

RECEIVED

NOV 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

Subcase 36-15538

Case 39576

STANDARD FORM 4

**MOTION TO FILE LATE
NOTICE OF CLAIM**

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

My name is: Dan H. McFaddan and Irma R. McFaddan

My address is: 17966 North Hwy 30, Hagerman, ID 83332

My phone number is: Work: (208) 837-4872 Home: (208) 837-6649

I am an attorney representing: **Dan and Irma McFaddan**

My name is: Patrick D. Brown
My address is: Patrick D. Brown, P.C.
Law Offices
109 South Adams Street
Jerome, ID 83338

My phone number is: (208) 644-1967

MOTION TO FILE LATE NOTICE OF CLAIM

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

 X I did not file a Notice of Claim to the use of water in the SRBA because:

This water has been claimed under the decreed right enumerated as 36-00049. This motion seeks to claim the same use under beneficial use theory, with a later priority date, in order to pursue alternative theories for the same use and because it may serve as a basis for settlement.

Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on November 16, 2000



Patricia J. Fahrenholz
Notary Public for Idaho
Residing at Twin Falls
My commission expires 11-09-2004

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 of all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 16, 2000, 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, P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705

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

IDWR Document Depository
P.O. Box 837s0
Boise, ID 83720-0098

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

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

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

Patricia J. Fahrenholz
(Signature of person or attorney mailing the form)

RECEIVED

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

CIVIL CASE NUMBER: 39576

Ident. Number: 36-15538

Date Received: _____

Receipt No: _____

Received BY: _____

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

1. Name: DAN H. MC FADDAN
IRMA R. MC FADDAN
Address: 17966 N. HWY 30
HAGERMAN, ID 83332

2. Date of Priority: 04-01-1964

3. Source: FLORENCE LIVESTOCK SPRING

Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
7S	13E	12	SESENW	GOODING

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A
IRRIGATION	02-15	TO 11-30	0.5 CFS		

7. Total Quantity Appropriated is:

0.5 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:

WITHIN GOODING COUNTY

T07S R13E S11	SENE	6	T07S R13E S11	NESE	36.5
T07S R13E S11	SESE	40	T07S R13E S12	NWSW	1
T07S R13E S12	SWSW	18	T07S R13E S12	SESW	1
T07S R13E S13	NENW	36	T07S R13E S13	NWNW	40

Total Acres 178.5

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: 36-00048A, 36-00049, 36-15532 & 36-15533

14. Remarks: THIS WATER HAS BEEN CLAIMED UNDER DECREED RIGHTS
ENUMERATED AS 36-00049. THIS MOTION SEEKS TO CLAIM THE
SAME USE UNDER BENEFICIAL USE THEORY, WITH A LATER
PRIORITY DATE, IN ORDER TO PURSUE ALTERNATIVE THEORIES
FOR THE SAME USE AND BECAUSE IT MAY SERVE AS A BASIS FOR
SETTLEMENT.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 9.67 CFS. COMBINED RIGHT
NOS. 36-00048A, 36-00049, 36-15532 & 36-15533

15. Basis of Claim: BENEFICIAL USE UNDER PRIOR DECREE.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

DATE: NOV-1-2000
PAGE: A-1

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

RIGHT NUMBER: 36-15538

NAME AND ADDRESS: DAN H. MC FADDAN
IRMA R. MC FADDAN
17966 N. HWY 30
HAGERMAN, ID 83332

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: .5 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 9.67 CFS. COMBINED RIGHT NOS. 36-00048A,
36-00049, 36-15532 & 36-15533

PRIORITY DATE: 04/01/1964

DIVERSION POINT: T07S R13E S12 SESENW WITHIN GOODING COUNTY

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	02-15 TO 11-30	0.5 CFS

PLACE OF USE:	IRRIGATION	WITHIN GOODING COUNTY
	T07S R13E S11 SENE 6	T07S R13E S11 NESE 36.5
	T07S R13E S11 SESE 40	T07S R13E S12 NWSW 1
	T07S R13E S12 SWSW 18	T07S R13E S12 SESW 1
	T07S R13E S13 NENW 36	T07S R13E S13 NWNW 40

178.5 ACRES TOTAL

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

EXPLANATORY MATERIAL: BASIS OF CLAIM – BENEFICIAL USE UNDER PRIOR DECREE

THE FOLLOWING WATER RIGHTS ARE ALSO DIVERTED
THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE:
RIGHT NOS. 36-00048A, 36-00049, 36-15532 & 36-15533

No A36-15538 EXISTS.

It is based on the claims

A36-00048A & 49 by McFADDAN,

COPY

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NOV 16 2001

Department of Water Resources

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NOV 21 2001

Department of Water Resources
Southern Region

2001 NOV 13 PM 1:26

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

)
)
)
)
)
)
)

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

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

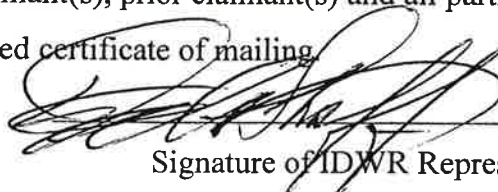
IDWR has completed the following administrative proceeding:

- ☐ 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

11/07/2001

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

2001 NOV 13 PM 1:27

RIGHT NUMBER: 36-15538
NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

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 combined diversion rate
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): The 9.7 cfs is the combined amount
used since established, when that amount is available.

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, 2000.

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

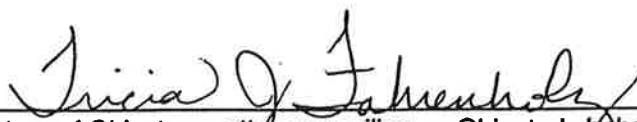
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

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 36-15538
(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 actual beneficial use establishing right and continued non-use to present.

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.

(Signature of person filing objection)

Michael C. Creamer
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



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

SEP 29 2000

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

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):** This water right, in combination with other water rights, results in a quantity in excess of the amount actually beneficially used and the amount necessary for the sprinkler irrigation system that has been in place for over 20 years.

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 LC. §§ 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 L. 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

INSTRUCTIONS FOR MAILING

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G.

CERTIFICATE OF MAILING

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1. Original to:

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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

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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 36-15538

)

(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: 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. McFadden

Irma R. McFadden

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: _____
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Should be: _____
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F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

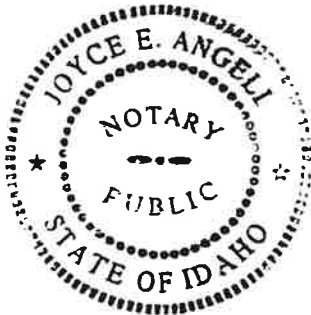
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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. 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
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



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

COPY

RECEIVED

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 black 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)
County of GOODING) ss.

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: Logansport, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
County of GOODING) ss.

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: Logansport, 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.



Daphne K. Jensen
NOTARY PUBLIC

Residing at: Hailey, Idaho

Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of BOODING)

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.



Daphne K. Jensen
NOTARY PUBLIC
Residing at: *Lagerman 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: *10/5/06*

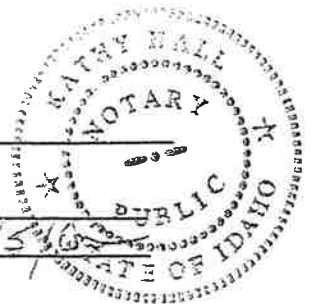


EXHIBIT A

Legal Description

See Attached.

Exhibit A

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 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 20 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 RightNo(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 diff 10/30/01
 records changed 11-07-01. 22
 & 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. Mculeman, 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. Mason Date 10-29-01 Fee _____
 Receipted by J. Mason Date 10-29-01 Receipt No. C057428
 Processed by _____ AJ Date _____ WR _____ Date _____

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



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

RECEIVED

OCT 29 2001

Department of Water Resources

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

G010186 D

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

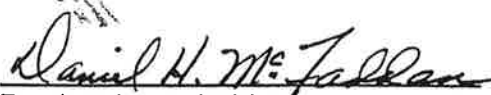
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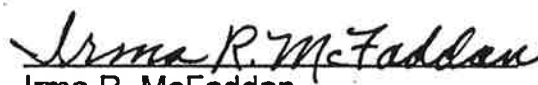
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12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

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

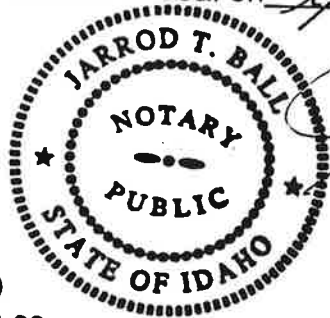

Irma R. McFaddan

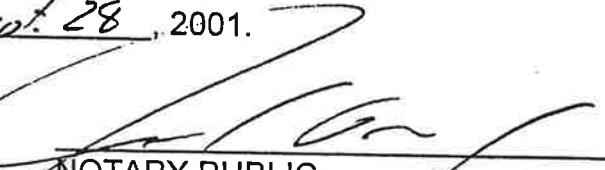
36-48A - 49, -15532, -15533, -15538
-2169

STATE OF IDAHO)
) ss.
County of Teri 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.




NOTARY PUBLIC

Residing at: Teri Falls

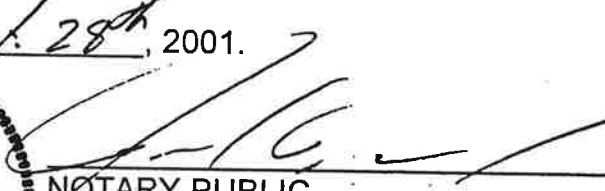
Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Teri 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.




NOTARY PUBLIC

Residing at: Teri 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.

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

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

Instrument # 192262

GOODING, GOODING, IDAHO

2001-09-28

04:19:43 No. of Pages: 10

Recorded for: GOODING TITLE

HELEN EDWARDS

Fee: 30.00

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.

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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

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

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

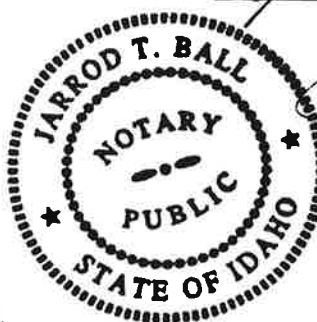
By: Mark D. McFaddan By: Linda Heinemann
Mark D. McFaddan, Limited Partner Linda Heinemann, Limited Partner

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.

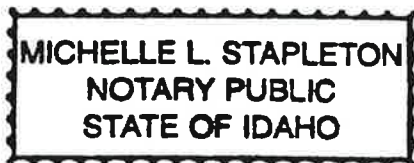


[Signature]
NOTARY PUBLIC
Residing at: Tri Falls
Commission expires: 7-25-2002

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.

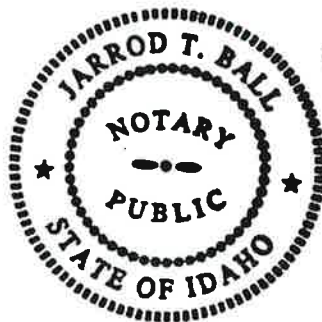


Michelle L Stapleton
NOTARY PUBLIC
Residing at: Moscow Id
Commission expires: 9-13-06

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

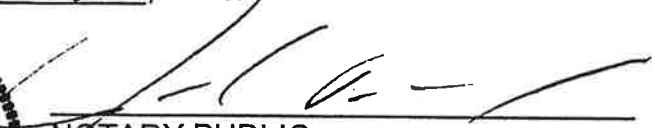
36-481A, -49, -15532, -15533, -15538
-2169

STATE OF IDAHO)
) ss.
County of Twin 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: Twin Falls

Commission expires: 7-25-2002

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

EXHIBIT A

Legal Description

See Attached.

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

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

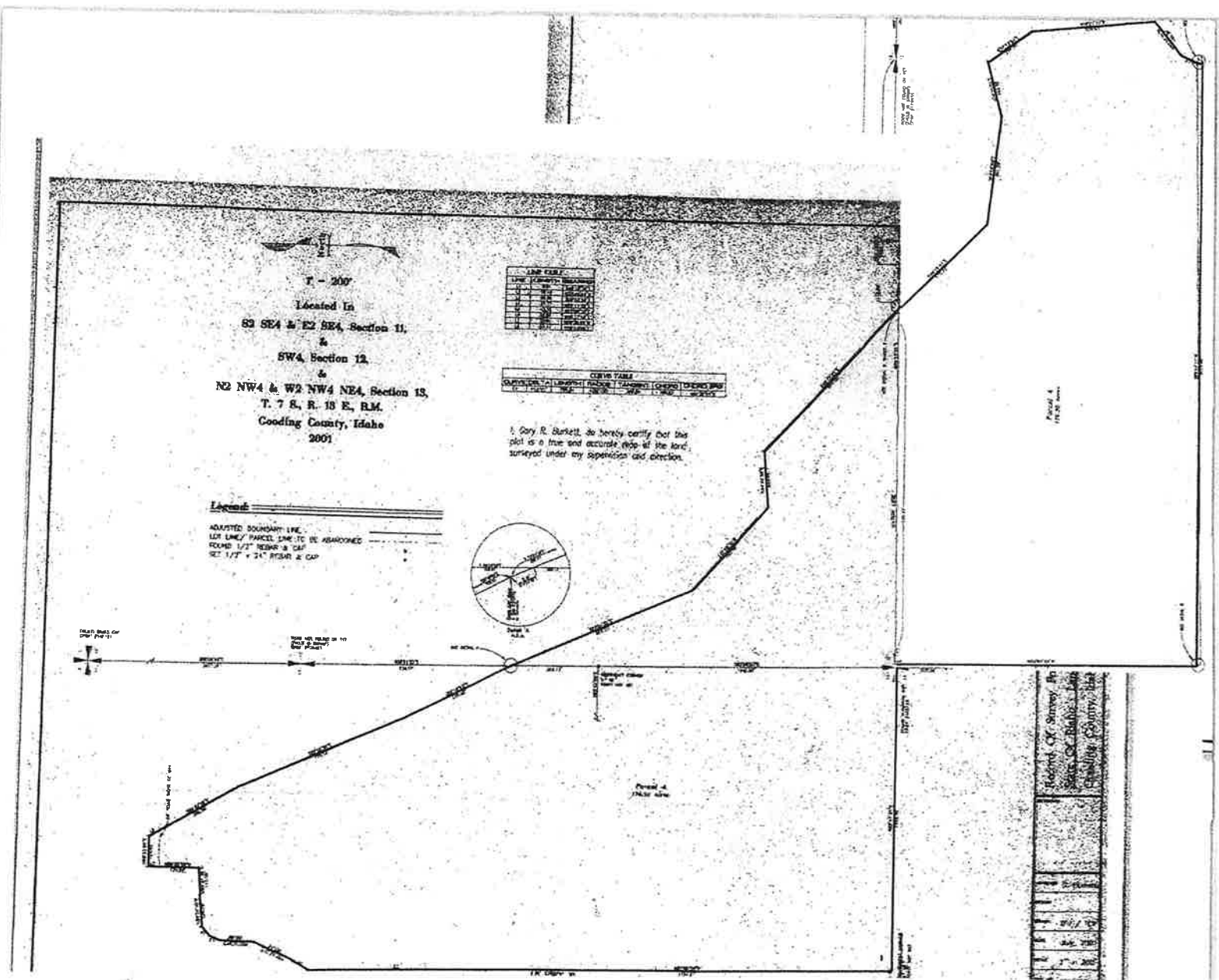
McFaddan Water Rights Description

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

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



The Idaho State Building Authority

ALAN G. LANCE
Attorney General, State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

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

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

In Re: SRBA
Case No. 39576

)
)
) Subcase Nos. 36-00048A, 36-00049,
) 36-02169, 36-15532, 36-15533, 36-15538
)
)
) NOTICE OF APPEARANCE
)
)
)

Notice is hereby given, in the above-captioned subcases, that the following counsel will
appear for Applicant, the Idaho State Building Authority:

ALAN G. LANCE
Attorney General, State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

COPY

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.: 36-15538

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.

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

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

Steve Cella 2/22/02
IDWR Concurrence Date

Deborah E. Nelson 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: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-15538

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

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.50 CFS

THE 0.50 QUANTITY UNDER THIS RIGHT IS SUBORDINATED TO ALL GROUND WATER
AND SURFACE WATER RIGHTS WITH PRIORITY DATES PRIOR TO DECEMBER 31,
2001.

PRIORITY DATE: 04/01/1964

POINT OF DIVERSION: T07S R13E S12 SESENW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	02-15 11-30	0.50 CFS

THE IRRIGATION PURPOSE OF USE UNDER THIS RIGHT IS SUBORDINATED TO ALL
GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES PRIOR TO
DECEMBER 31, 2001.

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S11	SENESE 06, NESESE 36.5, SESESE 40
T07S R13E S12	NWSWSW 01, SWSWSW 18, SESWSW 01
T07S R13E S13	NENWNW 36, NWNWNW 40

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 THE ABOVE-
DESCRIBED PLACE OF USE IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY
DATES PRIOR TO DECEMBER 31, 2001.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 7.68 CFS. COMBINED RIGHT NOS. 36-00048A & 36-00049.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

ck
Jm
DAN
SCC

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



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 36-15538

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

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

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 L. Hofstetter
(Attorney signing in representative capacity)

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

ICE E. ANGEL

John E. Gyll
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 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 36-15538

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

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
- 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)
County of Ada) ss:

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. Angell
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

Dan & Irma McFadden

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

A. Subcase 36-15538

Case No. 39576

STANDARD FORM 2
RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Dan and Irma McFadden
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:

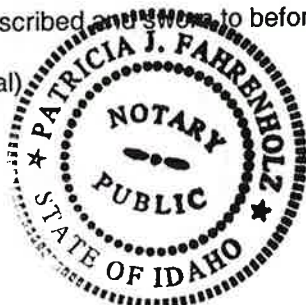
That I am the party/claimant filing this response, as defined by I.C. 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

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

(Seal)



Notary Public for 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: North Snake River Ground Water District
Address: 2092 East 3600 South
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5550 West Fort Street, MSC 033
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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

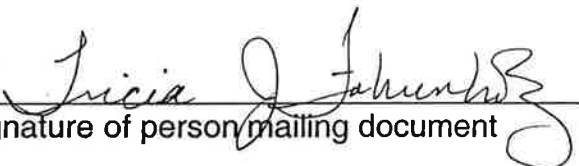
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Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
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Boise, ID 83701-2720

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Signature of person mailing document

Dan & Irma McFaddan

PATRICK D. BROWN, P.C.

Law Offices

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ISB #4413

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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

A. Subcase 36-15538

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

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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

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(PLEASE CHECK THE APPROPRIATE BOX(ES)).

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County of Jerome)

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(Signature of person filing response)

(Attorney signing in representative capacity)

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



Notary Public for Patricia J. Fahrenholz

Residing at: Turner Falls

My Commission Expires: 11-09-04

INSTRUCTIONS FOR MAILING

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Hagerman, ID 83332

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Address: 503 West 1300 South
Oakley, ID 83346

4. Copies to:

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Environment and Natural Resource Division
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Boise, ID 83724

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Boise, ID 83711-4449

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Idaho Department of Water Resources
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Boise, ID 83705
(208) 327-7866

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Signature of person mailing.

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.: 36-15538

STANDARD FORM 1
OBJECTION

RECEIVED

OCT 31 2000

Department of Water Resource
Southern Region

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 combined diversion rate
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): The 9.7 cfs is the combined amount

used since established, when that amount is available.

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

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☐ Overnight Mail
☐ Telecopy (Fax)


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

COMMUNICATION DOCUMENTATION

She said they are filing a late claim for 36-15538 and need to know the fees due... I told her we recommended that right as if it were based upon the claim 36-00049 and split off from it. She said the court has no record of it prior to the recommendation and requested the late claim to be filed. I told her no fees were due since we had tried to skip this step by the actions we had taken and assumed the claimed portion of the right was part of the -0049 claim. She said she would write my name down as the source for determination of no fees due on the SF4.

AJ5809NP
No. R36-15538

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/21/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAN H MC FADDAN	04/01/1964	IRRIGATION	02-15 11-30	0.500 CFS	
C	IRMA R MC FADDAN					
	17966 N HWY 30					
	HAGERMAN ID 83332					
	(208) 837-6649					
				TOTAL DIVERSION:	0.500 CFS	

Water Source: FLORENCE LIVESTOCK SPRING

Tributary to: BILLINGSLEY CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R13E S12

SESENW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
07S	13E	11	:				06	:					:					:	36			40	:	82.5
07S	13E	12	:					:					:	01	18	01		:					:	20.0
07S	13E	13	:					:	36	40			:					:					:	76.0
																						TOTAL ACRES		178.5

POU County: GOODING

Other Rights: 36-00048A & 36-00049

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, 36-15532 & 36-15533.

POU1 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.

Dates: Exam Made Date: Verified Date: 12/15/1999 Objection Filed Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag:

12/15/99 scc

Calculations of B.U. right:

1963 Sale of water reduced the available decreed water right to 7.68 cfs.

This rate is 2.20"/Ac and our hubble review finds possible use up to 2.67"/Ac.

In 1964 there were 50.0 Acres remaining under the gravity type irrigation system.

2.67"/Ac gravity allowance rate.

2.20"/Ac sale rate already recommended.

$$\frac{2.67 - 2.20}{1} = .47"/Ac = .0094 \text{ cfs/Ac}$$

178.5 AC
POU

- OR -

9.51 cfs total Hubble

- 7.68 cfs sale total

1.83 cfs

$$\frac{1.83 \text{ cfs}}{178.5 \text{ AC}} = \underline{\underline{0.01 \text{ cfs/Ac}}}$$



rate used to calculate beneficial use claim.

$$50 \text{ AC} \times 0.01 = \underline{\underline{0.5 \text{ cfs}}}$$

claim # R36-15538

{ Claim is based on 36-00049.

McFadden Asserts a beneficial use developed on waters used after the sale is complete; valid on only remaining gravity acw. }

Combined Q: $7.68 + 0.50 \text{ cfs} = \underline{\underline{8.18 \text{ cfs}}}$

SEE NEXT
MAP

presumed
gravity irrigation
AREAS.

GIS plot of the
gravity areas shown
=



1964 ASCS copy

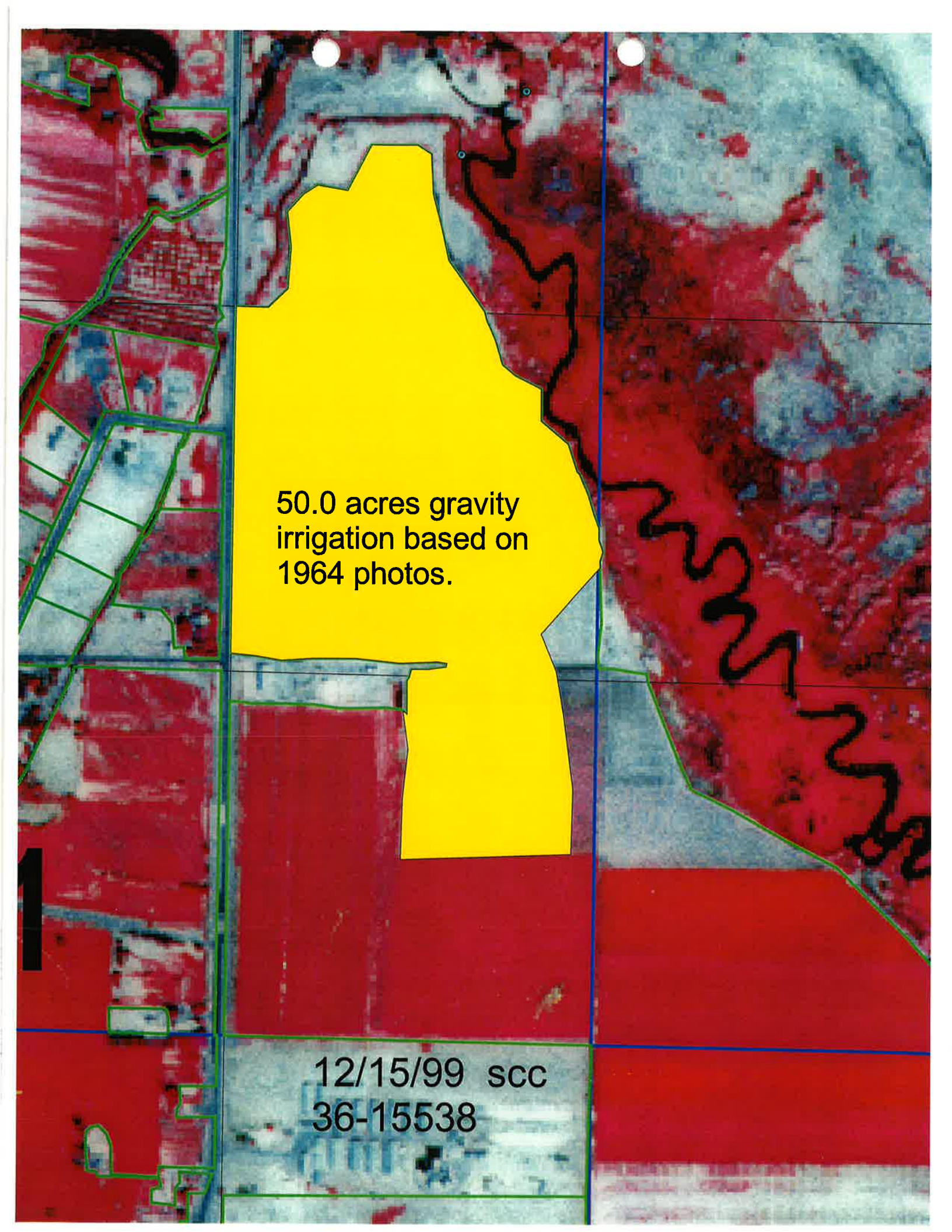
A36-15538

(SPR) = sprinkler irrigation
gravity ditches removed
when compared w/1957 photos.



1964 ASCS COPY
R 36-15538

↓ SEE NEXT MAP



50.0 acres gravity
irrigation based on
1964 photos.

12/15/99 SCC
36-15538