

03/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 37-10970

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD K BRAGA
Current Owner	SHARON K BRAGA
	1857 ELMWOOD RD
	GOODING, ID 83330
Directors Report Owner	LINDA ESTERBROOK
Directors Report Owner	WELDON ESTERBROOK
	1930 E 1350 S
	GOODING, ID 83330
	(208)934-5293

Priority Date: 01/01/1982
Basis: Beneficial Use
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.01 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.04 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWSWNE Sec. 05 Township 06S Range 15E GOODING County

Place(s) of use:

Place of Use Legal Description: STOCKWATER GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	15E	5		SWNE										

Place of Use Legal Description: DOMESTIC GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	15E	5		SWNE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

Water Right 37-10970

I. Explanatory PARCEL NO. 00106000029A A STOCKWATER, 12 BEEF CATTLE

Dates:

Licensed Date:
Claim Received Date: 08/11/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): M001022
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag: NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False



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

March 29, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD K BRAGA
SHARON K BRAGA
1857 ELMWOOD RD
GOODING ID 8330

RE: Decreed Water Right 37-10970

Dear Mr. and Mrs. Braga:

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 record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

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

RECEIVED
MAR 26 2001
 Department of Water Resources
 Southern Region

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

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
37-10970					

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) Weldon Esterbrook and Linda Esterbrook
1930 E. 1350 S., Gooding, ID 83330
4. New Owner/Claimant(s) Donald K. Braga and Sharon K. Braga
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 1857 Elmwood Road
- City, State and ZIP Code Gooding, ID 83330
- New Telephone Number () _____
5. Date you acquired the property March 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Donald K. Braga
Donald K. Braga

Sharon K. Braga
Sharon K. Braga

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by [Signature]

Date 3/29/01

Fee \$25.00

Received by [Signature]

Date 3/29/01

Receipt No. 5023699

Processed by [Signature]

AJ

Date _____

WR _____

Date _____

03/01/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 37-10970

Owner Type Name and Address
Current Owner LINDA ESTERBROOK
Current Owner WELDON ESTERBROOK
1930 E 1350 S
GOODING, ID 83330
(208)934-5293

Priority Date: 01/01/1982
Basis: Beneficial Use
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.01 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.04 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWSWNE Sec. 05 Township 06S Range 15E GOODING County

Place(s) of use:

Place of Use Legal Description: STOCKWATER

GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	15E	5		SWNE										

Place of Use Legal Description: DOMESTIC

GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	15E	5		SWNE										

Conditions of Approval:

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

Remarks:

- Explanatory PARCEL NO. 00106000029A A STOCKWATER, 12 BEEF CATTLE

Dates:

Licensed Date:
Claim Received Date: 08/11/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:

Water Right 37-10970

\$2500 change ownership fee
yes

WARRANTY DEED

#GG-02530

For Value Received

Weldon Esterbrook and Linda Esterbrook, husband and wife

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

Donald K. Braga and Sharon K. Braga, husband and wife**Address: 1857 Elmwood Road, Gooding, ID 83330**

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

TOWNSHIP 6 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO**Section 5: Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 30, Little Wood Villa Subdivision more particularly described as follows:**

Beginning at the North Quarter corner for Section 5 marked with a Brass Cap Monument;
 Thence North 89°43'07" East 664.56 feet along the Northerly boundary of Section 5 to the center of Elmwood Drive;
 Thence South 0°06'24" West 2326.57 feet along the center of Elmwood Drive;
 Thence North 89°49'31" West 25.08 feet to the Northeast corner for Lot 30 of Little Wood Villa Subdivision, the TRUE POINT OF BEGINNING;
 Thence North 89°49'31" West 305.58 feet (Recorded 307.23 feet) along the Northerly boundary of said Lot 30 to the Northwest corner of Lot 30;
 Thence South 0°04' West 135.82 feet along the Westerly boundary of Lot 30;
 Thence South 89°49'31" East 85.49 feet;
 Thence South 0°06'24" West 25.37 feet;
 Thence North 89°43'09" East 220.00 feet to the Easterly boundary of Lot 30 said point lies 170.00 feet North of the Southeast corner of Lot 30;
 Thence North 0°06'24" East 159.45 feet, more or less, along the Easterly boundary of Lot 30 to the TRUE POINT OF BEGINNING.

RESERVING unto the Grantors their successors or assigns, a perpetual non-exclusive 25.00 feet in width access and utility easement along the Southerly boundary of the above described parcel for the benefit of the following described property:

JB SB Lots 29 and 30 of Little Wood Villa as per the official plat thereof on file in the office of the recorder of Gooding County, Idaho

EXCEPTING that part of Lot 30 Little Wood Villa described as follows:

Beginning at the Southeast corner of said Lot 30;
 Thence North 170 feet;
 Thence West 220 feet;
 Thence South 170 feet;
 Thence East 220 feet to the POINT OF BEGINNING.

ALSO EXCEPTING therefrom the following described parcel:**TOWNSHIP 6 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO****Section 5: Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 30, Little Wood Villa Subdivision more particularly described as follows:**

Beginning at the North Quarter corner for Section 5 marked with a Brass Cap Monument;
 Thence North 89°43'07" East 664.56 feet along the Northerly boundary of Section 5 to the center of Elmwood Drive;
 Thence South 0°06'24" West 2326.57 feet along the center of Elmwood Drive;
 Thence North 89°49'31" West 25.08 feet to the Northeast corner for Lot 30 of Little Wood Villa Subdivision, the TRUE POINT OF BEGINNING;

Page 2 of Warranty Deed

Thence North 89°49'31" West 305.58 feet (Recorded 307.23 feet) along the Northerly boundary of said Lot 30 to the Northwest corner of Lot 30;
Thence South 0°04' West 135.82 feet along the Westerly boundary of Lot 30;
Thence South 89°49'31" East 85.49 feet;
Thence South 0°06'24" West 25.37 feet;
Thence North 89°43'09" East 220.00 feet to the Easterly boundary of Lot 30 said point lies 170.00 feet North of the Southeast corner of Lot 30;
Thence North 0°06'24" East 159.45 feet, more or less, along the Easterly boundary of Lot 30 to the TRUE POINT OF BEGINNING.

SUBJECT TO:

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

Taxes for 2001 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.

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

Agreement by and between P. Willes Cheney and Beth Cheney, husband and wife, parties of the first part, and John D. Kieffer and Fern A. Kieffer, husband and wife, parties of the second part, dated

March 28, 1952, recorded April 28, 1952 in Book 5 of Bonds and Agreements Page 572 as Instrument Number 118143, Gooding County records, whereas the parties have constructed at joint expense a well situated on the property owned by the parties of the first part located in Lots 21, 22, 27 and 28 of Little Wood Villa, and the parties hereto desire to provide for the use of the part of the water from said well by the parties of the second part and the maintenance of said well by the parties of the first part. It is agreed that the parties of the second part and their successors and assigns shall have an easement across the lands of the parties of the first part for the purpose of carrying water from the well on the property of the parties of the first part to the property of the parties of the second part located in Lots 29 and 30 of Little Wood Villa.

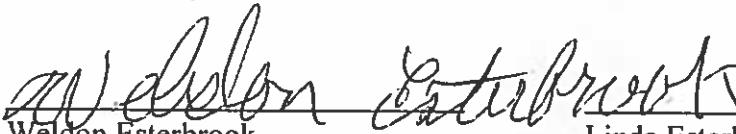
Agreement by and between Bill Stevens and Birdie Stevens, husband and wife, first party and Fred Braga and Johnette Braga, husband and wife, second party, dated December 11, 1967, recorded December 20, 1967 as Instrument Number 23713, Gooding County records, wherein it is agreed that the first party does hereby convey and grant unto second party an easement and right of way to convey such irrigation water to land of the second party located in lots 29 and 30 of Little Wood Villa, through the existing ditch situated along the East boundary of the land owned by first party located in Lots 21, 22, 27 and 28 of Little Wood Villa. Said agreement shall be deemed a covenant running with the land.

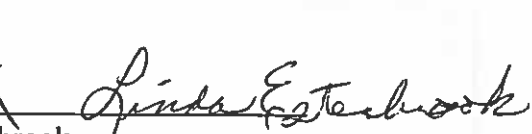
The effect of Protective Covenants for Little Wood Villa given by Will H. Thomas and Juanita C. Thomas dated April 17, 1998, recorded April 17, 1998 as Instrument Number 175098, Gooding County records. (said covenants are not signed by all owners in Little Wood Villa)

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 1.0 shares of Big Wood Canal Company and any licenses with the State of Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

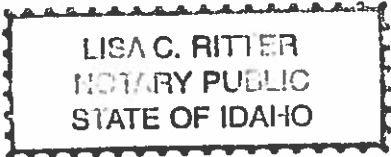
Dated: March 1, 2001


Weldon Esterbrook


Linda Esterbrook

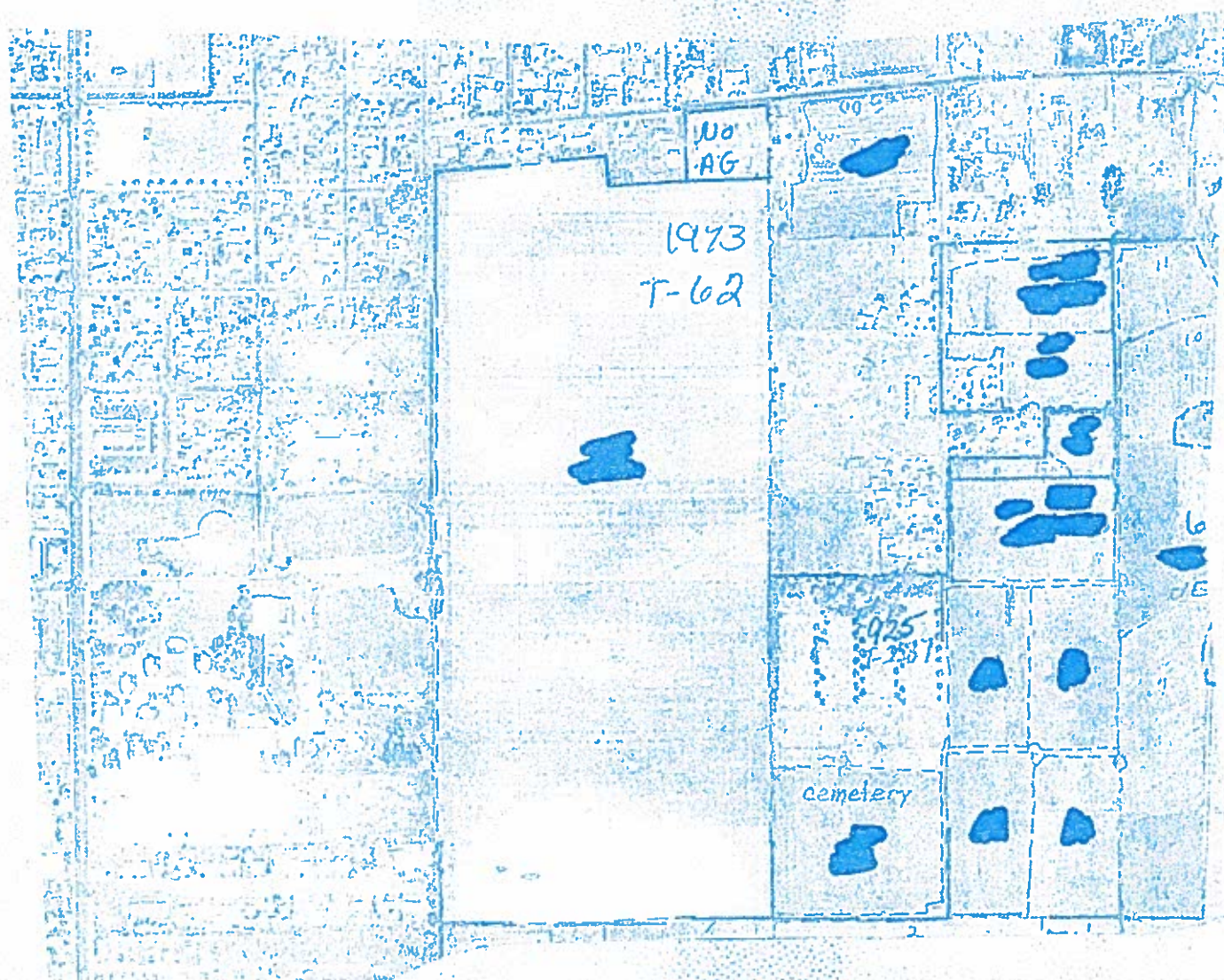
STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 2 day of **March, 2001**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Weldon Esterbrook and Linda Esterbrook**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



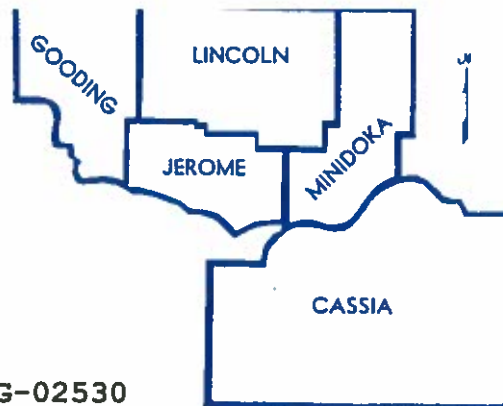


Notary Public
Residing at: Hagerman, ID
My Commission expires: 10/06/04



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO:
OFFICE: GG-02530
Gooding

March 22, 2001

RECEIVED

MAR 26 2001

Department of Water Resource
Southern Region

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RE: Notice of Change of Water Right Ownership
Esterbrook to Braga
Cert Mail #7000 0520 0015 3076 2428

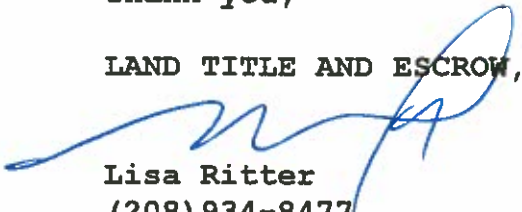
Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
on Weldon and Linda Esterbrook
for Water Right Number 37-10970
- Copy of Deed #189670
- Copy of Map

Thank you,

LAND TITLE AND ESCROW, INC.


Lisa Ritter
(208) 934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc:

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0808 - FAX 436-1108



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

March 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

37-10970

LINDA ESTERBROOK

WELDON ESTERBROOK

1930 E 1350 S

GOODING ID 83330

RE: Domestic and/or Stockwater Rights in Reporting Area 16, Basin 37
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 37 (the Big Wood River drainage area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 37 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Hailey, Fairfield, Gooding, Shoshone, Mountain Home, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

AJ5855NP
1962

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: March 3, 1999
PAGE: 1

RIGHT NUMBER: 37-10970

NAME AND ADDRESS: LINDA ESTERBROOK
WELDON ESTERBROOK
1930 E 1350 S
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY-DATE: 01/01/1982

POINT OF DIVERSION T06S R15E S05 SWSWNE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.01 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within GOODING County
	T06S R15E S05	SWNE
	DOMESTIC	Within GOODING County
	T06S R15E S05	SWNE

OTHER MATTERS 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 00106000029A A
STOCKWATER, 12 BEEF CATTLE

**NOTICE OF DIRECTOR'S REPORT
REPORTING AREA 16, BASIN 37
FOR SMALL DOMESTIC AND STOCK WATER RIGHTS**

INTRODUCTION

This is the Idaho Department of Water Resources' (IDWR) Director's Report for your small domestic and/or stock water right claimed in the Snake River Basin Adjudication (SRBA). The quantity allowed for each small domestic or stock water right is up to 13,000 gallons per day. An additional Director's Report for irrigation and all other state law based claims in your reporting area will be filed with the court at a later date.

IDWR is providing individual reports like this one to all claimants of small domestic and stock water rights in your area. A complete copy of the Director's Report, listing all of these small domestic and stock water rights claimed under both state and federal law, is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

The following instructions and definitions are designed to help you understand this report.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other small domestic and stock water rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed alphabetically by source and then chronologically by priority date within each source.
- 2) **List of Claims Recommended to Be Disallowed** -- Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims for domestic and stockwater under federal law. The Director does not investigate these claims and

makes no recommendation whether they should be granted or not. Sometimes the United States claims one right under both federal and state law. These are called "dual based" claims.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation or a federal water right claim?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court.

Your objection must be received by the SRBA Court on or before September 10, 1999.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be received by the SRBA Court on or before January 10, 2000.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on November 12, 1999, at 10:00 A.M. at the SRBA Courthouse. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations. Additional information regarding domestic and stockwater claims in your area can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA. The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR southern region office in Twin Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North.
P.O Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

**Idaho Department of Water Resources
Western Region**
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Northern Region**
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

**Idaho Department of Water Resources
Southern Region**
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

**Idaho Department of Water Resources
Eastern Region**
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Blaine County Courthouse
1st & Croy St.
Hailey, ID 83333
(208) 788-5525

Camas County Courthouse
501 Solider Rd.
Fairfield, ID 83327
(208) 764-2242

Gooding County Courthouse
624 Main St.
Gooding, ID 83330
(208) 934-4221

Lincoln County Courthouse
111 W. B St.
Shoshone, ID 83352
(208) 886-7641

Elmore County Courthouse
150 S. 4th E.
Mountain Home, ID 83647
(208) 587-2131

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 37.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY). Each of these small domestic and/or stock water claims is not to exceed 13,000 gallons per day.

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

Legal locations for instream flow claims are marked with a beginning point and an ending point.

PURPOSE OF USE: This report only deals with claims for small domestic and/or stock water uses, such as yours.

"Domestic right" means a right to the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection with these uses, including irrigation of up to one-half acre of land.

"Stock water right" means a right to the use of water solely for livestock or wildlife.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*                                     *
*****
```

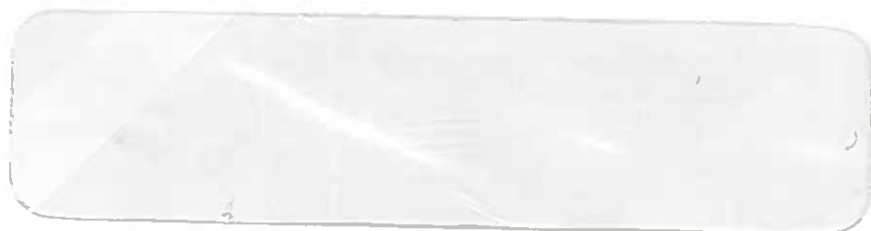
IDWR does not investigate or make recommendations regarding federal law based claims.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED
Forwarding Order Enclosed
RETURN TO SENDER



IMPORTANT WATER RIGHT INFORMATION



Q

RECEIVED
MAR 08 1999
Department of Water Resources

AUTO 83330



AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-560

RIGHT NUMBER: 37-10970

NAME & ADDRESS: WELDON ESTERBROOK
LINDA ESTERBROOK
1930E 1350S
GOODING ID 83330

✓ 4

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1982

POINT OF DIVERSION: T06S R15E S05 SWSNE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.01 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within GOODING County
T06S R15E S05 SWNE

DOMESTIC Within GOODING County
T06S R15E S05 SWNE

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 00106000029A A
STOCKWATER, 12 BEEF CATTLE

D 7-29-95

Claim prepared by: KT

Date: 11-03

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: A37-10970
Date Received: 8/11/1988
Receipt No: M001022
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WELDON ESTERBROOK 208-934-5293
Address: 1930E 1350S
GOODING, ID 83330
AND/OR
Name: LINDA ESTERBROOK 208-934-5293
Address: 1930E 1350S
GOODING, ID 83330
2. Date of Priority: JAN 01, 1982
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S | 15E | 5 | SW | SW | NE | | GOODING |
5. Description of diverting works:
WELL & PUMP
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.040 | | |
| STOCKWATER | 01/01 | 12/31 | 0.010 | | |
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 HOUSE, S/12 BEEF CATTLE

A37-10970

Page

1

08/11/88

MICROFILMED

FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	15E	5	SW NE		STOCK DOMEST	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

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): Weldon Spink Date: 8-11-88
_____ Date: _____

State of Idaho)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 11th day

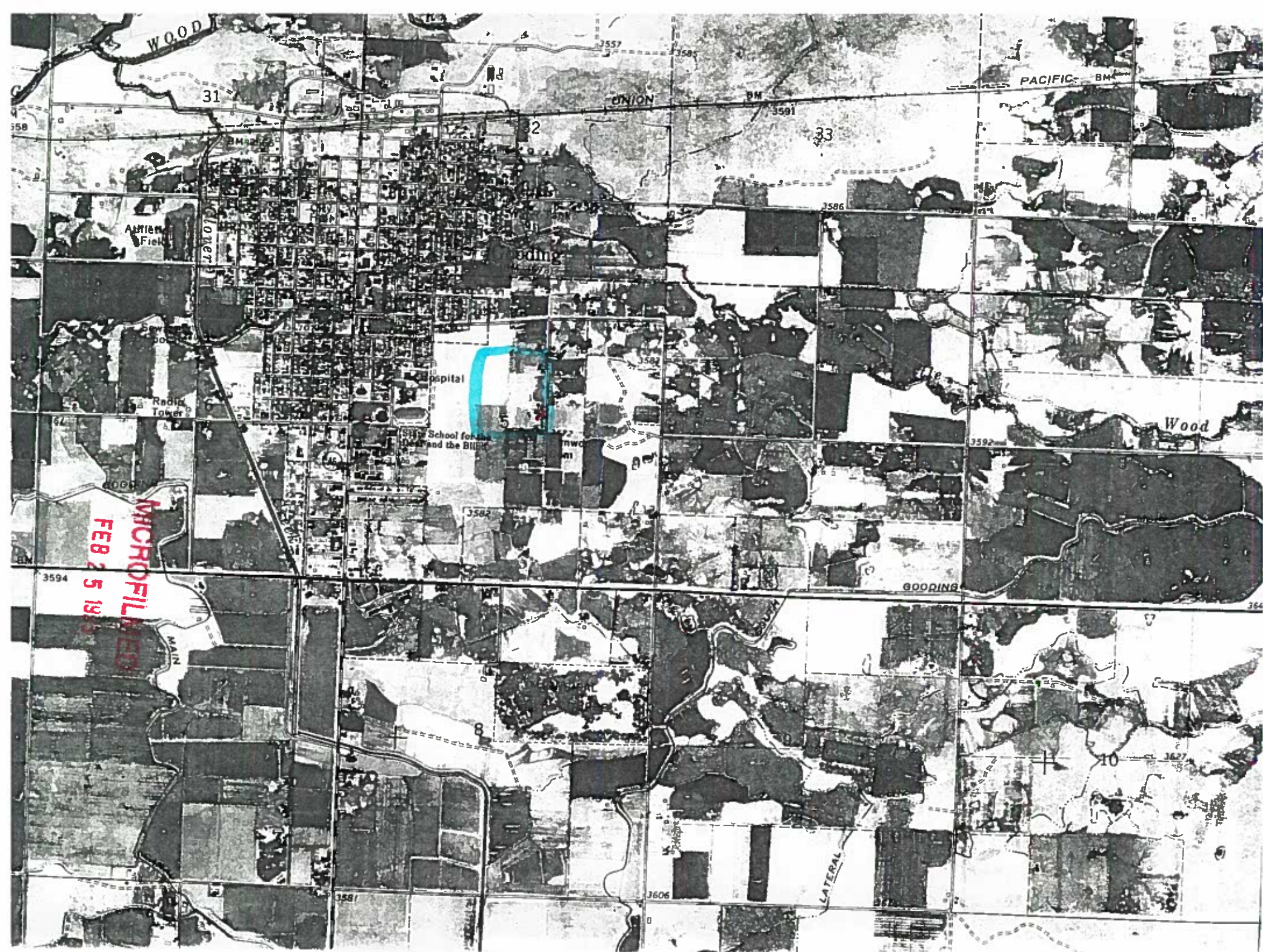
of August 19 88

Lois White
Notary Public

Seal

Residing at T.F.

My Commission Expires 5/95



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

WATER RIGHT NUMBER - A37-10970

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +	+ - - - - DECREE DEFENDANT - - - +	+ - DECREE DATE - +
		00/00/0000

+ - - AUDIT FIELDS - 08/11/88 MOBILE3 10/03/89 REFUNDML

+ - - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 08/11/1988	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- M001022	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

00106000029A A

DATA ENTRY

ENTERED 10-26-93
CHECKED 12/5/93

"Verified By"
Toto Map/C 311-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDW/I Records

VERIFIED
FEB 15 1992

CERTIFIED
MAR 22 1992
WATER EXAMINER