

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: A25-11512
Date Received: 11/28/1988
Receipt No: E004484
Received By: Ed Corded

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONNEL R. WEBER 208-745-6005
Address: 3745 E. 800 N.
RIGBY, ID 83442
OR
Name: LEAH K. WEBER 208-745-6005
Address: 3745 E. 800 N.
RIGBY, ID 83442
2. Date of Priority: JUN 01, 1938
3. Source: HY POOLE SLOUGH Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|-----------|
| 05N | 38E | 23 | SW | SW | SW | | JEFFERSON |
| | | | SE | SE | SE | | JEFFERSON |
5. Description of diverting works:
DAM ACROSS SLOUGH W/ DITCHES RUNNING FROM SLOUGH TO FIELDS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.440 | | |
| STOCKWATER | 01/01 | 12/31 | 0.070 | | |
7. Total Quantity Appropriated is:
2.510 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 152.5 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCK FOR UP TO 75 HEAD

A25-11512

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Date: 02/06/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	38E	23	NE		SW		IRR	39.0
			NW		SW		IRR	9.0
			SW		SW		IRR	13.0
							Section Acres	61.0
							Total Acres	61.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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

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

CIVIL CASE NUMBER: 39356

Ident. Number

A25-11512

Date Received

11-28-88

Receipt Number

E004484

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Donald R. or Leah K. Weber Phone (208) 745-6005Mailing Address 3745 E. 800 N Rigby, Idaho Zip 834422. Date of Priority (Only one (1) per claim) 6-01-19383. Source of water supply (a) Hy Poole Slough
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 5 N Range 38 E Section 23,
SE
1/4 of SE 1/4 of SW 1/4, Govt. Lot, SW B.M., County of JeffersonAdditional points of diversion if any: SW SW Sect. 23 T5N R38E

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.Dam across slough with
ditches running from slough across Top of Fields.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 2.64 or _____

For Stockwater purposes from 1-1 to 12-31 amount 0.07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.51 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is +27.5 152.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic Stock for up to 75 head

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5N</u>	<u>38E</u>	<u>23</u>									<u>39</u>	<u>9</u>	<u>13</u>						<u>61</u>

Total number of acres irrigated 61

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐
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 (✓)

14. Remarks:

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Number of attachments _____

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

Signature of Claimant (s) x Donald Weber Date x 11-28-88

Date _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 28th day of Nov. 19 88

SEAL

Notary Public Betty J. Thompson

Residing at Idaho Falls

My Commission Expires 6-94

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 _____ Ident. Number _____

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Copies White-State, Yellow-Claimant

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P.O.U.

SECTION 11
R39



Log for claim 25-11512

Spatial Dynamics CAT

12/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n38e	23	SESW	0	1.3	Small acreage fit with claim
05n38e	23	SENU	9	7.5	Acreage wrong on claim
05n38e	23	NESW	39	37	
05n38e	23	SWSW	13	12	
Totals:			61	57.8	

AJ5809NP
No. A25-11512

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00
PAGE: 134

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEAH K WEBER	06/01/1938	IRRIGATION	04-01 11-01	2.440 CFS	
C	DONNEL R WEBER		STOCKWATER	01-01 12-31	0.070 CFS	
	3745 E 800 N					
	RIGBY ID 83442			TOTAL DIVERSION:	2.510 CFS	
	(208) 745-6005			CONSUMPTIVE USE:		152.50 AFA

Water Source: HY POOLE SLOUGH

Tributary to: SNAKE RIVER, SOUTH FORK

Stage: BENEFICIAL USE

Point(s) of Diversion: T05N R38E S23 SWSW SESW JEFFERSON 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	:		
05N	38E	23	:					:					:			39	09	13	:					:	61.0
																							TOTAL ACRES		61.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: JEFFERSON

Non-Irrigation Uses: STOCK FOR UP TO 75 HEAD

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

25-10649 25-11808 A25-00277A A25-10649 A25-11808 A25-12025

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00081C A01-00082C A01-00083X A01-00117F A01-00118F A01-04005 A25-12025

Dates: Exam Made Date: Verified Date: 02/13/1991 Objection Filed Date:

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

Audit: 02/06/89 VERNER 02/13/91 THOMPSON 03/29/95 POST-STD

RECEIVED

Right number
A25-11512

Priority Date
Department of Water Resources 06-01-1938
Eastern District Office

Dear Sirs;

Unable To find any neighbors or children of former owner of This property who can remember when water from Hy Poole Slough was first used To irrigate crops I will have To use date of when I helped my father irrigate Barley in May of 1938 Through ditch from Slough. So The Priority Date would be in The Spring or May of 1938. This was the first summer my father farmed The place.

Donnel R. Weber
Leah K. Weber

Subscribed and sworn to before me this
15th day of May 1996

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Colaine Sneyling
Notary Public
Comm. Exp. 3/28/97

May 1, 1991

Donnell Weber
3745 E. 800 N.
Rigby, ID 83442

RE: **Evidence of Priority**

Dear Mr. Weber:

The Notices of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notices indicates the water usage are based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notices and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notices have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.

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Donnell Weber

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Please submit the required evidence supporting the priority dates by May 29, 1991, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12025
DONNEL WEBER
LEAH WEBER
3745 E. 800 N.
RIGBY ID 83442

A25-11512
LEAH K. WEBER
DONNEL R. WEBER
3745 E. 800 N.
RIGBY ID 83442

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