



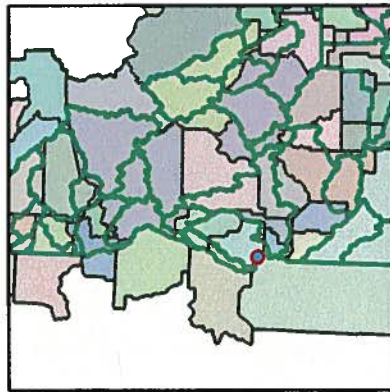
Idaho Department of Water Resources

SRBA Recommendation:

3-10001

Legend

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



Washington County
IDWR Basin 3



Prepared by J. Dean
On Friday, June 2, 2006
1987/88 Aerial Photography

06/02/2006

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

RIGHT NUMBER: 3-10001

NAME AND ADDRESS: LEROY E BRANDT
2630 W PARKSTONE DR
MERIDIAN ID 83642

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.080 CFS
735.000 AFY

PRIORITY DATE: 10/07/1957

POINT OF DIVERSION:

T10N R05W S5 SWSWNW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	3.080 CFS 735.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S05	SWNE	22.00	T10N R05W S05	SENE	1.00
T10N R05W S05	SWNW	6.00	T10N R05W S05 Lot 4 SWNW		6.00
T10N R05W S05 Lot 4	SENW	23.00	T10N R05W S05 Lot 5 NESW		38.00
T10N R05W S05	NWSW	4.00	T10N R05W S05 Lot 5 NWSW		13.00
T10N R05W S05	NESE	19.00	T10N R05W S05	NWSE	38.00

170 ACRES TOTAL

T10N, R05W S5 SWNW & NWSW is unsurveyed, nonfederal land except where noted by GCDB lot number.

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 - License

Idaho Dept. of Water Resources
322 E. Front St. Boise, ID
June 30, 2006

To: 3-10001 & 3-10002 Claim Files
From: Jennifer Dean
Subject: Unsurveyed Lands

At various places along the Snake River (and other rivers) the most recent federal land survey (as represented by the BLM's Geographic Coordinate Database, GCDB) stops at river meander lines. Since the time of the survey, the river has changed course in several places, which created land that is not represented in the survey data. This land is known as omitted lands.

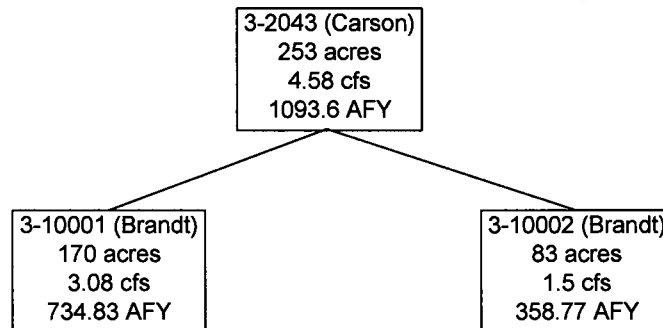
This recommendation for these claims consists of 253 acres. Of those acres, 31.5 are on omitted lands. In order to create a meaningful description of the place of use, I copied $\frac{1}{4}$ $\frac{1}{4}$ section lines and overlaid them on the omitted lands, carefully lining them up with the existing GCDB $\frac{1}{4}$ $\frac{1}{4}$ section lines. In so doing, there were a couple of the theoretical $\frac{1}{4}$ $\frac{1}{4}$ section lines that were divided by existing lots as well as existing lots that were divided by the theoretical $\frac{1}{4}$ $\frac{1}{4}$ section lines. In these instances I used ArcView to calculate the acres for the smallest division.

For example, I recommended 23 acres in T10N, R05W, S5 **SE** Lot 4. I also recommended an additional 6 acres in T10N, R05W, S5 **SW** Lot 4. Additionally, there were 6 acres recommended as unsurveyed land in T10N, R05W, S5 **SW**. Dividing the acres in the recommendation in this way allows both the acres for each lot and the acres for each theoretical $\frac{1}{4}$ $\frac{1}{4}$ to be calculated by simple addition. According to the example, there are a total of 29 acres in T10N, R05W, S5 **Lot 4**. There are also a total of 12 acres in T10N, R05W, S5 **SW**. This method also keeps the government lot as part of the recommendation, which provides a more accurate legal description.

6.0

Split/Overlap Analysis - Water Right No.: 3-2043

Twp	Rng	Sec	Q-Q	Lot	"Parent"	"Children" Claim		"Children" GIS		"Children" Rec	
					3-2043 (Carson)	3-10001 (Brandt)	3-10002 (Brandt)	3-10001 (Brandt)	3-10002 (Brandt)	3-10001 (Brandt)	3-10002 (Brandt)
10 N	05 W	5	NWNE	2	6		11		4.8		4.5
			SWNE		32	21	12	22	9.4	22	9
			SENE		2	1		1.1		1	
			NENW		38				11.3		11
			NENW	3			34		26.1		26
			NWNW		10		10		7.5		7.5
			NWNW	3					2.7		2.5
			SWNW					6.1	1.4	6	1
			SWNW	4	12	8	6	6.5	3.9	6	3.5
			SENW	4	37	21	17	23	16	23	16
			NESW	5	39	38		39		38	
			NWSW					5		4	
			NWSW	5	13	24		13		13	
			NESE		26	19		20		19	
			NWSE		38	38		39		38	
11 N	05 W	32	SWSW				0.3		0.1		
			SESW				2.4		2		2
Total					253	170	92.7	174.7	85.2	170	83
							262.7		259.9		253



Right No:	Diversion Rate	Volume Limit	Irrigated Acres	CFS/ Acre	AFY/ Acre
3-2043	4.58	1093.6	253	0.018	4.32
3-10001 (Brandt)	3.08	734.83	170	0.018	4.32
3-10002 (Brandt)	1.50	358.77	83	0.018	4.32
4.58 1093.60 253.00					

May 8, 2006

LEROY E BRANDT
2630 W PARKSTONE DR
MERIDIAN ID 83642

RESPONSE DEADLINE
MAY 22, 2006

3-10001 & 3-10002

Re: Evidence of Priority Date & Ownership Change

Dear Claimant:

The Notices of Claim to a Water Right (claims) identified above have been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use." Water rights of this type are established by the historic use of water and the priority date is the date when water was first used for the purpose claimed. This date has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

As it stands, we need more information regarding your claimed priority date. The claims filed in the SRBA note that the claimed priority date is based on a statement on the Application for Permit that was filed in obtaining license 3-2043. The statement mentions a 10 hp pump installed in 1920 and a 5 hp pump installed in 1947. To verify that this statement accurately represents the historic use of water, we need more information.

Enclosed you will find a computer printout of your claims and the pamphlet entitled "Evidence of Priority." The pamphlet suggests documents that may be used as evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit. The affidavit should include: 1) date, 2) extent of use (irrigation of 39 acres in the SENW of section 31), and 3) how the affidavit writer knows (I lived next door since I was a child). A form is provided for your convenience.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend these claims under license 3-2043 with a priority date of October 7, 1957. If you choose to pursue the earlier priority date, please provide clear and convincing evidence.

Additionally, the change of ownership form submitted is insufficient to change ownership of claim 3-10002. If Mr. Brandt has purchased the northern portion of this property, please submit the deed that was used to convey this property to Mr. Brandt. Upon receiving the deed for this land, we will process both changes.

Please submit the required evidence supporting the priority date and copies of the deed for the northern portion of the property by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure they arrive at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. If you wish to call, our toll free number is 1-800-451-4129. You may reach me directly at (208) 287-4918.

Sincerely,

Jennifer Dean, EIT
Adjudication Bureau

Enclosures

CC: ROBERTS FARM, INC
1449 LARSEN RD
WEISER ID 83672



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2006

LEROY E BRANDT
2630 W PARKSTONE DR

~~WEISER ID 83672~~

*Incorrect Address
mistyped on letter
JD - see letter may 8.*

**RESPONSE DEADLINE
MAY 18, 2006**

3-10001 & 3-10002

Re: Evidence of Priority Date & Ownership Change

Dear Claimant:

The Notices of Claim to a Water Right (claims) identified above have been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use." Water rights of this type are established by the historic use of water and the priority date is the date when water was first used for the purpose claimed. This date has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

As it stands, we need more information regarding your claimed priority date. The claims filed in the SRBA note that the claimed priority date is based on a statement on the Application for Permit that was filed in obtaining license 3-2043. The statement mentions a 10 hp pump installed in 1920 and a 5 hp pump installed in 1947. To verify that this statement accurately represents the historic use of water, we need more information.

Enclosed you will find a computer printout of your claims and the pamphlet entitled "Evidence of Priority." The pamphlet suggests documents that may be used as evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit. The affidavit should include: 1) date, 2) extent of use (irrigation of 39 acres in the SENW of section 31), and 3) how the affidavit writer knows (I lived next door since I was a child). A form is provided for your convenience.

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Sincerely,

Jennifer Dean, EIT
Adjudication Bureau

Enclosures

CC: ROBERTS FARM, INC
1449 LARSEN RD
WEISER ID 83672

WATER LICENSE

03-2043
Water License No. 27083/02-2141 Priority October 7, 1957 Amount 4.58 c.f.s.
(late proof)

THIS IS TO CERTIFY, that William Carson
of Weiser, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated September 27, 1957; that Permit 27083/02-2141 was issued pursuant
to said application; that the proposed works were completed on or about September 30, 1968,
with a storage/or carrying capacity of 4.58 c.f.s., said works consisting of 2 pumps,
pipes; and that on November 27, 1968,
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1093.6
acre feet per season, with a maximum rate of diversion of 4.58 cubic feet per second of the waters
of Snake River, tributary of Columbia River,
for the purpose of irrigation from April 1 to November 1,
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in Lot 4 (8 1/2 ac NW 1/4) Sec 5, T. 10N, R. 5W, B.M., and
other additional points _____, in the County of
Washington; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 1093.6 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
<u>10N</u>	<u>5W</u>	<u>5</u>		<u>6</u>	<u>32</u>	<u>2</u>	<u>38</u>	<u>10</u>	<u>12</u>	<u>37</u>	<u>39</u>	<u>13</u>			<u>26</u>	<u>38</u>			<u>253</u>
																			<u>243</u>

Total number of acres irrigated 243

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

30 day of October, 19 69.

[Signature]
Deputy State Reclamation Engineer

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-10001

Date: 11-05-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	10N	5W	5			21	1			8	21	38	24			19	38			170
GIS						21.6	1.8			5.2	28.9	51.1	3.8			19.8				170
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 170

Overlapping FOU Claim #'s:

Total GIS Acres: 170

COMMENTS:

Per claim map, county data & image interpretation on this Beneficial Use claim. The NWSW & SWNW are outside of the meander boundaries

Idaho Department of Water Resources

1987 Napp Photo



Claim Number: 03-10001

Legal: T10N, R05W, S5

Reviewed By:

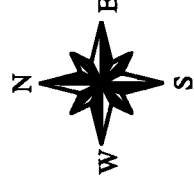
● Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

Township/Range Lines



Idaho Department of Water Resources

1987 Napp Photo



Claim Number: 03-10001

Legal: T10N, R05W, S5

Reviewed By:

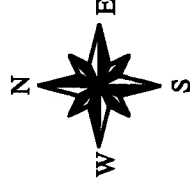
● Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

Township/Range Lines



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: A03-10001
Date Received: 10-10-89
Receipt No: M4882
Received By: hw 10-10-89
5-4-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERTS FARMS, INC. 208-549-2507
Address: 1449 LARSEN ROAD
WEISER, ID 83672

2. Date of Priority: APR 01, 1920

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	5	SW	SW	NW		WASHINGTON

5. Description of diverting works:
PUMP, PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.400		

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

8. Total consumptive use is 595.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	5	SW	NE		IRR	21.0
			SE	NE		IRR	1.0
			SW	NW		IRR	8.0
			SE	NW		IRR	21.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	5	NE	SW		IRR	38.0
			NW	SW		IRR	24.0
			NE	SE		IRR	19.0
			NW	SE		IRR	38.0
						Section Acres	170.0
						Total Acres	170.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON REMARKS FOUND IN THE APPLICATION FOR PERMIT FOR WATER RIGHT NO. 03-02043. THE REMARKS STATED THAT A PUMP WAS FIRST PLACED IN THE RIVER IN 1920. THIS RIGHT MAY DEFAULT TO LICENSE 03-02043 IF NECESSARY. TWO SYSTEMS WERE LICENSED UNDER WATER RIGHT 03-02043, AND THESE ARE BEING CLAIMED AS A03-10001 AND A03-10002.

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: 1

For Organizations:

I do solemnly swear or affirm that I am Secretary of

Roberts Farms Inc, that I have signed the foregoing
Organization

document in the space below as Secretary of

Roberts Farms Inc and that the statements contained in the
Organization

foregoing document are true and correct.

Larry W Roberts
Signature of Authorized Agent

Roberts Farms Inc
Title and Organization

10-10-89
Date

State of Idaho)
County of Ada) SS.

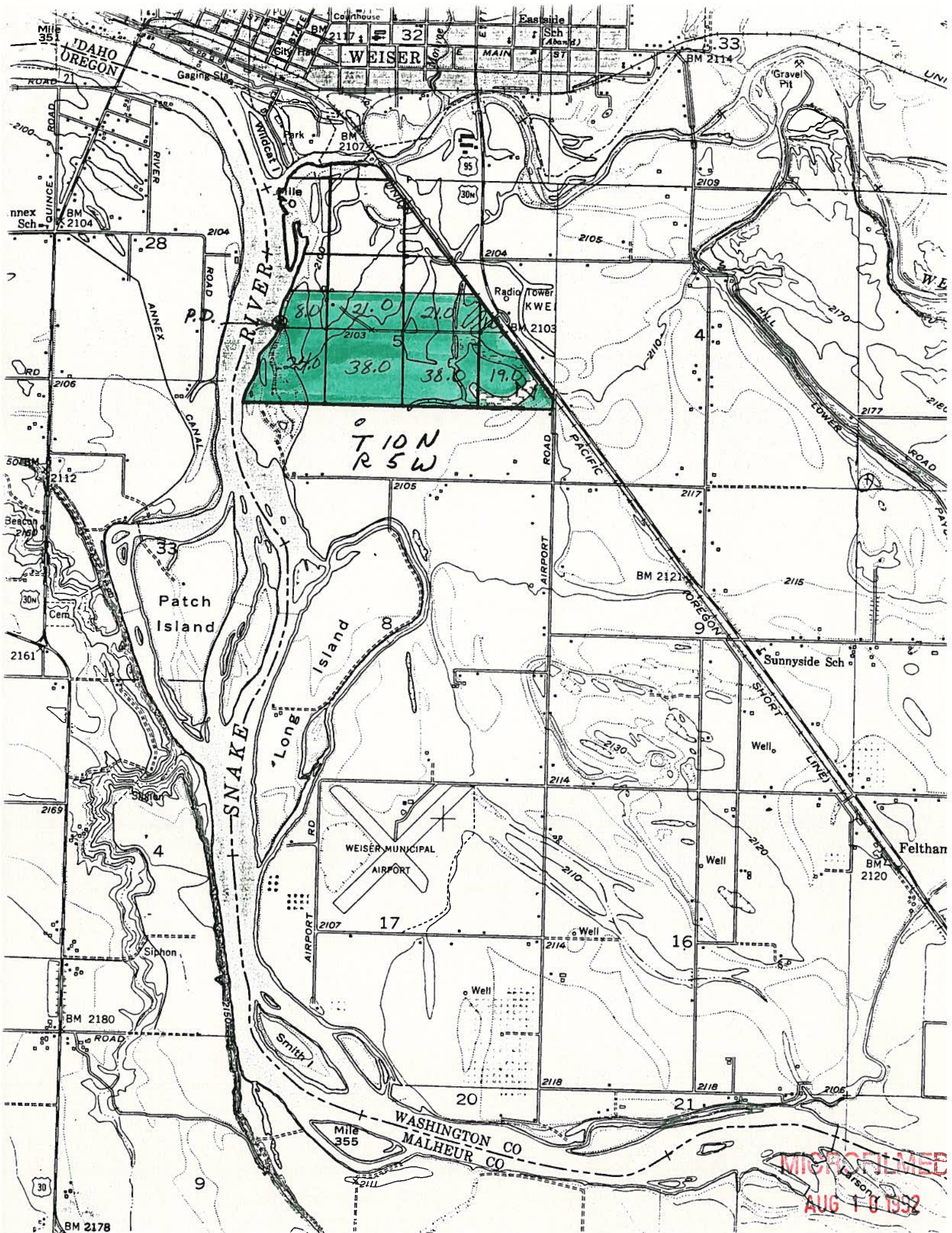
Subscribed and sworn (or affirmed) before me this 10 day

of Oct 19 89

Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
My Commission Expires December 8, 1994



MICROFILMED
AUG 10 1992