

Brett McDaniel Claim 27-37A

1 October 1958

We have a Warranty Deed from James Hansen to Seth Brown for T3S, R34E, Section 13, NESE. The "heading" states "*Hansen acquire property from Kansas City Life Insurance Company and the property is sold to Seth Brown with 20 inches of James Welch decree (see deed on page 6)*". Another copy of the same document identifies it as "*Linda McDaniel (Stanley McDaniel) received from his grandfather Seth Brown.*" **Document Code "BX" and "BX1"**

31 March 1959

We have a Warranty Deed from James Hansen's Estate to Seth Brown for 20 inches of Welch water. This is identified as "*Linda McDaniel (Stanley McDaniel) received from his grandfather Seth Brown.*" Another copy of the same document identifies it as "*20 inches of James Welch Decree current owners: Robert Ganske & LaVerelle Stecklein.*" **Document Code BX2 and BY**

19 July 1967

We have a Water deed wherein Theodore Stecklein sold to Seth Brown 8 miner's inches of Welch water. **Document Code BZ1**

We have no documentation that supports Seth Brown selling land and/or water to Brett McDaniel.

6/2/04/bjp

Basin No.	Sequence Number	Split Suffix	Name	Basis of a Claim	yyyy-mm-dd Priority Date	Remarks	Usage	Other Water Rights Used	Stevens	ven s Decree	Total CFS	Recommended diversion (inches)
27	37	L	Anderson, Donald	Decreed	1886-03-20	Welch Irrigation Co. T.52	irrigation	27-2125	s	37	1.08	54.00
27	37	C	Bean, Audrey H.	Decreed	1886-03-20		irrigation	27.4F	s	37	0.97	48.50
27	37	P	Bergeman, E. V.		1886-03-20		irrigation		s	37	0.28	14.00
27	12017		Clements, Casey A.	Decreed	1886-03-20	Parent is 27-12067	irrigation		s	37	0.38	19.00
27	11997		Coffman, Harvey	Decreed	1886-03-20		irrigation		s	37	0.10	5.00
						Claim based on Miner's shares & F&W 27-23B. AMENDED	irrigation					
27	10550		Ganske, Robert L.	Decreed	1886-03-20		irrigation		s	37	0.06	3.00
27	10844		Gay, Walter A.	Decreed	1886-03-20		irrigation		s	37	0.17	8.67
27	37	M	Hamilton, Wesley	Decreed	1886-03-20		irrigation	27-4G	s	37	1.30	65.00
27	12015		Hansen, Helen	Decreed	1886-03-20	Parent is 27-12067	irrigation		s	37	0.03	1.50
27	37	F	Hill, Stanley	Decreed	1886-03-20		irrigation		s	37	0.12	6.00
27	12016		Hospkins, Robert	Decreed	1886-03-20	Parent is 27-12067	irrigation		s	37	0.03	1.50
			LDS Church	Decreed	1886-03-20		irrigation		s	37		0.00
27	10358		Leiseth, Jason	Decreed	1886-03-20	probably 27 T#52. Welch Irrigation	irrigation		s	37	0.00	0.00
27	37	A	McDaniel, Brett	Decreed	1886-03-20		irrigation		s	37	1.76	88.00
27	11994		Nation, Howard S.	Decreed	1886-03-20	Parent right 27-11120	irrigation		s	37	0.015	0.75
27	12014		Novosad, Joyce	Decreed	1886-03-20	Parent is 27-12067	irrigation		s	37	0.16	8.00
27	11995		Romrell, Don	Decreed	1886-03-20	Parent Right 27-11120	irrigation		s	37	0.015	0.75
27	37	E	Rowbury, Rex C.	Decreed	1886-03-20	T#52	irrigation		s	37	0.12	6.00
27	37	B	Stecklein, LaVerelle	Decreed	1886-03-20		irrigation		s	37	0.00	0.00
								27-27B, 7065, 2126, 10552, 10555, 26B				
27	37	G	Stecklein, LaVerelle	Decreed	1886-03-20		irrigation		s	37	0.69	34.33
27	37	J	Winter, Norman	Decreed	1886-03-20		irrigation		s	37	0.10	5.00
27	37	H	Worthington, Dallen	Decreed	1886-03-20		irrigation		s	37	0.04	2.00
27	37	K	Wright, Franklin D.	Decreed	1886-03-20		irrigation	27-27C, 23F	s	37	0.04	2.00
27	37	N	Yancey, Merlin	Decreed	1886-03-20		irrigation		s	37	0.50	25.00
								TOTALS			7.96	398.00

Claim Summary Worksheet

Claim No. 27 - 37A

Completion of claim is dependent on processing the following documents and/or actions.	Requested	Response date	Received	Completed	Notes
OWNERSHIP					
Ownership Change Form			✓		
Warranty Deed			✓		
Map(s)					
Is this a split? Y N					
AMENDMENT					
Notarized amended claim					
Correction in POD/Source					
Correction in POU					
Change in Priority Date					
Change in Diversion Rate					
Evidence of Priority Adm. letter	12-9 2-24	1-8 3-26			
ENLARGEMENT					
1. Advised claimant need to file enlargement claim					
2. Receive enlargement claim					
3. Eastern registration process					
4. Notarized claim					Enlargement Claim # -
SPLIT CLAIM	Obtain information from Eastern				Parent Right # - : CFS
Ownership					Children # - ; CFS
					Children # - ; CFS
					Children # - ; CFS
					Children Total: CFS

Children total must agree with parent right.

Section 13, Township 3S, Range 34 E



MARCH 22, 2004

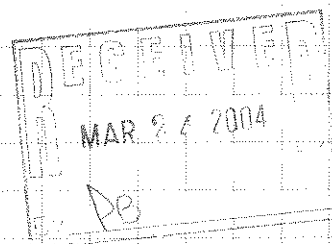
IDWR
CINDY E. BIRD
15 WEST CENTER ST.
SODA SPRINGS, IDAHO
83276

DEAR MS. BIRD,

PER THE REQUEST OF CANDICE M. McHUGH, I HAVE
ENCLOSED INFORMATION PERTAINING TO PROVING MY WATER
RIGHTS. MY WARRANTY DEED INDICATES THE SAME LAND
DESCRIPTION AND WELCH WATER RIGHTS AS THE ORIGINAL
JAMES WELCH DEED. IF I CAN BE OF ANY FURTHER
ASSISTANCE, PLEASE FEEL FREE TO CONTACT ME.

THANK YOU.

Brett McDaniel
631 W. 225 S.
BLACKFOOT, IDAHO
83221





STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 24, 2004

COPY

BRETT MCDANIEL
631 W 225 S
BLACKFOOT ID 83221

RE: *SRBA Claim based on decreed water right No. 27-37 A*

Dear Claimant(s):

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources (IDWR or the "Department") in Basin 27 in the Snake River Basin Adjudication.

The Department of Water Resources is currently investigating water right claims in Basin 27. IDWR information indicates that your water right claim is based on a water right decreed in *Stevens v. Eastern Idaho Water Co.*, Judgment Book 1, pp. 106-117 (Bingham County, Idaho August 1, 1891), to James Welch. This water right was decreed for 400 inches (8.0 cfs) with a March 20, 1886, priority date. This water right was numbered sometime after the decree by IDWR as water right no. 27-37.

The Department has received multiple claims to this water right totaling more than 8.0 cfs. In order to make a complete and accurate recommendation of your water right, each element of the water right must be proven. The Department needs information that shows you are a successor to the original James Welch water right. This could be established through deeds or other conveyance documents that show you own a portion of the original water right.

Please provide this information by March 26, 2004, to Cindy Bird at the Soda Springs Office for the Idaho Department of Water Resources. You can contact her at 208-547-3993. If you have any further questions regarding this matter, you can contact Cindy or you can contact me directly at 208-327-5404.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General
Idaho Dept. of Water Resources

c: electronically Cindy Bird, IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

9 December 2003

Brett McDaniel
631 West 225 South
Blackfoot, ID 83221

COPY

Re: Snake River Basin Adjudication (SRBA)
Claim 27-37A

Subject: EVIDENCE OF PRIORITY DATE

Response Date: 8 January 2004

Dear Claimant(s):

The Idaho Department of Water Resources has begun its SRBA claims review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the SRBA.

The referenced claim is not a decreed right based on Welch Irrigation. In the Stevens' 1891 decree the Welch water was decreed as mining, not irrigation and cannot be converted to irrigation. The mining purpose is non-consumptive while, irrigation is consumptive. Therefore, it can only be recommended to the Court as a beneficial use claim. However, before we can prepare the recommendation, we need evidence to support when the water was put to beneficial use for irrigation.

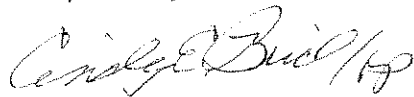
It is important that each element of the Notice be substantiated. For claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some examples of Documents Which May Be Evidence of the Priority Date**".

If we do not hear from you by the above referenced response date we will recommend to the Court that this claim be disallowed.

If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script, appearing to read "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

CEB/bjp
Enclosure: Evidence of Priority Brochure

(This instrument corrects and supersedes
Bingham Co. Recorder Instrument No. 435936)

WARRANTY DEED

FOR VALUE RECEIVED, LINDA RAE HARKER McDANIEL, a widow, of 228 S. 625 W., Blackfoot, Idaho 83221 (hereinafter "Grantor"), does hereby grant, bargain, sell and convey unto BRETT RAY McDANIEL, a single man, whose current address is 228 S. 625 W., Blackfoot, Idaho 83221 (hereinafter "Grantee"), his heirs and assigns forever, the following described premises in Bingham County, Idaho, to-wit:

Lot 3, Section 13, Township 3 South, Range 34 East, B.M.,
excepting therefrom the South 20 acres of said Lot 3 described as
follows:

Beginning 50 feet North of the Southeast corner of said Lot 3,
running thence North 40 rods; thence West 80 rods; thence South
40 rods; thence East 80 rods to the place of beginning.

Tract 39 of Section 13, Township 3 South, Range 34 East, B.M.

Lot 2, Section 13, Township 3 South, Range 34 East, B.M.

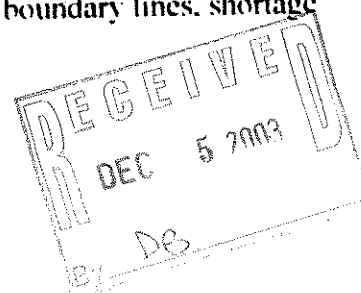
EXCEPTING THEREFROM: Beginning at a point that is 18.40
feet South of the Northwest corner of the SE1/4 of the NE1/4 of
Section 13, Township 3 South, Range 34 East, Boise Meridian;
thence South along the Quarter Section line a distance of 224.34
feet; thence West 253.72 feet; thence North 224.34 feet; thence
East 253.72 feet to the point of beginning.

AND FURTHER EXCEPTING THEREFROM: Beginning at a
point that is 18.40 feet South and 253.72 feet West of the
Northwest Corner of the SW1/4 of the NE1/4 of Section 13,
Township 3 South, Range 34 East, Boise Meridian; thence West
100 feet; thence South 80 feet; thence East 100 feet; thence North
80 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including all gas,
oil and mineral rights.

Grantor does hereby covenant that she is the owner in fee simple of said premises, that
they are free from all encumbrances excepting discrepancies, conflicts in boundary lines, shortage

WARRANTY DEED - 1



Rec'd Eileen
for 13-11
for 30 3300

RECEIVED 5 11 11 03

600

40 = 660
80 = 1320
20.0

(C)

1.3

(A)

0.2

(B)

in area, encroachments or any other facts which a correct survey would disclose, easements or claims of easement not shown by the public records, use restrictions and building and zoning regulations and ordinances of any governmental unit, and that she will warrant and defend the same from all lawful claims.

DATED this 25 day of January, 1996.

Linda Rae Harker McDaniel
LINDA RAE HARKER McDANIEL

STATE OF IDAHO)
 : ss
County of Bannock)

On this 25th day of January, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared LINDA RAE HARKER McDANIEL, a widow, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

DeBucke
NOTARY PUBLIC FOR IDAHO.
Residing at Pocatello.
My Commission Expires 10/11/2000



441215