

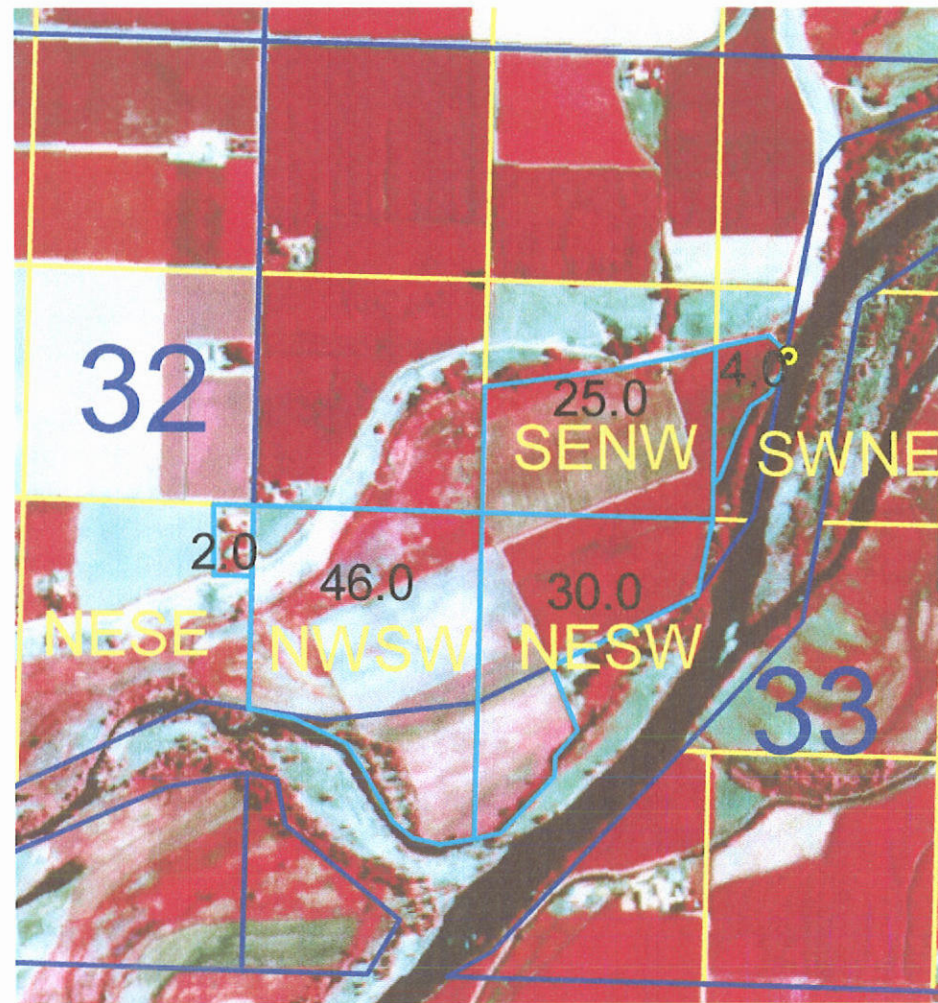
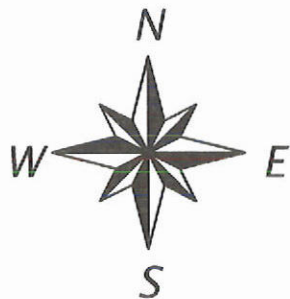
Idaho Department of Water Resources

Claim Number: 65-04009

Legal: T07N, R01W, S32 & 33

Reviewed By: *SB*

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo

0 0.25 0.5 0.75 1 Miles



32100

177

TO: FILE 65-1509

JOHN C. BROWN'S RIGHTS (FIELD EXAM BY
DET 11-16-77)

CLAIM ANALYSIS AND FIELD EXAM.

IRIGATION

DOMESTIC & STOCK

65-4009 ✓ - 1399 ✓

- 1403v

- 4035 ✓ - 1400 - unused, Disallow - 1396 -

- 1404 (2501)

- 1398 (same as 4009) - 1401 ✓

- 13971

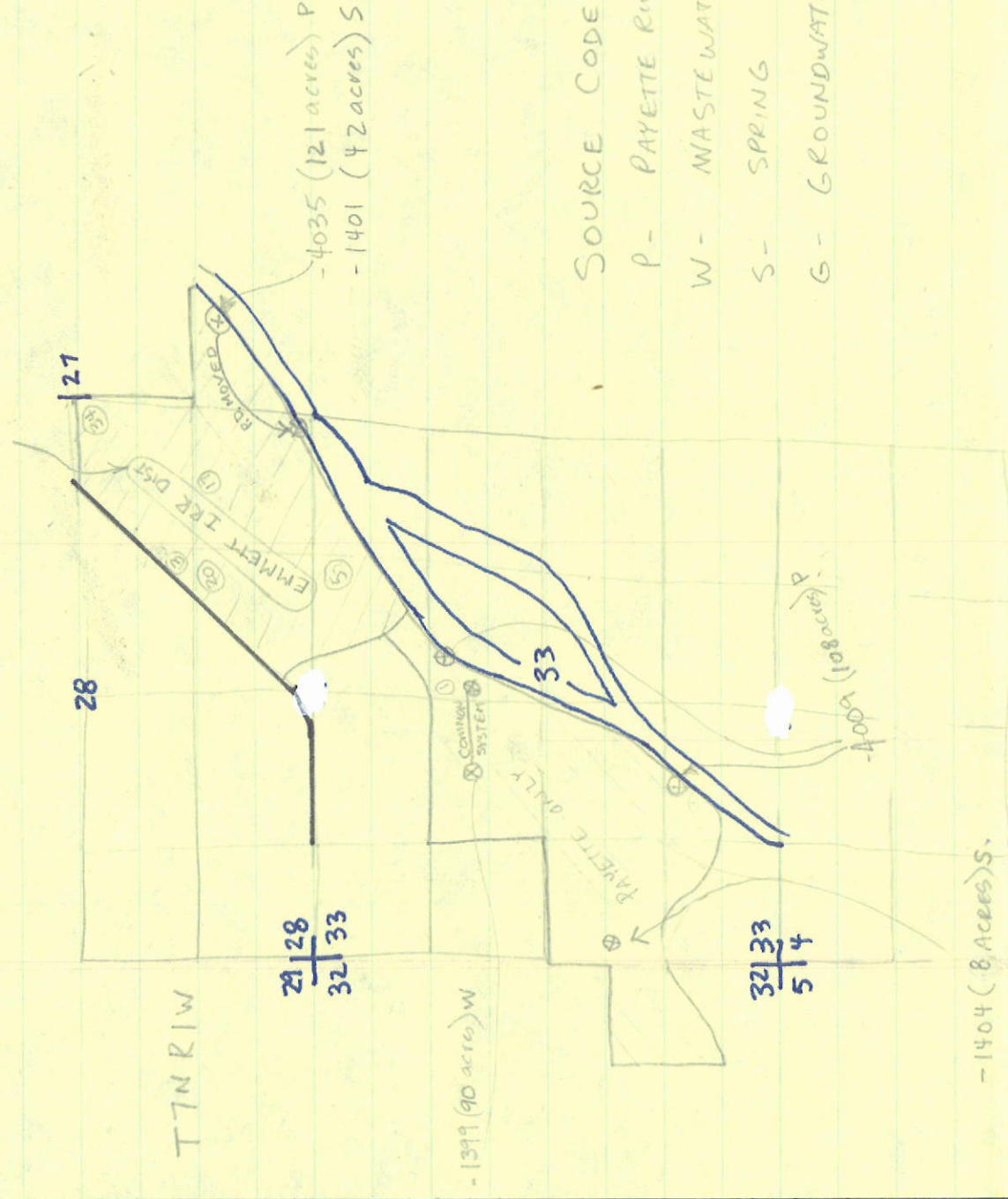
- 2410 (same as -4035) - 1404 ✓

- 14021

✓
- 1395

- EMMETT LER DIST(-0022)✓

200-227999 (varca)



Source Code

P - PAYETTE RIVER

W - WASTE WATER

S-
SPRING

G- GROUNDWATER

-1404 (8 Acres) S.

RESULTS OF EXAM EXPRESSED IN DISPOSITION OF

14 ABOVE CLAIMS

OCT 18 1996

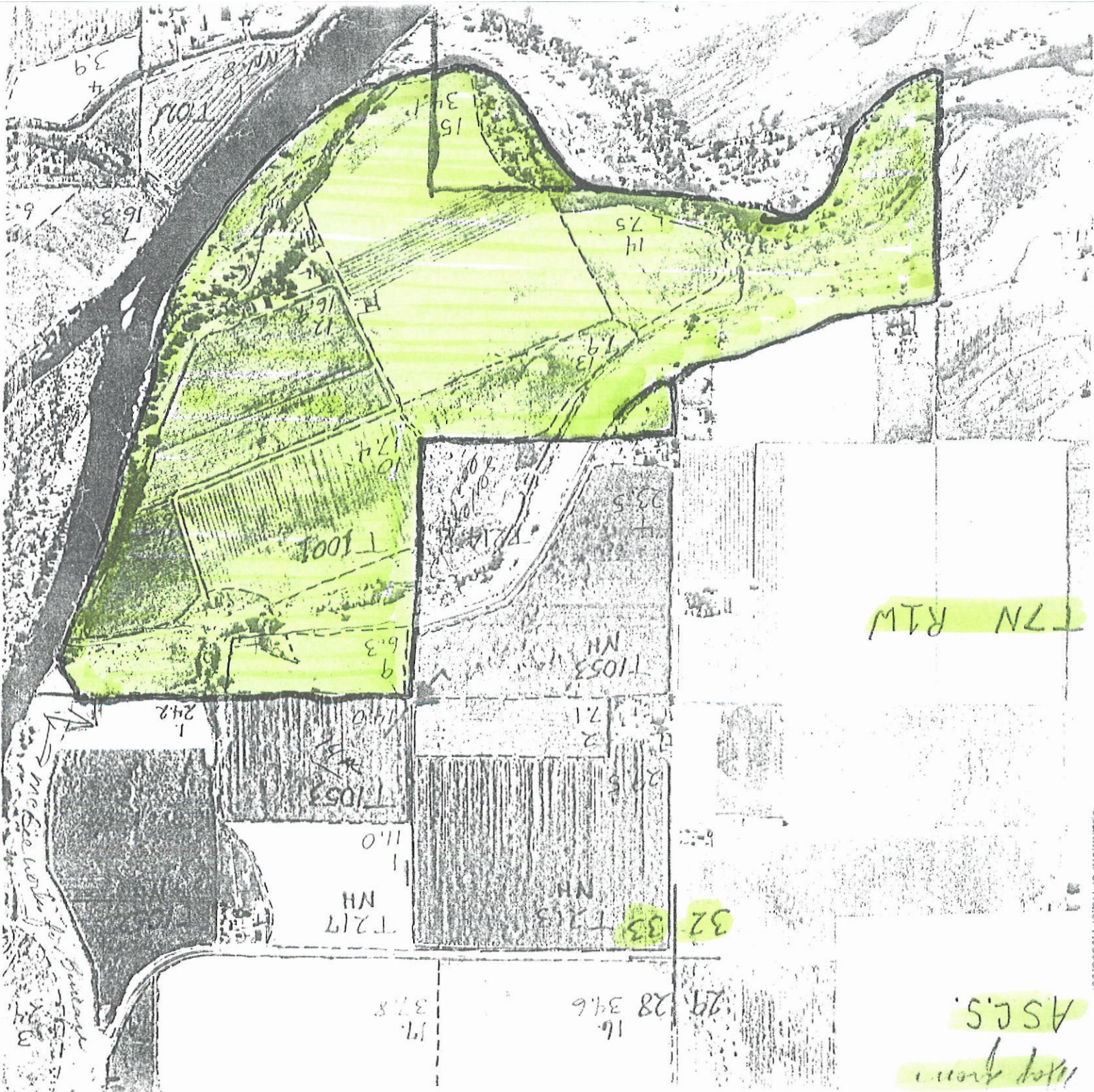
RECEIVED

May 1993

Department of Water Resources

A.S.G.S.

MTV NZL



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
					Section Acres	2.0	
		33	SW	NE	6	IRR	4.0
			SE	NW		IRR	25.0
			NE	SW	7	IRR	40.0
			NW	SW	8	IRR	36.0
					Section Acres	105.0	
					Total Acres	107.0	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

A DIVERSION RATE OF .034 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.64 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 374.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 107 ACRES IN A SINGLE IRRIGATION SEASON.

OWNERSHIP CHANGED BY RDH ON 5/24/95.

15. Basis of Claim: BENEFICIAL USE

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 _____

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

1101 E. Idaho Blvd
Emmett 83617



RECEIVED
JUL 17 2002
WATER RESOURCES
WESTERN REGION

*Return to
Sender*

NOT DELIVERABLE
AS ADDRESSED,
RETURN TO FORWARD

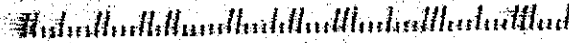
*Moved!
No longer at
this address*

65-4609

NAME AND ADDRESS:

CATHY L SMITH
GARY O SMITH
1250 STEGERMAN CT
MERIDIAN, ID 83642

65-4609



Address change already submitted by Smith's.

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 65-04009

RECEIVED
JUL 11 2002

Department of Water Resources

NAME AND ADDRESS: CATHY L SMITH
GARY O SMITH
1250 STEGERMAN CT
MERIDIAN, ID 83642

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 3.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.64 CFS, AND TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 374.5 AF. USE OF THIS RIGHT WITH
RIGHTS LISTED BELOW IS LIMITED TO .02 CFS PER ACRE: COMBINED
RIGHT NOS.: 65-01404 AND 65-01399.

PRIORITY DATE: 04/01/1895

POINT OF DIVERSION: T07N R01W S33 LOT 6 (SWNE) Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.64 CFS

PLACE OF USE: Irrigation Within Gem County
T07N R01W S32 NESE 2.0
S33 LOT 6 (SWNE) 4.0 SENW 25.0
LOT 7 (NESW) 40.0 LOT 8 (NWSW) 36.0
107.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 107 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. 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

RECEIVED
JUL 17 2002
WATER RESOURCES
DISTRICT COURT



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

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

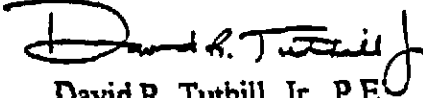
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

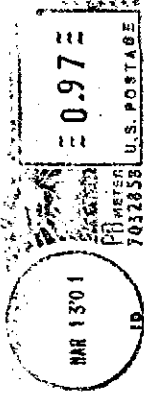
If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. To have a timely filing you must file this claim with IDWR by May 25, 2001. IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED
APR 13 2001
WATER RESOURCES
WESTERN REGION

65-01404
-01399
-04009

* 1101 E. Idaho Blvd
Emmett 83617

sent again 4-16-01

CATHY L SMITH
GARY O SMITH
1250 STEGERMAN CT
MERIDIAN ID 83642

NOT ACCEPTED
NOT RETURNED

Return address
Not at this

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



Amk

IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

TO

GARY O SMITH
CATHY L SMITH
1250 STEGERMAN CT
MERIDIAN ID 83642

*RETURNED
NOT KNOWN*

*Return
Not at this address*

65-04009

*1101 E Idaho Blvd
Emmett 83617*

Sent again 4-16-01

AJ0749NP
No. R65-04009

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/14/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY O SMITH	04/01/1895	IRRIGATION	03-15 11-15	3.640 CFS	
C	CATHY L SMITH					
	1250 STEGERMAN CT					
	MERIDIAN ID 83642					
				TOTAL DIVERSION:	3.640 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R01W S33 Lot06(SWNE)

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	01W	32	:																	:	2.0
07N	01W	33	:			06-04						25		07-40	08-36					:	105.0
																			TOTAL ACRES		107.0

POU County: GEM

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.64 CFS, AND TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 374.5 AF.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO .02
CFS PER ACRE: COMBINED RIGHT NOS.: 65-01404 AND 65-01399.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 107 ACRES IN A SINGLE
IRRIGATION SEASON.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 05/24/1995 User-ID: RHOWERTO Subject: NEW OWNER
OWNERSHIP CHANGED BY RDH ON 5/24/95.

Date: 03/29/1996 User-ID: RHOWERTO Subject: STIPULATION
THIS RECORD REFLECTS THE PRBA STIPULATION, NO ADDITIONAL FIELD
EXAM OR CVR REQ'D.

Date: 06/14/2000 User-ID: SBOCK Subject: COPIED FROM REMARKS

AJ0749NP
No. R65-04009

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/14/00
PAGE: 2

=====

Comments: Date: 06/14/2000 User-ID: SBOCK Subject: COPIED FROM REMARKS
A DIVERSION RATE OF .034 CFS PER ACRE AT THE FIELD HEADGATE IS
INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED
ABOVE.

Audit: 06/14/00 SBOCK

AJ0749NP
No. R65-04009

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/24/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY O SMITH	04/01/1895	IRRIGATION	03-15 11-15	3.64 CFS	
C	CATHY L SMITH					
	1250 STEGERMAN CT			TOTAL DIVERSION:	3.64 CFS	
	MERIDIAN ID 83642					

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07N R01W S33 Lot06(SWNE)

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	01W	32	:																	:	2.0
07N	01W	33	:			06-04						25		07-40	08-36					:	105.0
																				TOTAL ACRES	107.0

POU County: GEM

Other Water Rights with Same Point(s) of Diversion and Source:
A65-04009

Other Water Rights Listing Overlapping Place(s) of Use:
A65-01399 A65-01404 A65-04009

Remarks: A DIVERSION RATE OF .034 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.64 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 374.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 107 ACRES IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 05/24/1995 User-ID: RHOWERTO Subject: NEW OWNER
OWNERSHIP CHANGED BY RDH ON 5/24/95.

Date: 05/24/1995 User-ID: RHOWERTO Subject: STIPULATION FROM OBJECTION FILED IN PRBA

MICROFILMED
OCT 18 1996

1399-002
POU 211
QNT 204

AJ0749NP
No. R65-04009

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/24/95
PAGE: 2

=====

Comments: Date: 05/24/1995 User-ID: RHOWERTO Subject: STIPULATION FROM OBJECTION FILED IN PRBA
STIPULATION AMENDS CLAIM, NO FIELD EXAM OR CVR REQUIRED.
SEE CORRESPONDENCE IN FILE.

Audit: 05/24/95 RHOWERTO

MICROFILMED
OCT 18 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:55:28
05/29/00
67

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-04009

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY O SMITH	04/01/1895	IRRIGATION	03-15 11-15	3.640 CFS	
C	CATHY L SMITH					
TOTAL DIVERSION:					3.640 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R01W S33 Lot06(SWNE)

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	01W	32	:																	:	2.0
07N	01W	33	:			06-04						25		07-40	08-36					:	105.0
																			TOTAL ACRES	107.0	

POU County: GEM

Remarks: GEN A DIVERSION RATE OF .034 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.64 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 374.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 107 ACRES IN A SINGLE IRRIGATION SEASON. OWNERSHIP CHANGED BY RDH ON 5/24/95.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

WR5809NP
No. 65-04009

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/30/00
PAGE: 41

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	JOHN C BROWN 1111 E IDAHO BLVD EMMETT ID 83617	04/01/1895	IRRIGATION	03/15 11/15	2.140 CFS	
					TOTAL DIVERSION:	2.140 CFS
C	JOHN C. BROWN 1111 E. IDAHO BLVD. EMMETT ID 83617					

Water Source: PAYETTE RIVER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R01W S33 Lot 06() Lot 06(SWNE)

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	01W	32	:																	:	2.0
07N	01W	33	:			06-04						25		07-40	08-36					:	105.0
																			TOTAL ACRES	107.0	

Pou County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-1404 SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.

Dates:	App. Received:	Priority Date:	04/01/1895
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.D.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT 11/01/88 CURTIS 08/05/92 NAME-ADD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:53:57
05/29/00

PAGE: 1
GENERAL INFORMATION

51
CLAIM NUMBER: A65-04009

LAST: BROWN
ADDRESS: 1111 E IDAHO BLVD
CITY: EMMETT
PHONE NUMBER: 208-000-0000

FIRST: JOHN C
STATE: ID ZIP: 83617

OWNER CODE: 0

LAST: SMITH
ADDRESS: 1250 STEGERMAN CT
CITY: MERIDIAN
PHONE NUMBER: 208-000-0000

FIRST: GARY O
STATE: ID ZIP: 83642

OWNER CODE: C

LAST: SMITH
ADDRESS: 1250 STEGERMAN CT
CITY: MERIDIAN
PHONE NUMBER: 208-000-0000

FIRST: CATHY L
STATE: ID ZIP: 83642

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN

A DIVERSION RATE OF .034 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.64 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 374.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 107 ACRES IN A SINGLE IRRIGATION SEASON. OWNERSHIP CHANGED BY RDH ON 5/24/95.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-04009 PRIORITY DATE: 04-01-1895 STAGE: J

B. WR RECORD: # 65-04009 PRIORITY DATE: 04-01-1895 STAGE: J

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y() N(☒) See below

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☒) N()

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

Y() N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A() Y() N()

FIELD EXAM COMPLETED

N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N()

LICENSE ISSUED

N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

N/A() Y(☒) N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N()

NOTES: This right has a stipulation which reads Deceased on 2/16/93.
This right showing as a B.O. claim & will be
left that way until deceased on SRBT.
Confirmed w/Don Sligh.

RECOMMENDED PRIORITY DATE:

4-1-1895

REVIEWED BY SB

DATE 6-14-00

Sue Bock

From: Shurte, Jan <JShurte@idwr.state.id.us>
To: 'Sue Bock' <suebock@uswest.net>
Sent: Monday, June 12, 2000 2:30 PM
Subject: FW: Double Checking Question

Here's Don's reply - good luck understanding it since I don't think anyone did this in the I & II. My only non-worry on this is that in the end they will be called decreed anyway. If not, then they will be disallowed. We can discuss this tomorrow also. Jan.

> -----Original Message-----

> From: Shaff, Don
 > Sent: Monday, June 12, 2000 12:58 PM
 > To: Shurte, Jan
 > Subject: RE: Double Checking Question

>
 > The claim is still based on B/U, unless the stip was ultimately decreed.
 > For instance you'll find a stip for Don Craig 65-040something or Letha
 > Irrigation's rights without a decree would be B/U. Chuck Rekow's
 > 65-020something just across the river from Emmett and below the bench and
 > Emmett Irr. Dist. was decreed in 1988 (?) and would be stage = D.
 > If you have a specific right number, I would refer you first to the
 > "decree" folder (contains stips and partials) and secondly ask me, but
 > I'll have to go to the decree folder myself for an answer maybe. On the
 > decree folder, a list (Exhibit A) of the excepted claims with the partial
 > in 1987 (I don't think the Nebeker partial had one) gives the water right
 > numbers still held out from decree. Those would be B/U or maybe license
 > or permit.
 > Don
 > dshaff@idwr.state.id.us
 > 208/327-7932

>
 > -----Original Message-----

> From: Shurte, Jan
 > Sent: Monday, June 12, 2000 11:05 AM
 > To: Shaff, Don
 > Subject: Double Checking Question

>
 > Hi there - here's a quick one that I hope we've been doing right,
 > however, if not I don't think it will matter in the end.
 >
 > If a Basin 65 has a stipulation in the file from the PRBA and it's a
 > signed/done document, we change the recommendation to match the
 > stipulation and the question concerns the stage. It's a B/U stage in the
 > water rights side. I believe I have given instructions to change it to
 > Decreed in the past, however, recently saw one with a B/U stage still.
 > Would you confirm which one it is for me? Just in case. Thanks, Jan.

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-04009	07N 01W	33		SW	NE	6		GEM		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: PAYETTE RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-04009	07N 01W	33				6		GEM		
65-04009	07N 01W	33		SW	NE	6		GEM		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-01395
65-01396
65-01397
65-01404

A65-01395
A65-01396
A65-01397
A65-01404
NONE

SOURCE: PAYETTE RIVER

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

AD - per Disputation

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

TWP. 07N	RGE. 01W	SEC. 33	1/4 SW	1/4 SW	1/4 NE	LOT 6	POD FLAG	COUNTY GEM	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE:

Dispute

TRIB:

Snake

REVIEWED BY:

[Signature]

DATE:

6-14-01

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A65-04009
R65-04009

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	01W	32	NE	SE		SMITH, GARY O	A65-04009 / 2.0	65-04009 / 2.0			
			NE	SE		BURLILE, ROBERT L	A65-00862 /	65-00862 /			
			NE	SE		BURLILE, ROBERT L	65-00862 /	- /			
			NE	SE		SMITH, GARY O	A65-01399 / 2.0	65-01399 / 2.0			
			NE	SE		SMITH, GARY O	A65-01404 / 2.0	65-01404 / 2.0			
			NE	SE		SMITH, GARY O	R65-04009 / 2.0	- /			2
07N	01W	33	SW	NE	6	SMITH, GARY O	A65-04009 / 4.0	65-04009 / 4.0	4.0		4.0
			SW	NE	6	SMITH, GARY O	A65-01399 / 4.0	65-01399 / 4.0			
			SW	NE	6	SMITH, GARY O	R65-04009 / 4.0	- /			
			SW	NE	3	LAST CHANCE DITCH CO		65-13609 / 9.0			
			SW	NE	3	LAST CHANCE DITCH CO.		65-00054X / 9.0			4
07N	01W	33	SE	NW		SMITH, GARY O	A65-04009 / 25.0	65-04009 / 25.0	39.0		
			SE	NW		SMITH, GARY O	A65-01399 / 25.0	65-01399 / 25.0			25
			SE	NW		SMITH, GARY O	R65-04009 / 25.0	- /			40
07N	01W	33	NE	SW	7	SMITH, GARY O	A65-04009 / 40.0	65-04009 / 40.0	18.0		
			NE	SW	7	SMITH, GARY O	A65-01399 / 30.0	65-01399 / 30.0			
			NE	SW	7	SMITH, GARY O	R65-04009 / 40.0	- /			
			NE	SW	7	SMITH, GARY O	65-01397 /	- /			40
			NE	SW	7	SMITH, GARY O	65-01395 /	- /			
			NE	SW	7	SMITH, GARY O	65-01396 /	- /			
07N	01W	33	NW	SW	8	SMITH, GARY O	A65-04009 / 36.0	65-04009 / 36.0	34.0		
			NW	SW	8	SMITH, GARY O	A65-01399 / 29.0	65-01399 / 29.0			
			NW	SW	8	SMITH, GARY O	A65-01404 / 6.0	65-01404 / 6.0			
			NW	SW	8	SMITH, GARY O	R65-04009 / 36.0	- /			36

ADDITIONAL POU FOUND

TOTAL ACRES A65-04009 107.00 107.00 95.00

POU COUNTY: GEM

107

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-04009	PAYETTE RIVER	SMITH, GARY O	3.640	0.034		
A65-01399	WASTE WATER	SMITH, GARY O	1.800	0.020		
A65-01404	SPRING	SMITH, GARY O	0.160	0.020	4.10	0.51
R65-04009	PAYETTE RIVER	SMITH, GARY O	3.640	0.034		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-00862	DOMESTIC	BURLILE, ROBERT L	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-00862	STOCKWATER	BURLILE, ROBERT L	FROM 01-01 TO 12-31	0.020 CFS	0.40 AF/A
65-00862	DOMESTIC	BURLILE, ROBERT L	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-00862	STOCKWATER	BURLILE, ROBERT L	FROM 01-01 TO 12-31	0.020 CFS	0.40 AF/A
65-01397	STOCKWATER	SMITH, GARY O	FROM 01-01 TO 12-31	0.090 CFS	5.40 AF/A
65-01395	DOMESTIC	SMITH, GARY O	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-01395	STOCKWATER	SMITH, GARY O	FROM 01-01 TO 12-31	0.020 CFS	2.70 AF/A
65-01396	DOMESTIC	SMITH, GARY O	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
65-01396	STOCKWATER	SMITH, GARY O	FROM 01-01 TO 12-31	0.020 CFS	2.70 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

65-01404, 65-01399 - Waste Water

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

(x) NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: AD Stipulated

RECOMMENDATIONS:

TOTAL ACRES: 167 N/A()

REVIEWED BY: EB

DATE: 6-14-08

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-04009 IRRIGATION	FROM 03-15 TO 11-15	3.640 CFS	
TOTAL DIVERSION RATE/VOLUME		3.640 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-04009 IRRIGATION	FROM 03-15 TO 11-15	2.140 CFS	
TOTAL DIVERSION RATE/VOLUME		2.140 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☐) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y(☐) N(☐)

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

60

CLAIM NUMBER: A65-04009

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 3.640 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 2.140 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 107 x 0.02 CFS/ACRE = 2.14 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y(☒) N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES: as stipulated

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	03-15	11-15	3.640	_____		_____	0.0	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			3.640	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

QNT

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	(X)	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-04009

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 2.140 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-04009	3.640	R65-04009	3.640	65-04009	2.140
TOTAL CFS		3.640		3.640		2.140

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N FIELD EXAMINER Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: Don Bort DATE: 6/14/00

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
(X) ASCS AERIAL PHOTO	DATE OF PHOTO <u>on claim Serial</u>	Y(X) N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
(X) OTHER <u>GIS map</u>	DATE <u>10-14-00</u>	Y(X) N()
(X) OTHER <u>Stipulation</u>	DATE <u>2/16/93</u> <u>3 pgs (2)</u>	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:53:57
05/29/00

PAGE: 16
QUICKLOOK INFORMATION

66
CLAIM NUMBER: A65-04009

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y			2	Shpudin 2/11/93	SB 6-11-00		
POINT OF DIV	Y			2				
SOURCE	Y			2				
PLACE OF USE	Y			2				
DIV. AMOUNT CFS/VOLUME	Y			2				
CONSUMPTIVE USE	-			2				
PURPOSES OF USE				2				
PERIOD OF USE				2				
BASIS OF CLAIM	Y			2				
REMARKS	Y			2				

BARCODE UPDATED
WHOM/DATE

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NO. 65-04009
	)	

The Director of the Idaho Department of Water Resources, R. Keith Higginson, by and through counsel, and John C. Brown stipulate as follows:

1. That water right claim No. 65-04009, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That John C. Brown withdraws all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS _____ day of _____, 1993.

2/16/93
John C. Brown

JOHN C. BROWN

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-04009	JOHN C BROWN 1111 E IDAHO BLVD EMMETT ID 83617	04/01/1895	IRRIGATION	03-15 11-15	3.64 CFS	BENEFICIAL USE
TOTAL QUANTITY:					3.64 CFS	
POINT OF DIVERSION: T07N R01W S33 LOT 6 (SWNE)						
PLACE OF USE: IRRIGATION						
T07N R01W S32 NESE 2.0 S33 Lot 6 (SWNE) 4.0 SENW 25.0 Lot 7 (NESW)40.0 Lot 8 (NWSW)36.0 107.0 ACRES TOTAL						
REMARKS:	A DIVERSION RATE OF .034 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE. USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.64 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 374.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 107 ACRES IN A SINGLE IRRIGATION SEASON.					



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 24, 1995

Gary O Smith &
Cathy L Smith
1250 Stegerman Ct
Meridian ID 83642

NOTICE OF CLAIM NO.(S)
A65-01395, A65-01396, A65-01397, A65-01399, A65-01404 & ~~A65-04009~~:

Dear Gary & Cathy,

1. Enclosed is a copy(s) of the above referenced claim(s) which reflects the CHANGE IN OWNERSHIP of the lands and appurtenant water rights covered by this claim(s).
2. The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.
3. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment(s)

Claim copies:

Copy of Stipulation: (This amended the original SRBA claim A65-04009 for more water).

MICROFILMED

OCT 18 1996

COMMUNICATION DOCUMENTATION

Claim No. see list below:

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Ron Howerton

DATE

April 27, 1995

CUSTOMER

GARY SMITH & CATHY SMITH

SUBJECT: POTENTIAL BUYER(S) A65-01395, A65-01396, A65-01397, A65-01399, A65-01404 & A65-04009.

1. Gary & Cathy brought in legal descriptions & maps of potential sale of this property owned by Brown.
2. I made proof copies of the above claims and reviewed the maps they brought for other possible rights.
3. I found that A65-04009 was on the original PRBA list of contested claims. I checked for an "R" file, one was already made. This indicated to me that a stipulation may have been made on this claim that amends it.
4. I called Don Shaff to confirm this. Gary Smith said he would be willing to pick-up the copy at the Orchard office. Don said he would make a copy of this and leave it with the front desk.
5. I gave the Smith's 2-ownership change forms with verbal instructions on how to fill-out the form and mail it back to my attention.

MICROFILMED

OCT 18 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 15, 1992

John C. Brown
HC 67, Box 2395
Council, ID 83612

RE: Snake River Basin Adjudication (SRBA)
Gem County - A65-01402

Dear Mr. Brown:

After you left the office on April 7, 1992, I concluded another water right you claimed earlier may be the McBee's. You may recall when you were in the office, you withdrew two of your claims that were for the McBee's land in Section 28. Another well, although in Section 33, appears like it is for the home on the south end of the upper place. The McBees have filed a claim for this water right also. I have enclosed a copy of your claim and a marked map for your reference.

If you also conclude the enclosed claim is for land the McBees own, please sign the Withdrawal form enclosed and return it to me. A copy is enclosed for your records of the Payette River claim (A65-04009).

Regards,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:west

Enclosures:

Orthophotoquad Map
Request for Withdrawal, A65-01402
Copy A65-04009

MICROFILMED

SEP 22 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 18, 1992

John C. Brown
1111 E. Idaho Blvd.
Emmett, ID 83617

RE: Snake River Basin Adjudication (SRBA)
Gem County - A65-04009

Dear Mr. Brown:

The staff of this agency is coming to the end of investigating "bottom land" claims in the Payette River Adjudication. A matter possibly overlooked when you filed other claims in the Snake River Basin Adjudication was a claim for the enclosed claim unsettled from the Payette action.

Before proceeding to the Gem County court with a revised recommendation, the claim in the SRBA should be filed to give affirmative notice you have not stopped using the water right. By filing the SRBA claim, your contested claim in the Payette adjudication will not be dismissed. Although the contest in the Payette adjudication is the amount of water, and this enclosed form shows the disputed amount of water, this agency will consider the amount of water eventually decreed as the amount of water on this claim. Please have a notary public verify your signature before returning the completed claim form to this office with a \$50.00 filing fee.

If you have any questions or concerns, please contact me.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state + 5-15

MICROFILMED
SEP 22 1992

Idaho Department of Water Resources

Claim Number: 65-04009

Legal: T07N, R01W, S32 & 33

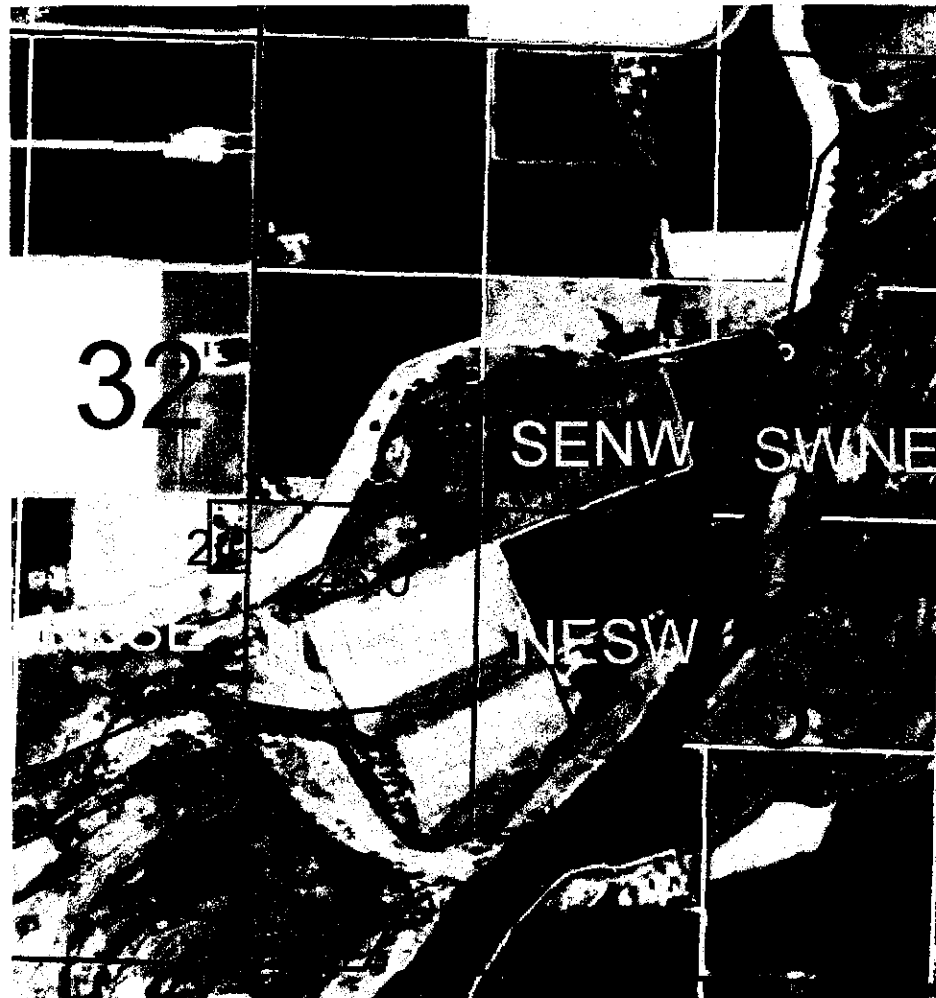
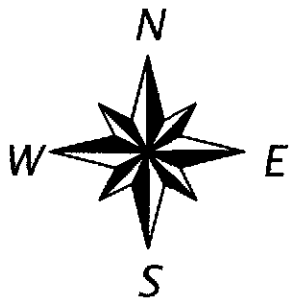
Reviewed By: *SS*

⊙ Point of Diversion

□ Place of Use

□ Section Lines

□ Quarter Quarter Lines



1987 Napp Photo





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

April 29, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

John C. Brown
HC 67, Box 2395
Council, ID 83612

Re: Civil Case No. 3667 - Frasier, et al Objection 65-04009

Dear Payette River Water User,

In July 1982, Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown on behalf of themselves and others in the same class filed an Objection to the Findings with the Third Judicial District Court in the Payette River Basin Adjudication. The parties maintained the diversion rate recommended for their water rights and others from the Payette River were not correct for the "bottom lands" irrigated by those water rights.

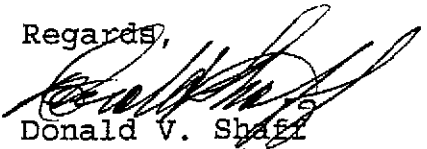
This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication. Most of the water rights were decreed on January 21, 1986 and in subsequent partial decrees.

Your water right referenced above was listed in the Proposed Finding with a diversion rate of 2.14 cubic feet per second (cfs). Having reviewed the data submitted by the parties and data and evidence obtained by the Department, the Department recommends a diversion rate of 3.64 cfs. If the amount of water is not proposed to change, data and/or evidence indicated a change was not justified.

The Department has made an effort to determine a fair and accurate diversion rate for each of the parties. If you disagree with the proposal above, please contact us by May 15, 1992. We hope to resolve any disputes that may exist before going to the court asking for a decree of your water right through a Motion for Summary Judgment.

A summary judgment allows the judge to make a decision without the time or expense of a trial when the facts are not disputed. Notice of this motion and the accompanying hearing will be provided to you 28 days before the hearing.

Regards,


Donald V. Shaff
Manager, Adjudication Section



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 15, 1992

John C. Brown
HC 67, Box 2395
Council, ID 83612

RE: Snake River Basin Adjudication (SRBA)
Gem County - A65-01402

Dear Mr. Brown:

After you left the office on April 7, 1992, I concluded another water right you claimed earlier may be the McBee's. You may recall when you were in the office, you withdrew two of your claims that were for the McBee's land in Section 28. Another well, although in Section 33, appears like it is for the home on the south end of the upper place. The McBees have filed a claim for this water right also. I have enclosed a copy of your claim and a marked map for your reference.

If you also conclude the enclosed claim is for land the McBees own, please sign the Withdrawal form enclosed and return it to me. A copy is enclosed for your records of the Payette River claim (A65-04009).

Regards,

A handwritten signature in dark ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:west

Enclosures:

Orthophotoquad Map
Request for Withdrawal, A65-01402
Copy A65-04009

To: 65-4009

From: D. Shaft

Date: 4-07-92

Re: SRBA Filing

Brown came to the office today to determine the circumstances for filing this claim. After extended discussion, Brown took the claim with him to discuss the amount of water for the claim ~~or to go~~ with his attorney or to consider the issue further himself.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 15, 1991

John C. Brown
1111 East Idaho Blvd.
Emmett, ID 83617

Re: Civil Case No. 3667
Frasier, et al Objection 65-04009

Dear Payette River Water User,

In July 1982, Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown on behalf of themselves and others in the same class filed an Objection to the Proposed Findings with the Third Judicial District Court in the Payette River Basin Adjudication. The parties maintained the diversion rate recommended for their water rights and others from the Payette River were not correct for the "bottom lands" irrigated by those water rights.

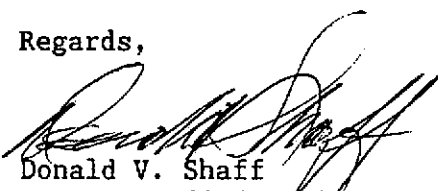
This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication, most of which were decreed on January 21, 1986. The water rights decreed in the Payette adjudication will be incorporated into the eventual decree in the larger Snake River Basin Adjudication (SRBA) now proceeding in the Fifth Judicial District, provided new claims have been filed in the SRBA. Otherwise the achievement of a decree in the Payette adjudication could be voided.

Your water right referenced above was listed in the Proposed Finding with a diversion rate of 2.14 cubic feet per second (cfs). You will find enclosed a two-page form that when completed by you will describe your water delivery system and irrigation methods. The information you supply is essential in order for the staff of the Department to evaluate your irrigation water requirements. Much of the information required is technical, and you may wish to contact the Soil Conservation Service or other professionals for assistance with the form.

To expedite the process to resolve the Frasier objection, please return the enclosed form within 45 days. Without the completed form, the Department will assume you agree with the water right described in the Proposed Finding with the diversion rate shown above.

Please contact me if you have questions about the matters set out above. Thank you for your patience in this process.

Regards,


Donald V. Shaff
Manager, Adjudication Section

CONVERSATION MEMORANDUM

+ ~~Field~~ notes
Technical

DATE 8/21/86

FILE 05-4009

NAME OF PARTY John C. Brown

EMPLOYEE John X Moyes

RE: Mr. Brown was present when report
was made 7/16/86. Sprinkler system appears
to low in volume.

Wheel line 29 hds - 58 PSI $\frac{5}{32}$ Rainbird
nozzles - 7.5 HP motor - Jacuzzi

$5.35 \text{ GPM} \times 29 \text{ hds} = 155.15 \text{ GPM} \times .002228 = .35$
CSS

P.D. NE SW Sec 33 T7N R1W

Gravity flow right P.D. SW NE Sec 33 T7N R1W
7.5 HP motor - Fairbanks more.

5400

Page 716 86 DISCHARGE MEASUREMENT NOTES

River at Snake R.

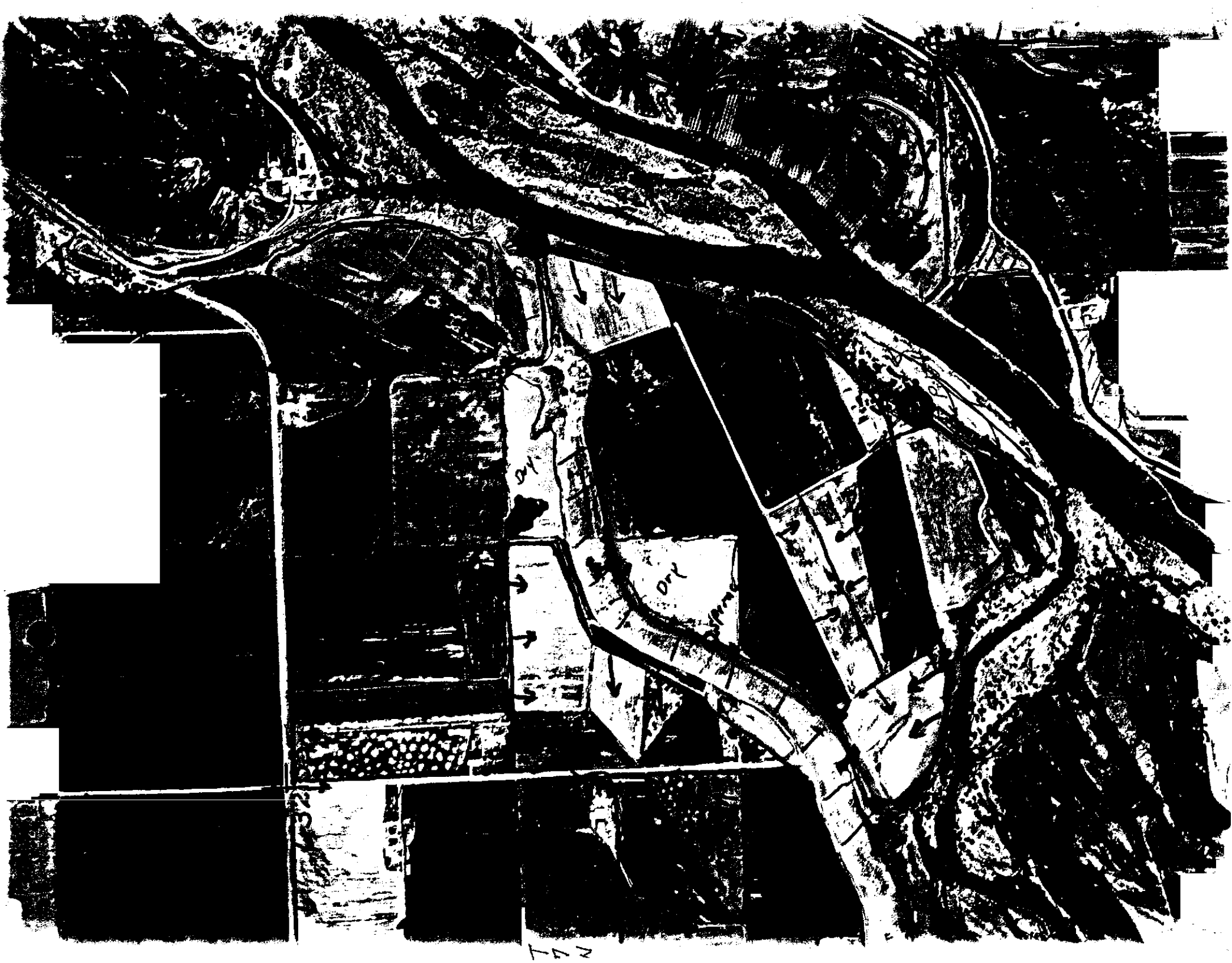
In _____ of _____ Street, _____ Comp. No. _____ City, _____

MEASUREMENT LOCATION JOHN BROWN MEASURED BY JKN ON 07/16/86
 LEGAL DESCRIPTION SWNE SEC 33 TWP 07N R04E V = .956N + .046

DISTANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
FEET	FEET	SQ FT		SEC	FT/SEC	CE5
.000	.000	.000	0	.000	.000	.000
.800	1.100	.880	30	35.000	.865	.761
1.600	1.300	1.040	40	25.000	1.576	1.639
2.400	1.100	.880	40	22.000	1.784	1.570
3.200	.000	.000	0	.000	.000	.000
TOTALS	2.800					3.970

7.5 HP motor - Fairbanks - more motor - jump motor electric
 8 gravity ditch
 no record number

Spinkler system 7 SKN 7/16/86
 RD 800 NESW 823374 R1W
 7th line - 29 Hk - 58 PSI - 5/32 nozzle - 30 WSH - Grounded -
 7.5 HP motor gravity, Serial # 86 - Pump # 65420309
 5.35 GPM x 29 Hk = 155.15 GPM x .002228 = .35253



November 18, 1977

Mr. John C. Brown
Route 3, Box 326
Emmett, ID 83617

Dear Mr. Brown:

Thank you for your courtesy in showing me around your ranch the other day. I believe that now we can record a true description of your water rights.

You will note that we have enclosed your two Payette River claims, 65-4000 and 65-4035. The appropriate irrigated acreage has now been included and the rates of diversion (Items 3 and 4) have been altered to reflect one inch per acre for these lands. Also, the points of diversion (Item 5) have been corrected to your present system. Please review these changes and initial them if you are satisfied they are correct. If you have any question whatsoever about the acreages or flows indicated, just come by the office and I will be glad to go over them with you.

Also enclosed are copies of these documents as changed. I have marked the acres of waste in each lot or 40 acres, as you requested. Note that the total acreage in the upper ranch is 152 acres and the lower ranch 140 acres, which indicates a round-off error or inaccurate boundary descriptions.

We have also prepared and enclosed the amended claims to your two rights to developed spring water. If these documents are correct, please sign them before a notary and return them to this office along with the other claims.

Please let me know if you have any further questions.

Sincerely,

David R. Tuthill, Jr.
Payette Adjudication Supervisor

DRT:alw
Enc.

JOHN C. BROWN'S RIGHTS (FIELD EXAM BY) CLAIM ANALYSIS AND FIELD EXAM.

DIST 11-16-77

IRRIGATION

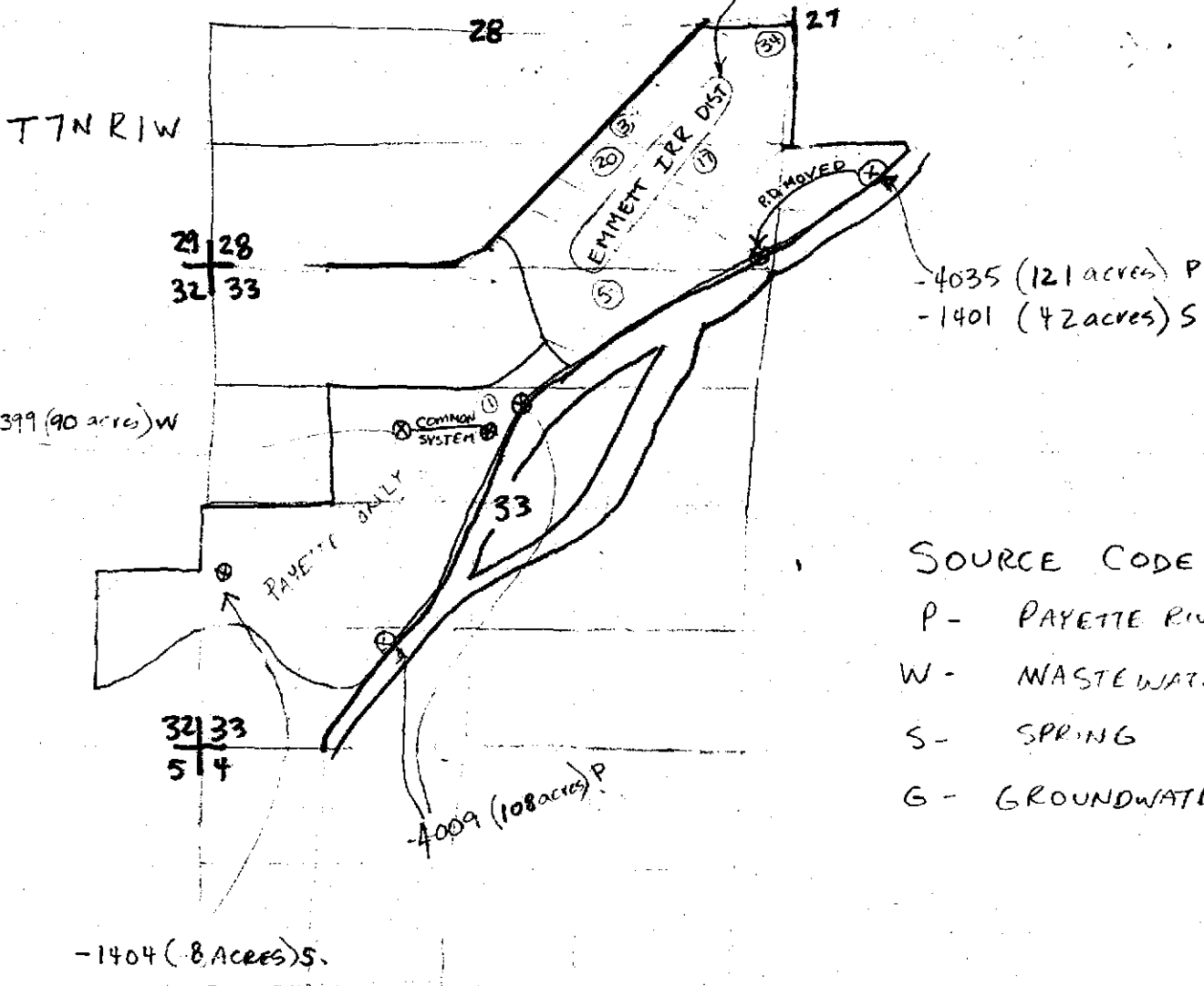
DOMESTIC & STOCK

65-4009 ✓	- 1399 ✓	- 1403 ✓
- 4035 ✓	- 1400 - Unused, Disallow	- 1396 -
- 1398 (same as -4009)	- 1401 ✓	- 1404 (IRR & STOCK)
- 2410 (same as -4035)	- 1404 ✓	- 1397 ✓
		- 1402 ✓
		- 1395 ✓

Disallow -

- EMMETT IRR DIST (-0022) ✓

-0022 (79 acres) P



SOURCE CODE

- P - PAYETTE RIVER
- W - WASTEWATER
- S - SPRING
- G - GROUNDWATER

RESULTS OF EXAM EXPRESSED IN DISPOSITION OF
14 ABOVE CLAIMS

AFFIDAVIT

July 23, 1968

I, the undersigned, hereby swear that I am familiar with the use of water on the property known as the BAISCH RANCH, located on the Payette River Northeast of Emmett, Idaho, in Sections 32 and 33 and I hereby state that the water from the River has been used for irrigation purposes since 1895.

to my best recall.

X Charles L. Schaefer

State of Idaho)

County of Ada) ss.

On this 22nd day of July, 1968, before me Emmett Beckman a Notary Public in and for said State, personally appeared Charles L. Schaefer known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Emmett Beckman
Notary Public for Idaho
Residing at Boise, Idaho

My comm. expires: 11-3-70

Page 87

65-4609

Identification No. 65-4009

Claim No. 42715

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Callenders, Inc.
post office address Cascade, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 33 Township 7N
Range 1 W B.M. located on Payette River
(name of source)
tributary to _____ in Gen County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed: 1895 - April 1, 1895
April #1 amount: _____ c.f.s. or 700 acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use irrigation period of use from April 1 to Nov. 1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
electric pump
 - b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____ ;

65-4009

_____ ; if so, give dates and explain _____

Point of conversion changed in 1926. At that time changed from gravity to pump system.

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This property has been irrigated since 1895. There has been a considerable amount of leveling done on the property and the ditches have been changed on the property. The point of diversion has been changed but the water source has remained the same. This land is gravelly and the pasture production requires one and one-half inches of water per acre.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

July 26, 1968
(Date)
State of Idaho
County of ada } ss.

Callinder, Jr
(Signature of Claimant)
Frank Callinder
President

On this 26th day of July 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ernest L. Beckman
Notary Public residing at Bonnie

My commission expires 11-3-70

For Department Use Only

Received by <u>HC</u> Date <u>8-1-68</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>HC</u> Date <u>8-1-68</u>	_____	_____	_____
Fee received by <u>HC</u> Date <u>8-1-68</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>HC</u> <u>9-13-68</u>	_____	_____	_____
Published in <u>Emmett</u> Dates <u>9-26/10-3</u>	_____	_____	_____
<u>MWD.</u>	<u>Rich # 40585 given</u>	<u>65</u>	<u>11-10</u>

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
	Total claimed:		1.2 c.f.s. or	_____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOYER

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF
Payette River
DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

G
65-4009
I.D. No. Map No.
\$ Fee Paid Receipt No.

Notice is hereby given that John C. Gro (Name of Claimant)

Ac. 3 Box 320 Emmett, ID 83617 (Mailing Address) Telephone No. 365-4982 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 4-1-1965

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Payette River tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: Quantity 2.74 2.14 Use irrigation Period of Use From 3-15- To 11-15- (CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both dates inclusive)

Quantity Use Period of Use From To (CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both dates inclusive)

Quantity Use Period of Use From To (CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both dates inclusive)

Quantity Use Period of Use From To (CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both dates inclusive)

(4) 2.14 cfs TOTAL QUANTITY CLAIMED. (CFS, GPD, AF) Lot 6

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE 1/4 SW NE 1/4 Sec. 33, Twp. 7N, Rge. 1E, B.M., SW NE 1/4 County Additional Points: Lot 7, Sec. 33, T. 7N, R. 1E SW NE 1/4 (2 miles 40 Acre tract)

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. TWO DAMS

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
7N	10E	32			44					25	30	36							105
					(Lot 1)					(Lot 7) (Lot 2)									
		33													2				2

Total no. of acres 107 437

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks (THIS RT WHEN COMBINED W/ RT 65-1404 SHALL PROVIDE NO MORE THAN .02 cfs/acre nor 45 AFA/ACRE.)

(9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use. ☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 65-4007 CLAIM

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true to the best of (his, her, their) knowledge.

October 13, 1977

(Date)

Individual (Signature of Claimant) 7-28-78 CBA

Organization (Signature of Spouse)

State of Organization

County of Seal (Signature of Authorized Agent)

On this day of in the year before me a notary public, personally appeared

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

My commission expires Notary Public residing at

DET 2-21-78

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NO. 65-04009
	)	

The Director of the Idaho Department of Water Resources, R. Keith Higginson, by and through counsel, and John C. Brown stipulate as follows:

1. That water right claim No. 65-04009, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

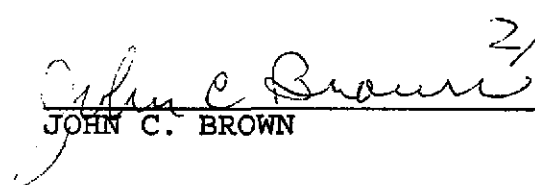
2. That John C. Brown withdraws all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS _____ day of _____, 1993.

2/16/93


JOHN C. BROWN

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-04009	JOHN C BROWN 1111 E IDAHO BLVD EMMETT ID 83617	04/01/1895	IRRIGATION	03-15 11-15	3.64 CFS	BENEFICIAL USE
TOTAL QUANTITY:					3.64 CFS	
POINT OF DIVERSION: T07N R01W S33 LOT 6 (SWNE)						
PLACE OF USE: IRRIGATION						
T07N R01W S32 NESE 2.0						
S33 Lot 6 (SWNE) 4.0 SENW 25.0 Lot 7 (NESW)40.0 Lot 8 (NWSW)36.0						
107.0 ACRES TOTAL						
REMARKS: A DIVERSION RATE OF .034 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.						
USE OF THIS RIGHT WITH RIGHT NO. 65-01404 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.64 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 374.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 107 ACRES IN A SINGLE IRRIGATION SEASON.						

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OCT 18 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

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DATE OF CLOSING: 5/4/95

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section See Attached 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

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WATER RESOURCES
WESTERN REGION

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A65-04009, A-65-01404, A-65-01399, A65-01397 and A-65-01395
A-65-01396

☒ Name and Address of Former Owner/Claimant(s)(Seller): John Coy Brown and Mary Lou Brown

☒ New Owner/Claimant (Purchaser): Gary O. Smith and Cathy L. Smith

☐ New Mailing Address: _____

☐ New Telephone Number: () _____ - _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: Recorded Memorandum of Contract on Sale - Map

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Gary O. Smith Date 5-9-95
Cathy L. Smith Date 5-9-95
☒ Signature of Former Owner/Claimant(s): John Coy Brown Date 5-9-95
Mary Lou Brown Date 5-9-95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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MAY 11 1995

Department of Water Resources

MEMORANDUM OF CONTRACT

NOTICE IS HEREBY GIVEN THAT JOHN COY BROWN and MARY LOU BROWN, husband and wife, agreed to sell the following described real property and entered into an Agreement to Sell Real Estate, as sellers, wherein Meridian, Id. 83642

GARY O. SMITH and CATHY L. SMITH, husband and wife, whose address is: 1250 Stegerman Ct., as buyers, agreed to buy the said real property, situate in the County of Gem, State of Idaho, to-wit:

That property described in Exhibit A, attached hereto and incorporated herein in full, by reference.

Including the irrigation water delivery system located at said premises.

Including all water and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights of ways appurtenant to or used for the benefit of said described premises. Subject to easements, rights of ways, reservations and exceptions, if any.

Pursuant to the terms of said contract, title has been reserved in said seller until the buyer fully performs the covenants thereof, at which time, a warranty deed from said seller to said buyer shall be delivered to said buyer, to be recorded by the buyer, his heirs, successors, agents, or assigns.

DATED this 9th day of May, 1995.

x Gary O. Smith x John Coy Brown
x Cathy L. Smith x Mary Lou Brown

STATE OF IDAHO,)
) ss.
County of Gem.)

On this 9th day of May, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN COY BROWN and MARY LOU BROWN, husband and wife, and GARY O. SMITH and CATHY L. SMITH, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Dorothy J. Smith
Notary Public for State of Idaho;
Residing at Emmett, Idaho.
My Commission Expires: 7/13/2000

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WATER RESOURCES
WESTERN REGION

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OCT 18 1996

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MAY 11 1995

Department of Water Resources

Lot 1 of Section 32, Twp. 7 N., R. 1 W., B.M., Gem County, Idaho

EXCEPT therefrom, the following described portion thereof:

Beginning at the Northwest corner of said Lot 1, Section 32, Twp. 7 N., R. 1 W., B.M., run thence

South on the West line of said Lot 1, a distance of 761 feet; thence

Northeasterly to a point on the East line of said Lot 1, which is 405 feet South of the Northeast corner thereof; thence

North on said line 405 feet, to said Northeast corner; thence

West on the North line of said Lot, to the Northwest corner thereof and Point of Beginning.

AND

Lots 6 and 8, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33, Twp. 7 N., R. 1 W., B.M., Gem County, Idaho, EXCEPTING THEREFROM, A tract of land situated in a portion of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and a portion of Government Lot 6, all in Section 33, Twp. 7 N., R. 1 W., B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33, Twp. 7 N., R. 1 W., B.M.; thence

S.00°33'43"E., 380.21 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552 on the bluff line; thence along the bluff line the following courses and distances:

N.76°40'00"E., 191.31 feet; N.86°46'04"E., 145.87 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; N.75°27'15"E. 65.54 feet; N.81°10'00"E. 64.00 feet; S.81°00'00"E., 90.00 feet; N.81°51'00"E., 120.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; N.73°03'00"E. 135.00 feet; N.77°17'00"E. 130.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; N.72°10'00"E., 200.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; S.88°42'00"E. 140.00 feet; N.77°35'00"E., 200 feet; N.68°00'00"E., 50.00 feet; N.88°15'00"E., 60.00 feet; N.65°51'00"E., 102.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; N.58°37'59"E., 144.41 feet to a point on the north line of Government Lot 6 of said Section 33 marked by a found 5/8" iron pin; thence

S.89°21'14"W., 443.42 feet (Record S.89°26'47"W., 443.29') along the north line of said Government Lot 6 to a found 5/8" iron pin at the northwest corner of said Government Lot 6; thence

S.89°52'33"W., 1330.82 feet (Record S.89°57'31"W.) along the north line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ to the True Point of Beginning. (Containing a calculated area of 9.33 acres, more or less.

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WATER RESOURCES
WESTERN REGION

Recorded
5-9-95
184728
Gem County
Records

Exhibit A

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OCT 18 1996

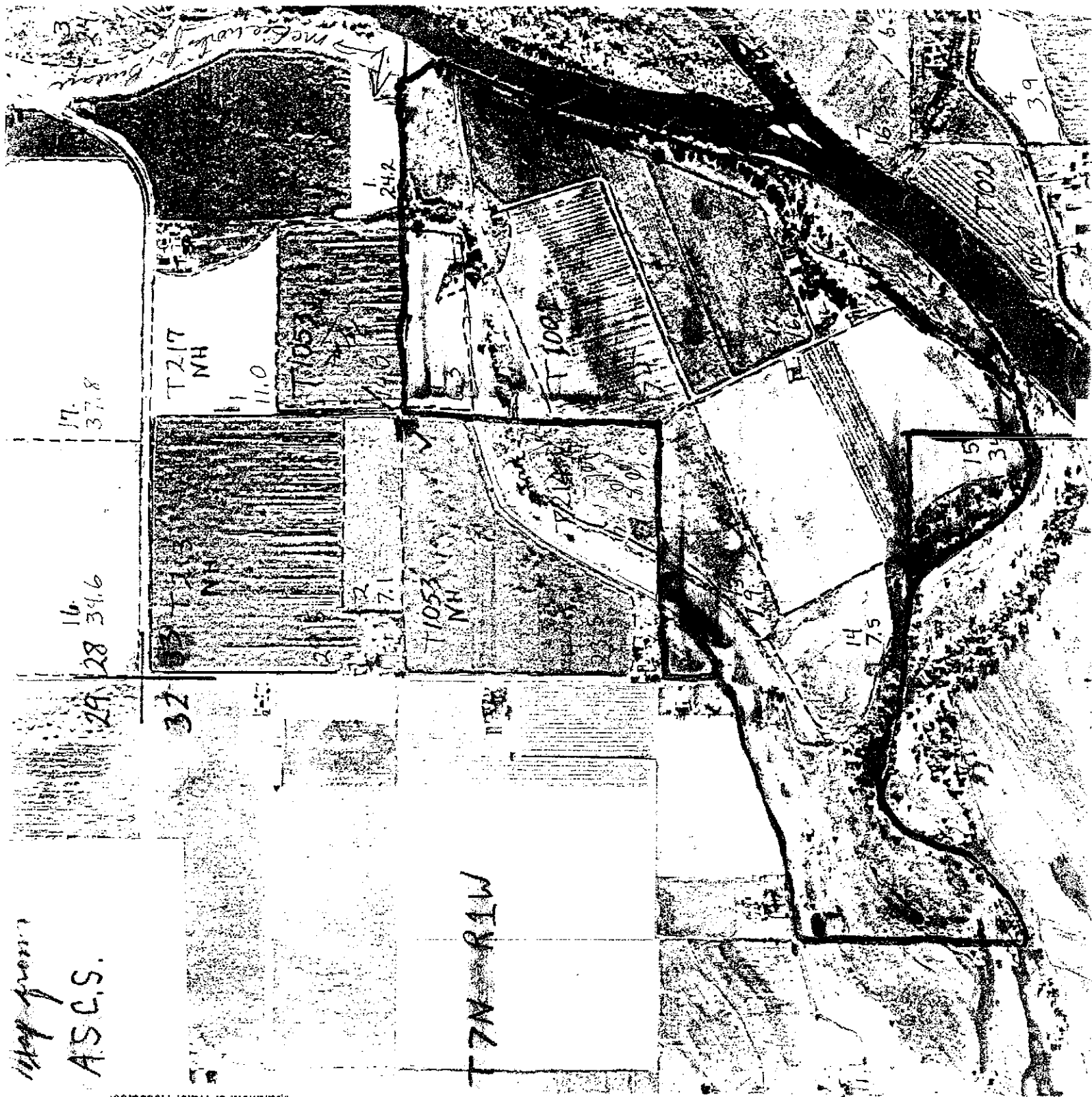
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Department of Water Resources

Map from
ASCS.

T7N R1W



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OCT 18 1996

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: A65-04009
Date Received: 4/13/1992
Receipt No: C018721
Received By: _____

*Rec'd from
So 4-21-92*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOHN C BROWN
Address: 1111 E IDAHO BLVD
EMMETT ID

83617

2. Date of Priority: APR 1, 1895

3. Source: PAYETTE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	01W	33	SW	NE		6	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.140		

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

A.F.A.

8. Total consumptive use is 374.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	01W	32	NE	SE		IRR	2.0
						Section Acres	2.0
		33	SW	NE	6	IRR	4.0

A65-04009

Page 1

Date: 04/14/92

MICROFILMED

SEP 22 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01W	33	SE	NW		IRR	25.0
			NE	SW	7	IRR	40.0
			NW	SW	8	IRR	36.0

Section Acres 105.0

Total Acres 107.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-1404 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE SUBJECT TO PENDING PROCEEDINGS TO ALLOCATE ADDITIONAL WATER PER ACRE FOR CERTAIN AREAS ADJACENT TO PAYETTE RIVER.

15. Basis of Claim: BENEFICIAL USE

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: A65-04009
Date Received: 3/16/1992 *co/8721*
Receipt No: ~~999999~~ ~~999999~~
Received By: *[Signature]* 4-13-92

RECEIVED
APR 13 1992

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

no
Department of Water Resources

1. Name: JOHN C BROWN
Address: 1111 E IDAHO BLVD
EMMETT ID

83617

2. Date of Priority: APR 1, 1895

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	01W	33	SW	NE		6	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.140		

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

8. Total consumptive use is 374.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01W	32	NE	SE		IRR	2.0
						Section Acres	2.0
		33	SW	NE	6	IRR	4.0

A65-04009

Page 1

Date: 03/16/92

MICROFILMED

SEP 22 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01W	33	SE	NW		IRR	25.0
			NE	SW	7	IRR	40.0
			NW	SW	8	IRR	36.0

Section Acres 105.0

Total Acres 107.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-1404 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE, *subject to Pending Proceedings to allocate additional water few acre for certain areas adjacent to Payette River.*

15. Basis of Claim: BENEFICIAL USE

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): John C Brown Date: 4/7/92
 _____ Date: _____

State of Idaho)
County of Gem) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of April 1992

Louie Gorrone
Notary Public

Seal

Residing at Emmett, Idaho

My Commission Expires Life -

