

COPY

DISTRICT COURT - IDAHO
TWIN FALLS COUNTY
FILED _____

2007 OCT 5 PM 12 19

**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

Case No. 39576

) Subcase No. 37-203 (Split)
) 37-22219 and 37-22220
)
)

) **NOTICE OF COMPLETED**
) **ADMINISTRATIVE PROCEEDING**
)

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

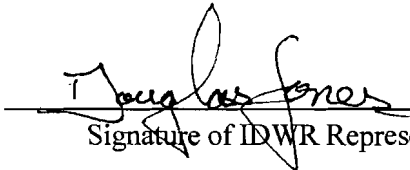
Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

10/4/07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10/5, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

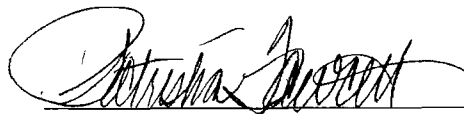
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

City of Bellevue
PO Box 449
Bellevue ID 83313

John Brown Inc
247 Glendale Rd
Bellevue ID 83313

Fritz Haemmerle
Haemmerle & Haemmerle PLLC
PO Box 1800
Hailey ID 83333



Signature of person or attorney mailing the form

09/11/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-203	JOHN BROWN INC 247 GLENDALE RD BELLEVUE ID 83313	Disallowed	Recommended as Right No. 37-22219 and 37-22220.

09/10/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22219

NAME AND ADDRESS: JOHN BROWN INC
247 GLENDALE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 6.290 CFS

PRIORITY DATE: 05/02/1884

POINT OF

DIVERSION: T01N R18E S12 NWSESW Within BLAINE County

PURPOSE AND

PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/15 10/31		6.290 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>				
	T01N R18E S14	SWNW	8.50	T01N R18E S14	NESW 32.70
	T01N R18E S14	NWSW	40.00	T01N R18E S14	SWSW 40.00
	T01N R18E S14	SESW	35.00	T01N R18E S14	NWSE 32.90
	T01N R18E S14	SWSE	1.20	T01N R18E S15	SENE 7.00
	T01N R18E S15	NESW	6.70	T01N R18E S15	SESW 25.00
	T01N R18E S15	NESE	39.00	T01N R18E S15	NWSE 34.00
	T01N R18E S15	SWSE	40.00	T01N R18E S15	SESE 40.00
	T01N R18E S22	NENE	39.00	T01N R18E S22	NWNE 39.00
	T01N R18E S23	NWNW	34.00	T01N R18E S23	SWNW 33.00

527 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 527.0 acres in a single irrigation season. Combined Right Nos.: 37-22219, 37-22221, 37-22223, 37-22225, and 37-22227.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-203.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

09/10/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22220

NAME AND ADDRESS: CITY OF BELLEVUE
PO BOX 449
BELLEVUE ID 83313-0449

SOURCE: BIG WOOD RIVER . TRIBUTARY: MALAD RIVER

QUANTITY: 0.110 CFS

PRIORITY DATE: 05/02/1884

POINT OF
DIVERSION: T01N R18E S12 NWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.110 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R18E S14	NESW 6.30	T01N R18E S14 NWSE 3.10

9.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season. Combined Right Nos.: 37-22220, 37-22222, 37-22224, 37-22226, and 37-22228.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-203

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

October 5, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ATTN JON ANDERSON MAYOR
CITY OF BELLEVUE
PO 449
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-203, 37-204, 37-205, 37-206, 37-479A

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: John Brown Inc
247 Glendale Rd
Bellevue ID 83313

Fritz Haemmerle
Haemmerle & Haemmerle PLLC
PO Box 1800
Hailey ID 83333

RECEIVED

AUG 29 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
37-203	A37-203	X			
37-204	A37-204	X			
37-205	A37-205	X			
37-206	A37-206	X			
37-479A	A37-479A	X			

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) John Brown Inc.
247 Glendale Rd., Bellevue, ID 83313

4. New Owner/Claimant(s) City of Bellevue
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address P.O. Box 449

City, State and ZIP Code Bellevue, ID 83313

New Telephone Number (208) 788-2128

5. Date you acquired the property November 27, 1991

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>All rights</u>		
Irrigation	<u>pro rate shares</u>	<u>9.426 acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) Jon Anderson JB 8/10/07
Mayor (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]
 Received by [Signature]
 Processed by AJ

Date 8/31/07
 Date _____
 Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

RECEIVED

AUG 29 2007

WARRANTY DEED

DEPT. OF WATER RESOURCES
SOUTHERN REGION

JOHN BROWN, INC., an Idaho corporation, with its principal place of business 247 Glendale Road, Bellevue, Idaho, hereinafter called the Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto the CITY OF BELLEVUE, Idaho, a charter city, whose current address is P.O. Box 449, Bellevue, Idaho 83313, hereinafter called the Grantee, the premises situated in Blaine County, Idaho, and more particularly described in Exhibit A, attached hereto and incorporated herein by reference together with all improvements, easements, hereditaments and appurtenances thereto, pursuant to that certain Agreement dated the 18th day of June, 1991 between the above-named Grantor and Grantee.

TO HAVE AND TO HOLD, the said premises, unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, and its heirs, successors and assigns, do hereby covenant to and with the said Grantee, its heirs, successors and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free from all liens and encumbrances and that Grantor warrants and shall defend said title and the quiet and peaceable possession of said premises by the Grantee, its heirs, successors and assigns forever, against all claims whatsoever.

DATED this 27th day of November, 1991.

GRANTOR:

JOHN BROWN, INC.

By: Daniel P. Brown
Title: Vice-President

IN WITNESS

City of Bellevue

WARRANTY DEED - 1

NOV 29 2007 3:08

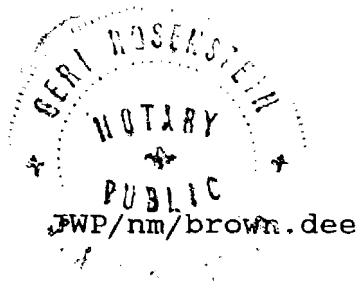
335867

900 MP Deed

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

On this 27th day of November, 1991, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DANIEL BROWN, the Vice-President of John Brown, Inc., an Idaho corporation, the corporation that executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



Geri Rosenfield
NOTARY PUBLIC FOR IDAHO
Residing at: Bellevue, Idaho
Commission expires: 07-24-97

PARCEL DESCRIPTION FOR THE BELLEVUE TREATMENT PLANT
AND RAPID INFILTRATION BASINS

A parcel of land located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14; Township 1 North; Range 18 East; Boise Meridian; more particularly described as follows:

Beginning at a point which is South $0^{\circ} 07' 44''$ West 67.08 feet from the center $\frac{1}{4}$ corner of Section 14, T. 1 N., R. 18 E., B.M. using a basis of bearing of North $89^{\circ} 16' 16''$ East 2623.15 feet from the center $\frac{1}{4}$ corner to the East $\frac{1}{4}$ corner of said section;

thence South $90^{\circ} 00' 00''$ East 1091.26 feet; 1091.26

thence South $0^{\circ} 00' 00''$ West 100.00 feet; 100

thence South $90^{\circ} 00' 00''$ West 1050.00 feet; 1050

thence South $0^{\circ} 00' 00''$ West 474.00 feet; 474

thence South $90^{\circ} 00' 00''$ West 221.63 feet; 221.63

thence North $44^{\circ} 11' 35''$ West 331.91 feet; 331.91

thence North $0^{\circ} 00' 00''$ West 112.02 feet; 112.02

thence North $90^{\circ} 00' 00''$ West 161.77 feet; 161.77

thence North $87^{\circ} 33' 13''$ West 310.17 feet; 310.17

thence North $0^{\circ} 00' 00''$ East 67.60 feet; 67.60

thence North $90^{\circ} 00' 00''$ East 807.27 feet to the point of beginning.

Parcel contains 9.426 acres.

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

August 26, 2007

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

RECEIVED

AUG 29 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

*Re: Notice of Name Change with Splits (37-203, 204, 205, 206 and 479A –
City of Bellevue)*

To Whom It May Concern:

Please find enclosed a Notice of Name Change with Splits for the aforementioned water rights, claimed by the City of Bellevue. I have also enclosed a check for \$500.00 to cover the fee for the splits. Please advise if there is anything else required.

As always, thank you for your assistance.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh

Encl.

cc: Tom Blanchard, City Administrator
Jim Phillips, City Attorney



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 4, 2007

FRITZ HAEMMERLE
HAEMMERLE & HAEMMERLE PLLC
PO BOX 1800
HAILELY ID 83333

RE: Notice of Change in Water Right Ownership
City of Bellevue
SRBA Claim Nos. 37-203, 37-204, 37-205, 37-206
and 37-479A

Dear Mr. Haemmerle:

I am in receipt of the Notice of Change of Water Right Ownership you recently submitted on behalf of the City of Bellevue. Because the Snake River Basin Adjudication Court has not yet decreed these claims, no fee is due to process the owner change. I am herein returning your firm's check no. 5743 in the amount of \$500.00.

Thank you and should you have any questions please feel free to give me a call.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00203
Date Received: 8/30/1988
Receipt No: S001932
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN BROWN, INC. 208-788-2143
Address: 247 GLENDALE RD.
BELLEVUE, ID 83313

2. Date of Priority: MAY 02, 1884

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	12	NW	SE	SW		BLAINE

5. Description of diverting works:
GLENDALE #50 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	14	SW	NW		IRR	10.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

A37-00203

Page 1

Date: 08/30/88

COPY MICROFILMED
FEB 22 1988

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	14	SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			Section Acres				210.0
		15	SE	NE		IRR	8.0
			NE	SW		IRR	5.0
			SE	SW		IRR	30.0
			NE	SE		IRR	40.0
			NW	SE		IRR	37.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				200.0
		22	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			Section Acres				80.0
		23	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			Section Acres				80.0
			Total Acres				570.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

A37-00204, A37-00205, A37-00206, A37-00478A

14. Remarks:

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

AC. IRRIG. NOT SPECIFIED. FARM = 320 AC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

A37-00203

Page

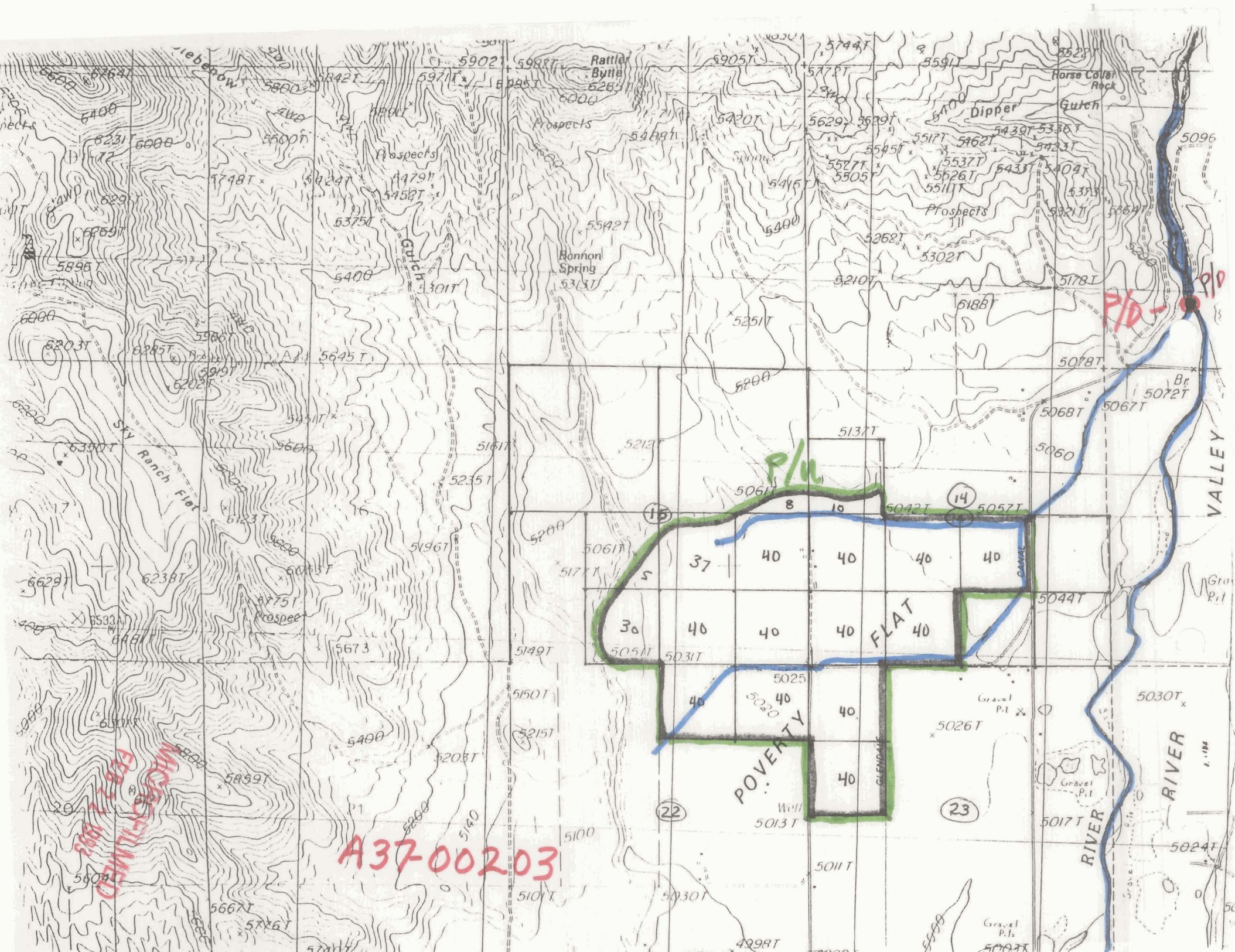
2

Date: 08/30/88

MICROFILMED
FEB 22 1993

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Date: 08/30/88
MICROFILMED
FEB 22 1993



32-645
562A?
479

RLR-03

7 0189	Donahus, P. H.	8 90 inches.	238	Apr. 1, 1899.	Silver Creek. Trans #201
7 0190	Dotson, Henry R.	100	269	May 6, 1902.	Big Wood River.
7 0191	Drake, W. T.	8 143	161	Apr. 30, 1889.	" " "
7 0192	Dudley, Albert	37	201	Apr. 15, 1894.	" " "
7 0193	Dwyer, John W.	6 70	37	Apr. 1, 1883.	Little Wood River.
7 0104	" "	15	14	Apr. 1, 1884.	" " "
Eastwood, T. S., and Arthur Davis					
(See Davis, Arthur, and T. S. Eastwood.)					
7 0195	superceded by Brown v.s. Reardon 317-1152				
7 0196	Eastwood, William P.	660	172	May 2, 1887.	Rock Creek.
7 0197	Edwards, John, and Annie Grenfell	8 25	222	May 1, 1896.	Big Wood River.
7 0198	Edwards, John B.	8 160	78	May 31, 1884.	Little Wood River.
7 0199	" "	80	200	May 1, 1893.	" " "
7 0200	Edwards, Sarah A.	115	203	May 1, 1893.	" " "
7 0201	Edredge, F. H.	100	204	May 12, 1893.	" " "
7 0202	Edredge, Irvin E.	8 25	22	Nov. 30, 1882.	" " "
7 0203	Edredge, Martine	8 30	204	May 12, 1893.	" " "
7 0204	Elliot, Henry J.	8 320	78	May 2, 1884.	Big Wood River.
7 0205	" "	400	141	July 15, 1887.	" " "
7 0206	" "	520	246	Aug. 9, 1899.	" " "
7 0207	" "	160	261	June 1, 1901.	" " "
7 0208	Empleton, Thomas	8 100	173	Apr. 1, 1890.	Chaney Creek. Trans #126-263
7 0209	Ervin, Mary E.	8 200		June 1, 1880.	Croy Creek.
7 0210	Evans, B. B.	8 80	204	May 12, 1893.	Little Wood River. (Also shares in Little Wood River Canal Co.)
7 0211	Evans, Hattie	15	37	Apr. 1, 1883.	Little Wood River.
7 0212	" "	60	14	Apr. 1, 1884.	" " "
(Also shares in Little Wood River Canal Co.)					
7 0213	Farnham, August and Petra.	8 280	105	June 23, 1888.	Warm Springs Creek.
7 0214	Fator, Charles H.	8 40	46	Apr. 1, 1885.	Silver Creek. Trans #201
7 0215	" "	50	129	Apr. 1, 1887.	" " "

1200

JUN 04 1996

Edwards, Sarah A.

N 1/2 of NW 1/4 of Sec. 9, and NE 1/4 of NE 1/4 of Sec. 8, T. 1 S., R. 21 E., -- 120 acres.

Eldredge, F. H.

S 1/2 of NW 1/4, NW 1/4 of SW 1/4 of Sec. 23, T. 1 S., R. 21 E., containing 120 acres, less 20 acres.

Eldredge, Irvin E.

SE 1/4 of SE 1/4 of Sec. 21, T. 1 S., R. 21 E., containing 40 acres.

Eldredge, Martia

S 1/2 of NW 1/4 of SW 1/4 of Sec. 23, T. 1 S., R. 21 E.

Elliott, Henry J.

N 1/2 of SE 1/4, E 1/2 of SW 1/4, of Sec. 14, T. 1 N., R. 18 E. E 1/2 of NE 1/4 of Sec. 22, and W 1/2 of NW 1/4 of Sec. 23, T. 1 N., R. 18 E. SE 1/4 of Sec. 15, SE 1/4 of NE 1/4 of Sec. 15, SW 1/4 of NW 1/4 of Sec. 14, and W 1/2 of SW 1/4 of Sec. 14, T. 1 N., R. 18 E., containing 320 acres.

Embleton, Thomas

SW 1/4 of Sec. 15, T. 1 S., R. 19 E., containing 80 acres.

Ervin, Mary E.

NW 1/4 of NE 1/4, NE 1/4 of NW 1/4, and S 1/2 of NW 1/4 of Sec. 35, T. 2 N., R. 17 E., containing 160 acres.

Evans, B. B.

E 1/2 of SW 1/4 of Sec. 23, T. 1 S., R. 21 E., containing 80 acres.

Evans, Hattie

N 1/2 of NW 1/4 and N 1/2 of NE 1/4 of Sec. 21, T. 1 S., R. 21 E.

Farnlun, August
and Petra

W 1/2 of SW 1/4 of Sec. 12, and SE 1/4 of Sec. 11, T. 4 N., R. 17 E.

Fator, Charles H.

S 1/2 of NW 1/4 and N 1/2 of SE 1/4 of Sec. 21, T. 1 S., R. 20 E.

Fator, Fred. W.
and Adam Inland

(See Finding No. 17.)

JUN 04 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 SRBA	)	Subcase 37-22219
	)	
Case No. 39576	)	
	)	
	)	STANDARD FORM 1
	)	OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: John Brown, Inc.
Address: 247 Glendale Road
Bellevue, Idaho 83313
Daytime Phone: 208-788-2143

Name & Address of Attorney, if any:

Josephine P. Beeman
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, Idaho 83702
(208) 331-0950
(208) 331-0954 (fax)

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: John Brown, Inc.
Address: 247 Glendale Road
Bellevue, Idaho 83313

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should include:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should include:
8. ☒ **Period of Year**
Should be: Irrigation 4/01-11/01
9. ☒ **Place of Use**
Should be: As listed on the original Notice of Claim for 37-203 (minus the acres now recommended for the City of Bellevue in 37-22220). This same resulting acreage should be included for the limiting statement within the place of use.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

PERIOD OF YEAR:

Irrigation delivery records support an April 1 through November 1 season of use for irrigation.

PLACE OF USE:

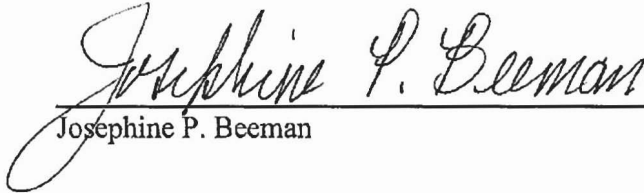
Aerial photos support recognition of additional lands within claims.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

I, Josephine P. Beeman, being duly sworn, upon oath, depose and say:

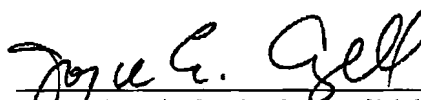
That I am the attorney for the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6), and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Josephine P. Beeman

Subscribed and sworn to before me on: November 14, 2007





Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: July 29, 2008

CERTIFICATE OF MAILING

I certify that on November 14, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

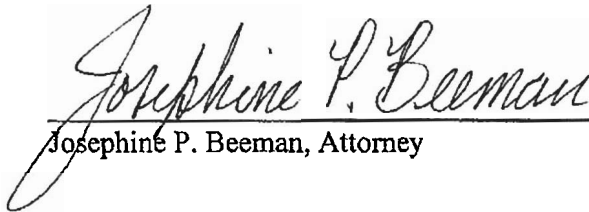
Name: John Brown, Inc.
Address: 247 Glendale Road
Bellevue, Idaho 83313

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Josephine P. Beeman, Attorney

12/08/2006

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

RIGHT NUMBER: 37-203

NAME AND ADDRESS: JOHN BROWN INC
247 GLENDALE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 6.400 CFS

PRIORITY DATE: 05/02/1884

POINT OF DIVERSION: T01N R18E S12 NWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	6.400 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S14	SWNW	8.50	T01N R18E S14	NESW	39.00
T01N R18E S14	NWSW	40.00	T01N R18E S14	SWSW	40.00
T01N R18E S14	SESW	35.00	T01N R18E S14	NWSE	36.00
T01N R18E S14	SWSE	1.20	T01N R18E S15	SENE	7.00
T01N R18E S15	NESW	6.70	T01N R18E S15	SESW	25.00
T01N R18E S15	NESE	39.00	T01N R18E S15	NWSE	34.00
T01N R18E S15	SWSE	40.00	T01N R18E S15	SESE	40.00
T01N R18E S22	NENE	39.00	T01N R18E S22	NWNE	39.00
T01N R18E S23	NWNW	34.00	T01N R18E S23	SWNW	33.00

536.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 536.4 acres in a single irrigation season. Combined Right Nos.: 37-203, 37-204, 37-205, 37-206, and 37-479A.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

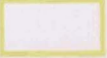
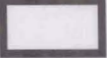
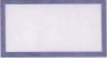
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

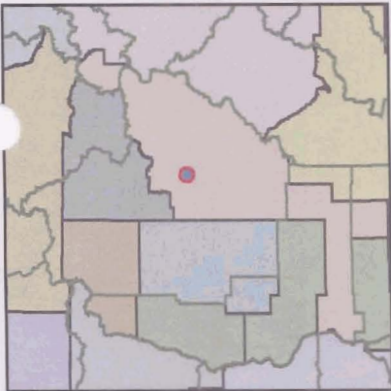


Idaho Department of Water Resources

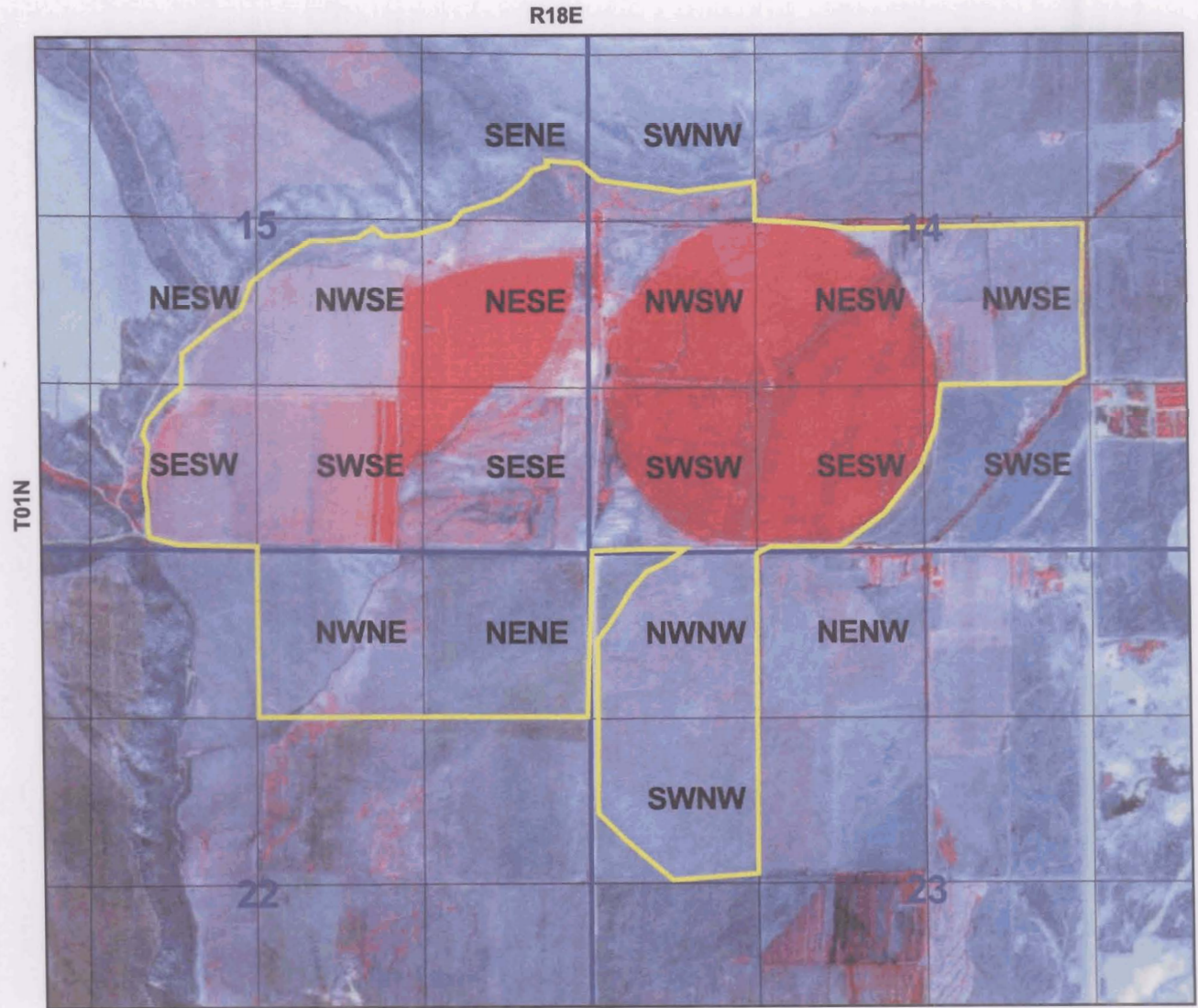
SRBA Recommendation: **37-203, 37-204, 37-205, 37-206, and 37-479A** (Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.6 1.2 Miles

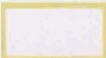
Prepared by S. Keen
On Friday, December 8, 2006
1987/88 Aerial Photography

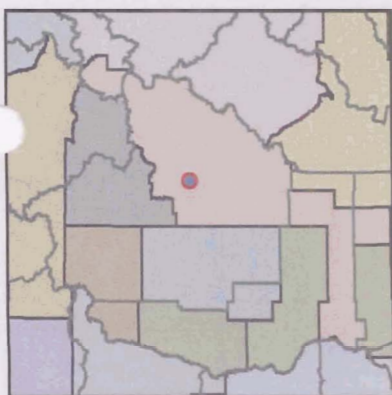


Idaho Department of Water Resources

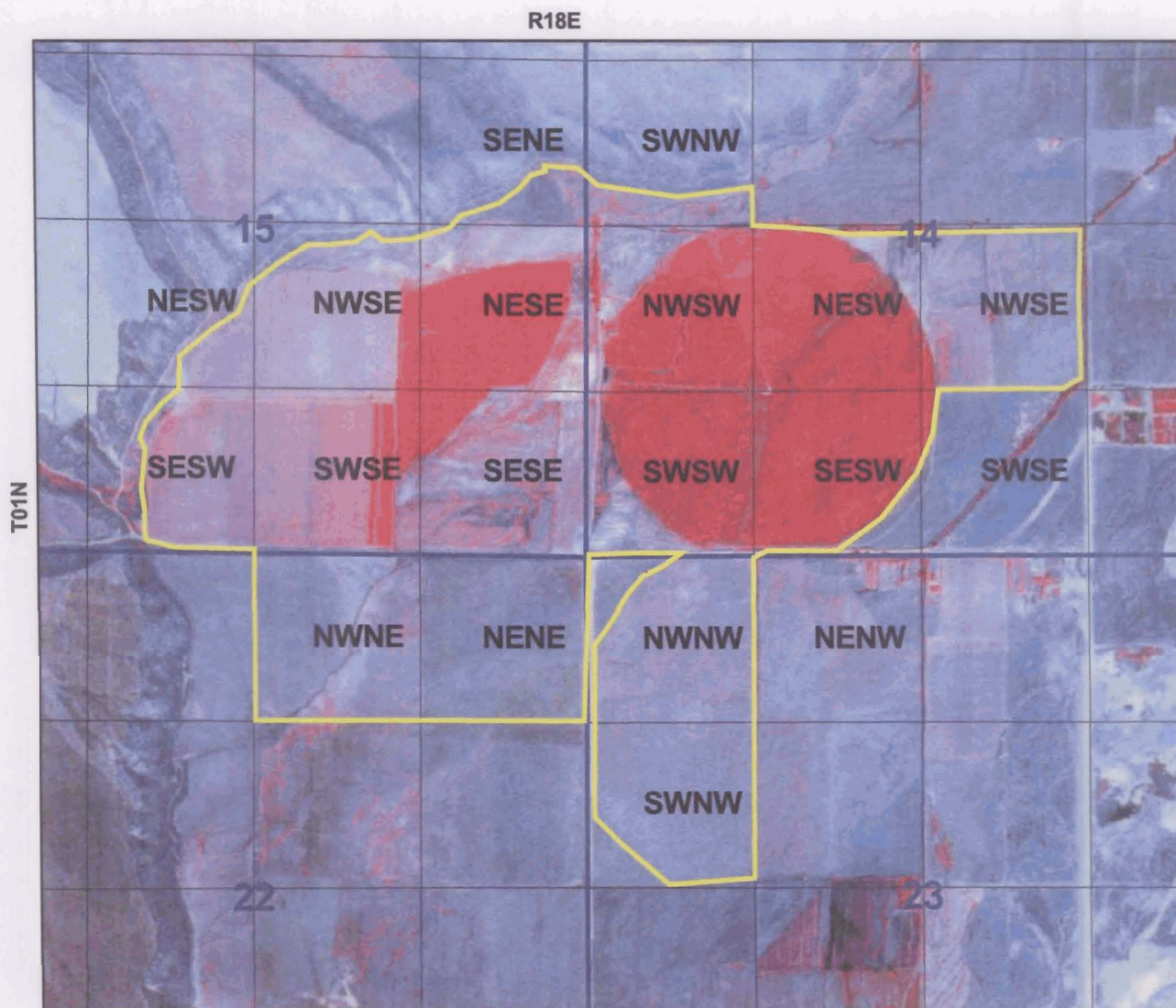
SRBA Recommendation: **37-203, 37-204, 37-205, 37-206, and 37-479A** (Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.6 1.2 Miles

Prepared by S. Keen
On Friday, December 8, 2006
1987/88 Aerial Photography

John Brown Inc. Claim Review

#	Priority	WM List?	
37-203	5/2/1884	6.40 <i>af</i>	H.J. Elliot
37-478 A	6/10/1887	2.40 <i>af</i>	Not split. J.W. Meller ↓ Dominic Mannino
37-204	7/15/1887	8.00 <i>af</i>	H.J. Elliot
37-205	8/9/1899	6.40 <i>af</i>	H.J. Elliot
37-206	6/1/1901	3.20 <i>af</i>	H.J. Elliot

37-562 A } different POU's
37-645 }

37-478A Do not recommend because it does not
coordinate w/cory show up on the WM delivery list. Other
candidates for splits of this right are:

~~37-11721~~
Cory { 37-21121 } Probably 37-479, claimed as
 { 37-21122 }
~~37-21967~~

POU - The land owned by Henry J. Elliot
according to the Frost decree covers all
of the claimed POU except the E $\frac{1}{2}$ SW $\frac{1}{4}$ of
~~Section~~ Section 15 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 22. The decree document indicates
Elliot ~~had~~ had 320 acres, but the
tracts (16 of them) add up to 640 acres.
Must have been a typo.

John Brown Inc. Claim Review

POU Continued - The POU shape was difficult to create because in 1987 the right holder was in the midst of a long conversion from flood irrigation to sprinkler irrigation. As a result the field edges ~~was~~ gradually get ~~squarer~~ more square from 1974 to 2006. The fields look much different today, and a transfer will be needed to rearrange the POU a bit.

Added by accomplished transfer:

SWSE S. 14

NESW S. 15

SESW S. 15

NWNE S. 22

} TIN, R18E

7	0189	Donahue, P. H.	8	90 inches.	238	Apr.	1, 1899.	Silver Creek. Trans #201
7	0190	Dotson, Henry R.	2	100	"	269	May 6, 1902.	Big Wood River.
7	0191	Drake, W. T.	8	143	"	161	Apr. 30, 1889.	" " "
7	0192	Dudley, Albert	2	37	"	244	Apr. 15, 1894.	" " "
7	0193	Dwyer, John W.	2	70	"	37	Apr. 1, 1883.	Little Wood River.
7	0184	" "		15	"	64	Apr. 1, 1884.	" " "
Eastwood, T. S., and Arthur Davis								
7	0195	superceded by Brown v.s. Reardon			317-1152			
7	0196	Eastwood, William P.	6	60	"	122	May 2, 1887.	Rock Creek.
7	0196	Edwards, John, and Annie Grenfell	8	25	"	222	May 1, 1896.	Big Wood River.
7	0197	Edwards, John B.	8	160	"	72	May 31, 1884.	Little Wood River.
7	0198	" "		80	"	205	May 1, 1893.	" " "
7	0199	Edwards, Sarah A.	8	115	"	203	May 1, 1893.	" " "
7	0200	Eldredge, P. H.	8	100	"	204	May 12, 1893.	" " "
7	0201	Eldredge, Irvin E.	8	25	"	22	Nov. 30, 1882.	" " "
7	0202	Eldredge, Martha	8	30	"	204	May 12, 1893.	" " "
7	0203	Elliot, Henry J.	8	320	"	74	May 2, 1884.	Big Wood River.
7	0204	" "		400	"	141	July 15, 1887.	" " "
7	0205	" "		520	"	246	Aug. 9, 1899.	" " "
7	0206	" "		160	"	261	June 1, 1901.	" " "
7	0207	Empleton, Thomas	8	100	"	173	Apr. 1, 1890.	Chaney Creek. Trans #126-263
7	0208	Ervin, Mary E.	8	200	"	✓	June 1, 1880.	Croy Creek.
7	0209	Evans, B. B.	8	80	"	204	May 12, 1893.	Little Wood River. (Also shares in Little Wood River Canal Co.)
37	0210	Evans, Hattie	2	15	"	37	Apr. 1, 1883.	Little Wood River.
37	0211	" "		60	"	64	Apr. 1, 1884.	" " " (Also shares in Little Wood River Canal Co.)
37	0212	Farnham, August and Petra.	8	280	"	185	June 23, 1888.	Warm Springs Creek.
7	0213	Fator, Charles H.	8	40	"	46	Apr. 1, 1885.	Silver Creek Trans #201
7	0214	" "		50	"	49	Apr. 1, 1887.	" " "

JUN 04 1996

From S. C. Frost, et. al. vs. Alturas Water Company, et. al.

Findings of Fact and Conclusions of Law

Edwards, Sarah A.

N 1/2 of NW 1/4 of Sec. 9, and NE 1/4 of NE 1/4 of Sec. 8, T. 1 S., R. 21 E., -- 120 acres.

Eldredge, F. H.

S 1/2 of NW 1/4, NW 1/4 of SW 1/4 of Sec. 23, T. 1 S., R. 21 E., containing 120 acres, less
acres.

Eldredge, Irvin E.

SE 1/4 of SE 1/4 of Sec. 21, T. 1 S., R. 21 E., containing 40 acres.

Eldredge, Martia

S 1/2 of NW 1/4 of SW 1/4 of Sec. 23, T. 1 S., R. 21 E.

Elliott, Henry J.

N 1/2 of SE 1/4, E 1/2 of SW 1/4, of Sec. 14, T. 1 N., R. 18 E. E 1/2 of NE 1/4 of Sec. 22, and W 1/2 of NW 1/4 of Sec. 23, T. 1 N., R. 18 E. SE 1/4 of Sec. 15, SE 1/4 of NE 1/4 of Sec. 15, SW 1/4 of NW 1/4 of Sec. 14, and W 1/2 of SW 1/4 of Sec. 14, T. 1 N., R. 18 E., containing 320 acres.

Embleton, Thomas

SW 1/4 of Sec. 15, T. 1 S., R. 19 E., containing 80 acres.

Ervin, Mary E.

NW 1/4 of NE 1/4, NE 1/4 of NW 1/4, and S 1/2 of NW 1/4 of Sec. 35, T. 2 N., R. 17 E., containing 160 acres.

Evans, B. B.

E 1/2 of SW 1/4 of Sec. 23, T. 1 S., R. 21 E., containing 80 acres.

Evans, Hattie

N 1/2 of NW 1/4 and N 1/2 of NE 1/4 of Sec. 21, T. 1 S., R. 21 E.

Farnlun, August
and Petra

W 1/2 of SW 1/4 of Sec. 12, and SE 1/4 of Sec. 11, T. 4 N., R. 17 E.

Fator, Charles H.

S 1/2 of NW 1/4 and N 1/2 of SE 1/4 of Sec. 21, T. 1 S., R. 20 E.

Fator, Fred. W.
and Adam Ifland

(See Finding No. 17.)

JUN 04 1996