

06/06/2006

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

RIGHT NUMBER: 1-35F

NAME AND ADDRESS: JERRY BROWN
177 N 4700 E
RIGBY ID 83442

BETTY J BROWN
177 N 4700 E
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 0.110 CFS

This right when combined with all other rights shall provide no more than 4.0
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T04N R40E S28 NESWNW Within JEFFERSON County

T04N R40E S29 SWNE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.110 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T04N R40E S28	NWNW	6.20	T04N R40E S28	SWNW	1.40
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7.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of
7.6 acres in a single irrigation season. Combined Right Nos.: 01-35F, 01-177E.

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 water under this right will be regulated by a watermaster with
responsibility for the distribution of water among appropriators within a
water district. At the time of this approval, this water right is within
State Water District No. 01.

This right is a split from former right 1-35AE.

This right does not grant any right-of-way or easement across the land of
another.

The right holder shall provide a means of measurement and lockable
controlling works for all authorized points of diversion. The means of
measurement and controlling works must be suitable for control of the
diversions and acceptable to the watermaster.



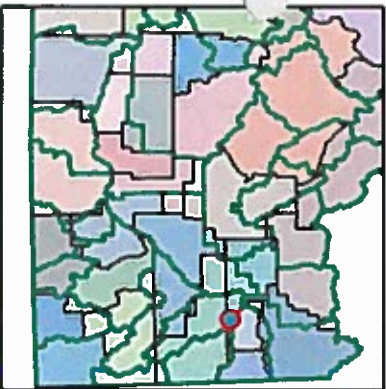
Idaho Department of Water Resources

Adjudication Claim:

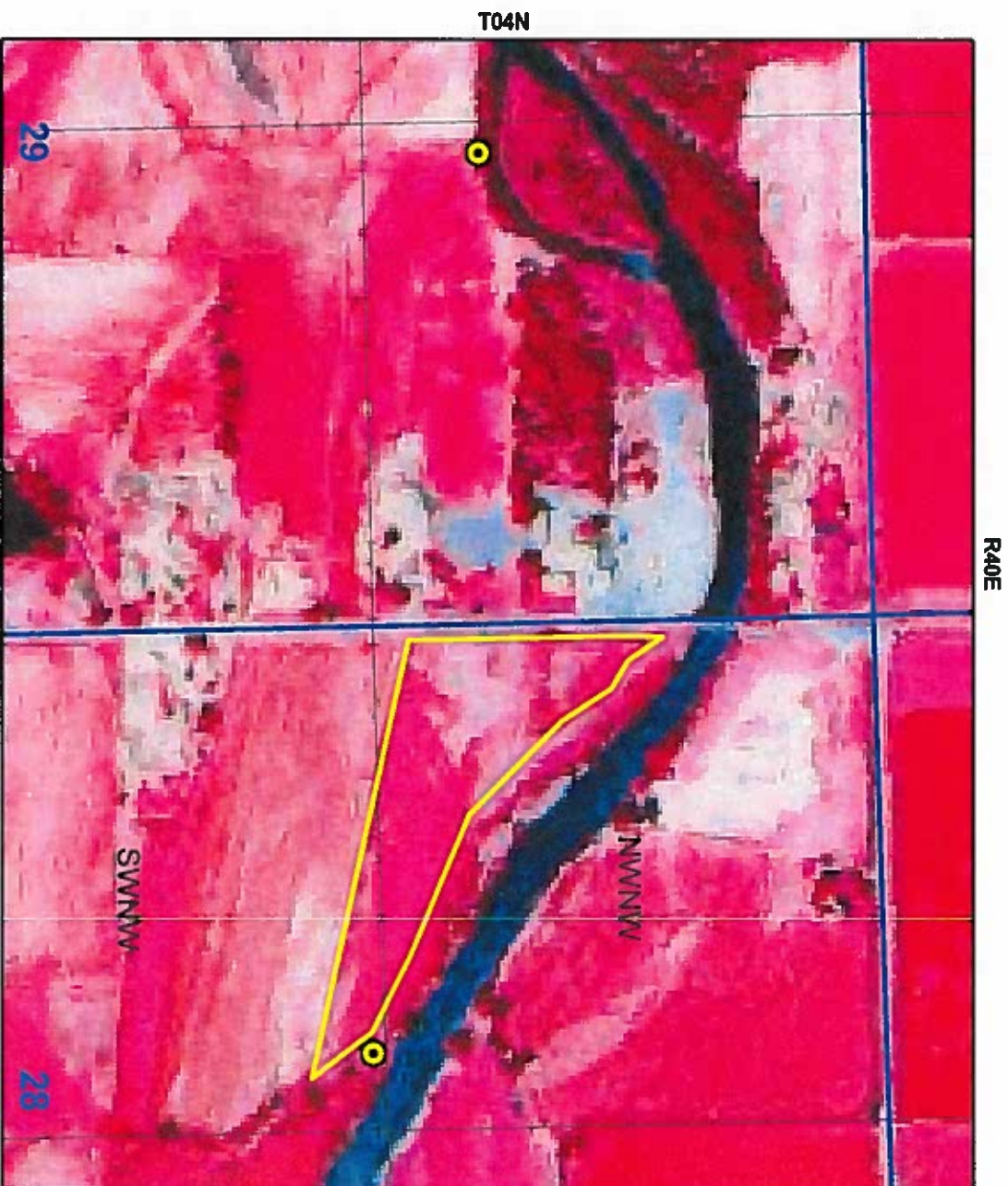
1-35F

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Jefferson County
IDWR Basin 1



Prepared by D. Carlson
On Tuesday, April 11, 2006
1987/88 Aerial Photography

1-35F



20

21



29

28

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.

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
	01-35A	X	— 1-35F		
	01-177B	X	— 1-177E		

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)

R Gene Scott
4644 E 185 N Rigby ID 83442

4. New Owner/Claimant(s)

Jerry E Brown and Betty J Brown

Same Connector (Check one): [] and, [] or, [] and/or ^

New Mailing Address

177 N 4700 E

City, State and ZIP Code

Rigby ID 83442

New Telephone Number

() 538-7349

5. Date you acquired the property

28

29

04N40E

NWNNW

SWNNW



315570

ALLIANCE TITLE & ESCROW CORP

Instrument # 315570

RIGBY, JEFFERSON, IDAHO

2002-06-26

10:08:00 No. of Pages: 1

Recorded for : ALLIANCE TITLE & ESCROW

CONNIE M. KELLER

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: RECONVEYANCE

ALLIANCE

TITLE & ESCROW CORP.

ATEC Reference No.: misc.

DEED OF RECONVEYANCE

Pursuant to a written request made by the beneficiary, the undersigned Alliance Title & Escrow Corp., as trustee in the deed of trust executed by

Jerry E Brown and Betty J Brown, husband and wife

To Farm Bureau Finance Company, recorded February 4, 2000, as Instrument No. 301305. Records of Jefferson County, Idaho, does hereby GRANT and RECONVEY unto the parties LEGALLY ENTITLED THERETO, without warranty, all the estate and interest derived to the trustee under said deed of trust, in the lands therein described.

Township 4 North, Range 40, East of the Boise Meridian, Section 29.

Alliance Title and Escrow Corp.

June 4, 2002

By

JAN TAYLOR VICE PRESIDENT

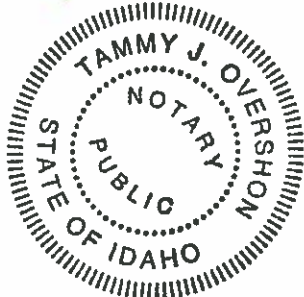
State of Idaho

}
}ss.

County of Jefferson

On this 4 day of June 2002, before me, a Notary Public in and for said state, personally appeared Jan K. Taylor, known to me to be the Vice President of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, executed the foregoing in said Corporation name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Tammy J. Overshon
Notary Public for the State of Idaho

Residing at: Rigby

Commission Expires: 7/9/07

EXHIBIT 'A'

*Virginian Street
Land.*

A portion of Section 29, Township 4 North, Range 40, East of the Boise Meridian, Jefferson County, Idaho.

Beginning at a point on the West line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said section, running 30 rods South of the Northwest corner of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ and running thence South 50 rods, more or less to the Southwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence East 80 rods, more or less to the Southeast corner of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence North along the East line of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ 58 rods, more or less, to the South Bank of the Dry Bed; thence in a Southwesterly direction 80 rods more or less, to the place of beginning.

EXCEPTING THEREFROM the following described real property, Beginning at the Northeast corner of the the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 4 North, Range 40, East of the Boise Meridian, Jefferson County, Idaho, thence South 500 feet; more or less to the South Bank of the Dry Bed, which is the real point of beginning, and running thence South 209 feet; thence West 879 feet; thence South 100 feet; thence West 142 feet, to the South Branch of Snake River known as the Dry Bed; thence northeasterly direction following the meanderings thereof to the place of beginning.

ALSO EXCEPTING THEREFROM: Beginning at a point 709 feet South and 35 feet West of the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 4 North, Range 40 East of the Boise Meridian, Jefferson County, Idaho said point being on the West boundary of a county road, and running thence West 209 feet; thence South 209 feet; thence East 209 feet; thence North 209 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at a point 709 feet South and 244 feet West of the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 4 North, Range 40 East of the Boise Meridian, Jefferson County, Idaho and running thence West 154 feet; thence South 209 feet; thence East 154 feet; thence North 209 feet to the point of beginning.

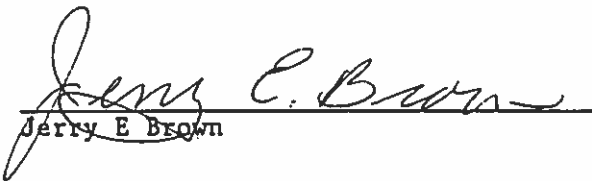
For informational purposes only, the property address is:

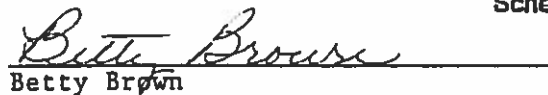
177 North 4700 East

Rigby

IDAHO 83442

Lot Book Guarantee
Schedule A


Jerry E Brown


Betty Brown

WARRANTY DEED

For Value Received **J. Virginia Scott**, whose name also appears of record as **Virginia Scott**

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

Jerry E. Brown and Betty J. Brown, husband and wife

whose address is: **177 North 4700 East, Rigby, ID 83442,**

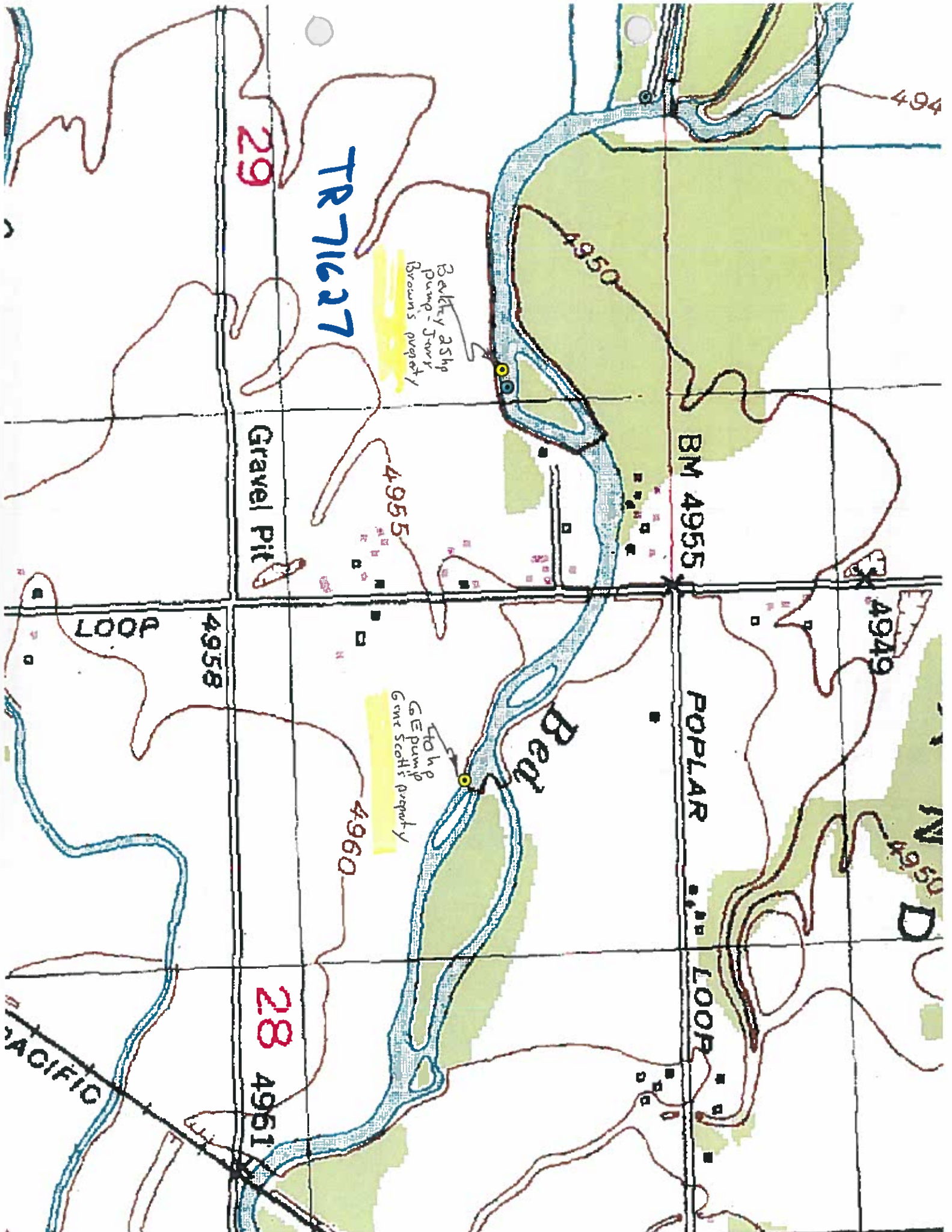
Hereinafter called the Grantees, the following described premises situated in Jefferson County, Idaho, to-wit:

A parcel of land located in the NW¼ of Section 28, Township 4 North, Range 40 East, Boise Meridian, Jefferson County, Idaho, described as: Beginning at a point on the West section line that is 510.27 feet S00°00'00"W of the Northwest corner of said Section 28, and running thence along the South side of the Dry Bed Canal the following six courses: S90°00'00"E 32.78 feet; thence S55°58'34"E 86.88 feet; thence S48°25'50"E 280.92 feet; thence S46°40'57"E 405.77 feet; thence S61°15'54"E 306.54 feet; thence S53°37'58"E 277.55 feet; thence S11°37'06"E 174.02 feet; thence N76°20'02"W 1170.64 feet along and existing fence line to the West section line of said Section 28; thence along said section line N00°00'00"W 719.20 feet to the Point of Beginning.

EXCEPTING THEREFROM: County Road right of way along the West side of the property.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except a ment



TR 71627

29

Gravel Pit

Backley 25hp
Pump-Jerry
Browns property

4955

BM 4955

LOOP

4958

G.E. Pump
Gert Scott's property

4960

Bed

POPLAR

LOOP

28

4961

PACIFIC

494

4949

4950
D

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 1-35F
Date Received: 4/11/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JERRY BROWN Phone: (208)538-7349

177 N 4700 E
RIGBY ID USA 83442

BETTY J BROWN Phone: (208)538-7349

177 N 4700 E
RIGBY ID USA 83442

2. Date of Priority: 06/01/1885

3. Source: DRY BED , DRY BED Trib. to: SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	40E	29	NE NE	JEFFERSON	
04N	40E	28	NE SW NW	JEFFERSON	

5. Description of diverting works:

two pumps in the dry bed

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.11	

7. Total Quantity Appropriated is:
0.11 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
04N	40E	28	SW	NW	IRRIGATION	1.5
			NW	NW	IRRIGATION	6.3
					Section Acres	7.8
					Total Acres	7.8

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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)