

02/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-11391

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: 07/15/1981
Basis: Beneficial Use
Status: Active

Source Tributary to
GROUND WATER

<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	0.14 CFS	30.5 AFA	
Total Diversion			0.14 CFS	30.5 AFA	

Location of Point(s) of Diversion:

GROUND WATER SWNENW Sec. 34 Township 08N Range 37E FREMONT County

IRRIGATION Use:
Acre Limit: 8.7

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	34		NWNE	0.7									
				NENW	36		NWNW	35						
				SWNE	1									
				SENE	35		SWNW	34						

Total Acres: 141.7

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.

A3111391



Remarks:

1. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.09 CFS. COMBINED RIGHT NOS.: 31-7107, 31-11391.
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-7107, 31-11391.
3. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 31-7107 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. Explanatory THIS RIGHT IS FOR AN ENLARGEMENT OF 8.7 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	2/5/01	Review and Recommendation	See 31-7107, paper file, paper CVR, eCVR.

Dates:

Licensed Date:
 Claim Received Date: 08/19/2000
 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:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/5/01 4:52:10 PM		2/5/01 4:52:10 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:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	2/5/01 4:09:11 PM	bcontor	Edited point location
POD	2/5/01 4:06:21 PM	bcontor	Edited point location
POU	2/5/01 4:07:20 PM	bcontor	Edited shape boundary
Summary	2/5/01 4:52:07 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 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 31-11391
Date Received: 8/19/00
Receipt No:
Received By: *E026441*
BAC

NOTICE

A WATER RIGHT
STATE LAW

1. Name of Claimant(s)

Name: RICHARD P
Address: C/O BRAD P
32 W 1ST S
REXBURG ID USA 83401-1810

2. Date of Priority: 07/15/1981

3. Source: Unknown

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
08N	37E	34	SW NE NW	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	0.14	

7. Total Quantity Appropriated is:
0.14 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	34	NW NE	IRRIGATION	0.7
			SW NE	IRRIGATION	1

NE	NW	IRRIGATION	36
NW	NW	IRRIGATION	35
SW	NW	IRRIGATION	34
SE	NW	IRRIGATION	35

Section Acres 141.7

Total Acres 141.7

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 ENLARGEMENT OF 8.7 ACRES OF LICENSE 31-07107 ON A PERMISSIBLE PLACE OF USE BASIS. THIS CLAIM REPRESENTS MORE-ACCURATE DETERMINATION OF ACRES BY AERIAL PHOTO; THIS IS THE SAME SYSTEM AS ORIGINALLY INSTALLED. THIS CLAIM AND 31-07107 ARE CLAIMED FOR 2.09 CFS. DATABASE RECORD GIVEN STATUS "SEE REMARKS" PENDING RETURN OF SIGNED CLAIM. BCONTOR 8/19/2000.

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: _____

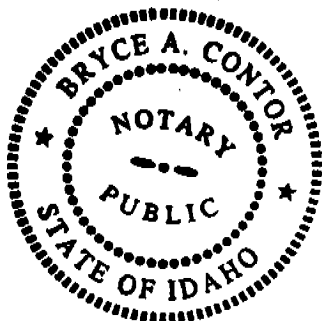
For Individuals:

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

Signature of Claimant(s): *Richard A. 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

31-11391 enlargement
31-07107 enlarged.

