

06/06/2006

**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:

Water right number: 22-13463

WELDON NEF

1463 S 4000 W

REXBURG ID 83440

Telephone Number: (208) 356-6330

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: 10-21-06

SIGNATURE: Weldon J Nef

Please print your name: Weldon J Nef

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

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FEB 10 2009

KMS
10/30

Water Right No(s). A 22-13463

GPS Data - 2671786
1402208

GPS File # -
221346

GPS DATA:

Tag # No GPS Tag Location: _____

Diversion Data:

Source: Drain Trib to: Texas Slough

MOTOR

Not on site Model: _____ Hp: unknown
Make: _____
SN: _____

PUMP

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

NOTES:

System is a Diesel motor to pump from drain to 4-5 handlines.
Place of use also has shares in Transbay Canal.
Met with claimant Weldon Nef on-site.

Field Exam Date: 5-29-06 Agent: J. W. Jones

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FEB 10 2009
FEB 10 2009



06N39E33

NWSE

221346

06N39E33
NWSE
221346



34

pump station

Drain (subwater)

Start

4

3



A22-13463 pump station location, looking South.



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34

3

4

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered**

*Ray W. Rigby
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May 17, 2006

Idaho Department of Water Resources
Adjudication Bureau
ATTN: Kristin Moore
GIS Specialist
900 N. Skyline Dr. Ste. A
Idaho Falls, ID 83402-1718

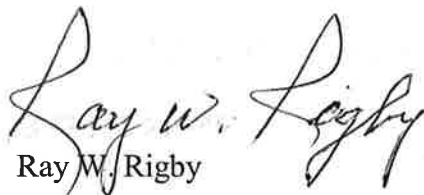
Re: Evidence of Priority for SRBA Water Right Claim 22-13463

Dear Ms. Moore:

On April 27, 2006, a letter from you, Kristin Moore, GIS Specialist in the Adjudication Department, in behalf of the Idaho Department of Water Resources, asked for evidence of Priority (April 1, 1971) for said SRBA Water Right Claim 22-12463. Enclosed herewith are the original affidavits of the said Weldon Nef and James C. Reed, verifying the priority date for this water right as being April 1, 1971.

We trust these affidavits suffice for your inquiry. However, if there are any other questions or concerns, please let me know.

Sincerely,


Ray W. Rigby

Enclosure
RWR/sje
F:\WP6\DK\NEFW.LTR

RECEIVED
MAY 18 2006
Department of Water Resources
Eastern Region

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FEB 10 2009

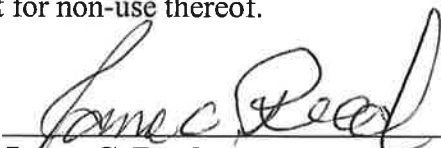
AFFIDAVIT

State of IDAHO)
 ss.
County of Madison)

RE: SRBA Water Right Claim 22-13463

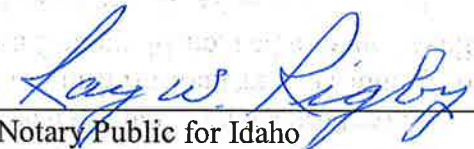
James C. Reed, being first duly sworn, deposes and says:

1. Your affiant resides at 4869 East 150 North, Rigby, ID 83442, which is in the Ririe, Idaho, area, and makes this affidavit on behalf of Weldon Neff
2. That your affiant is advised that on April 27, 2006, a letter from Kristin Moore, GIS Specialist in the Adjudication Department, in behalf of the Idaho Department of Water Resources, to Weldon Neff, asked for evidence of Priority (April 1, 1971) for said SRBA Water Right Claim 22-12463.
3. That your affiant knows of his own knowledge that on or about April 1, 1971, said Weldon Neff engaged your affiant, who was then an employee of the United States of America, Department of Agriculture, Soil Conservation Service, to help him design and process an irrigation-drainage system, which system had as its purpose a means of draining surplus sub-waters from nearby lands through a channel, which ultimately emptied into the North Burton Drain, a tributary to the North Fork of the Snake River in Madison County, Idaho, and provided available water for the said Weldon Neff to use for stock watering and irrigation, by pumping the same from said channel for irrigation purposes and for providing for stock watering from the surface streams.
4. Once the plans were approved to your affiant's satisfaction, the said Weldon Neff had the channel dug by LeGrand Kirkham, using a dragline, and water was made available and applied to beneficial use by the said Weldon Neff for stockwatering and irrigation on and after April 1, 1971, and the same is still being used on the same places of use and for the same purposes, in the amounts set forth in said claim, and has never been lost for non-use thereof.


James C. Reed

Subscribed and Sworn to before me this 12th day of May, 2006.




A Notary Public for Idaho
Residing At: Rexburg, ID
My Commission Expires: 03-12-2011

RECEIVED
MAY 18 2006
Department of Water Resources
Eastern Region

SCANNED

FEB 10 2009

AFFIDAVIT

State of IDAHO)
 ss.
County of Madison)

RE: SRBA Water Right Claim 22-13463

Weldon Neff, being first duly sworn, deposes and says:

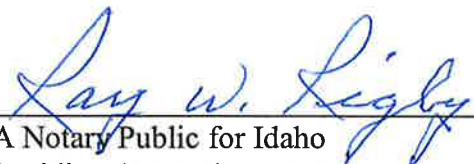
1. Your affiant resides at 1463 South 4000 West, Rexburg, ID 83440, and is the owner of the above numbered water right, and makes this affidavit on his own behalf.
2. On April 27, 2006, a letter from Kristin Moore, GIS Specialist in the Adjudication Department, in behalf of the Idaho Department of Water Resources, asked for evidence of Priority (April 1, 1971) for said SRBA Water Right Claim 22-12463.
3. That on or about April 1, 1971, your affiant engaged James C. Reed, who was then an employee of the United States of America, Department of Agriculture, Soil Conservation Service, to help design and process an irrigation-drainage system, which system had as its purpose a means of draining surplus sub-waters from nearby lands through a channel, which ultimately emptied into the North Burton Drain a tributary to the North Fork of the Snake River in Madison County, Idaho, and provided available water for your affiant to use for stock watering and irrigation, by pumping the same from said channel for irrigation purposes and for providing for stock watering from the surface streams.
4. Once the plans were approved, your affiant had the channel dug by LeGrand Kirkham, using a dragline, and water was made available and placed to beneficial use by your affiant for stockwatering and irrigation on and after April 1, 1971, and the same is still being used on the same places of use and for the same purposes, in the amounts set forth in said claim, and has never been lost for non-use thereof.



Weldon Neff

Subscribed and Sworn to before me this 12th day of May, 2006.





A Notary Public for Idaho
Residing At: Rexburg, ID
My Commission Expires: 03-12-2011

April 27, 2006

**IMPORTANT
PLEASE READ**

**WELDON NEF
1463 S 4000 W
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-13463

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. 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 April 1, 1971, from DRAIN.

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

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FEB 10 2009

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 22-13463
Date Received: 1/20/2006
Receipt No: E031574
Received By:

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

1. Name of Claimant(s)

WELDON NEF Phone: (208) 356-6330

1463 S 4000 W
REXBURG ID USA 83440

2. Date of Priority: 04/01/1971

3. Source: DRAINAGE CHANNEL Trib. to: TEXAS SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	39E	33	NW SE	MADISON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.8	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
1.8 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
06N	39E	33	NE SE	IRRIGATION	40
			NW SE	IRRIGATION	40
			SW NE	IRRIGATION	10
			NW SE	STOCKWATER	

NE SE

STOCKWATER

Section Acres 90

Total Acres 90

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:

14. Remarks:

15. Basis of Claim: Beneficial Use

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): *W. L. Jackson* Date: 1-20-06
_____ Date: _____

State of Idaho
County of Bonneville } SS.

Subscribed and sworn (or affirmed) before me this 20 day of January 2006

Katy Jackson
Notary Public

Residing at Idaho Falls

My commission Expires 03-31-2011

