

02/09/2004

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

RIGHT NUMBER: 23-11219

NAME AND ADDRESS: DENNIS M WEEKS
HC 34 BOX 8
IRWIN ID 83428

RUTHANN WEEKS
HC 34 BOX 8
IRWIN ID 83428

SOURCE: BURTON SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.830 CFS

PRIORITY DATE: 04/01/1917

POINT OF DIVERSION:

T01N R44E S35 NENENW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.800 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S27 Lot 5 SWSE 0.1 T01N R44E S34 Lot 1 NENE 29.0

T01N R44E S35 Lot 1 SWNW 8.9

STOCKWATER same as IRRIGATION

38 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.

EXPLANATORY MATERIAL: Decreed



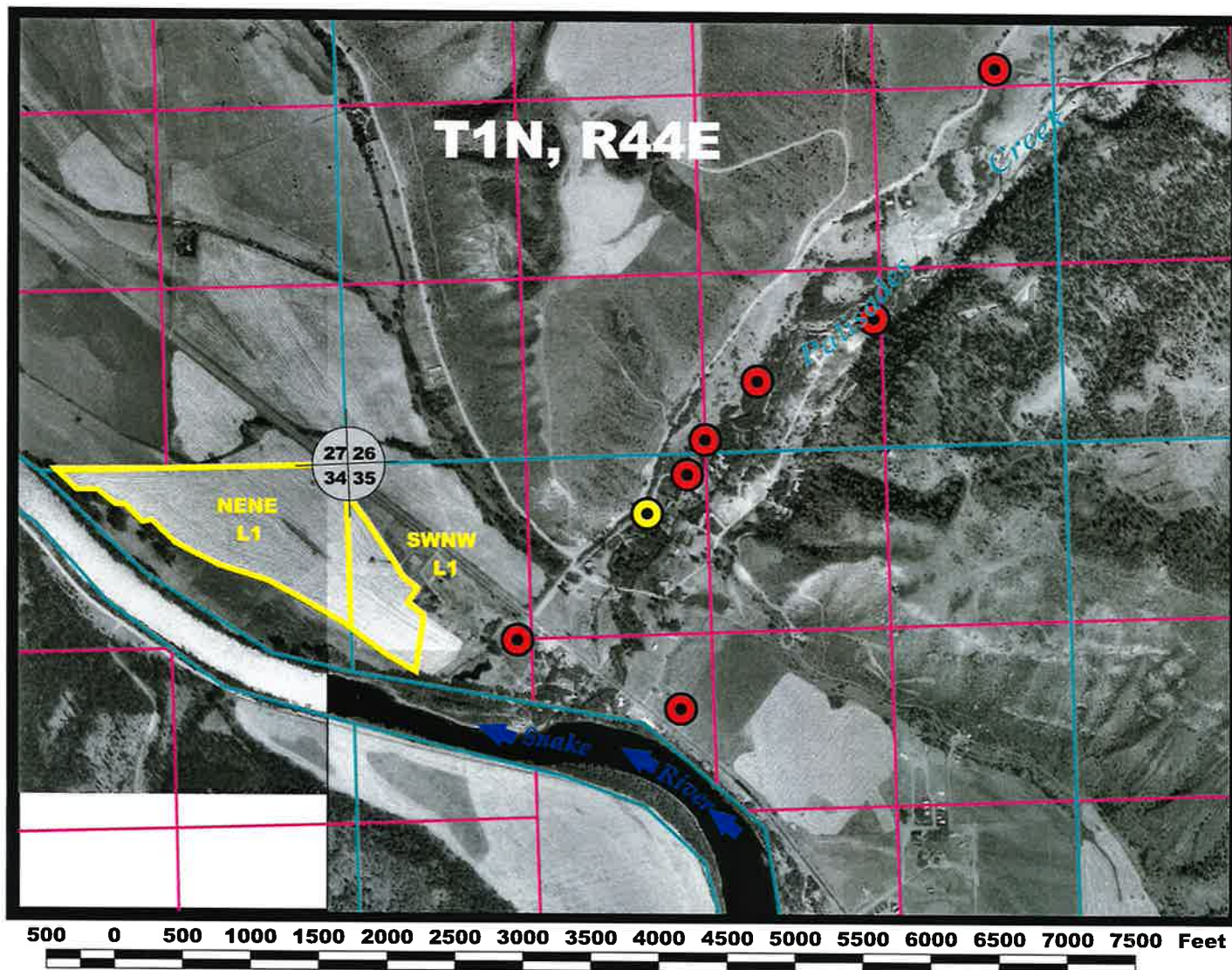
JUL 22 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-11219

Place of Use: (parts of)
T1N, R44E

Sec. 34 NENE (L1),
Sec. 35 NWNW (L1)

Point(s) of Diversion:

T1N, R44E

Sec. 35 NENENW

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2004

23-11219
CofO complete
Letter & claim

3/28/03
C/O
Roman-SD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Return Service Requested

RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

DENNIS & RUTHANN WEEKS
HC 34 BOX 8
IRWIN ID 83428





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 28, 2001

DENNIS & RUTHANN WEEKS
HC 34 BOX 8
IRWIN ID 83428

3774 N 1800 W
Howe ID 83244

RE: CHANGE IN OWNERSHIP FOR A23-00110

Dear Mr. & Mrs. Weeks:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

23-11219: 0.83 CFS, 40 ACRES, WEEKS

23-11220: 0.04 CFS, 2 ACRES, MOUNTAIN STATES MARKETING CORP &
GUARDIOLA REVOCABLE TRUST

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

3/28/03 REMAILED TO THE
ABOVE ADDRESS

[Signature]

I misplaced the ownership form. (Ernie has it!)

their address on deed

It is split between
Dennis + Ruthann ①
Weeks (claimant)

and Mountain States
Marketing Corp + Christi ②
Guardiola Revocable Trust
+ Christi Guardiola Trustee.

~~their address is on~~
~~the deed.~~

her
address
on
atty
letter

Ask if you need
help!

This looks AT PALISADES CK
NO AS OF 2/9/04

23-00110
.87 cfs
42 acres

23-11219
Weeks

40 acres

.03 cfs - stock

.80 cfs - irrigation

.83 cfs

Section 34

stays the
same - 31 acres

Section 35

NWNW - 6.85

SWNW - 2.15

9.00
acres

23-11220

Mountain States
Marketing Corp
+
Guardiola

.04 cfs

2 acres

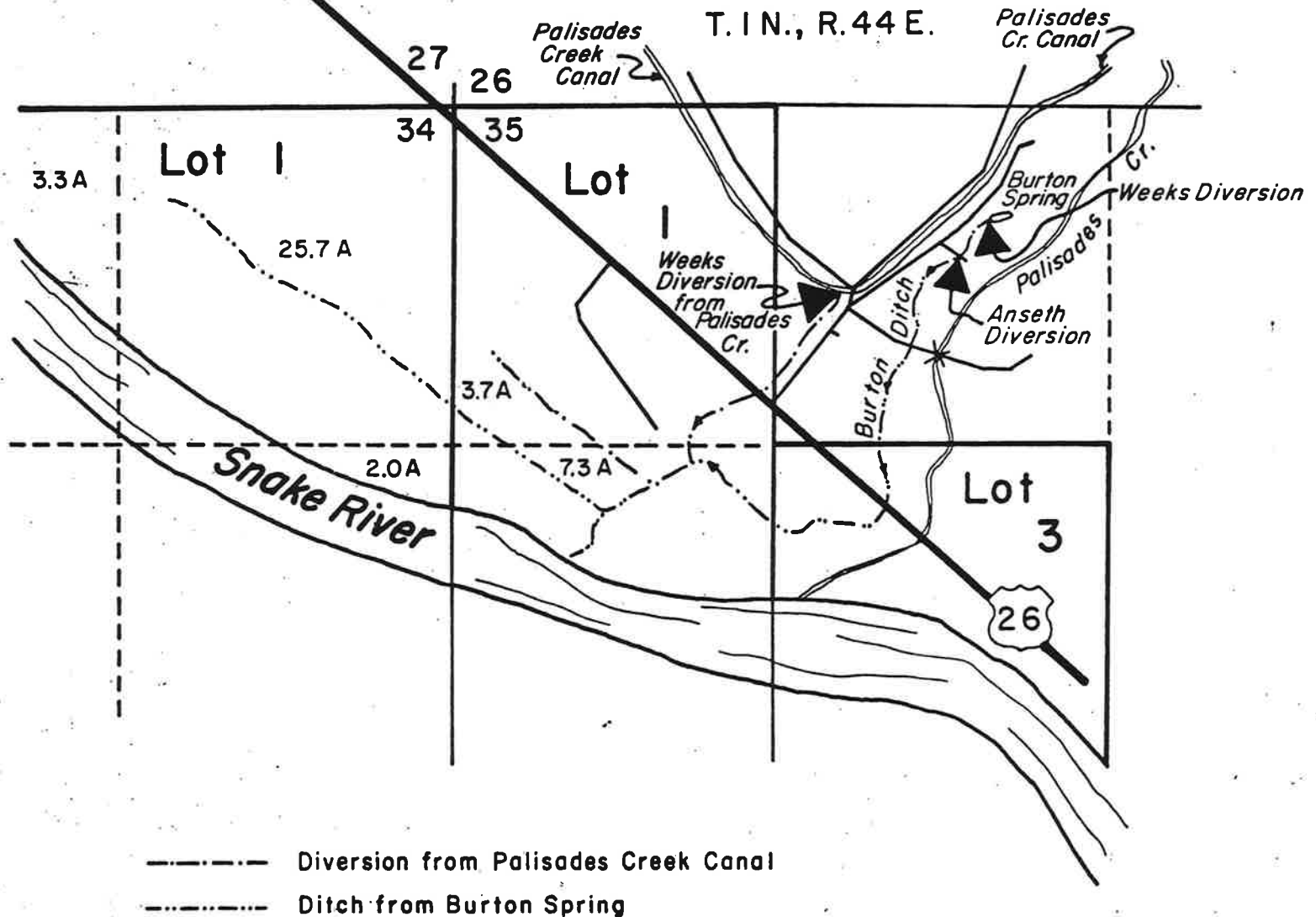
Section 35

NWNW - 0.45

SWNW - 1.55

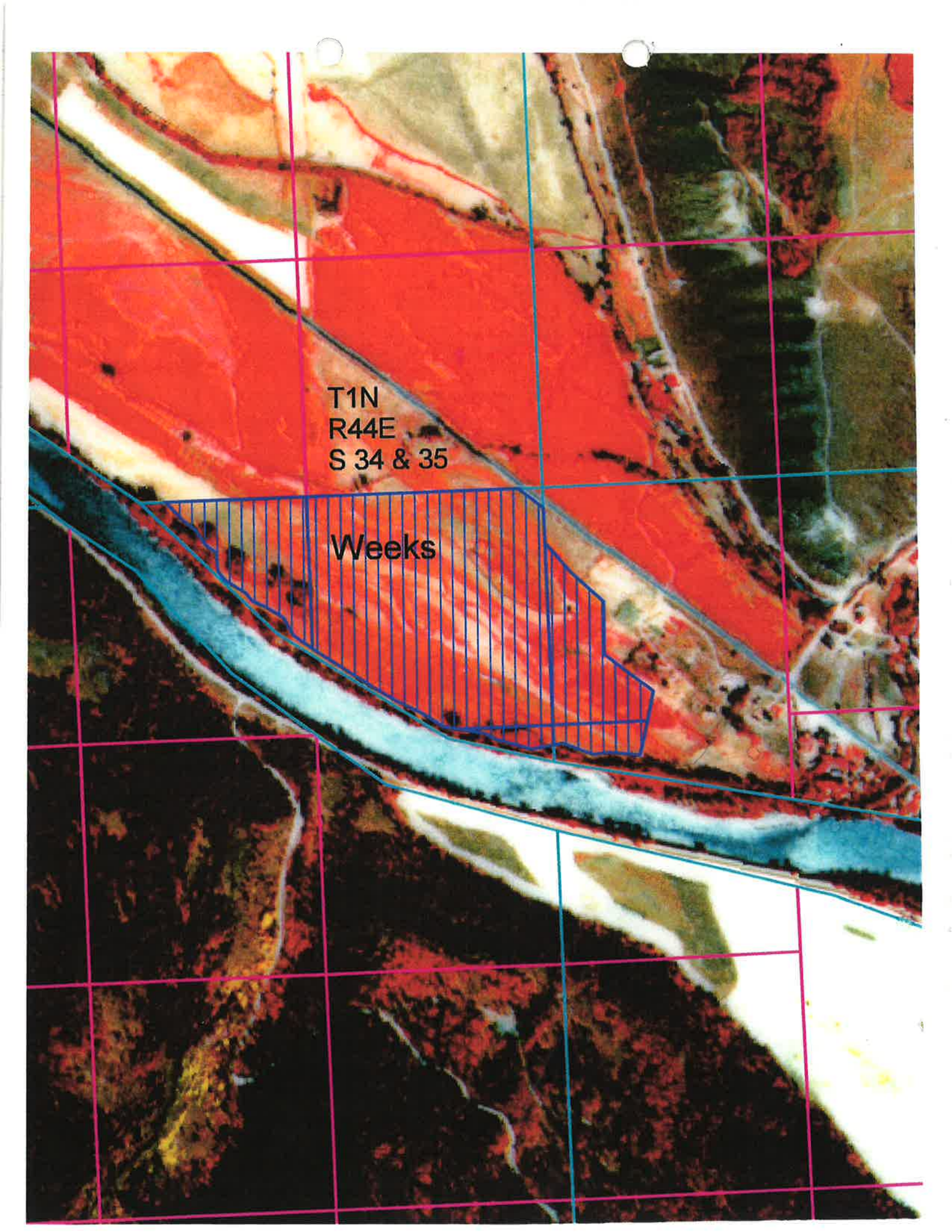
2.00
acres

WEEKS Vs. CARLSON EXHIBIT A



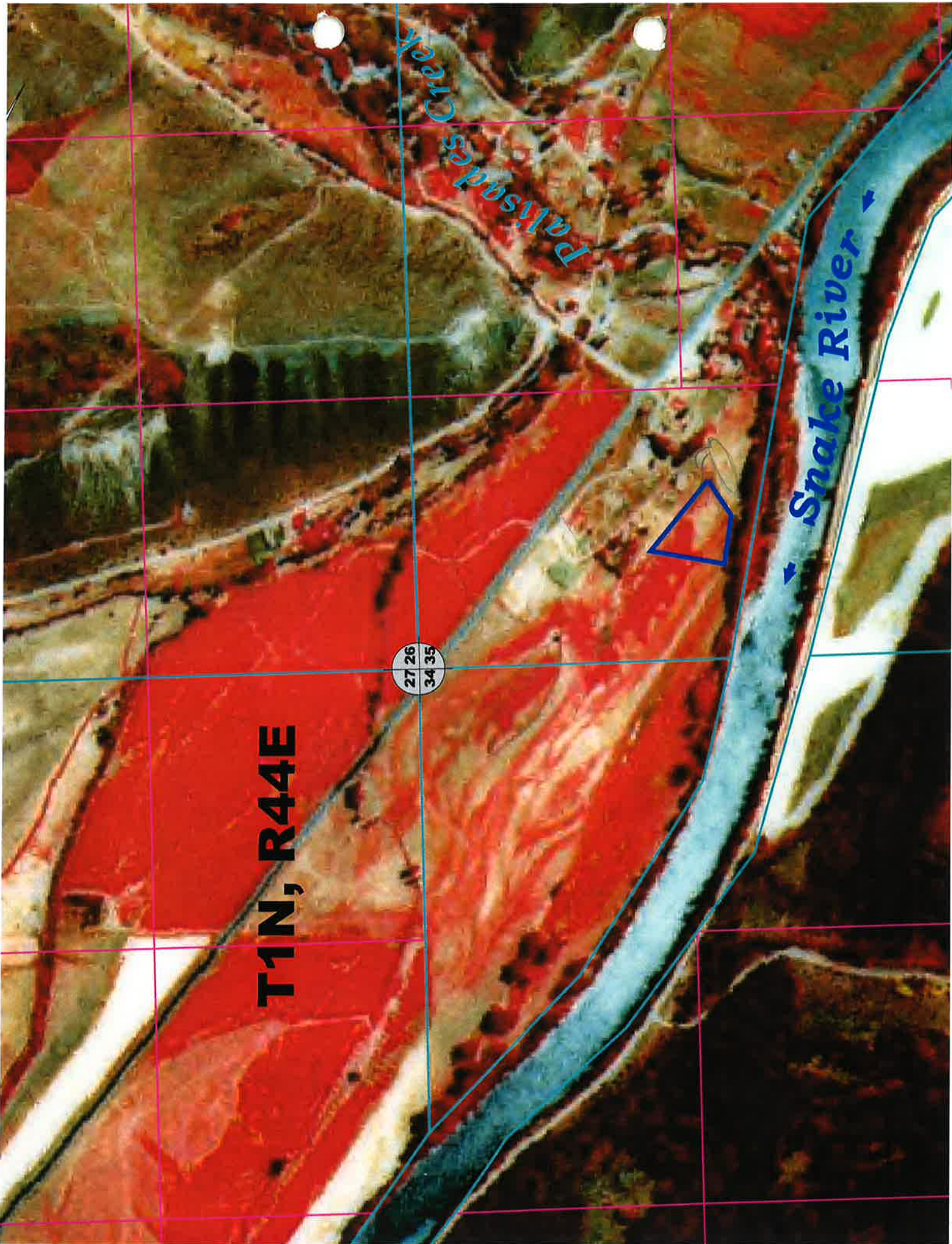
NOV 07 1996

NOV 06 1992

An aerial photograph of a landscape, likely a river valley, with a grid overlay. The grid consists of magenta lines forming a coarse grid and blue lines forming a finer grid. A large area of the landscape is colored red, while other areas are green, yellow, and dark brown. A blue-shaded area, possibly a river or a specific land use, runs diagonally across the lower half of the image. A portion of the red area is outlined with a blue border and filled with vertical blue lines. The text 'T1N R44E S 34 & 35' is printed in the upper left, and 'Weeks' is printed within the blue-outlined area.

T1N
R44E
S 34 & 35

Weeks



T1N, R44E

27 26
34 35

Palisades Creek

Snake River

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-110

WATER RIGHT NUMBER: 23-110

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENNIS M WEEKS HC 34 BOX 8 IRWIN, ID 83428 (208)483-3535
Current Owner	RUTHANN WEEKS HC 34 BOX 8 IRWIN, ID 83428 (208)483-3535

Priority Date: 04/01/1917

Basis: Decreed

Status: Parent

<u>Source</u>	<u>Tributary</u>
BURTON SPRING	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.030 CFS	
IRRIGATION	4/01 to 11/01	0.840 CFS	
<u>Total Diversion:</u>		0.870 CFS	

Location of Point(s) of Diversion

BURTON SPRING	NE1/4NE1/4NW1/4	Sec. 35, Twp 01N, Rge 44E, B.M.
BONNEVILLE 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	
01N	44E	34	25.7	3.3		2.0												31.0	
			L 1																
01N	44E	35					3.7	7.3										11.0	
							L 1	L 1											

Total Acres: 42

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General

THE ACRES IN SECTION 35 WERE BASED ON THE WEEKS VS CARLSON DECREE. THESE ACRES WERE DESCRIBED INCORRECTLY. THERE IS 3.7 ACRES IN THE SW NW OF SECTION 35 AND 7.3 ACRES IN THE NW NW. JC-11-27-01.

SCANNED

JUL 22 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-110

2. General SPLIT RIGHT: SEE RIGHT NOS. 23-11219 AND 23-11220.

Comments:

Dates and Other Information:

Claim Received Date: 9/22/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

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:

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 23-11219
Date Received: 11/28/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

DENNIS M WEEKS Phone: (208)483-3535

HC 34 BOX 8
IRWIN ID USA 83428

RUTHANN WEEKS Phone: (208)483-3535

HC 34 BOX 8
IRWIN ID USA 83428

2. Date of Priority: 04/01/1917

3. Source: BURTON SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	44E	35	NE NE NW	BONNEVILLE	

5. Description of diverting works:

POND WITH GRAVITY FLOW DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.8	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.83 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

A2311219



Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	34	NE	NE	1	IRRIGATION	25.7
			SE	NE		IRRIGATION	2
			NW	NE		IRRIGATION	3.3
						Section Acres	31
01N	44E	35	NW	NW	1	IRRIGATION	6.85
			SW	NW	1	IRRIGATION	2.15
						Section Acres	9
						Total Acres	40

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-00110.

15. Basis of Claim: Decreed

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
IN THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

JESSE WEEKS AND SONS, A
PARTNERSHIP,

Plaintiff,

vs.

RONALD D. CARLSON, WATERMASTER
WATER DISTRICT NO. 1, DEPARTMENT
OF WATER RESOURCES, STATE OF
IDAHO,

Defendant.

Case No. 29561

REPORT IN THE NATURE
OF PROPOSED FINDING OF
WATER RIGHTS

23-5

Burton SP.
23-110

MICROFILMED
NOV 07 1990

MICROFILMED
NOV 06 1992

RECOMMENDATIONS TO THE COURT

Based upon the foregoing findings of fact and conclusions of law, the Director makes the following recommendations:

1. The plaintiff's right to the use of water shall be as follows:

a. source: Burton Spring

b. date of priority: April 1, 1917

c. nature of use: irrigation and stockwater

d. rate of diversion: .84 cfs (irrigation)

.03 cfs (stockwater)

.87 cfs total

e. point of diversion: NE 1/4 NW 1/4 Section 35,

T. 1 N., R. 44 E., B.M.

f. place of use:

Lot 1 (NE 1/4 NE 1/4) Sec. 34 (31 acres)

Lot 1 (W 1/2 NE 1/4) Sec. 35 (11 acres)

All in T. 1 N., R. 44 E., B.M. (42 acres total)

2³³ AF/AC

97.9
42

g. period of use:

April 1 to November 1 of each year (irrigation)

January 1 to December 31 of each year (stockwater)

h. annual volume of consumptive use: 97.9 af per year

i. basis of right: Beneficial use.

2. The plaintiff shall be required to install and maintain a measuring device and a lockable headgate or other flow control device acceptable to the Department in accordance with Idaho Code

MICROFILMED
NOV 07 1996

MICROFILMED
NOV 06 1992

§ 42-701 (1977).

3. The use of water pursuant to the right herein set forth in conjunction with any other water right owned by the plaintiff shall not exceed .02 cfs per acre of land irrigated.

DATED this 30th day of June, 1986.

Respectfully submitted,



A. KENNETH DUNN
Director, Idaho Department of
Water Resources

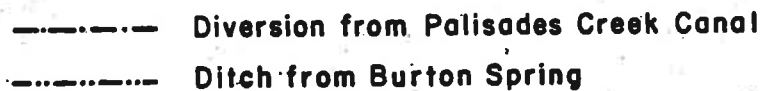
MICROFILMED

NOV 07 1990

MICROFILMED

NOV 08 1992

WEEKS Vs. CARLSON
EXHIBIT A



SECRET

NOV 6 1992