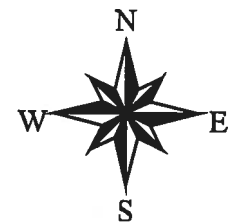
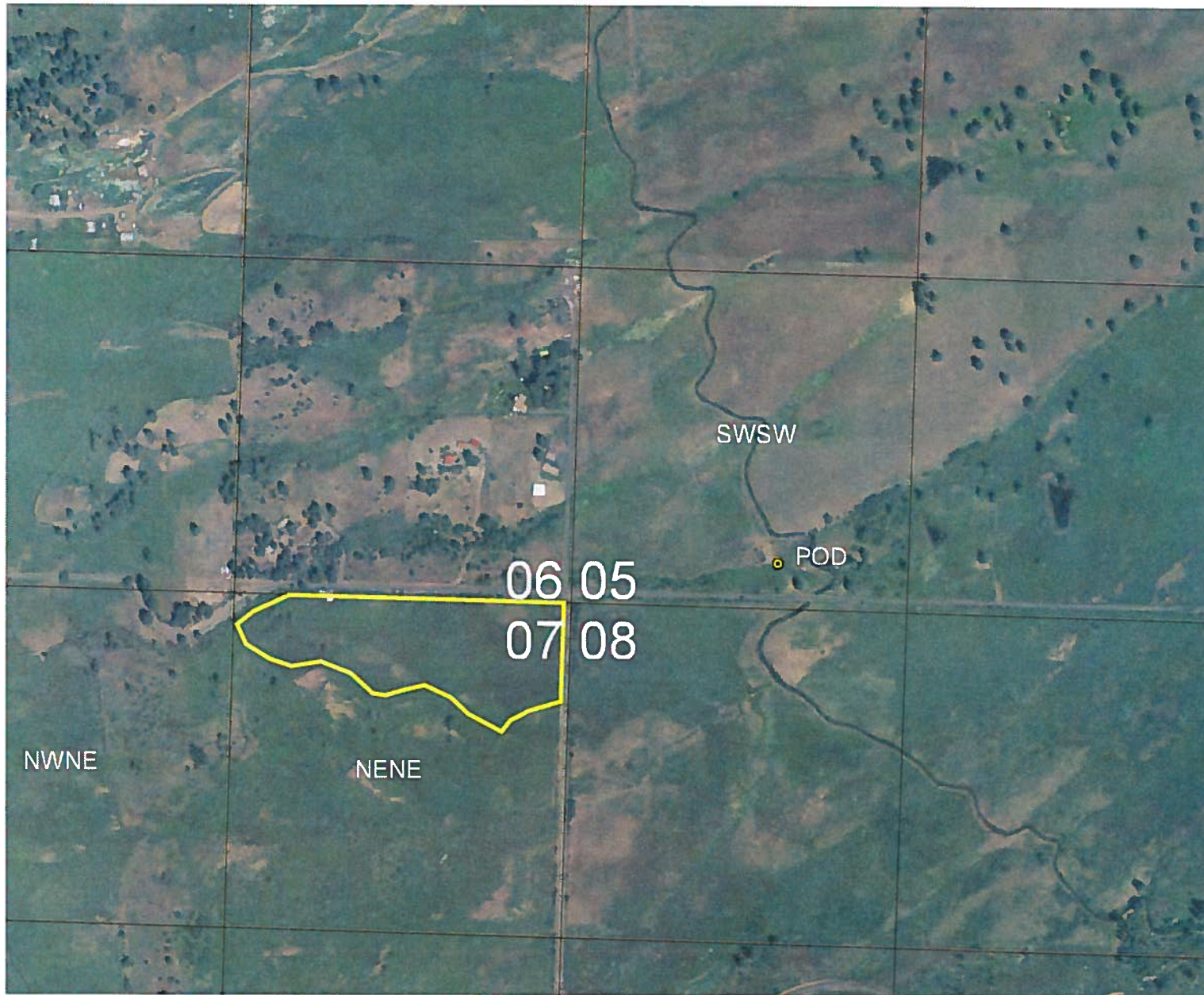


78-11181

**T19N R02E
S05**



900 0 900 1800 2700 Feet

Map prepared by: Carter Fritschle
Date prepared: 12/15/06 - revised 12-16-06
2004 NAIP Photography
Idaho Department of Water Resources

12/16/2006

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

RIGHT NUMBER: 78-11181

NAME AND ADDRESS: NITA L BRANSTETTER
PO BOX 175
NEW MEADOWS ID 83654

CHARLES V BRANSTETTER
PO BOX 175
NEW MEADOWS ID 83654

SOURCE: SPRING TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.200 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1953

POINT OF DIVERSION:

T19N R02E S5 SWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R02E S07 NENE 10.00

STOCKWATER in ADAMS County

T19N R02E S05 SWSW T19N R02E S07 NENE

10 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 507.8 acres in a single irrigation season.
Combined Right Nos.: 78-2037, 78-4072A, 78-4072B, 78-4072D, 78-4072E, 78-10235, 78-11181, 78-12175 and 78-12176.

Right Nos. 78-4072B and 78-11181 are limited to the irrigation of a combined total of 138 acres in a single irrigation season.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Granite Twin Lakes Water Users.

Use of this right is combined with water from Goose Lake Reservoir Company.

FAX TRANSMISSION

Nita Branstetter *KB*

208-347-2374

TO Carter Fritschle208-287-6700Date 12/13/06 / 12/14/06

Memo:

I am sending ² pages including this cover page.

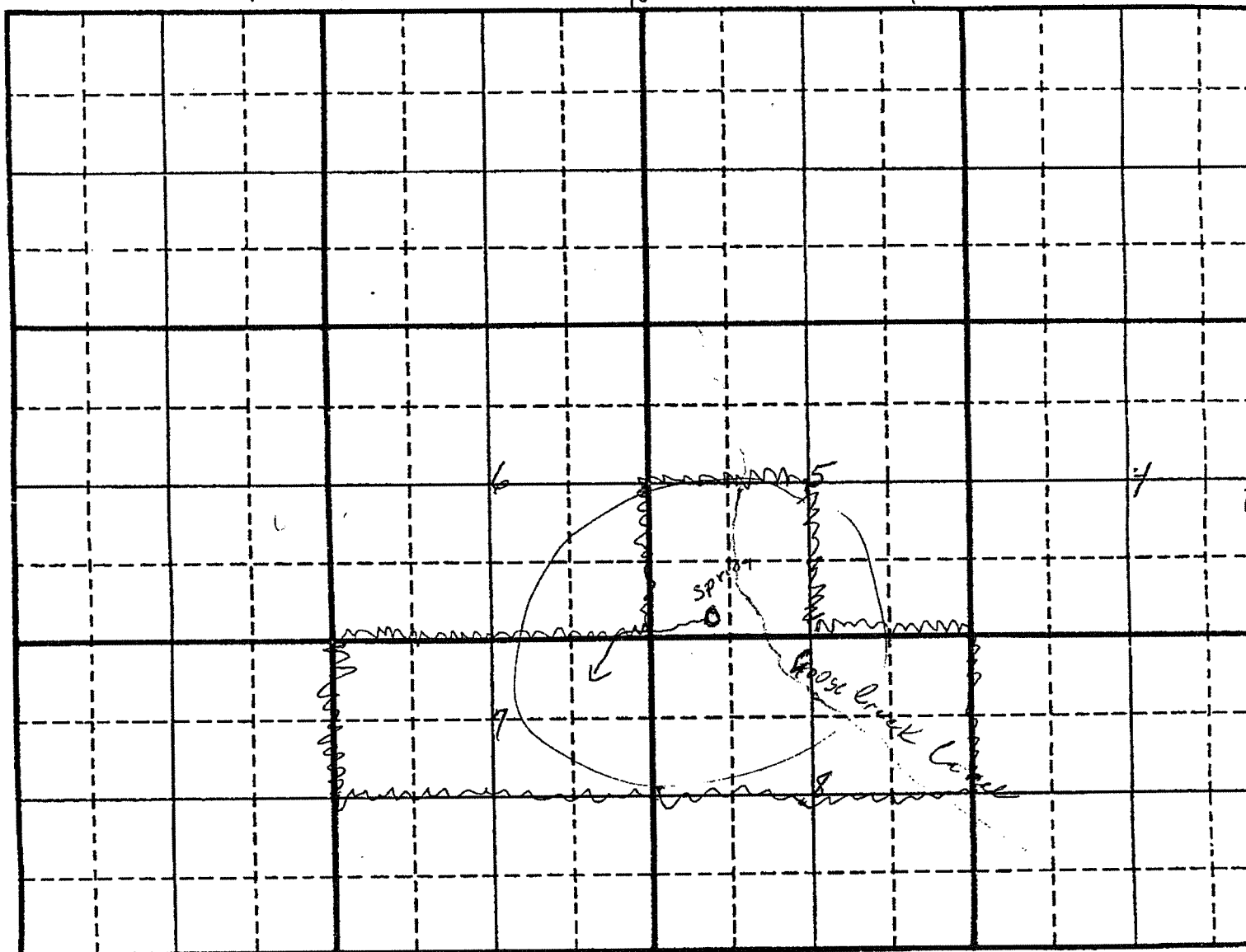
I am anxious to hear from you to see if this will be enough.

Do you still need a map? It was too late to stop in Council on
My way home.

*If This isn't ok - let me know -
I drew on your colored map when
we met. It was pencil so hard to see.*

H 11181

(8) Remarks Wavy Line Nita's Property Nita Branstetter
Spring inside Large Circle
runs down in Road - down Road + into Sec. 7



Scale: 2 inches equal 1 mile.

S

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

)

) ss.

County of _____

)

diversion and use of the water by the subdivisions the foregoing claim

Spring #11181

12/12/2006

This is what Oscar remembered about the springs on the various places.

He said there were several springs on the Walker place (sec. 5) as well as others in other sections.

He said he didn't like the springs as it fouled up his irrigating. He didn't use the one I am filing on as it just went on down to Sec. 7.

Charlie started irrigating the half of the place including half of Sec. 5, all of Sec. 8, and Sec. 7. after his father died in 1953. He used the spring at that time.

Oscar started irrigating the other half which consisted of Sec. 6, Sec. 5, The properties were about half and half of the irrigated, farming and pasture ground of the ranch.

They irrigated on a sharing system of water use which worked really well. They took turns with the 4-mile water, Goose Creek water and the Reservoir water.

This took place until about 1970 when we moved to town and Charlie's nephew rented the place for a few years.

His mother died in 1980 and after that the place was split up and some of us tried to split up the water and be fair about the whole thing. We realize now that we goofed somewhat but we feel that we have to live with it.

When he started irrigating again after 1980 he used the spring again. I used to have to go out and help him clean out the culvert that ran under the road on Branstetter Lane to get the water over to Sec. 7. He had always used Oscar's waste water off of sec. 5 so I am sure it was in use by Charlie after 1953.

I didn't get this written out when I was with Oscar as I didn't want to take the time and it is hard for him to sign.

I hope this gives you some insight in to this all.

Nita Branstetter

Ward Branstetter Ranch

Deeds

Ward started purchasing his land in 1926. He purchased the George McMahan place and the original Jonathon McMahan/McReynolds place and had a deed dated 1926 (McReynolds homesteaded in 1903 and sold to J McMahan who sold to Geo. In 1911 and Geo homesteaded his 160 in 1918.

Knowles place deed 1932, purchased from Alliance Trust Co. (Homestead by Knowles 1909) One 40 in Sec. 7 belonging to Nita.

Walker place deed 1943, purchased from Franklin/Harriet Walker. (Homesteaded by V. Jones) Sec. 5, One 40 in Sec 5 belonging to Nita *location of spring is 11181*

Forbes place deed 1939 purchased from Ella Branstetter. (Her homestead 1908) Sec. 8, Two 40's and One 40 in Sec. 7 belonging to Nita

Luce place deed 1942 purchased from Carl/Hattie Ratzat (Luce homestead 1905) Sec. 5 and Sec. 8

Andrews place deed 1940 purchased from Richard/Helen Balbach (Nancy Jones homestead 1906)

Purchased 919.3 acres of Boise Payette Land 2/12/1947 (40 acres of the Geo McMahan place is in Timber pasture)

Sold Hot Springs to Armacost in 1946

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: **A78-11181**
Date Received: 4/21/1994
Receipt No: Wd 7398
Received By: JFV

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CHARLES BRANSTETTER 208-347-2374
Address: P.O. BOX 175
NEW MEADOWS ID 83654
OR
Name: NITA BRANSTETTER 208-347-2374
Address: P.O. BOX 175
NEW MEADOWS ID 83654
2. Date of Priority: APR 1, 1935
3. Source: SPRING Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	02E	5	SW	SW			ADAMS
5. Description of diverting works:
BOX AND STOCK TANK
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.200		
STOCKWATER	01/01	12/31	0.030		
7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER - *100 hd Cattle.*

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AUG 08 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	5	SW	SW		IRR	10.0

Section Acres	10.0
---------------	------

Total Acres	10.0
-------------	------

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
Goose Lake Res.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Nita Branstetter Date: 4/21/94

Date: _____

MICROFILMED

AUG 08 1994

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of APRIL 19 94

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994

MICROFILMED

AUG 08 1994

