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 78-12302
Date Received: 5/27/1988
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN WAYNE BREES Phone: (208)347-2714
4301 HWY 95
NEW MEADOWS ID USA 83654-5044

KAREN ALICE BREES Phone: (208)347-2714
4301 HWY 95
NEW MEADOWS ID USA 83654-5044

2. Date of Priority: 05/18/1920

3. Source: SIXMILE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot	County	Type
20N	02E	30	SE	SE	NE		ADAMS	

5. Description of diverting works:

WOOD DIVERSION STRUCTURE DIVERTS INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.41	
STOCKWATER	01/01	12/31	0.07	

7. Total Quantity Appropriated is:
1.48 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
20N	01E	13	SW	SW		STOCKWATER	
			SW	SW		IRRIGATION	0.1
						Section Acres	0.1
20N	01E	14	SW	SE		IRRIGATION	3.6
			SE	SE		IRRIGATION	33
			SW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
						Section Acres	36.6
20N	01E	23	NE	NE		STOCKWATER	
			NE	NE		IRRIGATION	17
						Section Acres	17
20N	01E	24	NW	NW		IRRIGATION	9.8
			SW	NW		IRRIGATION	2.5
			NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	
						Section Acres	12.3
						Total Acres	66

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER FROM SIXMILE CREEK THAT IS USED BEFORE THE DIVERSION FROM BROWN CREEK IS AVAILABLE.

This right is a split from former right 78-10213.

Ownership change processed this day. kw 12/5/2006

15. Basis of Claim: Beneficial Use

CHANGE IN OWNERSHIP

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim. (A78-02025A)

[✓] Water Right Number(s): A78-2025 (Lic. No. 14574 Priority 5/18/20)

[✓] Name and Address of Former Claimant(s): CHARLES G HARRIS
THEOLA M. HARRIS
HC 75 BOX 3450
NEW MEADOWS ID - 83654

[✓] New Claimant(s): JOHN WAYNE BREES + KAREN ALICE BREES

[✓] New Mailing Address: 26865 HESTER CREEK ROAD
LOS GATOS
CALIF - 95030

New Telephone Number: (408) 248-3846

[✓] Does the change in ownership result in a splitting of the water right claimed? ✓ yes ____ no
If yes, then describe the portion of the water right that is now claimed by the new owner:

1/2 (one half) of water rights going to Harris.
ie - 80 acres irrigated

[✓] Attach proof of ownership
Describe proof attached: copy Assessor's notices
(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 claimant.)

[✓] Signature of New Claimant(s): John W Brees
Karen A. Brees

Date: 12/14/90

RECEIVED
DEC 31 1990
Department of Water Resources
Western Regional Office

REVISED 10/90

(OVER PLEASE)

MICROFILMED
OCT 05 1992

KAREN HATFIELD
ADAMS COUNTY ASSESSOR
P. O. BOX 46
COUNCIL, ID 83612

THIS IS NOT A BILL

PARCEL NO. RP 20N01E136360 A

TAX CODE 12-00

CATEGORY DESCRIPTION	LOTS / ACRES	MARKET VALUE
4 MEADOW	1.400 AC	349
	1.400	349≑

1990
TAXPAYERS
VALUATION
ASSESSMENT NOTICE

Taxes are based on the valuation listed on this statement

IF THERE ARE ANY QUESTIONS REGARDING THIS STATEMENT NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 22, 1990

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER RP20N01E136007T
T20N R1E SEC 13
TAX #1667
IN SW4SW4SW4SW4

Mail To:
ROBERTS % HARRIS, C G & T M
% BREES, JOHN WAYNE
% BREES, KAREN ALICE
26865 OLD SAN JOSE RD
LOS GATOS, CA 95030

KAREN HATFIELD
ADAMS COUNTY ASSESSOR
P. O. BOX 46
COUNCIL, ID 83612

THIS IS NOT A BILL

PARCEL NO. RP 20N01E149100 A

TAX CODE 12-00

CATEGORY DESCRIPTION	LOTS / ACRES	MARKET VALUE
4 MEADOW	59.280 AC	12,977
5 DRY GRAZING	3.000 AC	183
19 WASTE	9.100 AC	
	71.380	13,160≑

1990
TAXPAYERS
VALUATION
ASSESSMENT NOTICE

Taxes are based on the valuation listed on this statement

IF THERE ARE ANY QUESTIONS REGARDING THIS STATEMENT NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 22, 1990

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER RP20N01E148401T
T20N R1E SEC 14
PT S2SE4

Mail To:
ROBERTS % HARRIS, C G & T M
% BREES, JOHN WAYNE
& BREES, KAREN ALICE
26865 OLD SAN JOSE RD
LOS GATOS, CA 95030

MICROFILMED
OCT 05 1992

KAREN HATFIELD
ADAMS COUNTY ASSESSOR
P. O. BOX 46
COUNCIL, ID 83612

THIS IS NOT A BILL

PARCEL NO. RP 20N01E230100 A

TAX CODE 12-00

CATEGORY DESCRIPTION	LOTS / ACRES		MARKET VALUE
4 MEADOW	43.000	AC	6,744
5 DRY GRAZING	1.000	AC	5
7 FORESTLAND BARE	65.000	AC	2,665
19 WASTE	11.000	AC	
	120.000		9,414≠

1990
TAXPAYERS
VALUATION
ASSESSMENT NOTICE

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JUNE 22, 1990

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER
T20N R1E SEC 23
N2NE4 SE4NE4

Mail To:
ROBERTS % HARRIS, C G & T M
% BREES, JOHN WAYNE
& BREES, KAREN ALICE
26865 OLD SAN JOSE RD
LOS GATOS, CA 95030

KAREN HATFIELD
ADAMS COUNTY ASSESSOR
P. O. BOX 46
COUNCIL, ID 83612

THIS IS NOT A BILL

PARCEL NO. RP 20N01E243150 A

TAX CODE 12-00

CATEGORY DESCRIPTION	LOTS / ACRES		MARKET VALUE
4 MEADOW	31.440	AC	4,301
19 WASTE	3.000	AC	
	34.440		4,301≠

1990
TAXPAYERS
VALUATION
ASSESSMENT NOTICE

Taxes are based on the valuation listed on this statement

IF THERE ARE ANY QUESTIONS REGARDING THIS STATEMENT NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 22, 1990

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER RP20N01E240100T
T20N R1E SEC 24
PT NW4NW4 PT SW4NW4

Mail To:
ROBERTS % HARRIS, C G & T M
% BREES, JOHN WAYNE
& BREES, KAREN ALICE
26865 OLD SAN JOSE RD
LOS GATOS, CA 95030

MICROFILMED
OCT 05 1992

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: A78-10213
Date Received: 5/27/1988
Receipt No: M000037

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES G. HARRIS 208-347-2605
   Address: HC 75 BOX 3450
   NEW MEADOWS, ID 83654
   OR
   Name: THEOLA M. HARRIS 208-347-2605
   Address: HC 75 BOX 3450
   NEW MEADOWS, ID 83654

2. Date of Priority: MAY 18, 1920

3. Source: SIXMILE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
20N	02E	30	SE SE NE		ADAMS

5. Description of diverting works:
   WOOD DIVERSION STRUCTURE DIVERTS INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.000		
STOCKWATER	01/01	12/31	0.170		

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

8. Total consumptive use is 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   225 HEAD CATTLE (STEERS) PLUS 50 HEAD COWS AND CALVES.

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OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
20N	01E	13	NW	SW		IRR	5.0
			NW	SW		STOCK	
			SW	SW		IRR	38.0
			SW	SW		STOCK	
			SE	SW		IRR	2.0
			SE	SW		STOCK	
						Section Acres	45.0
		14	NE	SE		IRR	3.0
			NE	SE		STOCK	
			SW	SE		IRR	3.0
			SW	SE		STOCK	
			SE	SE		IRR	36.0
			SE	SE		STOCK	
						Section Acres	42.0
		19	NE	NE		IRR	19.0
			NE	NE		STOCK	
						Section Acres	19.0
		24	NW	NW		IRR	34.0
			NW	NW		STOCK	
						Section Acres	34.0
						Total Acres	140.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
78-2025, 78-4115

14. Remarks:
THIS CLAIM IS FOR FLOOD WATER FROM SIXMILE CREEK THAT IS USED BEFORE THE DIVERSION FROM BROWN CREEK IS AVAILABLE.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

MICROFILMED
OCT 05 1992

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: -1-

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): Theola M. Harris Date: 5-27-88

_____ Date: _____

State of Idaho)
) SS.
County of Adams)

Subscribed and sworn (or affirmed) before me this 27th day of May 19 88

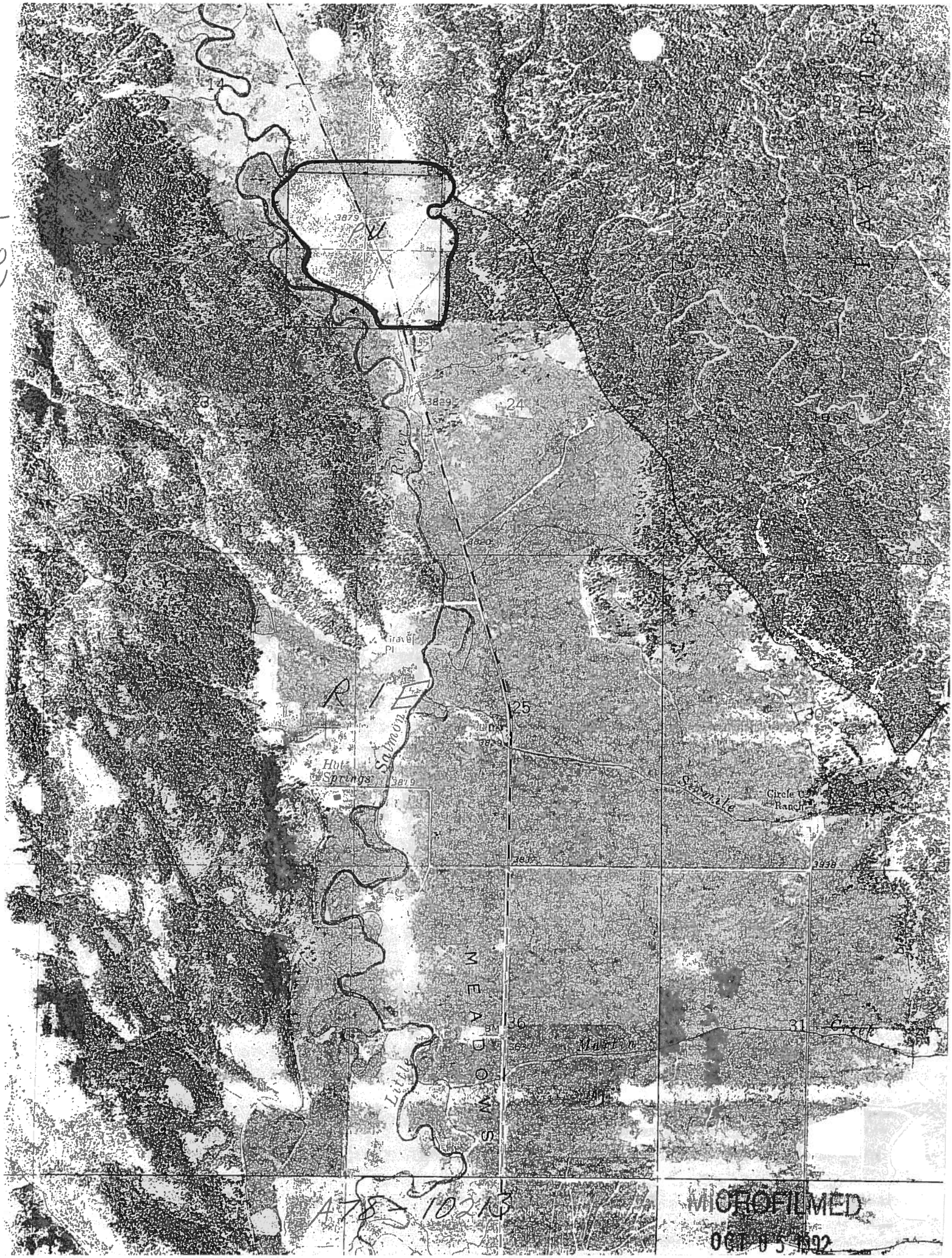
Carter Critchlow
Notary Public

Seal

Residing at Eagle, Id

My Commission Expires 3-21-94

MICROFILMED
OCT 05 1992



A78-10213

MICROFILMED
OCT 05 1992

12/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-12302

NAME AND ADDRESS: JOHN WAYNE BREES
4301 HWY 95
NEW MEADOWS ID 83654-5044

KAREN ALICE BREES
4301 HWY 95
NEW MEADOWS ID 83654-5044

SOURCE: SIXMILE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 1.320 CFS

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

PRIORITY DATE: 05/18/1920

POINT OF DIVERSION:
T20N R02E S30 SESENE Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/01 10/31	1.320 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T20N R01E S13	SWSW	0.10	T20N R01E S14	SWSE	3.60
T20N R01E S14	SESE	33.00	T20N R01E S23	NENE	17.00
T20N R01E S24	NWNW	9.80	T20N R01E S24	SWNW	2.50

STOCKWATER in ADAMS County

T20N R01E S13	SWSW	T20N R01E S14	SWSE
T20N R01E S14	SESE	T20N R01E S23	NENE
T20N R01E S24	NWNW	T20N R01E S24	SWNW

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.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 78-10213.

Stockwater use is for 120 range cattle.

See documentation in file
78-12301 – kw 12/16/04

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
20N	01E	13	NW	SW		IRR	5.0
			NW	SW		STOCK	
			SW	SW		IRR	38.0
			SW	SW		STOCK	
			SE	SW		IRR	2.0
			SE	SW		STOCK	
						Section Acres	45.0
		14	NE	SE		IRR	3.0
			NE	SE		STOCK	
			SW	SE		IRR	3.0
			SW	SE		STOCK	
			SE	SE		IRR	36.0
			SE	SE		STOCK	
						Section Acres	42.0
		19	NE	NE		IRR	19.0
			NE	NE		STOCK	
						Section Acres	19.0
		24	NW	NW		IRR	34.0
			NW	NW		STOCK	
						Section Acres	34.0
						Total Acres	140.0

USFS

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
78-2025, 78-4115

tax 1915
tax 1920

Rec. claimed priority for 78-12301, 78-12302, 78-12303
kw 12/16/04

14. Remarks:
THIS CLAIM IS FOR FLOOD WATER FROM SIXMILE CREEK THAT IS USED BEFORE THE DIVERSION FROM BROWN CREEK IS AVAILABLE.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

#1779 Homestead
#1363 Homestead

MICROFILMED
OCT 05 1992

12/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-12302

NAME AND ADDRESS: JOHN WAYNE BREES
4301 HWY 95
NEW MEADOWS ID 83654-5044

KAREN ALICE BREES
4301 HWY 95
NEW MEADOWS ID 83654-5044

SOURCE: SIXMILE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 1.320 CFS

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

PRIORITY DATE: 04/01/1930

POINT OF DIVERSION:

T20N R02E S30 SESENE Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/01 10/31	1.320 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T20N R01E S13	SWSW	0.10	T20N R01E S14	SWSE	3.60
T20N R01E S14	SESE	33.00	T20N R01E S23	NENE	17.00
T20N R01E S24	NWNW	9.80	T20N R01E S24	SWNW	2.50

STOCKWATER in ADAMS County

T20N R01E S13	SWSW	T20N R01E S14	SWSE
T20N R01E S14	SESE	T20N R01E S23	NENE
T20N R01E S24	NWNW	T20N R01E S24	SWNW

66 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 78-10213.

Stockwater use is for 120 range cattle.

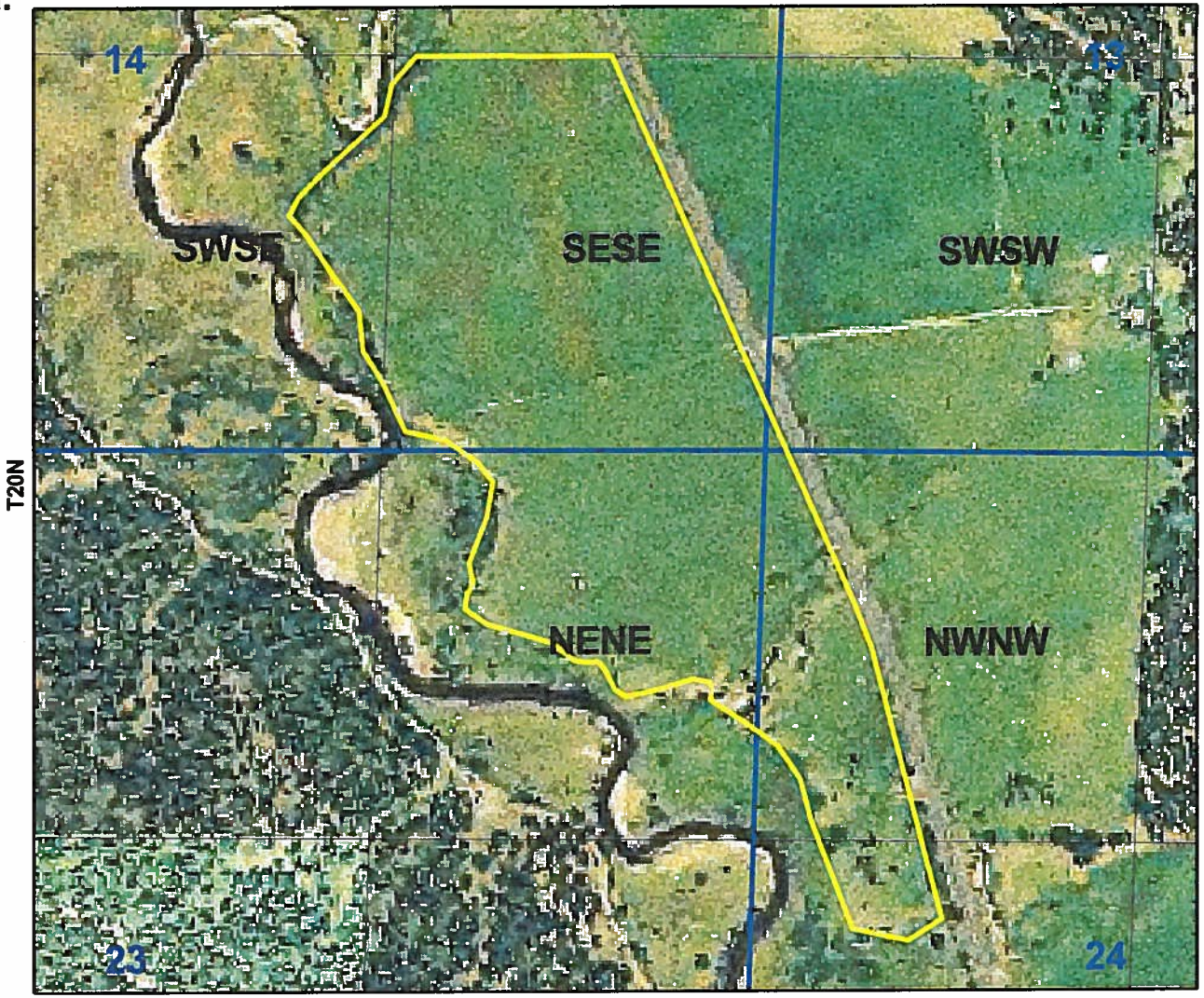
Idaho Department of Water Resources

SRBA Recommendation:

78-12302

(Irrigation)

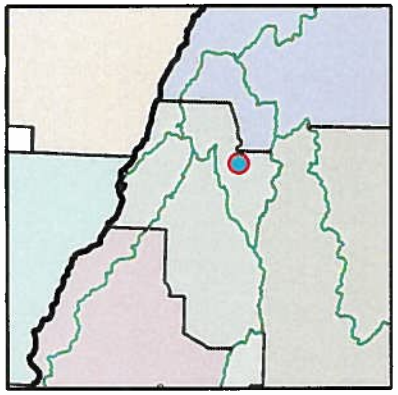
R01E



0 0.3 0.6 Miles

Legend

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



Adams County
IDWR Basin 78

N

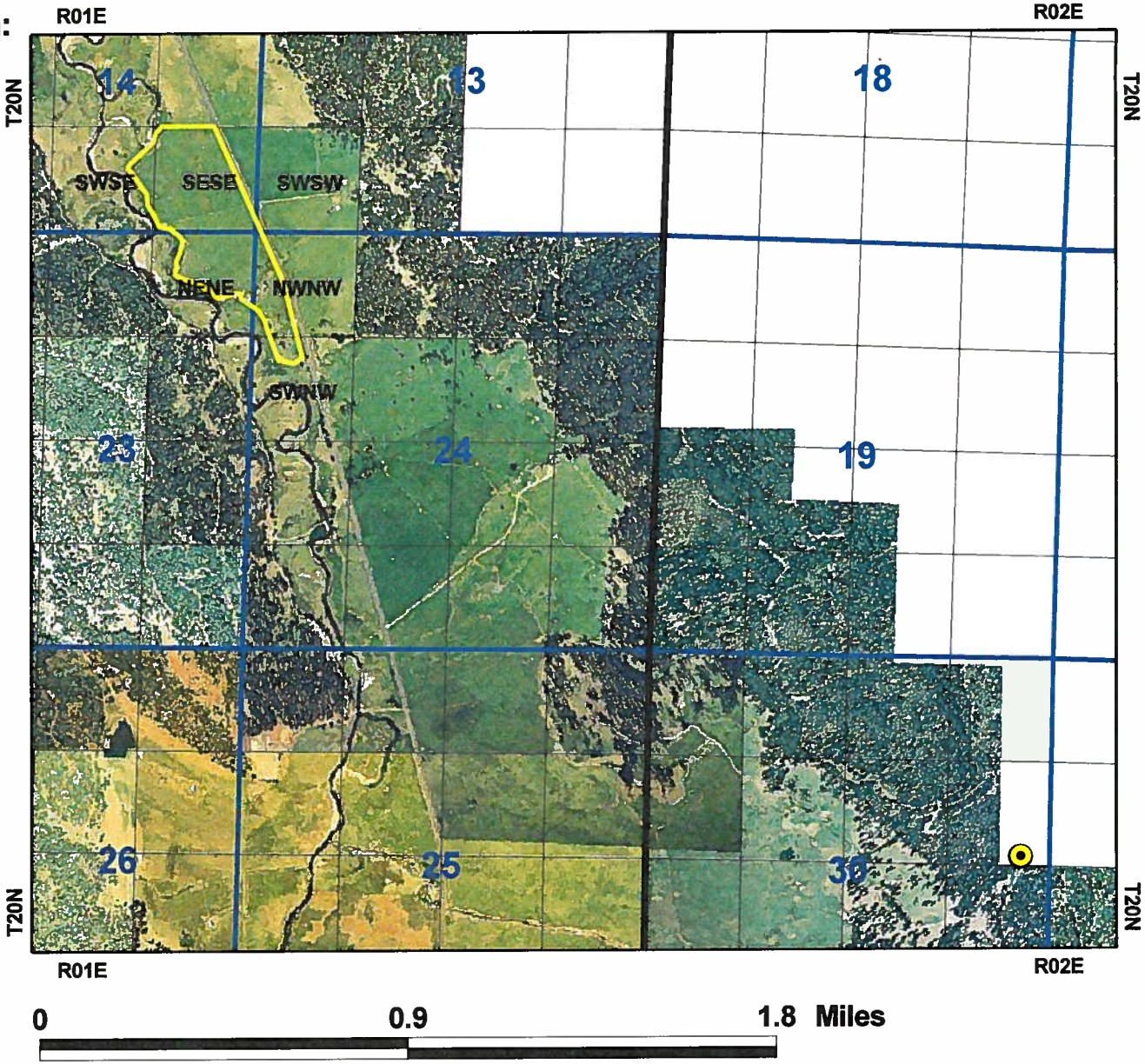
Prepared by K. Walker
On Tuesday, December 12, 2006
1987/88 Aerial Photography

Idaho Department of Water Resources

SRBA Recommendation:

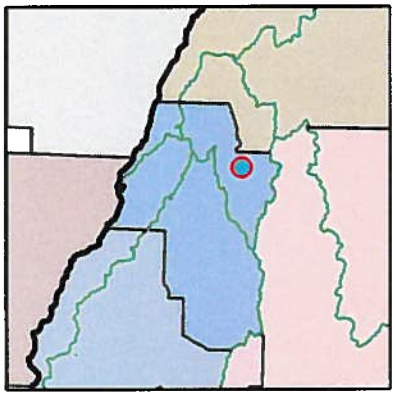
78-12302

(Irrigation)



Legend

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



Adams County
IDWR Basin 78

N

Prepared by K. Walker
On Tuesday, December 12, 2006
1987/88 Aerial Photography

Form 16.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

from file 78-3025 KW see # 11

Permit No......

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. R. E. Gildroy New Meadows Idaho, Farmer Successor to F Delbaere
H. C. Campbell New Meadows Idaho, Farmer manager
of W. H. Campbell Farm,

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Successor to Delbaere , and Manager W. H. Campbell Farm,

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 14574 March 4th 1920. August 15 1924.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Browns Creek and tributaries as shown by permit,
Diversion, SW 1/4 SW 1/4 Sec 17 TP, 20 North R 2 East, BM.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Head gate, two feet by three ditch, two feet wide at bottom four feet wide at top, two feet deep, two hundred foot of flume two feet wide and eighteen inches deep,
Delbaere ditch,

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, SW ~~SE~~ x ~~SW~~ x 1/4 of SW 1/4 Sec 13, SE of SE 1/4 sec 14, NE ~~SE~~ 1/4 of NE 1/4, sec 23, NW 1/4 of NW 1/4 Sec 24, E 1/2 SW 1/4 W 1/2 SE 1/4 Sec 24, all of TP. 20 N Range 1 E BM. water is used on all the above land, is set to natural meadow.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

14574

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. Six cubic feet per second,

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Gildroy, contract to purchase Delbacre place, H. C. Campbell Manager, W. H. Campbell place,

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. August 1924, used the full amount granted by permit, completed construction of ditch and flume at that time.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. use flood waters out of six mile creek during high water saeson not decreed , no permit.

(Sign) P. E. Gildroy
W. H. Campbell
by H. C. Campbell

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in New Meadows, County of Adams, State of Idaho, on this 26 th day of May, A. D. 19 30.

Geo S. Whitelaw
Notary Public.

My commission expires Nov 15 th 1932.

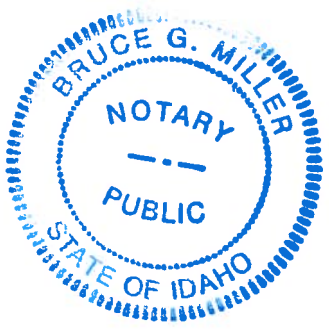
The hearing of proof of claimats and witness was extended from May 25 to May 29 as the former date fell on sunday.

14574

Rec. priority date of irrigation first day of season, 1930. kw 12/12/06

RECEIVED
DEC 1 1 2006
DEPARTMENT OF
WATER RESOURCES

John W. Brees & Karen K. Brees
4301 Highway 95
New Meadows, ID 83653
(208) 347-2714



December 8, 2006

Idaho Department of Water Resources, Attn: Kay Walker
322 East Front St., PO Box 83720
Boise, ID 83720-0098

Dear Ms Walker:

Regarding the water right claim #78-12302 that was split from the former right #78-10213, I offer the following history to show evidence of the priority date of May 18,1920.

The claim # 78-12302 actually runs with the claim # 78-2025D that was granted by license #14574 and has a confirmed priority date of May 20, 1920. Claim # 78-12302 is for floodwater from Six Mile Creek that is used before the diversion from Brown's Creek (claim # 78-2025D) becomes available in the spring, sometime after the middle of June depending on snowfall.

The ditch system to carry water from Six Mile Creek to the Frank D. Delbaere and W. H. Campbell ranches was constructed sometime between 1880 and 1920. Water from Six Mile Creek was the first water used to irrigate their pastures. In May 1920, Debaere and Campbell were granted a permit to divert water from Brown's Creek and unnamed tributaries into Six Mile Creek and redivert it from Six Mile Creek to the existing ditch to their properties.

When Charles Harris filed the claim #A78-10213 pursuant to the present and on-going Snake River Basin Adjudication, he used the May 18, 1920 priority date to correspond to the priority date on right # 78-2025. The use of Six Mile Creek water actually began prior to that date using existing ditches.

Providing proof of priority is not possible using the criteria set forth by the Idaho Department of Water Resources. At this time, 86 years later, there is no one living who has personal knowledge of water use in 1920. No records sales receipts, or electric bills exist. I could not find any Homestead documents for irrigation claims. I am, however, enclosing a letter from Alvin Hall, a long-time rancher and neighbor who has personal knowledge dating back to 1945.

I hope this evidence will be sufficient to establish a priority date for the claim #78-12302.

Sincerely,

John W. Brees

John W. Brees

John W. Brees appeared before me 12/9/06 and acknowledge this instrument.

Notary for Valley County Idaho
Residing in McCall



RECEIVED
DEC 1 ' 2006
DEPARTMENT OF
WATER RESOURCES

Alvin Hall
Alvin Hall Ranch
Hwy 95
New Meadows ID 83654

Idaho Department of Water Resources
Attn: Kay Walker
322 East Front St., PO Box 83720
Boise, Idaho 83720-0098

December 8, 2006

Re: Claim to a Water Right #78-12302

Dear Ms. Walker:

I have personally observed the use of water from Six Mile Creek during spring flood to irrigate the property now owned by John and Karen Brees. My earliest recollection of the use of that water was in the spring of 1945 when I helped Granddad irrigate. Floodwater was used to irrigate in the spring before the snow was off and we could turn the water into the ditch from Brown's Creek.

I also know that the ditch carrying water from Six Mile Creek to those pastures was dug before 1920 because the ditch was there when they started getting water from Browns' Creek.

Regards,

Alvin Hall

Alvin Hall

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 78-12302
Date Received: 5/27/1988
Receipt No:
Received By:

RECEIVED
DEC 11 2006
DEPARTMENT OF
WATER RESOURCES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN WAYNE BREES Phone: (208)347-2714
4301 HWY 95
NEW MEADOWS ID USA 83654-5044

KAREN ALICE BREES Phone: (208)347-2714
4301 HWY 95
NEW MEADOWS ID USA 83654-5044

Needs evidence of priority

2. Date of Priority: 05/18/1920

3. Source: SIXMILE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot	County	Type
20N	02E	30	SE	SE	NE		ADAMS	

5. Description of diverting works:

WOOD DIVERSION STRUCTURE DIVERTS INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.41	
STOCKWATER	01/01	12/31	0.07	

7. Total Quantity Appropriated is:
1.48 C.F.S.

8. Total consumptive use:

COPY

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
20N	01E	13	SW	SW		STOCKWATER	
			SW	SW		IRRIGATION	0.1
						Section Acres	0.1
20N	01E	14	SW	SE		IRRIGATION	3.6
			SE	SE		IRRIGATION	33
			SW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
						Section Acres	36.6
20N	01E	23	NE	NE		STOCKWATER	
			NE	NE		IRRIGATION	17
						Section Acres	17
20N	01E	24	NW	NW		IRRIGATION	9.8
			SW	NW		IRRIGATION	2.5
			NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	
						Section Acres	12.3
						Total Acres	66

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

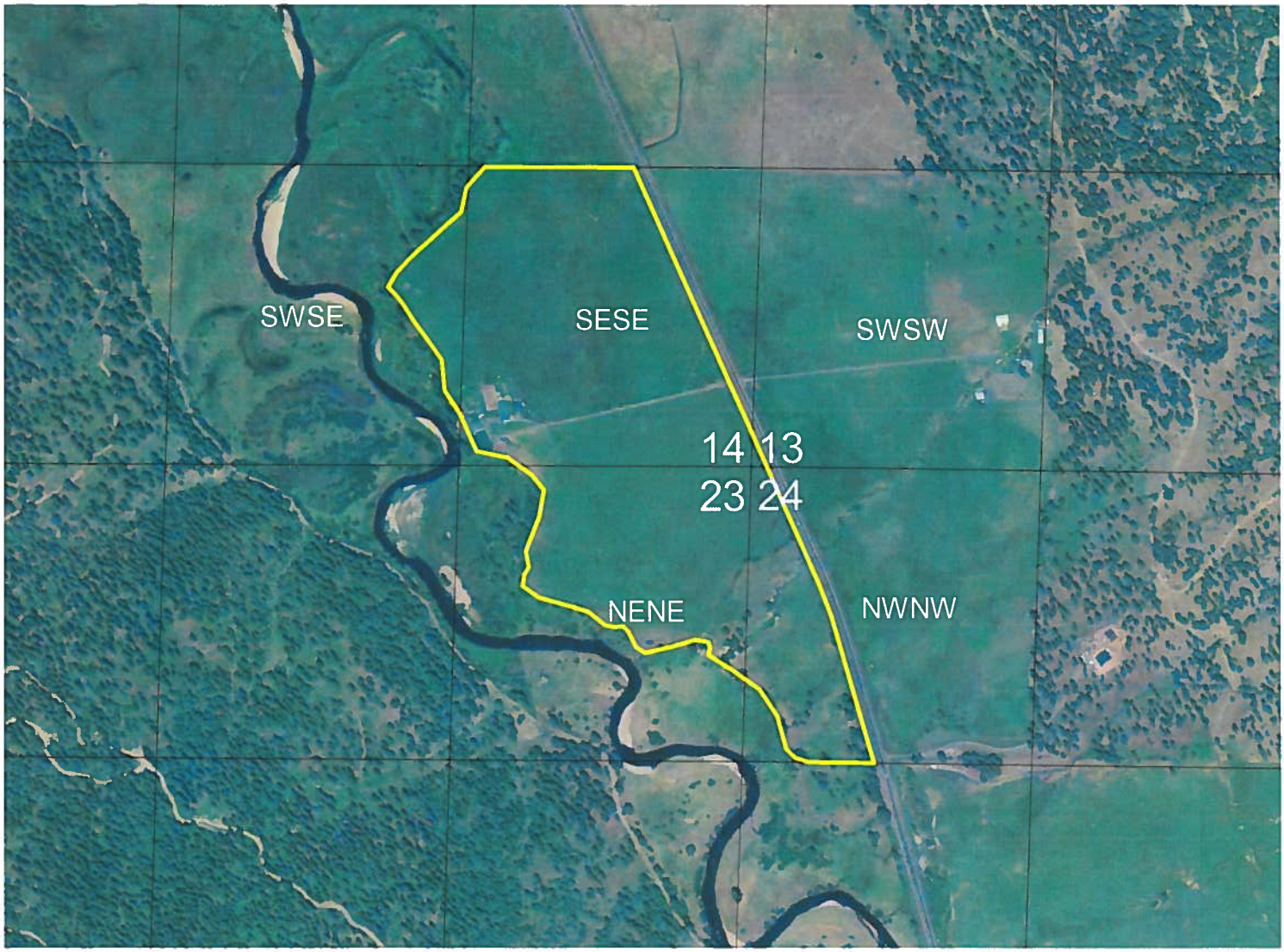
THIS CLAIM IS FOR FLOOD WATER FROM SIXMILE CREEK THAT IS USED BEFORE THE DIVERSION FROM BROWN CREEK IS AVAILABLE.

This right is a split from former right 78-10213.

Ownership change processed this day. kw 12/5/2006

15. Basis of Claim: Beneficial Use

78-2025D



900 0 900 1800 2700 Feet

T20N R01E S13
S14 S23 & S24

N
W E
S

Copy of
claim sent
12/5/2006 -
kw
12/8 - Mr. Brees is working on getting history of water & ~~Statement~~ of use. kw

12-7-06
Mr. Brees called concerning this claim - will try to get affidavit from his neighbor and send it in by the 15th of this month.
kw

attn: Carter Gritschke
reference: Jerry + Patricia Harris
#12302

78-12302

attn: Kay Walker
reference John + Karen Brees
#12303
78-12303

ASSESSMENT ROLL FOR THE YEAR 1920
REAL PROPERTY

CLASSIFICATION OF LANDS												IMPROVEMENTS ON LAND		TOTAL VALUE REAL PROPERTY	Equities in State Lands---Improvements on Government Lands or R. R. Right of Way			Line Number
TURE Value	GRAZING LANDS Acres	GRAZING LANDS Value	WASTE LANDS Acres	WASTE LANDS Value	TIMBER LANDS Acres	TIMBER LANDS Value	Cut over and burnt over Timber Lands Acres	Cut over and burnt over Timber Lands Value	Standing Timber owned separate from Land Acres	Standing Timber owned separate from Land Value	MINERAL LANDS Acres	MINERAL LANDS Value	Class	Value		Class	Description	Value	
					40	680									680				1
					40	680									680				2
																			3
					40	680									680				4
					40	680									680				5
					40	680									680				6
					40	680									680				7
					40	680									680				8
					40	680									680				9
					40	680									680				10
					40	680									680				11
					40	680									680				12
					40	680									680				13
																			14
16	80	15	30	5	85										215				15
							40	240											16
							40	240							240				17
															1440				18
10	50														1130				19
15	75													1000	1975				20
		2	4												1374				21
40	200														200				22
40	200														200				23
																			24
15	75	5	10												685				25
																			26
5	25	5	10												1115				27
															1440				28
5	25														1285				29
25	125														665				30
																			31
																			32
171	855	27	54	405	678	85	40	240						1600	18864				

CATTLE								HORSES, MULES, ASSES						SHEEP AND GOATS				HOGS		LUMBER, SAW LOGS AND WOOD			Machinery owned separate from Bl'd'gs, Tractors Thers, Eng'g, etc.		MERCHANDISE		CLASSIFIED UNDER G-H-I-J		Line Number
MILCH No.	MILCH Value	COMMON No.	COMMON Value	Beef, full blood Cows, Bulls No.	Beef, full blood Cows, Bulls Value	YEARLINGS No.	YEARLINGS Value	Grade or Work No.	Grade or Work Value	Stock Range Common No.	Stock Range Common Value	Stallions, fine bred Mares, Race Horses No.	Stallions, fine bred Mares, Race Horses Value	Bucks, Fine Bred Ewes No.	Bucks, Fine Bred Ewes Value	COMMON No.	COMMON Value	No.	Value	Class	Ft. or Cords	Value	Class	Value	Class	Value	Class	Value	
																												1
																												2
																												3
																												4
																												5
																												6
																												7
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																												13
																												14
																												15
																												16
																												17
																												18
																												19
								80	2400 (240)	473	400			6	450 (45)	7	210 (21)			8	64								20
																												21
																												22
																												23
																												24
																												25
																												26
																												27
																												28
																												29
																												30
																												31
																												32
								80	2400 (240)	473	400			6	450 (45)	7	210 (21)			8	64								

SCANNED
JUL - 6 2011

78-12302
78-12303

ASSESSMENT ROLL FOR THE YEAR 1920
REAL PROPERTY

TOWNSHIP 20 north RANGE 1 East BOISE MERIDIAN

CAXTON PRINTERS, CALDWELL 19906

Line Number	Tax Payers' Statement No.	Check	Owner or Reputed Owner's Name and Address	Subdivision or Tax Number	Section	Total No. of Acres	Irrigated Agriculture Acres	Irrigated Agriculture Value	Dry Agriculture Acres	Dry Agriculture Value	Grazing Lands Acres	Grazing Lands Value	Waste Lands Acres	Waste Lands Value	Timber Lands Acres	Timber Lands Value	Cut over and burnt over Timber Lands Acres	Cut over Value	Improvements on Land Class	Improvements on Land Value	Total Value Real Property	Line Number
1	1392	1996	Clark, E. E.	nw^{4} sw^{4}	13	40	7	210							33	168				500	878	1
2																						2
3	1391	1997	Del Baere, J. D. ✓	sw^{4} sw^{4}	13	40	25	750			15	75								300	1125	3
4	1391			sw^{4} se^{4}	14	40	10	300			20	100	5	10	5	85					495	4
5	1391		✓	se^{4} se^{4}	14	40	30	900			10	50									950	5
6																						6
7	1392	2546 P.P. 1996	Clark, E. E.	ne^{4} sw^{4}	14	40	20	600							10	170	10	50			820	7
8	1392	"		nw^{4} sw^{4}	14	40									40	680					680	8
9	1392	"		ne^{4} se^{4}	14	40	40	1200													1200	9
10	1392	"		nw^{4} se^{4}	14	40					40	200									200	10
11																						11
12	1541	1998	Meadows State Bank	ne^{4} ne^{4}	14	40			5	90					35	555					645	12
13	1541	"		nw^{4} ne^{4}	14	40	20	540	20	540					20	340					880	13
14																						14
15	1393	1999	La Fay, Clarence ✓	sw^{4} ne^{4}	14	40	27	810			5	25	8	16							851	15
16	1393	1999		se^{4} ne^{4}	14	40	10	30			20	100	10	20						600	600 150	16
17	1393	"		ne^{4} nw^{4}	14	40	15	450			20	100	5	10							560	17
18	1393	"	✓	se^{4} nw^{4}	14	40	15	450			20	100	5	10							560	18
19																						19
20	1367	2000	Irwin, C. M. ✓	nw^{4} nw^{4}	14	40	20	600									20	100		150	850	20
21	1367	2000		ne^{4} ne^{4}	15	40	20	600							20	340				300	1240	21
22	1367	"		nw^{4} ne^{4}	15	40									40	680					680	22
23	1367	"		sw^{4} ne^{4}	15	40									40	680					680	23
24	1367	"	✓	se^{4} ne^{4}	15	40									40	680					680	24
25																						25
26	1574	2101	Brackett, J. B. ✓	sw^{4} se^{4}	17	40									40	680					680	26
27	1574	2101	c/o Silas Wilson ✓	nw^{4} ne^{4}	20	40									40	680					680	27
28	1574	2101		sw^{4} ne^{4}	20	40									40	680					680	28
29	1574	2101		nw^{4} se^{4}	20	40									40	680					680	29
30	1574	2101		ne^{4} nw^{4}	21	40									40	680					680	30
31	1574	2101		se^{4} nw^{4}	21	40									40	680					680	31
32																						32
						1000	259	7440	5	90	150	750	33	66	523	8458	30	150		1850	18804	

Line Number	Cattle Common No.	Cattle Common Value	Horses Grade or Work No.	Horses Grade or Work Value	Stock Range Common No.	Stock Range Common Value	Sheep Bucks, Fine Bred Ewes No.	Sheep Bucks Value	Sheep Common No.	Sheep Common Value	Hogs No.	Hogs Value
3	4	130 / 13	4	300 / 30	28	168	28	20	28	168 / 16	1	18
Totals	4	130 / 13 / 117	4	300 / 30 / 270			28	20	28	168 / 16 / 152	2	18