

November 20, 1998

**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: December 18, 1998

Water right number: 35-07165

WINDING BROOK CORPORATION
C/O RODNEY MOORE
PO BOX 53
NAMPA ID 83653

Daytime Telephone Number:

Evening Telephone Number:

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: 2/15/99

SIGNATURE:

Please print your name:

WINDING BROOK CORP.

by Rodney H. Moore

RODNEY H. MOORE

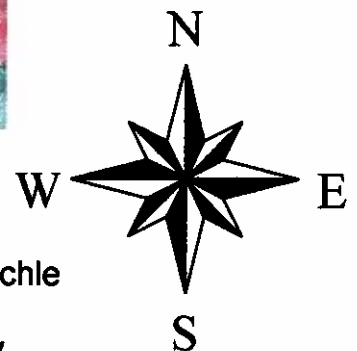
35-07165 and 35-07641



500 0 500 1000 Feet

T07S R29E S32

Map prepared by: Carter Fritschle
Date prepared: 06/23/98
1987-1988 NAPP photography



Water Right Number - R35-07165

Prefix Translation:

RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***

WEISENBURGER

CECIL A

1 - 3853 RAST RD
2 -
3 -
City - AMERICAN FALLS
Phone - 208-226-2048

State - 10 Zip - 83211

Priority Date - 02/10/1971 Region - 15 EASTERN Stage - L - LICENSE Status -

Source - GROUNDWATER Tributary -

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
07S	29E	32	SE NW NW			(TTT) POWER	
			NE SW SW			(TTT) POWER	

240 ac x 4 = 960 AF

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		3.670	960

Total Div. Rate - 3.670 Total Div. Volume - 960 Total Consumptive Use - 0.0 KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
07S	29E	32	NE NW		39.0	01	IRRIGATION	(TTT) POWER
07S	29E	32	NW NW		38.0	01	IRRIGATION	(TTT) POWER
07S	29E	32	SW NW		39.0	01	IRRIGATION	(TTT) POWER
07S	29E	32	SE NW		40.0	01	IRRIGATION	(TTT) POWER
07S	29E	32	NE SW		40.0	01	IRRIGATION	(TTT) POWER
07S	29E	32	NW SW		39.0	01	IRRIGATION	(TTT) POWER
07S	29E	32	SW SW		39.0	01	IRRIGATION	(TTT) POWER
07S	29E	32	SE SW		40.0	01	IRRIGATION	(TTT) POWER

Total Acres: 314.0

- - - - - Diversion Means - WELL/PUMP TO SPRINKLER SYSTEM

- - - - - Non-Irrigation Use -

- - - - - Other Rights for Same Use - 35-07641

CA 9-11-98

CA 10-15-93

Water right number - R35-07165

Prefix translation: RESEARCH

+ - - - - -		Remarks		+ - - - - -	
		USE OF THIS RIGHT WITH RIGHT NO. 35-0764.1 IS LIMITED TO A		QNT	
		TOTAL COMBINED DIVERSION RATE OF 6.28 CFS, A TOTAL COMBINED			
		ANNUAL DIVERSION VOLUME OF 1256 AF, A TOTAL COMBINED ANNUAL			
		~~CONSUMPTIVE USE VOLUME OF 942 AF, AND TO THE IRRIGATION OF A~~		POU1	
		COMBINED TOTAL OF 314 ACRES IN A SINGLE IRRIGATION SEASON.			
		RIGHT NO. 35-0764.1 IS ALSO DIVERTED THROUGH POINTS OF		EXP	
		DIVERSION DESCRIBED ABOVE.			
		THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN		POU1	
		THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.			
+ - - - - -		Old Water Right Numbers		+ - - - - -	
No Old Water Right Numbers Found					
+ - - - - -		Conditions of Approval		+ - - - - -	
		M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE			
		MAINTAINED AS PART OF THE DIVERTING WORKS.			
		C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION			
		PURSUANT TO IDAHO CODE 42-1416A.			
		C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO			
		IDAHO CODE 42-1416A.			
+ - - - - -		Decree Plaintiff		+ - - - - -	
		Decree Defendant		+ - - - - -	
				Decree Date - +	
				00/00/0000	
+ - - - - -		Comments		+ - - - - -	
		No Comments Found			
+ - - - - -		Audit Fields		+ - - - - -	
		10/15/93 FRITSCHL			
+ - - - - -		Adjudication Rights Dates and Flags Area		+ - - - - -	
Court Report Filing	- 00/00/0000	Field Inspection Made	- 05/26/1992	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/15/1993	Old Judicial District	-
Claim Received Date	- 03/02/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- E012204	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:57:46
10/30/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A35-07165

ASF: MESSENGER

FIRST: CECIL A

ADDRESS: 3853 EAST RD

CITY: AMERICAN FALLS

PHONE NUMBER: 208-226-2049

STATE: ID ZIP: 83211

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

AD REMARKS IN CLAIM

DATABASE FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

In Office

DATE OF FIELD EXAM: 5/26/92

APPOINTMENT MADE: Y() N()

PHONE NUMBER: () - -
TIME: : A() P()

ACCOMPANIED BY:

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

1. AJ CLAIM: # A35-07165 PRIORITY DATE: 02-10-1971 STAGE: 1
2. WR RECORD: # 35-07165 PRIORITY DATE: 02-10-1971 STAGE: 1

3. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER
N N

RE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)

YES EXPLAIN.

REMARKS: Priority date claimed matches license.

RECOMMENDED PRIORITY DATE:
02-10-1971

REVIEWED BY: AF DATE: 5-26-92

1. A) CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A35-07165	07S	29E	32		NW	NW		POWER

OTHER A) CLAIMS WITH SAME A) POD
A PREFIX R PREFIX
A35-07561 NONE
WR RECORDS IN SAME 40 ACRE TRACT
35-07641

SOURCE: GROUNDWATER

TRIG:

B) WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
35-07165	07S	29E	32		NW	NW		POWER

OTHER WR RECORDS WITH SAME WR POD
A) CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

35-07561 A35-07641 NONE

SOURCE: GROUNDWATER

TRIG:

C) FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y	N

REMARKS:

P.O.D. claimed matches licensed P.O.D. however, the field exam for license 35-07641 describes the same distribution system. Both P.O.D's appear to have been in use at the time of the field exam for this right (35-07165 examined 10-19-76). Therefore, both P.O.D's are recommended for this right, with the 10 acre tracts determined from the ASOS photo in license file 35-07641.

Added P.O.D.
Condition C03 &
presumption flag "C"
CA 10-15-93

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		TWP. R&E. SEC.		L/4 1/4		L/4		LOT		COUNTY	
75	39E 32	SE	NE	NE	NE	---	---	---	---	Boyer	
75	39E 32	NE	SE	SE	SE	---	---	---	---	Boyer	

SOURCE: GROUNDWATER

TRIB: ---

VIEWED BY: CA

DATE: 5-26-92

ROOT WATER RIGHT NUMBERS: A35-07165

POU LISTING

UP	RWG	SEC	1/4	1/4	LOT	NAME	AJ #ACRES	WR #ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
75	29E	32	NE	NW		WEISENBARGER, CECIL A.	A35-07165	140.0	35-07165	140.0	39.0
			NE	NW		WEISENBARGER, CECIL A.	A35-07641	139.0	35-07641	139.0	39
75	29E	32	N4	NW		WEISENBARGER, CECIL A.	A35-07165	140.0	35-07165	140.0	38.0
			N4	NW		WEISENBARGER, CECIL A.	A35-07641	138.0	35-07641	138.0	38
75	29E	32	S4	NW		WEISENBARGER, CECIL A.	A35-07165	140.0	35-07165	140.0	39.0
			S4	NW		WEISENBARGER, CECIL A.	A35-07641	139.0	35-07641	139.0	39
75	29E	32	SE	NW		WEISENBARGER, CECIL A.	A35-07165	140.0	35-07165	140.0	39.0
			SE	NW		WEISENBARGER, CECIL A.	A35-07641	140.0	35-07641	140.0	40
75	29E	32	NE	SW		WEISENBARGER, CECIL A.	A35-07165	140.0	35-07165	140.0	39.0
			NE	SW		WEISENBARGER, CECIL A.	A35-07641	140.0	35-07641	140.0	40
75	29E	32	NW	SW		WEISENBARGER, CECIL A.	A35-07165	140.0	35-07165	140.0	40.0
			NW	SW		WEISENBARGER, CECIL A.	A35-07641	139.0	35-07641	139.0	39
TOTAL ACRES							A35-07165	240.00	240.00	234.00	39

RE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, W(X) N()
F RES SEE ATTACHED SHEET:

50550 39
5E SW 40

FIELD EXAM REQUIRED?

DATE TO POU DISCREPANCY (Y/N)

DATABASE N FIELD EXAMINER N

314

SUMPTION FLAG:

C

REMARKS:

The same distribution system used for this right is also being used for right no. 35-07641. Therefore, this right is being recommended for 240 acres within the 314 acre P.O.U. described above.

RECOMMENDATIONS:

TOTAL ACRES:

240 / 314

Permissible P.O.U.

REVIEWED BY:

CA

DATE:

5-26-92

Condition 005 for Permissible P.O.U.

• ALL CLAIMED USES:

35-07165 PURPOSES
IRRIGATION

MONTH/DAY
FROM 04-01 TO 10-30
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.670 CFS 840.00 AF/A

• WR RECORDED USES:

35-07165 PURPOSES
IRRIGATION

MONTH/DAY
FROM 04-01 TO 10-30
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.670 CFS 840.00 AF/A

RESUMPTION FLAG:

• FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATEBASE FIELD EXAMINER
N N
N N
N N

• PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X)

Y(X) N()

EXPLAIN IN REMARKS, BELOW.

REMARKS:

New Standard 4-1 to 10-31

1. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 3.670 CFS
NR ROOT RIGHT TOTAL DIVERSION RATE: 3.670 CFS

IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ###
IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS ##
CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS.

FLOW MEASUREMENT REQUIRED?
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N FIELD DATABASE EXAMINER W

MEASUREMENT METHOD N.A. FLOW MEASUREMENT
SEE ATTACHED CALCULATIONS.

• ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.
OTHER RIGHTS LISTED IN CLAIM:

IST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A35-07165	GROUNDWATER	WEISENBARGER, CECIL A.	3.670	0.015	860.00	3.50
A35-07661	GROUNDWATER	WEISENBARGER, CECIL A.	2.680	0.008	1099.00	3.50

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

6.35 cfs
Capacity = 7.36 cfs

6.35 < 7.36

1. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE
ACRES 240 X 0.02 CFS/ACRE = 4.80 CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)
3.67 < 4.80

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 720.0 AF/A

ACRES 240 X CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 840.00 AF/A

ACRES 314 X DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

*Combined consumptive use and diversion
Volume with right 35-07641
314 x 3 = 942 AF (con. use)
314 x 4 = 1256 AF (Div. vol.)*

RECOMMENDATIONS:

REC- PURPOSES	REC. PERIOD		REC. DIV RATE CFS	REC. DIV WDL. AF/A	REC. COMS. USE
	FROM	TO			
IRRIGATION	04-01	10-30	DATABASE 3.670	EXAMINER <u>3.67</u>	DATABASE 840.00
TOTAL FOR THIS RIGHT	10-31		3.670	3.67	~~720.0~~

REVIEWED BY: CA DATE: 5-26-92 14 Remarks

Remarks

E01 35-07641, 6.28 cfs, 1256 AF, 942 AF 314 Ac.
 F05 35-07641, POINTS
 K06 240 Acres

Approval condition M01
003
.005

$$35-07165 = 3.67 \text{ cfs}$$

$$35-07641 = \underline{2.68 \text{ cfs}}$$

$$6.35 \text{ cfs}$$

$$314 \text{ ac} \times 0.02 \frac{\text{cfs}}{\text{ac}} = 6.28 \text{ cfs} = \text{maximum combined div. rate}$$

1. CHECK ONLY THE FOLLOWING THAT APPLY:

NUMBERS/DATE/AMOUNT
CORRECT/AMOUNT
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
(X)
(X)
(X)
NEEDS
REVIEW
()
()
()

2. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-07165
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.670

EXAMINER
367

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A35-07165	3.670	-		35-07165	3.670
TOTAL CFS		3.670				3.670

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

REMARKS:

See Page 2 for Remarks & approval conditions.

VERIFICATION:

SIGNATURE: Patricia Fritschle DATE: 5-26-92
NAME OF FIELD EXAMINER: Patricia Fritschle TITLE: Sr. W.R. Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:57:46
10/30/91

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NICKLOOK INFORMATION

CLAIM NUMBER: A35-07165

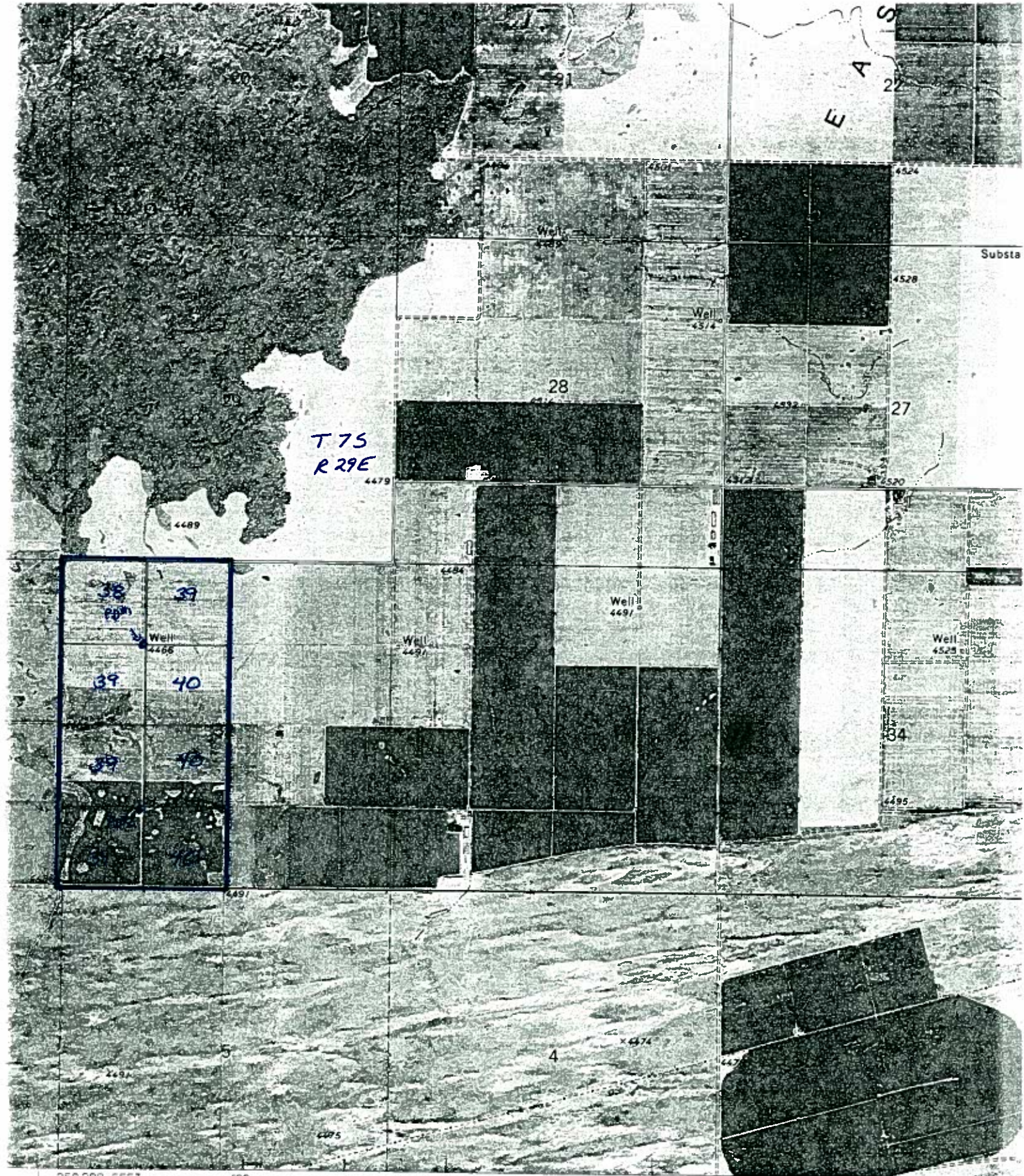
MR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			In office	N	6	CA 5-26-92	CA 5-26-92	4-14-93 CA 5-26-92
POINT OF DIV	Y			Y	6+2			
SOURCE				N	6			
PLACE OF USE				Y	6 4 2			
TV. AMOUNT CFS/VOLUME				Y	6			
CONSUMPTIVE USE				Y	6			
PURPOSES				N	6			
PERIOD OF USE				Y	6			
ASIS OF CLAIM				N	6			
REMARKS				Y	6			

"VERIFIED BY" CODES

TOPD MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Added 003+005
Reset Verified date
CA 10-15-93



A35-07165

Copies Of These Maps Can Be Obtained

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: A35-07165
Date Received: 3/ 2/1990
Receipt No: E012204
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: WINDING BROOK CORPORATION
Address: C/O RODNEY H MOORE
PO BOX 53
NAMPA ID

208-466-0419

83651

2. Date of Priority: FEB 10, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	29E	32		NW	NW		POWER

5. Description of diverting works:
WELL/PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/30	3.670		840.00

7. Total Quantity Appropriated is:
3.670 C.F.S. (and/or) 840.00 A.F.A.

8. Total consumptive use is 720.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	29E	32	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

MICROFILMED

APR 15 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	29E	32	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
					Section Acres		240.0
					Total Acres		240.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

MICROFILMED
APR 15 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

FEB 14 1994

Department of Water Resources
Southern Region Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 7S Range 29E
Sections 15, 20, 21, and 32 of 1/4 of 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) 35-07641^x, 35-02584^x, 35-02723^x
Assigned by IDWR: # 's 35-07130^x, 35-07128^x, 35-07165^x

☐ Name and Address of Former Owner/Claimant(s)(Seller): Cecil Weisenburger

American Falls, Idaho

☐ New Owner/Claimant (Purchaser): Winding Brook Corp.

☐ New Mailing Address: Rodney H. Moore

P.O. Box 53

Nampa, Idaho 83651

☐ New Telephone Number: (208) 466-0419

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed and Bill of Sale

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Winding Brook Corp. Date _____
by Rodney H. Moore V&E PRES. Date 2/9/94

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

APR 15 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

FEBRUARY 18, 1994

WINDING BROOK CORPORATION
C/O RODNEY H MOORE
PO BOX 53
NAMPA ID 83651

RE: CHANGE IN OWNERSHIP FOR A35-07641, A35-02584,
A35-02723, A35-07130, A35-07128, A35-07165

Dear Mr. Moore:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

A second set of copies has been enclosed for John Ritchie. We do not have a "Notice of Appearance" for Mr. Ritchie on record with the Department. Please forward these copies to him.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim/Copies for Ritchie

MICROFILMED

APR 15 1994

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: A35-07165
Date Received: 3/02/1990
Receipt No: E012204
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CECIL A. WEISENBARGER 208-226-2048
Address: 3853 RAST RD.
AMERICAN FALLS, ID 83211

2. Date of Priority: FEB 10, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	29E	32	NW	NW			POWER

5. Description of diverting works:
WELL/PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/30	3.670		840.00

7. Total Quantity Appropriated is:
3.670 C.F.S. (and/or) 840.00 A.F.A.

8. Total consumptive use is 720.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	29E	32	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

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Date: 03/02/90

MICROFILMED

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A3507165



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	29E	32	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
						Section Acres	240.0
						Total Acres	240.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

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: 0

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): Caf Weisenburger Date: 3-2-90
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of March 19 90 Dave Carls
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96

QUALITY REVIEW CHECKLIST FOR REPORT READY SRBA CLAIMS

	N/A	YES	NO	*
Does the name and address of the "owners" that will receive mail meet data entry standards? (Check the recommended right for compliance.)		☒		
Does the CVR contain information as to how the priority date was determined?		☒		
If the claim is based on beneficial use, is there an analysis of the evidence of priority submitted?	☒	☒		
Is the stage code correct?		☒		
Did the reviewer <u>initial</u> the recommendation of the priority date?		☒		
Does the CVR contain information as to how the point of diversion was determined?		☒		
Did the reviewer <u>initial</u> the recommendation of the point of diversion, the source and the tributary?		☒		
Does the CVR contain a description of the system that includes information as to how the source and/or tributary were determined?			☒	
Does the CVR contain information as to how the place of use and number of acres (for irrigation rights) were determined?		☒		
Did the reviewer <u>initial</u> the recommendation of the place of use?		☒		
Does the CVR contain information as to how the nature of use was determined?			☒	
Does the CVR contain information as to how the season of use was determined?		☒		
If this right overlaps with other rights, was the overlap review completed?		☒		
Does the CVR contain information as to how the diversion rate was determined?		☒		
Does the CVR contain information as to how the diversion volume was determined?		☒		
Does the CVR contain information as to how the consumptive use volume was determined?		☒		
Did the reviewer <u>initial</u> the recommendation of the nature of use, the season of use, the diversion rate, the diversion volume and the consumptive use volume?		☒		
If the claim is based on a right that has conditions/remarks, have these conditions/remarks been considered in the recommendation?		☒		
Are all appropriate conditions/remarks included in the recommendation?		☒		
If remarks are included, are the remarks consistent with the "standard remarks" described in Adjudication Memo 32?		☒		
Was a split water right/diversion rate review completed?	☒			
If this claim is not being recommended, is the status code correct?	☒			
Does the reviewer's <u>signature</u> appear on the CVR?		☒		
Has the "quicklook" page been completed?		☒		
If additional documents were used in the investigation of this right, are copies of those documents included in the file, or is there a reference to the identity and location of the documents?		☒		
Does the file contain a copy of the recommended right?		☒		

* See attachment for additional information or explanation.

Quality control review by EN date 3-23-94 Data entry changes by _____ date _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7165 Priority Feb. 10, 1971 Amount 3.67 c.f.s.

THIS IS TO CERTIFY, that Cecil A. Weisenbarger
of American Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7165 issued pursuant to Application for Permit dated February 10, 1971,
and has submitted proof to the Department of Water Resources on March 1, 1976,
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 3.67 c.f.s. of water from Groundwater,
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
<u>Irrigation</u>	from <u>Apr. 1</u> to <u>Oct. 30</u>	at <u>3.67</u> cfs and	<u>840 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 3.67 c.f.s. of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
840 acre feet per year, said waters to be diverted within the NW 1/4, Sec. 32,
Twp. 7S, Rge. 29E, B. M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW 1/4				SW 1/4				SE 1/4				Totals
			NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	
7S	29E	32					40	40	40	40	40	40							240

Total number of acres irrigated 240

A Measuring device of a type approved by this Department shall be maintained as part of the diverting works.

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, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
April, 19 78.


Director

RECEIVED

RECEIVED

TOTAL ACREAGE _____ **240**

Permit No. 35-7165
Examination for b/u

Rge. 29E

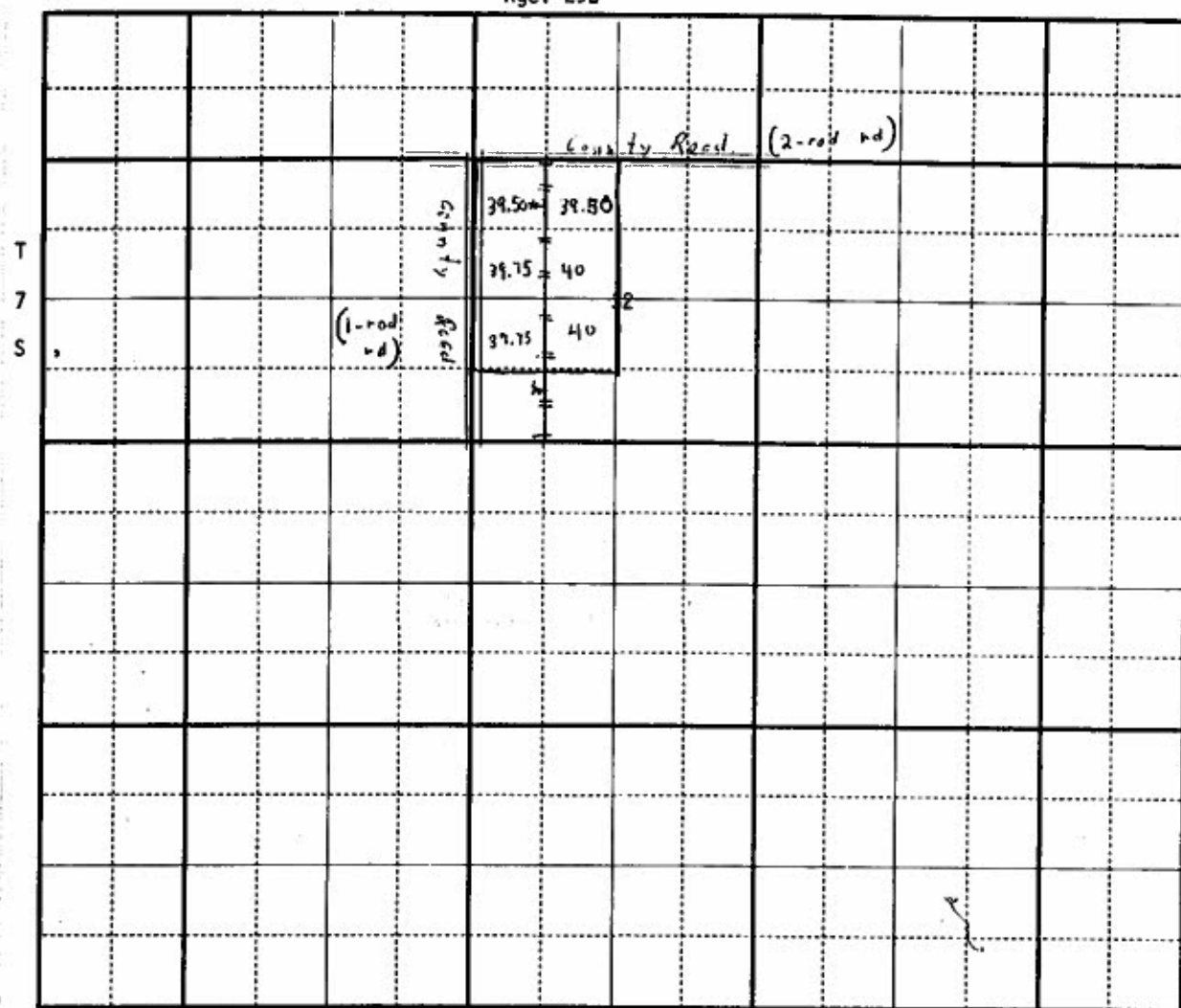
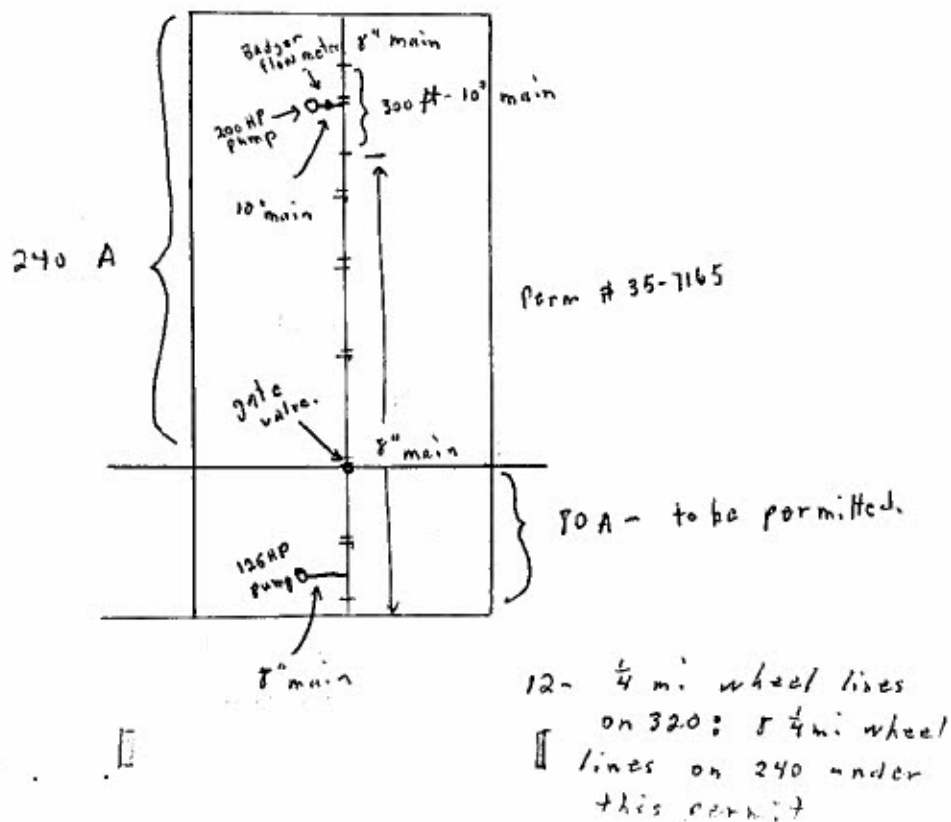


Diagram of System



DATE OF EXAM 7/12/76

ACREAGE
Found 240 - 1.5 (county road right-of-way) = 238.5
Recommended 238.5

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 3.67 c.f.s. V = 835 AF/Ann. from April to Oct 30
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 3.67 c.f.s. Method of measurement In-line flow meter

Total Q recommended 3.67 c.f.s Meter No. M0433595 Type Badger Condition Std Cont.

Total V recommended 835 AF/ann (gpm) 1000 gpm/36.5 ac = 1648 gpm

Recommended Amendments:

~~P.D.~~ Second P.D. No - will be listed on new App., # 35-7641
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

$$Q = 1648 \text{ gpm} \left(\frac{1 \text{ cfs}}{448.8 \text{ gpm}} \right) = 3.67 \text{ cfs}$$

$$J = 35 \times 238.5 = 834.7$$

SYSTEM DESCRIPTION:

Pump motor: US 200 HP, SN GC1004125, Pump - Berkeley SP:7120548,
8" main from pump east 10 ft to NS mainline - 10" south, 8" north
then to 4" main. to 8" 1/2 mi. wheel lines - 1/4" nozzles.

REMARKS:

System shown by C.A. Weisenberger
Application for permit # 35-7641 has been filed by
permittee to cover above-described modifications and
additions to system as defined under this
permit.

Examiner's Signature Ernest M. Carlson Date 10-19-76

Checked by Ernest M. Carlson Date 1/20/77

Approved by _____ Date _____