

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: A37-10238
Date Received: 6/23/1988
Receipt No: M000185
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	DELBERT TREE	208-487-2772
Address:	625 MARLEY RD. RICHFIELD, ID	83349
AND/OR		
Name:	ELIZABETH TREE	208-487-2772
Address:	625 MARLEY RD. RICHFIELD, ID	83349
AND/OR		
Name:	DELMAR HARDY	208-487-2922
Address:	MARLEY RD. RICHFIELD, ID	83349
AND/OR		
Name:	DELBERT A. TREE	208-487-2541
Address:	MARLEY RD. RICHFIELD, ID	83349
AND/OR		
Name:	FARNSWORTH PLACE	
Address:	MARLEY RD. RICHFIELD, ID	83349
AND/OR		
Name:	CHARLES ERWIN	
Address:	MARLEY RD. RICHFIELD, ID	83349

2. Date of Priority: JUN 05, 1938

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	19E	32	SE	SW	SW		LINCOLN

5. Description of diverting works:
3-1/2"X 250' WELL AND PUMP

A37-10238

Page 1

Date: 06/23/88

MICROFILMED

FEB 24 1993

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.110		

7. Total Quantity Appropriated is:

0.110 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/5 HOUSES S/ MIXED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	19E	32				STOCK	
			SW	SW		DOMEST	
05S	19E	5				STOCK	
						STOCK	
			NW	NW		DOMEST	
			SW	NW		DOMEST	
			NW	SW		DOMEST	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

USER'S AT SEC. 32 SW,SW HAVE FILED APPLICATION FOR PERMIT FOR DAIRY IN USE SINCE 1968. TWO NEW HOUSES ADDED TO THIS WELL. FIVE YEARS AGO, HOUSE AT 5S. 19E. SEC. 5, SE,NW,SW, WAS ADDED AND WILL FILE SEPERATELY. ONE YEAR AGO, HOUSE AT 5S. 19E. SEC.5, WAS ADDED AND WILL FILE SEPERATELY.

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 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): Elizabeth Tree Date: 6/23/88

Date: _____

State of Idaho)
County of Lincoln) SS.

Subscribed and sworn (or affirmed) before me this 23 day

of Jen 19 88

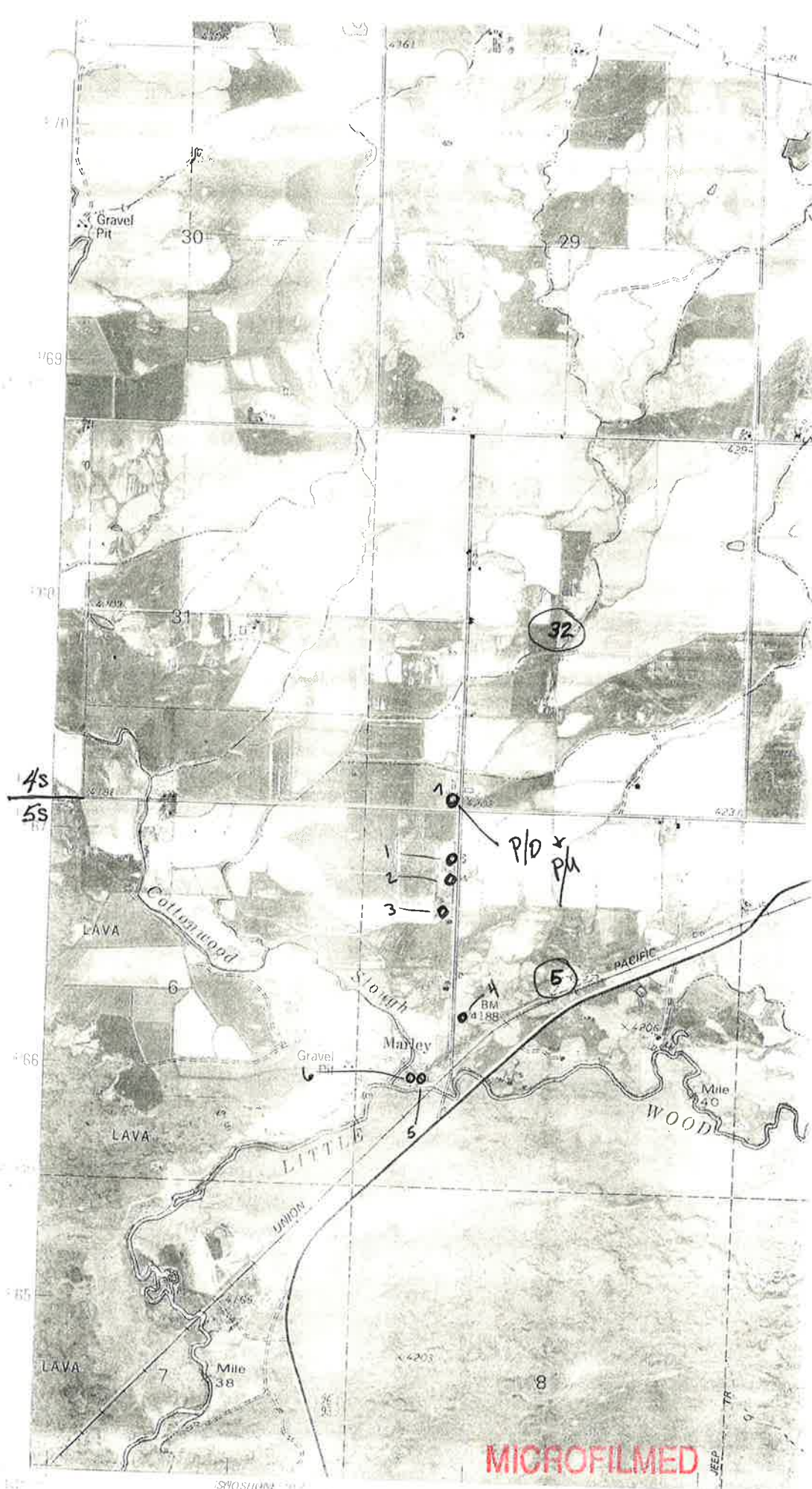
John Lee Cook
Notary Public

Seal

Residing at Bow Id.

My Commission Expires 6/2/94

19E



MICROFILMED

FEB 24 1993

Produced by the Geological Survey
in cooperation with the Soil Conservation Service
Orthophotograph prepared from 1:25,000 scale

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 JEANIE M ROBERTSON

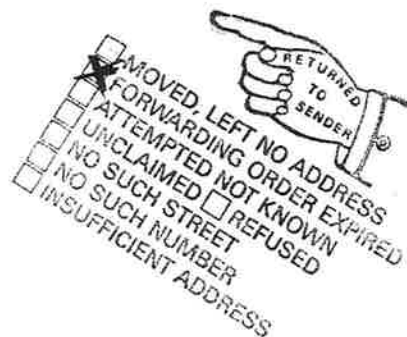
DATE May 23, 1996 12:27pm CUSTOMER LEEROY LEE/RICHFIELD A37-10238

SUBJECT: WATER RIGHT FOR DAIRY???
phone call (X) walk-in (.)

Said he's one of seven families who share a well up by Richfield owned by Delbert Tree. Said there's not enough pressure as it is and now the "Trees" are putting their dairy use back in. (There was reference in Remarks for this claim about an application for permit being filed for the dairy use. Found 37-08350, but this has since Lapsed.) Told Mr. Lee that a small dairy may be legal under this right but would be limited to 13,000 gallons per day, including the domestic use. Sent him a proof report on the claim and some information about domestic limitations and water measurement conversions. Suggested he might try to talk with the other families who share the well and perhaps get together to drill another one...

MICROFILMED
NOV 27 1996

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098



RECEIVED

AUG 12 2002

Department of Water Resources

DELMAR HARDY
625 MARLEY RD
RICHFIELD ID 83349

37-10238

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-10238

NAME AND ADDRESS: DELBERT A TREE
625 MARLEY RD
RICHFIELD ID 83349

DELMAR HARDY
625 MARLEY RD
RICHFIELD ID 83349

FARNWORTH PLACE
625 MARLEY RD
RICHFIELD ID 83349

DENNIS R BROWNLEE
2691 RT 30
DORSET VT 05251

RUTH R BROWNLEE
2691 RT 30
DORSET VT 05251

CHARLES L ERWIN
541 MARLEY RD
RICHFIELD ID 83349

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 06/05/1938

POINT OF
DIVERSION: T04S R19E S32 SESWSW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within LINCOLN County

T04S R19E S32 SWSW
T05S R19E S05 SWNW
T05S R19E S05 NWSW

T05S R19E S05 NWNW
T05S R19E S05 NESW

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: Water Rights in Reporting Area 16, Basin 37
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your Ground Water right(s) in Basin 37 for portions of the Big Wood River and Little Wood River drainage basins. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have until October 11, 2002 in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Gooding, Shoshone, Mountain Home, Fairfield, and Hailey, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed around the end of this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

NOTICE OF FILING OF DIRECTOR'S REPORT FOR IDWR REPORTING BASIN 37, PART I GROUND WATER FOR IRRIGATION AND OTHER WATER RIGHTS

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in IDWR Basin 37, Part I Ground Water. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed ground water rights should be decreed in the SRBA.

This Director's Report encompasses the portion of IDWR's Administrative Basin 37 that is also within the Eastern Snake Plain Aquifer. Only those claims that list "Ground Water" as a source within this boundary are being reported in this Director's Report. This portion of Basin 37 is generally the Big Wood River Basin below Magic Reservoir, and the Little Wood River Basin from the Carey area downstream to the confluence with the Big Wood River and the Malad River to the Snake River.

This Director's Report includes claims for irrigation and other uses, including some small domestic and stock water uses. The Director's Report for most small domestic and stockwater rights for IDWR Basin 37 was sent to the SRBA court and individual water users on March 5, 1999. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from the 1999 report, it is reported in this Director's Report.

Included with this Notice is the Director's recommendation for your water rights claimed in the SRBA not previously recommended in the small domestic and stockwater report. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the third and fourth pages of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

Finally, recommendations for surface water rights for the entirety of Basin 31 and the remaining portion of Basin 37 ground water rights will be reported in the future. You may need to review the Director's Report for subsequent parts of Basin 37. Claims in which you have an interest may be reported in other parts of the Basin 37 Director's Reports. However you will not receive any Notice of those reports unless you have water right claims that are reported in those subsequent parts. If you want to review someone else's water right you need to look at the complete Director's Report, which will be available at the SRBA courthouse in Twin Falls and other locations listed on the third and fourth page of this notice.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right, which is enclosed, is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the

Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights --** Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed --** Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims under federal law that has also been claimed under a state law basis. These are called "dual based" claims. The Director does not investigate the federal portion of these claims and makes no recommendation whether they should be granted or not.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection must be **received** by the SRBA Court on or before **October 11, 2002**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA Web Site at www.srba.state.id.us.

Your response must be **received** by the SRBA Court on or before **December 10, 2002**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **December 11, 2002**, at **1:30 P.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Southern Region office in Twin Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

Idaho Department of Water Resources
Southern Region
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

Idaho Department of Water Resources
Eastern Region
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Gooding County Courthouse
624 Main St.
Gooding, ID 83330

Lincoln County Courthouse
111 W. B St.
Shoshone, ID 83467

Blaine County Courthouse
1st & Croy St.
Hailey, ID 83333

Elmore County Courthouse
150 S. 4th E.
Mountain Home, ID 83647

Camas County Courthouse
501 Soldier Road
Fairfield, ID 83327

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 33.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "*groundwater*," "*unnamed spring*," "*Common Creek*."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

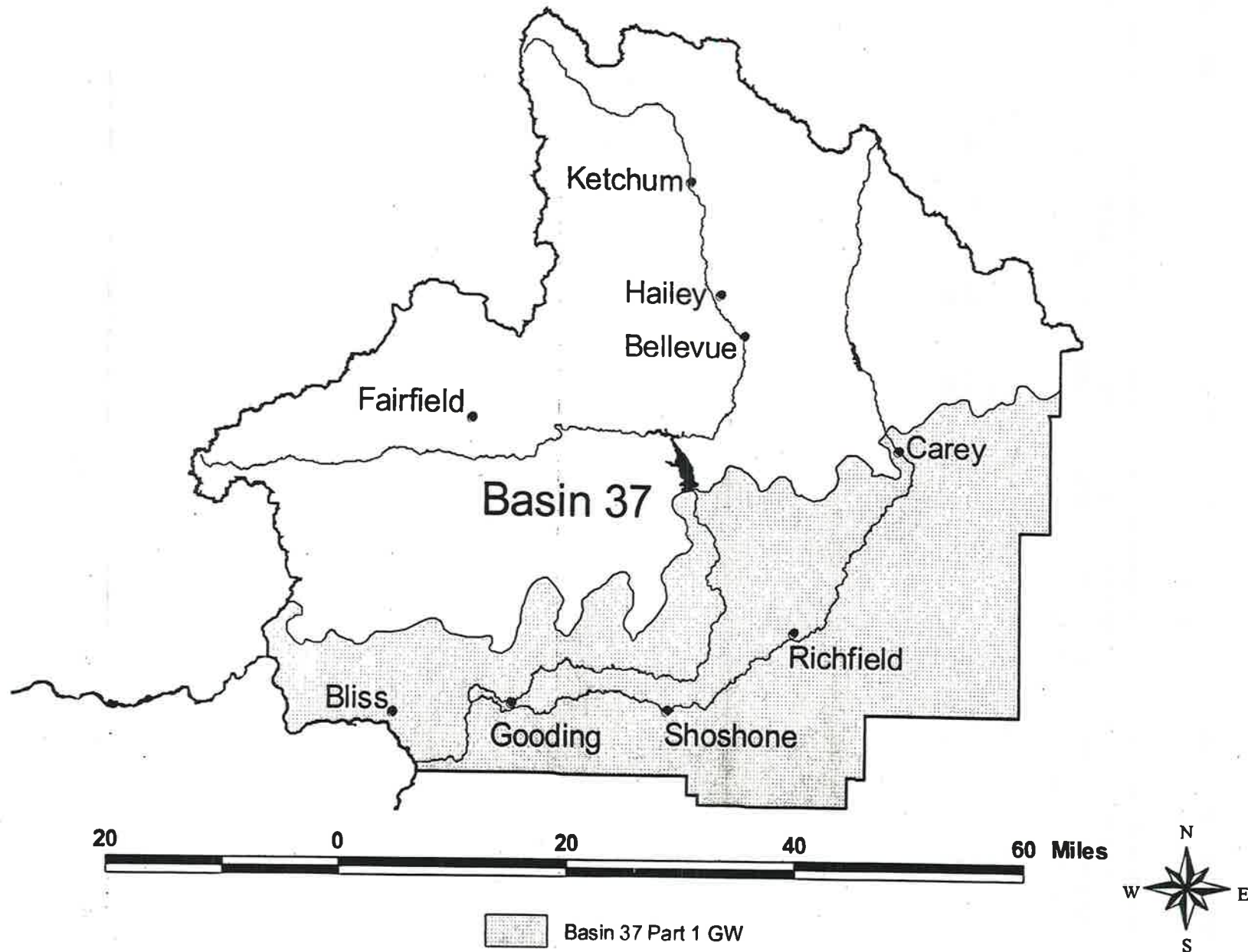
DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *

THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926, DATE OF PRIORITY
PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

IDWR does not investigate or make recommendations regarding federal law based claims.

Basin 37 Part 1 Ground Water



07/31/2002

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

RIGHT NUMBER: 37-10238

NAME AND ADDRESS: DELBERT A TREE
625 MARLEY RD
RICHFIELD ID 83349

DELMAR HARDY
625 MARLEY RD
RICHFIELD ID 83349

FARNWORTH PLACE
625 MARLEY RD
RICHFIELD ID 83349

DENNIS R BROWNLEE
2691 RT 30
DORSET VT 05251

RUTH R BROWNLEE
2691 RT 30
DORSET VT 05251

CHARLES L ERWIN
541 MARLEY RD
RICHFIELD ID 83349

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 06/05/1938

POINT OF DIVERSION:

T04S R19E S32 SESWSW Within LINCOLN 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

PLACE OF USE: DOMESTIC Within LINCOLN County

T04S R19E S32	SWSW	T05S R19E S05	NWNW
T05S R19E S05	SWNW	T05S R19E S05	NESW
T05S R19E S05	NWSW		

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use



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

JULY 31, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DENNIS R BROWNLEE
RUTH R BROWNLEE
2691 RT 30
DORSET VT 05251

RE: Change of Ownership of SRBA Claim 37-10238

Dear Claimants,

Pursuant to your previous request for a change in ownership and/or the notification that you recently purchased the property to which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owner as requested for right listed above. The claim remains an undivided interest since the actual owners and proportions of a split in this right are all unknown at this time.

Please find enclosed a copy of your adjudication claim recommendation as it now appears in our records. Please refer to this number, **37-10238**, in your future correspondence with IDWR.

If you have any further corrections or questions please contact me at our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', written in a cursive style.

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**DEC 13 2000**Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A37-10238	AJ5808NP	1/5th			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Debert & Elizabeth Tree
625 Marley Rd., Richfield, ID 83349
4. New Owner/Claimant(s) Dennis R. Bownlee and Ruth R. Brownlee
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2691 Rt. 30
- City, State and ZIP Code Dorset, Vermont 05251
- New Telephone Number (802) 867-2225
5. Date you acquired the property November 2000

7/31/02 To remain UNDIVIDED INTEREST DUE TO CONFLICTS IN PROPORTIONS.
 SC (TO REPLACE DELBERT & ELIZABETH TREE.)

WARRANTY DEED

#GL-02360

For Value Received

Delbert Lamar Tree and Elizabeth (Betty) Julia Tree, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Dennis R. Brownlee and Ruth R. Brownlee, husband and wife
Address: 2691 Route 30, Dorset, VT 05251

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 19 EAST, OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 5: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Except the South 375 feet;

Section 6: That part of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

**Beginning at the East quarter corner of Section 6;
Thence North along the Section line 375 feet to the TRUE POINT OF BEGINNING;
Thence West Parallel with the South line of the NE $\frac{1}{4}$ 613 feet;
Thence North 02°01' West 246 feet;
Thence North 78°08' West 408 feet;
Thence South 47°46' West 413 feet;
Thence South 22°07' West 232.5 feet;
Thence South 87°02' West 400 feet;
Thence North 76°04' West 200 feet;
Thence North 44°22' West 920 feet;
Thence North 66°56' West 300 feet;
Thence North 44°23' West 254 feet, more or less, to the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence East along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ 3093 feet, more or less, to the East Section line;
Thence South along the Section line 945 feet, more or less, to the TRUE POINT OF BEGINNING.**

SUBJECT TO:

D.B.

RB

All reservations in patents or deeds in the chain of title.

Taxes for 2000 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Right of Way given by C.P. Johnson to the Mountain States Telephone and Telegraph Company, dated May 12, 1917, recorded June 14, 1917, as Instrument Number 42805, Lincoln County records, granting the right to construct, operate and maintain telephone and telegraph lines and fixtures upon, over and across a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 5 South, Range 19, East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 50.0 Shares of Capital Stock of the Big Wood Canal Company and any licenses with the State of Idaho.

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Dennis R. Brownlee

Ruth R. Brownlee

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

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by <u>SCC</u> AJ	Date <u>7-31-02</u>	WR _____ Date _____

Page 2 of Warranty Deed

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 8, 2000

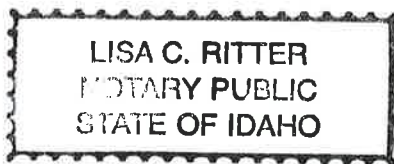
Delbert Lamar Tree
Delbert Lamar Tree

Elizabeth (Betty) Julia Tree
Elizabeth (Betty) Julia Tree

STATE OF IDAHO)

COUNTY OF Gooding ^{ss.})

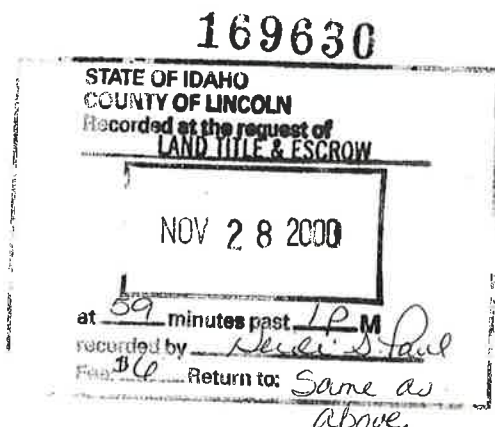
On this 13 day of November, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared **Delbert Lamar Tree and Elizabeth (Betty) Julia Tree**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public

Residing at: Hagerman, ID

My Commission expires: 10/06/04



AJ5808MP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

11/09/00 08:27:05
Page 1

Water Right Number - A37-10238

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
TREE

DELBERT

1 - 625 MARLEY RD

2 -

3 -

City- RICHFIELD

State- ID Zip- 83349

Phone - 208-487-2772

TREE

ELIZABETH

1 - 625 MARLEY RD

2 -

3 -

City- RICHFIELD

State- ID Zip- 83349

Phone - 208-487-2772

HARDY

DELMAR

1 - MARLEY RD

2 -

3 -

City- RICHFIELD

State- ID Zip- 83349

Phone - 208-487-2922

TREE

DELBERT A

1 - MARLEY RD

2 -

3 -

City- RICHFIELD

State- ID Zip- 83349

Phone - 208-487-2541

FARNSWORTH PLACE

1 - MARLEY RD

2 -

3 -

City- RICHFIELD

State- ID Zip- 83349

Phone - 208-000-0000

ERWIN

CHARLES

1 - MARLEY RD

2 -

3 -

City- RICHFIELD

State- ID Zip- 83349

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/05/1938 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TWN Rng Sec Tract Lot RFlg County Diversion Name
04S 19E 32 SE SW SW (63) LINCOLN

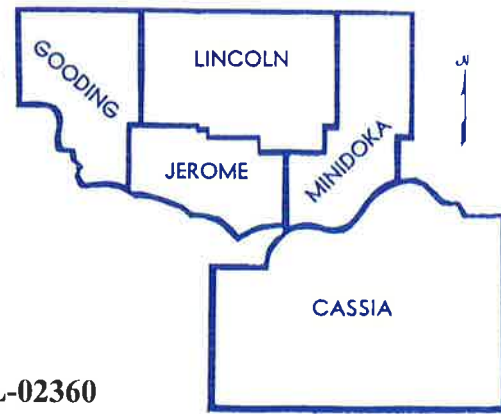
+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.110

*1/5 of we A37-10238
per 022 cfs
Covey
IDWR*



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



December 13, 2000

REFER TO: GL-02360
OFFICE: Gooding

State of Idaho
Department of Water Resources
Southern Region
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

DEC 13 2000

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Tree/Brownlee
Cert. Mail #7000 0520 0015 3075 4218

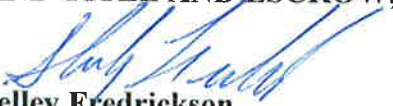
Dear Sirs:

At the request of the Buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership
- Copy of Deed # 169630
- Copy of Map

Thank You,

LAND TITLE AND ESCROW, INC.


Shelley Fredrickson
Escrow Department
(208) 934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

06/22/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-10238

DELBERT A TREE
MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2541

ELIZABETH TREE
625 MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2772

DELMAR HARDY
MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2922

FARNWORTH PLACE
MARLEY RD
RICHFIELD ID 83349

CHARLES L ERWIN
541 MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2856

DELBERT TREE
625 MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2772

RECEIVED
JUL 29 2002

Department of Water Resources

7/29/02 sc

MR ERWIN HAS A SEPARATE
RIGHT IN 37-10589... MIGHT
NOT NEED TO BE LISTED IN BOTH
RIGHTS?

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 7-23-02

SIGNATURE:

Please print your name:

CHARLES L ERWIN

06/22/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-10238

DELBERT A TREE
MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208) 487-2541

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625 MARLEY RD
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MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208) 487-2922

FARNWORTH PLACE
MARLEY RD
RICHFIELD ID 83349

CHARLES L ERWIN
541 MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208) 487-2856

DELBERT TREE
625 MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208) 487-2772

683 Jay Henson

7/10/02 see
We should not
Send to her
address again -
they are not at this
location 683 Marley Rd
(her address: 831 E 670N (?)

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

See Attached letter

3. Give a brief explanation as to why you disagree with these portions:

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

7/8/02

SIGNATURE:

Brenda Farnworth - See

Please print your name:

Brenda Farnworth



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

July 3, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FARNWORTH PLACE

831 E 670 N

RICHFIELD ID 83349

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #37-10238

Dear Claimant:

The Postal Service has advised us your address has changed 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 by July 15, 2002. Thank you for your help.

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 rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

We are not a party to this
Community well -
We have an individual well
@ 683 Morley Rd - Brenda Farnworth

735-4154-WK
487-2203-Home

CID 103 859

37-10238

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

- ☒ No account number on mail
☐ Account number illegible

Addressee's Name

Jarnworth Place

Old Address (Include apartment or suite number)

Markey Rd
Richfield Id 83349

New Address (Include apartment or suite number)

831 E 670 N (Tom FARNWORTH)
Richfield Id 83349

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).
☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

- ☐ Moved, left no address ☐ No such street ☐ No such number
☐ Refused ☐ Attempted, not known ☐ Unclaimed

Adjudication Bureau
P. O. Box 83720
Miss, ID 83720-0098

REQUESTED

JUN 23 2002
PD METER
7038046
U.S. POSTAGE

37-10238


☐ MOVED, LEFT NO ADDRESS
☒ FORWARDING ORDER EXPIRED
☐ UNCLAIMED ☐ NOT KNOWN
☐ UNCLAIMED ☐ REFUSED
☐ NO SUCH STREET
☐ NO SUCH NUMBER
☐ INSUFFICIENT ADDRESS

RECEIVED

JUN 27 2002

Department of Water Resources


☐ MOVED, LEFT NO ADDRESS
☐ FORWARDING ORDER EXPIRED
☐ UNCLAIMED ☐ NOT KNOWN
☐ UNCLAIMED ☐ REFUSED
☐ NO SUCH STREET
☐ NO SUCH NUMBER
☐ INSUFFICIENT ADDRESS

DELMAR HARDY
MARLEY RD
RICHFIELD ID 83349



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 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 24, 2002

To Ground Water Users of Basin 37 Part 1:

Please find enclosed the Preliminary Director's Report for your water right claims in the Snake River Basin Adjudication. This is an important opportunity to review the Idaho Department of Water Resources' (IDWR) conclusions regarding your water rights, resolve errors, and have questions answered **before** the report is finalized for the SRBA Court.

CONTENTS OF THIS MAILING:

- ❖ Preliminary Director's Report Instructions (blue page, front and back)
- ❖ Letter From Karl Dreher, Director of IDWR
- ❖ **Your Water Right Recommendation(s) & Map(s)** with Notice of Error form(s)
- ❖ General Map of Basin 37 Part 1 Ground Water, for vicinity reference
- ❖ Letter from the Presiding Judge, Snake River Basin Adjudication Court

Please join us for an informational presentation at **1:30 pm on July 8th, at Gooding County Extension Office, 203 Lucy Lane, at the Gooding County Fairgrounds**. If you miss the informational meeting or need additional assistance then give us a call to set up an appointment.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau
Idaho Department of Water Resources

(Instructions on the back)

HOW TO REVIEW YOUR WATER RIGHT:

- ❖ Examine the water right print out and map carefully.
- ❖ Look for errors in spelling, names, and addresses on the water right print out.
- ❖ Look for differences between what IDWR proposes to recommend and what you think your water right should be. Complete the Notice of Error form(s) as instructed below if you disagree – or even if you agree!
- ❖ If you no longer own the property represented in the water right please forward this mailing to the new owner or contact IDWR-Southern Region Office, Adjudication Unit, (208) 736-3033.
- ❖ If your address has changed correct the information on the Notice of Error form, sign it and return to IDWR. Or you may write a letter, signed by the claimant of record, describe the address change, and list the water rights involved.

NOTICE OF ERROR INSTRUCTIONS:

- ❖ Please review the preliminary recommendation carefully. Your name, water right number and address have been pre-printed on this reply for your convenience. Check to be sure that the pre-printed information on this form is accurate.
- ❖ Please fill in your daytime and evening telephone numbers.
- ❖ If there is any portion of the preliminary recommendation that is inaccurate, or with which you disagree, please complete items number 1, 2 and 3 on the reply, sign where indicated, and return the reply in the envelope provided. This reply must be mailed before **July 23, 2002**. If IDWR has questions about the information included in your reply, a staff member will be in contact with you to set up an appointment. You may also return the reply in person at the public meeting on **July 8, 2002, at 1:30 p.m. in the Conference Room in the Gooding County Extension Office at the Gooding County Fairgrounds, Gooding, Idaho.**
- ❖ Please indicate on the form if you agree with the proposed recommendation and return it to us. Feel free to write down questions, even if you agree, and we will strive to respond in a timely manner.
- ❖ If you have questions or do not understand this process, please call the Adjudication hotline toll free number: **1-800-451-4129**.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 24, 2002

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) for Ground Water in the Snake River Basin Adjudication (SRBA). We have enclosed a printout showing our preliminary recommendation for reporting your claim(s) to the SRBA District Court.

Please review the preliminary recommendation carefully. If there is any information on the printout you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with the review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your claim(s) is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area. **The meeting will be held on Monday, July 8, 2002, at 1:30 p.m. in the Conference Room at the Gooding County Extension Office at the Gooding County Fairgrounds, 203 Lucy Lane, Gooding, Idaho.** Please come to the public meeting, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right claim. Please bring any and all information you have which will help the Department understand your claim(s) and describe them accurately.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary so that accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

06/22/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-10238

DELBERT A TREE
MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2541

ELIZABETH TREE
625 MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2772

DELMAR HARDY
MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2922

FARNWORTH PLACE
MARLEY RD
RICHFIELD ID 83349

CHARLES L ERWIN
541 MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2856

DELBERT TREE
625 MARLEY RD
RICHFIELD ID 83349
Telephone Number: (208)487-2772

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

06/22/2002

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

RIGHT NUMBER: 37-10238

NAME AND ADDRESS: DELBERT A TREE
MARLEY RD
RICHFIELD ID 83349

ELIZABETH TREE
625 MARLEY RD
RICHFIELD ID 83349

DELMAR HARDY
MARLEY RD
RICHFIELD ID 83349

FARNWORTH PLACE
MARLEY RD
RICHFIELD ID 83349

CHARLES L ERWIN
541 MARLEY RD
RICHFIELD ID 83349

DELBERT TREE
625 MARLEY RD
RICHFIELD ID 83349

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 06/05/1938

POINT OF DIVERSION:

T04S R19E S32 SESWSW Within LINCOLN 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

PLACE OF USE: DOMESTIC Within LINCOLN County

T04S R19E S32	SWSW	T05S R19E S05	NWNW
T05S R19E S05	SWNW	T05S R19E S05	NESW
T05S R19E S05	NWSW	T05S R19E S05	NESW

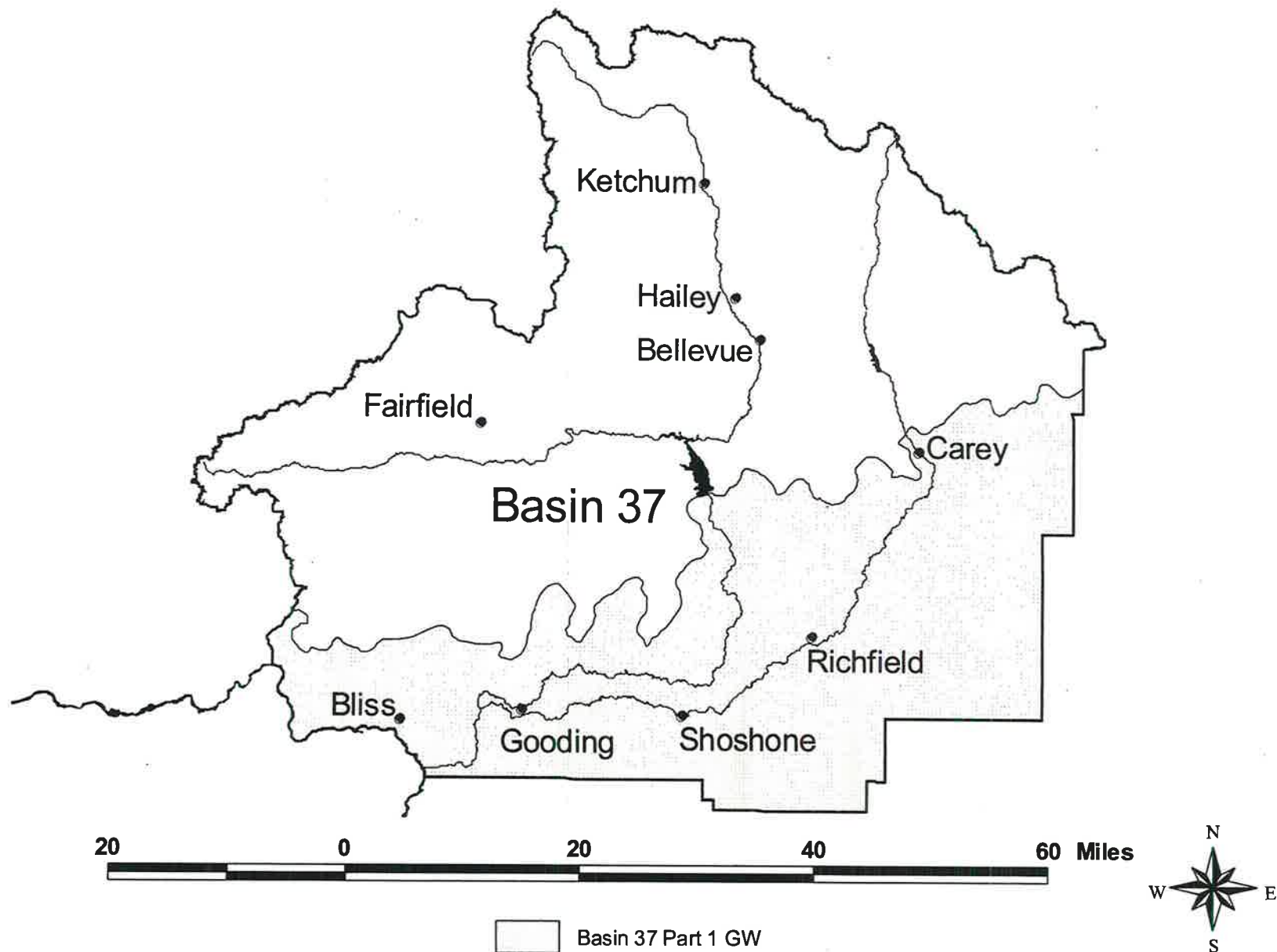
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Basin 37 Part 1 Ground Water



DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous services provided by IDWR.

Sincerely yours,

A handwritten signature in black ink that reads "Roger Burdick". The signature is written in a cursive, flowing style.

Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication

05/31/2002

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

RIGHT NUMBER: 37-10238

NAME AND ADDRESS: DELBERT A TREE
MARLEY RD
RICHFIELD ID 83349

ELIZABETH TREE
625 MARLEY RD
RICHFIELD ID 83349

DELMAR HARDY
MARLEY RD
RICHFIELD ID 83349

FARNWORTH PLACE
MARLEY RD
RICHFIELD ID 83349

CHARLES L ERWIN
541 MARLEY RD
RICHFIELD ID 83349

DELBERT TREE
625 MARLEY RD
RICHFIELD ID 83349

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 06/05/1938

POINT OF DIVERSION:

T04S R19E S32 SESWSW Within LINCOLN 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

PLACE OF USE: DOMESTIC Within LINCOLN County

T04S R19E S32	SWSW	T05S R19E S05	NWNW
T05S R19E S05	SWNW	T05S R19E S05	NESW
T05S R19E S05	NWSW		

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

05/31/2002

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

RIGHT NUMBER: 37-10238

NAME AND ADDRESS: DELBERT A TREE
MARLEY RD
RICHFIELD ID 83349

ELIZABETH TREE
625 MARLEY RD
RICHFIELD ID 83349

DELMAR HARDY
MARLEY RD
RICHFIELD ID 83349

FARNWORTH PLACE
MARLEY RD
RICHFIELD ID 83349

CHARLES L ERWIN
541 MARLEY RD
RICHFIELD ID 83349

DELBERT TREE
625 MARLEY RD
RICHFIELD ID 83349

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 06/05/1938

POINT OF DIVERSION:

T04S R19E S32 SESWSW Within LINCOLN 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

PLACE OF USE: DOMESTIC Within LINCOLN County

T04S R19E S32	SWSW	T05S R19E S05	NWNW
T05S R19E S05	SWNW	T05S R19E S05	NESW
T05S R19E S05	NWSW		

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

5/15/02
SCC

37-10238

(TREE)

Found the well location.

Confirmed house locations; yet have some question about the #4 location - No House.

Call for well details to estimate flow.

5/31/02 SCC

- no proof submitted.
- no COO sent for split of claim.
- limited to Part(b) Domestic
 - = 0.04 cfs
 - = < 2500 gpd

7/31/02
SCC

COO submitted by BrownLEE -
replaces TREE but remains part of the
whole; split is still undetermined at this
time.

* Changes in bad addresses to 625 Marley Rd
as originally claimed.

T4S

31 32

POD



7

37-10238
T4S & T5S R19E
DRAFT GIS MAP

T5S

6 5



1



2



3



4



5

RICH FIELD

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-10238

WATER RIGHT NUMBER: 37-10238

<u>Owner Type</u>	<u>Name and Address</u>	
Current Owner	DELMAR HARDY MARLEY RD RICHFIELD, ID 83349 (208)487-2922	← No longer owner
Current Owner	DELBERT TREE 625 MARLEY RD RICHFIELD, ID 83349 (208)487-2772	
Current Owner	DELBERT A TREE MARLEY RD RICHFIELD, ID 83349 (208)487-2541	← Sold to man in Vermont
Current Owner <i>Husband & wife still w/ Dorey</i>	FARNWORTH PLACE MARLEY RD RICHFIELD, ID 83349	← sold.
Current Owner	ELIZABETH TREE 625 MARLEY RD RICHFIELD, ID 83349 (208)487-2772	
Current Owner	CHARLES L ERWIN 541 MARLEY RD RICHFIELD, ID 83349 (208)487-2856	← filed his own claim separately <See 37-10589>

Priority Date: 06/05/1938

Basis: Beneficial Use

Status: Active

Also: Leary Lee - filed 37-10588

Source

GROUND WATER

Tributary

3/11/02
see

Beneficial Use

DOMESTIC

From To

1/01 to 12/31

Diversion Rate

0.110 CFS

Annual VolumeTotal Diversion:

0.110 CFS

Location of Point(s) of Diversion

GROUND WATER

LINCOLN County

SE1/4SW1/4SW1/4

Sec. 32, Twp 04S, Rge 19E, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	19E	32											X		

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 37-10238

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: Steve Clelland

3/11/2002 1:05 PM

NAME:

DELBERT TREE

RE:

CALLIN

PRIORITY LETTER

He was concerned about other parties filing on the well system. He said the users were developed over time. The claim admits some users were fairly recent (1987). I told him I am just beginning to review this system and it will take me awhile to fully understand how the system developed and is now operating. He wanted to stop some newer users from tapping into the system and I told him this is more of a civil law matter than a water right issue.

The claim refers to a Permit for the Dairy in 1968. I offered to research the other claims or licenses that may be tapped into this same well system and I will call him back. Phone 487-2541 or his father 487-2772.

FOLLOWUP:

I did not find the dairy license. I did find two domestic rights that are Partially Decreed; 37-10588 & 37-10589. These appear to be from the same well POD. In the same tract for POU was another right, 37-10431, in the name of Karstetter, relationship to the system is unknown. (Not part of the system per Delbert.)

I called back today at 3:00 PM and discussed this with Delbert Tree. After he described the current setup with the users it appears it may be best to split this claim into the separate users. Changes in ownership have occurred with 4 of the 5 owners and would help to document the splits and this would facilitate any future sales of the properties too. After the split is done he can then amend his claim to add the dairy portion since it will be within the small D & S limits.

Delbert will pass on this information to the other owners tonight at their scheduled meeting. Once I have the 4 COO forms and deeds I will split the parts out in one action.

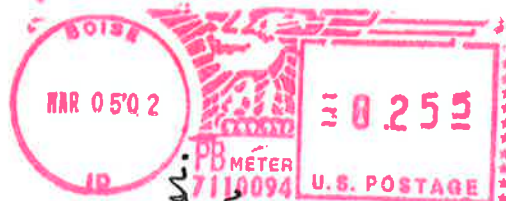
Dairy Permit 37-8350 (lapsed)

IDAHO
MENT OF WATER RESOURCES
Orchard Street, P.O. Box 83720
83720-0098

ice Requested

RETURN SERVICE
REQUESTED

PERSON
FIRST CLASS



RECEIVED

MAR 11 2002

Department of Water Resources

She is not
listed as owner.
Sent COO form
only.
3/11/02
scu
(Charles Eason)

37-10238

ERW1541

[Handwritten signature]

ERW1541 6334900225 1C01 06 03/08/02
RETURN TO SENDER
PERWIN, ILENE R
PO BOX 100
RICHFIELD, ID 83349-0028
RETURN TO SENDER

6334900225

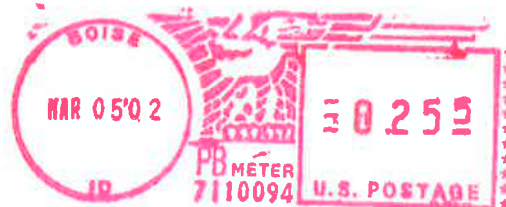


IDAHO
MENT OF WATER RESOURCES
Orchard Street, P.O. Box 83720
83720-0098

ice Requested

RETURN SERVICE
REQUESTED

PERSON
FIRST CLASS



RECEIVED

MAR - 8 2002

Department of Water Resources

(Hardy)
No current Address.
2/11/02 scu

37-10238

RETURNED TO SENDER
☒ MOVED, LEFT NO ADDRESS
☐ FORWARDING ORDER EXPIRED
☐ ATTEMPTED NOT KNOWN
☐ UNCLAIMED ☐ REFUSED
☐ NO SUCH STREET
☐ NO SUCH NUMBER
☐ INSUFFICIENT ADDRESS

[Handwritten squiggle]





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 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

37-10238

March 4, 2002

DELMAR HARDY

MARLEY RD

RICHFIELD, ID 83349

Re: Evidence of Priority Date for SRBA Claim

RESPONSE DEADLINE
MARCH 29, 2002

Dear Claimant:

The Notice of Claim identified with the number shown above 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, at a later date, 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 recommended 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 will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

Steve Clelland
Water Resource Agent, Sr.

Enclosures



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Governor

KARL J. DREHER
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37-10238
DELBERT TREE
625 MARLEY RD
RICHFIELD, ID 83349

March 4, 2002

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37-10238
DELMAR HARDY
MARLEY RD
RICHFIELD, ID 83349

March 4, 2002

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KARL J. DREHER
Director

37-10238
CHARLES L ERWIN
541 MARLEY RD
RICHFIELD, ID 83349

March 4, 2002

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