

(2)

04/12/2005

RECEIVED  
MAY 24 2005

Department of Water Resources

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 3, 2005

Water right number: 37-616

REBECCA BRAUN  
2333E 1300S  
GOODING ID 83330

DONALD E BRAUN  
2333 E 1300 S  
GOODING ID 83330  
Telephone Number: (208)934-5620

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: 5-17-05 SIGNATURE: Donald E Braun  
Please print your name: Donald E. Braun

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

SCANNED  
MAY 24 2005

10/31/2003

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

RIGHT NUMBER: 37-616  
NAME AND ADDRESS: REBECCA BRAUN  
2333E 1300S  
GOODING ID 83330  
  
DONALD E BRAUN  
2333E 1300S  
GOODING ID 83330

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER  
QUANTITY: 2.700 CFS  
PRIORITY DATE: 05/10/1897  
POINT OF DIVERSION:

T03S R18E S9 NESE Within GOODING County  
T04S R18E S15 NWSE Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 2.700 CFS       |

PLACE OF USE: IRRIGATION Within GOODING County

|                          |      |               |                          |      |
|--------------------------|------|---------------|--------------------------|------|
| T05S R16E S06            | NESW | 40.0          | T05S R16E S06 Lot 6 NWSW | 24.0 |
| T05S R16E S06 Lot 7 SWSW | 27.0 | T05S R16E S06 | SESW                     | 40.0 |

131 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

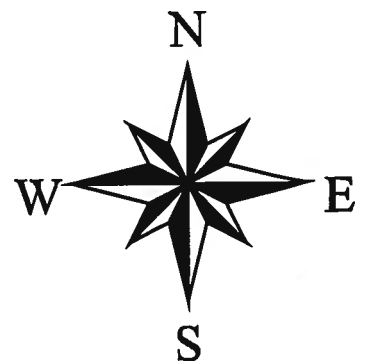
EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH THE MILNER GOODING CANAL VIA THE NORTH SHOSHONE CANAL. THE LINCOLN BYPASS CANAL MAY ALSO BE USED IN THE DELIVERY OF THIS RIGHT.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

This figure is an aerial photograph of a wetland area, likely a coastal or estuarine environment. A yellow boundary line delineates a specific study area, which is divided into four quadrants labeled NWSW (Northwest), NESW (Northeast), SWSW (Southwest), and SESW (Southeast). The quadrants are separated by a central vertical line. The background shows a complex pattern of red and greyish-brown areas, representing different land cover types or water levels. A scale bar at the bottom left indicates distances of 06 and 07 units.



Map prepared by: Carter Fritschle  
Date prepared: 10/06/03  
1987-1988 NAPP photography  
Idaho Department of Water Resources

RECEIVED

OCT - 1 2003

Department of Water Resources

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 37-616  
Date Received: 9/30/2003  
Receipt No:  
Received By: *5026150*

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

1. Name of Claimant(s)

REBECCA BRAUN  
2333E 1300S  
GOODING ID USA 83330

Phone: (208) 934-5620

DONALD E BRAUN  
2333E 1300S  
GOODING ID USA 83330

Phone: (208) 934-5620

2. Date of Priority: 05/10/1897

3. Source: BIG WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 05S      | 16E   | 6       | NE NE SW              | GOODING |      |

5. Description of diverting works:

Pivot, Gated Pipe, Handlines

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 2.7    |            |

7. Total Quantity Appropriated is:  
2.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

05S 16E 6

|    |    |   |            |    |
|----|----|---|------------|----|
| NE | SW |   | IRRIGATION | 40 |
| NW | SW | 6 | IRRIGATION | 24 |
| SW | SW | 7 | IRRIGATION | 28 |
| SE | SW |   | IRRIGATION | 39 |

Section Acres 131

Total Acres 131

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

Property also has 1.91 cfs American Falls Supplement Water and 0.01 cfs of Carey Act Water.

15. Basis of Claim: Decreed

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: \_\_\_\_\_

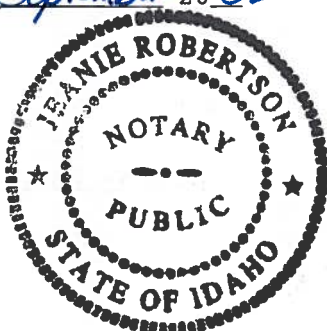
**For Individuals:**

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

Signature of Claimant(s): Shirley E. Brown Date: 9-30-03  
Rebecca Brown Date: 9-30-03

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 30th.  
of September 20 03



Jeanie Robertson  
Notary Public

Residing at Twin Falls, Id.

My commission Expires 9-23-06

# Idaho Department of Water Resources Receipt

Receipt ID S026150

Payment Amount  Date Received  Region  Status   
Payment Type  Check Number

Payer   
Comment

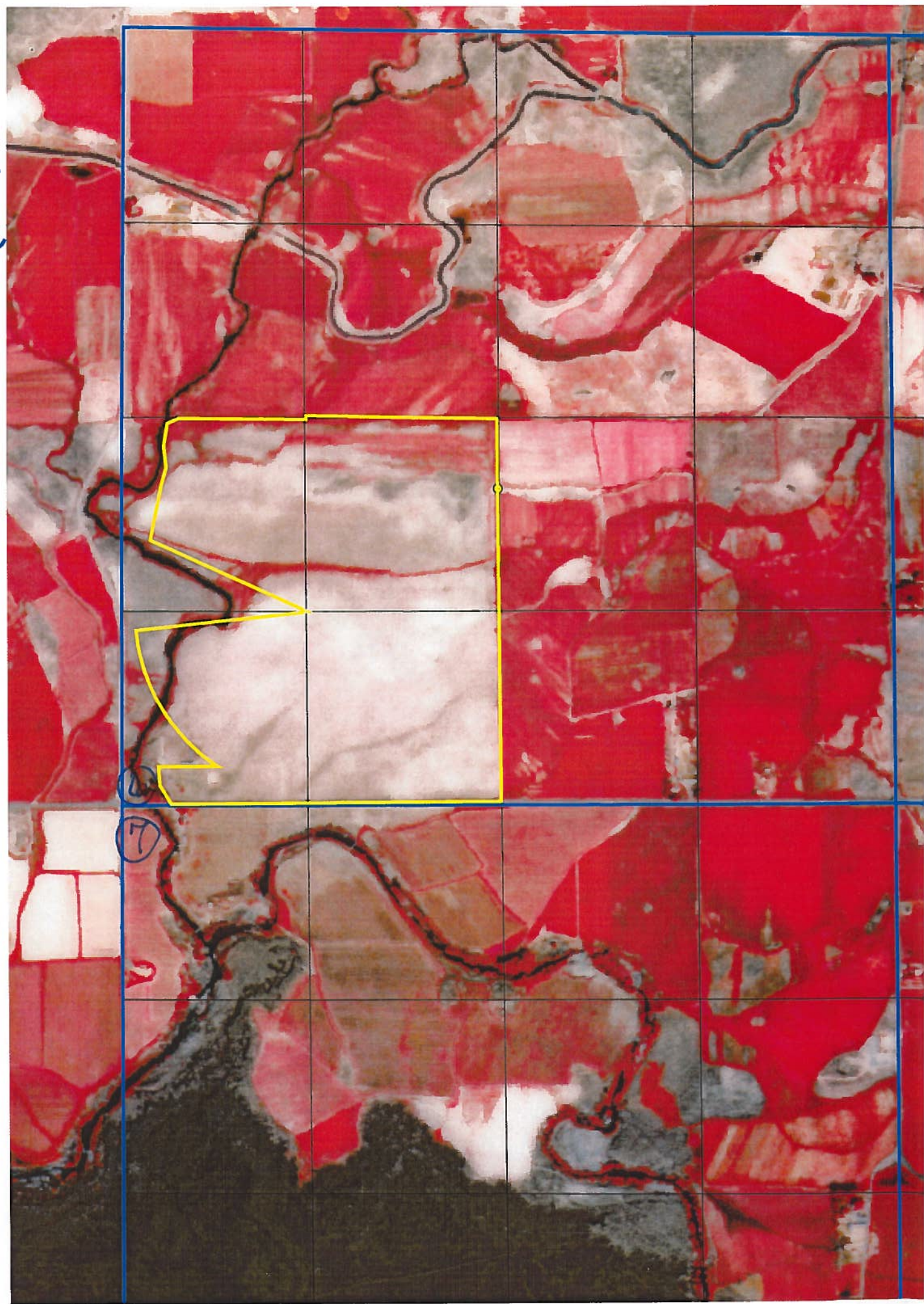
COPY

## Fee Detail

| Amount  | Description             | Fund | FD    | PCA  | SO |
|---------|-------------------------|------|-------|------|----|
| \$50.00 | ADJUDICATION FILING FEE | 0337 | 44503 | 1155 |    |

  
Signature Line (Dept. Representative)

055  
216E  
17-616



T055  
R16E

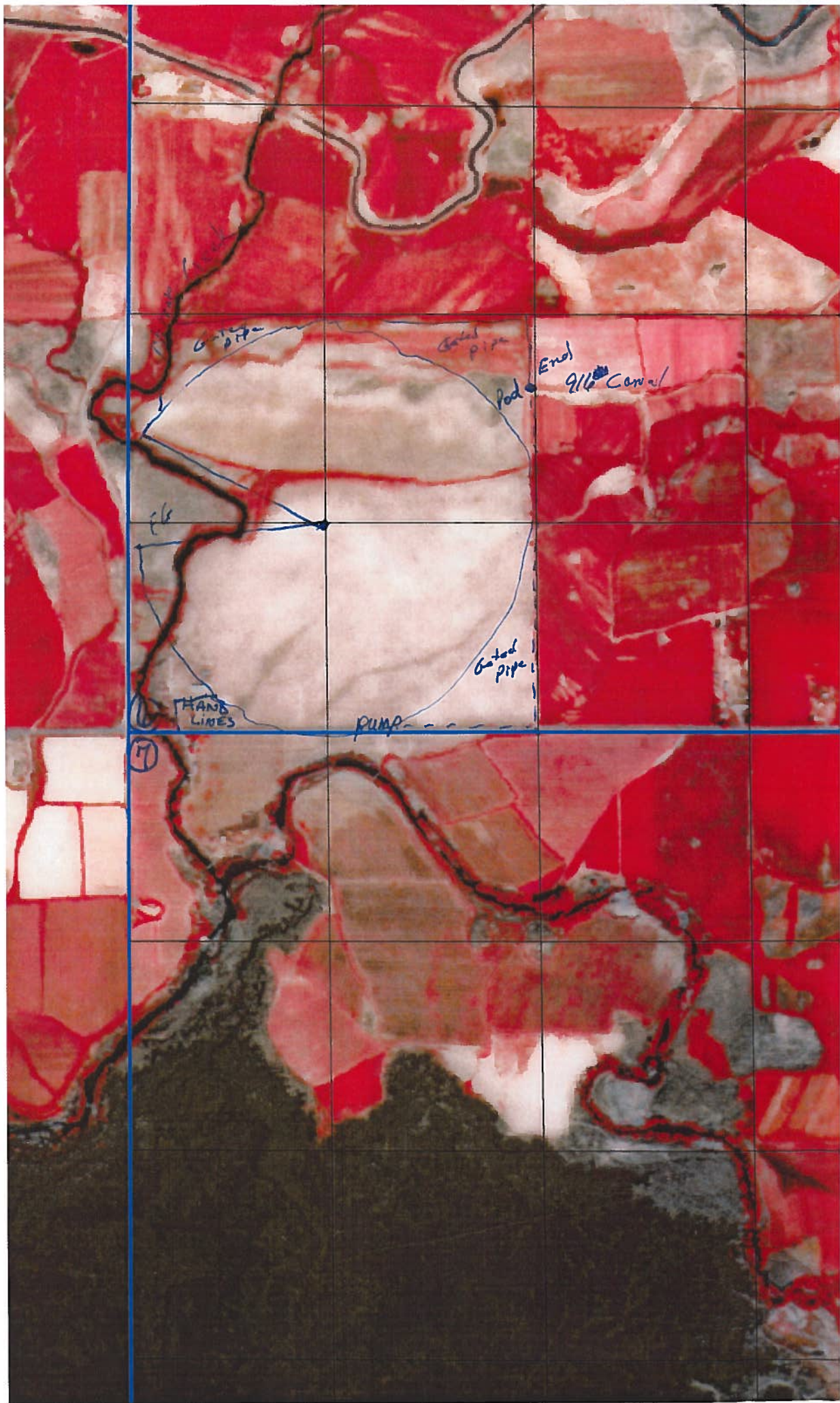




EXHIBIT "A"

Lots 6 and 7 and the E1/2 of the SW1/4 of Section 6, Township 5 South, Range 16 East, Boise Meridian, County of Gooding, State of Idaho.

EXCEPTING therefrom a 25 foot strip for Highway purposes, as set forth in Deed to the State of Idaho recorded November 5, 1947 in Book 40 Deeds at Page 348 of the Gooding County official records.

SUBJECT TO THE FOLLOWING:

These premises are within the boundaries of American Falls Reservoir District No. 2 and are subject to the levies and assessments thereof and restrictions and limitations thereof as specifically set forth in contract dated October 14, 1954, by United States of America with American Falls Reservoir District No. 2, recorded January 4, 1955 in Book 5 Agreements Page 485, records of Lincoln County, Idaho.

Liens, levies and assessments of the Big Wood Canal Company, and the rights, powers and easements of said company as by law provided.

Canals and laterals of Big Wood Canal Company and subject to the rights of ingress and egress.

11. Ditch Contract dated December 12, 1917 and recorded March 28, 1918 in Book 1 Agreements Page 537, records of Gooding County, Idaho.

Ditch Agreement dated May 9, 1936 and recorded June 2, 1936 in Book 4 Agreements Page 41, records of Gooding County, Idaho.

Ditch Agreement dated May 24, 1947 and recorded October 23, 1947 in Book 5 Agreements Page 335, records of Gooding County, Idaho.

Advertising limitations and easement as set forth in Right of Way Deed dated July 28, 1947, J.B. Kilbourn and Ethel M. Kilbourn, his wife, to State of Idaho, recorded November 5, 1947 in Book 40 Deeds Page 348, records of Gooding County, Idaho.

Water Agreement dated June 6, 1953, between J.B. Kilbourn and Ethel Kilbourn, his wife, and Robert Kilbourn, recorded June 13, 1953 in Book 6 Agreements Page 1, in which the first parties agree to furnish all necessary culinary water and domestic water from their well and pressure system located on the E1/2 of the SW1/4, and Lots 6 and 7, Sec. 6 Twp. 5 S., R. 16 E.B.M. for use by second party on the NW1/4 of the NE1/4, NE1/4 of the NW1/4, Lots 1 and 2, Sec. 7, Twp. 5 S., R. 16 E.B.M., all in Gooding County, Idaho. This agreement shall continue in force and effect so long a said above described land in said Sec. 7 is owned and operated by said Robert Kilbourn.

An Easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY as set forth in an instrument recorded November 7, 1963, as Instrument No. 9395, records of Gooding County, Idaho.

1953

SG-W

Operator: Braun, Don & Becca

Stockholder: Braun, Don & Becca

No. Shares: 1.000

Cert No.: 11953 Jun 2002 Old No: 10215

Land Desc: Pt E1/2SW1/4 Lots 6 & 7

Sec.: 5 TWP: 6 Range: 16

Lien:

268

Riv. %: 75

No. Acres: 153.00

Owner: Braun, Donald

Address: 2333 E 1300 S

Gooding, Idaho 83330

Land Desc: E1/2SW LOTS 6 & 7

6-5-16

MARCH 6, 2003

RIVER WOOD REFORM MARGIE PFERFF ROCK

10005 300000  
732-3033

| DIVER NO | R | DIVER_NAME  | OWNER                     | ST ID NO | DEGREE TO         | PRIOR DATE | INCHES | CFS |
|----------|---|-------------|---------------------------|----------|-------------------|------------|--------|-----|
| 120      | H | BUTLER      | BUTCH SHIELDS             | 37-0533  | J.B. PECK         | 05/01/1896 | 20.00  | 0.4 |
| 120      | Z | BUTLER      | BUTCH SHIELDS #275        | 37-AFSW  | AMERICAN FALLS    | AFSW       | 9.69   | 0.1 |
| 122      | H | SIMS        | CORNELIUS IEST            | 37-0619  | WILLIAM SIMS      | 05/01/1884 | 120.00 | 2.4 |
| 122      | H | SIMS        | CORNELIUS IEST            | 37-0620  | WILLIAM SIMS      | 05/01/1891 | 65.00  | 1.3 |
| 122      | Z | SIMS        | CORNELIUS IEST #290       | 37-AFSW  | AMERICAN FALLS    | AFSW       | 67.06  | 1.3 |
| 123      | H | M-G         | ALEX BILBAO               | 37-0367  | JEANIE M. KAISER  | 04/15/1902 | 80.00  | 1.6 |
| 123      | Z | M-G         | ALEX BILBAO #264          | 37-AFSW  | AMERICAN FALLS    | AFSW       | 40.56  | 0.8 |
| 123      | H | M-G         | GARY T EDEN               | 37-0864  | A.M. GOMES        | 09/28/1896 | 40.00  | 0.8 |
| 123      | Z | M-G         | GARY T EDEN #281          | 37-AFSW  | AMERICAN FALLS    | AFSW       | 10.00  | 0.2 |
| 123      | H | M-G         | EDWARD & DENISE HACK      | 37-0025  | CALVIN S. ALLEN   | 08/06/1902 | 26.25  | 0.5 |
| 123      | Z | M-G         | EDWARD & DENISE HACK #267 | 37-AFSW  | AMERICAN FALLS    | AFSW       | 22.00  | 0.4 |
| 123      | H | M-G         | EDWARD G HACK             | 37-0025  | CALVIN S. ALLEN   | 08/06/1902 | 3.75   | 0.0 |
| 123      | Z | M-G         | EDWARD G HACK #267        | 37-AFSW  | AMERICAN FALLS    | AFSW       | 3.00   | 0.0 |
| 123      | H | M-G         | KURT WESTENDORF           | 37-0619  | WILLIAM SIMS      | 05/01/1884 | 40.00  | 0.8 |
| 123      | H | M-G         | KURT WESTENDORF           | 37-1191  | LUCY SIMS         | 09/02/1902 | 120.00 | 2.4 |
| 123      | Z | M-G         | KURT WESTENDORF #309      | 37-AFSW  | AMERICAN FALLS    | AFSW       | 96.25  | 1.9 |
| 124      | H | THOMAS      | GARY EDEN                 | 37-0365  | JEANIE M. KAISER  | 06/01/1888 | 150.00 | 3.0 |
| 124      | H | THOMAS      | GARY EDEN                 | 37-0366  | JEANIE M. KAISER  | 04/15/1896 | 70.00  | 1.4 |
| 124      | Z | THOMAS      | GARY EDEN #261            | 37-AFSW  | AMERICAN FALLS    | AFSW       | 97.28  | 1.9 |
| 124      | H | THOMAS      | DONALD E BRAUN            | 37-0616  | MANUAL SILVA      | 05/10/1897 | 135.00 | 2.7 |
| 124      | Z | THOMAS      | DONALD E BRAUN #268       | 37-AFSW  | AMERICAN FALLS    | AFSW       | 95.63  | 1.9 |
| 124      | Y | THOMAS      | DONALD E BRAUN #11953     | 37-CAW   | BIG WOOD CANAL CO | CAW        | 0.63   | 0.0 |
| 125      | H | NO. GOODING | ALFREDO CRUZ              | 37-0359  | C.A. JONES        | 06/01/1884 | 2.55   | 0.0 |
| 125      | H | NO. GOODING | ALFREDO CRUZ              | 37-1164  | KATIE JONES       | 04/20/1907 | 1.20   | 0.0 |

Decreed  
River  
Am. Falls  
Del.