

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: A45-00319
Date Received: 6/15/1989
Receipt No: S008254
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD BRACKENBURY 208-673-5373
Address: BOX 44
ALBION, ID 83311

2. Date of Priority: MAY 01, 1877

3. Source: HOWELL CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	25E	29	SE	NE	NE		CASSIA

5. Description of diverting works:
HEADGATE, DITCH, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	25E	7	NE	SE		IRR	40.0
			NW	SE		IRR	40.0

A45-00319

Page 1

Date: 06/15/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	25E	7	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							160.0
Total Acres							160.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A45-00329B

14. Remarks:
P/U GIVEN IN CHATBURN VS BRIM.

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

R. L. WOOD, ET. AL.
Decree Plaintiff

vs

WM. STOKES, ET. AL.
Decree Defendant

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

210-9

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

145-00319

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 1 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

- Name of Claimant (s) GERALD Brackenbury Phone (208) 673-5373
Mailing Address Box 44 Albion ID Zip 83311
- Date of Priority (Only one (1) per claim) 5-1 1877
- Source of water supply (a) HOWELL CREEK
which is tributary to (b) MARSH CREEK
- a. Location of existing point of diversion is: Township 12S Range 25E Section 29,
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CASSIA
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. HEADGATE ON CREEK TO DITCH
HEADGATE ON DITCH TO FLOOD IRRIG.

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month, and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For 1221G purposes from 3/15 to 11/15 amount 2.0 or _____

For STOCK purposes from 1/1 to 12/31 amount 0.05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 5/ 150 HEAD BEEF CATTLE

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>12S</u>	<u>26E</u>	<u>7</u>													<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>160</u>

Total number of acres irrigated 160

11. In which county (ies) are lands listed above as place of use located? CASSIA

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
45-00329, 45- (MARSH CREEK 1/1/1892) None ()

14. Remarks:

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

RECEIVED

MAR 7 1988

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 45-00319

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *Herald Broderberg* Date 5-31-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day of May 1989

SEAL

Notary Public *Chris Baerhoff*

Residing at Bowle Idaho

My Commission Expires 12/7 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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MAR 07 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

R24E R25E

R 24 E 35

38

39

30

31

DECOY 3 MI
ALBION 3.5 MI 32

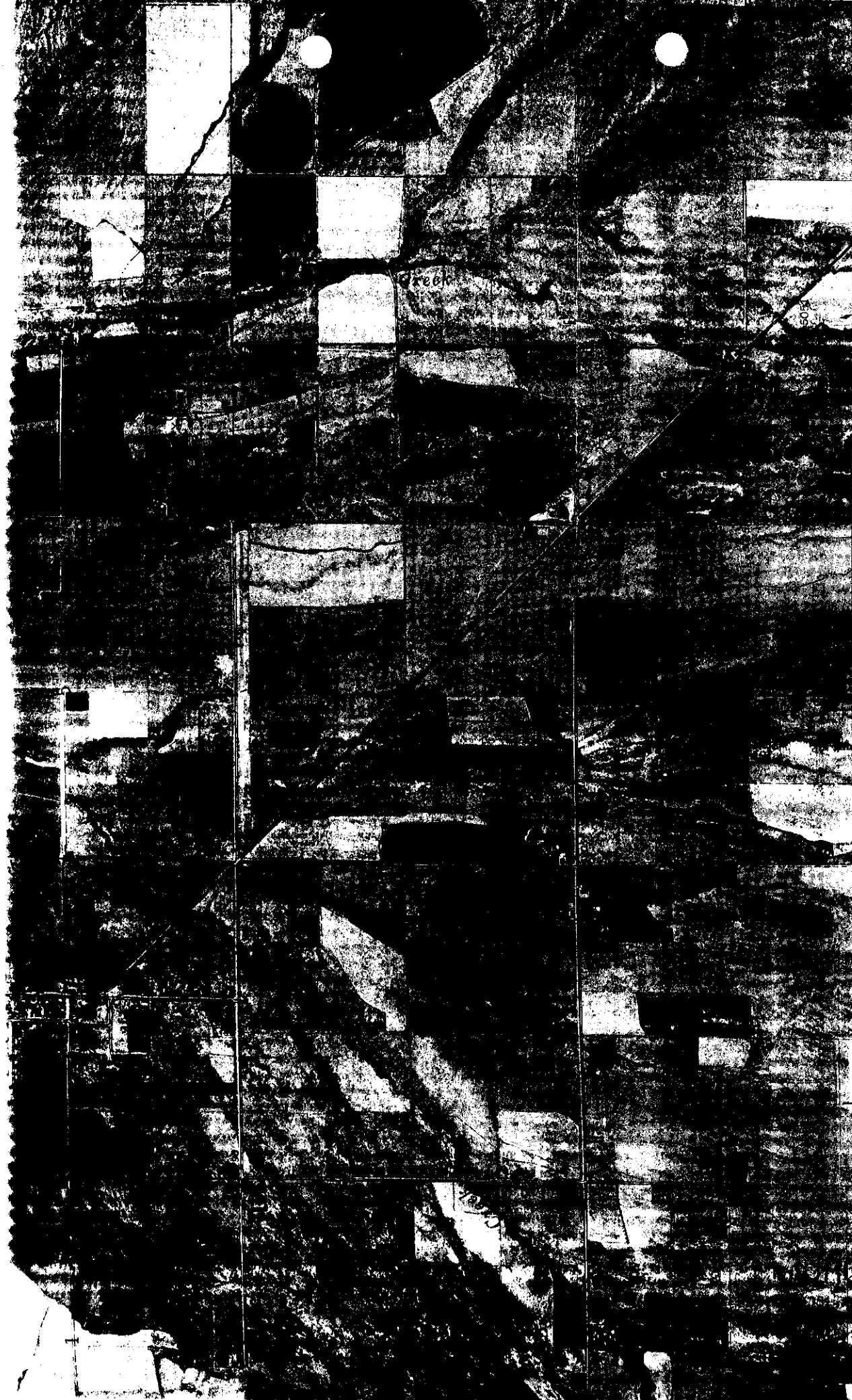
630 000 FEET

CONNOR

207

45-00319 32' 30"





CONNOR 7 MI. 92
MALTA (IDAHO 81) 14 MI

291 30' 30"

290

289

288

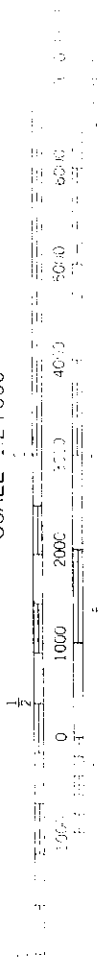
35' R. 25' E

287

286

285

SCALE 1:24,000



45-00319
POU

Of These Maps Can Be
...ville Blue ...

FILED
7 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

WR0728NP
(OD-124)

Water Right Number - 45-00319 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BRIM

GEORGE V.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1877 17 D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
HOWELL CREEK MARSH CREEK

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

+ - - - - Description Period From Period To Diversion Rate Diversion Volume
Code

01 - IRRIGATION

2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.000

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
12S 25E 7 NE SE 01 IRRIGATION 31 CASSIA
12S 25E 7 NW SE 01 IRRIGATION 31 CASSIA
12S 25E 7 SW SE 01 IRRIGATION 31 CASSIA
12S 25E 7 SE SE 01 IRRIGATION 31 CASSIA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

P/U GIVEN IN CHATBURN VS BRIM.

- - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - Decree Plaintiff - - - + + - - Decree Defendant - - - + + - Decree Date - +
L. WOOD, ET. AL. WM. STOKES, ET. AL. 03/21/1892

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Water right number - 45-00319

+ + - - Audit Fields -

[illegible]

| | | | | | | | |
|------------------|---|------------|-----------------|---|------------|------------------|-------|
| Proof Due Date | - | 00/00/0000 | Field Exam Made | - | 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - | 00/00/0000 | Protested Date | - | 00/00/0000 | Swan Falls | - |
| Proof Made Date | - | 00/00/0000 | Hearing Date | - | 00/00/0000 | Temporary Right | - P |
| Start Work Date | - | 00/00/0000 | Verified Date | - | 03/02/1987 | DLE/Carey Act | - |
| Order Show Cause | - | 00/00/0000 | Receipt Number | - | | Water District | - 45F |
| Licensed Date | - | 00/00/0000 | Appl Received | - | 00/00/0000 | Transfer/Amended | - |
| Decree Date | - | 03/21/1892 | | | | | |

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MAR 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 17, 1989

Gerald Brackenbury
Box 44
Albion, Id 83311

Re: A45-11710
A45-00329B
A45-00235
A45-00319

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 07 1993

10/14/2003

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

RIGHT NUMBER: 45-319

NAME AND ADDRESS: GERALD BRACKENBURY
BOX 44
ALBION ID 83311

VERIFIED BY *KKC*

SOURCE: HOWELL CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 2.000 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1877

POINT OF DIVERSION:

T12S R25E S29 SENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION | 04/1 10/31 | 2.000 CFS |
| STOCKWATER | 04/1 10/31 | 0.050 CFS |

PLACE OF USE: IRRIGATION Within CASSIA County

| | | | | | |
|---------------|------|------|---------------|------|------|
| T12S R25E S07 | NESE | 39.0 | T12S R25E S07 | NWSE | 39.0 |
| T12S R25E S07 | SWSE | 39.0 | T12S R25E S07 | SESE | 36.0 |

STOCKWATER same as IRRIGATION

153 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 153 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-319, 45-235, and 45-329B.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

| TR | SEC | QQ | Acres
Claimed | Acres
Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 12s25e | 7 | NESE | 40 | 39 | |
| 12s25e | 7 | NWSE | 40 | 39 | |
| 12s25e | 7 | SWSE | 40 | 39 | |
| 12s25e | 7 | SESE | 40 | 33 | |
| Totals: | | | 160 | 150 | |

Pre exam notes by KKC 8-29-01

1. no other obvious claims against this right,
2. Claimed as decreed.
- 3 full OK with 45-235

Question on ditch Route

Question on P/U esp in SESE Quarter.

decreed Source = Howell Co.

Township , 12S25E

