



A5711570

Claim No(s). 57-11570

Claim No(s). 57-11570

[illegible]

E LOG
IMS
Claim No(s). A57-11567
A57-11568
A57-11569
A57-11570

Claim No(s).

[illegible]

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

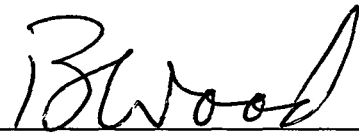
Subcase No. 57-11570

**ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM**

On May 6, 1999, a Motion to File Late Notice of Claim was filed by
Henry Brandau. 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.



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

Henry Brandau
HC 79, Box 66
Melba, ID 83641


Deputy Clerk

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 57-11570

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 57-11570 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 57-11570

2002 FEB 12 PM 4:30

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

NAME AND ADDRESS: HENRY AND BETTY BRANDAU
HC 79, BOX 66
MELBA, ID 83641

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.60 CFS

PRIORITY DATE: 02/15/1916

POINT OF DIVERSION: T01S R03W S11 NWNE Within Owyhee County
S15 SWNW
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 07-15	0.60 CFS

PLACE OF USE: Irrigation Within Owyhee County
T01S R03W S02 SWSE 6.0
S11 SENE 4.0
10.0 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 (T03W, R04W, S24, SESW) IS AT OR LESS THAN 37 CFS,
OR THE FLOW IS 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
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): 57-11570

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 57-11570 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

HENRY AND BETTY BRANDAU
HC 79 BOX 66
MELBA, ID 83641
Phone: 208-495-2529

HENRY AND BETTY BRANDAU
HC 79, BOX 66
MELBA, ID 83641
Phone: 208-495-2529

ROBBIN GLATZ
Chief Deputy Clerk

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-11570 V2

WATER RIGHT NUMBER: 57-11570

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD BRANDAU HC 79 BOX 61 MELBA, ID 83641 (208)495-2529
Current Owner	CONNIE M BRANDAU HC 79 BOX 61 MELBA, ID 83641 (208)495-2529

Priority Date: 02/15/1916

Basis: Beneficial Use

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	02/15 to 07/15	0.60 CFS	
	<u>Total Diversion:</u>	0.60 CFS	

Location of Point(s) of Diversion

REYNOLDS CREEK	NW1/4NE1/4	Sec. 11, Twp 01S, Rge 03W, B.M.	OWYHEE County
REYNOLDS CREEK	NW1/4SE1/4	Sec. 15, Twp 01S, Rge 03W, B.M.	OWYHEE County
REYNOLDS CREEK	SW1/4NW1/4	Sec. 11, Twp 01S, Rge 03W, B.M.	OWYHEE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	2															6.0		6.0
01S	03W	11				4.0													4.0

Total Acres: 10

Conditions of Approval:

1. 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.
2. THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.
3. 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.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 57-11569 57-11570

~~Adjudication Claim Number(s)~~ _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) HENRY OR BETTY BRANDAU

HC 79 BOX 60 MELBA, IDAHO 83641

4. New Owner/Claimant(s) RICHARD & OR CONNIE BRANDAU

Name connector (Check one): [] AND, [] OR, ☒ AND/OR

New Mailing Address HC 79 BOX 61 MELBA, IDAHO 83641

City, State and ZIP Code _____

New Telephone Number (208) 495-2529

5. Date you acquired the property 4-17-2000

6. NA If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Connie Brandau Date 6-19-2001

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

PD3277

WARRANTY DEED

HENRY BRANDAU and BETTY B. BRANDAU, husband and wife, GRANTORS, of HC 79 Box 66 Melba, Owyhee County, Idaho, hereby convey, grant and warrant to RICHARD H. BRANDAU and CONNIE M. BRANDAU, husband and wife, GRANTEES, whose current address is HC 79 Box 61 Melba, Owyhee County, Idaho, for the ~~SUM OF TEN AND NO/100 DOLLARS (\$10.00)~~ and other valuable considerations, the following described tracts of land in Owyhee County, Idaho:

The South 1/2 of the Southeast 1/4 ¹¹⁵⁶⁹/₁₁₅₇₀ Section 2, Township 1 South, Range 3 West of the Boise Meridian

The North 1/2 of the Northwest 1/4, the Northeast 1/4, ¹¹⁵⁶⁹/₁₁₅₇₀ the Northeast 1/4 of the Southwest 1/4, and the Northwest 1/4 of the Southeast 1/4 Section 11, Township 1 South, Range 3 West of the Boise Meridian.

LESS the following described property:

Tax #9. This parcel is a portion of SW1/4 SE1/4 of Section 2, Township 1 South, Range 3 West of the Boise Meridian. Owyhee County and is more particularly described as follows:

COMMENCING at the Southwest corner of said SW1/4 SE1/4; thence North 0 degrees 14 minutes 12 seconds West along the West boundary of said SW1/4 SE1/4, a distance of 870.99 feet to the TRUE POINT OF BEGINNING; thence continuing North 0 degrees 14 minutes 12 seconds West, a distance of 444.33 feet to the Northwest corner of said SW1/4 SE1/4; thence North 89 degrees 54 minutes 42 seconds East along the North boundary of said SW1/4 SE1/4, a distance of 1052.47 feet; thence South 54 degrees 09 minutes 32 seconds West, a distance of 760.46 feet; thence South 89 degrees 54 minutes 42 seconds West along a line parallel with and 444.33 feet Southerly of said North boundary, a distance of 434.17 feet to the TRUE POINT OF BEGINNING, subject to all easements and rights-of-way existing or of record, containing 7.58 acres.

Tax #10. This parcel is a portion of the SE1/4 SE1/4 of Section 2, Township 1 South, Range 3 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Southeast corner of said SE1/4 SE1/4; thence North 0 degrees 13 minutes 33 seconds West along the East boundary of said SE1/4 SE1/4 a distance of 1316.40 feet

to the Northeast corner of said SE1/4 SE1/4; thence South 89 degrees 55 minutes 07 seconds West along the North boundary of said SE1/4 SE1/4 a distance of 490.42 feet to the TRUE POINT OF BEGINNING; thence South 0 degrees 13 minutes 33 seconds East parallel with said East boundary a distance of 130.00 feet; thence South 89 degrees 55 minutes 07 seconds West parallel with said North boundary a distance of 130.00 feet; thence North 0 degrees 13 minutes 33 seconds West parallel with said East boundary a distance of 130.00 feet to a point on said North boundary; thence North 89 degrees 55 minutes 07 seconds East along said North boundary a distance of 130.00 feet to the TRUE POINT OF BEGINNING, subject to all easements, rights-of-way and reversion, containing 0.388 acres.

RB
CB

Tax #12. This parcel is a portion of the SE1/4 SE1/4 of Section 2, Township 1 South, Range 3 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the southeast corner of said SE1/4 SE1/4; thence North 89 degrees 12 minutes 11 seconds West along the south boundary of said SE1/4 SE1/4 a distance of 532.89 feet to a point on the easterly right-of-way for Idaho State Highway 78, said right-of-way being 33.00 feet easterly from and parallel with the centerline of said Highway 78; thence North 7 degrees 35 minutes 49 seconds West along said right-of-way a distance of 188.10 feet to the TRUE POINT OF BEGINNING;

thence continuing North 7 degrees 35 minutes 49 seconds West along said right-of-way a distance of 180.00 feet; thence leaving said right-of-way and bearing North 77 degrees 01 minutes 01 seconds East a distance of 128.50 feet; thence South 7 degrees 35 minutes 49 seconds East parallel with said right-of-way a distance of 180.00 feet; thence South 77 degrees 01 minutes 01 seconds West a distance 128.50 feet to the TRUE POINT OF BEGINNING, subject to all easements and rights-of-way of record or implied, containing 0.53 acres.

Tax #10. A portion of the NE1/4 of Section 11, Township 1 South, Range 3 West of the Boise Meridian, Owyhee County, Idaho, lying easterly of State Highway 78, more particularly described as follows:

COMMENCING at the Southeast corner of the NE1/4 of said Section 11; thence North 1044 feet, more or less, along the Easterly boundary of the SE1/4 NE1/4 to a point on the North side of existing driveway; thence West along said driveway and parallel to the North boundary of the SE1/4 NE1/4, 255 feet (more or less) to the Easterly right of way of State Highway 78; thence Southeasterly along the Right(s) of Way of State Highway No. 78 as described in Book 33 of Deeds, page 620, and in Book 44 of Deeds, page 419, to a point on the South boundary of the NE1/4 of Section 11; thence East 18

feet along the South boundary to the POINT OF BEGINNING,
subject to exceptions and reservations of record and use.

CONVEYING with the above described land all
appurtenances thereto, especially including but not limited
to all existing easements and rights-of-way of record, any
and all water rights and grazing rights as follows: Taylor
Grazing Rights including but not limited to 704 total AUM's,
of which 479 AUM's are active and 225 AUM's are suspended,
in Allotment 0516 of the Hardtrigger Unit; Water Rights
including but not limited to 57-00279 for 2.00 CFS, 57-10847
for 0.20 CFS, 57-10401 for 0.12 CFS, 57-01015 for 0.07 CFS,
57-109198 for 0.02 CFS, 57-10914 for 0.02 CFS, 57-10919A for
0.02 CFS.

WITNESS the hand of said Grantors this 17 day
of April, 2000.

Henry Brandau
HENRY BRANDAU

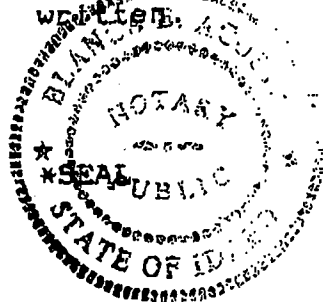
Betty B. Brandau
BETTY B. BRANDAU

STATE OF IDAHO

County of Blaine

On this 17 day of April, 2000, before me, the
undersigned, a Notary of Public in and for said State,
personally appeared HENRY BRANDAU and BETTY B. BRANDAU,
known to me to be the persons whose names are subscribed to
the within and foregoing instrument and acknowledged to me
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year first above
written.



WARRANTY DEED

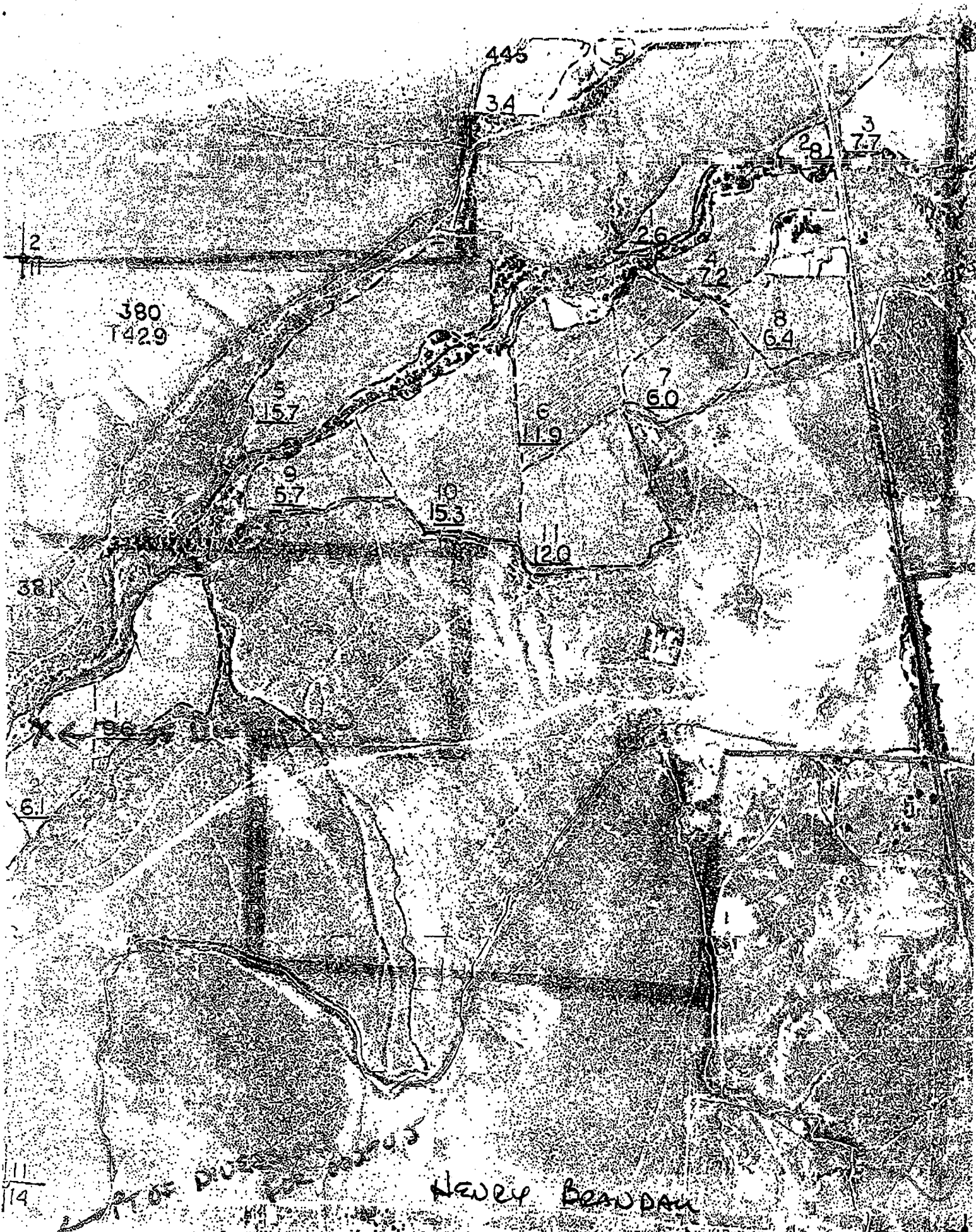
Dan Arista
NOTARY PUBLIC FOR IDAHO

Residence: Greenleaf

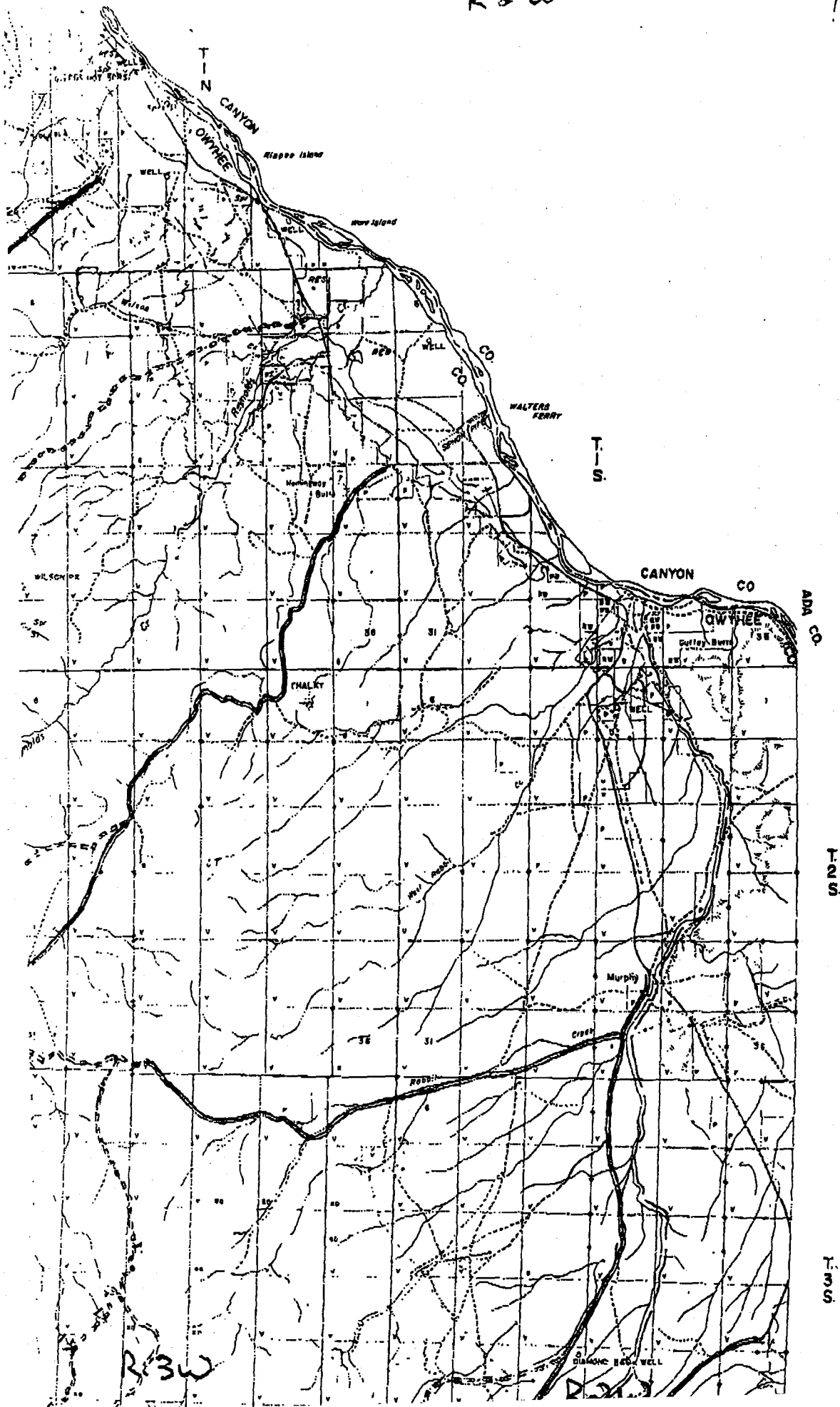
My Commission Expires: 9-17-05

CO MAY 18 PM 4:38

190282



18,441,000



RECEIVED

JUL 10 2001

Department of Water Resources

COPY

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: 57-11570

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

CLAIMANT/ OBJECTOR:

Connie Brandau 7-5-01
Connie 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: 57-11570

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

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.6 CFS

PRIORITY DATE: 02/15/1916

POINT OF DIVERSION:	T01S R03W S11	NWNE	Within OWYHEE County
	T01S R03W S11	SWNW	Within OWYHEE County
	T01S R03W S15	NWSE	Within OWYHEE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 07-15	0.60 CFS

PLACE OF USE:

<u>IRRIGATION Within OWYHEE County</u>			
T01S R03W S11	SENE	4	T01S R03W S2 SWSE 6
10 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

RB
SM
CB
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

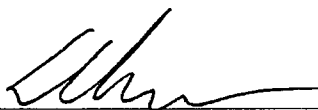
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

Richard Brandau
HC 79, Box 61
Melba, ID 83641

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



Signature of person delivering form

11/15/2000

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

RIGHT NUMBER: 57-11570

NAME AND ADDRESS: BETTY BRANDAU
HENRY BRANDAU
HC 79 BOX 66
MELBA, ID 83641

SOURCE: REYNOLDS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.6 CFS

PRIORITY DATE: 02/25/1970

POINT OF DIVERSION: T01S R03W S11
T01S R03W S11
T01S R03W S15

NWNE
SWNW
NWSE

Within OWYHEE County
Within OWYHEE County
Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF
USE

02-15 07-15

QUANTITY

0.60 CFS

PLACE OF USE:

IRRIGATION Within OWYHEE County
T01S R03W S11

SENE

4

T01S R03W S2

SWSE

6

10 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

RIGHT NUMBER: 57-11570

NAME AND ADDRESS: BETTY BRANDAU
HENRY BRANDAU
HC 79 BOX 66
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.

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 A57-11570

Date Received 9/23/99

Receipt Number C046662

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

1. Name of Claimant (s) Henry or Betty Brandau Phone () 495-2529Mailing Address HC 79, Box 66, Melba, Idaho Zip 836412. Date of Priority (Only one (1) per claim) 9/21/19113. Source of water supply (a) Reynolds Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 1S Range 3W Section 11,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of OwyheeAdditional points of diversion if any: SWNW Sec. 11, T1S R3W; NWSE Sec. 15, T1S, R3W

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,

_____ 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 0.6 or 35

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.6 (cfs) and/or (b) 36 (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	2															6		6
1S	3W	11				4													4

Total number of acres irrigated 10

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:

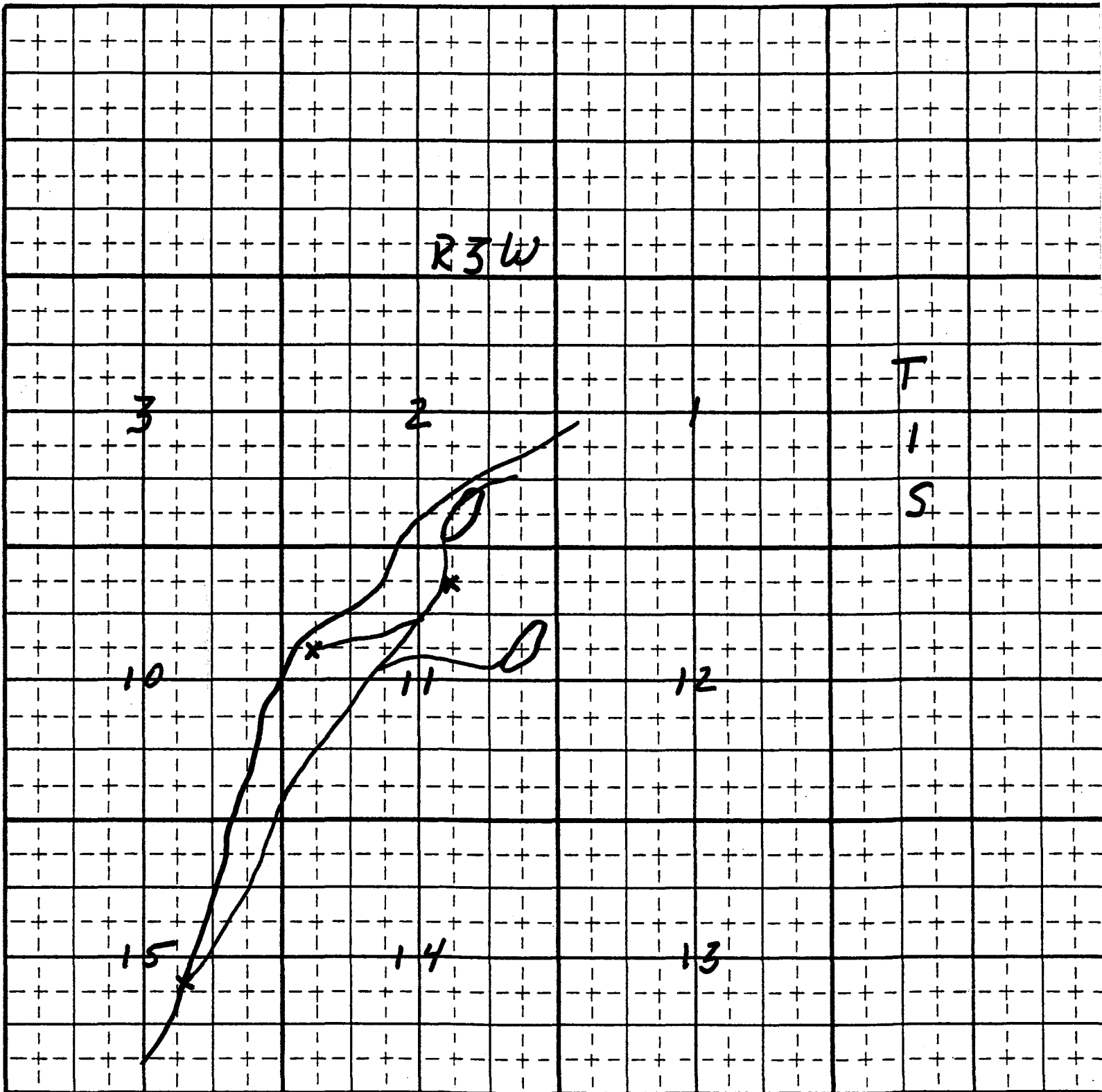
This water right is based on the historical diversion and use of the high flows that normally occur briefly in the upper Reynolds Creek basin. Use of this right may occur prior to the beginning of the normal irrigation season since the claimant must take advantage of the high flows as they occur. This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

Last Name Brandau Ident No. A57-11570

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



Last Name Brandau - Ident No. A57-11570

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Beneficial Use XXX ☐ 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) Henry 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.

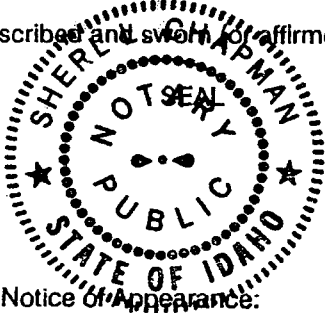
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Ada) SS.

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



Notary Public Sheri L. Chapman

Residing at Meridian Idaho

My Commission Expires June 14, 2000

Please Print Name Sheri L. Chapman

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 A57-11570

Copies White-State, Yellow-Claimant

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 A57-11570

)

(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 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Henry Brandau

My address is HC 79, Box 66, 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 I.C. § 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

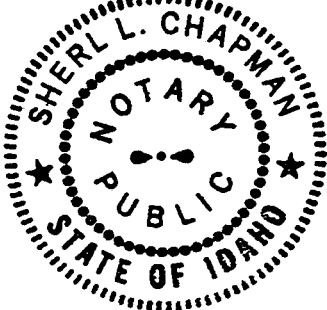
Henry Brandon, being first duly sworn, upon oath, deposes and says:
 (Insert name of person filing form)

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.

Henry Brandon
 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: Meridian, 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 Names/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: 1-16-06

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".



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

Henry Brandau
HC 79 Box 66
Melba, ID 83641

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #A57-11569 and
A57-11570

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 #C046658 and C046662 for the fees paid by Richard Brandau.

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. Shaff, Manager
Adjudication Technical Section

DS:ss:region
Enclosure:

Receipts #C046658 and C046662
Data-entered Copies of Claims

AJ5809NP
No. 57-10847

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/15/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HENRY BRANDAU	02/15/1916	IRRIGATION	03-15 11-15	0.200 CFS	
C	BETTY B BRANDAU					
TOTAL DIVERSION:					0.200 CFS	

Water Source: REYNOLDS CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T01S R03W S11
S15

NWNE
NWSE

SWNW

OWYHEE County
OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01S	03W	2	:															06		6.0
01S	03W	11	:					04												4.0
TOTAL ACRES																			10.0	

POU County: OWYHEE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

57-00006	57-00007	57-00277	57-00279	57-00281	57-01002	57-01117	57-02000	57-02006A	57-02006B
57-02006C	57-02007A	57-02007B	57-02007C	57-02062	57-02093B	57-02094A	57-02094C	57-02094D	57-02094F
57-02094G	57-02094H	57-02094K	57-02094L	57-10839	A57-00006	A57-00007	A57-00277	A57-00279	A57-00281
A57-01002	A57-01117	A57-02000	A57-02006A	A57-02006B	A57-02006C	A57-02007A	A57-02007B	A57-02007C	A57-02062
A57-02093B	A57-02094A	A57-02094C	A57-02094D	A57-02094F	A57-02094G	A57-02094H	A57-02094K	A57-02094L	A57-10839
A57-10847	A57-11569	A57-11570	R57-00006	R57-00007	R57-00277	R57-00279	R57-00281	R57-01002	R57-01117
R57-02000	R57-02006A	R57-02006B	R57-02006C	R57-02007A	R57-02007B	R57-02007C	R57-02062	R57-02093B	R57-02094A
R57-02094C	R57-02094D	R57-02094F	R57-02094G	R57-02094H	R57-02094K	R57-02094L	R57-10839	R57-10847	

Other Water Rights Listing Overlapping Place(s) of Use:

57-02052 57-02094J 57-07398 A57-02052 A57-02094J A57-07398 A57-10847 A57-11570 R57-07398 R57-10847

Remarks: EXP WATER IS DELIVERED THROUGH BERNARD DITCH.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 57-02094J AND
57-02052.

Dates: Exam Made Date: Verified Date: 11/26/1997 Objection Filed Date:

Misc: Water District Number: 57R Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. 57-10847

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/15/00
PAGE: 2

=====

Comments: Date: 01/19/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*NAME/ADDRESS CONFORMED TO AVOID DUPLICATE MAILING LABELS

Audit: 08/22/96 MMINICUC 11/26/97 RHOWERTO 02/19/98 PD-DSHAF

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 A57-11570

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
344-6690

NOTICE 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) Henry or Betty Brandau Phone () 495-2529
Mailing Address HC 79, Box 66, Melba, Idaho Zip 83641

2. Date of Priority (Only one (1) per claim) 9/21/1911

3. Source of water supply (a) Reynolds Creek
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 1S Range 3W Section 11,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any: SWNW Sec. 11, T1S R3W; NWSE Sec. 15, T1S, R3W

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 0.6 or 35

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.6 (cfs) and/or (b) 36 (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	2															6		6
1S	3W	11				4													4

Total number of acres irrigated 10

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)

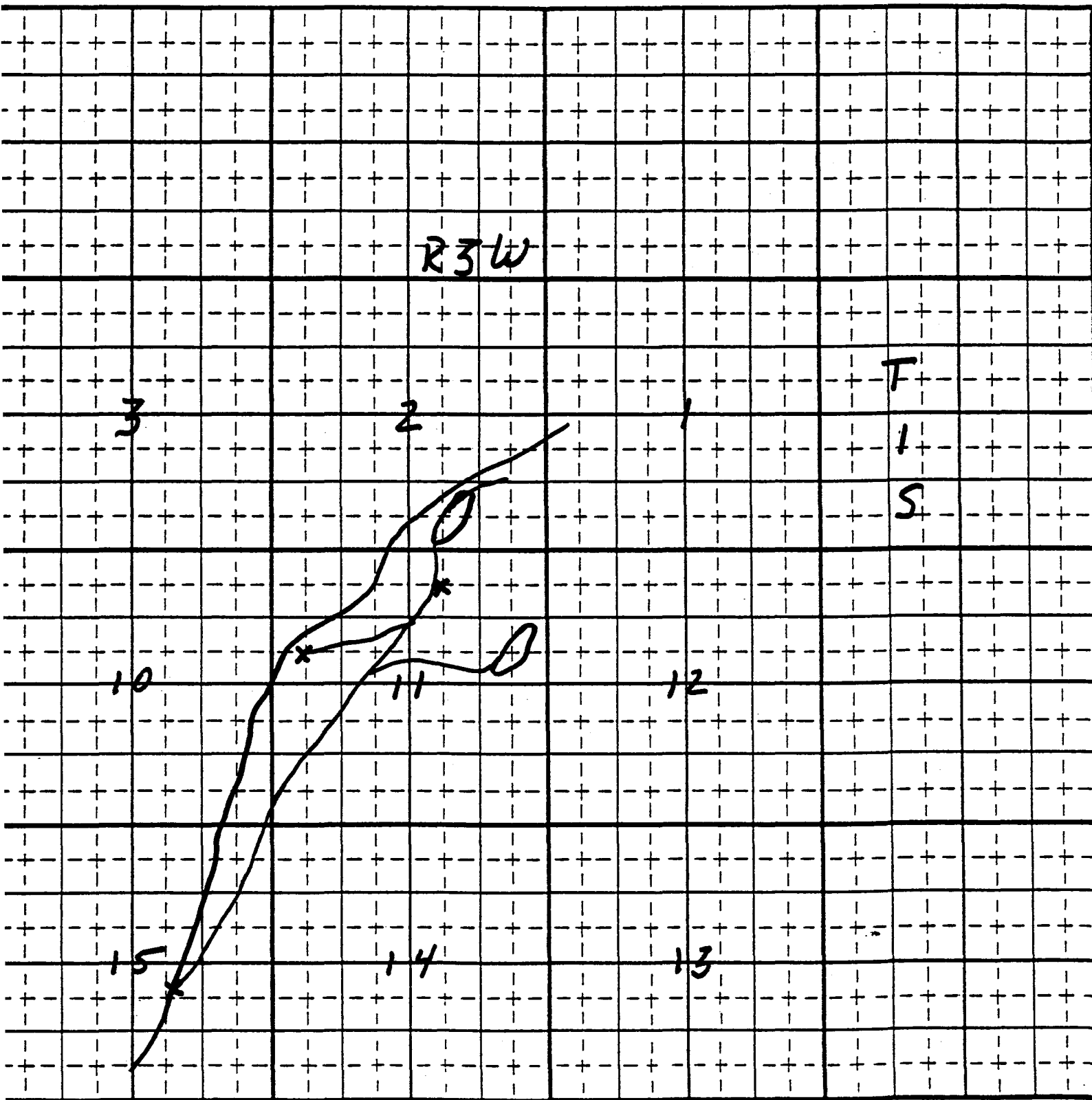
14. Remarks: This water right is based on the historical diversion and use of the high flows that normally occur briefly in the upper Reynolds Creek basin. Use of this right may occur prior to the beginning of the normal irrigation season since the claimant must take advantage of the high flows as they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

Last Name Brandau Ident No. A57-11570

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 XXX 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.

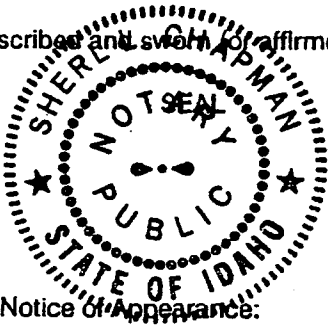
Signature of Claimant (s) Henry Brandau Date 5-4-99
_____ Date _____

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.

Subscriber and sworn to (affirmed) before me this 4 day of May 19 99



Notary Public Sheri L. Chapman

Residing at Meridian Idaho

My Commission Expires June 14, 2000

Please Print Name Sheri L. Chapman

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 A57-11570

Copies White-State, Yellow-Claimant