

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: A36-04137
Date Received: 1/19/1989
Receipt No: S006085
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN BRUNE 208-829-5457
Address: 2463E 1200S
HAZELTON, ID 83335
2. Date of Priority: APR 12, 1961
3. Source: WASTE WATER Trib. to: MILNER-GOODING CANAL
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 10S | 21E | 18 | SW | SW | SW | 4 | JEROME |
5. Description of diverting works:
PUMP, PIPELINE, HANDLINES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 09/30 | 1.670 | | |
7. Total Quantity Appropriated is:
1.670 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
10S	21E	19	NE	NE		IRR	17.0
			NW	NE		IRR	15.0
			SE	NE		IRR	3.0
			NE	NW		IRR	15.0

A36-04137

Page 1

Date: 01/19/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	21E	19	NW	NW		IRR	3.0
Section Acres							53.0
Total Acres							53.0

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
NORTHSIDE CANAL WATER

14. Remarks:

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 / 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): John D. Brune Date: Jan 19 1989
Date:

State of Idaho)
County of TK) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of Jan 19 89 Lon White
Notary Public

Seal

Residing at TK

My Commission Expires 5/94

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OCT 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

A36-04137
JOHN BRUNE
2463 E. 1200 S.

HAZELTON

ID 83335

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

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RECEIVED

OCT 29 1990

Department of Water Resources
Southern Region Office

Dear Department of Water Resources:

Concerning the claim A36-04137 of dating the beneficial use to April 12, 1961. A mortgage paper is attached which can best establish this claim. This mortgage is dated April 17, 1961. Item 1 circled is an easement for the diversion of irrigation water between Ida Boyd and the Schuttles. Ida Boyd was the owner of the land at the point of diversion T10S-R21E Sec 18 and the Schuttles were the former owners of the land to which the water is to be used for irrigation purposes. I have reason to believe that the water was being diverted prior to the indenture date of Mar 3, 1961 it is hard to contact people involved with the installation of this equipment some thirty years ago. But the mortgage does establish that a small sump pump item 2 circled and aluminum pipe item 3 were a part of the property described in the mortgage real property. This pump and pipe were used to divert the irrigation water to the land of the present claim Sec 19-T10S-R21E which is the place of use on the claim.

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The indenture document no. 146338 will also confirm the point of diversion of this irrigation water. If necessary I will send a copy of the indenture. Item 4 does establish that the pump was in place as of Mar 3, 1961. If further proof is necessary please contact me. If convenient please return the mortgage papers to me.

Sincerely yours,
John D. Brune

Twin Falls, ID. 11/4/90

Robert V. Worstell
Notary Public - Idaho

Twin Falls, ID

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Mortgage

This Mortgage, Made this seventeenth day of April
nineteen hundred and ~~sixty~~ sixty-one, by and between

DWIGHT E. PLINE and ARDYCE E. PLINE, husband and wife,
of the County of Ada

in the State of Idaho, hereinafter called "Mortgagor", and
THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

a corporation of the State of New Jersey, hereinafter called "Mortgagee",
WITNESSETH, that the Mortgagor, for and in consideration of the sum of FORTY-FIVE THOUSAND AND 00/100-----
(\$ 45,000.00-----) Dollars,
lawful money of the United States of America, to the Mortgagee in hand paid by the Mortgagee, the receipt of which
is hereby acknowledged, and in order to secure the repayment thereof according to the promissory note hereinafter
mentioned and also to secure the repayment of any further sum or sums advanced or paid by the Mortgagee to or for
the account of the Mortgagor as herein provided, does hereby grant, bargain, sell, convey and confirm unto
the Mortgagee, its successors and assigns, forever, all the following described real property lying and being in the
County of
Jerome, State of Idaho, and described as
follows, to wit:

The Northeast Quarter (NE $\frac{1}{4}$), The East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$),
The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
and
That part of Lots One (1), Two (2), and Three (3) lying East of the center line of
the main canal of the North Side Canal Co., Ltd as at present constructed
and
That part of the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) lying North of the PA-1
lateral of the North Side Pumping Company as at present constructed, all in Section
Nineteen (19), Township Ten (10) South, Range Twenty-one (21) East of the Boise Meridian,
Containing 374.01 acres, more or less,

Together with that certain easement for a sump pump motor and pipe line for the
diversion of irrigation water, created in that certain indenture dated March 3, 1961,
of IDA MAE BOYD, a widow, as grantor, to LEONARD H. SCHUTTE and MARIE SCHUTTE, husband
and wife, as grantees, which indenture was recorded April 12, 1961, in the records in
the office of the County Recorder of said County, under Document No. 146338

Also mortgaging and including herein the following equipment (including all renewals
and replacements thereof) deemed to be a part of the improvements on the above-
described premises and which will be kept a part of said improvements, to-wit:

Main Canal Pump and Motor - Peerless Pump, Serial No. 157345, attached
"U.S. Motor", 75 horsepower, type CFUH, Serial No. 944708,

Small Sump Pump and Motor - Pacific Pump, Serial No. F1-D2-3514, type
4B-LKD-SF, Motor - U.S. Motor No. 2813173, 20 horsepower, type "H",

(Description of mortgaged property is continued on Page 3 hereof)

together with all and singular the tenements, hereditaments, rights, easements, privileges and appurtenances thereunto
belonging, or in anywise appertaining, and all improvements now or hereafter thereon together with storm and screen
windows and doors, gas, steam, plumbing, electric, toilet and other fixtures now or hereafter a part of, or used in
connection with any building thereon and together with trellises, pumps, sprinkler systems, pumping stations, motors,
engines, reservoirs, pipes and flumes or other equipment now or hereafter used for the production of water thereon or
for the irrigation or drainage thereof, and the reversions, remainders, rents, issues and profits thereof, and also hereby
releasing and waiving all rights under and by virtue of any homestead, stay, appraisalment and exemption laws now
in force, or which may hereafter become laws, and together with all the rights to the use of water for irrigating said
premises and for domestic use thereon to which the said Mortgagor, or the premises hereby conveyed, is now or may
hereafter become entitled, or which now are or may hereafter be used on said premises, however the same may be
evidenced, and together with all shares of stock or shares of water in any ditch or irrigation company which in
any manner entitles the Mortgagor to water for irrigating or domestic purposes upon said premises; all of the
foregoing is included in and hereinafter called the "mortgaged property".

TO HAVE AND TO HOLD the said mortgaged property unto the Mortgagee, its successors and assigns, forever.
And the Mortgagor hereby covenants with the Mortgagee, its successors and assigns, that the Mortgagor is law-
fully seized in fee simple of the mortgaged property, that the Mortgagor has good right and lawful authority to
encumber or sell and convey the same, that the mortgaged property is free from all encumbrances, that the Mort-
gagee, its successors and assigns, shall quietly enjoy and possess the same, and that the Mortgagor and the heirs,
successors in interest and assigns of the Mortgagor will forever warrant and defend the title to the mortgaged property
unto the Mortgagee, its successors and assigns, against any and all lawful claims of all persons whomsoever.

This mortgage secures the payment of the principal sum hereinabove mentioned as the consideration herefor, with
interest thereon, according to the tenor and effect of that certain promissory note (and any renewals or extensions or
modifications thereof) of even date herewith, the final payment of said principal sum being due and payable on
January 15th 1981; said note, being hereby secured and by reference made a part hereof, is
executed and delivered by the Mortgagor and is payable to the order of the Mortgagee in lawful money of the United
States of America at its office in Newark, New Jersey, or at such other place as the holder thereof may designate
in writing, and also to secure the repayment of any further sum or sums advanced or paid by the Mortgagee to or
for the account of the Mortgagor as herein provided.

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Prudential Insurance

And the Mortgagor for the consideration aforesaid hereby covenants and agrees to and with the Mortgagee, its successors and assigns, as follows:

(1) To pay unto the Mortgagee, its successors and assigns, the indebtedness evidenced by said note together with all instalments of principal and/or interest payable by the terms thereof according to the tenor and effect of said note of even date herewith, and to pay all other sums that may hereafter be or become owing by the Mortgagor to the Mortgagee as provided for herein, together with interest thereon at the applicable rate set forth in said note or herein specified with respect thereto, in lawful money of the United States of America;

(2) To keep the mortgaged property in good condition and repair, to keep in good cultivation the land described in this mortgage, not to commit nor permit any waste on the mortgaged property, to comply with all laws, rules and regulations made by Governmental authority and applicable to the mortgaged property, to keep the mortgaged property free from statutory liens of every kind, and not to do nor to permit to be done anything which shall impair the security by this mortgage created;

(3) To pay, before they become delinquent, all taxes and assessments of every type or nature that may be levied, assessed or imposed upon the mortgaged property, or any part thereof, or upon this mortgage or the interest of the Mortgagee hereunder or upon any note or indebtedness secured hereby, notwithstanding any law heretofore or hereafter enacted imposing payment of the whole or any part of the aforesaid taxes upon the Mortgagee, and upon any breach of this covenant or the passage of any applicable law imposing payment of the whole or any part of any of the aforesaid taxes upon the Mortgagee and making this covenant legally inoperative or upon the rendering of a decision by a court of competent jurisdiction that this covenant is legally inoperative, then in any such event the debt hereby secured, without any deduction, at the option of the Mortgagee, shall become immediately due, payable and collectible, notwithstanding anything contained in this mortgage, the note secured hereby or in any law heretofore or hereafter enacted;

(4) To keep the buildings on the mortgaged property insured during the existence of this mortgage in such forms of insurance as may be required by the Mortgagee, in some responsible insurance company, or companies, to be selected by the Mortgagor and approved by the Mortgagee, in a sum satisfactory to the Mortgagee, and cause the policy or policies to be made payable in case of loss to the Mortgagee, its successors and assigns, and delivered as collateral and further security for the payment of the indebtedness hereby secured, it being agreed that in the event of loss or damage the proceeds of insurance shall be applied by the Mortgagee, at the Mortgagee's option, either toward the cost of repairing and rebuilding or in the reduction of any indebtedness hereunder, and in the event of foreclosure of this mortgage or sale of the mortgaged property as herein provided all interest of the Mortgagor in and to any insurance policies shall pass to the purchaser or grantee of said property;

(5) In case of failure to pay aforesaid taxes and assessments before the same become delinquent or any interest or penalty accrues thereon, or to effect aforesaid insurance and deliver the policy or policies as aforesaid, or in case there exists or shall arise at any time any claim, lien or encumbrance on the mortgaged property, or any part thereof, which is prior to this mortgage, or in case there shall exist at any time during the continuance of this mortgage any statutory lien on the mortgaged property, or any part thereof, the Mortgagee may pay such taxes and assessments, or effect such insurance, or pay such claim, lien, encumbrance or statutory lien, and the sum or sums so advanced shall immediately be due and payable and shall, with interest thereon at the highest legal contract rate of interest per annum from the time of payment, be deemed to be secured hereby;

(6) The Mortgagee may appear in or defend any action or proceeding at law or in equity, purporting to affect the security hereof, and in such event the Mortgagee shall be allowed and paid, and the Mortgagor hereby agrees to pay, all costs, charges and expenses, including costs of evidence of title and attorney's fees in a reasonable sum, incurred in any such action or proceeding in which the Mortgagee may appear;

(7) No saw timber is to be cut or removed from the within described land without the written consent of the Mortgagee and when such consent is given the Mortgagor agrees to pay to the Mortgagee fifty per cent. (50%) of the net proceeds which shall be applied on the indebtedness herein secured;

(8) In case of condemnation of the mortgaged property, or any part thereof, by paramount authority, any portion or all of any condemnation award to which the Mortgagor shall be entitled is hereby assigned by the Mortgagor to the Mortgagee, who is hereby authorized to demand, sue for, collect, receive and receipt for the same and apply the net proceeds of the same, less costs and expenses of any litigation, toward the payment of the indebtedness hereby secured;

(9) In case of default in the payment of the indebtedness evidenced by said note or any instalment of the said principal sum and/or interest thereon, or any part thereof, or in the repayment of any disbursement authorized by the terms of this mortgage and actually made by the Mortgagee, the Mortgagee may at once proceed to foreclose this mortgage for the amount due, or in case of default as aforesaid, or in the event of the violation, non-performance or breach of any of the covenants, conditions, agreements or warranties herein or in said promissory note contained, or if the Mortgagor shall assign or attempt to assign the rents, issues or profits or any part thereof of the property mortgaged hereby without the written consent of the Mortgagee, or in case of the actual or threatened demolition or removal of any building on or to be erected upon the mortgaged property, the entire principal sum of said note hereby secured and the whole amount of all indebtedness owing by or chargeable to the Mortgagor under any provision of this mortgage or intended to be secured hereby shall, at the election of the Mortgagee, become immediately due and payable without notice although the time expressed in said note for the payment thereof shall not have arrived and suit may immediately be brought without notice to the Mortgagor, and a decree be had to sell the mortgaged property, or any part or parts thereof, either together or in parcels, with all and every of the appurtenances, or any part thereof, in the manner prescribed by law, and out of the moneys arising from such sale to repay the said indebtedness including both principal and interest, together with the costs and charges of making such sale and of suit for foreclosure and also the amounts of all sums advanced or paid by the Mortgagee to or for the account of the Mortgagor, with interest thereon, as herein provided, including such payments of liens, taxes or other encumbrances as may have been made by the Mortgagee by reason of the provisions herein given, and the surplus, if any there be, shall be paid by the party making such sale, on demand, to the Mortgagor.

And it is further agreed that in case suit or action is commenced to foreclose this mortgage, the court may, upon the motion of the Mortgagee, appoint a receiver to collect the rents and profits arising out of the mortgaged property and to take possession, management and control of the mortgaged property during the pendency of such foreclosure or until payment of the debt hereby secured, and apply the said rents and profits to the payment of the amount due under this mortgage, first deducting all proper charges and expenses attending the execution of said trust.

And upon the completion of any proceedings to collect the indebtedness or disbursements secured hereby, or any part thereof, by foreclosure of this mortgage or otherwise, there shall become due to the Mortgagee the amount of the principal of this mortgage, together with interest thereon, and the Mortgagee agrees to pay, in addition to the costs and charges allowed by law, a reasonable sum as and for a attorney's fee as an additional indebtedness hereunder and under the note secured hereby and it is agreed that this mortgage shall stand as security therefor. It is also agreed that the Mortgagee will pay any amount the Mortgagee may incur or pay for any abstract or continuation of abstract of title, certificate or insurance of title or other evidence of title subsequent to this date on any of the mortgaged property, and this mortgage shall secure payment thereof.

And the Mortgagee further covenants and agrees, that in the event of a sale of the mortgaged property, or any part or parts thereof, under and by virtue of the provisions of this mortgage, the purchaser or purchasers thereof shall have immediate and peaceable possession of the same and that if the Mortgagee remains in possession after the effective date of such sale, such possession shall be construed as a tenancy at sufferance only, giving unto the purchaser all remedies, by way of summary possession or otherwise, conferred by law in such case.

As additional and collateral security for the payment of said note and all sums to become due under this mortgage, the Mortgagee hereby assigns to the Mortgagee, its successors and assigns, all profits, revenues, royalties, damages, rights and benefits accruing to the Mortgagee under any and all oil, gas or mineral leases, rights or reservations on the mortgaged property at the date of the execution of this mortgage, or which may hereafter be placed thereon, with the right to receive and receipt for the same and apply them to said indebtedness as well before as after default in the conditions of this mortgage, and the Mortgagee, its successors and assigns, may demand, sue for and recover any such payments when due and payable, but shall not be required so to do. This assignment is to terminate and become null and void upon release of this mortgage.

And it is further agreed that upon request of the Mortgagee, the Mortgagee may hereafter, at its option, at any time before full payment of this mortgage, make further advances to or for the account of the Mortgagee and any such further advances, with interest, shall be secured by this mortgage and shall be evidenced by an additional note then to be given by the Mortgagee to the Mortgagee payable on or before the maturity of the indebtedness secured by this mortgage and bearing such other terms as the Mortgagee may require; provided, however, that the amount of principal secured by this mortgage and then remaining unpaid, shall not at the time of and including any such advance exceed the original principal sum secured hereby. The Mortgagee does covenant and agree to and with the Mortgagee to repay the Mortgagee all such further advances made as aforesaid with interest, that such further advances and each note evidencing the same shall be secured by this mortgage, and that all of the covenants and agreements in this mortgage contained shall apply to such advances as well as to the original principal sum and all other indebtedness secured hereby; provided, further, that nothing herein contained shall be deemed to affect, impair or limit the right of the Mortgagee, without request by the Mortgagee, to exercise any rights or powers elsewhere in this mortgage given to protect the security by making advances to pay taxes, assessments, insurance or otherwise, nor shall anything herein contained limit the amount that shall be secured by this mortgage if such amount is increased by advances so made by the Mortgagee to protect the security.

And it is further agreed that no waiver of any of the terms or provisions of this mortgage, or of the note secured hereby, shall at any time thereafter be held or considered to be a waiver of the terms or provisions hereof, or of the note secured hereby, and that the legal holder of said note may, at his option, extend the maturity of same from time to time upon written agreement, executed by the Mortgagee, his grantee, assigns or legal representatives, for such further periods, at such rate of interest, and upon such conditions as may be then agreed upon, and no such extension agreement shall operate to impair the lien of this mortgage or release the Mortgagee from any liability hereunder or any maker, guarantor or endorser of said note from personal liability thereon, and that a deficiency judgment may be entered against Mortgagee either jointly or severally in any action brought to foreclose this mortgage.

It is also agreed that the invalidity or inapplicability of any one or more covenants, conditions, agreements, phrases, clauses, sentences or paragraphs of this mortgage shall not affect the remaining portions of the mortgage or any part thereof, and in such event this mortgage shall be construed as if such invalid or inapplicable covenants, conditions, agreements, phrases, clauses, sentences or paragraphs, if any, had not been inserted herein. The covenants herein contained shall bind, and the benefits and advantages hereof shall inure to, the respective heirs, legatees, devisees, executors, administrators, successors and assigns of the parties hereto. Whenever used herein, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders. This mortgage shall be construed to be applicable to and include a corporation or corporations that may be a party or parties hereto.

Provided always, that upon a full and complete performance of the covenants and agreements herein contained this mortgage shall be null and void, otherwise it shall be and remain in full force and effect.

(Continuation of description of mortgaged property from Page 1 hereof)

③ → 4,500 feet of buried steel pipe; 1600 feet of steel pipe 10 inches in diameter,
④ → 1,500 feet of steel pipe 8 inches in diameter, 1,400 feet of steel pipe 6 inches in diameter with 67 risers, 220 lengths of aluminum sprinkler pipe 4 inches in diameter with risers, 72 lengths of aluminum sprinkler pipe 3 inches in diameter with risers, 20 lengths of aluminum sprinkler pipe 4 inches in diameter without risers.

Said equipment is presently located on the premises described herein and the adjoining premises described in said indenture, dated March 3, 1961.

IN TESTIMONY WHEREOF, the Mortgagee has set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the Presence of

Dwight E. Pline (SEAL)
Dwight E. Pline

Ardyce E. Pline (SEAL)
Ardyce E. Pline

MICROFILMED
FEB 01 1993
(SEAL)

PIC 2 167 734
No. _____ \$ _____
IDAHO — NEW MEXICO
UTAH
OREGON — WASHINGTON
Mortgage

146032 ✓

TO
THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA ✓
Recorded ✓
Compared ✓
Direct ✓
Reverse ✓

Office of County Boise

STATE OF Idaho

County of Jerome ss.:

At request of Jerome Nat. Co.
I hereby certify that the within Mortgage was

filed for Record in this office on the 26

day of April, A.D., 1961,

at 4:24 o'clock P.M., and was duly recorded

in Book 170 of Mortgages on page 103 (103)

Charlotte Peterson

County Jerome

By Arthur W. Johnson Deputy.

COMB. 35382 ED 10-59 (W)

Fee \$8.70

STATE OF IDAHO } ss.:
COUNTY OF _____ }
do hereby certify that on this 18th
A.D. 19 61, personally appeared before me the within named
WITNESS My hand and official seal the day and
year in this certificate first above written.
Residing at Nampa, Idaho
My Commission Expires Jan. 21, 1963.

James Mayhew Notary Public.

RECEIVED
FEB 1 1963

\$ 45,000.00

Idaho

April 17th, 19 61

For value received we jointly and severally promise to pay to the order of

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

the principal sum of FORTY-FIVE THOUSAND AND 00/100 ----- Dollars (\$45,000.00),
in lawful money of the United States of America, in ----- annual instalments as follows, namely:

THREE THOUSAND AND 00/100 Dollars (\$3,000.00) on January 15, 1962,
THREE THOUSAND AND 00/100 Dollars (\$3,000.00) on January 15, 1963,
THREE THOUSAND AND 00/100 Dollars (\$3,000.00) on January 15, 1964,

And beginning on the fifteenth day of January, 19 65 and
----- annually thereafter ONE THOUSAND FIVE HUNDRED AND 00/100---(\$1,500.00)---Dollars,
and the balance of said principal sum on the fifteenth day of January, 1981,
with interest thereon at the rate of six --- (6%) --- per cent. per annum, from April 17th,
1961, until maturity, payable ----- annually, on the fifteenth day of January
----- in each year.

All instalments of the principal sum of this note and the interest thereon are payable at the office of THE PRUDENTIAL
INSURANCE COMPANY OF AMERICA in Newark, New Jersey, or at such other place as the holder
hereof may designate in writing.

If default shall be made in the payment of any instalment of the principal sum of this note, or any interest thereon, or any part thereof; or if the maker of this note or any successor in interest shall allow taxes or any public assessment upon the whole or any part of the property upon which the payment of this note is secured to become delinquent, or any interest or penalty accrues thereon; or if said security shall in any way become impaired, then the whole of said principal sum with accrued interest shall at once become due and payable, at the election of the holder hereof, without notice.

The maker of this note further contracts and agrees to pay to the plaintiff a reasonable sum as attorney's fees, upon the commencement of any and every proceeding to collect this note or any part thereof.

After the dates when due and until paid, all instalments of the principal sum of this note and all instalments of interest shall bear interest at the rate of eight (8%) per cent. per annum.

The makers and endorsers severally waive presentment, protest and demand, notice of protest, demand and of dishonor and non-payment of this note, and expressly agree that this note, or any payment thereunder, may be extended from time to time without in any way affecting the liability of the makers and endorsers hereof.

This note and the interest thereon are secured by a first mortgage of even date herewith on property located in Jerome
County, State of Idaho, and this note is to be construed according to the laws of Idaho.
Privilege is given to make additional payments on the principal of this indebtedness in
sums of \$100 or multiples thereof on any date when interest becomes due and payable;
provided, however, that the amount so paid during any year ending at an anniversary of
the date from which interest accrues hereunder, added to obligatory principal payments,
if any, falling due within such one-year period, shall not exceed one-fifth of the
principal sum payable under the terms of this instrument. Additional payments made under
the terms of this privilege shall at any time thereafter, upon the written request of
the owner of the property securing this indebtedness, be considered as having been made
in lieu of future obligatory principal payments to the extent only of the amount of such
additional payments.

PAID

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FEB 8 1983

Dwight E. Pline
Dwight E. Pline
Archie E. Pline
Archie E. Pline

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho conditioned by diversion and application as a beneficial user must file a claim with the Department of Water Resources not later than June 30, 1963. Excepted from this filing are single family domestic uses as defined in Section 42-236(d), Idaho Code. And excepted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that John Bruce

(Name of Claimant)

Route #1 Box 44A, Hazelton, ID 83333
(Mailing Address)

(Zip Code)

Telephone No. 829-5457

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 12, 1961

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

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

Wastewater

tributary to

Milner-Gooding Canal

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

	(cfs, gpm, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	
Quantity	<u>1.67 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>4-1</u>	To <u>9-30</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 1.67 cfs TOTAL QUANTITY USED
(cfs, gpm, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

Lot 4 (SW 1/4, Sec 18, Twp 10S, Rge 21E, S.M., County of Jerome)

Additional points of diversion:

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. 40 hp pump, 8" pipeline to wheel lines & handlines

- (6) A) Describe location of use by listing number of irrigated acre: within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	21E	18	12	15			2	15	2										53

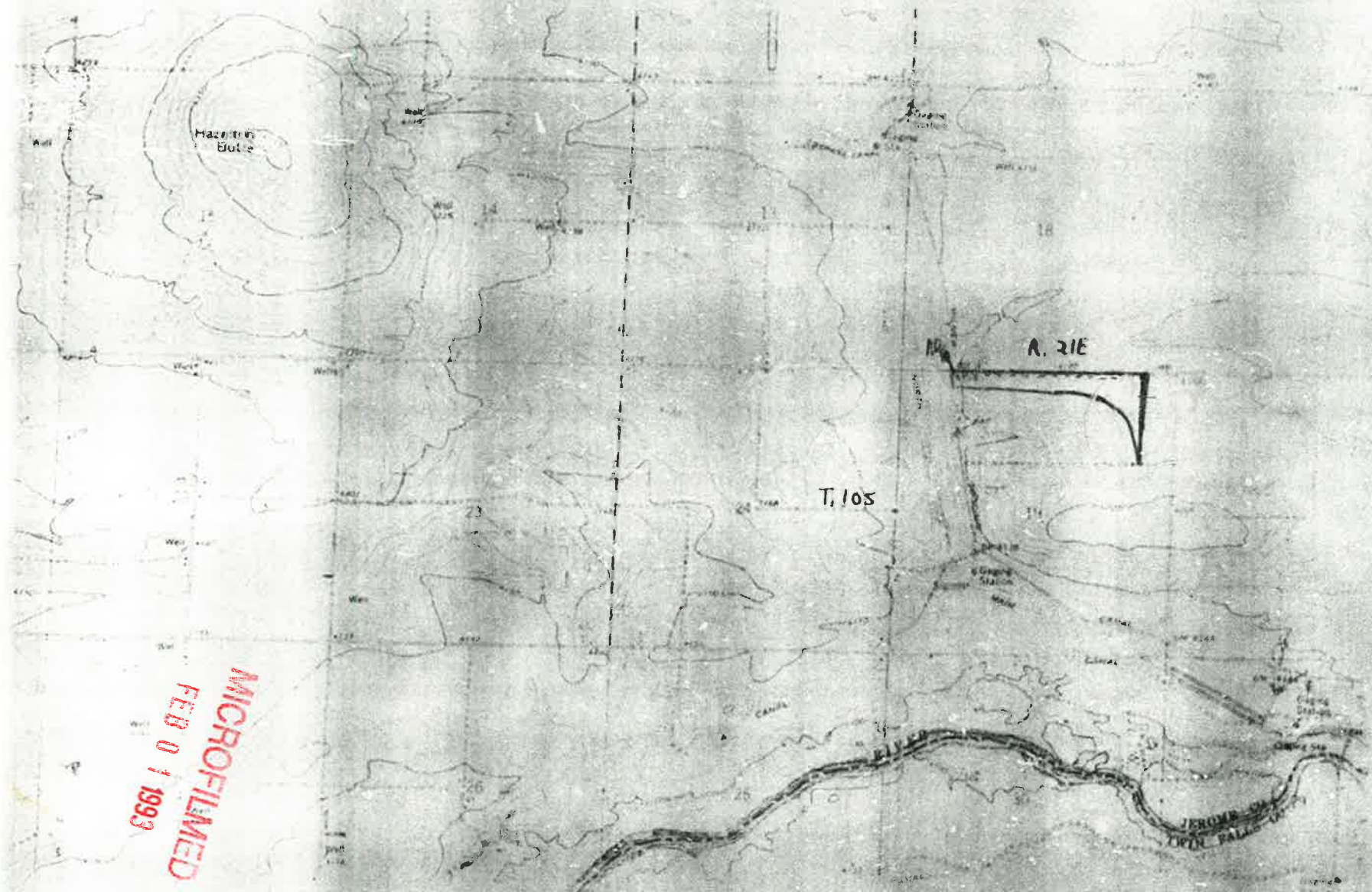
No. of acres 53

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

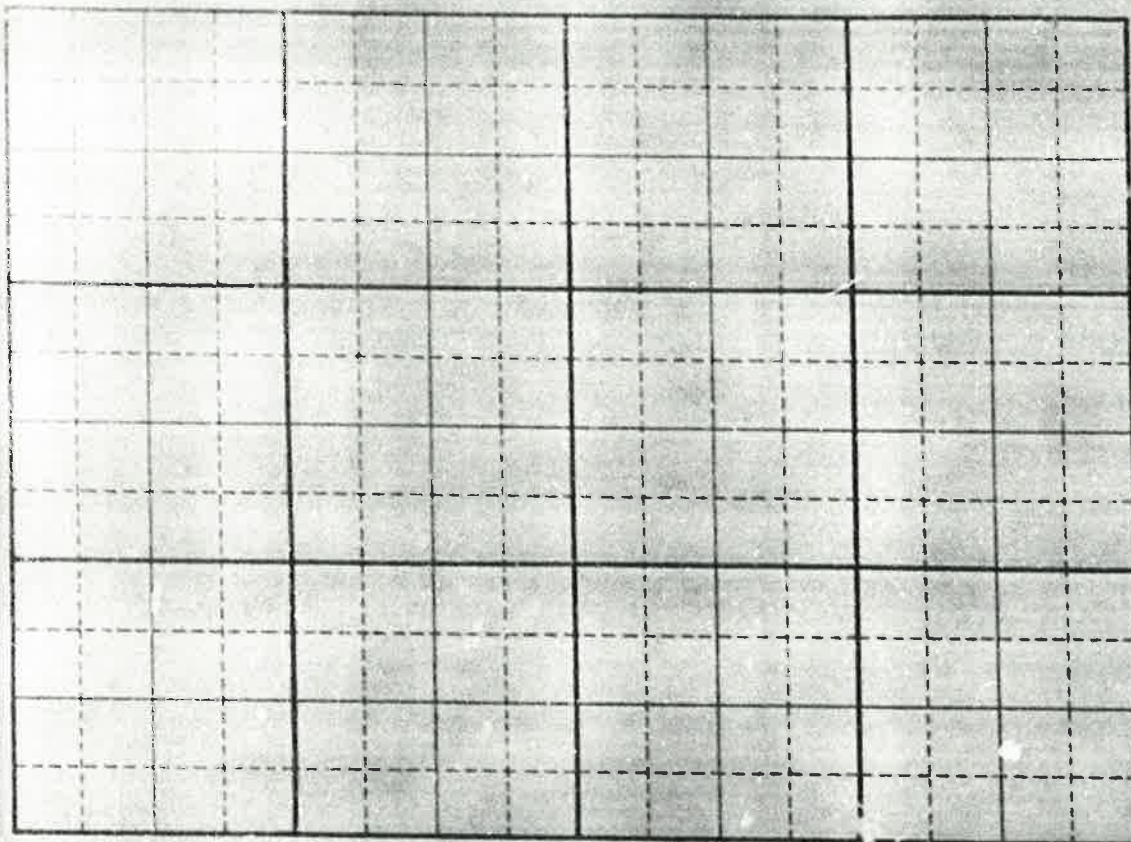
- (7) If you are claiming water as a member of an organization, list name of organization:

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FEB 01 1993



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FEB 01 1993

10. The water right pipeline easement was recorded at Jerome County Courthouse (L.A. 138) (pg. 14-138).



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 Twin Falls

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.

John Bruner
(Claimant)

Sworn to before me this 20th day of January, 1982.

Mary A. Hill

Notary Public

Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

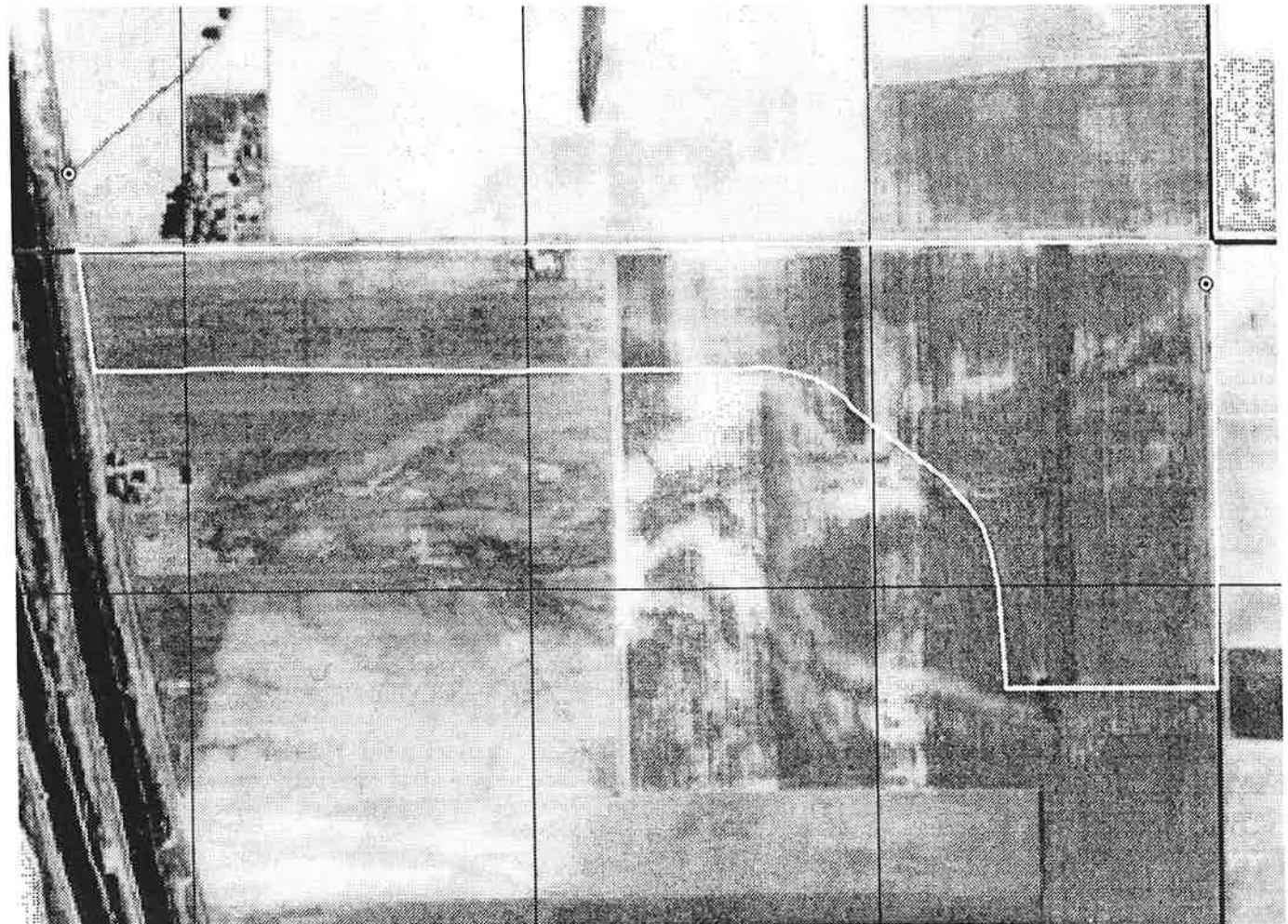
Received by J. P. Stanton Date 1-20-1982 Exception filed by: _____
Pratum check by T. A. Clon Date _____
\$2300 fee received by: 227 Date 5/5/82 # 20764
Published in Local Area News
Dates 1/29 & 2/5/82

Forwarded to
claimant by: _____

DATE
MICROFILMED
FEB 01 1993

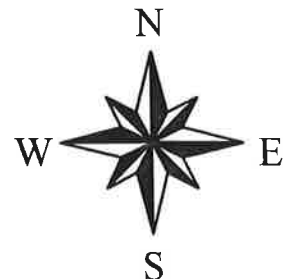
IDAHO DEPARTMENT OF WATER RESOURCES

36-04137 & 36-08051
JOHN BRUNE



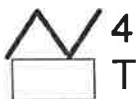
0.04 0 0.04 0.08 0.12 0.16 0.2 0.24 0.28 0.32 0.36 0.4 0.44 0.48 0.52 0.56 0.6 0.64 0.68 Miles

TNS 10S, RNG 21E, SEC 19



- ◉ B36-pod.shp
- Pou-outline.shp

10s21e.dxf



T10s21eqq.shp

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY AUGUST 1997
BY KELLY K CHRISTENSEN

Decreed right

CLAIM NUMBERS 36-4137
-8051

DATE 8-4-97
AGENT KKC

TRANSFER NUMBER _____
OBJECTION FILED _____
TOTAL ACRES FROM RECOMMENDATION 77
GEOGRAPHIC INFO SYSTEM 77

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	10S	21E	19	36	15		8	15	3										77
GIS				35.7	15.1		7.5	14.3	4.1										76.7
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF 8-7
B36-DBPOD.DBF 8-7

POLYGON CREATED ON 604

ATTRIBUTES OF B36-POU.SHP

ATTRIBUTES OF B36-POD.SHP ()

POD

Sec 18 SE SWSW 264 8-7

Sec 19 NE NENE 265 8-7

P/U based upon a settlement
conference held 3-7-97

P/U CONFLICT yes () no (X)

P/D CONFLICT yes () no (X)

READY FOR DECREE yes (X) no ()

SENT FOR DECREE yes (X) no ()

Water Right Number - R36-04137

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

BRUNE

JOHN

1 - 2463 E 1200 S

2 -

3 -

City- HAZELTON

State- ID Zip- 83335

Phone - 208-829-5457

BRUNE

NANCY

1 - 2463 E 1200 S

2 -

3 -

City- HAZELTON

State- ID Zip- 83335

Phone - 208-829-5457

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/12/1961 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WASTE WATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County10S 21E 18 SE SW SW 4 (53) JEROME
19 NE NE NE (53) JEROME+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 1.060+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.060 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County10S 21E 19 NE NE 36.0 01 IRRIGATION (53) JEROME
10S 21E 19 NW NE 15.0 01 IRRIGATION (53) JEROME
10S 21E 19 SE NE 8.0 01 IRRIGATION (53) JEROME
10S 21E 19 NE NW 15.0 01 IRRIGATION (53) JEROME
10S 21E 19 NW NW 3.0 01 IRRIGATION (53) JEROME

Total Acres: 77.0

+ - - Diversion Means - PUMPS, PIPELINE, HANDLINES, WHEEL LINES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

RECOMMENDATION BASED
UPON A SETTLEMENT
CONFERENCE HELD 3-7-97
KRC

Water right number - R36-04137

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

QNT USE OF THIS RIGHT WITH RIGHT NO. 36-08051 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.54 CFS, AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 308 AF.

POU THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-08051 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP RIGHT NO. 36-08051 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

S18 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- NORTH SIDE PUMPING CO.
G01 - THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL
- APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS
- GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO
- CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT,
- OR TO RECAPTURE IT.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

Date: 04/22/1991 User Id: WORSTELL Subject: SUPPLEMENTARY SUPPLY
THIS WASTE WATER IS SUPPLEMENTARY TO CANAL WATER WHEN IT IS IN SHORT SUPPLY.
Date: 03/07/1997 User Id: KCHRISTE Subject: SETTLEMENT CONFERENCE HELD 3-7-1997
AGREEMENT WAS MADE ON 77 ACRES PERMISSIBLE PLACE OF USE, 1.06 CFS FOR 36-04137 AND 0.89 CFS FOR 36-08051 FOR A TOTAL OF 1.54 CFS.
SPECIAL MASTER DOLAN SOLICITED OWNERSHIP IDENTIFICATION. BASED UPON THIE INFORMATION GIMVE TO MR DOLAN, NANCY BRUNE WAS ADDED TO
THE OWNERSHIP OF THE CLAIM. STANDARD FORM 5 DUE WITHIN TWO WEEKS OF THIS DATE. KKC

+ - - Audit Fields - - +

03/07/97 KCHRISTE

+ - - - - 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	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/07/1997	Old Judicial District	-
Claim Received Date	- 01/19/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006085	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-



March 7, 1997 **SETTLEMENT CONFERENCE FOR 36-04317 & 36-08051**

ATTENDING: **SPECIAL MASTER DOLAN, CHARLIE HONSINGER, KELLY K CHRISTENSEN & JOHN BRUNE**

PLACE OF USE

Based upon the settlement conference the system was determined to be a permissible place of use with two points of diversion. The original place of use for each claim was identified as having been developed as a separate system but by 1986 joined into a common system. The place of use as claimed under each right was accepted as accurately representing the actual development. A third system for the canal water is joined to this system and does supply canal water to the recommended acres but Mr Brune indicated that the waste water systems do not supply water to the center pivot systems therefore the acres covered by the canal water are not included in the permissible place of use. The system has gone through another change in operations in the past two or three years, but that change is not reflected in this recommendation. A transfer may be necessary to reflect the current changes made.

DIVERSION RATE

Mr Brune stated that only one pump (the 25hp pump) was operating during the field examination conducted by Jim Stanton. He further stated that the other point of diversion had a 40 hp pump installed. Information in the claims review file for A36-04137 and the licensing field examination for 36-08051 tend to support that statement. It was agreed by all parties that the 0.89 cfs measured by Jim represented the capacity of the 25 hp pump system. The theoretical calculation developed by Robert Worstell for A36-04135 was 1.71 cfs which was for that right and system only. When combined the system capacity would be 2.60 cfs.

We discussed the origination of the waste waters. He indicated that the waste water from the point of diversion at TNS 10S; RNG 21E; SEC 19; NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ B.M. was primarily from his neighbor's property to the east and that the waste water from the point of diversion at TNS 10S; RNG 21E; SEC 1; SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ B.M. was a combination of canal wastewater and private rights on other neighbors to the north and east. This recommendation does not differentiate between the sources of the waste water.

CONSUMPTIVE USE

Charlie Honsinger stated that because of the pending legislation, we will not recommend a consumptive use volume for these rights.

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

03/07/97 13:53:58
Page 1

Water Right Number - 36-04137

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
BRUNE

JOHN

1 - 2463 E 1200 S

2 -

3 -

City- HAZELTON

Phone - 208-829-5457

State- ID Zip- 83335

+ - - Priority Date - - +
04/12/1961

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - +
WASTE WATER

+ - - Tributary - - - - +

+ - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

10S 21E 18 SE SW SW 4 (53) JEROME
19 NE NE NE (53) JEROME

+ - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 ~~0.890~~ 53 * .02 = 1.06 CFS

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
~~0.890~~ 1.06 CFS 0.0

+ - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10S 21E 19 NE NE 36.0 01 IRRIGATION (53) JEROME
10S 21E 19 NW NE 15.0 01 IRRIGATION (53) JEROME
10S 21E 19 SE NE 8.0 01 IRRIGATION (53) JEROME
10S 21E 19 NE NW 15.0 01 IRRIGATION (53) JEROME
10S 21E 19 NW NW 3.0 01 IRRIGATION (53) JEROME

Total Acres: 77.0

+ - - Diversion Means - PUMP, PIPELINE, HANDLINES, PIVOT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

+ - - Remarks - - - - +

ROU EII
QNT
GEN THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-08051 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.89 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 231 AF, AND TO THE IRRIGATION

1.54 CFS

POG
K06

1.06 CFS
.48 CFS

1.54 CFS

changes required based upon settlement conference 3-7-97 KKC

div vol comb limit 77 * 4 308 AF

Water right number - 36-04137

Prefix Translation: WATER RIGHT

+ - - - - - Remarks - - - - - +

EXP

OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-08051 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +

S18 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- NORTH SIDE PUMPING CO.
G01 - THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL
- APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS
- GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO
- CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT,
- OR TO RECAPTURE IT.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 04/22/91 WORSTELL 05/07/92 CHRISTEN 07/18/92 POST-STD 07/31/92 MERRITT 08/03/92 MERRITT
08/28/92 PR-PROD 11/02/92 CPSHAW 12/05/92 ADT-SHAW 05/20/93 CM2-SEIF 09/17/93 UPD-SCHU
03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 257345 08/24/92

+ - - - - - Comments - - - - - +

Date: 04/22/1991 User Id: WORSTELL Subject: SUPPLEMENTARY SUPPLY
THIS WASTE WATER IS SUPPLEMENTARY TO CANAL WATER WHEN IT IS IN SHORT SUPPLY.

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 02/11/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1993	Verified Date	- 08/03/1992	Old Judicial District	-
Claim Received Date	- 01/19/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S006085	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
OCT 19 1994

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 the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-04137 -0001

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: JOHN D BRUNE
Address: 2463 E 1200 S
HAZELTON ID 83335

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it

determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402). IDWR further responds that the points of diversion recommended for this right are the same points of diversion licensed for right no. 36-08051. The licensing field exam for right no. 36-08051 confirmed diversion of 0.89 cfs from these two points. This right is therefore recommended for 0.89 cfs, and the combined diversion rate of both rights, used to irrigate different places of use, is limited to a total of 0.89 cfs.

In response to Statement of the Objection item 5, and all allegations of the objection regarding this item, IDWR responds as follows: It recommended the points of diversion described based on information available to IDWR that these points of diversion are linked by a mainline and either point of diversion could be used to deliver water to the place of use of this right.

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds as follows: There is an error in the description of the place of use of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law." The corrected recommendation describes the place of use as claimed. IDWR further responds to these items as follows: By identifying in the objection additional acres that the claimant did not list on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. IDWR has developed uniform standards of consumptive use for various climatic areas throughout the state, based upon the definition of consumptive use contained in Idaho Code Sec. 42-1401A(2), which is the maximum volume of water consumed by "the most water consumptive crop that can be grown in the area during the period of year when water is used for irrigation." The consumptive use recommended for this water right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in

(Over)

001 10 1947
MICROFILMED

the area during the irrigation season. Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code." Therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings, and not as a limitation on the quantity of water that the claimant may divert pursuant to this recommended right.

In response to Statement of the Objection item 11, and all allegations of the objection regarding this item, IDWR responds as follows: There is an error in the remarks in the description of this water right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law." The corrections are consistent with the corrections in the place of use. The corrections are consistent with the corrections in the place of use.

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A36-04137	3
Recommended Water Rights Acquired Under State Law	1

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: JOHN D BRUNE
Address: 2463 E 1200 S
HAZELTON ID 83335

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

001 1 1 1994
MICROFILMED

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By: 
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September, 1993.


Notary Public for Idaho
Residing at: _____
My Commission expires _____
Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

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: A36-04137
Date Received: 1/19/1989
Receipt No: S006085
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN BRUNE 208-829-5457
Address: 2463E 1200S
HAZELTON, ID 83335
2. Date of Priority: APR 12, 1961
3. Source: WASTE WATER Trib. to: MILNER-GOODING CANAL
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 10S | 21E | 18 | SW | SW | SW | 4 | JEROME |
5. Description of diverting works:
PUMP, PIPELINE, HANDLINES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 09/30 | 1.670 | | |
7. Total Quantity Appropriated is:
1.670 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 of	Lot	Use	Acres
10S	21E	19	NE	NE		IRR	17.0
			NW	NE		IRR	15.0
			SE	NE		IRR	3.0
			NE	NW		IRR	15.0

A36-04137

Page 1

Date: 01/19/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	21E	19	NW	NW		IRR	3.0
						Section Acres	53.0
						Total Acres	53.0

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
NORTHSIDE CANAL WATER

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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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): John D. Brune Date: Jan 19, 1989
Date:

State of Idaho)
County of TK) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of Jan 19 89 Tom White
Notary Public

Seal

Residing at TK
My Commission Expires 5/94

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: AUG-29-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	-------------------

SOURCE: WASTE WATER

36-04137	JOHN BRUNE 2463 E 1200 S HAZELTON ID 83335	04/12/1961	IRRIGATION	04-01 10-31	.89 CFS	BENEFICIAL USE
				TOTAL QUANTITY:	.89 CFS	
	POINT OF DIVERSION: T10S R21E S18 LOT 4 (SESWSW) S19 NENENE			CONSUMPTIVE USE:	159.00 AFY	
	PLACE OF USE: IRRIGATION					
	T10S R21E S19	NENE 36.0 17.0 NWNW 3.0	NWNE 15.0	SENE 0.0 3.0		NENW 15.0
	53.0 77.0 ACRES TOTAL					
REMARKS:	USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE PUMPING CO. THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT. ~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~ USE OF THIS RIGHT WITH RIGHT NO. 36-08051 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.89 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 231 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-08051 IS ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.					

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DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

John Brune

2. SUBJECT OF INQUIRY:

36-08051 & 36-04137

The recommendation for 36-08051 was based upon the licensing field exam as combined with the use developed under 36-04137 for additional main & div rate. The total acres recommended identify acres in the northern portion of Sec 19 outside of a single center pivot (200 Acre coverage) as shown on the orthophoto.

The recommended diversion rate for the combined ~~diversion~~ rights was limited to the measured rate ^{found} during the 1986 licensing field exam for 36-08051 that measurement was a split block head calculation for the hand lines on the 23 acres under that

3. RESPONSE TO INQUIRY:

claim only. The claimant states that that measurement does not identify the system capacity.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

K. CHRISTENSEN

Kelly Christensen

36-08051 AND 36-0

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OCT 19 1994

TRANSMITTAL COVER SHEET
OMNIFAX 666

TO: NICK SPENCER

TOTAL PAGES SENT: 1

DOCUMENT DESCRIPTION: Conversation Memo
RE: 36-08051 & 36-04137

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE AVE E
TWIN FALLS ID 83301

PHONE: 736-3033

FAX: 736-3037

SENDER: K Christensen

CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____
Please remit to the above address.

COMMENTS:

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DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

John Brunne
829-5457

2. SUBJECT OF INQUIRY:

the why of the recommendations for the two rights. he stated that the two rights apparently come from diff sources but were recom. with same P/D & combined for less than he claimed. He wanted to know if he should object to the recommendation.

3. RESPONSE TO INQUIRY:

after listening to his description of the rights I could not explain the recommendation. That would require reviewing the files. I suggested that he come in and review his files & an agent could at that time explain the recommendation. I told him that the current recommendation was based upon currently available info & Dept's application of oldشو Code. He stated that he would probably come in.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Kelly K Christensen 1-25-93
36-4137 & 36-8051

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661191001

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

John Brune
office visit

2. SUBJECT OF INQUIRY:

Why the 2 claims were ~~re~~ combined & then
limited to .89 CFS.

3. RESPONSE TO INQUIRY:

Recommended Div rate based upon 86 field span
sprinkler head measurement for 74 acres covered by 8051. The
system may have been supplying additional water to other
ground at the same time (personal observation KKC). P/Ds appear
OK. System includes canal shares therefore wash water covers most
of Sec 19 rather than just the claimed acres (based upon canal net
field span). I explained how the field span (86 by Jim S) was conducted
& how it was used in the adj review. I exp object procedure.
I gave him 2 Forms.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Kelly K Christensen

1-28-93

A36-4137 & A36-8051

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DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

John Bruke

2. SUBJECT OF INQUIRY:

He neglected to read the mailing on his water rights & needs to file an objection. He stated that his wastewater comes from two diff sources & that they were recommended as combined & the rate was reduced.

3. RESPONSE TO INQUIRY:

I agreed with him that he needed to file an objection & mailed him the forms. I couldn't explain the basis for the recommendation.

4. IDWR STAFF AND DATE:

Print name and initial

12-8-92 Kelly L. Christensen

WATER RIGHT CLAIM (Nos.):

36-8151 & 36-4135

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FEB 22 1993

Department of Water Resources

1993 FEB 11 AM 9:38

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

Case No. 36-04137

(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

RECEIVED

FEB 20 1993

Department of Water Resources
Southern Region Office

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

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By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: John D. Brune

Address: 2463 E 1200 S, Hazelton, Idaho 83335

Briefly describe your interest in this water right:

Beneficial use for irrigation purposes

2. Owner of the water right:

Name: ~~Waste water~~ ^{JDB} JOHN D. BRUNE

Address: SAME

3. If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☒ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

12. ☐ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all, or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.
See attached pages

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.
See attached pages

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

CLAIM TO WATER RIGHT NUMBER 36-04137 one page

WATER RIGHT LICENSE 36-8051 one page

RELIEF MAP OF SECTION 19 one page

VERIFICATION (Must be Completed)

State of Idaho

County of Jerome

John D. Brune, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of February,
1999.



Notary Public for State of Idaho

Residing at: Hazelton

My Commission expires: 6/24/98

INSTRUCTIONS FOR MAILING

001 12 180

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 10 day of Feb, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: MYSELF

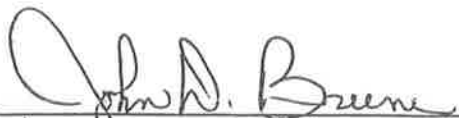
Owner's address: _____

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT TO OBJECTION CASE NO. 36-04137

REASONS SUPPORTING EACH BOX CHECKED:

Total quantity of water:

The original claim to a water right of 1961 indicates a total quantity used as 1.67 cfs whereas the recommended adjudication is only 0.89 cfs. (see attached claim) It is difficult to determine why the water quantity of this claim was combined with the claim of 36-08051. In reviewing Twin Falls, Idaho resource material there are two possibilities.

The water right 36-08051 with a diversion point NENE, being reestablished in 1982 was field inspected in 1986 for quantity used. The water measured under the acres listed for that claim was 0.89 cfs. (attached is claim 36-08051) At the time of inspection it was stated in the report that a pump at a second diversion point was pumping water also into the measurement acres. This second diversion point was listed as the diversion point of this water right 36-04137 but on the aerial map the point is circled as a point where my neighbor diverts water out of the same tributary. (copy of aerial map enclosed).

The first possibility is the water measurement by the field inspector was made when I failed to completely isolate the system being tested. Or the second possibility is the field inspector mistakenly thought the neighbors pump was diverting water into the system being measured. For one of these reasons the two water right recommendation 36-04137 and 36-08051 were combined. The different diversion points were listed on each claim and the usage is limited to what was measured for just the claim of 36-08051. This usage measurement did not include any of the additional acreage or water usage on that land under this claim of 36-04137. Water right 36-04137 was not measured for total quantity used under the acres listed.

5. Points of Diversion:

The original claim to a water right of 1961 has a point of diversion of Lot 4, SW1/4, SW1/4 Twp 10S, Range 21E, Sec 18. (see attached copy of claim 36-04137) The second diversion point has been added

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001 43 1884
WITHHELD
to this claim thus confusing this claim with another claim
number 36-08051. These are two separate claims on different
waste water of different sources and tributaries.

9. Place of use:

The water use is different on the claim of 1961 than the recommended adjudication of Nov 2, 1992. In actuality the water claimed in conversion from furrow irrigation to sprinkler irrigation is capable of being used on a much larger acreage than indicated in 1961. The acreage should reflect 85 acres of possible beneficial use. The place of use should reflect where it is actually used. This farm is short on water and has relied on the waste water to irrigate land that has no other water assigned to it.

11. Remarks:

I object to the remarks combining water rights 36-04137 and 36-08051 and limiting usage to the smaller of the two claims. The reasons are as mentioned in the objection to quantity used or item The remarks do not reflect the original claim in this water right and limit it to what was measured on a different water claim.

CHANGES TO DIRECTORS REPORT

The following changes should be made on claim number 36-04137.

POINT OF DIVERSION:

T10S R21E S18 Lot 4 (SESWSW)

TOTAL QUANTITY: 1.67 CFS MAXIMUM QUANTITY: 1.67 CFS

PLACE OF USE: Irrigation T10S R21E S19

NENW 20, SENW 20, NWNE 20, NENE 15

Lot 1 (NWNW) 5, Lot 2 (SWNW) 5

85 ACRES TOTAL

REMARKS:

Use of this right is combined with water from North Side Pump Co.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season. Use of this right is limited to a total combined diversion rate of 1.67 CFS, a total combined annual consumptive use volume of 340 AF, and to the irrigation of a combined total of 85 acres in a single irrigation season.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that John Brune (Name of Claimant)

Route #1 Box 49A, Hazelton, ID 83335 Telephone No. 829-5457
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 12, 1961*

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Wastewater tributary to Milner-Gooding Canal

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
 _____ (Both dates inclusive)

claimed:		(Both dates inclusive)	
(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>1.67cfs</u>	Use <u>irrigation</u>	Period of Use From <u>4-1</u>	To <u>9-30</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 1.67 cfs
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
 Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18 Twp. 10S Rge. 21E B.M., County of Jerome
 Additional points of diversion:

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. 40 hp pump, 8" pipeline to wheel lines & handlines

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

State of Idaho
Department of Water Resources

CONFORMED COPY

WATER RIGHT LICENSE

WATER RIGHT NO. 36-8051

Priority: January 20, 1982 Amount: .48 CFS 96.0 AFA

This is to certify, that JOHN BRUNE
RR 1 BOX 49A

HAZELTON, ID 83335 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated January 20, 1982, and
has submitted proof to the Department of Water Resources on April 11, 1983, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .89 cfs of water from;

WASTE WATER tributary to MILNER-GOODING CANAL

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.48 cfs	96.0 afa

LOCATION OF POINT OF DIVERSION(S): LOT 4(SWSW), Sec. 18, Township 10S, Range 21E
NENE , Sec. 19
Jerome County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	21E	19	NENE 19	SENE 5			24

Total number of acres irrigated: 24

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

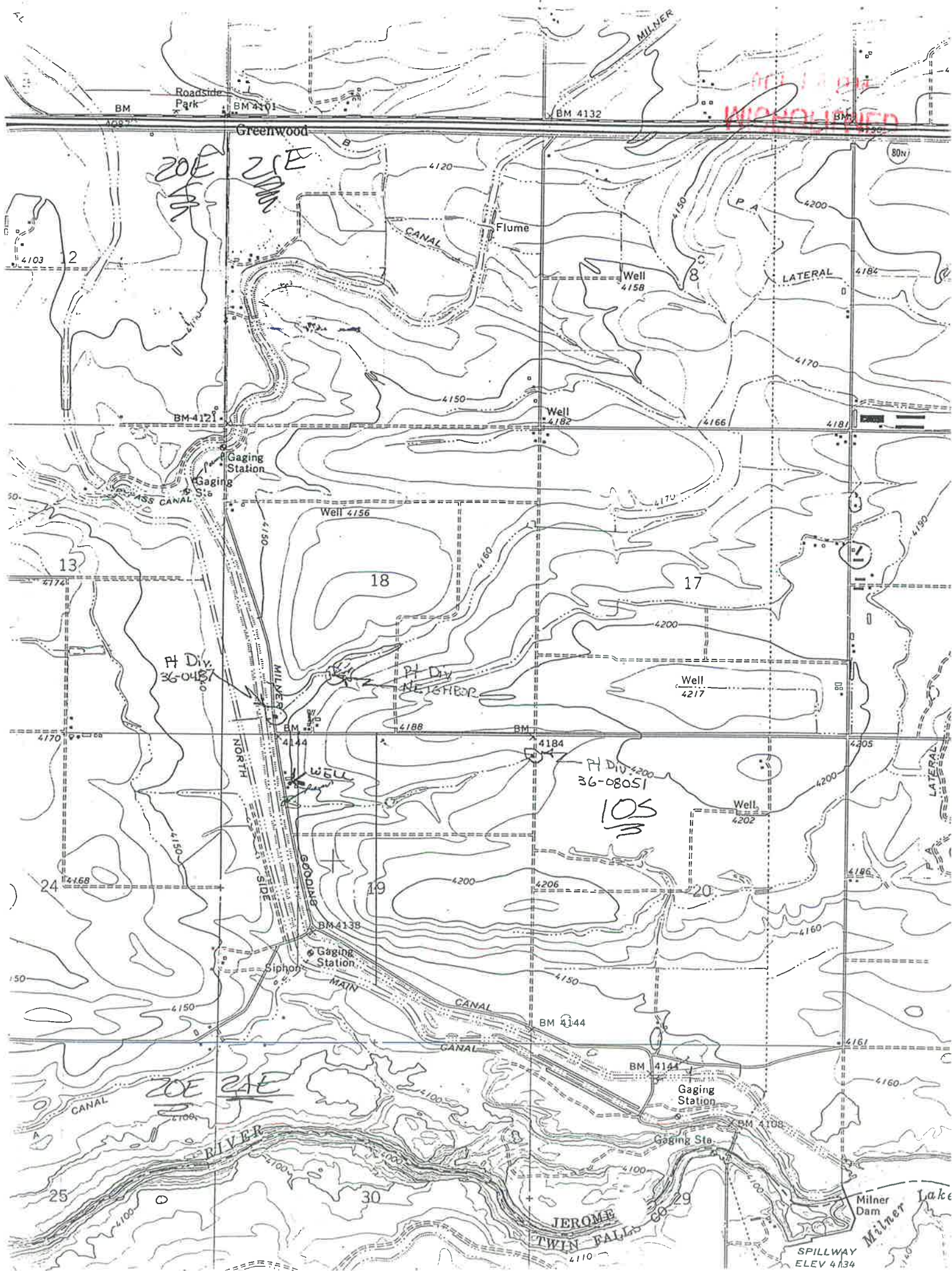
This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 2nd day
of April, 1987.

Acting for the

Director

Norman C Young
MICROFILMED

OCT 19 1984



R PROOF



CVR



MAPS



PHOTOS



MISC



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FEB 01 1993

Water Right Number - R36-04137

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BRUNE

JOHN

1 - 2463 E 1200 S

2 -

3 -

City- HAZELTON

Phone - 208-829-5457

State- ID Zip- 83335

+ - - Priority Date - - +
04/12/1961+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - +
WASTE WATER

+ - - Tributary - - - - - +

+ - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County10S 21E 18 SE SW SW 4 (53) JEROME
19 NE NE NE (53) JEROME+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

10/31

0.890

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.890 0.0+ - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

10S	21E	19	NE NE		36.0	01	IRRIGATION	(53) JEROME
10S	21E	19	NW NE		15.0	01	IRRIGATION	(53) JEROME
10S	21E	19	SE NE		8.0	01	IRRIGATION	(53) JEROME
10S	21E	19	NE NW		15.0	01	IRRIGATION	(53) JEROME
10S	21E	19	NW NW		3.0	01	IRRIGATION	(53) JEROME

Total Acres: 77.0

+ - - Diversion Means - PUMP, PIPELINE, HANDLINES, PIVOT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

+ - - Remarks - - - - - +

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-08051 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.89 CFS, A TOTAL COMBINED

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Water right number - R36-04137

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

ANNUAL CONSUMPTIVE USE VOLUME OF 231 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-08051 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

S18 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- NORTH SIDE PUMPING CO.
G01 - THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL
- APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS
- GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO
- CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT,
- OR TO RECAPTURE IT.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

Date: 04/22/1991 User Id: WORSTELL Subject: SUPPLEMENTARY SUPPLY
THIS WASTE WATER IS SUPPLEMENTARY TO CANAL WATER WHEN IT IS IN SHORT SUPPLY.

+ - - Audit Fields - - +
08/03/92 MERRITT

+ - - - - 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	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/03/1992	Old Judicial District	-
Claim Received Date	- 01/19/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006085	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:01:09
12/21/90

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04137

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N				
POINT OF DIV	Y			Y	4 6, 4, 2	KKC 5-7-92		KKC 5-7-92
SOURCE				N				
PLACE OF USE	Y			N	4 6, 4, 2			
DIV. AMOUNT CFS/VOLUME				Y	4 6,			
CONSUMPTIVE USE	-			Y	4, 6			
PURPOSES				N				
PERIOD OF USE				N	4, 6			
BASIS OF CLAIM				N				
REMARKS					4, 6			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

RECEIVED
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:01:09
12/21/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04137

LAST: BRUNE
ADDRESS: 2463 E. 1200 S.
CITY: HAZELTON
PHONE NUMBER: 208-829-5457

FIRST: JOHN
STATE: ID ZIP: 83335

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER
N

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

DATE OF FIELD EXAM: ____/____/____

ACCOMPANIED BY: _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

PHONE NUMBER: (____) ____-____

TIME: ____:____ A(____) P(____)

PHONE NUMBER: (____) ____-____

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A. AJ CLAIM: # A36-04137 PRIORITY DATE: 04-12-1961 STAGE: S

B. WR RECORD: # 36-04137 PRIORITY DATE: 04-12-1961 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

N

FIELD
EXAMINER

Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

*claimed priority date supported by mortgage
dated APR 17, 1961 which references the div system
covered by the claim. accept as claimed,*

KKC

5-7-92

RECOMMENDED PRIORITY DATE:
04-12-1961

REVIEWED BY

R.V. 26

DATE

4/18/91

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04137	10S	21E	18	SE SE	SE SW	SE SW	4	JEROME

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-08051 NONE

WR RECORDS IN SAME 40 ACRE TRACT
36-08051

SOURCE: WASTE WATER

TRIB: MILNER-GOODING CANAL

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04137	10S	21E	18		SW	SW	4	JEROME

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-08051

A36-08051 NONE

SOURCE: WASTE WATER

TRIB: MILNER-GOODING CANAL

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
Y
N

REMARKS:

this system overlaps with system covered by 36-8051 which
has two P/D's recommend amending this claim to include the
second P/D as identified in the licensing filed plan for 36-8051.
KKC

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

10S 21E 18

~~NE~~
~~SE~~

~~SW~~
~~NE~~

~~SW~~
~~NE~~

SOURCE: WASTE WATER

ADD

TRIB: MILNER-GOODING CANAL

DATE:

4/19/91

REVIEWED BY:

B. V. 21

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A. ROOT WATER RIGHT NUMBERS: A36-04137

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	21E	19	NE	NE		BRUNE, JOHN LARGE CLAIM BRUNE, JOHN	A36-04137 /17.0 A01-00212Z5/35.0 A36-08051 /19.0	36-04137 /17.0 - / 36-08051 /19.0	39.0		17
10S	21E	19	NW	NE		BRUNE, JOHN LARGE CLAIM	A36-04137 /15.0 A01-00212Z5/40.0	36-04137 /15.0 - /	39.0		15
10S	21E	19	SE	NE		BRUNE, JOHN LARGE CLAIM BRUNE, JOHN	A36-04137 / 3.0 A01-00212Z5/40.0 A36-08051 / 5.0	36-04137 / 3.0 - / 36-08051 / 5.0	39.0		3 5
10S	21E	19	NE	NW		BRUNE, JOHN BRUNE, JOHN LARGE CLAIM	A36-04137 /15.0 A36-11001 / A01-00212Z5/30.0	36-04137 /15.0 - / - /	38.0		15
10S	21E	19	NW	NW		BRUNE, JOHN BRUNE, JOHN	A36-04137 / 3.0 A36-11001 /	36-04137 / 3.0 - /			3
TOTAL ACRES						A36-04137	53.00	53.00	155.00		53

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

add 24 acres from 36-8051

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

N

PRESUMPTION FLAG:

REMARKS:

This waste water is supplementary to canal water
if it is in short supply.

Recommend this claim as a P-P/G as they share a common system & P/D.
KKC.

RECOMMENDATIONS:

TOTAL ACRES:

53

REVIEWED BY:

R.V.Z.

DATE:

4/18/91

A. AJ CLAIMED USES:

PURPOSES
A36-04137 IRRIGATION

MONTH/DAY
FROM 04-01 TO 09-30

DIVERSION QUANTITY
1.670 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.670 CFS

*change to
left standard
10-31*

B. WR RECORDED USES:

PURPOSES
36-04137 IRRIGATION

MONTH/DAY
FROM 04-01 TO 09-30

DIVERSION QUANTITY
1.670 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.670 CFS

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PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) Explain in remarks, below.

REMARKS:

*Septen measured by J. Stander for licensing field span for 36-8051.
Measured .89 CFS
Recommend this right for .89 CFS and when combined
with 76-8051 limited to .89 CFS. See also Remarks worksheet for recommendation
data. KKC*

*canal shares P/4 not completely identified & not
included in the recommended P/4.*

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 1.670 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.670 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NORTH SIDE CANAL CO.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04137	WASTE WATER	BRUNE , JOHN	1.670	0.031		
A01-0021225	LARGE CLAIM	LARGE CLAIM	9999999.000	784.547		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-11001	DOMESTIC	BRUNE , JOHN	FROM 01-01 TO 12-31	.060 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION) 1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES 53 x 0.02 CFS/ACRE = 1.06 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(✓) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(✓) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 159.0 AF/A

ACRES 53 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 159 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 53 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 212 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

*Combined
Sep form
see worksheet
for re commutation.
KIK*

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 09-30	DATABASE 1.670 EXAMINER ~~1.06~~	DATABASE 212 EXAMINER ~~212~~	DATABASE 159.0 EXAMINER ~~159~~
TOTAL FOR THIS RIGHT		1.670 .89 KRC 5-7-92		159.0
REVIEWED BY: <u>B.V. ZK</u>		DATE: <u>4/18/91</u>		

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Overlap Review

	A36-04137	Canal A01-0021225	A36-08051	Overlap
Sec 19 NENE	17	35	19	31
NW NE	15	40		15
SE NE	3	40	5	8
NE NW	15	30		5
NW NW	3			0
				<u>59</u>

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(☒)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04137

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.670

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-04137	1.670	-		36-04137	1.670
TOTAL CFS		1.670				1.670

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

R.V. Worstell

DATE:

4/18/91

NAME OF FIELD EXAMINER:

R.V. WORSTELL

TITLE:

SR. ADJ. AGENT

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RECOMMENDED PERMISSIBLE PLACE OF USE:

CLAIMS: 36-4137

36-8051

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
RECOMMENDED	P-P/11	10S	21E	19	36	15		8	15	3												77
	36 4137			19	17	15		3	15	3											53	
	36 8051			19	19			5													24	

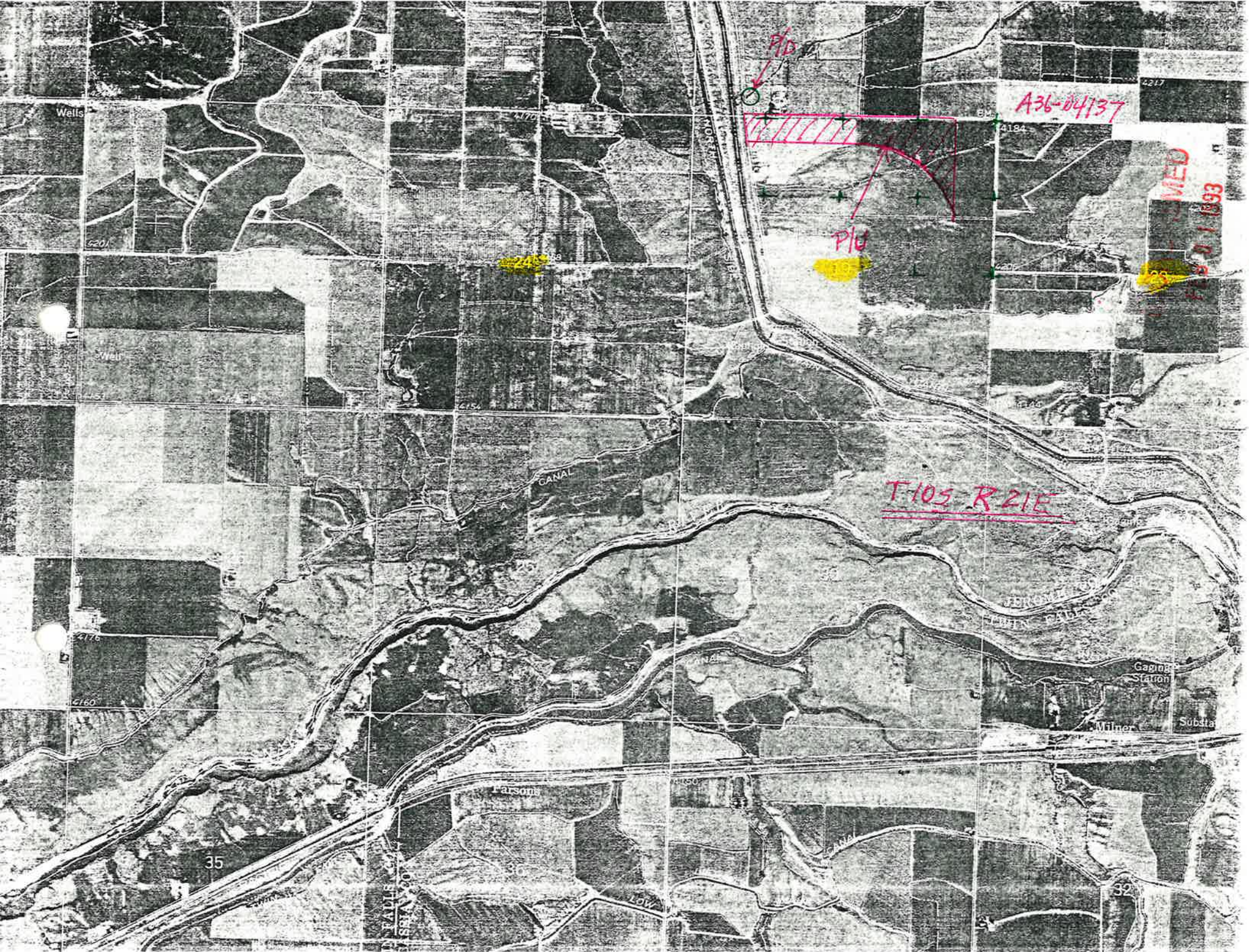
	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

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SYSTEM CLAIM NUMBERS

36 413736 8051AGENT
INITIALS

KAC

DATE

5-7-92

CLAIM NO.
OR ENTRY
ORDERREMARK
CODE

ENTRY DATA

CONDITION
CODESTAGE
OR
STATUSPRESUMPTION
CODE36-4137K065.3 ACRESS18E0936-80510.89 CFS2.31 AFA77B02NORTH SIDE PUMP Co36-8051K062.4S18E0936-4137rest the sameC05C1

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GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: A36-04137
DATE: 4/19/91
BY: RLK

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (\dots 40 \dots) \times (0.70)}{[(\dots 5 \dots) + (\dots 60 \dots \times 2.31)]} = \frac{246}{143.6} = 1.71 \text{ cfs}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement (✓)	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	<u>GE</u>
area estimate ()	estimate (✓)	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	<u>CORNEIL</u> <u>8" Discharge</u>
Booster (Y) (N)		
REMARKS		

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = $\frac{(\dots 183 \dots) \times (1.98) \times (\dots 1.71 \dots)}{(\dots 53 \dots)} = 11.7$

REQUIRED Acre Feet/Acre/Annum = 4
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY (✓)
IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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

Applicant hereby certifies that: John Beane

is the owner of the claim.

Reside #1 Box 20A, Hazelton, ID 83313
Home Address:

Zip Code:

Telephone No. 829-5457

I claim a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 12, 1961

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

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

Wastewater

tributary to

Milner-Gooding Canal

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed.

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	1.67 cfs	Use Irrigation	Period of Use From 4-1	To 9-30
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 1.67 cfs TOTAL QUANTITY USED
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

Lot 4 (SW 1/4 SW 1/4) Sec 18 Twp 10S Rge 21E S.M., County of Jerome

Additional points of diversion:

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. 40 hp pump, 8" pipeline to wheel lines & handlines

(6) A) Describe location of use by listing number of irrigated acre: within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4			NW 1/4			SE 1/4			SW 1/4			TOTAL
			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	
10S	21E	18	17	15	2	15	3								53

No. of acres 53

B) If water is used for other than irrigation, fully describe that use, being as specific as possible.

NOTE: Include here the type and number of stock watered.

(7) If you are claiming water as a member of an organization, list name of organization.

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40HP GE

Cornell Pump 8" 5' lift

25HP Marathon

Cornell Pump 6" 4' lift.