

JUN 11 2001

05/09/2001

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

RIGHT NUMBER: 29-4391

NAME AND ADDRESS: DONALD D BROWN  
PHYLLIS J BROWN  
4285 BANNOCK HWY  
POCATELLO, ID 83204

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.12 CFS

PRIORITY DATE: 04/01/1940

POINT OF DIVERSION: T07S R34E S12 SWSENE Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04-01 10-31          | 0.12 CFS        |

PLACE OF USE:

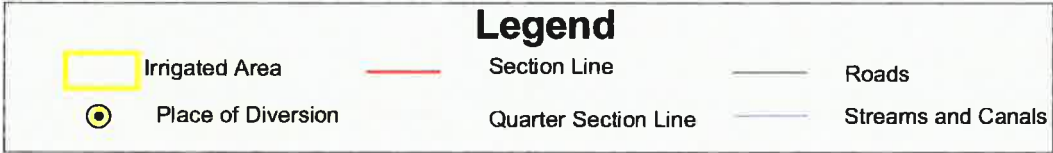
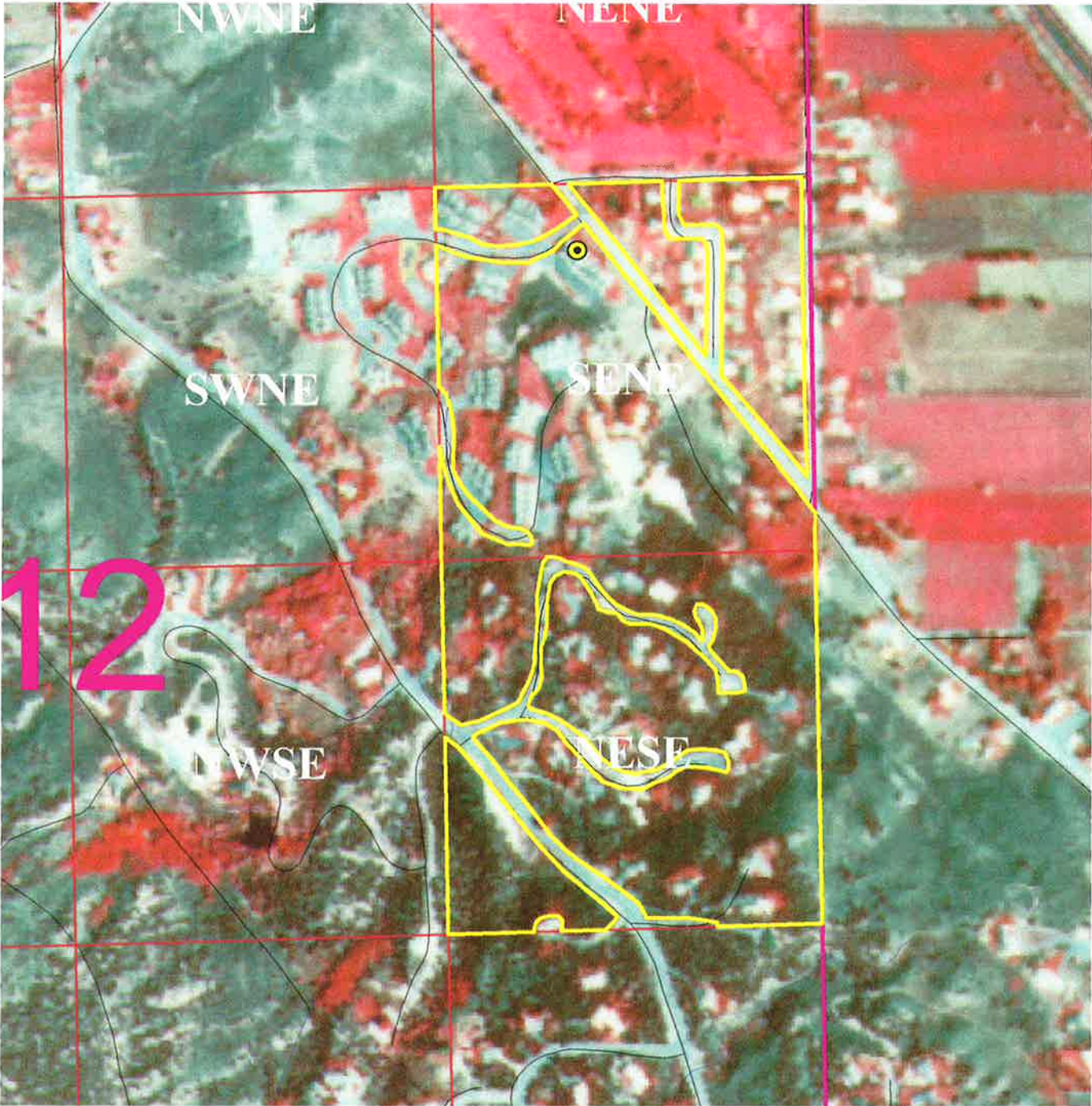
|                                         |      |     |                        |
|-----------------------------------------|------|-----|------------------------|
| <u>IRRIGATION Within BANNOCK County</u> |      |     |                        |
| T07S R34E S12                           | SENE | 3.2 | T07S R34E S12 NESE 0.7 |

3.9 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

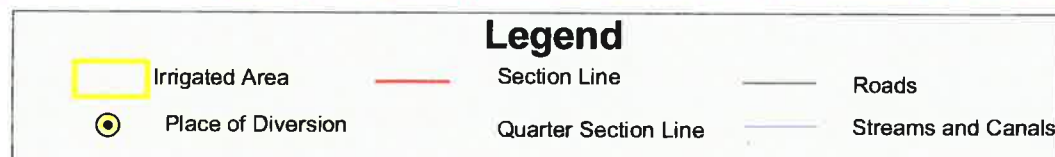
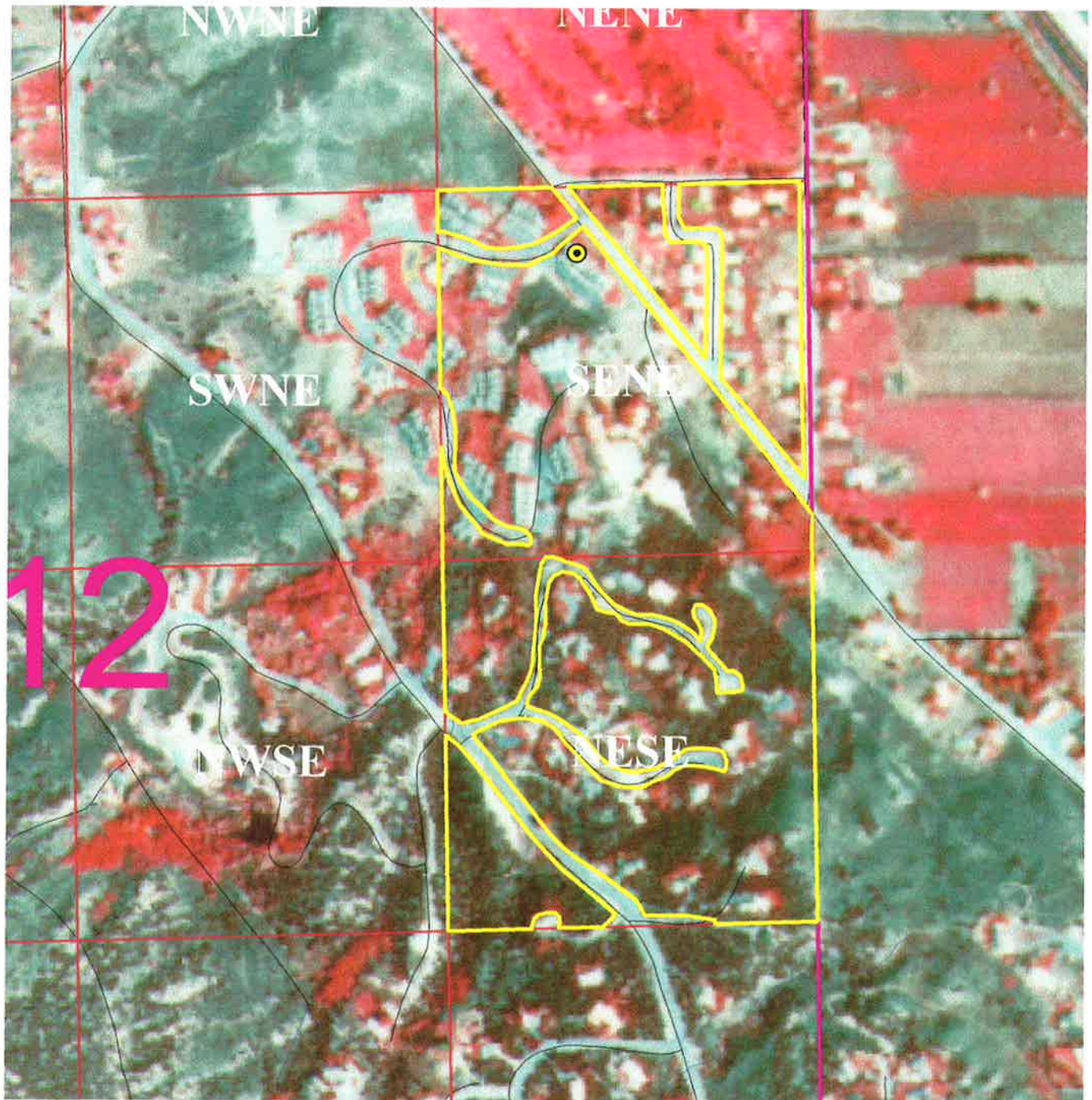
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO  
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Water Right Claim Number A29-04391  
Township , 7S34E

09/06/2000



IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

WATER RIGHT NO. 29-4391

|                   |                         |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner     | DONALD D BROWN          |
| Current Owner     | PHYLLIS J BROWN         |
|                   | 4285 BANNOCK HWY        |
|                   | POCATELLO, ID 83204     |
|                   | (208)232-8568           |

Priority Date: 04/01/1940  
 Basis: Beneficial Use  
 Status: Active

|               |                     |
|---------------|---------------------|
| <u>Source</u> | <u>Tributary to</u> |
| SPRING        | SINKS               |

|                       |             |           |                       |               |                    |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
| IRRIGATION            | 04/01       | 10/31     | 0.12 CFS              |               |                    |
| Total Diversion       |             |           | 0.12 CFS              |               |                    |

Location of Point(s) of Diversion:

|        |        |         |              |           |                |
|--------|--------|---------|--------------|-----------|----------------|
| SPRING | SWSENE | Sec. 12 | Township 07S | Range 34E | BANNOCK County |
|--------|--------|---------|--------------|-----------|----------------|

IRRIGATION Use:  
 Acre Limit: 3.9

Place(s) of use:

|                                            |                |
|--------------------------------------------|----------------|
| Place of Use Legal Description: IRRIGATION | BANNOCK County |
|--------------------------------------------|----------------|

|                 |              |                |            |              |              |            |              |              |            |              |              |            |              |              |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
| 07S             | 34E          | 12             |            | SENE         | 3.2          |            |              |              |            |              |              |            |              |              |
|                 |              |                |            | NESE         | 0.7          |            |              |              |            |              |              |            |              |              |

Total Acres: 3.9

Conditions of Approval:

1. C18 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.

Comments:

|               |             |                |                                                                                               |
|---------------|-------------|----------------|-----------------------------------------------------------------------------------------------|
| <u>Author</u> | <u>Date</u> | <u>Subject</u> | <u>Comment</u>                                                                                |
| csaxton       | 5/9/01      | POU            | Claimed 6 acres which is lot size, not irrigated land.                                        |
| csaxton       | 5/9/01      | Purpose of Use | Spring water no longer used for domestic use. Claimant uses city water for domestic purposes. |

Dates:

Licensed Date:  
 Claim Received Date: 04/17/1990

Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Decreed Date:  
 Date Filed with Court:  
 Objection Filed Date:  
 SF5 Filed:  
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

| Element       | Last Review Date   | Reviewer | Last Verified Date | Verifier | Status     |
|---------------|--------------------|----------|--------------------|----------|------------|
| Contacts      | 5/9/01 9:58:46 AM  | csaxton  |                    |          | In Process |
| POD           | 5/9/01 10:00:31 AM | csaxton  |                    |          | In Process |
| POU           | 5/9/01 10:03:55 AM | csaxton  |                    |          | In Process |
| Priority Date | 5/9/01 9:59:33 AM  | csaxton  |                    |          | In Process |
| Quantity      | 5/9/01 10:09:33 AM | csaxton  |                    |          | In Process |
| Season        | 5/9/01 10:05:41 AM | csaxton  |                    |          | In Process |
| Source        | 5/9/01 10:02:44 AM | csaxton  |                    |          | In Process |
| Summary       | 5/9/01 10:13:43 AM |          | 5/9/01 10:13:43 AM | csaxton  | Complete   |
| Use           | 5/9/01 10:03:03 AM | csaxton  |                    |          | In Process |

Other Information:

Receipt Number(s): E013223  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number:  
 Generic Max Rate per Acre:  
 Generic Max Volume per Acre:  
 Civil Case Number:  
 Old Case Number:  
 Decree Plaintiff:  
 Decree Defendant:  
 PresumptionFlag:  
 Notice of Error Flag:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Cary Act Number:  
 Mitigation Plan: False

Verification Log:

| Element       | Date Time Stamp    | Reviewer | Log Text                                                                                                                                                                                                                                                                                                                                                                          |
|---------------|--------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts      | 5/9/01 9:58:44 AM  | csaxton  | 1. Appointment has not been scheduled.<br>Comment for 1: Field Exam 5/8/01                                                                                                                                                                                                                                                                                                        |
| POD           | 5/9/01 10:01:58 AM | csaxton  | Edited point location                                                                                                                                                                                                                                                                                                                                                             |
| POD           | 5/9/01 10:00:29 AM | csaxton  | 1. (YES) The basis is beneficial use.<br>4. (NO) There is not evidence that there has been a change in the Point of Diversion.<br>6. (YES) The file contains all the necessary information to verify the POD.<br>Comment for 6: Field Exam 5/8/01<br>8. (NO) Point of Diversion remark was not required.<br>9. (NO) Point of Diversion condition was not required.                |
| POU           | 5/9/01 10:05:21 AM | csaxton  | Edited PLS                                                                                                                                                                                                                                                                                                                                                                        |
| POU           | 5/9/01 10:04:36 AM | csaxton  | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                             |
| POU           | 5/9/01 10:03:53 AM | csaxton  | 1. (YES) The POU is required.<br>2. (YES) The basis of claim is beneficial use.<br>5. (NO) There is no evidence that there has been a change in the POU.<br>9. (YES) The file contains all the necessary information to verify the POU.<br>Comment for 9: Field exam 5/8/01<br>12. (NO) POU remark was not required.<br>13. (NO) POU condition was not required.                  |
| Priority Date | 5/9/01 9:59:31 AM  | csaxton  | 1. (NO) There has not been a later court decree of the water right(s) from the water source.<br>4. (YES) The basis of claim is beneficial use.<br>4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use.<br>10. (YES) The claim file contains sufficient evidence of priority date.<br>12. (YES) The claim is recommended. |

|          |                    |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------|--------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity | 5/9/01 10:09:31 AM | csaxton | <p>13. (YES) The claim is coded correctly.</p> <p>14. (NO) Priority remark was not required.</p> <p>15. (NO) Priority condition was not required.</p> <p>1. (YES) The basis of claim is beneficial use.</p> <p>5. (NO) A flow measurement was not required.</p> <p>6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit.</p> <p>7. (NO) The parent right does not have an annual diversion volume limit.</p> <p>9. (NO) Quantity remark was not required.</p> <p>10. (NO) Quantity condition was not required.</p>                           |
| Season   | 5/9/01 10:05:38 AM | csaxton | <p>1. (YES) The basis of claim is beneficial use.</p> <p>4. (NO) There is not evidence that there has been a change to the period of use.</p> <p>9. (YES) The file contains all the necessary information to verify the period of use.</p> <p>11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.</p> <p>13. (YES) Irrigation is the purposed use.</p> <p>15. (NO) Period of Use remark was not required.</p> <p>16. (NO) Period of Use condition was not required.</p>                           |
| Source   | 5/9/01 10:02:42 AM | csaxton | <p>1. (YES) The basis is beneficial use.</p> <p>4. (NO) There is not evidence that there has been a change in the Source.</p> <p>7. (YES) The file contains all of the necessary information to verify the source.</p> <p>Comment for 7: Field Exam 5/8/01</p> <p>8. (YES) The source is surface water.</p> <p>9. (YES) The source is a standard source.</p> <p>10. (NO) Source remark was not required.</p> <p>11. (NO) Source condition was not required.</p>                                                                                                                                 |
| Summary  | 5/9/01 10:13:34 AM | csaxton | <p>1. (YES) The basis of the claim is beneficial use.</p> <p>2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed.</p> <p>5. (NO) General remark was not required.</p> <p>6. (NO) Explanatory remark was not required.</p> <p>7. (YES) Additional condition was required.</p> <p>8. (YES) Wanted to view the recommended right.</p> <p>9. (NO) This is not a split right.</p> <p>10. (NO) This is not a combined right.</p> <p>11. (NO) Documents were not linked or attached to this file.</p> <p>12. (YES) Set the verification date.</p> |
| Use      | 5/9/01 10:02:59 AM | csaxton | <p>1. (YES) The basis of claim is beneficial use.</p> <p>4. (NO) There is not evidence that there has been a change to the purpose of use.</p> <p>9. (YES) The file contains all the necessary information to verify the purpose of use.</p> <p>11. (NO) Purpose of Use remark was not required.</p> <p>12. (NO) Purpose of Use condition was not required.</p>                                                                                                                                                                                                                                 |

SCANNED

JUN 11 2001

**29-04391**

**Claimant: Donald & Phyllis Brown**

Point water collected from spring splits from 4" pipe into 2" pipe for sprinkler system.



Looking NE (5/9/01 CSAXTON)  
Road is Bannock Hwy

**POU for 29-04391**  
**Claimant Donald and Phyllis Brown**



Looking SE (5/8/01 CSAXTON) Valve control box behind me in photo.



Looking East (5/8/01 CSAXTON) Valve control box behind me in photo.

**POD for 29-04391. Concrete Collection Box**  
**Claimant: Donald & Phyllis Brown**



Looking South (5/8/01 CSAXTON)



Looking East (5/8/01 CSAXTON)

# Field Exam Notes

5/8/01

Not used for domestic use anymore

Affidavit - from neighbor

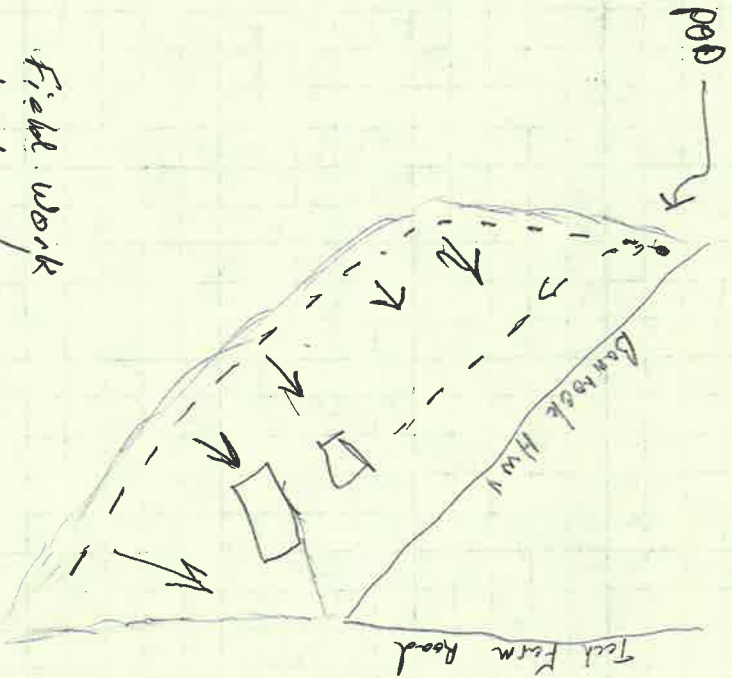
Chamant lived here in 1966

POU = Added. O.k. as not irrigated

Priority date: 1940, 4, 1

## Division works:

Cement Catch Box collects spring water and then sends it through a 4" AGS pipe to a Valley on N or NW part of property where it splits,



## Field work

5/15/01

old Barn b/w driveway + NW Prop Cor. Needs to be removed from POU.



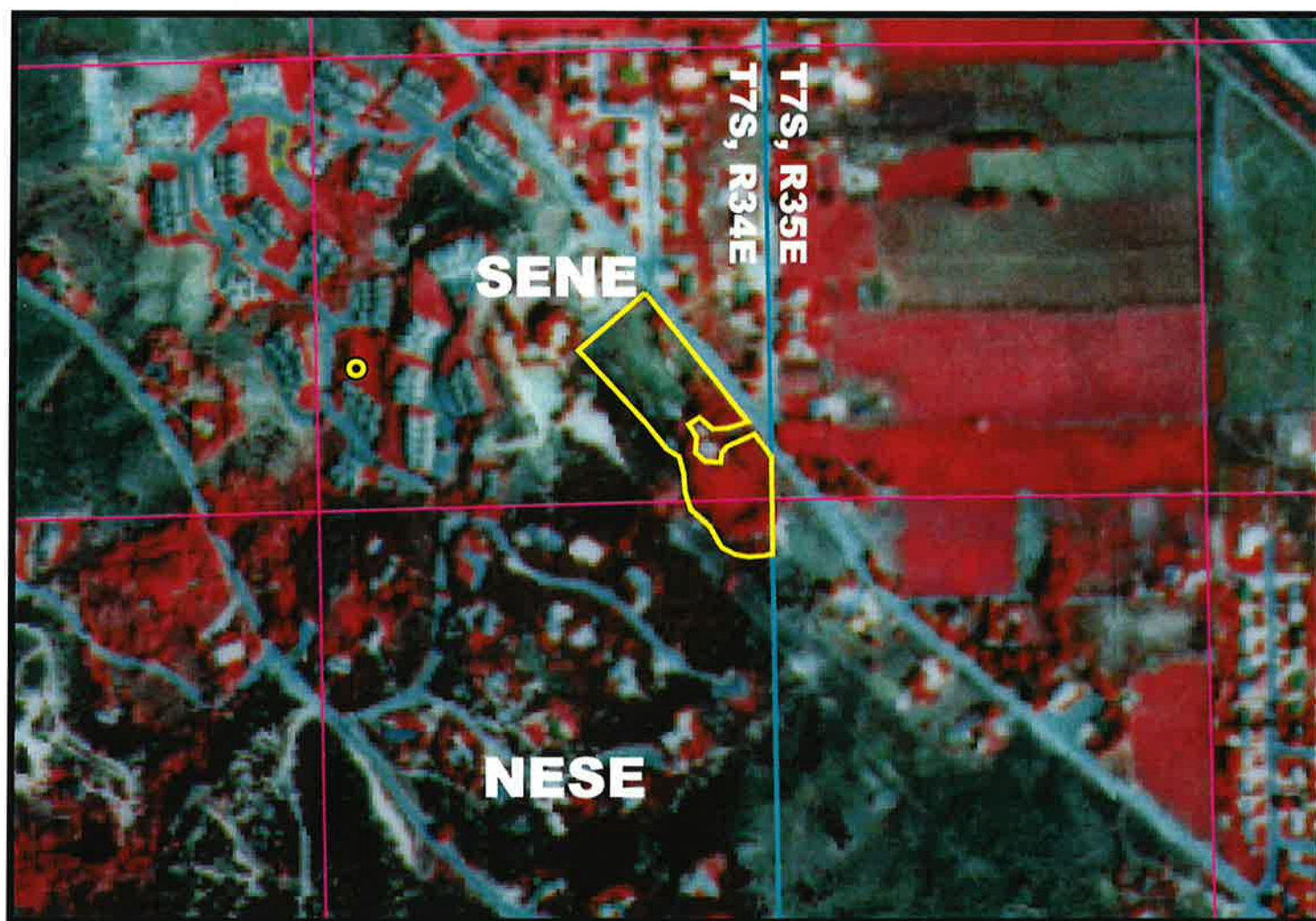
22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

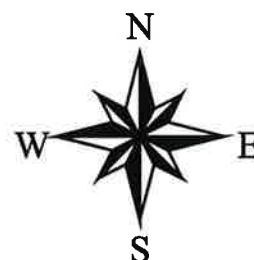
Water Right(s): 29-04391



0 1320 Feet

**Total Irrigated Acres: 3.9**

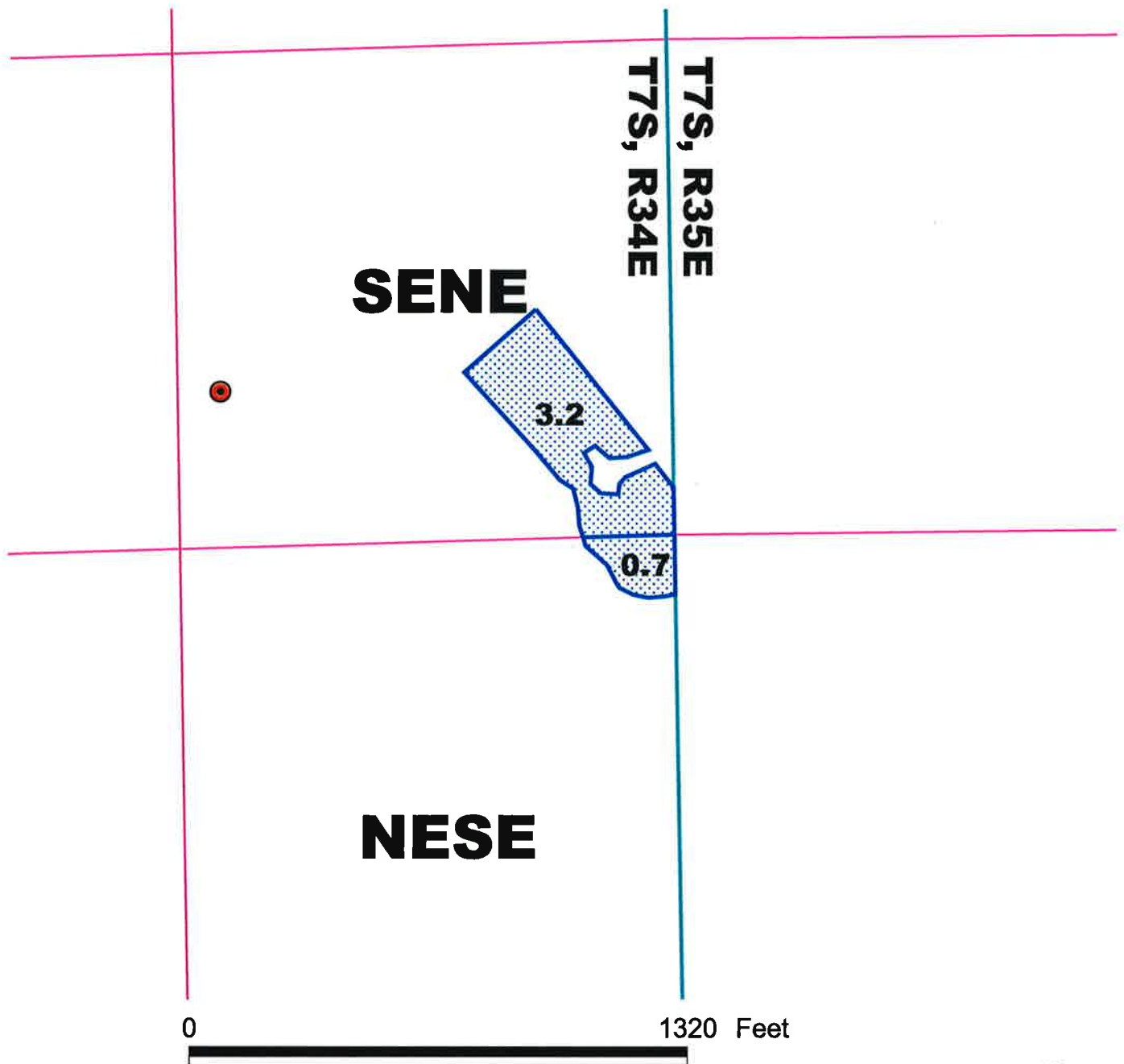
-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: C. Saxton  
Date: May 2001

# Donald and Phyllis Brown

**WR # (s): 29-04391**



**Total Irrigated Acres: 3.9**

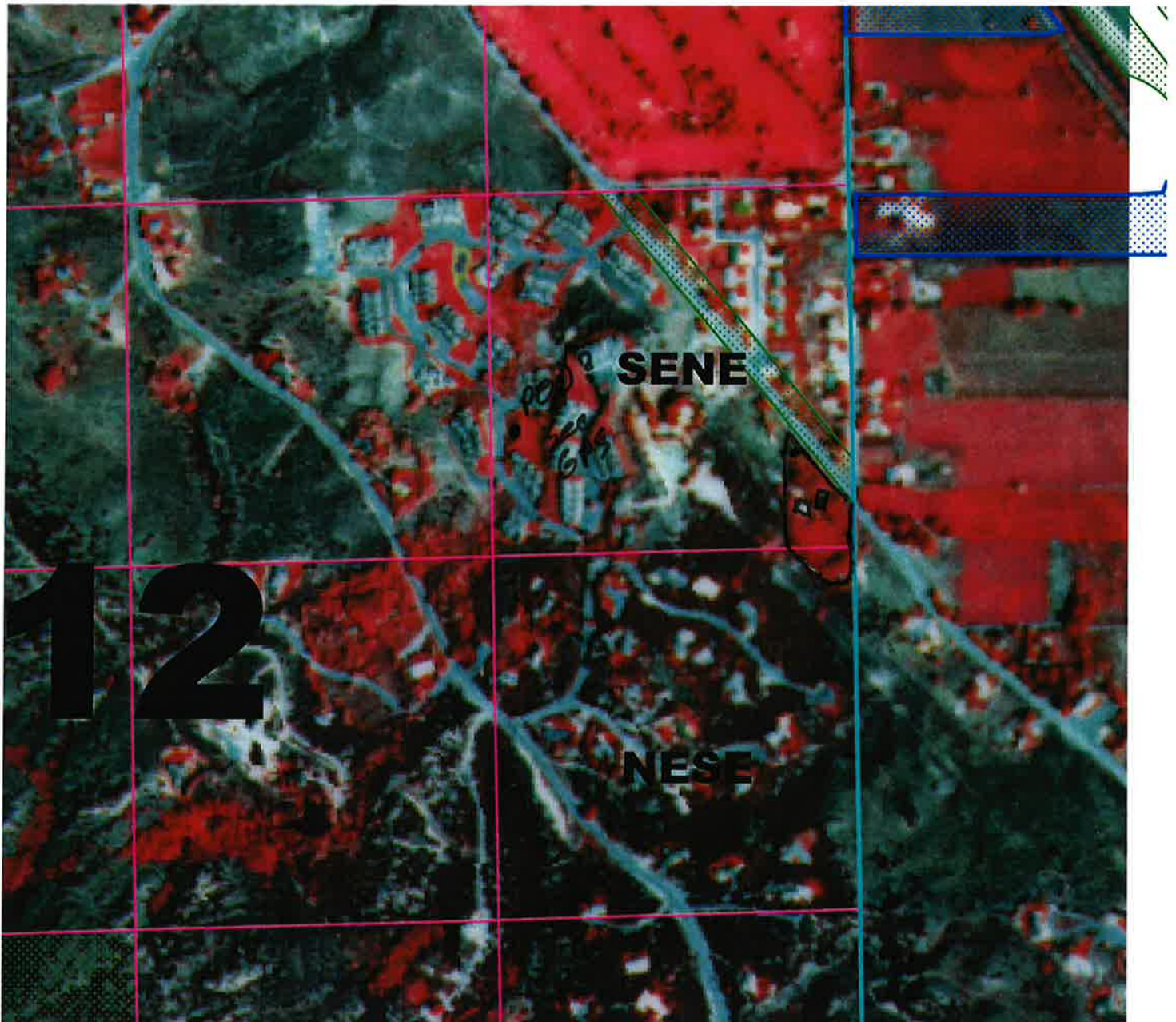


Acreage Distribution

Prepared By: Craig Saxton  
May 2001

# Place of Use Issue for 29-04391

T7S, R34E, Section 12



## Reference Map

Prepared By: Craig Saxton  
May 2001

## Digital OrthoPhoto Quadrangle Image

The image you are viewing is 800 pixels wide by 600 pixels high. Each pixel represents 1 by 1 meters of earth. This image was extracted from a Color Infra-Red (CIR) digital orthophoto quadrangle provided by the USGS. To find out more information about this image, visit the USGS's [Digital Backyard](#)

The image was photographed on 16 Aug 1993 by the National Aerial Photography Program and digitized by the USGS DOQ Program on 27 Feb 1995. The image you are viewing can be [downloaded at no charge to your PC](#). DOQ's may be [purchased from selected USGS dealers](#). Alternatively, DOQ's may be obtained directly from the USGS.

The USGS DOQ below is projected in Universal Transverse Mercator (UTM) Zone 12 on the North American datum of 1983. The latitude and longitude in degrees, minutes, and seconds and the UTM coordinates in meters are shown for each image tile.



# AFFIDAVIT

20108437

THIS INSTRUMENT HEREBY ACKNOWLEDGES that the undersigned, Wilhelm Johannes Christensen, ("affiant"), residing at 4044 Tech Farm Road, Pocatello, Idaho 83204, is of legal age, and does hereby swear and affirm that the following is true and accurate, to the best of his knowledge, under penalty of perjury:

"My family and I have lived at the above address since 1940. I verify that a spring on the property described below has been in continuous operation since before that time, captured and diverted via a concrete collection box and a four inch pipeline. The original property owners, Joseph and Nellie Wallace, used the spring water for domestic and irrigation purposes at their residence, now identified as 4285 Bannock Highway, Pocatello, which now belongs to Donald and Phyllis Brown. Sole ownership of the water rights and pipeline easement was transferred to the Browns and their heirs in 1966, and the water has been in continuous use by them since that time, and their predecessors before then. The legal description of the land on which the spring, collection box, and pipeline exist is as follows:

Township 07S, Range 34E, Section 12, SE 1/4 of NE 1/4, Bannock County, Idaho"

Deed # 664744

Signed to this 4 day of May, 2001.

Wilhelm Johannes Christensen  
Signature of Affiant

Wilhelm Johannes Christensen  
Print Name of Affiant

4044 Tech Farm Road

Pocatello, Idaho 83204  
Address

STATE OF Idaho

COUNTY OF Bannock

In Pocatello, on the 4 day of May, 2001, before me, a Notary Public in and for the above state and county, personally appeared Wilhelm Johannes Christensen, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he or she executed said instrument for the purposes therein contained as his or her free and voluntary act and deed.

Type of ID Produced: Id DL D8165730J

Affiant    is    is not personally known to me

Becky McAllister  
NOTARY PUBLIC

My Commission Expires: 1-15-2003



NO 201084  
RECORDED AT REQUEST OF  
Donald Brown  
2001 MAY 4 PM 1 17

BOOK NO 282

April 11, 2001

29-04391

DONALD BROWN  
PHYLLIS BROWN  
4285 BANNOCK HWY  
POCATELLO ID 83204

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a 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.

It is important that each element of the Notice be substantiated. 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 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 items of the Notice have been or soon will be conducted by Department personnel.

.....  
**The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**  
.....

Please submit the documentation supporting the priority date by May 11, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton  
Water Resource Agent  
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"  
Notice of Claim 29-04391

Log for claim A29-04391

Spatial Dynamics BTD

9/6/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT                        |
|---------|-----|------|------------------|----------------|--------------------------------|
| 07s34e  | 12  | SENE | 4                | 35             | POD placement? / Indiscernible |
| 07s34e  | 12  | NESE | 2                | 35             | Indiscernible                  |
| Totals: |     |      | 6                | 70             |                                |

*no other Rights*

*4/10/01 NO Priority Evidence on microfilm*

*See Remarks About Domestic Priority*

| OWNER<br>CODE    | NAME & ADDRESS                                                             | PRIORITY<br>DATE | WATER USE              | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------|------------------|------------------------|----------------------------|------------------------|---------------------|
| C                | DONALD D BROWN<br>4285 BANNOCK HWY<br>POCATELLO ID 83204<br>(208) 232-8568 | 04/01/1930       | IRRIGATION<br>DOMESTIC | 04-01 11-01<br>01-01 12-31 | 0.120 CFS<br>0.040 CFS |                     |
| TOTAL DIVERSION: |                                                                            |                  |                        |                            | 0.160 CFS              |                     |

C PHYLLIS J BROWN  
4285 BANNOCK HWY  
POCATELLO ID 83204

Water Source: SPRING

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R34E S12 SENE BANNOCK County

Place of use Legal Description for: IRRIGATION

| NE  |     |    |   | NW   |      |      |      | SW |      |      |      | SE   |    |      |      |      |      |    |      |      |      |      |             |     |     |     |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|----|------|------|------|------|----|------|------|------|------|-------------|-----|-----|-----|
| T   | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | :  | NESW | NWSW | SWSW | SESW | :  | NESE | NWSE | SWSE | SESE | :           | SUM |     |     |
|     |     |    | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac   | Lt   | Ac   | Lt   | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt   | Ac   | Lt   | Ac   | Lt          | Ac  | :   |     |
| 07S | 34E | 12 | : |      |      |      | 04   | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      |             |     | :   | 6.0 |
|     |     |    |   |      |      |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | TOTAL ACRES |     | 6.0 |     |

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC USE/ONE FAMILY

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
29-12013 29-12157 A29-10731 A29-12013 A29-12157

Other Water Rights Listing Overlapping Place(s) of Use:  
A29-10731

Remarks: GEN THIS WATER HAS BEEN CONTINUOUSLY SINCE 1930 OR BEFORE, BUT A  
PIPELINE WAS NOT INSTALLED UNTIL OCTOBER 1939. DOMESTIC USE  
BEGAN IN 1939.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Audit: 04/17/90 THOMPSON 12/03/92 COX 07/22/94 THOMPSON 03/29/95 POST-STD

JUN 30 1983

JUN 30 1983

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources  
Eastern District Office

Eastern District Office

## CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Donald D. and/or Phyllis J. Brown

(Name of Claimant)

4285 Bannock Hwy, Pocatello, ID 83204

(Mailing Address)

(Zip Code)

Telephone No. \_\_\_\_\_

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Spring

tributary to

Sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| Quantity                | (cfs, af) | Use                   | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive) |            |
|-------------------------|-----------|-----------------------|-------------------------------------|------------------------|------------|
|                         |           |                       |                                     | (Mo., Day)             | (Mo., Day) |
| Quantity <u>0.12cfs</u> |           | Use <u>Irrigation</u> | Period of Use From <u>4-1</u>       | To <u>11-1</u>         |            |
| Quantity <u>0.04cfs</u> |           | Use <u>Domestic</u>   | Period of Use From <u>1-1</u>       | To <u>12-31</u>        |            |
| Quantity _____          |           | Use _____             | Period of Use From _____            | To _____               |            |
| Quantity _____          |           | Use _____             | Period of Use From _____            | To _____               |            |
| Quantity _____          |           | Use _____             | Period of Use From _____            | To _____               |            |

- (4) 0.16cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ NE ¼, Sec. 12 Twp. 7S Rge. 34E B.M., County of Bannock

Additional points of diversion: \_\_\_\_\_

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Collection box and 4" pipeline, total length approximately 2000 ft.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T  | R   | SEC. | NE¼ |     |     |      | NW¼ |     |     |     | SW¼ |     |     |     | SE¼  |     |     |     | TOTAL |
|----|-----|------|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-------|
|    |     |      | NE¼ | NW¼ | SW¼ | SE¼  | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ |       |
| 7S | 34E | 12   |     |     |     | 4.17 |     |     |     |     |     |     |     |     | 1.83 |     |     |     | 6.0   |
|    |     |      |     |     |     |      |     |     |     |     |     |     |     |     |      |     |     |     |       |
|    |     |      |     |     |     |      |     |     |     |     |     |     |     |     |      |     |     |     |       |
|    |     |      |     |     |     |      |     |     |     |     |     |     |     |     |      |     |     |     |       |
|    |     |      |     |     |     |      |     |     |     |     |     |     |     |     |      |     |     |     |       |
|    |     |      |     |     |     |      |     |     |     |     |     |     |     |     |      |     |     |     |       |
|    |     |      |     |     |     |      |     |     |     |     |     |     |     |     |      |     |     |     |       |
|    |     |      |     |     |     |      |     |     |     |     |     |     |     |     |      |     |     |     |       |
|    |     |      |     |     |     |      |     |     |     |     |     |     |     |     |      |     |     |     |       |
|    |     |      |     |     |     |      |     |     |     |     |     |     |     |     |      |     |     |     |       |

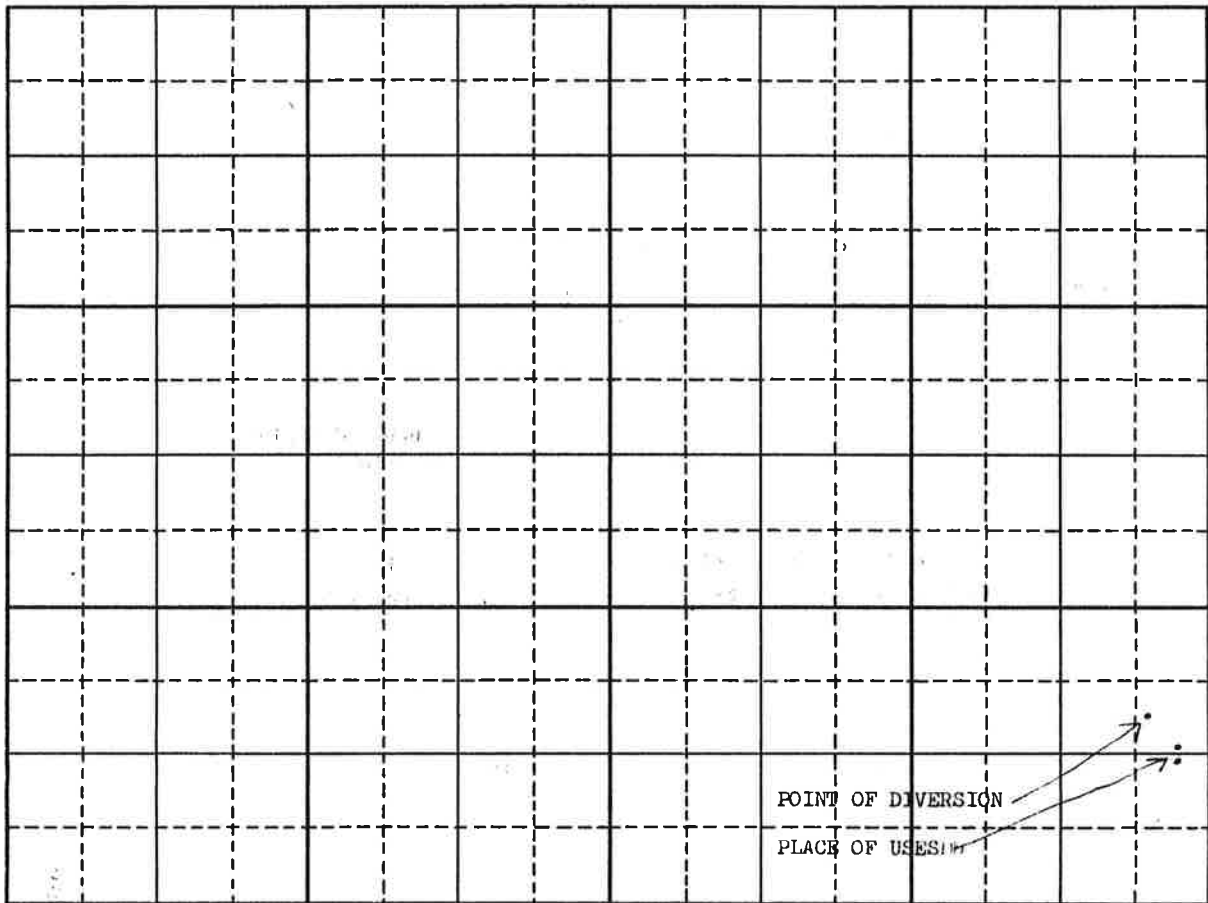
No. of acres 6.0

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
Domestic use for 1 family.

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

- (8) Remarks This water has been used continuously since 1930 or before, but a pipeline was not installed until October, 1939. Domestic use began in 1939.



Scale: 2 inches equal 1 mile.

R. 34 E.B.M., T.7 S, Section 12

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )

) ss.

County of \_\_\_\_\_ )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 15<sup>th</sup> day of June

Donald D. Brown  
(Claimant)

, 19 83.

Donna J. Miller  
Notary Public

Residing at Locustville, Idaho

My commission expires lifetime

**For Department Use Only**

Received by SM

Date 6-10-83

Exception filed by:

Forwarded to \_\_\_\_\_ Date

Prelim. check by KCW

Date 6-20-83

claimant by:

\$30.00 fee received by SM

Date 6/16/83 # 30898

Approved for publication by \_\_\_\_\_

Published in \_\_\_\_\_

Dates \_\_\_\_\_

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: A29-04391  
Date Received: 4/17/1990  
Receipt No: E013223  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DONALD D. BROWN 208-232-8568  
Address: 4285 BANNOCK HWY.  
POCATELLO, ID 83204

Name: PHYLLIS J. BROWN  
Address: 4285 BANNOCK HWY.  
POCATELLO, ID 83204

2. Date of Priority: APR 01, 1930

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 07S      | 34E   | 12      | SE     | NE     |        |     | BANNOCK |

5. Description of diverting works:  
COLLECTION BOX & PIPELINE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.120  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040  |      |        |

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

A.F.A.

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

9. Non-irrigation uses:  
DOMESTIC USE/ONE FAMILY

A29-04391

Page 1

Date: 04/17/90

A2904391



MICROFILMED  
NOV 13 1992

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 07S      | 34E   | 12      | SE     | NE  |     | IRR           | 4.0   |
|          |       |         | NE     | SE  |     | IRR           | 2.0   |
|          |       |         |        |     |     | Section Acres | 6.0   |
|          |       |         |        |     |     | Total Acres   | 6.0   |

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:  
NONE

14. Remarks:

THIS WATER HAS BEEN CONTINUOUSLY SINCE 1930 OR BEFORE, BUT A PIPELINE WAS NOT INSTALLED UNTIL OCTOBERR 1939. DOMESTIC USE BEGAN IN 1939.

15. Basis of Claim: STATUTORY 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): Donald D. Brown Date: 4/17/90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 17<sup>th</sup> day  
of Apr 19 90

Seal

Betty J. Thompson  
Notary Public

Residing at BETTY J. THOMPSON, Notary Public  
RESIDING AT IDAHO FALLS, IDAHO  
My Commission Expires MY COMMISSION EXPIRES: 6-30-94