

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 43-13073
Date Received: 7/3/01
Receipt No:
Received By:

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

1. Name of Claimant(s)

WEBB BROS Phone: (208)349-5740
22 N YALE RD
DECLO ID USA 83323

2. Date of Priority: 05/29/1952

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
10S	28E	19	NW	SW	SW	CASSIA	
10S	27E	25	NE	NE	NW	CASSIA	

5. Description of diverting works:

TWO WELLS AND PUMPS, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.63	

7. Total Quantity Appropriated is:
3.63 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
10S	27E	24	NE	SW	IRRIGATION	30
			SE	SW	IRRIGATION	35
			NW	SE	IRRIGATION	15
			SW	SE	IRRIGATION	<u>32</u>
					Section Acres	112
10S	27E	25	NW	NE	IRRIGATION	35
			SW	NE	IRRIGATION	35
			SE	NE	IRRIGATION	35
			NE	NW	IRRIGATION	1
			NE	NE	IRRIGATION	<u>35</u>
					Section Acres	<u>141</u>
					Total Acres	253

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer 5239 shall not exceed 0.27 cfs, nor a total combined annual volume of 116.0 af.

The remainder of Right 43-04016B is identified as 43-04016C and is limited to a diversion rate of 3.63 cfs and irrigation of 253.0 acres each year.

The acres which are no longer authorized for irrigation under Rights 43-04016C and 43-04017A are specifically described as follows: 29.0 acres in the NENW, S25, T10S, R27E.

Transfer 5239 adds & changes the point of diversion, and changes the nature & season of use under a portion of Right 43-04016B (C & D) & Right 43-04017 (A & B), splitting each right.

43-4016B the parent right was split through T-5239 creating Child rights 43-13072 and 43-13073.

15. Basis of Claim: Statutory Claim

RECEIVED

NOV - 2 2001

Department of Water Resources

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

43-1307B

(Insert water right number)

STANDARD FORM 1
OBJECTION

RECEIVED

NOV 07 2001

Department of Water Resources
Southern Region

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Webb Bros.

Address:

22 N. Yale Rd

Declo Id 83323

Daytime Phone:

(208) 349 5740

Name & Address of Attorney, if any:

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

Name:

Webb Bros

Address:

22 N. Yale Rd

Declo Id 83323

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

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity 2 Remarks have 43-10084, should be 43-10087
Should be: one these must be deleted
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 There are 5 Rights that should not be Included
Should be: Remark 43-10084 should be 43-10087 In 0
secon
Remu
11. I object because:
43-13063, 43-10084, 43-2084, 43-2180, 43-2264
☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

There were two Quantity Remarks that had
clerical errors, one of the duplicate Remarks
should be deleted
Place of use Remarks had a clerical error and
Their 5 right that should not be there.
(43-13063) 43-~~10084~~ 10084, 43-2084, 43-2180, 43-~~2264~~ 2264)

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Cassia)

Webb Bros by Todd B. Wehl, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

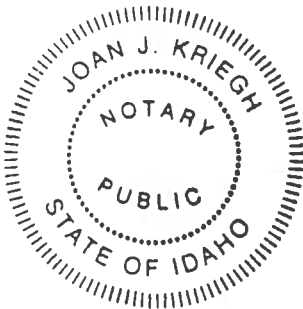
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Todd B. Wehl
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 25, 2001

Joan J. Kriegh
Notary Public for Idaho
Residing at: Burley, Id
My Commission Expires: 1-1-2004



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 October 29, 1992001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Webb Bros
Address: 22 N. Yale Rd
Declo Id 83323

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Holly Atley

Signature of Objector or attorney mailing on Objector's behalf



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037 DEPT INTERNET WEB SITE: www.idwr.state.id.us

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 23, 2001

WEBB BROS
22 N YALE RD
DECLO, ID 83323

RE: DATA ENTRY REMARK ERROR IN 43-13071, 43-13073, 43-13063, 43-10087, 43-2084, 43-2180, AND 43-2264.

Dear Tod:

Based on our telephone conversation, I have enclosed for your use two different forms for each right that are used in the SRBA. After reviewing the claims I found that claim groups could categorize the data entry errors. The remark errors are identical in the following groups;

1. 43-2084, 43-2180, and 43-2264. The quantity and the place of use remarks have the error.
2. 43-13071, 43-13063, and 43-10087. (Explanatory remarks are not decreed by the SRBA) Two quantity remarks and one place of use remark have the error
3. 43-13073. Two quantity remarks have the same typo error but one remark was duplicated. The duplicate remark is identified by the strike out feature. One place of use remark had the same typo error and a second remark included 5 rights that should not have been listed. They are identified by the strike out feature

The Standard Form 1 Objection Form (objection form) will alert the court that there is a problem --however small-- in the way IDWR recommended your water right. Please fill out the objection forms (one for each claim), noting item D 3 on page 2 concerning the quantity remark errors and item D 9 concerning the place of use remark errors. The explanatory remark errors are not to be identified. In item E on page 2, the reason(s) should probably be identified as a clerical error.

The objection forms need to be notarized and the originals sent to the SRBA Court before the close of the objection period on February 8, 2002. Please follow the instructions for mailing copies of the forms found on page 4, the Certificate of Mailing.

The Standard Form 5 (sf5) is the standard settlement agreement form used to resolve objections. Please review the enclosed sf5s carefully, especially the description (recommendation) of your water right (page 2 of the sf5). If the information contained in the sf5 forms meets with your approval, please sign the first page and initial the recommendation page. Please return the sf5 forms to IDWR in the envelope provided. After the objection period closes in February, IDWR will file the sf5 with the SRBA Court and send you a signed copy. If no other objections to your water rights are received, your rights will proceed to partial decree based on the corrected recommendations.

Should you have further questions on the recommendation of your rights, please call me at 208-736-3033 or contact me through the e-mail address below. For questions regarding the objection or settlement process, please contact Vicki Kelly, Paralegal, at 208-327-5458. Thank you for your assistance in this matter.

Sincerely,

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchriste@idwr.state.id.us

enclosures

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

Subcase No.: 43-13073

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

COPY

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Signature of Authorized Agent Date

Title and Organization

IDWR Concurrence
Sr Water Resource agent

Date

Approved as to form
Attorney for IDWR

Date

10/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-13073
NAME AND ADDRESS: WEBB BROS
22 N YALE RD
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.630 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063, 43-10087,
43-2084, 43-2180, AND 43-2264.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 6.68 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF
1335 AF. COMBINED RIGHT NOS.: 43-13071, 43-13073, 43-13063, AND 43-10087.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 5.06 CFS. COMBINED RIGHT NOS: 43-13071 AND 43-13073.

~~WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063, 43-10087,
43-2084, 43-2180, AND 43-2264.~~

PRIORITY DATE: 05/29/1952

POINT OF
DIVERSION:

T10S R27E S24 SESESW Within CASSIA County
T10S R28E S19 SWNSW Lot 3 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.630 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R27E S23	SENE	1.2	T10S R27E S23	NESE	23.0
T10S R27E S23	SESE	38.0	T10S R27E S24	SWNE	30.0
T10S R27E S24	SENE	40.0	T10S R27E S24	SWNW	29.0
T10S R27E S24	SENE	23.0	T10S R27E S24	NESW	40.0
T10S R27E S24	NWSW	40.0	T10S R27E S24	SWSW	40.0
T10S R27E S24	SESW	40.0	T10S R27E S24	NESE	36.0
T10S R27E S24	NWSE	40.0	T10S R27E S24	SWSE	30.0
T10S R27E S24	SESE	23.0	T10S R27E S25	NENE	31.0
T10S R27E S25	NWNE	34.0	T10S R27E S25	SWNE	33.0
T10S R27E S25	SENE	32.0	T10S R27E S25	NENW	4.3
T10S R27E S25	NWNW	39.0	T10S R27E S26	NENE	35.0
T10S R28E S19 Lot 2	SWNW	10.0	T10S R28E S19 Lot 3	NWSW	33.0
T10S R28E S19 Lot 4	SWSW	11.0			

735.5 ACRES TOTAL

COPY

10/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 253 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13071 AND 43-13073. ~~43-13063, 43-10084, 43-2084, 43-2180, AND 43-2264.~~

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 735.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063, 43-10087, 43-2084, 43-2180, AND 43-2264.

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 - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-4016B.
RIGHT NO. 43-11087 IS AN EXPANSION OF THIS RIGHT, 43-13071, AND 43-13063 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

COPY

CERTIFICATE OF SERVICE

I certify that on _____, 2001, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Webb Bros
22 N Yale Rd
Declo, ID 83323

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

COPY

IDAHO DEPARTMENT OF WATER RESOURCES 10/19/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 43-13073

NAME AND ADDRESS: WEBB BROS
22 N YALE RD
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.63 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063, 43-10087, 43-2084, 43-2180, AND 43-2264.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.68 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1335 AF. COMBINED RIGHT NOS.: 43-13071, 43-13073, 43-13063, AND 43-10087.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.06 CFS. COMBINED RIGHT NOS: 43-13071 AND 43-13073.

PRIORITY DATE: 05/29/1952

POINT OF DIVERSION:

T10S R27E S24 SESESW Within CASSIA County

T10S R28E S19 SWNWSW Lot 3 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.630 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R27E S23	SENE	1.2	T10S R27E S23	NESE	23.0
T10S R27E S23	SESE	38.0	T10S R27E S24	SWNE	30.0
T10S R27E S24	SENE	40.0	T10S R27E S24	SWNW	29.0
T10S R27E S24	SENE	23.0	T10S R27E S24	NESW	40.0
T10S R27E S24	NWSW	40.0	T10S R27E S24	SWSW	40.0
T10S R27E S24	SESW	40.0	T10S R27E S24	NESE	36.0
T10S R27E S24	NWSE	40.0	T10S R27E S24	SWSE	30.0
T10S R27E S24	SESE	23.0	T10S R27E S25	NENE	31.0
T10S R27E S25	NWNE	34.0	T10S R27E S25	SWNE	33.0
T10S R27E S25	SENE	32.0	T10S R27E S25	NENW	4.3
T10S R27E S25	NWNW	39.0	T10S R27E S26	NENE	35.0
T10S R28E S19 Lot 2	SWNW	10.0	T10S R28E S19 Lot 3	NWSW	33.0
T10S R28E S19 Lot 4	SWSW	11.0			

735.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 253 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13071 AND 43-13073.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 735.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063, 43-10087, 43-2084, 43-2180, AND 43-2264.

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: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-4016B.
RIGHT NO. 43-11087 IS AN EXPANSION OF THIS RIGHT, 43-13071, AND 43-13063 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

Water Right 43-13073

08/01/2001

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

RIGHT NUMBER: 43-13073

NAME AND ADDRESS: WEBB BROS
22 N YALE RD
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 3.63 CFS

VERIFIED BY KKC

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.06 CFS. COMBINED RIGHT NOS: 43-13071 AND 43-13073.

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063, 43-10084, 43-2084, 43-2180, AND 43-2264.

Supp. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.68 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1335 AF. COMBINED RIGHT NOS.: 43-13071, 43-13073, 43-13063, AND 43-10084.

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063, 43-10084, 43-2084, 43-2180, AND 43-2264.

PRIORITY DATE: 05/29/1952

POINT OF DIVERSION: T10S R27E S24 SESESW Within CASSIA County
T10S R28E S19 LOT 3 SWNWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	3.63 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T10S R27E S23	SENE	1.2	T10S R27E S23	NESE	23
T10S R27E S23	SESE	38	T10S R27E S24	SWNE	30
T10S R27E S24	SENE	40	T10S R27E S24	SWNW	29
T10S R27E S24	SENW	23	T10S R27E S24	NESW	40
T10S R27E S24	NWSW	40	T10S R27E S24	SWSW	40
T10S R27E S24	SESW	40	T10S R27E S24	NESE	36
T10S R27E S24	NWSE	40	T10S R27E S24	SWSE	30
T10S R27E S24	SESE	23	T10S R27E S25	NENE	31
T10S R27E S25	NWNE	34	T10S R27E S25	SWNE	33
T10S R27E S25	SENE	32	T10S R27E S25	NENW	4.3
T10S R27E S25	NWNW	39	T10S R27E S26	NENE	35
T10S R28E S19 LOT 2	SWNW	10	T10S R28E S19 LOT 3	NWSW	33
T10S R28E S19 LOT 4	SWSW	11			

735.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 735.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063, 43-10084, 43-2084, 43-2180, AND 43-2264.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT ~~IS A SPLIT~~ FROM FORMER RIGHT 43-4016B.
RIGHT NO. ~~43-11084~~ IS AN EXPANSION OF THIS RIGHT, 43-13071, AND 43-13063
PURSUANT TO SECTION 42-1416B, IDAHO CODE.