

11/14/2006

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006**

Water right number: 67-14620

ROY G BRAUN

PO BOX 146

CAMBRIDGE ID 83610

Telephone Number: (208)257-3424

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

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

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

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

DATE:

Nov. 28, 06

SIGNATURE:

Roy G. Braun

Please print your name:

ROY G. BRAUN

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

SCANNED  
DEC 11 2006

|    | A    | B            | C                   | D          | E              | F        | G     | H              | I               |
|----|------|--------------|---------------------|------------|----------------|----------|-------|----------------|-----------------|
| 1  | Page | Parcel       | Name                | New Charge | Current Charge | Water in | File  | Original Owner | Priority        |
| 2  | #    | Number       |                     | 2004       | 2003           | Inches   | #     |                | Date            |
| 3  | 3    | 14N03W011750 | FRED BARTON JR      | \$ 35.56   | \$ 31.10       | 44.44    |       | 200 stg shares |                 |
| 4  | 3    | 14N03W016600 | BARTON RANCHES      | \$ 80.00   | \$ 70.00       | 100      | 28    | Joe Allison    | 7/4/1882        |
| 5  | 3    | 14N03W017210 | DENNIS MARTI        | \$ 32.80   | \$ 28.70       | 41       | 38    | J. Pfost       | 5/25/1911       |
| 6  | 3    | 14N03W107840 | JAEGER, RONALD E.   | \$ 13.12   | \$ 11.48       | 16.4     | 26&27 | A. Allison     | 7/4/1882&5/1/02 |
| 7  | 3    | 14N03W114410 | JOHNSON, MARTHLYN   | \$ 12.72   | \$ 11.12       | 15.9     | 26&27 | A. Allison     | 7/4/1882&5/1/02 |
| 8  | 3    | 14N03W114800 | WESTFALL, DONALD L. | \$ 12.00   | \$ 10.50       | 15       | 26&27 | A. Allison     | 7/4/1882&5/1/02 |
| 9  | 3    | 14N03W114950 | JOHNSON, MARTHLYN   | \$ 12.00   | \$ 10.50       | 15       | 26&27 | A. Allison     | 7/4/1882&5/1/02 |
| 10 | 3    | 14N03W115400 | DANIELSON, LOIS J.  | \$ 11.86   | \$ 10.38       | 14.82    | 26&27 | A. Allison     | 7/4/1882&5/1/02 |
| 11 | 3    | 14N03W116000 | NANCY LEACHMAN      | \$ 16.00   | \$ 14.00       | 20       | 30    | H. Coon        | 7/4/1882        |
| 12 | 3    | 14N03W116600 | DENNIS BRANDT       | \$ 5.92    | \$ 5.18        | 7.41     | 26&27 | A. Allison     | 7/4/1882&5/1/02 |
| 13 | 3    | 14N03W116630 | DENNIS BRANDT       | \$ 10.00   | \$ 7.50        | 7.41     | 26&27 | A. Allison     | 7/4/1882&5/1/02 |
| 14 | 3    | 14N03W116750 | ROY BRAUN           | \$ 11.86   | \$ 10.38       | 14.82    | 26&27 | A. Allison     | 7/4/1882&5/1/02 |
| 15 | 3    | 14N03W140000 | V J SACTJEN         | \$ 80.00   | \$ 70.00       | 100      | 29    | E. Looney      | 7/4/1882        |
| 16 | 3    | 14N03W142400 | V.J. SACTJEN        | \$ 80.00   | \$ 70.00       | 100      | 30    | H. Coon        | 7/4/1882        |
| 17 | 3    | 14N03W150000 | MINK LAND           | \$ 36.00   | \$ 31.50       | 45       | 30    | H. Coon        | 7/4/1882        |
| 18 | 3    | 15N04W110000 | MINK L&L            | \$ 1.78    | \$ 1.56        | 2.22     |       | 10 stg shares  |                 |
| 19 |      |              |                     |            |                |          |       |                |                 |
| 20 |      |              | TOTAL               | \$ 451.62  | \$ 393.90      | 514.98   |       |                |                 |

11/13/2006

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

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RIGHT NUMBER: 67-14620

NAME AND ADDRESS: ROY G BRAUN  
PO BOX 146  
CAMBRIDGE ID 83610

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.065 CFS

PRIORITY DATE: 05/01/1902

POINT OF DIVERSION:

T14N R02W S6 NWSWN Lot 5 Within WASHINGTON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 10/31          | 0.065 CFS       |

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R03W S11      SESW      10.00

10 ACRES TOTAL

Right Nos. 67-26D and 67-14620 are limited to the irrigation of a combined total of 10 acres in a single irrigation season.

This right is limited to the irrigation of 5.2 acres within the place of use described above in a single irrigation season.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



# Idaho Department of Water Resources

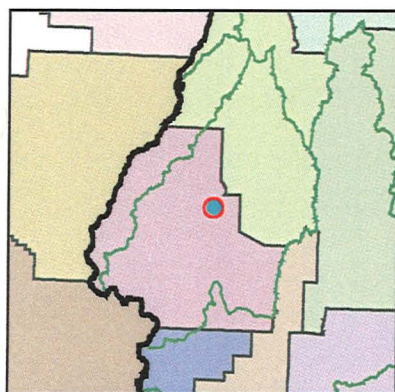
SRBA Recommendation:

**67-14620**

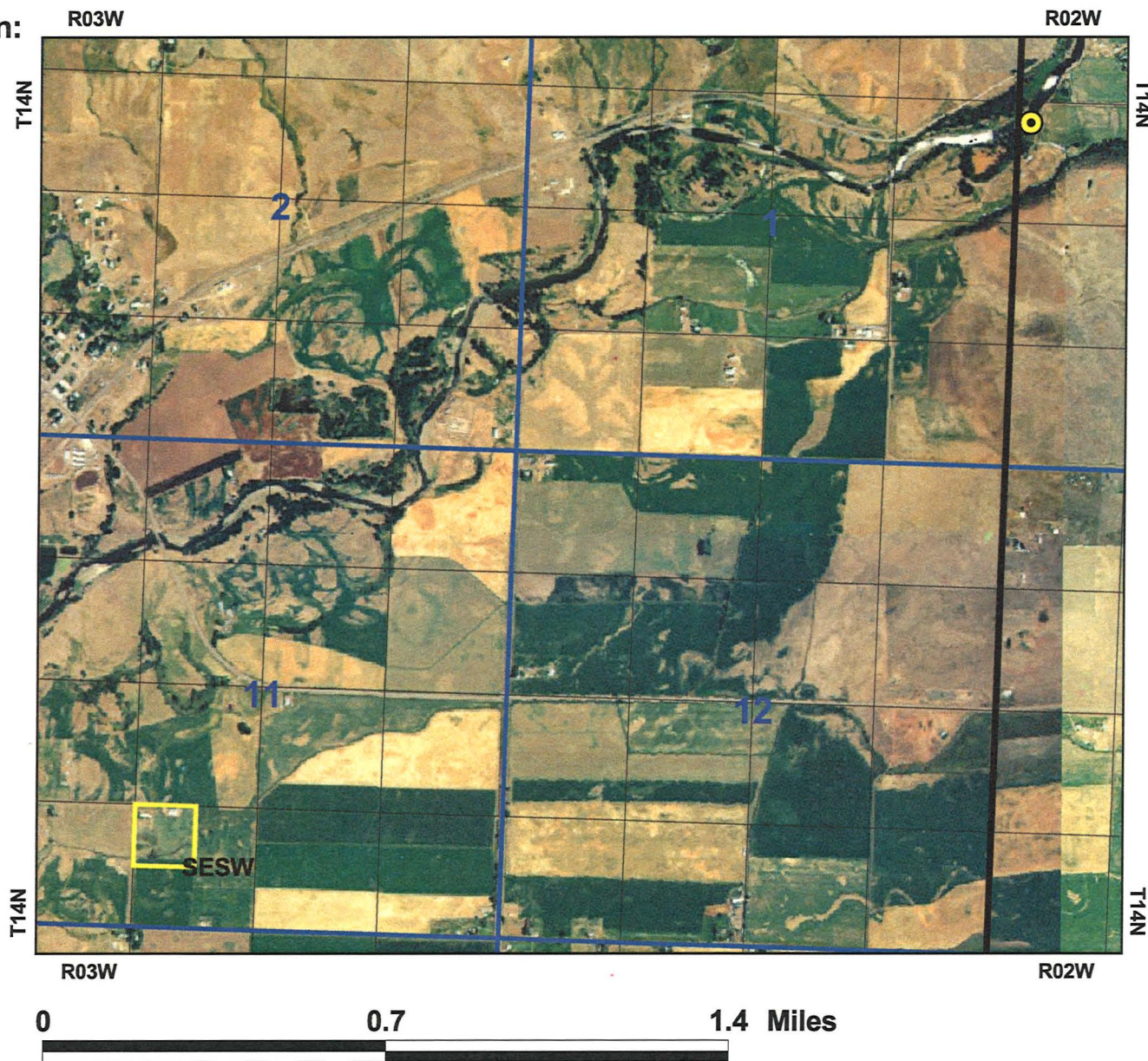
(Irrigation)

## Legend

-  **Point of Diversion**
-  **Place of Use**
-  **Townships**
-  **PLS Sections**
-  **Quarter Quarters**

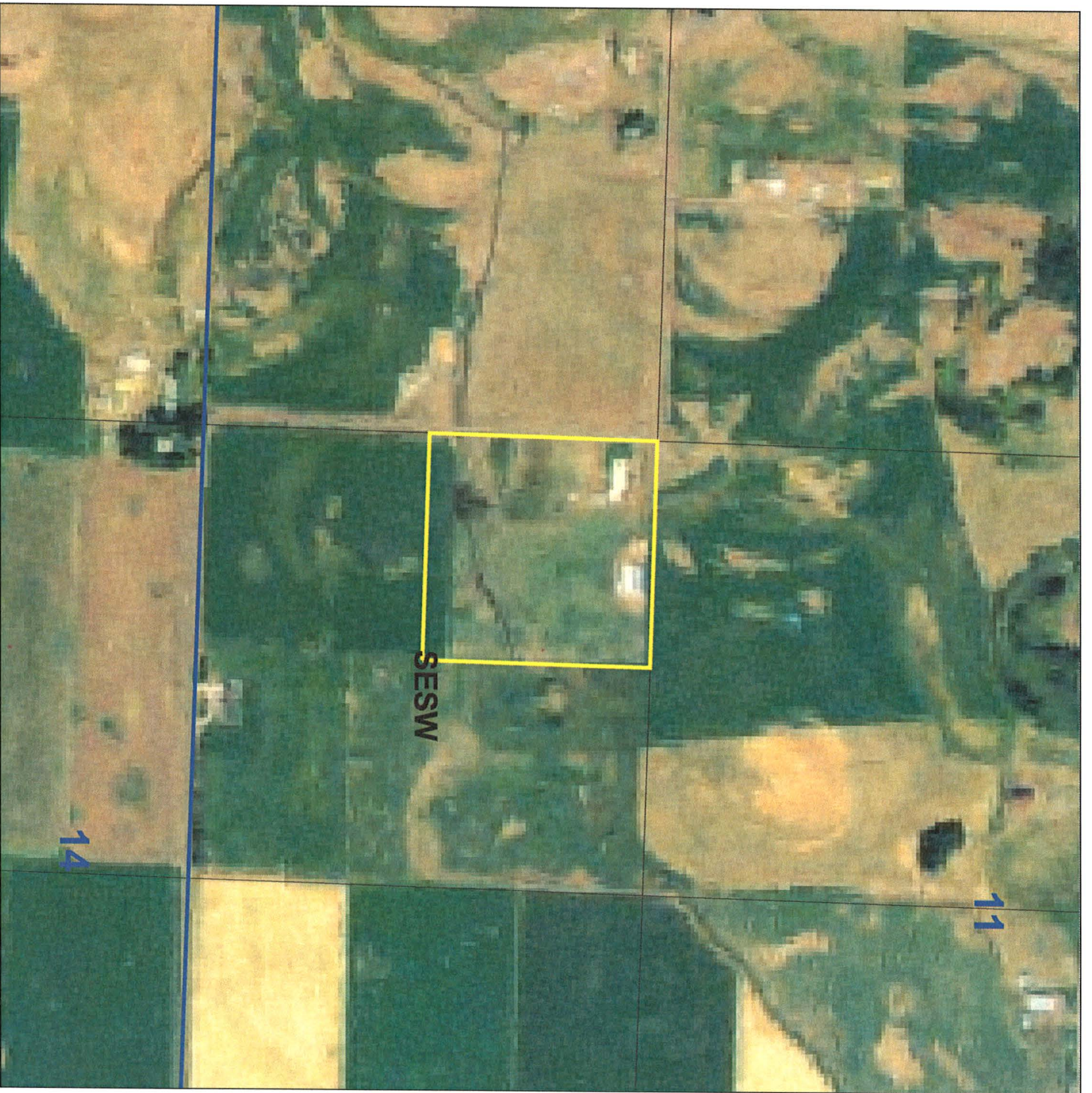


Washington County  
IDWR Basin 67



Prepared by C. Saxton  
On Monday, November 13, 2006  
1987/88 Aerial Photography

67-14620



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14620 V1

WATER RIGHT NUMBER: 67-14620 V1

|                   |                                                                   |
|-------------------|-------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                           |
| Current Owner     | ROY G BRAUN<br>PO BOX 146<br>CAMBRIDGE, ID 83610<br>(208)257-3424 |

Priority Date: 05/01/1902

Basis: Decreed

Status: Active

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

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/15 to 10/31          | 0.065 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.065 CFS             |                      |

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

|             |    |    |    |    |    |    |    |    |    |    |    |      |    |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|------|----|----|----|----|--------|
| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |      | SE |    |    |    |        |
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE   | NE | NW | SW | SE | Totals |
| 14N 03W 11  |    |    |    |    |    |    |    |    |    |    |    | 10.0 |    |    |    |    | 10.0   |

Total Acres: 10

Conditions of Approval:

1. E55 Right Nos. 67-26D and 67-14620 are limited to the irrigation of a combined total of 10 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 This right is limited to the irrigation of 5.2 acres within the place of use described above in a single irrigation season.
4. E56 The rights listed below are limited to the irrigation of a combined total of 20.0 acres in a single irrigation season. Combined Right Nos.: 67-26D, 67-4523E, and 67-14620.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14620 V1

Comments:

1. csaxton 3/9/2006 Diversion Rate

Comment: Recommend Proportionate share based on acreage.

2. csaxton 3/9/2006 TR 2528

Comment: Recommend per TR 2528

3. csaxton 3/9/2006 Copied From Claim

Comment: THIS CLAIM IS FOR A PROPORTIONATE SHARE OF DECREED RIGHT 67-27 BASED ON 10 ACRES.

4. csaxton 11/13/2006 Rec Criteria

Comment: Decreed water for this right is recommended as shown on water master delivery records. This is less than was claimed, and the diversion rate per acre comes to &gt; 5/8 inches per acre.

67-4523E overlaps BOTH Braun and Jones decreed rights with enough water that brings use of all rights totaling one inch per acre.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 3/9/2006 4:01:33 PM       | csaxton         |                           |                 | Active        |
| Priority Date  | 3/9/2006 4:03:00 PM       | csaxton         |                           |                 | Active        |
| POD            | 3/9/2006 4:03:08 PM       | csaxton         |                           |                 | Active        |
| Source         | 3/9/2006 4:09:10 PM       | csaxton         |                           |                 | Active        |
| POU            | 3/9/2006 4:09:34 PM       | csaxton         |                           |                 | Active        |
| Use            | 3/9/2006 4:13:21 PM       | csaxton         |                           |                 | Active        |
| Season         | 3/9/2006 4:14:13 PM       | csaxton         |                           |                 | Active        |
| Quantity       | 3/9/2006 4:14:42 PM       | csaxton         |                           |                 | Active        |
| Summary        |                           |                 | 03/09/2006                | csaxton         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-14620 V1

|         |                     |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------|---------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General | 3/9/2006 4:03:59 PM | csaxton | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> |
| POD     | 3/9/2006 4:04:07 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                               |
| Source  | 3/9/2006 4:10:10 PM | csaxton | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>(No) 11. Is a Source remark and/or condition required?</p>                     |
| POU     | 3/9/2006 4:10:34 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(Yes) 6. Can the claimed POU be verified using the water right file?</p> <p>(No) 14. Is a POU remark and/or condition required?</p>                                                                                                                                                         |
| Use     | 3/9/2006 4:14:21 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                              |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-14620 V1

|          |                     |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|---------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season   | 3/9/2006 4:15:13 PM | csaxton | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required?                                                                          |
| Quantity | 3/9/2006 4:15:43 PM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?<br>(No) 8. Does the parent right have an annual diversion volume limit?<br>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?<br>(No) 12. Is a Quantity remark or condition required?                                                              |
| Summary  | 3/9/2006 4:27:08 PM | csaxton | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(Yes) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
| POD      | 3/9/2006 4:09:31 PM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Contacts | 3/9/2006 4:02:32 PM | csaxton | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Desktop Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| POD      | 3/9/2006 4:09:41 PM | csaxton | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| POU      | 3/9/2006 4:11:38 PM | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POU      | 3/9/2006 4:12:04 PM | csaxton | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-14620 V1

## **Memorandum**

Date: 11-13-06

To: Split files of 67-26 and 67-27

Re: Recommendation Criteria for the splits of 67-26 and 67-27

### **67-26A, 67-27A, and 67-14359; Westfall:**

Recommending less than what the water master records show is delivered, but it is equal to what was claimed. Recommended at 5/8 inches per acre so the diversion rate was spread over as much ground as it could be.

The flood water was recommended on top of the decreed water for enough to bring the diversion rate between all rights up to one full inch per acre.

Acreage was calculated by taking the recommended diversion rate and calculating acres at 5/8 inches per acre.

### **67-26C and 67-27C; Barton Ranch Inc:**

Barton Ranch and Mink Land and Livestock claim portions of 67-26 and 67-27 but the water master records do not show delivery to either entity. Both companies claim a POU within the decreed POU. After dishing out the water to everyone that appears should have it according to the Watermaster Records. There was 0.63 cfs left over.

I had drawn a shape of where I thought the irrigated POU was that was originally described by the decree. That totaled 95 acres. GIS showed that Barton Ranch has 70% of the acreage and Mink Land had 30% of the acreage within what was determined to be the original POU for 67-26 and 67-27.

Therefore, Barton Ranch was recommended 70% (give or take) of the 0.63 cfs that was not yet recommended through division of the water per water master records.

### **67-26G; Mink Land and Livestock Co:**

Barton Ranch and Mink Land and Livestock claim portions of 67-26 and 67-27 but the water master records do not show delivery to either entity. Both companies claim a POU within the decreed POU. After dishing out the water to everyone that appears should have it according to the Watermaster Records. There was 0.63 cfs left over.

I had drawn a shape of where I thought the irrigated POU was that was originally described by the decree. That totaled 95 acres. GIS showed that Barton Ranch has 70% of the acreage and Mink Land had 30% of the acreage within what was determined to be the original POU for 67-26 and 67-27.

However, Mink Land and Livestock Co only claimed portions of 67-26 so that is all that is being recommended. The un-claimed portion of 67-27 at this time is not recommended to anyone.

**67-26D, 67-14620, and 67-4523E; Braun:**

Decreed water for this right is recommended as shown on water master delivery records. This is less than was claimed, and the diversion rate per acre comes to  $> 5/8$  inches per acre.

67-4523E overlaps BOTH Braun and Jones decreed rights with enough water that brings use of all rights totaling one inch per acre.

**67-14619, 67-27D, and 67-4523E; Jones:**

Decreed water for this right is recommended as shown on water master delivery records. This is less than was claimed, and the diversion rate per acre comes to  $> 5/8$  inches per acre.

67-4523E overlaps BOTH Braun and Jones decreed rights with enough water that brings use of all rights totaling one inch per acre.

**67-26F, 67-27F, and 67-4523F; Brandt:**

Decreed water for this right is recommended as shown on water master delivery records. This is less than was claimed, and the diversion rate per acre comes to  $> 5/8$  inches per acre.

Despite only 10 acres being claimed under 67-4523F, recommend as flood water on top of the decreed rights as that is how the system works. Recommend diversion rate for flood water so that use of 67-4523F and decreed rights equal one inch per acre.

**67-26E, and 67-27E; Jaeger:**

Recommended as claimed and as delivered but had to limit acres to  $5/8$  inches per acre so recommended much less acreage than claimed.

**67-26B and 67-27B; Danielson:**

Despite that it appears that TR 2528 moved any portion of 67-26B and 67-27B from this POU, the water master shows delivery of the right to the claimed POU. The transfer was approved in 1981 but could not have ever taken place or the water use could have moved back. At this time, the best way I have to sort out the splits of rights 67-26 and 67-27 is to use the water master delivery records.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT** **APPROVED**

**To Change the Point of Diversion and/or the Place of Use**

Name of applicant Bob D. Hemenway & JoAnn C. Hemenway Phone 208/257-3801  
Post office address Route 1 Box 46, Cambridge, Idaho 83610

**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree to Alexander Allison (Name)  
in case of John T. Muir, et al vs William Allison, et al  
dated 6/20/1921 in 7th Judicial District county of Washington, Adams  
Decree No. 67-0026, 67-0027 (Name of court)
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant \_\_\_\_\_  
Land purchase

3. Source of water Weiser tributary to Snake River

4. Date of priority 7/4/1882, 5/1/02

**5. Water is used for the following purposes:**

amount 1.36 for Irrigation purposes from 4/1 to 11/1  
amount 1.08 for Irrigation purposes from 4/1 to 11/1  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day - both dates inclusive)

6. Total amount of water under right: a. 2.44 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
7. Location of original point of diversion is SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 1  
Township 14N Range 3W, B.M., in Washington County  
Additional points of diversion, if any Allison Jewell Ditch

**8. Lands irrigated or place of use:**

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 14N  | 3W    | 11   | X                | X                | X                | X                |                  |                  | X                | X                | X                | X                |                  | X                |                  |                  |                  |                  | 223    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 223

9. Describe any other water rights used for the same purposes as described above None

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B). 67-026=~~196~~ cfs. ~~183~~ cfs \*

67-027=~~155~~ cfs ~~145~~ cfs

1. Amount of water: a. 0.320, 351 cubic feet per second &/or  
b. \_\_\_\_\_ acre feet per annum

2. Point of diversion SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 1 Township 14N  
Range 3W, B.M., Washington County  
Additional points Allison Jewell Ditch

3. Place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 14N  | 3W    | 11   |                  |                  |                  |                  |                  |                  |                  |                  | 28               |                  |                  |                  |                  |                  |                  |                  | 28     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion 0.328 \* 7/8/81 J.S. See memo in file  
a. Amount of water to be diverted 351 c.f.s. &/or \_\_\_\_\_ acre feet  
b. Point(s) of diversion NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 10 Township 14N  
Range 3W, B.M., Washington County  
Additional points \_\_\_\_\_

- c. Description of diverting works Pump with pipeline and sprinklers.

- d. Describe the reasons for applying for a change in the point(s) of diversion Applicant has  
traded water right for land adjoining his property.

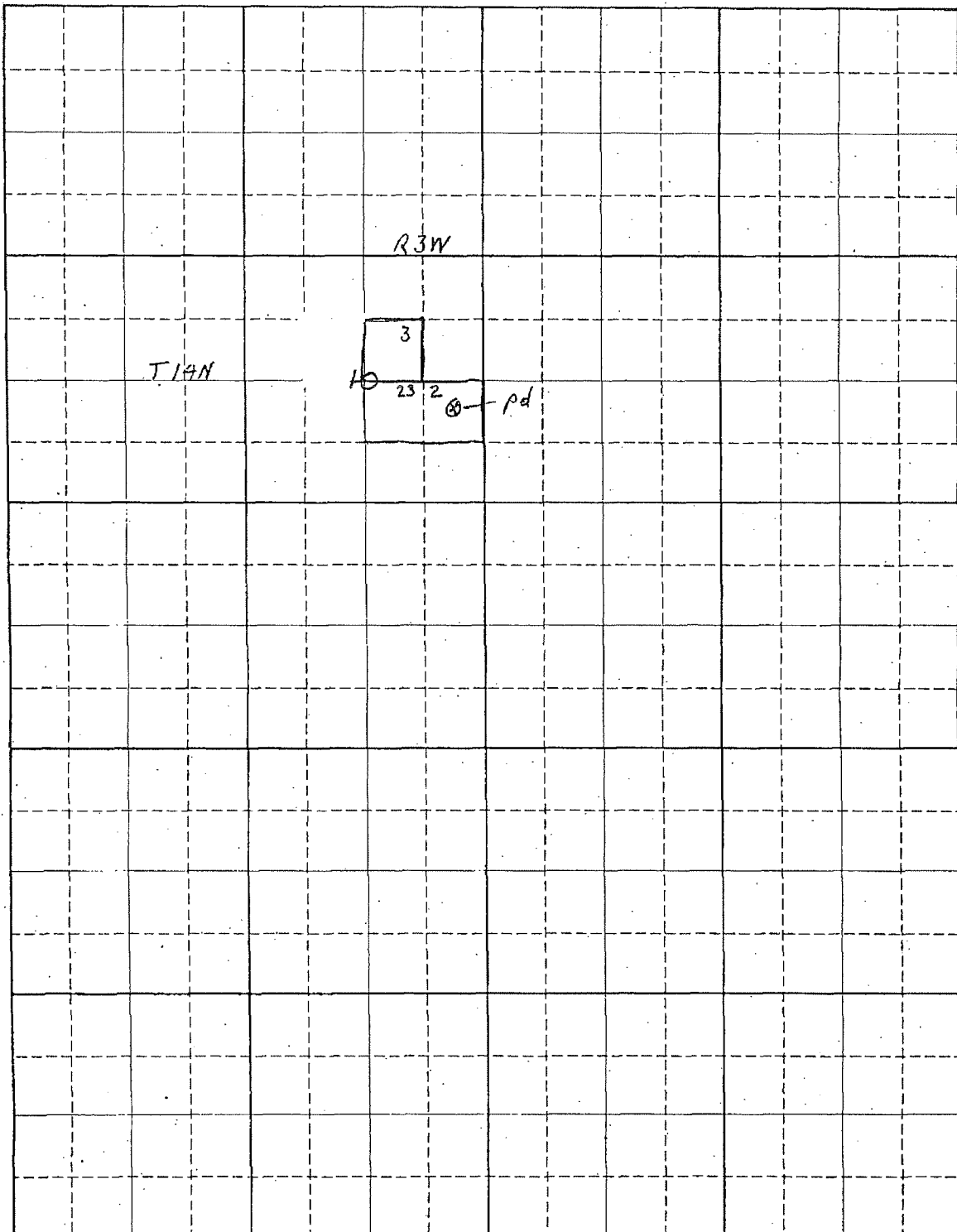
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 14N  | 3W    | 10   |                  |                  | 3                |                  |                  |                  |                  |                  |                  |                  |                  |                  | 2                | 23               |                  |                  | 28     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 28

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks \_\_\_\_\_

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 23rd day of January, 1981

[Signature]  
(Signature of applicant)

[Signature]  
(Notary public)

My commission expires 11-7-84

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 67-0026/0027 and said application is hereby approved, subject to the following limitations and conditions:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this right is subject to control by the watermaster of State Water District # 67, Weiser River.

Witness my hand this 22nd day of July, 1981

[Signature]  
Operations Bureau

#### FOR DEPARTMENT USE ONLY

|                                               |                                               |                        |
|-----------------------------------------------|-----------------------------------------------|------------------------|
| Received by <u>JG</u>                         | Date <u>3/6/81</u>                            | Protest filed by _____ |
| Prelim. check by <u>JG</u>                    | Fee <u>50.00</u>                              | _____                  |
| Receipted by <u>REN</u>                       | Date <u>3/6/81</u>                            | # <u>17346</u>         |
| Published in <u>Upper Co. News Rptr</u>       | Copies of protest forwarded by _____          |                        |
| Pub. dates <u>4/9 &amp; 4/16/81</u>           | Hearing held by _____                         | Date _____             |
| Watermaster recommendation requested on _____ | Recommended for <u>approval</u> <u>denial</u> |                        |
| <u>3/10/81</u> rec'd. <u>5/1/81</u>           | by <u>DBS</u> <u>Jim</u>                      |                        |

# Middle Valley Ditch.

Middle Valley Irrigating Ditch Company

# Allison Jewell Ditch.

Alexander Allison

Joseph Allison

Eugene Looney

Harry Coon

# Smith-Janes-Martin Ditch

B. F. Janes

Marion Smith

Heirs of R H Martin

# Post-Weston Ditch.

J Emmett Pfost

Grace Everest

Goldie Abernathy

Fred Jewell

John A Pfost

# Farmers Canal.

Mark Winkler

Carrie Winkler

E Hinkle

S A Moudy and E Hinkle

George Gould

# Frank Hahn Ditch.

Frank Hahn

# Glenn McMahon Ditch.

Isaac McMahon

For Power

Hollie A. McMahon

Samuel E McMahon

William M Glenn

Lester I McMahon

1000 ✓ July 7, 1885 67 0023  
700 ✓ Nov. 1, 1887 67 0024  
500 ✓ May 1, 1889 67 0025

68 ✓ July 4, 1882 67 0026  
54 ✓ May 1, 1902 67 0027  
100 ✓ July 4, 1882 67 0028  
100 ✓ July 4, 1882 67 0029  
165 ✓ July 4, 1882 67 0030

10 ✓ July 4, 1886 67 0031  
90 ✓ July 4, 1886 67 0032  
90 ✓ July 4, 1886 67 0033

125 ✓ May 6, 1884 67 0034  
25 ✓ May 6, 1884 67 0035  
50 ✓ Aug. 27, 1910 67 0036  
50 ✓ Aug. 27, 1910 67 0037  
41 ✓ March 25, 1911 67 0038

60 ✓ June 1, 1891 67 0039  
19 ✓ June 1, 1891 67 0040  
50 ✓ June 1, 1891 67 0041  
32 ✓ Jan 1, 1900 67 0042  
19 ✓ June 1, 1891 67 0043  
82 ✓ June 1, 1891 67 0044  
7 ✓ June 1, 1905 67 0045

33 ✓ June 1, 1902 67 0046  
38 ✓ June 1, 1903 67 0047  
36 ✓ June 1, 1904 67 0048  
83 ✓ June 1, 1905 67 0049

10 ✓ May 31, 1884 67 0050  
9 ✓ May 1, 1901 67 0051  
400 ✓ July 1, 1908 67 0052  
4 ✓ June 1, 1884 67 0053  
22 ✓ June 1, 1884 67 0054  
45 ✓ June 1, 1884 67 0055  
4 ✓ May 31, 1884 67 0056

## WEISER RIVER PRIORITY SUIT.

## WATER ALLOTMENTS AND DATES OF PRIORITY.

90  
90  
JUL 24 1996

in the following Sections in Township 13 North, Range 3 West Boise Meridian, east and south of the Weiser River, to wit: Sections 3, 4, 5, 8, 9, 10, 16, 17, 18, 19, 20, 21, 29 and 30, all in Washington County, State of Idaho, and containing a total of 3,300 acres more or less, the same being all the lands in said sections lying between the canal and the river.

ALEXANDER ALLISON: The east half of the southwest quarter ( $E\frac{1}{2} SW\frac{1}{4}$ ) Northwest quarter of the Southwest Quarter ( $NW\frac{1}{4} SW\frac{1}{4}$ ) of Section 11 and all that portion of the Northeast Quarter ( $NE\frac{1}{4}$ ) and the South half of the Northwest Quarter ( $S\frac{1}{2} NW\frac{1}{4}$ ) of Sec. 11, lying east and south of the center line of the Weiser River, all in Township 14 North, Range 3 West Boise Meridian, containing an area of 223 acres.

JOSEPH O ALLISON: All of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 11, Township 14 North, Range 3 West Boise Meridian, containing an area of 160 acres.

EUGENE LOONEY: The Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 14 in Township 14 North, Range 3 West Boise Meridian, containing 160 acres.

HARRY M. COON: The Southwest Quarter of the Southwest Quarter ( $SW\frac{1}{4} SW\frac{1}{4}$ ) of Section 11; Northeast Quarter of the Southeast Quarter ( $NE\frac{1}{4} SE\frac{1}{4}$ ) Section 15, the North half of the Northwest Quarter ( $N\frac{1}{2} NW\frac{1}{4}$ ) the Southeast Quarter of the Northwest Quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ), and the Northeast Quarter ( $NE\frac{1}{4}$ ) and the Northeast Quarter of the Southeast ( $NE\frac{1}{4} SE\frac{1}{4}$ ) of Section 15, and the Northwest Quarter ( $NW\frac{1}{4}$ ) and the Southwest Quarter of Section 14 all in Township 14 North, Range 3 West, containing 720 acres.

B F JAMES: The following described lands lying in the Southwest Quarter of the Southwest Quarter ( $SW\frac{1}{4} SW\frac{1}{4}$ ) of Section 12, Township 14 North, Range 3 West Boise Meridian to-wit:

Commencing at a point 280' North from the Southwest corner of the Southwest Quarter of Section 12, Township 14 North, Range 3 West and running thence East 180' thence South 100' thence East 227'; thence North 100' thence East 167' thence South 50' thence East 210'; thence North 150' thence East 317' thence south 150' thence East 149'; thence South 240'; thence East 110' more or less, to the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 12, Township 14 North, Range 3 West Boise Meridian; thence due North 490' thence West 506'; thence North 168' thence West 814' more or less, to the section line, thence due South along the section line 378' more or less, to the place of beginning, containing an area of 15 acres.

MARION SMITH: The East half ( $E\frac{1}{2}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) and sixty acres out of the West Half ( $W\frac{1}{2}$ ) of said Northwest Quarter of Section 13, Township 14 North Range 3 West Boise Meridian, containing 140 acres.

HEIRS OF R H MARTIN: The Southwest Quarter of Section 12, Township 14 North, Range 3 West Boise Meridian; excepting therefrom fifteen (15) acres above described as the property of B F James.

J EMMETT POST: The Southeast Quarter of the Southwest Quarter of Section 31, Township 15 North, Range 2 West Boise Meridian and the West half of the Northeast Quarter, the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter Section 31, Township 14 North, Range 2 West Boise Meridian.

GRACE EVEREST: Lots 3 and 4 Section 31, Township 15 North, Range 2 West Boise Meridian, containing 119.74 acres.

GOLDIE ABERNATHY: The South half of the Southeast Quarter of Section 31, Town-

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 67-14620  
Date Received: 10/4/2005  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

ROY G BRAUN Phone: (208)257-3424

PO BOX 146  
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1902

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

4. Point of Diversion:

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

5. Description of diverting works:

EARTHEN DIVERSION DAM WITH METAL AND CONCRETE HEADGATE.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 10/31 | 0.07   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|---------------|-------|---------|----------------|------------|-------|
| 14N           | 03W   | 11      | SE SW          | IRRIGATION | 10    |
| Section Acres |       |         |                |            | 10    |

Total Acres 10

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS FOR A PROPORTIONATE SHARE OF DECREED RIGHT 67-27 BASED ON 10 ACRES.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

## **MEMORANDUM**

Date: March 9, 2006

To: 67-14620

From: Craig L. Saxton

RE: Amendment of claim 67-14620

On October 4, 2005, I prepared a new claim for Roy G Braun. The intent of this claim was to claim a portion of decreed right 67-27. However, when I filled out the claim, I carried the TRS for the POD into the POU. So I filled out the claim where the place of use was claimed in a totally different spot than it should have.

The claimant returned the signed claim with the appropriate filing fees on Oct 17, 2005. he did not catch this error either.

Since I created the claim incorrectly, I am amending the claimed POU to where it should have been in the first place.

RECEIVED

OCT 17 2005

Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 67-14620  
Date Received: 10/4/2005  
Receipt No: C079380  
Received By: MM

**NEW CLAIM**

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

**NEW CLAIM**

## 1. Name of Claimant(s)

ROY G BRAUN Phone: (208)257-3424

PO BOX 146  
CAMBRIDGE ID USA 83610

## 2. Date of Priority: 05/01/1902

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

## 4. Point of Diversion:

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

## 5. Description of diverting works:

EARTHEN DIVERSION DAM WITH METAL AND CONCRETE HEADGATE.

## 6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 10/31 | 0.07   |            |

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

## 8. Total consumptive use:

## 9. Non-irrigation uses:

## 10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|---------------|-------|---------|----------------|------------|-------|
| 14N           | 02W   | 6       | SE SW          | IRRIGATION | 10    |
| Section Acres |       |         |                |            | 10    |

Total Acres 10

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS FOR A PROPORTIONATE SHARE OF DECREED RIGHT 67-27 BASED ON 10 ACRES.

CLAIM SET TO TEMPORARY STATUS UNTIL SIGNED IN FRONT OF A NOTARY AND RETURNED WITH \$50 FILING FEE (CSAXTON 10-4-05).

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): Roy B. Brown Date: 10/14/05  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Washington ) SS.

Subscribed and sworn (or affirmed) before me this 14th day  
of October 2005 Ann Hanson

Notary Public

Residing at Cambridge  
My commission Expires 3-31-10



\* adj \*

# Idaho Department of Water Resources Receipt

Receipt ID C079380

Payment Amount \$50.00 Date Received 10/17/2005 12:08:50 PM Region State Status  
Payment Type Check Check Number 9137

Payer BRAUN, ROY / RUBY

Comment NOTICE OF CLAIM TO A WATER RIGHT ID #67-14620

## Fee Detail

| Amount  | Description             | Fund | FD    | PCA  | SO |
|---------|-------------------------|------|-------|------|----|
| \$50.00 | ADJUDICATION FILING FEE | 0337 | 41503 | 1155 |    |

  
Signature Line (Dept. Representative)



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 4, 2005

ROY G BRAUN  
PO BOX 146  
CAMBRIDGE ID 83610

RE: New Snake River Basin Adjudication (SRBA) claim 67-14620

Dear Mr. Braun,

Per our phone conversation, I am enclosing a completed claim form for your review. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office with a \$50.00 filing fee.

Please feel free to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton', is written over a horizontal line.

Craig L. Saxton  
Sr. Water Resource Agent  
Adjudication Bureau

Enclosure(s);