

06/19/2006

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

RIGHT NUMBER: 22-13453

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.210 CFS
171.500 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: 06/10/1985

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T06N R41E S35 NWSEW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.210 CFS 171.50 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	38.00	T05N R41E S01	NWSW
T05N R41E S01	SWSW	38.00	T05N R41E S01	SESW
T05N R41E S02 Lot 1 NENE	13.00	T05N R41E S02 Lot 2 NWNE	13.00	
T05N R41E S02	SWNE	31.00	T05N R41E S02	SENE
T05N R41E S02 Lot 3 NENW	13.00	T05N R41E S02 Lot 4 NWNW	11.00	
T05N R41E S02	SWNW	15.00	T05N R41E S02	SENE
T05N R41E S02	NESW	38.00	T05N R41E S02	NWSW
T05N R41E S02	SWSW	39.00	T05N R41E S02	SESW
T05N R41E S02	NESE	38.00	T05N R41E S02	NWSE
T05N R41E S02	SWSE	35.00	T05N R41E S02	SESE
T05N R41E S03	SENE	4.00	T05N R41E S03	NESE
T06N R41E S34	SWNE	10.00	T06N R41E S34	SENE
T06N R41E S34	NESE	29.00	T06N R41E S34	SESE
T06N R41E S35	NENE	39.00	T06N R41E S35	SWNE
T06N R41E S35	SENE	39.00	T06N R41E S35	SWNW
T06N R41E S35	SENE	38.00	T06N R41E S35	NESW
T06N R41E S35	NWSW	39.00	T06N R41E S35	SWSW
T06N R41E S35	SESW	37.00	T06N R41E S35	NESE
T06N R41E S35	NWSE	38.00	T06N R41E S35	SWSE
T06N R41E S35	SESE	36.00		

06/19/2006

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1297 ACRES TOTAL

This right is limited to the irrigation of 49 acres within the place of use described above in a single irrigation season.

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.

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.

This right is based upon an enlargement of Right No. 22-2254 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 22-2254 is also diverted through point of diversion described above.

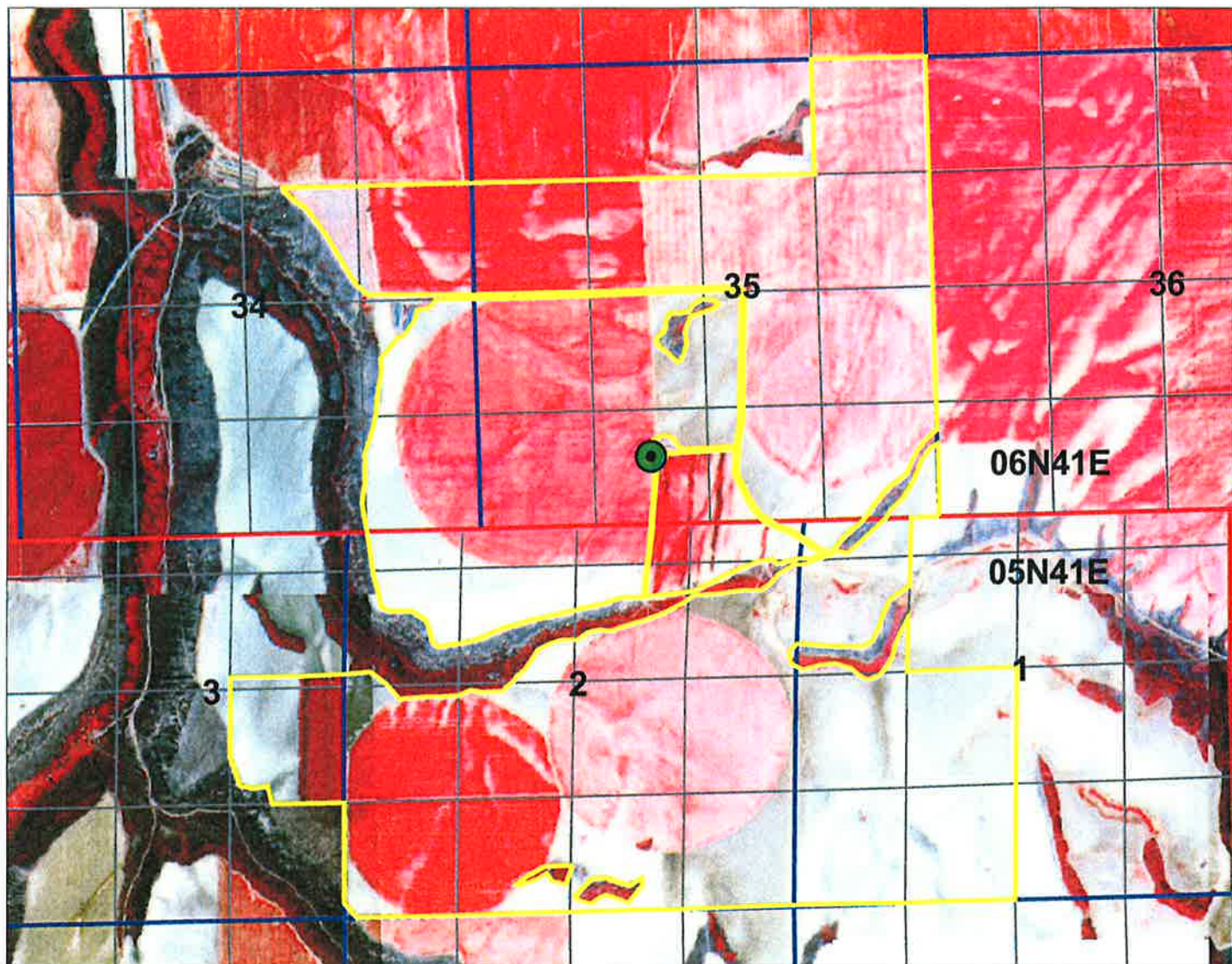
This right is for an enlargement of 49.0 acres within the place of use described for this right.



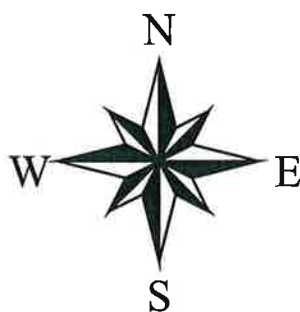
Department of Water Resources Eastern Region



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

Large well

09/27/2006

**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: 22-13453

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, Pres.
Please print your name: BROWN INC. by George Brown, Pres.

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

RECEIVED
OCT 12 2006
Department of Water Resources
Idaho Falls

LMJ
10/12

Claim # 22-13453

I witnessed 1297 Acres on the
Brown farm, T5N, 4E, S.1, 2, 3,

T6, 4E, S. 34-35, being irrigated prior
to July 10 1985.

Robert E. Smith

13 December 2005

Brown Inc
C/O George Brown
814 N Point Dr
Salt Lake City UT 84103

RE; Enlargement Claim 22-13453

Dear Mr. Brown:

Pursuant to a conversation today with Harold Jones, please find enclosed an enlargement claim for your lands in Madison County Idaho. This claim is for an additional 49.0 acres over the licensed acres of 1248.0, from Water Right License 22-2254.

Please review the claim carefully, noting the following; 1.) I have listed the Priority Date as 01-01-1999 to fill the data window. Please use an ink pen to correct this date and initial the change. 2.) You must submit evidence to support the corrected priority date you claim. I have enclosed a pamphlet, which explains what may be used as evidence.

You should be aware that this enlargement claim does not give you an additional amount of water; rather, it authorizes the irrigation of 49.0 additional acres. These additional acres MUST have been irrigated from the same well as 22-2254 at some date (your priority date) prior to November 19, 1987.

Please sign the claim in the presence of a Notary Public and return it to my attention by December 27, 2005. The fee for this claim is \$99.00; \$50.00 claim fee, 49 acres @\$1/ac. Thank you for your attention in this important matter. I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; file

Enclosures: Enlargement Claim 22-13453
Evidence of Priority Pamphlet

FEE: Claim \$50.00
Amount \$49.00
Total Due \$99.00

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 22-13453
Date Received: 12/13/2005
Receipt No:
Received By:

ENLARGEMENT

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

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

2. Date of Priority: 01/01/1999

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	04/01	10/31	0.21	171.5

7. Total Quantity Appropriated is:

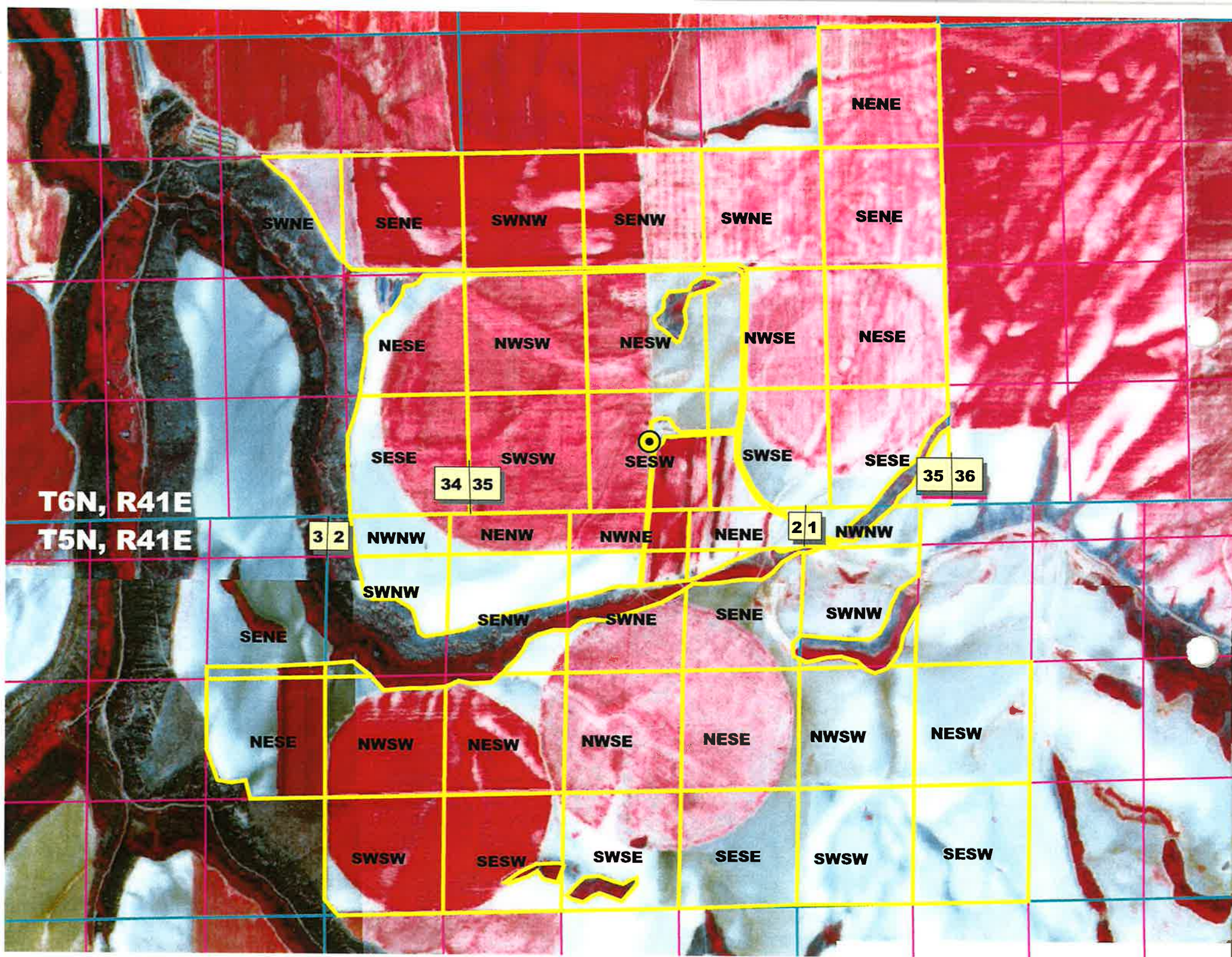
0.21 C.F.S. and/or 171.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	41E	1	NW	NW	4	IRRIGATION	10
			SW	NW		IRRIGATION	28
			NE	SW		IRRIGATION	38
			NW	SW		IRRIGATION	38
			SW	SW		IRRIGATION	38
			SE	SW		IRRIGATION	38
Section Acres							190
05N	41E	2	NE	NE	1	IRRIGATION	13
			NW	NE	2	IRRIGATION	13
			SW	NE		IRRIGATION	31



Attachment

FEE: Claim \$50.00
Assess \$49.00
Total Due \$99.00

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 22-13453
Date Received: 12/13/2005
Receipt No:
Received By: *EQ 31545*
ABR 01/09/06

ENLARGEMENT

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

RECEIVED
DEC 22 2005

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

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

2. Date of Priority: ~~01/01/1999~~ *July 10, 1985* *gRB*

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	04/01	10/31	0.21	171.5

7. Total Quantity Appropriated is:

0.21 C.F.S. and/or 171.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	41E	1	NW NW 4	IRRIGATION	10
			SW NW	IRRIGATION	28
			NE SW	IRRIGATION	38
			NW SW	IRRIGATION	38
			SW SW	IRRIGATION	38
			SE SW	IRRIGATION	38
Section Acres					190
05N	41E	2	NE NE 1	IRRIGATION	13
			NW NE 2	IRRIGATION	13
			SW NE	IRRIGATION	31

			SE	NE	IRRIGATION	33
			NE	NW	IRRIGATION	13
		3	NW	NW	IRRIGATION	11
		4	SW	NW	IRRIGATION	15
			SE	NW	IRRIGATION	25
			NE	SW	IRRIGATION	38
			NW	SW	IRRIGATION	37
			SW	SW	IRRIGATION	39
			SE	SW	IRRIGATION	37
			NE	SE	IRRIGATION	38
			NW	SE	IRRIGATION	38
			SW	SE	IRRIGATION	35
			SE	SE	IRRIGATION	38
					Section Acres	454
05N	41E	3	SE	NE	IRRIGATION	4
			NE	SE	IRRIGATION	36
					Section Acres	40
06N	41E	34	SW	NE	IRRIGATION	10
			SE	NE	IRRIGATION	38
			NE	SE	IRRIGATION	29
			SE	SE	IRRIGATION	39
					Section Acres	116
06N	41E	35	NE	NE	IRRIGATION	39
			SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	39
			SW	NW	IRRIGATION	38
			SE	NW	IRRIGATION	38
			NE	SW	IRRIGATION	36
			NW	SW	IRRIGATION	39
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	37
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	38
			SW	SE	IRRIGATION	38
			SE	SE	IRRIGATION	36
					Section Acres	497
					Total Acres	1297

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:

14. Remarks:

This right is for an enlargement of 49.0 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 22-2254 pursuant to Section 42-1426, Idaho Code.

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 Organizations:

I do solemnly swear or affirm that I am President of Brown Inc.
Title Organization, that I have signed the foregoing

document in the space below as President of Brown Inc.
Title Organization and that the statements contained in the foregoing document are true and correct.

George R. Brown
Signature of Authorized Agent

Pres. Brown Inc.
Title and Organization

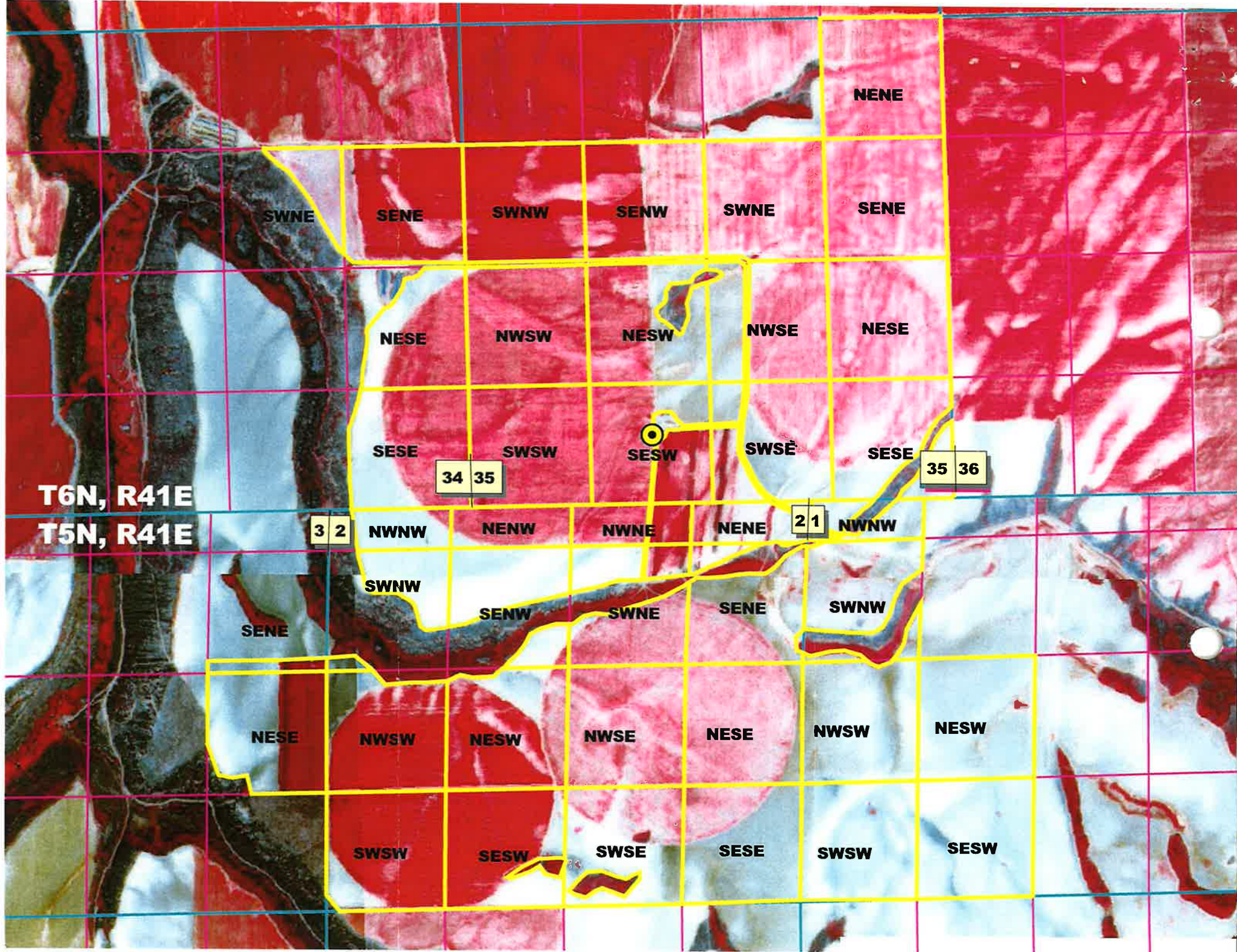
Dec. 16, 2005
Date

State of ~~Idaho~~ Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 16th
of December 2005 Daniel Black



Notary Public
Residing at West Valley City
My commission Expires Nov. 13th, 2007



I observed Brown Inc. irrigate the 49 acres in 1985 as declared in
the Enlargement Claim.

Signed

Robert Smith

Robert Smith
460 Rolling Hills
Rexburg, Idaho 83440

Notary

Lynda Merrill

4-4-2008

Parker, ID 83438

