

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: A37-10176  
Date Received: 6/20/1988  
Receipt No: S000474  
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: TIMMERMAN STAGE STOP  
Address: 10178 HWY 75  
BELLVUE, ID 83313

AND/OR

Name: JOHN R. BRANNEN  
Address: P.O. BOX 688  
JACKPOT, NV 89825

702-755-2371

2. Date of Priority: DEC 31, 1946

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01S      | 18E   | 23      | NE     | SW     | NE     |     | BLAINE |

5. Description of diverting works:  
125' WELL AND PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.040 |      |        |
| COMMERCIAL | 01/01 | 12/31 | 0.040 |      |        |

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
C/RESTAURANT

A37-10176

Page 1

Date: 07/05/88

MICROFILMED  
FEB 24 1993

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use              | Acres |
|----------|-------|---------|------------|-----|------------------|-------|
| 01S      | 18E   | 23      | SW NE      |     | COMMER<br>DOMEST |       |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
NA

14. Remarks:

15. Basis of Claim: BENEFICIAL USE  
Water Right Number:

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: 0

**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 R. B... Date: 7/5/88  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 5th day

of July 19 88

Mary A. Baldwin  
Notary Public

Seal

Residing at Gooding

My Commission Expires 10/16/1992

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AND/OR

Name: JOHN R. BRANNEN  
Address: P.O. BOX 688  
JACKPOT, NV 89825

702-755-2371

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4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
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C/RESTAURANT

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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 L. Seaman Date: 6/20/88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 20th day

of June 19 88

Mary G. Baldwin  
Notary Public

Seal

Residing at Gooding Id

My Commission Expires 10/16/1992



- Not Deliverable As Addressed  
 Unable To Forward
- ☐ Insufficient Address
  - ☐ Moved, Left No Address
  - ☐ Unclaimed ☐ Refused
  - ☐ Attempted - Not Known
  - ☐ No Such Street ☐ Number
  - ☐ Vacant ☐ Illegible
  - ☐ No Mail Receptacle
  - ☐ Box Closed - No Order
  - ☐ Returned For Better Address
  - ☐ Postage Due \_\_\_\_\_

FIRST CLASS



02 1M  
 0004230883  
 MAILED FROM ZIP CODE

RECEIVED

MAR 12 2007

DEPARTMENT OF  
WATER RESOURCES

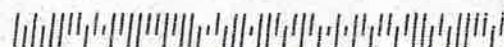
37-10174  
 37-10387

RECEIVED

MAR 12 2007

DEPARTMENT OF  
WATER RESOURCES

JOHN R BRANNEN  
 PO BOX 688  
 JACKPOT NV 89825



11/08/2006

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

RIGHT NUMBER: 37-10176

NAME AND ADDRESS: JOHN R BRANNEN  
PO BOX 688  
JACKPOT NV 89825

TIMMERMAN STAGE STOP  
10178 HWY 75  
BELLEVUE ID 83313

Y-3 PARTNERSHIP  
PO BOX 5404  
BOISE ID

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

Rights 37-10176 and 37-10387 when combined shall not exceed 13,000 gallons per day and irrigation of 1/2 acre.

PRIORITY DATE: 12/31/1946

POINT OF DIVERSION:

T01S R18E S23 NESWNE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                     | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| DOMESTIC                                                                                                  | 01/01 12/31          | 0.040 CFS       |
| Domestic use is for 1 home with small cafe and irrigation of no more than 1/2 acre of associated grounds. |                      |                 |

PLACE OF USE: DOMESTIC in BLAINE County

|               |      |               |      |
|---------------|------|---------------|------|
| T01S R18E S23 | SWNE | T01S R18E S23 | SENE |
|---------------|------|---------------|------|

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



# Idaho Department of Water Resources

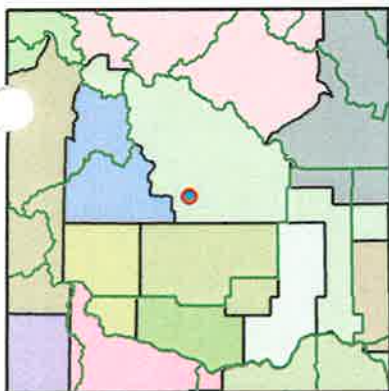
SRBA Recommendation:

**37-10176**

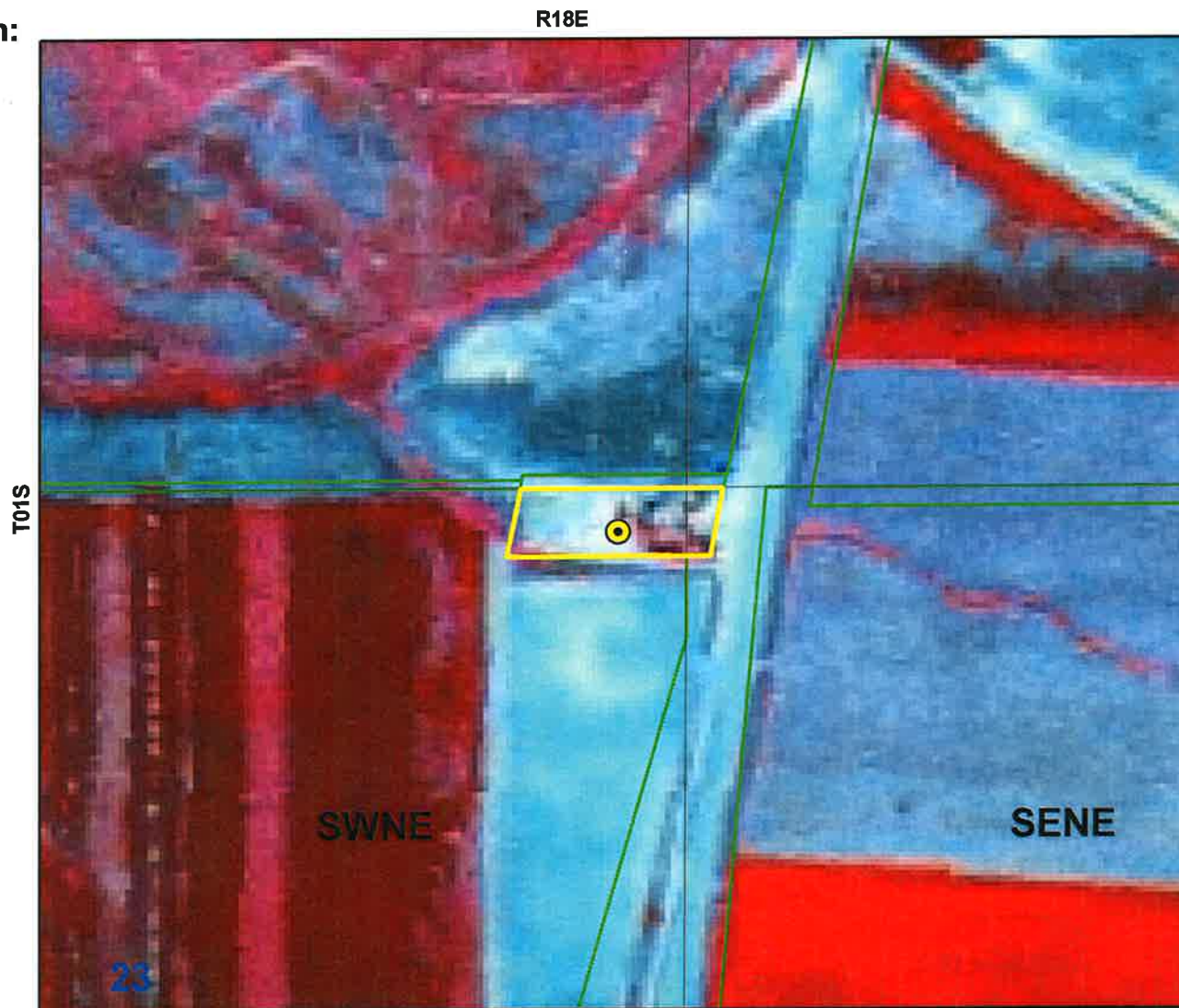
(Domestic)

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Blaine County  
IDWR Basin 37



0 0.1 0.2 Miles



Owner: John R Brannen

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Prepared by A. Merritt  
On Wednesday, November 8, 2006  
1987/88 Aerial Photography

Recommendation

37-10176

37-10387

ADm  
11/8/06

These claims were filed in the name of  
Timmerman Stage Stop however current  
tax lot info lists: Y-3 Partnership

P O Box 5405

Boise ID 83705

37-10176 from groundwater for commercial & domestic use.  
No evidence of priority so will recommend domestic.  
limited to 13,000 gpd.

37-10387 from Timmerman Creek Trib to Spring CK.  
USGS Map shows unnamed stream trib to Willow CK.  
Claimed use is 1 acre of irrig. No evidence  
of priority found. 1965 photo shows PU.  
Newer 2004 & 2006 show irrig of no more  
than  $\frac{1}{2}$  acre & same PU as 37-10176  
in combination should not exceed  $\frac{1}{2}$  acre.  
Recommend as domestic  $\frac{1}{2}$  acre limited  
when combined.

IDAHO  
MENT OF WATER RESOURCES  
ore Street, Suite 200  
Idaho 83301-3380

SERVICE REQUESTED

37-10176  
37-10387



3381 \$00.370 SEP 10 2004  
83301  
MOVED, LEFT NO ADDRESS  
FORWARDING ORDER EXPIRED  
ATTEMPT C - NOT KNOWN  
UNDELIVERABLE REFUSED  
NO SUCH STREET  
NO SUCH NUMBER  
INSUFFICIENT ADDRESS

Department of Water Resources  
Southern Region

SEP 16 2004

RECEIVED

TIMMERMAN STAGE STOP  
10178 HWY 75

BELLEVUE ID 83313

8330





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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 15, 2005

X  
X  
X  
X

**RESPONSE DEADLINE**  
**JUNE 17, 2005**

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

**PLEASE NOTE:** The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-\_\_\_\_). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.  
Water Rights Supervisor

Enclosures