

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: A45-00235
Date Received: 6/15/1989
Receipt No: S008254
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD BRACKENBURY 208-673-5373
Address: BOX 44
ALBION, ID 83311

2. Date of Priority: APR 12, 1892

3. Source: HOWELL CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	25E	29	SE	NE	NE		CASSIA

5. Description of diverting works:
UNSPECIFIED

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	25E	7	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 160.0

A45-00235

Page 1

Date: 06/15/89

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MAR 07 1993

10. Place of Use: Continued

Total Acres 160.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A45-00319

14. Remarks:
CLAIM BASED ON ATTACHED DECREE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN A. BRIDGER, ET. AL.
Decree Plaintiff

vs

HYRUM TREMAYNE, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

50⁰⁰

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 1 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) GERALD BRACKENBURY Phone 208 673-5373
Mailing Address Box 44 Albion ID Zip 83311

2. Date of Priority (Only one (1) per claim) 1/1 1892

3. Source of water supply (a) MARSH CREEK & TRIBUTARIES
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township D5 Range 2SE Section 29,
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CASSIA

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

THIS WATER TAKEN FROM
HOWELL CREEK.

MICROFILMED

MAR 07 1993

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrig purposes from 3/15 to 11/15 amount 1.2 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12S	25E	7													40	40	40	40	160

Total number of acres irrigated 160

11. In which county (ies) are lands listed above as place of use located? CASSIA

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
45-00319 45-00329 or None ()

14. Remarks: THIS CLAIM IS BASED ON THE ATTACHED
DECREE DATED April 6 1910.

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MAR 07 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

RECEIVED

MAR 11 1988

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number SEE ATTACHED

Court 4th Judicial District

Case Number _____

Decree Date 4/6 1910

Plaintiff vs Defendant Bridger, John vs Tremayne, Hyrum

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature]

Date 5-31-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day of May 1989

SEAL

Notary Public [Signature]

Residing at Boise Idaho

My Commission Expires 12/7 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

MAR 07 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IOWA AND FOR THE COUNTY OF CASSIA
JOHN

Filed April 6, 1910 at 4 P. M.

Book 1 of Judgments
Page 129

Before the Court, having heard the testimony of
the parties, plaintiff and
and the facts in the premises
the following facts to-wit:-----

On the 23rd day of April 1892 and from thence on down
to the filing of the complaint hereof, the plaintiff George V. Brim,
and his heirs, successors and assigns, were in interest, and he
said George V. Brim is the owner in possession, and entitled to
possession of the lands described in the complaint to-wit:-

Section 2, T. 23, S. R. 25 E. B. M. and the right to use for the
same 30 inches of the flush or undecreed waters of
the tributaries.-----

April 1892, the said George V. Brim, his

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MAR 27 1993

granted to the said interest, appropriated said 60 inches of
of said creek for irrigation, for
the irrigation of the said land and by means of dams and ditches,
diverted and conducted the said water to and upon said land and used
the same for the irrigation thereof, and has during each
year from 1902 to 1922 used said amount of said water in
the irrigation of said land.

Edward A. Walters,

District Judge

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MAR 07 1965

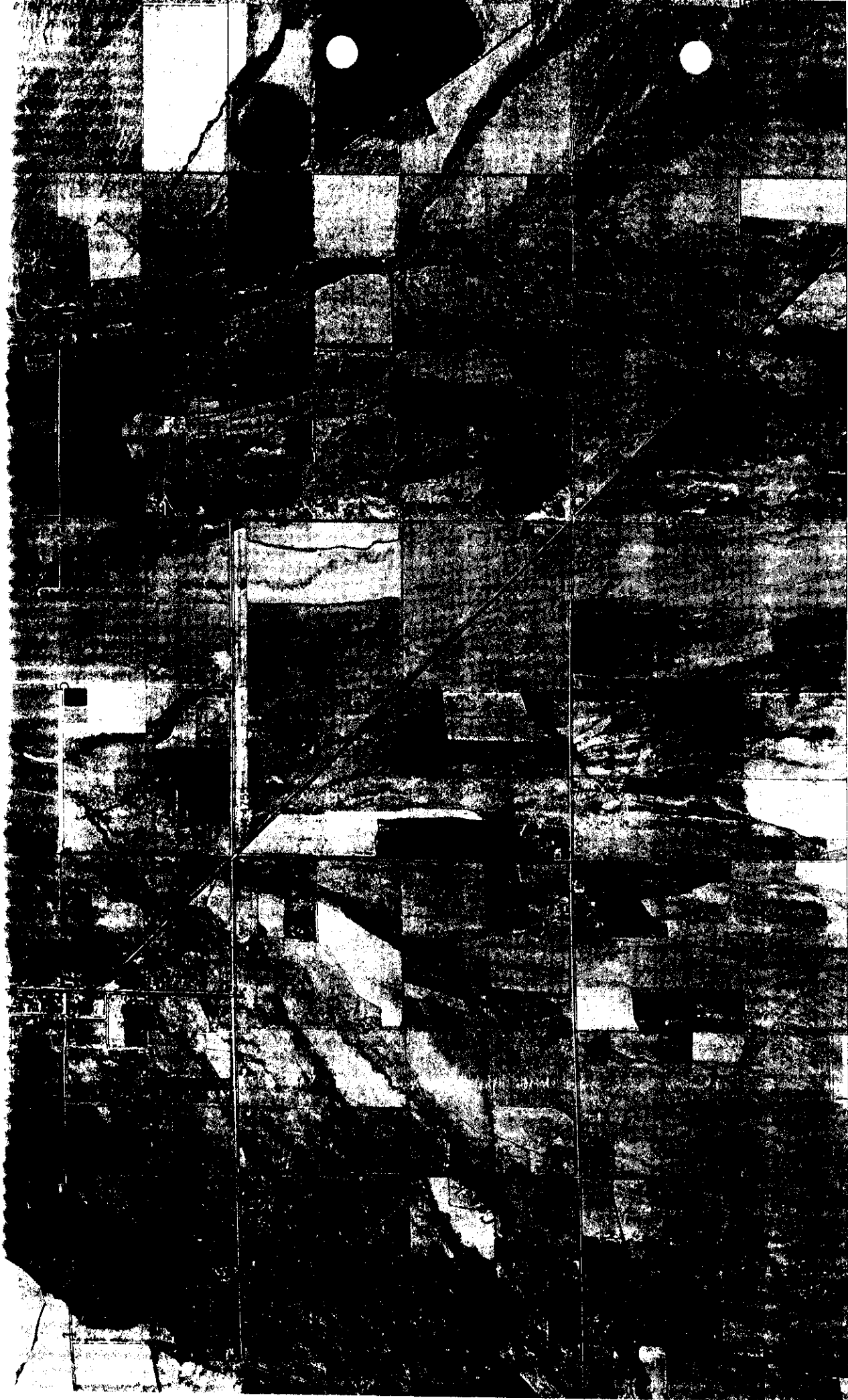
ALBION 3.5 MI. 292

630,000 FEET



700

FILMED
1993



CONCOR 7 MI/200
MALTA (IDAHO 81) 14 MI

291

32' 30"

290

289

288

35' R. 25 E.

287

FEET

286

SCALE 1:24,000



for

PROFILMED
MAR 07 1993

Can Be Observed

Copied

	1	2	3	City	Phone
1	-	-	-		
2	-	-	-		
3	-	-	-		
City					
Phone					

MICROFILMED
MAR 07 1993

Adj. flag translation: Standard Water Right Number

[illegible]

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Tested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 12/09/1985	DLE/Carey Act	- 45F
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 03/17/1910				

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MAR 07 1964



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 17, 1989

Gerald Brackenbury
Box 44
Albion, Id 83311

Re: A45-11710
A45-00329B
A45-00235
A45-00319

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 07 1993

10/14/2003

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

RIGHT NUMBER: 45-235

NAME AND ADDRESS: GERALD BRACKENBURY
BOX 44
ALBION ID 83311

11/11/07 KKC

SOURCE: HOWELL CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 1.200 CFS

PRIORITY DATE: 04/12/1892

POINT OF DIVERSION:

T12S R25E S29 SENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.200 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R25E S07	NESE	39.0	T12S R25E S07	NWSE	39.0
T12S R25E S07	SWSE	39.0	T12S R25E S07	SESE	36.0

153 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 153 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-319, 45-235, and 45-329B.

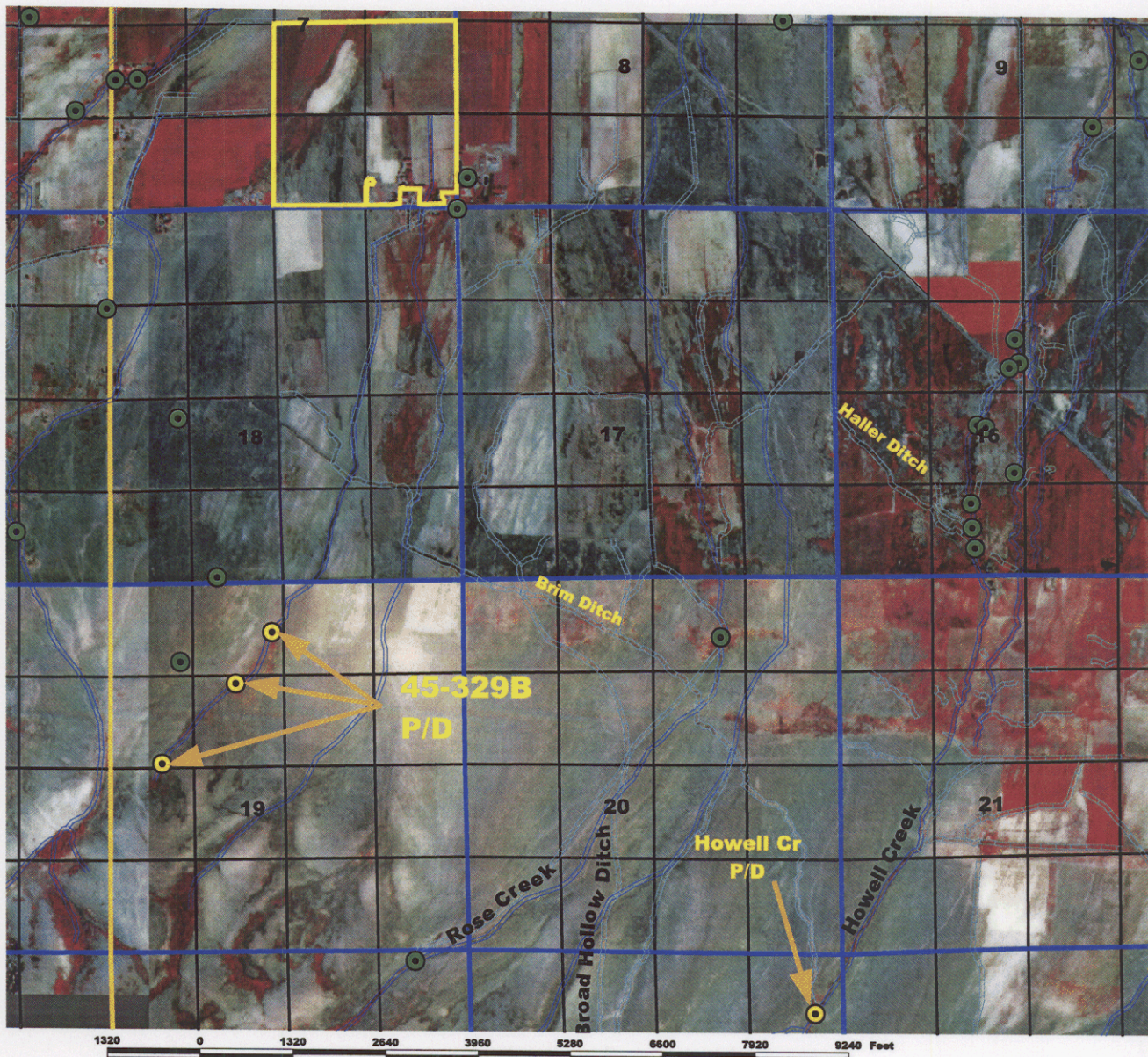
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: Decreed

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
45-235, 45-319, AND 45-329B**



PLACE OF USE

TWP 12S, RNG 25E, SEC 7

Data entry on December 23, 2003

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**

**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN**



CASSIA CO



45-329

Brackenburg - Kempton

Send To Printer

Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS 3 km S of Albion, Idaho, United States 09 Aug 1992



Image courtesy of the U.S. Geological Survey
2003 Microsoft Corporation. All rights reserved. **Terms of Use**

Randy B.
Box 23
Albion

Oct 14, 2003
Field map



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

DEPT INTERNET WEB SITE: www/idwr.state.id.us

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 27, 2003

Janet

673-6627

RANDY BRACKENBURY
1146 E 1000 S
ALBION ID 83311

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS 45-235, 45-319, and 54-329B

Dear Randy

In conversations with Don Gunderson, it has come to my attention that you are managing the property now. Therefore I am sending you the letter I drafted to Gerald.

If there has been a change of ownership I need documentation to update the records. As it stands our records show Gerald's address as box 44. Any official communication regarding recommendations and even the preliminary director's report will go to Gerald at that address. If this is incorrect then that also needs to be corrected.

If you have questions please give me a call. If you want to review the claims and the information that I have available please schedule an appointment with me so that we can review the records. I am required to make recommendations for all of the rights in the Albion area and I need your and others help to determine the historic and current status of the rights in the Albion area.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchriste@idwr.state.id.us

Enclosures

Christensen, Kelly

From: KiGuns Rancho Por La Vida II [gundy@safelink.net]
Sent: Thursday, March 27, 2003 8:50 AM
To: Christensen, Kelly
Subject: Re: Gerald Brackenbury 454-235, 319, and 329B

Good AM:

Gerald Brackenbury has turned over the responsibility to his son Randy.

I do not know if the ranch it's self has been turned over to him as his own.

There are other family members.

As to the decreed rights, the primary right [REDACTED] [REDACTED] does his 1892 right come into effect (45-0235), which is delivered and is probably shared by other users on the ditch, which are Leo Bell, Jim Kempton & Ina Droz!!! It's the way they have the diversions setup on the delivery ditch.

As for the Brim Creek delivery, the only way it comes about is on high water when there is a flow off of Ina Droz in very early spring. Brackenbury has not maintained a call for delivery and or maintained any diversion system. Ina Droz & 6-s are the primary users of this water.

The Brackenbury's do have water to their reservoir from a spring up the canyon and is off of their land, which I or my predecessor has never charged. Hope this answers your questions. If I can be of any more assistance, please ask.

Don Gunderson

----- Original Message -----

From: "Christensen, Kelly" <kchriste@idwr.state.id.us>
To: <gundy@safelink.net>
Sent: Wednesday, March 26, 2003 4:27 PM
Subject: Gerald Brackenbury 454-235, 319, and 329B

> I was going over your list but did not see a listing for these rights and/or

> address for Gerald. Is there a new owner / address?

>

> Thanks

>

> Kelly

Randy
1146 E 1000'S
Albion 83311

45-319

45-235

} two different
systems
45-329?



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 DEPT INTERNET WEB SITE: www.idwr.state.id.us

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 27, 2003

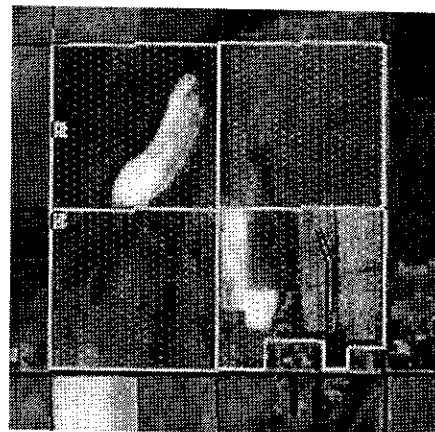
GERLAD BRACKENBURY
1000 S 1075 E
ALBION ID 83311

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS 45-235, 45-319, and 45-329B
PRELIMINARY RECOMMENDATIONS

Dear Mr Brackenburg

This office is reviewing Snake River Basin Adjudication claims in your area in preparation for our report to the court. As a part of this processing, IDWR is mailing **draft** recommendations to claimants where they differ from the original claim. These efforts are intended to improve claim review efficiency and lower the overall cost of the adjudication.

I have not finalized the recommendations for your claims yet. I want to address a few points before making those recommendations. The claims were filed for 40 acres within each of the 4 tracts outlined to the right. Three of those tracts are actually 39 acres and the fourth after excluding the home sites is 35 acres. If those boundaries are correct then the overall irrigated place of use is 152 acres.



45-319 has very few problems. This right was decreed with Howell Creek as the source. Once the place of use is finalized the only other issue is the stockwater included as a use. The Wood V Stokes decree did not include stockwater as a use; therefore I am unable to recommend that use as a part of this right. A beneficial use claim could be filed for that use as a separate claim.

45-235 was also decreed with Howell Creek as the source. This right has a 4-12-1892 priority date. I did not find any obvious problems with this right at this time.

45-329B -- Many problems exist with this claim. The decreed source is Brim Creek at 0.10. The claim indicates that Brim Creek is formed by springs arising on place of use. Other rights with Brim Creek as a decreed source are diverted out of Brim Canyon. It is not clear what the relationship is between Brim Canyon and Brim Creek but by reviewing the available maps it appears that the source for this right and the other Brim Creek claims are different drainages.

There are three claimants against the decreed right as follows;

Decree Right No	Source	Rate	Claim Right No	Source	Rate
45-329	Brim Creek	0.10 cfs	45-329A	Brim Cr	0.10 cfs
			45-329B	Brim Cr	0.05 cfs
			45-329C	Brim Cr	0.20 cfs

Bell
Brackenbury
Kempton

All three claimants own a portion of the original decreed place of use, however, at this time I do not have enough information to make a final determination of the current status (ownership) of this right.

I look forward to working with you to improve the accuracy and completeness of the recommendation(s). The **draft** recommendations may be further modified by information you provide or by additional information received by the department through further investigation. In the absence of additional information the **draft** recommendations will become the recommendations submitted to the court.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchrister@idwr.state.id.us
enclosures

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 8-29-2001

File: 45-329 split

Prepared by Kelly K Christensen

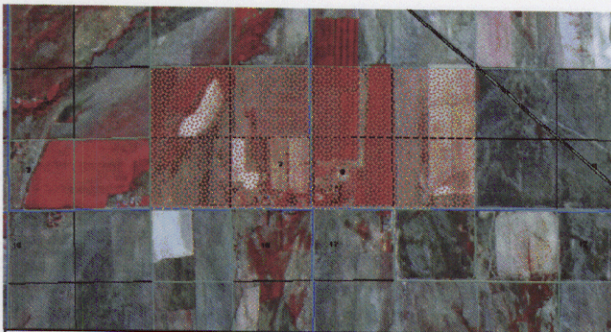
over claimed

ANALYSIS OF 45-329
5-1-1877 source = Brim Creek
0.10 cfs on eight 40-acre tracts

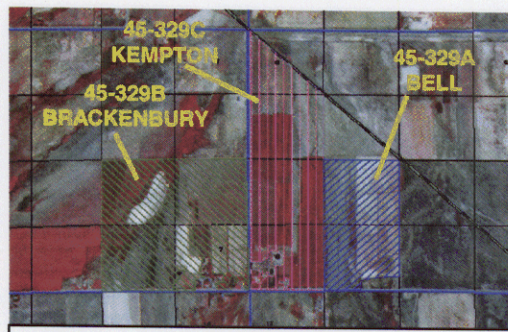
The decreed source is Brim Creek. The USGS quad maps identify Brim Canyon as a source but this channel flows west of the claimed points of diversion for the 3 claims.

In reviewing the decree, it appears that the source for this right is springs in 12S, 25E, Sec19. This channel is not identified on the USGS maps as a named source. There is some discussion in the Brackenbury claim that the springs were 'developed' to enhance the flows. The spring flows then appear to travel down a natural channel to the claimed place of use for Brackenbury and Kempton. It is possible that Bell could receive water from this system also. Not enough information exists at this time to confirm the Bell use. The Brim ditch coming from Howell Creek in 12S, 25E, Sec 29 NENE crosses the channel from the springs to the claimed place of use. It is not known at this time if the spring water is flumed over the Brim ditch.

Based upon the currently available information I am recognizing the source as unnamed springs tributary to sinks. This will differentiate this source from the rights decreed from Brim Canyon with a source also decreed as Brim Creek.



Decreed place of use for 45-329



Claimed place of use for 45-329A, 45-329B, and 45-329C

SPLIT ANALYSIS

Recom disallow.

Report updated March 2003

CLAIM	RATE	Proportion of decreed P/U	Decreed place of use
<i>Bell</i> 45-329A	0.10 cfs	80/320 or ¼	320 acres
45-329B	0.05 cfs	160/320 or ½	
45-329C	0.20 cfs	80/320 or ¼	

This right is claimed as follows;

Bell

disallowed

45-329A Hagar 0.10 cfs
45-329B Brackenbury 0.05 cfs
45-329C Kempton 0.20 cfs
total **Bell** 0.35 cfs

claimed p/u includes two of the 8 decreed 40 acre tracts
claimed p/u includes two of the 8 decreed 40 acre tracts
claimed p/u includes four of the 8 decreed 40 acre tracts

Split analysis based upon a proportion of owned 40 acre tracts vs decreed 40 acre tracts.

Hagar 2/8 * 0.10 cfs = 0.025 cfs
Kempton 2/8 * 0.10 cfs = 0.025 cfs
Brackenbury 4/8 * 0.10 cfs = 0.05 cfs

45-329A Bell Claim does not identify the P/D closer than Sec 8 & 9. No quarter/quarters listed. Claim states that the source is springs arising on P/U thereby creating Brim Creek.

45-329B Brackenbury Claimed P/Ds list 3 different 10 acre tracts in Sec 19. Brim Canyon is approximately $\frac{1}{4}$ to $\frac{1}{2}$ mile to the west of the claimed P/Ds.

45-329C Kempton One claimed P/D matches one P/D for 45-329B. Second P/D appears to represent a point $\approx$ 8000 ft down stream from the spring P/D. The channel from the springs appear to be a natural drainage. There appear to be ditches coming off of the P/D in sec 18. Claim indicates that this right is split 50/50 Brackenbury.

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s25e	7	NESE	40	39	
12s25e	7	NWSE	40	39	
12s25e	7	SWSE	40	39	
12s25e	7	SESE	40	33	
Totals:			160	150	

Pre exam notes by KKC 8-29-01

1. No other obvious claims against this Right
2. Claimed as decreed
- 3 ^{Full} OL with 45-319

Question on Ditch Route
Question on irr Boundaries esp in
SESE Quarter.

Township , 12S25E

