

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

R 40E

9

Point of diversion and place of use

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.

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 affiants knowledge.

Sworn to before me this 27th day of September, 1977

My commission expires 9-21-80

For Department Use Only

Received by <u>CW</u>	Date <u>10-11-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LD</u>	Date <u>10/11/77</u>		claimant by:	
\$10.00 fee received by <u>CE</u>	Date <u>10-11-77</u>			
Approved for publication by <u>TR</u>	<u>11-01-77</u>			
Published in <u>Highway Star</u>				
Dates <u>Oct 26 & 27-1977</u>				

Proof of Publication
The Post-Register

RECEIVED

NOV 1 1977

State of Idaho,
County of Bonneville

ss.

Department of Water Resources
Eastern District Office

I, Ted Delezene, first being duly sworn, depose and say: That I am the
Foreman of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily,
except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls
Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho
Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931,
and each of said newspapers having been published continuously and uninterruptedly, prior to consoli-
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-
tion of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-
lished in said Post-Register for two consecutive weeks, first publication having been made
on the 20th day of October, 1977, last publication
having been made on the 27th day of October, 1977, and that the
said notice was published in the regular and entire issue of said paper on the respective dates of
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 28th day of October, 1977

Ted Delezene

Karesten
Notary Public

My commission expires April 5, 1979

B10, 1M

NOTICE OF CLAIM TO A WATER
RIGHT
NO. 25-4025
Notice is hereby given that Karl &
Merle Brown, Rigby, Idaho have filed a
claim to a water right established by
diversion and application to beneficial
use of 0.01 cubic feet per second of water
from a spring with point of diversion in
the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 2N, R.
40E.B.M., Bonneville County.
The water is claimed to be used from
May 1 to Dec. 31 for stockwatering pur-
poses for 50 head of cows with calves
with a priority of Sept. 1, 1965 the place of
use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 2N,
R. 40E, B.M.
Any exception to this claim of water
right may be filed with the Idaho
Department of Water Resources, 1515
Lincoln Road, Idaho Falls, Idaho, 83401.
C. STEPHEN ALLRED
Director
Published: Oct. 20 & 27, 1977

MICROFILMED

STATE OF IDAHO

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Karl & Merle Brown, a partnership
(name of claimant)
of Rt. #2, Box 238, Rigby, Idaho 83442, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) spring located in the SW 1/4 of the SW 1/4 of Sec. 9, T 2 N, R. 40 E, B. M. in the SW Corner of said 40 acres.

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

Amount	<u>0.01</u>	Use	<u>Stockwater</u>	Period of Use: From	<u>May 1</u>	To	<u>Dec. 31</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use: From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use: From	<u> </u>	To	<u> </u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)		(both dates inclusive)		

- (3) Total quantity of water claimed: 0.01 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) September 1, 1965

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9 Twp. 2N Rge. 40E B. M. County of Bonneville

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. a concrete catch basin to which a 200 ft. 2" diameter pipe is attached leading to two cattle troughs

- (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.

[illegible]

Total No. of acres _____

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

Since 1965 the claimants have used the water for livestock watering purposes for 50 head of cows, with calves.

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

R 405

Point of diversion and place of use

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.

that the matters and facts therein are true to the best of my knowledge and belief.

Earl M. Brown
✓ Mark D. Brown
(Claimant)

Notary Public
Residing at Riverdale 8, 3442

For Department Use Only

Received by <u>CW</u>	Date <u>10-11-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SA</u>	Date <u>10-11-77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>10-11-77</u>			
Approved for publication by <u>JAC</u>	<u>11-01-77</u>			
Published in <u>Highway Star</u>				
Dates <u>Oct 26 & 27-1977</u>				

Proof of Publication

The Post-Register

RECEIVED

NOV 1 1977

State of Idaho,
County of Bonneville

ss.

Department of Water Resources
Eastern District Office

I, Ted Delezene, first being duly sworn, depose and say: That I am the Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 20th day of October, 1977, last publication having been made on the 27th day of October, 1977, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 28th day of October, 1977

Ted Delezene

Karl H. H. H.
Notary Public

My commission expires April 5, 1979

B10, 1M



WATER RIGHT NUMBER 25-4025

WATER RIGHTS EDIT REPORT

07/27/79

PAGE 16

ACT
ION

N OWNER LAST NAME - BROWN
N OWNER LAST NAME - BROWN
N ADDRESS LINE 1 - RT. 2 BOX 238

FIRST NAME - KARL
FIRST NAME - MERLE

CITY - RIGBY

STATE - ID ZIP CODE - 83442

N SOURCE - SPRING
N STAGE - STATUTORY CLAIM
N DIVERSION POINT - SWSW 09 02N 40E

PRIORITY - 09-01-1965 COUNTY - BONNEVILLE TOTAL DIV. RATE - .0100CFS

N FROM - 05-01 TO - 12-31 USE - STOCKWATER
N USE - STOCKWATER

USE DIV. RATE - .0100CFS

PLACE OF USE - TWN 02N RNG 40E SEC 09 TRACT SWSW

N NON IRRIG USE - S/50 HEAD.

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Old No.

New No.

1. Original Owner:

Present Owner:

2. Address: Rt. 2 Box 238

3. City: *Highby*

State: ID

Zip: 83442

4. A. Source of Water: *spring*

B. Tributary of:

5. A. Stage (A,P,L,D,S,J):\$

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 9-1-1945

D. County: 19

E. Total Diversion Rate: .01

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

6. A. Point of Diversion

Tract

Sec.

Twp.

Rqe.

Gov't

Lot

Rediv.

SW SW)

9

 $2N$

405

7. Period of Use, Use, Diversion Rate/Volume:

from 5-1 to 12-31 for 2 purposes.

Amount 201

(cfs or ~~AC-FT~~/yr)

from _____ to _____ for _____ purposes.

Amount

from _____ to _____ for _____ purposes.

Amount

from _____ to _____ for _____ purposes.

Amount

from _____ to _____ for _____ purposes.

Amount

from _____ to _____ for _____ purposes.

Amount

from _____ to _____ for _____ purposes.

Amount

p/72479

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

\$/50 head.

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

November 10, 1977

RE: Claim to a Water Right No. 25-4025

Karl & Merle Brown
Rt. #2, Box 238
Rigby, Idaho 83442

Gentlemen:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

RECEIVED
NOV 15 1977
IDaho FALLS
IDaho

October 14, 1977

RE: Claim to a Water Right No. 25-4025 BROWN

Post Register
P.O. Box 1800
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Legal Notice (1)

Bill submitted 11-01-77 by CW

NOTICE OF CLAIM TO A WATER RIGHT

NO. 25-4025

Notice is hereby given that Karl & Merle Brown,
Rigby, Idaho

have ~~has~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.01 cubic feet per second ~~XXXXXX~~
of water from a spring
with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 2N, R. 40E, B.M.,
Bonneville County

The water is claimed to be used from May 1 to Dec. 31 for stockwatering
purposes for 50 head of cows with calves
with a priority of Sept. 1, 1965;
the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 2N, R. 40E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Post Register, Idaho Falls, Idaho
on October 20 and October 27, 1977

Merle
10-27-77

October 11, 1977

RE: Claim to a Water Right No. 25-4025 BROWN'S

Mr. Reed Moss
Attorney at Law
485 "E" Street
Idaho Falls, Idaho 83401

Dear Mr. Moss:

Attached herewith is departmental receipt No. 9043 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

COLLEEN WRAY
Secretary

Attachment



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 5, 1977

RECEIVED

OCT 11 1977

Department of Water Resources
Eastern District Office

RE: Claim to a Water Right - BROWN'S

Mr. Reed L. Moss
Attorney at Law
485 "E" Street
Idaho Falls, Idaho 83401

Dear Mr. Moss:

We again find it necessary to return the above referenced claim to a water right as your check submitted for the filing fee has not been signed. Please sign and return with the claim for further processing.

If you have any questions concerning the matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment: Check No. 92-41
Enclosure: Claim

I apologize for my comings of errors -
the "signed" check is now returned
herewith.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

October 5, 1977

RE: Claim to a Water Right - BROWN'S

Mr. Reed L. Moss
Attorney at Law
485 "E" Street
Idaho Falls, Idaho 83401

Dear Mr. Moss:

We again find it necessary to return the above referenced claim to a water right as your check submitted for the filing fee has not been signed. Please sign and return with the claim for further processing.

If you have any questions concerning the matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment: Check No. 92-41
Enclosure: Claim

PETERSEN, MOSS & OLSEN

ATTORNEYS AT LAW

485 "E" STREET

IDAHO FALLS, IDAHO 83401

October 5, 1977

GEORGE C. PETERSEN, JR.
REED L. MOSS
DENNIS M. OLSEN
GREGORY R. MEACHAM
JEROLD G. OLDROYD
WM. CHARLES CARR

TELEPHONE
AREA CODE 208
523-4650

RECEIVED

OCT 4 1977

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

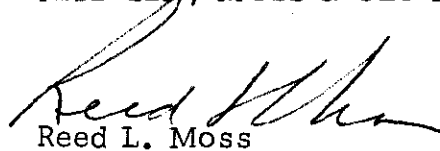
Gentlemen:

Enclosed herewith is the revised, and new, form for the water claim of the Browns. We appreciated your typing it out for us and have completed the sections which required additional information.

Please file, and we will enclose herewith our \$10.00 check to cover the fee.

Very truly yours,

PETERSEN, MOSS & OLSEN


Reed L. Moss

RLM/mas
Enclosures

PETERSEN, MOSS, OLSEN & BEARD
ATTORNEYS AT LAW
4. E STREET
IDAHO FALLS, IDAHO 83401

10791

June 6 19 77 92-41/1241

Pay to the
order of Idaho Department of Water Administration \$ 10.00

-----Ten and No/100----- Dollars

Water claim of Karl & Merle Brown

NORTHGATE MILE OFFICE
THE BANK of commerce
P. O. BOX 1887 IDAHO FALLS, IDAHO 83401

YOUR ENDORSEMENT ON THIS CHECK ACKNOWLEDGES PAYMENT IN FULL FOR THE ABOVE.
PETERSEN, MOSS, OLSEN & BEARD

Reed L. Moss

⑆ 124100041⑆ 11 6020472 4⑈

RE: Claim to a Water Right - BROWN

Mr. Reed L. Moss
Attorney at Law
485 "E" Street
Idaho Falls, Idaho 83401

Dear Mr. Moss:

Enclosed please find the above referenced claim to a water right and your check No. 92-41 in the amount of \$10.00. We find it necessary to return this claim as it was submitted on an outdated form.

For your convenience, we have taken the liberty of retyping the claim. Please complete Item (1) indicating the source from which the water is appropriated. In Item 6B), please indicate the amount and kind of livestock that is watered.

Please make the necessary additions and return to this office with the \$10.00 filing fee when your client has signed the document in the presence of a notary.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST M. CARLSEN
Water Resource Agent

EMC:CW

Enclosures

Attachment

PETERSEN, MOSS & OLSEN

ATTORNEYS AT LAW

485 "E" STREET

IDAHO FALLS, IDAHO 83401

July 13 , 1977

GEORGE C. PETERSEN, JR.
REED L. MOSS
DENNIS M. OLSEN
GREGORY R. MEACHAM
JEROLD G. OLDROYD
WM. CHARLES CARR

TELEPHONE
AREA CODE 208
523-4650

RECEIVED

JUL 18 1977

Department of Water Resources
Eastern District Office

Idaho Department of Water
Administration
Eastern District Office
240 South Holmes
Idaho Falls, Idaho 83401

Gentlemen:

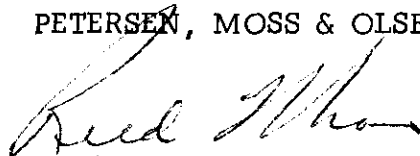
Enclosed herewith is our check in the amount of \$10.00 and a claim which we are filing on behalf of Karl & Merle Brown, a partnership, covering a spring which they utilize for watering cattle.

Will you please process the claim and also publish it in the newspaper as required by law and then advise if there is any dispute or protest.

Thank you for your courtesies.

Very truly yours,

PETERSEN, MOSS & OLSEN


Reed L. Moss

RLM/mas
Enclosures