

06/14/2004

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

RIGHT NUMBER: 25-14069

NAME AND ADDRESS: BEN BROTHERS
PO BOX 847
HANAPEPE HI 96716

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.040 CFS
The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 06/01/1973

POINT OF DIVERSION:
T03N R38E S22 SWSW Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is in a commercial building.		

PLACE OF USE: DOMESTIC Within BONNEVILLE County
T03N R38E S22 SWSW

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: Beneficial Use

Parcel no. RPO36900010040

RIGHT NO. 25-7189 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Water Right 25-14069

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CLAIMANT CONTACT

11/30/2004 3:09:49 PM

I talked with Ben Brothers regarding his notice of error reply. I explained that right no. 25-7189 was appurtenant to the land and that the water right was now in the name of Earl Stacey, since Mr. Stacey is the current owner of the right as it is described in the license, even though Mr. Brothers owned the property at the time of licensing. I also explained that he had a valid water right from the well since he can demonstrate beneficial use for domestic use in his commercial building from the same well as described in license 25-7189. Mr. Brothers seemed satisfied with the recommendation after our discussion.

06/14/2004

**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: 25-14069

BEN BROTHERS

PO BOX 847

HANAPEPE HI 96716

Telephone Number: (808)335-5006

RECEIVED**NOV 18 2004**Department of Water Resources
Eastern Region

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:

MY RIGHT NO. SHOWS 25-07189
CAN NOT VERIFY PARCEL NO. ↑

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: 11 7 04

SIGNATURE: Ben Brothers

Please print your name: _____

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

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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 25-14069
Date Received: 6/3/2004
Receipt No: E029909
Received By: EAC.

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

1. Name of Claimant(s)

BEN BROTHERS Phone: (808)335-5006

PO BOX 847
HANAPEPE HI USA 96716

2. Date of Priority: 06/01/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	38E	22	SW SW	BONNEVILLE	

5. Description of diverting works:

WELL, PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 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
03N	38E	22	SW SW	DOMESTIC

Acres
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11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

Domestic use is in a commercial building.

The quantity of water under this right shall not exceed 2,500 gallons per day.

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

15. Basis of Claim:

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): Bear Butler Date: 6 3 04

Date:

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

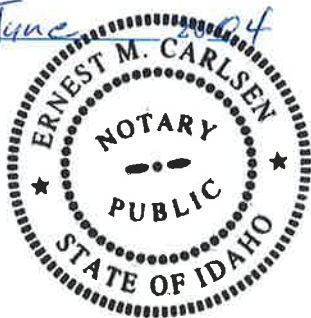
of June 2004

3rd Ernest Carlson

Notary Public

Residing at Idaho Falls

My commission Expires 8-21-2009



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