

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: **A43-00010**
Date Received: 8/14/1989
Receipt No: S008837
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIAM & VIRGINIA BRUESCH FAMILY TRUST 480-839-6738
Address: RICHARD BRUESCH TTEE
2513 E LOYOLA DR
TEMPE AZ 85282-4167

2. Date of Priority: MAR 17, 1879

3. Source: GRAHAM CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	24E	19	NW	NE			CASSIA

5. Description of diverting works:
HEADGATES AND DAMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	12.000		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 1800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	24E	19	NE	NE		IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	15.0
		20	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
					Section Acres	400.0
		21	NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
					Section Acres	200.0
					Total Acres	615.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

SOURCE IS DECREED AS SYTHE CREEK AND HAS BEEN RE-NAMED ON USGS
MAPS AS GRAHAM CREEK.

11-16-99: OWNERSHIP CHANGE PER NOTICE REC'D 10-14-99 - VH

1-20-2000: CLAIM AMENDED TO INCLUDE STOCKWATER AND ADD 15 AC S19
PER SIGNED DOCUMENT DATED 9-22-1999. -VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALMO WATER CO.
Decree Plaintiff

IVAN DARRINGTON, ET.AL.
vs Decree Defendant

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
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Date Received: 8/14/1989
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William Wallace & Virginia E. Bruesch Family Trust
Richard Bruesch, Trustee
2513 E. Loyola Dr.
Tempe AZ 85282-4167

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VIRGINIA BRUESCH
Address: PO BOX 204
ALMO ID

208-824-5516

83312

2. Date of Priority: MAR 17, 1879

3. Source: GRAHAM CREEK

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	24E	19	NW	NE			CASSIA

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7. Total Quantity Appropriated is:
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A.F.A.

8. Total consumptive use is 1800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	24E	20	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	20	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			Section Acres					400.0
		21	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
		19	NE		NE		IRR	15.0
			Section Acres					200.0
			Total Acres					600.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE IS DECREED AS SYTHE CREEK AND HAS BEEN RE-NAMED ON USGS
MAPS AS GRAHAM CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALMO WATER CO.
Decree Plaintiff

IVAN DARRINGTON, ET.AL.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): WR Burch Date: 9/22/99

_____ Date: _____

State of Idaho)
County of San Juan) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of September 19 99 [Signature]
Notary Public



Residing at San Juan, Idaho

My Commission Expires 5-7-2003

October 10, 1999

Vikie Hancock
Water Resource Agent
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
OCT 14 1999
Department of Water Resources
Southern Region

Subject: Change of Ownership Forms for: A43-00010, A43-00011, A43-00391A,
A43-00396A, A43-02026, A43-02148

Dear Vikie:

I am enclosing a completed "Notice of Change of Water Right Ownership" form as requested. Also enclosed is a copy of the Certificate of Trust and a Simple Fee Deed that describes the property in the Trust.

Our mother, Virginia Bruesch established the William Wallace & Virginia E. Bruesch Family Trust (hereinafter referred to as "Trust") on January 25, 1991. Upon her death on December 28, 1995 my brother, my sister and I became survivor trustees of the trust she created.

The following three individuals are Trustees, each with authority to manage the Trust:

William Richard Bruesch	Alan Wayne Bruesch	Janet Lee Powers
2513 E. Loyola Dr.	2516 Walnut Rd N W	PO Box 656
Tempe, AZ 85282-4167	Olympia, WA 98502-4110	Malta, ID 83342

I assumed that the NAPP Photos that you provided are suitable for the documents required in Question 2. I have attached a color copy of the photos.

In response to Question 6, we want to make it clear that all water rights and claims that were formerly available to our parents as private property owners are the same as now owned by the Trust. None of the rights have been split nor diminished by transfer of the property to the Trust. Additionally, the property is leased to Cordell Sheridan of Almo, and the number of cattle using stockwater varies throughout the year.

Please let me know if there is any additional information or documentation required to accompany the ownership change.

Sincerely,



Richard Bruesch, Trustee

cc: Alan and Janet, w/ encls

RECEIVED

OCT 14 1999

Department of Water Resources
Southern RegionSTATE 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 No(s).:

	<u>A43-00010</u>	<u>A43-00391A</u>	<u>A43-02026</u>
Adjudication Claim No(s).:	<u>A43-00011</u>	<u>A43-00396A</u>	<u>A43-02148</u>

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 attached to your deed or on file with the county.)

OR

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

Name and Address of Former
Owner/ClaimantVirginia BrueschPO Box 204 ALMO ID 83312

New Owner/Claimant(s)

William Wallace & Virginia E. Bruesch Family TrustName Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

Richard Bruesch, Trustee

City, State and ZIP Code

2513 E Loyola Dr. Tempe AZ 85282-4167

New Telephone Number

(480) 839-6738

Date you acquired the property

December 28, 1995

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 you irrigate At least, 434Number and type of stock (various) cattleDiversion rate in CFS All Available Number of homes 2 Other uses Ground water recharge

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.

Signature of New Owner
or Claimant(s)W. Bruesch
Trustee10/9/99

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

CERTIFICATE OF TRUST ESTABLISHMENT
AND TRUSTEE AUTHORITY
for
WILLIAM WALLACE & VIRGINIA E. BRUESCH
FAMILY TRUST

The undersigned desire to confirm the establishment of a revocable living trust named WILLIAM WALLACE & VIRGINIA E. BRUESCH FAMILY TRUST by the Trust Agreement executed on the date below indicated by and between the undersigned VIRGINIA M. ESTES BRUESCH as Trustor and VIRGINIA M. ESTES BRUESCH as initial Trustee, for the benefit of the Trustor during his lifetime, and ultimately for the benefit of their successor beneficiaries in interest.

The following provisions are found in said Trust Agreement and may be relied upon as a full statement of the matters covered by such provisions by any one dealing with the initial Trustee or a successor.

RESERVED RIGHTS OF TRUSTOR:

While Trustor is living and neither is incapacitated, he may, from time to time, alter or amend any of the terms of the Trust Agreement by a written instrument signed by them and delivered to the Trustee.

DISPOSITIVE PROVISIONS:

(1) During their his lifetimes the Trustor is the sole life beneficiary and the exclusive recipient of the economic benefits of the trust.

(2) Upon the death of the Trustor, the entire trust becomes irrevocable and is ultimately distributable to the Trustor's heirs or other successor beneficiaries in interest.

SUCCESSOR TRUSTEE:

(1) The Successor Trustee following the death, resignation, etc. of the Trustee shall be the named Successor Trustee:

1) Janet Lee B. Tolley, William Richard Bruesch, Alan Wayne Bruesch
2)

(2) Succession of any successor Trustee shall be upon the following events and upon the following evidence, and service of a

copy of such evidence upon any third party dealing with the successor Trustee, together with a copy of this Certificate of Trust Establishment and Trustee Authority and a copy of the acceptance of appointment of the successor Trustee, shall constitute proof of the power of the successor Trustee to act in place of the predecessor Trustee without necessity of any court proceeding or decree.

(a) Death of a Trustee as evidenced by a death certificate duly issued by the appropriate office of the state in which such death occurred.

(b) Unconditional resignation of a Trustee, evidenced by an unconditional resignation in writing as provided herein, of failure to accept the trust.

(c) Incapacity of a Trustee, evidenced by:

(i) A court order rendered by an appropriate court of the place of the Trustee's then residence, holding the Trustee to be legally incapacitated to act in his own behalf or on behalf of others, or appointing a Conservator or other protective; or

(ii) Duly executed written certificate of two disinterested licensed physicians of the state of the Trustee's then residence, each certifying that such physician has examined the Trustee and concluded that by reason of illness or physical or mental disability, the Trustee had at the date of said certificate, become incapacitated to act efficiently or rationally and prudently in the management of property.

CONDITIONAL RESIGNATION:

(1) As often as the initial Trustees or any Trustee from time to time serving deems such action to be advantageous to the trust or any beneficiary, they may do any of the following by written and acknowledged instrument:

(a) Conditionally resign and appoint as substitute Trustee any individual, individuals, bank, trust company, or combination thereof, wherever situated. The substitute Trustee shall have all the powers and discretion of the Trustee and the conditionally resigning Trustee shall have no responsibility for actions taken or not taken by the substitute Trustee.

(b) Conditionally appoint and designate another individual, individuals, bank, trust company, or combination thereof to act as Trustee or Co-Trustee.

(2) Succession of a substitute Trustee or designated Co-Trustee shall be evidenced by a written, acknowledged instrument signed by the conditionally resigning or conditionally appointing Trustee, and service of a copy of such evidence upon any third party dealing with

the substitute Trustee or a designated Trustee, together with a copy of this Certificate of Trust Establishment and Trustee Authority and a copy of the acceptance of appointment of the substitute Trustee or designated Trustee shall constitute proof of the power of the substitute Trustee to act in place of the conditionally resigning Trustee or to act as a designated Trustee together with the conditionally appointing Trustee.

TRUSTEE AUTHORITY:

(1) While the Original Trustee is living, he has the unrestricted authority to conduct any business of the Trust Estate, and any asset of the Trust Estate may be acquired, titled, or conveyed.

(2) The assertion by any Trustee that he is acting either alone or with another as a qualified Trustee shall be sufficient on its face and no person shall be put to further inquiry into the right of such Trustee to so act.

(3) No purchaser from or other person dealing with the Trustee shall be responsible for the application of any purchase money or thing of value paid or delivered to it, but the receipt of the Trustee shall be a full discharge; and no purchaser or other person dealing with the Trustee and no issuer, or transfer agent, or other agent of any issuer of any securities to which any dealing with the Trustee should relate, shall be under any obligation to ascertain or inquire into the power of the Trustee to purchase, sell, exchange, transfer, mortgage, pledge, lease, distribute or otherwise in any manner dispose of or deal with any security or any other property held by the Trustee or comprised in the Trust Estate.

(4) Title to the Trust Estate shall vest in each successor Trustee by virtue of its appointment and acceptance without any further instrument of conveyance or transfer. Each successor Trustee shall have all the rights, powers, discretion, obligations and immunities of the originally named Trustee.

(5) The certificate of the Trustee that it is acting according to the terms of the Trust Agreement shall fully protect all persons dealing with the Trustee.

TRUSTEE POWERS:

The Trustee shall have the power and authority to manage and control the Trust Estate, in such manner as the Trustee may deem advisable, and he shall have, enjoy, and exercise all powers and rights over and concerning the Trust Estate and the proceeds thereof as fully and amply as though the Trustee were the absolute and unqualified owner of the same, including by way of illustration and not of limitation of the following powers:

(1) To invest in any property, including without limitation, any and all corporate obligations, preferred or common stocks, bonds, mutual funds, market funds, index funds, money market mutual funds, cash management accounts, debentures, notes, shares of investment trusts and investment companies; mortgages, deeds of trusts, interests in general and limited partnerships, real estate, and insurance contracts;

(2) To buy stocks, bonds, commodities, and similar investments on margin or other leveraged accounts and to sell short such accounts, and to buy, sell, and write, commodity, stock, or other security options, futures, hedges, short positions, options, puts, calls, straddles, or any other form of securities or commodities position, interest, or contract, and for such purposes to maintain and operate margin accounts with brokers, and to pledge any securities held or purchased by the Trustee through such brokers as security for loans or advances made to the Trustee;

(3) To convey, dispose, and sell any trust property for cash or upon credit, and to grant options to purchase;

(4) To lend, to borrow, to execute promissory notes, to secure payment of borrowing by encumbrance, pledge, and grant of security instruments, to guarantee loans to the Co-Trustors, or either of them, and to encumber or to pledge trust property for loans made to the Co-Trustors or either of them by any individual, corporation, or entity;

(5) To lease as lessor or lessee for a term which may extend beyond the term of the trust;

(6) To improve trust property;

(7) To employ and compensate investment advisers, brokers, attorneys-in-fact, realtors, and other advisers and to delegate to such persons any discretion deemed proper by the Trustee;

(8) To hold securities or other property in the Trustee's name as Trustee, in the Trustee's own name, in the name of a nominee (with or without disclosure or any fiduciary relationship), or in bearer form; and

(9) To execute any and all documents on behalf of the trust.

ADMINISTRATIVE:

(1) The situs of the trust is the State of Idaho. All questions concerning its validity, construction, and administration shall be determined under the laws thereof.

(2) All interests arising under the Trust Agreement will vest within twenty-one (21) years after the death of the last survivor of

a group composed of the Co-Trustors and all Co-Trustors' descendants living at the date of death of the first Co-Trustor to die.

(3) Reproductions of this executed original (with reproduced signatures) shall be deemed to be original counterparts of this Certificate of Trust Establishment and Trustee Authority.

IN WITNESS WHEREOF, the undersigned declare under penalty of perjury that the foregoing is true and correct and that they have executed this Certificate of Trust Establishment and Trustee Authority this 25 day of January, 1991 in Box Elder County, State of Utah.

TRUSTOR AND TRUSTEE

Virginia M. Bruesch
VIRGINIA M. ESTES BRUESCH

Virginia M. Bruesch
VIRGINIA M. ESTES BRUESCH

STATE OF UTAH)
 : ss.
COUNTY OF Box Elder)

On the 25 day of January, 1991, before me, the undersigned, a Notary Public in and for said County and State, personally appeared VIRGINIA M. ESTES BRUESCH, WILLIAM WALLACE BRUESCH personally known to me to be the person(s) whose names are subscribed to the within instrument and acknowledged to me that (t)he(y) executed it.

WITNESS my hand and official seal.

[Signature]
NOTARY PUBLIC
Residing at:
My Commission Expires:

FEE SIMPLE DEED

THIS INDENTURE, made on the date designated below, between VIRGINIA M. ESTES BRUESCH, (hereinafter collectively called the "Grantor"), and VIRGINIA M. ESTES BRUESCH, as Trustee of WILLIAM WALLACE & VIRGINIA E. BRUESCH FAMILY TRUST, created under agreement dated on the date designated below, whose address is: Box 204, Almo, Idaho 83312.

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt whereof is hereby acknowledged, grants, bargains, sells and conveys unto the Grantee, its successors and assigns, the following parcels of land situated in Cassia, state of Idaho, more particularly described in Exhibit "A", attached hereto and made a part thereof.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or appertaining, and every right, title or interest, legal or equitable, of the Grantor, of, in and to the same.

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns, and to their proper use, benefit and behoove forever.

Full power and authority is granted by this Deed to the Grantee, its successors and assigns, to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the real property or any part of it.

In no case shall any party dealing with the Grantee, its successors and assigns, in relation to the real estate be obliged: (a) to see to the application of any funds paid or advanced on the premises; (b) to see that the terms of the trust agreement have been complied with; (c) to inquire into the necessity or expediency of any act of the Grantee; or (d) to inquire into the terms of the trust agreement.

Every deed or other instrument executed by the Grantee, its successors and assigns, in relation to the real estate shall be conclusive evidence in favor of every person relying upon or claiming under such instrument that; (a) at the time of its delivery the trust agreement was in full force and effect; (b) the instrument was executed in accordance with the terms, conditions and limitations contained in the trust agreement and is binding upon all beneficiaries under the trust agreement; (c) the Grantee was duly authorized and empowered to execute and deliver every such instrument; and (d) if the instrument is executed by a successor or successors in trust, the successor or successors in trust have been

TOWNSHIP 15 SOUTH, RANGE 24 EAST OF
THE BOISE MERIDIAN, CASSIA COUNTY,
IDAHO:

Section 18: ~~W $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$~~ - one Rock
Section 19: ~~N $\frac{1}{2}$ NE $\frac{1}{4}$~~ .
Section 20: ~~NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, -N $\frac{1}{2}$ SE $\frac{1}{4}$, -NE $\frac{1}{4}$ SW $\frac{1}{4}$~~ .
Section 21: ~~N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$~~ .
Section 28: ~~E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$~~ .

212485

RECORDED AT THE REQUEST OF

Virginia Shueck

FILM

224

MAR 20 3 24 PM '91

CASSIA COUNTY, IDAHO

FRANK E. WILKINS

REGISTER

FEE \$2.00 DEEDS

220

*Box 204
Almo Id
83512*

91

Copy

22

212486

RECORDED AT THE REQUEST OF
Virginia M. Bruesch
FILM 226

MAR 20 3 26 PM '91

CASSIA COUNTY IDAHO
FRANK W. KERN
RECORDED

Box 204
Almo, Id.
83312

Index

212486

ASSIGNMENT

THE UNDERSIGNED, VIRGINIA M. ESTES BRUESCH, and WILLIAM WALLACE BRUESCH of the County of Cassia, the State of Idaho, does hereby sell, transfer and assign without consideration, all rights, title and interest which I may have in all of my personal property and household effects of every kind, including but not limited to, furniture, fixtures, appliances, furnishings, pictures, antiques, silverware, china, glass, books, jewelry, wearing apparel, automobiles, boats, mobile homes, recreational vehicles, tools, equipment and all policies of fire, burglary and property damage, and other insurance on or in connection with the above-named or any other personal property which I now own or which I may own in the future to WILLIAM WALLACE & VIRGINIA E. BRUESCH FAMILY TRUST dated as designated below, VIRGINIA M. ESTES BRUESCH, WILLIAM WALLACE BRUESCH, Trustor and/or Trustee.

IN WITNESS HEREOF I have signed this Agreement this 25 day of January, 1991.

Virginia M. Bruesch
VIRGINIA M. ESTES BRUESCH

STATE OF UTAH)
COUNTY OF Box Elder) : ss.

SUBSCRIBED AND SWORN to before me this 25 day of January, 1991.

[Signature]
NOTARY PUBLIC
Residing in:
My Commission Expires:

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
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Date Received: 8/14/1989
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ACQUIRED UNDER STATE LAW

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Address: P.O. BOX 204
ALMO, ID

208-824-5516

83312

2. Date of Priority: MAR 17, 1879

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Trib. to:

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A.F.A.

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15S	24E	20	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

A43-00010

Page 1

Date: 08/14/89

MICROFILMED

MAR 6 2 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	20	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0

Section Acres 400.0

21	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0

Section Acres 200.0

Total Acres 600.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE IS DECREED AS SYTHE CREEK AND HAS BEEN RE-NAMED ON USGS
MAPS AS GRAHAM CREEK.

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

ALMO WATER CO.
Decree Plaintiff

IVAN DARRINGTON, ET.AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

A43-00010

Date Received

Receipt Number

RECEIVED

AUG - 8 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A

WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL - 5 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) VIRGINIA BRUESCH Phone (208) 824-5516Mailing Address Box 204 ALMO IDAHO Zip 833122. Date of Priority (Only one (1) per claim) 3-17-18793. Source of water supply (a) CREEK
which is tributary to (b) NONE4. a. Location of existing point of diversion is: Township 15 Range 24 Section 19,
NW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____Additional points of diversion if any: ALL ALONG THE CREEK

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. DAMS, HEADGATES

MICROFILMED

MAR 02 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For MARCH 1 purposes from DEC 31 to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

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

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15	24	20		40	40	40	40	40	40	40	40				40	40			400
15	24	21									40	40		40		40	40		200

Total number of acres irrigated 600

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

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

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

43-00396 43-02218 or None ()

14. Remarks:

Sytha Creek is listed in

ALMO WATER CO v. DARRINGTON DECREE

BUT IS REALLY GRAHAM CREEK

ALSO SPRINGS ON SEC 20, Twp 15, Rg 24. SW 1/4

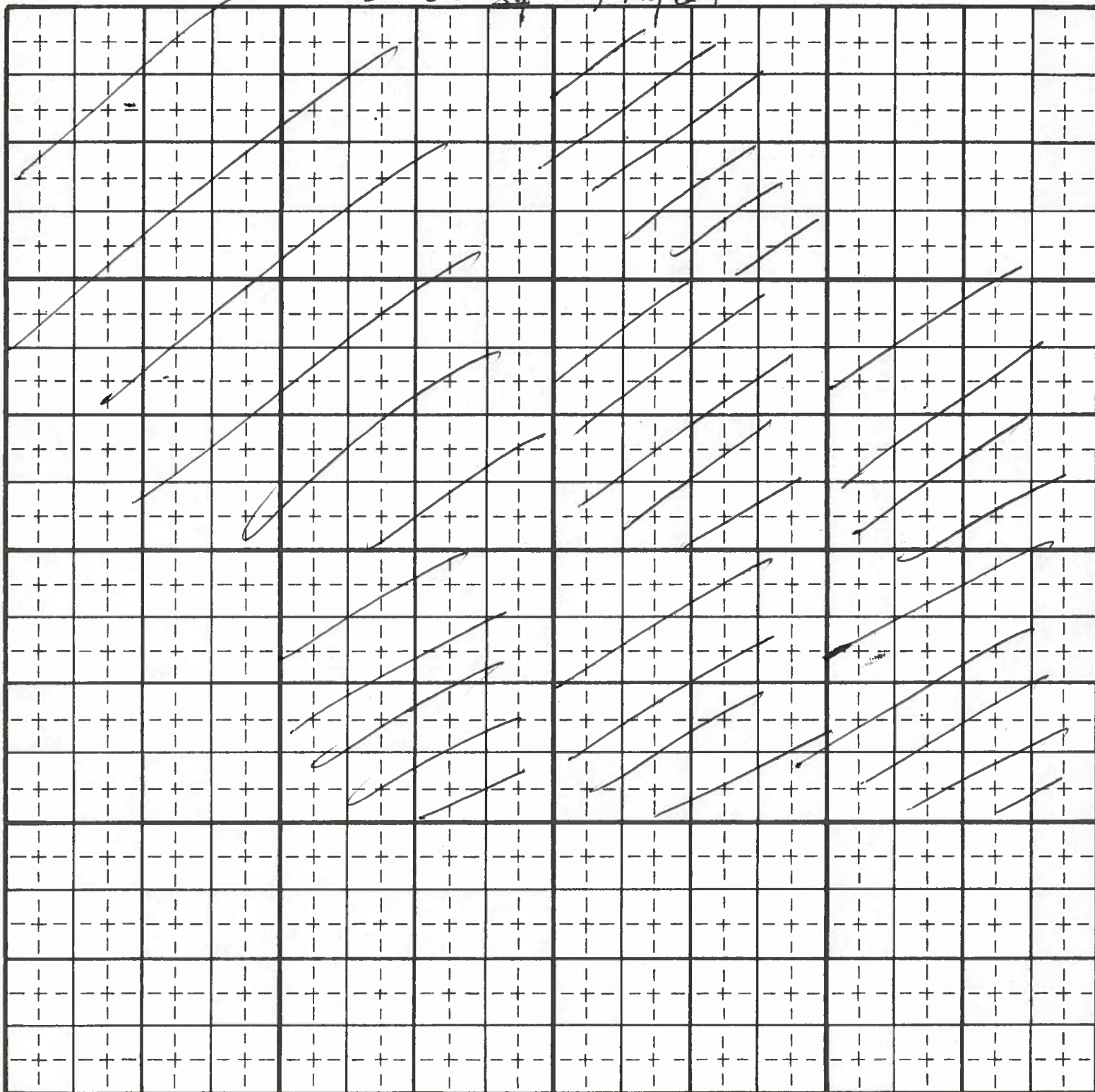
Last Name BRUESCH Ident No. _____

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

SEC 20 ^{Twp} 15, Rg 24



MICROFILMED

MAR 02 1993

Last Name

BRUESCH

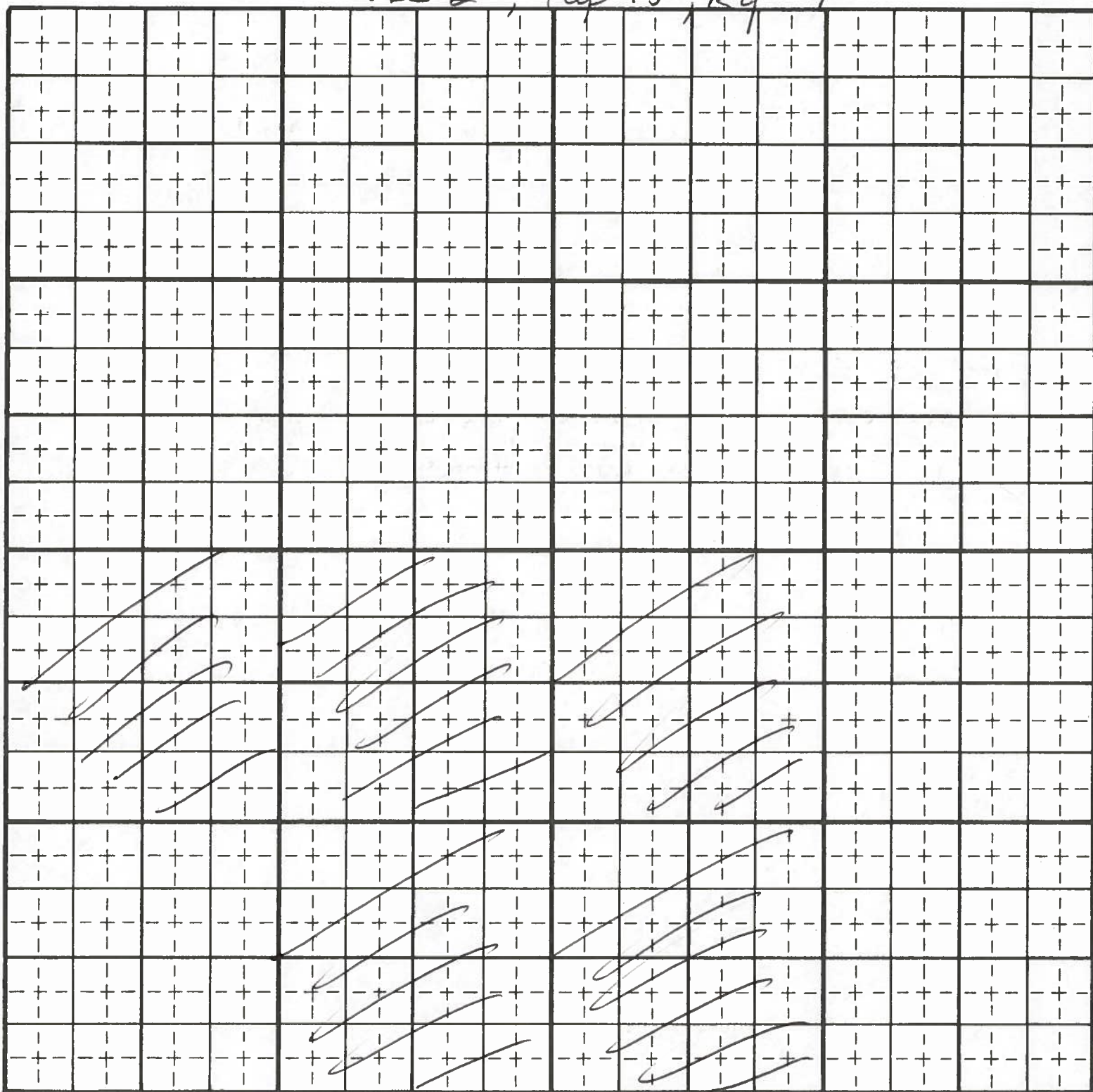
Ident No.

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

SEC 21, Twp 15, Rg 24



MICROFILMED

MAR 02 1993

Last Name

BRVETCH

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Decree ☒ Posted Notice ☐ License ☐ Permit ☐
If applicable provide IDWR Water Right Number _____
Court 5th Case Number 8968 Decree Date 4-29-70
Plaintiff vs Defendant ALMO WATER V. DARRINGTON

16. Signature (s) #3 A-1 7-8-69
(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 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) Virginia Bruesch Date 8-7-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

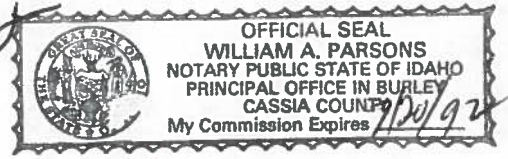
State of Idaho/or _____)
County of CASSIA) SS.

Subscribed and sworn (or affirmed) before me this 7 day of AUGUST 1989

SEAL Notary Public William A. Parsons
Residing at Burley Idaho
My Commission Expires Life

17. Notice of Appearance: Please Print Name
Notice is hereby given that I, William A. Parsons 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 William A. Parsons
Address Pox 910 Burley Idaho 83308
Date 8-7-89



MICROFILMED

Last Name BRUESCH Ident. Number _____

1 for consideration, and the Court having taken said cause under advisement,
2 and being fully advised in the premises, did on the 18th day of March, 1970,
3 file its decision in writing directing the entry of a decree in accordance with
4 the views expressed therein.

5 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

6 I.

7 0010 William W. and Virginia Bruesch, husband and wife, are the owners
8 of all of the waters of Sythe Creek for the irrigation of the following described
9 lands in Cassia County, Idaho: → *Alma Graham Creek (Sec 7/5/87)*

10 S 1/2 - NE 1/4, NW 1/4 - NE 1/4, NW 1/4 - NW 1/4 of
11 Section 20, E 1/2 - NW 1/4, W 1/2 - NE 1/4, SE 1/4
12 NE 1/4, and N 1/2 - SE 1/4 of Section 20; N 1/2 - SW 1/4,
13 NW 1/4 - SE 1/4 of Section 21; all in Township 15 South,
14 Range 24, E., B. M.

15 II.

16 William W. and Virginia Bruesch, husband and wife, Zenith and
17 Colleen Taylor, husband and wife, Arthur Taylor, Ivan and Barbara
18 Darrington, husband and wife, and Neil Durfee are the owners of all of the
19 waters of Stine Creek for the irrigation of the following described lands in
20 Cassia County, Idaho:

21 0011 William W. & Virginia Bruesch: NW 1/4 - NE 1/4, S 1/2 - NE 1/4, N 1/2 - SE 1/4
22 and SE 1/4 - SE 1/4 of Section 18, all in Township 15 South, Range 24 E.B. M.

23 0012 Zenith & Colleen Taylor: NW 1/4 - SE 1/4, SE 1/4 - SE 1/4 of Section 17; N 1/2 -
24 NE 1/4 of Section 21; N 1/2 - NW 1/4 of Section 21; NE 1/4 - NE 1/4 of Section 20;
25 all in Township 15 South, Range 24 E.B. M.

26 0013 Arthur Taylor; Ivan & Barbara Darrington: W 1/2 - W 1/2 and NE 1/4 - SW 1/4 of
27 Section 17, all in Township 15 South, Range 24 E.B. M.

28 0014 Neil Durfee: S 1/2 - NE 1/4 of Section 21, Township 15 South, Range 24 E.B. M.

29 III.

30 The waters of Stine and Sythe Creeks are not tributary to Alma
31 Creek or any other stream and the defendant watermaster of Water District
32 8-B, and the defendant State Reclamation Engineer, are to be enjoined from
33 interfering with the flow of Sythe and Stine Creeks and from measuring the
34 same.

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD V. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8342
FAX NC
(208) 678-4435

August 7, 1989

RECEIVED

The Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

AUG - 8 1989

Department of Water Resources
Southern Region Office

Attn: Steve Clelland

RE: Virginia Bruesch

Dear Steve:

Since the last date to file the Virginia Bruesch was on Sunday I am filing them today.

Her check for \$1,580.00 is enclosed along with six claims.

I have apparently used the wrong scale in showing the places of use but I have been under terrible time constraint and did it as a matter of expediency.

One of the things that is wrong with the claims is the amount of quantity. At this juncture I have no way to determine the quantity of water as I explained to you William Bruesch died earlier this year and he knew all about the irrigation and Mrs. Bruesch does not. What they are using is all of the water from the creeks and the springs.

I also did not file on the Almo Water Company as you indicated to me Doug Whipple had filed on it. If that is not correct please advise me.

I would suggest that you give me some suggestions on how we are going to determine the quantity of water. Much of the water rises on springs on the property and it is not totally quantifiable at this juncture.

I am also enclosing a copy of the Letters of Administration where she has been appointed Personal Representative as the estate is still in progress. She will be the ultimate owner but it has not been totally completed yet so I am enclosing the Letters.

The determination of the place of use is the best that can be ascertained at this juncture as this place is a pasture, hay and cow operation and the use of the water on the place is interchangeable.

MICROFILMED

MAR 02 1993

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-4435

August 7, 1989

RECEIVED

AUG - 8 1989

Department of Water Resources
Southern Region Office

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2148 4th Avenue East
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MAR 02 1993

Page 2 - Department of Water Resources
August 7, 1989

I did not also enclose a copy of the Jobe Adams Decree as the department already has that.

If we can do something further to clarify this let me know.

Very truly yours,


William A. Parsons

WAP:rt
Enc.

MICROFILMED
MAR 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

William Parsons
P.O. Box 910
Burley, ID 83318

7-5-89
RECEIVED

AUG - 8 1989

Department of Water Resources
Southern Region Office

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim^s and ~~your check~~ # No Check for \$_____ which you submitted to our office. I am returning these pursuant to rule 10,4 of the Department's Adjudication Rules and Regulations. In checking your claim it appears that the following items need clarification:

- (✓) Item #2 Priority date (day/month/year)
- (✓) Item #4 Point of Diversion Legal Description
- () Item #6 Uses descriptions
- () Item #9 Description of Non-irrigation uses
- (✓) Item #10 Place of Use Legal Description
- (✓) Item #16 Signature & Notarization
- (✓) Improper fee (THE CORRECT FEE IS \$_____ \$50/claim + \$1/ACRE)
- (✓) Other or Remarks

NEED 1/4-1/4
Descriptions

Complete p/u with Acres irrigated
within each 40 Acre tract.

If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional late fee of \$ 50.00.

Sincerely,

Steve Clelland
Water Right's Agent

enc:

MICROFILMED

MAR 02 1993

Index

202961

2265.890030

PARSONS, SMITH, STONE & FLETCHER
Attorneys for Estate
137 West 13th Street
P. O. Box 910
Burley, Idaho 83318

Telephone number (208)678-8382

RECEIVED

AUG - 8 1989

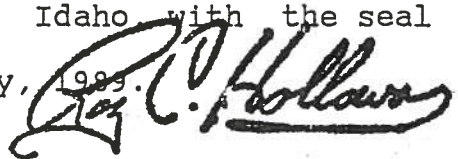
Department of Water Resources
Southern Region Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA
MAGISTRATE DIVISION

Estate of) Case No. ES-89-7-63
WILLIAM W. BRUESCH,) LETTERS TESTAMENTARY
Deceased.)

The will of William W. Bruesch, having been admitted to informal probate, Virginia M. Bruesch is hereby appointed Personal Representative of the estate.

WITNESS: Roy C. Holloway, Magistrate of the District Court, County of Cassia, State of Idaho with the seal of the Court affixed this 5th day of July, 1989.


Magistrate

MICROFILMED

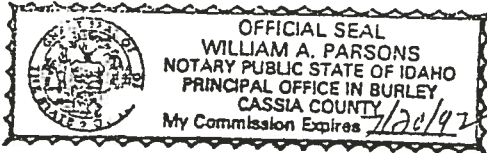
MAR 12 1993

STATE OF IDAHO)
County of Cassia) ss

I, Virginia M. Bruesch, hereby accept the duties of Personal Representative of the estate of William W. Bruesch, deceased, and do solemnly swear that I will perform, according to law, the duties of Personal Representative of the Estate of William W. Bruesch, deceased.

Virginia M. Bruesch
Virginia M. Bruesch

SUBSCRIBED AND SWORN to before me, this 26 day of June, 1989.



William A. Parsons
Notary Public for Idaho
Residing at _____
My Commission Expires: _____

Presented to and filed by
25th July 89
By lm Deputy

Box 910
Burley, Idaho
82318
FEE \$2.00 DEPUTY ll

CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDER

JUL 17 3 56 PM '89

RECORDED AT THE REC'D AT IM
JUL 20 89
Parsons & Smith

202961

State of Idaho } ss.
County of Cassia }
I hereby certify the foregoing
to be a full, true and correct
copy of the original on file
in the above entitled action.

DATED 7-7-89

Frank B. Kearns
Clerk of the District Court

BY J. Maestas
Deputy

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

ALMO WATER COMPANY, an Idaho
corporation, et al,

Plaintiffs,

vs.

IVAN DARRINGTON, Watermaster of
Water District 8-E, et al,

Defendants.

8968
4-30-70
May 5 1970
Shirley B. Kearns
H. H. Black
Civil No. 8968
D E C R E E

* * * * *

WHEREAS, On the 8th day of July, 1969, the plaintiffs, Almo Water Company, et al, duly filed their complaint in equity in the above-entitled Court, which cause was entitled Almo Water Company, an Idaho corporation, William W. Bruesch and Virginia Bruesch, husband and wife, Zenith Taylor and Colleen Taylor, husband and wife, Neil Durfee, a bachelor, Ivan Darrington and Barbara Darrington, husband and wife, and Arthur Taylor, plaintiffs, vs. Ivan Darrington, as WaterMaster of Water District 8-E, Owen Jones, Richard Jones and Norma Jones, husband and wife, Louis Eames, R. Keith Higginson, State Reclamation Engineer, Glen Jones and Doris Jones, husband and wife, Arley Cahoon and Edna Cahoon, husband and wife, defendants, and

WHEREAS, Thereafter due and regular service of the summons was made upon all parties mentioned in said complaint by personal service thereon as shown by the records and file in said action, and

WHEREAS, The above entitled cause came on for hearing before the Honorable Sherman J. Bellwood, Judge of the above-entitled District Court, sitting at Burley, Cassia County, Idaho, within said district, the plaintiffs being represented by A. H. Neilson, John Coleman, and Robert C. Paine and the defendants being represented by Lawrence H. Duffin, except that defendant R. Keith Higginson, was not present, and D. C. TOLKINS, Assistant Attorney General, who did not appear at said trial. The evidence in said cause was duly submitted and a transcript of the oral evidence was taken and the exhibits offered by the various parties were duly transmitted to the Court

1 for consideration, and the Court having taken said cause, under advisement,
2 and being fully advised in the premises, did on the 18th day of March, 1970,
3 file its decision in writing directing the entry of a decree in accordance with
4 the views expressed therein.

5 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

6 I.

7 William W. and Virginia Bruesch, husband and wife, are the owners
8 of all of the waters of Sythe Creek for the irrigation of the following described
9 lands in Cassia County, Idaho:

10 S 1/2 - NE 1/4, NW 1/4 - NE 1/4, NW 1/4 - NW 1/4 of
11 Section 20; E 1/2 - NW 1/4, W 1/2 - NE 1/4, SE 1/4,
12 NE 1/4, and N 1/2 - SE 1/4 of Section 20; N 1/2 - SW 1/4,
NW 1/4 - SE 1/4 of Section 21; all in Township 15 South,
Range 24, E., B.M.

13 II.

14 William W. and Virginia Bruesch, husband and wife, Zenith and
15 Colleen Taylor, husband and wife, Arthur Taylor, Ivan and Barbara
16 Darrington, husband and wife, and Neil Durfee are the owners of all of the
17 waters of Stine Creek for the irrigation of the following described lands in
18 Cassia County, Idaho:

19 William W. & Virginia Bruesch: NW 1/4 - NE 1/4, S1/2-NE1/4, N1/2-SE1/4,
20 and SE1/4-SE1/4 of Section 18, all in Township 15 South, Range 24 E.B. M.

21 Zenith & Colleen Taylor: NW1/4-SE1/4, SE1/4-SE1/4 of Section 17; N1/2 -
22 NE1/4 of Section 21; N1/2-NW 1/4 of Section 21; NE1/4-NE1/4 of Section 20;
23 all in Township 15 South, Range 24 E.B.M.

24 Arthur Taylor; Ivan & Barbara Darrington: W1/2-W1/2 and NE1/4-SW1/4 of
25 Section 17, all in Township 15 South, Range 24 E.B.M.

26 Neil Durfee: S1/2-NE1/4 of Section 21, Township 15 South, Range 24 E.B.M.

27 III.

28 The waters of Stine and Sythe Creeks are not tributary to Almo
29 Creek or any other stream and the defendant watermaster of Water District
30 8-E, and the defendant State Reclamation Engineer, are to be enjoined from
31 interfering with the flow of Sythe and Stine Creeks and from measuring the
32 same.

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IV.

Defendant Louis Eames is the owner of 1.6 cubic feet per second (80 inches) of the waters of Almo Creek, to be diverted from North Almo Creek, for the irrigation of the SW 1/4 of the NW 1/4 of Section 13; SW 1/4 NE 1/4, SE 1/4 NE 1/4, SE 1/4 NW 1/4, of Section 14 all in Township 15 South, Range 24 East, Boise Meridian, in Cassia County, Idaho, with the right to have the same supplemented to the extent of 1.6 cubic feet per second (80 inches) to be diverted from Edwards Creek for the same lands, this right being supplementary and not additional. Priority date is March 17, 1879.

V.

The water master of District 8-E shall fill said Louis Eames water right from the North Fork of Almo Creek through his diversion therefrom, subject, however, to any water-exchange agreements made between the said Louis Eames and others.

Dated this 29th day of April, 1970.

Sherman Bellman
Judge, District Court.

51021

State of Idaho, County of Cassia, ss.
I hereby certify that this instrument was filed for record at request of *A. H. Nielson* at *3.00* minutes past *4* o'clock P.M. this *5* day of *May* A.D. 1970 in my office and duly recorded on Film No. *65* as Inst. No. **51021**
Fee *3.00* *Frank B. Kearns*
Ex-Officio Recorder
Arice Black
Deputy

(Return to file)

PARSONS, SMITH, STONE & FLETCHER
ATTORNEYS AT LAW
P.O. BOX 910
137 WEST 13TH STREET
BURLEY, IDAHO 83318



MICROFILMED
MAR 6 2 1993

The Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Aug. 23, 1989

Re: A43-00010
A43-00011
A43-00396A
A43-00391A
A43-02148
A43-02026

WILLIAM A PARSONS
P C BOX 910
BURLEY ID 83318

Dear Claimant(s):

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

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

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 3, 2000

Richard Bruesch, Trustee
William Wallace & Virginia E. Bruesch Family Trust
2513 E. Loyola Drive
Tempe, AZ 85282-4167

RE: Snake River Basin Adjudication (SRBA)

Dear Rich,

Enclosed please find your receipt for fees as well as copies of the eight new stockwater claims and one groundwater recharge claim filed in the SRBA. I am also including profile reports of the previously existing claims as they are now amended. I have taken the liberty of forwarding copies of the enclosed to your attorney, William Parsons, for his records. Please note that one of the claims for stockwater, located on Walters Creek Spring, is actually in IDWR Administrative Basin 45 (Goose Creek drainage), and will not be included in the upcoming Basin 43 Director's Report. We are scheduled to begin our review of claims in Basin 45 sometime next year.

I have made some progress in reviewing your claims on Graham and Stines Creeks. Cindy and I came up with some calculations of maximum capacity for both streams. I believe that the most liberal estimate of capacity is most in keeping with the stated use of *all* the water of Graham Creek. Based upon the information I have, I am planning to recommend 5.56 cfs as a diversion rate for your claim A43-00010 on Graham. That is not up to the standard of 1 inch (0.02 cfs) per acre for the number of acres we determined were actually irrigated, but I believe it is a valid representation of the diversion rate used on the ranch. For winter groundwater recharge claim A43-11212, I am recommending the exact rate of discharge that we measured on September 20, 1999, which is 0.42 cfs. I believe that you described the rate of flow that day as typical of winter flow in Graham Creek.

Regarding your Stines Creek claim number A43-00011, I am currently recommending 1.6 cfs, which is 1 inch per acre on the 80 acres found irrigated in section 18. For your information, we estimate the maximum capacity of the Hogland Ditch from Stines Creek at 2.74 cfs. Obviously, a small amount of water is being used to maximum benefit by everyone on the Stines Creek system.

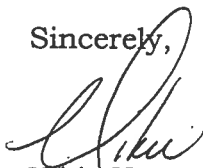
I am sending you some exhibits that I used to determine the priority dates of use on Stines and Graham. An affidavit signed in 1939 stipulates that the Hogland Ditch system from Stines Creek was first put to use in 1880, and I

am recommending an 1880 priority date for all the Stines Creek claims. The adjudication claims we received from your Mother, Ivan Darrington, Ted Tracy and Neil Durfee all used the date 3-17-1879, which is a miss-interpretation of the 1970 Almo Water Company -v- Darrington Decree (see section IV). If you don't have a copy of this decree handy, let me know and I'll send you one.

The document I'm using as proof of priority for water use on Graham Creek is the Kirk -v- Bartholomew Decree from 1893, which grants a water right to George Graham with a priority date of 4-30-1881. This decree was superceded by the 1928 Jobe Adams Decree in which that same water right was decreed to Almo Water Company. It gets complicated by probable errors in source descriptions and possible errors in land descriptions within both decrees, but it does provide evidence that George Graham was using water, probably Scythe (Graham) Creek water, on land within a portion of the ranch, in 1881. I am also enclosing an agreement signed in 1893 which indicates that the water referred to in the Kirk decree is actually Graham Creek, not Almo Creek.

I hope that the foregoing information will help explain my eventual recommendations to you. If you have any concerns or questions please don't hesitate to contact me, or to have Mr. Parson's contact me if you wish to have any of these documents more closely reviewed.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock', written in dark ink.

Vikie Hancock
Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 3, 2000

William A. Parsons
P.O. Box 910
Burley, Idaho 83318

RE: Snake River Basin Adjudication (SRBA)
Claims for William and Virginia Bruesch Family Trust

Dear Mr. Parsons:

Please find enclosed, copies of nine new claims filed in the Snake River Basin Adjudication by Richard Bruesch, Trustee of the Bruesch Family Trust. Please note that one of the claims for stockwater usage is located in IDWR Administrative Basin 45, and will not be included in the upcoming basin 43 Director's Report to the Court.

Also enclosed, for the purpose of updating your records, are profile reports of three claims originally filed in 1989 and recently amended by Mr. Bruesch.

If you have any concerns or questions after reviewing the enclosed documents, please don't hesitate to contact me at this office.

Sincerely,

Vikie Hancock
Water Resource Agent

Hancock, Vikie

To: Bruesch, Richard
Subject: SRBA Claims

Richard,

I received your check for \$250.00 along with 8 claims for year-round stockwater and 1 claim for groundwater recharge during the non-irrigation season. I'll process those in the next couple of days, and send you printed Claim Forms. A quick inspection didn't find any filing problems with any of them but if I have questions when I go to do the data entry, I'll be in touch.

You mentioned revised claims in your email to me, and I wanted to verify that you wish to go ahead with the amendments that we talked about at our meeting at the ranch September 22nd. The amendments were as follows:

A43-00010 - Add stockwater as a Use
Add 15 acres in NE NE Sec 19

A43-00011 - Add stockwater as a Use

A43-02148 - Change source from Stines Cr. to Lone Rock Creek
Change remarks to read *Lone Rock Creek is identified as S. Fk. Stines Creek in older records.*
Change the Place of Use to 160 acres in Sec 18 - Specifically: 40 acres in the NWNW, SWNE, SENE, and NESE.

As soon as I know for sure that you want to proceed with these amendments, I'll complete the changes and send you copies of these revised claims, also.

In regard to claim A43-02026 - based upon a licensed diversion of 0.06 cfs, perfected by Theopholis Green for stockwater and the irrigation of 3 acres - I want to confirm that, per our meeting, my recommendation will be the right is more accurately described as stockwater use only, with a diversion rate of the licensed 0.06 cfs. Also, it was determined at the meeting on September 22nd, that no water from Almo Creek is used on the ranch, therefore claims A43-00396A and A4300391A should be disallowed.

I've had some feedback from Cindy at the State Office regarding the projected maximum capacity of Graham and Stines Creeks, so hope to come up with a figure to base my recommendation on sometime soon. Let me know about the amendments as soon as possible.

Vikie Hancock
IDWR

Hancock, Vikie

From: Rbruesch@aol.com
Sent: Thursday, September 30, 1999 11:03 AM
To: vhancock@idwr.state.id.us
Subject: SRBA

Thanks for your recent letter explaining the strategy on Little Cove Creek claims. I looked over the internet sites you suggested, and saw a lot of good background info in your agency's home page.

I have also been in contact with atty Bill Parsons of Burley who filed the claims on behalf of my parents. He will send me some background data to help me see what my parents may have done. After I receive that info, I will begin with sending you the Trust documents.

I was unable to connect to theSRBA site, however. The message was that the address was invalid or that there was not an active server available.

Thanks,

Rich



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 24, 1999

Richard Bruesch
2513 E. Loyola Dr.
Tempe, AZ 85282

RE: Snake River Basin Adjudication (SRBA)
Various Claims

Dear Richard,

Enclosed are two competing claims for stockwater uses that you identified, and intend to file upon. In addition, there is one license issued to the BLM that they failed to file upon in the Adjudication. I believe this claim has an error in the location of the place of use, and that it actually corresponds to one of the ponds you intend to file upon in section 21 T15S R24E. The information may assist you in describing your stockwater claim.

I inquired on the best way to file claims on the two ponds. They can be claimed as two distinct and separate places of use with two separate points of diversion on one claim for stockwater storage and stockwater from storage. A claim for instream stockwater could not be combined with that, but would have to be on a separate claim and identify the beginning and ending points of the reach. Also, if you want to claim instream stockwater on your private property along Little Cove Creek, you do not want to combine that with a claim that includes uses on Federal land. Please note that, for some reason, these Federal Claims were not included in our first Director's Report, and so will be recommended to the Court concurrent with your claims.

I am also enclosing another Change of Ownership form, as I failed to remind you that we need to have this form completed and returned along with the trust documents that we went over. Again, only one trustee's signature will be sufficient.

The GIS print-outs include the acreage that you and Cordell noted and we agreed to add to your total irrigated place of use. These are still drafts, but are a good representation of the final product.

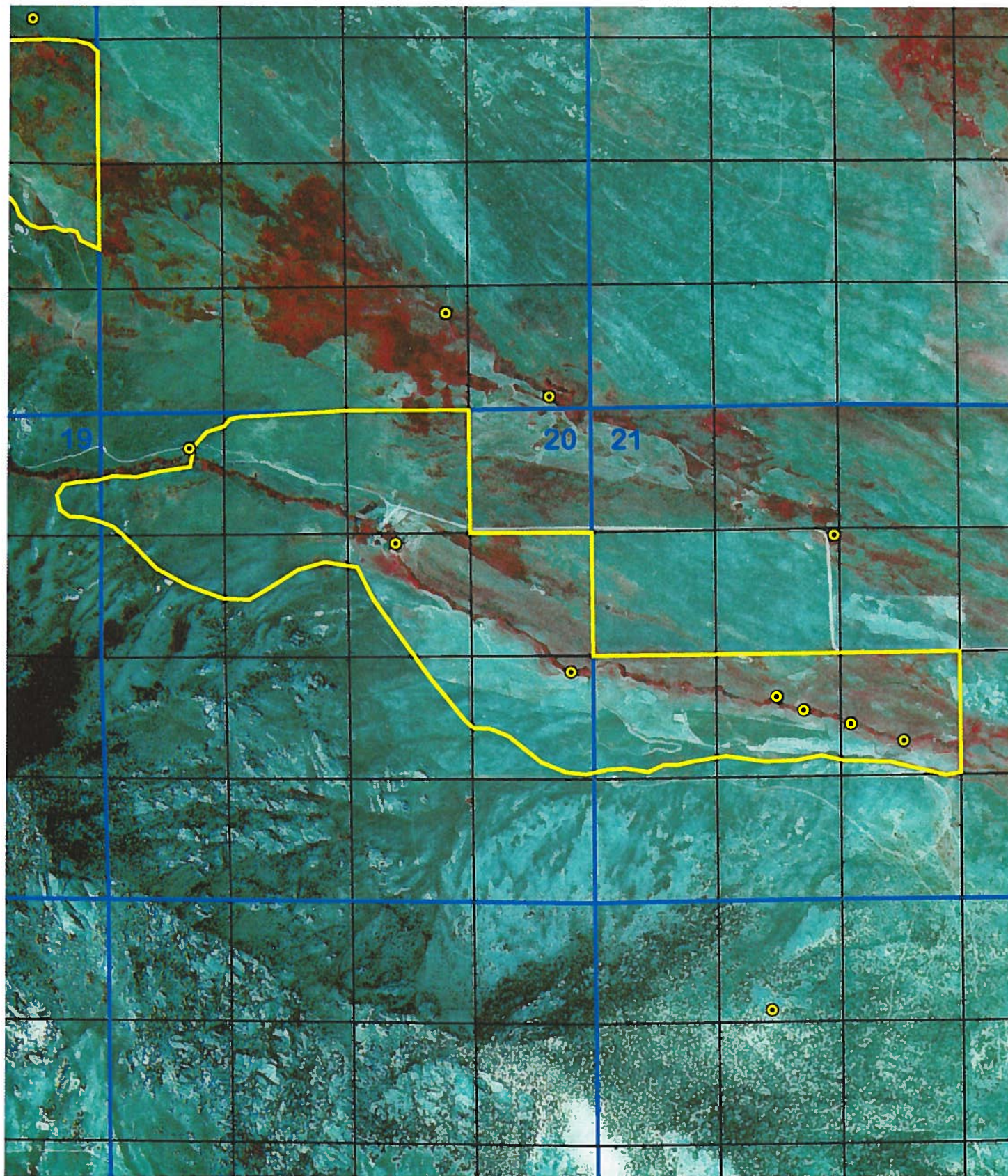
One final thing: our IDWR web site is www.idwr.state.id.us/. The SRBA web site is www.srba.id.us/. A good book on general Idaho water law is Handbook on Idaho Water Law by Givens Pursley LLP, PO Box 2720, Boise, Idaho 83701-2720.

It was a pleasure working with you, don't hesitate to call if I can be of any assistance.

Sincerely,

Vikie Hancock
Water Resource Agent

**TWP 15S, RNG 24E,
Section 19, 20, 21**



1987/1988 NAPP PHOTOGRAPHY

PAY TO CLAIMANT 9-24-99



**DO
NOT
FILM**

Water Right Number - 43-00010

Prefix Translation: WATER RIGHT

Old (D) Number -

Last Name - + First Name - + Address - +

Priority Date - + Region - + Stage - + Status - +
00/00/0000 ERROR IN REGION

Source - + Tributary - +

Twn Rng Sec Tract Lot Rflg County Point of Diversion - Stream Index (Blank if no Index Code)

Code Description Period From Period To Water Use - Diversion Rate Diversion Volume

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - +

Twn Rng Sec Tract Lot Acres Code Description County

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks -
No Remarks found.

Old Water Right Numbers -
No Old Water Right Numbers found.

Conditions of Approval -
No Conditions of Approval found.

Decree Plaintiff - + Decree Defendant - + Decree Date - +
00/00/0000

Comments -
No Comments found

Water Rights Dates and Flags Area -

Proof Due Date - 00/00/0000 Field Exam Made - 00/00/0000 Field Exam Fee -
Approved/Denied - 00/00/0000 Protested Date - 00/00/0000 Swan Falls -
Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Temporary Right -
Exam to S.O. Date - 00/00/0000 Verified Date - 00/00/0000 DLE/Carey Act -
Order Show Cause - 00/00/0000 Receipt Number -
Licensed Date - 00/00/0000 Appl Received - 00/00/0000 Water District -
Decree Date - 00/00/0000 Presumption Flag - Transfer/Amended -

05/22/2002

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

RIGHT NUMBER: 43-10

NAME AND ADDRESS: WILLIAM & VIRGINIA BRUESCH FAMILY TRUST
RICHARD BRUESCH TTEE
PO BOX 40280
MESA AZ 85274-0280

SOURCE: GRAHAM CREEK

TRIBUTARY: ALMO CREEK

QUANTITY: 5.560 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/30/1881

POINT OF

DIVERSION: T15S R24E S19 NWNWNE Within CASSIA County
T15S R24E S20 NWSWNE Within CASSIA County
T15S R24E S20 SWSENE Within CASSIA County
T15S R24E S20 NENWNW Within CASSIA County
T15S R24E S20 NENESE Within CASSIA County
T15S R24E S21 NENESW Within CASSIA County
T15S R24E S21 NWNESW Within CASSIA County
T15S R24E S21 SWNWSE Within CASSIA County
T15S R24E S21 SENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	5.560 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R24E S19	NENE	3.9	T15S R24E S20	NWNE	41.0
T15S R24E S20	SWNE	32.0	T15S R24E S20	SENE	40.0
T15S R24E S20	NENW	40.0	T15S R24E S20	NWNW	24.0
T15S R24E S20	SWNW	11.0	T15S R24E S20	SENW	15.0
T15S R24E S20	NESE	32.0	T15S R24E S20	NWSE	5.7
T15S R24E S21	NESW	35.0	T15S R24E S21	NWSW	37.0
T15S R24E S21	NWSE	37.0	T15S R24E S21	NWSW	37.0
<u>STOCKWATER Within CASSIA County</u>					
T15S R24E S19	NENE		T15S R24E S19	NWNE	
T15S R24E S20	NWNE		T15S R24E S20	SWNE	
T15S R24E S20	SENE		T15S R24E S20	NENW	
T15S R24E S20	NWNW		T15S R24E S20	SWNW	
T15S R24E S20	SENW		T15S R24E S20	NESE	
T15S R24E S20	NWSE		T15S R24E S21	NESW	
T15S R24E S21	NWSW		T15S R24E S21	NWSE	

05/22/2002

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

T15S R24E S21

SWSE

T15S R24E S21

NWSE

353.6 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.

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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

COPY

2002 MAY 24 AM 11:28

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	)	SUBCASE NO. 43-10, 43-11, 43-391A,
	)	43-396A, 43-2026, 43-2148, 43-11204,
Case No. 39576	)	43-11205, 43-11207, 43-11208, 43-11209,
	)	43-11210, 43-11211, 43-11212
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

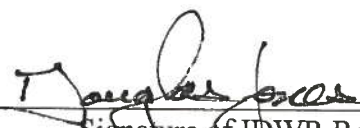
Name and New Address of Claimant:
William & Virginia Bruesch Family Trust
Richard Bruesch Trustee
PO Box 40280
Mesa AZ 85274-0280

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

5/23/02



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/24, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
William & Virginia Bruesch Family Trust
Richard Bruesch Trustee
PO Box 40280
Mesa AZ 85274-0280
3. One Copy to:
Each party in the subcase or attorney of record:
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 24, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM & VIRGINIA BRUESCH FAMILY TRUST
RICHARD BRUESCH TRUSTEE
PO BOX 40280
MESA AZ 85274-0280

RE: SRBA Claim(s) 43-10, 43-11, 43-391A, 43-396A, 43-2026
43-2148, 43-11204, 43-11205, 43-11207,
43-11208, 43-11209, 43-11210, 43-11211,
43-11212

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

NCAD
RECEIVED

APR 08 2002

Department of Water Resources
Southern Region

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s): 43-10 | 43-11 | 43-2148 | 43-2026 | 43-11204 | 43-11025
43-11207 | 43-11208 | 43-11209 | 43-11210 | 43-11211
45-12908 43-11212, 43-391A, 43-396A

Previous Mailing Address:

William & Virginia Bruesch Family Trust
Richard Bruesch, Trustee
2513 E Loyola Dr
Tempe AZ 85282-4167

New Mailing Address:

William & Virginia Bruesch Family Trust
Richard Bruesch, Trustee
P O Box 40280
Mesa AZ 85274-0280

Telephone Number: (480) 839-6738

Signature of Claimant(s): WR Bruesch 4/2/2002

Please return this completed form to:

**Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177**

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: [Signature]
CID 46838

Date: 4/26/02

06/11/2001

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

RIGHT NUMBER: 43-10

NAME AND ADDRESS: WILLIAM & VIRGINIA BRUESCH FAMILY TRUST
RICHARD BRUESCH TTEE
2513 E LOYOLA DR
TEMPE, AZ 852824167

SOURCE: GRAHAM CREEK TRIBUTARY: ALMO CREEK

QUANTITY: 5.56 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
PRIORITY DATE: 04/30/1881

POINT OF DIVERSION:	T15S R24E S19	NWNWNE	Within CASSIA County
	T15S R24E S20	NWSWNE	Within CASSIA County
	T15S R24E S20	SWSENE	Within CASSIA County
	T15S R24E S20	NENWNW	Within CASSIA County
	T15S R24E S20	NENESE	Within CASSIA County
	T15S R24E S21	NENESW	Within CASSIA County
	T15S R24E S21	NWNESW	Within CASSIA County
	T15S R24E S21	SWNWSE	Within CASSIA County
	T15S R24E S21	SENWSE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	5.56 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T15S R24E S19	NENE	3.9	T15S R24E S20 NWNE 41
T15S R24E S20	SWNE	32	T15S R24E S20 SENE 40
T15S R24E S20	NENW	40	T15S R24E S20 NWNW 24
T15S R24E S20	SWNW	11	T15S R24E S20 SENW 15
T15S R24E S20	NESE	32	T15S R24E S20 NWSE 5.7
T15S R24E S21	NESW	35	T15S R24E S21 NWSW 37
T15S R24E S21	NWSE	37	

STOCKWATER Within CASSIA County

T15S R24E S19	NENE	T15S R24E S19	NWNE
T15S R24E S20	NWNE	T15S R24E S20	SWNE
T15S R24E S20	SENE	T15S R24E S20	NENW
T15S R24E S20	NWNW	T15S R24E S20	SWNW
T15S R24E S20	SENW	T15S R24E S20	NESE
T15S R24E S20	NWSE	T15S R24E S21	NESW
T15S R24E S21	NWSW	T15S R24E S21	NWSE
T15S R24E S21	SWSE		

353.6 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.

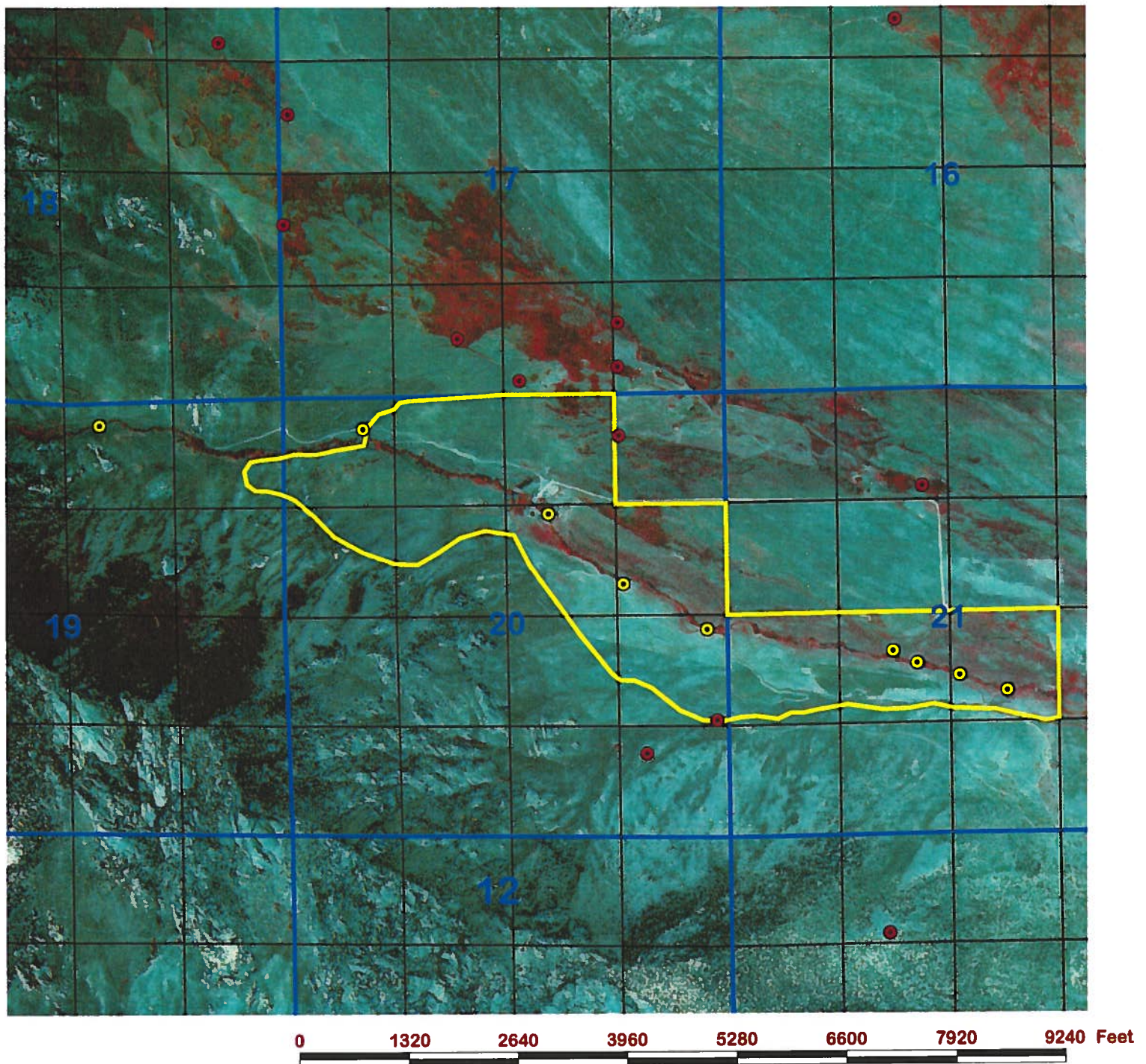
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHTS: 43-00010

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E,
Data entry on June 11, 2001



○ RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ SECTION LINES

□ QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 11, 2001

William and Virginia Breusch Family Trust
Richard Breusch, TTEE
2513 E Loyola Drive
Tempe, AZ 85282

RE: Snake River Basin Adjudication (SRBA)

Dear Richard,

I received the corrections you listed on our Notice of Error. I have added the point of diversion on Graham Creek in section 20, and area of stockwater usage in Section 19 as requested. I also deleted the stockwater use listed in section 17 and won't even speculate as to how I managed that error.

I am sending you an admittedly poor copy of the original license 43-2026 issued to Theopholis Green. If you can read it, it states a priority date of May 14, 1909. The original claim filed by Mr. Parsons does list a priority date of March 1, 1903, but I don't know what he based that date on. I'm also including the field exam report from June 1913, as I remember you were not completely sure of which spring the license represented, and this information may help.

Unfortunately your request to have the *353 acre total* remark moved to be associated with irrigation and not stockwater usage is not something that I can do for you. It is built into the programming for our court reports, and I agree with you that it is not the best positioning. I can forward your comment to our IT staff who may keep your request in mind if and when they ever enhance our software to respond to needs for change.

If I can be of any assistance to you as this process progresses, please let me know.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-10

WILLIAM & VIRGINIA BRUESCH FAMILY TRUST
RICHARD BRUESCH TTEE
2513 E LOYOLA DR
TEMPE AZ 852824167
Telephone Number: (480)839-6738

RECEIVED
JUN 06 2001
Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1. POINT OF DIVERSION
2. PLACE OF USE: STOCKWATER Within CASSIA County
3. PLACE OF USE:

2. Describe the changes you wish to make in the proposed recommendation:

1. Add an additional Point Of Diversion: T15S R24E S20 SWSENE ✓
2. Add an additional area to Stockwater use: T15S R24E S19 NWNE ✓
3. Shift the line "353.6 acres total" upward to be associated with Irrigation.

3. Give a brief explanation as to why you disagree with these portions:

SEE BELOW

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/31/01 SIGNATURE: WR Bruesch
Please print your name: William Richard Bruesch, trustee

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

1. This point of diversion was omitted from previous records. The diversion canal is visible on the 1987/1988 NAPP Aerial Photo.
2. The existing list for stockwater does not include the 40-acre parcel at the western boundary of our property. This is the same 40-acre parcel that contains the initial point of diversion. Stockwater use has been in practice since the priority date and there is no fence to partition it from the adjacent 40-acre parcel to the east.
3. The total acreage should be associated with the irrigation use and not the stockwater use.

01/26/2001

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

RIGHT NUMBER: 43-10

NAME AND ADDRESS: WILLIAM & VIRGINIA BRUESCH FAMILY TRUST
RICHARD BRUESCH TTEE
2513 E LOYOLA DR
TEMPE, AZ 852824167

SOURCE: GRAHAM CREEK TRIBUTARY: ALMO CREEK

QUANTITY: 5.56 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
PRIORITY DATE: 04/30/1881

POINT OF DIVERSION:	T15S R24E S19	NWNWNE	Within CASSIA County
	T15S R24E S20	NWSWNE	Within CASSIA County
	T15S R24E S20	NENWNW	Within CASSIA County
	T15S R24E S20	NENESE	Within CASSIA County
	T15S R24E S21	NENESW	Within CASSIA County
	T15S R24E S21	NWNESW	Within CASSIA County
	T15S R24E S21	SWNWSE	Within CASSIA County
	T15S R24E S21	SENWSE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	5.56 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T15S R24E S19	NENE	3.9	T15S R24E S20 NWNE 41
T15S R24E S20	SWNE	32	T15S R24E S20 SENE 40
T15S R24E S20	NENW	40	T15S R24E S20 NWNW 24
T15S R24E S20	SWNW	11	T15S R24E S20 SENW 15
T15S R24E S20	NESE	32	T15S R24E S20 NWSE 5.7
T15S R24E S21	NESW	35	T15S R24E S21 NWSW 37
T15S R24E S21	NWSE	37	
STOCKWATER Within CASSIA County			
T15S R24E S19	NENE		T15S R24E S20 NWNE
T15S R24E S20	SWNE		T15S R24E S20 SENE
T15S R24E S20	NENW		T15S R24E S20 NWNW
T15S R24E S20	SWNW		T15S R24E S20 SENW
T15S R24E S20	NESE		T15S R24E S20 NWSE
T15S R24E S21	NESW		T15S R24E S21 NWSW
T15S R24E S21	NWSE		T15S R24E S21 SWSE

353.6 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

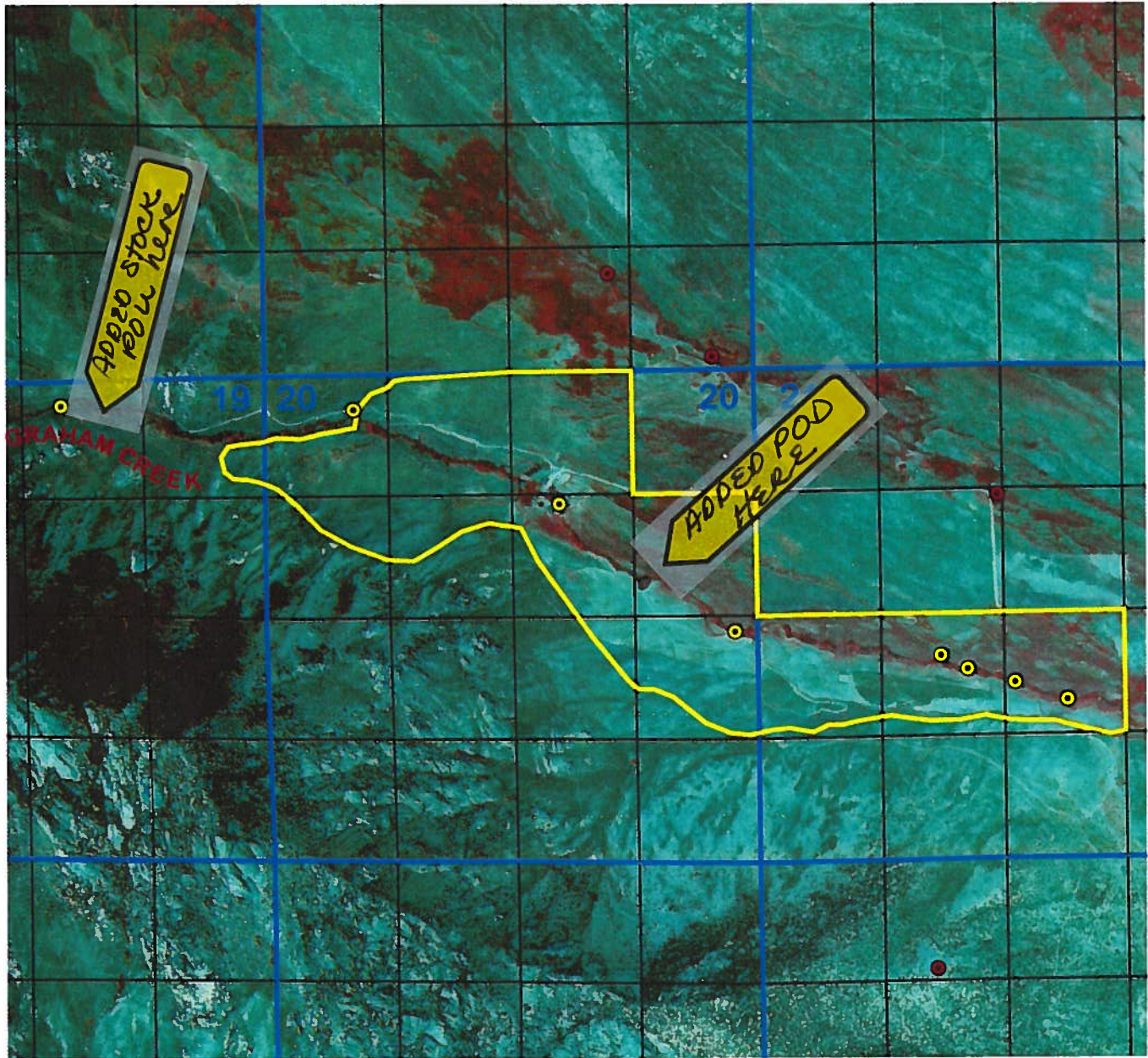
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

RIGHT: 43-00010

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E SEC 19, 20, 21
Data entry on January 24, 2000



0 1320 2640 3960 5280 6600 7920 Feet



○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY VIKIE HANCOCK

Water Right Number - R43-00010

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - +

*** A - ATTORNEY ***
PARSONS

WILLIAM A

1 - PO BOX 910
2 -
3 -
City- BURLEY
Phone - 208-000-0000

State- ID Zip- 83318

*** C - CURRENT OWNER ***
BRUESCH FAMILY TRUST

WILLIAM & VIRGINIA

1 - RICHARD BRUESCH TTEE
2 - 2513 E LOYOLA DR
3 -
City- TEMPE
Phone - 480-839-6738

State- AZ Zip- 852824167

*** O - ORIGINAL OWNER ***
BRUESCH

VIRGINIA

1 - PO BOX 204
2 -
3 -
City- ALMO
Phone - 208-824-5516

State- ID Zip- 83312

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/30/1881 17 SOUTHERN D - DECREED

+ - - Source - - - - + - - Tributary - - - - +
GRAHAM CREEK

+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County

15S 24E 19 NW NW NE (31) CASSIA
20 NW SW NE (31) CASSIA
NE NW NW (31) CASSIA
NE NE SE (31) CASSIA
21 NE NE SW (31) CASSIA
NW NE SW (31) CASSIA
SW NW SE (31) CASSIA
SE NW SE (31) CASSIA

+ - - - - Water Use - - - - + - - - - Diversion Rate - - - - + - - - - Diversion Volume - - - - +
Code Description Period From Period To
01 - IRRIGATION 04/01 10/31 5.560
04 - STOCKWATER 01/01 12/31 0.020

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
5.560 0.0

Water right number - R43-00010

Prefix Translation: RESEARCH

		Place of Use				County	
Twn	Ring	Sec	Tract	Lot	Acres	Code	Description
15S	24E	19	NE NE		4.0	01	IRRIGATION
15S	24E	20	NW NE		41.0	01	IRRIGATION
15S	24E	20	SW NE		32.0	01	IRRIGATION
15S	24E	20	SE NE		40.0	01	IRRIGATION
15S	24E	20	NE NW		40.0	01	IRRIGATION
15S	24E	20	NW NW		24.0	01	IRRIGATION
15S	24E	20	SW NW		11.0	01	IRRIGATION
15S	24E	20	SE NW		15.0	01	IRRIGATION
15S	24E	20	NE SE		32.0	01	IRRIGATION
15S	24E	20	NW SE		6.0	01	IRRIGATION
15S	24E	21	NE SW		35.0	01	IRRIGATION
15S	24E	21	NW SW		37.0	01	IRRIGATION
15S	24E	21	NW SE		37.0	01	IRRIGATION
15S	24E	19	NE NE			04	STOCKWATER
15S	24E	20	NW NE			04	STOCKWATER
15S	24E	20	SW NE			04	STOCKWATER
15S	24E	20	SE NE			04	STOCKWATER
15S	24E	20	NE NW			04	STOCKWATER
15S	24E	20	NW NW			04	STOCKWATER
15S	24E	20	SW NW			04	STOCKWATER
15S	24E	20	SE NW			04	STOCKWATER
15S	24E	20	NE SE			04	STOCKWATER
15S	24E	20	NW SE			04	STOCKWATER
15S	24E	21	NE SW			04	STOCKWATER
15S	24E	21	NW SW			04	STOCKWATER
15S	24E	21	NW SE			04	STOCKWATER

+ - - Diversion Means - HEADGATES AND DAMS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use +

.....

EXP RIGHT NO. 43-11212 IS ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE.

+-----+ No Old Water Right Numbers Found	+-----+ Old Water Right Numbers

Conditions of Approval

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

C18 - 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

2008

Water right number - R43-00010

Prefix Translation: RESEARCH

(Condition continued from previous page)
- ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

+ - - - - Decree Plaintiff - - - +
ALMO WATER CO.

+ - - - - Decree Defendant - - - +
IVAN DARRINGTON, ET.AL.

+ - Decree Date - +
04/29/1970

+ - - - - Comments - - - - -
Date: 01/24/2000 User Id: VHANCOCK Subject: COPIED FROM REMARKS
SOURCE IS DECREED AS SYTHE CREEK AND HAS BEEN RE-NAMED ON USGS

MAPS AS GRAHAM CREEK.
11-16-99: OWNERSHIP CHANGE PER NOTICE REC'D 10-14-99 - VH

Date: 01/24/2000 User Id: VHANCOCK Subject: DECREE
BASIS OF CLAIM IS 1970 DECREE WHICH IS AMBIGUOUS ON ALL ELEMENTS OF THE WATER RIGHT EXCEPT SOURCE AND POU. IT DOES STIPULATE THAT
GRAHAM CREEK IS NOT TRIBUTARY TO ALMO CREEK AND NOT SUBJECT TO REGULATION BY DISTRICT WATER MASTER.
Date: 01/24/2000 User Id: VHANCOCK Subject: RECOMMENDATION
SEASON OF USE PER IDWR STANDARD. POU PER ARCVIEW GIS. PODS WERE VERIFIED BY GPS. DIV RATE PER MAX CAPACITY CALCULATIONS IN FILE.
PRIORITY DATE NOT IN DECREE, DERIVED BY CIRCUMSTANTIAL EVIDENCE IN FILE.

+ - - Audit Fields - - +
01/24/00 VHANCOCK

+ - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Temporary Right - P
Claim Received Date - 08/14/1989 Last Amended Date - 00/00/0000 Water District - 43D
Receipt Number - S008837
POU Ownership Flag - Y
Name Connector - OR
Presumption Flag - S
Notice of Error Flag - A

RECOMMENDATION NOTES

From: Vikie Hancock

1/24/00

Regarding: Claim number A43-00010

This claim is for irrigation from Graham Creek. It was originally filed for year-round irrigation, but the non-irrigation season use is now claimed as GW recharge under A43-11212.

DISALLOWED
SEE CLAIM WITH

This claim is based upon a 1970 court Decree, *Almo Water Company -vs- Ivan Darrington*. The decree had as it's primary intention, the settlement of a dispute in the manner in which water was delivered to certain rights on North Almo Creek, however in so doing it also ruled on the disposition of rights on Stines and Graham Creeks in a general way.

The Decree stated that William and Virginia Breusch had a right to the use of all the water of Graham Creek, and that Graham Creek was not tributary to Almo Creek and so not subject to regulation by the district water master. The Place of Use of the water was identified in 40-acre tracts, and it appears that there could be some error in the listing of the tracts identified for 43-00010. The decree did not specify the priority date of the right, diversion amount, nor any other necessary elements.

The claimed priority date for this, and the rights on Stines Creek, appears to come from page 3 of the decree. This section (IV) does not deal with the Graham or Stines Creek rights, however, but only with the right recognized for Mr. Eames. The priority date recommended for this right comes from circumstantial evidence found in file A43-00011 regarding when water from Stines Creek was first appropriated (1880); the date of a dispute over the waters of Graham Creek by George Graham, predecessor in interest of Bruesch (1892); and from the Kirk -v- Bartholomew decree, which gives George Graham an 1881 priority date on Almo Creek on land just east of the ranch. (Graham Creek is not included in the Kirk-v-Bartholomew decree.

The irrigated place of use was found by Arc View GIS and modified by field exam. Some land south and east of the place of use appears from aerial photos to be modified by farming, but was found to be dry farm. There appears to have been an accomplished change in place of use from the decree of 1970, but given the ambiguity of the decree it is hard to verify.

The points of diversion from Graham Creek were all located by GPS and added to the original claim. It should be noted that, given the dynamics of the stream, the exact locations of these surface diversions may change.

The diversion rate is based upon theoretical calculations of maximum capacity of the Graham Creek channel. Measurements were taken by Cindy Bird who accompanied me during my second field exam. Her conservative estimates of bankful capacity, as well as my more liberal estimates, are in the file. I chose to use my more liberal estimate for the recommendation, which still does not equal 1 inch per irrigated acre. Given the method of using and re-using the waters of Graham Creek as it flows through the ranch, and baring a more accurate high-water measurement, I believe that this recommendation closely approximates an amount that would be considered all the water, which changes from year to year. There are no other claims to the waters of Graham Creek.

claims
with

CLAIM NUMBER: A43-00010

TOTAL DIVERSION:	12.00 CFS
CONSUMPTIVE USE:	1800.00 AFA

CASSIA County

SE

TOTAL ACRES

Other Rights: NONE

Field Inspection Flag: D
Presumption Flag:

G-18

Comment to address
CDS

15

US - FDS

21

SE	NE	SE	NE
SW	SE	SW	SE
SW	SE	SW	SE
SW	SE	SW	SE

5.56

See amendment
p. 10

2

Hancock, Vikie

From: Richard Bruesch [rbruesch@az.rmci.net]
[rbruesch@az.rmci.net]

Sent: Friday, February 11, 2000 1:39 PM

To: Hancock, Vikie

Subject: Bruesch Claims

Vikie,

I received your 2/3/00 letter and the accompanying documents early this week. Thanks for the copies and the quick turn-around. Mr. Parsons was retained by our Mother, Virginia, in the late 1980's for the initial filing of claoims. We do not have an attorney to represent us at this time.

I have no reason to disagree with the capacity figures that you and Cindy came up with, however they seem to be lower than I expected.

Thanks for the copies of the old documents.

Rich

Hancock, Vikie

From: Richard Bruesch [rbruesch@az.rmci.net]
Sent: Thursday, January 20, 2000 7:50 AM
To: Hancock, Vikie
Subject: SRBA Claims, Bruesch Ranch

Vikie,

Thank you for your prompt acknowledgment of receiving the claims package that we recently sent to you. Hope that the data entry goes well and that you can read my scribbling.

With regards to the amendments to the claims already on file:

A43 - 00010: Agree that stockwater as a use needs to be added and that 15 acres be added in NE of NE of S19.

A43 - 00011: Agree to add Stockwater as a use.

A43 - 02148: Agree to change source from Stines Creek to Lone Rock Creek, and change Remarks to read Lone Rock Creek is identified as South Fork Stines Creek in older records. The place of use should be 160 acres in Section 18, 40 each in the NW of NE (not NW NW), SW of NE, SE of SE; and NE of SE.

A43 - 02026: Agree with your statement in your 1/18/2000 email that use is stockwater use only at 0.06 cfs.

A43 - 00396A and A43 - 00391A: We confirm that no water from Almo Creek is used on the ranch, in fact the nearest irrigation canal carrying Almo Creek water passes below the eastern ranch property line. We agree that these two claims should be disallowed.

Thanks again for your help.

Rich

Field Exam Notes

Field Exam Date: See below

Claim No: Bruesch – Various Claims

Agent: Vikie Hancock

On September 20, 1999, I returned to the Bruesch Ranch with Cindy Bird of the IDWR State Office to conduct a measurement of Graham Creek and the Hogland ditch diversion from Stines creek. It was hoped that these measurements would enable us to estimate the maximum capacity of both the creeks during high water flow and the maximum available for diversion to the various water users. We were accompanied on this field exam by one of the Bruesch heirs, Richard Bruesch, who grew up on the ranch and now lives out of state.

At Richard Bruesch's request, I returned on September 22nd to go over all the claims filed by his late mother so that he could determine if all the water used on the ranch for irrigation and stockwater had been properly claimed. At this meeting, it was determined that some amendments needed to be made to some of the irrigation claims, and he decided that stockwater claims to springs on BLM land should be filed. He also determined that two claims filed on Almo Creek for irrigation were unfounded. Let it be noted that claimant decided against filing any claims for domestic or stockwater use on springs existing on the private ranch property.

Bruesch Ranch Spring and Pond List						
No.	Name	Use	Legal	T R S	Remarks	Land Owner
1	Main House Spring	Domestic	SE4-NW4	15S 24E 20	Head box, pipe, and connection to domestic water system for Main House.	Bruesch
2	Upper House Spring	Domestic	SW4-NW4	15S 24E 20	Head box, pipe, and connection to domestic water system for Upper House.	Bruesch
3	Horse Trough Spring	Stock	SE4-NW4	15S 24E 20	Head box, pipe, and trough	Bruesch
4	Green Spring	Stock	NE4-NE4	15S 24E 28	Head box, pipe	Bruesch
5	Lower Little Cove Tank	Stock	SW4-SW4	15S 24E 21	BLM developed pond on Little Cove Creek	Federal-BLM
6	Upper Little Cove Tank	Stock	SE4-SE4	15S 24E 20	BLM developed pond on Little Cove Creek	Federal-NPS
7	Little Cove Creek	Irrigation	NE4-SW4	15S 24E 21	This small drainage will provide some irrigation water in wet years	Bruesch
8	Lone Rock Spring	Stock	SE4-NE4	15S 24E 18	Spring box, pipe, trough	Bruesch
9	Upper Lone Rock Spring	Stock	SE4-NW4	15S 24E 18	Spring box, pipe, trough	Bruesch
10	Deer Spring	Stock	NW4-SE4	15S 24E 18	Spring box, pipe, pond	Bruesch
11	Homestead Spring	Stock	SW4-SE4	15S 24E 18	Spring, ditch (Domestic water source in early 1920's)	Bruesch
12	Salt Rock Spring	Stock	SW4-SE4	15S 24E 18	Spring box, pipe, pond	Bruesch
13	Slide Spring	Stock	NW4-SW4	15S 24E 18	Spring feeds shallow developed pond	Bruesch
14	Cliff Spring	Stock	SW4-NW4	15S 24E 18	Natural spring	Bruesch
15	Aspen Spring	Stock	SW4-NW4	15S 24E 18	Spring box, pipe	Bruesch
16	Quake Aspen Creek	Irrigation			Tributary to Graham Creek	Bruesch
17	E Circle Trough	Stock	NW4-SE4	15S 23E 24	Spring box, pipe, trough	Federal-NPS
18	Mid Fork Circle Cr Spring	Stock	SW4-NW4	15S 23E 24	Spring box, pipe, trough	Federal-NPS
19	Indian Grove Spring	Stock	SE4-SE4	15S 23E 14	Spring box, pipe, trough (Headwaters of Graham Creek)	Federal-NPS
20	Walters Creek Spring	Stock	SE4-SE4	15S 23E 11	Spring box, pipe, trough	Federal-USFS
21	W Scotties Camp Spring	Stock	SW4-SE4	15S 23E 13	Natural Spring	Federal-NPS
22	E Scotties Camp Spring	Stock	SW4-SE4	15S 23E 13	Natural Spring	Federal-NPS

RECEIVED

SEP 22 1999
Department of Water Resources
Southern Region

List of Domestic & Stockwater Uses by Bruesch Ranch. SEP 22 1999
No claims were filed in the adjudication or
Privately owned springs. J. Hancock

Page 1 of 1[illegible]

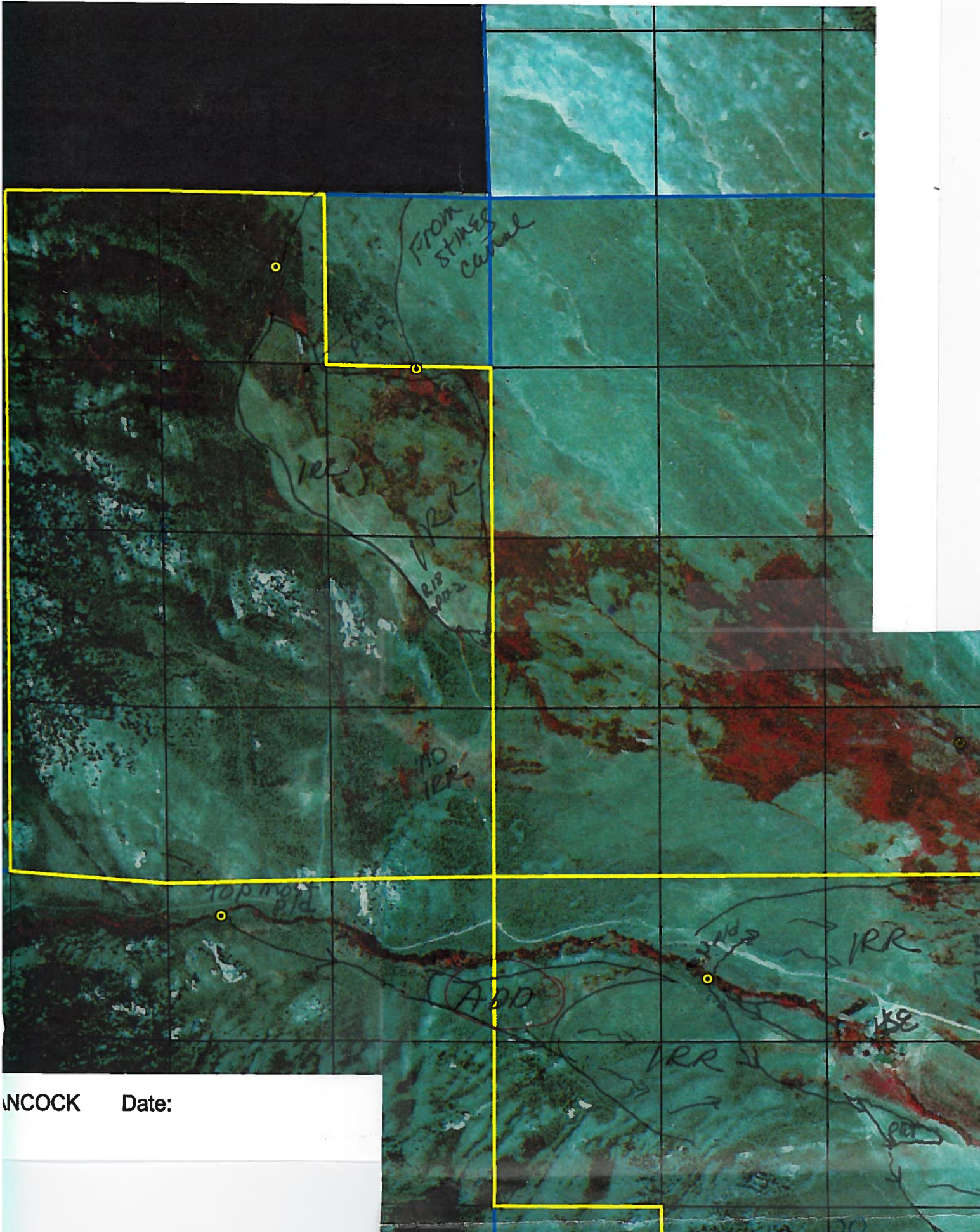
Agent: Vikie Hancock

Notes: This point of diversion photographed & GPS'd this date. Did not document this pld during previous F.E. accompanied by Richard Bauesch.

FIELD NOTES

AIM NO(S): VARIOUS
UESCH

TWP 15S, RNG 24E, Sec 18, 17, 20, 21, 28



WNCOCK Date:

Field Exam Notes

Exam Date: 8-11-99

Claim No: A43-00011

Agent: Vikie Hancock

This claim is for water diverted out of Graham Creek, which has also been identified as Sythe Creek.

I was accompanied on my field exam by Cordell Sheridan, who rents and farms the property for the Breusch heirs. At the time of my visit, they were swathing and baling hay in the fields to the north and south of Graham Creek. There were numerous diversions directly from Graham Creek out into the fields and, excepting the topmost diversion, I obtained a GPS reading on all but one of them. The topmost diversion was verified on the Arc View print-out by Sheridan, but time and weather prevented my visiting the site. Mr. Sheridan also identified the fields that each diversion irrigated and the main conveyance ditches (see Arc View print out). He stated that the water in Graham Creek at the time of my visit was less than 25% of what was available earlier in the irrigation season, and in fact they were about done irrigating. He said that BLM had been in the area taking measurements and that maybe they had some data from early spring. I did not attempt a measurement, but told him that I may be back with another agent to collect data for a theoretical calculation (Manning) on both Graham and Stines.

He has rented the farm since before Virginia Breusch died in 1995, and also ran the farm back in the 80's for a few years. The farm is now owned by the Breusch heirs.

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: Various Date 8-11 1999
 Claimant / Area of Concern: Bruesch Page 1 of 2

Roll	Pic #	Description
17	5	North bank of Graham Creek looking East at Hay fields
	6	North bank of Graham Creek looking west toward House at Hay field
	7	diversion GPS # RO81116A Goes to North side
	8	Hay field on South side of Graham Cr from diversion at GPS # RO81116B Graham creek
	9	Hay field looking downstream at same site as 8
	10	Hillside where springs for Lic. 43-020216 are located. Not used per claimant
	11	diversion on Graham RO81116C
	12	Bottom most Graham Cr Diversion RO81116D
	13	" "
18	1	Graham Cr diversion at GPS Site RO81117B
	2	Hay field in Section 18
	3	Horses - going across TWPNE Sec. 18
	4	Canal from Stines Creek looking SW
	5	At diversion site RO81119A. Old channel straight ahead
	6	Upper Bruesch diversion from canal
	7	Pasture of Darrington from canal (Darrington is beyond fence)
	8	Diversion to "Darrington" used by Curt Durfee now

Agent: Vikie Hancock

Notes: Per Cordell Sheridan who rents ranch & does irrigating, Stines creek is less than 25% of what is available at peak irrigation time.
Measured upper canal at 2' wide & 0.7' deep at high water mark at upper Bruesch diversion point, which is 1st diversion.

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos:

Various

Date _____

8-11

1999

Claimant / Area of Concern:

Bruesch claims

Page 2 of 2

Roll	Pic #	Description
18	9	Diversions from Lone Rock Creek
	10	Natural channel to left GPS Site RO81120A
	11	Poll Section 18 that is Pasture Little
	12	Lone rock in photo 11. Photo 12 looking SW
	13	Lowest Stines canal diversion for Breusch GPS site RO81120B
	14	Speedway ~~at~~ Stockwater claim pt of diversion for groundwater seep capture.

Audio tape #

Notes:

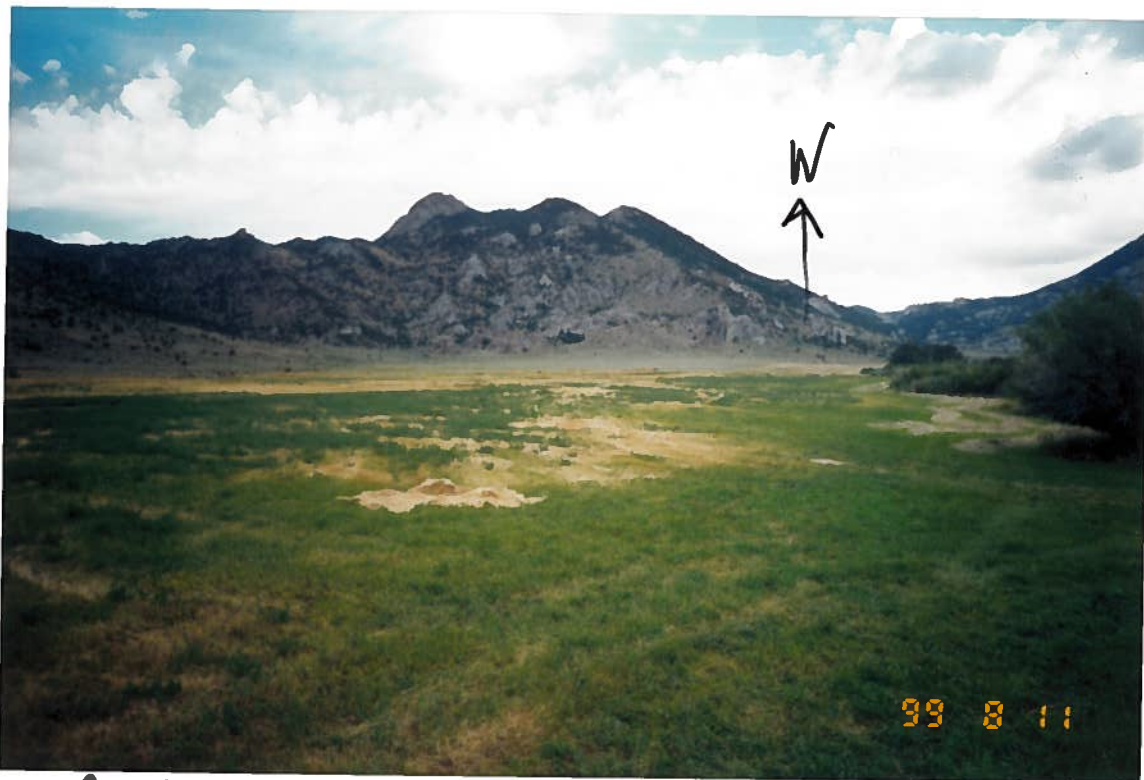


North Side of Graham Cr Looking East



N. Side of Graham Cr Looking West

A43-00010



PIX
849

Hay field on south side of Granam Creek





Graham diversion $\approx 3/4$ mile above HSE
 This diversion to north. Another goes to South
 nearby



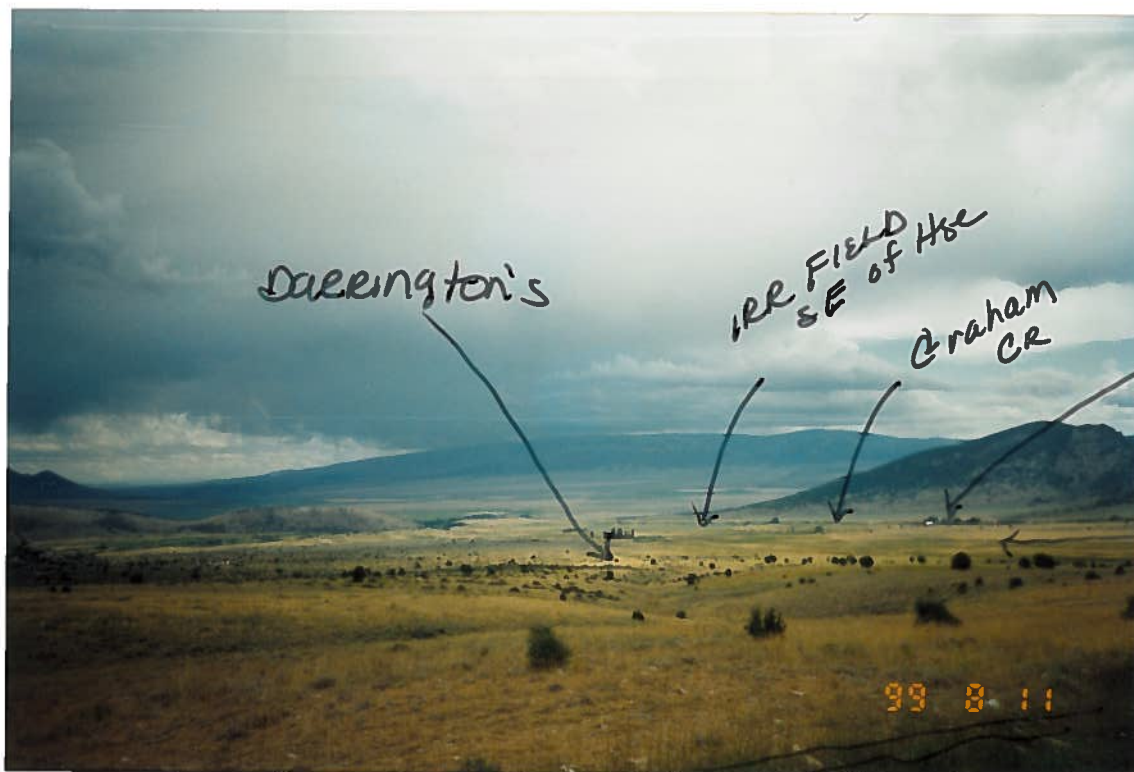
Bottom most Graham Diversion

Roll 18
pix 2



HAY FIELD IN Section 18 Looking NW
STINES CREEK WATER POU

Looking
~ SE



STINES CANAL channel

Aug - 2000

R18
PIX
11
&
12



Little
Lone Rk

PASTURE IN SECTION 18, LOOKING NW

PASTURE IN SECTION 18, LOOKING SE - from same pt



AU2-00017

Roll 18
pix 4
& 5



P/d STINES CREEK CANAL

ORIG CREEK BED



ORIG
CREEK
BED



UPPER DIVERSION FROM STINES CANAL



Lower Diversion from Stines Canal

Roll 18
pix
9, 10



DIVERSION FROM LONE ROCK CR



CONVERSATION MEMO

Date:

P-6-99

Regarding:

Regarding:
Breish claims

Customer:

Cordell Sheridan

From: Vilkie Hancock

~~~~~

Stopped by his house after meeting with Curt Duerfel. Made arrangements to meet him (Wednesday) Aug ~~8~~ 11<sup>th</sup> at 10 AM at his home

# Memorandum

**To:** File 43-00010

**From:** Cindy Bird

**Date:** 11/18/99

**Re:** Graham Creek

---

PURPOSE: Estimate maximum flow in Graham Creek.

OBSERVATIONS & FINDINGS: I met with Vikie Hancock and Richard Bruesch on September 20, 1999 to collect data for estimating the maximum flow in Graham Creek.

Graham creek also had low summer flows. The high water mark was determined by visual inspection of the creek banks.

The creek bed was gravel. The cross sectional areas were determined with an engineer's tape and top-setting rod. The velocity was measured with a current (Swaffer) meter at multiple stations across the creek.

A spin-time test was completed on the equipment before and after the test to check the mechanical function of the meter. The equipment was working within specifications.

CONCLUSION: Discharge in Graham creek from the measured flow was 0.42 cfs. The maximum discharge calculation used two conservative methods. They are conservative because of the gradual summer flows. The first method used the measured velocities over the maximum area, 2.66 cfs. The second method used an average velocity over the entire area, 4.12 cfs.

1. Name of stream or ditch:
2. Location:
3. Person conducting measure:
4. Date and time of measure:
5. Accompanied by:
6. Measuring device size and ID:
7. Spin test OK?
8. Purpose of measure:

GRAHAM CREEK  
UPSTREAM OF TOPMOST BRUESCH DIVERSION  
CINDY BIRD & VIKIE HANCOCK  
9/20/99  
RICHARD BRUESCH  
SWOFFER  
Before: Yes After: Yes  
IRRIGATION FLOW

| DIST<br>FROM LEW | WIDTH  | DEPTH  | Area               | MEASURED<br>#1 | VELOCITY<br>#2 | AVE.<br>ELOCITY | DISCHARGE |
|------------------|--------|--------|--------------------|----------------|----------------|-----------------|-----------|
| (feet)           | (feet) | (feet) | (ft <sup>2</sup> ) | (ft/sec)       | (ft/sec)       | (ft/sec)        | (cfs)     |
| 2.0              | 0.50   | 0.3    | 0.15               | 0.47           | 0.42           | 0.45            | 0.07      |
| 2.8              | 0.20   | 0.3    | 0.06               | 0.55           | 0.58           | 0.57            | 0.03      |
| 3.0              | 0.20   | 0.3    | 0.06               | 0.59           | 0.57           | 0.58            | 0.03      |
| 3.2              | 0.20   | 0.3    | 0.06               | 1.37           | 1.38           | 1.38            | 0.08      |
| 3.4              | 0.20   | 0.3    | 0.06               | 1.04           | 1.02           | 1.03            | 0.06      |
| 3.6              | 0.20   | 0.3    | 0.06               | 0.84           | 0.81           | 0.83            | 0.07      |
| 3.8              | 0.30   | 0.3    | 0.09               | 0.54           | 0.53           | 0.54            | 0.02      |
| 4.0              | 0.20   | 0.2    | 0.04               | 0.69           | 0.66           | 0.68            | 0.02      |
| 4.2              | 0.15   | 0.2    | 0.03               | 0.50           | 0.47           | 0.49            | 0.01      |
| 4.3              | 0.10   | 0.2    | 0.02               | 0.16           | 0.12           | 0.14            | 0.02      |
| 4.4              | 0.60   | 0.2    | 0.12               |                |                |                 |           |
| 5.5              |        |        |                    |                |                |                 |           |

TOT WIDTH

2.7

TOTAL DISCHARGE:

0.42

cfs

Page 1

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Open Channel Discharge Measurement Notes

A43-0001  
Water Right  
(if applicable)

155 24E 19

A. GENERAL INFORMATION

- Name of stream or ditch: Graham Creek
- Location: 200' upstream of topmost Bruesch diversion
- Person(s) conducting measurement: Cindy Brad, Vickie Hawcock
- Date of measurement: 9-20-1999 5. Weather conditions: Warm
- Measuring device size and ID no.: Swoffer
- Spin test before: OK after: OK Accompanied
- Purpose of measurement: SRBA Field Exam Richard Brue
- Cross section description: gravel

B. MEASUREMENT DATA

\* Converted to tenths of Ft from F.E notes.

| Dist. from initial point | Width | Depth OF H <sub>2</sub> O | * Obs. Depth Bankfull | Revolutions | Time in Seconds | Velocity  |         | Area | Discharge |
|--------------------------|-------|---------------------------|-----------------------|-------------|-----------------|-----------|---------|------|-----------|
|                          |       |                           |                       |             |                 | At point  | Average |      |           |
| 1.0                      |       |                           | 0                     |             |                 |           |         |      |           |
| 2.0                      | LWE   | -                         | -                     | -           | -               | -         | -       | -    | -         |
| 2.2                      | 1.2   | <del>1.2</del>            | 1.2                   |             |                 |           |         |      |           |
| 2.7                      | .5    |                           | 1.5                   |             |                 |           |         |      |           |
| 2.8                      | .8    | .5                        |                       |             |                 | .47/.42   | .45     |      |           |
| 3.0                      | .2    | .2                        | 1.5                   |             |                 | .55/.58   | .57     |      |           |
| 3.2                      | .2    | .3                        |                       |             |                 | .59/.57   | .58     |      |           |
| 3.4                      | .2    | .3                        |                       |             |                 | 1.37/1.38 | 1.38    |      |           |
| 3.5                      | .5    |                           | 1.5                   |             |                 |           |         |      |           |
| 3.6                      | .2    | .3                        |                       |             |                 | 1.04/1.02 | 1.03    |      |           |
| 3.8                      | .2    | .3                        |                       |             |                 | .84/.81   | .83     |      |           |
| 4.0                      | .5    | .2                        | 1.5                   |             |                 | .54/.53   | .54     |      |           |
| 4.2                      | .2    | .2                        |                       |             |                 | .69/.66   | .68     |      |           |
| 4.3                      | .1    | .2                        |                       |             |                 | .50/.47   | .49     |      |           |
| 4.4                      | .1    | .2                        |                       |             |                 | .16/.12   | .14     |      |           |
| 4.5                      | .5    |                           | 1.5                   |             |                 |           |         |      |           |
| 5.0                      | .5    |                           | 1.4                   |             |                 | Σ         | 6.69    |      |           |
| 5.5                      | .5    |                           | 1.3                   | RWE         |                 | Ave. Vel. | 0.67    |      |           |
| 6.0                      | .5    |                           | 1.2                   |             |                 |           |         |      |           |
| 6.5                      | .5    |                           | 1.2                   |             |                 |           |         |      |           |
| 7.0                      | .5    |                           | 1.2                   |             |                 |           |         |      |           |
| 7.5                      | .5    |                           | 1.0                   |             |                 |           |         |      |           |
| 8.0                      | .5    |                           | 1.0                   |             |                 |           |         |      |           |

9.5 .5

.5

9.0 .5

0

SIGNATURE

1. Name of stream or ditch:
2. Location:

GRAHAM CREEK  
UPSTREAM OF TOPMOST BRUESCH DIVERSION

| DIST<br>FROM LEW | WIDTH | DEPTH | Area<br>(ft <sup>2</sup> ) | MEASURED<br>#1<br>(ft/sec) | VELOCITY<br>#2<br>(ft/sec) | AVE. MEAS.<br>VELOCITY<br>(ft/sec) | DISCHARGE<br>Q=VA<br>(cfs) | AVE.<br>VELOCITY<br>(ft/sec) | AVE.<br>DISCHARGE<br>(cfs) |
|------------------|-------|-------|----------------------------|----------------------------|----------------------------|------------------------------------|----------------------------|------------------------------|----------------------------|
| 1.0              | 1.00  | 1.0   | 1.00                       | 0.47                       | 0.42                       | 0.45                               | 0.45                       | 0.67                         | 0.67                       |
| 2.8              | 0.20  | 1.5   | 0.30                       | 0.55                       | 0.58                       | 0.57                               | 0.17                       | 0.67                         | 0.20                       |
| 3.0              | 0.20  | 1.5   | 0.30                       | 0.59                       | 0.57                       | 0.58                               | 0.17                       | 0.67                         | 0.20                       |
| 3.2              | 0.20  | 1.5   | 0.30                       | 1.37                       | 1.38                       | 1.38                               | 0.41                       | 0.67                         | 0.20                       |
| 3.4              | 0.20  | 1.5   | 0.30                       | 1.04                       | 1.02                       | 1.03                               | 0.31                       | 0.67                         | 0.20                       |
| 3.6              | 0.30  | 1.5   | 0.45                       | 0.84                       | 0.81                       | 0.83                               | 0.37                       | 0.67                         | 0.30                       |
| 3.8              | 0.20  | 1.5   | 0.30                       | 0.54                       | 0.53                       | 0.54                               | 0.16                       | 0.67                         | 0.20                       |
| 4.0              | 0.15  | 1.5   | 0.23                       | 0.69                       | 0.66                       | 0.68                               | 0.15                       | 0.67                         | 0.15                       |
| 4.2              | 0.10  | 1.5   | 0.15                       | 0.50                       | 0.47                       | 0.49                               | 0.07                       | 0.67                         | 0.10                       |
| 4.3              | 2.35  | 1.2   | 2.82                       | 0.16                       | 0.12                       | 0.14                               | 0.39                       | 0.67                         | 1.89                       |
| 4.4              |       |       |                            |                            |                            |                                    |                            |                              |                            |
| 9.0              |       |       |                            |                            |                            |                                    |                            |                              |                            |

6.15

TOT WIDTH 4.9

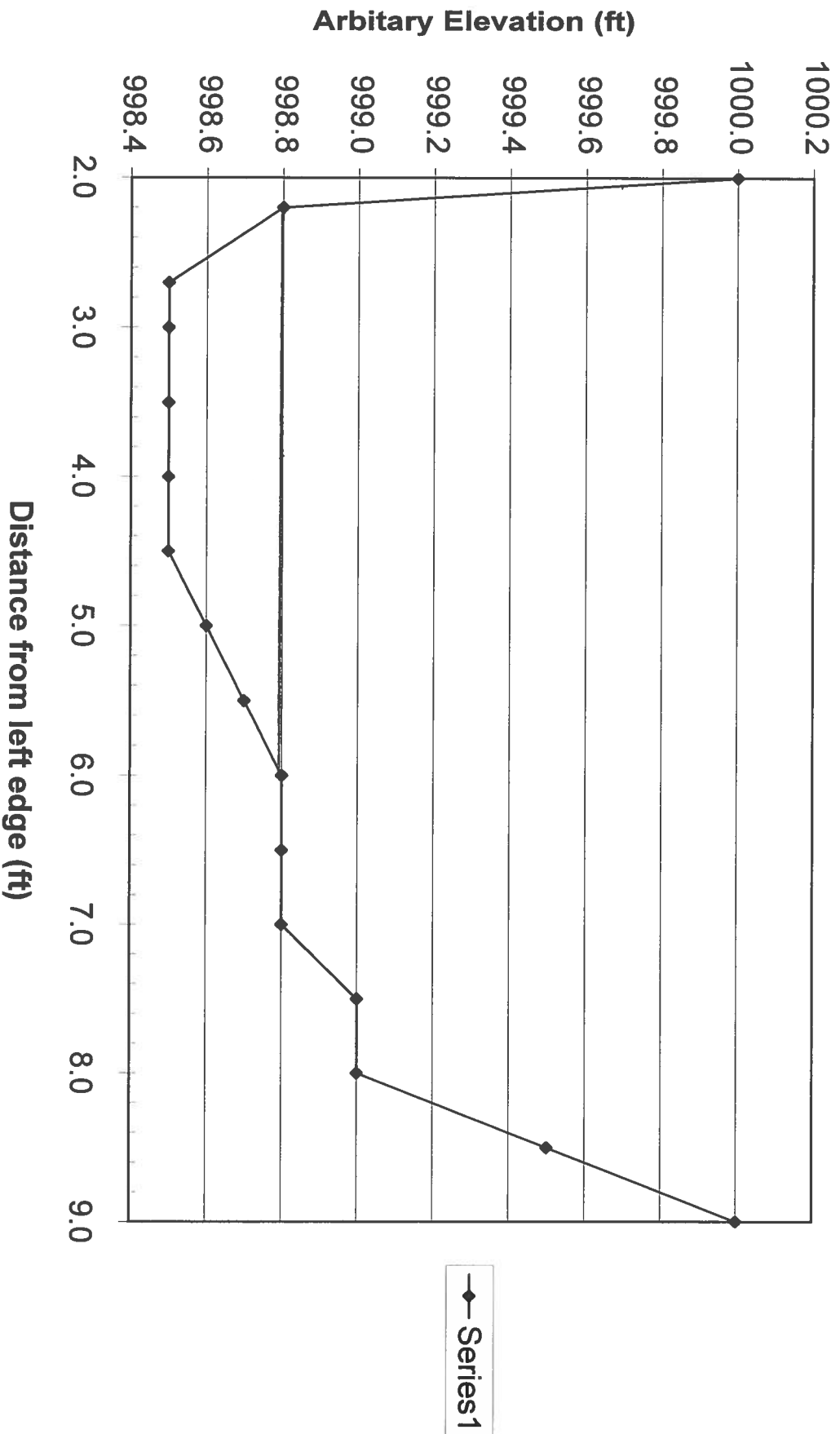
TOTAL DISCHARGE (cfs):

2.66

4.12

$$6.15 \times 0.67 = 4.12$$

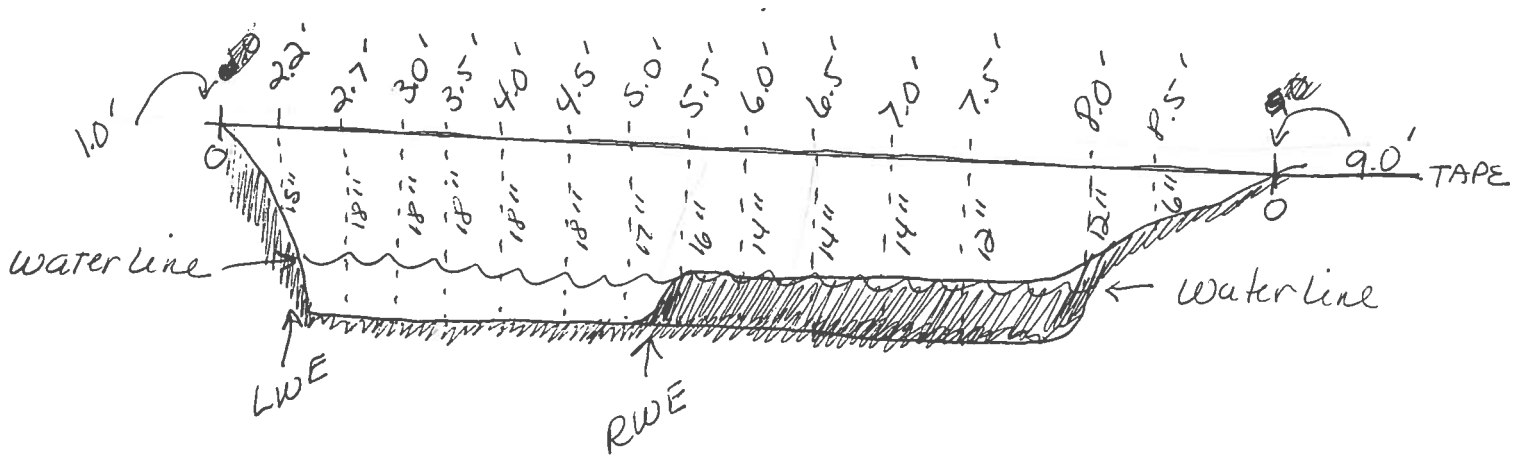
# Bruesch Diversion-Graham Creek



A43-00010

Page 2

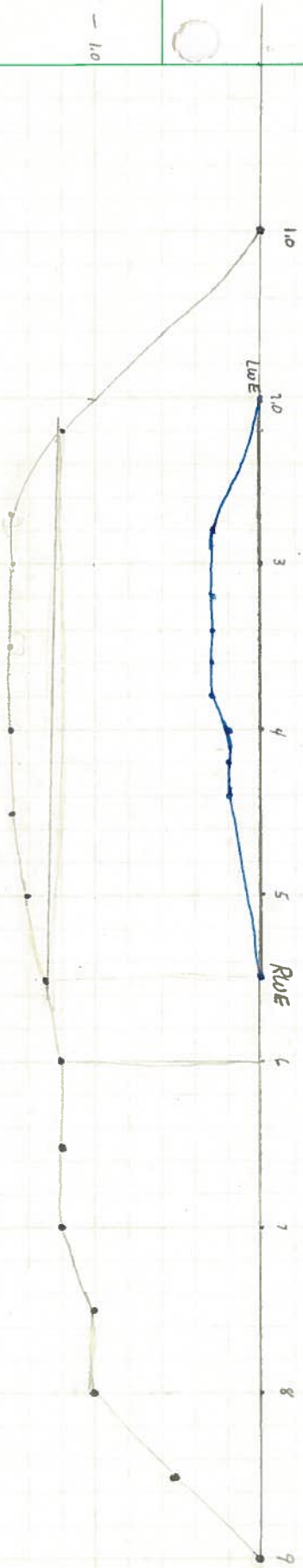
~ Channel Shape at Bankfull  
Measurement for Bankfull Capacity



FE Notes  
9-20-1999

Graham Creek  
A43 - 00010

Graham Creek  
 43-00010  
 Ave. Velocity 0.67 ft/sec.



[illegible]**TOTAL CFS**

**LOCATION: UPSTREAM OF TOPMOST BRUESCH DIVERSION**

A43-00010

CLAIM NO(S): A43-00011

**BANKFULL CAPACITY WORKSHEET**

| DISTANCE<br>FROM INIT<br>POINT | WIDTH | DEPTH | AREA |               |  |  |  |
|--------------------------------|-------|-------|------|---------------|--|--|--|
| 1                              | 0.60  |       |      |               |  |  |  |
| 2.2                            | 0.85  | 1.20  | 1.02 |               |  |  |  |
| 2.7                            | 0.40  | 1.50  | 0.60 |               |  |  |  |
| 3                              | 0.40  | 1.50  | 0.60 |               |  |  |  |
| 3.5                            | 0.50  | 1.50  | 0.75 |               |  |  |  |
| 4                              | 0.50  | 1.50  | 0.75 |               |  |  |  |
| 4.5                            | 0.50  | 1.50  | 0.75 |               |  |  |  |
| 5                              | 0.50  | 1.40  | 0.70 |               |  |  |  |
| 5.5                            | 0.50  | 1.30  | 0.65 |               |  |  |  |
| 6                              | 0.50  | 1.20  | 0.60 |               |  |  |  |
| 6.5                            | 0.50  | 1.20  | 0.60 |               |  |  |  |
| 7                              | 0.50  | 1.00  | 0.50 |               |  |  |  |
| 7.5                            | 0.50  | 1.00  | 0.50 |               |  |  |  |
| 8                              | 0.50  | 0.50  | 0.25 |               |  |  |  |
| 8.5                            | 0.50  | 0.05  | 0.03 |               |  |  |  |
| 9                              | 0.25  | -     | -    |               |  |  |  |
|                                |       |       |      |               |  |  |  |
| 8.00                           | 8.00  |       |      | BANKFUL WIDTH |  |  |  |
|                                |       |       |      |               |  |  |  |

**8.30 TOTAL BANKFUL AREA**

AVERAGE VELOCITY 0.67

CAPACITY 5.56

DATE: 01-03-2000  
AGENT: V. HANCOCK

SOURCE: GRAHAM CREEK

LOCATION: UPSTREAM OF BREUSCH TOP DIVERSION

**ALSO SEE MEASUREMENT NOTES**

*Method using  
Total bankful area  
As opposed to weighted  
model.*

*A43-00010*

A. AJ CLAIM: # A43-00010 PRIORITY DATE: 03-17-1879 STAGE: D

B. WR RECORD: # 43-00010 PRIORITY DATE: - - STAGE: D

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:

Date claimed (3-17-1879) is based upon a mis-interpretation of the 1970 Armo v. the CO-15- Darrington Decree, section IV. This decree actually does not intend to adjudicate the waters of Graham Creek and does not address all the elements of the water right. It does not address the priority date of this right to Graham Creek.

Priority determined by other evidence: 1883 Agreement between Graham & Richardson (enclosed in file) Kirk-v. Bartholomew decree (page 15 of finding) all circumstances. Earliest indicated is also affidavit signed 1839 regarding stopland ditch. 4-30-1881

RECOMMENDED PRIORITY DATE:

4-30-1881

REVIEWED BY



DATE

1-21-2000

## A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FLAG | POD | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------|-----------|------|-----|-----|-----|-----|------|-----|--------|----------------|------------------|
| A43-00010 | 15S       | 24E  | 19  |     |     | NW  | NE   |     | CASSIA |                |                  |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT  
NONE

SOURCE: GRAHAM CREEK

TRIB:

## B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FLAG | POD | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|----------|-----------|------|-----|-----|-----|-----|------|-----|--------|----------------|------------------|
| 43-00010 |           |      |     |     |     |     |      |     |        |                |                  |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: SYTHE CREEK

TRIB:

## C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE?

N/A ☒ Y ☐ 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 ☐ N ☒

## E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

Y ☒ N ☐

## F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A ☐ Y ☒ 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 ☒ N ☐

## H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y ☒ N ☐

## I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM \_\_\_\_\_)

Y ☐ N ☐

AJ FIELD EXAM

(DATE OF FIELD EXAM 8-11-99)

NAME OF EXAMINER

Chloe HancockY ☒ N ☐

OTHER (DESCRIBE IN NOTES BELOW)

## NOTES:

There are 8 separate diversions from Graham Creek as it flows through the Ranch. all were located by 1675 unit and plotted onto the 11500. Only top most diversion was listed on claim.

## RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

| TRP.<br>15S | RGE.<br>24E | SEC.<br>19 | 1/4<br>NW | 1/4<br>NW | 1/4<br>NE | LOT | FLAG | COUNTY<br>CASSIA | DIVERSION NAME | DIVERSION NBR |
|-------------|-------------|------------|-----------|-----------|-----------|-----|------|------------------|----------------|---------------|
|             |             | 20         | NE NW NW  |           |           |     |      |                  |                |               |
|             |             |            | NW SW NE  |           |           |     |      |                  |                |               |
|             |             |            | NE NE SE  |           |           |     |      |                  |                |               |
|             |             | 21         | NW NE SW  |           |           |     |      |                  |                |               |
|             |             |            | NE NE SW  |           |           |     |      |                  |                |               |
|             |             |            | SW NE SE  |           |           |     |      |                  |                |               |
|             |             |            | SE NW SE  |           |           |     |      |                  |                |               |

SOURCE:

SE NW SE TRIB:

Source Graham Creek

REVIEWED BY:

H. H. H. H.

DATE:

1-21-2000

SYSTEM DESCRIPTION:

DESCRIBED BELOW ( ), SEE LICENSE FILE ( ), OR SEE ATTACHMENT ( )

## A. ROOT WATER RIGHT NUMBERS: A43-00010

| B. POULISTING |     |     |                         | AJ                | WR              | LANDSAT | FIELD | RECOMM. |
|---------------|-----|-----|-------------------------|-------------------|-----------------|---------|-------|---------|
| TWP           | RNG | SEC | 1/4 1/4 LOT NAME        | #/ACRES           | #/ACRES         | DATA    | EXAM. | ACRES   |
| 15S           | 24E | 20  | NW NE BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
| 15S           | 24E | 20  | SW NE BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
| 15S           | 24E | 20  | SE NE BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
| 15S           | 24E | 20  | NE NW BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
|               |     |     | NE NW BRUESCH, VIRGINIA | A43-00391A / 40.0 | - /             |         |       |         |
|               |     |     | NE NW KING, THOMAS O.   |                   | 43-00391 /      |         |       |         |
| 15S           | 24E | 20  | NW NW BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
|               |     |     | NW NW NYE, FREDERICK J. |                   | 43-02218 / 30.0 |         |       |         |
| 15S           | 24E | 20  | SW NW BRUESCH, VIRGINIA | A43-00010 / 40.0  | - /             |         |       |         |
|               |     |     | SW NW NYE, FREDERICK J. |                   | 43-02218 / 30.0 |         |       |         |
| 15S           | 24E | 20  | SE NW BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
| 15S           | 24E | 20  | NE SW BRUESCH, VIRGINIA | A43-00010 / 40.0  | - /             |         |       |         |
| 15S           | 24E | 20  | NE SE BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
| 15S           | 24E | 20  | NW SE BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
| 15S           | 24E | 21  | NE SW BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
|               |     |     | NE SW BRUESCH, VIRGINIA | A43-00396A / 40.0 | - /             |         |       |         |
|               |     |     | NE SW GRAHAM, GEO. D.   |                   | 43-00396 /      |         |       |         |
| 15S           | 24E | 21  | NW SW BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
| 15S           | 24E | 21  | SE SW BRUESCH, VIRGINIA | A43-00010 / 40.0  | - /             |         |       |         |
| 15S           | 24E | 21  | NW SE BRUESCH, VIRGINIA | A43-00010 / 40.0  | 43-00010 /      |         |       |         |
|               |     |     | NW SE BRUESCH, VIRGINIA | A43-00396A / 40.0 | - /             |         |       |         |
|               |     |     | NW SE DUFFEE, CLEON W   |                   | R43-10448 /     |         |       |         |
|               |     |     | NW SE DUFFEE, CLEON W   |                   | A43-10448 /     |         |       |         |
|               |     |     | NW SE GRAHAM, GEO. D.   |                   | 43-00396 /      |         |       |         |
| 15S           | 24E | 21  | SW SW BRUESCH, VIRGINIA | A43-00010 / 40.0  | - /             |         |       |         |

## ADDITIONAL POULISTING

TOTAL ACRES A43-00010 600.00

POU COUNTY: CASSIA

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

Y(✓) N( )

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

## LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO.  | SOURCE       | NAME              | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|--------------|-------------------|-----------|----------------|-----------|----------------|
| A43-00010  | GRAHAM CREEK | BRUESCH, VIRGINIA | 12.000    | 0.020          |           |                |
| A43-00391A | ALMO CREEK   | BRUESCH, VIRGINIA | 2.000     | 0.050          |           |                |
| A43-00396A | ALMO CREEK   | BRUESCH, VIRGINIA | 1.500     | 0.018          |           |                |

## LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES   | NAME            | MONTH/DAY           | RATE      | VOLUME |
|-----------|------------|-----------------|---------------------|-----------|--------|
| R43-10448 | DOMESTIC   | DURFEE, CLEON W | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| R43-10448 | STOCKWATER | DURFEE, CLEON W | FROM 01-01 TO 12-31 | 0.020 CFS |        |
| A43-10448 | DOMESTIC   | DURFEE, CLEON W | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A43-10448 | STOCKWATER | DURFEE, CLEON W | FROM 01-01 TO 12-31 | 0.020 CFS |        |

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

Y( ) N(✓)

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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

N/A( ) Y(✓) N( )

\* 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.

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

N/A( ) Y( ) N(✓)

## G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(✓) N( )

## 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( ) N(✓)

CHECK DOCUMENTS USED TO VERIFY POB: (✓) ORTHOPHOTOQUAD, IDWR NO. 1976 ; (✓) TOPOGRAPHIC QUAD, IDWR NO. \_\_\_\_\_ ;

(✓) NAPP, IDWR NO. 1987-88 ; ( ) ASCS PHOTO; ( ) OTHER \_\_\_\_\_

NOTES:

Unpatented area located & calculated  
by MEDICAL GTS Program using 1987-1988  
NAPP Aerial Photography  
Field Exam 8-11-1999

RECOMMENDATIONS:

TOTAL ACRES: 354 ac N/A( )

REVIEWED BY: (Signature) DATE: 1-21-1999

## A. AJ CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A43-00010 IRRIGATION        | FROM 01-01 TO 12-31       | 12.000 CFS             |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 12.000 CFS             |                        |

## B. WR RECORDED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 43-00010 IRRIGATION         | FROM 03-15 TO 11-15       | 12.000 CFS             |                        |
| TOTAL DIVERSION RATE/VOLUME |                           |                        |                        |

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USER? ☒ Y ☐ ND. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☒ Y ☐ N

\* 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 ☐ NF. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? ☐ Y ☒ NG. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? ☒ Y ☐ 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? ☒ Y ☐ 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? ☒ Y ☐ NJ. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☒ 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? ☒ Y ☐ N

## NOTES:

Seen of the recommended to 100% Std.  
purpose of use changed by field Exam 8-11-1999

Note claim 443-11212 filed for 500 Buckeye  
from the source for non-industrial use.

AJ CLAIM TOTAL DIVERSION RATE:

12.000 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A (☒) Y (☐) N (☐)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A (☐) Y (☐) 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 (☐) 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 (☐)

E.

FLOW MEASUREMENT

MEASUREMENT METHOD

*See attached*

, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 354 x 0.02 CFS/ACRE = 7.08 CFS

(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y (☒) N (☐)*See attached*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 =

1800.0 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 ( )

## NOTES:

Calculations enclosed in file indicate a conservative estimate of maximum capacity for Graham Creek is 4.62 cfs. Calculations in file indicate a more liberal estimate of maximum capacity to be 5.56 cfs.

It is possible that, given the investigation practices of using & re-using the water of Graham Creek that are there are much greater area could give the cropping assets than based on the information at hand, without an actual measurement of Graham Creek at maximum capacity, my recommendation is for 5.56 cfs.

## WR RECORD CONDITIONS/REMARKS:

Priority date and point of diversion not given in decree.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

| PURPOSE OF USE       | REC. PERIOD FROM | TO    | REC. DIV RATE CFS | REC. DIV VOL. AF/A | REC. CONS. USE |
|----------------------|------------------|-------|-------------------|--------------------|----------------|
| IRRIGATION           | 01-01            | 12-31 | 12.000            |                    | 1800.0         |
|                      | 4-1              | 10-31 | 5.56              |                    |                |
|                      |                  |       |                   |                    |                |
|                      |                  |       |                   |                    |                |
|                      |                  |       |                   |                    |                |
| TOTAL FOR THIS RIGHT |                  |       | 12.000            |                    | 1800.0         |

NON-IRRIGATION USES CLAIMED: STOCKWATER

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

REVIEWED BY: *[Signature]*

DATE: 1-21-1000 3000

FLAG: D

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

## A. CHECK ONLY THE FOLLOWING THAT APPLY:

|  | OWNERSHIP<br>FORFEIT/ABANDON<br>ADDITIONAL DIV. AMOUNT | ACCEPTED<br>AS CLAIMED<br>( )<br>( )<br>( ) | NEEDS<br>REVIEW<br>( )<br>( )<br>( ) |
|--|--------------------------------------------------------|---------------------------------------------|--------------------------------------|
|  |                                                        | ( )                                         | ( )                                  |
|  |                                                        | ( )                                         | ( )                                  |
|  |                                                        | ( )                                         | ( )                                  |

## B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00010

DATABASE

EXAMINER

TOTAL DIVERSION RATE OF WR SPLITS

CFS

## SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | -                        | -                 | -                         | -                | 43-00010            | -                 |

TOTAL CFS

## 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 ( )?

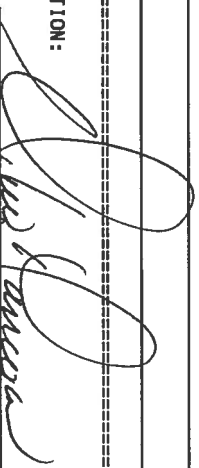
| DATABASE | FIELD<br>EXAMINER |
|----------|-------------------|
| N        | Y ( ) N ( )       |

## NOTES:

No Splits

## AUTHENTICATION:

SIGNATURE:



DATE:

1-21-2000

NAME OF FIELD EXAMINER:

Mike Howard

TITLE:

Water Resource Agent

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED  
IN FILE?

|                                                            |                          |                   |           |
|------------------------------------------------------------|--------------------------|-------------------|-----------|
| <input type="checkbox"/> ORTHOPHOTOQUAD                    | DATE OF PHOTO _____      | IDWR ID NO. _____ | Y( ) N( ) |
| <input type="checkbox"/> TOPOGRAPHIC                       | DATE FIELD CHECKED _____ | IDWR ID NO. _____ | Y( ) N( ) |
| <input type="checkbox"/> MAP                               | DATE OF PHOTO _____      | IDWR ID NO. _____ | Y( ) N( ) |
| <input type="checkbox"/> ASCS AERIAL PHOTO                 | DATE OF PHOTO _____      |                   | Y( ) N( ) |
| <input type="checkbox"/> ASCS COLOR SLIDE                  | DATE OF PHOTO _____      |                   | Y( ) N( ) |
| <input type="checkbox"/> BLM OR USFS AERIAL PHOTO          | DATE OF PHOTO _____      |                   | Y( ) N( ) |
| <input type="checkbox"/> TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY _____     |                   | Y( ) N( ) |
| <input type="checkbox"/> SCS SOIL SURVEY MAP               | DATE ISSUED _____        |                   | Y( ) N( ) |
| <input type="checkbox"/> SUBDIVISION PLAT MAP              | DATE OF MAP _____        |                   | Y( ) N( ) |
| <input type="checkbox"/> OTHER _____                       | DATE _____               |                   | Y( ) N( ) |
| <input type="checkbox"/> OTHER _____                       | DATE _____               |                   | Y( ) N( ) |
| <input type="checkbox"/> OTHER _____                       | DATE _____               |                   | Y( ) N( ) |

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF  
PAGES

NOTES

|                                                        |                               |  |  |
|--------------------------------------------------------|-------------------------------|--|--|
| <input type="checkbox"/> LICENSING FIELD EXAM          | DATE OF FIELD EXAM _____      |  |  |
| <input type="checkbox"/> WATER RIGHT LICENSE           | DATE LICENSE SIGNED _____     |  |  |
| <input type="checkbox"/> IDWR APPROVED TRANSFER        | DATE TRANSFER APPROVED _____  |  |  |
| <input type="checkbox"/> SYSTEM DESCRIPTION            | DATE DRAIN _____              |  |  |
| <input type="checkbox"/> PHOTOGRAPHS                   | DATE(S) PHOTOS TAKEN _____    |  |  |
| <input type="checkbox"/> SPLIT RIGHT REVIEW            | DATE REVIEW COMPLETED _____   |  |  |
| <input type="checkbox"/> HUBBLE ANALYSIS               | DATE ANALYSIS COMPLETED _____ |  |  |
| <input type="checkbox"/> CONVEYANCE LOSS ANALYSIS      | DATE ANALYSIS COMPLETED _____ |  |  |
| <input type="checkbox"/> FLOW MEASUREMENT CALCULATIONS | DATE SYSTEM MEASURED _____    |  |  |
| <input type="checkbox"/> OTHER _____                   | DATE _____                    |  |  |
| <input type="checkbox"/> OTHER _____                   | DATE _____                    |  |  |

| WR ELEMENT                | DATA DISCREPANCY<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | ELEMENT<br>DOCUMENTED<br>WHOM/DATE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------------|-------------------------------------------------|----------------------------|------------------------|------------------------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             | Y                       |                                                 |                            |                        |                                    |                                  |                                      |                               |
| POINT OF DIV              |                         |                                                 |                            |                        |                                    |                                  |                                      |                               |
| SOURCE                    | Y                       |                                                 |                            |                        |                                    |                                  |                                      |                               |
| PLACE OF USE              | Y                       |                                                 |                            |                        |                                    |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                       |                                                 |                            |                        |                                    |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                       |                                                 |                            |                        |                                    |                                  |                                      |                               |
| PURPOSES OF USE           |                         |                                                 |                            |                        |                                    |                                  |                                      |                               |
| PERIOD OF USE             | Y                       |                                                 |                            |                        |                                    |                                  |                                      |                               |
| BASIS OF CLAIM            | Y                       |                                                 |                            |                        |                                    |                                  |                                      |                               |
| REMARKS                   | Y                       |                                                 |                            |                        |                                    |                                  |                                      |                               |

BARCODE UPDATED  
WHOM/DATE