

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: **A43-00011**
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: STINES CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	18	NW	NE			CASSIA
			SE	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	8.800		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 1320.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	18	NW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	18	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								440.0
Total Acres								440.0

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:

TOTAL QUANTITY CLAIMED NOT TO BE LIMITING OR RESTRICTING; CLAIM IS FOR ENTIRE FLOW OF STINES CREEK. AMOUNT LISTED IS BASED ON 1"/ACRE.

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

1-20-2000: CLAIM AMENDED TO ADD STOCKWATER AS A USE PER SIGNED DOCUMENT DATED 9-22-99.- VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALMO WATER CO.

Decree Plaintiff

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
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

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

Ident. Number: **A43-00011**
Date Received: 8/14/1989
Receipt No: S008837
Received By: _____

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: STINES CREEK

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	18	NW	NE			CASSIA
			SE	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	8.800		
STOCKWATER	01/01	12/31	0.02		

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

A.F.A.

8. Total consumptive use is 1320.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	18	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	18	NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	440.0
						Total Acres	440.0

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:

TOTAL QUANTITY CLAIMED NOT TO BE LIMITING OR RESTRICTING; CLAIM IS FOR ENTIRE FLOW OF STINES CREEK. AMOUNT LISTED IS BASED ON 1"/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALMO WATER CO.
Decree Plaintiff

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): W R Bunch Date: 9/22/99

Date: _____

State of Idaho)
County of Donner) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of September 19 99 Vicki Hancock
Notary Public



Residing at Donner, 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/ encs

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 (varus) 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 & E 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. Estes Bruesch
VIRGINIA M. ESTES BRUESCH

William M. Bruesch
WILLIAM 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 $\frac{1}{2}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$~~ - see 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 Shumack

FILM

224

MAR 20 3 24 PM '91

CASSIA COUNTY, IDAHO

FRANK E. KILGUS

REGISTER

FEES: 200.00 DUTY

20

*for 2004
Clino 1st
83812*

91

April

pm

212486

RECORDED AT THE REQUEST OF
Virginia M. Bruesch
FILM 226

MAR 20 3 26 PM '91

CASSIA COUNTY, IDAHO
FRANK S. BEARDS
RECEIVED

*Box 20
Almo, Id.
83312*

//

Index 1

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
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00011
Date Received: 8/14/1989
Receipt No: S008837
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VIRGINIA BRUESCH
Address: P.O. BOX 204
ALMO, ID 83312
208-824-5516
2. Date of Priority: MAR 17, 1879
3. Source: STINES CREEK Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	18	NW	NE			CASSIA
			SE	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	8.800		
7. Total Quantity Appropriated is:
8.800 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1320.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	18	NW	NE		IRR	40.0
			SW	NE		IRR	40.0

A43-00011

Page 1

Date: 08/14/89

MICROFILMED

MAR U 2 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	18	SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	440.0
						Total Acres	440.0

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:
TOTAL QUANTITY CLAIMED NOT TO BE LIMITING OR RESTRICTING; CLAIM
IS FOR ENTIRE FLOW OF STINES CREEK. AMOUNT LISTED IS BASED ON
1"/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALMO WATER CO.

Decree Plaintiff

vs

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

A43-00011

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 BRVESH

Phone

208 824-5516

Mailing Address

Box 204 ALMO IDAHO

Zip

83312

2. Date of Priority (Only one (1) per claim)

MARCH 17, 1879

3. Source of water supply (a)

SYTHE CISTINES
GRAHAM CREEK

which is tributary to (b)

NONE

4. a. Location of existing point of diversion is: Township

15

Range

24

Section

18

NW 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of

Additional points of diversion if any:

SE NE S-18 - Twp 15 Rq 24

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.

HEADGATES, DAMS

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.) STOCK - SOME

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	20	18		40	40	40	40			40	40			40	40	40	40	40	440
				✓						✓				✓		✓			600

Total number of acres irrigated 600 440

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.
SPRINGS RISING ON SEC 18 or None ()

14. Remarks: @ S^WSW⁴, NW⁴SW⁴, SW⁴NW⁴,
SE⁴NW⁴, NW⁴SE⁴, SE⁴SE⁴, NW⁴NE⁴

MICROFILMED
MAR 02 1993

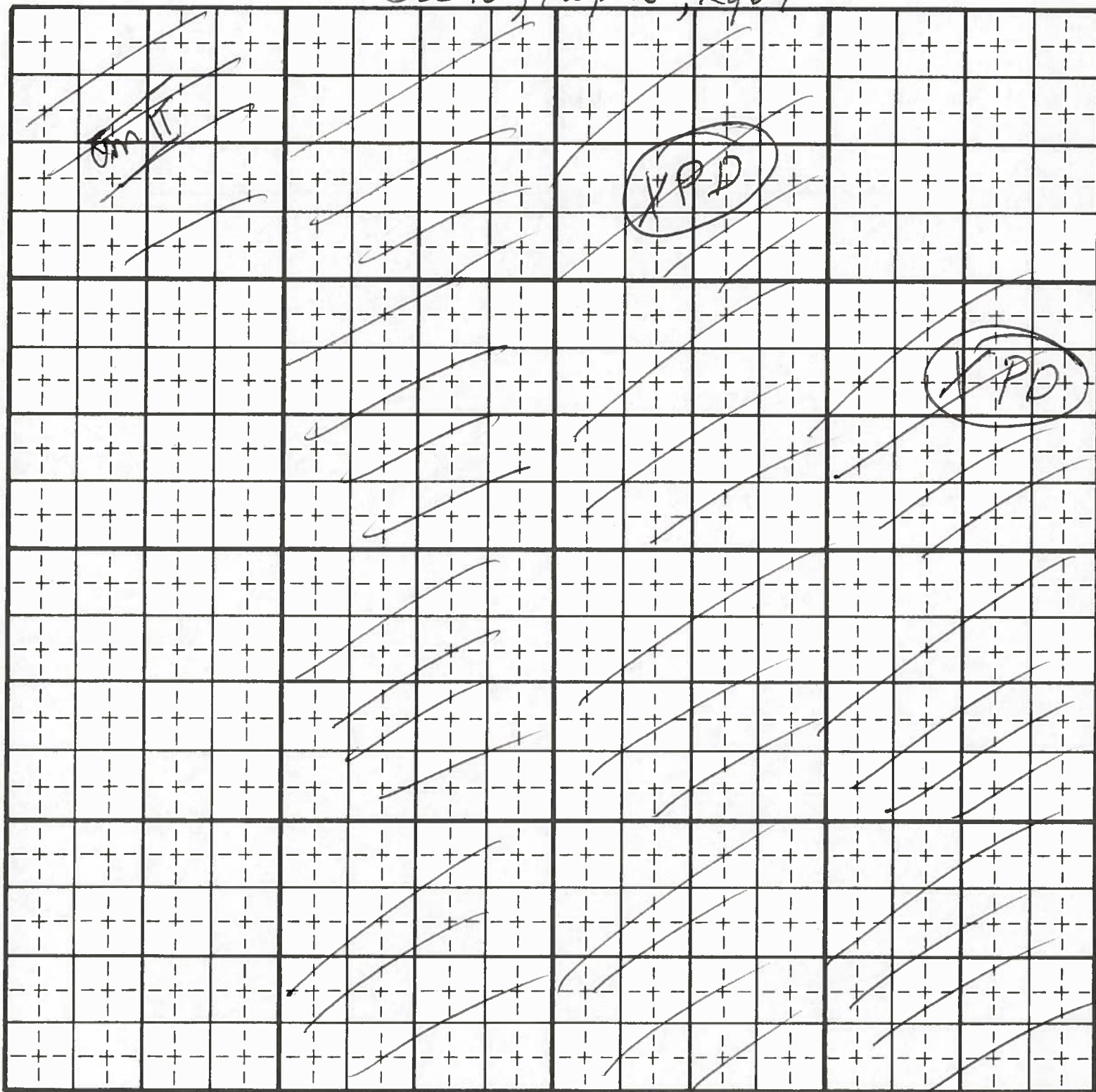
Last Name BRVESH Ident No. _____

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 18, Twp 15, Rg 24



Last Name

BRVESH

Ident No.

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 02 1993

15. Basis of Claim (check one) Be. Social Use X Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 43-0010

Court 5th Case Number 8968 Decree Date 4-29-70

Plaintiff vs Defendant ALMO WATER CO V. DARRINGTON

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 1

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 Aug 19 89

SEAL

Notary Public William A. Parsons

Residing at Burley Idaho 83318

My Commission Expires Life

Please Print Name

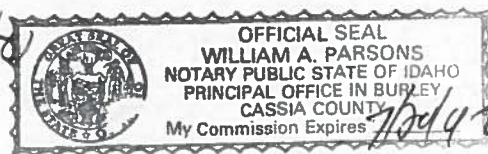
17. Notice of Appearance:

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 Box 910 Burley Idaho

Date 8-7-89



MICROFILMED

MAR 02 1993

Copies White-State, Yellow-Claimant

Last Name BRUESCH Ident. Number _____

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD F. SMITH
RANDOLPH C. STONE
WILLIAM FLETCHER

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

TELEPHONE
(208) 678-8362
FAX NO.
(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

1 for consideration, and the Court having taken said cause under advisement,
2 and being fully advised in the premises, did on the 12th 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: *AKA Graham Creek (see 7/5/61)*

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 13, 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 Almo
31 Creek or any other stream and the defendant watermaster of Water District
32 8-E, and the defendant State Reclamation Engineer, are to be enjoined from
interfering with the flow of Sythe and Stine Creeks and from measuring the
same.

MICROFILMED

MAR 12 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEENE HENNINGSON
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 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 #5: 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

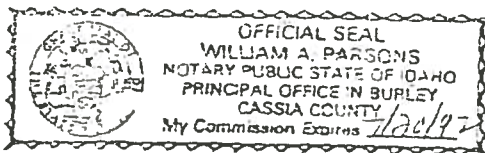
MAR 12 1993

1 STATE OF IDAHO)
2) ss
3 County of Cassia)

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

9 Virginia M. Bruesch
Virginia M. Bruesch

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



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

21 Filed July 89

22 By Frank B. Kearns
23 Clerk

24 State of Idaho } ss.
25 County of Cassia }
26 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. Marshall
Deputy

202961
RECORDED AT THE CLERK'S OFFICE
JUL 17 3 56 PM '89
CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDED
FILED
Burley, Idaho
8/23/89

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

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,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 02 1993

Hancock, Vikie

From: Richard Bruesch [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



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.

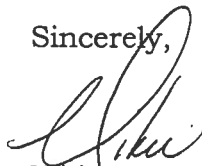
I am sending you some exhibits that I used to determine the priority dates of use on Stines and Graham. An affidavit signed in 1939 stipulates that the Hogland Ditch system from Stines Creek was first put to use in 1880, and I

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

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

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



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

05/22/2002

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

RIGHT NUMBER: 43-11

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

SOURCE: STINES CREEK

TRIBUTARY: ALMO CREEK

QUANTITY: 1.600 CFS

USE OF THIS RIGHT WITH RIGHT 43-02148 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.60 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.74 CFS. COMBINED RIGHT NOS.: 43-012, 43-014,
43-10280.

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

PRIORITY DATE: 04/01/1880

POINT OF

DIVERSION: T15S R24E S7 SENW Within CASSIA County
T15S R24E S7 SESESE Rediversion Within CASSIA County
T15S R24E S18 SWNE Rediversion Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	1.600 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T15S R24E S18	NWNE	T15S R24E S18	SWNE
T15S R24E S18	SENE	T15S R24E S18	NESE
<u>IRRIGATION Within CASSIA County</u>			
T15S R24E S18	NWNE	3.6	T15S R24E S18 SWNE 18.0
T15S R24E S18	SENE	41.0	T15S R24E S18 NESE 17.0

79.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02148 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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
~~43-12908~~ 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]

Date: 4/26/02

CID 46838



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

May 21, 2002

Richard Bruesch
PO Box 204
Almo, Idaho 83312

RE: Civil Agreement
Stines Creek Users

Dear Richard:

Enclosed are copies of the basin map for each user. I included the points of diversion as well as the places of use as they exist in my SRBA Recommendations. A point representing the Bruesch diversion from Lone Rock Creek is also on the map for reference, however the right is not listed as a diversion from Stines Creek.

The Department has not kept any formal track of private ditch agreements as they are not under our direct jurisdiction. I spoke with a person involved in water distribution here at the office and she suggested that you take a look at the statute regarding Lateral Ditch Associations as a model. If you decided to form such an association, water distribution would not fall under the regulation of IDWR and any conflict would remain a civil matter, however as resources were available, such an association could have a bit more standing in requesting Departmental assistance in resolving any future disputes.

The text of this statute can be accessed on the internet. You can reach it through the *Access Idaho* website, then going to *Laws and Rules*, then to *Idaho Statutes* and to *Title 42, Chapter 13*. I hope this helps, however it does not directly address specific issues the group may be discussing.

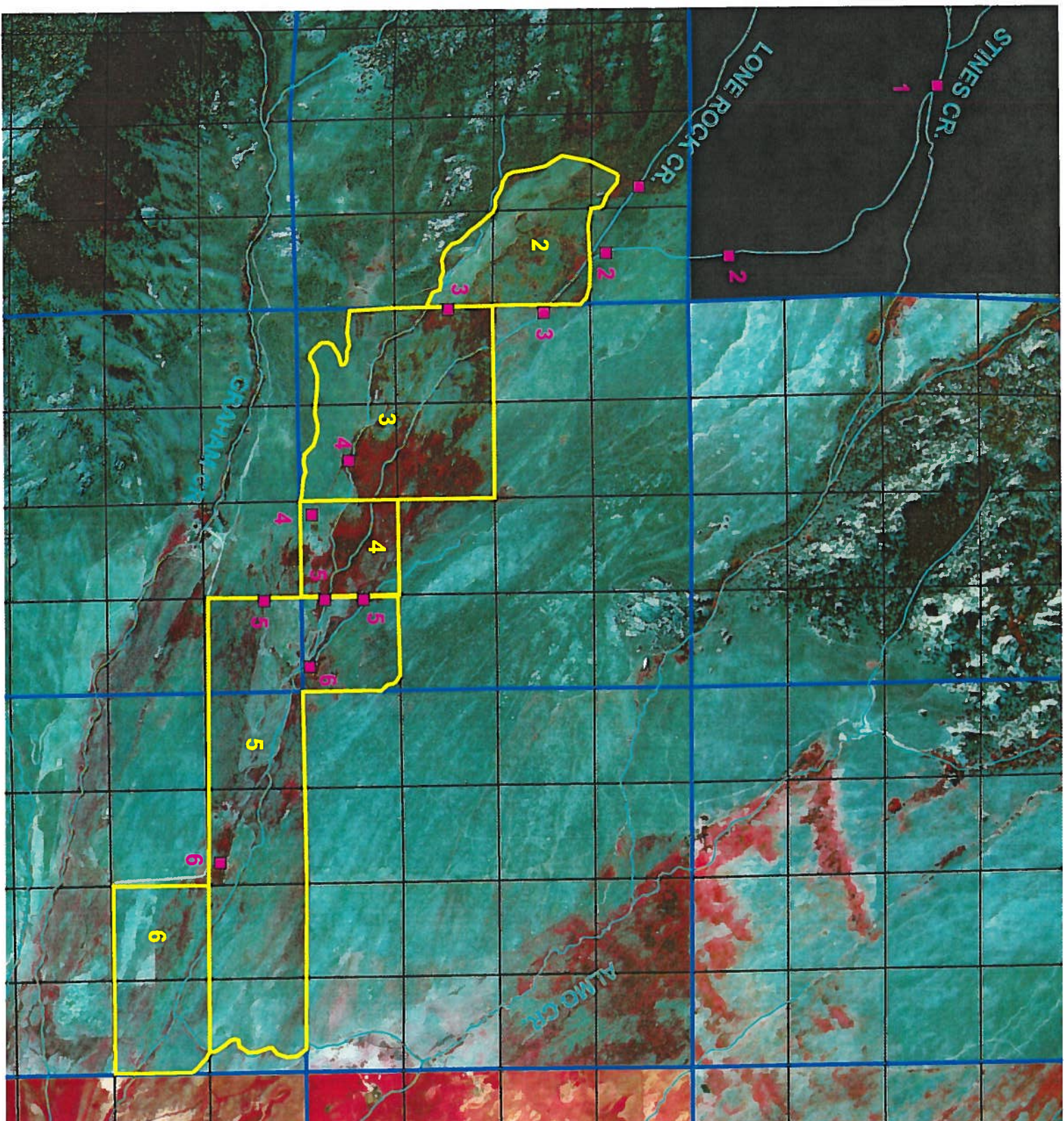
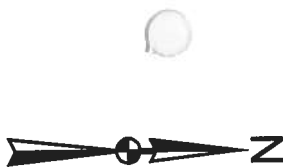
Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit

1 = MAIN DIVERSION
TO HOAGLAND
DITCH

RE-DIVERSIONS TO
PLACE OF USE:

- 2 = 43-011
- 3 = 43-13025
- 4 = 43-13024
- 5 = 43-012
- 6 = 43-014



06/11/2001

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

RIGHT NUMBER: 43-11

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

SOURCE: STINES CREEK TRIBUTARY: ALMO CREEK

QUANTITY: 1.6 CFS

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

USE OF THIS RIGHT WITH RIGHT 43-02148 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.60 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.74 CFS. COMBINED RIGHT
NOS.: 43-012, 43-014, 43-10280.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:	T15S R24E S7	SENW		Within CASSIA County
	T15S R24E S7	SESESE	Rediversion	Within CASSIA County
	T15S R24E S18	SWNESE	Rediversion	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	1.60 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County				
T15S R24E S18	NWNE	3.6	T15S R24E S18	SWNE 18
T15S R24E S18	SENE	41	T15S R24E S18	NESE 17
STOCKWATER Within CASSIA County				
T15S R24E S18	NWNE		T15S R24E S18	SWNE
T15S R24E S18	SENE		T15S R24E S18	NESE

79.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02148 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE
IRRIGATION SEASON

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

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

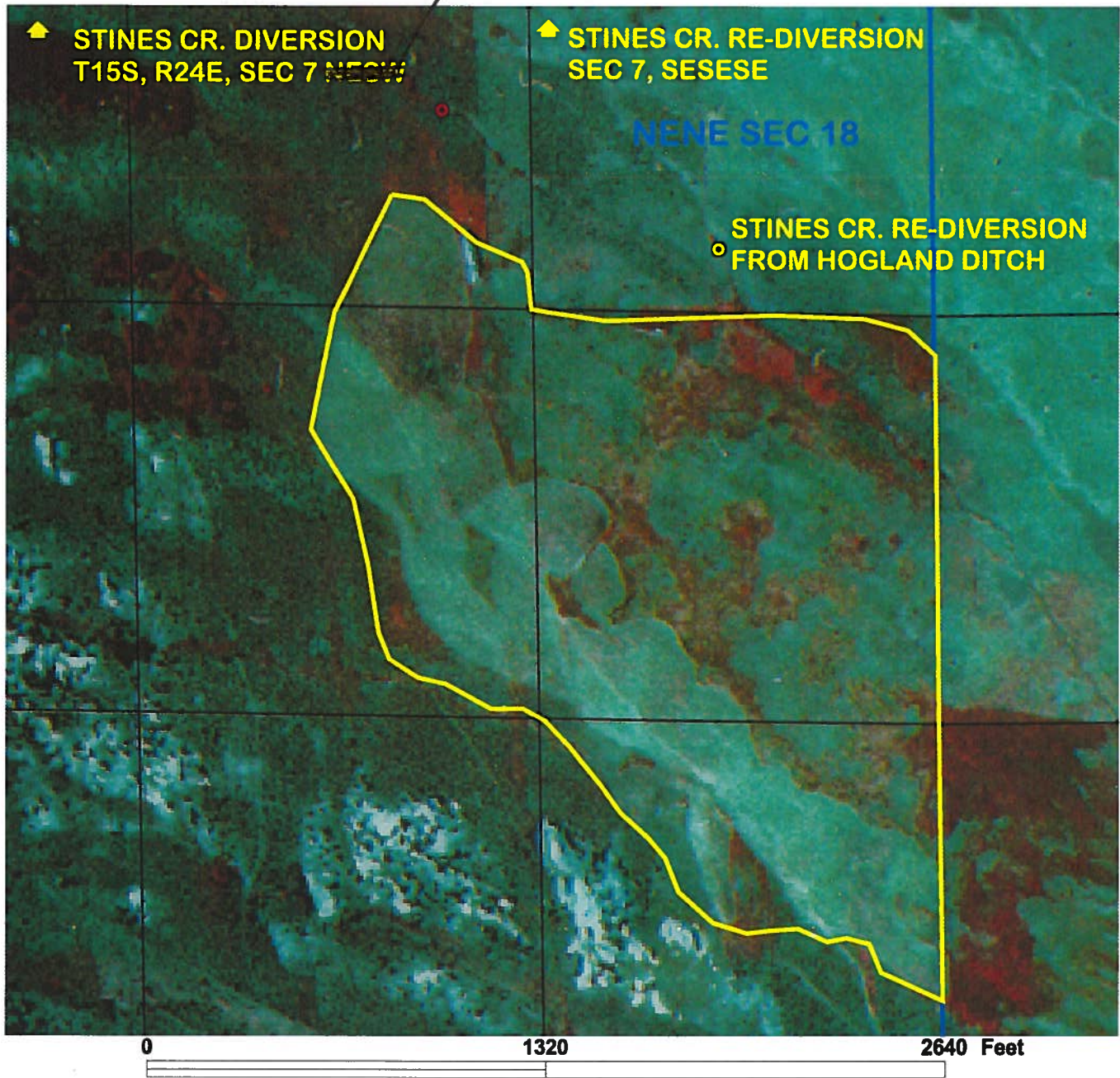
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources

RIGHT: 43-00011

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E SEC 18
Data entry on January 24, 2000



-  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



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

October 23, 2001

Bruesch Family Trust
Richard Bruesch
2513 E. Loyola Drive
Tempe, AZ 85284

Ted Tracy
PO Box 197
Almo, Idaho 83312

Neil Durfee
PO Box 174
Almo, Idaho 83312

Ivan Darrington
PO Box 136
Almo, Idaho 83312

Curtis Durfee
PO Box 185
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Stines Creek Diversions
43-0011 Breusch Family, 43-0012 Ted Tracy, 43-0014 Neil Durfee,
43-13024 (split from 43-10280) Ivan Darrington
43-13025 (split from 43-10280) Curtis Durfee

Dear Claimants,

You should now have received your copies of my recommendations of your individual water right claims to the SRBA Court. The above referenced water right claims are those from Stines Creek based upon the rights included in the 1970 Almo Water Company -v- Darrington court action. This letter is to help explain the water right documents that you received.

All of the above rights were recommended with a priority date of April 1, 1880. According to a 1939 affidavit signed by George Durfee, Alice Rice and J.A. Graham, the common diversion works which I have seen referred to as the Hogland Ditch, was constructed in 1880. It is probable that all the acreage now being irrigated on your separate parcels was not developed at the same time, but as some succession of now unknown developments. To preserve the status quo, I have recommended all of your rights with equal priority.

As there were no measurements of historic flow from the diversion on Stines Creek, and as you all expressed that flow was much diminished from its spring high when I conducted my field exams, I returned in September 1999 with an engineer from our State Office to do a theoretical calculation of the capacity of the Hogland Ditch. Richard Bruesch accompanied us, and we took our measurements above the first diversion. Our Department engineer determined that the capacity of the ditch was close to 2.74 cfs (137 inches).

As you are all aware, the combined total of all your claims would exceed the capacity of the ditch, and successful irrigation of each of your lands relies on the rotational use that has historically been practiced among the various land owners. IDWR cannot recognize that rotational use as part of your water right.

For my recommendations, I considered two choices: (1) limit each of you to a proportional share of the 2.74 cfs capacity of the ditch based upon your irrigated acreage, or (2) award each of you one inch per acre up to the capacity of the ditch, and then condition all the rights to a combined total of 2.74 cfs. I chose the latter.

The obvious advantage to my structuring the water rights in this way is that none of you are officially limited to an amount of water that would be inadequate, on it's own, to irrigate your property. The disadvantage is that on the face of it each individual water right may indicate a continuous right to more water than has been historically available to a property. I encourage you as a group, therefore, to formulate a written civil agreement, binding upon each of you and your successors, to more clearly specify any commonly agreed-upon irrigation practices from the main Stines diversion, AKA the Hogland Ditch. IDWR would not administer an agreement such as this, but could file a copy with each water right as additional explanatory information, if you should wish.

For errors or objections to your water rights or the water rights of others included in the recently mailed Basin 43 report, please see the instructions included with your latest recommendations. If I can be of help in any way, don't hesitate to contact me. I have sincerely enjoyed working with each and every one of you.

Regards,

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



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: 43-11

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):

PLACE OF USE: STOCKWATER Within CASSIA County

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

Remove the following parcel from the list shown on the preliminary recommendation for Stockwater Use: T15S R24E S17 SWNW ✓

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

The parcel identified in (2) above is not within the property boundaries for the Bruesch Family Trust. We have no holdings in Section 17.

 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

01/26/2001

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

RIGHT NUMBER: 43-11

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

SOURCE: STINES CREEK TRIBUTARY: ALMO CREEK

QUANTITY: 1.6 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT 43-02148 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.60 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.74 CFS. COMBINED RIGHT
NOS.: 43-012, 43-014, 43-10280.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:	T15S R24E S7	SENW		Within CASSIA County
	T15S R24E S7	SESESE	Rediversion	Within CASSIA County
	T15S R24E S18	SWNE	Rediversion	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	1.60 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County				
T15S R24E S18	NWNE	3.6	T15S R24E S18	SWNE 18
T15S R24E S18	SENE	41	T15S R24E S18	NESE 17
STOCKWATER Within CASSIA County				
~~T15S R24E S18~~	SWNW		T15S R24E S18	NWNE
T15S R24E S18	SWNE		T15S R24E S18	SENE
T15S R24E S18	NESE			

79.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02148 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE
IRRIGATION SEASON

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE

*chid pw
noe
up*

EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Hancock, Vikie

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

Water Right Number - R43-00011

Prefix Translation:

RESEARCH

Old (D) Number -

*** 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- 85284167

*** O - ORIGINAL OWNER ***
BRUESCH

VIRGINIA

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

State- ID Zip- 83312

Priority Date - - - +
04/01/1880

Region - - - +
17 SOUTHERN

Stage - - - +
D - DECREED

Status - - - +

Source - - - - +
STINES CREEK

Tributary - - - - +
Almo cr

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
15S	24E	7	SE NW SE SE SE SW NE NE			(31) (31) (31)	CASSIA CASSIA CASSIA

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		1.600	
04 - STOCKWATER		01/01	12/31		0.020	

+ - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Consumptive Use - - + + - KW Usage - - +
1.600 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
15S	24E	18	NW NE		4.0	01	IRRIGATION		(31) CASSIA
15S	24E	18	SW NE		18.0	01	IRRIGATION		(31) CASSIA
15S	24E	18	SE NE		41.0	01	IRRIGATION		(31) CASSIA
15S	24E	18	NE SE		17.0	01	IRRIGATION		(31) CASSIA
15S	24E	18	NW NE			04	STOCKWATER		(31) CASSIA
15S	24E	18	SW NE			04	STOCKWATER		(31) CASSIA
15S	24E	18	SE NE			04	STOCKWATER		(31) CASSIA
15S	24E	18	NE SE			04	STOCKWATER		(31) CASSIA

Prefix Translation: RESEARCH

Total Acres: 80.0

+ - - Diversion Means - HEADGATES AND DAMS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

USE OF THIS RIGHT WITH RIGHT 43-02148 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.60 CFS.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 43-02148 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE IN T15S, R24E, SECTION 7 SEMI: 43-00012A,
43-00014, 43-10280.

N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE

- SHALL NOT EXCEED 13,000 GALLONS PER DAY.

N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL

- USE.

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
- ENTRY OF A FINAL UNITED DECREE, SECTION 42-1412(6) IDAHO CODE

DARRINGTON, ET. AL.

```

+-----+-----+-----+-----+-----+-----+-----+-----+-----+
Date: 01/28/2000 User Id: VHANCOCK Subject: COPIED FROM REMARKS
TOTAL QUANTITY CLAIMED NOT TO BE LIMITING OR RESTRICTING; CLAIM
1W/ACRE.
11--16-99: OWNERSHIP CHANGE PER NOTICE REC'D 10-14-99 - VH
Date: 02/02/2000 User Id: VHANCOCK Subject: RECOMMENDATION
PRIORITY DATE CHANGED TO AGREE WITH AFFIDAVIT PERTAINING TO ALL
RATE 1 INCH PER IRR ACRE.
+-----+-----+-----+-----+-----+-----+-----+-----+-----+
Comments:
+-----+-----+-----+-----+-----+-----+-----+-----+-----+
IS FOR ENTIRE FLOW OF STINES CREEK. AMOUNT LISTED IS BASED ON
*****
RIGHTS ON THIS SYSTEM. POD PER GPS. POU PER FIELD EXAM. DIVERSION

```

AJ0743NP
(00-124)

IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

02/02/00 14:30:47
Page 3

Water right number - R43-00011

Prefix Translation: RESEARCH

+ - - Audit Fields - - +

02/02/00 VANANCOCK

+ - - - - - 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	Old Judicial District	-
Claim Received Date	- 08/14/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S008837	Water District	- 43D
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- D
				Notice of Error Flag	-

RECOMMENDATION NOTES

From: Vikie Hancock

2/1/00

Regarding: Claim A43-00011

This claim is for a portion of Stines Creek based upon an ambiguous decree from 1970. This claimant is successor in interest to one of four parties listed as owners of all the waters of Stines Creek with no diversion amounts or priority dates mentioned. This claim is for 1 inch per acre on 440 acres.

See file notes for background information regarding all the claims to Stines Creek included in this Hogland Ditch system: A43-00011, -00012, -00014 and -10280.

The Bruesch Family Trust is successor in interest to William and Virginia Bruesch, who are named in the 1970 Decree. The other users of on this ditch system agree that two of the original 20 shares of water of Stines Creek is owned by the Brueschs.

The point of diversion from Stines Creek to the Hogland Ditch is in T15S, R24E, Sec 7 SENW. Irrigation water is re-diverted from the Hogland Ditch in two locations: the SESESE Section 7 and SWNESE Section 18.

During my field exam, I found 80 irrigated acres. Approximately half of that is grass cut for hay, the remainder is grass cattle pasture. Main ditches run along the north boundary of the SENE Section 18, along the flank of the hill bordering the hay field on the southwest and down the middle of the irrigated parcel between the hay on the southwest and pasture on the northeast. Water from Lone Rock Creek claimed under license 43-02148 is also used for irrigation on this parcel. The conveyance system was well defined and maintained.

The claimed priority date, like all the Stines Creek claims on this system, is based upon a miss-interpretation of the 1970 Decree. The actual priority date should be based upon the 1939 affidavit signed by George Durfee, Alice Rice and J. A. Graham that stipulates that 1880 was the date water was first put to use with the Hogland Ditch. To preserve the status quo, I am recommending this as the priority date of all claims on this ditch system regardless of place of use.

Based upon the information available, a maximum diversion rate of 1.60, or 1 inch per acre, is recommended and limited to a total diversion rate of 1.60 when combined with 43-02148. As the field examiner, I recognize that an informal rotational agreement exists between the parties which makes all the water in the Hogland Ditch available to the Bruesch Ranch for one 24-hour day every 10 days. I also recognize that the water available in the ditch changes daily.

Water Right Number - R43-00011

Prefix Translation: RESEARCH

Old (D) Number -

*** A - ATTORNEY ***
PARSONS
Last Name - First Name - Address -
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- 85284167

*** O - ORIGINAL OWNER ***
BRUESCH
VIRGINIA
1 - PO BOX 204
2 -
3 -
City- ALMO
Phone - 208-824-5516
State- ID Zip- 83312

Priority Date - 03/17/1879
Region - 17 SOUTHERN
Stage - D - DECREED
Status -

Source - STINES CREEK
Tributary -

Point of Diversion -
Twn Rng Sec Tract Lot RFlg County
15S 24E 18 NW NE (31) CASSIA
SE NE (31) CASSIA
7 SE SE SE R
18 SW NE NE R

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 01/01 12/31 8.800
04 Stockwater .02

Total Div. Rate - 8.800
Total Div. Volume - 4-1 to 10-31
Total Consumptive Use - 0.0
KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	24E	18	NW NE		40.0	01	IRRIGATION	(31) CASSIA	
15S	24E	18	SW NE		40.0	01	IRRIGATION	(31) CASSIA	
15S	24E	18	SE NE		40.0	01	IRRIGATION	(31) CASSIA	
15S	24E	18	NE NW		40.0	01	IRRIGATION	(31) CASSIA	
15S	24E	18	SE NW		40.0	01	IRRIGATION	(31) CASSIA	
15S	24E	18	NE SW		40.0	01	IRRIGATION	(31) CASSIA	
15S	24E	18	SE SW		40.0	01	IRRIGATION	(31) CASSIA	
15S	24E	18	NW SE		40.0	01	IRRIGATION	(31) CASSIA	
15S	24E	18	SW SE		40.0	01	IRRIGATION	(31) CASSIA	

8-11-80 ac

1-06

43-02148

8-11-80 ac
804
1.40 ds

Water right number - R43-00011

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	24E	18	SE SE		40.0	01	IRRIGATION	(31) CASSIA
Total Acres:					440.0			

+ - - Diversion Means - HEADGATES AND DAMS

+ - - Non-Irrigation Use - STOCKWATER

+ - - Other Rights for Same Use - NONE

+ - - Remarks - - - - -

GEN TOTAL QUANTITY CLAIMED NOT TO BE LIMITING OR RESTRICTING; CLAIM
IS FOR ENTIRE FLOW OF STINES CREEK. AMOUNT LISTED IS BASED ON
1"/ACRE.

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

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

+ - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - Decree Plaintiff - - - +
ALMO WATER CO. + - - - - Decree Defendant - - - +
DARRINGTON, ET. AL. + - - Decree Date - +
00/00/0000

+ - - Comments - - - - -
No Comments Found

+ - - Audit Fields - - +
11/18/99 VHANCOCK

+ - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	Objection Filed Date	Response Filed Date	Claim Received Date	Field Inspection Made	Verified Date	Last Amended Date	Receipt Number	POU Ownership Flag	Name Connector	Civil Case Number	Old Case Number	Old Judicial District	Temporary Right	Water District	Federal/State Indicator	Presumption Flag	Notice of Error Flag
- 00/00/0000	- 00/00/0000	- 00/00/0000	- 08/14/1989	- 00/00/0000	- 00/00/0000	- 00/00/0000	- S008837	- Y	- OR	- 39576	-	-	- P	- 430	- S	- D	-

pol

11-11-99

80 ac

Quint 301

NOTE TO FILE

From: Vikie Hancock

2/16/00

Regarding: Claim numbers 43-00011, -00012, -00014, -10280.

Source: Stines Creek

Conveyance System: Hogland Ditch

Location: T15S, R24E, Sections 7, 17, 18, 20, 21.

Irrigation from Stines Creek using the Hogland Ditch system goes back to 1880 when the ditch was first constructed by Ed and Abe Hogland to irrigate 320 acres of land within the valley west of Almo locally known as the Big Cove. The valley lies between Graham Creek in the south and Stines Creek in the north.

The ditch diverts all the water of Stines Creek close to the center of section 7. I have identified the location as the SENW of section 7. The ditch flows roughly south traversing the hillside, while the original Stines Creek channel falls vertically down the hill in a gully running easterly (see exhibit). At a point in section 8 water begins to flow in the natural Stines Creek channel again, gaining water from Johnson Creek (an ephemeral stream) and from runoff coming down gradient from the north. That water is not included in the description of this system.

Twenty shares of Stines Creek water are included in the 1903 incorporation papers of the Almo Water Company. 10 shares are identified as owned by Lorenzo Durfee and 10 shares by Alice Rice, but no place of use is specified for either party, and no diversion value is given for each share. At some unknown point in time, the water of Stines Creek is separated from Almo Water Company. One of the intentions of the 1970 Almo Water Company -v-Ivan Darrington Decree, in fact, is to rule that the water of Stines Creek is not tributary to Almo Creek and not subject to regulation by the watermaster. But this description of 20 shares is the basis for the rotational distribution system that exists today.

Information about the history of irrigation from the Hogland ditch came from Zenith Taylor, with corroboration from Neil Durfee and Ivan Darrington, all elderly gentlemen. Ted Tracy, who purchased property from Taylor and knew that he had some knowledge of area history, introduced me to Mr. Taylor.

Everyone I talked to agreed that there were 20 shares of water on Stines Creek, that a share equaled $\frac{1}{2}$ day of all the water available in the ditch, and that it took 10 days to complete the rotation. Taylor said that his recollection was that all the shares belonged to the Rice Ranch at one time and during this time, the Rice widow, Alice Durfee Rice, traded 2 shares to the Bruesch Ranch. He said that the Bruesch Ranch also got their right to Lone Rock about this time. That left 18 shares reportedly owned by Rice in the lower valley. The property was then split, and Richardson owned half the ranch and 9 of the 18 shares of Stines Creek while Rice retained half the ranch and 9 of the 18 shares.

Wesley Rice was now managing the Rice portion, and sometime around the end of WWII, Rice sold 80 acres and 1 share of water to a son, Billy Rice. This 80 is now owned and irrigated by Neil Durfee. Arthur and Zenith Taylor purchased both the Rice and Richardson properties, combined the 17 remaining shares of water back into one operation, and ran it together for years. Art and Zen Taylor then split the property between them and split the water shares equally. Art sold his portion to Ivan and Barbara Darrington and Zen eventually sold his portion to Ted Tracy.

There was some confusion as to how many days of water Darrington and Tracy were now entitled to, as Zen believed they each had 4.5 days, but that would have amounted to 9 shares each. We went over the math several times, and Zen agreed that there had to have been 17 shares left when he and Art bought the place, and the split would have been 8.5 each. Ted Tracy wondered if the Billy Rice share came out of his half making his allotment less than Darrington's. Taylor said no, that he and Art had split the water equally between them before he sold to Ted.

The irrigation practice in this valley is to flood out from the main ditches, catching and re-directing the water over and over as it makes its way downhill through the various pastures. There are no furrows or corrugates. As water moves downhill from the topmost claimant in section 18, the lower users begin diverting what could be called wastewater from the neighbor's system, which increases the efficiency of water use. Although each of the four claimants has a time when all the water in the ditch is exclusively theirs, each user in the system is also dependent on the tail water of the user above him, and the springs that pop up in the lower valley when abundant water is applied to the upper valley. For sufficient water to be available to all the claimants, the valley must be managed as one system, similar to what would be done if the land were under one owner. Water availability ranges from over-abundant in a wet spring to non-existent in a dry fall.

The original system constructed by Ed and Abe Hogland in 1880 irrigated 320 acres according to a 1939 affidavit signed by George Durfee, Alice Rice and J.A. Graham. The acreage has been increased over time, with 668 irrigated acres identified using 1987 NAPP aerial photos verified by field exam. Part of the property now being irrigated is undoubtedly land that has been irrigated continuously since 1880. Some has undoubtedly been developed in a progression of unknown later dates. Since *all the water* of Stines Creek has been diverted into the Hogland ditch since 1880, the increase of acres irrigated has not meant an increase in diversion amount, but rather an increase in industry to spread the water as far and as thinly as possible while still getting improved grass yields. This would result in an increase in the consumptive use of the creek, but since Stines Creek has been ruled to be a separate system not tributary to Almo Creek, this would cause no injury to users on Almo Creek (Almo Water Company -v- Darrington, 1970).

In my opinion, an important aspect of this system is that all the water users agree to distribute the water according to shares of time with no difference noted as to priority date of use, and I believe the department should preserve that aspect of this system. I therefore recommend that all claims in this system receive a priority date of 04-01-1880.

There were no records of historic flow rates on Stines Creek, and I conducted my field exams of all the claims in late summer, when the water available was much diminished from the higher flows of spring. On September 20th 1999 I returned to the area with Cindy Bird of the State Office and measured the current discharge of the Hogland ditch and made measurements of the ditch to determine bankful capacity. She determined a conservative capacity of 1.7 cfs but agreed that a more liberal capacity could be estimated at 2.7 cfs. I have chosen the more liberal number as the maximum capacity of the system.

It is obvious that there is not enough water available in the system to continuously apply the standard 1-inch per acre to all 668 acres currently being irrigated. However, with the rotational distribution developed by historical property owners, this system is delivering sufficient water to these lands to effect increased crop yields. Based upon the information available at this time, and baring a more accurate measurement of high water flows, I am recommending a diversion rate of 1 inch, or 0.02 cfs, per irrigated acre up to the maximum capacity of 2.74 cfs for all the claims in this system.

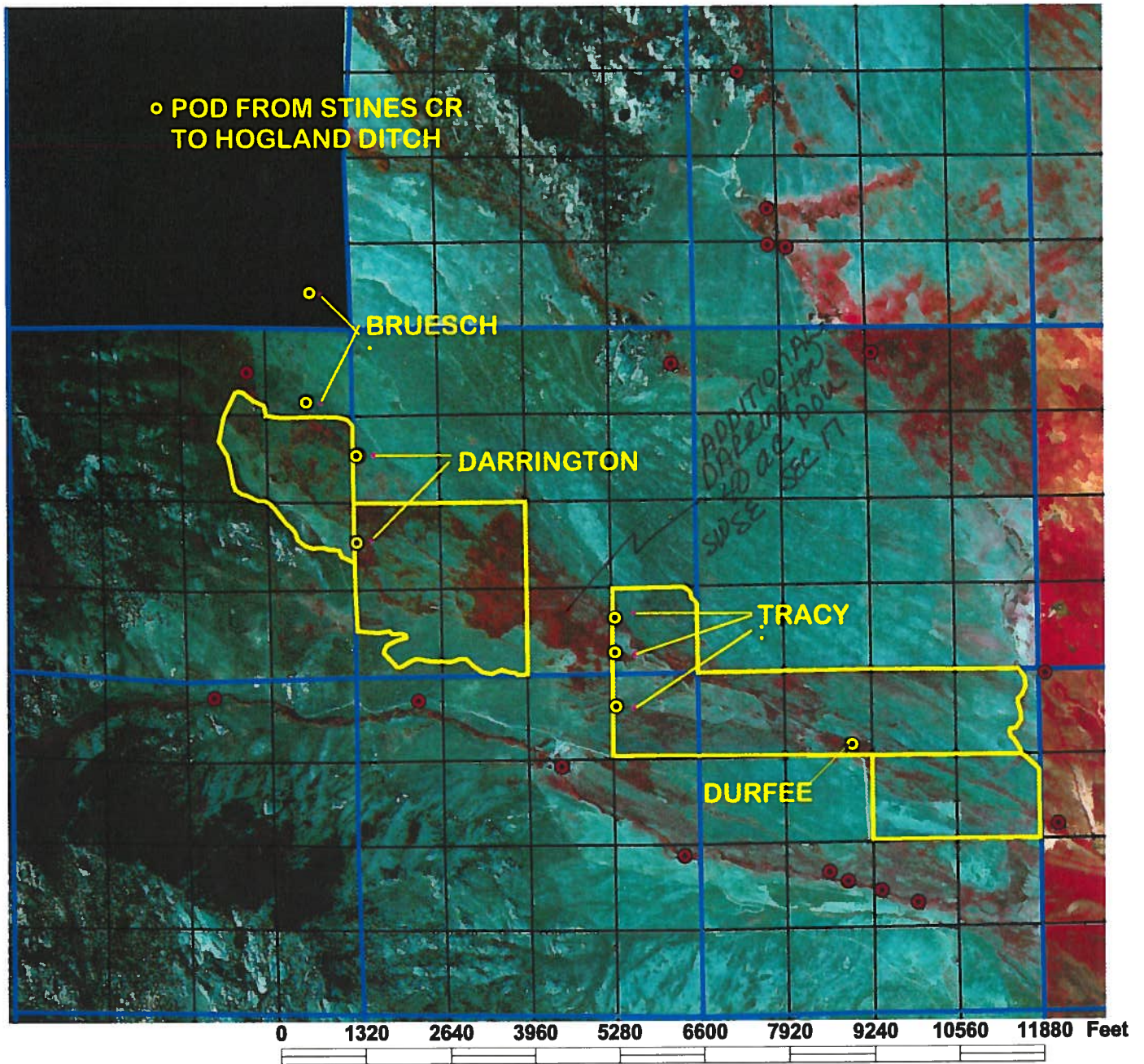
The foregoing information regarding the informal rotational distribution system is included for historical notation only, and does not indicate that the Department in any way recognizes the rotation as part of the

eventual SRBA Decreed water right. A letter explaining the limited elements of a water right issued by the department, and encouraging all parties to enter into a civil agreement regarding water use from the Hogland Ditch, should be sent as part of the adjudication review.

Idaho Department of Water Resources

RIGHTS: VARIOUS ON HOGLAND DITCH SYSTEM

RECOMMENDED PTS OF DIVERSION
TWP 15S, RNG 24E SEC 17, 20, 21
Data entry on January 31, 2000



-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



*Points of
Diversion*

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY

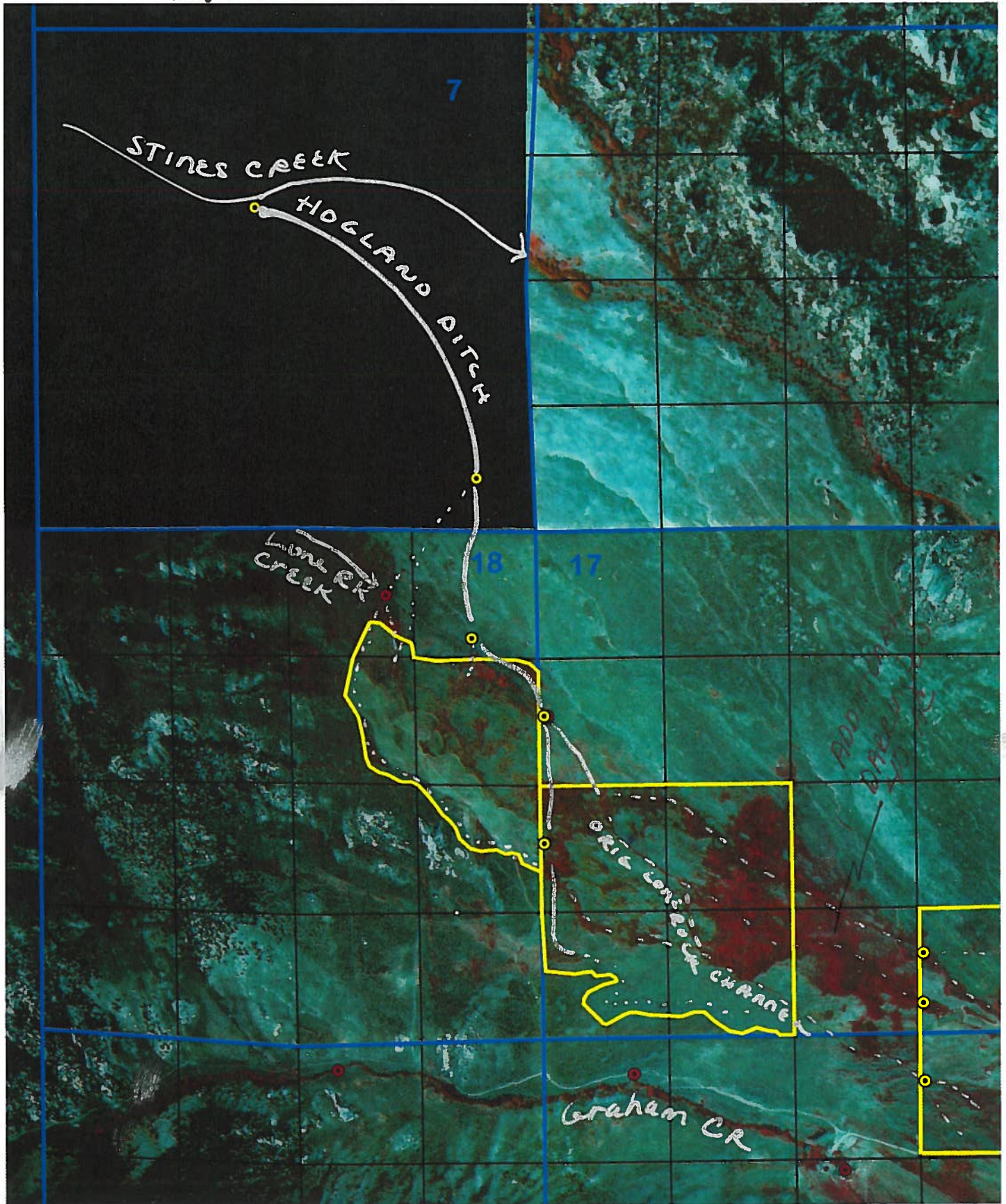
DATA ENTRY BY VIKIE HANCOCK

FILE NOTES

CLAIM NO(S): VARIOUS
STINES CREEK

T 15S, R 24E SEC 7, 18, & 17

Page 1

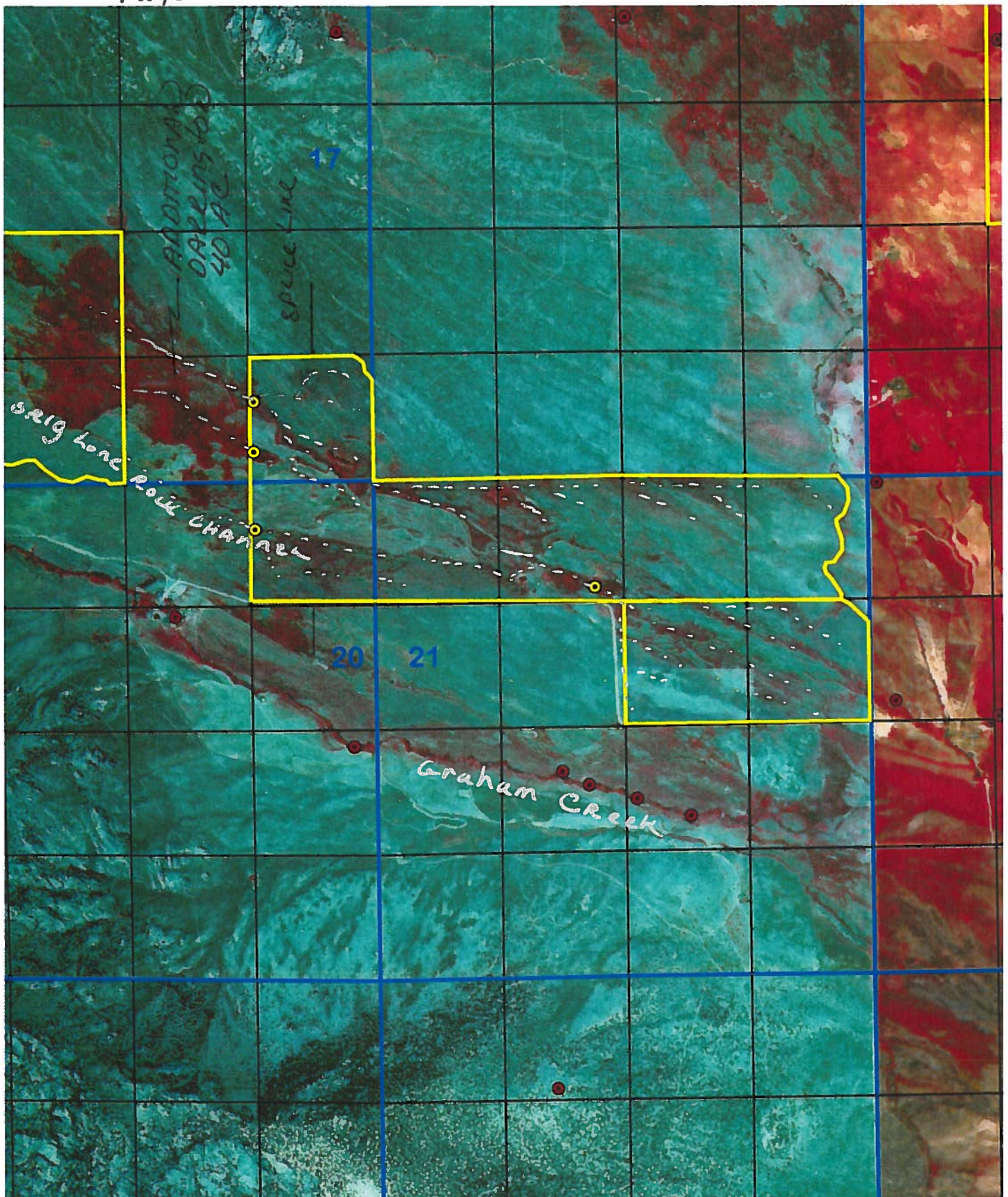


FILE NOTES

CLAIM NO(S): VARIOUS
STINES CREEK

T 15S, R 24E SEC 7, 18, & 19

Page 2



Field Exam Notes

Exam Date: 8-11-99

Claim No: A43-00011

Agent: Vikie Hancock

This claim is for water from Stines Creek and applied to land in section 18, T15S R24E. I was accompanied on my field exam by Cordell Sheridan who rents and farms this property for the Breusch heirs.

The point of diversion of the main canal out of Stines Creek was GPS'd, as well as the two points of diversion out of the canal for the Breusch property, and one point of diversion out of "Lone Rock Creek". At the point where Stines Creek is diverted into the main canal, or ditch, the entire flow of water is diverted. This ditch is also known as Hogland ditch, for the brothers that originally dug it. It is approximately 2 to 2 ½ feet wide and .7 to 1.0 feet deep, and bends southerly around the elevation of the hill, keeping to the higher ground while the natural channel of Stines Creek drops into the bottom of the valley below, more or less easterly. The point of diversion was not accessible by vehicle, and was approached on horseback. Cordell Sheridan stated that the amount of water in the ditch on this date was less than 25% of the flow available during the spring and early summer. No measurement was attempted. The diversion from Stines into the Hogland ditch is shared by Breusch 43-00011, Darrington 43-10280, Tracy 43-00012, and Neil Durfee 43-00014.

The two diversions from the canal that deliver water to the Breusch property were recorded and showed recent signs of use. There was also a diversion out of Lone Rock Creek that was recorded, although Lone Rock Creek is not named as a source on any of the Breusch claims. This may be the creek referred to as South Stines Creek in license 43-02148. I also recorded the diversion from the canal that, according to Cordell Sheridan, is used by Curt Durfee to irrigate property that he purchased from Darrington.

The irrigated acres were found to be in the SE NW NE, SE NE, SW NE, and NE SE of section 18. About half of this was in grass hay that was being swathed at the time of the exam. The rest was in pasture. In driving to the hay field, we passed through the SE SE of Section 18 and I did not observe any irrigation in this quarter/quarter, nor did Cordell Sheridan indicate any irrigation in this area on the Arc View print out that I had along. It is possible that the licensed place of use in the SE SE has been abandoned for more productive land to the north (Lic 43-02148).

I asked Cordell about the rotation that I had heard about from Neil Durfee and Ivan Darrington, in that each claimant on the creek received the entire flow of Stines creek for a specific amount of time. Cordell agreed with Ivan Darrington, that the Breusch share of Stines Creek water was 24 hours every ten days. He said that this schedule was not always adhered to, but that it all seemed to

work out, as water used up high was captured and reused as it re-emerged down in the valley below, and that the water available for irrigation varied from week to week.

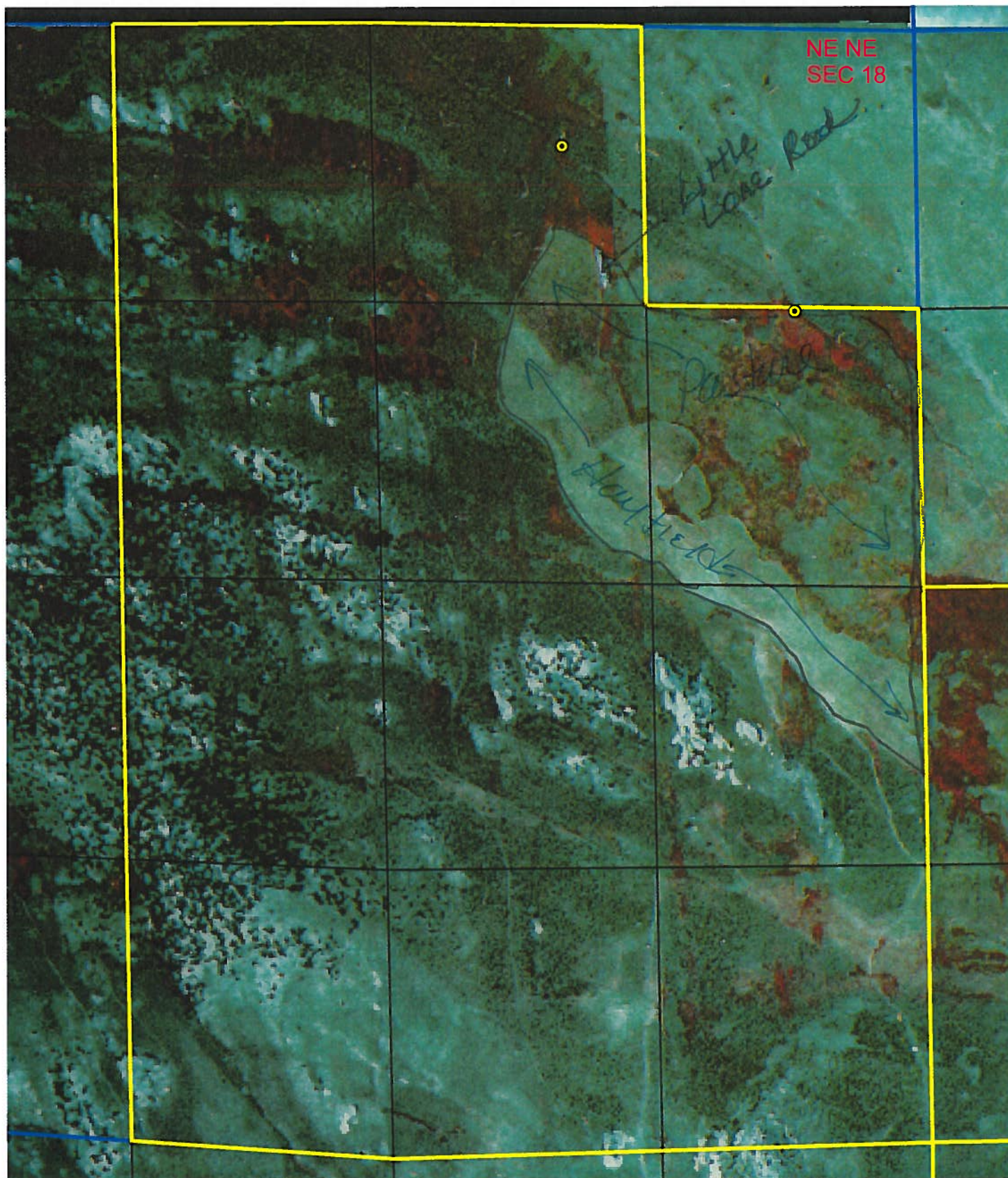
Most of this farm is irrigated from Graham Creek, although none of the acreage claimed in section 18 is irrigated with Graham Creek water.

SEE PHOTOS A43-00010

FIELD NOTES

CLAIM NO(S): A43-00011
STINES CREEK

TWP 15S, RNG 24E, Sec 18



V HANCOCK

Date:

8-11-99

1987/1988 NAPP PHOTOGRAPHY

See Photos 43-00010

Memorandum

To: File 43-00011

From: Cindy Bird

Date: 11/18/99

Re: Stines Creek

PURPOSE: Estimate maximum flow in Stines Creek.

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

The low flows of Stines creek was described by Richard as approximately 1/4th the normal flows. The high water mark was determined by visual inspection of the creek banks. The creek had large cobbles on gravel.

The cross sectional areas were determined with an engineer's tape and top-setting rod. The velocity of Stines creek was measured with the Swaffer meter.

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 Stines creek from the measured flow was 0.23 cfs. The maximum discharge calculation used two conservative methods. They are conservative because of the slower summer flows. The first method used the measured velocities over the maximum area, 1.61 cfs. The second method used an average velocity over the entire area, 1.78 cfs.

OPEN CHANNEL DISCHARGE MEASUREMENT NOTES A43-00011

PREPARED BY: CB

1. Name of stream or ditch:
STINES CREEK
2. Location:
UPSTREAM OF TOPMOST BRUESCH DIVERSION
3. Person conducting measure:
CINDY BIRD & VIKIE HANCOCK
4. Date and time of measure:
9/20/99
5. Accompanied by:
RICHARD BRUESCH
SWOFFER
6. Measuring device size and ID:
Before: Yes After: Yes
7. Spin test OK?
8. Purpose of measure:
IRRIGATION FLOW

DIST FROM LEW	WIDTH (feet)	DEPTH (feet)	Area (ft^2)	MEASURED #1 (ft/sec)	VELOCITY #2 (ft/sec)	AVE. ELOCITY (ft/sec)	DISCHARGE (cfs)
3.8							
4.0	0.20	0.2	0.04	1.30	1.37	1.34	0.05
4.2	0.20	0.2	0.04	0.83	0.8	0.82	0.03
4.4	0.20	0.2	0.04	0.66	0.65	0.66	0.03
4.6	0.15	0.2	0.03	0.93	0.95	0.94	0.03
4.7	0.15	0.2	0.03	0.90	0.82	0.86	0.03
4.9	0.30	0.2	0.06	0.37	0.34	0.36	0.02
5.1	0.20	0.2	0.04	0.47	0.49	0.48	0.02
5.3	0.15	0.2	0.03	0.42	0.42	0.42	0.01
5.4	0.15	0.2	0.03	0.29	0.30	0.30	0.01
5.6		0.2	0.00			0.00	0.00

TOT WIDTH 1.7 TOTAL DISCHARGE: 0.23 cfs

1. Name of stream or ditch:

2. Location:

STINES CREEK
UPSTREAM OF TOPMOST BRUESCH DIVERSION

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	Area (ft ²)	MEASURED VELOCITY #1 (ft/sec)	VELOCITY #2 (ft/sec)	AVE. MEAS. VELOCITY (ft/sec)	DISCHARGE Q=VA (cfs)	AVE. VELOCITY (ft/sec)	AVE. DISCHARGE (cfs)
1.0									
4.0	1.60	0.5	0.80	1.30	1.37	0.92	0.74	0.69	0.55
4.2	0.20	0.8	0.16	0.83	0.80	0.82	0.13	0.69	0.11
4.4	0.20	0.8	0.16	0.66	0.65	0.66	0.10	0.69	0.11
4.6	0.15	0.8	0.12	0.93	0.95	0.94	0.11	0.69	0.08
4.7	0.15	0.8	0.12	0.90	0.82	0.86	0.10	0.69	0.08
4.9	0.30	0.8	0.24	0.37	0.34	0.36	0.09	0.69	0.17
5.1	0.20	0.8	0.16	0.47	0.49	0.48	0.08	0.69	0.11
5.3	0.15	0.8	0.12	0.42	0.42	0.42	0.05	0.69	0.08
5.4	0.15	0.8	0.12	0.29	0.30	0.30	0.04	0.69	0.08
5.6	1.45	0.4	0.58	0.29	0.30	0.30	0.17	0.69	0.40
8.3									

TOT WIDTH

4.6

TOTAL DISCHARGE (cfs):

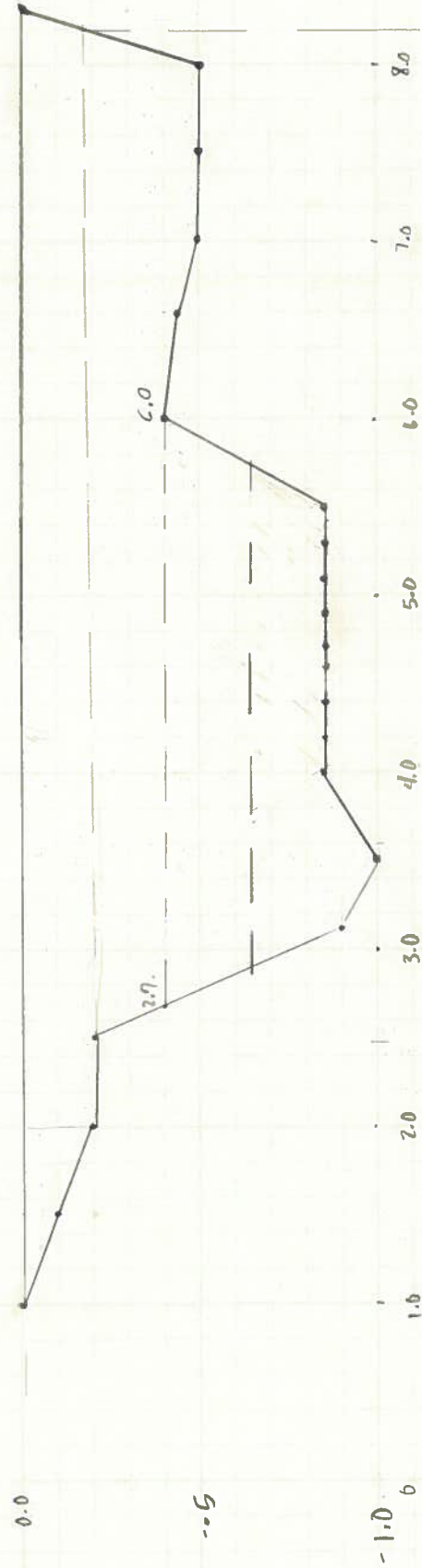
1.61

1.78



Stines Creek.
 43-00011

Ave Velocity = 0.69 ft/sec



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

43-00011, -02
Water Right
(if applical)

155 24E

NWNE
SENE

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Stines Creek Diversion Channel
2. Location: 25' upstream of BRUESCH TOP diversion
3. Person(s) conducting measurement: Cathy Bird, Vickie Hancock
4. Date of measurement: 9-20-99
5. Weather conditions: warm
6. Measuring device size and ID no.: Swoffer
7. Spin test before: OK after: OK
8. Purpose of measurement: SRBA FF
9. Cross section description: Large ~~rock~~ cobble on gravel

B. MEASUREMENT DATA

Dist. from initial point	Width	Depth OF WATER	Obs. Depth Bankfull	Revolutions	Time in Seconds	Velocity		Area	Discharge
						At point	Average		
1.0			0						
1.5	.5		.1						
2.0	.5		.2						
2.5	.5		.2						
3.1	.6		.9						
3.5	.4		1.0						
3.8	RWE								
4.0	.2	.2	.85			1.3/1.37	1.34		
4.2	.2	.2	.85			.83/.80	.82		
4.4	.2	.2	.85			.66/.65	.66		
4.6	.2	.2	.85			.93/.95	.94		
4.7	.1	.2	.85			.90/.82	.85		
4.9	.2	.2	.85			.37/.34	.36		
5.1	.2	.2	.85			.47/.49	.48		
5.3	.2	.2	.85			.42/.42	.42		
5.4	.2	.2	.85			.29/.30	.30		
5.6	LWE-								
6.0	.6		.4			Σ	6.17		
6.6	.6		.45			Ave Vel.	0.69 $\frac{4}{5}$		
7.0	.4		.5						
7.5	.5		.5						
8.0	.5		.5						
8.3	.3		0						

C. REMARKS Measurement to determine bankfull capacity of diversion channel

SIGNATURE

OPEN CHANNEL DISCHARGE WORKSHEET FOR CLAIM NO(S): A43-00011,THRU -00014, -10280

DISTANCE	WIDTH	DEPTH	AREA	VEL 1	VEL 2	AVERAGE VELOCITY	DISCHARGE	
3.8	0.1	0						
4	0.2	0.2	0.04	1.30	1.37	1.34	0.05	
4.2	0.2	0.2	0.04	0.83	0.80	0.82	0.03	
4.4	0.2	0.2	0.04	0.66	0.65	0.66	0.03	
4.6	0.15	0.2	0.03	0.93	0.95	0.94	0.03	
4.7	0.15	0.2	0.03	0.90	0.82	0.86	0.03	
4.9	0.2	0.2	0.04	0.37	0.34	0.36	0.01	
5.1	0.2	0.2	0.04	0.47	0.49	0.48	0.02	
5.3	0.15	0.2	0.03	0.42	0.42	0.42	0.01	
5.4	0.15	0.2	0.03	0.29	0.30	0.30	0.01	
5.6	0.1	0	-				-	
			-	-	-		-	
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	0.68	-	AV VELOCITY
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
1.8	1.8		-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
			-	-	-	-	-	
							0.22	TOTAL CFS

DATE: 12-3-2000

AGENT: V. HANCOCK

SOURCE: STINES CREEK

LOCATION: UPSTREAM OF TOPMOST BRUESCH DIVERSION

ALSO SEE MEASUREMENT NOTES

CLAIM NO(S): A43-00011 THRU -00014 & A43-10280

BANKFULL CAPACITY WORKSHEET

DISTANCE FROM INIT POINT	WIDTH	DEPTH	AREA				
1.0	0.25	0					
1.5	0.50	0.10	0.05				
2.0	0.50	0.20	0.10				
2.5	0.55	0.20	0.11				
3.1	0.50	0.90	0.45				
3.5	0.35	1.00	0.35				
3.8	0.25	1.00	0.25	ESTIMATED DEPTH			
4.0	0.20	0.85	0.17				
4.2	0.20	0.85	0.17				
4.4	0.20	0.85	0.17				
4.6	0.15	0.85	0.13				
4.7	0.15	0.85	0.13				
4.9	0.20	0.85	0.17				
5.1	0.20	0.85	0.17				
5.3	0.15	0.85	0.13				
5.4	0.15	0.85	0.13				
5.6	0.30	0.85	0.26	ESTIMATED DEPTH			
6.0	0.50	0.40	0.20				
6.6	0.50	0.45	0.23				
7.0	0.45	0.50	0.23				
7.5	0.50	0.50	0.25				
8.0	0.40	0.50	0.20				
8.3	0.15	-	-				
7.3	7.30		4.03	TOTAL AREA			

AVERAGE VELOCITY 0.68
(SEE ATTACHED)

CAPACITY 2.74

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

SOURCE: STINES CREEK

LOCATION: UPSTREAM OF BREUSCH TOP DIVERSION

ALSO SEE MEASUREMENT NOTES

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

June 16, 1999

Regarding:

Customer:

Stine Creek Decree, Almo Water vs Darrington 4-29-1970

[illegible]

I talked to Nick Spencer about the language in this decree that prohibits the State Reclamation Engineer from measuring the waters of Stine Creek, and how that effects the SRBA, if at all. Nick said that these prohibitions were specific to certain situations, and would not prevent the Department from measuring Stine Creek for the purpose of SRBA investigation, which is a completely different issue from the one that brought about the suit and Decree in 1970.

He also advised me to assure the claimants that the Department is cognizant that the decree resolved a dispute to the agreement of the parties involved, and that we had all intention of supporting the status quo.

DOCKET
51 54
INDEX

43-A-1

RECEIVED

JUL 7 1970

Department of Water Administration

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 P.
May 5 1970
Frank B. Keenan
Clerk
H. H. Black
Deputy

Civil No. 8968

DE 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 represented by William D. Collins, 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.

4 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:

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,
Range 24, E., B.M.

14 II.

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

43 0011 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.

43 0012 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.

13 0013 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.

3 0014 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

See Main Deed

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 J. Billman
Judge, District Court.

51021

State of Idaho, County of Cassia ss
I hereby certify that this instrument was filed for record at request of *Art Nielsen* at *30* 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. Pearson*
Ex-Officio Recorder
Anna Black
Deputy

(Return to file)

State Of Idaho { SS
County of Twin Falls {

George L. Durfee - J.A. Graham and Alice Durfee Rice al
sworn depose and say they were well acquainted with E
and Abe Hogland Brothers, and that know of their own knowl
said Ed Hogland and Abe Hogland came to the vicinity where Almo idal
now located in the year 1880, and that the said Ed and Abe Hogland
did during the year 1880 and 1881 construct an irrigation canal, for the
purpose of diverting all the water of Stines Creek to certain lands

described as follows

The East half of the Southwest quarter and the West half of
South east quarter and Southeast quarter of the South east
quarter of Section Seventeen(17) and the North East quarter
of the Northeast quarter of section Twenty(20) and the north
half of the Northwest quarter of section Twenty one (21)
All in Township Fifteen(15) N of Range Twenty Four (24) EBM
In Cassia County State of Idaho

The affiants further say that the point of diversion from Stines Creek

was in about the center of Section Seven(7) in Township Fifteen(15)

Range Twenty Four (24) EBM that said canal was constructed for the

purpose of irrigating said lands and the affiants further state that

the said Ed Hogland and Abe Hogland did use said water for the purpose of
irrigating said land from 1880 to 1886 inclusive and that during that ti
time the said water right was not molested or contested.

The said Affiants further say that this land was purchased from
Ed and Abe Hogland by George L Durfee and Nathaniel A. Rice in the year
1887 and that the water has been used continuously by the said
George L. Durfee and Nathaniel A. Rice and their successors and assigns
continuously since that date

###3

George L. Durfee
Alice Durfee Rice
J. A. Graham

On this Twenty first day of January 1989 before me to
a Notary Public personally appeared George L. Durfee A
and J.A. Graham known to me to be the persons whose m
to the above instrument and acknowledged to that the
IN WITNESS WHEREOF, I have hereunto set my hand and
seal the day and date in this certificate, first abot

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A43-00011

LAST: BRUESCH
ADDRESS: PO BOX 204
CITY: ALMO
PHONE NUMBER: 208-824-5516
STATE: ID ZIP: 83312

OWNER CODE: C

LAST: PARSONS
ADDRESS: PO BOX 910
CITY: BURLEY
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 83318

OWNER CODE: A

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE Y FIELD EXAMINER Y() N()

CLAIM REMARKS: TOTAL QUANTITY CLAIMED NOT TO BE LIMITING OR RESTRICTING; CLAIM IS FOR ENTIRE FLOW OF STINES CREEK. AMOUNT LISTED IS BASED ON 1"/ACRE.

CONTACT PERSON:

Correll Sheridan & Richard Bruesch

PHONE NUMBER: () - -

DATE OF FIELD EXAM:

8-11-99

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY:

8-11-99 8-20-99

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Richard Bruesch - claimant & heir
Correll Sheridan - Tenant Rancher

A. AJ CLAIM: # A43-00011 PRIORITY DATE: 03-17-1879 STAGE: D

B. WR RECORD: # 43-00011 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:

Claim is based upon ambiguous 1970 decree that does not address priority date. Priority date of claim arrived at from misinterpretation for a section of the decree not relevant to this water right. Decree is Home Lake Co-25. Town Dennington. Priority date recommended per evidence on file dated 1-21-1939 signed by Geo Dwyer, Alida Rice & O.A. Graham. All rights from Highland ditch given the priority date.

RECOMMENDED PRIORITY DATE:

4-1-1939

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
A43-00011	15S	24E	18		NW		NE		CASSIA		
A43-00011	15S	24E	18		SE		NE		CASSIA		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

43-02148

SOURCE: STINES 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
43-00011											

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: STINE 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? Y() N()

LICENSING FIELD EXAM (DATE OF FIELD EXAM)

AJ FIELD EXAM (DATE OF FIELD EXAM 8-11-99) NAME OF EXAMINER Mike Hancock Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

A. ROOT WATER RIGHT NUMBERS: A43-00011

B. POU LISTING				AJ	WR	LANDSAT	FIELD	RECOMM.
TWP	RNG	SEC	1/4 1/4 LOT	NAME	#/ACRES	#/ACRES	DATA	EXAM. ACRES
15S	24E	18	NW	NE BRUESCH, VIRGINIA	A43-00011 / 40.0	43-00011 /		
15S	24E	18	SW	NE BRUESCH, VIRGINIA	A43-00011 / 40.0	43-00011 /		
15S	24E	18	SE	NE BRUESCH, VIRGINIA	A43-00011 / 40.0	43-00011 /		
15S	24E	18	NE	NW BRUESCH, VIRGINIA	A43-00011 / 40.0	- /		
15S	24E	18	SE	NW BRUESCH, VIRGINIA	A43-00011 / 40.0	- /		
15S	24E	18	NE	SW BRUESCH, VIRGINIA	A43-00011 / 40.0	- /		
15S	24E	18	SE	SW BRUESCH, VIRGINIA	A43-00011 / 40.0	- /		
15S	24E	18	NE	SE BRUESCH, VIRGINIA	A43-00011 / 40.0	43-00011 /		
15S	24E	18	SE	SE BRUESCH, VIRGINIA	A43-00011 / 40.0	43-00011 /		
15S	24E	18	NW	SE BRUESCH, VIRGINIA	A43-00011 / 40.0	43-00011 /		
15S	24E	18	SW	SE BRUESCH, VIRGINIA	A43-00011 / 40.0	- /		
15S	24E	18	SE	SE BRUESCH, VIRGINIA	A43-02148 / 40.0	43-02148 / 6.0		

ADDITIONAL POU FOUND

TOTAL ACRES A43-00011

440.00

POU COUNTY: CASSIA

80 acres found
total

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
A43-00011	STINES CREEK	BRUESCH, VIRGINIA	8.800	0.020		
A43-02148	STINES CREEK	BRUESCH, VIRGINIA	0.460	0.011		
	<i>Love Rock Cr</i>					

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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 POL:

(☒) ORTHOPHOTOQUAD, IDMR NO. 1976; (☒) TOPOGRAPHIC QUAD, IDMR NO. _____;
 (☒) NAPP, IDMR NO. 1987-88; (☒) ASCS PHOTO; () OTHER 1986

NOTES:

Imagined area located and calculated
using Aerial View 8-15 with 1987-88 NAPP
Aerial Photography. Checked & modified per
field exam 8-11-1999

RECOMMENDATIONS:

TOTAL ACRES: 180 N/A ()

REVIEWED BY: [Signature] DATE: 1-27-2000

A. AD CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-00011 IRRIGATION	FROM 01-01 TO 12-31	8.800 CFS	
TOTAL DIVERSION RATE/VOLUME		8.800 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00011 IRRIGATION	FROM 03-15 TO 11-15	8.800 CFS	
TOTAL DIVERSION RATE/VOLUME			

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? ☒ 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:

Investigation was agreed with use file & showed use. Period of use recommended per DDEIR standard. Should be added as use. An amendment & included the investigation duration amount.

AJ CLAIM TOTAL DIVERSION RATE: 8.800 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 Open Channel - Sipple meter, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 80 x 0.02 CFS/ACRE = 1.60 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 80 x DIVERSION VOL. AF/A FOR AREA 1.60 =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1320.0 AF/A

ACRES 80 x CONSUMPTIVE VOL. AF/A FOR AREA 1.60 =

TOTAL CONSUMPTIVE USE AF/A

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

diversion rate adjusted from amt claimed

NOTES:

Recommended 1 inch per acre or 1.60 cfs from
this source, limited to ~~maximum~~ a
combined total of 1.60 cfs when combined
with digit number 43-02148

WR RECORD CONDITIONS/REMARKS:

Priority date and point of diversion not given in decree.
Decree entitles this right, along with rights 43-0012/0013/0014,
to all the waters of Stine Creek.

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	DATABASE EXAMINER 8,800	DATABASE EXAMINER	DATABASE EXAMINER 1320.0
	4-1 10-31			
TOTAL FOR THIS RIGHT		8,800		1320.0

NON-IRRIGATION USES CLAIMED: STOCKWATER

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

REVIEWED BY: *[Signature]*

DATE: 1-27-2000

FLAG: D

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	OWNERSHIP	FORFEIT/ABANDON	ADDITIONAL DIV. AMOUNT	ACCEPTED AS CLAIMED	NEEDS REVIEW
				()	()
				()	()
				()	()
				()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00011

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-	-	-	-	43-00011	-

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 ()?

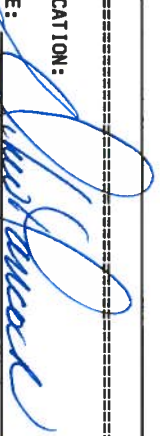
DATABASE N	FIELD EXAMINER Y() N()

NOTES:

No Splits

AUTHENTICATION:

SIGNATURE:



DATE:

1-27-2008

NAME OF FIELD EXAMINER:

Mike Howard

TITLE:

Water Resource Dept

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?

() ORTHOPHOTOQUAD	DATE OF PHOTO _____	IDMR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____	IDMR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____	IDMR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____		Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____		Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____		Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____		Y() N()
() OTHER _____	DATE _____		Y() N()
() OTHER _____	DATE _____		Y() N()
() OTHER _____	DATE _____		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____		
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____		
() IDMR APPROVED TRANSFER	DATE TRANSFER APPROVED _____		
() SYSTEM DESCRIPTION	DATE DRAWN _____		
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____		
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____		
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____		
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____		
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____		
() OTHER _____	DATE _____		
() OTHER _____	DATE _____		

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

BARCODE UPDATED
WHOM/DATE

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VIRGINIA BRUESCH	03/17/1879	IRRIGATION	01-01 12-31	8.80 CFS	

TOTAL DIVERSION: 8.80 CFS
CONSUMPTIVE USE: 1320.00 AFA

Water Source: STINES CREEK

Tributary to:

Stage: DECREED

Point(s) of Diversion: T15S R24E S18

WMNE

SENE

CASSIA County

Place of use legal Description for: IRRIGATION

	NE	NE	SE	SE	SE	SE	SE	SUM
T R S : Lt Ac	40	40	40	40	40	40	40	440.0
15S 24E 18 :	40	40	40	40	40	40	40	440.0
TOTAL ACRES								440.0

POU County: CASSIA

Non-Irrigation Uses: STOCKWATER

Other Rights: NONE

Remarks: TOTAL QUANTITY CLAIMED NOT TO BE LIMITING OR RESTRICTING; CLAIM IS FOR ENTIRE FLOW OF STINES CREEK. AMOUNT LISTED IS BASED ON 1st/ACRE.

Dates: Exam Made Date: Verified Date:
Misc: Water District Number: 430 Field Inspection Flag: D
Presumption Flag: D