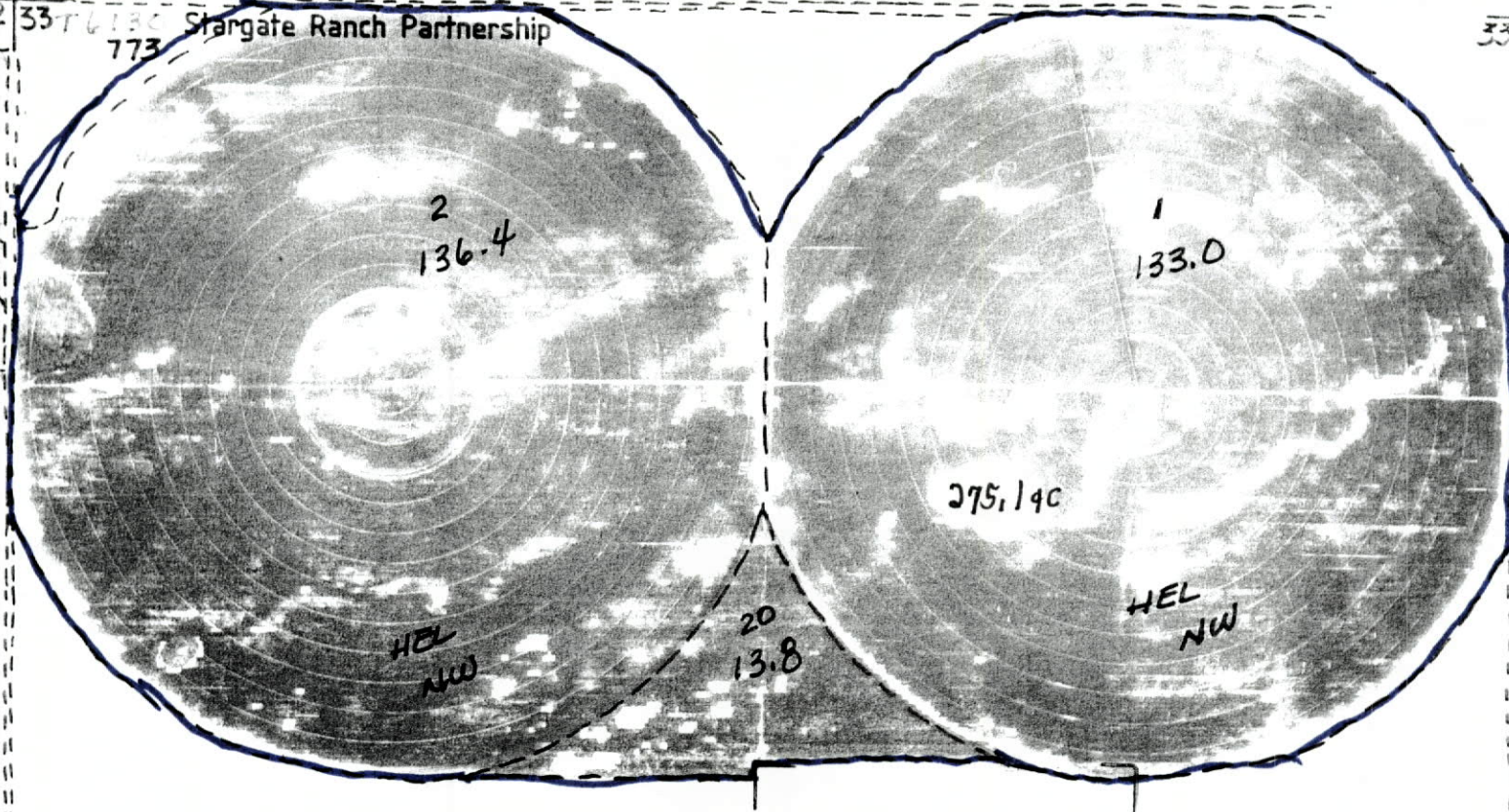


29/28

32 33 T6130 Stargate Ranch Partnership
773

33



BLM

11.1

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3 2 T6305 Stargate Ranch Partnership
907

4
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23
70.7

MICROFILMED
APR 16 2003
48.6

SCANNED
FEB 10 2003

T#69995

SCANNED

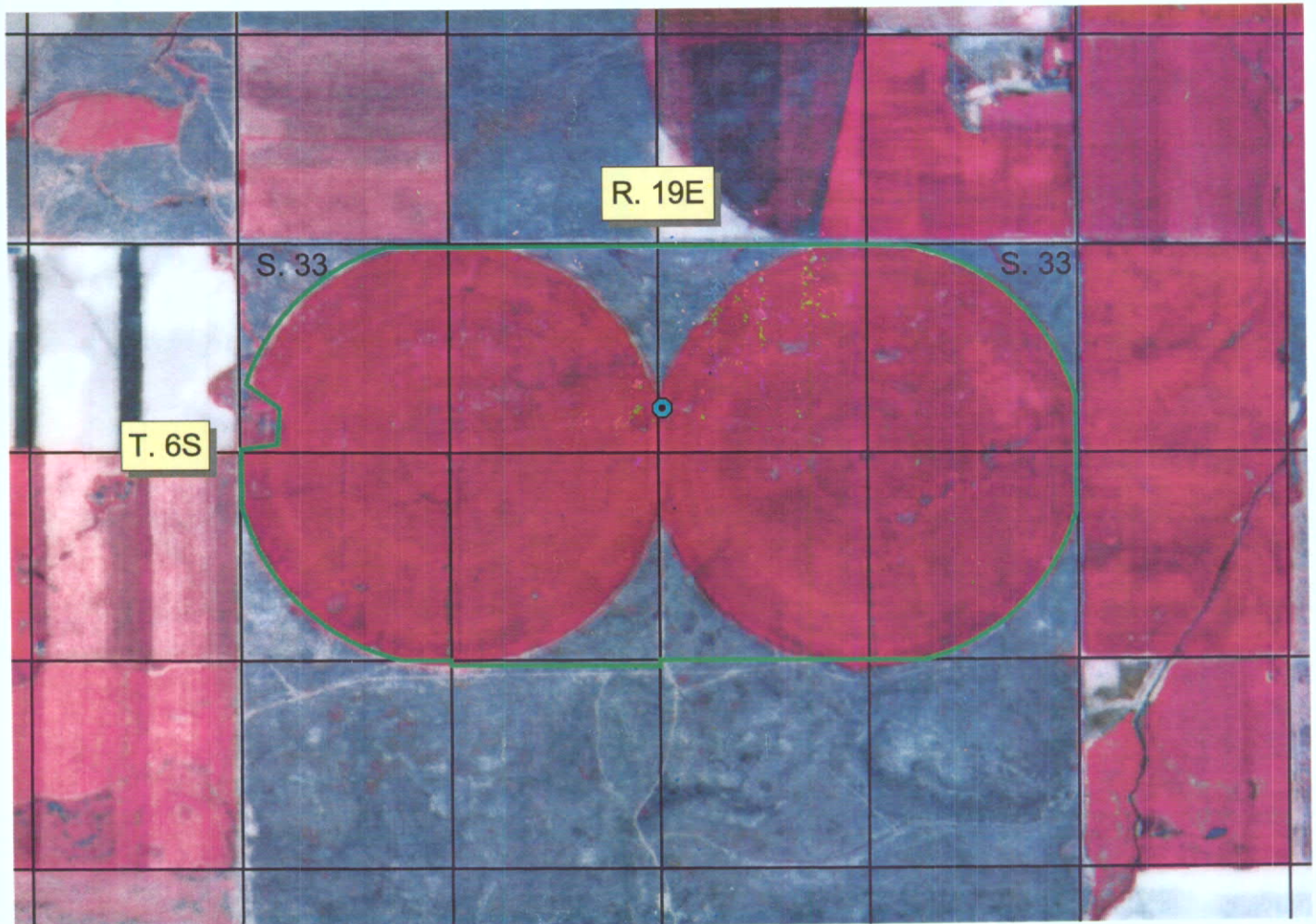
FEB 10 2008



32-7089

IDAHO DEPARTMENT OF WATER RESOURCES

APP FOR TRANSFER - Jeff Weber



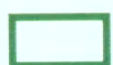
Section Lines



Quarter/Quarter Lines

General Location: 3 miles south and 3 miles east of Dietrich

 Existing Well



Proposed PPU

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FEB 11 2003
APR 16 2003
MICROFILMED



Prepared By J E Stanton 1-14-2003 1986/87 NAPP Data

T-#69995

AFFIDAVIT of PUBLICATION

RECEIVED

MAR 03 2003

Department of Water Resources
Southern Region

State of Idaho } ss.
County of Lincoln

Norma DeVoe, 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 20th day of February, 2003, and the date of the last publication was on the 27th day of February, 2003.

Norma DeVoe

On this 27th day of February, in the year of 2003, before me, a Notary Public, personally appeared Norma DeVoe, 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

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

420.75 Lines straight at 29.45 7.0¢/Pica

420.75 Subsequent lines at 25.25 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 57.20

COPY OF NOTICE

(Paste Here)

Weber

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.D.W.R.

BILL TO

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Lincoln County: JEFF L. & KERI JO WEBER, 950 E 570 S; DIETRICH ID 83324 filed Application No. 69995 on 2/5/03 for diversion of 4.40 cfs from ground water. The application proposes to add the 2 North inside pivot corners to the allowed place of use to allow fallowing of some land while allowing the applicant to fully utilize the water right. The application also describes the location of the replacement well that was drilled in 1993. The property is located 3 miles South and 3 miles East of Dietrich. For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before March 10, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUB: 2/20 - 2/27

L45431

№ 7358

45431

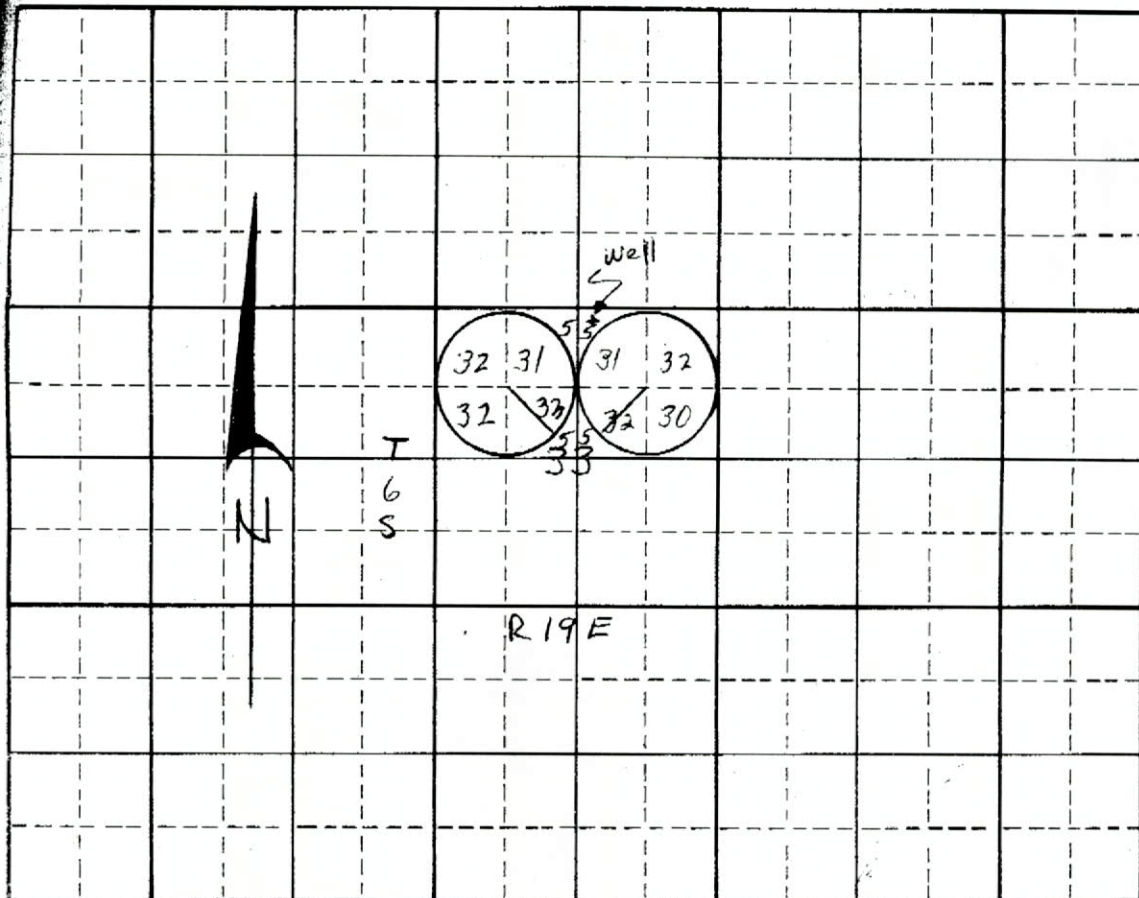
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MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NW 1/4 NE 1/4, Sec 33 T6S R19E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	19E	33	32	36	37	30	36	32	32	38									273

Recommended Amendments:

☐ Change P.D. as reflected above☐ Add P.D. as reflected above☒ None☐ Change P.U. as reflected above☐ Add P.U. as reflected above☐ Other

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APR 16 2003

Examiner's Signature

Sam Lundberg

Date 12-16-1981

Checked by

Allen M. Mott

Date 12-16-1981

Approved by

Rolls

Date 9/1/82

SCANNED
FEB 10 2003

FWR SUPPLEMENTAL FIELD REPORT
FOR ANNUBAR MEASUREMENT

Measured by: GARY FUNDERBORGEDate: 8-20-1981Owner: OSCAR STIMPSON

Permit #: _____

Description of well &/or measuring site (give distance to restrictions upstream and downstream): WELL, MOTOR, pump (2) pivots
& some HAND LINES

Measured inside diameter of pipe in inches

10.62

Size of Annubar used in test

10.020

State ID# of Annubar used

091420

Size Eagle Eye Meter used

0" to 80"

State ID# of Meter used

091475

Date of Last Calibration of Meter

April 1, 1981Observed inches of H₂O read on Meter28.0Adjusted inches of H₂O from Last Calibration26.04

CALCULATION:

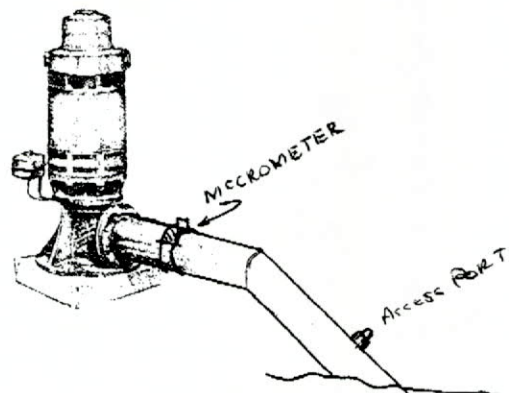
$$\frac{(3.85) \times (A)^2 \times (\sqrt{B})}{448.8}$$

= 4.40 CFS

measured

Where A and B are measured in inches
and 3.85 is a constant for the model
75 Annubar

SKETCH:



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APR 16 2003

SCANNED

FEB 10 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69995

This is to certify that: JEFF L WEBER
950 E 570 S
DIETRICH ID 83324
(208)544-2857

And

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

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-7089	WR/Decreed	03/22/1971	4.40 cfs	1092 af	N/A	273.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-7089	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-7089	37-7089	4.40 cfs	1092 af	273.0	288.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.40 cfs	1092 af	273.0	288.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14 day of April, 20 03


For Chief, Water Allocation Bureau

SCANNED

MICROFILMED

MAY 30 2003

APR 16 2003

WATER RIGHT NO. 37-7089
As Modified by Transfer No. 69995

In accordance with the approval of Transfer No. 69995, Water Right No. 37-7089 is now described as follows.

Right Holder: KERI JO WEBER And
 JEFF L WEBER
 950 E 570 S
 DIETRICH ID 83324

Priority Date: March 22, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	4.40 CFS	1,092.0 AF
			4.40 CFS	1,092.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWNE Sec. 33 Twp 06S Rge 19E LINCOLN County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	19E	33	33.0	39.0	40.0	33.0	39.0	30.0	33.0	40.0	1.0								288.0

Total Acres: 288

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. Prior to the diversion and use of water under Transfer approval 69995, the right holder shall install and maintain acceptable measuring device, including a data logger, at the authorized point of diversion, in accordance with Department specifications.
3. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. This right is limited to the irrigation of 273 acres within the place of use described above in a single irrigation season.

MICROFILMED
 APR 16 2003

SCANNED
 MAY 30 2003

WATER RIGHT NO. 37-7089
As Modified by Transfer No. 69995

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12/11/2002.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14 day of April, 20 03


For Chief, Water Allocation Bureau

MICROFILMED
APR 16 2003

SCANNED
MAY 30 2003

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FEB 05 2003

Department of Water Resources
Southern Region

RECEIVED

MAR 28 2003

Department of Water Resources

Page 1

Transfer No. 69995

Receipt No. S025037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CORRECTED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information JEFF L WEBER
 950 E 570 S
 DIETRICH ID 83324
 (208)544-2857
 And

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

Will this transfer result in an ownership change? No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
37-7089	WR/Decreed	4.40	1,092.0	273.0		GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-7089	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Application adds both north inside pivot corners to the place of use, allowing rotation of irrigation on all 4 inside corners. Show the actual location of the existing well.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
37-7089	4.40 cfs	273.0	288.0	1,092.0 af
TOTAL	4.40 cfs	273.0	288.0	1,092.0 af

MICROFILMED

APR 16 2003

SCANNED

FEB 10 2003

Transfer No. 69995
Receipt No. S025037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



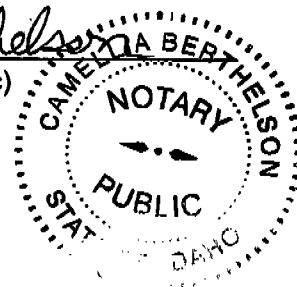
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 5 day of February, 2003.

Camellia Berthelson
(Notary Public)

My commission expires 05/20/05



MICROFILMED
APR 16 2003

SCANNED
FEB 10 2003

Transfer No. 69995
Receipt No. S025037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

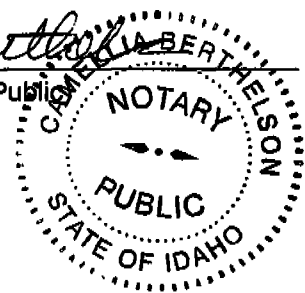
Ken Jo Heber
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 5 day of February, 2003.

Camellia Berthelson
(Notary Public)

My commission expires 05/20/05



MICROFILMED SCANNED
APR 16 2003 FEB 10 2003

Transfer No. 69995
Receipt No. S025037

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 37-7089

Priority Date: March 22, 1971
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/15	4.40 CFS	1,092.0 AFA	
Total Diversion		4.40 CFS	1,092.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNWNE Sec. 33 Twp 06S Rge 19E LINCOLN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 19E 33	33.0	32.0	40.0	33.0	33.0	30.0	33.0	39.0									273.0

Total Acres: 273

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 15] AND AFTER [OCTOBER 15] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

MICROFILMED SCANNED
APR 16 2003 FEB 10 2003

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Transfer will allow any 2 of the 4 inside pivot corners to be irrigated each year, with the other 2 remaining dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 69995
Receipt No.S025037

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 37-7089

Priority Date: March 22, 1971

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/15	4.40 CFS	1,092.0 AFA	
Total Diversion		4.40 CFS	1,092.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNWNE Sec. 33 Twp 06S Rge 19E LINCOLN County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to 2 pivots; handlines on inside corners

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	19E	33	33.0	39.0	40.0	33.0	39.0	30.0	33.0	40.0	1.0								288.0

Total Acres: 288

MICROFILMED SCANNED
APR 16 2003 FEB 10 2003

LINCOLN

29/28

62 33 T6305 Stargate Ranch Partnership

773



33

BLM

11.1

33

32

14
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T6305 Stargate Ranch Partnership
907

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APR 16 2003
48.6

SCANNED
FEB 10 2003

T#69995

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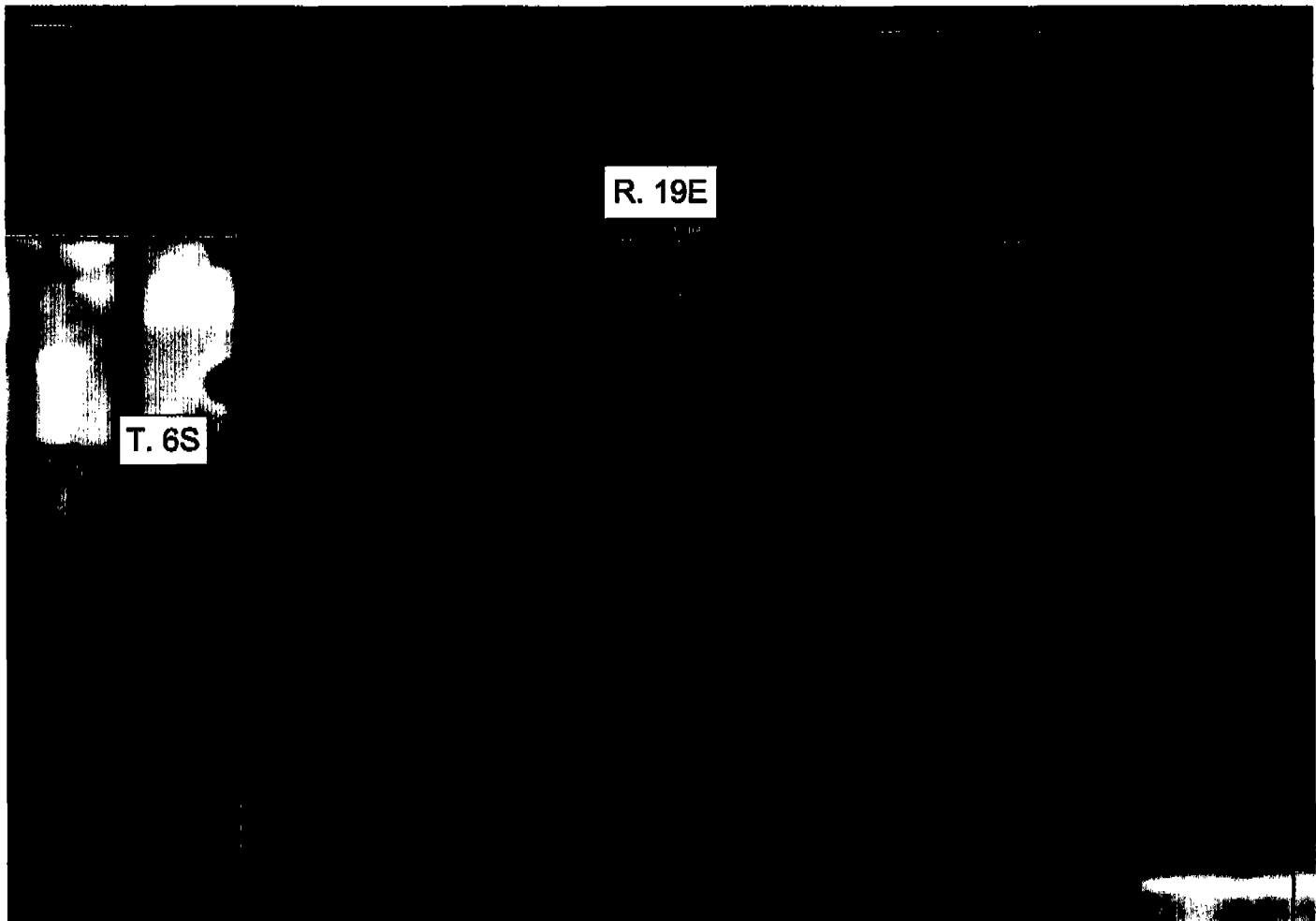
SCANNED

FEB 10 2003

37-7089

IDAHO DEPARTMENT OF WATER RESOURCES

APP FOR TRANSFER - Jeff Weber



Section Lines



Quarter/Quarter Lines

General Location: 3 miles south and 3 miles east of Dietrich

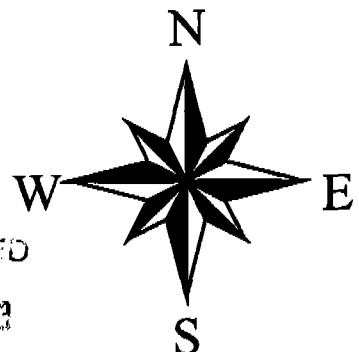


Existing Well



Proposed PPU

SCANNED
FEB 14 2003
APR 16 2003
FILMED



Prepared By J E Stanton 1-14-2003 1986/87 NAPP Data

T#69995

LINCOLN COUNTY ASSESSOR
WENDELL JOHNSON 886-2161
PO BOX 518
SHOSHONE, ID 83352

2002

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

N1/2, SW & E1/2SE
LESS TAX 1&2
33-6-19

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 886-2161

PARCEL ADDRESS:

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

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 24, 2002

Tax Code Area: 38-00

Parcel Number: RP 06S19E330001 A

Circuit Breaker is Not Included.

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	258.300 AC	112,361	112,361
5 DRY GRAZING	296.180 AC	7,997	7,997
19 WASTE	5.520 AC		
SUBTOTAL:	560.000	120,358	120,358
LESS HOMEOWNERS EXEMPTION:		120,358	120,358
NET TAXABLE PROPERTY VALUE:		120,358	120,358

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
LINCOLN COUNTY	396.96	396.96	208-886-7641	08/26/2002
D SCHOOL 314	319.46	319.46	208-544-2158	06/04/2002
DIETRICH HWY 5	150.00	150.00	208-544-2445	08/05/2002
LIN CEMETERY	26.80	26.80		08/14/2002
RECREATION DIST	44.64	44.64		08/13/2002
SUBTOTAL:	937.86	937.86		
FEES:	418.00	418.00		
TOTAL PROPERTY TAXES & FEES:	1,355.86	1,355.86		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

MICROFILMED

APR 16 2003

SCANNED

FEB 10 2003

Transfer No. 69995
Receipt No. S025037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information JEFF L WEBER
950 E 570 S
DIETRICH ID 83324
(208)544-2857
AND/OR

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

Will this transfer result in an ownership change? _____ Yes X No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
37-7089	AJC/License	4.40 cfs	1092.0 af	273.0		GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-7089	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Show how farm has actually been irrigated since before we bought it in 1990. Show the actual location of the existing well.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
37-7089	4.40 cfs		273.0	1092.0 af
TOTAL	4.40 cfs	273.0	273.0	1,092.0 af

MICROFILMED

APR 15 2003

*Replaced
2-5-2003*

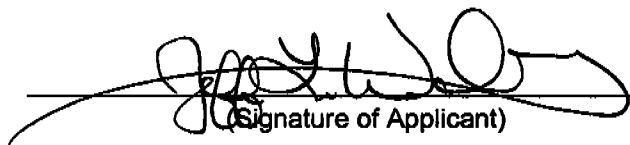
Replaced 2-5-03

Transfer No. 69995
Receipt No. S025037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

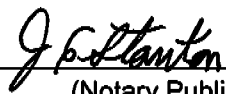
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.




(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 1st day of July, 2002.


(Notary Public)

My commission expires 10-25-2006

MICROFILMED

APR 16 2003

Transfer No. 69995
Receipt No. S025037

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 37-7089

Priority Date: 03/22/1971
Origin: Adjudication Claim
Basis: License
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/15	4.40 CFS	1,092.0 AFA	
Total Diversion		4.40 CFS	1,092.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	06S	19E	33	NWNWNE		LINCOLN

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	19E	33	33.0	32.0	40.0	33.0	33.0	30.0	33.0	39.0									273.0

Total Acres: 273

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 15] AND AFTER [OCTOBER 15] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

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APR 18 2003

Page 4

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Will not be irrigated.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 69995

Receipt No.S025037

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 37-7089

Priority Date: 03/22/1971

Origin: Adjudication Claim

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/15	4.40 CFS	1,092.0 AFA	
Total Diversion		4.40 CFS	1,092.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	06S	19E	33	SWNWNE		LINCOLN

Describe the proposed diversion system

Point of Diversion # 1 Existing, well, motor, pump, mainline to 10 pivots & 10-acre pasture near our home.

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06S	19E	33	30.0	31.0	38.0	31.0	31.0	31.0	31.0	40.0			10.0						273.0

Total Acres: 273

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APR 16 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-07089

NAME AND ADDRESS: JEFF L WEBER
KERI JO WEBER
950 E 570 S
DISTRICT, ID 83324

SOURCE: GROUND WATER

QUANTITY: 4.40 CFS
1092.00 AFY

PRIORITY DATE: 03/22/1971

POINT OF DIVERSION: T06S R19E S33 NWNWNE Within Lincoln County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	4.40 CFS 1092.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 15] AND AFTER [OCTOBER 15] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Lincoln County
	T06S R19E S33	
	NENE 33.0	NWNE 32.0
	SWNE 40.0	SENE 33.0
	NENW 33.0	NWNW 30.0
	SWNW 33.0	SENW 39.0
	273.0 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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APR 16 2003



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

April 14, 2003

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

RE: Transfer No.: 69995 - Water Right 37-7089 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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APR 16 2003

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camila S Skaggs

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED

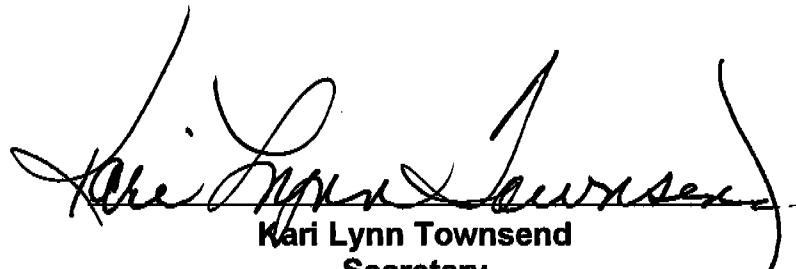
APR 16 2003

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69995 - WATER RIGHT 37-7089

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


**Kari Lynn Townsend
Secretary**

MICROFILMED

APR 16 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Jeffrey L. Miller

TRANSFER NO.

69995

1. Right number(s)

37-7089

2. Type of right

☐ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing
Right:

☐ Source ☐ Priority ☐ Amount ☐ Purpose
☐ Period ☐ SRBA Claim
☐ Description of original point(s) of diversion
☐ Description of original place of use
☐ Overlapping rights on original place of use

Comments: _____

5. Check Proposed Right for amount of land &/or water transferred:

☐ Also see attached memo for more analysis information

- a. ☐ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☐ Description of point(s) of diversion
- d. ☐ Description of place of use
- e. ☐ Map showing P/D & P/U after transfer
- f. ☐ Correct notarized signature and \$100 fee
- g. ☐ Proof of ownership of right &/or land from which water is transferred
- h. ☐ Expansion in use of right - Comments: _____

69995

i. _____ Existing rights from same source, on land water is being transferred to; right number(s): _____

j. _____ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. _____ Comment letters _____ Yes _____ No _____
 If yes _____ Water District # 13 = _____
 Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY _____ DATE 3/26/07
 SRBA SUPERVISOR REVIEW BY _____ DATE _____
 PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT _____ Yes
 2. COMMENT LETTERS Copy of Pg 1 to AJ _____ Yes

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? _____ Yes _____ No
 4. Affidavit of publication received? _____ Yes _____ No
 5. Protests received? _____ Yes _____ No; Acknowledgement sent? _____ Yes
 6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ☒ Approve
 2. _____ Deny due to _____
 3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: _____

4. By Date 3/26/07

TRANSFER REVIEW SHEET

Trans # 69995

Date Reviewed 1-14-03

Right No(s). * 37-7087

Split? Y ✓ N Y N Y N Y N Y N Y N

AREA OF CONCERN: No/Yes Yes

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? ✓ Y N (resolve with S.O.)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U ✓ Lien Holder Release ✓

GROUNDWATER:

DRILLING PERMIT

All wells - 046
DP upgrade req'd Y N (contact GW)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL - 065-104 (where irrigation is the only use)
SUPPLEMENTAL - 100-105 (where there are other uses besides irrigation)

WITHIN ESPA - 113-114-116 (mitigation)
- 115 (meas. Device)

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

SURFACE WATER:

WD - R05 (WD# 138) WM comments rec'd _____
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)

STANDARD VOLUME _____ af/ac

CONSUMPTIVE USE VOLUME _____ af/ac

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - >1 pd, measure all (use w/ WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)

T19 - replaces C18
(if at Recommendation or Partial Decree stage)

T20 - use only on unchg'd rts not subject to SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated _____ Approval form printed _____ Shape files created ✓

Special Mailing Instructions (cc's, etc) _____

Final database update after approval 28 *Comment to WR No(s). NA

4-14-03

69995

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: Transfer 69995
Water Right No: 37-7089
Applicant Name: Jeff and Keri Jo Weber

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:
- (R05) Watermaster jurisdiction, Water District 130
(115) Measuring device required (recommend use of condition which references available variance)
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☒ Additional comment:

No additional pod. Transfer shows a corrected pod location.

Dated: March 26, 2003

Water District 130


Cindy J. Yenter, Watermaster

RECEIVED

MAR 26 2003

MICROFILMED

MAR 26 2003

AFFIDAVIT of PUBLICATION

RECEIVED

MAR 03 2003

Department of Water Resources
Southern Region

State of Idaho } ss.
County of Lincoln

Norma DeVoe, 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 20th day of February, 2003, and the date of the last publication was on the 27th day of February, 2003.

Norma DeVoe
On this 27th day of February, in the year of 2003, before me, a Notary Public, personally appeared Norma DeVoe, 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

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

420.75 Lines straight at 29.45 7.0¢/Pica

420.75 Subsequent lines at 25.25 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 57.20

COPY OF NOTICE

(Paste Here)

Weber

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.D.W.R.

BILL TO

NOTICE OF ORDERED CHANGE

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Lincoln County: JEFF L. & KERRI JO WEBER, 960 E 570 S; DISTRICT ID 83301. Filed Application No. 69995 on 2/5/03 for diversion of 4.40 cfs from ground water. The application proposes to add the 2 North inside pivot corners to the allowed place of use to allow fallowing of some land while allowing the applicant to fully utilize the water right. The application also describes the location of the replacement well that was drilled in 1993. The property is located 3 miles South and 3 miles East of Dietrich. For specific details regarding the application(s), please contact IDWR, Southern Regional Office at 208-736-8033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the findings of See 40-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 2041 Fillmore St., Suite 200, Twin Falls, ID 83301 with a protest fee of \$25.00 for consideration on or before March 10, 2003. The applicant also send a copy of this notice to the applicant.

Carl J. Dreher, Director
208-736-8032 145431

No 7358

45431

SCANNED

MAR 26 2003

MICROFILMED

APR 26 2003

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Lincoln County:

JEFF L. & KERI JO WEBER, 950 E 570 S; DIETRICH ID 83324 filed Application No. 69995 on 2/5/03 for diversion of 4.40 cfs from ground water. The application proposes to add the 2 North inside pivot corners to the allowed place of use to allow fallowing of some land while allowing the applicant to fully utilize the water right. The application also describes the location of the replacement well that was drilled in 1993. The property is located 3 miles South and 3 miles East of Dietrich.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before March 10, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Lincoln County Journal on 2/20 & 2/27/03.

OK
ADM
2/12/03

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APR 4 5 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

February 12, 2003

ATTN: Norma
MAGIC VALLEY PUBLISHING
Lincoln County Journal
PO BOX 468
JEROME ID 83338

Dear Norma:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin

Mary A. Baldwin
Administrative Assistant

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APR 16 2003



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

February 12, 2003

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

RE: Application for **Transfer No. 69995**

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your application. Please refer to the number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the **Lincoln County Journal** on **2/20 & 2/27/03**. The advertisement will be published for two weeks, and a **period of ten calendar days following the second publication will be allowed for the submittal of protests. (March 10, 2003)**

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant regarding the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

APR 15 2003

Comment Report

Application ID 69995

1. jstanton 12/9/2002 Comment/Analysis

Comment: This transfer proposes to add a small pasture in the same section to the existing system. I have visited the property, and have review FSA data going back to 1987. There was no obvious use of this pasture before 1994 or 1995, so it is not eligible for an expansion claim. The rest of the system appears to have changed little for a long time. The applicant told me that there are two 1300-foot pivots with 50-foot end guns, plus handlines for two pivot corners and the pasture. ArcView says that such a system covers 286 acres instead of the 273 shown on the transfer. Under present operation, there is and will continue to be 14 acres irrigated illegally, as Mr. Weber did not say anything about taking land out of production to allow for irrigation of the pasture. A 1300-foot pivot covers 122 acres, whereas the application shows 123-124 acres; the transfer therefore shows that the two pivots will be operated without end guns. But Weber will continue to use the end guns; he honestly feels that only about 262 acres are effectively irrigated in the north half of Sec. 33. He agreed that the pasture covers about 11 acres.

Mr. Weber has now decided to cover this pasture with the wells and rights on the farm that he owns just to the south. T. 69995 has now been corrected to show the addition of 2 north inside pivot corners to the existing system. The new pou description reflects my review of FSA data for the existing land, plus the 2 new corners. He understands that he can only water 2 pivots and 2 corners in any given year, so the proposed ppu will just give him some flexibility in which land is watered while still using the full amount of the right.

Evaluation of Sufficiency of Information Submitted:

Authority To File: We recognize the applicants as the owner of this water right, and they submitted a recent tax notice to confirm this.

Water Right Validity: The right was recently decreed in the SRBA, so forfeiture is not an issue. My slide review also found no evidence of forfeiture.

Injury To Other Rights: None expected. Well will be under watermaster control, so any excess usage will be detected.

Enlargement of Use: None requested. Existing limits will still apply. Transfer will just allow some land to fallowed each year while allowing the water right to be fully used.

Local Public Interest: No issues found.

Beneficial Use/Conservation of Water Resources: No issues found.

Review of the application finds there is no clear inconsistency with criteria set forth in

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Review of the application finds there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing of the application.

I did not verify the well location while in the field, as my main concern was the pasture that was being irrigated without a water right. The transfer does not propose to move the well, just to describe a different qqq than was decreed. I assume that Mr. Weber knows where his well is, and ArcView shows mainlines going to both pivots from the well site as described by him. The licensing exam shows the well in the NW corner of the 40, but WMIS data lists the well in the SWNWNE S. 33. Our files contain a driller log for a replacement irrigation well drilled in the NW/NE Sec. 33 in 1993, so it appears that the well site has been moved further south in the same tract. This should resolve this discrepancy, and it means that the qqq of the well has actually changed.

2. jstanton 1/14/2003 11:45:30 AM Special Administration Area Notes

Comment: Special Administration Areas : North Snake GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

3. jstanton 1/14/2003 Legal Notice Remarks

Comment: The application proposes to add the 2 north inside pivot corners to the allowed place of use to allow fallowing of some land while allowing the applicant to fully utilize the water right. The application also describes the location of the replacement well that was drilled in 1993. The property is located 3 miles south and 3 miles east of Dietrich.

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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

January 14, 2003

Jeff Weber
950 E 570 S
Dietrich, ID 83324

RE: Apps For Transfer 69995 & 70008

Dear Jeff;

Per our conversation, I have produced a corrected version of T. 69995 for the land north of your home in Sec. 33. There are 2 signature pages, as we need notarized signatures from both you and your wife. A GIS map of the proposed place of use is included, and you can keep this if you like. If the corrected application is acceptable, please sign it and return it to me for processing.

With regard to the other transfer, our attorney Nick Spencer told me yesterday that you have settled with the BLM on their objection to the SRBA recommendations for the farm south of your home. Nick said that it could take up to 60 days to finally get these rights decreed. He suggested that your application be put on hold until then, but it is now our policy to return applications that are not ready to be filed. We can hold your application for 30 days, but no longer (that would be a deadline of February 13). We prefer that you voluntarily withdraw the application rather than IDWR having to void it; a withdrawal form is enclosed for your notarized signature. If this is acceptable, please return the signed form to me for processing. I will then initiate a refund of your filing fee. Once the water rights on this farm have been decreed, you can apply for a new transfer to cover the necessary changes to your allowed place of use.

Regards,

James E. Stanton
Sr. Water Resource Agent

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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

December 17, 2002

Jeff L Weber
950 E 570 S
Dietrich, ID 83324

RE: App for Transfer 69995

Dear Mr. Weber;

This transfer involves the 11-acre pasture that you added to the two pivots and 2 corners in Sec. 33. I have discussed this application with our administration, and they concur with my conclusion that the application cannot be approved as proposed. There are 273 licensed and recommended acres on this property, so that is all that you can irrigate in a given year. Your application proposes to simply add more land, which is illegal under Sec. 42-222 of the Idaho Code. You can create a permissible place of use that is larger than 273 acres as long as you agree to only irrigate that many acres each year.

As we discussed, you could include the pasture in with your other transfer; but that application has problems with the BLM. Those rights are limited to 619 acres per year, so you could create a 651-acre ppu there; 32 acres would have be left dry each year.

As with your other application, you have until January 20, 2003, to resolve these issues. If we do not receive a satisfactory solution by then, your application will be returned without further processing. We can grant more time for good cause.

Last season, land was being irrigated illegally on both of these farms. If we find this same situation next season, a Notice of Violation/Cease & Desist Order will be issued; civil penalties will be sought. I expect the transfer issues to be resolved by then, one way or the other.

Regards,

James E. Stanton
Sr. Water Resource Agent

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Lend Lease
AGRI-BUSINESS

September 12, 2002

VIA FAX 208-544-2857

Mr. Jeff L. Weber
Star Gate Ranch
950 E. 570 S.
Dietrich, ID 83324

RE: Water Right Transfers loan 396366

Pursuant to your fax of August 2, 2002 we have reviewed the applications for Transfer of Water Rights with the Idaho Department of Water Resources. These applications are identified as follows:

Transfer No. 69995 Receipt No. S025037 Current Water Right 37-7089
Transfer No. 70008 Receipt No. S025049 Current Water Right 37-7670
Transfer No. 70008 Receipt No. S205049 Current Water Right 37-20738

According to our phone conversation, you represented that the water rights are being transferred for better utilization but that all points of diversion and allocation are to remain with in the security pledged as collateral under the mortgage for loan 396366 to Star Gate Ranch. Based upon this representation, we are approving your request for transfer.

This letter can serve as notice to the Idaho Department of Water Resources that US Bank Trust National Association as current lender of record has no objection to the water transfers represented by the above transfer applications.

If you have any questions please do not hesitate to contact our office.

Sincerely,

U.S. Bank National Association, successor
by merger to U.S. Bank Trust National Association
(fka First Trust National Association), as
Custodian Trustee

By Lend Lease Agri-Business, Inc.,
its Attorney-in-Fact

By 
G. Michael Smith, Sr. Vice President

G. Michael Smith
Senior Vice President
Investment Operations

Lend Lease
Agri-Business, Inc.
12747 Olive Street Road
Suite 350
P.O. Box 410850
St. Louis, MO 63141

Telephone
(314) 434-2287
Facsimile
(404) 848-2888
E-mail
gmsmith@lendleaseinc.com

RECEIVED

NOV 26 2002

Department of Water Resources
Southern Region

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Post-it® Fax Note		7871	Date	1-14-03	# of pages	4
To			From			
Ray Stanton			Ray			
Co./Dept			Co.			
Phone #			Phone #			
Fax #			Fax #			
Southern						

**Idaho
ATER RESOURCES
EPORT**

37-7089

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:	MARCH 19, 1981	ALJ	
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8-20-1981 Accompanied by OSCAR STIMPSON Total Q measured 9.40 CFS
If source is surface water, estimate total flow of source _____
Methods of measurement ANON BAR - Eagle Eye Meter Meets Permit requirements? Yes

Measurement calculations: MEAS - 4.40 CFS Allowed
 Volume - $1092. \text{ Ac Ft} / \text{ANN} = (4.0 \text{ Ac Ft} / \text{Ac} / \text{ANN}) (273.0 \text{ Acres})$
 $4.4 \times 1.9835 \times 183 = 1597.1$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
1	300	GE	KKJ1016126	Verti Line	07401977	McCrometer	good	✓

System Description WELL, MOTOR (2) PIVOTS & HAND LINES

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

RECOMMENDED AMOUNTS

USE

Irrigation requirement = 4.0 AFA/Acre

Q (cfs)

V (afa)

FROM

TO

IRRIGATION

4.40 CFS

1092

4-15

10-15

Total

4.40 GFS. 1092 AC FH ANN

Remarks AT THE TIME OF MEASUREMENT I CHECKED THE MICROMETER WITH THE WREAS. OF THE ANNULAR.

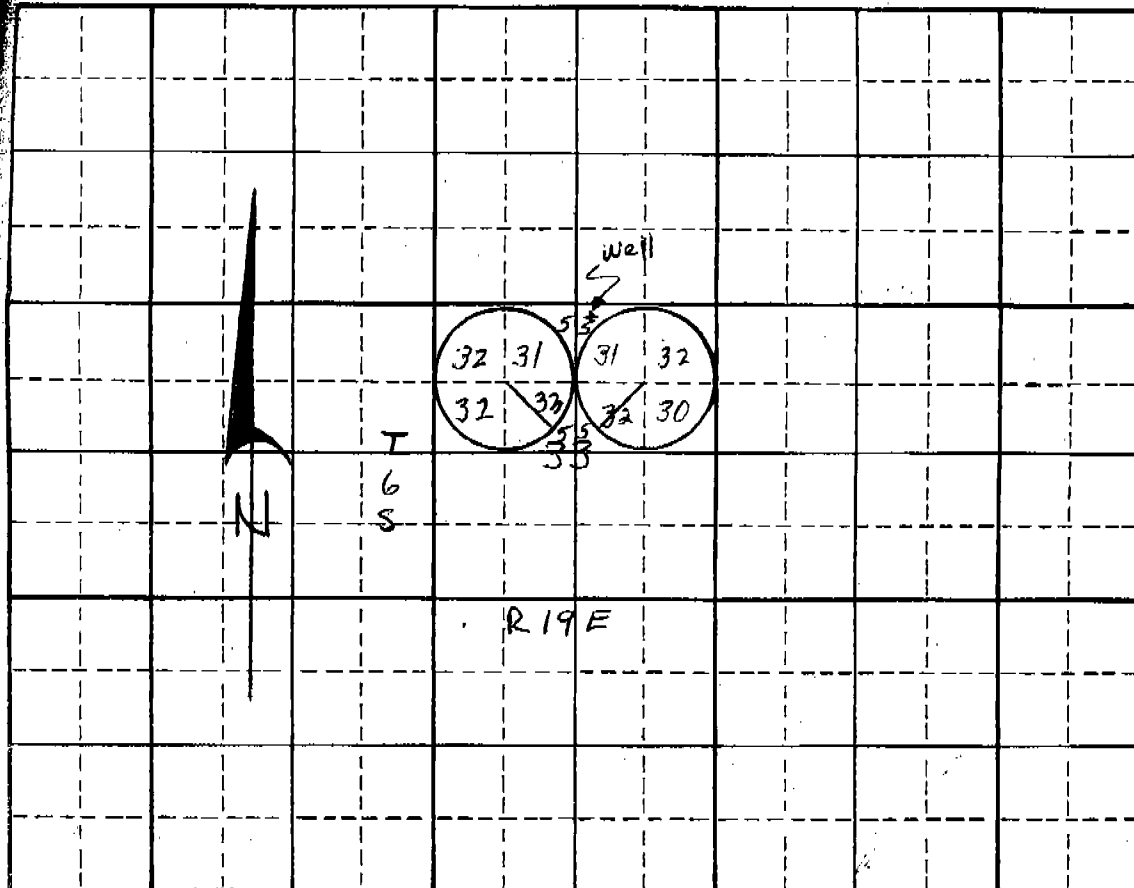
~~MICROFILMED~~ of

No Overlapping rights

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MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NW 1/4 NE 1/4, Sec 33 T6S R19E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	
6S	19E	33	32	36	37	30	36	32	32	38									379

Recommended Amendments:

☐ Change P.D. as reflected above☐ Add P.D. as reflected above☐ Change P.U. as reflected above☐ Add P.U. as reflected above☒ None☐ Other

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Examiner's Signature

Checked by

Approved by

Date

Date

Date

12-16-1981

12-16-1981

9/1/82

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WR SUPPLEMENTAL FIELD REPORT
FOR ANNUBAR MEASUREMENT

Measured by: GARY FUNDERBORGDate: 8-20-1981Owner: OSCAR STIMPSON

Permit #: _____

Description of well &/or measuring site (give distance to restrictions upstream and downstream): WELL, MOTOR, pump (2) pivots
& some HAND LINES

Measured inside diameter of pipe in inches

10.62

Size of Annubar used in test

10.020

State ID# of Annubar used

091420

Size Eagle Eye Meter used

0" to 30"

State ID# of Meter used

091475

Date of Last Calibration of Meter

April 1, 1981

Observed inches of H2O read on Meter

28.0

Adjusted inches of H2O from Last Calibration

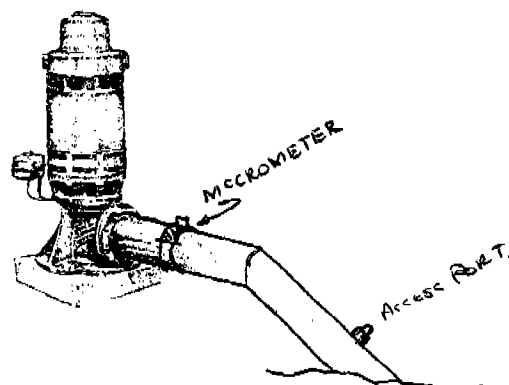
26.04

CALCULATION:

$$\frac{(3.85) \times (A)^2 \times (\sqrt{B})}{448.8} = 4.40 \text{ CFS measured}$$

Where A and B are measured in inches
and 3.85 is a constant for the model
75 Annubar

SKETCH:



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APR 26 2003

FEB 10 2003