

A5711567

Claim No(s). 57-11567

Claim No(s). 57-11567

[illegible]

RECEIVED

FEB 13 2002

Department of Water Resources

2002 FEB 12 PM 4: 29

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
)
)
)
ORDER OF PARTIAL DECREE

For Water Right 57-11567

On December 18, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-11567 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 2/12/02



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-11567

2002 FEB 12 PM 4:30
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: RICHARD AND CONNIE BRANDAU
HC 79, BOX 61
MELBA, ID 83641

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.26 CFS

PRIORITY DATE: 05/12/1914

POINT OF DIVERSION: T01S R03W S22 SWNW Within Owyhee County

TWO POINTS OF DIVERSION LOCATED IN T01S, R03W, S22, SWNW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 07-15	1.26 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T01S R03W S15	NESE 12.0 SESE 3.0
	21.0 Acres Total	

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

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER BASIN
TOLLGATE WEIR (T03S, R04W, S24, SESW) IS AT OR LESS THAN 37 CFS,
OR THE FLOW AT THE OUTLET WEIR (T02S, R04W, S12, NESE) IS AT OR
LESS THAN 57 CFS.

THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS SUBORDINATE
TO WATER RIGHTS 57-2325 AND 57-7040.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 FEB 12 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-11567

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-11567 was mailed
on February 12, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RICHARD AND CONNIE BRANDAU
HC 79 BOX 61
MELBA, ID 83641
Phone: 208-495-2529

RICHARD AND CONNIE BRANDAU
HC 79, BOX 61
MELBA, ID 83641
Phone: 208-495-2529

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/12/02

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 21 1999	
By _____	Clerk
Deputy Clerk	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 57-11567

ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On May 6, 1999, a Motion to File Late Notice of Claim was filed by
Richard Blandau. All procedural requirements under
Administrative Order 1 were complied with in filing this *Late Notice of Claim*. No valid
objections were made to this *Late Notice of Claim*. The *Motion* is GRANTED.

IT IS SO ORDERED.

DATED 9-21-99.

B Wood
BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** were mailed on September 22, 1999, with sufficient, first-class postage to the following:

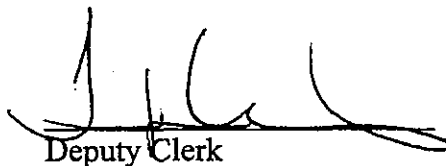
IDWR Document Depository
PO Box 83720
Boise, ID 83720

NOTICE OF CLAIM FORWARDED

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Richard Brandau
HC 79, Box 61
Melba, ID 83641



Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

October 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Richard Brandau
HC 79 Box 61
Melba, ID 83641

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #A57-11567 and
A57-11568

Dear Claimant:

Your Notices of Claim to a Water Right were received from the SRBA Court recently. We have enclosed data-entered copies of your claims and your receipts #C046656 and C046661 for the fees paid.

Your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

Donald V. Shaft, Manager
Adjudication Technical Section

DS:ss:region
Enclosure:

Receipts #C046656 and C046661
Data-entered Copies of Claims

Claim No(s).

A57-11567 ✓
A57-11568
A57-11569
A57-11570

[illegible]

RECEIVED

JUL 10 2001

Department of Water Resources

COR 1

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

SUBCASE NO: 57-11567

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

Richard Brandau 7-5-01
Richard Brandau Date

IDWR CONCURRENCE:

Roxanne Brown 7/5/01
Roxanne Brown Date
Senior Water Rights Agent, IDWR

Candice M. McHugh 7/5/01
Candice M. McHugh (As to Form) Date
Attorney for IDWR

07/05/2001

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

RIGHT NUMBER: 57-11567

NAME AND ADDRESS: RICHARD BRANDAU
HC 79 BOX 61
MELBA, ID 83641

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.26 CFS

PRIORITY DATE: 05/12/1914

POINT OF DIVERSION: T01S R03W S22 SWNW Within OWYHEE County

TWO POINTS OF DIVERSION LOCATED IN T01S, R03W,
S22, SWNW.

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 07-15	1.26 CFS

PLACE OF USE:

<u>IRRIGATION Within OWYHEE County</u>			
T01S R03W S15	NESE	12	T01S R03W S15
T01S R03W S15	SESE	3	SWSE 6

21 ACRES TOTAL

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.

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER BASIN TOLLGATE WEIR (T03S, R04W, S24, SESW) IS AT OR LESS THAN 37 CFS, OR THE FLOW AT THE OUTLET WEIR (T02S, R04W, S12, NESE) IS AT OR LESS THAN 57 CFS.

THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 57-02065 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

RB
SMC
RB

CERTIFICATE OF MAILING

I certify that on 7/6, 2001, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Connie and Richard Brandau
HC 79, Box 61
Melba, ID 83641

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile



Signature of person delivering form

02/27/2001

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

RIGHT NUMBER: 57-11567

NAME AND ADDRESS: RICHARD BRANDAU
HC 79 BOX 61
MELBA, ID 83641

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

11/15/2000

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

RIGHT NUMBER: 57-11567

NAME AND ADDRESS: RICHARD BRANDAU
HC 79 BOX 61
MELBA, ID 83641

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.26 CFS

PRIORITY DATE: 02/25/1970

POINT OF DIVERSION: T01S R03W S22 LOT 3 SWNW Within Owyhee County

TWO POINTS OF DIVERSION LOCATED IN T01S, R03W, S22, SWNW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 07-15	1.26 CFS

PLACE OF USE:

<u>IRRIGATION Within Owyhee County</u>					
T01S R03W S15	NESE	12	T01S R03W S15	SWSE	6
T01S R03W S15	SESE	3			
21 ACRES TOTAL					

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

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER BASIN TOLLGATE WEIR (T3S, R4W, S24, SESW) IS AT OR LESS THAN 37 CFS, OR THE FLOW AT THE OUTLET WEIR (T2S, R4W, S12, NESE) IS AT OR LESS THAN 57 CFS.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

AJ5809NP
No. 57-02065

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/25/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RICHARD H BRANDAU	05/12/1914	IRRIGATION	03-15 11-15	0.400 CFS	
C	CONNIE M BRANDAU					
TOTAL DIVERSION:					0.400 CFS	

Water Source: REYNOLDS CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T01S R03W S22

SWNW

28 23

OWYHEE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	03W	15	:					:					:					:	12		06	03	:	21.0
TOTAL ACRES																							21.0	

POU County: OWYHEE

Other Rights: NONE

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 57-02247 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.62 CFS.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 57-02247 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 31 ACRES IN A SINGLE IRRIGATION
SEASON.

Dates: Exam Made Date: Verified Date: 12/08/1997 Objection Filed Date:

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

Two points of diversions.

Meas. No. _____
Comp. by _____
Checked by _____

DISCHARGE MEASUREMENT NOTES

Station Number R-11
Station Name Town Hook ditch
Date 05-28, 1999 Party WAT
Width 4.1 Area 2.07 Velocity 1.97 G.H. _____ Discharge 4.07
Method b No. Secs 15 G.H. change _____ in _____ hr. Susp. red
Method coef. 1.0 Hor. Angle coef. 1.0 Susp. coef. 1.0 Meter No. _____
Type of meter pygmy Date rated 5/94 Spin before measurement _____; after _____
Meter _____ ft. above bottom of weight. Tag checked _____ Levels obtained _____

[illegible]

Meas. Plots	% diff. from	ratir.
-------------	--------------	--------

Chain bar chain found changed to

at _____.

Wading, cable, ice, boat, upstream, downstream,
side bridge 10 feet, mile, above, below gage

Manometer N2 Pressure Tank

Feed _____ Bbl rate _____ per mi

CSG checked Stick reading

G.H. of zero flow feet.

Aqua calc 5000 (#6)

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%); based on the following conditions:

Flow fairly uniform

Cross section *silt sand clay*

Control

Gage operating Weather *clear* Air °C @ Water °C @

Record removed	Extreme Indicator: Max	Min.
----------------	------------------------	------

Observer _____ HWM _____ outside, in well _____

Remarks *Picture #7*

Meas. No. _____
Comp. by _____
Checked by _____

DISCHARGE MEASUREMENT NOTES

Station Number R-11-B
 Station Name Town Hook ditch #2 (across top of field)
 Date 03-24-1977 Party WALL
 Width 3.4 Area _____ Velocity 1.06 G.II. _____ Discharge 2.65
 Method .6 No. Secs 12 G.II. change _____ in _____ hr. Susp. not
 Method coef. 1.0 Hor. Angle coef. 1.0 Susp. coef. 1.0 Meter No. _____
 Type of meter 1977 Date rated 1977 Spin before measurement _____; after _____
 Meter _____ ft. above bottom of weight. Tag checked _____ Levels obtained _____

[illegible]

Meas. Plots _____ % diff. from _____ rating.

Chain bar chain found _____ changed to

21

Wading, cable, ice, boat, upstream, downstream,
side bridge 20 feet mile, above, below page.

Manometer N2 Pressure Tank

Feed	Bbl rate	per min.
------	----------	----------

CSG checked	Stick reading
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
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23	23
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86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

G.H. of zero flow feet.

Aquacole 25000 (5+7)

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%); based on the following conditions:

Flow *handwritten*

Cross section *silt sand*

Control!

Gage operating	Weather <i>clear</i>	Air	°C @	Water	°C @
----------------	----------------------	-----	------	-------	------

Record removed	Extreme Indicator: Max	Min.
----------------	------------------------	------

Observer · IIWM outside, in well

Remarks	DATE	TIME	NAME OF VESSEL	CAPTAIN'S NAME	OFFICIAL NO.
----------------	------	------	----------------	----------------	--------------

RECEIVED

MAY - 7 1999

Department of Water Resources
Adjudication Bureau

RECEIVED

MAY 26 1999

WATER RESOURCES
WESTERN REGION

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

)

Subcase A57-11567

)

(Insert water right number)

)

Case 39576

)

STANDARD FORM 4

)

)

MOTION TO FILE:

)

☒ LATE NOTICE OF CLAIM

)

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order I, Rules of Procedure* (amended Sept. 30, 1996).

My name is Richard Brandau

My address is HC 79, Box 61, Melba, ID 83641

My phone number is: Work 208-495-2529 Home 208-495-2529

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

I believed the use of the water under this claim was covered by the
original general provisions. However, the decision on Basinwide issue
5A (General Provision #2, Reynolds Creek) in 1998 mandates this filing.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

Affidavits of Henry Brandau and Richard Bass

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to LC. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 100.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on August 17, 1999; 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

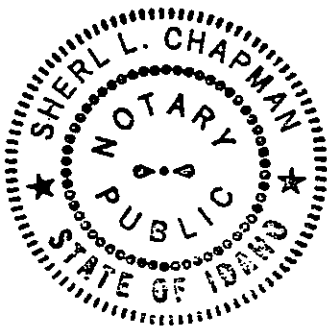
I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)State of IdahoCounty of Ada

Richard Brandau, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Richard Brandau
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on May 4, 1999
(Insert Date)

Sherl L. Chapman
Notary Public for Idaho
Residing at: Meredon Idaho
My Commission expires: 6/14/2000

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on May 4, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Name/address of parties)



Signature of person or attorney mailing the form

AFFIDAVIT
HENRY BRANDAU

I, Henry Brandau, of HC 79, Box 66, Melba, Idaho have lived in the Reynold's Basin since 1914. My father George Brandau purchased the property in 1907. I have farmed and ranched in the basin all of my life and was Watermaster in 1935 and 36 in the basin. My personal experience has been that the "excess water" in the basin has been used on cropland on or before February 1st as long as the ground was not frozen. During drought years water was occasionally generally available but in average to good water years significant flow was diverted onto cropland in an effort to stimulate growth and prolong the flow of Reynold's Creek later in the year. Use of the excess water often extended into July as long as water was available and the creek was not put on regulation.

Signed: Henry Brandau
Henry Brandau

Date: 1-4-99

Subscribed and sworn before me on this 4th day of January
19 99.



[Signature]
(Signature of Notary Public)

My commission expires: 01-16-06

December 10, 1998
Route #1 Box 1117A
No. Hogg Rd.
Homedale, Id. 83628

Dear Sirs:

My Name is Richard Bass, My address is Rt#1 Box 1117, No. Hogg Rd. Homedale Id. 83628. I am 65 years old and worked and lived on Reynolds Creek for 52 years prior to selling my ranch in June of 1998 to John and Cathy Romero. Prior to owning my ranch I worked for my Father, Jonas Bass, and Uncle George Bass. In 1962 I purchased my Uncle's ranch on Whiskey Hill road and in 1982 we purchased the home ranch from my Mother Launa Bass..

My father Jonas Bass, and my Uncle, always started irrigating in February and my normal practice in irrigation for theses ranches was to start running water as soon as the ice went out of Reynolds Creek and Bavington Creek. This usually was the first week in February, I did this practice to take advantage of the early spring run off. In one drought period lasting 5 years I started running water in Mid December.

If I can be of further assistance please call 208-337-6085.

Richard Bass

A handwritten signature in cursive script that reads "Richard Bass". The signature is written in dark ink and is positioned below the typed name "Richard Bass".

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A57-11567

Date Received

Receipt Number

Should questions arise during
the processing of this applica-
tion please contact:SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 6 1999

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Richard Brandau Phone () 495-2529Mailing Address HC 79, Box 61, Melba, ID Zip 836412. Date of Priority (Only one (1) per claim) 9/21/19113. Source of water supply (a) Reynolds Creekwhich is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 1S Range 3W Section 22,
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of OwyheeAdditional points of diversion if any: 2 points of diversion at this location.

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. Water is diverted from Reynolds Creek through
commonly owned ditches to the place of use. Water is distributed to the irrigated lands through
open ditches and pipelines.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 2/1 to 7/15 amount 1.26 or 73.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.26 (cfs) and/or (b) 73.5 (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.) N/A

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	
1S	3W	15													12		6	3	21

Total number of acres irrigated 21

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

12. Do you own the property listed above as place of use? Yes XXX 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.
_____ or None (X)

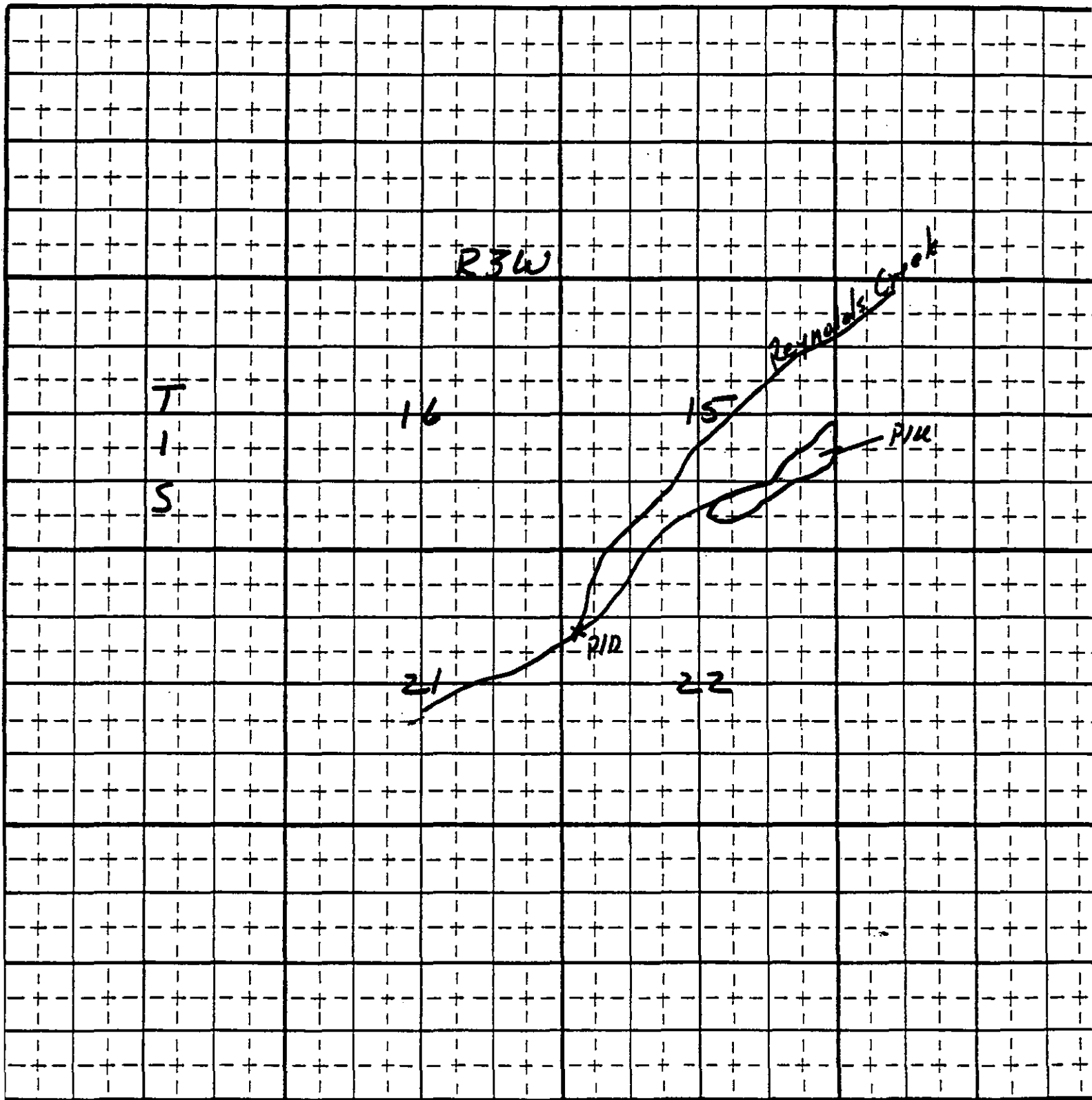
14. Remarks: This water right is based on the historical diversion and use of the high flows that normally occur briefly in the upper Reynolds Creek basin. Use of this right may occur prior to the beginning of the normal irrigation season since the claimant must take advantage of the high flows as they occur. This right is for the diversion and use of up to 3.5 acre feet per acre annually.

Last Name Brandau Ident No. A57-11567

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 _____

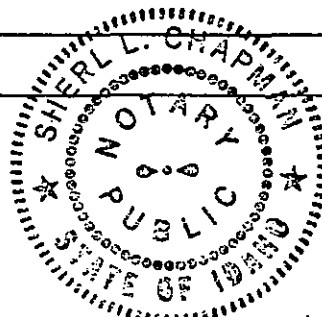
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Richard Brandau Date 5-4-99

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 _____ of _____
Title _____ 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 Ada) SS.

Subscribed and sworn (or affirmed) before me this 4 day of May 19 99

SEAL

Notary Public Sherill L. Chapman

Residing at Meredon Idaho

My Commission Expires June 14, 2000

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 _____

Last Name Brandau Ident. Number A57-11567

Copies White-State, Yellow-Claimant.

RECEIVED

OCT 08 1999

WATER RESOURCES
WESTERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A57-11567

Date Received

Receipt Number

9-24-1999

C046661

Should questions arise during
the processing of this applica-
tion please contact:SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 20 1999

Department of Water Resources

Please type or print clearly

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

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(cfs)

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1S	3W	15													12		6	3	21

Total number of acres irrigated 21

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13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

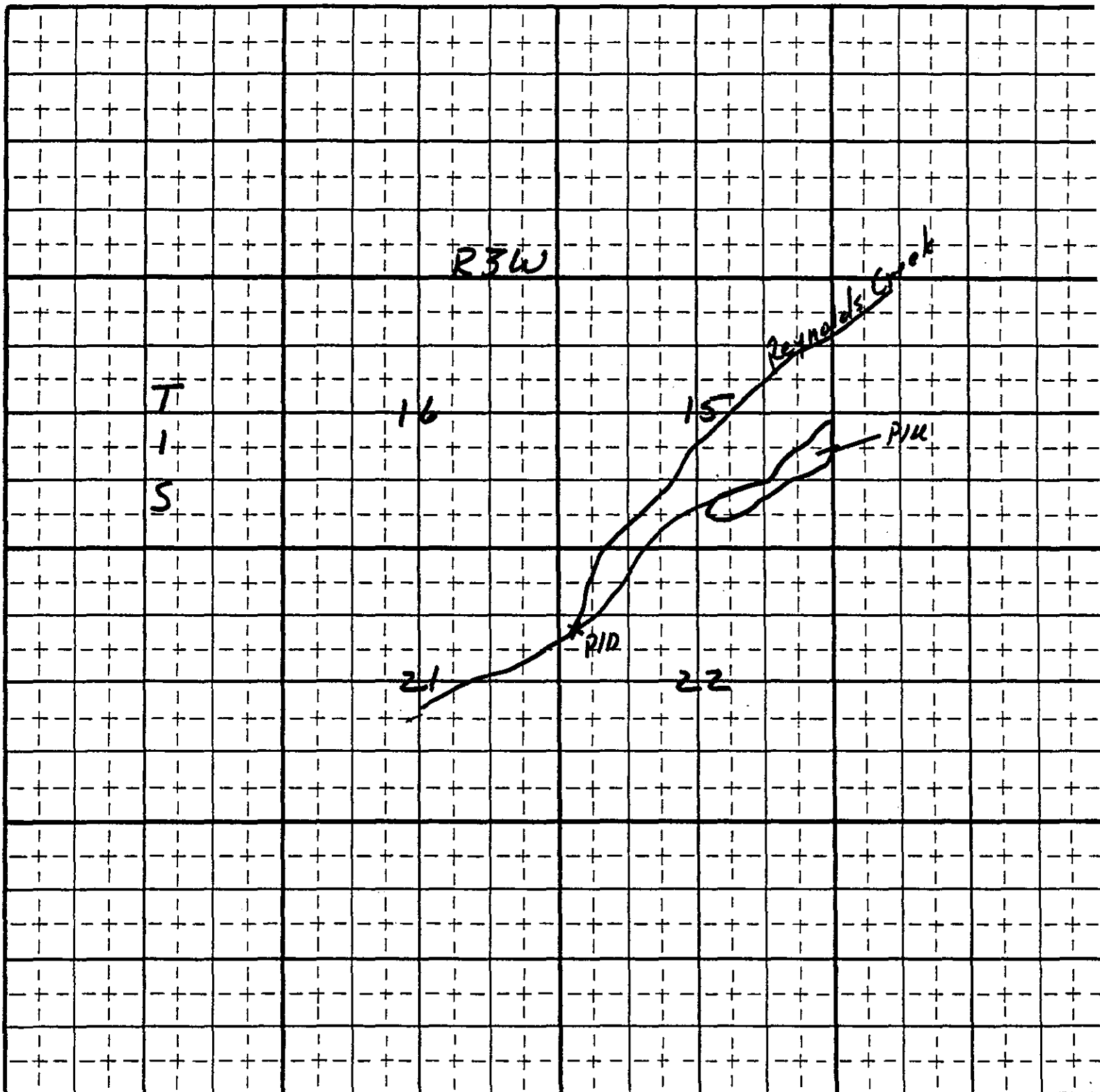
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Last Name Brandau Ident No. A57-11567

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) *Richard Brandau* Date 5-4-99
_____ Date _____

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

of _____, that I have signed the foregoing
Organization _____

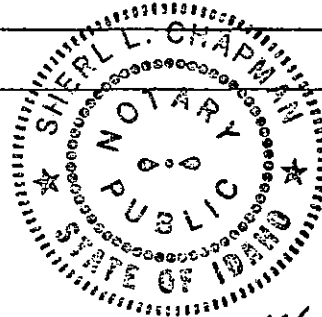
document in the space below as _____ of _____
Title _____ Organization _____

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 Ada) SS.



Subscribed and sworn (or affirmed) before me this 4 day of May 19 99

SEAL

Notary Public *Sherell L. Chapman*

Residing at *Meredon Idaho*

My Commission Expires *June 14, 2000*

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 _____

Last Name Brandau Ident. Number A57-11567

Copies White-State, Yellow-Claimant