

12/14/2004

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

RIGHT NUMBER: 37-4119

NAME AND ADDRESS: STEPHEN W BROOKS
PO BOX 570
GOODING ID 83330

SOURCE: DOG CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 0.230 CFS

PRIORITY DATE: 04/01/1952

POINT OF DIVERSION:

T05S R14E S1 SWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	03/15 11/15	0.200 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T05S R14E S01 SWSW

IRRIGATION Within GOODING County

T05S R14E S01 SWSW 14.0

14 ACRES TOTAL

This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

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

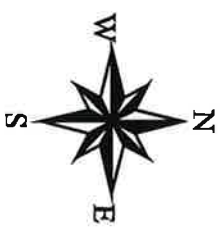
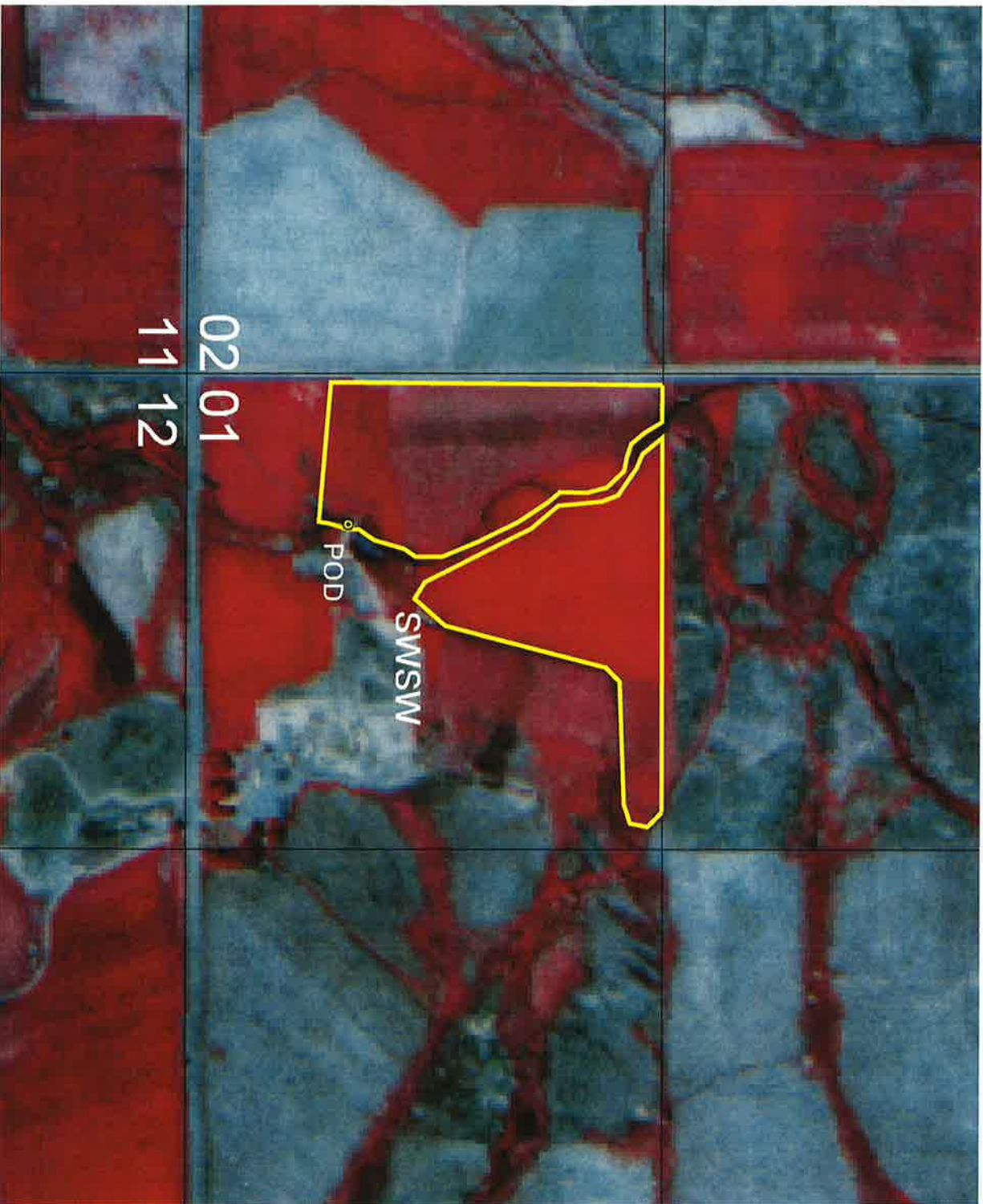
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

37-4119

T05S R14E
S01



Map prepared by: Carter Fritschle
Date prepared: 12/14/04
1987-1988 NAPP photography
Idaho Department of Water Resources

Contacts Data Entry Form

Claim Number 37-4119

Owner Type Full Name Address City State Zip Phone

Current Owner STEPHEN W BROOKS 922 CALIFORNIA ST GOODING ID 83330

Date of Field Exam: 8-31-04 Time: 9:30

Accompanied By: Stephen Phone Number: 208-308-0457 Cell ⁹³⁴⁻⁵³⁰⁵

Relationship to Claimant: _____

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

5 mi North of Gooding - 2 mi West - then
North to 3rd house on East side of Rd



LEE R. PETERSON
234 S View Rd.
Jerome, ID 83338

Date: 8-31-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4119

Claimed Point of Diversion and Source

T05S R14E S1 SWSW Within GOODING County Source: DOG CREEK DRY CREEK

T05S R14E S1 SWSW Within GOODING County Source: WASTE WATER DOG CREEK

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T05S R14E S1 SWSW Within GOODING County

T05S R14E S1 SWSW Within GOODING County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Waste way - Pond Dry Cr.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
					Gooding	

Other rights from this POD? NONE

Document how the POD and Source were verified:

AS per Stephen the Pod on Color Photo looks OK

Stephen Brooks Brooks 1 2438816 1312682 40013773 1030300

plate photo

Reviewer: _____


Date: 8-31-04

Place Of Use Data Entry Form

Claim Number 37-4119

Claimed Place Of Use

T05S R14E S01

T05S R14E S01 SWSW 25.0

Total Acres 25 *ok*☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T05S R14E S01 SWSW 18.0

Total Acres 18

Recommended Place of Use

☐ See corrections to claimed POU above

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

Total Acres _____

Document how the POU was verified:

Stephen showed me land irrig with w. right & total land owned

Reviewer: *[Signature]*Date: *8-31-04*

Period of Use and Quantity Data Entry Form

Claim Number 37-4119

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	0.36	OK when water is available
STOCKWATER	1/01	12/31	0.03	

Overall Diversion Rate 0.36 Overall Diversion Volume

☐ 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
IRRIGATION	4/01	11/01	0.36	NO MFD SOURCE

Overall Diversion Rate 0.36 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
irrig- stock	varies	varies	good to none	the past few years water has been short all years

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Sprinkler and how many he can set
- now none - short all years

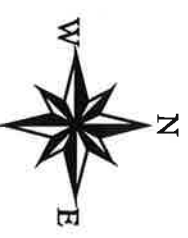
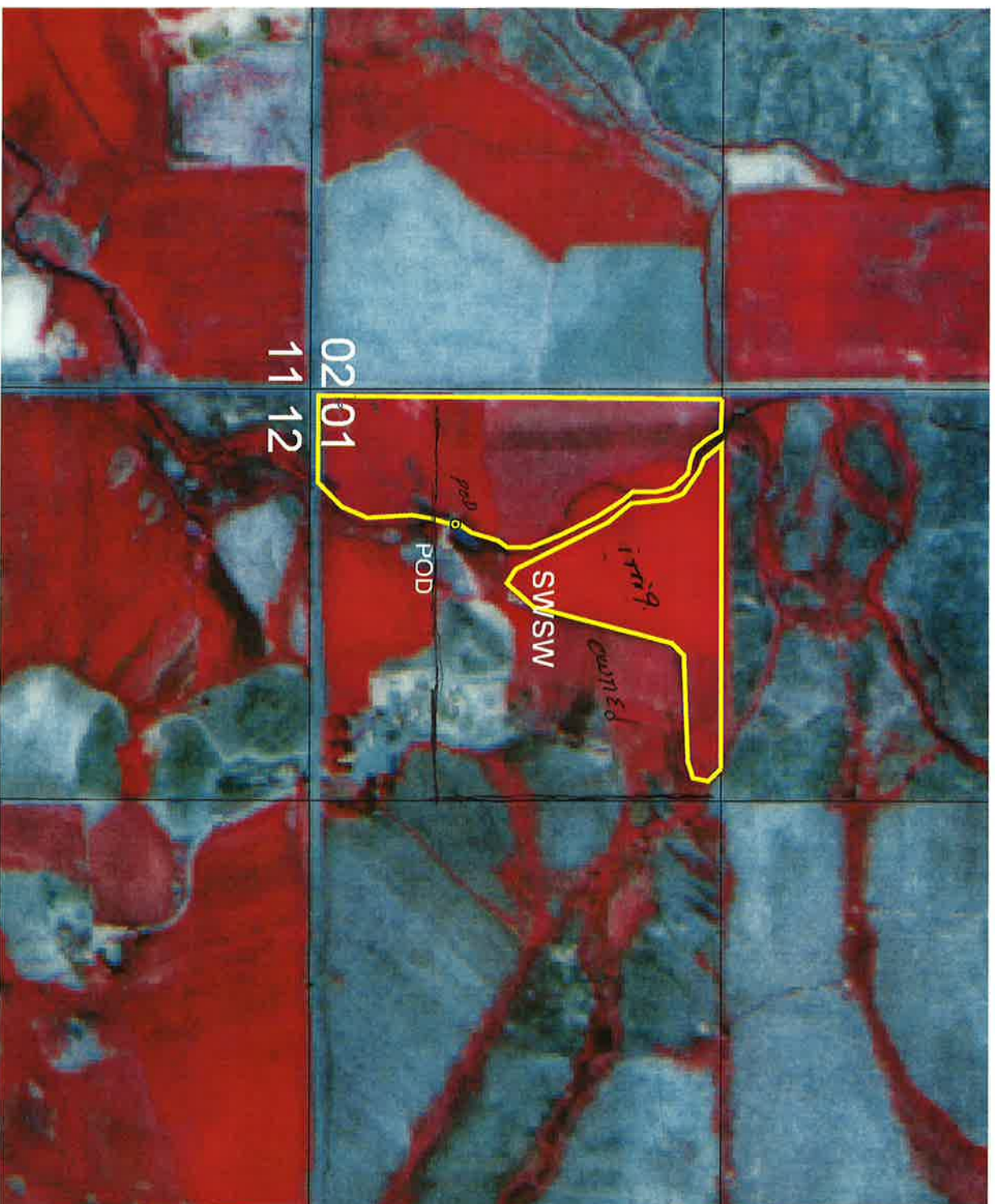
Reviewer: _____

Date: _____

8-31-04

37-4119

**T05S R14E
S01**



See claim of whole
squares omitted 7-13-88

900

0

900

1800 Feet

The area within yellow or as irrigated
The Pond & Pond is approx or by Stephen - see GPS for pump

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s): _____

Previous Mailing Address:

Stephen W Brooks
922 California St
Booding Idaho 83330

New Mailing Address:

Stephen W Brooks
P.O. Box 570
Booding Idaho 83330

Telephone Number:

(208) 308-0457

Signature of Claimant(s):

Stephen W Brooks

Please return this completed form to:

**Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177**

Analysis of Claimed Place of Use and Diversion Rate for 37-4119

Priority Date

The amended statutory claim filed in 1980 states that the place of use claimed includes 10 acres that was irrigated with a pump in Dog Creek commencing in 1952 plus an additional 8 acres that had been historically irrigated with wastewater before it reached Dog Creek. A downstream water user took exception to the amended claim that added the 8 acres; however, the exception appears to be for the irrigation of the entire 18 acres, including the 10 acres that was claimed in 1979 with a 1952 priority date. The file contains sufficient evidence to recommend the 10 acres with a 1952 priority date, but there is no evidence in the file to support the irrigation of the additional 8 acres.

The SRBA claims an additional 7 acres, for which it appears an enlargement claim may be required.

Diversion Rate

Theoretical diversion rate calculated using the horsepower equation. It assumes the lift from Dog Creek is negligible.

$$Q = \frac{8.8 \times \text{HP} \times \text{Efficiency}}{2.31 \times \text{Pressure}} = \frac{8.8 \times 5 \times 0.7}{2.31 \times 40 \text{ psi}} = 0.33 \text{ cfs}$$

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: A37-04119

Date Received: 7/13/1988

Receipt No: S000916

Received By: *Cf. owner change*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: STEPHEN W BROOKS
Address: 922 CALIFORNIA ST
GOODING ID

83330

2. Date of Priority: APR 1, 1952

3. Source: DOG CREEK
WASTE WATER

Trib. to: DRY CREEK
DOG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	14E	1	SW	SW	SW		GOODING

5. Description of diverting works:
PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.360		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	14E	1	SW	SW		STOCK IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	25.0
					Total Acres	25.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

CANAL CO WASTE WATER, CLAIMANT DOES NOT OWN CANAL CO SHARES.

6/7/00, CHANGED OWNERSHIP: BROOKS TO BROOKS AS PER FORM 1409 AND
WARRANTY DEED REC'D 6/6/00. C.T.

15. Basis of Claim: STATUTORY CLAIM

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
FEB 07 2000
Department of Water Resources
Southern Region

RECEIVED
JUN - 6 2000
Department of Water Resources
Southern Region

1. Water Right No(s).: _____
Adjudication Claim No(s).: A37-04119

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a **USDA Farm Service Agency AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Melvin Brooks & Beulah Brooks
1722 E. 1300 S., Gooding, ID 83330

4. New Owner/Claimant(s) Stephen W. Brooks
New Mailing Address Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
922 California Street
City, State and ZIP Code Gooding, ID 83330
New Telephone Number () _____

5. Date you acquired the property 2-2-2000

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Stephen W Brooks
Stephen W. Brooks
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

Handwritten signature/initials

WARRANTY DEED

For Value Received

Melvin R. Brooks And Beulah Brooks,
Husband And Wife.

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

Stephen W. Brooks,
A Single Man.

the grantee(s), whose current address is

922 CALIFORNIA, GOODING, ID 83330

the following described premises, to-wit:

See Attached Exhibit "A"

Together with State of Idaho, Department of Water Resources water
Claim #A37-04119.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s),
his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and
with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that
said premises are free from all encumbrances except current years taxes, levies, and assessments,
and except U. S. Patent reservations, restrictions, easements of record, and easements visible
upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: February 2, 2000

Melvin R. Brooks
MELVIN R. BROOKS

Beulah Brooks
BEULAH BROOKS

STATE OF IDAHO

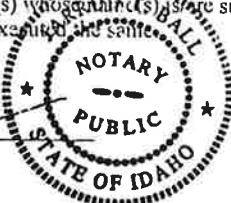
: ss

COUNTY OF GOODING

On This 2nd day of FEBRUARY, in the year 2000, before me, a Notary Public in and for said State,
personally appeared Melvin R. Brooks And Beulah Brooks,
known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument,
and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

[Signature]
Notary Public of Idaho
Residing at TWIN FALLS, Idaho
Commission Expires: 07/25/00



TITLE & ESCROW
COMPANIES

EXHIBIT A
G000026 / BROOKS

OUT OF
RP05S14E016187

Township 5 South, Range 14 East of the Boise Meridian, Gooding County, Idaho.

Section 1: A parcel of land located in the Southwest Quarter of the Southwest Quarter more particularly described as follows:

COMMENCING at the Southwest corner of said Section 1, from which the West One Quarter (W1/4) corner of said Section 1 bears North 00°19'41" West 2636.26 feet; Thence North 00°19'41" West along the West boundary of the Southwest Quarter of the Southwest Quarter of Section 1 for a distance of 400.00 feet to THE TRUE POINT OF BEGINNING;

Thence continuing North 00°19'41" West along the West boundary of the Southwest Quarter of the Southwest Quarter of Section 1 for a distance of 918.13 feet to the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 1; Thence North 89°33'55" East along the North boundary of the Southwest Quarter of the Southwest Quarter of Section 1 for a distance of 1314.45 feet to the Northeast corner of the Southwest Quarter of the Southwest Quarter of Section 1; Thence South 00°19'33" East along the East boundary of the Southwest Quarter of the Southwest Quarter of Section 1 for a distance of 327.97 feet; Thence South 86°03'14" West for a distance of 164.50 feet; Thence South 12°20'26" West for a distance of 300.68 feet; Thence South 20°24'39" East for a distance of 108.84 feet; Thence South 02°00'07" East for a distance of 47.58 feet; Thence South 67°42'15" West for a distance of 219.08 feet; Thence South 55°38'25" West for a distance of 19.64 feet; Thence South 06°30'05" East for a distance of 19.53 feet; Thence South 53°21'37" West for a distance of 15.25 feet; Thence South 14°20'58" West for a distance of 39.57 feet; Thence South 87°09'11" West for a distance of 120.77 feet; Thence South 87°10'27" West for a distance of 308.58 feet; Thence North 85°22'52" West for a distance of 456.18 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 25.0 foot wide County road easement along the West boundary of the before described parcel.



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

~~SOUTHERN REGION~~
May 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DeNENE M. DIXON, Escrow Assistant
GOODING TITLE & ESCROW
PO BOX 446
GOODING ID 83330

RE: **OWNERSHIP CHANGE** FOR ADJUDICATION CLAIM A37-04119

Dear DeNENE:

Thank you for returning the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form, and including a copy of a 'Memorandum of Contract'. However, we need a copy of the **WARRANTY DEED** referred to in the **MEMORANDUM OF CONTRACT** dated February 2, 2000, and received by our office February 7, 2000.

Another requirement is a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and points of diversion clearly marked.

Enclosed is the original ownership change form. Please attach the required information and return the entire packet in the enclosed self-addressed envelope. As soon as we receive the above-mentioned copy, our records will be updated and you will be notified by mail that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Cheryl E. Timm
Office Specialist

Enclosure

Cc: Stephen W. Brooks

CT:ct



February 4, 2000

Idaho Dept. of Water Resources
1341 Fillmore Street, Ste. 200
Twin Falls, ID 83301

RECEIVED
FEB 07 2000
Department of Water Resources
Southern Region

Re: A37-04119

Dear Sir or Madame:

Enclosed please find a Notice of Change of Water Right Ownership to be filed with your office. Also enclosed is a copy of the recorded Memorandum of Contract of Sale for your reference. If you have any questions, please feel free to contact our office.

Sincerely,

GOODING TITLE & ESCROW CO.

A handwritten signature in blue ink that reads "DeNene M. Dixon". The signature is fluid and cursive.

DeNene M. Dixon
Escrow Assistant

/dmd
Encl.

AJ5809WP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/02/00

PAGE: 1

No. A37-04119

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MELVIN R BROOKS	04/01/1952	IRRIGATION	04-01 11-01	0.360 CFS	
C	BEULAH BROOKS 1722E 1300S GOODING ID 83330 (208) 934-5554		STOCKWATER	01-01 12-31	0.030 CFS	
TOTAL DIVERSION:					0.360 CFS	

Water Source: DOG CREEK
WASTE WATERTributary to: DRY CREEK
DOG CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T05S R14E S01 SWSW GOODING County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
05S	14E	1								25						25.0
TOTAL ACRES															25.0	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
05S	14E	1														

POU County: GOODING

Non-Irrigation Uses: 5/60 BEEF CATTLE

Other Rights: SEE REMARKS

Remarks: GEN CANAL CO WASTE WATER, CLAIMANT DOES NOT OWN CANAL CO SHARES.

Dates: Exam Made Date: Verified Date: 05/21/1986 Objection Filed Date:

Misc: Water District Number: 37 Field Inspection Flag:
Presumption Flag:

MEMORANDUM OF CONTRACT OF SALE

BY AGREEMENT made and entered into as of this 2nd day of February, 2000, by and between Melvin and Beulah Brooks, husband and wife, whose address is 1722 E. 1300 S., Gooding, Idaho 83330-4807, owning the real property described below; hereinafter referred to as "Seller"; and Stephen W. Brooks, a single man, whose address is 922 California, Gooding, Idaho 83330, hereinafter referred to as "Buyer."

LEGAL DESCRIPTION

The following described real property situated in the County of Gooding, State of Idaho, which is approximately twenty-five point one (25.1) acres, more or less, located in the SW1/4SW1/4 of Section 1, Township 5 South Range 14 East, Boise Meridian, and which is more particularly described in the "Legal Description For Melvin Brooks (25.1 Acre Parcel,)" prepared by John O. Root, Registered Land Surveyor, dated 10/15/98, attached as "Exhibit A" and incorporated herein by reference as though set forth in full, and which is hereinafter referred to for convenience as 'Subject Property.'

NOTICE IS HEREBY GIVEN that the above-named Seller has entered into a Contract of Sale of Real Estate wherein the above-named Purchaser agreed to buy, and the Seller agreed to sell, the real property above described.

Pursuant to the terms of said contract, title has been reserved in the Seller until the Purchaser fully performs the contract, and a Warranty Deed has been placed in escrow for delivery to the Purchaser upon completion of such performance. The recording of said Warranty Deed at a future date shall be conclusive proof, as against the Seller, and Seller's heirs, personal representatives, successors, and assigns, that Purchaser has fully and completely performed all of the terms of said Contract of Sale of Real Estate, and that Seller has no further right, title, or interest in and to the real property above described.

Also, pursuant to the terms of said Contract of Sale of Real Estate, a Quitclaim Deed has been placed in escrow, to be delivered to the Seller in the event Purchaser shall default under the Contract of Sale of Real Estate, and shall fail to cure said default within the time provided in the contract (the parties having agreed that time is of the essence of their agreement). The recording of such Quitclaim Deed conveying the right, title, and interest of Purchaser in the above-described property to Seller shall be conclusive proof, as against the Purchaser, and Purchaser's heirs, personal representatives' successors, and assigns, that Purchaser has defaulted in performance of said Contract of Sale of Real Estate, and that procedures set forth in said contract for sending notice of default, rescission of the contract, and termination of Purchaser's right to continue the purchase and to continue in possession of the property, have been fully and completely complied with by Seller, it being recognized and agreed that if Purchaser claims any defect in such notice of default or procedures, or if

Purchaser claims any equitable interest in the property herein described, Purchaser shall and must commence a legal action to assert such claims, if any, prior to the expiration of the time provided in the contract for correcting defaults and delivery of said Quitclaim Deed by the escrow holder to the Seller. and that unless such action is so commenced within said period of time, all such claims are waived by Purchaser.

ACKNOWLEDGMENT

"IN WITNESS WHEREOF, the parties have caused their names to be subscribed, all as of the date herein first written."

Dated this 2nd day of February, 2000.

SELLERS:

Melvin Brooks
Melvin Brooks

Beulah Brooks
Beulah Brooks

BUYER:

Stephen W Brooks
Stephen W. Brooks

STATE OF IDAHO)

)ss.

County of Gooding)

On this 2nd day of February, 2000, before me, a Notary Public in and for said State, personally appeared, Melvin Brooks, *, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

* Beulah Brooks and Stephen W. Brooks

Witness my hand and official seal hereon affixed the day and year first above written.

[Signature]
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires:



MEMORANDUM OF CONTRACT OF SALE--2

EXHIBIT A
G000026 / BROOKS

OUT OF
RP05S14E016187

Township 5 South, Range 14 East of the Boise Meridian, Gooding County, Idaho.

Section 1: A parcel of land located in the Southwest Quarter of the Southwest Quarter more particularly described as follows:

COMMENCING at the Southwest corner of said Section 1, from which the West One Quarter (W1/4) corner of said Section 1 bears North 00°19'41" West 2636.26 feet;
Thence North 00°19'41" West along the West boundary of the Southwest Quarter of the Southwest Quarter of Section 1 for a distance of 400.00 feet to THE TRUE POINT OF BEGINNING;

Thence continuing North 00°19'41" West along the West boundary of the Southwest Quarter of the Southwest Quarter of Section 1 for a distance of 918.13 feet to the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 1;
Thence North 89°33'55" East along the North boundary of the Southwest Quarter of the Southwest Quarter of Section 1 for a distance of 1314.45 feet to the Northeast corner of the Southwest Quarter of the Southwest Quarter of Section 1;

Thence South 00°19'33" East along the East boundary of the Southwest Quarter of the Southwest Quarter of Section 1 for a distance of 327.97 feet;

Thence South 86°03'14" West for a distance of 164.50 feet;

Thence South 12°20'26" West for a distance of 300.68 feet;

Thence South 20°24'39" East for a distance of 108.84 feet;

Thence South 02°00'07" East for a distance of 47.58 feet;

Thence South 67°42'15" West for a distance of 219.08 feet;

Thence South 55°38'25" West for a distance of 19.64 feet;

Thence South 06°30'05" East for a distance of 19.53 feet;

Thence South 53°21'37" West for a distance of 15.25 feet;

Thence South 14°20'58" West for a distance of 39.57 feet;

Thence South 87°09'11" West for a distance of 120.77 feet;

Thence South 87°10'27" West for a distance of 308.58 feet;

Thence North 85°22'52" West for a distance of 456.18 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 25.0 foot wide County road easement along the West boundary of the before described parcel.

184313
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Gooding Title
29 min. past 4 o'clock P.m. this 2
of Feb, 2000 9.00
By Wanda Sells Deputy

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

December 1, 1998 12:46pm

CUSTOMER

BROOKS, MR.&MRS.

SUBJECT: A37-04119,-10591

phone call (.) walk-in (X)

They want to split the irrigation claim, statutory claim for wastewater!, (approximately 35 acres: split into 25, 1.5, 1.5, and 7 acres). The D/S claim for groundwater will stay w/ 7 acres that they'll keep.

After reviewing the WR/AJ statutory files, it appears there are elements that are inconsistent, which we told the Brooks', ...if they want to split the claim, a transfer(s) to change the p/d's for the other claimants will be necessary, also. After discussing the ambiguities of the claim, they departed, probably less happier than when they arrived.

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: A37-04119
Date Received: 7/13/1988
Receipt No: S000916
Received By: tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN R. BROOKS 208-934-5554
Address: 1722E 1300S
GOODING, ID 83330

AND/OR

Name: BEULAH BROOKS 208-934-5554
Address: 1722E 1300S
GOODING, ID 83330

2. Date of Priority: APR 01, 1952

3. Source: DOG CREEK Trib. to: DRY CREEK
WASTE WATER DOG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	14E	1	SW	SW			GOODING

5. Description of diverting works:
PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.360		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	14E	1	SW	SW	STOCK IRR	25.0
Section Acres						25.0
Total Acres						25.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
CANAL CO WASTE WATER, CLAIMENT DOES NOT OWN CANAL CO SHARES.

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: 2

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): Beulah Brooks Date: 7-13-88

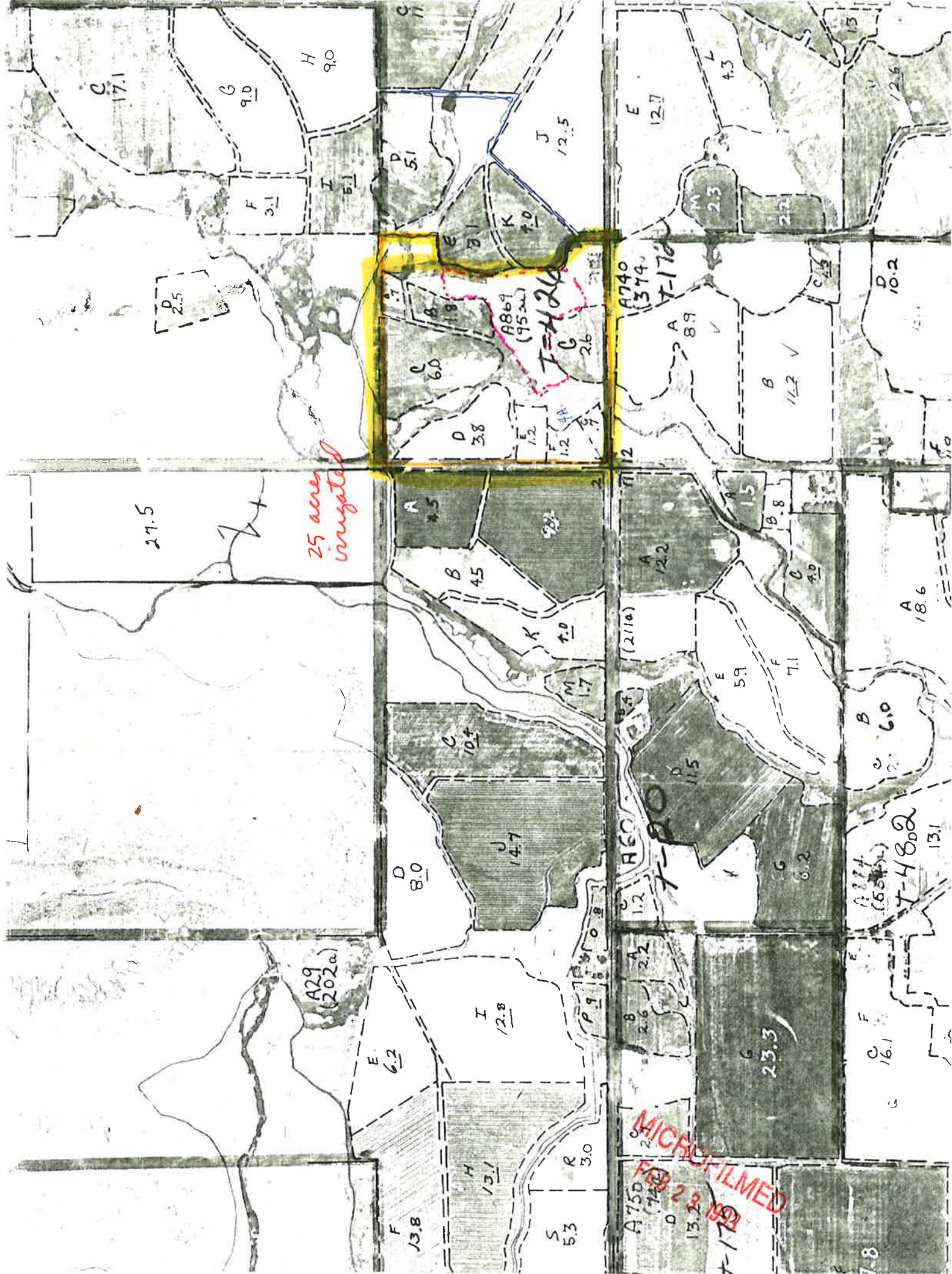
Date: _____

State of Idaho)
County of T.E.) SS.

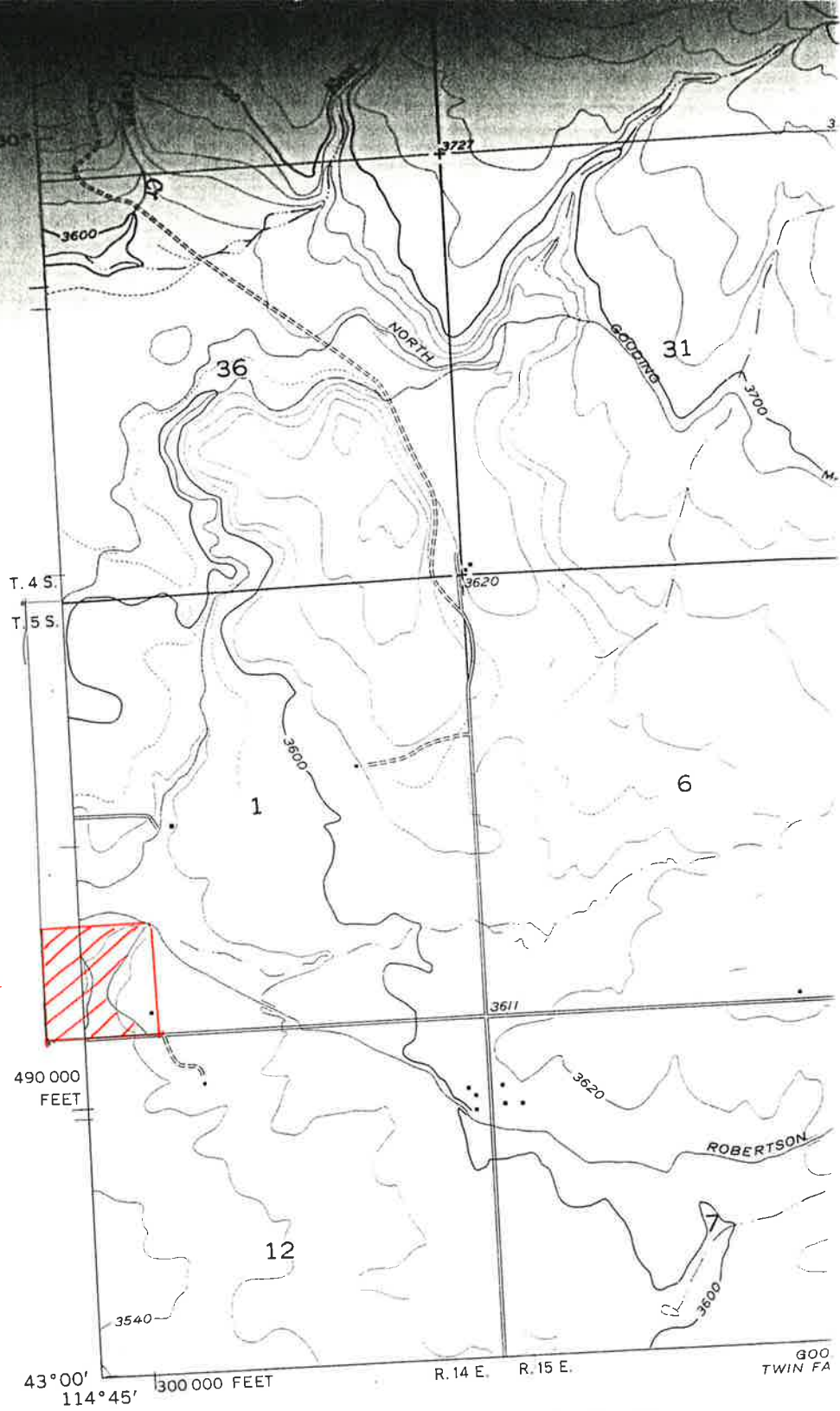
Subscribed and sworn (or affirmed) before me this 13th day
of July 19 88 Lois White
Notary Public

Seal

Residing at T.E.
My Commission Expires 5/95



*irrigate
25 acres*



(GOODING BUTTE)

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by Kelsh plotter
Aerial photographs taken 1954. Field check 1957
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
central zone
1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue
Dashed land lines indicate approximate locations
Unchecked elevations are shown in brown

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FEB 23 1993

APPRO
DECLI

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 James A. &/or Marian Rowe
(Name of Claimant)

Route 1 Box 52 - Gooding, Idaho 83330 Telephone No. 934-5825
(Mailing Address) (Zip Code)

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, 1952

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)

(3) Waste water & Dog Creek tributary to Dry Creek
Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	~~0.44~~ 0.36	Use	irrigation	Period of Use From Apr 1	To Nov 1
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
(4)	TOTAL QUANTITY USED.				

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 1 Twp. 5S Rge. 14E B.M., County of Gooding
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. Pump & pipeline from Dog Creek

(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.

[illegible]

No. of acres 22-18 7156

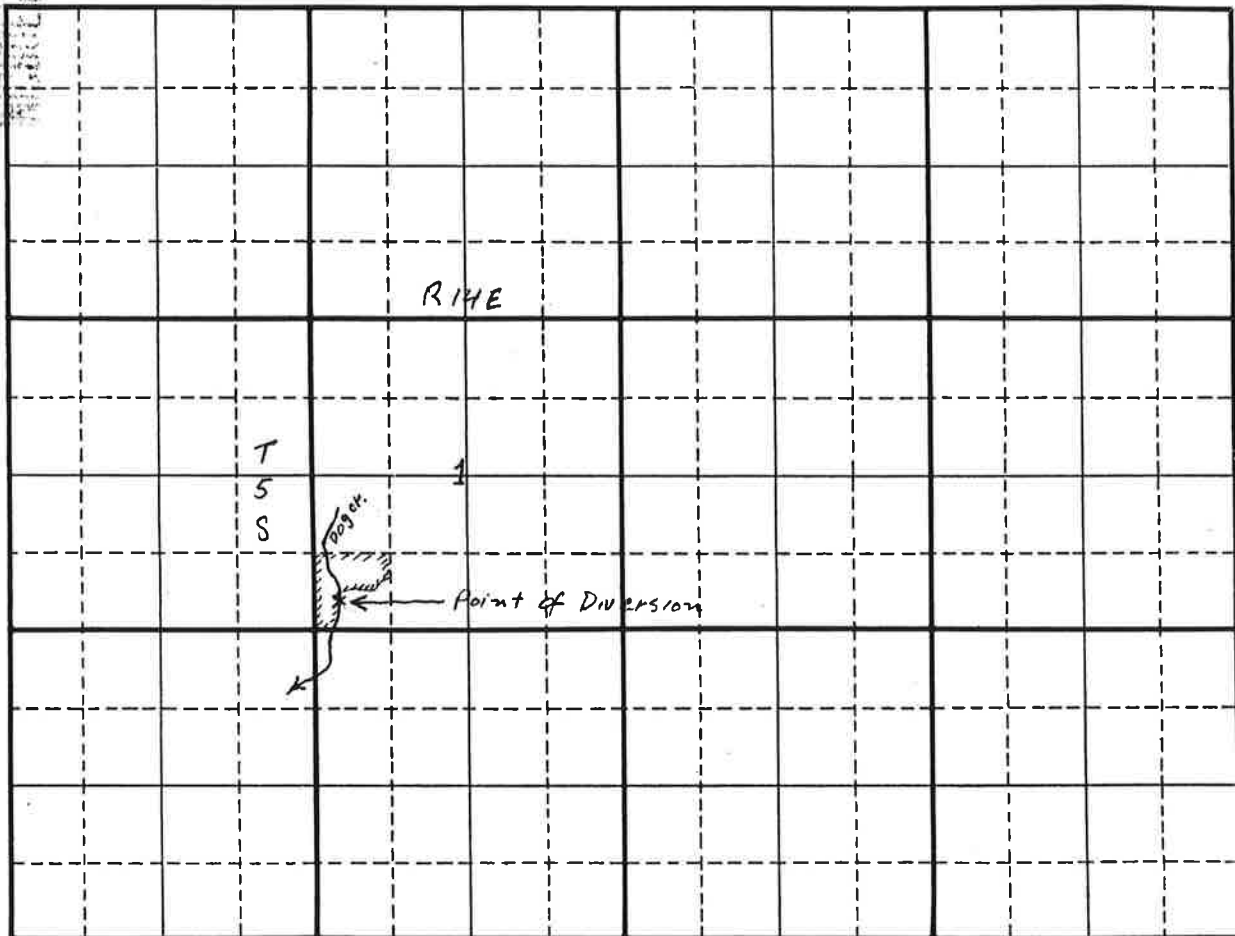
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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:

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(8) Remarks The wastewater used under this right was formerly diverted before it entered
Dog Creek. Now the wastewater is to be allowed to come inle with Dog Creek and all
the water diverted thru a pump to the irrigated land



Scale: 2 Inches equal 1 mile.

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)
County of Gooding) ss.

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 affiant's knowledge.

Sworn to before me this 15th day of November, 1979.

Marian Blower
(Claimant)
[Signature]
Notary Public
Residing at Gooding, Id

My commission expires 10-6-83

FOR DEPARTMENT USE ONLY

Received by Maria Date 1-22-80 Exception filed by: _____ Date _____
Prelim. check by [Signature] Date 1-24-80 Forwarded to claimant by: _____
\$20.00 fee received by — Date —
Published in _____
Dates _____

RECEIVED
FEB 14 1968
Department of Water Resources
Southern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE NOTICE OF AMENDED
CLAIM TO A WATER RIGHT:

JAMES A. ROWE and/or MARIAN B.
ROWE,

NO. 37-4119

)
)
) EXCEPTION TO AMENDED
) CLAIM OF WATER RIGHT
) AND AFFIDAVIT IN SUPPORT
) THEREOF
)
)
)

STATE OF IDAHO)
)) SS.
County of Gooding)

WILLIAM B. HURD, being first duly sworn upon his oath
deposes and says:

That exception is made to amended claim of water right in
the above captioned.

That this affidavit is executed in support of affiants ex-
ception to the above entitled amended claim of water right.

That your affiant is the owner of a parcel of land con-
sisting of approximately twelve (12) acres situate in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Township 5 South, Range 14, E.B.M., Gooding County,
Idaho, and that your affiant resides on said described parcel and
has for 30 years last past.

claim 37-4127

RECEIVED
FEB 14 1968
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE

That your affiant and his predecessors in interest have for
more than 31 years last past and continuously during said period of
time appropriated, used and applied to beneficial use during the ir-
rigation season, .24CFS of the waste waters flowing in the channel
of Dog Creek, tributary of Dry Creek which said waters have been
diverted in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 5 South, Range 14, E.B.M
and conducted to affiants property by gravity flow.

That neither the claimants nor their predecessors in interest have diverted, used or applied to beneficial use, the waste waters flowing in the channel of Dog Creek, tributary of Dry Creek, from the date of April 1, 1952 (as set forth in the original of said Notice of Claim) or at all.

William B. Hurd
William B. Hurd

SUBSCRIBED AND SWORN to before me this 21st day of February, 1980.

Paul D. Mahoney
Notary Public for the State of
Idaho, residing at Gooding, Idaho.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

CLAIM TO A WATER RIGHT

SEP 26 1978

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 James A. &/or Marian Rowe
(Name of Claimant)

Route 1 Box 52, Gooding, Idaho 83330 Telephone No. 934-5825
(Mailing Address) (Zip Code)

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) 5-1-1952 1952
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)
waste water & Dog Creek tributary to Dry Creek

- (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, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.20 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Nov 1</u>		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		

(4) 0.20 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 SW 1/4, Sec. 1 Twp. 5S Rge. 14E B.M., County of Gooding
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. 10 hp lift pump to gravity irrigation system

- (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	
5S	14E	1											10						10

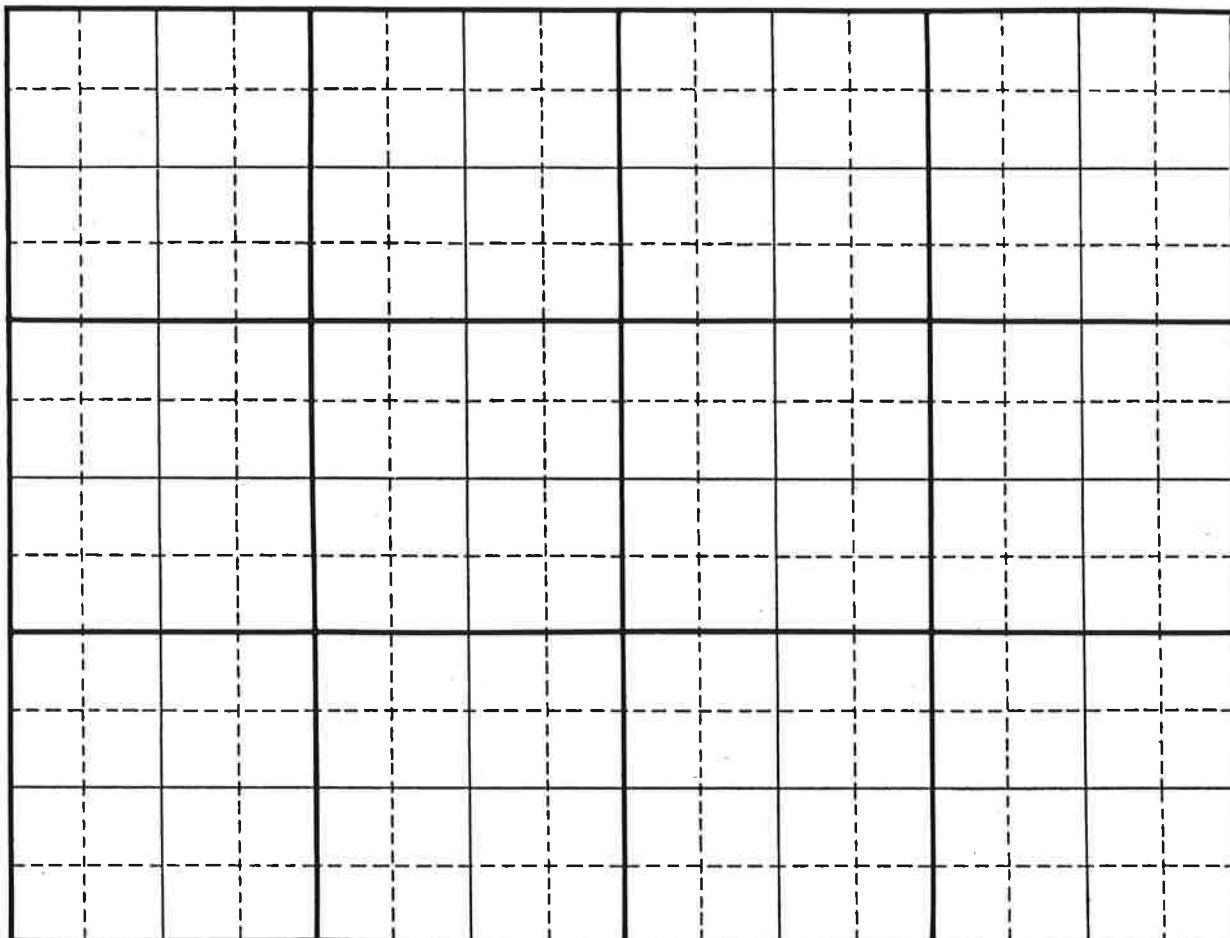
No. of acres 10

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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 Water includes waste water from upstream irrigation, and also overflow from Dog Creek Reservoir. Water is diverted from the natural channel of Dog Creek.



Scale: 2 inches equal 1 mile.

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)
County of Twin Falls) ss.

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 affiant's knowledge.

Marian B. Rowe
(Claimant)

Sworn to before me this 26th day of September, 1979.

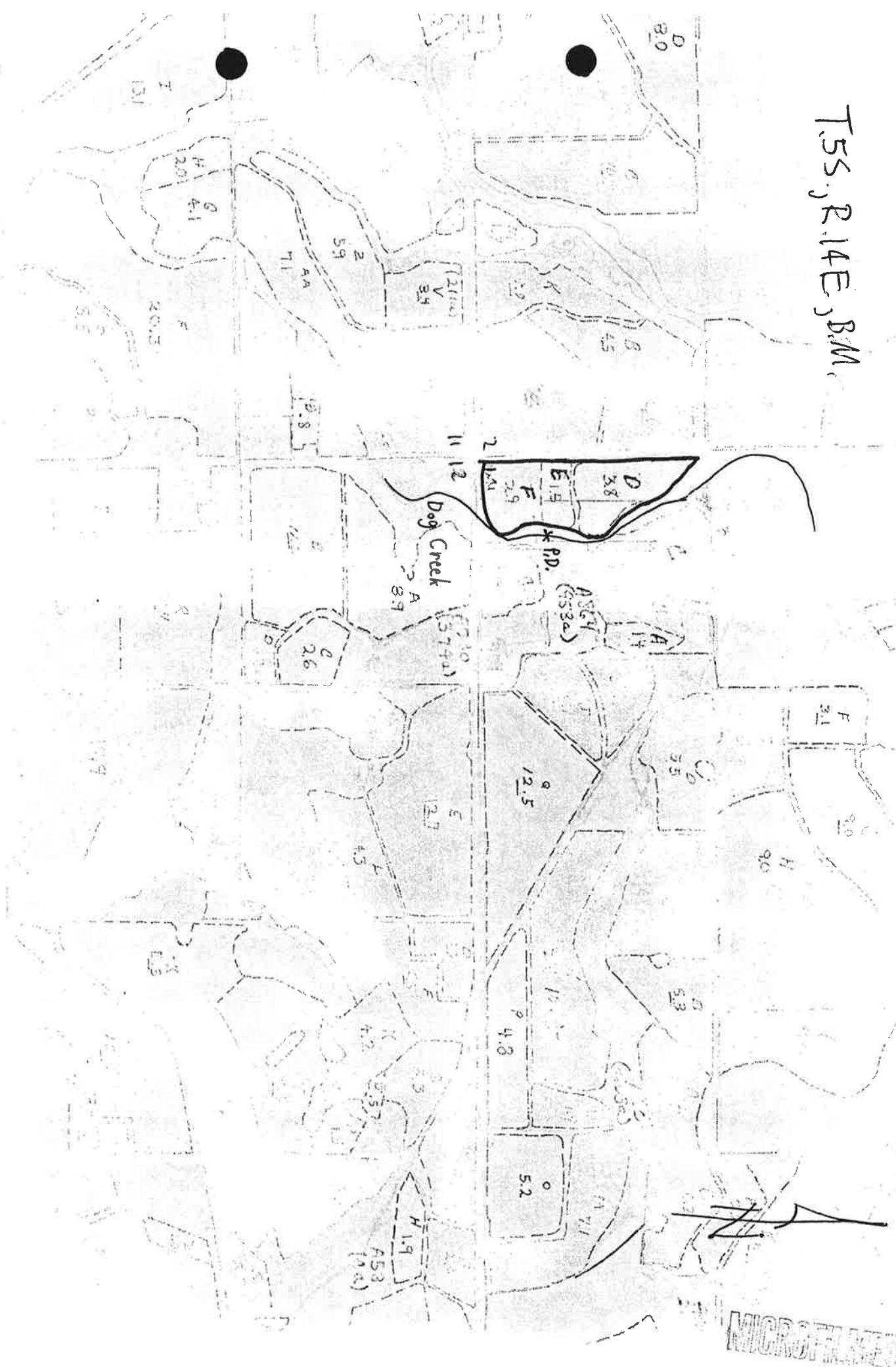
Loren O. Holman
Notary Public
Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J.E. Stanton Date 9-26-79 Exception filed by: _____ Date _____
Prelim. check by ADM Date 9-26-79
\$20.00 fee received by OP Date 9-26-79 #13241
Published in Twin Falls County Leader
Dates 9/11 & 9/18/79

T.5S, R.14E, B.M.



MICROFILMED

September 19, 1979

STATEMENT SUPPORTING CLAIM TO WATER RIGHTS

As previous owner of Part S¹/₂SW¹/₄, Section I, Township 5 South, Range 14 East, Boise Meridian*, I hereby declare that water from Dog Creek (which passes through said property) has been used for irrigation purposes since about 1952 on this property now owned by James and Marian Rowe. At that time I installed the pump now in use to lift water to irrigate approximately 10 acres of cultivated ground. ~~Most~~ ^{ALL} of the water used out of Dog Creek is waste water from upstream irrigated land. P.S.T.

Signed:

Floyd S. Thornton

Floyd Thornton
310 12th Avenue West
Gooding, Idaho 83330
Phone: 934-5162

* Complete legal description attached.

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8 4 .

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

P.O. Box 8
TW Falls, ID 83301
November 21, 1979

Mrs James Rowe
Rt #1, Box 52
Gooding, ID 83330

Dear Mrs Rowe:

In checking with our Gooding Office, we can verify that we did have electrical service to your 5 HP irrigation pump in the year, 1952. We previously thought it was 1962, but further research show that 1952 was the correct year.

Very truly yours,

R E Parmer
Ass't Accounting Mgr
IDAHO POWER COMPANY

REP/kd

Acct # 0755-00270-2

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