



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

05/10/2016

RICHARD BRANDAU
HENRY BRANDAU
PO BOX 175
MARSING ID 83639

Re: Notice of Change in Water Right Ownership No: 57-11766

Dear Water Right Holder:

After a review of our records it was determined that the current owners listed on water right no. 57-11766. A notice of change in water right ownership received in 2002 by William and Donna Watterson requested to split water right no. 57-10919B based on a quitclaim and warranty deed. However the processing fee was not paid for in total. Therefore, the owner Bruce Malmberg should have been changed to William and Donna Watterson but water right no. 57-10919B should not have been split. Then in 2007 Gwen and Tim Miller filed a notice of change in water right ownership to claim a portion of the water right that has a place of use on property they own. However, the water right was processed incorrectly and the remaining portion listed the wrong owners. This error has been corrected and water right no. 57-11766 now reflects the most accurate owners according to department records.

For your records a poof report for water right 57-11766 and a map depicting the place of use (POU) and the points of diversion (POD) is included with this letter. Please refer to your new water right number when corresponding with our office.

Updating the ownership record for a water right does not reconfirm the validity of the right. During the review process, the department did not review the history of water use to determine if these rights had been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

This water right has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on the water right, then no further action is required at this time.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning the enclosed information or this letter, please feel free to contact this office at 208-334-2190.

Sincerely,

Phill Hummer
Water Resource Agent
Western Regional Office

Enclosures: Proof Report WR No 57-11766
Map of WR 57-11766



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Sincerely,

Phill Hummer
Water Resource Agent
Western Regional Office

Enclosures: Proof Report WR No 57-11766
Map of WR 57-11766

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/9/2016

Water Right 57-11766

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD BRANDAU PO BOX 175 MARSING, ID 83639 (208)896-4431
Current Owner	HENRY BRANDAU PO BOX 175 MARSING, ID 83639
Current Owner	CHIPMUNK GRAZING ASSN PO BOX 175 MARSING, ID 83639 (208)896-4402
Original Owner	BRUCE MALMBERG PO BOX 175 MARSING, ID 83639 (208)896-4431
Previous Owner	WILLIAM WATTERSON 3946 JUMP CREEK RD HOMEDALE, ID 83628-3673 (208)337-4713
Previous Owner	DONNA J WATTERSON 3946 JUMP CREEK RD HOMEDALE, ID 83628-3673 (208)337-4713

Priority Date: 6/1/1875

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK SQUAW CREEK	SQUAW CREEK
UNNAMED STREAMS	SALMON CREEK
SALMON CREEK	REYNOLDS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.020 CFS	

Source and Point(s) of Diversion

EAST FORK SQUAW CREEK	NWNW	Sec. 6, Twp 02S, Rge 04W, OWYHEE County(E)
EAST FORK SQUAW CREEK	SWSW	Sec. 6, Twp 02S, Rge 04W, OWYHEE County(E)
UNNAMED STREAMS	SENE	Sec. 32, Twp 01S, Rge 04W, OWYHEE County(E)
UNNAMED STREAMS	SWNW	Sec. 33, Twp 01S, Rge 04W, OWYHEE County(B)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/9/2016

UNNAMED STREAMS	NWSW	Sec. 33, Twp 01S, Rge 04W, OWYHEE County(E)
UNNAMED STREAMS	SESW	Sec. 6, Twp 02S, Rge 04W, OWYHEE County(B)
UNNAMED STREAMS	NWNW	Sec. 7, Twp 02S, Rge 04W, OWYHEE County(E)
UNNAMED STREAMS	SWNW	Sec. 7, Twp 02S, Rge 04W, OWYHEE County(E)
UNNAMED STREAMS	SENW	Sec. 7, Twp 02S, Rge 04W, OWYHEE County(B)
UNNAMED STREAMS	SWNE	Sec. 32, Twp 01S, Rge 04W, OWYHEE County(B)
UNNAMED STREAMS	NWSE	Sec. 32, Twp 01S, Rge 04W, OWYHEE County(B)
SALMON CREEK	SWNE	Sec. 4, Twp 02S, Rge 04W, OWYHEE County(E)
SALMON CREEK	NENW	Sec. 4, Twp 02S, Rge 04W, OWYHEE County(E)
EAST FORK SQUAW CREEK	NWSW	Sec. 6, Twp 02S, Rge 04W, OWYHEE County(E)
UNNAMED STREAMS	SWNW	Sec. 6, Twp 02S, Rge 04W, OWYHEE County(E)
UNNAMED STREAMS	NENW	Sec. 6, Twp 02S, Rge 04W, OWYHEE County(B)
UNNAMED STREAMS	NESW	Sec. 6, Twp 02S, Rge 04W, OWYHEE County(B)
UNNAMED STREAMS	SESE	Sec. 6, Twp 02S, Rge 04W, OWYHEE County(B)
EAST FORK SQUAW CREEK	SESE	Sec. 7, Twp 02S, Rge 04W, OWYHEE County(B)
UNNAMED STREAMS	NWNW	Sec. 7, Twp 02S, Rge 04W, OWYHEE County(B)

Place Of Use

STOCKWATER within OWYHEE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	04W	32			X	X									X	X			
01S	04W	33						X	X		X	X		X					
02S	04W	4		X	X		X	X											
02S	04W	6					X	X	X	X	X	X	X	X				X	
02S	04W	7					X	X	X	X									
02S	05W	5	X	X			X	X	X			X	X						

Conditions of Approval:

- N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- BLM GRAZING ALLOTMENT NO. 0516, ALSO KNOWN AS SQUAW CREEK ALLOTMENT.
SOURCES FOR THIS RIGHT ARE SALMON CREEK TRIB. TO REYNOLDS CREEK; UNNAMED STREAMS (4) TRIB. TO SALMON CREEK; SQUAW CREEK, EAST FORK TRIB. TO SQUAW CREEK; POLE CREEK TRIB. TO SQUAW CREEK, EAST FORK; AND UNNAMED STREAMS (7) TRIB. TO SQUAW CREEK, EAST FORK.
THERE ARE 2 POINTS OF ENDING WITHIN NWSW, S06; AND WITHIN NWNW, S07, T02S, R04W.
STOCKWATER, 400 HEAD RANGE CATTLE
- When water rights 57-11766 & 57-11767 are combined they cannot exceed .02 cfs

Comments:

- Iroberts 1/29/2009 ownership change
Water Right 57-10919B (parent) split into 57-11766 (Watterson) & 57-11767 (Miller)

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2. Iroberts 1/29/2009 POD
Updated Shape

3. Iroberts 2/10/2009 POU
Updated Shape

4. mciscell 5/12/2010 POD
Bulk Generate Shape From PLS

5. mciscell 11/21/2012 POD
PODID 747830 correlated from SpatialDataID 8918 to SpatialDataID 470511

6. phummer 5/9/2016 Ownership Change
Connie Brandau met with Angie Grimm and Nick Miller on 2/13/2016 to discuss the ownership of water right 57-10919B and the split rights 57-11766 and 57-11767. I reviewed the backfile, specifically the notice of change in ownership forms received 3/07/2002 and 12/26/2007. In 2002 the Wattersons only paid the fee to change the ownership of the right but not to split the water right. So the owner Bruce Malmberg should have changed to William and Donna Watterson without a split. Then in 2007 the Millers submitted warranty deeds verifying the requested split and change of ownership but the split was not accomplished correctly. Therefore, I changed the ownership of wr 57-11766 to reflect current records.

Dates and Other Information

Decreed Date: 4/30/1998
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And/Or
Water District Number: 57E
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Attachment to Water Right License
57-11766

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

