

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: A43-02026  
Date Received: 8/14/1989  
Receipt No: S008837  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

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 1, 1903

3. Source: SPRING Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 15S      | 24E   | 28      | NE     | NE     | NW     |     | 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 | 1.600  |      |        |
| STOCKWATER | 01/01 | 12/31 | 1.600  |      |        |

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

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCK GRAZE AFTER HAY OFF (120 HEAD)

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 15S      | 24E   | 28      | NW     | NE     |     | IRR | 40.0  |
|          |       |         | NE     | NW     |     | IRR | 40.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 80.0  |
|          |       |         |            |     | Total Acres   | 80.0  |

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 IS NOT LIMITING OR RESTRICTING; CLAIM IS  
FOR ENTIRE FLOW OF SPRING.  
UNRECORDED EXPANSION OF ACRES HAS OCCURRED ON LICENSE.  
\*\*\*\*\*  
11-16-99: OWNERSHIP CHANGE PER NOTICE REC'D 10-24-99 - VH

15. Basis of Claim: LICENSE

Water Right Number: 4649

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):

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

## 1. Name and Address of Former Owner/Claimant

Virginia BrueschPO Box 204 ALMO ID 83312

## 2. 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. Bruesch  
Trustee10/9/99

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

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

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

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

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

**RESERVED RIGHTS OF TRUSTOR:**

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

**DISPOSITIVE PROVISIONS:**

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

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

**SUCCESSOR TRUSTEE:**

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

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

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

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

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

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

(c) Incapacity of a Trustee, evidenced by:

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

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

#### CONDITIONAL RESIGNATION:

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

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

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

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

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

#### TRUSTEE AUTHORITY:

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

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

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

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

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

#### TRUSTEE POWERS:

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

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

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

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

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

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

(6) To improve trust property;

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

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

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

#### ADMINISTRATIVE:

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

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

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

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

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

TRUSTOR AND TRUSTEE

Virginia M. Bruesch  
VIRGINIA M. ESTES BRUESCH

Virginia M. Bruesch  
VIRGINIA M. ESTES BRUESCH

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

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

WITNESS my hand and official seal.

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

## FEE SIMPLE DEED

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

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

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

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

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

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

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

Any contract, obligations or indebtedness incurred or entered into by the Grantee, its successors and assigns, in connection with the real estate may be entered into as the trustee of an express trust and not individually. The Grantee, its successors and assigns, shall have no obligation whatsoever with respect to any such contract, obligation or indebtedness except only as far as the trust property and funds in the actual possessions of the Grantee, its successors and assigns shall be applicable to its payment and discharge, and all persons and corporations whomsoever and whatsoever shall be charged with notice of this condition from the date of the filing for record of this Deed.

This conveyance is made for the purpose of conveying the property herein described to a trust established by the Grantor. The sole consideration for this Deed is \$10.00. Grantor shall pay all mortgages, if any, now encumbering the property conveyed hereby, and shall be and remain solely responsible therefor. This undertaking is solely for the benefit of the Grantee, its successors and assigns, and not for the benefit of any third parties.

Virginia M. Bruesch  
VIRGINIA M. ESTES BRUESCH (Signature)

On the 25 day of January, 1991, personally appeared before me VIRGINIA M. ESTES BRUESCH the signer of the above instrument, who duly acknowledged to me that he executed the same.

2

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

212485

RECORDED AT THE REQUEST OF

*Virginia Shumack*

FILM

*224*

MAR 20 3 24 PM '91

CASSIA COUNTY, IDAHO

FRANK E. WILSONS

REGISTER

FEE \$2.00 DEEDS

*22*

*Box 204  
Olmo Id  
83312*

91

*Copy*  
*and*  
*film*

212486

RECORDED AT THE REQUEST OF  
*Virginia M. Bruesch*  
FILM 226

MAR 20 3 26 PM '91

CASSIA COUNTY IDAHO  
FRANK E. KERRICK  
RECORDED

3.20  
Box 204  
Almo, J.  
83312

//

Index

212486

ASSIGNMENT

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

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

*Virginia M. Bruesch*  
\_\_\_\_\_  
VIRGINIA M. ESTES BRUESCH

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

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

*[Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing in:  
My Commission Expires:

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-02026  
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 208-824-5516  
Address: P.O. BOX 204  
ALMO, ID 83312

2. Date of Priority: MAR 01, 1903

3. Source: SPRING Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 15S      | 24E   | 28      |        | NE     | NW  |     | 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 | 1.600  |      |        |
| STOCKWATER | 01/01 | 12/31 | 1.600  |      |        |

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

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCK GRAZE AFTER HAY OFF (120 HEAD)

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 15S      | 24E   | 28      | NW     | NE  |     | IRR | 40.0  |
|          |       |         | NE     | NW  |     | IRR | 40.0  |

Section Acres 80.0

A43-02026

Page 1

Date: 08/14/89

MICROFILMED

MAR 03 1993

10. Place of Use: Continued

Total Acres 80.0

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 IS NOT LIMITING OR RESTRICTING; CLAIM IS  
FOR ENTIRE FLOW OF SPRING.  
UNRECORDED EXPANSION OF ACRES HAS OCCURRED ON LICENSE.

15. Basis of Claim: LICENSE  
Water Right Number: 4649

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 A43-02026  
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

Please type or print clearly

1. Name of Claimant (s) VIRGINIA BRUESCH Phone 608 824-5516

Mailing Address Box 204 ALMO, IDAHO 83312 Zip 83312

2. Date of Priority (Only one (1) per claim) MARCH 1, 1903

3. Source of water supply (a) SPRING  
which is tributary to (b) \_\_\_\_\_

4. a. Location of existing point of diversion is: Township 15 Range 24 Section 28,  
NE 1/4 of NW 1/4 of \_\_\_\_\_ 1/4, Govt. Lot, E B.M., County of CASSIA

Additional points of diversion if any: \_\_\_\_\_

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.

CREEK, DAMS, HEADGATES

MICROFILMED

MAR 03 1993

Scale: 2 inches equals 1 mile

SEC 28, Twp 15S Rg 24E

A 16x16 grid of graph paper. The grid is composed of 16 columns and 16 rows. In the top-left corner, there is a circled 'X' and the letters 'PD' written next to it. In the bottom-right corner, there are several diagonal lines drawn across the grid.

MICROFILMED

MAR 03 1993

Last Name

BRUES #

Ident No.

*Copies: White-State, Yellow-Claimant*

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION + STOCK purposes from JAN 1 to DEC 31 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) \_\_\_\_\_ (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCK GRAZE AFTER HAY OFF (120 HEAD)

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 15  | 24  | 28  |        | 40    |       |       | 40     |       |       |       |        |       |       |       |        |       |       |       | 80     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 80

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.  
\_\_\_\_\_ or None ( X )

14. Remarks:

MICROFILMED

MAR 03 1993

Last Name BRUESCH Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice \_\_\_\_\_ License X Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number 43-02026  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

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

Signature of Claimant (s) x Virginia Bruesch Date 8-7-89  
\_\_\_\_\_  
Date \_\_\_\_\_

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

Signature of Authorized Agent \_\_\_\_\_  
Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of CASSIA ) SS.

Subscribed and sworn (or affirmed) before me this 7 day of August 19 89

SEAL

Notary Public William A. Parsons

Residing at Burley

My Commission Expires LFE

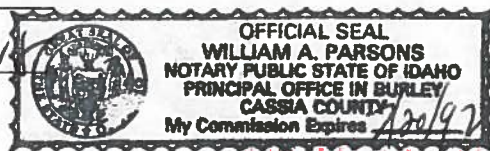
Please Print Name

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 Bq 910 BURLEY, IDAHO 83311

Date \_\_\_\_\_



MICROFILMED  
MAR 03 1993

Last Name BRUESCH Ident. Number \_\_\_\_\_

Old (D) Number - 4649

Address - - - - -

State- ID zip-

|         |        |
|---------|--------|
| + - - - | Status |
|---------|--------|

1  
2  
3  
4  
5  
6  
7  
8

1  
2  
3  
4  
5  
6  
7  
8

Volume

0.060

County

1  
1  
1  
1  
1  
1  
1  
1

1  
1  
1  
1  
1  
1  
1  
1

+ - Decrease  
00/00/

+ - Decree Date - +  
00/00/0000

Water right number - 43-02026

Adj. flag translation: Standard Water Right Number

| Water Rights Dates and Flags Area |              | Field Exam Fee |
|-----------------------------------|--------------|----------------|
| Proof Due Date                    | - 00/00/0000 | -              |
| Approved/Denied                   | - 00/00/0000 | -              |
| Proof Made Date                   | - 00/00/0000 | -              |
| Start Work Date                   | - 00/00/0000 | -              |
| Order Show Cause                  | - 00/00/0000 | -              |
| Licensed Date                     | - 06/28/1979 | -              |
| Decree Date                       | - 00/00/0000 | -              |

| Field Exam Made |              | Field Exam Fee |
|-----------------|--------------|----------------|
| Field Exam Made | - 00/00/0000 | -              |
| Protested Date  | - 00/00/0000 | -              |
| Hearing Date    | - 00/00/0000 | -              |
| Verified Date   | - 03/26/1985 | -              |
| Receipt Number  | -            | -              |
| Appl Received   | - 00/00/0000 | -              |

| Field Exam Fee   |   |
|------------------|---|
| Field Exam Fee   | - |
| Swan Falls       | - |
| Temporary Right  | - |
| DUE/Carey Act    | - |
| Water District   | - |
| Transfer/Amended | - |

MICROFILMED  
MAR 03 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 HENSON  
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 #6 Uses descriptions
- ( ) Item #9 Description of Non-irrigation uses
- (☒) Item #10 Place of Use Legal Description
- (☒) Item #16 Signature & Notarization
- (☒) Improper fee (THE CORRECT FEE IS \$ \_\_\_\_\_) \$50/claim + \$1/ACRE
- (☒) Other or Remarks

NEED 1/4-1/4  
Descriptions

Complete 1/4 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 03 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

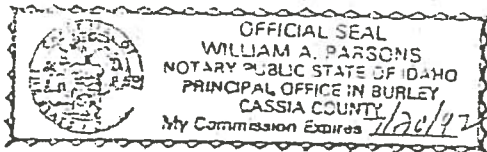
MAR 03 1993

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 1989.



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

21 Presented to and attested by me  
22 25th July 89  
23 By pm  
24 Deputy

25 JUL 17 3 56 PM '89  
26 CASSIA COUNTY, IDAHO  
FRANK B. KEARNS  
RECORDER  
FEE 2.00 REPUTY llh  
Burley, Idaho  
82318

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

DATED 7/7/89

Frank B. Kearns  
Clerk of the District Court

BY J. M. [Signature]  
Deputy

PARSONS, SMITH, STONE & FLETCHER

WILLIAM K. PARSONS  
RICHARD E. SMITH  
RANDOLPH L. STONE  
WILLIAM F. FLETCHER

ATTORNEYS AT LAW  
100 WEST 30th STREET  
SUITE 201, Rm. 210  
BURLY, IDAHO 83318

TELEPHONE  
(208) 678-4352  
(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  
Twin Falls, Idaho 83301

Attn: Steve Clellano

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 03 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

. WILLIAM A PARSONS  
. P O BOX 910  
. BURLEY ID 83318

Re: A43-00010  
A43-00011  
A43-00396A  
A43-00391A  
A43-02148  
A43-C2026

Dear Claimant(s):

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

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

Yours truly,

Judy Givens  
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 03 1993

05/22/2002

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

RIGHT NUMBER: 43-2026

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

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.060 CFS

PRIORITY DATE: 05/14/1909

POINT OF  
DIVERSION: T15S R24E S28 NENW Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.060 CFS

PLACE OF USE: STOCKWATER Within CASSIA County  
T15S R24E S28 NENW

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

THE IRRIGATION PORTION OF THIS RIGHT WAS FORFEITED/ABANDONED DUE TO  
NON-USE FROM 1985 TO 1999.  
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 - License

2002 MAY 24 AM 11:28

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILEDIN 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

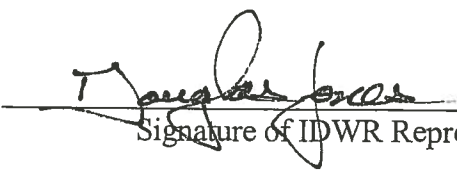
---

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

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



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: 43-2026

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):

**PRIORITY DATE**

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

We question the priority date of 05/14/1909 as shown on the form.

3. Give a brief explanation as to why you disagree with these portions:  
All the earlier profile reports that we have received from the IDWR show a priority date of 03/01/1903. This water right was originally licensed to Theophilis Green and then obtained by our predecessors. Mr. Green's original license records should be consulted to determine the correct priority date.

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

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

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

04/03/2001

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

RIGHT NUMBER: 43-2026

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

PRIORITY DATE: 05/14/1909

POINT OF DIVERSION: T15S R24E S28 NENW 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          | 0.06 CFS        |

PLACE OF USE:

STOCKWATER Within CASSIA County  
T15S R24E S28 NENW

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 IRRIGATION PORTION OF THIS RIGHT WAS  
FORFEITED/ABANDONED DUE TO NON-USE FROM 1985 TO 1999.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

AJ0743NP  
(00-124)

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

01/20/00 13:30:24  
Page 1

Water Right Number - R43-02026

Prefix Translation: RESEARCH

Old (D) Number - 4649

\*\*\* 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 - +  
05/14/1909  
Region - +  
17 SOUTHERN  
Stage - +  
L - LICENSE  
Status - +

Source - +  
SPRING  
Tributary - +

Twn Rng Sec Tract Lot Rflg County Point of Diversion  
15S 24E 28 NE NW (31) CASSIA

Code Description Period from Period To Water Use Diversion Rate Diversion Volume  
04 - STOCKWATER 01/01 12/31 0.060

+ - Total Div. Rate - + - Total Div. Volume - +  
0.060  
+ - Total Consumptive Use - + - KW Usage - +  
0.0

Twn Rng Sec Tract Lot Acres Code Description County  
15S 24E 28 NE NW 04 STOCKWATER (31) CASSIA

Total Acres:

+ - - Diversion Means -  
+ - - Non-Irrigation Use -  
+ - - Other Rights for Same Use - NONE

DO NOT

Water right number - R43-02026

Prefix Translation: RESEARCH

----- Remarks -----

EXP THE IRRIGATION PORTION OF THIS RIGHT WAS FORFEITED FOR  
NON-USE FROM 1987 TO 1999.

----- Old Water Right Numbers -----

----- Conditions of Approval -----

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

----- Comments -----  
Date: 09/23/1999 User Id: VHANCOCK Subject: CLARIFICATION  
CONVERSATION WITH RICHARD BRUESCH, SON OF ORIGINAL CLAIMANT, CLARIFIED THE CURRENT USE OF THIS SPRING AS STOCKWATER, ONLY.  
VERIFIED BY GIS USING 1987 NAPP PHOTOGRAPHY.  
Date: 01/20/2000 User Id: VHANCOCK Subject: COPIED FROM REMARKS  
TOTAL QUANTITY CLAIMED IS NOT LIMITING OR RESTRICTING; CLAIM IS FOR ENTIRE FLOW OF SPRING.  
UNRECORDED EXPANSION OF ACRES HAS OCCURRED ON LICENSE. STOCK (120 HEAD)  
Date: 01/20/2000 User Id: VHANCOCK Subject: RECOMMENDATION  
VISUAL OBSERVATION DURING FIELD EXAM AND SUBSEQUENT CONVERSATIONS WITH TRUSTEE RICHARD BRUESCH AND RANCH TENANT CORDELL SHERIDAN  
VERIFIED THAT NO IRRIGATION USE HAS EXISTED FROM THIS SOURCE SINCE SOMETIME PRIOR TO 1987 NAPP PHOTO. SEE NOTES IN CLAIM FILE.  
PRIORITY DATE AND DIVERSION RATE AS LICENSED.

----- Audit Fields ----- +  
01/20/00 VHANCOCK

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

## 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/](http://www.idwr.state.id.us/). The SRBA web site is [www.srba.id.us/](http://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

## COMMUNICATION DOCUMENTATION

**From: Vikie Hancock**

September 21, 1999

**Regarding:**

**Customer:** \_\_\_\_\_

**A43-02026**

Richard Breusch

In conversation yesterday with Richard Breusch, trustee of the Breusch Family Trust which is current owner of the above claim, he remembered a spring at that location that was always used for stockwater. He said that the developed troughs were in disrepair, but that cattle were still able to drink from the spring. He did not remember any irrigation using water from the spring, except that it subbed up and the meadow grew better because of it. He asked if that fit the definition of irrigation, and I stated that for our purposes, active human management was required. We agreed that it would be more accurate if this claim was for stockwater, only.

## **Field Exam Notes**

**8/19/1999**

**Claim No: A43-02026**

**Agent: Vikie Hancock**

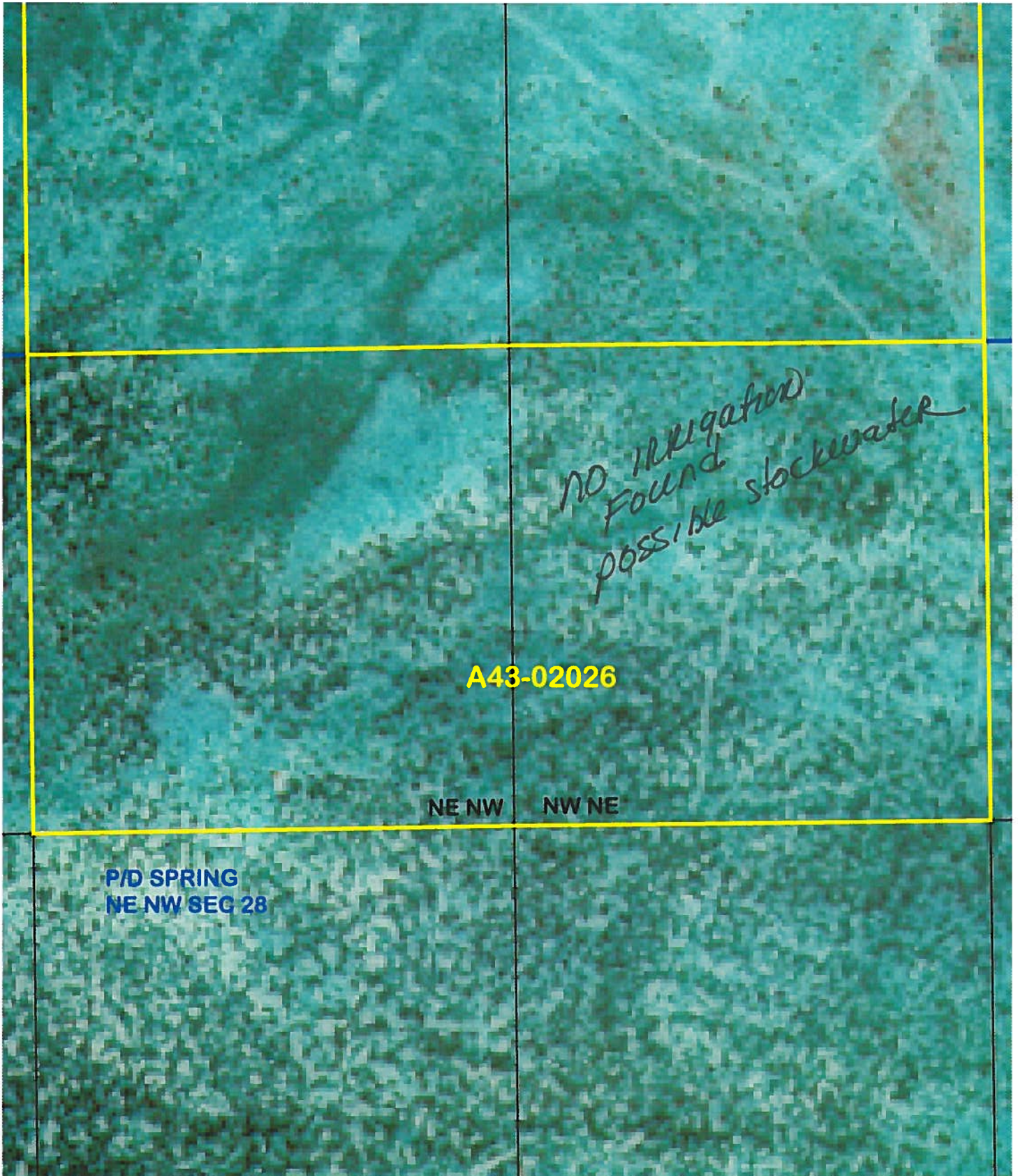
Durring my field exam of the Breusch claims I was accompanied by Cordell Sheridan who rents and farms the property. I also spoke to his father James Sheridan who was helping him with some machinery at the time. Cordell had no knowledge of any spring located to the south of the hay field in NE SW of section 21, and at any rate was not using it for irrigation. James Sheridan said that he had been to a small spring located on the eastern slope of the hills to the south, but that it had only been used for stockwater, as it did not have sufficient water for irrigation that he could see. He had no knowledge of any past irrigation from the spring. Both said that the land south of the hayfield was all dry land pasture now.

# FIELD NOTES

CLAIM NO(S): A43-02026

SPRING

TWP 15S ,RNG 24E  
SEC 28,



V HANCOCK

Date: 8-11-99

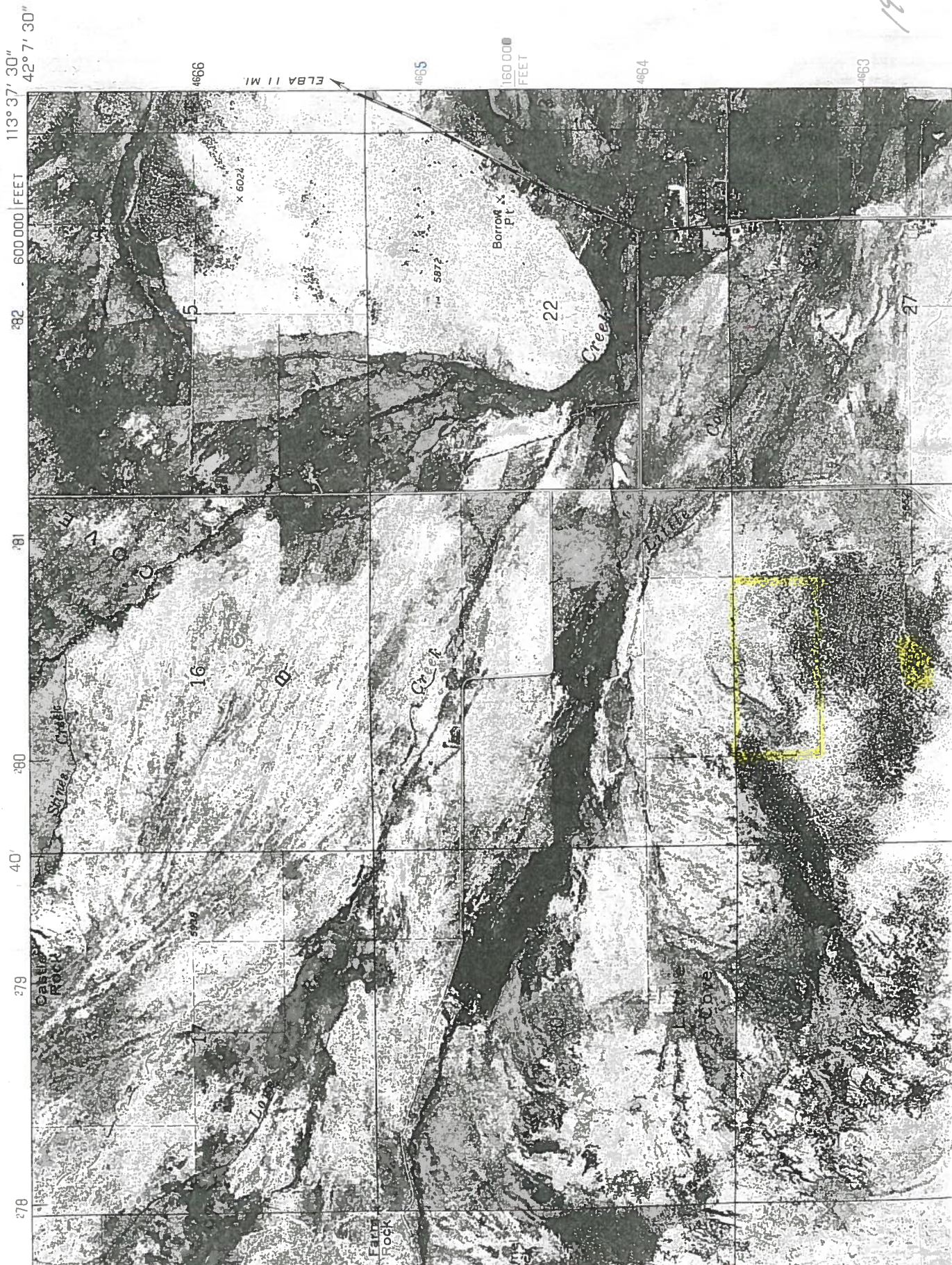
See photo

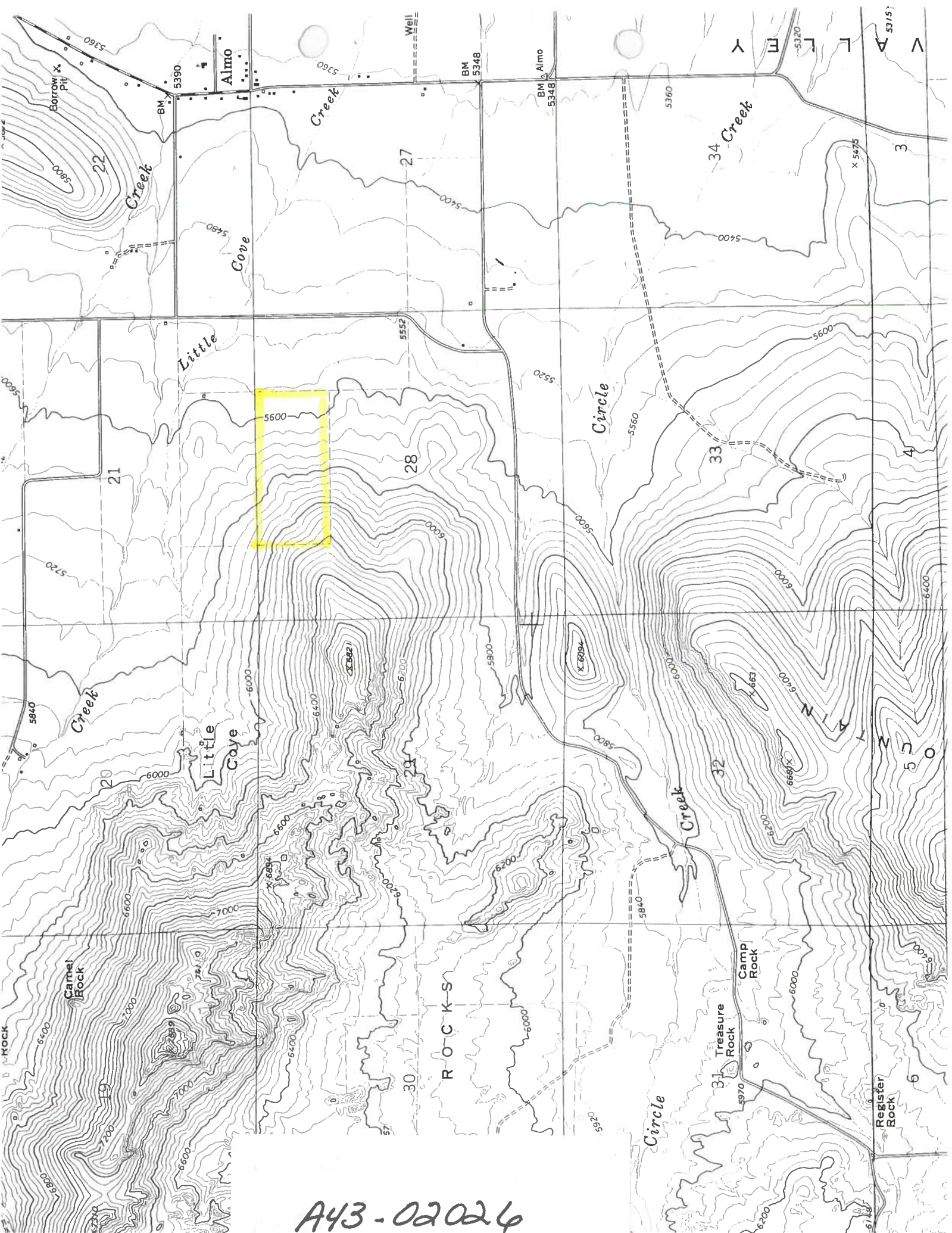
1987/1988 NAPP PHOTOGRAPHY



Location of Spring somewhere on hillside. Ranch renter Cordell Sheridan had no knowledge of irrigation from this spring. His father James Sheridan said the only spring he knew of was used for stockwater as it was a small spring.

1976





A43-02024

Stream: A Spring.  
Amount: 0 of 1 Sec. ft.  
Use: Irrigation.  
Priority: 6/14/09

# STATE OF IDAHO

Water License No. 4649

WHEREAS, On the 14th day of May, A. D. 1909, THEOPHOLIS J. GREEN,

of Almo, County of Cassia, State of Idaho, duly made application (No. 6668) to me for a permit to use one (1) cubic foot per second of the waters of a Spring,

County of Cassia, State of Idaho, for Irrigation and domestic purposes, and,

WHEREAS, On the 14th day of May, A. D. 1909, Permit No. 4649 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 14th day of May, A. D. 1913, and for the application to beneficial use of said water on or before the 14th day of May, A. D. 1913 and,

WHEREAS, On the 12th day of April, A. D. 1911, THEOPHOLIS J. GREEN,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of one (1) cubic foot per second of said waters, as evidenced by my Certificate No. 4649 dated June 21, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one (1) cubic foot per second of said water, with date of priority of May 14, 1909, and

WHEREAS, On the 12th day of April, A. D. 1911, THEOPHOLIS J. GREEN,

the holder of said permit, duly made proof of the application to beneficial use of 3/50 of 1 cubic foot per second of said water,

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to THEOPHOLIS J. GREEN,

of Almo, County of Cassia, State of Idaho, the holder and owner of said Permit No. 4649, a perpetual right, dating from May 14, 1909, to the use of 3/50 of 1 cubic foot per second of the waters of a Spring,

in the County of Cassia and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at the SW Corner of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 28, T. 15 S., R. 24 E. B. M.,

and conducted to and upon 3 acres in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  Sec. 28, T. 15 S., R. 24 E. B. M.,

for the purpose of Irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 21st day of June, A. D. nineteen hundred and thirteen.

(Seal)

F. P. King,

State Engineer.

T. 15, S. R., 24 E., B. M.

SEC.

SEC. Flood Din. SEC.

SEC.

SEC.

SEC.

SPRING

Ditch

SEC.

27

SEC. 28

SEC. 27

SEC. 28

SEC. 28

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

RECEIVED  
FEB 2 1915  
U.S. DEPT. OF AGRICULTURE  
OFFICE OF THE SECRETARY

4649

## REPORT OF ENGINEER

1. State name of applicant and number of permit: 4649.
  2. State source of water supply: a spring.
  3. Location of point of diversion: NE4 NW4, Sec. 28, Twp. 12 S. R. 24 E., B. M.
  4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes, I think they are.
  5. Describe works as they exist, giving dimensions of same as follows:
    - (a) Width of conduit at bottom: part way 3 ft and bal. 10 ins.
    - (b) Width at water line: Same as above.
    - (c) Depth of water: about 1 inch deep
    - (d) Grade per mile: 20 ft.
    - (e) Capacity of ditch: 200 ins. or 8 four second feet.
  6. State whether or not water has been turned into works of diversion and if so, to what extent: Yes, running there now, all there is about 2 ins.
  7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: NE4 NW4, about 3 acres maybe more.
  8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.
- Remarks:

RECEIVED

MAY 22 1913

OFFICE OF STATE ENGINEER

E D Brackenberg

STATE OF IDAHO,

County of Cassia

E. D. Brackenberg

being first duly sworn, deposes and says that the statements  
made by him are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this

17th day of May,

1913.

William D. O'Brien

Notary Public.

## DEPOSITION OF HOLDER

Ans. Theophilus J. Green, 53, Almo, Farmer, Almo, Idaho.

Лпж.

Ans. 4649, May, 14th 1909, May, 14th 1909.

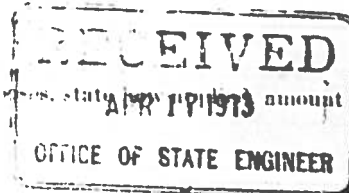
Aug. Spring, NE4 NW4, Sec. 28, Twp. 15 S., R. 24 E., E. M.

Ann. Tunnel about 50 ft long, about 4ft wide. ditch about 6 ins wide,  
about 6 ins deep. about about 4 or 5 rds. about 10 ins,

Ans. Irrigation, NE 4 of 4, about 2 acres. natural madow,

11.

If you are not the person or representative of the corporation to whom above men-  
tioned shares originally were sold, please state how ownership was acquired by present holder.



4647

Permit No. 4649

**Proof of Application of Water to Beneficial Use****DEPOSITION OF WITNESS.**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Henry Cahoon, Jr., 29, Almo, Farmer, Almo, Idaho,

Ques. 2. Are you acquainted with... Thapphius J. Green... the holder of Permit No. 4649...? How long have you known him and where does he reside?

Ans. Yes. 5 yrs. Almo, Idaho.

Ques. 3. Have you read or heard read said Permit No. ...., and are you familiar with its provisions and conditions?

Ans. Yes. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. A spring, NE4 NW4, Sec. 28 T. 15 S., R. 24 E. D. M.

Tunnel running in the mountain about 50 ft. about 8 ft. wide, and about 8 ft. at back, and a ditch about 10 rods long about 6 X 6 ins.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed.

Ans. 10 or 15 ins. there is about 10 ins. there now.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, NE4 NW4, 3 acres, natural meadow.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

**RECEIVED**

APR 17 1913

OFFICE OF STATE ENGINEER

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sage brush soil, about 3/8 inch to the acre.

4649

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Last spring and on the 10th of this month. (April)  
about 10 p.m. 15 ins.

(Sign here.) *Ferry Cahoon, Jr.*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing; that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Almo, Cassia County of Idaho, on this 12th day of April A. D. 1913.

*William D. Horton*

Notary Public.

My Commission expires 4/8/17.

Permit No. 4659

# **Proof of Application of Water to Beneficial Use**

## **DEPOSITION OF WITNESS.**

Ques. 1. State your name, age, residence, occupation and post-office address.

Ans. Adelbert Cutler, 54, Almo, Farmer, Almo, Idaho.

Ques. 2. Are you acquainted with Theophilus J. Green, the holder of Permit No. 4659? How long have you known him and where does he reside?

Ans. Yes, T. Green, Almo, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4659, and are you familiar with its provisions and conditions?

Ans. Yes, Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. A spring, NE4 NW4, Sec. 28, T. 15 S., R. 24 E., B. M. Tunnel running in to the mountain about 50 ft. and about 8 ft. high at back ditch about 6 ins. deep, about 6 ins. wide, about 10 rds. long.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed.

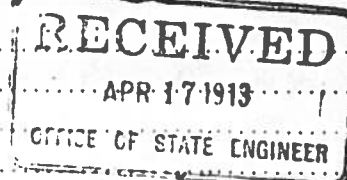
Ans. about 10 inches, about 10 or 12 inches there now.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, NE4 NW4, 5 acres watered any now, natural meadow.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.



Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sage brush soil, about 1/2 inch to the acre.

4649

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. Yes.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. ~~April~~, Spring 1912, and to-day. I would think about 10 or 12 ins.

(Sign here.) *Herbert C. Butler*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing; that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Almo, County of Cassia, State of Idaho, on this 12th day of April, A. D. 1912.

*William D. Thomas*  
Notary Public.  
My Commission expires 4/8/17.

|      |         |      |         |      |           |
|------|---------|------|---------|------|-----------|
| 4504 | 36-2006 | 4564 | 29-2084 | 4624 | *         |
| 4505 | *       | 4565 | *       | 4625 | * 34-2076 |
| 4506 | *       | 4566 | *       | 4626 | *         |
| 4507 | *       | 4567 | *       | 4627 | *         |
| 4508 | *       | 4568 | 72-2012 | 4628 | *         |
| 4509 | *       | 4569 | *       | 4629 | 25-2020   |
| 4510 | *       | 4570 | *       | 4630 | *         |
| 4511 | *       | 4571 | *       | 4631 | 57-2029   |
| 4512 | *       | 4572 | *       | 4632 | 55-2010   |
| 4513 | *       | 4573 | *       | 4633 | 98-2008   |
| 4514 | 79-2014 | 4574 | *       | 4634 | *         |
| 4515 | 29-2083 | 4575 | *       | 4635 | *         |
| 4516 | *       | 4576 | 95-2032 | 4636 | 61-2014   |
| 4517 | 63-2098 | 4577 | *       | 4637 | *         |
| 4518 | *       | 4578 | *       | 4638 | *         |
| 4519 | *       | 4579 | *       | 4639 | *         |
| 4520 | 74-2032 | 4580 | *       | 4640 | *         |
| 4521 | *       | 4581 | *       | 4641 | *         |
| 4522 | *       | 4582 | *       | 4642 | 34-2077   |
| 4523 | 67-2032 | 4583 | *       | 4643 | *         |
| 4524 | *       | 4584 | 63-2099 | 4644 | *         |
| 4525 | *       | 4585 | 13-2024 | 4645 | *         |
| 4526 | *       | 4586 | *       | 4646 | 65-2088   |
| 4527 | *       | 4587 | 37-2133 | 4647 | 65-2089   |
| 4528 | *       | 4588 | 37-2134 | 4648 | 29-2085   |
| 4529 | *       | 4589 | *       | 4649 | 43-2026   |
| 4530 | *       | 4590 | *       | 4650 | *         |
| 4531 | *       | 4591 | 27-2012 | 4651 | 29-2086   |
| 4532 | *       | 4592 | *       | 4652 | 31-2037   |
| 4533 | *       | 4593 | *       | 4653 | 47-2038   |
| 4534 | 43-2024 | 4594 | *       | 4654 | *         |
| 4535 | 31-2035 | 4595 | *       | 4655 | 85-2018   |
| 4536 | *       | 4596 | *       | 4656 | *         |
| 4537 | *       | 4597 | *       | 4657 | *         |
| 4538 | 43-2025 | 4598 | *       | 4658 | *         |
| 4539 | *       | 4599 | *       | 4659 | 65-2090   |
| 4540 | 74-2033 | 4600 | *       | 4660 | *         |
| 4541 | 74-2034 | 4601 | 32-2022 | 4661 | *         |
| 4542 | *       | 4602 | *       | 4662 | 37-2136   |
| 4543 | *       | 4603 | 34-2074 | 4663 | *         |
| 4544 | *       | 4604 | 37-2135 | 4664 | 74-2035   |
| 4545 | *       | 4605 | *       | 4665 | *         |
| 4546 | *       | 4606 | *       | 4666 | *         |
| 4547 | *       | 4607 | 63-2100 | 4667 | *         |
| 4548 | *       | 4608 | *       | 4668 | 11-2031   |
| 4549 | 45-2058 | 4609 | *       | 4669 | 37-2137   |
|      |         |      |         |      | 70 2015   |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1  
GENERAL INFORMATION

17:08:39  
05/24/95  
34  
CLAIM NUMBER: A43-02026

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

OWNER CODE: C

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

OWNER CODE: A

FIELD EXAM REQUIRED?  
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y FIELD EXAMINER Y ( ) N ( )  
CLAIM REMARKS: TOTAL QUANTITY CLAIMED IS NOT LIMITING OR RESTRICTING; CLAIM IS FOR ENTIRE FLOW OF SPRING.  
UNRECORDED EXPANSION OF ACRES HAS OCCURRED ON LICENSE.

CONTACT PERSON: Richard Beusch 9/22/99

PHONE NUMBER: ( ) - -

DATE OF FIELD EXAM: 9/22/99

APPOINTMENT MADE: Y( ) N( )

TIME: : A( ) P( )

ACCOMPANIED BY: Cadell Studer 9/11/99

PHONE NUMBER: ( ) - -

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / NOTES:

Richard Beusch - heur and Tenute  
Cadell Studer - Tenant Renter

A. AJ CLAIM: # A43-02026 PRIORITY DATE: 03-01-1903 STAGE: L

B. WR RECORD: # 43-02026 PRIORITY DATE: 06-14-1909 STAGE: L

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:

*Licensed priority May 14, 1909*

*Non-use refers to irrigation only.  
Continuous stockwater use.*

RECOMMENDED PRIORITY DATE:

*5-14-1909*

REVIEWED BY *[Signature]*

DATE *1-20-2000*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT                            | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | 1/4 | LOT | FLAG | POD | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|----------------------------------|-----------|------|-----|-----|-----|-----|-----|------|-----|--------|----------------|------------------|
| A43-02026                        | 15S       | 24E  |     | 28  |     |     | NE  | NW   |     | CASSIA |                |                  |
| OTHER AJ CLAIMS WITH SAME AJ POD |           |      |     |     |     |     |     |      |     |        |                |                  |
| MR RECORDS IN SAME 40 ACRE TRACT |           |      |     |     |     |     |     |      |     |        |                |                  |
| A PREFIX R PREFIX                |           |      |     |     |     |     |     |      |     |        |                |                  |
| NONE NONE                        |           |      |     |     |     |     |     |      |     |        |                |                  |

SOURCE: SPRING

TRIB:

B. MR POINT OF DIVERSION AND SOURCE:

| RIGHT                             | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | 1/4 | LOT | FLAG | POD | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------------------------------|-----------|------|-----|-----|-----|-----|-----|------|-----|--------|----------------|------------------|
| A43-02026                         | 15S       | 24E  |     | 28  |     |     | NE  | NW   |     | CASSIA |                |                  |
| OTHER MR RECORDS WITH SAME MR POD |           |      |     |     |     |     |     |      |     |        |                |                  |
| AJ CLAIMS IN SAME 40 ACRE TRACT   |           |      |     |     |     |     |     |      |     |        |                |                  |
| A PREFIX R PREFIX                 |           |      |     |     |     |     |     |      |     |        |                |                  |
| NONE NONE                         |           |      |     |     |     |     |     |      |     |        |                |                  |

SOURCE: SPRING

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A( ) Y( ) N( )

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y( ) N( )

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y( ) N( )

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y( ) N( )

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) 5-13-1913 Y( ) N( )

AJ FIELD EXAM (DATE OF FIELD EXAM) 8-11-1999 NAME OF EXAMINER Mike Havelock Y( ) N( )

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

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

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FLAG | COUNTY | DIVERSION NAME | DIVERSION NBR |
|------|------|------|-----|-----|-----|-----|------|--------|----------------|---------------|
| 15S  | 24E  | 28   | NE  | NE  | NW  |     |      | CASSIA |                |               |

SOURCE: SPRING

TRIB:

REVIEWED BY:

*[Signature]*

DATE: 1-30-2000

SYSTEM DESCRIPTION: DESCRIBED BELOW ( ), SEE LICENSE FILE ( ), OR SEE ATTACHMENT ( )

*Structure was. No diversion counts. Tracks in ds-repair per claimant.*

A. ROOT WATER RIGHT NUMBERS: A43-02026

| B. POU LISTING       |     |     |           |         |                   |
|----------------------|-----|-----|-----------|---------|-------------------|
| TWP                  | RNG | SEC | 1/4       | 1/4     | LOT NAME          |
|                      |     |     | AJ        | WR      | LANDSAT           |
|                      |     |     | #/ACRES   | #/ACRES | DATA              |
|                      |     |     |           |         | FIELD             |
|                      |     |     |           |         | EXAM.             |
|                      |     |     |           |         | RECOMM.           |
|                      |     |     |           |         | ACRES             |
| 15S                  | 24E | 28  | NW        | NE      | BRUESCH, VIRGINIA |
|                      |     |     | A43-02026 | / 40.0  | -                 |
| 15S                  | 24E | 28  | NE        | NW      | BRUESCH, VIRGINIA |
|                      |     |     | A43-02026 | / 40.0  | 43-02026 / 3.0    |
| ADDITIONAL POU FOUND |     |     |           |         |                   |

TOTAL ACRES A43-02026 80.00 3.00  
POU COUNTY: CASSIA

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

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

Y( ) N( )

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

Y( ) N( )

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 POB BE VERIFIED BY FIELD EXAM?

Y( ) N( )

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y( ) N( )

CHECK DOCUMENTS USED TO VERIFY POB:

( ) ORTHOPHOTOQUAD, IDMR NO. 1976 High ( ) TOPOGRAPHIC QUAD, IDMR NO. ;  
( ) NAPP, IDMR NO. 1987 photo ; ( ) ASCS PHOTO; ( ) OTHER

NOTES:

Checked POB for vegetation analyzed using  
the DICE GIS Program with 1987-1988 aerial  
photography. No vegetation was found  
last or vegetation indicated by visual  
observation & conversation with ranch  
tenant and her trustee.

RECOMMENDATIONS:

TOTAL ACRES: N/A( )

REVIEWED BY: [Signature] DATE: 1-20-2002

A. AJ CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A43-02026 IRRIGATION        | FROM 01-01 TO 12-31       | 1.600 CFS              |                        |
| A43-02026 STOCKWATER        | FROM 01-01 TO 12-31       | 1.600 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 1.600 CFS              |                        |

B. WR RECORDED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 43-02026 IRRIGATION         | FROM TO                   | 0.060 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 0.060 CFS              |                        |

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

Y( ) N( )

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A( ) 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( ) N( )

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y( ) N( )

G. 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?

N/A( ) 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?

N/A( ) Y( ) N( )

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A( ) 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?

N/A( ) Y( ) N( )

NOTES:

Recommend for stockwater only  
year round use, diversion rate, no licensed  
D.O.B. 45

Investigate portion of license forfeited due to  
no use 1987-1999. 1999-2000 use (reverted from  
1987 to 1999. Investigations are what no investigation)  
has existed from this source for many years.

AJ CLAIM TOTAL DIVERSION RATE: 1.600 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.060 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?

\* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y( ) N( )

E. FLOW MEASUREMENT

MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES 2 x 0.02 CFS/ACRE = \_\_\_\_\_ 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 \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 240.0 AF/A

ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

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

*Y( ) N( ) calculations only*

NOTES:

Diversion rate recommended as lowered.  
No increase of diversion rate found.

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

| PURPOSE OF USE       | REC. PERIOD |       | REC. DIV RATE CFS | REC. DIV VOL. AF/A |          | REC. CONS. USE |
|----------------------|-------------|-------|-------------------|--------------------|----------|----------------|
|                      | FROM        | TO    |                   | EXAMINER           | EXAMINER |                |
| IRRIGATION           | 01-01       | 12-31 | 1.600             | 0.010              |          | 240.0          |
| STOCKWATER           | 01-01       | 12-31 | 1.600             | 0.010              |          | 240.0          |
|                      |             |       |                   |                    |          |                |
|                      |             |       |                   |                    |          |                |
|                      |             |       |                   |                    |          |                |
|                      |             |       |                   |                    |          |                |
| TOTAL FOR THIS RIGHT |             |       | 0.010             |                    |          |                |

NON-IRRIGATION USES CLAIMED: STOCK GRAZE AFTER HAY OFF (120 HEAD)

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

REVIEWED BY: [Signature] DATE: 1-20-2000

FLAG: E

STANDARD CONDITIONS (CODE):

Exp Rem = P19

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  
( )  
( )  
( )  
done

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-02026

DATABASE 0.060 EXAMINER \_\_\_\_\_ CFS

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 |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| -                 | -                     | -              | -                      | -             | 43-02026         | 0.060          |

TOTAL CFS

0.060

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 ( )?

FIELD EXAMINER  
DATABASE N Y ( ) N ( )

NOTES:

no splits

AUTHENTICATION:

SIGNATURE:

*[Signature]*

DATE:

1-20-2002

NAME OF FIELD EXAMINER:

*[Signature]*

TITLE:

Water Resource Agent

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION COPY INCLUDED IN FILE?

|                                       |                    |             |           |
|---------------------------------------|--------------------|-------------|-----------|
| ( ) ORTHOPHOTOQUAD                    | DATE OF PHOTO      | IDWR ID NO. | Y( ) N( ) |
| ( ) TOPOGRAPHIC                       | DATE FIELD CHECKED | IDWR ID NO. | Y( ) N( ) |
| ( ) NAPP                              | DATE OF PHOTO      | IDWR 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                         |              |       |
| ( ) IDWR 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                                        |              |       |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A63-02026  
48

17:08:39  
05/24/95

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

BARCODE UPDATED  
WHOM/DATE

**CLAIM NUMBER: A43-02026**

|                  |          |            |
|------------------|----------|------------|
| TOTAL DIVERSION: | 1.60 CFS |            |
| CONSUMPTIVE USE: |          | 240.00 AFA |

**Stage: LICENSE**

**CASSIA County**

SE

TOTAL ACRES

**POU County: CASSIA**

**Non-Irrigation Uses: STOCK GRAZE AFTER HAY OFF (120 HEAD)**

**Other Rights: NONE**

Remarks: TOTAL QUANTITY CLAIMED IS NOT LIMITING OR RESTRICTING; CLAIM IS FOR ENTIRE FLOW OF SPRING.  
UNRECORDED EXPANSION OF ACRES HAS OCCURRED ON LICENSE.

**Dates:** Exam Made Date: Verified Date: 03/26/1985

**Misc: Water District Number:**

Field Inspection Flag: E  
Presumption Flag: