

05/22/2002

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

RIGHT NUMBER: 43-11205

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

SOURCE: MIDDLE FORK CIRCLE CREEK SPRING TRIBUTARY: CIRCLE CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 06/15/1903

POINT OF
DIVERSION: T15S R23E S24 SESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/15 07/15	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T15S R23E S24 SWNW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER 65 HEAD CATTLE, CATTLE GRAZING, WILDLIFE

COPY

2002 MAY 24 AM 11:28
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

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

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

Name and New Address of Claimant:

William & Virginia Bruesch Family Trust
Richard Bruesch Trustee
PO Box 40280
Mesa AZ 85274-0280

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

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

Dated: _____

5/23/02



Signature of IDWR Representative

CERTIFICATE OF MAILING

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

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



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

May 24, 2002

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

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

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

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

NCAD
RECEIVED
APR 08 2002
Department of Water Resources
Southern Region

Snake River Basin Adjudication
Change in Address of Notice of Claim

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

Previous Mailing Address:

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

New Mailing Address:

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

Telephone Number: (480) 839-6738

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

Please return this completed form to:

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

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

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

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

SS
ADDRESS FM
Revised 12/13/1999

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

Date: 4/26/02

05/11/2001

**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: 43-11205

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):

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

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

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

DATE: 5/31/01 SIGNATURE: WR Bruesch

Please print your name: William Richard Bruesch, trustee

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

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

01/29/2001

RIGHT NUMBER: 43-11205

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

SOURCE: MIDDLE FORK CIRCLE CREEK TRIBUTARY: CIRCLE CREEK
SPRING

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/15/1903

POINT OF DIVERSION: T15S R23E S24 SESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06-15 07-15	0.02 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County
T15S R23E S24 SWNW

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER 65 HEAD CATTLE, CATTLE GRAZING, WILDLIFE

AJ0743NP
(00-124)

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

01/27/00 13:39:49
Page 1

Water Right Number - R43-11205

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
PARSONS

WILLIAM A

1 - PO BOX 910
2 -
3 -
City- BURLEY
Phone -

State- ID Zip- 83318

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

WILLIAM & VIRGINIA

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

State- AZ Zip- 852824167

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/15/1903 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
CIRCLE CREEK SPRING, MIDDLE FK CIRCLE CREEK

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

15S 23E 24 SE SW NW (31) CASSIA

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

04 - STOCKWATER 06/15 07/15 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.020 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

15S 23E 24 SW NW 04 STOCKWATER (31) CASSIA

Total Acres:

+ - - - - Diversion Means - SPRING BOX, PIPE, STOCK TANK

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

EXP STOCKWATER 65 HEAD CATTLE, CATTLE GRAZING, WILDLIFE

A43-11205

Water right number - R43-11205

Prefix Translation: RESEARCH

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

+ - - - - Conditions of Approval - - - - - +
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.
C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

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

+ - - - - Comments - - - - - +
Date: 01/27/2000 User Id: VHANCOCK Subject: COPIED FROM REMARKS
THE BRUESCH FAMILY HAS TRADITIONALLY USED THIS SPRING FOR STOCK WATER ON FEDERAL LANDS WHERE THE BRUESCH RANCH HAS GRAZING RIGHTS
Date: 01/27/2000 User Id: VHANCOCK Subject: POU & POD
CLAIMANT STATES RECOMMENDED POU AND POD IS ON LAND OWNED BY THE NATIONAL PARK SERVICE.

+ - - - - Audit Fields - - - - - +
01/27/00 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 - 01/27/2000 Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 01/19/2000 Last Amended Date - S022755 Temporary Right - P
Receipt Number - POU Ownership Flag - N Water District -
Name Connector - Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag -

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: A43-11205
Date Received: 1/19/2000
Receipt No: 502275-5
Received By: [Signature]

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

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

2. Date of Priority: JUN 15, 1903

3. Source: CIRCLE CREEK SPRING, MIDDLE Trib. to: CIRCLE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	23E	24	SE	SW	NW		CASSIA

5. Description of diverting works:
SPRING BOX, PIPE, STOCK TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	06/15	07/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER 65 HEAD CATTLE, CATTLE GRAZING, WILDLIFE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	23E	24	SW	NW		STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

THE BRUESCH FAMILY HAS TRADITIONALLY USED THIS SPRING FOR STOCK
WATER ON FEDERAL LANDS WHERE THE BRUESCH RANCH HAS GRAZING RIGHTS

15. Basis of Claim: BENEFICIAL USE

January 14, 2000

Ms. Vickie Hancock
Water Resource Agent
Southern Regional Office
Idaho Department of Water Resources
Twin Falls, ID 83301-3380

RECEIVED

JAN 18 2000

Department of Water Resources
Southern Region

Subject: Notice of Claims

Dear Ms. Hancock

We are enclosing documents for eight claims for stockwater use and one claim for irrigation use on behalf of the William Wallace & Virginia E. Bruesch Family Trust. These claims are being presented in response to the discussion at the September 20th and 22nd meetings last year at the Bruesch Ranch in Almo between Vickie Hancock of the IDWR, Cordell Sheridan, and Richard Bruesch.

The eight claims for stockwater use are as follows:

Spring or Facility Name	Diversion Location ~ T R S	Land Owner
Bruesch Res 1	15S 24E SE-NE-SE 20	Bureau of Land Management
Bruesch Res 2	15S 24E NW-SE-SE 20	National Park Service
East Circle Trough	15S 23E NE-NW-SE 24	National Park Service
Middle Fork Circle Creek Spring	15S 23E SE-SW-NW 24	National Park Service
East Scotties Camp Spring	15S 23E NE-SW-SE 13	National Park Service
West Scotties Camp Spring	15S 23E NW-SW-SE 13	National Park Service
Indian Grove Spring	15S 23E SW-SE-SE 14	National Park Service
Walters Creek Spring	15S 23E SW-SE-SE 11	U S Forest Service

Of special note is the claim for stockwater use at Indian Grove Spring. That spring is also the headwaters of Graham Creek as claimed under Claim # A43-00010.

The single irrigation claim is for ground water recharge from Graham Creek. It has been the practice of the Bruesch Ranch to irrigate the hay fields, meadows, and pastures on a year-round basis to the extent of available water in Graham Creek. If, by IDWR definition, the irrigation season is a fixed period from April to October, then the remainder of the year needs to be claimed as well. Our original Claim #A43-00010 as filed claimed the water for the entire year from January 1st to December 31st. We believe that full year use represents the situation and irrigation (recharge) practice that has been traditionally used.

We are also enclosing a check payable to Idaho Department of Water Resources in the amount of \$250 to pay for 8 fees of \$25 and one fee of \$50.

We greatly appreciate the assistance that you have given us in understanding the claims process and for the information you provided in the meeting with us in Almo.

We would appreciate receipt of the claim profile reports for these and for our original claims as revised once the IDWR has processed them. Please let me know if there is anything else required or if you have questions regarding the information contained in the claim documents.

Sincerely,

A handwritten signature in dark ink, appearing to read "WR Bruesch", with a stylized flourish at the end.

Richard Bruesch, Trustee
2513 E Loyola Dr
Tempe AZ 85282-4167

cc: Alan Bruesch w/ encls.
Janet Powers w/ encls.

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

Identification No. A43-11205
Date Received 1-18-2000
Receipt Number 5022755

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

JAN 18 2000

Department of Water Resource
Southern Region

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

William Wallace & Virginia E.
Bruesch Family Trust

Middle Fork Circle Cr Spring

1. Name of Claimant (s) Richard Bruesch, Trustee Phone (480) 839-6738

Mailing Address 2573 E. Loyola Dr., Tempe, AZ Zip 85282-4167

2. Date of Priority (Only one per claim) 6/15/1903 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (4) (a) Middle Fork Circle Cr. Spring
which is tributary to (b) Circle Creek Name or kind of source

4. Location of point of diversion is: Township 15S Range 23E
Section 24, SE 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____, BM.,

County of Cassia

Additional points of diversion if any: None

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Spring box, pipe, stock tank

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stockwater purposes from 06-15 to 07-15 amount 0.02 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Stockwater for 65 head of cattle, cattle grazing, wildlife

10. Place of use is: Township: 15S Range 23E
Section 24, SW 1/4 of NW 1/4, Govt. Lot _____, B.M.,
County of Cassia for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any None

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 _____ 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.
None

14. Remarks: The Bruesch Family has traditionally used this spring for stockwater on federal lands where the Bruesch Ranch has grazing rights.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 0

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

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

For Organizations: I do solemnly swear or affirm that I am a Trustee Title
of William Wallace & Virginia E. Bruesch Family Trust, that I have signed the foregoing
Organization
document in the space below as Trustee Title of the Trust Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent W R Brusch Date 1/13/2000

Title and Organization Trustee, William Wallace & Virginia E Bruesch Family Trust

State of Idaho/or Arizona)
County of Maricopa) SS.

Subscribed and sworn (or affirmed) before me this 13 day of Jan 19 2000



Notary Public Michael T. White

Residing at ALT River Project C. U.

My Commission Expires 25 FEB 2002

Last Name Bruesch Ident No. A43-1405

Copies: White-State, Yellow-Claimant