

10/05/2005

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

RIGHT NUMBER: 25-14160

NAME AND ADDRESS: DON E BROWN
280 N 4570 E
RIBGY ID 83442

SOURCE: POND

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.900 CFS

Right Nos. 25-14160 and 25-4305 are limited to a total combined diversion rate of 3.9 cfs.

PRIORITY DATE: 06/01/1960

POINT OF DIVERSION:

T04N R40E S17 NESW Lot 2 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	3.900 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T04N R40E S17 Lot 3 NWNW	1.3	T04N R40E S17 Lot 3 SWNW	12.7
T04N R40E S17 Lot 2 NESW	11.0	T04N R40E S17 NWSW	29.0
T04N R40E S17 SWSW	38.0	T04N R40E S17 SESW	37.0
T04N R40E S18 SESE	2.1	T04N R40E S20 NENW	35.0
T04N R40E S20 NWNW	29.0		

195.1 ACRES TOTAL

Right Nos. 22-14160 and 25-4305 are limited to the irrigation of a combined total of 195.1 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 - Beneficial Use



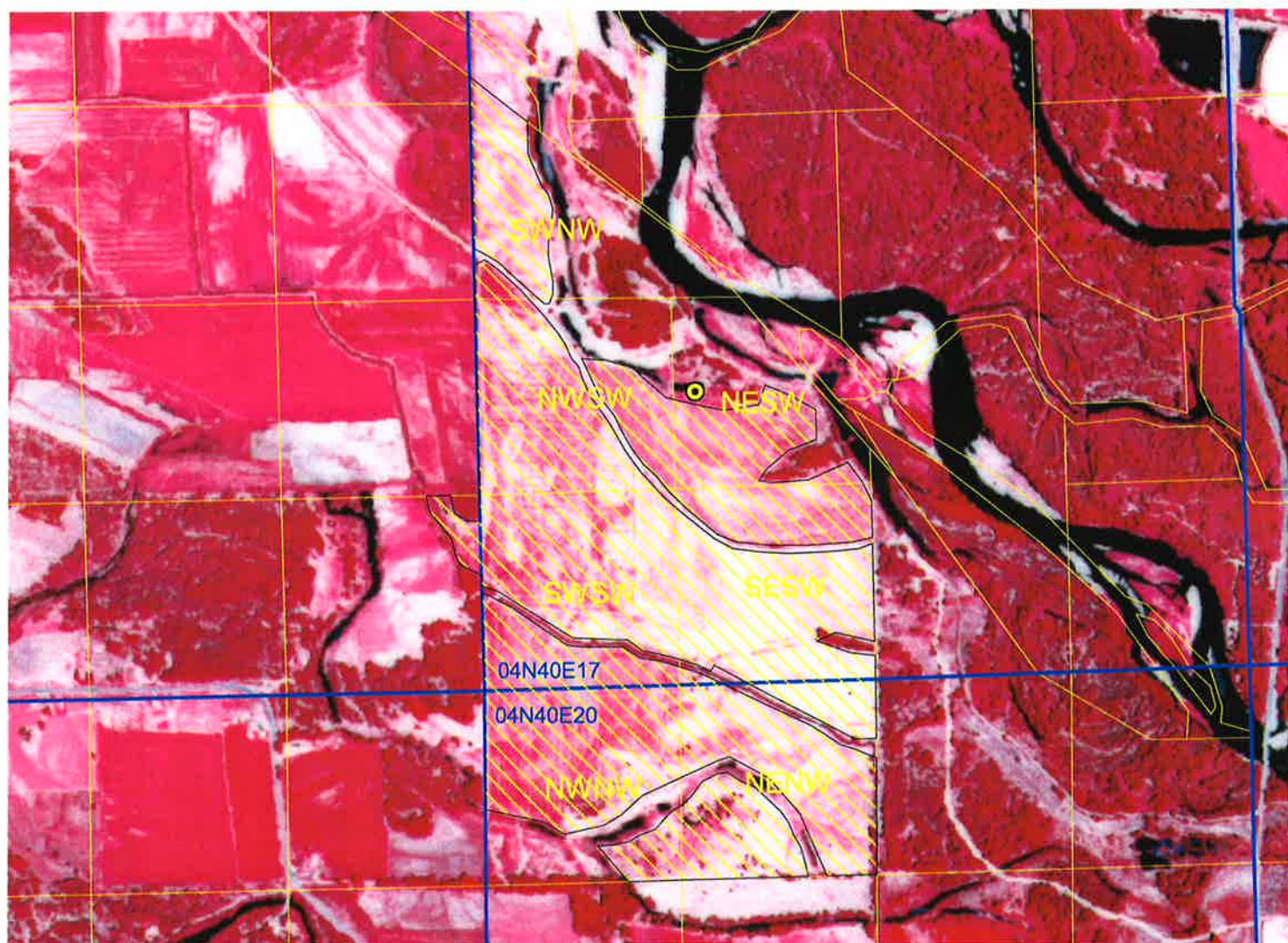
State of Idaho

Department of Water Resources

Eastern Region



Water Right(s): 25-14160



1320 0 1320 2640 3960 Feet



- Point of Diversion
- Place of Use
- Sections
- QQ

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: August 2005



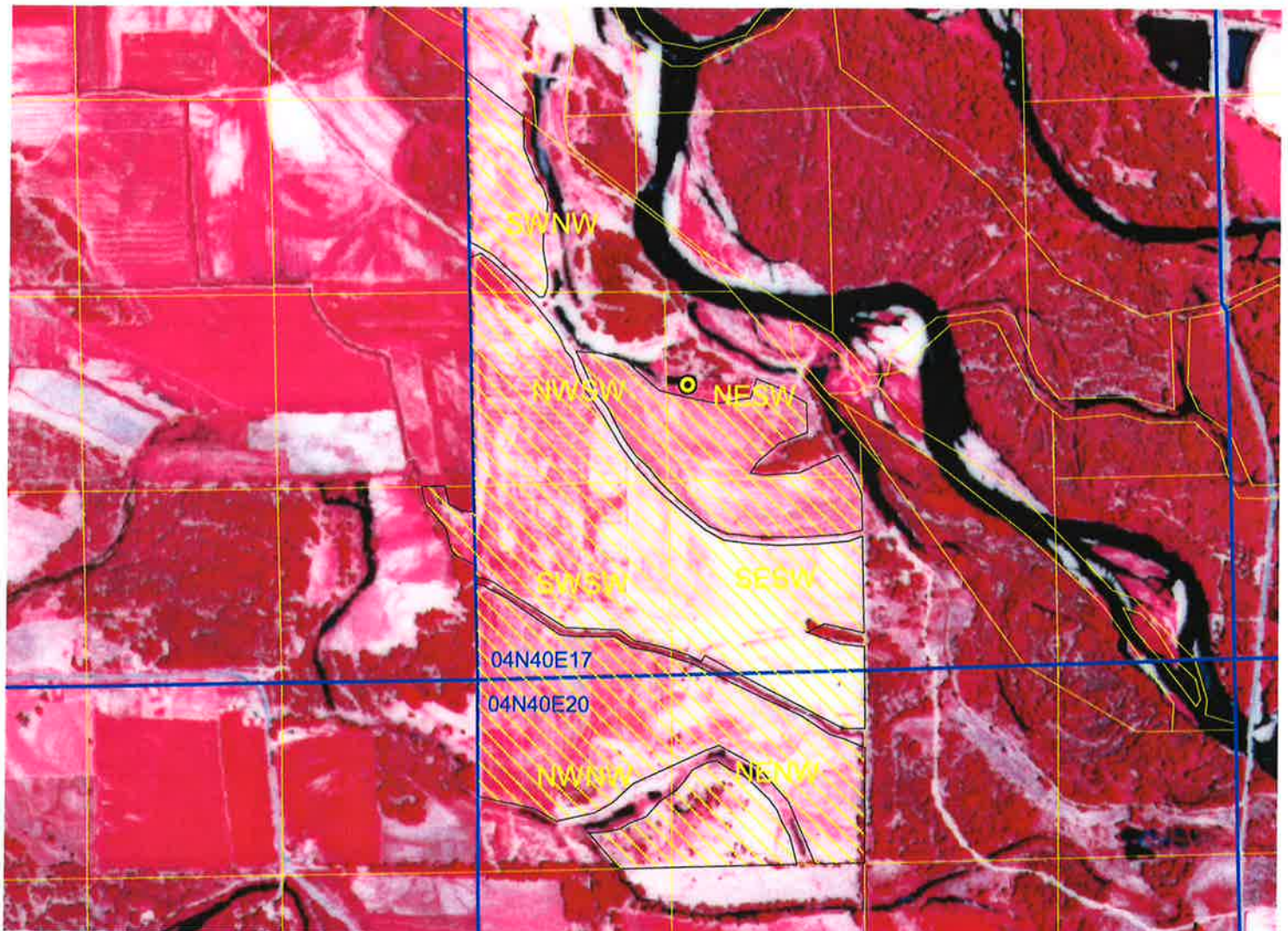
State of Idaho

Department of Water Resources

Eastern Region



Water Right(s): 25-14160



1320 0 1320 2640 3960 Feet



- ⊙ Point of Diversion
- Place of Use
- Sections
- QQ

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: August 2005

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 OCT 21 AM 11 05

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase Number: 25-14160

Case No. 39576

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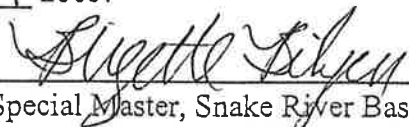
ORDER DISMISSING RESPONSE

On October 19, 2005, the United States of America filed an Idaho R. Civ. P. 41(a)(1)(i) Notice of Voluntary Dismissal of Response in Subcase Number 25-14160 stating that the Amended Director's Report for Water Right Number 25-14160 dated October 14, 2005 filed by the Idaho Department of Water Resources in the above-captioned subcase resolved the United States Department of the Interior, Bureau of Land Management's (hereinafter "BLM") response.

Based upon the Idaho R. Civ. P. 41(a)(1)(i) Notice of Voluntary Dismissal of Response filed by the United States, and the record herein, and there appearing to be good cause, it is

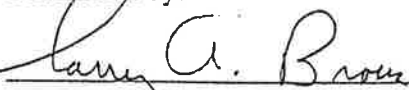
ORDERED that the BLM's response in Subcase Number 25-14160 is dismissed with prejudice.

DATED this 21 day of October 2005.



Special Master, Snake River Basin Adjudication

Submitted by:



Larry A. Brown
Of Attorneys for the United States

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No. 25-14160

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

RESPONDENT:

Bureau of Land Management

 Oct 24 05
Don E. Brown Date

Larry A. Brown
Attorney for BLM

STANDARD FORM 5 – 25-14160

IDWR Concurrence:

Ernest Carlson 10-21-05
Ernest Carlson Date
IDWR Adjudication Supervisor

Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

RECEIVED

FEB - 3 2005

DEPARTMENT OF
WATER RESOURCES

Jan. 26, 2005

To whom it may concern,

My name is David Brown. I am a grandson of Earl Brown. I was born in Rigby, Idaho November 21, 1960 to Don and Luaina Brown. At the time of my birth my parents resided at the Farm House on my grandfather's farm. My father worked on the farm and attended Rick's College.

While my father eventually graduated from his studies at Rick's College and accepted employment with the Federal Government out of the State of Idaho. It was not an unusual practice for me and my older brother Brad to spend the summers and Christmas vacation at my Grandparent's in Idaho. As a point in Fact, do to the unusual Job requirements of my Father's employment with the Federal Government my brother and I lived with my Grandparent's from 1972 to 1973 while my father completed certification in Oklahoma on a new series of equipment the government was installing at his work site.

I attended Ririe High School as a 7th grader of 12 years of age. My older brother Brad was a 9th grader. He also attended Ririe High School. At the time Grades 7-12 attended the same school. This, though unusual somewhat; did not strike me nor my brother as unusual, because we had spent every summer and Christmas vacation on the farm since we were just little kids. We knew many of the local neighbors's including the Marshall's and the Hardy's. Going to School In Idaho and being part of the farm in Idaho was a normal part of growing up to us.

My Grandfather was a very busy man accustomed to hard work. The tractor work and farm kept him very busy. As a young child of 8-9, I remember him coming home early in a rather anxious mood. He asked where my brother was and I told him he had walked out to the farm. He said he was going in to town and wanted me to come, but that he was in a hurry and I would need to come now.

While I can't remember the name of the building my grandfather went to. I distinctly remember him telling me that he needed to go there to get money so he could acquire sprinkling pipe. That there was a program that would help him get sprinkler pipe for the farm. I asked him where he needed them

since he had cement culverts all over his farm. He told me he could better sprinkle his fields including some he had not been able to before. This at the time made sense to me, since my grandfather had been taking me and my brother the past couple of summers to help him out on the farm. Admittedly, I was not much help on the farm with some of the tasks like digging holes for fence posts, but it gave me a chance to listen to my grandfather's hopes and dreams. His intent to sprinkle the farm area south and east of the canal were plenty obvious to me. That's was one of the big reasons he got the sprinkling pipe.

My grandfather started sprinkling those parts of the farm after receiving the pipe. He said he wanted to get more pasture out there for the cows, and to raise grain and alfalfa if he wanted. While, I was just a kid of 8-9 years old I was plenty familiar with the farm and a lot of went on.

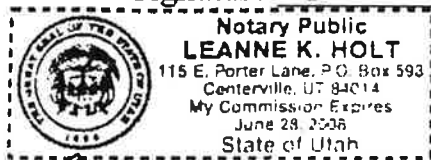
The hired men would come every morning to my grandparent's house for work instructions. My grandfather would tell them what he wanted them to do that day. Most of the work meetings took place in the kitchen of his house. As a kid I heard the work instructions my grandfather gave to numerous men in the kitchen.

Men like Ira Drake who is long since dead would be very familiar with what my grandfather did out on the farm. He would come most mornings to my grandfathers home in the summer to get his work instructions for the day. His full time job was to keep the fields watered, the pumps fueled, and the cattle fed. He was a colorful enough character that listening to the interchange between him and my grandfather proved to be pretty interesting every day. A childhood highlight you might say. I kept thinking my grandfather was going to fire him, but somehow he always managed to get the farm work done.

Ira, who was drunk as a skunk by the days end somehow always managed to get the farm work done. The fields were always watered. I should know since my grandfather would take me and my brother Brad out to the farm to see if Ira had watered them. Somehow he always got the job done.

Signature: 

January 26, 2005



*State of Utah
County of Davis
Subscribed and sworn before me this 27th day
of January, 2005 by David Earl Brown*

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 25-14160
Date Received: 12/20/2004
Receipt No:
Received By:

Amended

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DON E BROWN Phone: (208) 538-6835
280 N 4570 E
RIBGY ID USA 83442

2. Date of Priority: 06/01/1960

3. Source: POND Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	40E	17	NE SW 2	JEFFERSON	

5. Description of diverting works:

Pond with pump diverted to sprinklers and concrete ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.15	

7. Total Quantity Appropriated is:
4.15 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	17	NW	NW		IRRIGATION	1.27			
			SW	NW		IRRIGATION	14			
			NE	SW		IRRIGATION	11			
			NW	SW		IRRIGATION	28			
			SW	SW		IRRIGATION	38			
			SE	SW		IRRIGATION	38			
						Section Acres	130.27			
04N	40E	18	SE	SE		IRRIGATION	2			
						Section Acres	2			
04N	40E	20	NE	NW		IRRIGATION	36			
						NW	NW		IRRIGATION	36
						Section Acres	72			
						Total Acres	204.27			

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:

Amended so as to not claim federal land in the Place of Use

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: _____

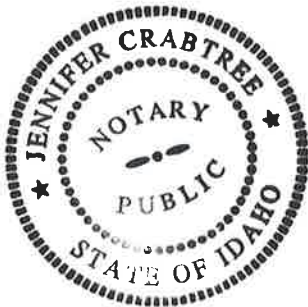
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Signature]* Date: 3-22-05
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of March 2005



Jennifer Crabtree

Notary Public

Residing at Idaho Falls, ID

My commission Expires 9/23/09

CERTIFICATE OF MAILING

I certify that on _____, 2005, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DON E BROWN
280 N 4570 E
RIGBY, ID 83442

Signature of person or attorney mailing the form

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 25-14160
Date Received: 12/20/2004
Receipt No: E030 480
Received By: Rm

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

1. Name of Claimant(s)

DON E BROWN Phone: (208) 538-6835
280 N 4570 E
RIBGY ID USA 83442

2. Date of Priority: 06/01/1960

3. Source: POND Trib. to:

4. Point of Diversion:

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Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.15	

7. Total Quantity Appropriated is:
4.15 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	17	NW NW	IRRIGATION	7
			SW NW	IRRIGATION	14
			NE SW	IRRIGATION	11
			NW SW	IRRIGATION	28

			SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	38
					Section Acres	136
04N	40E	18	SE	SE	IRRIGATION	2
					Section Acres	2
04N	40E	20	NE	NW	IRRIGATION	36
			NW	NW	IRRIGATION	36
					Section Acres	72
					Total Acres	210

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: 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: _____

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): *[Signature]* Date: 12-20-04

_____ Date:

State of Idaho)
County of Bonneville) SS.

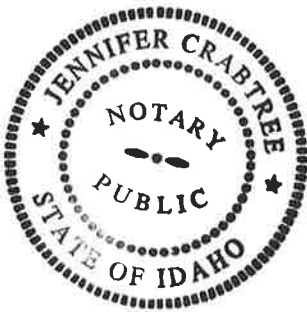
Subscribed and sworn (or affirmed) before me this 20th
of Dec 2004

Jennifer Crabtree

Notary Public

Residing at Adahs Falls Id

My commission Expires 9/23/09



FILED

SCANNED

JAN 12 2005