

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: **A65-07155A**
Date Received: 10/14/1988
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ROBERT L BRUECK 208-382-5601
Address: PO BOX 623
CASCADE ID 83611

2. Date of Priority: AUG 18, 1970

3. Source: DEER CREEK Trib. to: CASCADE RESERVOIR

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	03E	7		NW	SW		VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	03E	7	NW	SW		DOMEST	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
WELL

14. Remarks:
GOVERNMENT LOTS 3 AND 4.
ADDRESS CHANGED PER CLAIMANT REQUEST (BY DB) 5/4/98.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

MAY 01 1998

WATER RESOURCES
WESTERN REGION

[✓] Water Right Number(s): 65-17380
65-17224
65-07155 A

[✓] Old Mailing Address: ~~Robert~~ Robert L. Brueck
PO Box 812
McCall ID 83638

[✓] New Mailing Address: Robert L. Brueck
PO Box 623
Cascade ID 83611

Telephone Number: (208) 382-5601

[✓] Signature of Claimant: Robert L. Brueck

Date: 4-28-98

PLEASE SEND YOUR SRBA CHANGE OF ADDRESS TO THE NEAREST
REGION OFFICE:

IDWR WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082
(208) 334-2190

IDWR SOUTHERN REGION
1341 FILLMORE ST N
TWIN FALLS ID 83301-3380
(208) 736-3033

IDWR EASTERN REGION
900 N SKYLINE
IDAHO FALLS ID 83402-3653
(208) 525-7161

IDWR NORTHERN REGION
1910 NORTHWEST BLVD #210
COEUR D'ALENE ID 83814-2615
(208) 756-4639

Revised 5/95

IDWR: DATA ENTRY BY _____

DATE _____

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Ident. Number: **A65-07155A**
Date Received: 10/14/1988
Receipt No: X999999
Received By: _____

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

1. Name: ROBERT L BRUECK 208-634-4658
Address: PO BOX 812
MCCALL ID 83638

2. Date of Priority: AUG 18, 1970

3. Source: DEER CREEK Trib. to: CASCADE RESERVOIR

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	03E	7		NW	SW		VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

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0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	03E	7	NW	SW		DOMEST	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
WELL

14. Remarks:
GOVERNMENT LOTS 3 AND 4.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 4-1-1990

Gov't lots 3 & 4
S7 T14N R3E

LEGAL DESCRIPTION OF PROPERTY: Township 14N Range 3E
 Section 7, 1/4 of 1/4 of 1/4 of 1/4 Govt. Lot 3 & 4, BM.
 Lot , Block, , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

1 Wapiti Drive
Cascade, ID

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) A65-07155A
 Assigned by IDWR: A65-17224 — water well on property

☒ Name and Address of Former Owner/Claimant(s)(Seller): Herschel & Elizabeth McKague
Box 95

☒ New Owner/Claimant (Purchaser): Pilot Rock, OR 97868
Robert L. Brueck

☒ New Mailing Address: PO Box 812
McCall ID 83638

RECEIVED

FEB 25 1994

WATER RESOURCES
WESTERN REGION

☒ New Telephone Number: (208) 634-4658

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Notice Receipt for payment of Valley Co Property Taxes

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Robert L. Brueck Date 2-23-94

☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

MICROFILMED

OCT 21 1996

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IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

Ident. Number: A65-07155A
Date Received: 10/14/1988
Receipt No: X999999
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HERSCHEL J. MC KAGUE 503-443-3241
Address: BOX 95
PILOT ROCK, OR 97868
OR
Name: ELIZABETH H. MC KAGUE 503-443-3241
Address: BOX 95
PILOT ROCK, OR 97868

2. Date of Priority: AUG 18, 1970

3. Source: DEER CREEK Trib. to: CASCADE RESERVOIR

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	03E	7	NW	SW			VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	03E	7	NW SW		DOMEST	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

WELL

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: 0

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): Elizabeth H. McKague Date: 10-14-88
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of October 19 88
[Signature]
Notary Public

Seal

Residing at Boise ID
My Commission Expires June 10, 1994

[illegible]

*** C - CURRENT OWNER ***
AXELTON

LYLE M.

1 - 6534 HUMMEL DRIVE

AXELTON

ELVERA A.

State- ID Zip- 83705

AXELTON
JOHNSON

WALTER HAMILTON

State- ID Zip- 83705

JOHNSON

CLARA L.

[illegible]

```

+ - - - - Source - - - - +
DEER CREEK
+ - - - - Tributary - - - - +
CASCADE RESERVOIR

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Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
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(85) VALLEY

[illegible]

	43 - DOMESTIC	01/01	12/31	0.080	3.00				
+ - Total Div. Rate	= +	+ - Total Div. Volume	= +	- Total Div. Capacity	= +	- Total Consumptive Use	= +	- KW Usage	= +
				0.080	3.00				

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	03E	7	NW SW			43	DOMESTIC	(85) VALLEY

Total Acres:

+ - - Diversion Means -

MICROFILMED

SEP 23 1992

SEP 23 1992

Howerton, Ron

From: Howerton, Ron
Sent: Friday, November 05, 1999 1:18 PM
To: 'Bob Brueck'
Cc: Van Hoff, Scott
Subject: RE: IDWR email to Sandy Egbert

Bob,

I think we are getting closer to resolving this issue.

I talked with the agent that has claim 65-02836c. It is in Thelma Chase's name for 58 homes from Deer Creek and a unnamed stream. Our agent Scott has this claim as I mentioned before below. It appears that your Lots 3 and 5 maybe covered by this right, by the fact that we do not have a clear ownership change for these lots for which the water is being used.

I did find the ownership change you filed in 1994, the only rights mentioned on this change were: 65-07155A and 65-17224. No mention of getting a portion of licensed right 65-02836c.

In your proof of ownership sent in, the document was a your tax notice and receipt, that shows nothing regarding lots 3 and 5, as the tax information is vague, listing only T14N, R3E, section 7.

So, we wouldn't of had enough ownership evidence to split a portion off of 65-02836c to bring our attention to this claim.

I would recommend that you now submit a ownership change for a portion of 65-02836c and provide evidence that you own these 2 properties as required by the Notice of ownership change form.

Scott has been notified to expect a ownership change from you. This must be received in our office by the 26th of November 1999. If you have further questions about this ownership change please refer them to Scott.

-----Original Message-----

From: Bob Brueck [<<mailto:rlbrueck@cyberhighway.net>>]
Sent: Monday, November 01, 1999 12:55 PM
To: Howerton, Ron
Subject: Re: IDWR email to Sandy Egbert

Ron, I have houses on all three properties at 1,3 and 5 Wapiti. Where did you get the info below? Alexton has only one property with an improvement. As the record I sent you shows, I filed during a meeting with you for the 3 Wapiti and 5 Wapiti properties (see legal descriptions in my email letter), on 2/23/94 I properly filed for the 1 Wapiti property, and in April of 1998 I tried to get your records straight regarding all three properties.

Please confirm to me that those efforts on my part should have made your records reflect both irrigation from Deer Creek and groundwater rights to those three properties, each having improvements where people live some or most of the time.

If the record does not currently reflect that, it needs to be corrected to do so. I have taken time over the years to do what we property owners are supposed to do. I cannot be responsible for the record-keeping at IDWR, and I am currently very irritated that this has taken so much of my time. Can you correct the records for me?
bob b

----- Original Message -----

From: Howerton, Ron <RHowerto@idwr.state.id.us>
To: 'Bob Brueck' <rlbrueck@cyberhighway.net>
Cc: Howerton, Ron <RHowerto@idwr.state.id.us>
Sent: Monday, November 01, 1999 11:57 AM
Subject: RE: IDWR email to Sandy Egbert

It looks like claim to license 65-07155 for domestic use from Deer Creek has been split into:

"A" split in your name for 1 home
"B" split in Axelton's name for 3 homes
The license was for 4 homes only.

I don't find any other rights under your name, perhaps the other lots were in someone else's name?

If there are no homes on the other lots you described, no right has been established?

Ron

-----Original Message-----

From: Bob Brueck [<<mailto:rlbrueck@cyberhighway.net>>
< <mailto:rlbrueck@cyberhighway.net>>]
Sent: Monday, November 01, 1999 9:37 AM
To: Howerton, Ron
Subject: Re: IDWR email to Sandy Egbert

Ron, yes, it is helpful to know how all that works differently now than it did when I went thru the various filings described in my email letter.

However, I did fill out the papers for the change of ownership for EACH OF THREE SEPARATE PROPERTIES. The rights 65-17380 and 65-17224 that are already decreed in my name both list the 1 Wapiti property address, ONLY, as the subject property. As it appears to me, I do NOT have rights in your records for the 3 and 5 Wapiti properties where I have also contacted IDWR to record rights. What is it that I am missing? Shouldn't there be records for those properties just like there are for the 1 Wapiti property?

Thank you again,

Bob Brueck

----- Original Message -----

From: Howerton, Ron <RHowerto@idwr.state.id.us>
To: 'Bob Brueck' <rlbrueck@cyberhighway.net>
Sent: Monday, November 01, 1999 8:59 AM

Subject: RE: IDWR email to Sandy Egbert

Bob,

When property is sold, the water rights are generally conveyed with it unless specifically withheld in the bill of sell.

For IDWR records, if you sell the property, it is the new owners responsibility to submit a notice of change of ownership to IDWR, not yours, this form, with instructions can be downloaded from our web site:

<http://www.idwr.state.id.us> < <http://www.idwr.state.id.us> > < <http://www.idwr.state.id.us> > < <http://www.idwr.state.id.us> > >

Water right 65-02836C is being recommended in the name of Thelma Chase, this right is for Domestic, Recreation, Storage and irrigation. If ownership has changed on this right, the Notice of Ownership change should be filed ASAP! The point of CONTACT WOULD BE SCOTT VANHOFF, as noted in original reply.

The rights 65-17380 and 65-17224 are already decreed in your name. If you sell either of these properties the new owners will need to submit a warranty deed which should describe the lot, block and subdivision along with a legal description, this information is then reviewed as it is submitted with the Notice of Ownership Change form.

Hope this helps...

Ron

-----Original Message-----

From: Bob Brueck [<mailto:rlbrueck@cyberhighway.net>]
< <mailto:rlbrueck@cyberhighway.net> >
< <mailto:rlbrueck@cyberhighway.net> > < <mailto:rlbrueck@cyberhighway.net> >
>]
Sent: Friday, October 29, 1999 11:16 PM
To: Howerton, Ron
Subject: Re: IDWR email to Sandy Egbert

Ron, what is not clear to me from all that paperwork, is that the water rights, irrigation from Deer Creek and groundwater (well) exist in your records for ALL THREE PROPERTIES. It looks like all the records relate to the property I called 1 Wapiti, the lot described by meets and bounds. What is it in those records that make clear that if I sell either of the other parcels, I can convey those water rights to a new owner?

Thank you, I really appreciate your help. bob b

----- Original Message -----

From: Howerton, Ron <RHowerto@idwr.state.id.us>

To: <rlbrueck@cyberhighway.net>

Sent: Friday, October 29, 1999 4:07 PM

Subject: IDWR email to Sandy Egbert

Bob,

I received a forwarded message from Sandy to Jan Shurte in regard to your water rights.

I see that she responded to your Email for the rights you listed for 65-17380 & 65-17224.

The other right you mentioned was 65-02836c. I checked who was reviewing this claim, if you have questions, the water right agent is Scott Van Hoff, his email is svanhoff@idwr.id.state.us.

Jan Shurte is recovering from an operation and will not be in the office for few weeks.

I was asked to contact you if you have any further questions, however, please contact Scott Van Hoff for 65-02836c or myself for any other questions...

Thank you,

Ron Howerton
Acting Western SRBA manager (for Jan Shurte)
334-2190

Shurte, Jan

From: Egbert, Sandy
Sent: Monday, October 25, 1999 12:19 PM
To: Shurte, Jan
Subject: FW: WATER RIGHTS



SRBA letter of
10-20-99.doc

Jan,

I don't know how else to help Mr. Brueck. Can you help him???

-----Original Message-----

From: Bob Brueck [mailto:rlbrueck@cyberhighway.net]
Sent: Wednesday, October 20, 1999 11:59 PM
To: Egbert, Sandy
Subject: Re: WATER RIGHTS

Sandy, I am attaching a MS Word DOC to this email that I hope will help clarify the water rights I claim. I will send a second email with the text embedded, just in case it is not convenient for you to view and work with the attached file to this message. Thank you for your help. bob b

----- Original Message -----

From: Egbert, Sandy <SEGBERT@idwr.state.id.us>
To: <RLBRUECK@CYBERHIGHWAY.NET>
Sent: Wednesday, October 20, 1999 2:23 PM
Subject: WATER RIGHTS

Mr. Brueck

I did some more checking after our telephone conversation today and found that water rights 65-17380 and 65-17224 were issued Partial Decrees on 8-21-98. This means that they went through the SRBA Court and are now finalized. If you did not get a copy of the Partial Decree you can get a copy off the Courts Web page at www.srba.state.id.us/SRBA.HTM. Go down to where it says Display a subcase Partial Decree, then put in your water right number.

For the water right 65-07155a I found that it was reported in the Preliminary Directors Report last month. If you have a problem with the information on this water right, you should fill out the Notice of Error form that was with your recommendation. That way the error can be corrected before the Directors Report goes out in November. I hope this information helps you. If you have more questions call me or our Western Regional Office at 334-2190.

Sandy Egbert

Email letter to:
Ms. Sandy Egbert
Idaho Dept. of Water Resources
20 October 1999

Dear Sandy:

I have done what you suggested in your email earlier today. The Partial Decrees issued on 8-21-98 appear to me to only address groundwater for property I will refer to as 1 Wapiti, which is it's street address. I have spent the evening searching files for details of prior efforts I have made to get my rightful claims properly represented in your files. Before I share that history with you, it might be helpful to again describe what your records should show.

I own the following parcels of land, with improvements on the parcels where well water is indicated:

1 Wapiti (T14N R03E S07) with irrigation water from Deer Creek, and a well
3 Wapiti (lot 7, Blk 6, God's Acres Sub #1) ditto rights as 1 Wapiti
5 Wapiti (lot 6, Blk 6, God's Acres Sub #1) ditto rights as 1 Wapiti
1206 Fox (lot 3, Blk 6, God's Acres Sub #1) well for house at 5 Wapiti is on this lot
1233 West Mt Rd (lot 13, Blk 1, God's Acres Sub #2) no water in use at present
1237 West Mt Rd (lot 12, Blk 1, God's Acres Sub #2) no water in use at present

It is very important to me to have a clear record of water rights for ground and irrigation water for the improved properties, and the purchase documents in all cases made clear the purchase of the water rights that had been accorded the properties via what I believe to be water right 65-02836c granted to Thelma Chase with priority date of 9-28-64. Over the years I have made considerable effort to make sure your records reflect these rights, but I do not see that record as clear. I would like to clear it up as soon as possible.

I have documentation of contacts with IDWR as follows (there may have been more):

11-3-88 I met with Ron Howerton at the Western Region office near the airport to establish rights under SRBA for the 3 Wapiti property, both the well on the property and the irrigation water serving the property from a water line originating in Deer Creek. I provided plot plans, and was given copies of your computer printouts pertaining to the Thelma Chase rights from which the subdivision property water rights flowed to Robert B. Minshall, and subsequently by my purchase, to me. At the conclusion of the meeting I was given printouts for A65-17380 for well groundwater which appears to introduce some confusion between a property description for 1 Wapiti (which I did not then own), but with date and description of my well at 3 Wapiti, and Remarks referring to P/D on 3 Wapiti and P/U associated with both 3 and 5 Wapiti (and at that time I owned both, but 5 Wapiti had no improvement). I have receipt for the \$25 adjudication fee I paid at that time, and I was given a copy of a plot plan with 3 and 5 Wapiti outlined in bold and labeled A65-17380.

2-14-94 Letter to me from Donald V Shaff re: 65-07155A (needing clarification)

2-23-94 Timely response from me to Shaff with filled out "Notice of Change of Water Right Ownership" reflecting my purchase of 1 Wapiti property 4-1-90, with reference to fact that 65-17224 referred to a 1978-drilled well on that property, and with a listing of properties I owned and claimed water rights for.

10-21-94 Letter from Linda A. Werner re: 65-07155A and 65-17224 enclosing copies of the claims reflecting change in ownership, both identifying the subject property as 1 Wapiti (but see note about confusion in 11-3-88 meeting above)

4-6-98 I received form letter with that date from Karl J. Dreher enclosing printout of that date showing claim 65-17380, describing place of use as 1 Wapiti, but in the "Explanatory Material" it lists the property at 3 and 5 Wapiti, and a second printout of same date for 65-17224 groundwater with a slightly different description of 1 Wapiti.

4-23-98 I called 1-800-451-4129 and talked to "Sandy" trying to clarify the association with water claim numbers and the properties at 1,3 and 5 Wapiti. My notes indicate she told me "shows all three water rights in computer" and my notes stating that claim 65-17380 (which she "found" in the computer) pertained to domestic (well) water for all three properties, and that she would have someone call back to go over completeness and accuracy of records. I have no record of such a subsequent call.

4-28-98 I sent in a filled out SRBA form (which I have copy of) titled "Change in Address of Notice of Claim, for 65-17380, 65-17224 and 65-07155A and upon my copy I had noted that 17380 was for both well and irrigation water for 3 and 5 Wapiti, and 17224 was for the well at 1 Wapiti, and 07155A was for the irrigation (Deer Creek) water for 1 Wapiti. Form was sent to the Western Region office address.

5-5-98 I received letter of that date from Denise Buffington, Records Clerk, Western Region office enclosing copies of water right records for 65-17224 and 65-17380 "which reflects the change in address of the land and appurtenant water rights covered under the original filing", and an address change for A65-07155A. Again, the place of use lists 1 Wapiti (T14N R03E S07) and with the "Explanatory Material" for claim 65-17380 referring to 3 and 5 Wapiti under "Basis of Claim - Beneficial Use".

5-14-98 I called the Western Region office and had a long conversation with Jan Shurte trying to clarify all that I stated at the beginning of this letter, and my notes indicate that I made it clear that I desire to have the water rights for the three properties clear as separate properties so there will be no problems in the event of a future sale of one or more of the properties, and she said she would look into how to handle a claim for the 1206 Fox property, since my house at 5 Wapiti is built across both that lot and the lot I have identified as 5 Wapiti. She asked for, and I faxed to 334-2348, a subdivision plot plan identifying the properties at 3 and 5 Wapiti and 1206 Fox, and a separate exhibit identifying the 1 Wapiti property adjacent to 3 Wapiti. It was my understand that she

was to look into all of what I still wish to have looked into so as to clarify water rights to these properties. I did not receive a call back.

10-20-99 After receiving the Dreher and Judge Wood letters recently, I called and talked again to you, resulting in your email back to me, and now this letter via email.

Obviously, I am most interested in having clean records of the well and (Deer Creek) irrigation water rights for the improved properties I own at 1,3 and 5 Wapiti (as legally described above). If possible, and if I have any water rights that flowed to me when I purchased them, I guess I should also try to clarify the status of the properties at 1233 and 1237 West Mountain Road, which I also own.

I will appreciate any help you can give me.

Bob Brueck

DATE: 09/24/99
PAGE: 1

Date: 09/24/1999 User-ID: JSHURTE Subject: SPLIT RIGHT

AJ0749NP
No. R65-07155A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

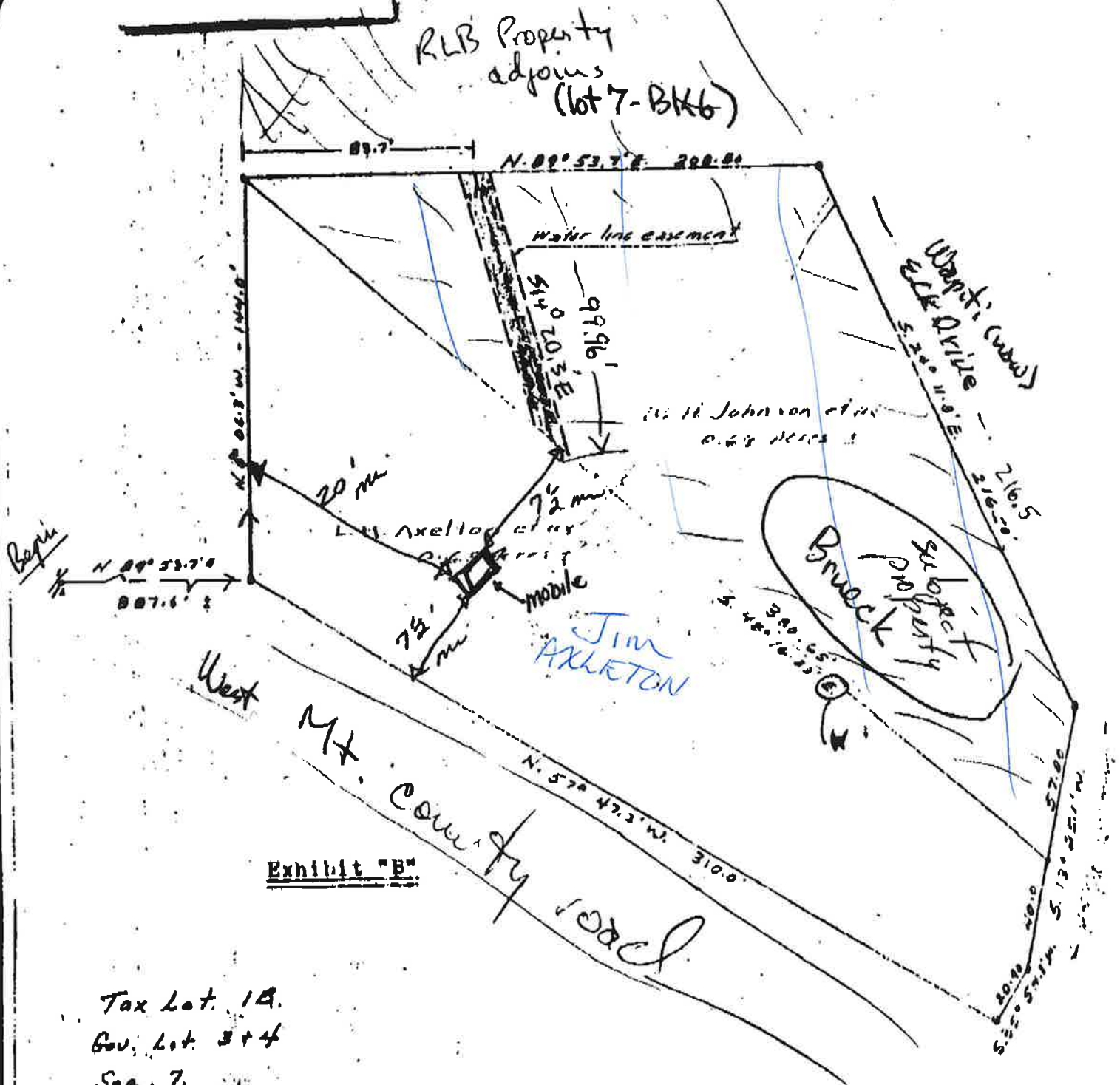
DATE: 09/24/99
PAGE: 2

Comments: Date: 09/24/1999 User-ID: JSHURTE Subject: SPLIT RIGHT
ROBERT BRUECK PURCHASED SOME OF JOHNSON'S PROPERTY AS SHOWN ON
THE FIELD EXAM MAP FOR LICENSING. THEREFORE, THIS RIGHT IS A
SPLIT OF 65-07155 WHICH IS BEING REDUCED FROM THE ORIGINAL 4
HOMES TO 3 HOMES UNDER 65-07155A.

Audit: 09/24/99 JSHURTE

R. B. Schochard Thine
with legal description
8-23-88

RLB Property
adjoins
(lot 7-BK6)

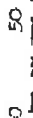


Tax Lot 1A.
Gov. Lot 3+4
Sec. 7.
Township 14 N.
Range 3 E.

GRAY ENGINEERING SERVICES, INC.
Main Street Cascade, Idaho
Phone: 382-4230 83611

Division of Property by Owners
W. H. Johnson - L. M. Axelson

Date: 7-21-75 By: K. H. H.



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 65-7155 Priority August 18, 1970 Amount 0.08 cfs

THIS IS TO CERTIFY, that Lyle M. & Elvera A. Axelton -and- Walter Hamilton Johnson & Clara L. Johnson of Boise, Idaho, have complied with the terms and conditions of Permit No. 65-7155 issued pursuant to Application for Permit dated August 18, 1970 and has submitted proof to the Department of Water Resources on September 29, 1975 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.08 cfs of water from Deer Creek tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.08</u> cfs and	<u>3.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.08 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 3.0 acre feet per year, said waters to be diverted within the NW 1/4 of Sec. 7, Twp. 14 N, Rge. 3 E, B. M. in the County of Valley

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14 N	3 E	7									X	(4 families)							

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the Laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of July, 19 76.


Director

Johnson's
Now owned
By BLACK



New Log Cabin
on EKKD
Gods Acres

Division of Property by Owners
W. F. JOHNSON - J. A. Axelton
Date: Feb. 27, 1961

DATE OF EXAM 7-12-76

ACREAGE

Found

Recommended

Irrigation Requirement

Ac FUA

USE

Irrigation Q =

c.f.s.

V =

AF/Ann. from

to

Domestic Q =

c.f.s.

V =

AF/Ann. from

to

Livestock Q =

c.f.s.

V =

AF/Ann. from

to

Is water co-mingled? yes no X

Name source:

twp

N/S. Rge

E/W, B.M., Sec

Sub

1/4

1/4

County

Exchange? yes no X

Name source exchanged with:

twp

N/S. Rge

E/W, B.M., Sec

Sub

1/4

1/4

County

Point of injection:

twp

N/S. Rge

E/W, B.M., Sec

Sub

1/4

1/4

County

Point of exchange:

twp

N/S. Rge

E/W, B.M., Sec

Sub

1/4

1/4

County

Total Q measured

0.05 c.f.s.

Method of measurement

orifice

Total Q recommended

0.05 c.f.s.

Meter No.

Type

Condition

Total V recommended

3.0 AF/ANN

Recommended Amendments:

P.D.

Place of Use

Other

None

MEASUREMENT CALCULATION:

Total V = 3.0 3 cabins without irrigation for 0.6 AF each x 5 = 3.0 AF/ANN

1 3AF cabin with irrigation 1.0 AF for a total of 3.0 AF/ANN

SYSTEM DESCRIPTION:

1. 4" steel pipe as intake behind low concrete dam with
 2. plastic pipe to place of dam - water goes to 3 cabins
 and one mobile home - also has steel pipes for summer use
 valves - one cabin irrigates 50 trees

REMARKS:

Examiner Signature

Peter J. Lombard

Date

7-13-76

Checked by

JES

Date

7-15-76

Approved by

Date

DATE: 05/04/98
PAGE: 1

1

Comments: **Date:** 05/04/1998 **User-ID:** DBUFFING **Subject:** NAME CHANGE - ADDRESS CHANGE

AJ0749NP
No. R65-07155A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/04/98
PAGE: 2

Comments: Date: 05/04/1998 User-ID: DBUFFING Subject: NAME CHANGE - ADDRESS CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
ADDRESS CHANGE.

Audit: 05/04/98 DBUFFING



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 5, 1998

RE: Water Right No. 65-17224 & 65-17380

Robert L Brueck
Patricia A Brueck
PO Box 623
Cascade ID 83611

Dear Mr. & Mrs. Brueck:

Enclosed is a copy of the above referenced water right which reflects the change in address of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

The address has also been changed on claim number **A65-07155A**, and a copy is enclosed.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:d

Enclosures

DATE: 01/21/98
PAGE: 1

James O'Connell

T14N R03E S07
NWSN

		NE				NW				SW				SE				
T	R	S	NENE	NUNE	SWNE	SENE	NENW	NUNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NUSE	SWSE	SESE
14N	03E	7	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
D																		

Other Rights: WELL

12

Audit:	08/16/93	DUNN1	03/30/95	POST-STD	01/16/98	AJU3-JSH
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Check split info.

WR5809NP
No. 65-07155

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/20/98
PAGE: 20

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LYLE M. AXELTON	08/18/1970	DOMESTIC	01/01 12/31	0.080 CFS	3.00 AFA
C	ELVERA A. AXELTON 6534 HUMMEL DRIVE BOISE ID 83705					
C	WALTER HAMILTON JOHNSON					
C	CLARA L. JOHNSON					
				TOTAL DIVERSION:	0.080 CFS	3.00 AFA

Water Source: DEER CREEK Tributary to: CASCADE RESERVOIR Stage: DECREED
Point(s) of Diversion: T14N R03E S07 NWSW VALLEY County

Place of use Legal Description for: DOMESTIC

		NE		NW		SW		SE						
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
14N	03E	7	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: VALLEY

Dates: App. Received: Priority Date: 08/18/1970
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 09/26/86 04/30/88 CONVERT



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Date October 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[]

ROBERT L BRUECK

PO BOX 812

[MCCALL ID 83638]

Notice of Claim No.(s) A65-07155A, A65-17224

Dear Claimant:

Enclosed is **your** copy(s) of the above referenced claim(s) which reflect the change in ownership of the land and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure(s)

MICROFILMED
OCT 21 1996

POOR ORIGINAL

PO Box 8361
Horseshoe Bay, TX
78654
2-23-94

To: Mr Donald V. Shaff
Manager, Adjudication Section
Idaho Dept of Water Resources

RECEIVED

FEB 25 1994

WATER RESOURCES
WESTERN REGION

From: Robert L. Brueck

Subj: Claim numbers A65-07155A
A65-17224

Thank you for your assistance when I called this morning. Enclosed is the completed form sent to me to show Notice of Change of Water Right Ownership.

As I mentioned, my records for the subject property have been moved to our Idaho residence, but I believe we got enough information from our tax notice file here to provide an accurate legal description. If further proof of ownership is required, I could probably get it to you by calling the attorney's office in McCall who handled the sale from the McKagues to us. However, the tax notice does contain both my name and a description of the property, so I hope it will do.

Your records should show that we have similar water right claims for other properties we own (5 total) in the neighborhood of the subject property. Their legal descriptions are:

God's Acres Subdivision No. 2	Lot 13, Block 1
" " "	No. 2 Lot 12, Block 1
" " "	No. 1 Lot 6, Block 6
" " "	No. 1 Lot 7, Block 6

MICROFILMED

Thank you for your help

Robert Brueck
OCT 21 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

FEB 18 1994

WATER RESOURCES
WESTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Robert Brueck
Box 8361
Horseshoe Bay TX 78654

MAILING DATE: *2-14-94*

RESPONSE DATE: *2-29-94*

RE: NOTICE OF CLAIM NO[S]: *A65-07155A*

Dear Claimant(s):

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in either the ownership or address for the above claim(s). IDWR records currently show the following name and address for the owner of the claim(s) listed above:

Herschel & Elizabeth McHague
Box 95
Pilot Rock OR 97868

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership or Change of Address form, as appropriate, to correct our records.

Your response must be received in this office by the **Response Date** indicated above. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at 1-800-451-4129.

Sincerely,

Donald V. Shaff
Manager Adjudication Section

state:region

Enclosures:

Change of Ownership Form
Change of Address Form

MICROFILMED

OCT 21 1996

TAX NOTICE AND RECEIPT

TAXING DISTRICT

RATE

AMOUNT

REMARKS

KEEP TOP PORTION FOR YOUR RECORDS
PLEASE READ REVERSE SIDE
YOUR CANCELLED CHECK IS YOUR RECEIPT

COUNTY .002782385
SCHOOL #422 .006228876
V.C. CEMETERY .000045489
VALLEY HOSP. .000876998

MARKET VALUE TAX CODE AREA PARCEL NUMBER BILL NUMBER

17580 6-00 RP14N03E075995A 14234

22860

40440 TAX #1-A IN GOV'T. LOTS 3 & 4
S7 T14N R3E

description of property

SOLID WASTE
FOREST FIRE PROT

BRUECK, ROBERT L.
BOX 8361
HORSESHOE BAY, TX 78654

per 12-15-93

TOTAL .009933748

YOUR CHECK IS YOUR RECEIPT

1ST INSTALLMENT

TAX 232.

PEN

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COST

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2ND INSTALLMENT

TAX 232.

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OCT 2 1 1996

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OCT 2 1 1996

COPY

TAX NOTICE AND RECEIPT

TAXING DISTRICT

RATE

AMOUNT

REMARKS

KEEP TOP PORTION FOR YOUR RECORDS
PLEASE READ REVERSE SIDE
YOUR CANCELLED CHECK IS YOUR RECEIPT

COUNTY .003030
SCHOOL #422 .006906
V.C. CEMETERY .000052
VALLEY CO HOSP .000877

VALUE TAX CODE AREA PARCEL NUMBER BILL NUMBER

7550 6-00 RP14N03E075995A 14057

2860

40440 TAX #1-A IN GOV'T. LOTS 3 & 4
S7 T14N R3E

SOLID WASTE
FOREST FIRE PROT

BRUECK, ROBERT L.
BOX 8361
HORSESHOE BAY, TX 78654

TOTAL .010865

YOUR CHECK IS YOUR RECEIPT

1ST INSTALLMENT

TAX 433.

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WATER RIGHT NUMBER - A65-07155A

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - - LAST NAME - - - - - +

+ - FIRST NAME - - +

+ - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
MC KAGUE

HERSCHEL J.

1 - BOX 95

2 -

3 -

CITY- PILOT ROCK
PHONE - 503-443-3241

STATE- OR ZIP- 97868

MC KAGUE

ELIZABETH H.

1 - BOX 95

2 -

1. 32

CITY- PILOT ROCK
PHONE - 503-443-3241

STATE- OR ZIP- 97868

+ - - PRIORITY DATE - - +
08/18/1970

```

+ - - - REGION - - - +
  ERROR IN REGION

```

+ - - - STAGE - - - +
D - DECREED

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
DEER CREEK

+ - - - - - - - TRIBUTARY - - - - - +
CASCADE RESERVOIR

TWN	RNG	SEC	TRACT	LOT	RFLG	POINT OF DIVERSION	COUNTY	STREAM INDEX (BLANK IF NO INDEX CODE)
14N	03E	7	NW SW			(85)	VALLEY	

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	WATER USE	DIVERSION RATE	DIVERSION VOLUME
43 - DOMESTIC		01/01	12/31		0.020	

+ - TOTAL DIV. RATE - +		+ - TOTAL DIV. VOLUME - +		+ - TOTAL DIV. CAPACITY - +		+ - TOTAL CONSUMPTIVE USE - +		+ - KW USAGE - +	
	0.020						0.0		

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE CODE	DESCRIPTION	COUNTY
14N	03E	7	NW SW			43 DOMESTIC		(85) VALLEY

+ - - DIVERSION MEANS - *pump + pipeline*

+ - - NON-IRRIGATION USE - D/1

+ - - OTHER RIGHTS FOR SAME USE - WELL

+	REMARKS	+
	NO REMARKS FOUND.	

+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

MICROFILMED
OCT 21 1985

