



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 23, 2004

Roger Ling
Ling & Robinson
615 H St.
PO Box 396
Rupert, ID 83350

RE: Jernberg – SRBA Claim no. 31-7311 and proposed claim no. 31-11845

Dear Roger:

On March 15, 2004, the SRBA District Court issued its *Order Dismissing Motion to Set Aside Partial Decrees, and Setting Aside Partial Decree and Issuing Partial Decree* for water right nos. 31-2357, 31-2395 and 31-7311. In that *Order*, the Court requested that the Idaho Department of Water Resources (IDWR) file an Amended Director's Report addressing the uncultivated land under a new water right claim number. I have enclosed for your review a notice of claim for the uncultivated land with a new water right number, 31-11845. This proposed claim is the difference between what was originally claimed by your client under claim no. 31-7311 and what is now partially decreed for that claim. **The enclosed claim of IDWR data representing the claim could be a starting point; you and your client need to claim what you believe are the proper elements for this water right claim, if what you see on the enclosed report is inadequate.**

IDWR intends to include a recommendation for this claim in its February 2005 director's report of late claims provided the Department receives a completed claim form from your client by June 4, 2004. Submitting the claim by that time will allow any necessary investigation to occur this irrigation season. Carter Fritschle will be the agent who will investigate this claim.

Ling
March 23, 2004
Page 2

If you have any questions concerning this matter, please contact me at (208) 327-7900.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosure

cc: Donald Shaff
Carter Fritschle

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 31-11845
Date Received: 3/22/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BEN D JERNBERG Phone: (406)252-6072

3170 SYCAMORE LN
BILLINGS MT USA 59102

2. Date of Priority: 04/23/1979

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County	Type
07N	34E	10	SE	SE	SW		JEFFERSON	
07N	34E	10	SW	SE	SW		JEFFERSON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	8.83	

7. Total Quantity Appropriated is:
8.83 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	34E	15	SE	NW	IRRIGATION	39
			NE	SW	IRRIGATION	40
			SW	NW	IRRIGATION	34
			NW	SW	IRRIGATION	39
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
					Section Acres	232
07N	34E	16	SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	24
			SW	SE	IRRIGATION	33
			SE	SE	IRRIGATION	40
					Section Acres	176
07N	34E	21	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	27
			SW	NE	IRRIGATION	23
			SE	NE	IRRIGATION	40
					Section Acres	130
07N	34E	22	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
					Section Acres	120
					Total Acres	658

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:

14. Remarks:

This claim was created after remand by the Court on 31-7311 to address the extent of beneficial use on the uncultivated land. The following remark was removed in the Amended Decree of 31-7311 and is the basis of this claim: "Water diverted under this right [31-7311], and an additional 4.99 cfs of ground water diverted from the points of diversion described above [for 31-7311] may also be diverted onto 663 acres of uncultivated pasture located in T07N R34E, Sections 15, 16, 21, and 22, but this additional use is not an appurtenance of the land upon which it occurs." The

place of use shown in this claim record on 3-22-04 was greater than 663 acres but does not absolutely accurately represent the land owned by the claimant in the four sections that was not a part of 31-7311.

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

15. Basis of Claim: License

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

Date:

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____