

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 37-20738
Date Received: 7/8/2002
Receipt No:
Received By: *5025048*

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

RECEIVED

JUL 11 2002

Department of Water Resources

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: 03/15/1983

3. Source: GROUND WATER

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.6	120

7. Total Quantity Appropriated is:
0.6 C.F.S. and/or 120 A.F.A.

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	3	SW	SE	IRRIGATION	30
Section Acres						30
Total Acres						30

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-7670 PURSUANT TO SECTION 42-1426, IDAHO CODE.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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): [Signature] Date: 7/8/02

Date:

State of Idaho

County of Twin Falls) SS.

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

of July 2002

Notary Public

Residing at Buhl, Idaho

My commission Expires 5/7/2003



IDAHO DEPT OF WATER RESOURCES

37-7670

*Jeff
Webster*



*now owned
by Webster*

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
IDAHOSPOT 19982001
By Steve Clelland

37-20738

MEMO

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

RE: POSSIBLE VIOLATION OF WATER RIGHTS

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.

get latest FSA photo L13
verify 2001 irrig via slide
visit property for visual inspection
visit Shoshone BLM office to
discuss irrigation on federal land
Hwy 24 to Dietrich turnoff, then
2 1/4 E to 850 E, then S 2 1/2 mi
to 470 S, then E 1 mi then S 1 mi
has 47 shares of BWCC water - probably stricken

01/13/2003

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

RIGHT NUMBER: **37-20850**

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: 0.400 CFS
113.600 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-20848 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.28 CFS.

PRIORITY DATE: 03/15/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

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	0.400 CFS 113.60 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 28.4 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

01/13/2003

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

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-20848
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20738.

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: 37-20738
) (SPLIT INTO 37-20850 AND 37-20851)
)

) 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 37-20738 was split into two water rights and renumbered as 37-20850 and 37-20851. The SF5s for these two rights are being filed with the SRBA Court herewith. Therefore, IDWR recommends that water right 37-20738 be disallowed. The parties and IDWR agree and stipulate that water right 37-20738 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:

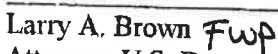
Jeff L Weber
Keri Jo Weber

OBJECTOR:

United States on behalf of the
Bureau of Land Management


Jeff L. Weber

1/9/03
Date


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

Date

Keri Jo Weber

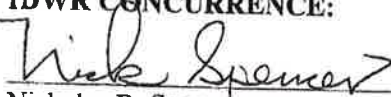
Date

IDWR CONCURRENCE:


Steve Clelland
Senior Water Resource Agent, IDWR

1/9/03
Date

IDWR CONCURRENCE:


Nicholas B. Spencer (As to Form)
Attorney for IDWR

1-9-03
Date

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

RIGHT NUMBER: 37-20738 37-20850

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

QUANTITY: 6.420 0.40 CFS
120.00 113.6 AFY

TRIBUTARY:

Fwp

SCC
NBS

COMBINED USE OF THIS RIGHT WITH RIGHT NO. 37-7670 37-20848 IS LIMITED TO A TOTAL
DIVERSION RATE OF 8.70 8.28 CFS.

PRIORITY DATE: 03/15/1963

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE
EARLIER THAN APRIL 12, 1944, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT
TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

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	6.420 0.40 CFS	
		120.00 113.6 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				

619 569 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 28.4 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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-7670 37-20848
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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: 37-20738 37-20851

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

KERI JO WEBER
950 E 570 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: 0.420 0.02 CFS
120.00 6.4 AFY

TRIBUTARY:

COMBINED

PRIORITY DATE: 03/15/1983

USE OF THIS RIGHT WITH RIGHT NO. 37-7670 37-20849 IS LIMITED TO A TOTAL
DIVERSION RATE OF 8.70 0.42 CFS.

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE
EARLIER THAN APRIL 12, 1944, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT
TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

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	0.420 0.02 CFS 120.00 6.4 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 30 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 1.6 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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-7670 37-20849
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

SF5 - 37-20738 [SPLIT INTO 37-20850 AND 37-20851]

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

37-7670

8.70 cfs

2356 AF

589 / 619 PPU

37-20848

WEBER

8.28 cfs

2242.4 AF

560.6 AC / 589 AC PPU

37-20849

BLM

0.42 cfs

113.6 AF

28.4 AC / 30 AC PPU

37-20738

0.42 cfs

120 AF

30 AC / 619 AC PPU

37-20850

WEBER

0.40 cfs

113.6 AF

28.4 AC. / ~~619~~⁵⁸⁹ AC PPU

37-20851

BLM

0.02 cfs

6.4 AF

1.6 AC / ~~619~~³⁰ AC PPU

Combined Q limit = 8.28 cfs

Combined Q limit = .42 cfs

Pro-Rata SPLITS TO BLM LAND

37-7670 & 37-20738

12/18/02
BCC

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 37-20738

(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 C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

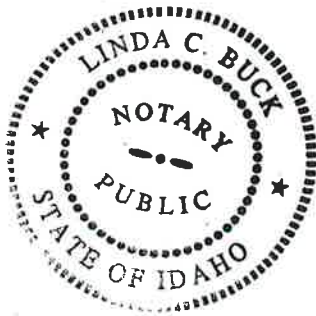
October 10, 2002

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:

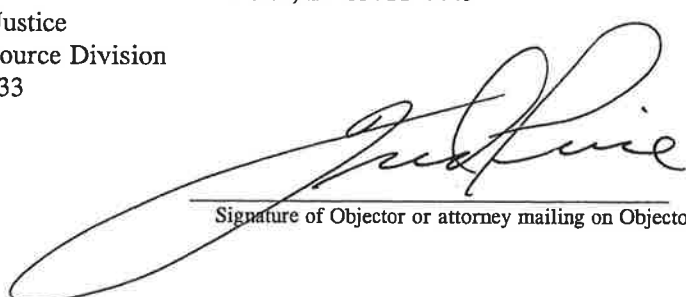
Address: ;

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: 37-20738
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: 0.420 CFS
120.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-7670 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.70 CFS.

PRIORITY DATE: 03/15/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

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

0.420 CFS
120.00 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			

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

619 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 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.

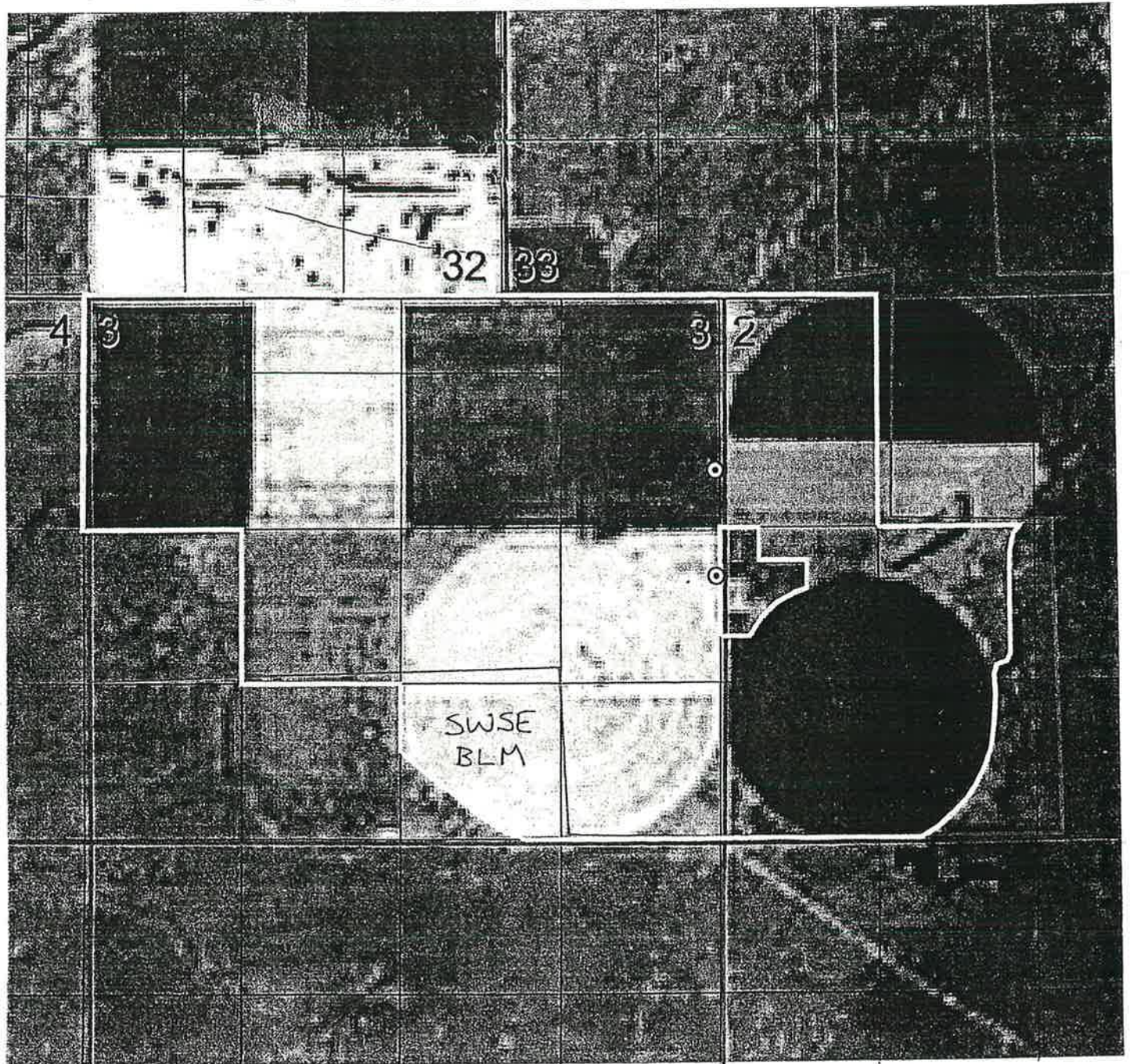
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-7670
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

08/02/2002

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

RIGHT NUMBER: 37-20738

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: 0.42 CFS
120.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-7670 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.70 CFS.

PRIORITY DATE: 03/15/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

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	0.420 CFS 120.00 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 30 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.
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 37-7670
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

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
sc

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

$$\begin{array}{l} 30 \text{ Ac.} * 0.014 = \underline{\underline{0.42 \text{ cfs}}} \\ 30 \text{ Ac} * 4 \text{ AFY} = \underline{\underline{120 \text{ AFY}}} \end{array}$$