

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 37-21575
Date Received: 9/20/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

MARDENE WESTON Phone: (208)788-2574
17756 HWY 20
BELLEVUE ID 83313

2. Date of Priority: 06/01/1881

3. Source: SPRING CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	18E	14	SW NE SW	BLAINE	
01S	18E	14	SW SE NW	BLAINE	
01S	18E	14	NE NE SW	BLAINE	

5. Description of diverting works:

DITCHES WITH CHECK DAMS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.5	

7. Total Quantity Appropriated is:
2.5 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
01S	18E	14	NE	SW	IRRIGATION	36
			SE	SW	IRRIGATION	27
			NW	SW	IRRIGATION	6
			SW	SW	IRRIGATION	5
Section Acres						74
Total Acres						74

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-449a.

15. Basis of Claim: Decreed



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 28, 2005

MARDENE WESTON
17756 HWY 20
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-449A

Dear Claimants:

Pursuant to the notification that a portion of the property to which the above referenced adjudication claim is appurtenant was sold, the department has split the original claim. Your portion has been numbered 37-21575.

Enclosed please find your copy of the computer-generated claim. Review the document and should you have any questions or corrections, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

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: A37-00449A

Date Received: 9/15/1988

Receipt No: 5002204

Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARDENE WESTON 208-788-2574
Address: 17756 U.S. HWY. 20
BELLEVUE, ID 83313

AND/OR

Name: *soled* JEANNE SCOTT *new owned* 208-788-2574
Address: 17756 U.S. HWY. 20 *Stephanie Petit*
BELLEVUE, ID *622-8277* 83313

2. Date of Priority: JUN 01, 1881

3. Source: SPRING CREEK DRAIN Trib. to: BIG WOOD RIVER
SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	18E	14	SW	SE	NW		BLAINE
			NE	NE	SW		BLAINE
			SW	NE	SW		BLAINE

5. Description of diverting works:
DITCHES WITH CHECK DAMS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.630		

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

8. Total consumptive use is 342.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	18E	14	NE	SW		IRR	36.0
			NW	SW		IRR	40.0
			SW	SW		IRR	34.0
			SE	SW		IRR	27.0
						Section Acres	137.0
						Total Acres	137.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

S.C. FROST, ET AL
Decree Plaintiff

vs

ALTURAS WATER CO., ET AL
Decree Defendant

MICROFILMED
FEB 22 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

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): Mardene Weston Date: 9-15-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

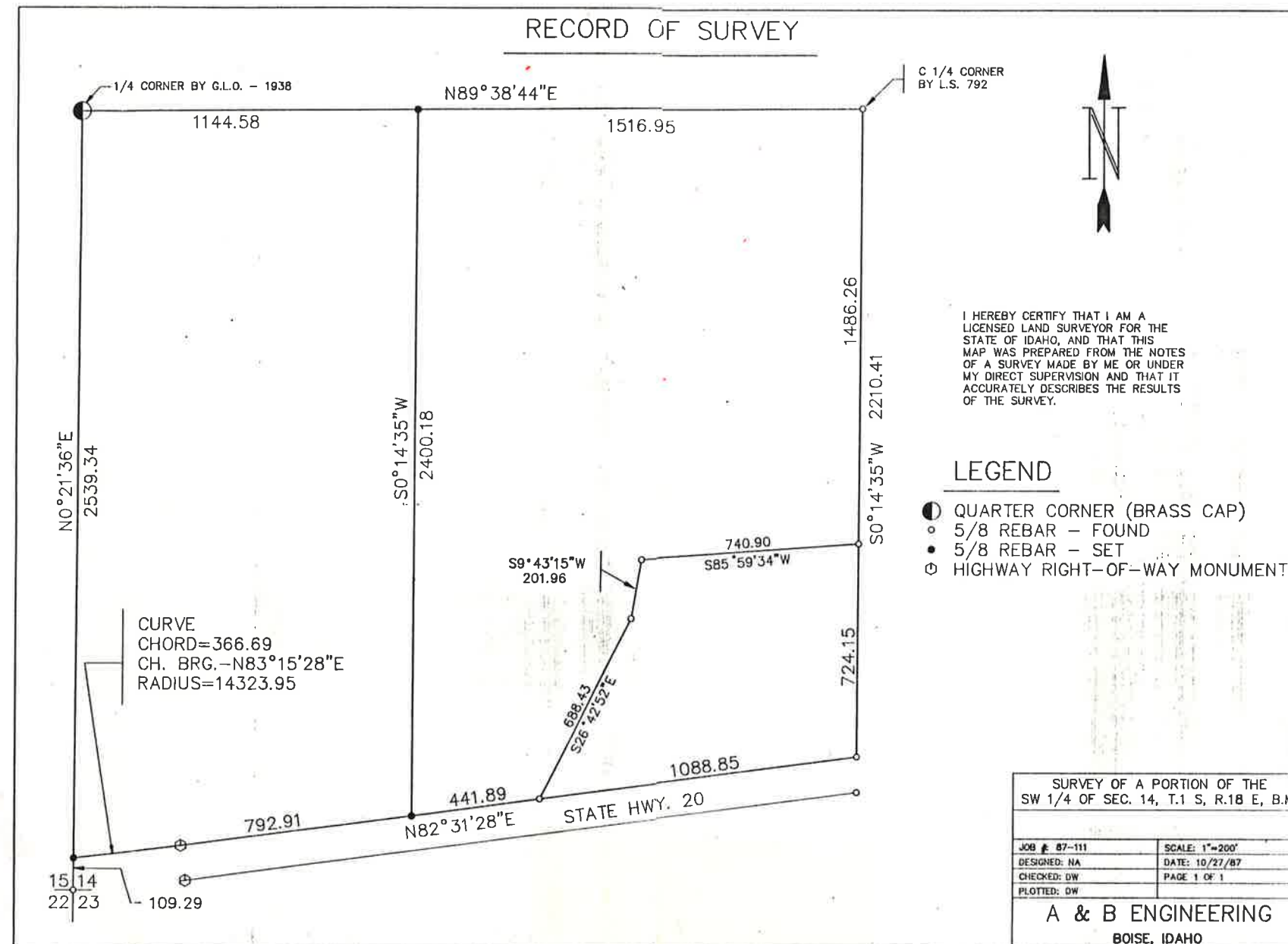
Subscribed and sworn (or affirmed) before me this 15th day
of Sept. 19 88

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92

RECORD OF SURVEY

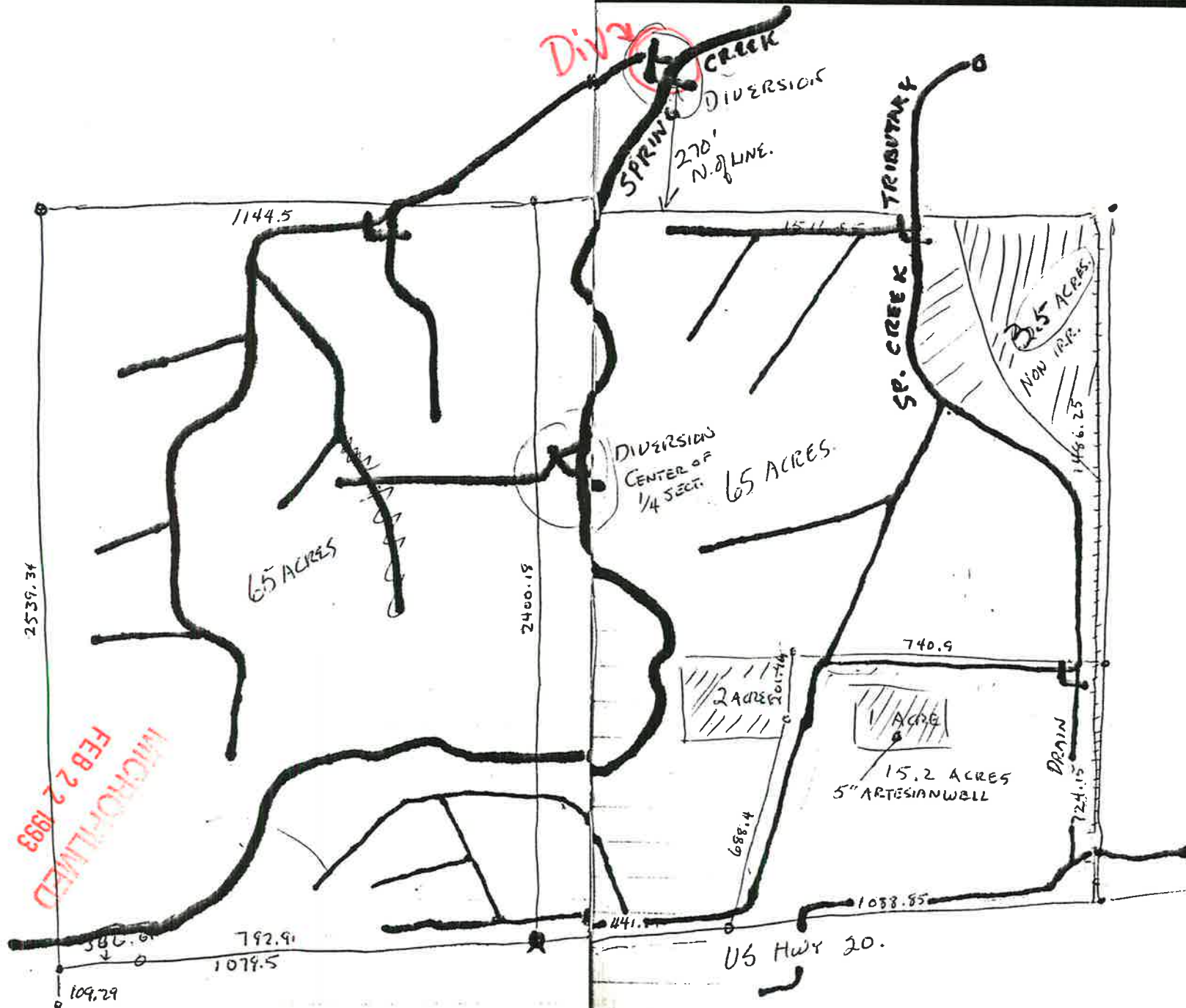


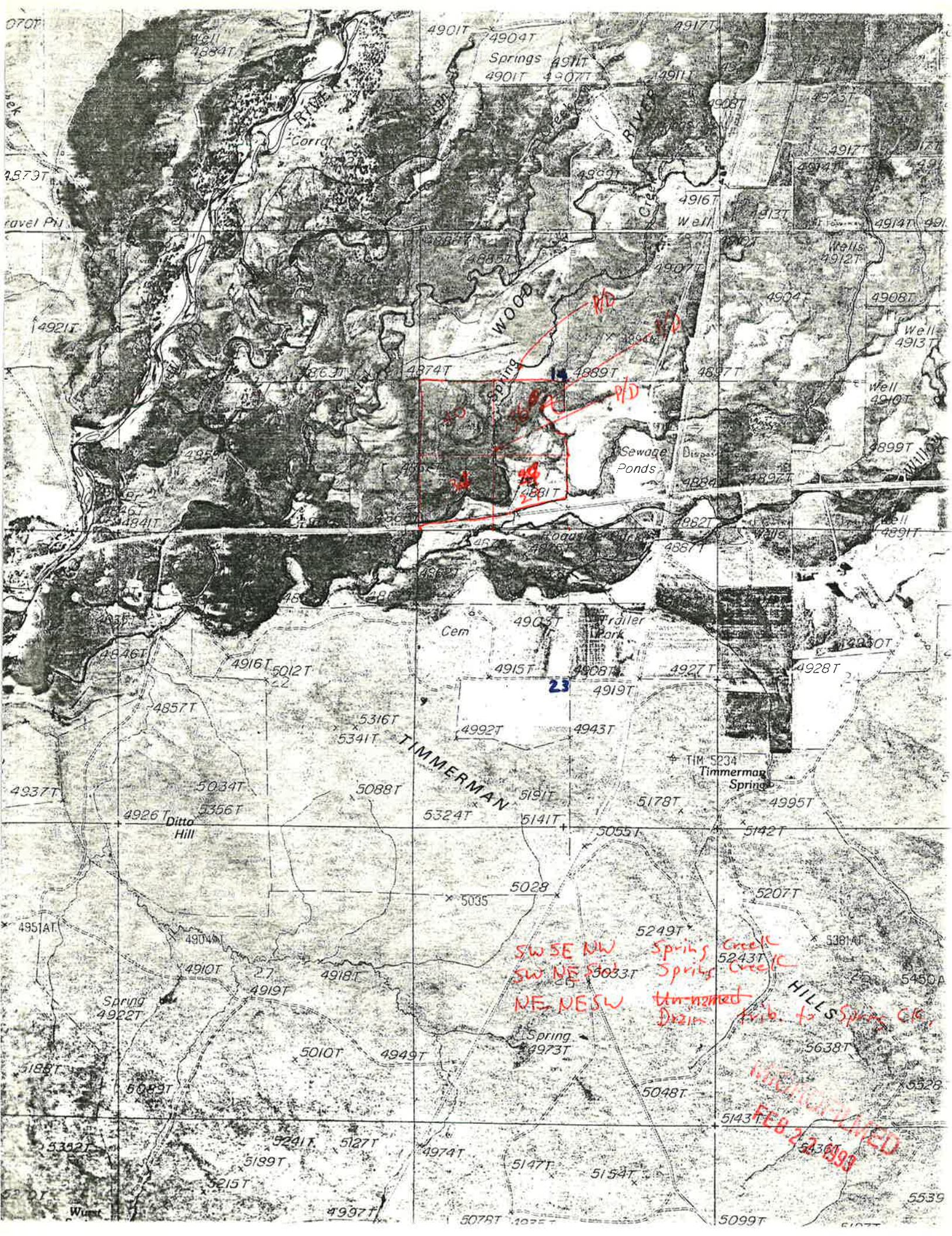
Portion -
37-0449 231.5
6/1/1881

Mardene Weston
17756 U.S. Hwy 20, Bellevue 83313
788-2574

Jernine Scott
17756 U.S. Hwy. 20 Bellevue 83313

MICHO FILMED
FEB 22 1993





11/29/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 11 2006

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/15/2006

Water right number: 37-21575

MARDENE WESTON

17756 HWY 20

BELLEVUE ID 83313

Telephone Number: (208)788-2574

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

I AGREE with this proposed recommendation: no changes need to be made I think this is correct

DATE: 12-4-06

SIGNATURE:

R. Mardene Weston

Please print your name:

R. Mardene Weston

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800



Ms. Mardene Weston
17756 Highway 20
Bellevue, ID 83313-5104

SCANNED

DEC 11 2006

11/25/2006

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

RIGHT NUMBER: 37-21575

NAME AND ADDRESS: MARDENE WESTON
17756 HWY 20
BELLEVUE ID 83313

SOURCE: SPRING CREEK

TRIBUTARY: WILLOW CREEK

QUANTITY: 2.500 CFS

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION:

T01S R18E S14 SWSNW Within BLAINE County

T01S R18E S14 NENESW Within BLAINE County

T01S R18E S14 SWNESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.500 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R18E S14	NESW	31.00	T01S R18E S14	NWSW	5.60
T01S R18E S14	SWSW	3.80	T01S R18E S14	SESW	23.00

63.4 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: BASIS OF CLAIM - Decreed

This right is a split from former right 37-449a.



Idaho Department of Water Resources

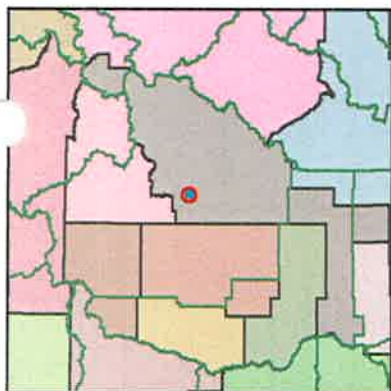
SRBA Recommendation:

37-21575

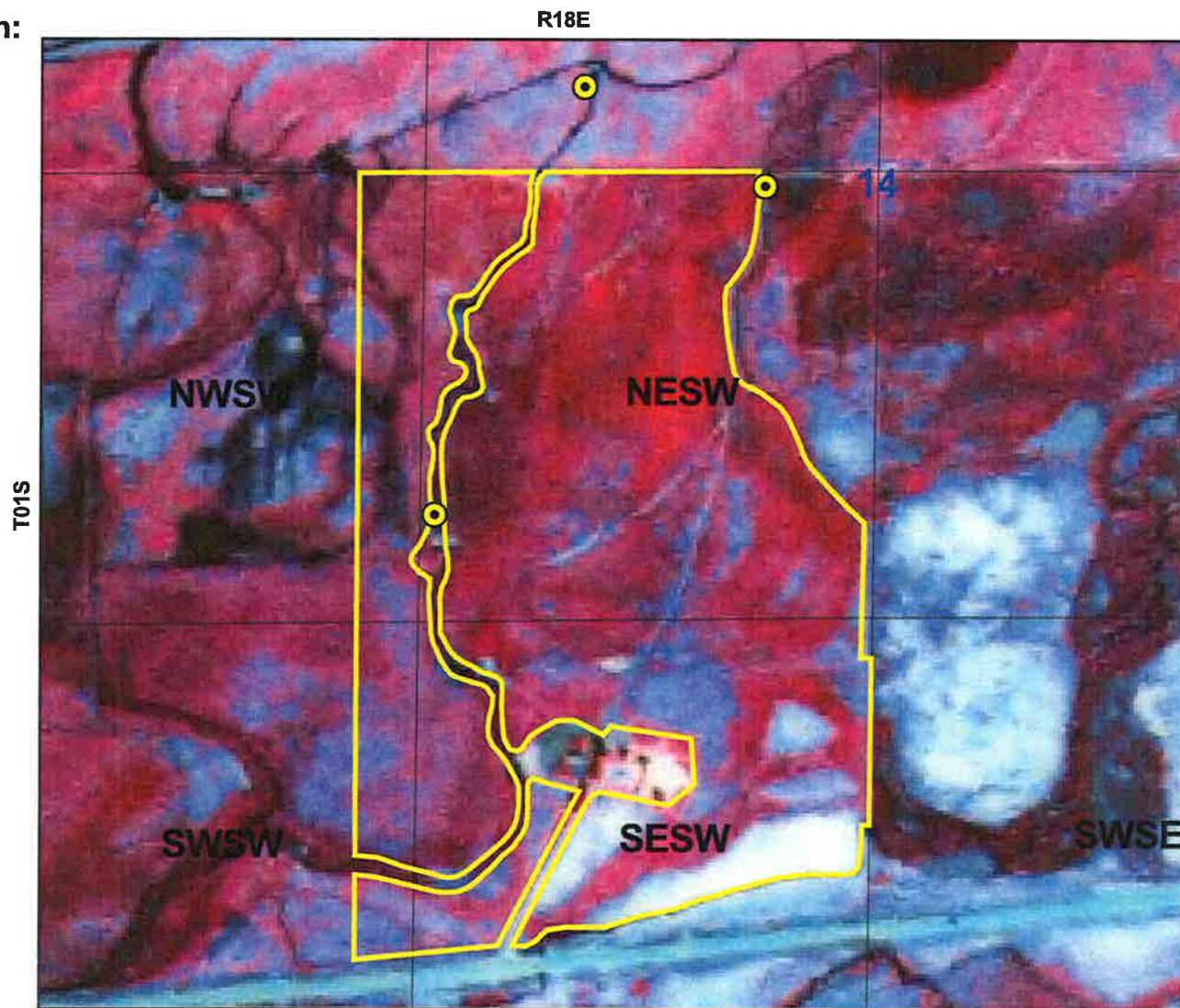
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



Prepared by S. Clelland
On Saturday, November 25, 2006
1987/88 Aerial Photography

Clelland, Steve

From: Merritt, Allen
Sent: Wednesday, November 15, 2006 3:15 PM
To: Clelland, Steve
Subject: Weston Claim 37-21575

Steve,

Matt's tracking sheet shows you have this. If you have passed it to someone else please forward this message.

Kevin Lakey was in and he had concerns about a couple of Lee's Pd's for the Weston property. Kevin has visited the site and talked with Mrs. Weston. He indicated that all of the water comes from one diversion that is an Unnamed stream tributary to Spring Creek. (Actually if you follow that stream back up to the northeast it appears to be diverted from Spring Creek but no water district diversion exists at this location. The watermaster measures the water way back down near where that stream enters the northeast corner of the Weston property. The stream goes thru a swampy area before getting to the Weston place and it is thought that it gains along its course.)

While working with Kevin, I developed the attached shape files to assist you in your review.



weston pd.dbf



weston pd.shp



weston pd.shx



weston pu.dbf



weston pu.sbn



weston pu.sbx



weston pu.shp

Allen



weston pu.shx

TIS
RIBE

WESTON

15 14

22 23

wm shapes

37-21575

Adjudication Claim Notes

Claim(s): 37-21575

Background Data

- Source is Spring Creek tributary to Big Wood River
- Priority date search indicates 37-0449 originally decreed for 4.8 cfs, split into rights:
 - 37-0449A for 4.63 cfs
 - 37-21575 claimed for 2.5 cfs
 - Watermaster delivering 2.55 cfs to Mardene West for 37-0449
 - 37-21576 claimed for 2.13 cfs
 - Watermaster delivering 2.08 cfs to Sun Valley Exchange Corp for 37-0449
 - 37-0449B for 0.17 cfs on 160 acres (Transfer 3155)
 - Claimed 0.17 cfs on 1,111 acres
 - Watermaster delivering 0.17 cfs to J. D Spring creek Ranch for 37-0449
 - Total Claimed: 4.8 cfs

Place Of Use Data

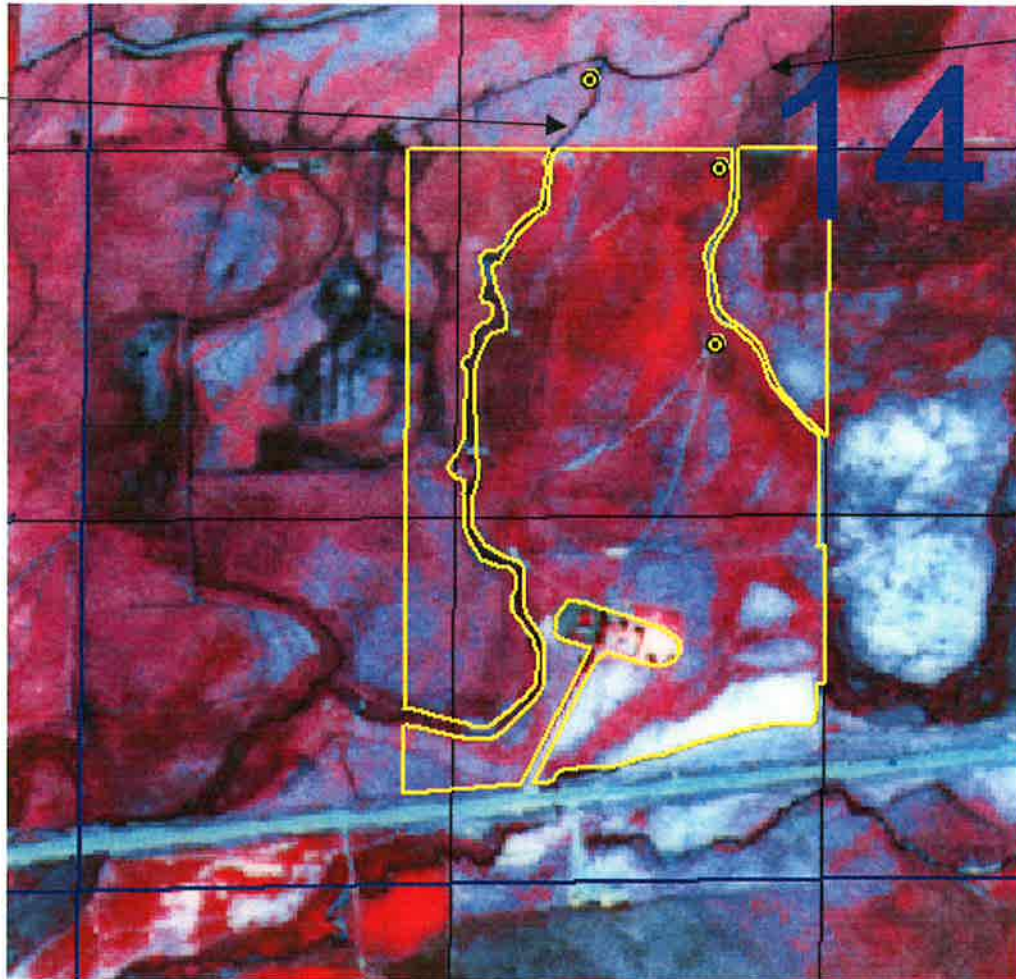
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

A channel of
Spring Creek



A channel of
Spring Creek



Photograph of POD taken by Lee Peterson during field exam.
Location: 2476577 1348650
Plate: A0016174
Photo #: 1060569



Photograph of POD taken by Lee Peterson during field exam.
Location: 2476720 1348553
Plate: none
Photo #: 1060680



Photograph of POD taken by Lee Peterson during field exam.

Location: 2476716 1348362

Plate: none

Photo #: 1060681

Notes

T1S R18E Section 14

- Found 70 acres
- Based on a conversation with Lee Peterson and the aerial photos, the 2 PODs on the east side of the property divert from a channel of Spring Creek that branches off Spring Creek ~1/2 mile north of the property. There is no head gate at this branch.
- According to Blaine Co Tax Records a portion of NESE is owned by Spring of Gladness Ranch. I talked with Mardene Weston (10/20/05) and she stated that she owns the whole 80 acres by herself.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
37-00449A

Mardene Weston
Jeanne Scott [SOLD]
Stephanie Petit [NEW OWNER]
17756 U.S. Hwy 20
Bellevue

8/15/05

I met with Mardene this afternoon and we reviewed this file and she said there are 3 more POD's she would like me to GPS, No.'s 2 & 3 are her diversions, No. 1 is Jeanne-Petit diversion. She advised me that her sister, Jeanne, sold the West side of the property to Stephanie Petit, so she called Stephanie and got a recording, so she left a message that the IDWR needed a deed to change the ownership of this property.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Scott-Petit	Westn 1	2476427	1348214	A0016286	1060679 — Not this right
Weston	" 2	2476720	1348553	None	680
"	" 3	2476716	1348362	"	681

Lee R. Peterson

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
 Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
 Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

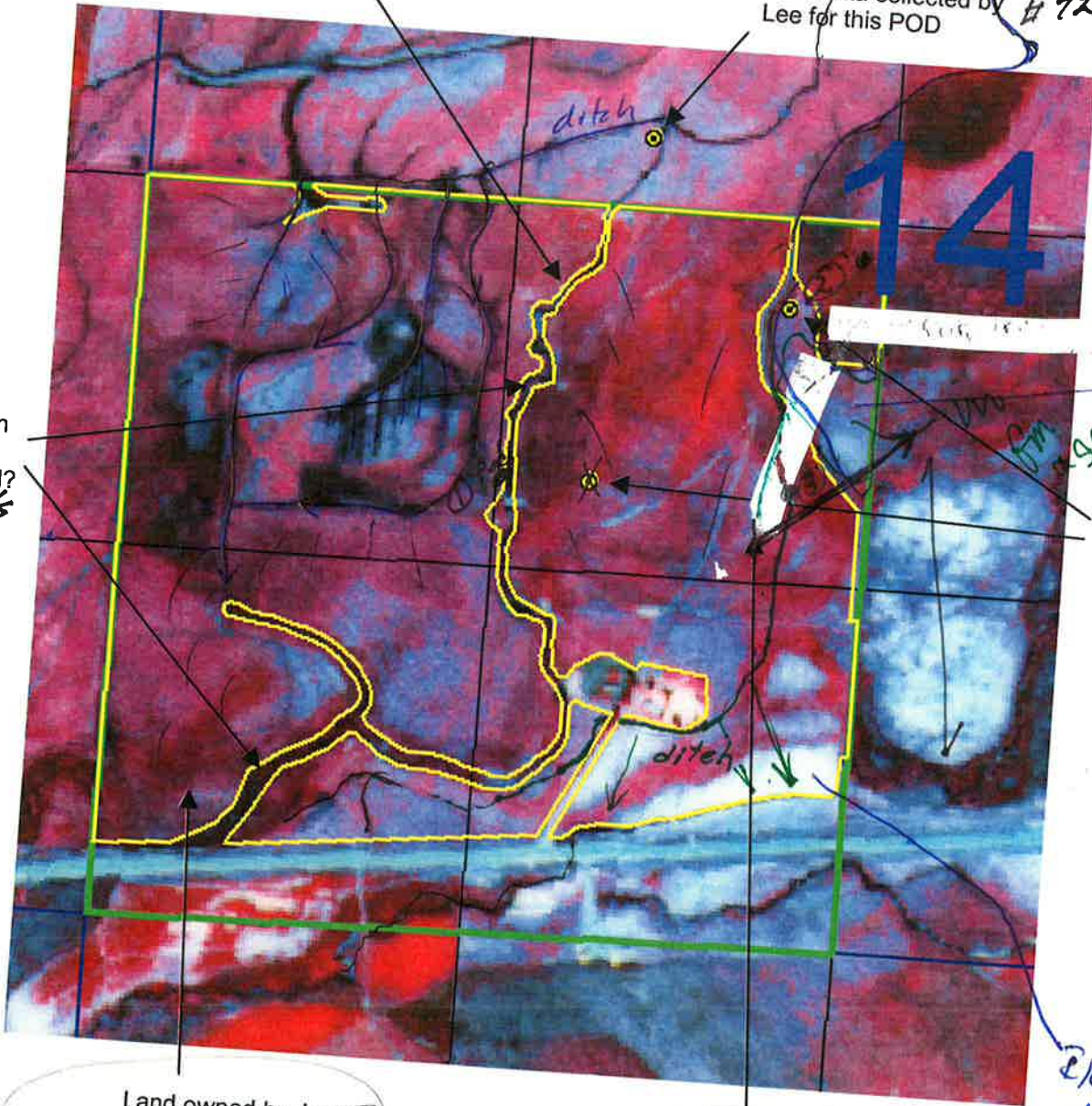
Spring Creek *yes*

1987 Aerial Photo

GPS data collected by Lee for this POD

no diversion structure
 canal ditch splits - look at photos + topo.

water meter # 72



this is irrigated

GPS these PODs

2-3 are individual div. out of ditch

ERRigate when they have water

Riparian areas irrigated? creeks

~4 PODs all are Spring Creek water according to Lee

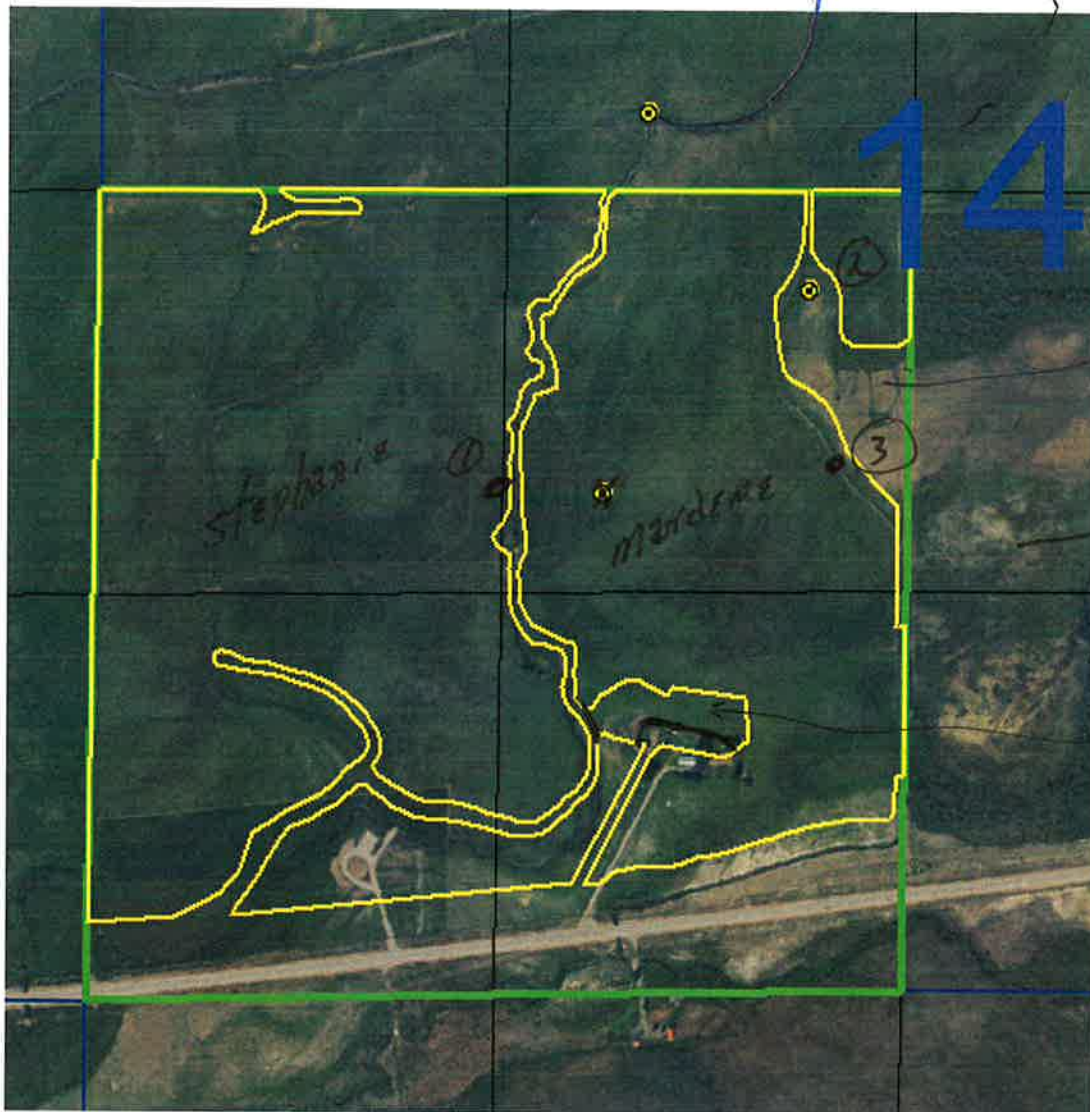
Land owned by Jones Construction? *Stephane Petit*

Portion of QQ owned by Spring of Gladness Ranch?

yes

- little ditches all over property

2004 Aerial Photo



pasture
cattle on
irrig when
ample water

Spring of
Glad

pasture
irrigated
161.61
145.90

Note: 2004 photo does not align properly with POU and should only be used for reference.

Notes

2/11 flood 11.1.3

T1S R18E Sections 14

- Found 126 acres
- Riparian areas irrigated?
- West half of claimed land owned by *Stephanie Petit* Jones Construction and portion of NESE owned by Spring of Gladness Ranch according to Blaine Co Tax Records – Need to confirm ownership of claimed land.
- Need to GPS the **3** PODs in NESW

Is you own - if ? call Mat

By KKC

Bas	Seque	Su	Basis	Status	Priority Da	Rate(c	Owner(s)	Source Table
37	145		Decreed	Active	1881-06-01	0.3	ASHMEAD, HARVEY (Current)	AJ Claim
37	180		Decreed	Active	1881-06-01	4.8	J D SPRING CREEK RANCH LLC (Curr	AJ Claim
37	449		Decreed	Active	1881-06-01	0.17	J D SPRING CREEK RANCH LLC (Curr	AJ Claim
37	449	A	Decreed	Active	1881-06-01	4.63	SCOTT, JEANNE (Current); WESTON, I	AJ Claim
					total	4.8		
37	526	A	Decreed	Active	1881-06-01	2.78	PAYNE, RICHARD D (Current)	AJ Claim
37	526	B	Decreed	Active	1881-06-01	0.02	TIKURA CATTLE ASSN (Current)	AJ Claim
					total	2.8		
37	718		Decreed	Active	1881-06-01	0.3	FIELDS LAND CO (Current)	AJ Claim
37	1207		Decreed	Active	1881-06-01	4.8	J D SPRING CREEK RANCH LLC (Curr	AJ Claim
37	4323		Statutory C	Active	1881-06-01	3	ANDERSON, ANN LOUISE (Current)	AJ Claim
37	526	A	Decreed	Active	1881-06-01	2.78	PAYNE, RICHARD D (Current)	AJ Rec
37	526	B	Decreed	Active	1881-06-01	0.02	TIKURA CATTLE ASSN (Current)	AJ Rec
37	145		Decreed	Active	1881-06-01	0.3	CLARK, H L (Current)	wrWaterRight
37	180		Decreed	Active	1881-06-01	4.8	DAVIS INVESTMENT CO (Current)	wrWaterRight
37	449	A	Decreed	Active	1881-06-01	4.63	MARTIN, WILLIAM D (Current)	wrWaterRight
37	449	B	Decreed	Active	1881-06-01	0.17	DAVIS INVESTMENT CO (Current)	wrWaterRight
					total	4.8		
37	526		Decreed	Active	1881-06-01	2.8	TIKURA CATTLE ASSN (Current)	wrWaterRight
37	718		Decreed	Active	1881-06-01	0.3	HUTCHINS, THURSTON (Current); MOC	wrWaterRight
37	1207		Decreed	Active	1881-06-01	4.8	DAVIS INVESTMENT CO (Current)	wrWaterRight
37	4323		Statutory C	Active	1881-06-01	3	MALCOMSON, AGNES (Current); MALC	wrWaterRight
37	526			See Rema	1881-06-01	2.8	PAYNE, RICHARD D (Current)	AJ Claim



State of Id.

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 FAX: (208) 736-3037 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 6, 2005

MARDENE WESTON
17756 HWY 20
BELLEVUE ID 83313

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM 37-449A

Dear Mardene

Enclosed is the printout of the infrared aerial photo showing the GPS measurement location as taken by Lee Peterson. The photo shows vegetation with a high moisture content as red and dry ground as blue gray shades. I have also included the photo that he took of the headgate and GPS measurement location.

I talked with Lee and this is what he was referring to when he discussed this with you. I am returning your \$5.00 that you submitted, as there is no charge for a single copy as this.

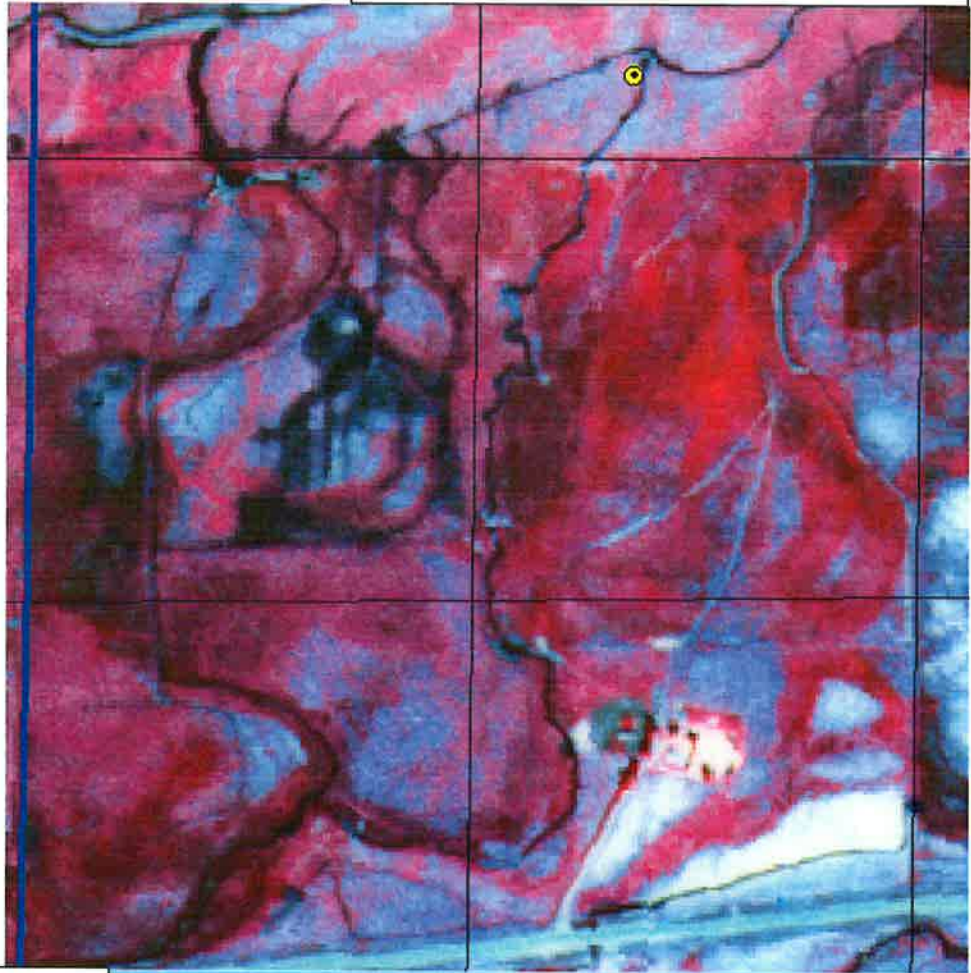
If you have any additional questions please give me a call.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

Enclosures

1987 NAPP AERIAL PHOTO 1S, 18E, Sec 14, SWSENW
Point of diversion GPS site tag A0016174



Point of diversion and GPS location
for Mardene Weston's right 37-449A
Photo by Lee Peterson 4-12-2005



6-1-05

Mrs. Mardene Weston
17756 Hwy. 20
Bellevue ID 83313

Mr. Lee Peterson:

When you were here 4-12-05, and took a global position of the water diversion headgate, you mentioned if I'd stop in at 1341 Hillmore, I could pick up a copy of the picture the satellite took.

I was very interested, so I stopped in 5-25-05. They didn't seem to know what I was talking about. One person tried, but all he could come up with was a picture of the headgate.

If it isn't too much trouble, will you please use the enclosed money to secure, and send me a copy of the satellite picture of the headgate?

Thanks,

Mardene Weston
17756 U.S. Hwy #20
Bellevue, Ida
83313

COMMUNICATION DOCUMENTATION

Found the claim 37-00449A in the name of Jeanne Scott and faxed it to the number above as requested.

AJ5809NP
No. A37-00449A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/01/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME	DATE, TIME FAX NO. / NAME DURATION PAGE(S) RESULT MODE
C	MARDENE WESTON 17756 US HWY 20 BELLEVUE ID 83313 (208) 788-2574	06/01/1881	IRRIGATION	04-01 11-01	4.630 CFS	4.630 CFS	342.50
C	JEANNE SCOTT RT 1360 HEYBURN ID 83336 (208) 678-5873						

Water Source: SPRING CREEK
DRAIN

Tributary to: BIG WOOD RIVER
SPRING CREEK

Stage: DECREED

Point(s) of Diversion: T01S R18E S14 SWSNW NENESW SWNESW BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	18E	14	:					:					:	36	40	34	27	:					:	137.0
																							TOTAL ACRES	137.0

POU County: BLAINE

Other Rights: NONE

Dates: Exam Made Date: Verified Date: 10/07/1985 Objection Filed Date:
Misc: Water District Number: 37 Field Inspection Flag: C
Presumption Flag:

12/01 11:27
912087882375-540044
00:00:22
01
OK
STANDARD
ECM

Fax to: Rob Steuthers

12/1/00

TRANSMISSION VERIFICATION REPORT

TIME : 12/01/2000 11:27
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033