

RECEIVED

153375

NONMERGER WARRANTY DEED IN LIEU OF FORECLOSURE

JAN 26 1990

FCB Loan No. 159616-0

J.O. Stimpson

Department of Water Resources
Southern Region OfficeSTATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of*Land Title & Survey, Inc.*

SEP 13 89

at 5 minutes past 4:15 P. M.recorded by *Marilyn Harris*Fee: 12.00 Return to:*P.O. Box 473
Dorling, Id. 83330*Until a change is requested,
all tax statements shall be
sent to the following address:Farm Credit Services-Twin Falls
129 Eastland Drive
P.O. Box 288
Twin Falls, Idaho 83303-0288

THIS DEED, made this 13th day of September, 1989, between J. OSCAR STIMPSON and GERTRUDE H. STIMPSON, husband and wife, the Grantors, and FARM CREDIT BANK OF SPOKANE, a corporation chartered under the laws of the United States, successor by merger to The Federal Land Bank of Spokane, a corporation formerly chartered under the laws of the United States, whose mailing address is West 601 First Avenue, TAF-C5, Spokane, Washington 99220, the Grantee,

WITNESSETH, that for and in consideration of the covenants hereinafter contained and other good and valuable consideration, the Grantors do by these presents grant, convey and warrant forever unto the Grantee, and to its successors and assigns, all the property described on Exhibit "A" attached hereto and incorporated herein.

ALL SITUATE IN County of Lincoln, State of Idaho, subject to rights of way and easements for roads, utilities and irrigation ditches as same exist or appear of record, unpaid real property taxes, and mortgage to Grantee dated March 18, 1975 and recorded May 27, 1975.

TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property, which in any manner entitle Grantors to water, including but not limited to water rights under License No. 37-7670 issued by the Idaho Department of Water Resources priority date October 6, 1977 for 8.70 cfs, and License No. 37-7089 priority date March 22, 1971 for 4.4 cfs.

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges and appurtenances thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said property, together with the appurtenances, unto the said Grantee, and to its successors and assigns forever. Grantors covenant with Grantee that the former is now seized in fee simple of the property granted; that the latter shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances (except those set forth above); that Grantors and all persons acquiring any interest in the same through or for them will, on demand, execute and deliver to Grantee at Grantee's expense, any further assurance of the same that may be reasonably required; and that Grantors will warrant to Grantee all of the said property against every person lawfully claiming the same, except those claiming under the above exceptions.

This deed is absolute in effect and conveys fee simple title of the property above described to the Grantee and does not operate as a rescission or as a mortgage, trust conveyance, or security agreement of any kind.

Grantee's acceptance of this conveyance is conditioned upon there being no liens against the property, except for those set forth above.

This deed does not effect a merger of the fee ownership and the lien of that certain mortgage executed by J.O. Stimpson and Gertrude O. Stimpson, husband and wife, Mortgagors, to The Federal Land Bank of Spokane, a corporation, Mortgagee, dated March 18, 1975, and recorded on May 27, 1975, as Instrument No. 130226, in the official records of Lincoln County, Idaho. The fee and lien shall hereafter remain separate and distinct. It is not the intent of the parties to affect the subrogation rights of any third parties.

The true and actual consideration for this conveyance includes, but is not limited to, payment by Grantee of real estate taxes owing against the property, and costs and expenses, including title insurance premiums associated with this conveyance.

This deed shall not operate to preclude Grantee for proceeding in any action to enforce the mortgage.

Grantors do hereby waive, surrender, convey, and relinquish any equity of redemption and statutory rights of redemption concerning the property and mortgage described above.

Grantors hereby surrender and deliver possession of the property to Grantee.

Grantors declare that this conveyance is freely and fairly made, and Grantors are not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence, or misrepresentation of Grantee, its agent, or attorney, or any other person.

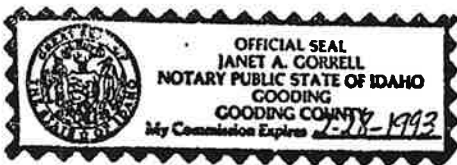
IN WITNESS WHEREOF, the Grantors have hereunto set their hands the day and year first above written.

J. Oscar Stimpson
J. Oscar Stimpson
Gertrude H. Stimpson
Gertrude H. Stimpson

STATE OF IDAHO)
County of Gooding) : SS.

On this 13th day of September, 1989, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared J. Oscar Stimpson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as his free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Janet A. Correll
Notary Public for the State of Idaho
Residing at Gooding, Idaho
My commission expires 2-28-1993

STATE OF IDAHO)
County of Gooding) : SS.

On this 13th day of September, 1989, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared GERTRUDE H. STIMPSON, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same as her free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Janet A. Correll
Notary Public for the State of Idaho
Residing at Gooding, Idaho
My commission expires 2-28-1993

RECEIVED

JAN 26 1990

Department of Water Resources
Southern Region Office

EXHIBIT A

TRACT NO. 1:

TOWNSHIP 6 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 33: NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$;

TOWNSHIP 7 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 2: Lot 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 3: Lots 1, 2, 3 and 4; S $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$;

TRACT NO. 2:

TOWNSHIP 7 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

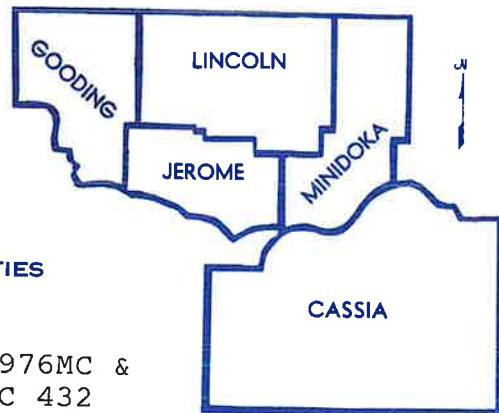
Section 2: SW $\frac{1}{4}$;

Section 3: N $\frac{1}{2}$ S $\frac{1}{2}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Land Title and Escrow, Inc.

COMPLETE SERVICE

5 IDAHO COUNTIES



REFER TO: 20976MC &
OFFICE: EC 432

Burley

January 25, 1990

RECEIVED

JAN 26 1990

Idaho Department of Water Resources
2148 Firth Ave. East
Twin Falls, ID 83301

Department of Water Resources
Southern Region Office

RE: Transfer of Water Claims No. A36-04218 (Hawkes to Farm Credit and Farm Credit to Patterson Farms) and 37-07670, 37-07089 (Stimpson to Farm Credit and Farm Credit to Star Gate Ranch)

Gentlemen:

Enclosed is an original and one copy of a Change In Ownership Of Notice Of Claim form for the claim on the property recently transferred in the above mentioned claims.

Would you please acknowledge receipt of this form on the copy and return to Land Title and Escrow, Inc. in the enclosed self-addressed stamped envelope.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE & ESCROW, INC.


Larry Roberts
Manager

LR/tlm
Encl.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-4842 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

MICROFILMED
FEB 24 1993



Farm Credit Services
Twin Falls

129 Eastland Drive
P.O. Box 288
Twin Falls, Idaho 83303-0288
208/733-2577

January 24, 1990

Ms. Lorie White
Idaho Department of Water Resources
Twin Falls, Idaho

Re: Trujos California Trust, Notice of Claim

Dear Lorie:

Please find attached a check for \$615.65 representing payment in full for the Notice of Claim for water rights 37-07089 and 37-07670. The necessary documents to transfer these rights from the Trujos California Trust to Farm Credit Bank of Spokane to the new purchaser, Star Gate Ranch will be forthcoming. I understand that payment of these two claims will require payment in full of the other claims filed by the Trujos California Trust. I contacted Mr. J. Oscar Stimpson who indicated payment of the balance owing will not be a problem and will be taken care of once he receives notice from the IDWR.

Sincerely,

Kim Herzinger
Senior Credit Officer

MICROFILMED
FEB 24 1993

From: DWR03::SHAFF 26-JAN-1990 17:42:54.20
To: DWR60::WHITE,DWR60,GIVENS,DWR02::ALLEN
CC: SHAFF
Subj: AR S000005 TRUJOS CALIFORNIA TRUST

This is my calculation of the balance due on the five remaining WR claims in this account of J. O. Stimpson. Mr. Stimpson has been notified the account is due and payable. The WR NOs are A37-07005, A37-02679, A37-10537, A37-10538, A37-10539. Please receipt the payment from Mr. Stimpson with the following principal and interest amounts.

CALCULATION OF INTEREST AND PRINCIPAL

Program:
Account: S000005

NAME:	J. O. Stimpson
AMOUNT RECEIVED:	
ORIGINAL FEE:	1,603.00
OUTSTANDING PRINCIPAL:	387.83
PRINCIPAL DUE:	387.83
BEGIN INTEREST DATE:	01-jul-1989
END INTEREST DATE:	01-mar-1990
DAYS IN PERIOD:	243

387.83 7190 PRINCIPAL
25.82 6890 INTEREST
413.65 TOTAL

You still bring up this AR in AR2 to receipt the \$\$, but change the figures to the above provided the payment is for \$413.65. If you receipt the money before Mar. 1, I will figure the refund due Mr. Stimpson from the lower interest. Thanks for your help.

MICROFILMED
FEB 24 1993

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 37-7670
Date Received: 7/12/88
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JEFF L WEBER Phone: (208)544-2857
950 E 570 S
DIETRICH ID USA 83324

KERI JO WEBER Phone: (208)544-2857
950 E 570 S
DIETRICH ID USA 83324

2. Date of Priority: 10/06/1977

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07S	19E	3	SE SE NE	LINCOLN
07S	19E	3	NE NE SE	LINCOLN

5. Description of diverting works:

2 WELLS BOTH WITH 350 H.P. TURBINE PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	8.7	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
07S	19E	2	NW	NW	4	IRRIGATION	19
			SW	NW		IRRIGATION	39
			NE	SW		IRRIGATION	32
			NW	SW		IRRIGATION	38
			SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	23
Section Acres						190	
07S	19E	3	NW	NE	2	IRRIGATION	20
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW	3	IRRIGATION	20
			NW	NW		4	IRRIGATION
			SW	NW	IRRIGATION		40
			SE	NW	IRRIGATION	40	
			NE	SW	IRRIGATION	40	
			NE	SE	IRRIGATION	40	
			NW	SE	IRRIGATION	40	
			SE	SE	IRRIGATION	40	
			NE	NE	1	IRRIGATION	19
			Section Acres				
Total Acres						589	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGE: TRUJOS TO FARM CREDIT TO STAR GATE RANCH 2/5/90 ADM
12/27/00 tf; ownership changed Star Gate Ranch to Weber per 1409(6) and quitclaim
deed received 2/22/00.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

December 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFF L WEBER
KERI JO WEBER
950 E 570 S
DIETRICH ID 83324

RE: SRBA Claim(s) A37-7089, A37-7670

Dear Mr. and Mrs. Weber:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

cc: J. Dee May

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
FEB 22 2000
Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 37-07670 and 37-07089
Adjudication Claim No(s).: A37-07670 and A37-07089

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Star Gate Ranch, A Partnership
Rt. #1 Box 1588 - Paul, ID 83347

4. New Owner/Claimant(s) Jeff L. Weber and Keri Jo Weber
New Mailing Address Name Connector (Check one): [] and, [] or, [] and/or
950 E. 570 S
City, State and ZIP Code Dietrich, ID 83324
New Telephone Number (208) 544-2857

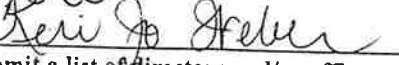
5. Date you acquired the property December 31, 1999

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

N/A

Number of acres you irrigate with this water right 862 Number and type of stock _____

Diversion rate in CFS 13.10 Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s). 

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

QUITCLAIM DEED

RECEIVED
FEB 22 2000
Department of Water Resources

For Value Received, **STAR GATE RANCH**, an Idaho general partnership,

does (do) hereby convey, release, remise and forever quit claim unto

JEFF L. WEBER and KERI JO WEBER, husband and wife,

whose address is: 950 E. 570 S., Dietrich, Idaho 83324

the following described premises, to-wit:

See Attached Exhibit "A"

including all appurtenant water rights including but not limited to 27 shares of Big Wood Canal Company Water.

together with their appurtenances.

DATED this 31st day of December 1999.

Jeff L. Weber
JEFF L. WEBER, Partner

Kay M. Hawkes
KAY M. HAWKES, Personal Representative
Of the Estate of Phil Hawkes, Partner

Keri Jo Weber
KERI JO WEBER, Partner

Kay M. Hawkes
KAY M. HAWKES, Partner

168129

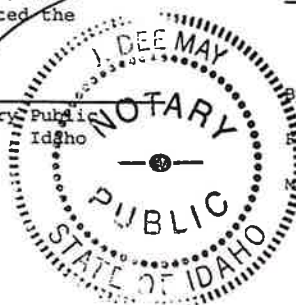
STATE OF IDAHO, COUNTY OF TWIN FALLS

On this 31st day of December, 1999
before me, a notary public in and for said State,
personally appeared

known to me to be the persons who se names are
subscribed to the within instrument, and
acknowledged to me that they executed the
same.

Residing at Twin Falls
Comm. Expires 11/2/05

Notary Public
Idaho



STATE OF IDAHO, COUNTY OF Lincoln
I hereby certify that this instrument was filed for
at the request of J. Dee May
at 20 minutes past 10.00 o'clock A. m.
this 9th day of Feb.,
192000 in my office, and duly recorded in Book of
Deeds at page

Ex-Officio Recorder

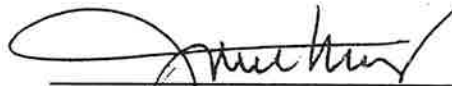
By William Jacobson Deputy.
Fees \$ 9.00 - Above - Bx. 1846 - T.F.
Mail to:

STATE OF IDAHO)
 : SS
County of Twin Falls)

On this 31st day of December, 1999, before me the undersigned a Notary Public in and for said State, personally appeared **JEFF L. WEBER, KERI JO WEBER, KAY M. HAWKES, and KAY M. HAWKES, PERSONAL REPRESENTATIVE OF THE ESTATE OF PHIL HAWKES**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons that executed the within instrument as the sole partner(s), on behalf of **STAR GATE RANCH**, the partnership therein named and acknowledged to me that the partnership executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.





Notary Public for State of Idaho
Residing at Twin Falls, therein
Commission Expires: 11/2/05

EXHIBIT "A"

TRACT NO. 1

**TOWNSHIP 6 SOUTH, RANGE 19, EAST OF THE BOISE
MERIDIAN, LINCOLN COUNTY, IDAHO**

Section 33: NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$;

Except the following portion described as:

**Beginning at the Northwest corner of Section 33, NW $\frac{1}{4}$, to be known
as the True Point of Beginning; Thence East 544 feet; Thence South
400 feet; Thence West 544 feet; Thence North 400 feet to the True
Point of Beginning.**

**TOWNSHIP 7 SOUTH, RANGE 19, EAST OF THE BOISE
MERIDIAN, LINCOLN COUNTY, IDAHO**

Section 2: Lot 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$; Lot 3; SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 3: Lots 1, 2, 3 and 4; S $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$;

TRACT NO. 2:

**TOWNSHIP 7 SOUTH, RANGE 19, EAST OF THE BOISE
MERIDIAN, LINCOLN COUNTY, IDAHO**

Section 2: SW $\frac{1}{4}$;

Section 3: N $\frac{1}{2}$ S $\frac{1}{2}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$.

May, Sudweeks & Browning

Attorneys at Law

516 Second Street East • P. O. 1846 • Twin Falls, ID 83303
Telephone (208) 733-7180
Facsimile (208) 733-7967

Jay D. Sudweeks
J. Dee May
Bart D. Browning

February 18, 2000

RECEIVED
FEB 22 2000
Department of Water Resources
Bozeman, Montana

Idaho Department of Water Resources
1341 Fillmore Street, Ste 200
Twin Falls, ID 83301-3380

RE: Notice of Change of Water Right Ownership
Water Right Numbers 37-07670 and 37-07089

Gentlemen:

I have enclosed a Notice of Change of Water Right Ownership on Water Right Numbers 37-07670 and 37-07089. Please let me know when the change has been made so my records will be complete.

Thank you very much.

Very truly yours,

MAY, SUDWEEKS & BROWNING



J. DEE MAY

JDM:mab
Enclosures

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: A37-07670
Date Received: 7/12/1988
Receipt No: S000864
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STAR GATE RANCH, A PARTNERSHIP
Address: C/O PHIL HAWKES OR JEFF WEBER
RT. 1 BOX 1588
PAUL, ID 83347
208-438-5684

2. Date of Priority: OCT 06, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	19E	3	SE	SE	NE		LINCOLN
			NE	NE	SE		LINCOLN

5. Description of diverting works:
2 WELLS BOTH WITH 350 H.P. TURBINE PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.700		

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

8. Total consumptive use is 1767.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	19E	2	NW	NW	4	IRR	19.0
			SW	NW		IRR	39.0

A37-07670

Page 1

Date: 02/05/90

MICROFILMED
FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	19E	2	NE	SW		IRR	32.0
			NW	SW		IRR	38.0
			SW	SW		IRR	39.0
			SE	SW		IRR	23.0
			Section Acres				190.0
		3	NE	NE	1	IRR	19.0
			NW	NE	2	IRR	20.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	20.0
			NW	NW	4	IRR	20.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				399.0
			Total Acres				589.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
47 SHARES OF BIG WOOD CANAL CO.

14. Remarks:

OWNERSHIP CHANGE: TRUJOS TO FARM CREDIT TO STAR GATE RANCH
2/5/90 ADM

15. Basis of Claim: LICENSE

MICROFILMED
FEB 24 1993

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
FEB 24 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

05-Feb-1990 14:42
STAR GATE RANCH, A PARTNERSHIP
Rt. 1 Box 1588
Paul, Idaho 83347

RE: SRBA Claims A37-07089 & A37-07670

Dear Claimant:

Pursuant to the notification that you presently own the property in which the above referenced adjudication claims are appurtenant, the Department has changed the record of the current owner as you requested. Please find enclosed copies of the computer record of the claims noting the change in claimant. Please review the record and if you have any corrections please contact this office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Encl:

MICROFILMED
FEB 24 1993

RECEIVED

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

JAN 26 1990

[X] Water Right Number(s): 37-07670, 37-07089 Department of Water Resources
Southern Region Office

[X] Name and Address of Former Claimant: Farm Credit Bank of Spokane
West 601 First Avenue TAF-C5
Spokane, Washington 99220

[X] New Claimant(s): Star Gate Ranch, a partnership
(R. Phil Hawkes & Jeff L. Weber, partners)

[X] New Mailing Address: Route 1 Box 1588
Paul, Idaho 83347

New Telephone Number: (208) 438-5684

[X] Does the change in ownership result in a splitting of the water right claimed? yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[X] Attach proof of ownership
Describe proof attached: recorded Warranty Deed

[X] Signature of New Claimant(s): By: STAR GATE RANCH
[Signature]
By: [Signature]

Date: January 23, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2/5/90 By: AD

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 2/5/90 By: AD

Claim Numbers of Split, if any:

MICROFILMED
FEB 24 1993

JAN 24 90

WARRANTY DEED

at 42 minutes past 12 P. M.
recorded by *Marilyn Harris*
Fee: 6.00 Return to: *Hand Del.*

FOR VALUE RECEIVED, FARM CREDIT BANK OF SPOKANE, successor by merger to the Federal Land Bank of Spokane, the Grantor, does hereby grant, bargain, sell and convey unto STAR GATE RANCH, a partnership, the Grantee, the following described premises in Lincoln County, Idaho, to-wit:

REAL PROPERTY:

TRACT NO. 1:

TOWNSHIP 6 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 33: NE1/4; S1/2NW1/4; SW1/4; E1/2SE1/4; N1/2NW1/4;

TOWNSHIP 7 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 2: Lot 4; SW1/4NW1/4;

Section 3: Lots 1, 2, 3 and 4; S1/2NE1/4; S1/2NW1/4;

TRACT NO. 2:

TOWNSHIP 7 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 2: SW1/4;

Section 3: N1/2S1/2; SE1/4SE1/4.

Together with all tenements, hereditaments, and appurtenances thereunto belonging or any wise appertaining to the property, including all existing fixtures, and including all water and water rights of every kind and description, however evidenced; subject to any and all easements, rights of way, or restrictions of record, and the exceptions, provisions, and reservations contained in patents or deeds from the United States of America, or the State of Idaho, or in other deeds of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns

WARRANTY DEED - Page 1

Grantees mailing address: Route #1 Box 1588
Paul, Idaho 83347

MICROFILMED

FEB 24 1993

forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED: January 23, 1990

FARM CREDIT BANK OF SPOKANE

By: Kim Heringer

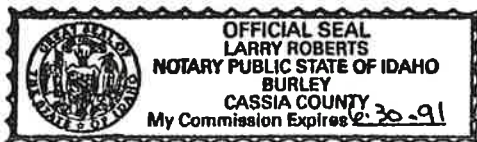
Position: Authorized Agent

STATE OF IDAHO)

County of Cassia) ss.
~~Twin Falls~~)

On this 23 day of January, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Kim Heringer, known to me to be the Authorized Agent of Farm Credit Bank of Spokane who executed the foregoing instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Burley, Idaho
My commission expires: 2-20-91

MICROFILMED
FEB 24 1993

RECEIVED

JAN 26 1990

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[X] Water Right Number(s): 37-07670, 37-07089 Department of Water Resources
Southern Region Office

[X] Name and Address of Former Claimant: Trujos California Trust (J. Oscar & Gertrude Stimpson)

[X] New Claimant(s): Farm Credit Bank of Spokane

[X] New Mailing Address: West Gol First Avenue
TAF-C5
Spokane, WA 99220

New Telephone Number: (208) 733-2577

[X] Does the change in ownership result in a splitting of the water right claimed? yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[X] Attach proof of ownership
Describe proof attached: Recorded Non-Merger Warranty Deed

[X] Signature of New Claimant(s): Farm Credit Bank of Spokane

BY: Kim Herzinger Authorized Agent
Kim Herzinger

Date: January 23, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2/5/90 By: AD

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 2/5/90 By: AD

Claim Numbers of Split, if any:

MICROFILMED

FEB 24 1993

RECEIVED

MAY 27 1993

Department of Water Resources
Southern Region Office

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: A37-07670
Date Received: 7/12/1988
Receipt No: S000864
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STAR GATE RANCH, A PARTNERSHIP 208-438-5684
Address: C/O PHIL HAWKES OR JEFF WEBER
RT. 1 BOX 1588
PAUL ID 83347

2. Date of Priority: OCT 6, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	19E	3	SE	SE	NE		LINCOLN
			NE	NE	SE		LINCOLN

5. Description of diverting works:
2 WELLS BOTH WITH 350 H.P. TURBINE PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.700		

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

8. Total consumptive use is 1767.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	19E	2	NW	NW	4	IRR	19.0
			SW	NW		IRR	39.0
			NE	SW		IRR	32.0

MICROFILMED
OCT 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	19E	2	NW	SW		IRR	38.0
			SW	SW		IRR	39.0
			SE	SW		IRR	23.0

Section Acres 190.0

3	NE	NE	1	IRR	19.0
	NW	NE	2	IRR	20.0
	SW	NE		IRR	40.0
	SE	NE		IRR	40.0
	NE	NW	3	IRR	20.0
	NW	NW	4	IRR	20.0
	SW	NW		IRR	40.0
	SE	NW		IRR	40.0
	NE	SW		IRR	40.0
	NE	SE		IRR	40.0
	NW	SE		IRR	40.0
	SE	SE		IRR	40.0

Section Acres 399.0

Total Acres 589.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
47 SHARES OF BIG WOOD CANAL CO.

14. Remarks:

OWNERSHIP CHANGE: TRUJOS TO FARM CREDIT TO STAR GATE RANCH
2/5/90 ADM

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____



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

22-Apr-1993 09:33

Jeff Weber
950 E 570 S
Dietrich, ID 83324

RE: SRBA Claims A37-07089, A37-07670 & A37-10539

Dear Mr. Weber:

As we discussed this morning in our phone conversation the Department recently discovered that the original signed copies of SRBA Claims filed by Trujos California Trust (J.O.Stimpson) were not located within the Department's files. Pursuant to this discovery we contacted the Stimpsons who then searched their records and found that they had the originals of the claims for the land they retain. They have since returned these to the Department. However, in discussing this matter of the originals for the above referenced claims which are for the lands Stimpson once owned but are now owned by Star Gate Ranch; Mrs. Stimpson indicated that these claims may have been given to Star Gate Ranch. Since you have searched your records and indicate you can not find the originals; I have prepared the enclosed substitution claims from our electronic record of the originals. Please look these substitution claims over and if they correctly reflect your water right please sign them before a notary and returned them to our office.

If you have any questions please feel free to contact this office.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

Encl:

MICROFILMED
OCT 25 1994

CONVERSATION MEMO

A37-02679 A37-07005

A37-10537

FILE: A37-10538

AGENT: KKC

DATE: 4-21-93

RE:

Original claims returned

NAME OF PARTY:

Mrs S Simpson

She returned the original signed & notarized claims this date.

After she left Allen checked the orig letter requesting these claims and found that she still needs to return 3 more claims.

I returned an incomplete change of ownership form with Mr. Simpson for her to complete for the above claims.

Jeff Weber Weber 544-2857

4/22/93 I phoned Mrs. Simpson and asked her about the other three claims. She indicated she gave them to Jeff Weber, the new owner. I phoned Mr. Weber & he indicated after looking thru the files that she only gave him un-signed copies. I told him I would send him copies in Star Gate Ranch's name for him to sign, have notarized & return.

A37-07089

A37-07670

&

A37-10539

MICROFILMED

OCT 25 1994

In name of
Star Gate Ranch

Still in the Name of
Trujos (Review previous change
to see if needs to be changed)



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

14-Apr-1993

Trujos California Trust
% J.O. Stimpson
428 E 370 S
Dietrich, ID 83324

RE: SRBA Claims A37-02679, A37-07005, A37-10537, A37-10538, A37-10539
A37-07089 & A37-07670

Dear Mr. Stimpson:

As I explained in my phone conversation with Mrs. Stimpson this morning the Department has recently discovered that the original signed copies of the above referenced claims have either been mis-filed or lost. I called to ask you to check your records encase we may have inadvertently given you the originals when you initially filed the claims. If we cannot find the originals we will need to have you substitute newly signed claims for our files. Please find enclosed substitution claims I have generated from the electronic record of your original claims. Please note that claims A37-07089 & A37-07670 have been transferred into the name of Star Gate Ranch and will remain in that name. Please review these substitute claims and if they appear correct please sign them before a notary and return them to our office.

In my conversation with Mrs. Stimpson she indicated that "Trujos California Trust" may not be the name inwhich you presently wish the claims to be lodged. If you wish to change the ownership record of the claims other than Star Gate Ranch's, please complete the enclosed "Notice of Change of Water Right Ownership" form.

I apologize for any inconvenience in re-signing these claims.

If you have questions please feel free to contact our office.

Sincerely,

Allen D. Merritt, P.E.
Water Rights Supervisor

Encl:

MICROFILMED

OCT 25 1994

Water Right Number - A37-07670

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***

STAR GATE RANCH, A PARTNERSHIP

1 - C/O PHIL HAWKES OR JEFF WEBER

2 - RT. 1 BOX 1588

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-438-5684

*** O - ORIGINAL OWNER ***

TRUJOS CALIFORNIA TRUST

1 - % J.O. STIMPSON

2 - 428 EAST 370 SOUTH

3 -

City- DIETRICH

State- ID Zip- 83324

Phone - 208-544-2488

FARM CREDIT BANK OF SPOKANE

1 - WEST 601 FIRST AVENUE TAF-C5

2 -

3 -

City- SPOKANE

State- WA Zip- 99220

Phone - 208-733-2577

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
10/06/1977 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
07S 19E 3 SE SE NE (63) LINCOLN
NE NE SE (63) LINCOLN+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 8.700+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
8.700 1767.0+ - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 19E 2 NW NW 4 19.0 01 IRRIGATION (63) LINCOLN
07S 19E 2 SW NW 39.0 01 IRRIGATION (63) LINCOLN
07S 19E 2 NE SW 32.0 01 IRRIGATION (63) LINCOLN
07S 19E 2 NW SW 38.0 01 IRRIGATION (63) LINCOLN
07S 19E 2 SW SW 39.0 01 IRRIGATION (63) LINCOLN
07S 19E 2 SE SW 23.0 01 IRRIGATION (63) LINCOLN
07S 19E 3 NE NE 1 19.0 01 IRRIGATION (63) LINCOLN
07S 19E 3 NW NE 2 20.0 01 IRRIGATION (63) LINCOLN
07S 19E 3 SW NE 40.0 01 IRRIGATION (63) LINCOLN
07S 19E 3 SE NE 40.0 01 IRRIGATION (63) LINCOLNMICROFILMED
OCT 25 1994

Prefix Translation: ADJUDICATION CLAIM

Total Acres: 589.0

+ - - Other Rights for Same Use - 47 SHARES OF BIG WOOD CANAL CO.

```
+-----+----- Old Water Right Numbers -----+
No Old Water Right Numbers found.
```

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

-----Comments-----
No Comments Found

+ - - - - - 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	-	04/02/1987	Old Judicial District	-	
Claim Received Date	-	07/12/1988	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	-	S000864	Federal/State Indicator	-	S
Claims Tape Error Flg	-		POU Ownership Flag	-	Y	Presumption Flag	-	
Fee Exempt Flag	-		Name Connector	-		Notice of Error Flag	-	

MICROFILMED
OCT 25 1994

01/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES

~~PRELIMINARY~~ RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: **37-20848**

NAME AND ADDRESS: JEFF L WEBER
950 E 570 S
DIETRICH ID 83324

KERI JO WEBER
950 E 570 S
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 8.280 CFS
2,242.400 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-20850 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.28 CFS.

PRIORITY DATE: 10/06/1977

POINT OF DIVERSION:

T07S R19E S3 SESENE Within LINCOLN County

T07S R19E S3 NENESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
8.280 CFS
2,242.40 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R19E S02 Lot 4 NWNW	19.0	T07S R19E S02	SWNW	39.0	
T07S R19E S02	NESW	32.0	T07S R19E S02	NWSW	38.0
T07S R19E S02	SWSW	39.0	T07S R19E S02	SESW	23.0
T07S R19E S03 Lot 1 NENE	19.0	T07S R19E S03 Lot 2 NWNE	20.0		
T07S R19E S03	SWNE	40.0	T07S R19E S03	SENE	40.0
T07S R19E S03 Lot 3 NENW	20.0	T07S R19E S03 Lot 4 NWNW	20.0		
T07S R19E S03	SWNW	40.0	T07S R19E S03	SENW	40.0
T07S R19E S03	NESW	40.0	T07S R19E S03	NESE	40.0
T07S R19E S03	NWSE	40.0	T07S R19E S03	SESE	40.0

589 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 560.6 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: License

RIGHT NO. 37-20850 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

IDAHO DEPT OF WATER RESOURCES

37-20848 & 37-20850



1320 0 1320 2640 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 7S
RNG: 19E
SEC: 2 & 3



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland
REVISED
Date: JANUARY 13, 2003

**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 NO: 37-07670**
) **(SPLIT INTO 37-20848 AND 37-20849)**
)

) **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. 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; and 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.

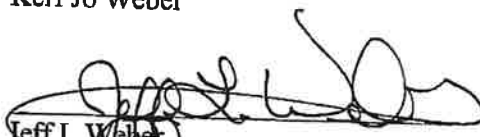
To resolve the objection, water right 37-07670 was split into two water rights and renumbered as 37-20848 and 37-20849. The SF5s for these two rights are being filed with the SRBA Court herewith. Therefore, IDWR recommends that water right 37-07670 be disallowed. **The parties and IDWR agree and stipulate that water right 37-07670 should be disallowed as recommended by IDWR.** The parties and IDWR further agree that this SF5 will resolve the objections filed by the BLM in these subcases and have indicated their concurrence by their signatures below.

CLAIMANTS:

Jeff L Weber
Keri Jo Weber

OBJECTOR:

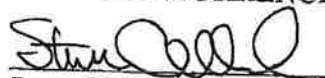
United States on behalf of the
Bureau of Land Management


Jeff L Weber
Date 1/9/03

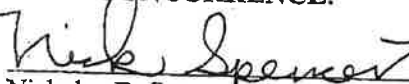
Larry A. Brown *FWP*
Attorney, U.S. Department of Justice
Environment and Natural Resource Div. Date

Keri Jo Weber Date

IDWR CONCURRENCE:


Steve Clelland
Senior Water Resource Agent, IDWR
Date 1/9/03

IDWR CONCURRENCE:


Nicholas B. Spencer (As to Form)
Attorney for IDWR
Date 1-9-03

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

RIGHT NUMBER: 37-7670 37-20848

NAME AND ADDRESS: JEFF L WEBER
950 E 570 S
DIETRICH ID 83324

KERI JO WEBER
950 E 570 S
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~8.700~~ 8.28 CFS
~~2,356.00~~ 2,242.4 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-20738 37-20850 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~8.70~~ 8.28 CFS.

PRIORITY DATE: 10/06/1977

POINT OF DIVERSION: T07S R19E S3 SESENE Within LINCOLN County
T07S R19E S3 NENESE Within LINCOLN County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 03/15 11/15 ~~8.700~~ 8.28 CFS
~~2,356.00~~ 2,242.4 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R19E S02	Lot 4	NWNW	19.0	T07S R19E S02		SWNW	39.0
T07S R19E S02		NESW	32.0	T07S R19E S02		NWSW	38.0
T07S R19E S02		SWSW	39.0	T07S R19E S02		SESW	23.0
T07S R19E S03	Lot 1	NENE	19.0	T07S R19E S03	Lot 2	NWNE	20.0
T07S R19E S03		SWNE	40.0	T07S R19E S03		SENE	40.0
T07S R19E S03	Lot 3	NENW	20.0	T07S R19E S03	Lot 4	NWNW	20.0
T07S R19E S03		SWNW	40.0	T07S R19E S03		SENW	40.0
T07S R19E S03		NESW	40.0	T07S R19E S03		NESE	40.0
T07S R19E S03		NWSE	40.0	T07S R19E S03		SWSE	30.0
T07S R19E S03		SESE	40.0				

619 589 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF ~~589~~ 560.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: BASIS OF CLAIM - License

RIGHT NO. 37-20738 37-20850 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

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

RIGHT NUMBER: 37-7670 37-20849

NAME AND ADDRESS: JEFF L WEBER
950 E 576 S
DIETRICH ID 83324

KERI JO WEBER
950 E 576 S
DIETRICH ID 83324

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: GROUND WATER

QUANTITY: 8-760 0.42 CFS
2,356.00 113.6 AFY

TRIBUTARY

Fwp QW NBS

COMBINED USE OF THIS RIGHT WITH RIGHT NO. 37-20738 37-20851 IS LIMITED TO A TOTAL
DIVERSION RATE OF 8-760 0.42 CFS.

PRIORITY DATE: 10/06/1977

POINT OF
DIVERSION: T07S R19E S3 SESENE Within LINCOLN County
T07S R19E S3 NENESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 03/15 11/15 8-760 0.42 CFS
2,356.00 113.6 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R19E S02	Lot 4	NWNW	19.0	T07S R19E S02	SWNW	39.0	
T07S R19E S02		NESW	32.0	T07S R19E S02	NWSW	38.0	
T07S R19E S02		SWSW	39.0	T07S R19E S02	SESW	23.0	
T07S R19E S03	Lot 1	NENE	19.0	T07S R19E S03	Lot 2	NWNE	20.0
T07S R19E S03		SWNE	40.0	T07S R19E S03		SENE	40.0
T07S R19E S03	Lot 3	NENW	20.0	T07S R19E S03	Lot 4	NWNW	20.0
T07S R19E S03		SWNW	40.0	T07S R19E S03		SENW	40.0
T07S R19E S03		NESW	40.0	T07S R19E S03		NESE	40.0
T07S R19E S03		NWSE	40.0	T07S R19E S03		SWSE	30.0
T07S R19E S03		SESE	40.0				

619 30 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 569 28.4 ACRES WITHIN THE PLACE
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: BASIS OF CLAIM - License

RIGHT NO. 37-20738 37-20851 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

CERTIFICATE OF MAILING

I certify that on _____, 2003 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or 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. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

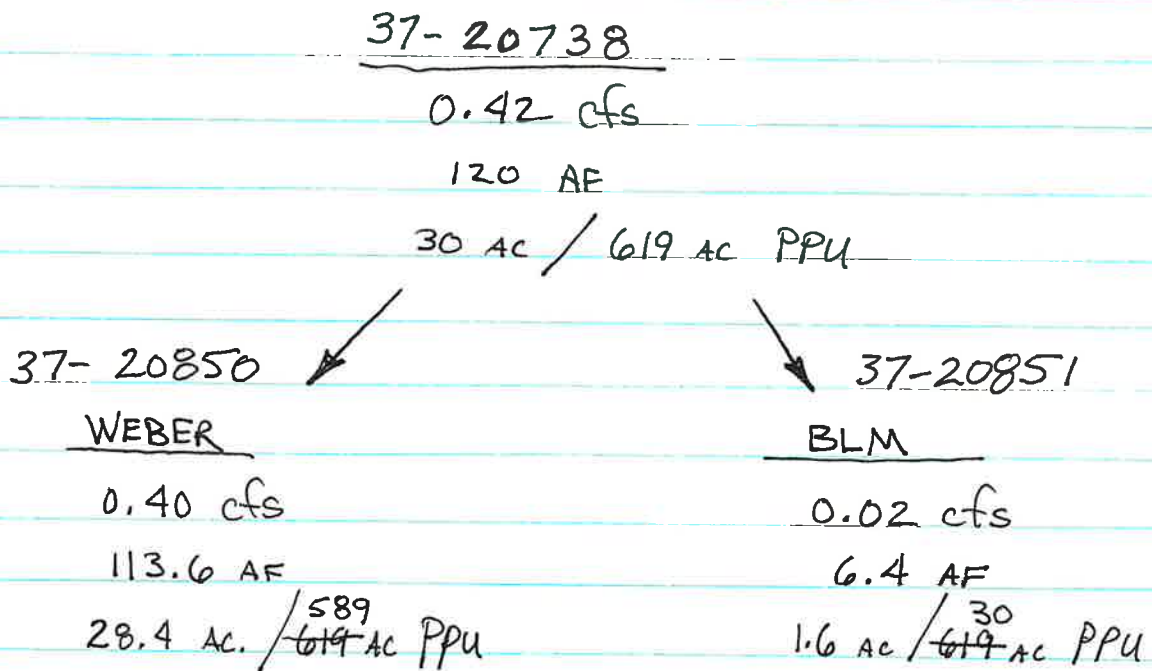
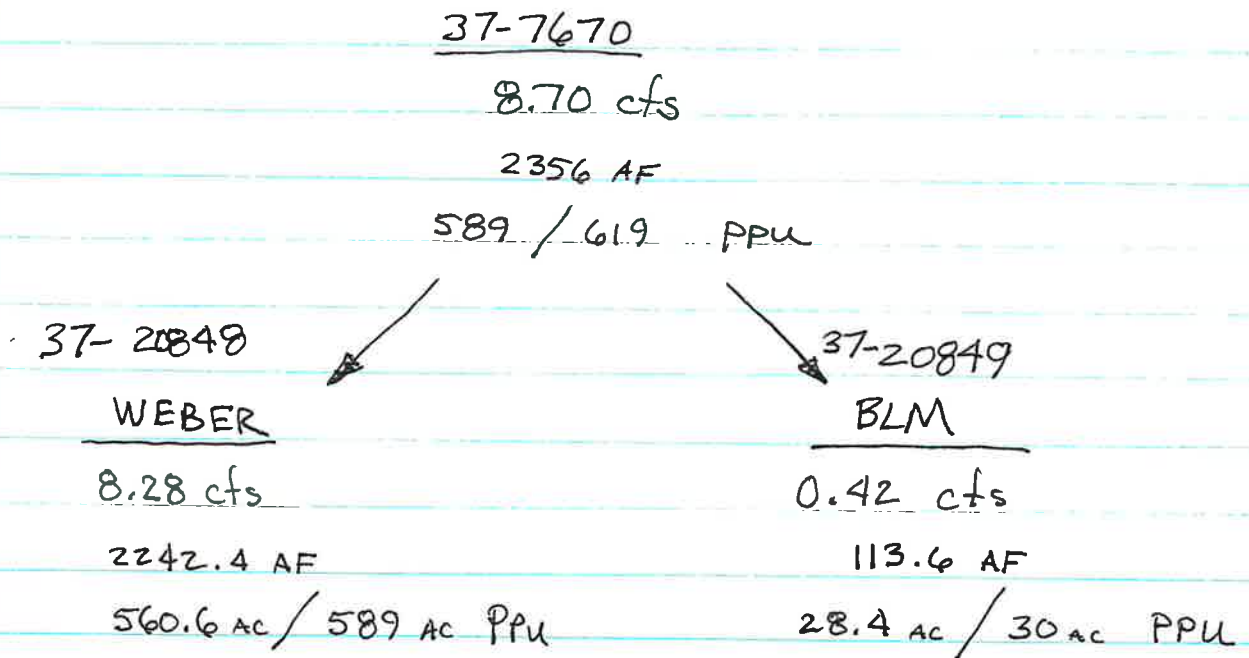
United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Jeff L & Keri Jo Weber
950 E 570 S
Dietrich, ID 83324

Signature of person or attorney mailing the form

SETTLEMENT
SPLITS:

12/18/02
SCL



Combined Q limit = 8.28 cfs

Combined Q limit = .42 cfs

Pro-Rata SPLITS TO BLM LAND

37-7670 & 37-20738

12/18/02
SCC

Expanded
Rate

$$\frac{8.70 \text{ cfs}}{619 \text{ AC}} = 0.014055 \text{ cfs/AC}$$

$$\times 30 \text{ AC} = \underline{\underline{0.42 \text{ cfs}}} \text{ (BLM)}$$

Licensed
Rate

$$\frac{8.7 \text{ cfs}}{589 \text{ AC}} = 0.01477 \text{ cfs/AC}$$

$$\frac{0.42 \text{ cfs}}{0.01477 \text{ cfs/AC}} = \underline{\underline{28.4 \text{ AC}}} \text{ (BLM)}$$

ENLARGEMENT
ACRES

$$30 \text{ AC} - 28.4 \text{ AC} = \underline{\underline{1.6 \text{ AC}}} \text{ (BLM ENL.)}$$

Clelland, Steve

SPLIT

From: Brown, Larry [Larry.Brown@usdoj.gov]
Sent: Wednesday, December 18, 2002 9:50 AM
To: 'Casey_O'Brien@blm.gov'; 'Fred_Price@blm.gov'; 'nspencer@idwr.state.id.us';
'cfritschle@idwr.state.id.us'; 'sclelland@idwr.state.id.us'
Subject: 37-07670 and 37-20738 - Jeff L. and Keri J. Weber

Just spoke with Jeff Weber. He agreed to settle BLM's objections as follows:

Steve/Carter: Draft SF-5s as follows:

37-07670: Split into two new claims where Weber will have all private POU's on one water right (deleting T07S, R19E, S03, SWSE 30.0 acres) (adjusting quantity as necessary) and BLM will have the public land POU (T07S, R19E, S03, SWSE 30.0 acres) (and having the quantity necessary to irrigate 30 acres) on the second water right.

37-20738: Split into two new claims where Weber will have all private POU's on one water right (deleting T07S, R19E, S03, SWSE 30.0 acres) (adjusting quantity as necessary) and BLM will have the public land POU (T07S, R19E, S03, SWSE 30.0 acres) (and having the quantity necessary to irrigate 30 acres) on the second water right.

Fred: Draft a stipulation for my review and approval to the effect that if the land use agreement under the Sikes Act ever expires, is terminated, is cancelled, and is not renewed, then Weber may transfer the water to his own private land.

Thanks guys. That wraps up BLM's settlement negotiations on its objections to Basin 37 irrigation and other claims. Hoorah!

Names of Parties Filing Document:

UNITED STATES OF AMERICA

JEFF L. WEBER
KERI J. WEBER

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division

LARRY A. BROWN
Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (202) 305-0435 FAX: (202) 305-0274

**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	)	Subcase Numbers: 37-07670 and 37-20738
	)	
Case No. 39576	)	STIPULATION TO RESOLVE THE
_____	)	UNITED STATES' OBJECTIONS

The United States of America and Jeff L. and Keri J. Weber (hereinafter "Claimants")
agree and stipulate to resolve the United States Department of the Interior, Bureau of Land
Management's (hereinafter "BLM") objections filed in the above-captioned Subcases as follows:

//

//

//

STIPULATION

1. In accordance with a Cooperative Wildlife Habitat-Farming Development Agreement between the Idaho Department of Fish and Game, the BLM, and Jeff Weber, dated March 2, 2001 (hereinafter "Cooperative Agreement"), the parties agree and stipulate to "split" Water Right Number 37-07670 into two new water rights, and to "split" Water right Number 37-20738 into two new water rights. The Claimant shall hold title to private land places of use. The United States shall hold title to the following federal public land places of use:

T.07S., R.19E., Section 03, SWSE (30.0 Acres)

2. If the Cooperative Agreement expires and is not renewed, or is terminated according to its terms, the Claimant agrees to initiate a transfer pursuant to I.C. 42 §222 to move acres describing federal public land to privately owned lands. The application for transfer shall be filed within 60 days of the date the Cooperative Agreement expires, or is terminated according to its terms. The Claimant agrees all costs of said transfer shall be borne by the Claimant. The United States agrees and stipulates to cooperate in the transfer. The Claimant agrees that upon successful application for water right transfer pursuant to I.C. 42-222, the Claimant shall not assume title to any places of use describing federal public land. Water rights associated with the Cooperative Agreement, or portions thereof, not transferred off of federal public land shall be deemed forfeited. The United States shall be released and held harmless from loss, injury, damage and/or reduction in value of water rights should the Cooperative Agreement expire, not be renewed, be terminated according to its terms, or IDWR not allow transfer of water right, or portion thereof, and is forfeited.

3. Nothing in this stipulation shall prevent the BLM from administering the use of federal public land and its associated water rights in accordance with applicable law, including modifying or terminating land use authorizations.

4. This stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation. The parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This stipulation does not create a precedent for settlement of any other disputes or objections.

5. All parties agree to bear their own costs and attorney fees.

CLAIMANTS:

JEFF L. WEBER

KERI J. WEBER

JEFF L. WEBER

DATED: _____

KERI J. WEBER

DATED: _____

OBJECTOR:

UNITED STATES OF AMERICA

LARRY A. BROWN
Of Attorneys for the United States

DATED: _____

CERTIFICATE OF SERVICE

I certify that on _____, 2003, I served a true and correct copy of fore-going **STIPULATION TO RESOLVE THE UNITED STATES' OBJECTIONS; SUBCASE NUMBERS 37-07670 AND 37-20738** upon the following individuals by placing the document in the United States Mail in Washington, D.C., postage paid, 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. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

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

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase:

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Jeff L. Weber
Keri J. Weber
950 E 570 S
Dietrich, Idaho 83324

Larry A. Brown

RECEIVED

OCT 16 2002

Department of Water Resources

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

A. Subcase 37-07670

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Jeff L Weber

Address: 950 E 570 S; Dietrich, ID 83324

Name: Keri Jo Weber

Address: 950 E 570 S; Dietrich, ID 83324

Name:

Address: ;

Name:

Address: ;

SCANNED
OCT 16 2002

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant does not have a valid water right with the elements claimed.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

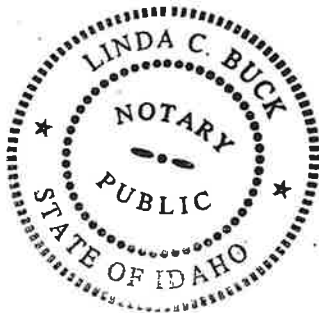
October 10, 2002
Linda C. Buck

Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 10-11, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Jeff L Weber

Address: 950 E 570 S; Dietrich, ID 83324

Name: Keri Jo Weber

Address: 950 E 570 S; Dietrich, ID 83324

Name:

Address: ;

Name:

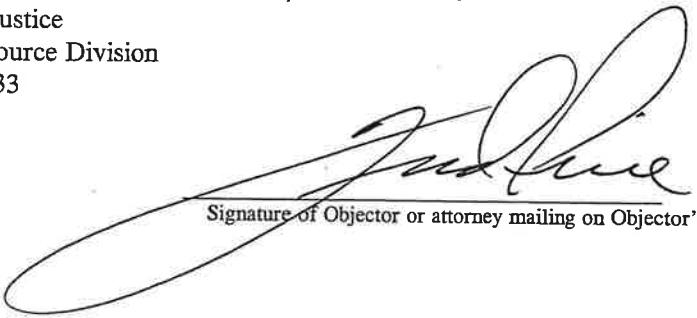
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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


Signature of Objector or attorney mailing on Objector's behalf

08/05/2002

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

RIGHT NUMBER: 37-7670

NAME AND ADDRESS: JEFF L WEBER
950 E 570 S
DIETRICH ID 83324

KERI JO WEBER
950 E 570 S
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 8.700 CFS
2,356.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-20738 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.70 CFS.

PRIORITY DATE: 10/06/1977

POINT OF
DIVERSION: T07S R19E S3 SESENE Within LINCOLN County
T07S R19E S3 NENESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
8.700 CFS
2,356.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R19E S02 Lot 4	NWNW ✓	19.0	T07S R19E S02	SWNW ✓	39.0
T07S R19E S02	NESW ✓	32.0	T07S R19E S02	NWSW ✓	38.0
T07S R19E S02	SWSW ✓	39.0	T07S R19E S02	SESW ✓	23.0
T07S R19E S03 Lot 1	NENE ✓	19.0	T07S R19E S03 Lot 2	NWNE ✓	20.0
T07S R19E S03	SWNE ✓	40.0	T07S R19E S03	SENE ✓	40.0
T07S R19E S03 Lot 3	NENW ✓	20.0	T07S R19E S03 Lot 4	NWNW ✓	20.0
T07S R19E S03	SWNW ✓	40.0	T07S R19E S03	SENW ✓	40.0
T07S R19E S03	NESW ✓	40.0	T07S R19E S03	NESE ✓	40.0
T07S R19E S03	NWSE ✓	40.0	T07S R19E S03	SWSE ✓	40.0
T07S R19E S03	SESE ✓	40.0			

619 ACRES TOTAL

08/05/2002

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 589 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

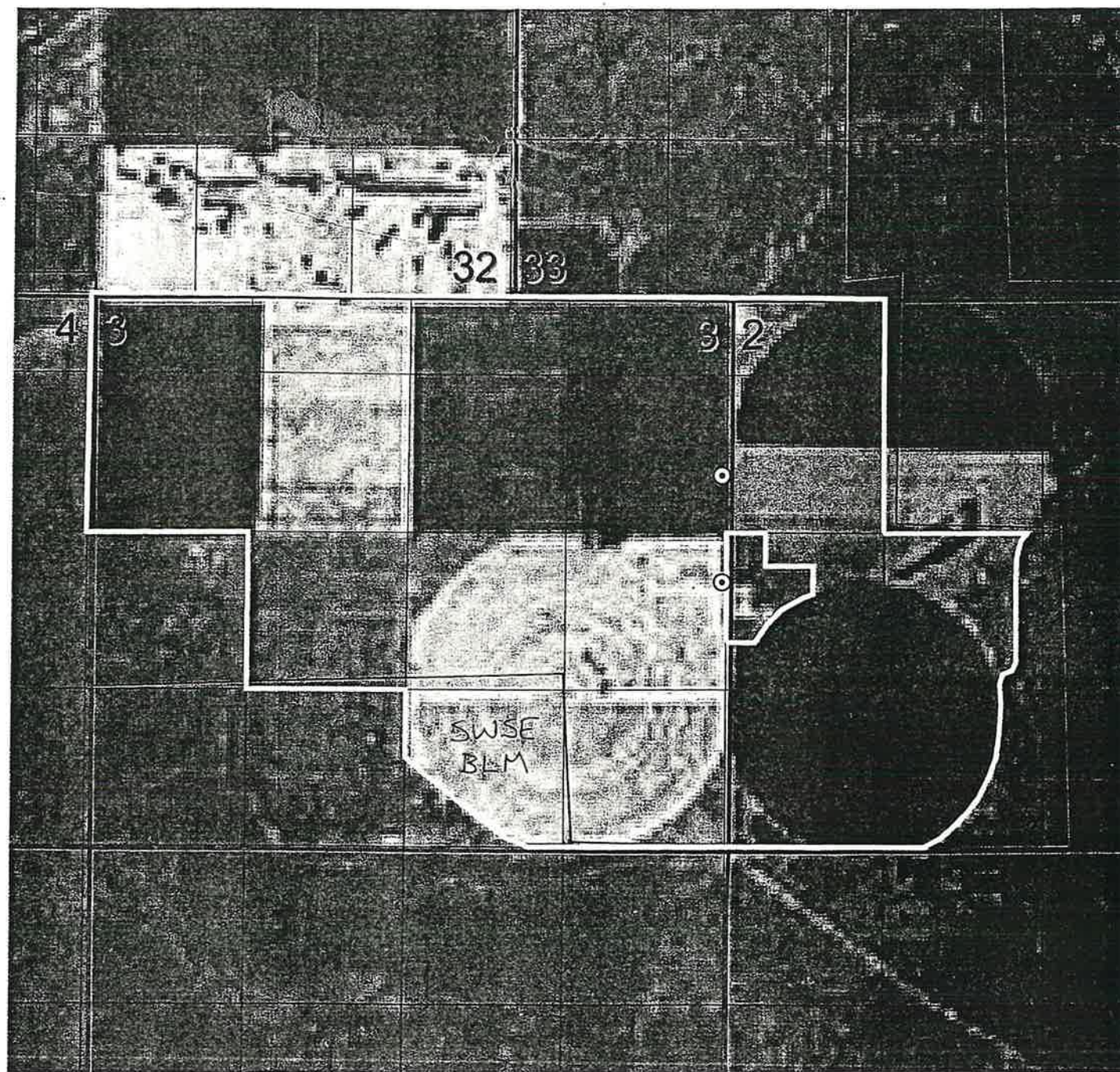
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 37-20738 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

IDAHO DEPT OF WATER RESOURCES

37-7670 & 37-20738



1320 0 1320 Feet



Basin 37 part 1-POU



Basin 37 part 1-POD



Ownership FED-Private



Streams



Section Lines



Quarter - Quarter lines

TWN: 7S

RNG: 19E

SEC: 2 & 3



GIS Place of Use Presentation

NAPP Aerial Photo 1987/1988

By Steve Clelland

** REVISED **

Date: AUGUST 1, 2002

08/01/2002

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

RIGHT NUMBER: 37-7670

NAME AND ADDRESS: JEFF L WEBER
950 E 570 S
DIETRICH ID 83324

KERI JO WEBER
950 E 570 S
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 8.70 CFS
2,356.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-20738 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.70 CFS.

PRIORITY DATE: 10/06/1977

POINT OF DIVERSION:

T07S R19E S3 SESENE Within LINCOLN County

T07S R19E S3 NENESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	8.700 CFS 2,356.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R19E S02 Lot 4 NWNW	19.0	T07S R19E S02	SWNW	39.0	
T07S R19E S02	NESW	32.0	T07S R19E S02	NWSW	38.0
T07S R19E S02	SWSW	39.0	T07S R19E S02	SESW	23.0
T07S R19E S03 Lot 1 NENE	19.0	T07S R19E S03 Lot 2	NWNE	20.0	
T07S R19E S03	SWNE	40.0	T07S R19E S03	SENE	40.0
T07S R19E S03 Lot 3 NENW	20.0	T07S R19E S03 Lot 4	NWNW	20.0	
T07S R19E S03	SWNW	40.0	T07S R19E S03	SENW	40.0
T07S R19E S03	NESW	40.0	T07S R19E S03	NESE	40.0
T07S R19E S03	NWSE	40.0	T07S R19E S03	SWSE	30.0
T07S R19E S03	SESE	40.0			

619 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 589 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: License

RIGHT NO. 37-20738 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

IDAHO DEPT OF WATER RESOURCES

37-7670 & 37-20738



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 7S
RNG: 19E
SEC: 2 & 3



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland
** REVISED **
Date: AUGUST 1, 2002

37-7670 & 37-20738

8/1/02
scc

Enlargement POU:

Lic. 37-7670	589 Ac.	8.70 cfs
En. Claim 37-20738	<u>30 Ac.</u>	<u>0.60 cfs</u>
	619 ppu.	8.70 cfs (Limit cfs)

915 PPU = 621
SWSE S.3 claim 30 Ac
G15 32 Ac.

Duty Rate:

$$8.7 \div 619 = \\ = 0.014 \text{ cfs/Ac.}$$

Rec'd 37-20738

$$\begin{aligned} 30 \text{ Ac.} * 0.014 &= \underline{0.42 \text{ cfs}} \\ 30 \text{ AC} * 4 \text{ AFY} &= \underline{120 \text{ AFY}} \end{aligned}$$

Clelland, Steve

From: Hancock, Vikie
Sent: Wednesday, July 03, 2002 11:00 AM
To: Clelland, Steve
Subject: RE: 37-7670

Thanks for the time line, and have a good 4th of July. Talk to you later,

Vikie

-----Original Message-----

From: Clelland, Steve
Sent: Wednesday, July 03, 2002 10:52 AM
To: Hancock, Vikie
Subject: RE: 37-7670

Thanks Vikie,

Sounds like you are getting the irrigation covered. Not so sure of the PPU with BLM ground either... we are not trying to create those messes on purpose. As long as Webber keeps the communication going with IDWR we can help him work out a good plan. He better get with the program to get these new claims in the Director's Rept. for Part 1. We have sent the preliminary out and are in the NOE stage now. Less than 60 days to make changes.

thanks again for picking up the details on this,
steve

-----Original Message-----

From: Hancock, Vikie
Sent: Wednesday, July 03, 2002 10:13 AM
To: Clelland, Steve
Subject: 37-7670

Steve,

Jim has talked to Jeff Webber about the illegal water use you found concerning the above right. He is supposedly coming in on Monday to file an additional claim for his water use in the SWSE Sec 3. When I looked at the 87 photo I could see some pivot wheel marks and calculated approx 29 acres irrigated in that 40. It sounds from your memo that there was evidence in Jim's '83 field exam that it was irrigated in 1983, so I would say that Webber could file an enlargement claim with a 1983 priority date - does that sound right to you or is there something that I don't know? He said he has a Sykes Agreement (?) with BLM to farm that land (cringe). He told Jim that once the claim is filed he wants to file a transfer that will dry up some corners, create a PPU, and allow him to cover his irrigation in the E1/2 NW of Sec 2, which he says is now private land. I'll let you know about the new claim when it happens and encourage Jim to contact you about the transfer. In B45 the BLM is still wanting the rights on their land in their name, so I don't know if this PPU is such a good idea for Webber.

Vikie

05/31/2002

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

RIGHT NUMBER: **37-7670**

NAME AND ADDRESS: JEFF L WEBER
950 E 570 S
DIETRICH ID 83324

KERI JO WEBER
950 E 570 S
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 8.70 CFS
2,356.0 AFY

PRIORITY DATE: 10/06/1977

POINT OF DIVERSION:

T07S R19E S3 SESENE Within LINCOLN County

T07S R19E S3 NENESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	8.700 CFS 2,356.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R19E S02 Lot 4 NWNW	19.0	T07S R19E S02	SWNW	39.0	
T07S R19E S02	NESW	32.0	T07S R19E S02	NWSW	38.0
T07S R19E S02	SWSW	39.0	T07S R19E S02	SESW	23.0
T07S R19E S03 Lot 1 NENE	19.0	T07S R19E S03 Lot 2	NWNE	20.0	
T07S R19E S03	SWNE	40.0	T07S R19E S03	SENE	40.0
T07S R19E S03 Lot 3 NENW	20.0	T07S R19E S03 Lot 4	NWNW	20.0	
T07S R19E S03	SWNW	40.0	T07S R19E S03	SENW	40.0
T07S R19E S03	NESW	40.0	T07S R19E S03	NESE	40.0
T07S R19E S03	NWSE	40.0	T07S R19E S03	SESE	40.0

589 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: License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

IDAHO DEPT OF WATER RESOURCES

37-7670



1320 0 1320 Feet

- Basin 37 part 1-POU
- Basin 37 part 1-POD
- Ownership FED-Private
- ~ Streams
- Section Lines
- Quarter - Quarter lines

*Revised POU
8/1/02
scl*

TWN: 7S
RNG: 19E
SEC: 2 & 3



GIS Place of Use Presentation
Idahospot 19982001 photo
By Steve Clelland

Date: MAY 31, 2002

MEMO

TO: ALLEN MERRITT & SRBA FILE 37-7670
FROM: STEVE CLELLAND
DATE: MAY 31, 2002

RE: POSSIBLE VIOLATION OF WATER RIGHTS

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As a result of my review of this file and the query of the database of IDWR, it appears some lands are irrigated without a proper water right. Jim Stanton noted this situation at the time of the original Beneficial Use Field Exam for 37-7670 in 1983. Applicant requested the lands being irrigated not be included as part of the license.

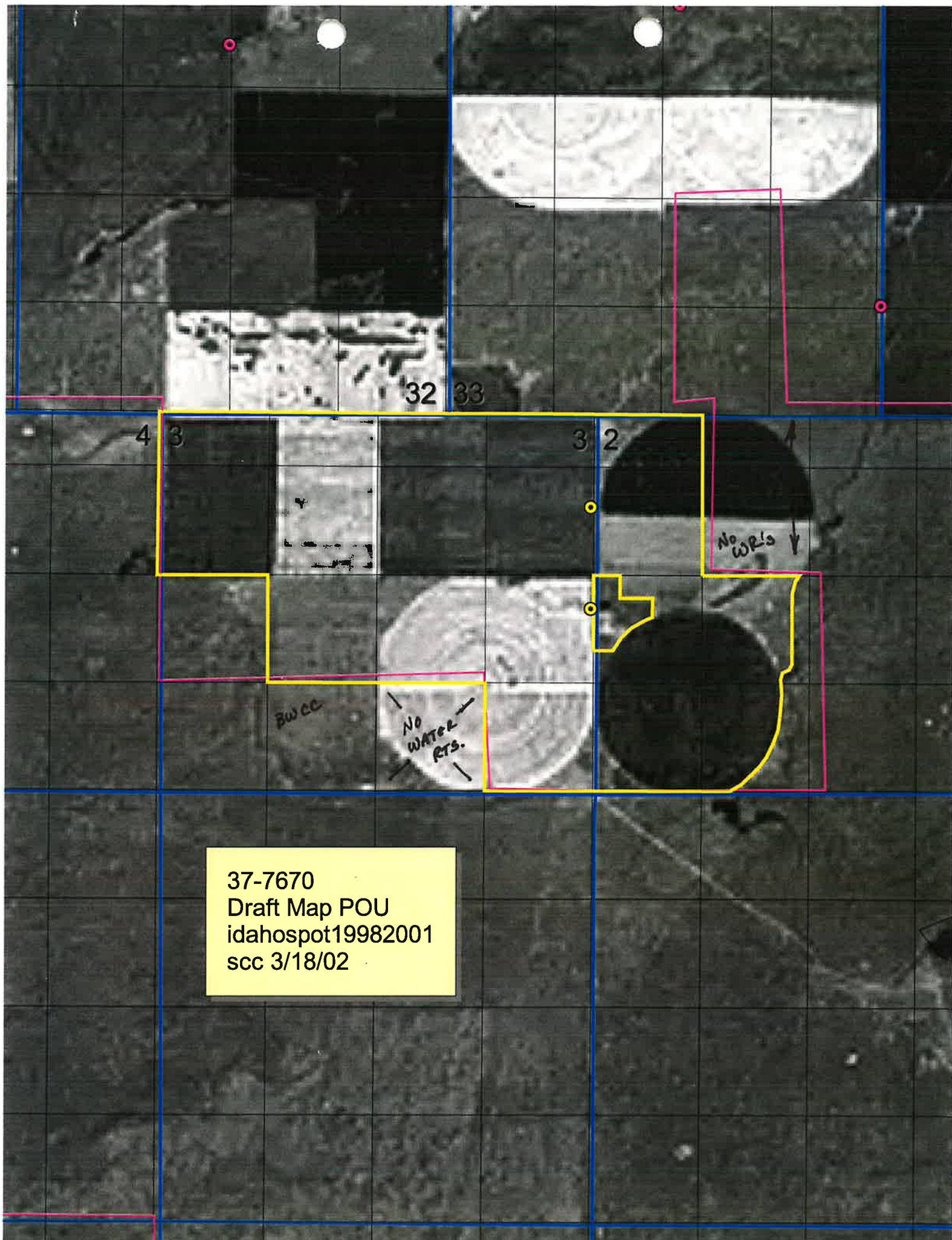
Queries of the database failed to identify any water rights appurtenant to the lands listed below. There may be some use of Big Wood Canal Co. shares in the same area by this irrigator. Landowner is the federal government, most likely the BLM.

The land descriptions are these:

T7S	R19E	S02	NENW (lot 3)	- No valid right found.
			SEnw	- No valid right found.
		S03	SWSE	- No valid right found.
			SESW	- BWCC rights (37-870, 37-13112 et al.)

Lands appear irrigated in all available aerial photos; from 1983 ASCS to 2000 Idahospot photos.

I am forwarding this info to Southern Regional Manager for determination of final violation. These lands will not be recommended as part of the SRBA review for this right.



37-7670
Draft Map POU
idahospot19982001
scc 3/18/02

Microsoft TerraServer

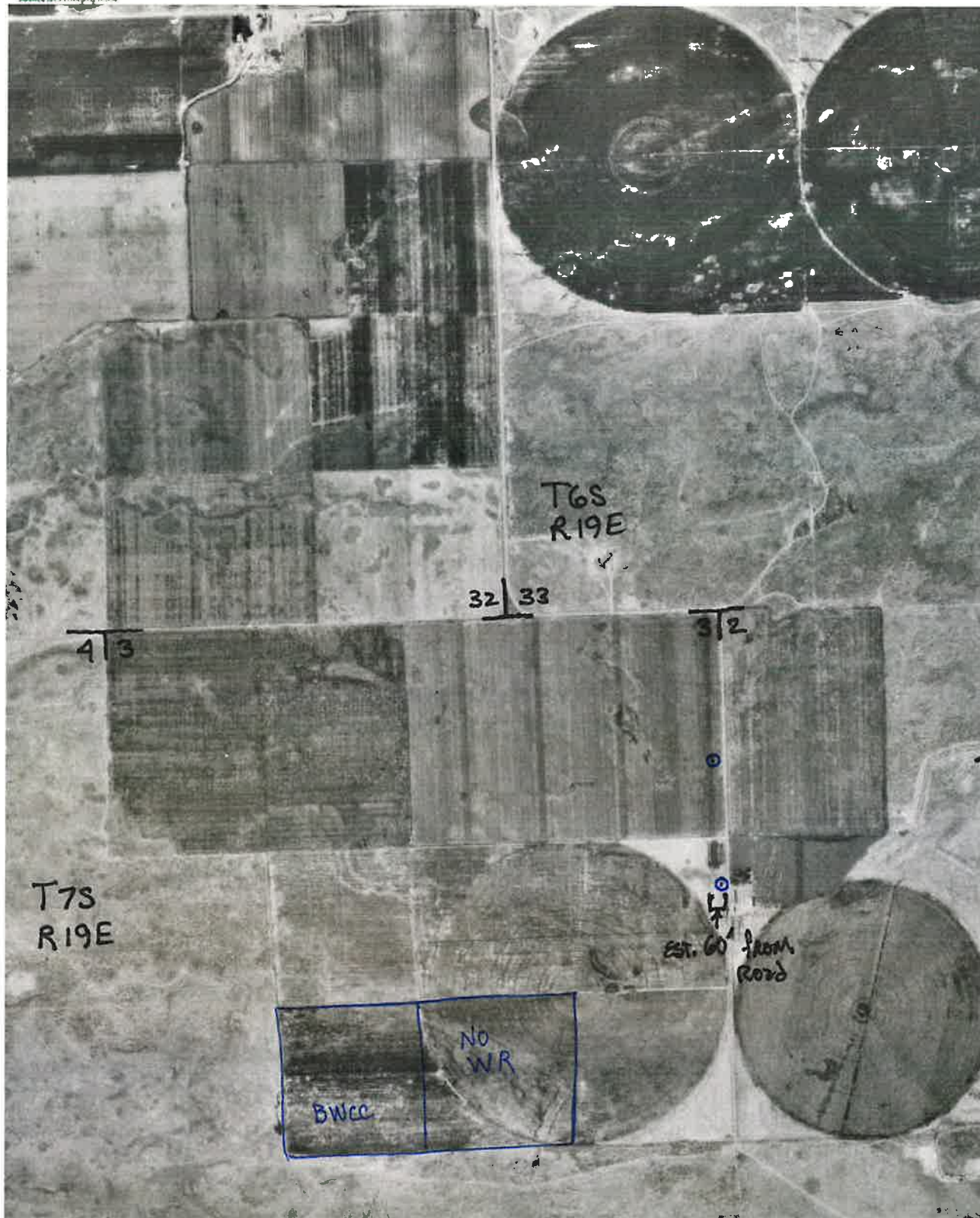
Display Image

USGS Aerial Photograph

37 km NE of Twin Falls, Idaho, United States 26 Jul 1992



Edits:
s.c.c.
3/18/02



⊙ = Loc. Pod

Continue
PODs

exam
5/8/02
s.c.c.

WR Query:

3/18/02
sc

- found irrigation on lands
w/o water Rights.

T7S R19E S. 3

SWSE - No VALID Rts

SESW - BWCC Rights
(37-870, 37-13112 et al.)

S. 2 → AKA (Lot 3) - No VALID Rts.

NENW - No VALID Rts.

SEAW - No VALID Rts.

⊛ ALL THE ABOVE LANDS ARE
FEDERAL OWNERSHIP.

→ followup Memo to Regional Mgr.

1 N

TERPASEALIER
12/21/01
etc

T7S
R19E

4 3

T6S
R19E

32 33

BWCC

USA - Pou



WATER RIGHT LICENSE

MAR 06 1987

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3RD day of FEBRUARY, 19 87.

MICROFILMED

MAR 06 1987

Acting for the

Director

Norm C Young

51m

APR 2 1984

☐ Appointment letter mailed:

☒ Appointment scheduled for:
(Date, time, location)

DATE _____

INITIALS

Department of Water Resources

REMARKS

MAR 29 1984

Department of Water Resources
Saxham District Office

Date 10-14-83 Accompanied by Mr. Stimpson Total Q measured 8.20 g/s ✓
Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? No

If source is surface water, estimate total flow of source

Methods of measurement The Goniometer Meets permit requirements? ☒

Measurement calculations: #1 measure .01 AF / 96 sec = 2037 gpm = 4.54 cfs
#2 measure .01 AF / 104.7 sec = 1868 gpm
total = 3905 gpm / 448.8 gpm/cfs = 8.70 cfs ✓

$$V = 8.70 \times 1.9835 \times 245 = 4227.8 \text{ AF}$$

Volume: $589 \text{ acres} \times 4.0 \text{ AFA/ac} = 2356 \text{ AFA} \checkmark$

[illegible]

System Description Two connected wells & pumps, one standard pist (1200 gpm), one 10-truss pist (900 gpm),
20 1/4-mile handlines

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE
irrigation ✓

Irrigation requirement = 4.0 ✓ AFA/Acre

Q (cfs)

8.70

V (afa)

2356

FROM

3-15 /

TO

11-15 ✓

MICROFILMED

~~MAR 06 1987~~

Total

8.70 cfs 2356.0 AF

Remarks Wells were running together during measurement. (both wells feed the same mainline). ✓

2 → standard point also covers SW 1/4 SE 1/4 Sec. 3 for B.L.M. wildlife cover, but Mr. Stimpson did not want this land on his water right. This use may be discontinued in the near future.

Note: Approved amendment shows one set of P.D.'s on front & a different set on the map. Actual system agrees with map. Another amendment may or may not be required. ← Amendment required. (37-7671 has been relinquished)

Appears to still be irrigated via the pivot

