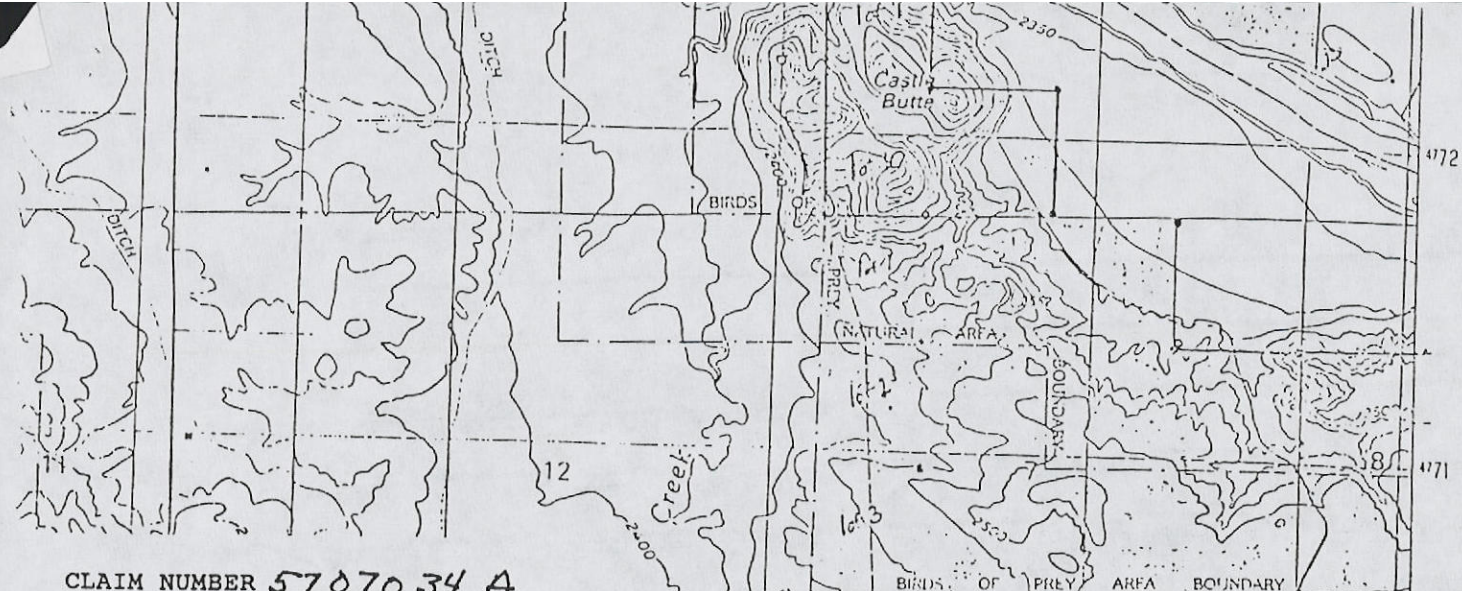
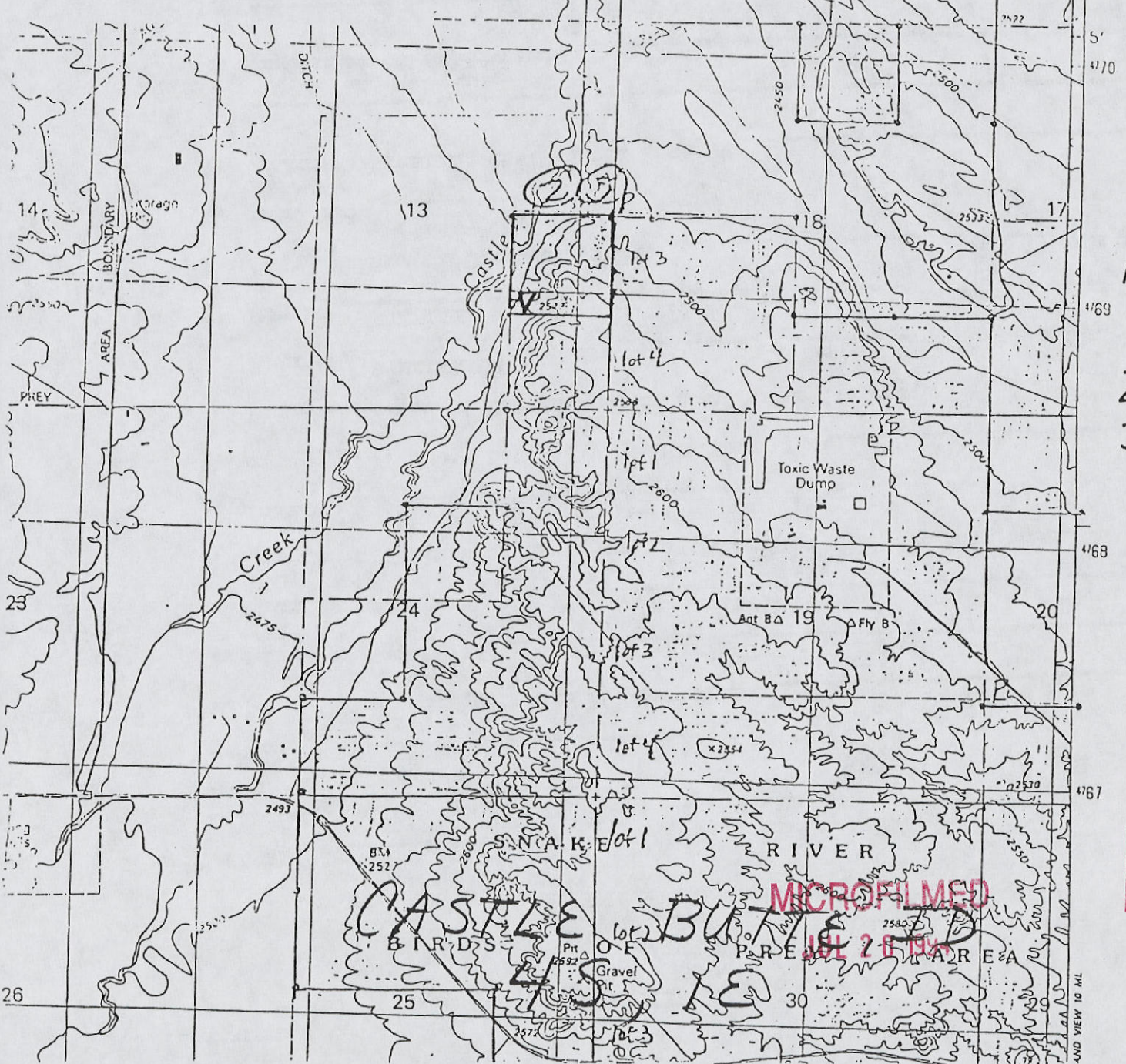




CLAIM NUMBER 5707034 A

☒ Denotes Public Land  
Included in this Claim



Private  
1-1  
2-5  
3-5

POOR ORIGINAL

CASTLE BUTTE  
BIRDS OF PREY AREA  
MICROFILMED  
JUL 28 1964

ARTHUR MERRICK  
T04S R01E

THIS RIE

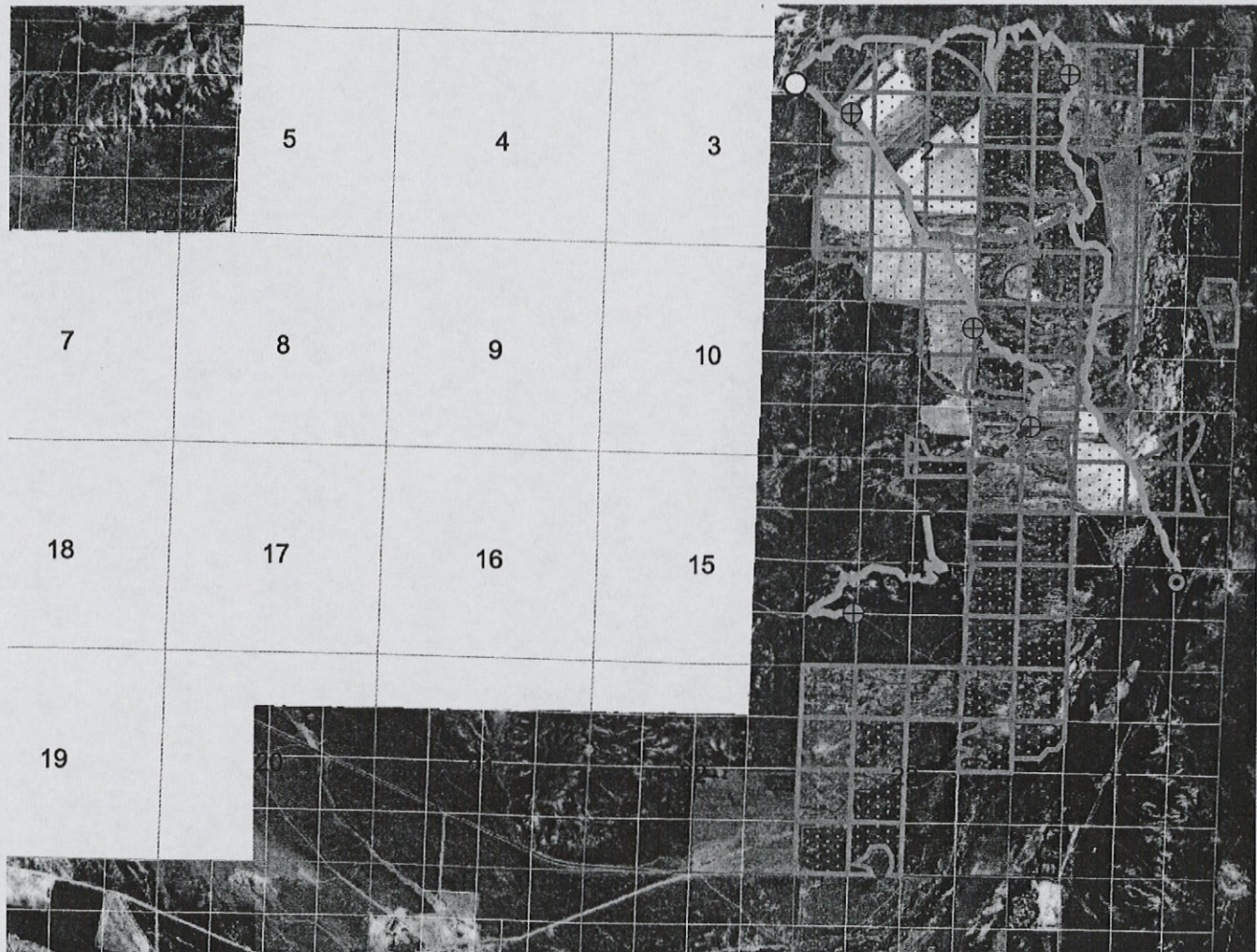
P/O is NE of  
QR line and  
definitely is N.E.S.E.

PER 18  
CONV. UNIT  
EXPANDED

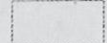
**MICROFILMED**

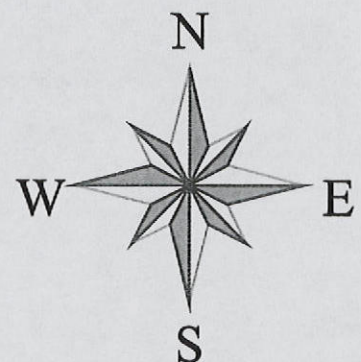
OCT 06 1992

# 57-7034



1 0 1 2 Miles

-  Buried pipe
-  Pump stations
-  Co-mingle point
-  P/D
-  Canal
-  Sections
-  P/U
- 1/41/4



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: **A57-07034A**  
Date Received: 12/ 7/1988  
Receipt No: M002085  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ARTHUR J. MERRICK 208-834-2641  
Address: HC 79 BOX 2325  
OREANA ID 83650  
OR  
Name: VERLA J. MERRICK 208-834-2641  
Address: HC 79 BOX 2325  
OREANA ID 83650

2. Date of Priority: AUG 17, 1969

3. Source: CASTLE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04S      | 01E   | 13      |        | SE     | NE  |     | OWYHEE |

5. Description of diverting works:  
DAM, DITCH & PIPELINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 4.620 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04S      | 01E   | 1       | NW     | NW  | 4   | IRR | 24.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 04S      | 01E   | 1       | SW  |    | NW  |     | IRR           | 23.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 1.0   |
|          |       |         | NW  |    | SW  |     | IRR           | 34.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 13.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 3.0   |
|          |       |         |     |    |     |     | Section Acres | 98.0  |
|          |       | 2       | NE  |    | NE  | 1   | IRR           | 26.0  |
|          | SE    |         |     | NE |     | IRR | 39.0          |       |
|          | NE    |         |     | SE |     | IRR | 38.0          |       |
|          | SE    |         |     | SE |     | IRR | 30.0          |       |
|          |       |         |     |    |     |     | Section Acres | 133.0 |
|          |       |         |     |    |     |     | Total Acres   | 231.0 |

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: PERMIT

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 )  
 ) SS.  
County of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

# WARRANTY DEED

For Value Received

K. C. Farms, Inc., an Idaho Corporation

the grantor , do hereby grant, bargain, sell and convey unto  
Authur J. Merrick and Verla Merrick, husband and wife  
Oreana Route, Murphy, Idaho 83650

the grantees, the following described premises, to-wit:

All that land situate in Owyhee County, Idaho, described in  
EXHIBIT "A" attached hereto:

\*\*\*\*\*

Together with all water and water rights, ditches and ditch rights  
used thereor or appurtenant thereto, including but not limited to  
240 shares of Castle Creek Irrigation Company and Water under license  
32057/02,2357 3.84 cfs, 30398/02-2173 6 cfs, and Permit No. 02-7046  
part of which is 12.26 cfs, 32.0 cfs.

Subject to exceptions and reservations contained in patents from  
the United St ates.

Subject to existing easements for roads, highways, ditches, canals,  
laterals and power and transmission lines.

Subject to current taxes, assessments, and all easements, restrictions  
and reservations of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S,  
their heirs and assigns forever. And the said Grantor s do hereby covenant to and  
with the said Grantees, that ~~the~~ it is the owner in fee simple of said premises; that said  
premises are free from all incumbrances

and that ~~it~~ will warrant and defend the same from all lawful claims whatsoever.  
Dated: March 21, 1980

K. C. Farms, Inc.

*Cecelia K. Ellsworth*  
Secretary

*John L. Ellsworth*  
President

STATE OF IDAHO, COUNTY OF Owyhee

On this 21st day of March, 19 80  
before me, a notary public in and for said State, personally  
appeared John L. Ellsworth and  
Cecelia K. Ellsworth  
President and Secretary,  
of K. C. Farms, Inc.

known to me to be the person S who se name ~~are~~ ~~are~~  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

*John L. Ellsworth*  
Notary Public  
Residing at ~~at~~ Murphy, Idaho  
Comm. Expires Feb. 1, 1984

STATE OF IDAHO, COUNTY OF Owyhee

I hereby certify that this instrument was filed for record at  
the request of O T C

Recorded at 10 minutes past 11:00 o'clock A m.,  
Ind. ~~at~~ this 21st day of March  
Ind. ~~Revised~~ 80, in my office, and duly recorded in Book  
Blk. & Pg. B of Deeds at page Microfilmed

BARBARA JAYO

Ex-Officio Recorder

By *Barbara Jayo* Deputy.

Fees \$ 4.00

Mail to: Nick

EXHIBIT "A"

IN TOWNSHIP 4 SOUTH, RANGE 1 EAST, B.M., OWYHEE COUNTY, IDAHO

Section 2: E½NE¼, NE½SE¼

SE½SE¼ lying North of irrigation ditch

Section 1: A portion of W½NW¼, SW¼ that lies Westerly of a line and Northerly of said irrigation ditch, said line and ditch being more particularly described as follows:

COMMENCING at the NW corner of said Sec. 1; thence South 89°47'40" East along the North boundary of said NW¼NW¼, Sec. 1, a distance of 434.91 feet to the TRUE POINT OF BEGINNING; thence South 50°18'33" East a distance of 205.14 feet; thence South 46°15'23" East a distance of 108.41 feet; thence South 20°46'08" East a distance of 95.00 feet; thence South 0°14'15" West a distance of 377.58 feet; thence South 25°11'43" West a distance of 88.00 feet; thence South 9°52'00" West a distance of 54.43 feet; thence South 21°16'02" East a distance of 77.07 feet; thence South 39°18'21" East a distance of 281.33 feet; thence South 18°37'25" East a distance of 96.39 feet; thence South 9°29'26" West a distance of 41.48 feet; thence South 31°37'45" West a distance of 113.25 feet; thence South 19°16'38" West a distance of 142.14 feet; thence South 36°22'41" West a distance of 74.77 feet; thence South 44°45'57" West a distance of 112.82 feet; thence South 30°19'46" West a distance of 52.82 feet; thence South 15°33'05" West a distance of 153.08 feet; thence South 8°29'25" East a distance of 88.15 feet; thence South 27°55'28" East a distance of 64.90 feet; thence South 53°16'26" East a distance of 116.21 feet; thence South 20°00'03" East a distance of 66.60 feet; thence South 14°56'58" West a distance of 143.75 feet; thence South 8°26'21" West a distance of 189.05 feet; thence South 26°22'53" West a distance of 133.97 feet; thence South 11°44'55" West a distance of 71.65 feet; thence South 7°28'01" East a distance of 74.74 feet; thence South 27°46'00" East a distance of 152.71 feet; thence South 44°58'50" East a distance of 95.27 feet; thence South 30°06'37" East a distance of 167.45 feet; thence South 42°30'55" East a distance of 138.78 feet; thence South 59°32'09" East a distance of 93.42 feet; thence South 32°29'34" East a distance of 53.36 feet; thence South 14°28'42" East a distance of 275.44 feet; thence South 22°46'37" East a distance of 162.18 feet; thence South 44°29'47" East a distance of 100.85 feet; thence South 31°02'08" East a distance of 151.32 feet; thence South 17°40'53" East a distance of 126.46 feet; thence South 9°14'17" West a distance of 177.88 feet; thence South 26°29'36" West a distance of 115.23 feet; thence South 16°05'10" West a distance of 105.81 feet; thence South 64°18'04" West a distance of 111.56 feet; thence North 68°53'24" West a distance of 46.89 feet; thence North 46°55'15" West a distance of 58.00 feet; thence North 40°27'42" West a distance of 102.14 feet; thence North 74°03'10" West a distance of 80.46 feet; thence South 19°25'50" West a distance of 23.75 feet to the centerline of an irrigation easement; thence South 64°16'59" West along said centerline a distance of 1568.15 feet; thence South 86°13'09" West along said centerline a distance of 925.84 feet; thence North 85°01'46" West along said centerline a distance of 70.00 feet, more or less, to a point on the West boundary of SE½SE¼.

MICROFILMED

OCT 06 1992

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: A57-07034A  
Date Received: 12/07/1988  
Receipt No: M002085  
Received By:                     

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ARTHUR J. MERRICK 208-834-2641  
Address: H C 79 BOX 2325  
OREANA, ID 83650

OR  
Name: VERLA J. MERRICK 208-834-2641  
Address: H C 79 BOX 2325  
OREANA, ID 83650

2. Date of Priority: AUG 17, 1969

3. Source: CASTLE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04S      | 01E   | 13      | SE     | NE     |        |     | OWYHEE |

5. Description of diverting works:  
DAM, DITCH & PIPELINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/01 | 10/31 | 3.240 |      |        |

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

8. Total consumptive use is 567.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 04S      | 01E   | 1       | NE     | SW  |     | IRR           | 4.0   |
|          |       |         | NW     | SW  |     | IRR           | 32.0  |
|          |       |         | SW     | SW  |     | IRR           | 18.0  |
|          |       |         | SE     | SW  |     | IRR           | 3.0   |
|          |       |         |        |     |     | Section Acres | 57.0  |
|          |       | 2       | NE     | NE  | 1   | IRR           | 40.0  |
|          |       |         | SE     | NE  |     | IRR           | 40.0  |
|          |       |         | SE     | SE  |     | IRR           | 25.0  |
|          |       |         |        |     |     | Section Acres | 105.0 |
|          |       |         |        |     |     | Total Acres   | 162.0 |

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:  
A02-07046A AND A02-02357

14. Remarks:  
REINSTATED 11-25-1974.  
THIS PERMIT IS SUPPLEMENTAL TO PERMIT NO. 02-7046.

15. Basis of Claim: PERMIT

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): *p Anthony M. M...* Date: 12/7/88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Owyhee ) SS.

Subscribed and sworn (or affirmed) before me this 7<sup>th</sup> day  
of Dec 19 88 *[Signature]*  
Notary Public

Seal

Residing at Boise, Id  
My Commission Expires 9-2-1999

RECEIVED

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

Department of Water Resources

Western Region Office

**IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576  
A57-07034A  
m2085

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

Please type or print clearly

1. Name of Claimant (s) Arthur or Verla Merrick Phone ( ) 834-2641

Mailing Address HC79, Box 2325, Oreana ID Zip 83650

2. Date of Priority (Only one (1) per claim) Aug. 17, 1969

3. Source of water supply (a) Castle Cr  
which is tributary to (b) Snake R.

4. a. Location of existing point of diversion is: Township 4S Range 1E Section 13,  
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

Dam, ditch & pipelines

MICROFILMED

OCT 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 4.62 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 4.62 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-Irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4                |       |       |       | NW 1/4 |                       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|-----------------------|-------|-------|-------|--------|-----------------------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4                 | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4                 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 4S  | 1E  | 1   |                       |       |       |       |        | <sup>14.4</sup><br>24 | 23    |       | 1      | 34    | 13    | 3     |        |       |       |       | 98     |
|     |     | 2   | <sup>14.4</sup><br>26 |       |       | 39    |        |                       |       |       |        |       |       |       | 38     |       |       | 30    | 133    |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 231

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ( )

14. Remarks:

MICROFILMED

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White - 50 Yellow - 50 06705 1952

RECEIVED

DEC - 1 1997

Department of Water Resources  
Adjudication Bureau

1997 NOV 26 PM 2:54

DISTRICT COURT  
TWIN FALLS  
FILED

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     | ) | ORDER OF PARTIAL DECREE   |
|                | ) |                           |
| Case No. 39576 | ) | For Water Right 57-07034A |
|                | ) |                           |

---

On August 19, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-07034A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 26, 1997.

  
\_\_\_\_\_  
DANIEL C. HURLBUTT, JR.  
Presiding Judge  
Snake River Basin Adjudication

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 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 57-07034A

1997 NOV 26 PM 2:54

DISTRICT COURT -  
TWIN FALLS, IDAHO  
FILED

NAME & ADDRESS: ARTHUR J MERRICK  
VERLA J MERRICK  
HC 79 BOX 2325  
OREANA ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 51.2 CFS

PRIORITY DATE: 08/17/1969

POINT OF DIVERSION: T04S R01E S13 SENE Within OWYHEE County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION Irrigation Season 51.2 CFS

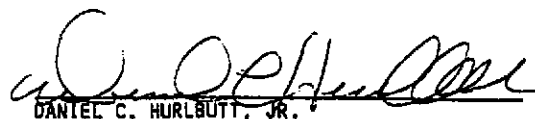
PLACE OF USE: IRRIGATION Within OWYHEE County

|               |       |          |                |       |          |         |
|---------------|-------|----------|----------------|-------|----------|---------|
| T04S R01E S01 | Lot 2 | (NWNE)40 | SWNE 40        | Lot 3 | (NENW)40 | NESW 40 |
|               |       | NWSW 40  | SWSW 40        |       | SESW 40  | NESE 40 |
|               |       | NWSE 40  | SWSE 40        |       | SESE 40  |         |
| S02           | Lot 1 | (NENE)40 | Lot 2 (NWNE)40 |       | SWNE 40  | SENE 40 |
|               |       | SWSE 40  | SESE 40        |       |          |         |
| S11           |       | NENE 40  | NWNE 40        |       | SWNE 40  | SENE 40 |
|               |       | NESE 40  | NWSE 40        |       | SWSE 40  | SESE 40 |
| S12           |       | NENE 40  | NWNE 40        |       | SWNE 40  | SENE 40 |
|               |       | NENW 40  | NWNW 40        |       | SWNW 40  | SENE 40 |
|               |       | NESW 40  | NWSW 40        |       | SWSW 40  | SESE 40 |
|               |       | NESE 40  | NWSE 40        |       | SWSE 40  | SESE 40 |
| S13           |       | NENE 40  | NWNE 40        |       | SENE 40  | NENW 40 |
|               |       | NWNW 40  | SWNW 40        |       | NWSW 40  | SWSW 40 |
| S14           |       | NENE 40  | SENE 40        |       | NESE 40  | SESE 40 |
| S23           |       | NENE 40  | NWNE 40        |       | NENW 40  | NWNW 40 |
|               |       | SWNW 40  | SENE 40        |       | NESW 40  | NWSW 40 |
|               |       | SWSW 40  | SESE 40        |       |          |         |
| S24           |       | NWNW 40  |                |       |          |         |

2560 ACRES TOTAL

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION  
IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION  
OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS  
SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL  
BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY  
IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

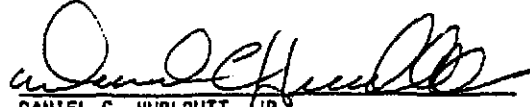
  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 57-07034A

PAGE 1  
NOV-20-1997

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

57-07034A & B are still  
permits; land lists, etc.,  
will be determined at  
time of license.

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 )  
 )  
 )  
 )  
 )

1797 AUG 19 AM 9:24  
SPECIAL MASTER'S RECOMMENDATION FOR  
PARTIAL DECREE FOR DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
Water Right 57-07034A  
FILED *[Signature]*

NAME & ADDRESS: ARTHUR J MERRICK  
VERLA J MERRICK  
HC 79 BOX 2325  
OREANA ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 51.2 CFS

PRIORITY DATE: 08/17/1969

POINT OF DIVERSION: T04S R01E S13 SENE Within Owyhee County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION Irrigation Season 51.2 CFS

PLACE OF USE: IRRIGATION Within Owyhee County  
T04S R01E S01 Lot 2 (NWNE) 40.0 SWNE 40.0 Lot 3 (NENW) 40.0 NESW 40.0  
NWSW 40.0 SWSW 40.0 SESW 40.0 NESE 40.0  
NWSE 40.0 SWSE 40.0 SESE 40.0  
S02 Lot 1 (NENE) 40.0 Lot 2 (NWNE) 40.0 SWNE 40.0 SENE 40.0  
SWSE 40.0 SESE 40.0  
S11 NENE 40.0 NWNE 40.0 SWNE 40.0 SENE 40.0  
NESE 40.0 NWSE 40.0 SWSE 40.0 SESE 40.0  
S12 NENE 40.0 NWNE 40.0 SWNE 40.0 SENE 40.0  
NENW 40.0 NWNW 40.0 SWNW 40.0 SENW 40.0  
NESW 40.0 NWSW 40.0 SWSW 40.0 SESW 40.0  
NESE 40.0 NWSE 40.0 SWSE 40.0 SESE 40.0  
S13 NENE 40.0 NWNE 40.0 SENE 40.0 NENW 40.0  
NWNW 40.0 NWSW 40.0 SWSW 40.0 SWSW 40.0  
S14 NENE 40.0 SENE 40.0 NESE 40.0 SESE 40.0  
S23 NENE 40.0 NWNE 40.0 NENW 40.0 NWNW 40.0  
SWNW 40.0 SENW 40.0 NESW 40.0 NWSW 40.0  
SWSW 40.0 SESW 40.0  
S24 NWNW 40.0  
2560.0 ACRES TOTAL

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION  
IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION  
OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS  
SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL  
BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY  
IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

DATED: 8/19/97

SPECIAL MASTER'S RECOMMENDATION  
Water Right 57-07034A

*[Signature]*  
FRITZ X. HAEMMERLE  
Special Master  
Snake River Basin Adjudication

PAGE 1  
MAY-21-1997

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AUG 2 1997

Department of Water Resources  
Adjudication Bureau

1997 AUG 19 AM 9:24

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED

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

) Subcase 57-07034A

Case No. 39576

)  
) SPECIAL MASTER'S REPORT  
)  
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by Arthur J. Merrick. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-07034A was filed by United States (BLM). Subsequently, the objection was withdrawn by stipulation of the parties.

A *Preliminary Special Master's Report and Recommendation* was issued. No motion to alter or amend was filed and the time for filing such a motion has now expired; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-07034A be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED August 19, 1997.



FRITZ X. HAEMMERLE

Special Master, Reporting Area 2  
Snake River Basin Adjudication

1997 AUG 19 AM 9:24

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

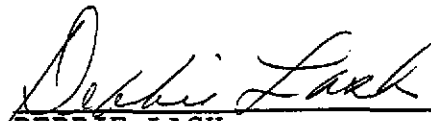
NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S REPORT  
AND RECOMMENDATION

Water Right(s): 57-07034A

On August 19, 1997, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

Pursuant to SRBA Administrative Order 1, Section 14b, any party to the adjudication may file a Notice of Challenge to a SPECIAL MASTER'S REPORT AND RECOMMENDATION within 21 days following the date of publication of the filing of the Special Master's report in the Docket Sheet except parties to the subcase who failed to file a Motion to Alter or Amend before the Special Master (AO1, Section 9f). The Notice of Challenge shall appear on the Docket Sheet and shall be served on parties to the subcase(s) covered by the challenged report and the SRBA Court Reporter.

DATED August 19, 1997.

  
DEBBIE LASH  
Deputy Clerk

1997 AUG 19 AM 9:24

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

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

In Re SRBA )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 57-07034A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 19, 1997, with sufficient first-class postage prepaid to the following:

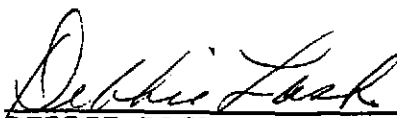
DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

U.S. DEPT. OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

ARTHUR J. MERRICK  
MERRICK, VERLA  
HC 79 BOX 2325  
OREANA, ID 83650

CLIVE STRONG  
OFFICE OF ATTORNEY GENERAL  
STATE OF IDAHO  
PO BOX 44449  
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

  
DEBBIE LASH  
Deputy Clerk

PAGE 1  
08/19/97

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JUN 23 1997

Department of Water Resources  
Adjudication Bureau

1997 JUN 20 AM 11:12

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

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

|                |   |                     |
|----------------|---|---------------------|
| In Re SRBA     | ) | Subcase 57-07034A   |
|                | ) |                     |
| Case No. 39576 | ) | PRELIMINARY SPECIAL |
|                | ) | MASTER'S REPORT     |

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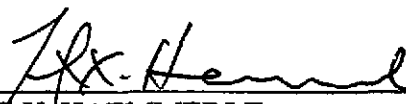
**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by Arthur J. Merrick. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-07034A was filed by United States (BLM). Subsequently, the objection was withdrawn by stipulation of the parties; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-07034A be decreed as recommended in the attached *Preliminary Special Master's Report and Recommendation*.

DATED June 20, 1997.

  
\_\_\_\_\_  
FRITZ X. HAEMMERLE  
Special Master, Reporting Area 2  
Snake River Basin Adjudication

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

SPECIAL MASTER'S RECOMMENDATION FOR  
PARTIAL DECREE FOR  
Water Right 57-07034A

1997 JUN 20 AM 11:12

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED *[Signature]*

PRELIMINARY

NAME & ADDRESS: ARTHUR J MERRICK  
VERLA J MERRICK  
HC 79 BOX 2325  
OREANA ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 51.2 CFS

PRIORITY DATE: 08/17/1969

POINT OF DIVERSION: T04S R01E S13 SENE Within Owyhee County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE IRRIGATION PERIOD OF USE Irrigation Season QUANTITY 51.2 CFS

PLACE OF USE: IRRIGATION Within Owyhee County

|                    |       |             |           |             |             |           |
|--------------------|-------|-------------|-----------|-------------|-------------|-----------|
| T04S R01E S01      | Lot 2 | (NWNE) 40.0 | SWNE 40.0 | Lot 3       | (NENW) 40.0 | NESW 40.0 |
|                    |       | NWSW 40.0   | SWSW 40.0 |             | SESW 40.0   | NESE 40.0 |
|                    |       | NWSE 40.0   | SWSE 40.0 |             | SESE 40.0   |           |
| S02                | Lot 1 | (NENE) 40.0 | Lot 2     | (NWNE) 40.0 | SWNE 40.0   | SENE 40.0 |
|                    |       | SWSE 40.0   |           | SESE 40.0   |             |           |
| S11                |       | NENE 40.0   |           | NWNE 40.0   | SWNE 40.0   | SENE 40.0 |
|                    |       | NESE 40.0   |           | NWSE 40.0   | SWSE 40.0   | SESE 40.0 |
| S12                |       | NENE 40.0   |           | NWNE 40.0   | SWNE 40.0   | SENE 40.0 |
|                    |       | NENW 40.0   |           | NWNW 40.0   | SWNW 40.0   | SENW 40.0 |
|                    |       | NESW 40.0   |           | NWSW 40.0   | SWSW 40.0   | SESW 40.0 |
|                    |       | NESE 40.0   |           | NWSE 40.0   | SWSE 40.0   | SESE 40.0 |
| S13                |       | NENE 40.0   |           | NWNE 40.0   | SENE 40.0   | NENW 40.0 |
|                    |       | NWNW 40.0   |           | SWNW 40.0   | NWSW 40.0   | SWSW 40.0 |
| S14                |       | NENE 40.0   |           | SENE 40.0   | NESE 40.0   | SESE 40.0 |
| S23                |       | NENE 40.0   |           | NWNE 40.0   | NENW 40.0   | NWNW 40.0 |
|                    |       | SWNW 40.0   |           | SENW 40.0   | NESW 40.0   | NWSW 40.0 |
|                    |       | SWSW 40.0   |           | SESW 40.0   |             |           |
| S24                |       | NWNW 40.0   |           |             |             |           |
| 2560.0 ACRES TOTAL |       |             |           |             |             |           |

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION  
IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION  
OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS  
SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL  
BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY  
IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

DATED: 4/20/97

SPECIAL MASTER'S RECOMMENDATION  
Water Right 57-07034A

*[Signature]*  
FRITZ X. HAEMMERLE  
Special Master  
Snake River Basin Adjudication

PAGE 1  
MAY-21-1997

1997 JUN 20 AM 11: 12

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

FILED *DL*

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
PRELIMINARY SPECIAL MASTER'S  
REPORT AND RECOMMENDATION

Water Right(s): 57-07034A

On June 20, 1997, Special Master FRITZ X HAEMMERLE  
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY  
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative  
Order 1 section 9 (f).

These documents are served only on parties to the subcase.  
They are not served on the Presiding Judge. Parties to this subcase  
may file a Motion to Alter or Amend with the Special Master, but  
must do so before July 07, 1997.

DATED June 20, 1997.

*Debbie Lash*  
\_\_\_\_\_  
DEBBIE LASH  
Deputy Clerk

1997 JUN 20 AM 11:12

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

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

In Re SRBA  
Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 57-07034A

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 20, 1997, with sufficient first-class postage prepaid to the following:

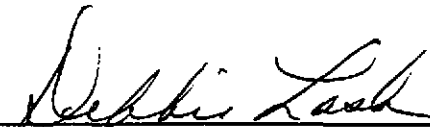
DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

U.S. DEPT. OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

ARTHUR J. MERRICK  
MERRICK, VERLA  
HC 79 BOX 2325  
OREANA, ID 83650

CLIVE STRONG  
OFFICE OF ATTORNEY GENERAL  
STATE OF IDAHO  
PO BOX 44449  
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

 PAGE 1  
06/20/97  
DEBBIE LASH  
Deputy Clerk

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MAY 7 1997

Department of Water Resources  
Adjudication Bureau

1997 APR 28 AM 10:43  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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 ) ORDER SETTING HEARING  
Case No. 39576 )  
\_\_\_\_\_ ) SUBCASE NO: 57-07034A

Please be advised that Special Master FRITZ X. HAEMMERLE  
has set for hearing the ORDER TO SHOW CAUSE AS TO WHY WATER RIGHT  
SHOULD NOT BE DISMISSED.

FRIDAY, MAY 09, 1997 at 03:00 PM

CONFERENCE ROOM - SRBA ANNEX  
SRBA COURTHOUSE  
253 3RD AVENUE NORTH  
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the  
clerk at (208) 736-3011 prior to MAY 07, 1997.

IT IS SO ORDERED.

Dated: APRIL 28, 1997

/S/ FRITZ X HAEMMERLE  
Special Master  
Snake River Basin Adjudication

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on APRIL 28, 1997, with sufficient first-class postage to the following:

ARTHUR J. MERRICK  
MERRICK, VERLA  
HC 79 BOX 2325  
OREANA, ID 83650

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

CLIVE STRONG  
OFFICE OF ATTORNEY GENERAL  
STATE OF IDAHO  
PO BOX 44449  
BOISE, ID 83711-4449  
Phone: 208-334-2400  
Rep: STATE OF IDAHO

U.S. DEPT. OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835  
Rep: USDI BLM

Linda 3/18

57-07034A+B

still in permit status, only way it can  
be changed is w/ application to change permit

recommended as Permit - still a permit + can't  
be recommended b/c is CRP

~~if + when permit it will change~~

[no basis to recommend anything different  
than the permit]

RECEIVED

APR - 1 1997

Department of Water Resources  
Adjudication Bureau

RECEIVED

APR - 3 1997

OFFICE OF THE  
ATTORNEY GENERAL

1997 APR 01 PM 01:49  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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     | ) | NOTICE SETTING STATUS   |
|                | ) | CONFERENCE              |
| Case No. 39576 | ) |                         |
| _____          |   | ) SUBCASE NO: 57-07034A |

Please be advised that Special Master FRITZ X HAEMMERLE  
has set a Status Conference in the above subcase(s)  
as follows:

THURSDAY, APRIL 17, 1997 at 02:15 PM

OWYHEE COUNTY COURTHOUSE  
HIGHWAY 78  
PO BOX 128  
MURPHY, ID

Dated: APRIL 01, 1997

/S/ DEBBIE LASH  
Deputy Clerk  
Snake River Basin Adjudication

MAIL4846



CLIVE STRONG  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on APRIL 01, 1997, with sufficient first-class postage to the following:

ARTHUR J. MERRICK  
MERRICK, VERLA  
HC 79 BOX 2325  
OREANA, ID 83650

CLIVE STRONG  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720  
Phone: 208-334-2400  
Rep: STATE OF IDAHO

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

U.S. DEPT. OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835  
Rep: USDI BLM

Enter the Response Description and Press Function Key  
SD-0505-2 Idaho Department of Water Resources  
Response Code Maintenance Screen

Date: 06/16/93  
Time: 17:27:39

FIRST PAGE

Response Code: D08

Response Description:

*04, 9, 1a, and 14*  
*3a, 3b,*  
In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 10, 11, 12, and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. The notice(s) of claim attached to the objection was (were) not filed with IDWR and IDWR has not recommended a water right based on this (these) notice(s) of claim. ~~IDWR admits that the claim(s) listed in the objection is (are) recommended in the director's report. IDWR admits that the exercise of rights to water from the same source may impact each other. IDWR denies the objection and all allegations of the objection not expressly admitted herein.~~

*signed*

*Pls ck + see if these were filed!!!*

(GOLD1=Add Record) (GOLD4=Prev Screen) (GOLD6=End of Data)  
(GOLD5=Next Screen) (GOLD7=Return) (GOLD8=Cancel)

*on the alternative and*

RECEIVED  
JAN 24 1982

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

Department of Water Resources  
Western Regional Office

IN THE MATTER OF PERMIT )  
NO. 57-7034 IN THE NAME OF ) ORDER OF REINSTATEMENT  
CASTLE BUTTE, INC. )

---

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 57-7034 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 57-7034 to appropriate the public waters of the State of Idaho with a proposed priority of AUGUST 17, 1969.

2. On APRIL 03, 1987 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on JUNE 02, 1987.

3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

MICROFILMED

JUL 20 1994

4. The license examination fee was received on  
OCTOBER 14, 1988, 499 day(s) late.

#### CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 57-7034 should be advanced 499 day(s).

#### ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 57-7034 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 57-7034 is advanced to DECEMBER 29, 1970.

Dated this 15<sup>th</sup> day of January, 1993.

K. Glen Saylor  
Chief, Water Allocation Bureau

MICROFILMED  
JUL 20 1994

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 the Rights to the Use of Water )  
from the Snake River Basin )  
Water System )  
\_\_\_\_\_ )

Case No. 57-07034A -0001

The State of Idaho, ex rel. )  
R. Keith Higginson in his )  
official capacity as Director )  
of the Idaho Department of )  
Water Resources, )

RESPONSE TO OBJECTION

Petitioner, )

vs. )

The United States; the State )  
of Idaho; and all Claimants to )  
the use of water from the Snake )  
River Basin Water System, )

Respondents. )  
\_\_\_\_\_ )

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part  
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
3380 AMERICANA TERRACE  
BOISE ID 83706-2544

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

Attorney Address: DEPUTY ATTORNEY GENERAL(S)  
IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
  - 3a. ☒ The total quantity of water used in cubic feet per second.
  - 3b. ☒ The total quantity of water stored in acre feet per year.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.

8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
12. |☒| Water Right Recommendation: I respond to the objection concerning:
- 12a. |☒| This water right being recommended at all.

#### REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 3a, 3b, 4, 5, 7, 8, 9, 9a, 10, 12, 12a and 14 and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. The notice of claim attached to the objection was not filed with IDWR and IDWR has not recommended a water right based on this notice of claim. IDWR admits that the exercise of rights to water from the same source may impact each other.

In further response, IDWR admits that the only authorized point of diversion for this right is the point of diversion stated in the permit, and further notes that amendment of the permit may be accomplished only in accordance with Idaho Code section 42-211. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

#### CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

(Over)

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☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of  
Pages

Notice of Claim No. A57-07034A

3

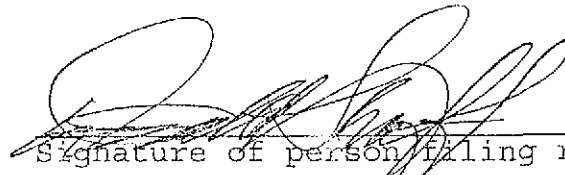
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

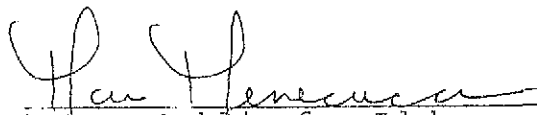
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

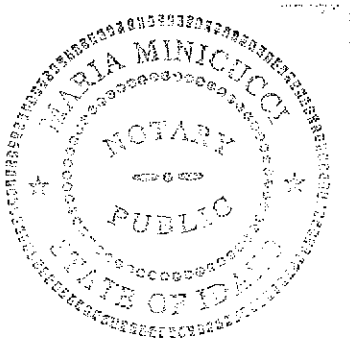
  
Signature of person filing response

By:

  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 1st day of July,  
1993.

  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission expires: 6/25/1999



(Over)

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CERTIFICATE OF MAILING

I hereby certify that on the 1<sup>st</sup> day of July, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

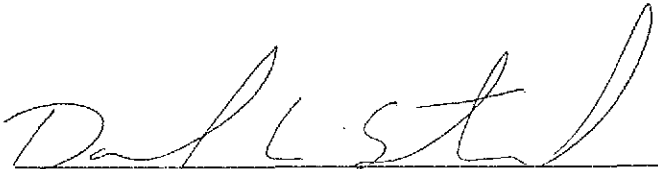
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: ARTHUR J & VERLA J MERRICK  
Address: HC 79 BOX 2325  
OREANA ID 83650

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE  
Address: K JACK HAUGRUD & DARIA J ZANE  
550 W FORT ST  
PO BOX 33  
BOISE ID 83734



Signature of Respondent or attorney  
mailing on Respondent's behalf

RECEIVED

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

Department of Water Resources

CIVIL CASE NUMBER: 39576 Office

Ident. Number

Date Received

Receipt Number

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Arthur or Verla Merrick Phone ( 1834-2641Mailing Address HC79, Box 2325, Greana ID Zip 836502. Date of Priority (Only one (1) per claim) Aug. 17, 19693. Source of water supply (a) Castle Cr  
which is tributary to (b) Snake R.4. a. Location of existing point of diversion is: Township 4S Range 1E Section 13,  
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.Dam, ditch & pipelines

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 4.62 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 4.62 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4                |       |       |       | NW 1/4 |                       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|-----------------------|-------|-------|-------|--------|-----------------------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4                 | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4                 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 4S  | 1E  | 1   |                       |       |       |       |        | <sup>14.4</sup><br>24 | 23    |       | 1      | 34    | 13    | 3     |        |       |       |       | 98     |
|     |     | 2   | <sup>14.4</sup><br>26 |       |       | 39    |        |                       |       |       |        |       |       |       | 38     |       |       | 30    | 133    |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |                       |       |       |       |        |                       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 231

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes \_\_\_\_\_ No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. \_\_\_\_\_ or None ( )

14. Remarks:

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Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-Store Yellow-Claim

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit ☒ \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

Signature of Claimant (s)

Arthur J. Mamed  
Uella Merrick

Date 11-10-91

Date 11-10-91

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_

Title

of \_\_\_\_\_

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_

Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Oneida )

SS.

Subscribed and sworn (or affirmed) before me this

10<sup>th</sup>

day of

November

19 91

SEAL.

Notary Public

Edna M. Lawrence

Residing at

Grand View

My Commission Expires

2-25-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

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JUL 20 1994

Last Name \_\_\_\_\_

Ident. Number \_\_\_\_\_

Copies White, Blue, Yellow, Claimant

OCT 05 1992

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

The State of Idaho, ex rel.  
R. Keith Higginson in his  
official capacity as Director  
of the Idaho Department of  
Water Resources,

Petitioner,

vs.

The United States; the State  
of Idaho; and all Claimants to  
the use of water from the Snake  
River Basin Water System,

Respondents.

Case No. 57-07034A  
(You must insert the  
water right number you  
are objecting to)

OBJECTION RECEIVED

FEB 26 1993

Department of Water Resources  
Adjudication Bureau

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

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(Over)

OBJECTION - 1

JUL 20 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

# **I. GENERAL INFORMATION**

Please fill in the following information:

## **1. Person objecting:**

Name: United States of America  
Bureau of Land Management  
U.S. Department of the Interior  
Idaho State Office  
Address: 3380 Americana Terrace  
Boise, Idaho 83706

Briefly describe your interest in this water right:

The United States, through the Bureau of Land Management (BLM), has a senior existing water right and is the owner of the land upon which this water right is claimed, and claimant does not have a valid water right.

## **2. Owner of the water right:**

Name: Claimant: Arthur J. Merrick  
Verla J. Merrick  
Address: HC 79 Box 2325  
Oreana, Idaho 83650

## **3. If this objection is filed by an attorney:**

Attorney Name: K. Jack Haugrud  
Daria J. Zane  
Attorney Address: U.S. Department of Justice  
550 West Fort Street  
P.O. Box 33  
Boise, Idaho 83734  
Attorney Phone No.: (202) 272-8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

## II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
  - a. ☒ the total quantity of water used in cubic feet per second; or
  - b. ☒ the total quantity of water stored in acre-feet per year; or
  - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
  - a. ☒ the legal description of the place of use; or
  - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

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JUL 20 1994

(Over)

### INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

### CERTIFICATE OF MAILING

I hereby certify that on the 26th day of February, 1993, I <sup>served</sup> ~~mailed~~ the original and <sup>filed</sup> ~~copies~~ of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed 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

2. One copy to the owner of the water right, and you must fill in the following information:

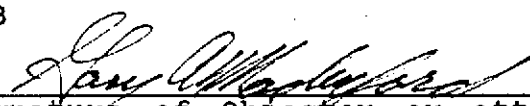
Owner name: Arthur J. Merrick  
Verla J. Merrick  
Owner's Address: HC 79 Box 2325  
Oreana, Idaho 83650

3. One copy to:

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

4. One copy to:

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, Idaho 83734

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

V Denotes Public Land  
Included in this Claim

3.5

**POOR ORIGINAL**

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NOTICE OF CLAIM  
TO A  
WATER RIGHT  
RESERVED UNDER FEDERAL LAW  
BUREAU OF LAND MANAGEMENT

BLM CLAIM NO. 570168ALLOTMENT NO. 806 Pole Creek

PROJECT NO. \_\_\_\_\_

1. Date of Priority (only one (1) per claim) 34/06/28
2. Source of Water (a) Castle Creek  
which is tributary to (b) Snake River
3. Location of Points of Diversion or Water Source if not Developed:  
Township 4S, Range 1E, Section 13, 1/4 of NE 1/4  
of SE 1/4, Gov't Lot \_\_\_\_\_, B.M., County of Owyhee
4. Purpose, Period of Use and Quantity of Water Claimed:  
Purpose STOCKWATER from 1/1 to 12/31 amount 0.03 cfs/af  
Purpose WILDLIFE from 1/1 to 12/31 amount 0.02 cfs/af
5. Annual Volume of Consumptive Use \_\_\_\_\_ (cfs or af)
6. Total Flow 0.05 cfs
7. Action(s) Creating the Federal Reserve \_\_\_\_\_
8. Boundaries of Reservation \_\_\_\_\_
9. Place(s) of Use  
Township \_\_\_\_\_, Rng \_\_\_\_\_, Sec \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4, gov't Lot \_\_\_\_\_  
Same Township \_\_\_\_\_, Rng \_\_\_\_\_, Sec \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4, gov't Lot \_\_\_\_\_  
Township \_\_\_\_\_, Rng \_\_\_\_\_, Sec \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4, gov't Lot \_\_\_\_\_
10. State Acquired or Other Water Rights \_\_\_\_\_

11. Remarks

52CCastle Butte Topo

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

DATE: OCT-13-1992

PAGE: A-179

| RIGHT<br>NUMBER      | NAME & ADDRESS | PRIORITY<br>DATE       | PURPOSE OF USE | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF CLAIM |
|----------------------|----------------|------------------------|----------------|--------------------------|---------------------|----------------|
| SOURCE: CASTLE CREEK |                | TRIBUTARY: SNAKE RIVER |                |                          |                     |                |

57-07034A ARTHUR J MERRICK  
VERLA J MERRICK  
HC 79 BOX 2325  
OREANA ID 83650

08/17/1969 IRRIGATION

03-01 10-31

51.2

CFS

PERMIT

TOTAL QUANTITY:

51.2

CFS

POINT OF DIVERSION:

T04S R01E S13

SENE

PLACE OF USE: IRRIGATION

|               |       |            |           |            |            |           |
|---------------|-------|------------|-----------|------------|------------|-----------|
| T04S R01E S01 | Lot 2 | (NWNE)40.0 | SWNE 40.0 | Lot 3      | (NENW)40.0 | NESW 40.0 |
|               |       | NWSW 40.0  | SWSW 40.0 |            | SESW 40.0  | NESE 40.0 |
|               |       | NWSE 40.0  | SWSE 40.0 |            | SESE 40.0  |           |
| S02           | Lot 1 | (NENE)40.0 | Lot 2     | (NWNE)40.0 | SWNE 40.0  | SENE 40.0 |
|               |       | SWSE 40.0  |           | SESE 40.0  |            |           |
| S11           |       | NENE 40.0  |           | NWNE 40.0  | SWNE 40.0  | SENE 40.0 |
|               |       | NESE 40.0  |           | NWSE 40.0  | SWSE 40.0  | SESE 40.0 |
| S12           |       | NENE 40.0  |           | NWNE 40.0  | SWNE 40.0  | SENE 40.0 |
|               |       | NENW 40.0  |           | NWNW 40.0  | SWNW 40.0  | SENW 40.0 |
|               |       | NESW 40.0  |           | NWSW 40.0  | SWSW 40.0  | SESW 40.0 |
|               |       | NESE 40.0  |           | NWSE 40.0  | SWSE 40.0  | SESE 40.0 |
| S13           |       | NENE 40.0  |           | NWNE 40.0  | SENE 40.0  | NENW 40.0 |
|               |       | NWNW 40.0  |           | SWNW 40.0  | NWSW 40.0  | SWSW 40.0 |
| S14           |       | NENE 40.0  |           | SENE 40.0  | NESE 40.0  | SESE 40.0 |
| S23           |       | NENE 40.0  |           | NWNE 40.0  | NENW 40.0  | NWNW 40.0 |
|               |       | SWNW 40.0  |           | SENW 40.0  | NESW 40.0  | NWSW 40.0 |
|               |       | SWSW 40.0  |           | SESW 40.0  |            |           |
| S24           |       | NWNW 40.0  |           |            |            |           |

2560.0 ACRES TOTAL

REMARKS: THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. See remarks for additional conditions of approval. REINSTATED 11-25-1974. THIS PERMIT IS SUPPLEMENTAL TO PERMIT NO. 02-07046.

JUL 20 1994

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rest of these are not  
federal. They are state  
selection lands. Somehow  
included in BOP withdrawal

Appears to be a case of  
mis-described legal of P.O.D.  
Topo map shows probable  
diversion and it is on public  
land.  
Claim shows it on private land  
in neighboring 40 to the north

Water Right Number - 57-07034

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
CASTLE BUTTE INC.1 -  
2 -  
3 -  
City- OREANA State- ID Zip- 83659  
Phone -\*\*\* O - ORIGINAL OWNER \*\*\*  
MC DOWELL

HARLEY M.

1 -  
2 -  
3 -  
City- State- Zip-  
Phone -+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
08/17/1969 14 WESTERN P - PERMIT+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
CASTLE CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

04S 01E 13 SE NE (73) OWYHEE

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 03/01 10/31 51.200+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
51.200+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
04S 01E 1 NW NE 2 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 SW NE 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 NE NW 3 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 NE SW 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 NW SW 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 SW SW 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 SE SW 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 NE SE 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 NW SE 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 SW SE 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 1 SE SE 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 2 NE NE 1 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 2 NW NE 2 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 2 SW NE 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 2 SE NE 40.0 01 IRRIGATION (73) OWYHEE  
04S 01E 2 SW SE 40.0 01 IRRIGATION (73) OWYHEEMICROFILMED  
OCT 06 1992

Water right number - 57-07034

Prefix Translation: WATER RIGHT

| + - - - - Place of Use - - - - - + |     |     |       |     |       |      |             |        |        |
|------------------------------------|-----|-----|-------|-----|-------|------|-------------|--------|--------|
| Tw                                 | Rng | Sec | Tract | Lot | Acres | Code | Description | County |        |
| 04S                                | 01E | 2   | SE SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 11  | NE NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 11  | NW NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 11  | SW NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 11  | SE NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 11  | NE SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 11  | NW SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 11  | SW SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 11  | SE SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | NE NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | NW NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | SW NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | SE NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | NE NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | NW NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | SW NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | SE NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | NE SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | NW SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | SW SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | SE SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | NE SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | NW SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | SW SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 12  | SE SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 13  | NE NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 13  | NW NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 13  | SE NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 13  | NE NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 13  | NW NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 13  | SW NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 13  | NW SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 13  | SW SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 14  | NE NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 14  | SE NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 14  | NE SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 14  | SE SE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | NE NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | NW NE |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | NE NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | NW NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | SW NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | SE NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | NE SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | NW SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | SW SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 23  | SE SW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |
| 04S                                | 01E | 24  | NW NW |     | 40.0  | 01   | IRRIGATION  | (73)   | OWYHEE |

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Total Acres: 2560.0

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Water right number - 57-07034 Prefix Translation: WATER RIGHT

- + - - Diversion Means - DAM, DITCH & PIPELINES.
- + - - Non-Irrigation Use -
- + - - Other Rights for Same Use - 02-7046.

+ - - - - - Remarks - - - - -  
REINSTATED 11-25-1974.  
THIS PERMIT IS SUPPLEMENTAL TO PERMIT NO. 02-7046.

+ - - - - - Old Water Right Numbers - - - - -  
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -  
001 - A measuring device of a type approved by the Department shall  
- be permanently installed and maintained as part of the diverting  
- works.  
016 - See remarks for additional conditions of approval.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000

+ - - - - - Comments - - - - -  
No Comments Found

+ - - Audit Fields - 09/22/87 05/01/88 CONVERT 02/03/89 GARRETT 02/15/91 TAYLOR 07/09/92 JOHNSON

+ - - - - - Water Rights Dates and Flags Area - - - - -

|                                |                              |                     |
|--------------------------------|------------------------------|---------------------|
| Proof Due Date - 11/01/1974    | Field Exam Made - 00/00/0000 | Field Exam Fee - R  |
| Approved/Denied - 10/20/1969   | Protested Date - 00/00/0000  | Swan Falls - Z      |
| Proof Made Date - 11/19/1974   | Hearing Date - 00/00/0000    | Temporary Right - P |
| Exam to S.O. Date - 00/00/0000 | Verified Date - 00/00/0000   | DLE/Carey Act -     |
| Order Show Cause - 00/00/0000  | Receipt Number -             | Water District -    |
| Licensed Date - 00/00/0000     | Appl Received - 00/00/0000   | Transfer/Amended -  |
| Decree Date - 00/00/0000       | Presumption Flag -           |                     |

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| OWNER<br>CODE | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | ARTHUR J MERRICK | 08/17/1969       | IRRIGATION | 03-01 10-31           | 51.20 CFS         |                     |
| C             | VERLA J MERRICK  |                  |            |                       |                   |                     |
|               | HC 79 BOX 2325   |                  |            |                       |                   |                     |
|               | OREANA ID 83650  |                  |            |                       |                   |                     |
|               | (208) 834-2641   |                  |            |                       |                   |                     |
|               |                  |                  |            |                       | TOTAL DIVERSION:  | 51.20 CFS           |

Water Source: CASTLE CREEK

Tributary to: SNAKE RIVER

Stage: PERMIT

Point(s) of Diversion:

T04S R01E S13

SENE

OWYHEE County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE    |       |      |      | NW |       |      |      | SW   |   |      |      | SE   |      |   |      |      |      |             |        |       |
|-----|-----|----|---|-------|-------|------|------|----|-------|------|------|------|---|------|------|------|------|---|------|------|------|-------------|--------|-------|
| T   | R   | S  | : | NENE  | NWNE  | SWNE | SENE | :  | NENW  | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE        | :      | SUM   |
|     |     |    |   | Lt    | Ac    | Lt   | Ac   |    | Lt    | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac          |        |       |
| 04S | 01E | 1  | : |       | 02-40 |      | 40   | :  | 03-40 |      |      |      | : | 40   | 40   | 40   | 40   | : | 40   | 40   | 40   | 40          | :      | 440.0 |
| 04S | 01E | 2  | : | 01-40 | 02-40 |      | 40   | :  |       |      |      |      | : |      |      |      |      | : |      |      |      |             | :      | 240.0 |
| 04S | 01E | 11 | : | 40    | 40    |      | 40   | :  |       |      |      |      | : |      |      |      |      | : | 40   | 40   | 40   | 40          | :      | 320.0 |
| 04S | 01E | 12 | : | 40    | 40    |      | 40   | :  | 40    | 40   | 40   | 40   | : | 40   | 40   | 40   | 40   | : | 40   | 40   | 40   | 40          | :      | 640.0 |
| 04S | 01E | 13 | : | 40    | 40    |      | 40   | :  | 40    | 40   | 40   |      | : |      | 40   | 40   |      | : |      |      |      |             | :      | 320.0 |
| 04S | 01E | 14 | : | 40    |       |      | 40   | :  |       |      |      |      | : |      |      |      |      | : | 40   |      |      | 40          | :      | 160.0 |
| 04S | 01E | 23 | : | 40    | 40    |      |      | :  | 40    | 40   | 40   | 40   | : | 40   | 40   | 40   | 40   | : |      |      |      |             | :      | 400.0 |
| 04S | 01E | 24 | : |       |       |      |      | :  |       | 40   |      |      | : |      |      |      |      | : |      |      |      |             | :      | 40.0  |
|     |     |    |   |       |       |      |      |    |       |      |      |      |   |      |      |      |      |   |      |      |      | TOTAL ACRES | 2560.0 |       |

POU County: OWYHEE

Conditions of Approval:

- A01 - THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
- IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
- OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS
- SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
- BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
- IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.
- 016 - See remarks for additional conditions of approval.

Remarks: REINSTATED 11-25-1974.

THIS PERMIT IS SUPPLEMENTAL TO PERMIT NO. 02-07046.

Dates: Exam Made Date: 09/20/1990 Verified Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Comments: Date: 07/17/1992 User-ID: WERNER Subject: LICENSE DELAYED  
THIS PERMIT WILL BE DELAYED IN LICENSING UNTIL THE LAND UNDER  
THE PERMIT COMES OUT OF CRP.

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OCT 06 1992

AJ0749NP  
No. R57-07034A

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 07/17/92  
PAGE: 2

Comments: Date: 07/17/1992 User-ID: WERNER Subject: LICENSE DELAYED

Audit: 07/17/92 WERNER

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OCT 06 1992

## ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A57-7034A

| WR ELEMENT            | FIELD EXAM<br>Y/N-IF NO,<br>DO OFFICE<br>VERIFICATION | FIELD EXAM<br>OR IN-OFFICE<br>VERIFICATION<br>WHOM/DATE | CLAIM<br>VERIFIED BY<br>CODE<br>(SEE BELOW) | CHANGE<br>CLAIM<br>Y/N | CLAIMANT CONTACT<br>NEEDED - Y/N** | REVIEW<br>COMPLETED<br>WHOM/DATE | "R" RECORD                                  |
|-----------------------|-------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|------------------------|------------------------------------|----------------------------------|---------------------------------------------|
| PRIORITY*             |                                                       | G. Gibson                                               |                                             | Y                      |                                    |                                  |                                             |
| PT. OF DIV.           |                                                       | 9-20-90                                                 |                                             | Y                      | 5                                  |                                  | DATA ENTRY COMPLETED<br>BY _____ DATE _____ |
| SOURCE                |                                                       |                                                         |                                             |                        | 5                                  |                                  |                                             |
| PL. OF USE            |                                                       |                                                         |                                             | Y                      | 5                                  |                                  | FINAL RECOMMENDATION<br>BY _____ DATE _____ |
| DIV. AMOUNT<br>CPS/AF |                                                       |                                                         |                                             | Y                      | 5                                  |                                  |                                             |
| CONSUMPTIVE<br>USE    |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |
| NATURE OF<br>USE      |                                                       |                                                         |                                             |                        | 5                                  |                                  |                                             |
| PERIOD OF<br>USE      |                                                       |                                                         |                                             |                        | 5                                  |                                  |                                             |
| BASIS OF<br>CLAIM     |                                                       |                                                         |                                             | Y                      |                                    |                                  |                                             |
| REMARKS               |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |

## VERIFICATION CODES

\*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN  
SUBMITTED - YES \_\_\_\_\_ NO \_\_\_\_\_.\*IF CLAIMANT CONTACT IS NEEDED, COMPLETE  
CLAIMANT CONTACT CHECKLIST AND ATTACH.

TOPO MAP/ORTHOPHOTO = 1  
 ASCS MAP = 2  
 WATERMASTER RECORDS = 3  
 NAPP PHOTOS = 4  
 FIELD EXAM = 5  
 OTHER(SEE COMMENTS) = 6

COMMENTS: 11-6-91: The recommendations made for this claim are contingent upon  
 family return of an amended claim. - Received on 11-19-91 L.R.W.

2-17-92: This claim will not be recommended in the SRBA\* will be held under  
 permit status until the removal of land from C.R.P. L.R.W.

OCT 06 1992

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

08:23:17  
06/28/90

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A57-07034A

LAST: MERRICK  
ADDRESS: H C 79 BOX 2325  
CITY: OREANA  
PHONE NUMBER: 208-834-2641

FIRST: ARTHUR J.  
STATE: ID ZIP: 83650

OWNER CODE: C

LAST: MERRICK  
ADDRESS: H C 79 BOX 2325  
CITY: OREANA  
PHONE NUMBER: 208-834-2641

FIRST: VERLA J.  
STATE: ID ZIP: 83650

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE  
Y

FIELD  
EXAMINER

CLAIM REMARKS: REINSTATED 11-25-1974.  
THIS PERMIT IS SUPPLEMENTAL TO PERMIT NO. 02-7046.

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CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

DATE OF FIELD EXAM: \_\_\_\_/\_\_\_\_/\_\_\_\_

APPOINTMENT MADE: Y(\_\_\_\_) N(\_\_\_\_)

TIME: \_\_\_\_:\_\_\_\_ A(\_\_\_\_) P(\_\_\_\_)

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

*See attached*

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9-6-90 - Husband will call me back w/ more info  
Set up to meet Nulet @ the <sup>Murphy Courthouse</sup> ~~POD~~ @ 7:30  
Merrick @ the POD @ 8:15.  
Send confirmation letter when I get in touch  
w/ Nulet

FIELD EXAM  
TELEPHONE CONVERSATION MEMO

I.D. NUMBER A57-1034A  
NAME OF CONTACT Virla Merrick  
PHONE NO. 834-2641 ADJ. AGENT L. W. Wimmer  
DATE SET FOR EXAM 9-20-90 @ 7<sup>30</sup>  
LOCATION \_\_\_\_\_

Diverting at full rates? No  
Type of measuring devices? Unknown  
Places to make measurements? \_\_\_\_\_  
Type of system? (pipeline, ditches) \_\_\_\_\_  
How many laterals are used? \_\_\_\_\_  
Length and size of mainline? \_\_\_\_\_  
Size of Motor used for each P/D? \_\_\_\_\_  
Estimate of depth to water? \_\_\_\_\_  
Pressure at well? \_\_\_\_\_  
Pressure at sprinkler head? \_\_\_\_\_

COMMENTS Did not see from creek this year. Bought  
the property in approx 1980.

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A. AJ CLAIM: # A57-07034A PRIORITY DATE: 08-17-1969 STAGE: P  
B. WR RECORD: # 57-07034 PRIORITY DATE: 08-17-1969 STAGE: P

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER  
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y( ) N(X)  
IF YES EXPLAIN.

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECOMMENDED PRIORITY DATE:

~~08-17-1969~~

12-29-1970 As licensed

REVIEWED BY

Linda Wormer

DATE

11-6-91

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT** Department of Water Resources

**RECEIVED**  
FEB 19 1991

**A. GENERAL INFORMATION**

1. Owner: ARTHUR J. MERRICK Permit No. 57-07034A  
Current Address: HC 79 BOX 2325 Phone No. 834-2641
2. Accompanied by: ARTHUR J. MERRICK EXAM. DATE: 9-20-1990  
Address: SAME AS ABOVE Phone No. \_\_\_\_\_  
Relationship to Permit Holder: OWNER
3. Source: CASTLE CREEK tributary to SNAKE RIVER

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: 02-07046A & 02-07046B  
SNAKE RIVER WATER, different P.O.D., same acres SEE both sources ☒ Copies Attached  
SEE Permit NO. 57-07034B
2. Other water rights with same point of diversion: NONE  
☐ Copies Attached ☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

SEE ATTACHMENT A

Scale: 1" = \_\_\_\_\_

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☒ Aerial Photo Attached  
Showing location(s) of point(s) of diversion and place(s) of use (required). (required for irrigation of 10 acres or more).
- ☒ Photo of Diversion and System Attached  
(required for all but single household domestic groundwater, and stockwater).

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

This System is presently in the CRP Program and was not in operation at the time of the field examination. This system consists of a canal approximately 1/2 mile long, several main and lateral ditches, four pumping stations, buried main lines, wheel lines, handlines. A Mannings calculation was performed to determine the maximum flow rate for the canal (using the high water mark) from Castle Creek. (see exhibit 1). The claimed place of use has been farmed and appears to have been irrigated in the past. Even though the place of use is still irrigated

☒ See Remarks on page 4 for continuation

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

| Ident. No. | Gov't. Lot | 1/4 | 1/4 | 1/4 | Sec.    | Twp. | Rge. | County | Method of Determination/Remarks |
|------------|------------|-----|-----|-----|---------|------|------|--------|---------------------------------|
|            |            |     |     |     | NESE 13 | 04S  | 01E  | Dwyhee | Field Examination               |
|            |            |     |     |     |         |      |      |        |                                 |
|            |            |     |     |     |         |      |      |        |                                 |
|            |            |     |     |     |         |      |      |        |                                 |

6. Place(s) of Use:

Indicate Method of Determination \_\_\_\_\_

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 231    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

SEE Attachment "B"

Do not use this space

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:

MANNINGS Calculation RUN, SEE Exhibit 1 in file  
57-07034B

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: See Item D.2.

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: \_\_\_\_\_ psi x 2.31 = \_\_\_\_\_ ft (1); Dynamic pumping level: \_\_\_\_\_ ft (2)

Total Head: (1) + (2) = \_\_\_\_\_ (3) ; Flow rate: \_\_\_\_\_ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = \_\_\_\_\_ (5)

Meter Input KW: 3.6 x \_\_\_\_\_ KH x \_\_\_\_\_ CTR or \_\_\_\_\_ MULT x \_\_\_\_\_ PTR x \_\_\_\_\_ N/ \_\_\_\_\_ T = \_\_\_\_\_ (6)

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

Panel Input KW: \_\_\_\_\_ Ave PF x \_\_\_\_\_ Ave Volts x \_\_\_\_\_ Ave Amps x .001732 = \_\_\_\_\_ (6)

Panel Input HP: (6) x 1.34 = \_\_\_\_\_ (7) Efficiency: (5)/(7) x 100 = \_\_\_\_\_ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{231 \times 5 = 1155}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{4.62 \times 245 \times 1.9835 = 2245.12}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{1155}$

2. Volume Calculations for Other Uses:

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# H. REMARKS AND OVERLAP (VIEW ANALYSIS)

AS ONE UNIT or System, Arthur Merriek owns 231 Acres :  
 Jay Hulet owns 2329 Acres. This will require splitting this  
 permit into A & B

The recommendations listed below are for part A of this  
 permit only.

Diversion Capacity is 53.65 cfs

The overlap is from The Snake River Water Right 02-07046

The Acres were measured using an English dot grid and orthophoto quad

## I. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| IRRIGATION     | 3-1           | 10-31 | 4.62                         | 1155                     |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 4.62                         | 1155                     |

### 2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

## J. AUTHENTICATION

Field Examiner's Name MELVIN GENE GIBSON

Signature Melvin Gene Gibson

Certification Date 1-25-1991

Field Report Preparation Date \_\_\_\_\_



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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ATTACHMENT "A"

57-07034A

ARTHUR MERRICK  
T04S R01E

T4S R1E

POD is NE of  
QA line and  
definitely in N1/4SE

PER 18  
CONV. WITH  
EXAMINER (HASK)

POD

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57-07034A

ARTHUR MERRICK  
T04S R01E

## 10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 04S      | 01E   | 1       | NW  |    | NW  | 4   | IRR           | 24.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 23.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 1.0   |
|          |       |         | NW  |    | SW  |     | IRR           | 34.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 13.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 3.0   |
|          |       |         |     |    |     |     | Section Acres | 98.0  |
|          |       | 2       | NE  |    | NE  |     | IRR           | 26.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 39.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 38.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 30.0  |
|          |       |         |     |    |     |     | Section Acres | 133.0 |
|          |       |         |     |    |     |     | Total Acres   | 231.0 |

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Water Right Number - L57-07034A      Prefix Translation:      LICENSE      Old (D) Number -

+ - - - - Last Name - - - - +      + - First Name - - +      + - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
CASTLE BUTTE INC.

1 -  
2 -  
3 -  
City- OREANA      State- ID Zip- 83659  
Phone -

\*\*\* O - ORIGINAL OWNER \*\*\*  
MC DOWELL

HARLEY M.

1 -  
2 -  
3 -  
City-      State-      Zip-  
Phone -

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - +  
12/29/1970      14 WESTERN      L - LICENSE

+ - - - - Source - - - - - +      + - - - - Tributary - - - - - +  
CASTLE CREEK      SNAKE RIVER

+ - - - - Point of Diversion - - - - - +  
Twn      Rng      Sec      Tract      Lot      RFlg      County

04S      01E      13      NE SE      (73)      OWYHEE

+ - - - - Water Use - - - - - +  
Code      Description      Period From      Period To      Diversion Rate      Diversion Volume

01 - IRRIGATION      03/15      11/15      4.620      1155.00

+ - Total Div. Rate - +      + - Total Div. Volume - +      + - Total Div. Capacity - +  
4.620      1155.00      53.650

+ - - - - Place of Use - - - - - +  
Twn      Rng      Sec      Tract      Lot      Acres      Code      Description      County

04S      01E      1      NW NW      4      24.0      01      IRRIGATION      (73 ) OWYHEE  
SW NW      23.0      (73 ) OWYHEE  
NE SW      1.0      (73 ) OWYHEE  
NW SW      34.0      (73 ) OWYHEE  
SW SW      13.0      (73 ) OWYHEE  
SE SW      3.0      (73 ) OWYHEE  
2      NE NE      1      26.0      (73 ) OWYHEE  
SE NE      39.0      (73 ) OWYHEE  
NE SE      38.0      (73 ) OWYHEE  
SE SE      30.0      (73 ) OWYHEE

Total Acres:      231.0

+ - - Diversion Means -

This is the way the permit was to be licensed.

L57-7034A  
Pg. 1

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L57-7034A  
Pg. 2

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT      | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|------------|------|------|------|-----|-----|-----|-----|--------|
| A57-07034A | 04S  | 01E  | 13   |     | SE  | NE  |     | OWYHEE |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT  
L57-07034

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|----------|------|------|------|-----|-----|-----|-----|--------|
| 57-07034 | 04S  | 01E  | 13   |     | SE  | NE  |     | OWYHEE |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX

L57-07034

NONE NONE

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)  
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE  
Y  
N

FIELD  
EXAMINER  
N  
NO

REMARKS:

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP.      | RGE.      | SEC.      | 1/4      | 1/4       | 1/4       | LOT      | COUNTY    |
|-----------|-----------|-----------|----------|-----------|-----------|----------|-----------|
| <u>4S</u> | <u>1E</u> | <u>13</u> | <u>—</u> | <u>NE</u> | <u>SE</u> | <u>—</u> | <u>73</u> |

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

REVIEWED BY:

Linda Werner

DATE:

11-6-91

A. ROOT WATER RIGHT NUMBERS: A57-07034A  
A57-07034B

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                                                                                                                                        | AJ<br>#/ACRES                                                              | WR<br>#/ACRES                                                                                                        | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------|----------------|------------------|
| 04S | 01E | 1   | NE  | SW  |     | MERRICK, ARTHUR J.<br>MERRICK, ARTHUR J.<br>Y. T. FARMS<br>CASTLE BUTTE INC.<br>CASTLE BUTTE INC.<br>MERRICK, ARTHUR J.<br>K. C. FARMS INC. | A57-07034A / 4.0<br>A02-07046A / 4.0<br>A57-07034B / 39.0                  | - / 26.0<br>02-07046A / 40.0<br>- /<br>57-07034 / 40.0<br>L57-07034 / 40.0<br>A02-07046A / 4.0<br>A02-07046B / 31.0  | 31.0            | 1.0            | 1.0              |
| 04S | 01E | 1   | NW  | SW  |     | MERRICK, ARTHUR J.<br>MERRICK, ARTHUR J.<br>Y. T. FARMS<br>CASTLE BUTTE INC.<br>CASTLE BUTTE INC.<br>MERRICK, ARTHUR J.<br>K. C. FARMS INC. | A57-07034A / 32.0<br>A02-07046A / 32.0<br>A57-07034B / 13.0                | - / 26.0<br>02-07046A / 40.0<br>- /<br>57-07034 / 40.0<br>L57-07034 / 40.0<br>A02-07046A / 32.0<br>A02-07046B / 8.0  | 41.0            | 24<br>34       | 24<br>34         |
| 04S | 01E | 1   | SW  | SW  |     | MERRICK, ARTHUR J.<br>MERRICK, ARTHUR J.<br>Y. T. FARMS<br>CASTLE BUTTE INC.<br>CASTLE BUTTE INC.<br>MERRICK, ARTHUR J.<br>K. C. FARMS INC. | A57-07034A / 18.0<br>A02-07046A / 18.0<br>A57-07034B / 24.0                | - / 26.0<br>02-07046A / 40.0<br>- /<br>57-07034 / 40.0<br>L57-07034 / 40.0<br>A02-07046A / 18.0<br>A02-07046B / 13.0 | 39.0            | 23<br>13       | 23<br>13         |
| 04S | 01E | 1   | SE  | SW  |     | MERRICK, ARTHUR J.<br>MERRICK, ARTHUR J.<br>Y. T. FARMS<br>CASTLE BUTTE INC.<br>CASTLE BUTTE INC.<br>MERRICK, ARTHUR J.<br>K. C. FARMS INC. | A57-07034A / 3.0<br>A02-07046A / 3.0<br>A57-07034B / 39.0                  | - / 26.0<br>02-07046A / 39.0<br>- /<br>57-07034 / 40.0<br>L57-07034 / 40.0<br>A02-07046A / 3.0<br>A02-07046B / 19.0  | 34.0            | 3              | 3                |
| 04S | 01E | 2   | NE  | NE  | 1   | MERRICK, ARTHUR J.<br>CASTLE BUTTE INC.<br>CASTLE BUTTE INC.<br>MERRICK, ARTHUR J.                                                          | A57-07034A / 40.0                                                          | - / 26.0<br>57-07034 / 40.0<br>L57-07034 / 40.0<br>A02-07046A / 27.0                                                 |                 | 26             | 26               |
| 04S | 01E | 2   | SE  | NE  |     | MERRICK, ARTHUR J.<br>MERRICK, ARTHUR J.<br>CASTLE BUTTE INC.<br>CASTLE BUTTE INC.<br>MERRICK, ARTHUR J.                                    | A57-07034A / 40.0<br>A02-07046A / 40.0                                     | - / 26.0<br>02-07046A / 40.0<br>57-07034 / 40.0<br>L57-07034 / 40.0<br>A02-07046A / 38.0                             | 42.0            | 38<br>39       | 38<br>29         |
| 04S | 01E | 2   | SE  | SE  |     | MERRICK, ARTHUR J.<br>MERRICK, ARTHUR J.<br>MERRICK, ARTHUR J.<br>Y. T. FARMS                                                               | A57-07034A / 25.0<br>A02-07046A / 25.0<br>A57-10148 /<br>A57-07034B / 10.0 | - / 26.0<br>02-07046A / 40.0<br>- /<br>- /                                                                           | 40.0            | 30             | 30               |
|     |     |     |     |     |     |                                                                                                                                             |                                                                            |                                                                                                                      |                 | 231            | 231              |

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CASTLE BUTTE INC.  
CASTLE BUTTE INC.  
MERRICK, ARTHUR J.  
K. C. FARMS INC.

57-07034 /40.0  
L57-07034 /40.0  
A02-07046A /24.0  
A02-07046B /14.0

TOTAL ACRES      A57-07034A      162.00      182.00      227.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N(☒)  
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER  
N

PRESUMPTION FLAG:

REMARKS:

Acres recommended based on B.U. exam

RECOMMENDATIONS:

TOTAL ACRES:

231

REVIEWED BY:

Linda Warner

DATE:

11-6-91

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A. AJ CLAIMED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A57-07034A IRRIGATION               | FROM 03-01 TO 10-31 | 3.240 CFS          |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | 3.240 CFS          |

B. WR RECORDED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| 57-07034 IRRIGATION                 | FROM 03-01 TO 10-31 | 51.200 CFS         |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | 51.200 CFS         |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

|                                          | DATABASE | FIELD EXAMINER |
|------------------------------------------|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N)      | N        | <u>N</u>       |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | Y        | <u>N</u>       |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | N        | <u>N</u>       |

B.U. field exam will be done

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y( ) N( )

RECOMMEND TO WR STANDARDS OR OTHER?

Y( X ) N( ) Explain in remarks, below.

REMARKS:

3-15 to 11-15

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y( ) N(X)

AJ TOTAL CLAIMED DIVERSION RATE: 3.240 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 51.200 CFS

\*\*\* IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. \*\*\*  
\*\* If an amount smaller than the original diversion rate is \*\*  
\*\* claimed and an exam is NOT required, explain in remarks. \*\*

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD  
DATABASE EXAMINER  
Y Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD Mannings, SEE ATTACHED CALCULATIONS. See B.U. exam

C. ARE OTHER WATER RIGHTS USED? Y(Y) N( ) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A02-07046A AND A02-02357

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM      | SOURCE       | NAME                | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|--------------|---------------------|-----------|----------------|-----------|----------------|
| A57-07034A | CASTLE CREEK | MERRICK , ARTHUR J. | 3.240     | 0.020          |           |                |
| A02-07046A | SNAKE RIVER  | MERRICK , ARTHUR J. | 14.260    | 0.088          |           |                |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES   | NAME                | MONTH/DAY           | RATE     | VOLUME |
|-----------|------------|---------------------|---------------------|----------|--------|
| A57-10148 | DOMESTIC   | MERRICK , ARTHUR J. | FROM 01-01 TO 12-31 | .040 CFS |        |
| A57-10148 | STOCKWATER | MERRICK , ARTHUR J. | FROM 01-01 TO 12-31 | .020 CFS |        |

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 162 x 0.02 CFS/ACRE = 324 CFS  
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N( )

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 567.0 AF/A

ACRES 162 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =  
TOTAL CONSUMPTIVE USE 567 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 162 x DIVERSION VOL. AF/A FOR AREA 5.0 =  
TOTAL DIVERSION VOLUME 810 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N( X )

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

1b. CALCULATIONS

Flow  
 $231 \text{ Ac} \times 0.02 \text{ cfs} = 4.62 \text{ cfs}$

C.U.  
 $231 \text{ Ac} \times 3.5 = 808.5$

F07- Other claims w/ same P.O.U. in basin 02

Found Ac - 7034A

ARTHUR MERRICK  
TOWNSHIP

### RANGE

45. 1 E  
EAST

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RECOMMENDATIONS:

| REC.<br>PURPOSES                 | REC. PERIOD<br>FROM TO                                           | REC. DIV<br>RATE CFS                   | REC. DIV<br>VOL. AF/A                  | REC. CONS.<br>USE                       |
|----------------------------------|------------------------------------------------------------------|----------------------------------------|----------------------------------------|-----------------------------------------|
| IRRIGATION                       | <u>3-15</u><br><del>03-01</del> <u>11-15</u><br><del>10-31</del> | DATABASE EXAMINER<br>3.240 <u>4.62</u> | DATABASE EXAMINER<br><u>          </u> | DATABASE EXAMINER<br>567.0 <u>808.5</u> |
| TOTAL FOR THIS RIGHT             |                                                                  | 3.240 <u>4.62</u>                      |                                        | 567.0 <u>808.5</u>                      |
| REVIEWED BY: <u>Linda Warner</u> |                                                                  | DATE: <u>11-6-91</u>                   |                                        |                                         |

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____              | ( )                    | (X)             |
| FORFEIT/ABANDON _____        | ( )                    | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-07034

|                                   |                     |                          |     |
|-----------------------------------|---------------------|--------------------------|-----|
| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE<br>102.400 | EXAMINER<br><u>40.76</u> | CFS |
|-----------------------------------|---------------------|--------------------------|-----|

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM.                        | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|--------------------------------------------------|------------------|---------------------|-------------------|
| -                    | A57-07034A               | 3.240             | -                                                | -                | -                   | -                 |
| -                    | A57-07034B               | 37.520            | -                                                | -                | 57-07034            | 51.200            |
| -                    | -                        | -                 | -                                                | -                | L57-07034           | 51.200            |
| -                    | -                        | -                 | -                                                | -                | -                   | -                 |
| TOTAL CFS            |                          | 40.760            | 7034 A 4.62 cfs<br>7034 B 46.58 cfs<br>50.20 cfs |                  | 102.400             |                   |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, is the written review sheet attached? (Y/N)

N

FIELD  
EXAMINER  
N

REMARKS:

AUTHENTICATION:

SIGNATURE:

Linda Warner

DATE: 11-6-91

NAME OF FIELD EXAMINER:

Gene Gibson

TITLE:

Sr. WR Agent

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OCT 06 1992



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

July 17, 1992

ARTHUR OR VERLA MERRICK  
HC 79 BOX 2325  
OREANA ID 83650

Dear Mr. or Mrs. Merrick;

Enclosed you will find your copy of the amended Notice of Claim to a Water Right, numbered A57-07034A.

Feel free to contact me if you have any questions.

Sincerely,

Linda A. Werner  
Sr. Water Resource Agent  
Adjudication Section

Enclosure: A57-07034A

**MICROFILMED**

**OCT 06 1992**

MEMORANDUM

TO: DAVE TUTHILL

FROM: JIM JOHNSON

RE: RETURN OF FIELD EXAMINATION

DATE: July 9, 1992

Gen. RH

Jan     

Water Rt File     

RECEIVED

JUL 13 1992

Department of Water Resources  
Western Regional Office

=====

I am returning the field examination report along with related information showing why the license will not be issued until actual diversion of water is resumed.

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OCT 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

July 9, 1992

VERLA MERRICK  
ARTHUR J MERRICK  
OREANA ID 83650

RE: WATER RIGHT NO. 57-07034A

Dear Water Right Holders:

In January of this year you received correspondence from us stating that a license would be issued on the above referenced water right if you returned a signed amendment of permit application, and a \$20.00 filing fee.

Further review of the field examination has caused the department to reconsider issuing a license at this time. The examination reveals that water was not actually diverted because the land covered by the permit is currently under the Conservation Reserve Program (CRP) and will remain in this status for several more years. The data collected was inconclusive in showing the extent of actual lands irrigated. Additionally, no water measurement was possible.

The department has decided to defer license issuance until the lands are irrigated once again. You will be given reasonable opportunity for start up before the department makes a re-examination of your system.

I am preparing a request for refund of your application of amendment and the refund will be coming under separate a letter.

If you have any questions on this matter please feel to contact me at Ph. 327-7947.

Sincerely,



Jim Johnson  
Water Rights Supervisor

MICROFILMED

OCT 06 1992

MEMORANDUM

TO: FILE 57-07034

FROM: JIM JOHNSON

RE: DEFER LICENSE ISSUANCE

DATE: July 8, 1992

=====

On July 7, 1992 I discussed with Dave Shaw proposed action to delay license issuance on this right until the land identified on the permit came off of CRP. Dave agreed with the proposed action and did not have a problem listing this right in the up-coming Director's report as a permit needing to complete the statutory appropriation process.

Action remaining on this file is

1. Return the field exam report to region with instructions to re-conduct the examination after land is off CRP.
2. Notify adjudication staff that a license will not be issued on this right.
3. Refund amendment fee parts A and B.

*Jim —*

- 1) Do we need to license now to get into SRBA director's report?
- 2) Ordinarily our concern is to get the license issued now to have the decision made before the evidence of permit-period development is lost. Perhaps on this one waiting makes sense because the field examiner is recommending the permitted values, not

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MEMORANDUM

TO: NORM

FROM: JIM JOHNSON 

RE: REVIEW OF FILE FOR LICENSE ISSUANCE

DATE: May 5, 1992

=====

Norm, I going to take a Devil's Advocate role on this right.

The land covered under the permit is now under the CRP program and is not currently being irrigated.

The source of water for this right is Castle Creek, which is the main supply in Water District 57-C.

No diversion of water is occurring, a estimate of flow was made using the Mannings Equation, and of course, no measuring device was found as required on the permit.

The photos taken during the exam clearly show an abundance of sagebrush and do not clearly show once irrigated land. The aerial photos used to show place of use also do not confirm **actual** lands irrigated. In my opinion, the risk of listing too many acres irrigated is great.

The permit was filed for irrigation of 2,560 acres and a rate of diversion of 51.2 cfs in 1969. The recommendation of the examiner is to license the permit for the entire rate of diversion and number of acres as listed on the permit.

My concern is that if we issue a license based on information that is not reflective of actual diversion and actual confirmation of use, this license will be on record forever and may never reflect actual use. Junior appropriators may be denied available water if this right is never fully developed.

My preference is to delay licensing and wait until the land comes off of CRP, then conduct a examination once the system is active. I don't see the necessity for licensing a surface water right in an established water district based upon weak place of use information and theoretical flow calculations.

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RECEIVED  
JAN 24 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

Department of Water Resources  
Western Regional Office

|                         |   |                        |
|-------------------------|---|------------------------|
| IN THE MATTER OF PERMIT | ) |                        |
| NO. 57-7034             | ) |                        |
| IN THE NAME OF          | ) | ORDER OF REINSTATEMENT |
| CASTLE BUTTE, INC.      | ) |                        |

---

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 57-7034 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 57-7034 to appropriate the public waters of the State of Idaho with a proposed priority of AUGUST 17, 1969.
2. On APRIL 03, 1987 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on JUNE 02, 1987.
3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

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4. The license examination fee was received on  
OCTOBER 14, 1988, 499 day(s) late.

#### CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 57-7034 should be advanced 499 day(s).

#### ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 57-7034 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 57-7034 is advanced to DECEMBER 29, 1970.

Dated this 15<sup>th</sup> day of January, 1992.

H. Glen Saylor  
Chief, Water Allocation Bureau

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Reinstatement  
Pg. 2

January 15, 1992

VERLA MERRICK  
ARTHUR J MERRICK  
HC 79 BOX 2325  
OREANA ID 83650

RE: WATER RIGHT NO. 57-07034A

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

SHARLA CURTIS  
Water Resource Agent

SC:blm .

Enclosure

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November 6, 1991

Arthur or Verla Merrick  
HC 79, Box 2325  
Oreana, ID 83650

SUBJECT: Notice of Claim to a Water Right, A57-07034A

Dear Mr. and Mrs. Merrick;

I have completed the field exam write up for the above numbered claim. This is the claim based on the permit for irrigation from Castle Creek.

The field examiner has determined that there are 231 acres irrigated from this source. You claimed 162 acres when you filed this claim in the Snake River Basin Adjudication. In order for me to recommend 231 acres in the SRBA I must have an amended claim from you. Since more acres were found than what was claimed this will also make a difference in the total flow.

I have completed a Notice of Claim to a Water Right which shows the way I would like to recommend this water usage. I ask that you look this claim over to determine its accuracy and then sign it and have it notarized. Without an amended claim our recommendation to the Director will be for 162 acres at 3.24 cfs.

Also, our records show that this permit is still under the name of Castle Butte Inc. Please send in a copy of the warranty deed for this land so we may change the name.

Please return the requested information to my attention by November 14, 1991.

Sincerely,

Linda A. Werner  
Sr. Water Resource Agent  
Adjudication Section

Enclosure

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State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

June 6, 1991

RE: Permit No. 57-7034

Castle Butte, Inc.  
Oreana,  
Idaho 83659

RECEIVED  
JUN 25 1991

Department of Water Resources

Gentlemen:

We previously forwarded assignment forms to you for use in transferring ownership of the above referenced permit to Arthur Merrick and Y.T. Farms. As of this date, we have not received the assignment forms.

If we do not receive the forms within 15 days, we will proceed with issuing the license(s) in the name of Castle Butte.

Sincerely,

*Sharla Curtis*

SHARLA CURTIS  
Technical Records Specialist

cc: Y. T. Farms  
Arthur Merrick

*If you need anything more please  
call Thank you*

*A. Merrick*

834-2641

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**SAFECO**

**POLICY OF TITLE INSURANCE**

Issued from the office of

**OWYHEE COUNTY TITLE COMPANY**

MURPHY, IDAHO 83650

**SAFECO TITLE INSURANCE COMPANY  
OF IDAHO**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF, SAFECO TITLE INSURANCE COMPANY OF IDAHO, an Idaho corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
2. Any defect in or lien or encumbrance on such title;
3. Lack of a right of access to and from the land; or
4. Unmarketability of such title;

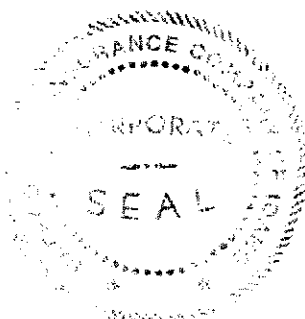
and in addition, if a mortgage is referred to in Schedule A as the insured mortgage, by reason of:

5. The invalidity or unenforceability of the lien of the insured mortgage upon said estate or interest except to the extent that such invalidity or unenforceability, or claim thereof, arises out of the transaction evidenced by the insured mortgage and is based upon
  - a. usury, or
  - b. any consumer credit protection or truth in lending law;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Any statutory lien for labor or material which now has gained or hereafter may gain priority over the lien of the insured mortgage, except any such lien arising from an improvement on the land contracted for and commenced subsequent to Date of Policy not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. Any assessments for street improvements under construction or completed at Date of Policy which now have gained or hereafter may gain priority over the insured mortgage; or
9. The invalidity or unenforceability of any assignment, shown in Schedule A, of the insured mortgage or the failure of said assignment to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

In Witness Whereof, SAFECO Title Insurance Company of Idaho has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of Date of Policy shown in Schedule A.

COUNTERSIGNED:  
**OWYHEE COUNTY TITLE COMPANY**

By: Nick Shli  
Manager



SAFECO TITLE INSURANCE COMPANY  
OF IDAHO

W H Little

President

Joseph C. Morrison

Secretary

**MICROFILMED**

Page 3

## SCHEDULE A (Owners-Purchasers-Lessee)

Order No. 3278

Amount of Insurance: \$ 2<sup>4</sup>~~8~~9,250.00Date of Policy: March 21, 1980  
5:00 P. M.

1. Name of Insured:

ARTHUR J. MERRICK and VERLA MERRICK

2. The estate or interest in the land described herein and which is covered by this policy is:  
Fee Simple

3. The estate or interest referred to herein is at Date of Policy vested in:

ARTHUR J. MERRICK and VERLA MERRICK, presumptively as community property, as husband and wife.

4. The land referred to in this policy is described as follows:

IN TOWNSHIP 4 SOUTH, RANGE 1 EAST, B.M., OWYHEE COUNTY, IDAHO

Section 2: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying North of irrigation ditchSection 1: A portion of W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  that lies Westerly  
of a line and Northerly of said irrigation  
ditch, said line and ditch being more particularly described  
as follows:COMMENCING at the NW corner of said Sec. 1; thence South  
89°47'40" East along the North boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec.  
1, a distance of 434.91 feet to the TRUE POINT OF BEGINNING;  
thence South 50°18'33" East a distance of 205.14 feet;  
thence South 46°15'23" East a distance of 108.41 feet;  
thence South 20°46'08" East a distance of 95.00 feet; thence  
South 0°14'15" West a distance of 377.58 feet; thence South  
25°11'43" West a distance of 88.00 feet; thence South 9°52'00"  
West a distance of 54.43 feet; thence South 21°16'02" East a  
distance of 77.07 feet; thence South 39°18'21" East a distance  
of 281.33 feet; thence South 18°37'25" East a distance of

CONTINUED ON PAGE 3a:

SCHEDULE A LAND DESCRIPTION CONTINUED:

96.39 feet; thence South 9°29'26" West a distance of 41.48 feet; thence South 31°37'45" West a distance of 113.25 feet; thence South 19°16'38" West a distance of 142.14 feet; thence South 36°22'41" West a distance of 74.77 feet; thence South 44°45'57" West a distance of 112.82 feet; thence South 30°19'46" West a distance of 52.82 feet; thence South 15°33'05" West a distance of 153.08 feet; thence South 8°29'25" East a distance of 88.15 feet; thence South 27°55'28" East a distance of 64.90 feet; thence South 53°16'26" East a distance of 116.21 feet; thence South 20°00'03" East a distance of 66.60 feet; thence South 14°56'58" West a distance of 143.75 feet; thence South 8°26'21" West a distance of 189.05 feet; thence South 26°22'53" West a distance of 133.97 feet; thence South 11°44'55" West a distance of 71.65 feet; thence South 7°28'01" East a distance of 74.74 feet; thence South 27°46'00" East a distance of 152.71 feet; thence South 44°58'50" East a distance of 95.27 feet; thence South 30°06'37" East a distance of 167.45 feet; thence South 42°30'55" East a distance of 138.78 feet; thence South 59°32'09" East a distance of 93.42 feet; thence South 32°29'34" East a distance of 53.36 feet; thence South 14°28'42" East a distance of 275.44 feet; thence South 22°46'37" East a distance of 162.18 feet; thence South 44°29'47" East a distance of 100.85 feet; thence South 31°02'08" East a distance of 151.32 feet; thence South 17°40'53" East a distance of 126.46 feet; thence South 9°14'17" West a distance of 177.88 feet; thence South 26°29'36" West a distance of 115.23 feet; thence South 16°05'10" West a distance of 105.81 feet; thence South 64°18'04" West a distance of 111.56 feet; thence North 68°53'24" West a distance of 46.89 feet; thence North 46°55'15" West a distance of 58.00 feet; thence North 40°27'42" West a distance of 102.14 feet; thence North 74°03'10" West a distance of 80.46 feet; thence South 19°25'50" West a distance of 23.75 feet to the centerline of an irrigation easement; thence South 64°16'59" West along said centerline a distance of 1568.15 feet; thence South 86°13'09" West along said centerline a distance of 925.84 feet; thence North 85°01'46" West along said centerline a distance of 70.00 feet, more or less, to a point on the West boundary of SE¼SE¼.

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SCHEDULE B (Standard)

This policy does not insure against loss or damage by reason of the following:

1. Rights or claims of persons in possession or claiming to be in possession, easements, liens or encumbrances including material or labor liens, which are not shown by the public records; reservations in patents or state grants; or in acts authorizing the issuance thereof; mineral rights, water rights, claims or title to minerals or water.

2. Questions of location, boundary and areas; overlaps and encroachments by improvements belonging to these or adjoining premises; all dependent upon actual survey for determination.

3. Assessments which are not shown as existing liens by the public records; taxes not yet payable; pending proceedings for vacating, opening or changing streets or highways preceding entry of the final ordinance or order therefor.

4. General taxes for the year 1980 are a lien, but not yet payable.

5. Power Line Easements over and across Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ), SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1, T4S, R1E, B.M., for the erection and continued operation, maintenance, repair, alteration, inspection, relocation and replacement of the electric transmission, distribution and telephone lines and circuits, as granted the Idaho Power Company, a corporation, by deed(s) recorded August 16, 1965, in Book 58 of Deeds, page 238, and on March 27, 1974, as Instrument No. 139550, Owyhee County Records.

6. Easement and Right of Way for a public road, being a strip of land 50 foot wide over and across SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1; N $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 2, T4S, R1E, B.M., as granted to Owyhee County, a political subdivision of the State of Idaho, by deed recorded May 17, 1966 and June 14, 1966, in Book 59 of Deeds, page 123 and 147, respectively, Owyhee County Records.

7. A Lease, affecting the premises herein stated, executed by and between the parties named herein, for the term and upon the terms and provisions therein provided,

Type of Lease: Geothermal

Dated: March 11, 1974

Lessor: Castle Butte, Inc., an Idaho corporation

Lessee: Gulf Oil Corporation, a Pennsylvania corporation

Term: Twenty Years

Recorded: June 21, 1974, as Instrument No. 140801, Owyhee County Records.

Affects: Said premises

CONTINUED ON PAGE 4a:

SCHEDULE B CONTINUED:

8. A Mortgage to secure payment of a note for \$249,250.00  
and any other amounts as therein provided,

Recorded: March 21, 1980, as Instrument No. 162999  
Owyhee County Records.

Date: March 21, 1980

Mortgagor: Arthur J. Merrick and Verla Merrick his wife

Mortgagee: United States of America, acting through  
the Farmers Home Administration

(END OF SCHEDULE B)

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OCT 06 1982

## CONDITIONS AND STIPULATIONS (Continued and Concluded From Reverse Side of Policy Face)

(c) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured hereunder shall secure to the Company the right to so prosecute or provide defense in such action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such insured for such purpose. Whenever requested by the Company, such insured shall give the Company all reasonable aid in any such action or proceeding, in effecting settlement, securing evidence, obtaining witnesses, or prosecuting or defending such action or proceeding, and the Company shall reimburse such insured for any expense so incurred.

### 4. NOTICE OF LOSS—LIMITATION OF ACTION

In addition to the notices required under paragraph 3(b) of these Conditions and Stipulations, a statement in writing of any loss or damage, for which it is claimed the Company is liable under this policy, shall be furnished to the Company within 90 days after such loss or damage shall have been determined and no right of action shall accrue to an insured claimant until 30 days after such statement shall have been furnished. Failure to furnish such statement of loss or damage shall terminate any liability of the Company under this policy as to such loss or damage.

### 5. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS

The Company shall have the option to pay or otherwise settle for or in the name of an insured claimant any claim insured against or to terminate all liability and obligations of the Company hereunder by paying or tendering payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred up to the time of such payment or tender of payment, by the insured claimant and authorized by the Company. In case loss or damage is claimed under this policy by the owner of the indebtedness secured by the insured mortgage the Company shall have the further option to purchase such indebtedness for the amount owing thereon together with all costs, attorneys' fees and expenses which the Company is obligated hereunder to pay. If the Company offers to purchase said indebtedness as herein provided, the owner of such indebtedness shall transfer and assign said indebtedness and the mortgage and any collateral securing the same to the Company upon payment therefor as herein provided.

### 6. DETERMINATION AND PAYMENT OF LOSS

(a) The liability of the Company under this policy shall in no case exceed the least of: (i) the actual loss of the insured claimant; or (ii) the amount of insurance stated in Schedule A, or, if applicable, the amount of insurance as defined in paragraph 2(a) hereof; or (iii) if this policy insures the owner of the indebtedness secured by the insured mortgage, the amount of the indebtedness secured by the insured mortgage as determined under paragraph 8 hereof, at the time the loss or damage insured against hereunder occurs, together with interest thereon.

(b) The Company will pay, in addition to any loss insured against by this policy, all costs imposed upon an insured in litigation carried on by the Company for such insured, and all costs, attorneys' fees and expenses in litigation carried on by such insured with the written authorization of the Company.

(c) When liability has been definitely fixed in accordance with the conditions of this policy, the loss or damage shall be payable within 30 days thereafter.

### 7. LIMITATION OF LIABILITY

No claim shall arise or be maintainable under this policy (a) if the Company, after having received notice of an alleged defect, lien or encumbrance insured against hereunder, by litigation or otherwise, removes such defect, lien or encumbrance or establishes the title, or the lien of the insured mortgage, as insured, within a reasonable time after receipt of such notice; (b) in the event of litigation until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title or to the lien of the insured mortgage, as insured, as provided in paragraph 3 hereof; or (c) for liability voluntarily assumed by an insured in settling any claim or suit without prior written consent of the Company.

### 8. REDUCTION OF LIABILITY

(a) All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto; provided, however, if the owner of the indebtedness secured by the insured mortgage is an insured hereunder, then such payments, prior to the acquisition of title to said estate or interest as provided in paragraph 2(a) of these Conditions and Stipulations, shall not reduce pro tanto the amount of the insurance afforded hereunder as to any such insured, except to the extent that such payments reduce the amount of the indebtedness secured by such mortgage.

Payment in full by any person or voluntary satisfaction or release of the insured mortgage shall terminate all liability of the Company to an insured owner of the indebtedness secured by the insured mortgage, except as provided in paragraph 2(a) hereof.

(b) The liability of the Company shall not be increased by additional principal indebtedness created subsequent to Date of Policy, except as to amounts advanced

to protect the lien of the insured mortgage and secured thereby.

No payment shall be made without producing this policy for endorsement of such payment unless the policy be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company.

### 9. LIABILITY NONCUMULATIVE

It is expressly understood that the amount of insurance under this policy, as to the insured owner of the estate or interest covered by this policy, shall be reduced by any amount the Company may pay under any policy insuring either (a) a mortgage shown or referred to in Schedule B hereof which is a lien on the estate or interest covered by this policy, or (b) a mortgage hereafter executed by an insured which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy. The Company shall have the option to apply to the payment of any such mortgages any amount that otherwise would be payable hereunder to the insured owner of the estate or interest covered by this policy and the amount so paid shall be deemed a payment under this policy to said insured owner.

The provisions of this paragraph 9 shall not apply to an owner of the indebtedness secured by the insured mortgage, unless such insured acquires title to said estate or interest in satisfaction of said indebtedness or any part thereof, and then only as to payments under any policy insuring any mortgage thereafter executed by such insured and which is a charge or lien on the estate or interest described in Schedule A.

### 10. APPORTIONMENT

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of said parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each such parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement herein or by an endorsement attached hereto. The provisions of this paragraph shall not apply if this policy is issued to the owner of the indebtedness secured by the insured mortgage.

### 11. SUBROGATION UPON PAYMENT OR SETTLEMENT

Whenever the Company shall have settled a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant, except that the owner of the indebtedness secured by the insured mortgage may release or substitute the personal liability of any debtor or guarantor, or extend or otherwise modify the terms of payment, or release a portion of the estate or interest from the lien of the insured mortgage, or release any collateral security for the indebtedness, provided such act occurs prior to receipt by the insured of notice of any claim of title or interest adverse to the title to the estate or interest or the priority of the lien of the insured mortgage and does not result in any loss of priority of the lien of the insured mortgage. The Company shall be subrogated to and be entitled to all rights and remedies which such insured claimant would have had against any person or property in respect to such claim had this policy not been issued, and if requested by the Company, such insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect such right of subrogation and shall permit the Company to use the name of such insured claimant in any transaction or litigation involving such rights or remedies. If the payment does not cover the loss of such insured claimant, the Company shall be subrogated to such rights and remedies in the proportion which said payment bears to the amount of said loss, but such subrogation shall be in subordination to the insured mortgage. If loss of priority should result from any act of such insured claimant, such act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against hereunder which shall exceed the amount, if any, lost to the Company by reason of the impairment of the right of subrogation.

### 12. LIABILITY LIMITED TO THIS POLICY

This instrument together with all endorsements and other instruments, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company.

Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the lien of the insured mortgage or of the title to the estate or interest covered hereby or any action asserting such claim, shall be restricted to the provisions and conditions and stipulations of this policy.

No amendment or endorsement to this policy can be made except by writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

### 13. NOTICES, WHERE SENT

All notices required to be given to the Company shall be in writing and shall be in writing required to be furnished to the Company, and shall be addressed to it at the office which issued this policy or to its Home Office, 300 North Dearborn, Chicago, Illinois 60610.

OCT 06 1992

September 7, 1990

Arthur or Verla Merrick  
HC 79, Box 2325  
Oreana, ID 83650

Dear Mr. or Mrs. Merrick:

This letter is to inform you about our tentative field exam appointment of September 20, 1990.

I have sent a letter to Mr. Jay Hulet indicating that we will meet him at the Murphy Courthouse on the above date at 7:00 am and will proceed to the diversion point on Castle Creek, where we will meet you at 7:30. I was not able to get in touch with him by phone but have asked him to get back to me to confirm this. If you don't hear anything further from me, please assume that the exam is scheduled as planned. I will be sure and contact you if I hear anything different, but don't anticipate so.

Sincerely,

Linda A. Werner  
Sr. Water Resources Agent  
Adjudication Section

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OCT 06 1990

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

**SEE ATTACHED MAP**

Y Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Y Aerial Photo Attached (required for irrigation of 10+ acres).

Y Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

**D. FLOW MEASUREMENTS**

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| Survey Level          |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: Mannings Equation Attached

**E. NARRATIVE/REMARKS/COMMENTS**

Water is diverted from Castle Creek into a ditch/canal gravity irrigation system in the SENE S13. From there, the water flows North to a pump station in the SENW S1, then meanders North along the top of S2, dips South to the SENE S3 pump/relift station, where it then co-mingles and supplements Snake River licenses 02-7046A & B. From that point, both sources share the same irrigation system, utilizing four additional pump stations. Irrigation occurs via pivot, wheel line and handline sprinklers. CFSA photos show a planemetered area of 2103 acres irrigated. This is within 12% of the 2385 acres calculated via IDWR arc view. The river rights were licensed for a combined total of 2550.5 acres irrigation within the farm. The 2385 acres

recommended on this permit are all that can now be irrigated from the irrigation system. The SRBA files will be noted with these acre findings. The Snake River licenses should be decreed for the total 2385 acres found.

A Mannings Equation was conducted on a standard stretch of the Castle Creek ditch/canal near the P/D in S13. The calculation showed a ditch capacity of 75 cfs. At the time of the exam, Castle Creek water was not flowing into the ditch. The ditch is primarily used in the spring, during high flows, to supplement the Snake River water.

Ownership of the entire farm is currently split three ways involving Mark Comstock, Arthur Merrick, and Y T Farms c/o Mike Ihley. Because the original permit holder, Castle Butte Inc is unavailable for assignments, changes of ownership will be filed by the current owners once this permit is licensed. Please let me know when the license has been issued and I will make sure the appropriate ownership changes are filed.

SRBA claim 57-7034A was filed by Merrick for 2560 acres and 57-7034B was filed by Y T Farms for the same 2560 acres. Both claims are fortunately still pending decree due to the Basin 57 season of Use changes. A copy of this license and all ownership changes need to be sent to Western Region so that Jan Schurte can amend the SRBA claims accordingly. Once the claims match the allocation records, Jan will file an encap with the SRBA court.

No other rights are used.

Have conditions of permit approval been met? ☒ yes ☐ no

**F. FLOW CALCULATIONS**

\_\_\_Y\_\_\_ Additional Computation Sheets Attached

Measured Method:

Mannings Equation calculated ditch (canal) capacity @ 74.97 cfs. Allow 47.7 cfs (1"/acre)

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2385 \times 4.5 = 10732.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 47.7 \times 260 = 12402$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 10732.5$$

## 2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use | Period Of Use |       | Rate Of Diversion<br>Q (CFS) | Annual Volume<br>V (AFA) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| Irrigation     | 3/1           | 11/15 | 47.7                         | 10732.5                  |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| <b>TOTAL</b>   |               |       | <b>47.7</b>                  | <b>10732.5</b>           |

## 2. Recommended Amendments

☒ Change P.D. as reflected above    ☐ Add P.D. as reflected above    ☒ None☐ Change P.U. as reflected above    ☐ Add P.U. as reflected above    ☐ Other**I. AUTHENTICATION**

Lori Graves - Senior Agent

Field Examiner's Name

Lori Graves

Date

9/10/01

Reviewer

Date

SEAL

MANNING EQUATION CHANNEL CAPACITY RESULTS

07-26-2001

File Number: 57-7034

Claimant: Merrick

Channel measured: Castle Creek Diversion

Date of measurement: 7/18/2001

Measurement location:

On fence line between Geisla Schall's farm and Hulet's farm.

Calculation prepared by: Lori Graves

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 200 feet.

The upstream and downstream rod readings are 4.60 and 5.34 feet.

The channel cross section is 27.65 ft-sq.

The wetted perimeter is 15.11 feet.

The hydraulic radius is 1.83 feet.

The slope is 0.0037

The roughness coefficient is 0.0500

The flow velocity is 2.712 ft/sec.

The rate of flow is ~~74.27 cfs~~.

# CROSS SECTION NUMBER 2

For File Number 57-7034 for the Castle Creek Diversion

| Number | Rod<br>Reading | Water<br>Depth | Distance |
|--------|----------------|----------------|----------|
| 1      | 0.00           | 0.00           | 0.00     |
| 2      | 1.00           | 1.00           | 1.00     |
| 3      | 1.42           | 1.42           | 2.00     |
| 4      | 2.14           | 2.14           | 3.00     |
| 5      | 2.45           | 2.45           | 4.00     |
| 6      | 2.87           | 2.87           | 5.00     |
| 7      | 3.00           | 3.00           | 6.00     |
| 8      | 2.90           | 2.90           | 7.00     |
| 9      | 2.82           | 2.82           | 8.00     |
| 10     | 2.85           | 2.85           | 9.00     |
| 11     | 2.80           | 2.80           | 10.00    |
| 12     | 2.52           | 2.52           | 11.00    |
| 13     | 1.72           | 1.72           | 12.00    |
| 14     | 1.10           | 1.10           | 13.00    |
| 15     | 0.00           | 0.00           | 14.00    |

The area for this cross section is 29.59 square feet  
and the wetted perimeter is 15.86 feet.

# CROSS SECTION NUMBER 1

For File Number 57-7034 for the Castle Creek Diversion

| Number | Rod<br>Reading | Water<br>Depth | Distance |
|--------|----------------|----------------|----------|
| 1      | 0.00           | 0.00           | 0.00     |
| 2      | 1.39           | 1.39           | 1.28     |
| 3      | 2.33           | 2.33           | 2.28     |
| 4      | 2.98           | 2.98           | 3.28     |
| 5      | 3.13           | 3.13           | 4.28     |
| 6      | 3.14           | 3.14           | 5.28     |
| 7      | 2.94           | 2.94           | 6.28     |
| 8      | 2.93           | 2.93           | 7.28     |
| 9      | 2.75           | 2.75           | 8.28     |
| 10     | 2.00           | 2.00           | 9.28     |
| 11     | 1.32           | 1.32           | 10.28    |
| 12     | 0.60           | 0.60           | 11.28    |
| 13     | 0.00           | 0.00           | 12.28    |

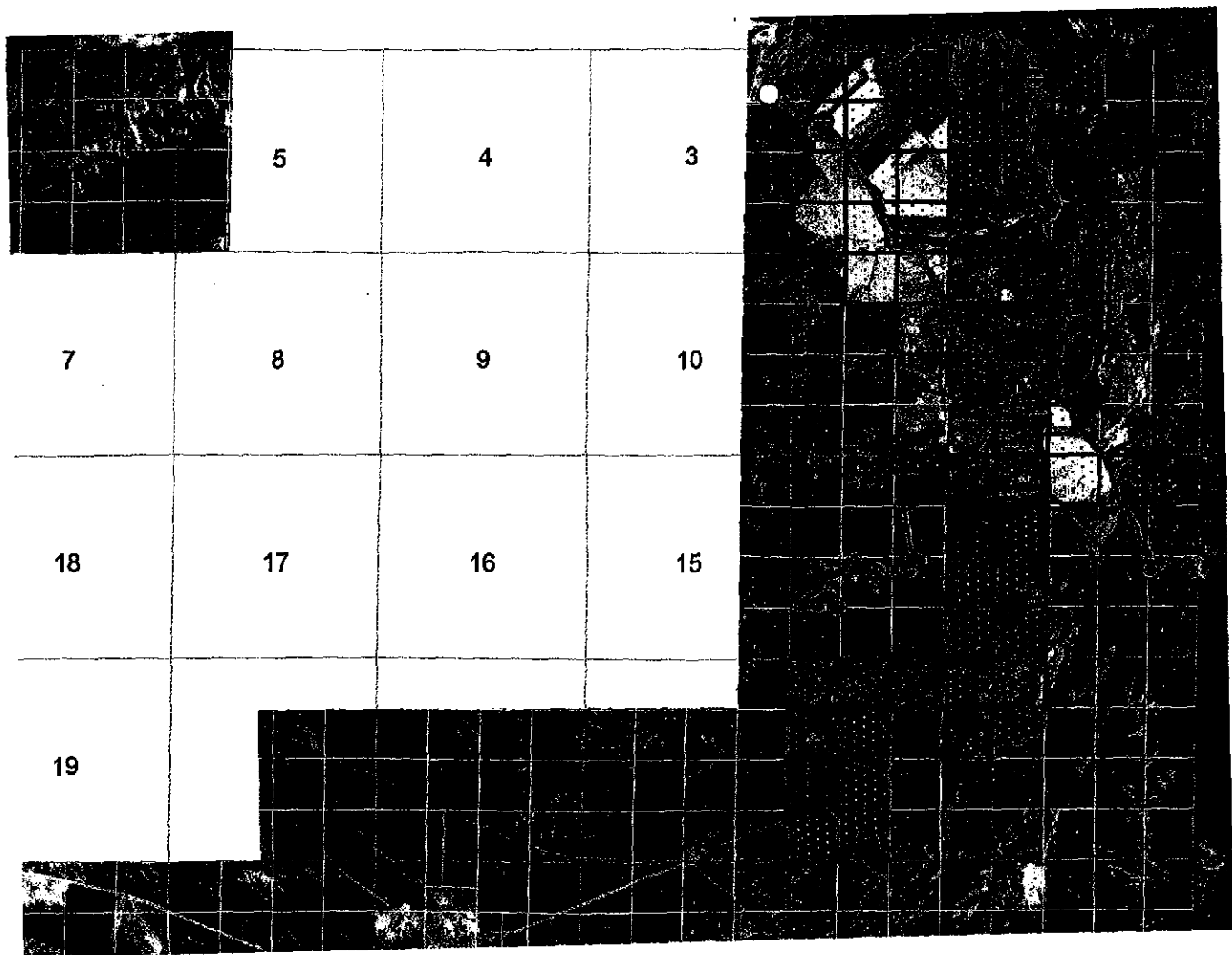
The area for this cross section is 25.70 square feet  
and the wetted perimeter is 14.36 feet.

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|   |         |          |          |          |          |          |    |    |
|---|---------|----------|----------|----------|----------|----------|----|----|
|   | 64<br>8 | 63<br>35 | 62<br>28 | 61<br>30 | 64<br>40 | 63<br>40 |    |    |
|   | 28      | 40       | 40       | 40       | 40       | 38       | 11 |    |
|   | 30      | 40       | 40       | 40       | 34       | 29       | 16 |    |
| 3 | 40      | 36       | 35       | 35       | 33       | 23       | 5  |    |
| 1 | 13      | 40       | 40       | 40       | 40       | 37       | 6  | 14 |
|   |         |          | 40       | 32       | 40       | 40       | 5  | 15 |
|   |         |          | 20       | 30       | 31       | 36       | 1  |    |
|   |         | 3        | 4        | 37       | 30       | 31       | 12 | 11 |
|   |         | 2        | 14       | 38       | 37       | 38       | 37 | 12 |
|   |         |          |          | 15       | 40       |          |    |    |
|   |         |          |          | 38       | 40       |          |    |    |
|   |         |          |          | 39       | 40       |          |    |    |
|   | 40      | 40       | 40       | 38       | 40       |          |    |    |
|   | 40      | 40       |          | 35       | 26       |          |    |    |
|   | 40      | 40       |          |          |          |          |    |    |
|   | 40      | 30       |          |          |          |          |    |    |

# 57-7034



-  Buried pipe
-  Pump stations
-  Co-mingle point
-  P/D
-  Canal
-  Sections
-  P/U
- 1/41/4

