

KARL
RECEIVED

MAR 21 2005

DEPARTMENT OF
WATER RESOURCES

2726 South 1050 East
Hagerman, Idaho 83332

Phone 208-837-6174
Fax 208-837-6563



BILLINGSLEY CREEK RANCH

March 16, 2005

Director Karl Dreyer
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83303-0325

Re: Request For Delivery of Water

Dear Director Dreher:

Our one year stay on water calls expired at midnight yesterday. I would like to request that you order the delivery of my water under the laws of Idaho and the prior appropriation doctrine. I have been in communication with the IDWR since 1992 and have patiently hoped for some solution to my water shortages. I signed on to the 2004 agreement that put a hold on all water calls for one year and ordered delivery of water to the 1000 Springs reach. Nothing happened – no water at all showed up and the pumpers, as always, kept pumping. The interim committee was a joke. They accomplished nothing. I am tired of waiting. My water rights are 36-02379 for 5cfs with a priority of 3/19/59, 36-02465 for 4cfs with a priority of 1/18/61 and 36-10870 for .36cfs with a priority of 5/1/33. All of these springs have dried up. Water right 36-02379 had recorded flows of over 10cfs in the winter months in the 1980's so you can see how rapidly things changed. I wrote my first letter to Keith Higginson on October 19, 1993 advising him that this particular spring was starting to dry up in the summer months. I am sure that you will be getting many of these letters in the coming days. I just wanted to be included.

Sincerely:

Donnie McFadden
Billingsley Creek Ranch



BILLINGSLEY CREEK RANCH

2726 South 1050 East
Hagerman, Idaho 83332

Phone 208-837-6174
Fax 208-837-6563

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P.O. Box 83720
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Sincerely:

Donnie McFadden
Billingsley Creek Ranch

RECEIVED

JAN 15 1997

Department of Water Resources 1997 JAN -9 PM 4:11

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

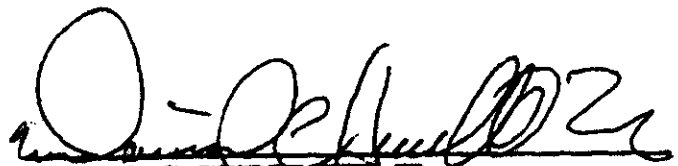
) For Water Right 36-02379

On November 19, 1996, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-02379 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 9, 1997.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR JAN -9 PM 2:43
Water Right 36-02379
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: BILLINGSLEY CREEK RANCH
2726 S 1050 E
HAGERMAN ID 83332

SOURCE: SPRINGS TRIBUTARY: BILLINGSLEY CREEK

SOURCE IS ALSO KNOWN AS HEWITT SPRINGS.

QUANTITY: 5.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
FACILITY VOLUME 0.4 AF.

PRIORITY DATE: 03/19/1959

POINT OF DIVERSION: T07S R14E S19 SWSNW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	5.00 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS.

PLACE OF USE:	FISH PROPAGATION	Within GOODING County
	T07S R14E S19	NENW SENW
	DOMESTIC	Within GOODING County
	T07S R14E S19	SESW

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

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

DATED: Jan. 9, 1997

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

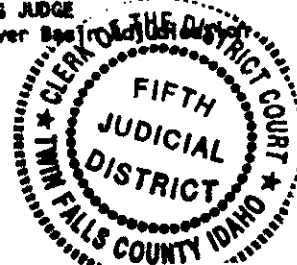
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: Jan. 9, 1997

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P.
Water Right 36-02379

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full
and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By: [Signature]
DEPUTY CLERK



1997 JAN -9 PM 3:48
DISTRICT COURT-SNEA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

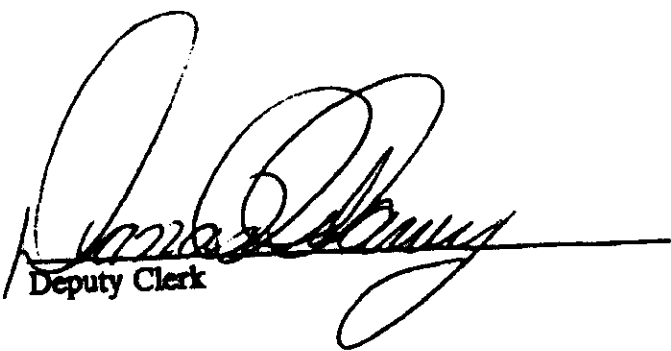
CERTIFICATE OF MAILING

For Water Right 36-02379

I certify that true and correct copies of the *Order on Partial Decree for Water Right 36-02379* and *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-02379* were mailed on January 9, 1997, with sufficient first-class postage prepaid to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Billingsley Creek Ranch
Donnie McFadden
2726 South 1050 East
Hagerman, ID 83332


Deputy Clerk

RECEIVED
FEB 11 1998
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

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

In Re SRBA

Case No. 39576

) **ORDER OF PARTIAL DECREE**

) **For Water Right 36-02465**

)

On October 1, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-02465 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 29, 1997.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02465

FILED
DISTRICT COURT
TWIN FALLS, IDAHO
NOV 28 1997

NAME & ADDRESS: CITY OF HAGERMAN
PO BOX 158
HAGERMAN ID 83332

SOURCE: POTTER SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 4.00 CFS

PRIORITY DATE: 01/18/1961

POINT OF DIVERSION: T07S R14E S19 SESESW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE MUNICIPAL	PERIOD OF USE 01-01 12-31	QUANTITY 4.00 CFS
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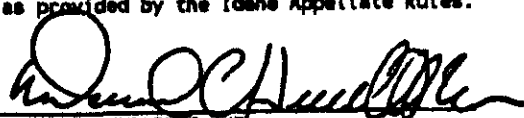
PLACE OF USE:	MUNICIPAL T07S R13E S14	Within GOODING County			
		NENE	NWNE	SWNE	SENE
		SNW	SEW	NESW	SWSW
		SESW	NESE	NWSE	SWSE
	S23	SESE	NWNE	NENW	NWNW
		NENE			

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF HAGERMAN AND
LANDS IN THE VICINITY OF HAGERMAN WITHIN THE PLACE OF USE LISTED
ABOVE.

USE OF THIS RIGHT WITH RIGHT NOS. 36-00022 & 36-15168
IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1063 ACRES IN
A SINGLE IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

1997 DEC 29 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 36-02465

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-02465 was mailed
on December 29, 1997, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CITY OF HAGERMAN
P.O. BOX 158
HAGERMAN, ID 83332

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/29/97

RECEIVED

MAR 20 2001

Department of Water Resources

2001 MAR 19 AM 8:41
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

) For Water Right 36-10870

On January 12, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(c)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-10870 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAR 19 2001.



ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-10870

2001 MAR 19 AM 8:42
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BILLINGSLEY CREEK RANCH
DONNIE MCFADDEN
2726 SOUTH 1050 EAST
HAGERMAN, ID 83332

SOURCE: POTTER SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.36 CFS

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

PRIORITY DATE: 05/01/1933

POINT OF DIVERSION: T07S R14E S19 SESEW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Irrigation	02-15 TO 11-30	0.34 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R14E S19 SESEW 9.0
9.0 Acres Total

Stockwater Within Gooding County
T07S R14E S19 SESEW

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

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2001 MAR 19 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-10870

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-10870 was mailed
on March 19, 2001, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

BILLINGSLEY CREEK RANCH
DONNIE MCFADDEN
2726 SOUTH 1050 EAST
HAGERMAN, ID 83332
Phone: 208-837-6174

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/19/01