

06/04/2004

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

RIGHT NUMBER: 25-12025

NAME AND ADDRESS: DONNEL R WEBER
3745 E 800 N
RIGBY ID 83442

LEAH K WEBER
3745 E 800 N
RIGBY ID 83442

SOURCE: SCOTTS SLOUGH

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.340 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 SESWSW 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	0.020 CFS
IRRIGATION	04/01 10/31	0.340 CFS

PLACE OF USE: STOCKWATER Within JEFFERSON County

T05N R38E S23 SWSW

IRRIGATION Within JEFFERSON County

T05N R38E S23 SWSW 13.0 T05N R38E S23 SESW 4.0

17 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

Stockwater use is for 50 range cattle.

Water Right 25-12025

FILED

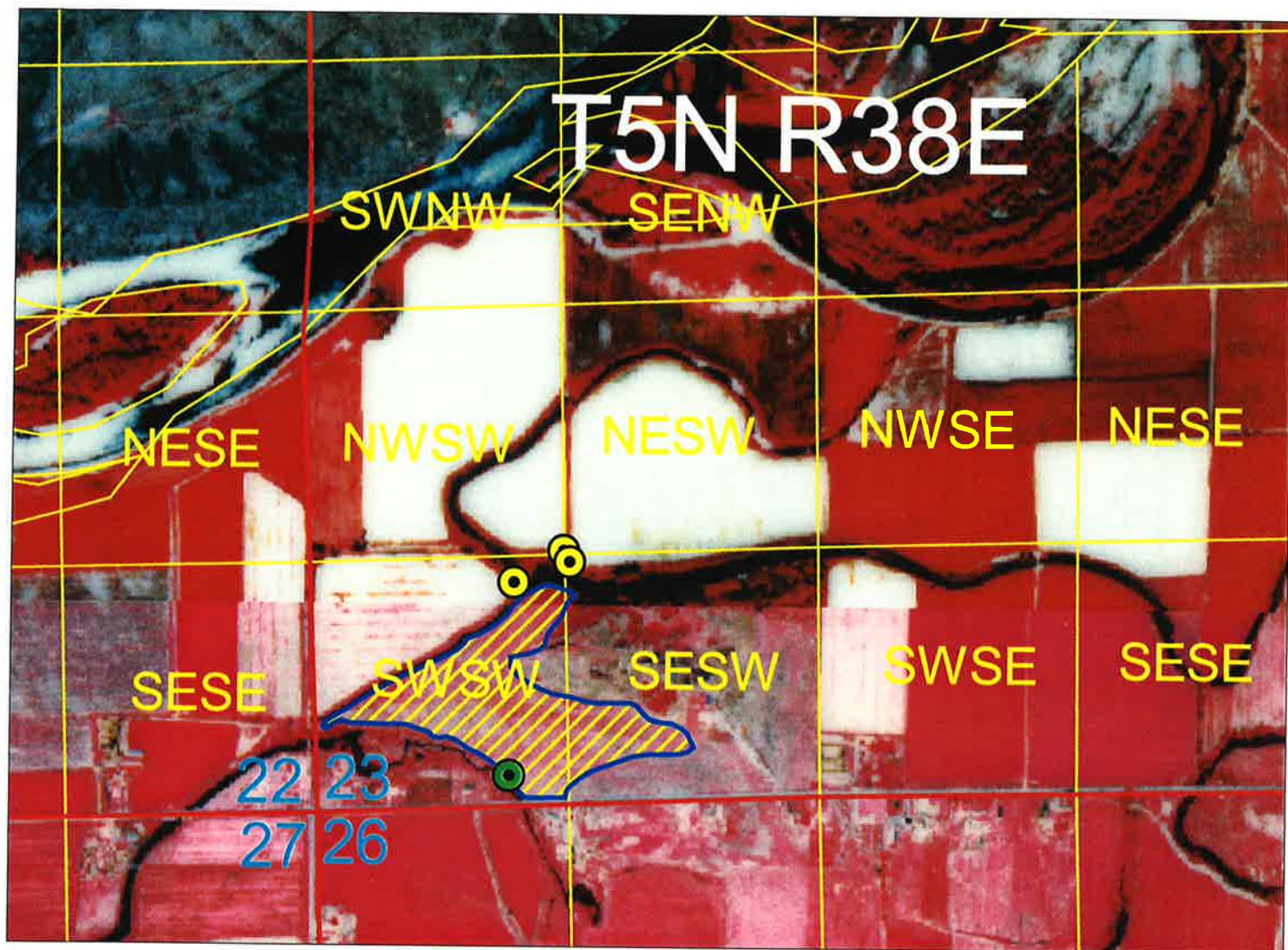
SCANNED

OCT 29 2004



Department of Water Resources

Claim No.: 25-12025

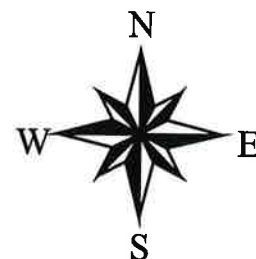


0 1320 2640 3960 5280 Feet

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

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OCT 29 2004

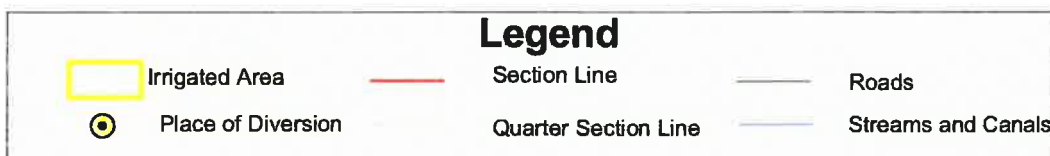
PROFILE



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

Water Right Claim Number 25-12025
Township , 5N38E

12/29/2000



SPATIAL
DYNAMICS



AJ5809NP
No. A25-12025

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00
PAGE: 146

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DONNEL WEBER	06/01/1938	IRRIGATION	04-01 11-01	1.640 CFS	
C	LEAH WEBER		STOCKWATER	01-01 12-31	0.020 CFS	
	3745 E 800 N					
	RIGBY ID 83442					
	(208) 745-6005					
				TOTAL DIVERSION:	1.640 CFS	
				CONSUMPTIVE USE:		102.50 AFA

Water Source: SCOTTS SLOUGH

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T05N R38E S23 SESWSW JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
05N	38E	23	:											20	21					:	41.0
																				TOTAL ACRES	41.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
05N	38E	23	:											S						:

POU County: JEFFERSON

Non-Irrigation Uses: STOCK FOR UP TO 50 HEAD

Other Rights: A25-11512 ON ADJACENT GROUND

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
25-11808 A25-11512 A25-11808

Other Water Rights Listing Overlapping Place(s) of Use:
A01-00081C A01-00082C A01-00083X A01-00117F A01-00118F A01-04005 A25-11512

Dates: Exam Made Date: Verified Date: 02/13/1991 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 12/12/88 JONES 02/13/91 THOMPSON 03/29/95 POST-STD

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: 25-12025

DONNEL R WEBER
3745 E 800 N
RIGBY ID 83442
Telephone Number: (208)745-6005

LEAH K 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:

1 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

PROFILED

ANNED

SEP 15 2004

25-11512

FROM WMIS:

A0007704

N 295912.00
E 664499.20

p/d

ON 7/17/2001 I MEASURED
921 GPM WITH 183 BIRDS
IN OPERATION. OPERATES
BETWEEN 180 + 200 BIRDS @
5.03 GPM PER BIRD.

SOURCE APPEARS TO BE
ANNIS SLOUGH.

THIS PORTABLE PUMP IRRIGATES

FOR CLAIMED UNDER 25-12025.

PROFILED

OCT 29 2004

SCANNED

8/25/2003

25-12025

Donnel corrected map by showing the portion that was flood irrigated as of 1987. P/D has been moved in 2003 and POU is now being sprinkler irrigated.

Claimed POU is being primarily irrigated by sprinklers from a pump in the Donis Slough. This was begun about 10 years ago. Claimant says canal shares can be dumped into slough if necessary. This pump was measured by me and is described as A0007704 in WMIS. Donnel says the canal never has to dump shares in the slough because there is always enough wastewater available. Illegal diversion?

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OCT 29 2004

PROFILED

PROFILED

OCT 29 2004

SCANNED

From wms:

H0007705

N 295574.90
E 664346.30

P/D

ON 7/8/2002 I MEASURED

682 GPM, PORTABLE

PUMP TO DITCH FOR FLOOD

IR.

4/20/1998 AND 7/17/2001 SITE

VISIT NOTES SAID DIVERSION

HAD BEEN UNUSED FOR MANY

YEARS.

SOURCE FOR THIS PUMP

IS SCOTT SLOUGH. THIS IS

1987 P/D.

85-12025

SCANNED

AUG 03 2001

Log for claim 25-12025

Spatial Dynamics CAT

12/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n38e	23	SWSW	20	15	
05n38e	23	SESW	21	28	
Totals:			41	43	

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.

MICROFILMED

NOV 11 1992

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

MICROFILMED
NOV 11 1992

Right number
A25-12025

Priority Date
06-01-1938

Dear Sirs:

In The Spring of 1938 my father bought and set up a Parma Pump on The Scotts Slough To irrigate Barley on This piece of ground. This is The first Time This ground was irrigated. I was with Him and helped what I could. So Priority Date is 06-01-1938.

Donnel R. Weber
Leah K. Weber

Subscribed and sworn to before me the 15th
Day of ~~15th~~ May 1991

MICROFILMED
Elaine Shetling
Notary Public
comm. exp. 3/28/97

SCANNED

AUG 22 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: A25-12025
Date Received: 12/12/1988
Receipt No: E005157
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 01, 1938

3. Source: SCOTTS SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
PUMP TO FLOOD IRRIGATION AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.640		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 102.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK FOR UP TO 50 HEAD

A25-12025

Page 1

Date: 12/12/88

A2512025



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NOV 11 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	38E	23	SW		SW		STOCK	
			SW		SW		IRR	20.0
			SE		SW		IRR	21.0
							Section Acres	41.0
							Total Acres	41.0

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:
A25-11512 ON ADJACENT GROUND

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 X 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): x Donnel Weber Date: X 12-12-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of Dec 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

A25-12025

MICROFILMED

NOV 11 1992

