

09/22/2006

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

RIGHT NUMBER: 22-13535

NAME AND ADDRESS: SHAWN WEBSTER
PO BOX 457
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS
343.700 AFY

Right Nos. 22-2252 and 22-13535 are limited to a total combined diversion rate of 7.27 cfs and to a total combined annual diversion volume of 2766.2 AF.

PRIORITY DATE: 06/28/1965

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05N R41E S8 NESWNE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

05/15 10/30

0.800 CFS
343.70 AFY

PLACE OF USE:

IRRIGATION Within MADISON County

T05N R41E S05 Lot 2	NWNE	9.10	T05N R41E S05	SWNE	39.00
T05N R41E S05 Lot 3	NENW	12.00	T05N R41E S05 Lot 4	NWNW	8.60
T05N R41E S05	SWNW	40.00	T05N R41E S05	SENE	40.00
T05N R41E S05	NESW	40.00	T05N R41E S05	NWSW	35.00
T05N R41E S05	NWSE	36.00	T05N R41E S05	SWSE	34.00
T05N R41E S08	NENE	6.40	T05N R41E S08	NWNE	23.00
T05N R41E S08	SWNE	34.00	T05N R41E S08	SENE	20.00
T05N R41E S08	SWNW	31.00	T05N R41E S08	SENE	32.00
T05N R41E S08	NESW	34.00	T05N R41E S08	NWSW	37.00
T05N R41E S08	SWSW	33.00	T05N R41E S08	SESW	28.00
T05N R41E S08	NESE	2.20	T05N R41E S08	NWSE	37.00
T05N R41E S08	SWSE	35.00	T05N R41E S08	SESE	0.30
T05N R41E S09	NENE	39.00	T05N R41E S09	NWNE	39.00
T05N R41E S09	SWNE	39.00	T05N R41E S09	SENE	17.00
T05N R41E S09	NENW	31.00	T05N R41E S09	SWNW	38.00
T05N R41E S09	SENE	33.00	T05N R41E S10	NWNW	3.60
T05N R41E S17	NWNE	37.00	T05N R41E S17	NENW	33.00
T05N R41E S17	NWNW	37.00			
		993.2 ACRES TOTAL			

09/22/2006

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

The rights listed below are limited to the irrigation of a combined total of 993.2 acres in a single irrigation season. Combined Right Nos.: 22-2252 and 22-13535.

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 based upon an enlargement of Right No. 22-2252 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 22-2252 is also diverted through point of diversion described above.

This right is for an enlargement of 98.18 acres within the place of use described for this right.

NOTICE OF ERROR
REPLY

05/24/2006

OCT 18 2006

Department of Water Resources
Idaho Falls, ID

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: 22-13535

SHAWN WEBSTER

PO BOX 457

REXBURG ID 83440

Telephone Number: (208)356-9598

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:

10-18-06

SIGNATURE:

Shawn Webster
Shawn Webster

Please print your name:

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

Kmt
10/20

Law Offices

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

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

Kristin Moore
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A.
Idaho Falls, Idaho 83402-6105

Dear Kristin,

Enclosed please find an affidavit of Roger Wood. He was the owner of the Split 8 property that Shawn Webster owned. Let me know if you need anything else.

Sincerely,



Rob Wood
Assistant to Jerry Rigby

RECEIVED
JUN 13 2006
Department of Water Resources
Eastern Region

Claimant: Randall Hillman, Jeff Walters, Mona Walters, Shawn Walters & Patrice Walters
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA

Case No. 39576

) Subcase: 22-2252
)
)
)
)

AFFIDAVIT OF ROGER WOOD

STATE OF IDAHO)

ss.

County of Madison)

RECEIVED

JUN 13 2006

Department of Water Resources
Eastern Region

Roger Wood, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 330 S. 4th E., Rexburg, ID 83440.

2. I was a farmer by profession and was the previous owner of the lands which are described and watered by water right No. 22-2252, presently owned by Shawn Webster. I have personally worked on the said property since many years before 1965, the priority date claimed by the Claimants and continued to work thereon until the date I sold my property to

Shawn Webster in 1984. I have reviewed the enlarged water right claimed filed by Shawn Webster, hereinafter referred to as "Claim".

3. Because I personally developed the ground water rights on my property, I am keenly and personally aware that in 1964, we dug a well on said property, and used hand-lines to water said property starting in 1965. We installed circle sprinkler systems before the land was sold to Shawn Webster in 1984.

4. I am also personally aware that the entire 993.2 acres described in the Claim had water from my water right No. 22-02252 applied to beneficial use.

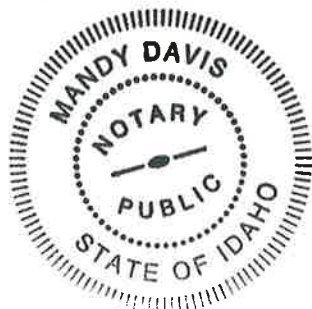
5. I have carefully reviewed the Claim and have actual and personal knowledge that all of the Lands contained in the Claim have been watered by Claimant (and their predecessor) from the Claim's stated point of diversion since the beginning of the crop year in 1965, through the use of pumps, hand-lines or circle sprinkler systems, (which were installed later), throughout the Lands.

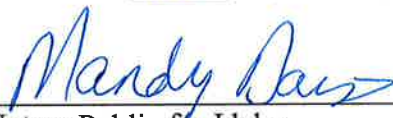
6. All uses described in the Claim were instituted prior to 1987.

Dated this 12 day of June, 2006.


Roger Wood

SUBSCRIBED AND SWORN to before me this 12th day of June, 2006.




Notary Public for Idaho
Residing at St. Anthony, Rexburg, Idaho
My Commission Expires: 6.24.2011

Law Offices

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

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

Idaho Department of Water Resources
Attn: Kristin Moore
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

May 22, 2006

Dear Kristin,

Enclosed please find an enlargement claim for Water Right No. 22-2252, which belongs to Shawn Webster. Also, enclosed is a check from our firm for \$124.00. If anything else is needed, please let me know.

Sincerely,



Robert Wood
Assistant to Jerry Rigby

RECEIVED
MAY 23 2006
Department of Water Resources
Eastern Region

Idaho Department of Water Resources Receipt

Receipt ID E031963

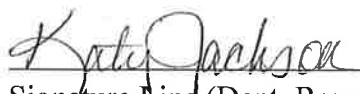
Payment Amount Date Received Region Status

Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$124.00	ADJUDICATION FILING FEE	0337		43503	1155


Signature Line (Dept. Representative)

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 22-13535
Date Received: 5/23/2006
Receipt No:
Received By:

ENLARGEMENT

ENLARGEMENT

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

1. Name of Claimant(s)

SHAWN WEBSTER Phone: (208)356-9598
PO BOX 457
REXBURG ID USA 83440

2. Date of Priority: 06/28/1965

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	41E	8	NW NE	MADISON	

5. Description of diverting works:

Existing 600 horsepower pump with a 125 horsepower booster pump, attached to a mainline and pipelines, attached to pivot sprinkler systems.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/15	10/30	7.27	2422.57

7. Total Quantity Appropriated is:

7.27 C.F.S. and/or 2422.57 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	41E	5	NW NE 2	IRRIGATION	9.1
			SW NE	IRRIGATION	39
			NE NW 3	IRRIGATION	12

NW	NW	4	IRRIGATION	8.6
SW	NW		IRRIGATION	40
SE	NW		IRRIGATION	40
NE	SW		IRRIGATION	40
NW	SW		IRRIGATION	35
NW	SE		IRRIGATION	36
SW	SE		IRRIGATION	34

Section Acres 293.7

05N	41E	8	NE	NE	IRRIGATION	6.4
			NW	NE	IRRIGATION	23
			SW	NE	IRRIGATION	34
			SE	NE	IRRIGATION	20
			SW	NW	IRRIGATION	31
			SE	NW	IRRIGATION	32
			NE	SW	IRRIGATION	34
			NW	SW	IRRIGATION	37
			SW	SW	IRRIGATION	33
			SE	SW	IRRIGATION	28
			NE	SE	IRRIGATION	2.2
			NW	SE	IRRIGATION	37
			SW	SE	IRRIGATION	35
			SE	SE	IRRIGATION	0.3

Section Acres 352.9

05N	41E	9	NE	NE	IRRIGATION	39
			NW	NE	IRRIGATION	39
			SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	17
			NE	NW	IRRIGATION	31
			SW	NW	IRRIGATION	38
			SE	NW	IRRIGATION	33

Section Acres 236

05N	41E	10	NW	NW	IRRIGATION	3.6
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Section Acres 3.6

05N	41E	17	NW	NE	IRRIGATION	37
			NE	NW	IRRIGATION	33
			NW	NW	IRRIGATION	37

Section Acres 107

Total Acres 993.2

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:
22-2252

14. Remarks:

This is an enlargement claim within the place of use described for this right, enlarging it by 98.2 acres. This right is based upon an enlargement of right No 22-2252 pursuant to Section 42-1426, Idaho Code.

15. Basis of Claim: Beneficial Use

Shawn Webster
Split 8 Farms Inc
1992 Orthophoto

RECEIVED

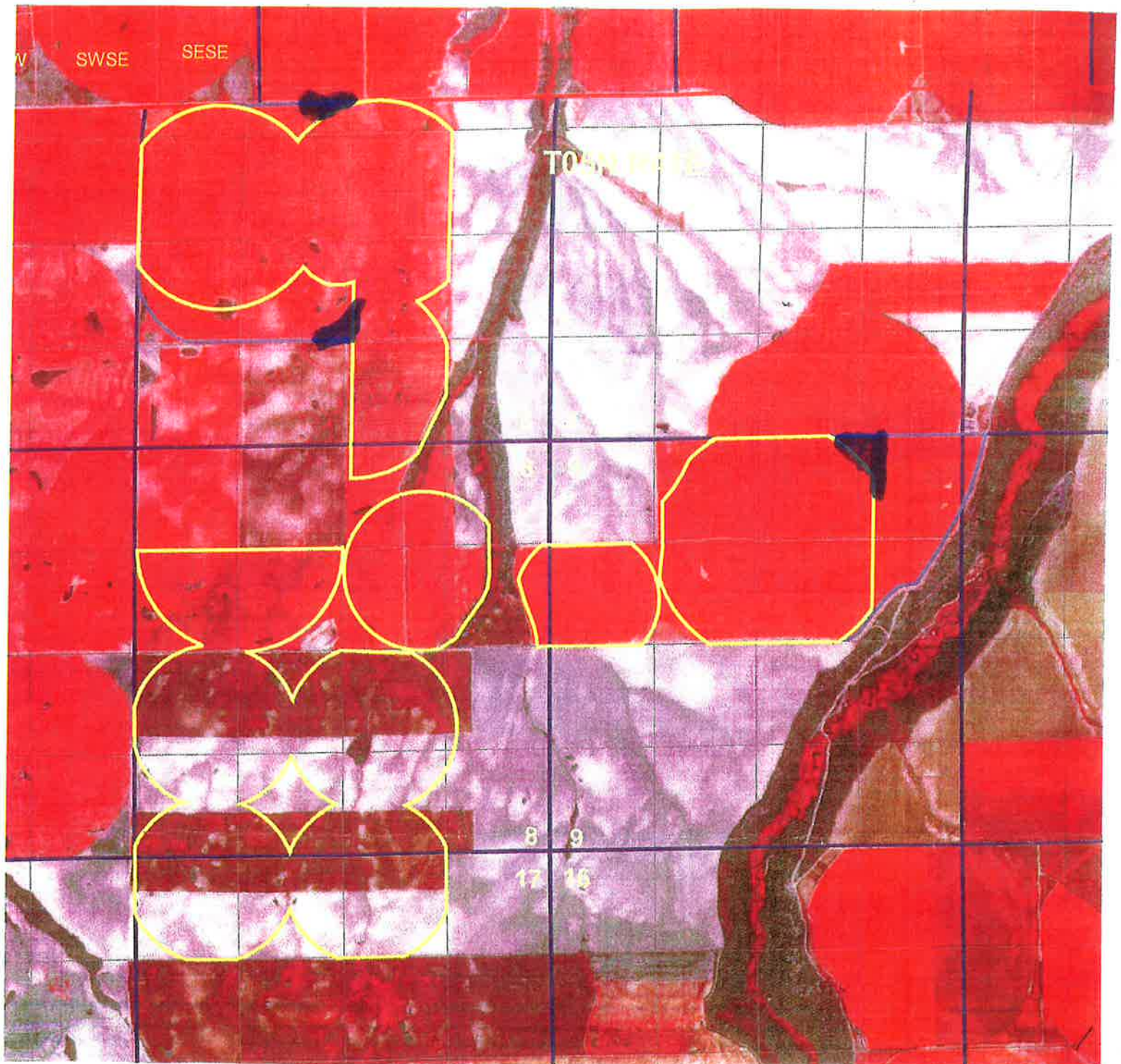
MAY 02 2006

Department of Water Resources
Eastern Region



-  22-2252.shp
-  Enlargement.shp
-  Township/Range
-  Sections
-  QQ

Spawn Webster
Split 8 Farms Inc
1987 NAPP Photography



-  22-2252.shp
-  Enlargement.shp
-  Township/Range
-  Sections
-  QQ

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

22-13535

Date Received

5/23/06

Receipt Number

E031963

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 23 2006

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Shawn Webster Phone (208) 356-9598

Mailing Address PO Box 457, Rexburg, ID Zip 83440

2. Date of Priority (Only one (1) per claim) 06/28/1965

3. Source of water supply (a) Ground Water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 05N Range 41E Section 08,
_____ 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of _____

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. Existing 600 horse-power pump with a 125
horse-power booster pump, attached to a mainline and pipelines, attached to pivot
sprinkler systems.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 5/15 to 10/30 amount 7.27 or 2422.57

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.27 (cfs) and/or (b) 2422.57 (acre feet)

8. Total consumptive use claimed is _____ 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	
05N	41E	5		9.1	39		12	8.6	40	40	40	35				36	34		293.7
05N	41E	8	6.4	23	34	20			31	32	34	37	33	28	2.2	37	35	.3	352.9
05N	41E	9	39	39	39	17	31		38	33									236
05N	41E	10						3.60											3.6
05N	41E	17		37			33	37											107

Total number of acres irrigated 993.2

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

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. _____ or None ()

14. Remarks: This is an enlargement claim within the place of use described for this right, enlarging it by 98.2 acres. This right is based upon an enlargement of right NO. 22-2252 pursuant to Section 42-1426, Idaho Code.

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 22-2252
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 X 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) Shawn Webster

Date 5-16-06

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 _____

Title

of _____

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 _____)

) SS.

County of Madison)

Subscribed and sworn (or affirmed) before me this

16th

day of

May

19 2006

Notary Public

Mandy Davis

Residing at

ST. Anthony Idaho

My Commission Expires

6-24-2011

Please Print Name

17. Notice of Appearance.

Notice is hereby given that, Jerry R. Rigby 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

Jerry R. Rigby

Address P.O. Box 250, Rexburg, ID 83440

Date

5-16-06

Last Name _____

Ident. Number _____