

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 37-20737
Date Received: 7/3/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

BARBARA BROWNING Phone: (208)788-9673

PO BOX 259
BELLEVUE ID USA 83313

CARL BROWNING Phone: (208)788-9673

PO BOX 259
BELLEVUE ID USA 83313

2. Date of Priority: 04/15/1985

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01N	19E	29	NW	NE	NW	BLAINE	

5. Description of diverting works:

WELL, 100 HP PUMP, 200 HP RELIFT PUMP TO PIVOT AND CORNERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.03	7.8

7. Total Quantity Appropriated is:

0.03 C.F.S. and/or 7.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	19E	29	NW	NW	IRRIGATION	15
			SW	NW	IRRIGATION	0.5
					Section Acres	15.5
					Total Acres	15.5

11. Place of use in counties: BLAINE

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

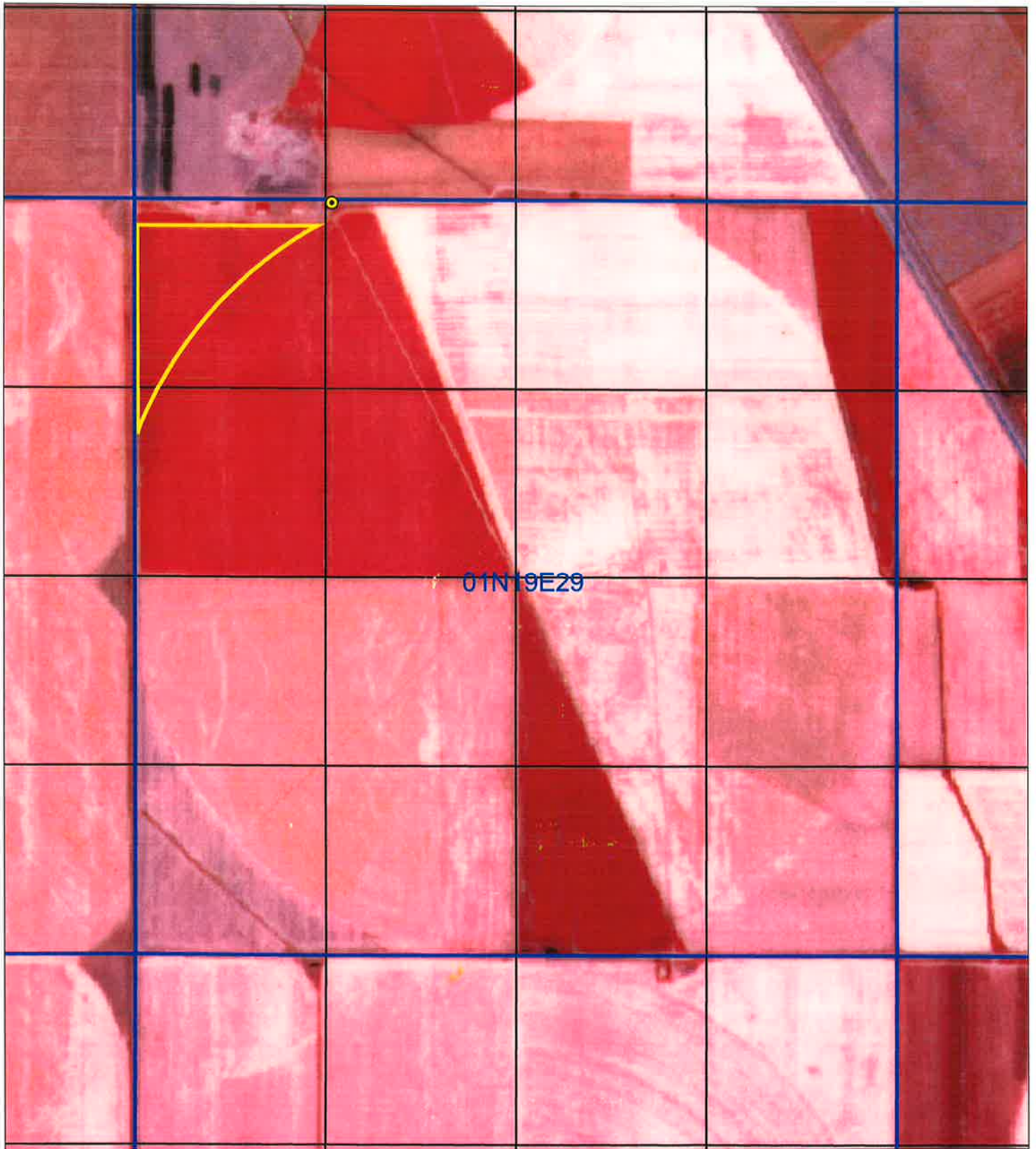
13. Other Water Rights Used:

14. Remarks:

THIS ENLARGEMENT RIGHT (PURSUENT 42-1426) WAS FORMERLY PART OF 37-2559 AND RECENTLY CLAIMED SEPARATELY AND SPLIT BY PREVIOUS OWNER CHANGE. THIS RIGHT WHEN COMBINED WITH 37-2559B IS LIMITED TO THE DIVERSION OF 0.18 CFS AND A VOLUME OF 54 AF.

15. Basis of Claim: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES



37-2559B & 37-20737



1320 0 1320 2640 Feet

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 37-20626
Date Received: 1/21/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

B S RANCH Phone: (208)788-4613

388 GANNETT RD
BELLEVUE ID USA 83313

2. Date of Priority: 04/15/1985

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	19E	29	NW NE NW	BLAINE	

5. Description of diverting works:

WELL, 100 HP PUMP, 200 HP RELIFT PUMP TO PIVOT AND CORNERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.94	282

7. Total Quantity Appropriated is:
0.94 C.F.S. and/or 282 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Split into
37-20736
37-20737

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	19E	29	SE	NE		IRRIGATION	32
			NE	SW		IRRIGATION	40
			SE	SW		IRRIGATION	39
			NW	NE		IRRIGATION	39
			SW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	38
			SE	NW		IRRIGATION	40
			NE	SE		IRRIGATION	39
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	20
			NW	NW		IRRIGATION	33
			SW	NW		IRRIGATION	38.5
			SW	SW		IRRIGATION	21
			NW	SW		IRRIGATION	39
			NE	NE		IRRIGATION	23
Section Acres							560.5
Total Acres							560.5

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:

14. Remarks:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80.5 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER WR NUMBERS: A37-00114A A37-00664A A37-00665E A37-00666C A37-00667G A37-11526 CHANGE IN OWNERSHIP DID NOT CHANGE P/U ON THIS CLAIM BUT HAS CHANGED THE ABOVE LISTED RIGHTS; SOME SPLITS HAVE OCCURRED.

THIS RIGHT IS AN ENLARGEMENT OF 37-2559 PURSUANT 42-1426, IDAHO CODE.

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

Number of attachments: 3 PAGES TOTAL

For Organizations:

I do solemnly swear or affirm that I am GEN. PARTNER of _____ Title

B. S. RANCH Organization, that I have signed the foregoing

document in the space below as GEN. PARTNER of _____ Title

B. S. RANCH Organization and that the statements contained in the

foregoing document are true and correct. Rosie Jordan Signature of Authorized Agent

GEN. PARTNER BS RANCH Title and Organization

6-26-02

Date

State of Idaho

County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this

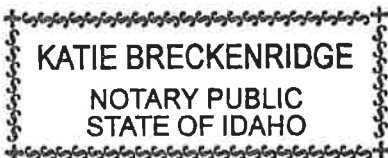
of 26TH June 2002

Katie Breckenridge

Notary Public

Residing at BLAINE COUNTY PICABO, IDAHO

My commission Expires 1/11/05



RECEIVED
DEC 15 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

11/29/2006

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: 12/15/2006

Water right number: 37-20737

BARBARA BROWNING
PO BOX 259
BELLEVUE ID 83313
Telephone Number: (208)788-9673

CARL BROWNING
PO BOX 259
BELLEVUE ID 83313
Telephone Number: (208)788-9673

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: 12-8-06 SIGNATURE: Carl W Browning
Please print your name: CARL W BROWNING

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 13 2006

11/21/2006

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

RIGHT NUMBER: 37-20737

NAME AND ADDRESS: BARBARA BROWNING
PO BOX 259
BELLEVUE ID 83313

CARL BROWNING
PO BOX 259
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.030 CFS
7.700 AFY

The rights listed below are limited to a total combined diversion rate of 0.18 cfs and to a total combined annual diversion volume of 54 AF. Combined Right Nos.: 37-2559B and 37-20737.

PRIORITY DATE: 04/15/1985

POINT OF DIVERSION:

T01N R19E S29 NWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.030 CFS 7.70 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S29	NENW	2.00	T01N R19E S29	NWNW	18.00
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20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 20 acres in a single irrigation season. Combined Right Nos.: 37-114F, 37-664G, 37-665R, 37-666P, 37-667T, 37-11526B, 37-2559B, and 37-20737.

Right Nos. 37-2559B and 37-20737 are limited to the irrigation of a combined total of 15.5 acres in a single irrigation season.

This right is limited to the irrigation of 2.2 acres within the place of use described above in a single irrigation season.

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

11/21/2006

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

This right is based upon an enlargement of Right No. 37-2559 pursuant to Section 42-1426, Idaho Code.

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

Property is also known as Lot 4A, B. S. Ranch Subdivision. Parcel
RP00037000004AA.



Idaho Department of Water Resources

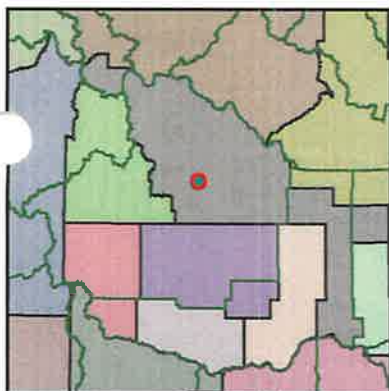
SRBA Recommendation:

37-20737

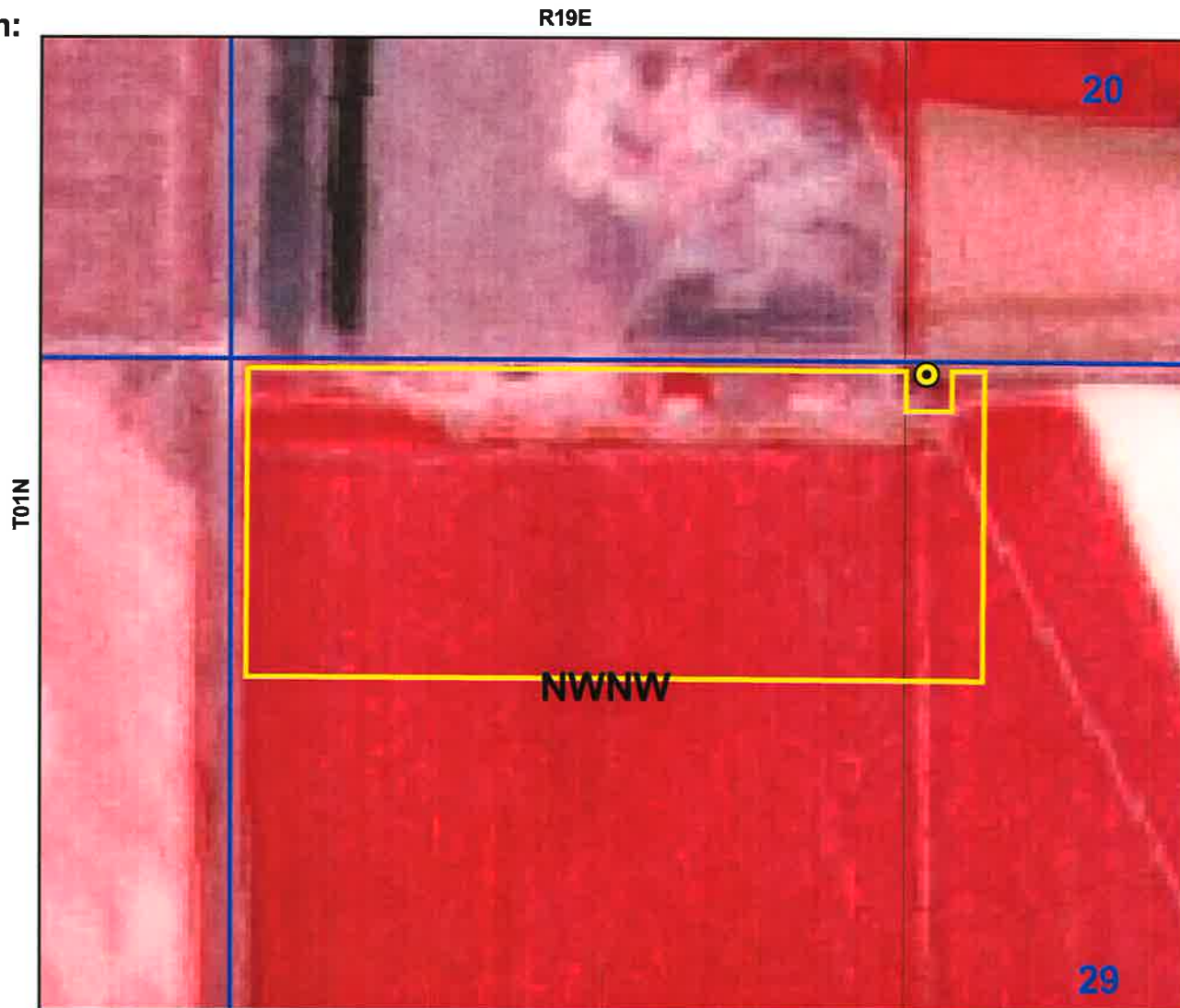
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by J. Roberts
On Tuesday, November 21, 2006
1987/88 Aerial Photography

Owner: Barbara Browning

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20737 V1

WATER RIGHT NUMBER: 37-20737 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	B S RANCH 388 GANNETT RD BELLEVUE, ID 83313 (208)788-4613
Current Owner	BARBARA BROWNING PO BOX 259 BELLEVUE, ID 83313 (208)788-9673
Current Owner	CARL BROWNING PO BOX 259 BELLEVUE, ID 83313 (208)788-9673

Priority Date: 04/15/1985

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.030 CFS	7.80 AF
	<u>Total Diversion:</u>	0.030 CFS	7.80 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4NW1/4	Sec. 29, Twp 01N, Rge 19E, B.M.
BLAINE 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	
01N	19E	29					2.0	18.0											20.0

Total Acres: 20

Conditions of Approval:

1. E61 The rights listed below are limited to a total combined diversion rate of 0.18 cfs and to a total combined annual diversion volume of 54 AF. Combined Right Nos.: 37-2559B and 37-20737.
2. 104 If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20737 V1

3. E56 The rights listed below are limited to the irrigation of a combined total of 20 acres in a single irrigation season. Combined Right Nos.: 37-114F, 37-664G, 37-665R, 37-666P, 37-667T, 37-11526B, 37-2559B, and 37-20737.
4. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. E55 Right Nos. 37-2559B and 37-20737 are limited to the irrigation of a combined total of 15.5 acres in a single irrigation season.
6. J01 Property is also known as Lot 4A, B. S. Ranch Subdivision. Parcel RP00037000004AA.
7. K02 This right is based upon an enlargement of Right No. 37-2559 pursuant to Section 42-1426, Idaho Code.
8. K06 This right is limited to the irrigation of 2.2 acres within the place of use described above in a single irrigation season.
9. 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:

Comments:

1. jroberts 11/21/2006 copied from remarks

Comment: THIS ENLARGEMENT RIGHT (PURSUENT 42-1426) WAS FORMERLY PART OF 37-2559 AND RECENTLY CLAIMED SEPARATELY AND SPLIT BY PREVIOUS OWNER CHANGE. THIS RIGHT WHEN COMBINED WITH 37-2559B IS LIMITED TO THE DIVERSION OF 0.18 CFS AND A VOLUME OF 54 AF.

2. jroberts 11/21/2006 Basis of Recommendation

Comment: This is an enlargement of 2.2 acres from licensed right 37-2559B, which was developed as a supplemental right, so added surface water conditions, combined diversion and volume conditions, and combined acre limits. PoU also overlaps with several surface water rights so PoU has combined acre limits with those rights also. Volume - 2.2 ac X 3.5 AF/ac = 7.7 AF.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20626

WATER RIGHT NUMBER: 37-20626

Owner Type Name and Address
 Current Owner B S RANCH
 388 GANNETT RD
 BELLEVUE, ID 83313
 (208)788-4613

Priority Date: 04/15/1985

Basis: Beneficial Use

Status: PARENT

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.940 CFS	282.00 AF
<u>Total Diversion:</u>		0.940 CFS	282.00 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4NW1/4 Sec. 29, Twp 01N, Rge 19E, B.M.
 BLAINE 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	
01N	19E	29	23.0	39.0	40.0	32.0	38.0	33.0	38.5	40.0	40.0	39.0	21.0	39.0	39.0	40.0	39.0	20.0	560.5

Total Acres: 560.5

Conditions of Approval:

1. THIS RIGHT IS AN ENLARGEMENT OF 37-2559 PURSUANT 42-1426, IDAHO CODE.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80.5 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. OTHER WR NUMBERS: A37-00114A A37-00664A A37-00665E A37-00666C A37-00667G A37-11526 CHANGE IN OWNERSHIP DID NOT CHANGE P/U ON THIS CLAIM BUT HAS CHANGED THE ABOVE LISTED RIGHTS; SOME SPLITS HAVE OCCURRED.
4. 7/3/02, DJ: CLAIM RECEIVED THIS DAY. PROCEEDING TO SPLIT INTO HG2 AND BROWNING.

Remarks:

11/08/2006

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

RIGHT NUMBER: 37-20737
NAME AND ADDRESS: BARBARA BROWNING
PO BOX 259
BELLEVUE ID 83313

CARL BROWNING
PO BOX 259
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
7.80 AFY

PRIORITY DATE: 04/15/1985

POINT OF
DIVERSION: T01N R19E S29 NWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.030 CFS

11.90 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S29

NWNW

15.00

T01N R19E S29

SWNW

0.50

560.5 ACRES TOTAL

15.5

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

THIS ENLARGEMENT RIGHT (PURSUENT 42-1426) WAS FORMERLY
PART OF 37-2559 AND RECENTLY CLAIMED SEPARATELY AND SPLIT
BY PREVIOUS OWNER CHANGE. THIS RIGHT WHEN COMBINED WITH
37-2559B IS LIMITED TO THE DIVERSION OF 0.18 CFS AND A VOLUME
OF 54 AF.

EXPLANATORY MATERIAL: BASIS OF CLAIM -



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