

06/22/2002

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: July 23, 2002**

Water right number: 37-4344

LONE STAR WATER USERS CO-OP ASSN INC  
C/O MRS ERVIN BRAUN  
620 N 638 W  
SHOSHONE ID 83352

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:

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

DATE: July 8, 2002

SIGNATURE: Louise Braun

Please print your name: Louise Braun

IDWR State Office, PO Box 83720, Boise ID 83707-9815

05/29/2002

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

RIGHT NUMBER: 37-4344

NAME AND ADDRESS: LONE STAR WATER USERS CO-OP ASSN INC  
C/O MRS ERVIN BRAUN  
620 N 638 W  
SHOSHONE ID 83352

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.07 CFS  
7.6 AFY

PRIORITY DATE: 04/01/1940

POINT OF DIVERSION:

T05S R16E S3 NENENE Lot 1 Within LINCOLN County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| DOMESTIC              | 01/01 12/31          | 0.070 CFS<br>6.00 AFY |
| STOCKWATER            | 10/01 05/01          | 0.020 CFS<br>0.70 AFY |
| COMMERCIAL            | 01/01 12/31          | 0.020 CFS<br>0.90 AFY |

DOMESTIC USE IS FOR 5 HOMES.  
COMMERCIAL USE IS IN A STORE.

PLACE OF USE: DOMESTIC Within LINCOLN County

|                          |                          |
|--------------------------|--------------------------|
| T04S R16E S34 SESE       | T04S R16E S35 SWSW       |
| T05S R16E S02 Lot 4 NWNW | T05S R16E S03 Lot 1 NENE |

STOCKWATER Within LINCOLN County

|                          |                          |
|--------------------------|--------------------------|
| T04S R16E S34 SESE       | T04S R16E S35 SWSW       |
| T05S R16E S02 Lot 4 NWNW | T05S R16E S03 Lot 1 NENE |

COMMERCIAL Within LINCOLN County

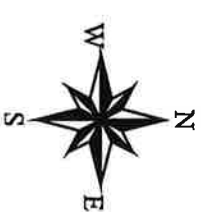
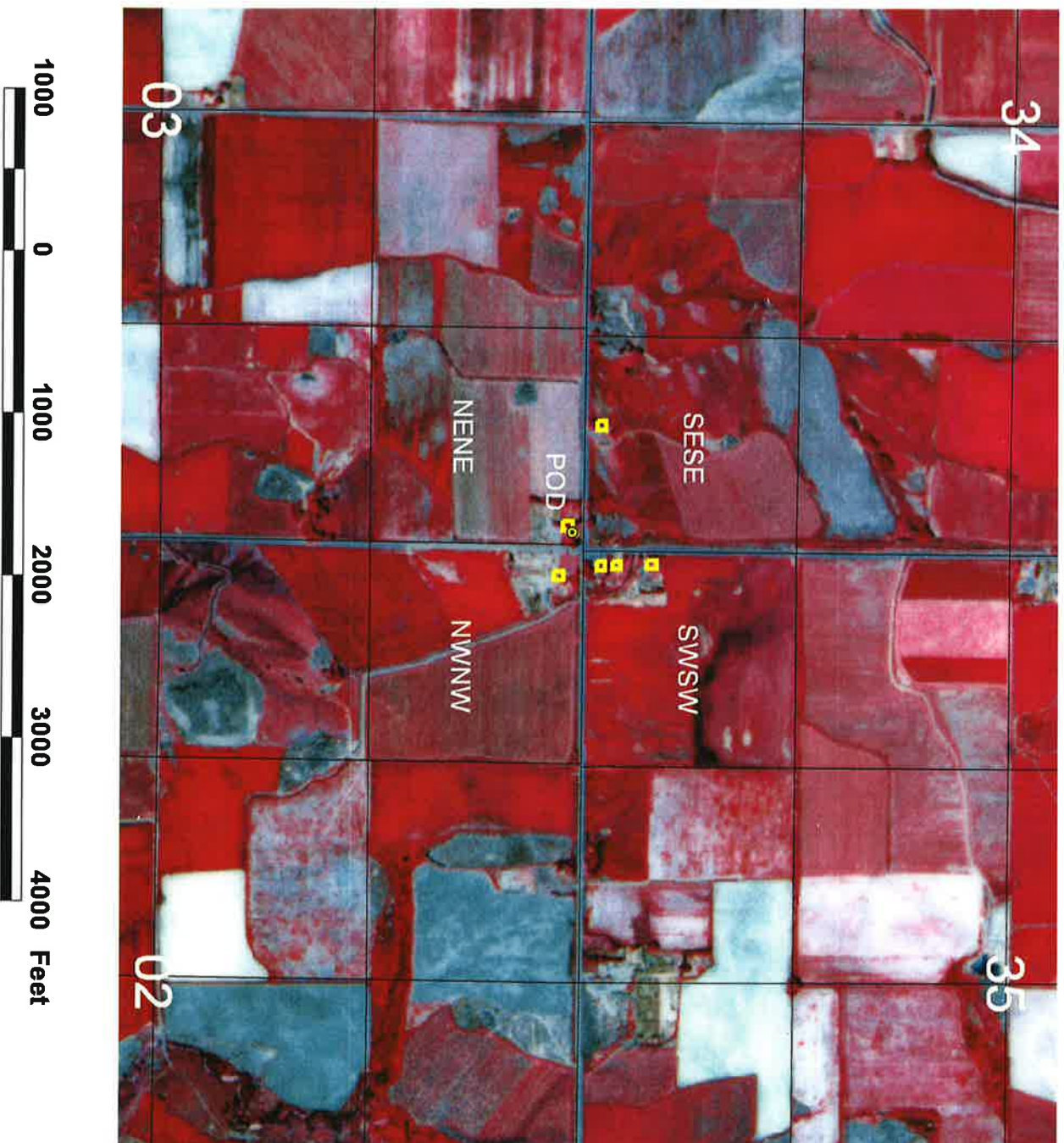
|               |      |
|---------------|------|
| T04S R16E S35 | SWSW |
|---------------|------|

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.

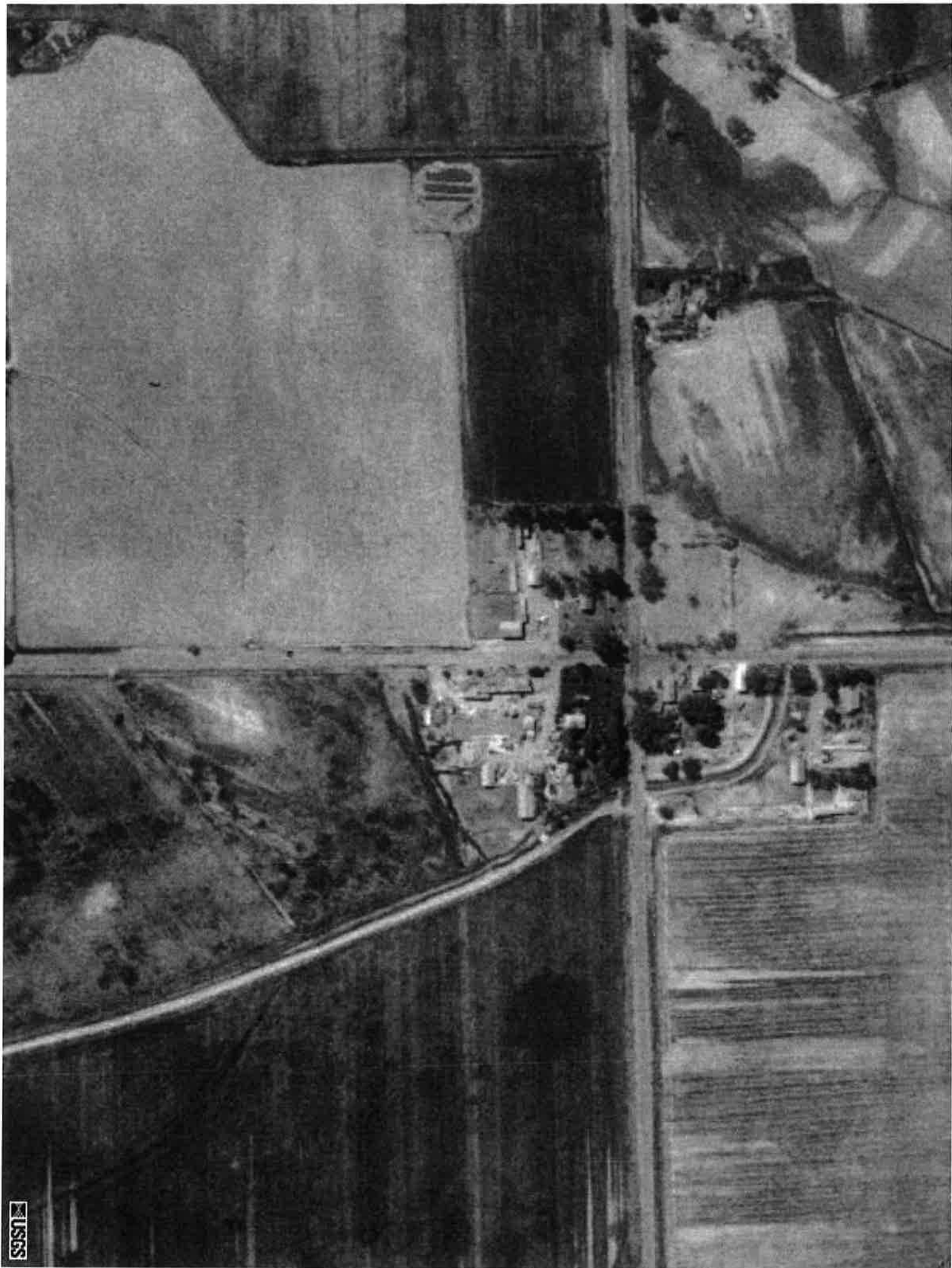
EXPLANATORY MATERIAL: Beneficial Use

# 37-4344



T04S R16E  
S34 & S35  
T05S R16E  
S02 & S03

37-4344 7-16-1992



USGS

1 meter resolution

RECEIVED

APR 15 2002

Shoshone, Idaho  
April 11, 2002

Carter Stutechle,

Department of Water Resources

I am not sure about what you want me to do in answer to your letter of March 7, 2002 concerning The Lone Star Water Users Co-op. Assoc. # 37-4344

The well was drilled in 1940 by Mr. Haigh and son Earl. Due to some complications incurred, the drilling was completed by J. Emmett Smith Drilling of Jerome. It was financed with an F.H.A. loan. The expenses were shared a like by those using the water — E.A. Braun, Ervin Braun, John Stutzneggers, Mr. Mulla and John Zurner. Four of these men were homesteaders. The water was used for domestic and stock water use. A country store was included in the use at a later date.

At this time the well is 420 feet deep and no longer is used by the store which has closed.

I have been treasurer for the association for many years and I have a record of payments that they made for the expenses and for paying Idaho Power for electricity used. For the last number of years the well has been serviced by Eaton Drilling of Elsdell.

I trust that this information is what you need. I tried to call you last week but couldn't get anything but a recording.

Sincerely,

Louise Braun

620 N. 638 W (current address)

Shoshone, Idaho  
83352

Current water users are

Bill Braun

Eldon Braun

Oliver Lowry

Lamar Lankford

Treasurer of Lone Star Water Users Co-op Assoc.

37-4344

5-31-02 et

The closed store is located on the NE corner of the intersection in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 35, T 4S, R 16E.

The Braun Dairy is located on the SW corner of the intersection in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec 3, T 5S, R 16E.



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 7, 2002

37-4344  
LONE STAR WATER USERS CO-OP ASSN INC  
C/O MRS ERVIN BRAUN  
RT 1 BOX 95  
SHOSHONE ID 83352

**RESPONSE DEADLINE**  
**APRIL 12, 2002**

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. I will be conducting field examinations for the SRBA claims with a Ground Water source in your area in late March and early April. Since the priority date of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

**PLEASE NOTE:** IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129. If you have multiple claims that require evidence of priority date, the labels with the identification numbers of the additional claims are attached below. Please submit evidence of the priority date for each of your beneficial use rights. Also, if there are multiple claimants of the claim at the same address, the additional claimants are identified on the labels attached below.

Sincerely,

  
Carter Fritschle  
Water Rights Supervisor

Enclosures

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: A37-04344  
Date Received: 6/22/1988  
Receipt No: ~~4000178~~ m000181  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LONE STAR WATER USERS CO-OP ASSN. INC.  
Address: C/O MRS. ERVIN BRAUN  
RT. 1 BOX 95  
SHOSHONE, ID 83352

2. Date of Priority: APR 01, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 05S      | 16E   | 3       | NE     | NE     | NE  | 1   | LINCOLN |

5. Description of diverting works:  
6" TOP, 3-7/8" BOT. X 415' WELL, 3 HP PUMP, 30 GPM.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| STOCKWATER | 10/01 | 05/01 | 0.020 |      |        |
| COMMERCIAL | 01/01 | 12/31 | 0.020 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.110 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/5 HOMES, C/STORE, S/300 SHEEP, MIXED

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 04S      | 16E   | 34      | SE     | SE  |     | STOCK |       |
|          |       | 35      | SW     | SW  |     | STOCK |       |
| 05S      | 16E   | 2       | NW     | NW  |     | STOCK |       |
|          |       | 3       | NE     | NE  |     | STOCK |       |

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

DAIRY USE HAS BEEN ADDED. SUGGEST HOUSE AT NW,NW,NW SEC. 2  
FILE APPLICATION FOR PERMIT AND ALSO THE HOUSE AT NE,NE,NE  
SHOULD FILE.

15. Basis of Claim: STATUTORY CLAIM

Water Right Number:

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 X do not        wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:   1  

For Organizations:

I do solemnly swear or affirm that I am President of Lone Star Water Users, that I have signed the foregoing

Organization document in the space below as President of Lone Star Water Users

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

Eldon Brown  
Signature of Authorized Agent

Pres. of Lone Star Water Users  
Title and Organization

6/22/88  
Date

State of Idaho )  
County of Twin Falls SS.

Subscribed and sworn (or affirmed) before me this 22 day  
of June 19 88

Lois White  
Notary Public

Seal

Residing at Twin Falls

My Commission Expires 5/95



45  
55

14E

Sec. 3

PA  
NENE NE

MICROFILMED  
FEB 24 1993

RECEIVED  
JUN 7 1983

D. Department of Water.

S. C. H. R. S. I. D. A. B. O.

s. to the public waters of Idaho

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(Name of Claimant)  
c/o Mrs. Ervin Braun, Route #1 Box 95, Shoshone, ID 83352 Telephone No. 886-2489  
(Mailing Address) (Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1940

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater

| (cfs, af) |                 | (Domestic, Irrigation, Stock, Etc.) |                   | (Both dates inclusive) |                               |
|-----------|-----------------|-------------------------------------|-------------------|------------------------|-------------------------------|
| Quantity  |                 | Use                                 |                   | (Mo., Day)             | (Mo., Day)                    |
| Quantity  | <u>0.11 cfs</u> | Use                                 | <u>Domestic</u>   | Period of Use From     | <u>Jan 1</u> To <u>Dec 31</u> |
| Quantity  | <u>0.02 cfs</u> | Use                                 | <u>Commercial</u> | Period of Use From     | <u>Jan 1</u> To <u>Dec 31</u> |
| Quantity  | <u>0.02 cfs</u> | Use                                 | <u>Livestock</u>  | Period of Use From     | <u>Oct 1</u> To <u>May 1</u>  |
| Quantity  |                 | Use                                 |                   | Period of Use From     | To                            |
| Quantity  | <u>0.15 cfs</u> | Use                                 |                   | Period of Use From     | To                            |
|           |                 | TOTAL QUANTITY USED                 |                   |                        |                               |

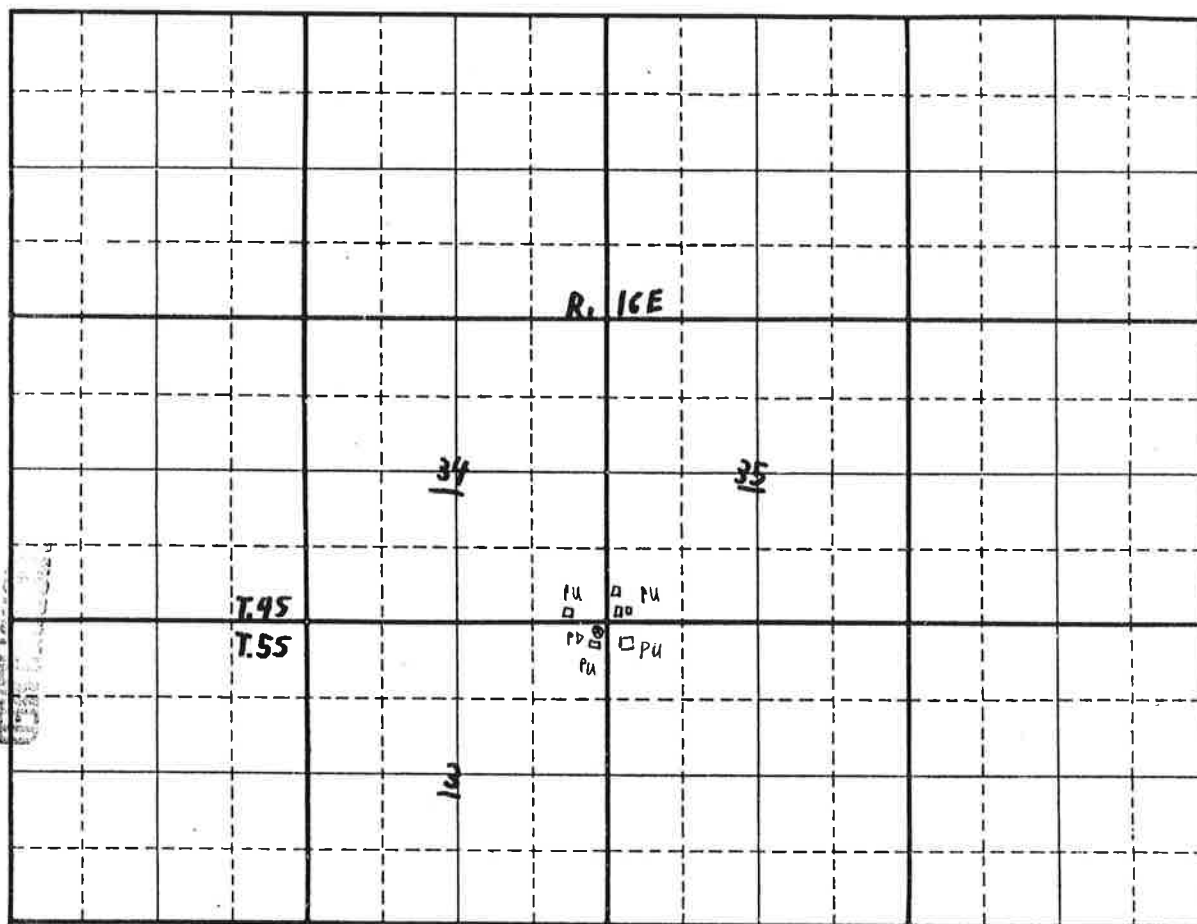
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well & pump, pipelines

[illegible]

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use in five homes, commercial use in small store (bathroom & small kitchen)

(7) NOTE: Include here the type and number of stock watered; 300 sheep + misc. farm animals  
If you are claiming water as a member of an organization, list name of organization:

- (8) Remarks Well originally served Lone Star School, but was changed to use in small store in 1946. Homes served has changed over time, but total number of homes served has not changed.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Landing ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 1st day of June

Eldon Brown  
(Claimant) 519-56-5168

Notary Public  
Residing at Landing, Idaho

My commission expires 6-1-83

# FOR DEPARTMENT USE ONLY

Received by maggy Date 6/6/83 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by St. Barker Date 6/12/83 Forwarded to claimant by: \_\_\_\_\_  
\$30.00 fee received by maggy Date 6/6/83 #30256  
Published in Lincoln County Journal  
Dates 6/30/83 7/7/83