

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-04078
Date Received: 6/22/1988
Receipt No: M000174
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEO BRAUBURGER 208-487-2284
Address: RT. 1
RICHFIELD, ID 83349

AND/OR

Name: MAXINE BRAUBURGER 208-487-2284
Address: RT. 1
RICHFIELD, ID 83349

2. Date of Priority: MAR 01, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	19E	12	NE	SE	SE		LINCOLN

5. Description of diverting works:
6"X 610' WELL, 2 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 20 RANGE C/ DAIRY

A37-04078

Page 1

Date: 06/22/88

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	19E	12			COMMER	
			SE	SE	STOCK	
					DOMEST	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NA

14. Remarks:
DAIRY WAS IN USE PRIOR TO WELL BEING DRILLED. THE MAIN REASON
FOR ADDING A WELL.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

16. Signature(s)

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

Number of attachments: 1

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): Cleo Brault Date: 6-22-88

Date: _____

State of Idaho)
County of Lincoln) SS.

Subscribed and sworn (or affirmed) before me this 22 day

of June 19 88

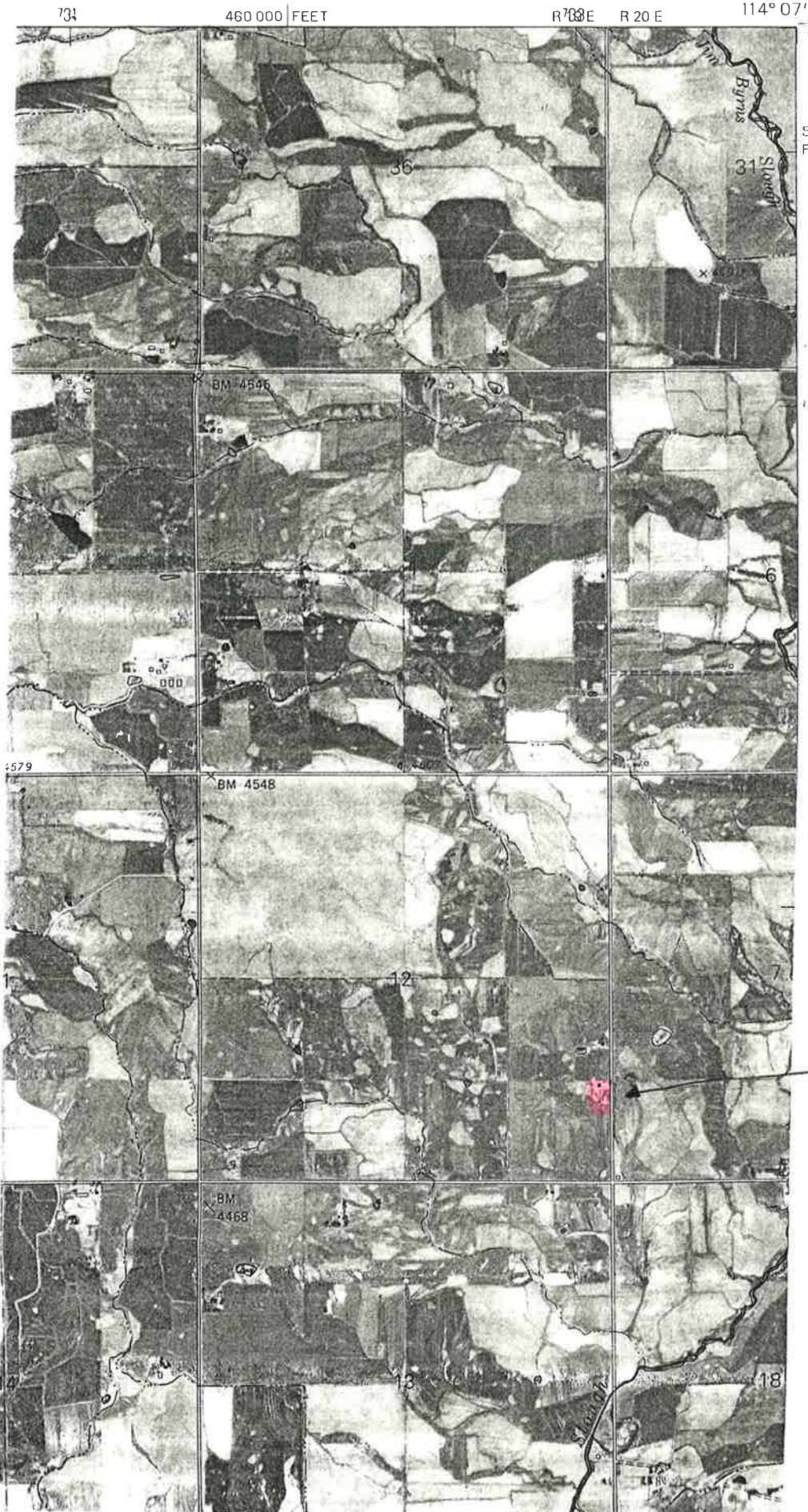
John J. Carver
Notary Public

Seal

Residing at Boise ID.

My Commission Expires 6/2/94

PI BO 4 SW QUADRANGLE
IDAHO
7.5 MINUTE SERIES (ORTHOPHOTOQUAD)



A37-04078

45
19E
SEC. 12

P/O + P/U

MICROFILMED
FEB 23 1993

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

MAR 14 2002

Department of Water Resources

Claim Number(s):

37-4078

Previous Mailing Address:

Cleo Brauburger

Rt. 1

Richfield, Id.

83349

RECEIVED

APR 04 2002

Department of Water Resources
Southern Region

New Mailing Address:

Cleo Brauburger

1053 N 1350 E

Richfield, Id.

83349

Telephone Number:

(208) 487-2284

Signature of Claimant(s):

Cleo Brauburger

Maime Brauburger

Please return this completed form to:



Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: 3-22-02-asherman

Date: _____

04/25/2002

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

RIGHT NUMBER: 37-4078

NAME AND ADDRESS: CLEO BRAUBURGER
1053 N 1350 E
RICHFIELD ID 83349

MAXINE BRAUBURGER
1053 N 1350 E
RICHFIELD ID 83349

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS
5.6 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/01/1969

POINT OF DIVERSION:

T04S R19E S12 NESESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS 4.40 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: STOCKWATER Within LINCOLN County

T04S R19E S12 SESE

DOMESTIC Within LINCOLN County

T04S R19E S12 SESE

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 37-4078

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

3/12/2002 3:55 PM

NAME:

RE:

MR. & MRS. BRAUBURGER

CALLIN

PRIORITY LETTER

He called in to ask what all this was for... I explained the first issue is to get the correct address in your claim file. I asked if he still owned the right and he said there is only one well on the place that he still uses for domestic purposes. He put his wife on the phone and I asked her about the Commercial uses... she said they don't use the dairy any more. I told her if I drop the commercial use for the right then they do not have to send in Proof of Priority, if they want the dairy use then I need to have the evidence sent in at this time. She said to drop it. I will recommend the right for D/S only.

I asked her to submit the change of address form so I can update the claim record with the correct address; I told them I need their written consent to make the change to the claim. She agreed to send it in.

(IDWR note: even with the priority data the claim violates the mandatory Permit statutes; 1969 is the claimed date. Dairy appears to be small enough to fit within the definition of a *de minimis* right.)

IDAHO
DEPARTMENT OF WATER RESOURCES
1000 Orchard Street, P.O. Box 83720
Boise, ID 83720-0098

Postage Requested



RETURN SERVICE
REQUESTED
ADDRESS
CORRECTION
SERVICE PROVIDED

RESUB
FIRST CL



053 N1350 E

h

RECEIVED

MAR - 8 2002

Department of Water Resources



ADDRESS
CORRECTION
SERVICE PROVIDED

sent COA only.

3/11/02
suc

37-4078



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

37-4078
CLEO BRAUBURGER
RT 1
RICHFIELD, ID 83349

March 4, 2002

Re: Evidence of Priority Date for SRBA Claim

**RESPONSE DEADLINE
MARCH 29, 2002**

Dear Claimant:

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

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

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

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

Steve Clelland
Water Resource Agent, Sr.

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR DOMESTIC AND STOCKWATER CLAIMS IN PLACE OF A CVR

37-4078

1. ☒ No Change NAME:
NEW OWNER: _____
☒ No Change ADDRESS:
NEW ADDRESS: _____
- ☒ DATA ENTRY STANDARDS CHECKED?
2. ☒ No Change - DATE OF PRIORITY: No Field Verification Needed.
CHANGE- Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in COMMENTS.)
3. ☒ No Change - SOURCE:
CHANGE - Different Source found: _____
4. ☒ No Change - POINT OF DIVERSION:
Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring.
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
Incomplete desc., complete items missing, IF KNOWN.
HP of pump 2 Static water level _____ Well depth 610'
Casing size 6" Pumping water level _____ Gravity flow _____
Method of irr. _____
6. ☒ No Change - WATER USES:
$$\text{Est. } \frac{(8.8)(2)(.70)}{600 + (50 \times 2.31)} = 0.017 \text{ cfs}$$

☒ Different uses, (list uses found).
Use Dom From _____ To _____ Amount _____ cfs 1.2 af
No Comm. Use STK From _____ To _____ Amount _____ cfs 4.4 af
$$\text{EST. 100 Dairy}$$
7. ☒ No Change - TOTAL VOLUME:
☒ Change found, The new total is, -- -- -- cfs 5.6 af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☒ Incomplete on claim - Exam found: No Exam
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____
- ☒ DATA ENTRY STANDARDS (correct to..)

Claimant: _____

Claim Number: _____

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

11. ☐ Checked: N/A

12. ☐ Checked: N/A

13. ☒ No change - OTHER RIGHTS FOR SAME USE:
CHANGE: _____

14. ☒ None REMARKS: (copy existing remarks to comments in "R")
☒ Add the following standard remarks:
LIST STANDARD REMARKS FOR THE RECOMMENDATION:

Nil Nil

15. ☒ BASIS OF CLAIM VERIFIED AS: D - L - P - S - (J) (circle one)

COMMENTS: (pertinent to field examination)

Permit is Required since claim is 1969.

ATTACHMENTS: Attached to Attachments are
 This Form. in Permit File.

PHOTOS
MAP
SYSTEM DIAGRAM

☐
☐
☐

☐
☐
☐

DATE EXAM CONDUCTED: NONE

ACCOMPANIED BY: _____

FIELD EXAMINER: _____

SIGNATURE: _____

Steve Bell

REVIEWED BY/DATE: _____

10/30/01

DATA ENTRY BY/DATE: _____

VERIFICATION BY/DATE: _____

Claimant: _____

Claim Number: _____