

07/01/2003

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

RIGHT NUMBER: 2-2163
NAME AND ADDRESS: MERRILL J BROWN
HC 63 BOX 24
HAMMETT ID 83627

SANDRA BROWN
HC 63 BOX 24
HAMMETT ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 2.000 CFS
PRIORITY DATE: 04/23/1961
POINT OF DIVERSION:

T06S R08E S3 NWSNW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T05S R08E S34	SWSW	39.0	T05S R08E S34	SESW	13.0
T06S R08E S03 Lot 3	SESW	48.0			

100 ACRES TOTAL

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

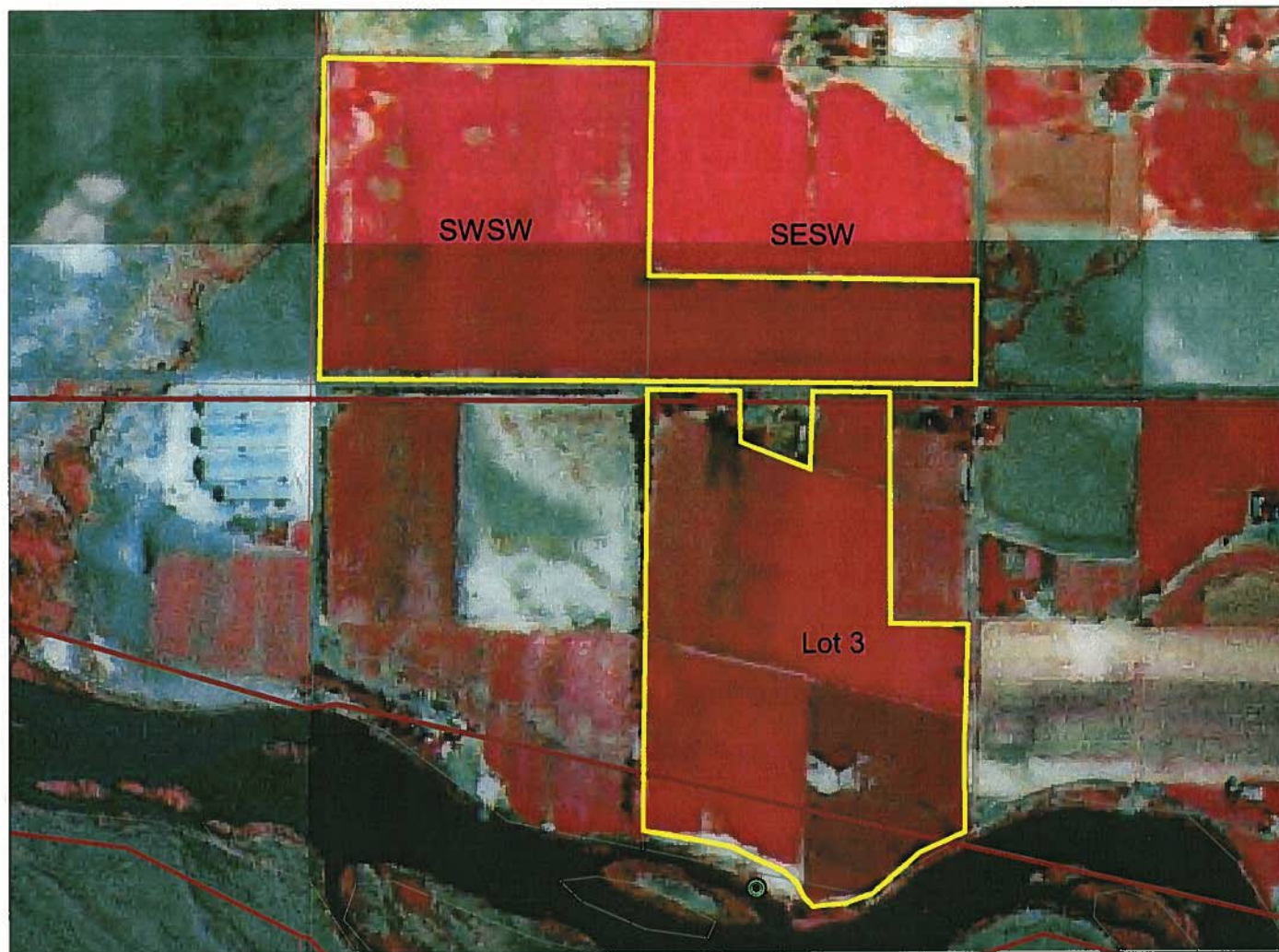
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

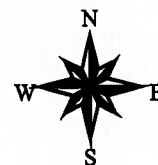
RIGHT NO. 2-10024 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Idaho Department of Water Resources

Place of Use Layout 2-2163

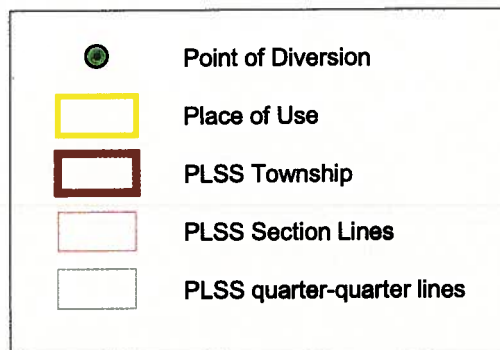


0 0.25 0.5 Miles



Township 5S Range 8E Section 34
Township 6S Range 8E Section 3

GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: June 23, 2003



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: A02-02163
Date Received: 11/21/1989
Receipt No: CO13954
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERRILL J. BROWN 208-366-2077
Address: STAR RT. BOX 24
HAMMETT, ID 83627

AND/OR
Name: SANDRA J. BROWN 208-366-2077
Address: STAR RT. BOX 24
HAMMETT, ID 83627

2. Date of Priority: APR 23, 1961

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
06S	08E	3	NW	SE	NW	3	ELMORE

5. Description of diverting works:
20 HP MOTOR, GRAVITY & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	08E	34	SW	SW		IRR	40.0
			SE	SW		IRR	13.0
						Section Acres	53.0
06S	08E	3	NE	NW	3	IRR	33.0
			SE	NW	3	IRR	14.0
						Section Acres	47.0
						Total Acres	100.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
A02-10024

14. Remarks:

15. Basis of Claim: LICENSE

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): Merrill J. Brown Date: 11-21-89
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of November 19 89 Carter Fritschle
Notary Public

Seal

Residing at _____

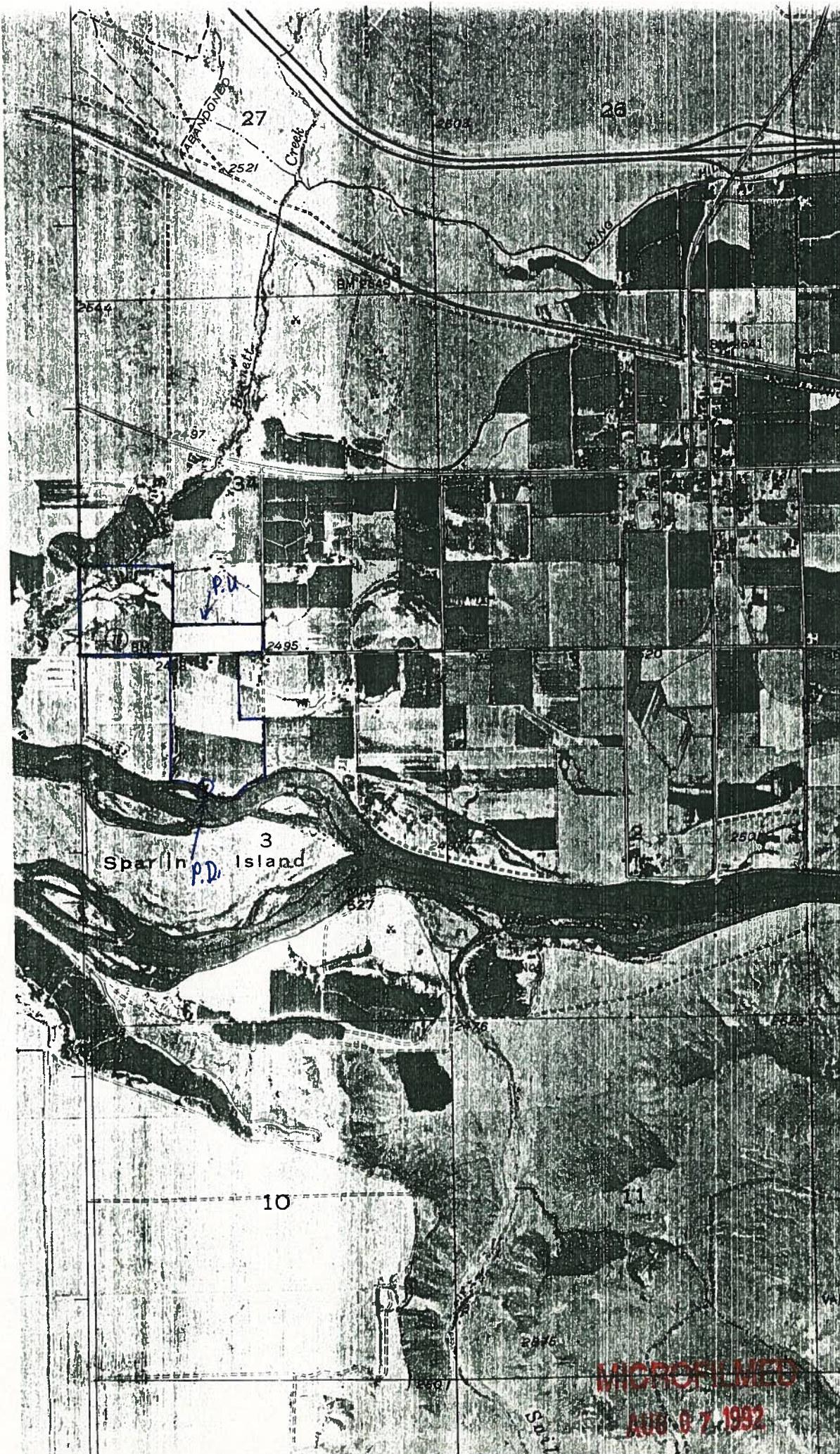
My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

T5S
~~T6S~~

T6S
R8E

A02-02163



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-02163

Date: 7-2-02

	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	55	8E	34											40	13					53
GIS														39.1	12.8					51.9
License														40	13					53
Claim	6S	8E	3					-3			-3									47
GIS								33			14									51.8
License								36			15.8									47
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 100

Overlapping POU Claim #'s:

Total GIS Acres: 103.7

02-10024

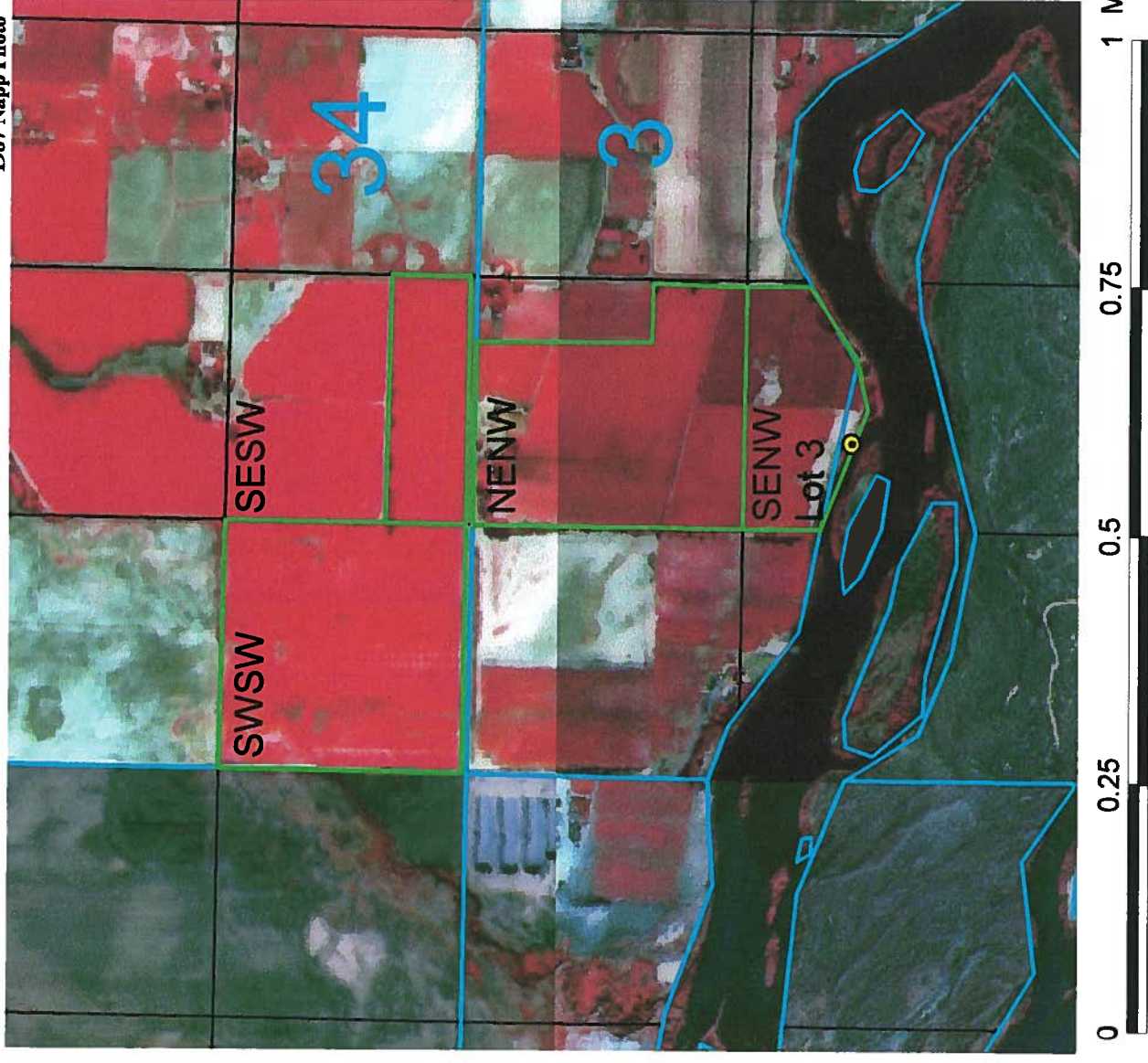
COMMENTS:

Per claim map + overlapping claim

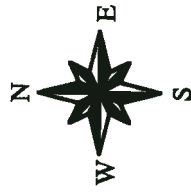
Idaho Department of Water Resources

Claim Number: 02-02163
Legal: T05S, R08E, S34
T06S, R08E, S03
Reviewed By:

1987 Napp Photo



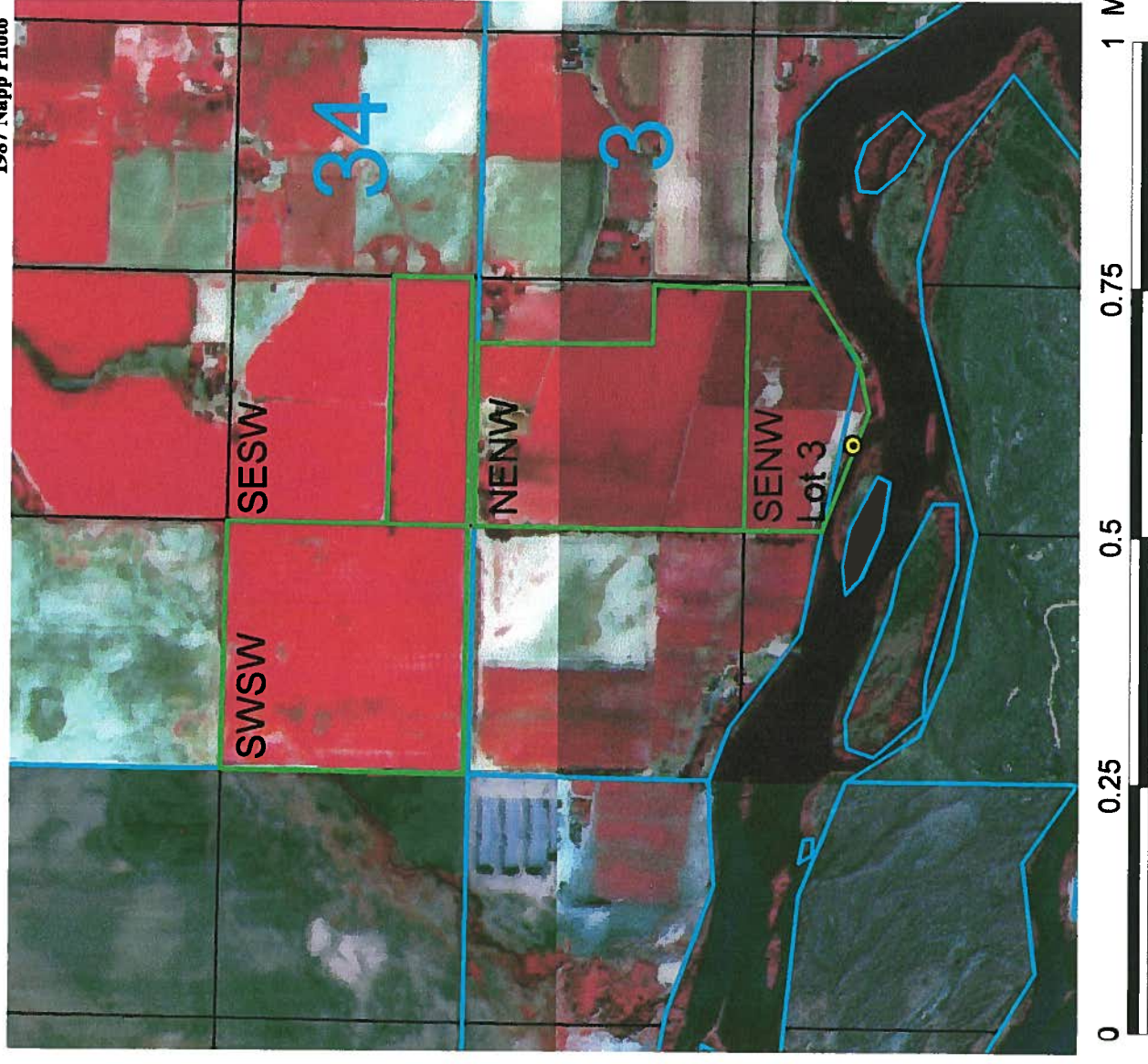
- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines



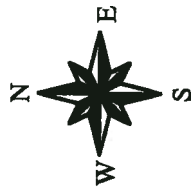
Idaho Department of Water Resources

Claim Number: 02-02163
Legal: T05S, R08E, S34
T06S, R08E, S03
Reviewed By:

1987 Napp Photo



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



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF SNAKE RIVER FROM BASE OF MILNER DAM TO OREGON ~~BRANAGE BASIN~~ BORDER.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02 2163	
I.D. No.	Map No.
\$ 10 ~~700~~	# 315
Fee Paid	Receipt No.

Notice is hereby given that Merrill J. &/or sandra j. Brown
(Name of Claimant)

Star Rt. Box 24 Hammett, Idaho 83627

(Mailing Address)

(Zip Code)

Telephone No. 366-2077

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

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 4/23/26 1961

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

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 2.0 1.2 Use Irrigation A Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity 2.0 1.2 Use Irrigation A Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity 2.0 1.2 Use Irrigation A Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity 2.0 1.2 Use Irrigation A Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity 2.0 1.2 Use Irrigation A Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 1.2 2.0 TOTAL QUANTITY CLAIMED. SW SE NW Lot 3

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 NW 1/4
Sec. 3, Twp. 6S, Rge. 8E, B.M., Elmore County

Additional Points: SCI: 2720(1) 526.9

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

20 H.P. motor Gravity & sprinkler system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location. 23 acres Dean Hadley only 12 acres on his property.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	8E	34																	53
																			48
6S	8E	3																	47

16039-577-54

Total no. of acres 95 100

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

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

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

(8) Remarks

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 02-2163

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

3/4/81
(Date)

Individual Merrill J. Brown
(Signature of Claimant)

Organization NOT NOTIFIED
(Signature of Spouse)

State of IDAHO

Organization

County of ELMORE

Seal

(Signature of Authorized Agent)

On this 4 day of MARCH, in the year 1981 before me

a notary public, personally appeared MERRILL J. BROWN

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

My commission expires LIFE Notary Public residing at BOISE

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 5/27/83

Right No. 02-2163

Claimant BROWN

Recommendation differs from claim:
(Document any differences)

☒ Yes

☐ No

☐ Disallow

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☒ A.S.C.S. Records. Year & Photograph No. 16039-577-54 (1977)

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☐ Other _____

☐ _____

Field Exam Made: ☒ Yes ☐ No Date _____

☐ Adj. Report in file ☒ Beneficial Use Report in License (S.O.) File
COPY IN THIS FILE

Measurement _____ cfs. Amount recommended _____ cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. 1974 DQ 1980 0-2
HANNETT 3453-80-158 1981

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☒ Yes ☐ No

Remarks _____

40 Acres

in S 45/4 of S 45/4

POOR ORIGINAL

53.3

1 3 1/3 Hc
in 5/2 of SF 1/2 of SL 1/2 - S 34
1. T 55-128E

SEC.

111.

SMITH-BRUNEAU RD.

1,700' EAST

114 HALL-TOL P. 32.

MRS J. FEBURY
AND.

H. BURY PROP.

In USLO LOT 3

Hand-drawn map showing the Snake River and a diversion point. The river is labeled "SNAKE RIVER" and "FLOW SNAKE". A red line indicates a diversion point labeled "POINT OF DIVERSION 3 SEC. FT. 20 HP. PUMP - 47' LIFT". A red arrow points to the diversion point. The map is oriented with "SW SE NW" written below it.

492 1 0 1224

Permit Map No. 29576
As Approved MAR 24 1961
C. C. N. CARTER

CENTER SEC. 3

1322. f f 5

POOR ORIGINAL

A-158

I 10.2

H 8.0

F 15.9

E 8.2

D 12.4

B 7.1

A 5.0

C 8.5

B 5.8

A 7.4

C 11.9

A-159

D 2.7

E 3.2

P 4.9

G 6.2

H 8.2

I 11.5

13 IN

A-181

A-160

B 10.5

Lot 3-57-63

C 8.3

E 12.5

D 5.4

F 4.3

SURSEW SURSEW SURSEW

MICROFILMED

AUG 10 1994

29576

TO: 02-2163

FROM: Donald V. Shaff *df*

DATE: 5/27/83

SUBJECT: Review Analysis

The license that was issued based on the field report of the engineer conflicted with the application of permit and the way the water is used today. No amendment to the original application to change the place of use was ever filed. This leads me to believe the tracts inadvertently reversed and the right as recommended hereⁱⁿ is correct. No transfer of the right should be necessary.

On 5/26/83 John Noyes inspected this ^{site} ~~right~~ to verify the place of use. He visited with Mr. Brown who ^{concurred} ~~concurred~~ with these findings. John's notes appear on the claim work sheet. John found the same pump was still in use as that reported in the original field report. The land in lot 3 is irrigated by gravity while the land in section 34 is irrigated by a sprinkler system.

Corresponding to the slight reduction in irrigated ~~acres~~ ^{acres}, the diversion rate recommended is reduced to ¹/₁₀ miners inch per ~~acre~~ ^{acre}. If a protest is filed on the diversion rate, the diversion ~~capacity~~ ^{capacity} of the system should be remeasured in light of the guesstimate made in the 1966 field exam.

MICROFILMED

AUG 10 1994

POOR ORIGINAL

14 31 38

State of Idaho
License and Certificate of Water Right

Water License No. 29576 Priority April 23, 1961 Amount 2.0 c.f.s.
(late proof)

THIS IS TO CERTIFY that MRS. J. F. BURY & MISS HEDWIG BURY

of Hammett, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 17, 1961; that Permit No. 29576 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.0 second feet, was issued thereunder on February 8, 1966, showing that said works were completed on the 30 day of April, 1966; and that on the 30 day of April, 1966 MRS. J. F. BURY & MISS HEDWIG BURY

of Hammett, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Snake River

a tributary of Columbia River for the purpose of Irrigation under Use Permit No. 29576 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in the Public Records of the State of Idaho on the 8 day of February, 1966.

The right hereby confirmed dates from April 23, 1961. (late proof)
The Point of Diversion is located Lot 3 in the (NE 1/4 NW 1/4) Sec. 3 Twp. 6 S., R. 8 E., B21, Elmore County. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.
Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 S	8 E	34	SW 1/4 SW 1/4	40	13
			SE 1/4 SW 1/4	13.3	40
6 S	8 E	3	Lot 3 (NE 1/4 NW 1/4)	46.7	47
Total number of acres irrigated					100

The right to the use of the water aforesaid 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 8 day of February, 1966.

R. Lind Hjorne
State Reclamation Engineer.

APR 10 1967
MICHOIIMED
29576

POOR ORIGINAL

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 29576

REPORT ON PROOF OF Completion of Works & Beneficial Use

JUN 10 1934
MICROFILMED

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 29276

This proof is for Completion of Works & Beneficial Use Water District No.

1. Name of applicant Mrs. J.P. & Miss Hedwig Bury
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the Lot 3 (NE1/4) of Section 3
T. 6 S. R. 8 E., B.M. County of Elmore
4. Describe works as they exist, giving dimensions and capacities of same:
20 H.P. Fairbanks Morse Motor # F4 18597
Fairbanks Morse pump & P2D 2313 8" discharge
to 12" line
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion:
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SW1/4, Sec. 34, T. 5 S., R. 8 E., B.M.; Lot 3 (NE1/4), Sec. 3,
T. 6 S., R. 8 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Pipeline from the river can discharge to ditches at 3 elevations and only the highest ditch was in use at the time of inspection. Flow in the highest ditch estimated at nearly 3 cfs. The works are capable of delivering over 3 cfs to lower points allowing

This examination was made on the

17th day

June

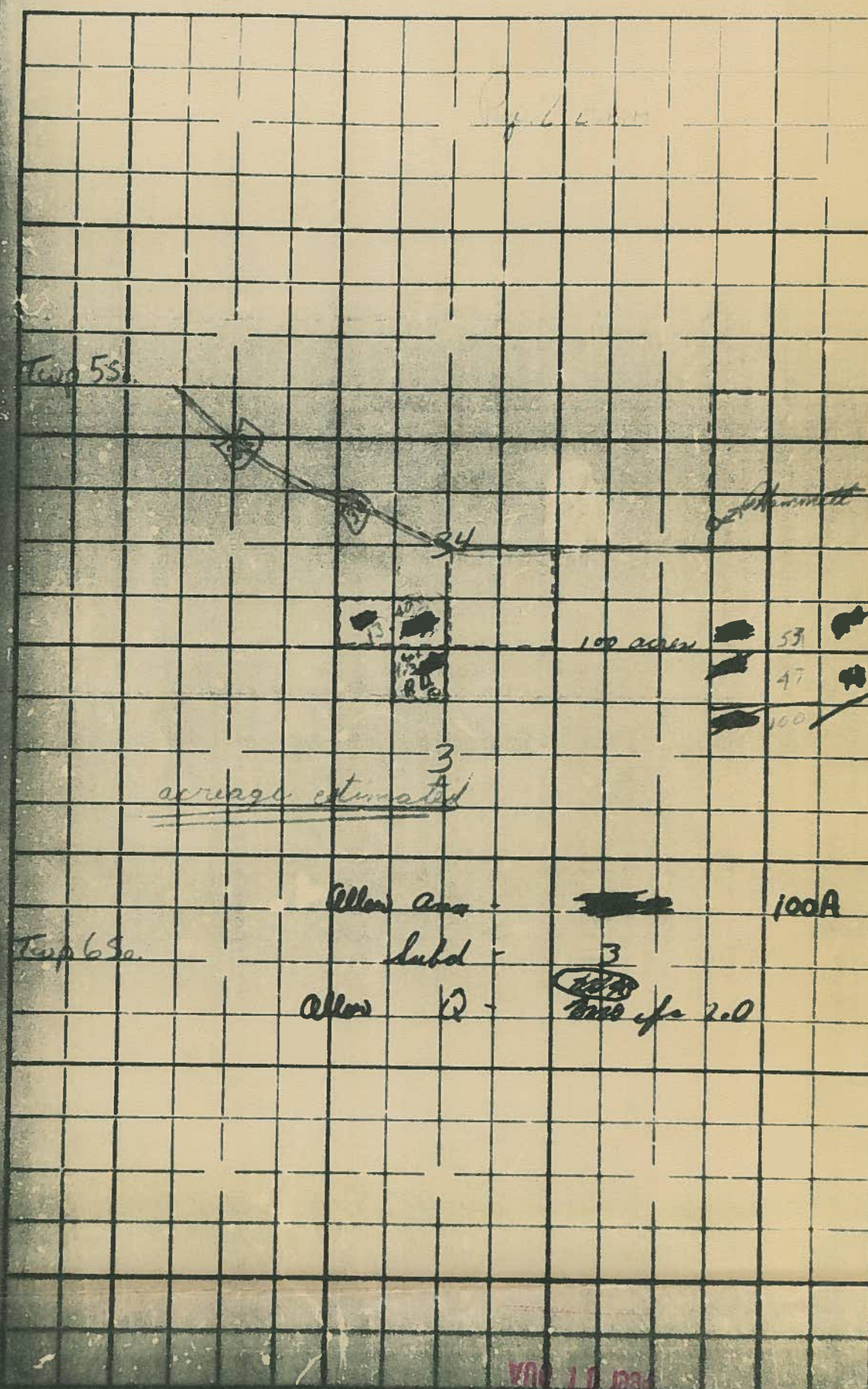
1926

(Signed)

V02 10 1834

POOR ORIGINAL





POOR ORIGINAL

Application For Permit
To Appropriat the Public Waters of the State of Idaho

APPLICATION No. _____
PERMIT No. _____
DISTRICT No. _____

1. Name of Applicant _____
Postal office address _____ County _____ State _____

If applicant is a corporation, give:
(a) Date and place of incorporation;
(b) Amount of capital stock;
(c) Amount paid in;
(d) Name and address of directors.

11. The financial resources of the applicant are:
(a) Cash on hand;
(b) Treasury stock;

(c) Bond to be issued;
(d) Other resources:

2. Quantity of water claimed: _____ cubic feet per second.

3. Source of water supply: _____ which is a tributary of _____

4. Location of point of diversion: _____ feet distant from the
corner of Section _____, T. _____, R. _____, B.M., and is in the _____ of Section of
of section _____, T. _____, R. _____, B.M., County of _____.

5. Water is to be used for _____.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section
T. _____, R. _____, B.M., in the _____ of Section of _____, T. _____, R. _____, B.M.
(b) Amount of power generated: _____ H.P., under _____ feet head.
(c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, T. _____, R. _____, B.M., in the
of Section _____, T. _____, R. _____, B.M.

7. Estimated cost of works: \$ _____.

8. Kind of works: _____.

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____ feet; material used in dam _____.

10. Size of canalgate: Width _____ feet; height _____ feet.

11. Ditch: Width at bottom _____ feet; width at water line _____ feet; depth of water _____ feet; dimensions of flume: _____.

Diameter of pipe _____ inches; length of conduit _____ miles.
Average grade per mile _____ feet.

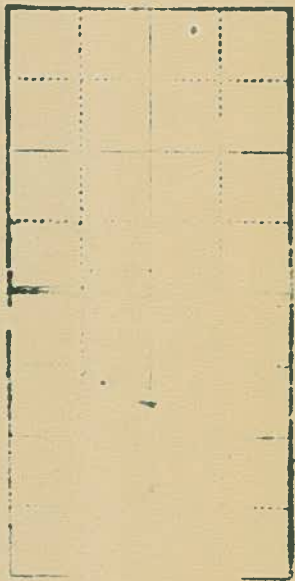
12. The time required for the completion of such work is _____ years.

13. The time required for the complete application of the water to the proposed use is _____ additional years.

14. The land to be irrigated is described in the following tabulation: See remarks

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are _____.

Land recently excluded From KING HILL IRR. DIST.



APR 10 1934
MICROFILMED

POOR ORIGINAL

(a) Is reservoir to be used?
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth

By _____ Applicant
_____ Agent

Date of first receipt at Department of Reclamation: March 12, 1934

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is _____
Recorded in Book _____ Page _____ Approved _____
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ _____ to be filed on or before _____
Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before _____
The whole of said work to be completed on or before _____
Beneficial use of water appropriated in accordance herewith, to be made on or before _____

WITNESS My hand this _____ day of March, 1934

State Reclamation Engineer

Governor of the State of Idaho

IN TESTIMONY WHEREOF, WE, _____, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this _____ day of March, 1934.

STATE OF IDAHO
Countersigned: _____ By _____
(SEAL) _____ Secretary of State

Fruitland Subd.

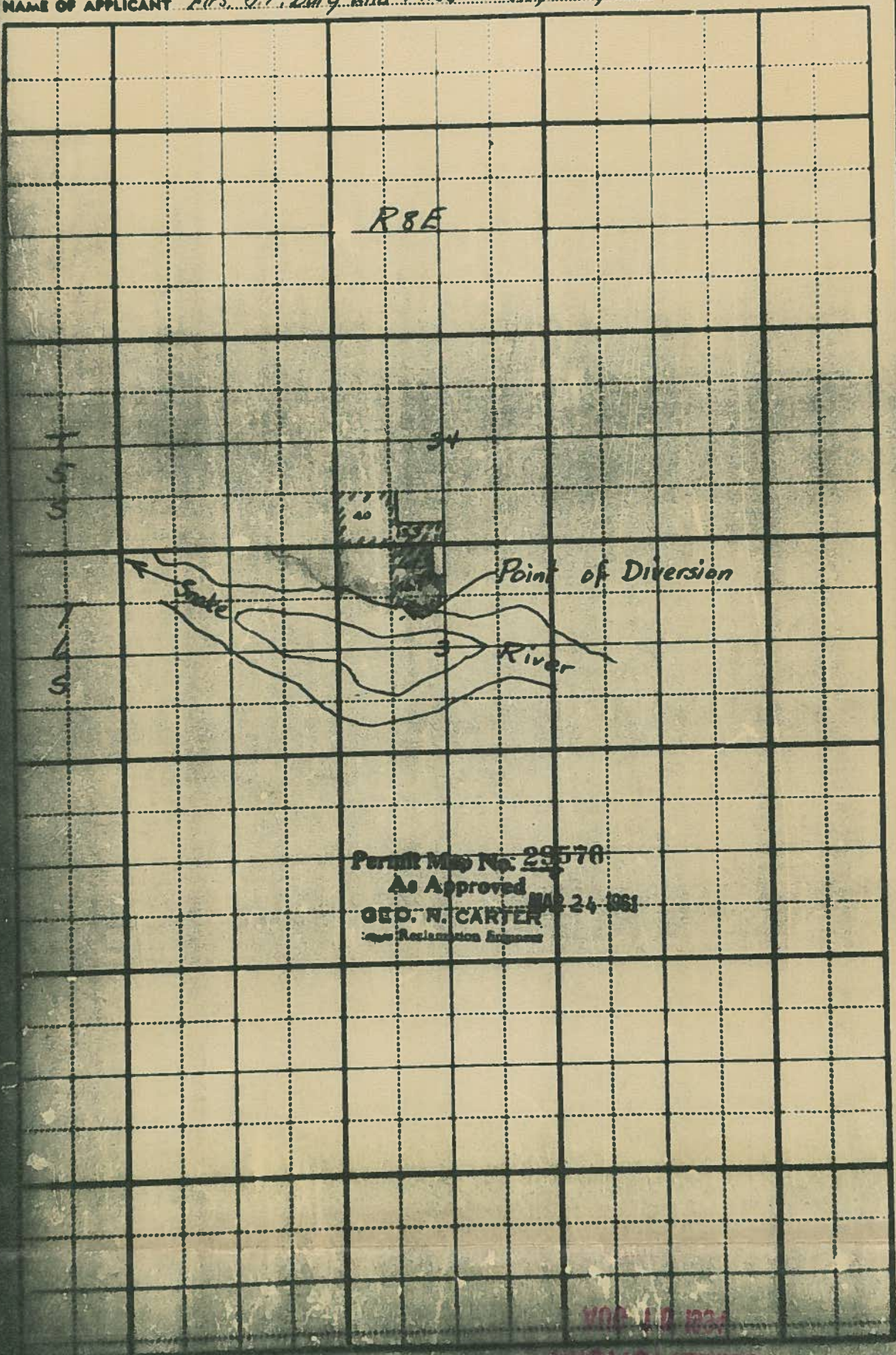
14. Sec. 34 5/8 SW, is Block 10, Lots 1, 2, 3, 11, Lot 3
Sec. 3, Lot 3 is Block 24, Fr. Lot 1, all Lots 2, 3, 4, Fr. Lot 5.

		NE 1/4		NW 1/4		SW 1/4		SE 1/4		Total	
Tract	Block	Sec		NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4

APR 10 1934
MICROFILMED

NAME OF APPLICANT Mrs. J.F. Bury and Miss Hedwig Bury

Form No. 0



Permit Map No. 29576
As Approved
OED. N. CARTER
Reclamation Engineer

NOV 10 1934
MICHOIGAN

29576

POOR ORIGINAL

MRS J F BURY
AND
MISS H. BURY PROP.

~ 5 1/2 75 47 1/2

Sec. Com.

-2. H. L. T. BRUNEAU RD.

1,100' EAST

NO 221 220.4 •

218.5

1322.92-

1035 N. 24.0N

T. C. BUTLER, JR.
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