

IDAHO DEPARTMENT OF WATER RESOURCES

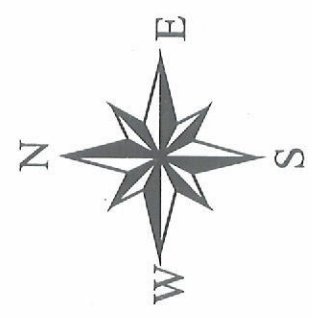
REFERENCE ONLY

T05N R02E S29

WATER RIGHT(S): 63-5107

PREPARED BY: Chris Duncan
16 JAN 2001

- ⊙ POINT OF DIVERSION
- PLACE OF USE
- SECTION Boundary Lines
- QQ Boundary Lines



NAPP 1987



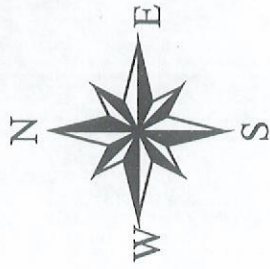
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-31246

Date Prepared: 08-28-03

Prepared By: Ron Howerton

T05N, R02E
S29



● Point of Diversion

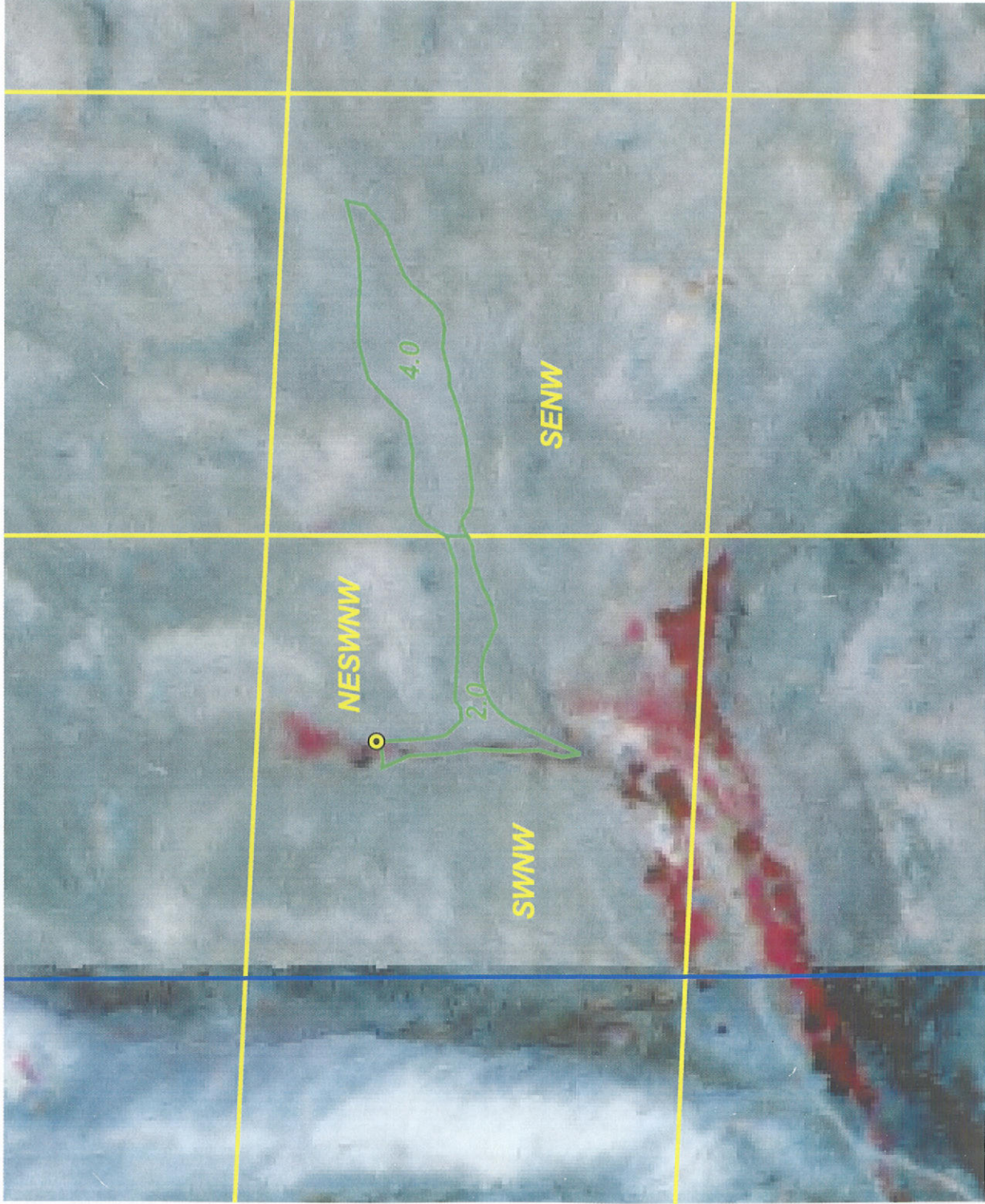
Place of use

Section

1/4 1/4

6 Acres

1987 NAPP



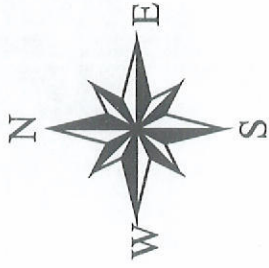
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-31246

Date Prepared: 08-28-03

Prepared By: Ron Howerton

T05N, R02E
S29



● Point of Diversion



Place of use

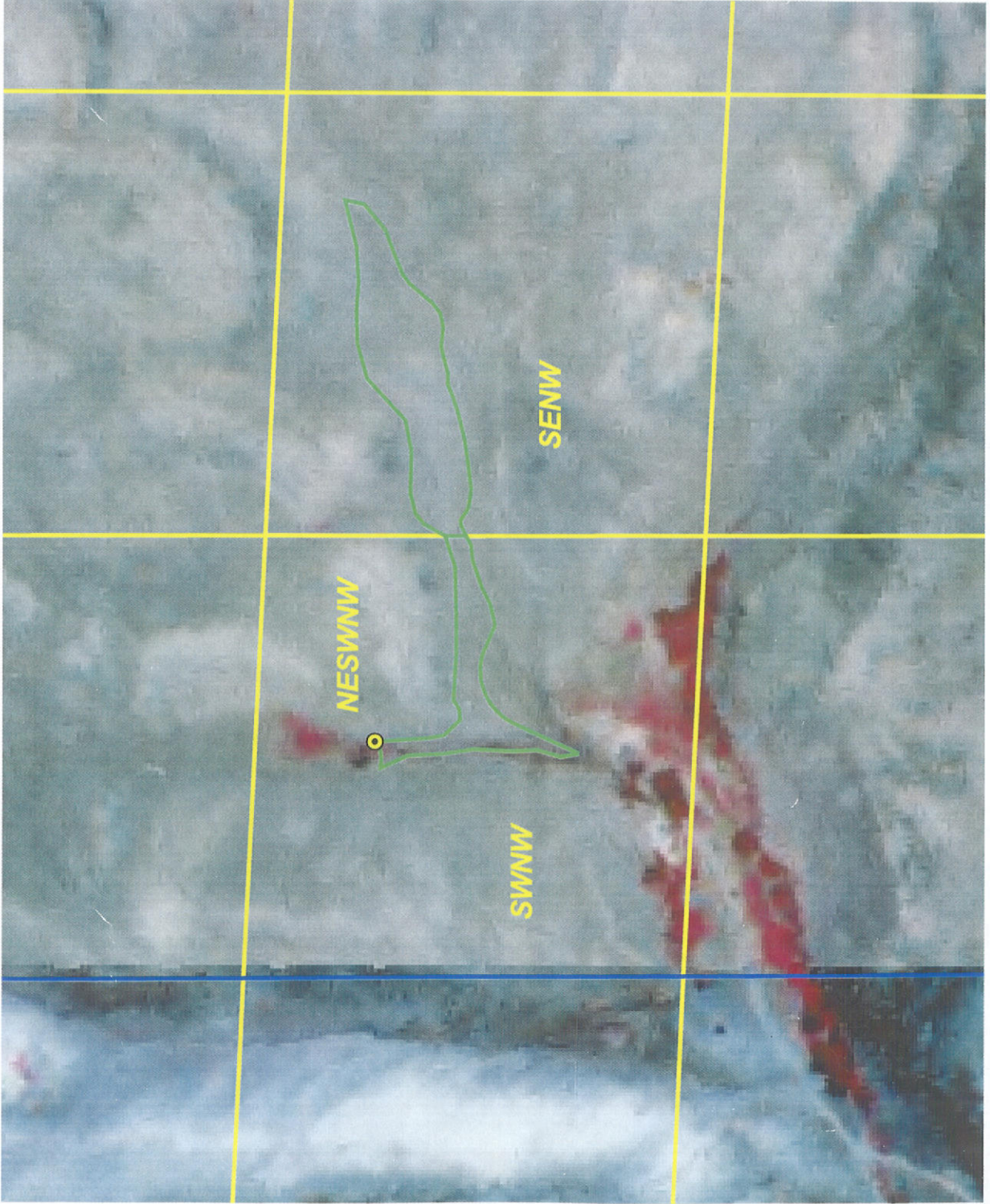


Section



1/4 1/4

1987 NAPP



63-31246

End of ditch
per claimant

End of ditch
per field exam

1 Acre
Gravity
Irrigation

Dry Gulch

SENW

SWNW

PROPERTY TAX LINES

200 FT

Begin

200 FT

Begin

X9 1998 DOQ

NESW

NWSW

63-31246

End of ditch
per claimant

End of ditch
per field exam

1 Acre
Gravity
Irrigation

Dry Gulch

SENW

SWNW

PROPERTY TAX LINES

200 FT

Begin

200 FT

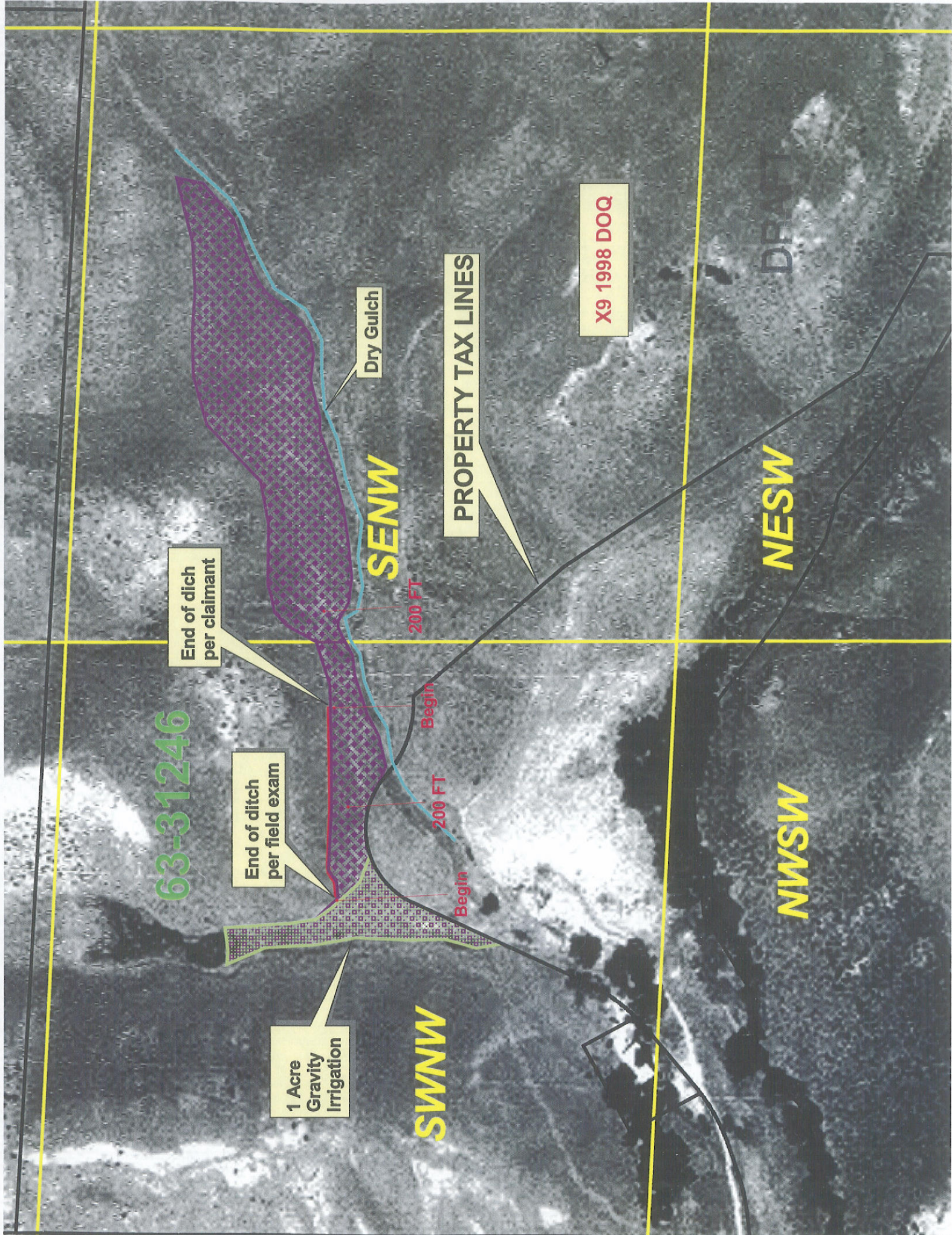
Begin

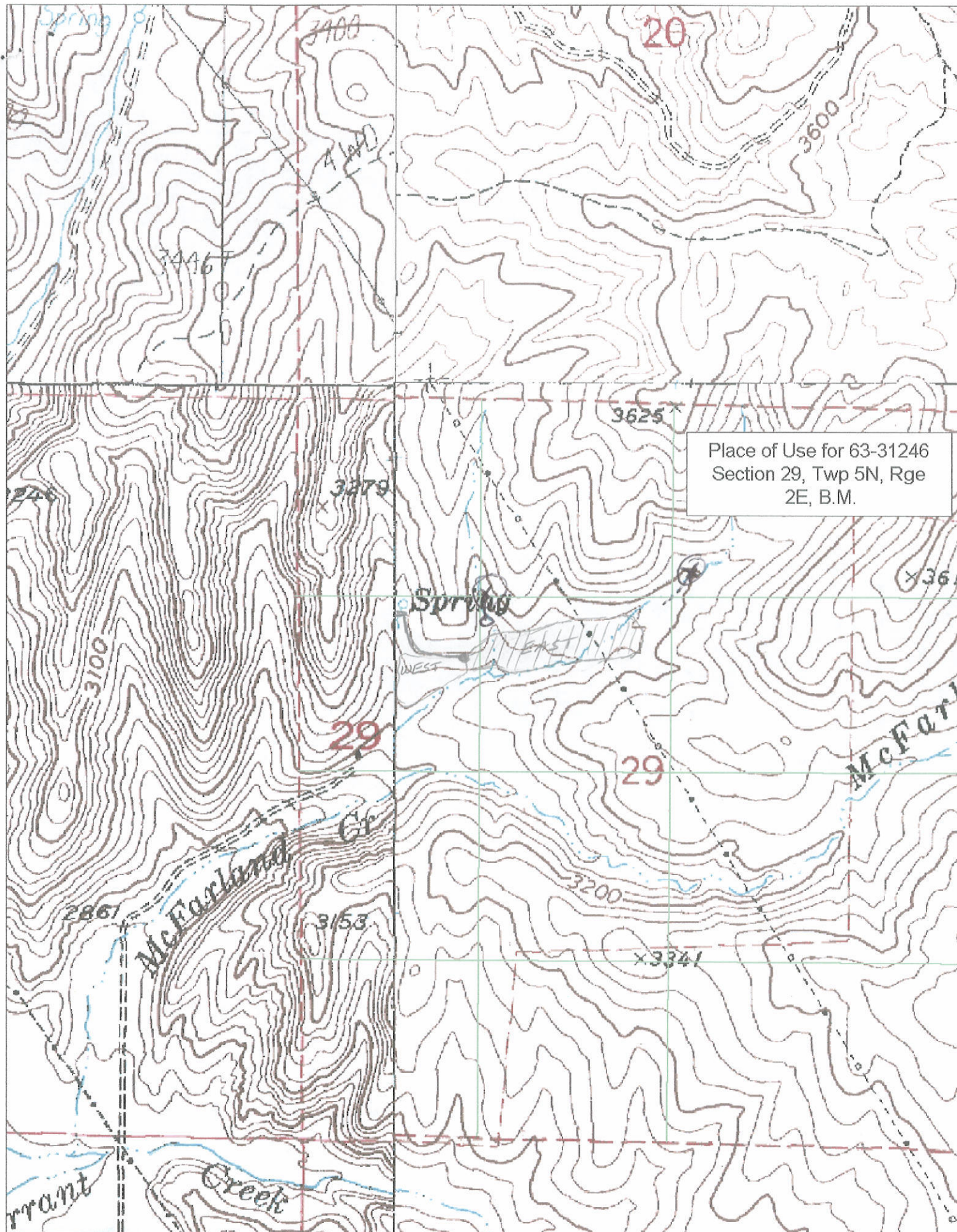
X9 1998 DOQ

DRAFT

NESW

NWSW





DeLORME

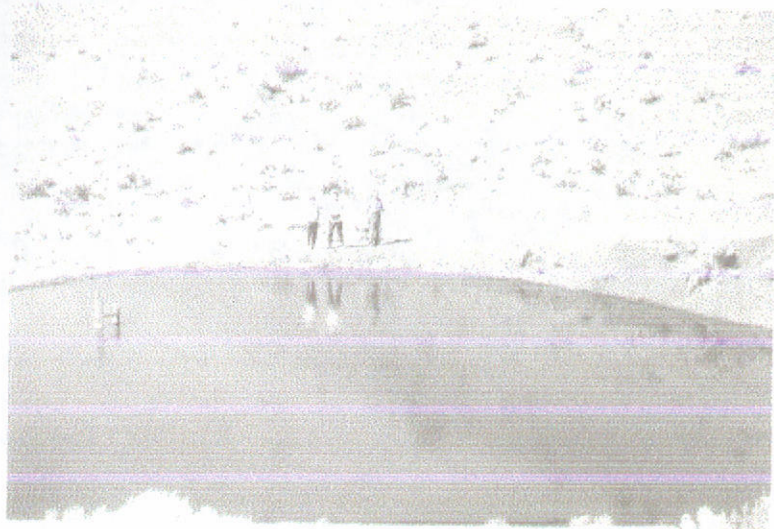
© 2013 DeLorme. All rights reserved. Data copyright of content owner.

Zone Level 14-4 Datum: NAD83

Scale: 1:50,000
1" = 500 ft



North
arrow



AUG 61

MATT.

TOP Picture is of the POND. My Mom, DAD + PAT are on the road to the west of the POND. (TAKEN Aug 61)

Bottom Picture is the Old Ranch House, Same Place the new House was Built. (Left Center) Arrow in Right Center show Fruit Trees below Pond. (Taken in 1959)



Hawaii

**OVERVIEW MAP
ORTHO QUADS
X8 & X9
FRAZELL/KEYS & BRUSH**

SEW

NESW

MSM

WEST

T05N, R02E

SWWW

S29

S30

TAX LOT LINES

Manning

Manning

Pond

Manning

Pond

NEW SW

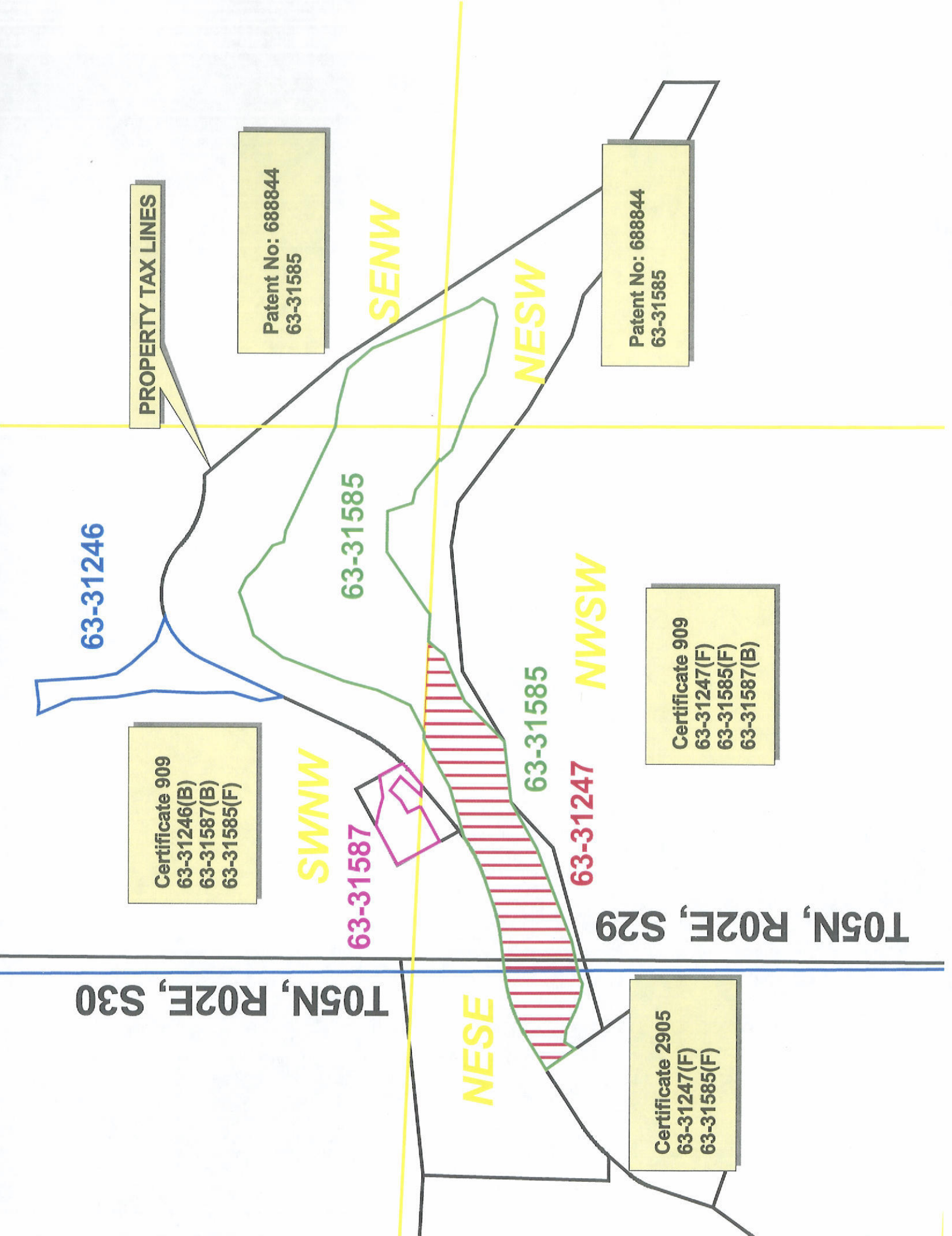
NW/NW/SW

MANMSWS

NEWSEW

10





PROPERTY TAX LINES

Patent No: 688844
63-31585

Patent No: 688844
63-31585

63-31246

63-31585

NESW

SENW

Certificate 909
63-31246(B)
63-31587(B)
63-31585(F)

SNNW

63-31587

63-31585

NWSW

63-31247

Certificate 909
63-31247(F)
63-31585(F)
63-31587(B)

NESE

Certificate 2905
63-31247(F)
63-31585(F)

T05N, R02E, S29

T05N, R02E, S30

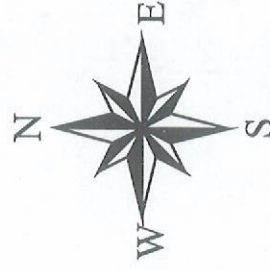
IDAHO DEPARTMENT OF WATER RESOURCES

Claims: 63-31246

Date Prepared: 12-6-02

Prepared By: Ron Howerton

T05N, R02E
S29



● Point of Diversion

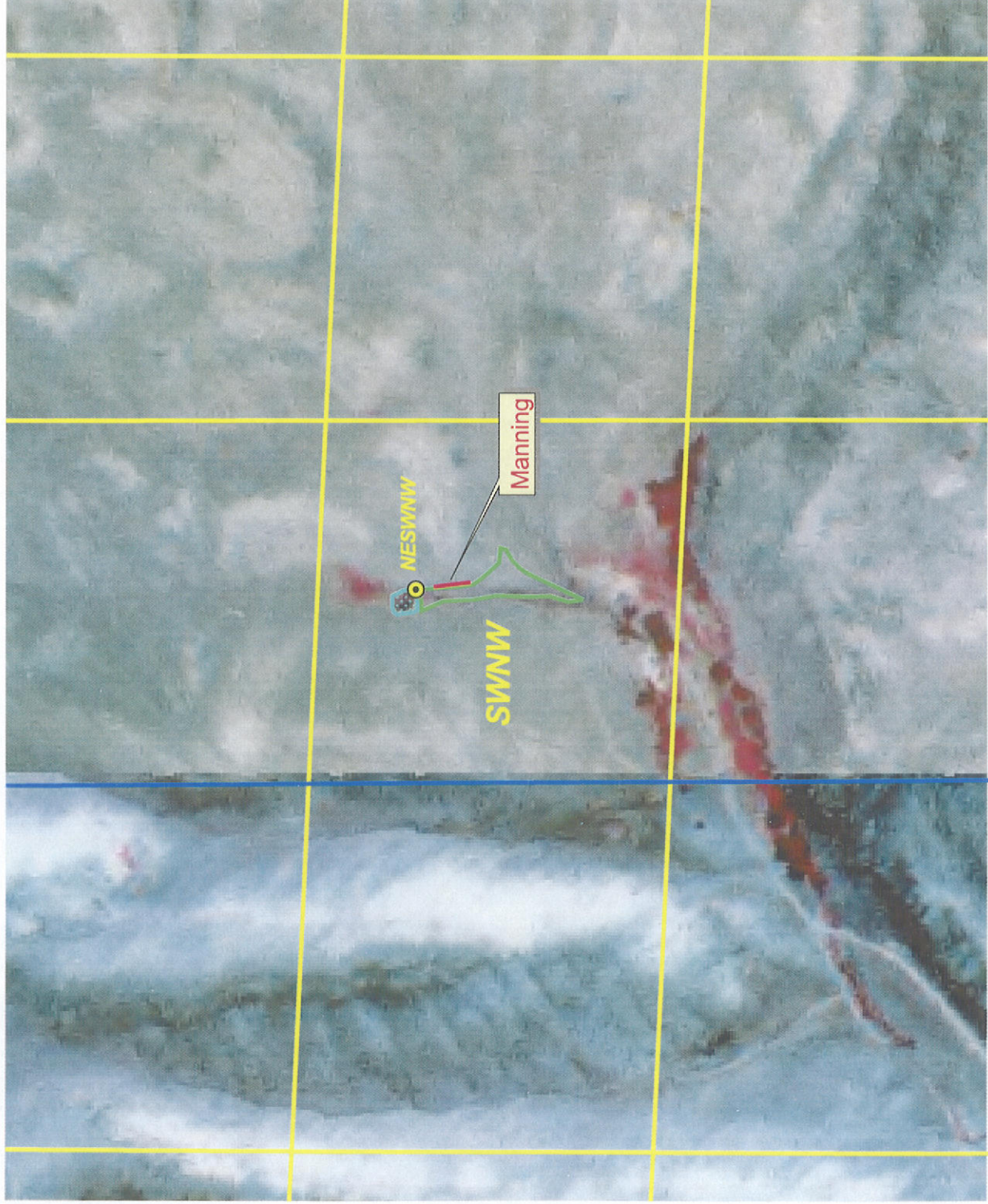


Place of use

Section

1/4 1/4

1.0 Acres



0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles

1987 NAPP

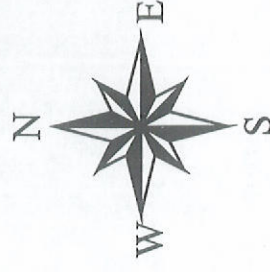
IDAHO DEPARTMENT OF WATER RESOURCES

Claims: 63-31246

Date Prepared: 12-6-02

Prepared By: Ron Howerton

T05N, R02E
S29

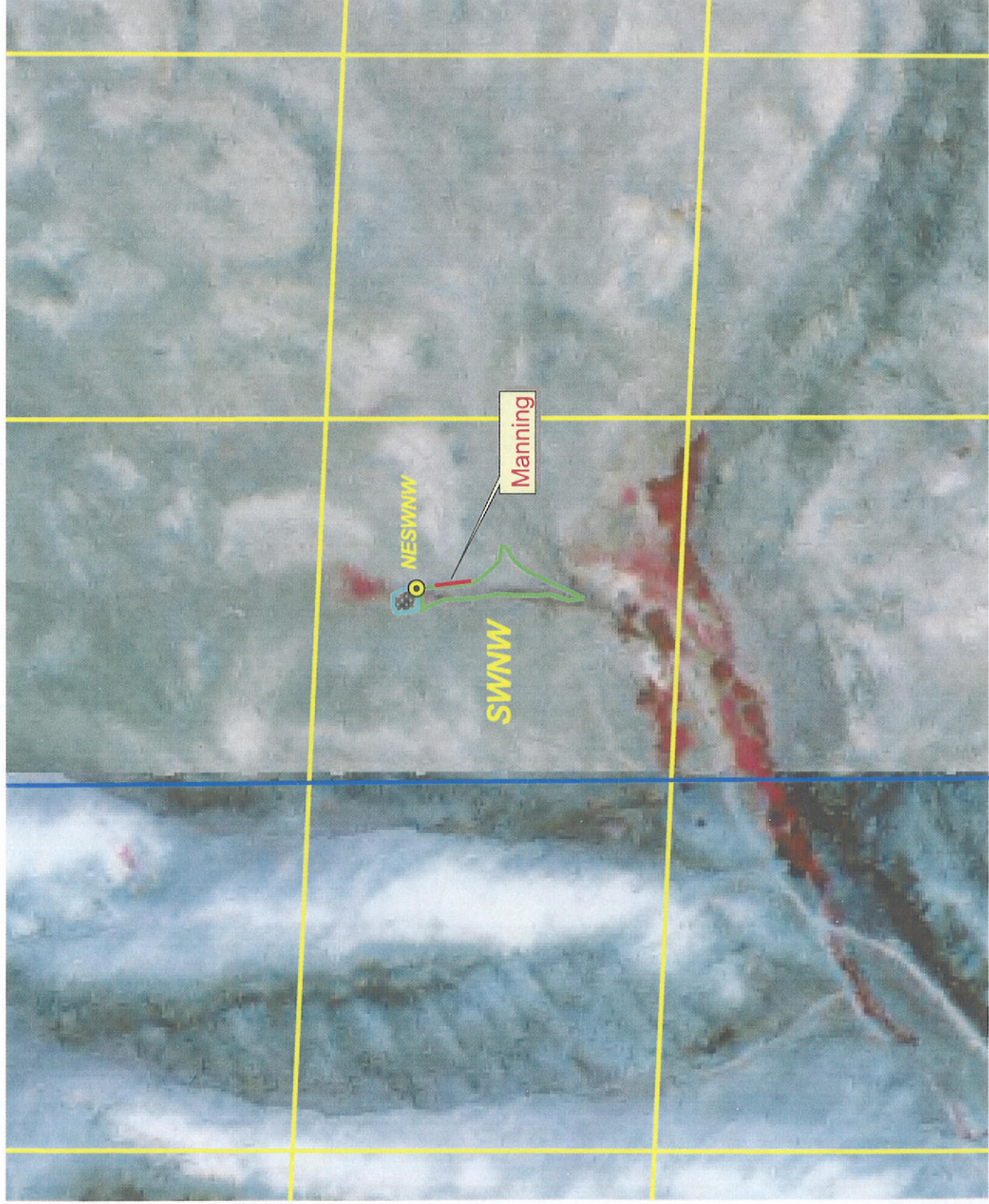


● Point of Diversion

Place of use

Section

1/4 1/4



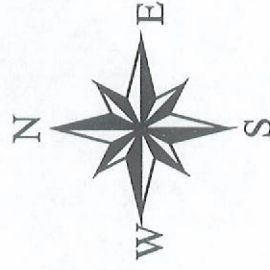
0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles

1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Claims: 63-31246
Date Prepared: 12-6-02
Prepared By: Ron Howerton

T05N, R02E
S29

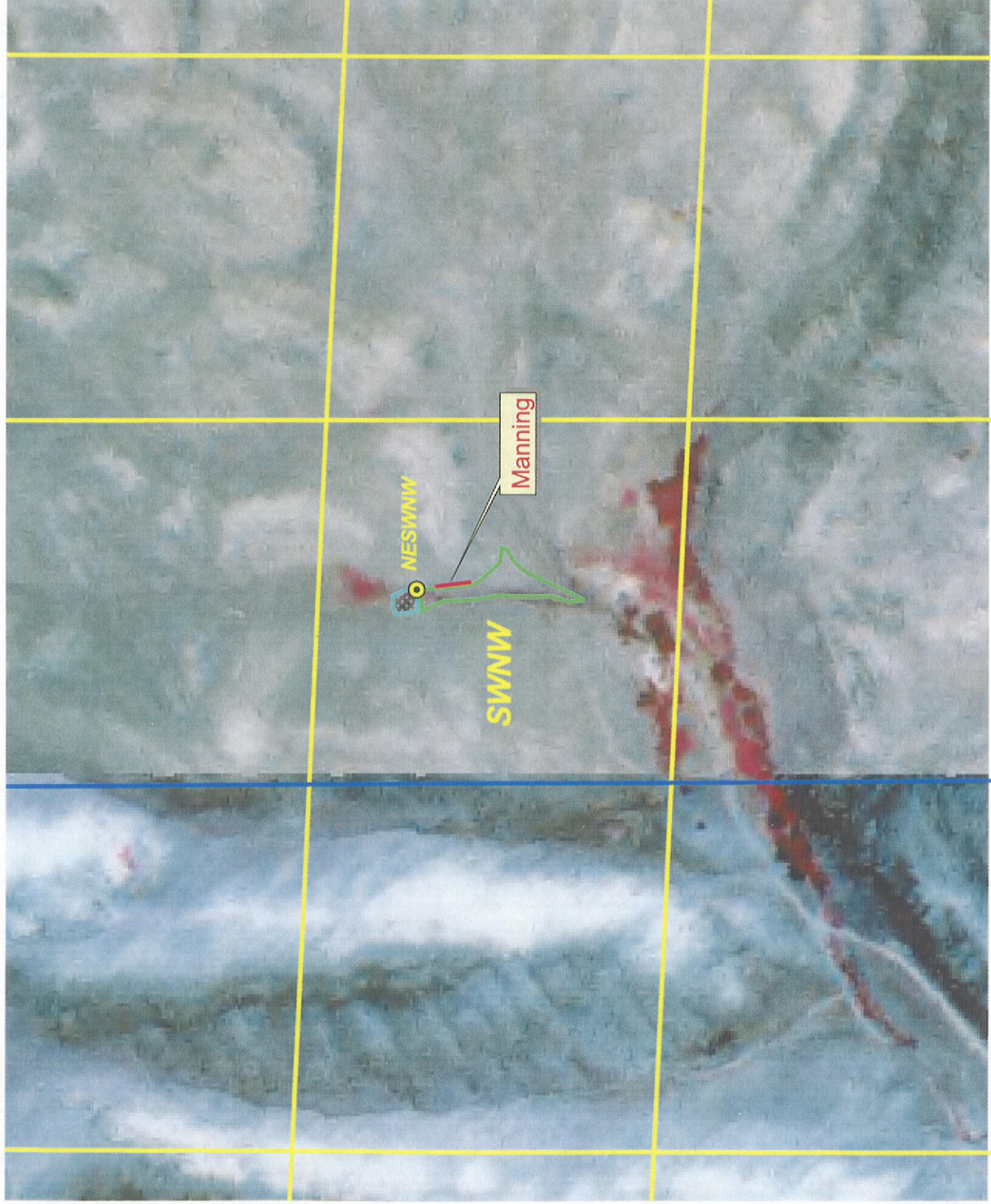


● Point of Diversion

Place of use

Section

1/4 1/4



0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles

1987 NAPP

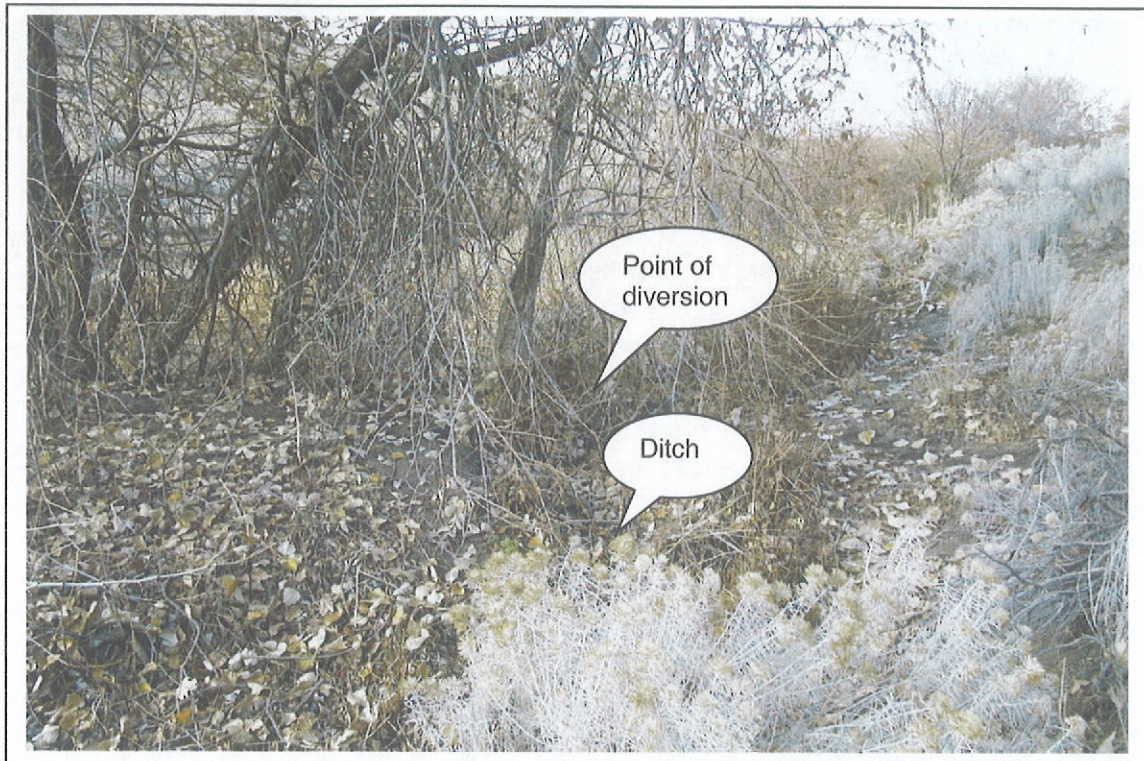


Photo 1: 63-31246, Field Exam 11-15-02: Point of diversion from the spring's collection pond & gravity flow ditch. Located in the NESWNW, S29, T05N, R02E. Manning measurement done for this ditch. See topo map. Pond's small 6' dam diverts the natural flow of the springs. View is to north.



Photo 2: Upper spring area, west side. Natural spring flow is diverted by pond. South view is downstream.



Photo 3: Upper spring area, east side. Natural spring flow is diverted by pond. South view to east.

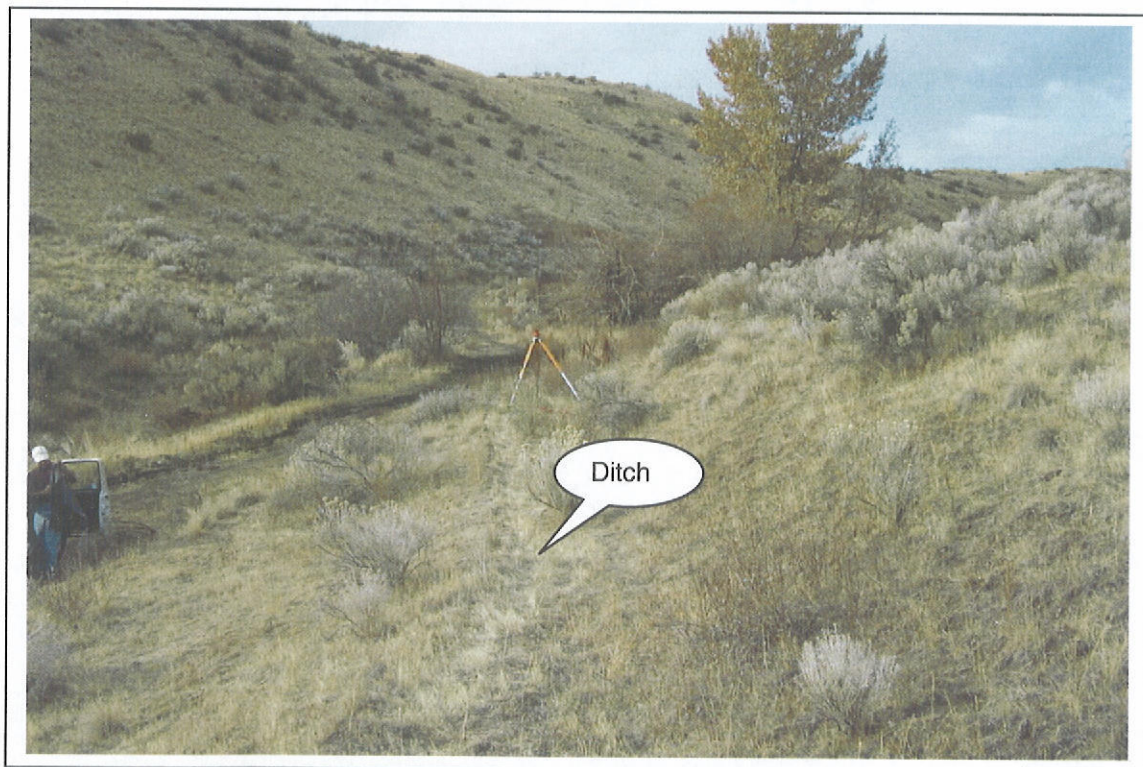


Photo 4: Manning measurement & gravity flow ditch. View is to north. See topo map, located in the SWNW, S29, T05N, R02E.

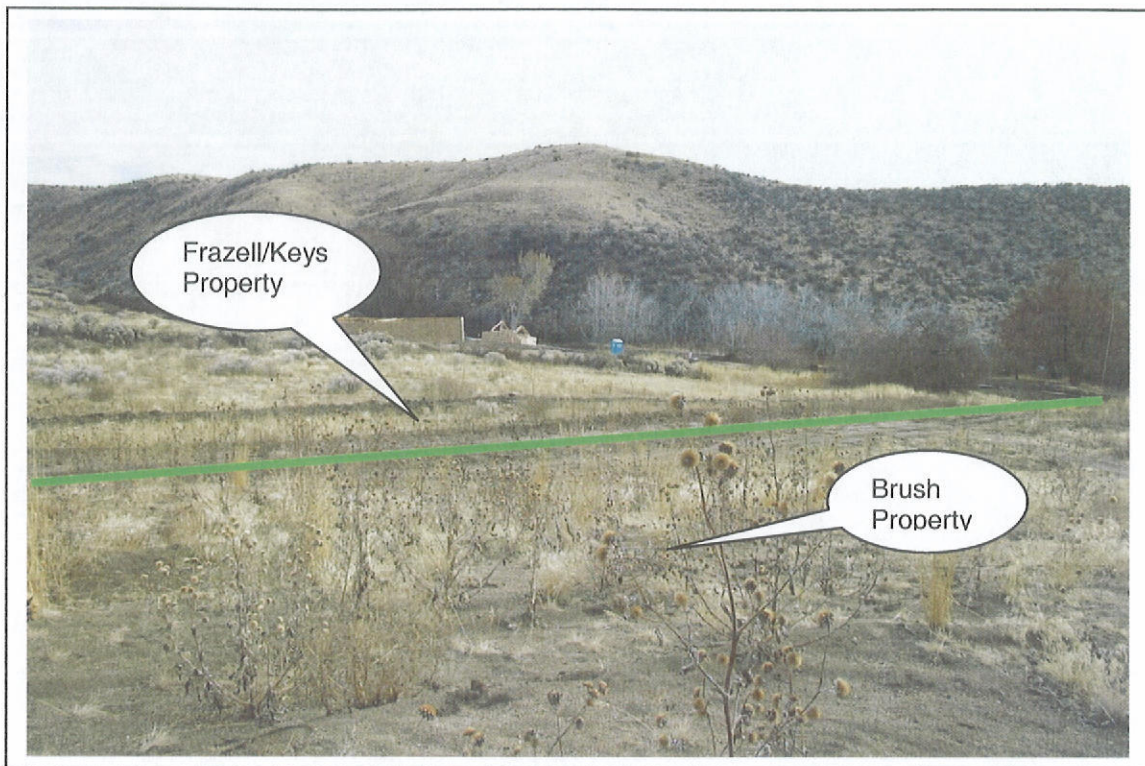


Photo 5: Photo taken at end of ditch, POU line is approximate per tax lot ownership. See attached layout overviews. Located in the SWNW, S29, T05N, R02E. No visible ditches beyond here or to the east as claimed for 17 acres.

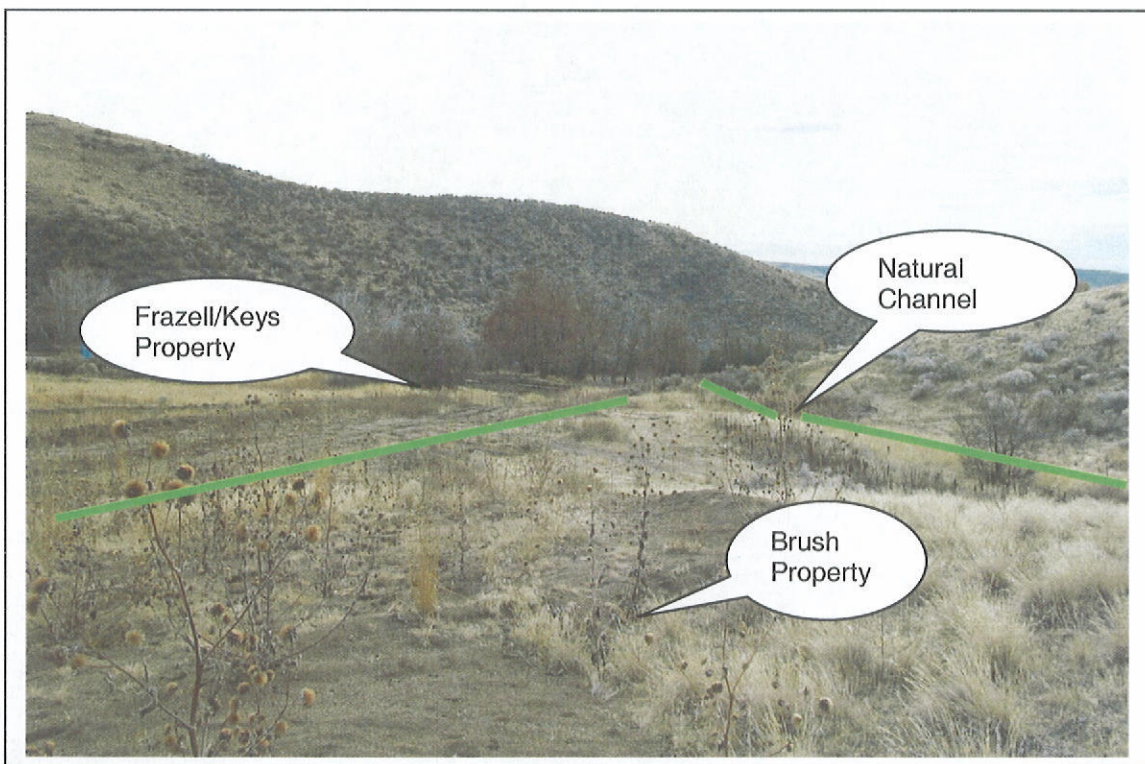


Photo 6: Very small place of use about 1 acre. See map overviews. View is to southwest. Gravity flow down from short ditch shown in photo 4, back onto natural flow channel of above springs. POU lines are approximate per tax lot ownerships.



Photo 7: Spring's collection pond. Located in the SWNW, S29, T05N, R02E. View is downstream to the south. Pond's surface area is approximately 0.2 acres per GIS. See attached maps. Photos by RDH.

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 63-31246
Date Received: 8/17/1989
Receipt No: 10029816
Received By:

AMENDED

RECEIVED

(AMENDED) NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

OCT 21 2002

**WATER RESOURCES
WESTERN REGION**

1. Name of Claimant(s)

PATRICIA R BRUSH Phone: (208)634-5811
PO BOX 1768
MC CALL ID USA 83638

HAROLD R BRUSH Phone: (208)634-5811
PO BOX 1768
MC CALL ID USA 83638

2. Date of Priority: 10/19/1908

3. Source: SPRINGS Trib. to: MC FARLAND CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02E	29	SW NW	ADA	

5. Description of diverting works:

DAMS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.34	
IRRIGATION STORAGE	01/01	12/31		76.5
IRRIGATION FROM STORAGE	03/01	11/15		76.5
STOCKWATER	01/01	12/31	0.04	
STOCKWATER STORAGE	01/01	12/31		0.58
STOCKWATER FROM STORAGE	01/01	12/31		0.58

7. Total Quantity Appropriated is:

0.34 C.F.S. and/or 76.5 A.F.A.

8. Total consumptive use: n/a

9. Non-irrigation uses: Stockwater for 70 head of range cattle.

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
05N	02E	29	SE	NW	IRRIGATION	11
			SE	NW	STOCKWATER	
			SW	NW	IRRIGATION	6
			SW	NW	STOCKWATER	
					Section Acres	17
					Total Acres	17

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-5107. DB 6/13/2001

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 X 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): Harold K Brune Date: 10/16/02
Patricia B Brune Date: 10/16/02

State of Idaho)
County of Valley) SS.

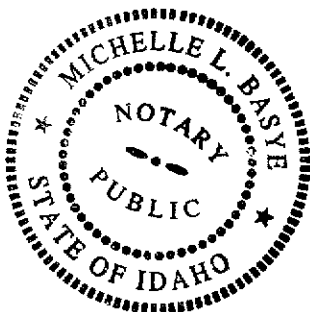
Subscribed and sworn (or affirmed) before me this
16th of October 2002

Michelle Basye

Notary Public

Residing at McCall, ID.

My commission Expires 8/16/06



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 63-31246
Date Received: 8/17/89
Receipt No:
Received By:

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

1. Name of Claimant(s): PATRICIA R BRUSH Phone: (208)634-5811
PO BOX 1768
MCCALL ID USA 83638

HAROLD R BRUSH Phone: (208)634-5811
PO BOX 1768
MCCALL ID USA 83638

2. Date of Priority: 10/19/1908

3. Source: SPRING Trib. to: MC FARLAND CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02E	29	SW NW	ADA	

5. Description of diverting works:

DAMS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.3	
IRRIGATION STORAGE	01/01	12/31		0.58
IRRIGATION FROM STORAGE	03/15	11/15		0.58
STOCKWATER	01/01	12/31	0.04	
STOCKWATER STORAGE	01/01	12/31		0.58
STOCKWATER FROM STORAGE	01/01	12/31		0.58

7. Total Quantity Appropriated is:
0.34 C.F.S. and/or 0.58 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	29	SE NW		IRRIGATION	11
			SW NW		IRRIGATION	6
					Section Acres	17
					Total Acres	17

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-5107. DB 6/13/2001
Claim amended per claimant / agent review (office visit). DB 7/24/2001

15. Basis of Claim: Statutory Claim

.13 cfs 0.01786 per acre

63-5107

Brush 63-31246

pod sunw only (Spring)
(trib to McFarland Creek)

Sec 29 SWNW 6
SESW 11
17 acres

Frazell 63-31247

pod ALL 4 pods
SWNW + NWSW
Spring trib to McFarland
NWSW + NESW
McFarland trib to Currader

Sec 30 NESE 1
Sec 29 NWSW 3
NESW 4
SWNW 10
^sSESW 2
20 Acres

IRR	.30 cfs
IRRS	.58 AFA
IRRFs	.58 AFA
stock	.04 cfs
stocks	.58 AFA
stockFS	.58 AFA

Total cfs .34
Total AFA .58

.35 cfs
.67 AFA
.67 AFA
.04 cfs
.67 AFA
.67 AFA

.39
.67

8:29 Richard → 465-7256

10:42 Gloria

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 63-31246
Date Received: 8/17/89
Receipt No:
Received By:

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

1. Name of Claimant(s): PATRICIA R BRUSH
RT 1 DRY CK ROAD
BOISE ID USA 83703

Phone: (208)939-6336

HAROLD R BRUSH
RT 1 DRY CK ROAD
BOISE ID USA 83703

Phone: (208)939-6336

2. Date of Priority: 10/19/1908

3. Source: Unknown

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02E	29	SW NW SE	ADA	
05N	02E	29	NW SE NW	ADA	
05N	02E	29	NW NE SW	ADA	

5. Description of diverting works:

DAMS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.44	
IRRIGATION STORAGE	01/01	12/31		0.85

IRRIGATION FROM STORAGE	03/15	11/15	0.85	
STOCKWATER	01/01	12/31	0.06	
STOCKWATER STORAGE	01/01	12/31		0.95
STOCKWATER FROM STORAGE	01/01	12/31	0.95	

7. Total Quantity Appropriated is:
0.5 C.F.S. and/or 0.85 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	29	SE NW		IRRIGATION	13
			NE SW		IRRIGATION	6
			NW SW		IRRIGATION	6
					Section Acres	25
					Total Acres	25

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-5107. DB 6/13/2001

15. Basis of Claim: Statutory Claim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
	<u>163-05107</u>				

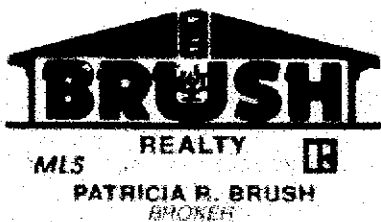
2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) HAROLD R. BRUSH
PATRICIA R. BRUSH
4. New Owner/Claimant(s) 15121 N. MCFARLAND CERD BOISE IDAHO
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or 83638
DALE M. FRAZEE, Kathleen Keys
 New Mailing Address 2119 W. PLEASANT AVE, BOISE, ID. 83702
 City, State and ZIP Code 856-7253 / 371-5750
 New Telephone Number 4-06-01
 5. Date you acquired the property CALL PHONE



PO Box 1768

Phone (208) 634-5811

McCall, ID 83638

24 hours

RECEIVED
APR 09 2001
 WATER RESOURCES
 WESTERN REGION

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A63-05107</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.34 CFS</u>	<u>SE NW - 10 AC - 529</u>
Stock	<u>.02 CFS</u>	<u>NW SW - 5 AC - 529</u>
Domestic		<u>NE SW - 2 AC - 529</u>
Other		
Total	<u>.36 CFS</u>	<u>17 AC TOTAL</u>

DESCRIBE (If the right is split)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second)	Description
Irrigation		 <u>See attached</u> <u>Split Tree</u>
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Kathleen Kay Smith

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

• 73 cfs
37 acres

0.01726 per acre

63-5107

63-31246
Brush

SEW 13
NEW 6
NWSW 6
25 acres

IRR .44
IRRS .85 afa
IRRFs .85
Stock .06
Stocks .95 afa
StockFS .95

Total cfs .50
Total AFA .85

63-31247
Frazell + Keys

SWW 2
NWSW 4
SEW 2
NEW 4
12 acres

IRR .21
IRRS .4 afa
IRRFs .4
Stock .06
Stocks .3 afa
StockFS .3

Total cfs .23
Total AFA .4



PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

20156052

ADA COUNTY RECORDER
J. DAVID HAVARRO
BOISE, IDAHO

2001 AP -3 PM 4:44

RECORDED - REQUEST OF
FEE 12- DEPUTY

101030903

PIONEER TITLE

WARRANTY DEED

For Value Received Harold R. Brush and Patricia R. Brush, Husband and Wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

HiYeld, Inc., an Idaho Corporation

hereinafter referred to as Grantee, whose current address is 2229 W. State Street #B, Boise, Idaho 83702
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

Subject to that certain Deed of Trust dated February 19, 1999 and recorded February 24, 1999 as
Instrument No. 9901839.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor
is the owner in fee simple of said premises; that said premises are free from all encumbrances except
current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of
record, and easements visible upon the premises, and that Grantor will warrant and defend the same from
all claims whatsoever.

Dated: April 3, 2001

Harold R. Brush
Harold R. Brush

Patricia R. Brush
Patricia R. Brush

STATE OF Idaho, County of Ada, ss.

On this 30th day of March, in the year of 2001, before me The undersigned, notary public personally
appeared Harold R. Brush and Patricia R. Brush or identified to me to be the person/persons
whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they
executed the same.



Susan J. Rich
Susan J. Rich
Notary Public of Idaho
Residing at Boise
Commission expires: May 5, 2005

EXHIBIT "A"

MSH
KPK

A Parcel of land situated in the W1/2 of Section 29, and the NE1/4 of the SE1/4 of Section 30, Township 5 North, Range 2 East, Boise Meridian, Ada County, Idaho and described as follows:

Commencing at an aluminum cap monument marking the SW corner of the SW1/4 of said Section 29, thence N00°31'50"E a distance of 2586.68 feet to an aluminum cap monument marking the NW corner of said SW1/4, thence S18°20'17"E a distance of 163.17 feet to a 5/8 inch rebar marking the POINT OF BEGINNING;

Thence along the arc of a curve to the left having a radius of 425.00 feet, an arc length of 88.32 feet, a central angle of 11°54'22" feet, and a chord bearing N77°31'53"E a distance of 88.16 feet to a 5/8 inch rebar;

Thence N71°34'42"E a distance of 59.05 feet to a 5/8 inch rebar;

Thence along the arc of curve to the left having a radius of 425.00 feet, an arc length of 159.48 feet, a central angle of 21°29'58", and a chord bearing N60°49'43"E a distance of 158.54 feet to a 5/8 inch rebar;

Thence N50°04'44"E a distance of 152.38 feet to a 5/8 inch rebar;

Thence along the arc of a curve to the left having a radius of 400.00 feet, an arc length of 174.92 feet, a central angle of 25°03'18", and a chord bearing N37°33'05"E a distance of 173.53 feet to a 5/8 inch rebar;

Thence N25°01'26"E a distance of 409.80 feet to a 5/8 inch rebar;

Thence along the arc of a curve to the right having a radius of 175.00 feet, an arc length of 328.16 feet, a central angle of 107°26'31", and a chord bearing N78°44'41"E a distance of 282.15 feet to a 5/8 inch rebar;

Thence along the arc of a curve to the left having a radius of 225.00 feet, an arc length of 161.92 feet, a central angle of 41°13'57", and a chord bearing S68°09'02"E a distance of 158.45 feet to a 5/8 inch rebar;

Thence S88°45'59"E a distance of 22.23 feet to a 5/8 inch rebar;

Thence S40°20'41"E a distance of 429.68 feet to a 5/8 inch rebar;

Thence S33°13'37"E a distance of 770.81 feet to a 5/8 inch rebar;

Thence S60°29'00"E a distance of 293.41 feet to a 5/8 inch rebar;

Thence S00°32'52"W a distance of 128.99 feet to a 5/8 inch rebar;

Thence N63°14'37"W a distance of 201.10 feet to a 5/8 inch rebar;

Thence N60°31'15"W a distance of 120.96 feet to a 5/8 inch rebar;

Thence N55°09'11"W a distance of 193.42 feet to a 5/8 inch rebar;

Thence N50°00'02"W a distance of 98.27 feet to a 5/8 inch rebar;

Thence N73°39'43"W a distance of 103.12 feet to a 5/8 inch rebar;

Thence N59°08'57"W a distance of 204.55 feet to a 5/8 inch rebar;

Thence N52°52'24"W a distance of 284.72 feet to a 5/8 inch rebar;

Thence N80°49'05"W a distance of 106.34 feet to a 5/8 inch rebar;

Thence S85°01'01"W a distance of 304.86 feet to a 5/8 inch rebar;

Thence S58°57'44"W a distance of 198.51 feet to a 5/8 inch rebar;

Thence S83°52'42"W a distance of 148.48 feet to a 5/8 inch rebar;

Thence S47°30'29"W a distance of 149.99 feet to a 5/8 inch rebar;

MSH
AUG
KPK

Thence S74°50'50"W a distance of 460.42 feet to a 5/8 inch rebar on the easterly boundary of Parcel "A" as shown on Record of Survey Number 1282, Instrument Number 8835782 as recorded in Ada County;

Thence along said easterly boundary N34°46'50"W a distance of 168.53 feet to a 5/8 inch rebar;

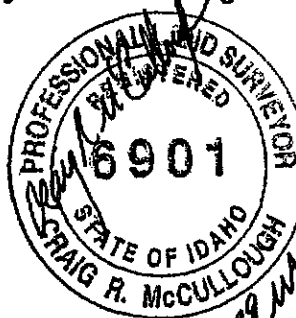
Thence leaving said boundary N58°47'18"E a distance of 92.17 feet to a 5/8 inch rebar;

Thence along the arc of a curve to the right having a radius of 375.00 feet, an arc length of 161.77 feet, a central angle of 24°42'58", and a chord bearing N71°07'35"E a distance of 160.52 feet to a 5/8 inch rebar;

Thence N83°29'04"E a distance of 90.70 feet to the POINT OF BEGINNING.

Said Parcel contains 20.30 acres more or less and is subject to all existing easements and rights-of-ways of record or implied.

C006146_legal_20.01acre_parcel_adjusted_boundary_pmg032901_revised.doc



Completed



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

WARRANTY DEED

For Value Received HiYeld, Inc., an Idaho Corporation

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Rockwood Distinctive Homes, L.L.C., an Idaho Corporation and Dale Frazell, an unmarried man and
Kathleen Keys, an unmarried woman

hereinafter referred to as Grantee, whose current address is ., 2119 W. Pleasanton, Boise Id 83702
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 30, 2001

HiYeld, Inc.

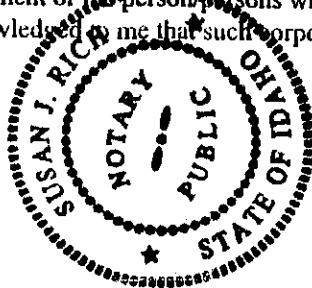
By: Michael S. Homan

Michael S. Homan, President

Dale Frazell
Kathleen Keys

STATE OF Idaho, County of Ada, ss.

On this 30th day of March, in the year of 2001, before me The undersigned, a notary public, personally appeared Michael S. Homan known or identified to me to be the President of the corporation that executed the instrument or the person or persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Susan J. Rich
Susan J. Rich
Notary Public of Idaho
Residing Boise at

Commission expires: May 5, 2005

Pioneer Title Company of Ada County (208) 377-2700

Buyer's Final Closing Statement

Buyer(s) Rockwood Distinctive Homes, L.L.C.
Seller(s) HiYield, Inc., 2229 W. State Street, Boise, ID 83702
Lender Action Mortgage, 1456 S. Eagle Flight Way, Boise, ID 83709
Property

Closing date 3/30/01 Proration date 3/30/01
Escrow Officer Sue Rich

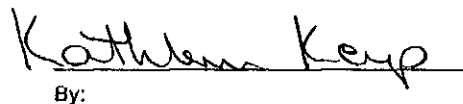
	Debit	Credit
Contract Sales Price.....	450,000.00	
New Loan:		
Principal amount of new loan(s).....		244,329.63
Deposits:		
Deposit or earnest money.....		5,000.00
Title Charges:		
Settlement or closing fee.....	350.00	
Title insurance \$391.50.....		
Lender's coverage		
Liability amount \$250,000.00.....	391.50	
Endorsements.....	60.00	
Recording Fees/Transfer Charges:		
Recording fees:		
Deed \$9.00; Release \$3.00; Easement Agreement \$24.00.....	33.00	
Additional Charges:		
Proated 2001 Taxes.....	7.80	
Subtotal:	450,842.30	249,329.63
Balance due from Buyer:		201,512.67
Totals:	450,842.30	450,842.30

THE UNDERSIGNED, by the execution hereof, hereby (i) acknowledge that they have read the above and foregoing Closing Statement, (ii) acknowledge that the same is true and correct, and (iii) authorize and direct the Closing Agent to receive all amounts and disburse all amounts pursuant to the foregoing Closing Statement.

It is mutually understood and agreed the taxes are estimated and in case of adjustment same will be made between the parties hereto. The Closing Agent is relieved of any responsibility with the adjustment of said taxes.

Rockwood Distinctive Homes, L.L.C.

By: 

Kathleen Key
By: 



A Pioneer Company

PIONEER TITLE COMPANY

OF ADA COUNTY

8151 W. Rifleman Ave. / Boise, Idaho 83704

(208) 377-2700

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2001 AP -6 PM 4:59

RECORDED - REQUEST OF

FEE 42- DEPUTY L. Rich

101032282

PIONEER TITLE

WARRANTY DEED

For Value Received HiYeld, Inc., an Idaho Corporation

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Rockwood Distinctive Homes, L.L.C., an Idaho Corporation and Dale Frazell, an unmarried man and

Kathleen Keys, an unmarried woman

hereinafter referred to as Grantee, whose current address is, 2119 W. Pleasanton, Boise Id 83702
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

****Deed is being re-recorded to amend document and correct legal description****

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 30, 2001

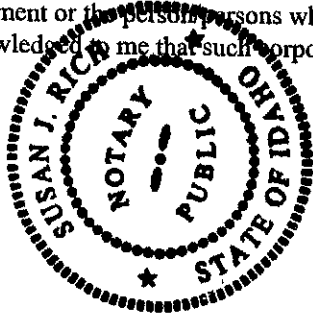
HiYeld, Inc.

By: Michael S. Homan
Michael S. Homan, President

Dale Frazell
Kathleen Keys

STATE OF Idaho, County of Ada, ss.

On this 30th day of March, in the year of 2001, before me The undersigned, a notary public, personally appeared Michael S. Homan known or identified to me to be the President of the corporation that executed the instrument or the person or persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Susan J. Rich
Susan J. Rich
Notary Public of Idaho
Residing Boise at

Commission expires: May 5, 2005

RECORDED - REQUEST OF

PIONEER TITLE

FEE 12.00 DEPUTY J. Rich

101037778

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2001 AP 23 PM 4:06

RECEIVED

APR 24 2001

WATER RESOURCES
WESTERN REGION

EXHIBIT "A"

MSH
KPK

A Parcel of land situated in the W1/2 of Section 29, and the NE1/4 of the SE1/4 of Section 30, Township 5 North, Range 2 East, Boise Meridian, Ada County, Idaho and described as follows:

Commencing at an aluminum cap monument marking the SW corner of the SW1/4 of said Section 29, thence N00°31'50"E a distance of 2586.68 feet to an aluminum cap monument marking the NW corner of said SW1/4, thence S18°20'17"E a distance of 163.17 feet to a 5/8 inch rebar marking the POINT OF BEGINNING;

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Thence S83°52'42"W a distance of 148.48 feet to a 5/8 inch rebar;

Thence S47°30'29"W a distance of 149.99 feet to a 5/8 inch rebar;

MSH
KPK

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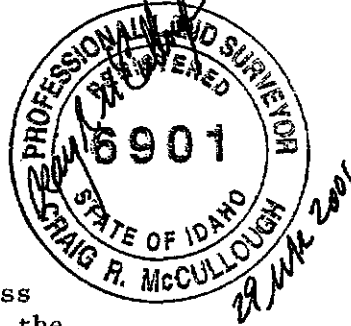
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Thence along the arc of a curve to the right having a radius of 375.00 feet, an arc length of 161.77 feet, a central angle of 24°42'58", and a chord bearing N71°07'35"E a distance of 160.52 feet to a 5/8 inch rebar;

Thence N83°29'04"E a distance of 90.70 feet to the POINT OF BEGINNING.

Said Parcel contains 20.30 acres more or less and is subject to all existing easements and rights-of-ways of record or implied.

C006146_legal_20.01acre_parcel_adjusted_boundary_pmg032901_revised.doc



**Together with an easement for ingress, egress and utilities, over, under, thru and across the existing roadway located in the Northeast quarter of the Southeast quarter of Section 30 and the West half of Section 29. **

RECORD OF SURVEY AND PROPERTY BOUNDARY ADJUSTMENT FOR BRUSH RANCH

A PORTION OF THE NE1/4 OF THE SE1/4 OF SECTION 30 AND THE W1/2 OF
SECTION 29, T.5N., R.2E., BOISE MERIDIAN
ADA COUNTY, IDAHO
2001

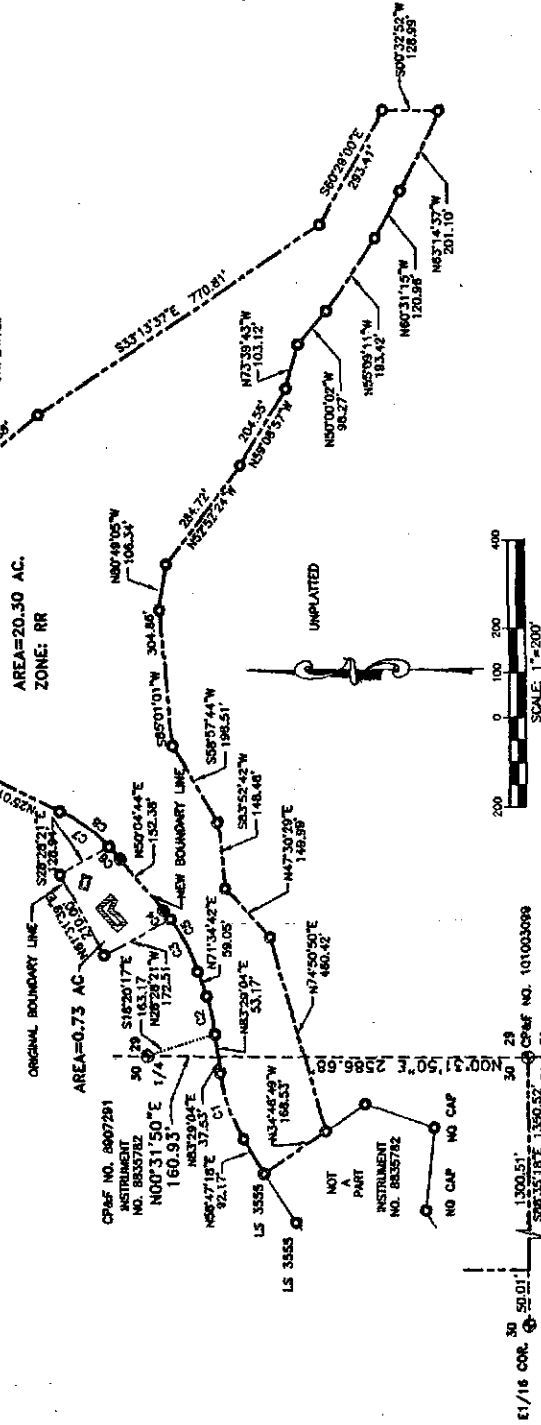
LEGEND

- ORIGINAL BOUNDARY LINE
- NEW BOUNDARY LINE
- SECTION LINE
- THE LINE
- EXISTING PROPERTY LINE
- FOUND 5/8" REBAR LS 6901 UNLESS OTHERWISE NOTED
- FOUND ALUMINUM CAP
- SET 5/8" REBAR LS 6901
- EXISTING BUILDING
- FOUND BRASS CAP
- STONE MONUMENT

UNPLANTED

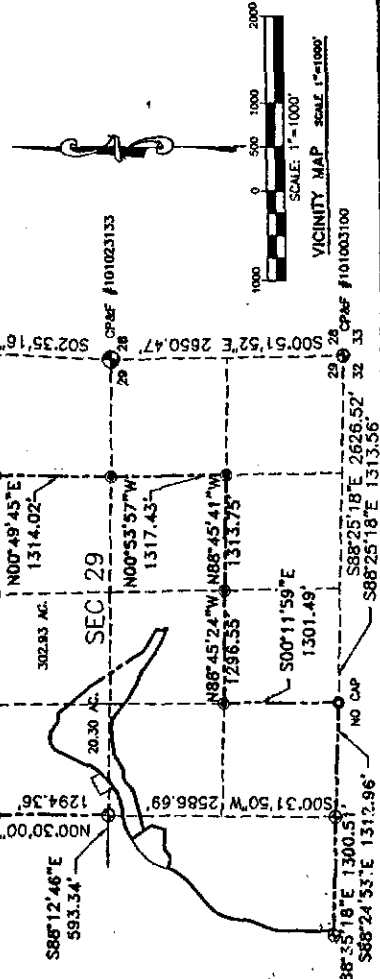
UNPLANTED

UNPLANTED



WHEREFORE, THE INTENT OF THIS SURVEY IS TO SHOW THE BOUNDARY
ADJUSTMENT. THIS SURVEY WAS MADE AT THE REQUEST OF HAROLD
AND PAT BRUSH TO ADJUST THE PARCEL AS SHOWN, THE ADJUSTED 0.73
ACRES IS TO BE REVERTED BACK TO THE PARENT PARCEL.

BASIS OF BEARING
FOR THIS SURVEY IS G.P.S.
IDAHO STATE PLANE WEST ZONE



RECORD OF SURVEY IN THE VICINITY	INSTRUMENT #
1282	8835782
1370	8907861
2889	94057880
2898	97028569
2948	9171416
0466	8340337
1937	9149034

CURVE TABLE

NUMBER	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEC
C1	161.77	275.00	24.42	58.16	160.57	171.07
C2	68.32	425.00	11.54	24.32	68.16	72.73
C3	134.68	425.00	11.54	24.32	68.16	72.73
C4	24.79	425.00	2.60	5.72	24.78	25.94
C5	159.48	425.00	11.54	24.32	68.16	72.73
C6	37.27	425.00	2.60	5.72	37.25	38.41
C7	137.65	425.00	11.54	24.32	68.16	72.73
C8	174.92	425.00	11.54	24.32	68.16	72.73
C9	328.16	425.00	11.54	24.32	68.16	72.73
C10	181.92	425.00	11.54	24.32	68.16	72.73

RECORDING INDEX # 521-29630

PINNACLE
Engineers, Inc.
12501 W. Emerald Dr., Suite B, Boise, Idaho 83713
(208) 867-7760

DRAWING NO. C016021-RCS-2.DWG

CERTIFICATE OF OWNERS

This is to certify that Dry Creek Valley Development, Inc. is the owner of the land as shown on the face of this map, and that they agree to the relocation of the property line as shown.

Michael S. Harmon, President

ACKNOWLEDGMENT

STATE OF IDAHO) SS
COUNTY OF ADA)

On this _____ day of _____ in the year 2001, before me the undersigned notary public, personally appeared Michael S. Harmon, known and identified to me to be the President of Dry Creek Valley Development, Inc., known to be the owner of the indicated 21.03 acres of land.

NOTARY PUBLIC FOR _____

RESIDING AT: _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERS

This is to certify that Harold and Pat Brush are the owners of the land as shown on the face of this map, and that they agree to the relocation of the property line as shown.

Harold Brush

Pat Brush

ACKNOWLEDGMENT

STATE OF IDAHO) SS
COUNTY OF ADA)

On this _____ day of _____ in the year 2001, before me the undersigned notary public, personally appeared _____, known to be the owner(s) of the indicated 302.93 acres of land.

NOTARY PUBLIC FOR _____

RESIDING AT: _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF SURVEYOR

I, Craig R. McCulloch, do hereby certify that I am a Registered Professional Land Surveyor, licensed by the State of Idaho, and that this is a reasonably accurate representation of survey as made by me or under my direct supervision, and is in conformity with the corner perpetuation and filing act, Idaho Code 55-1801 through 55-1809.



CRAG R. MCCULLOCH

CERTIFICATE OF CORNER PERPETUATION ORDER

INSTRUMENT NO. _____

STATE OF IDAHO) SS

COUNTY OF ADA)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF HAROLD AND PAT BRUSH AT _____ MINUTES PAST _____ O'CLOCK OF _____ DAY OF _____ YEAR _____

EX-OFFICIO RECORDER

May 09 01 10:16a

Kathy Keys

389-7812

P. 2

05/09/01 09:56 FAX 93733610

Pioneer Title

0001

Dale
389-7812



A Pioneer Company
PIONEER TITLE COMPANY 2001 AP -3 PH 4:44

OF ADA COUNTY
8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

201360 SL

ADA COUNTY RECORDER
J. DAVID HAVARRO
BOISE, IDAHO

RECORDED-REQUEST OF

FEE *12* DEPUTY *W. B. G.*

101030903

PIONEER TITLE

WARRANTY DEED

For Value Received Harold R. Brush and Patricia R. Brush, Husband and Wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

HiYeld, Inc., an Idaho Corporation

hereinafter referred to as Grantee, whose current address is 2229 W. State Street #B, Boise, Idaho 83702
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

Subject to that certain Deed of Trust dated February 19, 1999 and recorded February 24, 1999 as
Instrument No. 9901839.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor
is the owner in fee simple of said premises; that said premises are free from all encumbrances except
current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of
record, and easements visible upon the premises, and that Grantor will warrant and defend the same from
all claims whatsoever.

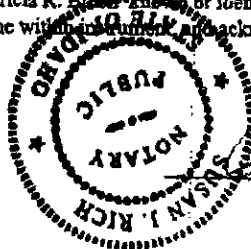
Dated: April 3, 2001

Harold R. Brush
Harold R. Brush

Patricia R. Brush
Patricia R. Brush

STATE OF Idaho. County of Ada, ss.

3rd April
On this *30th* day of *March*, in the year of 2001, before me The undersigned, notary public personally
appeared Harold R. Brush and Patricia R. Brush, who are or identified to me to be the person/persons
whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they
executed the same.



Susan J. Rich
Susan J. Rich
Notary Public of Idaho
Residing at Boise
Commission Expires May 5, 2005

8. Total consumptive use is 129.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/70 RANGE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	29	SW	NW	IRR	2.0
			SE	NW	IRR	15.0
			NE	SW	IRR	10.0
			NW	SW	IRR	10.0
					Section Acres	37.0
					Total Acres	37.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
N/A

14. Remarks:
SMALL ROCK & DIRT DIVERSION WASHES OUT OCCASIONALLY & MUST
BE REPLACED PERIODICALLY.

15. Basis of Claim: STATUTORY CLAIM

IDAHO DEPARTMENT OF WATER RESOURCES

REFERENCE ONLY

T05N R02E S29

WATER RIGHT(S): 63-5107

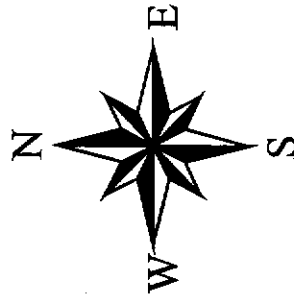
PREPARED BY: Chris Duncan
16 JAN 2001

⊙ POINT OF DIVERSION

□ PLACE OF USE

□ SECTION Boundary Lines

QQ Boundary Lines



NAPP 1987



0 0.1 0.2 0.3 0.4 0.5 Miles



NESE	30	.832
SWNW	29	9.3
NWSW	29	3.8
SENW	29	2.1
NESW	29	4.2
		20.2 Acres

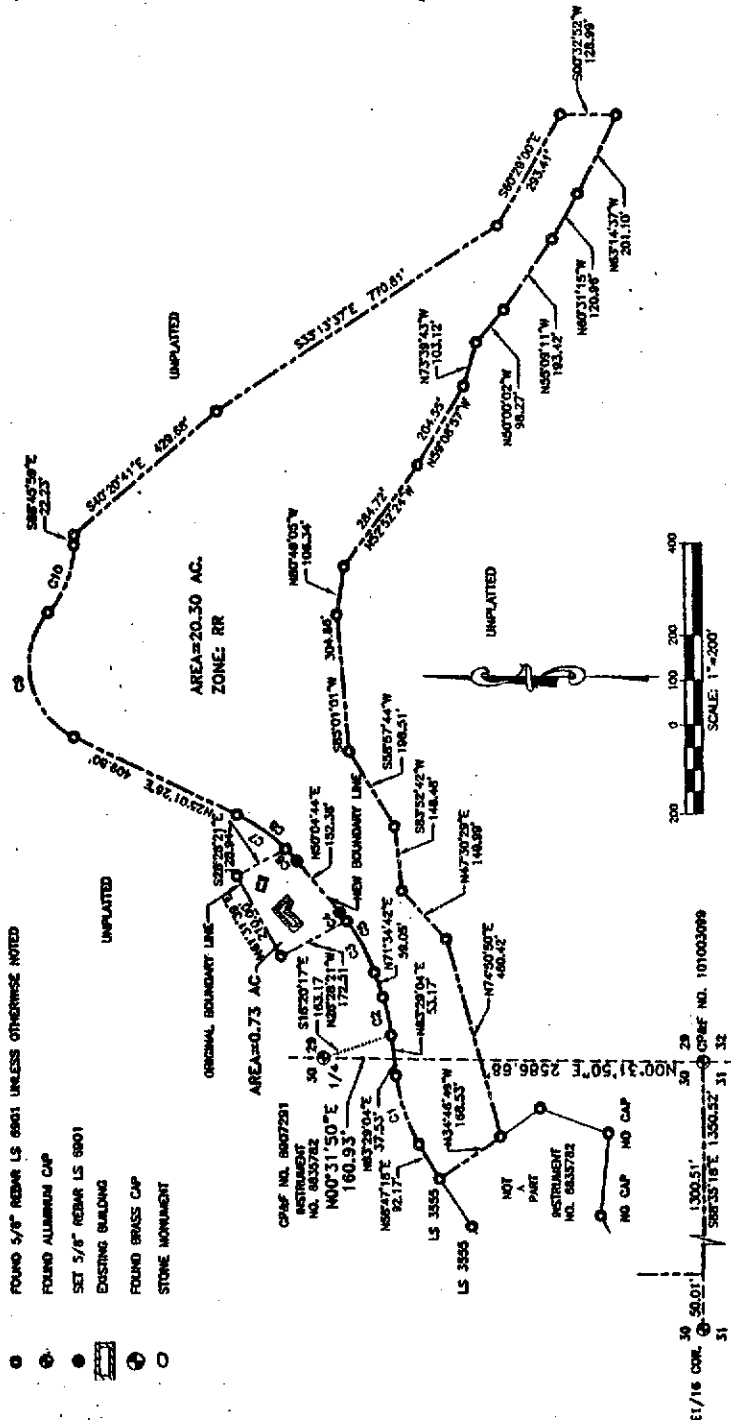
include GIS copies

RECORD OF SURVEY AND PROPERTY
BOUNDARY ADJUSTMENT FOR BRUSH RANCH

A PORTION OF THE NE1/4 OF THE SE1/4 OF SECTION 30 AND THE W1/2 OF
SECTION 29, T.5N., R.2E., BOISE MERIDIAN
ADA COUNTY, IDAHO
2001

LEGEND

- ORIGINAL BOUNDARY LINE
- NEW BOUNDARY LINE
- SECTION LINE
- TEE LINE
- EXISTING PROPERTY LINE
- FOUND 5/8" REBAR LS 6901 UNLESS OTHERWISE NOTED
- FOUND ALUMINUM CAP
- SET 5/8" REBAR LS 6901
- EXISTING BUILDING
- FOUND BRASS CAP
- STONE MONUMENT



HARRADINE: THE INTENT OF THIS SURVEY IS TO SHOW THE BOUNDARY
ADJUSTMENT. THIS SURVEY WAS MADE AT THE REQUEST OF HAROLD
AND PAT BRUSH TO ADJUST THE PARCEL AS SHOWN. THE ADJUSTED 0.73
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BASIS OF BEARING
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IDAHO STATE PLANE WEST ZONE

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C4	74.79	425.00	7.00°50'	37.00	74.78	183.44.38E
C5	159.48	425.00	21.29°58'	80.68	159.54	180.09.43E
C6	37.37	400.00	5.71°09'	18.70	37.35	186.72.09E
C7	137.55	400.00	19.42°09'	69.45	138.87	184.53.20E
C8	174.97	400.00	25.03°18'	88.08	175.53	183.33.05E
C9	328.15	175.00	107.28°31'	238.42	282.15	172.44.41E
C10	181.92	175.00	41.13°57'	94.65	180.45	158.09.07E

RECORD OF SURVEY IN THE VICINITY	ROD #	INSTRUMENT #
937	9835762	
1382	8842475	
1380	8907981	
2389	9403780	
3346	9702858	
2032	9171416	
0486	8340337	
1937	9149034	

PINNACLE
Engineers, Inc.
1252 N. Executive Dr. Suite 6, Boise, Idaho 83713
(208) 987-7760

DRAWING NO. C016021-ROS-2.DWG

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 63-5107
Date Received: 8/17/1989
Receipt No: C009830
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 18 2001
WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

PATRICIA R BRUSH Phone: (208) 634-5811
PO BOX 1768
MCCALL ID USA 83638

HAROLD R BRUSH Phone: (208) 634-5811
PO BOX 1768
MCCALL ID USA 83638

2. Date of Priority: 10/19/1908

3. Source: MC FARLAND CREEK , SPRING Trib. to: CURRANT CREEK , MC FARLAND CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02E	29	SW NW	ADA	Northern Spring
05N	02E	29	NW SW	ADA	McFarland (Western)
05N	02E	29	NE SW	ADA	McFarland (Eastern)
05N	02E	29	NW SW	ADA	Spring (Southern)

5. Description of diverting works:

DAMS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.65	
IRRIGATION STORAGE	1/01	12/31	0	1.25
IRRIGATION FROM STORAGE	3/15	11/15	0	1.25
STOCKWATER	1/01	12/31	0.08	
STOCKWATER STORAGE	1/01	12/31	0	1.25
STOCKWATER FROM STORAGE	1/01	12/31	0	1.25

7. Total Quantity Appropriated is:
0.73 C.F.S. and/or 1.25 A.F.A.

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	29	SW	NW	IRRIGATION	16
			SE	NW	IRRIGATION	13
			NE	SW	IRRIGATION	4
			NW	SW	IRRIGATION	3
Section Acres						36
05N	02E	30	NE	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	37

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

SMALL ROCK & DIRT DIVERSION WASHES OUT OCCASIONALLY & MUST BE REPLACED PERIODICALLY
This claim has been split. See nos. 63-31246 & 63-31247. DB 6/13/2001
CLAIMANTS CAME INTO OFFICE TO AMEND CLAIM. CLAIM WAS NOT FILED WITH ACRES IN CORRECT LOCATION. AFTER CLAIM HAS BEEN AMENDED, WILL RESPLIT THIS RIGHT. SB 7/10/01

15. Basis of Claim: Statutory Claim

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

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): Harold K. Bure Date: 7/16/01
Patricia R. Bure Date: 7/16/01

State of Idaho)
County of Valley) SS.

Subscribed and sworn (or affirmed) before me this
of July 16 2001

Cindi Kutzner

Notary Public

Residing at McCall

My commission Expires 2-23-07

CINDI KUTZNER
Notary Public
State of Idaho

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: A63-05107
Date Received: 8/17/1989
Receipt No: C009830
Received By: CEA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD R. BRUSH 208-939-6336
Address: RT. 1, DRY CK. ROAD
BOISE, ID 83703
OR
Name: PATRICIA R. BRUSH 208-939-6336
Address: RT. 1, DRY CK. ROAD
BOISE, ID 83703

2. Date of Priority: OCT 19, 1908

3. Source: SPRINGS Trib. to: MC FARLAND CREEK
MC FARLAND CREEK CURRANT CREEK

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
05N	02E	29	NW	SE	NW		ADA
			NW	NE	SW		ADA
			SW	NW	SE		ADA

5. Description of diverting works:
DAMS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.650		
IRRIGATION STORAGE	01/01	12/31			1.25
IRRIGATION FROM STORAGE	03/15	11/15			1.25
STOCKWATER	01/01	12/31	0.080		
STOCKWATER STORAGE	01/01	12/31			1.25
STOCKWATER FROM STORAGE	01/01	12/31			1.25

7. Total Quantity Appropriated is:
0.730 C.F.S. (and/or) 1.25 A.F.A.

A63-05107

Page 1

Date: 08/17/89

~~MICROFILMED~~
AUG 20 1992

8. Total consumptive use is 129.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/70 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	02E	29	SW		NW		IRR	2.0
			SE		NW		IRR	15.0
			NE		SW		IRR	10.0
			NW		SW		IRR	10.0
Section Acres								37.0
Total Acres								37.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
N/A

14. Remarks:
SMALL ROCK & DIRT DIVERSION WASHES OUT OCCASIONALLY & MUST
BE REPLACED PERIODICALLY.

15. Basis of Claim: STATUTORY CLAIM

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Patricia R. Bruch Date: 8-17-89

Date: _____

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 17th day
of August 19 89 James P. Luby
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

05/31/2005

RECEIVED

NOTICE OF ERROR

REPLY

JUL 18 2005

WATER RESOURCES
WESTERN REGION

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: July 15, 2005

Water right number: 63-31246

HAROLD R BRUSH
PO BOX 1768
MC CALL ID 83638
Telephone Number: (208)634-5811

PATRICIA R BRUSH
PO BOX 1768
MC CALL ID 83638
Telephone Number: (208)634-5811

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: 7/14/05

SIGNATURE:

Harold R Brush / Patricia R Brush

Please print your name:

HAROLD R BRUSH / Patricia R Brush

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

Adjudication Recommendation Report 63-31246 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAROLD R BRUSH PO BOX 1768 MC CALL, ID 83638 (208)634-5811
Current Owner	PATRICIA R BRUSH PO BOX 1768 MC CALL, ID 83638 (208)634-5811

Status: Active

MC FARLAND CREEK

- needs AF amount

SPRINGS NE1/4SW1/4NW1/4 Sec. 29, Twp 05N, Rge 02E, B.M.
ADA County

STOCKWATER _____

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31246 V1

Total Acres: 6

STOCKWATER FROM STORAGE same as STOCKWATER
IRRIGATION FROM STORAGE same as STOCKWATER

Conditions of Approval:

1. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 63-31588 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 0.48 AF.
2. Explanatory STOCKWATER, 70 RANGE CATTLE

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.12	0.48	
Combined Water Rights: 63-31246 , 63-31588		

11/17/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31246

NAME AND ADDRESS: HAROLD R BRUSH
PO BOX 1768
MC CALL ID 83638

PATRICIA R BRUSH
PO BOX 1768
MC CALL ID 83638

SOURCE: SPRINGS

TRIBUTARY: MC FARLAND CREEK

QUANTITY: 0.120 CFS
0.480 AFY

USE OF THIS RIGHT WITH RIGHT NO. 63-31588 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.12 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 0.48 AF.

PRIORITY DATE: 01/01/1961

POINT OF DIVERSION:

T05N R02E S29 NESWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	0.48 AFY
IRRIGATION STORAGE	01/01 12/31	0.48 AFY
STOCKWATER	01/01 12/31	0.030 CFS
STOCKWATER FROM STORAGE	01/01 12/31	0.48 AFY
IRRIGATION FROM STORAGE	03/01 11/15	0.48 AFY
IRRIGATION	03/01 11/15	0.120 CFS

PLACE OF USE: STOCKWATER Within ADA County

T05N R02E S29 SWNW T05N R02E S29 SENW

IRRIGATION Within ADA County

T05N R02E S29 SWNW 2.0 T05N R02E S29 SENW 4.0

STOCKWATER FROM STORAGE same as STOCKWATER
IRRIGATION FROM STORAGE same as STOCKWATER

6 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.

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 70 RANGE CATTLE

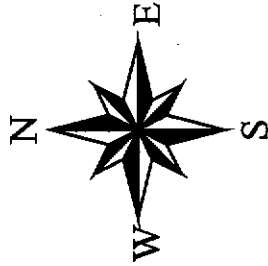
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-31246

Date Prepared: 08-28-03

Prepared By: Ron Howerton

**T05N, R02E
S29**



● Point of Diversion

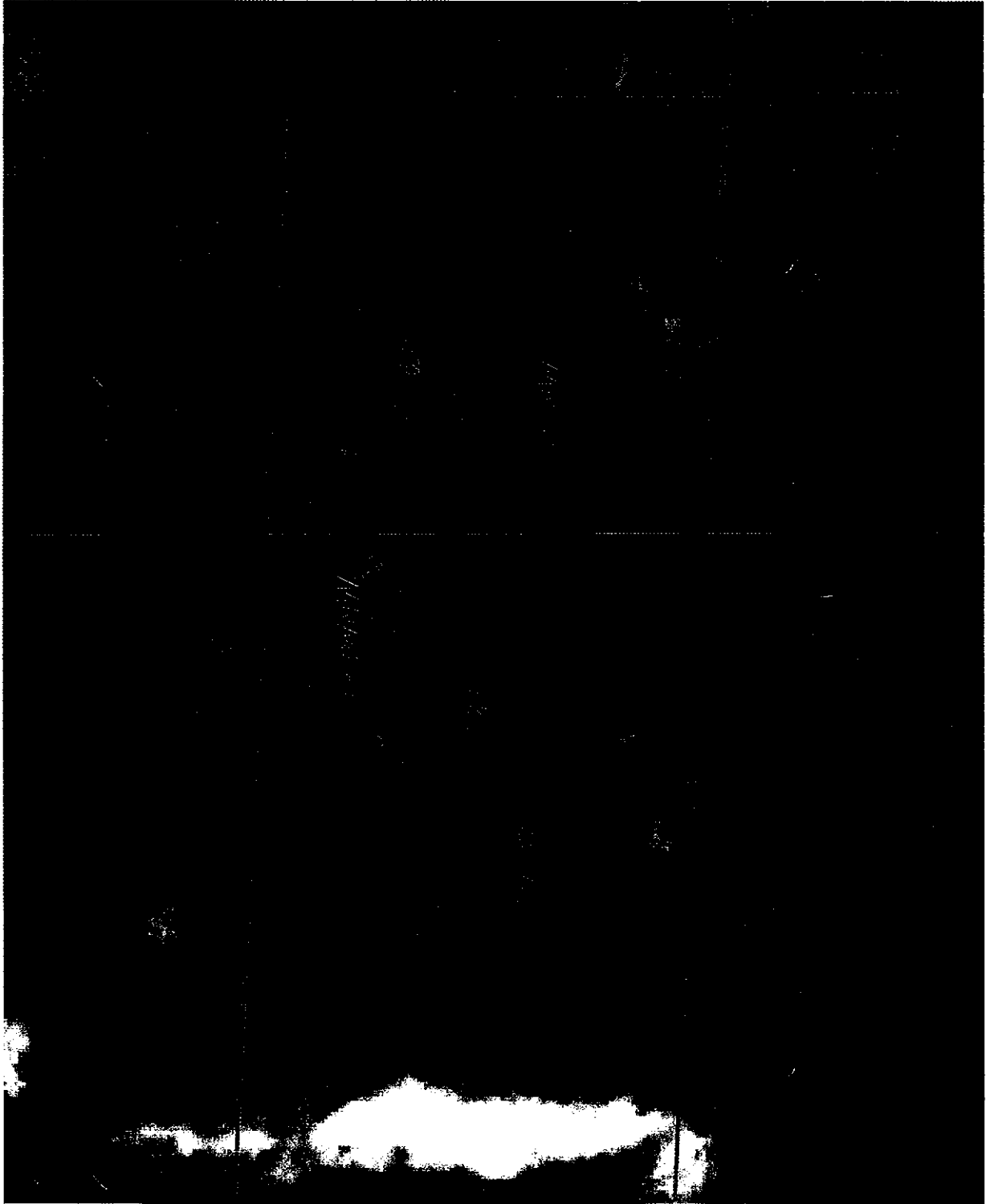
☐ Place of use

☐ Section

1/4 1/4

6 Acres

1987 NAPP



0 0.25 0.5 Miles

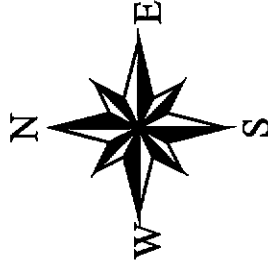
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-31246

Date Prepared: 08-28-03

Prepared By: Ron Howerton

T05N, R02E
S29



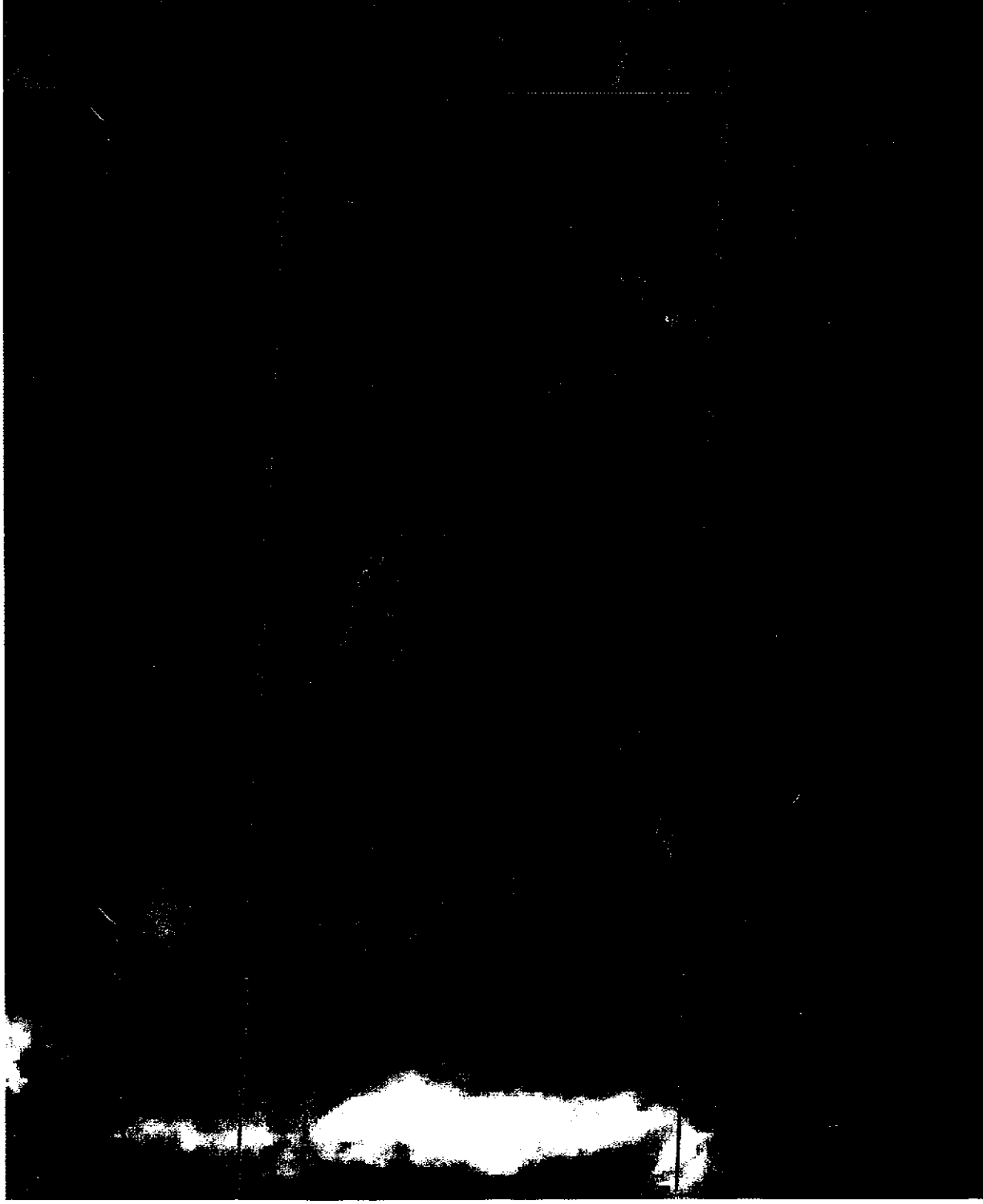
● Point of Diversion

☐ Place of use

☐ Section

☐ 1/4 1/4

1987 NAPP



0 0.25 0.5 Miles

A horizontal scale bar with three segments. The first segment is labeled '0', the second '0.25', and the third '0.5 Miles'. The bar is oriented horizontally.

07/24/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31246
NAME AND ADDRESS: HAROLD R BRUSH
PO BOX 1768
MC CALL ID 83638

PATRICIA R BRUSH
PO BOX 1768
MC CALL ID 83638

SOURCE: SPRINGS
QUANTITY: 0.030 CFS
0.480 AFY

TRIBUTARY: MC FARLAND CREEK

USE OF THIS RIGHT WITH RIGHT NO. 63-31588 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.03 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 0.48 AF.

PRIORITY DATE: 10/19/1908

POINT OF DIVERSION: 01/01/1961 R2h
T05N R02E S29 NESWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER STORAGE	01/01 12/31	0.48 AFY
IRRIGATION STORAGE	01/01 12/31	0.48 AFY
STOCKWATER	01/01 12/31	0.030 CFS
STOCKWATER FROM STORAGE	01/01 12/31	0.48 AFY
IRRIGATION FROM STORAGE	03/01 11/15	0.48 AFY
IRRIGATION	03/01 11/15	0.020 CFS

PLACE OF USE: IRRIGATION Within ADA County
T05N R02E S29 (2) SWNW (6 SE NW)
STOCKWATER same as IRRIGATION
STOCKWATER FROM STORAGE same as IRRIGATION
IRRIGATION FROM STORAGE same as IRRIGATION

6 - 1 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.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT NO. 63-31588 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

STOCKWATER, 70 RANGE CATTLE

Water Right 63-31246

1

AMENDED RECOMMENDATION SEE ATTACHED
MEMOS DATED 28-AUG-03.

CONVERSATION MEMORANDUM

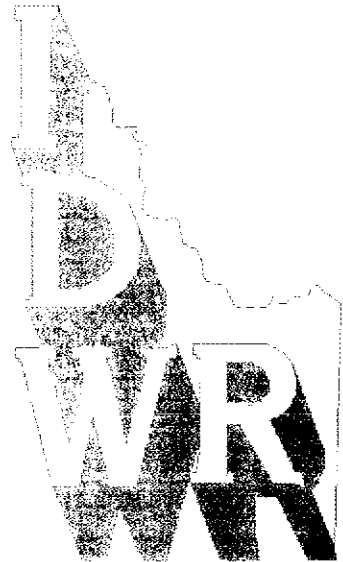
SUBJECT: 1961 date of priority

WHOM WITH: Matt Howard

WATER RIGHTS: 63-31246

SENIOR AGENT: RON HOWERTON

DATE: August 28, 2003



9:35 AM

NARRATIVE: Matt called back in response to my e-mail sent at 9:20 AM.

I let Matt know that it was my conclusion that with the evidence that he has submitted that I would recognize a 1961 date of priority, for the total of 6 acres I have determined for both gravity and sprinkler irrigation.

I have let Matt know the most I will make my recommendation for at this time is for 6 acres with a 1961 date of priority.

Howerton, Ron

From: Howerton, Ron
Sent: Thursday, August 28, 2003 9:20 AM
To: MATT J. HOWARD (E-mail)
Cc: Howerton, Ron
Subject: Brush 63-31246

Matt,

I have looked at my field investigation and our many subsequent conversations. The additional irrigation claimed I have not yet determined is uphill of the source and I find it difficult to recognize without conclusive evidence of sprinkler irrigation here. I have asked many questions in the past and I am still reviewing the responses given.

I am responding again to your voice mail and to let you know I have been reviewing additional evidence by the fax submitted dated August 21, 2003.

Short of finding any real physical evidence in the field of any sprinkler irrigation is very suspect. Since I have to weigh the validity of paper evidence versus physical evidence more questions continue to arise...

Here is my next installment of questions:

I have only recommended 1 acre that I believe could have been irrigated by gravity flows basing this upon my field investigation. The additional irrigated lands above the 1 acre recommendation are in only theory because there is no real physical evidence by the field exam nor has there been any map or photo other than a sketch submitted by your client.

Thus, more questions arise, this next question addresses the date of priority for me at this time. The date of priority claimed is 1908. The additional irrigated ground claimed cannot in my assessment be irrigated without pumping from the source. In reviewing your clients affidavit he indicated that from 1961 to 1987 he irrigated the east parcel with a 5 or 6 HP gas pump.

Thus, I would be inclined to believe the date of priority for the additional acres would be 1961 and not 1908 as claimed. Thus, a date of priority of 1908 might apply to the 1 acre of irrigation and 1961 might apply to the additional irrigation provided by the sprinklers as stated by your client. The claim might be split into what the gravity done in 1908 and with the other 1961 priority date applied to the sprinkler irrigation.

More information is needed to address the question of how these acres were irrigated prior to 1961 for other than gravity irrigation so an older date of priority maybe recognized.

So, see what you can come up with Matt!

FYI, tomorrow will be my last physical working day at IDWR.

Thank you,

Ron Howerton
Senior Water Right Agent
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705
(208) 334-2190
rhowerto@idwr.state.id.us

8/28/2003

MATT J. HOWARD**ATTORNEY AT LAW**

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL MHOWARD@FIBERPIPE.NET

FACSIMILE TRANSMITTAL SHEET

TO:	FROM
Ron Howerton	Matt J. Howard
COMPANY:	DATE:
IDWR	August 22, 2003
FAX NUMBER	TOTAL NO. OF PAGES INCLUDING COVER:
334-2348	2
RE:	
Dry Creek (Brush)	

NOTES/COMMENTS:

Ron - I'll call you in a few minutes re: the enclosed statement.

Sincerely,

Matt

CONFIDENTIAL & PRIVILEGED INFORMATION

This facsimile is confidential & privileged. It is for use of the individual(s) named on this cover sheet. If you are not the intended recipient, do not read this facsimile. Any further inspection, dissemination, or copying of this facsimile is prohibited. If you have received this facsimile by error, please notify us by phone immediately, and we will arrange to have it returned to us. Thank you for your cooperation.

FROM :

FAX NO. : 12083227825

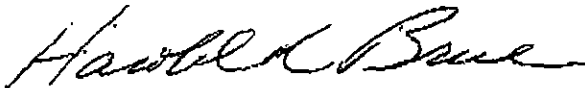
Aug. 21 2003 09:56PM P1

August 21, 2003

To Matt Howard

In regard to your question on the irrigation of area B

1. All together I had some where over 800 feet of various size pipe.
2. At the end of the ditch I had a slightly enlarged area from which I Siphoned the water with the pump.
3. The wash at the east end of Area A had a narrow road through it, The same Place the road is located now.



Harold R Brush

CONVERSATION MEMORANDUM

SUBJECT: ADDITIONAL IRRIGATION PROOF

WHOM WITH: MATT HOWARD

WATER RIGHTS: BRUSH CLAIMS

SENIOR AGENT: RON HOWERTON

DATE: August 19, 2003



NARRATIVE:

Update: August 1, 2003

The claimant has indicated through his attorney that much more has been irrigated than that which I have made a pre-recommendation for thus Matt Howard has been working with me gathering additional proof in which I might consider for recommending more irrigation.

TELEPHONE CONVERSATION WITH MATT: on July 8, 2003 about these issues. We talked about what I needed was tangible evidence.

I do not have any aerial or any type of photographs to prove that irrigation has occurred nor is it evident in the field. The validity for the claim to irrigate more than an acre is not been shown. Thus, when Matt asked what more could they submit. I said what I need is more evidence of how other areas were irrigated, if it was pumped can you provide documents showing the purchase of the pump, sprinklers etc.? Show me an aerial photo or any photo showing irrigation. His answer to the aerial photo was no but his claimant could write an affidavit. I suggested that his client draw the extents of his irrigation on a topographical map at least so I could compare it with our aerial photos.

Here is a summary of the additional proof I received from attorney Matt Howard on July 29, 2003:

HOMESTEAD DOCUMENT: Because the claim is based upon beneficial use for irrigation it requires some type of proof. The Department has accepted these types of documents for irrigation.

PHOTOS MAP AND AFFIDAVIT :

PHOTO of pond: This photo provides no additional evidence.

PHOTO of irrigation: Not of same area shown for irrigation

TOPOGRAPHICAL MAP: Claimant has drawn an area of approximately six acres.

AFFIDAVIT: Analysis of Affidavit by Harold Brush states: "I ran approximately four to five Rain bird brand sprinklers from the pump and spaced the sprinklers approximately 30 to 40 feet apart.

5 sprinklers X 40 feet = 200 feet

Thus, if pumped from his end of ditch as he plotted would only irrigate a 200' X approximately 115'
= $23000/43560 = \underline{0.52 \text{ acre}}$.

- Thus, from where I plotted end of ditch about 1.5 acres total.
- If from where Brush indicated his end of ditch would be about 2.1 acres.

- If he can explain how it went as far as his map indicated about 6.0 acres.

THEORETICAL SPRINKLER CALCULATIONS:

5 acres X 43560 = 217,800 SQ FT

40 FT Line = 20 FT Diameter sprinkler circle

Area of sprinkler = $(20) \pi^2 = 1257$ SQ FT per sprinkler

217,800 SQ FT / 1257 SQ FT = 173 sprinklers for 5 acres

2 moves 1 week

Hay needs water every 10 days

2 moves X 2 weeks = 4 moves

173 sprinklers / 4 moves = 43 sprinklers per move for 5 acres

1257 SQ FT X 5 Sprinklers X 4 moves = 0.58 acres could be irrigated in 2 weeks
43,560 ft per acre

TELEPHONE CONVERSATION WITH MATT: on August 14, 2003 about these calculations.
I discussed that the affidavit was not clear in:

1. As to how he could irrigate beyond the 200 feet from the end of the ditch to where he plotted the irrigated land?
2. How he could pump from a very shallow ditch with a five horsepower pump the amounts of water required without causing a very large hole in the shallow ditch?

OTHER CONVERSATIONS: Matt also brought up a similar issue of more irrigation from the other spring pond in the area. (I only recommended what could be gravity irrigated on Frazell claim 63-31247)

I told Matt that, I would need clear proof to consider more than gravity flow acres on these areas too.

See Draft 1998 X9 DOQ. Quad.

End of ditch
per claimant

End of ditch
per field exam

1 Acre
Gravity
Irrigation

Dry Gulch

PROPERTY TAX LINES

X9 1998 DOQ

End of ditch
per claimant

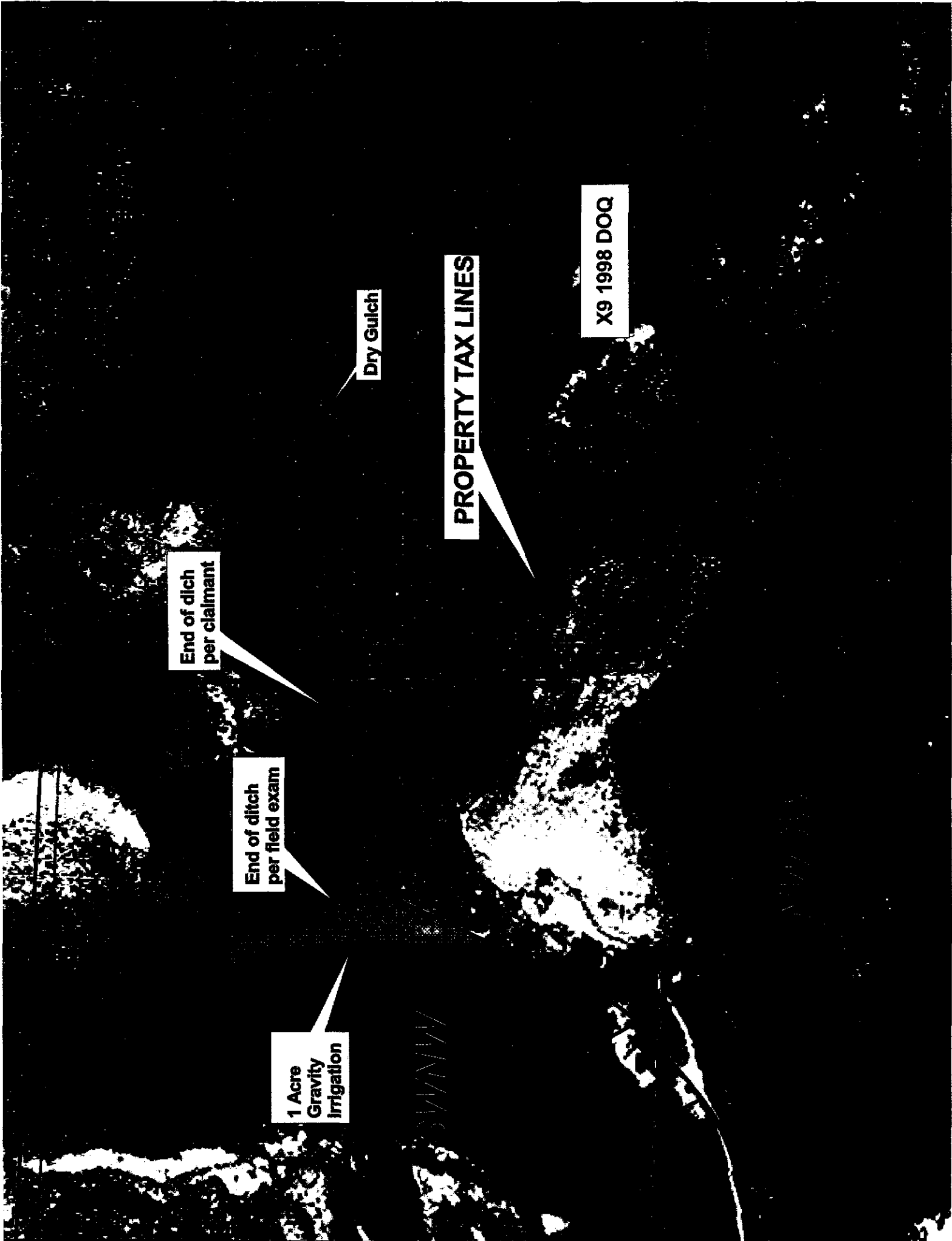
End of ditch
per field exam

1 Acre
Gravity
Irrigation

Dry Gulch

PROPERTY TAX LINES

X9 1998 DOQ



MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

July 27, 2003

RECEIVED
JUL 29 2003
WATER RESOURCES
WESTERN REGION

Ron Howerton
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right Nos. 63-31246, - 31587, and -31588 – Dry Creek Partners

Dear Ron:

Pursuant to our July 8, 2003, telephone conversation, I have rounded up the additional information you requested relating to the above-referenced water right claims. Enclosed is an Affidavit from Harold Brush, the former owner of the property, detailing the historical use of the above-referenced water rights. As you requested, the affidavit also includes a topographical map annotated by Mr. Brush to show the location of the historically irrigated lands. I am also enclosing two photographs and an additional written statement received from Mr. Brush that provide additional details about the historical use of water on the lands in question.

Also, enclosed is an Affidavit from Patricia Brush detailing the historical basis for the fire protection water right, no. 63-31588. Finally, enclosed are two patents that provide evidence of priority date. I will talk with my client as to whether it will want to split the claims based on the different priority dates reflected by the two patents.

As I mentioned to you earlier, the Brushes recently sold their land to my client, Dry Creek Partners. I will obtain the deed from that transaction and forward it to you with a proper change of change of ownership form so that you may update your records. Please let me know if you require any additional information.

Very truly yours,

Matt J. Howard

Enclosures

Cc: Clients (w/encls.)

MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

July 16, 2003

RECEIVED

JUL 17 2003

WATER RESOURCES
WESTERN REGION

Ron Howerton
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Notices of Claim for Water Right Nos. 63-31247, - 31585, and -31586

Dear Ron:

Enclosed are copies of the patents and affidavit that you requested to support the claimed priority dates for the above-referenced water rights. After you have had a chance to look at the enclosed documents, I will need to talk with you concerning the possibility of filing amended claims. I will be out of the office next week but will contact you shortly after my return.

Very truly yours,

Matt J. Howard

Enclosures
Cc: Clients

SEE ATTACHED
MAP

RECEIVED

JUL 29 2003

WATER RESOURCES
WESTERN REGION

AFFIDAVIT

STATE OF IDAHO)
County of Valley)ss.

HAROLD R. BRUSH, being first duly sworn upon oath, deposes and says:

1. I make the following statements based upon my personal knowledge.
2. I am familiar with the lands located in T5N R2E § 29 SWNW (the "West Parcel") and T5N R2E § 29 SENW (the "East Parcel"), which lands are currently owned by Dry Creek Partners.
3. From 1958 until 2002, my wife and I owned the West Parcel and East Parcel. In 2002, we sold our land, which included the West and East parcels, to Dry Creek Partners.
4. From 1959 through approximately 1988, I irrigated the West Parcel using the existing pond and ditch. I grew primarily alfalfa on this parcel.
5. From 1961 to 1987, I irrigated the East Parcel with a 5-HP (or it could have been a 6-HP) gas pump that pumped water from the end of the ditch. I ran approximately four to five Rainbird-brand sprinklers from the pump and spaced the sprinklers approximately 30 to 40 feet apart. I would operate the sprinklers in one area for about ^{one to two} ~~four~~ hours, and then shut off the sprinklers and allow the pond to refill. I would then move the sprinklers to another area and repeat the process. On an average, the sprinklers were moved approximately once a week, sometimes more or less depending upon the availability of water and weather conditions. I have five children, who are all adults now, who used to help me move the sprinklers around on the East Parcel. The only crop grown on this parcel was crested wheat ^{and Natural Grasses} ~~^~~, which was used for grazing cattle.

6. In 1987, a range fire burned the East Parcel and destroyed the ^{pipe system and} crested wheat. The East Parcel has not been re-seeded with crested wheat.

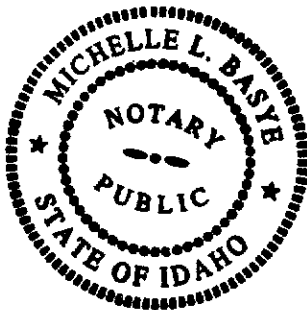
7. Since the time of the fire, I have not irrigated the East Parcel; however, my wife and I have never intended to abandon our water right for this parcel. In 1989, we filed a Notice of Claim with the Idaho Department of Water Resources claiming the water right based upon our historical use of the water.

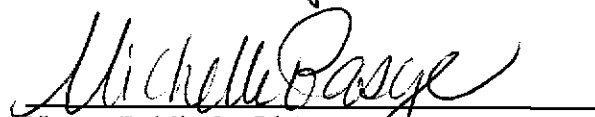
8. Attached to my affidavit is a topographical map of the West and East parcels that I have annotated to illustrate more specifically the historical locations of the ditch, the pump, and the area irrigated by the sprinklers.

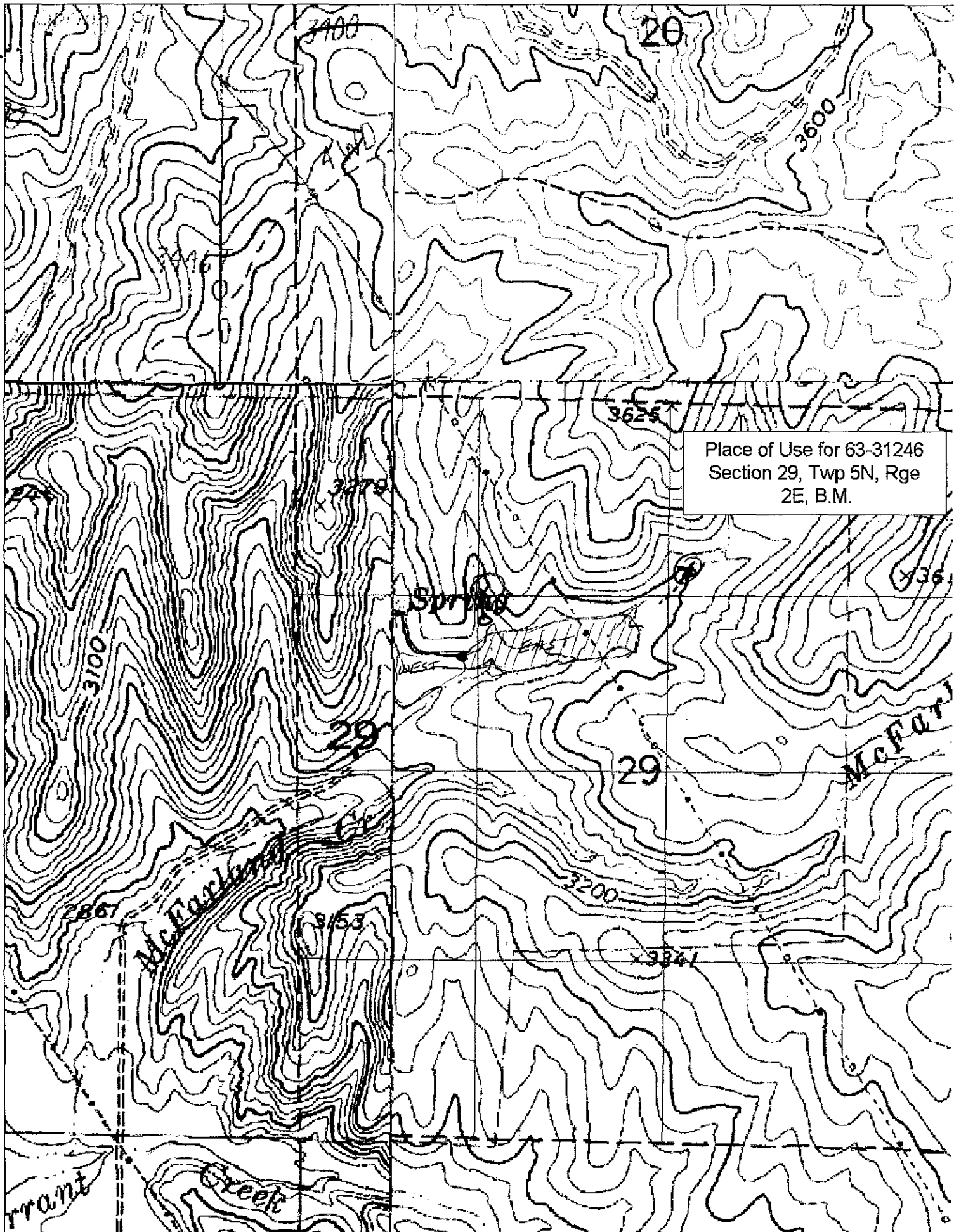
Further your affiant sayeth naught.


HAROLD R. BRUSH

SUBSCRIBED AND SWORN to before me this 22nd day of July, 2003.




Notary Public for Idaho
Residing at: McCall, ID.
My commission expires 8/16/06



MATT

IN 1958 THE POND AREA WAS NOT WHAT IT IS TODAY AND THE AMOUNT OF WATER RUNNING FROM THE SPRINGS WAS A LOT MORE.

I KEEP THE AREA CLEAR EACH YEAR OF A LOT THE GROWTH THAT HAS TAKEN OVER. I CLEANED THE POND OUT MANY TIMES. I KEEP THE DAM BUILT UP, EVEN ADDING TO THE HEIGHT THREE TIMES. THERE IS A GATE IN THE MIDDLE OF THE DAM THAT I USED TO DRAIN THE POND. THE DAM WAS HIGHER THAN TODAY, BUT HORSES AND CATTLE HAVE BROKEN IT DOWN IN THE YEARS THAT WE LEASED THE LAND OUT AND HAD PENDING SALES. IN 1958 THERE WERE A LOT MORE APPLE AND PLUM TREES BELOW THE DAM, THEN THE FEW THAT ARE STILL THERE.

I ALSO HAD A WATER TANK FOR THE COWS THAT GOT WATER FROM A SPRING IN THE NEXT DRAW TO THE EAST. I HAD A ½ 50 GAL BARREL OVER THE SPRING TO KEEP THE COWS OUT, ALSO A WIRE FENCE AROUND IT. THE PIPE RAN DOWN TO THE FLAT AREA, WHERE THE TANK WAS LOCATED. ALSO IN THE DRAW TO THE FAR EAST THE COWS WOULD GET WATER FROM A SPRING THAT RAN WATER FOR A SHORT DISTANCE IN SIDE MY FENCE LINE. I PUT AN X ON THE MAP TO SHOW THE SPOTS.

HAROLD.

Harold R Bruce



AUG

61

MATT.

TOP Picture is of the POND. My Mom, DAD + PAT are on the road to the west of the POND. (TAKEN Aug 61)

Bottom Picture is the Old Ranch House, Same Place the new House was Built. (Left Center) Arrow in Right Center show Fruit Trees below Pond. (Taken in 1959)



Harold

THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

CERTIFICATE

No. 909

Territory

Whereas Patrick M. Farland of Ada County Idaho

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City Idaho Territory whereby it appears that full payment has been made by the said Patrick M. Farland

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the South West quarter of the North West quarter and the North West quarter of the South West quarter of Section twenty nine, in Township five North of Range two East of Boise Meridian in Idaho Territory, containing eighty acres.

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract had been purchased by the said Patrick M. Farland

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said Patrick M. Farland

and to his heirs, the said Tract above described. To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said Patrick M. Farland

and to his heirs and assigns forever, subject to any vested and accreted water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and canals used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietors of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof J. Benjamin Harrison

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and ninety, and of the Independence of the United States the one hundred and fifteenth

By the President:

Benjamin Harrison

By

M. M. Kern

Secretary

J. R. Conwell Recorder of the General Land Office ad-interim

The United States of America,

Us all to whom these presents shall come, Greeting:

Homestead Certificate No. 2905.

Application 6095.

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Boise, Idaho, whersby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **PATRICK McFARLAND**

has been established and duly consummated, in conformity to law, for the southwest quarter of the southwest quarter of Section twenty-nine and the east half of the southeast quarter of Section thirty in Township five north of Range two east of the Boise Meridian, Idaho, containing one hundred twenty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said **Patrick McFarland**

the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said **Patrick McFarland**

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Theodore Roosevelt**, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

(SEAL)

GIVEN under my hand, at the City of Washington, the nineteenth day of October, in the year of our Lord one thousand nine hundred and eight, and of the Independence of the United States the one hundred and thirty-third.

By the President:

By

Secretary.

Recorder of the General Land Office.

BOISE 05021,

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **BOISE, IDAHO,**
has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant
SAMUEL P. GLENN

according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public lands" and the acts supplemental thereto, for the **SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWENTY-NINE IN TOWNSHIP FIVE NORTH OF RANGE TWO EAST OF THE BOISE MERIDIAN, IDAHO, CONTAINING ONE HUNDRED SIXTY ACRES,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States; reserving, also, to the United States all coal in the lands so granted, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of and subject to the limitations of the ACT OF MARCH 3, 1909 --35 STAT., 844--.

IN TESTIMONY WHEREOF, I,

WILLIAM H. TAFT

President of the United States of America, have caused these letters to be made
Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-THIRD**
day of **JANUARY** In the year of our Lord one thousand
nine hundred and **ELEVEN** and of the independence of the
United States the one hundred and **THIRTY-FIFTH.**

By the President:

By

Secretary.

(SEAL)

Wm. H. Taft
M. P. Leary
H. A. Thompson

Register of the General Land Office.

RECORD OF PATENTS: Patent Number

172324

See Supplemental Patent No. 688844
issued under the Act of April 14, 1914

OVERVIEW MAP
ORTHO QUADS
X8 & X9
FRAZELL/KEYS & BRUSH

SESW

TAX LOT LINES

Manning

NESW

NENESW

Pond

Manning

Pond

NENWSW

Manning

SWNW

SWSWNW

NWNWSW

T05N, R02E

NWSW

NESE

T05N, R02E, S30

T05N, R02E, S29

Certificate 909
63-31246(B)
63-31587(B)
63-31585(F)

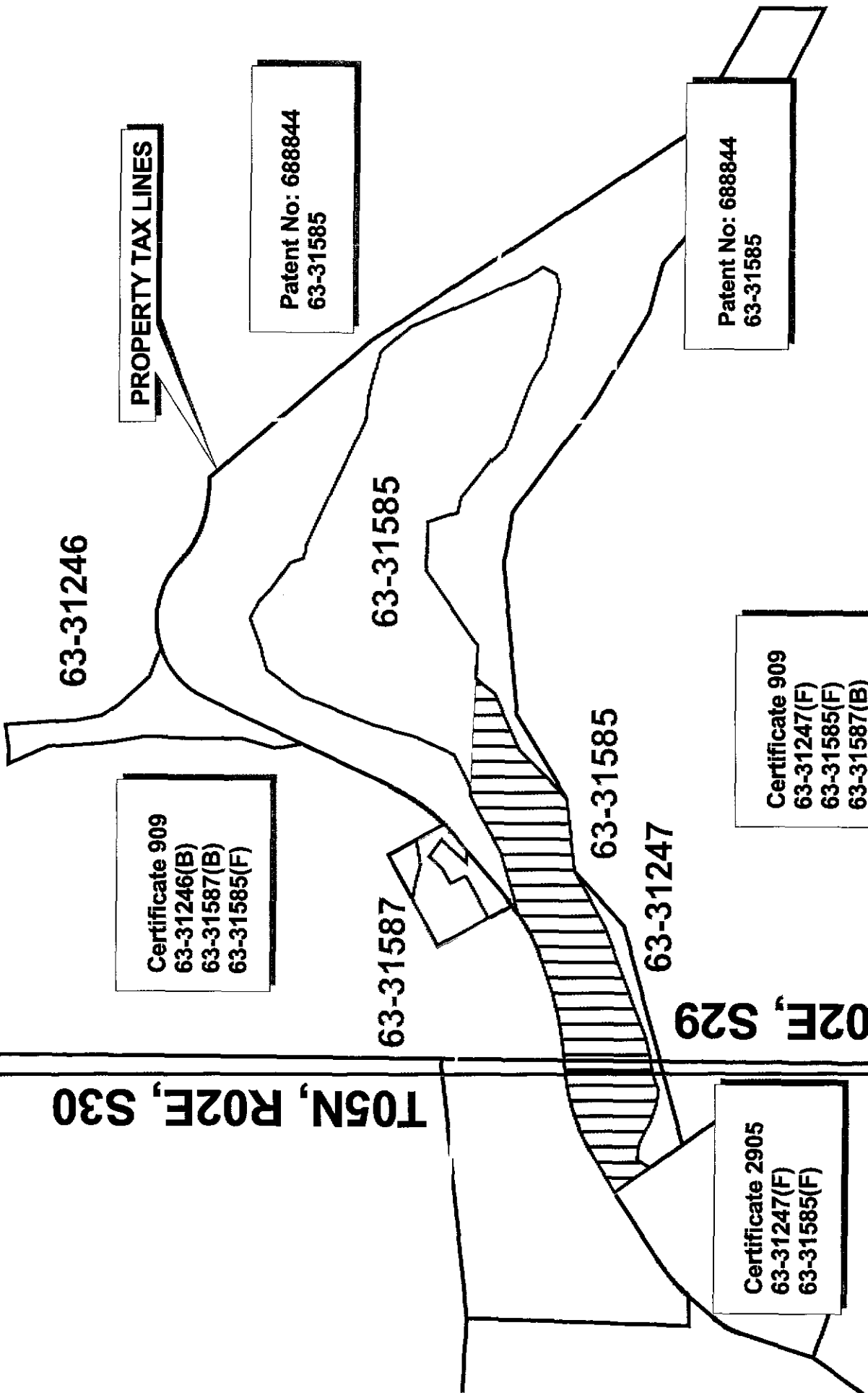
Certificate 2905
63-31247(F)
63-31585(F)

Certificate 909
63-31247(F)
63-31585(F)
63-31587(B)

Patent No: 688844
63-31585

Patent No: 688844
63-31585

PROPERTY TAX LINES



Idaho Department of Water Resources

CLAIM VERIFICATION NARRATIVE SHEET

Updated: December 11, 2002

Date of Exam: 11-15-02

Field examiner:

Ron Howerton
Senior Water Right Agent

Water Right Nos.: 63-31246

Contacts: Matt Howard (Attorney)

Narrative:

Field Exam 11-15-02: The point of diversion is from the spring's area collection pond dam's outflow ditch. Located in the NESWNW, S29, T05N, R02E. A Manning measurement was done on this ditch. Only one cross section used because of lack of clarity. For location, see overview ortho map and photos. The pond has a small 6' dam that diverts the natural flow from these springs into one gravity flow ditch.

A very small place of use about 1 acre found. See map overviews. Gravity flows just cannot go uphill from the only ditch found at sight, no other historical remains of another ditch or other means of diversion was found. The short ditch is shown in photo 4, and then irrigation occurs back by gravity toward and to the natural flow channel of the springs. Area has had construction damage to the place of use.

The irrigation place of use boundary was determined by tax lot data per Ada County. Approximate POU line was shown on field exam photos. Located in the SWNW, S29, T05N, R02E. No visible ditches beyond here or to the east as claimed for a total of 17 acres.

POU lines are approximate per tax lot ownerships on photos. Actual acreage determined in ARCVIEW.

Stock was not present at field exam however, evidence in the field showed their presence.

A small amount of CFS and storage is recommended per the duty of water.

This claim and overlapping enlargement claim 63-31588 for fire protection will have enlargement and combined conditions applied.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-31246

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: MATT HOWARD - ATTORNEY FOR CLAIMANTS**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date. MATT
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

WAITING FOR EVIDENCE - RECEIVED 7-17-03

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change CLARIFIED TO 10 ACRE TRACT
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		NE	SW	NW	29	5N	2E	ADA	GPS

Description of diverting works

6' EARTH DAM

OVERLAP REVIEW

Other water rights with the same point of diversion: 63-31588

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

NO - HOWEVER combined total limiter with 63-31588

WATER USES

☐ No change

☒ Different Uses

Use Irrig	From 03-01	To 11-15	Amount .02 CFS	AF
Use Irr Stor	From 01-01	To 12-31	Amount .48 CFS	AF
Use From Irr	From 03-01	To 11-15	Amount .48 CFS	AF
Stk	01-01	12-31	.03	
Stk	01-01	12-31	.48	
From Stk	01-01	12-31	.48	

TOTAL VOLUME -

☐ Incomplete on claim, the total is, Amount .03 CFS AFA

☒ Changes found, the new total is, Amount .03 CFS .48 AFA

☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☒ Changes Exam found: Domestic # of homes Stock #

Types 70 Claims Additional comments:

Standard CFS = .03 CFS

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Duty of WATER 1 ACRE FLOW ALLOW .02 CFS

.12 Stk .03 MAX

For Storage
CAC =

Irrig REQUIREMENT IS 4.5 AFA/ACRE

thus
.48 AFA
IS OK
FOR Storage

(1.9835) (.03) = .06 AF = REQUIRES STORAGE
BECAUSE IT WILL
NOT FILL IN
24 HOURS

SPRINGS
AREA
SURFACE
AREA
DEPTH
FACTOR
TOTAL STORAGE
(.2 AC) (6') (.4) = .48 AF
PER
GUS
NATURAL
FLOW
6' DAM

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	2E	29							1										1
									STK										

Overlap with other water rights: 63-71588

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
COMBINED PMP. LIMITED ON VOLUME & CFS

Delivery System Narrative: SPRINGS COME TOGETHER IN COLLECTION POND
POND HAS 6' EARTH DAM STORES APPROX. 48 AFA
WATER IS DIVERTED DOWN ONE GRAVITY FLOW DITCH, COMPLETED
a manning measurement. Actual flows based upon
(1) X-SECTION.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: MANNING MEAS ATTACHED - OK FOR
Duty OF WATER
 Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

SEE ATTACHED NARRATIVE SHEET

E 25 (QUANTITY) WITH 63-31588 = .03 $\dot{E}$ 0.48 AF
K01

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 11-15-02

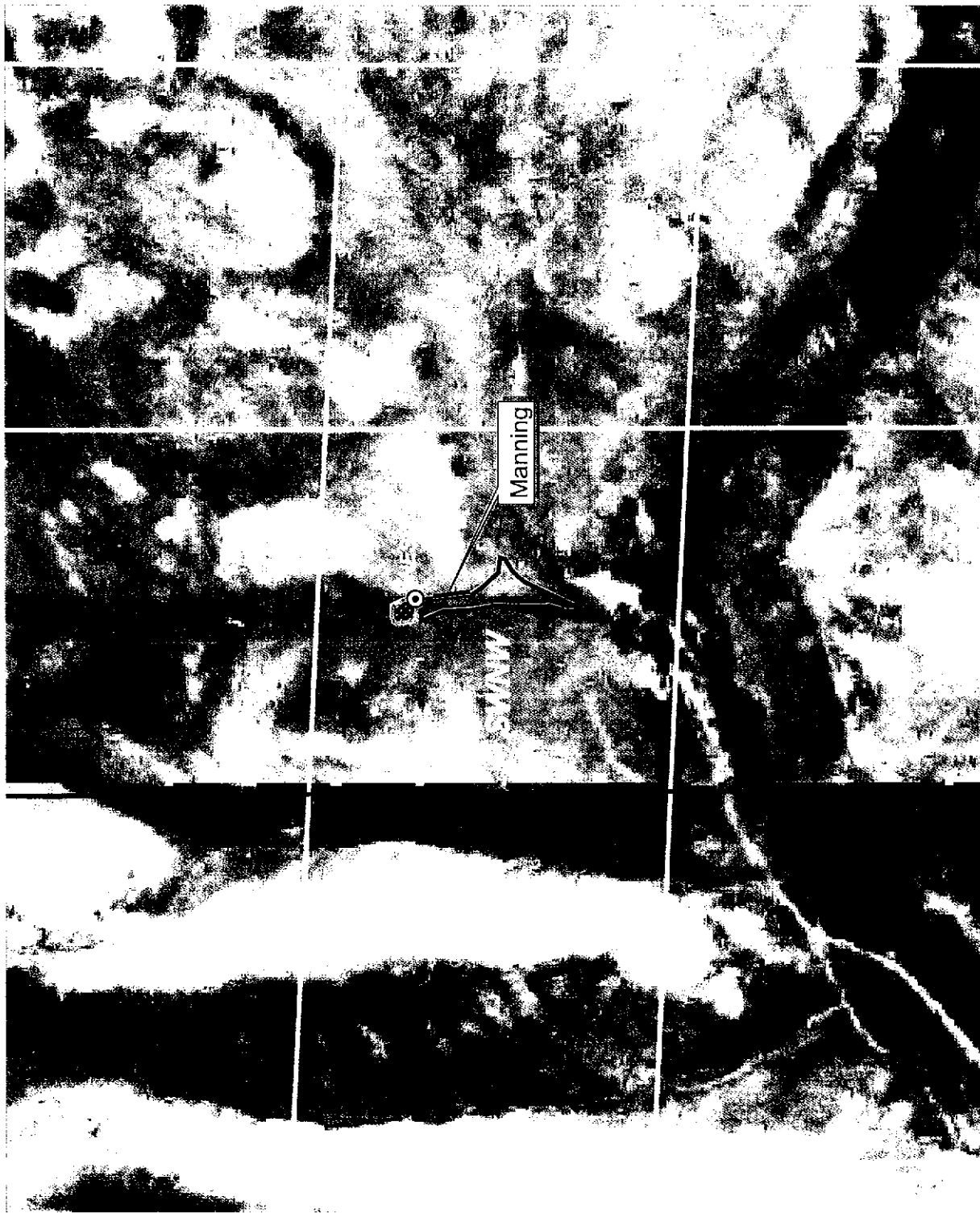
FIELD EXAMINER: _____

IDAHO DEPARTMENT OF WATER RESOURCES

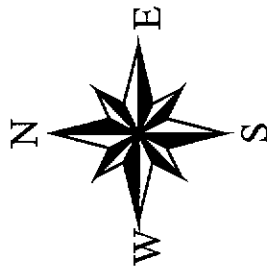
Claims: 63-31246

Date Prepared: 12-6-02

Prepared By: Ron Howerton



T05N, R02E
S29



⊙ Point of Diversion

Place of use

Section

1/4 1/4

1.0 Acres

0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles

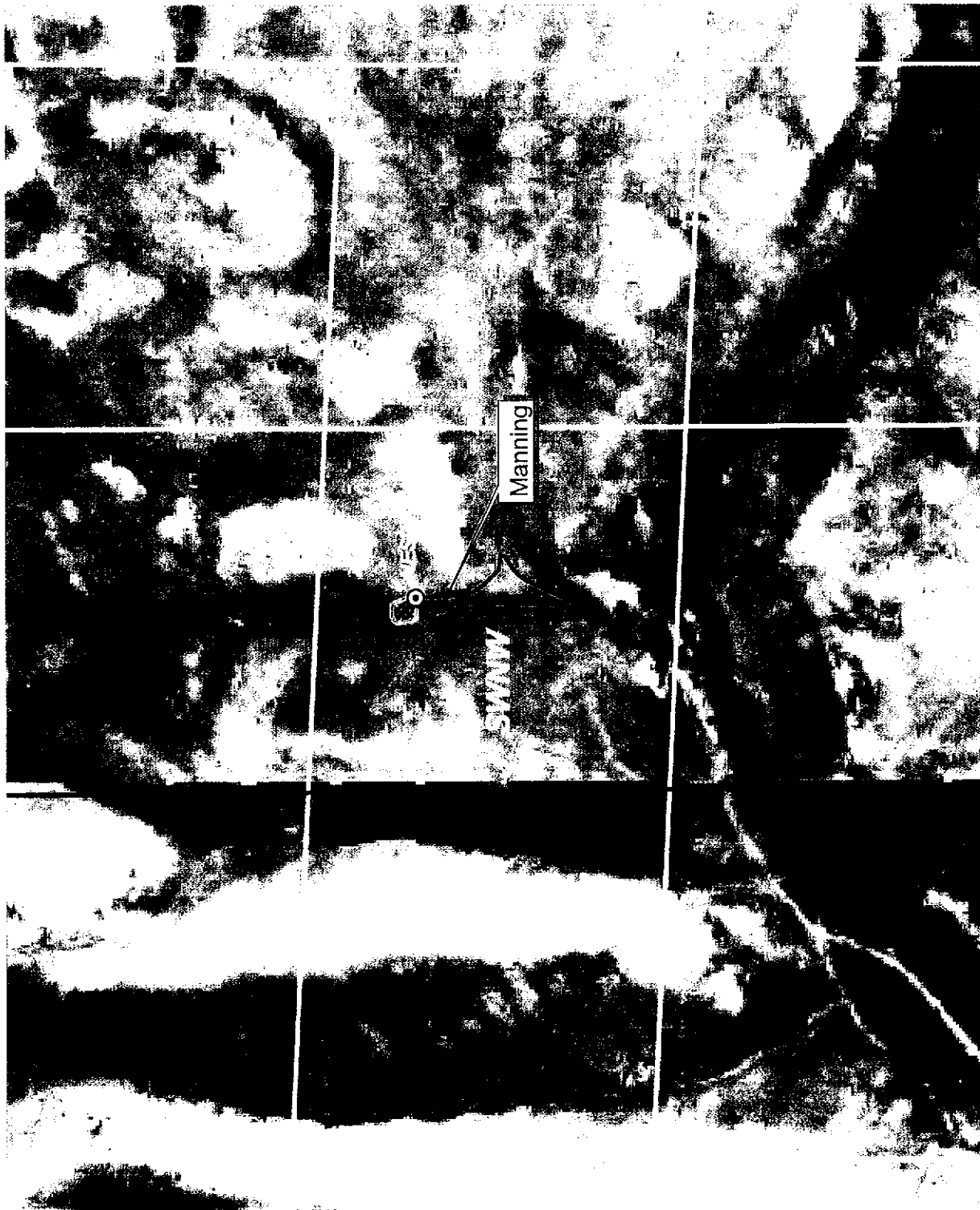
1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

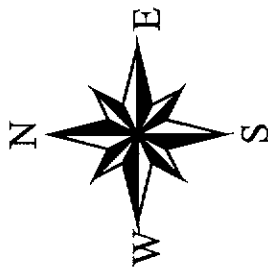
Claims: 63-31246

Date Prepared: 12-6-02

Prepared By: Ron Howerton



T05N, R02E
S29



○ Point of Diversion

□ Place of use

□ Section

1/4 1/4

0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles



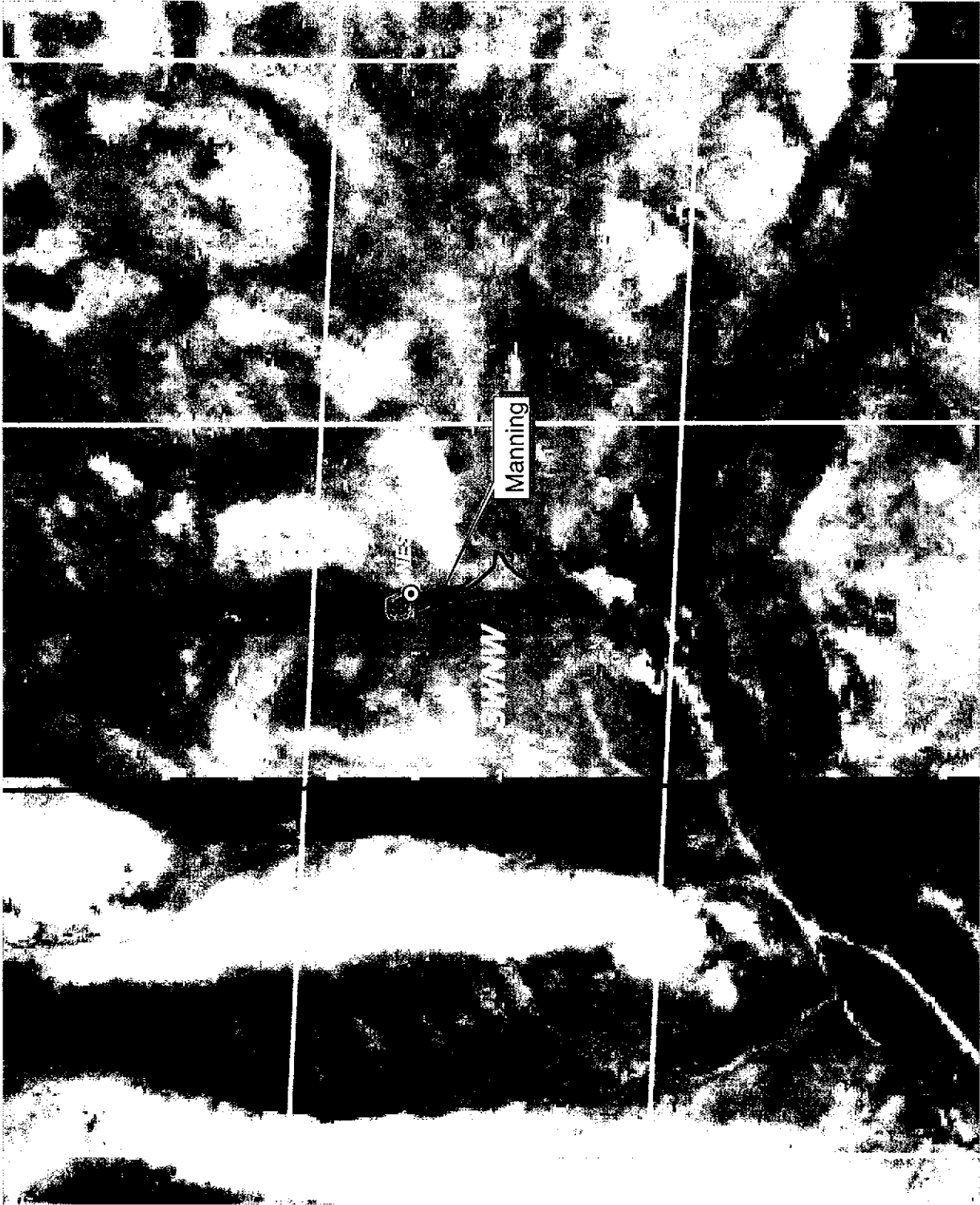
1987 NAPP

Claims: 63-31246

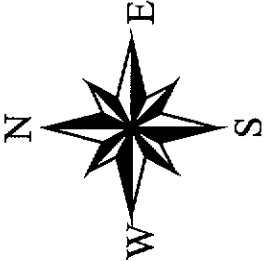
Date Prepared: 12-6-02

Prepared By: Ron Howerton

IDAHO DEPARTMENT OF WATER RESOURCES



T05N, R02E
S29



⊙ Point of Diversion

☐ Place of use

☐ Section

1/4 1/4

0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles

1987 NAPP

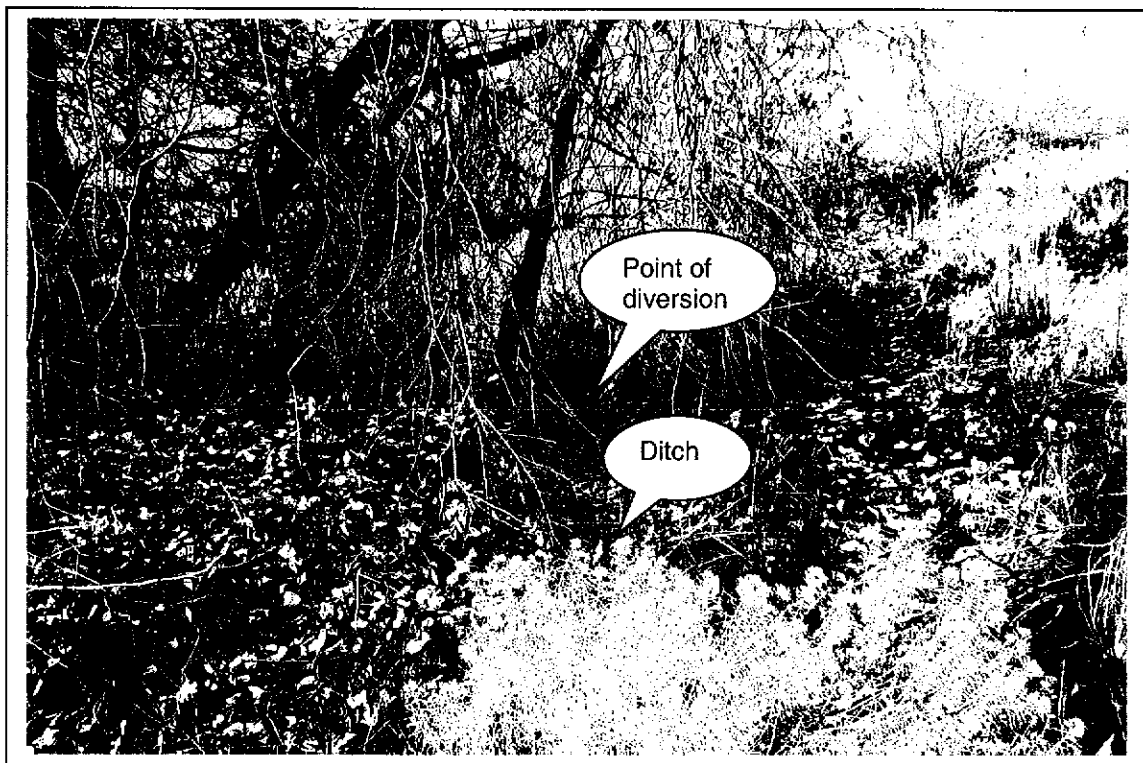


Photo 1: 63-31246, Field Exam 11-15-02: Point of diversion from the spring's collection pond & gravity flow ditch. Located in the NESWNW, S29, T05N, R02E. Manning measurement done for this ditch. See topo map. Pond's small 6' dam diverts the natural flow of the springs. View is to north.



Photo 2: Upper spring area, west side. Natural spring flow is diverted by pond. South view is downstream.



Photo 3: Upper spring area, east side. Natural spring flow is diverted by pond. South view to east.



Photo 4: Manning measurement & gravity flow ditch. View is to north. See topo map, located in the SWNW, S29, T05N, R02E.

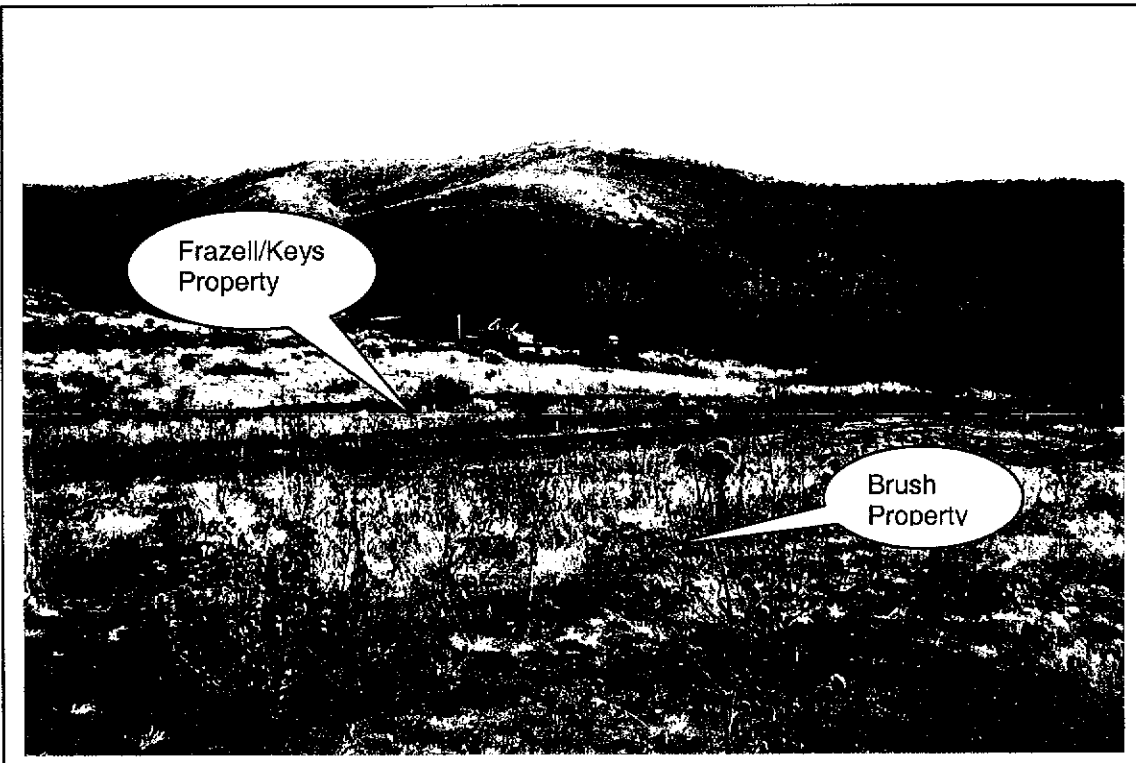


Photo 5: Photo taken at end of ditch, POU line is approximate per tax lot ownership. See attached layout overviews. Located in the SWNW, S29, T05N, R02E. No visible ditches beyond here or to the east as claimed for 17 acres.

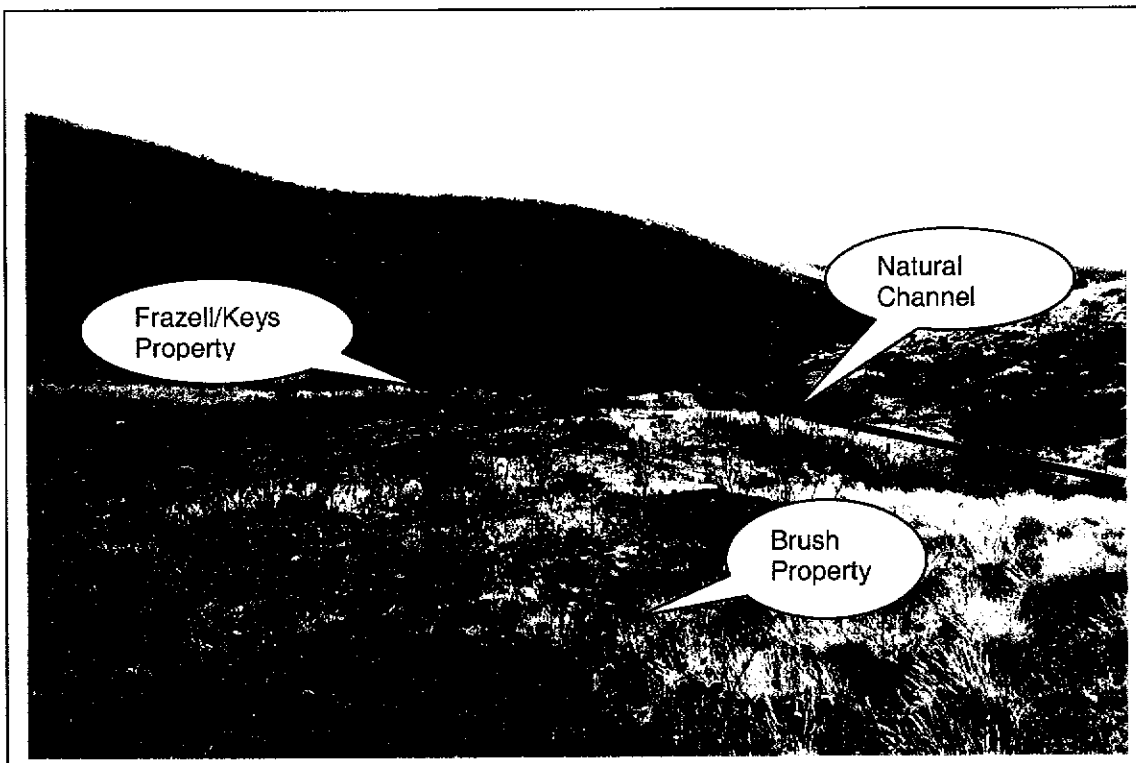


Photo 6: Very small place of use about 1 acre. See map overviews. View is to southwest. Gravity flow down from short ditch shown in photo 4, back onto natural flow channel of above springs. POU lines are approximate per tax lot ownerships.



Photo 7: Spring's collection pond. Located in the SWNW, S29, T05N, R02E. View is downstream to the south. Pond's surface area is approximately 0.2 acres per GIS. See attached maps. Photos by RDH.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): 63-31246 GPS ID = B54

Name of Claimant(s): BRUSH

Name of Ditch, Canal, or Stream: SPRINGS

Date of Measurement: 11-15-02 Data Collected By: RdL

Measurement Location: SW 1/4 NW 1/4 Section 29 T 5N R 2E

Cross Section Data

ACCOMPANIED BY
ATTORNEY - MATT
HOWARD

Basis: high water mark ☒ maximum capacity ()

Note: minimum of five depth or rod readings; first and last must be equal or zero

depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. <u> </u>	<u> </u>
2. <u>.3</u>	<u>.5</u>	8. <u> </u>	<u> </u>
3. <u>.35</u>	<u>1</u>	9. <u> </u>	<u> </u>
4. <u>.3</u>	<u>1.5</u>	10. <u> </u>	<u> </u>
5. <u>.2</u>	<u>2</u>	11. <u> </u>	<u> </u>
6. <u>0</u>	<u>2.5</u>	12. <u> </u>	<u> </u>

Slope Data

Basis: high water mark ☒ channel bottom () land surface ()

Level Readings:	upstream	downstream	
upper stadia	<u>2.75</u>	<u>6.45</u>	
center	<u>2.51</u>	<u>6.03</u>	
lower stadia	<u>2.26</u>	<u>5.61</u>	channel length
stadia difference	<u>(.49 + .84)</u>		x 100 = <u>133</u>

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes ☒

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	/	(1)	negligible	.000	/	(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000	/	(1)	low	.005	/	(1)
minor	.005		(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000	/	(1)	minor	1.00	/	(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

MANNING EQUATION CHANNEL CAPACITY RESULTS

11-26-2002

File Number: 63-31246

Claimant: BRUSH

Channel measured: SPRINGS

Date of measurement: 11-15-02

Measurement location:

Calculation prepared by: RDH

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 133 feet.

The upstream and downstream rod readings are 2.51 and 6.03 feet.

The channel cross section is 0.58 ft-sq.

The wetted perimeter is 2.64 feet.

The hydraulic radius is 0.22 feet.

The slope is 0.0265

The roughness coefficient is 0.0250

The flow velocity is 3.513 ft/sec.

The rate of flow is 2.02 cfs.

CROSS SECTION NUMBER 1

For File Number 63-31246 for the SPRINGS

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.30	0.30	0.50
3	0.35	0.35	1.00
4	0.30	0.30	1.50
5	0.20	0.20	2.00
6	0.00	0.00	2.50

The area for this cross section is 0.58 square feet
and the wetted perimeter is 2.64 feet.

MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

October 18, 2002

RECEIVED

OCT 21 2002

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, Idaho 83705

RE: Harold and Patricia Brush – SRBA Notices of Claim (Basin 63)

Dear Clerk:

Enclosed for filing are the following:

1. Amended Notice of Claim for 63-31246 (Irrigation and Stockwater);
2. Notice of Claim (Irrigation and Domestic); and
3. Notice of Claim (Fire Protection).

Also, enclosed is a check in the amount of \$201 as payment of the filing fees for the above-mentioned claims. I have also enclosed an additional copy of the above-referenced claims that I would ask that you conform and return to me in the enclosed envelope. Please copy this office with all communications concerning the enclosed claims. Thank you.

Very truly yours,

Matt J. Howard

Enclosures

Cc: Client (w/o encls.)

Memo to file: 63-31247, 63-31246, 63-12063

Date: July 24, 2001

Sue Bock

Directions: North on Seamans Gulch past entrance to Hidden Springs. Turn right on Dry Creek and left on N. McFarlan Creek.

Shari Mulligan (63-12063) 939-8983, called and spoke with Gary today. She indicated that her upstream neighbors, Frazell (63-31247), were excavating a spring from which they receive water. She wanted someone to come up and see the system before any work was done which might alter the water flow.

During my meeting with Shari we discussed her water right, that it is a license with a 1993 priority date from Mc Farland Creek. Shari indicated that the flow in the creek appeared to be a normal flow (2001 being a very dry year). The creek is fed by several springs to the east of her property. I explained that the SRBA would be conducting field exams in the area in 2002, and what we base our recommendations on. I told her that if she wanted to object to the recommendation for Frazell, she would be welcome to do so and what process she would need to go through. She asserted that there had been no irrigation on the property since the early 1990's. I explained that the SRBA would be looking at irrigation prior to the filing of the claim and that once the claim was filed this stayed forfeiture. Since she was still receiving her water right in full, I told her there was nothing we could do. If Frazell's actions cause the creek to dry up she can complain in the form of a letter.

I went on up to Frazell's property and met with him and his wife. I explained the same issues as I had with Shari. I told them they would want to try to substantiate that irrigation had occurred and evidence of priority. They had a backhoe up there to do excavation work on the pond. This is the same pond that the Brush's had and it has fallen into disrepair. A spring feeds the pond directly. Mr. Frazell indicated that he has no intention to dry up the creek. He needs the pond in place to be able to irrigate most efficiently.

I took a few photos of the pond area and the creek. Due to the dense vegetation, it is difficult to discern many details. These photos are in the 63-31247 file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2001

PATRICIA R BRUSH
HAROLD R BRUSH
RT 1 DRY CK RD
BOISE ID 83703

Re: Original Notice of Claim to a Water Right No. 63-05107

Renumbered to Notice of Claim to a Water Right No. 63-31246

Dear Claimants:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure