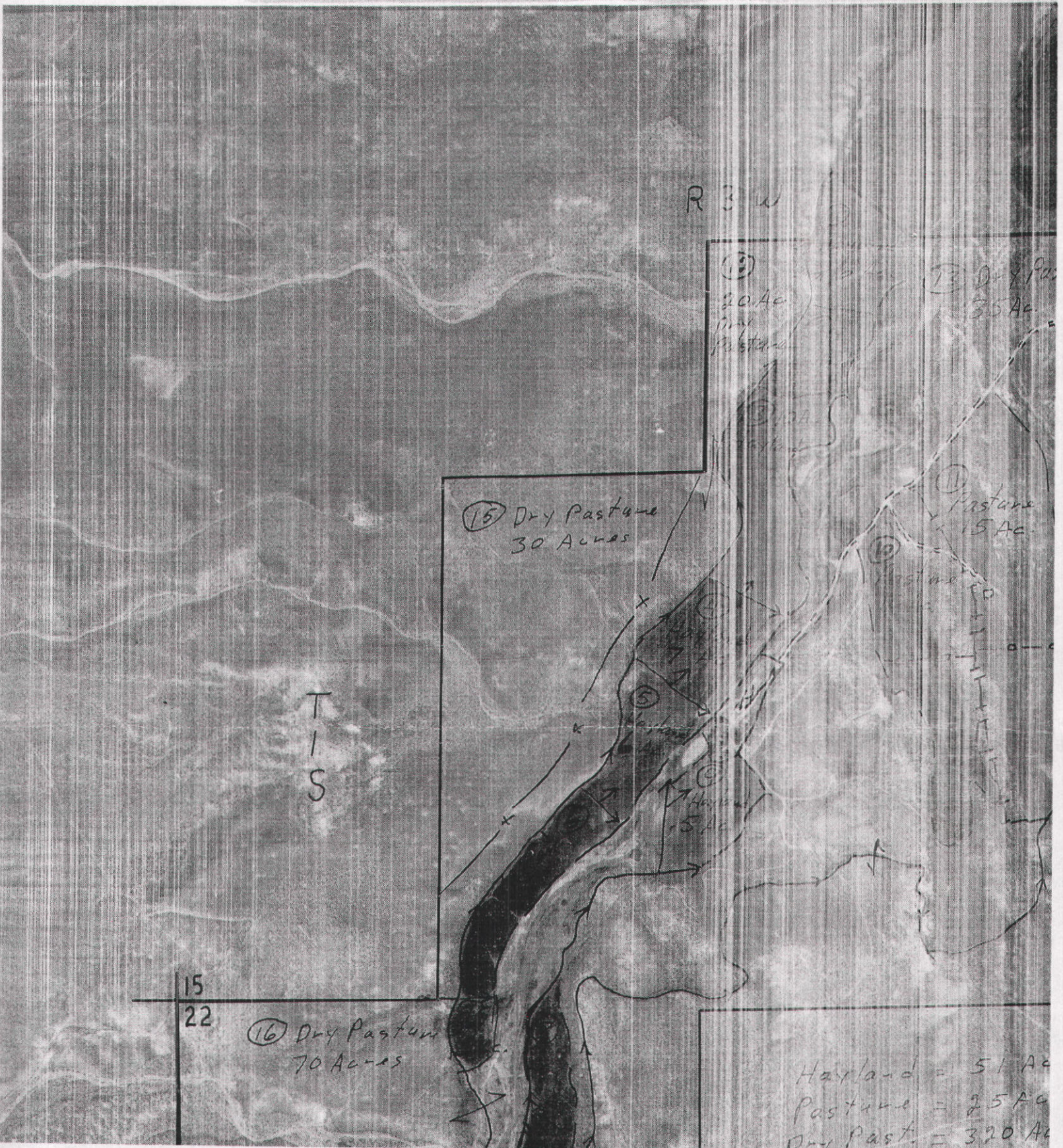
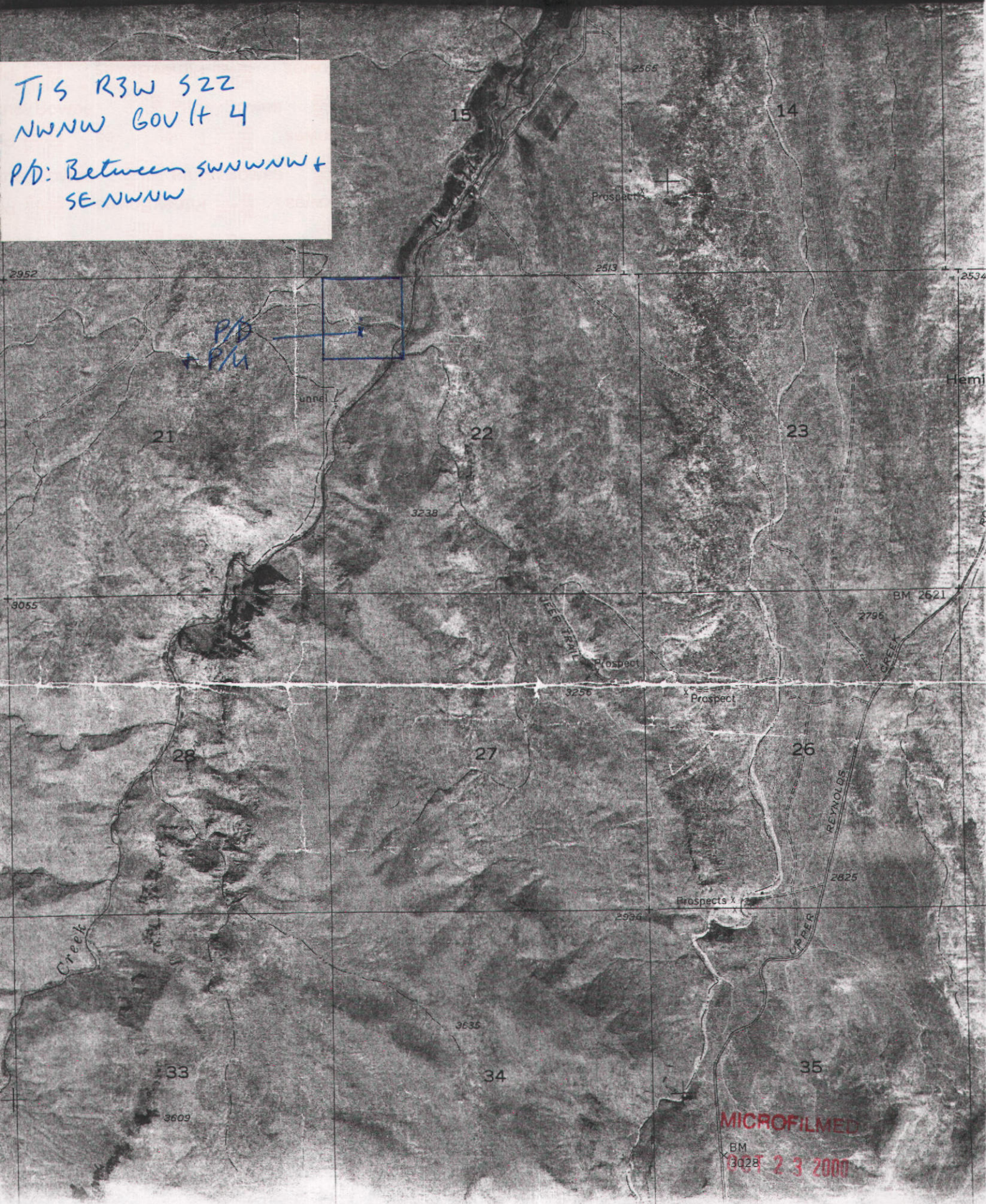


CONSERVATION PLAN MAP

Owner Richard Brandau Operator _____
 County Owyhee State Idaho Date 6-27
 Approximate acres 400 Approximate scale 1" = 660'
 Cooperating with Owyhee Soil Conservation
 Plan identification _____ Photo number _____
 Assisted by Clair Leavitt USDA Soil Conservation



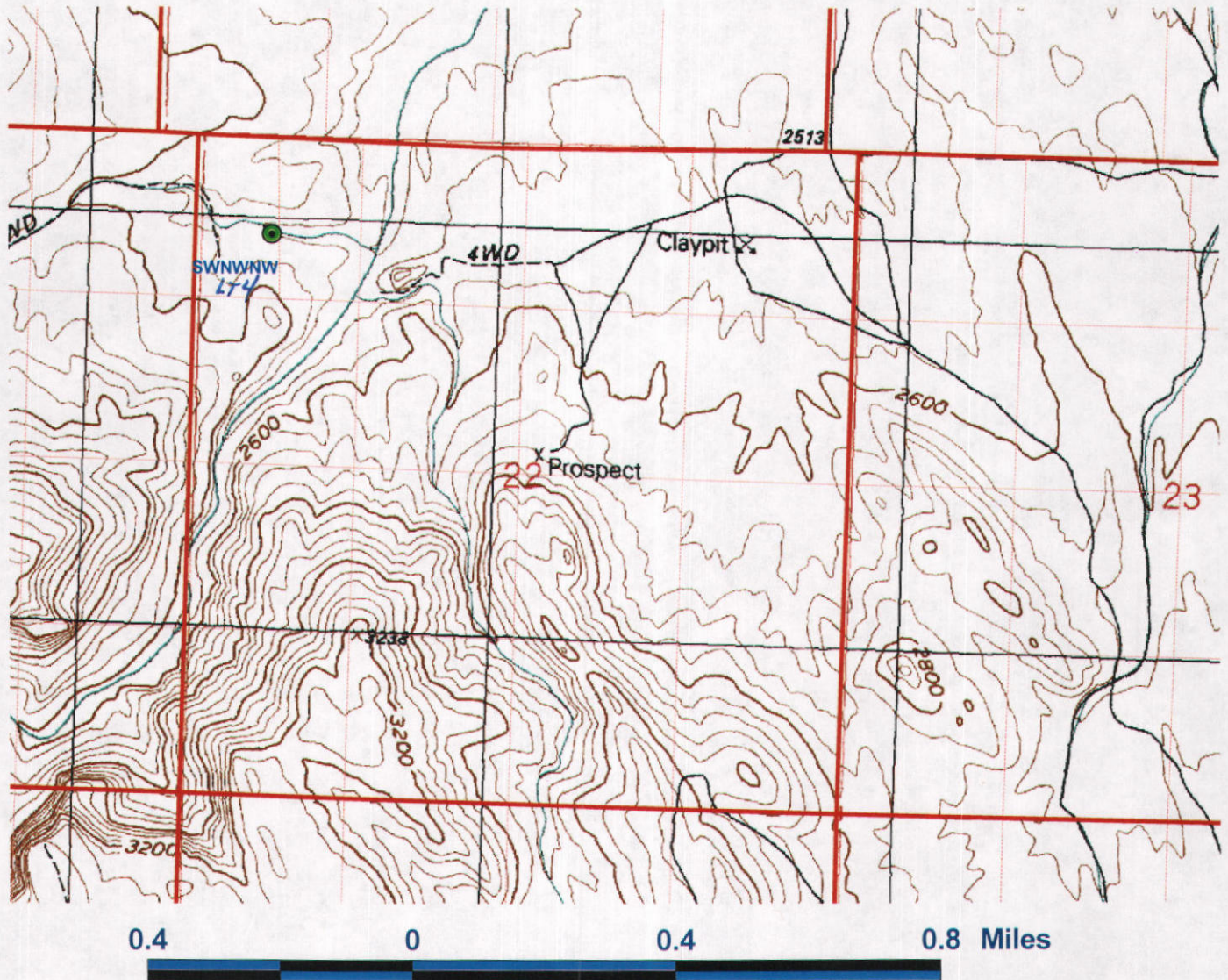
T1S R3W S22
NWNW Gov't 4
P/D: Between SWNWNW +
SE NWNW



57-7696

PLACE OF USE

T1S R3W S22



● PLACE OF USE AND POINT OF DIVERSION

□ SECTION LINES

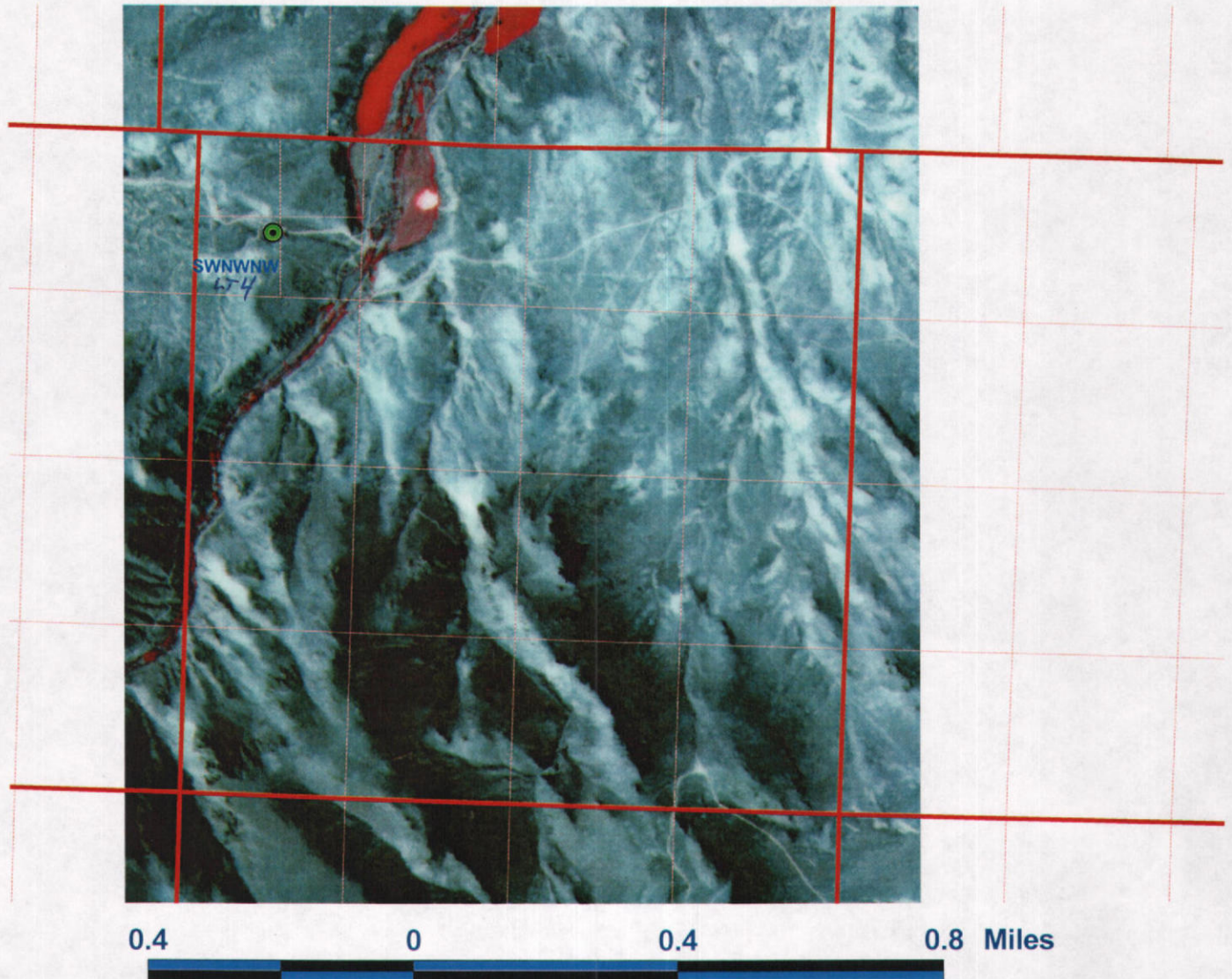
□ 1/4 1/4 LINES AND
1/4 1/4 1/4 LINES IN NWNW



57-7696

PLACE OF USE

T1S R3W S22



● PLACE OF USE AND POINT OF DIVERSION

□ SECTION LINES

□ 1/4 1/4 LINES AND
1/4 1/4 1/4 LINES IN NWNW

*MAILED
23 2002*



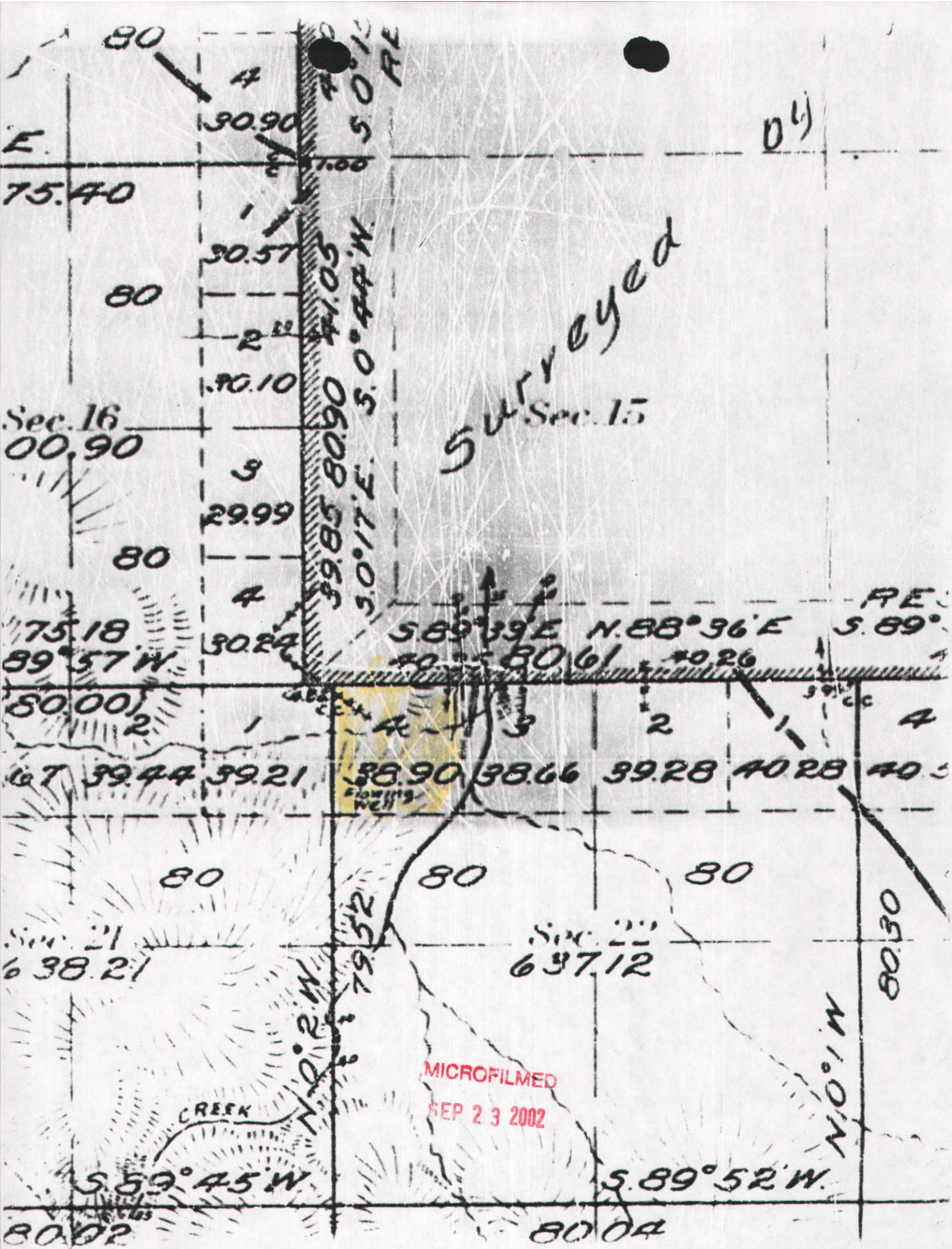
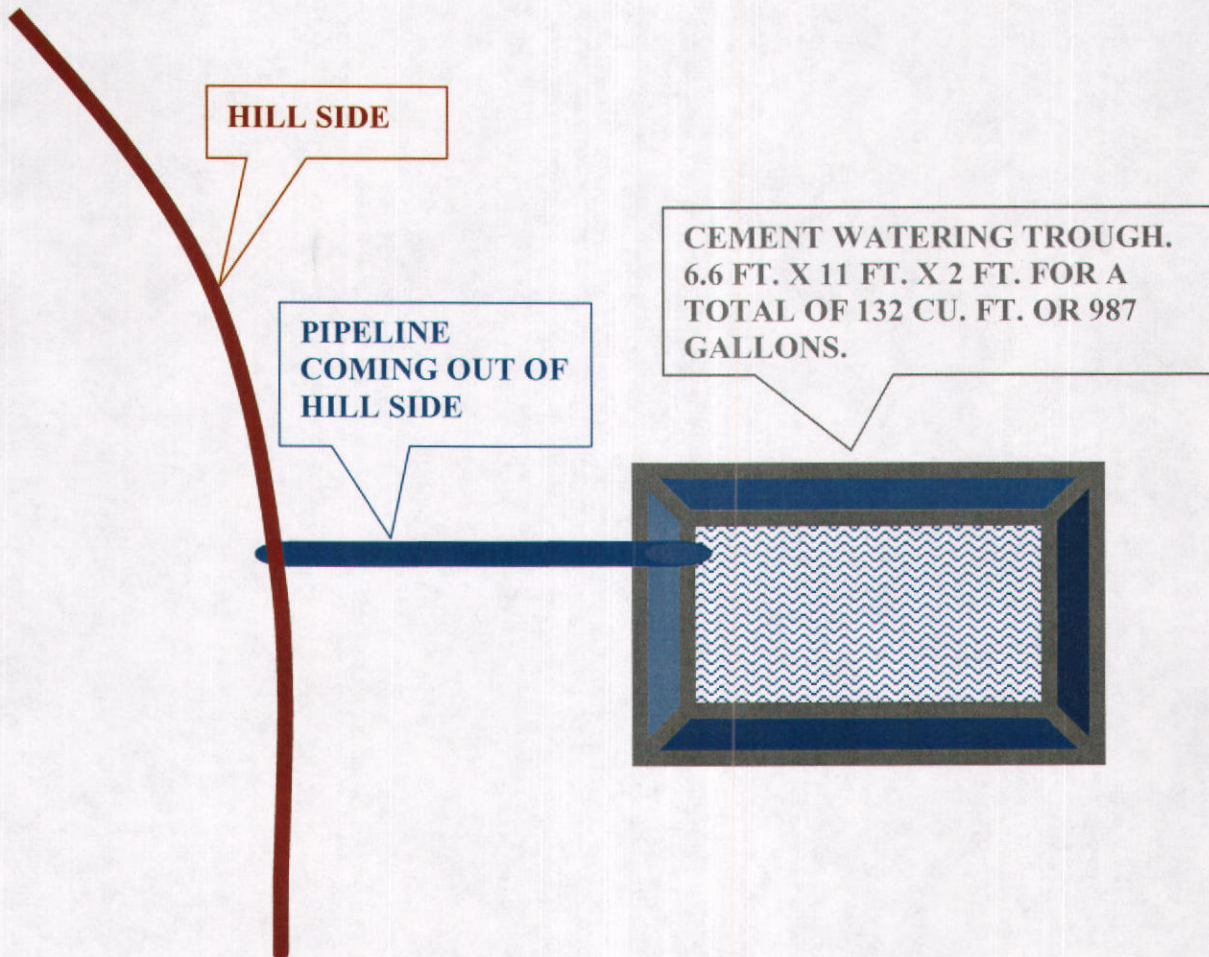


DIAGRAM OF STOCK TROUGH

The water supplying the trough comes from a buried pipe in the hill side. There are no headboxes or other signs of where the water comes from. The owner states that this spring was developed many years ago when the farm was first taken out of sagebrush. The area around the water trough is a natural spring or boggy area. The original owners of the ranch dug out a portion of the spring area and installed a pipe that ran into the cement trough. The cement trough is 6.6 feet long by 11 feet wide by 2 feet deep. This trough holds 132 cubic feet of water or 987 gallons of water. No storage component should be necessary for this system. I tried to measure the amount of water coming out of the pipe, but the flow was so minimal that it could not be adequately measured. Therefore, I am recommending the minimum stockwater allowable of 0.02 cfs to allow for times when the spring flow may increase during wet periods of the year.



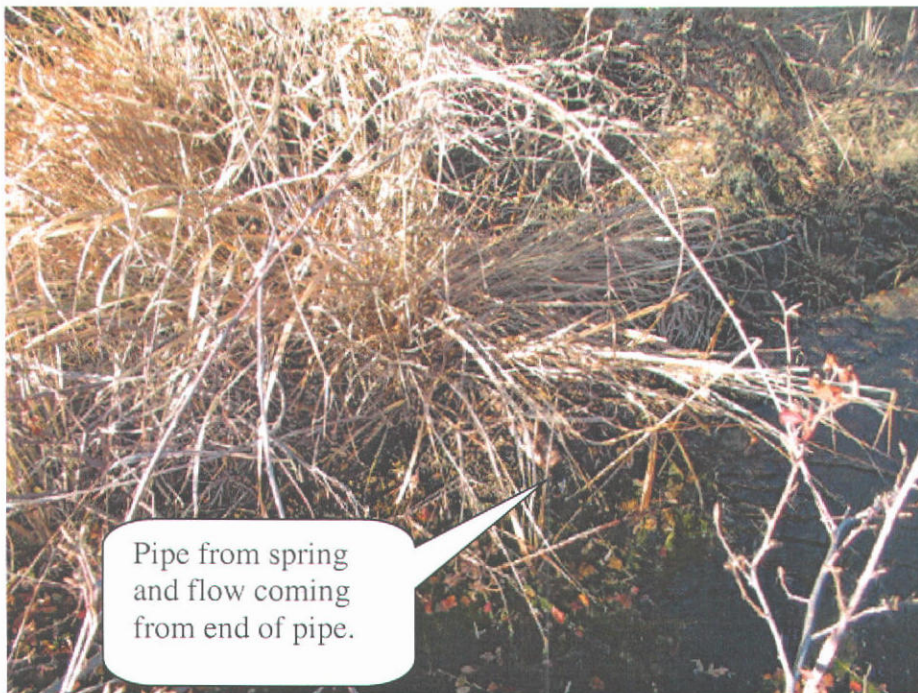
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SEP 23 2002

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 11/30/2001

FILE NUMBER 57-7696

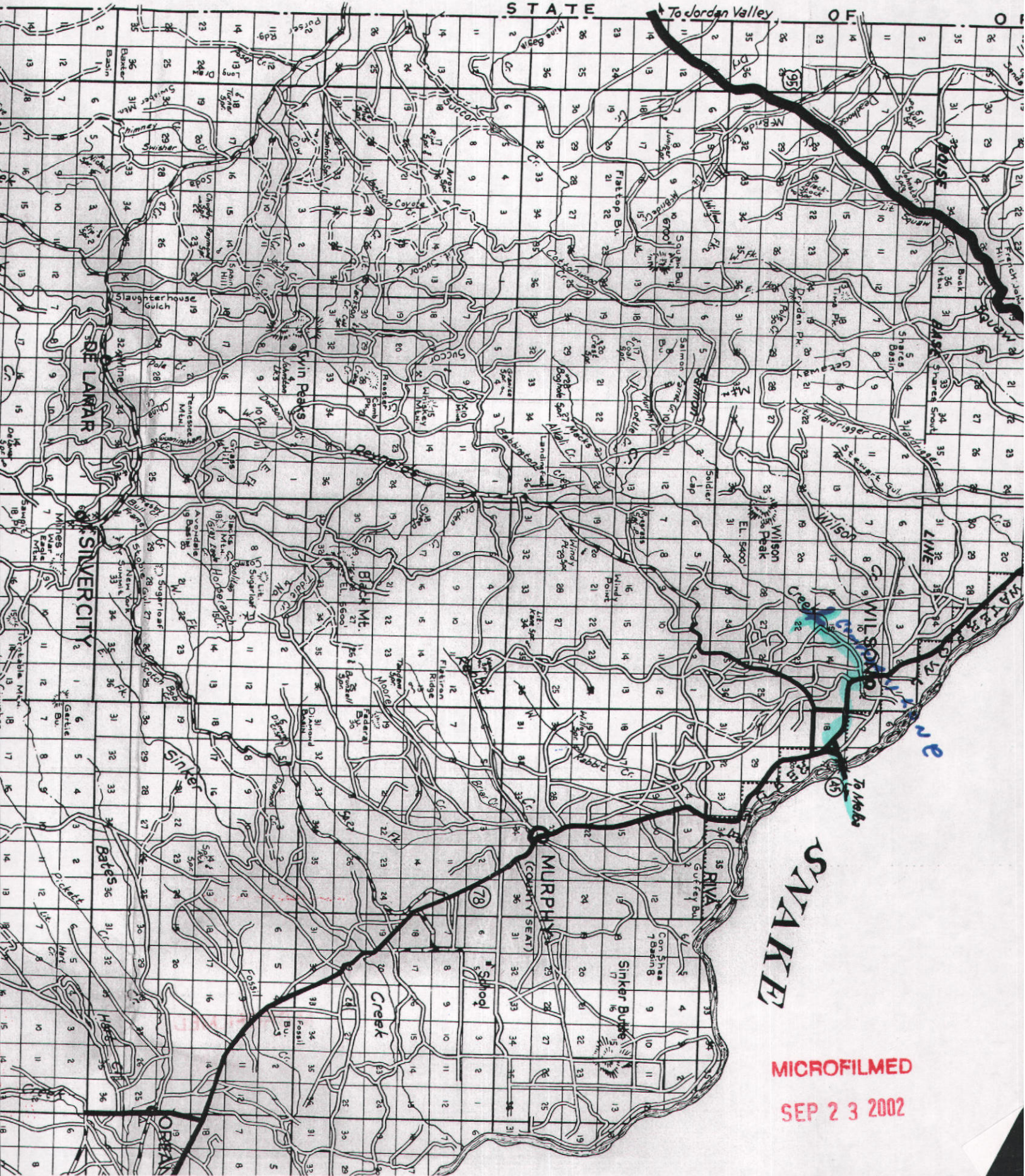


These are photos of the stockwater tank and discharge pipe for this permit. The water is drawn from a pipe buried in the springy area surrounding the stockwater tank.



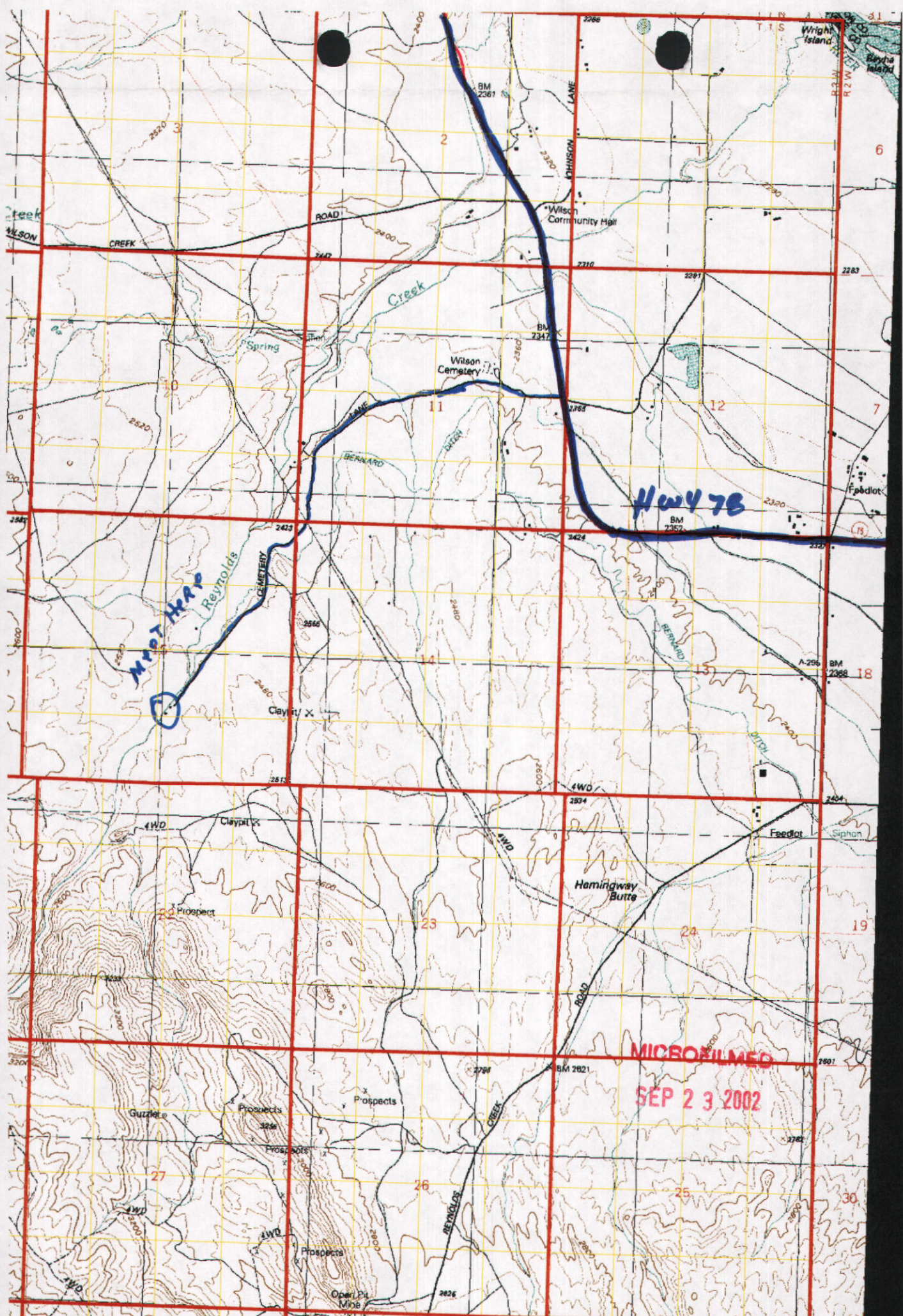
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5 S. T. 4 S. T. 3 S. T. 2 S. T. 1 S.

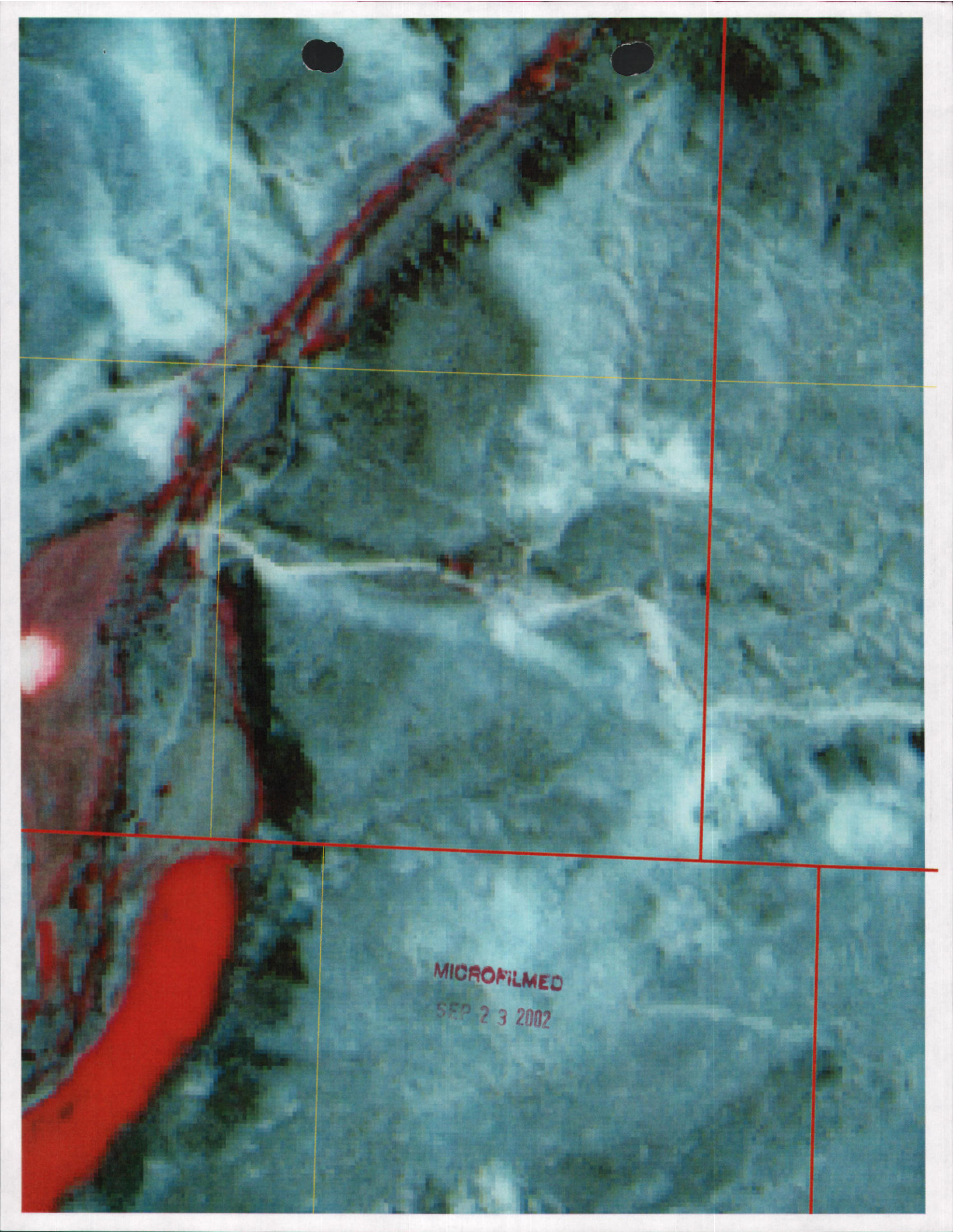


SNAKE

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SEP 23 2002

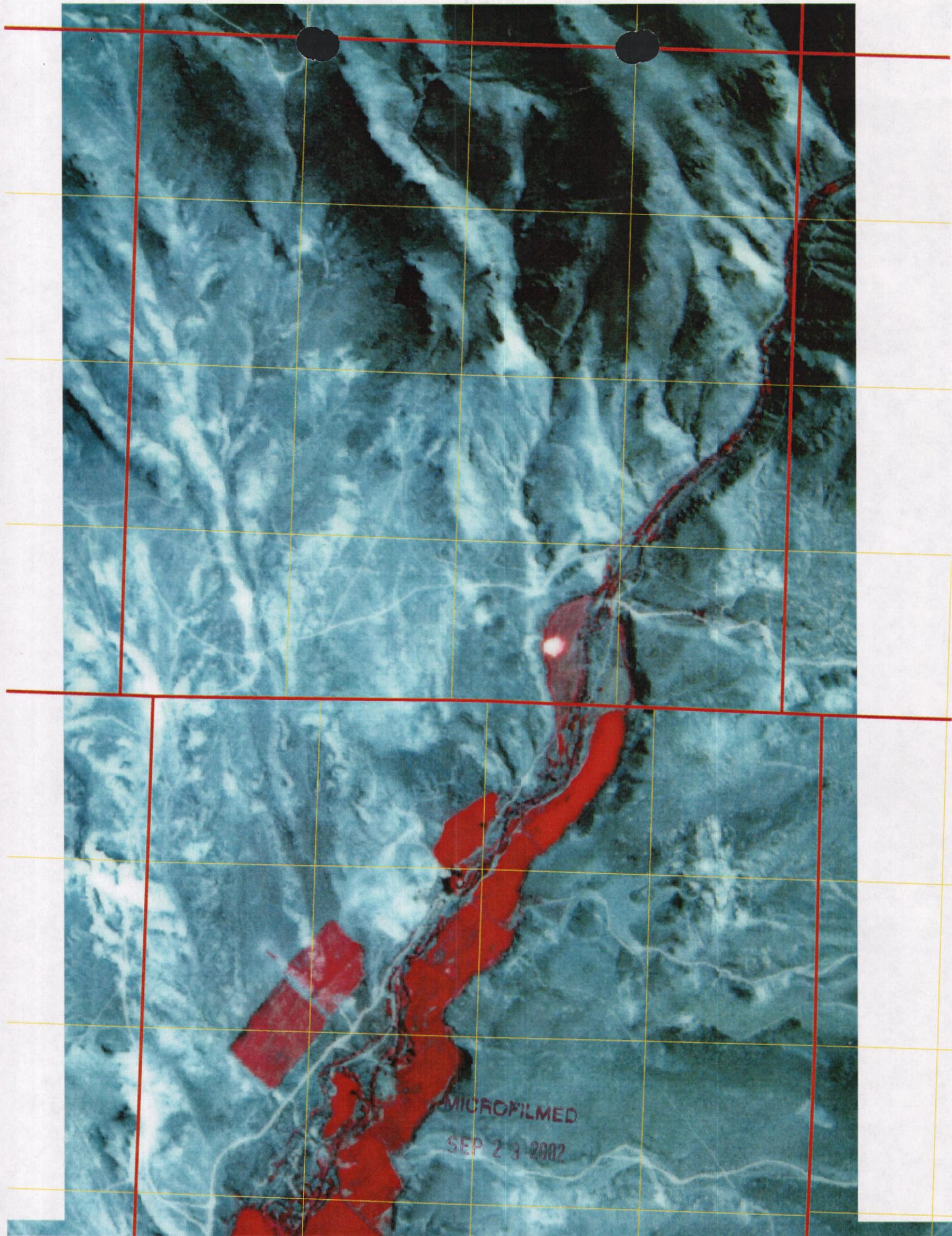


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An aerial photograph of a coastal region, likely a bay or inlet, with a prominent red coastline. The water is a mix of blue and green, with white foam visible in some areas. A yellow grid is overlaid on the image, with a vertical line on the left and a horizontal line across the middle. Two black circular marks are visible at the top of the image. A red line runs diagonally from the top right towards the bottom right. In the bottom right corner, there is a red stamp that reads "MICROFILMED" and "SEP 23 2002".

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SEP 23 2002



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P/D SEARCH FOR 1S R2W S22 NWNW

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
57	10403		Beneficial Use	Active	7/1/1908	0.05	SPRING	STOCKWATER	BRANDAU, CONNIE M (Current); BRANDAU, RICHARD (Current)	Adjudication Claim
57	2097		License	Active	5/23/1916	0.02	GROUND WATER	DOMESTIC	MC DONALD, WILLIAM (Current)	Water Right
57	7696			Active	6/19/2000	0.02	SPRING	STOCKWATER	BRANDAU, CONNIE (Current); BRANDAU, RICHARD (Current)	Water Permit

0.5 gal/600 gal
 → 6 w
 9/1/14

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	57 11568	RICHARD BRANDAU,	REYNOLDS CREEK	01S03W22					7	2											9
Rec	57 11568	RICHARD BRANDAU,	REYNOLDS CREEK	01S03W22					7	2											9
Claim	57 280	CONNIE M BRANDAU, RICHARD H BRANDAU,	REYNOLDS CREEK	01S03W22					7	2											9
Rec	57 280	CONNIE M BRANDAU, RICHARD H BRANDAU,	REYNOLDS CREEK	01S03W22					7	2											9
Right	57 280	RICHARD H BRANDAU, CONNIE M BRANDAU,	REYNOLDS CREEK	01S03W22					7	2											9
Claim	57 10403	CONNIE M BRANDAU, RICHARD BRANDAU,	SPRING	01S03W22						X											0
Claim	57 10930	OWEN ORNDORFF, BRUCE REUCK, JUNAYO RANCH LIMITED PARTNERSHIP, HARRY RICHARD BASS,	ALKALI CREEK, BABBINGTON CREEK, COTTLE CREEK, COTTONWOOD CREEK, FARROT CREEK, HAMILTON GULCH CREEK, MACKS CREEK, MURPHY CREEK, REYNOLDS CREEK, SALMON CREEK, WILSON CREEK	01S03W22					X	X	X			X							0
Right	57 2097	WILLIAM MC DONALD,	GROUND WATER	01S03W22						X											0
Permit	57 7696	CONNIE BRANDAU, RICHARD BRANDAU,	SPRING	01S03W22						X											0
Claim	57 11160	UNITED STATES OF AMERICA ACTING THROUGH,	REYNOLDS CREEK	01S03W22							X			X							0
Claim	57 11160	UNITED STATES OF AMERICA ACTING THROUGH,	REYNOLDS CREEK	01S03W22							X			X							0
Right	57 11160	UNITED STATES OF AMERICA ACTING THROUGH,	REYNOLDS CREEK	01S03W22							X			X							0
Right	63 358	CARL E NICHOLSON,	DRAINS	01S03W22														X	X		0

Disallowed

DIFFERENT
SOURCE
& PROPER
UNDERSTANDING
RIGHT

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 28 2000

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

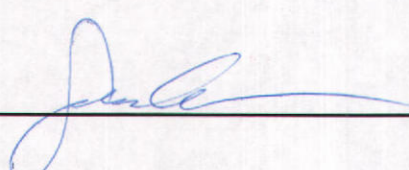
3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

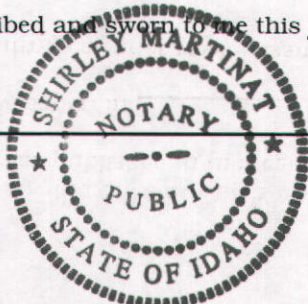
said newspaper, in Two(2)

(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

July 5 and 12, 2000

Signed 

Subscribed and sworn to me this 12th day of July A.D., 2000




Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

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OCT 23 2000

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho

57-07696

BRANDAU, RICHARD
BRANDAU, CONNIE
HC 79 BOX 61
MELBA, ID 83641

Source: SPRING Tributary:
REYNOLDS CREEK

Diversion Pt: LOT 4
(SWNWNW) Sec 22 T 01S R
03W in OWYHEE County.

LOT 4 (SENWNW) Sec 22 T
01S R 03W in OWYHEE
County.

Use: STOCKWATER (0.020
CFS)

Total Diversion (0.020 CFS)

Date Filed: 6/19/2000

In: OWYHEE County

T01SR03WS22Lot4(NWNW)

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-2203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 22735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before JULY 24, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER,
Director

7/5 & 12/00

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 57-07696

Priority: June 19, 2000

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 3.4 AF

It is hereby certified that RICHARD BRANDAU And/Or CONNIE M BRANDAU
HC 79 BOX 61
MELBA ID 83641 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 19, 2000; and has
submitted Proof of Beneficial Use on January 12, 2001. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: REYNOLDS CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/12/01 to 12/31/01	0.02 CFS	3.4 AF

LOCATION OF POINT OF DIVERSION

SPRING L4 SW¼NW¼NW¼ Sec 22, Twp 01S, Rge 03W, B.M., OWYHEE County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	22																	

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the Watermaster of State Water District No. 57R.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 8th day of April, 2002.

Acting for

KARL J. DREHER
Director

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SEP 23 2002

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SEP 11 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Date Received 11/12/01

Received by J. Barron
Amt: \$50.00
Receipt # C051833

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 57-07696 Telephone No. 208-495-25292. Name of Permit Holder(s): Connie Brandau / Richard Brandau3. Mailing Address: HC 79 - Box 61City Melba State ID Zip 836414. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. NA / yr. NAWell Driller: NA Drilling Permit Number: NA

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): 250 range cattleIrrigation (No. of acres): 1 Other: 16. Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR 1 acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes or No X

Has the measuring device been installed?

Yes or No X8. Fee Enclosed: \$ NA (See Fee Schedule on back of the instructions for filing proof of beneficial use)
* (less than .04 cfs)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Connie or Richard Brandau Telephone Number: 208-495-2529Address: HC 79 Box 61 Melba / Highway 7B @ 17 mile marker aka Cemetery lane to end of road

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Connie Brandau Owner Date: 9-5-00
(include your title, if on behalf of company or organization)

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JAN 30 2001

mailed to DWR - State
Deborah Wilson
1-09-01

mailed 9-6-00 to DWR.

1301 No. Orchard

PO Box 83720

2001 ID 83720-1195

CB

CB

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 57-07696

Priority: June 19, 2000

Maximum Diversion Rate:

0.02 CFS

This is to certify, that RICHARD BRANDAU
CONNIE BRANDAU
HC 79 BOX 61
MELBA ID 83641

has applied for a permit to appropriate water from:
SPRING tributary of REYNOLDS CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

STOCKWATER	01/01 to 12/31	0.02 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (SWNNW), Sec. 22, Township 01S, Range 03W
Lot 4 (SENNW), Sec. 22, Township 01S, Range 03W
OWYHEE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

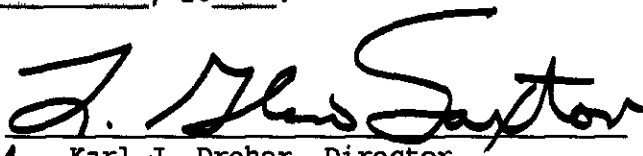
01S 03W 22 Lot 4 (NWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before September 1, 2001.
2. Subject to all prior water rights.
3. This right authorizes a single point of diversion.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 57R.
5. Stockwater use is for 250 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

24th day of August, 2000.


for Karl J. Dreher, Director

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OCT 23 2000

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RECEIVED

AUG 18 2000

FORM 202
1/86

JUN 19 2000

WATER RESOURCES
WESTERN REGIONDepartment of Water Resources
STATE OF IDAHOIdent. No. 57-07696

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant RICHARD & CONNIE BRANDAN Phone 208-495-2529
Post Office address HC 79 Box 61 MELBA IDAHO 83641
2. Source of water supply UNNAMED SPRING which is a tributary of REYNOLDS CREEK
3. Location of point of diversion is NW 1/4 of NW 1/4 of 1/4, Govt. Lot 4
Sec. 22 Township 1S Range 3W B.M. DWYHEE County; additional points of diversion if any: N/A
4. Water will be used for the following purposes:
 Amount .02 for LIVESTOCK purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .02 and/or (b) _____
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. EXISTING DEVELOPEMENT CONSIST OF HEADBOX COLLECTION WITH SHORT PIPELINE TO EXISTING CEMENT TANK- IN PLACE IN 1937.
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85° F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
 Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (If irrigation only, go to Item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. 250 HEAD OF CATTLE / LIVESTOCK
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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OCT 23 2000

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RSE	SBB	NE				NW				SW				SE				TOTAL
			1/4	2/4	3/4	4/4	1/4	2/4	3/4	4/4	1/4	2/4	3/4	4/4	1/4	2/4	3/4	4/4	
1S	3W	22					Lot 4											350 Cows	
		22					S												

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above.

11. a. Who owns the property at the point of diversion? RICHARD +/OR CONNIE BRANDAU

b. Who owns the land to be irrigated or place of use? RICHARD +/OR CONNIE BRANDAU

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: N/A

12. Remarks: THIS SPRING WAS DEVELOPED BY ANDREW HURLEY DURING THE DROUGHT IN 1937 AND WAS THE ONLY SOURCE OF WATER AT THAT TIME. IT HAS BEEN USED FOR LIVESTOCK WATER BY THE SUBSEQUENT OWNERS (KATHERINE + DAN HURLEY, HENRY + BRANDAU + RICHARD BRANDAU) SINCE.

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number. SCS AIR / PHOTO MAP dated 1977.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Connie +/or Richard Brandau
(Applicant)

Received by Lm Date 6-19-00 Time 1:10 Preliminary check by 4
 Fee \$ 50.00 Received by Lm # W026673 6-19-00
 Publication prepared by Ar Date 7-5-00 Published in ON THE AVAVALANCHE
 Publication approved Lm Date 8-16-00

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OCT 23 2000

Plan Identification _____
Assisted by Clair Leavitt

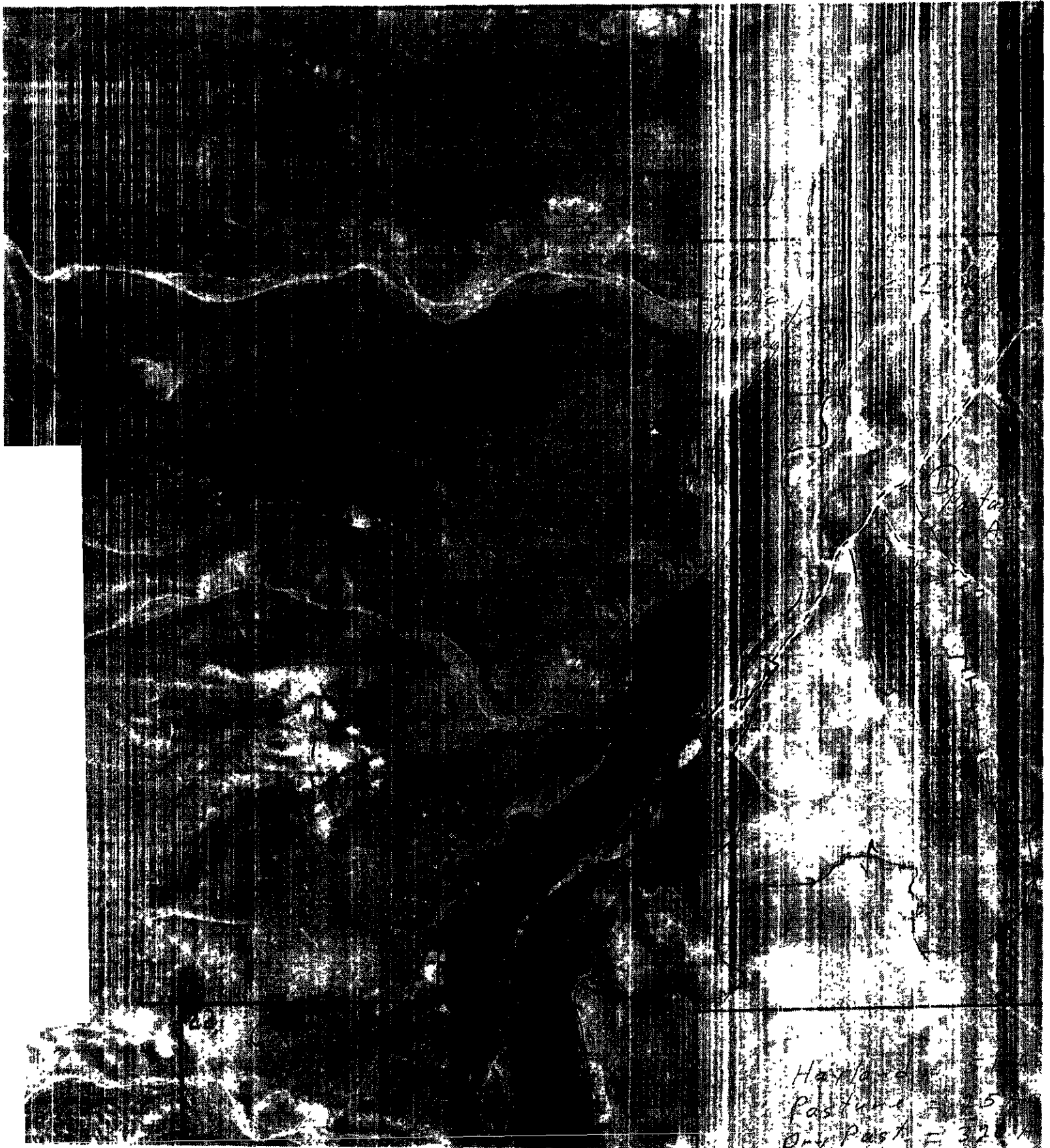


Hayward = 51.0
Pasture = 25.0
Or. Past. = 320.0
L. = 4.0

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OCT 23 2000

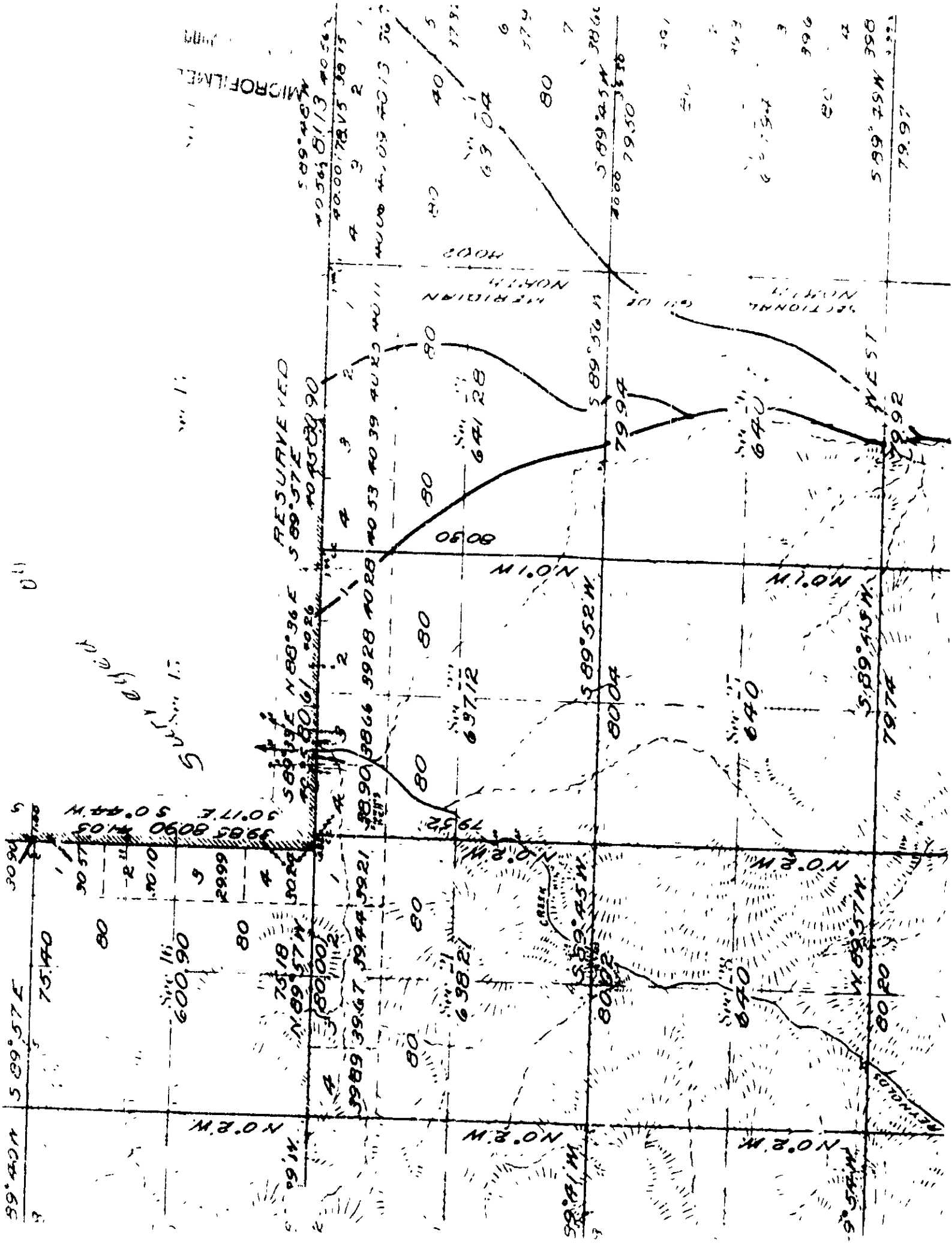
CONSERVATION PLAN

Owner Richard Brandau Up
 County Owyhee State Idaho 6-25
 Approximate acres 400 Ap 11 1" - 660'
 Cooperating with Owyhee So. Conservation
 Plan identification Clair Leavitt
 Assisted by Clair Leavitt Conservation



TIS R3W S22
NWNW GOV It 4

P/D: Between SWNWNW +
SE NWNW





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 9, 2002

RICHARD BRANDAU
CONNIE M BRANDAU
HC 79 BOX 61
MELBA ID 83641

RE: License No. 57-7696 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

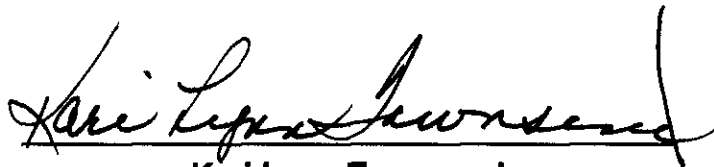
MICROFILMED
SEP 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 57-7696

**RICHARD BRANDAU
CONNIE M BRANDAU
HC 79 BOX 61
MELBA ID 83641**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 23 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

57-7696

1. kwalker 3/27/2002 Proposed volume

Comment: While reviewing this permit, I found that the volume the examiner used came from Admin. Memo App Process No. 3 (Annual Use of Water for Stockwater Purposes). I calculated the number of head times 0.0134 which came up with less volume than examiner recommended but the right amount for 250 head of cattle.

2. LGRAVES 6/27/2000 MORE INFO

Comment: Per Applicant: Stockwater for 250 head beef cattle. Spring has been used for stockwater since 1937. Per IDWR: P/D is for one spring located on or near division line between the S1/2 qtrs of the NWNW as indicated on the attached FSA photo and ortho photo.

3. VAULT 9/15/2000 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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SEP 23 2002

RECEIVED

FEB 19 2002

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 57-7696

1. Owner: CONNIE AND RICHARD BRANDAU Phone No. (208) 495-2529

Current Address: HC 79 BOX 61, MELBA, ID 83641

2. Accompanied by: RICHARD BRANDAU EXAM DATE : 11/9/2001

Address: SAME AS ABOVE Phone No. SAME AS ABOVE

Relationship to Permit Holder: OWNER

3. Source: SPRING tributary to REYNOLDS CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 57-11568, 57-280, 57-10403, 57-10930, 57-2097

2. Other water rights with the same point of diversion: 57-10403, 57-2097

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
P/D	4	SW	NW	NW	22	1S	3W	OWYHEE	VISUAL INSPECTION AND USE OF GPS UNIT AND GIS SYSTEM

2. Place(s) of Use

Indicate Method of Determination SAME AS POINT OF DIVERSION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	3W	22						S											
								Lt 4											

PLEASE NOTE: The "S" denotes the location of the stockwater used for this permit.

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FEB 23 2002

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/pipe i.d as applicable

SEE ATTACHED SHEET.

YES Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo Attached (required for irrigation of 10+ acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	N/A	N/A	N/A	N/A	N/A

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
BUCKET AND STOP WATCH						

2. Measurements:

A measurement was attempted on this spring, but there was not enough flow from the pipe to fill a 5-gallon bucket in less than 5 minutes. It is assumed that actual flow rate is somewhere between .5 to 1 gallon per minute. It was determined to use the minimum standard of 0.02 cfs to ensure that spring flows would be covered under the permit.

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E. NARRATIVE/REMARKS/COMMENTS

Lisa Mattson and I visited this site on 11/9/2001. The water from this application is diverted from a buried pipe into a cement stockwater tank. There are no headboxes or other signs of where the pipe actually begins. The owner stated that this spring was developed many years ago when the farm was first taken out of sagebrush. The area around the water trough is naturally a boggy area. The original owners of the ranch dug out a portion of the spring area and installed a pipe that flows into a cement trough. The cement trough is 6.6 feet long by 11 feet wide by 2 feet deep. The trough holds 132 cubic feet of water or 987 gallons. No storage component should be necessary for this system. This spring and trough waters approximately 250 range cattle.

OVERLAP

There are many rights that overlap this place of use. However, the only right that is directly associated with this spring and water trough is 57-10403. Water right 57-10403 was disallowed in the Snake River Basin Adjudication (SRBA), because it was not claimed in the Reynolds Creek Decree. Therefore, the owner's had to file this permit to replace SRBA claim 57-10403, which is no longer valid. All the other overlapping water rights are from different sources and for different places of use.

RECOMMENDATIONS:

I recommend that this permit be licensed for 0.02 cfs and 4.1 afa for 250 range cattle.

Have conditions of permit approval been met? ☒ yes ☐ no

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SEP 23 2002

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

A measurement was attempted at this field exam, but the flows were too low to attain a reasonable measurement. Therefore, the minimum of 0.02 cfs was used to ensure that the license would be adequate enough to cover the higher spring flows.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

B

2. Volume Calculations for Other Uses:

250 range cattle = 4.1 afa per table 6 of Field Examiners Handbook.

$$0.02 \text{ cfs} \times 365 \text{ days} \times 1.9835 = 14.4 \text{ afa}$$

Please Note: The minimum flow was used for a diversion rate, since no accurate measurement was possible. Therefore, the maximum volume for the 250 range cattle should be used to determine the volume.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial use	Period Of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	1/1	12/31	0.02 cfs	4.1 afa
TOTAL			0.02 cfs	4.1 afa

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**

DANIEL A. NELSON – SENIOR AGENT

Field Examiner's Name Daniel A. Nelson Date 11-30-01

Reviewer _____ Date _____

SEAL

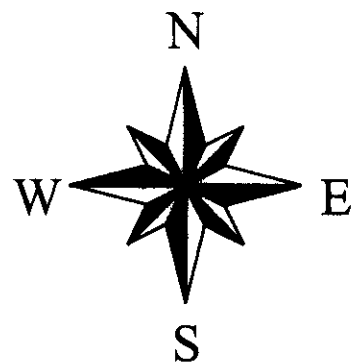
MICROFILMED

JAN 4 2002

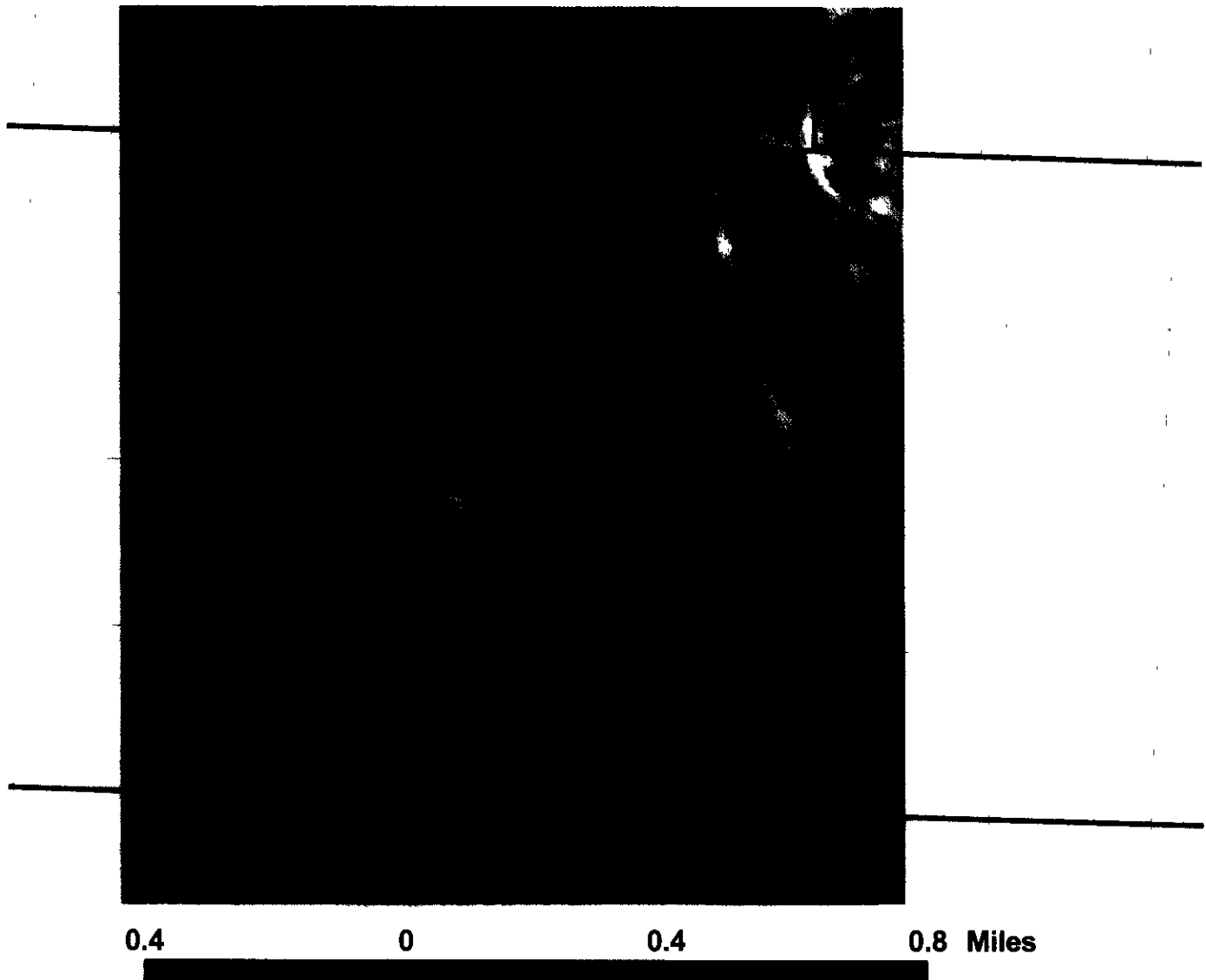
This is a black and white topographic map of a rugged, mountainous area. The map features a grid of latitude and longitude lines. Contour lines are drawn to show elevation, with labels for 2600, 3200, and 3513 feet. A road or path is marked with '4WD' in the upper center. Two specific locations are labeled: 'Claypit X' in the upper right and '20 Prospect' in the center. A small black dot is located in the upper left, near a label that appears to be '274'. The number '23' is printed on the right edge of the map. At the bottom, a scale bar is provided with markings for 0.4, 0, 0.4, and 0.8 Miles.

 SECTION LINES

1/4 1/4 LINES AND FILMED
1/4 1/4 1/4 LINES IN NWNW



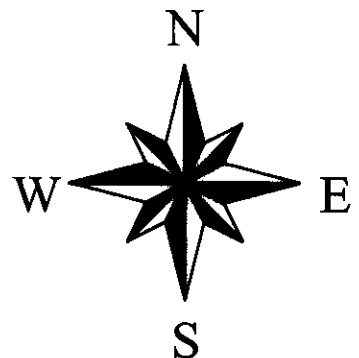
57-7696
PLACE OF USE
T1S R3W S22

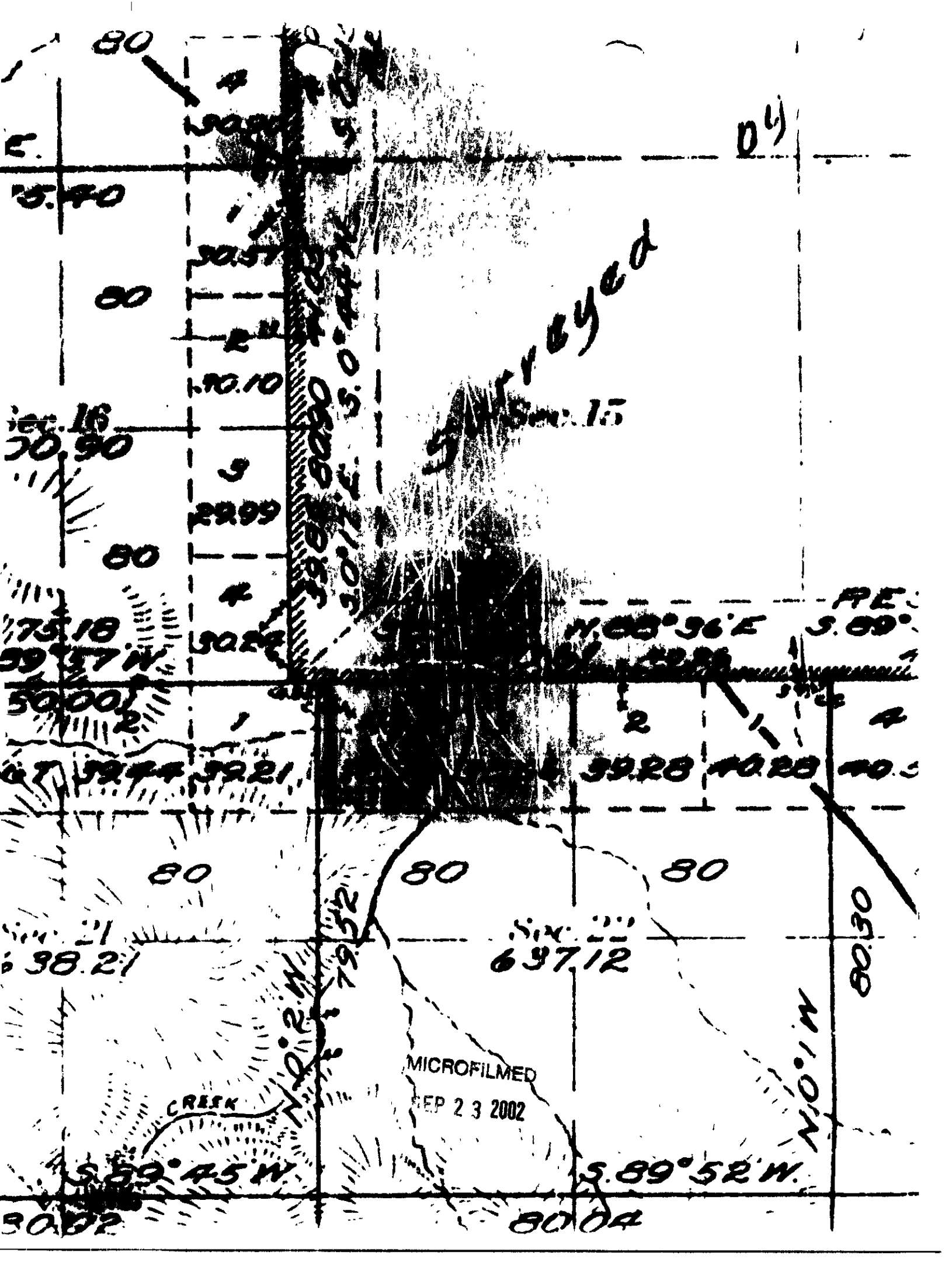


● PLACE OF USE AND POINT OF DIVERSION

□ SECTION LINES

1/4 1/4 LINES AND
1/4 1/4 1/4 LINES IN NWNW
MAILED 13 2002



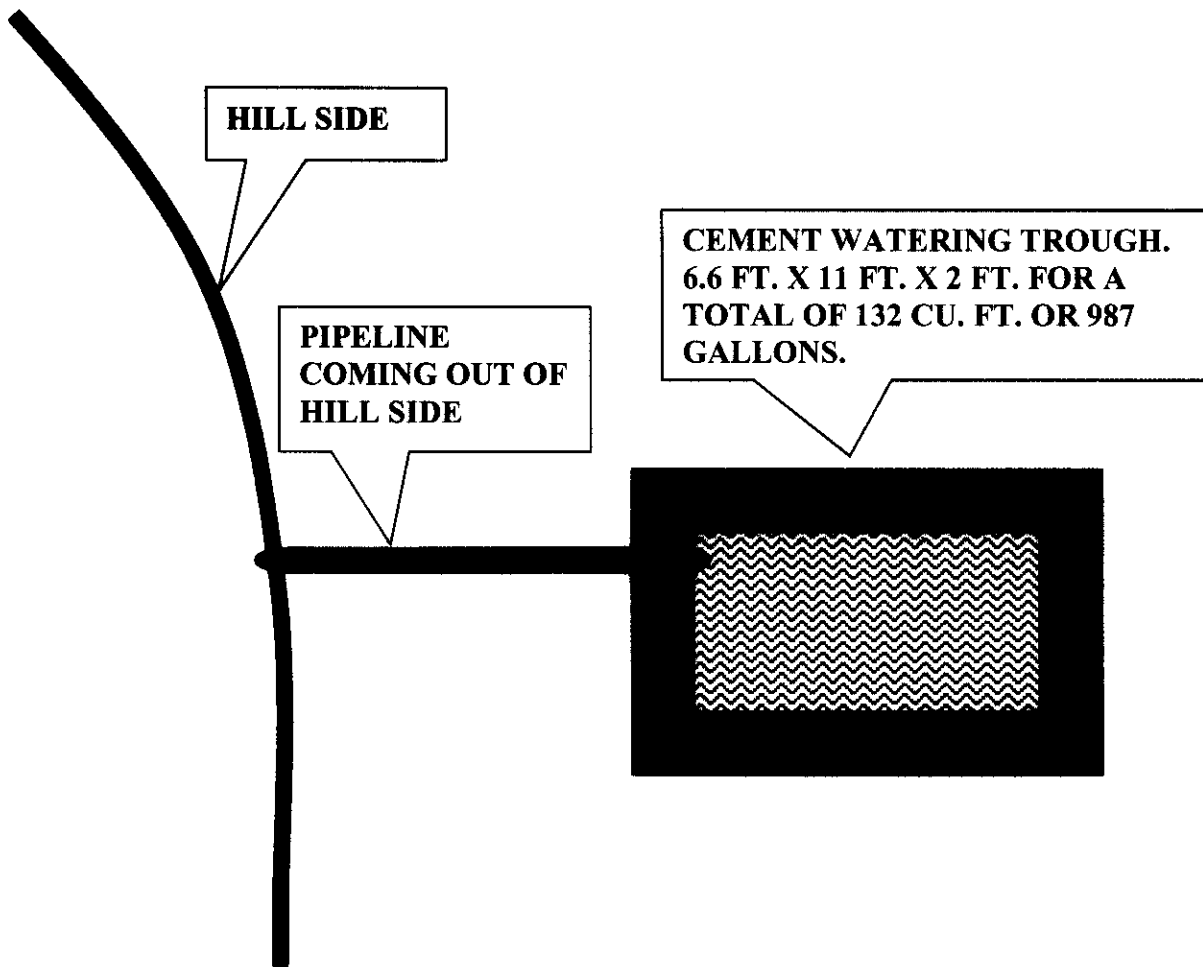


Surveyed

MICROFILMED
SEP 23 2002

DIAGRAM OF STOCK TROUGH

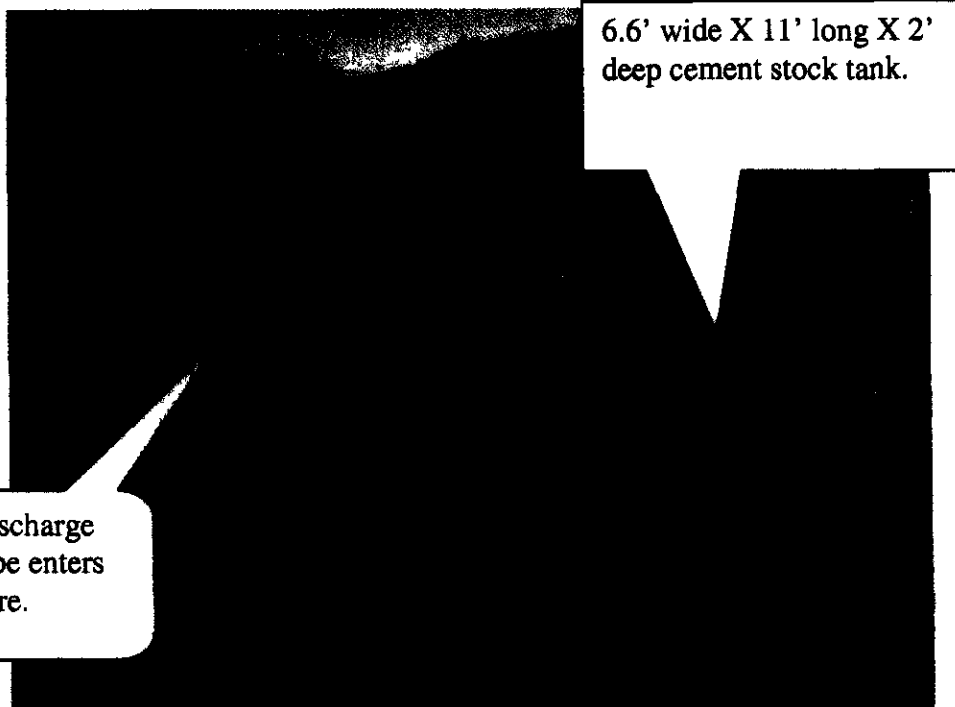
The water supplying the trough comes from a buried pipe in the hill side. There are no headboxes or other signs of where the water comes from. The owner states that this spring was developed many years ago when the farm was first taken out of sagebrush. The area around the water trough is a natural spring or boggy area. The original owners of the ranch dug out a portion of the spring area and installed a pipe that ran into the cement trough. The cement trough is 6.6 feet long by 11 feet wide by 2 feet deep. This trough holds 132 cubic feet of water or 987 gallons of water. No storage component should be necessary for this system. I tried to measure the amount of water coming out of the pipe, but the flow was so minimal that it could not be adequately measured. Therefore, I am recommending the minimum stockwater allowable of 0.02 cfs to allow for times when the spring flow may increase during wet periods of the year.



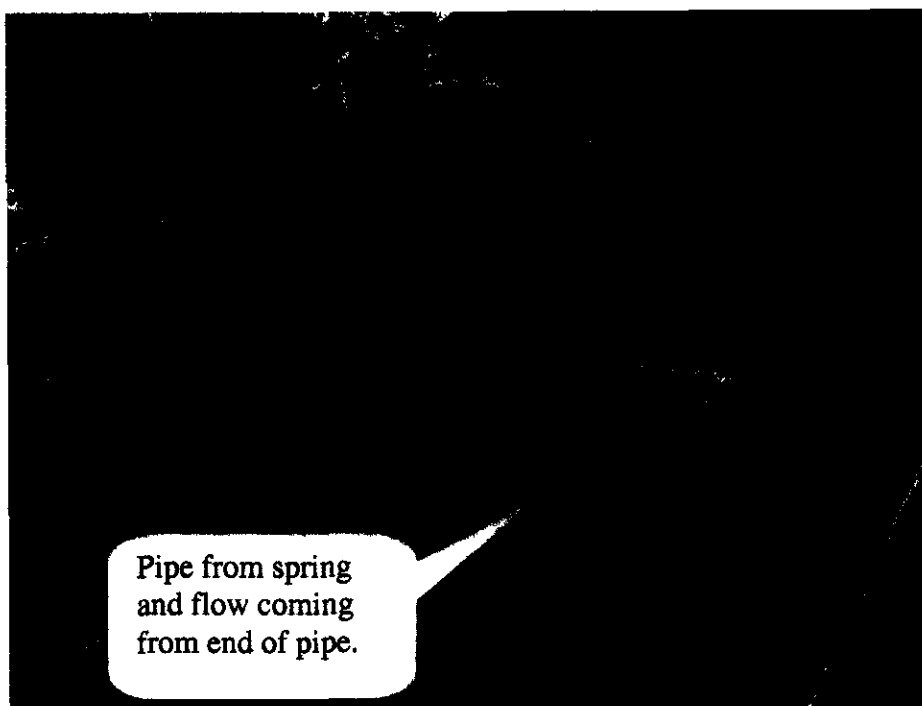
MICROFILMED
SEP 23 2002

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 11/30/2001

FILE NUMBER 57-7696



These are photos of the stockwater tank and discharge pipe for this permit. The water is drawn from a pipe buried in the springy area surrounding the stockwater tank.



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SEP 23 2002

FIELD NOTES

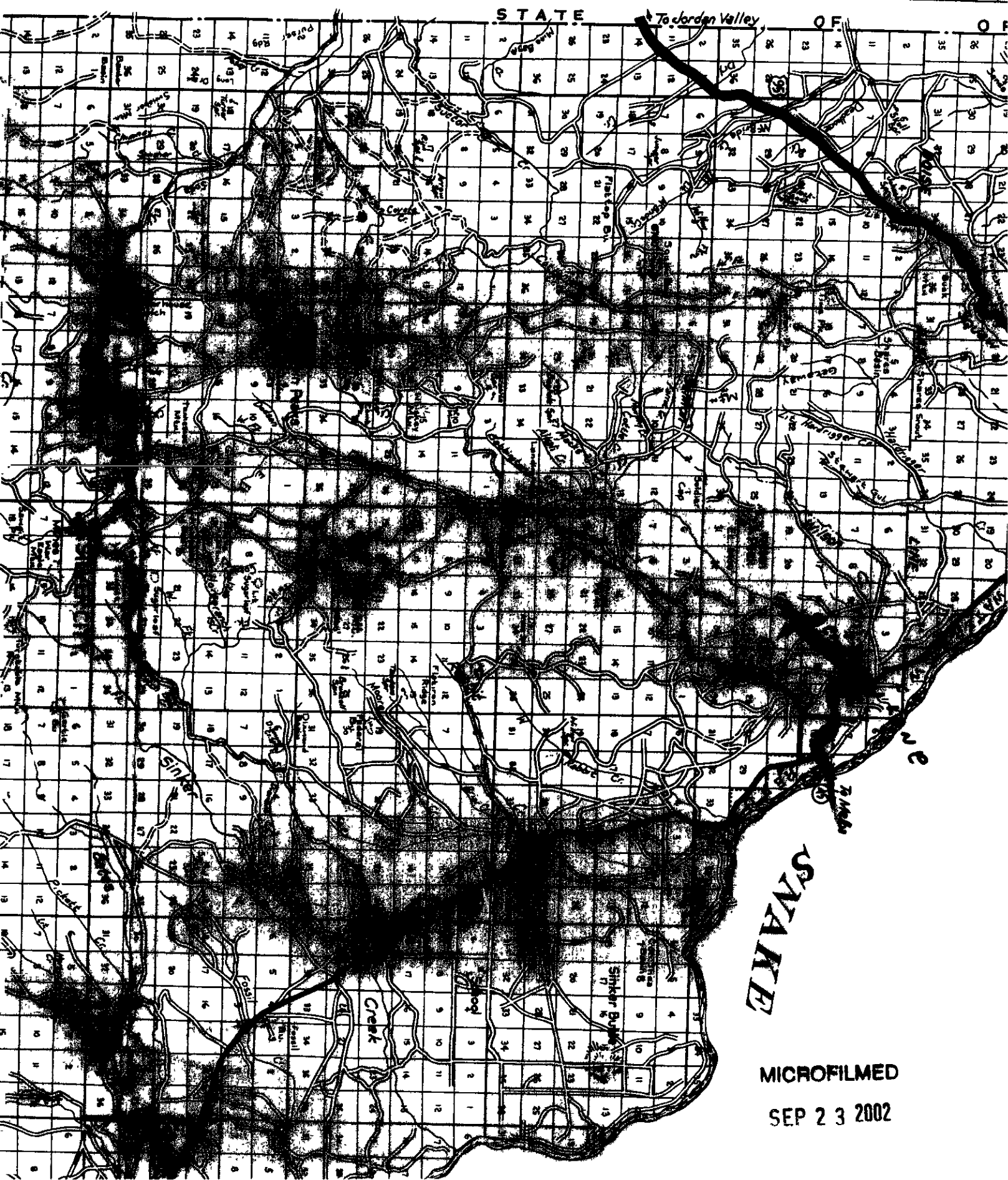
PERMIT NUMBER 57-7696

PLEASE NOTE: These documents are for backup purposes only and are not apart of actual Beneficial Use Field Report.

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SEP 23 2002

5 8. T. 4 S. T. 3 S. T. 2 S. T. 1 S. T



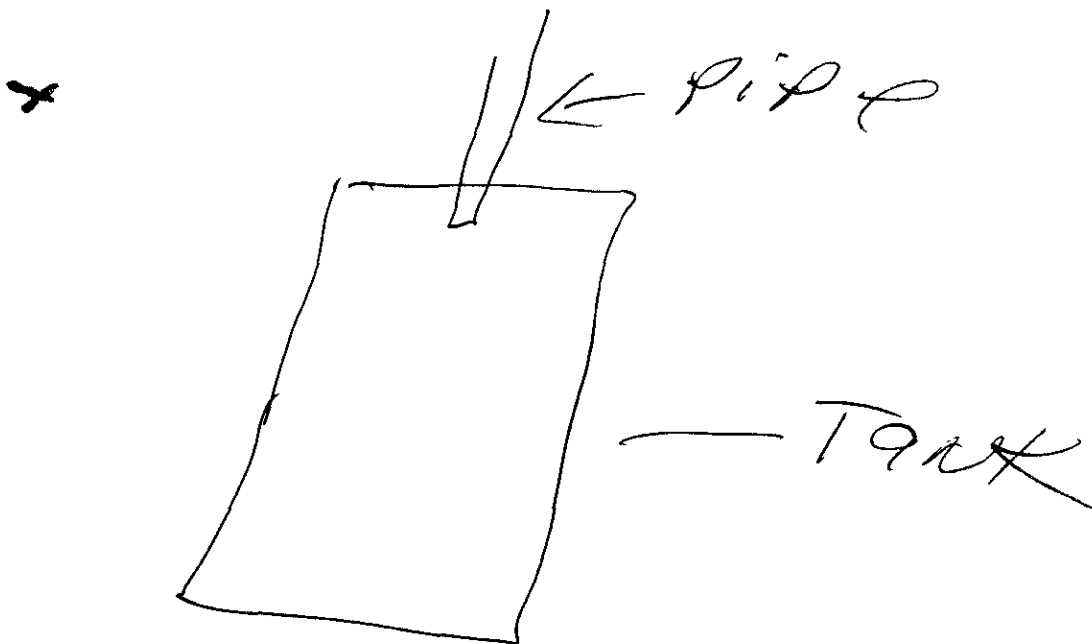
SNAKE

MICROFILMED
SEP 23 2002

Way Point
.005

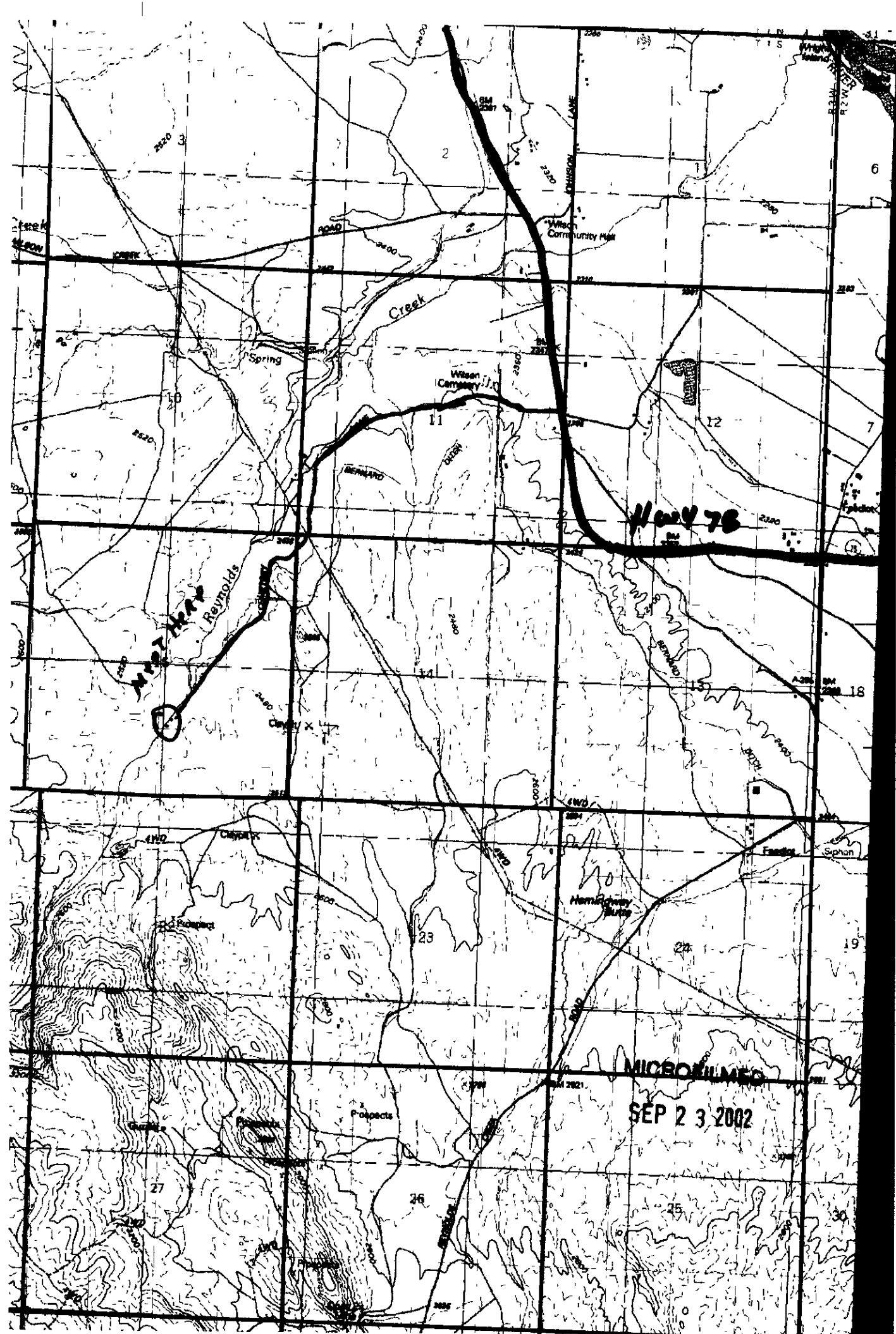
Head
Box
NOT
FOUND

6.6 x 11 x 2



MICROFILMED

SEP 23 2002



PROFIL 20

23 202



SRBA

SUBCASE SUMMARY REPORT 57-10403

[Return to SRBA Home Page](#)

SRBA
11-01-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 57-10403 FILE#: 00000
CLAIMANT: BRANDAU, RICHARD & CONNIE M

HC 79 BOX 61

MELBA ID 83641

STATUS: PD ISSUED

WATER SOURCE: SPRING, REYNOLDS CREEK

**** PARTIES INVOLVED ****

RICHARD & CONNIE M BRANDAU C PRO SE
RICHARD & CONNIE M BRANDAU O PRO SE

**** ROA ENTRIES ****

12-05-1996 PARTIAL DECREE ISSUED (DISALLOWED)

12-05-1996

[Return to SRBA Home Page](#)

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SEP 23 2002

P/D SEARCH FOR 1S R2W S22 NWNW

57	10403	Beneficial Use	Active	7/1/1908	0.02 SPRING	STOCKWATER	BRANDAU, CONNIE M (Current); BRANDAU, RICHARD (Current)	Adjudication Claim
57	2097	License	Active	5/23/1916	0.02 WATER	DOMESTIC	MC DONALD, WILLIAM (Current)	Water Right
57	7000	License	Active	6/19/2000	0.02 SPRING	STOCKWATER	BRANDAU, RICHARD (Current)	Water Right

Type	WRI #	Owner	Source	TRIS	NENE	NWNE	SWNE	SENE	NENW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	57 1180	RICHARD BRANDAU,	REYNOLDS CREEK	01S03W/22					7											9
Claim	57 280	CONNIE M BRANDAU, RICHARD H BRANDAU,	REYNOLDS CREEK	01S03W/22					7											9
Claim	57 280	CONNIE M BRANDAU, RICHARD H BRANDAU,	REYNOLDS CREEK	01S03W/22					7											9
Claim	57 10403	RICHARD BRANDAU,	SPRING	01S03W/22																0
Claim	57 10930	OWEN ORNDORFF, BRUCE REUCK, JUNAYO RANCH LIMITED PARTNERSHIP, HARRY RICHARD BASS,	ALKAU CREEK, BABBINGTON CREEK, COTTLE CREEK, COTTONWOOD CREEK, FARROT CREEK, HAMILTON GULCH CREEK, MACKS CREEK, MURPHY CREEK, REYNOLDS CREEK, SALMON CREEK, WILSON CREEK	01S03W/22					X				X							0
Claim	57 2047	WILLIAM MC DONALD, CONNIE BRANDAU,	GROUND WATER	01S03W/22																0
Claim	57 11160	UNITED STATES OF AMERICA ACTING THROUGH, UNITED STATES OF AMERICA ACTING THROUGH,	REYNOLDS CREEK	01S03W/22						X			X							0
Claim	57 11180	UNITED STATES OF AMERICA ACTING THROUGH,	REYNOLDS CREEK	01S03W/22						X			X							0
Claim	57 11180	UNITED STATES OF AMERICA ACTING THROUGH,	REYNOLDS CREEK	01S03W/22						X			X							0
Claim	57 288	CARL E NICHOLSON,	REYNOLDS CREEK DRAINS	01S03W/22						X			X							0



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICHARD BRANDAU
CONNIE BRANDAU
HC 79 BOX 61
MELBA ID 83641

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-07696

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

JAN 30 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 57-7696

Reviewed By dgibson

Date: January 19, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	✓		Drilling permit required?		✓
License examination fee required?	✓		Drilling permit No..		
Appropriate fee submitted?	✓		Drilling permit upgrade needed?		
Receipt No..	C051833		Well driller's report filed?		✓
Additional Amount Due			Measuring device required?		✓
Name and address same as permit?	✓		Measuring device installed?		✓
Are the water uses correct?	✓		Measure device waiver requested?		

Priority Calculation

Date proof received		01/12/2001
Date proof due	-	09/01/2001
No of days late	=	0
Holiday allowance	+	
Priority date	+	06/19/2000
New priority date	=	06/19/2000

Deficiencies of Actions Items

Acknowledge proof



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

DIRK KEMPTHORNE
GOVERNOR

September 20, 2000

KARL J. DREHER
DIRECTOR

CONNIE BRANDAU
RICHARD BRANDAU
HC79 BOX 61
MELBA ID 83641

RE: PERMIT NO. 57-07696

Dear Permit Holder:

Enclosed is a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit, received by the department on September 11, 2000. Before the department can accept the proof, it must be accompanied by the appropriate license examination fee of \$50.00. The proof you submitted is for surface water, which is not exempt from the licensing fee requirement. Only groundwater such as from a domestic well is exempt.

The proof of beneficial use deadline for this permit is September 1, 2001. Please return the copy of the proof statement along with the license examination fee to my attention.

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR- Region

MICROFILMED

OCT 23 2000

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 11 2000

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 57-07696 Telephone No. 208-495-2529

2. Name of Permit Holder(s): Connie Brandau / Richard Brandau

3. Mailing Address: HC79 Box 61

City Melba State ID Zip 83641

4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. NA / yr. NA

Well Driller: NA Drilling Permit Number: NA

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): NA Stockwater (No. and type of stock): 250 range cattle

Irrigation (No. of acres): NA Other: NA

6. Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR NA acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes NA or No X

Has the measuring device been installed?

Yes NA or No X

8. Fee Enclosed: \$ NA (See Fee Schedule on back of the instructions for filing proof of beneficial use)
* (less than .04 cfs)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Connie or Richard Brandau Telephone Number: 208-495-2529

Address: HC79 Box 61 Melba / Highway 7B @ 17 mile marker aka Cemetery lane to end of road

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Connie Brandau, Owner Date: 9-5-00
(include your title, if on behalf of company or organization)

MICROFILMED

OCT 23 2000

mailed 9-6-00 to DWR.
1301 No. Orchard
PO Box 83720
Boise ID 83720-0020

(B)



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

August 25, 2000

DIRK KEMPTHORNE
GOVERNOR

RICHARD BRANDAU
CONNIE BRANDAU
HC 79 BOX 61
MELBA ID 83641

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 57-07696

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

OCT 23 2000

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of August, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 57-07696

RICHARD BRANDAU
CONNIE BRANDAU
HC 79 BOX 61
MELBA ID 83641


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 23 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Reviewed by Sharla Curtis on 8/21/00

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

COMMENTS

FILED
9/99

AUG 18 2000

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources
INITIAL REVIEW BY: 6

DATE: 6/26/00

APPLICATION: 57-07696

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County: *clarified per map*
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Gov't. Lots:
☒ P/D
☒ P/U

N ADVERTISE REMARK(S)
(Reviewer identify which remarks)

ADDITIONAL INFORMATION

done T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Surface water source, IDFG letter needed.
- ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply.
- ☐ immediate = acceptable plan required and submitted.
- ☐ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter &/or fish farm requirement letter.
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO.

7-07696

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☒ ☒ Water Dist. # 57R
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:

☒ ☐ Final date for protest 7-24-00

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☒ ☐ Water delivered by water master? District # 57R

☐ ☒ Special conditions of approval or cover letter: standards WM control

☐ ☒ See below for additional information

Recommended Date or Priority 6/19/00

Recommended by: Lori Orner Date: 8/18/00

ADDITIONAL INFORMATION:

P/H + P/D overlaps: 57-00280 separate source + use
57-02097 " " "

Jerry Hoagland

HC 79 Box 44

Melba 83641

SD-0111
ADD COMMENT

Idaho Department of Water Resources
Comment Addition

Date: 06/27/00
Time: 08:46:40

Water Right Number: 57-07696

FIRST PAGE

Comment Date: 6/27/2000 User ID: LGRAVES

Subject: MORE INFO _____

Per Applicant: Stockwater for 250 head beef cattle. Spring has been used for stockwater since 1937. _____

Per IDWR: P/D is for one spring located on or near division line between the S1/2 qtrs of the NWNW as indicated on the attached _____ FSA photo and ortho photo. _____

(Enter=Add)

(GOLD4=Prev) (GOLD5=Next)

MICROFILMED

OCT 23 2000

State of Idaho
Department of Water Resources

RECEIVED

JUL 13 2000

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 57-07696Applicant's Name: Richard & Connie Brandon

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

- c) ☐ I oppose approval of this application for the following reasons:

- d) Additional Comment: Since the applicants are Chairman and
Watermaster of Water District No. 57-R, I, as Secretary
of Water District No. 57-R will Respond for this Recommendation.
(cont. on Back)

Dated this 11 day of July, 2000.Water District No: 57-R

Joseph H. Haglund
Watermaster's Signature
Secretary Water Dist. No. 57R

Use reverse side of page if you need more space.

MICROFILMED

OCT 23 2000

03/1/01

The source of water is on The applicants
Private land. The applicant and The previous
owners have all made beneficial use of
this spring. There are NO other potential
users in the area who could beneficially
use this water.

I recommend This application be approved.

Jerry H. Hoaglund
Secretary Water Dist. 57-R.

MICROFILMED

OCT 23 2000

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 28 2000

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E Aman, being first duly sworn, depose and say

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2 That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3 That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

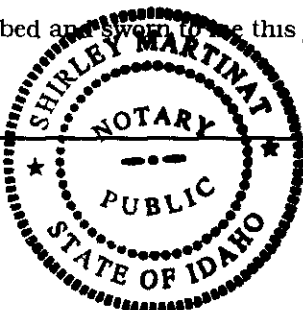
said newspaper, in Two(2)

(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s)

July 5 and 12, 2000

Signed _____

Subscribed and sworn to me this 12th day of July A.D., 2000



Shirley Martinat
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

OCT 23 2000

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho

57-07696

BRANDAU, RICHARD
BRANDAU, CONNIE
HC 79 BOX 61
MELBA, ID 83641

Source: SPRING Tributary:
REYNOLDS CREEK

Diversion Pt: LOT 4
(SWNWNW) Sec 22 T 01S R
03W in OWYHEE County,
LOT 4 (SENWNW) Sec 22 T
01S R 03W in OWYHEE
County.

Use: STOCKWATER (0.020
CFS)

Total Diversion (0 020 CFS)

Date Filed: 6/19/2000

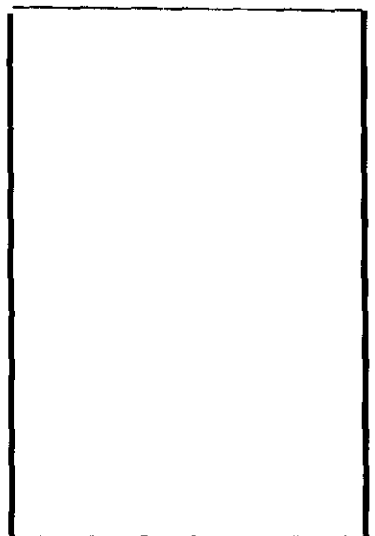
In: OWYHEE County

T01SR03WS22 Lot 4 (NWNW)

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-2203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 22735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before JULY 24, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER,
Director

7/5 & 12/00





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

June 28, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JERRY HOAGLAND
HC 79 BOX 44
MELBA ID 83641

Re: Application for Water Right No. 57-07696 in the Name of Richard &/or Connie Brandau

Dear Watermaster:

Enclosed is a copy of the above-referenced application for permit. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl: Copy of Application

MICROFILMED

OCT 23 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR
JUNE 28, 2000

Legal Notices Department
Owyhee Avalanche
P.O. Box 97
Homedale, ID 83628

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 24, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

OCT 23 2000

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

MICROFILMED

OCT 23 2000

57-07696

BRANDAU, RICHARD
BRANDAU, CONNIE
HC 79 BOX 61
MELBA, ID 83641

Source: SPRING

Tributary: REYNOLDS CREEK

Diversion Pt: LOT 4 (SWNWNW) Sec 22 T 01S R 03W in OWYHEE County.
LOT 4 (SENWNW) Sec 22 T 01S R 03W in OWYHEE County.

Use: STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 6/19/2000

In: OWYHEE County
T01S R03W S22 Lot 4 (NWNW)

MICROFILMED

OCT 23 2000

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before JULY 24, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 7/ 5/2000 & 7/12/2000

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OCT 23 2000