



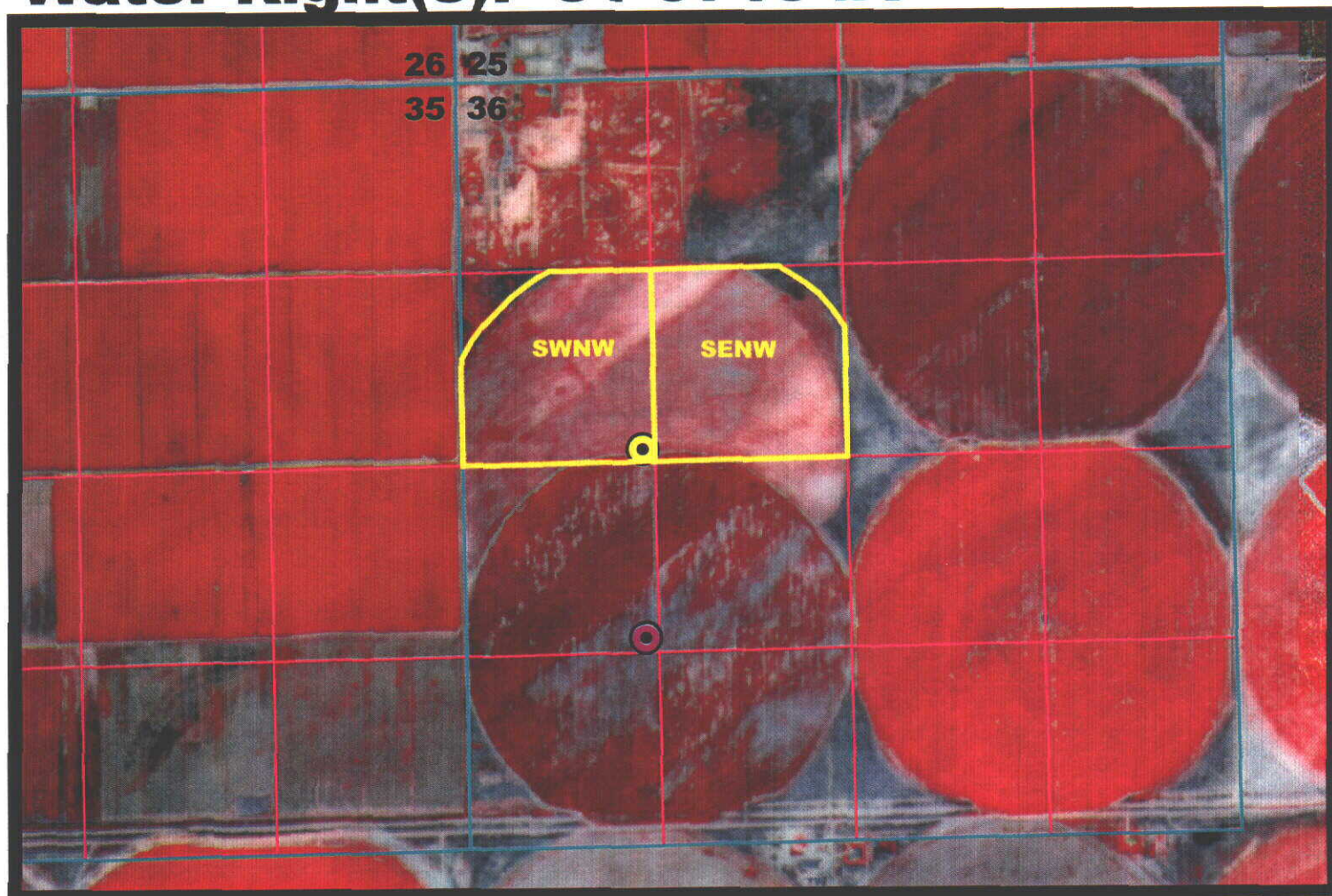
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: R. Egbert

Water Right(s): 31-07154A



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 Feet

LEGEND



Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

**Legal Description: T6N, R34E
Sec. 36 S2NW**

**Point(s) of Diversion: T6N, R34E
Sec. 36 SESWNW**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: Jan. 2001



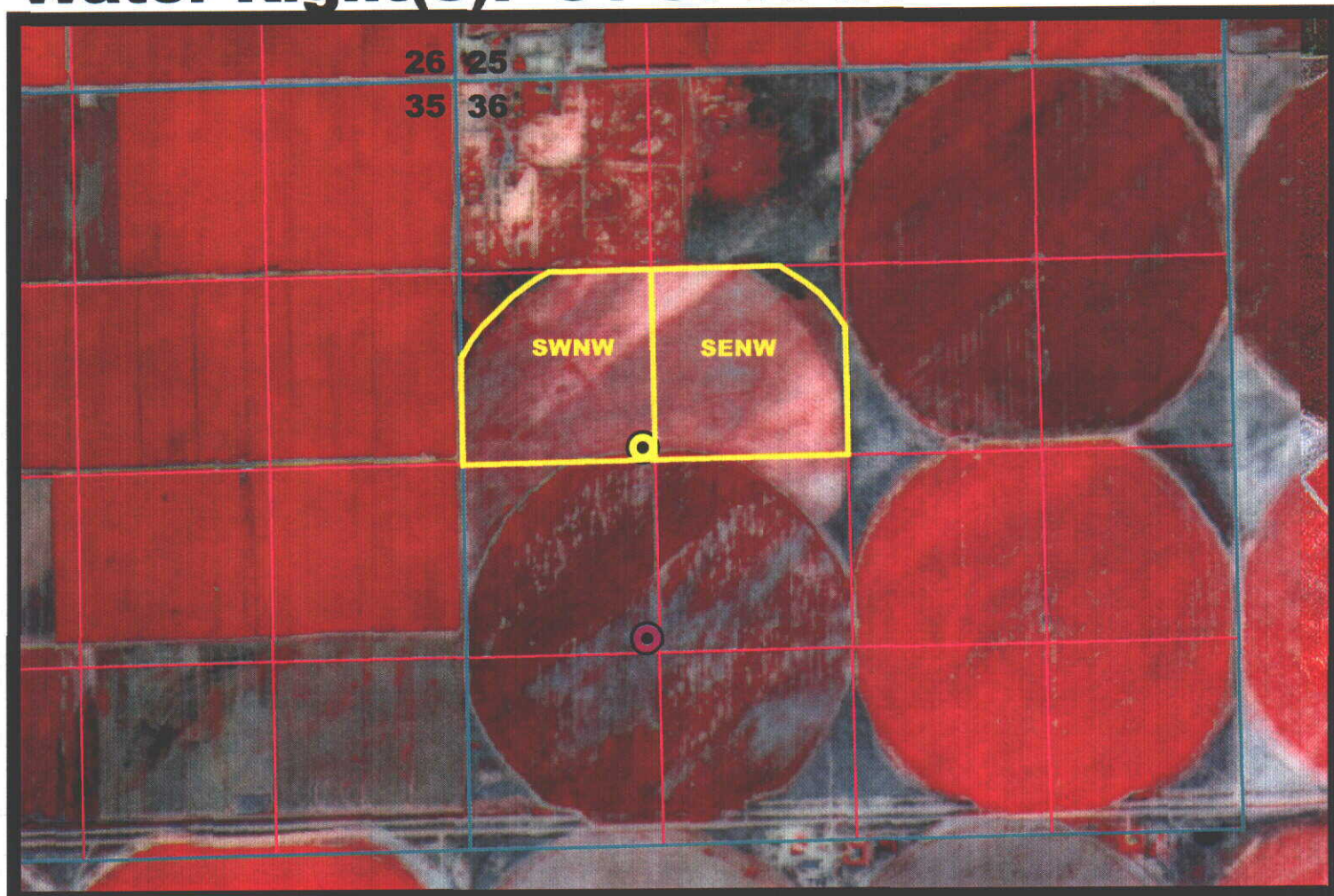
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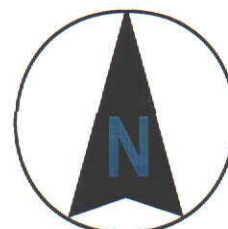
Section Line



Quarter-section line

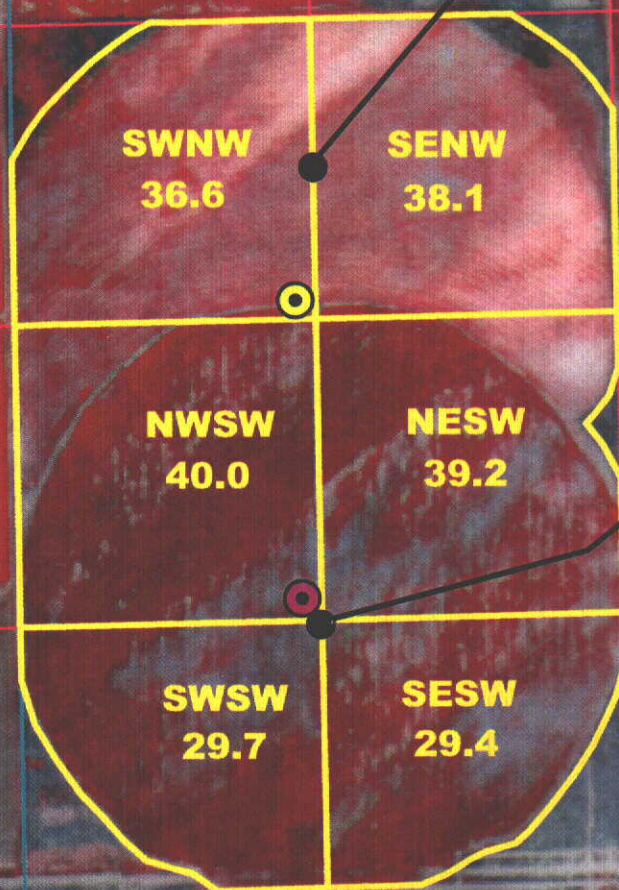
Legal Description: T6N, R34E
Sec. 36 S2NW

Point(s) of Diversion: T6N, R34E
Sec. 36 SESWNW



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Date: Jan. 2001

Richard Egbert
31-07154A



Kirk Egbert
31-07154B

T6N R34E
Section 36

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 31-07154A
Date Received: 11/29/88
Receipt No:
Received By:

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

1. Name of Claimant(s)

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

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

2. Date of Priority: 01/16/1975

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
06N	34E	36	SW SE NW	JEFFERSON
06N	34E	36	SW NE SW	JEFFERSON

5. Description of diverting works:

WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.36	238
STOCKWATER	1/01	12/31	0.04	2.14

7. Total Quantity Appropriated is:

1.4 C.F.S. and/or 240.14 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
06N	34E	36	SW	NW	IRRIGATION	34
			SE	NW	IRRIGATION	34
					Section Acres	68
					Total Acres	68

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:

CHANGED ADDRESS PER POST OFFICE RETURN/CV/12-08-99
CHANGED ADDRESS PER REQUEST CV/08/29/00

15. Basis of Claim: License

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

01/24/2001

RIGHT NUMBER: 31-7154A
NAME AND ADDRESS: RICHARD A EGBERT
C/O BRAD EGBERT
32 W 1ST S
REXBURG, ID 83440

A3107154A



SOURCE: GROUND WATER

QUANTITY: 1.54 CFS
225.95 AFY

PRIORITY DATE: 01/16/1975

POINT OF DIVERSION: T06N R34E S36 SESWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 11-01	1.49 CFS
		223.60 AFY
STOCKWATER	01-01 12-31	0.04 CFS
		2.35 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County
T06N R34E S36 SWNW 36.6 T06N R34E S36 SENW 38.1
STOCKWATER Use same as IRRIGATION
74.7 ACRES TOTAL

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.
STOCKWATER 175 CATTLE



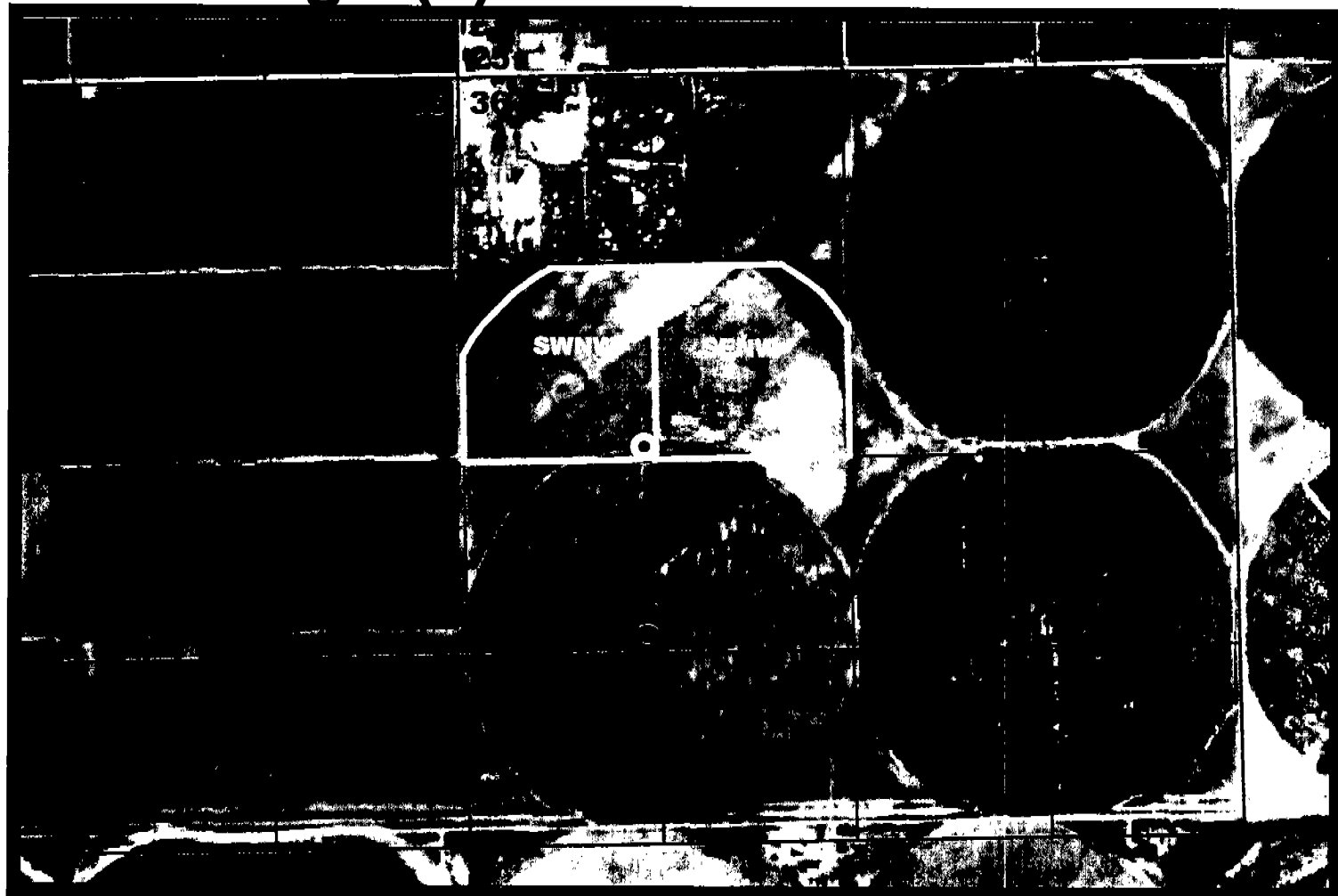
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Sec. 36 S2NW**

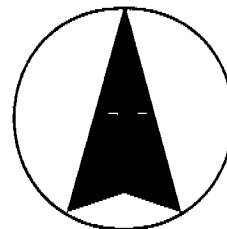
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Sec. 36 SESWNW**



Section Line



Quarter-section line



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: Jan. 2001



STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: R. Egbert

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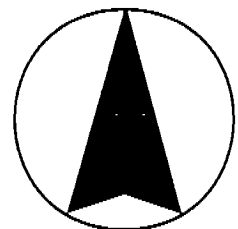
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GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: Jan. 2001

MEMORANDUM

01/24/01

To: The files of 31-07154 A and B

From: A. Ruberry

Subject: Split of License 31-07154

This memo is based on an in-office discussion with Kirk Egbert, 01/23/01. Per this discussion Kirk indicated the right should be split proportionally, or, as the acreage of the POU dictates. Kirk produced a Quitclaim Deed showing he had purchased the SW of Sec. 36, T6N, R34E., from his Grandfather Richard Egbert. The S2NW is retained by Richard Egbert.

01/24/01, Telecon with Kirk Egbert, regarding the split of the two points of diversion; as split, he indicated that each POU should receive one well.

LICENSE

31-07154 was Licensed July 1983, with 4.37 cfs (which includes 0.11 cfs as stockwater) and 213 acres (0.02 cfs/ac), with a priority date of January 16, 1977. The period of use was Licensed for irrigation as 04/01 to 11/01, while the stockwater was Licensed as 01/01 to 12/31. Both stock and irrigation uses carry diversion volumes, to be addressed in the split. This license was issued with two points of diversion; NESW and SENW of Section 36.

SPLIT/RECOMMENDATION

Split of the License is as follows: Basically, it turns out to be nearly a 1/3 (35%), 2/3 (65%), which is based on the GIS of the POU acres and the Licensed acres. The distribution of acres as indicated are not in accordance with the License, however, the 1987 NAPP photo clearly shows the change had taken place prior to the commencement of the SRBA. Therefore, the C05 condition.

Further, the points of diversion were GPS'd by agents of the Northern Groundwater Measurement District (see NGWMD files 300066 and 300067). In both cases, the GPS data clearly shows the actual points of diversion to be slightly further to the west than licensed, thus putting each in a new quarter-quarter. Therefore, the C03 condition code.

31-07154A, irrigation of 74.7 acres x 0.02 cfs/ac = 1.494 cfs / 4.26 cfs (licensed) = 35%

639 af x 35% = 223.6 af.

stockwater; 0.11 (licensed) x 35% = 0.039 cfs (0.04)

6.7 af x 35% = 2.35 af (175 cattle)

Total Q recommended: 1.54 cfs, 225.95 af

POD is located (by NGWMD GPS data) as SESWNW Sec. 36 T6N, R34E.

POU is within the S2NW Sec. 36 T.6N, R34E. (74.7 ac)

31-07154B, irrigation of 138.3 acres x 0.02 cfs/ac = 2.766 cfs / 4.26 (licensed) = 65%

639 af x 65% = 415.4 af

stockwater; 0.11 (licensed) x 65% = 0.071 cfs

6.7 af x 65% = 4.35 af (325 cattle)

Total Q recommended: 2.83 cfs, 419.75 af

POD is located (by NGWMD GPS data) as SENWSW Sec. 36 T6N, R34E.

POPU is within the SW Sec. 36 T.6N, R34E. (138.3 ac)

No change to Priority date in either case.

e-CVR

Richard Egbert
31-07154A

Kirk Egbert
31-07154B

NWSW
40.0

NESW
39.2

SWSW
29.7

SESW
29.2



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

QUITCLAIM DEED

JBWR
RECEIVED
01/23/01
ABR

THIS INDENTURE, Made this 3rd day of August, 1998, between **RICHARD A. EGBERT LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP** with its principal place of business at 218 Egbert, Tetonia, Teton County, Idaho 83452, the party of the first part, and **KIRK S. EGBERT**, a married man, of Terreton, Jefferson County, Idaho, the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One and No/100 Dollars, lawful money of the United States of America, and other valuable consideration, to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, forever, all the following described real estate, situated in the County of Jefferson, State of Idaho, to-wit:

The Southwest Quarter (SW ¼) of Section 36, Township 6 North, Range 34 E.B.M.

Subject to all unpaid taxes and assessments levied and assessed against said property and the unpaid balance of the Real Estate Mortgage upon the premises given to Farm Credit Services, all of which the party of the second part, by recording this Deed, assumes and agrees to pay the same in full and indemnifies the party of the first part of and from said taxes, assessments and mortgage.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has caused this Deed to be executed by its general partners the day and year first above written.

01/23/01 This BASICALLY SPLITS 31-7154 INTO:
1/3 TO RICHARD, 2/3 TO KIRK.
31-7154A

292492
5 August 98
1230 P
Jefferson Co Recorder
Fee \$ 6.00 SE JEDUC
Recorded at Request of
Kirk S Egbert

RICHARD A. EGBERT LIMITED PARTNERHIP

By: Richard A. Egbert
Richard A. Egbert

Brad R. Egbert
Brad R. Egbert

Alta P. Egbert
Alta P. Egbert

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 3rd day of ~~March~~ ^{August}, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD A. EGBERT, ALTA P. EGBERT AND BRAD R. EGBERT, known to me to be the general partners of RICHARD A. EGBERT LIMITED PARTNERSHIP, who names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of said partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lay W. Sigby
Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires : 3-12-99

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 31-7154 Priority January 16, 1975 Amount 4.37 cfs

THIS IS TO CERTIFY, that Oldham Bros.

of Terreton, Idaho, has complied with the terms and conditions of Permit No. 31-7154 issued pursuant to Application for Permit dated January 16, 1975, and has submitted proof to the Department of Water Resources on August 26, 1977, 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 5.09 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to November 1	4.26 cfs and	639.0 acre feet
Stockwater	from January 1 to December 31	0.83 cfs and	6.7 acre feet
	from _____ to _____	_____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.37 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 beneficial for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 645.7 acre feet per year, and waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Twp 6N, Rge 34E in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	34E	36																	213

Total number of acres irrigated 213

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of

July, 19 83.

Director



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

A. KENNETH DUNN

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 5, 1983

Oldham Bros.
Box 2
Terreton, ID

Dear Sirs,

A representative of this Department has made an examination of the works covered by your Permit No. 315, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: Source: 645.7

The maximum quantity diverted shall not exceed 645.7 acre feet per year.

Point(s) of diversion: NE1/4SW1/4, SE1/4NW1/4, Section 36, Twp 6N, Rge 34E

Stockwater and Irrigation of 58 acres within the SW1/4, 146 acres within the SW1/4, Section 36, Twp 6N, Rge 34E. 213 acres total

Priority date established: January 16, 1975

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw