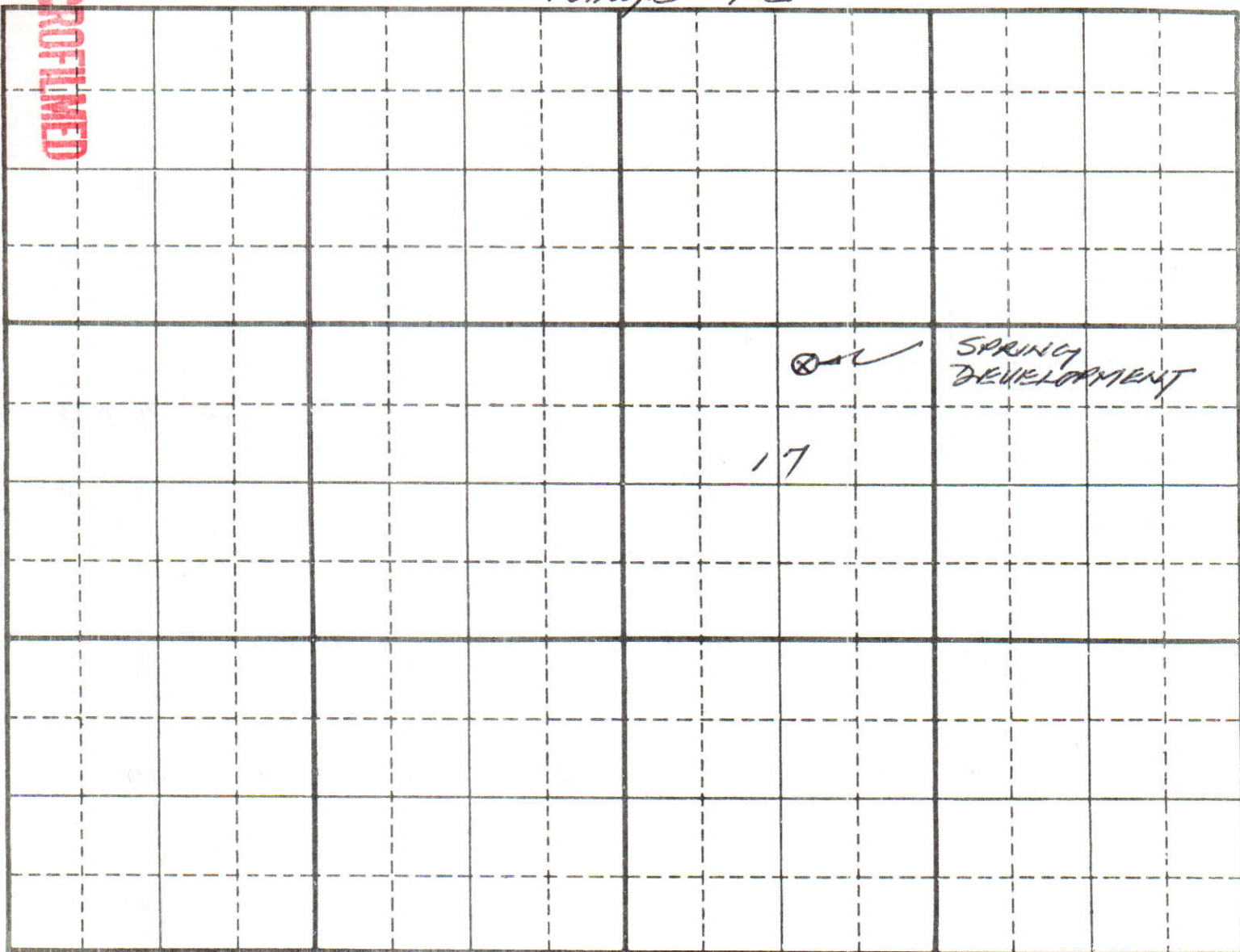


(8) Remarks _____

RANGE 1 E

MICROFILMED

N 32 W T14N



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Valley) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Brown's Seedstruck's Ave
Harren H Brown
(Claimant)

Sworn to before me this 8 day of June, 19 83.

Thia N. Kirk
Notary Public
Residing at McCall, Idaho

My commission expires March 17, 1985

FOR DEPARTMENT USE ONLY

Received by mn Date 6-9-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JP Date 6-14-83 claimant by: _____
\$30.00 fee received by JP Date 6/10/83 28969
Published in Idaho County Press
Dates 10/27 & 11/3/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Department of Water Resources
Water Resources Division

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that BROWN INDUSTRIES INC.
SUITE 1818 IDAHO FIRST PLAZA (Name of Claimant)
BOISE, IDAHO (Mailing Address) 83701 (Zip Code) Telephone No. 342-7883

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1953

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

SPRING tributary to HAMMER CREEK

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.10 CFS</u>		Use <u>Stock</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) 0.10 CFS TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 NE 1/4, Sec. 17 Twp. 28N Rge. 1E B.M., County of IDAHO

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. HEADBOX AND TROUGH

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
28N	1E	17		X															

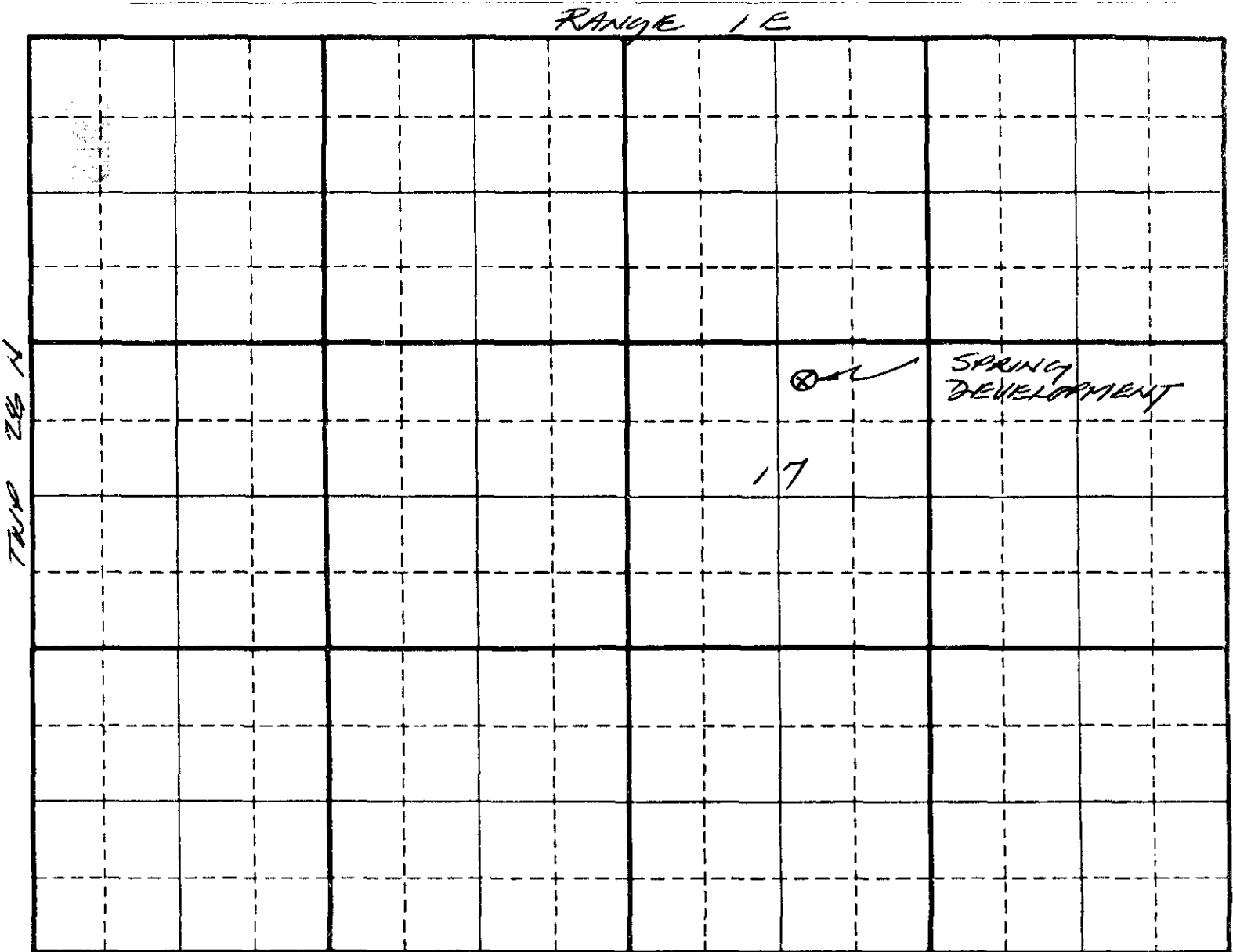
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: 1000 CATTLE

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Valley) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Brown's Irrigation Co
Harriet A Brown
(Claimant)

Sworn to before me this 8 day of June, 1983.

Theresa M. Clark
Notary Public
Residing at McEwen, Ark.

My commission expires March 17, 1985

FOR DEPARTMENT USE ONLY

Received by <u>mm</u>	Date <u>6-9-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JS</u>	Date <u>6-14-83</u>		claimant by:	
\$30.00 fee received by <u>JP</u>	Date <u>6/10/83</u>	<u>280169</u>		
Published in <u>Idaho County Press</u>				
Dates <u>10/27 & 11/3/83</u>				

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claim(s)
have been filed on water
right(s) created by diversion
and beneficial use:

79-4473

BROWN INDUSTRIES INC.
IDAHO FIRST PLAZA #1818,
BOISE, ID 83701

Source: SPRING trib. to
RICE CREEK

Priority Date: 01/01/1953

Diversion Pt: NESW Sec 25

T28N R01W

Use: STOCKWATER (0.08
CFS)

In: NESW Sec 25 T 28N R
01W

79-4484

BROWN INDUSTRIES INC.
IDAHO FIRST PLAZA #1818,
BOISE, ID 83701

Source: SPRING trib. to
OTTO CREEK

Priority Date: 01/01/1953

Diversion Pt: NWNE Sec 08

T28N R01E

Use: STOCKWATER (0.02

CFS) DOMESTIC (0.08 CFS)

In: NWNE Sec 08 T 28N R
01E.

79-4485

BROWN INDUSTRIES INC.
IDAHO FIRST PLAZA #1818,
BOISE, ID 83701

Source: SPRING trib. to
HAMMER CREEK

Priority Date: 01/01/1953

Diversion Pt: NWNE Sec 17

T28N R01E

Use: STOCKWATER (0.10
CFS)

In: NWNE Sec 17 T 28N R
01E.

79-4486

BROWN INDUSTRIES INC.
IDAHO FIRST PLAZA #1818,
BOISE, ID 83701

Source: SPRING trib. to
SINKS

Priority Date: 01/01/1953

Diversion Pt: SWSW Sec 04 T

28N R01E

Use: STOCKWATER (0.10
CFS)

In: SWSW Sec 04 T 28N R
01E.

Exceptions to a claim may
be filed with the Director,
Dept. of Water Resources,
Western Region, Statehouse,
Boise, Idaho 83720.

KENDUNN, Dir.

Published 10/26 & 11/2/83.

026-N2

AFFIDAVIT OF PUBLICATION

Nona Donaldson

being first duly
office manager
sworn, says he is the
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2 weeks,
being published 2 times, the first publication being
on the 26 day of October, 1983,
and the last publication on the 2 day of
November, 1983; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this 2 day
November, 1983

[Signature]

Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED
NOV 28 1983

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

December 5, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HAROLD J ARMSTRONG
ANNE M ARMSTRONG
1419 BURTON
BURLEY ID 83318

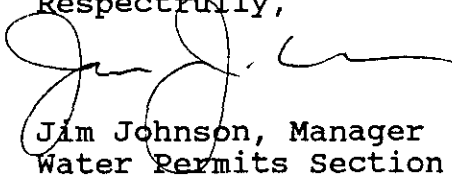
RE: WATER RIGHT NO. 79-04405

Dear Mr. and Mrs. Armstrong,

I recently received a Notice of Change of Water Right Ownership form on the above referenced claimed water right. I have placed this document in your claim to water right file.

If you have any questions, you may contact me directly at
(208) 327-7947.

Respectfully,



Jim Johnson, Manager
Water Permits Section

JJ:rl

JAN 8 6 1996

MEMORANDUM

To: Jim Johnson
From: L. Glen Saxton *LS*
RE: CLAIM TO A WATER RIGHT NO. 79-04405
Date: December 4, 1995

The question you have raised may take some coordination between Water Allocation Bureau and Adjudication Bureau.

Strictly looking at the statutes, Section 42-243, Idaho code, does not provide for the filing of SRBA Form No. 42-1409(7). Hence the form probably is not appropriate to receive in connection with Claim 79-04405 unless it is treated as a letter which we would just file in the claim file. Section 42-243, I.C. does, however, provide as follows:

... Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fees shall be required.

While this language appears to be directed toward correcting errors on a prior claim which has been filed, there is no apparent reason why the filing of an amended claim could not be used to change the name on a claim. This has been done on occasion in the past as well as the filing a letter or other documentation which advises the department that the owner of a water right has changed.

A search of the adjudication data base indicates that SRBA Claim No. A79-12590 filed by the Bureau of Indian affairs likely claims the same spring as Claim No. 79-04405 according to the quad sheet of the area. If this is the case, Adjudication Bureau may want to call this matter to the attention of Harold Armstrong, so he can check into the matter and pursue it if he wants to do so.

✓ Since certain uses such as domestic and stock have been deferred in the SRBA, it has been my understanding that we will have to maintain Section 42-243 claims for those deferred uses until the court requires the submittal of adjudication claims.

MEMORANDUM

Date: December 4, 1995
From: Jim Johnson 
To: Glen, Norm
Subject: Change of ownership on a claim to water right

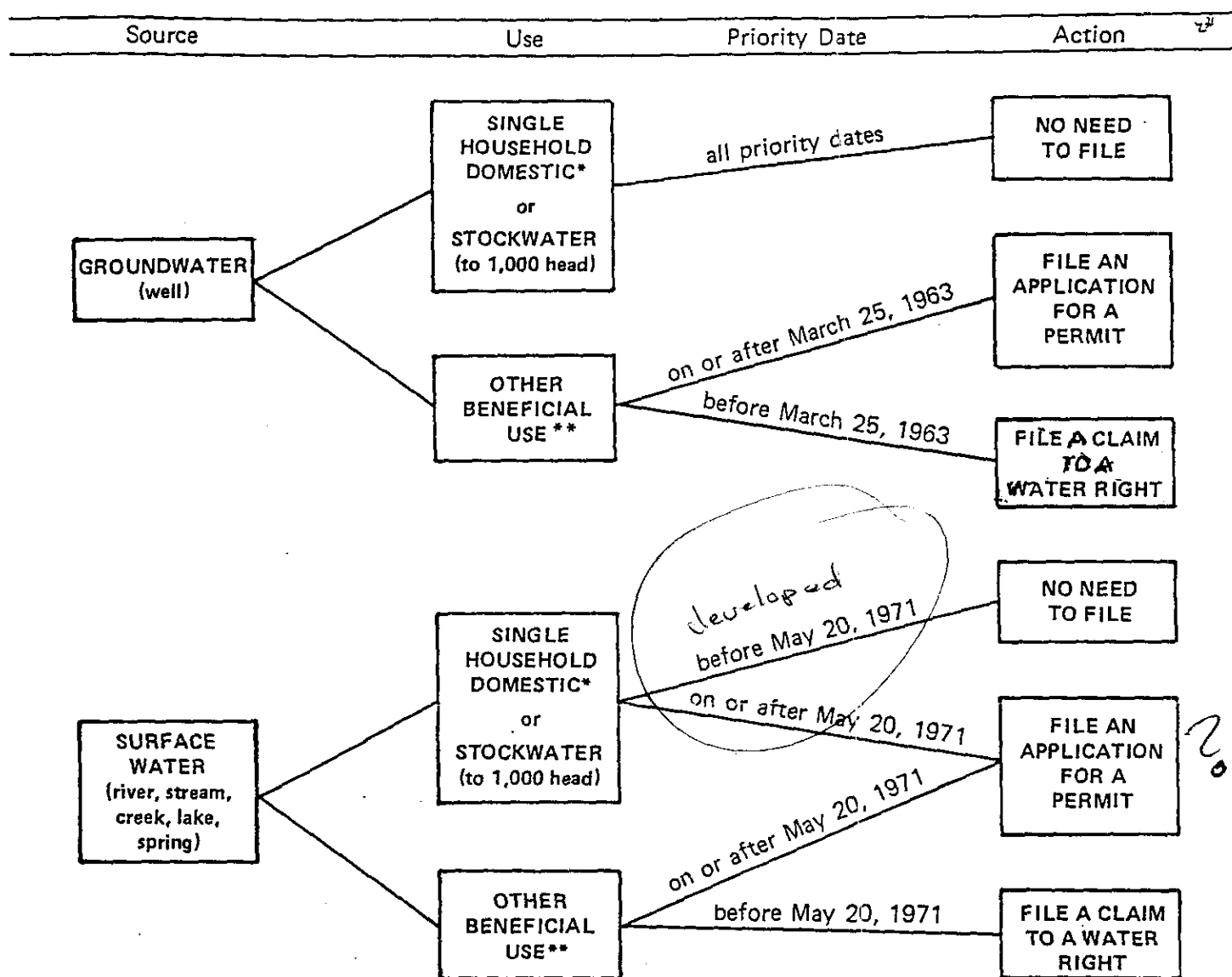
=====

I have received a completed New Property Owner "Notice of change of water right ownership" form submitted by Harold Armstrong. A SRBA claim has not been filed and it appears that a SRBA claim is not required. See attach diagram.

My question is, what is going to happen to this claim? If the SRBA is not going to require a SRBA claim, then does this claim forever stay as a claim on the department's records? I thought the SRBA would update all claims filed within the SRBA area? Apparently this is not the case from what I am told.

I would like some feed back so I can inform the claim holder what we are doing with this claim.

After checking the four exceptions on the previous page, follow your water use through this chart to determine any further action you may need to take.



* Single household domestic (defined in Section 42-230(d), Idaho Code) includes irrigation up to one-half acre and watering of household stock.

** Beneficial use includes irrigation of more than one-half acre, watering more than 1,000 head of stock, power generation, commercial, industrial and multiple family domestic uses.

More information, assistance, claim and permit forms, and instructions for filing, including fee schedules, are available at these offices.

Eastern Region 523-7186
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Western Region 384-2190
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Northern Region 667-6484
Idaho Department of Water Resources
Route 5, Box 203
4055 Government Way
Coeur d'Alene, Idaho 83814

Southern Region 734-3578
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10-16-95

RECEIVED

NOV 20 1995

RECEIVED

NOV 29 1995

LEGAL DESCRIPTION OF PROPERTY: Township 28N Range 1E Department of Water Resources
Section 17, 1/4 of NE 1/4 of NW 1/4 Govt. Lot BM.
Lot 113, Block , Subdivision/Townsite Twin River Ranch Subdivision,
If you have additional legal descriptions, please attach separate sheet. Idaho County, Idaho.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

RECEIVED

NOV 27 1995

☒ Water Right Number(s) 79-4405
Assigned by IDWR:

WATER RESOURCES
WESTERN REGION

☐ Name and Address of Former Owner/Claimant(s)(Seller): Brown Industries, Inc., then L.T. & L, Inc.,
Searchlight, a Trust, then Red Creek Ranch,
Inc., 665 Simonds Rd., Williamstown, Massachusetts

☐ New Owner/Claimant (Purchaser): Harold J. Armstrong and Anne M. Armstrong

☐ New Mailing Address: 1419 Burton, Burley, ID 83318

☐ New Telephone Number: (208) 678-0858

☐ Does the change in ownership result in a splitting of the water right owned/claimed? No.
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Small spring fed pond rather than trough and head box:
will be used for continuing stock water.

☐ Attach proof of ownership, describe proof attached: Warranty Deeds.

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Harold J. Armstrong Date 10-31-95
Anne M. Armstrong Date 10-31-95

☐ Signature of Former Owner/Claimant(s): J. L. [Signature] Date 11/14/95
for Red Creek Ranch

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: By:

Further Action Needed:

Further Action Taken
Date: By:

Final Review and Data-Entry
Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Jan Froun

Right Number 79-4405 Applicant Brown Industries

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 11/22/83
- ☒ Claim published correctly. same counter free from
30128969 10/27 & 11/3/83
- ☒ Exceptions processed.

By NBS Date 1/24/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 2/15/84

1984
FEB 11 1984
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

NOVEMBER 16, 1983

BROWN INDUSTRIES INC.
IDAHO FIRST PLAZA #1818
BOISE ID 83701

RE: Claim No. 79-4405

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

29-4405-

BROWN INDUSTRIES INC.

IDAHO FIRST PLAZA #1818, BOISE, ID 83701

Source: SPRING trib. to HAMMER CREEK

Priority Date: 01/01/1953

Diversion Pt: NWNE Sec 17 T 28N R 01E

Use: STOCKWATER (0.10 CFS)

In: NWNE Sec 17 T 28N R 01E