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Department of Water Resources

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Department of Water Resources
Southern Region

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: A36-15532

Date Received: 8/30/1988

Receipt No: X777777

Received By: Co45833

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAN H MC FADDAN 208-837-6649
Address: 17966 N HWY 30
HAGERMAN ID 83332

AND/OR

Name: IRMA R MC FADDAN 208-837-6649
Address: 17966 N HWY 30
HAGERMAN ID 83332

2. Date of Priority: APR 1, 1967

3. Source: FLORENCE LIVESTOCK SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:

HAND DUG TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 16" PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	9.000		

7. Total Quantity Appropriated is:

9.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

FISH, 2 PONDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	SE		FISH	
			SE	SE		FISH	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

FISH PROPAGATION ORIGINALLY CLAIMED UNDER 36-00049.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Dan Mc Fadden Date: 3/30/99

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of March 19 99
Shirley C. Bell
Notary Public

Seal

Residing at Twin Falls ID
My Commission Expires 12/7/2000

1999 JUN 18 AM 10:53
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

Subcase No. 36-15532

ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On March 31, 1999, a Motion to File Late Notice of Claim was filed by
Don McFadden. All procedural requirements under *Administrative*
Order 1 were complied with in filing this *Late Notice of Claim*. No valid objections were made
to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED June 18, 1999.



BARRY WOOD
Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** were mailed on June 18, 1999, with sufficient, first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720

NOTICE OF CLAIM FORWARDED

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

United States Dept of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Dan & Irma McFadden
17966 N Hwy 30
Hagerman, ID 83332


Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

June 29, 1999

KARL J. DREHER
DIRECTOR

DAN AND IRMA MC FADDAN
17966 N HWY 30
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A36-15532 & A36-15533

Dear Claimants:

Your Notices of Claim to a Water Right for your property in Gooding County were received from the SRBA Court recently. I have enclosed your receipt #C045833 for the fees paid for your records.

Your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosures:

Receipt #C045833

IMS A36-15532
Claim No(s). A36-15533

A36-15532
A36-15533

[illegible]

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Department of Water Resources
Southern Region

2001 NOV 13 PM 1:26

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

Fish

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

In Re SRBA

Case No. 39576

Water Rights: 36-48A, 36-49,
36-2169, 36-15532, 36-15533 &
36-15538

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

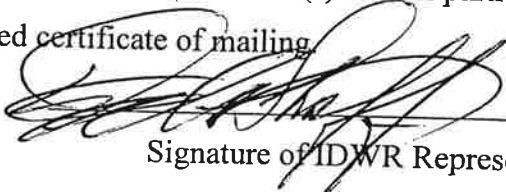
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

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

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

DATED: Nov 8, 2001


Signature of IDWR Representative

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-15532 V1

WATER RIGHT NUMBER: 36-15532 V1

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	IRMA R MC FADDAN 17966 N HWY 30 HAGERMAN, ID 83332 (208)837-6649
Current Owner	IDAHO STATE BUILDING AUTHORITY PO BOX 2802 BOISE, ID 83701 (208)345-6057
Directors Report Owner	DAN MC FADDAN 17966 N HWY 30 HAGERMAN, ID 83332 (208)837-6649

Priority Date: 06/01/1969

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
FLORENCE LIVESTOCK SPRING	BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31	6.800 CFS	
<u>Total Diversion:</u>		6.800 CFS	

Location of Point(s) of Diversion

FLORENCE LIVESTOCK SPRING	SE1/4SE1/4NW1/4	Sec. 12, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11													X				X

Conditions of Approval:Remarks:

- Quantity DIVERSION OF THIS RIGHT AND THE DIVERSION OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.58 CFS. DURING THE IRRIGATION SEASON. COMB INED RIGHT NOS.: 36-00049 & 36-15533.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-15532 V1

2. Quantity THE PORTION OF THIS RIGHT IN EXCESS OF 2.90 CFS IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES BEFORE DECEMBER 31, 2001.
3. Purpose of Use THE FISH PROPAGATION USE UNDER THIS RIGHT IN EXCESS OF 2.90 CFS IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES BEFORE DECEMBER 31, 2001.

Comments:

1. SCLELLAN 9/28/1999 DISALLOW

Comment: PROOF OF PRIORITY DATE IS NOT SUFFICIENT TO SUPPORT THE CLAIMED DATE.

2. SCLELLAN 12/21/1999 RECOMMENDATION

Comment: SEVERAL AFFIDAVITS SUPPORT DEVELOPMENT OF THE FISH PONDS IN 1968- 1969 BUT THE 1969 ASCS PHOTO FAILS TO SHOW THE PONDS PRESENT IN MAY 1969 WHEN THE PHOTOS WERE TAKEN... ALLOWING 6/1/1969.

3. dshaff 3/8/2002 SF5

Comment: The data was modified to synchronize with the description listed in the SF5 for this right. The following remark was not a part of the SF5. FISH PROPAGATION ORIGINALLY CLAIMED UNDER 36-00049.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal:
Owner Name Connector: 0
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

SubCase:

SubCase Number: 36-15532
Class: 1
SF5 Filed Date: 2/27/2002
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Don Shaff
Basis of Claim: Beneficial Use
Date Filed: 9/28/2000 Objection Status: Active
Date Filed: 9/28/2000 Objection Status: Active
Date Filed: 9/28/2000 Objection Status: Active
Date Filed: 9/28/2000 Objection Status: Active



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

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JUL - 5 2002

Department of Water Resources

April 3, 2002

Gooding County Recorder
P.O. Box 417
Gooding, ID 83330

Re: Recording Correction Warranty Deeds

Dear Sir or Madam:

At the request of the State of Idaho, Office of Attorney General, please record the enclosed Correction Warranty Deeds in the real property records of Gooding County. Upon recording, please return the recorded documents to me. I have enclosed a self-addressed, stamped envelope for this purpose.

If you have any questions, please contact me at the telephone number set forth above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kent E. Nelson", with a long horizontal flourish extending to the right.

KENT E. NELSON
Deputy Attorney General
Contracts & Administrative Law Division

KEN/js
Enclosures
c/enclosures: Nick Crema

CORRECTION WARRANTY DEED

THIS CORRECTION WARRANTY DEED AND INDENTURE is made by and between the DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership whose address is Rt. 1, Box 406, 17966 Highway 30 N., Hagerman, Idaho, hereinafter referred to as "Grantor," and the IDAHO STATE BUILDING AUTHORITY, P.O. Box 2802, Boise, Idaho 83701, hereinafter referred to as "Grantee", to correct an error contained in that certain WARRANTY DEED between the parties hereto which was recorded in Gooding County, Idaho on September 28, 2001 as instrument no. 192262 records of Gooding County Idaho, and thereafter re-recorded in Gooding County, Idaho, on November 16, 2001 as instrument no. 192895 records of Gooding County, Idaho, which deed, erroneously included water right 36-2169-Florence Livestock Spring in Exhibit "B" thereto as part of the water rights conveyed to Grantor. This CORRECTION WARRANTY DEED removes reference to said water right;

WITNESSETH, that the Grantor does hereby convey and confirm in fee unto the said Grantee and its successors and assigns forever the premises situated in Gooding County, Idaho and more particularly described on Exhibit "A" annexed hereto and by this reference incorporated herein, together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, including but not limited to, the water rights identified on Exhibit "B" annexed hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto Grantor and its successors and assigns forever, subject only to the following:

1. Power line easement granted to Idaho Power Company, a corporation recorded June 14, 1934 in Book 3 of Miscellaneous, Page 546.
2. Water rights, ditch, flumes, and pipeline as disclosed in Warranty Deed recorded February 15, 1934 in Book 23 Deeds page 604, records of Gooding County, Idaho.
3. Power line easement granted to Idaho Power Company, a corporation recorded November 5, 1942 in Book 5 of Miscellaneous, Page 210 as Instrument No. 85341.
4. Easement for constructing and maintaining head and diversion works granted to Charles C. Cary recorded January 10, 1953 in Book 7 of Miscellaneous, Page 178 as Instrument No. 120155.
5. Easement for conveying water through a pipeline and maintenance thereof granted to K. Joo and Akio Joo & Ralph S. Bacon and Wanda Maxine Bacon recorded May 20, 1959 in Book 8 of Miscellaneous, Page 100 as Instrument No. 137751.
6. Power line easement granted to Idaho Power Company, a corporation recorded May 31, 1960 in Book 8 of Miscellaneous, Page 174 as Instrument No. 140977.

7. Easement in, to, upon and over all that certain road now in existence and which runs generally from the County road Easterly through the NW1/4NE1/4 to the NE1/4NE1/4 of Section 13, Township 7 South, Range 13, E.B.M. for ingress and egress to said NE1/4NE1/4, given to Bessie B. Abbott, a widow, and Ruth A. Letchworth, a widow, parties of the first part, to Virgil U. Norwood, party of the second part, recorded October 25, 1960 in Book 8 Page 197 as Instrument No. 141995, records of Gooding County, Idaho.
8. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded December 12, 1962 as Instrument No. 6402.
9. Easement for constructing and maintaining small ditches and irrigation facilities and the right of ingress and egress granted to the State of Idaho, recorded December 12, 1962 as Instrument No. 6403.
10. Agreement upon the terms, conditions and provisions contained therein for the purpose of upkeep and maintenance of an irrigation pipeline and sharing the water therefrom dated December 4, 1961 by and between McCarter Cattle Co., Inc., a corporation and Clyde McFarland recorded April 18, 1972 as Instrument No. 40070.
11. Power line easement granted to Idaho Power Company, a corporation recorded February 4, 1974 as Instrument No. 48666.
12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

and that Grantor shall warrant and defend the premises from all other lawful claims whatsoever.

The Grantor further warrants to the Grantee that Grantor is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said real property.

[SIGNATURE PAGE FOLLOWS]

DATED This 31 day of January 2002.

DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP:

By: Daniel H. McFaddan
Daniel H. McFaddan, General Partner

By: Irma R. McFaddan
Irma R. McFaddan, General Partner

By: Daniel H. McFaddan
Daniel H. McFaddan, Limited Partner

By: Irma R. McFaddan
Irma R. McFaddan, Limited Partner

By: Mark D. McFaddan
Mark D. McFaddan, Limited Partner

By: Linda Heinemann
Linda Heinemann, Limited Partner

By: Matthew D. McFaddan
Matthew D. McFaddan, Limited Partner

IDAHO STATE BUILDING AUTHORITY:

By: Patricia J. Story
Patricia J. Story, Chairman

By: Wayne V. Meuleman
Wayne V. Meuleman, Secretary

STATE OF IDAHO)
) ss.
County of GOODING

On this date before me, the undersigned notary public for such state, personally appeared IRMA R. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is both a General Partner and a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01-31-, 2002.



Deanne K. Jensen
NOTARY PUBLIC
Residing at: Hagerman, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of GOODING

On this date before me, the undersigned notary public for such state, personally appeared DANIEL H. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is both a General Partner and a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01/31, 2002.

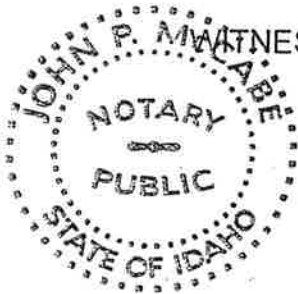


Deanne K. Jensen
NOTARY PUBLIC
Residing at: Hagerman, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of Latah)

On this date before me, the undersigned notary public for such state, personally appeared MARK D. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on February 21, 2002.



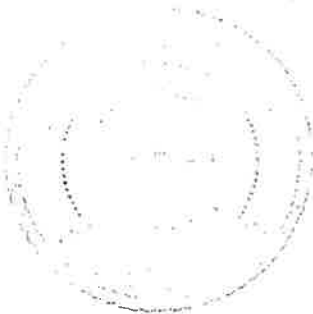
John P. McCabe
NOTARY PUBLIC

Residing at: Moscow, Idaho
Commission expires: 5-26-06

STATE OF IDAHO)
) ss.
County of Gooding)

On this date before me, the undersigned notary public for such state, personally appeared MATTHEW D. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01/31, 2002.



Dianne L. Jensen
NOTARY PUBLIC
Residing at: Logansport, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of BOONVILLE

On this date before me, the undersigned notary public for such state, personally appeared **LINDA HEINEMANN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01/31, 2002.



Doranne K. Jensen
NOTARY PUBLIC
Residing at: Logan, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of Ada)

On this date before me, the undersigned, a Notary Public in and for said state, personally appeared **PATRICIA J. STORY** and **WAYNE V. MEULEMAN**, known or identified to me to be the Chairman and Secretary, respectively, of the Idaho State Building Authority, each of whom acknowledged to me that they executed the within Lease on behalf of the Idaho State Building Authority in their representative capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

WITNESS my hand and seal on 3/29, 2002.

Kathy Hall
NOTARY PUBLIC for Idaho
Residing at: Boise
My Commission Expires: 10/5/02

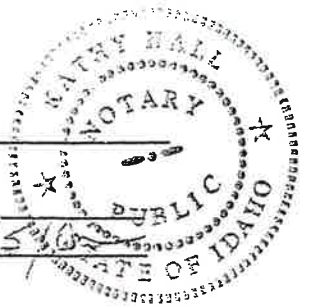


EXHIBIT A

Legal Description

See Attached.

Exhibit A

A Parcel of Land located in the East ¼ of Section 11, Southwest ¼ of Section 12 and North ¼ of Section 13 Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho.

Commencing at the Southwest corner of said Section 12 thence North 89°14'29" East, 1520.23 feet along the South boundary of Section 12 to the REAL POINT OF BEGINNING.

Thence South 46°15'35" East, 3.91 feet

Thence South 46°15'41" East, 576.76 feet

Thence South 84°16'00" East, 461.26 feet

Thence North 74°25'01" East, 243.59 feet

Thence South 37°32'59" East, 232.96 feet

Thence South 06°07'30" East, 527.36 feet

Thence South 56°43'55" West, 73.70 feet along the North Right of Way of US Highway 30,

Thence South 43°25'08" West, 116.32 feet along the North Right of Way of US Highway 30,

Thence South 35°57'53" West, 70.72 along the North Right of Way of US Highway 30,

Thence South 00°11'03" East, 22.74 feet

Thence South 88°56'33" West, 2620.98 feet to the NW 1/16 corner of Section 13,

Thence North 00°54'24" West, 1317.16 feet along the West boundary of Section 13,

Thence South 89°47'37" West 1268.48 feet along the South boundary of Section 11,

Thence North 01°00'29" West, 1774.21 feet along the East Right of Way Line of US Highway 30,

Thence along a Curve C1

Δ 01°03'55"

Length 799.84

Radius 43021.85

Tangent 399.93

Chord 799.83

Chord Bearing North 01°32'26" West

Thence North 29°11'20" East, 67.77 feet

Thence North 22°43'35" East, 197.14 feet

Thence North 01°10'04" East, 157.89 feet

Thence North 22°00'10" East, 43.25 feet

Thence North 45°37'40" East, 52.80 feet

Thence North 84°27'35" East, 134.79 feet

Thence North 84°27'35" East, 111.05 feet

Thence North 00°26'59" West, 171.02 feet to the South edge of a Road Right of Way.

Thence North 00°26'59" West, 50.00 feet

Thence North 89°33'00" East, 124.83 feet

Thence South 29°23'00" East, 57.13 feet to a point on the South edge of a Road Right of Way.

Thence South 29°22'58" East, 386.58 feet

Thence South 22°52'56" East, 799.14 feet

Thence South 26°10'03" East, 519.95 feet

Thence South 23°24'52" East, 859.77 feet

Thence South 47°58'30" East, 482.48 feet

Thence North $84^{\circ}52'50''$ East, 233.99 feet

Thence South $46^{\circ}15'35''$ East, 853.00 feet to the REAL POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North $89^{\circ}33'$ East 734.0 feet;

Thence South $28^{\circ}25'$ East 444.0 feet;

Thence South $21^{\circ}55'$ East 800.00 feet;

Thence South $25^{\circ}12'$ East 520.00 feet to a point on the Section line common to Sections 11 and 12.

EXHIBIT B

McFaddan Water Rights Description

Record No.	Source	Priority Date	Basis	Use
36-15532	Florence Livestock Spring	06/01/1969	Beneficial Use	Fish Propagation
36-15533	Florence Livestock Spring	04/01/1958	Beneficial Use	Commercial
36-15538	Spring	04/01/1964	Beneficial Use	Irrigation
36-00049	Florence Livestock Spring	04/01/1900	Decreed	Commercial, Domestic, Fish Propagation, Irrigation, Stockwater
36-00048A	Billingsley Creek	11/04/1885	Decreed	Irrigation

RECEIVED

OCT 23 2001

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

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
✓ 36-15532			✓ 36-2169		
✓ 36-15533					
✓ 36-15538					
✓ 36-00049					
✓ 36-00048A					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Dan and Irma McFadden
17966 Hwy 30, Hagerman, Idaho 83332
4. New Owner/Claimant(s) Idaho State Building Authority
 Name Connector (Check One): [] and, [] or, [] and/or
- New Mailing Address P.O. Box 2802
- City, State and ZIP Code Boise, Idaho 83701
- New Telephone Number (208) 345-6057
5. Date you acquired the property September 28, 2001

*OK to change staff 10/30/01
 records changed 11-07-01. ps
 & NCAP done.*

6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title of applicable)

Idaho State Building Authority
Joe J. McNeel, Executive Director

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by J. Moore Date 10-29-01 Fee _____
 Received by J. Moore Date 10-29-01 Receipt No. 0057428
 Processed by _____ AJ Date _____ WR _____ Date _____

36-48A, -49-15533, -15533, -15538
-2169



RECEIVED

OCT 29 2001

Department of Water Resources

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

ALAN G. LANCE

October 26, 2001

Vicki Kelly
Department of Water Resources
STATEHOUSE MAIL

Re: Billingsley Creek - Notices of Change of Water Right Ownership

Dear Vicki:

Enclosed are two Notices of Change in Water Right Ownership, one for the AquaLife property and one for the McFadden property. Also enclosed is a check from Meuleman & Miller in the amount of \$125.00 for the filing fee required on the AquaLife property.

Sincerely,

Julie K. Weaver
Deputy Attorney General
Contracts & Administrative Law Division

JKW/js
Enclosures

36-2338

✓ - 2414

✓ - 4011

✓ - 2734

late clm #36-15476

AquaLife

36-48A

✓ - 49

✓ - 2169

✓ - 15532

✓ - 15533

✓ - 15538

McFadden

G0101861

WARRANTY DEED

THIS INDENTURE made by and between DANIEL H. MCFADDAN AND IRMA R. MCFADDAN, husband and wife, whose address is Rt. 1, Box 406, 17966 Highway 30 N., Hagerman, Idaho, collectively hereinafter referred to as "Grantor," and the IDAHO STATE BUILDING AUTHORITY, P.O. Box 2802, Boise, Idaho 83701, hereinafter referred to as "Grantee";

WITNESSETH, that the Grantor does hereby convey and confirm in fee unto the said Grantee and its successors and assigns forever the premises situated in Gooding County, Idaho and more particularly described on Exhibit "A" annexed hereto and by this reference incorporated herein, together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, including but not limited to, the water rights identified on Exhibit "B" annexed hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto Grantor and its successors and assigns forever, subject only to the following:

1. Power line easement granted to Idaho Power Company, a corporation recorded June 14, 1934 in Book 3 of Miscellaneous, Page 546.
2. Water rights, ditch, flumes, and pipeline as disclosed in Warranty Deed recorded February 15, 1934 in Book 23 Deeds page 604, records of Gooding County, Idaho.
3. Power line easement granted to Idaho Power Company, a corporation recorded November 5, 1942 in Book 5 of Miscellaneous, Page 210 as Instrument No. 85341.
4. Easement for constructing and maintaining head and diversion works granted to Charles C. Cary recorded January 10, 1953 in Book 7 of Miscellaneous, Page 178 as Instrument No. 120155.
5. Easement for conveying water through a pipeline and maintenance thereof granted to K. Joo and Akio Joo & Ralph S. Bacon and Wanda Maxine Bacon recorded May 20, 1959 in Book 8 of Miscellaneous, Page 100 as Instrument No. 137751.
6. Power line easement granted to Idaho Power Company, a corporation recorded May 31, 1960 in Book 8 of Miscellaneous, Page 174 as Instrument No. 140977.
7. Easement in, to, upon and over all that certain road now in existence and which runs generally from the County road Easterly through the NW1/4NE1/4 to the NE1/4NE1/4 of Section 13, Township 7 South, Range 13, E.B.M. for ingress and egress to said NE1/4NE1/4, given to Bessie B. Abbott, a widow, and Ruth A. Letchworth, a widow, parties of the first

part, to Virgil U. Norwood, party of the second part, recorded October 25, 1960 in Book 8 Page 197 as Instrument No. 141995, records of Gooding County, Idaho.

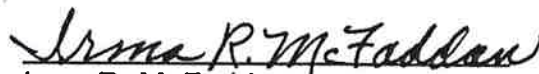
8. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded December 12, 1962 as Instrument No. 6402.
9. Easement for constructing and maintaining small ditches and irrigation facilities and the right of ingress and egress granted to the State of Idaho, recorded December 12, 1962 as Instrument No. 6403.
10. Agreement upon the terms, conditions and provisions contained therein for the purpose of upkeep and maintenance of an irrigation pipeline and sharing the water therefrom dated December 4, 1961 by and between McCarter Cattle Co., Inc., a corporation and Clyde McFarland recorded April 18, 1972 as Instrument No. 40070.
11. Power line easement granted to Idaho Power Company, a corporation recorded February 4, 1974 as Instrument No. 48666.
12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

and that Grantor shall warrant and defend the premises from all other lawful claims whatsoever.

The Grantor further warrants to the Grantee that Grantor is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said real property.

DATED This 28th day of September 2001.


Daniel H. McFaddan

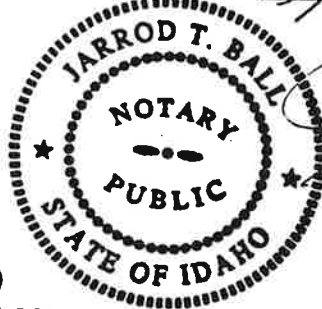

Irma R. McFaddan

36-48A-49, -15532, -15533, -15538
-2169

STATE OF IDAHO)
) ss.
County of Trin Falls

On this date before me, the undersigned notary public for such state personally appeared IRMA R. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and seal on Sept. 28, 2001.



[Signature]
NOTARY PUBLIC

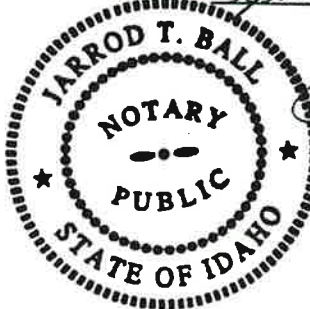
Residing at: Trin Falls

Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Trin Falls

On this date before me, the undersigned notary public for such state personally appeared DANIEL H. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and seal on Sept. 28th, 2001.



[Signature]
NOTARY PUBLIC

Residing at: Trin Falls

Commission expires: 7-25-2002

36-48A, -49, -15532, -15533, -15534
-2169

EXHIBIT A

Legal Description

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North 89°33' East 734.0 feet;

Thence South 28°25' East 444.0 feet;

Thence South 21°55' East 800.00 feet;

Thence South 25°12' East 520.00 feet to a point on the Section line common to Section 11 and 12.

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-2169

EXHIBIT B

McFaddan Water Rights Description

Record No.	Source	Priority Date	Basis	Use
36-15532	Florence Livestock Spring	06/01/1969	Beneficial Use	Fish Propagation
36-15533	Florence Livestock Spring	04/01/1958	Beneficial Use	Commercial
36-15538	Spring	04/01/1964	Beneficial Use	Irrigation
36-00049	Florence Livestock Spring	04/01/1900	Decreed	Commercial, Domestic, Fish Propagation, Irrigation, Stockwater
36-00048A	Billingsley Creek	11/04/1885	Decreed	Irrigation
36-2169	Florence Livestock Spring	04/10/1952	License	Domestic, Irrigation

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-2169

Instrument # 192262

GOODING, GOODING, IDAHO

2001-09-28

04:19:43 No. of Pages: 10

Recorded for: GOODING TITLE

HELEN EDWARDS

Fee: 20.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

GD10184C

WARRANTY DEED

THIS INDENTURE made by and between the DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership whose address is Rt. 1, Box 406, 17966 Highway 30 N., Hagerman, Idaho, hereinafter referred to as "Grantor," and the IDAHO STATE BUILDING AUTHORITY, P.O. Box 2802, Boise, Idaho 83701, hereinafter referred to as "Grantee";

WITNESSETH, that the Grantor does hereby convey and confirm in fee unto the said Grantee and its successors and assigns forever the premises situated in Gooding County, Idaho and more particularly described on Exhibit "A" annexed hereto and by this reference incorporated herein, together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, including but not limited to, the water rights identified on Exhibit "B" annexed hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto Grantor and its successors and assigns forever, subject only to the following:

1. Power line easement granted to Idaho Power Company, a corporation recorded June 14, 1934 in Book 3 of Miscellaneous, Page 546.
2. Water rights, ditch, flumes, and pipeline as disclosed in Warranty Deed recorded February 15, 1934 in Book 23 Deeds page 604, records of Gooding County, Idaho.
3. Power line easement granted to Idaho Power Company, a corporation recorded November 5, 1942 in Book 5 of Miscellaneous, Page 210 as Instrument No. 85341.
4. Easement for constructing and maintaining head and diversion works granted to Charles C. Cary recorded January 10, 1953 in Book 7 of Miscellaneous, Page 178 as Instrument No. 120155.
5. Easement for conveying water through a pipeline and maintenance thereof granted to K. Joo and Akio Joo & Ralph S. Bacon and Wanda Maxine Bacon recorded May 20, 1959 in Book 8 of Miscellaneous, Page 100 as Instrument No. 137751.
6. Power line easement granted to Idaho Power Company, a corporation recorded May 31, 1960 in Book 8 of Miscellaneous, Page 174 as Instrument No. 140977.
7. Easement in, to, upon and over all that certain road now in existence and which runs generally from the County road Easterly through the NW1/4NE1/4 to the NE1/4NE1/4 of Section 13, Township 7 South, Range 13, E.B.M. for ingress and egress to said NE1/4NE1/4, given to Bessie B. Abbott, a widow, and Ruth A. Letchworth, a widow, parties of the first

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-2169

part, to Virgil U. Norwood, party of the second part, recorded October 25, 1960 in Book 8 Page 197 as Instrument No. 141995, records of Gooding County, Idaho.

8. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded December 12, 1962 as Instrument No. 6402.
9. Easement for constructing and maintaining small ditches and irrigation facilities and the right of ingress and egress granted to the State of Idaho, recorded December 12, 1962 as Instrument No. 6403.
10. Agreement upon the terms, conditions and provisions contained therein for the purpose of upkeep and maintenance of an irrigation pipeline and sharing the water therefrom dated December 4, 1961 by and between McCarter Cattle Co., Inc., a corporation and Clyde McFarland recorded April 18, 1972 as Instrument No. 40070.
11. Power line easement granted to Idaho Power Company, a corporation recorded February 4, 1974 as Instrument No. 48666.
12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

and that Grantor shall warrant and defend the premises from all other lawful claims whatsoever.

The Grantor further warrants to the Grantee that Grantor is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said real property.

[SIGNATURE PAGE FOLLOWS]

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-2169

DATED This 28th day of September 2001.

DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP:

By: Daniel H. McFaddan By: Irma R. McFaddan
Daniel H. McFaddan, General Partner Irma R. McFaddan, General Partner

By: Daniel H. McFaddan By: Irma R. McFaddan
Daniel H. McFaddan, Limited Partner Irma R. McFaddan, Limited Partner

By: Mark D. McFaddan By: Linda Heinemann
Mark D. McFaddan, Limited Partner Linda Heinemann, Limited Partner

By: Matthew D. McFaddan
Matthew D. McFaddan, Limited Partner

STATE OF IDAHO)
) ss.
County of Tri Falls

On this date before me, the undersigned notary public for such state, personally appeared **IRMA R. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is a General Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28, 2001.



[Signature]
NOTARY PUBLIC
Residing at: Tri Falls
Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Tri Falls

On this date before me, the undersigned notary public for such state, personally appeared **DANIEL H. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a General Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28, 2001.

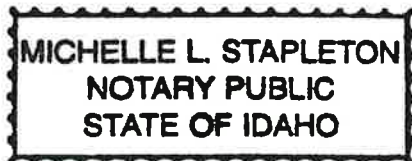


[Signature]
NOTARY PUBLIC
Residing at: Tri Falls
Commission expires: 7-25-2002

STATE OF IDAHO)
County of Latah) ss.

On this date before me, the undersigned notary public for such state, personally appeared **MARK D. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 9-26, 2001.



Michelle L Stapleton
NOTARY PUBLIC
Residing at: Moscow Id
Commission expires: 9-13-06

STATE OF IDAHO)
County of Trin Falls) ss.

On this date before me, the undersigned notary public for such state, personally appeared **MATTHEW D. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28th, 2001.



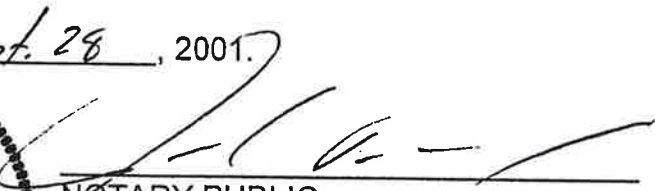
[Signature]
NOTARY PUBLIC
Residing at: Trin Falls
Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Tri Falls

On this date before me, the undersigned notary public for such state, personally appeared LINDA HEINEMANN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28, 2001.




NOTARY PUBLIC

Residing at: Tri Falls

Commission expires: 7-25-2002

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-2169

EXHIBIT A

Legal Description

See Attached.

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-2169

EXHIBIT A

EXHIBIT A

Legal Description

A Parcel of Land located in the East ½ of Section 11, Southwest ¼ of Section 12 and North ¼ of Section 13 Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho.

Commencing at the Southwest corner of said Section 12 which is the REAL POINT OF BEGINNING.

Thence North 89°14'29" East, 1520.23 feet along the South boundary of Section 12.
Thence South 46°15'35" East, 3.91 feet
Thence South 46°15'41" East, 576.76 feet
Thence South 84°16'00" East, 461.26 feet
Thence North 74°25'01" East, 243.59 feet
Thence South 37°32'59" East, 232.96 feet
Thence South 06°07'30" East, 527.36 feet
Thence South 56°43'55" West, 73.70 feet along the North Right of Way of US Highway 30,
Thence South 48°25'08" West, 116.32 feet along the North Right of Way of US Highway 30,
Thence South 35°57'53" West, 70.72 along the North Right of Way of US Highway 30,
Thence South 00°11'03" East, 22.74 feet
Thence South 89°56'33" West, 2620.98 feet to the NW 1/16 corner of Section 13,
Thence North 00°54'24" West, 1317.16 feet along the West boundary of Section 13,
Thence North 89° 47'37" East, 1268.48 feet along the South boundary of Section 11,
Thence North 01°00'29" West, 1774.21 feet along the East Right of Way Line of US Highway 30

Thence along a Curve C1

Δ 01°03'55"
Length 799.84
Radius 43021.85
Tangent 399.93
Chord 799.83
Chord Bearing North 01°32'26" West

Thence North 29°11'20" East, 67.77 feet
Thence North 22°43'35" East, 197.14 feet
Thence North 01°10'04" East, 157.89 feet
Thence North 22°00'10" East, 43.25 feet
Thence North 45°37'40" East, 52.80 feet
Thence North 84°27'35" East, 134.79 feet
Thence North 84°27'35" East, 111.05 feet
Thence North 00°26'59" West, 171.02 feet to the South edge
of a Road Right of Way.
Thence North 00°26'59" West, 50.00 feet
Thence North 89°33'00" East, 124.83 feet
Thence South 29°23'00" East, 57.13 feet to a point on the South edge
of a Road Right of Way.
Thence South 29°22'58" East, 386.58 feet
Thence South 22°52'56" East, 799.14 feet
Thence South 26°10'03" East, 519.95 feet
Thence South 23°24'52" East, 859.77 feet
Thence South 47°58'30" East, 482.48 feet

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-2169

Thence North 84°52'50" East, 233.99 feet
Thence South 46°15'35" East, 853.00 feet to the REAL POINT OF BEGINNING.
Said Parcel contains approximately 175.60 acres which excludes 0.16 acres of Right of Way in the East ½ of Section 11.

EXCEPTING THEREFROM the following parcel:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North 89°33' East 734.0 feet;

Thence South 28°25' East 444.0 feet;

Thence South 21°55' East 800.00 feet;

Thence South 25°12' East 520.00 feet to a point on the Section line common to Section 11 and 12.

36-48A -49, -15532, -15533, -15538
-2169

EXHIBIT B

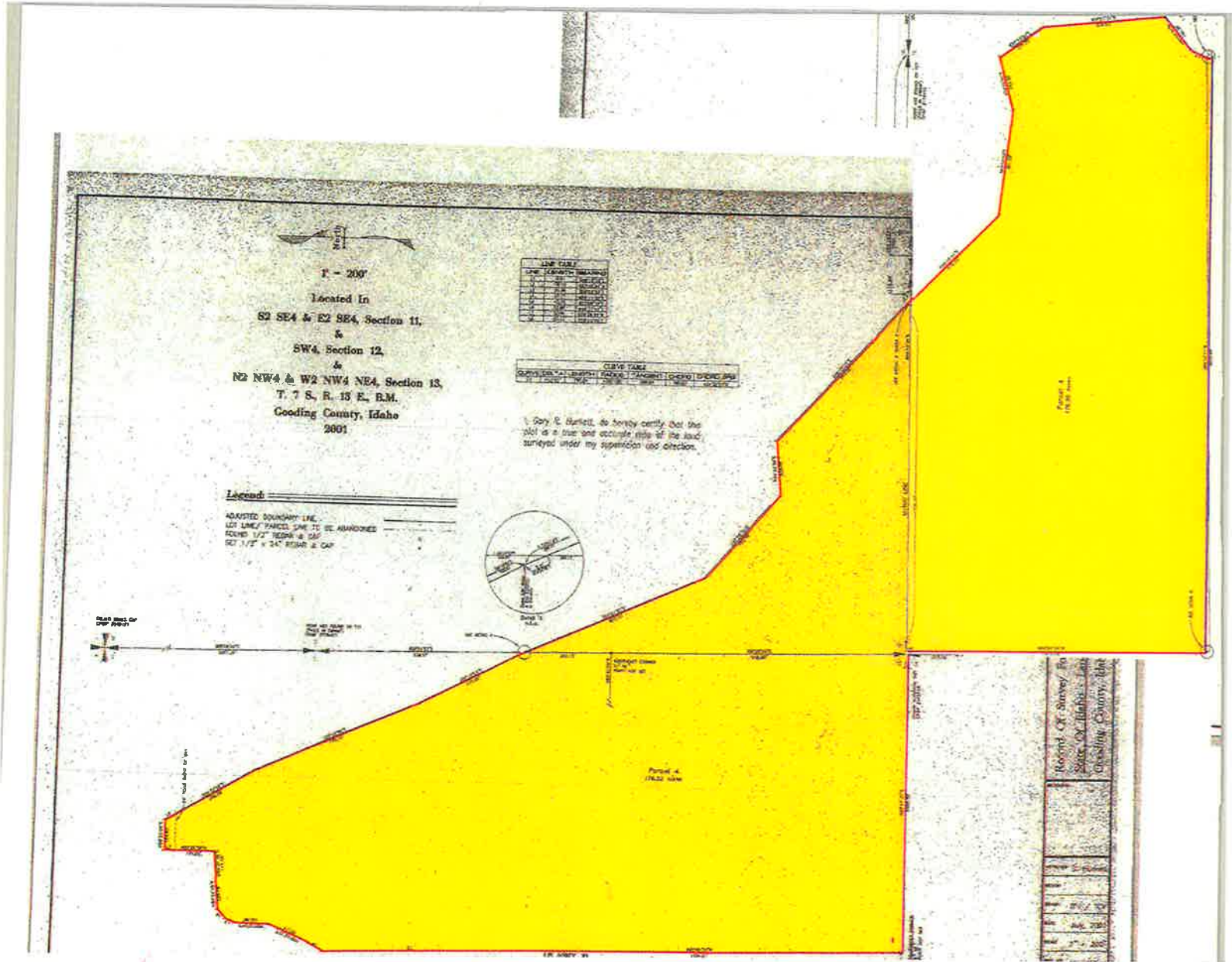
McFaddan Water Rights Description

Record No.	Source	Priority Date	Basis	Use
36-15532	Florence Livestock Spring	06/01/1969	Beneficial Use	Fish Propagation
36-15533	Florence Livestock Spring	04/01/1958	Beneficial Use	Commercial
36-15538	Spring	04/01/1964	Beneficial Use	Irrigation
36-00049	Florence Livestock Spring	04/01/1900	Decreed	Commercial, Domestic, Fish Propagation, Irrigation, Stockwater
36-00048A	Billingsley Creek	11/04/1885	Decreed	Irrigation
36-2169	Florence Livestock Spring	04/10/1952	License	Domestic; Irrigation

EXHIBIT B

36-48A, -49, -15532, -15533, -15538
-2169

36-484-49-15532, -15533, -15538
-2169



C. NICHOLAS KREMA
Deputy Attorney General
700 W. Jefferson St., Rm. 210
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
Fax: (208) 334-2690
Idaho State Bar No. 3471

DATED this 19th day of October 2001.

ALAN G. LANCE
Attorney General, State of Idaho

By: CJ. Krema
C. NICHOLAS KREMA
Deputy Attorney General

36-48A, -49-2169, -15532, -15533, -15538

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October I caused to be served copies of the foregoing **NOTICE OF APPEARANCE** by the method indicated bellow to the following:

Patrick D. Brown
109 S. Adams Street
Jerome, ID 83338

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

John Marshall
Givens Pursley LLP
P.O. Box 2720
Boise, ID 73701-2720

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Nick Spencer
IDWR

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

IDWR
Document Depository

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

Josephine P. Beeman
Deborah E. Nelson
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

US Department of Justice
Environment & Natural Res. Div.
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

C.J. Krema
C. NICHOLAS KREMA

36-48A-49, 2169, -15532, -15533, -15538

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

In Re SRBA

Case 39576

Subcase No.: 36-15532

STANDARD FORM 5

STIPULATED ELEMENTS
OF A WATER RIGHT

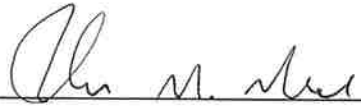
RECEIVED
FEB 28 2002
Department of Water Resources
Southern Region

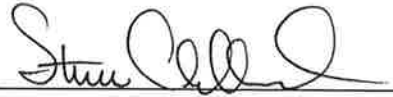
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

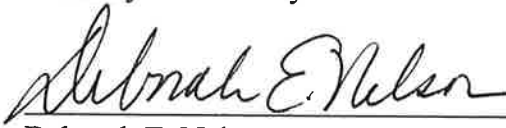
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described in the attached Recommendation. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

 2/21/02
C. Nicholas Crema Date
Attorney for Idaho State Building Authority

 02/19/02
John M. Marshall Date
Givens Pursley LLP
Attorney for Cranney Bros.

 2/22/02
IDWR Concurrence Date

 2/19/02
Deborah E. Nelson Date
Beeman & Associates P.C.
Attorney for North Snake Ground Water
District

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

DATE: OCT. 13, 1999
PAGE: A-1

RIGHTS FROM: SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-15532

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701
(208) 345-6057

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 6.80 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 2.90 CFS
IS SUBORDINATED TO ALL GROUND WATER AND SURFACE
WATER RIGHTS WITH PRIORITY DATES BEFORE DECEMBER 31,
2001.

PRIORITY DATE: 06/01/1969

POINT OF DIVERSION: T07S R13E S12 SESENW Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	6.80 CFS

THE FISH PROPAGATION USE UNDER THIS RIGHT IN
EXCESS OF 2.90 CFS IS SUBORDINATED TO ALL GROUND
WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES
BEFORE DECEMBER 31, 2001.

PLACE OF USE: FISH PROPAGATION Within GOODING County

T07S R13E S11 SESE, NESE

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

DIVERSION OF THIS RIGHT AND THE DIVERSION OF THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.58 CFS DURING THE IRRIGATION SEASON. COMBINED RIGHT
NOS.: 36-00049 & 36-15533.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

OK
Jmm
Dgn
Sec

CERTIFICATE OF SERVICE

I certify that on February 25, 2002, I caused to be served true and correct copies of the Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

Office of the Attorney General
C. Nicholas Crema
P.O. Box 83720, Room 207
Boise, ID 83720-0010

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Deborah E. Nelson
Beeman & Associates
409 W. Jefferson St.
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Cathy Howard

COMMUNICATION DOCUMENTATION

Claim	No.	McFaddan
-------	-----	----------

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

IDWR Employee/Agent: Steve Clelland

2025/03/25 PM

2/13/2002 3:35 PM

NAME :

RE:

DAVID BARBER

CALLIN

MCFADDAN SF5

He called in to ask if I had reviewed the SF5's being circulated... I haven't. He offered to fax them to me for review.

After reviewing them, along with Nick S., we were pretty much able to agree with the numbers and the conditions as presented. There was one typo but the rest was acceptable. I called Mr. Barber back on the following morning, 2/14/02. Phone 334-4141.

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Direct Dial: (208) 388-1270

E-Mail: jmm@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Emily MacMaster Durkee
Thomas E. Dvorak
Ray Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Amanda L. Keating
Kari T. Klein
Robert K. Kishner

David R. Lombardi
D. David Lorallo, Jr.
Kevin T. Maloney
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Mellillo
Christopher H. Meyer
Kendall L. Miller
Edward J. Miller

Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Brad V. Sneed
Virginia L. Stukel
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westmeyer
OF COUNSEL
*Licensed in California only

Post-it™ Fax Note	7671	Date	# of pages ▶
To	Steve Clelland	From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	327-5400	Fax #	

VIA US MAIL

C. Nicholas Krema
Natural Resources Division
Office of the Attorney General
700 W. Jefferson Street, 210 Statehouse
P.O. Box 83720
Boise, ID 83720-0010

RECEIVED
JAN 23 2002
OFFICE OF THE
ATTORNEY GENERAL

Re: Water right nos.: 36-00048A, 36-00049, 36-15532, 36-15533 & 36-15538
Our File: 4431-1

Dear Nick:

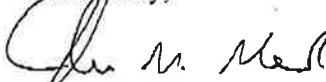
Enclosed please find a settlement proposal for the above captioned water rights in the form of Standard Forms 5 for these rights. This proposal is acceptable to all the objectors in this case, and we hope that it will meet with the State's approval.

As we discussed at the settlement meeting, we exchanged subordination language on the irrigation rights for conditional language designed to explain the rationale behind IDWR's "sprinkler/flood" policy, which permits recommendations for irrigation quantities based on a theoretical historic use rather than current beneficial use.

You will see that we have reduced the unsubordinated quantity for fish propagation to 2.90 cfs, down from the approximately 3.5 cfs quantity we had talked about. I have included a copy of a letter from Dana L. Hofstetter to David R. Tuthill that explains why the 2.90 number is appropriate.

Please call with any questions. If this proposal is acceptable to your client, please sign where indicated and return the SF-5's to me.

Sincerely,


John M. Marshall

JMM/tms

Enclosures

cc: Josephine P. Beeman, Esq.

S:\CLIENTS\4431\ACORR\2002-01-18 JMM ltr to N. Krema re settlement.doc

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

May 24, 2000

Via Hand Delivery

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: SRBA Claim No. A36-15532 in the name of Dan and Irma McFadden

Dear Mr. Tuthill:

Thank you for forwarding me a copy of your May 11, 2000 letter to Patrick Brown regarding Dan and Irma McFadden's SRBA Claim No. A36-15532 for fish propagation. Your letter suggests that additional information is necessary to substantiate the basis for an increase from 6.58 cfs to the 9.0 cfs listed in the fish propagation SRBA claim. Based on available information, it would be appropriate to clarify that additional information is necessary to confirm the need for more than 2.9 cfs for fish propagation. While the McFaddans' irrigation season diversions from Florence Livestock Spring have been measured to be as high as 6.8 cfs, the portion of this amount used for fish propagation is actually much less since the McFaddans' system divides the water such that water for irrigation is not used for fish propagation. As explained in the following paragraphs, currently available information indicates that the extent of water use for the McFaddans' fish propagation use appears to be closer to about 2.9 cfs.

The McFaddans' Florence Livestock Spring diversion pipeline serves a number of uses: about 142 acres of sprinkler irrigated lands as well as the fish ponds and other uses. Thus, the total measured diversions serve all of these uses. The way the system currently is configured, the 142 acres are served with fresh water, not water from the fish ponds. It has been asserted that Mr. McFadden's land requires up to 1.3 miner's inches per acre for sprinkler irrigation. Over the 142 acres, this corresponds with a total of 3.69 cfs. After the sprinkler irrigation quantity of 3.69 cfs is subtracted from the total maximum

David Tuthill
Re: A36-15532
May 24, 2000
Page 2

irrigation season measurement of 6.8 cfs, only slightly more than 3.0 cfs is available for the other uses under Dan McFaddan's Florence Livestock Spring diversion.¹ Accordingly, on this basis, the extent of the McFaddans' fish propagation water use cannot exceed about 3.0 cfs. While no irrigation occurs during the non-irrigation season (roughly December 1 to February 15), and the total flows would be available for fish use during this period of time, we have no information indicating that the extent of the fish propagation use increases during the non-irrigation season and that more water would be required for fish propagation during this period of time.

Theoretical fish production needs also appear to be about 3.0 cfs. As we have previously discussed, production of more than 20,000 pounds of fish per year could subject the McFaddans' ponds to the Clean Water Act's National Pollutant Discharge Elimination System ("NPDES") permitting program. Since the McFaddans have not informed us that they have an NPDES permit for their fish propagation facility, it appears likely that their production does not exceed the 20,000 pounds per year. A report entitled "Aquaculture in Idaho and Nationwide," prepared by George Klontz and John King of the University of Idaho for IDWR, indicates on page 31 that about 10,000 pounds of fish can be produced per cfs under good conditions (copy enclosed). This theoretical estimate is consistent with a diversion rate of about 2.0 to 3.0 cfs for the McFaddans' fish ponds.

Further information supporting a fish propagation diversion rate of about 3.0 cfs is included in the Affidavit of Rick Eggleston provided to IDWR by the McFaddans. This Affidavit indicates that the amount of water flowing through the ponds from 1968 until the early 1970's "varied from 3.5 to 4.0 cfs during the irrigation season and fluctuated between 8.5 to 9.0 cfs during the non-irrigation season." Since the maximum amount of water available and diverted through the ponds can be in excess of actual beneficial use requirements, minimum flows through the pond are more reflective of actual needs. Thus, this Affidavit substantiates that 3.5 cfs or less likely was adequate for the original fish propagation use.

¹ Terry Scanlan has compiled the measurement records submitted by the McFaddans to IDWR for the years 1995 to 1998. Enclosed for your reference is a copy of a graph he prepared as well as his listing of measured diversion rates for the McFaddans' Florence Livestock Spring diversions. Additionally, I enclose a daily diversion record worksheet for the McFaddans' 1999 Florence Livestock Spring measurements which we obtained from Cindy Hodges of IDWR. Available diversion records indicate a maximum total measured flow of about 6.8 cfs during the irrigation season.

David Tuthill
Re: A36-15532
May 24, 2000
Page 3

I believe this summarizes available information concerning the McFaddans' fish propagation water use. As you know, based on this information, we have proposed a settlement with an unsubordinated 2.9 cfs for the fish propagation use while up to 6.58 cfs may be diverted if it is available. We believe this is a reasonable approach and, indeed, the only justifiable approach based on the information available.

Thank you for your consideration of this matter. Please do not hesitate to contact me if you have any questions.

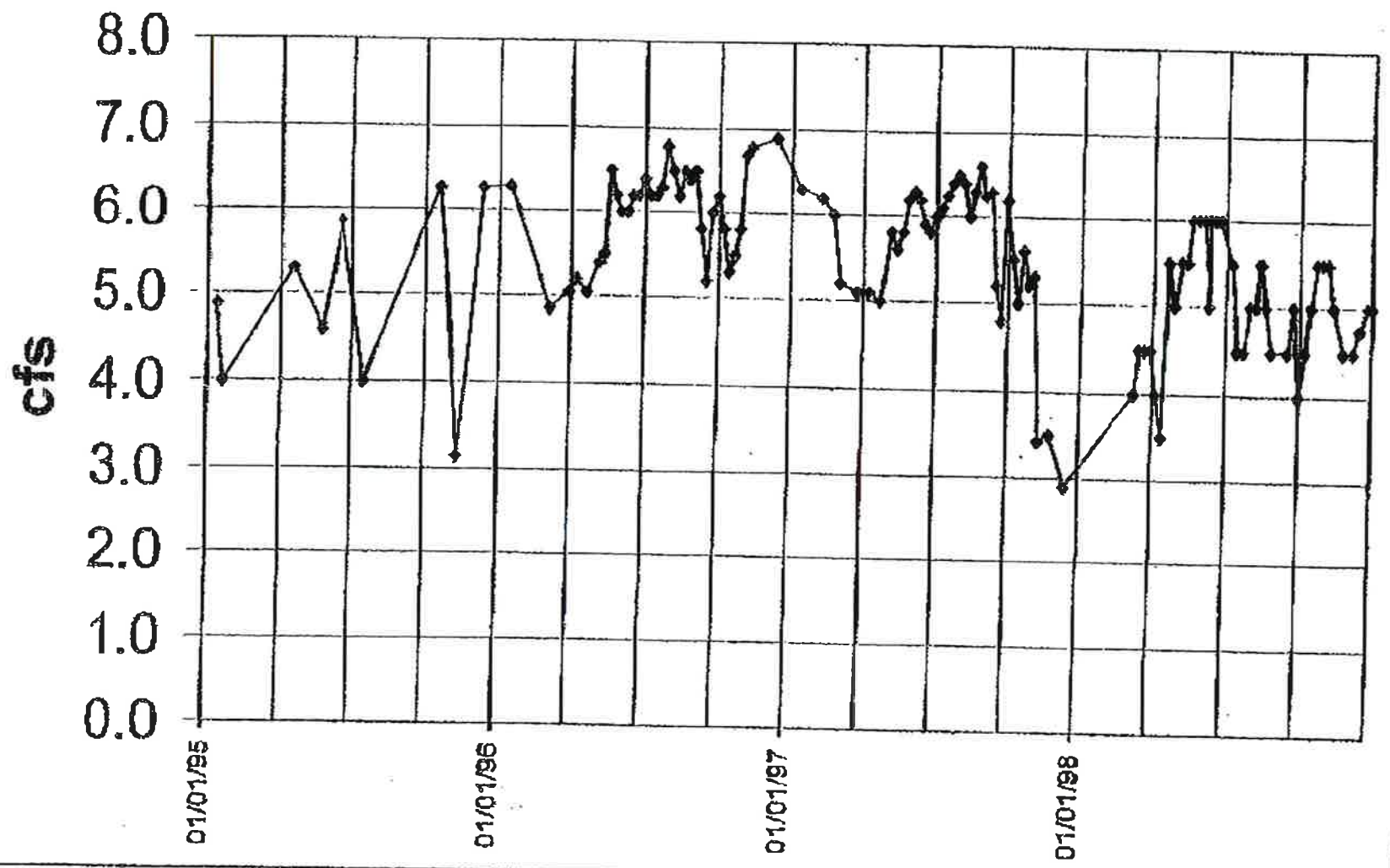
Sincerely,

BEEMAN & HOFSTETTER, P.C.


Dana L. Hofstetter

DLH:ja
Enclosures
cc via fax w/ enc.: Mike Creamer
Nick Spencer
Patrick Brown
Steve Clelland
D:\1780\2a\48A\3911

McFaddan - Florence Livestock Spring



Dan McFadden - Florence Livestock Spring Diversion Records

Date	cfs
01/11/95	4.9
01/20/95	4.0
04/18/95	5.3
05/22/95	4.8
06/18/95	5.9
07/15/95	4.0
10/18/95	6.3
11/12/95	3.2
12/12/95	6.3
01/14/96	6.3
03/05/96	4.8
03/29/96	5.1
04/07/96	5.2
04/21/96	5.1
05/05/96	5.4
05/12/96	5.5
05/19/96	5.5
06/29/96	6.2
08/02/96	6.0
08/09/96	6.0
08/18/96	6.2
08/23/96	6.2
08/30/96	6.4
07/07/96	6.2
07/14/96	6.2
07/21/96	6.3
07/28/96	6.6
08/04/96	6.6
08/11/96	6.2
08/18/96	6.5
08/25/96	6.4
08/31/96	6.5
09/03/96	5.8
09/15/96	5.2
09/22/96	6.0
09/29/96	6.2
10/06/96	6.8
10/13/96	5.3
10/20/96	5.5
10/27/96	5.8
11/03/96	6.7
11/10/96	6.8
12/13/96	6.9
01/14/97	6.3
02/06/97	6.2
02/23/97	6.0
03/03/97	5.2
03/24/97	5.1
04/07/97	5.1
04/21/97	5.0
05/09/97	5.8
05/12/97	5.6
05/19/97	5.8
06/28/97	6.2
08/03/97	6.3
08/08/97	6.2
08/18/97	5.9
08/23/97	5.8
08/30/97	6.0
07/07/97	6.1
07/14/97	6.3

Sent By: BEEMAN & HOFSTETTER;

208 388 8400;

May-25 9:57AM;

Page 7/10

Page 2 of 2

07/21/97	8.4
07/28/97	8.5
08/04/97	8.4
08/11/97	6.0
08/18/97	6.3
08/25/97	6.8
09/01/97	6.3
09/08/97	6.3
09/15/97	5.2
09/22/97	4.6
09/29/97	6.2
10/06/97	5.5
10/13/97	5.0
10/20/97	5.6
10/27/97	5.2
11/03/97	5.3
11/10/97	3.4
11/24/97	3.5
12/15/97	2.9
03/09/98	4.0
03/15/98	4.5
03/22/98	4.5
03/29/98	4.5
04/04/98	4.0
04/12/98	3.5
04/19/98	5.5
04/26/98	5.0
05/03/98	5.5
05/12/98	5.5
05/19/98	6.0
05/26/98	6.0
06/02/98	6.0
06/08/98	8.0
06/09/98	6.0
06/15/98	6.0
06/23/98	6.0
07/07/98	5.5
07/14/98	4.5
07/21/98	4.5
07/28/98	5.0
08/05/98	5.0
08/11/98	5.5
08/18/98	5.0
08/25/98	4.5
09/15/98	4.5
09/22/98	6.0
09/29/98	4.0
10/06/98	4.5
10/13/98	5.0
10/20/98	5.5
10/27/98	5.5
11/03/98	5.5
11/10/98	5.0
11/24/98	4.5
12/07/98	4.5
12/14/98	4.8
12/24/98	5.0
12/30/98	5.0
Average	5.5
Maximum	6.5
Minimum	2.9
Median	5.5

created by CHedgwick, 1/2008



DAILY DIVERSION RECORD WORKSHEET

OVERN
DIVERSION NAME
SOURCE
GIVE ID
REPORT DATES
WATER RIGHT 30-0000, N.E.I.
WATER NIGHT LIMIT 8.10 cfs
HIGH FLOW 7.00 cfs
DAYS OVER LIMIT 0

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Jan	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Feb	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Mar	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Apr	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
May	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Jun	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Jul	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Aug	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Sep	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Oct	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Nov	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	
Dec	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	

Monthly Vol (acre-feet)

Monthly Vol (acre-feet)

Monthly Vol (acre-feet)

AQUACULTURE IN IDAHO and Nationwide

by

**George W. Klontz
Fishery Resources**

and

**John G. King
Watershed Management**

College of Forestry, Wildlife and Range Sciences

**Idaho Water Resources Research Institute
University of Idaho
Moscow, Idaho**

John S. Gladwell, Director

**Department of Water Resources
Statehouse
Boise, Idaho 83720**

Table 6. Prices per pound of trout f.o.b. processing plant.

	1972	1973	1974
Live	0.52-0.55	0.65-.70	.60-.65
Dressed	1.20-1.24	1.12-1.20	1.33-1.46
Boned	1.42-1.48	1.34-1.43	1.61-1.69
Filletts	1.79-1.82	1.85-1.90	2.10-2.18

Source: Robinson, 1974.

Habitat: The physical and chemical parameters of water required for optimum fish growth and reproduction have been discussed previously in this report (see Chapter III, Habitat). To reiterate some of the specifics for rainbow trout:

Temperature: 50-60° F (10-15° C)

Dissolved oxygen: >6 ppm at the outfall

pH: 7.3-8.2

CO₂: <2 ppm

NH₃ (unionized): 0.018 ppm at the outfall

Alkalinity: 150-250 ppm as calcium

Water with chemical qualities in these ranges should be capable of supporting fish at a level of one-half pound of fish per cubic foot of water per inch of average length of fish. Accordingly, if water were used to provide a turnover time of 30-45 minutes in the ponds, the annual production should be 10,000 pounds of fish per cfs. There are very few trout farms currently obtaining this production per cfs. Those which are apparently are having no difficulty doing so.

If the production potential of 1 cfs of water were applied only to new water; i.e., water initially entering a fish farm, the increasing practice of reusing 90% of the water after reconditioning will magnify the 10,000 pounds production per cfs to 100,000 pounds production per cfs. This could be misleading in that fish production per cfs new water will increase but fish production per cubic foot of rearing space will likely remain the same or decrease. Were the proposed EPA guidelines for quality of water being discharged from a fish farm to be enacted into law, several of the existing trout farms may elect to recondition water in recycling systems in order to comply with the regulations. (cf Factors Affecting Aquaculture)

Catfish Production

Catfish farming in the United States is a relatively diverse industry when compared to the other fish farming industries (Greenfield, 1970). The

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

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

In Re SRBA)
Case No. 39576)
)
)
)
)

A. Subcase No.: 36-15532

STANDARD FORM 1
OBJECTION

MAIL



Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

Daytime Phone: (208) 837-4872

Name & Address of Attorney, if any:

Patrick D. Brown, P.C.

109 South Adams Street

Jerome, ID 83338 (644-1967)

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT
(Corrected Recommendation of 2-18-00)

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

COPY

**D. I OBJECT TO THE FOLLOWING ELEMENTS AS RECOMMENDED IN THE
DIRECTOR'S REPORT. [PLEASE CHECK THE APPROPRIATE BOX(ES).]**

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 9.7 cfs and combined rate of 9.7 cfs
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Use
Should be: _____
9. ☐ Place of Use
Should be: _____

10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): This 9.7 cfs is the amount used
to establish the right and all water available under the priority of this right has
been continuously used since.

State of Idaho)
County of Jerome) ss

That I am the party/claimant filing this Objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this Objection, know its contents, and believe that the statements are true to the best of my knowledge.

Attorney signing in representative capacity)

Notary Public for: Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on September 27, 2000, I mailed the original and copies of this Objection, including all attachments, to the following persons:

1. Original to:

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

(via hand-delivery)

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

Name: n/a

Address: _____

3. Copies to:

Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
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Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

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☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
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Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


(Signature of Objector or attorney mailing on Objector's behalf)

Dan & Irma McFaddan

PATRICK D. BROWN, P.C.

Law Offices

109 South Adams

Jerome, ID 83338

Telephone: (208) 644-1967

Facsimile: (208) 633-1970

ISB #4413

RECEIVED

OCT 31 2000

Department of Water Resources
Southern District

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

In Re SRBA

Case No. 39576

) A. Subcase 36-15532

) STANDARD FORM 2

) RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

Phone: (208) 837-4872

Name & Address of attorney, if any:

Patrick D. Brown

Patrick D. Brown, P.C.

109 S. Adams St.

Jerome, Idaho 83338

ph: (208) 644-1967

fax: (208) 644-1970

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

Name: Cranney Bros.

Address: 503 West 1300 South

Oakley, ID 83346

Phone (day) (208) 862-3346

Name and Address of attorney, if any:

Michael C. Creamer

Givens Pursley

277 North 6th Street, Suite 200

P.O. Box 2720

Boise, ID 83701-2720

**D. I AM RESPONDING TO THE OBJECTIONS TO THE FOLLOWING ELEMENTS.
(PLEASE CHECK THE APPROPRIATE BOX(ES)).**

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity Should be 9.7 cfs and combined rate of 9.7 cfs.
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

Comments: This 9.7 cfs is the amount used to establish the right and all water available under the priority of this right has been continuously used since.

E. VERIFICATION (Must be Completed)

State of Idaho)
County of Jerome) ss.

PATRICK D. BROWN, duly sworn, upon oath, deposes and says:

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

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 10-17-00



Patricia J. Fahrenholz
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-04

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on October 17, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Dan and Irma McFaddan
Address: 17966 Hwy 30
Hagerman, ID 83332

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

Name: Cranney Bros.
Address: 503 West 1300 South
Oakley, ID 83346

4. Copies to:

United States Department of Justice
Environment and Natural Resource Division
5550 West Fort Street, MSC 033
Boise, ID 83724

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☐ Hand Delivered
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Boise, ID 83711-4449

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Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

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☐ Overnight Mail
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Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Josephine Dana Hofstetter
Beeman & Hofstetter
608 W. Franklin St.
P. O. Box 1427
Boise, ID 83701-1427

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



Signature of person mailing.

Dan & Irma McFaddan

PATRICK D. BROWN, P.C.
Law Offices
109 South Adams
Jerome, ID 83338
Telephone: (208) 644-1967
Facsimile: (208) 633-1970
ISB #4413

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

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

In Re SRBA

A. Subcase 36-15532

Case No. 39576

STANDARD FORM 2
RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Dan and Irma McFaddan
Address: 17966 Hwy 30
Hagerman, ID 83332
Phone: (208) 837-4872

Name & Address of attorney, if any:

Patrick D. Brown
Patrick D. Brown, P.C.
109 S. Adams St.
Jerome, Idaho 83338
ph: (208) 644-1967
fax: (208) 644-1970

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION(S) TO,
WHICH YOU ARE RESPONDING:

Name: North Snake River Ground Water District
Address: 2092 East 3600 South
Wendell, ID 83355
Phone (day) (208) 536-6555

Name & Address of attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
688 West Franklin Street
P.O. Box 1427
Boise, ID 83701-1427
Ph. (208) 388-8900
Fx. (208) 388-8400

D. I AM RESPONDING TO THE OBJECTIONS TO THE FOLLOWING ELEMENTS. (PLEASE CHECK THE APPROPRIATE BOX(ES)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity Should be combined diversion rate of 9.7 cfs.
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

Comments: This 9.7 cfs is the amount used to establish the right and all water available under the priority of this right has been continuously used since.

E. VERIFICATION (Must be Completed)

STATE OF IDAHO)
) ss.
County of Jerome)

PATRICK D. BROWN, duly sworn, upon oath, deposes and says:

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

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 10-17-00

(Seal)



Notary Public for Patrick D. Brown
Residing at: Jerome Falls
My Commission Expires: 11-09-04

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on October 11, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Dan and Irma McFaddan
Address: 17966 Hwy 30
Hagerman, ID 83332

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

Name: North Snake River Ground Water District
Address: 2092 East 3600 South
Wendell, ID 83355

4. Copies to:

United States Department of Justice
Environment and Natural Resource Div.
5550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Hand Delivered
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Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

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Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

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☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

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☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Josephine Dana Hofstetter
Beeman & Hofstetter
608 W. Franklin St.
P. O. Box 1427
Boise, ID 83701-1427

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


Signature of person mailing document

RECEIVED

OCT 20 2000

Department of Water Resources

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

In Re SRBA)

Case No. 39576)

A. Subcase 36-15532

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Faulkner Land & Livestock Company
Address: 1989 South 1875 East
Gooding, ID 83330
Daytime Phone: 208-934-4956

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
208-388-8900
Fax - 208-388-8400

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

Name: Dan and Irma McFadden
Address: 17966 Highway 30
Hagerman, ID 83332

RECEIVED
OCT 31 2000
Department of Water Resources
Southern Region

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss:
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 19, 2000



Joyce E. Angeli
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on October 19, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

(hand delivery)

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

Name: Dan and Irma McFadden
Address: 17966 Highway 30
Hagerman, ID 83332

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

Name: Patrick D. Brown (Certified Mail)
Address: 109 S. Adams Street
Jerome, ID 83338

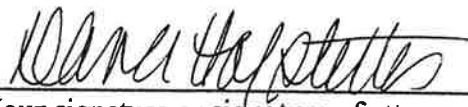
4. Copies to:

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

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

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

Michael Creamer
Givens Pursley LLP
P. O. Box 2720
Boise, ID 83701-2720



Your signature or signature of attorney
mailing on your behalf

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

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

In Re SRBA)

Case No. 39576)

A. Subcase 36-00049

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: North Snake Ground Water District

Address: 2092 East 3600 South
Wendell, ID 83355

Daytime Phone: 208-536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
208-388-8900
Fax - 208-388-8400

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

Name: Dan and Irma McFadden

Address: 17966 Highway 30
Hagerman, ID 83332

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
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7. ☐ Purpose(s) of Use
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9. ☐ Place of Use
11. **Recommendation**
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State of Idaho)
) ss:
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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(Signature of person filing response)

Dana L. Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 19, 2000



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

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253 Third Avenue North
P. O. Box 2707
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(hand delivery)

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

Name: Dan and Irma McFadden
Address: 17966 Highway 30
Hagerman, ID 83332

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

Name: Patrick D. Brown (Certified Mail)
Address: 109 S. Adams Street
Jerome, ID 83338

4. Copies to:

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

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

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

Michael Creamer
Givens Pursley LLP
P. O. Box 2720
Boise, ID 83701-2720



Your signature or signature of attorney
mailing on your behalf

COMMUNICATION DOCUMENTATION

I returned her call and left this info on her voice mail.

RECEIVED

OCT 20 2000

Department of Water Resources

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

In Re SRBA)

Case No. 39576)

A. Subcase 36-15532

(Insert water right number
From the Objection Form)

RECEIVED

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Department of Water Resources
Southern Region

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RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: North Snake Ground Water District

Address: 2092 East 3600 South
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Daytime Phone: 208-536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
208-388-8900
Fax - 208-388-8400

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

Name: Dan and Irma McFadden

Address: 17966 Highway 30
Hagerman, ID 83332

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2. ☐ Source
3. ☒ Quantity
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5. ☐ Point(s) of Diversion
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) ss:
County of Ada)

Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

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(Signature of person filing response)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 19, 2000



Yvonne E. Angeli
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

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Hagerman, ID 83332

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Name: Patrick D. Brown (Certified Mail)
Address: 109 S. Adams Street
Jerome, ID 83338

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P. O. Box 83720
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Chief, Natural Resources Division
Office of the Attorney General.
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

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

Michael Creamer
Givens Pursley LLP
P. O. Box 2720
Boise, ID 83701-2720



Your signature or signature of attorney
mailing on your behalf

NOV 26 2001

Department of Water Resources

NOV 15 2001

Department of Water Resources
Southern Region

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

Water Rights: 36-48A, 36-49,
36-2169, 36-15532, 36-15533 &
36-15538

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change

☒ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion	☐ Place of use
☐ Period of use	☐ Nature of use
☐ Split of water right	☐ Change in ownership
☐ Other	

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

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

DATED: Nov 8, 2001

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 8, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

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

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☐ hand-delivered
☐ facsimile

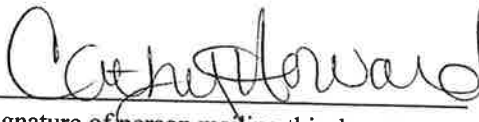
3. Copies to all parties to the subcase:

Idaho State Building Authority
P.O. Box 2802
Boise, ID 83701

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Dan and Irma McFaddan
17966 Hwy. 30
Hagerman, ID 83332

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

11/07/2001

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

RIGHT NUMBER: 36-48A

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.100 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.: 36-15538,
36-00049, 36-15532 & 36-15533.^^^

PRIORITY DATE: 11/04/1885

POINT OF
DIVERSION:

T07S R13E S13 NWNWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	2/15 11/30	1.100 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S11	SENE	6.0	T07S R13E S11	NESE	36.5
T07S R13E S11	SESE	40.0	T07S R13E S12	NWSW	1.0
T07S R13E S12	SWSW	18.0	T07S R13E S12	SESW	1.0
T07S R13E S13	NENW	36.0	T07S R13E S13	NWNW	40.0

178.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 36-00049 & 36-15538 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN A SINGLE IRRIGATION
SEASON.^^^

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.

11/07/2001

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

RIGHT NUMBER: 36-49

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 6.580 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER
USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.: 36-00048A,
36-15538, 36-15532 & 36-15533.^^^

PRIORITY DATE: 04/01/1900

POINT OF
DIVERSION:

T07S R13E S12 SESENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	6.580 CFS
STOCKWATER	01/01 12/31	0.070 CFS
DOMESTIC	01/01 12/31	0.060 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S11	SENE	6.0	T07S R13E S11	NESE	36.5
T07S R13E S11	SESE	40.0	T07S R13E S12	NWSW	1.0
T07S R13E S12	SWSW	18.0	T07S R13E S12	SESW	1.0
T07S R13E S13	NENW	36.0	T07S R13E S13	NWNW	40.0

STOCKWATER Within GOODING County

T07S R13E S11	NESE	T07S R13E S11	SESE
---------------	------	---------------	------

DOMESTIC Within GOODING County

T07S R13E S11	NESE	T07S R13E S11	SESE
---------------	------	---------------	------

178.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 36-15538 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN A SINGLE IRRIGATION
SEASON.^^^

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING WATER RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE. RIGHTS 36-00049, 36-02169, 36-15532, 36-15533
AND 36-15538.^^^

11/07/2001

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

RIGHT NUMBER: 36-2169

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.160 CFS

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

PRIORITY DATE: 04/10/1952

POINT OF
DIVERSION:

T07S R13E S12 SESENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	2/15 11/30	0.140 CFS
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S11 NWSE 4.5
DOMESTIC Within GOODING County
T07S R13E S11 NWSE

4.5 ACRES TOTAL

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE
IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE FOLLOWING WATER RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE. RIGHTS 36-00049, 36-02169, 36-15532, 36-15533
AND 36-15538.^^^

11/07/2001

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

RIGHT NUMBER: 36-15532

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 6.800 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.: 36-00048A,
36-00049, 36-15533 & 36-15538.^^

PRIORITY DATE: 06/01/1969

POINT OF
DIVERSION:

T07S R13E S12 SESENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	6.800 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County

T07S R13E S11	NESE	T07S R13E S11	SESE
---------------	------	---------------	------

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

FISH PROPAGATION ORIGINALLY CLAIMED UNDER 36-00049.^^^
THE FOLLOWING WATER RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE. RIGHTS 36-00049, 36-02169, 36-15532, 36-15533
AND 36-15538.^^^

11/07/2001

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

RIGHT NUMBER: 36-15533

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.060 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.: 36-00048A,
36-00049, 36-15532 & 36-15538.^^^

PRIORITY DATE: 04/01/1958

POINT OF
DIVERSION:

T07S R13E S12 SESENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	1/01 12/31	0.060 CFS

PLACE OF USE: COMMERCIAL Within GOODING County

T07S R13E S11 SESE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

COMMERCIAL USE WAS ORIGINALLY CLAIMED UNDER 36-00049.^^^
THE FOLLOWING WATER RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE. RIGHTS 36-00049, 36-02169, 36-15532, 36-15533
AND 36-15538.^^^

11/07/2001

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

RIGHT NUMBER: 36-15538

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.500 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.: 36-00048A,
36-00049, 36-15532 & 36-15533.^^^

PRIORITY DATE: 04/01/1964

POINT OF
DIVERSION:

T07S R13E S12 SESENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	2/15 11/30	0.500 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S11	SENE	6.0	T07S R13E S11	NESE	36.5
T07S R13E S11	SESE	40.0	T07S R13E S12	NWSW	1.0
T07S R13E S12	SWSW	18.0	T07S R13E S12	SESW	1.0
T07S R13E S13	NENW	36.0	T07S R13E S13	NWNW	40.0

178.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 36-00049 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN A SINGLE IRRIGATION
SEASON.^^^ THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

In Re SRBA

Case 39576

Subcase A36-15532
(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:

☐ **LATE NOTICE OF CLAIM**

☐ **AMENDED NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

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

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it 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 is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

- ☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Dan M^c Fadden

My address is 17966 N Hwy 30
Hagerman, Idaho 83332

My phone number is: Work 837-4872 Home 837-6649

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

- ☒ I did not file a Notice of claim to the use of water in the SRBA because:

This was claimed under a consolidated claim
and is now being separated out under a separate
claim.

- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒

I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

See attached

I have attached:

☒

A fully completed Notice of Claim (available from IDWR).

☐

A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

☒

A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 184.00.

(2 claims)

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Gooding

Dan McFadden, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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

Dan McFadden
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 3/30/99
(Insert Date)

Shirley Allen
Notary Public for STATE OF IDAHO
Residing at: Thorn Falls ID
My Commission expires: 12/7/2000

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on _____, 199 ____, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert names/addresses of parties)

Signature of person or attorney mailing the form

TRANSMITTAL COVER SHEET

TO: Terry Scanlan

383-4156

TOTAL PAGES SENT: 5
(including cover sheet)

DOCUMENT DESCRIPTION: SRBA Claims

FROM:

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

PHONE: 736-3033

FAX: 736-3037

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

Please consider this document ~~as~~ a billing statement.
The charge for your fax copies is:

Please remit to the above address.

SENDER: STEVE CLELLAND

COMMENTS: Let me know if you need
copies of the SFA motions
(Forms to file late claims)

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

04/06 09:16
912083834156-540044
00:02:12
05
OK
STANDARD

TIME : 04/06/1999 09:19
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

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

12/21/99 15:46:59

Page 1

Water Right Number - R36-15532

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

MC FADDAN

DAN H

1 - 17966 N HWY 30

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6649

MC FADDAN

IRMA R

1 - 17966 N HWY 30

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6649

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1969 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
FLORENCE LIVESTOCK SPRING BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 13E 12 SE SE NW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
19 - FISH PROPAGATION 01/01 12/31 6.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
6.800 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 11 NE SE 19 FISH PROPAGATION (47) GOODING
07S 13E 11 SE SE 19 FISH PROPAGATION (47) GOODING

Total Acres:

+ - - Diversion Means - HAND DUG TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 16" PIPE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.:
36-00048A, 36-00049, 36-15533 & 36-15538.

Water right number - R36-15532

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +
FACILITY VOLUME 78,700 CU.FT.

EXP FISH PROPAGATION ORIGINALLY CLAIMED UNDER 36-00049.

+ - - - - - Old Water Right Numbers - - - - - +
3600049

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

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

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

Date: 09/28/1999 User Id: SCLELLAN Subject: DISALLOW

PROOF OF PRIORITY DATE IS NOT SUFFICIENT TO SUPPORT THE CLAIMED DATE.

Date: 12/21/1999 User Id: SCLELLAN Subject: RECOMMENDATION

SEVERAL AFFIDAVITS SUPPORT DEVELOPMENT OF THE FISH PONDS IN 1968- 1969 BUT THE 1969 ASCS PHOTO FAILS TO SHOW THE PONDS PRESENT IN
MAY 1969 WHEN THE PHOTOS WERE TAKEN... ALLOWING 6/1/1969.

+ - - Audit Fields - - +
12/21/99 SCLELLAN

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 03/26/1999	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 12/21/1999	Old Judicial District	-
Claim Received Date	- 06/24/1999	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C045833	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

COMMUNICATION DOCUMENTATION

A36-15532

Identification No. 36-7095

Application No.

36-7095
Copied from Microfiche
12/22/99
SCU
PORTIONS OF
PERMIT

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant KENNETH W. HULME and/or DON A. HULME d/b/a HULME PRODUCE
post office address Hagerman, Idaho 83332
2. Source of water supply Florence Livestock Spring which is a tributary of Billingsly Creek
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12 Township 7 S
Range 13 E B.M. Gooding County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into Billingsly Creek at a point in SE $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 12 Township 7 S Range 13 E B.M.
4. Water will be used for the following purposes:
Amount 9.7 for Fish Prop. purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
5. Total quantity to be appropriated:
a. 9.7 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pipeline (existing)

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 4,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: E $\frac{1}{2}$ $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11 Township 7 S
Range 13 E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served: _____, or number of families to be
supplied with domestic water: _____
(5) If water is to be used for other purposes describe: Fish Propagation

A36

36-15532

FILED

11-20-1969

Received by _____ Date 11-20-69
Preliminary work by _____ Date 11-20-69
Approved by _____ Date 11-20-69
Part of the project _____
Publication _____
Publication date _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

APPROVED

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by SWY 2/2/71

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7095, and said application is hereby APPROVED.

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

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 75.
- Other: The permit holders shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 2nd day of July, 19 70.

P. V. H. H.
State Reclamation Engineer



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAH

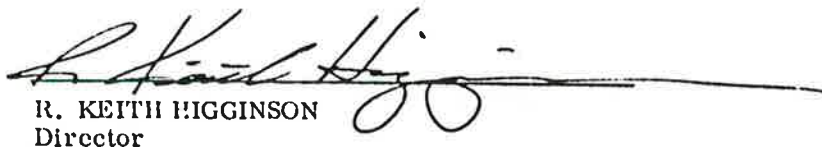
July 3, 1975

Kenneth W. &/or Don A. Hulme
-dba- Hulme Produce
Hagerman, Idaho 83332

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permits No. 36-7094 & 36-7095 have lapsed.

You are further advised that the Department cannot reinstate the permits except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

Permit 36-7095 Lapsed & was destroyed.

**EMERALD VALLEY
GARDEN CENTER INC.**

17966 U.S. HIGHWAY 30
HAGERMAN ID. 83332
(208) 837- 4872

TIME: 9:30 AMDATE: 11/30/99**PLEASE DELIVER THE FOLLOWING PAGES TO:**NAME: Steve ClarkFIRM: T.D.W.R.CITY & STATE: Twin Falls, Id.TELEPHONE NO.: (208) 738-3033FAX NO.: (208) 738-3037

WE ARE TRANSMITTING 5 PAGES (INCLUDING THIS COVER LETTER).
OUR FAX NO. IS (208) 837- 4872. IF YOU DO NOT RECEIVE ALL OF THE PAGES
INDICATED, OR ENCOUNTER TRANSMISSION DIFFICULTIES , PLEASE CALL
US AT (208) 837- 4872 (PHONE & FAX ARE THE SAME)

MESSAGE:

Steve,

Here are copies of the letters and
affidavit that I agreed to send everyone
at the meeting in Boise.

Dan
H.

A36-15532

IN THE MATTER OF:

Water Rights for
Dan and Irma McFaddan
Hagerman, Idaho
State of Idaho
County of Gooding

AFFIDAVIT

Affidavit of Richard "Rick" Eggleston, residing in Buhl, Idaho:

Rick Eggleston, being first duly sworn, deposes and says: I state the following based on my personal knowledge.

I went to work for Clear Springs Corporation in early 1968 and left the company in 1980. My job primarily involved the management and operation of the farm pond fish production program which included ponds on Emerald Valley Ranch.

The ponds presently on the Emerald Valley Ranch, owned by the McFaddans, were owned by Ken Hulme when I worked for Clear Springs. The ponds we used for production were located just east of the McFaddan horse barns. About three-fourths (3/4ths) of these ponds have been removed and partially replaced by a pond just east of and below the McFaddan home. The ponds we used were approximately 325 ft. long and 30 ft. wide and 2 to 3 ft. deep. There were two (2) ponds of that size.

I was at the Ken Hulme farm with a load of fish the day the first fish were stocked in the Hulme ponds. I remember it well because the ponds would not hold water when the water was first turned in. We had to get a load of bentonite clay and stir it into the bottoms of the ponds so they would fill enough to allow us to unload the fish. I know this was in 1968 because the fish were loaded on a new, 1968, yellow, Chevy truck we had just purchased and equipped with a set of blue tanks to haul fish in.

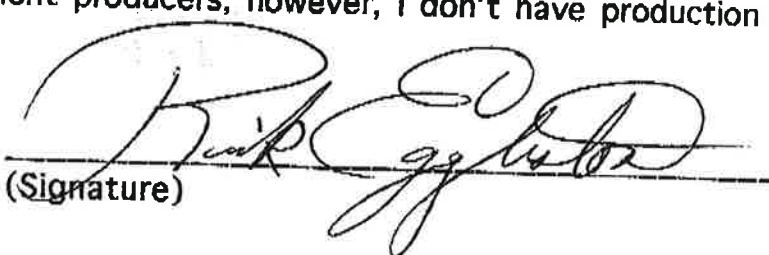
We harvested the first crop of fish from the Hulme ponds in either late 1968 or early 1969. I don't remember the exact date. We continued operation of these ponds through the early 1970's. Another company took over the ponds when we discontinued our use of them. When we operated the ponds, Clear Springs furnished the fish and feed and the pond owner furnished the ponds and fed the fish. They were paid on a per pound gain basis.

The water that supplied the Hulme ponds came from a large spring known as the Florence Livestock Spring located just under the rim, northeast of the farm. It flowed through a large steel pipe across Billingsley Creek and dumped into an open ditch which flowed north through the ponds and back into Billingsley Creek below the present McFaddan home. All of the water not needed for drinking, irrigation, and other uses went through the ponds as it does now. This setup was a fluctuator and required a good deal of management. The amount of water used and flowing through the ponds from 1968 until the early 1970's varied from 3.5 to 4.0 cfs

Page two, Affidavit of Rick Eggleston.

during the irrigation season and fluctuated between 8.5 to 9.0 cfs, during the non-irrigation season. I know these measurements are accurate because frequent monitoring was required in order to make the most efficient use of the water and feed. I know how to measure water from my more than thirty (30) years of experience in fish production.

The Hulme ponds were excellent producers, however, I don't have production records.


(Signature)

Subscribed and sworn to before me this 26th day of November,
19 99.



Marcy Brodine
(Notary Public)

Buhl, Idaho
(Residing at)

9-28-2005
(My Commission Expires)

**Rangen Inc.**

P.O. Box 706 • Buhl, Idaho 83316 • Phone (208) 543-6421

CONNATURAL PRODUCTS

Dan McFadden
17966 U.S. Hwy 30
Hagerman, ID 83332

November 20, 1999

To Whom It May Concern:

Please accept this letter as confirmation from Rangen, Inc. that as early as 1968, Rangen, Inc. was selling aquaculture feed to Mr. Hume for the purpose of raising trout for production.

Sincerely,
RANGEN, INC.

Thorleif Rangen

State of Idaho
County of Twin Falls

On the 20th day of November 1999, Thorleif Rangen known to me personally appeared before me and executed this document.

CINDY KOEPLIN
NOTARY PUBLIC
STATE OF IDAHO

March 29, 1999

Dan Mc Paddan
17966 Hwy 30
Hagerman, Idaho 83332

Dear Dan,

We began building fish ponds on the ranch in the spring of 1967. That's the time frame I remember for the 1st pond. The second pond was started the following year.

The Majority of the sprinkler system was in place when we purchased the ranch in 1965. We improved on the system and expanded it during the mid to late 60's.

Ed Hulme

Ed Hulme

513 W. ~~East~~ St.
Caldwell Id.

83605

**EMERALD VALLEY
GARDEN CENTER INC.**

RECEIVED

DEC 10 1999

Department of Water Resources
State Water Control17966 U.S. HIGHWAY 30
HAGERMAN ID. 83332
(208) 837-4872TIME: 3:10 PM.DATE: 12/10/99

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Steve ClellandFIRM: T.DWRCITY & STATE: Twin Falls, Id.TELEPHONE NO.: (208) 736-3033FAX NO.: (208) 736-3037

WE ARE TRANSMITTING 2 PAGES (INCLUDING THIS COVER LETTER).
OUR FAX NO. IS (208) 837-4872. IF YOU DO NOT RECEIVE ALL OF THE PAGES
INDICATED, OR ENCOUNTER TRANSMISSION DIFFICULTIES, PLEASE CALL
US AT (208) 837-4872 (PHONE & FAX ARE THE SAME)

MESSAGE:

Steve,

Here is a copy of Dale Boyers affidavit

Dan

A36-15532

IN THE MATTER OF:

Water Rights for
Dan and Irma McFaddan
Hagerman, Idaho
State of Idaho
County of Gooding

AFFIDAVIT

Affidavit of Dale Boyer, residing in Hagerman, Idaho:

Dale Boyer, being first duly sworn, deposes and says: I state the following based on my personal knowledge.

I am a lifelong resident of Hagerman Valley. For most of my life, I have been a close neighbor of the farm presently owned by the McFaddans, locally known as the Emerald Valley Ranch.

At the time I built the fish ponds on my farm in 1969, Ken Hulme was raising fish in ponds he had built on the (now) McFaddan place. In fact, I got the idea for building my ponds after talking to Ken about his experiences in raising fish in his ponds. I recall that he was raising his second batch of fish in his ponds when I built my ponds. We both raised fish for Ted Eastman of Clear Springs Company.

My wife and I were issued the license for our fish ponds in 1970 by the Idaho Department of Water Resources.

Dale F. Boyer
(Signature)

Subscribed and sworn to before me this 10th day of December,
19 99.

Connie L. Herbert
(Notary Public)

Hagerman
(Residing at)

3-6-04
(My Commission Expires)

COPY

Copy from
M. Fischel:
10/26/99
SCC

MEMORANDUM

TO: File 41-07029
FROM: Brenda Chapman
DATE: October 20, 1993
RE: Annual Volume for Fish Propagation

Per a memo dated 1/15/88, volume is calculated as follows:

1. Calculate changes per hour:
Total flow into facility x 3600/facility volume (cf) = changes
2. Calculate annual volume:
Facility volume (af) x changes x 8760 = AFA
3. Calculate volume given by permitted flow:
Flow rate (cfs) x 1.9835 x 365 days = AFA
4. Recommend lower figure.

EARTHEN "LOWER PONDS" - EPA SITE

1. 25.4 cfs x 3600 sec per hr / 324,000 cf = .28 changes per hr
2. 7.4 AF x .28 x 8760 hrs per yr = 18,294.76 AFA
3. 25.4 cfs x 1.9835 x 365 days = 18,389.03 AFA

RECOMMENDATION : 18,294.8 AFA

CONCRETE "UPPER PONDS" - DOMSEA SITE

1. 22.3 cfs x 3600 sec per hr / 115,720 cf = .69 changes per hr
2. 2.7 AF x .69 x 8760 hrs per yr = 16,408.4 AFA
3. 22.3 cfs x 1.9835 x 365 days = 14,935.9 AFA

RECOMMENDATION : 14,935.9 AFA

COMBINED TOTAL RECOMMENDATION : 33,230.7 AFA

EPA SITE VOLUME CALCULATIONS:

$$24 \times (3 \times 30 \times 150) = 324,000 \text{ CF}$$

DOMSEA SITE VOLUME CALC:

$$13 \times (130 \times 16 \times 4) = 108,160 \text{ CF}$$

$$60 \times (14 \times 3 \times 3) = 7,560 \text{ CF}$$

$$115,720 \text{ CF}$$

cc: McFADDAN

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

09/28/99 16:44:12
Page 1

Water Right Number - R36-15532

Last Name -

*** C - CURRENT OWNER ***
MC FADDAN

Prefix Translation: RESEARCH

+ - First Name - - +

DAN H

+ - Address - - - - -
1 - 17966 N HWY 30
2 -
3 -

City- HAGERMAN
Phone - 208-837-6649
1 - 17966 N HWY 30
2 -
3 -

State- ID Zip- 83332

City- HAGERMAN
Phone - 208-837-6649

State- ID Zip- 83332

Beneficial Use

Status
I - DISALLOWED

MC FADDAN

Priority Date
04/01/1969

Needs additional proof ... said to be coming!

Region
17 SOUTHERN

Source
FLORENCE LIVESTOCK SPRING

Twn	Rng	Sec	Tract	Lot	Rflg
07S	13E	12	SE SE NW		

Point of Diversion
County

(47) GOODING

Description
19 - FISH PROPAGATION

Period From
01/01

Water Use
Period To
12/31

Diversion Rate
6.800

Diversion Volume

Total Div. Rate - +
6.800

Total Div. Volume - +

Total Consumptive Use - +
0.0

KW Usage - +

Twn	Rng	Sec	Tract	Lot	Place of Use
07S	13E	11	NE SE		
07S	13E	11	SE SE		

Acres

Description
19 FISH PROPAGATION
19 FISH PROPAGATION

(47) GOODING
(47) GOODING

Total Acres:

- - - Diversion Means - HAND DUG TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 16" PIPE
- - - Non-Irrigation Use -
- - - Other Rights for Same Use - NONE

Revised Recommendation
12/21/99
sec

★ ADD:
FAC. VOL.

QNT
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.70 CFS. COMBINED RIGHT NOS.:
36-00048A, 36-00049 & 36-15533.

268

may go to 8 cfs

6-8000 #/cfs
in Aug Sep.

per T. Scanlan

Q = 3 cfs
Beneficial

Volume Eggleston affidavit:

24375 X 2 = 48750 cuf.

upper pond: 130' x 20' x 2' = 5200 cuf.
lower pond: 210' x 70' x 5' = 73,500 cuf.
78,700 cuf.

AJ0743NP
(00-124)

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

09/28/99 16:44:13
Page 2

Water right number - R36-15532

Prefix Translation: RESEARCH

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

GEN NO LAWFUL APPROPRIATION SHOWN.

EXP FISH PROPAGATION ORIGINALLY CLAIMED UNDER 36-00049.

+ - - - - Old Water Right Numbers - - - - - +
3600049

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

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

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

Date: 09/28/1999 User Id: SCLELLAN Subject: DISALLOW
PROOF OF PRIORITY DATE IS NOT SUFFICIENT TO SUPPORT THE CLAIMED DATE.

+ - - Audit Fields - - +
09/28/99 SCLELLAN

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 03/26/1999	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 09/28/1999	Old Judicial District	-
Claim Received Date	- 06/24/1999	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C045833	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

NOTE: NEEDS MORE PROOF OF PRIORITY DATE EVIDENCE.
The MAP submitted is not clear & convincing.

COMMUNICATION DOCUMENTATION

He is trying to get the rest of his affidavits gathered and copies to everyone. I told him I am no hurry to get it since I will be in Challis next week... he is going into surgery on Monday. I gave him the facility volume numbers again to compare with the info he has from Rick Eggleston, who can support the 1968 date of fishpond development.







McFadden Pond
© his house.

Photo by Sec
Digital
3/25/99



BILLINGSLEY
CREEK

↑ NORTH

FLORENCE
LIVESTOCK
SPRING

50 SHEETS
22-141 100 SHEETS
22-142 200 SHEETS
22-144



Matt Mc.
Carey

gravity
ditch
system
FISH
POND

OPEN
DITCH

FISH
POND

OPEN
DITCH

other
users

FLOWMETER

16" PIPE

8"
D.M.
LINE

8" MAINLINES

25 HP PUMP

DAN McFADDAN

PIPELINE SYSTEM

PER EXAM
3/25/99

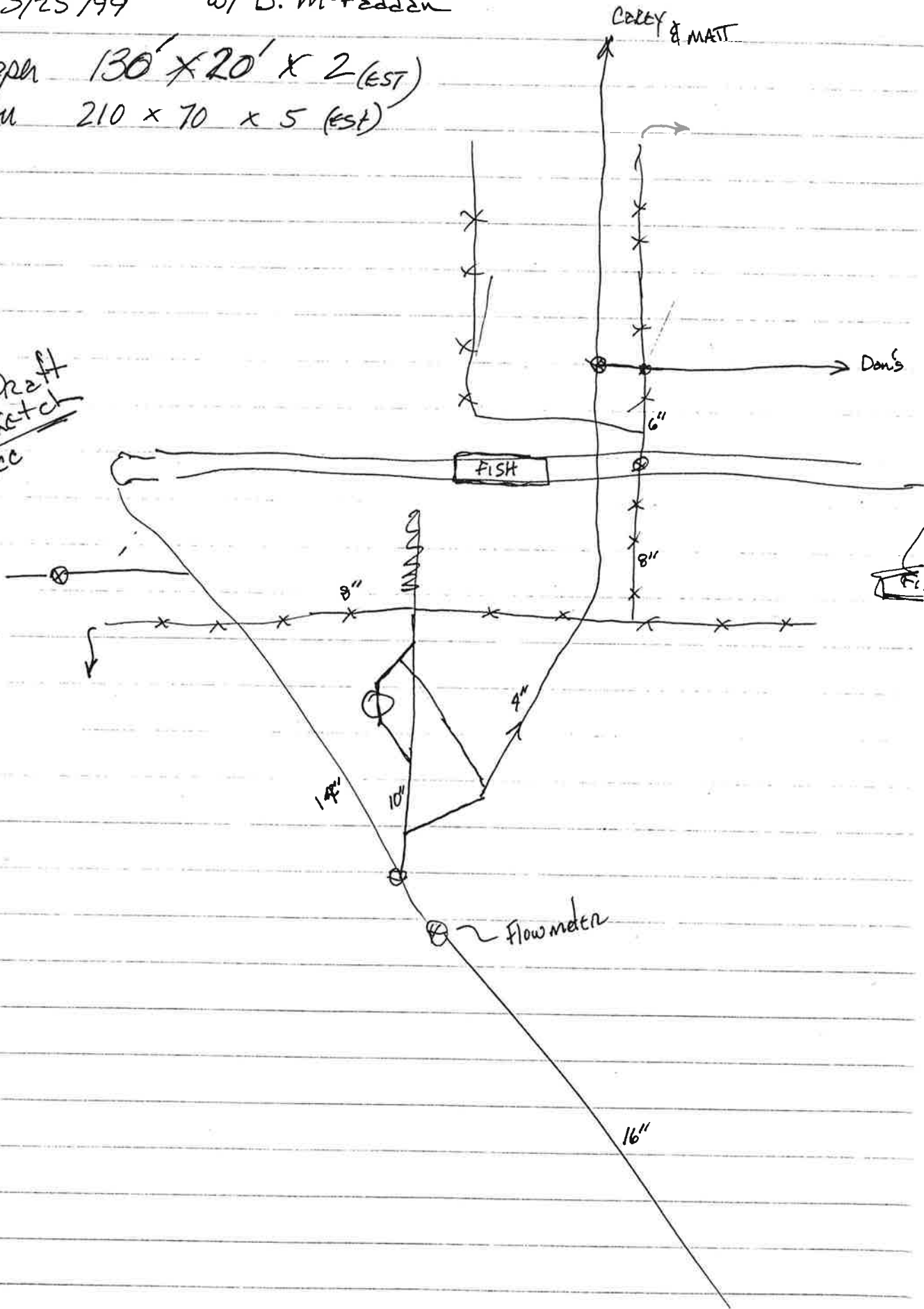
Steve Clelland - IDWR

POU
BORDERS

3/25/99 w/ D. McFadden

upper 130' x 20' x 2 (EST)
lower 210 x 70 x 5 (EST)

Draft
Sketch
sec



2/26/99 Discussion w/ D.Mc

3/29/99 " " "

(Continued to discuss situation)

- decree irrig. = 7.70 cfs. Sale is final!
- BU claimed post 1963? I say based on Sprinkler
no use found!
- file additional claims for N-I uses:
 - fish 6.0 cfs
 - Comm. .06 cfs

Affidavit from Ken Ellis? (for fish priority)

Correlate - Curran records w/ FLS flows
(alt. = 3200') (alt. = 3100')

flow records @ IDWR

- 8.6 cfs in FLS pipe when installed in 1986
- meas. 6 cfs on 3/25/99

3/30/99

3:45 PM

Toni Hronec

for amendments

Docket sheet notice

48A

1.11

178.5 ac

1 1/2" / ac.

49

6.66

7.77 cfs

Est. Sprinkler

Kate: 5.35 cfs

SFA

-15532- (1967)

N.C. FISH

~~6.6~~

9.0

-15533 (1958)

N.C. Comm.

0.06 cfs

Correlation w/ curran?

Std. analysis?

turnover times?

effect of Dead?

Bu. irrig. $\emptyset$

* Remarks?

1.3" per acre

Brian Miller

* Need copies of Studies!

1.4" per acre

Dr. Allen

Water Sale split: 1963

7 of 10 (36-00048) Bill. Cr.

4.6 of 9.7 (36-00049) FLS

McFadden balance

3.0 cfs

5.1

8.1

Diverted Flow

1.11

6.0

48A →

48B

.06

48C

.03

} Billingsley Cr.

(How did we get the 7.7 cfs?)



big as j
↓

NRCS 1967
AERIAL MAP
Photo

submitted as proof
of fish ponds
being developed.

see 9/99 settlement conf.

- this photo is really a 1969 photo.
- does not show the same fish ponds as seen in 1973 photo.

RECEIVED

MAR 31 1999

Department of Water Resources
Savannah Region

To whom it may concern.

This statement is to establish when the metal building was built on what was then known as the Abbott Ranch. Ralph Bacon & K. Joo had bought the ranch to raise different crops mostly potatoes. I started to work for them sometime in May & I worked until October mostly sorting potatoes. Some of the men that worked on the building were Gay Bliss, Bud Loran, K. Joo, Dick Cook, a man by the name of Petersen & one other man from Wendell. Most of the cement floor was wheeled in by hand. All of the work on the building took place in the summer of 1958. I base my facts on dates by pictures & birth days. Richard L. Cook - Stagerman, I dated

222 March, 29, 1999

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

In Re SRBA

Case No. 39576

A. Subcase No.: 36-15532

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

Daytime Phone: (208) 837-4872

Name & Address of Attorney, if any:

Patrick D. Brown, P.C.

109 South Adams Street

Jerome, ID 83338 (644-1967)

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT
(Corrected Recommendation of 2-18-00)**

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

COPY

D. I OBJECT TO THE FOLLOWING ELEMENTS AS RECOMMENDED IN THE DIRECTOR'S REPORT. [PLEASE CHECK THE APPROPRIATE BOX(ES).]

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 9.7 cfs and combined rate of 9.7 cfs
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Use
Should be: _____
9. ☐ Place of Use
Should be: _____

10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): This 9.7 cfs is the amount used
to establish the right and all water available under the priority of this right has
been continuously used since.

F. VERIFICATION (Must be completed.)

State of Idaho)
County of Jerome) ss

Patrick D. Brown, duly sworn upon oath, deposes and says:

That I am the party/claimant filing this Objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this Objection, know its contents, and believe that the statements are true to the best of my knowledge.

(Signature of person filing Objection)

Attorney signing in representative capacity)

SUBSCRIBED AND SWORN To before me on: September 25, 2008.



Notary Public for: Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on September 27, 2000, I mailed the original and copies of this Objection, including all attachments, to the following persons:

1. Original to:

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

(via hand-delivery)

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

Name: n/a

Address: _____

3. Copies to:

Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

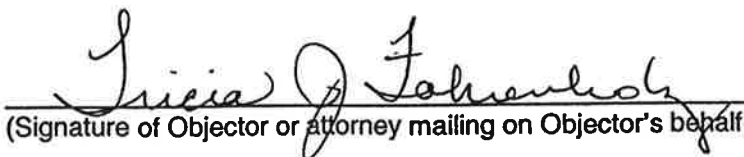
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


(Signature of Objector or attorney mailing on Objector's behalf)

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 36-15532

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Cranney Bros.

Address: 503 West 1300 South

Oakley, Idaho 83346

Daytime Phone: 208-862-3346

Name & Address of Attorney, if any:

Michael C. Creamer

Givens Pursley, LLP

P. O. Box 2720, Boise, Idaho 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dan H. and Irma R. McFadden

Address: 17966 N. Highway 30

Hagerman, Idaho 83332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☒ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Lack of evidence to support beneficial use prior to mandatory license requirements and lack of evidence to support quantity claimed.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael C. Creamer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Subscribed and sworn to before me on:

(Signature of person filing objection)

Michael C. Creamer

(Attorney signing in representative capacity)

September 28, 2000

Carrine A. Wilson
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 11/27/03

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on Sept 28, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Dan H. and Irma R. McFadden
Address: 17966 N. Highway 30
Hagerman, Idaho 83332

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

SEP 29 2000

Department of Water Resources

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

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

In Re SRBA) A. Subcase 36-15532
) (Insert water right number)
Case No. 39576)
)
)
)
)
)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Faulkner Land & Livestock Company
Address: 1989 South 1875 East
Gooding, ID 83330
Daytime Phone: 208-934-4956

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900
FAX - (208) 388-8400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dan H. McFaddan
Irma R. McFaddan;
Address: 17966 N. Hwy 30
Hagerman, ID 83332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: _____

11. I object because:

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Establishment of the right pursuant to diversion and application to beneficial use prior to 1971 has not been adequately demonstrated. The recommended quantity exceeds the extent of actual beneficial use.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 28, 2000



Joyce E. Glee
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on September 28, 2000 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Dan and Irma McFadden
Route 1, Box 406
Hagerman, ID 83332

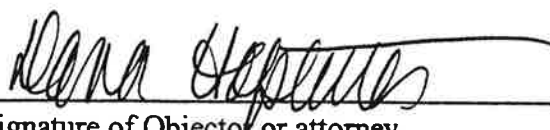
Patrick D. Brown
109 S. Adams Street
Jerome, ID 83338

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

SEP 29 2000

Department of Water Resources

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 36-15532

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: North Snake Ground Water District

Address: 2092 East 3600 South
Wendell, ID 83355

Daytime Phone: 208-536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman

Dana L. Hofstetter

Beeman & Hofstetter, P.C.

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

(208) 388-8900

FAX - (208) 388-8400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dan H. McFaddan

Irma R. McFaddan

Address: 17966 N. Hwy 30
Hagerman, ID 83332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
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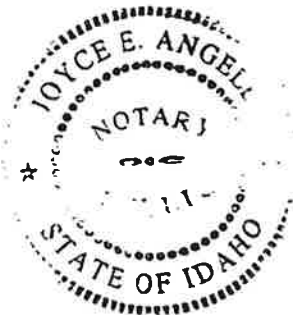
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(Name of person filing objection)

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(Signature of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 28, 2000



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

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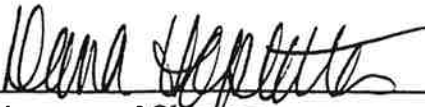
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Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

SRBA

SUBCASE SUMMARY REPORT 36-15537

SRBA
03-14-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-15537 FILE#: 01211
CLAIMANT: DRAKE, DOUGLAS AND/OR TINA
STATUS: MOT:LATE/AMEND CLAIM
WATER SOURCE: * ERROR,

**** PARTIES INVOLVED ****

DOUGLAS AND/OR TINA DRAKE C PRO SE

**** ROA ENTRIES ****

02-07-2000	MOTION TO FILE LATE NOTICE OF CLAIM	MF	02-07-2000
02-07-2000	HEARING SET - MTN FOR LATE NOTICE OF CLAIM	HS	05-16-2000 0130
02-18-2000	NOTICE/LOCATION CHANGED TO PAYETTE		

Temp
36-15537

Claim Data
on Host Temp

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: A36-15537

Date Received: 12/13/1999

\$25 Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: M DOUGLAS DRAKE 208-644-1611
Address: 218 W 580 S
JEROME ID 83338
AND/OR
Name: TINA L DRAKE 208-644-1611
Address: 218 W 580 S
JEROME ID 83338

2. Date of Priority: SEP 1, 1991

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	16E	15	SE	SE	SE	4	JEROME

5. Description of diverting works:
WELL, 5 HP PUMP, DRILLED IN 1988

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
0.060 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
09S	16E	15	SE	SE	4	DOMEST	

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
CANAL SHARES

14. Remarks:
2 HOMES, YARD

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments:

For Individuals:

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

Signature of Claimant(s): M. Douglas Drake Date: 12/17/99
Anna G. Drake Date: 12-13-99

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of December 19 99

Douglas Drake
Notary Public

Seal

Residing at Buhl ID

My Commission Expires 8/8/2001

