

06/04/2004

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

RIGHT NUMBER: 25-11512
NAME AND ADDRESS: LEAH K WEBER
3745 E 800 N
RIGBY ID 83442

DONNEL R WEBER
3745 E 800 N
RIGBY ID 83442

SOURCE: ANNIS SLOUGH TRIBUTARY: SNAKE RIVER

QUANTITY: 1.160 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1938

POINT OF DIVERSION:
T05N R38E S23 SENWSW Lot 3 Within JEFFERSON County
T05N R38E S23 NESWSW Within JEFFERSON County
T05N R38E S23 NWSESW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	04/01 10/31	1.160 CFS

PLACE OF USE: STOCKWATER Within JEFFERSON County

T05N R38E S23 Lot 4 SENW	T05N R38E S23	NESW
T05N R38E S23 SWSW	T05N R38E S23	SESW

IRRIGATION Within JEFFERSON County

T05N R38E S23 Lot 4 SENW	8.0	T05N R38E S23	NESW	36.0
T05N R38E S23 SWSW	13.0	T05N R38E S23	SESW	1.1

58.1 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.

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

EXPLANATORY MATERIAL: Beneficial Use

SOURCE IS ALSO KNOWN AS HYRUM POOLE SLOUGH.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Stockwater use is for 75 cattle.

Water Right 25-11512

SCANNED

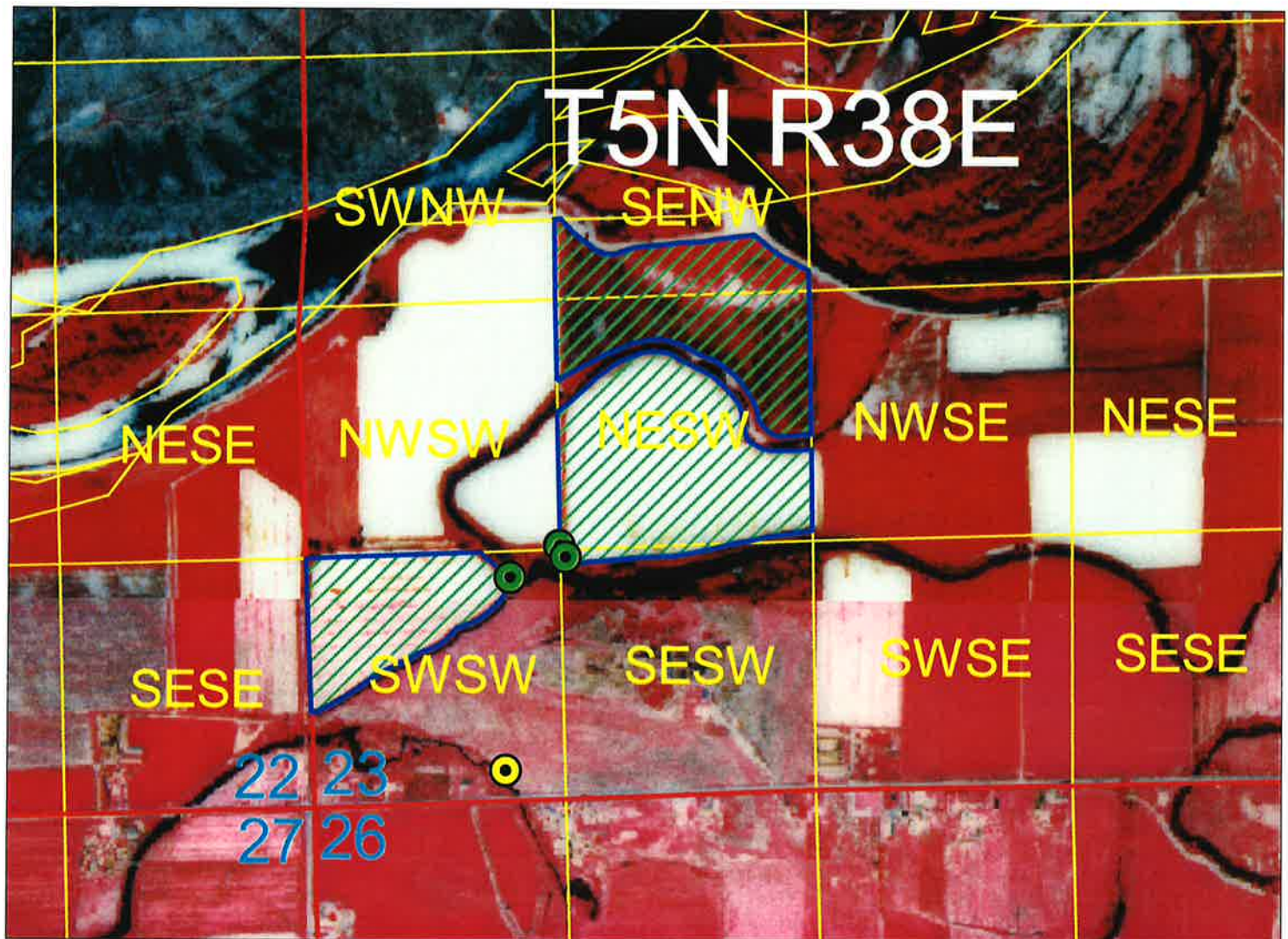
NOV 01 2004

FILED

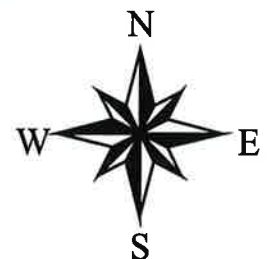


Department of Water Resources

Claim No.: 25-11512



0 1320 2640 3960 5280 Feet



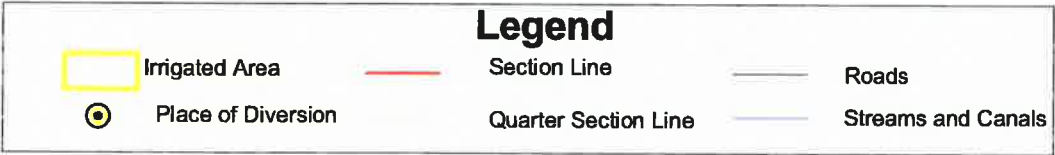
- Point of diversion
- Place of Use
- Sections
- QQ

SCANNED

NOV 01 2004

PROFILED

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: June 2004



DATE: 10/26/00
PAGE: 134

Stage: BENEFICIAL USE

JEFFERSON County

Audit: 02/06/89 VERNER 02/13/91 THOMPSON 03/29/95 POST-STD

DENZOS

RECEIVED

SEP 14 2004

06/04/2004

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

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: 25-11512

LEAH K WEBER

3745 E 800 N

RIGBY ID 83442

Telephone Number: (208)745-6005

DONNEL R WEBER

3745 E 800 N

RIGBY ID 83442

Telephone Number: (208)745-6005

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:

9-14-04

SIGNATURE:

Donnel R Weber

Please print your name:

Donnel R. Weber

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

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SEP 15 2004

8/25/2003

25-11512

Met with Donnel Moore. While he believed that his ground was being irrigated previous to his claimed priority date, he was unable to provide evidence supporting an earlier date.

The source for this WR is Annie Slough, which is called by some the Fly Hole or the Hyman Hole Slough.

The 2 claimed P/D were located, 1 third P/D was also located, which claimant said was in existence about 20 years ago. P/D #3 is in close proximity to P/D #2.

Pod corrected by claimant. See map. Pod is flood irrigated.

See photos for GPS coordinates.

PROTECTED

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pic 1787 8/25/2003 LOOKING NE AT P/D IN ANNIS SLOUGH.

P/D #1 on POU map. This diversion is about 20-30 feet SW of A0008766(SHEPPARD). Per claimant, this diversion is for the flood irrigation of 13 acres in SWSW.

GPS pt 033 N 295883
E 664354

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NOV 01 2004

P/D



8/25/2003 pic 1783 looking S towards Annis Slough
P/D #2 on Pol map.

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NOV 01 2004



8/25/2003 pic 1784 looking N from slough towards ditch,
This ditch runs N along the W side of the south field and
flumes across the dennis slough to flood irrigate the north field.

GPS PT. 034
N 295933
E 664433

P/D #2 on P04 map

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8/25/2003 pic 1785 looking NE at P/D for south field.
Per claimant, this P/D was established about 20 years ago.
P/D #3 on Pou map.

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8/25/2003 pic 1786 looking NE at P/D and ditch for S field.
Ditch follows south field boundary eastward ending at fence,
P/D #3 on Pou map.

GPS pt 035
N 295915
E 664443

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SCANNED

ASS 01 2500

Log for claim 25-11512

Spatial Dynamics CAT

12/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n38e	23	SESW	0	1.3	Small acreage fit with claim
05n38e	23	SENW	9	7.5	Acreage wrong on claim
05n38e	23	NESW	39	37	
05n38e	23	SWSW	13	12	
Totals:			61	57.8	

RECEIVED

Right number 11512 Priority Date
A25-11512 Department of Water Resources 06-01-1938
Eastern District Office

Dear Sirs;

Unable To find any neighbors or children of former owner of This property who can remember when water from Hy Poole Slough was first used To irrigate crops I will have To use date of when I helped my father irrigate Barley in May of 1938 Through ditch from Slough. So The Priority Date would be in The Spring or May of 1938. This was The first summer my father farmed The place.

Donnel R. Weber
Leah K. Weber

Subscribed and Sworn to before me this

MICROFILMED

15th day of May

19 91

NOV 11 1992

Colaine Sneyting
Notary Public
Comm. Exp. 3/28/97

May 1, 1991

Donnell Weber
3745 E. 800 N.
Rigby, ID 83442

RE: Evidence of Priority

Dear Mr. Weber:

The Notices of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notices indicates the water usage are based on "Beneficial Use" or a "Statutory Claim". 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notices and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the 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**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notices have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.

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Donnell Weber

Page 2

Please submit the required evidence supporting the priority dates by **May 29, 1991**, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12025
DONNEL WEBER
LEAH WEBER
3745 E. 800 N.
RIGBY ID 83442

A25-11512
LEAH K. WEBER
DONNEL R. WEBER
3745 E. 800 N.
RIGBY ID 83442

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NOV 11 1992

AUG 01 2001

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: A25-11512
Date Received: 11/28/1988
Receipt No: E004484
Received By: Est. Coded

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONNEL R. WEBER 208-745-6005
Address: 3745 E. 800 N.
RIGBY, ID 83442
OR
Name: LEAH K. WEBER 208-745-6005
Address: 3745 E. 800 N.
RIGBY, ID 83442

2. Date of Priority: JUN 01, 1938
3. Source: HY POOLE SLOUGH Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	38E	23	SW	SW	SW		JEFFERSON
			SE				JEFFERSON

5. Description of diverting works:
DAM ACROSS SLOUGH W/ DITCHES RUNNING FROM SLOUGH TO FIELDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.440		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 152.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK FOR UP TO 75 HEAD



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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	38E	23	NE	SW		IRR	39.0
			NW	SW		IRR	9.0
			SW	SW		IRR	13.0
						Section Acres	61.0
						Total Acres	61.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A25-11512Date Received 11-28-88Receipt Number E004484NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Donnal R. or Leah K. Weber Phone (208) 745-6005Mailing Address 3745 E. 800 N Rigby, Idaho Zip 834422. Date of Priority (Only one (1) per claim) 6-01-19383. Source of water supply (a) Hy Poole Slough
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 5 N Range 38 E Section 23,
SE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of JeffersonAdditional points of diversion if any: SW SW Sect. 23 T5N R38E

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.Dam across slough with
ditches running from slough across Top of Fields.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 2.44 or _____
For Stockwater purposes from 1-1 to 12-31 amount 0.07 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.51 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is +27.5 152.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic Stock for up to 75 head

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	
5N	38E	23									39	9	13						51

Total number of acres irrigated 61

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

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

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NOV 11 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

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 ☒ 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) x Donald Weber Date x 11-28-88

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 _____ of _____

Title

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 _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day of Nov. 19 88

SEAL

Notary Public Betty J. Thompson

Residing at Idaho Falls

My Commission Expires 6-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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Copies White-State, Yellow-Claimant

A25-11512

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