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To: Clerk of the District Court

Snake River Basin Adjudication

253 Third Avenue North

P.O. Box 2707

Twin Falls, Idaho 83303-2707

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 14 2008	
By _____	Clerk
Deputy Clerk	

From: Emmett McCurry

24780 Boise River Road

Parma, Idaho 83605

In Re SRBA
Case No. 39576
Subcase 63-4595

This letter is about Sub case 63-4595 where Terrel Glenn is objecting to the amount of water usage and on what fields. There are two fields separated by a slough. One is on the north side of the slough and the other is on the south side. Jerry Glenn says I haven't irrigated the north field since about 1978 which is false. Dan and Connie Erskine bought my place but I still live in my house on the farm. I want to give you some back ground on the property and my dealings with Mr. Glenn. Vicki Music at the Department of Water Resources said I needed to verify the water usage between 1978 and 1990. She said all the rest of the time could be verified thru their records at Water Resources.

First I am 88 years old and been a farmer here in the Dixie area most of my life. The only time I was gone was when I was in the Air

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force for 5 years during World War 2. I came ~~to~~ here in 1932 when I was 12 years old. Dad's hired man drove a team with a wagon load of hay in front of me. Behind the wagon was 40 head of milk cows ~~that~~ followed by 100 head of sheep.

I was behind them on a mustang being the cowboy.

I purchased the farm from Joe Sriviver ~~in 1942~~ in 1962.

Joe had built a wooden pipe across the slough supported by wooden stilts. Joe irrigated both the north and the south fields. He also raised a large garden at the east end of the north field. In 1939 they said the property was ~~32.28~~ ^{32.28} acres and in 2003 they said the property was 26.78 acres because the Boise River had washed some of it away.

The wooden pipe leaked quite a bit of water. I ~~rented~~ ~~rented~~ a cat ~~and~~ and dozed up a mound across the slough and installed a 12" fiberglass pipe across it so I could irrigate the north field without losing so much water. Bob Lee and Bud Tredway helped me build this but both of them have passed on. I mostly raised grain, corn and pasture on this field. I even had fish and game come out to chase off the ducks because they got so thick.

In 1974 I married Edna Magard and later we got divorced in 1981. Edna had a son whose name is Greg Magard. Dan Erskine and I went over to his house in ~~Parma~~ ^{Parma} and talked to him just the other day.

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Dan Erskine talked to him about the claim that Mr. Glenn was making about not using the water thru the fiberglass pipe. He said that yes they did use the pipe and that Mr. Glenns cattle were always getting on their property. Mr. Glenn told Greg that his dog kept chasing his cattle and ~~that~~ Greg told him, he needed to fix his fences and keep them home. Shortly after that Gregs dog was killed and he said he thought that Jerry was the one who killed it.

About this same time the neighbor ~~to~~ to Mr. Glenn that was to his east was Case Visser (who now lives just north of Notus). Mr Glenns cattle kept getting on his place. He had an ensilage pit for his dairy cows. Mr. Glenns cattle tore up the tarps on it and did their bodily functions on it making it unfit to feed his cows. They would also ~~go~~ rub against his mobil home in the middle of the night. Case and Mr. Glenn had words and Case beat him up twice. Case told me "I doesn't do no good". Case sold his Dairy in 1984 and moved off ~~the~~ ^{the} property.

When Mr. Glenn first moved here, I loaned him a truck which he brought back with~~z~~ the bumper all bent up. I loaned him a brand new hay elevator. He let it fall off a truck and brought it back all bent up. I raised grain on the north field one year and his cattle were always in it. After Gregs dog got killed I told Mr. Glenn to go home and never come back.

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After Edna and I divorced, I feed cows on my place for John Ellsberry. I would feed his cattle on my place during the winter and then he would take them to Tamarack for the summer. My place was in pasture so I ~~would~~ ^{had} have my own cattle on it during the summer and sell them during the fall. I did this until the spring of 1984. In 1984 while still in the spring (there was still snow on the ground) when I had my first heart attack. I was feeding 50 bales of hay a day to John's cattle. I was getting the hay from Mitt Houston who lives a couple of miles away. When summer came around I had to take it easier but I still managed to irrigate the north ~~and~~ ^{and} south fields. I was still irrigating the north field thru the Fiberglass pipe.

In 1984 I met Mary ~~Wagner~~ ^{Wegner} and we got married. Her son Gus was in the service in Germany. He never got out of the service until 1987. It was after Gus got out of the service that the Fiberglass pipe caught on fire. This would have been in 1988 or 1989 not 1978 as Jerry Glenn says. As stated in a previous letter to the Idaho Department of Water Resources, I used a pump to irrigate the north field after that. It ran from my irrigation ditch to the north field across the slough. It didn't do a very good job but I did irrigate it. I only ran the pump a few times a year, just enough to keep the ~~the~~ pasture ~~from~~ from dying. In 2001 on Christmas day Mary passed.

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away. We had been married for 17 years.

Vicky Music at Idaho Department of Water Resources said the years in question were from 1978 to 1990, I think I have covered all those years in proving I used the ditch water on both fields but to explain farther I will go on.

The first time the fiberglass ditch burnt was 1988 or 1989. Alfred Chandler was my neighbor and we used to help each other when something needed done. Alfred had a large propane weed burner and we usually burned ditches together. He helped me put the fire out. In 2002 or 2003 the pipe caught on fire again and this time it was destroyed beyond repair. Alfred seen the fire and came down with his trailer with a 300 gallon water tank and pump in it. We couldn't get it out so I called the fire department. I think Notus, Parma and Caldwell all responded to the fire. Captain James Cook from Parma witnessed it and made a report on it.

Alfred could witness I used the water but he has passed away. Lawrence Brown was another ~~now~~ neighbor that also used to help me clean the ditches but him and his wife are both passed away.

I sold the property to Dan and Connie Erskine in 2005. Since then Dan and Connie have had the water Resources out several times having me verify that I have continually used the water on both fields. They have looked at the ground and seen water being pumped from my

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irrigation ditch flowing to the north field to irrigate it. They have also seen water going to the south field. They have written their findings to the main office stating what they observed.

In 2004 when I was 84 years old, I went up to turn the water down. Mr. Glenn came up on his 4 wheeler and when I was bent over to open my valve. He came up behind me and pushed me into the ditch. I fell against the concrete headgate cutting my head very badly ^(hook 15 stitches). I then fell into the ditch which must have pinched some nerves in my back because I had a hard time walking for about a year. When I was able to get out of the ditch ~~Mr.~~ Glenn was gone, I think he thought I was going to drown. I went back to the house and put some bandages on my head but though I should go to the doctors office, I went to the doctors office in Parma. They called the police and asked me what happened and I told them. They wanted me to fill out a thing for his arrest but I said no, but they could go and talk to him. There has been bad blood between Mr. Glenn and I for years. This false accusation of me not using water is just another way of him trying to be a bully.

I am 88 years old, served my country in a war, have been a father to two sets of children, been an honest farmer and business man and been a good neighbor

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to anybody that would meet me halfway. I regret having to write this letter to set things straight. I hope the court can see ~~that~~ that Mr. Glenns actions are not honest and deny his attempt to discredit my water right and myself.

Emmett RAY McCurry
August 10 2008

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