

01/24/2006

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

RIGHT NUMBER: 22-2254

NAME AND ADDRESS: BROWN INC
C/O GEORGE BROWN
1439 CAMBRIDGE DR
IDAHO FALLS ID 83401

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.320 CFS
2,258.20 AFY

Right Nos. 22-2254 and 22-13453 are limited to a total combined diversion rate of 5.32 cfs and to a total combined annual diversion volume of 2429.7 AF.

PRIORITY DATE: 08/09/1965

POINT OF DIVERSION: T06N R41E S35 NWSESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	5.320 CFS 2,258.20 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R41E S01 Lot 4 NWNW	10.00	T05N R41E S01	SWNW	28.00
T05N R41E S01	NESW	T05N R41E S01	NWSW	38.00
T05N R41E S01	SWSW	T05N R41E S01	SESW	38.00
T05N R41E S02 Lot 1 NENE	13.00	T05N R41E S02 Lot 2 NWNE		13.00
T05N R41E S02	SWNE	T05N R41E S02	SENE	33.00
T05N R41E S02 Lot 3 NENW	13.00	T05N R41E S02 Lot 4 NWNW		11.00
T05N R41E S02	SWNW	T05N R41E S02	SENW	25.00
T05N R41E S02	NESW	T05N R41E S02	NWSW	37.00
T05N R41E S02	SWSW	T05N R41E S02	SESW	37.00
T05N R41E S02	NESE	T05N R41E S02	NWSE	38.00
T05N R41E S02	SWSE	T05N R41E S02	SESE	38.00
T05N R41E S03	SENE	T05N R41E S03	NESE	36.00
T06N R41E S34	SWNE	T06N R41E S34	SENE	38.00
T06N R41E S34	NESE	T06N R41E S34	SESE	39.00
T06N R41E S35	NENE	T06N R41E S35	SWNE	39.00
T06N R41E S35	SENE	T06N R41E S35	SWNW	38.00
T06N R41E S35	SENW	T06N R41E S35	NESW	36.00
T06N R41E S35	NWSW	T06N R41E S35	SWSW	40.00
T06N R41E S35	SESW	T06N R41E S35	NESE	40.00
T06N R41E S35	NWSE	T06N R41E S35	SWSE	38.00
T06N R41E S35	SESE			36.00

1297 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1297 acres in a single irrigation season. Combined Right Nos.: 22-2254 and 22-13453.

This right is limited to the irrigation of 1248 acres within the place of use described above 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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

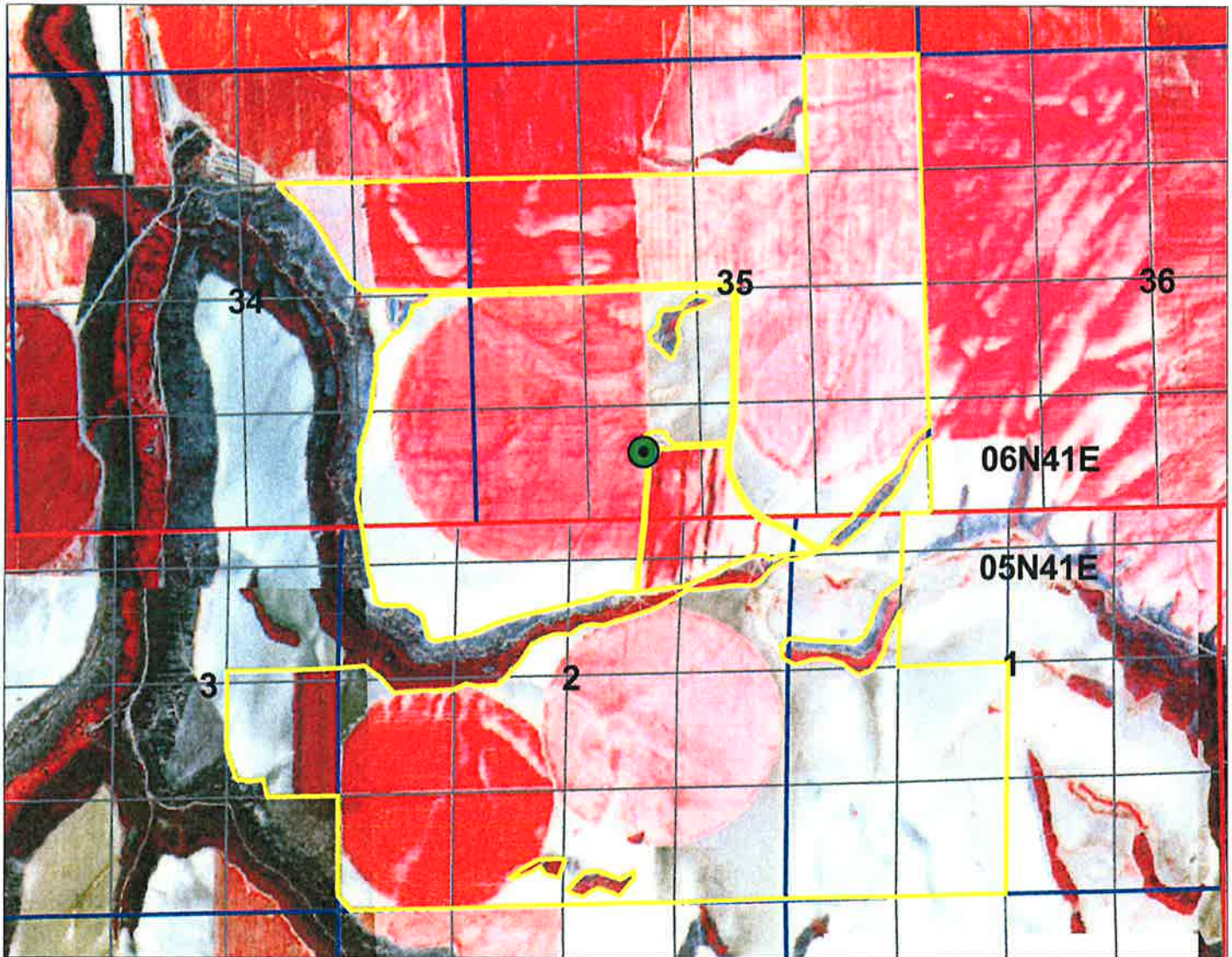
The following rights are also diverted through point of diversion described above: 22-2254 and 22-13453.

Right No. 22-13453 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

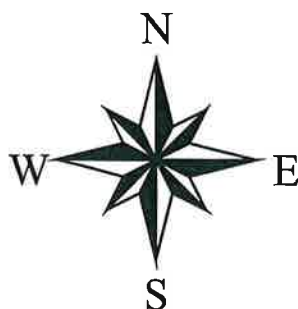
Department of Water Resources Eastern Region



Claim No.: 22-2254 and 22-13453



0 0.25 0.5 0.75 1 Miles



- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: January 2006

01/24/2006

**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:

Water right number: 22-2254

BROWN INC
C/O GEORGE BROWN
1439 CAMBRIDGE DR
IDAHO FALLS ID 83401
Telephone Number: (208)522-9552

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

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

DATE: Oct. 2, 2006

SIGNATURE:

Brown Inc. by George Brown, President
Brown Inc. by George Brown, President

Please print your name:

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

OCT 12 2006

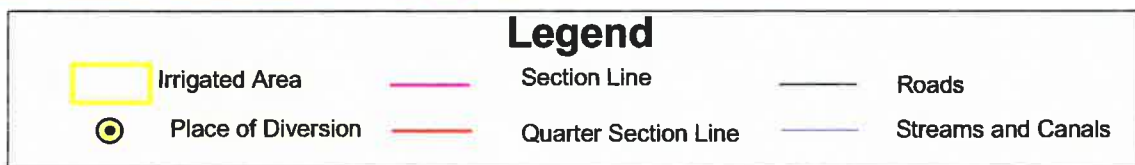
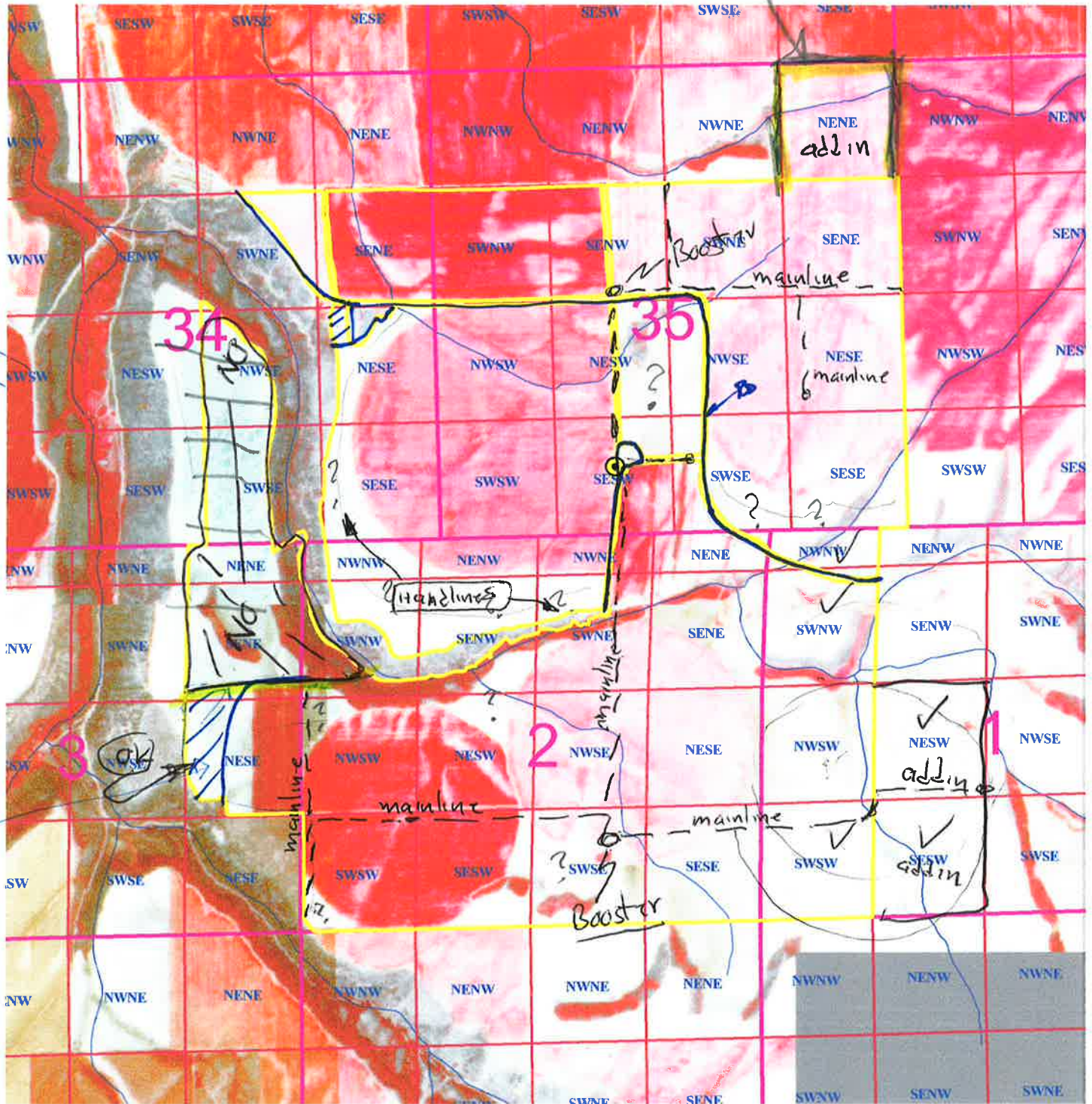
Department of Water Resources
Eastern Region

VWST

Water Right Claim Number 22-02254

Townships , 6N41E, 5N41E

08/08/2001



1200 0 1200 2400 Feet

Georse Braun Modified Map of R.O.W on 7-11-2005

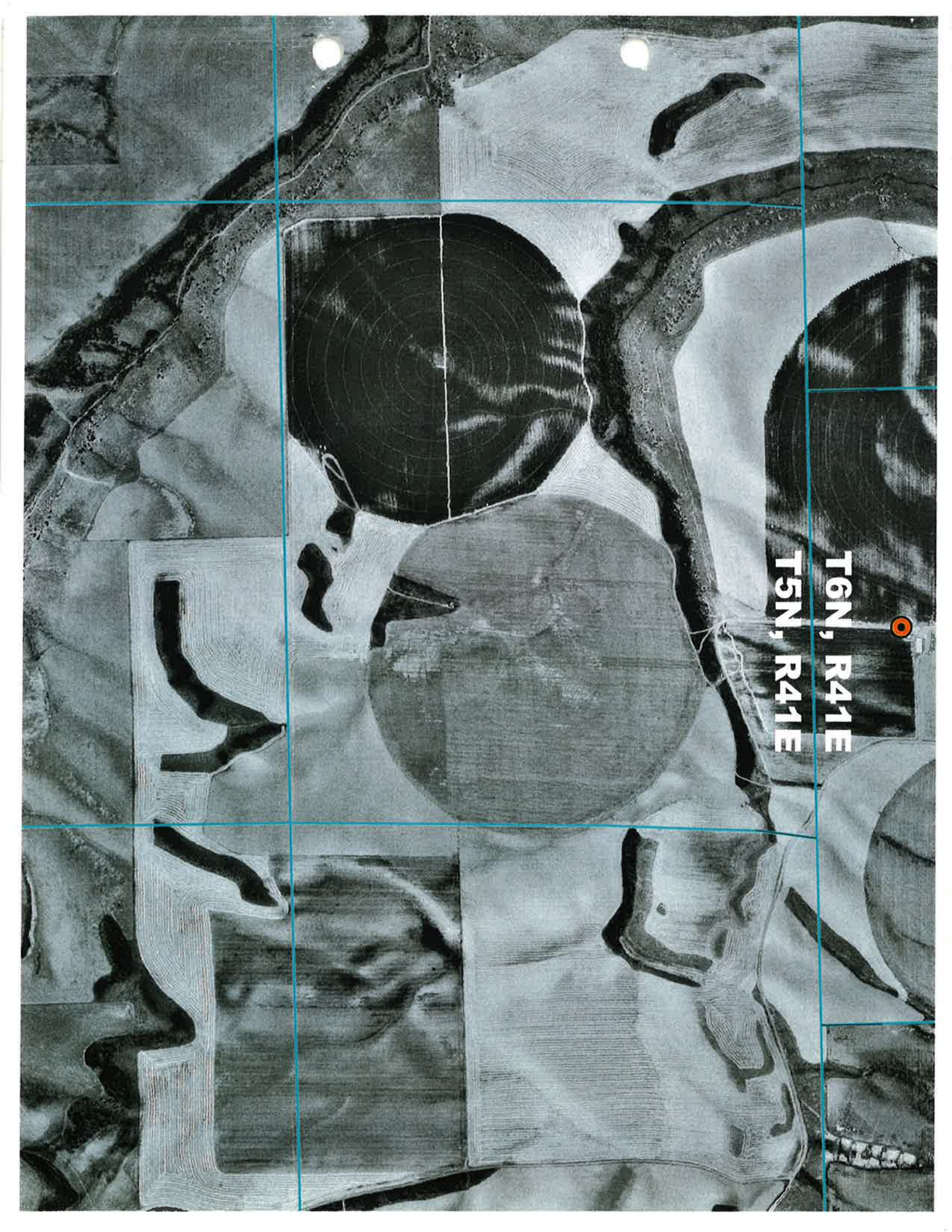
SPATIAL DYNAMICS

Remove acreage in Sec 34 + 3 that are outlined

Add in - NEN1/2 Sec 35
E1/2 SW Sec 1



T6N, R41E
T5N, R41E

An aerial photograph of a coastal area, possibly a lagoon or estuary, with a grid overlay. The image shows various land and water features, including a large central landmass and several smaller islands or peninsulas. A grid of blue lines is overlaid on the image. Two circular markers are visible: a red one on the right side and a white one on the left side. The text "T6N, R41E" and "T5N, R41E" is printed in white on the right side of the image.

T6N, R41E
T5N, R41E

Water Right No(s).

A22-2254

See attached Photo

GPS DATA:

Tag # A0015907 Location: on Power Pole

Diversion Data:

GPS Lat - 2693773
1402517

GPS File: 222254

Source: Groundwater Trib to: _____

MOTOR

Make: U.S. Electric Model: _____ Hp: 700

SN: 10#29430-15 (Booster - approx 125hp - No tag)

PUMP

Make: Layne & Bowler Model: _____ Disch: _____

SN: D19037

NOTES:

Met with Robert Smith, Farm manager (317-4900, cell). System
is well, pump & booster to pivots. Maps sent to George Brown, owner,
in Utah (phone 801-355-8864) for review. Hy Sen
Joseph lives at claim address. Phone is still good. P.A. map
modified by George Brown.

Field Exam Date: 6-29-2005 Agent: J. W. Jones

Each Booster is 75Hp see map

Jim Smith does irrigating on Farm
356-7466

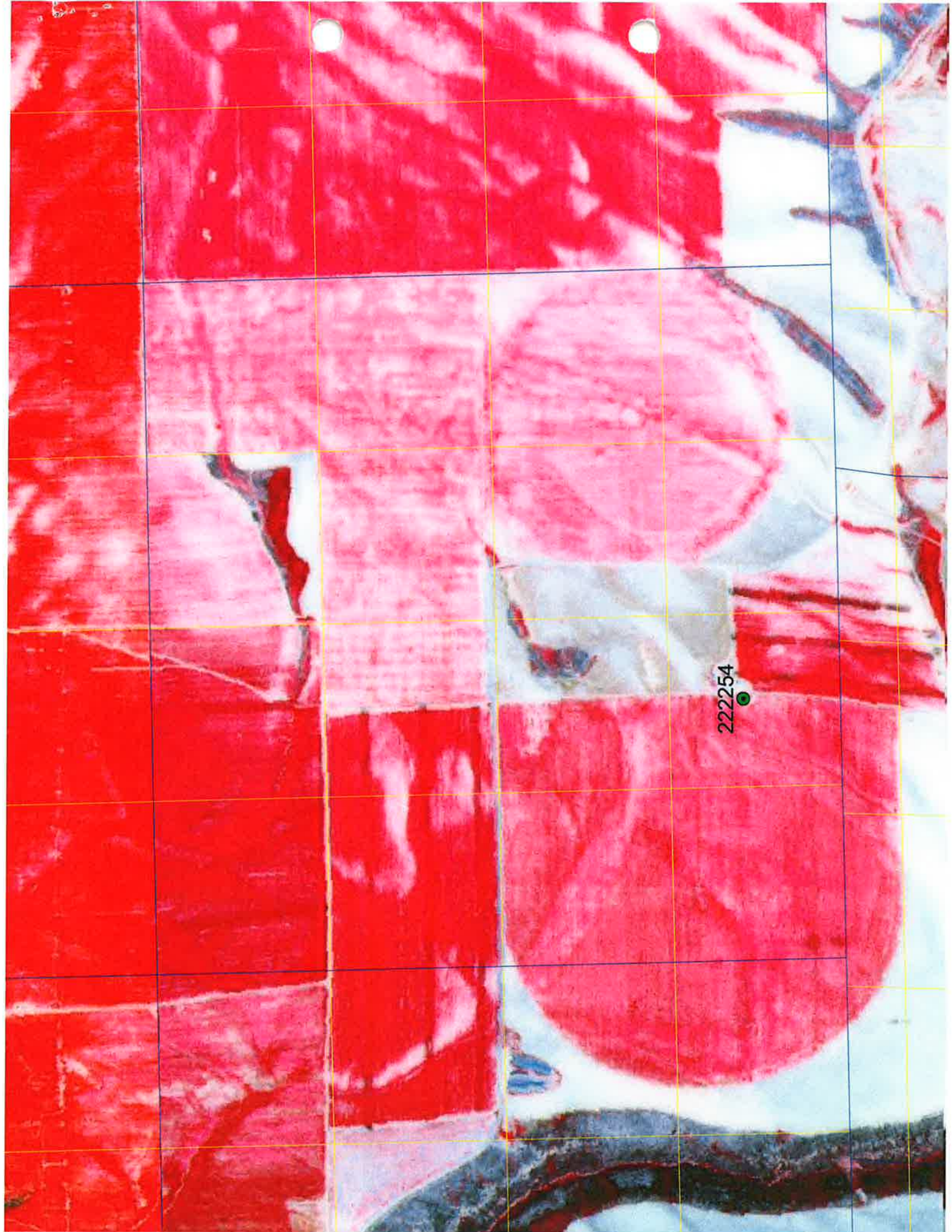
GPS-1297°AC

LIC 1248 AC (claims 1247)

Noodsburg, 49°AC



A22-2254, Looking West



222254

Claim No 22-2254

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

Robt Smith River Project

356-7552

Greene - 801-355-8864 - Utah

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32473/22-2254 Priority August 9, 1965 Amount 5.32 cfs

THIS IS TO CERTIFY, that George R. Brown & Estate of Jennie W. Brown
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 32473/22-2254 issued pursuant to Application for Permit dated August 9, 1965
and has submitted proof to the Department of Water Administration on July 23, 1970
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 5.32 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 5.32 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 5.32 cfs of water be diverted at
any one time, said waters to be diverted within the _____
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35, Twp. 6 N, Rge. 41 E, B. M.

in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 2,258.2 acre feet per year or
3.5 acre feet per acre.

Description and location of place of use: See Land List Attachment

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated 1,248

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of

April, 19 72


Director

22-2254

LAND LIST ATTACHMENT

[illegible]

Total number of acres irrigated 1,248

22 2252

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40627
Permit No. G- 32473
District No.

1. Name of Applicant: **Jennie W. Brown and George R. Brown**
Postoffice address: **Rexburg** County: **Madison** State: **Idaho**
2. Quantity of water claimed: **24.96 cfs**
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Subterranean**
4. Location of point of diversion or well is in the **NE 1/4 SW 1/4 Sec. 35, Twp. 6 N., Rge. 41 E.**
NW 1/4 SW 1/4, Section 1
Twp. **5 N**, Rge. **41 E.**, B.M., County of **Madison**
5. Water is to be used for: **Irrigation**
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp.
Rge., B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B.M.
7. Kind of works: **Well, pump, and sprinkling system**
8. Estimated cost of works: **\$75,000.00**
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is **five** years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None**
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) **24.96** (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Jennie W. Brown
s/ George R. Brown

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:30 A.M. August 9, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 32473

Recorded in Book 113 Page 32473 Approved August 13, 1965

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 13, 1968

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before August 13, 1970

Witness my hand this 13th day of August, 1965

s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 13th day of August, 1965.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N.	41 E.	34			4	38									35	15	20	40	152
6 N.	41 E.	35			38	40			40	40			35	40	40	40	35		468
5 N.	41 E.	3		8		30								35					73
5 N.	41 E.	2	10	10	30	30	12	12	18	20	35	35	40	35	40	40	30	40	437
5 N.	41 E.	1						8	30				40	40					118
TOTAL																			1248

LICENSE ISSUED FOR 5-32 SEC. F1.
LICENSE PAGE NO. _____

APPLICATION FOR AMENDMENT

Comes now Mr. George R. Brown of (address) _____

No. G-32473/22-2254, and requests that the permit and permit map be changed as follows:

1. Point of diversion: ~~SE~~ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 6 N

R. 41 E, B.M. Other points of diversion _____

mo. - day mo. - day

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

[illegible]**Total number of acres to be irrigated**

22-2254

32473

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-
-

ASCS: Rexburg
SCS: Rexburg

Permit No. G32473/22-2254

Examination for B/U Jennie W. Brown and George R. Brown

County Madison

Quantity: Sec. 35 T. 6N R. 41E

(permit) 24.96 cfs (proof) same

Source:

ground water

P.D.:

SE 1/4 SW 1/4

Use:

irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: August 9, 1965

Made: July 23, 1970

Due: August 13, 1970

Priority: August 9, 1965

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-32473/22-2254

REPORT ON PROOF OF B/U Mr. George R. Brown

22 2004

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: A22-02254

Date Received: 5/19/1988

Receipt No: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BROWN INC.
Address: C/O GEORGE BROWN
1439 CAMBRIDGE DR.
IDAHO FALLS, ID 83401

208-522-9552



2. Date of Priority: AUG 09, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	41E	35	SE	SW			MADISON

5. Description of diverting works:
WELL W/ PUMP TO SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.320		

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

8. Total consumptive use is 2496.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	41E	1	NW	NW		IRR	36.0
			SW	NW		IRR	28.0
			NW	SW		IRR	29.0

A22-02254

Page 1

Date: 05/19/88

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OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	41E	1	SW		SW		IRR	25.0
							Section Acres	118.0
		2	NE		NE		IRR	36.0
			NW		NE		IRR	38.0
			SW		NE		IRR	16.0
			SE		NE		IRR	9.0
			NE		NW		IRR	39.0
			NW		NW		IRR	35.0
			SW		NW		IRR	14.0
			SE		NW		IRR	18.0
			NE		SW		IRR	34.0
			NW		SW		IRR	35.0
			SW		SW		IRR	38.0
			SE		SW		IRR	35.0
			NE		SE		IRR	7.0
			NW		SE		IRR	28.0
			SW		SE		IRR	33.0
			SE		SE		IRR	26.0
							Section Acres	441.0
		3	NE		NE		IRR	29.0
			SE		NE		IRR	23.0
			NE		SE		IRR	20.0
							Section Acres	72.0
06N	41E	34	SW		NE		IRR	35.0
			SE		NE		IRR	14.0
			NE		SE		IRR	28.0
			NW		SE		IRR	25.0
			SW		SE		IRR	25.0
			SE		SE		IRR	23.0
							Section Acres	150.0
		35	SW		NE		IRR	39.0
			SE		NE		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	33.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	41E	35	SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	38.0
			SW	SE		IRR	40.0
			SE	SE		IRR	38.0

Section Acres 468.0

Total Acres 1249.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR.=1248.

15. Basis of Claim: LICENSE
Water Right Number: 32473

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OCT 29 1992

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: 4

For Organizations:

I do solemnly swear or affirm that I am Pres of
Brown Inc Title
Organization, that I have signed the foregoing
document in the space below as Pres of
Brown Inc Title
Organization and that the statements contained in the
foregoing document are true and correct.

George Brown
Signature of Authorized Agent

Pres Brown Inc
Title and Organization

5-19-88

Date

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19th day

of May 19 88

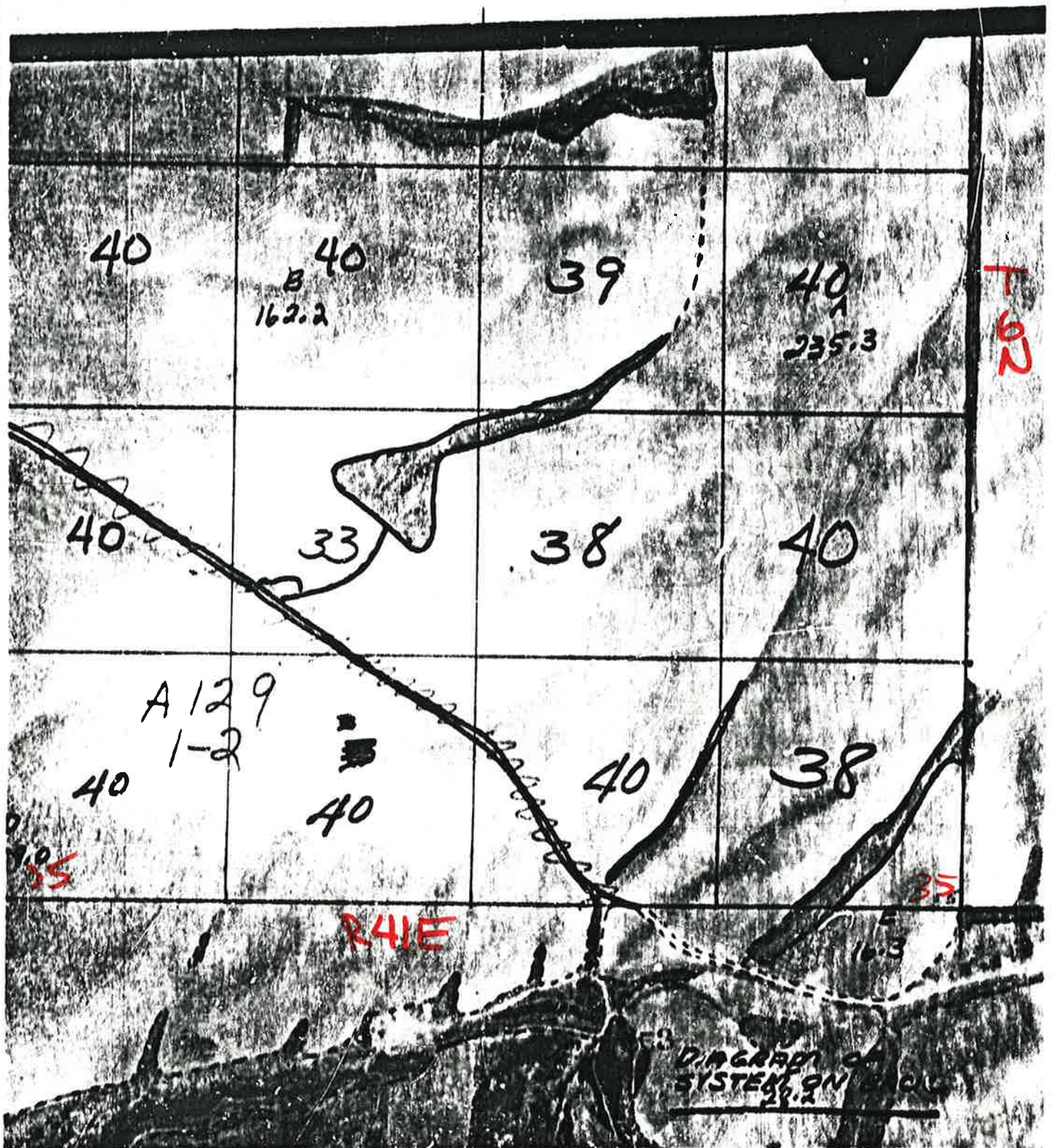
Dana Green
Notary Public

Seal

Residing at Rigby

My Commission Expires 4-22-1994

1532



A22-80
02854

MICROFILMED

OCT 29 1992

R 418 **A22-02254**

150
110
110
440
468
1248 - Total

35	14	40	40	39	40
25	28	40	38	38	40
25	23	40	40	40	38

POD

35	35	39	38	36	36
14	17.5	15.8	19	19	19
35	35	28	7	29	29
38	35	33	26	25	25

Q measured 5.32 cfs

Q recommended 5.32 cfs

Volume 2276.96 AS/PM

Arithmetic

ound 1248

recommended 1248

Subj 41

Amendments

☒ None

☐ P. O.

☐ Place of use

☐

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OCT 29 1992

Scale: 2 inches equals 1 Mile. Draw Map in Ink.

22 0253

A129

1-2 0

339
2520

38

14

15.5

34

28

J
6484

33



SEC. 2

R41E

2 1
11 18

25

26

29

30

POV

G
355

T6N

TSN

I
351

H
874

SEC. 1
118 acres

2 1
11 18

OCT 29 1992

A22-02254

OCT 29 1992

MICROFILMED

B

10.1
A
72 ACRES
3
←

700

FL4R

T5N

43
T6N 3 34
150 ACRES

SEC 34
←

42.0
A

20

23

29

23

25

25
28
1-2
A 129

14

35

422-02254