
07S 14E 34 NE SW 38.0 01 IRRIGATION (47) GOODING
07S 14E 34 NW SW 40.0 01 IRRIGATION (47) GOODING
07S 14E 34 SW SW 40.0 01 IRRIGATION (47) GOODING
07S 14E 34 SE SW 40.0 01 IRRIGATION (47) GOODING
07S 14E 34 SW SE 36.0 01 IRRIGATION (47) GOODING
07S 14E 34 SE SE 20.0 01 IRRIGATION (47) GOODING
08S 14E 3 NW NE 2 35.0 01 IRRIGATION (47) GOODING
08S 14E 3 NE NW 3 35.0 01 IRRIGATION (47) GOODING
08S 14E 3 NW NW 4 34.0 01 IRRIGATION (47) GOODING
08S 14E 4 NE NE 10.0 01 IRRIGATION (47) GOODING

Total Acres: 370.0

"DO NOT FILM"

Water right number - 36-10035 Prefix Translation: WATER RIGHT

+ - - Diversion Means - TWO CONNECTED WELLS & PUMPS, PIVOT SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

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

GEN THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 36-02166 AND 36-02178
PURSUANT TO IDAHO CODE 42-1416(2).
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 98 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.72 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1480 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 1110 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 370 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 36-02166, 36-02178 AND 36-10033.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 36-02166, 36-02178 AND 36-10033.

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

+ - - - - - Conditions of Approval - - - - - +
S17 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- NORTH SIDE CANAL CO. LTD.

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

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

Date: 06/11/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS

THIS CLAIM REPRESENTS A SECOND EXPANSION (TOGETHER WITH 36-10033) OF CLAIMS A36-02166 AND A36-02178 PURSUANT TO IDAHO
CODE 42-1416(2).

Date: 10/01/1992 User Id: ROBERTSO Subject: NAME CHANGE

Change of ownership form, along with a Certificate of Amendment, changing the name from Salmon Falls Sheep Co to Salmon Falls Land
& Livestock was received 9/16/92. A36-10035 also changed on this date.

Date: 01/03/1996 User Id: DSMITH Subject: NAME AND/OR ADDRESS CHANGE

THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE.

*CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS

Date: 03/25/1997 User Id: TFAWCETT Subject: ADDRESS CHANGE

ADDRESS CHANGED FROM ROUTE AND BOX TO GRID SYSTEM.

+ - - Audit Fields - - +
03/25/97 TFAWCETT

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 04/29/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1993	Verified Date	- 00/00/0000	Old Judicial District	-

"DO NOT FILM"

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

03/25/97 13:20:00
Page 3

Water right number - 36-10035

Prefix Translation: WATER RIGHT

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

Claim Received Date	- 07/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000727	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- E
				Notice of Error Flag	-

"DO NOT FILM"



SALMON FALLS LAND & LIVESTOCK, Inc.

123 BELL RAPIDS ROAD • HAGERMAN, IDAHO 83332

RECEIVED

FEB 10 1997

Department of Water Resources

7 FEBRUARY 1997

KARLJ. DREHER, DIRECTOR
DEPT. OF WATER RESOURCES
1301 N ORCHARD STREET
BOISE, IDAHO 83720-0098

NOTICE OF NAME AND ADDRESS CHANGE AS OF MAY 1992. PLEASE CHANGE
YOUR RECORDS AND ETC. FROM:

old----- SALMON FALLS SHEEP CO
RT 1 BOX 741
HAGERMAN, ID 83332

correct name SALMON FALLS LAND & LIVESTOCK CO., INC.
& ----- 123 BELL RAPIDS ROAD
address HAGERMAN, IDAHO 83332-6041

THANK YOU FOR YOUR ATTENTION AND TIME TO THIS CHANGE.

KATHY A. HENSLEE, SEC/TRES.
(208)837-6053 or (208)837-4917

R PROOF

CVR

MAPS

PHOTOS

MISC

OCT 20 1994

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

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

Case No. 36-10035 -0001

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

RESPONSE TO OBJECTION

Petitioner,

vs.

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

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

MICROFILMED

OCT 20 1994

DO NOT WRITE
INCOPIED

2. Person who filed objection:

Name: SALMON FALLS LAND & LIVESTOCK
Address: J HENSLEE PRESIDENT
ROUTE 1 BOX 74
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

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 item 11, IDWR responds 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." IDWR also responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

In 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.

In further response, IDWR states that there is an error in the description of the amount of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired uNder State Law."

CHANGES TO THE DIRECTOR'S REPORT

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

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

	No. of Pages
Notice of Claim No. A36-10035	5
Recommended Water Rights Acquired under State Law	1
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

NOTARIZED

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

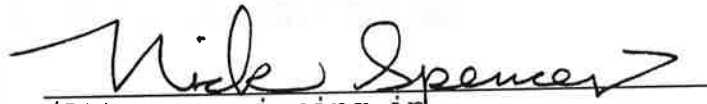
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



Signature of person filing response

By:



(Attorney signing in representative capacity)

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



Notary Public for Idaho

Residing at: _____

My Commission expires _____

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

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: A36-10035

Date Received: 5/27/1988

Receipt No: 5000727

98

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SALMON FALLS SHEEP CO. 208-837-4534
Address: RT. 1 BOX 74
HAGERMAN, ID 83332

2. Date of Priority: MAR 15, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	34	SE	SW	NW		GOODING
			NE	SE	SW		GOODING

5. Description of diverting works:
TWO CONNECTED WELLS & PUMPS, PIVOT SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.020		

7. Total Quantity Appropriated is:
2.020 C.F.S. (and/or) 404.00 A.F.A.

8. Total consumptive use is 303.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	34	SW	NW		IRR	19.0
			SE	NW		IRR	9.0
			NE	SW		IRR	18.0
			SW	SW		IRR	31.0

Section Acres 77.0

A36-10035

Page 1

Date: 05/27/88

MICROFILMED
MICROFILMED
FEB 07 1993
OCT 20 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	3	NW	NW	4	IRR	16.0
						Section Acres	16.0
		4	NE	NE	1	IRR	8.0
						Section Acres	8.0
						Total Acres	101.0

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:
CANAL SHARES & WASTE WATER

14. Remarks:
THIS CLAIM REPRESENTS A SECOND EXPANSION OF RTS. 36-2166 & 36-2178 DUE TO INSTALLATION OF PIVOT SPRINKLERS IN 1981.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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 X 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): Salmon Falls Sheep Co Inc Date: 7/6/88
by James P. Bensley Pres. Date: 7/6/88

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day

of July 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding ID

My Commission Expires 10/16/1992

State of Idaho

Department of State

CERTIFICATE OF AMENDMENT

OF

COPY

SALMON FALLS SHEEP COMPANY

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Amendment to the Articles of Incorporation of SALMON FALLS SHEEP COMPANY changing its name to SALMON FALLS LAND & LIVESTOCK COMPANY duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Amendment to the Articles of Incorporation and attach hereto a duplicate original of the Articles of Amendment.

May 28, 1992



Pete T. Cenarrusa

SECRETARY OF STATE

By

George F. Hobbs

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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

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- 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-9-1993

PAGE: A-4

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
36-10035	SALMON FALLS LAND AND LIVESTOCK RT 1 BOX 74 HAGERMAN ID 83332	3/15/1981	IRRIGATION	04-01 10-31	~~.98~~ CFS 1.8 CFS	BENEFICIAL USE
POINT OF DIVERSION: T07S R14E S34					TOTAL QUANTITY: ~~.98~~ CFS 1.8 CFS	
PLACE OF USE: IRRIGATION		SESWNW NESESW				
T07S R14E S34		SWNW 30.0	SESW 12.0	NESW 38.0	NWSW 40.0	
T08S R14E S03 Lot 2		SWSW 40.0	SESW 40.0	SWSE 36.0	SESE 20.0	
S04		(NWNW) 35.0	Lot 3 (NENW) 35.0	Lot 4 (NWNW) 34.0		
370.0 ACRES TOTAL						
REMARKS:	USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD. THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 36-02166 AND 36-02178 PURSUANT TO IDAHO CODE 42-1416(2). THIS RIGHT IS LIMITED TO THE IRRIGATION OF ~~98~~ 90 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.72 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1480 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1110 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-02166, 36-02178 AND 36-10033. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 36-02166, 36-02178 AND 36-10033.					

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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. A36-10035

(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

36-10035 -0001/
93-04-0375

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)

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OBJECTION - 1

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Salmon Falls Land and Livestock-J.Henslee, Pres.

Address: Rt 1 Box 74
Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Water right based upon beneficial

2. Owner of the water right:

Name: Salmon Falls Land & Livestock

Address: Rt 1 Box 74
Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Hepworth, Nungester & Lezamiz

Attorney Address: P. Parker & Patrick D. Brown

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

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

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See Page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Strike all remarks after the words "North Side Canal Co. LTD".

There should be no restriction on the "total combined diversion rate" in connection with rights nos. 36-02166, 36-02178 and 36-10033.

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



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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

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

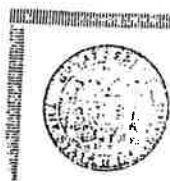
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and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

Jim Henslee
Signature of person filing objection

By: [Signature]

(Attorney signing in
representative capacity)

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



Linda M. Rousseau
LINDA M. ROUSSEAU, Notary Public for Idaho
NOTARY PUBLIC - STATE OF IDAHO
Residing at: Twin Falls, ID
My Commission Expires: 4-11-93
Residing at _____, Idaho

(Over)

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FILED
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INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the _____ 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: Salmon Falls Land & Livestock
Owner's address: Rt 1 Box 74
Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 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.

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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ENCLOSURE

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2/12/2015 (7:40)

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

CC: [illegible]
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(WATER\21530ANS)

R PROOF
CVR
MAPS
PHOTOS
MISC



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FEB 07 1993

Water Right Number - R36-10035

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

SALMON FALLS LAND AND LIVESTOCK

1 - RT 1 BOX 74

2 -

3 -

City- HAGERMAN

Phone - 208-837-4534

State- ID Zip- 83332

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/15/1981 ERROR IN REGION J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

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

TwN	Rng	Sec	Tract	Lot	RFlg	County
07S	14E	34	SE SW NW		(47)	GOODING
			NE SE SW		(47)	GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.980	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.980 0.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	14E	34	SW NW		30.0	01	IRRIGATION	(47) GOODING
07S	14E	34	SE NW		12.0	01	IRRIGATION	(47) GOODING
07S	14E	34	NE SW		38.0	01	IRRIGATION	(47) GOODING
07S	14E	34	NW SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	34	SW SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	34	SE SW		40.0	01	IRRIGATION	(47) GOODING
07S	14E	34	SW SE		36.0	01	IRRIGATION	(47) GOODING
07S	14E	34	SE SE		20.0	01	IRRIGATION	(47) GOODING
08S	14E	3	NW NE	2	35.0	01	IRRIGATION	(47) GOODING
08S	14E	3	NE NW	3	35.0	01	IRRIGATION	(47) GOODING
08S	14E	3	NW NW	4	34.0	01	IRRIGATION	(47) GOODING
08S	14E	4	NE NE		10.0	01	IRRIGATION	(47) GOODING

Total Acres: 370.0

+ - - Diversion Means - TWO CONNECTED WELLS & PUMPS, PIVOT SPRINKLERS

+ - - Non-Irrigation Use -

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Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/01/1992	Old Judicial District	-
Claim Received Date	- 07/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000727	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- E
				Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:40:04
07/03/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-10035

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	Y			N				
POINT OF DIV	Y			N	6			
SOURCE	Y			N				
PLACE OF USE	Y			N	4			
DIV. AMOUNT CFS/VOLUME	Y			Y	PART C			
CONSUMPTIVE USE	-			N				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			N				

"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.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:40:04
07/03/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-10035

LAST: SALMON FALLS SHEEP CO.
ADDRESS: RT. 1 BOX 74
CITY: HAGERMAN
PHONE NUMBER: 208-837-4534

FIRST:
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS CLAIM REPRESENTS A SECOND EXPANSION OF RTS. 36-2166 & 36-2178 DUE TO INSTALLATION OF PIVOT SPRINKLERS IN 1981.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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A. AJ CLAIM: # A36-10035 PRIORITY DATE: 03-15-1981 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

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

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

REMARKS:

See affidavit from E. W. Henslee.

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=====

RECOMMENDED PRIORITY DATE:

3-15-1981

REVIEWED BY

[Signature]

DATE

6/11/91

=====

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-10035	07S	14E	34	SE	SW	NW		GOODING
A36-10035	07S	14E	34	NE	SE	SW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-10033 NONE
A36-02166
A36-02178

WR RECORDS IN SAME 40 ACRE TRACT

36-02178
36-02166

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER

N
N

REMARKS:

confirmed with licensee expanded on

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

_____ *same as claimed* _____
_____ _____

SOURCE:

TRIB:

REVIEWED BY:

DATE:

8/16/90

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A. ROOT WATER RIGHT NUMBERS: A36-10035

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	14E	34	SW	NW		SALMON FALLS SHEEP CO. SALMON FALLS SHEEP CO.	A36-10035 /19.0 A36-02178 /10.0	- 36-02178 /10.0	33.0		19
07S	14E	34	SE	NW		SALMON FALLS SHEEP CO. SALMON FALLS SHEEP CO.	A36-10035 / 9.0 A36-02178 / 4.0	- 36-02178 / 4.0	30.0		9
07S	14E	34	NE	SW		SALMON FALLS SHEEP CO. SALMON FALLS SHEEP CO. NORTH SIDE CANAL COMPANY LTD. SALMON FALLS SHEEP CO.	A36-10035 /18.0 A36-02178 /20.0 A01-0021220 / 5.0 A36-02166 / 5.0	- 36-02178 /20.0 - 36-02166 / 5.0	40.0		8
07S	14E	34	SW	SW		SALMON FALLS SHEEP CO. SALMON FALLS SHEEP CO.	A36-10035 /31.0 A36-02166 / 5.0	- 36-02166 / 5.0	37.0		31
08S	14E	3	NW	NW	4	SALMON FALLS SHEEP CO.	A36-10035 /16.0	-			16
08S	14E	4	NE	NE	1	SALMON FALLS SHEEP CO. SALMON FALLS SHEEP CO.	A36-10035 / 8.0 A36-10037 /30.0	- -			8
TOTAL ACRES							A36-10035	101.00	140.00		98

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

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FEB 17 1993

PRESUMPTION FLAG:

CHANGED TO PERMISSABLE PLACE OF USE (SEE ATTACHED LAND LIST)

BHS - 7-31-91

REMARKS:

map shows irrig

Acres reduced in sec 34, NESW so that ^{licensed} rates of diversion would not fall below 0.01 cfs/acre for the licensed claims and their expansions

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RECOMMENDATIONS:

TOTAL ACRES:

106.91

REVIEWED BY:

W R. H. H.

DATE:

8/16/90

6/11/91

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-10035 IRRIGATION	FROM 03-15 TO 11-15	2.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.020 CFS 404.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-08318 DIVERSION TO STORAGE	FROM 10-15 TO 03-15	5.000 CFS
36-08318 WILDLIFE STORAGE	FROM 10-15 TO 03-15	5.000 CFS 15.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED		5.000 CFS 15.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 2.020 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.000 CFS

N/A

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

Y

N/A

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B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: CANAL SHARES & WASTE WATER, A36-02178, A36-02166

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-10035	GROUNDWATER	SALMON FALLS SHEEP CO.	2.020	0.020	404.00	4.00
A36-02178	GROUNDWATER	SALMON FALLS SHEEP CO.	1.680	0.022	297.60	4.02
A36-02166	GROUNDWATER	SALMON FALLS SHEEP CO.	2.040	0.020	408.00	4.00
A36-10037	GROUNDWATER	SALMON FALLS SHEEP CO.	2.780	0.020	556.00	4.00

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-02178	DOMESTIC	SALMON FALLS SHEEP CO.	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 101 x 0.02 CFS/ACRE = 2.02 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 303.0 AF/A

ACRES 101 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 303 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 404.00 AF/A

ACRES 101 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 404 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

Exp. claims A36-10033 + -10035 filed for additional lands
developed after sprinklers were installed in 1975 + 1981.
384 total acres claimed limited to 1.68 - A36-02178

2.04 - A36-02166
3.72 CFS

Land in Ne SW, sec 34 limited to 40 acres, 120 cons. use, 160
AF/A.

(A36-02166 5
-10035 18
-02178 20
43 acres)

Canal water + WW also
used on property

TOTAL D.V. RATE = 3.72 CFS
" P/u AC = 370 AC

$\frac{3.72}{370} = .01005 \text{ CFS/AC}$

OK BHS 7-31-91

MICROFILMED
FEB 17 1993

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

DATABASE EXAMINER

DATABASE EXAMINER

DATABASE EXAMINER

IRREG

3-15 11-15

2.02

404

303

TOTAL FOR THIS RIGHT

REVIEWED BY: lw

DATE: 8/16/90

MICROFILMED

FEB 07 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-10035

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-10035

2.020

-

-

TOTAL CFS

2.020

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
N

FIELD
EXAMINER

REMARKS:

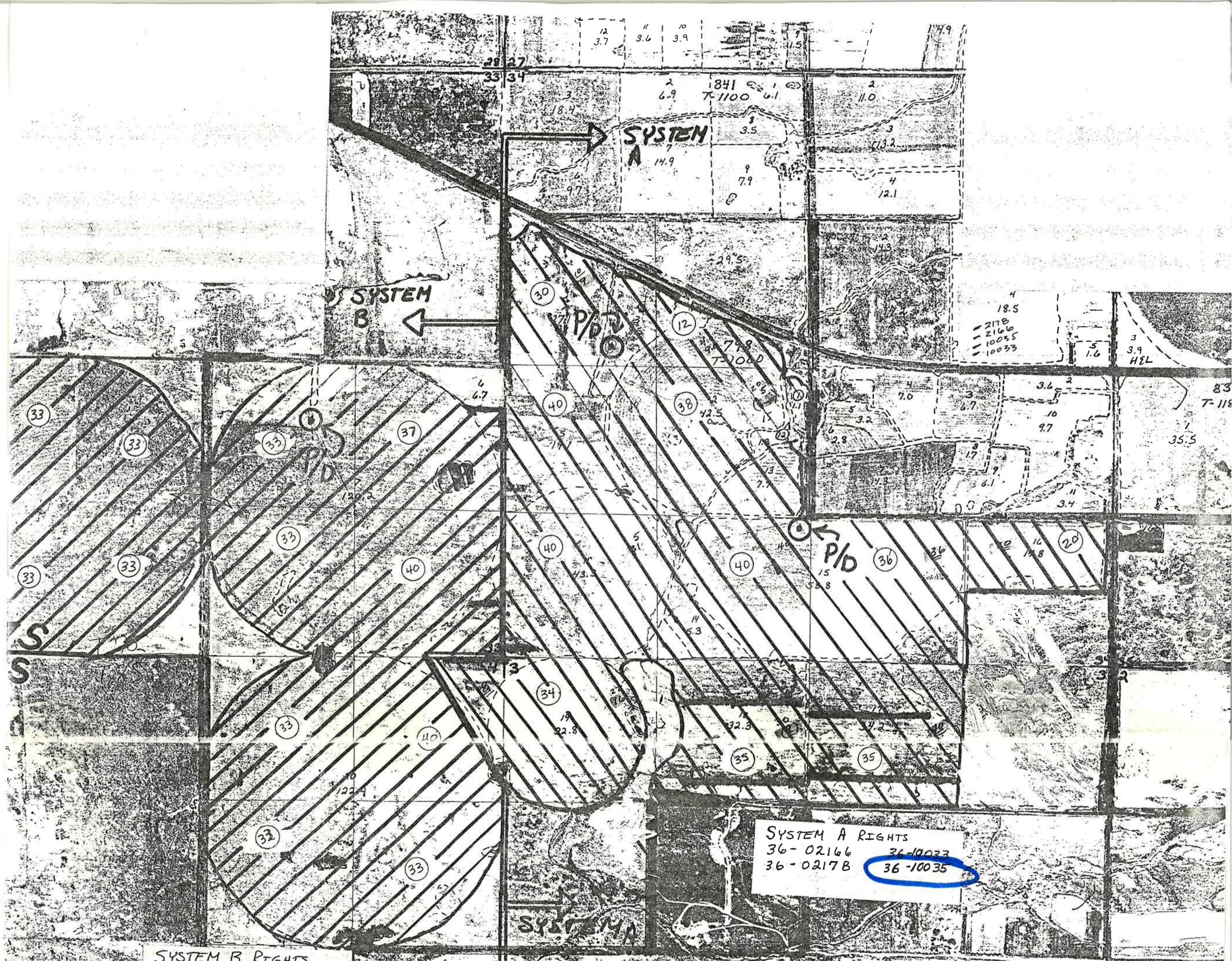
AUTHENTICATION:

SIGNATURE: lw

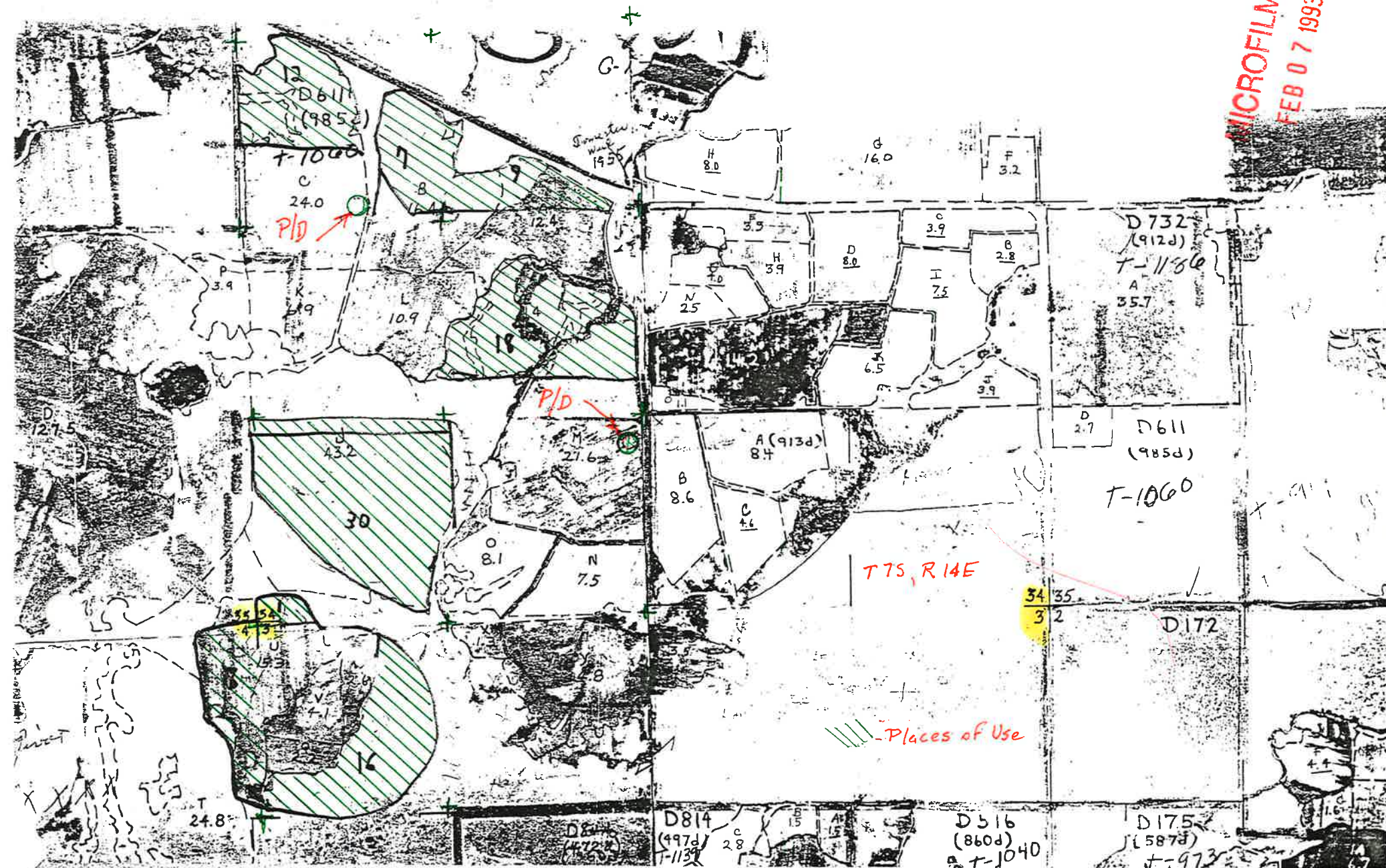
DATE: 8/16/90

NAME OF FIELD EXAMINER: _____ TITLE: _____

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A36-10035