

50 + 40 = \$90.00

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 PAHSIMEROI BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A73-04032
Date Received: 12/06/1989
Receipt No: 5010716
Received By: SCC

RECEIVED

DEC 27 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK B. FUREY 208-876-4491
Address: P.O. BOX 280
CHALLIS, ID 83226

2. Date of Priority: APR 01, 1870

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	21E	6	NE	SW	NW	5	CUSTER
16N	20E	36	SW	SE	NE		CUSTER

5. Description of diverting works:
CULVERT W/STEEL HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
16N	20E	25	SE	SW		IRR	15.0
			SW	SE		IRR	25.0

Section Acres 40.0

A73-04032 Page 1 Date: 12/06/89

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10. Place of Use: Continued

Total Acres 40.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

TWO P/D'S LISTED CAN BE USED; THE LOWER ISLAND (ROCK) DITCH
IS MOST COMMONLY USED.
INSTREAM STOCKWATER USE IS USED FROM THE WATERS DESCRIBED HEREIN
ON A YEAR ROUND BASIS FOR 200 HEAD RANGE CATTLE.

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): Jack B. Furey Date: Dec. 12, 1989

Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of Dec 19 89 Tom White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

BM 46

23

056
4815

24

BM 4637

20E. 21E.

Ellis

BM 4648

99

25

P.U.

Gravel
Pit

#1 P.D.

#2
130

BM

35

Primary
Diversion
Lower
island
ditch
Head
(Rock)

DITCH

4725

3

2

Eagle
Rock

Upper
island
Ditch
Head
(Auxiliary
Diversion)

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CUSTER COUNTY, IDAHO:

Township 15 North, Range 20 East, Boise Meridian;

Section 1: Lot 1 and Lot 2.

Township 15 North, Range 21 East, Boise Meridian;

Section 6: Lot 4 save and except that part thereof located in Lemhi County, Idaho.

Township 16 North, Range 21 East, Boise Meridian;

Section 31: Lot 2 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) save and except that part thereof located in Lemhi County, Idaho.

Township 16 North, Range 20 East, Boise Meridian;

Section 36: SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ save and except that part thereof located in Lemhi County, Idaho, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ save and except that part thereof located in Lemhi County, Idaho, NW $\frac{1}{4}$ NE $\frac{1}{4}$ save and except that part thereof located in Lemhi County, Idaho, and a fraction of SE $\frac{1}{4}$ SW $\frac{1}{4}$ more particularly described as beginning at the Southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 36, thence North 330 feet to a point on the boundary line between the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 36, the point of beginning, thence North 990 feet, thence West 660 feet, thence Southeasterly 1190 feet to the point of beginning.

Section 25: SW $\frac{1}{4}$ SE $\frac{1}{4}$ save and except that part thereof located in Lemhi County, Idaho and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

STATE OF IDAHO
COUNTY OF CUSTER

This instrument was filed for record
at the request of Jack Tury
on the 12th day of Dec, 1917
and duly filed and indexed in the Recorder's Office.

HOWARD A. CARTER
Ex-Officio Recorder

Jack Tury

EXHIBIT A

STATE OF IDAHO
COUNTY OF CUSTER

This instrument was filed for record
at the request of Jack Tury
on the 12th day of Dec, 1917
and duly filed and indexed in the
Records of Custer County, Idaho.

Howard A. Carter
Ex-Officio Recorder

Retired to Jack Tury

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152301
STATE OF IDAHO)
) ss. AFFIDAVIT RE: WATER RIGHTS PRIORITY
County of Custer)

BOISE H. ELLIS, being first duly sworn, on his oath does
depose and say:

That I am 89 years old, having been born October 30, 1888, on
the old Ellis Ranch in the Pahsimeroi Valley, Custer County, where
I reside at this time;

That my father, George A. Ellis, Sr., owned the North 1/2,
approximately, known as the "Ellis Ranch" and owned in partner-
ship with James M. Shoupe (Jim Shoupe) the remainder or South 1/2,
approximately, known as the "Jim Shoupe Ranch" of the ranch
property described in the attached Exhibit A which is a part of
this Affidavit.

That the described ranch property was occupied by Jim Shoupe
and my father sometime after 1863, the year my father came to
Salmon, Idaho as a 6 year old boy but several years before
Government Patents were issued for the property; that I recall
my father stating the lands were occupied before he was old
enough to file an entry with the government and that it was after
occupying these lands for production of cattle and horse feed
that he married my mother whose name was Mary Ellis, after marriage;
that he also stated to me he had to give a man named Dan Hyer,
a squatter on the Ellis Ranch before Patent was issued, a few
head of stock to move his horses and camp off the land because
he was interfering with the irrigation, raising of crops and
pasturing of cattle and horses; and that it was the hard winter
of 1889 when he lost over 1000 head of cattle;

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That as a boy under six years old, I saw tall, heavy willows growing along the old Weller-Shoupe-Ellis ditch and other lower ditches as a result of irrigation water flowing each season for delivery to the ranches from the Pahsimeroi river; that these willows were tall enough to completely conceal a rider named Lee Watson as I watched him riding a half-broken horse up the ditch bottom;

That based on my own observations and the conversations had over a period of many years with my father, George A. Ellis, Sr., I state as a fact that large amounts of water were diverted from the Pahsimeroi River through the Weller-Shoupe-Ellis ditch and other ditches headed below to irrigate the Ellis and Jim Shoupe ranches herein described; and, that such waters were used with never a shortage from the late 1870's, without interruption, to this date; and

That large amounts of water are necessary in order to grow wild grass pasture and grass hay for the Ellis and Jim Shoupe ranches for the reason that they are bottom-type ground which requires large amounts of water on a regular basis to keep from burning.

Dated this 4th day of April, 1977.

Boise H. Ellis
Boise H. Ellis

SUBSCRIBED and SWORN To before me this 4th day of April, 1977.

Notary Public for Idaho
Residing at Challis, therein.
My commission expires:

Life

NOT FILMED

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