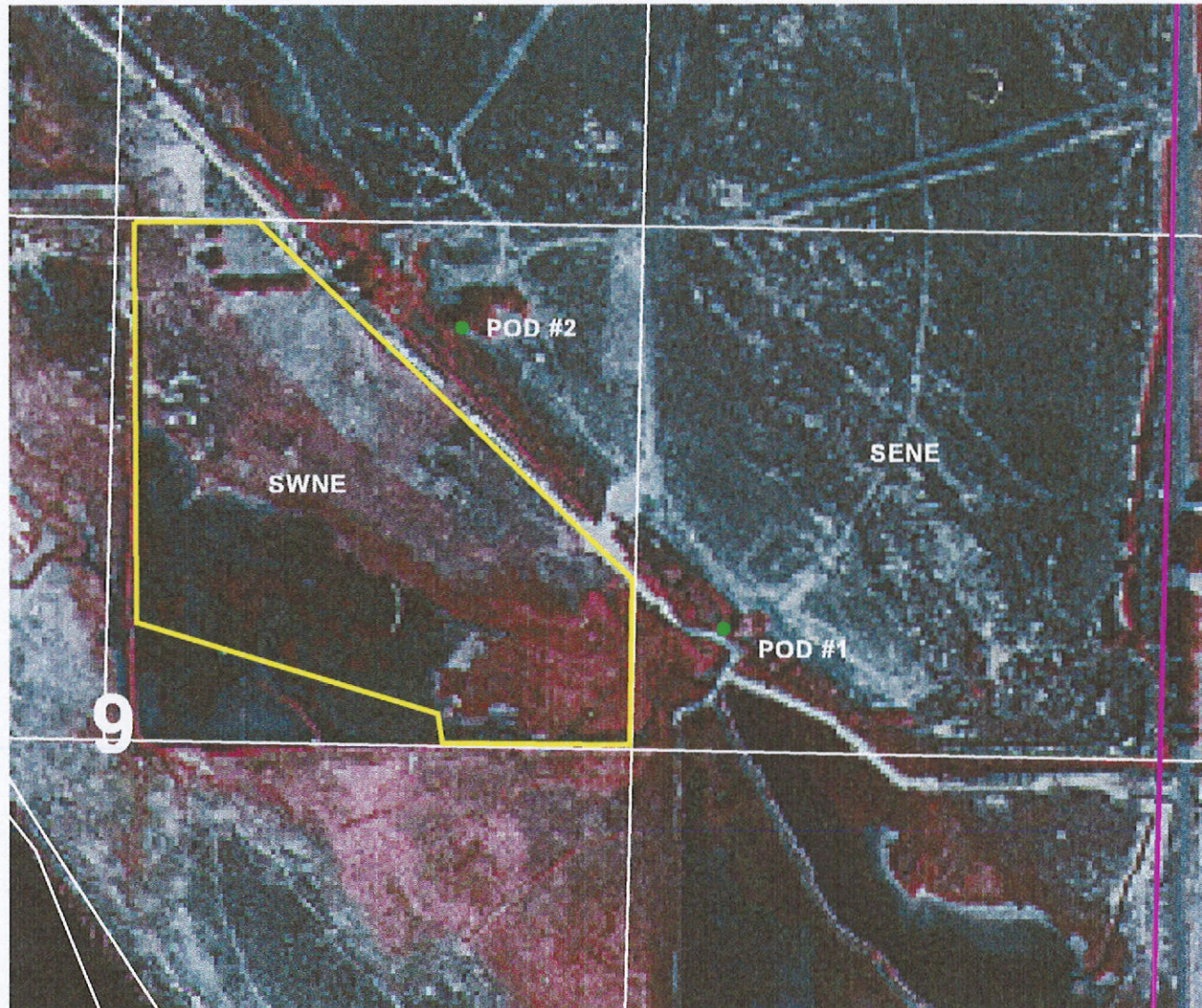
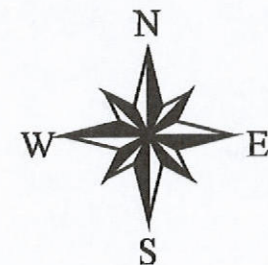


61-04019



T05S R03E
S09



Map prepared by : Erik Norquest
Date prepared: 05/13/98
1987-1988 NAPP photography

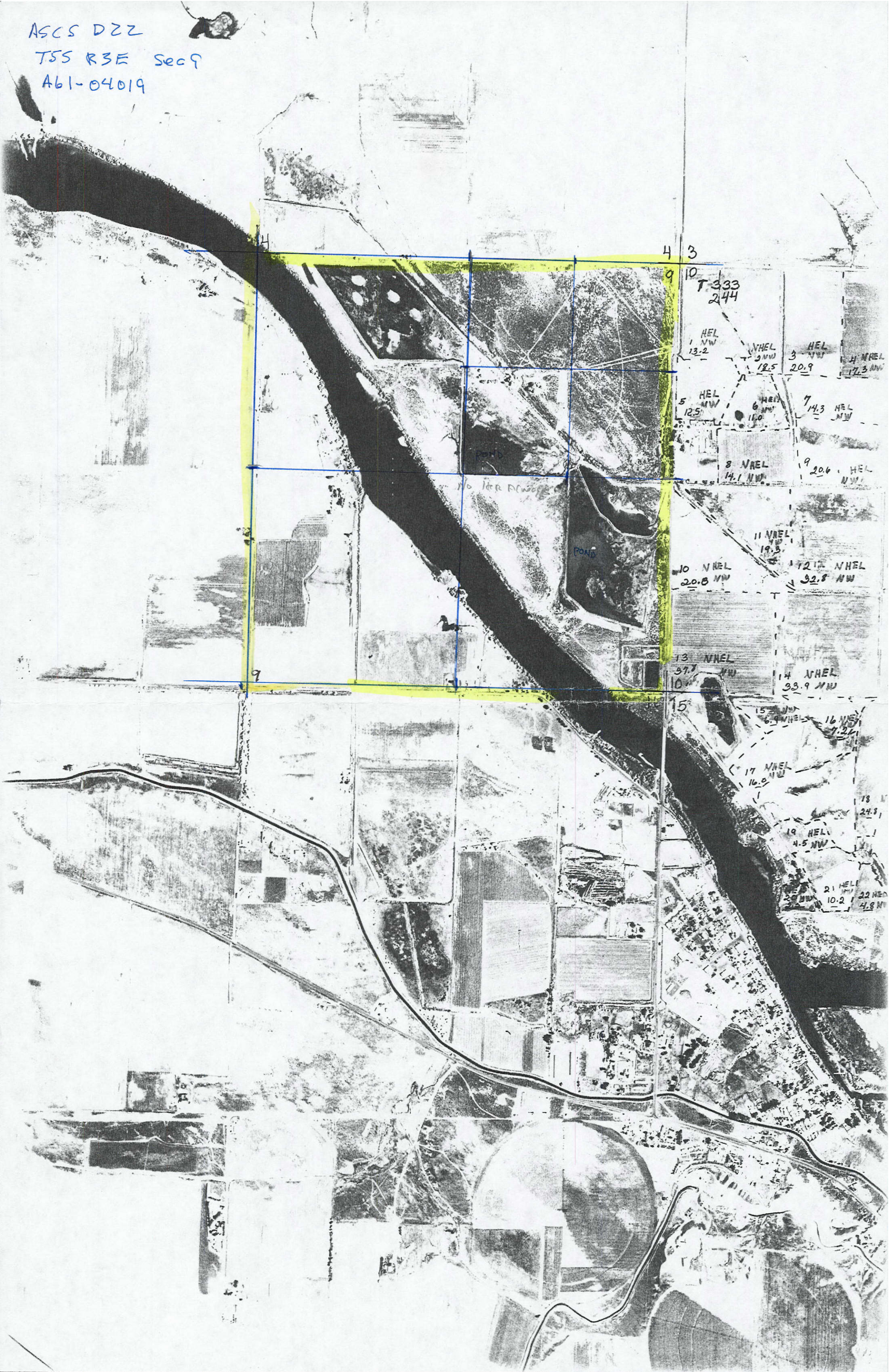
500 0 500 1000 1500 2000 Feet



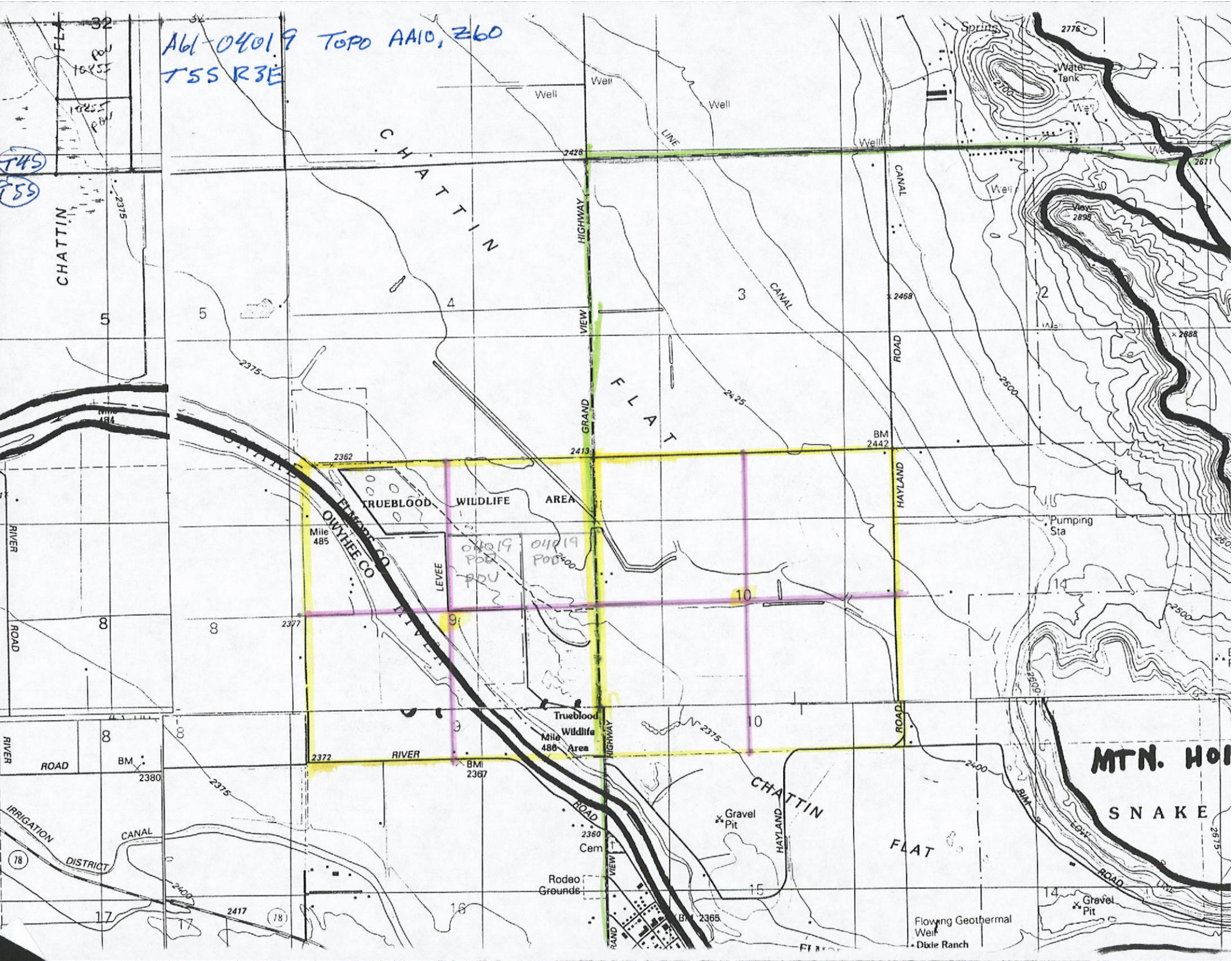
ASCS DZZ

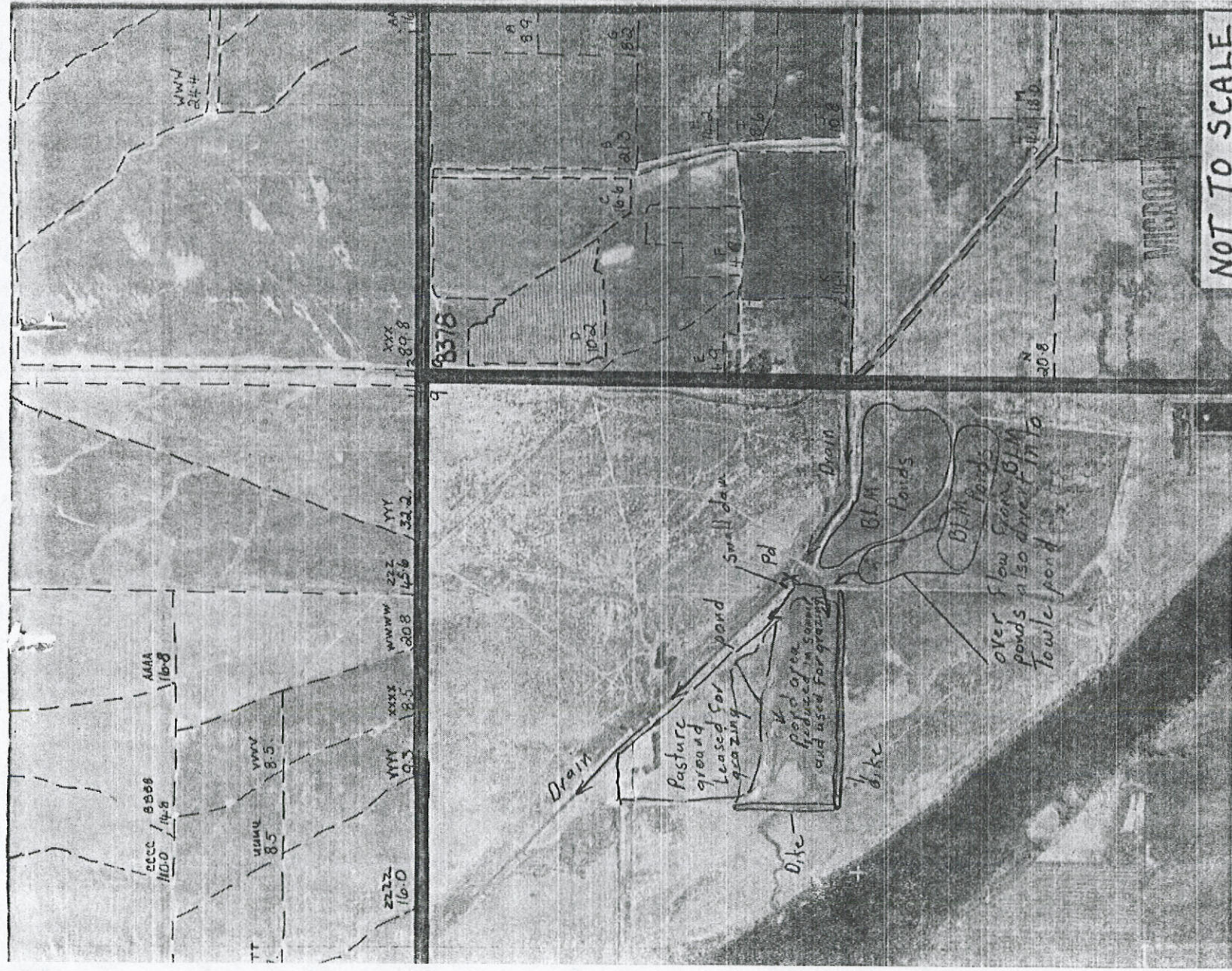
T55 R3E Sec 9

A61-04019



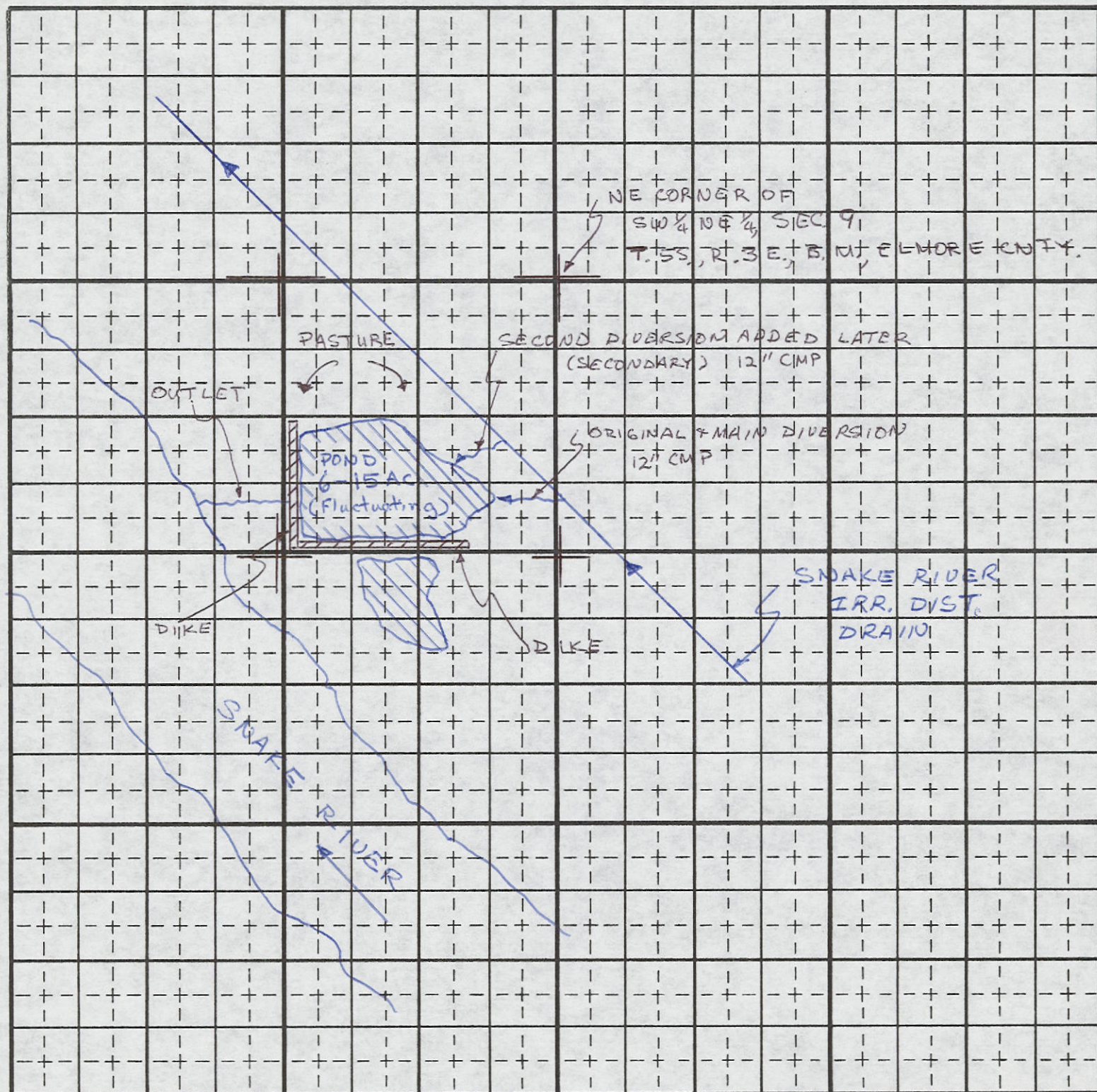
AG-04019 TOPO AA10, Z60
TSS R3E





Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals ~~1 mile~~ $\frac{1}{4}$ mile



MICROFILMED

AUG 11 1992

Last Name TOWLE

Ident No. _____

Copies: White-State, Yellow-Claimant

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: **A61-04019**
Date Received: 6/15/1992
Receipt No: W014884
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name:	RALPH R TOWLE	208-343-5511
Address:	2405 WYOMING AVE	
	BOISE ID	83706
AND		
Name:	GARY R TOWLE	208-343-5511
Address:	2405 WYOMING AVE	
	BOISE ID	83706
AND		
Name:	WESLEY H TOWLE	208-343-5511
Address:	2405 WYOMING AVE	
	BOISE ID	83706

2. Date of Priority: JUL 31, 1946

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	03E	9	SW	NE			ELMORE
			SE	NE			ELMORE

5. Description of diverting works:
CULVERTS, HEADGATES, GRAVITY FLOW, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.500		
STOCKWATER	04/01	10/31	0.040		
RECREATION	01/01	12/31	2.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

STOCK, 50 CATTLE; REC., MIGRATORY & UPLAND GAME BIRD HABITAT

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	03E	9	SW NE		IRR	25.0
Section Acres						25.0
Total Acres						25.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

6107326

14. Remarks:

SECOND POINT OF DIVERSION LOCATED IN THE SW1/4NE1/4 WAS ADDED APPROXIMATELY 6 YEARS AGO. THE ORIGINAL DIVERSION IS IN THE SE1/4NE1/4 RATHER THEN THE SW1/4NE1/4 AS INDICATED ON THE LICENSE.

SEE 61-07326 WHICH HAS A COMPLETED FIELD EXAM. THIS LICENSE MAY BE RELINQUISHED IF THE ADJUDICATION CONFIRMS THIS CLAIM. A CLAIM TO A WATER RIGHT WAS FILED BY ME, CLAIM NO. 61-04019, SUPPORTING THIS CLAIM WITH SIX AFFIDAVITS ATTACHED. THIS WATER RIGHT IS SUPPLEMENTAL TO THE WATER RIGHT APPURTENANT TO THE PROPERTY FROM THE SNAKE RIVER IRRIGATION DISTRICT.

15. Basis of Claim: STATUTORY CLAIM

POD ☐ (M) Unnamed Drain

TOU IRR ☐ ZSA
STOK ☐
REL ☐

ASCS ☐



A6104019

CVR

Pull 61-07326 ✓

Gis map incomplete



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JAN 11 1996

DATE OF CLOSING: 12-19-95

Department of Water Resources

RECEIVED

JAN 04 1996

WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION OF PROPERTY: Township 5 S. Range 3 E.
Section 9, 1/4 of SW 1/4 of NE 1/4, Govt. Lot , B.M.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A61-04019
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
R. Roland Towle
9810 W. Telfair Drive
Boise, ID 83704
- ☐ New Owner/Claimant (Purchaser):
Ralph R. Towle, Gary R. Towle and Wesley H. Towle
- ☐ New Mailing Address:
2405 Wyoming Ave.
Boise, ID 83706
- ☐ New Telephone Number: (208) 343 - 5511
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: See attached Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s):
Ralph R. Towle Ralph R. Towle Date 12-24-95
Gary R. Towle Gary R. Towle Date 12-24-95
- ☐ Signature of Former Owner/Claimant(s):
Wesley H. Towle Wesley H. Towle Date 12-24-95
R. Roland Towle R. Roland Towle Date 12/19/95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

RECEIVED

JAN 11 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED

JAN 11 1992

INSTRUCTIONS

RECEIVED
Department of Water Resources

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

Department of Water Resources

RECEIVED

JAN 11 1996

RECEIVED

JAN 04 1996

Department of Water Resources
DEED OF DISTRIBUTION

WATER RESOURCES
WESTERN REGION

THIS DEED is made this 19 day of December, 1995, between R. ROLAND TOWLE, as Personal Representative of the Estate of Edith M. Towle, deceased, and R. ROLAND TOWLE, individually, a single man and surviving husband of Edith M. Towle (collectively Grantor), and RALPH R. TOWLE, whose wife is Terance J. Towle and whose address is 2210 Broadway Ave., No. 6, Boise, ID 83706; GARY R. TOWLE, whose wife is Mary Ann Towle and whose address is 4155 Columbine, Boise, ID 83704; and WESLEY H. TOWLE, whose wife is Susan Jean Towle and whose address is 6819 Holiday Drive, Boise, ID 83709 (collectively Grantees).

WHEREAS, R. Roland Towle was on the 27th day of September, 1988, appointed as Personal Representative of the Estate of Edith M. Towle, who died on the 27th day of August, 1988. The appointment was made in Case No. 3P-12367, in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada; and

WHEREAS, Grantees are entitled to receive distribution of the property hereafter described in this Deed under the terms of decedent's last Will and pursuant to provisions of the Idaho Uniform Probate Code;

NOW, THEREFORE, WITNESSETH, the Grantor for good and valuable consideration and for the purpose of distributing certain real property from the Estate of Edith M. Towle, deceased, and for the purpose of transferring and conveying his individual interest therein, does by these presents hereby distribute, grant, bargain, sell, convey and confirm unto the Grantees as equal tenants-in-common and to their heirs and assigns forever, all of those certain parcels of land, situate, lying and being in the County of Elmore, State of Idaho, and the claims to water rights and water rights described below, together with the income and profits therefrom as their respective sole and separate property:

The SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 5 S., R. 3 E., B.M., Elmore County, Idaho, which is now known as Lots 1 through 6, inclusive, of RIM VIEW SUBDIVISION according to the Plat thereof recorded as Instrument No. 280801, records of the Elmore County, Recorder, Elmore County, Idaho, and U.S. Government Lot 1 of Section 16, T. 5 S., R. 3 E., B.M., Elmore County, Idaho;

and

That certain right-of-way granted by the United States Department of the Interior, Bureau of Land Management, for road purposes to R. Roland Towle and dated September 4, 1979, and amended April 10, 1980, and again amended February 24, 1981, which instruments were collectively recorded April 1, 1981, under Instrument No. 201380,

RECEIVED

JAN 11 1996

Department of Water Resources

records of the Elmore County Recorder, Elmore County, Idaho;

and

That certain claim to a water right filed with the State of Idaho, Department of Water Resources, Claim No. 61-4019 to 2.0 cfs water for recreational purposes, 0.04 cfs for stock water purposes and 0.5 cfs for irrigation purposes with a priority of January, 1946, to the waste water from the Snake River Irrigation District drain for use upon the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 5 S., R. 3 E., B.M., Elmore County, Idaho;

and

That certain water right license issued by the State of Idaho, Department of Water Resources, License No. 61-7326, for 2.54 cfs for recreational purposes, 0.040 cfs for stock water purposes and 0.50 cfs for irrigation purposes with a priority of April 26, 1977, for use of water from a drain tributary to the Snake River for use upon the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, T. 5 S., R. 3 E., B.M., Elmore County, Idaho;

and

That certain claim to a water right filed with the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the action entitled In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Case No. 39576, to 0.5 cfs of water for irrigation purposes, 0.040 cfs for stock water purposes and 2.54 cfs for recreational purposes with a priority of July 31, 1946, for use of water from an unnamed drain tributary to the Snake River for use upon the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, T. 5 S., R. 3 E., B.M., Elmore County, Idaho.

The Grantor does further ratify, approve and join in the execution, delivery and recording of the plat of RIM VIEW SUBDIVISION which encompasses the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, T. 5 S., R. 3 E., B.M., Elmore County, Idaho, with the same force and effect as if the Grantor had originally executed that Plat with the Grantees.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any way appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof as Grantees' sole and separate property.

TO HAVE AND TO HOLD, all and singular the premises, together with the appurtenances, unto Grantees as equal tenants-in-common and to their heirs and assigns forever.

RECEIVED

JAN 11 1996

IN WITNESS WHEREOF, Grantor has executed this ^{Department of Water Resources} deed the day and year first above written.

R. Roland Towle

R. Roland Towle
Personal Representative of the
Estate of Edith M. Towle, deceased

R. Roland Towle

R. Roland Towle, individually

STATE OF IDAHO)

: ss.

County of Ada)

On this 19 day of December, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared **R. ROLAND TOWLE**, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Edith M. Towle, deceased, and acknowledged to me that he executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 2-27-97

STATE OF IDAHO)

: ss.

County of Ada)

On this 19 day of December, 1995, before me, the undersigned Notary Public in and for said State, personally appeared **R. ROLAND TOWLE**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

ELMORE COUNTY, IDAHO ss
Request of

R. Roland Towle

Time 11:31 AM

Date December 21, 1995

Book _____ Page _____

DOLGRES ROBISON

Recorder

By Merla Becken

[Signature]
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 2-27-97

290746

DEED OF DISTRIBUTION - 3

wdc\towle\deed-dis

Fee \$9.00

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A61-04019
Date Received: 6/15/1992
Receipt No: W014884
Received By: SKA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R ROLAND TOWLE 208-377-2244
Address: 9810 W TELFAIR
BOISE ID 83704

2. Date of Priority: JUL 31, 1946

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	03E	9	SW	NE			ELMORE
			SE	NE			ELMORE

5. Description of diverting works:
CULVERTS, HEADGATES, GRAVITY FLOW, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.500		
STOCKWATER	04/01	10/31	0.040		
RECREATION	01/01	12/31	2.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK, 50 CATTLE; RECREATION, MIGRATORY & UPLAND GAME BIRD HABIT.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	03E	9	SW	NE		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	25.0
					Total Acres	25.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
6107326

14. Remarks:

SECOND POINT OF DIVERSION LOCATED IN THE SW1/4NE1/4 WAS ADDED APPROXIMATELY 6 YEARS AGO. THE ORIGINAL DIVERSION IS IN THE SE1/4NE1/4 RATHER THEN THE SW1/4NE1/4 AS INDICATED ON THE LICENSE.

SEE 61-07326 WHICH HAS A COMPLETED FIELD EXAM. THIS LICENSE MAY BE RELINQUISHED IF THE ADJUDICATION CONFIRMS THIS CLAIM. A CLAIM TO A WATER RIGHT WAS FILED BY ME, CLAIM NO. 61-04019, SUPPORTING THIS CLAIM WITH SIX AFFIDAVITS ATTACHED. THIS WATER RIGHT IS SUPPLEMENTAL TO THE WATER RIGHT APPURTENANT TO THE PROPERTY FROM THE SNAKE RIVER IRRIGATION DISTRICT.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

MICROFILMED

AUG 11 1992

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 11 1992

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

December 18, 1998

RECEIVED

DEC 21 1998

WATER RESOURCES

ID Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-2735

RECEIVED

DEC 28 1998

Department of Water Resources

Re: Water Right No.: 61-04019

Dear Sir:

Enclosed please find Reply of my clients to the Department's preliminary recommendation on SRBA Claim No. 61-04019.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.

William D. Collins

William D. Collins
m

WDC:mrs
enclosure
cc: Ralph R. Towle

November 20, 1998

NOTICE OF ERROR
REPLY

RECEIVED
DEC 28 1998

Department of Water Resources

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 61-04019

RALPH ROBERT TOWLE
GARY R TOWLE
2405 WYOMING AVE
BOISE ID 83706

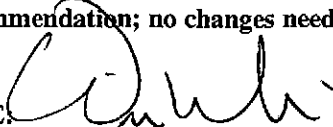
Daytime Telephone Number: 343-5511
Evening Telephone Number:

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

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

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: Dec 18, 1998 SIGNATURE:  Tel. 336-5200

Please print your name: Attorney for Ralph Robert Towle,
Gary R. Towle and Wesley H. Towle

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

DEC 21 1998

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 61-04019

WESLEY H TOWLE
2405 WYOMING AVE
BOISE ID 83706

RECEIVED

DEC 28 1998

Department of Water Resources

Daytime Telephone Number:

Evening Telephone Number:

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

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

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-18-98 SIGNATURE: Wesley H. Towle
Please print your name: WESLEY H. TOWLE

AJ0749NP
No. R61-04019

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

DATE: 10/27/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RALPH R TOWLE	07/31/1946	IRRIGATION	04-01 10-31	0.50 CFS	100.00 AFA
C	GARY R TOWLE		STOCKWATER	04-01 10-31	0.04 CFS	0.70 AFA
C	WESLEY H TOWLE		RECREATION	01-01 12-31	2.54 CFS	
	2405 WYOMING AVE					
	BOISE ID 83706					
	(208) 343-5511					
				TOTAL DIVERSION:	2.54 CFS	

Water Source: UNNAMED DRAIN

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T05S R03E S09

SWNE

SENE

ELMORE 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	Lt	Ac	Lt	Ac	
05S	03E	9	:			25	:						:					:							25.0
																							TOTAL ACRES	25.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for RECREATION is the same location as described for: IRRIGATION

POU County: ELMORE

Other Rights: 6107326

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A61-04019

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

W08 - Snake River Irrigation District

Added 07 11-17-98

Remarks: EXP STOCK, 50 CATTLE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

EN 10-27-98

AJ0749NP
No. R61-04019

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

DATE: 10/27/98
PAGE: 2

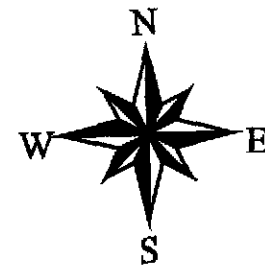
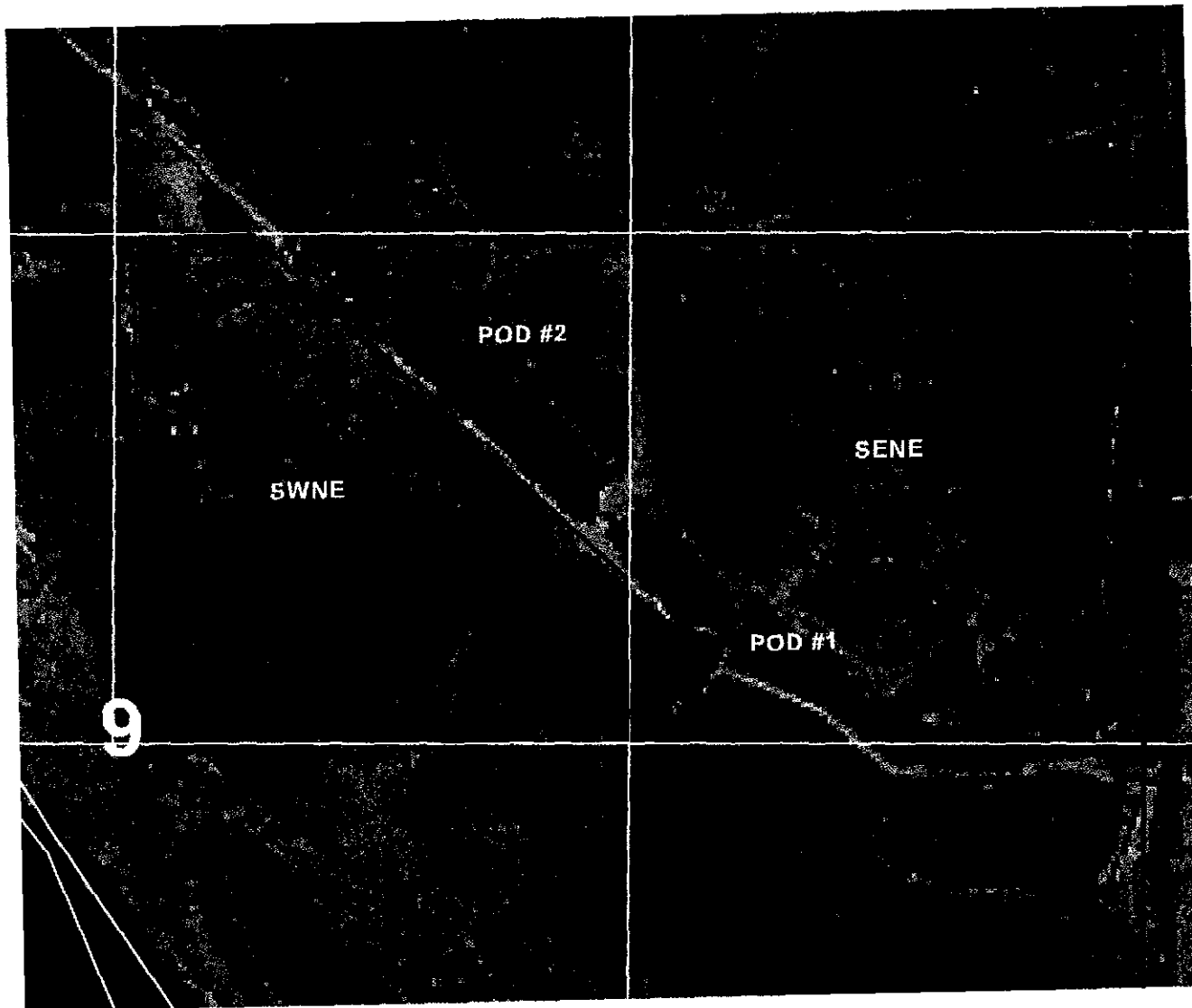
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Comments: Date: 10/22/1998 User-ID: ENORQUES Subject: COPIED FROM REMARKS
SECOND POINT OF DIVERSION LOCATED IN THE SW1/4NE1/4 WAS ADDED
APPROXIMATELY 6 YEARS AGO. THE ORIGINAL DIVERSION IS IN THE
SE1/4NE1/4 RATHER THEN THE SW1/4NE1/4 AS INDICATED ON THE
LICENSE.
SEE 61-07326 WHICH HAS A COMPLETED FIELD EXAM. THIS LICENSE MAY
BE RELINQUISHED IF THE ADJUDICATION CONFIRMS THIS CLAIM. A CLAIM
TO A WATER RIGHT WAS FILED BY ME, CLAIM NO. 61-04019, SUPPORTING
THIS CLAIM WITH SIX AFFIDAVITS ATTACHED. THIS WATER RIGHT IS
SUPPLEMENTAL TO THE WATER RIGHT APPURTENANT TO THE PROPERTY FROM
THE SNAKE RIVER IRRIGATION DISTRICT.

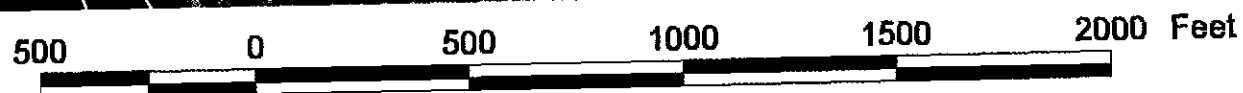
Audit: 10/27/98 ENORQUES

61-04019

T05S R03E
S09



Map prepared by : Erik Norquest
Date prepared: 05/13/98
1987-1988 NAPP photography



61-04019

GIS



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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QUICKLOOK INFORMATION

54
CLAIM NUMBER: A61-04019

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		10-23-96 <i>h</i>			10-22-98	10-22-98	
POINT OF DIV	Y		/					
SOURCE	Y							
PLACE OF USE	Y		/					
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE			/					
PERIOD OF USE			/					
BASIS OF CLAIM			/					
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:28:02
08/08/96

PAGE: 1
GENERAL INFORMATION

39
CLAIM NUMBER: A61-04019

LAST: TOWLE
ADDRESS: 9810 W TELFAIR
CITY: BOISE
PHONE NUMBER: 208-377-2244

FIRST: R ROLAND
STATE: ID ZIP: 83704

OWNER CODE: O

LAST: TOWLE
ADDRESS: 2405 WYOMING AVE
CITY: BOISE
PHONE NUMBER: 208-343-5511

FIRST: RALPH R
STATE: ID ZIP: 83706

OWNER CODE: C

LAST: TOWLE
ADDRESS: 2405 WYOMING AVE
CITY: BOISE
PHONE NUMBER: 208-343-5511

FIRST: GARY R
STATE: ID ZIP: 83706

OWNER CODE: C

LAST: TOWLE
ADDRESS: 2405 WYOMING AVE
CITY: BOISE
PHONE NUMBER: 208-343-5511

FIRST: WESLEY H
STATE: ID ZIP: 83706

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN SECOND POINT OF DIVERSION LOCATED IN THE SW1/4NE1/4 WAS ADDED APPROXIMATELY 6 YEARS AGO. THE ORIGINAL DIVERSION IS IN THE SE1/4NE1/4 RATHER THEN THE SW1/4NE1/4 AS INDICATED ON THE LICENSE.
SEE 61-07326 WHICH HAS A COMPLETED FIELD EXAM. THIS LICENSE MAY BE RELINQUISHED IF THE ADJUDICATION CONFIRMS THIS CLAIM. A CLAIM TO A WATER RIGHT WAS FILED BY ME, CLAIM NO. 61-04019, SUPPORTING THIS CLAIM WITH SIX AFFIDAVITS ATTACHED. THIS WATER RIGHT IS SUPPLEMENTAL TO THE WATER RIGHT APPURTENANT TO THE PROPERTY FROM THE SNAKE RIVER IRRIGATION DISTRICT.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 10/23/96

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A61-04019 PRIORITY DATE: 07-31-1946 STAGE: S

B. WR RECORD: # 61-04019 PRIORITY DATE: 01-01-1946 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N()

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N()

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N()

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A() Y() N()

FIELD EXAM COMPLETED

N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N()

LICENSE ISSUED

N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N()

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

7 - 31 - 46

REVIEWED BY 9/1

DATE 10-29-96

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A61-04019	05S	03E	9		SW	NE			ELMORE		
A61-04019	05S	03E	9		SE	NE			ELMORE		

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

WR RECORDS IN SAME 40 ACRE TRACT
61-07326

SOURCE: UNNAMED DRAIN

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
61-04019	05S	03E	9		SW	NE			ELMORE		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

61-07326

NONE NONE

SOURCE: WASTE WATER

TRIB: SNAKE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(/) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(/) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(/) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(/) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(/) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(/) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 10-23-96) NAME OF EXAMINER EN Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
05S	03E	9		SW	NE			ELMORE		
05S	03E	9		SE	NE			ELMORE		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: Unnamed DRAIN

TRIB: SNAKE River

REVIEWED BY: SN

DATE: 10-23-98

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A61-04019

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
05S	03E	9	SW	NE		TOWLE, RALPH R	A61-04019 / 25.0	61-04019 / 25.0	31.0		25.0
			SW	NE		SNAKE RIVER IRRIGATION DIST	A02-00078 / 40.0	- /			
			SW	NE		SNAKE RIVER IRRIGATION DIST	A02-00079 / 40.0	- /			
			SW	NE		TOWLE, R. ROLAND		61-07326 / 25.0			

ADDITIONAL POU FOUND

25.0

TOTAL ACRES	A61-04019	25.00	25.00	31.00
-------------	-----------	-------	-------	-------

POU COUNTY: ELMORE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(/)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A61-04019	UNNAMED DRAIN	TOWLE, RALPH R	2.540	0.101		
A02-00078	SNAKE RIVER	SNAKE RIVER IRRIGATION DIST	127.000	0.015		
A02-00079	SNAKE RIVER	SNAKE RIVER IRRIGATION DIST	61.000	0.007		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(/)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 6107326

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

NOTES:

DATE: 10-22-98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A61-04019 IRRIGATION	FROM ~~04-01~~ ²⁻¹⁵⁻¹¹ TO 10-31	0.500 CFS	
A61-04019 STOCKWATER	FROM 04-01 TO 10-31	0.040 CFS	10.0
A61-04019 RECREATION	FROM 01-01 TO 12-31	2.540 CFS	70
TOTAL DIVERSION RATE/VOLUME		2.540 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
61-04019 IRRIGATION	FROM 04-01 TO 10-31	0.500 CFS	
61-04019 STOCKWATER	FROM 04-01 TO 10-31	0.040 CFS	
61-04019 RECREATION	FROM 01-01 TO 12-31	2.000 CFS	
TOTAL DIVERSION RATE/VOLUME		2.540 CFS	1754.20 AF/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(✓) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N(✓)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

48

CLAIM NUMBER: A61-04019

NOTES:

- AJ CLAIM TOTAL DIVERSION RATE: 2.540 CFS
- WR ROOT RIGHT TOTAL DIVERSION RATE: 2.540 CFS
- A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()
- B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()
- * ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.
- C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)
- * IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.
- D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 25 x 0.02 CFS/ACRE = .50 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

License, 50 CFS

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 25 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 100 AF/A

License 13.2

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

WR RECORD CONDITIONS/REMARKS:

Cond NPS, NPS

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-01	10-31	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
STOCKWATER	04-01	10-31	0.500		12.5		0.0	
RECREATION	04-01	10-31	0.040		7		0.0	
	01-01	12-31	2.540				0.0	
			2.540		13.20			
TOTAL FOR THIS RIGHT			2.540				0.0	

NON-IRRIGATION USES CLAIMED: STOCK, 50 CATTLE; REC., MIGRATORY & UPLAND GAME BIRD HABITAT

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: EM

DATE: 10-22-98

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 61-04019

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.540

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A61-04019	2.540	-		61-04019	2.540
TOTAL CFS		2.540				2.540

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 DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
Y
FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: Eric Norquist DATE: 10-22-98
NAME OF FIELD EXAMINER: ERIC NORQUIST TITLE: WRA

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
(/) TOPOGRAPHIC	DATE FIELD CHECKED <u>10-23-96</u> IDWR ID NO. <u>260</u>	Y(/) N()
(/) NAPP	DATE OF PHOTO _____ IDWR ID NO. <u>553E</u>	Y(/) N()
(/) ASCS AERIAL PHOTO	DATE OF PHOTO _____ <u>D22</u>	Y(/) N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
(/) LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
(/) WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
(/) SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
(/) PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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08/08/96
55

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A61-04019

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RALPH R TOWLE	07/31/1946	IRRIGATION	04-01 10-31	0.50 CFS	
C	GARY R TOWLE		STOCKWATER	04-01 10-31	0.04 CFS	.70
C	WESLEY H TOWLE		RECREATION	01-01 12-31	2.54 CFS	12.50
TOTAL DIVERSION:					2.54 CFS	13.2
Water Source: UNNAMED DRAIN		Tributary to: SNAKE RIVER			Stage: STATUTORY CLAIM	
Point(s) of Diversion:		T05S R03E S09	SWNE	SENE	ELMORE County	
Place of use Legal Description for: IRRIGATION						
NE NW SW SE						
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : SUM						
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac : 25.0
05S	03E	9	: 25	:	:	: 25.0
TOTAL ACRES						25.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for RECREATION is the same location as described for: IRRIGATION

POU County: ELMORE

Non-Irrigation Uses: STOCK, 50 CATTLE; REC., MIGRATORY & UPLAND GAME BIRD HABITAT

Other Rights: 6107326

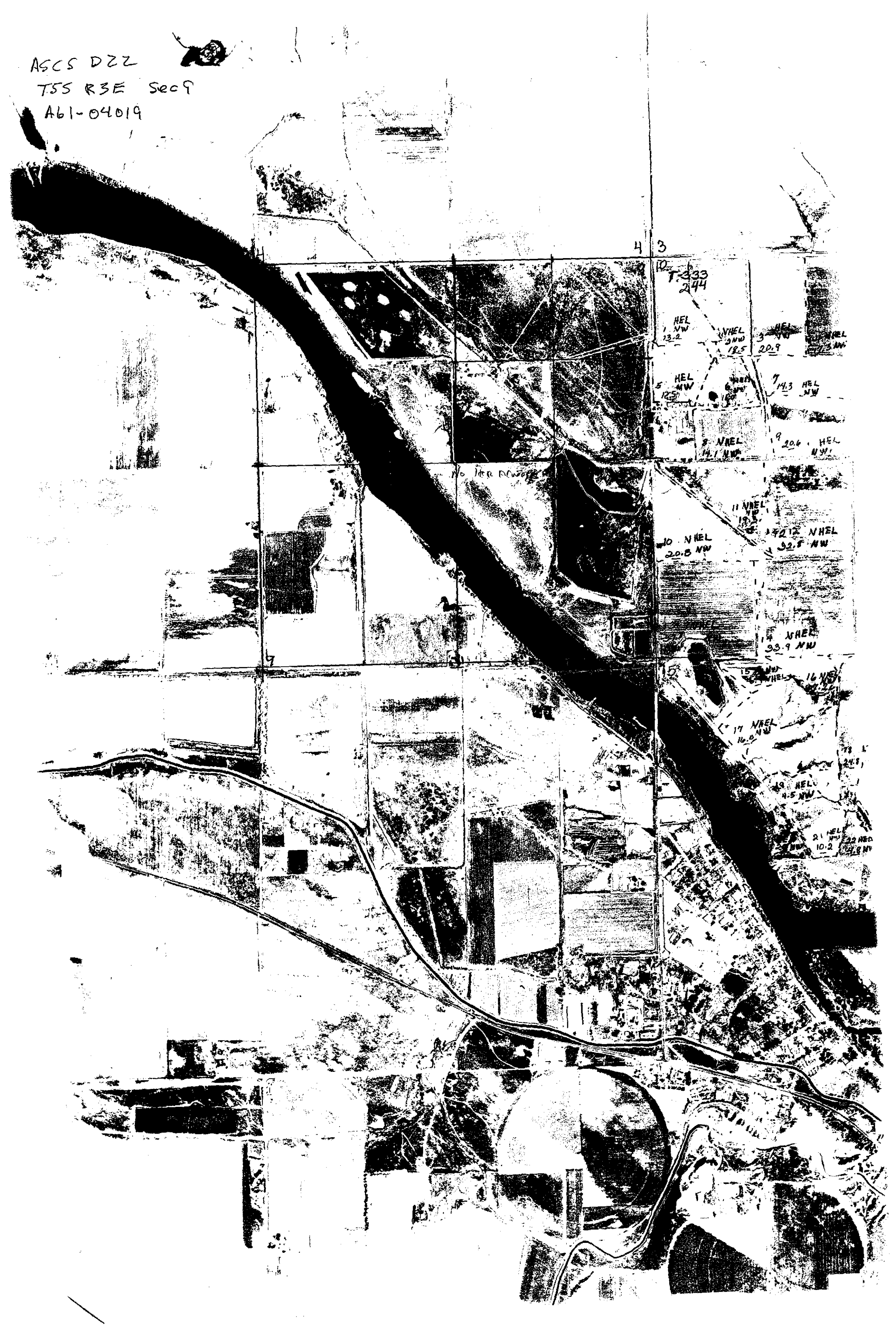
Remarks: GEN SECOND POINT OF DIVERSION LOCATED IN THE SW1/4NE1/4 WAS ADDED APPROXIMATELY 6 YEARS AGO. THE ORIGINAL DIVERSION IS IN THE SE1/4NE1/4 RATHER THEN THE SW1/4NE1/4 AS INDICATED ON THE LICENSE.
SEE 61-07326 WHICH HAS A COMPLETED FIELD EXAM. THIS LICENSE MAY BE RELINQUISHED IF THE ADJUDICATION CONFIRMS THIS CLAIM. A CLAIM TO A WATER RIGHT WAS FILED BY ME, CLAIM NO. 61-04019, SUPPORTING THIS CLAIM WITH SIX AFFIDAVITS ATTACHED. THIS WATER RIGHT IS SUPPLEMENTAL TO THE WATER RIGHT APPURTENANT TO THE PROPERTY FROM THE SNAKE RIVER IRRIGATION DISTRICT.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Numbers: Field Inspection Flag:
Presumption Flag:

ASCS DZZ

TSS R3E Sec 9

A61-04019



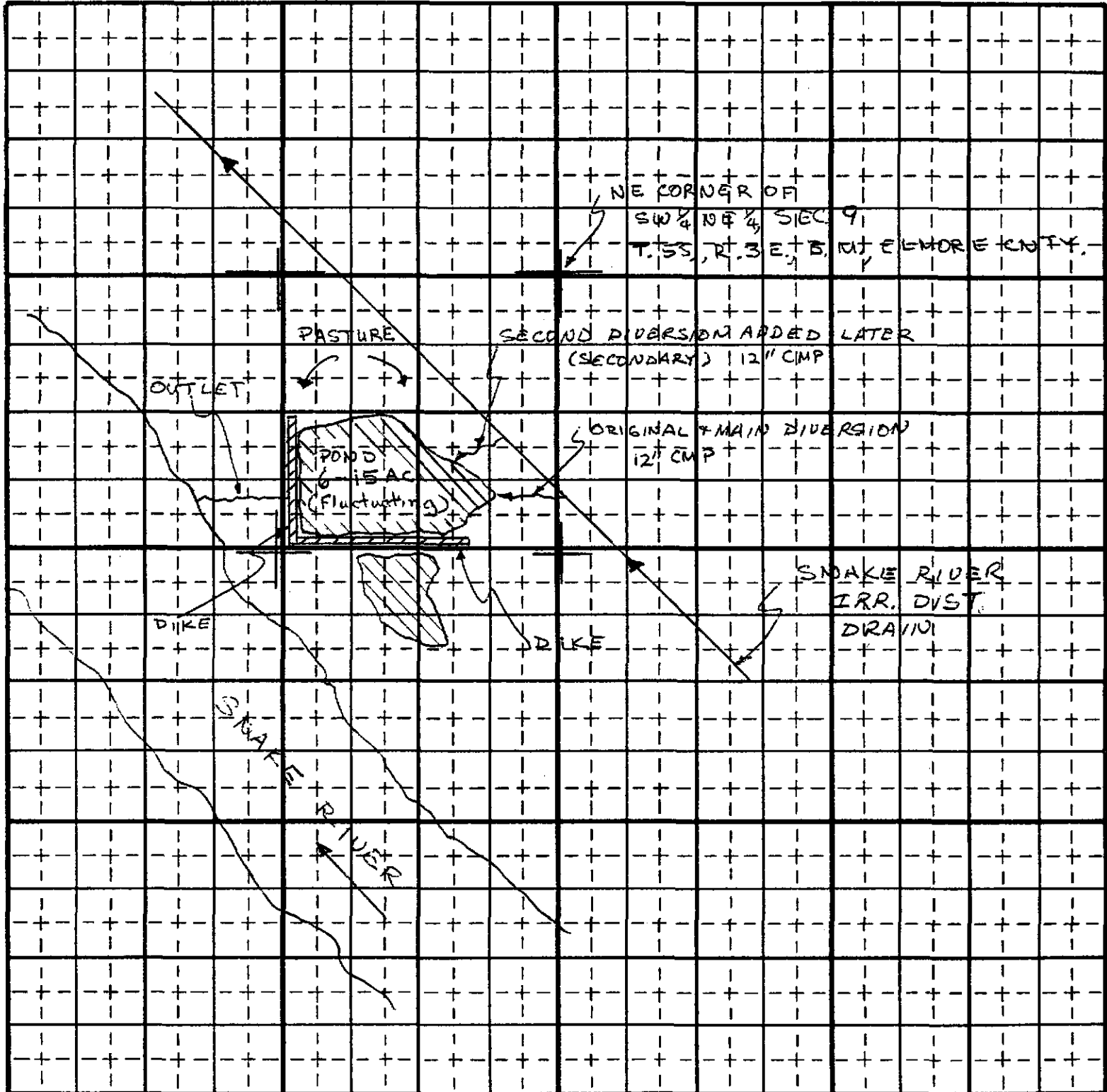
[illegible]



Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals ~~1 mile~~ $\frac{1}{4}$ mile

Notice of Claim



MICROFILMED

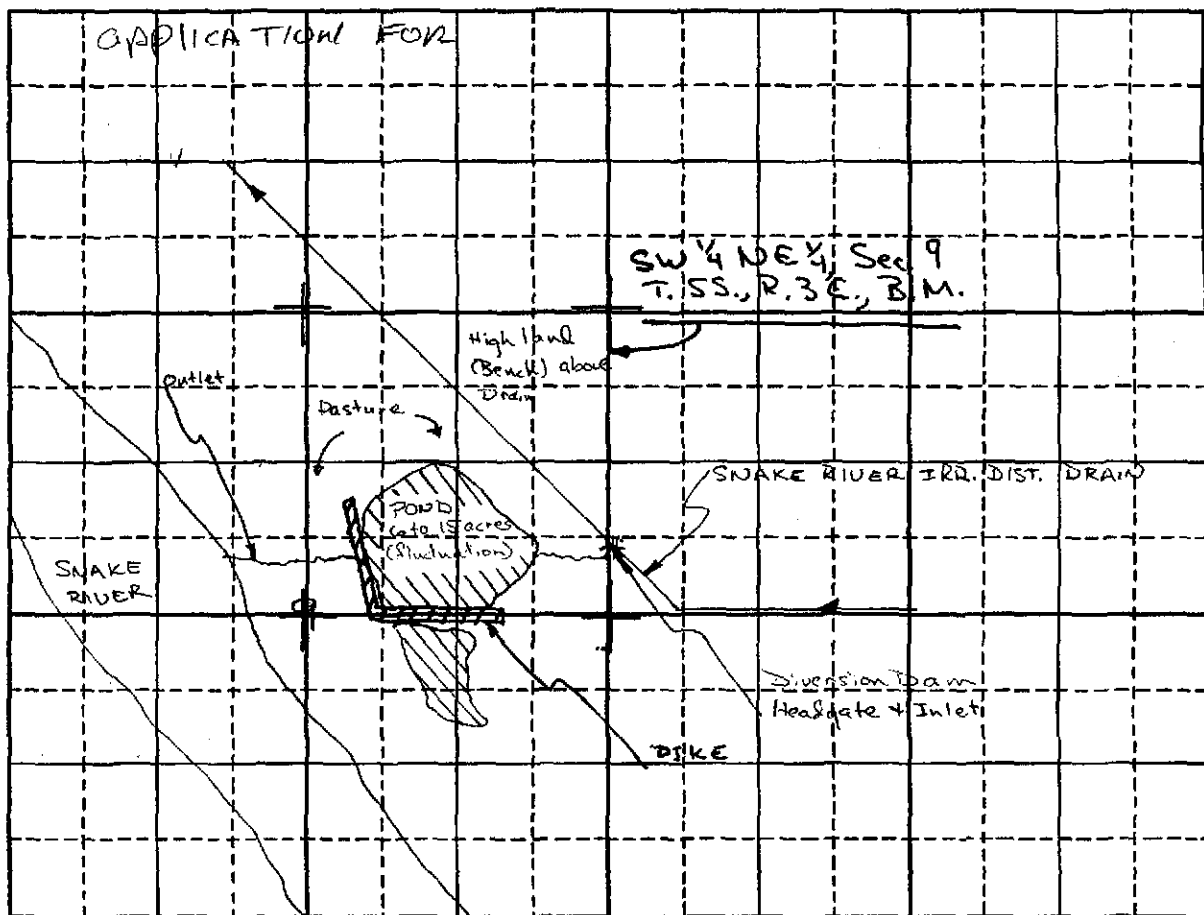
AUG 11 1982

Last Name TOWLE

Ident No. _____

Copies: White-State, Yellow-Claimant

(8) Remarks Affidavits are attached in support of claim by: R. Roland Towle, August 6, 1975, Dr. John C. Lundy, June 17, 1976, James B. Cruzen, October 28, 1975, William E. Irvin, April 27, 1976, and Wayne Ridley, July 30, 1975



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of Ada)

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

Sworn to before me this 6th day of July

R. Roland Towle
(Claimant)
William E. Irvin 1976
Notary Public
Residing at Boise, Idaho

My commission expires February 20, 1977

For Department Use Only

Received by <u>LS</u>	Date <u>7/14/76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>PJC</u>	Date <u>7-14-76</u>		claimant by:	
\$10.00 fee received by <u>LS RB</u>	Date <u>7/14/76</u>	#5084		
Approved for publication by <u>CS</u>	<u>8-6-76</u>			
Published in <u>Miner News</u>				
Dates <u>July 29 - Aug 5</u>				

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that R. Roland Towle

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Recreation	from January 1 to December 31	at 2.54 cfs and	N/A
Stockwater	from April 1 to October 31	at 0.48 cfs and	0.7 acre feet
Irrigation	from April 1 to October 31 (both dates inclusive)	at 0.50 cfs and	12.5 acre feet

Subject, however, to the condition that no more than 2.54 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed N/A acre feet per year, said waters to be diverted within the SW 1/4, Sec. 9, Twp. 5S, Rge. 3E, B.M. in the County of Elmore

Description and location of place of use:

[illegible]

Total number of acres irrigated 25

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of August, 19 79.

Abel- 04019 10-23-96 T5S R3E Sec 9 SWNE & SE NE

Could not find an access to the POU and could not see
anything that looked like 25A migrated land

FIELD REPORT

1. Name of permit holder R. Roland Towle
 Past office address 1500 E. Amity, Boise, ID Phone _____
 Person to contact _____ Phone _____
2. Source of water supply: Groundwater ☐ Surface water ☒ drain (Snake River Irrig. Dist.)
 (name spring, stream, etc.)
 Tributary to Snake River

3. Water will be used for the following purposes:

Amount 2.00 c.f.s. for Recreation
 AF/Annum (nature of use)

Period of Use: from 1-01 to 12-31
(mo.-day) inclusive (mo.-day)

Amount 0.04 c.f.s. for Stockwater (50 head)
 AF/Annum (nature of use)

Period of Use: from 4-01 to 10-31
(mo.-day) inclusive (mo.-day)

Amount 0.5 c.f.s. for Irrigation
 AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 2.54 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 5S N/S, Range 3E E/W, B.M., Section 9, Subdivision SW $\frac{1}{4}$ NE $\frac{1}{4}$, Elmore County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions: _____

Description of diverting works: diversion dam in drain, 20' x 10' earthen dam, 10" pipe, gate valve

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

DATE OF EXAM 10/10/78

ACREAGE
Found 25
Recommended 25

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 0.5 c.f.s. V = 117.5 AF/Ann. from 4/1 to 10/31
Domestic Q = 0.2 c.f.s. V = 0.7 AF/Ann. from 4/1 to 10/31
Livestock Q = 0.4 c.f.s. V = 0.7 AF/Ann. from 4/1 to 10/31
Recreation 2.0 Pond holds approx. 45 AF when full and is not subject to continuous flow so not AF is reco. A condition may be applied that no more than 45 AF may be diverted into pond at any given time to prevent extensive deepening.

Is water co-mingled? yes no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 2.54 Method of measurement Estimate

Total Q recommended 2.54 Meter No. _____ Type _____ Condition _____

Total V recommended —

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None None

MEASUREMENT CALCULATION:

Based upon evidence at the drain and dam site, 2.54 is recommended as a diversion rate. The diversion set is constructed in such a manner as to allow several c.f.s. to be diverted at one time so no meas. was made. The drain used produces several c.f.s. as it drains the upper bench north of the Snake River.

SYSTEM DESCRIPTION:

Small diversion dam in a large dug drain with a 10" pipe with a gate valve and an over flow for draining make water. Water flows in a ditch to the duck pond or can be used for irrigation. Dikes trap the water to form a duck pond this can be drained to provide grazing for the cowboys and then filled for duck hunting in the fall.

REMARKS:

Recreation - migratory & upland game bird habitat and hunting preserve.

Water overflows from B/M Pond also enters the Tule ponds.

Examiner's Signature E. Sisco Date 1/3/79

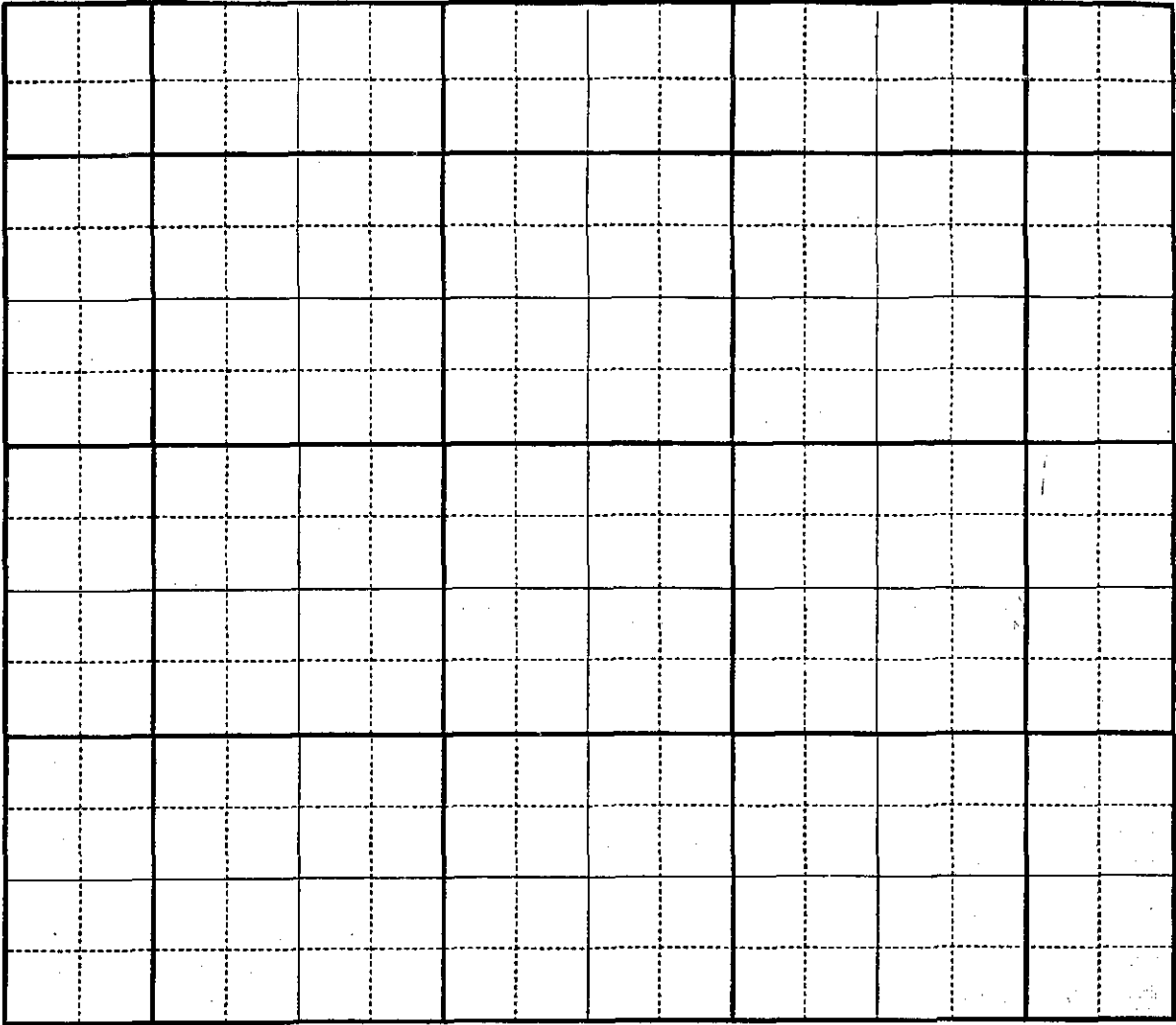


Diagram of System

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 ACI-04019
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) R. Rowland Towle Phone () 377-2244
Mailing Address 9810 W. Telfair, Boise Zip 83704

2. Date of Priority (Only one (1) per claim) July 31, 1946

3. Source of water supply (a) Unn. Drain
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 5S Range 3E Section 9,
_____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: T5S, R3E, 9, SENE

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. Culverts & headgates,

gravity flow, flood irr.

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AUG 11 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRR purposes from 4-1 to 10-31 amount 0.50 or _____

For Stockwater purposes from 4-1 to 10-31 amount 0.02 or _____

For Recreation purposes from 1-1 to 12-31 amount 2.54 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.54 (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.) Stockwater, 50 hd cattle; Recreation, migratory & upland game bird habitat.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
58	3E	9			BS 25														25

Total number of acres irrigated 25

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

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

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

14. Remarks: 2nd Point of diversion located in the SWNE was added approx. 6 yr. ago. The original diversion is in the SENE rather than the SWNE as indicated on the license. See license 61-7326 which has a completed field exam. This license may be relinquished if the adjudication confirms this claim. A Claim to a Water Right was filed by me, Claim No. 61-4019, supporting this claim with six affidavits attached. This water right is supplemental to the water right appurtenant to the property from the Snake River Irrigation District.

Last Name TOWLE Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

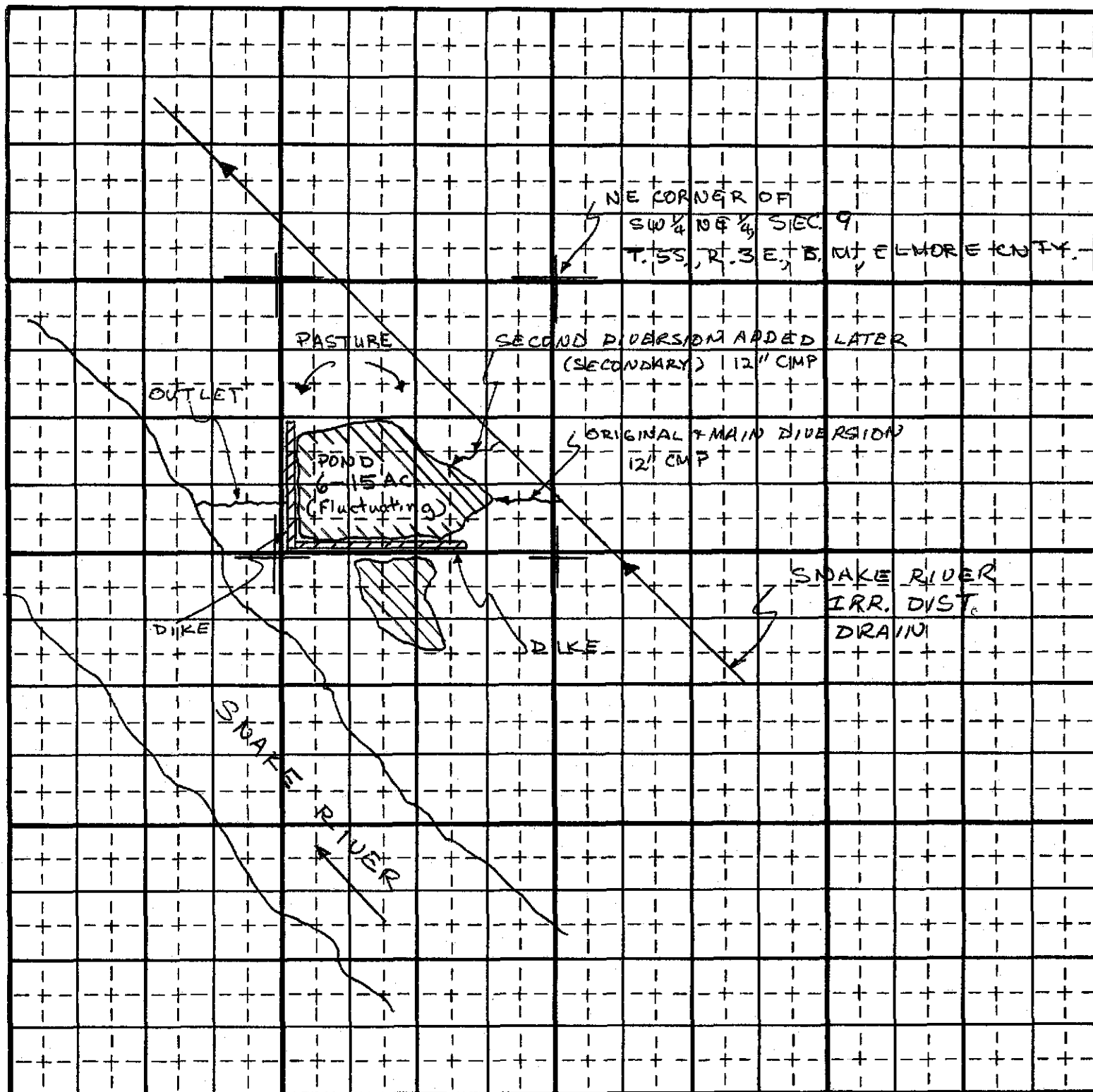
If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals ~~1 mile~~ $\frac{1}{4}$ mile



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AUG 11 1992

Last Name TOWLE

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____ Claim No. 61-4019
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 None

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

Signature of Claimant (s) R. Robert Towle Date June 12, 1992

Date _____

For Organizations: I do solemnly swear or affirm that I am _____
of _____, that I have signed the foregoing
document in the space below as _____ of _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho For)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12 day of June 19 92

SEAL

Notary Public William D. Collins

Residing at Boise, Idaho

My Commission Expires 2-27-97

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, William D. Collins 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 William D. Collins

Address P.O. Box 2836, Boise, ID 83701

Date June 12, 1992

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AUG 11 1992

Last Name TOWLE Ident. Number _____

Copies White-State, Yellow-Claimant

Identification No. _____

Application No. 61-7326

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant R. Roland Towle Phone: 344-4557
post office address 1500 E. Emity, Boise, Idaho 83705

2. Source of water supply Drain (Sn. Ry. Irr. Dist.) is a tributary of Snake River
250-300 ft N of SE corner of

3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 5S
Range 3E B.M. Elmore County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Snake River at a point in SW $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 9 Township 5S Range 2E B.M. Elmore County

4. Water will be used for the following purposes:

Amount 2.54 for recreation purpose from Jan 1 to Dec 31 (both dates inclusive)

Amount 0.4 for stock water purpose from April 1 to Oct 31 (both dates inclusive)

Amount 0.5 for irrigation purpose from April 1 to Oct 31 (both dates inclusive)

5. Total quantity to be appropriated:

a. 2.54 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. diversion dam in Drain, earthen dam approx 20 ft across and 10 ft high with corrugated metal pipe 10 in. in dia. and gate valve and overflow which bypasses dam

b. Height of storage dam NA feet, active reservoir capacity see remarks acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 0 years.

b. Estimated construction cost is \$ completed, January 1946 (\$1,000)

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 5S
Range 3E B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered 50 head

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: recreation (migratory and upland game bird habitat and hunting preserve)

RECEIVED

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	
5S	3E	9			25														25 ac.
5S	3E	9			X (pond)														
5S	3E	9			X (stockwater)														

Total number of acres to be irrigated 25

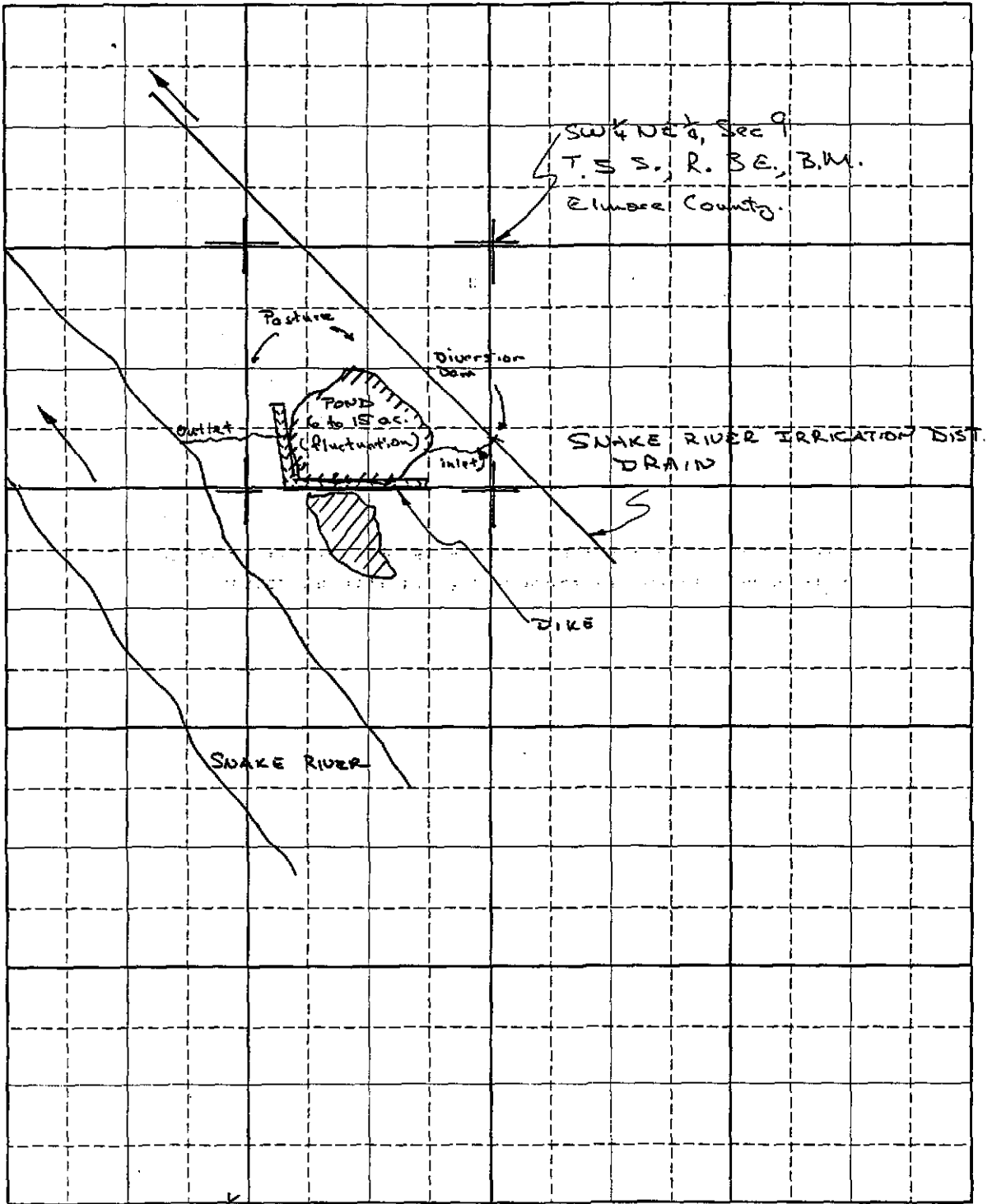
c. Describe any other water rights used for the same purposes as described above. none

9. a. Who owns the property at the point of diversion Applicant
 b. Who owns the land to be irrigated or place of use Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Application is made for the purpose of further confirming water right established by diversion and application to beneficial use, January, 1946, for which a Claim to a Water Right was filed July 1976. No intention is made by Applicant to waive water right or July 1976 priority previously established. See claim No. 61-4019

Pond is for recreational purposes (migratory and upland game bird habitat and hunting preserve) fluctuates between 6 and 15 acres, dikes on South and West sides contain water, diking approximately 2 feet high, see Claim to Water Right and Supporting Affidavits for further explanation

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1/4 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

770

Received by Date 4/13/77 Time 8:30
Preliminary check by Fee \$ 45.00
Received by Date 4-18-77 # 7176
Publication prepared by Date 4-21-77
Published in Madame Home News
Publication dates April 28 + May 5
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

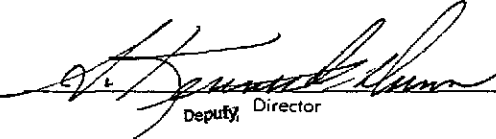
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 61-7326, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 78.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 15 day of July, 19 77.


Deputy Director

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

RECEIVED

DEC 19 1995

WATER RESOURCES
WESTERN REGION

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

December 19, 1995

HAND DELIVERED

Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

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DEC 20 1995

Department of Water Resources

RE: Transfer of Claim to Water Right

Dear Sir/Madam:

I am enclosing with this letter the original Transfer of Claim to Water Right signed by R. Roland Towle. This claim transfers R. Roland Towle's Claim, Claim No. 61-4019, to his three sons, Ralph R. Towle, Gary R. Towle and Wesley H. Towle.

If you have any questions, please contact me.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

WDC:plc

cc: R. Roland Towle (w/encls.)

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DEC 19 1995

TRANSFER OF CLAIM TO WATER RIGHT

WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED, R. ROLAND TOWLE, a single man, and R. ROLAND TOWLE, as Personal Representative of the Estate of Edith M. Towle, deceased (collectively called Grantor), does hereby grant, bargain, sell and convey unto RALPH R. TOWLE, whose wife is Terance J. Towle and whose address is 2210 Broadway Ave., No. 6, Boise, ID 83706; GARY R. TOWLE, whose wife is Mary Ann Towle and whose address is 4155 Columbine, Boise, ID 83704; and WESLEY H. TOWLE, whose wife is Susan Jean Towle and whose address is 6819 Holiday Drive, Boise, ID 83709 (collectively as Grantees), that certain claim to a water right filed with the State of Idaho, Department of Water Resources, Claim No. 61-4019, for the use of 2 cfs of water for recreational purposes for the period from January 1 through December 31 of each year, 0.04 cfs for stock water use for the period from April 1 through October 31 of each year and for 0.5 cfs for irrigation for a period of use from April 1 through October 31 of each year. The claimed priority of the water right is January 31, 1946. The water right is for use upon that portion of Lots 1, 2, 3, 4 and 5 of RIM VIEW SUBDIVISION, according to the plat thereof recorded as Instrument No. 280801, records of the Elmore County Recorder, Elmore County, Idaho, lying southerly and westerly of that certain 40' irrigation easement as shown on the plat of RIM VIEW SUBDIVISION, which easement is for a drain owned by the Snake River Irrigation District, which lands comprise a part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9, T. 5 S., R. 3 E., B.M., Elmore County, Idaho.

IN WITNESS WHEREOF, the Grantor has executed this instrument.

DATED this 19 day of December, 1995.



R. Roland Towle
as Personal Representative of
the Estate of Edith M. Towle,
deceased



R. Roland Towle, individually

STATE OF IDAHO)
 : ss.
County of Ada)

On this 19 day of December, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared R. ROLAND TOWLE, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Edith M. Towle, deceased, and acknowledged to me that he executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 2-27-97

STATE OF IDAHO)
 : ss.
County of Ada)

On this 19 day of December, 1995, before me, the undersigned Notary Public in and for said State, personally appeared R. ROLAND TOWLE, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 2-27-97

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BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
STATE OF IDAHO

In the Matter of	)	
	)	
Claim to a Water Right of	)	AFFIDAVIT IN SUPPORT OF
	)	CLAIM TO WATER RIGHT
R. ROLAND TOWLE,	)	
	)	
Claim No. _____	)	
	)	

STATE OF IDAHO)
 : ss.
County of Ada)

JAMES B. CRUZEN, being first duly sworn on oath, deposes and states in support of the claim of R. Roland Towle to a water right as follows:

1. That I am familiar with the uses made by Clayton Davidson of water diverted from the Snake River Irrigation District Waste System for use upon a 40 acre parcel of land more particularly described as follows:

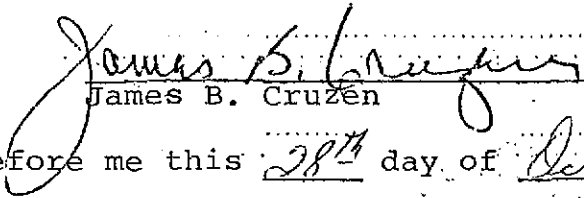
The southwest quarter of the northeast quarter of Section 9, Township 5 South, Range 3 East, Boise Meridian, Elmore County, State of Idaho.

2. That I first became familiar with the above property in approximately 1946 when I began hunting with Clayton Davidson who held possession and maintained the property as a habitat for migratory water fowl. Mr. Davidson diverted water from the Snake River Irrigation District Waste System at a point approximately 250 to 300 feet north of the southeast corner of the southwest quarter of the northeast quarter of said Section 9. From that point water was conveyed through a ditch approximately 400 to 500 feet to a pond, which depending upon the amount of water in the drain, fluctuated between approximately 6 acres to 15 acres. From the pond the water

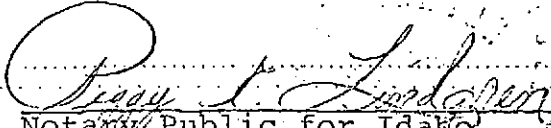
AFFIDAVIT IN SUPPORT OF
CLAIM TO WATER RIGHT

1 then emptied into the Snake River which was approximately 500 feet
2 from the west sideline of the above 40 acre parcel.

3 3. During the period from 1946 through to Mr. Clayton
4 Davidson's death in 1958, I hunted with him on the above property
5 many times. Mr. Davidson had constructed diking to create and con-
6 tain the pond and maintained a continuous diversion of water into
7 the pond during the winter months to prevent it from freezing. He
8 had improved the property for the purpose of propagating migratory
9 water fowl and upland game birds and my familiarity with the prop-
10 erty was solely as a hunting companion. Mr. Davidson excluded the
11 public from his land and in the period that I hunted with him the
12 property was used extensively for that purpose. While there may
13 exist some natural depression on the property, the diversion of water
14 from the waste ditch was caused by Mr. Davidson and there would not
15 have been a pond but for the diking completed by him and consequently
16 the use of the water for creating the pond and producing a wildlife
17 habitat was initiated by Mr. Davidson and would not have been there
18 but for his activity.

19 
20 James B. Cruzen

21 SUBSCRIBED and SWORN To before me this 28th day of October,
22 1975.

23 
24 Notary Public for Idaho
25 Residing at Boise, Idaho

1 COLLINS & MANLY
ATTORNEYS AT LAW
2 705 NORTH 8TH STREET
P.O. BOX 2794
3 BOISE, IDAHO 83701
TELEPHONE (208) 345-2811

7 BEFORE THE DEPARTMENT OF WATER ADMINISTRATION,

8 STATE OF IDAHO

9 In the Matter of)
10 Claim to a Water Right of) AFFIDAVIT IN SUPPORT OF
11 R. ROLAND TOWLE,) CLAIM TO WATER RIGHT
12 Claim No. _____)

13 STATE OF IDAHO)
14 : ss.
15 County of Ada)

16 WILLIAM E. IRVIN, being first duly sworn on oath, deposes and
17 states in support of the claim of R. Roland Towle to a water right
18 as follows:

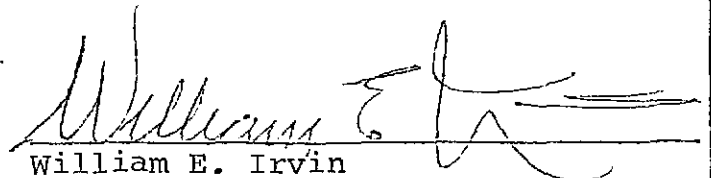
19 1. That I am familiar with the uses made by Clayton Davidson
20 of water diverted from the Snake River Irrigation District Waste
21 System for use upon a 40 acre parcel of land more particularly
22 described as follows:

23 The southwest quarter of the northeast quarter of
24 Section 9, Township 5 South, Range 3 East, Boise
Meridian, Elmore County, State of Idaho.

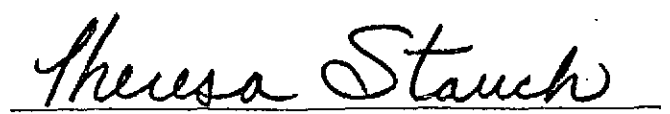
25 2. I was a friend of Clayton Davidson for many years prior
26 to his death in 1958, and had hunted upon the property described
27 above with Mr. Davidson and Mr. Towle many times. Mr. Davidson

28 AFFIDAVIT

1 had diverted all of the water from the above drain ditch. He
2 constructed several low dikes to retain the water in a pond cover-
3 ing several acres, part of which was on land initially leased by
4 Mr. Davidson from a third party and part was on land owned by Bill
5 Smith, who had allowed Mr. Davidson to use the land for recreation.
6 Mr. Davidson, prior to his death, purchased the property he leased
7 from the third party. After the water flowed through the pond, it
8 emptied into the Snake River. Mr. Davidson had a small clubhouse
9 on the property that was used for overnight hunting trips. The
10 pond constructed by Mr. Davidson is very effective in attracting
11 migratory water fowl throughout the water fowl hunting season. I
12 enjoyed some of the best duck hunting of my life at this place.

13
14 
15 William E. Irvin

16 SUBSCRIBED and SWORN To before me this 27 day of April,
17 1976.

18 
19 Notary Public for Idaho
20 Residing at Boise, Idaho
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BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
STATE OF IDAHO

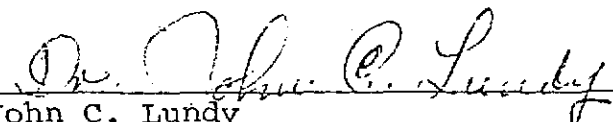
In the Matter of)
Claim to a Water Right of)
R. ROLAND TOWLE,)
Claim No. _____)
AFFIDAVIT IN SUPPORT OF
CLAIM TO WATER RIGHT

STATE OF IDAHO)
: ss.
County of Ada)

JOHN C. LUNDY, being first duly sworn on oath, deposes and states in support of the claim of R. Roland Towle to a water right as follows:

1. That I am familiar with the uses made by Clayton Davidson and R. Roland Towle of water diverted from the Snake River Irrigation District Waste System for the purpose of creating a migratory water fowl habitat and for the purpose of hunting migratory water fowl.

2. I have read the Affidavit of James B. Cruzen, which is dated October 28, 1975, a copy of which is attached hereto as Exhibit A. That the facts contained in the Affidavit are, to the best of my knowledge and belief, true and correct, and I hereby join in the statements contained in the Affidavit of James B. Cruzen to the same effect as if they were stated herein.


John C. Lundy

AFFIDAVIT

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SUBSCRIBED and SWORN To before me this 17th day of June, 1976.

Carse Collier
Notary Public for Idaho
Residing at Boise, Idaho

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO

In the Matter of)
Claim to a Water Right of) AFFIDAVIT IN SUPPORT
R. ROLAND TOWLE,) OF CLAIM TO WATER RIGHT
Claim No. _____)

STATE OF IDAHO)
County of Ada : ss.
)

R. Roland Towle, being first duly sworn, deposes and states
in support of his claim to a water right as follows:

1. That he claims a water right by virtue of a diversion
of waste water from the Snake River Irrigation District Waste
System for use upon a 40 acre parcel of land more particularly
described as follows:

Southwest Quarter of the Northeast Quarter of Section 9,
Township 5 South, Range 3 East, Boise Meridian, Elmore
County, Idaho.

2. That he acquired the above water right initially from
Clayton Davidson on February 26, 1958. A copy of the Agreement
by which he acquired the interest of Clayton Davidson in the above
property is attached hereto as Exhibit A and incorporated herein
as if set out in full. This instrument is recorded as Instrument
No. 96589 in Book 23 of Leases at Page 514 and as Instrument
No. 96590 in Book 32 of Quitclaim Deeds, Page 70, according to the
records of Elmore County, Idaho.

AFFIDAVIT IN SUPPORT OF
CLAIM TO WATER RIGHT

1 3. Clayton Davidson first initiated a water right for the
2 above property in approximately 1946 or earlier under a verbal lease
3 of the land from the owner, Sylvia McKeeth, and later, on December
4 18, 1953, acquired a written lease from Sylvia McKeeth which Lease
5 Agreement is attached hereto as Exhibit B and incorporated herein
6 as if set out in full. Under this lease arrangement, Clayton
7 Davidson acquired the exclusive rights to hunt, shoot and fish over
8 and upon the land and water on the property described above together
9 with the exclusive right to improve the property to make it attrac-
10 tive for water fowl. In approximately 1946, or earlier, Clayton
11 Davidson constructed a pond on the property and diverted water from
12 the Snake River Irrigation District Waste System which crosses the
13 property for the purpose of creating a migratory water fowl and up-
14 land game bird habitat for the propagation of those birds and for
15 the sport of hunting and taking the same. Mr. Davidson also diverted
16 water from the Snake River Irrigation District Waste System for the
17 purpose of growing pasture on the property to graze livestock. Mr.
18 Davidson diverted water from the Snake River Irrigation District
19 ditch at a point approximately 250 to 300 feet north of the south-
20 east corner of the southwest quarter of the northeast quarter of said
21 Section 9. From that point, water was conveyed through a ditch
22 approximately 400 to 500 feet to the pond. Depending upon the amount
23 of water in the drain, the pond fluctuated between 6 to 15 acres.
24 The pond also covered a portion of an adjoining parcel of property
25 which was and is now owned by Bill Smith and consists of the north-
26 west quarter of the southeast quarter of said Section 9. Mr.
27 Davidson and I obtained the verbal permission from Mr. Smith for the
28 exclusive right to occupy his property for the propagation and hunt-
ing of migratory water fowl. From the pond the water then emptied

1 into the Snake River at a point which is approximately 500 feet
2 from the west sideline of the 40 acre parcel owned by me.

3 4. Because of subsequent conveyances from Sylvia McKeeth to
4 Merlin P. Olson and Verla R. Olson and from those parties to Ben J.
5 Kotschevar, Esther A. Kotschevar which were all subject to the rights
6 of Clayton Davidson, several miscellaneous instruments between the
7 above parties were executed to clear title to me and I now hold the
8 fee simple estate to the land and water rights with my wife, Edith
9 M. Towle.

10 5. I first became aware of the pond in approximately 1946 and
11 hunted with Clayton Davidson many times since that time until he
12 died in 1958. During the period when Mr. Davidson had possession of
13 the property in 1946 through to when I acquired it in 1958, he con-
14 tinually diverted water from the Snake River Irrigation District
15 System, paid the water assessment for the water each year, and used
16 the water for the purpose of creating a migratory water fowl habitat
17 and for the grazing and pasture of livestock. Mr. Davidson had
18 constructed dikes to contain the water on his and the adjoining
19 property owned by Mr. Bill Smith as described above. These dikes
20 were approximately 2 feet high. After I acquired the property in
21 1958, a new dike was constructed along the south sideline of the
22 above parcel between the 40 acres described above and the property
23 of Bill Smith for the purpose of confining the water in the pond on
24 my property exclusively if it was desired. The total acreage of the
25 pond was not significantly reduced by the diking along the property
26 boundary. Both the dike along the south sideline and the dike along
27 the west sideline have been maintained and improved with heavy equip-
28 ment at least three times since 1958. Pipes have been installed in
these dikes to regulate the level of the water in the pond and for

1 irrigation of the land south and west of the pond. On the remaining
2 sides of the pond there exist natural ground elevations capable of
3 containing the water.

4 6. Use of the pond as a hunting preserve during the water fowl
5 season when the property was owned by Mr. Davidson and since the time
6 it has been owned by me, was extensive with use being made nearly
7 every day of the season. Public use of the hunting preserve has been
8 prohibited by Mr. Davidson and by me. Fences have been constructed
9 and maintained by both of us and signs posted to restrict ingress
10 and egress except by those having permission from us for its use.
11 Individuals have been retained, including Mr. Wayne Ridley, to exclude
12 the public from the pond and the land.

13 7. The diversion device in the Snake River Irrigation District
14 ditch originally consisted of a canvas dam and dirt structure approx-
15 imately 5 to 6 feet across which was capable of diverting the entire
16 flow from the ditch. The quantity diverted was generally not less
17 than 50 miners inches and was up as high as 500 miners inches. In
18 1956, Wayne Ridley, on behalf of Clayton Davidson, improved the
19 diversion structure constructing a wooden head gate approximately 5
20 feet wide and from 4 to 5 feet high with a length of approximately
21 12 feet. Boards were inserted to control the amount of water diverted
22 into the pond. At this time, Wayne Ridley had obtained from Clayton
23 Davidson the right to pasture approximately 50 head of cattle on
24 the property and was using the pasture at that time and has con-
25 tinually used it under a rental agreement with Mr. Davidson and
26 myself for which a portion of the water right is claimed.

27 8. In 1966 and 1967 the Bureau of Land Management began making
28 plans to build duck ponds east and north of the 40 acre parcel. In
the first part of 1969 the Bureau of Land Management completed con

1 construction of their duck ponds and placed an earth dam across the
2 waste ditch over my wooden head gate constructed by Mr. Ridley. The
3 Bureau of Land Management installed culverts with head gates to put
4 water in their several ponds and added a 10 inch culvert together
5 with a head gate near where the wooden head gate existed. From this
6 water culvert, water flows from the waste ditch into the ditch origi-
7 nally constructed by Mr. Davidson and used by him and myself to con-
8 vey water to the pond on my property. The point of diversion, there-
fore, remains the same.

9 In the fall of 1969 there was insufficient water in the waste
10 ditch to fill the Bureau of Land Management's ponds and they shut
11 and padlocked the culvert which diverted water from the waste ditch
12 to my pond. I contacted Mr. Ed Tilsey who was a local representa-
13 tive of the Bureau of Land Management and advised him that I had a
14 prior right to divert and use the water and that if the padlock had
15 not been removed from the culvert and water diverted into my pond
16 that I would remove it. He then gave me the combination to the pad-
17 lock and advised me to open that head gate to continue to allow
18 water to flow into my pond. I was not prevented from opening and
19 closing the head gate leading to my pond at my will. With the use
20 of the lock, I could lock the gate open to allow water to flow into
21 my pond and prohibit others from closing it. The lock was removed
22 and the gate closed in the fall of 1974 and I presume this was done
23 by the Bureau of Land Management. I reopened the gate but did not
24 padlock it. It has remained open since that time.

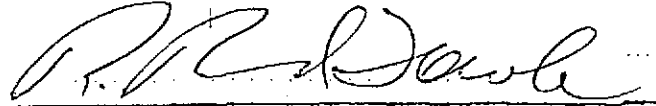
25 9. The deepest portion of the pond is 2 feet and the quantity
26 of water diverted has remained the same from when Mr. Davidson first
27 diverted it through to the present. The minimum amount of water that
28 has been allowed to flow into the pond has remained constant at

1 approximately 50 miners inches. The use of water is also a year
2 around a use. While there may exist some natural depression on the
3 property, the diversion of water from the waste ditch was caused by
4 Mr. Davidson and there would not have been a pond but for the diking
5 completed by him. The use of the water for creating the pond and
6 producing a wildlife habitat was initiated by Mr. Davidson and would
7 not have been there but for his improvements and my improvements
8 since 1958.

9 10. Clayton Davidson and I constructed and maintained several
10 duck blinds on the property for water fowl hunting purposes. The
11 property was seeded in grass at one time after 1956. There are
12 approximately 25 acres of land around the pond which receive water
13 for growing pasture. The primary use of the nonflooded portion of
14 the property has been for livestock grazing. In each of the years
15 since 1956, Mr. Wayne Ridley has grazed 50 head of cattle on the
16 property from the 15th day of April to the 15th day of October and
17 only during the last couple of years has limited the number of head
18 because of a request by the Bureau of Land Management to reduce the
19 number to allow the seeding of their adjoining property to take
20 hold for the establishment of vegetation. During the last 2 to 3
21 years, 28 head of cattle have been grazed on the property by Mr.
22 Ridley. The number will be increased back to 50 head as soon as the
23 Bureau of Land Management seeding takes hold. Water diverted from
24 the ditch is also used for watering the livestock grazing on the
25 property.

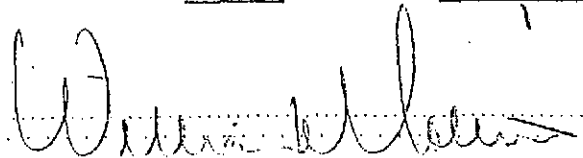
26 11. I claim a water right to 50 miners inches from the
27 Snake River Irrigation District's Waste ditch for use upon the
28 property described in paragraph 1. The period of use is January 1
to December 31 of each year. The point of diversion is as stated

1 in paragraph 3. The purpose of the use is for the propagation of
2 water fowl and upland birds for the purpose of a hunting preserve
3 and for the purpose of growing hay and grass and the pasturage of
4 livestock together with the watering of that livestock which number
5 50 head.

6 

7 R. Roland Towle

8 SUBSCRIBED and SWORN to before me this 6th day of August
9 1975.

10 

11 Notary Public for Idaho
12 Residing at Boise, Idaho

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28 AFFIDAVIT IN SUPPORT OF
CLAIM TO WATER RIGHT

RECEIVED

JUL 14 1978

SALE AGREEMENT

Department of Water Resources

THIS AGREEMENT, Made this 26th day of February, 1958, by and between CLAYTON DAVIDSON, of Boise, Idaho, herein called "Seller" and R. ROLAND TOWLE, likewise of Boise, Idaho, herein called "Buyer", WITNESSETH:

Seller is the owner of a lease dated December 18, 1953, whereby Sylvia McKeeth, a widow, leased to him for hunting and fishing purposes the following described land in Elmore County, Idaho:

The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, and Lot 1, Section 16, all in Township 5 South, Range 3, E. B. M.

The lease extends for a period of twenty years after its date and, among other things, provides in part that it grants the following:

"The exclusive right and privilege of hunting, shooting and fishing over and upon said lands and the waters thereof, and to have the right to improve said property so as to secure good shooting, making it attractive for ducks and other birds and game, and doing such other things as may be necessary to secure to the lessee the full enjoyment of the premises as hunting and fishing grounds."

Said lease is recorded in Book 23 of Leases, page 409, Records of Elmore County, Idaho; and

Whereas, Seller afterward received and accepted from said owner a quitclaim deed to the property described in such lease, which quitclaim deed was by its terms expressly subject to the terms of said lease, and which said quitclaim deed is also of record in Elmore County, Idaho; and

Whereas, Buyer desired to buy and Seller is willing to sell his aforesaid interest in said property;

NOW, THEREFORE THIS AGREEMENT WITNESSETH:

That for the consideration of 11.00 DOLLARS, payable as hereinafter set forth, Seller hereby assigns, conveys,

1.

EXHIBIT A

and transfers unto Buyer all his rights under said lease, and each and every of his rights acquired by the terms of said quitclaim deed aforesaid in and to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, and Lot 1, Sec. 16, all in Twp. 5 S., R. 3, E.B.M. above described.

But Seller hereby expressly reserves to himself during his lifetime the right and privilege at all times of hunting and fishing on the property above described; and the right to invite his friends also to hunt and fish on said property during Seller's lifetime.

The consideration for the assignment and transfer of said property as above set forth is payable as follows:

*RECEIPT OF CONSIDERATION HEREBY ACKNOWLEDGED
THIS 20th day of FEBRUARY 1958.*

IN WITNESS WHEREOF, Seller has executed and acknowledged this instrument on the day and year first above written.

STATE OF IDAHO)
County of Ada) ss

On this 2nd day of ^{MARCH} February, 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared CLAYTON DAVIDSON, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

[Signature]
Notary Public for Idaho
Residing at:

CONTRACT FOR LEASE OF RIGHT TO FISH AND HUNT

Department of Natural Resources

ON REAL PROPERTY

THIS AGREEMENT made and executed this 18 day of December, 1953 by and between SYLVIA McKEETH, a widow, of Boise, Idaho, hereinafter referred to as the Lessor, and CLAYTON DAVIDSON of Boise, Idaho, hereinafter referred to as the Lessee.

WITNESSETH:

The Lessor, in consideration of the payment to her of rent of the sum of \$1.00 and other valuable considerations to her in hand paid, receipt whereof is hereby acknowledged, does hereby let and least to the Lessee real property of the Lessor situate in the County of Elmore, State of Idaho, more particularly described as follows, to-wit:

Southwest Quarter of the Northeast Quarter of
Section Nine, in Township five South, of Range
Three East of the Boise Meridian, Idaho

and

Lot One (1) of Section Sixteen (16) Township Five
(5) South, Range Three (3) East of the Boise Meri-
dian.

for a term of 20 years from the date hereof for the purpose of shooting any and all game and game birds and taking all game fish in legal season thereof.

The Lessee is to have the exclusive right and privilege of hunting, shooting and fishing over and upon said lands and the waters thereof and to have the right to improve said property so as to secure good shooting, making it attractive for ducks and other birds and game, and doing such other things as may be necessary to secure to the Lessee the full enjoyment of the premises as hunting and fishing grounds.

The Lessor agrees that the Lessee may at his sole option grant licenses to other persons for the purposes and to the ends provided in this lease and to make such licenses or permissions under such terms and conditions as he shall prescribe.

The Lessor covenants that she has not granted any shooting or fishing rights to any other person or persons and covenants that she will not do so during the term hereof.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

Sylvia McKeeth
Lessor
Clayton Davidson
Lessee

STATE OF IDAHO)
) SS.
COUNTY OF ADA)

On this 18 day of December, 1953, before me, the undersigned, a Notary Public in and for said County and State, personally appeared SYLVIA McKEETH, a widow, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate written.

NOTARY SEAL

John A. Carver Jr.
Notary Public for Idaho
Residing at Boise, Idaho

STATE OF IDAHO,)
) SS.
County of Elmore)

EXHIBIT B

I hereby certify that this instrument was filed for record at request of Carver, McClenahan & Greenfield at 05 minutes past 9 o'clock A.M., this 24 day of December A. D., 1953 in my office, and duly recorded in Book 23 of Leases at Page 409.

QUITCLAIM DEED

THIS INDENTURE, Made this 18th day of October,
in the year of our Lord one thousand nine hundred and fifty-seven between

SYLVIA McKEETH, a widow,

of Boise, County of Ada

State of Idaho, the part y of the first part, and

CLAYTON DAVIDSON

of Boise, County of Ada

State of Idaho, the part y of the second part.

WITNESSETH That the said part y of the first part, for and in consideration of the sum of
-- -- Four Hundred and no/100 -- -- DOLLARS,
lawful money of the United States of America, to her in hand paid by the said part y of
the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release
and forever QUITCLAIM, unto the said part y of the second part, and to his heirs and
assigns, all that certain lot, piece or parcel of land, situate, lying and being in
the County of Owyhee, State of Idaho, bounded and particularly
described as follows, to-wit:

The Southwest Quarter of the Northeast Quarter
(SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 9; and Lot 1, Section 16, all
in Township 5 South, Range 3, E.B.M.

It is expressly understood and agreed between the parties
hereto that that certain lease in writing, dated December 18, 1953,
whereby the grantor herein leased to the grantee herein the above
described land for hunting and fishing purposes for a term of twenty
years from the date thereof, remains in full force and effect not-
withstanding this conveyance; and also notwithstanding a certain
receipt and memorandum in writing between the parties, dated
September 19, 1957, pursuant to which this quitclaim deed is being
given.

And it is also hereby expressly understood and agreed
between the parties hereto that by the acceptance of this quitclaim
deed the grantee assumes no obligations whatsoever for the payment of
any past, present or future taxes or irrigation district assessments
on said land, or any part thereof, or for the payment of any other
present, past or future liens or encumbrances thereon.



EXHIBIT C

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said part y of the first part ha s hereunto set her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Sylvia McKeeth [Seal]

[Seal]

[Seal]

[Seal]

STATE OF IDAHO

County of ADA

ss.

On this 18th day of October in the year 1957, before me

Alvin Helsley

a Notary Public

in and for said State, personally appeared SYLVIA MCKEETH, a widow,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Alvin Helsley

Notary Public for the State of Idaho.
Residing at Boise, Idaho.

No. 95334

QUITCLAIM DEED

Sylvia M. McKeeth

-TO-

Clayton Davidson

Dated 19

STATE OF IDAHO,

County of Blaine ss.

I hereby certify that this instrument was filed

for record at request of

Clayton Davidson

77 minutes past 1

o'clock P. M., this 21 day

October, A. D. 1957

in my office, and duly recorded in Book 53

of *Final Return* at page 25

David A. D. Smith
Ex-Officio Recorder.

By *E. B. Smith* Jr. Deputy.

Fees, \$1.50

Mail to *Clayton Davidson*

Boise 1308-17-20-14

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BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
STATE OF IDAHO

In the Matter of)
Claim to a Water Right of) AFFIDAVIT IN SUPPORT
R. ROLAND TOWLE,) OF CLAIM TO WATER
Claim No. _____) RIGHT
_____)

STATE OF IDAHO)
County of Elmore) : ss.

Wayne Ridley, being first duly sworn on oath, deposes and states in support of the above claim of ROLAND TOWLE to a water right as follows:

1. That he is familiar with the uses made by ROLAND TOWLE and his predecessor in interest, Clayton Davidson, of water diverted from the Snake River Irrigation District Waste System and upon a 40 acre parcel of land more particularly described as follows:

The Southwest quarter of the Northeast quarter of Section 9, Township 5 South, Range 3 East, Boise Meridian, Elmore County, State of Idaho.

2. That he has owned, lived upon and operated a ranch within one quarter mile of the above-described property continuously from the spring of 1956 through to the present, and that during all of the above time he was familiar with the uses being put to the property and water diverted thereon.

3. That he first became aware of the uses being put to the above property in the spring of 1956 and at that time Clayton Davidson held possession and maintained the property as a habitat

AFFIDAVIT IN SUPPORT OF
CLAIM TO WATER RIGHT

1 for migratory water fowl and upland game birds, for their propaga-
2 tion and for hunting and, further, maintained the unflooded portions
3 thereof for pasture and the grazing of livestock. Mr. Davidson
4 diverted water from the Snake River Irrigation District ditch at
5 a point approximately 250 to 300 feet north of the Southeast cor-
6 ner of the Southwest quarter of the Northeast quarter of said
7 Section 9. From that point water was conveyed through a ditch
8 approximately 400 to 500 feet to a pond which, depending upon
9 the amount of water in the drain, fluctuated between approximately
10 6 acres to 15 acres. At this time the pond covered a portion of
11 the property described above and a portion of a forty acre parcel
12 immediately to the South. From the pond the water then emptied into
13 the Snake River which is approximately 500 feet from the west side-
14 line of the above 40 acre parcel. In 1958 Mr. Roland Towle took
15 possession of the parcel and has continued the above practice un-
16 abated.

17 4. The pond in which the water is diverted and the ditch
18 conveying the water to the pond are man-made. In 1956 an old dike
19 was in existence along a portion of the west sideline of the above
20 parcel for a distance of approximately 150 feet. A similar dike
21 also existed along the south side of the pond on the adjacent forty
22 acre parcel for a distance of approximately 200 feet. Both of
23 these dikes were approximately 2 feet high. There were also
24 several other dikes on the property which were used for the purpose
25 of containing the water in the pond and varied from 1 to 1½ feet
26 high. In approximately 1958 a new dike was constructed along the
27

1 south sideline of the above parcel for the purpose of permitting
2 confinement of water on the above property. The total acreage of
3 the pond was not significantly reduced by this activity. Both
4 the new dike along the south sideline and the dike along the west
5 sideline have been maintained and improved with heavy equipment at
6 least three times since 1958. Pipes have been installed in these
7 dikes to regulate the level of water in the pond and for irrigation
8 of the land south and west of the pond. On the remaining sides of
9 the pond there exist natural ground elevations capable of contain-
10 ing the water.

11 5. Use of the pond as a hunting preserve during the water
12 fowl hunting season was and is now extensive with use of the pro-
13 perty being made nearly every day during that season. This use
14 has continued in this manner during all of the time that your
15 Affiant has been acquainted with the property. Public use of the
16 hunting preserve has been prohibited by Mr. Davidson and Mr. Towle.
17 Fences have been constructed and maintained by both of these parties
18 and signs posted to restrict ingress and egress except by those
19 having permission from the owners for its use.

20 6. The diversion device in the Snake River Irrigation Dis-
21 trict ditch originally consisted of a canvass dam and dirt struc-
22 ture approximately 5 to 6 feet across which was capable of divert-
23 ing the entire flow of the ditch from 50 miners inches to 500
24 miners inches into the pond. Just prior to 1958, the method of
25 diverting the water was changed and a wooden headgate constructed
26 approximately 5 feet wide, 4 to 5 feet high and 12 feet long in
27 which boards were inserted to control the amount of the water
28

1 diverted into the pond. The wood headgate was also capable of
2 diverting the entire flow. This method of diverting water con-
3 tinued up until the first part of 1969 when the Bureau of Land
4 Management filled in the diversion and provided an alternate
5 diversion in the ditch near the same point. The water is still
6 diverted into the same ditch leading from the Snake River Irrigation
7 District's System but the diversion device is a corrugated metal
8 pipe of approximately 10 inches in diameter upon which a metal gate
9 valve has been installed to regulate the flow.

10 7. The depth of the pond varies from 4 feet to 2½ feet and
11 the quantity of water diverted into the pond has remained the same
12 through to the present. The minimum amount of water that has been
13 allowed to flow into the pond has remained constant at approximately
14 50 miners inches.

15 8. Clayton Davidson and Roland Towle constructed and main-
16 tained several duck blinds on the property for water fowl hunting
17 purposes. The property was seeded in grass at one time after 1956.
18 There are approximately 25 acres of land around the pond which
19 receive water for growing pasture. The primary use of the non-
20 flooded portion of the property has been for livestock grazing.
21 In each of the years since 1956, I have grazed 50 head of cattle
22 on the property from the 15th day of April through the 15th day
23 of October and only during the last couple of years has the number
24 of head been lessened because of the Bureau of Land Management's
25 request to seed a portion of their adjoining property. During
26 these last two to three years, 28 head of cattle have been grazed
27

1 on the subject property. It is anticipated that the number of head
2 will be increased back to 50 head in the near future. Water di-
3 verted from the ditch is used for the watering of the livestock.

4
5 Wayne Ridley
6 Wayne Ridley

7
8 SUBSCRIBED and SWORN To before me this 30th day of July,
9 1975.

10
11 J. A. Balderrama
12 Notary Public for Idaho
13 Residing at: Shawnee, Idaho 83624
14 My Commission Expires 5-27-78