

02/05/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-11268
NAME AND ADDRESS: IVAN WEEKS
PO BOX 28
SWAN VALLEY ID 83449

SOURCE: GROUND WATER
QUANTITY: 1.650 CFS
351.000 AFY

TRIBUTARY:

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-00045 SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/16/1967

POINT OF DIVERSION:

T01N R44E S4 NWSWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	1.650 CFS 351.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S04	SESW	38.0	T01N R44E S09	NWNE	39.0
T01N R44E S09	NENW	40.0			

117 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-7000.

RECEIVED

APR 29 2004

02/05/2004

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-11268

IVAN WEEKS

PO BOX 28

SWAN VALLEY ID 83449

Telephone Number: (208)483-3361

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-1-2004

SIGNATURE: Ivan A. Weeks by Renell Weeks POA

Please print your name: Ivan Weeks Renell Weeks POA

IDWR Regional Office,

02/05/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-11268
NAME AND ADDRESS: IVAN WEEKS
PO BOX 28
SWAN VALLEY ID 83449

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.650 CFS
351.00 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-00045 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/16/1967

POINT OF DIVERSION:
T01N R44E S4 NWSWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	1.650 CFS 351.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S04	SESW	38.0	T01N R44E S09	NWNE	39.0
T01N R44E S09	NENW	40.0			

117 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-7000.

Water Right Split History Analysis

RENELL WEEKS
23-11267

1.98 cfs on 140° ac

POU: SENW, SWNE, NWSB, NESW SEC. 4

SPLITS BY %
FILED 2/04.

IVAN WEEKS
23-11268

1.65 cfs on 117° ac.

POU: SESW. SEC. 4
NENW, NWNE SEC. 9

WEEKS BROS.
23-07000

4.67 cfs 06/16/1967

PDD: SWNE SEC. 4 TIN R44E

POU: TIN R44E

SEC. 4 SWNE, SENW, E2SW, NWSE

SEC. 9 NWNE, N2NW, SENW

331° ac

993° AFA

APRIL 1 TO OCT. 15

$\frac{4.67 \text{ cfs}}{331^\circ} = 0.014 \text{ cfs/ac.}$

117°

3° AFA

351 AFA

JO ANN WEEKS (STEVE, SON - REPRESENT.)
23-11269

1.04 cfs on 74° ac.

POU: NWNW, SENW SEC. 9

Reviewer: _____

Date: _____

NOTES: 1. NO CHANGE TO PDD
2. NO CHANGE TO PRIORITY

#	Q	Ac
23-11267	1.98	140°
11268	1.65	117°
11269	1.04	74°

$\Sigma = 4.67 \text{ cfs } 331^\circ \text{ ac}$

SPLIT IN
FULL

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	23-7000				

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Weeks Brothers INC.

4. New Owner/Claimant(s)

JUAN R. Weeks

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

BOX 28

City, State and ZIP Code

SWAN VALLEY, ID 83449

New Telephone Number

(208) 483-4552

5. Date you acquired the property

JAN 12 1945

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

Signature of New Owner(s) or Claimant(s) IUAN R. Weeks
(include title if applicable)

BY Benell Weeks P.O.A. Benell Weeks

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-09(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at Item 6. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). If the water right(s) will not be split, skip Item 6 and go to Item 7.
7. The new owner(s) must sign the form in the space(s) provided at Item 7. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Idaho Falls, Idaho,
the day and year first above written.

My Commission expires:
April 24th, 1947
Recorded at the request of Otto E. McCutcheon
Jan. 17, 1945, at 4:10 P. M.
Fee 1.00

SEAL

Otto E. McCutcheon, Notary Public

W. L. Brewrink, Recorder

By *Kraus McCutcheon* Deputy

No. 163739

G I F T D E E D

THIS INSTRUMENT, made the 14th day of December in the year of our Lord, one thousand nine hundred and forty-four, between Samuel J. Weeks and his wife Minnie Weeks, of the County of Bonneville and State of Idaho, the parties of the first part and the son of first parties, Ivan R. Weeks, of the County of Bonneville and State of Idaho, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of love and affection, does, by these presents, give, convey, and confirm unto the said party of the second part, in his own separate right, as his separate property, and to his heirs and assigns forever, the certain property lying and being in Bonneville County, Idaho, and described as follows, to-wit:

The southwest quarter of the southeast quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the southeast quarter of the southwest quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Four (4); and the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) and the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Nine (9); and a strip of land one rod wide across the north side of the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) said section Nine (9); all of said land being in Township One (1) North of Range forty four (44) East of the Boise Meridian.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the rents, issues, and profits thereof and the tenements, hereditaments and appurtenances, thereunto belonging or appertaining, unto the said party of the second part and to his heirs and assigns forever, as his sole and separate property.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed, and delivered in the presence of

Samuel J. Weeks (SEAL)

Otto E. McCutcheon,

Minnie Weeks (SEAL)

State of Bonneville)
(ss
County of Idaho)

I do hereby Certify:

On this 13 day of January in the year 1945, before me, the undersigned Notary Public, in and for the said County and State, personally appeared Samuel J. Weeks and his wife Minnie Weeks known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Idaho Falls, Idaho, the day and year first above written.

My commission expires
April 24, 1947

SEAL

Recorded at the request of Otto E. McCutcheon,
January 17, 1945, at 4:12 P.M.
FEE 1.00

Otto E. McCutcheon, Notary Public
Residence Idaho Falls, Idaho

W. L. Brewrink, Recorder

By *Kraus McCutcheon* Deputy

SEE PARENT 23 - 7000
FOR EXAM NOTES AND PHOTOS

U500 w/ 23-00045 (AND 23-00091 - 1916 FLOOD WATER)

Ac & Q limits apply w/ 00045.

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. [REDACTED] Priority June 16, 1967 Amount 4.67 cfs

THIS IS TO CERTIFY, that WEEKS BROTHERS
 of Swan Valley, Idaho, has complied with the terms and conditions of Permit
 No. 23-7000 issued pursuant to Application for Permit dated June 16, 1967,
 and has submitted proof to the Department of Water Administration on July 9, 1968,
 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
 capacity for the diversion of 4.67 cfs of water from a ground water source,
 tributary to _____, and that the permit holder has applied to a beneficial use &
 established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>Oct 15</u>	at <u>4.67</u> cfs and	<u>993</u> acre feet or
	from _____ to _____	at _____ cfs and	<u>3.0</u> af per acre
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 4.67 cfs of water be diverted at any one time, and
 that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
 aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
993 acre feet per year, said waters to be diverted within the SW 1/4 of Sec. 4,

Twp. 1 N, Rge. 44 E, B. 1 M. in the County of Bonneville

Description and location of place of use:

Twp.	Range	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	
1 N	44 E	4			40					40	35			39		20			174
		9			39			39	39	40									157

Total number of acres irrigated 331

A measuring device of a type approved by this Department shall be permanently
 maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
 Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
 herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of
April, 19 74.

[Signature]
 Director

23-7000



GPS TAG# A0ΦΦ9519

Pump #1

Motor: US ELECT Motors

Hpi: 150 1800rpm

SN:

Pump: PETERLOES Pump

SN: 1406558

10" DISCH.

Pump #2

Motor: US ELECT Motors

Hpi: 100 1800rpm

SN: 1274318

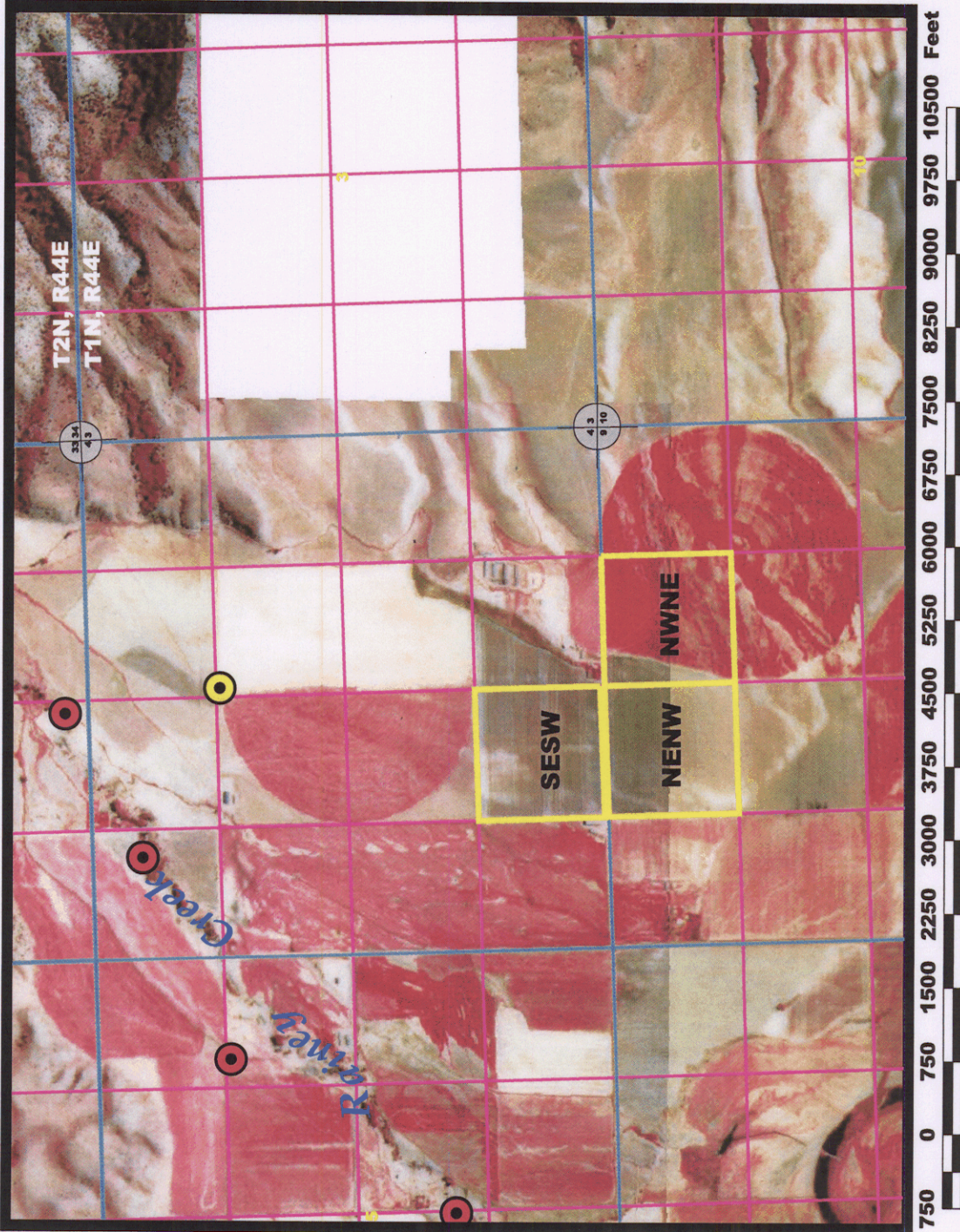
7" DISCH. PUMP



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-11268

Place of Use: (parts of)
T1N, R44E Sec. 4 SESW
Sec. 9 NENW, NWNE

Point(s) of Diversion:
T1N, R44E
Sec. 4 NWSWNE

LEGEND



Point of Diversion



SESE



Section



Quarter-Quarter



GIS Place of Use illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2004