

02/11/2005

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

RIGHT NUMBER: 22-10467

NAME AND ADDRESS: VA LAYNE NEIBAUR
5082 S 2000 W
REXBURG ID 83440

MITCHEL C NEIBAUR
5082 S 2000 W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1958

POINT OF DIVERSION:

T05N R39E S24 SENENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

1/01 12/31

0.020 CFS

PLACE OF USE: DOMESTIC Within MADISON County

T05N R39E S24 NENW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

09/02/2005

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: 22-10467

VA LAYNE NEIBAUR Weeks

5082 S 2000 W

REXBURG ID 83440

Telephone Number: (208)356-0384

~~MITCHEL C NEIBAUR~~

~~5082 S 2000 W~~

~~REXBURG ID 83440~~

~~Telephone Number: (208)356-0384~~

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
Name is changed + Mitchel C. Neibaur has no rights on this water or property
2. Describe the changes you wish to make in the proposed recommendation:
*Randal Jay Weeks + Valayne Weeks
5082 S. 2000 W. →
Rexburg ID 83440 (208) 356-0384*
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 2-4-06

SIGNATURE: Valayne Weeks

Please print your name: _____

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

RECEIVED

FEB 10 2006

Department of Water Resources
Eastern Region

*Send Change of
Ownership form.
KMT 2/11*

*KMT
2/10*

February 13, 2006

VaLayne Weeks
5082 S 2000 W
Rexburg ID 83440

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. 22-10467

Dear Mrs. Weeks:

Before we can modify our records to reflect the name change on the water right in question, we need Form 42-248/42-1409(6) (Change of Water Right Ownership) completed. This form is enclosed for your use. Please follow the instructions on the back and return to my attention at this office.

Please call this office at (208) 525-7161 if you have any questions.

Respectfully submitted,

Katy Jackson
Office Specialist 1

02/02/05

- Field map mis-represents what is being watered by this well. Groundwater is watering approx. 12,000 ft² yard around the house which I came up w/ a shape of 0.25 Acres.

- This is a beneficial use claim, a request for evidence of priority was sent, but no evidence has been received to date.
- Also needs a change of ownership.

NT

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: Va Layne Weeks Phone No.: 356-0384

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: _____

* Owner will mail Δ ownership

Discussion of right origin and split history. Questions and problems.

5/10/04 356-0384 8:05 Va Layne Weeks - divorce/
re marriage ~ 1992
Δ ownership needed - Land bought from Hansen -

home built in 1940's - Bob Hansen?
call daughter - 359-1369 Tonya Dye

Probably ~ 1/2 acre ir from well - Inspect Thurs. AM
Bae

8/12/04 called Tonya. Please call dad 1st.
483-4805 Randy

8/10/04 - phone call w/ Randy while I was at POU.
Circle drive east is all from well + bode

circle drive west is from canal

Randy will mail EOD if he can get it.

2nd
Attempt @
EVIDENCES.

Per Tonya's husband, trailer lawn is ir w/
canal water. Tonya's husband was there while
I inspected pou.

Bae 8/12/04

Reviewer: _____ Date: _____

2/11/05 Disallow → Irrig only
No Response to Request
For EVIDENCES of Priority.

Recommend Domestic Only son

Priority Date Data Entry Form

Claim Number: _____

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:

Owner will mail EOP. Note that this is
small enough for de minimus domestic if no
EOP is recd.

Reviewer: _____

Date: _____

Water Right No(s). A22-10467



GPS DATA:

Tag # None Location: (no place to put a tag - see photo)

Diversion Data:

Source: Ground Water Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES: claim < 0.2 cfs Bac 8/12/04

Field Exam Date: _____ Agent: _____



A22-10467 8/12/04

POU looking SE from corner of
circle drive Bac

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water 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 location waypoint 41 2675744E 1397283N
 IDTM 83
 BAC 8/12/04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed 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

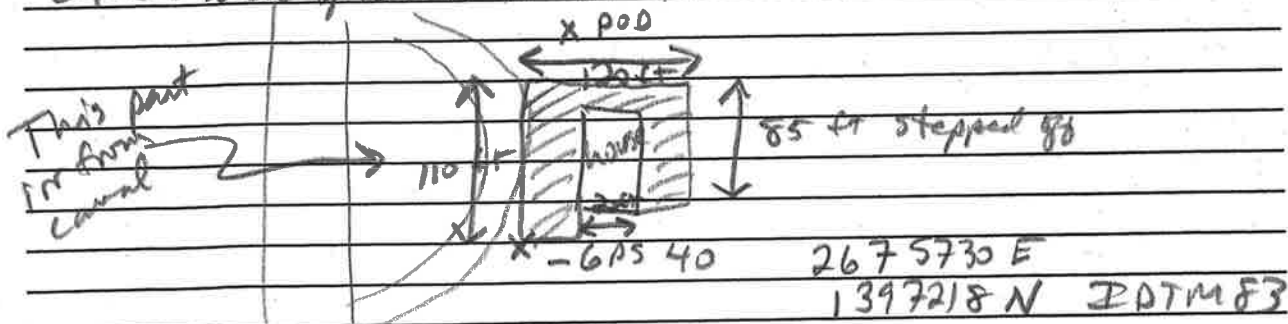
Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Aerial photo is difficult to interpret. GPS waypoint 40 marks SW corner of POU in farm ~~town~~ well. Other area of lawn is in farm canal water.



Reviewer: _____ Date: _____

$$(110 \times 120) = 13,200$$

less house

$$\underline{1200}$$

$$12,000 \approx 0.27 \text{ acre}$$

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:

Domestic: 1 home, 1 trailer.
 small corrals could hold a few animals
 0.27 acre in. Bac 8/12/04

Reviewer: _____

Date: _____

June 4, 2004

**MITCHEL OR VA LAYNE NEIBAUR
5082 S 2000 W
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10467

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of APR 1 1958, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

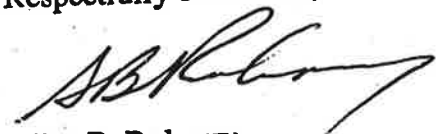
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of
this letter, referencing all documents with the corresponding claim number. If you
have any questions not covered by this letter or the enclosed pamphlet, please feel free to
contact this office.

Respectfully submitted,



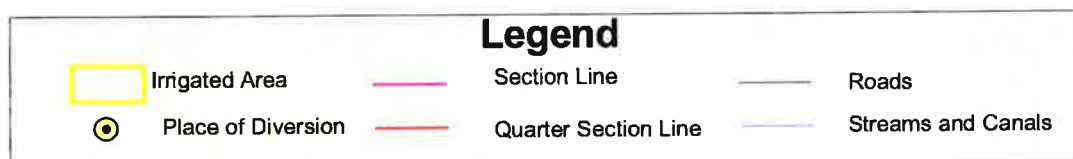
Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

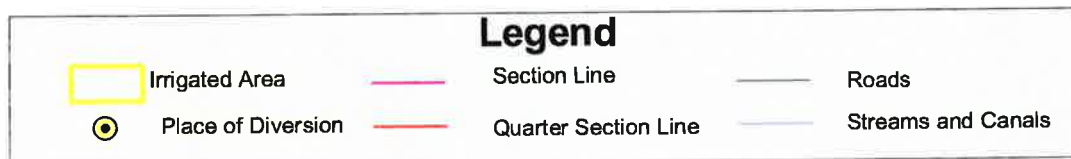
Water Right Claim Number 22-10467
Township , 5N39E

07/12/2001



Water Right Claim Number 22-10467
Township , 5N39E

07/12/2001





 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

Legend



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: A22-10467
Date Received: 8/02/1988
Receipt No: 14000691
Received By: EA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MITCHEL C. NEIBAUR 208-356-0384
Address: 5082 S. 2000 W.
REXBURG, ID 83440
OR
Name: VA LAYNE NEIBAUR 208-356-0384
Address: 5082 S. 2000 W.
REXBURG, ID 83440

2. Date of Priority: APR 01, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	24	SE	NE	NW		MADISON

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
IRRIGATION	04/01	11/01	0.060		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC USE FOR SINGLE RESIDENCE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: One

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): *Michael G. Neibaur* Date: 8-2-88

Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of Aug 19 88 *E. Elaine Summers*
Notary Public

Seal

Residing at *Redding*
My Commission Expires 7-27-93

