

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: A36-00034E
Date Received: 7/13/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LLOYD BROWN 208-837-6101
Address: 2802 S. 850 E.
HAGERMAN, ID 83332

OR

Name: KATHLEEN BROWN 208-837-6101
Address: 2802 S. 850 E.
HAGERMAN, ID 83332

2. Date of Priority: MAR 30, 1884

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SE	NE			GOODING

5. Description of diverting works:
VIA BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 24.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	27	NW	NE		IRR	8.0

A36-00034E

Page 1

Date: 10/09/90

MICROFILMED
JAN 21 1993

10. Place of Use: Continued

Section Acres 8.0

Total Acres 8.0

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:
A36-00035E

14. Remarks:
CHANGE OF OWNERSHIP 9-28-1990.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of) SS.
)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[☒] Water Right Number(s): A36-07437, A36-00034A, -00035D

[☒] Name and Address of
Former Claimant: Harold W. Smith and Wilma A. Smith
2810 South 850 East
Hagerman, Idaho 83332

[☒] New Claimant(s): Lloyd Brown or Kathleen Brown

[☒] New Mailing Address: 2802 South 850 East
Hagerman, Idaho 83332

New Telephone Number: (208) 837 - 6101

[☒] Does the change in ownership result in a splitting of the
water right claimed? X yes no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

0.28 cfs from the Buckeye Ditch is to be transferred to the new owner.

0.10 cfs from the Bell Ditch is to be transferred to the new owner.

One-Half interest in domestic water right #36-07437

[☒] Attach proof of ownership Describe proof attached: Copy of the recorded Warranty Deed & Copy of the Hot Water Well Agreement

[☒] Signature of New Claimant(s): Lloyd Brown

Date: September 28, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-5-90 By: SCU

Further Action Needed: No

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any: A37-07437A

A37-07437B

MICROFILMED
JAN 21 1993



WARRANTY DEED

For Value Received

Harold W. Smith and Wilma A. Smith, husband and wife,
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
Lloyd Brown and Kathleen Brown, husband and wife,
hereinafter referred to as Grantee, whose current address is
2802 South 850 East, Hagerman, ID, 83332
the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH 14 shares of Buckeye Ditch water and 5 shares of Bell
Ditch water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant
to and with the said Grantee, that Grantor is the owner 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 Grantor will
warrant and defend the same from all claims whatsoever.

Dated: September 28th, 1990.

Harold W. Smith
Harold W. Smith

Wilma A. Smith
Wilma A. Smith

STATE OF IDAHO)
COUNTY OF Gooding) ss

On This 28th day of September, in the year 1990, before me, a Notary Public
in and for said State, personally appeared Harold W. Smith and Wilma A. Smith, known
or identified to me to be the persons whose names are subscribed to the within
Instrument, and acknowledged to me that they executed the same.



Dorcas M. Bolton
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires: 10/16/92

143408
STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of **FIRST AMERICAN TITLE**
5 min. past 1 o'clock P M. this 28
of Sept, 1990.
JOHN A. MYERS, Recorder *for 6.00*

First American Title Company of Idaho

EXHIBIT "A"

PARCEL A (Koopman)

Township 7 South, Range 13 East of the Boise Meridian

Section 27: Part of the NW 1/4 NE 1/4, described as follows:

Beginning at the Southwest corner of said NW 1/4 NE 1/4;

Thence N 0°24'E, 771.9 feet along the West line of said NW 1/4 NE 1/4 to the True Point of Beginning;

Thence N 89°50'E, 584.47 feet to the East bank of Bell Irrigation Ditch;

Thence along the East bank of said Bell Irrigation ditch the following courses and distances;

Thence N 55°31'E, 263.3 feet;

Thence N 22°59'E, 85.25 feet;

Thence N 56°09'E, 91.67 feet;

Thence N 18°59'E, 75.9 feet;

Thence N 36°06'E, 207.3 feet to the North line of said NW 1/4 NE 1/4;

Thence S 89°52'W, 1053.25 feet to the North quarter corner of said Section 27;

Thence S 0°24'W, along the West line of NW 1/4 NE 1/4, 516.5 feet to the point of beginning.

IN THE COUNTY OF GOODING, STATE OF IDAHO

Together with 12 shares of water in the Buckeye Ditch.

MICROFILMED

JAN 21 1993

Part of the Northwest Quarter of the Northeast Quarter of Section 27, Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho, described as follows:

Beginning at the Southwest corner of said Northwest Quarter of the Northeast Quarter;
Thence North 0°24' East, 771.9 feet along the West line of said Northwest Quarter of the Northeast Quarter to the True Point of Beginning;
Thence North 89°50' East, 584.47 feet to the East bank of Bell Irrigation Ditch;
Thence along the East bank of said Bell Irrigation Ditch the following courses and distances:
 Thence North 55°31' East, 263.3 feet;
 Thence North 22°59' East, 85.25 feet;
 Thence North 59°09' East, 91.67 feet;
 Thence North 18°59' East, 75.9 feet;
Thence North 36°06' East, 207.3 feet to the North line of said Northwest Quarter of the Northeast Quarter;
Thence South 89°52' West, 1053.25 feet to the North Quarter Corner of said Section 27;
Thence South 0°24' West along West line of the Northwest Quarter of the Northeast Quarter 516.5 feet to the Point of Beginning.

LESS AND EXCEPTING:

A parcel of land located in the Northwest Quarter of the Northeast Quarter of Section 27, Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho and more particularly described as follows:

Commencing at the North Quarter corner of said Section 27,
Thence South 0°55'18" West along the West boundary of the Northwest Quarter of the Northeast Quarter of Section 27, for a distance of 403.52 feet to the TRUE POINT OF BEGINNING;
Thence South 89°57'22" East for a distance of 222.63 feet;
Thence South 85°30'03" East for a distance of 140.41 feet;
Thence South 89°19'13" East for a distance of 378.76 feet to a point on the East bank of Bell Irrigation Ditch;
Thence along the East bank of Bell Irrigation Ditch on the following courses:
 South 50°19'02" West, 32.85 feet;
 South 71°31'56" West, 26.94 feet;
 South 56°14'22" West, 108.36 feet;
Thence leaving the East bank of Bell Irrigation Ditch, South 89°16'33" West for a distance of 277.18 feet;
Thence South 0°55'18" West parallel with the West boundary of the Northwest Quarter of the Northeast Quarter for a distance of 8.57 feet;
Thence North 89°38'42" West for a distance of 325.0 feet to a point on the West boundary of the Northwest Quarter of the Northeast Quarter;
Thence North 0°55'18" East along the West boundary of the Northwest Quarter of the Northeast Quarter of Section 27 for a distance of 115.48 feet to the TRUE POINT OF BEGINNING.

MICROFILMED

JAN 21 1993

Handwritten signatures:
JNL
mas

HOT WATER WELL AGREEMENT

This Agreement is made and entered into this 17th day of September, 1990, by and between Harold W. Smith and Wilma A. Smith, husband and wife, hereinafter referred to as "Smiths," and James Fox, a single man, hereinafter referred to as "Fox."

RECITALS:

1. Smiths own a State of Idaho Department of Water Resources Water Permit No. 36-7437 for a hot water well, said well being located upon the south two acres of certain real property located in Gooding County, Idaho, described on Exhibit "A" which is attached hereto and by this reference made a part hereof. Said property is hereinafter referred to as "Parcel A."

2. Smiths are selling said south two acres to Fox and desire to retain the balance of said property.

3. Smiths desire to retain an undivided one-half interest in said unfinished well for use on that portion of Parcel A which they are not selling to Fox.

4. Smith and Fox desire to set forth their respective interest in said hot water well.

NOW, THEREFORE, the parties agree as follows:

1. Smiths shall retain and Fox grants to Smiths an undivided one-half interest in a hot water well located on Parcel A.

2. Smiths shall retain and Fox grants to Smiths a fifteen foot right of way (7-1/2 feet on each side of said pipe) from the well site itself to the Smiths' property. Smiths shall use the most direct route possible for placement of the pipe line. Smiths shall be responsible for all costs of installation and maintenance of said pipe line.

3. Any expenses incurred in the repair and maintenance of said well, pipes or appurtenances and building constructed in conjunction with the use of said well and the water it produces will be paid by one-half by the Smiths and one-half by Fox. Provided, however, the cost to complete the well shall be the sole and exclusive expense of Smiths.

1 4. The parties acknowledge that the well is
2 presently unfinished and plugged at the bottom and that
3 Smiths may abandon the well if they so desire or may at their
4 expense deepen the well at no cost to Fox. Should Smith
elect to deepen the well, Fox hereby grants the right of
ingress and egress for the purpose of drilling said well
deeper. Should Smiths elect not to deepen the well, they may
keep any cash settlement received from Justice Drilling Co.

5 5. If the well is not deepened within three
6 years, their right shall lapse and Smiths will have no right
in said hot water well.

7 6. The rights to said well, water permit and pipe
8 line easement which are granted herein shall run with and
become an appurtenance to that portion of Parcel A that is
being retained by Smiths.

9 7. The parties agree that this Agreement will be
binding upon their heirs and assigns.

10 IN WITNESS WHEREOF, the parties have signed this
11 Agreement the dates set forth opposite their respective
signature lines.

12 Dated: 09-17, 1990

Harold W. Smith
Harold W. Smith

14 Dated: 9-17, 1990

Wilma A. Smith
Wilma A. Smith

"Smiths"

17 Dated: Sept 17, 1990

James Fox
James Fox

"Fox"

19 STATE OF IDAHO)
20 : ss
21 County of Gooding)

22 On this 17 day of September, 1990, before
me, the undersigned, a Notary Public in and for said County
and State, personally appeared Harold W. Smith and Wilma A.
Smith, husband and wife, known to me to be the persons whose

names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dusan M. Bolton
NOTARY PUBLIC FOR IDAHO
Residing at: Gooding, ID
My Commission Expires: 10-16-92

STATE OF IDAHO)
County of Gooding) ss

On this 17th day of September, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared James Fox, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dusan M. Bolton
NOTARY PUBLIC FOR IDAHO
Residing at: Gooding, ID
My Commission Expires: 10-16-92

\KHA\SMITHHWW

142287 up

FILE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of FIRST AMERICAN TITLE

30 min. past 3 o'clock P M. this 17

Sept, 1990. Fee \$12.00

JOHN A. MYERS, Recorder

By William K. Pratt Deputy

HOT WATER WELL AGREEMENT - 3

MICROFILMED

JAN 21 1993

RECEIVED 36-00034E

SEP 08 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 8, 1999

LLOYD BROWN
PO BOX 543
HAGERMAN ID 83332

RECEIVED
JUN 14 1999

Department of Water Resources

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 36-00026, 36-00027, 36-00034E, 36-11057

Dear Water Right Holder:

disallowed
decree
W.A.
21 records modified, NCAP prepared in 6/16-99

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. The returned mail was already sent to the above address.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter at your earliest convenience.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right referenced above, please print the name and address of the new owner below so we may contact them. Please sign this letter and return it to me to begin the process.

Yours truly,

Danni M. Smith
SRBA Administrative Asst. 1

Cc: VKelly

Claimant Signature

(208) 837-6101

Telephone No.

HAGERMAN

Surface Irrigation Diversion Rate Analysis Sheet

WR#'s 36-00035E

34E

3 acres of 8 total

given .04 c.f.
.06 3 ac
sprinkler

SOIL	SOIL AC.	% ROW	ROW AC.	FIR ROW	CFS ROW	% FOR.	FOR. AC.	FIR FOR.	CFS FOR.
KEC	0.53	70	0.37	0.040	0.015	30	0.16	0.028	0.005
KOA	2.82	70	1.97	0.036	0.071	30	0.85	0.024	0.020
KOB	4.63	70	3.24	0.037	0.120	30	1.39	0.027	0.038
TOTALS	7.98		5.58		0.206		2.40		0.063

CLAIM
34E .1 CFS
35E .24 CFS

REC.
FIR

0.27 *

CFS

=

SUM

0.269

CFS

X

8.00

REC. AC.

7.98

GIS AC.

DATE 11/12/97

INIT. JP

*ADD CONVEYANCE LOSS (IF APPLICABLE) FOR
TOTAL IRRIGATION DIVERSION REQUIREMENT

DIVERSION CAPACITY OR LIC./DEC. AMOUNT MAY LIMIT

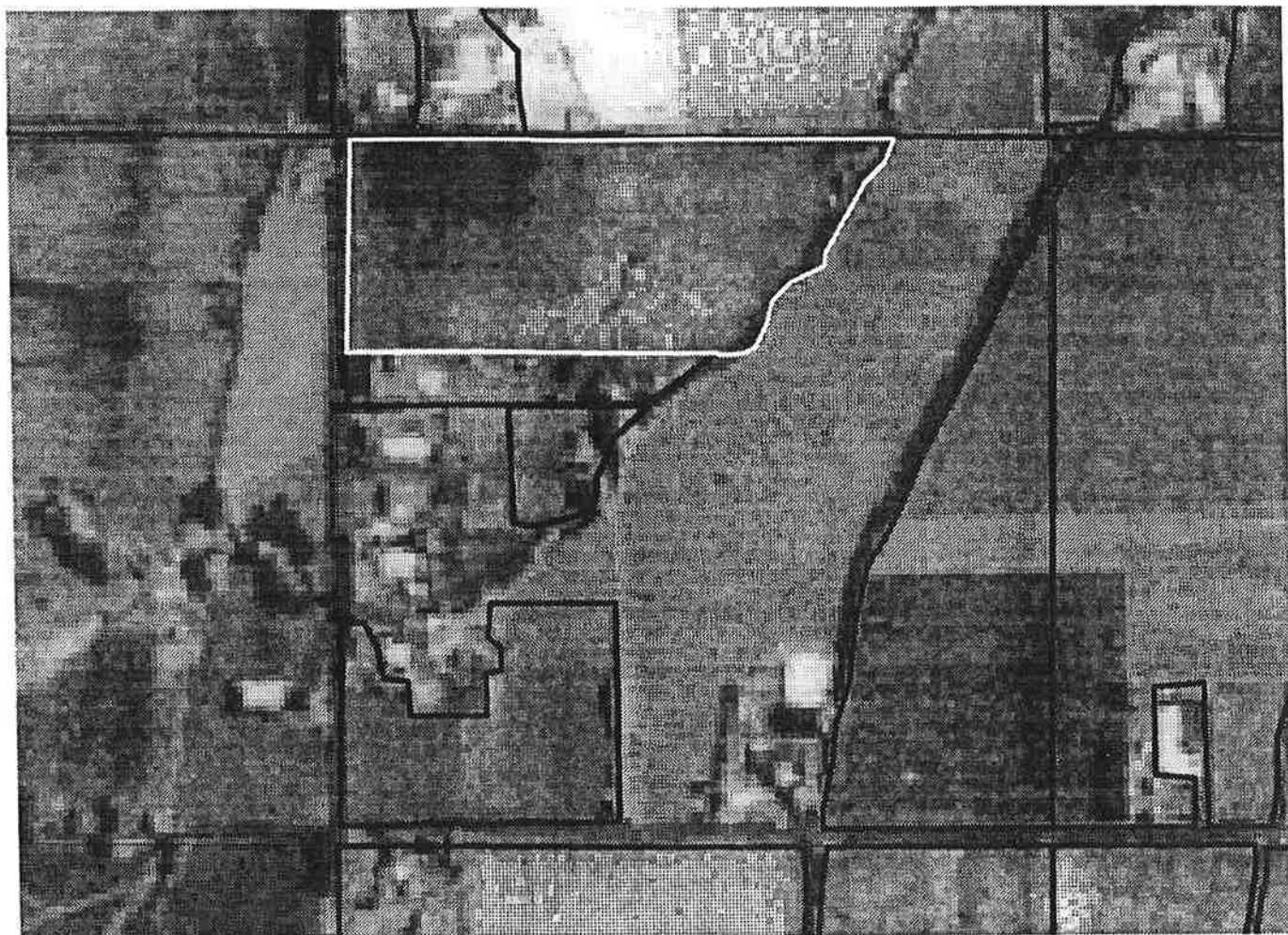
WR

30-00035E

Soil_type	Sum_Acres.Decima	Mad_row	Mad_for	Fir_row	Fir_for
KEC	0.5300	1.11	1.84	0.040	0.028
KOA	2.8200	1.30	2.47	0.036	0.024
KOB	4.6300	1.23	1.99	0.037	0.027

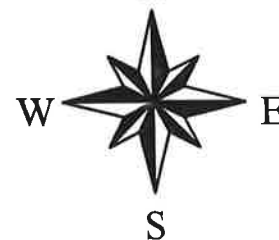
IDAHO DEPARTMENT OF WATER RESOURCES

36-00034E & 36-00035E
LLOYD & KATHLEEN BROWN



660 0 660 1320 Feet

TNS 8S, RNG 21E, SEC 32
TNS 9S, RNG 21E, SEC 5



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY NOVEMBER 1997
BY JEANIE ROBERTSON

AGENT

OBJECTION FILED _____

TOTAL ACRES FROM RECOMMENDATION 8

GEOGRAPHIC INFO SYSTEM 7.98

0

SENT FOR DECREE yes () no ()

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 11 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

10/09/90 11:22:25
Page 1

Water Right Number - A36-00034A

Adj. Flag Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPLIT CLAIM

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000
1 - RT. 1 BOX 34
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6537
1 - RT. 1 BOX 34
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6537

*** O - ORIGINAL OWNER ***
SMITH

HAROLD W.

SMITH

WILMA A.

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/30/1884 Error in Region Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER
SPLIT CLAIM

Tw	Rng	Sec	Tract	Lot	Rflg	Point of Diversion	County (Blank if no Index Code)
07S	13E	11	SE NE			(47) GOODING	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.160	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.160 30.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	27	NW NE		10.0	01	IRRIGATION	(47) GOODING

Total Acres: 10.0

+ - Diversion Means - VIA BELL DITCH

+ - Non-Irrigation Use -

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OCT 11 1994

Court Report Filing	-	00/00/0000	Field Inspection Made	-	08/16/1990	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	07/13/1988	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	S000912	Water District	-	
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	OR	Presumption Flag	-	

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OCT 11 1994

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

SPLIT CLAIM

Ident. Number: A36-00034A

Date Received: 7/13/1988

Receipt No: S000912

Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD W. SMITH 208-837-6537
Address: RT. 1, BOX 34
HAGERMAN, ID 83332

OR

Name: WILMA A. SMITH 208-837-6537
Address: RT. 1, BOX 34
HAGERMAN, ID 83332

2. Date of Priority: MAR 30, 1884

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SE	NE			GOODING

5. Description of diverting works:
VIA BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.160		

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:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	27	NW	NE		IRR	10.0
Section Acres							10.0
Total Acres							10.0

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:
A36-00033A

14. Remarks:
TOTAL CONSUMPTIVE USE IS ON ABOVE WR. THIS WR AS CLAIMED ON
THE WARRANTY DEED IS PROBABLY BASED ON WR #36-00024. THIS
IS BELEIVED TO BE IN ERROR; WRONG POU. CORRECT POU LISTED
THE ABOVE WR# AS THE TRUE WR.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

IDAHO POWER COMPANY
Decree Defendant

vs

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 X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

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

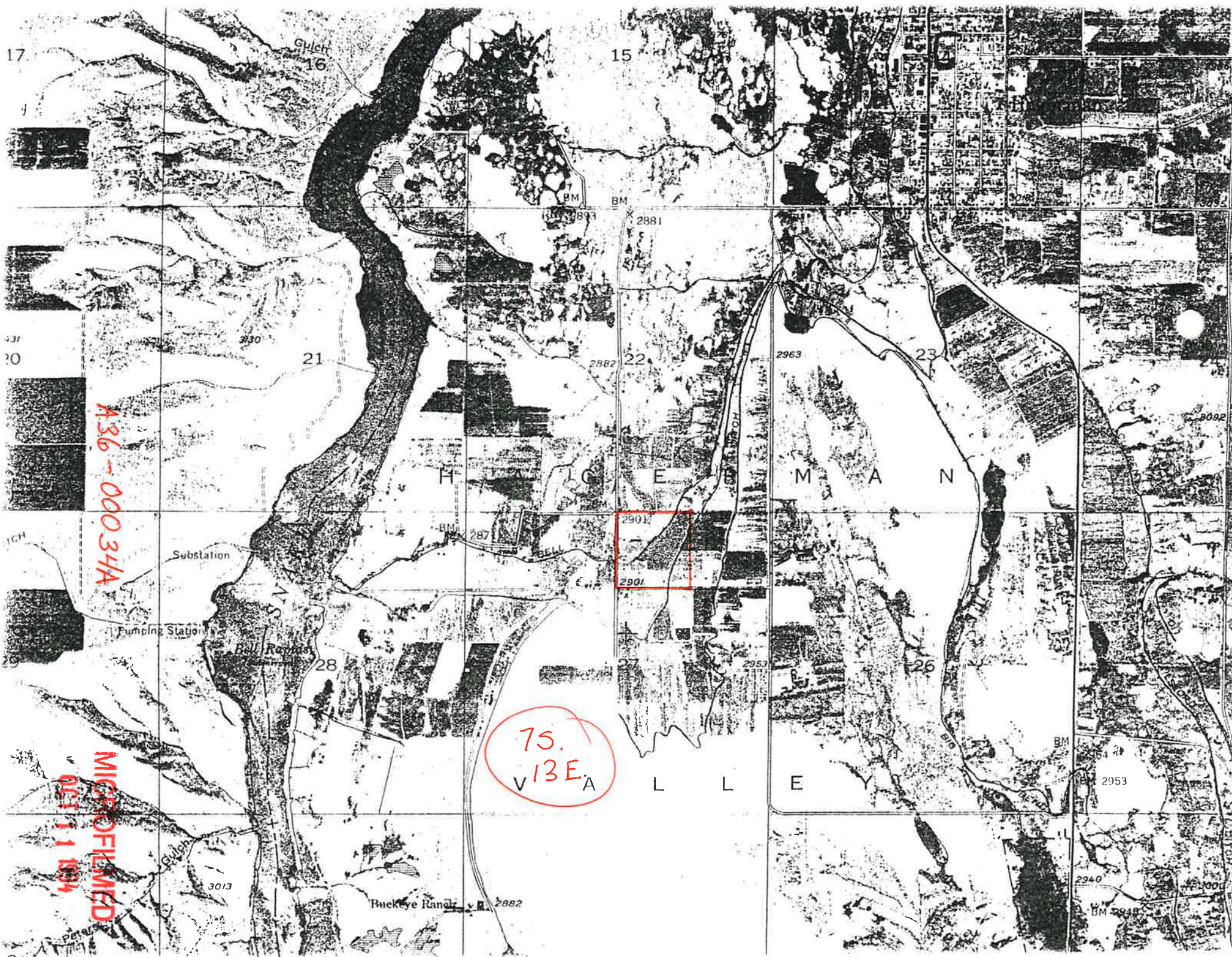
Signature of Claimant(s): Herold W. Smith Date: 07-13-1988
_____ Date: _____

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

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

Seal

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



A36-00034A

MICROFILMED
05111894

75.
13E
V A

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[☒] Water Right Number(s): A36-07437, A36-00034A, -00035D

[☒] Name and Address of Former Claimant: Harold W. Smith and Wilma A. Smith

2810 South 850 East

Hagerman, Idaho 83332

[☒] New Claimant(s): Lloyd Brown or Kathleen Brown

[☒] New Mailing Address: 2802 South 850 East

Hagerman, Idaho 83332

New Telephone Number: (208) 837 - 6101

[☒] Does the change in ownership result in a splitting of the water right claimed? X yes no

If yes, then describe the portion of the water right that is now claimed by the new owner:

0.24 - 0.28 cfs from the Buckeye Ditch is to be transferred to the new owner.

0.10 cfs from the Bell Ditch is to be transferred to the new owner.

One-Half interest in domestic water right #36-07437

[☒] Attach proof of ownership Describe proof attached: Copy of the recorded Warranty Deed & Copy of the Hot Water Well Agreement

[☒] Signature of New Claimant(s): Lloyd Brown

Date: September 28, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-5-90 By: SCC

Further Action Needed: NO YES

Further Action Taken

Date: 10-9-90 By: SCC

Final Review and Data-Entry

Date: 10-9-90 By: SCC

Claim Numbers of Split, if any:

A36-07437A

A36-07437B

A36-00035G
- SMITH

A36-00034E ?
-00034F ?
-00035F ?
MICROFILMED
OCT 11 1994
FOX



WARRANTY DEED

For Value Received

Harold W. Smith and Wilma A. Smith, husband and wife,
 hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
 Lloyd Brown and Kathleen Brown, husband and wife,
 hereinafter referred to as Grantee, whose current address is
 2802 South 850 East, Hagerman, ID, 83332
 the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH 14 shares of Buckeye Ditch water and 5 shares of Bell Ditch water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner 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 Grantor will warrant and defend the same from all claims whatsoever.

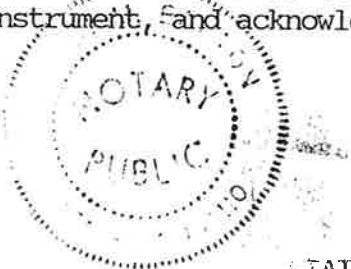
Dated: September 28th, 1990.

Harold W. Smith
 Harold W. Smith

Wilma A. Smith
 Wilma A. Smith

STATE OF IDAHO)
) : SS
 COUNTY OF Gooding)

On This 28th day of September, in the year 1990, before me, a Notary Public in and for said State, personally appeared Harold W. Smith and Wilma A. Smith, known or identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.



Dorothy M. Bilton
 Notary Public for Idaho
 Residing at Gooding, Idaho
 Commission Expires: 10/16/92

142408

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of **FIRST AMERICAN TITLE**

5 min. past 1 o'clock P M. this 28
 of Sept, 1990.

JOHN A. MYERS, Recorder

for 6.00

First American Title Company of Idaho

EXHIBIT "A"

Part of the Northwest Quarter of the Northeast Quarter of Section 27, Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho, described as follows:

Beginning at the Southwest corner of said Northwest Quarter of the Northeast Quarter;
Thence North 0°24' East, 771.9 feet along the West line of said Northwest Quarter of the Northeast Quarter to the True Point of Beginning;
Thence North 89°50' East, 584.47 feet to the East bank of Bell Irrigation Ditch;
Thence along the East bank of said Bell Irrigation Ditch the following courses and distances:
 Thence North 55°31' East, 263.3 feet;
 Thence North 22°59' East, 85.25 feet;
 Thence North 59°09' East, 91.67 feet;
 Thence North 18°59' East, 75.9 feet;
Thence North 36°06' East, 207.3 feet to the North line of said Northwest Quarter of the Northeast Quarter;
Thence South 89°52' West, 1053.25 feet to the North Quarter Corner of said Section 27;
Thence South 0°24' West along West line of the Northwest Quarter of the Northeast Quarter 516.5 feet to the Point of Beginning.

LESS AND EXCEPTING:

A parcel of land located in the Northwest Quarter of the Northeast Quarter of Section 27, Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho and more particularly described as follows:

Commencing at the North Quarter corner of said Section 27,
Thence South 0°55'18" West along the West boundary of the Northwest Quarter of the Northeast Quarter of Section 27, for a distance of 403.52 feet to the TRUE POINT OF BEGINNING;
Thence South 89°57'22" East for a distance of 222.63 feet;
Thence South 85°30'03" East for a distance of 140.41 feet;
Thence South 89°19'13" East for a distance of 378.76 feet to a point on the East bank of Bell Irrigation Ditch;
Thence along the East bank of Bell Irrigation Ditch on the following courses:
 South 50°19'02" West, 32.85 feet;
 South 71°31'56" West, 26.94 feet;
 South 56°14'22" West, 108.36 feet;
Thence leaving the East bank of Bell Irrigation Ditch, South 89°16'33" West for a distance of 277.18 feet;
Thence South 0°55'18" West parallel with the West boundary of the Northwest Quarter of the Northeast Quarter for a distance of 8.57 feet;
Thence North 89°38'42" West for a distance of 325.0 feet to a point on the West boundary of the Northwest Quarter of the Northeast Quarter;
Thence North 0°55'18" East along the West boundary of the Northwest Quarter of the Northeast Quarter of Section 27 for a distance of 115.48 feet to the TRUE POINT OF BEGINNING.

MICROFILMED
OCT 11 1994

H. W. J. mas

HOT WATER WELL AGREEMENT

This Agreement is made and entered into this 17th day of September, 1990, by and between Harold W. Smith and Wilma A. Smith, husband and wife, hereinafter referred to as "Smiths," and James Fox, a single man, hereinafter referred to as "Fox."

RECITALS:

1. Smiths own a State of Idaho Department of Water Resources Water Permit No. 36-7437 for a hot water well, said well being located upon the south two acres of certain real property located in Gooding County, Idaho, described on Exhibit "A" which is attached hereto and by this reference made a part hereof. Said property is hereinafter referred to as "Parcel A."

2. Smiths are selling said south two acres to Fox and desire to retain the balance of said property.

3. Smiths desire to retain an undivided one-half interest in said unfinished well for use on that portion of Parcel A which they are not selling to Fox.

4. Smith and Fox desire to set forth their respective interest in said hot water well.

NOW, THEREFORE, the parties agree as follows:

1. Smiths shall retain and Fox grants to Smiths an undivided one-half interest in a hot water well located on Parcel A.

2. Smiths shall retain and Fox grants to Smiths a fifteen foot right of way (7-1/2 feet on each side of said pipe) from the well site itself to the Smiths' property. Smiths shall use the most direct route possible for placement of the pipe line. Smiths shall be responsible for all costs of installation and maintenance of said pipe line.

3. Any expenses incurred in the repair and maintenance of said well, pipes or appurtenances and building constructed in conjunction with the use of said well and the water it produces will be paid by one-half by the Smiths and one-half by Fox. Provided, however, the cost to complete the well shall be the sole and exclusive expense of Smiths.

1 4. The parties acknowledge that the well is
2 presently unfinished and plugged at the bottom and that
3 Smiths may abandon the well if they so desire or may at their
4 expense deepen the well at no cost to Fox. Should Smith
elect to deepen the well, Fox hereby grants the right of
ingress and egress for the purpose of drilling said well
deeper. Should Smiths elect not to deepen the well, they may
keep any cash settlement received from Justice Drilling Co.

5 5. If the well is not deepened within three
6 years, their right shall lapse and Smiths will have no right
in said hot water well.

7 6. The rights to said well, water permit and pipe
8 line easement which are granted herein shall run with and
become an appurtenance to that portion of Parcel A that is
being retained by Smiths.

9 7. The parties agree that this Agreement will be
binding upon their heirs and assigns.

10 IN WITNESS WHEREOF, the parties have signed this
11 Agreement the dates set forth opposite their respective
signature lines.

12 Dated: 09-17, 1990

Harold W. Smith
Harold W. Smith

14 Dated: 9-17, 1990

Wilma A. Smith
Wilma A. Smith

"Smiths"

17 Dated: Sept 17, 1990

James Fox
James Fox

"Fox"

19 STATE OF IDAHO)
20 : ss
County of Gooding)

21 On this 17 day of September, 1990, before
22 me, the undersigned, a Notary Public in and for said County
and State, personally appeared Harold W. Smith and Wilma A.
Smith, husband and wife, known to me to be the persons whose

1 names are subscribed to the foregoing instrument, and
acknowledged to me that they executed the same.

2 IN WITNESS WHEREOF, I have hereunto set my hand and
3 affixed my official seal the day and year in this certificate
4 first above written.
5

Susan M. Bolton
NOTARY PUBLIC FOR IDAHO
Residing at: Gooding, ID
My Commission Expires: 10-16-92

6 STATE OF IDAHO)
7 : ss
8 County of Gooding)

9 On this 17th day of September, 1990, before
me, the undersigned, a Notary Public in and for said County
10 and State, personally appeared James Fox, known to me to be
the person whose name is subscribed to the foregoing
instrument, and acknowledged to me that he executed the
same.

11 IN WITNESS WHEREOF, I have hereunto set my hand and
12 affixed my official seal the day and year in this certificate
13 first above written.
14

Susan M. Bolton
NOTARY PUBLIC FOR IDAHO
Residing at: Gooding, ID
My Commission Expires: 10-16-92

15 \KHA\SMITHHWW
16

142287 up

17 OF IDAHO, COUNTY OF GOODING

18 Filed for record at the request of FIRST AMERICAN TITLE

30 min. past 3 o'clock P M. this 17

19 of Sept, 1990. Fee \$12.00

20 JOHN A. MYERS, Recorder

21 By William K. Pratt Deputy

22
23
HOT WATER WELL AGREEMENT - 3

EXHIBIT "A"

PARCEL A (Koopman)

Township 7 South, Range 13 East of the Boise Meridian

Section 27: Part of the NW 1/4 NE 1/4, described as follows:

Beginning at the Southwest corner of said NW 1/4 NE 1/4;

Thence N $0^{\circ}24'E$, 771.9 feet along the West line of said NW 1/4 NE 1/4 to the True Point of Beginning:

Thence N $89^{\circ}50'E$, 584.47 feet to the East bank of Bell Irrigation Ditch;

Thence along the East bank of said Bell Irrigation ditch the following courses and distances;

Thence N $55^{\circ}31'E$, 263.3 feet;

Thence N $22^{\circ}59'E$, 85.25 feet;

Thence N $56^{\circ}09'E$, 91.67 feet;

Thence N $18^{\circ}59'E$, 75.9 feet;

Thence N $36^{\circ}06'E$, 207.3 feet to the North line of said NW 1/4 NE 1/4;

Thence S $89^{\circ}52'W$, 1053.25 feet to the North quarter corner of said Section 27;

Thence S $0^{\circ}24'W$, along the West line of NW 1/4 NE 1/4, 516.5 feet to the point of beginning.

IN THE COUNTY OF GOODING, STATE OF IDAHO

Together with 12 shares of water in the Buckeye Ditch.

MICROFILMED

OCT 11 1994

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
JAN 21 1994

AUG-24-1992

NOTICE OF ERROR FORM

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

RECEIVED

OCT 02 1992

Department of Water Resources

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: *36-00034E*
2. Name: *Lloyd Brown*
Address: *2802 S 850 E*
Hagerman, Id. 83332
Weekday Telephone Number: *837-6101*

RECEIVED

OCT 05 1992

Department of Water Resources
Southern Region Office

MICROFILMED

JAN 21 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

CFS- decreed

4. Describe the changes you wish to have made in the proposed recommendation:

.30 CFS

5. Describe why you disagree with the proposed recommendation:

*It takes 3 inches per acre the first
irrigation to water this ground.*

6. Date: *9-22-92*

SIGNATURE

Lloyd Brown



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 19, 1992

LLOYD BROWN
2802 S 850 E
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)
Notice of Error Response
Recommended Right Nos. 36-00034E and 36-00035E

Dear Mr. Brown,

You recently filed a Notice of Error with IDWR concerning the water right referenced above. No change to our recommendation has been made at this time.

You have requested an increase in the amount of water recommended for diversion under this right. Our investigation included consideration of your soil types, irrigation methods and the established weather and crop correlations as identified by local research. The amount of water recommended for your water right is the amount determined to be adequate for the beneficial use you have described. No further increase will be recommended without evidence to support the beneficial use of additional flows.

After reviewing our explanation, you may still disagree with the proposed IDWR recommendations. You may file an objection with the Court after you receive the final recommendation of your water right. The objection process will be explained at the time you receive this final recommendation.

Please contact this office if you have other questions or concerns.

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:rm

MICROFILMED

JAN 21 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KATHLEEN BROWN	03/30/1884	IRRIGATION	03-15 11-15	0.10 CFS	
C	LLOYD BROWN					
	2802 S 850 E					
	HAGERMAN ID 83332			TOTAL DIVERSION:	0.10 CFS	
	(208) 837-6101					

Water Source: BILLINGSLEY CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T07S R13E S11 NWSENE GOODING 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	:	
07S	13E	27	:			08		:					:					:					:	8.0
																							TOTAL ACRES	8.0

POU County: GOODING

Other Rights: 36-00035E

Remarks: WATER IS DELIVERED THROUGH THE BELL DITCH.
USE OF THIS RIGHT WITH RIGHT NO. 36-00035E IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 24 AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 8 ACRES IN A SINGLE
IRRIGATION SEASON.

Dates: Exam Made Date: Verified Date: 10/19/1992

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag:

Comments: Date: 08/07/1992 User-ID: CHRISTEN Subject: COPIED FROM REMARKS
CHANGE OF OWNERSHIP 9-28-1990.

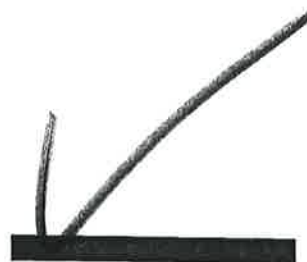
Date: 10/02/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 10/2/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/7/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/19/1992 User-ID: SOUTH3 Subject: NO CHANGE TO RECOMMENDATION
A LETTER EXPLAINING CFS RECOMMENDATION HAS BEEN SENT. RMC

Audit: 10/19/92 SOUTH3

MICROFILMED
JAN 21 1993

R PROOF



CVR



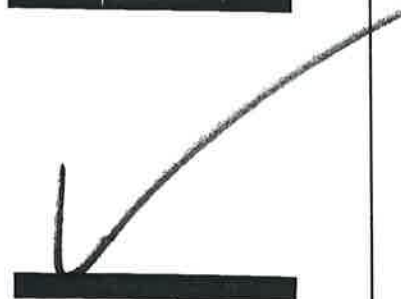
MAPS



PHOTOS



MISC



MICROFILMED

Water Right Number - R36-00034E Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BROWN

KATHLEEN

1 - 2802 S 850 E
2 -
3 -
City- HAGERMAN
Phone - 208-837-6101
1 - 2802 S 850 E
2 -
3 -
City- HAGERMAN
Phone - 208-837-6101

State- ID Zip- 83332

BROWN

LLOYD

State- ID Zip- 83332

*** O - ORIGINAL OWNER ***
SMITH

WILMA A

1 - RT 1 BOX 34
2 -
3 -
City- HAGERMAN
Phone - 208-837-6537
1 - RT 1 BOX 34
2 -
3 -
City- HAGERMAN
Phone - 208-837-6537

State- ID Zip- 83332

SMITH

HAROLD W

State- ID Zip- 83332

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
03/30/1884 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 13E 11 NW SE NE (47) GOODING

+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.100

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.100 0.0

+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 27 NW NE 8.0 01 IRRIGATION (47) GOODING

Total Acres: 8.0

VERIFIED BY KKC

MICROFILMED
JAN 21 1993

Water right number - R36-00034E Prefix Translation: RESEARCH

+ - - Diversion Means - VIA BELL DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-00035E

+ - - - - - Remarks - - - - - +

WATER IS DELIVERED THROUGH THE BELL DITCH.
USE OF THIS RIGHT WITH RIGHT NO. 36-00035E IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 24 AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 8 ACRES IN A SINGLE
IRRIGATION SEASON.

+ - - - - - Old Water Right Numbers - - - - - +
3600034A

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
Date: 08/07/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
CHANGE OF OWNERSHIP 9-28-1990.

+ - - Audit Fields - - +
08/07/92 CHRISTEN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 08/07/1992 | Old Judicial District | - |
| Claim Received Date | - 07/13/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X999999 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

A36-00034 E

17:07:54
06/28/90

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00034A

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | N | | 8-16-90
SCU | N | | 8-7-92 | DB | KKC
8-7-92 |
| POINT OF DIV | Y N | | 8-6-92
SCU | (Y) | | | | |
| SOURCE | N | | | N | | | | |
| PLACE OF USE | Y (Y) | | | (Y) | 12456 | | | |
| DIV. AMOUNT
CFS/VOLUME | Y N | | | N | | | | |
| CONSUMPTIVE USE | - N | | | (Y) | | | | |
| PURPOSES | N | | | N | | | | |
| PERIOD OF USE | Y N | | | (Y) | 6 | | | |
| BASIS OF CLAIM | Y N | | | N | | | | |
| REMARKS | Y N | | | (Y) | 6 | | | |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

SPLIT :

A36-00034 E BROWN

A36-00034 F FOX

MICROFILMED

JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:07:54
06/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00034A

LAST: SMITH
ADDRESS: RT. 1 BOX 34
CITY: HAGERMAN
PHONE NUMBER: 208-837-6537

FIRST: HAROLD W.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: SMITH
ADDRESS: RT. 1 BOX 34
CITY: HAGERMAN
PHONE NUMBER: 208-837-6537

FIRST: WILMA A.

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: TOTAL CONSUMPTIVE USE IS ON ABOVE WR. THIS WR AS CLAIMED ON
THE WARRANTY DEED IS PROBABLY BASED ON WR #36-00024. THIS
IS BELIEVED TO BE IN ERROR; WRONG POU. CORRECT POU LISTED
THE ABOVE WR# AS THE TRUE WR.

MICROFILMED

JAN 21 1993

CONTACT PERSON: HARold SmithDATE OF FIELD EXAM: 8/16/90APPOINTMENT MADE: Y() N(☒)

PHONE NUMBER: () - -

TIME: 3:45 A() P(☒)

ACCOMPANIED BY: _____

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

I spoke to Mr. + Mrs. Smith about the system they use + the divisions
for the neighboring lots.

MICROFILMED

JAN 21 1993

AJ CLAIM: # A36-00034A

PRIORITY DATE: 03-30-1884

STAGE: D

B. WR RECORD: # 36-00034

PRIORITY DATE: 03-30-1884

STAGE: D

C. FIELD EXAM REQUIRED?

DATABASE
NFIELD
EXAMINER
N

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)

IF YES EXPLAIN.

REMARKS: Priority date is same for both 36-00024 & 00034. Therefore priority same regardless of which decreed rt. this is based on 36-00034 is the correct right. see

Actual WR for this piece of land is very confusing. Delivery methods of these rights is very complex, and remains largely guess work since no types of any kind of measuring devices were found.

What is fact is this: this land is irrigated with water from Billingsley

RECOMMENDED PRIORITY DATE:
03-30-1884

DATE 7-12-90

REVIEWED BY hht

→ creek and it is diverted by ~~the~~ slide gates in the Bell Ditch.
WR 36-00034 was deemed to be Delivered by Bell ditch.

per field exam & review

see 8-7-92

MICROFILMED

JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|---------|
| A36-00034A | 07S | 13E | 11 | | SE | NE | | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX
 A36-00025
 A36-00087
 A36-07658
 A36-10409

R PREFIX
 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-00003
 36-00005
 36-00019
 36-00021
 36-00024
 36-00025
 36-00026
 36-00027
 36-00035A
 36-00035B
 36-00039A
 36-00039B
 36-00040
 36-00051
 36-00052
 36-00064
 36-00065
 36-00067
 36-00071
 36-00076
 36-00077
 36-00082
 36-00083
 36-00085
 36-00087
 36-00088
 36-00089
 36-00090
 36-00091
 36-00094
 36-00095
 36-00096
 36-00103
 36-00108
 36-00112A
 36-00112B
 36-00113B
 36-00113C
 36-00113D
 36-00125
 36-04008
 36-04115
 36-04261
 36-07271
 36-07658
 36-07739

MICROFILMED

JAN 21 1993

36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-00034 | 07S | 13E | 11 | | SE | NE | | GOODING |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

| | | |
|-----------|------------|------|
| 36-00003 | A36-00025 | NONE |
| 36-00005 | A36-00087 | |
| 36-00019 | A36-07658 | |
| 36-00021 | A36-10409 | |
| 36-00024 | A36-00051D | |
| 36-00025 | A36-10119 | |
| 36-00026 | A36-10120 | |
| 36-00027 | A36-10751 | |
| 36-00035A | A36-10752 | |
| 36-00035B | A36-10755 | |
| 36-00039A | A36-10061 | |
| 36-00039B | A36-00103B | |
| 36-00040 | A36-00108A | |
| 36-00051 | A36-00003G | |
| 36-00052 | A36-00027 | |
| 36-00064 | A36-00039C | |
| 36-00065 | A36-00090E | |
| 36-00067 | A36-00051B | |
| 36-00071 | A36-00076A | |
| 36-00076 | A36-00089B | |
| 36-00077 | A36-00089D | |
| 36-00082 | A36-10283 | |
| 36-00083 | A36-10312 | |
| 36-00085 | A36-00090A | |
| 36-00087 | A36-00003D | |
| 36-00088 | A36-00090B | |
| 36-00089 | A36-00090C | |
| 36-00090 | A36-00090D | |
| 36-00091 | A36-00090F | |
| 36-00094 | A36-00108F | |
| 36-00095 | A36-00125A | |
| 36-00096 | A36-00026 | |
| 36-00103 | A36-00051C | |
| 36-00108 | A36-00071A | |
| 36-00112A | A36-00089A | |
| 36-00112B | A36-00108C | |
| 36-00113B | A36-00108D | |
| 36-00113C | A36-00108E | |

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JAN 21 1993

36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

A36-00108H
A36-04008
A36-04115
A36-04261
A36-00113B
A36-10316
A36-10588
A36-00039J
A36-00096A
A36-00113F
A36-00113G
A36-10559
A36-00048B
A36-00048C
A36-10223
A36-00103A
A36-00003B
A36-00003C
A36-00003E
A36-00003F
A36-00003J
A36-00039G

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JAN 21 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE

Y
N

FIELD
EXAMINER

27

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC.

7S 13E 11

1/4

1/4

1/4

LOT

COUNTY

NWSENE—Gooding.change
Qain

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY:

hwt

DATE:

7-12-90VIA Bell Ditch

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ROOT WATER RIGHT NUMBERS: A36-00034A
A36-00034B
A36-00034C
A36-00034D

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B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM
ACRES |
|-------------|-----|-----|-----|-----|-----|--------------------------------|------------------|---------------|-----------------|-----------------|-----------------|
| 07S | 13E | 27 | NW | NE | | SMITH, HAROLD W. | A36-00034A /10.0 | - / | 38.0 | X | |
| | | | | | | STURTEVANT, JOYCE | A36-07252 / | 36-07252 / | | | |
| | | | | | | SMITH, HAROLD | A36-07437 / | 36-07437 / | | | |
| | | | | | | SMITH, HAROLD W. | A36-10207 / | - / | | | |
| | | | | | | DRAGE, GORDON | A36-10392 / | - / | | 8 | |
| | | | | | | SCHEUERMANN, RUTH F. | A36-10472 / | - / | | | |
| | | | | | | BEUTLER, KAY E. | A36-10616 / | - / | | | |
| | | | | | | SHAFFER, ROGER | A36-00034B / 1.0 | - / | | | |
| | | | | | | DRAGE, GORDON | A36-00034C / 5.0 | - / | | | |
| | | | | | | SMITH, WILMA A. | A36-00033A /10.0 | - / | | | |
| | | | | | | CLIFFORD, EDNA N. | | 36-00033 / | | | |
| | | | | | | CLIFFORD, EDNA N. | | 36-00034 / | | | |
| | | | | | | BIG BEND IRRIGATION & MINING C | | 36-00133 / | | | |
| | | | | | | BIG BEND IRRIGATION & MINING C | | 36-00192 / | | | |
| TOTAL ACRES | | | | | | | A36-00034A | 10.00 | 38.00 | 10.0 | |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(~~X~~)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

this portion: 8 Acres

*field exam
8.6-92
su*

"R" Claim Split:

A36-00034 E

NW NE

8.0

A36-00034 F

NW NE

1.5

** Based on limits of this right
and the required field diversion,
this right is limited to irrigation
of 8 acres within a P.P.U. of
8 acres described. su 8-7-92*

ASSUMPTION FLAG:

REMARKS:

~~Plot includes the Rental house + yard to the immediate South
of Smith's house~~

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RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

~~8.0 acres KKC~~

10.0

SCC

8 acres / 8 acre P.P.U.

DATE:

9-18-90

(in change of ownership no water was allotted for this rental house and yard.)

A. AJ CLAIMED USES:

PURPOSES
A36-00034A IRRIGATION

MONTH/DAY
FROM ~~03-15~~ TO ~~11-15~~

4-1 10-31

DIVERSION QUANTITY
.160 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.160 CFS

B. WR RECORDED USES:

PURPOSES
36-00034 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
1.500 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE
N
Y
Y

FIELD
EXAMINER
N
Y
N

Excessive water

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X) Explain in remarks, below.

REMARKS:

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JAN 21 1993

DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(X)

AJ TOTAL CLAIMED DIVERSION RATE: 0.160 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.500 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y N

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B. FLOW MEASUREMENT
MEASUREMENT METHOD Theoretical, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? (Y(Y) N()) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~A36-00033A~~

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-------------------|-------------------|-----------|----------------|-----------|----------------|
| A36-00034A | BILLINGSLEY CREEK | SMITH , HAROLD W. | 0.160 | 0.016 | | |
| A36-00034B | BILLINGSLEY CREEK | SHAFFER , ROGER | 0.020 | 0.020 | | |
| A36-00034C | BILLINGSLEY CREEK | DRAGE , GORDON | 0.200 | 0.040 | | |
| A36-00033A | WEATHERBY SPRINGS | SMITH , WILMA A. | 0.320 | 0.032 | | |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|------------|-----------------------|---------------------|----------|----------|
| A36-07252 | STOCKWATER | STURTEVANT , JOYCE | FROM 01-01 TO 12-31 | .002 CFS | .70 AF/A |
| A36-07252 | DOMESTIC | STURTEVANT , JOYCE | FROM 01-01 TO 12-31 | .030 CFS | .60 AF/A |
| A36-07437 | DOMESTIC | SMITH , HAROLD | FROM 01-01 TO 12-31 | .030 CFS | .50 AF/A |
| A36-10207 | DOMESTIC | SMITH , HAROLD W. | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10392 | DOMESTIC | DRAGE , GORDON | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10392 | STOCKWATER | DRAGE , GORDON | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10472 | DOMESTIC | SCHEUERMANN , RUTH F. | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10616 | DOMESTIC | BEUTLER , KAY E. | FROM 01-01 TO 12-31 | .040 CFS | |

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JAN 21 1993

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 10 ^{8.0} x 0.02 CFS/ACRE = 0.20 ^{0.16} CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 30.0 AF/A

ACRES 10 ^{8.0} x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 30 ²⁴ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 10 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 40 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

1b. CALCULATIONS

analysis recommends
0.02 cfs/ac

allow 0.16 cfs

limited by claim to
0.10 cfs

no allowance for the
conveyance loss of 0.03 cfs

Balance of F.I.R. is made up by 36-00035E,

* actual Diversion Rate of this Right:
0.10 cfs / 8 ac = 0.0125 cfs/Acre

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JAN 21 1993

DIVISION AMOUNT REVIEW SHEET CONTINUED

RECOMMENDATIONS:

| REC. PURPOSES | REC. PERIOD | | REC. DIV | | REC. DIV | | REC. CONS. | |
|-------------------------|-------------|-------|----------------------|----------|----------|----------|------------|----------|
| | FROM | TO | RATE | CFS | VOL. | AF/A | USE | |
| IRRIGATION | 4-1 | 10-31 | DATABASE | EXAMINER | DATABASE | EXAMINER | DATABASE | EXAMINER |
| | 03-15 | 11-15 | 0.160 | 0.10 | 30.0 | 30.0 | 30.0 | 30.0 |
| TOTAL FOR THIS RIGHT | | | 0.160 | 0.10 | | | 24 | |
| REVIEWED BY: <u>hht</u> | | | DATE: <u>7-12-90</u> | | | | | |

Can't recommend more than claimed.

A36-00034 E

4-1 10-31
3-15 to 11-15

0.10 cfs

N/A
32.0

24.0

K06 - 5 Acres

F01 = Bell D.

E09 = 36-00035E
(NO DIV RATE)
24 AF CU
8 Ac.

Recommended rate is based upon
statement in change of ownership.
This rate is not in violation of dept
standards therefore accept as claimed.
KKC
7-24-92

See 8-7-92

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JAN 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

| | | |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____ | ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
| FORFEIT/ABANDON _____ | (X) | () |
| ADDITIONAL DIV. AMOUNT _____ | (X) | () |
| | (X) | () |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00034

| | | | |
|-----------------------------------|-------------------|-------------------|-----|
| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE
1.500 | EXAMINER
_____ | CFS |
|-----------------------------------|-------------------|-------------------|-----|

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|---|-------------------|---------------------------|------------------|---------------------|-------------------|
| A36-00034 | A36-00034A E | 0.160 | - | | 36-00034 | 1.500 |
| A36-00034 | A36-00034B F | 0.020 | - | | 36-00034 | 1.500 |
| A36-00034 | A36-00034C | 0.200 | - | | 36-00034 | 1.500 |
| A36-00034 | A36-00034D | 0.400 | - | | 36-00034 | 1.500 |
| TOTAL CFS | | 0.780 | | | | 1.500 |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

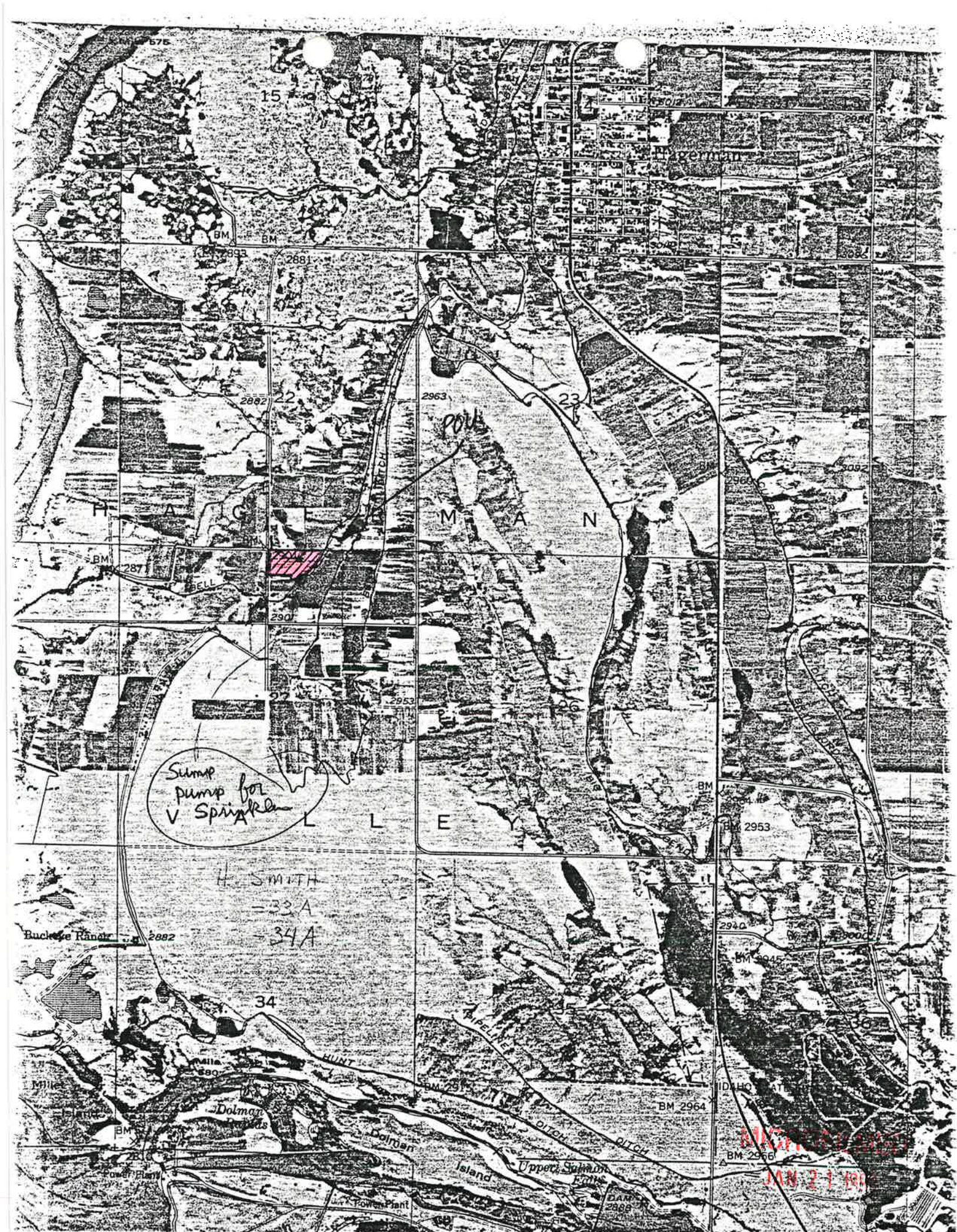
REMARKS:

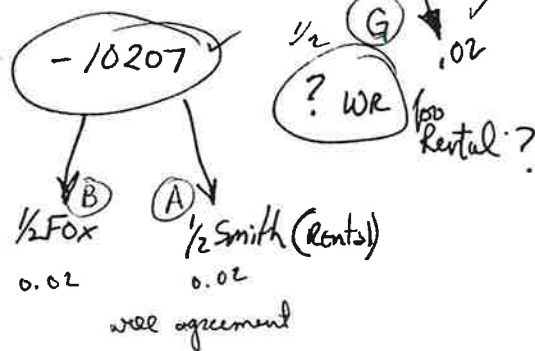
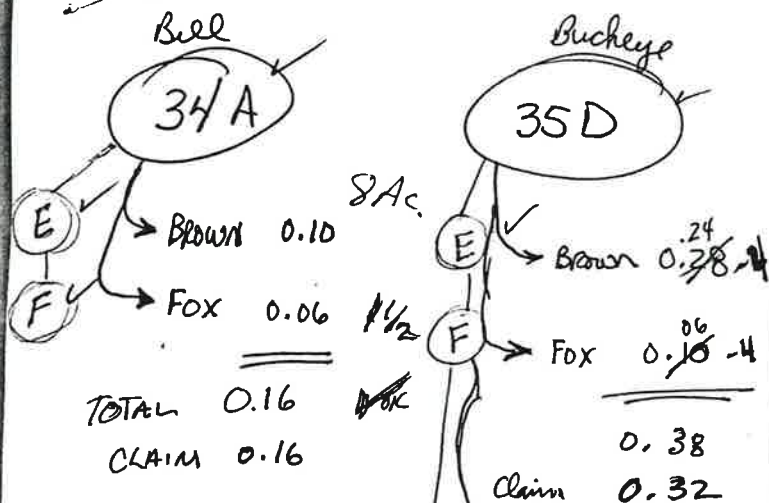
AUTHENTICATION:

SIGNATURE: Steve [Signature]

DATE: 9-18-90

NAME OF FIELD EXAMINER: _____ TITLE: _____

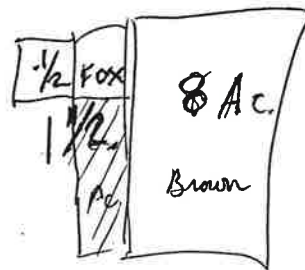




Jensen?

* Splits don't add up!

* Rental/Smith NO WR's



PARENT RIGHT NO. 36-00034 TOTAL DIVERSION RATE 1.50 cfs PREPARATION DATE 8-7-92 Scu

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JAN 21 1983

A36-00035B
A36-00035C

~~A36-00035D~~ ~ ~ ~ ~

13.9

BELL -
BE.

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|------------------------------|-----|-----|-----|-----|-----|--------------------------------|-------------------|---------------|-----------------|----------------|------------------|
| 07S | 13E | 27 | NW | NE | | SMITH, WILMA A. | A36-00035D / 10.0 | - | | | |
| | | | | | | STURTEVANT, JOYCE | A36-07252 | 36-07252 | 38.0 | 10 | 10 |
| | | | | | | SMITH, HAROLD W. | A36-10207 | - | | | |
| | | | | | | DRAGE, GORDON | A36-10392 | - | | | |
| | | | | | | SCHEUERMANN, RUTH F. | <u>A36-10472</u> | - | | | |
| | | | | | | BEUTLER, KAY E. | A36-10616 | - | | | |
| | | | | | | SMITH, HAROLD W. | A36-00034A / 10.0 | - | | | |
| | | | | | | SHAFFER, ROGER | A36-00034B / 1.0 | - | | | |
| | | | | | | DRAGE, GORDON | A36-00034C / 5.0 | - | | | |
| | | | | | | BROWN, LLOYD | A36-07437A | - | | | |
| | | | | | | FOX, JAMES | A36-07437B | - | | | |
| | | | | | | DRAGE, GORDON | R36-00034C / 5.0 | - | | | |
| | | | | | | CLIFFORD, EDNA N. | | 36-00033 | | | |
| | | | | | | CLIFFORD, EDNA N. | | 36-00034 | | | |
| | | | | | | BIG BEND IRRIGATION & MINING C | | 36-00133 | | | |
| | | | | | | BIG BEND IRRIGATION & MINING C | | 36-00192 | | | |
| | | | | | | SMITH, HAROLD | | 36-07437 | | | |
| TOTAL ACRES | | | | | | | A36-00035D | 10.00 | 38.00 | | |
| ARE IRRIGATED ACRES FOUND ON | | | | | | | | | | | |

FIELD Exam
8-6-92
SC

34D MULLER
34C DEAGE
35B STURTEJANT

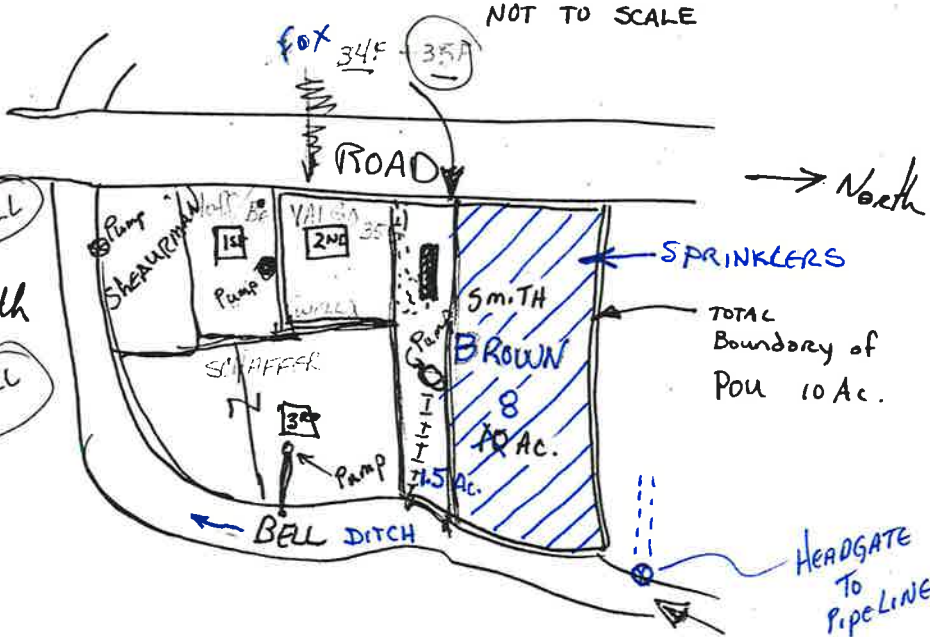
Red
Dyed

NOT TO SCALE

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

1ST = House Hoffman (Bentler) BEHL
2ND = House - ^{WELL} rented owned by Smith
3RD House = (see above) SHAFFER BEHL
No Home,
But a Shop



Final Report

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21 JAN 1963

A36-0004E
- 0004F

A36-00035E
00035F

7-24-92

1987

→ after commencement

original claim A36-00034A
claimed 10 Acres @ 0.16 CFS

SPLIT

34E

agreed split
found claimed 8 acres @ .10 CFS

34F

found 1.5 acres @ .06 CFS

Recommendation based on claim 34A & split agreement
Base right would have been Recommended for 9.5 acres @ .16 CFS
∴ because of split 34E is recommended for 8 acres @ .10 CFS
As claimed

34F is recommended for 1.5 acres @ .04 CFS
Based upon 0.03 CFS/ACRE for
sprinkler irrigation .045 ± .05

1987

→ after commencement

SPLIT

original claim

A36-00033A
Renumbered to

A36-00035D

.32 CFS 10 Acres

this split

35E

found
acres
8

agreed rate
split
24

35F

1.5

.06

35G

.02

Same analysis as above apply, giving
35E Recommendation 8 acres @ .16 CFS (sprinkler @ .02/acre rate)
35F Recommendation 1.5 acres @ .04 CFS

analysis by KKC.

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JAN 21 1993

A36-00035D

CONVERSATION MEMORANDUM

NAME OF PARTY CLIFF JENSEN
EMPLOYEE: STEVE CLELLAND

DATE 10-4-90 11AM
FILE A36-00033A + A36-00034A
HAROLD SMITH

RE: Change of Ownership

Mr. Jensen called to confirm the change of ownership I had received.

Also note the use of Two Houses under claim A36-10209 - The Main Smith House and a Rental.

He clarified these points:

- 1) Hot water Well A36-7437 split $\frac{1}{2} + \frac{1}{2}$.
- 2) -34A = 0.06 FOX, 0.10 BROWN
- 3) -33A = 0.10 FOX, 0.28 BROWN

He requested the claimants copies for personal delivery.

I explained the WR claim A36-00033A needs to be changed to reflect the correct WR number. I told him I would consult my supervisors for correct policies and plan to complete all splits by next week.

NOTES

TO: A36-00035D

DATE: 10-9-90

Spoke to Cliff Jensen Re: split of Smith's Buckeye Rt.
should read: BROWN 0.24

FOX 0.06

Smith 0.02

FROM:

Steve Clelland

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JAN 21 1993

07/13/88
11:43:08

SMITH, HAROLD W.

| | | |
|--|-------------------|----------|
| ADJUDICATION FEE | 0410162 9337 6490 | \$160.00 |
| ADJUDICATION DOCKET SHEET SUBSCRIPTION | 0410196 9337 6515 | \$7.50 |

\$167.50

CHECK 1607

WR/NO: A36-10207 A36-07437 A36-00035D A36-00034A

Idaho Department of Water Resources

Region: SOUTHERN

Signature: _____

10-5-90

changed number from A36-000334

Steve [Signature]

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JAN 21 1993

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS

R36 00034E

AGENT

INITIALS

scu

DATE

8-7-92

R36 - 00035E

CLAIM NO.
OR ENTRY
ORDER

REMARK
CODE

ENTRY DATA

CONDITION
CODE

STAGE
OR
STATUS

PRESUMPTION
CODE

~~FOI~~ ~~36-00034E~~

FOI

Bell Ditch

E09

36-00035E

<Delete Diversion Rate>

24 Ac Ft CU

8 Acus

Water Dist (36A)

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JAN 21 1993