

02/02/2006

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

RIGHT NUMBER: 22-10768

NAME AND ADDRESS: DOROTHY D GALBRAITH
6579 S 2000 W
REXBURG ID 83440

CLINTON G GALBRAITH
6579 S 2000 W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1946

POINT OF DIVERSION:

T05N R39E S25 SENESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.030 CFS

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: STOCKWATER Within MADISON County

T05N R39E S25 NESW

DOMESTIC Within MADISON County

T05N R39E S25 NESW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use: 2 homes, 100 head

December 14, 2005

MEL D FREEMAN
C/O TODD J HEYREND
6579 S 2000 W
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR: A22-10768

Dear Claimant:

It has come to our attention that you may have recently purchased a tract of land in Madison County. The property to which I am referring was most recently owned by Dorothy & Clinton Galbraith. The legal description is as follows:

T05N, R39E, SEC 25 SE/NE/SW

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

SCANNED

DEC 15 2005

12/09/05

PMO100 - PARCEL MASTER INQUIRY

16:40:06

PARCEL: RP 05N39E254552 A F1=SL

F10=SW

F12=RC F14=HO

F17=DD F19=SP

F23=AG

FREEMAN MEL D

*TREND

LEGAL DESCRIPTION

% HEYREND TODD J ETUX

TAX 50

25-05-39

RENTAL

6579 S 2000 W

CODE AREA 4-0000 OWNER CD

REXBURG

ID 83440

PARC TYPE LOC CODE

6579

S

2000

W

83440

EFFDATE 2031994 EXPDATE

PREV PARCEL RP05N39E254550T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2004	7900	AC	2575				
10	2004	1000	AC	12500				
19	2004	200	AC					
31	2004			53450	53450	26725		
TOTALS		9100		75311	53450	26725		

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

SCANNED
DEC 15 2005

Received Time Dec. 9. 4:52PM

P.003/003

DEC-09-2005(FRI) 16:44

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
PO BOX 871000
DENVER CO 80207

NOT DELIVERABLE
AS ADDRESSEE
UNABLE TO LOCATE

NOT DELIVERABLE
AS ADDRESSEE
UNABLE TO LOCATE

NOT DELIVERABLE
AS ADDRESSEE
UNABLE TO LOCATE
CLINTON G GALBRAITH
DOROTHY D GALBRAITH
6579 S 2000 W
REXBERG, ID 83440

U.S. POSTAGE
00.600 DEC 0
5402 MAILED FROM ZIP CODE

Claim no. A221768

Claimant Contact Log

Date	Remarks	Agent initials
7/13/04	Courthouse parcel # 05139e25 4552	
	Address corresponds to Mel Freeman c/o Todd Heyrend 6579 S 2000 W Rexburg	
8/10/04	Phone book: Mel Freeman 356-6511 5156 W 3800 S	
12:23	356-6511 msg on machine	Bac
9/8/04 8:10	356-6511 msg on machine	Bac
11:05	Mr. Freeman had returned my call, I called - Counselor - 20 acres -	
	Freeman has it still in his name, selling to daughter & son-in-law.	
	Domestic well only, no irrigation, just a little grass - less than 1/2 acre. Domestic for 4-5 people only. Not even 1/4 acre.	
	Mr. Freeman says send him the stuff. Doesn't want exam.	
	Freeman's address: 5156 W 3800 S Rexburg 83440	
	6579 S 2000 W is the property address.	
	I will send what's needed to Mr. Freeman	Bac 9/8/04
9/23/04	& ownership mailed to Mr. Freeman	Bac
9/29/05	No G/O or Record - Referred to Original Claimant D/S only - NH, NH3 > NO PAID \$5100 ADD AKA as Don - 1.2 & 5/16 0.6 NO RING -	



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 17, 2004

Clinton Galbraith
6579 S 2000 W
Rexburg ID 83440

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10768

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above: 22-10768, claims a Priority Date of May 1, 1946, from a well.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claims (copies) 22-10768

Contacts Data Entry Form

Water Right No. A2210268

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Clinton Galbraith</u>	<u>Mel Freeman</u>				
Name connector: and ____, or ____, and/or ____						
Current Owner _____						
Current Owner _____						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

B. He Claim.Two Homes.FE pod/pou.conveyance/system

Reviewer: _____

Date: _____

MAILED
Feb 17-04

February 17, 2004

**Clinton Galbraith
6579 S 2000 W
Rexburg ID 83440**

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Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claims (copies) 22-10768

Water Right No(s). A2210768

No site visit performed, per phone interview
w/ current owner Mel Freeman this will be a
de minimus domestic w/o evidence of priority.
Bac 9/9/04

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Priority Date Data Entry Form

Claim Number: A2210678

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 MAY 1946 Claimed Basis: B. U.Recommended Priority Date: _____ Recommended Basis: B. U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

B. U. Claim

Current owner Mel Freeman does not expect to be able
to get evidence of priority, though I agreed to mail him
a pamphlet. Irrigation is less than 1/4 acre so
I propose de minimus domestic w/ appropriate "Not a
determination of historical ben. use" remark. Bae 9/9/04

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A 2210 768

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 5N, R 39E, Sec. 25, SE, NE, SW. County: MadisonSource: Ground Water Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? GPS Tag #

Document how the POD and Source were verified and/or Pump and Motor data:

No field exam, Recommend as demi's. domestic. BAC 9/9/04
Claimant didn't want exam.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A2210 268☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
51N	39E	25	NE	SW	Madison			Domestic
"	"	"	NE	SW	"			Stock
"	"	"			"			Irrigation

Total Acres 1.0

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Location
 Recommended ~~after~~ claim as ~~demising~~ domestic. Claimant
 Mel Freeman states irrigation is less than 1/4 acre.
 BAC 9/9/04

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number:

10210768
☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Domestic	1/1	12/31		1040 cfs
Stock Water	1/1	12/31		1030 cfs
Irrigation	4/1	11/1		1030 cfs

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD. 504 1/1 - 12/31 Domestic + Stock
 " " 4/15 - 10/31 Irrigation

NH, N13

Disallowed

Reviewer: _____

Date: _____

Log for claim 22-10768

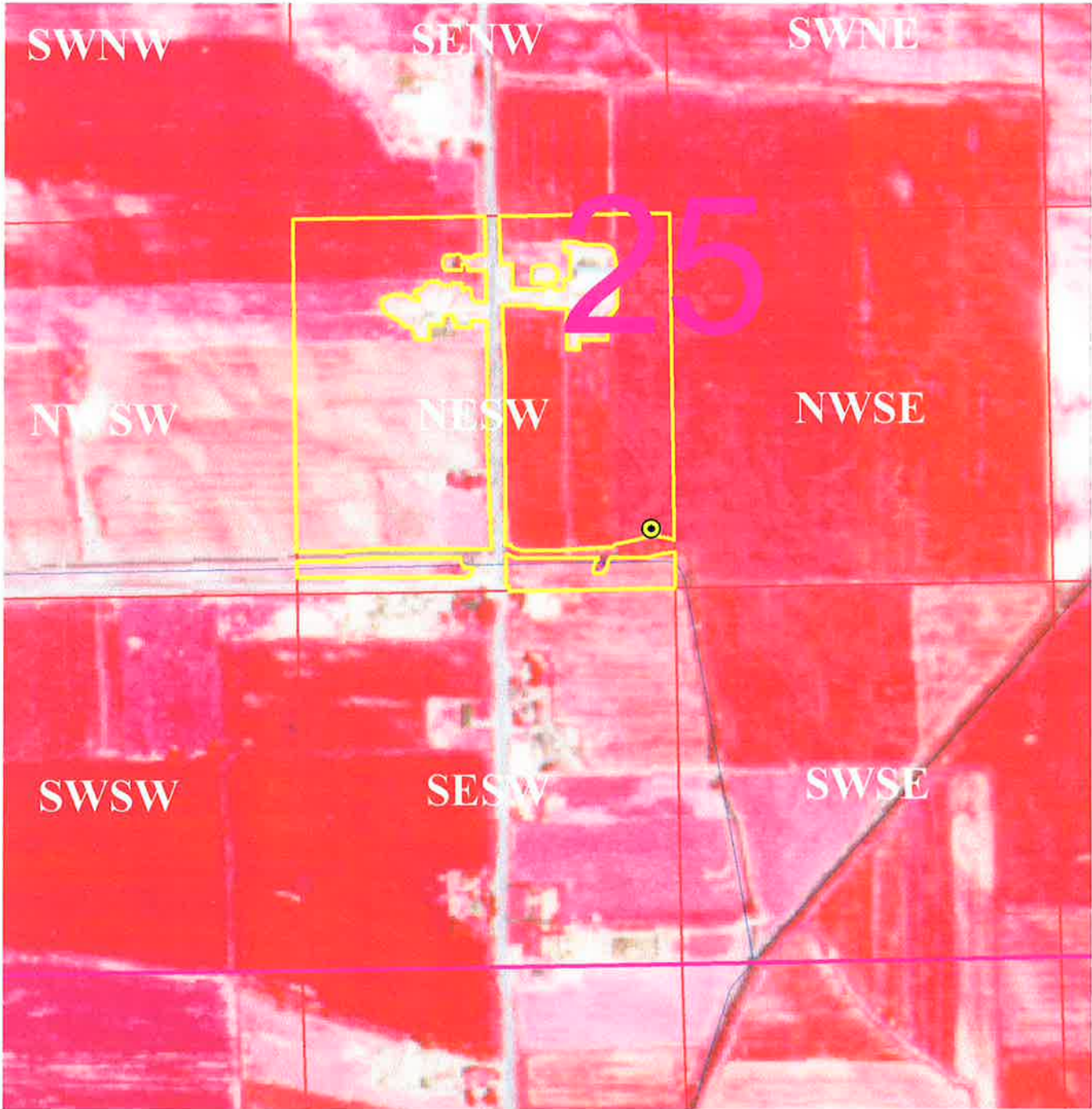
Spatial Dynamics BTD

7/13/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n39e	25	NESW	1	34	POD placement? / Indiscernible
Totals:			1	34	

Water Right Claim Number 22-10768
Township , 5N39E

07/13/2001



Irrigated Area

Place of Diversion

Section Line

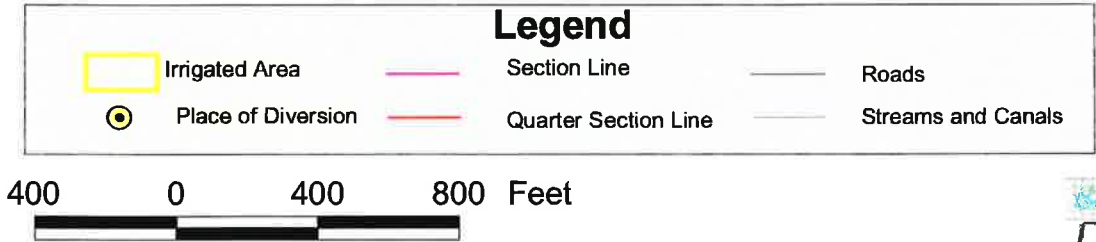
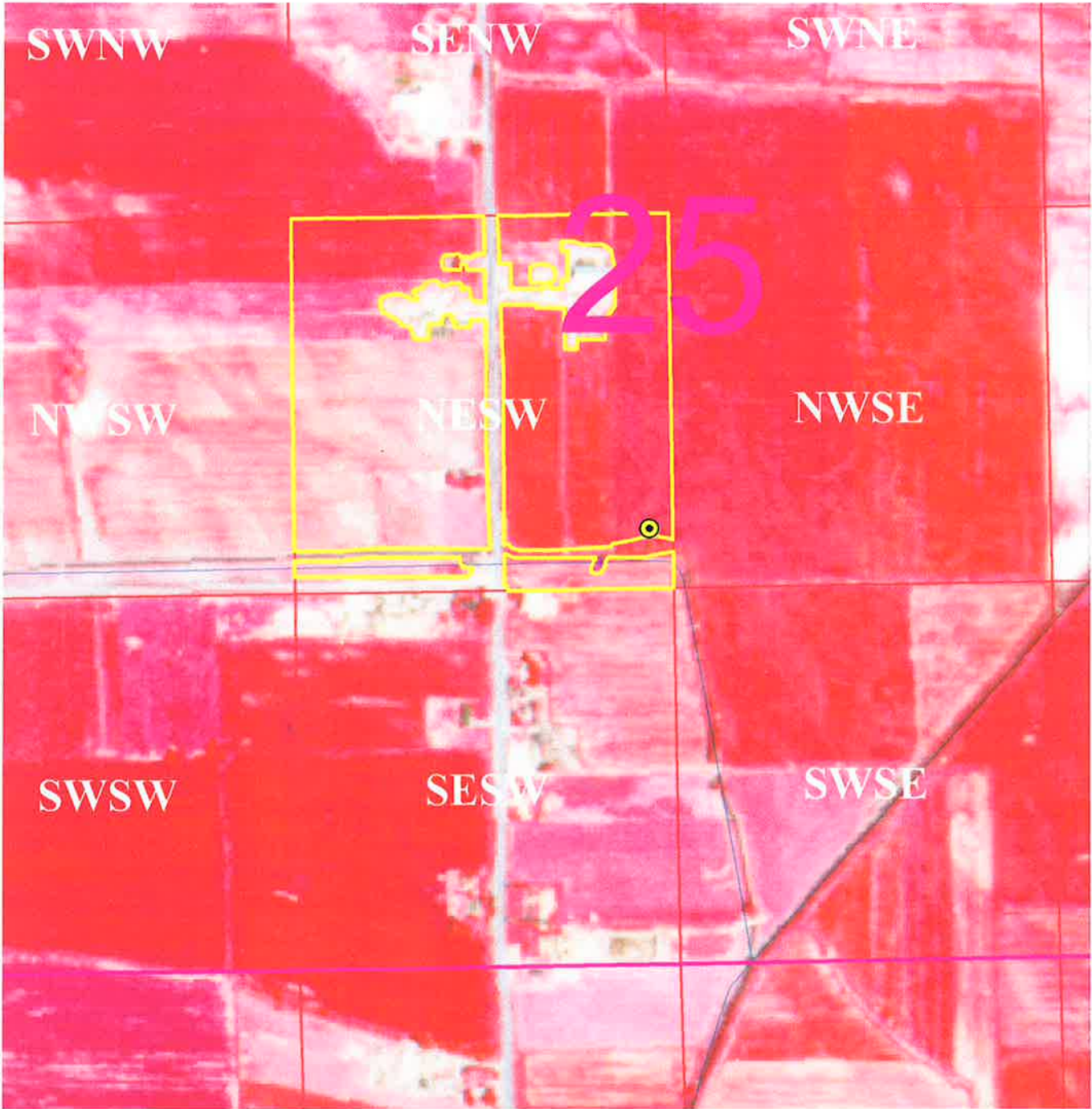
Quarter Section Line

Roads

Streams and Canals

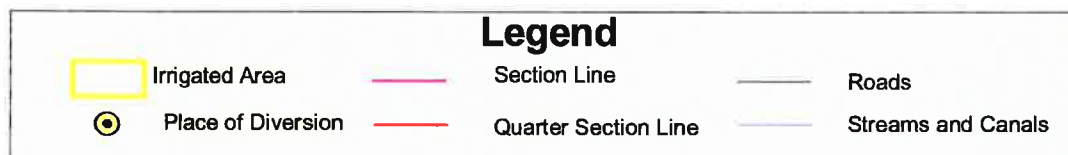
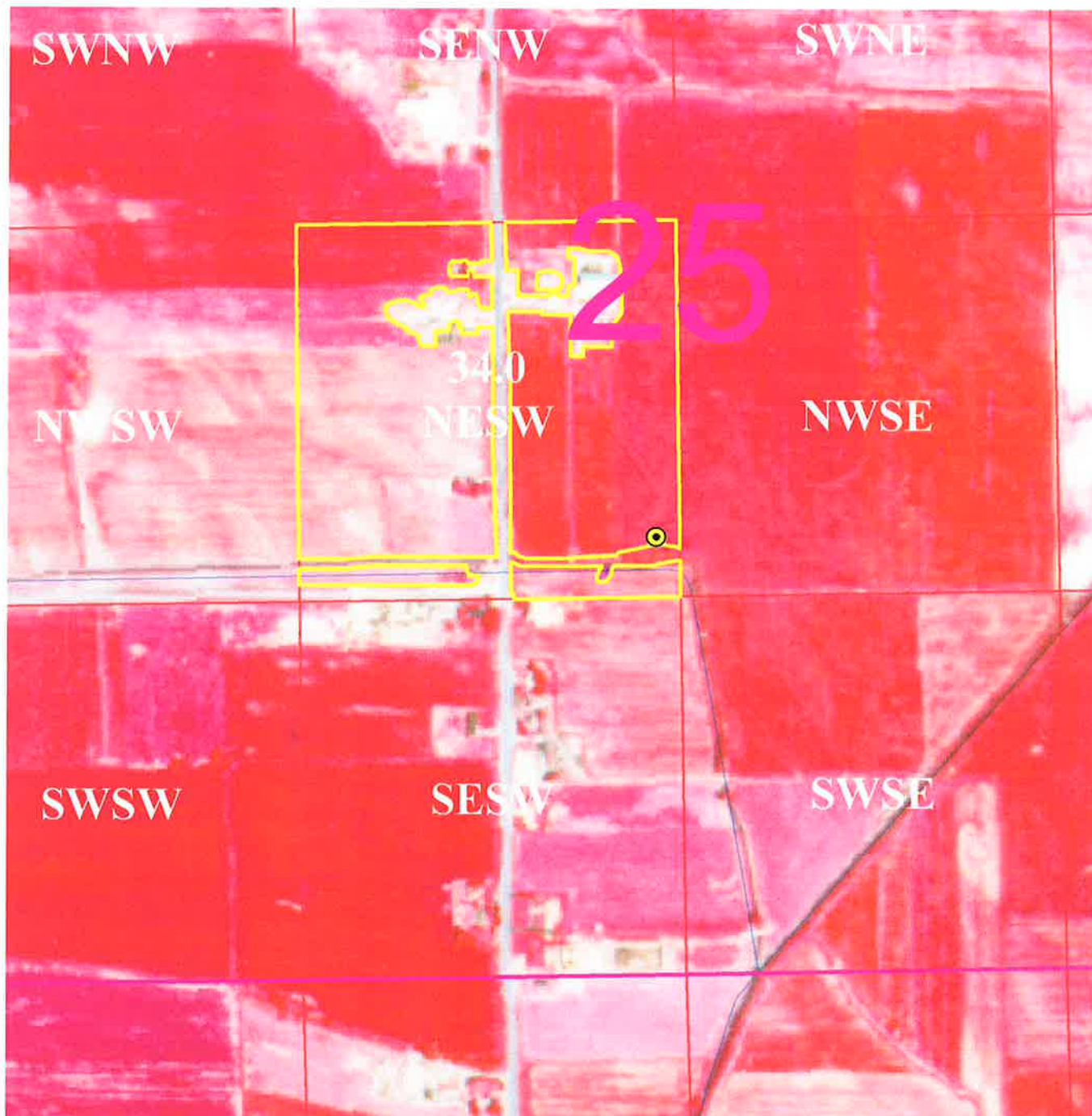
Legend





Water Right Claim Number 22-10768
Township , 5N39E

07/13/2001



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: A22-10768
Date Received: 8/08/1988
Receipt No: 6001118
Received By: SSJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLINTON G. GALBRAITH 208-356-6579
Address: 6579 S. 2000 W.
REXBURG, ID 83440
OR
Name: DOROTHY D. GALBRAITH 208-356-6579
Address: 6579 S. 2000 W.
REXBURG, ID 83440

2. Date of Priority: MAY 01, 1946

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	25	SE	NE	SW		MADISON

5. Description of diverting works:
TWO 50', DRIVEN WELLS TO TWO HOMES OWNED BY CLAIMANT. CONECTED

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	0.030		
IRRIGATION	04/01	11/01	0.030		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC USE FOR TWO HOMES OWNED BY CLAIMANT/STOCK 100 HEAD

A2210768



10. Place of Use:

[illegible]

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:
STOCK INCLUDES 75 HORSES, 10 CATTLE, 10 PIGS, 200 CHICKENS,
30 TURKEYS, 50 DICKS AND 20 GEESE. PRIORITY DATE TO BEST
KNOWLEDGE OF CLAIMANT.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 06 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Clinton H. Halbraith Date: Aug 8, 88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94