

11/17/2006

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

RIGHT NUMBER: 1-10519
NAME AND ADDRESS: LLOYD C BROWN
BEAR ISLAND DR
3141 E 33 N
IDAHO FALLS ID 83402

SHANNON A BROWN
BEAR ISLAND DR
3141 E 33 N
IDAHO FALLS ID 83402

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 2.110 CFS
PRIORITY DATE: 04/01/1939
POINT OF DIVERSION:

T04N R37E S35 NENE 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	2.110 CFS

PLACE OF USE: IRRIGATION in JEFFERSON County

T04N R37E S35	NENE	1.60	T04N R37E S35 Lot 6 NENE	3.90	
T04N R37E S35	SWNE	1.20	T04N R37E S35	SENE	3.90
T04N R37E S35 Lot 2	SENE	0.40	T04N R37E S35 Lot 6	SENE	33.00
T04N R37E S35	NESE	0.20	T04N R37E S35 Lot 7	NESE	12.00
T04N R37E S35	NWSE	1.20	T04N R37E S35 Lot 7	NWSE	0.30
T04N R37E S36 Lot 4	NWNW	0.60	T04N R37E S36 Lot 4	SWNW	6.70

65 ACRES TOTAL

This right is limited to the irrigation of 58 acres within the place of use described above in a single irrigation season.

Right Nos. 1-10512 and 1-10519 are limited to the irrigation of a combined total of 65 acres in a single irrigation season.

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

This right is a split from former right 1-310B.

Water is delivered from Great Western Canal through Bear Island North and Bear Island West Pumps.



Idaho Department of Water Resources

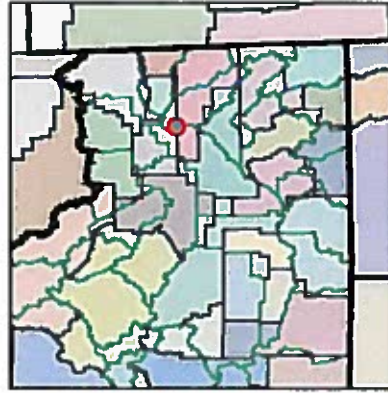
SRBA Recommendation:

1-10519

(Irrigation)

Legend

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



Jefferson County
IDWR Basin 1



R37E



104N

0 0.2 0.4 Miles

Prepared by A. Golar
On Wednesday, November 22, 2006
2004 Aerial Photography

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

DELEG MIT
1178-05
RECEIVED
NOV 14 2005
Department of Water Resources
Eastern 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
	01-10212	X			
	01-10213	X			

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)

Lloyd + Shannon Brown

3141 E 33N Idaho Falls 83402

4. New Owner/Claimant(s)

Daniel + Toni Ziegler

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 736

City, State and ZIP Code

Rigby, ID 83442

New Telephone Number

208 745-8235

5. Date you acquired the property

6-10-05

WARRANTY DEED

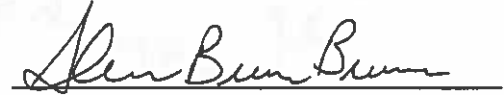
FOR VALUABLE CONSIDERATION RECEIVED LLOYD C. BROWN and SHANNON BRENNAN BROWN, HUSBAND AND WIFE, Grantor(s), do hereby grant, bargain, sell and convey unto DANIEL P. ZIEGLER and TONI ZIEGLER, HUSBAND AND WIFE, Grantee(s), whose current address is P.O. BOX 736, RIGBY, ID 83442, the following described real estate situated in JEFFERSON County, State of Idaho, to wit:

LOTS 1 & 2 IN BLOCK 3 OF BEAR ISLAND SUBDIVISION NO. 2, JEFFERSON COUNTY, IDAHO, AS PER THE RECORDED PLAT THEREOF.

TO HAVE AND TO HOLD the described premises, together with all tenements, hereditaments and appurtenances thereunto belonging, unto the Grantee, his/her/it successors and assigns forever, Grantor does hereby covenant to and with the Grantee that he/she is the owner in fee simple of said premises and that he/she will warrant and defend the same from all lawful claims whatsoever.

DATED: 06/10/2005

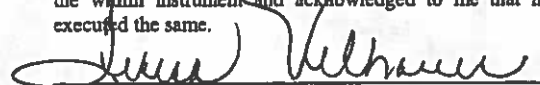

LLOYD C. BROWN


SHANNON BRENNAN BROWN

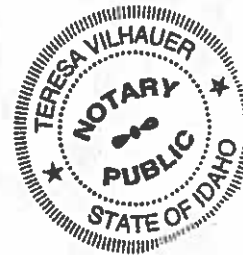
STATE OF IDAHO

COUNTY OF BONNEVILLE

On this 10TH day of JUNE, 2005, before me, the undersigned, a Notary Public in and for the State, personally appeared LLOYD C. BROWN and SHANNON BRENNAN BROWN, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same.


Notary Public
Residing at: RIGBY, ID
My Commission Expires: 08/19/08

THIS SPACE FOR COUNTY RECORDERS USE ONLY



<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Priority</u>	<u>Date</u>	<u>Owner(s)</u>	<u>Claimed Rate</u>	<u>REC (cfs)</u>
1	310	A	4/1/1939	HORNER, SUSAN (Curre	0.29	0.17	
1	310	D	4/1/1939	BEAR ISLAND WATER /	1.08	1.08	
1	310	F	4/1/1939	BLACK, FARRELL K (Cu	0.07	0.07	
1	310	K	4/1/1939	RICE, KATHIE L (Curren	0.19	0.19	
1	310	L	4/1/1939	PERCIN, MARY (Current	0.03	disallow	
1	10395		4/4/1939	THOMPSON, CHERYL A	0.22	0.14	
1	10518		4/1/1939	ZIEGLER, DANIEL (Curr	0.2	0.2	
1	10519		4/1/1939	BROWN, LLOYD C (Curi	2.93	2.11	
TOTAL			6.0cfs Decreed		5.01	3.96	

Notes

$$4.19 \text{ cfs} = \phi . \phi 3636 \frac{\text{cfs}}{\text{acre}} \times 65 \text{ acres} = 2.36 \text{ cfs}$$

115.2 acres
(Transfer)
2187

$$6. \phi \text{ cfs} = \phi . \phi 3636 \frac{\text{cfs}}{\text{acre}} \times 58 \text{ acres} = 2.109 \text{ cfs}$$

165.02 acres (within transfer) /
pon

Recommend as transferred @ 2.11 cfs.
for Brown portion.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant David W. &/or Mina E. JonesPhone 228-6141Post office address Rt. #1, Box 117, Roberts, ID 83444

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to Rebecca Holden (01-0310, Civil Case No. 6117)

(Name)

in case of Aberdeen Springfield Canal Co. vs Henry Eagledated 3-12-69 in 7th Judicial Dist. county of Fremont

(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

Applicant has a contract to purchase a portion of the lands that the decree is appurtenant to.3. Source of water Snake River tributary to Columbia4. Date of priority Apr. 1, 1939

5. Water is used for the following purposes:

amount 6.0 for irrigation purposes from * to *

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(month/day - both dates inclusive)

6. Total amount of water under right: a. 6.0 cubic feet per secondb. _____ &/or
acre feet per annum7. Location of original point of diversion is * % of NW % of Section 35
Township 4N Range 37E, B.M., in Jefferson CountyAdditional points of diversion, if any (*) 1/4 NE 1/4, Sec. 36, T. 4N, R. 37E, B.M., JeffersonCounty. Geographically, the old point of diversion, (Bear Island pump station)8. Lands irrigated or place of use: was actually located in SWNW, Sec. 36, T. 4N, R. 37E,

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	37E	2		X				(Lot 7)											2.27
4N	37E	35	X		X	X		(Lot 6)											39.17
		35									(Lot 7)			X	X				47.05
		35									(Lot 8)					X	X		49.93
		36		(Lot 4)			X	X											26.65

Total number of acres to be irrigated 165.02

*Not stated in decree

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. 4.19 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion * _____ % NW _____ % Section 35 Township 4N
Range 37E, B.M., Jefferson County
Additional points (*) 1/4 NE 1/4, Sec. 36, T. 4N, R. 37E, B.M., Jefferson County
3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	37E	35	7.15		2.43	36.94									20.51	18.74	17.35	.89	104.01
		36					3	8.05			.24								11.29

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE 115.3

1. Change in point of diversion
 - a. Amount of water to be diverted 4.19 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion NE % NE % Section 35 Township 4N
Range 37E, B.M., Jefferson County
Additional points _____
 - c. Description of diverting works pump, motor and sprinkler system
 - d. Describe the reasons for applying for a change in the point(s) of diversion
Applicant is replacing a flood irrigation system of ditches with a sprinkler delivery system. The point of diversion is being moved to increase the efficiency of the system.
2. Change in place of use NO CHANGE
 - a. Describe the lands or place of use to which the right will be transferred:

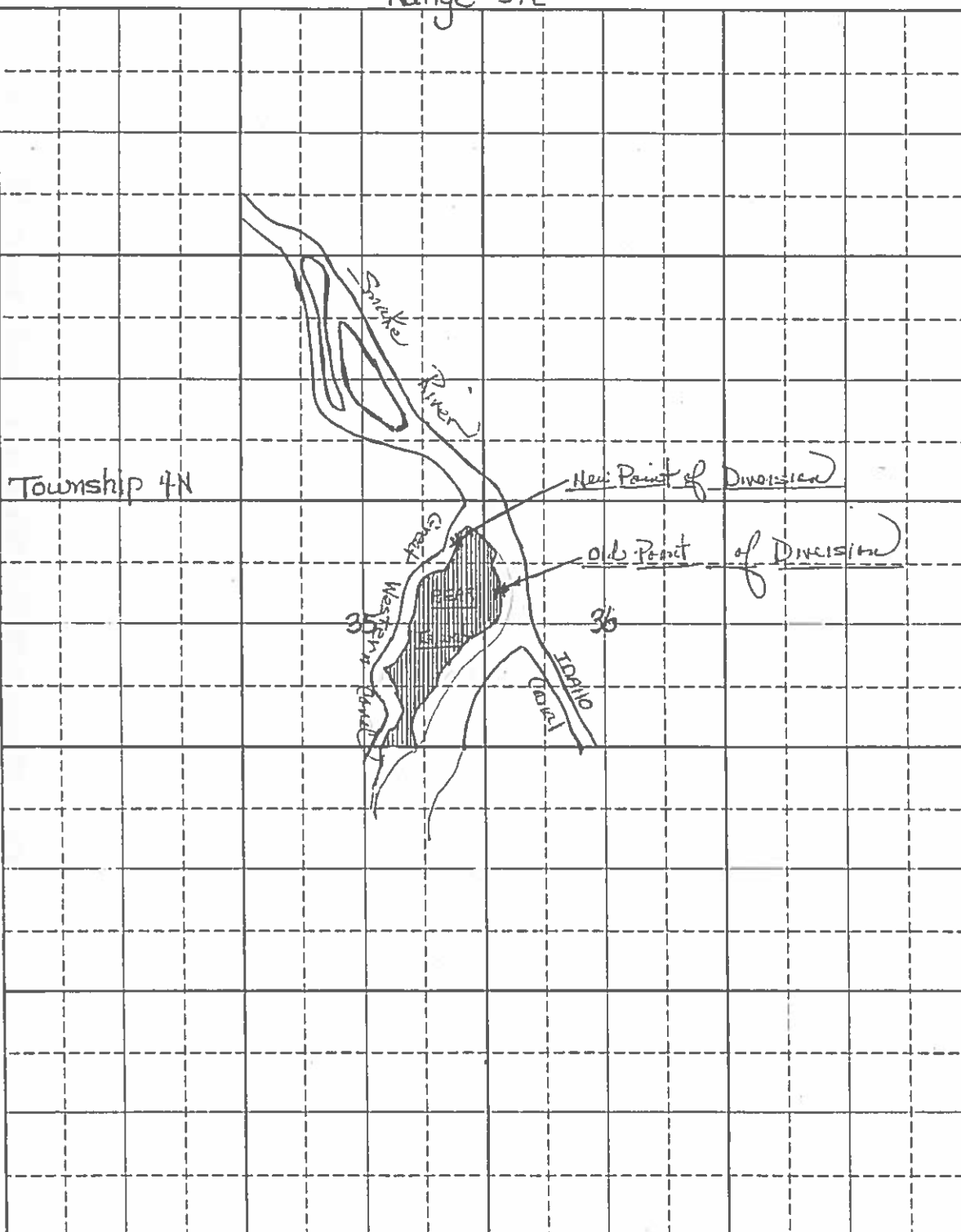
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

*Not stated in decree

Total number of acres to be irrigated _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

Range 37E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Decreed POU.
165.02 acres

Brown POU ~58^{acres}
Within decree/
transfer POU.

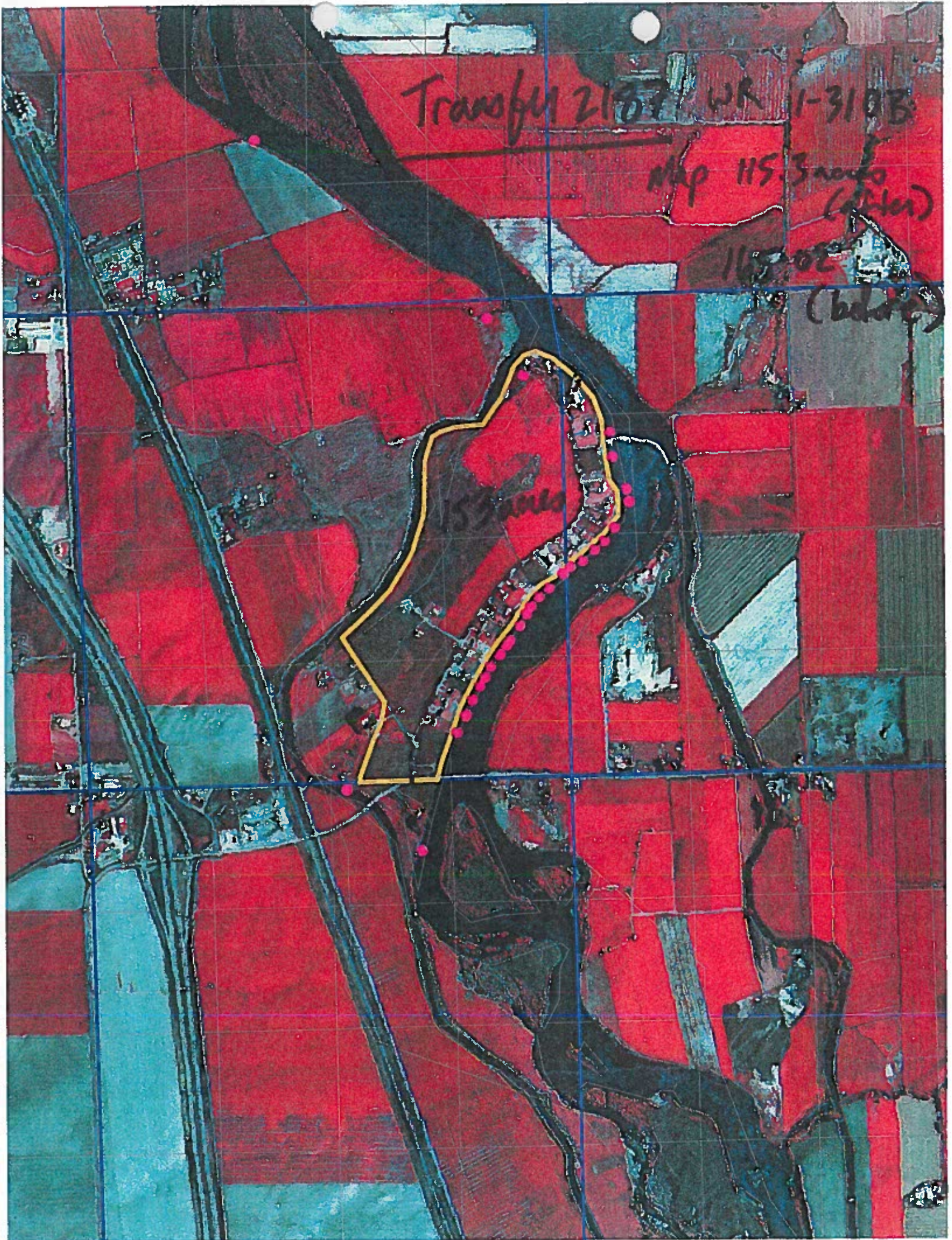
$$\begin{aligned} \frac{6 \text{ pcts}}{165.02 \text{ acres}} &= \phi. \phi 3636 \frac{\text{cts}}{\text{acre}} \\ \text{RPA} &= \\ 58 \text{ acres} * \phi. \phi 3636 \frac{\text{cts}}{\text{acre}} &= 2.109 \text{ cts} \end{aligned}$$

Transfer 2187 WR 1-3103

Map 115.3 acres
(older)

115.02
(bolder)

Shoreline



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 1-10519
Date Received: 1/3/1990
Receipt No: CO13779
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LLOYD C BROWN Phone: (208)524-5176
BEAR ISLAND DR
3141 E 33 N
IDAHO FALLS ID USA 83402

SHANNON A BROWN Phone: (208)524-5176
BEAR ISLAND DR
3141 E 33 N
IDAHO FALLS ID USA 83402

2. Date of Priority: 04/01/1939

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	37E	35	NE NE NE	JEFFERSON	

5. Description of diverting works:

HEADGATE OF GREATWESTERN CANAL WITH PUMP IN CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.93	

7. Total Quantity Appropriated is:
2.93 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
03N	37E	2		7 IRRIGATION	1
				Section Acres	1
04N	37E	35		6 IRRIGATION	47
				7 IRRIGATION	12.5
				8 IRRIGATION	12

04N 37E 36

Section Acres 71.5
4 IRRIGATION 8
Section Acres 8
Total Acres 80.5

11. Place of use in counties: BONNEVILLE, JEFFERSON
12. Do you own the property listed above as place of use? Yes
13. Other Water Rights Used:
14. Remarks:

TRANS. #2343.
THIS CLAIM IS FOR A PORTION OF DECREED WATER RIGHT 01-00310.
SEE MAP ATTACHED TO A01-10212.
ADDRESS CHANGE REC'D 04/18/1994 SS.

This right is a split from former right 1-10213 .

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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____