

07/02/2009

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

RIGHT NUMBER: 2-7046E

NAME AND ADDRESS: RUBBER BAND HOLDINGS LLC
910 N CURTIS RD
BOISE ID 83706

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.820 CFS

Use of this right with Right Nos. 57-7034A, 57-7034B, and 57-10148 is limited to a total combined annual diversion volume of 810 AF.

The rights listed below are limited to a total combined diversion rate of 32 cfs. Combined Right Nos.: 2-7046E, 2-10332, 2-10235, 2-10422, 2-10423, 2-10244.

PRIORITY DATE: 07/30/1969

POINT OF DIVERSION:

T03S R01E S26 SWSW Lot 7 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 10/31	2.820 CFS
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in OWYHEE County

T04S R01E S01	NESW	4.00	T04S R01E S01	NWSW	32.00
T04S R01E S01	SWSW	18.00	T04S R01E S01	SESW	3.00
T04S R01E S02	NENE	40.00	T04S R01E S02	SENE	40.00
T04S R01E S02	SESE	25.00			

162 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 - License

This right is a split from former right 2-7046A.

The following rights are also diverted through point of diversion described above: 2-2357A, 2-2357B, 2-2173, 2-7046C, and 2-7046D.

M e m o r a n d u m

To: 2-7046E

From: D. Shaff

Date: July 2, 2009

Subject: Review of Quantity of Water

Right 2-7046E was claimed in the SRBA with a quantity of water equal to the Water Right License 2-7046B at 14.26 cfs for use on 162 acres or slightly more than 0.088 cfs per acre far exceeding the rate per acre in the license. Unfortunately, the claimed quantity passed through in the Director's Report to the Court.

The water right was placed and leased from the Water Bank in 2004. The quantity in the Water Bank was 2.82 cfs. This quantity when totaled with the other parts of the prior water license slightly exceeds the license total of 32.0 cfs, but prior actions at IDWR compelled amending the recommendation to the Court at 2.82 cfs for 2-7046E. The corresponding rate per acre (just over 0.017 cfs per acre) is in line with the total of the parent license. The same combined quantity remark of 32.0 cfs appearing on the other parts of the parent license is applied to 2-7046E.

Basin	Sequence	Suffix	cfs	Acres	cfs/acre
Splits of 2-7046B					
2	10398		0.78	39	0.02
2	10399		1.4	123	0.011382
2	10395		6.7	317	0.021136
2	10396		0.95	45	0.021111
2	10420		1.74	69	0.025217
2	10421		0.26	123	0.002114
			11.83	716	0.016522

2-7046E
Water Bank
2.82

Splits of 2-7046A					
2	10332		21.19	1059.5	0.02
2	7046 E		2.82	162	0.017407
2	10422		2	100	0.02
2	10423		0.8	123	0.006504
2	10235		0.8	40	0.02
2	10244		5.19	298	0.017416
			32.8	1782.5	0.018401

Both split groups			44.63	2498.5	0.017863
-------------------	--	--	-------	--------	----------

WR					
2	7046 A		32	1836.5	0.017424
2	7046 B		14.26	713	0.02
			46.26	2549.5	0.018145

Balance available from WR			1.63	51	0.031961
---------------------------	--	--	------	----	----------

Prepared by D. Shaff 7/2/2009

11/09/2005

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: December 2, 2005

Water right number: 2-7046E

VERLA J MERRICK
21118 WEES RD
OREANA ID 83650
Telephone Number: (208)834-2641

ARTHUR J MERRICK
21118 WEES RD
OREANA ID 83650
Telephone Number: (208)834-2641

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:

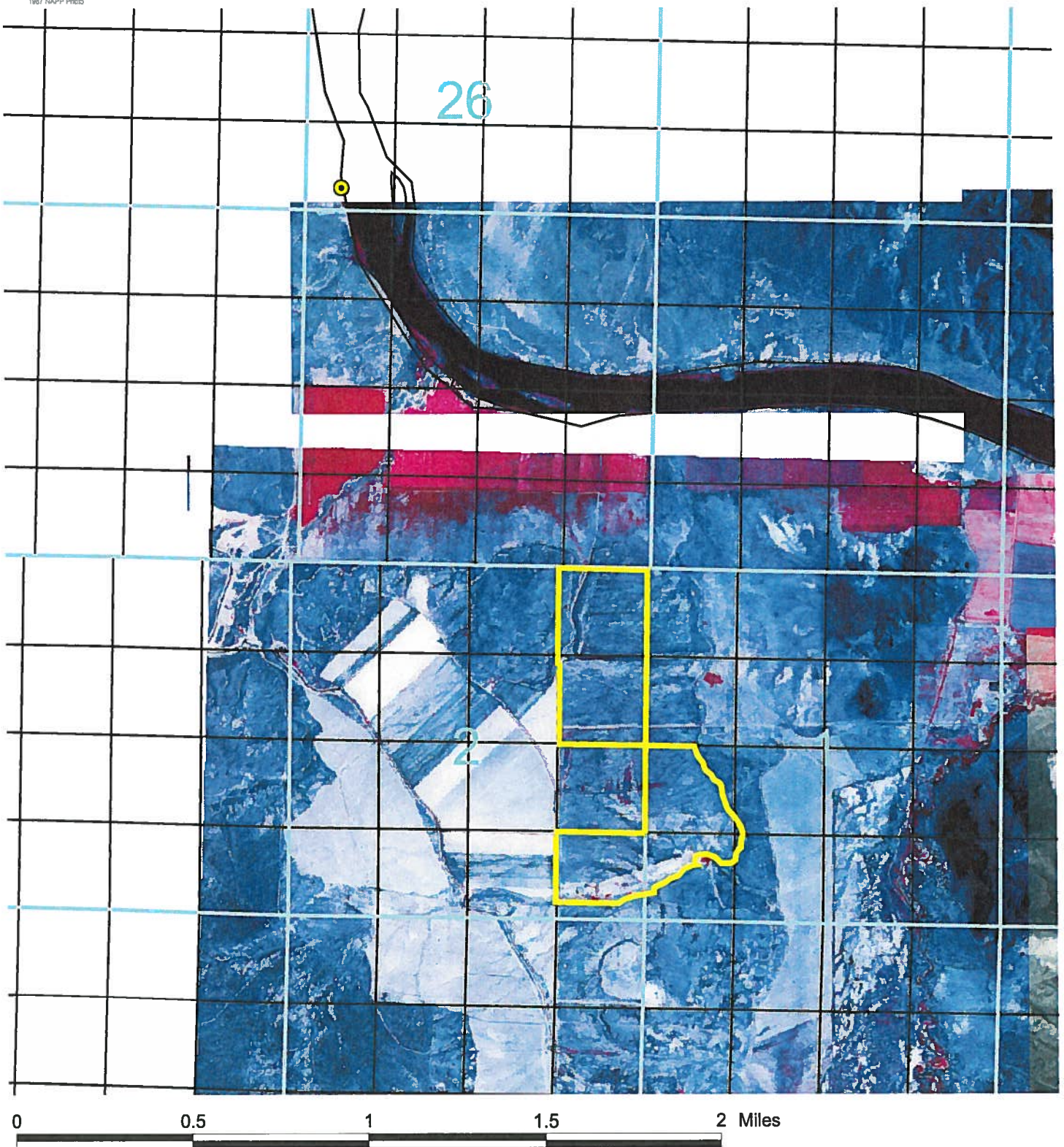
☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/29/05 SIGNATURE: *Arthur J Merrick*
Please print your name: Arthur J Merrick

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

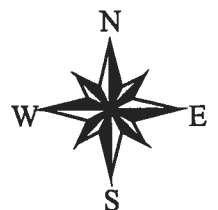
Idaho Department of Water Resources

1987 NAPP Photo



Claim Number: 02-7046E
Legal: T04S, R01E, S1 & S2
T03S, R01E, S26
Reviewed By: BTB 5/13/05

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



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-07046 E

Date: 5-28-02

	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	45	1E	1									4	32	18	3					57
GIS												.6	.33	17	.8					51.4
Claim			2	40			40												25	105
GIS				40			39												32	111
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 162

Overlapping POU Claim #'s:

Total GIS Acres: 162.4

COMMENTS:

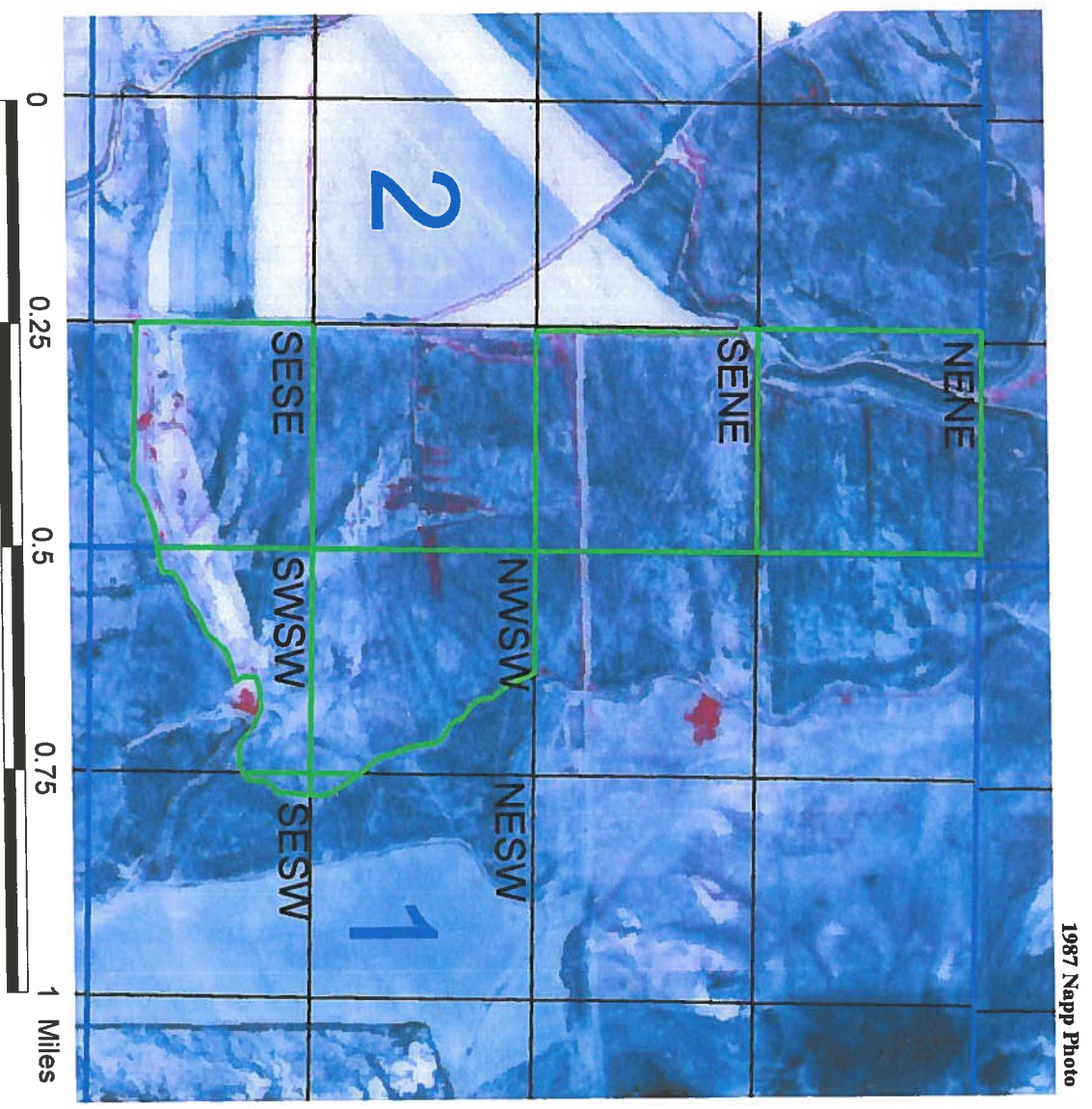
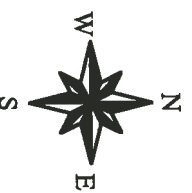
POU per image interpretation - No claim map or County data

POD - estimated per claim legal - imagery does not cover this area

Idaho Department of Water Resources

Claim Number: 02-07046E
Legal: T04S, R01E, S01, 02
Reviewed By:

- Point of Diversion
(located outside view)
- Place of Use
- Section Lines
- Quarter Quarter Lines

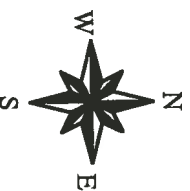
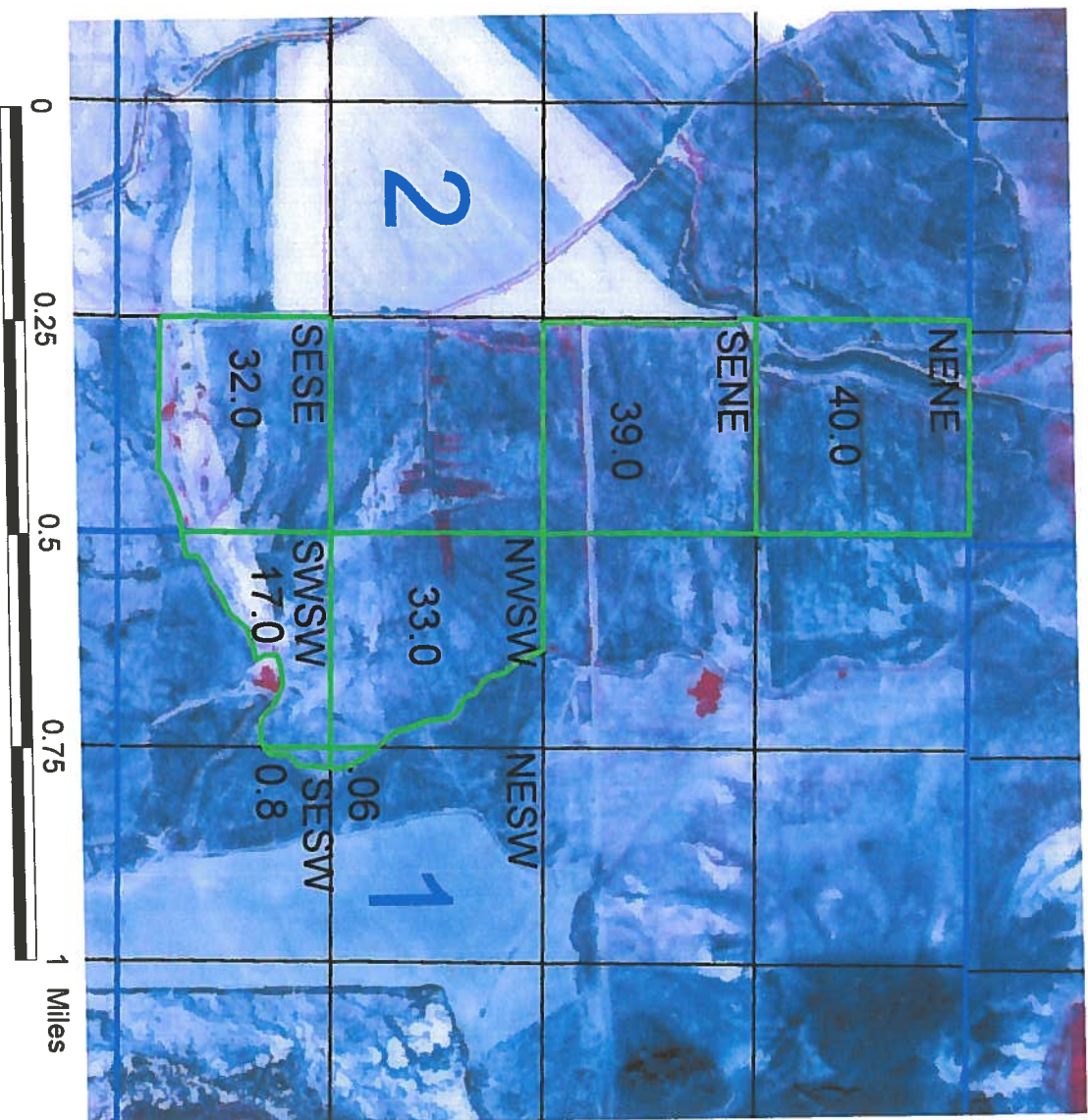


Idaho Department of Water Resources

Claim Number: 02-07046E
Legal: T04S, R01E, S01, 02
Reviewed By:

- Point of Diversion
(located outside view)
- Place of Use
- Section Lines
- Quarter Quarter Lines

1987 Napp Photo



POOR ORIGINAL

CONVERSATION MEMORANDUM

DATE 6/3/85

FILE 02-7046 H&B

NAME OF PARTY K.C. Farms; Merrick et al. Permit 02-7099

EMPLOYEE John K. Moyer

RE: B. P. lot 7 & w SW Sec 26 T35R1E

Power turned off at river site - wires off of pumps. Pump #5 was pulled. Pump #5 was an addition to four pumps measured previous. 12" 16" penstock has also been installed since the measurement of 02-7046.

Re lift station - five pumps - number one is out - Number five was installed after measurement of 02-7046. This pump is being used to pump castle creek water that has been directed into the main canal at the re lift station.

Question the feasibility of this project. as the soils ^{are} highly alkaline and the canal runs for approximately seven miles with a considerable amount of water loss due to seepage & etc. If farm commodities stay at the present level it will be several years before this land will be economically feasible to farm.

But this project on hold for the next five years & if no attempt has been made to beneficially use the water resources & soil salinization.

MICROFILMED

AUG 16 1984

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 ~~ORIGINALLY~~
Border.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-7046A	
I.D. No. \$10.00	Map No. #355
Fee Paid	Receipt No.

Notice is hereby given that Arthur J. Merrick
(Name of Claimant)

Oreana Star Route, Murphy, ID 83650 Telephone No. 834-2641
(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) July 30, 19 69
- (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 3.01 cfs 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 2.92 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) 2.92 3.01 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NW Lot 7 SW 1/4 SW 73 73 County
Sec. 26, Twp. 3S, Rge. 1E, B.M., Owyhee
Additional Points: SW: 2720(1) 465.7
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.
4 - 200 HP, 1 - 100 HP pumps and pipeline into canal with relift pumps,
sprinkler and gravity irrigation.
- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	1E	1									4	32	18	3					57
		2																25	105 89
																		24	

Total no. of acres 162 146

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 (MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 46.84 CFS WHEN COMBINED WITH RTS. 02-2173, 02-2357A/B & 02-7046B.)
- (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

TO: 02-2173, 022357 ~~A & B~~, 02-7046 ~~A & B~~

FROM: Donald V. Shaff ~~DL~~

DATE: 5/23/83

SUBJECT: Review Analysis

These rights, split by two water users, appeared not to be consistent with the licenses ~~that~~ where issued earlier. The aerial photography available after the field examinations show the land was not irrigated in the manner described in the exams and subsequent licenses.

For 02-2173 the number of irrigated acres appeared to be ~~essence~~ ^{essentially} the same. The place of use varied slightly. A few acres in some of the tracts had not been previously described including some land that maybe BIM. ground.

~~Rights~~
~~For as~~ 02-2357 ~~A & B~~ were not recommended or found different than what was claim or appeared on the licences.

The two remaining rights, 02-7046 ~~A & B~~, were issued in two parts. Claims filed by the water users were different than that which appeared on the licenses. Each water user has gained through purchase parts of each of the two parts of the licenses. This perplexing problem was solved by placing the maxium diversion restriction on both rights that appeared on the last licensed part to Connecticut General Life Insurance Company. This review found the two licences over laped in acerage. For example some forty ~~acres~~ ^{acres} tracts had acerage under both licences totalling more than forty ~~acres~~ ^{acres}. All these rights were ~~messaged~~ ^{photos} to hone down the irrigated lands under each right. The 1980 U2 aerial photo was relied upon most heavily to determine the full extent of beneficial use of the water. This photo was compared to the 1977, 1974 ~~and~~ the field exams to resolve any questions ^{of} periodic non-use.)

MICROFILMED

AUG 16 1994

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 5/23/83

Right No. 02-7046A

Claimant MERRICK

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. TRACING IN 02-7046B

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

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☐ Other _____

☐ _____

Field Exam Made: ☒ Yes ☐ No Date _____

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

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 DRAINAGE BASIN:
Border.

NOTICE OF CLAIM TO A WATER RIGHT

02-7046A	
I.D. No. \$ <u>10.00</u>	Map No. # <u>355</u>
Fee Paid	Receipt No.

Notice is hereby given that Arthur J. Merrick
(Name of Claimant)

Oreana Star Route, Murphy, ID 83650
(Mailing Address)

Telephone No. 834-2641
(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) July 30, 1959
- (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>3.01 cfs</u>
(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) 3.01 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 26, Twp. 3S, Rge. 1E, B.M., Owyhee County
Additional Points: _____
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.
4 - 200 HP, 1 - 100 HP pumps and pipeline into canal with relift pumps, sprinkler and gravity irrigation.
- (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	
4S	1E	1									4	32	18	3					57
		2	40			40											25		105

Total no. of acres 162

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 _____

- (9) Basis of claim (Check one) ☐ 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 Administration

WATER RIGHT LICENSE

License of Water Right No. 02-7046 (part) Priority July 30, 1969 Amount 14.26 cfs

THIS IS TO CERTIFY, that Connecticut General Life Insurance Company
of Dallas, Texas, has complied with the terms and conditions of Permit
No. 02-7046 (part) issued pursuant to Application for Permit dated July 30, 1969,
and has submitted proof to the Department of Water Administration on June 29, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 46.84 cfs of water from the Snake River,
tributary to the Columbia River, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>March 1</u> to <u>Oct. 31</u> at <u>14.26</u> cfs and			<u>3,565 acre feet or</u>
			<u>5.0 af per acre</u>
from _____ to _____ at _____ cfs and			
from _____ to _____ at _____ cfs and			

(both dates inclusive)

Subject, however, to the condition that no more than *14.26 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3,565 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26,
Twp. 3 S, Rge. 1 E, B. M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				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 $\frac{1}{4}$	
4 S	1 E	1		35	20		40								15			35	145
		2		10															10
		12	36			36									36			36	144
		13	36			20													56
		23		40			40	40	40	40	40	40	39	39					358

Total number of acres irrigated 713

* Subject to the condition that the maximum rate of diversion shall not exceed
46.84 cfs when combined with Licenses No. 02-2173, 02-2357 and 02-7046 (part)
issued March 27, 1972.

POOR ORIGINAL

DEPARTMENT OF WATER ADMINISTRATION FIELD REPORT

- Name of permit holder Connecticut General Life Insurance Company
Post office address 910 Stemmons Tower North, Dallas, Texas 75207 Phone _____
Person to contact _____ Phone _____
- Source of water supply: Groundwater ☐ Surface water ☒ Snake River
Tributary to Columbia River (name spring, stream, etc.)

- Water will be used for the following purposes:

Amount 14.26 c.f.s. for irrigation
AF/Annum (nature of use)

Period of Use: from March 1 to Oct. 31
(mo.-day) inclusive (mo.-day)

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

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

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

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

Other uses: _____

- Total amount to be appropriated:

Max Rate of Diversion 14.26 cubic feet per second and annual volume _____ AF/Annum.

- Location of Point(s) of Diversion:

Township 3S N/S, Range 1E E/W, B.M., Section 26, Subdivision SW 1/4 SW 1/4 Owyhee
County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 1/4
County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 1/4
County _____

Other Points of Diversions: _____

Description of diverting works Three pumps to 30" penstock, 1 200 hp, 1 150 hp, 1 100 hp, pump-
ing thru a penstock to open ditches to the place of use.

Measuring device required: yes ☒ no ☐

- Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
48	1E	1		L. 2			L. 3								40			40	180
				40	20		40												10
				L. 2															
		2		10															
		12	32			26								25			20		103
		13	20			40													60

Permit No. 08-1048
Examination for b/x (Part 5B)

[illegible]

Pump designed for 2800

DATE OF EXAM 3 Oct 73

ACREAGE

Found 7.33Recommended 7.13Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = 14.26 c.f.s.V = 3208.5AFI Ann. from 11021 to Oct 31

Domestic Q = _____ c.f.s.

V = _____

AFI Ann. from _____ to _____

Livestock Q = _____ c.f.s.

V = _____

AFI Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓Name source: Snake RiverTwp. 3N/S Rge. 1E/W, B.M., Sec. 26Sub. SWSW1/4

County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____

Twp. _____

N/S, Rge. _____

E/W, B.M., Sec. _____

Sub. _____

1/41/4

County _____

Point of injection:

Twp. _____

N/S, Rge. _____

E/W, B.M., Sec. _____

Sub. _____

1/41/4

County _____

Point of exchange:

Twp. _____

N/S, Rge. _____

E/W, B.M., Sec. _____

Sub. _____

1/41/4

County _____

Total Q measured 46.84 c.f.s.Method of measurement Orifice PlateTotal Q recommended 14.26 c.f.s. Meter No. _____

Type _____ Condition _____

Total V recommended 3208.5 c.f.s.

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None

MEASUREMENT CALCULATION:

Q = 2.43' head on 26/30 Orifice PlateQ = 46.84 c.f.s. Allow Q = 14.26 c.f.s.V = (4.5)(7.13) = 3208.5 c.f.s./day

SYSTEM DESCRIPTION:

3 GE 200 HP Pumps 1 100 HP plus Electric Motor 1-1/2" x 3-16"
discharge to 30" pipe 26" Orifice Plate Pearless pump station
type

REMARKS:

[illegible]

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

SEE ATTACHED MAP

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

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

Y Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. **Measurements:** Mannings Equation Attached

E. NARRATIVE/REMARKS/COMMENTS

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

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

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

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

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

No other rights are used.

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

F. FLOW CALCULATIONS

___Y___ Additional Computation Sheets Attached

Measured Method:

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

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

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

2. Recommended Amendments

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

Lori Graves - Senior Agent

Field Examiner's Name Lori Graves Date 9/10/01

Reviewer _____ Date _____

SEAL

MANNING EQUATION CHANNEL CAPACITY RESULTS

07-26-2001

File Number: 57-7034

Claimant: Merrick

Channel measured: Castle Creek Diversion

Date of measurement: 7/18/2001

Measurement location:

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

Calculation prepared by: Lori Graves

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 200 feet.

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

The channel cross section is 27.65 ft-sq.

The wetted perimeter is 15.11 feet.

The hydraulic radius is 1.83 feet.

The slope is 0.0037

The roughness coefficient is 0.0500

The flow velocity is 2.712 ft/sec.

The rate of flow is ~~74.97 cfs~~.

CROSS SECTION NUMBER 2

For File Number 57-7034 for the Castle Creek Diversion

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

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

CROSS SECTION NUMBER 1

For File Number 57-7034 for the Castle Creek Diversion

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

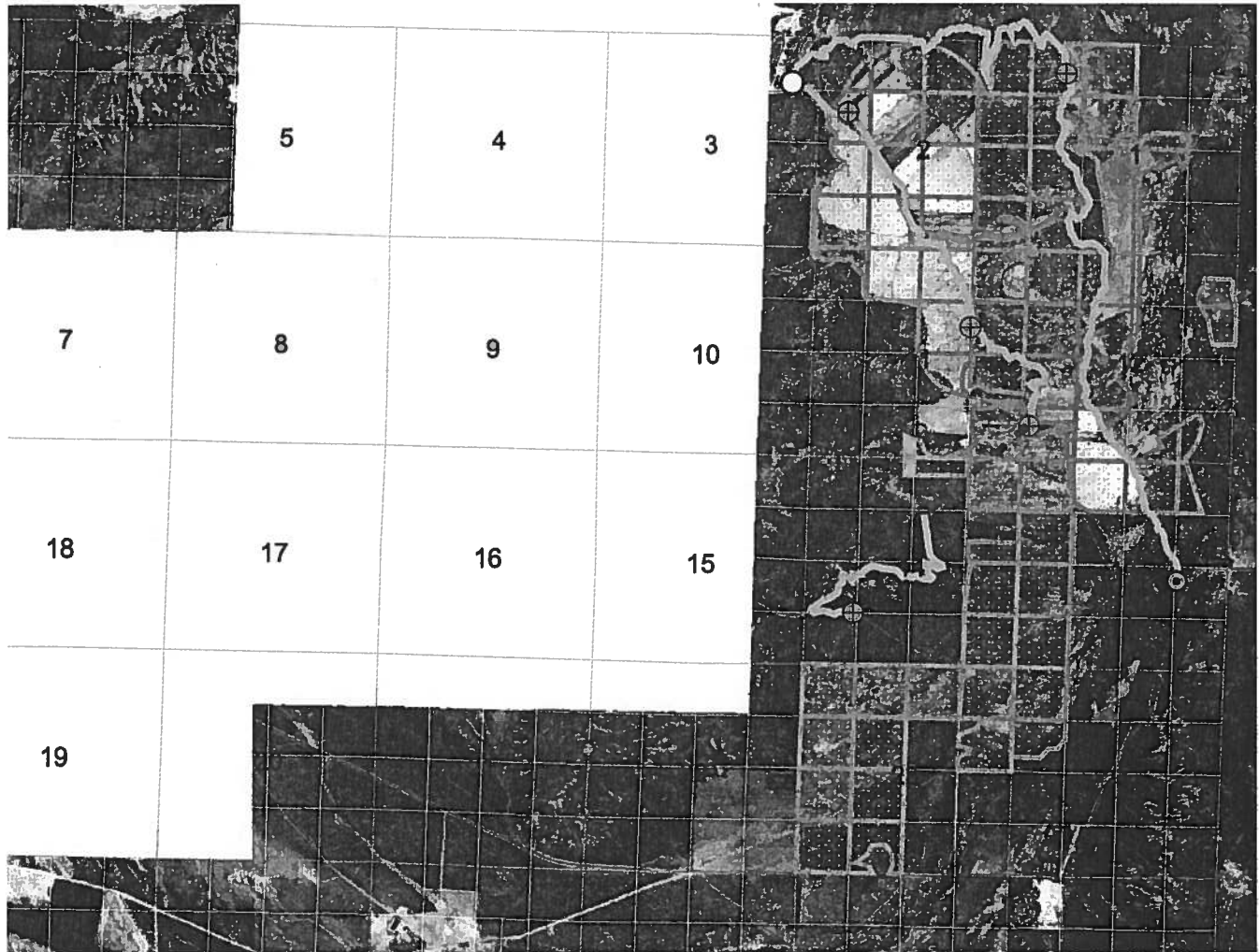
The area for this cross section is 25.70 square feet
and the wetted perimeter is 14.36 feet.

2385 Tot.
her

4 S 1 E

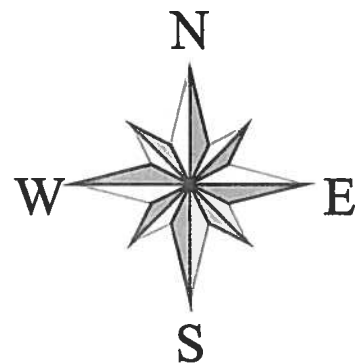
	44 8	43 35	42 28	41 30	44 40	43 40		
	28	40	40	40	40	38	11	
		23				21		
	30	40	40	40	34	29	16	
3	40	36	35	35	33	23	5	
1	13	40	40	40	40	37	6	14
			40	32	40	40	5	15
		11				12		
			20	30	31	36	1	
		3	4	37	30	31	12	11
		2	14	38	37	38	37	12
				15	40			
		14				13		
				38	40			
				39	40			
	40	40	40	38	40			
	40	40		35	26			
		23				24		
	40	40						
	40	30						

57-7034



1 0 1 2 Miles

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



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A02-07046E**
Date Received: 12/ 7/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ARTHUR J MERRICK
Address: HC 79 BOX 2325
OREANA ID

208-834-2641

83650

OR

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

208-834-2641

83650

2. Date of Priority: JUL 30, 1969

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	01E	26	SW	SW	SW	7	OWYHEE

5. Description of diverting works:

2 PUMPS, PIPELINE, SPRINKLER, CANAL, AND GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	10/31	14.260		

7. Total Quantity Appropriated is:

14.260 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

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

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A02-02357 AND A57-07034A

14. Remarks:

THIS CLAIM WAS PART OF THE ORIGINAL RIGHT 02-7046

 06/01/1989-- IT APPEARS THAT THIS CLAIM WAS BASED ON THE WRONG
 PORTION OF RIGHT 02-07046. THE ORIGINAL PERMIT WAS ASSIGNED TWO
 WAYS; "A" PORTION FOR 32 CFS AND "B" PORTION FOR 14.26 CFS.
 THIS CLAIM WAS FOR THE "A" PORTION AND LISTED LANDS THAT WERE IN
 THE "A" PORTION OF THE LICENSE BUT LISTED DIVERSION RATE OF 14.26
 CFS WHICH IS THE DIVERSION RATE FOR THE "B" PORTION OF THE
 LICENSE. ALSO THE CLAIMED DIVERSION RATE WAS NOT PRO-RATED TO
 THE ACTUAL AMOUNT OF ACRES IRRIGATED. ELR.

 THIS CLAIM IS A PORTION OF 02-07046A.

15. Basis of Claim: LICENSE

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A02-07046A
Date Received: 12/07/1988
Receipt No: M002085
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

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

2. Date of Priority: JUL 30, 1969

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
03S	01E	26	SW	SW	SW	7	OWYHEE

5. Description of diverting works:
2 PUMPS, PIPELINE, SPRINKLER, CANAL, AND GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	10/31	14.260		

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

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

9. Non-irrigation uses:
NONE

10. Place of Use:

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

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A02-02357 AND A57-07034A

14. Remarks:
THIS CLAIM WAS PART OF THE ORIGINAL RIGHT 02-7046

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Arthur J. [Signature] Date: 12/7/88
_____ Date: _____

State of Idaho)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of Dec 19 88

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 9-2-1994

Water Right Number -- 02-07046A Adj. Flag Translation: Standard Water Right Number Old (D) Number --
+ -- -- -- Last Name -- -- -- + + -- -- -- First Name -- -- -- + + -- -- -- Address -- -- -- +

*** C - CURRENT OWNER ***
MC DOWELL

EST. OF HARLEY M.

1 -
2 -
3 -

City-
Phone - 208-000-0000

State- ID zip-

+ -- Priority Date -- + + -- -- Region -- -- + + -- -- Stage -- -- + + -- -- Status -- -- +
07/30/1969 14 L - LICENSE

+ -- -- -- Source -- -- -- + + -- -- -- Tributary -- -- -- + + -- -- -- Status -- -- -- +
SNAKE RIVER COLUMBIA RIVER

+ -- -- -- Point of Diversion -- -- -- Stream Index (Blank if no Index Code) + -- -- -- Status -- -- -- +

Twn Rng Sec Tract Lot RPlg County Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 10/31 32.000 9182.00

+ -- Total Div. Rate -- + + -- Total Div. Volume -- + + -- Total Div. Capacity -- + + -- Total Consumptive Use -- + + -- KW Usage -- +
32.000 9182.00 32.000

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
04S	01E	1	SW NE	20.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	1	NE SW	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	1	NW SW	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	1	SW SW	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	1	SE SW	39.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	1	NW SE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	1	SW SE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	2	NE NE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	2	NW NE	30.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	2	SW NE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	2	SE NE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	2	SW SE	39.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	2	SE SE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	11	NE NE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	11	NW NE	39.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	11	SW NE	39.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	11	SE NE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	11	NE SE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	11	NW SE	39.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	11	SE SE	39.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	11	SW SE	40.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE
04S	01E	12	NE NE	8.0	01	IRRIGATION	01	IRRIGATION	(73) OWYHEE

MICROFILMED

AUG 07 1992

Adj. flag translation: Standard Water Right Number

Total Acres: 1836.5

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

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

~~NOT FILMED~~
~~107 1992~~

Water right number -	02-07046A	Adj. flag translation:	Standard Water Right Number	
+ - - - -	- Decree Plaintiff - - - +	+ - - - -	- Decree Defendant - - - +	+ - - Decree Date - + 00/00/0000
+ - - - -	- Audit Fields - 06/09/89 CURTIS			
+ - - - -	- - - - -	- - - - -	- - - - -	- - - - -
	Proof Due Date - 00/00/0000		Field Exam Made - 00/00/0000	Field Exam Fee -
	Approved/Denied - 00/00/0000		Protested Date - 00/00/0000	Swan Falls -
	Proof Made Date - 00/00/0000		Hearing Date - 00/00/0000	Temporary Right - P
	Start Work Date - 00/00/0000		Verified Date - 00/00/0000	DLE/Carey Act -
	Order Show Cause - 00/00/0000		Receipt Number -	Water District -
	Licensed Date - 03/27/1972		Appl Received - 00/00/0000	Transfer/Amended - A
	Decree Date - 00/00/0000		Presumption Flag -	Microfilm Roll Number -

~~MICROFILMED~~

JUN 07 1992

RECEIVED
JUN 12 1969

State of Idaho
Department of Water Administration

Department of Water Resources
Western Regional Office

LICENSE OF WATER RIGHT

License of Water Right No. 02-7046 (part) Priority July 30, 1969 Amount 32.0 cfs

THIS IS TO CERTIFY, that the Estate of Harley M. McDowell
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 02-7046 (part) issued pursuant to Application for Permit dated July 30, 1969,
and has submitted proof to the Department of Water Administration on October 28, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 32.0 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from the Snake River
tributary of the Columbia River, is hereby confirmed in the following amounts:
Amount 32.0 cfs for Irrigation from March 15 to Oct. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 32.0 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26, Twp. 3 S, Rge. 1 E, B.M.

in the county of Owyhee; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 9,182 acre feet per year or _____
5.0 acre feet per acre.

Description and location of place of use: See Land List Attachment

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				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 $\frac{1}{4}$	

Total number of acres irrigated 1,836.5

Subject to the condition that the maximum rate of diversion shall not exceed 32.0 cfs
when combined with Licenses No. 02-2173 and 02-2357.
A measuring device of a type approved by this Department shall be permanently main-
tained as part of the diverting works.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands

LAND LIST ATTACHMENT

Description and location of place of use:

[illegible]