

11/14/2006

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 8, 2006

Water right number: 67-2322

LEROY EISENBARTH
785 JENKINS CREEK RD
WEISER ID 83672
Telephone Number: (208)549-2189

SALLY E EISENBARTH
785 JENKINS CREEK RD
WEISER ID 83672
Telephone Number: (208)549-2189

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:

Moved well to NOT disrupted Neighbors
Domestic well.

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

DATE: 11-29-06 SIGNATURE: Lee Roy J. Eisenbarth
Please print your name: Lee Roy J. Eisenbarth

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Moved POD for well
MVB 12-9-06



Idaho Department of Water Resources

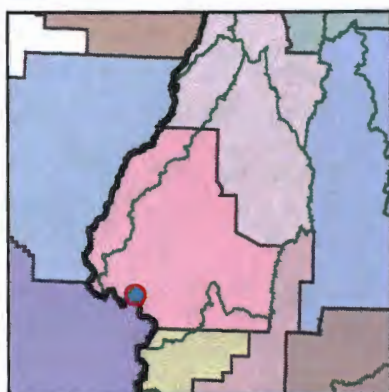
SRBA Recommendation:

67-2322

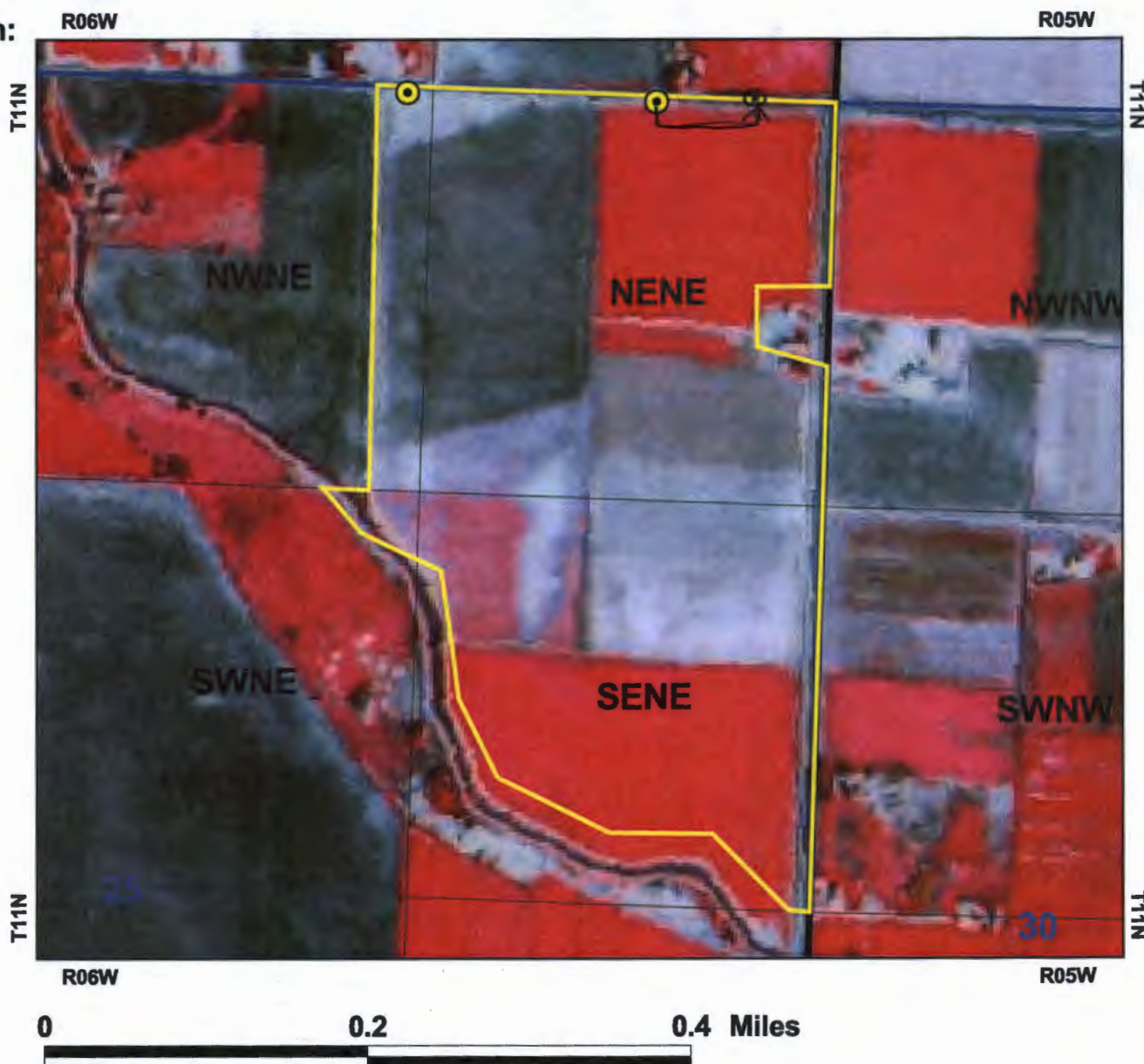
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography

10/30/2006

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

RIGHT NUMBER: 67-2322

NAME AND ADDRESS: LEROY EISENBARTH
785 JENKINS CREEK RD
WEISER ID 83672

SALLY E EISENBARTH
785 JENKINS CREEK RD
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.420 CFS
319.500 AFY

Right Nos. 67-2322 and 67-7194 are limited to a total combined diversion rate of 1.52 cfs and to a total combined annual diversion volume of 342 AF.

PRIORITY DATE: 02/28/1964

POINT OF DIVERSION:

T11N R06W S25 NENE Within WASHINGTON County
T11N R06W S25 NWNE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.420 CFS 319.50 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R06W S25	NENE	39.00	T11N R06W S25	NWNE	5.00
T11N R06W S25	SWNE	1.00	T11N R06W S25	SENE	26.00

71 ACRES TOTAL

Right Nos. 67-2322 and 67-7194 are limited to the irrigation of a combined total of 76 acres in a single irrigation season.

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 - License

Right No. 67-7194 is also diverted through point of diversion described above.

Use of this right is combined with water from Weiser Irrigation District.



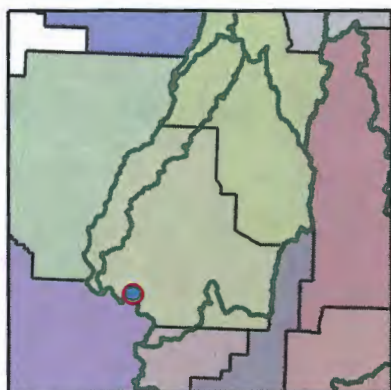
Idaho Department of Water Resources

SRBA Recommendation:

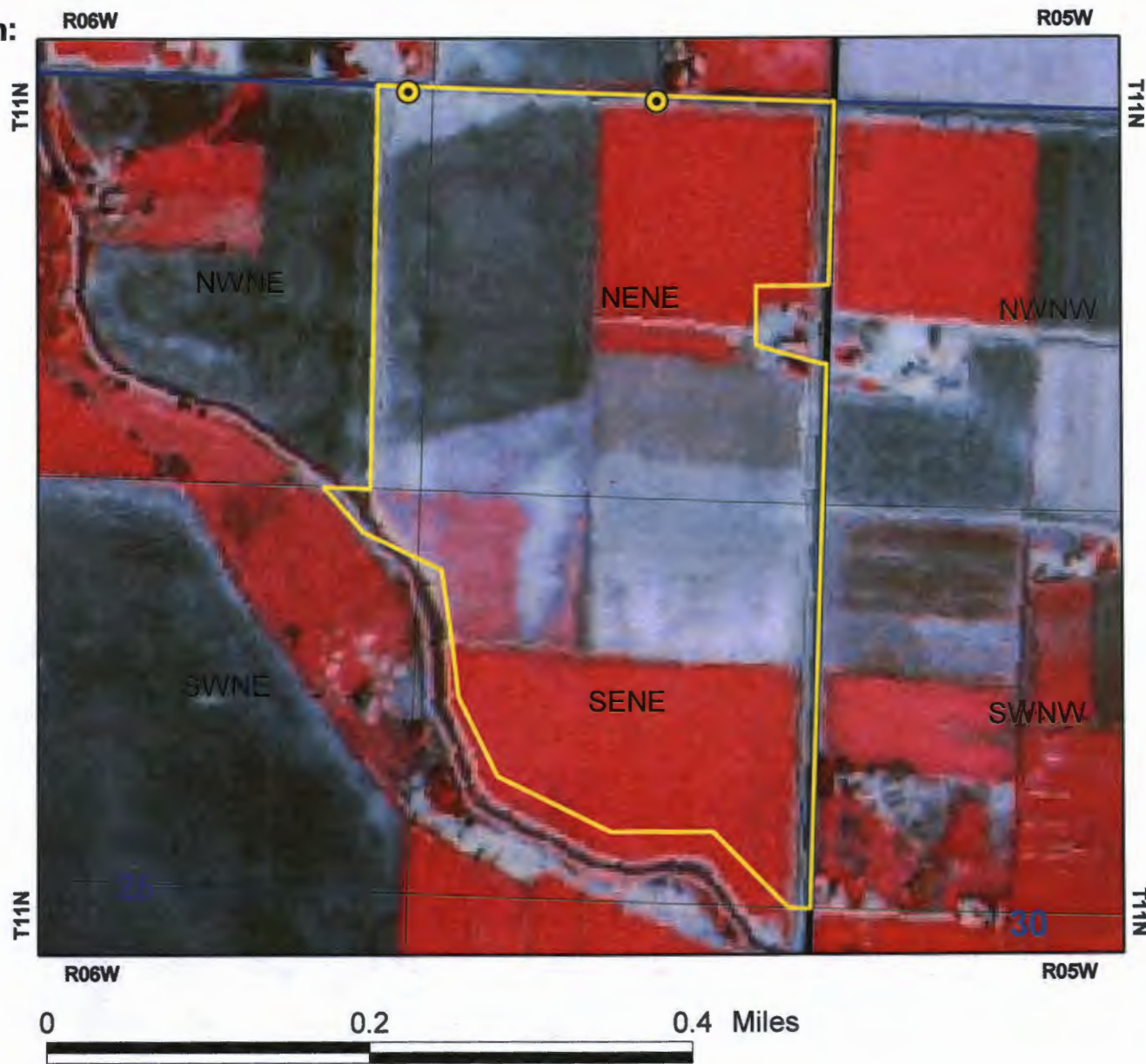
67-2322

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by J. Dean
On Monday, October 30, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2322 V1

WATER RIGHT NUMBER: 67-2322 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEROY EISENBARTH 785 JENKINS CREEK RD WEISER, ID 83672 (208)549-2189
Current Owner	SALLY E EISENBARTH 785 JENKINS CREEK RD WEISER, ID 83672 (208)549-2189

Priority Date: 02/28/1964

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.420 CFS	319.50 AF
	<u>Total Diversion:</u>	1.420 CFS	319.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 25, Twp 11N, Rge 06W, B.M.
WASHINGTON County		
GROUND WATER	NW1/4NE1/4	Sec. 25, Twp 11N, Rge 06W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	06W	25	39.0	5.0	1.0	26.0													71.0

Total Acres: 71

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. F05 Right No.-67-7194 is also diverted through point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2322 V1

3. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. E55 Right Nos. 67-2322 and 67-7194 are limited to the irrigation of a combined total of 76 acres in a single irrigation season.
5. E60 Right Nos. 67-2322 and 67-7194 are limited to a total combined diversion rate of 1.52 cfs and to a total combined annual diversion volume of 342 AF.
6. F14 Use of this right is combined with water from Weiser Irrigation District.

Remarks:Comments:

1. mcase 6/1/2004 Period of Use

Comment: Licensed Period of Use is shorter than standard Season of Use. Shoulder remarks needed.

2. jdean 10/30/2006 Recommended as licensed

Comment: This claim was recommended based on the license.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/19/2004 1:38:45 PM	mcase			Active
POD	4/19/2004 1:44:46 PM	mcase			Active
Source	4/19/2004 1:45:15 PM	mcase			Active
POU	4/19/2004 1:45:39 PM	mcase			Active
Use	4/19/2004 1:46:49 PM	mcase			Active
Season	4/19/2004 1:51:01 PM	mcase			Active
Quantity	4/19/2004 1:51:30 PM	mcase			Active
Season	6/1/2004 3:48:27 PM	mcase			Active
Contacts	10/30/2006 1:12:35 PM	jdean			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2322 V1

Summary

10/30/2006

jdean

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	4/19/2004 1:43:50 PM	mcase	Edited point location
Priority Date	4/19/2004 1:38:45 PM	mcase	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Season	4/19/2004 1:51:01 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
Quantity	4/19/2004 1:51:31 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - Diversion licensed for 319.5 AF.
Contacts	10/30/2006 1:12:36 PM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
POD	4/19/2004 1:44:46 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Use	4/19/2004 1:46:49 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2322 V1

Source	4/19/2004 1:45:15 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	4/19/2004 1:45:39 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Summary	10/30/2006 1:19:14 PM	jdean	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	1/26/2004 1:30:28 PM	awarntje	Edited shape boundary
POU	1/26/2004 1:34:43 PM	awarntje	Edited shape boundary
POD	4/19/2004 1:43:22 PM	mcase	Edited point location
Season	6/1/2004 3:48:27 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
POU	1/26/2004 1:23:16 PM	awarntje	Edited shape boundary
POU	1/26/2004 1:31:58 PM	awarntje	Edited shape boundary
POU	1/26/2004 1:33:33 PM	awarntje	Edited shape boundary
POU	1/26/2004 1:25:51 PM	awarntje	Edited shape boundary
POU	1/26/2004 1:27:50 PM	awarntje	Edited shape boundary



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 11, 2005

DAVID AND DELORIS FREER
1159 INDIANHEAD RD
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Change in Water Right Ownership
Notices of Claim to a Water Right #67-2322 and 67-7194

Dear Mr. and Mrs. Freer:

We are returning the Notice of Change in Water Right Ownership you submitted for your property in Washington County. Both of these Notices of Claim were licensed for 5 acres in the NW1/4NE1/4 of Section 25, the same description as the land you own. However, neither the claim map nor the map provided in the licensing field exam show these 5 acres are the same 5 acres owned by you.

Additionally, there is no evidence that Ronald and Vicky Boren ever owned the property described under either one of these claims.

If you have any questions, please call me at 208/287-4916.

Sincerely,

Craig Saxton
Sr. Water Resource Agent
Adjudication Bureau

CS:ss:region
Enclosure:

Notice of Change in Water Right Ownership (Returned)

SCANNED
OCT 7 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

AUG 17 2005

WATER RESOURCES
WESTERN REGION

RECEIVED

AUG 19 2005

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. Indicate by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-2322		YES			
67-7194		YES			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) RONALD K. BOREN AND VICKY BOREN
5755 S E 2ND AVENUE, NEW PLYMOUTH, ID 83655
4. New Owner/Claimant(s) DAVID R. FREER AND/OR DELORIS P. FREER
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1159 INDIANHEAD ROAD
- City, State and ZIP Code WEISER, ID 83672
- New Telephone Number (208) 890-2095
5. Date you acquired the property 2/23/05

SCANNED

OCT - 7 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>67-2322</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	5 ACRES
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>67-7194</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	5 ACRES
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *David A. Fager*
(include title if applicable) *Deloris D. Fager*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Do not change ownership. See memo.

1. 9-23-05

SCANNED
OCT - 7 2005

WARRANTY DEED

196455

W/0989
For Value Received

RONALD K. BOREN AND VICKY BOREN, husband and wife

do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto

DAVID R. FREER AND DELORIS P. FREER, husband and wife

whose current address is 1159 INDIANHEAD ROAD
WEISER, ID 83672

the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO:

SEE ATTACHED EXHIBIT "A"

Instrument # 196455

WEISER, WASHINGTON, IDAHO

2005-02-23

03:54:00 No. of Pages: 2

Recorded for : AMERITITLE

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: DEED

Fee: 6.00

Lisa McKnight

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantees their heirs and assigns forever. And the said grantors do hereby covenant to and with the said grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: February 18, 2005

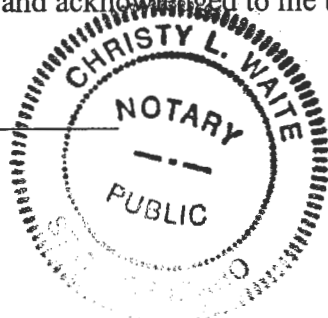
Ronald K Boren
RONALD K. BOREN

Vicky Boren
VICKY BOREN

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 18th day of February, 2005, before me, a notary public in and for the said State, Personally appeared RONALD K. BOREN AND VICKY BOREN known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Christy L. Waite
Notary Public
Residing at Weiser, Idaho
Comm. Expires 11/4/09



SCANNED
OCT - 7 2005

EXHIBIT "A"

A portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 11 North, Range 6 West, Boise Meridian, Washington County, Idaho more particularly described as follows:

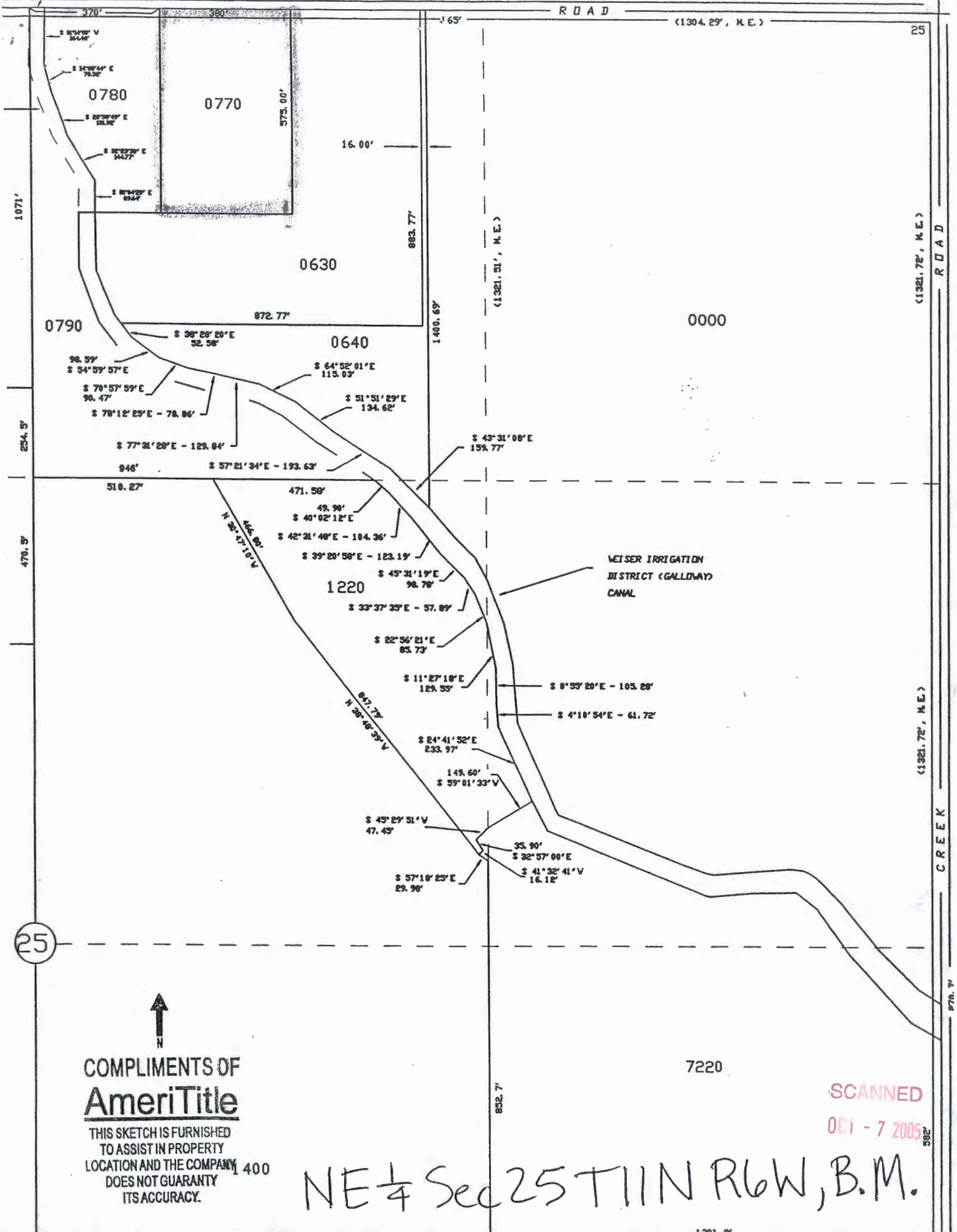
Beginning at the Northwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Twp. 11 N., R. 6 W., B.M.;
Thence East along the North line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 370 feet to the TRUE POINT OF BEGINNING;

Thence continuing East along said North line a distance of 380 feet;

Thence South 575 feet;

Thence West 380 feet;

Thence North parallel to the West line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 575 feet to the TRUE POINT OF BEGINNING.



25



COMPLIMENTS OF
AmeriTitle

THIS SKETCH IS FURNISHED
TO ASSIST IN PROPERTY
LOCATION AND THE COMPANY
DOES NOT GUARANTY
ITS ACCURACY.

NE 1/4 Sec 25 T11N R6W, B.M.

SCANNED
OCT - 7 2005

MEMORANDUM

Date: August 23, 2005

To: Sally Sherman

Cc: File

From: Craig L. Saxton

Re: Change of ownership for 67-2322 & 67-7149

Change of ownership received on August 19, 2003 from Boren to Freer. I reviewed the request and found the following.

67-2322 & 67-7149 were both licensed for 5 acres in the NWNE of section 25. Mr. and Ms. Freer own 5 acres in the NWNE of section 25. However, by looking at the claim map as well as the map provided in the licensing field exam, it is clear that the 5 acres licensed and claimed in this 40 acre tract, are not the 5 acres owned by Mr. and Ms. Freer.

In addition, there is no evidence that Boron ever owned the property described under claims 67-2322 and 67-7149.

Do not change ownership on either 67-2322 or 67-7149.

SCANNED
OCT - 7 2005

MEMORANDUM

Date: August 23, 2005

To: Sally Sherman

Cc: File

From: Craig L. Saxton

Re: Change of ownership for 67-2322 & 67-7149

Change of ownership received on August 19, 2003 from Boren to Freer. I reviewed the request and found the following.

67-2322 & 67-7149 were both licensed for 5 acres in the NWNE of section 25. Mr. and Ms. Freer own 5 acres in the NWNE of section 25. However, by looking at the claim map as well as the map provided in the licensing field exam, it is clear that the 5 acres licensed and claimed in this 40 acre tract, are not the 5 acres owned by Mr. and Ms. Freer.

In addition, there is no evidence that Boron ever owned the property described under claims 67-2322 and 67-7149.

Do not change ownership on either 67-2322 or 67-7149.

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: A67-02322
Date Received: 10/05/1989
Receipt No: M004827
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEROY EISENBARTH 208-549-2189
Address: 785 JENKINS CREEK RD.
WEISER, ID 83672

OR
Name: SALLY E. EISENBARTH 208-549-2189
Address: 785 JENKINS CREEK RD.
WEISER, ID 83672

2. Date of Priority: FEB 28, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	06W	25	NE	NE	NE		WASHINGTON
			NW	NE			WASHINGTON

5. Description of diverting works:
TURBINE PUMP, 5 HP MOTOR PUMPING FROM 47' DEPTH. DISCHARGE----

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.420		

7. Total Quantity Appropriated is:
1.420 C.F.S. (and/or) 319.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A67-02322

Page 1

Date: 10/05/89

SCANNED
MAY 10 2004

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	06W	25	NE		NE		IRR	39.0
			NW		NE		IRR	5.0
			SW		NE		IRR	1.0
			SE		NE		IRR	26.0
							Section Acres	71.0
							Total Acres	71.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-07194, WEISER IRR. DISTRICT

14. Remarks:
ITEM 5-CONT'D. DISCHARGE INTO 8" CONCRETE PIPE THEN INTO OPEN
DITCH. USED AS A SUPPLEMENT TO OTHER WELL.
47' DEEP AND 55' DEEP.
A 20 HP TURBINE PUMP IS USED WITH THIS SYSTEM.

15. Basis of Claim: LICENSE
Water Right Number: 31749

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): X Lee Roy J. Eisenbach Date: X Oct. 5, 1989

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of October 19 89

Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 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 AC67-2322
Date Received 10-5-89
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Lee Roy J. Eisenbath or Sally E. Eisenbath Phone (208) 549-2189

Mailing Address 785 Jenkins Creek Road Weiser, Idaho Zip 83672

2. Date of Priority (Only one (1) per claim) Feb. 28, 1964

3. Source of water supply (a) a ground water source
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 11 N Range 6 W Section 25,
NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of WASHINGTON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

~~Turbine pump with 5 Hp Motor, Discharge into buried
concrete pipe into open ditch~~

Turbine pump with 5 Hp Motor pumping from 47' ft. depth
well. Discharge into 8" concrete pipe then into open ditch.
Used as supplement to other wells.

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OCT 02 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from MAR 15 to NOV 15 amount 1.42 or ~~319.5~~ 4.5
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 319.5 (acre feet)

8. Total consumptive use claimed is 319.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>11N</u>	<u>6W</u>	<u>25</u>	<u>39</u>	<u>5</u>	<u>1</u>	<u>26</u>													<u>71</u>

Total number of acres irrigated 71

11. In which county (ies) are lands listed above as place of use located? WASHINGTON

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A 20 Hp Turbine pump is used with this system or None ()

14. Remarks: Water Right No. 67-7194
Priority February 7-1974

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OCT 02 1992

Last Name EisenbARTH Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

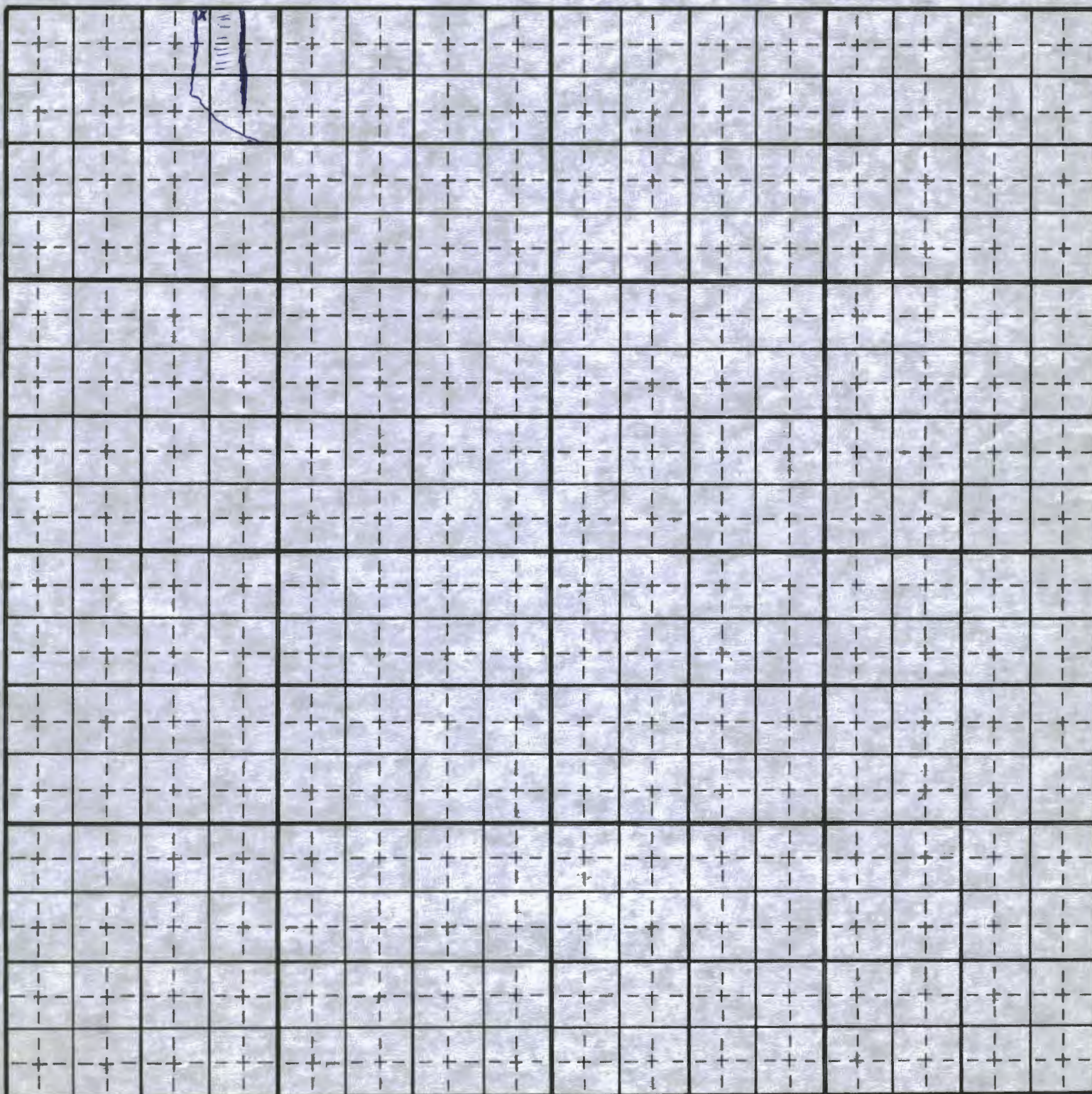
If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

NW 1/4 & W 1/4 of
Twp 11 N, Range 6W, Sec 25,



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OCT 02 1992

Last Name Eisenbath

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 31749/67-2322

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Lee Roy J. Eisenbarth Date Oct 3, 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

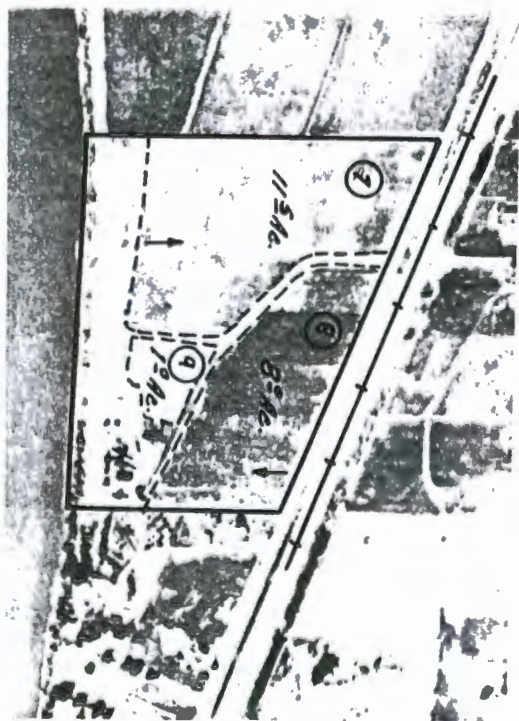
Date _____

MICROFILMED
OCT 02 1992

Last Name Eisenbarth Ident. Number _____

Copies White-State, Yellow-Claimant

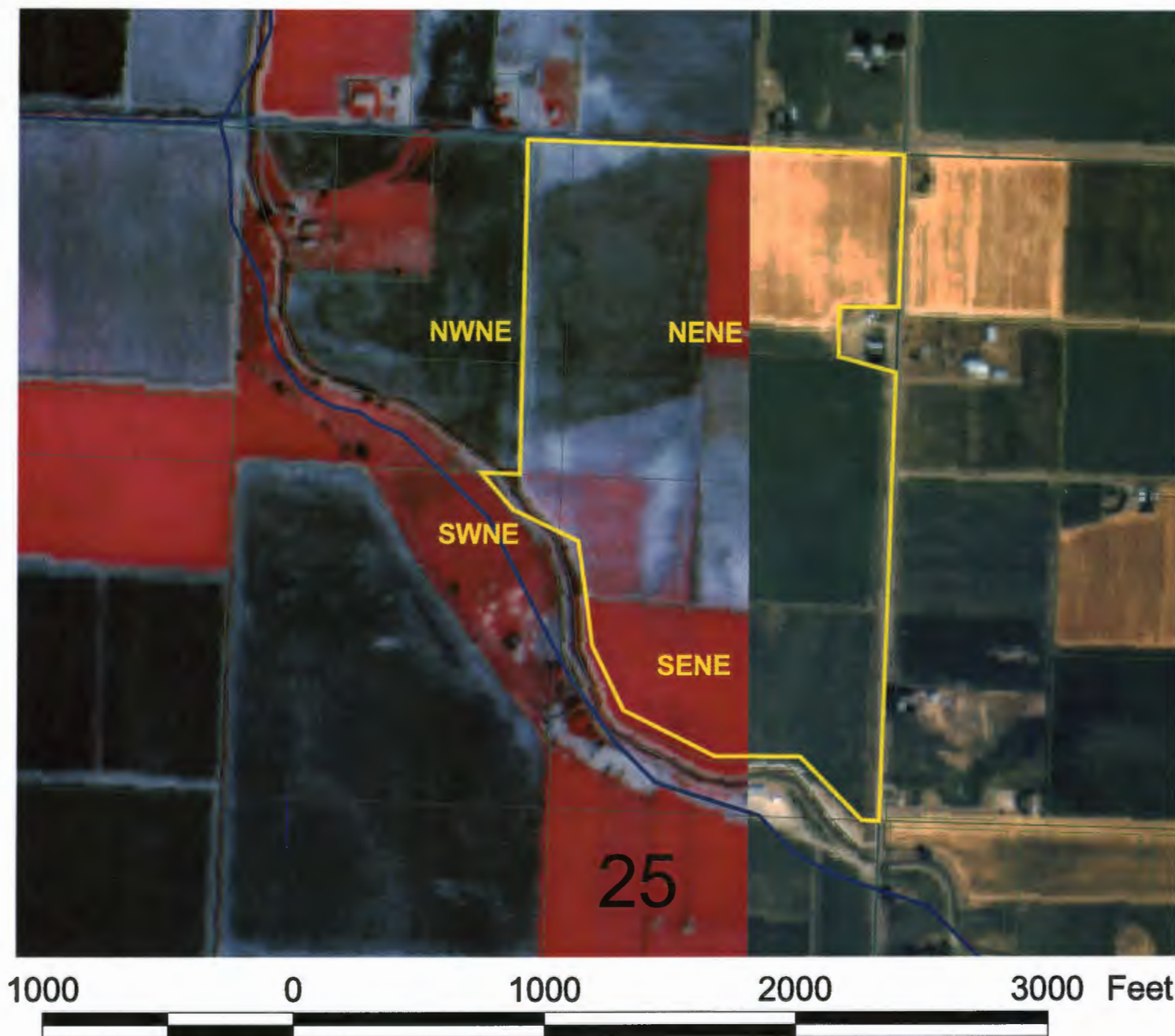
AG7-02322



MICROFILMED
OCT 02 1992

Idaho Department of Water Resources

67-2322



T11N, R06W, S25



Prepared by Anita L. Warntjes
January 26, 2004
1993/94 True Color Photo

DO NOT
SCAN

Page 1

04/19/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2322 V1

WATER RIGHT NUMBER: 67-2322 V1

Owner Type Name and Address
Current Owner LEROY EISENBARTH
785 JENKINS CREEK RD
WEISER, ID 83672
(208)549-2189
Current Owner SALLY E EISENBARTH
785 JENKINS CREEK RD
WEISER, ID 83672
(208)549-2189

DRAFT

Priority Date: 02/28/1964

Basis:

Status:

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.420 CFS	319.50 AF
	<u>Total Diversion:</u>	1.420 CFS	319.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 25, Twp 11N, Rge 06W, B.M.
WASHINGTON County		
GROUND WATER	NW1/4NE1/4	Sec. 25, Twp 11N, Rge 06W, B.M.
WASHINGTON County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
11N	06W	25	39.0	5.0	1.0	26.0	71.0

Total Acres: 71

Conditions of Approval:

Remarks:

Comments:

Period of Use - licensed Period of Use shorter than Standard
Season of use - Rec. Shoulder Remark

Page 2

04/19/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2322 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/19/2004 1:38:45 PM	mcase			
POD	4/19/2004 1:44:46 PM	mcase			
Source	4/19/2004 1:45:15 PM	mcase			
POU	4/19/2004 1:45:39 PM	mcase			
Use	4/19/2004 1:46:49 PM	mcase			
Season	4/19/2004 1:51:01 PM	mcase			
Quantity	4/19/2004 1:51:30 PM	mcase			

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	4/19/2004 1:43:50 PM	mcase	Edited point location
Priority Date	4/19/2004 1:38:45 PM	mcase	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2322 V1

Season	4/19/2004 1:51:01 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
Quantity	4/19/2004 1:51:31 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - Diversion licensed for 319.5 AF.
POD	4/19/2004 1:44:46 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Use	4/19/2004 1:46:49 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Source	4/19/2004 1:45:15 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	4/19/2004 1:45:39 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
POU	1/26/2004 1:30:28 PM	awarnlje	Edited shape boundary
POU	1/26/2004 1:34:43 PM	awarnlje	Edited shape boundary
POD	4/19/2004 1:43:22 PM	mcase	Edited point location
POU	1/26/2004 1:23:16 PM	awarnlje	Edited shape boundary
POU	1/26/2004 1:31:58 PM	awarnlje	Edited shape boundary
POU	1/26/2004 1:33:33 PM	awarnlje	Edited shape boundary
POU	1/26/2004 1:25:51 PM	awarnlje	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2322 V1

POU	1/26/2004 1:27:50 PM	awarnlje	Edited shape boundary
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State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 31749/67-2322 Priority Feb. 28, 1964 Amount 1.42 cfs

THIS IS TO CERTIFY, that LeRoy Eisenbarth
of Weiser, Idaho, has complied with the terms and conditions of Permit
No. 31749/67-2322 issued pursuant to Application for Permit dated February 28, 1964
and has submitted proof to the Department of Water Administration on February 26, 1969
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.43 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 1.42 cfs for irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 1.42 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, Twp. 11 N, Rge. 6 W, B.M.

in the county of Washington; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 319.5 acre feet per year or
4.5 acre feet per acre.

Description and location of place of use:

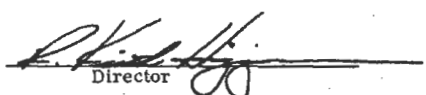
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11 N	6 W	25	39	5	1	26													71

Total number of acres irrigated 71

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 4 day of

February, 19 72.


Director



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25

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E451
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E253

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E451

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E432

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