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AFFIDAVIT of PUBLICATION

AUG 30 2002

RECEIVED

WATER RESOURCES
WESTERN REGION

37-10158 432-20738

TITLE OF NOTICE

State of Idaho } ss.
County of Lincoln }

SEP 04 2002

RECEIVED

Department of Water Resources
Southern Region

AUG 28 2002

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.D.W.R.

BILL TO

NOTICE OF ENLARGEMENT OF
WATER RIGHTS

The following claims to water rights have been filed in the Snake River Basin Adjudication an enlargement to existing water rights under Idaho Code §42-1426. Note that the places of use in Lincoln County are shown to the nearest section — more specific locations are available upon request.

Water Right: 37-10158

NAME & ADDRESS: DONALD
TABER

312 E 20 N

SHOSHONE ID 83352

SOURCE: GROUND WATER

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION: T06S R18E

S27 NESWNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S R18 S22

SWSE SESE

S27 NENE NWNE SWNE SWNW

SENE NESW NWSW SWSW

S28 SWNE SENE

This right is for an enlargement of 186 acres within total 466 acres recommended.

Water Right: 37-20738

NAME & ADDRESS: JEFF L

WEBER

KERI JO WEBER

950 E 570 N

DIETRICH ID 83324

SOURCE: GROUND WATER

PRIORITY DATE: 03/15/1983

POINT OF DIVERSION: T07S R19E

S03 SESENE

NENESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T07S R19E S02

LOT 4 (NWNW) SWNW NESW

NWSW

SWSW SESW

S03 LOT 1 (NENE) LOT 2 (NWNE)

SWNE SENE

LOT 3 (NENW) LOT 4 (NWNW)

SWNW SENW

NESW NESE SWSE SESE

NWSE

This right is for an enlargement of 30 acres within the total 619 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Southern Region, 341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380 on or before February 10, 2002.

PUB 8/15 8/22

L42502

Department of Water Resources

being first duly

sworn, deposes and says that he/she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, County of Lincoln, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

15th day of August, 2002, and the date of the last publication was on the 22nd day of August, 2002.

Norma De Voe

On this 22nd day of August

in the year of 2002, before me, a Notary Public, personally appeared

Norma De Voe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

42502/7270

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

_____ Lines tabular at _____ 8.0¢/Pica

680.63 Lines straight at 47.64 7.0¢/Pica

680.63 Subsequent lines at 40.84 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 90.98

NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Lincoln County are shown to the nearest section -- more specific locations are available upon request.

Water Right: 37-10158

NAME & ADDRESS: DONALD TABER
312 E 20 N
SHOSHONE ID 83352

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION: T06S R18E S27 NESWNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S R18E S22 SWSE SESE
S27 NENE NWNE SWNE SWNW
SENE NESW NWSW SWSW
S28 SWNE SENE

This right is for an enlargement of 186 acres within the total 466 acres recommended.

Water Right: 37-20738

NAME & ADDRESS: JEFF L WEBER
KERI JO WEBER
950 E 570 S
DIETRICH ID 83324

SOURCE: GROUNDWATER

PRIORITY DATE: 03/15/1983

POINT OF DIVERSION: T07S R19E S03 SESENE
NENESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T07S R19E S02 Lot 4 (NWNW) SWNW NESW NWSW
SWSW SESW
S03 Lot 1 (NENE) Lot 2 (NWNE) SWNE SENE
Lot 3 (NENW) Lot 4 (NWNW) SWNW SENW
NESW NESE SWSE SESE
NWSE

This right is for an enlargement of 30 acres within the total 619 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Southern Region, 1341 Fillmore Street Suite 200, Twin Falls, ID 83301-3380 on or before February 10, 2002.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 6, 2002

Lincoln County Journal
PO Box 704
Shoshone ID 83352

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We request the publication dates be August 15, 2002 and August 22, 2002. If you cannot publish the notice on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Yours truly,

Danni M. Smith
SRBA Sr. Secretary

Enclosure

01/13/2003

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

RIGHT NUMBER: **37-20849**

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: 0.420 CFS
113.600 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-20851 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 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
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.420 CFS
113.60 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 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.

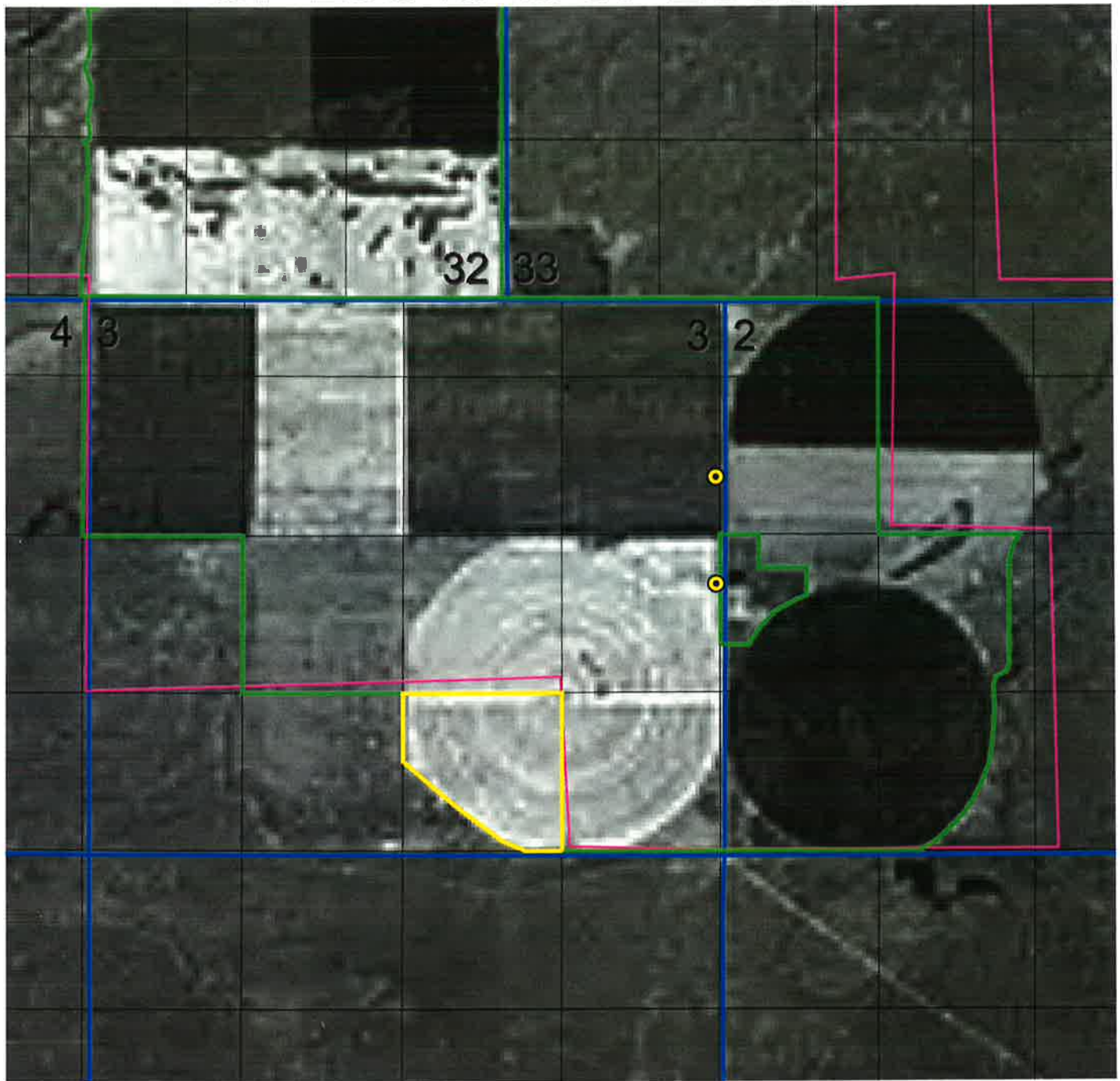
EXPLANATORY MATERIAL: License

RIGHT NO. 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.

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: 37-07670**
) **(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.

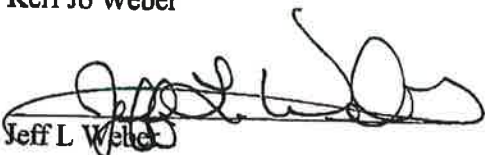
To resolve the objection, water right 37-07670 was split into two water rights and renumbered as 37-20848 and 37-20849. The SF5s for these two rights are being filed with the SRBA Court herewith. Therefore, IDWR recommends that water right 37-07670 be disallowed. **The parties and IDWR agree and stipulate 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.

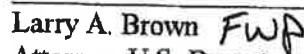
CLAIMANTS:

Jeff L Weber
Keri Jo Weber

OBJECTOR:

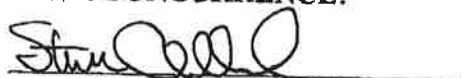
United States on behalf of the
Bureau of Land Management


Jeff L Weber
Date 1/9/03

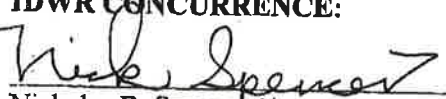

Larry A. Brown FWP
Attorney, U.S. Department of Justice
Environment and Natural Resource Div.
Date

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 8-700 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		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

619 589 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: 37-7676 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: 8.700 0.42 CFS
2,356.00 113.6 AFY

TRIBUTARY

Fwp PLW NBS

COMBINED USE OF THIS RIGHT WITH RIGHT NO. 37-20738 37-20851 IS LIMITED TO A TOTAL
DIVERSION RATE OF 8.70 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	8.700 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

OF THIS RIGHT IS LIMITED TO THE IRRIGATION OF 589 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