

2000 MAR 16 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10132

RECEIVED

MAR 17 2000

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

Department of Water Resources

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION: T06S R08E S03 LOT 03 (NESENW) (Instream Beginning Point) Within Elmore County
LOT 03 (NWSNW) (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Elmore County
T06S R08E S03 LOT 03 (SENW)

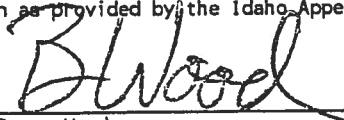
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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: A02-10132
Date Received: 12/ 5/1995
Receipt No: W020159
Received By: MM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERRILL BROWN 208-366-2077
Address: HC 63 BOX 24
HAMMETT ID 83627
AND/OR
Name: SANDRA BROWN 208-366-2077
Address: HC 63 BOX 24
HAMMETT ID 83627

2. Date of Priority: JAN 1, 1922

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
Beginning Point of Instream Flow							
06S	08E	3	NE	SE	NW	3	ELMORE
06S	08E	3	NW	SE	NW	3	ELMORE
Ending Point of Instream Flow							
06S	08E	2	NE	SE	NW	3	ELMORE
06S	08E	3	NW	SE	NW	3	ELMORE

5. Description of diverting works:
NONE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.080		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

MICROFILMED
SEP 19 1996

9. Non-irrigation uses:

INSTREAM STOCKWATER, 300 HEAD OF CATTLE AND 300 HEAD OF SHEEP

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	08E	3	SE NW	3	STOCK	

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:

14. Remarks:

THE LOCATION OF THE ACCESS TO THE RIVER IS ON OR NEAR THE LINE BETWEEN NESENW AND NWSNW, (LOT 3) T06S, R08E.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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: 12-5-95

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of December 19 95

Maria Minicucci
Notary Public

Seal



Residing at Boise, Idaho
My Commission Expires 06/25/1999

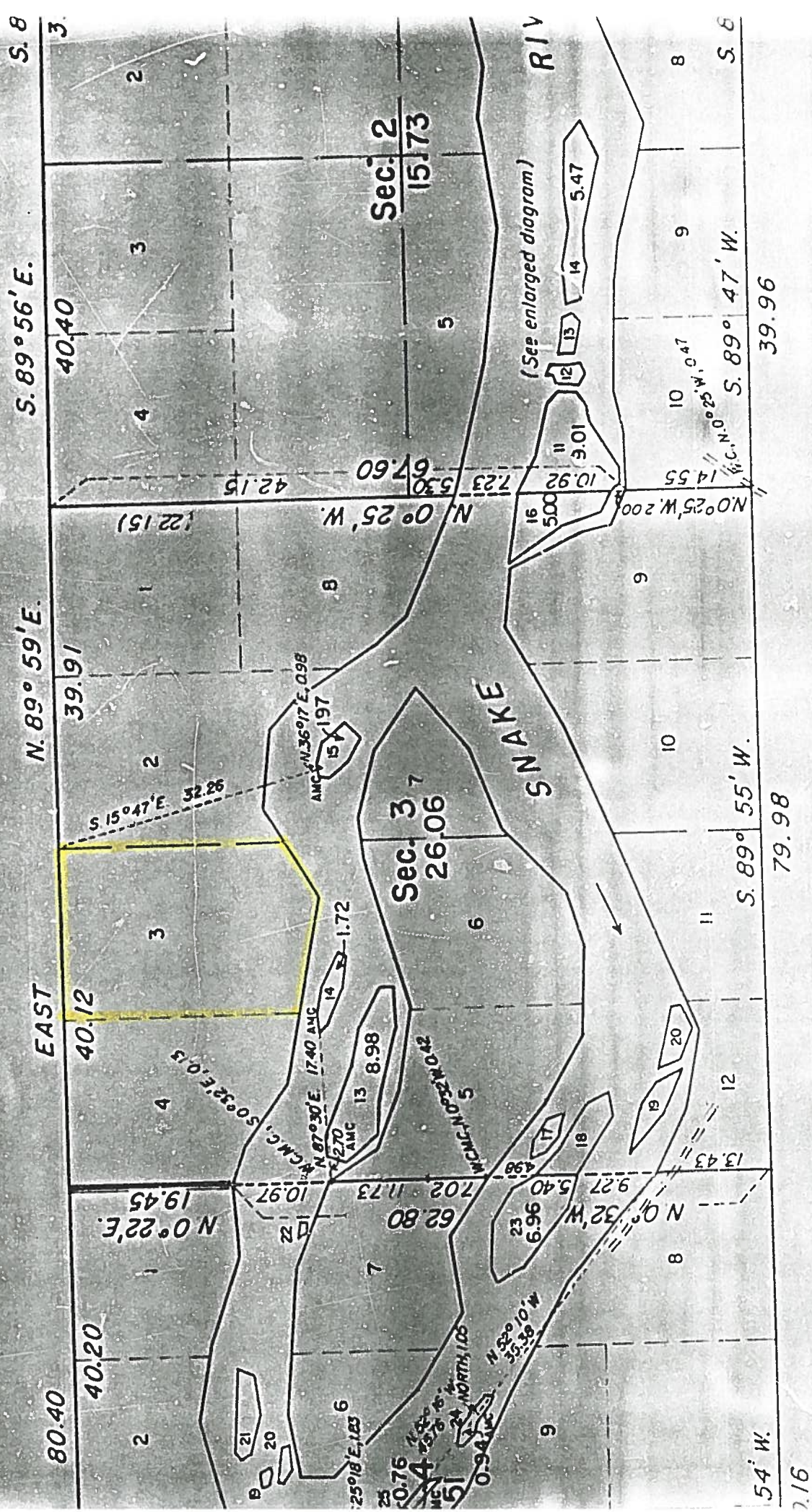
MICROFILMED
SEP 19 1996

INstream STOCK



Govt PLAT 1744 (1966)

Scale: 1" = 10 Ch.



Scale in Chains

AJ0749NP
No. R02-10132

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/12/99
PAGE: 1

OWNER CODE NAME & ADDRESS
C MERRILL BROWN
C SANDRA BROWN
HC 63 BOX 24
HAMMETT ID 83627
(208) 366-2077

PRIORITY DATE
01/01/1922 STOCKWATER

USE PERIOD FROM TO
01-01 12-31

DIVERSION RATE
0.02 CFS

DIVERSION VOLUME
0.02 CFS

TOTAL DIVERSION:
0.02 CFS

Water Source: SNAKE RIVER Tributary to: COLUMBIA RIVER Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T06S R08E S03 Lot03(NESENW)
Point(s) of Ending Stream Reach: T06S R08E S03 Lot03(NWSENW)

Place of use Legal Description for: STOCKWATER

NE		NW		SW		SE		
NESE	NENE	NWSE	NWNE	SWSE	SWNE	SESE	SENE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac
---	---	---	---	---	---	---	---	---
06S	08E	3	:	:	03-S	:	:	:

POU County: ELMORE

Conditions of Approval:
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP STOCKWATER, 300 RANGE CATTLE, 300 SHEEP
PARCEL NO. RP 06S08E031510

Dates: Exam Made Date: Verified Date: 02/12/1999 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/15/1998 User-ID: SEGBERT Subject: COPIED FROM REMARKS
THE LOCATION OF THE ACCESS TO THE RIVER IS ON OR NEAR THE LINE
BETWEEN NESENW AND NWSENW, (LOT 3) T06S, R08E.

Audit: 02/12/99 KWALKER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

(REGIONAL)

(208) 366-2077

RECEIVED

OCT 07 1998

WATER RESOURCES
WESTERN REGIONNE
NW

:	NESE	NWSE	SWSE	SESE
:	Lt	AC	Lt	AC
:	---	---	---	---
:	---	---	---	---

Stage: BENEFICIAL USE

RECEIVED

SEP 15 1998

**Department of Water Resources
Southern Region**

Comments: Date: 09/15/1998 User-ID: SEGBERT Subject: COPIED FROM REMARKS
THE LOCATION OF THE ACCESS TO THE RIVER IS ON OR NEAR THE LINE
BETWEEN NESENW AND NUSENW, (LOT 3) T06S, R08E.

Audit: 09/15/98 SEGBERT



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HAMMETT LIVESTOCK CO
PO BOX 33
HAMMETT ID 83627

RECEIVED

SEP 15 1998

Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. 02-10132

Dear Claimant:

We have been advised you may be the present owner of the property with the water right referenced above.

Before we can modify our records to reflect your ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by September 2, 1998.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

Sandy Egbert
Clerical Specialist

cc: Regional office
Enclosures: Form 42-248/42-1409(6)
Copy of No.02-10132 water right filing

*No response
9-14-98*

AJ5856NP

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

DATE: SEP-5-1997
PAGE: A-3

RIGHT NUMBER: 02-10132

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

N/O Hammett Livestock Co.
PO Box 33
Hammett Id 83627

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION: T06S R08E S03 LOT 3 (NESENW) (INSTREAM BEGINNING POINT) Within ELMORE County
LOT 3 (NWSNW) (INSTREAM BEGINNING POINT)
S02 LOT 3 (NESENW) (INSTREAM ENDING POINT)
S03 LOT 3 (NWSNW) (INSTREAM ENDING POINT)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER INSTREAM STOCKWATER, 30	01-01 12-31	0.08 CFS

PLACE OF USE: STOCKWATER Within ELMORE County
T06S R08E S03 Lot 3 (SENW)

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

THE LOCATION OF THE ACCESS TO THE RIVER IS ON OR NEAR THE LINE
BETWEEN NESENW AND NWSNW, (LOT 3) T06S, R08E.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

KP 06S08 E 031510

RECEIVED

SEP 15 1998

Department of Water Resources
Southern Region

Verified by Darf Date: 7/28/98

Verification Source: GIS + City Maps