

12/01/2000

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

RIGHT NUMBER: 31-50B

NAME AND ADDRESS: RICHARD A EGBERT LTD PARTNERSHIP
C/O DR BRAD EGBERT
32 W 1ST S
REXBURG, ID 83440-1810

SOURCE: CAMAS CREEK TRIBUTARY: MUD LAKE

QUANTITY: 0.06 CFS
4.7 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.06 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF. COMBINED RIGHT
NOS.: 31-00049B, 31-00050B AND 31-00051B.

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION:	T11N R38E S25	SWSESE	Within CLARK County
	T11N R38E S35	NENWNE	Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04-15 12-25	0.06 CFS 4.7 AFY

PLACE OF USE:

<u>STOCKWATER Within CLARK County</u>			
T10N R38E S9	NENW	T11N R38E S33	SWNW

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 - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-50B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD A EGBERT LTD PARTNERSHIP C/O DR BRAD EGBERT 32 W 1ST S REXBURG, ID 83440-1810 (208)356-8818
Representative	KIRK EGBERT PO BOX 87 TERRETON, ID 83450 (208) 663-4505
Original Owner	BLAINE LARSEN PO BOX 188 HAMER, ID 83425 (208)662-5501

Priority Date: 04/01/1885
Basis: Decreed
Status: Valid

<u>Source</u>	<u>Tributary to</u>
CAMAS CREEK	MUD LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	04/15	12/25	0.06 CFS	4.7 AFA	
Total Diversion			0.06 CFS	4.7 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
11N	38E	25	SW SE SE		CLARK
11N	38E	35	NE NW NE		CLARK

STOCKWATER Use:

Number of other uses: 3000 SHEEP

Place(s) of use:

Place of Use Legal Description: STOCKWATER CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10N	38E	9		NENW										
11N		33		SWNW										

Conditions of Approval:

1. C18 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.

Remarks:

1. Quantity

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF. COMBINED RIGHT NOS.: 31-00049B, 31-00050B AND 31-00051B.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
csaxton	12/1/00	TR 4090	RECOMMENDED PER TR 4090
csaxton	12/1/00	POD	NAPP PHOTOGRAPHY INDICATED THAT POD BETWEEN NENE AND NWNE IS ACTUALLY LOCATED IN THE NENWNE.

Dates:

Licensed Date:
 Claim Received Date: 01/25/1994
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 11/01/1930
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/1/00 1:49:33 PM	csaxton			In Process
POD	12/1/00 1:56:26 PM	csaxton			In Process
POU	12/1/00 1:59:55 PM	csaxton			In Process
Priority Date	12/1/00 1:55:44 PM	csaxton			In Process
Quantity	12/1/00 2:07:46 PM	csaxton			In Process
Season	12/1/00 2:01:53 PM	csaxton			In Process
Source	12/1/00 1:58:33 PM	csaxton			In Process
Summary	12/1/00 2:26:57 PM		12/1/00 2:26:57 PM	csaxton	Complete
Use	12/1/00 1:58:51 PM	csaxton			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Overall Max Diversion Rate: 0.06
 Overall Max Diversion Volume: 4.7
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Contacts	12/1/00 1:49:32 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: IN HOUSE REVIEW
POD	12/1/00 1:58:10 PM	csaxton	Edited point location
POD	12/1/00 1:57:43 PM	csaxton	Edited point location
POD	12/1/00 1:56:25 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file.

POU	12/1/00 1:59:54 PM	csaxton	8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required. 1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Priority Date	12/1/00 1:55:43 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (NO) The claim is not coded correctly. 14. (NO) Priority remark was not required.
Quantity	12/1/00 2:07:44 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 7. (YES) The parent right has an annual diversion volume limit. 8. (NO) Irrigation is not a purpose of use. Comment for 8: TO 4090 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Season	12/1/00 2:01:51 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (NO) Irrigation is not the purposed use. Comment for 12: TR 4090 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	12/1/00 1:58:31 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	12/1/00 2:26:55 PM	csaxton	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (YES) This is a split right. 10. (YES) This is a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Use	12/1/00 1:58:50 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

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 31-50B
Date Received: 1/25/94
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: RICHARD A EGBERT LTD PARTNERSHIP Phone: (208)356-8818

Address: C/O DR BRAD EGBERT
32 W 1ST S
REXBURG ID USA 83440-1810

2. Date of Priority: 04/01/1885

3. Source: CAMAS CREEK Trib. to: Mud Lake

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County
11N	38E	25	SE	SE		CLARK
11N	38E	35	NW	NE		CLARK
11N	38E	35	NE	NE		CLARK

5. Description of diverting works:

HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	4/15	12/25	0.06	4.7

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 4.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	38E	9	NE	NW	STOCKWATER	
11N	38E	33	SW	NW	STOCKWATER	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

THE CHANGE IN PLACE OF USE AUTHORIZED UNDER TRANSFER NO. 3837 AND REFLECTED ON TRANSFER NO. 4090 SHALL BE ACCOMPLISHED BY JUNE 10, 1995

ONE POINT OF DIVERSION IS ON LINE DIVIDING NENE AND NWNE, S35, T11N, R38E
RIGHT NOS. 31-00049B AND 31-00051B ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE

USE OF THIS RIGHT WITH RIGHT NOS. 31-00049B AND 31-00051B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS, AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF

*****COMMENTS***** NOTICE SEND TO CLAIMANT ON 15 JUNE 94 *****EMC 15 JUNE *****

*****Signed claim and fees received 7/25/2000. BContor *****
CHANGED ADDRESS PER REQUEST CV/08/29/00

15. Basis of Claim:

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: A31-00050B
Date Received: 1/25/1994
Receipt No: E026017
Received By: BAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD A EGBERT LTD PARTNERSHIP 208-456-2645
Address: PO BOX 9
TETONIA ID 83452

2. Date of Priority: APR 1, 1885

3. Source: CAMAS CREEK Trib. to: MUD LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	38E	25		SE	SE		CLARK
		35		NE	NE		CLARK
				NW	NE		CLARK

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	04/15	12/25	0.060		4.70

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 4.70 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 400 RANGE OR 3000 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	38E	9	NE	NW		STOCK	
11N	38E	33	SW	NW		STOCK	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:
31-00049B, 31-00051B

14. Remarks:

THE CHANGE IN PLACE OF USE AUTHORIZED UNDER TRANSFER NO. 3837
AND REFLECTED ON TRANSFER NO. 4090 SHALL BE ACCOMPLISHED BY
JUNE 10, 1995.

ONE POINT OF DIVERSION IS ON LINE DIVIDING NENE AND NWNE, S35,
T11N, R38E.

RIGHT NOS. 31-00049B AND 31-00051B ARE ALSO DIVERTED
THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NOS. 31-00049B AND 31-00051B IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS, AND
A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF.

*****COMMENTS*****

NOTICE SEND TO CLAIMANT ON 15 JUNE 94

*****EMC 15 JUNE *****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

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: _____

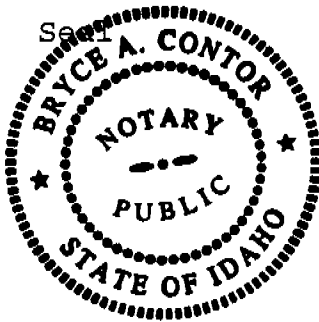
For Organizations:

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

[Signature]
Signature of Authorized Agent
Richard A Ebert Limited Partnership
Title and Organization
7/20/00
Date

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of July 20 00
Bryce A. Contor
Notary Public



Residing at Mud Lake ID
My Commission Expires 10/14/05

Water Right Number - A31-00050B

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
EGBERT LTD PARTNERSHIP

RICHARD A

1 - PO BOX 9

2 -

3 -

City- TETONIA

State- ID Zip- 83452

Phone - 208-456-2645

*** O - ORIGINAL OWNER ***
LARSEN

BLAINE

1 - PO BOX 188

2 -

3 -

City- HAMER

State- ID Zip- 83425

Phone - 208-662-5501

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1885 15 EASTERN D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
CAMAS CREEK MUD LAKE+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County11N 38E 25 SE SE (33) CLARK
35 NE NE (33) CLARK
NW NE (33) CLARK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER 04/15 12/25 0.060 4.70

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 4.70 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County10N 38E 9 NE NW 04 STOCKWATER (33) CLARK
11N 38E 33 SW NW 04 STOCKWATER (33) CLARK

Total Acres:

+ - - Diversion Means - HEADGATES AND DITCHES

+ - - Non-Irrigation Use - STOCKWATER, 400 RANGE OR 3000 SHEEP

+ - - Other Rights for Same Use - 31-00049B, 31-00051B

NOV 14 1995
MICROFILMED

Water right number - A31-00050B

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Remarks - - - - - +

THE CHANGE IN PLACE OF USE AUTHORIZED UNDER TRANSFER NO. 3837
AND REFLECTED ON TRANSFER NO. 4090 SHALL BE ACCOMPLISHED BY
JUNE 10, 1995.

ONE POINT OF DIVERSION IS ON LINE DIVIDING NENE AND NWNE, S35,
T11N, R38E.

RIGHT NOS. 31-00049B AND 31-00051B ARE ALSO DIVERTED
THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NOS. 31-00049B AND 31-00051B IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS, AND
A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF.

*****COMMENTS*****

NOTICE SEND TO CLAIMANT ON 15 JUNE 94

*****EMC 15 JUNE *****

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

06/15/94 CARLSEN

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/25/1994	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	-	Water District	- 31
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

NOV 14 1995
MICROFILMED



Water Right Number - A31-00050B

Old (D) Number -

+ - - - - Last Name - - - - +

A3100050B

- - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COMBINED RIGHT

1 -
2 -
3 -

City- X
Phone - 208-000-0000

State- ID Zip- 0

*** O - ORIGINAL OWNER ***
LARSEN

BLAINE

1 - PO BOX 188
2 -
3 -
City- HAMER
Phone - 208-662-5501

State- ID Zip- 83425

+ - - Priority Date - - +
04/01/1885

+ - - Region - - - +
15 EASTERN

+ - - - - Stage - - - +

+ - - - - Status - - - - +
Z - SEE REMARKS

+ - - - - Source - - - - - +
CAMAS CREEK

+ - - - - Tributary - - - - - +
MUD LAKE

Point of Diversion						
Tw	Rng	Sec	Tract	Lot	RFlg	County
08N	36E	3	NE NE		(51)	JEFFERSON

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01	0.800	

Total Div. Rate - +	Total Div. Volume - +	Total Consumptive Use - +	KW Usage - +
0.800		400.0	

Place of Use							Description	County
Tw	Rng	Sec	Tract	Lot	Acres	Code		
08N	36E	3	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
08N	36E	10	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
08N	36E	10	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
08N	36E	10	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON

Total Acres: 160.0

+ - - Diversion Means - CONCRETE ABUTMENT DIVERTS WATER INTO CREEK TO HEADGATE TO FIELD

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 31-00049A, 31-00049B

MICROFILMED
NOV 14 1995

Water right number - A31-000508

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Remarks - - - - - +

TRANSFER #3837 TO RICHARD EGBERT LIMITED PARTNERSHIP TAKES .06CFS
FROM RIGHTS 31-00050 AND -00051. THE RIGHTS HAVE NOT BEEN CLAIMED
UNDER THE ADJUDICATION, STO THAT IS WHAT IS BEING DONE WITH THIS
APPLICATION.
***THIS RIGHT IS A COMBINATION OF RIGHTS 31-00050A, 50B, 51A AND
51B***EC

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

06/08/94 COX

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

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 01/25/1994	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - X777777	Water District -
	POU Ownership Flag - Y	Federal/State Indicator - S
	Name Connector -	Presumption Flag -
		Notice of Error Flag -

MICROFILMED
NOV 14 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

September 9, 2002

MARK KEMPTORNE
GOVERNOR

KARL J. DREMER
DIRECTOR

RECEIVED

RICHARD A EGBERT
C/O EGBERT MADISON CHIROPRACTIC
1134 BOND AVE
REXBURG ID 83440-3582

DEC 27 2002

RE: Snake River Basin Adjudication (SRBA)

Water Rights #21-7295, 21-7296, 22-1330, 22-189A, 22-191, 22-526A,
22-527A, 22-554B, 22-555B, 22-568A, 22-2100A, 22-4004, 22-7154A,
22-7279A, 22-11912, 22-11922, 31-49B, 31-50B, 31-51B, 31-184, 31-321,
31-321B, 31-7004, 31-7103, 31-7104, 31-7105, 31-7106, 31-7107, 31-7108,
31-7121, 31-7148, 31-7149, 31-7150, 31-7151, 31-7152, 31-7154A, 31-7192,
31-7193, 31-7375, 31-7381, 31-7382, 31-7417, 31-7418, 31-10671, 31-10677,
31-10681, 31-10686, 31-11372, 31-11375, 31-11376, 31-11382, 31-11387,
31-11388, 31-11389, 31-11391, 31-11392, 31-11394, 31-11396, 31-11669,
35-2732, 35-7340, 35-7933, 35-7934

Dear Claimant:

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name on the next page and return the entire letter to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by September 23, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claims referenced above, please call this office toll-free at

Richard A. Egbert
September 9, 2002
Page 2 of 2

1/800-451-4129 so I can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,



Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

The address is correct as shown above or as otherwise changed.

 12/27/02
Water Right Holder's Signature

Telephone No.

31-49B
31-51B
31-51B
22-4004

Return Service Requested

RECEIVED
SEP - 6 2002

Department of Water Resources

31-184
etal

**PRESORTED
FIRST CLASS**



RICHARD A EGBERT LTD
C/O DR BRAD EGBERT
32 W
REXB

EGBE032 834402004 1502 05 09/04/02
RETURN TO SENDER
: EGBERT MADISON CHIROPRACTIC
1134 BOND AVE
REXBURG ID 83440-3582
RETURN TO SENDER

CONTACT INFORMATION

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

31-49B
31-50B
31-51B
22-4004

12/7/02 Is now Egbert Chiropractic Ctr
1650 Bond St.

356-8818

paid Richard his
Egbert is in
90s.

FAX Tammy
356-0458



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-5400

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

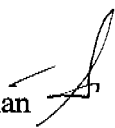
FAX TRANSMITTAL COVER SHEET

DATE: December 9, 2002

TO: Tammy - Egbert Chiropractic

Ph: 208/356-8818

Fx: 208/356-0458

FROM: Sally Sherman 

Ph: 327-7862

Fx: 324-5400

DOCUMENT DESCRIPTION
COVER SHEET 2 PAGES

9/9/2002 Letter to Richard A. Egbert

*11/9/02
12/9/02 Brad E. called -
meeting w/ a bny
roll call back*

31- 49B

31- 50B

31- 51B

22- 4004



Egbert Chiropractic Center

Brad R. Egbert, D.C.

DATE: December 27, 2002

FAX TO: Idaho Dept. of Water Resources
ATTN: SALLY SHERMAN

FAX NUMBER: 208 327 5400

NUMBER OF PAGES: (INCLUDING THE COVER SHEET) 6

FAXED FROM: EGBERT CHIROPRACTIC CENTER

1134 BOND AVE.

REXBURG, IDAHO 83440

PHONE (208) 356-8818

FAX (208) 356-0458

31-49B

31-50B

31-51B

22-4004

COMMENTS: _____

COPY

AMENDMENT TO FILED CERTIFICATE OF LIMITED PARTNERSHIP

To the Secretary of State of Idaho
Statehouse, Boise, Idaho 83720

SECRETARY OF STATE
STATE OF IDAHO



1. The name of the limited partnership is: _____

RICHARD A. EGBERT LIMITED PARTNERSHIP

2. The date on which its certificate of limited partnership was filed with the Secretary of State was: _____
June 14, 1984

3. The certificate of limited partnership is amended as follows: (check appropriate box(es))

☐ a. The name of the limited partnership is amended to read: _____

☐ b. The name and business address of the registered agent are amended to read: _____

☒ c. The name of each withdrawing general partner is: _____

LaRae E. Wilson

☒ d. The name and business address of each new general partner are:
(If more space is needed, continue to block f)

David R. Wilson, 1220 W. Stewart Rd., Midland, MI 48640

☒ e. The business of the limited partnership is continued following an event of withdrawal of a general partner.

☐ f. Other amendments (optional):

31-49B
31-50B
31-51B

22-4004

4. Signature of at least one general partner and all new general partners:

Richard A. Egbert

Allen R. Egbert

Bud R. Egbert

David Richard Wilson

RECEIVED
JUN 20 1984 9:30 AM
By: [Signature] [Signature] [Signature]
10:00 - 11:00 AM

L 348

THIRD RESTATED CERTIFICATE OF LIMITED PARTNERSHIP

of

RICHARD A. EGBERT LIMITED PARTNERSHIP

COPY

We, the undersigned, certify and agree to the terms of this certificate for the purpose of continuing and amending the above-named Limited Partnership Agreement, pursuant hereto, and all under the provisions of the Idaho Uniform Limited Partnership Law, Title 53, Chapter 2, Idaho Code.

This Third Restated Certificate of Limited Partnership amends that certain Certificate of Limited Partnership, filed in behalf of Richard A. Egbert Limited Partnership on December 31, 1981, recorded in the records of Teton County, Idaho, on December 31, 1981, as Instrument No 89242; in the records of Madison County, Idaho, on February 4, 1982, as Instrument No. 192425; in the records of Jefferson County, Idaho, on January 22, 1982, as Instrument No. 213622; in the records of Fremont County, Idaho, on January 21, 1982, as Instrument No. 374291; and in the records of Clark County, Idaho, on January 22, 1982, as Instrument No. 36547; that certain Restated Certificate of Limited Partnership, filed in behalf of Richard A. Egbert Limited Partnership, recorded in the records of the Office of the Secretary of State for the State of Idaho on April 28, 1983, with a file number of L00348; and that certain Second Restated Certificate of Limited Partnership, filed in behalf of the Richard A. Egbert Limited Partnership, recorded in the records of the Office of the Secretary of State for the State of Idaho, on June 14, 1984.

31- 49B
31- 50B
31- 51B
22- 4004

1. Name.

The name of the Limited Partnership is: RICHARD A. EGBERT LIMITED PARTNERSHIP.

2. Character of Business.

The general character of the business of the partnership is:

Farming and ranching; and dealing in real and personal property.

3. Registered Agent.

The name and address of the registered agent of the Limited Partnership, for service of process, as required by Idaho Code, §53-204, is:

Richard A. Egbert
218 Egbert
Tetonia, ID 83452

4. Partners' Names and Addresses.

(a) The names and business addresses of the General Partners are:

RICHARD A EGBERT
218 EGBERT
TETONIA ID 83452

BRAD R EGBERT
32 W 1ST S
REXBURG ID 83440

ALTA P EGBERT
218 EGBERT
TETONIA ID 83452

LARAE E WILSON
215 TENTH AVENUE
SALT LAKE CITY UT 84103

Richard A. Egbert shall be the Managing General Partner for managing any business operations of the partnership, so long as he is able and willing to do so. Upon his death or inability to serve in that capacity, then Brad R. Egbert and LaRae E. Wilson shall serve as Co-Managing General Partners. Inability to manage shall be determined by the opinion of two physicians, who shall give their opinion in writing and file it with the partnership, and if



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 • (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 20, 2000

RICHARD A EGBERT
C/O DR BRAD EGBERT
32 W 1ST S
REXBURG ID 83440-1810

RE: CHANGE IN OWNERSHIP FOR A31-00049B, A31-00050B,
A31-00051B, A31-00321B, A31-07083, A31-07084, A31-
07103, A31-07104, A31-07105, A31-07106, A31-07107, A31-
07108, A31-07121, A31-07148, A31-07149, A31-07150, A31-
07151, A31-07152, A31-07154A, A31-07192, A31-07193,
A31-07375, A31-10677 AND A31-10681

Dear Claimant:

The request for Change in Ownership concerning the
Notice(s) of Claim in the above reference has been
processed and the Notice(s) modified to reflect Kirk
Egbert as the representative per your letter dated July
20, 2000.

Water right numbers A31-10671, A31-10686, A35-02732,
A35-07349, A35-07933 and A35-07934 are being processed
and will be sent to you in another mailing.

Review the forms and if there are other corrections or
questions, feel free to contact this office.

**If there are no questions or corrections, please keep
this Notice(s) for your records.**

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

Cc: Kirk Egbert

Richard A. Egbert
c/o Dr. Brad Egbert
32 W 1st South
Rexburg, Idaho 83440 - 1810

July 20, 2000

Idaho Department of Water Resources
900 North Skyline, Ste A.
Idaho Falls, Idaho 83402

To Whom it May Concern:

I, Richard A. Egbert, do appoint

Kirk S. Egbert
Box 87
Terreton, Idaho 83450

as my representative for all water right and water adjudication issues, for water rights in my own name or in the name of the Richard A. Egbert Limited Partnership.

I also request that my address be changed on all the department's records to match the address at the top of this letter.

Sincerely,


Richard A. Egbert

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 21, 2000

Kirk Egbert
Terreton, ID 83450

Richard A. Egbert Limited Partnership
C/O Brad Egbert
35 W 1st S
Rexburg, ID 834401-1810

Re: Adjudication Claims

Dear Water Users:

Enclosed are three Adjudication Claims for water rights transferred by Richard A. Egbert Limited Partnership in 1993. Even though these rights were acknowledged by the transfer process, they still need to be claimed in the Adjudication.

I've prepared the enclosed claims based on the transfer. They are your claims, however; please review the enclosed instructions and modify the claims as you feel appropriate. Please initial any changes. Submitting the claims will allow the rights to proceed to claims investigation, recommendation, and finally to court decrees.

Please correct the address at the top of these claims, and add other names and representatives as appropriate. The claims need to be signed by an officer of the Richard A. Egbert Limited Partnership, or by an authorized representative. If the representative is not an officer of the partnership, we need a document from one of the officers authorizing the representative to act in behalf of the partnership. I generally carry my notary stamp home at

night, so I could come by some evening and notarize your signature, if you wish.

There will be a claim fee of \$50 per right, plus \$50 late fee per right, plus a diversion rate charge of \$6 per right (0.06 cfs X \$ 100/cfs). The total, then, is \$106 per claim.

Note that all the rights are from the same source, and that the transfer limits all the rights in combination to 0.06 cfs. Therefore, it appears that water right 31-00049B alone will give you the same benefit as all three water rights together. You may wish to consider only filing on this most senior water right.

Please call me at 208-525-7161 or 208-663-4853 if you have questions.

I will be contacting you again later this summer about the enlargement claims we've talked about on the phone.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

enclosures

✓ - Micro Film
PROOF K.
TR.
176
FILE

15 JUNE 1994

RICHARD A EGBERT LTD PARTNERSHIP
PO BOX 9
TETONIA ID 83452

RE: Water Rights 31-00049B, 31-00050B, 31-00051B

Dear Senator Egbert:

This letter is intended to serve as a reminder to you that the above captioned water rights have not been filed on in the Snake River Basin Adjudication (SRBA).

These water rights were separated from the parent irrigation rights by transfers 3837 and 4090. One of the changes granted by the transfers was a change in nature of use to stockwater. Though the district court has designated filings for stockwater in the SRBA as deferrable, given the origin of these rights and the fact that delivery of the water is subject to regulation by the watermaster of State Water District No. 31, it might be to your benefit to file notices claiming these rights.

Enclosed for your convenience are three notices of claim prepared from information contained on the transfers. Should you decide to file please review the notices to ensure they correctly reflect the transferred rights, complete the organization signature block, have the signature notarized and return the forms to this office along with the filing fee. If promptly filed the fee for each notice is \$25.00.

Feel free to contact me should you have questions concerning the notices of claim.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:

Enclosure: Notices of Claim
A31-00049B, A31-00050B, A31-00051B

MICROFILMED

NOV 14 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4090
WATER RIGHT NO(S). 31-00049B/31-00050B/31-00051B

RECEIVED

NOV 30 1993

Department of Water Resources
Eastern Laboratory

This is to certify that: RICHARD A EGBERT LTD PARTNERSHIP
PO BOX 9
TETONIA ID 83452

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 31-00049B : | | | |
| STOCKWATER | 04/15 to 12/25 | 0.06 CFS | 4.7 AF |
| Priority: 12/10/1884 | | | |
| Right No. 31-00050B : | | | |
| STOCKWATER | 04/15 to 12/25 | 0.06 CFS | 4.7 AF |
| Priority: 04/01/1885 | | | |
| Right No. 31-00051B : | | | |
| STOCKWATER | 04/15 to 12/25 | 0.06 CFS | 4.7 AF |
| Priority: 04/01/1885 | | | |

SOURCE

TRIBUTARY OF

CAMAS CREEK

MUD LAKE

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 25, Township 11N, Range 38E
NENE , Sec. 35, Township 11N, Range 38E
NWNE , Sec. 35, Township 11N, Range 38E
CLARK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

| | | |
|---------|----|------|
| 10N 38E | 9 | NENW |
| 11N 38E | 33 | SWNW |

CONDITIONS/REMARKS:

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

MICROFILMED

NOV 14 1993

TRANSFER NO. 4090
WATER RIGHT NO(S). 31-00049B/31-00050B/31-00051B

CONDITIONS/REMARKS:

2. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Right Nos. 31-00049B, 31-00050B and 31-00051B when combined shall not exceed a total combined diversion rate of 0.06 cfs, nor a total combined annual volume of 4.7 afa.
6. The change in place of use authorized under Transfer No. 3837 and reflected on Transfer No. 4090 shall be accomplished by June 10, 1995.
7. Single point of diversion located on or near the line between NENE and NWNE, S35, T11N, R38E.
8. Stockwater use is for 400 range cattle or 3,000 sheep.

Dated this 18th day of November, 1993.


Chief, Water Alloc. Bureau

MICROFILMED
NOV 14 1995