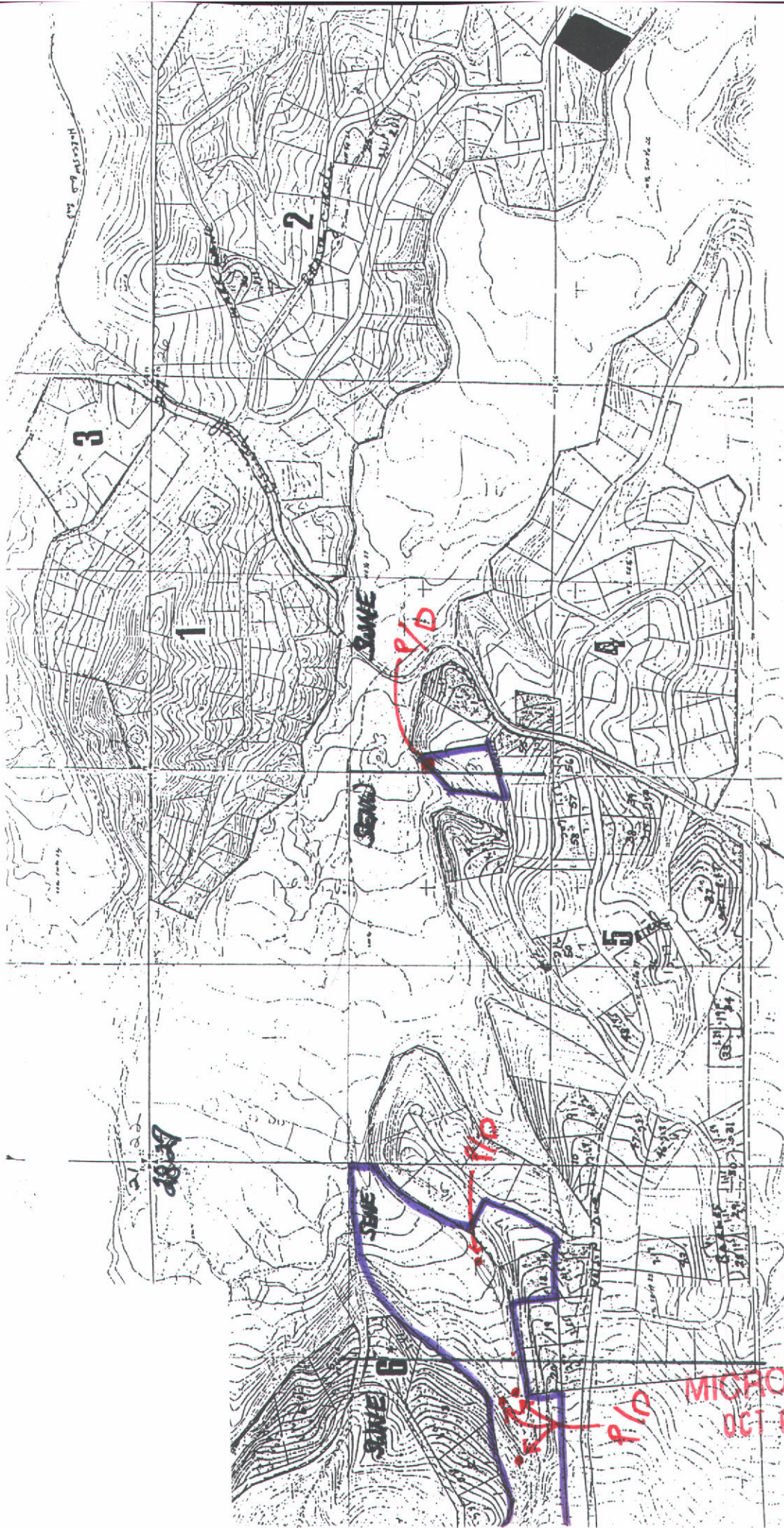




STAG

23 27

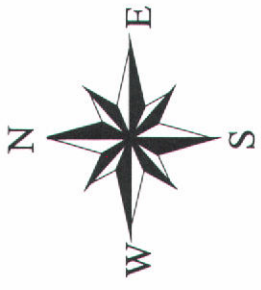
MICROFILMED
OCT 07 1998

BOUNDARY



IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R04E, S28



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

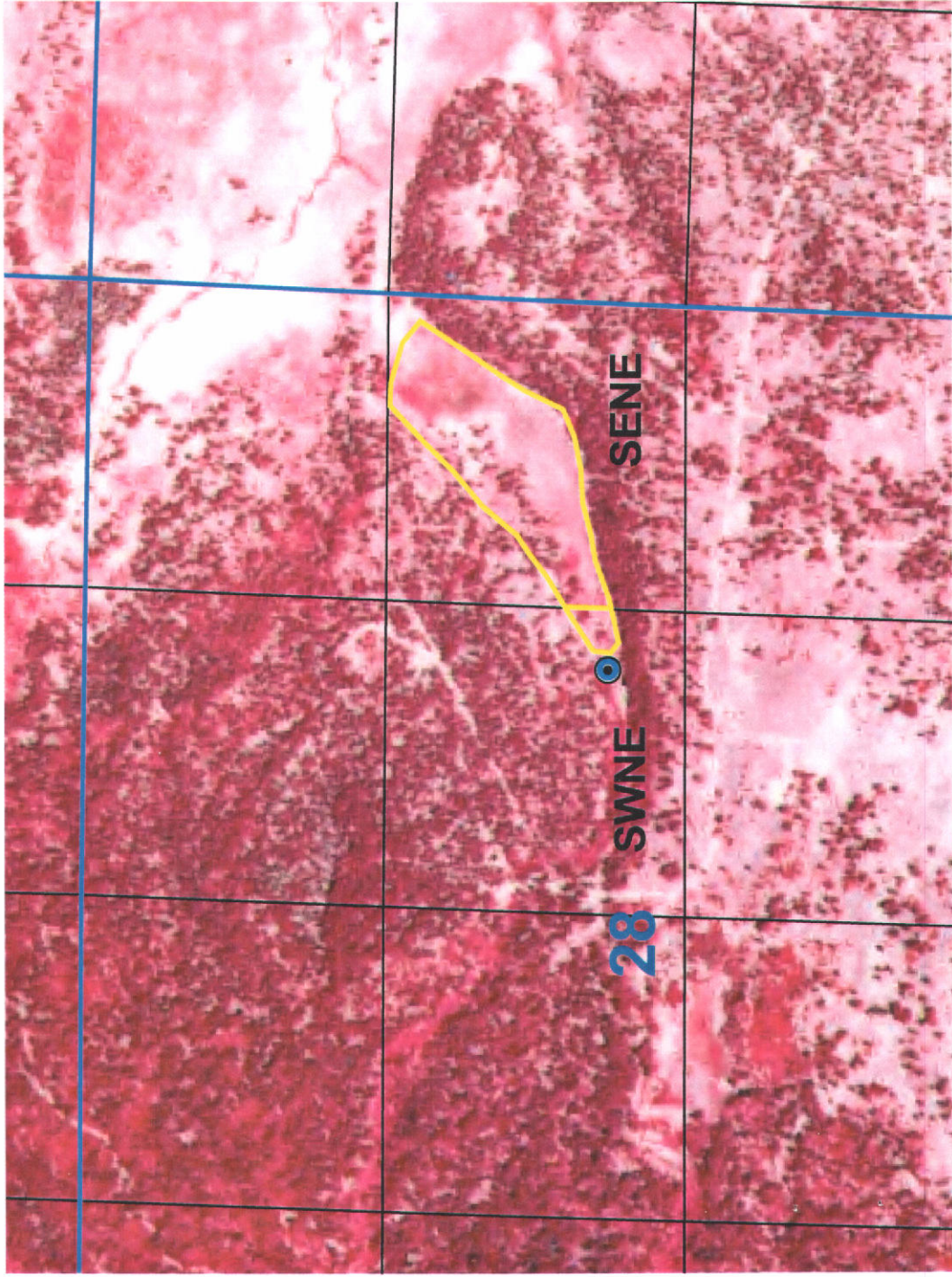
6 SECTION NUMBERS

CLAIM(S): 63-4776B

OWNER(S): NELSON, JAMES

DATE: DECEMBER 7, 2001

by: Mel Schulte

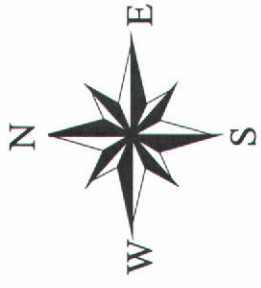


0 0.25 0.5 0.75 1 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R04E, S28



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

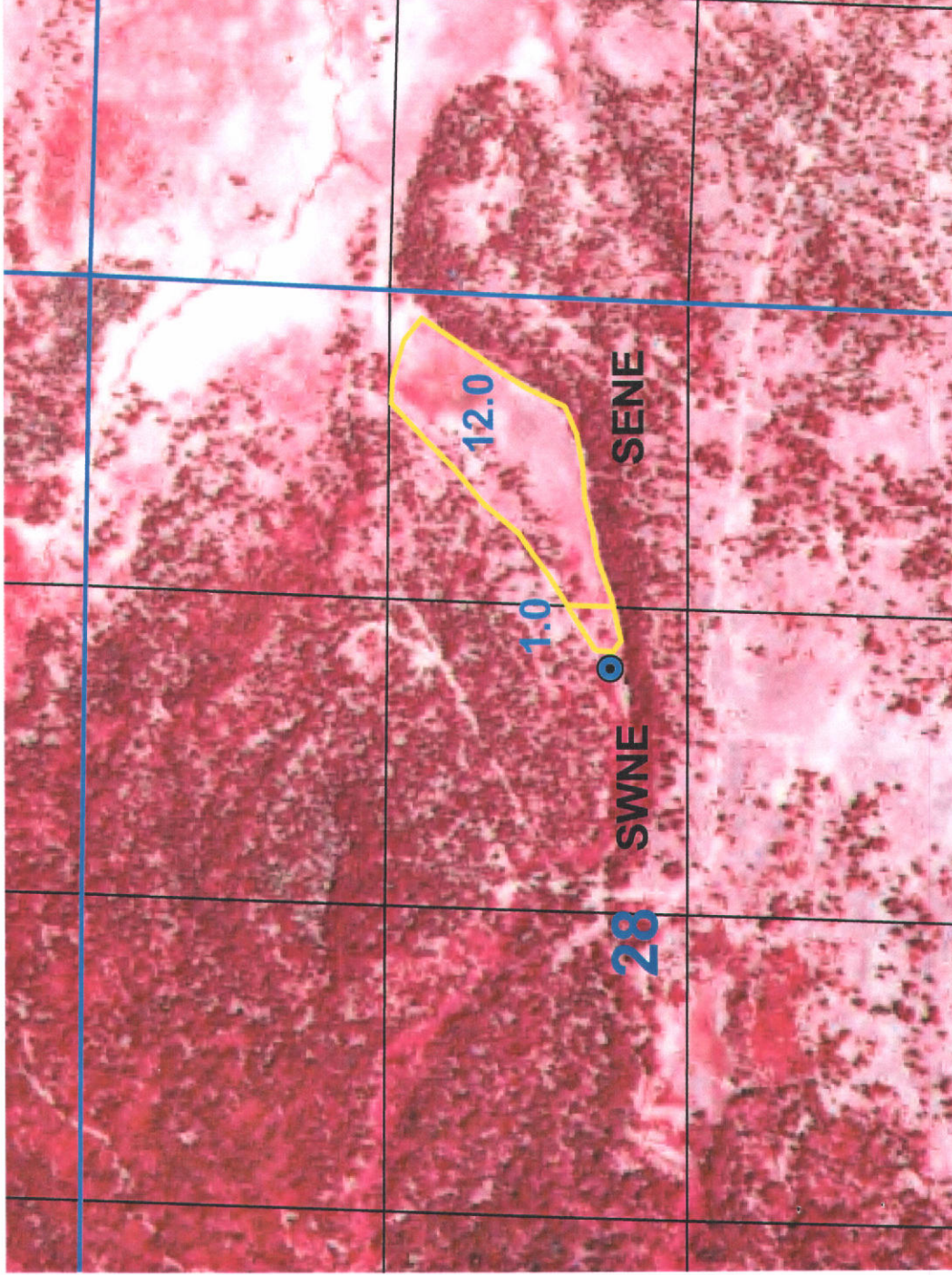
6 SECTION NUMBERS

CLAIM(S): 63-4776B

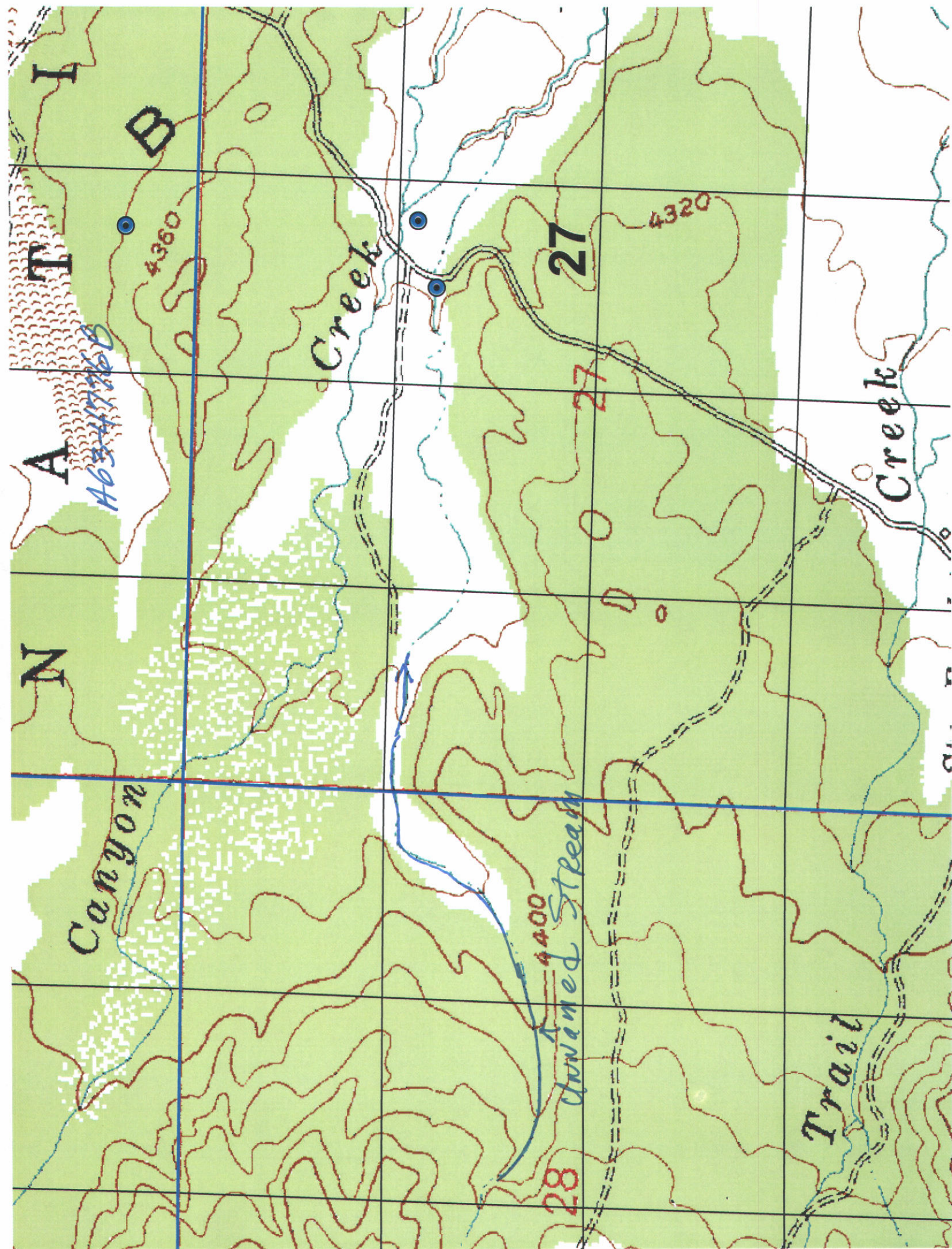
OWNER(S): NELSON, JAMES

DATE: DECEMBER 7, 2001

by: Mel Schulte



0 0.25 0.5 0.75 1 Miles



#63-4796 B
10-16-2001

21

Canyon Dr.

9852-4776A

SWING

are - No Ice

Q. 10

Flavoured

3/23/25

A high-magnification micrograph of a blood smear. A blue-stained platelet is indicated by a black arrow. A red blood cell is indicated by a black arrowhead. The background is a pinkish-red color.

30/11/20

~~mod~~

for

A63-4776B

PHOTOS TAKEN 10/16/2001



PHOTO #1
POD



PHOTO #2
POU LOOKING
NORTHEAST FROM
JUST BELOW THE POD

A63-4776B

PHOTOS TAKEN 10/16/2001



PHOTO #3
UPSTREAM MANNINGS
SITE



PHOTO #4
DOWNSTREAM
MANNINGS SITE

DATED this 10 day of February, 1981.

W C Brassey
W. C. Brassey

SUBSCRIBED AND SWORN to before me this 11th day of
February, 1981.

Robert M. Bishop
Notary Public for Idaho
Residing at Boise, Idaho

My commission expires _____

Received by _____
Prelim. check by _____
\$20.00 fee received by _____
Published in _____
Dates _____

A F F I D A V I T

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

W. C. BRASSEY, being first duly sworn, on oath deposes and says:

That he is a resident of Boise, Ada County, Idaho, and resides at 1818 Brumback, Boise, Idaho.

That he is the father of Jon Brassey and is the direct predecessor in title to Jon Brassey.

That between 1919 and 1929 your affiant acquired, among other properties, portions of the northeast quarter of Section 28, Township 7 North, Range 4 East, Boise Meridian, and portions of the northwest quarter of Section 27, Township 7 North, Range 4 East, Boise Meridian.

That on said Sections 27 and 28 there exists a spring flow. The spring is unnamed and arises to the west but enters the property now owned by Jon Brassey in Section 28 and flows on a generally easterly course thereafter.

That the spring flow varies in quantity but your affiant would estimate that the average peak flow of the spring is 2 c.f.s. more or less.

That from April 1 to approximately October 15 of each year the waters from such spring are utilized for the irrigation of the adjacent grounds. The waters are further used for stock water for varying numbers of stock, the quantity of which stock and type thereof varying from year to year.

That such spring was being used prior to your affiant's acquisition of the property, and the reputation in the area at the time was that the spring was being utilized from the first settlement of the country, being approximately 1863.

P.C. 14

DIVERSION FROM CREEK TO DITCH

TWP 2N

Map should show the location of the point of diversion and the place of use of the water by 40 acre subdivisions, section, township and range of the public land survey system.

continued on p. 10

Sworn to before me this 15 day of

 $\Delta T_{\text{max}} = 0.000115 \text{ K} \text{ (115 } \mu\text{K)}$

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

Date 2/12/81 Exception filed by _____

Date 2/2/41 #12274

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[illegible]

Forwarded to
claimant by

Date _____

kei

3/27/81

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: **A63-04776B**
Date Received: 2/ 8/1996
Receipt No: _____
Received By: _____

AMENDED

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

AMENDED

1. Name: JAMES T NELSON
Address: 4150 KINGSWOOD DR
BOISE ID

83704

2. Date of Priority: JAN 1, 1863

3. Source: UNNAMED STREAM

Trib. to: CANYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	04E	27		SW	NE		BOISE
		28		SW	NE		BOISE
				SE	NE		BOISE

5. Description of diverting works:
PUMP & GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.600		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK, 15 MIXED HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	04E	27	SW	NE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	04E	27	SW	NE		STOCK	
			SE	NW		IRR	1.0
			SE	NW		STOCK	
			Section Acres				3.0
		28	SW	NE		IRR	10.0
			SW	NE		STOCK	
			SE	NE		IRR	17.0
			SE	NE		STOCK	
			Section Acres				27.0
			Total Acres				30.0

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:

NOTE: A SPRING SOURCE WAS ORIGINALLY CLAIMED WITH THE UNNAMED STREAM FLOWING FROM THE SPRING AS AN IRRIGATION DITCH. HOWEVER, THE USGS TOPO MAP SHOWS THE DITCH AS AN UNNAMED STREAM. THE PTS OF DIVERSION ARE FROM THE UNNAMED STREAM. NO CHANGE IN SOURCE HAS OCCURRED. THERE ARE 3 POINTS OF DIVERSION IN THE SWNE, ONE POINT IN THE SENE, S. 28, AND ONE POINT IN THE SWNE, S27, T. 7N, R. 4E, FOR A TOTAL OF 5 POINTS OF DIVERSION.

15. Basis of Claim: BENEFICIAL USE

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:

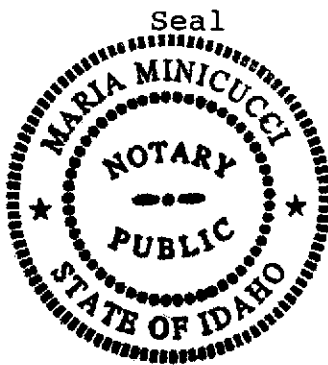
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James T. Tulsu Date: 3-26-96
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of March 19 96

[Signature]
Notary Public



Residing at 06/26/1999 Boise, Idaho
My Commission Expires 06/26/1999

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: A63-04776B
Date Received: 2/ 8/1996
Receipt No: W020373
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES T NELSON
Address: 4150 KINGSWOOD DR
BOISE ID

83704

2. Date of Priority: JAN 1, 1863

3. Source: UNNAMED STREAM

Trib. to: CANYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	04E	27		SW	NE		BOISE
		28		SW	NE		BOISE
				SE	NE		BOISE

5. Description of diverting works:
PUMP & GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.600		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	04E	27	SW	NE		IRR	2.0
			SE	NW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
		28	SW	NE	IRR	10.0
			SE	NE	IRR	17.0
					Section Acres	27.0
					Total Acres	30.0

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:

NOTE: A SPRING SOURCE WAS ORIGINALLY CLAIMED WITH THE UNNAMED STREAM FLOWING FROM THE SPRING AS AN IRRIGATION DITCH. HOWEVER, THE USGS TOPO MAP SHOWS THE DITCH AS AN UNNAMED STREAM. THE PTS OF DIVERSION ARE FROM THE UNNAMED STREAM. NO CHANGE IN SOURCE HAS OCCURRED. THERE ARE 3 POINTS OF DIVERSION IN THE SWNE, ONE POINT IN THE SENE, S. 28, AND ONE POINT IN THE SWNE, S27, T. 7N, R. 4E, FOR A TOTAL OF 5 POINTS OF DIVERSION.

15. Basis of Claim: BENEFICIAL USE

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: 2 (MAPS)

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 T. Nelson Date: 2-8-96

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of February 19 96

Seal

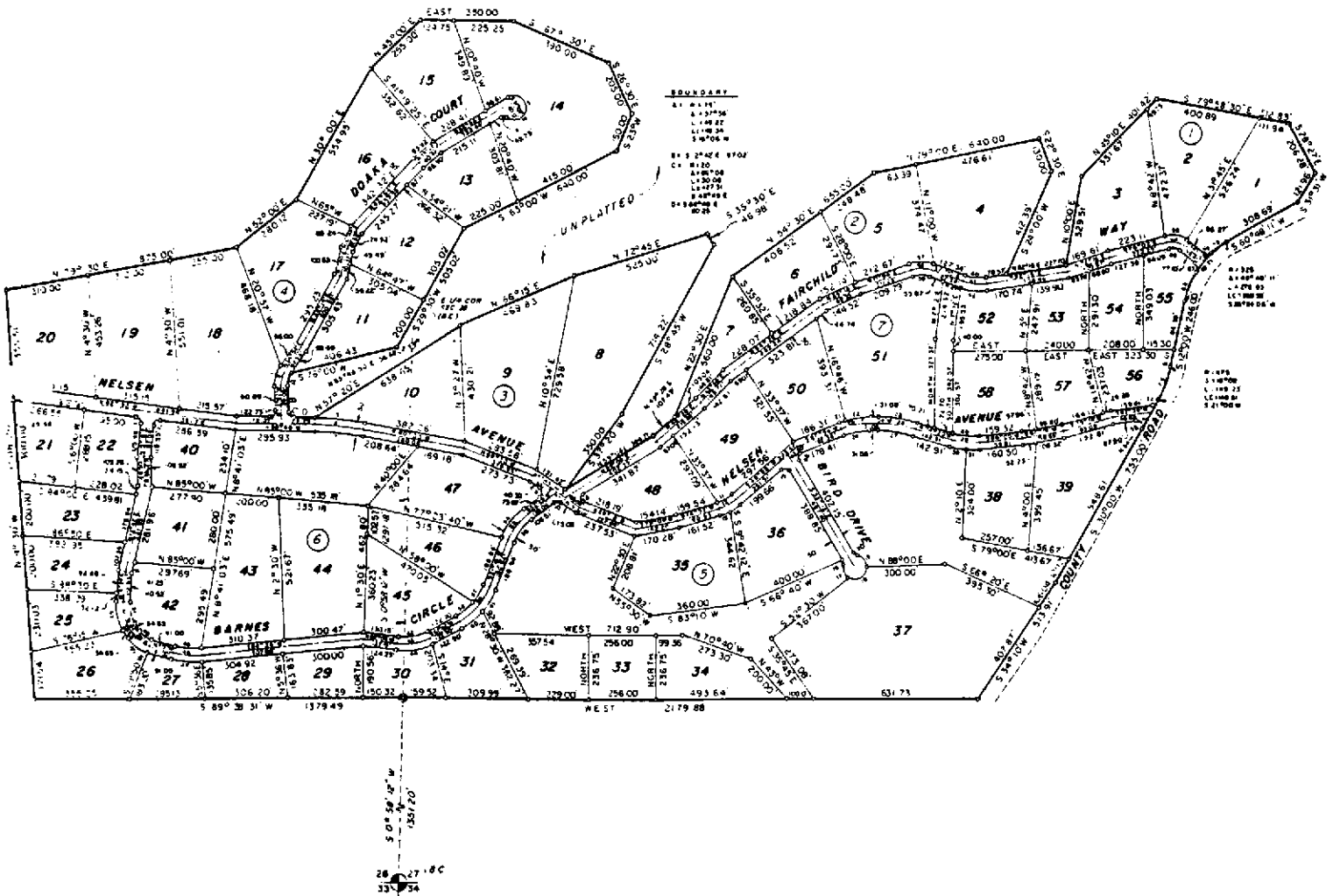
Jan Spente
Notary Public

Residing at Mendocino ID

My Commission Expires 9-14-2000

STAR RANCH-UNIT NO. 5

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



MICROFILMED
OCT 07 1996

HP5800W
No. 63-12315

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/27/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES T NELSON 4150 KINGSWOOD DR BOISE ID 83704 (208) 376-0211	02/08/1996	STOCKWATER STOCKWATER STORAGE FIRE PROTECTION STORAGE	01/01 12/31 01/01 12/31 01/01 12/31	0.020 CFS	2.00 AFA 2.00 AFA
TOTAL DIVERSION:					0.020 CFS	

Water Source: UNNAMED STREAM

Tributary to: CANYON CREEK

Stage: APPLICATION

Point(s) of Diversion: T07N R04E S28 SENE

BOISE County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
WENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
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	: 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	: 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	: Lt Ac Lt Ac Lt Ac Lt Ac
07N 04E 28 : S :															

Pou County: BOISE

Remarks: GEN Mitigation is proposed for consumptive losses from existing pond.

Dates: App. Received: 02/08/1996 Priority Date: 02/08/1996
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/08/1996 User-ID: CHODGES Subject: MORE INFO
System is a small on-stream impoundment (100' X 200' X 4' avg d) constructed in 1989, which serves as storage for extended fire protection and aesthetic use on applicant's property. Pond has also been used as part of the diversion system under claim no. A63-047768, for irrigation.
This area is tributary to the Upper Boise River system. This right cannot be processed without additional information.
As part of proposed mitigation for this application, any consumptive losses during the irrigation season will be compensated for by reductions in irrigation under right no. A63-047768. This consumptive loss should be able to be quantified during the field examination. Prior to advertising, a full mitigation document shall be provided along with evidence of historical use under A63-047768.
Applicant visited the department prior to 1989 and the information he received was that no right was required for this development. However, recent sensitivity in the area, along with

Per SK's
3/5/98 memo
in this appl.
file -

Appears
A63-047768
may be at
least partly
fertilized

A63-047768

Comments: Date: 02/08/1996 User-ID: CHODGES Subject: MORE INFO
the filing of the SRBA claim has prompted this filing.

Date: 04/27/1998 User-ID: SLESTER Subject: PROCESSING UPDATE
Application processing is resumed based on SK's 3/5/98 memo and
this reviewer's discussion with regional manager - appears that
storage will be limited to June 15 of each year, then any flow
will need to pass through pond for downstream concerns. Since the
consumptive use issue is considered solved in this scenario, the
applicant has not been asked to sign the response form regarding
"future mitigation" for fishery resources.

Copied from Remarks: property aka Lots 17 & 18, Bl. 4, Star Ranch
Unit #5. Stockwater is for 15 range cattle or horses.

Audit: 02/08/96 CHODGES 02/09/96 CHODGES 02/22/96 SLESTER 03/26/96 CHODGES

IDAHO DEPARTMENT OF WATER RESOURCES 12/10/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-4776B

NAME AND ADDRESS: JAMES T NELSON
4150 KINGSWOOD DR
BOISE ID 83704

SOURCE: UNNAMED STREAM TRIBUTARY: CANYON CREEK

QUANTITY: 0.28 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1863

POINT OF DIVERSION:
T07N R04E S28 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/15 10/31	0.260 CFS

PLACE OF USE: STOCKWATER Within BOISE County
T07N R04E S28 SWNE T07N R04E S28 SENE
IRRIGATION Within BOISE County
T07N R04E S28 SWNE 1.0 T07N R04E S28 SENE 12.0

13 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Statutory Claim
STOCKWATER, 15 RANGE CATTLE

02/28/2002 RECEIVED

NOTICE OF ERROR
REPLY

MAR 22 2002

Department of Water Resources

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-4776B

JAMES T NELSON
4150 KINGSWOOD DR
BOISE ID 83704

RECEIVED

MAR 26 2002

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-11-2002

SIGNATURE:

James T. Nelson

Please print your name:

JAMES TIMOTHY NELSON

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A03-4776B

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 1-1-1863
(If the priority date, based on your exam, seems questionable, explain below.)

Recommend 4-1-1863 - See affidavits in file

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION
☒ Point of diversion is different than the claim and/or new P/D's:

Township 7N Range 4E Section 28 1/4 1/4 SW 1/4 NE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

Ditch on NW side of POV delivers water for gravity irrigation - has not been used for several years but ditch is still evident.

6. ☐ No Change - WATER USES

☐ Different uses, (list uses found):

Use IRR From 4-1 To 10-31 Amount .26 CFS _____ AFA
 Use Stock From 1-1 To 12-31 Amount .02 CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # 15 List types: _____

Additional comments: _____

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: IRR Township 7N Range 4E Section 28 1/4 SW 1/4 NE - 1 ac
 Use: " Township " Range " Section " 1/4 SE 1/4 NE - 12 ac.
 Use: Sta Township " Range " Section " 1/4 " 1/4 "
 Use: " Township " Range " Section " 1/4 SW 1/4 NE

Remarks: (Comments pertinent to field examination) See additional attachment

Assisted by Tim Nelson.
No irrigation or stockwater in Sec. 27

C18, N05, N08, Exp - stock

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-16-2001

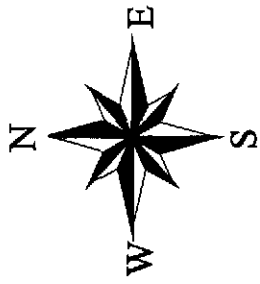
FIELD EXAMINER: [Signature]

Print Name

Mel Schulte
 Signature

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R04E, S28



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-4776B

OWNER(S): NELSON, JAMES

DATE: DECEMBER 7, 2001

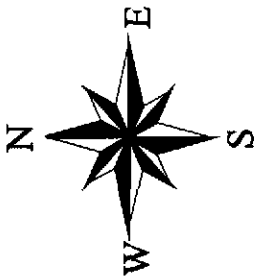
by: Mel Schulte



0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R04E, S28



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE



1/4 1/4 LINES



SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-4776B

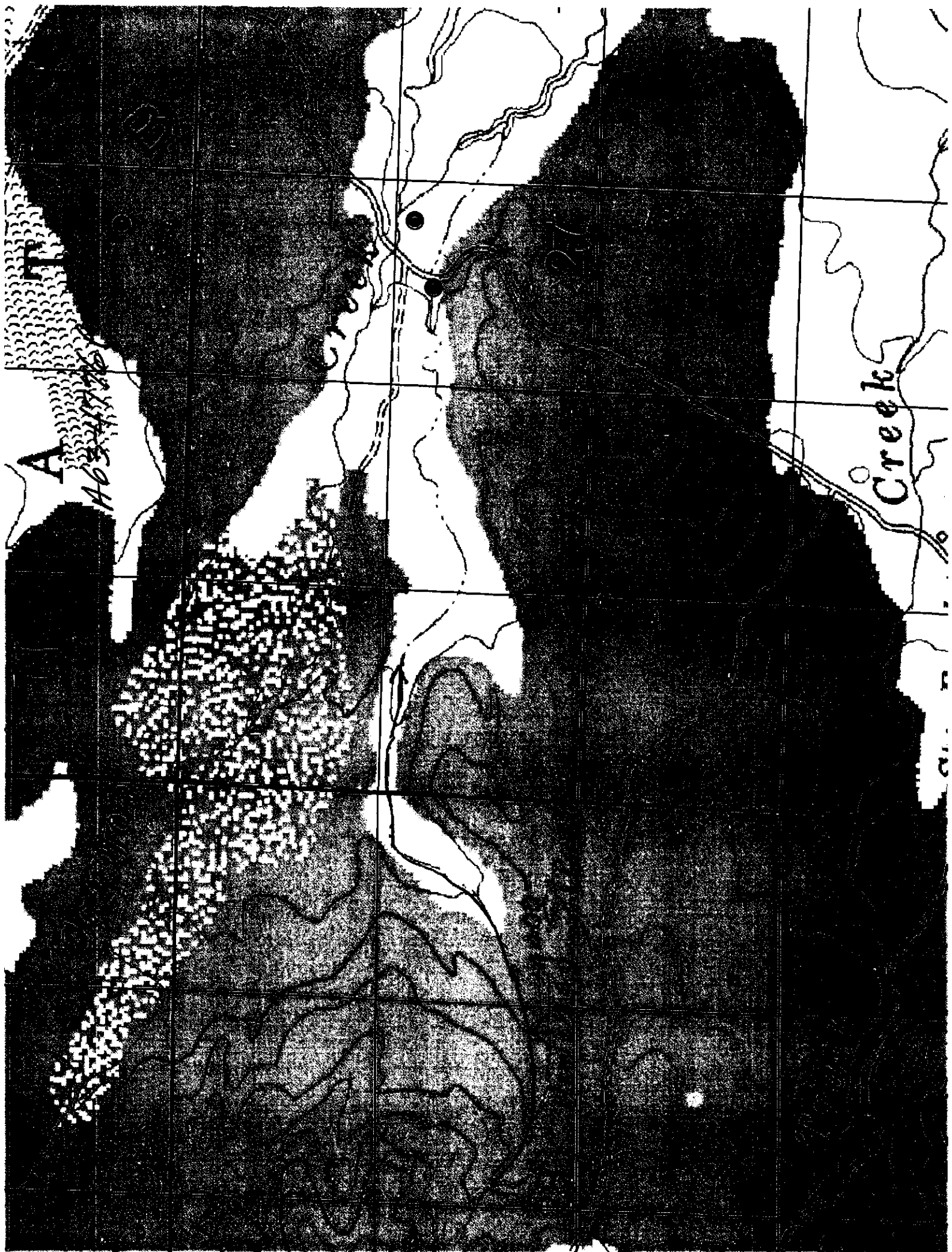
OWNER(S): NELSON, JAMES

DATE: DECEMBER 7, 2001

by: Mel Schulte

0 0.25 0.5 0.75 1 Miles







3-4-96 B

1002-91-01-2004

Canyon

1002-91-01-2004

1002-91-01-2004

A63-4776B

PHOTOS TAKEN 10/16/2001



PHOTO #1
POD



PHOTO #2
POU LOOKING
NORTHEAST FROM
JUST BELOW THE POD

A63-4776B

PHOTOS TAKEN 10/16/2001



PHOTO #3
UPSTREAM MANNINGS
SITE



PHOTO #4
DOWNSTREAM
MANNINGS SITE

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A63-04776B)
_____)
_____)
State of Idaho)
County of ADA)

AFFIDAVIT

RECEIVED

MAR 26 1996

WATER RESOURCES
WESTERN REGION

JAMES T. NELSON being first duly sworn,
deposes and says:

My first experience with Jon Brassey's valley property and irrigation usage was the spring of 1983. I was up looking at my brothers newly acquired lot #15 in Star Ranch sub #5 which is adjacent to the Brassey valley property. When I went down to check out the Brassey property, I noticed some steel and pvc piping being used to divert water from the Brassey valley stream for irrigation purposes.

When I purchased this valley property in 1989 my son Garrick and I began cleaning up and restoring the property. We removed the old irrigation piping and ditch diversions, planning to replace them later with a better system. I still have some of the piping available for evidence.

My son and I have been using water from this stream since 1986 to irrigate hundreds of fir and pine trees we planted in our valley and adjacent properties through the years. We are in the process of reforesting some parts of our property to improve the environment. Some of the stream water is also used for stock water and other beneficial uses.

TIM NELSON
Delivery Service Representative

Home PH. 376-0211



IDAHO POWER COMPANY
1520 WEST STATE STREET
P.O. BOX 70
BOISE, IDAHO 83707

SEAL

James T. Nelson
(Signature)

Subscribed and sworn to before me this
day 13th of March, 1996.

May Lou Purcell
(Notary Public)

Residing at Murfair Home, ID

My Commission Expires May 17, 1997
MICROFILMED
OCT 07 1996

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

A 63-04776 R)

State of Idaho)

County of ADA)

AFFIDAVIT

RECEIVED

MAR 26 1996

WATER RESOURCES
WESTERN REGION

GARRICK JAMES NELSON being first duly sworn,
deposes and says:

I helped my dad remove some irrigation pipes on our valley property we purchased from Jon Brassey in 1989. These pipes were taking water from the stream for irrigation of the valley.

Garrick James Nelson
(Signature)

Subscribed and sworn to before me this
day 22 of March, 1996.

SEAL

Krist K Hubble
(Notary Public)

Residing at Bowen

My Commission Expires

1997 MICROFILMED
OCT 07 1996

DATED this 10 day of February, 1981.

W.C. Brassey
W. C. Brassey

SUBSCRIBED AND SWORN to before me this 11 day of
February, 1981.

Notary Public for Idaho
Residing at Boise, Idaho

My commission expires

Received by
Prelim. check by
\$20.00 fee received by
Published in
Date

DEED

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

W. C. BRASSEY, being first duly sworn, on oath deposes
and says:

That he is a resident of Boise, Ada County, Idaho, and
resides at 1818 Brumback, Boise, Idaho.

That he is the father of Jon Brassey and is the direct
predecessor in title to Jon Brassey.

That between 1919 and 1929 your affiant acquired, among
other properties, portions of the northeast quarter of Section 28,
Township 7 North, Range 4 East, Boise Meridian, and portions of the
northwest quarter of Section 27, Township 7 North, Range 4 East,
Boise Meridian.

That on said Sections 27 and 28 there exists a spring
flow. The spring is unnamed and arises to the west but enters the
property now owned by Jon Brassey in Section 28 and flows on a
generally easterly course thereafter.

That the spring flow varies in quantity but your affiant
would estimate that the average peak flow of the spring is 2 c.f.s.
more or less.

That from April 1 to approximately October 15 of each
year the waters from such spring are utilized for the irrigation of
the adjacent grounds. The waters are further used for stock water
for varying numbers of stock, the quantity of which stock and type
thereof varying from year to year.

That such spring was being used prior to your affiant's
acquisition of the property, and the reputation in the area at the
time was that the spring was being utilized from the first settlement
of the country, being approximately 1863.

63-4ZZ6.

BRASSEY, JON

PLACERVILLE, IDAHO, P.O. BOX 2603, BOISE, ID 83701

Source: SPRING tributary to CANYON CREEK

Priority Date: 01/01/1863

Amount: 2.20 CFS

Diversion Point: SWNE Sec 29 T 07N R 04E, BOISE Co.

Use: IRRIGATION (2.00 CFS) from 04/01 to 10/15
STOCKWATER (0.20 CFS) from 04/01 to 10/15

Place of Use: NENE SWNE SENE Sec 28 T 07N R 04E SWNE SENE NWNW SWNW SENW
Sec 27 T 07N R 04E FOR 117 ACRES

Diversion Means: DITCHES, DAMS & PUMPS.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public water of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that JON BRASSEY of Placerville, Idaho, 83666
(Name of Claimant)
P.O. Box 2603, Boise, Idaho 83701 Telephone No. 343-6132
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1863
- A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring tributary to Canyon Creek, Trib. of Grimes Creek

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive) (Mo., Day)	
Quantity	<u>2 c.f.s.</u>	Use	<u>Irrigation</u>	Period of Use From	<u>Apr. 1</u> To <u>Oct. 15</u>
Quantity	<u>2 c.f.s.</u>	Use	<u>Stock water</u>	Period of Use From	<u>Apr. 1</u> To <u>Oct. 15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 2.2 c.f.s. TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 NE 29 Twp. 7N Rge. 4E B.M., County of Boise
Additional points of diversion:

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. Describe any changes in the system and give the date of the change. Ditches and dams - No change in the system. Pumps have and may be used from time to time.

- (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	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7N</u>	<u>4E</u>	<u>28</u>	<u>6.91</u>		<u>7.72</u>	<u>16.63</u>													<u>33.31</u>
<u>7N</u>	<u>4E</u>	<u>27</u>			<u>1.23</u>	<u>15.51</u>		<u>13.64</u>	<u>14.02</u>	<u>13.84</u>									<u>78.97</u>

No. of acres 112.28

RE: If use is not for irrigation, fully describe that use, being as specific as possible: Stock water for varying number of stock.

NOTE: Include here the type and number of stock watered: Beef cattle, horses and sheep.

- (7) If you are claiming water as a member of an organization, list name of organization: Jon Brassey, Pine Trust, Fir Trust, Spruce Trust & Aspen Trust have an equal undivided ownership in the water right, ditches, dams and diversions necessary or proper for irrigation and other uses of their respective properties, and easements therefor.

Refer to depositions of Jon Brassey and W. C. Brassey filed in the District Court, State of Idaho, Case No. 1103, Boise County, Idaho, State, ex rel Alfred vs. Jon Brassey, copies of which are in possession of Department. See attached affidavit of W. C. Brassey.

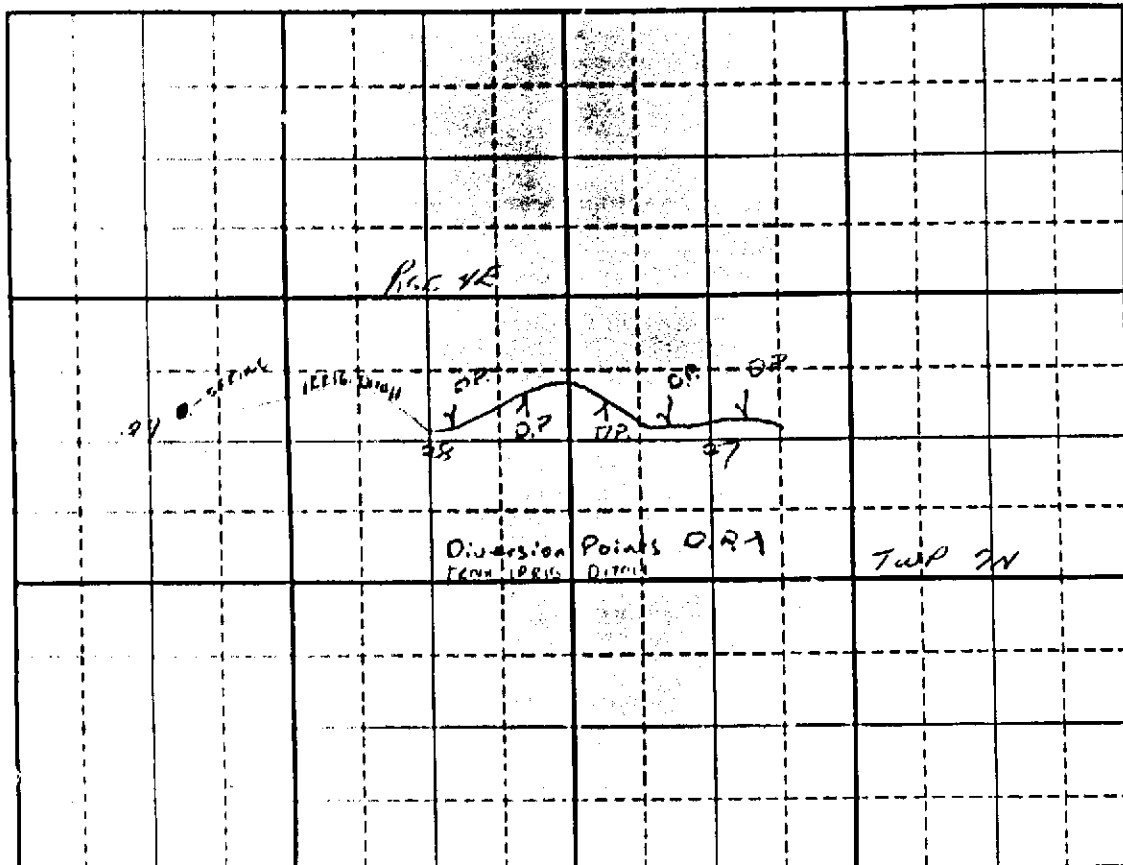


Fig. 12. Diversion Point

Map should show the location of the point of diversion and the place of use of the water by 40 acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of)

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

Subscribed before me this 10th day of

Jon Brassey
(Claimant)

Notary Public
Residing at

My commission expires

FOR DEPARTMENT USE ONLY

Date 2/12/81
Date 2/12/81
Date 2/12/81

Forwarded to
claimant by
KSR



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

August 15, 2001

JAMES T NELSON
4150 KINGSWOOD DR
BOISE, ID 83704

Re: Claim No(s). 63-4776B

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. ~~Field exams to verify~~ claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

February 22, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES T NELSON
4150 KINGSWOOD DR
BOISE ID 83704

RE: APPLICATION FOR PERMIT NO. 63-12315
AND SRBA CLAIM NO. A63-04776B

Dear Mr. Nelson:

The above-referenced application for a pond on an unnamed stream tributary to Canyon Creek cannot be processed at this time as you most likely learned during your last office visit. The application will be held pending submittal of additional information relating to water uses on your property.

The pond introduces consumptive use through evaporative losses in an area where new consumptive uses of surface water cannot be approved due to a fully appropriated system (Boise River natural flow and storage rights). In order for this office to consider processing your application, please submit a mitigation plan that addresses the new consumptive use introduced by the pond. An acceptable mitigation plan would show that no increase in consumptive use has occurred on your property after the pond was constructed (1989?). Enclosed is a recent sample of such a plan that you requested in your last visit.

Also, Snake River Basin Adjudication claim no. A63-04776B that you filed must be discussed in any consideration of your new water right application. It is conceivable that some irrigation use in the claim has been or could be reduced to account for consumptive use from the pond. In order for that concept to work as a mitigation plan, the validity of the claim must be determined.

You can help substantiate the claim by providing evidence of beneficial use that occurred under the claim by 1987 and also within the past five year period. More information about verifying an adjudication claim is available from this office.

A response at your earliest convenience would be appreciated to clear up any questions about the pond. The pond remains unprotected by any approved water right at this time and therefore remains an item of concern to this office.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

c: IDWR Western Region - Stream Channel & Dam Safety Staff

MICROFILMED
OCT 07 1996