

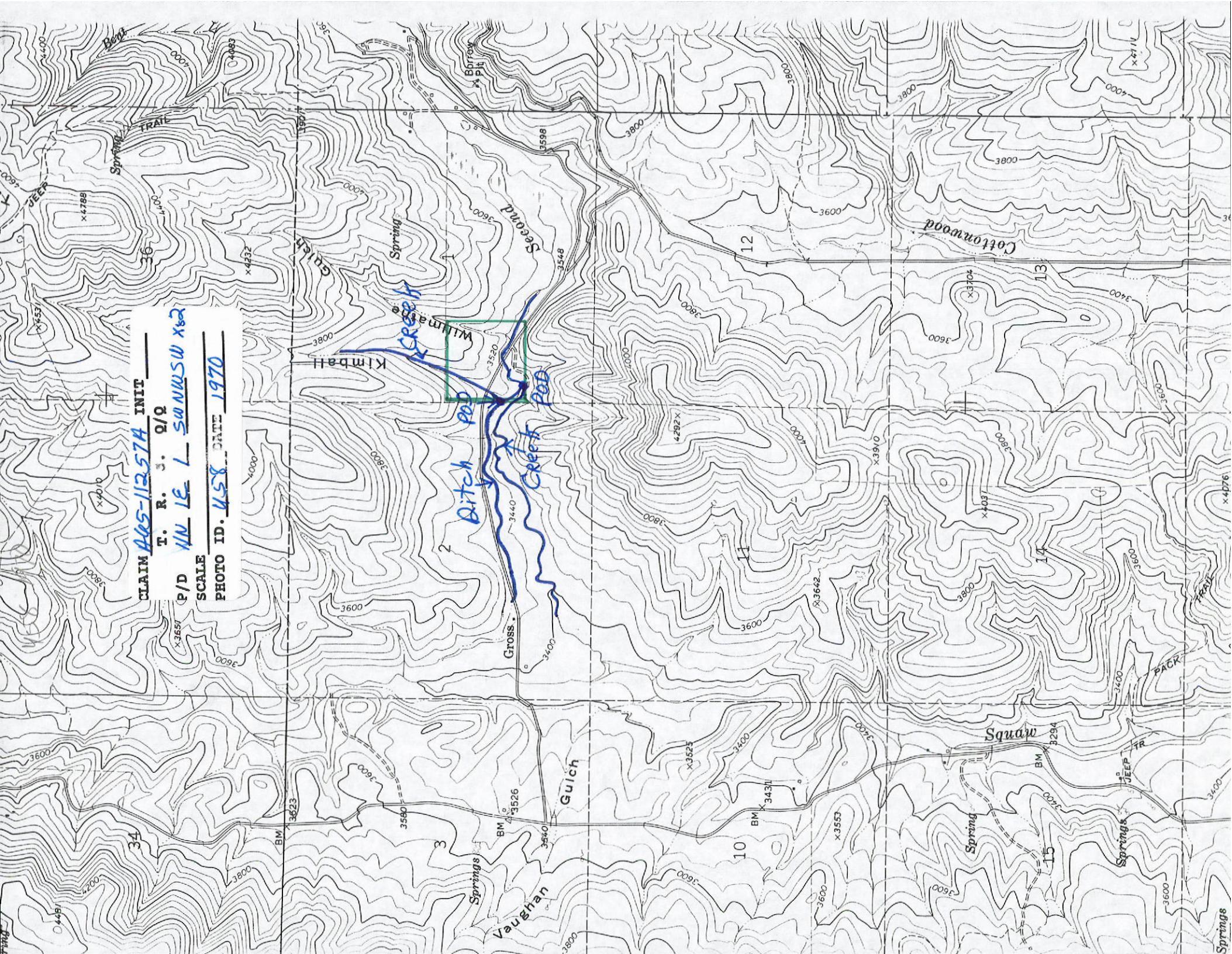
CLAIM 405-11257H INIT

T. R. J. Q/Q

P/D 11N 1E L SWNW SW 1/4

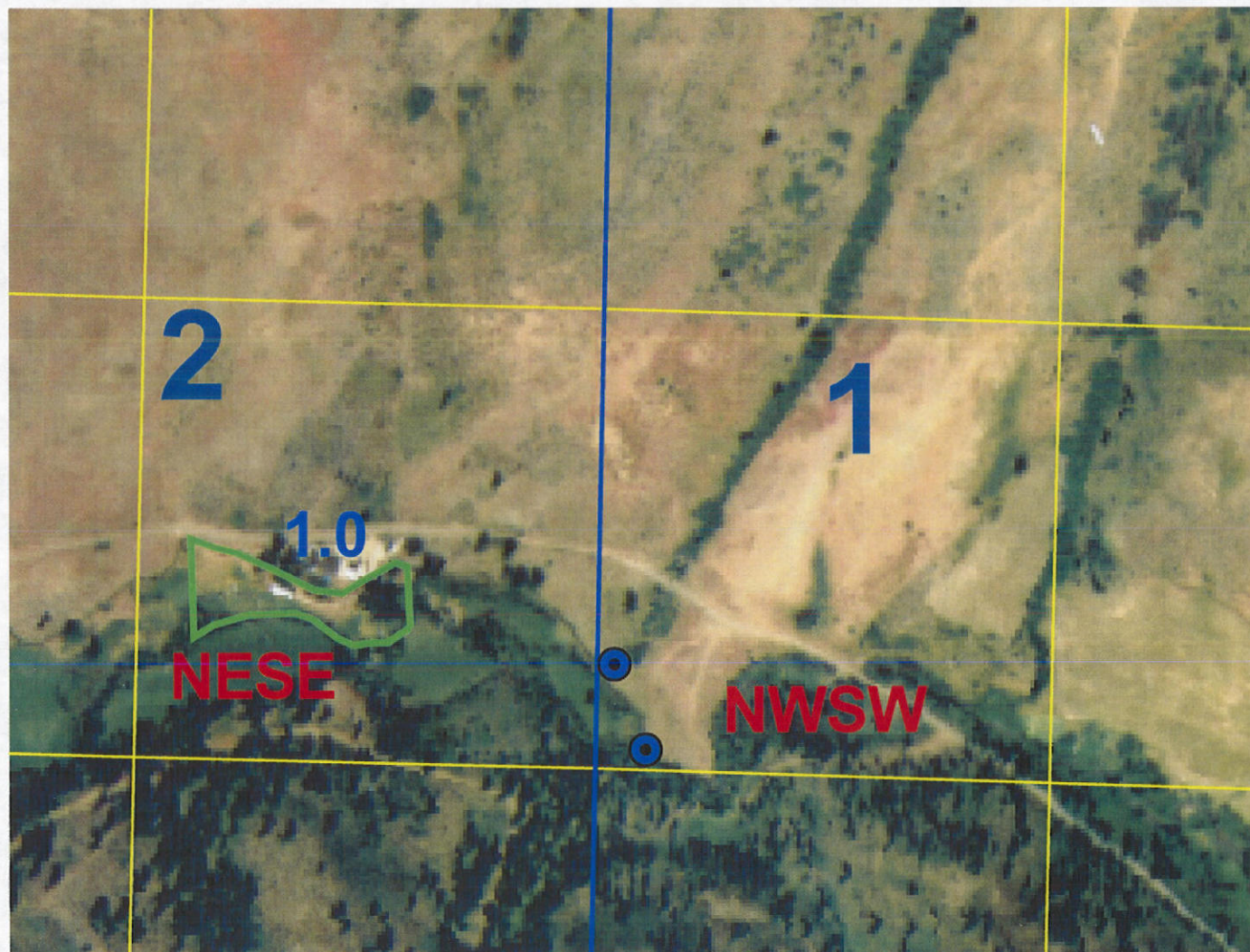
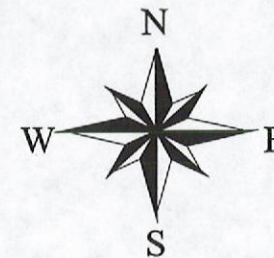
SCALE

PHOTO ID. 458 DATE 1970



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-11257A

OWNER(S): WEAVER, DENNIS &
JOY

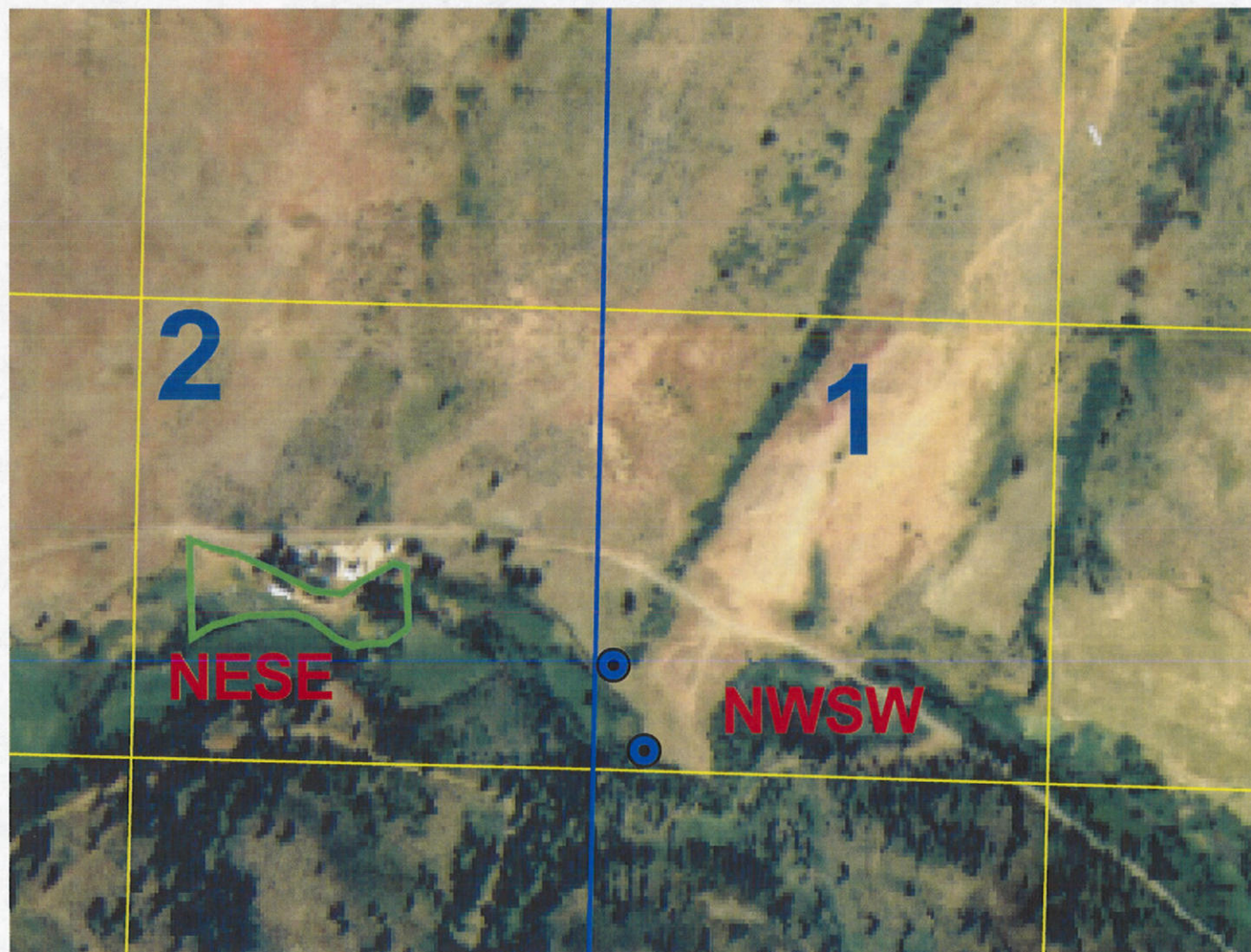
Prepared by Mel Schulte

DATE: JULY 5, 2000

0 0.25 0.5 0.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-11257A

OWNER(S): WEAVER, DENNIS &
JOY

Prepared by Mel Schulte

DATE: JULY 5, 2000

0 0.25 0.5 0.75 Miles

2

Myers
Howell

Dale
Nesbitt

Weaver





MICROFILMED

SEP 24 1997

NESBITTS' EMERALD GLEN SUBDIVISION

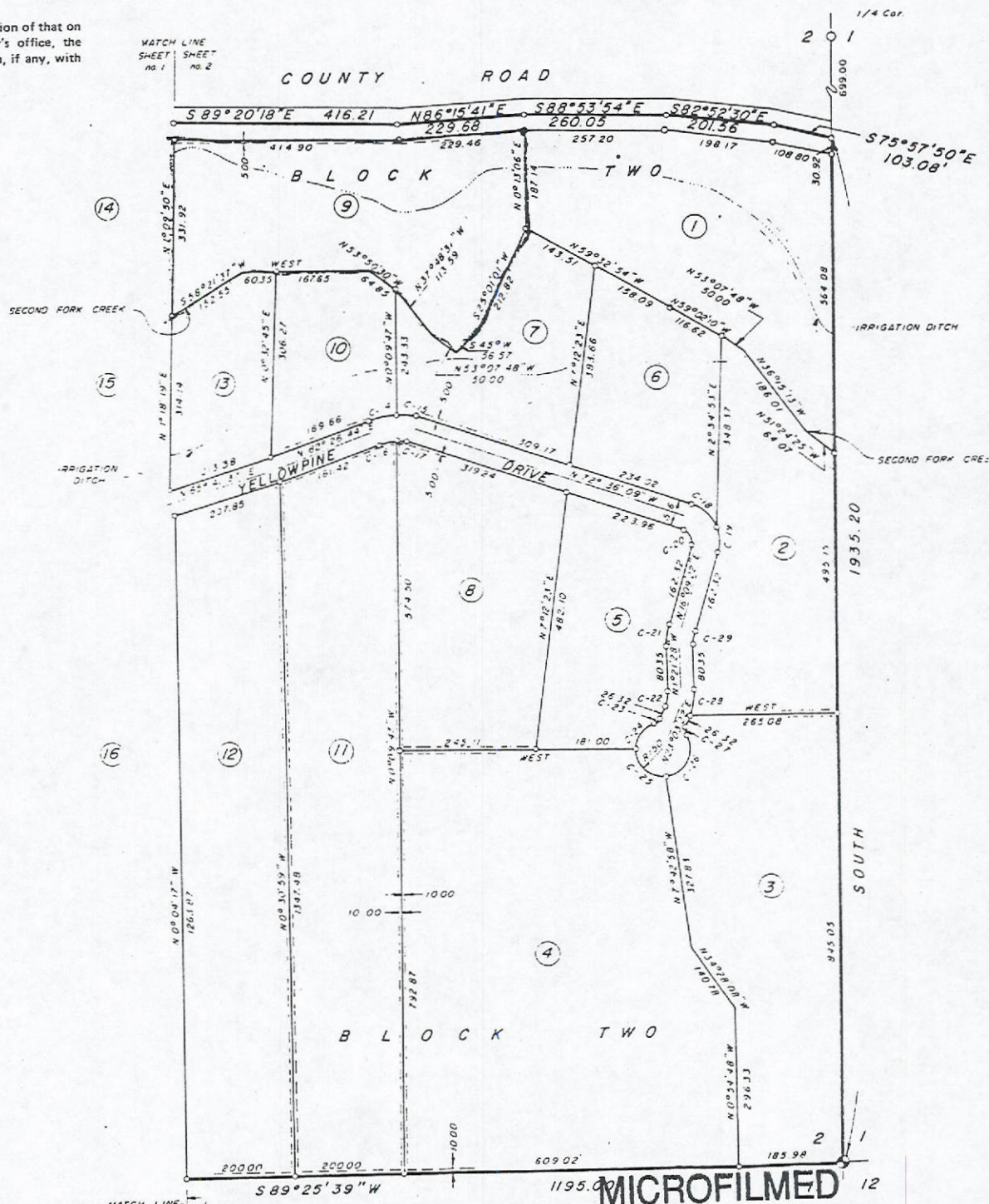
SITUATED IN A PORTION OF
SECTION 2, T.11N., R.1E., B.M.
GEM COUNTY, IDAHO

1977

Safeco Title Insurance Company of Idaho
1022 S. Washington Avenue
Emmett, Idaho 83617

SHEET no. 2 of 2

While this map is a photographic reproduction of that on
file in either the recorder's or surveyor's office, the
company assumes no liability for variation, if any, with
another or re-survey.



MICROFILMED

SEP 24 1992

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: A65-11257A
Date Received: 12/22/1989
Receipt No: ~~X999999~~
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. DENNIS WEAVER 208-584-3522
Address: HC 78, BOX 3755
OLA, ID 83657
AND/OR
Name: JOY WEAVER 208-584-3522
Address: HC 78, BOX 3755
OLA, ID 83657
2. Date of Priority: MAY 29, 1927
3. Source: KIMBALL GULCH Trib. to: SQUAW CREEK, SECOND FORK
SQUAW CREEK, SECOND FORK SQUAW CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	01E	1	SW	NW	SW		GEM
		2		NE	SE		GEM
5. Description of diverting works:
ROCK/CANVAS DAM, DITCH, 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	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 3.5 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	01E	2	NE	SE		IRR	1.0
Section Acres							1.0
Total Acres							1.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A65-03089C

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 65-11257A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Joy Weaver & J. Dennis Weaver
Address: HC 78 Box 3755
Ola, ID 83657

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

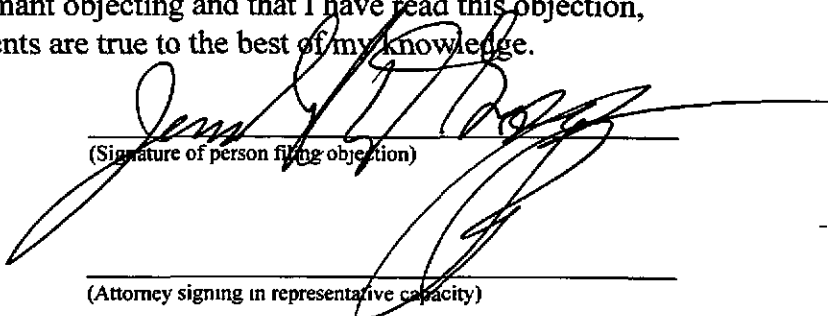
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

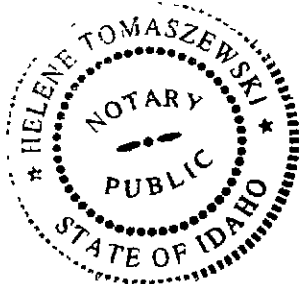
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

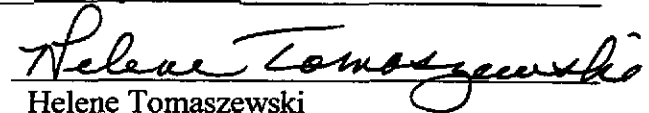

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Joy Weaver & J. Dennis Weaver

Address: HC 78 Box 3755
Ola, ID 83657

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

11/20/2000

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

RIGHT NUMBER: 65-11257A

NAME AND ADDRESS: J DENNIS WEAVER
JOY WEAVER
HC 78 BOX 3755
OLA, ID 83657

SOURCE: KIMBALL GULCH CREEK TRIBUTARY: SECOND FORK SQUAW CREEK
SECOND FORK SQUAW CREEK SQUAW CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 05/29/1927

POINT OF DIVERSION:	T11N R01E S1	SWNWSW	Within GEM County
	T11N R01E S1	SWNWSW	Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	0.02 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T11N R01E S2 NESE 1
1 ACRES TOTAL

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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF
DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM
SQUAW CREEK IRRIGATION DISTRICT.

**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: April 13, 2001

Water right number: 65-11257A

JOY WEAVER

HC 78 BOX 3755

OLA ID 83657

Telephone Number: (208)584-3522

J DENNIS WEAVER

HC 78 BOX 3755

OLA ID 83657

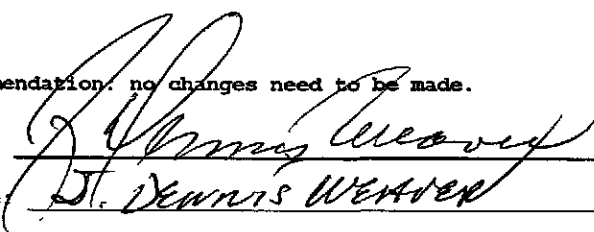
Telephone Number: (208)584-3522

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

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

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

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

DATE: 4-3-01 SIGNATURE: 

Please print your name: J. DENNIS WEAVER

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

AJ5809NP
No. A65-11257A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/20/00
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J DENNIS WEAVER	05/29/1927	IRRIGATION	04-01 11-01	0.020 CFS	
C	JOY WEAVER HC 78 BOX 3755 OLA ID 83657 (208) 584-3522				0.020 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:		3.50 AFA
	Water Source: KIMBALL GULCH <i>Creek</i> SQUAW CREEK, SECOND FORK		Tributary to: SQUAW CREEK, SECOND FORK SQUAW CREEK		Stage: DECREED	
Point(s) of Diversion:	T11N R01E S01 ~~S02~~		SWNWSW ~~NESE~~		GEM County GEM County	
Place of use Legal Description for:	IRRIGATION					
	NE	NW	SW	SE		
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: SUM
11N 01E 2	:	:	:	: 01	:	: 1.0
				TOTAL ACRES		1.0

POU County: GEM

Other Rights: A65-03089C

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag: Y
Presumption Flag:

Audit: 12/22/89 HARRINGT 05/10/91 WESTRA 03/30/95 POST-STD

C18 - C03 + W19

WR5809NP
No. 65-11257

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/27/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOMER NESBITT OLA ID 83657	05/29/1927	IRRIGATION	04/01 11/01	0.080 CFS	
TOTAL DIVERSION:					0.080 CFS	

Water Source: KIMBALL GULCH
SQUAW CREEK, SECOND FORK

Tributary to: SQUAW CREEK, SECOND FORK
SQUAW CREEK

Stage: DECREED

Point(s) of Diversion: T11N R01E S01
S02

NWSW
NESE

GEM County
GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
11N	01E	2	:													01	:	01	02	:	4.0
																				TOTAL ACRES	4.0

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-03089A 65-03089B 65-03090 65-07901 65-11248 65-13125

A65-11257A .02 1ac

Other Water Rights Listing Overlapping Place(s) of use:
65-03089A 65-03089B 65-03090 65-11248 65-13125

-11257B .04 2ac

Remarks: GEN SOURCES FOR THIS RIGHT ARE KIMBALL GULCH AND SECOND FORK, SQUAW CREEK.

-11257C .02 1ac
108 4ac.

Dates: App. Received: Priority Date: 05/29/1927
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

CONVERSATION MEMORANDUM

DATE 4/30/91

FILE A65-11257A

A65-03089C

NAME OF PARTY J Dennis Weaver

EMPLOYEE J. Westra

RE: The applicant questioned if the rights P/u is for
the same acre or in fact 2 separate acres. This needs
to be researched and resolved.

Several acres adjacent have not been filed on, but irrigate.

P/u has been subdivided.

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SEP 24 1992

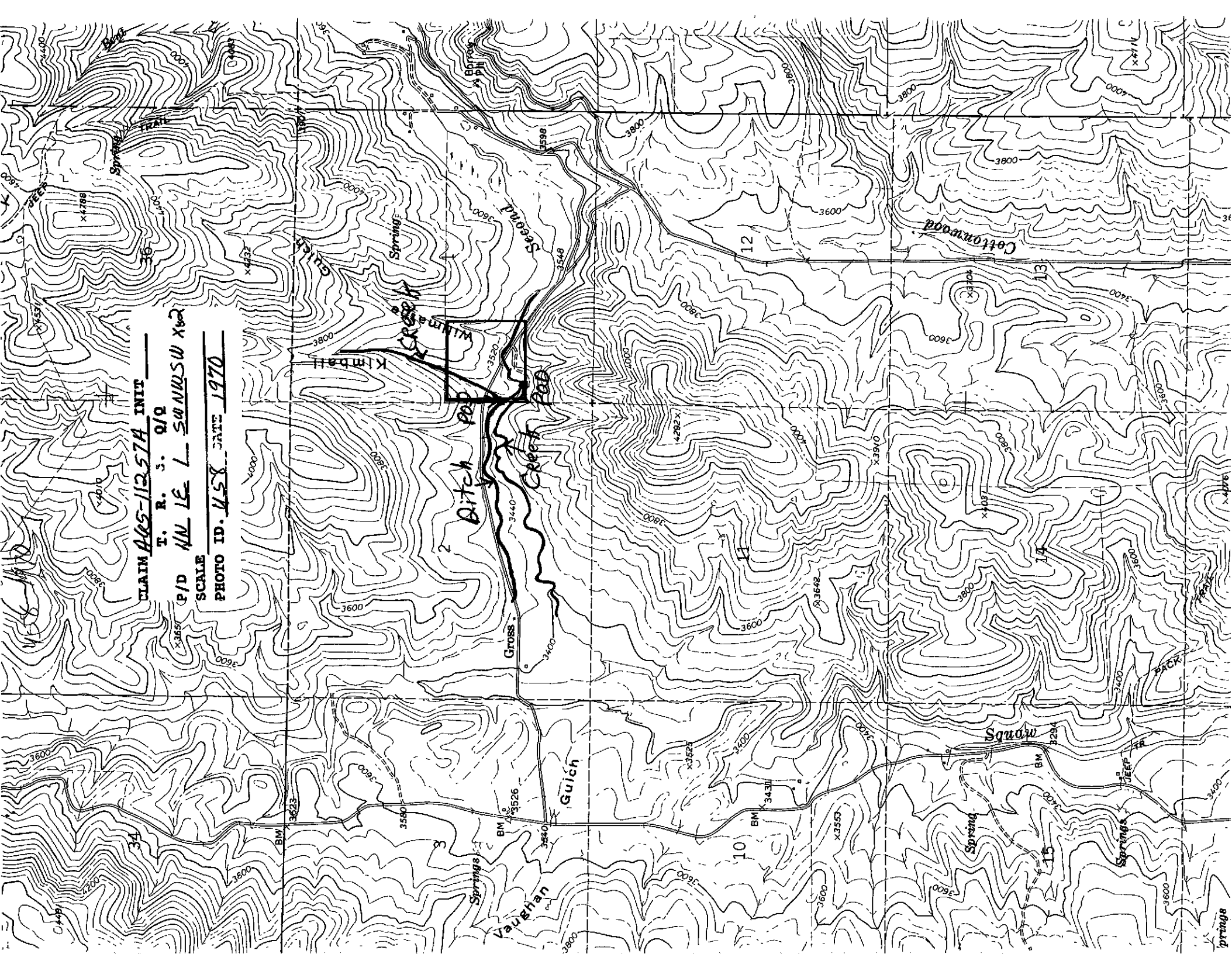
CLAIM 405-11257A INT

T. R. 3. Q/Q

P/D N 1/4 E 1 S 40 N 20 W X 62

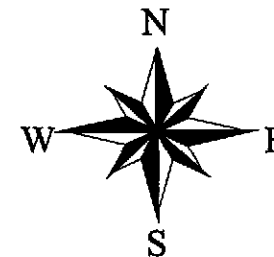
SCALE

PHOTO ID. 458 DATE 1970



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2



1987 NAPP PHOTO

- POINT OF DIVERSION
- ▬ PLACE OF USE
- ▬ 1/4 1/4 LINES
- ▬ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-11257A

OWNER(S): WEAVER, DENNIS &
JOY

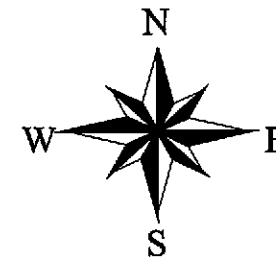
Prepared by Mel Schulte

DATE: JULY 5, 2000



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2



1987 NAPP PHOTO

- POINT OF DIVERSION
- ▬ PLACE OF USE
- ▬ 1/4 1/4 LINES
- ▬ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-11257A

OWNER(S): WEAVER, DENNIS &
JOY

Prepared by Mel Schulte

DATE: JULY 5, 2000



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: A65-11257A
Date Received: 12/22/1989
Receipt No: X99999
Received By: llh

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. DENNIS WEAVER 208-584-3522
Address: HC 78, BOX 3755
OLA, ID 83657
AND/OR
Name: JOY WEAVER 208-584-3522
Address: HC 78, BOX 3755
OLA, ID 83657
2. Date of Priority: MAY 29, 1927
3. Source: KIMBALL GULCH Trib. to: SQUAW CREEK, SECOND FORK
SQUAW CREEK, SECOND FORK SQUAW CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 11N | 01E | 1 | SW | NW | SW | | GEM |
| | | 2 | | NE | SE | | GEM |
5. Description of diverting works:
ROCK/CANVAS DAM, DITCH, 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 | 0.020 | | |
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 3.5 Acre Feet Per Annum.
9. Non-irrigation uses:

A65-11257A

Page 1

Date: 12/22/89

MICROFILMED

SEP 24 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	01E	2	NE SE		IRR	1.0
Section Acres						1.0
Total Acres						1.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A65-03089C

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

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: 1

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): X Joy Weaver Date: X 12-22-89
Joy Weaver Date: 12-22-89

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of December 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 1, 1994



91
MICROFILM

SEP 24 1961

NESBITTS' EMERALD GLEN SUBDIVISION

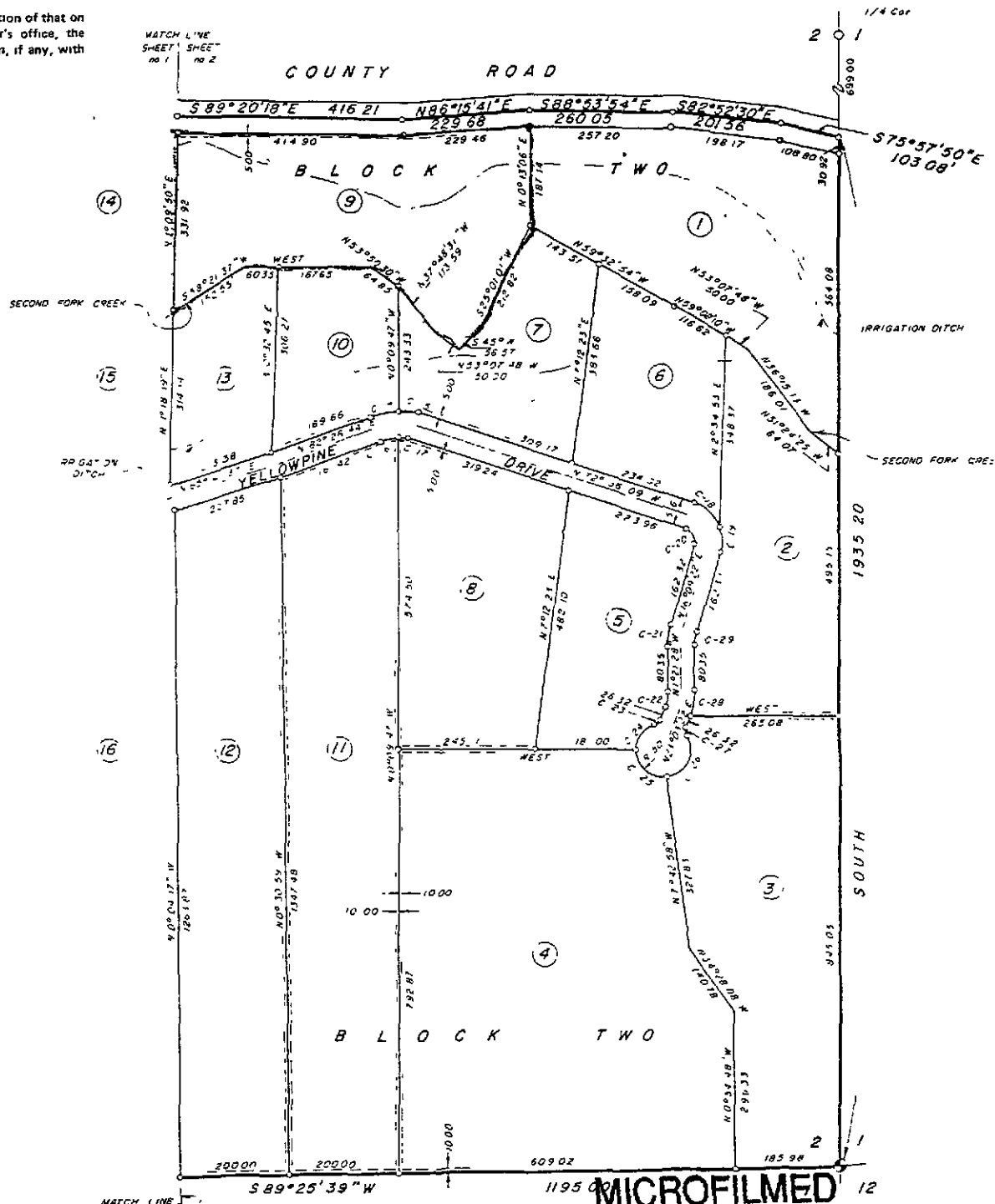
SITUATED IN A PORTION OF
SECTION 2, T11N, R1E, B.M
GEM COUNTY, IDAHO

1977

Safeco Title Insurance Company of Idaho
1022 S. Washington Avenue
Emmett, Idaho 83617

SHEET no 2 of 2

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file in either the recorder's or surveyor's office, the
company assumes no liability for variation, if any, with
another or re-survey



MICROFILMED

SEP 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief