

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

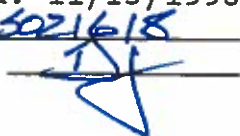
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-16552

Date Received: 11/13/1998

Receipt No: 5021618

Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHEAL BRAUN 208-879-4677
Address: PO BOX 474
CLAYTON ID 83227
AND/OR
Name: JOANN BRAUN 208-879-4677
Address: PO BOX 474
CLAYTON ID 83227

2. Date of Priority: OCT 9, 1919

3. Source: LAST CHANCE CREEK Trib. to: SLATE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	16E	16	SE	NW	SE		CUSTER

5. Description of diverting works:
HEADGATE, DITCH, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/01	0.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	16E	16	SW	NE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
					Total Acres	6.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: _____

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
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CIVIL CASE NUMBER: 39576

Ident. Number A72-16552

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NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Micheal and JoAnn Braun Phone (208) 879-4677

Mailing Address P.O. Box 474, Clayton, Idaho Zip 83227

2. Date of Priority (Only one (1) per claim) 6/9/1919

3. Source of water supply (a) Last Chance Creek
which is tributary to (b) Slate Creek

4. a. Location of existing point of diversion is: Township 10N Range 16E Section 16,
SE 1/4 of NW 1/4 of SE 1/4, Govt. Lot, N/A B.M., County of Custer

Additional points of diversion if any: none

b. If instream flow, beginning point of claimed instream flow is:

Township 10N Range 16E Section 17, 1/4 of 1/4 of 1/4,

Govt. Lot N/A B.M., County of Custer

ending point is: Township 10N Range 16E Section 16, SW 1/4 of NE 1/4 of

SE 1/4, Govt. Lot N/A B.M., County of Custer

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.

Well: A domestic well is located on Micheal Braun's property which is separate and
distinct from the stream flow.

Irrigation ditch: Last Chance Creek flows onto Micheal Braun's property from public
land and is distributed for irrigation by a ditch.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For irrigation purposes from Apr 15 to Oct 1 amount 0.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.6 (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.) Irrigation

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	
10N	16E	16			6														6
					I														

Total number of acres irrigated 6

11. In which county (ies) are lands listed above as place of use located? Custer

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: Please see attachments.

Last Name Braun Ident No. _____

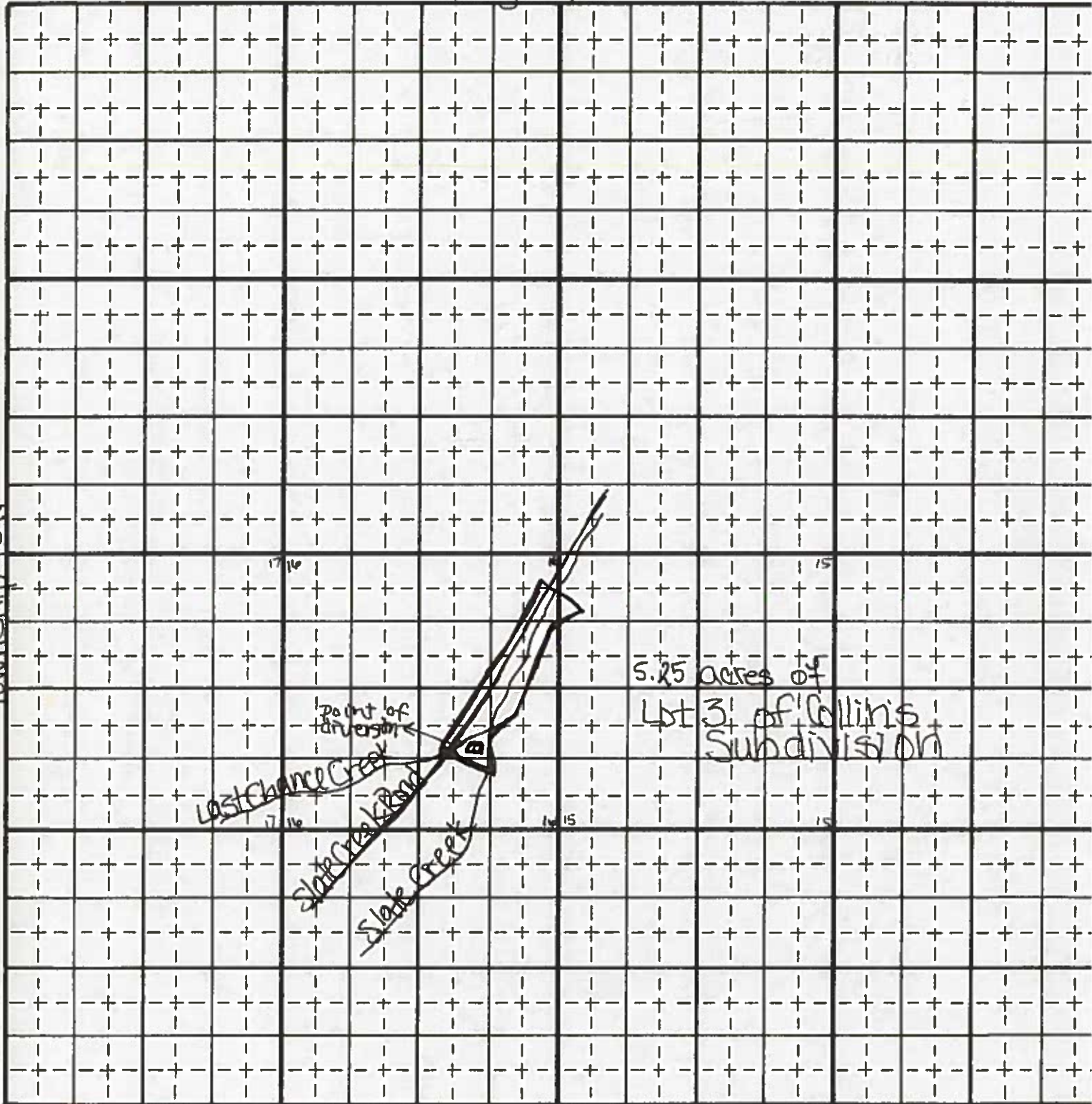
Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

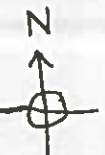
Range 16E

North Arrow



Last Name Braun Ident No. _____

Copies: White-State, Yellow-Claimant



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

Decree _____

If applicable provide IDWR Water Right Number N/A

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

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

Signature of Claimant (s) Michael D. Braun Date 6/20/97

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am N/A

_____ 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 Custer) SS.

Subscribed and sworn (or affirmed) before me this 20th day of June 19 97

SEAL

Notary Public Lloyd J. Walker

Residing at Twin Falls

My Commission Expires 2/4/2000

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Lloyd J. Walker 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 Lloyd J. Walker

Address 131 Second Street West

Date 6/20/97

PO Box 1923 Twin Falls ID
83303-1923

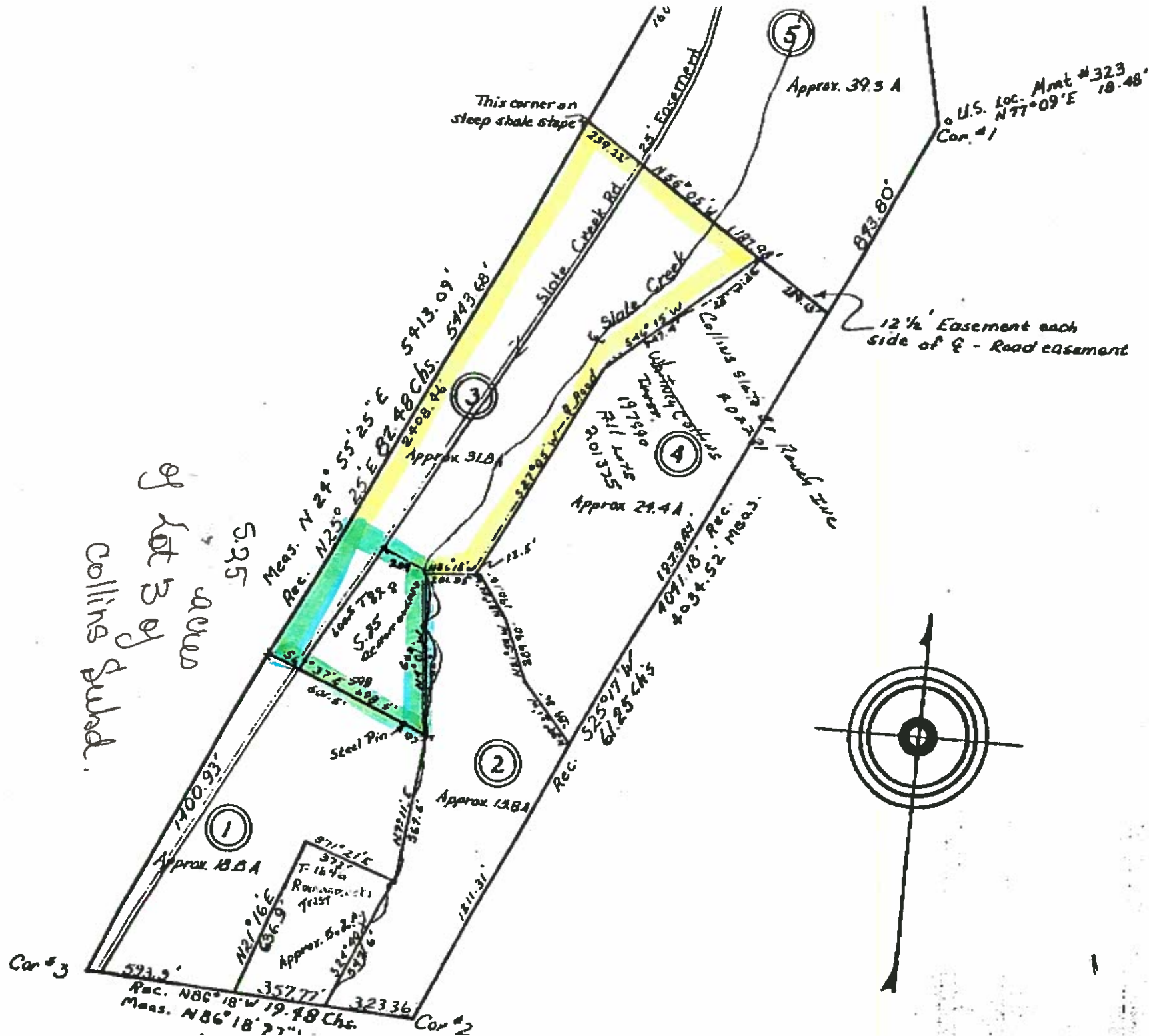
Last Name Braun Ident. Number _____

Copies White-State, Yellow-Claimant

der

area
of lot 3 of
Collins Subd.

10/13/76
Date



8

9

Subdi. 1.

HE 5
007

✓HES-324

T/1645

Whitney Collins

135-~~43~~1.c.

Thomas A. Roman
Dec 14 1962
165400

HES-323

၇-၆-၆၀

Walters
92-412
134422

W. H. L. P. 13
35-255
194745

T939 } Combined
T938 } To read H.
T653 }

STATE CREEK

17

16

20

21



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

March 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL BRAUN
JOANN BRAUN
PO BOX 474
CLAYTON ID 83227

RE: Notice of Error/Objection for SRBA claims 72-16552

Dear Mr. & Mrs. Braun,

This letter is in response to the Notice(s) of Error (NOE) you recently filed with IDWR and the Director's recommendation of the claim(s) listed above. Your NOE has been reviewed by IDWR, but, due to the limited response time, I was unable to coordinate a resolution of your concerns before the Director's Report was filed with the SRBA court. I have spoke with your attorney of some of these issues and we will have a chance to meet and discuss your concerns after the Objection is filed.

Since you still disagree with IDWR's recommendations, you should file an Objection to the Director's Report with the court. This Objection form is enclosed for your use. IDWR will work with you to resolve these disputed issues, including efforts to obtain additional data or information.

Please feel free to contact me at our office if you need further information.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

CC: Lloyd J. Walker
Attorney at Law
PO Box 1923
Twin Falls ID 83303-1923

November 20, 1998

NOTICE OF ERROR
REPLY

RECEIVED

DEC 18 1998

Department of Water Resources
Southern Region

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: December 18, 1998

Water right number: 72-16552

MICHEAL BRAUN
JOANN BRAUN
PO BOX 474
CLAYTON ID 83227Lloyd J. Walker
Attorney at Law
P O Box 1923, T.F., Id 83301

Daytime Telephone Number:

208.733.3083

Evening Telephone Number:

Same.

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The proposed recommendation is limited to 1 acre, it should be 5 acres.

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

It should be 5 acres.

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

Mr. Braun owns a total of 5 acres all of which can be irrigated from a irrigation ditch connectin with Lost Chance Creek.

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

DATE: 12/18/98

SIGNATURE:

Please print your name:

Lloyd J. Walker
Michael D. Braun
MICHAEL D. BRAUN

AJ5863NP
1300IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: November 20, 19
PAGE: 1

RIGHT NUMBER: 72-16552

NAME AND ADDRESS: MICHAEL BRAUN
JOANN BRAUN
PO BOX 474
CLAYTON ID 81227

SOURCE: LAST CHANCE CREEK TRIBUTARY: SLATE CREEK

QUANTITY: 0.03 CFS

PRIORITY-DATE: 10/09/1946

POINT OF DIVERSION: TION R16E S17 N9SEW Within CUSTER County

PURPOSES AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.03 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County
	TION R16E S17	SWNE 0.1 SEW 0.3
	1 ACRES TOTAL	

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

AJ0749NP
No. R72-16552

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/18/98
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICHEAL BRAUN	10/09/1945	IRRIGATION	04-01 10-31	0.03 CFS	
C	JOANN BRAUN					
	PO BOX 474					
	CLAYTON ID 83227					
	(208) 879-4677					
TOTAL DIVERSION:					0.03 CFS	

Water Source: LAST CHANCE CREEK

Tributary to: SLATE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T10N R16E S17

NESENW

CUSTER County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE												
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	: SUM
10N	16E 17	:				.1				:				.9		:				:					:	1.0
TOTAL ACRES																								1.0		

POU County: CUSTER

Other Rights: NONE

Dates: Exam Made Date: 09/25/1998 Verified Date: 11/18/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

CLAIM NUMBER

A72-16552

DATE

11/18/98

TRANSFER NUMBER

AGENT

SC

CLAIMED ACRE TOTAL

6

GIS ACRE TOTAL

1.0

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	<u>10N</u>	<u>16E</u>	<u>16</u>			<u>6</u>														<u>6</u>
GIS						<u>Ø</u>														<u>Ø</u>
RECOM																				
CLAIM			<u>17</u>			<u>Ø</u>				<u>Ø</u>										<u>Ø</u>
GIS						<u>0.1</u>				<u>0.9</u>										<u>1</u>
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP

Exam date: 9/25/98 SC

SHAPE NOS.

269

I observed this area of irrigation and diversion of the stream. At the time no claim was on file. Due to the late filing of the claim, this is what was observed and can be used at this time.

B72-DBPOD.SHP

NOS. DESCRIPTION

I dwp stds rates & persons:
4/1 to 10/31

183S.17, NESENW0.03 cfs/ac.

priority date: 1945

-based on proof submitted by Collins (see file)

DBF TABLES UPDATED

B72-DBPOU.DBF

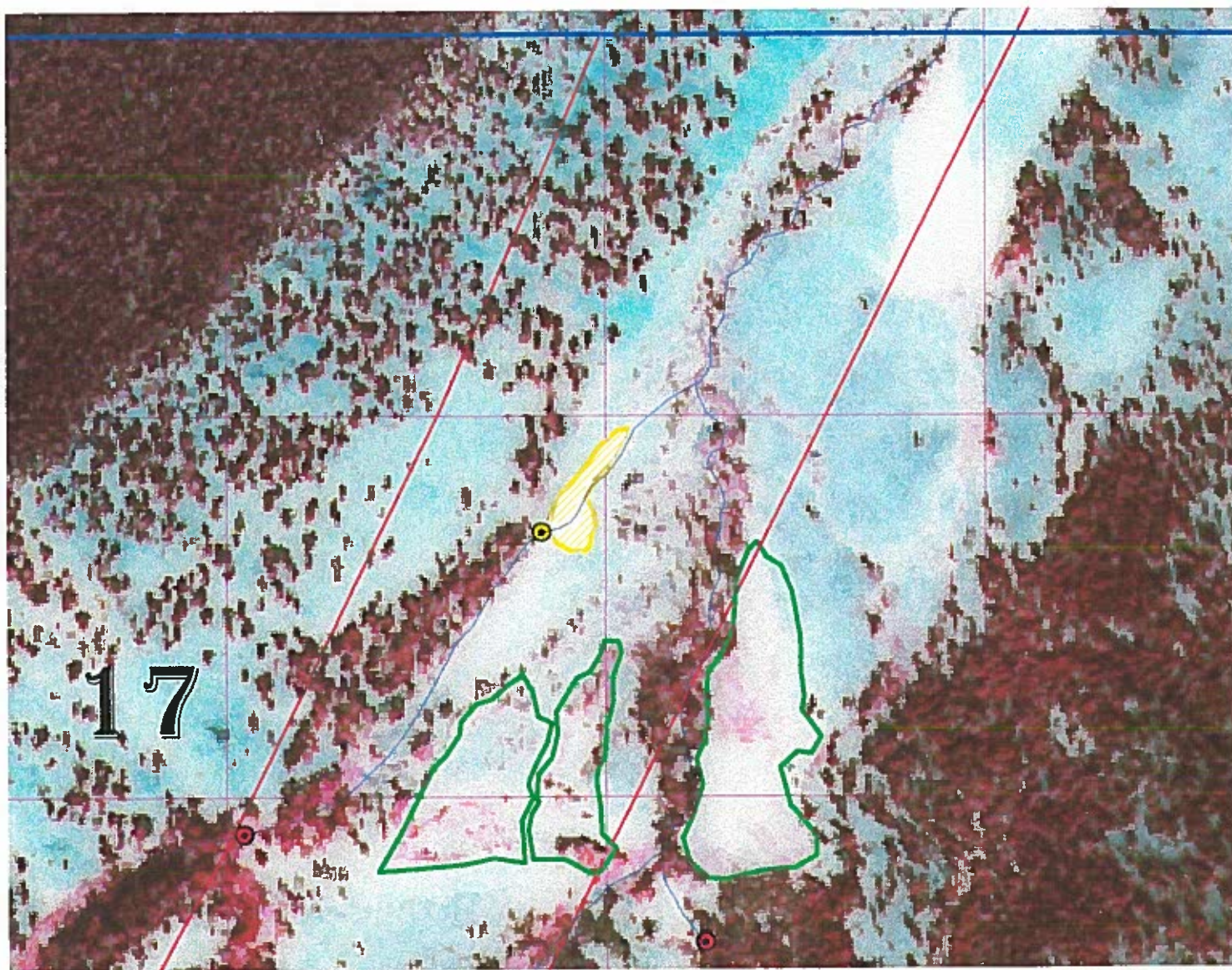
B72-DBPOD.DBF

JPEG LAYOUT

✓ # 12-16552.jpg

IDAHO DEPARTMENT OF WATER RESOURCES

72-16552



660 0 660 1320 Feet

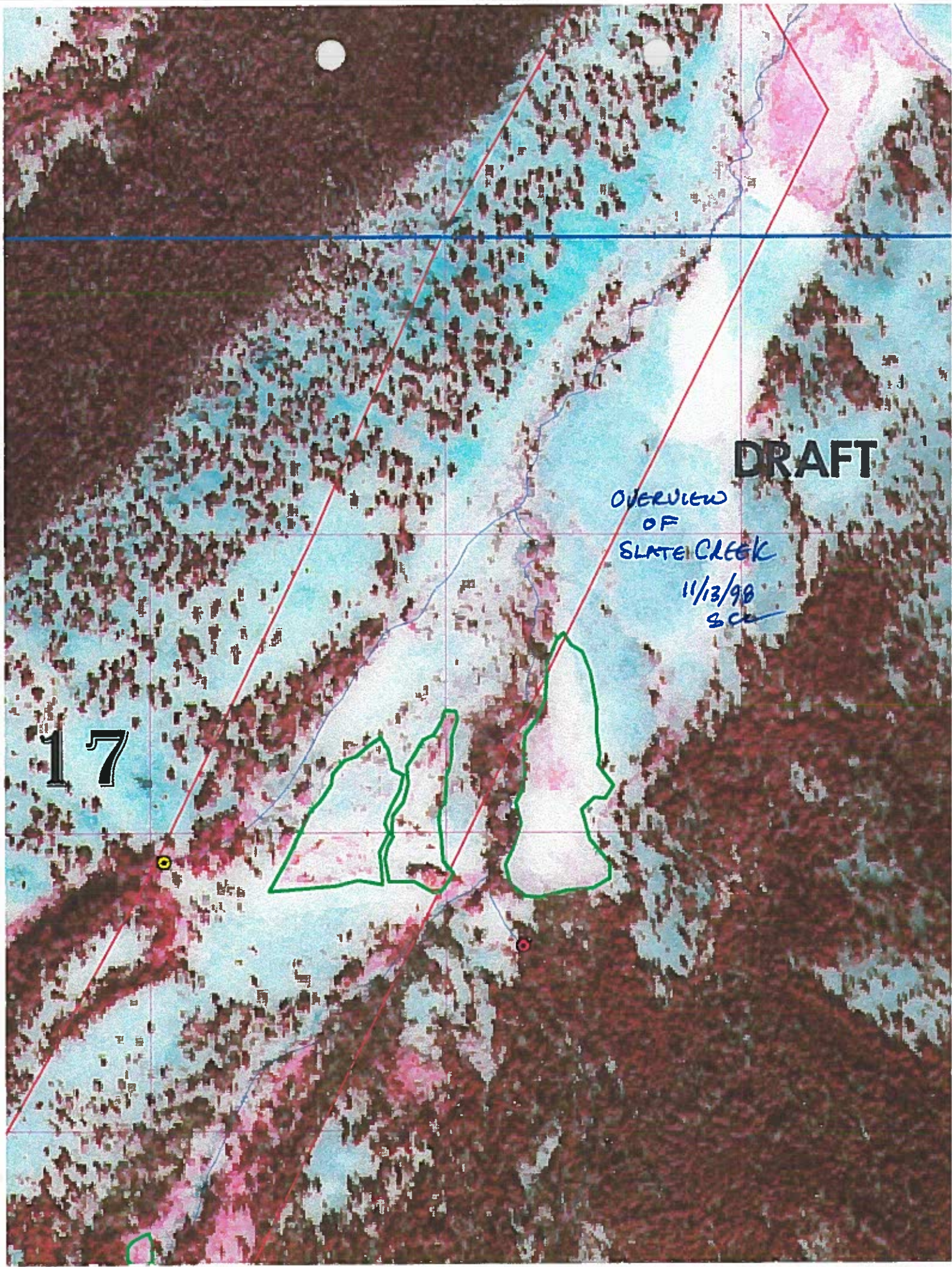
-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 10N
RNG: 16E
SEC: 16



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: NOV. 18, 1998



DRAFT

OVERVIEW
OF
SLATE CREEK

11/13/98
SCC

17