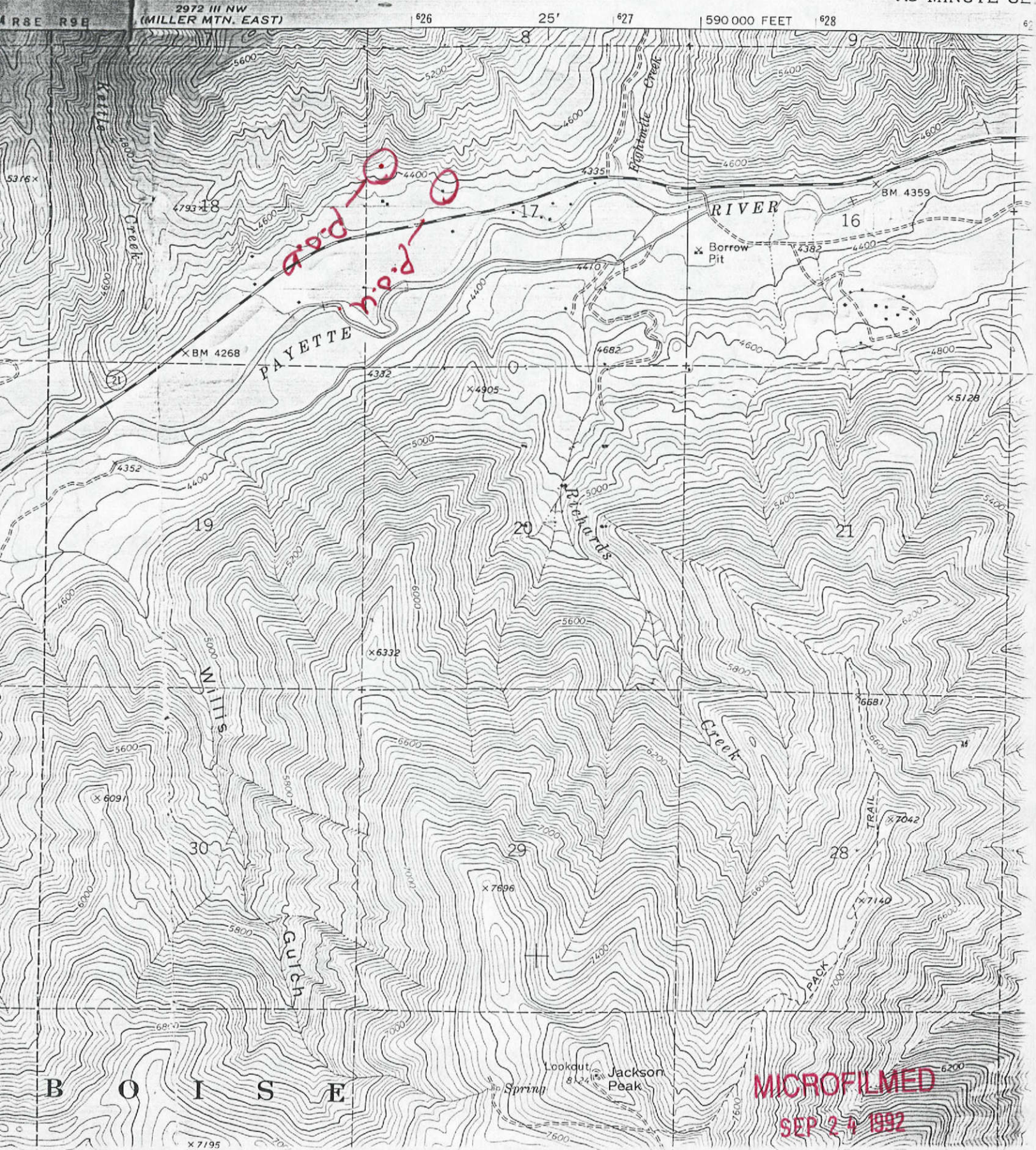


A65-10737

JACKSON PE
IDAHO
7.5 MINUTE SE.



MICROFILMED
SEP 24 1992

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: A65-10737
Date Received: 5/03/1989
Receipt No: X999999
Received By: EAR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES D. BRANSON 208-259-3456
Address: HC 76 BOX 3170
LOWMAN, ID 83637

AND/OR

Name: MARTHA BRANSON 208-259-3456
Address: HC 76 BOX 3170
LOWMAN, ID 83637

2. Date of Priority: JUN 01, 1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	09E	17	SW	NW			BOISE

5. Description of diverting works:
1/2 MILE HORIZONTAL SHAFT TO GRAVITY PIPELINE TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
MINING	01/01	12/31	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
X/PANNING, D/1 HOUSEHOLD W/LAWN AND GARDEN IRRIG.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	09E	17	SW	NW		DOMEST	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
MINING SHALL NOT EXCEED 50 GAL. PER YEAR AS DECREED.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

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): *James O. Bruner* Date: 5-3-89
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 303 day

of May 19 89

Elda J. Foush
Notary Public

Seal

Residing at _____

My Commission Expires _____

5



AJ5809NP
No. R65-10737

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/28/00
PAGE: 85

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES D BRANSON	06/01/1957	MINING	01-01 12-31	0.010 CFS	0.01 AFA
C	MARTHA BRANSON		DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA
	HC 76 BOX 3170					
	LOWMAN ID 83637					
	(208) 259-3456					
				TOTAL DIVERSION:	0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T09N R09E S17

SWNW

BOISE 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	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
09N 09E 17	:				:				:				:			

Place of use location for MINING is the same location as described for: DOMESTIC

POU County: BOISE

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
- NOT EXCEED 13,000 GALLONS PER DAY.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

Audit: 04/13/99 SVANHOFF 10/22/99 SVANHOFF 10/25/99 SVANHOFF 01/25/00 SVANHOFF

AJ5809NP
No. R65-10737

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/13/00
PAGE: 81

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES D BRANSON	06/01/1957	MINING	01-01 12-31	0.010 CFS	0.01 AFA
C	MARTHA BRANSON HC 76 BOX 3170 LOWMAN ID 83637 (208) 259-3456		DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

*add
per PRBA
decree*

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T09N R09E S17 SWNW

BOISE 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 Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac									
09N	09E	17	:	:	:	:	:	:	:	:	:	:	:		

Place of use location for MINING is the same location as described for: DOMESTIC

POU County: BOISE

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: QNT MINING SHALL NOT EXCEED 50 GAL. PER YEAR AS DECREED.

*Delete serial on
AFA amount was
decreed.*

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Audit: 04/13/99 SVANHOFF 10/22/99 SVANHOFF 10/25/99 SVANHOFF

AJ0749NP
No. R65-10737

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

DATE: 10/25/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES D BRANSON	06/01/1957	MINING	01-01 12-31	0.010 CFS	
C	MARTHA BRANSON		DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA
	HC 76 BOX 3170					
	LOWMAN ID 83637			TOTAL DIVERSION:	0.040 CFS	1.20 AFA
	(208) 259-3456					

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T09N R09E S17 SWNW

BOISE 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	Lt	Ac	Lt	Ac	:
09N	09E	17	:																	:
			:																	:

Place of use location for MINING is the same location as described for: DOMESTIC

POU County: BOISE

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
- NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: QNT MINING SHALL NOT EXCEED 50 GAL. PER YEAR AS DECREED.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

INDICATES TOTAL

SOURCE: GROUNDWATER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-1928	JONES, JIM N. & JONES, DOROTHY A. 1117 PHILLIPS, EMNETT, IDAHO 83617 REMARKS: LOT 15, BIGLOW SUBDIVISION.	4/10/1957	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NENW S 8 T 6N R 1W	NENW S 8 T 6N R 1W	BENEFICIAL USE
65-4278	FRANKLIN, GERALD R. & FRANKLIN, FRANCES B. 65 S.W. 2ND AVENUE, OREGON, OREGON 97914	5/ 1/1957	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWNE S22 T 8N R 5W	SWNE S22 T 8N R 5W	BENEFICIAL USE
65-4934	TEEL, HAROLD E. & TEEL, DORIS G. 818 NORTH 11TH STREET, PAYETTE, IDAHO 83661 REMARKS: LOT 10, BLOCK 3, HUGHES SUBDIVISION.	5/ 1/1957	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWSW S27 T 9N R 5W	SWSW S27 T 9N R 5W	BENEFICIAL USE
65-0423	CHERRY, TOM BOX 37, OLA, IDAHO 83657	5/17/1957	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWSW S24 T 10N R 1E	SWSW S24 T 10N R 1E	BENEFICIAL USE
65-3800	ALLEN, EVERETT K. CASCADE, IDAHO 83611	6/ 1/1957	DOMESTIC STOCKWATER	1/ 1 12/31 1/ 1 12/31	1.20 AFA .04 CFS 1.40 AFA .03 CFS *2.60*AFA *.06*CFS	SENE S 2 T 7N R 2E	SENE S 2 T 7N R 2E SAME AS OTHER USE	BENEFICIAL USE
65-8588	BILBAO, FRANK & BILBAO, FRANCIS P.O. BOX 49, CASCADE, IDAHO 83611	6/ 1/1957	DOMESTIC STOCKWATER	1/ 1 12/31 1/ 1 12/31	1.20 AFA .04 CFS 1.40 AFA .03 CFS *2.60*AFA *.07*CFS	NENE S17 T 13N R 4E	NENE S17 T 13N R 4E SAME AS OTHER USE	BENEFICIAL USE
65-10737	BRANSON, J. D. & BRANSON, MARTHA EAST 10820 44TH, SPOKANE, WASHINGTON 99206	6/ 1/1957	DOMESTIC MINING	1/ 1 12/31 1/ 1 12/31	1.20 AFA .04 CFS --- AFA .50 CFS *1.20*AFA *.54*CFS	SWNW S17 T 9N R 9E	SAME AS OTHER USE SWNW S17 T 9N R 9E	BENEFICIAL USE
65-10694	CHUMCH, HARRY E. SWEET, IDAHO 83670	6/ 1/1957	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NENW S26 T 8N R 1E	NENW S26 T 8N R 1E	BENEFICIAL USE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

July 14, 1977

Re: Permit No. 65-2802

J. D. Branson & Martha M. Branson
E. 10820 44th
Spokane, Washington 99206

Dear Mr. Branson & Mrs. Branson:

We acknowledge receipt of the Power of Attorney nominating James David Branson. The Power of Attorney has been filed in Permit No. 65-2802.

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Boise.

Sincerely,

Janice Renk
JANICE RENK,
Water Rights

MICROFILMED

SEP 24 1992

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CEM ROISE
IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF PAYETTE RIVER DRAINAGE BASIN. NOTICE OF CLAIM TO A WATER RIGHT

65-10737 ✓
I. D. No. Map No.
Fee Paid Receipt No.

Notice is hereby given that J.D. & /or MARTHA BRANSON
E. 10820 44th SPOKANE, WA 99206
claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to S.F. PAYETTE

The extent and nature of said claim is as follows:
(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decree, license or permit right) JUN 1 1957

(2) Describe the source of water: (Name of stream, lake, spring, etc., or groundwater) WATER ORIGINATING IN TRAINING TUNNEL OWNED BY APPLICANT GROUNDWATER

Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity .01 CFS Use MINING Period of Use From 1-1 To 12-31
Quantity 1.4 CFS Use DOMESTIC Period of Use From 1-1 To 12-31
Quantity .04 CFS Use TOTAL QUANTITY CLAIMED.

(5) A) Point of Diversion Give location of point where water is diverted from its source Sec. 17 Twp 9N Rge. 9E B M., additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc) Give sizes and capacities, be as specific as possible. 3" STEEL PIPE INSIDE CAVED IN TUNNEL, 2" STEEL PIPE TO SETTLING POND, 1 1/2 TC LOG CABIN

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL
			NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	
9N	9E	17				X									

Total No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Dom. - ONE HOUSEHOLD

(7) Effluent, sewage waste, or return water from this use is discharged into NONE

(8) If you are claiming water as a member of an organization, list name of organization. NONE

(9) Remarks (Mining shall not exceed 50 gallons per year)

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use. ☐ B) Right decreed by court, cite title of case. Branson & Hicard vs. Branson & Hicard ☐ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Resources.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Aug 18, 1977 (Date) Individual (Signature of Claimant) J.D. & Martha Branson

State of ss. Organization Seal

County of day of in the year before me,

a notary public, personally appeared known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

Notary Public residing at My commission expires 12/15/77

1984 Opinion No. 78

IN THE SUPREME COURT OF THE STATE OF IDAHO

NO. 14813

IN THE MATTER OF THE GENERAL
DETERMINATION OF THE RIGHTS TO
THE USE OF SURFACE AND GROUND
WATERS OF THE PAYETTE RIVER
DRAINAGE BASIN

JAMES D. BRANSON and MARTHA
BRANSON,

Appellants,

v.

GORMAN MIRACLE and BARBARA MIRACLE,
husband and wife,

Respondents,

and
THE DEPARTMENT OF WATER RESOURCES,
STATE OF IDAHO,

Respondent.

Boise, January 1984 Term

FILED: July 9, 1984

FREDERICK C. LYON, Clerk

Appeal from the district court of the Third Judicial District
of the State of Idaho, Gem County. Honorable Gilbert C. Norris,
District Judge.

Appeal from a water rights determination allocating to the
Miracles a water of .02 cfs for domestic purposes and denying the
Bransons' claim for .5 cfs for mining purposes. Affirmed in part
reversed in part, and remanded with directions.

Claude v. Marcus, Boise, attorney for appellants.

The district court in determining that the Miracles had the right of ingress and egress to maintain their right to the flow of water made no findings regarding the source of that right. It cannot be established from the court's findings of fact whether the Miracles established the requisite elements of prescriptive easement or adverse possession. The determination of whether the Miracles established a right to enter the Bransons' property under either of these grounds or under any other theory is a question of fact. No findings having been made in this regard, and we remand to the trial court for such determination. We note, in remanding, that if the Miracles fail to establish any legal or equitable right to enter the Bransons' mining claim in order to maintain their flow of water, they have the right to proceed by way of eminent domain pursuant to I.C. § 42-1106.⁴

VI.

The final issue presented on appeal by the Bransons is whether the district court erred in restricting their water rights for mining purposes to fifty gallons per year. We are not persuaded by the Bransons' contentions in this regard. The district court found:

"At no time from 1942 continuously through to the time of trial, August 18, 1981, has said Birthday #24 mining claim been worked on a consistent or productive basis, with the exception of the summer of 1946 or 1947 when the said tunnel was extended and except for a three-week period in 1974."

R., p. 53.

The district court found that the Bransons had failed to present evidence showing how much water was used for mining or milling operations with the exception of their panning operations for

4 "Right of eminent domain.--In case of the refusal of the owners or claimants of any lands, through which any ditch, canal or conduit is proposed to be made or constructed, to allow passage thereof, the person or persons desiring the right of way may proceed as in the law of eminent domain."

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)	
DETERMINATION OF THE RIGHTS TO)	Civil No. 3667
THE USE OF SURFACE AND GROUND)	
WATERS OF THE PAYETTE RIVER)	DECREE
DRAINAGE BASIN)	

This case came on for hearing pursuant to consent of all parties on August 18, 1981 in the District courtroom at Caldwell, Idaho. Gorman Miracle and Barbara Miracle, husband and wife, appeared in person and were represented by Lloyd J. Walker, Attorney. J. D. Branson and Martha Branson, husband and wife, appeared in person and were represented by Claude Marcus and R. D. Mitchell, Attorneys. Josephine P. Beeman, Attorney, appeared for the Idaho Department of Water Resources, and this matter having been tried before the Honorable Gilbert C. Norris, District Judge, and formal Findings of Fact and Conclusions of Law having heretofore been made and entered,

It is Therefore Ordered and Decreed as follows:

1. Gorman and Barbara Miracle, husband and wife, as of August 18, 1981 were the owners of the following lands and premises:

The South One-half (S½) of the South One-half (S½) of the Northwest Quarter (NW¼) of Section 17, T. 9 N., R. 9 E.B.M. in Boise County, Idaho.

2. That said Miracles, and in conformity with their Notice of Claim No. 65-10839, as amended, are the owners of a water right, with priority date of May 1, 1943, source

DECREE

Birthday No. 24 mining claim tunnel located in the NW $\frac{1}{4}$, Section 17, T. 9 N., R. 9 E.B.M., point of diversion, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 17, T. 9 N., R. 9 E.B.M., rate of diversion .02 c.f.s., purpose domestic, place of use Lot 4, Section 17, T. 9 N., R. 9 E.B.M.

3. That J. D. Branson, or Martha Branson, and in conformity with their Notice of Claim No. 65-10737, are the owners of a water right, with priority date of June 1, 1957, source groundwater running from mining tunnel in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, T. 9 N., R. 9 E.B.M., point of diversion SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, T. 9 N., R. 9 E.B.M., rate of diversion .04 c.f.s. for domestic use.

4. That the claim of said Bransons for .5 c.f.s. for mining use, place of use SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 17, T. 9 N., R. 9 E.B.M. is not valid and they have no water right in connection with their said claim except for 50 gallons per year, priority date of June 1, 1957.

5. That the said Gorman and Barbara Miracle and their heirs, successors and assigns have the right of ingress and egress onto and from said Birthday #24 mining claim, however limited to and for the purpose only of maintaining their right to their flow of water above decreed.

6. That all waters coming out of said Birthday #24 mining claim tunnel are groundwaters and any waters in excess of .06 c.f.s. plus 50 gallons per year are unappropriated waters of the State of Idaho.

DECREE

- 3 -

7. The water rights adjudicated herein are as of October 19, 1977.

8. This Court considers and decrees that the Miracles are the prevailing parties and as such are entitled to recover of and from the Bransons their allowable costs but not attorney fees and that the Miracles and Bransons each must bear their cost of \$148.00 which represents for each one-half the cost of preparing a transcript which each has paid and which transcript was used by the Court in aid of its making its decision in this matter.

Dated this 19th day of May, 1982.

Gilbert C. Davis

District Judge

cc: Marcus & Marcus
Lloyd J. Walker
Josephine P. Beeman

DECREE

Memo to Files

Field Exam - JKN

11/8/79

Claims: Brandon 65-10737 Miracle 57-10839

~~for~~ for 65-10654

Source:

abandoned mine - Trib to So. Fk. Fayette R.
SW NW Sec 17 T9N 9E

Brandon Claim 65-10737

3" steel pipeline in tunnel & 2" steel pipeline
to pond 1 1/2" plastic to place of use. Claim
65-10737 is now being used for Martha Cronson
according to neighbor. There doesn't seem to
be any evidence of mining unless it is
placer mining.

for 65-10654

Uses this source for domestic use.

Miracle - 65-10839

Wooden screened inlet box - 2" PVC pipeline
around tailings of mine. A underground
pipeline approx 200 ft from house. No
mining involved.

Observations

Mine tunnel covered in - ample water for
present users. Neighbor near site stated
Cronson ~~diverted~~ diverted water around pipelines
into a ditch to a measurement of live
water (23 GPM)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:37:57
04/12/99

PAGE: 1
GENERAL INFORMATION

17
CLAIM NUMBER: A65-10737

LAST: BRANSON
ADDRESS: HC 76 BOX 3170
CITY: LOWMAN
PHONE NUMBER: 208-259-3456

FIRST: JAMES D
STATE: ID ZIP: 83637

OWNER CODE: C

LAST: BRANSON
ADDRESS: HC 76 BOX 3170
CITY: LOWMAN
PHONE NUMBER: 208-259-3456

FIRST: MARTHA
STATE: ID ZIP: 83637

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN MINING SHALL NOT EXCEED 50 GAL. PER YEAR AS DECREED.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y() N()

TIME: __:__ A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-10737 PRIORITY DATE: 06-01-1957 STAGE: D

B. WR RECORD: # 65-10737 PRIORITY DATE: 06-01-1957 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☒) N(☐)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☐) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☐) Y(☐) N(☐)

LICENSE ISSUED

N/A(☐) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

06-01-1957

REVIEWED BY SVH

DATE 4-13-99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-10737	09N 09E	17		SW	NW			BOISE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-07842 65-07842
A65-10839 65-10839

WR RECORDS IN SAME 40 ACRE TRACT
65-07842
65-10839
65-12286

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-10737	09N 09E	17		SW	NW			BOISE		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A65-07842 65-07842
A65-10839 65-10839

65-07842
65-10839
65-12286

SOURCE: GROUNDWATER

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(____) N(____)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(____) N(____)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (☒)

TWP. 09N	RGE. 09E	SEC. 17	1/4	1/4 SW	1/4 NW	LOT	POD FLAG	COUNTY BOISE	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: SUH

DATE: 4-13-99

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (☒)

Deere

A. ROOT WATER RIGHT NUMBERS: A65-10737

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	09E	17	SW	NW		BRANSON, JAMES D	A65-10737 /	65-10737 /			
			SW	NW		CLAYCOMB, RALPH	A65-07842 /	65-07842 /			
			SW	NW		CLAYCOMB, RALPH	65-07842 /	- /			
			SW	NW		WILSON, ROY		65-12286 /			

ADDITIONAL POU FOUND

TOTAL ACRES A65-10737

POU COUNTY: BOISE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(✓)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-10737	DOMESTIC	BRANSON, JAMES D	FROM 01-01 TO 12-31	0.040 CFS	
A65-10737	MINING	BRANSON, JAMES D	FROM 01-01 TO 12-31	0.010 CFS	
A65-07842	DOMESTIC	CLAYCOMB, RALPH	FROM 01-01 TO 12-31	0.040 CFS	
65-07842	DOMESTIC	CLAYCOMB, RALPH	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(✓) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

NOTES:

[illegible]

REVIEWED BY: SCH

[illegible]

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-10737	DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	
A65-10737	MINING	FROM 01-01 TO 12-31	0.010 CFS	
	TOTAL DIVERSION RATE/VOLUME		0.040 CFS	

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-10737	DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-10737	MINING	FROM 01-01 TO 12-31	0.010 CFS	0.01 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.040 CFS	1.20 AF/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☐) N(☒)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

PAGE: 9

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

25

CLAIM NUMBER: A65-10737

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.040 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.040 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

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DIVERSION AMOUNT REVIEW SHEET CONTINUED

27
CLAIM NUMBER: A65-10737

NOTES:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (✓)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
DOMESTIC MINING	01-01	12-31	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
	01-01	12-31	0.040	_____		_____	0.0	_____
			0.010	_____		_____	0.0	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.040	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED: X/PANNING, D/1 HOUSEHOLD W/LAWN AND GARDEN IRRIG.

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: SWH

DATE: 4-13-99

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-10737

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.040	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-10737	0.040	-		65-10737	0.040
TOTAL CFS		0.040				0.040

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
Y	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
(X) OTHER <u>Decree</u>	DATE <u>Aug 18 1977</u>	_____	_____
() OTHER <u>Court Decree</u>	DATE <u>May 19 1982</u>	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:37:57
04/12/99

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QUICKLOOK INFORMATION

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CLAIM NUMBER: A65-10737

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:38:35
04/12/99
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PROFILE REPORT

CLAIM NUMBER: A65-10737

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES D BRANSON	06/01/1957	MINING	01-01 12-31	0.01 CFS	
C	MARTHA BRANSON		DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T09N R09E S17

SWNW

BOISE 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	Lt	Ac	Lt	Ac	Lt	Ac	:
09N	09E	17	:																			:

Place of use location for MINING is the same location as described for: DOMESTIC

POU County: BOISE

Non-Irrigation Uses: X/PANNING, D/1 HOUSEHOLD W/LAWN AND GARDEN IRRIG.

Other Rights: NONE

Remarks: GEN MINING SHALL NOT EXCEED 50 GAL. PER YEAR AS DECREED.

Dates: Exam Made Date: Verified Date: 04/10/1986 Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag: