

12/12/2006

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

RIGHT NUMBER: 67-14806

NAME AND ADDRESS: JOHN C BROWN
2730 COUNCIL CUPRUM RD
COUNCIL ID 83612

MARY L BROWN
2730 COUNCIL CUPRUM RD
COUNCIL ID 83612

SOURCE: PEARL CREEK

TRIBUTARY: HORNET CREEK

QUANTITY: 3.260 CFS

Right Nos. 67-387, 67-397, 67-400, 67-14805 and 67-14806 are limited to a total combined diversion rate of 3.26 cfs.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION:

T17N R02W S5 SENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.260 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R02W S04 Lot 4 NWNW	16.00	T17N R02W S04	SWNW	13.00
T17N R02W S04 NWSW	30.00	T17N R02W S05 Lot 1 NENE		40.00
T17N R02W S05 Lot 2 NWNE	11.00	T17N R02W S05	SWNE	35.00
T17N R02W S05 SENE	39.00	T17N R02W S05	SWNW	0.50
T17N R02W S05 SENW	18.00	T17N R02W S05	NESE	16.00
T17N R02W S05 NWSE	0.50			

219 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14806 V1

WATER RIGHT NUMBER: 67-14806 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN C BROWN 2730 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-6018
Current Owner	MARY L BROWN 2730 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-6018

Priority Date: 04/01/1946

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
PEARL CREEK	HORNET CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.260 CFS	
	<u>Total Diversion:</u>	3.260 CFS	

Location of Point(s) of Diversion

PEARL CREEK	SE1/4NW1/4	Sec. 5,	Twp 17N,	Rge 02W, B.M.
ADAMS County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	02W	4						16.0	13.0			30.0							59.0
								L 4											
17N	02W	5	40.0	11.0	35.0	39.0			.5	18.0				16.0	.5				160.0
			L 1	L 2															

Total Acres: 219

Conditions of Approval:

1. E51 Right Nos. 67-387, 67-397, 67-400, 67-14805 and 67-14806 are limited to a total combined diversion rate of 3.26 cfs.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

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Comments:

1. mvanbussum 12/12/2006 Quantity

Comment: The recommendation is complete, but there is limited evidence for flow quantity. Field exam conducted 7-1-2005 shows conveyance but contains no quantity information for Pearl Creek. I contacted claimants 10am 12-12-2006 and received no answer. Per Hornet Creek Deputy Water Master Nello Jenkins, the claimants Hornet Creek ditches can hold 3.26 cfs. Until we have further flow information from Pearl Creek, recommend 3.26 cfs.

2. mvanbussum 12/12/2006 Season of Use

Comment: Recommended standard season of use.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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3.26

Combined Water Rights: 67-387 , 67-397 , 67-400 , 67-14805 , 67-14806

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/12/2006 9:49:20 AM	mvanbussum			Active
Priority Date	12/12/2006 9:50:00 AM	mvanbussum			Active
POD	12/12/2006 9:50:36 AM	mvanbussum			Active
Source	12/12/2006 10:00:02 AM	mvanbussum			Active
POU	12/12/2006 10:00:23 AM	mvanbussum			Active
Use	12/12/2006 10:01:41 AM	mvanbussum			Active
Season	12/12/2006 10:02:03 AM	mvanbussum			Active
Quantity	12/12/2006 10:03:46 AM	mvanbussum			Active
Summary			12/12/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14806 V1

Contacts	12/12/2006 9:49:13 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
POD	12/12/2006 9:50:29 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/12/2006 9:59:13 AM	mvanbussum	Updated shape
General	12/12/2006 9:49:53 AM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit in file from Dora Cole provides evidence of priority to 1946.
Source	12/12/2006 9:59:55 AM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam conducted 7/1/2005.
POU	12/12/2006 10:00:15 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam conducted 7/1/2005.

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POU	12/12/2006 10:00:32 AM	mvanbussum	Updated shape for Active POU
POU	12/12/2006 10:00:44 AM	mvanbussum	Updated PLS for Active POU
Use	12/12/2006 10:01:34 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Imagery and field exam conducted 7-1-2005.
Season	12/12/2006 10:01:55 AM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/12/2006 10:03:38 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - No current measurement data. Waiting on claimant.

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Summary	12/12/2006 10:09:41 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
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Water Supply Bank:

RI

NOV 21 2006

DEPARTMENT OF
WATER RESOURCES

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

NEW CLAIM

Ident. Number
Date Received:
Receipt No:
Received By:

67-14806

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

1. Name of Claimant(s)

JOHN C BROWN Phone: (208)253-6018

2730 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

MARY L BROWN Phone: (208)253-6018

2730 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1884

3. Source: Pearl Creek Trib. to: Weiser River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	5	SE NW	ADAMS	

5. Description of diverting works:

DITCH, HEADGATE, DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	4.66	

7. Total Quantity Appropriated is:
4.66 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

17N	02W	4	NW	NW	IRRIGATION	26
			SW	NW	IRRIGATION	16
			NW	SW	IRRIGATION	27

Section Acres 69

17N	02W	5	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	32
			SW	NE	IRRIGATION	32
			SE	NE	IRRIGATION	35
			SE	NW	IRRIGATION	14
			NE	SE	IRRIGATION	12
			NW	SE	IRRIGATION	1

Section Acres 164

Total Acres 233

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used: 67-387, 67-397 and 67-400

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): John C Brown Date: 11/15/06
Mary L. Brown 11/15/06 Date: _____

State of Idaho)
County of Bern) SS.

Subscribed and sworn (or affirmed) before me this 15th
of November 2006 Carl E. Brown



Notary Public
Residing at Bern County
My commission Expires March 11, 2008

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
67-387, 67-397, 67-400)
_____)
_____)
State of Idaho)
County of Adams)

AFFIDAVIT

DEPARTMENT OF
WATER RESOURCES

RECEIVED

NOV 21 2006

DEPARTMENT OF
WATER RESOURCES

Dora V. Cole being first duly sworn,
deposes and says: I have seen the O.K. Ranch on Hornet
Creek and Pearl Creek irrigated from Hornet Creek and
Pearl Creek since 1946. Mr. & Mrs. Hugh Reene
and Bill Hansen and his son in Law Thomas own the O.K.
Ranch. Dick Aramaciott bought the place in about 1954
from Bill Hansen.

Dora V. Cole
(Signature)

Subscribed and sworn to before me this
day 15th of November, 2006.

Bonnie A Fisk
(Notary Public)

Residing at Council Bluffs, Idaho.

My Commission Expires

MY COMMISSION EXPIRES
November 21, 2009
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS



SEAL

67-14805
67-14806

SCANNED
DEC 1 2006

RECEIVED

NOV 21 2006

DEPARTMENT OF
WATER RESOURCES

Nov 15, 2006

Dear Monica,

Enclosed are the claims for:

1. Hornet Creek and Pearl Creek water.
2. A check for \$200.00 for filing fees.
3. An affidavit from a long time resident of the area, her husband irrigated the ranch and worked on it in 1946. And her Son, Mr Kelly Cole irrigated the ranch for us starting back when we bought the ranch in 1978. If there is a field examiner on site at the ranch. Please Contact Mr Kelly Cole at 208-253-4428. He knows where the headgate and diversion are.

Sincerely
John C. Brown
Mary L. Brown
2730 Council Cypress Rd.
Council, ID. 83612
208-253-6018
cell # 208-369-3729

67-14805 + 67-14806

SCANNED
DEC 4 2006