

05/22/2002

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

RIGHT NUMBER: 43-11211

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

SOURCE: WEST SCOTTIES CAMP SPRING TRIBUTARY: GRAHAM CREEK

QUANTITY: 0.020 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/01/1903

POINT OF
DIVERSION: T15S R23E S13 NWSWSE End of Stream Flow Within CASSIA County
T15S R23E S13 NWSWSE Begin of Stream Flow Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	7/01 9/15	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T15S R23E S13 SWSE

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

05/22/2002

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
43-11208	WILLIAM & VIRGINIA BRUESCH FAMILY TRUST RICHARD BRUESCH TTEE PO BOX 40280 MESA AZ 85274-0280	Disallowed	

COPY

702 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:

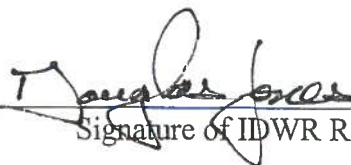
William & Virginia Bruesch Family Trust
Richard Bruesch Trustee
PO Box 40280
Mesa AZ 85274-0280

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

NCA
RECEIVED

APR 08 2002

Department of Water Resources
Southern Region

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

Claim Number(s): 43-10 | 43-11 | 43-2148 | 43-2026 | 43-11204 | 43-11025
43-11207 | 43-11208 | 43-11209 | 43-11210 | 43-11211

~~43-12908~~ 43-11212, 43-391A, 43-396A

Previous Mailing Address:

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

New Mailing Address:

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

Telephone Number: (480) 839-6738

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

Please return this completed form to:

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

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

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

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

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: [Signature]
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: 43-11211

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

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

04/03/2001

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

RIGHT NUMBER: 43-11211

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

SOURCE: WEST SCOTTIES CAMP SPRING TRIBUTARY: GRAHAM CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 07/01/1903

POINT OF DIVERSION:	T15S R23E S13	NWSWSE	End of Stream Flow	Within CASSIA County
	T15S R23E S13	NWSWSE	Beginning of Stream Flow	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	7-01 9-15	0.02 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County
T15S R23E S13 SWSE

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

Old (D) Number -

----- Address -----

State- ID Zip- 83318

State- AZ Zip- 852824167

Status - - - +

Diversion Volume

	-	+	-	+
Total Consumptive Use	-	+	-	+
KM Usage	-	+	-	+
	-0.0			

Total Acres:

+ - - Other Rights for Same Use -

..... Remarks

EXP STOCKWATER - 65 HEAD CATTLE, CATTLE GRAZING, WILDLIFE

Water right number - R43-11211

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
THIS IS A NATURAL SPRING WITH NO DIVERSION WORKS.
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 Last Amended Date - 00/00/0000 Old Judicial District -
Claim Received Date - 01/19/2000 Receipt Number - S022755 Temporary Right - P
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: A43-11211
Date Received: 1/19/2000
Receipt No: 222755
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: JUL 1, 1903

3. Source: SCOTTIES CAMP SPRING, WEST Trib. to: GRAHAM CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
Beginning Point of Instream Flow							
15S	23E	13	NW	SW	SE		CASSIA
Ending Point of Instream Flow							
15S	23E	13	NW	SW	SE		CASSIA

5. Description of diverting works:
INSTREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	07/01	09/15	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	Lot	Use	Acres
15S	23E	13	SW SE		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:

THIS IS A NATURAL SPRING WITH NO DIVERSION WORKS.
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 "Richard 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. A43-11211
Date Received 1-18-2000
Receipt Number 5022755

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

JAN 18 2000

Department of Water Resources
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

W. Scotties Camp Spring

Please type or print clearly William Wallace & Virginia E.
Bruesch Family Trust.

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

Mailing Address 2513 E. Loyola Dr, Tempe, AZ Zip 85282-4167

2. Date of Priority (Only one per claim) 7/1/1903 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (X) (a) West Scotties Camp Spring
Name or kind of source

which is tributary to (b) Graham Creek

4. Location of point of diversion is: Township 15S Range 23E

Section 13, NW 1/4 of SW 1/4 of SE 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. This is a natural spring with no diversion works

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

For stockwater purposes from 7-1 Month/Day to 9-15 Month/Day 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, wild life

10. Place of use is: Township: 15S Range 23E
 Section 13, SW 1/4 of SE 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

of William Wallace & Virginia E. Bruesch Family Trust, that I have signed the foregoing

document in the space below as Trustee of the Trust

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent WR Bruesch 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 192000



Notary Public Michael T. White

Residing at SALT RIVER PROJECT C.U.

My Commission Expires 25 FEB 2002

Last Name Bruesch Ident No. A43-1011

Copies: White-State, Yellow-Claimant