

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: A36-00098
Date Received: 8/18/1988
Receipt No: S001534
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD L. COOK
Address: RT. 1 BOX 22
HAGERMAN, ID 83332
208-837-6164

2. Date of Priority: APR 01, 1895

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	11	SW NE		GOODING

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	15	SW NW	5	IRR	10.0
			NE SW		IRR	3.0
			NW SW		IRR	33.0
			SW SW		IRR	36.0

A36-00098

Page 1

Date: 08/18/88

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OCT 20 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	15	SE	SW		IRR	9.0
Section Acres							91.0
Total Acres							91.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

A36-00141, A36-02002, A36-00101, A36-00097

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

FEB 09 1992

MICROFILMED
OCT 20 1994

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

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: A36-00141
Date Received: 8/18/1988
Receipt No: S001534
Received By: SCC

COPY
FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD L. COOK 208-837-6164
Address: RT. 1 BOX 22
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1895

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SW		NE		GOODING

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	15	SW	NW	5	IRR	10.0
			NE	SW		IRR	3.0
			NW	SW		IRR	33.0
			SW	SW		IRR	36.0

A36-00141

Page 1

Date: 08/18/88

MICROFILMED

OCT 20 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	15	SE	SW		IRR	9.0
Section Acres							91.0
Total Acres							91.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

A36-02002, A36-00101, A36-00097, A36-00098.

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 149.04 AC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

MARTHA A. SANDS, ET. AL.

Decree Plaintiff

vs

CHARLES N. DILATUSH, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Richard J. [Signature] Date: Aug. 18/1988
Date: _____

State of Idaho

County of Twin Falls } SS.

Subscribed and sworn (or affirmed) before me this 18th day
of August 19 88

Roxanne Story
Notary Public

Seal

Residing at Buhl, Id.
My Commission Expires 6-30-94

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: ~~A36-00098~~
Date Received: 8/18/1988
Receipt No: S001534
Received By: _____

R36-15384

Ownership Change
9/8/91 JC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY COOK CORP.
Address: A CALIFORNIA CORP.
110 NEWPORT CENTER DR. #250
NEWPORT BEACH CA 92660
- AND/OR
- Name: SLOPE COMPACTION
Address: A CALIFORNIA CORP.
C/O DONALD L. MCCOY
23622 CALABASAS RD. #239
CALABASAS CA 91302
- AND/OR
- Name: SLOPE COMPACTION
Address: A CALIFORNIA CORP.
C/O DENNIS M. MCCOY
23622 CALABASAS RD. #239
CALABASAS CA 91302
- AND/OR
- Name: M. J. AND SHARON WIENS, JR. FAMILY TRUST
Address: 1701 LAS VEGAS BLVD. SOUTH
LAS VEGAS NE ✓ 89104
- AND/OR
- Name: E. A. COLLINS
Address: 2933 COASTLINE COURT
LAS VEGAS NE ✓ 89117
- AND/OR
- Name: JOSEPH PATRICK ARCHIE
Address: 3417 WILLIAMSBOROUGH COURT
RALEIGH NC 27609
- AND/OR
- Name: SARAH ELLEN ARCHIE
Address: 3417 WILLIAMSBOROUGH COURT
RALEIGH NC 27609
- AND/OR
- Name: ROSS COOPER

MICROFILMED
FEB 09 1993

Address: 6773 PORTSHEAD DR.
MALIBU CA 90265

AND/OR

Name: KATHLEEN COOPER
Address: 6773 PORTSHEAD DR.
MALIBU CA 90265

2. Date of Priority: APR 1, 1895

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	11	SW	NE			GOODING

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.000		

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

8. Total consumptive use is 273.0 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	13E	15	SW	NW	5	IRR	10.0
			NE	SW		IRR	3.0
			NW	SW		IRR	33.0
			SW	SW		IRR	36.0
			SE	SW		IRR	9.0

Section Acres 91.0

Total Acres 91.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A36-00141, A36-02002, A36-00101, A36-00097

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14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 09 1993

Water Right Number - R36-00098

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
GARY COOK CORP.

SLOPE COMPACTION

SLOPE COMPACTION

M. J. AND SHARON WIENS, JR. FAMILY TRUST

COLLINS

ARCHIE

ARCHIE

COOPER

COOPER

E. A.

JOSEPH PATRICK

SARAH ELLEN

ROSS

KATHLEEN

1 - A CALIFORNIA CORP.
2 - 110 NEWPORT CENTER DR. #250
3 -
City- NEWPORT BEACH CA State- CA Zip- 92660
Phone - 208-000-0000
1 - A CALIFORNIA CORP.
2 - C/O DONALD L. MCCOY
3 - 23622 CALABASAS RD. #239
City- CALABASAS State- CA Zip- 91302
Phone - 208-000-0000
1 - A CALIFORNIA CORP.
2 - C/O DENNIS M. MCCOY
3 - 23622 CALABASAS RD. #239
City- CALABASAS State- CA Zip- 91302
Phone - 208-000-0000
1 - 1701 LAS VEGAS BLVD. SOUTH
2 -
3 -
City- LAS VEGAS State- NV Zip- 89104
Phone - 208-000-0000
1 - 2933 COASTLINE COURT
2 -
3 -
City- LAS VEGAS State- NE Zip- 89117
Phone - 208-000-0000
1 - 3417 WILLIAMSBOROUGH COURT
2 -
3 -
City- RALEIGH State- NC Zip- 27609
Phone - 208-000-0000
1 - 3417 WILLIAMSBOROUGH COURT
2 -
3 -
City- RALEIGH State- NC Zip- 27609
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1 - 6773 PORTSHEAD DR.
2 -
3 -
City- MALIBU State- CA Zip- 90265
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2 -
3 -
City- MALIBU State- CA Zip- 90265
Phone - 208-000-0000

MICROFILMED
FEB 09 1993

Water right number - R36-00098

Prefix Translation: RESEARCH

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

*** O - ORIGINAL OWNER ***
COOK

RICHARD L.

1 - RT. 1 BOX 22

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6164

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
04/01/1895 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 13E 11 NW SW NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 4.840 484.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.840 484.00 363.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 15 SW NW 5 13.0 01 IRRIGATION (47) GOODING
07S 13E 15 SE NW 1.0 01 IRRIGATION (47) GOODING
07S 13E 15 NE SW 01 IRRIGATION (47) GOODING
07S 13E 15 NW SW 33.0 01 IRRIGATION (47) GOODING
07S 13E 15 SW SW 18.0 01 IRRIGATION (47) GOODING
07S 13E 15 SE SW 10.0 01 IRRIGATION (47) GOODING
07S 13E 16 NE SE 18.0 01 IRRIGATION (47) GOODING
07S 13E 16 SW SE 2.0 01 IRRIGATION (47) GOODING
07S 13E 16 SE SE 26.0 01 IRRIGATION (47) GOODING

Total Acres: 121.0

+ - - Diversion Means - VIA SANDS DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - BIG BEND IRRIGATION

MICROFILMED
FEB 09 1993

Water right number - R36-00098

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - +
No Remarks found.

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

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

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

+ - - - - Comments - - - - +
Date: 02/07/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW
Date: 02/07/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW
Date: 09/04/1991 User Id: GIVENS Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE 9/4/91 BY JG.

+ - - Audit Fields - - +
09/04/91 GIVENS

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 09/04/1991	Old Judicial District	-
Claim Received Date	- 08/18/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001534	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 0 9 1993



te 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

05-Sep-1991 11:48

BETTY J. STANSELL
LAND TITLE and ESCROW INC.
BOX 473
GOODING ID 83330

Re: Change of Ownership - No. A36-07229, A36-07081, A36-02002, (3161)
A36-08317, A36-00098, A36-00097, A36-00101, A36-00141, A36-10520
- RICHARD L. COOK

Ms. Stansell:

Pursuant to the notification that you are representing the claimant(s) on the above referened Adjudication Claim(s), the Department has changed the record(s) of the current owner as you requested. Please find enclosed copy(s) of the computer record of the claim(s) noting the change in claimant(s).

Please review the record(s) and if you have any corrections or any questions, please feel free to contact this office.

Sincerely,

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED
FEB 09 1993

Subject property is being conveyed TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, under existing Permits; Licenses, and/or Certificates with BIG BEND IRRIGATION & MINING COMPANY, LTD., and STATE OF IDAHO WATER RESOURCES DEPARTMENT, and/or current filings, specifically included but not limited to the following:

Twenty (20) shares of Capital Stock in the BIG BEND IRRIGATION & MINING COMPANY, LTD, - .80 C.F.S. under Claim No. A36-10510, with 580 A.F.A.

<u>STATE OF IDAHO</u>	<u>C.F.S.</u>	<u>CLAIM NO.</u>
License No. 36-7229	10.5	A36-07229
License No. 36-7081	4.0	A36-07081
License No. 3161	.60	A36-02002
Permit No. 36-8317	3.0	A36-08317
Claim based on Decreed Water	7.0	A36-00098
Claim based on Decreed Water	1.5	A36-00097
Claim based on Decreed Water	2.0	A36-00101
Claim based on Decreed Water	6.0	A36-00141
Well - Domestic & Stockwater (Groundwater)	.90	A36-10520

MICROFILMED
FEB 09 1993



AS TO A 1/10 INTEREST IN THE FOLLOWING DESCRIBED PROPERTY:

PARCEL NO. 1:

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

A parcel of land in the W $\frac{1}{4}$, Section 15 and Lot 3 Section 16,
described as follows:

RECEIVED

AUG 22 1991

Department of Water Resources
Southern Region Office

Commencing at the Section Corner common to Sections 15, 16, 21 and 22, Township 7 South, Range 13, East Boise Meridian;
Thence along the boundary common to said Sections 15 and 16 North 0°14'18" East measured (North 0°12'00" East recorded) 25.00 feet to THE REAL POINT OF BEGINNING;
Thence from this REAL POINT OF BEGINNING and continuing along the boundary common to Sections 15 and 16 North 0°14'18" East measured (North 00°12'00" East recorded) a distance of 1296.36 feet to the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, said point also being the Southwest corner of that certain piece of property deeded to the Hagerman Highway District by Deed dated December 4, 1940 and recorded December 9, 1940 in Book 27 Q.C.D. at Page 428 as Instrument Number 78866, Gooding County records;
Thence along the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, also being the South boundary of Hagerman Highway District Property on a bearing of North 89°21'38" East a distance of 1324.08 feet to the Northeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence along the East boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ also being the East boundary of the Hagerman Highway District Property on a bearing of North 0°09'24" East a distance of 20.00 feet;
Thence on a bearing of South 89°21'38" West a distance of 788.12 feet along the North boundary of the Hagerman Highway District Property;
Thence on a bearing of North 0°09'36" East a distance of 398.78 feet to the approximate centerline of an irrigation ditch;
Thence along the approximate centerline of an irrigation ditch the following courses and distances:
South 77°40'27" West, 185.13 feet;
South 89°05'21" West, 297.14 feet;
South 76°09'04" West, 110.10 feet;
South 72°25'17" West, 243.88 feet;
South 86°53'17" West, 149.44 feet;
North 83°30'38" West, 231.89 feet;
Thence on a bearing of North 63°13'12" West a distance of 355.27 feet to the approximate original mean high water line of the Snake River;
Thence along the approximate original mean high water line of the Snake River the following courses and distances:
North 16°02'58" East, 889.02 feet;
North 36°41'47" East, 652.00 feet;
North 55°58'47" East, 340.00 feet;
North 42°15'38" East, 790.00 feet;
North 26°07'23" East, 153.00 feet;
North 68°18'05" East, 140.00 feet;
North 78°24'58" East, 527.00 feet;
North 52°39'00" East, 570.00 feet;
Thence on a bearing of South 55°07'20" East a

distance of 1238.00 feet to the East boundary of the W $\frac{1}{4}$, Section 15;
Thence along the East boundary of the W $\frac{1}{4}$, Section 15 on a bearing of South 0°06'47" West a distance of 2514.08 feet to the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15;
Thence along the South boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15 on a bearing of South 89°21'27" West a distance of 1252.09 feet;
Thence on a bearing of North 3°04'10" East a distance of 627.13 feet;
Thence on a bearing of North 85°11'46" West a distance of 419.07 feet to the approximate centerline of the Sands ditch;
Thence along the approximate centerline of the Sands ditch the following courses and distances:
South 5°55'25" West, 145.02 feet;
South 7°41'53" East, 133.85 feet;
South 38°16'05" East, 65.10 feet;
South 70°03'48" East, 64.16 feet;
South 27°00'13" East, 137.90 feet;
South 53°54'59" East, 202.69 feet;
Thence on a bearing of South 3°09'15" West a distance of 69.95 feet to the South boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15;
Thence along said South boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ on a bearing of North 89°21'27" East a distance of 57.85 feet;
Thence South 39°33'35" East 365.75 feet measured, (South 39°35'09" East recorded);
Thence South 21°48'00" East 374.63 feet measured, (South 21°49'34" East, 374.70 recorded);
Thence South 57°53'22" East of 272.42 feet measured, (South 57°53'15" East 272.32 recorded);
Thence South 6°34'29" East measured (South 6°35'11" East recorded) a distance of 491.39 feet to the North boundary of a piece of property deeded to Hagerman Highway District No. 3 by Deed dated February 6, 1926 and recorded June 29, 1927 in Book 8 Deeds Page 615 as Instrument Number 43714, Gooding County records;
Thence along the North boundary of the Hagerman Highway District No. 3 property the following courses and distances:
South 89°19'42" West, 317.66 feet;
South 0°40'18" East, 10.00 feet;
South 89°19'42" West, 412.50 feet;
South 0°40'18" East, 15.00 feet;
South 89°19'42" West, 1331.96 feet to THE REAL POINT OF BEGINNING.

SUBJECT TO the rights of the Sands ditch;

SUBJECT TO an easement along a strip of land 20 feet in width for the purpose of ingress and egress over property situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 15; Said 20 foot wide strip of land to be adjacent to and South and West of the following described line:

Commencing at the South quarter corner of Section 15;
Thence along the South boundary of said Section 15 on a bearing of South 89°19'42" West a distance of 584.28 feet;

Thence on a bearing of North 6°34'29" West measured (North 6°35'11" West recorded) a distance of 50.27 feet to THE POINT OF BEGINNING of said line and 20 foot wide strip of land;
Thence from this POINT OF BEGINNING and along said line the following courses and distances:
North 6°34'29" West, 491.39 feet measured (North 6°35'11" West recorded);
North 57°53'22" West, 272.42 feet measured (North 57°53'15" West 272.32 recorded);
North 21°48'00" West, 374.63 feet measured (North 21°49'34" West 374.70 recorded);
North 39°33'35" West, 365.75 feet measured (North 39°35'09" West recorded);
South 89°21'38" West, 73.21 feet to THE POINT OF ENDING of said line and 20 foot wide strip of land.

The said Access Easement is for the benefit of and appurtenant to the SW¼, Section 15 and Lots 3 and 6, Section 16, Township 7 South, Range 13, East Boise Meridian, and shall inure to the benefit of and may be used by all persons who may hereafter become owners of said appurtenant property or any parts or portions thereof.

SUBJECT TO an easement along a strip of land 10 feet in width for the purpose of constructing and maintaining an irrigation water delivery system along an existing irrigation ditch situated in the NW¼SW¼, Section 15 and Lot 3, Section 16. Said 10 foot wide strip of land to be centered on the following described centerline:

Commencing at the Section corner common to Sections 15, 16, 21 and 22, Township 7 South, Range 13, East Boise Meridian;

Thence on a bearing of North 28°25'48" East a distance of 2108.29 feet to the centerline of the Sands Ditch and THE POINT OF BEGINNING of said centerline and 10 foot wide strip of land;
Thence from this POINT OF BEGINNING and along the said centerline the following courses and distances:

South 76°49'42" West, 473.59 feet;
South 77°40'27" West, 185.13 feet;
South 89°05'21" West, 297.14 feet;
South 76°09'04" West, 110.10 feet;
South 72°25'17" West, 243.88 feet;
South 86°53'17" West, 149.44 feet;
North 83°30'38" West, 231.89 feet to THE POINT OF ENDING of said centerline and the 10 foot wide strip of land;

Said POINT OF ENDING bears North 21°59'48" West a distance of 1747.13 feet from the Section corner common to Sections 15, 16, 21 and 22.

The said Irrigation Easement is for the benefit of and appurtenant to the NW¼SW¼, Section 15 and Lot 3, Section 16, Township 7 South, Range 13, East Boise Meridian, and shall inure to the benefit of and may be used by all persons who may hereafter become the owners of said appurtenant property or any parts or portions thereof.

and appurtenant to the SW $\frac{1}{4}$, Section 15 and Lots 3 and 6, Section 16, Township 7 South, Range 13, East Boise Meridian, and shall inure to the benefit of and may be used by all persons who may hereafter become owners of said appurtenant property or any parts or portions thereof.

A strip of land 20 feet in width designated as Access Easement "D" for the purpose of ingress and egress situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 7 South, Range 13, East Boise Meridian, Gooding County, Idaho; Said 20 foot strip of land to be adjacent to and North and East of the following described line:

Commencing at the South quarter corner of Section 15, Township 7 South, Range 13, East Boise Meridian;

Thence along the South boundary of said Section 15 on a bearing of South 89°19'42" West a distance of 584.28 feet;

Thence on a bearing of North 6°34'29" West a distance of 50.27 feet to THE POINT OF BEGINNING of said line and 20 foot wide strip of land;

Thence from this POINT OF BEGINNING and along said line the following courses and distances:

North 6°34'29" West, 491.39 feet;

North 57°53'22" West, 272.42 feet;

North 21°48'00" West, 374.63 feet;

North 39°33'35" West, 365.75 feet;

South 89°21'38" West, 73.21 feet to THE POINT

OF ENDING of said line and 20 foot wide strip of land.

The said Access Easement "D" is for the benefit of and appurtenant to the SW $\frac{1}{4}$, Section 15 and Lots 3 and 6, Section 16, Township 7 South, Range 13, East Boise Meridian, and shall inure to the benefit of and may be used by all persons who may hereafter become owners of said appurtenant property or any parts or portions thereof.

PARCEL NO. 3:

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

A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15 and Lot 3, Section 16, more particularly described as follows:

Commencing at the Section corner common to Sections 15, 16, 21 and 22, Township 7 South, Range 13, East Boise Meridian;

Thence along the boundary common to said Sections 15 and 16 on a bearing of North 0°14'18" East measured (North 0°12'00" East recorded) a distance of 1321.36 feet to the South one-sixteenth corner common to Sections 15 and 16 and THE REAL POINT OF BEGINNING;

Thence from this REAL POINT OF BEGINNING and along the South boundary of Lot 3, Section 16 on a bearing of South 89°42'35" West, measured (South 89°40'20" West recorded) a distance of 636.75 feet measured (636.71 feet recorded);

Thence on a bearing of North 48°26'28" West measured (North 48°27'36" West recorded) a distance of 119.57 feet measured (119.56 recorded);

Thence on a bearing of South 89°41'44" West measured (South 89°40'20" West recorded) a distance of 502.50

PARCEL NO. 2:

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

Section 15: A parcel of land in the N $\frac{1}{4}$ SW $\frac{1}{4}$, more specifically described as follows:

Commencing at the South quarter corner of Section 15, Township 7 South, Range 13, East Boise Meridian;
Thence North 0°06'47" East a distance of 1319.75 feet along the East boundary of the SW $\frac{1}{4}$, Section 15;
Thence along the South boundary of the N $\frac{1}{4}$ SW $\frac{1}{4}$ on a bearing of South 89°21'27" West a distance of 1252.09 feet to THE REAL POINT OF BEGINNING;
Thence from this REAL POINT OF BEGINNING and continuing along the South boundary of the N $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15 on a bearing of South 89°21'27" West a distance of 57.85 feet;
Thence on a bearing of North 3°09'15" East a distance of 69.95 feet to the approximate centerline of the Sands Ditch;
Thence along the approximate centerline of the Sands Ditch the following courses and distances:
North 53°54'59" West, 202.69 feet;
North 27°00'13" West, 137.90 feet;
North 70°03'48" West, 64.16 feet;
North 38°16'05" West, 65.10 feet;
North 7°41'53" West, 139.85 feet;
North 5°55'25" East, 145.02 feet;
Thence on a bearing of South 85°11'46" East a distance of 419.07 feet;
Thence on a bearing of South 3°04'10" West a distance of 627.13 feet to THE REAL POINT OF BEGINNING.

The above described parcel of land is subject to and has the right to use the following attached easements. Said parcel is also subject to the rights of the Sands Ditch.

A strip of land 20 feet in width designated as Access Easement "C" for the purpose of ingress and egress situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 7 South, Range 13, East Boise Meridian, Gooding County, Idaho. Said 20 foot wide strip of land to be adjacent to and South and West of the following described line:

Commencing at the South quarter corner of Section 15, Township 7 South, Range 13, East Boise Meridian;
Thence along the South boundary of said Section 15 on a bearing of South 89°19'42" West a distance of 584.28 feet;
Thence on a bearing of North 6°34'29" West a distance of 50.27 feet to THE POINT OF BEGINNING of said line and 20 foot wide strip of land;
Thence from this POINT OF BEGINNING and along said line the following courses and distances:
North 6°34'29" West, 491.39 feet;
North 57°53'22" West, 272.42 feet;
North 21°48'00" West, 374.63 feet;
North 39°33'35" West, 365.75 feet;
South 89°21'38" West, 73.21 feet to THE POINT OF ENDING of said line and 20 foot wide strip of land.

The said Access Easement "C" is for the benefit of

and may be used by all persons who may hereafter become the owners of said appurtenant property or any parts or portions thereof.

TOGETHER WITH all water and water rights now held or applied for; ditches and ditch rights used thereon or appurtenant thereto, as described in attached EXHIBIT "B"

SUBJECT TO THE FOLLOWING:

Taxes for 1990 and subsequent years, which are not yet due and payable.

Assessments levied or to be levied by any irrigation district.

Power Line Easement given by Joseph H. Handy and Mina M. Handy, husband and wife, to Idaho Power Company, a corporation, dated August 11, 1945, recorded October 22, 1945 as Instrument Number 94506, Gooding County records, affecting a portion of the N½NE¼NE¼ of Section 22, and the S½SE¼SE¼ of Section 15, all Township 7 South, Range 13, East Boise Meridian.

Easement given by Elmer Cook and Lydia Ann Cook, husband and wife, to Idaho Power Company, dated November 16, 1948, recorded March 5, 1949 in Book 6 Page 406 as Instrument Number 108181, Gooding County records, affecting Lot 5 of Section 15, Lot 3 of Section 16, all in Township 7 South, Range 13, East Boise Meridian.

Power Line Easement given by Elmer Cook and Lydia Cook, husband and wife, to Idaho Power Company, a corporation, dated July 8, 1947, recorded March 8, 1950 in Book 5 Page 502 as Instrument Number 111120, Gooding County records, affecting the E½SW¼ of Section 15, and NE¼NW¼ of Section 22, Township 7 South, Range 13, East Boise Meridian.

Reservations in Patent given by the United States of America, to Elmer Cook dated December 2, 1959 as Instrument Number 139788, Gooding County records, affecting Lot 3 of Section 15, Township 7 South, Range 13, East Boise Meridian.

Power Line Easement given by Dick Cook, a single man, to Idaho Power Company, a corporation, dated December 5, 1961, recorded March 9, 1962 as Instrument Number 3896, Gooding County records, affecting the NE¼SE¼ of Section 16, Township 7 South, Range 13, East Boise Meridian.

Easement given by Richard L. Cook and Dixie A. Cook, husband and wife, and Vay Cook and Jean Cook, husband and wife, to Idaho Power Company, a corporation, dated May 13, 1974, recorded May 28, 1974 as Instrument Number 50440, Gooding County records, affecting a portion of Lot 3, Section 16 and Lots 3 and 4, Section 15, Township 7 South, Range 13, East Boise Meridian.

Any claim arising from the difference in the mean high water line of the Snake River and the meander line as shown by the Government Survey.

RECEIVED
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feet to the approximate original mean high water line of the Snake River;

Thence along the approximate original mean high water line of the Snake River the following courses and distances:

North 47°00'00" East, 133.21 feet;

North 27°39'00" East, 332.35 feet;

Thence on a bearing of South 63°13'12" East a distance of 355.27 feet to the approximate centerline of an irrigation ditch;

Thence along the approximate centerline of an irrigation ditch the following courses and distances:

South 83°30'38" East, 231.89 feet;

North 86°53'17" East, 149.44 feet;

North 72°25'17" East, 243.88 feet;

North 76°09'04" East, 110.10 feet;

North 89°05'21" East, 297.14 feet;

North 77°40'27" East, 185.13 feet;

Thence on a bearing of South 0°09'36" West a distance of 398.78 feet to the North boundary of a public road;

Thence along the North boundary of a public road on a bearing of South 89°21'38" West a distance of 535.96 feet;

Thence along the West boundary of a public road on a bearing of South 0°09'36" West a distance of 20.00 feet to THE REAL POINT OF BEGINNING.

SUBJECT TO an irrigation easement 5 feet in width for the purpose of maintenance and use along the North boundary thereof. The above described parcel also has the right to use the following attached easements.

A strip of land 20 feet in width designated as Access Easement "C" for the purpose of ingress and egress situated in the SE¼SW¼, Section 15, Township 7 South, Range 13, East Boise Meridian, Gooding County, Idaho. Said 20 foot wide strip of land to be adjacent to and South and West of the following described line:

Commencing at the South quarter corner of Section 15, Township 7 South, Range 13, East Boise Meridian;

Thence along the South boundary of said Section 15 on a bearing of South 89°19'42" West a distance of 584.28 feet;

Thence on a bearing of North 6°34'29" West a distance of 50.27 feet to THE POINT OF BEGINNING of said line and 20 foot wide strip of land;

Thence from this POINT OF BEGINNING and along said line the following courses and distances:

North 6°34'29" West, 491.39 feet;

North 57°53'22" West, 272.42 feet;

North 21°48'00" West, 374.63 feet;

North 39°33'35" West, 365.75 feet;

South 89°21'38" West, 73.21 feet to THE POINT OF ENDING of said line and 20 foot wide strip of land.

The said Access Easement "C" is for the benefit of and appurtenant to the SW¼, Section 15 and Lots 3 and 6, Section 16, Township 7 South, Range 13, East Boise Meridian, and shall inure to the benefit of and may be used by all persons who may hereafter become owners of said appurtenant property or any parts or portions thereof.

A strip of land 20 feet in width designated as Access Easement "D" for the purpose of ingress and egress situated in the SE¼SW¼ of Section 15, Township 7 South, Range 13, East Boise Meridian,

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Gooding County, Idaho; Said 20 foot strip of land to be adjacent to and North and East of the following described line:

Commencing at the South quarter corner of Section 15, Township 7 South, Range 13, East Boise Meridian;

Thence along the South boundary of said Section 15 on a bearing of South 89°19'42" West a distance of 584.28 feet;

Thence on a bearing of North 6°34'29" West a distance of 50.27 feet to THE POINT OF BEGINNING of said line and 20 foot wide strip of land;

Thence from this POINT OF BEGINNING and along said line the following courses and distances:

North 6°34'29" West, 491.39 feet;

North 57°53'22" West, 272.42 feet;

North 21°48'00" West, 374.63 feet;

North 39°33'35" West, 365.75 feet;

South 89°21'38" West, 73.21 feet to THE POINT OF ENDING of said line and 20 foot wide strip of land.

The said Access Easement "D" is for the benefit of and appurtenant to the SW¼, Section 15 and Lots 3 and 6, Section 16, Township 7 South, Range 13, East Boise Meridian, and shall inure to the benefit of and may be used by all persons who may hereafter become owners of said appurtenant property or any parts or portions thereof.

A strip of land 10 feet in width designated as Irrigation Easement for the purpose of constructing and maintaining an irrigation water delivery system along an existing irrigation ditch situated in the NW¼SW¼, Section 15, and Lot 3, Section 16, Township 7 South, Range 13, East Boise Meridian, Gooding County, Idaho. Said 10 foot wide strip of land to be centered on the following described centerline:

Commencing at the Section corner common to Sections 15, 16, 21 and 22, Township 7 South, Range 13, East Boise Meridian;

Thence on a bearing of North 28°25'48" East a distance of 2108.29 feet to the centerline of the Sands Ditch and THE POINT OF BEGINNING of said centerline and 10 foot wide strip of land;

Thence from this POINT OF BEGINNING and along the said centerline the following courses and distances:

South 76°49'42" West, 473.59 feet;

South 77°40'27" West, 185.13 feet;

South 89°05'21" West, 297.14 feet;

South 76°09'04" West, 110.10 feet;

South 72°25'17" West, 243.88 feet;

South 86°53'17" West, 149.44 feet;

North 83°30'38" West, 231.89 feet to the POINT OF ENDING of said centerline and the 10 foot wide strip of land; Said POINT OF ENDING bears North 21°59'48" West a distance of 1747.13 feet from the Section corner common to Sections 15, 16, 21 and 22.

The said irrigation Easement is for the benefit of and appurtenant to the NW¼SW¼, Section 15 and Lot 3, Section 16, Township 7 South, Range 13, East Boise Meridian and shall inure to the benefit of

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-00141**
Date Received: 8/18/1988
Receipt No: S001534
Received By: _____

*Ownership Change
4/5/91 JL*

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

1. Name: SLOPE COMPACTION
Address: A CALIFORNIA CORP.
C/O DONALD L. MCCOY
23622 CALABASAS RD. #239
CALABASAS CA 91302
- AND/OR
- Name: SLOPE COMPACTION
Address: A CALIFORNIA CORP.
C/O DENNIS M. MCCOY
23622 CALABASAS RD. #239
CALABASAS CA 91302
- AND/OR
- Name: M. J. AND SHARON WIENS, JR. FAMILY TRUST
Address: 1701 LAS VEGAS BLVD. SOUTH
LAS VEGAS NE 89104
- AND/OR
- Name: E. A. COLLINS
Address: 2933 COASTLINE COURT
LAS VEGAS NE ✓ 89117
- AND/OR
- Name: JOSEPH PATRICK ARCHIE
Address: 3417 WILLIAMSBOROUGH COURT
LAS VEGAS NE ✓ 89117
- AND/OR
- Name: JOSEPH PATRICK ARCHIE
Address: 3417 WILLIAMSBOROUGH COURT
RALEIGH NC 27609
- AND/OR
- Name: SARAH ELLEN ARCHIE
Address: 3417 WILLIAMSBOROUGH COURT
RALEIGH NC 27609
- AND/OR
- Name: ROSS COOPER

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Address: 6773 PORTSHEAD DR.
MALIBU CA 90265

AND/OR

Name: KATHLEEN COOPER
Address: 6773 PORTSHEAD DR.
MALIBU CA 90265

2. Date of Priority: APR 1, 1895

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	11	SW	NE			GOODING

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		

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

8. Total consumptive use is 273.0 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	13E	15	SW	NW	5	IRR	10.0
			NE	SW		IRR	3.0
			NW	SW		IRR	33.0
			SW	SW		IRR	36.0
			SE	SW		IRR	9.0
						Section Acres	91.0
						Total Acres	91.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A36-02002, A36-00101, A36-00097, A36-00098.

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14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 149.04 AC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

MARTHA A. SANDS, ET. AL.

Decree Plaintiff

CHARLES N. DILATUSH, ET. AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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Water Right Number - R36-00141	Prefix Translation: RESEARCH	Old (D) Number -
+ - - - - Last Name - - - - +	+ - First Name - - +	+ - - - - Address - - - - - +
*** C - CURRENT OWNER *** GARY COOK CORP.		1 - A CALIFORNIA CORP. 2 - 110 NEWPORT CENTER DR. #250 3 - City- NEWPORT BEACH State- CA Zip- 92660 Phone - 208-000-0000
SLOPE COMPACTION		1 - A CALIFORNIA CORP. 2 - C/O DONALD L. MCCOY 3 - 23622 CALABASAS RD. #239 City- CALABASAS State- CA Zip- 91302 Phone - 208-000-0000
SLOPE COMPACTION		1 - A CALIFORNIA CORP. 2 - C/O DENNIS M. MCCOY 3 - 23622 CALABASAS RD. #239 City- CALABASAS State- CA Zip- 91302 Phone - 208-000-0000
M. J. AND SHARON WIENS, JR. FAMILY TRUST		1 - 1701 LAS VEGAS BLVD. SOUTH 2 - 3 - City- LAS VEGAS State- NE Zip- 89104 Phone - 208-000-0000
COLLINS	E. A.	1 - 2933 COASTLINE COURT 2 - 3 - City- LAS VEGAS State- NE Zip- 89117 Phone - 208-000-0000
ARCHIE	JOSEPH PATRICK	1 - 3417 WILLIAMSBOROUGH COURT 2 - 3 - City- RALEIGH State- NC Zip- 97609 Phone - 208-000-0000
ARCHIE	SARAH ELLEN	1 - 3417 WILLIAMSBOROUGH COURT 2 - 3 - City- RALEIGH State- NC Zip- 97609 Phone - 208-000-0000
COOPER	ROSS	1 - 6773 PORTSHEAD DR. 2 - 3 - City- MALIBU State- CA Zip- 90265 Phone - 208-000-0000
COOPER	KATHLEEN	1 - 6773 PORTSHEAD DR. 2 - 3 - City- MALIBU State- CA Zip- 90265 Phone - 208-000-0000

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Water right number - R36-00141

Prefix Translation: RESEARCH

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

*** O - ORIGINAL OWNER ***
COOK

RICHARD L.

1 - RT. 1 BOX 22

2 -

3 -

City- HAGERMAN

Phone - 208-837-6164

State- ID Zip- 83332

+ - - Priority Date - - +
04/01/1895+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +
I - DISALLOWED+ - - Source - - - - - +
BILLINGSLEY CREEK+ - - Tributary - - - - - +
SNAKE RIVER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 13E 11 SW NE (47) GOODING

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 6.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
6.000 273.0+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 15 SW NW 5 10.0 01 IRRIGATION (47) GOODING
07S 13E 15 NE SW 3.0 01 IRRIGATION (47) GOODING
07S 13E 15 NW SW 33.0 01 IRRIGATION (47) GOODING
07S 13E 15 SW SW 36.0 01 IRRIGATION (47) GOODING
07S 13E 15 SE SW 9.0 01 IRRIGATION (47) GOODING

Total Acres: 91.0

+ - - Diversion Means - VIA SANDS DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A36-02002, A36-00101, A36-00097, A36-00098.

+ - - - - - Remarks - - - - - +
AC. IRRIG. NOT SPECIFIED. FARM = 149.04 AC.MICROFILMED
FEB 09 1993

Water right number - R36-00141

Prefix Translation: RESEARCH

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

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
MARTHA A. SANDS, ET. AL.

+ - - - - Decree Defendant - - - +
CHARLES N. DILATUSH, ET. AL.

+ - Decree Date - +
00/00/0000

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

Date: 02/07/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW

Date: 02/07/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW

Date: 09/04/1991 User Id: GIVENS Subject: OWNERSHIP CHANGE

OWNERSHIP CHANGE 9/4/91 BY JG.

+ - - Audit Fields - - +

09/04/91 GIVENS

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/18/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001534	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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A36-00098

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NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
2-0097 SANDS, BESSIE	1.5 Billingsley Creek	April 1, 1905	Sands Ditch
35 acres	Lots 3 of Sec. 16, Twp. 7 S. R. 13 E. B. M. and the West two acres of Lot 5, Sec. 15 and the West five acres of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 15, Twp. 7 S. R. 13 E. B. M.		
36-0008 SANDS, JESSIE, AND LA- PRAEL SANDS	7 Billingsley Creek	April 1, 1895	Sands Ditch
	N $\frac{1}{2}$ of the SW $\frac{1}{4}$ excepting therefrom the west five acres thereof; also the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Lot 5, excepting from Lot 5 the West two acres thereof all in Sec. 15, Twp. 7 S. R. 13 E. B. M.		
36-0009 SANDS, MARTHA A.	8 Billingsley Creek	April 1, 1888	Sands Ditch
	S $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the SE $\frac{1}{4}$ and N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 15, Twp. 7 S. R. 13 E. B. M.		
3-0100 SCHOOLER, HENRIETTA	1.2 Billingsley Creek	April 1, 1905	Sands Ditch
	The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 15, Twp. 7 S. R. 13 E. B. M.		
6-0101 SHEPARD, FRANK R., AND ALMA A. SHEP- ARD	2 Billingsley Creek	April 1, 1905	Sands Ditch
	The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 15, Twp. 7 S. R. 13 E. B. M.		
6-0103 SEVEN H. L. SHEEP COMPANY	4.8 Spring	April 1, 1892	Martin Curran Tun- nel and Curran Ditch
	(Said Martin Curran Tunnel is located at the head of Billingsley Creek.)		
6-0103 SKINNER, CHARLES, AND IVA E. SKINNER	1 Billingsley Creek	Sept. 10, 1884	Buckeye Ditch;
	Outlots A82, A83, and A84 of Hagerman Townsite, according to the Plat thereof on file in the office of the Recorder of Gooding County, Idaho. 10 acres		
6-0104 STROUD, FLORENCE OWENS	4 Len Lewis Spring	Sept. 1, 1889	Brailsford- Owens Ditch;
6-0105	1 Spring	March 8, 1902	Weatherby Springs;
113 acres	SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 25, Twp. 7 S.		

these are
new
E36-15384



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

05-Sep-1991 11:48

BETTY J. STANSELL
LAND TITLE and ESCROW INC.
BOX 473
GOODING ID 83330

Re: Change of Ownership - No. A36-07229, A36-07081, A36-02002, (3161)
A36-08317, A36-00098, A36-00097, A36-00101, A36-00141, A36-10520
- RICHARD L. COOK

Ms. Stansell:

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), the Department has changed the record(s) of the current owner as you requested. Please find enclosed copy(s) of the computer record of the claim(s) noting the change in claimant(s).

Please review the record(s) and if you have any corrections or any questions, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

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See file

A36-00097

for Deeds &
Attachments for
Change of Ownership

MICROFILMED

MAR 20 1993

A36-00141

amount and of the priorities hereinafter set forth, and that said water is appurtenant to the said lands of the respective parties as hereinafter set forth opposite their respective names.

36 0140 Martha A. Sands, Jessie Sands, Florence Sands and Betty Sands, the $S\frac{1}{2}$ of the $NE\frac{1}{4}$; the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$; and the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 15, Township 7 South, Range 13 E. B. M., containing 160 acres; 320 inches (6.4 second feet) with a priority of April 1, 1888.

36 0141 Martha A. Sands, Jessie Sands, Florence Sands and Betty Sands, Lot No. 5 and the $N\frac{1}{2}$ of the $SW\frac{1}{4}$, and the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 15, Township 7 South, Range 13 East of the Boise Meridian, containing 149.04 acres; 300 inches (6 second feet) with a priority of April 1, 1895.

36 0142 Martha A. Sands, Jessie Sands, Florence Sands and Betty Sands, Lot 3 of Section 16, Township 7 South, Range 13 E. B. M., containing 27 acres; 54 inches (1.08 second feet), with a priority of April 1, 1905.

36 0143 Charles N. Dilatush, Lot No. 3 and Lot No. 4, located in the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 11, Township 7 South, Range 13 E. B. M., being also described as the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 11, Township 7 South, Range 13 E. B. M., containing 20 acres; 40 inches (80/100 of a second foot) of water with a priority of April 1, 1885.

36 0144 Alva Reed and Mrs. Alva Reed, his wife, the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 11, Township 7 South, Range 13 E. B. M., containing 40 acres; 80 inches (1.6 second feet) of water with a priority of April 1, 1890.

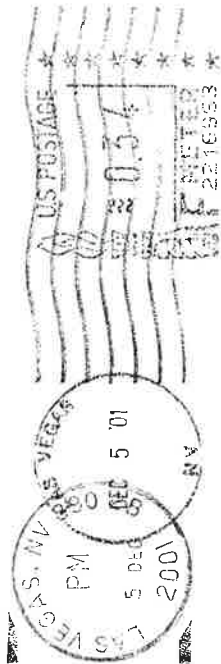
36 0145 Agnes Barlogi, James Barlogi and Agnes Barlogi, guardian of the persons and estates of James Barlogu, Rex Barlogi, Reta Barlogi and Louise Barlogi, minors, the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 11, the $N\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 14, township 7 South, Range 13 E. B. M., containing 120 acres, more or less, and Tax No. 11 in Section 11, Township 7 South, Range 13 E. B. M., containing 41/100 of an acre; 200 inches (4 second feet) of water with a priority of April 1, 1885.

M.J. WIENS JR.
1701 LAS VEGAS BLVD., SO.
LAS VEGAS, NV 89104

RECEIVED

DEC 10 2001

Department of Water Resources



SNAKE RIVER BASIN ADJUDICATION
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 44449
BOISE, ID 83711-4449

ADDRESS CHANGE

83711-4449



M J & SHARON WIENS JR
FAMILY T, M J & SHARON
M J & SHARON WIENS JR
FAMILY TRUST
1701 LAS VEGAS S
LAS VEGAS NV 89117

PLEASE CHANGE CONTACT
FOR THIS TO:

JOHN SHAW
P.O. Box 1823

HAILEY, ID 83333

Records modified 12-11-01,

36-8317-P.O. undeliverable

36-7081 P.O.

36-98-P.O. undeliv.

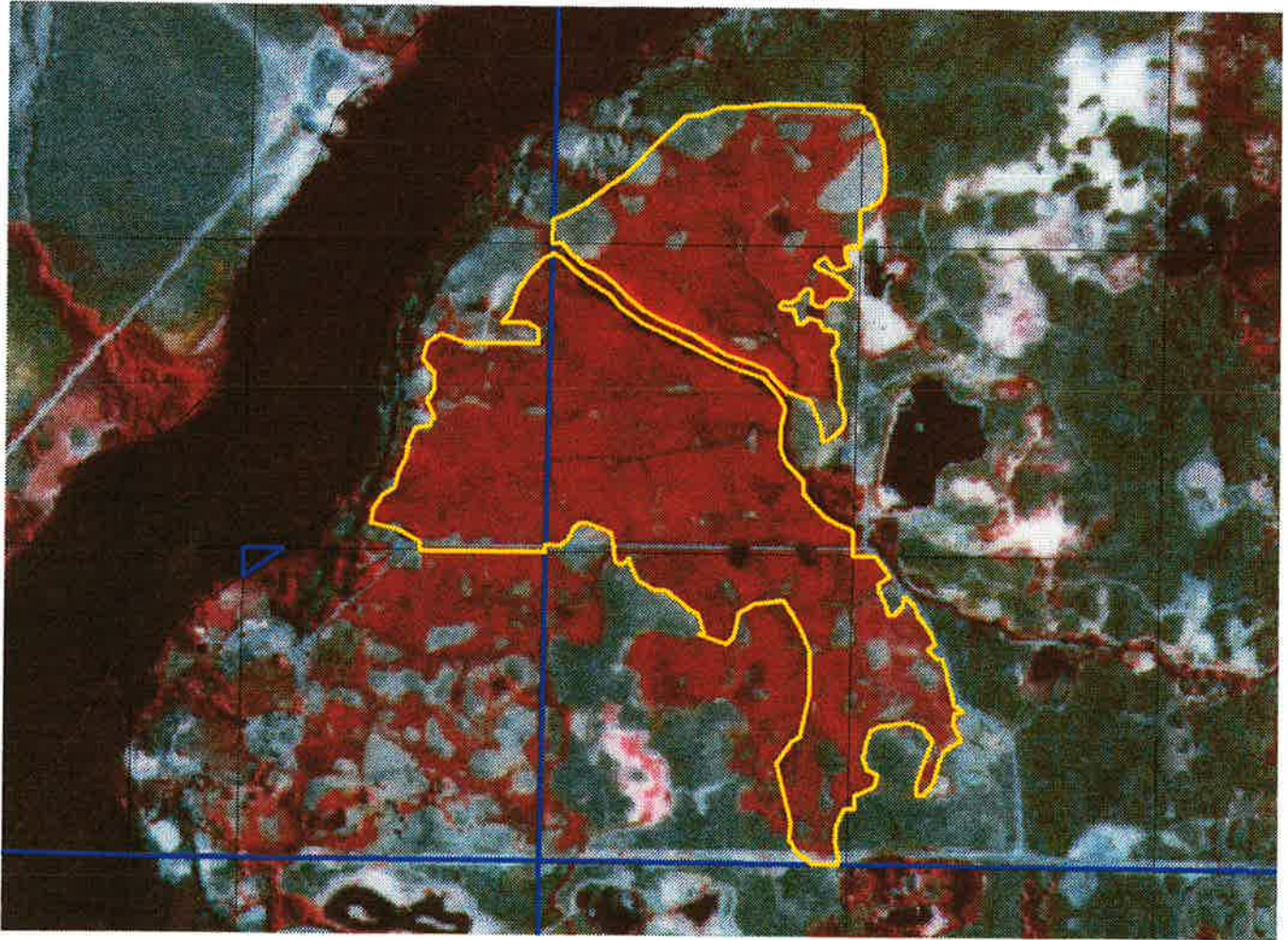
36-15467 P.O.

36-15384 P.O.

Records updated.

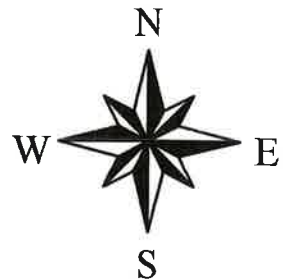
IDAHO DEPARTMENT OF WATER RESOURCES

36-00098 & 36-15384
& 36-15467



660 0 660 Feet

TNS 7S, RNG 13E
SEC 15 & 16



⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

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

CLAIM NUMBERS 36-15467
36-15384
36-00098
ET. AL.

DATE 10/13/97
 AGENT SA

TRANSFER NUMBER _____
 OBJECTION FILED _____
 TOTAL ACRES FROM RECOMMENDATION 93
 GEOGRAPHIC INFO SYSTEM 79

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	<u>75</u>	<u>13</u>	<u>15</u>							<u>13</u>	<u>1</u>		<u>33</u>	<u>18</u>	<u>10</u>				
GIS										<u>14</u>	<u>1</u>		<u>34</u>	<u>11</u>	<u>6</u>				<u>75</u>
																			<u>66</u>
RECOM			<u>16</u>																
GIS																<u>18</u>			<u>18</u>
																<u>13</u>			<u>13</u>
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

POLYGON CREATED ON 604 () _____
 ATTRIBUTES OF B36-POU.SHP 598 SA 10/17/97

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POD.SHP 456 sands ditch

(93 Ac - 5% = 88 Ac) difference > 5% less acres in GIS

Claim Numbers have been changed since initial Dir. Rep. in 1992
 No explanation given to document or Explain changes.
 * Current Claim Nos. 36-15467 & 36-00098

> 5% P/U CONFLICT yes (X) no ()
 P/D CONFLICT yes () no (X)
 READY FOR DECREE yes (X) no ()
 SENT FOR DECREE yes () no ()

SUBCASE NO. 36-15384 *
(re-numbered to 36-00098)

	CLAIM (8/18/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Richard Cook **	N/A	M.J. Weins Family Trust, et al.	#1 - M.J. Weins, Jr., Family Trust #2 - DOJ - XX - objects to name of owner.
BASIS OF CLAIM	Decree	.	Decree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	7.00 cfs		10.1 cfs (original recommendation) 7.0 cfs (revised recommendation attached to IDWR's response to objection).	#1 - XX - requests as "decreed and/or beneficially used". #2 - XX - see below.+
PRIORITY DATE	4/1/1895		4/1/1895	#2 - XX - priority date for New Int'l Mortgage Decree applies to only a portion of POU; the balance of POU should have a 4/1/1905 priority date.
PURPOSE OF USE	Irrigation		Irrigation	
PERIOD OF USE	3/15 - 11/15		3/15 - 11/15	
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S15 91.0 acres		T07S R13E S15 93.0 acres (original recommendation) changed to : 91.0 acres on revised recommendation	#1- XX - requests 143 acres, plus states that POU is incorrectly identified. #2 - XX - POU incorrect based upon description in old right nos.

+ DOJ states that the quantity includes a portion from 36-00141 which was decreed in the Sands Decree; states that IDWR conveyance losses are inaccurate due to "inappropriate use" of the seepage rate values and water surface top width values in the Worstell formula. Also requests that remark be included per Adjudications Procedure No. 2 pertaining to flows in excess of 0.02 cfs.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 10, 1996

SLOPE COMPACTION
A CALIFORNIA CORPORATION
C/O DENNIS & DONALD MC COY
23622 CALABASAS RD #239
CALABASAS CA 91302

RECEIVED
JAN 11 1996
Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #36-15384

Dear Claimants:

The Post Office returned the enclosed legal notice due to an addressing error. We have corrected that error and enclosed your legal notice.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region

Enclosure:

Returned Legal Notice



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

April 11, 1995

R. KEITH HIGGINSON
DIRECTOR

SARAH ELLEN ARCHIE
JOSEPH PATRICK ARCHIE
2309 WOODROW DR
RALEIGH NC 27609-7626

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim To a Water Right #36-07081, 36-07229,
36-08317, 36-10520 & 36-15384
Change in Address

Dear Claimants:

Thank you for notifying us of your change in address of the water rights referenced above. SRBA Judge Hurlbutt issued an Order June 17, 1993 requiring claimants like yourself identified in a Director's Report to use Standard Form 3 for change in address. We have enclosed this form for your use.

Please contact us or the Court (208/736-3011) if you have any questions.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region
Enclosure:
Standard Form 3

RECEIVED

APR 13 1995

Department of Water Resources
Southern Region

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 20 1994

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

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

Case No. 36-15384 -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)

2. Person who filed objection:

Name: M J & SHARON WIENS JR FAMILY TRUST
Address: 1701 LAS VEGAS BLVD SOUTH
LAS VEGAS NV 89104

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |☒| Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. |☒| Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to the claimant's description of interest in the water right, IDWR responds as follows: IDWR recommended this water right based on combining two rights claimed by the claimants. One right was decreed pursuant to New International Mortgage Bank v. Idaho Power Company and the other right was decreed pursuant to Sands v. Dilatush, et al. IDWR has now determined that the two rights were actually the same right, with the version decreed pursuant to New International Mortgage Bank v. Idaho Power Company superseding the version decreed pursuant to Sands v. Dilatush, et al.

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: IDWR has reviewed the two rights combined to form this right and concludes that right 36-00141 was superseded by right 36-00098. Therefore, the amount of water being recommended in the claimants' name with a priority date of April 1, 1895 is being reduced to 7.0 cfs. IDWR recommends the 3.1 cfs originally recommended in right 36-00141 be replaced with 2.95 cfs from water right nos. 36-00097 and 36-00101, which is being recommended as water right 36-15467 with a priority date of April 1, 1905. The reason for the reduction in total diversion rate from 10.1 cfs to 9.95 cfs is because there was an error in the description of the number of irrigated acres in the place of use. The recommendation should be corrected as shown in the attachment "Recommended Water Rights Acquired under State Law." In further response to these objection items, IDWR responds as follows: (1) The corrected recommendation is for the amount of water IDWR has determined was being beneficially used. (2) The claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402). (3) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (4) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection items 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the claimants did not claim any water for irrigation purposes under this right on any land in the S 1/2 of

(Over)

the SE 1/4 of Section 16, Township 7 South, Range 13 East. There is an error in the description of the place of use of this right in the director's report. This error is a result of fewer acres being claimed than were found to be irrigated. Since only 91 acres were claimed, the recommendation should be corrected as shown in the attachment "Recommended Water Rights Acquired under State Law." In further response to this objection item, IDWR responds that by now asserting that 141 acres are irrigated 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 after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used. (7) Because of the correction in the number of acres recommended for this right, the recommendation of consumptive use volume should be corrected as shown in the attachment "Recommended Water Rights Acquired under State Law."

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

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

In response to Statement of the Objection item 14, and all allegations of the objection regarding that item, see attached "IDWR's Response to Answer Affirmative Defenses and Prayer for Relief of Claimant".

In response to the sentence listed in Changes to the Director's Report, whereby the claimant attempts to "reserve the right to claim all purposes of use and quantities of use as shown by the evidence at trial," IDWR responds as follows: Insofar as this purported reservation of rights may constitute an attempt to reserve the right to amend at trial the claimant's notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim just as a party must obtain leave of the court to file a late claim after the director's report is filed.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

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

	No. of Pages
Notice of Claim No. A36-00098	3
Notice of Claim No. 36-000141	3
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4
Recommended Water Rights Acquired Under State Law	2

(Over)

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

Name: E A COLLINS
Address: 2933 COASTLINE COURT
LAS VEGAS NV 89117

Name: JOSEPH P & SARAH E ARCHIE
Address: 3417 WILLIAMSBOROUGH COURT
RALEIGH NC 27609

Name: ROSS & KATHLEEN COOPER
Address: 6773 PORTSHEAD DR
MALIBU CA 90265

Name: GARY COOK CORP
Address: 110 NEWPORT CENTER DR #250
NEWPORT BEACH CA 92660

Name: SLOPE COMPACTION CORP
Address: C/O DONALD L & DENNIS M MC COY
23622 CALABASAS RD #239
CALABASAS CA 91302

(Over)

MICROFILMED

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: A36-00098
Date Received: 8/18/1988
Receipt No: S001534
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD L. COOK 208-837-6164
Address: RT. 1 BOX 22
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1895

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SW		NE		GOODING

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	15	SW	NW	5	IRR	10.0
			NE	SW		IRR	3.0
			NW	SW		IRR	33.0
			SW	SW		IRR	36.0

A36-00098

Page 1

Date: 08/18/88

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FEB 09 1993
OCT 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	15	SE SW		IRR	9.0
Section Acres						91.0
Total Acres						91.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

A36-00141, A36-02002, A36-00101, A36-00097

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED

FEB 09 1993

MICROFILMED

OCT 20 1994

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s):

Richard L. Paul

Date: Aug. 18/1988

Date: _____

State of Idaho

County of Twin Falls

SS.

Subscribed and sworn (or affirmed) before me this 18th day

of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

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: A36-00141
Date Received: 8/18/1988
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1. Name: RICHARD L. COOK 208-837-6164
Address: RT. 1 BOX 22
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1895

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

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07S	13E	11	SW	NE			GOODING

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		

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

8. Total consumptive use is 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	13E	15	SW	NW	5	IRR	10.0
			NE	SW		IRR	3.0
			NW	SW		IRR	33.0
			SW	SW		IRR	36.0

A36-00141

Page 1

Date: 08/18/88

MICROFILMED
FEB 09 1993
MICROFILMED
OCT 20 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	15	SE	SW		IRR	9.0
Section Acres							91.0
Total Acres							91.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

A36-02002, A36-00101, A36-00097, A36-00098.

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 149.04 AC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

MARTHA A. SANDS, ET. AL.
Decree Plaintiff

vs

CHARLES N. DILATUSH, ET. AL.
Decree Defendant

MICROFILMED
FEB 09 1993

MICROFILMED

OCT 20 1994

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s):

Date:

Aug. 18/1988

Date:

State of Idaho

County of Twin Falls SS.

Subscribed and sworn (or affirmed) before me this 18th day

of August 19 88

Roxanne Story
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

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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- 00130 DM
UNCLASSIFIED
- WORKS (page 11 of Part I of the director's report)
- (17) VI. General Provision 8. FIRE FIGHTING PURPOSES (page 11 of Part I of the director's report)
 - (18) VI. General Provision 9. CONSUMPTIVE USE (page 12 of Part I of the director's report)
 - (19) VI. GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (page 12 of Part I of the director's report)
 - (20) VI. General Provision 10. DOMESTIC USE (page 12 of Part I of the director's report)
 - (21) VI. GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (22) VI. General Provision 11. STOCK WATER USE (page 13 of Part I of the director's report)
 - (23) VI. GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (24) VI. General Provision 12. IRRIGATION USE (pages 13-14 of Part I of the director's report)
 - (25) VI. General Provision 13. DIVERSION VOLUME FOR IRRIGATION (page 14 of Part I of the director's report)
 - (26) VI. General Provision 14. CONSUMPTIVE USE FOR IRRIGATION (pages 14-15 of Part I of the director's report)
 - (27) VI. General Provision 15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION (page 15 of Part I of the director's report)
 - (28) VI. General Provision 16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE (pages 15-16 of Part I of the director's report)
 - (30) VI. 17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS (pages A-i through A-iii of Part I of the director's report)
 - (31) VI. 18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW (pages A-1 through B-25 of Part I of the director's report)
 - (32) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)
 - (33) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART III)

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

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

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

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

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

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

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

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

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

DATE: SEP-8-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER				
36-15384 36-00098	M J & SHARON WIENS JR FAMILY TRUST 1701 LAS VEGAS BLVD SOUTH LAS VEGAS NV 89104	04/01/1895	IRRIGATION	03-15 11-15	10.1 7.0	CFS CFS
E A COLLINS 2933 COASTLINE COURT LAS VEGAS NV 89117						
SARAH ELLEN ARCHIE JOSEPH PATRICK ARCHIE 3417 WILLIAMSBOROUGH COURT RALEIGH NC 27609						
ROSS COOPER KATHLEEN COOPER 6773 PORTSHEAD DR MALIBU CA 90265						
GARY COOK CORP A CALIFORNIA CORP 110 NEWPORT BEACH DR #250 NEWPORT BEACH CA 92660						
SLOPE COMPACTION A CALIFORNIA CORP C/O DENNIS & DONALD MCCOY 23622 CALABASAS RD #239 CALABASAS CA 91302						
					TOTAL QUANTITY:	10.1 7.0 CFS
					CONSUMPTIVE USE:	279.0 AFY
POINT OF DIVERSION: T07S R13E S11 NWSWNE						
PLACE OF USE: IRRIGATION						
T07S R13E S15 Lot 5 (SWNW) 13.0 SENW 1.0 NWSW 33.0 31.0 SWSW 18.0						
S16 93.0 91.0 ACRES TOTAL						
REMARKS: WATER IS DELIVERED THROUGH SANDS DITCH.						
2.88 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE						
LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 36-07229.						
2.88 CFS OF RIGHT NO. 36-15467 IS LIMITED TO USE FOR						
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO.						
36-15467.						

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-8-1993
PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

~~36-15384~~ CONTINUED~~36-00098~~

A DIVERSION RATE OF 7.22 7.07 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE WHEN THIS
RIGHT IS USED WITH RIGHT NO. 36-15467.

~~THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00098 AND
36-00141.~~

USE OF THIS RIGHT WITH RIGHT 36-15467 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 9.95 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 273 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 91 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.

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

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

Case No. 36-15384 -0002

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

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2. Person who filed objection:

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:

12a. |X| This water right being recommended at all.

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

GENERAL PROVISIONS

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, and all allegations regarding this item, IDWR responds as follows: This water right, along with other rights claimed with the same place of use as this right, was originally claimed by Richard Cook on August 18, 1988. On August 22, 1991 IDWR was informed that Richard Cook had conveyed his interest in this right to the parties whose names appear in the recommendation of this right. A review of the metes and bounds descriptions that were identified as exhibit "A" of the warranty deeds provided to IDWR confirms the lands conveyed by Richard Cook include most of the SWSW and a portion of the SESW, Section 15, Township 7 South, Range 13 East.

In response to Statement of the Objection items 3, 3.a, 4, 9, 9.a, 12 and 12.a, and all allegations of the objection regarding those items, IDWR responds as follows: A review of the records confirms that right 36-00141 was superseded by right 36-00098. Therefore, the amount of water being recommended in the claimants' name with a priority date of April 1, 1895 is being reduced to 7.0 cfs. IDWR also recommends the 3.1 cfs from right 36-00141 be replaced with 2.95 cfs from water right nos. 36-00097 and 36-00101, which is being recommended as water right no. 36-15467 with a priority date of April 1, 1905. The reason for the reduction in total diversion rate from 10.1 cfs to 9.95 cfs is because there is an error in the description of the number of irrigated acres in the place of use. The recommendation should be corrected as shown in the attachment "Recommended Water Rights Acquired under State Law." In further response to this objection item, IDWR responds that the recommendation should be corrected and the remark "RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A" should be added as shown in the attachment "Recommended Water Rights Acquired under State Law."

In response to that portion of objection item 3 addressing diversion volume, IDWR admits that:

1. The recommendation of this right states a maximum annual consumptive use volume for this right and other rights used in combination with this right at a rate of 3.0 AFY per acre.

(Over)

2. The recommendation of this right does not state a maximum annual diversion volume.

3. General Provision 13 provides that the maximum annual volume of diversion required at the field headgate for irrigation of lands in Basin 36 is 4 acre feet per year (AFY) per acre.

4. General Provision 13 further provides that where diversion volume is not stated for water rights or portions of water rights for irrigation purposes, 4 AFY is the diversion volume measured at the point of diversion that is reasonably required for irrigation unless a higher annual diversion volume is reasonably required under currently existing conditions due to conveyance losses, method of irrigation, or field conditions, as determined by the director.

5. It is the intent of this general provision that: a) where maximum annual diversion volume is not stated for a right, and b) if determination of diversion volume becomes necessary at some later date for the administration of water rights, and c) the water right has a diversion rate in excess of .02 cfs per acre, then d) the maximum annual diversion volume will be proportionately in excess of 4.0 AFY per acre.

IDWR denies that determination of annual diversion volume of each surface water right is currently necessary for the administration of water rights, and further denies that administration of all surface water rights based on annual diversion volume is currently necessary or reasonable.

In response to that portion of objection item 3 regarding conveyance loss methodology, IDWR responds that the conveyance loss remark identifies the portion of the total diversion rate that is in excess of .02 cfs per acre, and which was found to be beneficially used based on actual, reasonable conveyance losses. The conveyance loss limitation does not define the amount of water that is lost in conveyance between the point of diversion and place of use. IDWR's conveyance loss methodology is a reasonably accurate method to estimate conveyance losses based on typical values for the components of the methodology.

In response to that portion of objection items 3, 12 and 12a., regarding diversion rates in excess of .02 cfs per acre, IDWR admits that the memo contains the language quoted in the objection. If the claimant desires to make a change in use of this right, the claimant is required to file an application for approval of the change with IDWR which describes the change sought. IDWR is then required to approve the application in whole or in part or upon conditions, provided certain statutory requirements are met. These includes requirements that the change be in the local public interest, not constitute an enlargement, and not result in injury to other water rights. Issues as to appropriate application of these standards are premature until an application seeking approval of a change in use and describing the change sought is filed with IDWR.

In further response to Statement of the Objection 12 and 12.a, and all allegations of the objection regarding those items, IDWR responds as follows: The purpose of item 12a. is to allow an objector to object to a water right being recommended at all. The objection to these items is not appropriate because, as the objection states, only the portion of this right attributable to superseded right 36-00141 should not be recommended.

In response to Statement of the Objection item 11, and all allegations of the objection regarding this item, IDWR responds as follows: IDWR admits that the remark stating this right is a combination of old right nos. 36-00098 and 36-00141 is in error.

In response to Statement of the Objection item 14, an all allegations of the objection regarding this item, IDWR responds as follows: the matters raised in this portion of the objection are totally irrelevant to the water right being objected to. It is inappropriate for an objector to assert in an objection to another claimant's water right objections regarding the application of general provisions upon the objector's own water rights. The objector should raise those matters in objections to its own water rights. This portion of the objection therefore should be stricken.

In further response to this objection item, IDWR responds as follows: it denies this portion of the objection.

IDWR denies the objection and all portions of it that are not expressively admitted.

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

06-15-11 12:17
yhs@idwr.idaho.gov
No. of
Pages

The notice of claim is attached to IDWR's response
to Objection No. 36-15384-0001
Recommended Water Rights Acquired under State Law

2

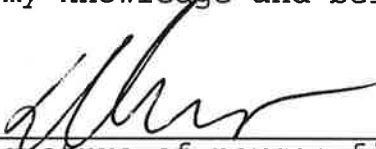
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

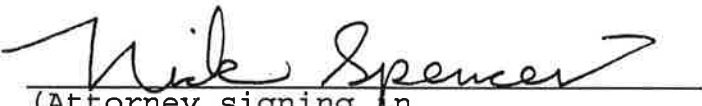
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

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

(Over)

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: E A COLLINS
Address: 2933 COASTLINE COURT
LAS VEGAS NV 89117

Name: ROSS & KATHLEEN COOPER
Address: 6773 PORTSHEAD DR
MALIBU CA 90265

Name: SLOPE COMPACTION CORP
Address: C/O DONALD L & DENNIS M MC COY
23622 CALABASAS RD #239
CALABASAS CA 91302

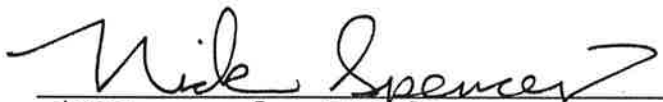
Name: HEPWORTH NUNGESTER & LEZAMIZ
Address: PATRICK D BROWN
& PENELOPE PARKER
PO BOX 389
TWIN FALLS ID 83303-0389

Name: GARY COOK CORP
Address: 110 NEWPORT CENTER DR #250
NEWPORT BEACH CA 92660

Name: JOSEPH P & SARAH E ARCHIE
Address: 3417 WILLIAMSBOROUGH COURT
RALEIGH NC 27609

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: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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

DATE: SEP-8-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER				
36-15384 36-00098	M J & SHARON WIENS JR FAMILY TRUST 1701 LAS VEGAS BLVD SOUTH LAS VEGAS NV 89104	04/01/1895	IRRIGATION	03-15 11-15	10.1 CFS 7.0 CFS	DECREED
	E A COLLINS 2933 COASTLINE COURT LAS VEGAS NV 89117					
	SARAH ELLEN ARCHIE JOSEPH PATRICK ARCHIE 3417 WILLIAMSBOROUGH COURT RALEIGH NC 27609					
	ROSS COOPER KATHLEEN COOPER 6773 PORTSHEAD DR MALIBU CA 90265					
	GARY COOK CORP A CALIFORNIA CORP 110 NEWPORT BEACH DR #250 NEWPORT BEACH CA 92660					
	SLOPE COMPACTION A CALIFORNIA CORP C/O DENNIS & DONALD MCCOY 23622 CALABASAS RD #239 CALABASAS CA 91302					
					TOTAL QUANTITY:	10.1 CFS 7.0 CFS
					CONSUMPTIVE USE:	279.0 AFY
POINT OF DIVERSION:						
T07S R13E S11		NWSWNE				
PLACE OF USE: IRRIGATION						
T07S R13E S15		Lot 5	(SWNW) 13.0	SESW 1.0	NWSW 33.0	31.0 SWSW 18.0
		S16	SESW 10.0			
			NESE 18.0			
REMARKS:		93.0 91.0 ACRES TOTAL				
WATER IS DELIVERED THROUGH SANDS DITCH.						
2.88 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE						
LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 36-07229.						
2.88 CFS OF RIGHT NO. 36-15467 IS LIMITED TO USE FOR						
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO.						
36-15467.						

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-8-1993
PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
	SOURCE: BILLINGSLEY CREEK			TRIBUTARY: SNAKE RIVER		

36-15384 CONTINUED
36-00098

A DIVERSION RATE OF 7.22 7.07 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE WHEN THIS
RIGHT IS USED WITH RIGHT NO. 36-15467.

~~THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00098 AND
36-00141.~~

USE OF THIS RIGHT WITH RIGHT 36-15467 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 9.95 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 273 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 91 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.

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Water Right Number - R36-15384	Prefix Translation:	RESEARCH	Old (D) Number -
+ - - - - Last Name - - - - +	+ - First Name - - +	+ - - - - - Address - - - - - +	
*** A - ATTORNEY *** COOPER	ROSS	1 - REPRESENTING SELF 2 - 6773 PORTSHEAD DR 3 - City- MALIBU Phone - 208-000-0000	State- CA Zip- 90265
ARCHIE	JOSEPH PATRICK	1 - REPRESENTING SELF 2 - 3417 WILLIAMSBOROUGH COURT 3 - City- RALEIGH Phone - 208-000-0000	State- NC Zip- 97609
GARY COOK CORP		1 - REPRESENTING SELF 2 - A CALIFORNIA CORP 3 - 110 NEWPORT CENTER DR #250 City- NEWPORT BEACH Phone - 208-000-0000	State- CA Zip- 92660
SLOPE COMPACTION A CALIFORNIA CORP		1 - REPRESENTING SELF 2 - C/O DONALD L MCCOY 3 - 23622 CALABASAS RD #239 City- CALABASAS Phone - 208-000-0000	State- CA Zip- 91302
COOPER	KATHLEEN	1 - REPRESENTING SELF 2 - 6773 PORTSHEAD DR 3 - City- MALIBU Phone - 208-000-0000	State- CA Zip- 90265
ARCHIE	SARAH ELLEN	1 - REPRESENTING SELF 2 - 3417 WILLIAMSBOROUGH COURT 3 - City- RALEIGH Phone - 208-000-0000	State- NC Zip- 97609
SLOPE COMPACTION A CALIFORNIA CORP		1 - REPRESENTING SELF 2 - C/O DENNIS M MCCOY 3 - 23622 CALABASAS RD #239 City- CALABASAS Phone - 208-000-0000	State- CA Zip- 91302
BROWN	PATRICK D	1 - ATTORNEY FOR WIENS 2 - HEPWORTH NUNGESTER LEZAMIZ 3 - PO BOX 389 City- TWIN FALLS Phone - 208-734-7510	State- ID Zip- 833030389
COLLINS	E A	1 - REPRESENTING SELF 2 - 2933 COASTLINE COURT 3 - City- LAS VEGAS Phone - 208-000-0000	State- NV Zip- 89117

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OCT 20 1994

Water right number - R36-15384

Prefix Translation: RESEARCH

+ - - - - Last Name - - - - +	+ - First Name - - +	+ - - - - Address - - - - - +
*** C - CURRENT OWNER *** WIENS JR FAMILY TRUST	M J & SHARON	1 - 1701 LAS VEGAS BLVD SOUTH 2 - 3 - City- LAS VEGAS State- NV Zip- 89104 Phone - 208-000-0000
GARY COOK CORP		1 - A CALIFORNIA CORP 2 - 110 NEWPORT BEACH DR #250 3 - City- NEWPORT BEACH State- CA Zip- 92660 Phone - 208-000-0000
COLLINS	E A	1 - 2933 COASTLINE COURT 2 - 3 - City- LAS VEGAS State- NV Zip- 89117 Phone - 208-000-0000
ARCHIE	SARAH ELLEN	1 - 3417 WILLIAMSBOROUGH COURT 2 - 3 - City- RALEIGH State- NC Zip- 27609 Phone - 208-000-0000
ARCHIE	JOSEPH PATRICK	1 - 3417 WILLIAMSBOROUGH COURT 2 - 3 - City- RALEIGH State- NC Zip- 27609 Phone - 208-000-0000
COOPER	ROSS	1 - 6773 PORTSHEAD DR 2 - 3 - City- MALIBU State- CA Zip- 90265 Phone - 208-000-0000
COOPER	KATHLEEN	1 - 6773 PORTSHEAD DR 2 - 3 - City- MALIBU State- CA Zip- 90265 Phone - 208-000-0000
SLOPE COMPACTION		1 - A CALIFORNIA CORP 2 - C/O DENNIS & DONALD MCCOY 3 - 23622 CALABASAS RD #239 City- CALABASAS State- CA Zip- 91302 Phone - 208-000-0000
+ - - Priority Date - - + 04/01/1895	+ - - Region - - - + 17 SOUTHERN	+ - - - Stage - - - + Z - SEE REMARKS
+ - - - - Source - - - - - + BILLINGSLEY CREEK		+ - - - - Tributary - - - - - + SNAKE RIVER

MICROFILMED
OCT 20 1994

Water right number - R36-15384

Prefix Translation: RESEARCH

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 13E 11 NW SW NE (47) GOODING

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

01 - IRRIGATION 03/15 11/15 10.100

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
10.100 279.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	13E	15	SW NW	5	13.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SE NW		1.0	01	IRRIGATION	(47) GOODING
07S	13E	15	NW SW		33.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SW SW		18.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SE SW		10.0	01	IRRIGATION	(47) GOODING
07S	13E	16	NE SE		18.0	01	IRRIGATION	(47) GOODING

Total Acres: 93.0

+ - - Diversion Means - VIA SANDS DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
RECOMMENDED AS RIGHT NO. 36-00098.

+ - - - - Old Water Right Numbers - - - - - +
3600098
3600141

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

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

+ - - - - Comments - - - - - +
Date: 08/20/1993 User Id: CLELLAND Subject: COPIED FROM REMARKS

WATER IS DELIVERED THROUGH SANDS DITCH.
LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 36-07229.
MENED FOR THE PLACE OF USE DESCRIBED ABOVE.
36-00141.

2.88 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
A DIVERSION RATE OF 7.22 CFS AT THE FIELD HEADGATE IS RECOM-
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00098 AND

MICROFILMED
OCT 20 1994

Water right number - R36-15384

Prefix Translation: RESEARCH

+ - - - - - Comments - - - - - +
Date: 08/20/1993 User Id: CLELLAND Subject: CHANGE IN RECOMMENDATION
THIS RIGHT WAS A COMBINATION OF 36-00098 & 36-00141, HOWEVER, BOTH THESE RIGHTS DESCRIBE THE SAME RIGHT OF WATER. 36-00141 WAS
LISTED IN THE 1911 DECREE AND THEN SUPERCEDED IN THE 1932 DECREE AS 36-00098. THE WATER USED HERE IS NOW DESCRIBED BY THREE 1932
DECREEED RIGHTS: 36-00098 FOR 7.00 CFS, 36-00097 FOR 1.5 CFS, AND 36-00101 FOR 1.6 CFS.

+ - - Audit Fields - - +

08/20/93 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/20/1993	Old Judicial District	-
Claim Received Date	- 08/18/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001534	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- B

MICROFILMED
OCT 20 1994

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

VERIFIED BY HYG 8/92 11:07:40
Page 1

Water Right Number - R36-15384

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***
SLOPE COMPACTION

COLLINS

E A

1 - A CALIFORNIA CORP
2 - C/O DONALD L MCCOY
3 - 23622 CALABASAS RD #239
City- CALABASAS
Phone - 208-000-0000
1 - 2933 COASTLINE COURT
2 -
3 -

State- CA Zip- 91302

M J AND SHARON WIENS JR FAMILY TRUST

City- LAS VEGAS
Phone - 208-000-0000
1 - 1701 LAS VEGAS BLVD SOUTH
2 -
3 -

State- NV Zip- 89117

COOPER

ROSS

City- LAS VEGAS
Phone - 208-000-0000
1 - 6773 PORTSHEAD DR
2 -
3 -

State- NV Zip- 89104

SLOPE COMPACTION

City- MALIBU
Phone - 208-000-0000
1 - A CALIFORNIA CORP
2 - C/O DENNIS M MCCOY
3 - 23622 CALABASAS RD #239

State- CA Zip- 90265

ARCHIE

JOSEPH PATRICK

City- CALABASAS
Phone - 208-000-0000
1 - 3417 WILLIAMSBOROUGH COURT
2 -
3 -

State- CA Zip- 91302

COOPER

KATHLEEN

City- RALEIGH
Phone - 208-000-0000
1 - 6773 PORTSHEAD DR
2 -
3 -

State- NC Zip- 97609

GARY COOK CORP

City- MALIBU
Phone - 208-000-0000
1 - A CALIFORNIA CORP
2 - 110 NEWPORT CENTER DR #250
3 -

State- CA Zip- 90265

ARCHIE

SARAH ELLEN

City- NEWPORT BEACH
Phone - 208-000-0000
1 - 3417 WILLIAMSBOROUGH COURT
2 -
3 -

State- CA Zip- 92660

City- RALEIGH
Phone - 208-000-0000

State- NC Zip- 97609

+ - - Priority Date - - +
04/01/1895

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - - +

RECORDED
FEB 2 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)3/92 11:07:40
Page 2

Water right number - R36-15384

Prefix Translation: RESEARCH

+ - - - - Source - - - - - +
BILLINGSLEY CREEK+ - - - - Tributary - - - - -
SNAKE RIVER

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	11	NW SW NE			(47) GOODING

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01 3/15	10/31 11/15	10.100	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +	
10.100				279.0	
				+ - KW Usage - +	

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	15	SW NW	5	13.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SE NW		1.0	01	IRRIGATION	(47) GOODING
07S	13E	15	NW SW		33.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SW SW		18.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SE SW		10.0	01	IRRIGATION	(47) GOODING
07S	13E	16	NE SE		18.0	01	IRRIGATION	(47) GOODING

Total Acres: 93.0

+ - - Diversion Means - VIA SANDS DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

and Right No. —

98 use: 003 → 97 and 101 only

Remarks

WATER IS DELIVERED THROUGH SANDS DITCH. (FOI)

2.88 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NOS 36-07229. 36-0097, 98 (002) 0.078 cfs/ac

A DIVERSION RATE OF 7.22 CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

~~THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00098 AND 36-00141.~~

Old Water Right Numbers
3600098
3600141

Conditions of Approval

No Conditions of Approval found.

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/18/1992	Old Judicial District	-
Claim Received Date	- 08/18/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001534	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

Memo to File

HHT 8/4/92

Claims A36-00098 (7.0 cfs) and A36-00141 (6.00) have been combined and recommended as R36-15384. Both rights are diverted from Sands Ditch, have priority date of 4/1/1895, and irrigate a total of 93 acres as shown in the respective CVPS. Actual break down of the diversion rates is as follows

Div. Rate allowed by Irrigation Analysis	7.22
A36-00098 (limited by amt claimed)	7.00
A36-00141 (balance of div. rate)	0.22
A36-00141 (conveyance loss)	2.88
R36-15384	<u>10.1 cfs</u>

w/ Remarks

FOI - Sands Ditch

DO2 - 2.88 cfs

P15 - 36-00098 & 36-00141

SHR - 7.22

MICROFILMED
OCT 21 1991
FEB 09 1993



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

Date April 20, 1993

Name HEPWORTH NUNGESTER & LEZAMIZ
133 SHOSHONE N
Address TWIN FALLS ID 83301

No. of Copies	Material	Cost
120	copies of RED FILE Documents as requested by Hagerman Water Right Owners @ .05 ea.	\$ 6.00
TOTAL		\$ 6.00

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

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

Sincerely,

MICROFILMED

OCT 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

20-Apr-1993

HEPWORTH NUNGESTER & LEZAMIZ
133 SHOSHONE N
TWIN FALLS ID 83301
ATTN: CHRIS HERNANDEZ

Dear Chris:

Enclosed please find the copies of the contents from the RED FILES in the adjudication folders, as requested by the Hagerman Water Right Owners. If I can be of any further assistance, please give me a call at the office.

Sincerely,


Jeanie Robertson
Records Clerk

MICROFILMED
OCT 20 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

36-15384

Receipt No: 5015636

RECEIVED

APR 16 1993

Date: 4/16/1993
Time: 10:13:53

Department of Water Resources
Southern Region Office

Received
From: WIENS M.J.

Type of Payment	Program Acct Class	Amount
FEE FOR COPY OF ADJUDICATION CALIMS		
64100	229 21 1760	8.19

Total

CHECK 1036

8.19

Region: SOUTHERN

Signature:

R. Foster

MICROFILMED
OCT 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

06-Apr-1993

M J WIENS
1701 LAS VEGAS BLVD S
LAS VEGAS NV 89104

RE: Copy of SRBA File(s): 36-15384

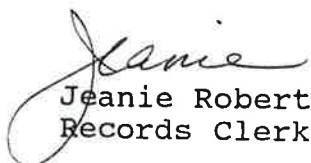
Dear Mr. Wiens:

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

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

\$8.19

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

MICROFILMED
OCT 20 1994

RECEIVED

APR 05 1993

Department of Water Resources
Southern Region Office

3/26/93
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number A36-15834.

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

Please bill me for the copy charge.

Sincerely,


(Name)

1701 Las Vegas Blvd. South
(Address)

Las Vegas, Nevada 89104
(City, State, Zip Code)

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

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OCT 20 1994

Phone
^

(702) 364-1066

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

Bill Botsford
"The Mark Group"

1919 So. Jones Blvd. - Suite A
Las Vegas, NV 89102

2. SUBJECT OF INQUIRY:

Mr. Botsford has compared the areas of the
Plu of claims with the ownership records he has for these properties.
He found that claim 36-02002 (which was disallowed because
it was covered by 36-00098) was not in fact covered by
the phce of use description described by 36-00098.
He also is concerned that the reduction in diversion
rates is not warranted since some of the decrees
have priority dates which are prior to Idaho Power's
priority date. He referred to previous conversations with
Helen H. Thornton and has received explanatory letters
from Roxanne McCarthy and Kelly Christensen of IDWR.
He asked for copies of the original claims, a copy of
the 1932 Federal Decree and copies of the explanatory
correspondence.

3. RESPONSE TO INQUIRY:

I suggested he return notice of objection forms with the court
which he indicated was being done.

I will send him the copies he requested

4. IDWR STAFF AND DATE:

Robert Worstell

11/16 and 11/17/92

Print name and initial

ROBERT V. WORSTELL

R.V.W.

WATER RIGHT CLAIM (Nos.):

36-00097, 36-00098, 36-00141, 36-02002, +36-15384

MICROFILMED

OCT 20 1994

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

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

Case No. 36-15384

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

Petitioner,

vs.

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

Respondents.

OBJECTION

RECEIVED

MAY 04 1993

Department of Water Resources
Adjudication Bureau

I. GENERAL INFORMATION

1. Person objecting:

Name: United States of America,
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

Briefly describe your interest in this water right: The United States
holds water rights of many types in all reporting areas within the SRBA.

2. Owner of the water right:

Name: WIENS, M. J. JR. & SHARON FAMILY TRUST

Address: 1701 Las Vegas Blvd. South
Las Vegas, NV 89104

Name: COLLINS, E. A.

Address: 2933 Coastline Court
Las Vegas, NV 89117

Name: ARCHIE, JOSEPH PATRICK & SARAH ELLEN

Address: 3417 Williamsborough Court
Raleigh, NC 97609

Name: COOPER, ROSS & KATHLEEN

Address: 6773 Portshead Dr.
Malibu, CA 90265

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OCT 20 1994

Name: COOK, GARY CORP.

Address: 110 Newport Center Dr. #250
Newport Beach, CA 92660

Name: SLOPE COMPACTION, C/O MCCOY, DENNIS M.

Address: 23622 Calabasas Rd. #239
Calabasas, CA 91302

Name: SLOPE COMPACTION, C/O MCCOY, DONALD L.

Address: 23622 Calabasas Rd. #239
Calabasas, CA 91302

3. If this objection is filed by an attorney:

Attorney Name: David W. Harder
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-5784

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

Voluntary System
Department of Agriculture

WVA 0 1 1981

RECEIVED

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.
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 certain paragraphs of the general provisions in the Director's report as noted on the attached "Reasons Supporting Objections and Proposed Changes".

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 attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

CHANGES TO THE DIRECTOR'S REPORT

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

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

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OCT 20 1994

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

[X] 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.

REASONS SUPPORTING OBJECTIVES AND PROPOSED CHANGES - 8 Pages

ATTACHMENT A - 1 Page

VERIFICATION

In the District of Columbia,

The United States of America, being first duly sworn, upon oath, deposes and says:

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

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

Subscribed and sworn to before me this 29th day of April, 1993.

Notary Public for: [Signature]

Residing at: [Signature]

My Commission Expires: July 14, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 29th 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:

Name: WIENS, M. J. JR. & SHARON FAMILY TRUST

Address: 1701 Las Vegas Blvd. South
Las Vegas, NV 89104

Name: COLLINS, E. A.

Address: 2933 Coastline Court
Las Vegas, NV 89117

Name: ARCHIE, JOSEPH PATRICK & SARAH ELLEN

Address: 3417 Williamsborough Court
Raleigh, NC 97609

MICROFILMED

OCT 20 1994

Name: COOPER, ROSS & KATHLEEN

Address: 6773 Portshead Dr.
Malibu, CA 90265

Name: COOK, GARY CORP.

Address: 110 Newport Center Dr. #250
Newport Beach, CA 92660

Name: SLOPE COMPACTION, C/O MCCOY, DENNIS M.

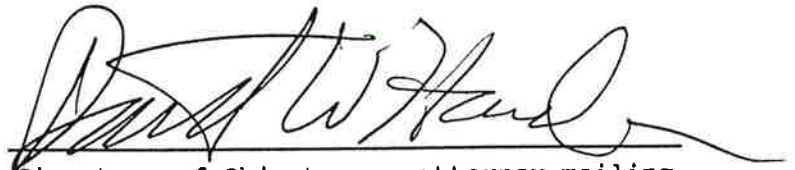
Address: 23622 Calabasas Rd. #239
Calabasas, CA 91302

Name: SLOPE COMPACTION, C/O MCCOY, DONALD L.

Address: 23622 Calabasas Rd. #239
Calabasas, CA 91302

3. One copy to:

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



Signature of Objector or attorney mailing
on Objector's behalf

11/16/92

1919 S. Jones Blvd Suite A
Las Vegas, NV. 89102

02002 9/9/2002
0098 1/1/2002

He ~~has had~~^{referred to} prior conversation with H. H. Thornton. They have received letters from Kelly Christensen and Roxanne McCarthy.

I told him it is now up to the court thru the objection process, but I could explain what we had found.

The Hagerman Water Users Assoc. OCT 20 1994
in contact with him

MICROFILMED

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES

WIENS, M. J. JR. & SHARON FAMILY TRUST

COLLINS, E. A.

ARCHIE, JOSEPH PATRICK & SARAH ELLEN

COOPER, ROSS & KATHLEEN

COOK, GARY CORP.

SLOPE COMPACTION, C/O MCCOY, DENNIS M.

SLOPE COMPACTION, C/O MCCOY, DONALD L.

CASE NO. 36-15384

1. NAME AND ADDRESS

The Director's Report indicates that the owners of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 15, T7S, R13E are Slope Compaction and Gary Cook Corporation. There is no information that indicates that any of the other entities identified above have an ownership interest in S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15, T7S, R13E.

3. QUANTITY

a. The total quantity of water used in cubic feet per second

The Director's Report recommends a maximum quantity of 10.1 cfs for 36-15384. This quantity includes 2.88 cfs for conveyance losses. This quantity is inappropriate for two reasons. First, the total quantity includes 3.1 cfs from right 36-00141. Right 36-00141 was decreed in the Sands vs. Dilatush decree of 1920 and superseded in its entirety by the 1932 decree. Secondly, there are ownership and priority date differences for the lands included in the place of use described for 36-15384.

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OCT 20 1994

Diversion Volume at Water Sources

The IDWR Director's Report fails to limit the total acre-feet of annual diversion from the water source for this right. The general provisions (Paragraph 13, Page 14) specify that the maximum acre-feet of water allowed annually at the field headgate is 4.0 acre-feet per acre. The only annual volume specified for this right is for consumptive use at the rate of 3.0 acre-feet per acre.

Since allowances are made in the peak diversion rate for (1) conveyance losses between the water source and field headgate and (2) the on-farm losses requiring more than 0.02 cfs/acre at the headgate, it can only be assumed that it is the Director's intention to allow similar unspecified increases in the annual diversion volume. The unquantified nature of the right, as described, is therefore unacceptable.

Conveyance Losses

The conveyance loss quantified by IDWR is inaccurate because of inappropriate use of the following parameters in the Worstell formula:

- Seepage rate values were typically estimated at two feet per day throughout the Hagerman Valley. Readily available soils data demonstrate that widely varying seepage rates actually exist.
- Water surface top width values throughout the Hagerman Valley were typically estimated at ten feet. There are wide variations in size between the various ditches and along their lengths.

IDWR's computerized analysis used to calculate conveyance loss values for these ditch systems could have been performed using the variable seepage rates and widths.

Flows In Excess of 0.02 cfs/Acre

The IDWR has contemplated that potential problems could result from a water right being decreed with a flow in excess of 0.02 cfs per acre. On March 14, 1983, the Administrator of the IDWR issued a memorandum (Adjudications Procedure No. 2) which addressed decreed flows in excess of 0.02 cfs per acre. The memo stated, in part, as follows:

"If an excessive flow is eventually decreed by the court for a water right in the adjudication process, the diversion in excess of .02 cfs per acre will not be subject to transfer to additional or new lands separately or as a part of the original water right without a specific showing that total consumptive use and effect on other water rights will be the same. Transfers of excessive flows to new lands will be reviewed under the same criteria as new applications for excessive flows. The amount beyond .02 cfs per acre cannot be changed to a new consumptive use. The excessive flow is appurtenant to specific land using the local historical irrigation practices and cannot through transfer or other means, be used to expand the water right beyond the original acreage and/or consumptive use."

If this right is granted with a maximum diversion rate in excess of 0.02 cfs per acre, a remark similar to the above quote should be included.

4. PRIORITY DATE

The New International Mortgage Bank vs. Idaho Power Company decree identifies a priority date of April 1, 1895 for only the N $\frac{1}{2}$ SW $\frac{1}{4}$ excepting the west five acres, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) excepting the west two acres, of Section 15, T7S, R13E. The same decree

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identifies a priority date of April 1, 1905 for the balance of the lands included within recommended right 36-15384.

9. PLACE OF USE

a. The legal description of the place of use

Recommended right 36-15384 purports to be a combination of old rights 36-00098 and 36-00141. Neither of these two rights describe Lot 3 ($NE\frac{1}{4}SE\frac{1}{4}$ and $SE\frac{1}{4}NE\frac{1}{4}$) of Section 16 and the $S\frac{1}{2}SW\frac{1}{4}$ of Section 15 as a designated place of use.

11. REMARKS

The remarks state that recommended right 36-15384 is a combination of old rights 36-00098 and 36-00141. This is not possible because 36-00141 was decreed in an adjudication prior to 1932 and superseded in its entirety by the 1932 decree.

12. WATER RIGHT RECOMMENDATION

a. This water right being recommended at all

This water right should not be recommended at all because the IDWR has combined a superseded right (36-00141) with 36-00098 to form recommended right 36-15384. Right 36-00141 was decreed in Martha Sands, et al. vs. Charles Dilatush, et al. in 1920. Right 36-00141 was decreed for Lot 5 ($SW\frac{1}{4}NW\frac{1}{4}$), $N\frac{1}{2}SW\frac{1}{4}$, and the $NW\frac{1}{4}SE\frac{1}{4}$ of Section 15, T7S, R13E. The decreed place of use for right 36-00141 is shown on Attachment A.

Right 36-00098 was decreed in New International Mortgage Bank vs. Idaho Power Company in 1932. Right 36-00098 was decreed for the $N\frac{1}{2}SW\frac{1}{4}$ excepting the west five acres, $SE\frac{1}{4}NW\frac{1}{4}$, and Lot 5 ($SW\frac{1}{4}NW\frac{1}{4}$) excepting the west two acres, of Section 15, T7S, R13E. The decreed place of use for right 36-00098 is shown on Attachment A.

The majority of the area described for 36-00141 is included within 36-00098. Those portions of 36-00141, not included within 36-00098, are included within 36-00097 and 36-00099 which were also decreed in 1932. The areas for these rights, as described in the 1932 decree, are also shown in Attachment A.

The water rights for the area, included within 36-00141, were replaced in their entirety by the rights decreed for 36-00097, 36-00098 and 36-00099. By a memorandum dated January 12, 1981, the state office of the IDWR informed the Southern Region and the appropriate decree files that the Sands vs. Dilatush decree was superseded by the New International Mortgage Bank vs. Idaho Power Company decree. The memorandum further specifically states that right numbers 36-00140 through 36-00152 were superseded.

The area included within recommended right 36-15384 better reflects a combination of the areas included within 36-00097, 36-00098 and 36-00101. All parties would be better served if these three rights were granted instead of 36-15384.

The basic elements of the three rights proposed for recommendation are as follows using 36-00097 as an example:

Recommended Water Right: 36-00097

Name and Address: Weins, et. al.

Source: As described for 36-15384

Quantity

A conveyance loss may also be appropriate for this right. If a conveyance loss is recommended, the methodology used to calculate the loss should use information regarding seepage specific to the soil mapping units crossed and ditch widths of the Sands Ditch.

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Flows In Excess of 0.02 cfs/Acre

The IDWR has contemplated that potential problems could result from a water right being decreed with a flow in excess of 0.02 cfs per acre. On March 14, 1983, the Administrator of the IDWR issued a memorandum (Adjudications Procedure No. 2) which addressed decreed flows in excess of 0.02 cfs per acre. The memo stated, in part, as follows:

"If an excessive flow is eventually decreed by the court for a water right in the adjudication process, the diversion in excess of .02 cfs per acre will not be subject to transfer to additional or new lands separately or as a part of the original water right without a specific showing that total consumptive use and effect on other water rights will be the same. Transfers of excessive flows to new lands will be reviewed under the same criteria as new applications for excessive flows. The amount beyond .02 cfs per acre cannot be changed to a new consumptive use. The excessive flow is appurtenant to specific land using the local historical irrigation practices and cannot through transfer or other means, be used to expand the water right beyond the original acreage and/or consumptive use."

If this right is granted with a maximum diversion rate in excess of 0.02 cfs per acre, a remark similar to the above quote should be included.

Priority Date: April 1, 1905

Point of Diversion: As described for 36-15384

Purpose of Use: As described for 36-15384

Period of Year: As described for 36-15384

Place of Use and Number of Irrigated Acres: T7S, R13E.

Section 15: Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) (West 2 acres) - 2 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ (West 5 acres) - 5 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 16: Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) - 18 acres

Consumptive Use: Based on 25 irrigated acres within the place of use the annual consumptive use should be limited to 75 afy.

14. OTHER

General Provision, CONJUNCTIVE ADMINISTRATION, Section 3, Page 10; General Provision, ADMINISTRATION OF GROUND WATER, Section 4, Page 10; General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER, Section 5, first paragraph, Page 10; General Provision, ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS, Section 6, Page 11: The U.S. objects to administration of federal water rights by the director to the extent that the director seeks authority beyond the scope of the waiver of sovereign immunity contained in the McCarran Amendment, 43 U.S.C. 666.

General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER, Section 5, first paragraph, Page 1-10: Regarding the second sentence, which begins "(i)nformation presently available," the United States is without sufficient information or knowledge to form a belief as to the truth of the sentence, and therefore it is denied. Regarding the third sentence, which begins "(w)hen the director," it is denied.

General Provision, MEASURING DEVICES AND CONTROL WORKS, Section 7, Page 11: The U.S. objects to administration of federal water rights by the director inconsistent with the McCarran

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Amendment. The U.S. further asserts that the director may not prescribe measuring devices and control works to be installed and maintained on federal property and the director may not prohibit or prevent the diversion of water to federal property for federal uses.

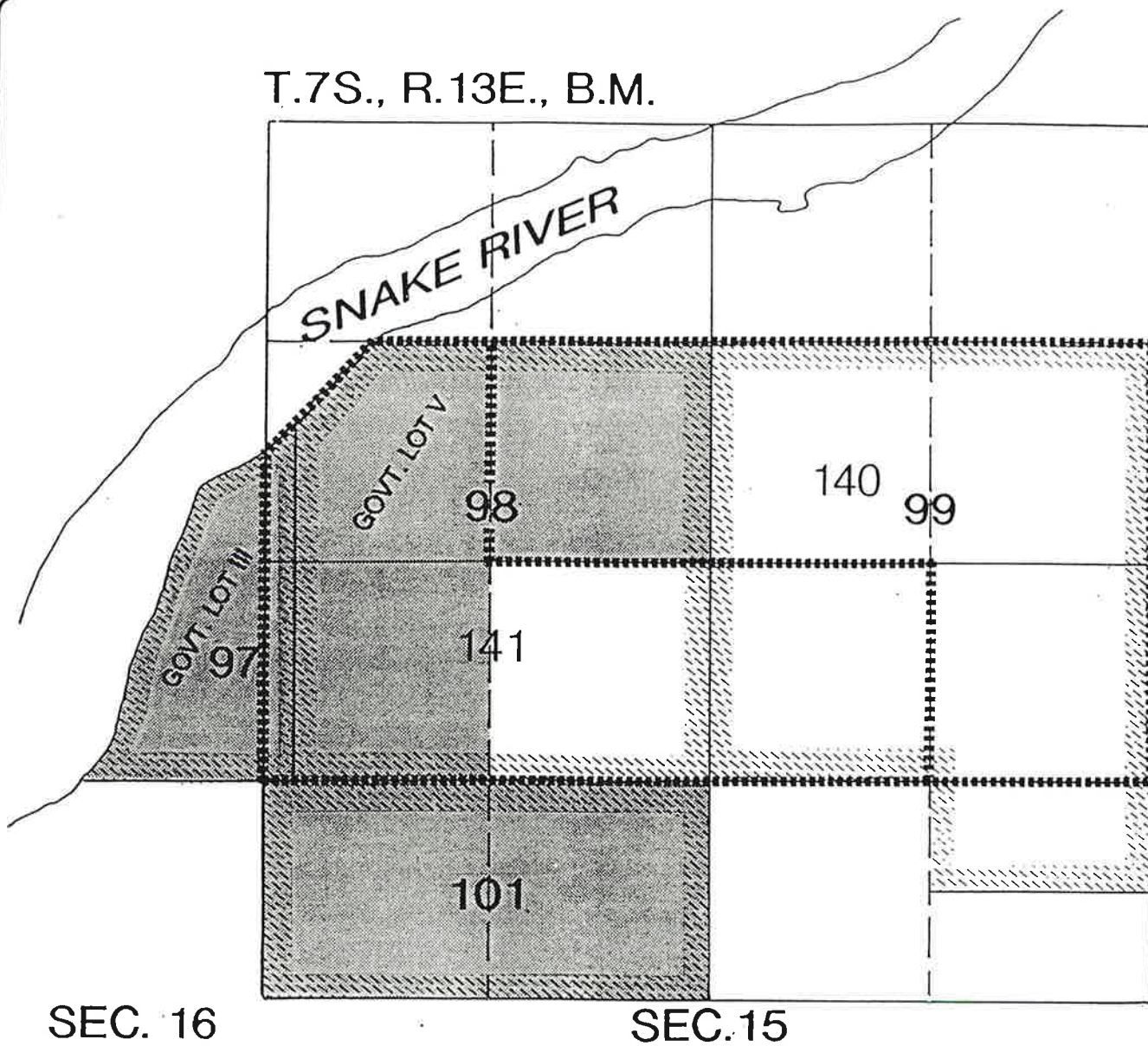
General Provision, IRRIGATION USE, Section 12, Paragraphs b.i.
- iii., Pages 13 & 14: all paragraphs are denied.

General Provision, IRRIGATION USE, Section 12, Paragraphs c.i.
- iii., Page 14: all paragraphs are denied.

General Provision, DIVERSION VOLUME FOR IRRIGATION, Section 13, Page 14: the last sentence is denied. The Director's Report fails to place a limit on the total quantity of water that can be diverted from the water source. Since the water commissioner is typically required to deliver water from the water source to the farm system, adequate allocation of available water cannot be accomplished without limits being set on the total annual diversion, as well as the peak flow rates that are specified in the Director's Report. This is needed to insure that water is beneficially used. The peak rate of diversion should be based on peak irrigation requirements. Non-peak portions of the irrigation season typically require less water. Therefore, peak diversions made throughout the season cannot be considered beneficial use of water.

General Provision, DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE, Section 16, Paragraph a, Page 15: Regarding the second sentence, which begins "For purposes," it is denied. Neither IDWR nor the claimant have demonstrated a reasonable and actual basis for a diversion rate in excess of .02 cfs per acre due to conveyance losses or field conditions. If a diversion rate in excess of 0.02 cfs per acre is allowed, it should be conditional as we recommend on page 3 of this document under the heading, "Flows in Excess of 0.02 cfs/acre".

T.7S., R.13E., B.M.



1992 RECOMMENDED RIGHT
36-15384



1932 DECREE RIGHTS 36-00097,
36-00098, 36-00099 & 36-00101



1911 DECREE RIGHTS
36-00140 & 36-00141

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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. A36-15384
(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,

36-15384 -0001/
93-04-0487

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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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: M.J. Wiens, Jr., et al

Address: 1701 Las Vegas Blvd. South

Las Vegas, NV 89104

Briefly describe your interest in this water right:

Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power

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

April 1, 1895 & Sands v. Dilatush, et al

2. Owner of the water right:

Name: M.J. & Sharon Wiens, Jr. Family Trust, A.E.
Collins, Joseph Patrick, Sarah Ellen Archie,
Ross & Kathleen Cooper, Gary Cook Corp. & Slope
Compaction Corp.

Address: 1701 Las Vegas Blvd. South

Las Vegas, NV 89104

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.

Box 9.a. IDWR has recommended disallowance in the NE1/4 SW1/4
of Sec. 15 and in the S1/2 SE1/4 of Sec. 16, T. 7 S. R. 13 EBM;
IDWR has also recommended that only 93 acres are irrigated when
in fact 143 are irrigated; 3, 3a & 10: IDWR recommends an
amount less than decreed &/or beneficially used. A reduction
in water right would constitute a taking.

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.

The report should be changed to comply with the right as
decreed and/or beneficially used, whichever is greater;
Remarks should be stricken after "Sands Ditch".

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 Nevada

County of Clark

M.J. Wiens, Jr., being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

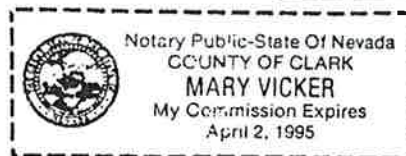
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and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

[Signature]
Signature of person filing objection

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

Subscribed and sworn to before me this 19th day of April,
1993.

[Signature]
Notary Public for Nevada
Residing at: Las Vegas
My Commission Expires: _____



(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name: M.J. Wiens, Jr., et al
Owner's address: 1701 Las Vegas Blvd. South
Las Vegas, NV 89104

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

(DRP-I at page 9)

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

and like statutes) protected by Section 14, Article 1, of the Idaho Constitution, and the Fifth Amendment to the United States Constitution, and allege that the actions of the Director in recommending, limiting and/or regulating said rights is an unconstitutional infringement upon and a taking of private property, without just compensation and violation thereof.

AFFIRMATIVE DEFENSE NO. 2

The adjudication authorization legislation, I.C. Section 42-1401, et seq., on its face and as applied by the Director and the Department constitutes an improper delegation of constitutional power and authority conferred upon the executive, legislative and/or judicial branches of government and as such violate the provisions governing separation of powers set forth in Article 2, Section 1, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 3

The procedure set forth in the adjudication authorization legislation, statutes, I.C. Section 42-1401, et seq., and any rules, regulations, procedures, policies or standards promulgated by the Director and/or the Department, if any, are vague and so lacking in reasonable specificity so as to render them impossible of reasonable comprehension, or consistent and meaningful application.

AFFIRMATIVE DEFENSE NO. 4

The procedures, rules, regulations, policies or standards, if any, adopted, implemented and applied by the Department and/or the Director violate the equal protection and due

process clauses of the Fourteenth Amendment, United States Constitution, and Article 1, Sections 2 and 13, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 5

The adjudication authorization legislation, Idaho Code Section 42-1401, et seq., and the actions of the Director and Department in recommending, limiting and/or regulating the objectors' water right constitutes a violation of 42 U.S.C. Section 1983.

AFFIRMATIVE DEFENSE NO. 6

The water right owned by the objectors is the subject of valid existing 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.

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

1. That the State of Idaho take nothing by reason of its Directors' Report, and that this action, and any claims asserted against objectors, be dismissed.
2. That a decree be entered adjudicating the existence, validity, amount and priority of objectors' water rights in accordance with objectors' claims.
3. That to the extent the acts of the Department or Director constitute a taking of objectors' property for public use, that objectors be allowed and awarded just compensation therefor.
4. That the objectors be allowed all costs of suit and reasonable attorney fees incurred herein.
5. For such further relief to which the Court finds objectors justly entitled.

(WATER\21530ANS)

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. 36-15384

RECEIVED

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

OBJECTION

MAY 04 1993

Department of Water Resources
Adjudication Bureau

Petitioner,

vs.

36-15384 -0002/
93-04-0488

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 objecting:

Name: United States of America,
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

Briefly describe your interest in this water right: The United States
holds water rights of many types in all reporting areas within the SRBA.

2. Owner of the water right:

Name: WIENS, M. J. JR. & SHARON FAMILY TRUST

Address: 1701 Las Vegas Blvd. South
Las Vegas, NV 89104

Name: COLLINS, E. A.

Address: 2933 Coastline Court
Las Vegas, NV 89117

Name: ARCHIE, JOSEPH PATRICK & SARAH ELLEN

Address: 3417 Williamsborough Court
Raleigh, NC 97609

Name: COOPER, ROSS & KATHLEEN

Address: 6773 Portshead Dr.
Malibu, CA 90265

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Name: COOK, GARY CORP.

Address: 110 Newport Center Dr. #250
Newport Beach, CA 92660

Name: SLOPE COMPACTION, C/O MCCOY, DENNIS M.

Address: 23622 Calabasas Rd. #239
Calabasas, CA 91302

Name: SLOPE COMPACTION, C/O MCCOY, DONALD L.

Address: 23622 Calabasas Rd. #239
Calabasas, CA 91302

3. If this objection is filed by an attorney:

Attorney Name: David W. Harder
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-5784

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

RECEIVED
DEPARTMENT OF JUSTICE
ENVIRONMENT AND NATURAL RESOURCES DIVISION

NOV 10 1981

RECEIVED

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.
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 certain paragraphs of the general provisions in the Director's report as noted on the attached "Reasons Supporting Objections and Proposed Changes".

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 attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

CHANGES TO THE DIRECTOR'S REPORT

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

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

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

[X] 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.

REASONS SUPPORTING OBJECTIVES AND PROPOSED CHANGES - 8 Pages

ATTACHMENT A - 1 Page

VERIFICATION

In the District of Columbia,

The United States of America, being first duly sworn, upon oath, deposes and says:

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

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

Subscribed and sworn to before me this 29th day of April, 1993.

[Signature]
Notary Public for: District of Columbia
Residing at: District of Columbia
My Commission Expires: July 14, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 29th 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:

Name: WIENS, M. J. JR. & SHARON FAMILY TRUST

Address: 1701 Las Vegas Blvd. South
Las Vegas, NV 89104

Name: COLLINS, E. A.

Address: 2933 Coastline Court
Las Vegas, NV 89117

Name: ARCHIE, JOSEPH PATRICK & SARAH ELLEN

Address: 3417 Williamsborough Court
Raleigh, NC 97609

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Name: COOPER, ROSS & KATHLEEN

Address: 6773 Portshead Dr.
Malibu, CA 90265

Name: COOK, GARY CORP.

Address: 110 Newport Center Dr. #250
Newport Beach, CA 92660

Name: SLOPE COMPACTION, C/O MCCOY, DENNIS M.

Address: 23622 Calabasas Rd. #239
Calabasas, CA 91302

Name: SLOPE COMPACTION, C/O MCCOY, DONALD L.

Address: 23622 Calabasas Rd. #239
Calabasas, CA 91302

3. One copy to:

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



Signature of Objector or attorney mailing
on Objector's behalf

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES

WIENS, M. J. JR. & SHARON FAMILY TRUST

COLLINS, E. A.

ARCHIE, JOSEPH PATRICK & SARAH ELLEN

COOPER, ROSS & KATHLEEN

COOK, GARY CORP.

SLOPE COMPACTION, C/O MCCOY, DENNIS M.

SLOPE COMPACTION, C/O MCCOY, DONALD L.

CASE NO. 36-15384

1. NAME AND ADDRESS

The Director's Report indicates that the owners of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 15, T7S, R13E are Slope Compaction and Gary Cook Corporation. There is no information that indicates that any of the other entities identified above have an ownership interest in S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15, T7S, R13E.

3. QUANTITY

a. The total quantity of water used in cubic feet per second

The Director's Report recommends a maximum quantity of 10.1 cfs for 36-15384. This quantity includes 2.88 cfs for conveyance losses. This quantity is inappropriate for two reasons. First, the total quantity includes 3.1 cfs from right 36-00141. Right 36-00141 was decreed in the Sands vs. Dilatush decree of 1920 and superseded in its entirety by the 1932 decree. Secondly, there are ownership and priority date differences for the lands included in the place of use described for 36-15384.

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Diversion Volume at Water Sources

The IDWR Director's Report fails to limit the total acre-feet of annual diversion from the water source for this right. The general provisions (Paragraph 13, Page 14) specify that the maximum acre-feet of water allowed annually at the field headgate is 4.0 acre-feet per acre. The only annual volume specified for this right is for consumptive use at the rate of 3.0 acre-feet per acre.

Since allowances are made in the peak diversion rate for (1) conveyance losses between the water source and field headgate and (2) the on-farm losses requiring more than 0.02 cfs/acre at the headgate, it can only be assumed that it is the Director's intention to allow similar unspecified increases in the annual diversion volume. The unquantified nature of the right, as described, is therefore unacceptable.

Conveyance Losses

The conveyance loss quantified by IDWR is inaccurate because of inappropriate use of the following parameters in the Worstell formula:

- Seepage rate values were typically estimated at two feet per day throughout the Hagerman Valley. Readily available soils data demonstrate that widely varying seepage rates actually exist.
- Water surface top width values throughout the Hagerman Valley were typically estimated at ten feet. There are wide variations in size between the various ditches and along their lengths.

IDWR's computerized analysis used to calculate conveyance loss values for these ditch systems could have been performed using the variable seepage rates and widths.

Flows In Excess of 0.02 cfs/Acre

The IDWR has contemplated that potential problems could result from a water right being decreed with a flow in excess of 0.02 cfs per acre. On March 14, 1983, the Administrator of the IDWR issued a memorandum (Adjudications Procedure No. 2) which addressed decreed flows in excess of 0.02 cfs per acre. The memo stated, in part, as follows:

"If an excessive flow is eventually decreed by the court for a water right in the adjudication process, the diversion in excess of .02 cfs per acre will not be subject to transfer to additional or new lands separately or as a part of the original water right without a specific showing that total consumptive use and effect on other water rights will be the same. Transfers of excessive flows to new lands will be reviewed under the same criteria as new applications for excessive flows. The amount beyond .02 cfs per acre cannot be changed to a new consumptive use. The excessive flow is appurtenant to specific land using the local historical irrigation practices and cannot through transfer or other means, be used to expand the water right beyond the original acreage and/or consumptive use."

If this right is granted with a maximum diversion rate in excess of 0.02 cfs per acre, a remark similar to the above quote should be included.

4. PRIORITY DATE

The New International Mortgage Bank vs. Idaho Power Company decree identifies a priority date of April 1, 1895 for only the N $\frac{1}{2}$ SW $\frac{1}{4}$ excepting the west five acres, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) excepting the west two acres, of Section 15, T7S, R13E. The same decree

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identifies a priority date of April 1, 1905 for the balance of the lands included within recommended right 36-15384.

9. PLACE OF USE

a. The legal description of the place of use

Recommended right 36-15384 purports to be a combination of old rights 36-00098 and 36-00141. Neither of these two rights describe Lot 3 ($NE\frac{1}{4}SE\frac{1}{4}$ and $SE\frac{1}{4}NE\frac{1}{4}$) of Section 16 and the $S\frac{1}{2}SW\frac{1}{4}$ of Section 15 as a designated place of use.

11. REMARKS

The remarks state that recommended right 36-15384 is a combination of old rights 36-00098 and 36-00141. This is not possible because 36-00141 was decreed in an adjudication prior to 1932 and superseded in its entirety by the 1932 decree.

12. WATER RIGHT RECOMMENDATION

a. This water right being recommended at all

This water right should not be recommended at all because the IDWR has combined a superseded right (36-00141) with 36-00098 to form recommended right 36-15384. Right 36-00141 was decreed in Martha Sands, et al. vs. Charles Dilatush, et al. in 1920. Right 36-00141 was decreed for Lot 5 ($SW\frac{1}{4}NW\frac{1}{4}$), $N\frac{1}{2}SW\frac{1}{4}$, and the $NW\frac{1}{4}SE\frac{1}{4}$ of Section 15, T7S, R13E. The decreed place of use for right 36-00141 is shown on Attachment A.

Right 36-00098 was decreed in New International Mortgage Bank vs. Idaho Power Company in 1932. Right 36-00098 was decreed for the $N\frac{1}{2}SW\frac{1}{4}$ excepting the west five acres, $SE\frac{1}{4}NW\frac{1}{4}$, and Lot 5 ($SW\frac{1}{4}NW\frac{1}{4}$) excepting the west two acres, of Section 15, T7S, R13E. The decreed place of use for right 36-00098 is shown on Attachment A.

The majority of the area described for 36-00141 is included within 36-00098. Those portions of 36-00141, not included within 36-00098, are included within 36-00097 and 36-00099 which were also decreed in 1932. The areas for these rights, as described in the 1932 decree, are also shown in Attachment A.

The water rights for the area, included within 36-00141, were replaced in their entirety by the rights decreed for 36-00097, 36-00098 and 36-00099. By a memorandum dated January 12, 1981, the state office of the IDWR informed the Southern Region and the appropriate decree files that the Sands vs. Dilatush decree was superseded by the New International Mortgage Bank vs. Idaho Power Company decree. The memorandum further specifically states that right numbers 36-00140 through 36-00152 were superseded.

The area included within recommended right 36-15384 better reflects a combination of the areas included within 36-00097, 36-00098 and 36-00101. All parties would be better served if these three rights were granted instead of 36-15384.

The basic elements of the three rights proposed for recommendation are as follows using 36-00097 as an example:

Recommended Water Right: 36-00097

Name and Address: Weins, et. al.

Source: As described for 36-15384

Quantity

A conveyance loss may also be appropriate for this right. If a conveyance loss is recommended, the methodology used to calculate the loss should use information regarding seepage specific to the soil mapping units crossed and ditch widths of the Sands Ditch.

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Flows In Excess of 0.02 cfs/Acre

The IDWR has contemplated that potential problems could result from a water right being decreed with a flow in excess of 0.02 cfs per acre. On March 14, 1983, the Administrator of the IDWR issued a memorandum (Adjudications Procedure No. 2) which addressed decreed flows in excess of 0.02 cfs per acre. The memo stated, in part, as follows:

"If an excessive flow is eventually decreed by the court for a water right in the adjudication process, the diversion in excess of .02 cfs per acre will not be subject to transfer to additional or new lands separately or as a part of the original water right without a specific showing that total consumptive use and effect on other water rights will be the same. Transfers of excessive flows to new lands will be reviewed under the same criteria as new applications for excessive flows. The amount beyond .02 cfs per acre cannot be changed to a new consumptive use. The excessive flow is appurtenant to specific land using the local historical irrigation practices and cannot through transfer or other means, be used to expand the water right beyond the original acreage and/or consumptive use."

If this right is granted with a maximum diversion rate in excess of 0.02 cfs per acre, a remark similar to the above quote should be included.

Priority Date: April 1, 1905

Point of Diversion: As described for 36-15384

Purpose of Use: As described for 36-15384

Period of Year: As described for 36-15384

Place of Use and Number of Irrigated Acres: T7S, R13E.

Section 15: Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) (West 2 acres) - 2 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ (West 5 acres) - 5 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 16: Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) - 18 acres

Consumptive Use: Based on 25 irrigated acres within
the place of use the annual
consumptive use should be limited to
75 afy.

14. OTHER

General Provision, CONJUNCTIVE ADMINISTRATION, Section 3, Page 10;
General Provision, ADMINISTRATION OF GROUND WATER, Section 4, Page
10; General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE
SNAKE RIVER, Section 5, first paragraph, Page 10; General
Provision, ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS,
Section 6, Page 11: The U.S. objects to administration of federal
water rights by the director to the extent that the director seeks
authority beyond the scope of the waiver of sovereign immunity
contained in the McCarran Amendment, 43 U.S.C. 666.

General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE
SNAKE RIVER, Section 5, first paragraph, Page 1-10: Regarding the
second sentence, which begins "(i)nformation presently available,"
the United States is without sufficient information or knowledge to
form a belief as to the truth of the sentence, and therefore it is
denied. Regarding the third sentence, which begins "(w)hen the
director," it is denied.

General Provision, MEASURING DEVICES AND CONTROL WORKS,
Section 7, Page 11: The U.S. objects to administration of federal
water rights by the director inconsistent with the McCarran

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Amendment. The U.S. further asserts that the director may not prescribe measuring devices and control works to be installed and maintained on federal property and the director may not prohibit or prevent the diversion of water to federal property for federal uses.

General Provision, IRRIGATION USE, Section 12, Paragraphs b.i.

- iii., Pages 13 & 14: all paragraphs are denied.

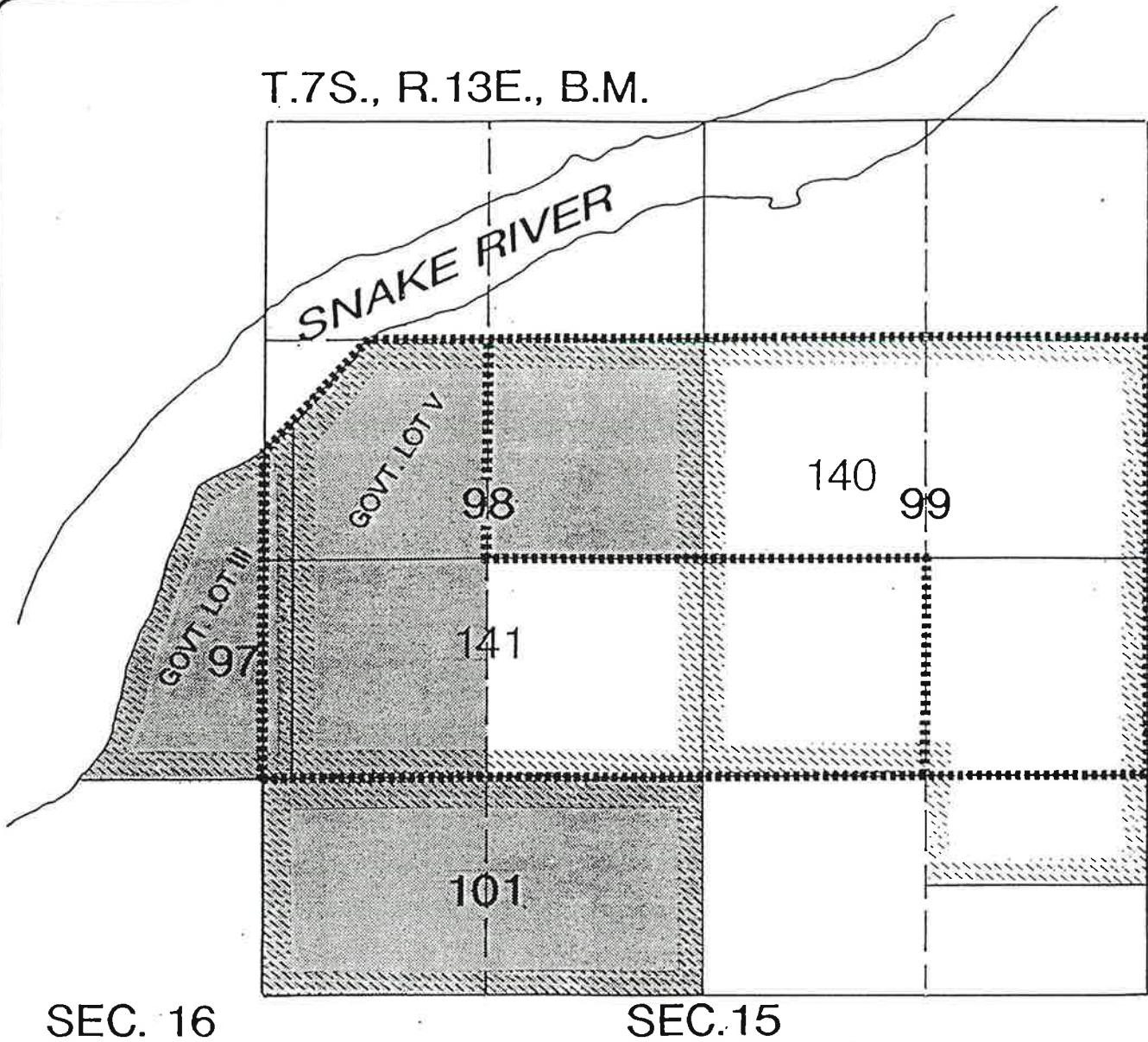
General Provision, IRRIGATION USE, Section 12, Paragraphs c.i.

- iii., Page 14: all paragraphs are denied.

General Provision, DIVERSION VOLUME FOR IRRIGATION, Section 13, Page 14: the last sentence is denied. The Director's Report fails to place a limit on the total quantity of water that can be diverted from the water source. Since the water commissioner is typically required to deliver water from the water source to the farm system, adequate allocation of available water cannot be accomplished without limits being set on the total annual diversion, as well as the peak flow rates that are specified in the Director's Report. This is needed to insure that water is beneficially used. The peak rate of diversion should be based on peak irrigation requirements. Non-peak portions of the irrigation season typically require less water. Therefore, peak diversions made throughout the season cannot be considered beneficial use of water.

General Provision, DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE, Section 16, Paragraph a, Page 15: Regarding the second sentence, which begins "For purposes," it is denied. Neither IDWR nor the claimant have demonstrated a reasonable and actual basis for a diversion rate in excess of .02 cfs per acre due to conveyance losses or field conditions. If a diversion rate in excess of 0.02 cfs per acre is allowed, it should be conditional as we recommend on page 3 of this document under the heading, "Flows in Excess of 0.02 cfs/acre".

T.7S., R.13E., B.M.



1992 RECOMMENDED RIGHT
36-15384



1932 DECREE RIGHTS 36-00097,
36-00098, 36-00099 & 36-00101



1911 DECREE RIGHTS
36-00140 & 36-00141

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OCT 20 1994

HKA ASSOCIATES
ENGINEERS • PLANNERS

3M137.173 | APRIL 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 5, 1993

RECEIVED

JAN 08 1993

Department of Water Resources
Southern Region Office

Patrick D. Brown
Hepworth, Nungester and Lezamiz Chtd.
P.O. Box 389
Twin Falls, ID 83303-0389

Re: Snake River Basin Adjudication, Twin Falls County Case No. 39576

Dear Mr. Brown:

In response to your request in your letter dated December 29, 1992, I am writing to confirm that our records have been updated to reflect Clear Springs Trout Company's name change to Clear Springs Foods, Inc.

The records for the following claim numbers have been updated to reflect this change:

36-02048	36-07218	A36-07148
36-02703	36-07568	A36-07151
36-02708	A36-02048	A36-07201
36-04013A	A36-02703	A36-07218
36-04013B	A36-02708	A36-07568
36-04013C	A36-04013A	A47-13466
36-07040	A36-04013B	A47-13467
36-07083	A36-04013C	A47-13468
36-07148	A36-07040	A47-13469
36-07151	A36-07083	A47-13470
36-07201		

Thank you for sending a copy of the Certificate of Amendment of Clear Springs Trout Company filed with the Secretary of State. If you have any further questions regarding this matter, please call me at 327-5444.

Sincerely,

Jodi I. Schultz
JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

cc: Judy Givens, IDWR Southern Region Office

MICROFILMED

OCT 20 1994

A



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 2, 1992

Timothy J. Hanifen
Clear Springs Trout Company
P.O. Box 712
Buhl, Idaho 83316

RE: Response to Notices of Error in Snake River Basin
Adjudication for Rights: 36-02048, 36-02703, 36-02708,
36-04013A, 36-04013B, 36-04013C, 36-07040, 36-07083,
36-07148, 36-07218, & 36-07568

Dear Mr. Hanifen:

This letter is in response to the remaining Notices of Error you submitted on your claims in Basin 36. The following will outline our recommendations per item.

Diversion Volume

Claim numbers: 36-07148 & 36-07040

The diversion volumes which were included on both of these rights are being removed from the recommendations. Both of the diversion volumes were added to the rights in error. Diversion volume is not a necessary element of a water right if the source of the water is surface water.

Claim number: 36-02708

The diversion volume is not being removed from this recommendation. This right is based on a license for which a diversion volume was described. Since a diversion volume was included in the original license, it may not be removed at this time.

Facility Volume

Claim numbers: 36-02048, 36-02703, 36-02708, 36-04013A, 36-04013B, 36-04013C, 36-07040, 36-07083, 36-07148, 36-07218, & 36-07568

Based on our understanding of the law, the facility volume associated with the priority date of a water right is an essential element of that right. Any expansion of the facility volume would require the appropriation of a new water right. We have used all available information in an attempt to recommend a facility volume which correctly describes the volume for the date pertaining to each right.

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OCT 28 1993
EXHIBIT 8

Diversion Rate

Claim numbers: 36-02048, 36-02703, 36-04013A, 36-04013B, & 36-04013C

The combined diversion rate for these rights was recommended as 116.0 cfs because the highest record of flow rate which you supplied for your Snake River Hatchery was 116.0 cfs. The 1.67 cfs licensed under 36-07148 flows into one of the pipes leading to the hatchery before the measuring device measures the flow through that pipe. Because of this, that 1.67 cfs then becomes a part of the flow for which you have submitted records. Unless evidence of greater flow rates is submitted to us by October 16, 1992, the recommendation will remain the same.

You will be sent notice of the Director's final recommendation to the court and if you disagree with this final recommendation, you may file an objection with the court. The objection process will be explained when you receive your final recommendation.

Sincerely,

Marci Sterling

Marci Sterling
Engineering Specialist (EIT)

MICROFILMED
JAN 28 1993
OCT 20 1994



U.S. Department of Justice

Environment and Natural Resources Division

HM:DWharder:cya
90-6-2-63

Washington, D.C. 20530

RECEIVED

MAY 04 1993

April 29, 1993

Department of Water Resources
Adjudication Bureau

BY OVERNIGHT DELIVERY

Diana R. Delaney, Deputy Clerk
State of Idaho District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303
(208) 736-2121 (telefax)

Dear Ms. Delaney:

Re: In re: General Adjudication of Rights to the Use
of Water from the Snake River Basin Water System
Civil No. 39576.

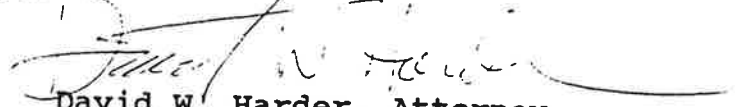
Please find attached for filing the original of the United States' Objections to the following water rights: Rangen, Inc. (36-00134B); Walter and Margaret Candy (36-00134A); City of Rupert (36-04075); City of Jerome (36-15361); Ray L. Commons (36-07646); City of Burley (36-04080); Buckeye Farms, Inc. (36-00001); Buckeye Farms, Inc. (36-00003H); Doyt H. and Roxi J. Simcoe (36-00003F); Big Spring Water Users Assn. (36-00022); City of Hagerman (36-02465); Billingsley Creek Ranch (36-00046); Big Bend Irrigation & Mining Co. (36-00133); Big Bend Irrigation & Mining Co. (36-00192); M.J. Wiens, Jr. & Sharon Family Trust, E.A. Collins, Joseph Patrick & Sarah Ellen Archie, Ross & Kathleen Cooper, Gary Cook Corp., Slope Compaction, c/o Dennis M. McCoy, Slope Compaction, c/o Donald L. McCoy (36-15384); State of Idaho (Department of Fish and Game) (36-00012); Flying Triangle, Inc. (36-00030); Nevada B. Omohundro (36-00043A); Shelby Wise and Joan Wise (36-00084); Fred L. Mavencamp and V. John Mavencamp (36-00104A); Sharlene Smith and Ronnie D. Smith (36-00104B); United States (Fish and Wildlife Service) (36-15450); and United States Fish and Wildlife Service (36-15452).

Thank you for your assistance in this matter. If there are any questions, please contact me at (202) 272-5784.

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OCT 20 1994

Sincerely,



David W. Harder, Attorney
Department of Justice
Environment & Natural
Resources Division
Indian Resources Section
P.O. Box 44378
Washington, D.C. 20026-4378

Enclosures

cc: Service List
Ron Billstein
Jack Haugrud, Esquire
Susan Driver, Esquire
Bob Fenton
Acumenics Document Center

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OCT 20 1994

GRADED BORDER EVALUATION

Job name: REVISE OLD COOK PLACE
By: ADM

Location: JSK 91AC 7DAY ROT
Date: Sep 7, 1993

Roughness coefficient (n)= 0.250

Intake family (If)=1.50

Slope (S)= 0.0100 ft/ft

Border width (W)= 373 ft

Net application (Fn)= 1.80 inches

Border length (L)= 506 ft

Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
7.00	Gross depth	is less than required gross application depth				
7.01	Gross depth	is less than required gross application depth				
7.02	Gross depth	is less than required gross application depth				
7.03	Gross depth	is less than required gross application depth				
7.04	Gross depth	is less than required gross application depth				
7.05	Gross depth	is less than required gross application depth				
7.06	Gross depth	is less than required gross application depth				
7.07	0.019	12.95	11.13	0.02	13.9	
7.08	0.019	12.96	11.13	0.03	13.9	
7.09	0.019	12.98	11.13	0.05	13.9	
7.10	0.019	13.00	11.13	0.07	13.8	

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To Carter Fritschle	From Allen Merritt	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

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OCT 20 1994

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

RECEIVED

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

JAN 28 1985

MEMORANDUM

Department of Water Resources
Southern District Office

TO: Southern Region and Decree Files 36-A1, 36-CS and 36-DS
FROM: Roberta Garrett *RG*
THROUGH: Dave Tuthill *DT*
DATE: January 12, 1981
SUBJECT: Decrees Superceded by New International Mortgage Bank vs. Idaho Power Co., et al.

It has been determined that the following named decrees with assigned right numbers were superceded in the case of New International Mortgage Bank vs. Idaho Power Co., et al. dated March 22, 1932. File No. 36-A.

Decree File No. 36-A1 changed to 36-A1X

Martha A. Sands, et al. vs. Charles N. Dilatush, et al. dated April 23, 1920 -- Right numbers superceded:

36-0140 through 36-0152

Decree File No. 36-CS changed to 36-CSX

Albert H. Brailsford, et al. vs. Nellie Payne Johnson, et al., dated September 20, 1920 -- Right numbers superceded:

36-0166 through 36-0174

Decree File No. 36-DS changed to 36-DSX

Frank Vader vs. J. H. Smith dated January 13, 1919 -- Right number superceded:

36-0175

Daniel Jones and Guy Lemmon vs. Walter Cook, et al. and Jacob Jacobsen vs. George Durfee, et al., dated May 25, 1911 -- Right numbers superceded:

36-0176 through 36-0191

36-0193, 36-0197 and 36-0198

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OCT 20 1994

FEB 1 1985

IDWR

info from Decree file 36-A

7-20-93 su

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 09 1993

AUG-24-1992

NOTICE OF ERROR FORM

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

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

RECEIVED

SEP 24 1992

Department of Water Resources

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

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

1. Water right number: 36-15384

RECEIVED

SEP 28 1992

2. Name: M. J. and Sharon Wiens Jr., Family Trust

Department of Water Resources

Statehouse Mail - 83720

Address: 1701 Las Vegas Blvd., South
Las Vegas, Nevada 89104

Weekday Telephone Number: (702) 732-2382

MICROFILMED

FEB 09 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:
See attached.

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

5. Describe why you disagree with the proposed recommendation:
See attached.

6. Date:

SIGNATURE

A handwritten signature in black ink, appearing to be "J. H. [unclear]", written over a horizontal line.

- 1) Water Right Number 36-15384
- 2) M.J. and Sharon Wiens Jr., Family Trust
1701 Las Vegas Boulevard South
Las Vegas, NV 89104
Week Day Phone: (702) 732-2382
- 3) We disagree with all portions of the proposed recommendation.
- 4) Amend the proposed recommendation to leave the water right unchanged from the present conditions (manner and plan of use, quantity, source, point of diversion, and any other relevant particulars).
- 5) Although right 36-15384 as recommended combines 36-00098 with 36-00141, the proposed action reduces the water rights by 3 cfs and represents a 23 percent reduction in water rights of the permit holder. In conjunction with other recommended disallowals and combining of water rights (reference: proposed action under water rights 36-00097, 36-02002, 36-00098, 36-00141), the overall water reduction proposed for water right 36-15384, amounts to 5 cfs or 286 AFY. This represents a 33% reduction for the subject water rights, and lessens property value for ongoing uses (recreation, irrigation, domestic). Furthermore, no reason for the disallowal is stated and we feel this is procedurally faulty on the part of IDWR .

RECEIVED

SEP 24 1992

Department of Water Resources

RECEIVED

SEP 28 1992

Department of Water Resources
Southern Region Office

MICROFILMED
FEB 09 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

October 19, 1992

M J AND SHARON WIENS JR FAMILY TRUST
1701 LAS VEGAS BLVD SOUTH
LAS VEGAS NV 89104

Re: Snake River Basin Adjudication (SRBA)
Notice of Error Response
Recommended Right Nos. 36-00097 and 36-15384

Dear Claimants,

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

You have requested an increase in the amount of water recommended for diversion under these rights. Our investigation included consideration of your soil types, irrigation methods and the established weather and crop correlations as identified by local research. The amount of water recommended for your water rights is the amount determined to be adequate for the beneficial use you have described. No further increase will be recommended without evidence to support the beneficial use of additional flows.

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

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

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:rm

MICROFILMED
FEB 09 1993

R PROOF



CVR



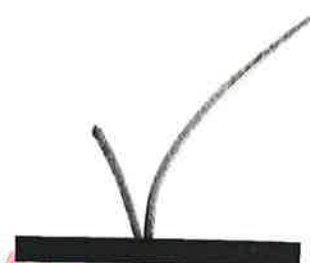
MAPS



PHOTOS



MISC



MICROFILMED
FEB 09 1993

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

VERIFIED BY WJG 08/18/92 11:07:40
Page 1

Water Right Number - R36-15384

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***
SLOPE COMPACTION

COLLINS

E A

1 - A CALIFORNIA CORP
2 - C/O DONALD L MCCOY
3 - 23622 CALABASAS RD #239
City- CALABASAS
Phone - 208-000-0000
1 - 2933 COASTLINE COURT
2 -
3 -

State- CA Zip- 91302

M J AND SHARON WIENS JR FAMILY TRUST

City- LAS VEGAS
Phone - 208-000-0000
1 - 1701 LAS VEGAS BLVD SOUTH
2 -
3 -

State- NV Zip- 89117

COOPER

ROSS

City- LAS VEGAS
Phone - 208-000-0000
1 - 6773 PORTSHEAD DR
2 -
3 -

State- NV Zip- 89104

SLOPE COMPACTION

City- MALIBU
Phone - 208-000-0000
1 - A CALIFORNIA CORP
2 - C/O DENNIS M MCCOY
3 - 23622 CALABASAS RD #239

State- CA Zip- 90265

ARCHIE

JOSEPH PATRICK

City- CALABASAS
Phone - 208-000-0000
1 - 3417 WILLIAMSBOROUGH COURT
2 -
3 -

State- CA Zip- 91302

COOPER

KATHLEEN

City- RALEIGH
Phone - 208-000-0000
1 - 6773 PORTSHEAD DR
2 -
3 -

State- NC Zip- 97609

GARY COOK CORP

City- MALIBU
Phone - 208-000-0000
1 - A CALIFORNIA CORP
2 - 110 NEWPORT CENTER DR #250
3 -

State- CA Zip- 90265

ARCHIE

SARAH ELLEN

City- NEWPORT BEACH
Phone - 208-000-0000
1 - 3417 WILLIAMSBOROUGH COURT
2 -
3 -

State- CA Zip- 92660

City- RALEIGH
Phone - 208-000-0000

State- NC Zip- 97609

+ - - Priority Date - - +
04/01/1895

+ - - - Region - - - +
17 SOUTHERN

+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

MICROFILMED
FEB 09 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)08/18/92 11:07:40
Page 2

Water right number - R36-15384

Prefix Translation: RESEARCH

+ - - - - Source - - - - - +
BILLINGSLEY CREEK

+ - - - - Tributary - - - - - +
SNAKE RIVER

Twn	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	County
07S	13E	11	NW SW NE			(47) GOODING	

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	10.100	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +	
10.100				279.0	
				+ - KW Usage - +	

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	15	SW NW	5	13.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SE NW		1.0	01	IRRIGATION	(47) GOODING
07S	13E	15	NW SW		33.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SW SW		18.0	01	IRRIGATION	(47) GOODING
07S	13E	15	SE SW		10.0	01	IRRIGATION	(47) GOODING
07S	13E	16	NE SE		18.0	01	IRRIGATION	(47) GOODING

Total Acres: 93.0

+ - - Diversion Means - VIA SANDS DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
WATER IS DELIVERED THROUGH SANDS DITCH.
2.88 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 36-07229.
A DIVERSION RATE OF 7.22 CFS AT THE FIELD HEADGATE IS RECOM-
MENDED FOR THE PLACE OF USE DESCRIBED ABOVE.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00098 AND
36-00141.

Old Water Right Numbers
3600098
3600141

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

MICROFILMED
FEB 09 1993

0.078 cfs/ac

+ - Decree Date - 00/00/0000

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/18/1992	Old Judicial District	-
Claim Received Date	- 08/18/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001534	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

Memo to File

HHT 8/4/92

Claims A36-00098 (7.0 cfs) and A36-00141 (6.00) have been combined and recommended as R36-15384. Both rights are diverted from Sands Ditch, have priority date of 4/1/1895, and irrigate a total of 93 acres as shown in the respective CVPS. Actual breakdown of the diversion rates is as follows

Div. Rate allowed by Irrigation Analysis	<u>7.22</u>
A36-00098 (limited by amt claimed)	7.00
A36-00141 (balance of div. rate)	0.22
A36-00141 (conveyance loss)	<u>2.88</u>
R36-15384	<u>10.1 cfs</u>

w/ Remarks

FO1 - Sands Ditch

DO2 - 2.88 cfs

P15 - 36-00098 & 36-00141

SHR - 7.22

MICROFILMED
FEB 09 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:19:12
06/29/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00098

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			8-20-90 sa	N				
POINT OF DIV	Y		1-22-91 SCC	Y	1,5			
SOURCE				N				
PLACE OF USE	Y			Y	1,2,4,5			
DIV. AMOUNT CFS/VOLUME				Y				
CONSUMPTIVE USE	-			Y				
PURPOSES				Y				
PERIOD OF USE	Y			N				
BASIS OF CLAIM				N				
REMARKS				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.

MICROFILMED
FEB 09 1993

FROM STEVE CLELLAND

DATE 2-6-4

6-9
MICROFILMED
FEB 09 1993

TO *Dick Cook FILES*

SUBJECT CHANGE IN NATURE OF USE

after reviewing the old decrees + the newer licenses for this water it appears the nature of use has changed over time. The Decree allows 0.04 cfs/acre for irrigation, which can be supplied by WR claim A36-00098 alone. The remaining water is not used for irrigation but licensed now for wildlife/fish uses.

8/4/92 - Recommended 36-0041
for balance of Irrigation Analysis Rate
and conveyance loss.

Steve Clark
SIGNATURE

D WIENS *Tire and Auto Centers*

1 Las Vegas Blvd. South
Las Vegas, Nevada 89104

ADDRESS CORRECTION REQUESTED

DATA LAG VEGH5 HV DCR#4 041153 2008

RECEIVED

APR 16 1993

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPT OF WATER RESOURCES
222 SHOSHONE ST. EAST
TWIN FALLS, ID 83301



TED WIENS Tire and

1701 Las Vegas Blvd. South
Las Vegas, Nevada 89104

ADDRESS CORRECTION REQUESTED

WIENS
1701 L.V. Blvd So.
LAS VEGAS, NV 89104



RECEIVED

APR 05 1993

Department of Water Resources
Southern Region Office

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

MICROFILMED
OCT 20 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:19:12
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00098

LAST: COOK
ADDRESS: RT. 1 BOX 22
CITY: HAGERMAN
PHONE NUMBER: 208-837-6164

FIRST: RICHARD L.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

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:

*This Decree can supply all the water needed & used for irrigation purposes by this claimant at the earliest priority. Therefore the other rights are not needed to meet these needs and are disallowed. The remaining water used is licensed for Wildlife/Fish uses under A36-07081 & A36-07229 ~~*permit A36-8317~~*

8/4/92- This decree can not supply all water- also recommended 36-00141

(this uses BBI water)

A. AJ CLAIM: # A36-00098 PRIORITY DATE: 04-01-1895 STAGE: D
B. WR RECORD: # 36-00098 PRIORITY DATE: 04-01-1895 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

N

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
04-01-1895

REVIEWED BY

sc

DATE

2-6-91

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00098	07S	13E	11		SW	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-10080 NONE

A36-07229

A36-00113E

A36-00141

A36-00066

A36-00066A

A36-00079

A36-07081

WR RECORDS IN SAME 40 ACRE TRACT

36-00006
36-00007
36-00036
36-00037
36-00066
36-00079
36-00080
36-00081
36-00097
36-00099
36-00100
36-00101
36-00110
36-00111
36-00113B
36-00113D
36-00140
36-00141
36-00142
36-00143
36-00144
36-00145
36-00146
36-00147
36-00148
36-00150
36-00151
36-02082
36-07081
36-07172
36-07229
36-07233
36-07271
36-07565
36-07838

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00098	07S	13E	11		SW	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

MICROFILMED
FEB 09 1993

36-00006	A36-10080	NONE
36-00007	A36-07229	
36-00036	A36-00113E	
36-00037	A36-00141	
36-00066	A36-00066	
36-00079	A36-00066A	
36-00080	A36-00079	
36-00081	A36-07081	
36-00097	A36-07565	
36-00099	A36-10543	
36-00100	A36-00021A	
36-00101	A36-00021B	
36-00110	A36-00037A	
36-00111	A36-00036	
36-00113B	A36-10566	
36-00113D	A36-07233	
36-00140	A36-07271	
36-00141	A36-00006	
36-00142	A36-00007	
36-00143	A36-00110A	
36-00144	A36-00081A	
36-00145	A36-07172	
36-00146	A36-00037C	
36-00147	A36-00080A	
36-00148	A36-00099	
36-00150	A36-00100	
36-00151	A36-00111A	
36-02082	A36-00113G	
36-07081		
36-07172		
36-07229		
36-07233		
36-07271		
36-07565		
36-07838		

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SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	<u>N</u>
DUE TO SOURCE DISCREPANCY? (Y/N)	N	<u>N</u>

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: See

DATE: 2-6-91

VIA SANDS DITCH

MICROFILMED
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A. ROOT WATER RIGHT NUMBERS: A36-00098

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	15	SW	NW	5	COOK, RICHARD L.	A36-00098 /10.0	36-00098 /			
						COOK, RICHARD L.	A36-02002 /10.0	- /		13	13
						COOK, RICHARD L.	A36-00097 /10.0	36-00097 /			
						COOK, RICHARD L.	A36-00101 /10.0	- /			
						COOK, RICHARD L.	A36-00141 /10.0	36-00141 /			
07S	13E	15	NE	SW		COOK, RICHARD L.	A36-00098 / 3.0	36-00098 /	3.0	Ø	Ø
						COOK, RICHARD L.	A36-02002 / 3.0	- /			
						COOK, RICHARD L.	A36-07081 /	36-07081 /			
						COOK, RICHARD L.	A36-00097 / 3.0	- /			
						COOK, RICHARD L.	A36-00101 / 3.0	- /			
						COOK, RICHARD L.	A36-00141 / 3.0	36-00141 /			
						COOK, RICHARD L.	A36-07229 /	36-07229 /			
						SANDS, MARTHA A.		36-00140 /			
07S	13E	15	NW	SW		COOK, RICHARD L.	A36-00098 /33.0	36-00098 /	33.0	32	33
						COOK, RICHARD L.	A36-02002 /33.0	- /			
						COOK, RICHARD L.	A36-10520 /	- /			
						COOK, RICHARD L.	A36-00097 /33.0	36-00097 /			
						COOK, RICHARD L.	A36-00101 /33.0	- /			
						COOK, RICHARD L.	A36-00141 /33.0	36-00141 /			
07S	13E	15	SW	SW		COOK, RICHARD L.	A36-00098 /36.0	- /	36.0	18	18
						COOK, RICHARD L.	A36-02002 /36.0	36-02002 /15.0			
						BIG BEND IRRIGATION & MINING	CA36-02007 /10.0	- /			
						COOK, RICHARD L.	A36-10510 /	- /			
						BIG BEND IRRIGATION & MINING	CA36-00192 /10.0	36-00192 /			
						COOK, RICHARD L.	A36-00097 /36.0	- /			
						COOK, RICHARD L.	A36-00101 /36.0	36-00101 /			
						BIG BEND IRRIGATION & MINING	CA36-00133 /10.0	36-00133 /			
						COOK, RICHARD L.	A36-00141 /36.0	- /			
						COOK, RICHARD L.	A36-08317 /	36-08317 /			
						COOK, RICHARD L.		L36-08317 /			
07S	13E	15	SE	SW		COOK, RICHARD L.	A36-00098 / 9.0	- /	9.0	10	10
						COOK, RICHARD L.	A36-02002 / 9.0	36-02002 /10.0			
						BIG BEND IRRIGATION & MINING	CA36-02007 /10.0	- /			
						BIG BEND IRRIGATION & MINING	CA36-00192 /10.0	36-00192 /			
						PORTER, BOB	A36-07172 /	- /			
						COOK, RICHARD L.	A36-00097 / 9.0	- /			
						PORTER, BOB	A36-00099 / 5.0	- /			
						PORTER, BOB	A36-00100 / 5.0	- /			
						COOK, RICHARD L.	A36-00101 / 9.0	36-00101 /			
						BIG BEND IRRIGATION & MINING	CA36-00133 /10.0	36-00133 /			
						COOK, RICHARD L.	A36-00141 / 9.0	- /			
						PORTER, BOB	A36-07233 /	- /			
TOTAL ACRES							A36-00098	91.00	81.00		

ADD

Sec Reexamined
1991
HHT

ALSO FOUND TRACTS:

S. 15 SE NW
S. 16 NE SE
SW SE
SE SE

1.0
18.0
~~2.0~~
26.0
120.0

1.0
18.0
~~2.0~~
26.0
121.0

BBI only
93

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

PRESUMPTION FLAG:

REMARKS:

2ND Exam: 1-22-91 w/ Dick Cook
Looked at SWSW sec. 15 - Sands Ditch can irrigate 18 Acres while the BBI
can only reach 10 of those same acres. (See maps for details)

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

93 HHT
121.0
SC

2-6-91

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00098 IRRIGATION	FROM 03-15 TO 11-15	7.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		7.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00098 IRRIGATION	FROM TO	7.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		7.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X) 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: 7.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 7.000 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
N

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B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~A36-00141, A36-02002, A36-00101, A36-00097~~

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

Add: Big Bend Irrigation
Delete

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00098	BILLINGSLEY CREEK	COOK , RICHARD L.	7.000	0.076		
A36-02002	BILLINGSLEY CREEK	COOK , RICHARD L.	0.600	0.006		
A36-00101	BILLINGSLEY CREEK	COOK , RICHARD L.	2.000	0.021		
A36-00141	BILLINGSLEY CREEK	COOK , RICHARD L.	6.000	0.065		
A36-02007	TUCKER SPRINGS, UPPER	BIG BEND IRRIGATION & MINING C	4.000	0.006	2895.90	4.58
A36-00192	TUCKER SPRINGS, LOWER	BIG BEND IRRIGATION & MINING C	15.000	0.017	10859.70	12.35
A36-00133	TUPPER SPRINGS, UPPER	BIG BEND IRRIGATION & MINING C	20.000	0.022	14479.60	16.47
A36-00099	BILLINGSLEY CREEK	PORTER , BOB	8.000	0.081		
A36-00100	BILLINGSLEY CREEK	PORTER , BOB	1.200	0.012		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-07081	WILDLIFE	COOK , RICHARD L.	FROM 01-01 TO 12-31	4.000 CFS	
A36-07229	WILDLIFE	COOK , RICHARD L.	FROM 01-01 TO 12-31	10.500 CFS	
A36-10520	DOMESTIC	COOK , RICHARD L.	FROM 01-01 TO 12-31	.040 CFS	
A36-10520	STOCKWATER	COOK , RICHARD L.	FROM 01-01 TO 12-31	.090 CFS	
A36-10510	WILDLIFE STORAGE	COOK , RICHARD L.	FROM 03-15 TO 11-15		869.00 AF/A
A36-10510	DIVERSION TO STORAGE	COOK , RICHARD L.	FROM 03-15 TO 11-15	1.200 CFS	
A36-08317	WILDLIFE STORAGE	COOK , RICHARD L.	FROM 10-15 TO 03-15		12.00 AF/A
A36-08317	DIVERSION TO STORAGE	COOK , RICHARD L.	FROM 10-15 TO 03-15	3.000 CFS	
A36-07172	STOCKWATER	PORTER , BOB	FROM 01-01 TO 12-31	.020 CFS	

A36-07172 DOMESTIC
A36-07172 WILDLIFE
A36-07233 WILDLIFE

PORTER , BOB
PORTER , BOB
PORTER , BOB

FROM 01-01 TO 12-31 .020 CFS
FROM 01-01 TO 12-31 4.000 CFS
FROM 01-01 TO 12-31 9.200 CFS

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 121 x 0.02 CFS/ACRE = 2.42 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 273.0 AF/A

ACRES 121 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 363 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 121 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 484 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

See Irrigation
Analysis for basis
of div. rate recommendation

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER 7.000 <u>4.84</u>	DATABASE EXAMINER 484 <u>484</u>	DATABASE EXAMINER 273.0 <u>363</u>
TOTAL FOR THIS RIGHT		7.000 <u>7.0</u>		273.0

REVIEWED BY: SCC

DATE: 2-6-91

*analyzed
using analysis
worksheet*

~~WR proportional rate on these lands
under decrees 56-0097, -0098, -00101, -00141 all average 0.04 cfs/Ac.
(allow 0.04 cfs/Acu)~~

NOTE:

Since this right can supply all the irrigation needs
the other rights are dis allowed.

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	(X)
()	(X)
()	(X)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00098

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 7.000	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-00098	7.000	-		36-00098	7.000
TOTAL CFS		7.000				7.000

DIVERSION RATE REVIEW

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

DATABASE
Y

FIELD
EXAMINER
OK

REMARKS:

AUTHENTICATION:

SIGNATURE: Steve Celli

DATE: 2-6-91

NAME OF FIELD EXAMINER: _____

TITLE: _____

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FEB 09 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:30:29
06/30/90

PAGE: 13
QUICKLOOK INFORMATION

COMBINED w/36-00098

CLAIM NUMBER: A36-00141

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			8-20-90					
POINT OF DIV	Y		1-22-91					
SOURCE			SCC		1,5			
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME					1,2,4,5			
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAFF 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.

PDB

8/4/92 - A portion of this right recommended to cover balance of rate fund
under Irrigation Analysis and to cover conveyance loss analysis. HHT
8/4/92 - This claim, combined w/ 36-00098, recommended as.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:30:29
06/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00141

LAST: COOK
ADDRESS: RT. 1 BOX 22
CITY: HAGERMAN
PHONE NUMBER: 208-837-6164

FIRST: RICHARD L.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: AC. IRRIG. NOT SPECIFIED. FARM = 149.04 AC.

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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FEB 09 1993

A. AJ CLAIM: # A36-00141 PRIORITY DATE: 04-01-1895 STAGE: D
B. WR RECORD: # 36-00141 PRIORITY DATE: 04-01-1895 STAGE: D

C. FIELD EXAM REQUIRED?

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

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

REMARKS:

RECOMMENDED PRIORITY DATE:
04-01-1895

REVIEWED BY

DATE

MICROFILMED
FEB 09 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00141	07S	13E	11		SW	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-10080 NONE

A36-07229

A36-00113E

A36-00066

A36-00066A

A36-00079

A36-07081

WR RECORDS IN SAME 40 ACRE TRACT

36-00006
36-00007
36-00036
36-00037
36-00066
36-00079
36-00080
36-00081
36-00097
36-00098
36-00099
36-00100
36-00101
36-00110
36-00111
36-00113B
36-00113D
36-00140
36-00142
36-00143
36-00144
36-00145
36-00146
36-00147
36-00148
36-00150
36-00151
36-02082
36-07081
36-07172
36-07229
36-07233
36-07271
36-07565
36-07838

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00141	07S	13E	11		SW	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

MICROFILMED
FEB 09 1993

36-00006	A36-10080	NONE
36-00007	A36-07229	
36-00036	A36-00113E	
36-00037	A36-00066	
36-00066	A36-00066A	
36-00079	A36-00079	
36-00080	A36-07081	
36-00081	A36-07565	
36-00097	A36-10543	
36-00098	A36-00021A	
36-00099	A36-00021B	
36-00100	A36-00037A	
36-00101	A36-00036	
36-00110	A36-10566	
36-00111	A36-07233	
36-00113B	A36-07271	
36-00113D	A36-00006	
36-00140	A36-00007	
36-00142	A36-00110A	
36-00143	A36-00081A	
36-00144	A36-07172	
36-00145	A36-00037C	
36-00146	A36-00080A	
36-00147	A36-00099	
36-00148	A36-00100	
36-00150	A36-00111A	
36-00151	A36-00113G	
36-02082		
36-07081		
36-07172		
36-07229		
36-07233		
36-07271		
36-07565		
36-07838		

MICROFILMED
 FEB 09 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
	Y	N		<u>N</u>

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

Nw

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: HHT

DATE: 8/4/92

via Sands Ditch

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A. ROOT WATER RIGHT NUMBERS: A36-00141

B. POU LISTING

Per SCC field examination 1991

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	15	SE	SW		COOK, RICHARD L.	A36-00141 / 9.0	- /	9.0		
						COOK, RICHARD L.	A36-02002 / 9.0	36-02002 / 10.0			
						BIG BEND IRRIGATION & MINING	CA36-02007 / 10.0	- /			
						BIG BEND IRRIGATION & MINING	CA36-00192 / 10.0	36-00192 /			
						PORTER, BOB	A36-07172 /	- /			
						COOK, RICHARD L.	A36-00097 / 9.0	- /			
						COOK, RICHARD L.	A36-00098 / 9.0	- /			
						PORTER, BOB	A36-00099 / 5.0	- /			
						PORTER, BOB	A36-00100 / 5.0	- /			
						COOK, RICHARD L.	A36-00101 / 9.0	36-00101 /			
						BIG BEND IRRIGATION & MINING	CA36-00133 / 10.0	36-00133 /			
						PORTER, BOB	A36-07233 /	- /			
07S	13E	15	SW	NW	5	COOK, RICHARD L.	A36-00141 / 10.0	36-00141 /			
						COOK, RICHARD L.	A36-02002 / 10.0	- /			
						COOK, RICHARD L.	A36-00097 / 10.0	36-00097 /			
						COOK, RICHARD L.	A36-00098 / 10.0	36-00098 /			
						COOK, RICHARD L.	A36-00101 / 10.0	- /			
07S	13E	15	NE	SW		COOK, RICHARD L.	A36-00141 / 3.0	36-00141 /	3.0		
						COOK, RICHARD L.	A36-02002 / 3.0	- /			
						COOK, RICHARD L.	A36-07081 /	36-07081 /			
						COOK, RICHARD L.	A36-00097 / 3.0	- /			
						COOK, RICHARD L.	A36-00098 / 3.0	36-00098 /			
						COOK, RICHARD L.	A36-00101 / 3.0	- /			
						COOK, RICHARD L.	A36-07229 /	36-07229 /			
						SANDS, MARTHA A.		36-00140 /			
07S	13E	15	NW	SW		COOK, RICHARD L.	A36-00141 / 33.0	36-00141 /	33.0		
						COOK, RICHARD L.	A36-02002 / 33.0	- /			
						COOK, RICHARD L.	A36-10520 /	- /			
						COOK, RICHARD L.	A36-00097 / 33.0	36-00097 /			
						COOK, RICHARD L.	A36-00098 / 33.0	36-00098 /			
						COOK, RICHARD L.	A36-00101 / 33.0	- /			
07S	13E	15	SW	SW		COOK, RICHARD L.	A36-00141 / 36.0	- /	36.0		
						COOK, RICHARD L.	A36-02002 / 36.0	36-02002 / 15.0			
						BIG BEND IRRIGATION & MINING	CA36-02007 / 10.0	- /			
						COOK, RICHARD L.	A36-10510 /	- /			
						BIG BEND IRRIGATION & MINING	CA36-00192 / 10.0	36-00192 /			
						COOK, RICHARD L.	A36-00097 / 36.0	- /			
						COOK, RICHARD L.	A36-00098 / 36.0	- /			
						COOK, RICHARD L.	A36-00101 / 36.0	36-00101 /			
						BIG BEND IRRIGATION & MINING	CA36-00133 / 10.0	36-00133 /			
						COOK, RICHARD L.	A36-08317 /	36-08317 /			
						COOK, RICHARD L.		L36-08317 /			
TOTAL ACRES							A36-00141	91.00	81.00		

*also found S. 15 SE NW
S. 16 NE SE*

also

375

18 18

93 ac.

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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

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

93

REVIEWED BY:

HHT

DATE:

8/4/92

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00141 IRRIGATION	FROM 03-15 TO 11-15	6.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		6.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00141 IRRIGATION	FROM TO	6.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		6.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(Y)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) 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: 6.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 6.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A36-02002, A36-00101, A36-00097, A36-00098.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00141	BILLINGSLEY CREEK	COOK , RICHARD L.	6.000	0.065		
A36-02002	BILLINGSLEY CREEK	COOK , RICHARD L.	0.600	0.006		
A36-00192	TUCKER SPRINGS, LOWER	BIG BEND IRRIGATION & MINING C	15.000	0.017	10859.70	12.35
A36-00097	BILLINGSLEY CREEK	COOK , RICHARD L.	1.500	0.016		
A36-00098	BILLINGSLEY CREEK	COOK , RICHARD L.	7.000	0.076		
A36-00099	BILLINGSLEY CREEK	PORTER , BOB	8.000	0.081		
A36-00100	BILLINGSLEY CREEK	PORTER , BOB	1.200	0.012		
A36-00101	BILLINGSLEY CREEK	COOK , RICHARD L.	2.000	0.021		
A36-00133	TUPPER SPRINGS, UPPER	BIG BEND IRRIGATION & MINING C	20.000	0.022	14479.60	16.47

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-07172	STOCKWATER	PORTER , BOB	FROM 01-01 TO 12-31	.020 CFS	
A36-07172	DOMESTIC	PORTER , BOB	FROM 01-01 TO 12-31	.020 CFS	
A36-07172	WILDLIFE	PORTER , BOB	FROM 01-01 TO 12-31	4.000 CFS	
A36-07233	WILDLIFE	PORTER , BOB	FROM 01-01 TO 12-31	9.200 CFS	
A36-07081	WILDLIFE	COOK , RICHARD L.	FROM 01-01 TO 12-31	4.000 CFS	
A36-07229	WILDLIFE	COOK , RICHARD L.	FROM 01-01 TO 12-31	10.500 CFS	
A36-10520	DOMESTIC	COOK , RICHARD L.	FROM 01-01 TO 12-31	.040 CFS	
A36-10520	STOCKWATER	COOK , RICHARD L.	FROM 01-01 TO 12-31	.090 CFS	
A36-10510	WILDLIFE STORAGE	COOK , RICHARD L.	FROM 03-15 TO 11-15		869.00 AF/A

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A36-10510 DIVERSION TO STORAGE
A36-08317 WILDLIFE STORAGE
A36-08317 DIVERSION TO STORAGE

COOK, RICHARD L.
COOK, RICHARD L.
COOK, RICHARD L.

FROM 03-15 TO 11-15 1.200 CFS
FROM 10-15 TO 03-15
FROM 10-15 TO 03-15 3.000 CFS

12.00 AF/A

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ 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 = 273.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

1b. CALCULATIONS

See Irrigation Analysis
Sheet —
This claim # 36-00098 —

Analysis — 7.22
00098 7.00 total claimed
00141 .22
+ C.L. 2.88
Recommend
36-00141 — 3.10

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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
IRRIGATION	03-15 11-15	6.000 <u>3.10</u>	_____	273.0 _____
TOTAL FOR THIS RIGHT		6.000 <u>3.10</u>		273.0

REVIEWED BY: _____

DATE: _____

Combined ~~ist~~ Remark

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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: 36-00141

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 6.000	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-00141	6.000	-		36-00141	6.000
TOTAL CFS		6.000				6.000

DIVERSION RATE REVIEW

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

DATABASE
Y

FIELD
EXAMINER

REMARKS:

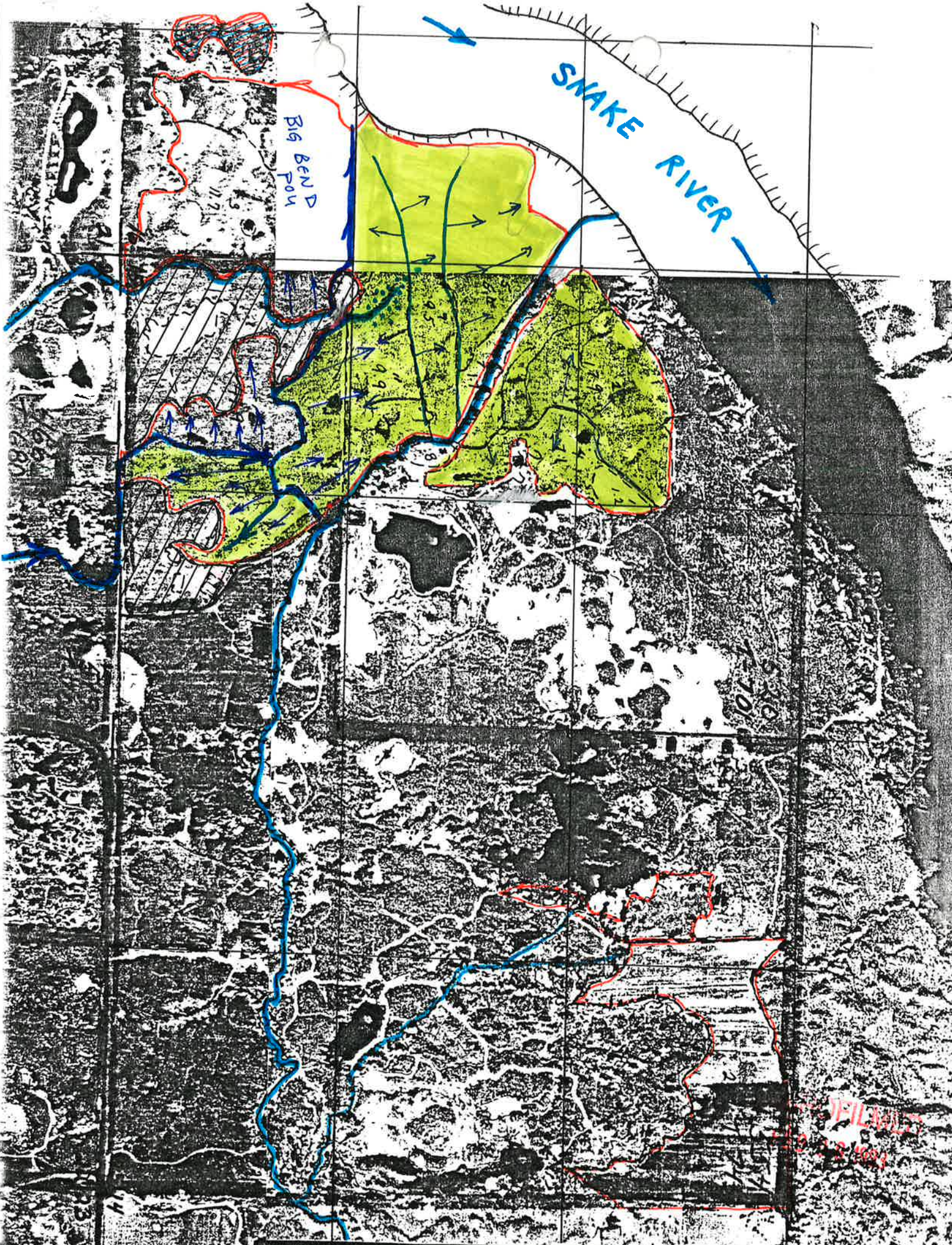
AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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RECEIVED
FEB 09 1993
DITCH

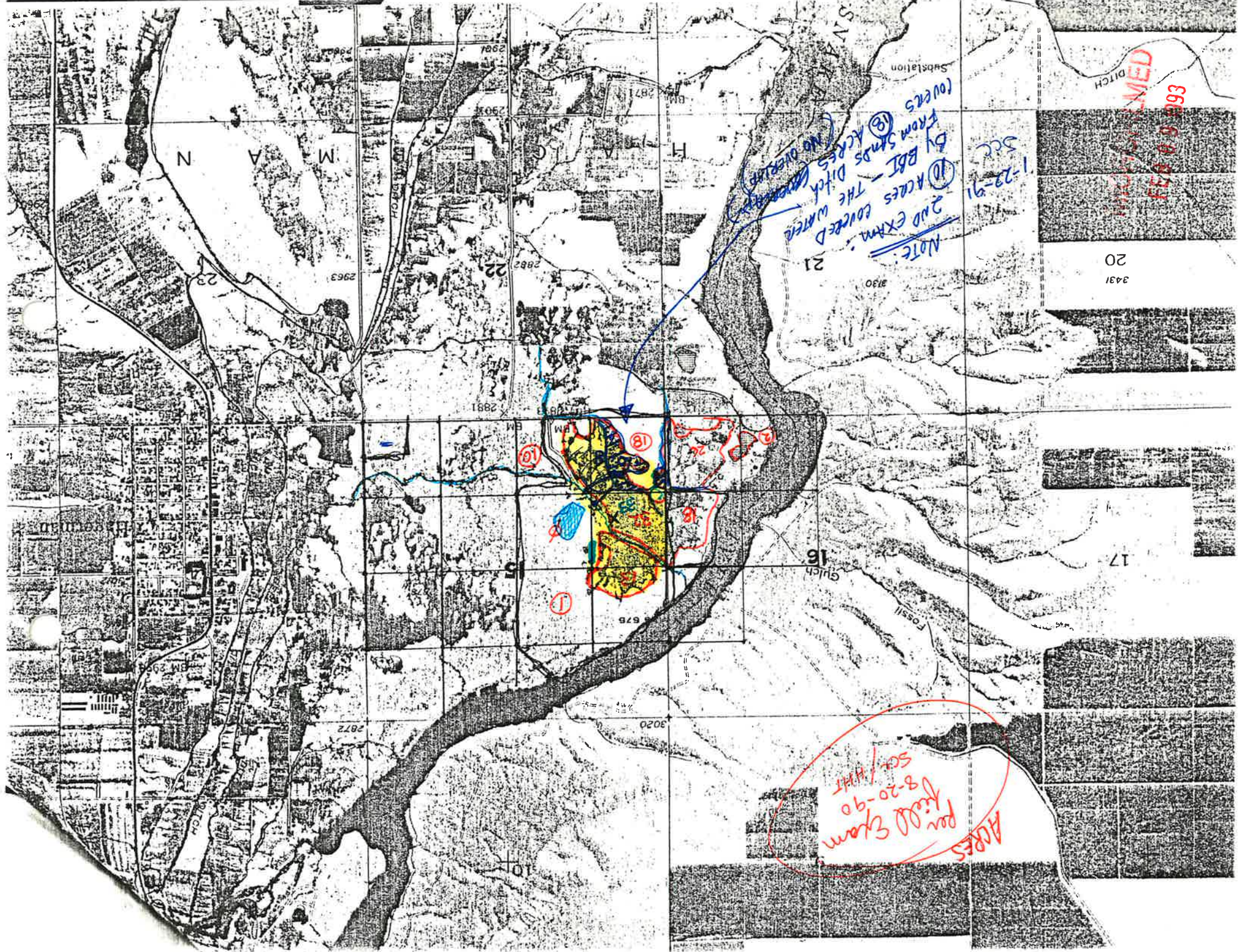
20
3431

17:

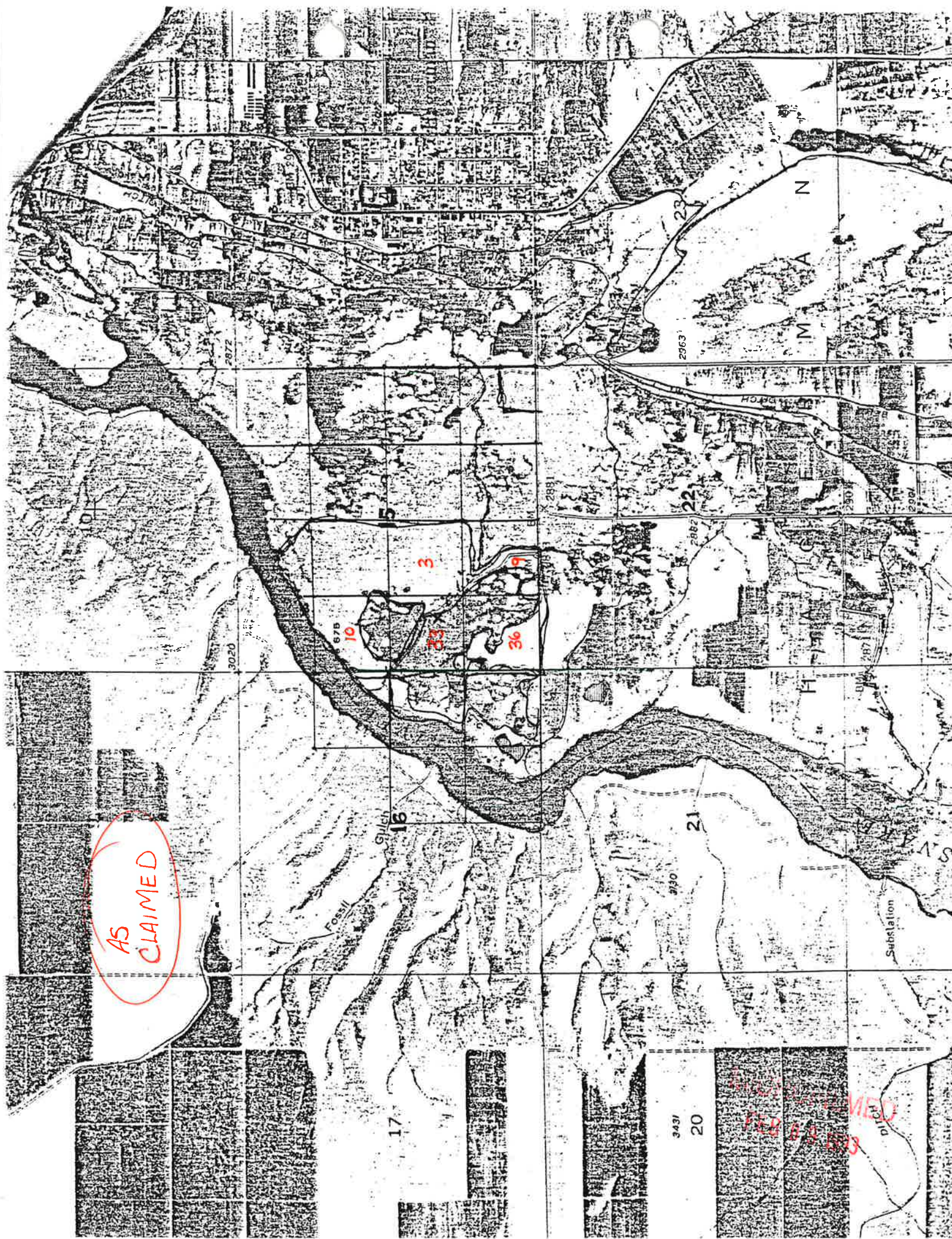
APES
for Judd Graham
8-20-90
SCT / HHT

16-23-91
505

NOTE: 2nd EXHA. 10 ACRES COVERED BY BGI - THE DITCH (NO OVERLAP) FROM SANDS ACRES (18) COVERS



AS
CLAIMED



AS
CLAIMED

RIC

-0097 4/1/1

-0098 4/1/1

-0101 4/1/1

-0141 4/1/1895

~~-2002~~

DISALLOW

6.0 cfs .22
+CL SANDS

0.6

sands

~~17.1 cfs~~

16.5 ÷ 120Ac. = 0.1375 cfs/Ac

91 Acres claimed = 0.188 cfs/Ac.

120 Acres field = 0.143 cfs/Ac

(+ BBI WATER on
35-40 Acres)

-97 (35 Ac)
-98 (143 Ac)

WATER RATES
= 0.04
= 0.05
= 0.025
= 0.04 cfs/Ac.

sands
sands
sands



AS
DECREED

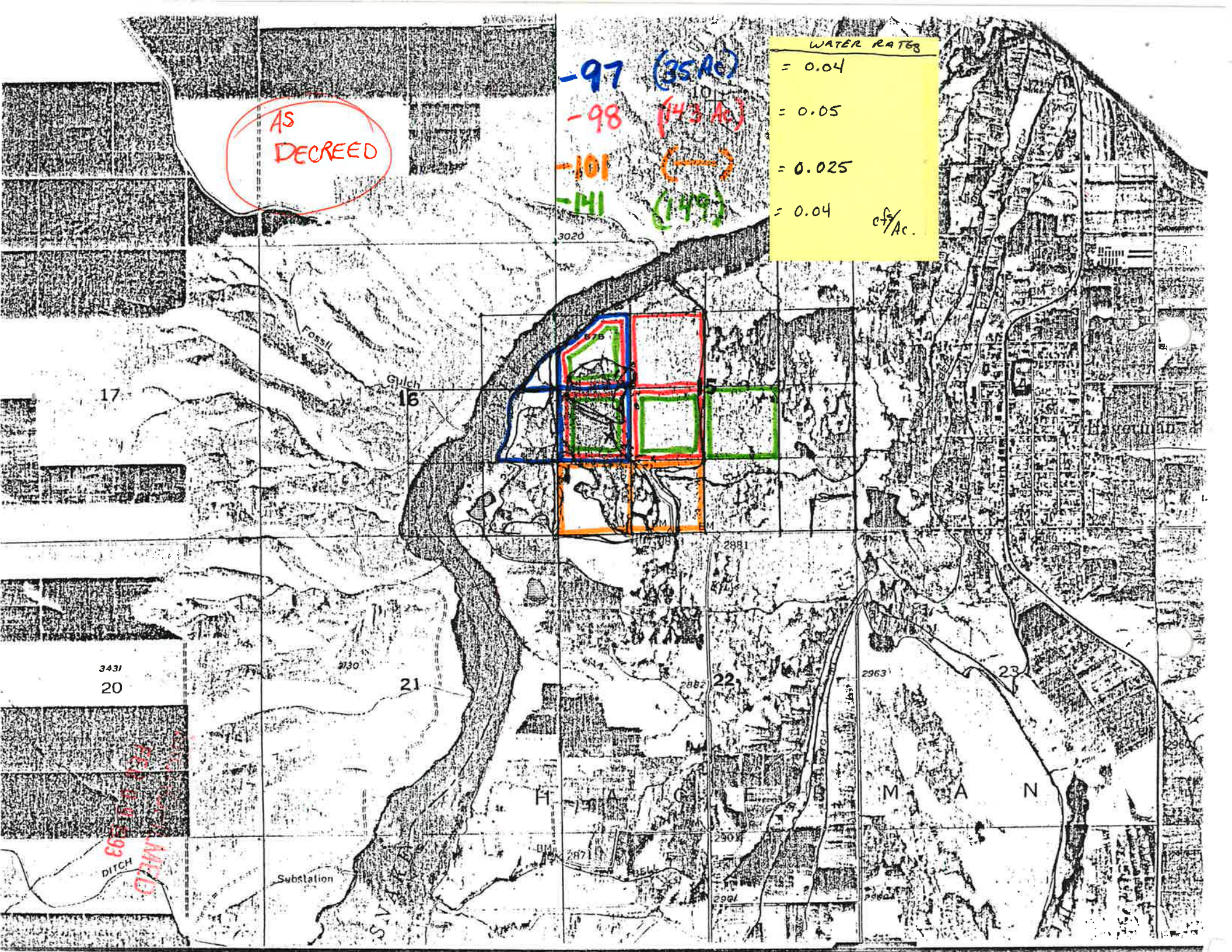
-97 (35 AC)

-98 (143 AC)

-101 (←)

-141 (149)

WATER RATES	
= 0.04	
= 0.05	
= 0.025	
= 0.04	cf/Ac.



A36-00098

INTER-DEPARTMENT MEMO — 1

FROM STEVE CLELLAND

DATE 2-6-91

TO Dick Cook FILES

SUBJECT CHANGE IN NATURE OF USE

after reviewing the old decrees & the newer licenses for this water it appears the nature of use has changed over time. The Decree allows 0.04 cfs/acre for irrigation, which can be supplied by WR claim A36-00098 alone. The remaining water is not used for irrigation but licensed now for wildlife/fish uses.


SIGNATURE

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(6-92 306)

no overlap

IGATION ANALYSIS WORKSHEET

CLAIM NO. A36-00098
DATE 7/15/92
AGENT HHT

CLAIMANT/SYSTEM DESCRIPTION Slope Compaction, Collins Weins Farm Trust et.
IRRIGATION SYSTEM Gravity, Flood
ANALYSIS METHOD BORDER / PURROW
TYPE OF CROP Pasture
MAXIMUM PROFILE DEPTH *limited by soil type 29" 3/4 INCHES
INTAKE FAMILY 1.5

SOIL TYPE JSK _____ SYSTEM TOTAL
ACRES PER TYPE 93 _____ 93 ACRES
SOIL PROFILE WHC 3.59 _____
DESIGN IRR $\frac{1}{2}$ WHC 1.80 _____

CROP REQUIREMENT:

REPORT AREA & FIGURE NO. Bliss 10-8

DAILY CROP REQUIREMENT:

6.44 (MM/DAY) / 25.4 (FACTOR IN MM/IN) 0.25 IN/DAY

ACTUAL ROTATION PRACTICED _____ 7 DAYS

DRY DAY ROTATION _____ IRR DAY ROTATION _____

THEORETICAL ROTATION:

1.80 DESIGN IRR 1.25 CROP REQ = 7.2 DAYS

DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN _____ 506
TOTAL WIDTH OF FIELD _____ 8000
CHECK 500 L * 8000 W / 43,560 = 91 ACRES
% SLOPE _____ 1%
BORDER WIDTH _____
8000 WIDTH OF FIELD / 7 DAYS OF ROTATION (1143)
FURROW / CORRUGATION WIDTH _____
SET TIME _____ 12-24 hr

Note: Several ditches are used to carry water; total width of field was calculated by adding up the ditches.

(2) 700 + (2) 1800 + 1800 + 1000 = 8000

(381' per 8 hr set)

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GRADED BORDER EVALUATION

Job name: DICK COOK
By: SCC

Location: A36-00098 SANDS DITCH
Date: Jul 23, 1992

Roughness coefficient (n)= 0.250 Intake family (If)=1.50
Slope (S)= 0.0100 ft/ft Border width (W)= 381 ft
Net application (Fn)= 1.80 inches Border length (L)= 506 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
7.15	Gross depth is less than required gross application depth					
7.16	Gross depth is less than required gross application depth					
7.17	Gross depth is less than required gross application depth					
7.18	Gross depth is less than required gross application depth					
7.19	Gross depth is less than required gross application depth					
7.20	Gross depth is less than required gross application depth					
7.21	Gross depth is less than required gross application depth					
7.22	0.019	12.94	11.13	0.01	13.9	
7.23	0.019	12.96	11.13	0.03	13.9	
7.24	0.019	12.98	11.13	0.05	13.9	
7.25	0.019	13.00	11.13	0.07	13.8	
7.26	0.019	13.01	11.13	0.08	13.8	
7.27	0.019	13.03	11.13	0.10	13.8	
7.28	0.019	13.05	11.13	0.12	13.8	
7.29	0.019	13.07	11.13	0.14	13.8	
7.30	0.019	13.09	11.13	0.16	13.8	

Analysis 7.22

36-00098 Claimed 7.0

Recommend as claimed

36-00141 — .22 recommended + C.L.

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CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A36-00098

RE: irrigation methods

DATE 7-20-92 1:35pm

NAME OF PARTY

DICK COOK

837-6164

I called & confirmed he uses flood irrigation methods. He said there are some corrugations but most is flood.

He said the time required to completely cover the property is 7-8 days. Each set runs about 12-24 hrs.

He also stated these numbers can vary depending on the amount of water available. In most cases, they will use all the water they can get.

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