

10/17/2005

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

RIGHT NUMBER: 22-7135
NAME AND ADDRESS: NORMAN E NEF
2029 S 3000 W
REXBURG ID 83440
SOURCE: CEDAR POINT DRAIN TRIBUTARY: SNAKE RIVER
QUANTITY: 1.200 CFS
210.000 AFY
PRIORITY DATE: 06/18/1975
POINT OF DIVERSION:
T05N R39E S2 NWNESW Within MADISON County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.200 CFS 210.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County
T05N R39E S02 Lot 3 NENW 37.0 T05N R39E S02 NESW 23.0

60 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.

This right is subject to regulation by the watermaster of Water District No. 1, Snake River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Rexburg Irrigation Co.

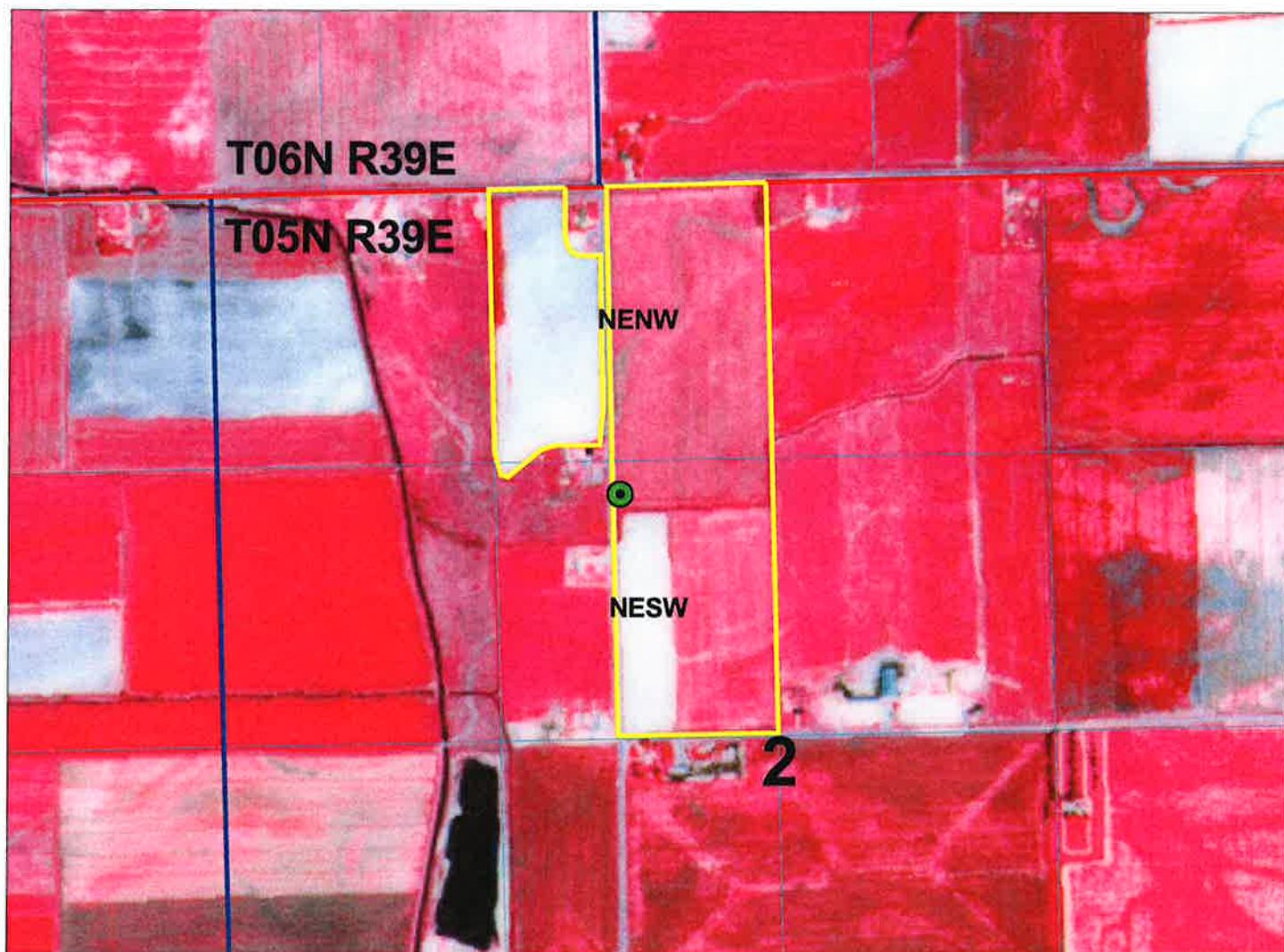
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Department of Water Resources

Eastern Region

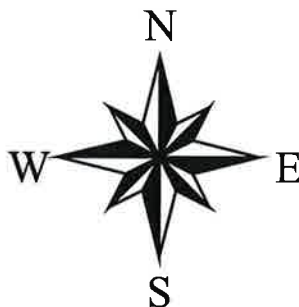


Claim No.: 22-7135



0 1320 2640 Feet

- Point of Diversion
- 22-7135.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: October 2005

10/05/2005

**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:

Water right number: 22-7135

NORMAN E NEF

2029 S 3000 W

REXBURG ID 83440

Telephone Number: (208)356-6479

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:

10/31/2006

SIGNATURE:

David Norman Nef

Please print your name:

DAVID NORMAN NEF

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

NOV 09 2006

Department of Water Resources
Eastern Region

KWT
11/09

Claim needs to be changed to show reduction in acres for ~~Acres~~ Teton Flood. CFS will also need to be changed for reduction in acres.

10-5-05

Claim does not need to be changed for a reduction in acres.

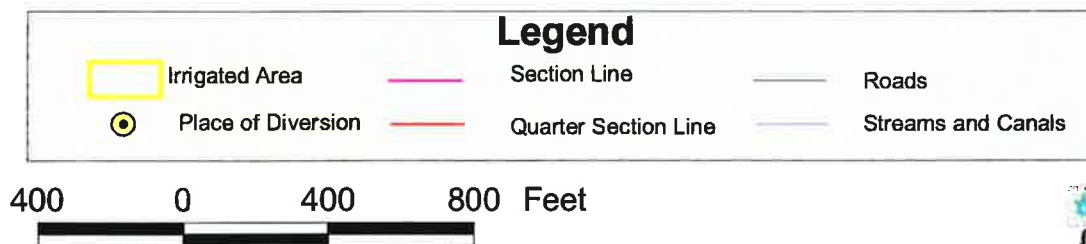
Recommend the acreage used despite the fact that it is less than originally claimed.

Changed POD w/ accomplished transfer.

Reduced quantity of water. Original right was 2"/acre. Recommended that way.

Water Right Claim Number 22-07135
Township , 5N39E

07/06/2001



Claim no. A22-7135

Claimant Contact Log

Date _____

Remarks

Agent initials

8/17/04 356-6479 7:30 AM Mr. Nef. 9:30 @
2029 S 3000 W

8/20/04 10:30 Met w/ Mr. Nef

- 1) Rexburg for Shaw / Fremont Madison on this farm
- 2) Change in POD (B. & L.)

Bae 8/20/04

Contacts Data Entry Form

Claim Number: A22-7135

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.Name, address, phone # on claim are correct. BAC 8/20/04

Reviewer: _____ Date: _____

Priority Date Data Entry FormClaim Number: A22-7135

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

6/18/1975 per license. Bac 8/20/04

Reviewer: _____

Date: _____

Water Right No(s). A22-07135



GPS DATA:

Tag # A-0012208 Location: power pole @ meter

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

A22-7135 photos 8/20/04. Bac



Culvert
where mainline
goes under
road to
serve
West Pole



looking NE
at north
part of
East Pole

Point of Diversion and Source Data Entry Form

Claim Number: A22-7135Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

GPS Waypoint 522673968 E 1401395 N IDTM83

The original POD was on the Cedar Point Drain. This new POD is associated w/ changes due to the Teton flood. The POD is on a field drain that is about 1/4 mile upstream of Cedar Point Drain. Field drain is tributary to Cedar Point. Canal shares can also be delivered to drain. Bac 8/20/04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-7135Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

*Please see maps on Layout. Not all of original POU
is now irrigated from this well. Bdc 8/20/04*

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

1.34 cfs 4/1 - 11/1 per license. BAC 8/20/04
may need reduction for BPOU.

Reviewer: _____

Date: _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7135 Priority June 18, 1975 Amount 1.34 cfs

THIS IS TO CERTIFY, that Norman E. Nef
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7135 issued pursuant to Application for Permit dated June 18, 1975,
and has submitted proof to the Department of Water Resources on May 12, 1980,
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 3.55 cfs of water from Cedar Point Drain,
tributary to Snake River, 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>April 1</u> to <u>November 1</u>	at <u>1.34</u> cfs and	<u>234.5</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 1.34 cfs 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
234.5 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Twp.
5N, Rge. 39E in the County of Madison

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 $\frac{1}{4}$	
5N	39E	2								1.34	33								67

Total number of acres irrigated 67

- This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- Use of water under this license is subject to control by the watermaster of State Water District No. 01, Snake River.

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 February, 19 82

For the Director

Norman E. Nef

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: A22-07135
Date Received: 7/29/1988
Receipt No:
Received By: E 000949
T.O.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORMAN E. NEF 208-356-6479
Address: 2029 S. 3000 W.
REXBURG, ID 83440

2. Date of Priority: JUN 18, 1975

3. Source: CEDAR POINT DRAIN Trib. to: SNAKE RIVER, *Soke*

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	2	NE	SW			MADISON

5. Description of diverting works:
PUMP, PIPELINE & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.340		234.50

7. Total Quantity Appropriated is:
1.340 C.F.S. (and/or) 234.50 A.F.A.

8. Total consumptive use is 167.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	2	SE	NW	3	IRR	34.0
			NE	SW		IRR	33.0
						Section Acres	67.0

A2207135



10. Place of Use: Continued

Total Acres 67.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
REXBURG IRR. CO.

14. Remarks:

THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE
THAN 0.02 CFS/AC NOR MORE THAN 3.5 AFA/AC FOR THE LANDS ABOVE.

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: _____

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): *[Signature]* Date: 7-29-88
Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 29th day
of July 19 88 *Deena Green*
Notary Public

Seal

Residing at *Ridgely*
My Commission Expires 4-22-1994

