

11/09/2005

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

RIGHT NUMBER: 2-10024
NAME AND ADDRESS: SANDRA BROWN
HC 63 BOX 24
HAMMETT ID 83627

MERRILL J BROWN
HC 63 BOX 24
HAMMETT ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.040 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/13/1961

POINT OF DIVERSION: T06S R08E S3 NWSEW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	02/15 12/01	0.040 CFS

PLACE OF USE: STOCKWATER Within ELMORE County

T05S R08E S34 SWSW ✓ T05S R08E S34 SESW ✓
T06S R08E S03 Lot 3 SENW lot & tract don't agree
lot 3 = ✓ in N¹/₂ NW
SENW = lot 5, 17, 18 (BIM)

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.

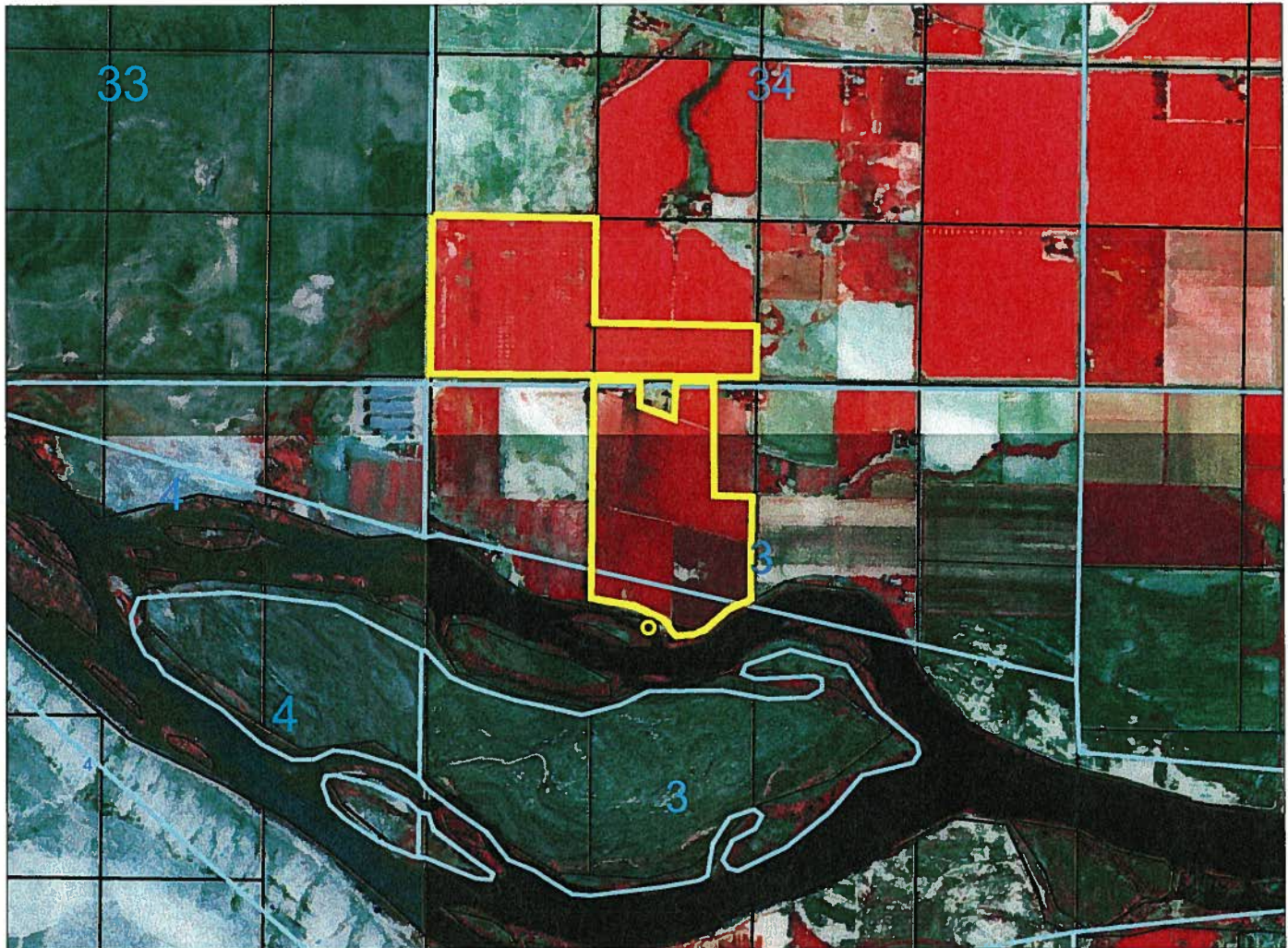
The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 2-2163 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

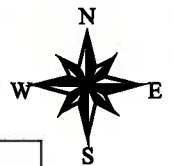
Idaho Department of Water Resources

Place of Use Layout 2-10024



0 0.25 0.5 Miles

Township 5S Range 8E Section 34



GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: JWilson
Date prepared: Nov. 4, 2005



Point of Diversion



Place of Use



PLSS Township



PLSS Section Lines



PLSS quarter-quarter lines

06/30/2003

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

RIGHT NUMBER: 2-10024

NAME AND ADDRESS: SANDRA BROWN
HC 63 BOX 24
HAMMETT ID 83627

MERRILL J BROWN
HC 63 BOX 24
HAMMETT ID 83627

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 05/13/1961

POINT OF DIVERSION:

T06S R08E S3 NWSNW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

02/15 12/01

0.040 CFS

PLACE OF USE: STOCKWATER Within ELMORE County

T05S R08E S34 SWSW

T05S R08E S34

SESW

T06S R08E S03 Lot 3 SENW

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT NO. 2-2163 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

MEMO TO FILE

To: 2-10024
From: Scott King 
Date: July 1, 2003

Subject: Recommendations

PRIORITY

Claimed 1902 based on prior use of King Hill Irrigation District water. However, based on claim remarks, King Hill water is no longer used here. The March 1961 application for permit (2-2163) states on question 15 (existing water rights) that "Land recently excluded from King Hill Irr. Dist." Based on this evidence, it is not appropriate to recommend this right with a 1902 priority.

A right for Snake River water was developed in the late 1950's (2-2163) and covers the lands claimed in 2-10024. It appears this claim was filed to gain an earlier priority, stockwater uses, and an additional 4.8 acres above the 2-2163 license. A priority date of 5/13/1961 is recommended based on the date identified in question 9 of 3/3/1969 Deposition of Holder (when water was first pumped from the Snake River and put to beneficial use).

POD

Same as 2-2163.

POU

Claimed 104.8 acres. I find only 100 as licensed and recommended in 2-2163. The licensing exam and 1/18/1968 letter to license holder indicate that more than 100 acres was found during the 1966 licensing exam. However, the exam is not clear where these acres are. In addition, the licensing exam states "acreage estimated." It may be possible that there are a few more acres that could be included in this recommendation, but since I could not identify them, none are included for this recommendation and irrigation is not recommended as a use (irrigation included in 2-2163). Earlier review during little 02 adjudication indicates only 95 acres found irrigated based on 1977 ASCS photography. Stockwater is recommended in the same POU as irrigation in 2-2163.

QUANTITY

Recommended 0.04 for stockwater without volumetric determination.

OVERLAP

Same POD for 2-2163. Stockwater has same POU as 2-2163.

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: A02-10024
Date Received: 11/21/1989
Receipt No: 0012954
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: MAR 26, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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	2.100		
STOCKWATER	02/15	12/01	0.040		

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

8. Total consumptive use is 366.8 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 150 CATTLE AND 280 SHEEP

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					
06S	08E	3	NE		NW	3	IRR	33.0
			NW		NW	4	IRR	0.8
			SW		NW	4	IRR	0.3
			SE		NW	3	IRR	17.7
			Section Acres					
Total Acres								104.8

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:

A02-02163, STOCK WATER FROM THE WELL AND DIRECTLY FROM RIVER

14. Remarks:

THIS LAND ORIGINALLY RECEIVED WATER FROM THE KING HILL IRRIGATION DISTRICT. IN THE LATE 1950'S A PUMP WAS INSTALLED TO IRRIGATE THE LAND WITH WATER PUMPED DIRECTLY FROM THE SNAKE RIVER. STOCKWATER PLACE OF USE IS THE SAME AS IRRIGATION.

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 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 P. 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

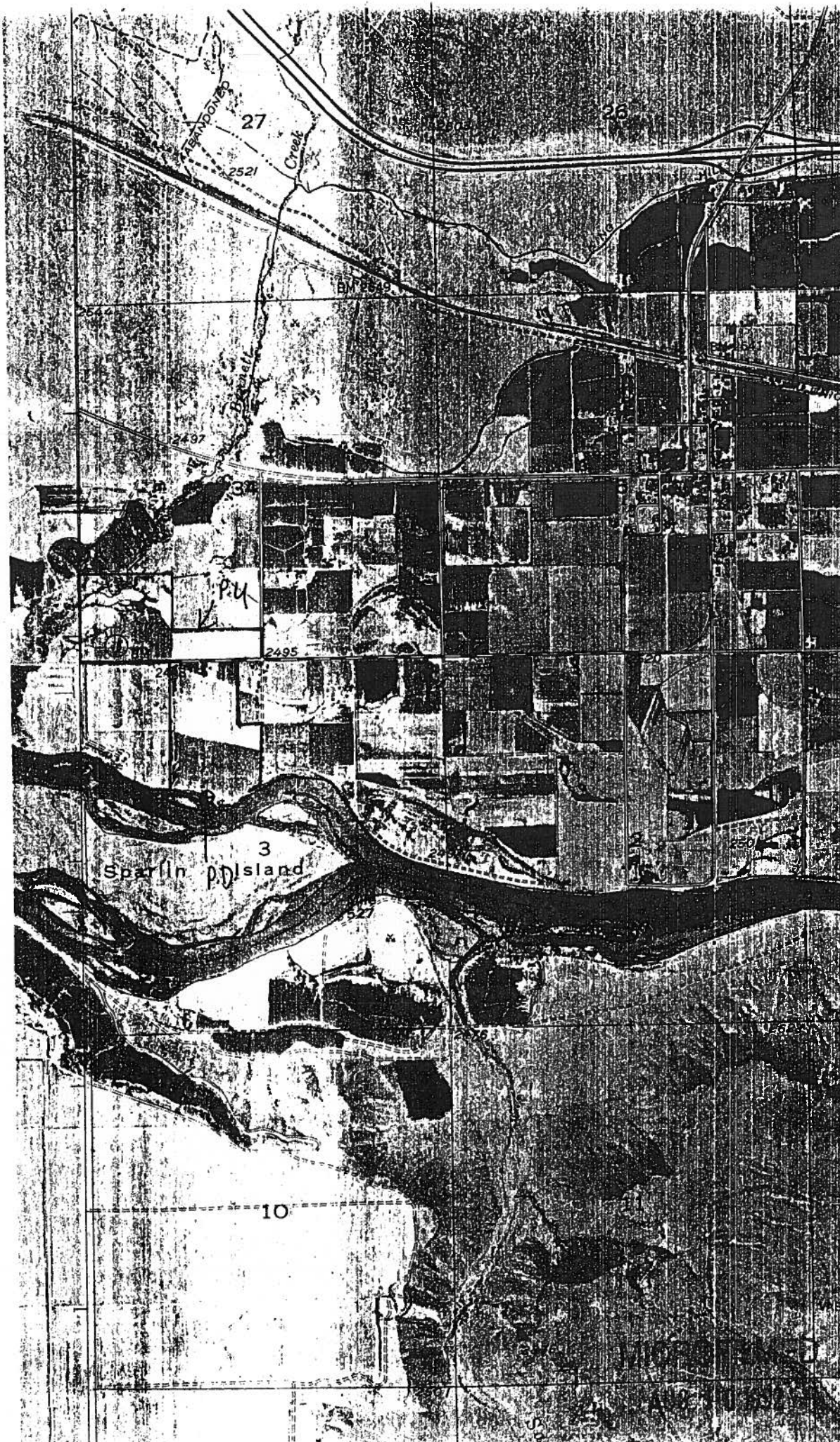
T5S

~~T6S~~

T6S

R8E

AQ2-10024



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-10024 Date: 6-18-02

	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	128					51.9
Claim	65	8E	3					-3	-4	-4	-3									51.8
GIS								33	.8	.3	17.7									52.9
								36	.6	.5	15.8									
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 104.8

Overlapping FOU Claim #'s:

Total GIS Acres: 104.8

02-02163

COMMENTS:

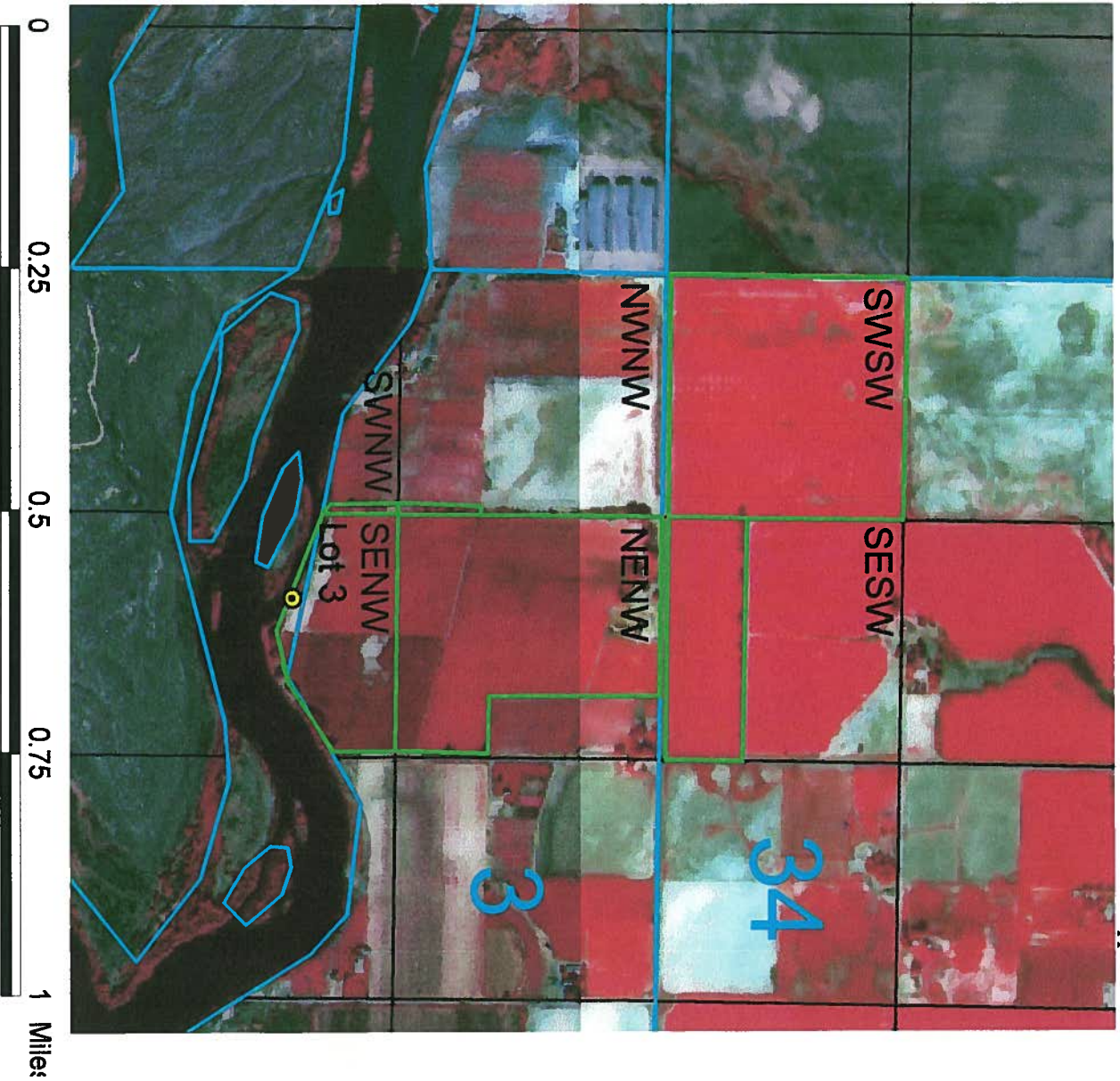
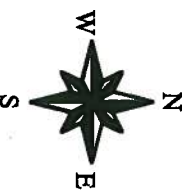
Per claim map.

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 02-10024
Legal: T05S, R08E, S34
T06S, R08E, S03
Reviewed By:

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



Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 02-10024
Legal: T05S, R08E, S34
T06S, R08E, S03
Reviewed By:

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

