

Water Right A51-02064
 Elder Brownlee Sheep #83



Edited and published by the Bureau of Land Management

Base map prepared by the U.S. Geological Survey
 Compiled from USGS 1:24 000-scale topographic maps
 in progress. Map edited 1979

Projection and 10 000-meter grid, zone 11,
 Universal Transverse Mercator
 25 000-foot grid ticks based on Idaho coordinate
 system, west and central zones. 1927 North American datum

To place on the predicted North American Datum 1983, move
 the projection lines 14 meters north and 75 meters east

MICROFILMED

AUG 10 1992

IND

1	2	3	4	5	6
9	10	11	12	13	14
17	18	19	20	21	22

(BULL RUN MTS.)

Mountain City for supplies. Billings got into an argument with a man that evening and some bad feelings were aroused. The next morning, as the family was leaving town in their buckboard, Billings was shot down in cold blood when he stopped to open a gate. Edith Billings was left with a young child and a homestead filing that still remained to be proven. She asked her relatives in Tuscarora, Nevada, to send her a man to help with the work, and the young man who came was George Rizzi. Rizzi worked for her until he was drafted in the Army in World War I. After returning from the war, he and Edith Billings were married. They proved up on the original Billings homestead in 1920, and Rizzi proved up on an adjoining filing in 1922.

George Rizzi was blessed with many talents. He was almost super-human in his ability to get things done. Mrs. Rizzi and daughter Edwina both were well educated. Mrs. Rizzi taught school at various country schools including the JP school in 1919. They were probably the most successful homesteaders in the JP country. Starting with very little else but fortitude, they put together one of the finest ranch units in the north west. They were widely known for the high quality of the cattle and horses they raised. After selling their holdings to the Alzola brothers in 1946, they settled on a farm in Boise Valley near Eagle, Idaho. At this writing, daughter Edwina Billings is the only survivor.

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In 1906 Virgil Hall settled on this property and developed some hay ground. He later left without filing on the land. Joe Marshbank came along in 1909 and filed for a homestead. Marshbank was a former Allee Harris cowboy and was married to Etta Lewis from Bruneau. They had two sons, Clayton and Hugh. Before they could prove up on their filing, Joe was killed in an accident with a runaway team of horses in Mountain Home. Mrs. Marshbank later married Seth Harris from Mountain Home, Idaho. They proved up on the land in 1917 and sold it to Lou Eastman the same year. The title passed from Eastman to Holland, and then Virge Rizzi acquired it in 1927.

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Charley Hewitt came to the Bruneau Valley from Utah. He married Edwina Hewitt and they came to the JP country to homestead on Cottonwood Creek site was first used as a camp by Nelson and his sheep operation. Later, Bill Brown held a squatter's claim.

Charley Hewitt proved up on his homestead around 1920.

Cowen sold it to Bruneau.

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Sid Dunham married Beulah Robertson in Bruneau and they homesteaded on Blackleg Creek in the JP country. This was a short lived venture as Sid passed away shortly after proving up on the land. This property has since been purchased by the Tindall family.

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Ed Krutchmer homesteaded on lower Brush Creek in about 1918. He raised his family there and the children had to ride a distance of six miles each way to attend the Rattlesnake Creek schoolhouse. After some very hard times in the 1920's, he sold his land to the Bruneau Sheep Company and moved to the Bruneau Valley.

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JP school on rim above Sheep Creek. Back row: Oral Robertson, Mrs. Arendt, George Rizzi, Edith Rizzi, Mary Idaho, Robertson, Jule Robertson. Middle row: Clara Arendt, Viola Robertson, Goldie Robertson, Alice Arendt. Front row: son and daughter of Will and Leni Cowen, Irene Arendt, Ethel Robertson. About 1920.

Photo: Viola Robertson Allison

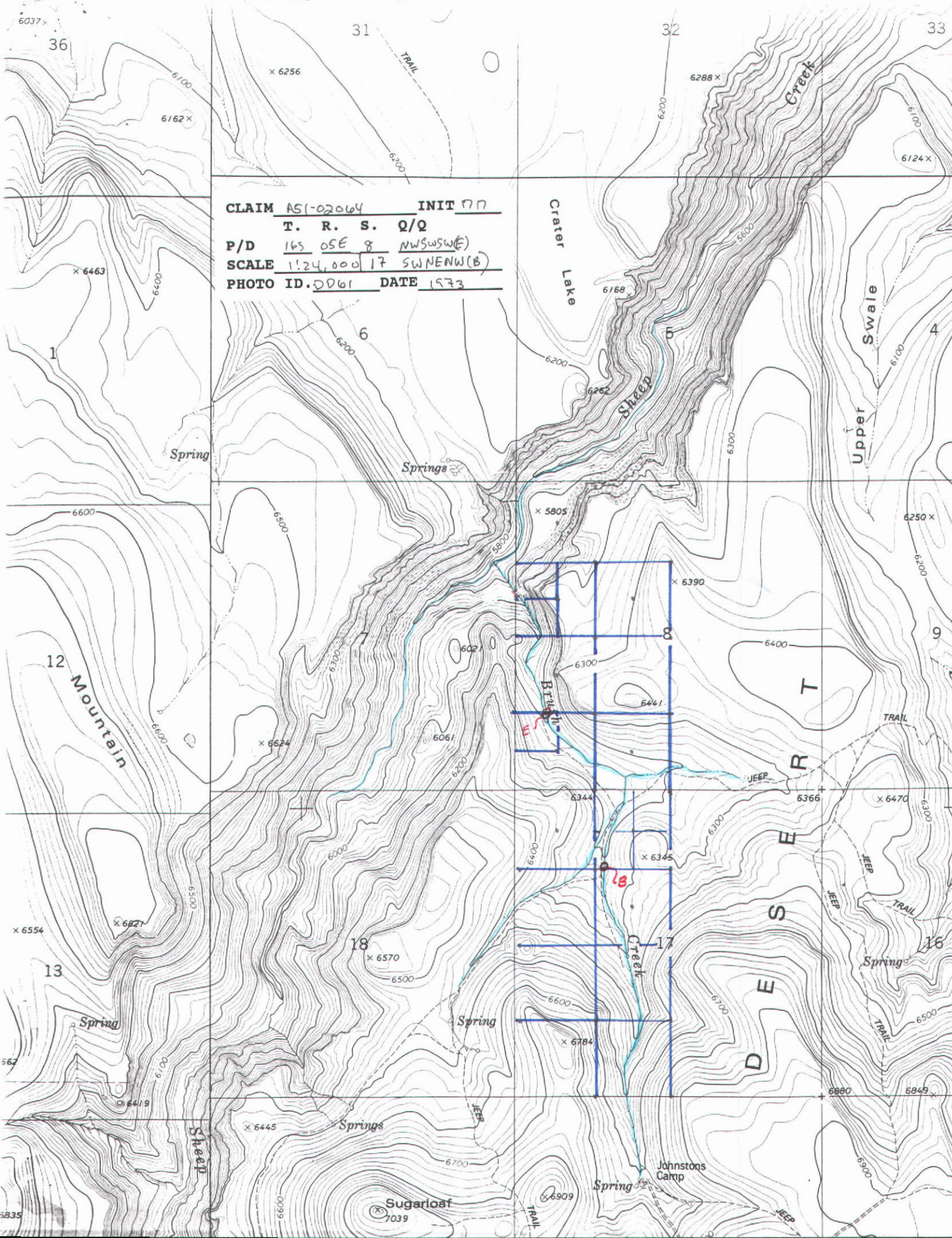
Owyhee Outpost No. 16, May 1985

ATTACHMENT G AS1-02064

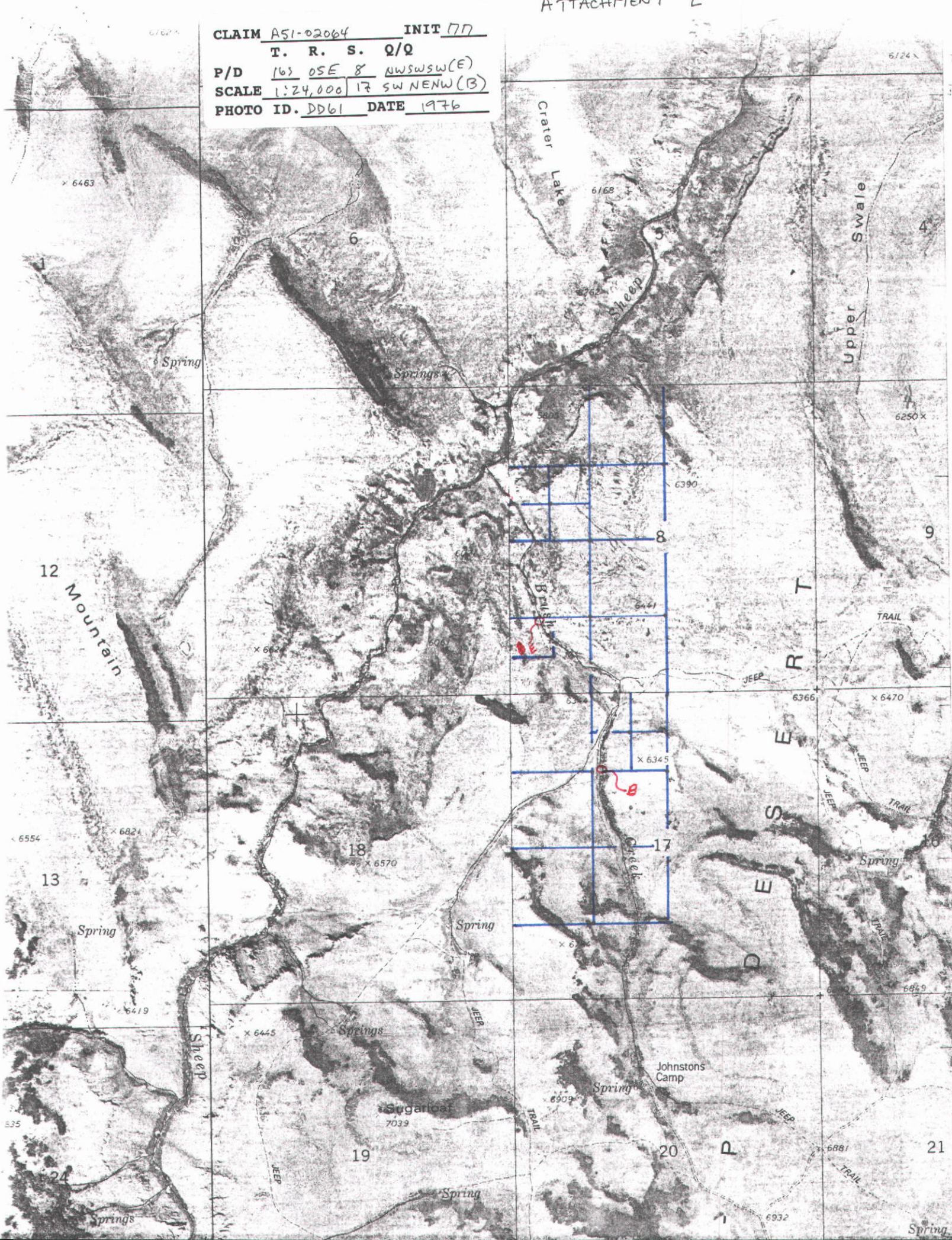
13915



13915



CLAIM AS1-02064 INIT 77
T. R. S. Q/Q
P/D 163 05E 8 NWSWSW(E)
SCALE 1:24,000 17 SW NENW(B)
PHOTO ID. DD61 DATE 1976



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: A51-02064
Date Received: 3/1/89
Receipt No: C005642
Received By: 9

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 01 1989

1. Name: SIMPLOT LIVESTOCK CO.
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: FEB 27, 1919

Department of Water Resources

3. Source: BRUSH CREEK

Trib. to: SHEEP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	05E	8	SW	SW			OWYHEE
		17	NE	NW			OWYHEE

5. Description of diverting works:
TROUGH AND PIT TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	1.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/1000 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	05E	8	SW	SW		STOCK	
		17	NE	NW		STOCK	

A51-02064

Page

1

Date: 02/17/89

MICROFILMED

AUG 10 1992

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of February 19 89

W. D. Gault
Notary Public

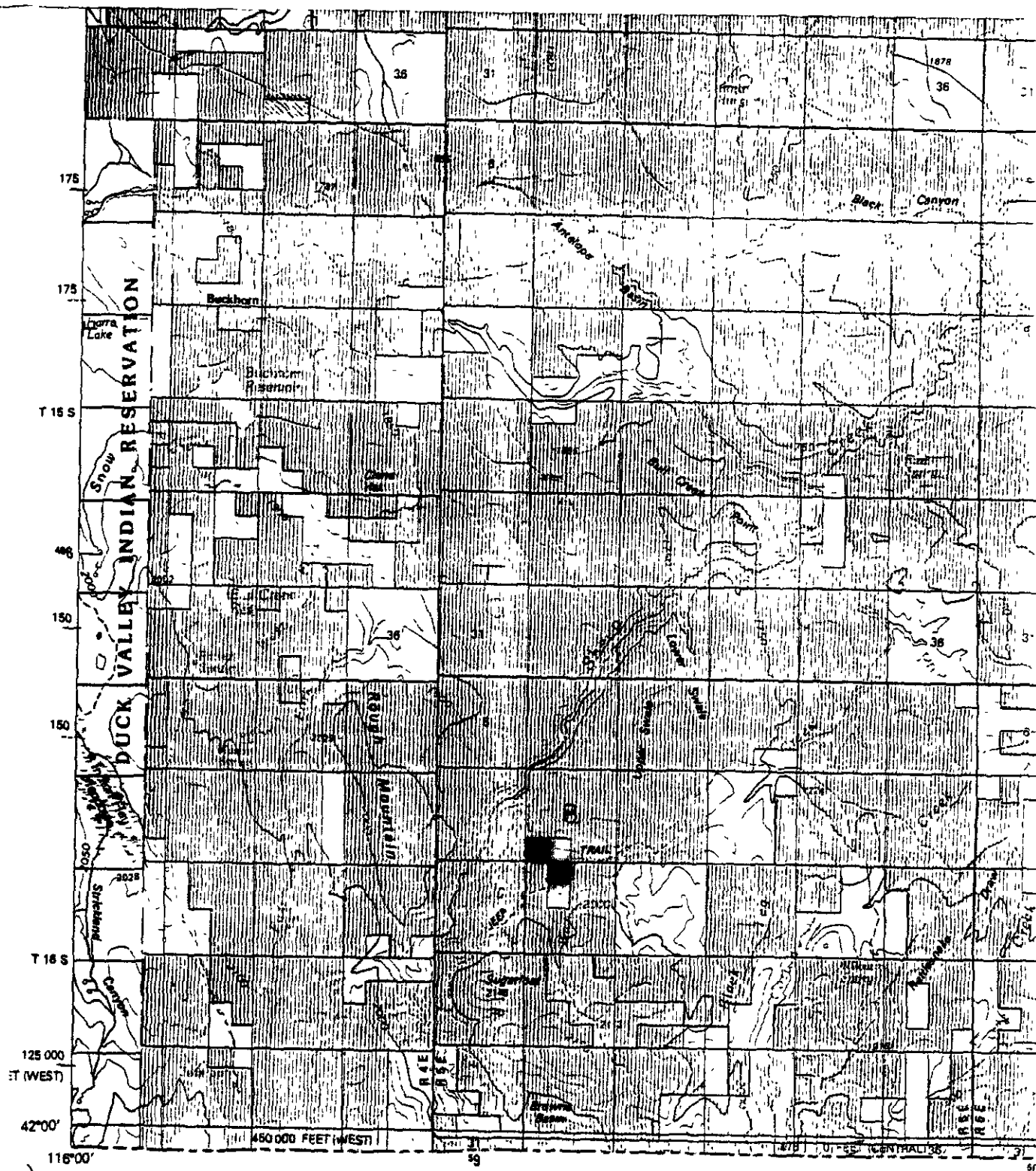
Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

Water Right A51-02064

Edna Brunner Shop #33



(BULL RUN MTS)

Edited and published by the Bureau of Land Management

Base map prepared by the U.S. Geological Survey
Compiled from USGS 1:24 000-scale topographic maps
in progress. Map edited 1979

Projection and 10 000-meter grid, zone 11.
Universal Transverse Mercator
25 000-foot grid ticks based on Idaho coordinate
system, west and central zones 1927 North American datum

To place on the predicted North American Datum 1983, move
the projection lines 14 meters north and 75 meters east

IND

MISSOURI

AUG 10 1982

1	2	3	4	5	6
9	10	11	12	13	14

DATE: 04/02/98
PAGE: 1

Stage: LICENSE

Misc:	Water District Number:	Field Inspection Flag:	C
		Presumption Flag:	

Comments:

Date: 05/07/1996 User-ID: MMINIUC Subject: CHANGES
NATURE OF USE WAS CHANGED FROM IRRIGATION TO INSTREAM STOCKWATER.
CHANGE OCCURRED PREVIOUS TO SRGA COMMENCEMENT (MAPP SHOWS NO
IRRIGATION). SEASON OF USE CHANGED TO REFLECT LICENSED IRRIGATION
SEASON OF USE.
REDUCTION IN CFS REFLECTS CURRENT USE FOR 1,000 HEAD OF CATTLE.

Date: 03/30/1998 User-ID: SBOCK Subject: DIVERSION REDUCTION
THE DIVERSION RATE HAS BEEN REDUCED TO 0.02 CFS PER BASIN WIDE
ISSUE #12. NO DEVELOPED SOURCE WAS FOUND.

Date: 03/30/1998 User-ID: SBOCK Subject: PRIORITY DATE
PRIORITY DATE REMAINS THE SAME AS LICENSED SINCE CLAIM IN NOV
FOR IN-STEAM STOCKWATERING AND PERIOD OF USE HAS BEEN CHANGED TO
YEAR ROUND

Audit: 04/02/98 SBOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:16:10
05/07/96

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A51-02064
15

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD-ERRATA BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			TRN 05/07/1996	Y		TRN 05/07/1996	TRN 05/07/1996	
POINT OF DIV				Y				
SOURCE				N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME	Y			Y				
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y	TRN 11/08/1993		N				
PERIOD OF USE	Y			Y				
BASIS OF CLAIM				Y				
REMARKS								

BARCODE UPDATED
WHOM/DATE
TRN 05/07/1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:18:48
05/07/96
16

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A51-02064

OWNER CODE: C
NAME & ADDRESS: SIMPLOT LIVESTOCK CO
PRIORITY DATE: 02/27/1949
WATER USE: STOCKWATER
USE PERIOD FROM: 08-01-12-31
TO: 04-15-10-15
DIVERSION RATE: 22.1-00 CFS
DIVERSION VOLUME: 22.1-00 CFS
TOTAL DIVERSION: 22.1-00 CFS

Water Source: BRUSH CREEK
Tributary to: SHEEP CREEK
Point(s) of Diversion: T16S R05E S08 S17
Stage: LICENSE
ONYHEE County
ONYHEE County

Place of Use Legal Description for: STOCKWATER

NE		NW		SW		SE	
NAME	NAME	NAME	NAME	NAME	NAME	NAME	NAME
WENE	WENE	WENE	WENE	WENE	WENE	WENE	WENE
S	S	S	S	S	S	S	S
16S 05E 8	16S 05E 8	16S 05E 8	16S 05E 8	16S 05E 8	16S 05E 8	16S 05E 8	16S 05E 8
16S 05E 17	16S 05E 17	16S 05E 17	16S 05E 17	16S 05E 17	16S 05E 17	16S 05E 17	16S 05E 17

POU County: ONYHEE
Non-Irrigation Uses: S/1000 HEAD
Other Rights: NONE
Dates: Exam Made Date: 05/07/1996
Verified Date:
Misc: Water District Number:
Field Inspection Flag: C
Presumption Flag:

Objection Filed Date:

OLD NO. 13915

NO GOVT LOTS

Includes accomplished change in nature of use.

09:16:10
05/07/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A51-02064

LAST: YOUNG OR TERRY UNLING
ADDRESS: ENV AND REGULATORY AFFAIRS
J R SIMPLOT COMPANY
PO BOX 27

FIRST: GRAY

CITY: BOISE
PHONE NUMBER: 208-389-7318

STATE: ID ID ZIP: 837070027

OWNER CODE: A

LAST: SIMPLOT LIVESTOCK CO
ADDRESS: PO BOX 27
CITY: BOISE
PHONE NUMBER: 208-000-0000

FIRST:

STATE: ID ID ZIP: 83707

OWNER CODE: C

LAST: SIMPLOT
ADDRESS:
CITY: BOISE
PHONE NUMBER: 208-000-0000

FIRST:

STATE: ID ID ZIP: 83707

OWNER CODE: K

LAST: KRETSCHMER
ADDRESS: GRASSHIRE RT
CITY: BRUNEAU
PHONE NUMBER: 208-000-0000

FIRST: ED F

STATE: ID ID ZIP: 83604

OWNER CODE: O

FIELD EXAM REQUIRED?

FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE

NO REMARKS IN CLAIM

770

CONTACT PERSON: Frank Bachman PHONE NUMBER: () - -
DATE OF FIELD EXAM: 10/29/1993 APPOINTMENT MADE: Y() N(X) TIME: - : - A() P()
ACCOMPANIED BY: PHONE NUMBER: () - -
RELATIONSHIP TO CLAIMANT: Employee

DIRECTIONS TO PROPERTY / NOTES:

r/c, Bachman came into the office to review Simplex Livestock's claims. NN

A. AJ CLAIM: # A51-02064 PRIORITY DATE: 02-27-1919 STAGE: L

B. WR RECORD: # 51-02064 PRIORITY DATE: 02-27-1919 STAGE: L

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☒) N(☐)E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)Y(☒) N(☐)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?N/A(☐) Y(☐) N(☒)* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☐) N(☒)

NOTES: 05/07/1996: The license should have been entered into the Beaver River decree proof was submitted 04/03/1919. Recommended priority date is day after cut-off date of the BR adjudication. Irrigation use has changed to instream stockwater - non irrigation confirmed by NAPP. Claim Basis of claim is Bar. Use. Irr. Use apparently went directly from irrigation to stock or a combination. See Attachment G. DN

RECOMMENDED PRIORITY DATE:

02-27-1919 04/03/1922

REVIEWED BY

J. H. Henshaw

DATE 05/07/1996

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

02
5-

STATE OF IDAHO

County of Owyhee

Ed. F. Kretschmer

being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 13915, and that his postoffice address is Bruneau, Idaho
State of Idaho

Second: That the name of the stream from which said water is to be diverted is
Brumh Creek

Third: That the point of diversion of said water is SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, Township 16 South, Range 5 East.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Sept. 17th, 1910.

Fifth: That the use for which said water is intended is irrigation and domestic.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I Kind of works Ditches
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit Ditch width at bottom 1 $\frac{1}{2}$ feet, width at water line 3 feet, depth of water 1 feet; diameter of pipe inches; average grade per mile is 5 feet 0.000119 miles.

Seventh: That said works are capable of conducting to the place of intended use

1 second feet of water.

Eighth: That water appropriated under said permit is available for 60 acres of land described as follows SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, Township 16 S., Range 5 E., B.M.

Ninth: Remarks That all of said above described irrigation works have been completed

(Sign here)

Subscribed and sworn to before me this 13th day of April, 1910

My commission expires

Notary Public

Mountain City for supplies. Billings got into an argument with that evening and some bad feelings were aroused. The next morning as the family was leaving town in their buckboard, Billings was shot in cold blood when he stopped to open a gate. Edith Billings was with a young child and a homestead filing that still remained to be processed. She asked her relatives in Tuscarora, Nevada, to send her a man to work with the work, and the young man who came was George Rizzi. He worked for her until he was drafted in the Army in World War I. After returning from the war, he and Edith Billings were married. They moved up on the original Billings homestead in 1920, and Rizzi proved an adjoining filing in 1922.

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COWEN

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Photo: Viola Robertson Allison

Owyhee Outpost No. 16, May 1985

ATTACHMENT G AS1-02064

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A51-02064	16S 05E	8		SW	SW					ONTHEE		
A51-02064	16S 05E	17		NE	NW					ONTHEE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE
WR RECORDS IN SAME 40 ACRE TRACT
51-04012

SOURCE: BRUSH CREEK

TRIB: SHEEP CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
51-02064	16S 05E	8		SW	SW					ONTHEE		
51-02064	16S 05E	17		NE	NW					ONTHEE		

OTHER WR RECORDS WITH SAME WR POD
A PREFIX R PREFIX
NONE NONE
AJ CLAIMS IN SAME 40 ACRE TRACT
51-04012

SOURCE: BRUSH CREEK

TRIB: SHEEP CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(X) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(X)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(X) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(X)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 07/31/2020)

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER Y(X) N()

OTHER (DESCRIBE IN NOTES BELOW) Y() N(X)

REPORT OF ENGINEER

Product: Benz 101A1 Tube

57 0

Name of applicant and number of permit	Ed. F. Kneibach	Permit no.	1395
--	-----------------	------------	------

its source of water supply: Rush Creek

Location of point of diversion: SW 1/4 Sec 17 T1N R1E S10W SE 1/4 NW Sec 17

216 S. R. R. E. B. M.

describe works as they exist, giving dimensions and details.

Earth and rock can last 12 billion years.

U.S. DEPT. OF JUSTICE

E. and R. OAM, 9.5 E. 16' L. No. 18.

On: 11/11/2014 11:00 AM

E. and K. dam, 3 H. 15 Ls No H.G.

Pitch, 21 x 1 Cap. 1 B.F.

State whether or not water has been turned into works of diversion.

Give exact location of lands to be irrigated. If proof is for irrigation, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): S₂ SW₄ Sec. 9 and E₂ NW₄ Sec. 17, T₁₆S, R₅E, B.M.
10 A. in cultivation in each forty.

7. Submit map on enclosed plat, showing location and details of above description.

2. How many parties conduct water in this system? One

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach? Snake River.

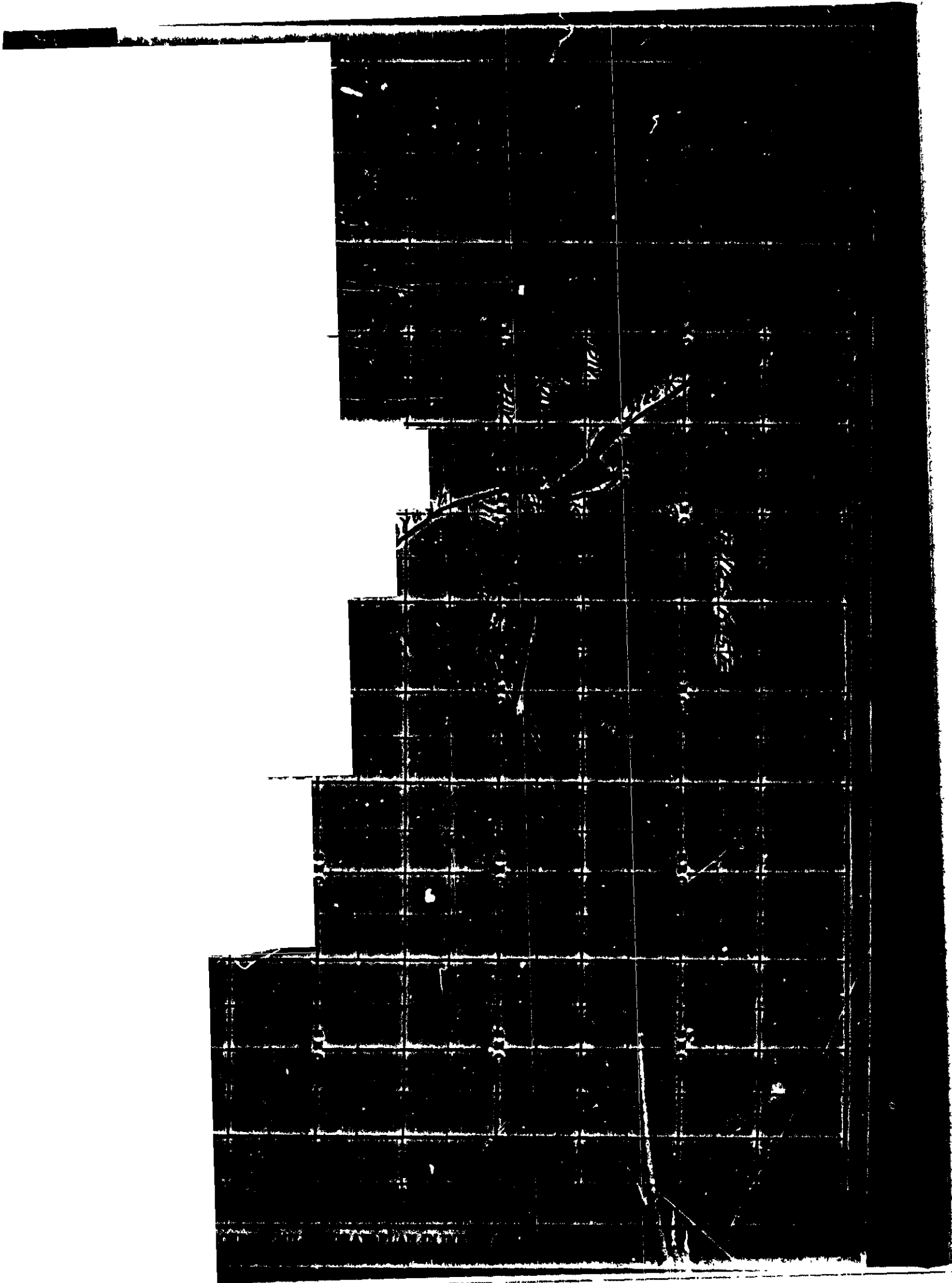
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: from land to Brush Creek, to Bruneau River, to Snake River.

Remarks:

This examination was made on the 31st day of July 1920

(Signed)

Examiner



NOTES: 05/07/1996: As per Frank Bachman, use is now in stream stockwater. Beginning and ending points are located at the boundaries of the previously irrigated parcel described in the use use. 1777

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()								DIVERSION NBR
TWP.	RGE.	SEC.	1/4	1/4	LOT	POD	COUNTY	DIVERSION NAME
16S	05E	8	SW	SW		FLAG	OWYHEE	
16S	05E	17	NE	NE			OWYHEE	
<u>16S</u>	<u>05E</u>	<u>8</u>	<u>NW</u>	<u>SW</u>	<u>—</u>	<u>E</u>	<u>Owyhee</u>	
<u>16S</u>	<u>05E</u>	<u>17</u>	<u>SW</u>	<u>NE</u>	<u>—</u>	<u>B</u>	<u>Owyhee</u>	
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	
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SOURCE: BRUSH CREEK — TRIB: SHEEP CREEK —

SOURCE: BRUSH CREEK

TRIB: SHEEP CREEK -

REVIEWED BY: HH DATE: 05/07/1996

DATE: 05/07/1996

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

N/A - Instream stockwater

ADJUDICATION MEMORANDUM

CLAIM NO.: AS1-00093SUBJECT: ~~the~~ Livestock claimsEMPLOYEE: DDINIGUCCIDATE: 10/29/1993

Frank Bachman of J R Simplot stated that all livestock diversions claimed by Simplot are instream use. There are no (actual) developed diversion from any stream or spring.

A. ROOT WATER RIGHT NUMBERS: A51-02064

B. POU LISTING				AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TWP	RNG	SEC	1/4	LOT	NAME			
T6S	05E	8	SW	SW	SIMPLOT LIVESTOCK CO.	A51-02064 /	51-02064 / 15.0 51-04012 /	STOCK
T6S	05E	17	NE	NW	SIMPLOT LIVESTOCK CO.	A51-02064 /	51-02064 / 15.0 51-04012 /	STOCK

ADDITIONAL POU FOUND

16S 05E 17 8 SE SW STOCKWATER

TOTAL ACRES A51-02064

30.00

POU COUNTY: OMYHEE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (X), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y(X) N()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

Y() N(X)

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

N/A() Y(X) N()

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(X) N()

G. SHOULD THE CLAIMED POB BE VERIFIED BY FIELD EXAM? Y() N(X)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y(X) N()

CHECK DOCUMENTS USED TO VERIFY POB: (X) ORTHOPHOTOQUAD, IDNR NO. DD61; (X) TOPOGRAPHIC QUAD, IDNR NO. DD61;

(X) NAPP, IDNR NO. DD61 SE; () ASCS PHOTO; (X) OTHER BLM

NOTES: 05/07/1996: Place of use is instream stockwater from Baush Creek. Place of use is similar to license except where water was ditched to a QR which the creek did not flow through. The right ~~was~~ was partially forfeited when the use went from irrigation to stock. DD

RECOMMENDATIONS:

TOTAL ACRES: N/A(X)
REVIEWED BY: JTT ~~baush~~ DATE: 05/07/1996

6037

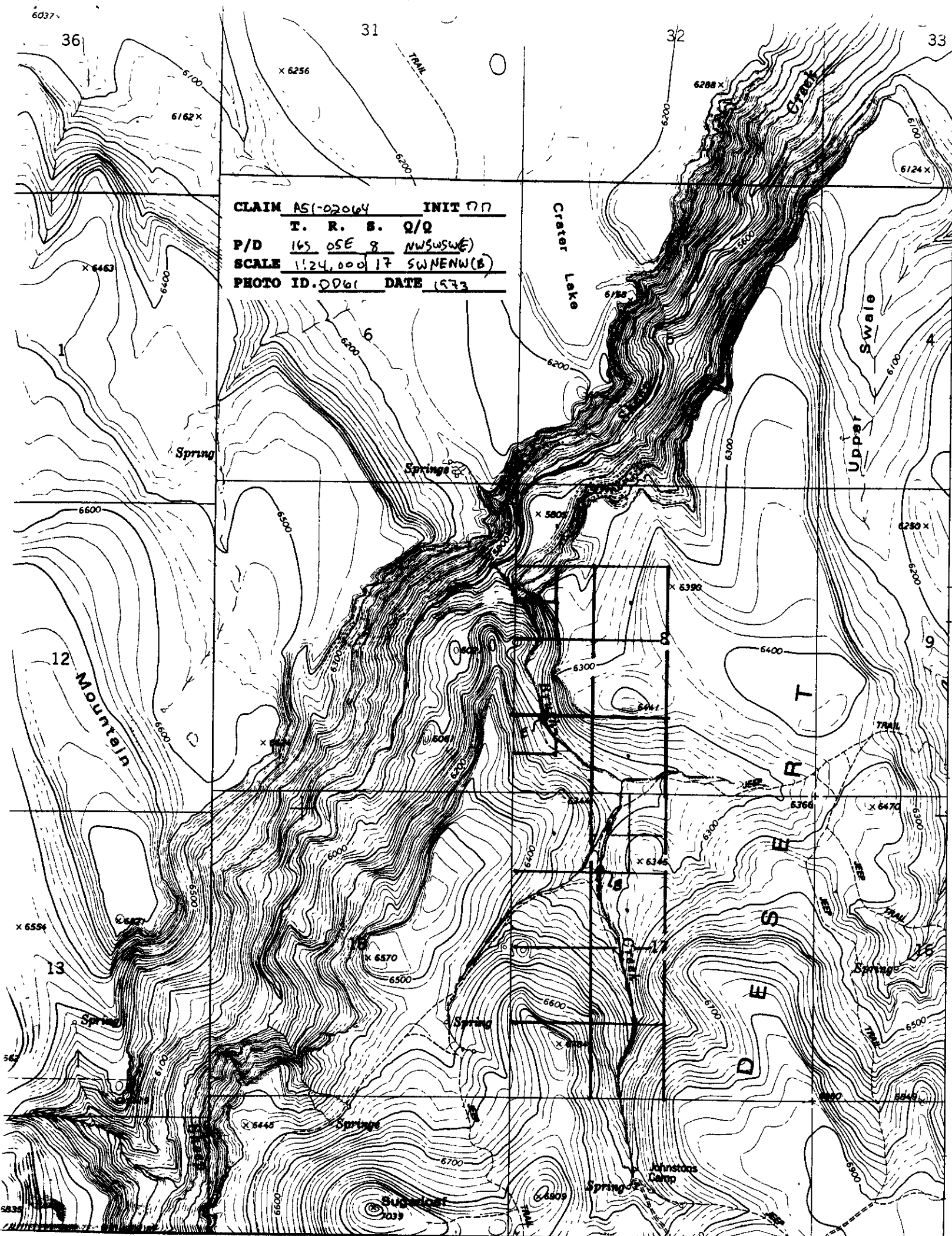
36

31

32

33

CLAIM AS(-02064) INIT 77
T. R. S. Q/Q
P/D 165 05E 8 NWSWSWE
SCALE 1:24,000 17 SWNW(B)
PHOTO ID. 0061 DATE 1973



CLAIM A51-02064 INIT 77
T. R. S. Q/Q
P/D 163 05E 8 NWSWSW(E)
SCALE 1:24,000 17 SW NENW (3)
PHOTO ID. DP61 DATE 1976



A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A51-02064 STOCKWATER	FROM 01-01 TO 12-31	1.000 CFS	0293
TOTAL DIVERSION RATE/VOLUME		1.000 CFS	0293

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
51-02064 IRRIGATION	FROM TO	1.000 CFS	
51-02064 DOMESTIC	FROM TO		
TOTAL DIVERSION RATE/VOLUME		1.000 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(X) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N(X)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N(X)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(X) N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(X) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N(X)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(X) Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(X) Y() N()

NOTES: 05/07/1996: Purpose of use is now instream stockwater. Date of change was previous to Nov. 19, 1987, as confirmed by NAPP & O.R.

Period of use recommended is irrigation season (TDR standard) since use was originally irrigation. NO

State of Idaho

License and Certificate of Water Right

Water License No. 13915
Water District No. 57-3

Amount 1 sec. ft.
Priority February 27, 1919

THIS IS TO CERTIFY that Ed. F. Kretschmer, of Bruneau, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 27, 1919; that Permit No. 13915 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1 second feet, was issued thereunder on April 12, 1919, showing that said works were completed on the 3rd day of April, 1919; and that on the 9th day of May, 1919,

ED F. KRETSCHEMER,

of the State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation, State Engineer of Idaho, of a right to the use of the waters of Brush Creek, a tributary of Sheep Creek, for the purpose of Irrigation & Domestic Use, under Use Permit No. 13913 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2485, on the 13th day of November, 1920;

The right hereby confirmed dates from February 27, 1919;

The Point of Diversion is located in the (1) SE 1/4, (2) NE 1/4, NW 1/4, Sec. 17, Tp. 16 S., R. 5 E., B. M. County of Owyhee.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16	5 S.	8	SW 1/4 SW 1/4	15	15
			SE 1/4 SW 1/4	15	10
		17	NE 1/4 NW 1/4	15	15
			SE 1/4 NW 1/4	15	10

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Commissioner of Reclamation

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 13th day of November, 1920

W. G. STENDESEN,
Commissioner of Reclamation
By J. T. Baer, Deputy, Surveyor.

(SEAL)

51 2064

51-2063

AJ CLAIM TOTAL DIVERSION RATE: 1.000 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.000 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(X) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y(X) N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(X)

E. FLOW MEASUREMENT

MEASUREMENT METHOD Theoretical - See 8/10 exam, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES x 0.02 CFS/ACRE = CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

1b. CALCULATIONS

From SFWRL Field Examiner's

Handbook, Exhibit 15

cfs = head of stock x .00022

= 1,000 x .00022

= .22' 025B

Per Baden White

Dispute #12

05/06/1996: Div. Amt Review Sheet Cont (pg.1) deleted
777

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
STOCKWATER	01-01 12-31	DATABASE EXAMINER 1.000	DATABASE EXAMINER	DATABASE EXAMINER 0.0
STOCK WATER	04-15 08-15	.27.0253		
TOTAL FOR THIS RIGHT		.27.0253		

NON-IRRIGATION USES CLAIMED: S/1000 HEAD

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

REVIEWED BY: [Signature] DATE: 05/07/1996

FLAG: (C)
STANDARD CONDITIONS (CODE):

C44 C09
N11.N13

STANDARD REMARKS (CODE):
Includes accomplished transfer in nature of use.

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ()
NEEDS REVIEW (X)
()
(X)
()

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 51-02064

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 1.000 CFS

EXAMINER ED

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A51-02064	1.000	R51-02064	.22	51-02064	1.000
TOTAL CFS		1.000	.22			1.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE (Y)
FIELD EXAMINER (Y) (N) ()

NOTES:

05/07/1996: Ownership on recommended loads is private, per 1989 BLM map. This right has not been split. The right was partially forfeited when the National use changed from irrigation to stock water. 7/77

AUTHENTICATION:

SIGNATURE: [Signature] DATE: 05/07/1996

NAME OF FIELD EXAMINER: NANCIA PINOUCCE TITLE: SE. WATER AGENT

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

NAME AND ADDRESS (PLEASE PRINT FULL NAME AND ADDRESS OF THE PERSON TO WHOM THE COPY IS TO BE SENT)	TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
1. NAME AND ADDRESS (PLEASE PRINT FULL NAME AND ADDRESS OF THE PERSON TO WHOM THE COPY IS TO BE SENT)	TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?

(X) ORTHOPHOTOQUAD	DATE OF PHOTO	~~DD61~~ 1976	IDWR ID NO.	DD61	Y(X) N()	(E)
(X) TOPOGRAPHIC	DATE FIELD CHECKED	1973	IDWR ID NO.	DD61	Y(X) N()	(D)
(X) NAPP	DATE OF PHOTO	08/03/1987	IDWR ID NO.	DD61SE	Y() N(X)	
() ASCS AERIAL PHOTO	DATE OF PHOTO				Y() N()	
() ASCS COLOR SLIDE	DATE OF PHOTO				Y() N()	
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO				Y() N()	
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY				Y() N()	
() SCS SOIL SURVEY MAP	DATE ISSUED				Y() N()	
() SUBDIVISION PLAT MAP	DATE OF MAP				Y() N()	
() OTHER	DATE				Y() N()	
() OTHER	DATE				Y() N()	
() OTHER	DATE				Y() N()	

NO. OF

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	PAGES	NOTES
(X) LICENSING FIELD EXAM	DATE OF FIELD EXAM	2	Relocation (B)
(X) WATER RIGHT LICENSE	DATE LICENSE SIGNED	1	F
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
() SYSTEM DESCRIPTION	DATE DRAWN		
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
(X) OTHER <i>Proof of BLV</i>	DATE	1	Previous to decree (A)
(X) OTHER <i>Conv Memo</i>	DATE	1	Stockwater use (C)
X <i>Owyhee Outpost</i>		1	Ed Krutcher (sic) ~~Honorable~~ <i>Honorable</i>
X <i>IDWR Corr</i>		3	Date Change



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

November 8, 1993

R. KEITH HIGGINSON
DIRECTOR

FRANK BACHMAN
SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE ID 83707

RE: Snake River Basin Adjudication Claims:

A51-00093	A51-02017	A51-02018	A51-02033
A51-02057	~~A51-02064~~	A51-02079	A51-02090A
A52-04008	A51-04090	A51-04091	

Dear Mr. Bachman:

IDWR's initial investigation of the Notices of Claims listed above indicates that there have been changes in various aspects as described below for each claim.

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the change not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

As per our conversation of October 29, 1993, in my office, I am sending a list to you of the claims and the documentation that is required for the above-referenced claims. This documentation must be received in this office by November 19, 1993.

A51-00093: The claimed place of use for this decreed right, Twp. 13S, Trout Cr. Rge. 04E, Section 33, NE 1/4 NE 1/4, is not one of the places of use which was decreed for this right.
Required document(s): (1) Evidence of the date of change in the place of use.

A51-02017: Licensed point of diversion:
Nit Creek Twp. 13S, Rge. 04E, Section 2, SW 1/4 SE 1/4
Twp. 13S, Rge. 04E, Section 11, NW 1/4 NE 1/4
Claimed point of diversion:
Twp. 13S, Rge. 04E, Section 1, SW 1/4 SW 1/4

A51-02017 Licensed nature of use:
(con't) Irrigation and domestic
 Claimed nature of use:
 Stockwater

Required Document(s): (1) Evidence of the date of change in the
point of diversion; (2) Evidence of the date of change in the
nature of use.

A51-02018: Licensed point of diversion:
Spring Twp. 13S, Rge. 04E, Section 1, SW 1/4 SW 1/4
 Claimed point of diversion:
 Twp. 13S, Rge. 04E, Section 1, SE 1/4 SE 1/4

 Licensed nature of use:
 Irrigation and domestic
 Claimed nature of use:
 Stockwater

Required Document(s): (1) Evidence of the date of change in the
point of diversion; (2) Evidence of the date of change in the
nature of use.

A51-02033: This claim is for a lapsed permit. You indicated during our
Wickahoney conversation that you would withdraw the claim.
Creek

Required Document(s): (1) Signed and dated Request for Withdrawal
Form (enclosed).

A51-02064: Licensed nature of use:
Brush Creek Irrigation and domestic
 Claimed nature of use:
 Stockwater

Required Document(s): (1) Evidence of the date of change in
nature of use.

A51-02057: Licensed nature of use:
Alder Creek, Irrigation
Rattlesnake Claimed nature of use:
Spring Stockwater

 Licensed place of use:
 Twp. 16S, Rge. 05E, Section 25, E 1/2 SW 1/4
 Claimed place of use:
 Twp. 16S, Rge. 05E, Section 25, SE 1/4 SW 1/4
 Twp. 16S, Rge. 05E, Section 26, NE 1/4 SE 1/4

Required Document(s): (1) Evidence of the date of change in the
nature of use; (2) Evidence in the date of the addition of
Section 26, NE 1/4 SE 1/4 as a place of use.

A51-02079: Licensed nature of use:
Unnamed Irrigation
Stream, Claimed nature of use:
Spring Stockwater

Licensed source:
Unnamed stream
Claimed sources:
Unnamed stream; spring

You indicated during our conversation that there is stockwater use in Section 14, NE 1/4 NE 1/4. This place of use was not included in the license.

Required Document(s): (1) Evidence of the date of change in nature of use; (2) Evidence of date of addition of the spring as a source; (3) Evidence of the date of the addition of Section 14, NE 1/4 NE 1/4 as a place of use.

A51-04008: Required Document(s): (1) Evidence of priority date.
Basabe Spring

A51-04090: Required Document(s): (1) Evidence of priority date.
Indian
Hot Springs

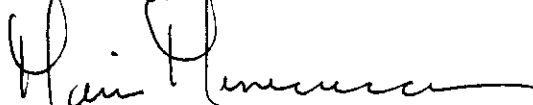
A51-04091: Required Document(s): (1) Evidence of priority date.
Wickahoney
Spring

I have enclosed a pamphlet entitled "Evidence of Priority". This pamphlet explains what type of evidence is required to document priority dates. I have also enclosed an IDWR INFORMATION SHEET - EVIDENCE OF DATE OF CHANGE. This information will help you to determine what documentation is required by IDWR.

THE REQUIRED DOCUMENTS MUST BE RECEIVED BY NOVEMBER 19, 1993, OR IDWR MAY NOT BE ABLE TO RECOMMEND THE CLAIMS OR THE PORTION OF THE CLAIMS WHICH HAVE CHANGED.

Please contact me at any time with any questions you have regarding any of these claims.

Sincerely,


Maxia Minicucci
Water Agent, Adjudication Bureau

Enc.s

MM/m