

02/02/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-11388

Owner Type Name and Address
Current Owner RICHARD A EGBERT
 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

Priority Date: 06/05/1984
Basis: Beneficial Use
Status: Active

Sources: No sources found for this right

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.1 CFS	21 AFA	
Total Diversion			0.1 CFS	21 AFA	

Location of Point(s) of Diversion:

NWSESW Sec. 33 Township 08N Range 37E FREMONT County

IRRIGATION Use:
Acre Limit: 6

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT 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>
08N	37E	33		NESW	35		NWSW	35		SESW	33		SWSW	33

Total Acres: 136

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.
2. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

Remarks:

A3111388



1. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.59 CFS. COMBINED RIGHT NOS.: 31-7105, 31-11388.
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 136 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-7105, 31-11388.
3. Explanatory THIS RIGHT IS FOR AN ENLARGEMENT OF 6 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
4. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 31-7105 PURSUANT TO SECTION 42-1426, IDAHO CODE.

Comments:

Author	Date	Subject	Comment
bcontor	2/2/01	Recommendation	See 31-7015 paper file, paper CVR, and eCVR.

Dates:

Licensed Date:
 Claim Received Date: 08/18/2000
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POU	2/2/01 3:17:05 PM	bcontor			In Process
Summary	2/2/01 3:26:46 PM		2/2/01 3:26:46 PM	bcontor	Complete

Other Information:

Receipt Number(s):
 State or Federal:
 Owner Name Connector:
 Water District Number:
 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:

Element	Date Time Stamp	Reviewer	Log Text
POD	2/2/01 3:16:01 PM	bcontor	Edited point location
POU	2/2/01 3:17:03 PM	bcontor	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: GIS Edited shape boundary
POU	2/2/01 3:16:34 PM	bcontor	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 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.
Summary	2/2/01 3:26:43 PM	bcontor	

- 9. (NO) This is not a split right.
- 10. (NO) This is not a combined right.
- 11. (NO) Documents were not linked or attached to this file.
- 12. (YES) Set the verification date.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 35-7834

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEBRA J BEHREND
Current Owner	KRISTIN R BEHREND
Current Owner	NICHOLAS P BEHREND
Current Owner	PAUL W BEHREND
Current Owner	GREG KNITTEL
Current Owner	JENNECCA KNITTEL
	2706 W 1800 S
	ABERDEEN, ID 83210
	(208)397-4047

Original Owner	JW VANDERFORD INC
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Priority Date: 06/19/1980
Basis: License
Status: Active

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	4.49 CFS	1236 AFA	
Total Diversion			4.49 CFS	1236 AFA	

Location of Point(s) of Diversion:

GROUND WATER SESE Sec. 12 Township 05S Range 29E POWER County

Licensed Diversion Capacity: 4.49

IRRIGATION Use:
Acre Limit: 309

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER 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>
05S	29E	12		NESE	39		NWSE	33		SWSE	39		SESE	39
		13		NENE	39		NWNE	40		SWNE	40		SENE	40

Total Acres: 309

Conditions of Approval:

- | | | |
|----|-----|--|
| 1. | R55 | This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest. |
| 2. | R56 | Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee. |
| 3. | R31 | This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above. |

Dates:

Licensed Date: 05/06/1997
Decreed Date:
Permit Proof Due Date: 10/1/94
Permit Proof Made Date: 2/26/96
Permit Approved Date: 3/1/79
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 01/22/1979
Protest Deadline Date:
Number of Protests:0

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

IN THE DISTRICT COURT ***** OF THE STATE OF IDAHO,
I ***** LLS

IN RE THE GENERAL ADJUDICA
OF RIGHTS TO THE USE OF WA STATUS "SEE REMARKS" PENDING
THE SNAKE RIVER BASIN WATE RETURN OF SIGNED CLAIM

IL CASE NUMBER: 39576

It. Number 31-11388
Date Received: 8/18/00
Receipt No:
Received By: *EO 26441*
BAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: RICHARD A EGBERT Phone:
Address: C/O BRAD EGBERT
32 W 1ST S
REXBURG ID USA 834401810

2. Date of Priority: 06/05/1984

3. Source: Unknown

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
08N	37E	33	NW SE SW	FREMONT

5. Description of diverting works:

SOURCE IS GROUNDWATER. WELL TO CENTER PIVOT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	04/01	10/31	0.1	

7. Total Quantity Appropriated is:
0.1 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
08N	37E	33	NE SW	IRRIGATION	35
			NW SW	IRRIGATION	35

SW	SW	IRRIGATION	33
SE	SW	IRRIGATION	33
		Section Acres	136
		Total Acres	136

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

THIS IS AN ENLARGMENT OF 6 ACRES OF LICENSE 31-07105, REFLECTING BETTER DETERMINATION FROM AERIAL PHOTO. THIS IS THE SAME SYSTEM AS ORIGINALLY INSTALLED. THIS RIGHT AND 31-07105 TOGETHER ARE CLAIMED FOR IRRIGATION OF 136 ACRES WITH 2.59 CFS. CLAIM GIVEN DATABASE STATUS OF "SEE REMARKS" PENDING RETURN OF SIGNED CLAIM. BCONTOR 8/18/2000.

15. Basis of Claim: Beneficial Use

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): *Kirk Egbert* Date: 1/23/01
(Kirk Egbert, Representative of Richard A. Egbert)

State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 23 day

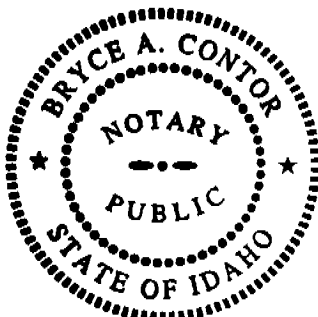
of Jan 20 01

Bryce A. Contor

Notary Public

Residing at Mod Lake 10

My commission Expires 10/14/05



31-07105
as enlarged.
31-11388
enlargement

