

1987 NAPP

63-31588 place of use
Fire Protection

NESWNW

SWNW

SENW

T05N, R02E, S29



1987 NAPP

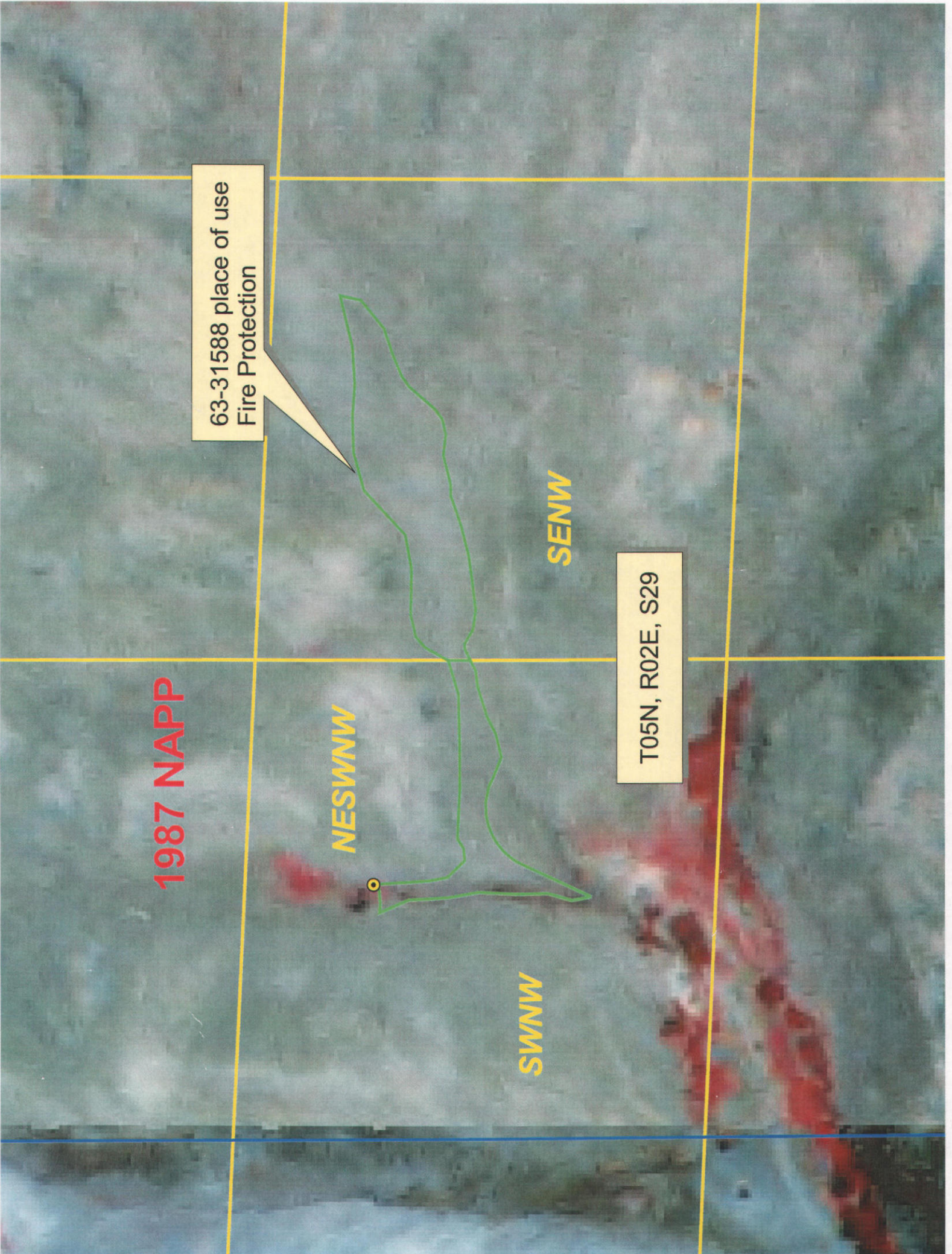
63-31588 place of use
Fire Protection

NESWNW

SWNW

SEnw

T05N, R02E, S29



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

SENW

NENESW

TAX LOT LINES

Manning

Pond

SESWNW

NENWSW

Pond

NESWNW

Manning

Manning

T05N, R02E

NWSW

NWNWSW

S29

S29

S30

NESE

SWSWNW



Photo 1: 63-31588, Field Exam 11-15-02: 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. Fire protection storage is 0.48 AF. See attached maps. Enlargement of right 63-31246. Photos by RDH.

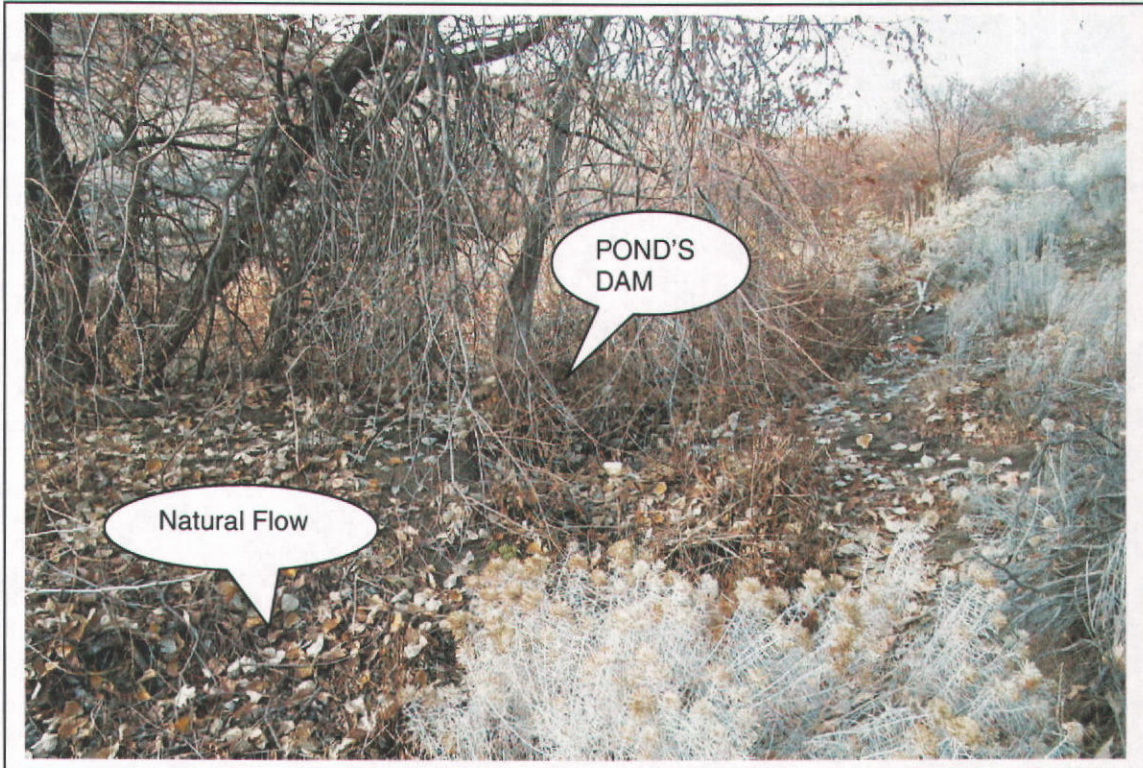


Photo 2: Pond's small 6' dam dams up the natural flow of the springs. View is to north. POD located in the NESWNW, S29, T05N, R02E.

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 *AL63-31588*
Date Received: *10-21-02*
Receipt No: *W0029816*
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 21 2002

WATER RESOURCE
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: 07/01/1983

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FIRE PROTECTION	01/01	12/31	0.34	
FIRE PROTECTION 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: n/a

9. Non-irrigation uses: Fire protection.

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	29	SE	NW	FIRE PROTECTION	
			SW	NW	FIRE PROTECTION	
					Section Acres	N/A
					Total Acres	N/A

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: None

14. Remarks:

This claim is an expansion of water right no. 63-31246.

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 Bruce Date: 10/16/02
Patricia R Bruce Date: 10/16/02

State of Idaho)
County of Valley) SS.

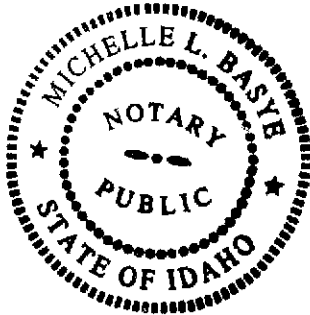
Subscribed and sworn (or affirmed) before me this
16th of October 2002

Michelle Basye

Notary Public

Residing at McCall ID.

My commission Expires 8/16/06



The Idaho Statesman

RECEIVED

DEC 07 2005
RECEIVED
DEPARTMENT OF
WATER RESOURCES
DEC 08 2005

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount
120934	1393427	ENLARGEMENT OF WATER RIGHTS	\$225.50
Attention:		P.O. #	Run Dates
DANNI SMITH			NOVEMBER 28, DECEMBER 5, 2005
IDAHO WATER RESOURCES / LEGAL PO BOX 83720 BOISE, ID 83720-0098			Number of Lines 2 X 63
			Affidavit 1
			Legal # 24126

LEGAL NOTICE NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Ada County are shown to the nearest section - more specific locations are available upon request.

Water Right: 63-31586
NAME & ADDRESS: DALE M FRAZELL
KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE ID 83714
SOURCE: SPRING TRIBUTARY TO: MC FARLAND CREEK
PRIORITY DATE: 07/01/1983
POINT OF DIVERSION: T05N R02E S29 SESWNW
PURPOSE OF USE: FIRE PROTECTION
FIRE PROTECTION STORAGE
FIRE PROTECTION FROM STORAGE

PLACE OF USE: T05N R02E S29 SWNW
This right is for an enlargement of 63-31247 and 63-32082 by adding fire protection uses Within the place of use described for this right.

Water Right: 63-31588
NAME & ADDRESS: HAROLD R BRUSH
PATRICIA R BRUSH
PO BOX 1768
MC CALL ID 83638
SOURCE: SPRINGS TRIBUTARY TO: MC FARLAND CREEK
PRIORITY DATE: 07/01/1983
POINT OF DIVERSION: T05N R02E S29 NESWNW
PURPOSE OF USE: FIRE PROTECTION
FIRE PROTECTION STORAGE
FIRE PROTECTION FROM STORAGE

PLACE OF USE: T05N R02E S29 SWNW SENW
This right is for an enlargement of 63-31587 by adding fire protection uses Within the place of use described for this right.

Water Right: 63-31988
NAME & ADDRESS: HOOT NANNEY FARMS INC
C/O MICHAEL L DIXON
8542 FLOATING FEATHER RD
EAGLE ID 83616
SOURCE: GROUNDWATER
PRIORITY DATE: 03/01/1976
POINT OF DIVERSION: T04N R01W S03 LT4 (NWNW)
LT4 (NWNW)

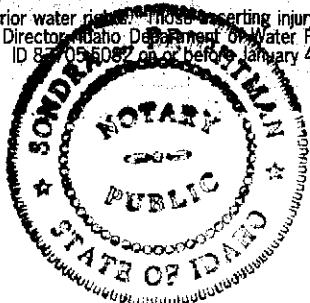
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T04N R01W S03 LT4 (NWNW) SWNW NWSW
S04 LT1 (NENE) SENE NESE

This right is for an enlargement of 124 acres irrigation Within the place of use described for this right.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-6087 on or before January 4, 2006.

Pub. Nov. 28, Dec. 5, 2005

24126



JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: NOVEMBER 28, 2005

ending issue of: DECEMBER 5, 2005

Janice Hildreth

STATE OF IDAHO)
) SS

COUNTY OF ADA)

On this 5 day of DECEMBER in the year of 2005
before me, a Notary Public, personally appeared before me
Janice Hildreth known or identified to me to be the person
whose name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that she executed the same.

Sonja L. Brightman

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: 6/20/06

The Idaho Statesman

RECEIVED

JAN 12 2006

WATER RESOURCES
WESTERN REGION

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount
120934	1393427	ENLARGEMENT OF WATER RIGHTS	\$225.50
Attention:	P.O. #	Run Dates	
DANNI SMITH		NOVEMBER 28, DECEMBER 5, 2005	
IDAHO WATER RESOURCES / LEGAL PO BOX 83720 BOISE, ID 83720-0098			Number of Lines 2 X 63
			Affidavit 1
			Legal # 24126

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KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE ID 83714
SOURCE: SPRING TRIBUTARY TO: MC FARLAND CREEK
PRIORITY DATE: 07/01/1983
POINT OF DIVERSION: T05N R02E S29 SESWNW
PURPOSE OF USE: FIRE PROTECTION
FIRE PROTECTION STORAGE
FIRE PROTECTION FROM STORAGE

PLACE OF USE: T05N R02E S29 SWNW
This right is for an enlargement of 63-31247 and 63-32082 by adding fire protection uses within the place of use described for this right.

Water Right: 63-31588
NAME & ADDRESS: HAROLD R BRUSH
PATRICIA R BRUSH
PO BOX 1768
MC CALL ID 83638
SOURCE: SPRINGS TRIBUTARY TO: MC FARLAND CREEK
PRIORITY DATE: 07/01/1983
POINT OF DIVERSION: T05N R02E S29 NESWNW
PURPOSE OF USE: FIRE PROTECTION
FIRE PROTECTION STORAGE
FIRE PROTECTION FROM STORAGE

PLACE OF USE: T05N R02E S29 SWNW SENW
This right is for an enlargement of 63-31587 by adding fire protection uses within the place of use described for this right.

Water Right: 63-31988
NAME & ADDRESS: HOOT NANNY FARMS INC
C/O MICHAEL L DIXON
8542 FLOATING FEATHER RD
EAGLE ID 83616
SOURCE: GROUNDWATER
PRIORITY DATE: 03/01/1976

POINT OF DIVERSION: T04N R01W S03 LT4 (NWNW)
LT4 (NWNW)
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T04N R01W S03 LT4 (NWNW) SWNW NWSW
S04 LT1 (NENE) SENE NESE
This right is for an enlargement of 124 acres irrigation within the place of use described for this right.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082 on or before January 4, 2006.

Pub. Nov. 28, Dec. 5, 2005

24126

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TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)
beginning issue of: NOVEMBER 28, 2005
ending issue of: DECEMBER 5, 2005

Janice Hildreth

STATE OF IDAHO)
COUNTY OF ADA)

On this 5 day of DECEMBER in the year of 2005 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires:

RECEIVED

JAN 05 2006

ACCTS PAYABLE

05/31/2005

NOTICE OF ERROR
REPLY

RECEIVED

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: 63-31588

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

02/24/2005

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

RIGHT NUMBER: 63-31588

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. 63-31246 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: 07/01/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

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>
FIRE PROTECTION	01/01 12/31	0.120 CFS
FIRE PROTECTION STORAGE	01/01 12/31	0.48 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	0.48 AFY

PLACE OF USE: FIRE PROTECTION Within ADA County

T05N R02E S29 SWNW T05N R02E S29 SENW
FIRE PROTECTION FROM STORAGE same as FIRE PROTECTION

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 63-31587
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

11/17/2003

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

RIGHT NUMBER: 63-31588

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. 63-31246 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: 07/01/1983

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>
FIRE PROTECTION	01/01 12/31	0.120 CFS
FIRE PROTECTION STORAGE	01/01 12/31	0.48 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	0.48 AFY

PLACE OF USE: FIRE PROTECTION Within ADA County

T05N R02E S29 SWNW T05N R02E S29 SENW

FIRE PROTECTION FROM STORAGE same as FIRE PROTECTION

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

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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

63-31588 place of use
Fire Protection

T05N, R02E, S29

ALF SWAMP

SWAMP

63-31588 place of use
Fire Protection

T05N, R02E, S29

SW/4NW

SW/4NW

SW/4NW

07/24/2003

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

RIGHT NUMBER: 63-31588

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. 63-31246 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: 07/01/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T05N R02E S29 NESWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

FIRE PROTECTION

01/01 12/31

0.030 CFS

FIRE PROTECTION STORAGE

01/01 12/31

0.48 AFY

FIRE PROTECTION FROM STORAGE

01/01 12/31

0.48 AFY

PLACE OF USE:

FIRE PROTECTION Within ADA County

T05N R02E S29

SWNW

ADD: 5 ENW

FIRE PROTECTION FROM STORAGE same as FIRE PROTECTION

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 63-31246
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS AN ENLARGEMENT FOR FIRE PROTECTION WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

Water Right 63-31588

1

AMENDED RECOMMENDATION PER (NOTES DATED 28 AUG-03)
IN BASE CLAIM 63-31246 Rch

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
AFFIDAVIT
FOR DOP
FIRE INFO

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

RECEIVED

JUL 29 2003

WATER RESOURCES
WESTERN REGION

AFFIDAVIT

STATE OF IDAHO)
County of Valley)ss.

PATRICIA 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 Township 5 North, Range 2 East, Section 29, Boise Meridian, Ada County, which are currently owned by me and my husband, Harold R. Brush (hereinafter "the Brush Place") and Dale Frazell and Kathy Keys (hereinafter "the Frazell-Keys Place"), respectively.
3. From 1958 until 2002, my husband and I owned all of the lands which are now encompassed by the Brush Place and the Frazell-Keys Place.
4. In or around the summer of 1983, there was a large fire in the foothills. The fire came from Highway 55, along Cartright Road and then down to Rye Hill, nearly destroying our home. The Cole Collister Fire Department (now called North Ada) responded by sending fire trucks to our land. The firemen were able to pump water from our irrigation ponds to fight the fire and save our home and property.
5. After the fire was extinguished, the Cole Collister fire chief (I cannot recall his name, but I believe it was "Neil") met with my husband and I and requested that we maintain the

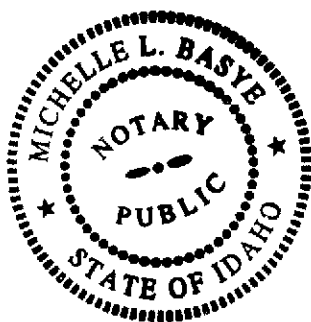
ponds for fire protection purposes. My husband and I agreed to do so, and have done so ever since.

Further your affiant sayeth naught.

DATED this 16 day of Oct, 2002.

Patricia R Brush
PATRICIA R. BRUSH

SUBSCRIBED AND SWORN to before me this 16th day of October, 2002.



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

FIRE PROTECTION

AFFADAVIT FOR T5N,
R2E, S29,

ENLARGEMENT PROOF FOR
1983 DATE OF PRIORITY

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.: 63-31588

Contacts: Attorney, Matt Howard

Narrative:

Field Exam 11-15-02: This is the spring's fire protection pond. Located in the SWNW, S29, T05N, R02E. Pond's surface area is approximately 0.2 acres per GIS. Fire protection storage is 0.48 AF. The point of diversion is from the spring's area collection pond dam's natural channel outflow.

Pond has a small 6' dam that dams up the natural flow of the springs. POD located in the NESWNW, S29, T05N, R02E.

This claim is an ENLARGEMENT OF CLAIM 63-31246 for irrigation and stock and will have enlargement and combined conditions applied. Live flow recommended per maximum duty of water of .03 CFS from base claim 63-31246.

This is on stream storage.

See attached maps and photo descriptions:

.12
rch

Comments:

1. rhowerto 7/24/2003 Enlargement

Comment: The evidence submitted by affidavit indicated an enlargement date of 1983 when a fire burned the lands in T5N R2E S29. Enlargement of 63-31246.

**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) 63-31588

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 CLAIMANT**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.
- ☐ 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	NDA	GPS

Description of diverting works

6' EARTH DAM & COLLECTION POND**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-31246

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

ENLARGEMENT OF 63-31246, COMBINED RMTS & CONDITIONS APPLY**WATER USES**☐ No change☒ Different Uses

Use FP From 01-01 To 12-31 Amount .12 CFS .48 AFA

Use stor FP From 01-01 To 12-31 Amount .48 CFS .48 AFA

Use from stor From 01-01 To 12-31 Amount .48 CFS .48 AFA

Enlargement MAY CFS BASED UPON MAX LIVE FLOW OF BASE CLAIM 63-31246 & STORAGE**TOTAL VOLUME - Groundwater only**☐ Incomplete on claim, the total is, Amount .12 CFS .48 AFA☒ Changes found, the new total is, Amount .12 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 _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

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							FP										

Overlap with other water rights: 63-31246

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

NOT SAME USE. HOWEVER ENLARGEMENT OF 63-31246
COMBINED RMTS & CONDITIONS APPLY

Delivery System Narrative: Pond has a small 6' DAM that
dams up the natural flow of the springs.

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

FLOW MEASUREMENTS: SEE BACK OF THIS PAGE
FOR POND SIZE & DIAGRAM

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

VOL.
MANNING USED FOR BASE CLAIM
CFS

ENLARGEMENT OF IRRIGATION via CLAIM 63-31246

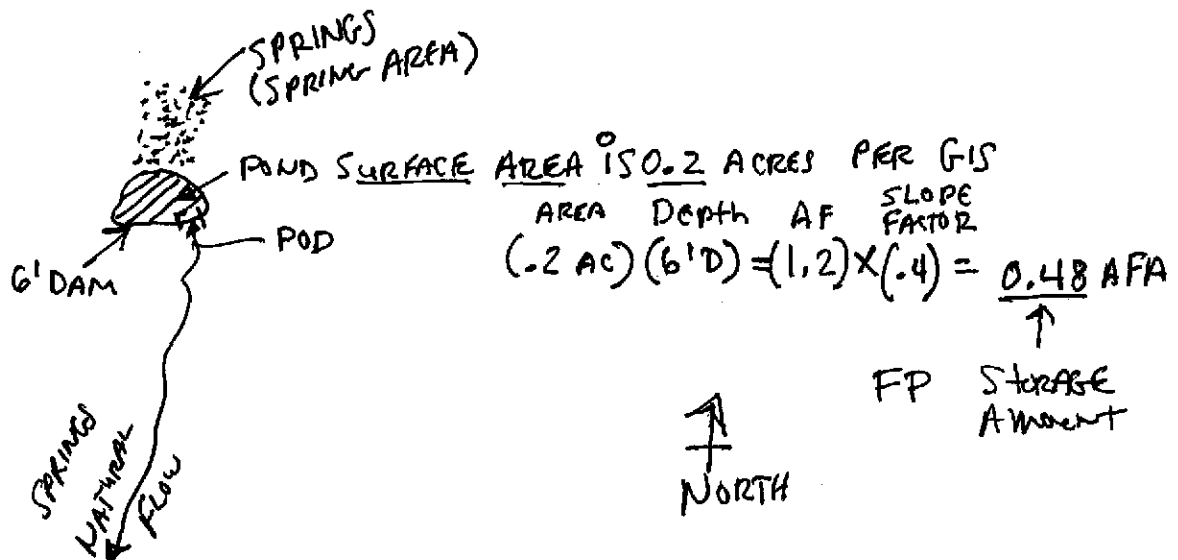
QNT Rmk E25 with 63-31246
C11 Priority Condition
K02
K09

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: Ron Howerton
Sr Water Agent



OVERVIEW MAP
ORTHOGUARDS
X8 & X9
FRANZELL KEYS & BRUSH

Pond

Manning

Pond

Manning

EXPLOSION

Manning

EXPLOSION



Photo 1: 63-31588, Field Exam 11-15-02: 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. Fire protection storage is 0.48 AF. See attached maps. Enlargement of right 63-31246. Photos by RDH.

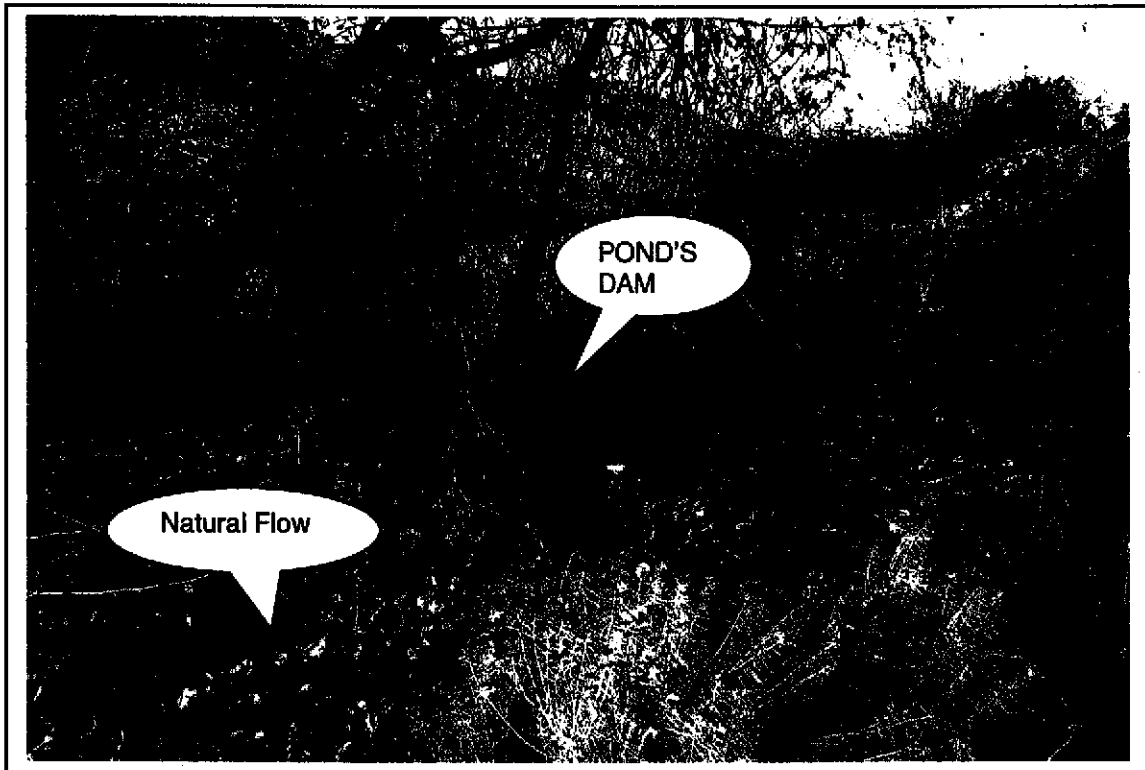


Photo 2: Pond's small 6' dam dams up the natural flow of the springs. View is to north. POD located in the NESWNW, S29, T05N, R02E.

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)

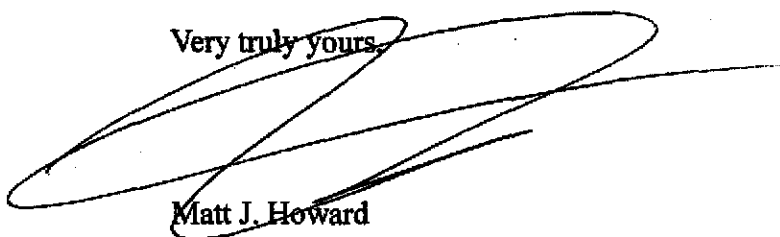
Dear Clerk:

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.)