

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 63-5047B
Date Received: 2/8/1989
Receipt No: C005441
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
AUG 06 2003
WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

BART A BRASSEY Phone: (208)343-1042
2202 E CANE ST
BOISE ID USA 83712

OR

DOROTHY M BRASSEY Phone: (208)343-1042
2202 E CANE ST
BOISE ID USA 83712

2. Date of Priority: 01/01/1863

3. Source: TRAIL CREEK Trib. to: GRANITE CREEK

4. Point of Diversion:

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

5. Description of diverting works:

DAM & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.98	
STOCKWATER	01/01	12/31	0.07	

7. Total Quantity Appropriated is:
2.98 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

07N	04E	26	SW SW	SW SW	STOCKWATER IRRIGATION	32
					Section Acres	32
07N	04E	27	SE SW SE SE SW SE	SW SE SE SW SE SE	IRRIGATION IRRIGATION IRRIGATION STOCKWATER STOCKWATER STOCKWATER	12 35 34
					Section Acres	81
07N	04E	34	NW NE NW NE	NE NW NE NW	STOCKWATER STOCKWATER IRRIGATION IRRIGATION	1.5 3
					Section Acres	4.5
					Total Acres	117.5

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 250 RANGE CATTLE

CLAIM AMENDED PER OWNERS REQUEST AT INITIAL HEARING DATED 7-29-03. RDH 7-30-03.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Barry A. Bussell Date: August 6, 2003

Date: _____

State of Idaho)

County of Ada } SS.

Subscribed and sworn (or affirmed) before me this 6th

of August 20 03

Becky Johnson

Notary Public

Residing at Boise, Idaho

My commission Expires 10/13/04



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 63-5047B
Date Received: 2/8/1989
Receipt No: C005441
Received By:

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

1. Name of Claimant(s) AMENDED
- BART A BRASSEY Phone: (208)343-1042
~~330~~ 730 SUMMIT RIDGE
BOISE ID USA 83702
- DOROTHY M BRASSEY Phone: (208)343-1042
~~330~~ 730 SUMMIT RIDGE
BOISE ID USA 83702
2. Date of Priority: 04/01/1863
3. Source: TRAIL CREEK Trib. to: GRANITE CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 07N | 04E | 27 | SE SE SW | BOISE | |
5. Description of diverting works:
- DAM & DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 2.98 | |
7. Total Quantity Appropriated is:
2.98 C.F.S.
8. Total consumptive use:
9. Non-irrigation uses:
10. Place of use:
- | Township | Range | Section | 1/4 of 1/4 Lot | Use | Acres |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

O7N	04E	26	SW	SW	IRRIGATION	35
			SE	SW	IRRIGATION	4
					Section Acres	39
O7N	04E	27	SE	SW	IRRIGATION	15
			NE	SE	IRRIGATION	7
			NW	SE	IRRIGATION	10
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	37
					Section Acres	109
					Total Acres	148

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

SPLIT CLAIM-CHANGE IN TOTAL NUMBER OF ACRES. (DECREASE) A63-05047A, RALPH TAYLOR, 0.64 CFS, 32 ACRES, FILED ON 3/19/90. DATE THIS CLAIM WAS SPLIT FROM ORIGINAL-3/21/90 L.R.W

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): x Bart A. Brassey Date: _____

November 6, 2001 Date:

State of Idaho)
County of Ada) SS.

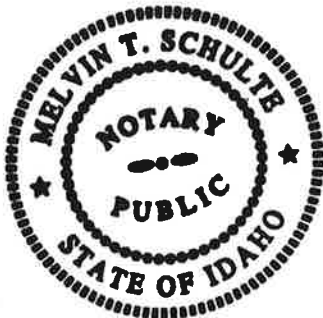
Subscribed and sworn (or affirmed) before me this
of November 2001

6+7
Melvin T. Schulte

Notary Public

Residing at Bosse, Idaho

My commission Expires 7-24-2001



Claimants Names:

Trail Creek Meadows Ranch, GP

Attorney Name & Address:

James P. Speck, ISB#2067

Benjamin W. Worst, ISB#5639

Speck & Aanestad

A Professional Corporation

120 East Avenue

P. O. Box 987

Ketchum, Idaho 83340

(208) 726-4421

FAX: (208) 726-0752

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

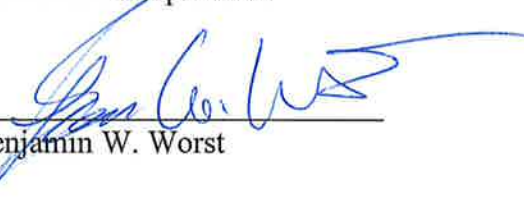
This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Trail Creek Meadows Ranch, an Idaho general partnership, for the following water rights which are not the subject of any subcases: A63-05047B, A63-05033 and A63-05034.

DATED this 16th day of November, 2000.

SPECK & AANESTAD
A Professional Corporation

By 
Benjamin W. Worst

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2000, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

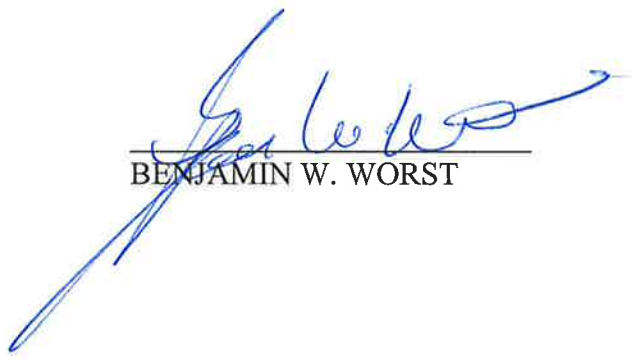
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


BENJAMIN W. WORST

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: A63-05047B
Date Received: 2/08/1989
Receipt No: C005441
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BART A. BRASSEY 208-343-1042
Address: 730 SUMMIT RIDGE
BOISE, ID 83702

AND/OR

Name: DOROTHY M. BRASSEY 208-343-1042
Address: 730 SUMMIT RIDGE
BOISE, ID 83702

2. Date of Priority: JUL 01, 1930

3. Source: TRAIL CREEK Trib. to: GRANITE CREEK

4. Point of Diversion:

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

5. Description of diverting works:
DAM & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.980		

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

8. Total consumptive use is 370.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A63-05047B

Page 1

Date: 03/22/90

MICROFILMED
AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	04E	26	SW	SW		IRR	35.0
			SE	SW		IRR	4.0
			Section Acres				39.0
		27	SE	SW		IRR	15.0
			NE	SE		IRR	7.0
			NW	SE		IRR	10.0
			SW	SE		IRR	40.0
			SE	SE		IRR	37.0
			Section Acres				109.0
			Total Acres				148.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:

SPLIT CLAIM-CHANGE IN TOTAL NUMBER OF ACRES. (DECREASE)
A63-05047A, RALPH TAYLOR, 0.64 CFS, 32 ACRES, FILED ON 3/19/90.
DATE THIS CLAIM WAS SPLIT FROM ORIGINAL-3/21/90 L.R.W.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A63-05047
Date Received: 2/08/1989
Receipt No: C005441
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BART A. BRASSEY
Address: 730 SUMMIT RIDGE
BOISE, ID 83702 208-343-1042
AND/OR
Name: DOROTHY M. BRASSEY
Address: 730 SUMMIT RIDGE
BOISE, ID 83702 208-343-1042
2. Date of Priority: JUL 01, 1930
3. Source: TRAIL CREEK Trib. to: GRANITE CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 07N | 04E | 27 | SE | SE | SW | | BOISE |
5. Description of diverting works:
DAM & DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.620 | | |
7. Total Quantity Appropriated is:
3.620 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 452.5 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	04E	26	NE	SW		IRR	20.0
			NE	SW		IRR	5.0
			SW	SW		IRR	35.0 ✓
			SE	SW		IRR	4.0 ✓
			Section Acres				64.0
		27	SE	SW		IRR	15.0 ✓
			NE	SE		IRR	15.0
			NW	SE		IRR	10.0
			SW	SE		IRR	40.0 ✓
			SE	SE		IRR	37.0 ✓
			Section Acres				117.0
			Total Acres				181.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:

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: -/-

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): Barth A. Brassey Date: Feb 8, 1989

Date: _____

State of Idaho)
County of Ada) SS.

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

of February 19 89

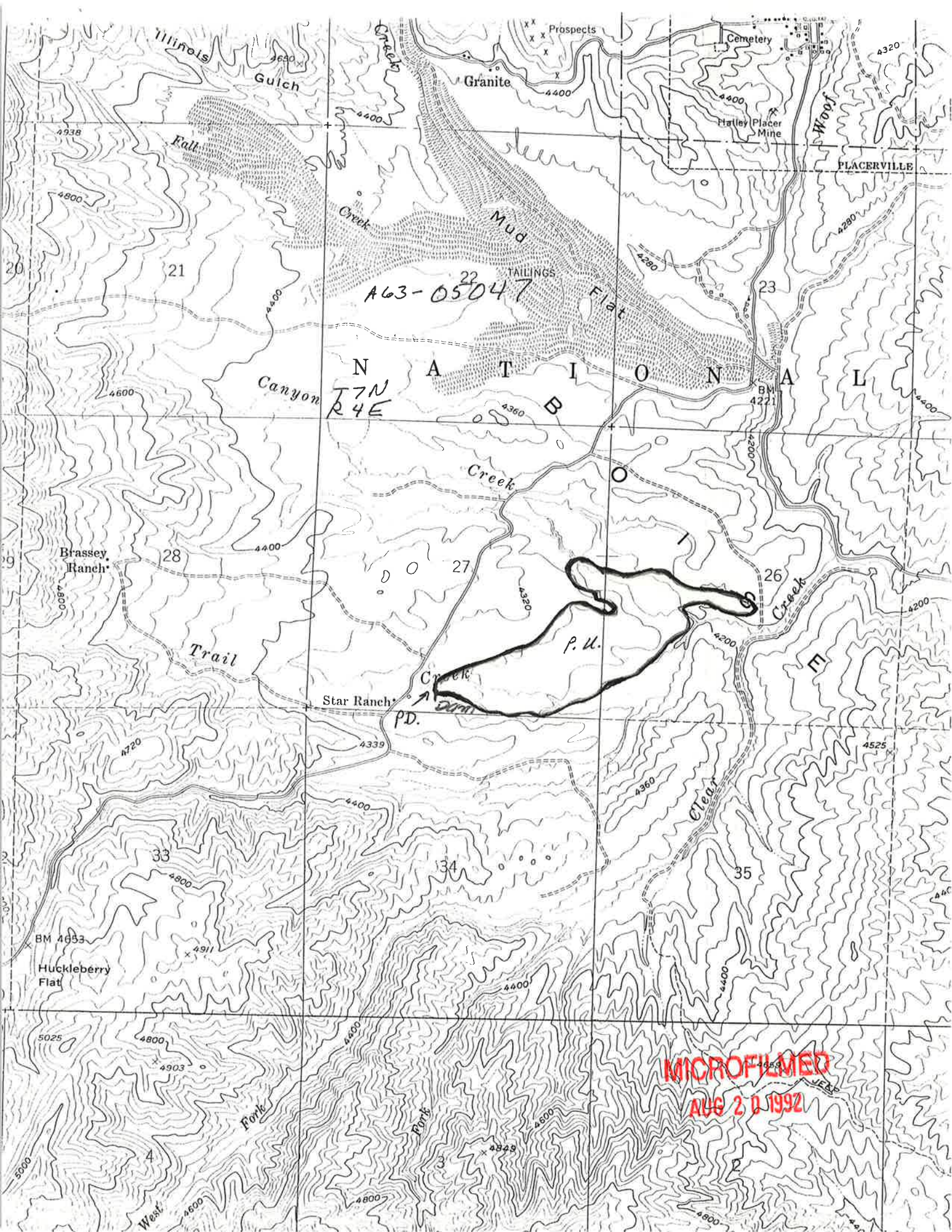
Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



March 21, 1990

Bart or Dorothy Brassey
730 Summit Ridge
Boise, ID 83702

Dear Mr. and Mrs. Brassey;

This letter is written to inform you that there has been a modification made to the Notice of Claim to a Water Right, A63-05047, which you filed on February 8, 1989.

The modification is a result of a claim made by Ralph W. Taylor who now owns property believed to be previously owned by you. Enclosed are two Notices of Claims, A63-05047A and A63-05047B.

A63-05047A shows the way this claim was filed by Mr. Taylor and A63-05047B shows the change made to your claim as a result of Mr. Taylor's filing. Please make special note of item 7, the amount of water claimed, and item 10, the places of use and number of acres.

If you have any questions in regard to this letter, feel free to contact me.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

MICROFILMED
AUG 20 1992

03/16/2004

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

RIGHT NUMBER: 63-5047B

NAME AND ADDRESS: TRAIL CREEK MEADOWS RANCH
C/O ANDREW C BRASSEY
PO BOX 1009
BOISE ID 83701-1009

BART A BRASSEY
2202 E CANE ST
BOISE ID 87312

DOROTHY M BRASSEY
2202 E CANE ST
BOISE ID 87312

SOURCE: TRAIL CREEK

TRIBUTARY: CLEAR CREEK

QUANTITY: 2.980 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1863

POINT OF DIVERSION:

T07N R04E S27 SESESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	04/01 10/31	2.980 CFS

PLACE OF USE: STOCKWATER Within BOISE County

T07N R04E S26	SWSW	T07N R04E S27	SESW
T07N R04E S27	SWSE	T07N R04E S27	SESE
T07N R04E S34	NWNE	T07N R04E S34	NENW

IRRIGATION Within BOISE County

T07N R04E S26	SWSW	32.0	T07N R04E S27	SESW	12.0
T07N R04E S27	SWSE	35.0	T07N R04E S27	SESE	34.0
T07N R04E S34	NWNE	1.5	T07N R04E S34	NENW	3.0

117.5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Stockwater use is for 250 range cattle.

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

RECEIVED**DEC 09 2003****WATER RESOURCES
WESTERN REGION**

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, if the change in ownership is limited to a portion of 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>A63-05047B</u>	_____	_____	_____	_____
_____	<u>A-63-05034</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) are for ten or more acres of irrigation, you must submit 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) Bart and Dorothy Brassey
330 Summit Ridge Road, Boise, ID 83702
4. New Owner/Claimant(s) Trail Creek Meadows Ranch, an Idaho general partnership
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address c/o Andrew C. Brassey, P.O. Box 1009
- City, State and Zip Code Boise, Idaho 83701-1009
- New Telephone Number (208) 344-7300
5. Date you acquired the property December 19, 1983

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

TRAIL CREEK MEADOWS RANCH, an Idaho
General Partnership

By: _____

Andrew C. Brassey, Managing Partner

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 DH Date 12-9-03 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

OK to change ownership. JP 3-15-04

QUITCLAIM DEED

FOR VALUE RECEIVED BART A. BRASSEY and DOROTHY M. BRASSEY, husband and wife, do hereby convey, release, remise and forever quitclaim unto J. MICHAEL BRASSEY, KATHLEEN BRASSEY McCURDY, JEAN BRASSEY LEATHAM and ANDREW C. BRASSEY, whose address is 2750 Falling Brook Way, Boise, Idaho, as their sole and separate property, an undivided Nine Tenths (9/10) interest in the following described parcel of real property located in Boise County, Idaho, more particularly described as follows, to-wit:

The subject property contains a total of 1,174.57 acres and is legally described as follows:

Township 7 North, Range 4 East, B.M., Boise County, Idaho

Section 26: S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 27: S $\frac{1}{2}$ S $\frac{1}{2}$
Section 28: S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 33: All
Section 34: N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35: Tax #18 in NW $\frac{1}{4}$ NW $\frac{1}{4}$ (14.57 acres)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the premises, together with the appurtenances, unto the grantees and to their heirs and assigns forever.

DATED This 19th day of December, 1983.

Bart A. Brassey
BART A. BRASSEY
Dorothy M. Brassey
DOROTHY M. BRASSEY

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 19th day of December, 1983, before me, a Notary Public in and for said State, personally appeared BART A. BRASSEY and DOROTHY M. BRASSEY, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

214

QUITCLAIM DEED

FOR VALUE RECEIVED, J. MICHAEL BRASSEY, KATHLEEN BRASSEY McCURDY and ANDREW C. BRASSEY, do hereby convey, release, remise and forever quitclaim unto TRAIL CREEK MEADOWS RANCH, an Idaho general partnership, which has an address of 1829 North 16th, Boise, Idaho, all of their interest in the following described parcel of real property located in Boise County, Idaho, more particularly described as follows, to-wit:

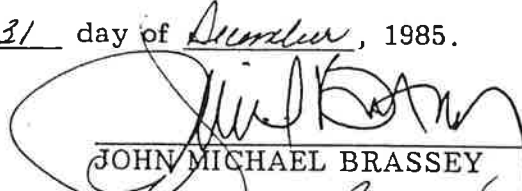
The subject property contains a total of 1,174.57 acres and is legally described as follows:

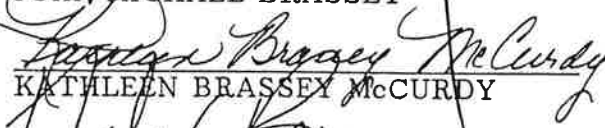
Township 7 North, Range 4 East, B.M., Boise County, Idaho

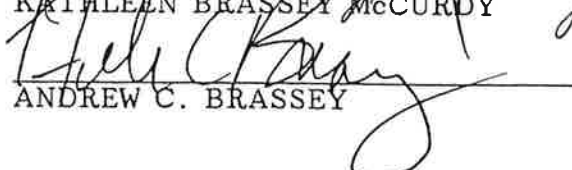
Section 26:	S 1/2 SW 1/4
Section 27:	S 1/2 S 1/2
Section 28:	S 1/2 SE 1/4
Section 33:	All
Section 34:	N 1/2 N 1/2, SW 1/4 NW 1/4
Section 35	Tax #18 in NW 1/4 NW 1/4 (14.57 acres)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the premises, together with the appurtenances, unto the grantees and to their heirs and assigns forever.

DATED this 31 day of December, 1985.


JOHN MICHAEL BRASSEY


KATHLEEN BRASSEY McCURDY


ANDREW C. BRASSEY

11.8.84

Boise County Idaho ss
Request of

Time 11:51 A.M.

Date Jan 6, 1984

Book 87

Page 3357

Arlene C. Kolar

Deputy

Fee 2.00

QUITCLAIM DEED

FOR VALUE RECEIVED BART A. BRASSEY and DOROTHY M. BRASSEY, husband and wife, do hereby convey, release, remise and forever quitclaim unto J. MICHAEL BRASSEY, KATHLEEN BRASSEY McCURDY, JEAN BRASSEY LEATHAM and ANDREW C. BRASSEY, whose address is 2750 Falling Brook Way, Boise, Idaho, as their sole and separate property, an undivided One Tenth (1/10) interest in the following described parcel of real property located in Boise Couty, Idaho, more particularly described as follows, to-wit:

The subject property contains a total of 1,174.57 acres and is legally described as follows:

Township 7 North, Range 4 East, B.M., Boise County, Idaho

Section 26:	S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 27:	S $\frac{1}{2}$ S $\frac{1}{2}$
Section 28:	S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 33:	All
Section 34:	N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35:	Tax #18 in NW $\frac{1}{4}$ NW $\frac{1}{4}$ (14.57 acres)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the premises, together with the appurtenances, unto the grantees and to their heirs and assigns forever.

DATED This 3 day of January, 1984.

Bart A. Brassey
BART A. BRASSEY
Dorothy M. Brassey
DOROTHY M. BRASSEY

STATE OF IDAHO)
COUNTY OF ADA) ss

On this 3 day of January, 1984, before me, a Notary Public in and for said State, personally appeared BART A. BRASSEY and DOROTHY M. BRASSEY, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

J. Carl Mack
Notary Public for Idaho
Residing at Boise, Idaho

QUITCLAIM DEED

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
P. O. Box 987
Ketchum, Idaho 83340**

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, I, JEAN A. LATHAM, ("Grantor"), do hereby convey, release, remise and forever quitclaim unto TRAIL CREEK MEADOWS RANCH, an Idaho general partnership, which has an address of 260 Hearthstone Drive, Boise, Idaho 83702 ("Grantee"), any and all interest I may have in and to the following described real property situated in Boise County, Idaho, to wit:

The subject property contains a total of 1,174.57 acres and is legally described as follows:

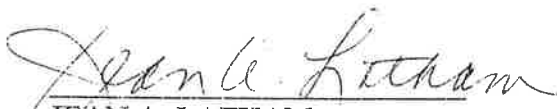
Township 7 North, Range 4 East, B.M., Boise County, Idaho

Section 26: S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 27: S $\frac{1}{2}$ S $\frac{1}{2}$
Section 28: S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 33: All
Section 34: N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35: Tax #18 in NW $\frac{1}{4}$ NW $\frac{1}{4}$ (14.57 acres)

together with all and singular the tenements, herditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the premises, together with the appurtenances, unto the grantee and to its heirs and assigns forever.

DATED this 2nd day of October, 1998.

GRANTOR:

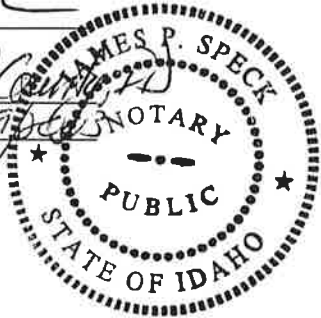

JEAN A. LATHAM

STATE Of IDAHO)
) ss.
County of Blaine)

On this 27th day of September, 1998, before me, the undersigned, a notary public in and for said state, personally appeared JEAN A. LATHAM, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

James P. Speck
Notary Public for Idaho
Residing at: Blaine, Idaho
Comm. Expires: 1/29/2000



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Water Rights: 63-5034, 63-5047B

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐

Address change

XX

Substitution of Party

☐

IC § 42-222 transfer

☐

Point of diversion

☐

Place of use

☐

Period of use

☐

Nature of use

☐

Split of water right

☐

Change in ownership

☐

Other

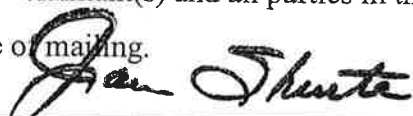
☐

IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 16, 2004


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 16, 2004, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

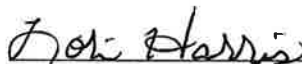
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Trail Creek Meadows Ranch	☐ overnight mail
c/o Andrew C Brassey	☒ regular mail
PO Box 1009	☐ hand-delivered
Boise ID 83701-1009	☐ facsimile

James P. Speck	☐ overnight mail
Speck & Aanestad	☒ regular mail
PO Box 987	☐ hand-delivered
Ketchum ID 83340	☐ facsimile



Signature of person mailing this document



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

March 16, 2004

TRAIL CREEK MEADOWS RANCH
C/O ANDREW C BRASSEY
PO BOX 1009
BOISE ID 83701-1009

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an ownership change. You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosures

cc: James Speck

RECEIVED

DEC 09 2003

WATER RESOURCES
WESTERN REGION

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

December 8, 2003

Mr. J. Shurte, Supervisor
IDWR - Western Region
2735 Airport Way
Boise ID 83705

Re: Notice of Change in Water Right Ownership
Water Right Nos.: A63-5047B and A63-05034
Our File No.: 1089/98-143

Dear Mr. Shurte:

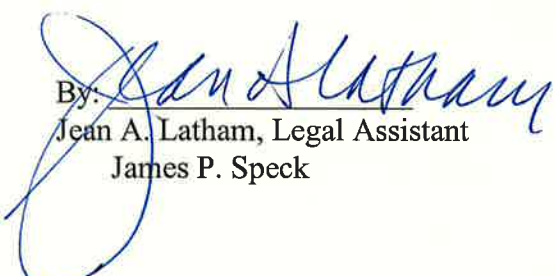
Enclosed please find original and one copy of Notice of Change of Water Right Ownership for the above-referenced water rights. Please stamp the original, conform the copy and return to our office in the enclosed self-addressed postage paid envelope.

Please call if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

Jean A. Latham, Legal Assistant
James P. Speck

JPS:jal
Enclosures
cc: Client (w/encl.)

COPY

RECEIVED

SEP - 3 2003

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls State of Idaho	
SEP - 2 2003	
By _____	Clerk
_____	Deputy Clerk

AMENDED DIRECTOR'S REPORT

Subcase No. 63-5047B

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David R. Tuthill, Jr., Adjudication Bureau Chief

Aug. 27, 2003

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the verbal *Motion to Amend Claim*, the *Bench Order* granting *Motion to Amend Claim* and verbal order setting a deadline for the *Amended Director's Report* occurring at the initial hearing on July 29, 2003, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 27th day of August, 2003.


DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on August 28, 2003, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

James P. Speck
Speck & Aanestad
120 East Avenue
P.O. Box 987
Ketchum, ID 83340

Boise County Courthouse
415 Main Street
Idaho City, ID 83631



Signature of person delivering form

08/08/2003

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

RIGHT NUMBER: 63-5047B

NAME AND ADDRESS: BART A BRASSEY
2202 E CANE ST
BOISE ID 83712

DOROTHY M BRASSEY
2202 E CANE ST
BOISE ID 83712

SOURCE: TRAIL CREEK

TRIBUTARY: CLEAR CREEK

QUANTITY: 2.980 CFS ~~2.35 CFS~~

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 01/01/1863 ~~04/01/1863~~

POINT OF DIVERSION:

T07N R04E S27 SESESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.070 CFS

IRRIGATION

04/01 10/31

2.980 CFS ~~2.35 CFS~~

PLACE OF USE: STOCKWATER Within BOISE County

T07N R04E S26 SWSW ✓

T07N R04E S27 SESW ✓

T07N R04E S27 SWSE ✓

T07N R04E S27 SESE ✓

T07N R04E S34 NWNE ✓

T07N R04E S34 NENW ✓

IRRIGATION Within BOISE County

T07N R04E S26 SWSW 32.0 ✓

T07N R04E S27 SESW 12.0 ✓

T07N R04E S27 SWSE 35.0 ✓

T07N R04E S27 SESE 34.0 ✓

T07N R04E S34 S27 NWNE 1.5 ✓

T07N R04E S34 S27 NENW 3.0 ✓

117.5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Stockwater use is for 250 range cattle.

08/08/2003

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

RIGHT NUMBER: 63-5047B

NAME AND ADDRESS: BART A BRASSEY
2202 E CANE ST
BOISE ID 83712

DOROTHY M BRASSEY
2202 E CANE ST
BOISE ID 83712

SOURCE: TRAIL CREEK

TRIBUTARY: CLEAR CREEK

QUANTITY: 2.980 CFS ~~2.35 CFS~~

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1863 ~~04/01/1863~~

POINT OF DIVERSION:

T07N R04E S27 SESESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.070 CFS

IRRIGATION

04/01 10/31

2.980 CFS ~~2.35 CFS~~

PLACE OF USE: STOCKWATER Within BOISE County

T07N R04E S26 SWSW

T07N R04E S27 SESW

T07N R04E S27 SWSE

T07N R04E S27 SESE

T07N R04E S34 NWNE

T07N R04E S34 NENW

IRRIGATION Within BOISE County

T07N R04E S26 SWSW 32.0

T07N R04E S27 SESW 12.0

T07N R04E S27 SWSE 35.0

T07N R04E S27 SESE 34.0

T07N R04E S34 ~~S27~~ NWNE 1.5

T07N R04E S34 ~~S27~~ NENW 3.0

117.5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

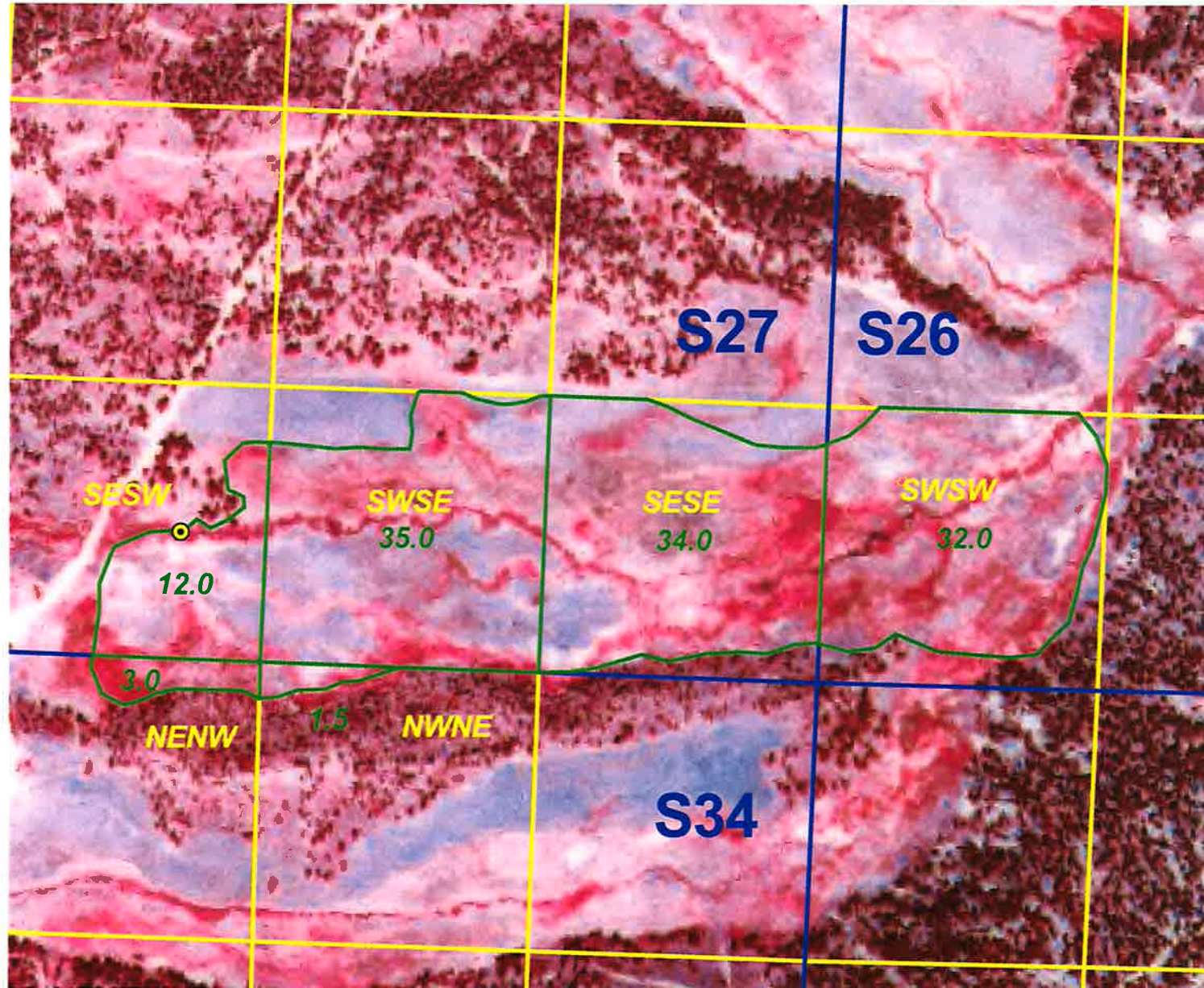
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

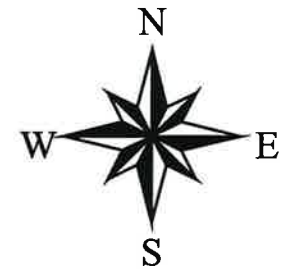
Stockwater use is for 250 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-5047B
Date Prepared: 04-18-02
Prepared By: Ron Howerton



T07N, R04E



-  **Point of Diversion**
-  **Place of use**
-  **Section**
-  **Quarter/Quarter**

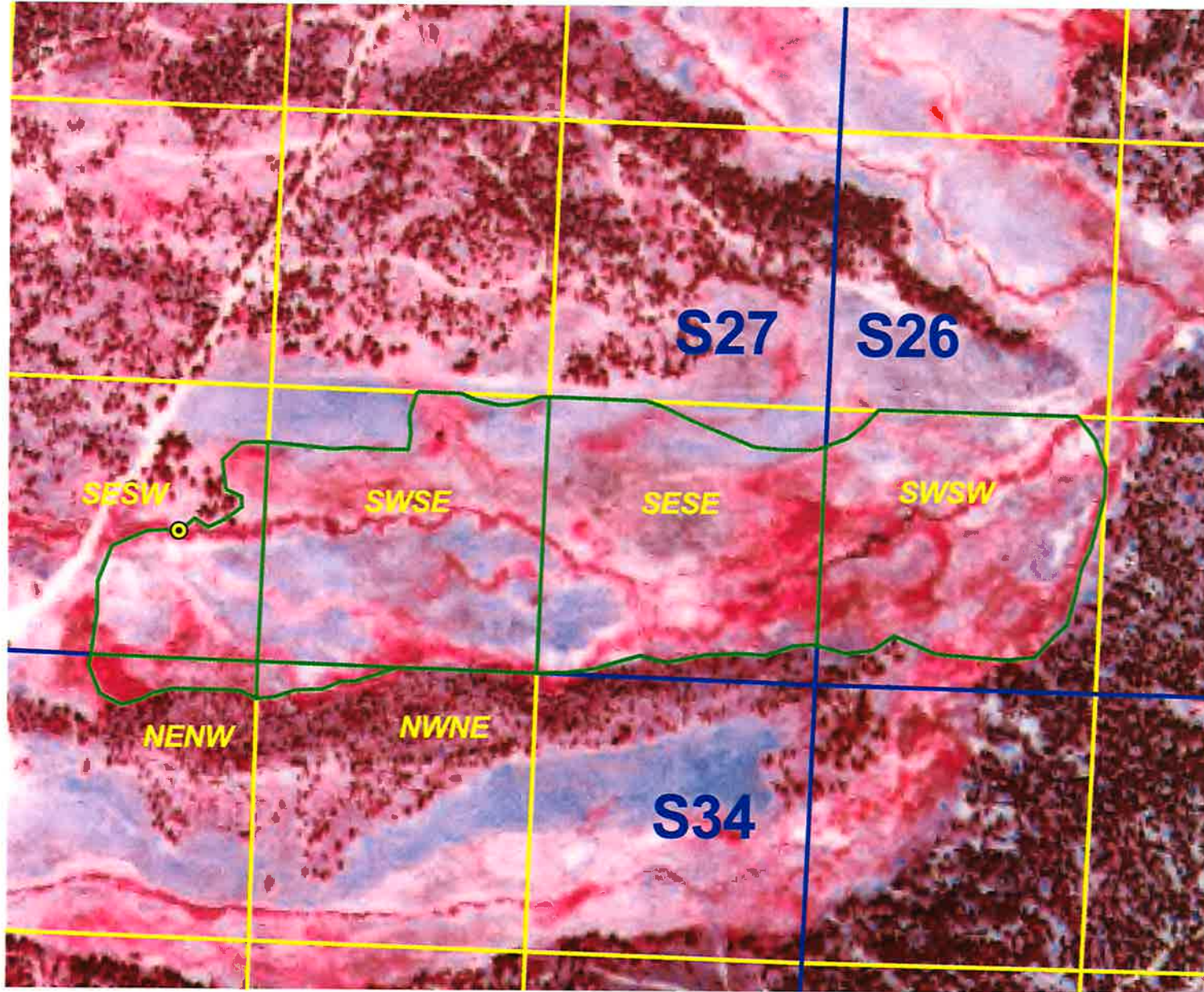
117.5 Acres

1987 NAPP

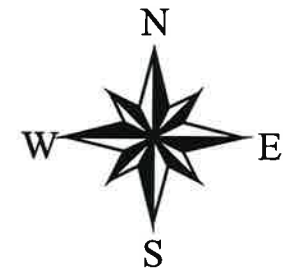


IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-5047B
Date Prepared: 04-18-02
Prepared By: Ron Howerton



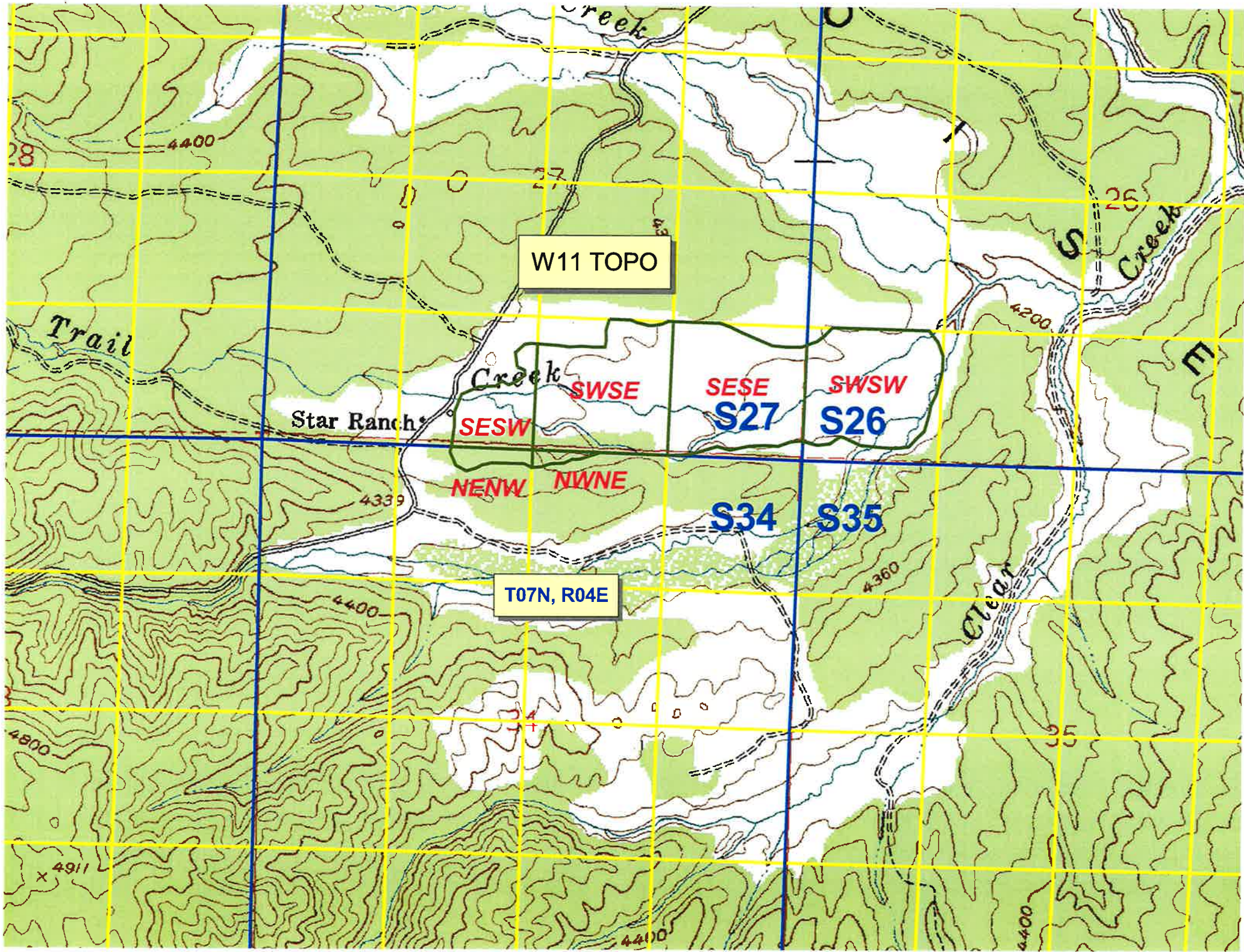
T07N, R04E



-  **Point of Diversion**
-  **Place of use**
-  **Section**
-  **Quarter/Quarter**

1987 NAPP





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 63-5047B
Date Received: 2/8/1989
Receipt No: C005441
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BART A BRASSEY Phone: (208)343-1042
2202 E CANE ST
BOISE ID USA 83712

OR

DOROTHY M BRASSEY Phone: (208)343-1042
2202 E CANE ST
BOISE ID USA 83712

2. Date of Priority: 01/01/1863

3. Source: TRAIL CREEK Trib. to: GRANITE CREEK

4. Point of Diversion:

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

COPY -
originally claimed at
(should be Clear Creek
PER W11 TOPO
For "R" FILE

5. Description of diverting works:

DAM & DITCHES

6. Water is used for the following purposes:

Purpose
IRRIGATION
STOCKWATER

COMMENTS

From	To	C.F.S.	(or) A.F.A
04/01	10/31	2.98	
01/01	12/31	0.07	

7. Total Quantity Appropriated is:
2.98 C.F.S.

Objection: This new recommendation is based
upon amended claim per initial
hearing dated 7-29-03

8. Total consumptive use:

WILD Flooding: The maximum CFS allowed
for WILD FLOODING WAS
based upon the capacity of
the ditch

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section 1/4 of 1/4	Lot	Use	Acres
07N	04E	26	SW SW	SW SW	STOCKWATER IRRIGATION
					32
					Section Acres 32
07N	04E	27	SE SW	SW SE	IRRIGATION
			SE SE	SE SE	IRRIGATION
			SE SW	SW SE	STOCKWATER
			SW SE	SE SE	STOCKWATER
					STOCKWATER
					12
					35
					34
					Section Acres 81
07N	04E	34	NW NE	NE NW	STOCKWATER
			NW NE	NE NW	STOCKWATER
			NE NE		IRRIGATION
					IRRIGATION
					1.5
					3
					Section Acres 4.5
					Total Acres 117.5

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 250 RANGE CATTLE

CLAIM AMENDED PER OWNERS REQUEST AT INITIAL HEARING DATED 7-29-03. RDH 7-30-03.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

04/19/2002

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

RIGHT NUMBER: 63-5047B
NAME AND ADDRESS: BART A BRASSEY
330 SUMMIT RIDGE RD
BOISE ID 83702

DOROTHY M BRASSEY
330 SUMMIT RIDGE RD
BOISE ID 83702

SOURCE: TRAIL CREEK 2.98 WIND FLOODING!
QUANTITY: 2.350 CFS
PRIORITY DATE: 04/01/1863
POINT OF DIVERSION:

TRIBUTARY: CLEAR CREEK

T07N R04E S27 SESESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.350 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T07N R04E S26	SWSW 32.0	T07N R04E S27	NWNE 1.5
T07N R04E S27	NENW 3.0	T07N R04E S27	SESW 12.0
T07N R04E S27	SWSE 35.0	T07N R04E S27	SESE 34.0

117.5 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

- DRAFT -

RECEIVED
AUG 06 2003
WATER RESOURCES
WESTERN REGION

LAW OFFICE
BRASSEY, WETHERELL, CRAWFORD & McCURDY, L.L.P.
WASHINGTON FEDERAL PLAZA
1001 WEST IDAHO, 3RD FLOOR
POST OFFICE BOX 1009
BOISE, IDAHO 83701

TELEPHONE
(208) 344-7300
FACSIMILE
(208) 344-7077
E-MAIL
acb@brassey.net

ANDREW C. BRASSEY

August 6, 2003

HAND DELIVERY

Ron Howerton, Senior Water Resource Agent
Adjudication Bureau
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

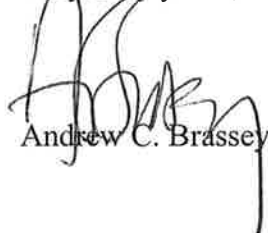
Re: *Bart and Dorothy Brassey*
Claim Nos. 63-5047B and 63-5034

Dear Ron:

Enclosed please find our Amended Notice of Claims for 63-5047B and 63-5034. If you need any additional information from us, please do not hesitate to give me a call.

I appreciate your consideration and assistance in this matter.

Very truly yours,



Andrew C. Brassey

ACB:csb
Enclosures
cc: Jim Speck (w/encls.)

CONVERSATION MEMORANDUM

SUBJECT: Wild Flooding

WHOM WITH: Mel Schulte

Mel Schulte 8-4-03
WATER RIGHTS: 63-5034 & 63-5047B

SENIOR AGENT: RON HOWERTON

DATE: August 4, 2003



NARRATIVE: I asked Mel about these two rights that he done the fieldwork for these above listed claims for Brassey. Completed 10/24/2001.

I asked him if this was wild flooding he said yes. Nor could he think of any injury to others and is of common practice in the area? He said it was of common practice and couldn't think of any injury.

Thus using Jeff Peppersack's 1999 report, " Report regarding evaluation of irrigation diversions rates. See attached pages 37 & 38 under the heading, Wild Flooding Irrigation Systems: where it says that if "where no impact or potential injury to other users can be identified, the diversion rates required under the existing systems and conditions are considered reasonable and necessary".

REPORT REGARDING EVALUATION OF IRRIGATION DIVERSION RATES

Wild Flooding Irrigation Systems

Wild flooding systems are common in many parts of the state. They are most commonly used on farmland with marginal value where other types of water application systems are not economical or practical. Land preparation and improvements are minimal or nonexistent and the water management level is very low.

Wild flooding irrigation systems are not like other surface irrigation systems which retain some control of the water as it flows down to the end of the field. The distribution of water is very dependent on the condition of the land surface. After leaving the supply ditch, the water spreads randomly to low spots and infiltrates the soil as it moves towards the end of the field. Long set times are normal to allow the water to spread laterally through the soil from the braided streams that form on the land surface. Due to the lack of control on the water, the distribution is often uneven and the FAE is usually very low. In general, this method of water application is not considered an acceptable irrigation practice.

The level of benefit gained to crops irrigated with wild flooding systems is variable and primarily dependent on the condition of the land where the systems are used. When comparing the amount of water applied and the benefit gained between wild flooding systems and conventional surface irrigation systems, the level of efficiencies cannot be justified for water allocation purposes.

Since there is some benefit gained from these systems, there is a need for a standard, based on acceptable irrigation practices, to determine an acceptable level of efficiencies for wild flooding systems. The procedure described above for corrugation systems using the furrow program will be used as a standard to determine the optimum FAE for wild flooding systems. The procedure for corrugation systems should be followed using the appropriate furrow intake family and design application, the existing field slope, and a reasonable corrugation spacing. For consistency, use 2.5 feet for alfalfa and 2 feet for pasture and grain. The optimum lengths, inflow rates, and inflow times obtained from the furrow program will provide an optimum FAE to be used in the determination of the field irrigation requirements.

In some cases, wild flooding systems are used in isolated areas, near the headwaters of small drainage basins or along intermittent streams. These systems rely heavily on spring runoff. Water is diverted early in the season when spring runoff occurs and allowed to flood lands adjacent to the source. Runoff from the fields flows back into the stream where it becomes available for other fields or other farms situated downstream. In these situations, the amount of water available is controlled by the amount of spring runoff; water application losses have no real effect on water users

REPORT REGARDING EVALUATION OF IRRIGATION DIVERSION RATES

downstream because the losses end up back in the stream. Upstream water users, if they exist, generally share the same practices and operate under the same local customs or understandings. In these cases, where no impacts or potential injury to other water users can be identified, the diversion rates required under the existing systems and conditions are considered reasonable and necessary.

Sprinkler Irrigation Systems

Sprinkler irrigation systems are typically more efficient than surface irrigation systems. Historically, many surface systems have been replaced by sprinkler systems. The decision to use a particular irrigation system may depend on factors beyond the control of the farmer (e.g. crop prices, energy costs). To overcome the variability of those factors, farmers should be allowed some flexibility to return to a surface system as necessary. In cases where a water right was originally developed as a surface system, the optimum FAE will be based on the surface system using acceptable irrigation practices as described earlier in this report.

For those sprinkler systems which were originally developed as sprinkler systems, the optimum FAE will be estimated based on typical or expected values found in existing literature. Sprinkler systems are very flexible in their ability to apply water at the necessary rates and time periods for various crops and soil conditions. Properly designed and managed systems will achieve these expected efficiencies under normal conditions.

The Hubble report guidelines (page 25 and Appendix A-7) provide a range of efficiencies for various types of sprinkler systems. The University of Idaho questioned the reasonableness of these efficiency values in their report to HWRO (Hazen, Gibson, and Neibling, 1994, p. 9). The University of Idaho report provided an alternative range of efficiencies for various types of sprinkler systems. These values were originally presented in a 1994 report by the Idaho Irrigation Water Conservation Task Force and are reprinted below (Idaho Irrigation Water Conservation Task Force, 1994, p. 38).

<u>sprinkler system</u>	<u>application efficiency</u>
stationary lateral (wheel or hand move)	60 - 75%
solid set lateral	60 - 85%
traveling big gun	55 - 67%
stationary big gun	50 - 60%
center pivot lateral	75 - 85%
moving lateral (linear)	80 - 87%

AGENT'S MASTER FORM

Agent Howerton

Sr Water Agent

Issue

No.	Claim No.	Name	Issue Resolution/Comments
1	63-5047B	BART BRASSEY & DOROTHY BRASSEY	534 - Should be LISTED for the NEW & NWNE NOT 527 I AGREE - TYPO MAP WAS CORRECT.
2			THE ISSUE OF QUANTITY BEING ADDED FOR DITCH LOSS IS A MOOT POINT - SEE MEMO IN FILE DATED 4/19/2002. CONVEYANCE LOSS ORIGINALLY LOOKED AT BY MEL WAS IN ERROR.
3.	4/29/03		SEND HURBLE, TYPO not REQUIRED WILD FLOODING - SEE MEMO DATED 8-4-03 with MEL Schulte
			Amend (kws) Stk XFEAR Round use DATE OF PRIORITY WITH JAN 1
			RANGE CATTLE up to 250 HD.
4.	7/31/07		CONV WITH TIM SPRICK - REDU DRAFT WITH NEW ADDRESS: 2202 E CANE ST DOKE ID 83712 • ALSO PER REQUEST FOR CLAIM to SHOW ACRES WE (ALL) AGREED UPON & RESEND BY E-MAIL TO TIM & ANDREW.

Howerton, Ron

From: Howerton, Ron
Sent: Thursday, July 31, 2003 2:37 PM
To: 'JIMSPECK@COX-INTERNET.COM'
Cc: 'ACB@BRASSEY.NET'
Subject: AMENDED CLAIMS with corrected acres and address 63-5047B & 63-5034

Jim,

Here are the amended claims with the acres we discussed on 7-29-03. And the updated address.

Let me know if I need to change anything else...

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

7/31/2003



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

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 7-30-03

TO: (FAX 1-208-726-0752)
JIM SPECK
ANDREW BRASSEY
(FAX 344-7077)

FROM RON
HOWERTON

DOCUMENT DESCRIPTION: IRR. RATE QUESTIONNAIRE
& MANNING CAPACITY
RESULTS

TOTAL PAGES SENT: 10 + COVER SHEET

CONTACT: RON

RECEIVED

JAN 29 2003

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576



Subcase 63-5047.B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:



NAME AND ADDRESS OF PERSON OBJECTING

Name: Bart A. Brassey and Dorothy M. Brassey

Address: 330 Summit Ridge Road

Boise, ID 83702

Daytime Phone: _____

Name & Address of Attorney, if any:

James P. Speck

Speck & Aanestad, A Professional Corporation

P.O. Box 987, Ketchum, ID 83340



CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Bart A. Brassey and Dorothy M. Brassey

Address: 330 Summit Ridge Road

Boise, ID 83702

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 2.98 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: see addendum

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** see addendum

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. P. Speck

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 27, 2003



Jan L. Latham
Notary Public for Idaho
Residing at: Blaine County
My Commission Expires: 1/25/07

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.



CERTIFICATE OF MAILING

I certify that on January 28, 2003, ~~199x~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

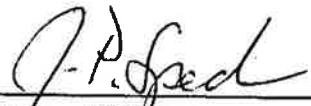
Name: Bart A. Brassey and Dorothy M. Brassey
Address: 330 Summit Ridge Road
Boise, ID 83702

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

ADDENDUM TO OBJECTION
Subcase No. 63-5047B

- D.9. The NE1/4 NW1/4 and NW1/4 NE1/4 of Section 27, Township 7 North, Range 4 East should be the NE1/4 NW1/4 and NW1/4 NE1/4 of Section 34, Township 7 North, Range 4 East. The number of irrigated acres should not change. We believe this is merely a data entry error.
- E. The quantity should be the full amount of the claim, *i.e.* 2.98 cfs. The place of use has been historically irrigated by flood irrigation. The conveyance loss has been calculated to include at least 0.73 cfs as described in the calculations by Mel Schulte attached hereto as Exhibits A and B.

1/3/95

ESTIMATING CONVEYANCE LOSS



FIELD EXAMINER: Mike Schultz

FIELD EXAM DATE: 10-24-2001

FOR CLAIM(S) A63-5047B

Ditch from Trail Creek on North side of POU.

FORMULA: $S = (W)(I)(0.0667)$

Where:
 S = Loss in CFS per Mile
 W = The top width of the high water mark in feet
 I = The loss rate in feet per day (see table)
 0.0667 is a factor used to convert to CFS per mile

TABLE:	TYPE OF SOIL	LOSS RATE I (FT/DAY)
	Medium clay loam.....	0.5 to 1.5
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils.....	1.5 to 2.0
	Gravel.....	2.5 to 3.0

WORK SHEET

W = (3.175 FT) I = (3.0 FT/DAY) (0.0667)

S = .64 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.64 CFS/MILE) (.71 MILE)

CONVEYANCE LOSS = .45 CFS

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 3.75' @ manure length in inches = _____ = A
 Section 2 = 2.0' @ auto
 Section 3 = _____

Total.... = 6.35'
 /for 3... = 3.175' = W

Map Scale: _____ In. = 1 Mile = B

A/X : 3/5,280 = Ft./5,280 = Mile

3.740' / 5280' = .71 mile based on GIS map measurements.

EXHIBIT A

1/5/99

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: Neil SchulteFIELD EXAM DATE: 10-24-01FOR CLAIM(S) A63-5047B

Ditch from Trout Creek on south side of the Creek
 FORMULA: $S = (W)(I)(0.0667)$

Where:
 S = Loss in CFS per Mile
 W = The top width of the high water mark in feet
 I = The loss rate in feet per day (see table)
 0.0667 is a factor used to convert to CFS per mile

TABLE:	TYPE OF SOIL	LOSS RATE I (FT/DAY)
	Medium clay loam.....	0.5 to 1.5
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 3.0

WORK SHEET

$W = (2.75 \text{ FT})$ $I = (3.0 \text{ FT/DAY}) (0.0667)$

$S = .55 \text{ CFS/MILE}$

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = $(.55 \text{ CFS/MILE}) (.5 \text{ MILE})$

CONVEYANCE LOSS = .28 CFS

TOP OF DITCH = W

MAP MEASUREMENT

* Section 1 = 3.0'
 Section 2 = 2.5'
 Section 3 = 2.5'

Total.... = 5.5'

120x 3... = 2.75' = W

Length in Inches = _____ = A

Map Scale: _____ In. = 1 Mile = B

$A/X : B/5,280 = \text{ft.}/5,280 = \text{Mile}$

$2630'/5280' = .50 \text{ miles} = \text{GIS map measurements.}$

* Based on estimates, not actual measurements.

EXHIBIT B

Howerton, Ron

From: Howerton, Ron
Sent: Tuesday, January 21, 2003 4:28 PM
To: 'jimspeck@cox-internet.com'
Cc: Howerton, Ron
Subject: 63-5047B

Jim,

This claim was recommended in place of license 63-2414, it gives it a 1863 date of priority versus the junior license priority of 1928. A map in the old license file appears to include the acres that are covered by 63-5047B, which will supercede the license and no need to file.

Here is the map that should cover the licensed land in question on recommended right 63-5047B . If you have more questions don't hesitate to call or email me...

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

1/21/2003

State of Idaho

License and Certificate of Water Right

Water License No. 16930
Water District No.

Amount 1.2 second feet
Priority July 17, 1928

THIS IS TO CERTIFY that FRANK KANFT of Placerville, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 17, 1928; that Permit No. 16930 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2 second feet, was issued thereunder on November 3, 1928, showing that said works were completed on the 1st day of November, 1928; and that on the 29th day of January, 1929,

FRANK KANFT of Placerville, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Trail Creek, a tributary of Granite Creek, for the purpose of irrigation, under Use Permit No. 16930 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4019, on the 1st day of May, 1940; The right hereby confirmed dates from July 17, 1928;

The Point of Diversion is located in the SE 1/4 SE 1/4, Sec. 28, Twp. 7 N., R. 4 E., B. M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	4 E.	28	SW 1/4 SW 1/4	20	20
			SE 1/4 SW 1/4	40	15
			SW 1/4 SE 1/4	40	25
Total Number of Acres Irrigated					60

*error
6.76.40 29.52*

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 1st day of May, 1940

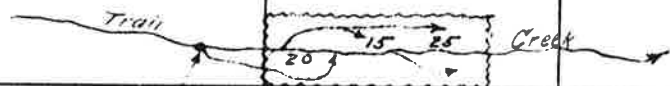
JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

63 2414

28

27



Line of Tiverson
33

34

04/19/2002

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

RIGHT NUMBER: 63-5047B
NAME AND ADDRESS: BART A BRASSEY
330 SUMMIT RIDGE RD
BOISE ID 83702

DOROTHY M BRASSEY
330 SUMMIT RIDGE RD
BOISE ID 83702

SOURCE: TRAIL CREEK TRIBUTARY: CLEAR CREEK
QUANTITY: 2.350 CFS
PRIORITY DATE: 04/01/1863
POINT OF DIVERSION:

T07N R04E S27 SESESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.350 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T07N R04E S26	SWSW	32.0	T07N R04E S27	NWNE	1.5
T07N R04E S27	NENW	3.0	T07N R04E S27	SESW	12.0
T07N R04E S27	SWSE	35.0	T07N R04E S27	SESE	34.0

117.5 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

modified

IDAHO DEPARTMENT OF WATER RESOURCES

01/09/2002

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-5047B

NAME AND ADDRESS: BART A BRASSEY
330 SUMMIT RIDGE
BOISE ID 83702

DOROTHY M BRASSEY
330 SUMMIT RIDGE
BOISE ID 83702

SOURCE: TRAIL CREEK

TRIBUTARY: GRANITE CREEK

QUANTITY: ~~1.84 CFS~~ 2.35

PRIORITY DATE: 04/01/1863

POINT OF DIVERSION:

T07N R04E S27 SESESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
~~1.840 CFS~~ 2.35

PLACE OF USE: IRRIGATION Within BOISE County

T07N R04E S26
T07N R04E S27

SWSW
SWSE

12.0
35.0 OK

T07N R04E S27
T07N R04E S27

SESW
SESE

12.0 OK
33.0 34

117.5 92 ACRES TOTAL

S34 NENW - 3
S34 NENE - 1.5

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: Statutory Claim

~~ADD E28 - LIMIT to 0.02 cfs/Acre
when measured at field headgate~~

MODIFIED RECOMMENDATION
PER NOE.

NEW
TOTAL
ACRES

$$(117.5)(0.02) = 2.35 \text{ cfs}$$

$$\text{plus conveyance loss} = (2.45 + .28) = 2.73 \text{ cfs}$$

$$\begin{array}{r} \text{MAX Ditch Loss} = 3.08 \\ - 2.98 \\ \hline .10 \end{array}$$

could be .03
Since claim was
for 2.98 cfs

↑
~~SEE MEL'S CALC of Ditch loss IN FILE~~

CONVERSATION MEMORANDUM

SUBJECT: CONVEYANCE LOSS

WHOM WITH: Andy Brassey (Point of contact for his Dad, Bart Brassey)
Work # 344-7300 Fax # 344-7077 Home # 342-7334

WATER RIGHTS: 63-5034 & 63-5047B

SENIOR AGENT: RON HOWERTON

DATE: 4/19/2002

NARRATIVE:

Analysis of notice of error for the above rights:

Both of these rights were recommended in the preliminary report without conveyance loss added. A notice of error was received in our office April 4, 2002 stating they wanted ditch loss and indicated on Mel's map of where additional irrigated lands were located.

Acres:

- I have spoke to Mel, he said that the additional place of use is ok to recommend because he didn't know that land was Brassey's. I corrected the recommendation per NOE.

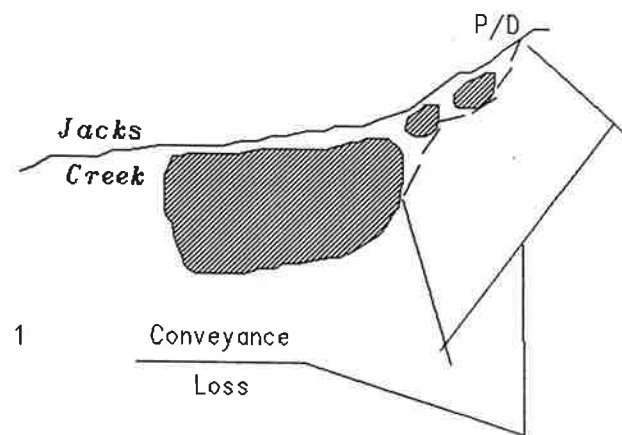
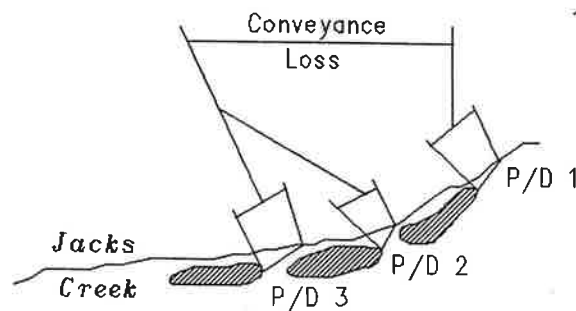
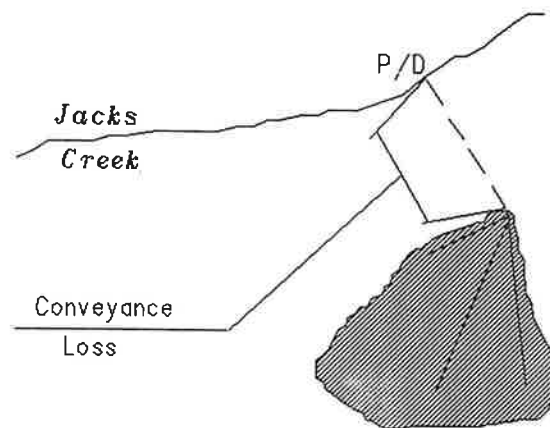
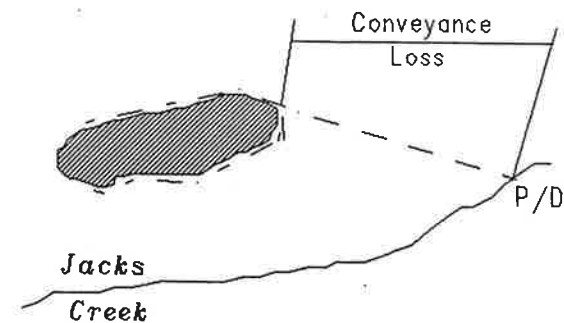
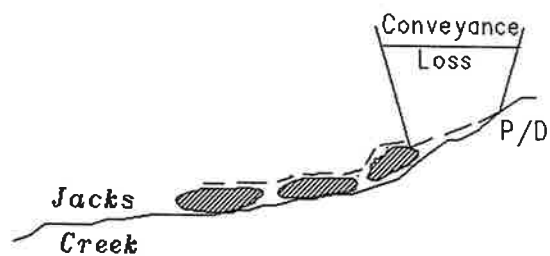
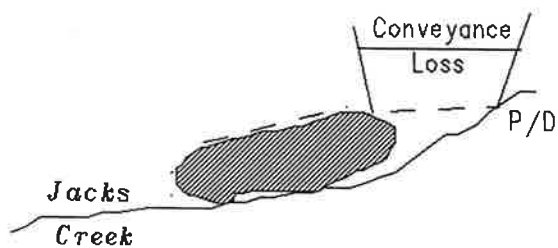
Conveyance Loss:

- Mel's ditch loss calculations didn't consider the distance from the point of diversion to the place of use, instead calculated the entire length of the ditch, thus, I couldn't recommend ditch loss because the irrigated land starts at the point of diversion.

Called Andy Brassey and discussed the above problem with the conveyance loss. I faxed him a copy of the new recommendations versus old and a copy of the NAPP and a diagram showing conveyance loss samples. I also mailed the original FAX copies to his home address of 260 Hearthstone Dr. Boise ID 83702.

I explained to him that since we really couldn't give the ditch loss, they still might be able to get more CFS by submitting paperwork for excessive flows. We could mail him that information. He indicated that he would let me know if he wants the excessive flows.

CONVEYANCE LOSS SAMPLES





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

FAX TRANSMITTAL COVER SHEET

FAX NUMBER (208) 334-2348

DATE: 4-19-02

TO: ANDY BRASSEY

FROM: RON HOWERTON

FAX 344-7077

WK 344-7300

DOCUMENT DESCRIPTION/NOTES: CONVEYANCE LOSS SAMPLES DIAGRAM

NEW RECOMMENDATIONS

NEW MAPS

OLD RECOMMENDATIONS WITH MODIFICATION

I WILL MAIL ORIGINALS TO

YOUR ADDRESS AS PER TEL CONV.

TOTAL PAGES SENT: 7 + COVER SHEET

CONTACT: RON HOWERTON

RECEIVED

APR 04 2002

WATER RESOURCES
WESTERN REGION

TELEPHONE

(208) 344-7300

FACSIMILE

(208) 344-7077

E-MAIL

acb@brassey.net

LAW OFFICE
BRASSEY, WETHERELL, CRAWFORD & McCURDY, L.L.P.
WASHINGTON FEDERAL PLAZA
1001 WEST IDAHO, 3RD FLOOR
POST OFFICE BOX 1009
BOISE, IDAHO 83701

ANDREW C. BRASSEY

April 4, 2002

VIA HAND DELIVERY

Attention: Mel Schulte
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

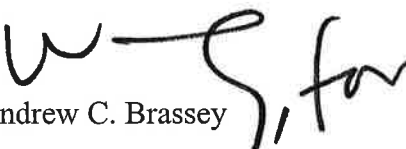
Re: *Water Right Number 63-5047B and*
Water Right Number 63-5034

Gentlemen:

Enclosed are two Notice of Error Replies for Water Right Nos. 63-5047B and 63-5034. We have attached to the Notice of Error Replies Exhibits A, B, and C.

If you need any further information from us, please do not hesitate to give me a call.

Very truly yours,


Andrew C. Brassey

ACB:csb
Enclosures

NOTICE OF ERROR
REPLY

03/01/2002

RECEIVED

APR 04 2002

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: April 5, 2002

Water right number: 63-5047B

BART A BRASSEY

330 SUMMIT RIDGE

BOISE ID 83702

Telephone Number: (208)343-1042

DOROTHY M BRASSEY

330 SUMMIT RIDGE

BOISE ID 83702

Telephone Number: (208)343-1042

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

Quantity and place of use

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

The place of use should include the area outlined on the place of use aerial photograph attached hereto as Exhibit A. The quantity should be 1.84 cfs plus 0.02 cfs for each acre included in the expanded place of use.

3. Give a brief explanation as to why you disagree with these portions:
The expanded place of use has been historically irrigated by flood irrigation. The quantity should include 0.73 cfs of conveyance loss according to the calculations by Mel Schulte attached hereto as Exhibits B and C.

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

DATE:

4-3-02

SIGNATURE:

Barton A. Brassey

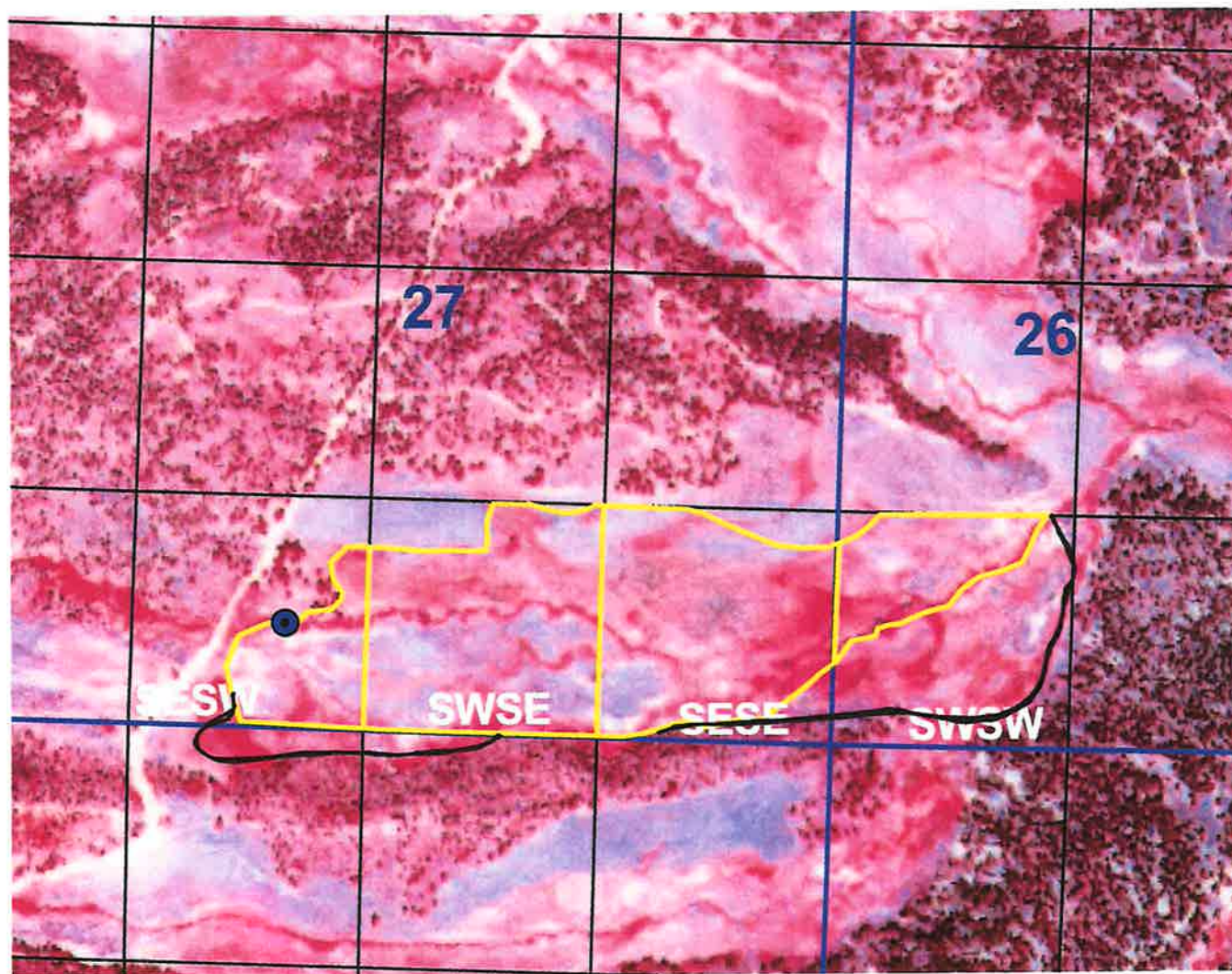
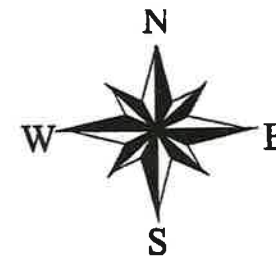
Please print your name:

BARTON A. BRASSEY

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

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R04E, S26 & S27



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5047B

OWNER(S) : BRASSEY

DATE: JANUARY 8, 2002

by: Mel Schulte

0 0.25 0.5 0.75 1 Miles

EXHIBIT A

1/5/95

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: Mike SchulteFIELD EXAM DATE: 10-24-2001FOR CLAIM(S) A63-5047B

Ditch from Trail Creek on North side of POU.

FORMULA: $S = (W)(i)(0.0667)$

Where:

S = Loss in CFS per Mile
 W = The top width of the high water mark in feet
 i = The loss rate in feet per day (see table)
 0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils....	1.5 to 2.0
Gravel.....	2.5 to 5.0

WORK SHEET

W = (3.175 FT) i = (3.0 FT/DAY) (0.0667)S = .64 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.64 CFS/MILE) (.71 MILE)CONVEYANCE LOSS = .45 CFS

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 3.75' @ main p
 Section 2 = 2.6' auto
 Section 3 = _____Total.... = 6.35/2 or 3... = 3.175 = WLength in Inches = _____ = A
 Map Scale: _____ In. = 1 Mile = B

A/X : B/5,280 = Ft./5,280 = Mile

3.740' / 5280' = .71 miles based
 on GIS map measurements.

EXHIBIT B

1/5/95

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: Neil SchulteFIELD EXAM DATE: 10-24-01FOR CLAIM(S) A63-5047B

Ditch from Trail Creek on south side of the Creek
 FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
 W = The top width of the high water mark in feet
 i = The loss rate in feet per day (see table)
 0.0667 is a factor used to convert to CFS per mile

TABLE:	Type of Soil	Loss Rate i (Ft/Day)
	Medium clay loam.....	0.5 to 1.5
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 3.0

WORK SHEET

$W = (2.75 \text{ FT})$ $i = (3.0 \text{ FT/DAY}) (0.0667)$

$S = .55 \text{ CFS/MILE}$

CONVEYANCE LOSS = $(S) (\text{LENGTH OF DITCH IN MILES})$

CONVEYANCE LOSS = $(.55 \text{ CFS/MILE}) (.5 \text{ MILE})$

CONVEYANCE LOSS = .28 CFS

TOP OF DITCH = W

MAP MEASUREMENT

* Section 1 = 3.0'
 Section 2 = 2.5'
 Section 3 =

Total.... = 5.5'

1/2 or 3... = 2.75' = W

Length in Inches = = A

Map Scale: In. = 1 Mile = B

$A/X : B/5,280 = \text{Ft.}/5,280 = \text{Mile}$

$2630' / 5280' = .50 \text{ miles} = \text{GIS map measurements.}$

* Based on estimates, not actual measurements.

EXHIBIT C

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

CLAIM NO(s). 463-5047B

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☐ No Change ADDRESS

☒ NEW ADDRESS: correct address is 330 Summit Ridge

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 4-1-1863
(If the priority date, based on your exam, seems questionable, explain below.)

Claimants affidavit based on his personal and family history.

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: Trail Creek.

4. ☒ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's: Per GPS

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

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

One POD diverts to two ditches. The North ditch serves the land North of Trail Creek. The South ditch is a spider web of smaller ditches that irrigate land South of Trail Creek.

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use Irrigation From 4-1 To 10-31 Amount 1.84 CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. ☐ No Change - TOTAL VOLUME

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

☐ Changes found, the new total is, Amount 1.84 CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

See attached GIS layout map.
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

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

Field exam assisted by Andy Brassey.

C18

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-24-01

FIELD EXAMINER: _____

Print Name

Mel Schulte
Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5047

WATER RIGHT NUMBER: 63-5047

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOROTHY M BRASSEY 730 SUMMIT RIDGE BOISE, ID 83702
Current Owner	BART A BRASSEY 730 SUMMIT RIDGE BOISE, ID 83702

Priority Date: 07/01/1930

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
TRAIL CREEK	GRANITE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	1.440 CFS	
	<u>Total Diversion:</u>		1.440 CFS	

Location of Point(s) of DiversionTRAIL CREEK
BOISE County

SE1/4SW1/4

Sec. 27, Twp 07N, Rge 04E, B.M.

Place of UseIRRIGATION Within BOISE County

T07N R04E S26	SWSW	35.0	T07N R04E S27	SESE	37.0
Total Acres: 72					

Conditions of Approval:Remarks:Comments:Dates and Other Information:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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

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

Notice is hereby given that Bart A. and/or Dorothy M. Brassey
(Name of Claimant)
750 Summit Ridge, Boise, ID 83702 Telephone No. 343-1042
(Mailing Address) (Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) July 1, 1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Trail Creek tributary to Granite Creek

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

Quantity	(cfs, all)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>1.44</u>		Use <u>Irrigation</u>		Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1.44 TOTAL QUANTITY USED.
(cfs, all)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 SW 1/4, Sec. 27 Twp. 7N Rge. 4E B.M., County of Boise
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion dam -- gravity irrigation.

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	4E	26											35						35
		27															37		37

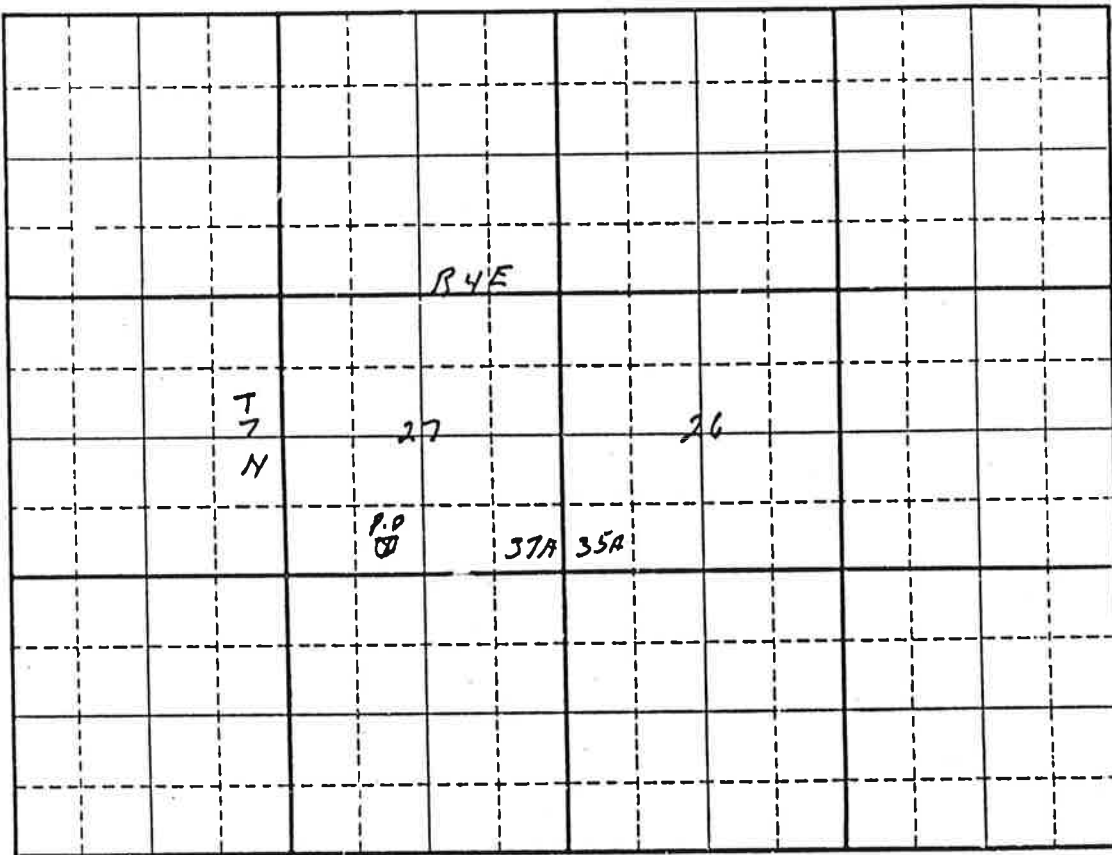
No. of acres 72

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

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

8) Remarks _____



Scale: 2 Inches equal 1 mile.

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

State of Idaho)

) ss.

County of ADA)

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

Sworn to before me this 13 day of MAY

Robert A. Dransky
(Claimant)

19 83

Ronald H. Hoff
Notary Public
Residing at BOISE, ID

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by AKN

Date 5/13/83

Exception filed by:

Forwarded to

Date

Prelim. check by AKN

Date 5/13/83

28835

claimant by:

Published in CHANDLER

Dates 6/30 & 7/1/83

RECEIVED

JAN 07 2002

WATER RESOURCES
WESTERN REGION

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Ada)

Barton A. Brassey, being first duly sworn upon oath, deposes and states as follows:

1. Your Affiant is a resident of the city of Boise, county of Ada, state of Idaho, and resides at 330 Summit Ridge Road, Boise, Idaho.

2. That your Affiant is the father of Andrew C. Brassey, John Michael Brassey, Kathleen A. McCurdy (Brassey), and Jean A. Latham (Brassey), partners in Trail Creek Meadows Ranch, an Idaho general partnership.

3. Your Affiant is the direct predecessor in title to Andrew C. Brassey, John Michael Brassey, Kathleen A. McCurdy (Brassey), and Jean A. Latham (Brassey) and Trail Creek Meadows Ranch, an Idaho general partnership, to the property described as follows:

Township 7 North, Range 4 East, B.M., Boise County, Idaho

Section 26: S 1/2 SW 1/4

Section 27: S 1/2 S 1/2

Section 28: S 1/2 SE 1/4

Section 33: All

Section 34: N 1/2 N 1/2, SW 1/4 NW 1/4

Section 35: Tax #18 in NW 1/4 NW 1/4 (14.57 acres)

4. That prior to your Affiant's acquisition of the above-described property, the property was owned by W. C. Brassey, your Affiant's father.

5. Your Affiant was born in 1923 and was raised in Placerville, Boise County, Idaho. Your Affiant's father, W. C. Brassey, had been in the Boise Basin area, and in particular Placerville, Idaho, since approximately 1913.

6. A stream known as Trail Creek runs through the property described in paragraph 3 above. A stream commonly referred to as Petersen Creek but shown upon various maps as an unnamed stream also runs through the property described in paragraph 3 above. The water from these two streams is utilized for the irrigation of adjacent grounds and has been for as long as your Affiant can remember. In addition, there are various springs that exist on the property described in paragraph 3 above that irrigate this same property and from approximately April 1 to approximately October 15 of each year the water from these springs is utilized for the irrigation of adjacent grounds. Your Affiant was raised in Placerville and the area through which these springs, Trail Creek, and Petersen Creek flow and your Affiant can recall as a young child that the water from these springs and creeks irrigated the adjacent grounds. It is your Affiant's belief that the ground irrigated by these springs and Trail Creek and Petersen Creek is approximately 200 acres. The water from these springs and the above-named creeks is also utilized for the irrigation of adjacent grounds for feed for varying numbers of stock and this stock likewise drinks from the streams and springs.

7. That Trail Creek and Petersen Creek (also known as an unnamed stream) and the springs identified above were used prior to your Affiant's acquisition of the above-described property and the reputation in the area was that the springs and creeks were utilized from the first settlement of the area, being approximately 1863.

8. Your Affiant personally dug various ditches that still exist near and about Trail Creek and Petersen Creek through which water from Trail Creek, Petersen Creek, and the springs described in paragraph 6 above flow to irrigate the adjacent grounds. Your Affiant also participated in the construction of the diversions which currently exist on Trail Creek and Petersen Creek. Your Affiant is also aware that your Affiant's brother, Jon Brassey, built various dams along Petersen Creek to flood irrigate the grounds adjacent to Petersen Creek.

FURTHER YOUR AFFIANT SAITH NOT.

Barton A. Brassey
Barton A. Brassey

SUBSCRIBED AND SWORN to before me this 28th day of December, 2001.



Monica Thomas
Notary Public for Idaho
Residing at: San, Idaho
My commission expires: 2/18/06

ESTIMATING CONVEYANCE LOSS

1/5/95



FIELD EXAMINER: Mike Schulte

FIELD EXAM DATE: 10-24-2001

FOR CLAIM(S) A63-5047B

Ditch from Trail Creek on North side of POU.

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

TABLE:	Type of Soil	Loss Rate i (Ft/Day)
	Medium clay loam.....	0.5 to 1.5
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 5.0 3.0

WORK SHEET

W = (3,175 FT) i = (3.0 FT/DAY) (0.0667)

S = .64 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.64 CFS/MILE) (.71 MILE)

CONVEYANCE LOSS = .45 CFS

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 3.75' @ manning set Length in Inches = _____ = A
Section 2 = 2.6'
Section 3 = _____ Map Scale: _____ In. = 1 Mile = B

Total.... = 6.35

A/X : B/5,280 = Ft./5,280 = Mile

1/2 or 3... = 3,175 = W

3,740' / 5280' = .71 mile based on GIS map measurements.

ESTIMATING CONVEYANCE LOSS

1/5/95



FIELD EXAMINER: Mac Schulte

FIELD EXAM DATE: 10-24-01

FOR CLAIM(S) A63-5047B

Ditch from Trail Creek on South side of the Creek

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

TABLE:	Type of Soil	Loss Rate i (Ft/Day)
	Medium clay loam.....	0.5 to 1.5
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 5.0 3.0

WORK SHEET

W = (2.75 FT) i = (3.0 FT/DAY) (0.0667)

S = .55 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.55 CFS/MILE) (.5 MILE)

CONVEYANCE LOSS = .28 CFS

TOP OF DITCH = W

* Section 1 = 3.0'
Section 2 = 2.5'
Section 3 =

Total.... = 5.5'

/2 or 3... = 2.75' = W

MAP MEASUREMENT

Length in Inches = = A

Map Scale: In. = 1 Mile = B

A/X : B/5,280 = Ft./5,280 = Mile

2630' / 5280' = .50 miles = GIS
map measurements.

* Based on estimates, not actual measurements.

MANNING EQUATION CHANNEL CAPACITY RESULTS

10-29-2001

File Number: A63-5047B

Claimant: BRASSEY

Channel measured: DITCH BELOW POD ON THE NORTH SIDE OF THE POD

Date of measurement: 10/24/2001

Measurement location:

Calculation prepared by: MEL SCHULTE

Comments about the measurement:

The results of the calculation are:

The channel cross section is 1.13 ft-sq.

The wetted perimeter is 3.61 feet.

The hydraulic radius is 0.31 feet.

The slope is 0.0070

The roughness coefficient is 0.0250

The flow velocity is 2.295 ft/sec.

The rate of flow is 2.58 cfs.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): 63-5047B
 Name of Claimant(s): Brosney
 Name of Ditch, Canal, or Stream: ditch on N 50' from POD
 Date of Measurement: 10-24-01 Data Collected By: MS. LAB
 Measurement Location: SE 1/4 SW 1/4 Section 27 T7N R4E

Cross Section Data

Basis: high water mark(☒) maximum capacity()

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

<i>Upper</i>		<i>Down</i>	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7.1 <u>0</u>	<u>0</u>
2. <u>1.20</u>	<u>1.5</u>	8.2 <u>1.2</u>	<u>1.5</u>
3. <u>1.5</u>	<u>1.0</u>	9.3 <u>1.35</u>	<u>1.0</u>
4. <u>1.5</u>	<u>1.5</u>	10.4 <u>1.4</u>	<u>1.5</u>
5. <u>1.45</u>	<u>2.0</u>	11.5 <u>1.35</u>	<u>2.0</u>
6. <u>1.4</u>	<u>2.5</u>	12.6 <u>1.35</u>	<u>2.5</u>
<u>1.3</u>	<u>3.0</u>	7 <u>1.30</u>	<u>3.0</u>
<u>1.20</u>	<u>3.5</u>	9 <u>1.2</u>	<u>3.5</u>

Slope Data

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

Level Readings: upstream downstream

upper stadia	<u>6.88</u>	<u>7.52</u>
center	<u>6.64</u>	<u>7.30</u>
lower stadia	<u>6.40</u>	<u>7.06</u>

stadia difference (0.48 + 0.46) x 100 = 94

channel length

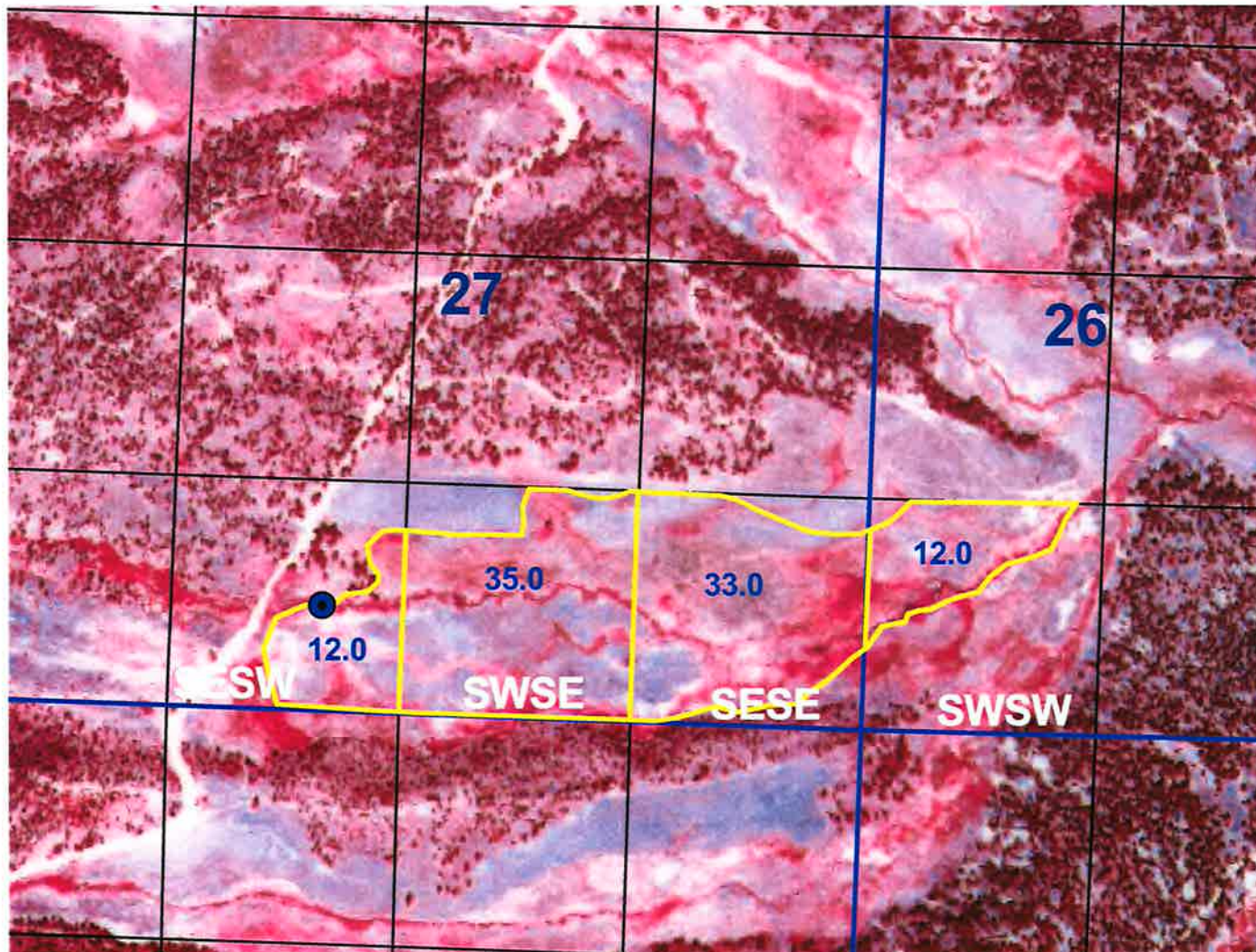
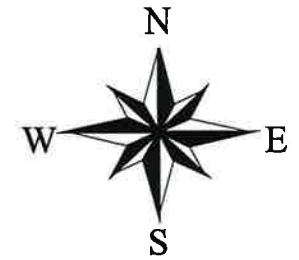
Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes() *Average width of ditch at East end = 2.6'*

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R04E, S26 & S27



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5047B

OWNER(S) : BRASSEY

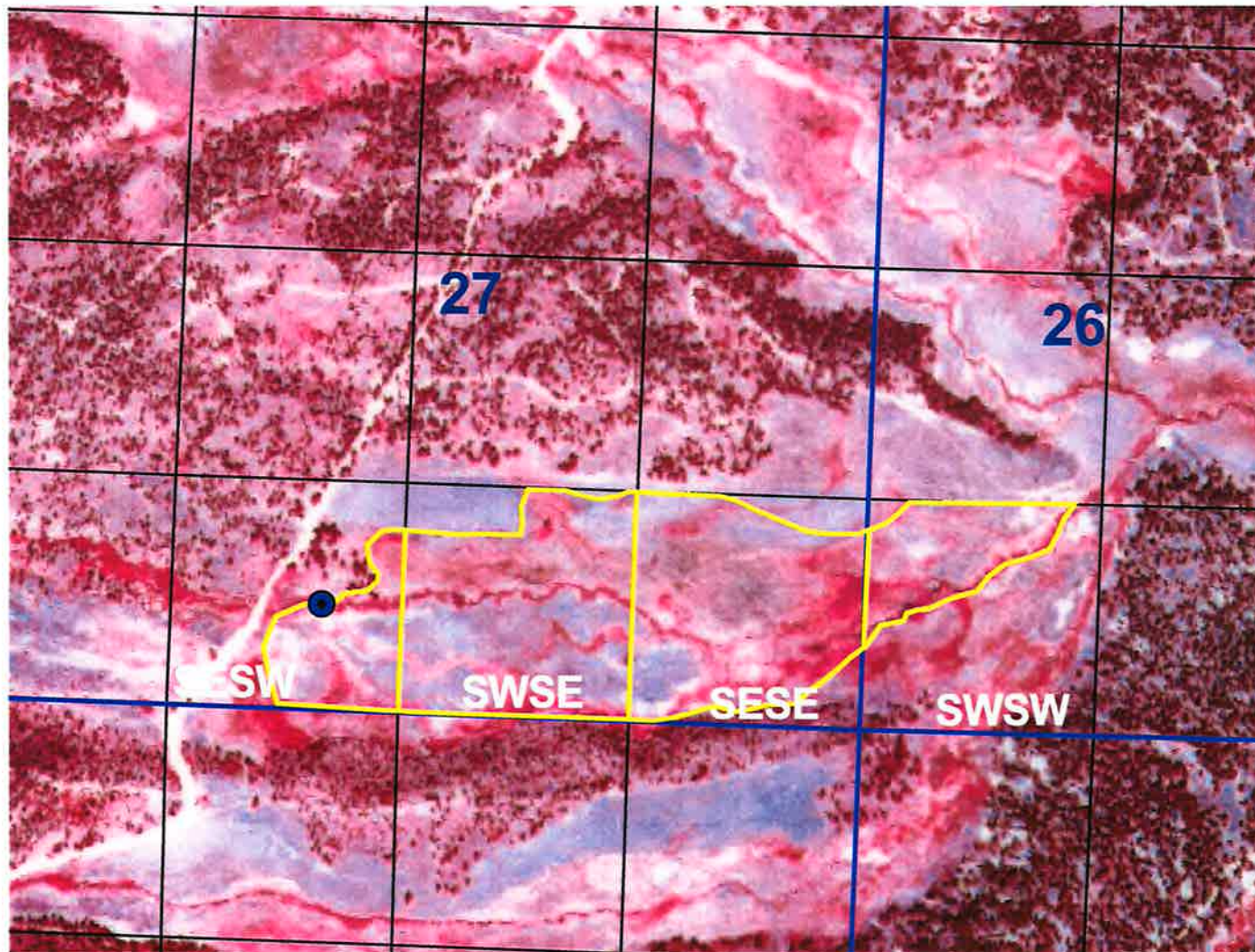
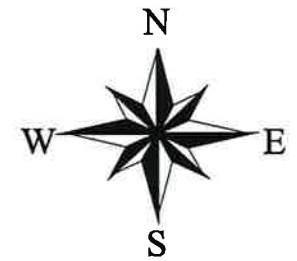
DATE: JANUARY 8, 2002

by: Mel Schulte

0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R04E, S26 & S27



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5047B

OWNER(S) : BRASSEY

DATE: JANUARY 8, 2002

by: Mel Schulte

0 0.25 0.5 0.75 1 Miles

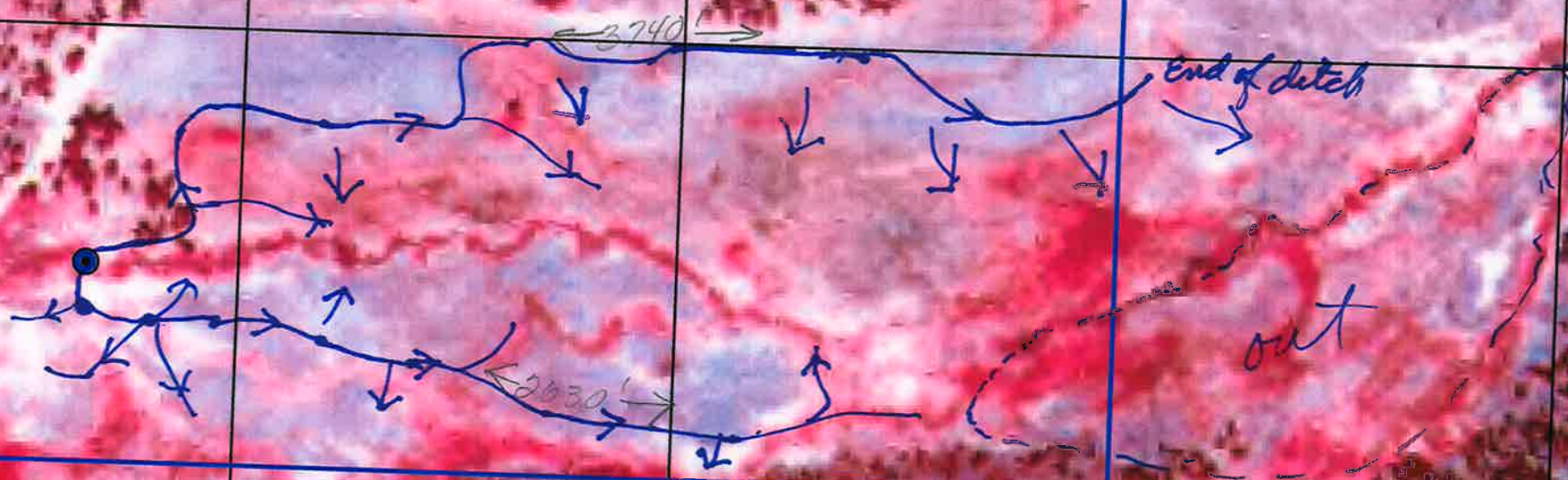
A63-5047B

POD & DITCHES

10/24/2001

27

26



27

B=10

B=7 NESE
A=7

26

A=25 NESU

B=15

ret.

B=40

5047-WR-35
B=37

5047-WR-35
B=35

B=4

out

T07N, R04E

A63-5047B

27

26

Creek

Ranch

Trail Creek

Creek

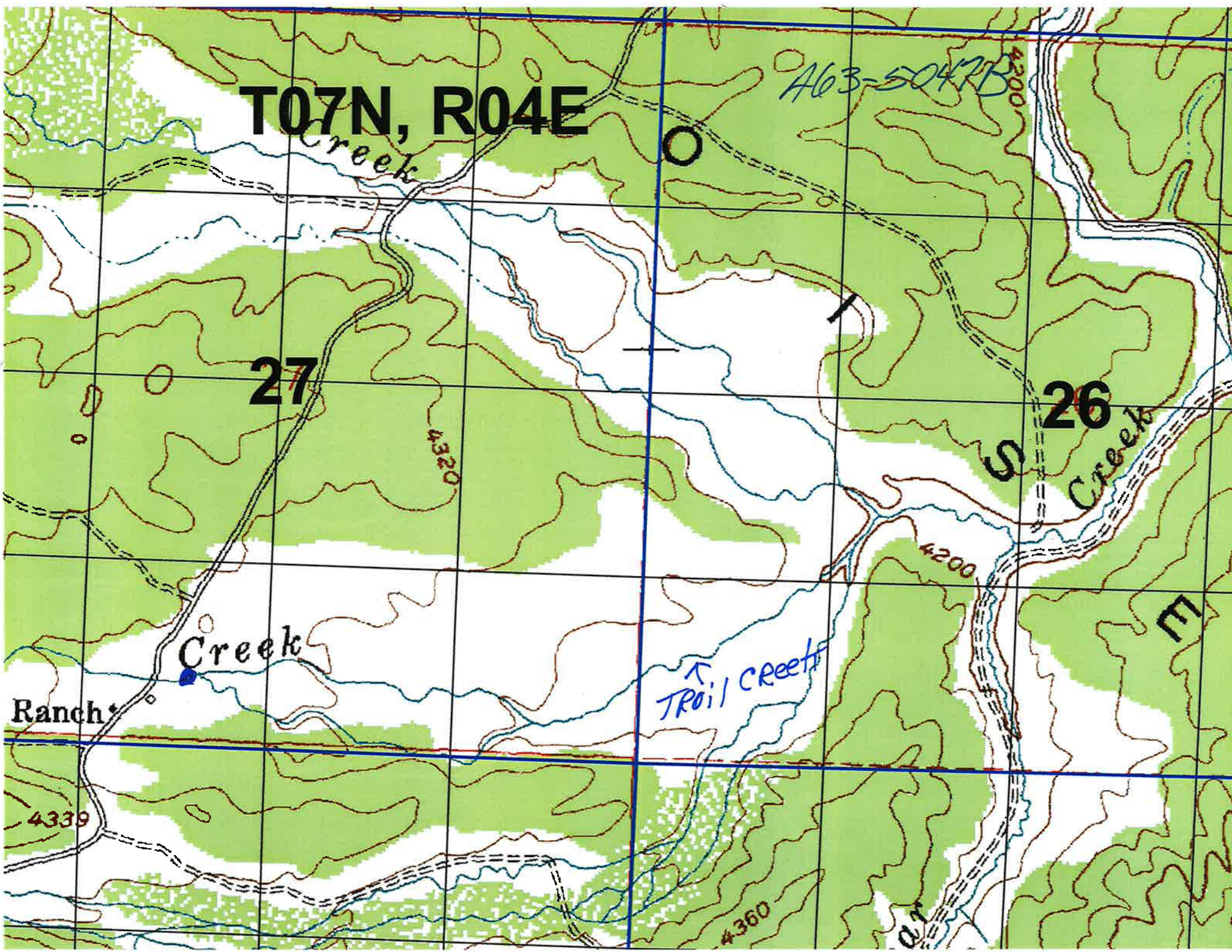
M

4320

4200

4360

4339



1. Address or Ownership change?
2. Evidence of priority
3. ditch & pod in SWSW, 526.
4. A63-5047B, POA is different than stat. claim

#2 POA Trail Creek.

341792

314003

A63-5047B

PHOTOS TAKEN: 10/24/2001



PHOTO # 1
POINT OF DIVERSION
AND THE BEGINNING
OF THE NORTH DITCH



PHOTO # 2
MANNINGS SITE IN
THE NORTH DITCH

A63-5047B

PHOTOS TAKEN: 10/24/2001



PHOTO # 5
PART OF THE PLACE OF
USE AT THE EAST END
LOOKING WEST FROM
THE PRIVATE ROAD



PHOTO #6
PART OF THE POU
AND DITCH AT THE
EAST END

RECEIVED

JAN 07 2002

WATER RESOURCES
WESTERN REGION

LAW OFFICE
BRASSEY, WETHERELL, CRAWFORD & McCURDY, L.L.P.
WASHINGTON FEDERAL PLAZA
1001 WEST IDAHO, 3RD FLOOR
POST OFFICE BOX 1009
BOISE, IDAHO 83701

TELEPHONE
(208) 344-7300
FACSIMILE
(208) 344-7077
E-MAIL
acb@brassey.net

ANDREW C. BRASSEY

January 4, 2002

Mel Schulte, Senior Water Rights Agent
Idaho Department of Water Resources, Western Region
2735 Airport Way
Boise, Idaho 83705-5082

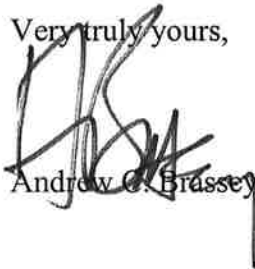
Re: *Brassey Water Rights*

Dear Mel:

Enclosed please find an original Affidavit from my father, Bart Brassey, with regard to our property near Placerville. If you need additional information from me to prepare your recommendation regarding our claims, please do not hesitate to let me know.

Again, I appreciate all your help in this matter.

Very truly yours,



Andrew C. Brassey

ACB:csb
Enclosure

Memorandum

To: File
From: Sue Bock
Date: 01/04/01
Re: 65-5033, 65-5034, 65-5047B

I spoke with Jim Speck today regarding my letter dated 12/12/00. Mr. Speck said that his claimant was irrigating all the land covered under these claims, even if they did not own all of the land, and therefore should have the claims put into their names without splits. I told Mr. Speck the water is appurtenant to the land and that we do not do ownership changes the way he was suggesting. I informed him that he could have his claimant amend their claims and then have the change of ownership done on the amended claims.

*Correct -
withdrawn or
disallowed
A63-5047A*

Based on the paperwork we received, it appears we incorrectly split right 65-5047. I told him that we could correct this when we have the warranty deed and if needed amended claim. If the ownership is still in dispute, we will need to investigate further.

I have returned the Notice of Change of Water Right Ownership and sent a GIS layout for the area covered by these claims, per his request.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 12, 2000

DIRK KEMPTHORNE
GOVERNOR

James P Speck
Speck & Aanestad
PO Box 987
Ketchum, ID 83340

KARL J. DREHER
DIRECTOR

Re: Trail Creek Meadows, Claim Nos. A63-05047B, A63-05033, A63-05034, and 63-02414.

Dear Mr. Speck:

I am responding to your November 16, 2000 letter.

First, the Change of Water Right Ownership cannot be completed in full at this time based on the quitclaim deed provided.

A63-05033 for Domestic and 10 acres of irrigation in Section 28 NESW, is not covered by the deed.

A63-05034 is for 120 acres of irrigation. There are 3 tracks of land not covered in the deed; Section 34 SWNE (15 ac), SENE (15 ac), and the SENW (10 ac).

A63-05047 -prior to ownership split was filed on 181 acres of irrigation. There are 3 tracks of land not covered in the deed; Sec 26 NESW (25 ac), Sec 27 NESW (15 ac), and NWSE (10 ac).

Rather than proceed with a partial ownership change, I will wait for a response.

Second, we have prepared a claim for A63-02414. You are correct; a late filing fee is not required. Enclosed you will find your check for \$50.

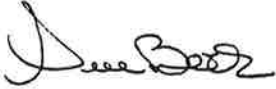
Third, the split of claim A63-05047 was based on a Deed of Trust and plat map submitted in 1990. I did note that the Deed does not appear to have been recorded, and therefore may not be valid. However, the split to Taylor is for land located in Sec 26 NESW and Sec 27 NESE, land not covered by the quitclaim deed you provided.

Fourth, I will remind Gary Spackman of the diversion from Trail Creek and ask him to assign someone to look into it. In most instances, alleged illegal surface water diversions are inspected during the irrigation season.

I have enclosed a copy of claim A63-02414, your check for \$50, and profile reports for the above mentioned rights.

Let me know how you want to proceed with regards to the ownership changes. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Bock", with a stylized flourish at the end.

Sue Bock
Sr. Water Resource Agent

Enclosures

RECEIVED

NOV 24 2000

WATER RESOURCES
WESTERN REGION

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

November 21, 2000

Mr. and Mrs. Ralph W. Taylor
4388 So. Danridge Ave.
Boise, ID 83705

RE: Trail Creek Meadows Ranch - Illegal Diversion from Trail Creek

Dear Mr. and Mrs. Taylor:

My law firm represents Trail Creek Meadows Ranch, an Idaho general partnership, which is the owner of certain ranch property situated in Boise County, Idaho. Trail Creek runs through a portion of this ranch. The partners of the partnership are the children of Bart and Dorothy Brassey. The ranch has been owned by the Brassey family for many years. Mr. Brassey's brother, Jon Brassey, was, as you may know, the former owner of your property which is adjacent to my client's ranch.

Some time within the past couple of years, you, or somebody on your behalf, constructed a diversion from Trail Creek and a ditch across my client's property to deliver water from Trail Creek to your property. This was done without the permission of my client or its predecessor in interest as owner of the ranch. Furthermore, there is no water right permit, license, decree or claim for a water right on your property from Trail Creek with a point of diversion on my client's property.

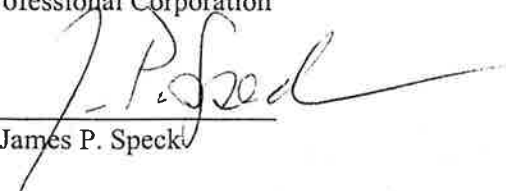
We have requested IDWR to investigate this illegal diversion. In the spring, my client will fill in the ditch and remove the diversion works from the creek.

We have also requested IDWR to investigate the split of SRBA Claim No. A63-05047 which was apparently done at your request in 1992. The original claim was filed by Bart and Dorothy Brassey. Since you did not acquire any of your property from Mr. and Mrs. Brassey, you cannot assert ownership of any portion of that water right claim.

Please contact me immediately to discuss these matters. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd

cc: Client

Gary Spackman, IDWR, Western Region ✓

RECEIVED

NOV 17 2000

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

WATER RESOURCES
WESTERN REGION

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

November 16, 2000

Mr. Gary Spackman
IDWR - Western Region
2735 Airport Way
Boise ID 83705

**Re: Trail Creek Meadows - Notice of Change of Water Right Ownership - SRBA
Claim Nos. A63-05047B, A63-05033 and A63-05034
SRBA Notice of Claim A63-02414
Our File No.: 980143**

Dear Gary:

My law firm represents Trail Creek Meadows Ranch, an Idaho general partnership. We have recently been retained to review the status of the partnership's SRBA filings for its ranch in Boise County. My review lead to the enclosed documents.

First, a Notice in Change of Water Right Ownership is necessary to reflect the conveyance of the entire ranch property from Bart A. Brassey and Dorothy M. Brassey to their children, and then from their children to the partnership. The required deeds in the chain of title are appended to the Notice of Change in Water Right Ownership. I have also included my firm's Notice of Appearance for the SRBA claims identified in the Notice of Change in Water Right Ownership.

Second, I discovered that licensed Water Right No. 63-02414 had not been claimed. Therefore, we have prepared and enclosed the required Notice of Claim. I am including two checks to pay the filing fee for this claim. One is for \$70 representing the irrigation use in 20 acres of the claimed place of use which do not overlap or were otherwise covered by other claims now in the name of the partnership. The other check for \$50 represents the late filing fee. We request this late filing fee be waived since no attorney was involved on behalf of the claimant in the original filings. If you agree, simply send this check back to me.

Third, I ask you to review the split in SRBA claim A63-05047. Despite several requests, I have been unable to obtain a copy of any deed which would show that Bart Brassey or Dorothy Brassey conveyed any interest in this water right or the land to which it is claimed to be appurtenant to Ralph Taylor or Patricia Taylor. It is our understanding Mr. Taylor acquired property formerly owned by Bart Brassey's brother, Jon Brassey, and that Jon Brassey never claimed any portion of 63-05047. In the absence of a conveyance from Bart and/or Dorothy Brassey to Taylors, the split of Claim A63-05047 is improper.

Mr. Gary Spackman
November 16, 2000
Page - 2

Fourth, Mr. and Mrs. Taylor have constructed a ditch across my client's property to deliver water from Trail Creek to their property. We do not believe water was ever diverted from Trail Creek to irrigate the Jon Brassey property now owned by the Taylors. Furthermore, there is no water right or SRBA claim in Taylors' names which asserts there is a point of diversion on my client's property and the ditch has only existed for a couple of years. We request IDWR to investigate this illegal diversion. Please contact Mr. Andrew C. Brassey, Managing Partner of the partnership, at 208-344-7300.

Finally, I have enclosed an extra copy each of the Notice in Change of Water Right Ownership, Notice of Appearance and Notice of Claim. Please receipt date stamp these copies and return them to me in the stamped, pre-addressed envelope enclosed for that purpose.

Please contact me right away if you have any questions about the matters addressed in this letter. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By:


James P. Speck

JPS:jal
Enclosures
cc: Andrew C. Brassey (w/encls.)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

BART A BRASSEY
330 SUMMIT RIDGE RD
BOISE, ID 83702

Re: Claim No(s) 63-5033

63-5034, 63-5047B

Dear Claimant(s):

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

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

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

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

A Tribute to Willis Brassey

By Spike Ericson

Willis C. Brassey, one of Boise Basin's well-known residents died of natural causes Sunday, September 9, 1984 in a Boise hospital. He was almost 90 years old. From 1916 to 1940 he lived in Placerville. His parents, Cenia and Christian Brasse, moved to Idaho from Nevada in 1880 according to records from the State Historical Society. Christian changed the family name from Brasse to Brassey so that his mail would not be confused with his neighbor's, who spelled their name Braase.

Willis Brassey was born in Middleton in 1894 and grew up from age five in Pearl, Idaho. In the small mining camp of Pearl young Willis learned all about the mining trade. When he was 18 he was driving the mail from Horseshoe Bend to Pearl. The next year he worked 500 feet down in a mine near Placerville. Right away he opened his own "auto livery" business running passengers between Boise and the Placerville-Centerville area for \$5.00 per person. He had saved money through his various jobs and bought a 1915 Studebaker which he soon traded in on a new 1916 seven-passenger Cadillac. He left this thriving business in 1917 to join the war effort and spent two years in France with the 20th Engineers division of the Army. When he returned home he bought a logging truck and supplied many of the area mines with timber.

Brassey also hauled ore to Centerville and to the Boise assay office from the Gold Hill, the Belshazzar, the Mountain Chief, and the Mayflower mines. All the ore went through the mills at the mines and the concentrates were hauled down along with his timber runs. The concentrates were stored at the mills during the winter. Sometimes as much as five- to seven-hundred tons would be hauled by Brassey in the spring to Centerville, where it would be loaded in to boxcars and shipped to Murray, Utah to recover the gold values. With his old Cadillac Brassey often hauled gold retorts, melted down at the mills, to the Boise assay office. One chunk from the Gold Hill was worth \$51,000. He kept the "Gold buttons" in an oak box under the seat of the stage car and the passengers never knew there was any such cargo. "The assay office was a very efficient, very good agency of the government" in those days. "It really was the thing that started the development of this whole area around here. That's why the people came here in the first place, was the mining; that's all that ever brought 'em."

Brassey continued hauling ore until 1931 when that big forest fire came into the Boise Basin. That burned all the mines up there... And there's really been no mining to amount to anything up there since that."



William Brassey at age 25

Willis C. Brassey 1894 - 1984

Brassey, who was almost caught in the fire when it broke out said it was started by a man who came over the Jerusalem Summit with a couple of horses; and "he must have thrown a cigar or a match on the road up near the Belshazzar mine about 11 O'clock on the morning of August 18, 1931. The fire kept running and going until a snow storm really put it out near Summit Flat that fall. It burned down the whole of Quartzburg. Burned down the mining plant and everything. A real disaster for the Boise Basin - burned down the power lines and everything."

In about 1940 he moved to Boise where he bought property for a housing development and worked as a contractor in this area for many years.

Considering his rich life and many experiences Brassey thought he was privileged: "I always credit the Lord for taking us to the right place at the right time for a great many of these things."

Brassey is survived by his wife, Josephine Fairchild Brassey, also from a pioneer family, and his three sons, Bart, Vernon and John. Vernon Brassey is a State Legislator and John Brassey also served the state in that capacity. Brassey left ten grandchildren and five great grandchildren. His funeral was held Wednesday, September 12 at Saint Michael's Cathedral, Boise and he is buried at Star Cemetery, just a few miles from his birthplace.

(Ed. note: Quotations reprinted by permission of the Idaho State Historical Society Library. Taken from the Oral History transcript #OH-16. Willis Brassey was interviewed and recorded in December, 1974, by Annabelle Alexander.)