

02/02/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-11389

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: 10/09/1981
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	16.5 AFA	
Total Diversion			0.1 CFS	16.5 AFA	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 5

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		NESE	35		NWSE	35		SESE	34		SWSE	33

Total Acres: 137

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:

Water Right 31-11389

A3111389



1. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.02 CFS. COMBINED RIGHT NOS.: 31-7106, 31-11389.
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 137 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-7106, 31-11389.
3. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 31-7106 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. Explanatory THIS RIGHT IS FOR AN ENLARGEMENT OF 5 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Comments:

Author	Date	Subject	Comment
bcontor	2/2/01	Recommendation	See 31-7106 paper file, paper CVR, 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
Summary	2/2/01 4:12:52 PM		2/2/01 4:12:52 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 4:04:34 PM	bcontor	Edited point location
POU	2/2/01 4:06:37 PM	bcontor	Edited shape boundary
Summary	2/2/01 4:12:50 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. 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.

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVT

[illegible]

NOTICE OF CLAIM STATEMENT OF RIGHTS
ACQUIRED UNDER RETURN TO LAW

- 1

SW	SE	IRRIGATION	33
SE	SE	IRRIGATION	34
		Section Acres	137
		Total Acres	137

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 CLAIM IS FOR AN ENLARGMENT OF 5 ACRES TO LICENSE 31-07106, REFLECTING MORE-ACCURATE AERIAL PHOTOS. THIS IS THE SAME SYSTEM AS ORIGINALLY INSTALLED. THIS RIGHT AND 31-07106 ARE CLAIMED ON A PERMISSIBLE PLACE OF USE BASIS FOR IRRIGATION OF 137 ACRES WITH 2.02 CFS. THIS CLAIM IS GIVEN DATABASE STATUS "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: _____

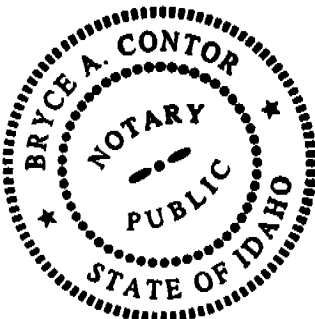
For Individuals:

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 Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of Jan 2001 *Bryce A. Contor*



Notary Public
Residing at Mud Lake ID
My commission Expires 10/14/05

31-11389
enlargement
31-07106
as enlarged?

