

$\begin{array}{r} 1.06 \\ 2.38 \\ 1.92 \\ \hline 5.10 \\ 4.64 \end{array}$

~~1020~~
 255

$\begin{array}{r} 182 \\ 119 \\ 84 \\ \hline 221 \end{array}$

Neas 738

3-01-07

Photo 186¹
 not including north strip
 not shown on photo, about 4 acres.

HP

30th

$\begin{array}{r} 100 - 1100 \text{ GPM} \\ 125 - 1500 \text{ GPM} \end{array}$
 $\begin{array}{r} 3328 \\ .02 \\ 56 \\ 66 \end{array}$
 $\begin{array}{r} 1361 \\ .02 \\ 2.8 \\ 27 \end{array}$

Quantity is short 355 GPM 12-10-07 see worksheet
 Acreage could be short.
 File of Late Objection on 2 1907 rights - QNT
 Possible of Late Claim another Right/Priority
 after 1960 and before 1976 for more water.

12/28/2006

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

RIGHT NUMBER: 2-4024

NAME AND ADDRESS: JANE POTUCEK
PO BOX 537
GLENN'S FERRY ID 83623

EDWARD T POTUCEK
PO BOX 537
GLENN'S FERRY ID 83623

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.380 CFS

PRIORITY DATE: 03/15/1907

POINT OF
DIVERSION: T05S R10E S28 SWNESW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.380 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T05S R10E S32 Lot 9 SENE	13.00	T05S R10E S33 Lot 1 NWNW	29.00
T05S R10E S33 SWNW	38.00	T05S R10E S33 SENW	39.00

119 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 FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 2-2157, 2-4024, 2-16A, 2-16B.



Idaho Department of Water Resources

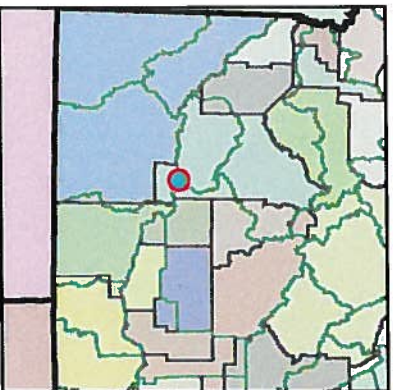
SRBA Recommendation:

2-4024

(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

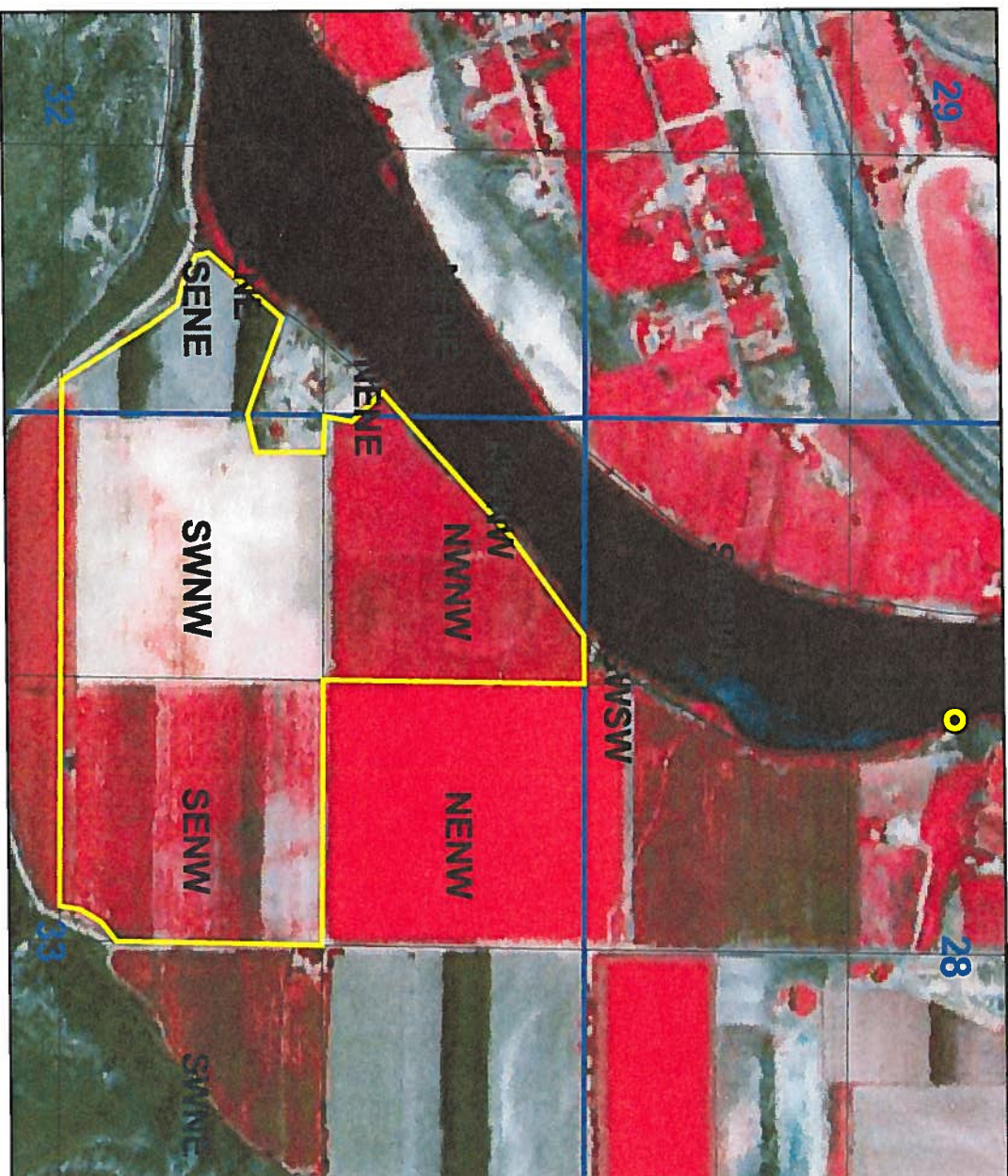


Elmore County
IDWR Basin 2



T05S

R10E



Prepared by D. Shaff
On Thursday, March 1, 2007
1987/88 Aerial Photography

01/03/2006

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

RIGHT NUMBER: 2-4024

NAME AND ADDRESS: JANE POTUCEK
PO BOX 537
GLENN'S FERRY ID 83623

EDWARD T POTUCEK
PO BOX 537
GLENN'S FERRY ID 83623

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.340 CFS

PRIORITY DATE: 03/15/1907

POINT OF DIVERSION:

T05S R10E S28 SWNESW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.340 CFS
PLACE OF USE: <u>IRRIGATION Within ELMORE County</u>		
T05S R10E S32 Lot 9 SENE	11.0	T05S R10E S33 Lot 1 NWNW 29.0
T05S R10E S33 SWNW	38.0	T05S R10E S33 SENW 39.0
119 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.

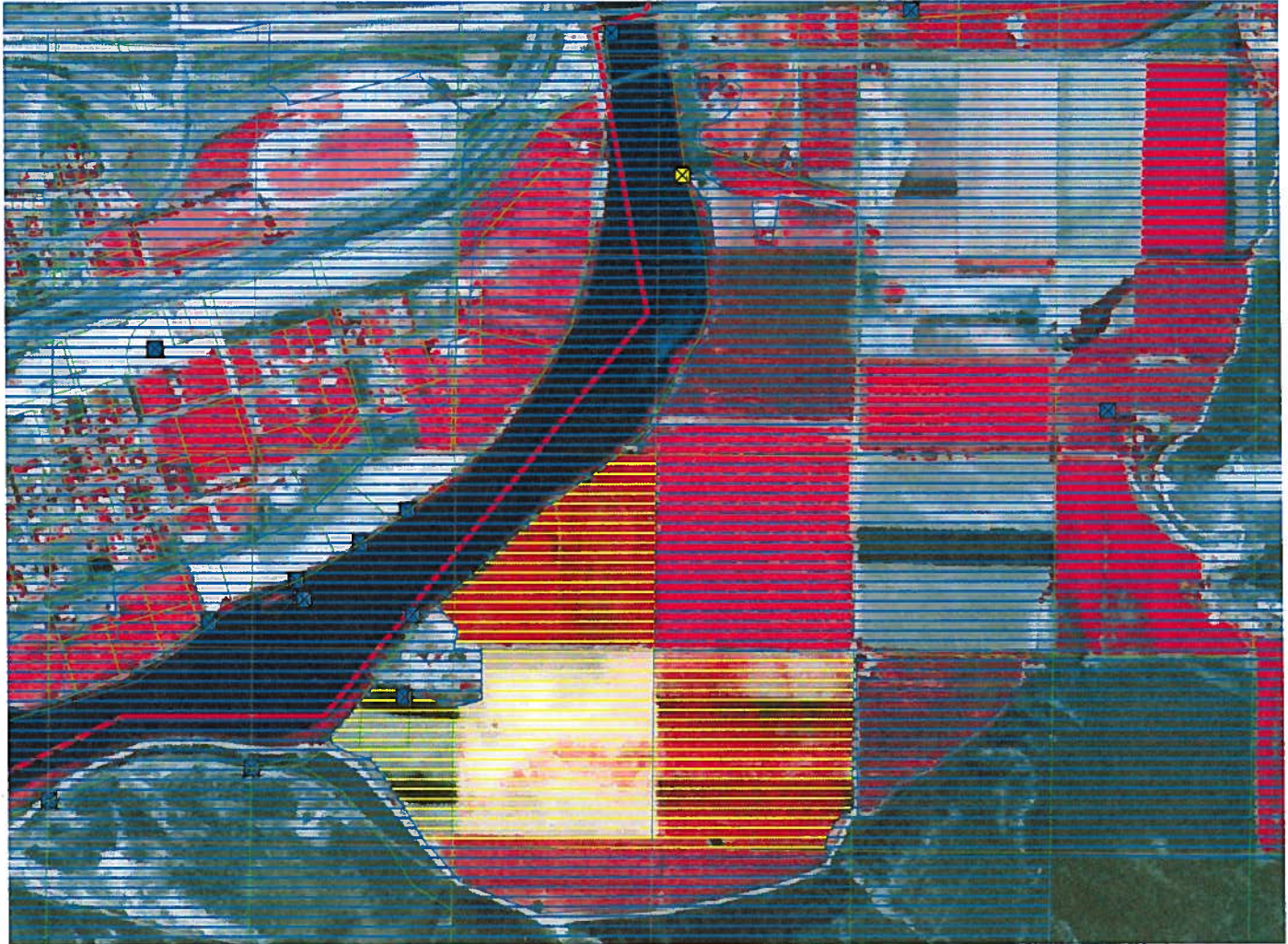
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

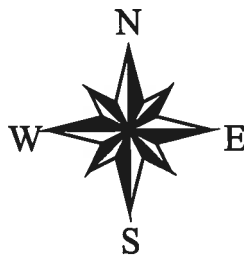
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 2-2157, 2-4024, 2-16A, 2-16B.

2-4024

T05S R10E S33



0.3 0 0.3 0.6 Miles



- Elmore taxlots
- GCDB05S10E GCDB
- Recommendation POD
- Recommendation POU
- Administrative BasinsAdminbas.shp

Date: 1-03-06
Drawn by: D Shaff

Copy Rec'd
1/63/06
IDWR

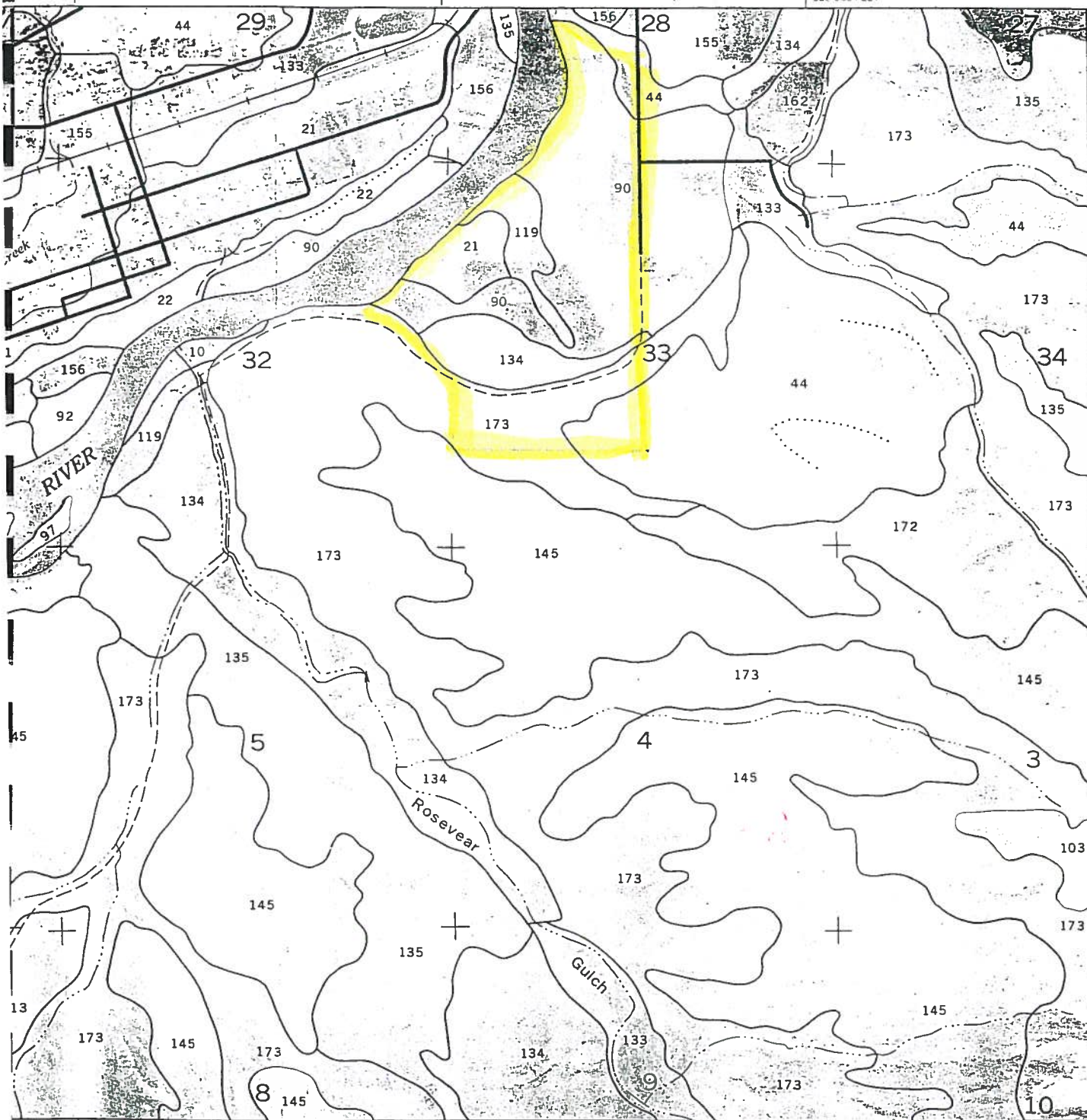
149

N



(Joins sheet 138)

630 000 FEET

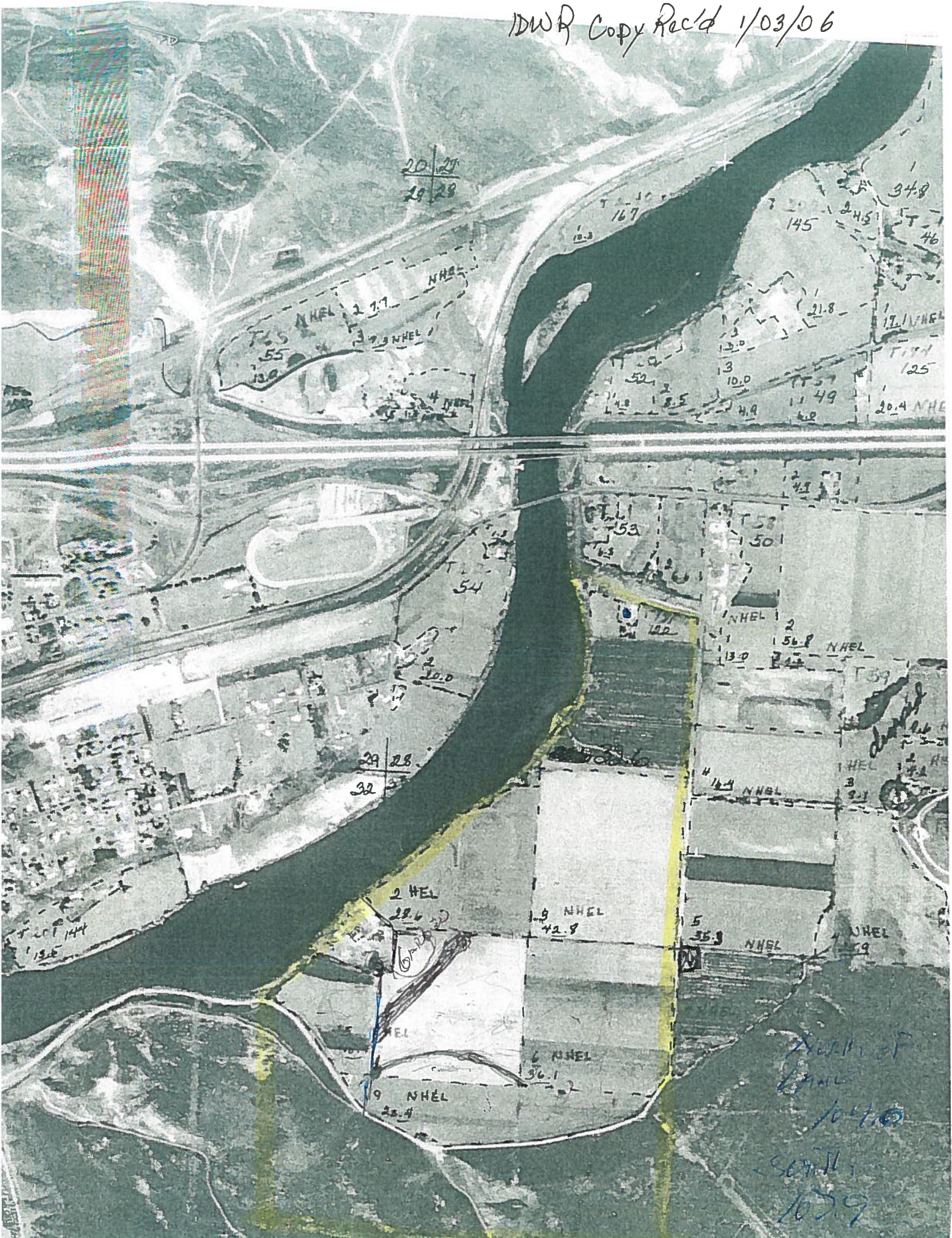


(Joins sheet 160)

42° 55' 00"
115° 15' 00"

2 Miles
10000 Feet

DWR Copy Rec'd 1/03/06



11/09/2005

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

RIGHT NUMBER: 2-4024

NAME AND ADDRESS: JANE POTUCEK
PO BOX 537
GLENN'S FERRY ID 83623

EDWARD T POTUCEK
PO BOX 537
GLENN'S FERRY ID 83623

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.200 CFS

PRIORITY DATE: 03/15/1907

POINT OF
DIVERSION: T05S R10E S28 SWNESW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.200 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T05S R10E S32 Lot 9 SENE	11.0	T05S R10E S33 Lot 1 NWNW	22.0
T05S R10E S33 SWNW	38.0	T05S R10E S33 SENW	39.0

110 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 FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 2-2157, 2-4024, 2-16A, 2-16B.

MEMO TO FILE

To: 2-4024 -
From: Scott King 
Date: May 30, 2003

Subject: Recommendations

PRIORITY

Claimed 1889. Documents give a fairly clear description of the water wheel constructed in 1907, providing capacity (1350 gpm) and acres (100 to 110). The 1907 wheel was built on the same foundation as the 1889 wheel. However, none of the documents describe the capacity of the 1889 wheel, and there appears to be some indication that the 1907 wheel was larger than the original. Recommended 1907 based on the supporting information of capacity, acreage, and photos of the 1907 wheel.

POD

Used contractor's points, which matched closely with map in claim file.

POU

Claimed 117 acres. Excerpts from Groefsema (1949) states 100 irrigated acres. Emma Eichholz Hall states 110 acres. Earlier Snake River Adjudication review found 110 acres based on what appears to be 1964 aerial photography (copy in 2-2157) with the main discrepancy in 5S10E33 NWNW Lot 1 where 29 acres is claimed, but only 22 found.

QUANTITY

Claimed 3 cfs. At 0.02 cfs/acre is 2.2 cfs. Idaho Power measured discharge from pumping station and capacity is sufficient to recommend 2.2 cfs.

OVERLAP

Same POD for 2-2157, 2-4024, 2-16 (maybe only 1 part?)

06/17/2003

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

RIGHT NUMBER: 2-4024
NAME AND ADDRESS: JANE POTUCEK
PO BOX 537
GLENN'S FERRY ID 83623

EDWARD T POTUCEK
PO BOX 537
GLENN'S FERRY ID 83623

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 2.200 CFS
PRIORITY DATE: 03/15/1907
POINT OF DIVERSION:

T05S R10E S28 SWNESW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.200 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T05S R10E S32 Lot 9 SENE	11.0	T05S R10E S33 Lot 1 NWNW	22.0
T05S R10E S33 SWNW	38.0	T05S R10E S33 SENW	39.0

110 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: Beneficial Use

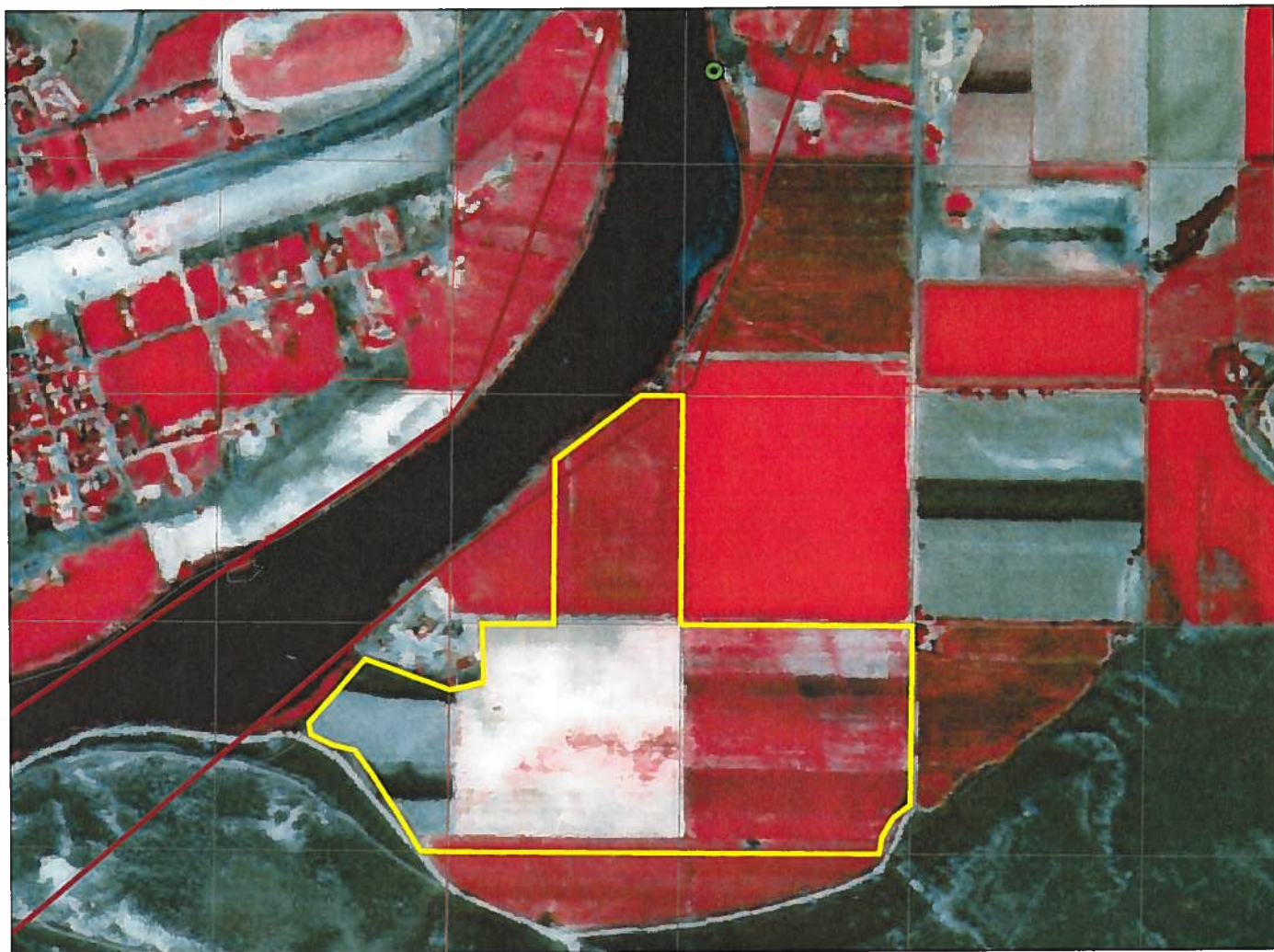
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 2-2157, 2-4024, 2-16A, 2-16B.

 Cheek both A & B?

Idaho Department of Water Resources

Place of Use Layout 2-4024

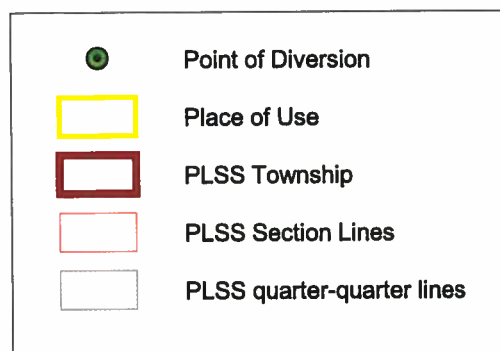


0 0.25 0.5 Miles

Township 5S Range 10E Sections 28, 32 & 33



GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: June 17, 2003



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: A02-04024
Date Received: 11/02/1989
Receipt No: W006979
Received By: BAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDWARD T. POTUCEK 208-366-2311
Address: P.O. BOX 537
GLENNS FERRY, ID 83623

OR

Name: JANE POTUCEK 208-366-2311
Address: P.O. BOX 537
GLENNS FERRY, ID 83623

2. Date of Priority: JUN 01, 1889

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	10E	28	NW	NE	SW	3	ELMORE

5. Description of diverting works:
125HP MOTOR, 30HP MOTOR & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 351.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	10E	32	SE	NE	9	IRR	11.0
						Section Acres	11.0
		33	NW	NW	1	IRR	29.0
			SW	NW		IRR	39.0
			SE	NW		IRR	38.0
						Section Acres	106.0
						Total Acres	117.0

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:
KING HILL IRR. DIST.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: 0

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): [Signature] Date: 12-7-89
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of December 19 89 [Signature]
Notary Public

Seal

Residing at Boise Idaho
My Commission Expires 4/11/95

TE
To join this edge

T. 5 S.
T. 6 S.

455

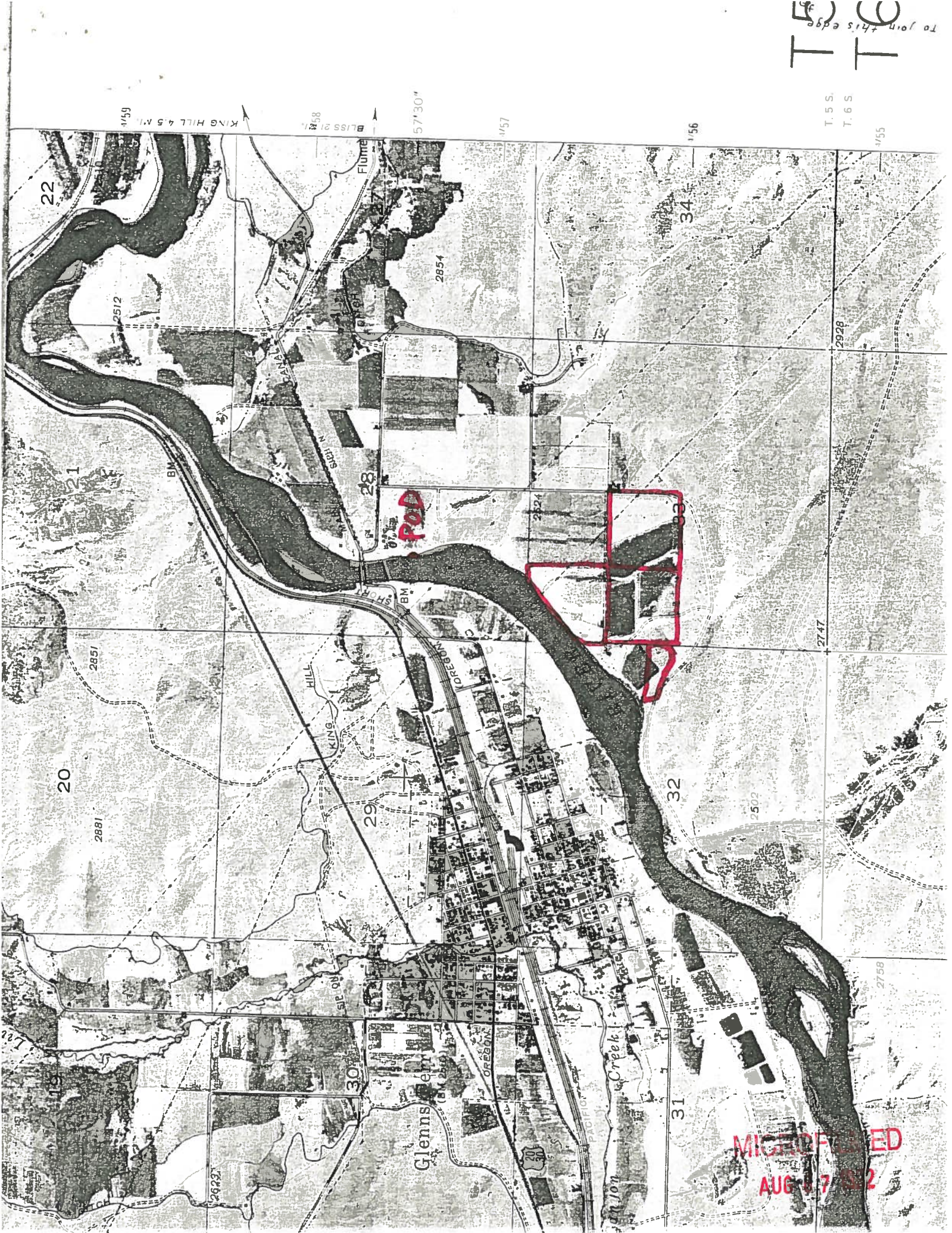
456

457

57°30"

458

459



MICROFILMED
AUG 17 1982

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-04024

Date: 6-24-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	55	10E	32				-9 11													11
-GIS							12													12
Claim			33					-1 29		39	38									106
-GIS								28		38	39									105
Claim																				
-GIS																				
Claim																				
-GIS																				

Number of POD's 1

Total Claimed Acres: 117

Overlapping POU Claim #'s:

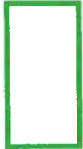
Total GIS Acres: 117

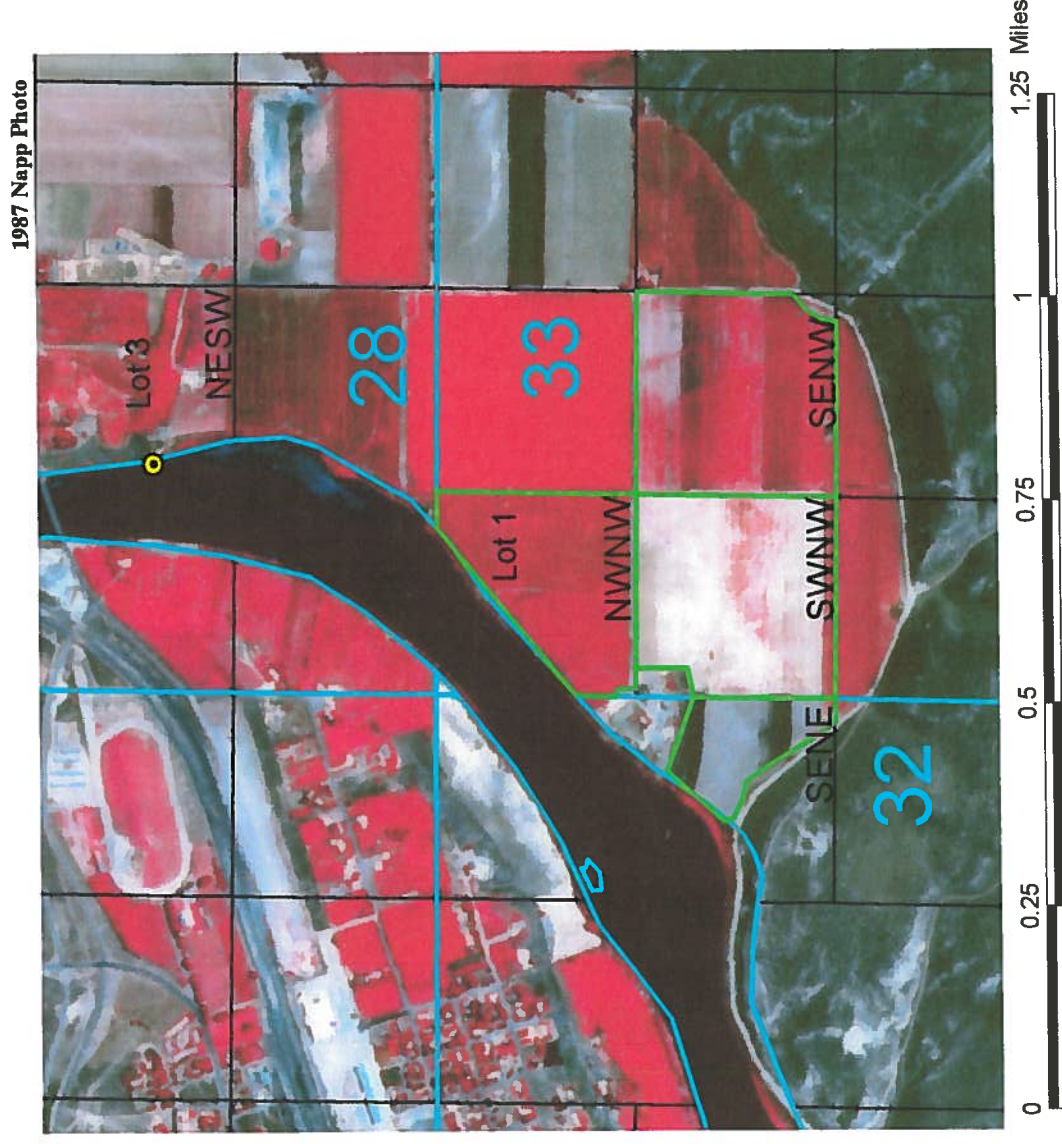
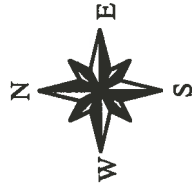
COMMENTS:

Per claim map & image interp.

Idaho Department of Water Resources

Claim Number: 02-04024
Legal: T05S, R10E, S32, 33
Reviewed By:

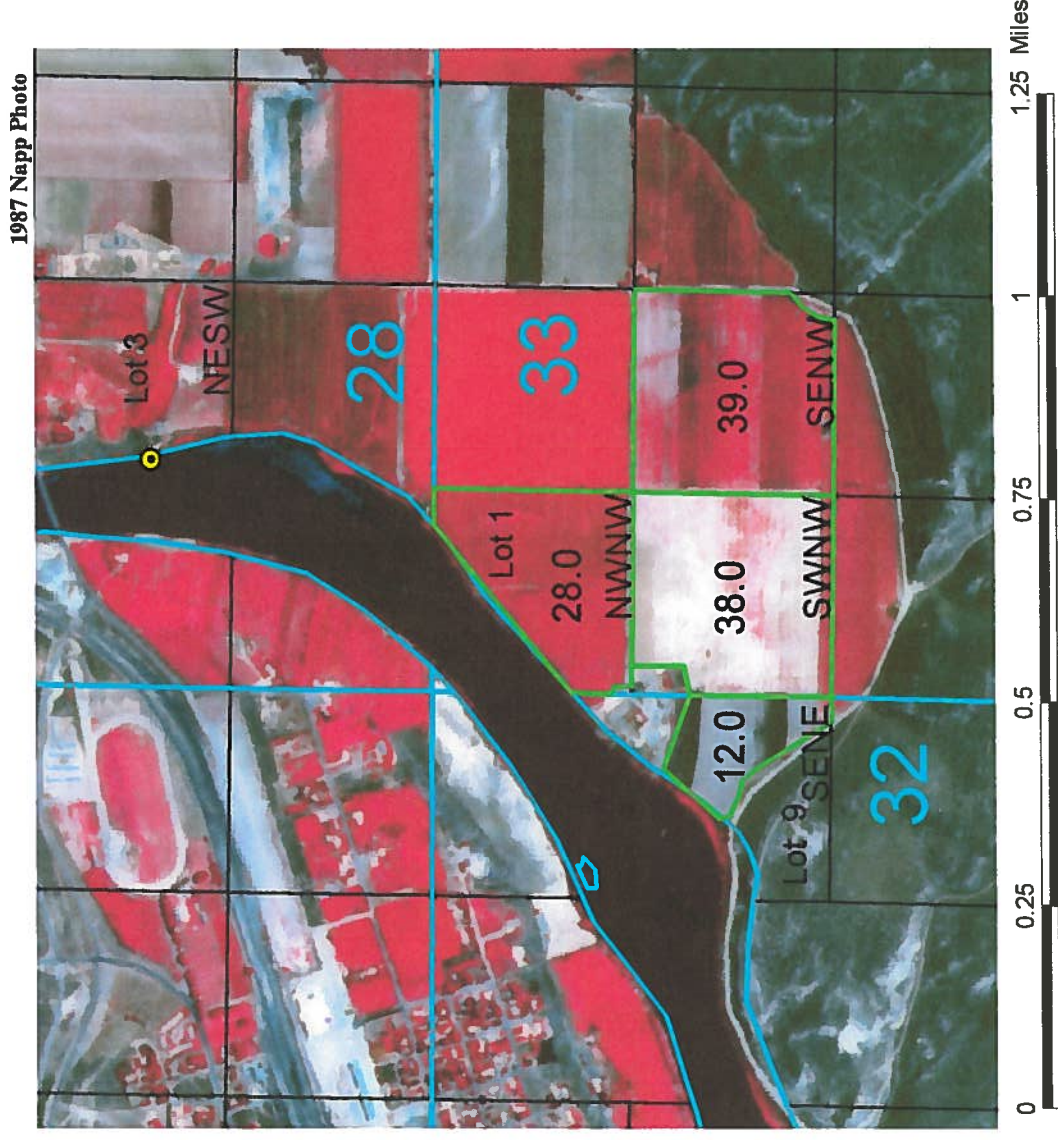
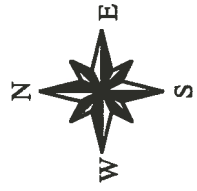
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Idaho Department of Water Resources

Claim Number: 02-04024
Legal: T05S, R10E, S32, 33
Reviewed By:

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



STATE OF IDAHO

COUNTY OF Elmore

) * SS.

On this 11th day of September, 1959, before me the undersigned a Notary Public in and for said State, personally appeared Ernest Eichholz, Etta Eichholz, D. Dixon Anderson and Virginia B. Anderson, 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, the day and year in this certificate first above written.

G. F. Robertson
Notary Public for said State;
Residing at Glenns Ferry
Idaho/.

MICROFILMED

APR 2 1960
MICROFILMED

AJ5815NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT

DATE: 03/24/99

OPTION: IRRIGATION USES ONLY

ADJUDICATION CLAIM NUMBER: A02-04024

PAGE: 1

A. ROOT WATER RIGHT NUMBERS: A02-04024

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	MR #/USE/ACRES	LANDSAT DATA
05S	10E	32	SE	NE	9	POTUCEK, EDWARD T	A02-04024 /01/11.0	02-04024 /01/11.0	19.0
			SE	NE		POTUCEK, EDWARD T	A51-10331 /01/13.0	- / /	
05S	10E	33	NW	NW	1	POTUCEK, EDWARD T	A02-04024 /01/29.0	02-04024 /01/29.0	26.0
			NW	NW	2	WICHER, DANIEL E	A02-07235C /01/ 1.0	02-07235C /01/ 1.0	
			NW	NW	1	KING HILL IRRIGATION DISTRICT	37-04112 /01/10.0		
05S	10E	33	SW	NW		POTUCEK, EDWARD T	A02-04024 /01/39.0	02-04024 /01/39.0	39.0
			SW	NW		POTUCEK, EDWARD T	A51-10331 /01/ 9.0	- / /	
05S	10E	33	SE	NW		POTUCEK, EDWARD T	A02-04024 /01/38.0	02-04024 /01/38.0	40.0
			SE	NW		KING HILL IRRIGATION DISTRICT	A37-04112 /01/19.0	37-04112 /01/21.0	
TOTAL ACRES							A02-04024	117.00	117.00 124.00

POU COUNTY: ELMORE



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

April 5, 1984

Edward T. Potucek
P. O. Box 537
Glenns Ferry, ID 83623

RE: 02-4024, 02-0016

Dear Mr. Potucek:

The Snake River Adjudication is nearing a point where a report of the water rights can be issued. A necessary role of the Department is to investigate each water right to determine that it is used and how much water is used. To date the adjudication staff has tried to arrange a time to measure the water diverted by your pumps. A measurement of the water must be made to recommend a water right to the court.

Another option to meet the measurement requirement is to have a professional engineer submit a certified measurement to the Department. In it, the engineer or qualified geologist would describe the diversion system and the measurement method.

Please contact this office to arrange an appointment if you want an agent from this Department to make the measurement. Otherwise please keep me posted on how you intend to verify your Snake River water rights. Thanks for your help.

Regards,

DONALD V. SHAFF
Adjudication Unit Leader

DVS:ns

MICROFILMED

AUG 16 1994

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
Snake River from base of Milner
Dam to Oregon ~~DRY HOLE BASIN~~
Border.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-4024	I.D. No.	Map No.
\$ 85.00	Fee Paid	18875 Receipt No.

Notice is hereby given that Edward T. &/or Jane Potucek
(Name of Claimant)

Box 537, Glenns Ferry, ID 83623 Telephone No. 366-2311
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 6/1/1889 ✓
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River ✓ tributary to Columbia River ✓
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 3 cfs ~~2.2~~ Use Irrigation ✓ Period of Use From 3/15 ✓ To 11/15 ✓
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) 3 cfs ~~2.2~~ TOTAL QUANTITY CLAIMED. SW Lot 3
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE ¼ SW ¼
Sec. 28 ✓, Twp. 5S ✓, Rge. 10E ✓, B.M., Elmore ✓ County
Additional Points: Lot 9, Sec. 32, TWP. 5S, Rge. 10E abandoned.
- 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. Describe any changes in the system and give the date of the change.
125 HP GE motor, 30 HP motor, (Turbines) with sprinkler system.
- (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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
						L.9													
5S	10E	32				(911)													11 ✓
		33						L.1											
								29	39	38									106 99
								16	38	28									
								22		39									

Total no. of acres 103 117 110

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

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:
- (8) Remarks Affidavits are filed with original claim for this priority date. (See copies right hand side)
- (9) Basis of claim (Check one)
JG ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.
☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by SKN

Date 10/13/83

Right No. 02-4024

Claimant Ed & Jane Potucek

Recommendation differs from claim:
(Document any differences)

☐ Yes

☐ No

☐ Disallow

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☐ License

☒ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☒ Affidavits. ☒ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☒ A.S.C.S. Records. Year & Photograph No. 1977 see squibbles
Design.

☐ Irrigation Company/District Records. ☐ In file. Or Name &
location _____

☒ Historical Books. Name(s) & location Glenns Ferry

☐ Interview(s). Attach conversation memorandum.

☒ Other See affidavits

☐ _____

Field Exam Made: ☐ Yes ☒ No Date _____

☐ Adj. Report in file ☐ Beneficial Use Report in License (S.O.) File

POOR ORIGINAL

Ed Potuck

Town-ship	Range	Sec	NE $\frac{1}{4}$			NW $\frac{1}{4}$			SE $\frac{1}{4}$			NE $\frac{1}{4}$			NW $\frac{1}{4}$			SE $\frac{1}{4}$			TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$			
55	10E	28																			

MICROFILMED

AUG 15 1994

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM
REPORT OF EXAMINERS

Claim No. 02-4024

1. Name of Applicant Ed. & Jane Soluck

2. Priority - 6/1/1889

3. Source of Water Snake River

4. (Quantity) (Domestic, Irri., Stock Water, etc.) (Period of Use)
_____ cfs Use _____ From _____ to _____

2.20 cfs Use gr. From 3/15 to 11/15

_____ cfs Use _____ From _____ to _____

5. Location of Point of Diversion: 43^{SW} NE SW of Section 28

Twp. 55, Rge. 10E, County of Elmore

6. Describe Diversion Works: 125 HP motor 30 HP motor
to pressure sprinkle system.

7. Describe Location of Use:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SE $\frac{1}{4}$				SW $\frac{1}{4}$				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						49													
55	10E	32				11													11
		33							22	38	39								99

TWP. RGE. COUNTY SCALE: 1" = 1 MILE

+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+

8. Purpose other than irrigation: none

IN THE DISTRICT COURT OF THE

JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

Snake River from base of Milner
Dam to Oregon DRAINAGE BASIN:
Border.NOTICE OF CLAIM
TO A
WATER RIGHT

02-4024	
I.D. No.	Map No.
\$ 85.00	18875
Fee Paid	Receipt No.

Notice is hereby given that Edward T. &/or Jane Potucek

(Name of Claimant)

Box 537, Glenns Ferry, ID 83623

(Mailing Address)

Telephone No. 366-2311

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 6/1/1989
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|---|--|---|
| Quantity <u>3</u> cfs
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/15</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) 3 cfs TOTAL QUANTITY CLAIMED. Lot 3
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source 1/4 1/4
Sec. 28, Twp. 5S, Rge. 10E, B.M., Elmore County
Additional Points: Lot 9, Sec. 32, TWP. 5S, Rge. 10E
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. Describe any changes in the system and give the date of the change. 125 HP GE motor, 30 HP motor, (Turbines) with sprinkler system.
- (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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
						L. 9													
5S	10E	32				11													11
		33						L. 1											
							29	39	38										106

Total no. of acres 117

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

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:
- (8) Remarks Affidavits are filed with original claim for this priority date.
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
JG ☐ B) Right decreed by court, cite title of case.
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Edward T. Potucek
(name of claimant)
of P. O. Box 537, Glens Ferry, ID, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Snake River
_____, tributary to, Columbia

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>3 cfs</u>	Use	<u>irrigation</u>	Period of Use:	From	<u>3/15</u>	To	<u>10/15</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 3 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June 1, 1889

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

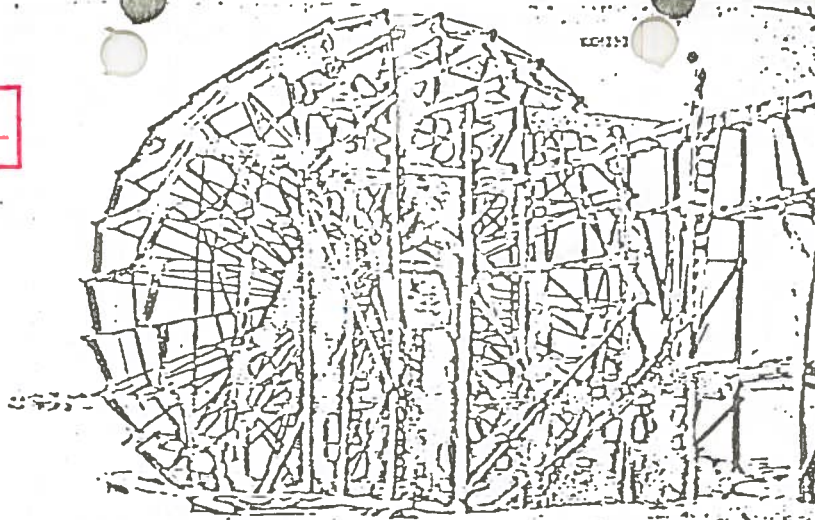
- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 Lot 3 1/4 _____ 1/4 Sec. 28 Twp. 5S Rge. 10E B. M. County of Elmore
 Additional points of diversion:

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. 125 hp G.E. Induction motor,
2,640' - 10", 1,320' - 8" pipe

- (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]

POOR ORIGINAL



Courtesy Mrs. Annie Rosecar-Hurlbert

MR. ERNEST EICHHOLZ'S WATER WHEEL, BUILT IN 1907,
ON SNAKE RIVER

Mr. Ernest Eichholz's water wheel, South of Glens Ferry on the South side of the Snake River. The original water wheel was built in 1889. The above picture was the second water wheel, which was built in 1907 on the original 1889 foundation. (45' in diameter, 20' wide with 56 buckets of 28^{7/8} gallons each) In 1934 the wooden parts were replaced. The present foundation and remaining parts of the wheel are still visible. There were approximately 110 acres under irrigation from the Eichholz water wheel, which lifted 1,350 gallons per minute. Edward Thomas Potucek purchased the Eichholz Ranch in 1971; the same year he moved on his grandfather's (A. D. Wicher) ranch which he has since acquired. The two ranches are adjacent and are presently a combined operation. The former Wicher property has Water License No. 28560, Priority March 22, 1960. The irrigation power was changed to an electric pump in 1954.

At the time of my birth, I, Emma Eichholz Hall, lived with my parents, Mr. and Mrs. Ernest Eichholz, on this ranch where I was reared. I swear that the above facts are correct to the best of my knowledge.

Feb 28, 1977
Date

Emma Eichholz Hall
Emma Eichholz Hall
Glenns Ferry, Idaho 83623

POOR ORIGINAL

ERNEST EICHHOLZ WATER WHEEL

Testimony by Bryce Morgan, Box AH, Glenns Ferry, Idaho, 83623

Date of Birth: September 17, 1904

I remember the following events:

Sheppard Morgan, my Father, sold the Wicher River Property to A.D. Wicher in 1922. We lived there from 1919 to 1922. I graduated from Glenns Ferry High School in 1921 at the age of 16. I remember the Ernest Eichholz's Water Wheel. It was a familiar sight when we drove cattle by it to see the wheel lift the water onto the Eichholz Ranch. We homesteaded at Sailor Creek ^{in 1917} and I went to Rye Grass, one room school house in 1912. We wintered our cattle on Sailor Creek Range.

We had cattle on the southside of the river. I drove cattle and remember well as far back as 1916 and I knew about the water wheel as we passed it often. I knew Ernest Eichholz who built the wheel and we bought the 80 acre right south of his ranch. Thus, we adjoined the Eichholz property by a half mile.

We moved to this area from Enterprise, Oregon in the first Model T Ford car to be in Elmore County.

Mar. 9, 1977
(Date)

Bryce Morgan
BRYCE MORGAN
Box AH
Glenns Ferry, Idaho 83623

STATE OF IDAHO }
County of Elmore) ss.

On this Nineth day of March, in the year 1977, before me Barbara J. Reed, a Notary Public in and for said State, personally appeared Bryce Morgan 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 in this certificate first above written.

MICROFILMED

AUG 16 1994

Barbara J. Reed
NOTARY PUBLIC for Idaho, residing at Glenns Ferry, Idaho.

POOR ORIGINAL

I, Albert Eichholz, was born on the Ernest Eichholz ranch, December 10, 1910. The water wheel in the picture with Ernest Eichholz standing on the flume was built around 1906. There were two other smaller wheels built on the farm. One was closer to the shore at the same location as this one. The other small one was across from the farm house. The dimensions of the one built in 1906 was 20 ft. wide, 42 ft. high, 26 paddles, 52 buckets that held 18 gallons each, it made one revolution every 35 to 45 seconds. There was very little upkeep or repairs, a couple of weeks during the winter time. Never any breakdowns of all the years it ran.

But, in 1934 it had a general overhaul. My brother and I helped with the overhaul. What I remember, as a small boy, was going with my father to set water; to watch so as I got big, I knew how to set water. My father had a big pond for us kids where we went swimming. We all could swim in the river. The wheel was a beautiful sight to watch at night when the moon shined on the river, there were all kinds of blue and green colors as the wheel was turning.

The folks were very satisfied with the water wheel for irrigation and it was the cheapest. But when the Idaho Power put in the Bliss Dam it raised and lowered the water in the river so much that you couldn't get an even flow of water, so he put in an electric pump which cost a lot more money than irrigation from the water wheel. The folks were very sad when they had to give up the water wheel.

March 4, 77
(Date)

Albert Eichholz
ALBERT EICHHOLZ
Glenns Ferry, Idaho 83623

STATE OF IDAHO)
) ss.
County of Elmore)

On this Fourth day of March, in the year 1977, before me Barbara J. Reed, a Notary Public in and for said State, personally appeared Albert Eichholz known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he x 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.

MICROFILMED

AUG 16 1994

Barbara J. Reed
Notary Public for Idaho, residing at Glenns Ferry, Idaho

POOR ORIGINAL

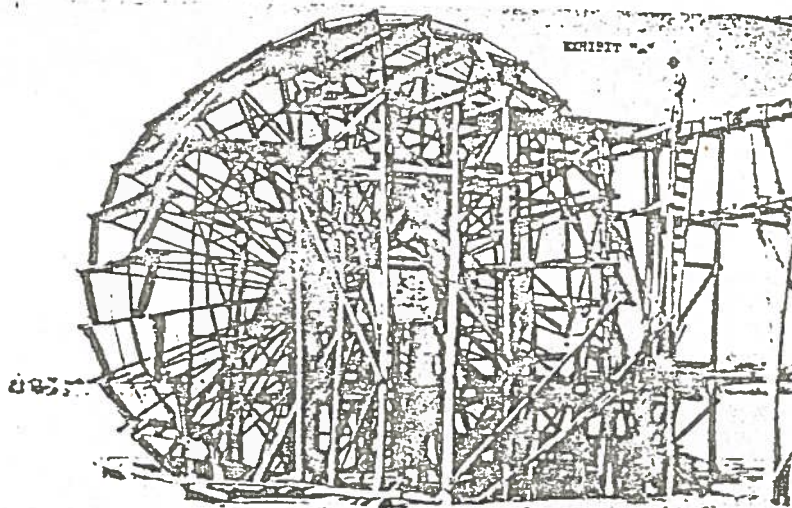
INGS

GLENN'S FERRY YESTERDAY AND TODAY

349

Barger who divided his time between Shoshone and Glenn's Ferry. For a number of years there were no ordained ministers; the conference sent students to preside over the meetings.

I have mentioned only a few events of the early history of the church. There may be some here tonight to whom these few recollections will bring pleasant memories. As for



Courtesy Mrs. Annie Rosevear-Hurlbert

MR. ERNEST EICHHOLZ'S WATER WHEEL, BUILT IN 1907,
ON SNAKE RIVER

It is forty-two feet in diameter and twenty feet wide and irrigates one hundred acres of land. It raises one hundred and forty inches of water. There are fifty-six buckets and each holds fourteen gallons of water. The original water wheel was run for about twenty-seven years and then rebuilt on the same foundation. The wooden parts were replaced in 1934. The cost is about one hundred dollars per year. It is still in use today. There are three more water wheels between the Eichholz wheel and Hammett. One is on the Joaquin Salasubal Place, back of the Slick Ranch, across the bridge from the highway and railroad; another is still farther down on the opposite side of the river: the third, on the old Corker Place, was owned and operated for twenty years by Charles and Jim Averill. Charles Averill rebuilt the wheel three times. Its site was one used long ago by the Indians for a camping ground on their fishing expeditions on the Snake.

MICROFILMED

AUG 16 1994

POOR ORIGINAL

STATES OF AMERICA,

se presents shall come, Greeting:

GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER

whereby it appears that, pursuant
tlers on the Public Domain," and the acts supplemental thereto, the claim ofhas been established and duly consummated, in conformity to law, for the
thirty two and the Lot numbered
North West quarter of Section
th of Range ten East of Base
re hundred and thirty three
of an acre.

AND OFFICE by the SURVEYOR GENERAL:

said Ernest Eichholz
scribed: To have and to hold the said tract of Land, with the appurtenancesand to his
ral, manufacturing, or other purposes, and rights to ditches and reservoirs used in
ns, laws, and decisions of courts, and also subject to the right of the proprietor of
ate or intersect the premises hereby granted, as provided by law. And there is
d by the authority of the United States.more Roosevelt, PRESIDENT OF THE UNITED STATES OF AMERICA,
seal of the GENERAL LAND OFFICE to be hereunto affixed.thirty first day of December, in the year of our Lord one thousand
Independence of the United States the one hundred and twenty ninthRoosevelt
F. M. McKeon, Secretary,
Recorder of the General Land Office.

MICROFILMED

AUG 16 1994

POOR ORIGINAL



THE UNITED STATES

To all to whom these

Homestead Certificate No. 1251

Application 1819

Whereas There has been deposited in the GE

OF THE LAND OFFICE at Hailey, Idaho

to the Act of Congress approved 20th May 1862, "To secure Homesteads to Actual Settlers

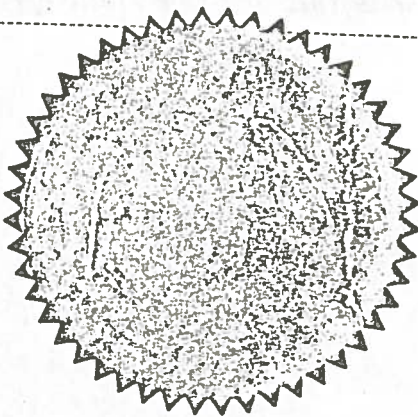
Ernest Eichholz

Lot numbered nine of Section 34 of the North
thirty three in Township Five South
Meridian in Idaho containing one
acre and seventy hundredths of
according to the OFFICIAL PLAT of the Survey of the said Land, returned to the GENERAL LAND

Now know ye, That there is, therefore, granted by the United States unto the said

thereof, unto the said Ernest Eichholz the tract of Land above descri

heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, connection with such water rights, as may be recognized and acknowledged by the local customs, in a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by



In testimony whereof I, Theodore
have caused these letters to be made Patent, and the seal
GIVEN under my hand, at the CITY OF WASHINGTON, the 28
nine hundred and four, and of the Inde

BY THE PRESIDENT: T. Roosevelt

MICROFILMED

AUG 16 1994

Recorded Idaho Vol. 28, Page 78

MICROFILMED

THIS AGREEMENT Made and entered into this 11th day of September, 1959, by and between ERNEST EICHHOLZ and ETTA EICHHOLZ, husband and wife, VENDORS, and D. DIXON ANDERSON and VIRGINIA B. ANDERSON, husband and wife, PURCHASERS, WITNESSETH:

NOW THEREFORE, It is mutually agreed between the parties hereto as follows:

The Vendors agree to sell and convey to the Purchasers and the Purchasers agree to buy of the Vendors the following described land situate in Elmore County, State of Idaho, to-wit:

Lot Nine (9) and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$), Section 32; Lot One (1) and the South one half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$), Section 38, all in Township 5 South, Range 10 E.B.M., together with Taylor Grazing rights for nineteen (19) head of cattle,

together with the following water rights, appurtenant to said land, to-wit:

A water right from the King Hill Irrigation District for watering twenty (20) acres of said land; the water right consisting of approximately two hundred fifty (250) inches out of the Snake River which was appropriated by the Vendors in 1889 and continuously used since such time; a water right for approximately twenty-five (25) inches from an artesian well on the above described premises with a priority date of 1947.

The Purchasers agree to pay to the Vendors for said property the total sum of \$45,000.00, of which \$7,000.00 shall be paid in cash upon the execution of this agreement, receipt of which is hereby acknowledged by the vendors, and

\$1000.00 per year for five consecutive years, the first payment beginning on November 1, 1960;

\$2000.00 per year thereafter until the total purchase price has been paid

It is further agreed that the deferred payments shall bear interest at the rate of 4 per cent per annum, the first payment of which shall be made on the 1st day of November, 1960 and annually thereafter. All payments of principal and interest shall be made to the escrowholder named herein. Said interest payments shall be in addition to the principal payments.

In addition to the above mentioned payments, the Purchasers shall be entitled to make principal payments in multiples of \$100.00 on any payment date.

The Vendors agree to pay all taxes and legal assessments levied for the year 1959 and all previous years and the Purchasers shall pay all taxes and legal assessments for the year 1960 and all subsequent years. Payment by the Purchasers of all such taxes and legal assessments shall be made when the same become due and before they become delinquent.

The Vendors hereby sell and assign to the Purchasers the existing insurance covering the buildings upon the said land and agree to execute the usual formal transfer of the insurance policy. Until said debt and all other sums secured hereby are fully paid, the Purchasers agree to keep the

insurance shall require all payments for loss to be applied on said indebtedness and the Purchasers shall deliver and deposit all of their said policies of insurance to the escrowholder named herein.

The Vendors agree to forthwith execute to the Purchasers a warranty deed to the above described property, and to also forthwith furnish at their own expense, an abstract of title, certified to date showing a good marketable title to said property in the Vendors' name, free and clear from any and all encumbrances, except those herein specifically assumed by the purchasers. As soon as said abstract has been brought down to date and so delivered to the purchasers, the attorney or attorneys for the Purchasers shall have the right for a period of 30 days to examine the same, and in the event that said abstract fails to show that the Vendors have a good and sufficient marketable title to said premises, free and clear of all liens and encumbrances save and except those specifically assumed herein by the Purchasers, the Vendors shall immediately take the steps necessary to clear said title and to remove any and all defects of title affecting the marketability of such title, and shall complete the same as rapidly as possible.

The parties hereto hereby appoint The Glenns Ferry Bank, LTD., Glenns Ferry, Idaho, as escrowholder, and the initial charges of the escrowholder shall be paid jointly by the parties hereto and the future charges of the escrowholder shall be paid by

property and such papers shall be disposed of by said escrowholder in the following manner:

If and when the Purchasers shall have performed all of the terms of this contract to be by them performed, this contract, said deed, and abstract, insurance policies and all other papers deposited with said escrowholder pursuant to this agreement, shall be immediately delivered to the Purchasers, in which event, the Vendors shall, at their own expense, attach the required revenue stamps to said deed.

In the event, however, that the Purchasers shall fail to comply with any of the terms of this agreement to be by them performed within the times herein mentioned, time being the essence of this contract, then the Vendors shall have the right to declare this contract cancelled and annulled after having given the purchasers 45 days written notice of their intention to cancel the same, which notice shall specify the particular terms of this agreement violated by the Purchasers, the Purchasers having, however, until the expiration of the said 45 days the right to comply with the terms of this contract which may be alleged by the Vendors to have been violated by the Purchasers. Service of such notice or of any notice given to the Purchasers in connection with this agreement shall be deemed sufficient and legal if enclosed in an envelope with the necessary postage affixed thereto addressed to the Purchasers at Glenns Ferry, Idaho. In the event said contract is so cancelled and annulled, said escrowholder is hereby authorized and directed to deliver to the Vendors the

as rental for said property during the Purchasers' occupation and use thereof and as liquidated damages and shall go to and belong to the Vendors. In the event of such cancellation, all improvements placed upon said property by the Purchasers shall belong to and remain on said premises as a part thereof and shall be the property of the Vendors.

The Vendors reserve the right at any reasonable time to enter upon the above described premises during the life of this contract for the purpose of inspecting the same.

The Purchasers shall have the right to take possession of said premises on the 1st day of January, 1960, it being understood that the premises are presently being leased to one Fred Eichholz and his lease expires on January 1, 1960. The Vendors shall assume the responsibility of removing said tenant from the premises at the expiration of his lease. The purchasers agree to maintain and care for said property and all improvements thereon or to be placed thereon in a good and proper-like manner, so that no waste shall be committed thereon and no unlawful use made of any part thereof; and the Purchasers further agree to maintain said buildings, fences, headgates, and other improvements in as good order and repair as the same now are, reasonable wear and use excepted, and to keep said property free and clear of all liens and encumbrances, and as free of noxious weeds as the same now is.

It is expressly understood that the Purchasers have

of the soil of said property, and admit that they know of the nature and extent of the noxious weeds on said premises and they hereby declare that they are not entering into this agreement in reliance upon any representations made by the Vendors or either of them as to the nature or extent of said noxious weeds or as to the buildings and premises in general.

Should the Purchasers fail and neglect to make any payment of any taxes, assessments, insurance and other lawful charges against said property, the Vendors at their option, may pay the same, and any other such sums with interest thereon at the rate of 6 per cent per annum shall become a part of and be secured by this contract, and such advancements and interest thereon will be due and payable on the first premium date thereafter.

It is further understood and agreed that this contract shall be binding upon and inure to the benefit of the heirs, executors, administrators, personal representatives and assigns of the parties hereto.

GIVEN UNDER OUR HANDS the day and year first above written.