

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: A36-02070H
Date Received: 9/08/1989
Receipt No: 5009118
Received By: AD

COPY
FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MACK NEIBAUR
Address: RT.1 BOX 1478
PAUL, ID

208-532-4175

83347

2. Date of Priority: MAR 11, 1948

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	23E	26	NE	SE	NE		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.010		

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

A.F.A.

8. Total consumptive use is 426.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	23E	26	NE	NE		IRR	23.0
			NW	NE		IRR	40.0
			NE	NW		IRR	40.0

A36-02070H

Page 1

Date: 09/08/89

MICROFILMED

OCT 13 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	26	NW	NW		IRR	39.0
Section Acres							142.0
Total Acres							142.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
A36-07529H

14. Remarks:

THIS WELL IS SHARED WITH JOHN STEVENSON.
THIS CLAIM IS BASED ON 50% OF THE PORTION OF 36-02070C ON THE
N1/2 OF SECTION 26 PURSUANT TO TRANS. 3143.
PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

15. Basis of Claim: LICENSE

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: 0

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): Mack W. Nibaur Date: 9/8/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of Sept. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/94

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase 36-02070H

(Insert Water Right Number)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 11-3-97

Mack W. Heibaur
(Claimant)

(Objector)

Janice Robertson
IDWR Concurrence
APPROVED AS TO FORM
Nick Spencer
Attorney for IDWR

COPY SERVED ON LEGAL
COUNSEL FOR CLAIMANT.
11-3-97

Nick Spencer

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-31-1997

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02070H

NAME AND ADDRESS: MACK NEIBAUR
RT 1 BOX 1478
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 2.01 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.7 CFS, AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 632 AF. COMBINED RIGHT NOS.:36-07529H,
36-11893

PRIORITY DATE: 03/11/1948

POINT OF DIVERSION: T07S R23E S26 NESENE Within MINIDOKA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	2.01 CFS
		04/01 10/31	

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R23E S26	NENE 39	NWNE 40	NENW 40	NWNW 39
	<u>158 ACRES TOTAL</u>				

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.:36-07529H, 36-11893

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

*RIGHT NO. 36/11893 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAH0 CODE 42/1416(2)1*

*USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 632 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS.:36/07529H, 36/11893*

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE

M.W.P.

36-02070H (CONT.)

PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON/
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-07529H, 36-11893, 36-02070Q,
36-07529Q

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-07529H, 36-11893, 36-02070Q,
36-07529Q

RIGHT NO. 36-11893 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

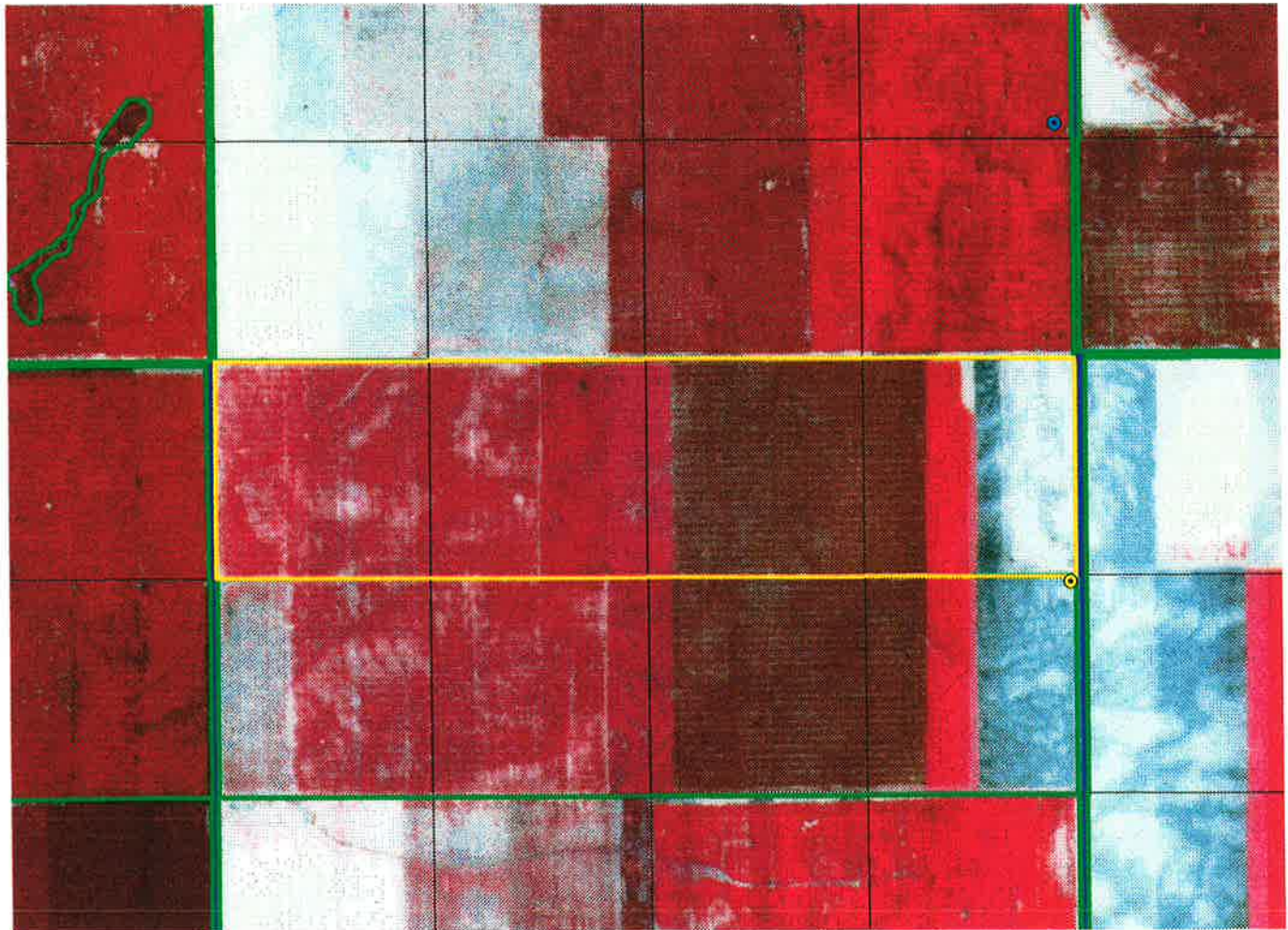
RECOMMENDATION

NOV 3 1997


SPECIAL MASTER*M. W. N* 

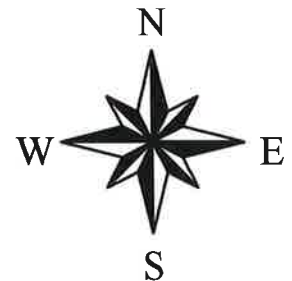
IDAHO DEPARTMENT OF WATER RESOURCES

36-02070H, 36-07529H, & 36-11893
MACK NEIBAUR



660 0 660 1320 1980 2640 3300 3960 Feet

TNS 7S, RNG 23E, SEC 26



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 1997
BY JEANIE ROBERTSON

*objection filed
expansion claim*

NO. OF CLAIMS IN POLYGON 3

CLAIM NUMBERS A36-020704 A36-075294 DATE 5/20/97
A36-11893 AGENT J

TOTAL ACRES

FROM RECOMMENDATION 158
 GEOGRAPHIC INFO SYSTEM 157.8

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	075	23E	26	39	40			40	39										158
GIS				38.9	39.1			39.9	39.1										157.8
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

B36-DBPOU.DBF (46) ^{UPDATED} 5/20/97 # ^{UPDATED} 5/20/97
 B36-DBPOD.DBF (44) " # ^{UPDATED} " ATTRIBUTES OF B36-POU.SHP (46)
 ATTRIBUTES OF B36-POD.SHP (44)

* objection filed (period of use & cons. use)
 * has expansion claim

SUBCASE NO. 02070H

	CLAIM	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Mack Neibaur	N/A	Mack Neibaur	Mack Neibaur
BASIS OF CLAIM	License		License	
SOURCE	Groundwater		Groundwater	
QUANTITY	2.010 cfs		2.010 cfs	
PRIORITY DATE	3/11/1948		3/11/1948	
PURPOSE OF USE	Irrigation		Irrigation	
PERIOD OF USE	3/15 - 11/15		4/1 - 10/31	XX - states that the licensed period of use should be recommended, which is: 3/15 - 11/15.
POINT OF DIVERSION	T07S R23E S26		T07S R23E S26	
PLACE OF USE	T07S R23E S26 142.0 acres		T07S R23E S26 158.0 acres	

remarks	"This well is shared with John Stevenson. This claim is based on 50% of the portion of 36-07070C on the N 1/2 of Section 26 pursuant to trans. 3143. Period of use changed to recommended standard season."		"Right includes accomplished change in place of use pursuant to Idaho Code 42-1416A. Right no. 36-11893 is an expansion of this right pursuant to Idaho Code 42-1416(2). Use of this right with rights listed below is limited to a total combined diversion rate of 2.7 cfs, a total combined annual diversion volume of 632 af, a total combined annual consumptive use volume of 474 af, and to the irrigation of a combined total of 158 acres in a single irrigation season. Combined right nos. 36-07529H, 36-11893. This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season. The following rights are also diverted through point of diversion described above: 36-07529H, 36-11893, 36-02070Q, 36-07529Q."	
Other				

Note: The other element objected to was consumptive use.

SUBCASE NO. 36-02070H

	CLAIM	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Mack Neibaur	N/A	Mack Neibaur	Mack Neibaur
BASIS OF CLAIM	License		License	
SOURCE	Groundwater		Groundwater	
QUANTITY	2.010 cfs		2.010 cfs	
PRIORITY DATE	3/11/1948		3/11/1948	
PURPOSE OF USE	Irrigation		Irrigation	
PERIOD OF USE	3/15 - 11/15		4/1 - 10/31	XX - states that the licensed period of use should be recommended, which is: 3/15 - 11/15.
POINT OF DIVERSION	T07S R23E S26		T07S R23E S26	
PLACE OF USE	T07S R23E S26 142.0 acres		T07S R23E S26 158.0 acres	

remarks	"This well is shared with John Stevenson. This claim is based on 50% of the portion of 36-07070C on the N 1/2 of Section 26 pursuant to trans. 3143. Period of use changed to recommended standard season."		"Right includes accomplished change in place of use pursuant to Idaho Code 42-1416A. Right no. 36-11893 is an expansion of this right pursuant to Idaho Code 42-1416(2). Use of this right with rights listed below is limited to a total combined diversion rate of 2.7 cfs, a total combined annual diversion volume of 632 af, a total combined annual consumptive use volume of 474 af, and to the irrigation of a combined total of 158 acres in a single irrigation season. Combined right nos. 36-07529H, 36-11893. This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season. The following rights are also diverted through point of diversion described above: 36-07529H, 36-11893, 36-02070Q, 36-07529Q."	
(Other				

Note. The other element objected to was consumptive use.

36-02070H continued

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

06/19/97 10:00:22
Page 1

Water Right Number - R36-02070H

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NEIBAUR

MACK

1 - RT 1 BOX 1478

2 -

3 -

City- PAUL

Phone - 208-532-4175

State- ID Zip- 83347

*** O - ORIGINAL OWNER ***
JULION CLAWSON FARMS INC

1 -

2 -

3 -

City- XXX

Phone - 208-000-0000

State- ID Zip- XXX

+ - - Priority Date - - +
03/11/1948

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

L - LICENSE

+ - - Status - - - - +

+ - - Source - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

Tw	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	County
07S	23E	26	NE SE NE			(67) MINIDOKA	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		2.010	

+ - Total Div. Rate - + 2.010 + - Total Div. Volume - +

+ - Total Consumptive Use - + 0.0 + - KW Usage - +

Tw	Rng	Sec	Tract	Lot	Place of Use	Acres	Code	Description	County
07S	23E	26	NE NE			39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NW NE			40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NE NW			40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NW NW			39.0	01	IRRIGATION	(67) MINIDOKA
Total Acres:						158.0			

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-07529H, 36-11893

Water right number - R36-02070H

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.7 CFS, AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 632 AF. COMBINED RIGHT NOS.:36-07529H,
36-11893

POU1 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.:36-07529H, 36-11893
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-07529H, 36-11893, 36-02070q,
36-07529q
RIGHT NO. 36-11893 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

+ - - - - Old Water Right Numbers - - - - - +
A3602070C

+ - - - - Conditions of Approval - - - - - +
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

Date: 08/23/1991 User Id: SCHOLER Subject: REVIEW - BHS
Date: 08/23/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS
THIS WELL IS SHARED WITH JOHN STEVENSON. THIS CLAIM IS BASED ON 50% OF THE PORTION OF 36-02070C ON THE N1/2 OF SECTION 26
PURSUANT TO TRANS. 3143. PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.
Date: 09/17/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/14/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 6/15/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/08/1992 User Id: SOUTH1 Subject: NOE - RESPONSE
NO CHANGE MADE TO STANDARD SEASON OF USE. LETTER SENT 10/8/92. M. STERLING

+ - - Audit Fields - - +
06/19/97 JROBERTS

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/08/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S009118	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- B

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/18/97 13:50:37
Page 1

Water Right Number - 36-02070H

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NEIBAUR

MACK

1 - RT 1 BOX 1478

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4175

*** O - ORIGINAL OWNER ***
JULION CLAWSON FARMS INC

1 -

2 -

3 -

City- XXX

State- ID Zip- XXX

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
03/11/1948 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name
07S 23E 26 NE SE NE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 2.010

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.010 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 23E 26 NE NE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NE 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NE NW 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NW 39.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 158.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-07529H, 36-11893

+ - - - - Remarks - - - - - +

GEN RIGHT NO. 36-11893 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
EXP (KØI)

Water right number - 36-02070H

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

IDAHO CODE 42-1416(2).
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 632 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS.:36-07529H, 36-11893

PNT (E04)
(E08)

POU 1 (E04)

POU 1 (K06)

EXP (F06)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-07529H, 36-11893, 36-02070Q,
36-07529Q

+ - - - - Old Water Right Numbers - - - - - +

A3602070C

+ - - - - Conditions of Approval - - - - - +

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - - - Decree Date - - +

00/00/0000

+ - - Audit Fields - 06/11/91 SCHOLER 06/12/91 SCHOLER 08/23/91 SCHOLER 06/15/92 MERRITT 07/18/92 POST-STD
08/28/92 PR-PRODM 09/17/92 SCHULTZ 10/08/92 SOUTH1 11/02/92 CPSHAW 12/05/92 ADT-SHAW
06/16/93 CMDATFIX 08/25/93 UPD-SCHU 03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 257637 08/24/92

+ - - - - Comments - - - - - +

Date: 08/23/1991 User Id: SCHOLER Subject: REVIEW - BHS
Date: 08/23/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS
THIS WELL IS SHARED WITH JOHN STEVENSON. THIS CLAIM IS BASED ON 50% OF THE PORTION OF 36-02070C ON THE N1/2 OF SECTION 26
PURSUANT TO TRANS. 3143. PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.
Date: 09/17/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/14/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 6/15/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/08/1992 User Id: SOUTH1 Subject: NOE - RESPONSE
NO CHANGE MADE TO STANDARD SEASON OF USE. LETTER SENT 10/8/92. M. STERLING

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 04/27/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 08/16/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/08/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S009118	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	- B

R PROOF

CVR

MAPS

PHOTOS

MISC

UNCLASSIFIED

OCT 13 1994

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-02070H -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)
_____)

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

11 13 34
UNRECORDED

2. Person who filed objection:

Name: MACK W NEIBAUR
Address: RT 1 BOX 1478
PAUL ID 83347

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR's irrigation season of use standards have evolved over time as better technical information has become available. A necessary consequence of this is that, depending on when a particular license was issued, water rights in the same area have been licensed inconsistently, some licenses being issued with different lengths of season listed and some being issued with no season of use listed. To remedy this problem IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree

fahrenheit frost. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. The director's report does not prohibit pre-season or post-season irrigation; subject to the conditions set forth in general provision 12b of the director's report, water may be used for irrigation outside the standard season of use.

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: The license upon which the claimant's claim is based does not set an annual volume of consumptive use for this water right. Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. IDWR has developed uniform standards of consumptive use for various climatic areas throughout the state, based upon the definition of consumptive use contained in Idaho Code Sec. 42-1401A(2), which is the maximum volume of water consumed by "the most water consumptive crop that can be grown in the area during the period of year when water is used for irrigation." The consumptive use recommended for this water right is based upon the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the irrigation season. Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code." Therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings, and not as a limitation on the quantity of water that the claimant may divert pursuant to this recommended right. In further response to this objection item, IDWR responds that it recommended a consumptive use volume of 3 AFY per acre, the same per acre consumptive use volume that was claimed.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

(Over)

No. of
Pages

Notice of Claim No. A36-02070H

3

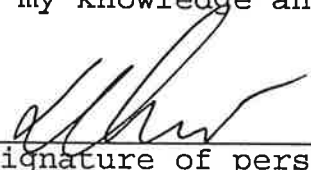
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

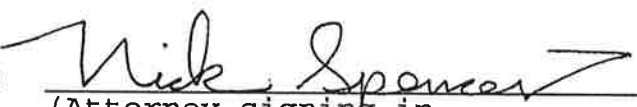
David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th day of August,
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 16TH day of AUGUST, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: MACK W NEIBAUR
Address: RT 1 BOX 1478
PAUL ID 83347

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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: A36-02070H
Date Received: 9/08/1989
Receipt No: 5009118
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MACK NEIBAUR 208-532-4175
Address: RT.1 BOX 1478
PAUL, ID 83347
2. Date of Priority: MAR 11, 1948
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|----------|
| 07S | 23E | 26 | NE | SE | NE | | MINIDOKA |
5. Description of diverting works:
WELL & PUMP
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.010 | | |
7. Total Quantity Appropriated is:
2.010 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 426.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 07S | 23E | 26 | NE | NE | | IRR | 23.0 |
| | | | NW | NE | | IRR | 40.0 |
| | | | NE | NW | | IRR | 40.0 |

A36-02070H

Page 1

Date: 09/08/89

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JAN 25 1993
OCT 13 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	23E	26	NW NW		IRR	39.0
Section Acres						142.0
Total Acres						142.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
A36-07529H

14. Remarks:

THIS WELL IS SHARED WITH JOHN STEVENSON.
THIS CLAIM IS BASED ON 50% OF THE PORTION OF 36-02070C ON THE
N1/2 OF SECTION 26 PURSUANT TO TRANS. 3143.
PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

15. Basis of Claim: LICENSE

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: 0

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): Mark W. Neubauer Date: 9/8/89

Date: _____

State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 8th day
of Sept. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/94

RECEIVED

APR 29 1993

Department of Water Resources
Adjudication Bureau

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

Case No. 36-02070H
(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

36-02070H -0001/
93-04-0149

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

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OCT 13 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: MACK W. NEIBAUER
Address: RT. 1 BOX 1478
PAUL, IDAHO 83347

Briefly describe your interest in this water right:

I own the land this
water right is assigned
to -

2. Owner of the water right:

Name: MACK W. NEIBAUER
Address: RT. 1 BOX 1478
PAUL, IDAHO 83347

3. If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

Y68 5 3 1980
RECEIVED

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

12. ☐ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The Dept changed the dates of use from 3/15 to 11/15 to 4/01 through 10/31 and the original license should prevail

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

Attached

VERIFICATION (Must be Completed)

State of Idaho

County of Minidoka

Mack W. NEIBAUER, being first duly
(Name of person filing objection)

sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Mack W. Neibauer

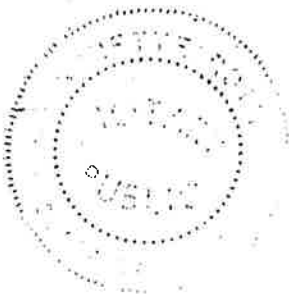
Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 22nd day of April,
1993.

Arma the Rock
Notary Public for State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 8-4-93



INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name:

Mack W. NEIBAUER

Owner's address:

RT 1 Box 1478
PAUL, Idaho

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Mack W. Neibauer

Signature of Objector or attorney
mailing on Objector's behalf

Reasons to support the Boxes checked.

8 The original license gave the usage date as 3/15 through 11/15 annually. The director has changed this to 4/01 through 10/31 without really considering local factors that apply to water applications but has used area factors that have many variable conditions in a span of a few miles.

We cannot afford to pump water indiscriminately because of costs. We also would pay a heavy loss on those very few years when early application was needed and more loss if the soil was too dry to harvest row crops.

I therefore wish for the period of usage to remain as the original license was issued. 3/15 through 11/15.

#10. The cropping practices used will dictate the amount of water used and as such the original Acre Feet per Year is requested. The same reasoning applies as the period of usage. Farmers will not pump water indiscriminately because of many reasons other than prohibitive costs, such as souring your soil, being able to work your soil with proper soil tilth. The list can go on and on and one of the most dangerous at this time may be the wet land provisions as interpreted by the Feds.

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OCT 13 1994

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: A36-02070H
Date Received: 9/08/1989
Receipt No: 5009118
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MACK NEIBAUR 208-532-4175
Address: RT.1 BOX 1478
PAUL, ID 83347
2. Date of Priority: MAR 11, 1948
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	23E	26	NE	SE	NE		MINIDOKA
5. Description of diverting works:
WELL & PUMP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.010		
7. Total Quantity Appropriated is:
2.010 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 426.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	23E	26	NE	NE		IRR	23.0
			NW	NE		IRR	40.0
			NE	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	26	NW	NW		IRR	39.0

Section Acres 142.0

Total Acres 142.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
A36-07529H

14. Remarks:

THIS WELL IS SHARED WITH JOHN STEVENSON.

THIS CLAIM IS BASED ON 50% OF THE PORTION OF 36-02070C ON THE
N1/2 OF SECTION 26 PURSUANT TO TRANS. 3143.

PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

15. Basis of Claim: LICENSE

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: 0

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): Mark W. Huber Date: 9/8/89

Date: _____

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day.

of Sept. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/94

MICROFILMED
OCT 13 1994

NOV-2-1992 YOUR WATER RIGHT AS RECOMMENDED IN THE SNAKE RIVER BASIN ADJUDICATION 7032

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
36-02070H	MACK NEISAUR RT 1 BOX 147H PAUL ID 83347	03/11/1948	IRRIGATION	04-01 10-31	2.01 CFS	LICENSE
					TOTAL QUANTITY:	2.01 CFS
SOURCE: GROUNDWATER		TRIBUTARY:				
POINT OF DIVERSION:						
TOTS R23E S26		NESENE				
PLACE OF USE: IRRIGATION						
TOTS R23E S26		NENE 39.0 NWNE 40.0 NENW 40.0 NNNW 39.0				
158.0 ACRES TOTAL						
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.						
RIGHT NO. 36-11893 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2).						
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 632 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-07529H, 36-11893.						
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.						
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-07529H, 36-11893, 36-02070Q, 36-07529Q						

NOTICE OF ERROR



RESPONSE



CORRECTED R PROOF



MICROFILMED

JAN 25 1993

AUG-24-1992

NOTICE OF ERROR FORM

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

RECEIVED

SEP 14 1992

Department of Water Resources

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: *36-02070 H and Right # 36-11893*
is an expansion of this Right

2. Name:

MACK W. NEIBAUR

Address:

**RT. 1 BOX 1478
PAUL, IDAHO 83347**

Weekday Telephone Number:

208-532 4175

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

MICROFILMED
JAN 25 1993

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

Period of use has been changed
to 4/1 thru 10/31

4. Describe the changes you wish to have made in the proposed recommendation:

Put it back to original license
of 3/15 thru 11/15

5. Describe why you disagree with the proposed recommendation:

Sometimes you need these other
periods of use for crop production and
harvest

6. Date:

9/5/92

SIGNATURE

Mark W. Heibaw

MACK W. NEIBAUR

Department of Water Resources

1000 S. Statehouse Mall, Boise, Idaho 83720

RECEIVED

SEP 14 1992

Rt. 1, Box 1478
Paul, Idaho 83347
Phone 532-4175

DAVID B. SHAW
ADJUDICATIONS BUREAU CHIEF
(208) 384-4281

327 7931

Dave,

I hate to be a turd but we don't hardly ever use the early or late dates that have been changed. When we do need to use them it is critical that we can. In 41 years here there has only been 2 years prior to April 1 but harvest comes some more often - 8 or 10 years after 10/31 - and loss of crop could result if not for available sprinkling.

I understand A + B Irrigation is wanting the later dates but they also are in areas of better rainfall patterns -

Thanks
Mack W. Neibaur

MICROFILMED

JAN 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Oct-1992

Mack W Neibaur
Rt 1 Box 1478
Paul ID 83347

RE: Proposed Recommendation for Water Right Nos: 36-02070F,
36-02070H, 36-02070J, 36-02070K, 36-07529A, & 36-07529B,
36-07529H, & 36-11893

Dear Mr. Neibaur:

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claims listed above. Your NOE indicates that you would like the recommendation to show a longer season of use for irrigation. For the reasons states below, the season of use that will be recommended in the Director's Report will remain as proposed.

The proposed recommendation is based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

If you still disagree with IDWR's recommendations you will have an opportuntiy to file an objection to the Director's report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,

Marci Sterling
Marci Sterling

Engineering Specialist (EIT)

MICROFILMED

JAN 25 1993

Water Right Number - R36-02070H

Prefix Translation:

RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NEIBAUR

MACK

1 - RT 1 BOX 1478

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4175

*** O - ORIGINAL OWNER ***
JULION CLAWSON FARMS INC

1 -

2 -

3 -

City- XXX

State- ID Zip- XXX

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/11/1948 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 23E 26 NE SE NE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 2.010+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.010 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	23E	26	NE NE		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NE NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	26	NW NW		39.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 158.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-07529H, 36-11893

MICROFILMED

JAN 25 1993

Prefix Translation: RESEARCH

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-07529H, 36-11893, 36-02070Q, 36-07529Q

A3602070C

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

Date: 08/23/1991 User Id: SCHOLER Subject: REVIEW - BHS
Date: 08/23/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS
THIS WELL IS SHARED WITH JOHN STEVENSON. THIS CLAIM IS BASED ON 50% OF THE PORTION OF 36-02070C ON THE N1/2 OF SECTION 26
PURSUANT TO TRANS. 3143. PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.
Date: 09/17/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/14/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 6/15/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/08/1992 User Id: SOUTH1 Subject: NOE - RESPONSE
NO CHANGE MADE TO STANDARD SEASON OF USE. LETTER SENT 10/8/92. M. STERLING

+ - - Audit Fields - - +
10/08/92 SOUTH1

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/08/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S009118	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- B

RECEIVED
JAN 25 1963

R PROOF

✓

CVR

✓

MAPS

✓

PHOTOS

✓

MISC

MICROFILM

JAN 25 1993

Water Right Number - R36-07529H Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NEIBAUR MACK 1 - RT.1 BOX 1478
2 -
3 -
City- PAUL State- ID Zip- 83347
Phone - 208-532-4175

*** O - ORIGINAL OWNER ***
JULION CLAWSON FARMS INC. 1 -
2 -
3 -
City- XXX State- ID Zip- XXX
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/28/1975 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 23E 26 NE SE NE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.690

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.690 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 23E 26 NE NE 39.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NE 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NE NW 40.0 01 IRRIGATION (67) MINIDOKA
07S 23E 26 NW NW 39.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 158.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A36-02070H,A36-11893

MICROFILMED

JAN 25 1993

Water right number - R36-07529H

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

RIGHT NO. 36-11893 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAHO CODE 42-1416(2).USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.7 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 632 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS.:36-02070H, 36-11893THIS RIGHT IS LIMITED TO THE IRRIGATION OF 149 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-02070H, 36-11893, 36-02070Q,
36-07529Q.

+ - - - - - Old Water Right Numbers - - - - - +

A3607529D

+ - - - - - Conditions of Approval - - - - - +

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +

Date: 06/11/1991 User Id: SCHOLER Subject: COPIED FROM REMARKS

THIS WELL IS SHARED WITH JOHN STEVENSON.

THIS CLAIM IS BASED ON 50% OF 36-07529D.

Date: 06/11/1991 User Id: SCHOLER Subject: SPLIT RIGHT

THIS RIGHT IS SPLIT FROM 36-07529D

Date: 06/11/1991 User Id: SCHOLER Subject: REVIEW - BHS

+ - - Audit Fields - - +

06/15/92 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 06/15/1992	Old Judicial District	-
Claim Received Date	- 09/08/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S009118	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:04:10
08/17/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02070H

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		BHS 5-15-91 + 6-7-91	N	6	BHS 6-10-91	BHS 6-10-91	BHS 8-23-91
POINT OF DIV	Y				5, 6			
SOURCE	Y				5, 6			
PLACE OF USE	Y				2, 4, 5, 6			
DIV. AMOUNT CFS/VOLUME	Y				6			
CONSUMPTIVE USE	-				6			
PURPOSES	Y				5, 6			
PERIOD OF USE	Y				6			
BASIS OF CLAIM	Y				6			
REMARKS	Y				6			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED

JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:04:10
08/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02070H

LAST: JULION CLAWSON FARMS INC.
ADDRESS:
CITY: XXX
PHONE NUMBER: 208-000-0000

OWNER CODE: 0

FIRST:
STATE: ID ZIP: XXX

LAST: NEIBAUR
ADDRESS: RT. 1 BOX 1478
CITY: PAUL
PHONE NUMBER: 208-532-4175

FIRST: MACK
STATE: ID ZIP: 83347

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS WELL IS SHARED WITH JOHN STEVENSON.
THIS CLAIM IS BASED ON 50% OF THE PORTION OF 36-02070C ON THE
N1/2 OF SECTION 26 PURSUANT TO TRANS. 3143.
PERIOD OF USE CHANGED TO RECOMMENDED STANDARD SEASON.

MICROFILMED

JAN 25 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

RECORDED

JAN 25 1993

A. AJ CLAIM: # A36-02070H PRIORITY DATE: 03-11-1948 ✓ STAGE: L
B. WR RECORD: # 36-02070 PRIORITY DATE: - - STAGE:

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE Y FIELD EXAMINER BH2

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)
IF YES EXPLAIN.

REMARKS: ORIGINAL LICENSE 2070 - 2070C HAS PRIORITY DATE 3-11-48

=====

RECOMMENDED PRIORITY DATE:

3-11-1948 ✓

REVIEWED BY

BHS ✓

DATE

4-25-91 ✓

MICROFILMED

JAN 25 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02070H	07S	23E	26	NE <u>OK</u>	SE	NE		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A36-11893 NONE

A36-07529I

A36-02070I

A36-07529H

A36-02070H

WR RECORDS IN SAME 40 ACRE TRACT

36-07529D

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

3602070 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE

Y OK
Y OK

FIELD
EXAMINER

B.H.
B.H.

REMARKS:

MICROFILMED

JAN 25 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>7S</u>	<u>23E</u>	<u>26</u>	<u>NE</u>	<u>SE</u>	<u>NE</u>	<u>---</u>	<u>MINIDOKA</u>
<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>

SOURCE: GROUNDWATER

TRIB: ---

REVIEWED BY: BHS

DATE: 6-10-91

MICROFILMED

JAN 25 1993

A. ROOT WATER RIGHT NUMBERS:

A36-02070E
A36-02070A
A36-02070F
A36-02070G
A36-02070H
A36-02070I
A36-02070J
A36-02070K

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM. "FIND"	RECOMM. ACRES
07S	23E	26	NE	NE		NEIBAUR, MACK	A36-02070H /23.0	- /38.0	40.0	39	23
						NEIBAUR, MACK	A36-07529H /30.0	- /			
						NEIBAUR, MACK	A36-11893 / 9.0	- /			
						JULION CLAWSON FARMS INC.		36-02070C /20.0			
						JULION CLAWSON FARMS INC.		36-07529D /30.0			
07S	23E	26	NW	NE		NEIBAUR, MACK	A36-02070H /40.0	- /38.0	40.0	40	40
						NEIBAUR, MACK	A36-07529H /40.0	- /			
						JULION CLAWSON FARMS INC.		36-02070C /40.0			
						JULION CLAWSON FARMS INC.		36-07529D /40.0			
07S	23E	26	NE	NW		NEIBAUR, MACK	A36-02070H /40.0	- /38.0	39.0	40	40
						NEIBAUR, MACK	A36-07529H /40.0	- /			
						JULION CLAWSON FARMS INC.		36-02070C /40.0			
						JULION CLAWSON FARMS INC.		36-07529D /40.0			
07S	23E	26	NW	NW		NEIBAUR, MACK	A36-02070H /39.0	- /38.0	37.0	39	39
						NEIBAUR, MACK	A36-07529H /39.0	- /			
						JULION CLAWSON FARMS INC.		36-02070C /40.0			
						JULION CLAWSON FARMS INC.		36-07529D /39.0			
TOTAL ACRES							A36-02070H	142.00	152.00 140.0	158	140

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE

Y
DONE

FIELD
EXAMINER

BHS

TOTAL ACRES FOR PERMISSABLE
PLACE OF USE on A36-11893
A36-07529H + A36-02070H

MICROFILMED

JAN 25 1993

PRESUMPTION FLAG: C

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 158 PERMISSABLE PLACE OF USE

REVIEWED BY: BHS

DATE: 6-10-91

UNPROCESSED

JAN 25 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02070H IRRIGATION	FROM 03-15 TO 11-15	2.010 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		<u>2.010 CFS</u>

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
TOTAL DIVERSION RATE/VOLUME CLAIMED		

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	<u>Y</u>	<u>BAC</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	<u>Y</u>	<u> </u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	<u>Y</u>	<u> </u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

NO PERIOD OF USE ON RECORDED TRANSFER SHOWS PERIOD OF USE AS STANDARD
3-15-10 11-15

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JAN 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE:
WR ROOT RIGHT TOTAL DIVERSION RATE:

2.010 CFS ☒
CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) ☒ N

FLOW MEASUREMENT

B.

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A36-07529H

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-02070H	GROUNDWATER	NEIBAUR , MACK	2.010	2.7 0.014		
A36-07529H	GROUNDWATER	NEIBAUR , MACK	0.690	OK 0.004		
A36-11893	GROUNDWATER	NEIBAUR , MACK	<u>0.180</u>	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

RECORDED

JAN 25 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

1b. CALCULATIONS

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 426.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

THIS WILL HAVE A PERMISSABLE PLACE OF USE INCLUDED WITH 075294 + 02070H + 11893.

DIVERSION VOLUME + CONSUMPTIVE USE VOLUME WILL BE SHOWN IN REMARKS AS A TOTAL.

MICROFILMED

JAN 25 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>IRRIGATION</u>	<u>3-15</u> <u>1-15</u>	<u>2.01</u> <u>BHS</u>		
TOTAL FOR THIS RIGHT				

REVIEWED BY: BHS

DATE: 6-10-91

SEE REMARK PREVIOUS PAGE ON PERMISSABLE
PLACE OF USE.

MICROFILMED

JAN 25 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(☒)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02070

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	136.440		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-02070C	A36-02070E	13.940	-		36-02070C	42.980
~~A36-02070~~	~~A36-02070A~~	~~4.000~~	-		36-02070	
A36-02070	A36-02070F	4.960	-		36-02070	
A36-02070	A36-02070G	12.550	-		36-02070	
A36-02070C	A36-02070H	2.010	-		36-02070C	42.980
A36-02070C	A36-02070I	2.010	-		36-02070C	42.980
A36-02070	A36-02070J	4.290	-		36-02070	
A36-02070	A36-02070K	3.220	-		36-02070	
-	-	-	-		36-02070A	4.000
-	-	-	-		36-02070B	
-	-	-	-		36-02070D	3.500
TOTAL CFS		46.980				136.440

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE	FIELD EXAMINER
OK	BHS

REMARKS:

R36-02070E "Z" SEE 36-02070 L, M, N, P, Q

OLD # FIELD: 36-02070C

MICROFILMED
JAN 25 1993

AUTHENTICATION:

SIGNATURE: Burke H. Scholer

DATE: 6-10-91

NAME OF FIELD EXAMINER: BURKE H. SCHOLER

TITLE: WATER RESOURCE AGENT.

RECEIVED
JAN 25 1993

CLAIM IDENTIFICATION NO. A36-02070HA36-07529HA36-11893

PLACE OF USE OVERLAP REVIEW

CLAIM NO.	TWN	RNG	SEC	NE				NW				SW				SE				TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A36-02070H	7S	23E	26	23	40			40	39											
A36-07529H	↓	↓	↓	30	40			40	39											
A36-11893	↓	↓	↓	9																
"Found"				39	40			40	39											
36-02070C	7S	23E	26	20	40	40	40	40	40	40	40									
36-07529D	7S	23E	26	30	40	40	39	40	39	39	40									
"Found"	7S	23E	26	39	40	40	39	40	39	39	40									
36-02070C	SPLIT TO 2070H & 2070I																			
36-7529D	SPLIT TO 7529H & 7529I																			

JAN 25 1993

Claim Identification No. A36-02070H



Well located in
Sec. 26, NE 4

Photos from
B. Scholer field
exam, summer '91

Well also supplies
water for Rts.

36-07529H

36-02070Q

36-07529Q



Neibaur

MICROFILMED

JAN 25 1993