

RECEIVED

MAY 14 2003

Department of Water Resources

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 37-1126
Date Received: 7/13/1988
Receipt No: S000907
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOCK S BROWN Phone: (208) 788-9457
140 FRIEDMAN LN
BELLEVUE ID 83313

CATHY M BROWN Phone: (208) 788-9457
140 FRIEDMAN LN
BELLEVUE ID 83313

2. Date of Priority: 04/08/1908

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	19E	7	NW NW NE	LINCOLN	

5. Description of diverting works:

TURNER #61 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	7/15	0.8	

7. Total Quantity Appropriated is:
0.8 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
05S	19E	7	NW	SE	IRRIGATION	10
			NW	NE	IRRIGATION	20
			SW	NE	IRRIGATION	10
					Section Acres	40
					Total Acres	40

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

P/D AS GIVEN BY WATERMASTER WAS NE,NW.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 13, 2003

JOCK BROWN
CATHY BROWN
140 FRIEDMAN LN
BELLEVUE ID 83313

Re: SRBA Claim(s) 37-1126

Dear Mr. and Mrs. Brown:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
APR 29 2003

Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-1126					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**. -

3. Name and Address of Former Owner/Claimant(s) James Alfred Ivie
General Delivery, Richfield, ID 83349
4. New Owner/Claimant(s) Jock Brown and Kathy Brown
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 140 Friedman Ln
- City, State and ZIP Code Bellevue, ID 83313
- New Telephone Number ()
5. Date you acquired the property April 21, 2003

WARRANTY DEED

#GL-04350

For Value Received

Stephen D. Damele and Pauline S. Damele, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Jock Brown and Cathy Brown, husband and wife
Address: 140 Friedman Ln, Bellevue, ID 83313

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 7: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$;

EXCEPTING THEREFROM the abandoned Railroad Right-of-Way conveyed in Deed from Oregon Short Line Railroad Company to the State of Idaho, Department of Transportation dated May 18, 1987, recorded November 2, 1987 as Instrument Number 151538, Lincoln County records.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2003 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

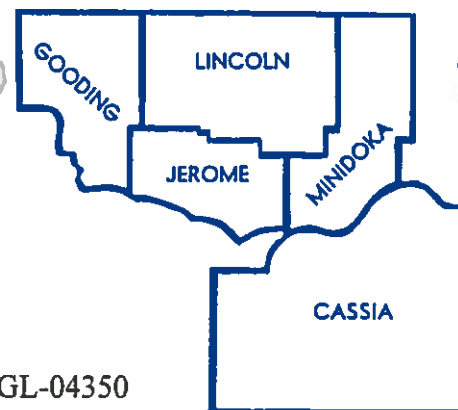
Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Assessments of decreed water from the Little Wood River and the rights and powers of the watermaster as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



April 28, 2003

REFER TO:
OFFICE:

GL-04350
Gooding

Idaho Department of Water Resources
1341 Fillmore Street, Ste 200
Twin Falls, ID 83301

RECEIVED

APR 29 2003

Department of Water Resource
Southern Region

RE: Jock Brown

Dear Sirs:

Please find enclosed the change of ownership form, copy of the Warranty Deed and plat. I was told there was no fee for this transfer. If there is please give me a call. Thanks.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

Becky Shubert

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

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: A37-01126
Date Received: 7/19/1988
Receipt No: S000907
Received By: JCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES ALFRED IVIE 208-886-2620
Address: GENERAL DELIVERY
RICHFIELD, ID 83349

2. Date of Priority: APR 08, 1908

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	19E	7	NW	NW	NE		LINCOLN

5. Description of diverting works:
TURNER #61 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	07/15	0.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FIRE PROTECTION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	19E	7	NW	NE		IRR	20.0
			SW	NE		IRR	10.0
			NW	SE		IRR	10.0
						Section Acres	40.0

A37-01126

Page 1

Date: 07/19/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Total Acres 40.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
BIG WOOD CANAL SHARES

14. Remarks:
P/D AS GIVEN BY WATERMASTER WAS NE,NW.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

MC NULTY & TURNER
Decree Plaintiff

vs

DUNN
Decree Defendant

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: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____
Notary Public

Seal

Residing at _____
My Commission Expires _____

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: 39356

Ident. Number A37-01126

Date Received

Receipt Number 5000907

907
RECEIVED
12 1988

JUL 12 1988

JUL 16 1964
Department of Water Resources
Southern Region Office

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) JAMES ALFRED LUI Phone (208) 886-2620

Mailing Address General Delivery, Richfield Td Zip 83349

2. Date of Priority (Only one (1) per claim) April 8, 1908

3. Source of water supply (a) LITTLE WOOD RIVER
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 55 Range 19E Section 7

NW 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of LINCOLN

Additional points of diversion if any:

- b. If instream flow, beginning point of claimed instream flow is:**

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 1 Diversion 1 Dam 4 Ditch

2. DIVERSION DAMS, Headgate (1)
30' & 40' *stirrer*

Ditches - $\frac{1}{2}$ m.

MICROFILMED

~~FEB 23 1993~~

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar 1 to Dec 15 amount 0.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 60 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) FIRE PROTECTION

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
55	19E	7		20	10											10			40

Total number of acres irrigated 40

11. In which county (ies) are lands listed above as place of use located? LINCOLN

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
18 shares (10.5") Bigwood Canal Co. Stock or None ()

14. Remarks:

MICROFILMED

FEB 23 1993

Last Name IVIE Ident No. A37-01126

Copies: White -State, Yellow-Claimant

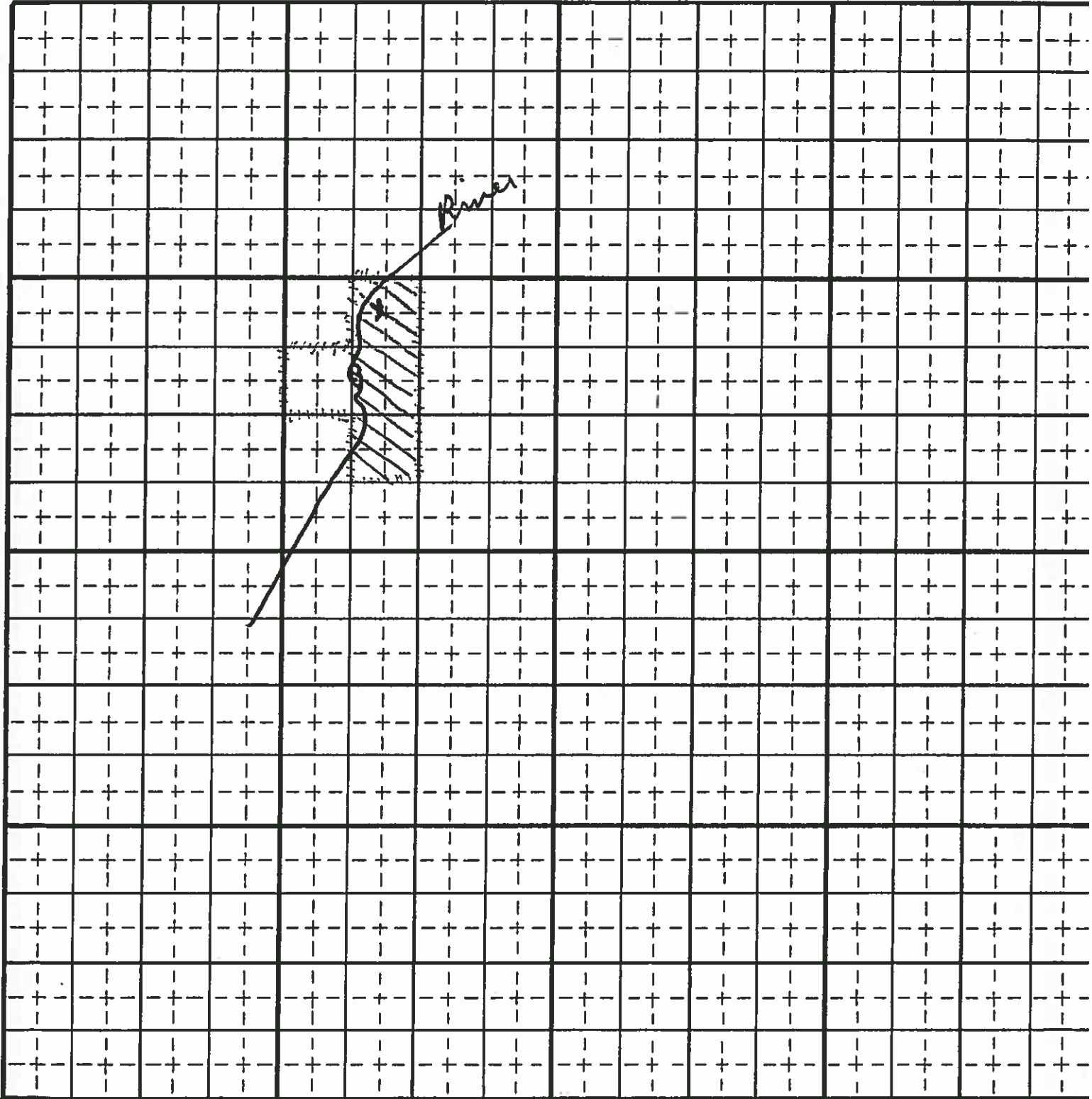
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Section 7 5 South 19E

furrow

x Piversen Pin



MICROFILMED

Last Name IVIE

Ident No. A37-01126

Copies: White-State, Yellow-Claimant
FEB 23 1993

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 37-1126

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) James A. Davis Date July 12, 1988
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Latah) SS.

Subscribed and sworn (or affirmed) before me this 12th day of July 19 88

SEAL

Notary Public Graham E. Johnson

Residing at Richford Id

My Commission Expires 5-13-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

FEB 23 1993

Last Name IVIE Ident. Number A37-01126

Copies White-State, Yellow-Claimant

STATE OF IDAHO

Department of Water Resources

Boise, Idaho,

July 12, 1988

Manual #
45814RECEIVED
FROM

James Ivie

of Richfield

\$ 115.00

DOLLARS

FOR

domestic

\$

diversion #

\$

37-1126

\$

\$

TOTAL - - - \$ 115 00

CASH

Roxanne Storey

9576

RECEIVED

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$20 Department of Water Resources
Southern Region Office

JUL 12 1988

Please type or print clearly

1. Name of Claimant (s) JAMES ALFRED IVIE Phone (208) 886-2620Mailing Address General Delivery, Richfield, Id Zip _____2. Date of Priority (Only one (1) per claim) 18893. Source of water supply (a) Ground WATER
which is tributary to (b) _____

4. Location of point of diversion is: Township _____ Range _____

Section _____, NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, B.M.,County of LINCOLN

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 35' cistern, SHP Pump, GAS
pipe 2" inlet, 2" outlet

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For DOMESTIC purposes from JAN 1 to DEC 31 amount 0.08 (cfs)
(Both dates are inclusive)For STOCKWATER purposes from JAN 1 to DEC 31 amount 0.027. Total quantity claimed 0.10 (cfs)

MICROFILMED

8. Total consumptive use claimed is de minimus

FEB 23 1993

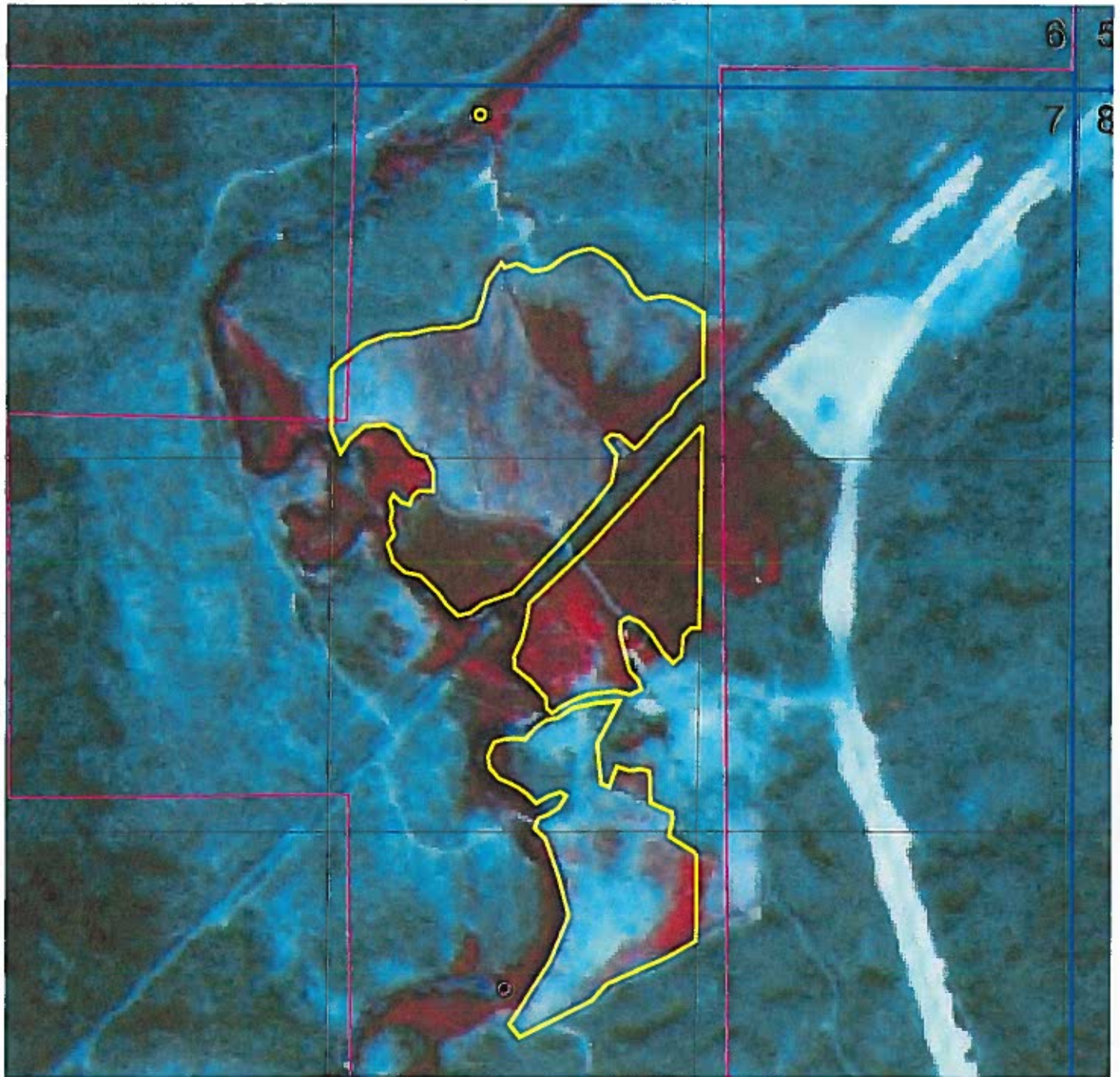
9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) TWO households, fire protection, Stockwater stream

A37-01126

30 HEAD (471)

IDAHO DEPT OF WATER RESOURCES

37-1126



1320

0

1320 Feet



Basin 37 part 1-POU



Basin 37 part 1-POD



Ownership FED-Private



Streams



Section Lines



Quarter - Quarter lines

TWN: 5S

RNG: 19E

SEC: 7



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: JULY 28, 2006

Kelly, Vicki

From: Clelland, Steve
Sent: Tuesday, July 18, 2006 8:10 AM
To: Kelly, Vicki
Subject: RE: 37-01126; Claimant: Jock and Cathy Brown

I don't believe a SF4 is needed here... the claim is for 40 acres and the recd is for 40 acres, just moved around a bit. No amendment is required for the claim.

steve

-----Original Message-----

From: Kelly, Vicki
Sent: Monday, July 17, 2006 11:47 AM
To: Clelland, Steve
Subject: FW: 37-01126; Claimant: Jock and Cathy Brown

-----Original Message-----

From: Larry.Brown@usdoj.gov [mailto:Larry.Brown@usdoj.gov]
Sent: Monday, May 22, 2006 3:08 PM
To: Clelland, Steve; Spencer, Nick; Kelly, Vicki
Cc: Fred_Price@blm.gov
Subject: 37-01126; Claimant: Jock and Cathy Brown

I note from the file that on March 14, 2006, the BLM (Fred) negotiated a settlement with Mr. Brown to delete four POUs that describe public lands:

T5S, R19E, Section 7, NENE - 1.4 ac
SENE - 3.6 ac
NENW - 0.2 ac
NESE - 0.5 ac

I also note that Mr. Brown thought IDWR should add some irrigation acres in T5S, R19E, Sec. 7, SWNE. Has there been progress on drafting a Standard Form 4 Motion to File Amended Notice of Claim?

I have not called Mr. Brown because Fred has already negotiated a reasonable settlement. Please inform me of any progress made by IDWR. Thanks,

Larry

Clelland, Steve

From: Kelly, Vicki
Sent: Monday, July 17, 2006 11:47 AM
To: Clelland, Steve
Subject: FW: 37-01126; Claimant: Jock and Cathy Brown

-----Original Message-----

From: Larry.Brown@usdoj.gov [mailto:Larry.Brown@usdoj.gov]
Sent: Monday, May 22, 2006 3:08 PM
To: Clelland, Steve; Spencer, Nick; Kelly, Vicki
Cc: Fred_Price@blm.gov
Subject: 37-01126; Claimant: Jock and Cathy Brown

I note from the file that on March 14, 2006, the BLM (Fred) negotiated a settlement with Mr. Brown to delete four POU's that describe public lands:

T5S, R19E, Section 7, NENE - 1.4 ac
SENE - 3.6 ac
NENW - 0.2 ac
NESE - 0.5 ac

I also note that Mr. Brown thought IDWR should add some irrigation acres in T5S, R19E, Sec. 7, SWNE. Has there been progress on drafting a Standard Form 4 Motion to File Amended Notice of Claim?

I have not called Mr. Brown because Fred has already negotiated a reasonable settlement. Please inform me of any progress made by IDWR. Thanks,

Larry

Kelly, Vicki

From: Clelland, Steve
Sent: Tuesday, May 30, 2006 2:06 PM
To: 'Larry.Brown@usdoj.gov'; Fred_Price@blm.gov
Cc: Spencer, Nick; Kelly, Vicki
Subject: RE: 37-01126; Claimant: Jock and Cathy Brown

Larry,

I have a copy of the shape file prepared by Corey Skinner and Jock Brown. I question some of the land now claimed as actual irrigation but I suppose it will work to settle this claim. It does not cover any BLM land in the shape. All that is needed is to modify the recommendation POU to match.

steve

-----Original Message-----

From: Larry.Brown@usdoj.gov [mailto:Larry.Brown@usdoj.gov]
Sent: Tuesday, May 30, 2006 1:54 PM
To: Fred_Price@blm.gov
Cc: Spencer, Nick; Clelland, Steve; Kelly, Vicki
Subject: RE: 37-01126; Claimant: Jock and Cathy Brown

Nick and Steve: Can you help us? Please?

-----Original Message-----

From: Fred_Price@blm.gov [mailto:Fred_Price@blm.gov]
Sent: Tuesday, May 30, 2006 3:48 PM
To: Fred_Price@blm.gov
Cc: Brown, Larry (ENRD); Nick.Spencer@idwr.idaho.gov;
Steve.Clelland@idwr.idaho.gov; Vicki.Kelly@idwr.idaho.gov
Subject: Re: 37-01126; Claimant: Jock and Cathy Brown

Everyone,

I received a call from Jock Brown. He informed me that he hired a fence contractor and put the fence "on-line." I put him in touch with one of our field office personnel so that we could GPS the results. He also informed me that he met with Corey Skinner (IDWR-Southern) and they redid the boundary to exclude public land and to include some additional private acres. How do we bring this new boundary into play so that we can get settlement documents to the court?

Fred

Fred

Price/IDSO/ID/BL

M/DOI

To

"Larry.Brown@usdoj.gov"

05/22/2006 05:28

<Larry.Brown@usdoj.gov>

PM

cc

"Nick.Spencer@idwr.idaho.gov"
<Nick.Spencer@idwr.idaho.gov>,
"Steve.Clelland@idwr.idaho.gov"
<Steve.Clelland@idwr.idaho.gov>,
"Vicki.Kelly@idwr.idaho.gov"
<Vicki.Kelly@idwr.idaho.gov>

Subject

Re: 37-01126; Claimant: Jock and
Cathy Brown (Document link: Fred
Price)

Larry,

When I spoke with Jock about removing public land from his claim (which he agreed to do) and that this would reduce acres and potentially quantity, he looked at what was recommended on his private land and felt that there could be more acres defined on private land than was recommended. I told him that he would need to contact IDWR and work with them on this issue, as that was not something I could make happen. I suggested he make contact with IDWR soon because we will need to appear before the Special Master sometime in the next few months. I do not know if he has approached IDWR since my discussion with him on 03-14-06.

Fred

Jock phone numbers:

(208) 788-0924 work (Les Schwab Tires)
(208) 788-9457 home

1

"Larry.Brown@usdoj.gov"

To: <Larry.Brown@usdoj.gov>

05/22/2006 03:08 PM

"Steve.Clelland@idwr.idaho.gov"

<Steve.Clelland@idwr.idaho.gov>

(Receipt Notification Requested)

(IPM Return Requested),

"Nick.Spencer@idwr.idaho.gov"

<Nick.Spencer@idwr.idaho.gov>

(Receipt Notification Requested)

(IPM Return Requested),

"Vicki.Kelly@idwr.idaho.gov"

<Vicki.Kelly@idwr.idaho.gov>

(Receipt Notification Requested)

(IPM Return Requested)

cc: "Fred_Price@blm.gov"

<Fred_Price@blm.gov> (Receipt Notification Requested) (IPM Requested)

Return

Subject: 37-01126; Claimant: Jock and Cathy Brown

I note from the file that on March 14, 2006, the BLM (Fred) negotiated a settlement with Mr. Brown to delete four POUs that describe public lands:

T5S, R19E, Section 7, NENE - 1.4 ac

SENE - 3.6 ac
NENW - 0.2 ac
NESE - 0.5 ac

I also note that Mr. Brown thought IDWR should add some irrigation acres in T5S, R19E, Sec. 7, SWNE. Has there been progress on drafting a Standard Form 4 Motion to File Amended Notice of Claim?

I have not called Mr. Brown because Fred has already negotiated a reasonable settlement. Please inform me of any progress made by IDWR. Thanks,

Larry

Kelly, Vicki

Steve

From: Clelland, Steve
Sent: Tuesday, March 14, 2006 8:25 AM
To: Spencer, Nick; 'Fred_Price@blm.gov'
Cc: Fritschle, Carter; Kelly, Vicki
Subject: RE: 37-01126, Jock Brown

I have spoke with Mr. Brown about this and suggested he meet with an agent at our Southern Region office to clarify the mapped acres. From there we can revamp the recommendation to more accurately describe what he wants on the right. The acres recommended were the acres found irrigated in the POU at the farm and confirmed by a previous owner.

Steve

-----Original Message-----

From: Spencer, Nick
Sent: Monday, March 13, 2006 5:07 PM
To: 'Fred_Price@blm.gov'
Cc: Fritschle, Carter; Clelland, Steve; Kelly, Vicki
Subject: RE: 37-01126, Jock Brown

Fred, the Basin 37 Part 1 surface water rights were investigated and recommended here at the state office by Carter Fritschle and Steve Clelland. I don't know which one of them worked on this particular right, but I am forwarding your e-mail to both of them for their consideration. NBS

-----Original Message-----

From: Fred_Price@blm.gov [mailto:Fred_Price@blm.gov]
Sent: Monday, March 13, 2006 4:26 PM
To: Spencer, Nick; Bromley, Chris
Cc: Kelly, Vicki; david.negri@usdoj.gov; Thomas.Snodgrass@usdoj.gov
Subject: 37-01126, Jock Brown

Nick, Chris, Vicki,

RE: 37-01126, Jock Brown

I have consulted my handy-dandy Basin Assignment map from IDWR and it suggests the three musketeers are handling B37. This subcase is from the recent director's report for B37 I&O, Surface Water Part 1.

I spoke with the claimant (Jock Brown) this morning about BLM's objection. I just filed the objections last week and we've got a call already! BLM objected to 5.7 acres of unauthorized irrigated agricultural use of federal public land (4 POUs entirely on public land out of 7 total). The claimant is only interested in getting water for what is on his land. Jock is willing to remove public land from his water claim and understands that this will reduce the total acres and possibly reduce the quantity.

While he was looking at the map of his irrigation boundary that was attached to our objection, he thought some irrigable acres between the southern and middle polygons (see attached) should be included in the claim (more acres within T05S R19E S07 SWNE). I responded that he would need to work with IDWR to see if they would concur with his assessment. I gave him the phone number to IDWR's Southern Regional Office and suggested he talk to the adjudication agent who prepared the recommendation for this claim and talk about removing public land and about the missing acres.

We have a settlement in principle on BLM's objection, but it looks like the claimant may have an issue of his own. Who is the agent on this

one? While Larry Brown is off gallivanting around Greece, David Negri (DOJ-Boise) and Tom Snodgrass (DOJ-Denver) will be representing BLM in the SRBA.

Fred

(See attached file: 37-01126 objection.pdf)

Contact Info:

Jock Brown

(208) 788-0924 work (at Les Schwab Tires)

(208) 788-9457 home

Acres on BLM to be removed:

T05S R19E S07 NENE 1.4 ac

T05S R19E S07 SENE 3.6 ac

T05S R19E S07 NENW 0.2 ac

T05S R19E S07 NESE 0.5 ac

Acres that Jock thinks are missing:

T05S R19E S07 SWNE ? ac

Kelly, Vicki

From: Fred_Price@blm.gov
Sent: Monday, May 22, 2006 5:28 PM
To: Larry.Brown@usdoj.gov
Cc: Spencer, Nick; Clelland, Steve; Kelly, Vicki
Subject: Re: 37-01126; Claimant: Jock and Cathy Brown

Larry,

When I spoke with Jock about removing public land from his claim (which he agreed to do) and that this would reduce acres and potentially quantity, he looked at what was recommended on his private land and felt that there could be more acres defined on private land than was recommended. I told him that he would need to contact IDWR and work with them on this issue, as that was not something I could make happen. I suggested he make contact with IDWR soon because we will need to appear before the Special Master sometime in the next few months. I do not know if he has approached IDWR since my discussion with him on 03-14-06.

Fred

Jock phone numbers:

(208) 788-0924 work (Les Schwab Tires)
(208) 788-9457 home

"Larry.Brown@usdoj.gov"
<Larry.Brown@usdoj.gov>

05/22/2006 03:08 PM

To
"Steve.Clelland@idwr.idaho.gov"
<Steve.Clelland@idwr.idaho.gov>
(Receipt Notification Requested)
(IPM Return Requested),
"Nick.Spencer@idwr.idaho.gov"
<Nick.Spencer@idwr.idaho.gov>
(Receipt Notification Requested)
(IPM Return Requested),
"Vicki.Kelly@idwr.idaho.gov"
<Vicki.Kelly@idwr.idaho.gov>
(Receipt Notification Requested)
(IPM Return Requested)

To

cc

"Fred_Price@blm.gov"
<Fred_Price@blm.gov> (Receipt Notification Requested) (IPM Return Requested)

Subject

37-01126; Claimant: Jock and Cathy Brown

I note from the file that on March 14, 2006, the BLM (Fred) negotiated a settlement with Mr. Brown to delete four POUs that describe public lands:

T5S, R19E, Section 7, NENE - 1.4 ac
 SENE - 3.6 ac
 NENW - 0.2 ac
 NESE - 0.5 ac

I also note that Mr. Brown thought IDWR should add some irrigation acres in T5S, R19E, Sec. 7, SWNE. Has there been progress on drafting a Standard Form 4 Motion to File Amended Notice of Claim?

I have not called Mr. Brown because Fred has already negotiated a reasonable settlement. Please inform me of any progress made by IDWR.
Thanks,

Larry

Clelland, Steve

From: Spencer, Nick
Sent: Monday, March 13, 2006 5:07 PM
To: 'Fred_Price@blm.gov'
Cc: Fritschle, Carter; Clelland, Steve; Kelly, Vicki
Subject: RE: 37-01126, Jock Brown

Fred, the Basin 37 Part 1 surface water rights were investigated and recommended here at the state office by Carter Fritschle and Steve Clelland. I don't know which one of them worked on this particular right, but I am forwarding your e-mail to both of them for their consideration. NBS

-----Original Message-----

From: Fred_Price@blm.gov [mailto:Fred_Price@blm.gov]
Sent: Monday, March 13, 2006 4:26 PM
To: Spencer, Nick; Bromley, Chris
Cc: Kelly, Vicki; david.negri@usdoj.gov; Thomas.Snodgrass@usdoj.gov
Subject: 37-01126, Jock Brown

Nick, Chris, Vicki,

RE: 37-01126, Jock Brown

I have consulted my handy-dandy Basin Assignment map from IDWR and it suggests the three musketeers are handling B37. This subcase is from the recent director's report for B37 I&O, Surface Water Part 1.

I spoke with the claimant (Jock Brown) this morning about BLM's objection. I just filed the objections last week and we've got a call already! BLM objected to 5.7 acres of unauthorized irrigated agricultural use of federal public land (4 POU's entirely on public land out of 7 total). The claimant is only interested in getting water for what is on his land. Jock is willing to remove public land from his water claim and understands that this will reduce the total acres and possibly reduce the quantity.

While he was looking at the map of his irrigation boundary that was attached to our objection, he thought some irrigable acres between the southern and middle polygons (see attached) should be included in the claim (more acres within T05S R19E S07 SWNE). I responded that he would need to work with IDWR to see if they would concur with his assessment. I gave him the phone number to IDWR's Southern Regional Office and suggested he talk to the adjudication agent who prepared the recommendation for this claim and talk about removing public land and about the missing acres.

We have a settlement in principle on BLM's objection, but it looks like the claimant may have an issue of his own. Who is the agent on this one? While Larry Brown is off gallivanting around Greece, David Negri (DOJ-Boise) and Tom Snodgrass (DOJ-Denver) will be representing BLM in the SRBA.

Fred
(See attached file: 37-01126 objection.pdf)

Contact Info:
Jock Brown
(208) 788-0924 work (at Les Schwab Tires)
(208) 788-9457 home

Acres on BLM to be removed:
T05S R19E S07 NENE 1.4 ac
T05S R19E S07 SENE 3.6 ac

T05S R19E S07 NENW 0.2 ac
T05S R19E S07 NESE 0.5 ac

Acres that Jock thinks are missing:
T05S R19E S07 SWNE ? ac

07/28/2006

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

RIGHT NUMBER: 37-1126
NAME AND ADDRESS: JOCK S BROWN
140 FRIEDMAN LN
BELLEVUE ID 83313

CATHY M BROWN
140 FRIEDMAN LN
BELLEVUE ID 83313

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.800 CFS
PRIORITY DATE: 04/08/1908
POINT OF DIVERSION:

T05S R19E S7 NWNWNE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.800 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R19E S07	NWNE	16.00	T05S R19E S07	SWNE	18.00
T05S R19E S07	NWSE	6.00			

40 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: BASIS OF CLAIM - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.

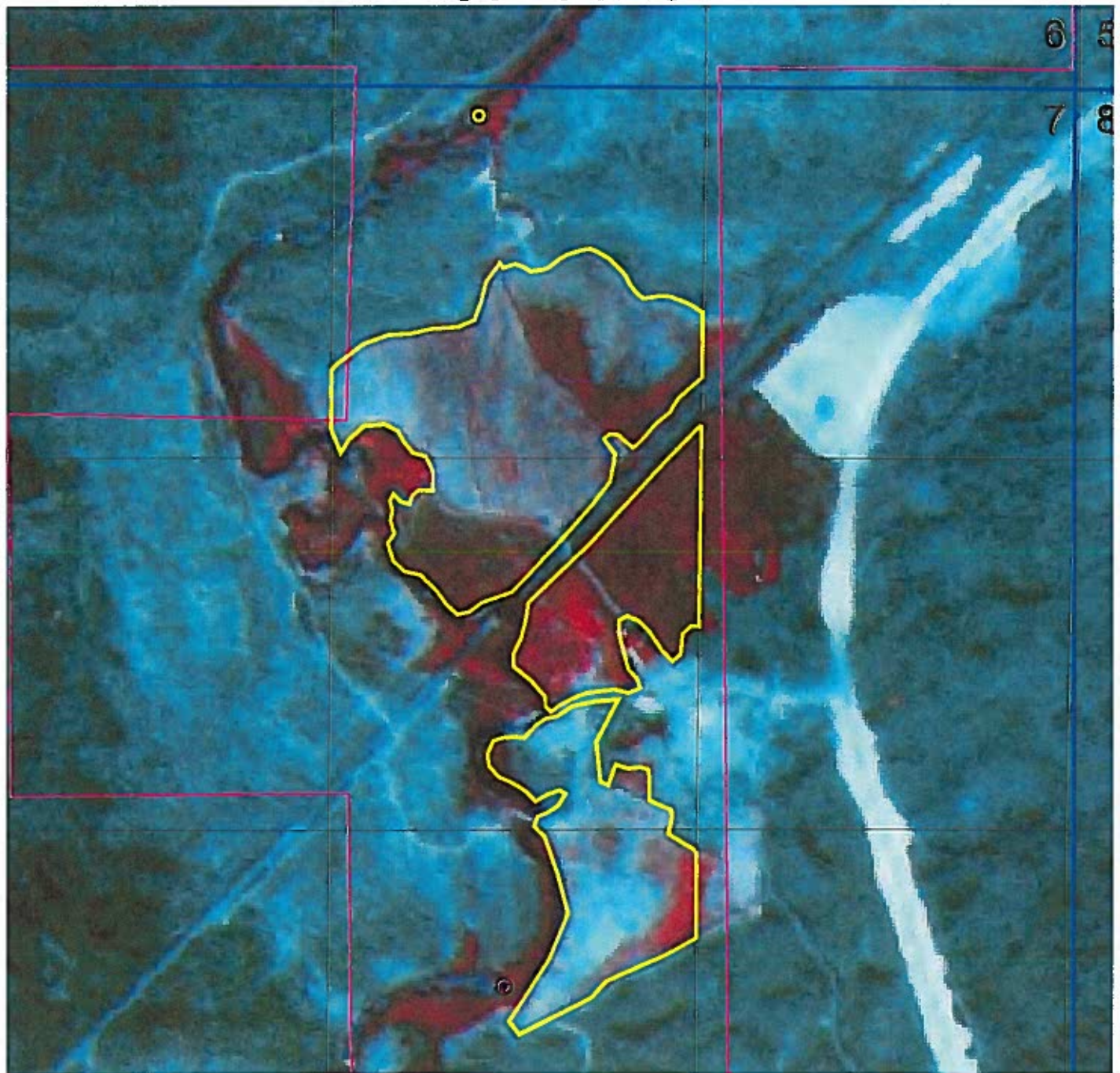
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPT OF WATER RESOURCES

37-1126



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 19E
SEC: 7



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: JULY 28, 2006

Clelland, Steve

From: Skinner, Corey
Sent: Wednesday, March 15, 2006 2:38 PM
To: Clelland, Steve
Subject: Proposed POU for Jock Brown Recommendation 37-1126

Steve,

This afternoon Jock Brown and I sat down and came up with the attached proposed POU boundary for recommendation 37-1126. The proposed POU boundary removes the BLM ground, and adds acres closer to the river. We based the shape off of 2004 photography that showed field boundaries (alfalfa & meadow hay) that corresponded to what is irrigated on the Brown property. We were able to come up with a 40 acre proposed POU (40 acres is what you recommended including the BLM land). We then compared the new proposed POU shape with 1987 photography just for kicks, and it looked pretty good (nothing within the boundary seemed obviously unirrigated). You might want to double check the shape (update PLS) to make sure it doesn't barely overlap onto the BLM parcels (I don't think it does, but you might want to double check). There is a chance that Mr. Brown may be calling you to talk about the initial hearing process.

Corey



new pou.dbf



new pou.sbn



new pou.sbx



new pou.shp



new pou.shx

6 5

7 8

TSS
RI9E

37-1126

RECEIVED

04/12/2005

JUN 02 2005

Department of Water Resources

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-1126

JOCK S BROWN
140 FRIEDMAN LN
BELLEVUE ID 83313
Telephone Number: (208)788-9457

CATHY M BROWN
140 FRIEDMAN LN
BELLEVUE ID 83313
Telephone Number: (208)788-9457

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

Ground Water Domestic decreased # 37-1126

3. Give a brief explanation as to why you disagree with these portions:

Jim Ivie filed for ground water on July 12 1988 for domestic o.
+ for stockwater 0.02 - See Attached copy

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

5-30-05

SIGNATURE:

Jack S. Brown

Please print your name:

Jack S. BROWN

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

D/S claim 37-10640
partially decreased
copy sent to claimant
6/3/05
SCC

SCANNED

JUN 02 2005

STATE OF IDAHO
Department of Water Resources

Boise, Idaho,

July 12, 1988

45814

RECEIVED FROM

James Ivie

of

Richfield

\$ 115.00

DOLLARS

RECEIVED
JUN 02 2005
Department of Water Resources

39576

FOR

domestic

\$

diverted #

\$

37-1126

\$

\$

TOTAL

\$

115 00

Roxanne Strey

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) JAMES ALFRED IVIE Phone (208) 886-2620

Mailing Address General Delivery, Richfield, Id Zip

2. Date of Priority (Only one (1) per claim) 1889

3. Source of water supply (a) Ground WATER
which is tributary to (b)

4. Location of point of diversion is: Township Range

Section NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot , B.M.,

County of LINCOLN

Additional points of diversion if any:

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 35' cistern, 5HP GAS Pump
pipe 2" inlet, 2" outlet

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
(Both dates are inclusive)

For DOMESTIC purposes from JAN 1 to DEC 31 amount 0.08 (cfs)

For STOCKWATER purposes from JAN 1 to DEC 31 amount 0.02

7. Total quantity claimed 0.10 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) TWO Households, fire protection, Stockwater 30 min.

30 HEAD CATTLE
6 HORSES

Copies: White-State, Yellow-Claimant

SCANNED

JUN 07 2005

RECEIVED

JUN 02 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS Department of Water Resources

**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 _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) JAMES ALFRED TUIE Phone (208) 886-2620Mailing Address General Delivery, Richfield, Id Zip _____2. Date of Priority (Only one (1) per claim) 18893. Source of water supply (a) Ground WATER
which is tributary to (b) _____

4. Location of point of diversion is: Township _____ Range _____

Section _____, NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, B.M.,County of LINCOLN

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 35' cistern, 5HP PUMP
pipe 2" inlet, 2" outlet

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

(Both dates are inclusive)

For DOMESTIC purposes from JAN 1 to DEC 31 amount 0.08 (cfs)For STOCKWATER purposes from JAN 1 to DEC 31 amount 0.027. Total quantity claimed 0.10 (cfs)

SCANNED:

8. Total consumptive use claimed is de minimus

JUN 7 2005

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) TWO HOUSEHOLDS, FIRE PROTECTION, STOCKWATER SUMMIT
30 HEAD cattle
6 HORSES Copies: White State, Yellow Claimant

05/14/2003

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

RIGHT NUMBER: 37-1126

NAME AND ADDRESS: JOCK S BROWN
140 FRIEDMAN LN
BELLEVUE ID 83313

CATHY M BROWN
140 FRIEDMAN LN
BELLEVUE ID 83313

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 04/08/1908

POINT OF DIVERSION:

T05S R19E S7 NWNWNE Within LINCOLN County Source: LITTLE WOOD RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.800 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R19E S07	NENE	1.4	T05S R19E S07	NWNE	16.0
T05S R19E S07	SWNE	12.0	T05S R19E S07	SENE	3.6
T05S R19E S07	NENW	0.2	T05S R19E S07	NESE	0.5
T05S R19E S07	NWSE	6.3			

40 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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

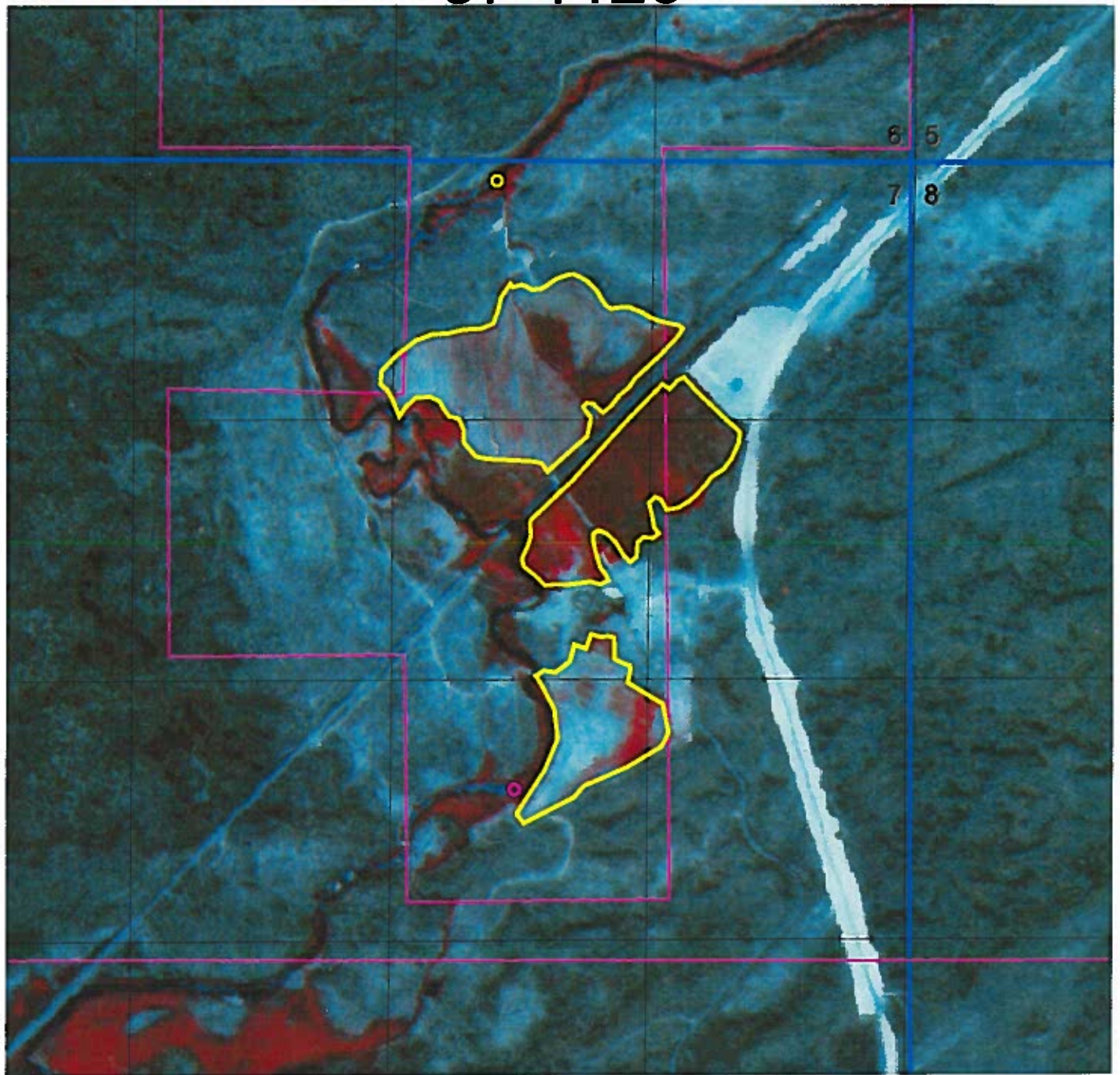
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

IDAHO DEPT OF WATER RESOURCES

37-1126



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 19E
SEC: 7



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MAY 6, 2003

COMMUNICATION DOCUMENTATION

I called to inform Mr. Demaley of my need to examine the claims on the property he had purchased from Jim Ivie... the property was sold yesterday (4/23/03) to Jock Brown of Hailey. I will still meet with Jim Ivie to get the details of the irrigation system and will pursue a COO later. Property is vacant and no one at the place to notify of my visit there.

37-1126

4/17/03
SCC

POU: is #61 as shown by WM.

(Linked
GIS shape ✓)

POU: - need to confirm trespass on BLM ground
- other areas of irrigation?

(Needs
POU link
& shape)

* Used GIS w/ edits to NENE & SENE acres = 40 AC. TOTAL

9:20 am
called 4/22/03

Sold to: 886-2797

SOLD TO:

Steve Demaley

JACK BEOWN
Hailey

Spoke to Jim IVIG

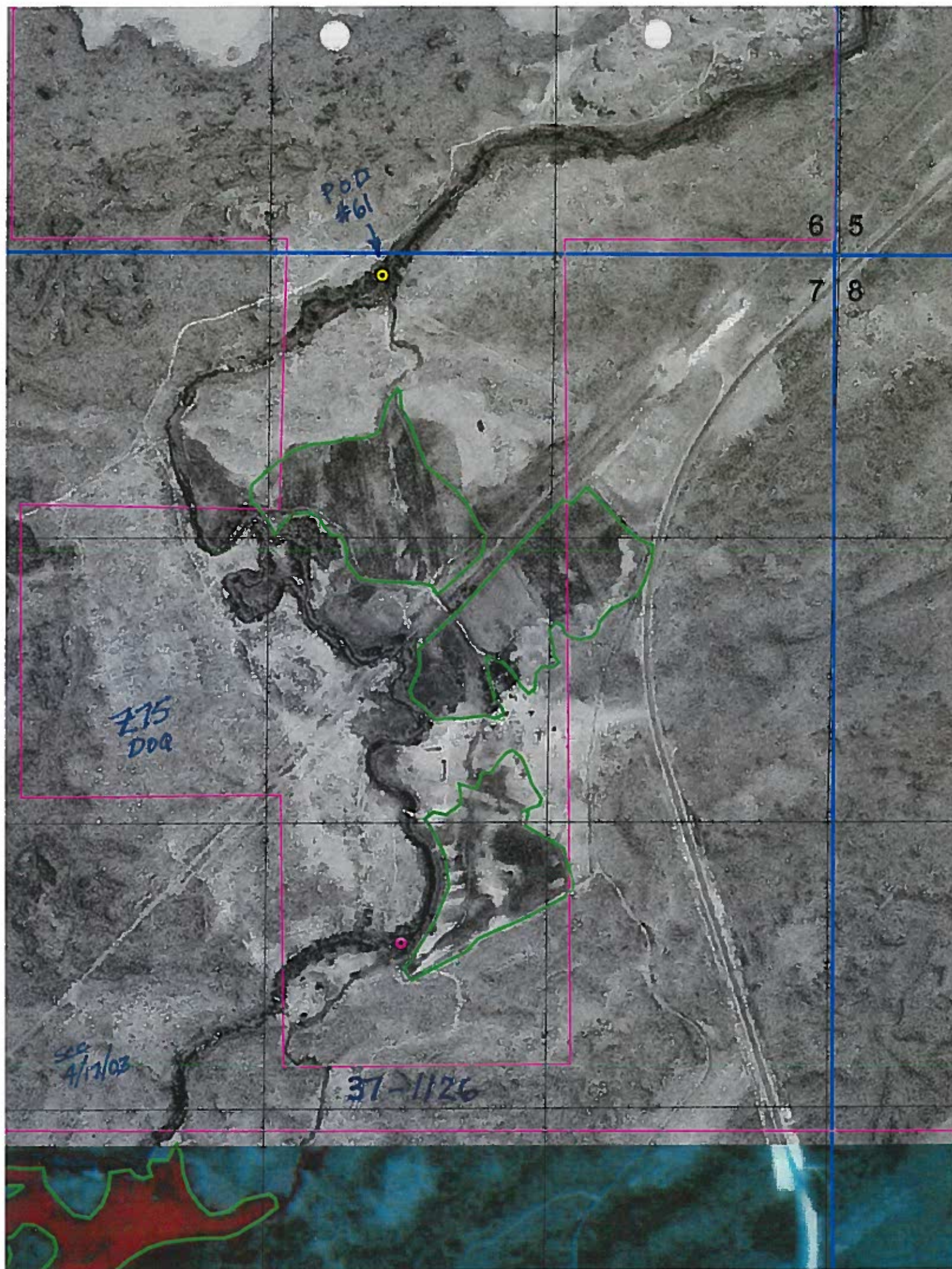
Appt.

12 NOON ±

N. of Courthouse 3 Blks, Rt hand corner, red brick
318 west B (gold & wh dodge van)

He confirmed some irrigation of the BLM lands and said he has had many arguments over property lines & boundaries. He confirmed GIS map to be mostly accurate and I compared it with the ASCS maps he had - they matched the POU shapes. I added in some additional acres to match ASCS acres.

SOU: 4/1 to 10/31 STD.



G15 = 32 AC

POD
#61

6 5

7 8

IN

IN

37-1126 #16
12-9-02 scc
draft
T5S R19E S7

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1126

WATER RIGHT NUMBER: 37-1126

Owner Type Name and Address
 Current Owner JOHN G TURNER

, ZZ

Priority Date: 04/08/1908

Basis: Decreed

Status: Active

Source Tributary
 LITTLE WOOD RIVER MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER NE1/4NW1/4 Sec. 7, Twp 05S, Rge 19E, B.M.
 LINCOLN County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	19E	7																	X

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

1. General AC. IRRIG. NOT SPECIFIED. FARM = 40 AC.
 P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1126

Dates and Other Information:

Licensed Date:
Decreed Date: 6/6/1912
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False