

890

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: A37-04402
Date Received: 9/14/1989
Receipt No: 5009200
Received By: Adm

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON BAUSCHER ESTATE
Address: % RICHARD BAUSCHER, ADMIN.
508 GEM DRIVE
KIMBERLY, ID 83341

~~208-423-6273~~

file 208-585-3027 ext 142
Fax 208-585-3028 156
Middleton School

2. Date of Priority: AUG 07, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	15E	8	SW	SW	SW		CAMAS

5. Description of diverting works:
WELL, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.860		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSEHOLD, S/ 60 RANGE

MICROFILMED
FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	15E	8			DOMEST STOCK	
			SW	SW	IRR	20.0
			SE	SW	IRR	20.0
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
NONE

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 check

For Organizations:

I do solemnly swear or affirm that I am Administrator & Executor of Title

Don Bauscher Estate, that I have signed the foregoing Organization document in the space below as Administrator & Executor of Title

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

Richard H. Bauscher
Signature of Authorized Agent

Administrator of Don Bauscher Estate
Title and Organization

September 15, 1989
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of September 19 89

John L. Thompson
Notary Public

Seal

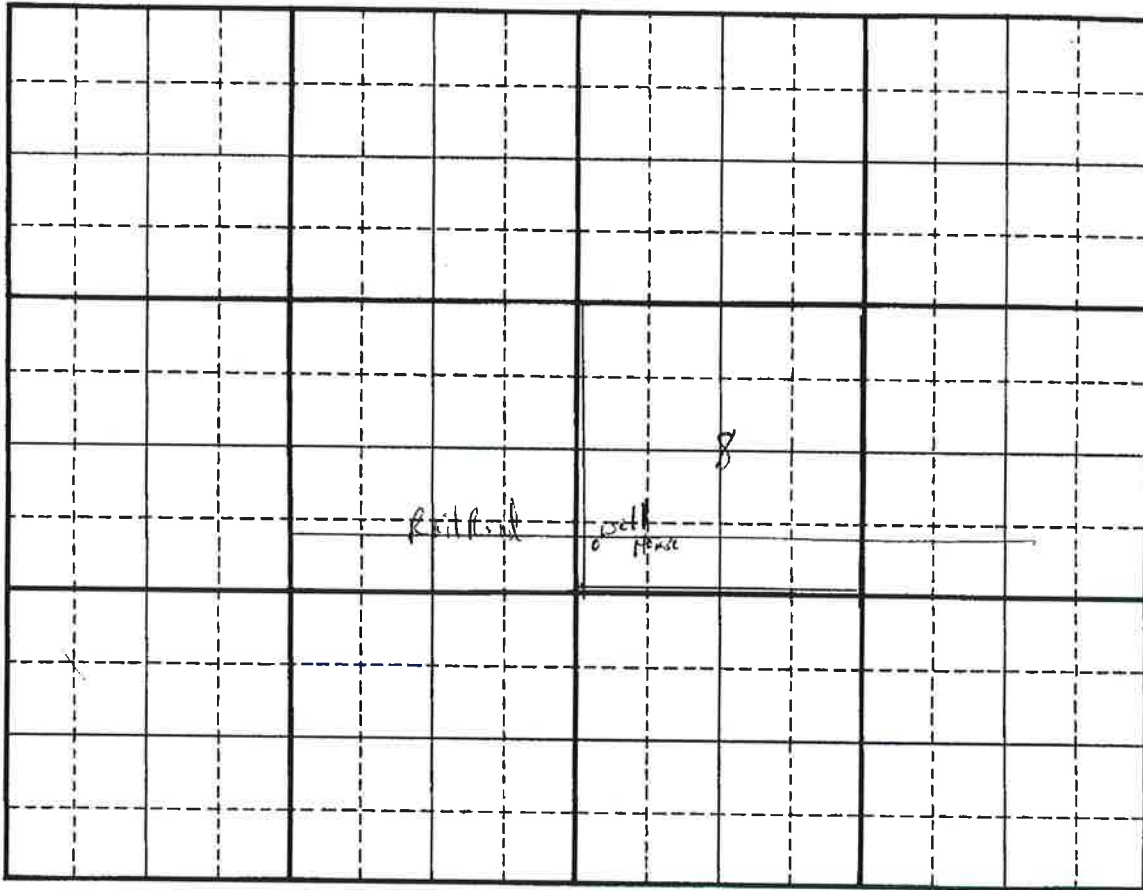
Residing at Twin Falls

My Commission Expires 6-12-92

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

MICROFILMED

(8) Remarks _____



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 Camas) ss.

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

MICROFILMED

Sworn to before me this 8 day of June

Don Baysden
(Claimant)

Notary Public
Residing at Fairfield

My commission expires L. E. Yarn

FOR DEPARTMENT USE ONLY

Received by mary Date 6/19/83 Exception filed by: _____ Date _____
Prelim. check by LT Date 7/25/83
\$20.00 fee received by mary Date 7/29/83 # 32814 Forwarded to claimant by: _____ Date _____
Published in Reading Co. Leader
Dates 10/1/83 & 10/26/83 11/2 & 11/8/83

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

NAME AND ADDRESS: DON BAUSCHER ESTATE
C/O RICHARD BAUSCHER ADMIN
15510 CUPID DR
CALDWELL ID 83607

TRIBUTARY:

The quantity of water under this right shall not exceed 13,000 gallons per day.

POINT OF DIVERSION:

T01S R15E S8 SWSWSW Within CAMAS County

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

DOMESTIC

01/01 12/31

0.040 CFS

1.20 AFY

PLACE OF USE:

STOCKWATER Within CAMAS County

T01S R15E S08 SWSW

DOMESTIC Within CAMAS County

T01S R15E S08 SWSW

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

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

37-4402

Needs

Pump HP

Depth to water

Depth to Pump

Pressure

11/6/06

Rich Bowler

585-3027

ext 142

- to get ~~the~~ theoretical calc, I told him he needs to get the above information to us.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 2, 2006

Don Bauscher Estate
c/o Richard Bausher
15510 Cupid Dr
Caldwell, ID 83607

Gentlemen:

Please find enclosed a water right transfer application filed in the name of the Don Bauscher Estate that was recently submitted to our office. The application apparently proposes to transfer some sort of irrigation portion of water right claim 37-4402. The application is being returned for a variety of reasons (no filing fee, application filled out incorrectly, lack of supporting information, etc.) that prevent our office from processing the application. However, aside from these reasons, it appears that the water right claim identified in the application, 37-4402, does not even allow for irrigation use (see copy of proof report of Snake River Basin Adjudication recommendation 37-4402 enclosed). Examination of county tax lot information available to the Department also raises the question as to whether or not you even own water right claim 37-4402 since its recommended place of use appears to be owned by Y. Alee Marsters.

If you have any questions, feel free to contact our office at your convenience.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Enclosures

Adjudication Claim Notes

Claim(s): 37-4402

Background Data

- Statutory Claim
- Source is Groundwater
- Claimed 0.86 cfs for Irrigation of 40 acres
- Claimed 0.04 cfs for Domestic
- Claimed 0.02 cfs for Stockwater

pending
TRANSFER
w/ COREY S.

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

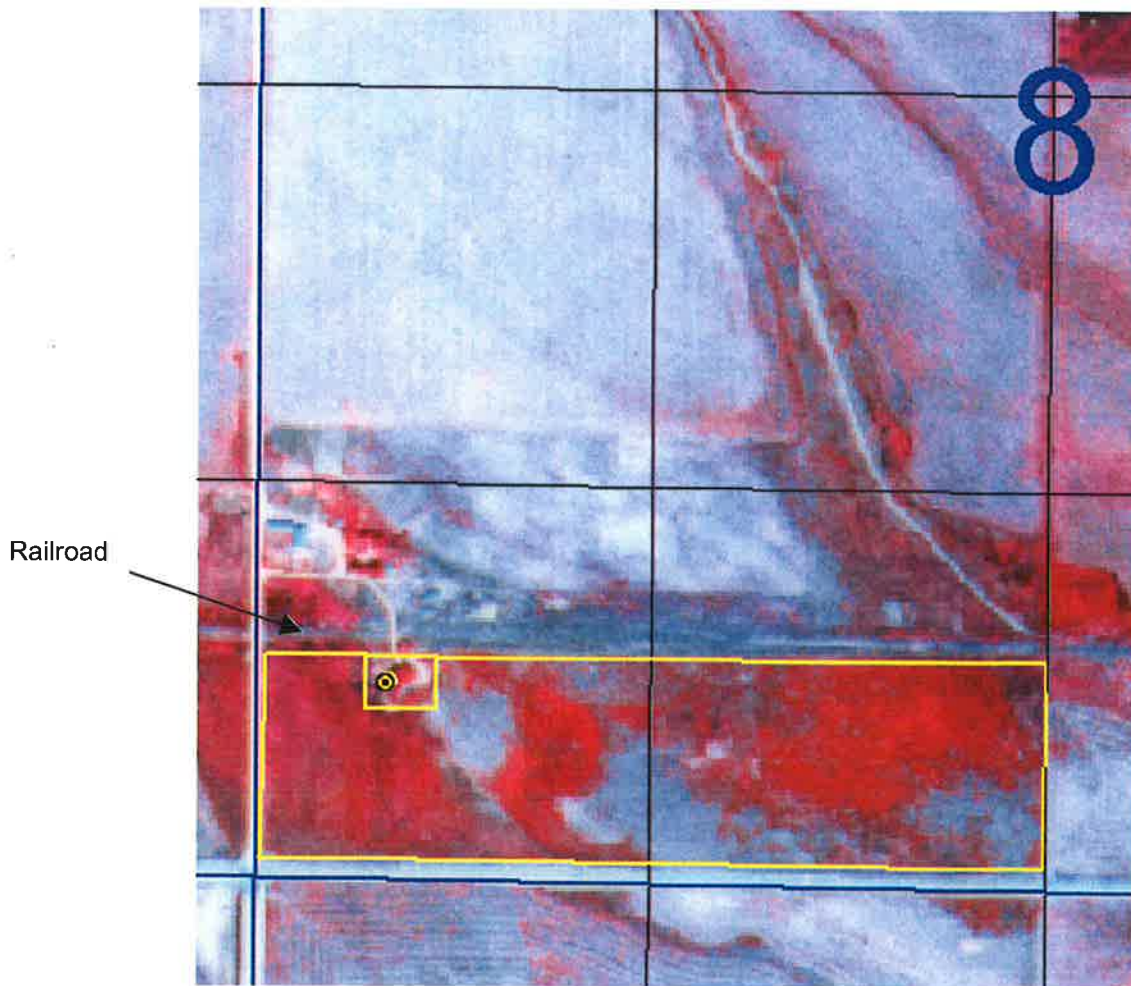




Photo of POD taken during field exam.

Notes

T1S R18E Section 8

- Found 40 acres. POU is not currently owned by claimant
- 10/27/05 talked with Richard Bauscher on the telephone. Mr. Bauscher said that in 1987 the irrigated land was on the south side of the railroad tracks, the well is west of the house at the building site, and the domestic use was the building site. He said all of the land has since been sold and they would like to transfer the water to their land in Section 7 to the west. We discussed types of evidence of priority and I sent him a pamphlet.
- 8/29/06 – field exam by Lee Peterson. Claimant could not provide any information about the well or pump. House was burned and the electricity to the well had had been disconnected. The well had a 2.5 inch discharge pipe that fed an open irrigation ditch. A theoretical calculation indicates that to get 1.0 cfs from a horizontal 4 inch pipe, the stream of water will drop 1 ft at 32 inches from the pipe. So a 2.5 inch pipe would require even greater pressure to produce the 0.86 cfs claimed for Irrigation. The well also serves the house, so it seems unlikely that the system would have that much pressure. Thus, it appears unlikely that the well produced 0.86 cfs as claimed. Disallowed irrigation portion of claim.
- If the claimant submits additional information about the well, they may be able to prove some irrigation use.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
A37-04402

Don Bauscher Estate
% Richard Bauscher Admin.
508 Gem Drive
Kimberly, [1-208-585-3027 Middleton School

8/29/06

Following numerous calls Richard returned my call about this water right , and he informed me that he has filed a Transfer of this right to his property just west of the road so I went up and found this property and saw that the house had been burned and has not had anything done to it for some time. I also saw that the electrical system to this well has been disconnected and hanging down the small pole . When talking to Richard I ask if he knew what size the motor is any anything about the well and he informed me he knew nothing except it is a submersable pump . I found this well just west of the old house [Photo 1030306 looking east at house] and this pump has a discharge pipe 2 ½ inch. But by my observation this system has not been used for some time looking at the old ditch going west across field , I don't see how a 40 acre field could be irrigated properly with this small of system unless they have other rights. He also informed me that this property has been sold.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Groundwater	Rich 1	2442373	1349487	A0015570	1030306

Lee R. Peterson

East of Fairfield 4 miles
north of Gooding Rd

Adjudication Claim Notes

Claim(s): 37-4402

156

Background Data

- Statutory Claim
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- Claimed 0.02 cfs for Stockwater

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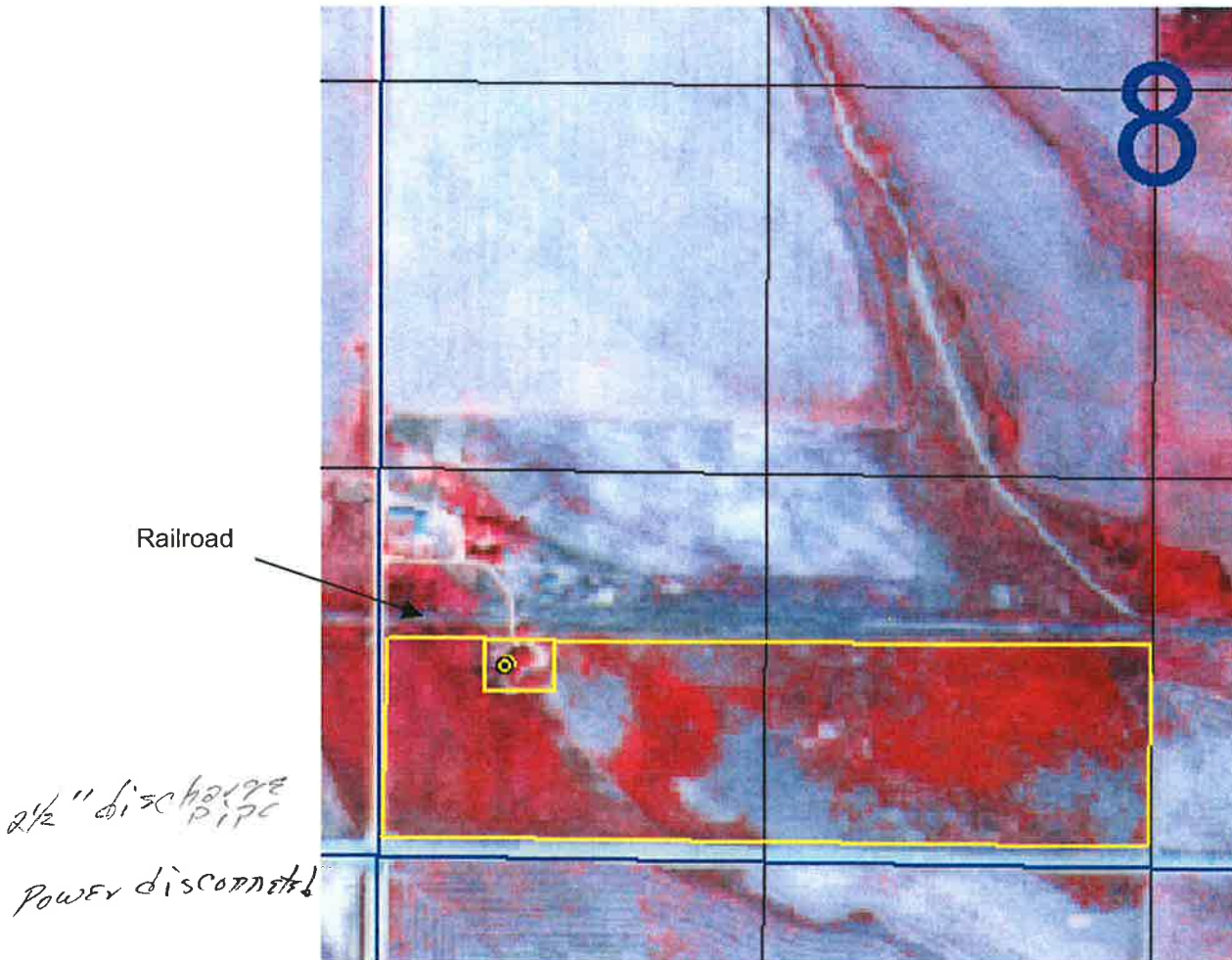
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Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



To do for field exam:

- 1) Measure discharge from well (if possible?)

May 99 Banned
pump data 546 well hasn't been
used for awhile Richard doesn't know
anything about pump

(2)



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

NOV 15 2005

Department of Water Resources

October 27, 2005

Don Bauscher Estate
% Richard Bauscher, Administrator
Caldwell, ID 83607

RE: Snake River Basin Adjudication claim 37-4402

Dear Mr. Bauscher,

Enclosed is a pamphlet describing types of evidence of priority that can be used to support your water right claim priority date of August 7, 1953 for the Snake River Basin Adjudication. Feel free to contact me at (208) 287-4937 if you have any questions.

The letter is attached

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

Thanks Rich B.

Middleton District Office



Dr. Richard Bauscher
Superintendent

5 South 3rd Avenue West
Middleton, ID 83644-5563

Office Phone: (208) 585-3027
Office Fax: (208) 585-3028
Email: rbauscher@msd134.org

SCANNED

NOV 15 2005

November 15, 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Adjudication Bureau
% Matt Anders, GIS Specialist
322 East Front Street P.O. Box 83720
Boise, Idaho 83720-0098

Dear Mr. Anders,

Richard Bauscher has requested for me to provide (on his behalf) a notarized statement attesting to their family fulfillment of the beneficial water rights on his property located in Camas County.

Therefore, I hereby personally verify that back in 1953 -- I Allen Bauscher (a neighbor living next to them) observed Richard's father (Don Bauscher) utilizing water for:

- Irrigation of his land
- Watering his cattle, horses, chickens, etc. and
- Household/domestic use

His farm/ranch was located in Fairfield, Idaho [4 miles east of town] in township 01 south, range 15 east, sections 7 & 8 all of which is located in Camas County.

If you have any further questions, please feel free to contact me.

Sincerely,

Allen Bauscher

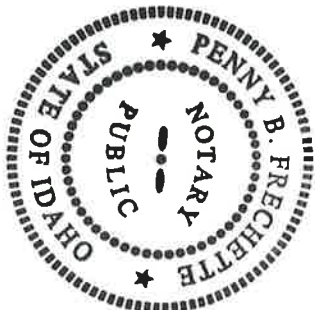
date

1874 South Leadville Avenue
Boise, Idaho 83706
[345-6318]

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me on this 7 day of November, 2005.

Seal



Residing at: Boise Idaho
My commission expires on: 8/20/07

SCANNED

NOV 15 2005

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200

Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED
DEPARTMENT OF WATER RESOURCES

JUL 27 2005

RECEIVED

37-4402
Slevo



- ☐ Undeliverable as Addressed
- ☐ Moved, Left No Address
- ☐ Unclaimed
- ☐ Refused
- ☒ Attempted, Not Known
- ☒ No Such Street
- ☐ No Such Number
- ☐ No Receptacle
- ☐ Deceased
- ☐ Vacant

37-4402

DON BAUSCHER ESTATE

C/O RICHARD BAUSCHER ADMIN

[REDACTED]

KIMBERLY ID 83341



1.74
33416.00-370 APR 15 2005
4678 MAILED FROM ZIP CODE 83301

423-6273

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED
SEP 15 2004
Department of Water Resources
Southern Region

- ☐ Undelivered as Addressed
- ☐ Moved, Left No Address
- ☐ Unclaimed
- ☐ Refused
- ☐ Attempted, Not Known
- ☐ No Such Person
- ☐ No Such Office
- ☐ No Record
- ☐ Deceased
- ☐ Vacant

DON BAUSCHER ESTATE
C/O RICHARD BAUSCHER ADMIN
508 GEM DR
KIMBERLY ID 83301

not at this address

★ ★ PITNEY BOWES
★ ★
★ ★
U.S. POSTAGE
1650 PB3524253
3321 \$00.370 SEP 10 2004
2219 MAILED FROM ZIP CODE 83301

423-6273



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX Transmittal Cover Sheet

Number of pages including this one: 4

Date: 11/3/05

To: Richard Bauscher

Fax No.: 208-585-3028

From: Matt Anders

Fax. No.: _____

Phone No.: 287-4937

Subject: Attached is a copy of the claim you filed w/ IDWR.
Let me know if you need anything else. - Matt



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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 27, 2005

Don Bauscher Estate
% Richard Bauscher, Administrator
Caldwell, ID 83607

RE: Snake River Basin Adjudication claim 37-4402

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Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label 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, in the coming year, 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 required 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 may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Sept. 19, 1989

Re: A37-04402

DON BAUSCHER ESTATE
% RICHARD BAUSCHER ADMIN
508 GEM DRIVE
KIMBERLY ID 83341

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

Kimberly Public Schools
Education - Key to the Future

Dr. Richard H. Bauscher
Superintendent

P.O. Box 615 (208) 423-4170
141 Center Street West (208) 423-4179
Kimberly, Idaho 83341 FAX (208) 423-6155

No longer
works here



10/27/05
MDA

REPROFILMED
24 1993