

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



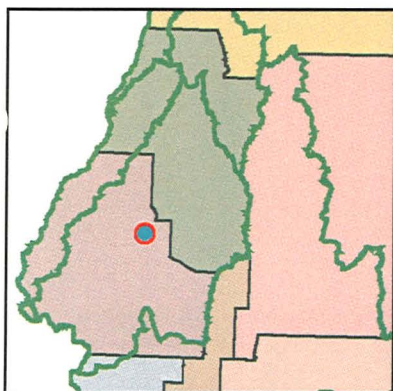
Idaho Department of Water Resources

Adjudication Claim Number: **67-4523E**

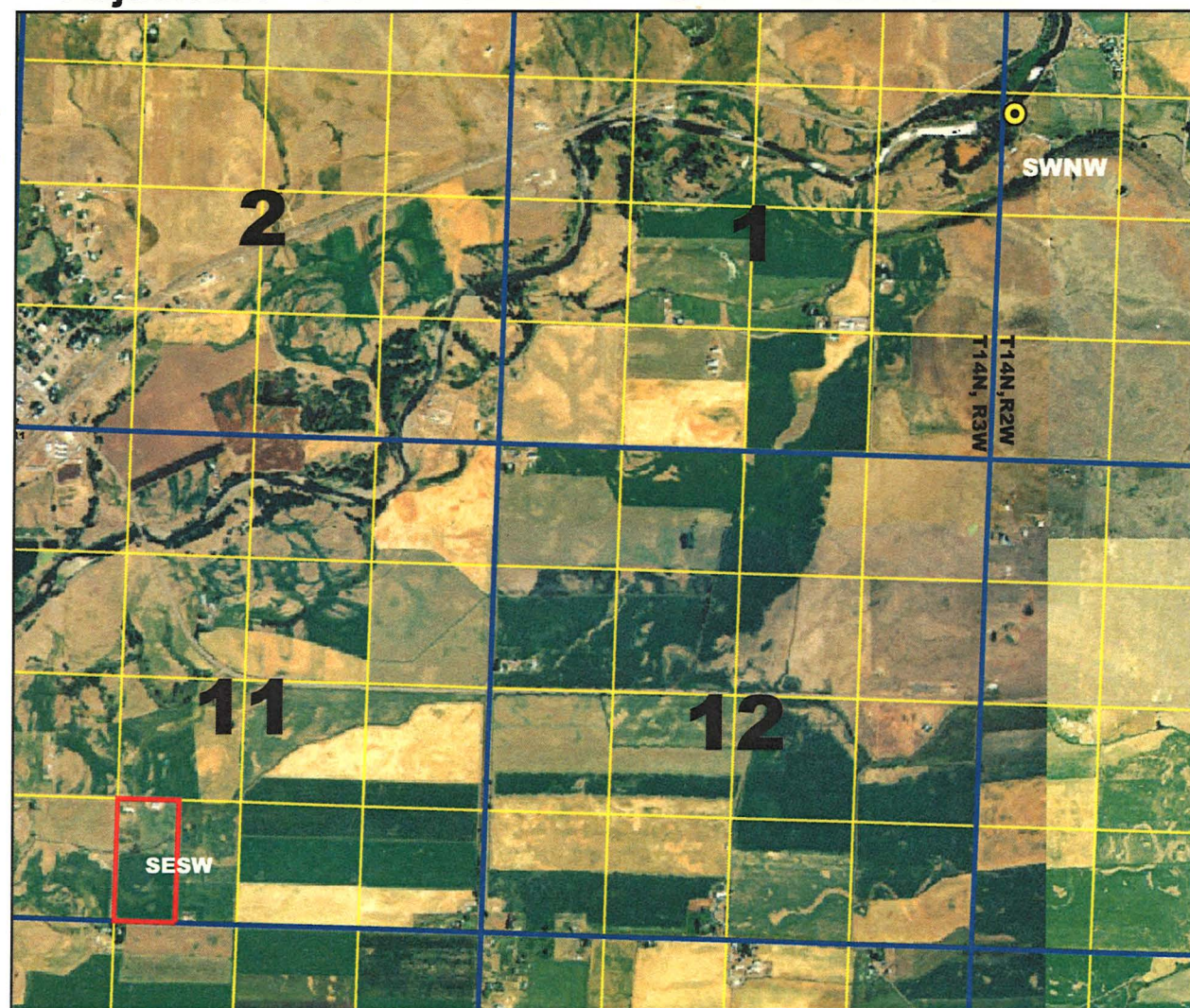
T14N R02W
T14N R03W

Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T14n02w.shp
- T14n03w.shp



Washington County
IDWR Basin 67



1320 0 1320 2640 3960 5280 6600 7920 9240 Feet

Prepared by C. Saxton
On Friday, March 10, 2006
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4523E V1

WATER RIGHT NUMBER: 67-4523E V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROY G BRAUN PO BOX 146 CAMBRIDGE, ID 83610 (208)257-3424
Current Owner	ALAN L JONES PO BOX 358 CAMBRIDGE, ID 83610 (208)257-3536
Original Owner	ALLISON JEWELL DITCH C/O JOHN SACTJEN CAMBRIDGE, ID 83610

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

WEISER RIVER L5 (NW1/4SW1/4NW1/4) Sec. 6, Twp 14N, Rge 02W, B.M.
WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	03W	11												20.0					20.0

Total Acres: 20

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 20.0 acres in a single irrigation season. Combined Right Nos.: 67-26D, 67-4523E, and 67-14620.
2. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
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Comments:

1. csaxton 3/10/2006 Priority

Comment: This right is flood water that directly overlaps decreed water. Can recommend one day after the Muir vs. Allison or 5-10-1918.

2. csaxton 3/10/2006 Diversion Rate

Comment: Recommended a diversion rate that will bring use up to 1" per acre when used in combination with decreed water.

3. csaxton 3/10/2006 Ownership Issue

Comment: This claim covers two parcels owned by separate owners. I asked both owners if they wanted to split the claim into two pieces so they each had their own claim. They did not want to do that so I am recommending the POU as claimed on both their properties.

4. csaxton 3/10/2006 Copied From Claim

Comment: WATER IS DELIVERED THROUGH THE JEWELL-ALLISON DITCH.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	3/10/2006 9:36:27 AM	csaxton			Active
Priority Date	3/10/2006 9:37:17 AM	csaxton			Active
POD	3/10/2006 9:37:34 AM	csaxton			Active
Source	3/10/2006 9:38:34 AM	csaxton			Active
POU	3/10/2006 9:38:59 AM	csaxton			Active
Use	3/10/2006 9:40:57 AM	csaxton			Active
Season	3/10/2006 9:41:25 AM	csaxton			Active
Quantity	3/10/2006 9:43:50 AM	csaxton			Active
Summary			03/10/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4523E V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/10/2006 9:39:11 AM	csaxton	Updated shape
POD	3/10/2006 9:39:24 AM	csaxton	Updated PLS
POU	3/10/2006 9:41:36 AM	csaxton	Updated shape for Active POU
Contacts	3/10/2006 9:37:51 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
General	3/10/2006 9:38:42 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - This right is flood water that directly overlaps decreed water. Can recommend one day after the Muir vs. Allison or 5-10-1918.
POD	3/10/2006 9:38:59 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	3/10/2006 9:39:59 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Direct overlap with decreed water.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4523E V1

POU	3/10/2006 9:40:24 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Direct overlap with Decreed rights.
Use	3/10/2006 9:42:22 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Direct overlap with decreed rights, so same purpose of use.
Season	3/10/2006 9:42:50 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/10/2006 9:45:15 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - No measurement needed for recommendations for 0.20 cfs or less.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4523E V1

Summary	3/10/2006 9:47:47 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	3/10/2006 9:41:46 AM	csaxton	Updated PLS for Active POU

Water Supply Bank:

CONVERSATIONAL MEMORANDUM

Date: September 12, 2005 (Braun)
September 16, 2005 (Jones)

To: File 67-4523E, 67-27D and 67-27D

From: Craig L. Saxton

Subject: Phone Call - Evidence of Priority - Overlap

Allen Jones: wk: 740-0831
Hm: 257-3536

Roy Braun:

So Roy started the dialog by calling about 67-4523E which he and Jones are both listed on as owners. In researching the rights, I found that the POU claimed under 67-4523E overlaps with two decreed rights ... 67-26 and 67-27.

Braun claimed a portion of 26 and Jones claimed a portion of 27.

My initial analysis indicates that 67-26 and 67-27 overlap directly so both Braun and Jones should have a portion of each decreed right and should each file new claims.

Need to look into this and contact both to inform them of what I find.



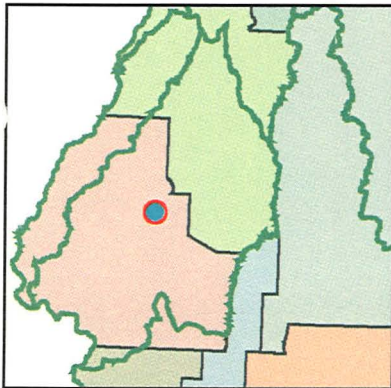
Idaho Department of Water Resources

Adjudication Claim Number: **67-4523E**

T14N R03W

Legend

PLS Sections
GCDBQuarter Quarters



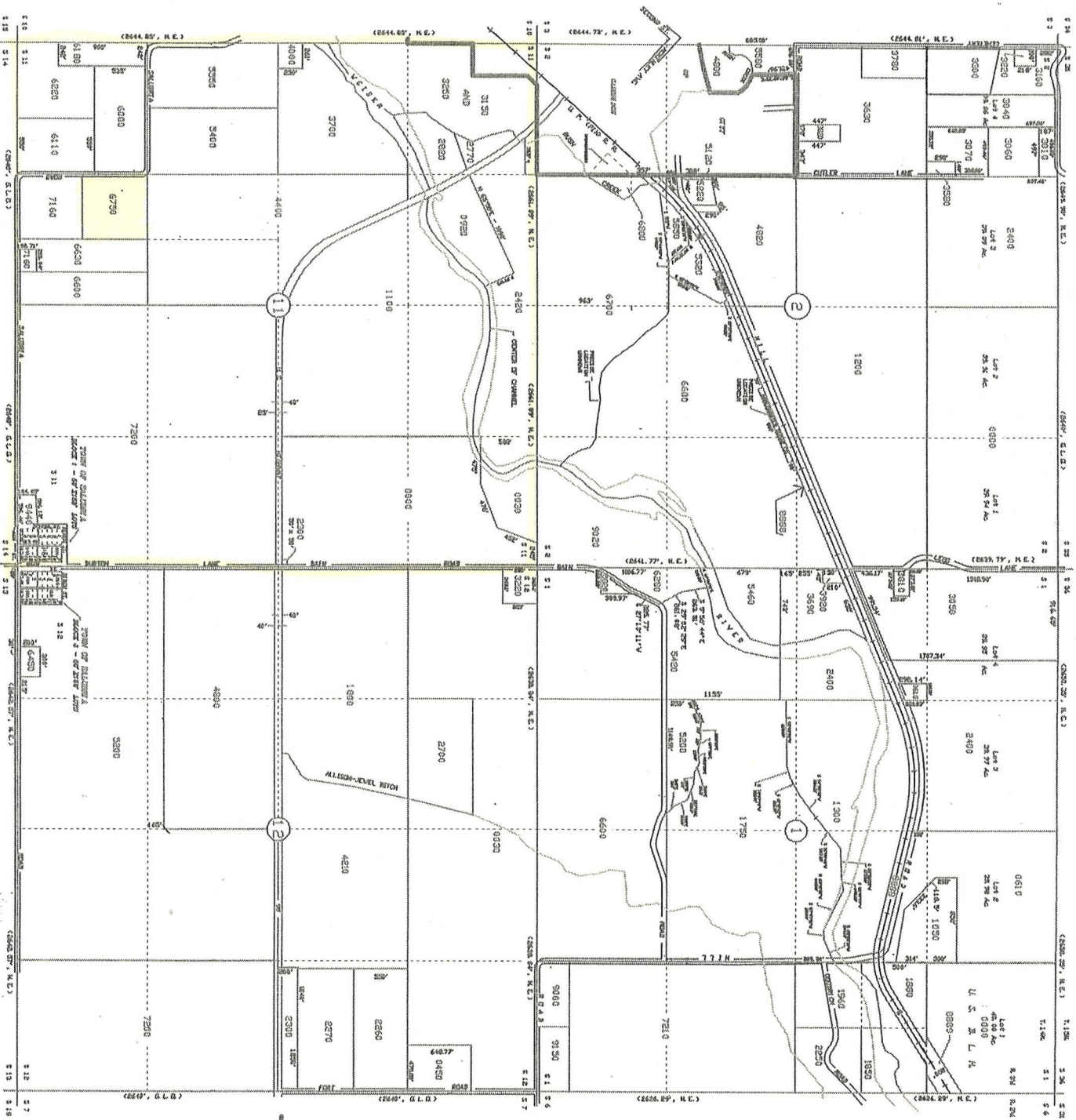
Washington County
IDWR Basin 67



0 0.1 0.2 Miles

Prepared by M. Van Bussum
On Thursday, September 1, 2005
1987 Aerial Photography

14N03W116750



WASHINGTON COUNTY
IDAHO

THIS PLAT WAS PREPARED BY THE PLATTEAU SURVEYING COMPANY, INC., A PROFESSIONAL SURVEYING FIRM, AND IS SUBJECT TO THE REVIEW AND APPROVAL OF THE PLATTEAU SURVEYING BOARD, A BOARD OF SURVEYING PROFESSIONALS.



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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SECTION 1, 2, 11 & 12
INCLUDING TOWN OF SALUBRIA
T. 14N., R. 3W., B. 1M.
14N03W01 & 14N03W02



CLAIMANT'S NAME: Roy G Braun & Alan L. Jones DATE: 10-19-89
EMPLOYEE: Carter Fritschle

RE: The actual ownership of the land covered by this claim at this time is "sketchy".
Mr. Braun has owned the entire W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11 Twn 14N Rng 3W.
However, on 10/05/1989 Mr. Braun claimed Water Right A67-00026D for use on the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11.
At the same time Mr. Jones claimed Water Right A67-00027D for use on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11 and stated that he had purchased the land from Mr. Braun. On 10/19/1989 Mr. Braun has stated that the land sale has not yet closed, and therefore he still owns the entire 20 acres. It would appear at this time both A67-00026D and A67-00027D are appurtenant to the entire 20 acres in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 11.

SCANNED
APR 14 2004

MICROFILMED
OCT 02 1992

RECEIVED

11/14/2006

DEC 07 2006

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: December 8, 2006

Water right number: 67-4523E

ROY G BRAUN
PO BOX 146
CAMBRIDGE ID 83610
Telephone Number: (208)257-3424

ALAN L JONES
PO BOX 358
CAMBRIDGE ID 83610
Telephone Number: (208)257-3536

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: 12-6-06

SIGNATURE:

Alan Jones

Please print your name:

ALAN JONES

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 08 2006

11/14/2006

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PO BOX 146
CAMBRIDGE ID 83610
Telephone Number: (208)257-3424

ALAN L JONES
PO BOX 358
CAMBRIDGE ID 83610
Telephone Number: (208)257-3536

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: 11/28/06

SIGNATURE: Roy G. Braun

Please print your name: ROY G. BRAUN

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 11 2006

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: A67-04523E
Date Received: 10-19-89
Receipt No: C012417
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROY G. BRAUN 208-257-3424
Address: P.O. BOX 146
CAMBRIDGE, ID 83610

AND/OR
Name: ALAN L. JONES 208-257-3536
Address: P.O. BOX 358
CAMBRIDGE, ID 83610

2. Date of Priority: MAR 25, 1911

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	6	NW	SW	NW		WASHINGTON

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.150		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A67-04523E

Page 1

Date: 10/19/89

SCANNED
APR 14 2004

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	11	SE	SW		IRR	20.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00026D, A67-00027D

14. Remarks:
WATER IS DELIVERED THROUGH THE JEWELL-ALLISON DITCH.

15. Basis of Claim: STATUTORY CLAIM

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 X 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): Roy H. Braun Date: 10/19/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of October 19 89 Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

