

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: A36-15168

Date Received: 9/16/1988

Receipt No: S002257

Received By: _____

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

1. Name: HAGERMAN WATER USERS ASSOCIATION 208-837-4933
Address: C/O ELWOOD GRIMES PRESIDENT
RT 1 BOX 495
HAGERMAN ID 83332

2. Date of Priority: APR 7, 1906

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	13	NE	NE			GOODING
	14E	18	SW	NW	2		GOODING
			NW	SW	3		GOODING

5. Description of diverting works:
DITCHES, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	36.200		
STOCKWATER	01/01	12/31	0.300		

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

A.F.A.

8. Total consumptive use is 1479.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 200 DAIRY, 600 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	SW	SE		IRR	36.0
			SW	SE		STOCK	
			Section Acres				36.0
		13	SW	NE		IRR	30.0
			SW	NE		STOCK	
			SW	NW		STOCK	
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			SE	NW		STOCK	
			NE	SW		IRR	38.0
			NE	SW		STOCK	
			NW	SW		IRR	40.0
			NW	SW		STOCK	
			NW	SE		IRR	19.0
			NW	SE		STOCK	
			Section Acres				207.0
		14	NE	NE		IRR	15.0
			NE	NE		STOCK	
			NW	NE		IRR	35.0
			NW	NE		STOCK	
			SW	NE		IRR	40.0
			SW	NE		STOCK	
			SE	NE		IRR	40.0
			SE	NE		STOCK	
			NE	NW		IRR	8.0
			NE	NW		STOCK	
			SE	NW		IRR	4.0
			SE	NW		STOCK	
			NE	SW		IRR	8.0
			NE	SW		STOCK	
			SE	SW		IRR	8.0
			SE	SW		STOCK	
			NE	SE		IRR	40.0
			NE	SE		STOCK	
			NW	SE		IRR	10.0
			NW	SE		STOCK	
			SW	SE		STOCK	
			SW	SE		IRR	4.0
			SE	SE		IRR	8.0
			SE	SE		STOCK	
			Section Acres				220.0
	14E	18	SW	NW		IRR	20.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	14E	18	SW NW		STOCK	
			NW SW		IRR	10.0
			NW SW		STOCK	
					Section Acres	30.0
					Total Acres	493.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

I AM PRESIDENT OF THE HAGERMAN WATER USERS ASSOCIATION AND HAVE THE AUTHORITY TO SIGN FOR SAID CORPORATION. ASSN. SUPPLIES WATER FOR 63 STOCKHOLDERS AT PRESENT TIME. COPY OF SHAREHOLDERS IS ATTACHED.

15. Basis of Claim: DECREED

Case Number: 1602

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
Organization document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A36-15168 8/31/91Ident. Number 39356Date Received A36-00057Receipt Number 5002257

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

Please type or print clearly

1. Name of Claimant (s) HAGERMAN WATER USERS' ASSOCIATION
c/o WILBUR ELLIOTT - PRESIDENT Phone (208) 837-4933

Mailing Address 1003-A E 2650 S, Route #1, Box 470, Hagerman, Idaho Zip 83332

2. Date of Priority (Only one (1) per claim) April 7, 1906

3. Source of water supply (a) Spring Number One, Spring Number Two & Unnamed Springs
which is tributary to (b) Billingsley Creek

(Spring Number One)
4. a. Location of existing point of diversion is: Township 7 South Range 13 East Section 13,

1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Gooding
Spring Number Two: Township 7 South, Range 14 East, B.M., Section
Additional points of diversion if any: 18, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 3, Gooding County. Unnamed Springs: Township 7
South, Range 14 East, B.M., Section 18, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 2, Gooding
County.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. From the Springs, the water flows by open ditches
to a central point where the water is measured. The water then flows into a steel pipeline,
is siphoned across Billingsley Creek by said pipeline, and then goes into an open ditch which
supplies water to the shareholders.

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6. Water is claimed for the following uses:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 36.20 or

For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.30 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 36.20 (cfs) and/or (b) 1972 (acre feet)

8. Total consumptive use claimed is 1479 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) There are 200 head of dairy cows & calves and up to 500 to 600 head of beef cattle and or calves.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	11															S 36		36
7 S	13 E	13			S 30				S 40	S 40	S 38	S 40				S 19			207
7 S	13 E	14	S 15	S 35	S 40	S 40	S 8			S 4	S 8			S 8	S 40	S 10	S 4	S 8	220
7 S	14 E	18							S 20			S 10							30

Total number of acres irrigated 493 acres

11. In which county (ies) are lands listed above as place of use located? Gooding County

12. Do you own the property listed above as place of use? Yes No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
 or None (X)

14. Remarks:
I am the President of Hagerman Water Users Association and have the authority to sign for said Corporation. This water association supplies water for 63 stockholders at the present time. A copy of the shareholders is attached to this notice of claim.

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Last Name HAGERMAN WATER USERS Ident No.

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

RANGE 14 EAST, B.M.

TOWNSHIP 7 SOUTH

RANGE 14 EAST

SECTION 11

SECTION 12

SECTION 13

SECTION 14

SECTION 18

SPRING NUMBER ONE
POINT OF DIVERSION

UNNAMED SPRINGS
POINT OF DIVERSION

SPRING NUMBER TWO
POINT OF DIVERSION

NOTE: THAT PORTION IN YELLOW IS THE PLACE OF USE

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Ident No.

Copies: White-State, Yellow-Claimant;

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15. Basis of Claim (check one) ☐ Special Use ☐ Posted Notice ☐ Lease ☐ Permit ☒ Decree
If applicable provide IDWR Water Right Number 36-0057, 36-0058 & 36-0059
Court U. S. District Court Case Number 1602 Decree Date March 22, 1932
Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

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 One (1)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

For Organizations: I do solemnly swear or affirm that I am PRESIDENT
Title
of HAGERMAN WATER USERS ASSOCIATION, that I have signed the foregoing
Organization
document in the space below as PRESIDENT of HAGERMAN WATER USERS ASSOCIATION
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *William D. Elliott*
Title and Organization PRESIDENT-HAGERMAN WATER USERS ASSOCIATION Date 8-5-88

State of Idaho/or _____)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 5th day of August, 19 88

SEAL

Notary Public *Clifton Jensen*

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name HAGERMAN WATER USERS Ident. Number _____

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FEB 03 1995

Copies White-State, Yellow-Claimant

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

TOTAL RECORDS IN SELECTION FILE: 116

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OCT 20 1993

RECEIVED
FEB 10 1993
Department of Water Resources

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

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23
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

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

Case No. 39576

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

NOTICE OF APPEARANCE

19 Petitioner,)

20 vs.)

21 United States; State of Idaho;)
22 and all claimants to the use)
23 of water from the Snake River)
Basin Water System,)

Respondents.)

* * * * *

PLEASE BE NOTIFIED that the firm of Hepworth, Nungester
& Lezamiz, Chartered, hereby appears on behalf of Hagerman Water

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OCT 20 1994

NOTICE OF APPEARANCE - 1



Hepworth,
Nungester,
& Lezamiz

1	Hagerman Gun Club	A36-00099
	Hagerman Gun Club	A36-07233
2	Hagerman Gun Club	A36-07172
	Hagerman Gun Club	A36-10249
3	Hagerman Water Users Assoc.	A36-15168
	Jensen, Alice	A36-00055BC
	Johnson, Ira L. & Huguette M.	A36-07142
4	Joint Hagerman School Dist 233	A36-15463
	Jones, John W., Jr.	A36-00068
5	Jones, John W., Jr.	A36-00069
	Jones, John W., Jr.	A36-07071
6	Jones, John W., Jr.	A36-00070
	Kipp, Rudy B. & Elberta M.	A36-10119
7	Kipp, Rudy B. & Elberta M.	A36-10120
	Kipp, Rudy B. & Elberta M.	A36-07658
8	Kiser, John & Karl Woodall & Sons, Inc	A36-00071A
	Kiser, John & Karl Woodall & Sons, Inc	A36-00075
	Korbis, George J. & Nellie W.	A36-00039N
9	Laughlin, Craig J. & Rita D.	A36-7089
	Laughlin, Craig J. & Rita D.	A36-00051D
10	Littlefair, Larry & Tara	A36-0121
	Littlefair, Larry & Tara	A36-10055
11	Littlefair, Larry & Tara	A36-00119
	Littlefair, Larry & Tara	A36-00120
12	Lloyd, Cleave C.	A36-04142
	Lloyd, Cleave C.	A36-00003G
	McFaddan, Dan H. & Irma R.	A36-2169
13	McFaddan, Dan H. & Irma R.	A36-00048A
	McFaddan, Dan H. & Irma R.	A36-00049
14	Morris, Howard & Rhonda	A36-00063
	Morris, Howard & Rhonda	A36-00061
15	Morris, Howard & Rhonda	A36-00062
	Mueller, Manfred	A36-00035J
16	Norwood Subdivision/ Ruby Springs Water Company	A36-15240
	Potter, Mark B. & Susan H.	A36-07092A
17	Rawson, Frank S. & Carol A.	A36-00039J
	Reese, Bruce W. & LaRose A.	A36-00123A
18	Reese, Bruce W. & LaRose A.	A36-04091
	Rue, James O. & Beverly Jane	A36-10231
19	Shaffer, Roger	A36-07142A
	Simcoe, Doyt H. & Roxie J.	A36-00034B
20	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-00003F
	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-0123E
21	Strange, Wm. (Penelope Turner-remainder man)	A36-0096A
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
	Strange, Wm. (Penelope Turner-remainder man)	A36-00007
	Strange, Wm. (Penelope Turner-remainder man)	A36-00008
23	Veenendaal, Dick J.	A36-00108A
	Veenendaal, Dick J.	A36-00039C



Hepworth,
Nungester,
& Lezamiz

1 Users, Inc. and its individual members:

2	Anderson, Anita G.	A36-00050D
	Babington Lynn J. & Kathy	A36-00003C
3	Banbury Pipe Co., Inc.	A36-10906
	Banbury Pipe Co., Inc.	A36-02038
4	Big Bend Irrigation & Mining Co.	A36-00192
	Big Bend Irrigation & Mining Co.	A36-00133
	Big Spring Water User's Assoc.	A36-00022
5	Big Springs Water User's Assoc.	A36-00023
	Big Springs Water User's Assoc.	A36-15166
6	Blastock, Alma E.	A36-00108B
	Bolduc, Mark E.	A36-00103C
7	Boyer, Dale E. & Elaine M.	A36-00079
	Brailsford, Robert H.	A36-04260
	Brooks, Allen L. & Andree	A35-00060
8	Brooks, Allen L. & Andree	A36-07346
	Bybee, Gertrude B. Owsley	A36-00042A
9	Bybee, Gertrude B. Owsley	A36-00041C
	Candy, Walter W. & Margaret	A36-00135B
10	Candy, Walter W. & Margaret	A36-00134A
	Clouser, Doris H. & John F.	A36-00090A
11	Clouser, Doris H. & John F.	A36-00089A
	Crandlemire, Roger C. & George C.	A36-00113H
12	Crandlemire, Roger C. & George C.	A36-00112B
	Crandlemire, Roger C. & George C.	A36-00111B
	Crandlemire, Roger C. & George C.	A36-00113J
13	Crandlemire, Roger C. & George C.	A36-00110B
	Crandlemire, Roger C.	A36-00134C
14	Crandlemire, Roger C.	A36-00135C
	Crandlemire, Roger C.	A36-10140
15	Crandlemire, Roger C.	A36-10141
	DeVries, Abraham & Hermina	A36-00055AF
16	Dice, Philip F. & Judith A.	A36-00041A
	Dice, Philip F. & Judith A.	A36-10405
	Erwin, Frank C. & Peggy	A36-00092
17	Fleming, Michael J. & Paul F.	A36-00064B
	Flint, William E. and Vera C.	A36-00110A
18	Flint, William E. and Vera C.	A36-00111A
	Flint, William E. and Vera C.	A36-00112A
19	Flint, William E. and Vera C.	A36-10168
	Fuell, Keith L. & Jolene	A36-00086C
20	Gardner, Barbara & Robert B.	A36-00003B
	Gardner, Barbara	A36-00003J
21	Gisler, Harry R.	A36-00021B
	Gisler, Bradley	A36-00077C
	Glauner, Frank L. & Joan	A36-00039E
22	Grigg, Mattie P. & Golden T.	A36-10283B
	Gustafson Family Trust/Gustafson	A36-00033F
23	Ivan J. & Lucille co-trustees	
	Hagerman Gun Club	A36-00100



Hepworth,
Nungester,
& Lezamiz

1 February, 1993, to:

2 Snake River Adjudication
3 District Court
P.O. Box 27070
Twin Falls, ID 83303-0126

4 Clive Strong
5 Chief Natural Resources Division
Office of Attorney General
6 Statehouse
Room 210
Boise, Idaho 83720

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

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

12
13 
14 Patrick D. Brown

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OCT 20 1994



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& Lezamiz

1	Vernon, Edith L.	A36-00003E
	Walmsley, Fred J. & Susan K.	A36-00039D
2	Ward, John P. & Rush, Ruth E.	A36-00094-A
	Ward, John P. & Rush, Ruth E.	A36-00090F
3	Watkins, Paul E. & Inez S.	A36-00106
	Watkins, Paul E. & Inez S.	A36-08099
	Wiens, M.J., Jr.	A36-07229
4	Wiens, M.J., Jr.	A36-07081
	Wiens, M.J., Jr.	A36-80317
5	Wiens, M.J., Jr.	A36-00098
	Wiens, M.J., Jr.	A36-00097
6	Wiens, M.J., Jr.	A36-02002
	Wiens, M.J., Jr.	A36-00101
7	Wiens, M.J., Jr.	A36-00141
	Wiens, M.J., Jr.	A36-10520
	Woolley, Max J. & Blanche	A36-00039M
8	Ya-Ta-Hay Investments, Inc.	A36-10283A
	Ya-Ta-Hay Investments, Inc.	A36-07875
9	Zink, Basil Lester & Myrle Hyde	A36-00103F

10 the respondents in the above-entitled action, as counsel of record
 11 for said Hagerman Water Users, Inc. and said individuals.

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By 
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

19 The undersigned, a resident attorney of the State of
 20 Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin
 21 Falls, Idaho 83303, and one of the attorneys for the respondents
 22 in this matter, certifies that she caused to be mailed a copy of
 23 the above and foregoing NOTICE OF APPEARANCE on the 9 day of

MICROFILMED
 OCT 20 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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Mr. Patrick D. Brown
March 1, 1993
Page 2

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

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

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

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

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

Claimant's Name	Claim No. as listed on Notice of Appearance	Discrepancy Between Notice of Appearance and IDWR Records
Hagerman Gun Club	A36-00100/36-00100 A36-00099/36-00099 A36-07233/36-07233 A36-07172/36-07172 A36-10249/36-10249	Owners are listed as Bob Porter and Fred Surbaugh MICROFILMED OCT 20 1991

RECEIVED

SEP 16 1992

Department of Water Resources

Box 393

Hagerman, ID 83332

September 11, 1992

RECEIVED

SEP 21 1992

Department of Water Resources
Southern Region Office

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

*done 9-17-92
JH*

Re: Water Right A36 15168

Gentlemen:

Please be advised that Wilbur Elliott is no longer president of the Hagerman Water Users Association and all future notices and correspondence should be addressed as follows:

Hagerman Water Users Association
c/o Elwood Grimes
Rt. 1 Box 495
Hagerman, ID 83332

Thank you for your prompt attention to this matter.

Sincerely,

HAGERMAN WATER USERS ASSN.

Armin Sutterlin

Armin Sutterlin
Secretary

MICROFILMED
FEB 09 1993

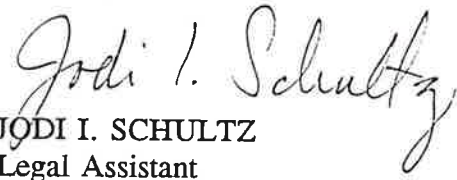
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,


JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED
OCT 20 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: ~~A36-00057~~ ^{A36-15168} B 1/2/91

Date Received: 2/02/1989

Receipt No: S002257 ^{RR}

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAGERMAN WATER USERS' ASSOCIATION 208-837-4933
Address: C/O WILBUR ELLIOTT, PRESIDENT
1003-A E. 2650 S.
RT. 1, BOX 470
HAGERMAN, ID 83332

2. Date of Priority: APR 07, 1906

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	13	NE	NE			GOODING
	14E	18	SW	NW	2		GOODING
			NW	SW	3		GOODING

5. Description of diverting works:
DITCHES, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	36.200		
STOCKWATER	01/01	12/31	0.300		

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

A.F.A.

8. Total consumptive use is 1479.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 DAIRY COWS, 600 BEEF CATTLE

A36-15168

~~A36-00057~~

Page 1

Date: 02/02/89

MICROFILMED
FEB 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

05-Feb-1991 09:13

HAGERMAN WATER USERS ASSOC
C/O WILBUR ELLIOTT PRES
1003-A E 2650 S
RT 1 BOX 470

HAGERMAN ID 83332

RE: SRBA Claim A36-00057 number change to A36-15168

Dear Claimants:

In our review of the claims filed in the Snake River Basin Adjudication we have found it necessary to renumber your claim as described above. This action may have been taken as a result of one of the following described situations:

A. We are correcting a duplication of numbers made when the claims were initially taken.

B. We are correcting the number since it was initially assigned in the wrong basin.

C. We have matched an existing water right number with the water use you claimed and for continuity have changed the number to correspond.

D. We have reviewed the water right record corresponding to the your initial claim and have found that the water right record does not exactly correspond so a new number has been assigned.

Please note that the change in the number of your claim does not affect the validity of your claim. Please refer to the new number in all future correspondence. Please find enclosed a copy of the computer record of A36-15168. If you have any questions please feel free to contact our office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enc:

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FEB 09 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	SW SW	SE SE	IRR STOCK	36.0
					Section Acres	36.0
		13	SW	NE	IRR	30.0
			SW	NE	STOCK	
			SW	NW	IRR	40.0
			SW	NW	STOCK	
			SE	NW	IRR	40.0
			SE	NW	STOCK	
			NE	SW	IRR	38.0
			NE	SW	STOCK	
			NW	SW	IRR	40.0
			NW	SW	STOCK	
			NW	SE	IRR	19.0
			NW	SE	STOCK	
					Section Acres	207.0
		14	NE	NE	IRR	15.0
			NE	NE	STOCK	
			NW	NE	IRR	35.0
			NW	NE	STOCK	
			SW	NE	IRR	40.0
			SW	NE	STOCK	
			SE	NE	IRR	40.0
			SE	NE	STOCK	
			NE	NW	IRR	8.0
			NE	NW	STOCK	
			SE	NW	IRR	4.0
			SE	NW	STOCK	
			NE	SW	IRR	8.0
			NE	SW	STOCK	
			SE	SW	IRR	8.0
			SE	SW	STOCK	
			NE	SE	IRR	40.0
			NE	SE	STOCK	
			NW	SE	IRR	10.0
			NW	SE	STOCK	
			SW	SE	IRR	4.0
			SW	SE	STOCK	
			SE	SE	IRR	8.0
			SE	SE	STOCK	
					Section Acres	220.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	18	SW	NW		IRR	20.0
			SW	NW		STOCK	
			NW	SW		IRR	10.0
			NW	SW		STOCK	
					Section Acres		30.0
					Total Acres		493.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

I AM PRESIDENT OF THE HAGERMAN WATER USERS ASSOCIATION AND HAVE THE AUTHORITY TO SIGN FOR SAID CORPORATION. ASSN. SUPPLIES WATER FOR 63 STOCKHOLDERS AT PRESENT TIME. COPY OF SHAREHOLDERS IS ATTACHED.

THIS CLAIM COMBINES RIGHTS 36-00057, 36-00058 AND 36-00059.

15. Basis of Claim: DECREED

Case Number: 1602

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs IDAHO POWER COMPANY
Decree Defendant

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FEB 09 1993

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LISTING OF WATER RIGHTS

06/08/88

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-0057	HAGERMAN WATER USERS ASSN.	04-07-1906	IRRIGATION DOMESTIC FIRE PROTECTION	- - - - - -	5.00 CFS CFS CFS	DECREE
					5.00 CFS TOTAL AFA TOTAL	

SOURCE: SPRING NUMBER ONE

TRIBUTARY: BILLINGSLEY CREEK

REMARKS: P/U IS WITHIN CITY OF HAGERMAN.

ALSO SEE HIDDEN SPRINGS TROUT RANCH VS HAGERMAN WATER USERS INC.
ET AL DECREE.

POINT OF DIVERSION:

T07S R13E S13 NENE

STREAM INDEX:

NO INDEX CODE

36-0058	HAGERMAN WATER USERS ASSN.	04-07-1906	IRRIGATION DOMESTIC FIRE PROTECTION	- - - - - -	11.20 CFS CFS CFS	DECREE
					11.20 CFS TOTAL AFA TOTAL	

SOURCE: SPRING NUMBER TWO

TRIBUTARY: BILLINGSLEY CREEK

REMARKS: P/U WITHIN CITY OF HAGERMAN.

ALSO SEE HIDDEN SPRINGS TROUT RANCH VS HAGERMAN WATER USERS INC.
ET AL DECREE.

POINT OF DIVERSION:

T07S R14E S18 LT03(NWSW)

STREAM INDEX:

NO INDEX CODE

36-0059	HAGERMAN WATER USERS ASSN.	04-07-1906	IRRIGATION DOMESTIC FIRE PROTECTION	- - - - - -	20.00 CFS CFS CFS	DECREE
					20.00 CFS TOTAL AFA TOTAL	

SOURCE: UNNAMED SPRINGS

TRIBUTARY: BILLINGSLEY CREEK

REMARKS: P/U IS WITHIN CITY OF HAGERMAN.

P/D INCOMPLETE. SEE DECREE.

ALSO SEE HIDDEN SPRINGS TROUT RANCH VS HAGERMAN WATER USERS INC.
ET AL DECREE.

POINT OF DIVERSION:

T07S R14E S18 LT02(SWNW)

STREAM INDEX:

NO INDEX CODE

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FEB 09 1993

SHAREHOLDERS IN HAGERMAN WATER USERS' ASSOCIATION & LOCATION OF PROPERTY

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN

SECTION 13: Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$

Silver Springs Salmon Company
William Curtis

Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$
Antonio Augusto

Part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$
Antonio Augusto
Paul Barkes

Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$
George Spence
Ray Steele
Don Muth
David Beutler
Louis Koopman
Marie Odenwald
Barbara McLeod
Gary Bean

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Ruth Anderson
June Tolley
Wilbur Elliott
Ron Bean

The S $\frac{1}{2}$ NW $\frac{1}{4}$
Louis Koopman

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN

SECTION 14: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$

Janet Hollibaugh
Carl Hayden
Estella Johnson

Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Elwood Grimes
Claude Van Epps
Aubrey Shaffer
Oliver Ritchie
Bernus Waite
Gordon Shaffer
Carlos Hauck

Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Juan Menchaca
Noel Baker

Part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$
C. W. Choules
City of Hagerman (Park)
R. E. Taylor
Robert Carrico

UNRECORDED
FEB 9 1993

PAGE 3

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN
SECTION 18: Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$
Ron Adams

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Ron Adams

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FEB 09 1993

Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$

Armin Sutterlin
Bill Snapp
Pat Russell
G. P. Russell

Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$

Faye Coates
Edward Wickham
Vance Van Hall
Craig Laughlin
Dard Laughlin
Victor McConnell

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$

Hagerman Cemetary

Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$

J. H. Elgan
Candido Elorriaga
City of Hagerman (Park)
Melvin Temple
Bill Jones
Bob Meyers
Logan Pope
Bill Steinemates
Annie Green Springs

Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$

R. H. Jones
Julian Chada
Ted Andrus
Otto Fogelsong

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$

LDS Church

Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$

Hagerman School
Earl VinSant
Darwin Pugmire

Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Floyd Hoffman (Bill Bunn)
Arthur Ellston
A. L. Higgins

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN

SECTION 11: Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$

Robert Shillington
Craig Laughlin
Ray Easterday

MICROFILMED

FEB 09 1988

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Hagerman Peter Ubers

CLAIM IDENT. NO.

A36-00057

DATE RECEIVED?

CK #

317

AMOUNT \$

543

YES

NO

1. Is the name and address complete with zip code?

X

2. Is a priority date entered?

X

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

DevelX

3. (a) Is a source entered?

X

(b) Is a tributary to entered? (if required)

N/A

X

4. Is the legal description of the p.d. sufficient?

X

5. Is there a description of the diverting works?

X

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

X

Is the period of use included?

X

Is a quantity claimed for each use?

X

7. Is a total quantity claimed entered?

X

8. If required is a consumptive use entered?

N/A

X

Is the consumptive use correct?

N/A

X

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.

na

10. Is (are) the place(s) of use entered?

X

11. Is (are) the county(ies) entered?

X

12. Is the ownership of p.u. checked?

X

13. Are other water rights listed or "none" checked?

X

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

X

15. Is the basis of the claim checked?

X

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

X

Has the claim been signed, sealed, and dated by a notary?

X

Is the fee enclosed correct?

X

If this claim is based on an existing water right, has the identification number been entered?

N/A

X

Should this claim be receipted and data entered?

X

Claim checked by:

RLH
MICROFILMED

Comments:

this claim combines 36-00057/58/59
7-3-4 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/17/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAGERMAN WATER USERS ASSOCIATION C/O ELWOOD GRIMES PRESIDENT RT 1 BOX 495 HAGERMAN ID 83332 (208) 837-4933	04/07/1906	IRRIGATION STOCKWATER STOCKWATER	04-01 10-31 04-01 10-31 11-01 03-31	6.90 CFS 0.27 CFS 0.79 CFS	
TOTAL DIVERSION:					6.90 CFS	
CONSUMPTIVE USE:						957.0 AFA

Water Source: SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion:

T07S R14E S18 Lot02(NWSWNW) Lot02(SESWNW) Lot03(NENWSW)

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE						
T	R	S	:	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	:	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	:	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	:	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac
07S	13E	11	:					:					:					:				
07S	13E	13	:			S		:			S		:	S	S			:			S	
07S	13E	14	:		S		S	:					:				S	:	S	S		

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE							
T	R	S	:	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	:	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	:	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	:	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac
07S	13E	11	:					:					:					:				
07S	13E	13	:			S		:			S		:	S	S			:			S	
07S	13E	14	:		S		S	:					:				S	:	S	S		

POU County: GOODING

Non-Irrigation Uses: STOCKWATER, 200 DAIRY, 600 RANGE

Other Rights: SEE REMARKS

Remarks: WATER IS DELIVERED THROUGH HAGERMAN WATER USERS DITCH.
0.52 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
USE OF PORTIONS OF THIS RIGHT IS COMBINED WITH USE UNDER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAGERMAN WATER USERS ASSOCIATION C/O ELWOOD GRIMES PRESIDENT RT 1 BOX 495 HAGERMAN ID 83332 (208) 837-4933	04/07/1906	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	36.20 CFS 0.30 CFS	
					TOTAL DIVERSION:	36.20 CFS
					CONSUMPTIVE USE:	1479.0 AFA

Water Source: SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion: T07S R13E S13 NENE
R14E S18 Lot02(SWNW) Lot03(NWSW)

GOODING County
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	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:			
07S	13E	11	:									:									:									:							:			
07S	13E	13	:						30			:					40		40		:	38		40						:				36			:	36.0		
07S	13E	14	:					15		35		40		40				08		04		:	08					08		:	40		19		04		08	:	207.0	
07S	14E	18	:									:					20				:			10						:							:	220.0		
			:									:									:									:							:	30.0		
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Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE																						
T	R	S	:	NENE		NWNE		SWNE		SENE		:	NENW		NWNW		SWNW		SENW		:	NESW		NWSW		SWSW		SESW		:	NESE		NWSE		SWSE		SESE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	Lt	Ac		
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07S	13E	14	:									:									:									:								
07S	14E	18	:									:									:									:								

POU County: GOODING

Non-Irrigation Uses: STOCKWATER, 200 DAIRY, 600 RANGE

Other Rights: NONE

Remarks: I AM PRESIDENT OF THE HAGERMAN WATER USERS ASSOCIATION AND HAVE THE AUTHORITY TO SIGN FOR SAID CORPORATION. ASSN. SUPPLIES WATER FOR 63 STOCKHOLDERS AT PRESENT TIME. COPY OF SHAREHOLDERS IS ATTACHED.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

AJ0749NP
No. R36-15168

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/17/92
PAGE: 2

=====

Remarks: RIGHTS NOT HELD BY HAGERMAN WATER USERS ASSN. WITHIN THE PLACE OF
USE DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2664 AF AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 888 ACRES IN A SINGLE
IRRIGATION SEASON. OTHER RIGHT NOS.: 36-02465 & 36-15166.

Dates: Exam Made Date: 07/25/1990 Verified Date:
Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag: D

Audit: 09/17/92 FRAZEE

Water Right Number - 36-00057 Prefix Translation: WATER RIGHT Old (D) Number -

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

*** C - CURRENT OWNER ***
HAGERMAN WATER USERS ASSN.

1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/07/1906 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING NUMBER ONE BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - -
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07S 13E 13 NE NE (47) GOODING

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

01 - IRRIGATION 5.000
43 - DOMESTIC
49 - FIRE PROTECTION

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
5.000

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

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/U IS WITHIN CITY OF HAGERMAN.
ALSO SEE HIDDEN SPRINGS TROUT RANCH VS HAGERMAN WATER USERS INC.
ET AL DECREE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 03/22/1932

WATER RIGHT PROOF READING REPORT

Water right number - 36-00057

Prefix Translation: WATER RIGHT

No Comments Found

+ - - Audit Fields - 09/02/86 05/28/88 CONVERT

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 36A
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 03/22/1932	Microfilm Roll No	-	Presumption Flag	-

Water Right Number - 36-00058 Prefix Translation: WATER RIGHT Old (D) Number -

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

*** C - CURRENT OWNER ***
HAGERMAN WATER USERS ASSN.

1 -
2 -
3 -
City-
Phone - State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/07/1906 17 SOUTHERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
SPRING NUMBER TWO BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07S 14E 18 NW SW 3 (47) GOODING

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

01 - IRRIGATION 11.200
43 - DOMESTIC
49 - FIRE PROTECTION

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
11.200

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

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/U WITHIN CITY OF HAGERMAN.
ALSO SEE HIDDEN SPRINGS TROUT RANCH VS HAGERMAN WATER USERS INC.
ET AL DECREE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 03/22/1932

Water Right Number - 36-00059 Prefix Translation: WATER RIGHT Old (D) Number -

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

*** C - CURRENT OWNER ***
HAGERMAN WATER USERS ASSN.

1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
04/07/1906 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - -
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07S 14E 18 SW NW 2 (47) GOODING

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

01 - IRRIGATION 20.000
43 - DOMESTIC
49 - FIRE PROTECTION

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
20.000

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

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/U IS WITHIN CITY OF HAGERMAN.
P/D INCOMPLETE. SEE DECREE.
ALSO SEE HIDDEN SPRINGS TROUT RANCH VS HAGERMAN WATER USERS INC.
ET AL DECREE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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

Water Right Number - ~~A36-00057~~

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

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

*** C - CURRENT OWNER ***
HAGERMAN WATER USERS ASSOCIATION

1 - C/O WILBUR ELLIOTT, PRESIDENT
2 - 1003-A E. 2650 S.
3 - RT. 1, BOX 470 DEL.
City- HAGERMAN ID State- ID Zip- 83332
Phone - 208-837-4933

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/07/1906 D - DECREED

+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRINGS BILLINGSLEY CREEK

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
07S	13E	13	NE NE			(47)	GOODING	
07S	14E	18	SW NW	2		(47)	GOODING	
07S	14E	18	NW SW	3		(47)	GOODING	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		36.200	
04 - STOCKWATER		01/01	12/31		0.300	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
36.200 1479.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	SW SE		36.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SW NE		30.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SW NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	13	NE SW		38.0	01	IRRIGATION	(47) GOODING
07S	13E	13	NW SW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	13	NW SE		19.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE NE		15.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NW NE		35.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE NW		8.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE NW		4.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE SW		8.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE SW		8.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NW SE		10.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SW SE		4.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE SE		8.0	01	IRRIGATION	(47) GOODING

Sec. 14 - NENE Cemetery - 5 ac. ?

Water right number - A36-00057

Adj. flag translation: Adjudication Temporary Work Area

+	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County	+
	07S	14E	18	SW NW		20.0	01	IRRIGATION	(47)	GOODING
	07S	14E	18	NW SW		10.0	01	IRRIGATION	(47)	GOODING
	07S	13E	11	SW SE			04	STOCKWATER	(47)	GOODING
	07S	13E	13	SW NE			04	STOCKWATER	(47)	GOODING
	07S	13E	13	SW NW			04	STOCKWATER	(47)	GOODING
	07S	13E	13	SE NW			04	STOCKWATER	(47)	GOODING
	07S	13E	13	NE SW			04	STOCKWATER	(47)	GOODING
	07S	13E	13	NW SW			04	STOCKWATER	(47)	GOODING
	07S	13E	13	NW SE			04	STOCKWATER	(47)	GOODING
	07S	13E	14	NE NE			04	STOCKWATER	(47)	GOODING
	07S	13E	14	NW NE			04	STOCKWATER	(47)	GOODING
	07S	13E	14	SW NE			04	STOCKWATER	(47)	GOODING
	07S	13E	14	SE NE			04	STOCKWATER	(47)	GOODING
	07S	13E	14	NE NW			04	STOCKWATER	(47)	GOODING
	07S	13E	14	SE NW			04	STOCKWATER	(47)	GOODING
	07S	13E	14	NE SW			04	STOCKWATER	(47)	GOODING
	07S	13E	14	SE SW			04	STOCKWATER	(47)	GOODING
	07S	13E	14	NE SE			04	STOCKWATER	(47)	GOODING
	07S	13E	14	NW SE			04	STOCKWATER	(47)	GOODING
	07S	13E	14	SW SE			04	STOCKWATER	(47)	GOODING
	07S	13E	14	SE SE			04	STOCKWATER	(47)	GOODING
	07S	14E	18	SW NW			04	STOCKWATER	(47)	GOODING
	07S	14E	18	NW SW			04	STOCKWATER	(47)	GOODING

Total Acres: 493.0

+ - - Diversion Means - DITCHES, PIPELINES

+ - - Non-Irrigation Use - S/200 DAIRY COWS, 600 BEEF CATTLE

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
I AM PRESIDENT OF THE HAGERMAN WATER USERS ASSOCIATION AND HAVE
THE AUTHORITY TO SIGN FOR SAID CORPORATION. ASSN. SUPPLIES WATER
FOR 63 STOCKHOLDERS AT PRESENT TIME. COPY OF SHAREHOLDERS IS
ATTACHED.

THIS CLAIM COMBINES RIGHTS 36-00057, 36-00058 AND 36-00059.

Del.
Add to

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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

+ - - - - Decree Plaintiff - - - +
NEW INTERNATIONAL MORTGAGE BANK+ - - - - Decree Defendant - - - +
IDAHO POWER COMPANY+ - Decree Date - +
03/22/1932

COPY

TRISH
JAL

RECEIVED

FEB 19 1998

Hagerman Water Users Association

Department of Water Resources

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

RECEIVED

MAR 02 1998

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

record modified 2-23-98.
100

In Re SRBA

)
) Subcase No. 36-15168

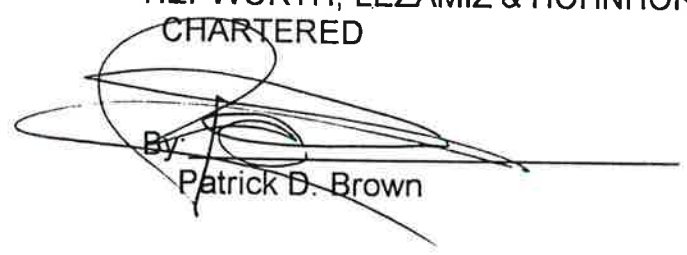
Case No. 39576

)
) **NOTICE OF APPEARANCE**
)

COMES NOW the firm of Hepworth, Lezamiz & Hohnhorst, Chartered, and
appears on behalf of claimant for the water right number listed above.

Dated this 17 day of February, 1998.

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By 
Patrick D. Brown

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 18 day of February, 1998, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

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

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

U.S. Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

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

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

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☐ Hand Delivered
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Jeffrey C. Fereday
Givens, Pursley & Huntley
P. O. Box 2720
Boise, ID 83701-2720

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

Josephine P. Beeman
Beeman & Hofstetter, PC
608 W. Franklin St.
Boise, ID 83702

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



Patrick D. Brown

(water\61159.noa)\lm

SUBCASE NO. 36-15168

	CLAIM (9/16/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Hagerman Water Users Assoc.	N/A	Hagerman Water Users Assoc. C/O Elwood Grimes President Rt 1 Box 495 Hagerman ID 83332	XX Hagerman Water Users Assoc. Box 265 Hagerman, ID 83332
BASIS OF CLAIM	Decree		Decree	
SOURCE	Springs		Springs	
QUANTITY	36.20 cfs		7.43 cfs	XX IDWR recommends an amount less than decreed &/or beneficially used.
PRIORITY DATE	4/7/1906		4/7/1906	
PURPOSE OF USE	Irrigation Stockwater		Irrigation Stockwater	XX Beneficially used for purposes set forth in notice of claim.
PERIOD OF USE	Irr.: 3/15 - 11/15 S.W.: 1/1 - 12/31		Irr.: 3/15 - 11/15 S.W.: 3/15 - 11/15 .27 cfs S.W.: 11/16 - 3/14 .79 cfs	
POINT OF DIVERSION	T07S R13E S13 T07S R14E S18		T07S R14E S18	
PLACE OF USE	T07S R13E S11 T07S R13E S13 T07S R13E S14 T07S R14E S18 493 acres		T07S R13E S11 T07S R13E S13 T07S R13E S14 334 acres	XX Director's Report fails to accurately state the place of use.
REMARKS			+ see below	XX Beyond the statutory authority vested in the Director.

+ Water is delivered through Hagerman Water Users Ditch.

0.52 cfs of this right is limited to use for conveyance losses in delivery of this right.

Use of portions of this right is combined with use under rights not held by Hagerman Water Users Assn. within the place of use described above.

Use of this right with rights listed below is limited to a total combined annual consumptive use volume of 3189 a.f. and to the irrigation of a combined total of 1063 acres in a single irrigation season. Other right nos.: 36-02465 & 36-00022.

This right is a combination of old right nos. 36-00057, 36-00058 & 36-00059.

CLAIM NUMBERS 36-15168 DATE 10-10-97 TRANSFER NUMBER _____
 AGENT KKC OBJECTION FILED _____
 TOTAL ACRES FROM RECOMMENDATION 319
 GEOGRAPHIC INFO SYSTEM 336.8

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	7S	13E	11															25	
GIS																		25.4	
RECOM	7S	13E	13			24				37	38	24	33				9		
GIS						25				37	37.4	25.5	33.6				10		
RECOM	7S	13E	14	5	17	20	35	2	1			4			8	28	5	1	3
GIS				7.7	22.2	21.2	37	2.4			1.4	1.9			9.2	31.7	4.8	.9	1.9
RECOM																			
GIS																			

UPDATED

Wrong Q Q ?

POLYGON #

UPDATED

B36-DBPOU.DBF 10-10
 B36-DBPOD.DBF 11

POLYGON CREATED ON 604 ()
 ATTRIBUTES OF B36-POU.SHP (567) 10/10
 ATTRIBUTES OF B36-POD.SHP ()

P/D's 7S-14E 18

NWSWNW - 574
 SESWNW - 575
 NENWSW - 576

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

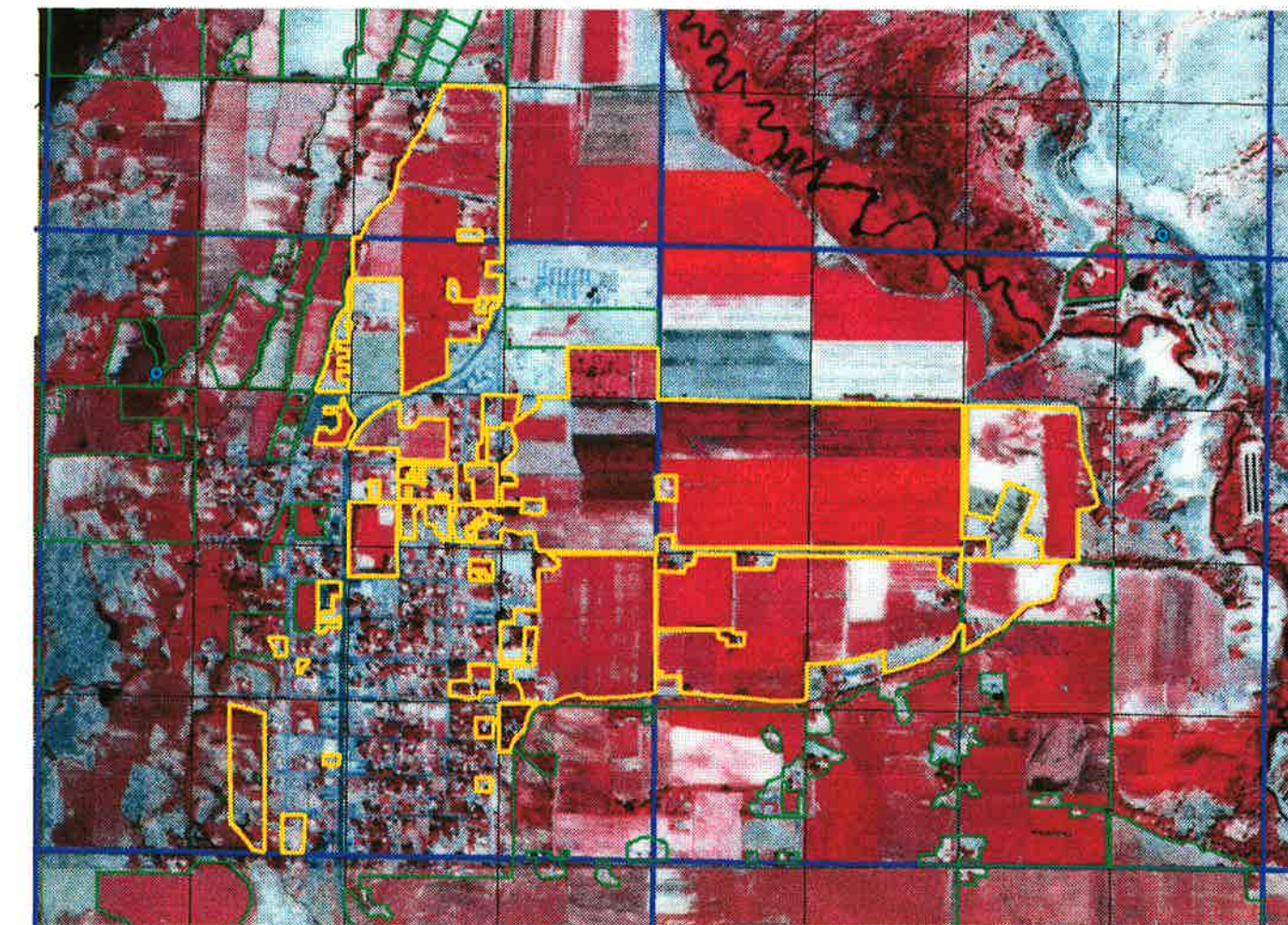
READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

IDAHO DEPARTMENT OF WATER RESOURCES

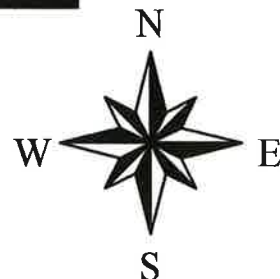
36-15168

HAGERMAN WATER USERS ASSOCIATION



1320 0 1320 2640 3960 5280 6600 7920 Feet

TNS 7S, RNG 13E,
SEC 11, 13 & 14



⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 10, 1997
BY KELLY K CHRISTENSEN

IDAHO DEPARTMENT OF WATER RESOURCES

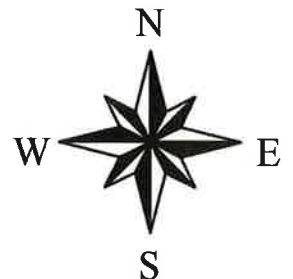
36-15168

HAGERMAN WATER USERS ASSOCIATION



660 0 660 1320 1980 2640 Feet

EAST SIDE OF P/U
TNS 7S, RNG 13E,
SEC 11, 13 & 14



⊙ Recommended Point of Diversion

Recommended Place of use

Section lines

Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 10, 1997
BY KELLY K CHRISTENSEN

IDAHO DEPARTMENT OF WATER RESOURCES

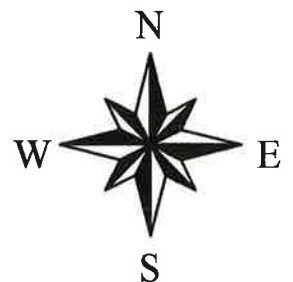
36-15168

HAGERMAN WATER USERS ASSOCIATION



660 0 660 1320 1980 2640 Feet

SOUTHWEST CORNER OF P/U
TNS 7S, RNG 13E,
SEC 11, 13 & 14



⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

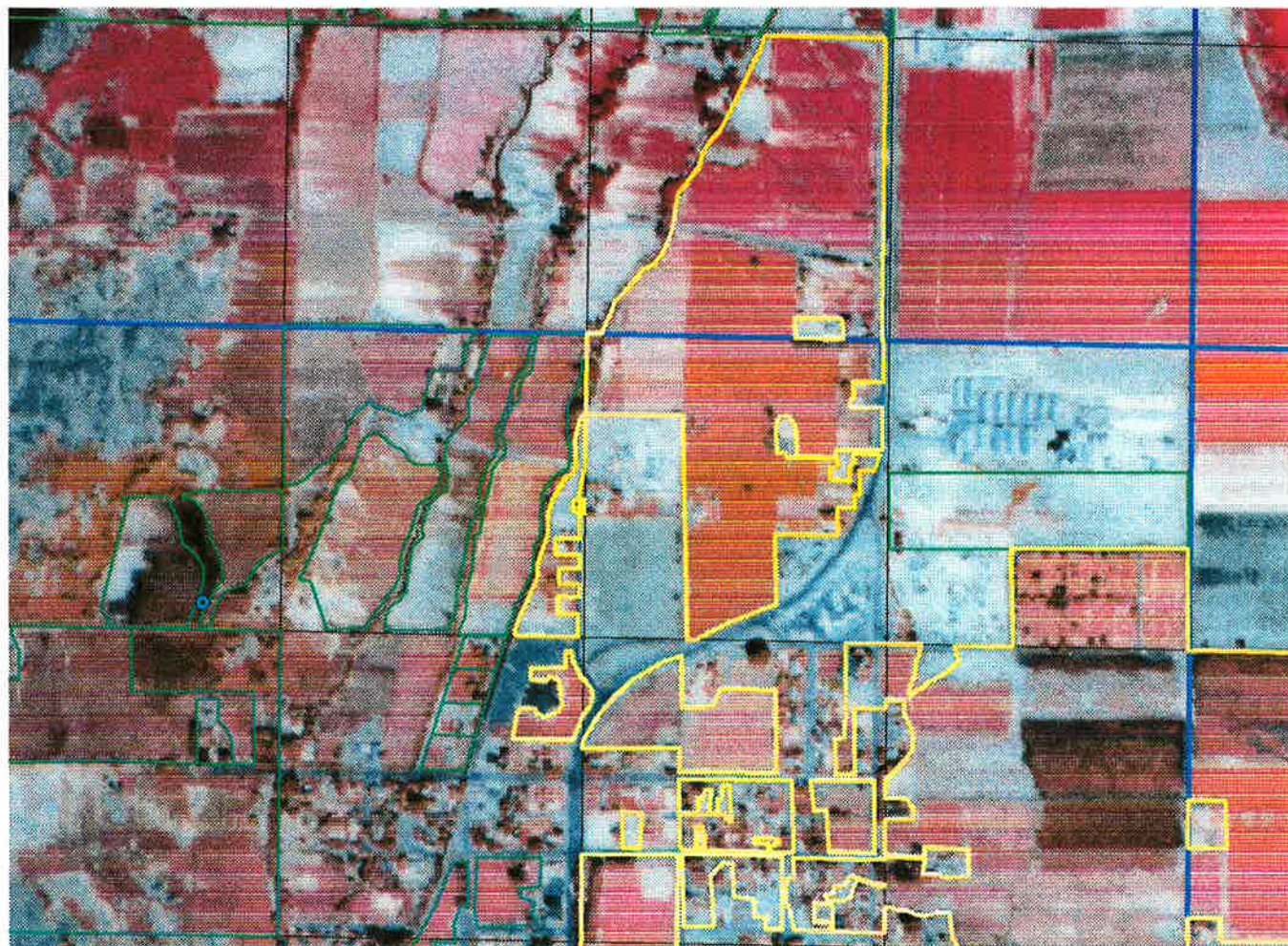
□ Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 10, 1997
BY KELLY K CHRISTENSEN

IDAHO DEPARTMENT OF WATER RESOURCES

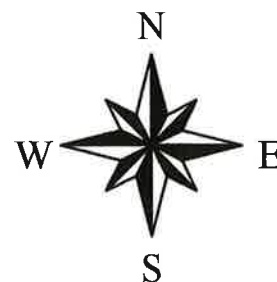
36-15168

HAGERMAN WATER USERS ASSOCIATION



660 0 660 1320 1980 2640 Feet

NORTHWEST CORNER OF P/U
TNS 7S, RNG 13E,
SEC 11, 13 & 14



⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 10, 1997
BY KELLY K CHRISTENSEN

RECEIVED
DEC 26 1995
Department of Water Resources
Adjudication Bureau

REC'D
DEC 22 1995
OFFICE OF THE
ATTORNEY GENERAL

1995 DEC 21 PM 1:55
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

RECEIVED

In Re SRBA

JAN 10 1996

Department of Water Resources
Southern Region

Case No. 39576

Subcase Nos.: 36-00021B (36-00021)
36-00039D, 36-00048A, 36-00049,
36-00051A, 36-02169, 36-04260B,
36-10283A and 36-15168

AMENDED ORDER DENYING
MOTIONS TO STRIKE AFFIDAVITS
and ORDER GRANTING MOTIONS TO
FILE LATE RESPONSES

On August 18, 1995, Cranney Bros. filed its *Motion to File Late Responses* (Cranney *Motion*) in five of the above subcases: 36-00039D, 36-00048A, 36-00049, 36-02169 and 36-04260B.¹ Attached to the Cranney *Motion* was its *Brief in Support of Motion to File Late Responses*. The same date, Cranney Bros. lodged responses to objections in each of the five subcases.

On August 18, 1995, May Farms, Ltd. (May Farms), Sand Springs Ranch Partnership (Sand Springs) and Faulkner Land & Livestock Company (Faulkner) filed their *Motions to File Late Responses*² (May Farms, Sand Springs and Faulkner *Motions*) in six of the above

¹ The claimants/objectors in these five subcases are: Fred and Susan Walmsley (36-00039D); Dan and Irma McFadden (36-00048A, 36-00049 and 36-02169); and Robert H. Brailsford (36-04260B).

² Amended May Farms *Motions* in Subcase Nos. 36-00021B and 36-10283A were filed on September 12, 1995.

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subcases: 36-00021B, 36-00048A, 36-00049, 36-00051A, 36-10283A and 3615168.³ Attached to the May Farms, Sand Springs and Faulkner *Motions* were six separate but similar *Memoranda in Support of Motions to File Late Responses*.⁴ The same date, May Farms, Sand Springs and Faulkner lodged responses to objections in each of the six subcases.

Cranney Bros., May Farms, Sand Springs and Faulkner will sometimes be referred to collectively as Movants.

On November 21, 1995, the claimants in all nine of the above subcases (Claimants) filed their *Consolidated Memorandum Opposing Intervention*. The Claimants also filed their *Motion to Strike* the affidavit of attorney Michael C. Creamer and the attached portion of Mike Cranney's deposition (Subcase Nos. 36-00039D, 36-00048A, 36-00049, 36-02169 and 36-04260B). Finally, the Claimants filed six *Objections and Motions to Strike Affidavits* of Ralph L. May (36-00021B and 36-10283A), Mike Faulkner (36-00048A and 36-00049) and Tom Ambrose (36-00051A and 36-15168). Attached was the Claimants' *Memorandum in Support of Objection and Motion to Strike Affidavits and Preclude Intervention*.

On November 21, 1995, Cranney Bros. lodged its *Pre-Hearing Memorandum*.

A hearing was held on November 22, 1995, at the SRBA Courthouse in Twin Falls, Idaho. Jeffrey C. Fereday appeared for Cranney Bros.; Dana L. Hofstetter and Josephine P. Beeman for May Farms, Sand Springs and Faulkner; Patrick D. Brown for the Claimants; and Brent R. King for IDWR. The Cranney *Motion* was set for hearing the same day as the May Farms, Sand Springs and Faulkner *Motions*. However, because of similarities of the *Motions* and the Claimants' consolidated opposition, the hearings were combined. All counsel were present and participated throughout the hearing.

After the hearing, on December 1, 1995, Cranney Bros. filed its *Response to Motion to Strike*. The same day, the Claimants wrote to the Special Master asking that the pleading be disregarded and Cranney Bros.' counsel be admonished for submitting post-hearing briefs and

³ The claimants/objectors in four of the subcases are: Harry R. Gisler (36-00021B); Walten and Marjorie Mildren (36-00051A); Ya-Ta-Hay Investments, Inc. (36-10283A); and Hagerman Water Users Association (36-15168).

⁴ Amended Faulkner and Sand Springs *Memoranda* in Subcase Nos. 36-00049 and 36-00051A were filed on September 12, 1995.

evidence.

Motions to Strike

The Claimants moved to strike certain affidavits because the affidavits were not served with the *Motions* or they contain hearsay testimony, lack foundation and the affiants are not qualified as experts. While these criticisms are well taken for purposes of summary judgment or trial, they are less compelling in the context of these motions to file late pleadings -- particularly in these subcases. The Claimants and Movants have followed a particularly contentious motion practice and the court has been required to fashion its responses accordingly. On top of that, these are "test" subcases where fundamental and unique issues are being explored. Sweeping legislative changes in the midst of ongoing litigation only added to the challenges. The result has been a certain "flexible" application of *SRBA Administrative Order 1* and the Idaho Rules of Civil Procedure to accomplish the ends of justice.

Judge Daniel C. Hurlbutt's July 28, 1995 *Order*⁵ concerning late filings clearly intended to provide "special consideration" to some parties to the adjudication. The *Order* was made because of legislative changes in the party status of IDWR and its Director. Even now, over a year after the amendments to the SRBA statutes went into effect, the court and the parties continue to discover new implications.

Even though the affidavits complained of by the Claimants are flawed in certain respects, the timing of their filing and their contents are sufficient for purposes of these motions to file late pleadings. It must be remembered that the motions were filed by SRBA parties seeking to participate in subcases. The Movants have not had the opportunity to conduct discovery. It may reasonably be expected that their responses will be substantially refined and amended as they gather more information. The suggestion that the Movants will step into the shoes of the Director and defend the whole Director's Report is not reasonable. At this point, their burden is not to *prove* a case but to *plead* sufficient facts to support their motions. The affidavits meet that minimal burden and will not be stricken.

⁵ The full title of the *Order* is Order Granting in Part, and Denying in Part, Joint Motions for Amendment of Administrative Order 1.

Motions to File Late Responses

The Movants argue that they meet the criteria of Judge Hurlbutt's July 28, 1995 Order: (1) they filed their pending motions in a timely manner and attached completed responses; (2) they have shown good cause for not filing responses in a timely manner; (3) they have demonstrated the existence of a meritorious position; and (4) they do not seek to enlarge or add to existing issues. In support of their allegation of "good cause," all three Movants suggest that they chose not to file responses in a timely manner because they relied upon IDWR to "defend" the Director's Report. Now that the Director's Report is no longer a pleading and IDWR and the Director are no longer parties, they seek to file late responses in all nine subcases.

There is no question that the pending motions were filed in a timely manner and completed responses were attached. It is also clear that the Movants do not seek to enlarge nor add to existing issues. Almost any element they might have chosen to respond to was objected to by the Claimants. So, the issues are whether good cause and a meritorious position have been shown.

The court is satisfied that the Movants have shown both good cause for untimeliness and the existence of a meritorious position. It was reasonable for them to rely upon the Director to investigate all SRBA water claims and defend his findings in strict accord with Idaho water laws. When IDWR and its Director were removed as parties by the Legislature, it was also reasonable for the Movants to suspect that some claims might result in excessive rights. After all, at the time the *Motions* were filed, no subcase had proceeded to a full hearing before the Special Master.

The fact that the Movants chose these particular subcases to intervene is no accident. These subcases concern water claims in the Hagerman Valley where the *Musser*⁶ case arose. Right or wrong, the Movants were concerned that future "calls," as happened in that case, *might* impact their farm operations. Given the information generally available to water users, their concern was understandable. It made no difference that none of the Movants knew details in the Director's Report or specific facts about the Claimants' water uses.

Having said that, the court feels compelled to remind the Movants and Claimants of Rule 11(a)(1), Idaho Rules of Civil Procedure:

6

Musser v. Higginson, 125 Idaho 392, 871 P.2d 809 (1994).

The signature of an attorney or party constitutes a certificate that the attorney or party has read the pleading, motion or other paper; that to the best of the signer's knowledge, information, and belief after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, **and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation [emphasis added].**

Therefore, IT IS ORDERED that the Claimants' *Motions to Strike Affidavits* are denied. It is further ordered that the Cranney *Motion to File Late Responses* and the May Farms, Sand Springs and Faulkner *Motions and Amended Motions to File Late Responses* are granted. However, participation of Cranney Bros., May Farms, Sand Springs and Faulkner shall be limited to litigation of those elements in the Director's Report to which the Claimants have objected and to which IDWR has responded. They may not enlarge or add to existing issues. Responses previously lodged with the court by Cranney Bros., May Farms, Sand Springs and Faulkner are deemed filed as of December 12, 1995.

DATED December 21, 1995.



Terrence A. Dolan
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the (AMENDED) ORDER DENYING MOTIONS TO STRIKE AFFIDAVITS and ORDER GRANTING MOTIONS TO FILE LATE RESPONSES was mailed December 21, 1995, with sufficient first-class postage to the following:

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

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P.O. Box 389
Twin Falls, ID 83303-0389

Josephine P. Beeman
Dana L. Hofstetter
Dillon, Bosch, Daw & Bock, Chartered
Suite 200
242 North 8th Street
Boise, ID 83720

Jeffrey C. Fereday
Givens, Purlsey & Huntley
P.O. Box 2720
Boise, ID 83701

Brent R. King
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Courtesy copies to:

Daria J. Zane
R. Lee Leininger
William M. Ferry
The United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724-0663

Cheri C. Jacobus
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449


Deputy Clerk

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JAN 10 1996

Party's Name: Sand Springs Ranch Partnership

Department of Water Resources

Southern Region

RECEIVED

AUG 23 1995

OFFICE OF THE
ATTORNEY GENERAL

Attorney's Name and Address

Josephine P. Beeman

DILLION BOSCH DAW & BOCK Chtd.

Fidelity Building

242 N. 8th Street, Suite 200

Boise, Idaho 83702

RECEIVED

AUG 24 1995

Department of Water Resources
Adjudication Bureau

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

In Re: SRBA

)

Case No. 36-15168

)

Case No. 39576

)

MOTION TO FILE LATE RESPONSE

)

TO HAGERMAN WATER USERS ASSOCIATION
OBJECTION

)

DESCRIPTIVE SUMMARY

Sand Springs Ranch Partnership seeks to file a late response to the Hagerman Water Users Association objection to water right 36-15168 as recommended in the Director's Report Part I for reporting area 3 (basin 36).

MOTION TO FILE LATE RESPONSE

Sand Springs Ranch Partnership seeks to participate as a full party in subcase 36-15168 and files this motion and the attached Response to Hagerman Water Users Association Objection pursuant to the July 28, 1995 order of Judge Hurlbutt. The July 28 order states, "it is necessary to provide a mechanism for parties to participate in subcases where participation is required due to the removal of the Director and IDWR as a party and the change in the status of the Director's Report as a pleading."

The Motion is supported by a Memorandum in Support of Late Response (HWUA) and affidavits which accompany the Memorandum and Response.

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DEC 5 1996

DATED this 18th day of August, 1995.

15/
JOSEPHINE P. BEEMAN

CERTIFICATE OF MAILING

I hereby certify that on the ____ day of _____, 1995, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Patrick D. Brown
HEPWORTH LEZAMIZ & HOHNHORST, Chtd.
P.O. Box 389
Twin Falls, ID 83303-0389

15/
JOSEPHINE P. BEEMAN

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DEC 5 1996

Party's Name: Sand Springs Ranch Partnership

Attorney's Name and Address

Josephine P. Beeman
DILLION BOSCH DAW & BOCK Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702

**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. 36-15168
Case No. 39576	)	
	)	RESPONSE TO HAGERMAN WATER USERS
_____	)	ASSOCIATION OBJECTION

I. GENERAL INFORMATION

1. Person responding to objection:

Name: Sand Springs Ranch Partnership

Address: P.O. Box 400
Wendell, ID 83355

Briefly describe your interest in this water right:

Sand Springs Ranch Partnership ("Sand Springs") is a water claimant in reporting area 3 (Basin 36) who diverts from a common aquifer with the Hagerman Water Users Association ("HWUA").

2. Person who filed objection:

Name: HAGERMAN WATER USERS ASSOCIATION

Address: Route 1, Box 406
Hagerman, ID 83332

3. If this response is filed by an attorney:

MICROFILMED
DEC 5 1996

Attorney Name: Josephine P. Beeman

Attorney Address: DILLION BOSCH DAW & BOCK Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
BOISE, ID 83702

Attorney Phone No.: (208) 344-8990

II. STATEMENT OF THE RESPONSE

1. ☐ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. ☐ Quantity: I respond to the objection concerning:
- a. ☐ the total quantity of water used in cubic feet per second; or
- b. ☐ The total quantity of water stored in acre feet per year.
7. ☐ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
9. ☐ Place of Use: I respond to the objection concerning:
- a. ☐ the legal description of the place of use; or
- b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☐ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. ☐ Other: I respond to the objection concerning:

All matters raised in the claimant's answer, affirmative defenses, and prayer for relief.

REASONS SUPPORTING EACH BOX CHECKED

A. Statement of Objection 1. In response to Statement of Objection Item 1, Sand Springs responds that the Idaho Department of Water Resources ("IDWR") will change the claimant's address on its records to that shown on the objection. This, however, may not change the claimant's

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DEC 5 1996

address on the records of the SRBA Court. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The claimant may need to file this form with the SRBA Court.

B. Statement of Objection 3 and 3.a.

In response to Statement of the Objection items 3 and 3.a. and all allegations of the objection regarding those items, Sand Springs responds as follows: (1) IDWR recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Sec. 42-104 and 42-1402); (3) the recommendation of the Director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

C. Statement of Objection 3 and 3.b. In response to Statement of the Objection items 3 and 3.b. and all allegations of the objection regarding those items, Sand Springs responds that the recommended water right was not claimed, and therefore could not be recommended, as a storage right either in whole or in part. The claimant's objection to these items is in error.

D. Statement of Objection 7. In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, Sand Springs responds that it recommended the same purpose or purposes of use that were identified on the notice of claim and that were found when the claim was investigated. By identifying in the objection domestic and fish propagation as additional uses that the claimant did not list on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a Director's report is filed, just as a party must obtain leave of the court to file a late claim after the Director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

E. Statement of Objections 9 and 9.a. In response to Statement of Objections 9 and 9.a., and all allegations of the objection regarding those items, Sand Springs responds that IDWR has found, in the Director's report, that the recommended water right accurately describes the place of use of the right, and Sand Springs relies on the Director's report.

F. Statement of Objections 9 and 9.b. In response to Statement of the Objection 9 and 9.b. and all allegations of the objection regarding those items, Sand Springs responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right.

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

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H. Statement of Objection 11. In response to Statement of Objection 11, and all allegations of the objection regarding that item, Sand Springs responds that IDWR has authority pursuant to Idaho Code § 42-1411(2)(j) and Idaho case law to include in its recommendations of water rights, and recommended in the Director's report, remarks and other matters that are necessary to define, clarify, or administer the right. The remarks objected to are necessary to adequately describe and define this water right.

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

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

CHANGES TO THE DIRECTOR'S REPORT

Sand Springs proposes no changes to the description of this claim in the Director's report.

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

Affidavit of Josephine P. Beeman 2 pages

Sand Springs Ranch Partnership's Response to Claimant's Answer, Affirmative Defenses and Prayer for Relief 4 pages

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VERIFICATION

State of IDAHO)
 : SS
County of ADA)

Tom Ambrose, being first duly sworn, upon oath, deposes and says:

I am a principal in Sand Springs Ranch Partnership, a party to this proceeding, as defined by I.C. § 42-1401A(1) and (7); that Josephine P. Beeman is my attorney in fact for these matters and is authorized to verify this response; and I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

SANDS SPRINGS RANCH PARTNERSHIP

By: / s /
Tom Ambrose

DILLION BOSCH DAW & BOCK, Chtd.

By: / s /
Josephine P. Beeman, Attorney signing in
Representative capacity

Subscribed and sworn to before me this 18th day of August, 1995 .

 / s /
Notary Public for _____
Residing at: _____
My Commission expires: _____

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of August, 1995, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

RESPONSE TO HAGERMAN WATER USERS
ASSOCIATION OBJECTION, No. 36-15168 - Page 6

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1. Original to:

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

2. Copies to:

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

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

Patrick D. Brown
HEPWORTH LEZAMIZ & HOHNHORST, Chtd.
P.O. Box 389
Twin Falls, ID 83303-0389

JS/
JOSEPHINE P. BEEMAN

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DEC 5 1996

Movant's Name
Sand Springs Ranch Partnership

Attorney's Name & Addresses
JOSEPHINE P. BEEMAN
C. A. DAW
Dillion, Bosch, Daw & Bock
Chartered
Fidelity Building
242 N. 8th St., Suite 200
Boise, ID 83702
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Case No. 36-15168
	)	
Case No. 39576	)	AFFIDAVIT OF JOSEPHINE
	)	BEEMAN
	)	
_____	)	

Josephine Beeman, duly sworn on oath, states as follows:

1. I am the attorney for Sand Springs Ranch Partnership, the Movant in this matter
2. Attached are true and correct copies of documents maintained by the Idaho Department of Water Resources with respect to SRBA claim 36-15168.

DATED: August 18, 1995

/s/
Josephine Beeman

AFFIDAVIT OF JOSEPHINE BEEMAN - 1

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STATE OF IDAHO)
) ss
County of Ada)

Subscribed and sworn before me on August 18, 1995.

151
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: _____

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

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

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

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- (16) VI. General Provision 7. **MEASURING DEVICES AND CONTROL WORKS** (page 11 of Part I of the director's report)
- (17) VI. General Provision 8. **FIRE FIGHTING PURPOSES** (page 11 of Part I of the director's report)
- (18) VI. General Provision 9. **CONSUMPTIVE USE** (page 12 of Part I of the director's report)
- (19) VI. **GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE** (page 12 of Part I of the director's report)
- (20) VI. General Provision 10. **DOMESTIC USE** (page 12 of Part I of the director's report)
- (21) VI. **GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE** (page 13 of Part I of the director's report)
- (22) VI. General Provision 11. **STOCK WATER USE** (page 13 of Part I of the director's report)
- (23) VI. **GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE** (page 13 of Part I of the director's report)
- (24) VI. General Provision 12. **IRRIGATION USE** (pages 13-14 of Part I of the director's report)
- (25) VI. General Provision 13. **DIVERSION VOLUME FOR IRRIGATION** (page 14 of Part I of the director's report)
- (26) VI. General Provision 14. **CONSUMPTIVE USE FOR IRRIGATION** (pages 14-15 of Part I of the director's report)
- (27) VI. General Provision 15. **AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION** (page 15 of Part I of the director's report)
- (28) VI. General Provision 16. **DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE** (pages 15-16 of Part I of the director's report)
- (30) VI. **17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS** (pages A-i through A-iii of Part I of the director's report)
- (31) VI. **18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW** (pages A-1 through B-25 of Part I of the director's report)
- (32) **DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)**
- (33) **DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART III)**

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

MOVANT'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR RELIEF OF CLAIMANT - 2

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

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

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

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

Responding to the 27 affirmative defenses asserted in the attachment, Movant generally denies each and every affirmative defense asserted. Movant further responds that affirmative

MOVANT'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR
RELIEF OF CLAIMANT 3

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

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

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

Movant's Name
Sand Springs Ranch Partnership

Attorney's Name & Address
JOSEPHINE P. BEEMAN
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
)
)
)
)
)

Case No. 36-15168

**MEMORANDUM IN SUPPORT
OF MOTION TO FILE LATE
RESPONSE (HWUA)**

INTRODUCTION

Sand Springs Ranch Partnership, an Idaho partnership, (Sand Springs) submits this memorandum in support of its Motion to File Late Response. The Motion seeks the Court's permission to enter a late response on the objection of the Hagerman Water User's Association's ("HWUA's") to the Director's Report regarding WR # 36-15168. The Court's Order of July 28, 1995, ("July 28th Order") regarding the Joint Motions for Amending Administrative Order 1 and for Expedited Hearing indicates that such motions may be made within 21 days of the July 28th Order. Sand Spring's motion is made within the 21 days and is accordingly timely.

MEMORANDUM IN SUPPORT
OF MOTION TO SUBMIT A LATE RESPONSE - 1

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The Court's July 28th Order also indicates that such motions will be granted or not according to criteria similar to those prevailing under I.R.C.P. 55(c) for setting aside a default (i.e. showing both good cause for untimeliness and the existence of a meritorious position.).

FACTUAL SITUATION

The Court's July 28th Order states the factual situation with respect to the basis for entry of the late response to objection by Sand Springs:

The removal of IDWR and the Director as a party to the SRBA and all subcases necessitates special considerations for some parties to the adjudication. . . Based on the pleadings and party status of IDWR prior to the 1994 amendments to the SRBA statutes, some parties decided not to participate in certain subcases, choosing instead to rely on the Director's report and IDWR's defense of its pleading. . . Those parties who opted to rely on IDWR to litigate and advocate in favor of the Director's Report are unable to do so. Therefore it is necessary to provide a mechanism for parties to participate in subcases where participation is required due to the removal of the Director and IDWR as a party and the change in the status of the Director's Report as a pleading.

Movant is a party who relied on the IDWR to defend the Director's Report. See Affidavit of Tom Ambrose.

There has been no effort by any party to bring the HWUA objection to trial. There is no discovery in the file and no indication that any progress has been made on the case by either HWUA or the Department (prior to the 1994 statutory amendments removing the Department as a party.)

Hagerman Water User's Association has objected to the Director's Report with respect to their water right number 36-15168 in Basin 36. The source of the water is a spring tributary to Billingsley Creek. The water right has a claimed priority date of April 7, 1906. The differences between the Director's Report and HWUA's objection are as significant as any in Basin 36

MEMORANDUM IN SUPPORT
OF MOTION TO SUBMIT A LATE RESPONSE - 2

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considering both the absolute magnitude and the percentage difference between the claimed rate of diversion and the proposed rate of diversion. The HWUA objection claims 493 acres under irrigation and a 36.20 cfs rate of diversion. The Department's Report and file and Sand Springs' proposed response claim approximately 334 acres under irrigation and a rate of diversion limited by beneficial use to 7.43 cfs--a net difference of 28.77 cfs or almost 80% of the claimed diversion rate. At the statutory presumption of an inch to the acre and converting from cfs to miner's inches by a factor of 50, the difference between the claim and the response could irrigate an additional 1,400 acres. The Department's claim verification report also indicates that HWUA's diversion works may be physically incapable of the claimed rate of diversion. These facts, if established, would constitute a meritorious defense to the HWUA objection.

LEGAL BASIS FOR PERMITTING SAND SPRINGS' LATE RESPONSE

I. CRITERIA FOR PERMITTING LATE RESPONSE.

The Court's July 28th Order indicates that the criteria for determining whether to permit the late response will be similar to those under which motions under I.R.C.P. 55(c) to set aside a default will be determined. Such motions are within the sound discretion of the trial court and will not be reversed on appeal unless an abuse of discretion clearly appears. *Clear Springs Trout Company v. Anthony*, 123 Idaho 141, 845 P.2d 559 (1992). Judgments by default are not favored and there is a preference for setting them aside so that cases can be decided on the merits. *Baldwin v. Baldwin*, 114 Idaho 525, 757 P.2d 1244 (Ct. App. 1988) ("*Baldwin*"); *Gro-Mor, Inc. v. Butts*, 109 Idaho 1020, 712 P.2d 721 (Ct. App. 1985). Even in doubtful cases, relief from a default is favored. *Id.* Since this

response comes early in the history of this case, indeed, before any default has been entered, the motion should be granted.

II. NECESSARY ELEMENTS OF MOTION.

In order to set aside a default under rule 55(c), there must be a showing of reasonable cause for the late pleading and a factual showing that if granted, a meritorious basis supporting the pleading exists. See, e.g., *McFarland v. Curtis*, 123 Idaho 931, 854 P.2d 274 (Ct. App. 1988). Cf., Court's Order of July 28th, p. 2. However, this is not to say that the existence of the meritorious basis for the pleadings should be subject to trial at this point. It is only necessary to plead facts which, if established at trial, would support the motion. *Baldwin*. A final determination of the validity of the facts is not appropriate at this stage and the general rule, even in doubtful cases, is to grant relief in order to reach a judgment on the merits. *Johnson v. Pioneer Title Co.*, 104 Idaho 727, 626 P.2d 1171.

A. Reasonable Cause Exists to Support the Late Filing of the Response.

The affidavit submitted in favor of the motion shows that Sand Springs reasonably relied on the IDWR to defend the Director's report. The facts of this subcase indicate that the Department's defense of the Report would be successful or would significantly reduce the rate of diversion from that claimed in the objection, without outside intervention.

B. The Facts in the Supporting Affidavit, the Department's File and in the Proposed Response Provide a Meritorious Basis for Opposing the Objection. The Affidavit of Tom Ambrose establishes the factual basis for the proposed response to the HWUA objection. This affidavit incorporates the Department's file on the objection. The facts outlined above, if established at trial,

demonstrate good cause for the granting a water right according to the diversion rate recommended in the Director's Report and for rejecting the diversion rate claimed in the objection. There is a significant discrepancy between the Director's Report and HWUA's objection in the acreage subject to irrigation, the ability of the diversion works to accomodate the claimed flow, and the amount of water necessary to irrigate the claimed acreage. HWUA's claim exceeds three inches of water per acre of ground. Reputable studies indicate that the statutory standard of one inch per acre is sufficient, on average, to irrigate property such as HWUA's. Cf. IDAHO CODE § 42-220.

III. GRANTING THE MOTION WILL NOT PREJUDICE HWUA.

The issue of whether to grant leave to file a late response involves a consideration of the prejudice to HWUA if the motion is granted. *Traguth v. Zuck*, 710 F.2d 90 (2d Cir. 1983); *Meehan v. Snow*, 652 F.2d 1074 (2d Cir. 1981); *Cribb v. Matlock Communications, Inc.*, 236 Montana 27, 768 P.2d 337 (1989). However, the prejudice to be considered must be based on some other ground than the mere allowance of the late response and the direct consequences flowing therefrom. See, *In re: General Determination of Rights to the Use of Surface and Ground Waters of the Payette River Drainage Basin*, 107 Idaho 221, 687 P.2d 1348 (1984); *Johnson v. Noland*, 78 Idaho 642, 308 P.2d 588 (1957); Otherwise no later response would ever be allowed.

Since no progress has been made in this subcase, there is no prejudice uniquely attributable to permitting the late response vis' a vis' a timely response of identical dimensions. Accordingly, the Sand Springs motion for leave to enter a late response should be granted.

CONCLUSION

Sand Springs' motion should be granted and the Sand Springs' Response to HWUA's objection should be entered as a pleading in this matter.

Respectfully submitted,

Dillion, Bosch, Daw & Bock
Chartered

by: JS
Josephine P. Beeman, of the firm

by: JS
C. A. Daw, of the firm

Movant's Name
Sand Springs Ranch Partnership

Attorney's Name & Addresses
JOSEPHINE P. BEEMAN
C. A. DAW
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Case No. 36-15168
)
)
)
)
)

**AFFIDAVIT OF TOM
AMBROSE IN SUPPORT
OF MEMORANDUM**

Tom Ambrose, duly sworn on oath, states as follows:

1. I am a partner of Sand Springs Ranch Partnership, the Movant in this matter.
2. Sand Springs Ranch Partnership is the owner of water rights located in Basin 36 of the Snake River Basin Adjudication ("SRBA").
3. Hagerman Water User's Association ("HWUA") has objected to the Director's Report with respect to HWUA's WR # 36-15168 in Basin 36. The source of the water is a spring tributary to Billingsley Creek. The water right has a claimed priority date of April 7, 1906. The differences between the Director's Report and HWUA's objection are as significant as any in Basin 36

AFFIDAVIT OF TOM AMBROSE - 1

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6/9/94

COMMUNICATION DOCUMENTATION

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 Douglas Jones

DATE:

February 2, 1996 3:28pm

CUSTOMER:

Carol Sutherland

SUBJECT: A36-15168

phone call (X) walk-in (.)

Inquired whether a subdivision could water yards instead of crops with their water right. I indicated that as long as there isn't a change in point of diversion or place of use, then there IDWR wouldn't necessarily be involved. She said they are part of a water right group/oranization. I told her that there may be limitations placed on them by the group, and asked which group that would be. She replied that the subdivision was part of Hagerman Water Users. When asked which right evidenced the use she identified 36-0057, -0058, -0059. I asked her to identify the SRBA claim and she specified A36-15168. I said that I didn't know how the subdivision land related to the recommended right place of use. I also said that if she had a question of what she could legally do she should ask the designated attorney for the claimant's, Pat Brown. She recapped what I said about no change in place of use or point of diversion and I concurred.

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**CONVERSATION AND FIELD EXAM MEMO
HAGERMAN WATER USERS
AND NORWOOD SUBD. SYSTEMS**

DATE: 11-29-94
BY: STEVE CLELLAND

THIS IS A SUMMARY OF MY FIELD EXAMINATION AND VARIOUS CONVERSATIONS WITH THE PARTIES LISTED HEREIN. THE EXAM WAS AT THE REQUEST OF RON ADAMS & BECKY ADAMS FOR THEIR USES UNDER THE HAGERMAN WATER USER'S RIGHT A36-15168.

ON THIS DAY I MET WITH RON ADAMS, BECKY ADAMS (HIS DAUGHTER), AND ROD STUBBS (BECKY'S HUSBAND) AT THE NORWOOD SUBD. IN FRONT OF DAVID HUFF'S RESIDENCE. I TALKED WITH DAVID HUFF AND HE GRANTED PERMISSION TO WALK THE ROADWAY TO VIEW THE HAGERMAN WATER USER'S (HWU) SYSTEM. I ALSO REQUESTED TO LOOK AT THE FISH FACILITIES OWNED BY AQUARIUS AQUACULTURE AND EXPLAINED TO HIM THE COMPLAINT FILED BY BECKY ADAMS PROMPTS ME TO INVESTIGATE THE USE OF THE WATER RIGHT. HE AGREED TO ALLOW ME ON THE PREMISES BUT HE ASKED THAT THE ADAMS' NOT BE SHOWN THE FISH PROPERTIES AND THEY ONLY TAKE PART IN THE HWU REVIEW. I AGREED.

WE WALKED THE LENGTH OF THE SOUTH DITCH DIVERSION SYSTEM TO BIG SPRINGS AND BACK, DISCUSSING THE SPRINGS, FLOWS, CULVERTS AND PROPERTY LINES AS WE WALKED. THE HWU SYSTEM REMAINS UNCHANGED AND APPEARS THE SAME AS WHEN I EXAMINED THE SYSTEM IN 1990 & 1991. THE ONLY NOTICEABLE DIFFERENCE WAS THE CLEARING OF BRUSH AND TREES FROM THE DITCH BANK ON THE DOWNHILL SIDE, AS A PART OF THE MAINTENANCE OF THE DITCH SYSTEM.

AQUARIUS AQUACULTURE HAS DEVELOPED THE 20 FOOT DIAMETER, ROUND FISH TANKS TO A TOTAL OF 3 TANKS WITH A NEW DIVERSION POINT AT A SPRING. AT THIS EXAM, THE TWO LOWER END PONDS, OF THE TWO EAST RACEWAYS WERE NOT IN OPERATION AND THE THREE ROUND TANKS WERE ONLY ABOUT ONE FOOT DEEP. THIS COMBINATION OF WATER USES DOES NOT APPEAR TO EXCEED THE VOLUME LIMITS. I EXPLAINED MY OBSERVATIONS TO BECKY ADAMS.

FROM A POINT OVERLOOKING THE NORWOOD SUBD. WE DISCUSSED THE RUBY SPRINGS CLAIM, A36-07092C, AND THE USES ON ADAMS' LOTS. I EXPLAINED TO THEM, NO PROOF OF IRRIGATION USES, AS CLAIMED, HAS BEEN FOUND. HOWEVER, IDWR WILL RECOGNIZE THE TAPS ON TWO LOTS AND APPLY THE SAME STANDARDS THAT WERE USED ON THE OTHER PORTIONS OF THE RUBY SPRINGS SYSTEM.

AS WE LEFT, I STOPPED AT DAVID HUFF'S AND EXPLAINED THAT WE HAD PROCEEDED AS DISCUSSED EARLIER. I MENTIONED THE POD TRANSFER NEEDED FOR THE CHANGE IN POD AND HE TOLD ME HE HAD DISCUSSED IT WITH SOMEONE AT IDWR BEFORE. I SUGGESTED HE FILE THE TRANSFER AND LET IDWR RETURN THE REQUEST IF IT IS NOT NEEDED. REGARDING THE

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VOLUME CHANGES, HE TOLD ME THE RACEWAYS HAD BEEN CHANGED AND 900 YARDS OF FILL HAD BEEN ADDED. NOW THE WIDTH OF THE RACEWAYS IS 30' WIDE AS OPPOSED TO THE PREVIOUS 40' WIDTHS AS LICENSED (NOTE: SRBA CLAIM FILE SHOWS THE 30' FIGURE WAS USED TO CALCULATE TOTAL ALLOWED VOLUME). I SUGGESTED HE PREPARE A DRAWING WITH THE DIMENSIONS OF THE PONDS AND BE PREPARED TO SUBMIT IT IN RESPONSE TO THE FORTHCOMING LETTER FROM IDWR. AT THAT POINT I MAY NEED TO COME BACK FOR ACTUAL MEASUREMENTS OF THE SYSTEM, WITH MR. HUFF, IF COMPLIANCE IS STILL QUESTIONED.

I MET AGAIN WITH THE ADAMS' AT RON'S HOME. THEY SHOWED ME FILES OF DEEDS & MAPS. I EXPLAINED THE PROCESS OF THE ADJUDICATION AND HOW THE HWU FILE IS IN THE JURISDICTION OF THE COURT AND JUDGE HURLBUTT. I REMINDED THEM TO USE THAT PROCESS TO CHANGE THE RECOMMENDATIONS.

THEY WILL SEND COPIES OF THE DEEDS AND A MAP SHOWING THE ORIGINAL EIGHT PARCELS AS REFERRED TO IN THE ARTICLES OF INCORPORATION OF RUBY SPRINGS WATER CORP. THIS INFORMATION APPEARS TO SUPPORT THE CLAIM OF THE TAP DELIVERY TO ADAMS' PARCEL EAST OF THE HARTMAN PARCEL AND LOT 13, AS BEING PART OF THE ORIGINAL SYSTEM AND CLAIMED UNDER A36-07092C.

(NOTE: AFTER REVIEWING THE SRBA RECOMMENDATIONS OF THE AQUARIUS CLAIM, IT WAS RECOMMENDED TO INCLUDE THE SPRING AREA, NOW USED TO FILL THE ROUND TANKS, AS A POINT OF DIVERSION. TRANSFER DOES NOT APPEAR TO BE NECESSARY. FOLLOW UP CALL TO DAVID HUFF TO APPRISE.)

CC: A36-15168, A36-07092A, A36-07092B, A36-07092C

PREPARED BY STEVE CLELLAND DATE: November 30, 1994
FILE: (MM:ADAMS-EXAM-112994.WP) REVISED:

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6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-15168

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

October 31, 1994 1:29pm

NAME:

RON & BECKY ADAMS

CAME IN

RE:

HAGERMAN WATER USERS

THEY ASKED TO SEE THE HWU'S FILE. REQUESTED COPIES OF THE ENTIRE FILE A36-15168 AND FOR THE AQUARIUS FILE, A36-07092B. WILL BE IN BY THE END OF THIS WEEK TO PICKUP COPIES.

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RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-15168
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

36-15168 -0001/
93-04-0464

vs.

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

Respondents.

INSTRUCTIONS

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

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

(Over)

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Hagerman Water Users Association

Address: Box 265

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Decreed right pursuant to New International

Mortgage Bank v. Idaho Power Company dated

3/22/1932 with a priority date of 4/7/1906.

2. Owner of the water right:

Name: Hagerman Water Users Association

Address: Box 265

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

See page 7

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

☒

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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Groding

Hagerman Waters Users Association

(Name of person filing objection)

sworn, upon oath, deposes and says:

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

Hagerman Water Users Association
By John W. Jones Jr. President

Signature of person filing objection

By: [Signature]

(Attorney signing in representative capacity)

1993.

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

[Signature]

Notary Public for Idaho

Residing at: Hagerman, Idaho

My Commission Expires: 5-18-97

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(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Hagerman Water Users Association
Owner's address: Box 265
Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 1 - See Paragraph 2, page 2 for correct name and/or address.

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

Box 7 - Beneficially used for purposes set forth in notice of claim.

Box 9 - Director's Report fails to accurately state the place of use.

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

CHANGES TO DIRECTOR'S REPORT, page 4

Change address: see paragraph 2, page 2; maximum quantity as decreed with consumptive changed accordingly; place of use: as set forth in notice of claim for a total of 493 acres; purpose of use: include domestic and fish propagation; strike all remarks appearing after "Hagerman Water Users Ditch."

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

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Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

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V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

(DRP-I at page 9)

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

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(WATER\21530ANS)

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

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

Case No. 36-15168 -0001

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

RESPONSE TO OBJECTION

Petitioner,

vs.

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

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

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2. Person who filed objection:

Name: HAGERMAN WATER USERS ASSOCIATION
Address: BOX 265
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |☒| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
- 3b. |☒| The total quantity of water stored in acre feet per year.
7. |☒| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
- 9b. |☒| The number of irrigated acres within each forty (40) acre subdivision.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. |X| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

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

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, IDWR responds that it will change the claimant's address on its records to that shown on the objection. This, however, may not change the claimant's address on the records of the SRBA Court. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The claimant may need to file this form with the SRBA Court.

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection items 3 and 3.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right was not claimed, and therefore could not be recommended, as a storage right either in whole or in part. The claimant's objection to these items is in error.

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds that it recommended the same purpose or purposes of use that were identified on the notice of claim and that were found when the claim was investigated. By identifying in the objection domestic and fish propagation as additional uses that the claimant did not list on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain

(Over)

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leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right.

In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right.

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

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other

matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

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

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

The notice of claim attached to this response does not include the attachment referenced in the claim. IDWR will supplement its responds with this attachment at a later date.

CHANGES TO THE DIRECTOR'S REPORT

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

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

	No. of Pages
Notice of Claim No. A36-15168	4
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

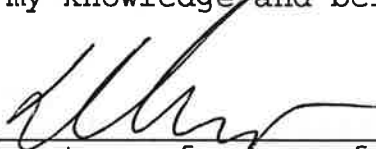
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

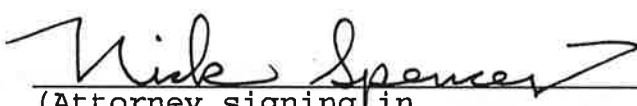
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



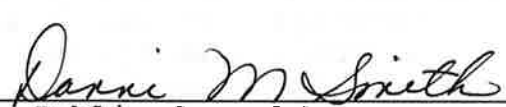
Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: _____

My Commission expires _____

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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



Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: A36-15168 AB 1/31/91Ident. Number 39356Date Received A36-00057Receipt Number 5002257

JK

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) HAGERMAN WATER USERS' ASSOCIATION
c/o WILBUR ELLIOTT - PRESIDENTPhone (208) 837-4933Mailing Address 1003-A E 2650 S, Route #1, Box 470, Hagerman, Idaho Zip 833322. Date of Priority (Only one (1) per claim) April 7, 19063. Source of water supply (a) Spring Number One, Spring Number Two & Unnamed Springs
which is tributary to (b) Billingsley Creek4. a. Location of existing point of diversion is: (Spring Number One)
Township 7 South Range 13 East Section 13,1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of GoodingAdditional points of diversion if any: Spring Number Two: Township 7 South, Range 14 East, B.M., Section 18, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 3, Gooding County. Unnamed Springs: Township 7 South, Range 14 East, B.M., Section 18, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 2, Gooding County.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.From the Springs, the water flows by open ditches to a central point where the water is measured. The water then flows into a steel pipeline, is siphoned across Billingsley Creek by said pipeline, and then goes into an open ditch which supplies water to the shareholders.

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6. Water is claimed for the following ses: (both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 36.20 or _____

For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 36.20 (cfs) and/or (b) 1972 (acre feet)

8. Total consumptive use claimed is 1479 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) There are 200 head of dairy cows & calves and up to 500 to 600 head of beef cattle and or calves.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	11															S 36		36
7 S	13 E	13			S 30				S 40	S 40	S 38	S 40				S 19			207
7 S	13 E	14	S 15	S 35	S 40	S 40	S 8			S 4	S 8			S 8	S 40	S 10	S 4	S 8	220
7 S	14 E	18							S 20			S 10							30

Total number of acres irrigated 493 acres

11. In which county (ies) are lands listed above as place of use located? Gooding County

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

I am the President of Hagerman Water Users Association and have the authority to sign for said Corporation. This water association supplies water for 63 stockholders at the present time. A copy of the shareholders is attached to this notice of claim.

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Last Name HAGERMAN WATER USERS Ident No. _____

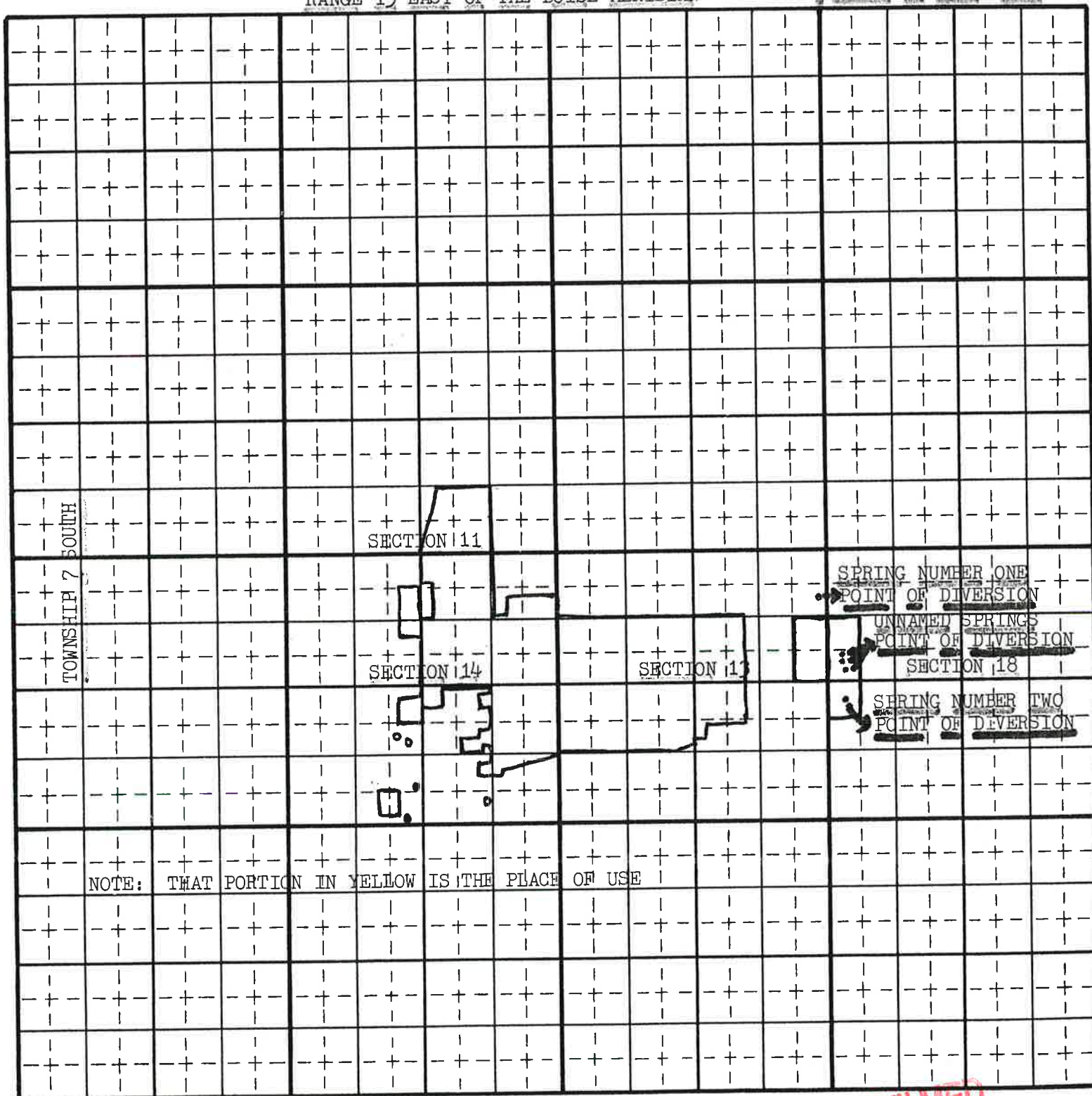
Copies: White, State, Yellow-Claimant
FEB 19 1995

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

Scale: 2 inches equals 1 mile

RANGE 13 EAST OF THE BOISE MERIDIAN

RANGE 14 EAST, B.M.



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FEB 09 1993

Last Name HAGERMAN WATER USERS

Ident No. A36-00057

Copies: White-State, Yellow-Claim

15. Basis of Claim (check one) ☐ Special Use ☐ Posted Notice ☐ License ☐ Permit ☒ Decree ☒

If applicable provide IDWR Water Right Number 36-0057, 36-0058 & 36-0059

Court U. S. District Court Case Number 1602 Decree Date March 22, 1932

Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

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 One (1)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT

Title

of HAGERMAN WATER USERS ASSOCIATION, that I have signed the foregoing

Organization

document in the space below as PRESIDENT of HAGERMAN WATER USERS ASSOCIATION

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent William D. Elliott

Title and Organization PRESIDENT-HAGERMAN WATER USERS ASSOCIATION Date 8-5-88

State of Idaho/or _____)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 5th day of August, 19 88

SEAL

Notary Public Clifton Jensen

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name HAGERMAN WATER USERS Ident. Number _____

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FEB 09 1993

Copies White-State, Yellow-Claimant

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

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

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

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

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

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

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

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

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

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

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

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



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

Date April 20, 1993

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

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

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

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

Sincerely,

MICROFILMED

APR 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

20-Apr-1993

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

Dear Chris:

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

Sincerely,


Jeanie Robertson
Records Clerk

MICROFILMED

001 20 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

RON ADAMS

HAGERMAN WATER USERS
SHAREHOLDER

2. SUBJECT OF INQUIRY:

He said someone else has been using his
water right up until now; he is now ready
to use his right and feels it may be disallowed.
He requested an objections form.

3. RESPONSE TO INQUIRY:

I confirmed the 5 year nonuse of
a water right will lead to forfeiture of that right.

Sent his obj form by ML3 which listed the
same address he gave to me.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Steve Clelland

STEVE CLELLAND

A36-15168

4-12-93

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661 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

29-Dec-1992

JOHN W JONES JR
HAGERMAN WATER USERS ASSN
BOX 265
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-15168

Dear Mr. Jones:

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

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

\$8.12

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

*paid 1-8-93
receipt #5015271*

*Hagerman
Water Users
100 x 5 = 5.00
post. 2.90
env. .22
8.12*

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OCT 20 1994

RECEIVED

DEC 28 1992

Department of Water Resources
Southern Region Office

Hagerman, Idaho

December 23, 1992

Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

Dear Sir:

I am requesting a copy of the file concerning the
water right for Hagerman Water Users Association --
Water Right #R36-15168.

Please send this information and bill to:

John W. Jones Jr., Vice President (Acting President)
Hagerman Water Users Association
Box 265
Hagerman, Idaho 83332

Thank you.

Sincerely,

J. W. Jones Jr.
John W. Jones Jr.

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OCT 20 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

BILL JONES

PO BOX 265

HAGERMAN ID 83332

2. SUBJECT OF INQUIRY:

HAGERMAN WATER User's Right (837-4580)

~~Mostly we talk~~ He was looking for options for the people in his company who have paid their assessments over the years but have not used the water.

3. RESPONSE TO INQUIRY:

I had mentioned at our meeting of 10-22-92 that any new users of the HWU water must have a permit filed. These persons may need to file a permit to begin using their forfeited portions also. I told him we had increased the acres of this right as a result of our NOE meeting. I suggested he consult an attorney for the situations of the assessment without water use.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Steve Clelland

STEVE CLELLAND

36-15168

10-28-92

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OCT 20 1994

sc

NOTICE OF ERROR



RESPONSE



CORRECTED R PROOF



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FEB 09 1993

CONVERSATION MEMO

FILE: 36 - 15168

AGENT: KKC

DATE: 10-23-92

RE: PROPOSED REPORT

NAME OF PARTY: Suttherland

CONTACT BY: Phone

ISSUE: Need to add uses to claim.

two new P/U's were found 1. Matheron Cheney
who has 1/4 acre on Block 10 & 1/2 Block 11

2. Ron Bean has 4.5 acres. location of P/U is
unknown.

I informed Mrs. Suttherland that there isn't
sufficient time to verify these uses and that
they would not be added to our recommendation.

Kelly K. Christensen

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FEB 09 1993

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A36-15168

RE: SCHOOL USE OF H.W.U.

DATE 10-20-92

NAME OF PARTY

Kelly Christiansen

I spoke with Kelly after he received the proof of priority for the right established by the School District.

The agreement supports the use of Buckeye Ditch for the irrigation of these grounds and not the use of right A36-15168 as previously proposed.

Recommend: Drop the 3 acres listed in the football & lawn area around the high school.
located in T07S, R13E, S14, NE SW

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FEB 09 1993

EASEMENT AND AGREEMENT

This easement granted and agreement had October 11, 1954 between Buckeye Water Users' Association, hereinafter called the Association, and Class B School District No. 233 of Gooding County, hereinafter called the District, both of Hagerman, Idaho

In consideration of the sum of \$70.00, the Association hereby grants and sells to the District an undivided interest in and to that certain irrigation ditch and right of way generally known as the Buckeye Ditch, which ditch heads in Billingsley Creek in Section 11, Twp. 7, S., R. 13, E.B.M. Gooding County, Idaho and courses thence in a general southerly direction for a distance of several miles. The interest so granted and sold to the District is sufficient to convey 7 inches of water from the head of said Buckeye Ditch to the Districts property in the City of Hagerman, Idaho, generally known as the Grade School, which is located a short distance northwest of the center of Section 14, Twp. 7, S., R. 13, E.B.M. In addition the Association grants to the District the right to maintain and operate in said ditch at some feasible point where the ditch passes through the District School ground a pump of sufficient capacity to lift 7 inches of water from said ditch onto the grounds of the District for irrigation purposes. It is agreed that such pump will be so installed and maintained as not to unreasonably interfere with the carrying capacity of the Buckeye Ditch.

As part of the consideration for this sale and transfer the District agrees that it will pay and do its pro rata share of all maintenance and operation work in connection with the maintenance and upkeep of said Buckeye ditch from year to year, and also pay and do its pro rata share of the cost of maintaining the headworks of said Buckeye Ditch.

IN WITNESS WHEREOF the parties have hereunto set their hands as of the day and year first above written.

BUCKEYE WATER USERS' ASSOCIATION

By: [Signature]

By: [Signature]
Secretary-Treasurer

CLASS B SCHOOL DISTRICT NO. 233
Gooding County, Idaho

By: [Signature]
Chairman of the Board

Attest: [Signature]
Clerk

(Seal)

STATE OF IDAHO)
County of Gooding) ss.

On this 12 day of October, 1954 before the undersigned a notary public for said state personally appeared Robert [Signature] and [Signature] known to me to be the chairman and secretary -treasurer, respectively, of the Buckeye Water Users' Association, and acknowledged to me that such Association executed the foregoing instrument.

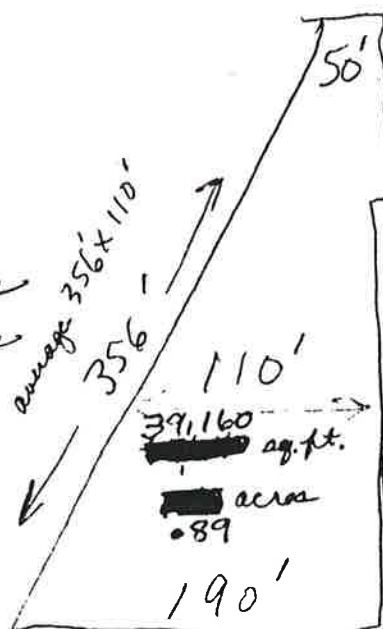
In witness whereof I have hereunto set my hand and seal the day and year in this certificate first above written.

[Signature]
Notary Public residing
at Hagerman, Idaho

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3.9 Acres
 30 Sprinklers $\frac{1}{8}$ " orifice
 Ave 35# pressure
 3-18 hrs. sets/week

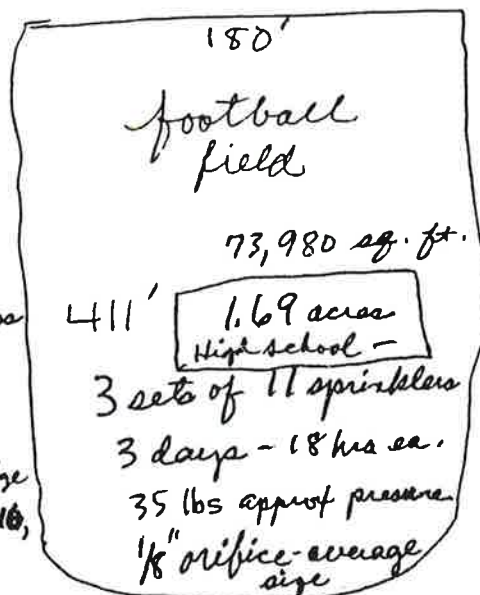
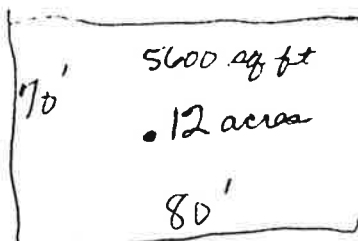


Swings

2.21 acres
 Grade school

271' playground
 53,116 sq. ft.
 1.2 acres

196'



3.9 total irrigated acres
 grade school -
 19 sprinklers $\frac{1}{8}$ " orifice average size
 3 sets - 1 at 19, 1 at 16, 1 at 7 - 3 days 18 hrs. ea.
 43560 sq. ft. per acre 35 lbs approx pressure

Industrial
 Chemical Laboratories, INC.

1015 NORTH FOURTEENTH STREET • OMAHA, NEBRASKA 68102 • TELEPHONE (402) 342-4200

Steve Alexander
 Buhl, Idaho 83316
 Phone: (208) 543-8371
 Whse: 1621 W. Bannock
 Boise, Idaho 83702
 Phone: (208) 342-8501

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FEB 11 9 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

OCTOBER 16, 1992

R. KEITH HIGGINSON
Director

HAGERMAN WATER USERS ASSN
RT 1 BOX 495
HAGERMAN ID 83332

RE: NOTICE OF ERROR FOR SEASON OF USE AND DIVERSION AMOUNTS
WATER RIGHT NO(S): 36-15168

DEAR MR. GRIMES,

THIS LETTER IS IN RESPONSE TO THE NOTICE OF ERROR (NOE) YOU RECENTLY FILED WITH IDWR REGARDING THE DIRECTOR'S PROPOSED RECOMMENDATION OF THE CLAIM LISTED ABOVE. YOUR NOE QUESTIONS TWO POINTS; 1) YOUR NOE INDICATES THAT YOU WOULD LIKE THE RECOMMENDATION TO SHOW A LONGER SEASON OF USE FOR IRRIGATION. AND 2) THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE.

1) THE DIRECTOR HAS APPROVED EXTENDING THE PERIOD OF USE FOR THE HAGERMAN VALLEY TO 3/15 TO 11/15.

THE PROPOSED RECOMMENDATION IS BASED ON IRRIGATION SEASON OF USE STANDARDS ADOPTED BY THE DIRECTOR FOR THE VARIOUS REGIONS THROUGH THE STATE. THESE STANDARDS ARE BASED ON THE PERIOD OF THE YEAR IN WHICH THERE IS LESS THAN A 75% CHANCE OF A 24 DEGREE F. FROST.

IN ADDITION, SINCE THERE ARE SOME YEARS IN WHICH WATER CAN BE BENEFICIALLY USED FOR IRRIGATION OUTSIDE THE IRRIGATION SEASON, THE PROPOSED DIRECTOR'S REPORT INCLUDES A GENERAL PROVISION WHICH PROVIDES FOR IRRIGATION OUTSIDE THE IRRIGATION SEASON UNDER CERTAIN CONDITIONS. THE CONDITIONS ARE THAT THE WATER IS BENEFICIALLY USED, AS DETERMINED BY THE DIRECTOR; THAT ALL WATER RIGHTS WITH A PERIOD OF USE OUTSIDE THE IRRIGATION SEASON REGARDLESS OF PRIORITY, ARE SATISFIED; AND THAT THE USE DOES NOT CONFLICT WITH THE PUBLIC INTEREST AS DETERMINED BY THE DIRECTOR. THIS PROPOSED GENERAL PROVISION WILL BE INCLUDED IN THE DIRECTOR'S REPORT.

2) UNDER IDAHO LAW, A WATER RIGHT IS LIMITED TO THE AMOUNT OF WATER BENEFICIALLY USED FOR THE PURPOSES FOR WHICH THE WATER RIGHT WAS ESTABLISHED. THE AMOUNT OF WATER BENEFICIALLY USED IS LIMITED TO THE AMOUNT THAT IS ACTUALLY USED AND IS REASONABLY REQUIRED. FOR IRRIGATION PURPOSES, A REASONABLE AMOUNT IS THE

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PAGE 2

AMOUNT REQUIRED USING IRRIGATION METHODS THAT ARE REASONABLY EFFICIENT UNDER CURRENT CIRCUMSTANCES. IF THE AMOUNT OF A WATER RIGHT SHOWN IN A DECREE IS GREATER THAN THE AMOUNT THAT IS BENEFICIALLY USED, THEN THE PORTION THAT IS NOT BENEFICIALLY USED IS FORFEITED.

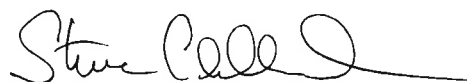
THE AMOUNT PROPOSED TO BE RECOMMENDED FOR YOUR CLAIM IS BASED ON THE AMOUNT OF WATER DETERMINED TO BE BENEFICIALLY USED FOR THE RECOMMENDED USES, BASED ON AVAILABLE DATA AND CURRENT METHODS OF ANALYSIS.

THE AMOUNT OF PROPOSED IRRIGATED ACRES IS THOSE ACRES FOUND TO BE ACTUALLY IRRIGATED BY THE SYSTEM CLAIMED. ROADS, HOUSES AND OTHER NON-IRRIGATED AREAS ARE NOT LISTED IN THE PLACE OF USE.

AS WE DISCUSSED OVER THE TELEPHONE THIS DAY, IF YOU HAVE INFORMATION WHICH CAN SHOW OTHER ACRES IRRIGATED OR ADDITIONAL FLOW RATES ARE REQUIRED FOR THESE LANDS THEN PLEASE SCHEDULE AN APPOINTMENT WITH ME AS SOON AS POSSIBLE AND PRIOR TO OCTOBER 22.

IF YOU STILL DISAGREE WITH IDWR'S RECOMMENDATIONS YOU WILL HAVE AN OPPORTUNITY TO FILE AN OBJECTION TO THE DIRECTOR'S REPORT WITH THE COURT. WHEN THE DIRECTOR'S REPORT IS FILED WITH THE COURT, YOU WILL BE MAILED A NOTICE THAT WILL CONTAIN MORE INFORMATION ABOUT THE OBJECTION PROCESS.

SINCERELY,



STEVE CLELLAND
SENIOR WATER AGENT

P.S. WE HAVE ADDED THE REMARK TO YOUR PROPOSED RIGHT IDENTIFYING THE THREE DECREED RIGHTS THIS CLAIM IS BASED UPON.

CC:

HAGERMAN CEMETERY
C/O ALFRED SANDY
240 EAST BRUNEAU
HAGERMAN ID 83332

LOUIS KOOPMAN
PO BOX 491
HAGERMAN ID 83332

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FEB 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

OCTOBER 16, 1992

R. KEITH HIGGINSON
Director

ARMIN SUTTERLIN
PO BOX 393
HAGERMAN ID 83332

RE: NOTICE OF ERROR IN THE SRBA FOR 36-15168

Dear Mr. Sutterlin,

Please find enclosed a copy of the letter sent to the officers of the Hagerman Water Users Assn. We will be working through these officers to resolve any issues revealed in the NOE process. If you have any supportive evidence for your claims please submit the information to your HWUA officers.

If you have any questions please call this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Steve Clelland', with a large, sweeping flourish at the end.

Steve Clelland
Senior Water Agent

SCC:sc
ENC:

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FEB 09 1993

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A36-15168

RE: NOE - additional information

DATE 10-16-92

NAME OF PARTY

ELWOOD GRIMES - pres.

837-4834

I called to set up a meeting and meet with the officers of Hagenman Water Users. Mr. Grimes said he would like to meet next week when Bill Jones gets back into town. I told him he should call me and set up the appointment when they can. I cautioned him that our report will print on Friday, October 23 and I will be out of the office that day.

I said I will send our standard letter to respond officially to their NOE. I mentioned we are planning some type of studies in the Hagenman area and we have already extended the season to 3-15 to 11-15.

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FEB 09 1993

Dan McFadden
Rt 1 Box 406
Hagerman, Idaho 83332

October 7, 1992

Dear Dan,

This letter supplements the final report of the Hagerman Water Users from the Soil Conservation Service, dated October 2, 1992, and is more specific to your farm.

Application rates for pivot and wheeline systems are mentioned in paragraph four. At a design efficiency of 65%, the application rate of 10.5 gpm/ac (1.16in/ac) is indicated. If this application rate were applied at a peak consumptive use rate of 0.36in/ac, the crop would need to be irrigated every 3.2 days. This frequency may not be feasible from a management perspective, as prohibitive increased costs to labor, production capital, and operation and maintenance would result.

Currently, based on existing management, capital and labor factors, the system is operated with a frequency of five days. This indicates the need for water application rates of 1.8in/ac (16.2 gpm/ac). This appears to meet the management objectives for your operation.

Furrow irrigation modeling shows application rates of 28 gpm/ac (3.1in/ac) and a high degree of irrigation water management needed to meet consumptive use rates for mint. These application rates are needed due to a combination of factors including climate, soil textures, excessively drained soil, topography, and the lower irrigation efficiencies of surface irrigation systems. Erosion and sediment transport are not a problem due to little runoff, but the model shows excessive deep percolation.

I hope this portrays information of use to you. Please call if you have any questions. Thank you,

Sincerely,

Brian Miller

Brian Miller
District Conservationist
Gooding F.O.t

RECEIVED

OCT 10 1992

DEPT. OF AGRICULTURE

SOIL CONSERVATION SERVICE

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FEB 09 1993

Subject: ENG - Hagerman Water Users,
Final Report

Date: October 2, 1992

To: Brian Miller
District Conservationist
SCS, Gooding FO

Department of Water Resources
Southern Region Office
File code: 210

This is the final report of the Hagerman Water Users group which we have been working with since last spring. Since that time, a sprinkler evaluation was conducted in the field. One surface system was evaluated by the FIRI SCS computer program, another by the SCS Furrow Analysis program, as were eight flow measurements of Big Bend and Buckeye Ditches to determine seepage losses.

Two unique features of the Hagerman area are:

1. A climate hotter than that of the Snake River Plain a few hundred feet higher in elevation; and,
2. Sandy soils of high permeability, low water holding capacity, and low water holding retention ability.

To address the first of these two issues, SCS can concede to this area as fitting SCS Climatic Area I. Crop consumptive use will be higher than the adjacent Snake River Plain. In fact, a mint root crop on sandy soils may have a peak daily consumptive use rate of 0.36 inches per day, expected to occur in July. Other crops will be near this value too. The irrigation season is in excess of 200 days.

Pivot sprinklers at 75 percent efficiency should meet peak mint root needs at a rate of 9.5 gpm/ac.; a sideroll, handline, or solid set at 65 percent efficiency should meet the same crop need at a rate of 10.5 gpm/ac. These rates are greater than one miner inch per acre.

Sandy soils within this area probably fall into an Intake Family of 2.0 or so. It takes a high degree of management to surface irrigate these soils. It can be argued that it takes 28 gpm/ac. delivered to the field to successfully manage surface irrigation. Sandy soils, bare conditions, steep slopes, and high flows per furrow can all contribute to erosion and sediment transport. Computer modeling, however, shows little runoff, but, high deep percolation.

High permeability contributes to both gains and losses to the canal systems in this area. Along the headends of the canals near the canyon walls, gains are due to springs and uphill seepage. Further on, seepage from the canals flow to lower elevations. Losses

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varied from 4 to 32 percent per mile. Highest water losses occurred in canals and ditches with low flows. This is because, all other factors equal, high flows are transmitted more efficiently than are low flows.

In the discussion of canals it is important to realize that unless sediment is causing an obvious problem, it is probably better to limit canal cleaning. Fine soils tend to seal the canal bottom and sides and should be left in place. Vegetation, however, should be kept back from canal banks since it is a consumptive water-use user every bit as much as a vigorous stand of alfalfa or equivalent.

Prepared By:

Neil D. Wilton
Neil D. Wilton
Irrigation Engineer

Concur:

H. LeRoy Zollinger
H. LeRoy Zollinger
State Conservation Engineer

cc: Lee Brooks, AC, Boise Area Office
Bob Bishop, AE, Boise Area Office

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FEB 09 1993

NOTICE OF ERROR FORM

AUG-24-1992

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

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

RECEIVED
RECEIVED
SEP 22 1992
SEP 22 1992

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

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

1. Water right number: 36-15168 (Hagerman Water Users Association)

2. Name: HAGERMAN CEMETERY

Address: % ALFRED SANDY, 240 East Bruneau, Hagerman, Idaho 83332
Director

Weekday Telephone Number: 208-837-4554

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

MICROFILMED
FEB 09 1993

NOTICE OF ERROR FORM

AUG-24-1992

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

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

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

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

1. Water right number: 36-15168

RECEIVED

2. Name: Louis Koopman

SEP 25 1992

Address: P.O. Box 491
Hagerman ID 83332

Department of Water Resources
Southern Region Office

Weekday Telephone Number: 837-6660

MICROFILMED

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

3. Describe the portion of proposed recommendation with which you disagree:
We disagree with the amount of water that is being proposed in the recommendation and the period of use.
4. Describe the changes you wish to have made in the proposed recommendation:
We are requesting that you allow our three (3) inches per acre for irrigation and the period of use be from March 15th to November 15th of each year.
5. Describe why you disagree with the proposed recommendation:
The increase in the amount of water is needed because of the sandy soil and the necessary frequency of irrigation. The additional period of use is needed because of the climate and longer growing season of the Hagerman Valley.
6. Date: September 21, 1992

SIGNATURE

Cleave C. Lloyd Jr. Sandy

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

3. Describe the portion of proposed recommendation with which you disagree:
Acres in SWNW Sec 13 T7S R13E
4. Describe the changes you wish to have made in the proposed recommendation:
Change Acreage to ~~10~~ include yards & Gardens in this tract.
5. Describe why you disagree with the proposed recommendation:
This tract is all irrigated with ditch water - Report shows Homesites & Gardens out.
6. Date: 9/25/92

SIGNATURE

Louis T Koopman

NOTICE OF ERROR FORM

AUG-24-1992

Please type or print clearly, fill out completely, and return to:
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

RECEIVED
 SEP 21 1992
 Department of Water Resources

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

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

1. Water right number: 36-15168

2. Name: Hagerman water users ASSN.

Address: Route 1 Box 495
 Hagerman, Idaho 83332

Weekday Telephone Number: 837-4834 (if no direct)
 837-4850

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

MICROFILMED
 FEB 09 1993

Jr. W. Jones Jr.
 Box 265
 Hagerman
 Idaho 83332



ALWAYS
 USE ZIP



8.12

SD15271

Ha. man Water Users

RECEIVED

JAN 08 1993

Department of Water Resources
 Southern Region Office

Dept of Water Resources
 222 Shoshone St. East
 Twin Falls
 Idaho 83301

MICROFILMED
 OCT 20 1994

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

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

proposed amount of water available
to Hagatman water users Assn. for
irrigation of proposed acres.
cutting the length of irrigation season
restricting method of irrigation

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

consideration for more
irrigation water, longer season
and choice of type of irrigation

5. Describe why you disagree with the proposed recommendation:

we believe that 1 inch per acre
is not enough to adequately irrigate
our sandy soil.

6. Date: Sept. 18, 1992

SIGNATURE

Elwood D. Grimes, Pres.
Hagatman water users Assn.

John W (Bill) Jones Jr. Vice Pres.

Louie Koopman
File with Notice of Error
36-15168

SLIMAN & BUTLER IRRIGATION INC.
WATER USE ESTIMATE

Koopman Farms 09/21/92

Location	Noz Size	Av. psi	Qty	gpm ea.	TOTAL GPM
Lawn	5/32	26	12	3.6	43.2
Horse pas.	5/32	21	4	3.2	12.8
So. pasture	3/16	20	26	4.4	114.4
Line 1	5/32	61	32	5.6	179.2
Line 2	5/32	65	29	5.9	171.9
Line 3	5/32	62	32	5.7	182.4
Line 4	5/32	55	32	5.3	169.6
line 5	5/32	50	32	5.1	<u>163.2</u>
TOTAL SYSTEM GPM					1035.9
TOTAL SYSTEM MINERS INCHES					115.1

88 Irrigated acers = 1.30 GPM Per Acer

RECEIVED

SEP 25 1992

Department of Water Resources
Southern Region Office

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RECEIVED

SEP 23 1992

Department of Water Resources

PO Box 393
Hagerman, ID
83332
9-21-92

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

RECEIVED

SEP 28 1992

Department of Water Resources
Southern Region Office

Gentlemen:

This concerns the water rights for land located in Township 7 S, Range 13 E of the Boise Meridian, Section 14, Part of the SE1/4NE1/4, Armin Sutterlin, under Water Rights A36 15168.

I would like to amend the Statement of Error that was submitted by the Hagerman Water Users Association for the state-wide water adjudication process.

I am almost 53 years old and I am eligible for retirement from my employment at the age of 55. I have rented out my farm for many years and the renters have used mostly their own piping to irrigate the ground.

I intend to farm or pasture my land myself after my retirement or semi-retirement. In the past I have personally raised cattle (up to 32 pairs of cow-calf units) at one time on this ranch and intend to do so again. When this time arrives, I plan to use surface irrigation. The reasons for this decision were as follows:

1. The cattle and horses destroy the expensive aluminum irrigation pipes by stepping on them. I have presently more than 2 dozen pipes piled up that were destroyed in this manner and are now unusable. You may inspect them at any time. They are located directly north of the barn, in the garden area, at the end of the driveway.

2. In the past we have had too much trouble with the pumping system, i.e. the screens plug up, the pump pit runs dry, lack of water, power outages, etc. This leads to expensive repairs and requires a lot of attention while irrigating.

3. After I retire from my present employment, my income will be sharply reduced. Therefore, I plan to surface irrigate to save between \$150 to \$200 a month in electricity that it now costs to irrigate. This is a steadily rising expenditure.

4. My irrigation pump and motor are about 25 years old and will cease to function in the next few years. To replace

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them will cost in excess of 3 to 4000 dollars. There will be additional cost to replace the damaged aluminum pipe. The whole cycle of repair and replacement will then begin anew.

5. After I retire I will have much more time than money to irrigate the field. Therefore, I intend to water by means of gated pipe. This pipe will be paid for by selling the remaining pipes, pump and scrap aluminum. All of this land has been irrigated for many years by means of surface irrigation.

6. Over the last few years I have bought extra water shares as they became available so that I would have enough water to surface irrigate. I have paid the yearly assessment for these shares just to make sure that I have sufficient water to irrigate in this manner.

The top soil on our land is very sandy and is located on volcanic sand. The drainage field for our septic system had to be legally less than 100 sf because of the rapid percolation through the local sandy soil. I am sure that I will require close to 2" of water. My neighbor has required nearly that much by means of sprinkler irrigation.

Any excess water for surface irrigation returns back to where it came from in the first place, underground.

I intend to retain sufficient quantity of water for surface irrigating, as it was done in the past for dozens of years on all of my land. If you intend to reduce this amount of water, I expect you to pay for any lawyer and any other expenses that I may occur to defend my water rights because of the present adjudication process. I own 46 shares of Hagerman Water Users Association stock which allowed me to surface irrigate in the past and I will do so in the future.

Please file this letter permanently in files for Water Right A36 15168 for future reference.

Sincerely,



Armin Sutterlin

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Water Right Number - R36-15168

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

HAGERMAN WATER USERS ASSOCIATION

1 - C/O ELWOOD GRIMES PRESIDENT

2 -

3 - RT 1 BOX 495

City- HAGERMAN

Phone - 208-837-4933

State- ID Zip- 83332

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/07/1906 ERROR IN REGION D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S	14E	18	NW SW NW	2	(47)	GOODING
			SE SW NW	2	(47)	GOODING
			NE NW SW	3	(47)	GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	6.900 +	7.43
04 - STOCKWATER		04/01	10/31	0.270	
04 - STOCKWATER		11/01	03/31	0.790	

Per Koopmans 10-22-92
10.6 - less school
7.43

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
6.900 957.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	SW SE		25.026	01	IRRIGATION	(47) GOODING
07S	13E	13	SW NE		24.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SW NW		37.038	01	IRRIGATION	(47) GOODING
07S	13E	13	SE NW		38.0	01	IRRIGATION	(47) GOODING
07S	13E	13	NE SW		24.025	01	IRRIGATION	(47) GOODING
07S	13E	13	NW SW		33.035	01	IRRIGATION	(47) GOODING
07S	13E	13	NW SE		9.010	01	IRRIGATION	(47) GOODING
07S	13E	14	NE NE		5.07	01	IRRIGATION	(47) GOODING
07S	13E	14	NW NE		17.022	01	IRRIGATION	(47) GOODING
07S	13E	14	SW NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE NE		35.036	01	IRRIGATION	(47) GOODING
07S	13E	14	NE NW		2.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE NW		1.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE SW		4.01.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE SW		8.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE SE		28.031	01	IRRIGATION	(47) GOODING
07S	13E	14	NW SE		5.0	01	IRRIGATION	(47) GOODING

Water right number - R36-15168

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	14	SW SE		1.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE SE		3.04	01	IRRIGATION	(47) GOODING
07S	13E	11	SW SE			04	STOCKWATER	(47) GOODING
07S	13E	13	SW NE			04	STOCKWATER	(47) GOODING
07S	13E	13	SW NW			04	STOCKWATER	(47) GOODING
07S	13E	13	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	13	NW SW			04	STOCKWATER	(47) GOODING
07S	13E	13	NW SE			04	STOCKWATER	(47) GOODING
07S	13E	14	NW NE			04	STOCKWATER	(47) GOODING
07S	13E	14	SE NE			04	STOCKWATER	(47) GOODING
07S	13E	14	SE SW			04	STOCKWATER	(47) GOODING
07S	13E	14	NE SE			04	STOCKWATER	(47) GOODING

Total Acres: 319.0

+ - - Diversion Means - DITCHES, PIPELINES, SPRINKLERS

+ - - Non-Irrigation Use - STOCKWATER, 200 DAIRY, 600 RANGE

+ - - Other Rights for Same Use - SEE REMARKS

Remarks

WATER IS DELIVERED THROUGH HAGERMAN WATER USERS DITCH.
0.52 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
USE OF PORTIONS OF THIS RIGHT IS COMBINED WITH USE UNDER
RIGHTS NOT HELD BY HAGERMAN WATER USERS ASSN. WITHIN THE PLACE OF
USE DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2660 AF AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 888 ACRES IN A SINGLE
IRRIGATION SEASON. OTHER RIGHT NOS.: 36-02465 & 36-15166
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00057,
36-00058 & 36-00059.

3189
1063
00022
changed per Big Springs amendment.

Old Water Right Numbers

3600057
3600058
3600059

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

NEW INTERNATIONAL MORTGAGE BANK

Decree Defendant

IDAHO POWER COMPANY

Decree Date

03/22/1932

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Water right number - R36-15168

Prefix Translation: RESEARCH

+ - - - - - Comments - - - - - +
 Date: 02/12/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW
 Date: 07/30/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
 I AM PRESIDENT OF THE HAGERMAN WATER USERS ASSOCIATION AND HAVE THE AUTHORITY TO SIGN FOR SAID CORPORATION. ASSN. SUPPLIES WATER
 FOR 63 STOCKHOLDERS AT PRESENT TIME. COPY OF SHAREHOLDERS IS ATTACHED.
 Date: 09/17/1992 User Id: FRAZEE Subject: NAME CHANGE
 CERTIFIED MAIL REC'D STATING WILBUR ELLIOTT IS NO LONGER PRES OF WATER USERS ASS'N. ELWOOD GRIMES NEW PRES.
 Date: 09/22/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
 RECEIVED NOE 9/21/92. CHANGED NOE FLAG FROM BLANK TO A.
 Date: 09/23/1992 User Id: SCHULTZ Subject: 2ND NOTICE OF ERROR (NOE)
 RECEIVED NOE 9/22/92. LEFT NOE FLAG AS A.
 Date: 09/24/1992 User Id: SCHULTZ Subject: 3RD NOTICE OF ERROR (NOE)
 RECEIVED NOE 9/23/92. LEFT NOE FLAG AS A.
 Date: 09/25/1992 User Id: MERRITT Subject: 4TH NOTICE OF ERROR FILED IN THE NAME OF KOOPMAN
 Date: 10/16/1992 User Id: CLELLAND Subject: RESPONSE TO NOE
 I CALLED THE PRESIDENT ELWOOD GRIMES AND SUGGESTED IF THEY HAD OTHER INFORMATION TO SUPPORT THEIR CLAIMS THEY NEED TO MEET WITH
 ME ASAP. I SENT THE STANDARD LETTER FOR THE AMOUNT AND SEASON TO HIM AND COPIES TO OTHER NOE'S. I TOLD HIM TO CONTACT ME IF THEY
 WANT TO MEET.

+ - - Audit Fields - - +

10/16/92 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/25/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	- 1602
Response Filed Date	- 00/00/0000	Verified Date	- 10/16/1992	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002257	Water District	- 36A
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- D
				Notice of Error Flag	- C

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CONVERSATION MEMO

FILE: 36 -15168AGENT: KKCDATE: 10-23-92RE: NOE Review.

NAME OF PARTY: _____

Per Steve Clelland's request I have reviewed the acre recommendation and we have agreed upon slight changes to most of the claimed Q/Qs. (see attached land list for recommendation.

Diversion rate recommendation

$$75 \text{ acres @ } 0.023 \text{ CFS/AC} = 1.73 \text{ CFS}^*$$

$$259 \text{ acres @ } 0.020 \text{ CFS/AC} = 5.18 \text{ CFS}$$

6.91

$$\text{conveyance loss rate} = .52$$

$$\underline{\underline{7.43}} \quad \text{Recommended rate}$$

* Kospman's use based upon mint use which requires 0.023 CFS/AC (see Steve Clelland's memo dated 10-21-92)

As this claim only partially overlaps with 36-02465 & 36-15166 consumptive use for this right has been calculated for these acres only. The combined septon is recognized in Remarks.

$$\text{consumptive use recommendation, this right} = 334 \times 3 = \underline{\underline{1002 \text{ AFY}}}$$

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RECOMMENDED PERMISSIBLE PLACE OF USE:

CLAIMS: 36-15168

10-23-92

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
RECOMMENDATION		7S	13E	11														26		26	

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
RECOMMENDATION		7S	13E	13		24				38	38	25	35					10		170	

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
RECOMMENDATION		7S	13E	14	7	22	20	36	2		1	1			8	31	5	1	4	138	

TOTAL 334

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CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A36-15168

RE: Changes in approved per acre rates

DATE 10-21-92

NAME OF PARTY

Allen Merritt

Allen relayed to me the following:

Jeff Peppersack and Dave Shaw have reviewed the use of mint crops as a high consumptive use as indicated by the SCS analysis of Dan McFadden's sprinkler farm system.

Based on additional information and that report IDWR can allow a rate of 0.023 cfs/acre for lands ~~used~~ used in a mint crop rotation.

The only crop-land that qualifies under this rate would be the lands in T07S, R13E, S13, 5 1/2 NW for 37 acres SWNW and 38 acres SENW.

I believe the land is owned by Louis Koopman.

$$75 \text{ acres} \times 0.023 \text{ cfs/Ac} = 1.73 \text{ cfs}$$

$$\text{Revised increase } 75 \times .003 \text{ CFS/acre} = .23 \text{ CFS } 10-22-92$$

~~1.96~~

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Oct 27, 1972
Hagerman Idaho

This Memorandum is for the use of
Steve Cleland and the Dept of Water Resources

The Hagerman Water Users Directors have
contacted their share holders and we
have come up with 415 acres that
are being irrigated.

There is 30 acres that is being flood
irrigated. I acquired a measuring device
from (S.C.S.) to put in a corrugate and
I calculated that I am using three inches
of water per acre. This corresponds with
the Gooding Soil Conservation Dist. findings
this summer in Hagerman Valley.

Letter from Brian Miller, District
Conservationist S.C.S. Gooding, Idaho, is
enclosed. Exhibit one

Also enclosed is a letter from Neil
D. Wilton (Irrigation Engineer) and H. Leroy
Zollinger (State Conservation Engineer)
to Brian Miller (District Conservationist
S.C.S. Gooding Idaho) that give the results
and conclusions of a water quantity use
study that was done this last summer
in Hagerman Valley. Exhibit Two

The Soil Conservation report Exhibit one
and two confirm that we are using
more water than you have allowed.

Since having used water from
the Hagerman Water Users for 35 years,
I have observed good utilization of the
water that was used in a very

253 8 1983
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Conservative beneficial way. We have kept our delivery system in good shape. All we want is to be able to irrigate our Crops to best of our ability and to have enough water to accomplish this.

We ask that you will reconsider in light of the facts that we have presented.

Comment of
Bill Jones
Director
Hagerman Water Users

Exhibit One



United States
Department of
Agriculture

Soil
Conservation
Service

122 5th Ave West
Gooding, ID. 83330

Dan McFadden
Rt 1 Box 406
Hagerman, Idaho 83332

October 7, 1992

Dear Dan,

This letter supplements the final report of the Hagerman Water Users from the Soil Conservation Service, dated October 2, 1992, and is more specific to your farm.

Application rates for pivot and wheeline systems are mentioned in paragraph four. At a design efficiency of 65%, the application rate of 10.5 gpm/ac (1.16in/ac) is indicated. If this application rate were applied at a peak consumptive use rate of 0.36in/ac, the crop would need to be irrigated every 3.2 days. This frequency may not be feasible from a management perspective, as prohibitive increased costs to labor, production capital, and operation and maintenance would result.

Currently, based on existing management, capital and labor factors, the system is operated with a frequency of five days. This indicates the need for water application rates of 1.8in/ac (16.2 gpm/ac). This appears to meet the management objectives for your operation.

Furrow irrigation modeling shows application rates of 28 gpm/ac (3.1in/ac) and a high degree of irrigation water management needed to meet consumptive use rates for mint. These application rates are needed due to a combination of factors including climate, soil textures, excessively drained soil, topography, and the lower irrigation efficiencies of surface irrigation systems. Erosion and sediment transport are not a problem due to little runoff, but the model shows excessive deep percolation.

I hope this portrays information of use to you. Please call if you have any questions. Thank you,

Sincerely,
Brian Miller
Brian Miller
District Conservationist
Gooding F.O.t

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FEB 09 1993



United States
Department of
Agriculture

Soil
Conservation
Service

EXHIBIT Two

32, Elder Street
Room 124
Boise, Idaho 83705

Subject: ENG - Hagerman Water Users,
Final Report

Date: October 2, 1992

To: Brian Miller
District Conservationist
SCS, Gooding FO

File code: 210

This is the final report of the Hagerman Water Users group which we have been working with since last spring. Since that time, a sprinkler evaluation was conducted in the field. One surface system was evaluated by the FIRI SCS computer program, another by the SCS Furrow Analysis program, as were eight flow measurements of Big Bend and Buckeye Ditches to determine seepage losses.

Two unique features of the Hagerman area are:

1. A climate hotter than that of the Snake River Plain a few hundred feet higher in elevation; and,
2. Sandy soils of high permeability, low water holding capacity, and low water holding retention ability.

To address the first of these two issues, SCS can concede to this area as fitting SCS Climatic Area I. Crop consumptive use will be higher than the adjacent Snake River Plain. In fact, a mint root crop on sandy soils may have a peak daily consumptive use rate of 0.36 inches per day, expected to occur in July. Other crops will be near this value too. The irrigation season is in excess of 200 days.

Pivot sprinklers at 75 percent efficiency should meet peak mint root needs at a rate of 9.5 gpm/ac.; a sideroll, handline, or solid set at 65 percent efficiency should meet the same crop need at a rate of 10.5 gpm/ac. These rates are greater than one miner inch per acre.

Sandy soils within this area probably fall into an Intake Family of 2.0 or so. It takes a high degree of management to surface irrigate these soils. It can be argued that it takes 28 gpm/ac. delivered to the field to successfully manage surface irrigation. Sandy soils, bare conditions, steep slopes, and high flows per furrow can all contribute to erosion and sediment transport. Computer modeling, however, shows little runoff, but, high deep percolation.

High permeability contributes to both gains and losses to the canal systems in this area. Along the headends of the canals near the canyon walls, gains are due to springs and uphill seepage. Further on, seepage from the canals flow to lower elevations. Losses



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United States Department of Agriculture

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varied from 4 to 32 percent per mile. Highest water losses occurred in canals and ditches with low flows. This is because, all other factors equal, high flows are transmitted more efficiently than are low flows.

In the discussion of canals it is important to realize that unless sediment is causing an obvious problem, it is probably better to limit canal cleaning. Fine soils tend to seal the canal bottom and sides and should be left in place. Vegetation, however, should be kept back from canal banks since it is a consumptive water-use user every bit as much as a vigorous stand of alfalfa or equivalent.

Prepared By:

Neil D. Wilton
Neil D. Wilton
Irrigation Engineer

Concur:

H. Leroy Zollinger
H. Leroy Zollinger
State Conservation Engineer

cc: Lee Brooks, AC, Boise Area Office
Bob Bishop, AE, Boise Area Office

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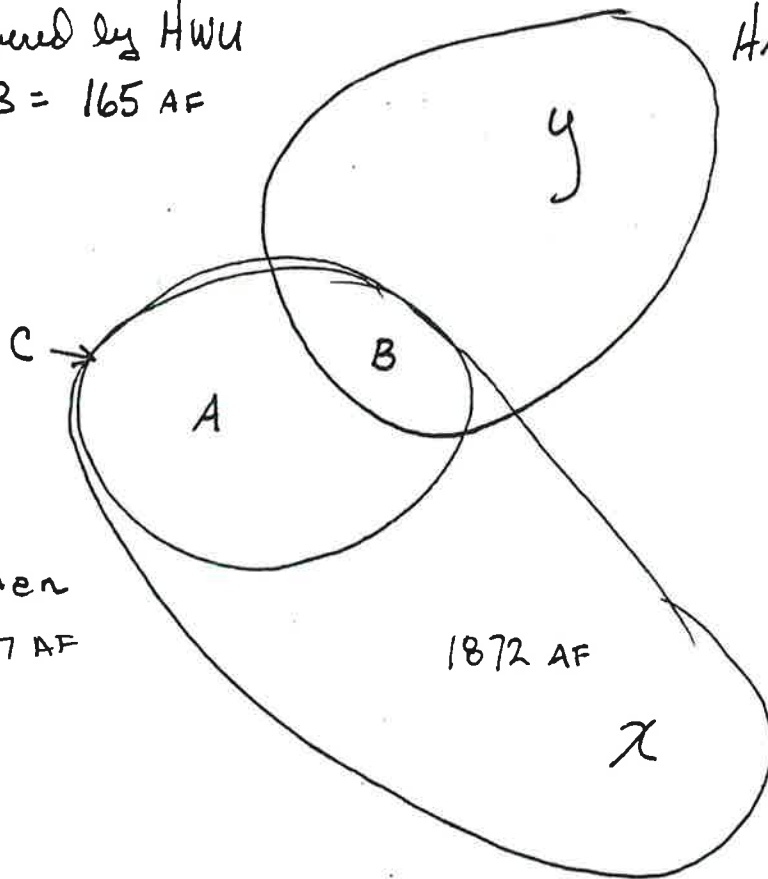
CALCULATED CONSUMPTIVE USE

COMBINED RIGHTS: 36-2465, 36-15166, 36-15168

B = City Acres covered by HWU
 $55 \text{ Ac} \times 3 = 165 \text{ AF}$

HAGERMAN
 WATER
 USER'S

~~957~~ AF 1002 AF
 (319 Ac)
 334 HHT
 10-23-92



C = CITY OF HAGERMAN
~~306~~ AF 297 AF
 (702 Ac)
 99 HHT

BIG SPRINGS
 WATER

~~7566~~ AF 2055 AF

Combined consumptive use limits:
 $C + X + Y - B$

685 HHT (522 Ac.)
 + 306 (muni)
 (of 1024 Ac)

Consumptive use: $\left(\frac{306}{1566}\right) + 957 - 165 = \underline{\underline{2664 \text{ AF}}}$

= 1872 AF

= 624 Ac. Total

Combined acres: $\left(\frac{102 + 522}{522}\right) + 319 - 55 = \underline{\underline{888 \text{ Acres}}}$

HHT cons. $\left(\frac{297 + 2055}{2055}\right) + 1002 - 165 = 3189$
 ac. $\left(\frac{99 + 685}{685}\right) + 334 - 55 = 1063$
 HHT 10-23-92

See
 11-6-91

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Water Right Number - R36-15168

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

HAGERMAN WATER USERS ASSOCIATION

1 - C/O ELWOOD GRIMES PRESIDENT

2 -

3 - RT 1 BOX 495

City- HAGERMAN

Phone - 208-837-4933

State- ID Zip- 83332

VERIFIED BY

10-23-92

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FEB 09 1993+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/07/1906 ERROR IN REGION D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 14E 18 NW SW NW 2 (47) GOODING
SE SW NW 2 (47) GOODING
NE NW SW 3 (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 7.430
04 - STOCKWATER 03/15 11/15 0.270
04 - STOCKWATER 11/16 03/14 0.790+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
7.430 1002.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 11 SW SE 26.0 01 IRRIGATION (47) GOODING
07S 13E 13 SW NE 24.0 01 IRRIGATION (47) GOODING
07S 13E 13 SW NW 38.0 01 IRRIGATION (47) GOODING
07S 13E 13 SE NW 38.0 01 IRRIGATION (47) GOODING
07S 13E 13 NE SW 25.0 01 IRRIGATION (47) GOODING
07S 13E 13 NW SW 35.0 01 IRRIGATION (47) GOODING
07S 13E 13 NW SE 10.0 01 IRRIGATION (47) GOODING
07S 13E 14 NE NE 7.0 01 IRRIGATION (47) GOODING
07S 13E 14 NW NE 22.0 01 IRRIGATION (47) GOODING
07S 13E 14 SW NE 20.0 01 IRRIGATION (47) GOODING
07S 13E 14 SE NE 36.0 01 IRRIGATION (47) GOODING
07S 13E 14 NE NW 2.0 01 IRRIGATION (47) GOODING
07S 13E 14 SE NW 1.0 01 IRRIGATION (47) GOODING
07S 13E 14 NE SW 1.0 01 IRRIGATION (47) GOODING
07S 13E 14 SE SW 8.0 01 IRRIGATION (47) GOODING
07S 13E 14 NE SE 31.0 01 IRRIGATION (47) GOODING
07S 13E 14 NW SE 5.0 01 IRRIGATION (47) GOODING

Water right number - R36-15168

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	14	SW SE		1.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE SE		4.0	01	IRRIGATION	(47) GOODING
07S	13E	11	SW SE			04	STOCKWATER	(47) GOODING
07S	13E	13	SW NE			04	STOCKWATER	(47) GOODING
07S	13E	13	SW NW			04	STOCKWATER	(47) GOODING
07S	13E	13	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	13	NW SW			04	STOCKWATER	(47) GOODING
07S	13E	13	NW SE			04	STOCKWATER	(47) GOODING
07S	13E	14	NW NE			04	STOCKWATER	(47) GOODING
07S	13E	14	SE NE			04	STOCKWATER	(47) GOODING
07S	13E	14	SE SW			04	STOCKWATER	(47) GOODING
07S	13E	14	NE SE			04	STOCKWATER	(47) GOODING

Total Acres: 334.0

+ - - Diversion Means - DITCHES, PIPELINES, SPRINKLERS

+ - - Non-Irrigation Use - STOCKWATER, 200 DAIRY, 600 RANGE

+ - - Other Rights for Same Use - SEE REMARKS

Remarks

WATER IS DELIVERED THROUGH HAGERMAN WATER USERS DITCH.
0.52 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
USE OF PORTIONS OF THIS RIGHT IS COMBINED WITH USE UNDER
RIGHTS NOT HELD BY HAGERMAN WATER USERS ASSN. WITHIN THE PLACE OF
USE DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 3189 AF AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 1063 ACRES IN A SINGLE
IRRIGATION SEASON. OTHER RIGHT NOS.: 36-02465 & 36-00022.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00057,
36-00058 & 36-00059.

Old Water Right Numbers

3600057
3600058
3600059

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

NEW INTERNATIONAL MORTGAGE BANK

Decree Defendant

IDAHO POWER COMPANY

Decree Date

03/22/1932

MICROFILMED
FEB 09 1993

Water right number - R36-15168

Prefix Translation: RESEARCH

+ - - - - - Comments - - - - - +
 Date: 02/12/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW
 Date: 07/30/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
 I AM PRESIDENT OF THE HAGERMAN WATER USERS ASSOCIATION AND HAVE THE AUTHORITY TO SIGN FOR SAID CORPORATION. ASSN. SUPPLIES WATER
 FOR 63 STOCKHOLDERS AT PRESENT TIME. COPY OF SHAREHOLDERS IS ATTACHED.
 Date: 09/17/1992 User Id: FRAZEE Subject: NAME CHANGE
 CERTIFIED MAIL REC'D STATING WILBUR ELLIOTT IS NO LONGER PRES OF WATER USERS ASS'N. ELWOOD GRIMES NEW PRES.
 Date: 09/22/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
 RECEIVED NOE 9/21/92. CHANGED NOE FLAG FROM BLANK TO A.
 Date: 09/23/1992 User Id: SCHULTZ Subject: 2ND NOTICE OF ERROR (NOE)
 RECEIVED NOE 9/22/92. LEFT NOE FLAG AS A.
 Date: 09/24/1992 User Id: SCHULTZ Subject: 3RD NOTICE OF ERROR (NOE)
 RECEIVED NOE 9/23/92. LEFT NOE FLAG AS A.
 Date: 09/25/1992 User Id: MERRITT Subject: 4TH NOTICE OF ERROR FILED IN THE NAME OF KOOPMAN
 Date: 10/16/1992 User Id: CLELLAND Subject: RESPONSE TO NOE
 I CALLED THE PRESIDENT ELWOOD GRIMES AND SUGGESTED IF THEY HAD OTHER INFORMATION TO SUPPORT THEIR CLAIMS THEY NEED TO MEET WITH
 ME ASAP. I SENT THE STANDARD LETTER FOR THE AMOUNT AND SEASON TO HIM AND COPIES TO OTHER NOE'S. I TOLD HIM TO CONTACT ME IF THEY
 WANT TO MEET.
 Date: 10/23/1992 User Id: CHRISTEN Subject: SECOND RESPONSE TO NOE
 I HAVE ADDED ACRES TO THE P/U (TOTAL ADDED ACRES = 15) BASED UPON SECOND REVIEW OF P/U. 3 ACRES WERE REMOVED BASED UPON HAGERMAN
 SCHOOL DISTRICT FILING WHICH INDICATED THAT THEY WERE NOT A PART OF THIS SYSTEM. 0.023 CFS PER ACRE WAS RECOMMENDED FOR 75 ACRES
 BASED UPON THE DEPT'S REVIEW OF DATA PREPARED BY THE SCS AND SUBMITTED BY DAN MC FADDAN. KKC 10-23-92.

+ - - Audit Fields - - +
 10/23/92 CHRISTEN

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/25/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	- 1602
Response Filed Date	- 00/00/0000	Verified Date	- 10/23/1992	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002257	Water District	- 36A
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- D
				Notice of Error Flag	- C

MICROFILMED
FEB 09 1993

R PROOF



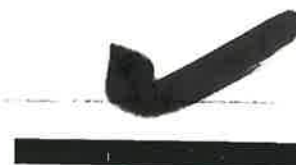
CVR



MAPS



PHOTOS



MISC



MICROFILMED

FEB 11 93

Water Right Number - R36-15168

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

HAGERMAN WATER USERS ASSOCIATION

1 - C/O WILBUR ELLIOTT PRESIDENT
2 - 1003-A E 2650 S
3 - RT 1 BOX 470
City- HAGERMAN
Phone - 208-837-4933

State- ID Zip- 83332

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/07/1906 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS BILLINGSLEY CREEK

Tw	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	County
07S	14E	18	NW SW NW	2	(47)	GOODING	
			SE SW NW	2	(47)	GOODING	
			NE NW SW	3	(47)	GOODING	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	6.900	
04 - STOCKWATER		04/01	10/31	0.270	
04 - STOCKWATER		11/01	03/31	0.790	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
6.900 957.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	SW SE		25.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SW NE		24.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SW NW		37.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE NW		38.0	01	IRRIGATION	(47) GOODING
07S	13E	13	NE SW		24.0	01	IRRIGATION	(47) GOODING
07S	13E	13	NW SW		33.0	01	IRRIGATION	(47) GOODING
07S	13E	13	NW SE		9.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE NE		5.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NW NE		17.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SW NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE NE		35.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE NW		2.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE NW		1.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE SW		4.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE SW		8.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NE SE		28.0	01	IRRIGATION	(47) GOODING
07S	13E	14	NW SE		5.0	01	IRRIGATION	(47) GOODING

MICROFILMED

FEB 09 1993

Water right number - R36-15168

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	14	SW SE		1.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE SE		3.0	01	IRRIGATION	(47) GOODING
07S	13E	11	SW SE			04	STOCKWATER	(47) GOODING
07S	13E	13	SW NE			04	STOCKWATER	(47) GOODING
07S	13E	13	SW NW			04	STOCKWATER	(47) GOODING
07S	13E	13	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	13	NW SW			04	STOCKWATER	(47) GOODING
07S	13E	13	NW SE			04	STOCKWATER	(47) GOODING
07S	13E	14	NW NE			04	STOCKWATER	(47) GOODING
07S	13E	14	SE NE			04	STOCKWATER	(47) GOODING
07S	13E	14	SE SW			04	STOCKWATER	(47) GOODING
07S	13E	14	NE SE			04	STOCKWATER	(47) GOODING

Total Acres: 319.0

+ - - Diversion Means - DITCHES, PIPELINES, SPRINKLERS

+ - - Non-Irrigation Use - STOCKWATER, 200 DAIRY, 600 RANGE

+ - - Other Rights for Same Use - SEE REMARKS

Remarks

WATER IS DELIVERED THROUGH HAGERMAN WATER USERS DITCH.
0.52 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
USE OF PORTIONS OF THIS RIGHT IS COMBINED WITH USE UNDER
RIGHTS NOT HELD BY HAGERMAN WATER USERS ASSN. WITHIN THE PLACE OF
USE DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2664 AF AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 888 ACRES IN A SINGLE
IRRIGATION SEASON. OTHER RIGHT NOS.: 36-02465 & 36-15166.

Old Water Right Numbers

3600057
3600058
3600059

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

NEW INTERNATIONAL MORTGAGE BANK

Decree Defendant

IDAHO POWER COMPANY

Decree Date

03/22/1932

MICROFILMED
FEB 09 1993

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/25/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	- 1602
Response Filed Date	- 00/00/0000	Verified Date	- 08/10/1992	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002257	Water District	- 36A
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- D
				Notice of Error Flag	-

MICROFILMED
FEB 6 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:02:28
06/29/90

CLAIM NUMBER: A36-15168
A36-00057

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N		SCL/HHT	N		SW		
POINT OF DIV	Y			Y	1,5	7-30-92		
SOURCE	Y			N				
PLACE OF USE	Y		7-25-90 (partial)	Y	1,2,4,5			
DIV. AMOUNT CFS/VOLUME	Y			Y	6. SONIC			
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			N				

SW
7-19-90

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
FEB 9 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:02:28
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00057 ¹⁵¹⁶⁸

MICROFILMED
FEB 09 1993

LAST: HAGERMAN WATER USERS ASSOCIATION
ADDRESS: C/O WILBUR ELLIOTT, PRESIDENT
1003-A E. 2650 S.
RT. 1 BOX 470
CITY: HAGERMAN
PHONE NUMBER: 208-837-4933

FIRST:

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: I AM PRESIDENT OF THE HAGERMAN WATER USERS ASSOCIATION AND HAVE
THE AUTHORITY TO SIGN FOR SAID CORPORATION. ASSN. SUPPLIES WATER
FOR 63 STOCKHOLDERS AT PRESENT TIME. COPY OF SHAREHOLDERS IS
ATTACHED.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A36-00057 PRIORITY DATE: 04-07-1906 STAGE: D
B. WR RECORD: # 36-00057, 58, 59 PRIORITY DATE: 04-07-1906 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

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

REMARKS:

RECOMMENDED PRIORITY DATE:
04-07-1906

REVIEWED BY

gce

DATE

7-19-90

MICROFILMED

FEB 09 1993

MICROFILMED
FEB 09 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00057	07S	13E	13		NE	NE		GOODING
A36-00057	07S	14E	18		NW	SW	3	GOODING
A36-00057	07S	14E	18		SW	NW	2	GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07725	NONE
A36-07731	
A37-11259	
A36-10855	
A36-10856	
A36-07080	
A36-07092A	
A36-00022	

WR RECORDS IN SAME 40 ACRE TRACT

36-00048
36-02005
36-02602
36-07080
36-07092A
36-07642
36-07725
36-07731
36-08089
L36-07731
36-00058
36-00153
36-00154
36-00155
36-00156
36-00157
36-00158
36-00159
36-00160
36-00161
36-00162
36-00163
36-00164
36-00165
36-04014
36-00022
36-00023
36-00059
36-08338

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00057	07S	13E	13		NE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

36-00048
36-02005

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-07725	NONE
A36-07731	

36-02602
36-07080
36-07092A
36-07642
36-07725
36-07731
36-08089

A37-11259
A36-10855
A36-10856
A36-07080
A36-07092A
A36-00048

MICROFILMED
FEB 09 1995

SOURCE: SPRING NUMBER ONE

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER
YES
YES

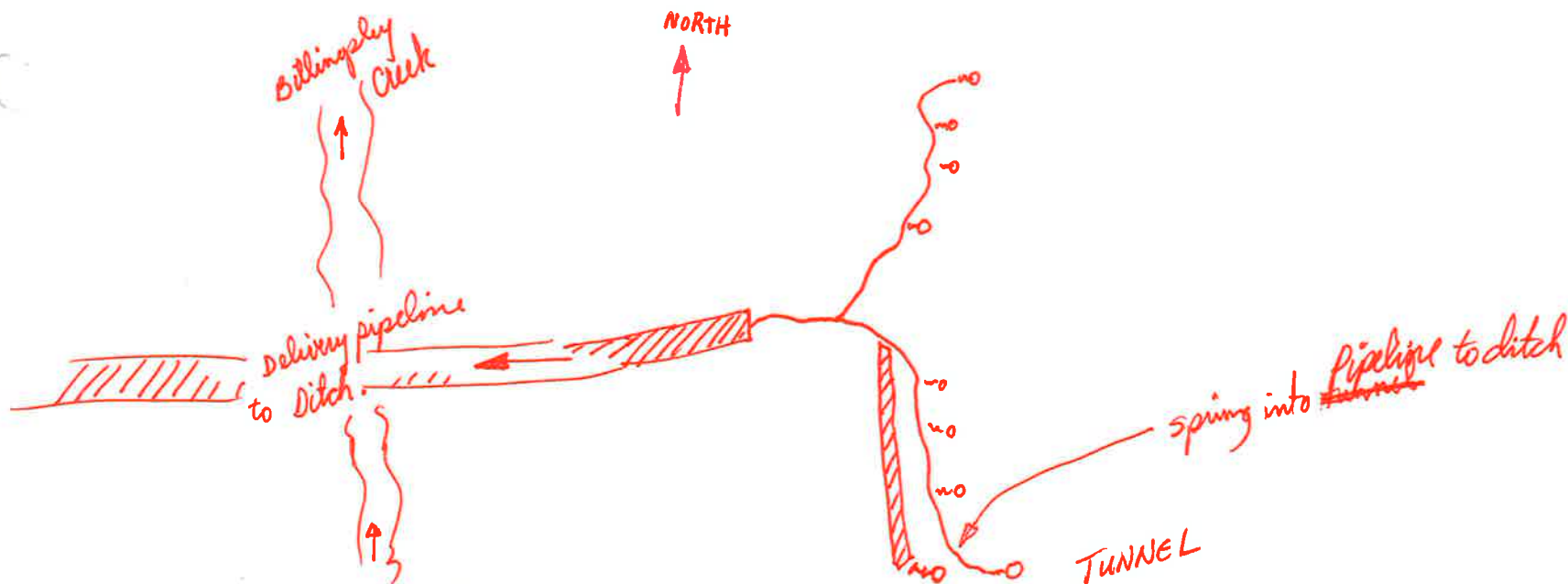
REMARKS:

Diversion is actually two main ditches that collect any and all
Springs above them

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
75.	14E.	18	NW	SW	NW	2	47
			SE	SW	NW	2	
			NE	NW	SW	3	

SOURCE: ~~SPRINGS~~ SPRINGS
REVIEWED BY: SCC
TRIB: BILLINGSLEY CREEK
DATE: 2-11-91



A. ROOT WATER RIGHT NUMBERS: A36-00057

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	11	SW	SE		HAGERMAN WATER USERS ASSOCIATIA36-00057	/36.0 -	-			
						SHOKAL , EDWARD C.	A36-10077	/	35.0		
						MARTIN , JAMIE	A37-11292	/ 3.0		25	
						SHOKAL , RUTH C.	A36-00080A	/10.0			
						SHOKAL , EDWARD C.	A36-00081A	/10.0			
						SHOKAL , RUTH C.	A36-00082A	/10.0			
						MC KENZIE , PAULA JOAN	A36-00082B	/ 2.0			
						SHOKAL , EDWARD C.	A36-07271	/36.8			
						NEAL , HARRY H.	36-07271	/			
						NEAL , HARRY H.	36-00080	/			
						CUNNINGTON , FRED	36-00081	/			
						CUNNINGTON , FRED	36-00082	/			
						CUNNINGTON , FRED	36-00083	/			
07S	13E	11	SW	SE		HAGERMAN WATER USERS ASSOCIATIA36-00057	/	-			
						SHOKAL , EDWARD C.	A36-10077	/	35.0		
						MARTIN , JAMIE	A37-11292	/ 3.0			
						SHOKAL , RUTH C.	A36-00080A	/10.0			
						SHOKAL , EDWARD C.	A36-00081A	/10.0			
						SHOKAL , RUTH C.	A36-00082A	/10.0			
						MC KENZIE , PAULA JOAN	A36-00082B	/ 2.0			
						SHOKAL , EDWARD C.	A36-07271	/36.8			
						NEAL , HARRY H.	36-07271	/			
						NEAL , HARRY H.	36-00080	/			
						CUNNINGTON , FRED	36-00081	/			
						CUNNINGTON , FRED	36-00082	/			
						CUNNINGTON , FRED	36-00083	/			
07S	13E	13	SW	NE		HAGERMAN WATER USERS ASSOCIATIA36-00057	/30.0 -	-			
						NORWOOD SUBDIVISION	A36-07092A	/20.0	39.0	24	24
						NORWOOD , VIRGIL U.		36-07092A /20.0			
								36-07642			
07S	13E	13	SW	NE		HAGERMAN WATER USERS ASSOCIATIA36-00057	/	-			
						NORWOOD SUBDIVISION	A36-07092A	/20.0	39.0		
						NORWOOD , VIRGIL U.		36-07092A /20.0			
								36-07642			
07S	13E	13	SW	NW		HAGERMAN WATER USERS ASSOCIATIA36-00057	/40.0 -	-			
						KOOPMAN , LOUIS	A36-07300	/	37.0		
						KOOPMAN , LOUIS	A36-10224	/		37	37
07S	13E	13	SW	NW		HAGERMAN WATER USERS ASSOCIATIA36-00057	/	-			
						KOOPMAN , LOUIS	A36-07300	/	37.0		
						KOOPMAN , LOUIS	A36-10224	/			
07S	13E	13	SE	NW		HAGERMAN WATER USERS ASSOCIATIA36-00057	/40.0 -	-			
07S	13E	13	SE	NW		HAGERMAN WATER USERS ASSOCIATIA36-00057	/	-		38	38
07S	13E	13	NE	SW		HAGERMAN WATER USERS ASSOCIATIA36-00057	/38.0 -	-			
						BIG SPRING WATER USER'S ASSN. A36-00022	/	-	39.0		
						DURFEE , M. J.		36-00165		24	24

STOCK WATER

STOCK

STOCK

No STOCK

MICROFILMED

FEB 19 1983

07S 13E 13	NE	SW	HAGERMAN WATER USERS ASSOCIATIA36-00057	/	-	/	39.0		
			BIG SPRING WATER USER'S ASSN. A36-00022	/	-	/			
			DURFEE , M. J.		36-00165	/		STOCK	
07S 13E 13	NW	SW	HAGERMAN WATER USERS ASSOCIATIA36-00057	/40.0 -	-	/	37.0		
			BEAN , RONALD A36-10726	/	-	/			33
			ANDERSON , OSCAR E.		36-04015	/	1.0		
07S 13E 13	NW	SW	HAGERMAN WATER USERS ASSOCIATIA36-00057	/	-	/	37.0		
			BEAN , RONALD A36-10726	/	-	/			
			ANDERSON , OSCAR E.		36-04015	/	1.0	STOCK	
07S 13E 13	NW	SE	HAGERMAN WATER USERS ASSOCIATIA36-00057	/19.0 -	-	/	39.0		
			BIG SPRING WATER USER'S ASSN. A36-00022	/	-	/			9.0
			WALLACE , TERRIE ANN A36-00047B	/ 3.4	-	/			9.0
			NORWOOD SUBDIVISION A36-07092A	/10.0	36-07092A	/	10.0		
			ADAMSON , DIXIE		36-00047	/			
			NEWCOMB , W. G.		36-00156	/			
07S 13E 13	NW	SE	HAGERMAN WATER USERS ASSOCIATIA36-00057	/	-	/	39.0		
			BIG SPRING WATER USER'S ASSN. A36-00022	/	-	/			
			WALLACE , TERRIE ANN A36-00047B	/ 3.4	-	/			
			NORWOOD SUBDIVISION A36-07092A	/10.0	36-07092A	/	10.0	STOCK	
			ADAMSON , DIXIE		36-00047	/			
			NEWCOMB , W. G.		36-00156	/			
07S 13E 14	NE	NE	HAGERMAN WATER USERS ASSOCIATIA36-00057	/15.0 -	-	/	23.0		
			MEYERS , ROBERT A36-10812	/	-	/			5.0
			CITY OF HAGERMAN A36-02465	/	-	/			5.0
			ERWIN , FRANK C. A36-00092	/16.0	36-00092	/			
			MEYERS , ROBERT A36-00093	/17.0	36-00093	/			
			MEYERS , ROBERT A36-00050B	/17.0	-	/			
			FLORENCE LIVESTOCK CO.		36-00050	/			
			STRANGER , WILLIAM		36-04028	/	12.0		
07S 13E 14	NE	NE	HAGERMAN WATER USERS ASSOCIATIA36-00057	/	-	/	23.0		
			MEYERS , ROBERT A36-10812	/	-	/			
			CITY OF HAGERMAN A36-02465	/	-	/			
			ERWIN , FRANK C. A36-00092	/16.0	36-00092	/			
			MEYERS , ROBERT A36-00093	/17.0	36-00093	/			
			MEYERS , ROBERT A36-00050B	/17.0	-	/			
			FLORENCE LIVESTOCK CO.		36-00050	/			
			STRANGER , WILLIAM		36-04028	/	12.0	No STOCK USE	
07S 13E 14	NW	NE	HAGERMAN WATER USERS ASSOCIATIA36-00057	/35.0 -	-	/	35.0		
			ANDERTON , PAUL J. A36-08294	/	36-08294	/			17
			MCCONNELL , VICTOR H. A36-10047	/	-	/			17
			MC CAMMON , LINDA A47-14881	/	-	/			
			CITY OF HAGERMAN A36-02465	/	-	/			
			GRIDLEY , EVAN A. A36-08268A	/	-	/			
			ERWIN , FRANK C.		36-08268	/	2.0		
			STRANGER , WILLIAM		36-04028	/	2.0		
07S 13E 14	NW	NE	HAGERMAN WATER USERS ASSOCIATIA36-00057	/	-	/	35.0		
			ANDERTON , PAUL J. A36-08294	/	36-08294	/			
			MCCONNELL , VICTOR H. A36-10047	/	-	/			
			MC CAMMON , LINDA A47-14881	/	-	/			
			CITY OF HAGERMAN A36-02465	/	-	/			
						/		STOCK	

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GRIDLEY , EVAN A.
ERWIN , FRANK C.
STRANGER , WILLIAM

A36-08268A /

36-08268 / 2.0
36-04028 / 2.0

07S 13E 14 SW NE	HAGERMAN WATER USERS ASSOCIATIA36-00057 / 40.0 -	-	/	37.0	20	
	BIG SPRING WATER USER'S ASSN. A36-00022	-	/			
	CITY OF HAGERMAN A36-02465	36-02465	/			
07S 13E 14 SW NE	HAGERMAN WATER USERS ASSOCIATIA36-00057 /	-	/	37.0		
	BIG SPRING WATER USER'S ASSN. A36-00022	-	/			
	CITY OF HAGERMAN A36-02465	36-02465	/			
07S 13E 14 SE NE	HAGERMAN WATER USERS ASSOCIATIA36-00057 / 40.0 -	-	/	40.0	35	
	CITY OF HAGERMAN A36-02465	-	/			
07S 13E 14 SE NE	HAGERMAN WATER USERS ASSOCIATIA36-00057 /	-	/	40.0		
	CITY OF HAGERMAN A36-02465	-	/			
07S 13E 14 SE NW	HAGERMAN WATER USERS ASSOCIATIA36-00057 / 4.0 -	-	/	35.0	1.0	1.0
	WAITE , RICHARD H. A36-00085B	1.1	/			
	BIG SPRING WATER USER'S ASSN. A36-00022	-	/			
	BECKSTEAD , FRED A. A36-00066	0.5	36-00066	/		
	BRUHN , MARLENE M. A36-00066A	4.0	-	/		
	COATES , FAYE A36-00067	0.5	36-00067	/		
	CITY OF HAGERMAN A36-02465	-	36-02465	/		
	ROBINSON , GORDON A36-00065A	-	/			
	MOORE , KAYE M. A36-00103B	0.7	-	/		
	BECKSTEAD , FRED A. A36-00065	0.5	36-00065	/		
	MILLER , MARILYN J. A36-00085A	4.3	-	/		
	PARROTT , FLORENCE	-	36-00085	/		
	SKINNER , CHARLES	-	36-00103	/		
	WEACH , WILLIAM	-	36-00125	/		
07S 13E 14 SE NW	HAGERMAN WATER USERS ASSOCIATIA36-00057 /	-	/	35.0		
	WAITE , RICHARD H. A36-00085B	1.1	-	/		
	BIG SPRING WATER USER'S ASSN. A36-00022	-	/			
	BECKSTEAD , FRED A. A36-00066	0.5	36-00066	/		
	BRUHN , MARLENE M. A36-00066A	4.0	-	/		
	COATES , FAYE A36-00067	0.5	36-00067	/		
	CITY OF HAGERMAN A36-02465	-	36-02465	/		
	ROBINSON , GORDON A36-00065A	-	/			
	MOORE , KAYE M. A36-00103B	0.7	-	/		
	BECKSTEAD , FRED A. A36-00065	0.5	36-00065	/		
	MILLER , MARILYN J. A36-00085A	4.3	-	/		
	PARROTT , FLORENCE	-	36-00085	/		
	SKINNER , CHARLES	-	36-00103	/		
	WEACH , WILLIAM	-	36-00125	/		
07S 13E 14 NE NW	HAGERMAN WATER USERS ASSOCIATIA36-00057 / 8.0 -	-	/	32.0	2.0	2.0
	HEATON , GEORGE C. A36-10316	1.0	-	/		
	BECKSTEAD , FRED A. A36-04025	-	/			
	ANDERTON , PAUL J. A36-10223	1.0	-	/		
	COATES , FAYE A36-00067	26.9	36-00067	/		
	BECKSTEAD , FRED A. A36-00065	26.9	36-00065	/		
	BECKSTEAD , FRED A. A36-00066	26.9	36-00066	/		
	BARLOGI , AGNES	-	36-00145	/		
07S 13E 14 NE NW	HAGERMAN WATER USERS ASSOCIATIA36-00057 /	-	/	32.0		
	HEATON , GEORGE C. A36-10316	1.0	-	/		

NO STOCK USE / DELETE

NO STOCK USE / DELETE

NO STOCK USE / DELETE

Here

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1983

1.0

2.0

BECKSTEAD , FRED A.	A36-04025	/	-	/	
ANDERTON , PAUL J.	A36-10223	/	1.0	/	
COATES , FAYE	A36-00067	/	26.9	/	36-00067
BECKSTEAD , FRED A.	A36-00065	/	26.9	/	36-00065
BECKSTEAD , FRED A.	A36-00066	/	26.9	/	36-00066
BARLOGI , AGNES					36-00145

07S 13E 14 NE SW	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	8.0 -	-	/	32.0	4.0
	BIG SPRING WATER USER'S ASSN.	A36-00022	/	-	-	/		
	GLAUNER , JEAN	A36-00039E	/	1.0	-	/		
	CITY OF HAGERMAN	A36-02465	/	-	36-02465	/		
	ZINK , BASIL LESTER	A36-00108F	/	-	-	/		
	BLANDFORD , CARL	A36-00108D	/	2.0	-	/		
	MURRAY , WILLIAM H.	A36-00108G	/	1.0	-	/		
	PUGMIRE , BESSIE M.	A36-04115	/	10.0	36-04115	/	10.0	
07S 13E 14 NE SW	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	-	-	/	32.0	
	BIG SPRING WATER USER'S ASSN.	A36-00022	/	-	-	/		
	GLAUNER , JEAN	A36-00039E	/	1.0	-	/		
	CITY OF HAGERMAN	A36-02465	/	-	36-02465	/		
	ZINK , BASIL LESTER	A36-00108F	/	-	-	/		
	BLANDFORD , CARL	A36-00108D	/	2.0	-	/		
	MURRAY , WILLIAM H.	A36-00108G	/	1.0	-	/		
	PUGMIRE , BESSIE M.	A36-04115	/	10.0	36-04115	/	10.0	
07S 13E 14 SE SW	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	8.0 -	-	/	33.0	8.0
	CITY OF HAGERMAN	A36-02465	/	-	36-02465	/		
	ELLSTON , ARTHUR	A36-00091	/	4.0	36-00091	/		8.0
07S 13E 14 SE SW	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	-	-	/	33.0	
	CITY OF HAGERMAN	A36-02465	/	-	36-02465	/		
	ELLSTON , ARTHUR	A36-00091	/	4.0	36-00091	/		
07S 13E 14 NW SE	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	10.0 -	-	/	39.0	5.0
	BIG SPRING WATER USER'S ASSN.	A36-00022	/	-	-	/		5.0
	CITY OF HAGERMAN	A36-02465	/	-	36-02465	/		
07S 13E 14 SW SE	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	4.0 -	-	/	39.0	1.0
	WICKHAM , EDWARD M.	A36-10758	/	-	-	/		1.0
	BIG SPRING WATER USER'S ASSN.	A36-00022	/	-	-	/		
	CITY OF HAGERMAN	A36-02465	/	-	36-02465	/		
07S 13E 14 NE SE	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	40.0 -	-	/	40.0	28
	CITY OF HAGERMAN	A36-02465	/	-	-	/		28
07S 13E 14 NE SE	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	-	-	/	40.0	
	CITY OF HAGERMAN	A36-02465	/	-	-	/		
07S 13E 14 NW SE	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	-	-	/	39.0	
	BIG SPRING WATER USER'S ASSN.	A36-00022	/	-	-	/		
	CITY OF HAGERMAN	A36-02465	/	-	36-02465	/		
07S 13E 14 SW SE	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	-	-	/	39.0	
	WICKHAM , EDWARD M.	A36-10758	/	-	-	/		
	BIG SPRING WATER USER'S ASSN.	A36-00022	/	-	-	/		
	CITY OF HAGERMAN	A36-02465	/	-	36-02465	/		
07S 13E 14 SE SE	HAGERMAN WATER USERS ASSOCIATIA	A36-00057	/	8.0 -	-	/	40.0	3.0
	BIG SPRING WATER USER'S ASSN.	A36-00022	/	40.0	-	/		3.0

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CITY OF HAGERMAN
SHERMAN, E. E.
HAINSWORTH, THOMAS
GRIDLEY, ALBERT

A36-02465 /

36-00159 /
36-00160 /
36-00161 /

07S 13E 14 SE SE

HAGERMAN WATER USERS ASSOCIATIA36-00057 /
BIG SPRING WATER USER'S ASSN. A36-00022 /40.0
CITY OF HAGERMAN A36-02465 /
SHERMAN, E. E.
HAINSWORTH, THOMAS
GRIDLEY, ALBERT

36-00159 /
36-00160 /
36-00161 /

40.0

No STOCK USE / Delete

07S 14E 18 SW NW

HAGERMAN WATER USERS ASSOCIATIA36-00057 /20.0
AQUARIUS AQUACULTURE INC. A36-07159 /
AQUARIUS AQUACULTURE INC. A36-07160 /

36-07159 /
36-07160 /

Delete

07S 14E 18 SW NW

HAGERMAN WATER USERS ASSOCIATIA36-00057 /
AQUARIUS AQUACULTURE INC. A36-07159 /
AQUARIUS AQUACULTURE INC. A36-07160 /

36-07159 /
36-07160 /

No USE / Delete

07S 14E 18 NW SW

HAGERMAN WATER USERS ASSOCIATIA36-00057 /10.0
DURFEE, M. J.

36-00165 /

Delete

07S 14E 18 NW SW

HAGERMAN WATER USERS ASSOCIATIA36-00057 /
DURFEE, M. J.

36-00165 /

No use Delete

TOTAL ACRES

A36-00057

493.00

1380.00

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

319

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
YES

PRESUMPTION FLAG:

REMARKS:

NOT ALL IRRIGATED, VERIFY ACRES.

RECOMMENDATIONS:

TOTAL ACRES:

319.0

REVIEWED BY:

See

DATE: 2-11-91

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A. AJ CLAIMED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
A36-00057	IRRIGATION	FROM 03-15	TO 11-15	4-1 10-31	36.200 CFS
A36-00057	STOCKWATER	FROM 01-01	TO 12-31	4-1 10-31	.300 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED					6.90 .27 36.200 CFS

B. WR RECORDED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
36-00057	IRRIGATION	FROM	TO		5.000 CFS
36-00057	DOMESTIC	FROM	TO		5.000 CFS
36-00057	FIRE PROTECTION	FROM	TO		5.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED					5.000 CFS

+ 11.20 + 20.0 = 36.20

PRESUMPTION FLAG: **D**

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 36.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.000 CFS

- AS COMBINED RTS. 36.20 cfs

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD Sonic

, SEE ATTACHED CALCULATIONS.

9.34 cfs

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

OTHER RIGHTS LISTED IN CLAIM: ~~NONE~~ See Remarks

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00057 ✓	SPRINGS	HAGERMAN WATER USERS ASSOCIATI	36.200 ✓	0.073 ✓		
A37-11292	BILLINGSLEY CREEK	MARTIN , JAMIE	0.120	0.017		
A36-00082A	BILLINGSLEY CREEK	SHOKAL , RUTH C.	1.620	0.034		
A36-00082B	BILLINGSLEY CREEK	MC KENZIE , PAULA JOAN	0.120	0.040		
A36-07271	BILLINGSLEY CREEK	SHOKAL , EDWARD C.	4.620	0.098		
A36-07092A	SPRINGS	NORWOOD SUBDIVISION	1.100	0.020		
A36-00047B	SHERMAN SPRINGS	WALLACE , TERRIE ANN	0.100	0.029	220.00	4.00
A36-00092	FLORENCE LIVESTOCK SPRING	ERWIN , FRANK C.	0.600	0.037		
A36-00093	FLORENCE LIVESTOCK SPRING	MEYERS , ROBERT	0.300	0.017		
A36-00050B	SPRING	MEYERS , ROBERT	0.460	0.027		
A36-08268A	GROUNDWATER	GRIDLEY , EVAN A.	0.070	0.035		
A36-00085B	BILLINGSLEY CREEK	WAITE , RICHARD H.	0.040	0.036		
A36-00066	BILLINGSLEY CREEK	BECKSTEAD , FRED A.	1.400	0.039		
A36-00066A	BILLINGSLEY CREEK	BRUHN , MARLENE M.	0.240	0.030		
A36-00067	BILLINGSLEY CREEK	COATES , FAYE	0.500	0.014		
A36-00103B	BILLINGSLEY CREEK	MOORE , KAYE M.	0.040	0.057		
A36-00065	BILLINGSLEY CREEK	BECKSTEAD , FRED A.	0.700	0.019		
A36-00085A	BILLINGSLEY CREEK	MILLER , MARILYN J.	0.200	0.046		

00039K

* Easter Day

overlap

RIGHT	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-10316	BILLINGSLEY CREEK	HEATON , GEORGE C.	0.020	0.020		
A36-10223	BILLINGSLEY CREEK	ANDERTON , PAUL J.	0.020	0.020		
A36-00039E	BILLINGSLEY CREEK	GLAUNER , JEAN	0.040	0.040		
A36-00108D	BILLINGSLEY CREEK	BLANDFORD , CARL	0.140	0.070		
A36-00108G	BILLINGSLEY CREEK	MURRAY , WILLIAM H.	0.020	0.020		
A36-04115	BILLINGSLEY CREEK	PUGMIRE , BESSIE M.	0.500	0.050		
A36-00091	BILLINGSLEY CREEK	*ELLSTON , ARTHUR	0.800	0.200		
A36-00022	BIG SPRING	BIG SPRING WATER USER'S ASSN.	17.900	0.029		

OVERLAP

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00057	STOCKWATER	HAGERMAN WATER USERS ASSOCIATION	FROM 01-01 TO 12-31	.300 CFS	
A36-10077	DOMESTIC	SHOKAL , EDWARD C.	FROM 01-01 TO 12-31	.040 CFS	
A36-07271	FIRE PROTECTION	SHOKAL , EDWARD C.	FROM 01-01 TO 12-31	2.880 CFS	
A36-07271	FISH PROPAGATION	SHOKAL , EDWARD C.	FROM 01-01 TO 12-31	4.620 CFS	
A36-07300	DOMESTIC	KOOPMAN , LOUIS	FROM 01-01 TO 12-31	.080 CFS	
A36-10224	DOMESTIC	KOOPMAN , LOUIS	FROM 01-01 TO 12-31	.040 CFS	2.40 AF/A
A36-00022	DOMESTIC	BIG SPRING WATER USER'S ASSN.	FROM 01-01 TO 12-31	5.860 CFS	
A36-00022	FISH PROPAGATION	BIG SPRING WATER USER'S ASSN.	FROM 01-01 TO 12-31	7.000 CFS	
A36-00022	STOCKWATER	BIG SPRING WATER USER'S ASSN.	FROM 01-01 TO 12-31	5.860 CFS	
A36-10726	DOMESTIC	BEAN , RONALD	FROM 01-01 TO 12-31	.040 CFS	
A36-10812	DOMESTIC	MEYERS , ROBERT	FROM 01-01 TO 12-31	.080 CFS	
A36-10812	STOCKWATER	MEYERS , ROBERT	FROM 01-01 TO 12-31	.200 CFS	
A36-02465	MUNICIPAL	CITY OF HAGERMAN	FROM 01-01 TO 12-31	4.000 CFS	
A36-00092	STOCKWATER	ERWIN , FRANK C.	FROM 01-01 TO 12-31	.020 CFS	
A36-00092	DOMESTIC	ERWIN , FRANK C.	FROM 01-01 TO 12-31	.120 CFS	
A36-00093	STOCKWATER	MEYERS , ROBERT	FROM 01-01 TO 12-31	.300 CFS	
A36-00093	DOMESTIC	MEYERS , ROBERT	FROM 01-01 TO 12-31	.080 CFS	
A36-00050B	STOCKWATER	MEYERS , ROBERT	FROM 01-01 TO 12-31	.460 CFS	
A36-00050B	DOMESTIC	MEYERS , ROBERT	FROM 01-01 TO 12-31	.080 CFS	
A36-08294	DOMESTIC	ANDERTON , PAUL J.	FROM 01-01 TO 12-31	.020 CFS	
A36-10047	DOMESTIC	MCCONNELL , VICTOR H.	FROM 01-01 TO 12-31	.040 CFS	1.20 AF/A
A47-14881	DOMESTIC	MC CAMMON , LINDA	FROM 01-01 TO 12-31	.040 CFS	
A36-08268A	DOMESTIC	GRIDLEY , EVAN A.	FROM 01-01 TO 12-31	.180 CFS	
A36-00065A	AESTHETIC	ROBINSON , GORDON	FROM 01-01 TO 12-31	.200 CFS	
A36-04025	DOMESTIC	BECKSTEAD , FRED A.	FROM 01-01 TO 12-31	.200 CFS	
A36-04025	STOCKWATER	BECKSTEAD , FRED A.	FROM 01-01 TO 12-31	.200 CFS	
A36-00108F	DOMESTIC	ZINK , BASIL LESTER	FROM 03-15 TO 11-15	.020 CFS	
A36-04115	STOCKWATER	PUGMIRE , BESSIE M.	FROM 01-01 TO 12-31	.020 CFS	
A36-10758	DOMESTIC	WICKHAM , EDWARD M.	FROM 01-01 TO 12-31	.040 CFS	
A36-07159	FISH PROPAGATION	AQUARIUS AQUACULTURE INC.	FROM 01-01 TO 12-31	10.000 CFS	
A36-07160	FISH PROPAGATION	AQUARIUS AQUACULTURE INC.	FROM 01-01 TO 12-31	2.640 CFS	

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 319 x 0.02 CFS/ACRE = 6.38 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1479.0 AF/A

ACRES 319 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 957 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 319 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 1276 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

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

INWR STDS for Grade

1b. CALCULATIONS

Rate as claimed = $\frac{36.2}{319 \text{ AC}}$ = 0.11

Rate as measured = $\frac{9.34 \text{ cfs}}{319} = 0.029$
(SONIC) ~~0.029~~

see Hubble analysis review
of sprinkler rates:

allow 0.02 cfs/Ac.

= 6.38 cfs

PLUS CONVEYANCE = 0.52

WR TOTAL = 6.90 cfs

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>IRRIGATION</u>	4-1	10-31						
<u>STOCKWATER</u>	~~3-15~~	~~11-15~~		~~9.34~~ 6.90		1276		957
	~~4-1~~	~~10-31~~	4-1-10-31	0.27				
	11-1	to 3-31		179				
				~~9.34~~ 6.90		1276		957
TOTAL FOR THIS RIGHT						N/A		
REVIEWED BY: <u>SCC</u>	DATE: <u>7-29-92</u>							

(~~allow 0.029 cfs/Acu as measured by sonic flow~~
~~on recommended acres~~)

F01 = HWU DITCH

D02 = 0.52 cfs

E18 = (portion of Remark)(1st sentence)

E12 = USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED CONSUMPTIVE USE VOLUME OF 2664 AF.

36-02465 & 36-15166.

15168

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

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

$36.2 \text{ cfs} / 493 \text{ Ac.} = 0.073 \text{ cfs}$

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00057

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
31.200

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00057	A36-00057	36.200	-		36-00057	5.000
A36-00058	A36-00057	36.200	-		36-00058	11.200
A36-00059	A36-00057	36.200	-		36-00059	20.000

TOTAL CFS

108.600

31.200

DIVERSION RATE REVIEW

36.2

36.20

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

As combined Rights: these three cannot exceed 9.34 cfs in total use diversion.

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

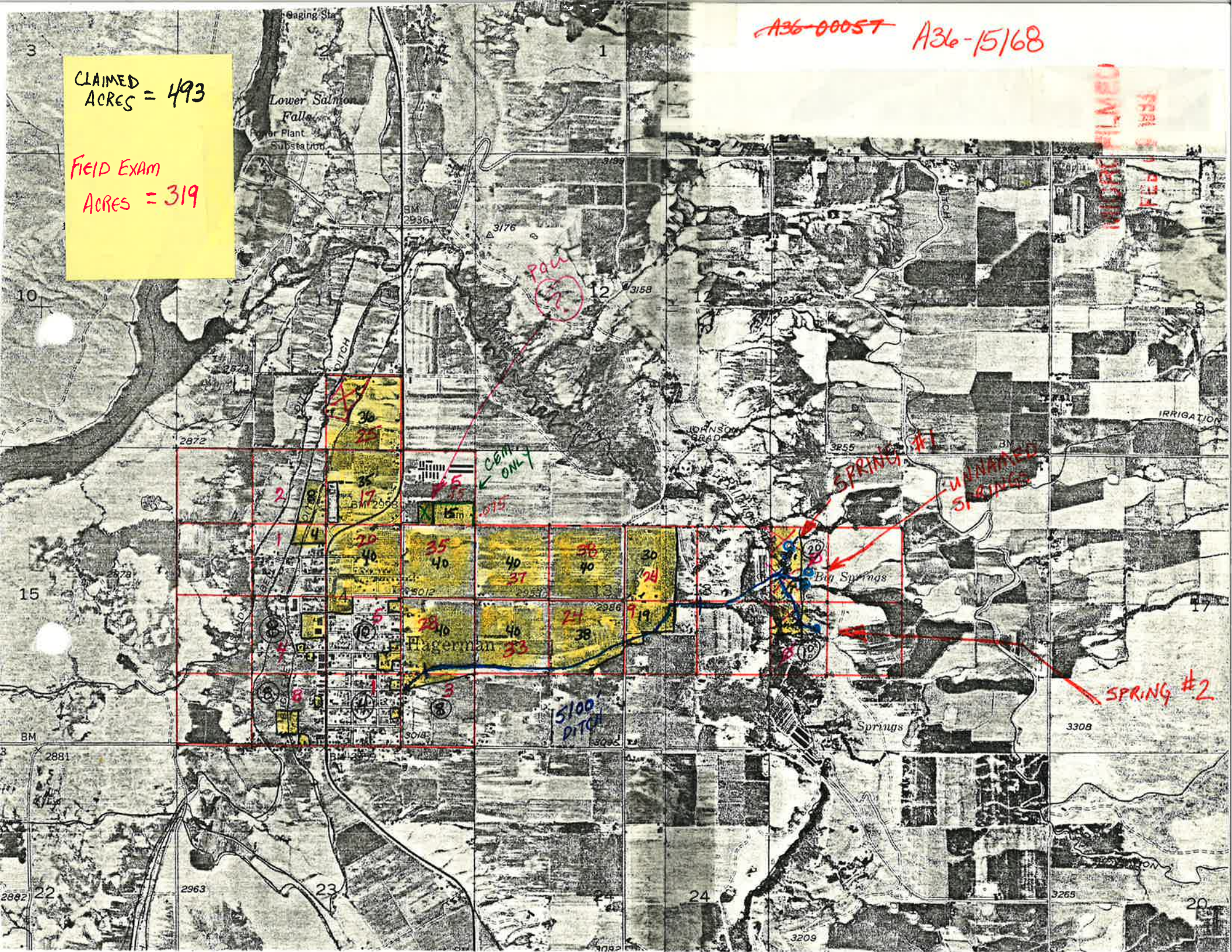
2-11-91

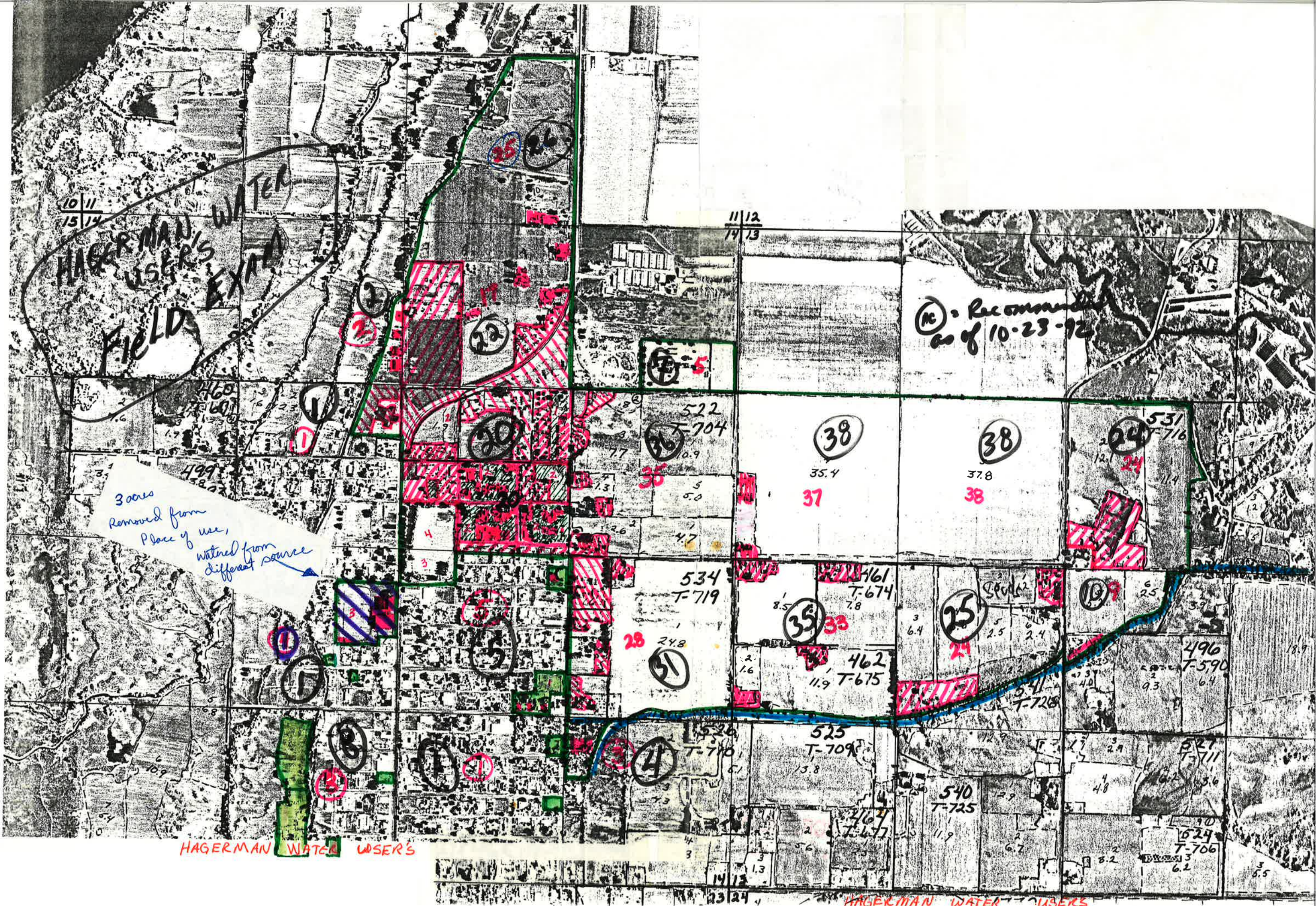
NAME OF FIELD EXAMINER:

TITLE:

FIELD EXAM
ACRES = 319

~~A36-00057~~ A36-15168





Work Copy

claimed
acres

Recommend

SHAREHOLDERS IN HAGERMAN WATER USERS' ASSOCIATION & LOCATION OF PROPERTY

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN
SECTION 13: Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$

Silver Springs Salmon Company
William Curtis

No Uses —
AKA "Aquarius" ϕ

No Irrigation or Stock
"Fish use only"

Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$
Antonio Augusto

30 Ac. take out for
cornals & yards & Houses. 24 Ac.
over claimed acres

9.0

Part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$
Antonio Augusto
Paul Barkes

19 Ac.

Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$
George Spence
Ray Steele
Don Muth
David Beutler
Louis Koopman
Marie Odenwald
Barbara McLeod
Gary Bean

38 Ac.

24

Take out
non-irrigated
& above ditch

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Ruth Anderson
June Tolley
Wilbur Elliott
Ron Bean

40 Ac.

Take out non irrig.
& ditch.

33

The S $\frac{1}{2}$ NW $\frac{1}{4}$
Louis Koopman

80 Ac.

Take out Roads
& Houses

38

37

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN

SECTION 14: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$

Janet Hollibaugh
Carl Hayden
Estella Johnson

8 Ac.

→

3 Ac.

(allow 1 acre per person)

3.0

Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$

40 Ac.

Elwood Grimes
Claude Van Epps
Aubrey Shaffer
Oliver Ritchie
Bernus Waite
Gordon Shaffer
Carlos Hauck

Take out
non-irrig.

28

Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$

4 Ac.

Juan Menchaca
Noel Baker

→

1 Ac

allow 1/2 laums

1.0

Part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$

10 Ac.

C. W. Choules
City of Hagerman (Park) 3 Acres.
R. E. Taylor
Robert Carrico

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5.0

FEB 19 1955

Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$

Armin Sutterlin 40
Bill Snapp
Pat Russell
G. P. Russell

Not all irrigated
Take out houses & corals

35

Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$

Faye Coates 35
Edward Wickham
Vance Van Hall
Craig Laughlin
Dard Laughlin
Victor McConnell

Not all irrigated
Take out Non-irrig. Roads & lots

17

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$

Hagerman Cemetary 15

(5 Acres only)
over claimed acres

5.0

Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$

J. H. Elgan 40
Candido Elorriaga
City of Hagerman (Park) 4ac.
Melvin Temple
Bill Jones
Bob Meyers
Logan Pope
Bill Steinemates
Annie Green Springs

Not all irrigated
Take out Houses & Roads & Non use areas

20

Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$

R. H. Jones 8
Julian Chada
Ted Andrus
Otto Fogelsong

(4 Acres)
allowed 1/2 ac lawns
Not Below Buckeye

2.0

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$

LDS Church 4

< 1/2 acres
Not Below Buckeye.
allow 1 Acre lawn

1.0

Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$

Hagerman School 8
Earl VinSant
Darwin Pugmire } allow 1/2 acre lawn

3Ac. NOT this way? source is from Buckeye D.

4.0

Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Floyd Hoffman (Bill Bunn) 8
Arthur Ellston
A. L. Higgins

allowed as claimed

8.0

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN

SECTION 11: Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$

Robert Shillington 36
Craig Laughlin
Ray Easterday

Not all irrigated
no irrig. below Buckeye.

25

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PAGE 3

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN

SECTION 18: Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20
Ron Adams

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10
Ron Adams

↖ this is the area
of the POD
collection ditches

No use
found.

No irrigation uses.

493

319

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436-15168

HAGERMAN
WATER USERS
ASSN.

INTAKE FAMILY <If> = 0.66
DESIGN APPLICATION <Fn> = 3.09 INCHES
FURROW SLOPE <S> = 0.038 FEET/FOOT
FURROW SPACING <W> = 2.50 FEET
FURROW LENGTH <L> = 636 FEET
INFLOW RATE <Q> = 6 GPM/FURROW
APPLICATION TIME <Ti> = 12 HOURS

ADVANCE TIME <TT> = 52.7 MINUTES; OR 0.9 HOURS
GROSS APPLICATION <FG> = 4.36 INCHES
NET APPLICATION <Fx> = 3.82 INCHES
RUNOFF <RO> = 0.41 INCHES
DEEP PERCOLATION <DP> = 0.86 INCHES
EFFICIENCY <E> = 70.90 %

TO CHANGE: PRESS (EXISTING)
Design Application <1> 3.09 in
Furrow Slope <2> 0.038 ft/ft
Furrow Spacing <3> 2.50 ft
Furrow Length <4> 636 ft
Furrow Intake Family <5> 0.66
Inflow Rate <6> 6 gpm/furrow
Inflow Time <7> 12 hours <ANALYSIS MODE>
TO PRINT: DATA/WITH HEADING PRESS:<8/9>
NEW DESIGN PRESS <10>, NEW ANALYSIS PRESS <11>, QUIT PRESS <12>?

7-29-92
SCC/RVW

INTAKE FAMILY	DESIGN APPLIC. Inches	FURROW SLOPE Ft/Ft	FURROW SPACING Feet	FURROW LENGTH Feet	INFLOW RATE Gpm	APPROXIMATE INFLOW TIME Hours	ADVANCE TIME Minutes	GROSS IRRIGATION APPLICATION Inches	NET IRRIGATION APPLICATION Inches	RUNOFF Inches	DEEP PERC. In.	IRRIGATION EFFICIENCY %
0.66	3.09	.038	2.50	636	10	12	38.2	7.26	4.22	2.94	1.23	42.54
0.66	3.09	.038	2.50	636	9	12	40.3	6.54	4.13	2.30	1.15	47.27
0.66	3.09	.038	2.50	636	8	12	43.1	5.81	4.04	1.66	1.06	53.17
0.66	3.09	.038	2.50	636	7	12	47.0	5.08	3.94	1.03	0.97	60.77
0.66	3.09	.038	2.50	636	6	12	52.7	4.36	3.82	0.41	0.86	70.90

Have
Brian look
at

$$FIR = 4.2 \frac{cu}{EFF\%}$$

$$= 4.2 \frac{0.267}{70.90}$$

$$= 0.0158 \text{ cfs/Acre}$$

allow 0.02 cfs/acre

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FEB 09 1993

IRRIGATION ANALYSIS WORKSHEET

B 2

CLAIM NO. A36-15168DATE 7/28/92AGENT RVWCLAIMANT/SYSTEM DESCRIPTION Flagerman Water Users

IRRIGATION SYSTEM -----

ANALYSIS METHOD -----

BORDER / FURROW

TYPE OF CROP -----

Assume

Alfalfa

MAXIMUM PROFILE DEPTH -----

60

INCHES

INTAKE FAMILY -----

Weighted Avg.

2.42 / 0.66

SOIL TYPE

2.5%

SJK

5.6%

FKE

SYSTEM TOTAL

ACRES PER TYPE

8

18

293+26=319 ACRES

SOIL PROFILE WHC

62.69

8.58

← Weighted Avg = 6.183

DESIGN IRR 1/2 WHC

1.5/0.5

3/0.7

Design Irr 3.09

.067

.1480

.038

.168

CROP REQUIREMENT:

REPORT AREA & FIGURE NO. -----

Bliss 10-8

DAILY CROP REQUIREMENT:

6.79 (MM/DAY) / 25.4 (FACTOR IN MM/IN) ----- 0.267 IN/DAY

ACTUAL ROTATION PRACTICED -----

DAYS

DRY DAY ROTATION -----

IRR DAY ROTATION -----

THEORETICAL ROTATION:

 $\frac{6.18}{2} = \frac{3.09}{0.267} \text{ DESIGN IRR } / \text{ CROP REQ} = 11.6 \text{ DAYS Say 12 days}$

DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN -----

Weighted Avg.

637'

TOTAL WIDTH OF FIELD -----

21,814

CHECK

637

L *

21,814

W /

43,560 =

318.9

ACRES

% SLOPE -----

4.13 miles

Weighted Avg.

3.8%

BORDER WIDTH -----

909'

21,814

WIDTH OF FIELD /

12 (2)

DAYS OF ROTATION

FURROW / CORRUGATION WIDTH -----

13.29 acres / 12 hr
364 corr / 12 hr
set

SET TIME -----

assume

12 hrs.

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FEB 13 1993

IRRIGATION ANALYSIS WORKSHEET *Page 1*CLAIM NO. A36-15168.DATE 7-28-92AGENT R.V.W.CLAIMANT/SYSTEM DESCRIPTION Hagerman Water Users

IRRIGATION SYSTEM -----

ANALYSIS METHOD ----- BORDER / FURROW

TYPE OF CROP -----

MAXIMUM PROFILE DEPTH ----- *assumed* 60 INCHESINTAKE FAMILY ----- *Weighted Avg* 2.42

SOIL TYPE	<i>5.6%</i> EPB	<i>23%</i> EPC	<i>0.3%</i> KCB	<i>47.4%</i> KOB	<i>27%</i> KBC	<i>4.4%</i> QUB	SYSTEM TOTAL
ACRES PER TYPE	<u>18</u>	<u>23</u>	<u>1</u>	<u>151</u>	<u>86</u>	<u>14</u>	<u>293</u> ACRES
SOIL PROFILE WHC	<u>3.66/3.3</u>	<u>3.66/3.3</u>	<u>7.91/4.8</u>	<u>5.78/3.9</u>	<u>5.78/3.9</u>	<u>5.99/3.59</u>	
DESIGN IRR $\frac{1}{2}$ WHC	<u>2/0.55</u>	<u>2/0.55</u>	<u>1/0.4</u>	<u>2/0.55</u>	<u>2/0.55</u>	<u>3.5/0.78</u>	
	<u>.205</u>	<u>.1842</u>	<u>.024</u>	<u>2.740</u>	<u>1.561</u>	<u>.264</u>	
	<u>0.112</u>	<u>0.46</u>	<u>.003</u>	<u>.948</u>	<u>0.54</u>	<u>.154</u>	

CROP REQUIREMENT:

REPORT AREA & FIGURE NO. -----

DAILY CROP REQUIREMENT:

 (MM/DAY) / 25.4 (FACTOR IN MM/IN) ----- IN/DAY

ACTUAL ROTATION PRACTICED ----- DAYS

DRY DAY ROTATION ----- IRR DAY ROTATION -----

THEORETICAL ROTATION:

 DESIGN IRR / CROP REQ = DAYS

DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN -----

TOTAL WIDTH OF FIELD -----

CHECK L * W / 43,560 = ACRES

% SLOPE -----

BORDER WIDTH -----

 WIDTH OF FIELD / DAYS OF ROTATION

FURROW / CORRUGATION WIDTH -----

SET TIME -----

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CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	5100	4.0	2.00	0.52	6.38	6.38	0.0808	0.52	6.90
2	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
3	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
4	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
5	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
6	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
7	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	5100			0.52	6.38			0.52	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

A36-15168

HAGERMAN
WATER USERS
ASSN.

7-29-92

sa

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FEB 09 1993



CECIL D. ANDRUS
Governor

ZERO MODE
ZERO OPR

08-09 12:2100 *R
+002.10 % AI2

MODE SELECT
T0 CHECK

0743.4 MMSEC
098.86 % T0

08-09 12:2200 *R
+423.203E 1GPM

MODE SELECT
INPUT

OUTER DIAMETER
20.6898 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.2831 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
17.001 IN U

08-09 12:2400 *R
+422.939E 1GPM

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-09 12:2600 *R
+002.10 % AI2

MODE SELECT
T0 CHECK

0743.4 MMSEC
098.86 % T0

DAMPING SET
01 SEC

DAMPING SET
20 SEC

08-09 12:3000 *R
+411.844E 1GPM

F WATER RESOURCES

ne St. East, Twin Falls, Idaho 83301 (208) 734-3578

R. KEITH HIGGINSON
Director

HAGERMAN WATER USERS PIPELINE

$$\bar{X} \text{ GPM} = 4193.29 \text{ GPM} \\ = 9.34 \text{ cfs}$$

HAGERMAN WATER USERS

FEB 09 1993

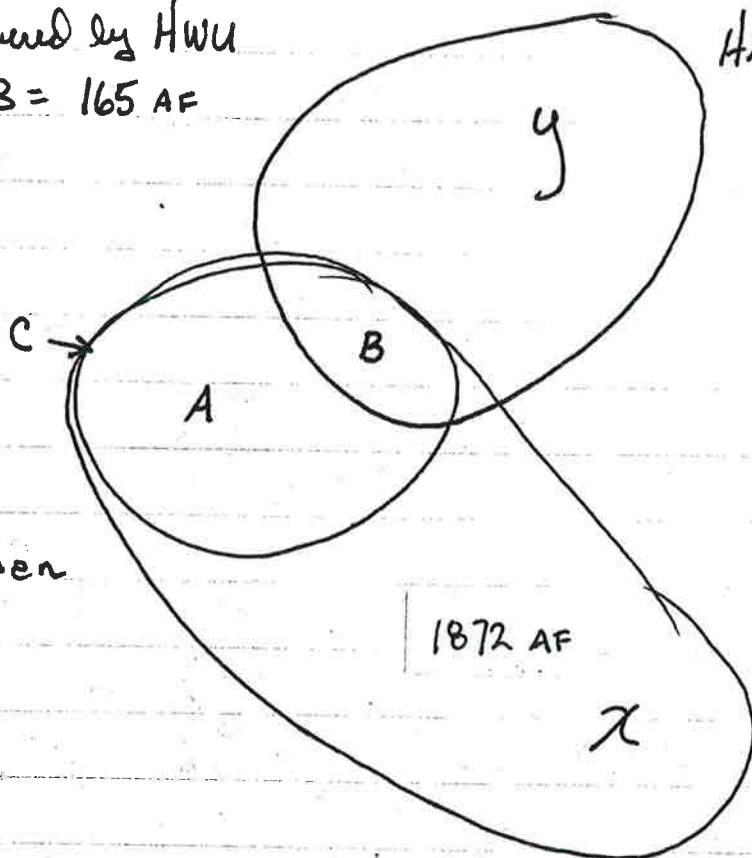
CALCULATED CONSUMPTIVE USE

COMBINED RIGHTS: 36-2465, 36-15166, 36-15168

B = City Acres covered by HWU
 $55 \text{ Ac} \times 3 = 165 \text{ AF}$

HAGERMAN
 WATER
 USER'S

957 AF
 (319 Ac)



C = CITY OF HAGERMAN
 306 AF
 (102 Ac)

BIG SPRINGS
 WATER

1566 AF

Combined consumptive use limits:
 $C + X + Y - B$

consumptive use: $\left(\frac{306}{1566} \right) + 957 - 165 = \underline{\underline{2664 \text{ AF}}}$

combined acres: $\left(\frac{102 + 522}{522} \right) + 319 - 55 = \underline{\underline{888 \text{ Acres}}}$

(522 Ac.)
 + 306 (muni)
 (of 102 Ac)
 = 1872 AF
 = 624 Ac. Total

See
 11-6-91

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	NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
36-0055	GRIDLEY,	1.5 Riley Creek	May 1, 1883	Gridley Ditch No. 1
36-0056	WALTER, AND ANNA GRIDLEY	.3 Riley Creek	May 1, 1883	Gridley Ditch No. 2
	✓	(The point of diversion of Gridley Ditch No. 1 is on the bank of Riley Creek immediately above Riley Falls. The diversion point of Gridley Ditch No. 2 is 75 yards below the diversion point of the Conyers Ditch elsewhere described.)		
		Two unsurveyed tracts of land situate in Sec. 1, Twp. 8 S. R. 13 E. B. M. as follows: A certain island known as Weatherby Island containing about 30 acres located in Snake River between Gooding County and Twin Falls County, in the above named section, and a certain tract of about three acres of land below the rimrock and on the mainland immediately north of said island in said section.		
36-0057	HAGERMAN	5 Spring	April 7, 1906	Spring No. 1;
36-0058	WATER USERS	11.2 Spring	April 7, 1906	Spring No. 2;
36-0059	ASSOCIATION	20 Springs	April 7, 1906	Numerous small springs;
		(Said Spring No. 1 is located about the center of the north side of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M.; Spring No. 2 is located about the center of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 14 E. B. M. Said numerous small springs are located about 100 yards north of the "Big Springs", the source of the water supply of the Big Spring Water Users Association.)		
36-0060	HIGLEY, ALBERT	.5 Spring	Dec. 12, 1901	✓ Weatherby Springs; (Hoagland Tunnel)
		All the North Half of the Southwest Quarter of the Northeast Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Sec. 36, Twp. 7 S. R. 13 E. B. M., excepting that portion thereof, containing approximately 2.07 acres, lying west of the center of the channel of the ditch intersecting said premises, commonly known as the "Brailsford Ditch," the center channel of which ditch intersects the south line of said premises at a point 204.4 feet east of the west boundary of said subdivision, thence running north 9 degrees 29' west 350 feet, thence north 20 degrees 15' west 360 feet to the northwest corner of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section, township and range.		
36-0061	HOFFMAN, L. W., and MRS. L. W. HOFFMAN	2.22 Spring	Dec. 12, 1901	Weatherby Springs; (Hoagland Tunnel)

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FEB 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director



*HAGERMAN WATER USER'S TUNNEL
(HEAD OF SOUTH COLLECTION DITCH)*

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FEB 09 1993

A36 - 15168