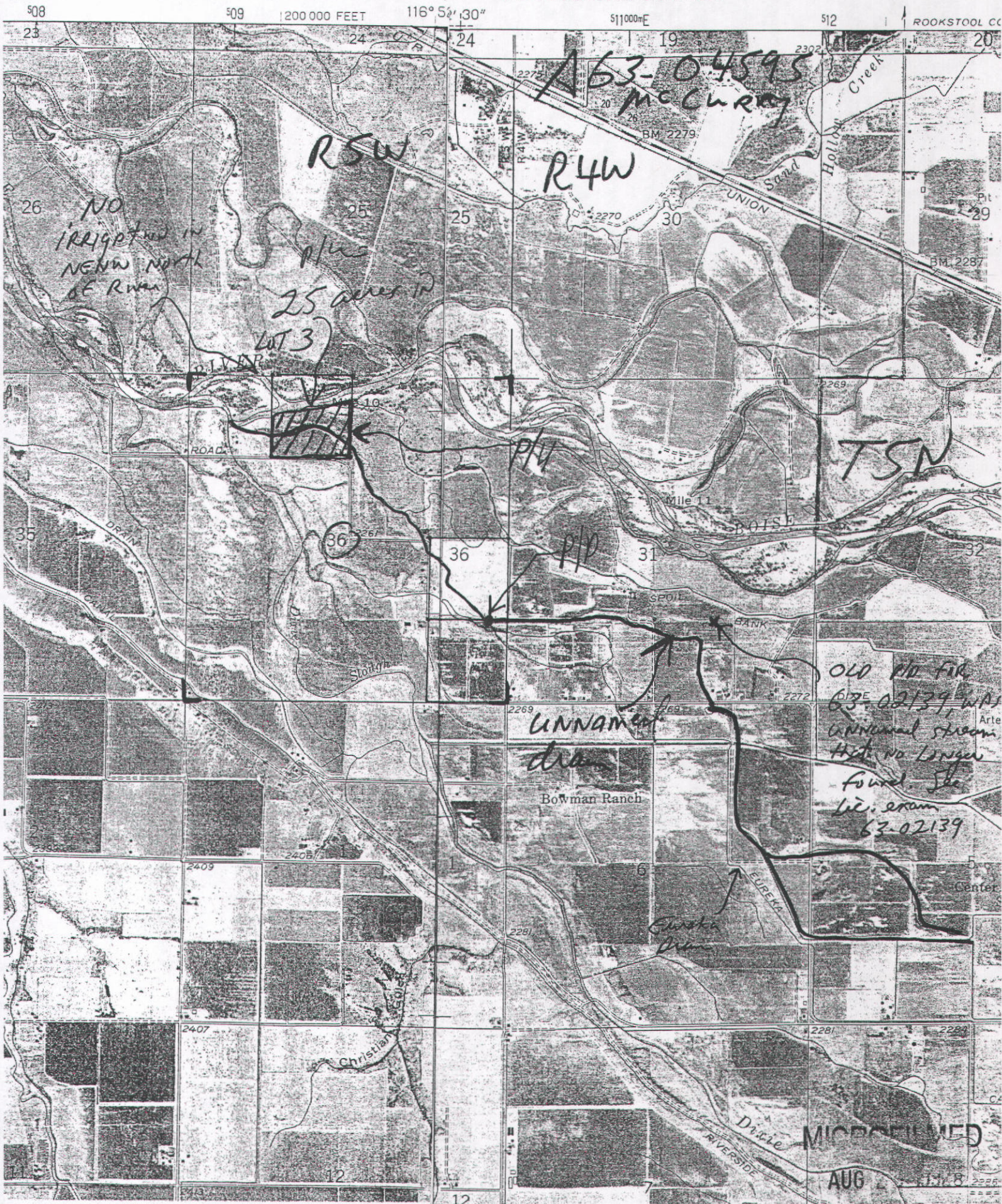


WILDER QUADRANGLE
IDAHO
7.5-MINUTE SERIES (ORTHO PHOTOQUAD)

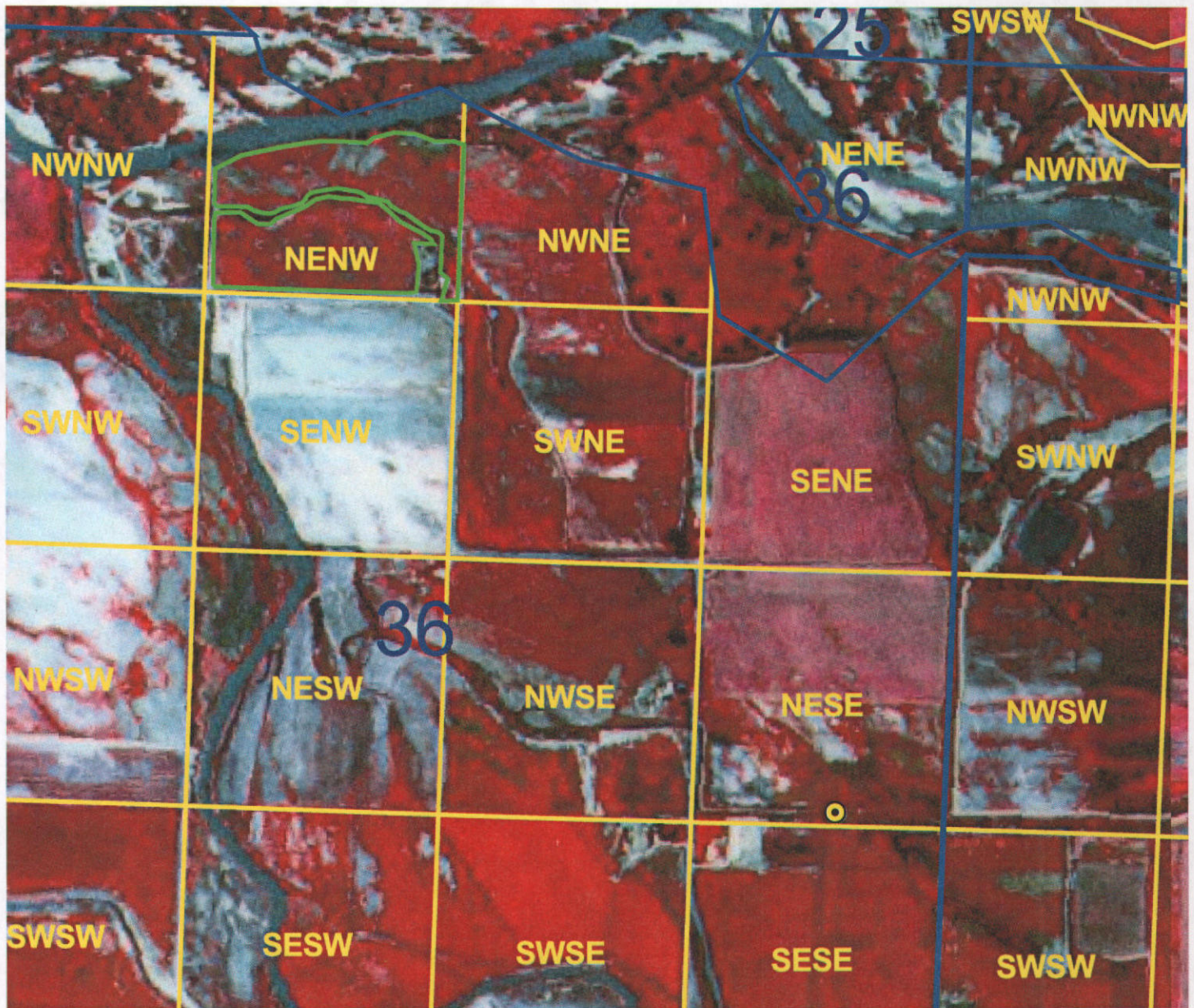
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTION 36
Water Right: 63-4595



1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 20.5



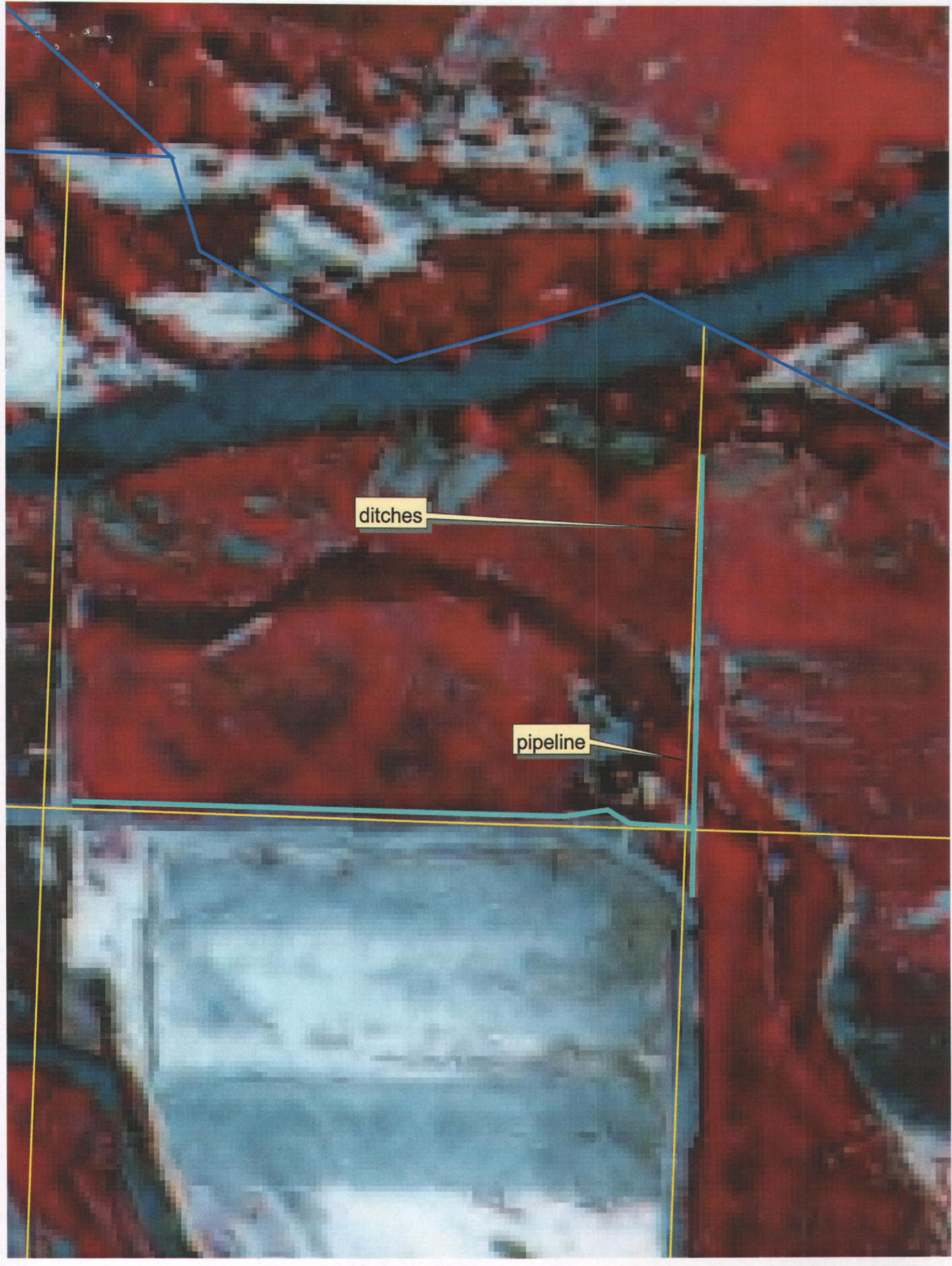
- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006



T5N R5W S36 NENW
17 acres

This is an aerial photograph of a rural landscape. A river flows from the top left towards the bottom center. The land is divided into various fields and parcels. A specific parcel, outlined in green, is located in the upper-middle section of the image. This parcel is irregularly shaped and contains a mix of green vegetation and brown, possibly cleared or dry, areas. To the left of this parcel is a dense line of trees. Below the green-outlined parcel is a large, light-colored, rectangular field. Further down, there are more fields, some with small buildings or structures. The entire image is overlaid with a grid of yellow lines, likely representing section boundaries. A blue line also runs across the top and middle of the image, possibly indicating a road or a different type of boundary. The text 'T5N R5W S36 NENW' and '17 acres' is printed in yellow on the image, identifying the specific parcel and its size.



ditches

pipeline

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/6/2006

FILE NUMBER 63-4595



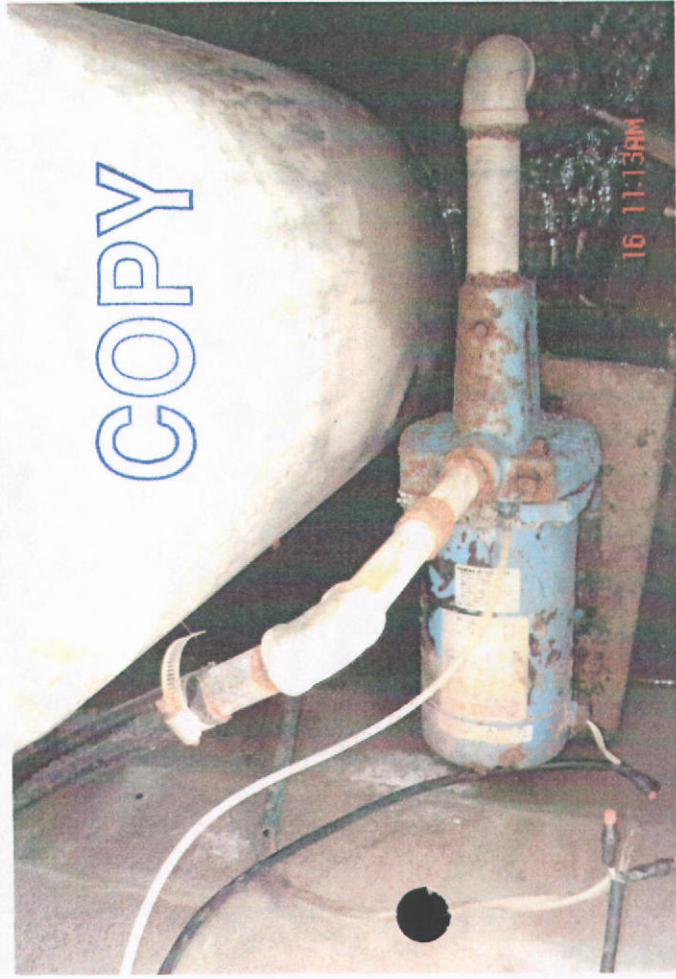
The upper photo is of the point where water comes into pipeline for the north property. This is the same ditch shown in the earlier exam with the ditch dimensions, and coming under the road showing a 15-inch culvert. The top picture is taken at the other end of that ditch on the other side of the corral.



The second photo is the same photo that showed the burned pipe. The earlier examiner didn't take a picture of the new pipe that was installed.

The bottom picture shows the field on the north side of the slough. It is clearly being irrigated, the grass is well established and the ditch was wet. This area has clearly been irrigated over the past few years to establish this mature grass.





COPY

16 11:13AM

Serial # C43A96067 3/4 Smith Pump



16 11:11AM

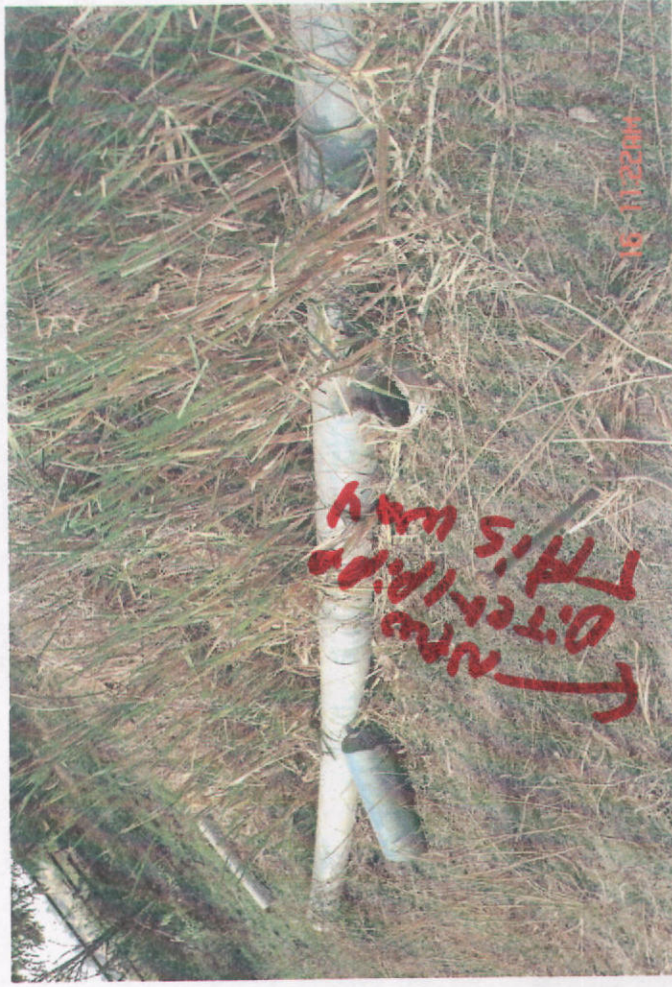
Well house
Artition well 200 feet deep



30 inch

16 11:15AM

15 inch Pipe



16 11:22AM

replacing feed ditch w/ pipe

Worksheet
Worksheet for Trapezoidal Channel

→ Cell phone 440-4703

Emmett McCurry / Dan Erskine

Project Description	
Project File	g:\flowmaster\fmw\24.fm2
Worksheet	24780 Boise River Road, Parma Gov. Lot 3, Sec. 36, T5N, R5W
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

Input Data	
Mannings Coefficient	0.022 = dirt ditch
Channel Slope	0.000400 ft/ft = 4.8" of fall in 100 L.F.
Depth	1.50 ft
Left Side Slope	0.350000 H : V
Right Side Slope	0.350000 H : V
Bottom Width	1.50 ft

$$4.8/100 = .048$$

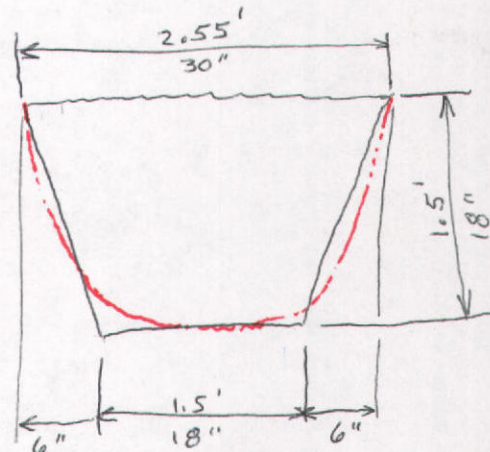
rise/run

9/15/05
irrigate for 7 days @ 24 hrs/day
then 7 days off. this repeats
all summer long

Results		
Discharge	3.08	cfs
Flow Area	3.04	ft ²
Wetted Perimeter	4.68	ft
Top Width	2.55	ft
Critical Depth	0.49	ft
Critical Slope	0.014163 ft/ft	
Velocity	1.01	ft/s
Velocity Head	0.02	ft
Specific Energy	1.52	ft
Froude Number	0.16	
Flow is subcritical.		

I 1939 Prop was 32.28 Acre
I 2003 Prop was 26.78 Acre
Because of Avulsion of Boise
River

Actual ditch is like red line



Water from Divie Drain



Well



Head Gate / Emmett McGarry's



Allen Glens



15in Pipe from head gate Across road.



30 in
Wide

18
Deep



Serial # C48A9607 3/4 Smith Pump



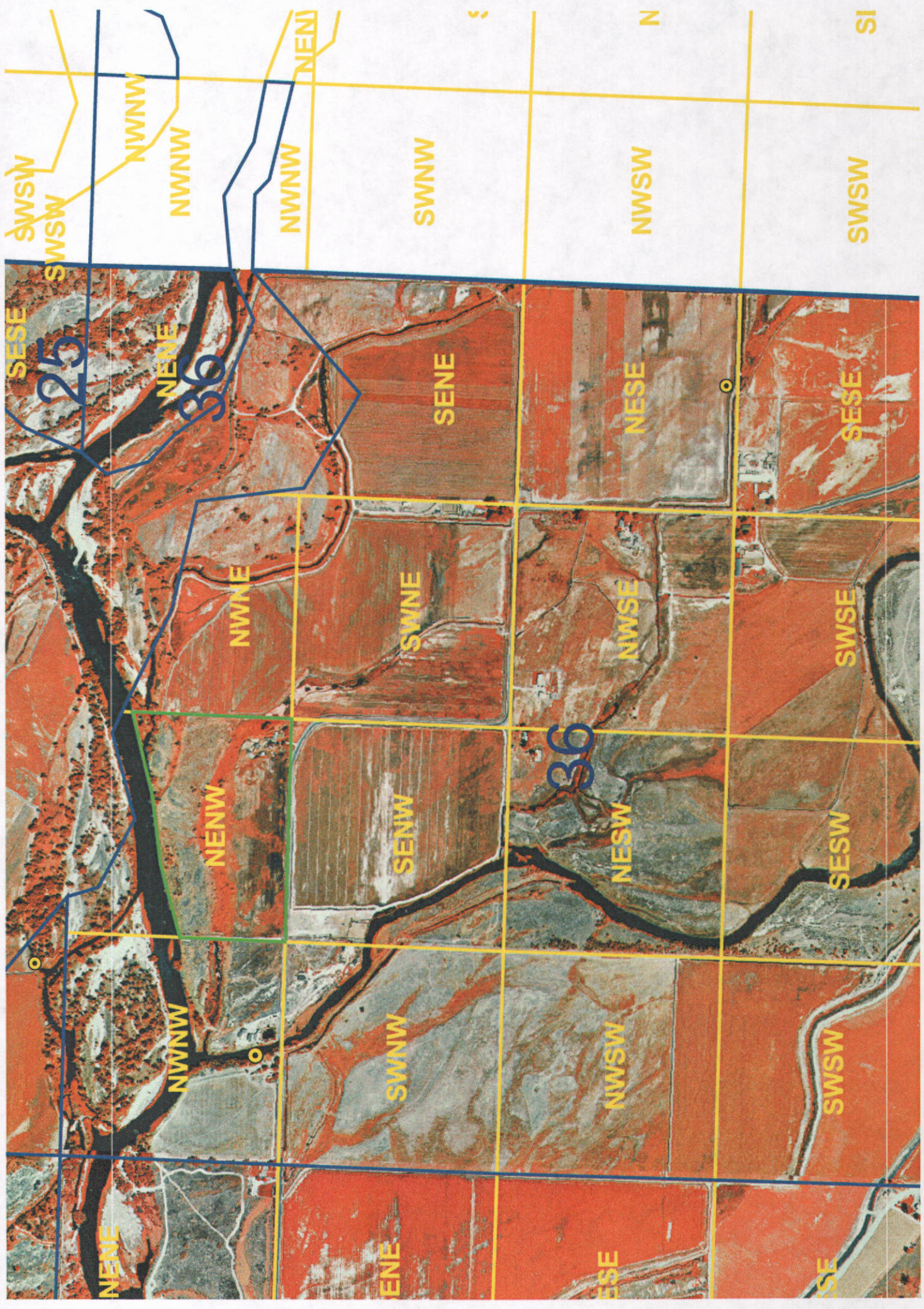
Well house
Artition well 200 feet deep



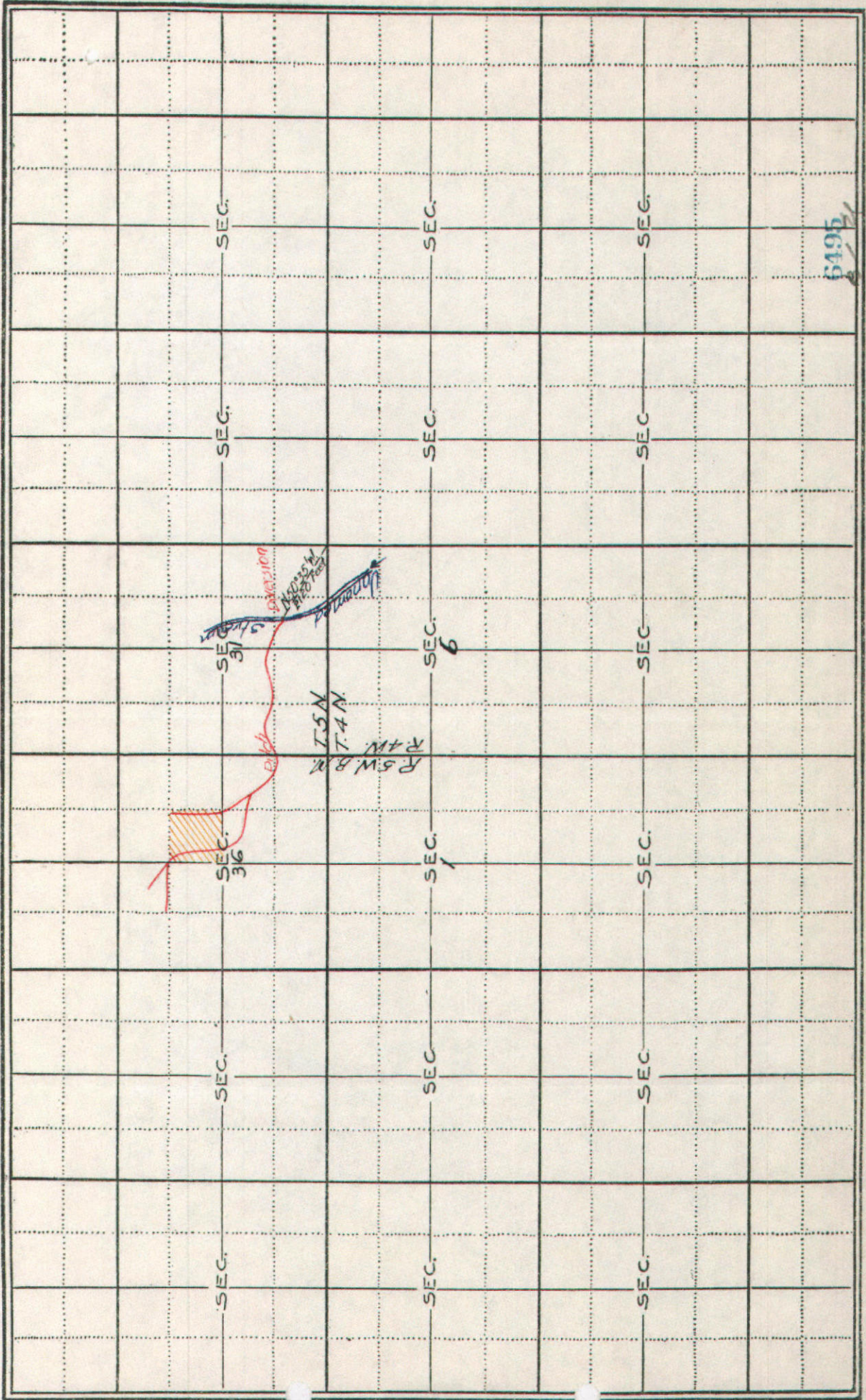
15 inch pipe



replacing feed ditch w/ pipe



5495



Name of Applicant: Eugene Abille, (Permit No 6495)

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-4595
Date Received: 3/15/1990
Receipt No: W011151
Received By:

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

1. Name of Claimant(s)

CONNIE ERSKINE Phone: (208)454-8712
24780 BOISE RIVER ROAD
PARMA ID USA 83660

DAN ERSKINE Phone: (208)454-8712
24780 BOISE RIVER ROAD
PARMA ID USA 83660

2. Date of Priority: 06/01/1900

3. Source: UNNAMED DRAIN , UNNAMED DRAIN Trib. to: BOISE RIVER , BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	36	NE SE SE	CANYON	
05N	05W	36	SE NE SE	CANYON	

5. Description of diverting works:

HEADGATE IN UNNAMED DITCH, GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.8	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05W	36	NE	NW	3	IRRIGATION
						25
						Section Acres
						25
						Total Acres
						25

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

POINT OF DIVERSION HAS BEEN SINGLE POINT ON 1/4-1/4 LINE, CLAIM SHOWS HISTORICAL POINT WHICH IS TRANSFER FROM PREVIOUSLY SHOWN DIVERSION POINT.

FLOW GREATER THAN 1" PER ACRE IS CLAIMED AS DITCH LOSS. WATER IS KEPT FROM DITCH EXCEPT WHEN NEEDED TO IRRIGATE, THEN HEADGATE IS OPENED.

RECORD SHOWS PART OF 63-02139B ON SAME LAND. EXAM REPORT FOR LIC. 63-02139 SHOWS P/D AS UNNAMED STREAM AT POINT IN SE1/4 S.31, T5N, R4W. UNNAMED STREAM NO LONGER FOUND AND DOES NOT SUPPLY WATER TO CLAIMANTS' LAND. CLAIMANT DOES NOT WANT TO CLAIM A PART OF THE 1910 63-02139B.

FEE IS FROM 3/15/90 PAYMENT (\$25) & 2/27/90 PAYMENT (\$50 FROM RECEIPT W009588).

CHANGE IN OWNERSHIP 6-8-2006 LG

15. Basis of Claim: Statutory Claim

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04595
Date Received: 3/15/1990
Receipt No: WOW 9568 & W01115/
Received By: FL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EMMETT MC CURRY 208-722-5358
Address: 24780 BOISE RIVER ROAD
PARMA, ID 83660

AND/OR
Name: MARY MC CURRY
Address: PARMA, ID 83660

2. Date of Priority: JUN 01, 1900

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

4. Point of Diversion:

Township.	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	36	SE	NE	SE		CANYON
			NE	SE	SE		CANYON

5. Description of diverting works:
HEADGATE IN UNNAMED DITCH, GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 87.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A63-04595

Page 1

Date: 03/15/90

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05W	36	NE NW	3	IRR	25.0
Section Acres						25.0
Total Acres						25.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE - SEE REMARKS

14. Remarks:

POINT OF DIVERSION HAS BEEN SINGLE POINT ON 1/4-1/4 LINE, CLAIM SHOWS HISTORICAL POINT WHICH IS TRANSFER FROM PREVIOUSLY SHOWN DIVERSION POINT.

FLOW GREATER THAN 1" PER ACRE IS CLAIMED AS DITCH LOSS. WATER IS KEPT FROM DITCH EXCEPT WHEN NEEDED TO IRRIGATE, THEN HEADGATE IS OPENED.

RECORD SHOWS PART OF 63-02139B ON SAME LAND. EXAM REPORT FOR LIC. 63-02139 SHOWS P/D AS UNNAMED STREAM AT POINT IN SE 1/4 S.31, T5N, R4W. UNNAMED STREAM NO LONGER FOUND AND DOES NOT SUPPLY WATER TO CLAIMANTS' LAND. CLAIMANT DOES NOT WANT TO CLAIM A PART OF THE 1910 63-02139B.

FEE IS FROM 3/15/90 PAYMENT (\$25) & 2/27/90 PAYMENT (\$50 FROM RECEIPT W009588).

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: 4

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): Emmett M. Curry Date: 3/15/90
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15 day

of March 19 90

Lori Harris
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-8-94

A63-04595

RECEIVED

MAY 04 2006

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

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A63-04595				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Emmett McCurry
4. New Owner/Claimant(s) Dan & Connie Erskine
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 24780 Boise River Road
- City, State and ZIP Code Parma Idaho 83660
- New Telephone Number (208)-454-8712 Cell-208-440-4703
5. Date you acquired the property 2-15-2005

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Dan Euskine
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by lg Date 5-4-06 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by lg AJ Date 6-8-06 WR _____ Date _____

AFTER RECORDING MAIL TO:

Danny J. Erskine and Constance R. Erskine
3104 South Montana Avenue
Caldwell, ID 83605

WARRANTY DEED

File No.: **4101-527500 (RPA)**

Date: **February 15, 2005**

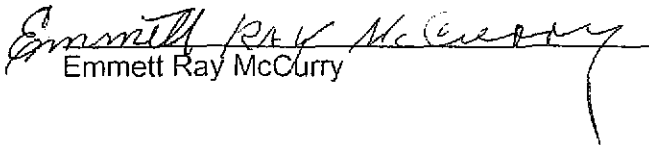
For Value Received, **Emmett Ray McCurry, a widower**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Danny J. Erskine and Constance R. Erskine, husband and wife**, hereinafter referred to as Grantee, whose current address is **3104 South Montana Avenue, Caldwell, ID 83605**, the following described premises, situated in **Canyon County, Idaho**, to wit:

Government Lot 3 in Section 36, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho.

RESERVING A LIFE ESTATE

APN: **R 39228000 0**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


Emmett Ray McCurry

APN:

Warranty Deed
- continued

File No.: **4101-527500 (RPA)**
Date: **02/15/2005**

STATE OF Idaho)
SS.
COUNTY OF Ada)

On this **Seventeenth** day of **February, 2005**, before me, a Notary Public in and for said State, personally appeared **Emmett Ray McCurry**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they 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 the State of Idaho
Residing at: Boise, ID
My Commission Expires:

1.
2.
3.

COPY

CONTRACT OF SALE

THIS AGREEMENT, MADE AND ENTERED INTO THIS 10th day of February, 2005, by and between EMMETT McCURRY, of Parma, Canyon County, Idaho, party of the first part, hereinafter referred to as "Seller," and DANNY J. ERSKINE and CONSTANCE R. ERSKINE, husband and wife, of 3104 S. Montana Avenue, Caldwell, Canyon County, Idaho, the parties of the second part, hereinafter referred to as "Buyers."

WITNESSETH:

PREMISES:

That for and in consideration of the covenants and agreements hereinafter contained, to be kept and performed by the parties hereto, Seller agrees to sell and Buyers agree to purchase the following described real property located in Canyon County, State of Idaho, being particularly described as follows:

Lot Three (3), Section Thirty-six (36), Township Five (5) North, Range Five (5) West of the Boise Meridian, in Canyon County, Idaho;

Together with all water, water rights, ditches and rights of way for ditches, all minerals, and all miner rights appurtenant thereto or in anywise appertaining.

PURCHASE PRICE:

The buyers shall pay to Seller for the premises, a total purchase price of Two Hundred Thousand dollars (\$200,000.00)

(a) Buyers shall pay the sum of \$556.56 per month for a period of 360 months, with no interest due thereon., effective upon the execution of this contract..

(b) Buyers shall pay off the existing medical lien secured by the above-mentioned real property, in the amount of \$24,133.26 (plus any additional accrued interest), which sum shall operate as a pre-payment of the first forty-three (43) monthly installments due hereunder. The 44th payment shall be the difference the actual amount of the lien on the date paid, minus the total of the previous 43 payments. The 45th payment, and all payments thereafter shall be at the aforementioned rate of \$556.56 per month

(c) All payments, except for the aforementioned medical lien payoff, shall be paid to the escrow holder hereinafter named.

(d) The Buyers shall have an absolute pre-payment privilege, and all pre-payments shall be credited to the next payment coming due.

LIFE ESTATE TO SELLER:

Buyers agree to purchase said property, subject to Seller retaining a "Life Estate" in such property, allowing him to continue residing upon said property for the remainder of his natural life, or until, for medical reasons, he is no longer able to remain there, and/or until he voluntarily relinquishing said right.

TAXES AND ASSESSMENT:

The Seller agrees that he will pay all taxes, assessments and water charges levied and assessed against said property for the year 2004 and prior thereto. Buyers to pay all such taxes, assessments and water charges, before they become delinquent for the year 2005 and thereafter during the term of this contract.

FIRE INSURANCE:

Buyers agree that they will keep the buildings and improvements situate on the above-described property insured against loss by fire, in a reliable insurance company, in an amount not less than \$200,000.00, payable first to Sellers and second to Buyers, as their respective interests may appear, and Buyer further agrees that they will pay the premiums thereon when due.

EVIDENCE OF TITLE:

The Seller shall immediately furnish to the Buyers as evidence of title, a title insurance policy issued after the date hereof by a reliable title company, insuring the Buyer in the sum of the purchase price of the premises against all losses the Buyers might sustain by reason of any defects in the Seller's title to the premises, subject only to the usual printed exceptions contained in such policies and any other exceptions expressly set forth herein.

IMPROVEMENTS:

Any improvements which may hereinafter be made on said property, including any buildings or structures which be placed thereon, at the time they are so made, placed or done, shall become part of the realty and be governed by the terms and conditions of this contract relating to default and forfeiture. Each of the parties hereto covenant and agree that they will not do anything which might result in the title to said premises being encumbered or clouded in any way.

POSSESSION:

Seller agrees to deliver possession of the above-described premises to Buyers on or before the 1st day of March, 2005, subject to the aforementioned "Life Estate," and Buyers shall be entitled to possession thereafter as long as they are not in default in any of the covenants or agreements herein contained. Buyers covenant they will not commit nor will they allow any

other person to commit any waste or destruction of the premises, and they will maintain the present improvements at all times in their present condition, reasonable wear and tear and unavoidable casualty not the fault of Buyers excepted. Seller, or his authorized agents, shall have the right to go upon said property at reasonable times and at reasonable intervals for the purposes of inspecting the same.

ESCROW HOLDER:

The parties shall forthwith deposit the original of this contract, the deed to the Buyer, and, when available, all other instruments called for by this contract, in escrow with the _____, at _____, Idaho, which is designated as the escrow holder. The parties shall forthwith execute the escrow agreement used by the escrow holder, which shall provide that the Buyers and the Seller shall each pay one-half of the initial escrow fee, and the Sellers shall pay the collection fee charged hereafter by the escrow holder. The escrow holder is instructed and directed as follows: To deliver to the Buyers all instruments deposited in escrow when the Buyers have performed each and every term of this contract to be performed by the Buyers; if a forfeiture is declared and becomes effective as herein provided, then to deliver to the Sellers all of the instruments deposited in escrow.

DEFAULT:

If the Buyers shall for any reason fail to perform any of the agreements herein which are to be performed by the Buyers, the Buyers shall be in default. Upon default occurring, the Seller may deliver to the escrow holder, in duplicate a written notice of default, direct to the Buyers and specifying the matters constituting the default. The escrow holder shall, upon receipt of the notice of default, in duplicate, immediately mail one copy of the notice of default by registered mail with postage prepaid thereon addressed to the Buyer at Parma, Idaho, or at such other address as the Buyers may hereinafter leave in writing with the escrow holder.

FORFEITURE:

Buyer shall have sixty (60) days after the date of mailing the notice of default, within which to correct the matters constituting the default. If the default is not corrected within that time, the Sellers may, without further notice, declare the entire balance due hereunder as immediately due and payable and recover the same, if necessary, by action at law, or the Seller may, without further notice, declare this contract and all rights of the Buyers hereunder forfeited. If the forfeiture is declared, all rights acquired in the premises by the Buyers, as well as all payments of principal and interest and all buildings, fixtures and improvements placed upon the premises by either the Buyer or the Seller shall be forfeited to and shall be retained by the Sellers as liquidated damages for the use of any injury to the premises, and the Seller shall be entitled to immediate possession thereof and shall be released from all liability to convey the premises to the Buyers. From the date of such forfeiture, the Buyers shall be deemed to be the tenant of the Seller holding over after the expiration of their lease, and shall be subject to dispossession under the laws relating to forcible entry and unlawful detainer. These remedies shall not be construed as being exclusive.

REPRESENTATION:

The Buyers acknowledge that neither the Seller nor any of the Seller's agents have made any representation to the Buyers concerning the premises except such representations as are expressly set forth herein and that the Buyers, in purchasing the premises, are relying solely on the Buyers' own inspection, investigation and judgement.

ASSIGNMENT:

No assignment of this contract shall be valid without the written consent of the Seller.

INTERPRETATION:

Paragraph headings herein are intended only as a handy reference index and shall not control the interpretation or limit the meaning of any term of this contract. Singular terms used herein which relate to the Seller and the Buyers shall be read as if written in the plural when necessary.

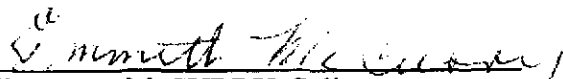
TIME OF ESSENCE:

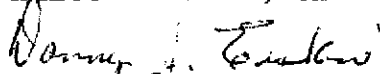
Time and prompt performance of each and every covenant, condition and agreement herein contained is of the essence in this contract.

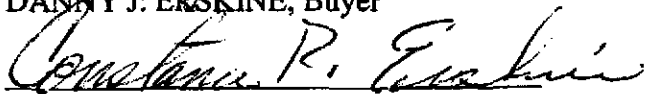
BINDING EFFECT:

This agreement shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties.

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


EMMETT McCURRY, Seller


DANNY J. ERSKINE, Buyer


CONSTANCE R. ERSKINE, Buyer

STATE OF IDAHO)
 : ss.
County of Canyon)

On this 10th day of February, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared EMMETT McCURRY, DANNY J. ERSKINE and CONSTANCE R. ERSKINE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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




Notary Public for Idaho
Residing at: Bose, Idaho
My Commission expires: 01-30-09

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

508

509

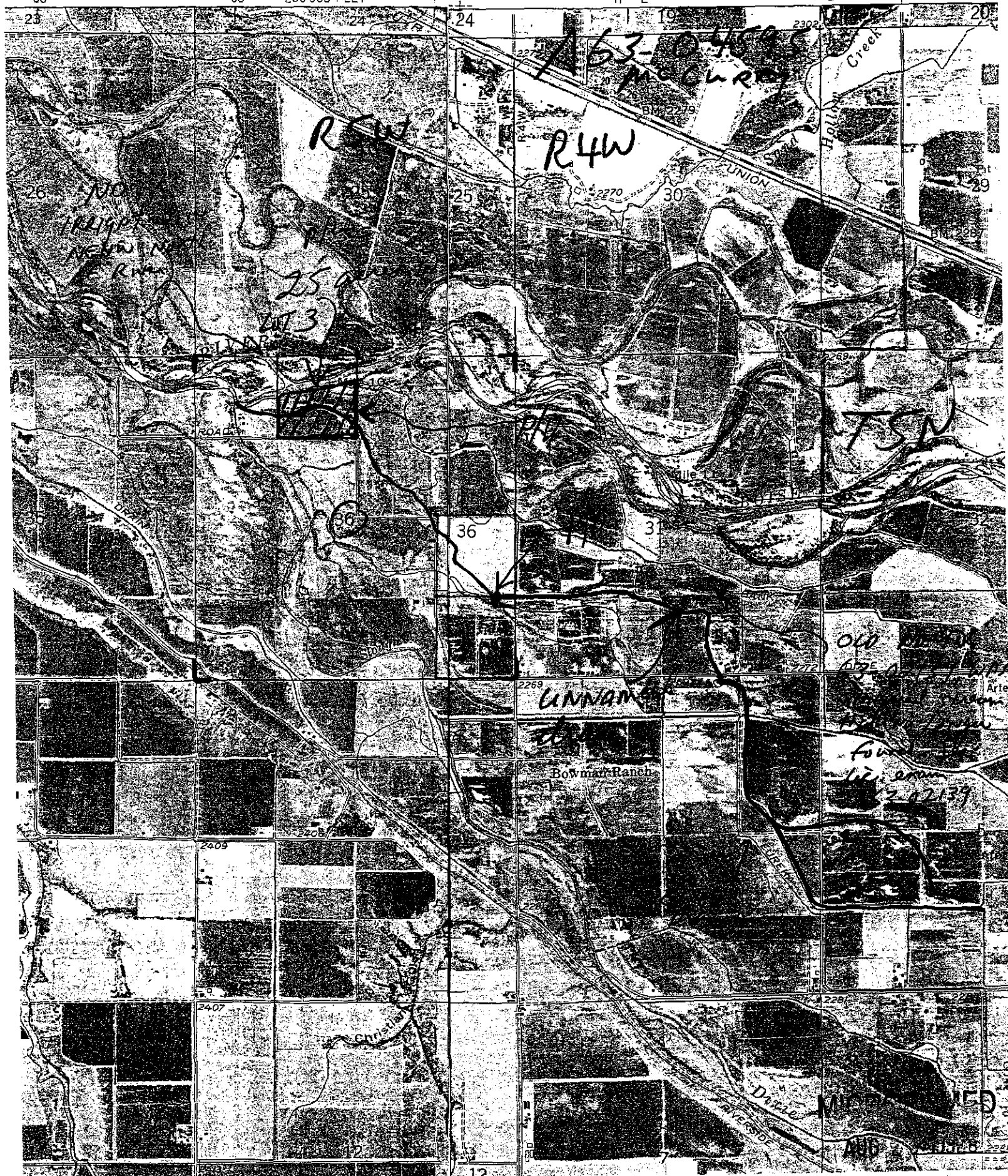
1200 000 FEET

116° 52' 30"

511000mF

512

ROOKSTOOL CC



3550

3

30

Lot 3

4256 1/2

2

90

50

Tha above Map of Township
West of the 12th Range, Town

134

MICROFILMED

AUG 20 1992

DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Notice is hereby given that Emmett McCurry
(name of claimant)

The extent and nature of said claim is as follows:

- Amount 0.8 cfs Use irrigation Period of Use: From Mar. 15 To Nov. 15

Amount Use Period of Use: From To

Amount	<u>Use</u>	Period of Use: From _____ To _____ (both dates inclusive)
(cfs, gpm or a/f)	(dom., irr., stock, etc.)	

- (4) Priority claimed: (the date water was first applied to beneficial use) 4/1 1900

(5) A) Point of diversion: (give location of point where water is diverted from its source)

11W ¼ SW ¼, Sec. 31 Twp. 51N Rge. 5W B. M. County of Canyon

Additional points of diversion: _____

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Cheek with gravity flow
from ditch from unnamed drain.

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

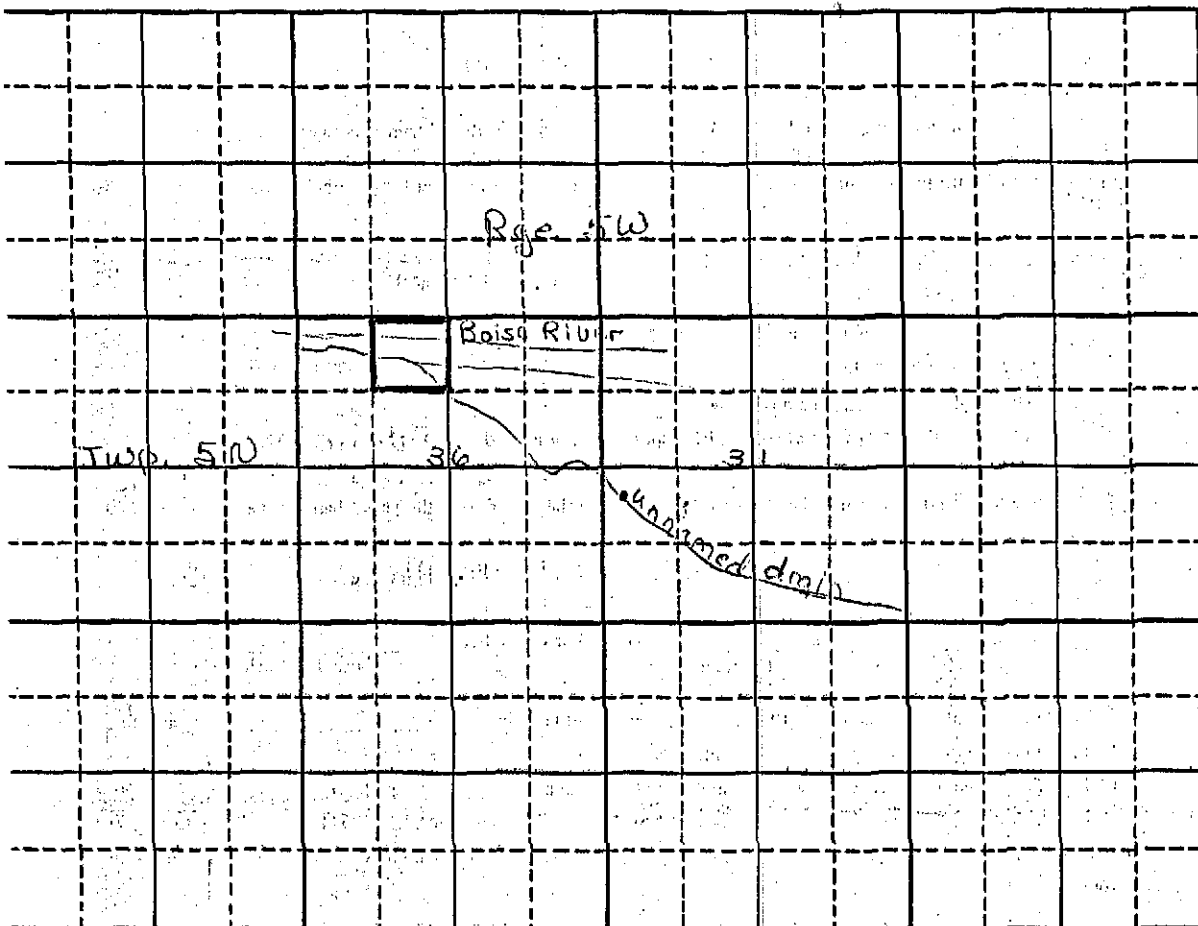
[illegible]

'Total No. of acres 40

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

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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 25th day of January 19 78

Ernest H. Curry
(Claimant)
Richard L. Wham
Notary Public
Residing at Bain

My commission expires 6-15-81

For Department Use Only

Received by <u>jc</u>	Date <u>1/25/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>jc</u>	Date <u>1/25/78</u>		claimant by:	
\$10.00 fee received by <u>mlh</u>	Date <u>1/25/78</u>	<u>not # 10293 (paid)</u>		
Approved for publication by				
Published in <u>Idaho News - Tribune</u>				
Dates <u>Feb 22-29, 1978</u>				



Home 454-8712
Dan Erskine

INSPECTOR
PUBLIC WORKS DEPARTMENT

208/388-4731 Office
208/440-4703 Cell
derskine@cityofboise.org

CITY HALL ANNEX • 150 N. CAPITOL BOULEVARD
P.O. BOX 500 • BOISE, IDAHO 83701-0500 • FAX 208/395-7802
www.cityofboise.org

Fee

W009588

Today filed Appl. for permit 2/27/90, but this
\$50. should be applied to

02/27/90
08:31:54

\$75 fee for A63-04595.

Other \$25 paid 3/15/90, # W011151.

FL

MC CURRY, EMMETT R.

ADJUDICATION CLAIM FEE
APPLICATION FOR PERMIT

0410162 9337 6490
0620199 1238 6390

\$25.00
\$50.00

Need to change to refund code

\$75.00

CHECK 267

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

MICROFILMED

AUG 28 1992

RECEIVED

JUN 19 2017

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

In Re SRBA) A. Subcase 63-4595
(Insert water right number)
)
Case No. 39576)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dan and Connie Erskine
Address: 24788 Boise River Road
Parma, ID 83660

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☐ This water right Should not exist.

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

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District.

F. VERIFICATION (must be completed)

State of IDAHO)
County of ADA)ss.

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

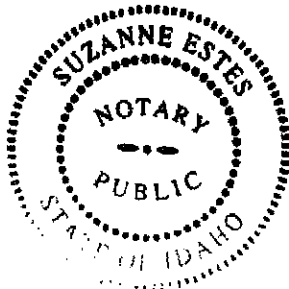
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007



Suzanne Estes
Notary Public for Idaho

Residing at: Boise

My Commission Expires: June 1, 2012

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 200 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

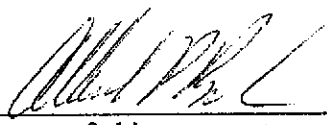
Name: Dan and Connie Erskine
Address: 24788 Boise River Road
Parma, ID 83660

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

09/29/2006

NOTICE OF ERROR
REPLY

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: October 31, 2006

Water right number: 63-4595

CONNIE ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

DAN ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

RECEIVED
OCT 26 2006
WATER RESOURCES
WESTERN REGION

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: 10/6/2006

SIGNATURE:

Dan J. Erskine / Connie Erskine

Please print your name:

Dan J. Erskine / Connie Erskine

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

09/14/2006

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

RIGHT NUMBER: 63-4595

NAME AND ADDRESS: CONNIE ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

DAN ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 03/01/1910

POINT OF DIVERSION:

T05N R05W S36 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.520 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S36 Lot 3 NENW 20.50

20.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

The portion of Right 63-4595 used for conveyance losses is .11 cfs.



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTION 36
Water Right: 63-4595



1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 20.5



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

WATER RIGHT NUMBER: 63-4595 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EMMETT R MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	CONNIE ERSKINE 24780 BOISE RIVER ROAD PARMA, ID 83660
Original Owner	MARY N MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	DAN ERSKINE 24780 BOISE RIVER ROAD PARMA, ID 83660

Priority Date: 03/01/1910

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.520 CFS	
	<u>Total Diversion:</u>	0.520 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	NE1/4SE1/4	Sec. 36, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION Within CANYON County

T05N R05W S36 Lot 3 NENW 20.5

Total Acres: 20.5

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. X56 The portion of Right 63-4595 used for conveyance losses is .11 cfs.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4595 V1

Comments:

1. vmusic 9/14/2006 EVIDENCE OF PRIORITY

Comment: PROVIDED EVIDENCE TO 1936 . EMMETT MCCURRY STATEMENT. HOWEVER, THIS PROPERTY WAS ALSO LICENSED UNDER 63-2139 WITH PRIORITY DATE OF 1910 FROM ANOTHER POD IN SEC 36. LICENSE STATES 32 ACRES IRRIGATED. CLAIM STATES POD CHANGED TO CURRENT. SO ADVANCED PRIORITY DATE TO 1910 ONLY.

2. vmusic 9/14/2006 ACC TRX POD

Comment: THE POD TRANSFERRED BECAUSE THE ORIGINAL LICENSED POD FOR 63-2139 DRIED UP - UNNAMED STREAM NO LONGER EVIDENT IN AERIALS. STATEMENT IN FILE SAYS POU WATERED THE SAME WAY SINCE 1936.

3. vmusic 9/14/2006 ACRES

Comment: POU IS DECREASING BECAUSE OF AVULSION OF BOISE RIVER. LICENSED FOR 32 ACRES. 20.5 ACRES IRRIGATION CLEARLY SEEN IN 1987 NAPP. RECOMMENDED 20.5 ACRES.

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/14/2006 3:17:56 PM	vmusic			Active
Priority Date	9/14/2006 3:18:40 PM	vmusic			Active
POD	9/14/2006 3:22:02 PM	vmusic			Active
Source	9/14/2006 3:24:36 PM	vmusic			Active
POU	9/14/2006 3:25:07 PM	vmusic			Active
Use	9/14/2006 3:27:30 PM	vmusic			Active
Season	9/14/2006 3:28:22 PM	vmusic			Active
Quantity	9/14/2006 3:29:15 PM	vmusic			Active
Summary			09/14/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/14/2006 3:17:56 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
POD	9/14/2006 3:23:03 PM	vmusic	Updated shape
POU	9/14/2006 3:26:38 PM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

General	9/14/2006 3:18:41 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - 63-2139 LICENSE AND STATEMENT FROM PRIOR OWNER
Source	9/14/2006 3:24:36 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FIELD EXAM 2005 AND 2006
POU	9/14/2006 3:25:07 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIALS, FIELD EXAMS
Use	9/14/2006 3:27:30 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FIELD EXAMS, AERIALS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

Season	9/14/2006 3:28:22 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/14/2006 3:29:15 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - SEE FIELD EXAM 2005 NOTES
Summary	9/14/2006 3:35:14 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	9/14/2006 3:22:02 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? Description for Question 6 - OLD POD DRIED UP AT SOME TIME. TRANSFER AT LEAST 1936 MAYBE BEFORE

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 8, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Dan and Connie Erskine
24780 Boise River Rd
Parma, ID 83660

Notice of Claim to a Water Right No. 63-4595

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

Desktop review/VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
☒ Check fees paid
 NA ☒ Well logs (if needed)
☒ Copy of topo or NAPP
☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
☒ Check POD & POU overlap, see below – include overlapping right for exam
☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4505

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
☐ NEW OWNER C/O processed for Erskins
☐ No change Address
☐ NEW ADDRESS _____
☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: claimed 4-1-1900. advanced to 3-1-1936

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
☐ Source found is different than claimed: _____

POINT OF DIVERSION w/ry close to SESE/NESE RQ line. rec NESE -

- ☒ No change
☐ POD found is different than claimed: believe this is true
☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

see field exam 11-15-05**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

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

WATER USES☐ No change☐ Different UsesUse 118 From 31 To 11/15 Amount .49 CFS .52 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use 41 From _____ To _____ Amount _____ CFS _____ AFA**TOTAL VOLUME - Groundwater only**☐ Incomplete on claim, the total is, Amount NA CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

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

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: _____

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

Delivery System Narrative: see field exam notes 9-15-05

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

X56
~~DOE~~ ditch loss - amount for conveyance loss is 11 cfs
 correct rx in PCD = 1936

- LICENSE 63-2139
1910

- (1) advanced priority date to ~~1935~~ based on evidence of priority submitted. Clearly irrevocable in 1934 at least.
- (2) see calculation below for ditch loss

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 9-14-06

FIELD EXAMINER: Wick LMS CC

measured length of ditch from POD to where ditch enters property on East from Arview = $3985.3' / 5280' \text{ in mi} = .755 \text{ mi of ditch}$

$S = \text{ditch loss}$. $S = (w)(l)(.0667) = \text{cfs loss/mile}$. ditch = 2.3' wide on site
Assumed medium soil'

$$(2)(1)(.0667) = 0.13 \text{ cfs/mi} \times .75 = .1$$

$$(2.3')(1)(.0667) = .15 \text{ cfs/m} \times .75 = .11$$

$$\begin{array}{r} 20.5 \\ (19.1)(.02) = .38 \text{ cfs} + .11 \text{ ditch loss} = .49 \text{ cfs} \end{array}$$

.52
- very conservative

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4595

WATER RIGHT NUMBER: 63-4595

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EMMETT R MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	CONNIE ERSKINE 24780 BOISE RIVER ROAD PARMA, ID 83660
Original Owner	MARY N MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	DAN ERSKINE 24780 BOISE RIVER ROAD PARMA, ID 83660

Priority Date: ~~06/04/1990~~Basis: ~~Statutory Claim~~

Status: Active

3/11/1976 1910
b1u

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.800 CFS	.41
	<u>Total Diversion:</u>	0.800 CFS	.52

24 + .11 ditch loss = .45

Location of Point(s) of Diversion

UNNAMED DRAIN CANYON County	~~NE 1/4 SE 1/4 SE 1/4~~	~~Sec. 36~~ Twp 05N, Rge 05W, B.M.
UNNAMED DRAIN CANYON County	~~SE 1/4 NE 1/4 SE 1/4~~	Sec. 36, Twp 05N, Rge 05W, B.M.

Place of UseIRRIGATION Within CANYON County

T05N R05W S36 Lot 3 NENW 28.0

Total Acres: 28

14-20.5

x50 ✓
ditch loss

Conditions of Approval:

CO3 acc trx in POD around 1936 -
maybe before.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4595

1. POINT OF DIVERSION HAS BEEN SINGLE POINT ON 1/4-1/4 LINE, CLAIM SHOWS HISTORICAL POINT WHICH IS TRANSFER FROM PREVIOUSLY SHOWN DIVERSION POINT.
FLOW GREATER THAN 1" PER ACRE IS CLAIMED AS DITCH LOSS. WATER IS KEPT FROM DITCH EXCEPT WHEN NEEDED TO IRRIGATE, THEN HEADGATE IS OPENED.
RECORD SHOWS PART OF 63-02139B ON SAME LAND. EXAM REPORT FOR LIC. 63-02139 SHOWS P/D AS UNNAMED STREAM AT POINT IN SE1/4 S.31, T5N, R4W. UNNAMED STREAM NO LONGER FOUND AND DOES NOT SUPPLY WATER TO CLAIMANTS' LAND. CLAIMANT DOES NOT WANT TO CLAIM A PART OF THE 1910 63-02139B.
FEE IS FROM 3/15/90 PAYMENT (\$25) & 2/27/90 PAYMENT (\$50 FROM RECEIPT W009588).
2. CHANGE IN OWNERSHIP 6-8-2006 LG

Remarks:

Comments:

Water Supply Bank:

3985'.3 From POD to E boundary where ditch crosses property. $3985.3 / 5280 = .755 \text{ mile}$
 $s = (w)(i)(.0667) = \text{cfs/mi}$ $(2')(1)(.0667) = 0.13 \text{ cfs/mi} \times .75 \text{ mi} = .1$
 $(2.3)(1)(.0667) = .15 \text{ cfs/mi} \times .75 = .11$

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4595

09/14/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-4595	Claim	05N	05W	36	NE	SE		UNNAMED DRAIN BOISE RIVER	CONNIE ERSKINE
63-4595	Claim	05N	05W	36	SE	SE		UNNAMED DRAIN BOISE RIVER	CONNIE ERSKINE
63-20804	Claim	05N	05W	36	SE	SE		GROUND WATER	DORIS I GOFF
63-20804	Water Right	05N	05W	36	SE	SE		GROUND WATER	THOMAS H GOFF

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4595**

09/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4595	Water Right	05N	05W	36	NE	NW		IRRIGATION	40/40	EMMETT R MC CURRY
25749	Water Right	05N	05W	36	NE	NW		STOCKWATER		EMMETT R MC CURRY
25749	Water Right	05N	05W	36	NE	NW		DOMESTIC		EMMETT R MC CURRY
4595	Claim	05N	05W	36	NE	NW	3	IRRIGATION	25/25	CONNIE ERSKINE
2139B	Water Right	05N	05W	36	NE	NW	3	IRRIGATION	30/70	WARREN D HATHAWAY

RECEIVED

MAY 11 2005

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho, 83705

Re: Adjudication Claim Report 63-4595

Dear Sir:

I object to this Statutory Claim as submitted for the following reasons:

1. A maximum of 15.4 acres was ever irrigated.
2. Since 1978 only 8.9 acres have been irrigated. While burning weeds in the spring of 1978, Mr. McCurry burned the fiberglass pipe that transported water across a slough to the 6.5 acre field next to the Boise River.

No attempt has been made during the past 27 years to irrigate the said 6.5 acres. This clearly abandons, under Idaho Statute, the water right to this 6.5 acre field.

In addition to abandoning the water right, Mr. McCurry also abandon the ditch right-of-way to convey said water across private property owned by others.

3. As to priority date, the claimed date is June 1, 1900. Please note that Section 36 is a school section granted to the state of Idaho. The Idaho Department of Lands conveyed Mr. Curry's property to a Mr. John Bowman in 1907 making the 1900 date impossible.
4. The time of use is claimed to be March, 15th to November, 15th each year. The normal irrigation season is April, 15th to October, 1st of each year.

In the 29 years I have lived here, Mr. McCurry has never used water outside of this April, 15th to October, 1st time frame.

Sincerely,



MEMORANDUM

TO: ADJUDICATION FILE 63-4595

FROM: DANIEL A. NELSON

DATE: 9/7/06

SUBJECT: FIELD EXAMINATION

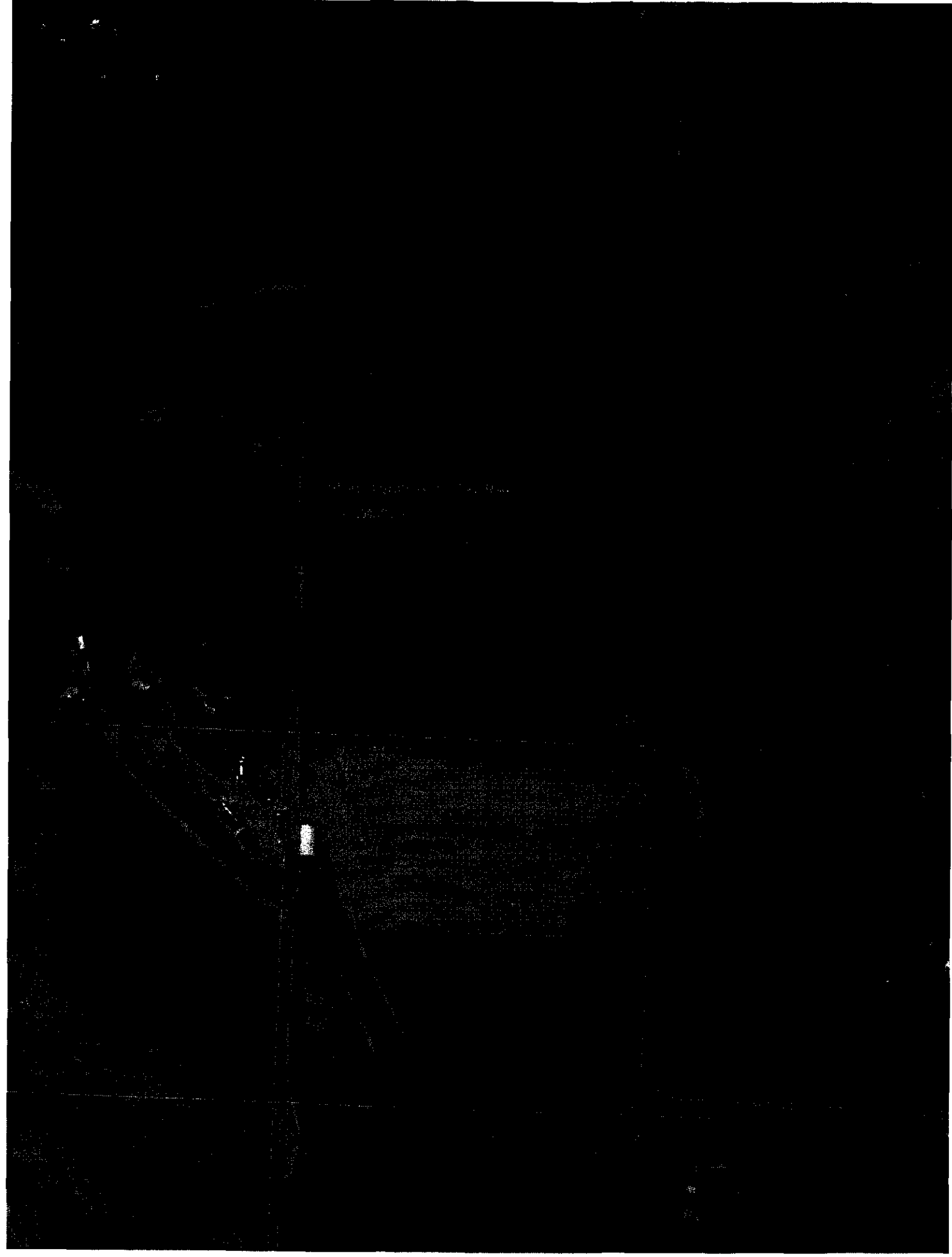
I was asked to go back out and re-examine this claim due to a letter written by a neighbor. The neighbor stated that this ground hasn't been irrigated since a fire burned the pipeline. The burned pipeline is still easily seen on the property, but there is a new pipeline installed on the bank of the slough. A ditch has also been dug along the bank. The grasses in the pasture are currently well watered, and are established grasses, not new seeding. The owner also handed me a statement from the previous owner that stated that they have pumped the water across the slough with a trash pump pictured in the earlier examiners notes.

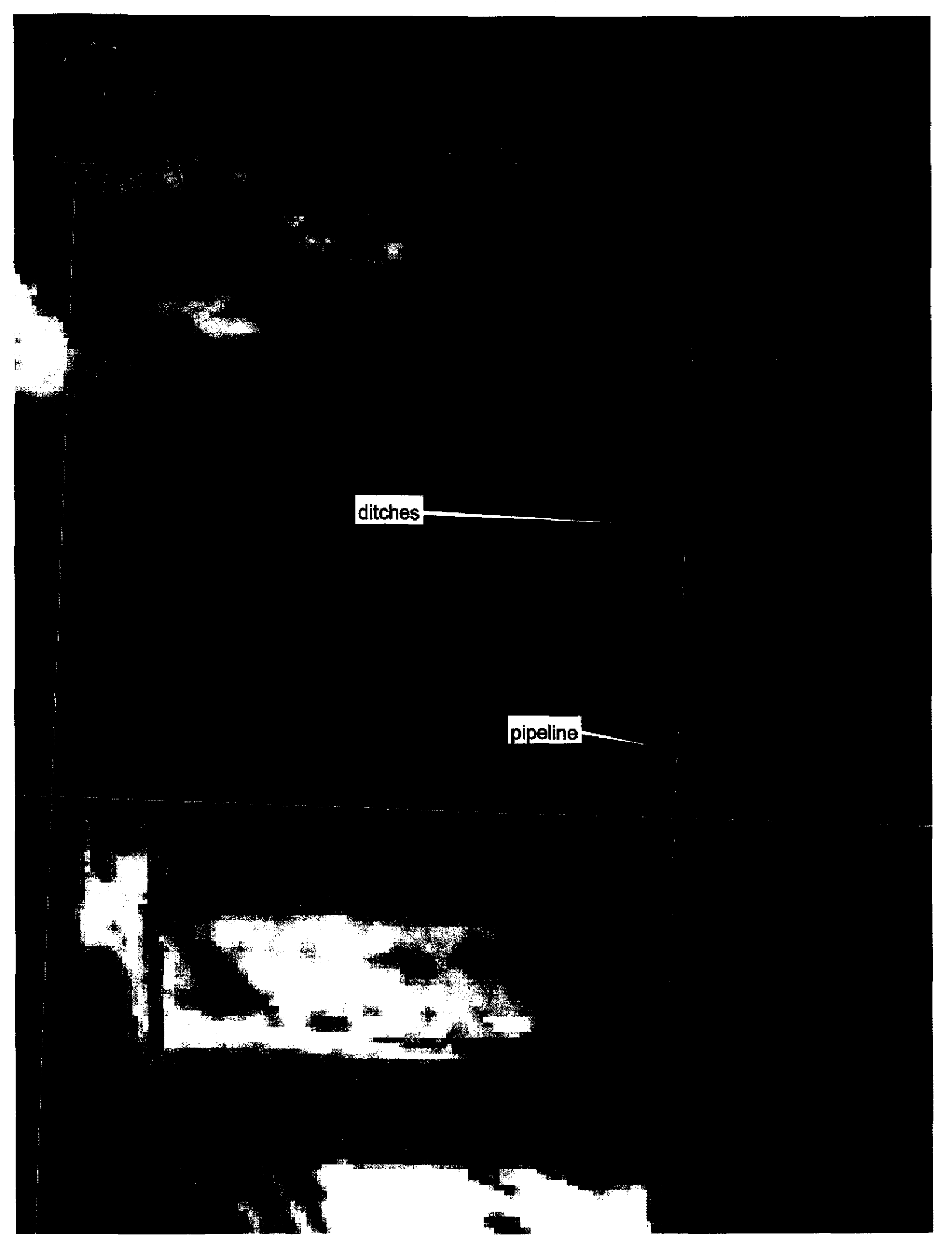
Taking all of this information into account, I can find no evidence that this ground has not been irrigated since the fire. It is currently a healthy if not overly weedy pasture. All of the grasses, trees and weeds are well established, which suggest that they have been in place quite awhile. I would have no problem recommending the acres on the north side of the slough.

9/1/2006

To Water Resources

This letter is to reconfirm the letter I gave to the Water Resources Inspector that came to my place last year. I have watered my entire place since I have owned it. A few years ago I had a fire which damaged a fiberglass pipe that went to my north field. I had Parma Fire Department come out and help me put that out. Since that time we still have watered the north field by pumping water through a 4" pump (until it broke) and since using a 3" pump (Both were trash pumps). Since last year we are in the process of replacing the fiberglass piping (12" diameter) with a 12" P.V.C pipeline. Last year the Inspector took pictures of the fiberglass piping and also took pictures of the 3" pumping system delivering water to the north field. The pictures showed the pump delivering water to the open ditch and the field being irrigated. She also measured the depth and width of the ditches and the culverts going under the roadways. The culverts are 15" in diameter. The 12" P.V.C piping is being placed where the fiberglass pipe was and some still is. This is so we don't have to continue pumping because the cost of fuel. The south field is a really good pasture ~~and~~ the north field is also used as a pasture. But it's not of the same quality. Since I have had my heart attack I have not watered the north field as good as I should have but have watered it at least once a year up to and including this year since I have owned the property. *E. M. Mott The County*





ditches

pipeline

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/6/2006

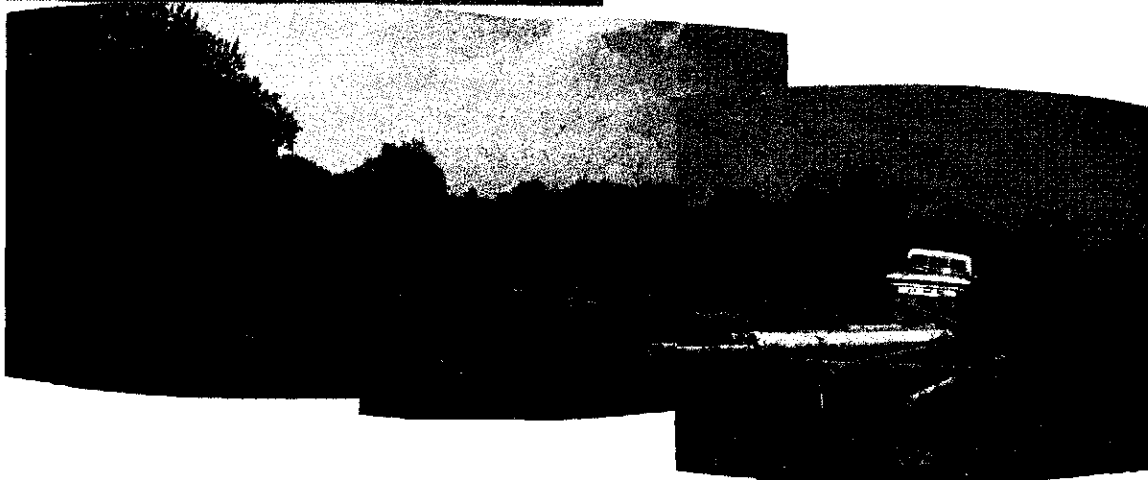
FILE NUMBER 63-4595

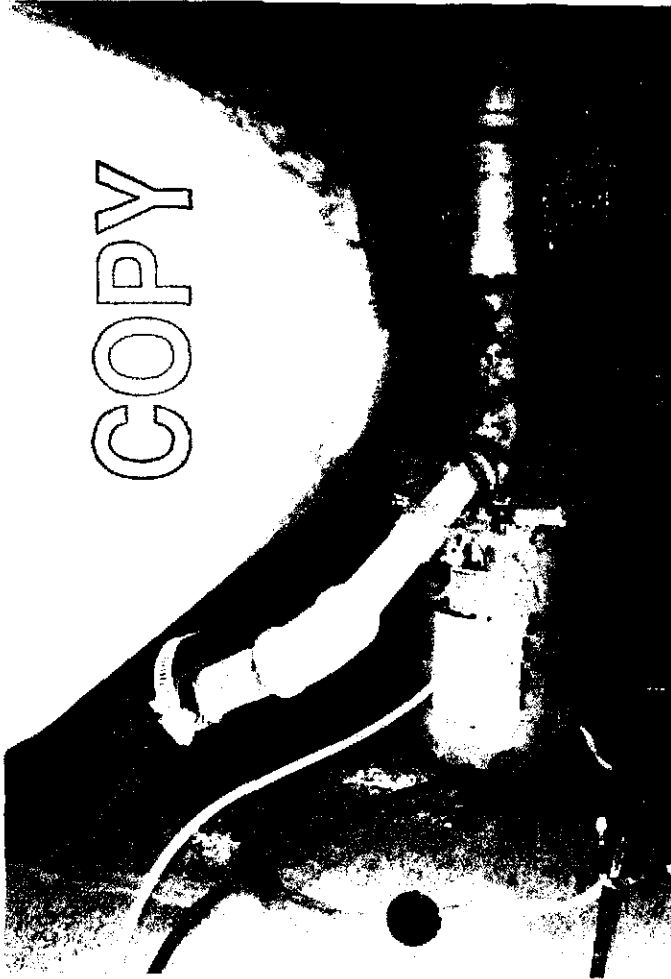


The upper photo is of the point where water comes into pipeline for the north property. This is the same ditch shown in the earlier exam with the ditch dimensions, and coming under the road showing a 15-inch culvert. The top picture is taken at the other end of that ditch on the other side of the corral.

The second photo is the same photo that showed the burned pipe. The earlier examiner didn't take a picture of the new pipe that was installed.

The bottom picture shows the field on the north side of the slough. It is clearly being irrigated, the grass is well established and the ditch was wet. This area has clearly been irrigated over the past few years to establish this mature grass.





COPY

Serial # C48A96567 3/4 Smith Pump



Well house
Artisan well 200 feet deep



15 inch pipe



replacing feed ditch w/ pipe



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 28, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

DAN AND CONNIE ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

COPY

**RE: FIELD EXAM REQUEST FOR SNAKE RIVER BASIN ADJUDICATION
(SRBA) CLAIM NUMBER 64-4595**

Dear Mr. and Ms. Erskine:

I have tried several times to contact you to set a time to perform a field inspection of your SRBA claim 63-4595. I have spoken to Mr. Erskine, but have not been able to set a time to come out verify this claim. Without verification of your water right the agent working on your SRBA claim may be required to reduce or disallow this claim.

Our agencies is under a very strict deadline that requires that I perform the field exam for this claim, or return the claim to the agent with a designation of no beneficial use found. I want to give you every opportunity to pursue this water right through to fruition, but unfortunately, I cannot wait any longer. **If I cannot perform the field exam by 9/11/2006, I will be forced to return the claim to be disallowed or reduced. Please contact me at the above address as soon as possible to set an appointment to examine this water right.** My schedule is very limited, so the sooner you call the better chance you will have to comply with the 9/11/2006 deadline.

If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

FIELD EXAM MEMO

DATE: 7/14/2006

TO: Dan Nelson

FR: Lori Graves

RE: A63-4595

Merlaine has been out on this one and conducted a Mannings measurement showing ditch capacity. The file looked ready for the CVR, however, Liberty came across an objection to the claim submitted by Jerry Glenn that questions the number of acres historically irrigated. Merlaine's exam did not show a detailed system diagram or specify acres irrigated. Could you please investigate Jerry's objection. Thanks Dan.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim; claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-04595Owner: Emmett Mc Curry Phone No. 208-722-5358Current Address: 24780 Boise River Road Parma ID 83660

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER Dan Erskine (cell) 440-4703
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? 1 yr

Accompanied by: Emmett Mc Curry / Dan Erskine**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Emmett Mc Curry signed AffidavitSource: Dixie Tributary to Boise River

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
1		SE	NE	SE	36	5N	5W	CC	
		NE	SE	SE	36	5N	5W	CC	2320268
		NW	SW		31	5N	5W		

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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

WATER USES

☐ No change

☒ Different Uses

Use Irrigation From 3/15 To 11/15 Amount 0.8 CFS _____ AFA

Use Livestock From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Ditch Loss Cal / Add stock water

TOTAL VOLUME - Groundwater only

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

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

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☐ Changes Exam found: Domestic # of homes 2 Stock # 50 cows - 12 horses

Types Cattle, sheep, horses Additional comments: _____

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	36	NE					NW											25

Overlap with other water rights: no

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

Delivery System Narrative: Ditch Loss CAI

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
2267875	AO Smith	3/4	CY8A96P22		2 inch.

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

No measurements, work x/lts being done on ditch (pipe being installed)
need to Cal Ditch Loss

[illegible]

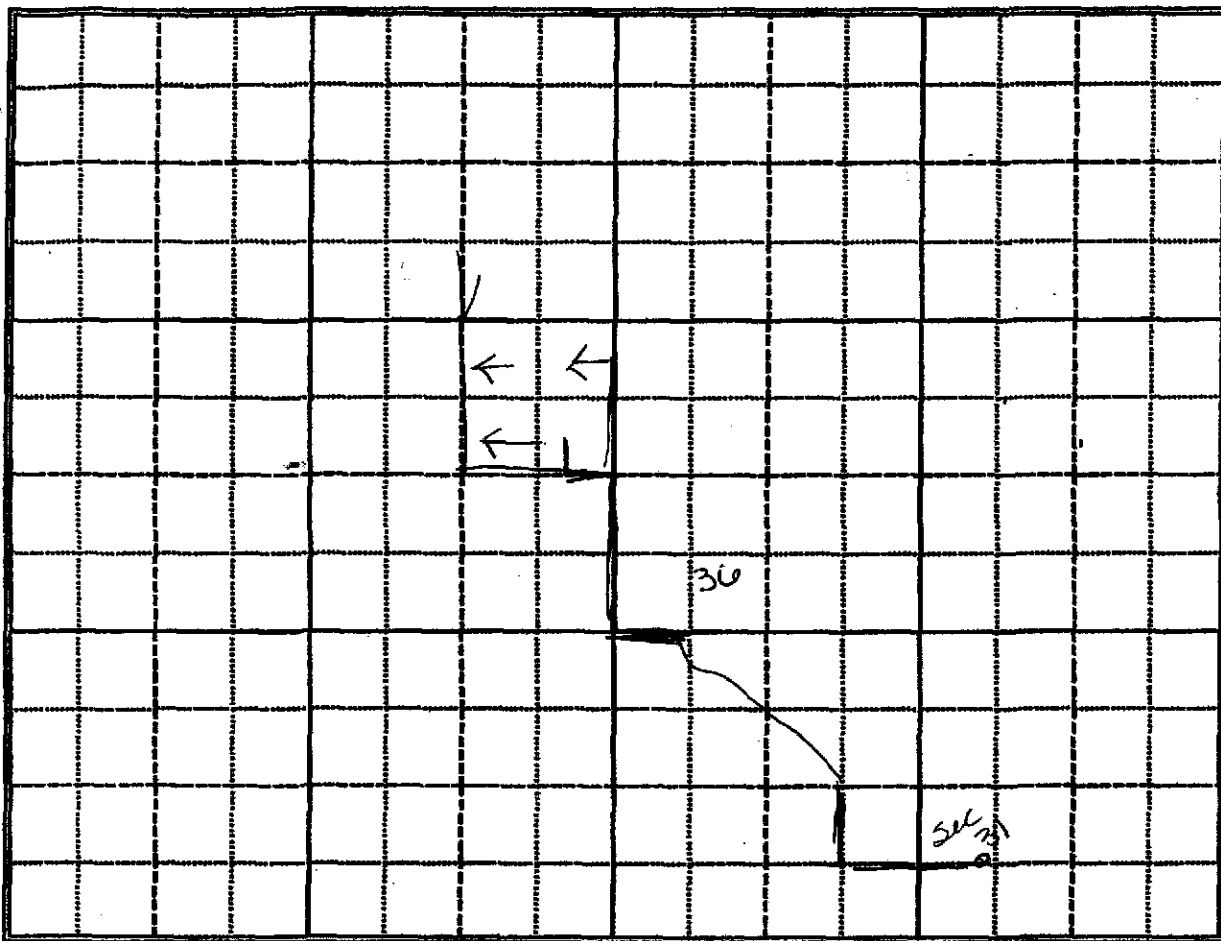
AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 9-

FIELD EXAMINER: Merlaine Bishop

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



Scale: 1" = _____

GPS 2320268

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	Smith 3	3/4	C48 A 96B67	Smith	2267875

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: Improvement were being made on ditch. No measurements performed

F. FLOW CALCULATIONS

Measured Method:

_____ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{4cm}}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{4cm}}$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} = \underline{\hspace{4cm}}$$

2. Volume Calculations for Other Uses:

See Attachment

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

AG 3-04595
Case # 39576

State of Idaho)
County of)

deposes and says: I Emmett Mc Curry have lived
here ~~and~~ and used the water
since 1938. Used water for
farm and live stock
When I purchased the farm it was
being farmed and watered by
Joe Chas By Joe Brewer.

Emmett Mc Curry
(Signature)

9/22/2005

EMMETT MC CURRY/
DAN ERSCLINE
24780 BOISE RIVER ROAD
PARMA IDAHO 83660

The property has been bought by Dan Erskine in spring of 2005. Mr. Erskine signed a name change on the date of the exam. Both Mr. Erskine and Mc Curry were present at time of exam. Mr. MC Curry stated that there have been no changes in the water system prior to 1987

Evidence of priority Emmett Mc Curry claims he has owned the property since 1936 where he bought the farm from Joe Srivener in 1936. Mr. Mc Curry has signed an affidavit. Since the new owner is Mr. Erskine.

Mr. Mc Curry claims that he has farmed and ran an average of 50 head of cattle, 20 horses and 40 sheep on the property since 1936. He came about the priority date of 1900 because the prior owner farmed and ran livestock on the farm prior to Mr. Mc Curry buying the property in 1936. Stock water wasn't filed on due to Mr. Mc Curry having a heart attack at time of filing with the SRBA.

Water Measurement

The land had been watered the same way since 1936. The water comes from eureka drain, enters the north drain, and enters the Dixie slough where the water is shared 50 / 50 with neighbors Pam Myers. They share water for 7 days on and 7 days off at the point of diversion. It flows through a head gate out a 15 inch pipe down a feed ditch that is 24 inches deep and 36 inches wide. At the time of the field exam no Mr. Erskine had the water turned off due to drying up ditch so he could replace it with 15 inch pipe. The point of diversion was at the corner of Texas and Boise river road south. Ditch loss Cal. Might be necessary

Mr. Mc Curry house and livestock water comes from an artesian well that is 200 feet deep with 4 inch pipe that change to a 2 inch pipe. A ¾ smith (#c48a96b67) pump is used to pump water to the house and livestock No water is used for irrigation from well.

The arc view map was corrected and land was added across the river that was not highlighted prior the highlighted land cannot be watered from the point of diversion land sits across river. 1939 property was 32.25 acres in 2003 property was 25.78 due to avulsion of Boise River.

Worksheet
Worksheet for Trapezoidal Channel

→ cell phone 440-4703

Emmett McCurry / Dan Erskine

Project Description	
Project File	g:\flowmaster\fmw\24.fm2
Worksheet	24780 Boise River Road, Parma
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

Gov. Lot 3, Sec. 36, T5N, R5W

Input Data	
Mannings Coefficient	0.022
Channel Slope	0.000400 ft/ft
Depth	1.50 ft
Left Side Slope	0.350000 H : V
Right Side Slope	0.350000 H : V
Bottom Width	1.50 ft

= dirt ditch

= 4.8" of fall in 100 L.F.

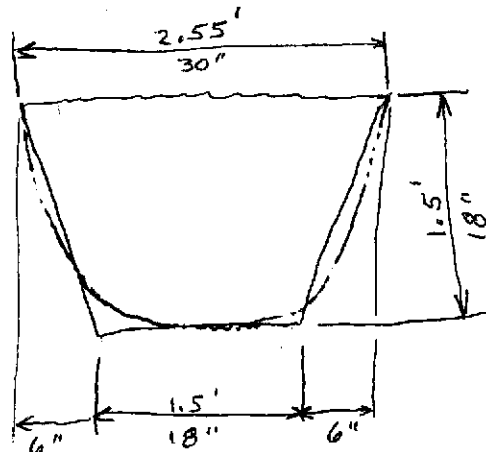
$$4.8/100 = .048 \text{ rise/run}$$

Results		
Discharge	3.08	cfs
Flow Area	3.04	ft ²
Wetted Perimeter	4.68	ft
Top Width	2.55	ft
Critical Depth	0.49	ft
Critical Slope	0.014163 ft/ft	
Velocity	1.01	ft/s
Velocity Head	0.02	ft
Specific Energy	1.52	ft
Froude Number	0.16	
Flow is subcritical.		

9/15/05
irrigate for 7 days @ 24 hrs/day
then 7 days off. this repeats
all summer long

I 1939 prop was 32.28 Acre
I 2003 prop was 26.78 Acre
Because of Avulsion of Boise
River

Actual ditch is like red line



Water from Dixie Drain



Well

Head Gate / Emmett McGinnis

Allen Glens



15x Pipe from head gate across road.



30 in
Wide

18
↓
Deep



Serial # C-48A96027 3/4 Smith Pump



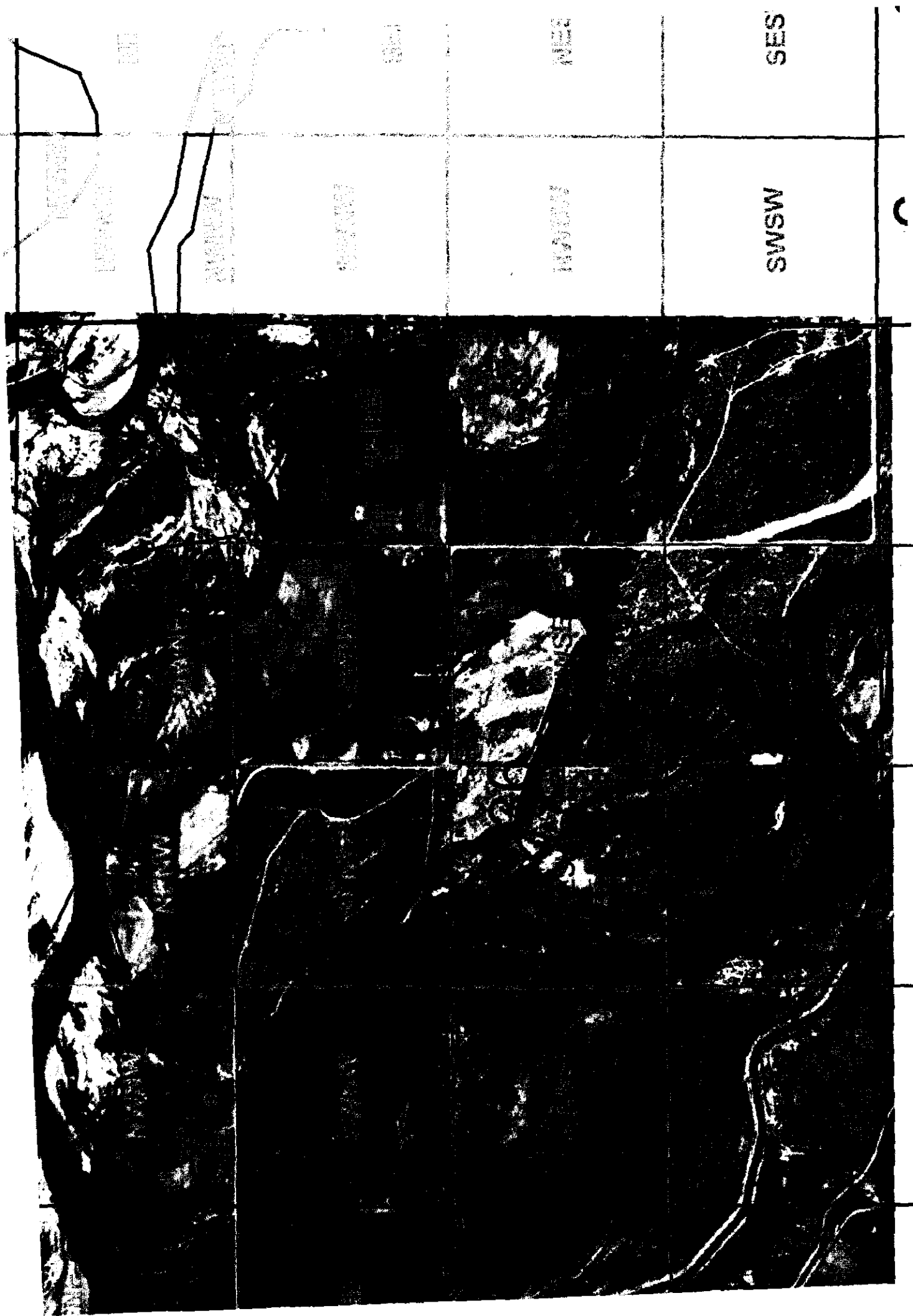
Well house
Artificial well 200 feet deep



15 inch pipe



replacing feed ditch w/ pipe



63-4595 - 1939 AERIAL - POU IS NOT IN AN IRRIGATION CO SERVICE AREA. CLEARLY IRRIGATED - ABOUT 25 ACRES.

County:
Stream: Unnamed stream
Amount: 8/10 of 1 sec. ft.
Use: Irr. & Dom.
Priority: Aug. 15, 1910

1864 ✓

STATE OF IDAHO

Water License No. 6495

WHEREAS, On the 15th day of August, A. D. 1910,
Eugene W. Achilles and Warren D. Hathaway,

of Caldwell, County of Canyon, State of Idaho, duly made application
(No. 9408) to me for a permit to use 2.2 cubic feet per second of the waters of an
unnamed stream

County of Canyon, State of Idaho, for Irrigation and domestic purposes, and,

WHEREAS, On the 15th day of August, A. D. 1910, Permit No. 6495 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 15th day of August, A. D. 1915, and for the application to ben-
eficial use of said water on or before the 15th day of August, A. D. 1915, and,

WHEREAS, On the 14th day of August, A. D. 1913,

Eugene W. Achilles and Warren D. Hathaway

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
2.2 cubic feet per second of said waters, as evidenced by my Certificate No. 6495
dated December 13, 1913, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 2.2 cubic feet per second of the said waters
with date of priority of August 15, 1910, and

WHEREAS, On the 20th day of July, A. D. 1915,

Eugene W. Achilles

the holder of said permit, duly made proof of the application to beneficial use of 8/10 of 1 cubic
feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to Eugene W. Achilles

of Penawawa, County of , State of Washington, the holder and owner
of said Permit No. 6495, a perpetual right, dating from August 15, 1910,
to the use of 8/10th of 1 cubic foot per second of the waters of an unnamed stream,

in the County of Canyon and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point North 50° 35' W. 2120 feet from
N.E. Corner of Sec. 6, T. 4 N., R. 4 W.B.M.

and conducted to and upon 40 acres in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 36, T. 5 N., R. 5 W.B.M.

for the purpose of Irrigation and Domestic use, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source or supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

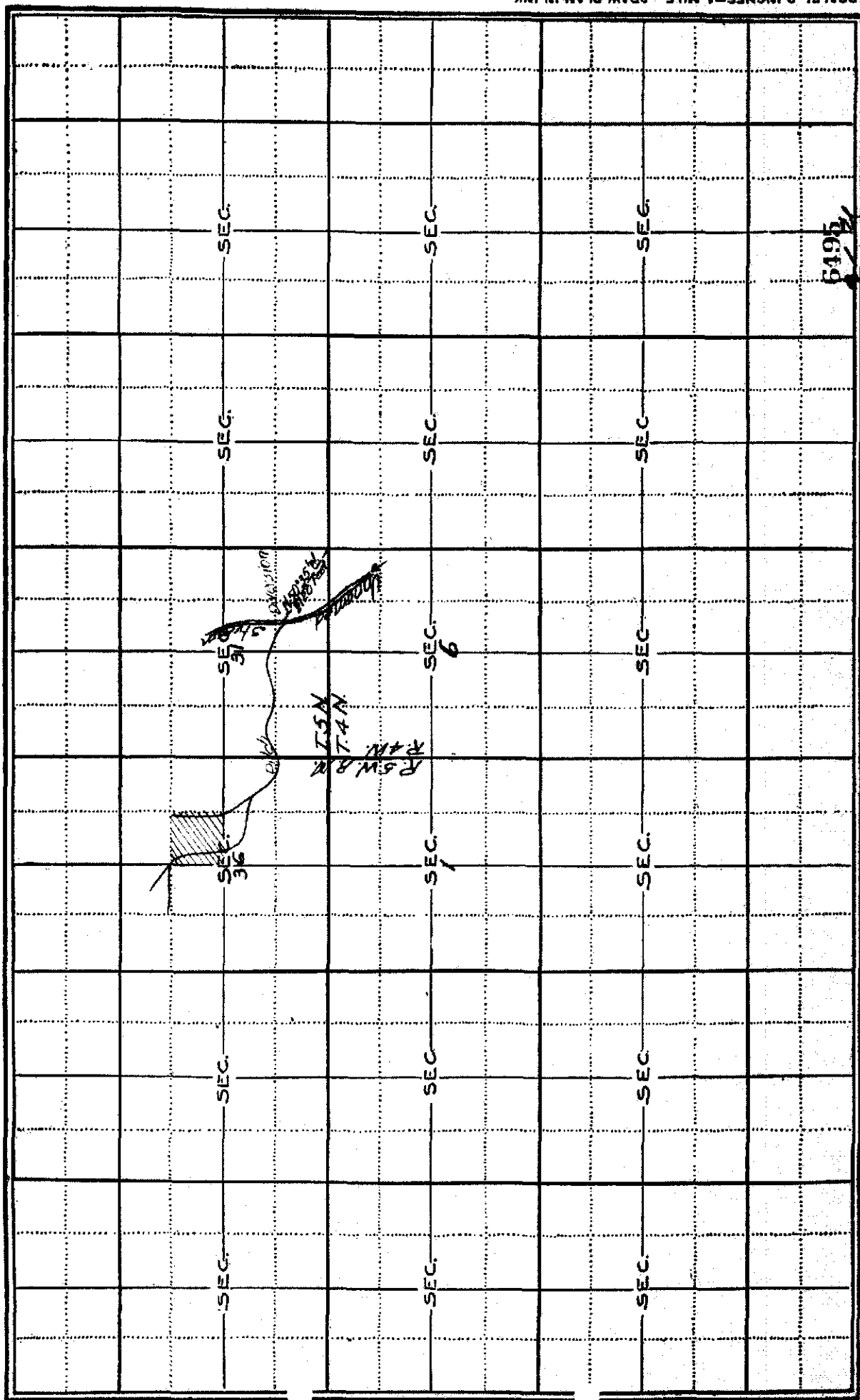
WITNESS, My hand and the seal of my office at Boise, Idaho, this 16th day of September,
A. D. nineteen hundred and Fifteen.

J.H.SMITH.

63 2139

(Seal)

State Engineer



6495

Name of Applicant Eugene Abille (Barn No 6495)

REPORT OF ENGINEER

1. State name of applicant and number of permit: Eugene Achilles- Permit 6495.
 2. State source of water supply: Unnamed Stream
 3. Location of point of diversion: North 50° 35' East 2120 feet from the NE Corner of Section 6 T. 4 N.R. 4 W. B.M.
 4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
-- Yes---
 5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 2 feet
 - (b) Width at water line: 3 feet
 - (c) Depth of water: 1 foot
 - (d) Grade per mile: 5.28 feet
 - (e) Capacity of ditch: 4 cubic feet per. sec. second feet.
 6. State whether or not water has been turned into works of diversion and if so, to what extent:
Ditch has been used for some time and cleaned recently
 7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SW 1/4 NE 1/4 Section 36 T. 5 N.R. 5 W. B.M.
All of the above land has been in cultivation and there are now
40 acres of meadow-pasture land that is irrigated from the ditch.
 8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.
- Remarks: The ditch and diversion works under this permit were
constructed in good shape and have had good care.

STATE OF IDAHO,

County of Blaine } ss.

Eugene Achilles, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 7 day of August, 1915

My Commission Expires Oct 25, 1915

Notary Public.

6495