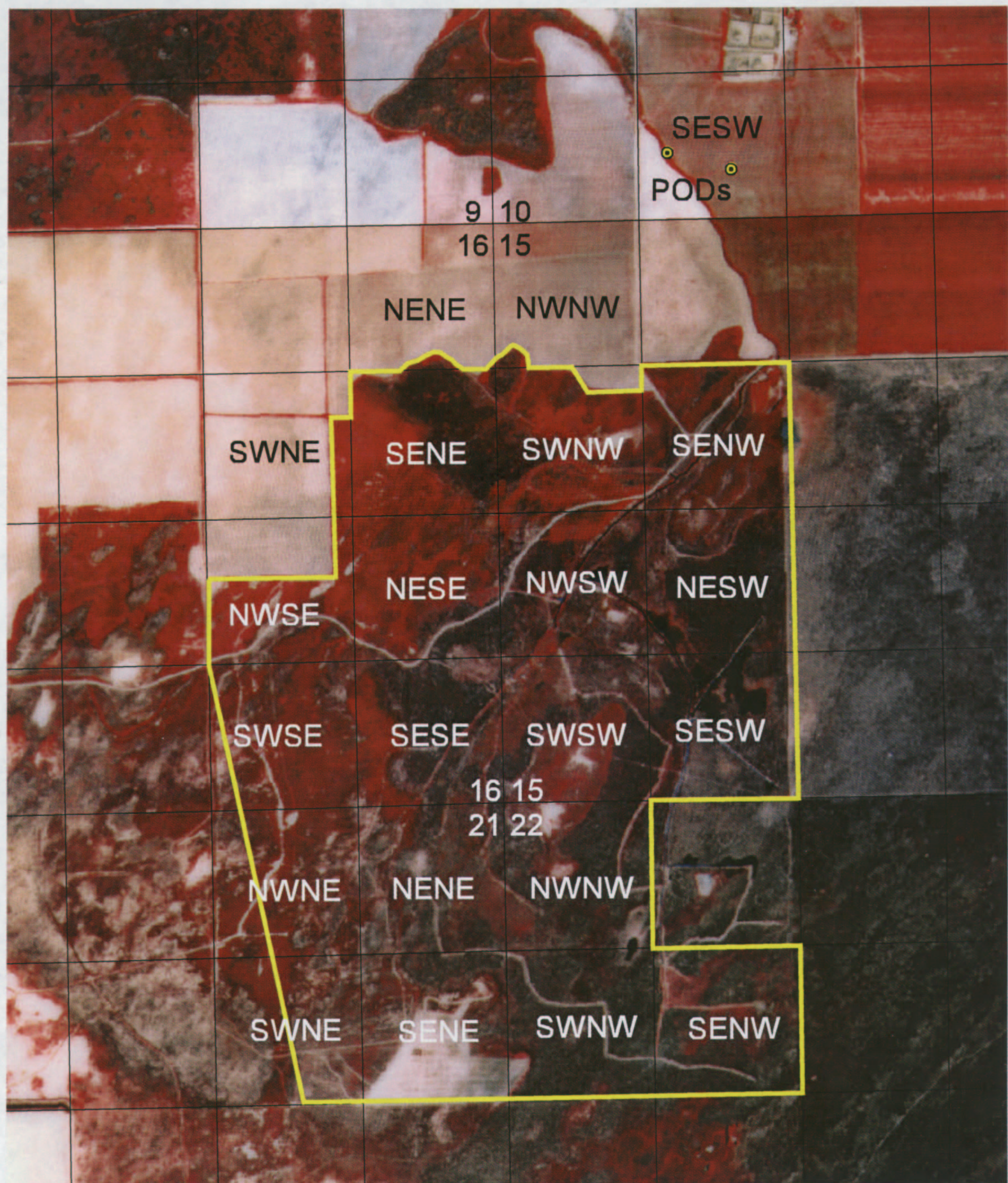


31-02395



1000 0 1000 2000 3000 4000 5000 Feet

T07N R34E S15 S16 S21 & 22

Map prepared by: Carter Fritschle
Date prepared: 12/26/00
1987-1988 NAPP photography
Idaho Department of Water Resources



12/26/2000

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

RIGHT NUMBER: 31-2395

NAME AND ADDRESS: BEN D JERNBERG
PO BOX 1442
BILLINGS, MT 59103

SOURCE: GROUND WATER

QUANTITY: 3.65 CFS
1134 AFY

PRIORITY DATE: 10/09/1961

POINT OF DIVERSION:	T07N R34E S10	SWSESW	Within JEFFERSON County
	T07N R34E S10	SESESW	Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	3.65 CFS
		1,134.00 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T07N R34E S15	NWNW	1	T07N R34E S15	SWNW	37
T07N R34E S15	SESW	40	T07N R34E S15	NESW	40
T07N R34E S15	NWSW	40	T07N R34E S15	SWSW	40
T07N R34E S15	SESW	40	T07N R34E S16	NENE	1.3
T07N R34E S16	SWNE	3.6	T07N R34E S16	SENE	40
T07N R34E S16	NESE	40	T07N R34E S16	NWSE	25
T07N R34E S16	SWSE	36	T07N R34E S16	SESE	40
T07N R34E S21	NENE	40	T07N R34E S21	NWNE	28
T07N R34E S21	SWNE	20	T07N R34E S21	SENE	40
T07N R34E S22	NWNW	41	T07N R34E S22	SWNW	40
T07N R34E S22	SESW	40			

672.9 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 324 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 - License

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

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

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

RECEIVED

APR 01 1991

Ident. Number: A31-02395

3/31/1989

C006140

*Attachments (Ltr's
etc. filed to
Court No. 31-02357*

Department of Water Resources

NOTICE OF CLAIM TO A
ACQUIRED UNDER ST.

1. Name: BEN D. JERNBERG 52-6072
Address: P.O. BOX 1442
BILLINGS, MT 59103

2. Date of Priority: OCT 9, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
TWO WELLS OPEN DISCHARGE FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.650		

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

8. Total consumptive use is 810.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	34E	15	SW	NW		IRR	6.0
			SE	NW		IRR	16.0
			NW	SW		IRR	5.0
			SW	SW		IRR	15.0

A31-02395

Page 1

Date: 03/15/91

MICROFILMED

NOV 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	42.0
		16	SE	NE	IRR	15.0
			NE	SE	IRR	20.0
			NW	SE	IRR	25.0
			SW	SE	IRR	35.0
			SE	SE	IRR	15.0
					Section Acres	110.0
		21	NE	NE	IRR	15.0
			NW	NE	IRR	40.0
			SW	NE	IRR	32.0
			SE	NE	IRR	28.0
			NE	NW	IRR	35.0
			SE	NW	IRR	22.0
					Section Acres	172.0
					Total Acres	324.0

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:
31-02357, 31-07311.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 30241

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):

Ben D. Junberg

Date:

3-27-91

Date:

State of ~~Idaho~~

Montana

SS.

County of

Yellowstone

Subscribed and sworn (or affirmed) before me this 27th day

of March 19 91

Seal

[Signature]
Notary Public

Residing at

Billings

My Commission Expires

Oct. 1, 1991

NOTARY PUBLIC for the State of Montana
Residing at Billings, Montana
My Commission Expires October 1, 1991

50+21=131

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: A31-02395
Date Received: 3/10/1989
Receipt No:
Received By: COOLIDGE
ENC
CO20083

MAR 21 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BEN D. JERNBERG 406-252-6072
Address: P.O. BOX 1442
BILLINGS, MT 59103

2. Date of Priority: OCT 09, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
TWO WELLS OPEN DISCHARGE FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.650		

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

8. Total consumptive use is 810.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	34E	15	SW	NW		IRR	6.0
			SE	NW		IRR	16.0
			NW	SW		IRR	5.0
			SW	SW		IRR	15.0

Section Acres 42.0

A31-02395

Page 1

Date: 03/10/89

A3102395



MICROFILMED
NOV 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	34E	16	SE	NE		IRR	15.0-
			NE	SE		IRR	20.0-
			NW	SE		IRR	25.0-
			SW	SE		IRR	35.0 ⁺²
			SE	SE		IRR	15.0-

Section Acres 110.0

21	NE	NE	IRR	15.0-
	NW	NE	IRR	40.0 ⁺¹³
	SW	NE	IRR	32.0 ⁺⁹
	SE	NE	IRR	28.0-
	NE	NW	IRR	35.0 ⁺²⁵
	SE	NW	IRR	22.0 ⁺²²

Section Acres 172.0

Total Acres 324.0

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:
31-02357, 31-07311.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 30241

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

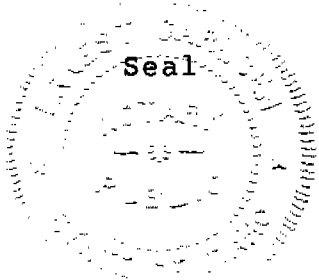
For Individuals:

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

Signature of Claimant(s): Bert D. Jumburg Date: 3-10-89
Date: _____

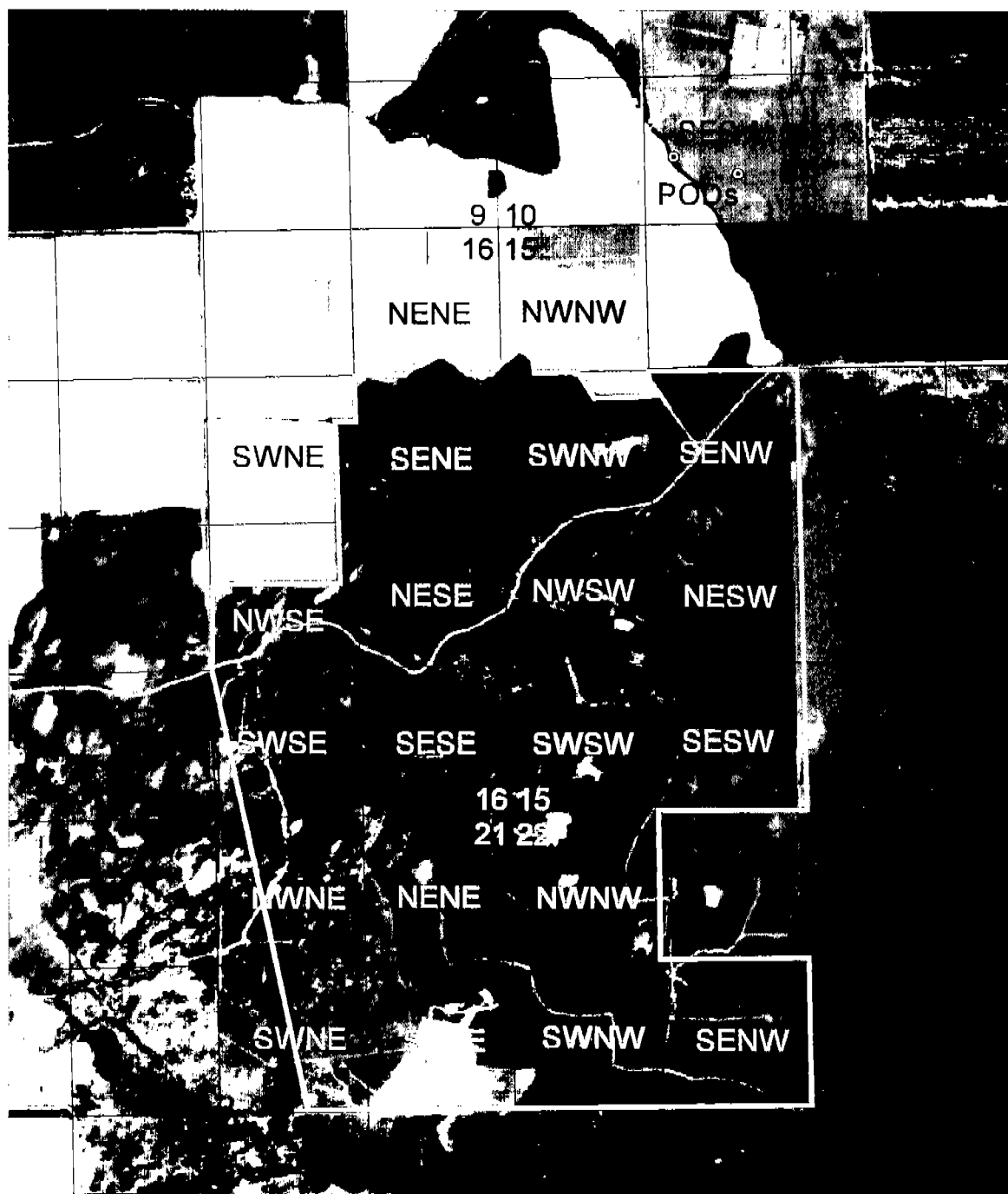
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of March 19 89.
Ernest Carlson
Notary Public



Residing at Adabo Falls, ID
My Commission Expires 14 June 1994

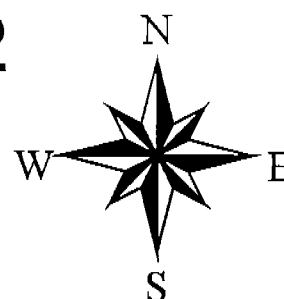
31-02395



1000 0 1000 2000 3000 4000 5000 Feet

T07N R34E S15 S16 S21 & 22

Map prepared by: Carter Fritschle
Date prepared: 12/26/00
1987-1988 NAPP photography
Idaho Department of Water Resources





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 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2001

BEN D JERNBERG
3170 SYCAMORE LN
BILLINGS MT 59102

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 31-02357, 31-02395 and 31-07311

Dear Claimant:

I have reviewed the Notices of Error (NOE) you returned for the claims referenced above, and I am unable to make any changes to the recommendations at this time.

The NOE for 31-02357 states you have a license to irrigate 461 acres. That is true, but it is license 31-07311, not license 31-02357. License 31-02357 was issued for the irrigation of 356 acres. The recommendation for 31-02357 limits it to the irrigation to 356 acres within a common permissible place of use for licenses 31-02357 and 31-07311 of 461 acres.

The NOE for 31-02395 states you have a license to irrigate 672.9 acres. I was unable to find a license for 672.9 acres; however, license 31-07311 has a provision to divert an additional 4.99 cubic feet per second (cfs) onto 663 acres of uncultivated pasture. License 31-02395 was issued for the irrigation of 324 acres. Most of the 324 acres licensed are within the 663 acres of uncultivated pasture described in license 31-07311. Of the 324 acres licensed for 31-02395, 9.9 acres are in addition to the 663 acres of uncultivated pasture described in license 31-07311. The recommendation for 31-02395 allows for the irrigation of 324 acres within a permissible place of use of 672.9 acres (9.9 acres + 663 acres = 672.9 acres).

The NOE for 31-07311 states you have a license to irrigate 461 acres. That is true, and that is what has been recommended for 31-07311.

Please contact me at (208) 327-7939 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carter Fritschle', written in dark ink.

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

cc Ben D Jernberg
14306 W Morning Star Tr.
Surprise, AZ 85374

**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: March 9, 2001

Water right number: 31-2395

BEN D JERNBERG
PO BOX 1442
BILLINGS MT 59103
Telephone Number: (406)252-6072

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

License for 672.9 acres

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

*324 Acres within the place of use to 672.9 acres
that I have a license for.*

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

*I have a license for 672.9 acres. I am using this
water and would like to be able to irrigate this much
ground.*

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 3-2-01 SIGNATURE: *Ben D Jernberg*
Please print your name: Ben "D" Jernberg

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

*31-2395 Claimed and licensed
for 324 acres. 31-7311 includes
663 acres of the 672.9 acres,
but he does not have a license. I
for 672.9 acres. That I am
aware of. 4-3-01*

MAR 8 2001

Department of Water Resources
Eastern Region

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

☒ Water Right Number(s): 31-2395
31-7311
31-2357

☒ Old Mailing Address: 3120 Sycamore Ln.
Billings Mt. 59102
From May 1 To Nov. 1

- Contact ID#
291813

☒ New Mailing Address: 14306 W Morningstar Tr.
Surprise Az. 85374
From Nov 1 To May 1

- Contact ID#
291815

☒ Telephone Number: 623-214-1830 ⁴⁰⁶ Surprise 252-6072 Billings

☒ Signature of Claimant: Ben W Junberg

☒ Date: 3-2-01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Ben, If you want
 Future mailings to
 Go to your AZ address
 also. You need to fill
 this out and make
 a note that this is
 an additional address.

Done
 CW 3-6-01Craig
 Saxton

Jernberg

31-02357, 31-02395 & 31-07311

24

12-26-00

31-02357 4.60 cfs on 356 acres (Part of 461 cultivated)
31-02395 3.65 cfs on 324 acres (Part of 672.9 Pasture)
31-07311 { 4.62 cfs on 461 acres cultivated
 { 4.99 cfs on 663 pasture (Part of 672.9 Pasture)
 17.86 cfs

Capacity = 19.28 cfs No combined diversion rate limit needed

356 acres x 3.5 AF/acre = 1246 AF limit for 31-02357
461 acres x 3.5 AF/acre = 1613.5 AF Combined limit
for 31-02357 &
31-07311

324 acres x 3.5 AF/acre = 1134 AF < limit for 31-02395
3.65 cfs x 1.9835 x 214 days = 1549.3 AF

No volume for pasture described in 31-07311.

License and Certificate of Water Right

Water License No. G-30241 Priority October 9, 1961 Amount 3.65 c.f.s.

THIS IS TO CERTIFY that DAVID R. JERNBERG

of Terreton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 9, 19 61; that Permit No. G-30241 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.65 second feet, was issued thereunder on March 14, 19 68, showing that said works were completed on the 3 day of October, 1968; and that on the 3 day of October, 1968 DAVID R. JERNBERG

of Terreton, Idaho, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho; of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation & stock watering under Use Permit No. G-30241 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 Page 14, on the 14 day of March, 1968

The right hereby confirmed dates from October 9, 19 61

The Point of Diversion is located

In the SE 1/4 SW 1/4, Sec. 10, Twp. 7 N, R. 34 E, B.M. Jefferson County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.65 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N	34 E	15	SW 1/4 NW 1/4	6	6
			SE 1/4 NW 1/4	16	16
			NW 1/4 SW 1/4	5	5
			SW 1/4 SW 1/4	15	15
		16	SE 1/4 NE 1/4	15	15
			NE 1/4 SE 1/4	20	20
			NW 1/4 SE 1/4	25	25
			SW 1/4 SE 1/4	35	35
		21	SE 1/4 SE 1/4	15	15
			NE 1/4 NE 1/4	15	15
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	32	32
			SE 1/4 NE 1/4	28	28
			NE 1/4 NW 1/4	35	35
			SE 1/4 NW 1/4	22	22

Total number of acres irrigated: 324

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 14 day of March, 19 68

[Signature]
State Reclamation Engineer.

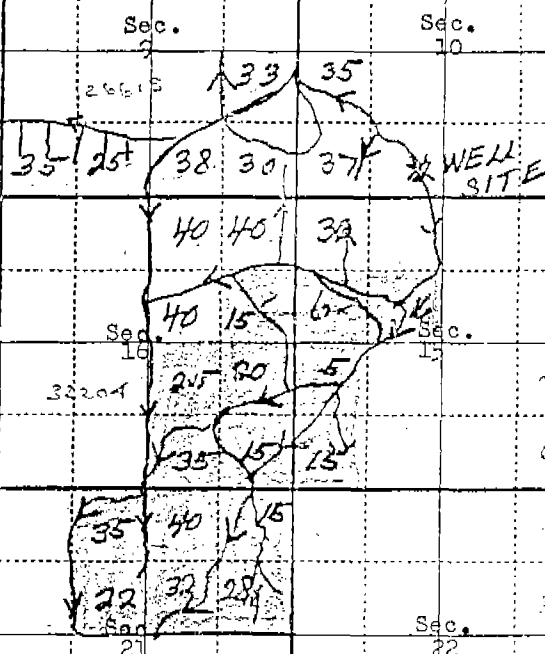
MAILED

31 2695

30241

42

TOWNSHIP 7 NORTH
RANGE 34 EBM
JEFFERSON COUNTY, IDAHO



Section Map No. 30241

APPROVED OCT 11 1981