

01/13/2003

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

RIGHT NUMBER: **37-20851**

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
6.400 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-20849 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.42 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	0.020 CFS 6.40 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R19E S03 SWSE 30.0

30 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 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. 37-20849
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

37-20849 & 37-20851



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:

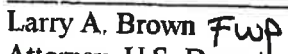
Jeff L Weber
Keri Jo Weber

OBJECTOR:

United States on behalf of the
Bureau of Land Management


Jeff L. Weber

1/9/03
Date

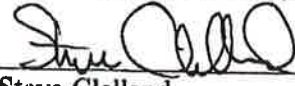

Larry A. Brown Fwp
Attorney, U.S. Department of Justice
Environment and Natural Resource Div.

Date

Keri Jo Weber

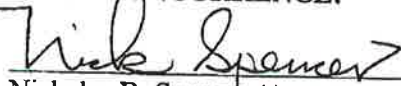
Date

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: 0.420 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
PRIORITY DATE: 03/15/1983 DIVERSION RATE OF 6.70 8.28 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 0.40 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		SENE	40.0
T07S R19E S03		NESW	40.0	T07S R19E S03		SENE	40.0
T07S R19E S03		NWSE	40.0	T07S R19E S03		NESE	40.0
T07S R19E S03		SESE	40.0	T07S R19E S03		SWSE	30.0

619 509 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:

Fwp

SCC
NBS

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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 SNNW	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
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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