

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-32583
Date Received: 12/15/2006
Receipt No: W034964
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BUCKSKIN SUBDIVISION HOMEOWNERS ASSOCIATION Phone: (208)938-9331
3300 N SADDLEMAN PL
EAGLE ID USA 83616

2. Date of Priority: 02/11/1957

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	34	NE SW	ADA	

5. Description of diverting works:

Well

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.34	76.5

7. Total Quantity Appropriated is:
0.34 C.F.S. and/or 76.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	34	NE	SW	IRRIGATION	17
Section Acres						17
Total Acres						17

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

The Application for Permit (G24539) that resulted in License 63-2963 sought 50 acres of irrigation. During the licensing exam in February 1957, the engineer noted 67 acres with a note that approximately 15 acres lay above the ditch. The license was limited to 50 acres, because that is what the permit was for. The field engineer noted that the 15 acres above the ditch was served by ground water (not surface water) and 52 acres were served by gravity. Of the 52 acres served by gravity, 50 were licensed. Therefore, there are 17 acres unclaimed. These 17 acres (67-50=17) have not been claimed under water right 63-2963. The members of the association deeded their water rights to the Homeowner's Association in an effort to consolidate all water right ownership into one common entity on behalf of the Association members; these deeds are on file at IDWR under 63-2963.

15. Basis of Claim: Beneficial Use

RECEIVED

DEC 15 2006

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

WATER RESOURCES
WESTERN REGION

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

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OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

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ALB-32583

12-15-06

W034964

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Buckskin Subdivision Homeowners' Association, Inc. Phone (208) 938-9331
Mailing Address 3300 N. Saddleman Pl., Eagle, ID Zip 83616
2. Date of Priority (Only one (1) per claim) 2/11/1957
3. Source of water supply (a) ground water
Which is tributary to (b) _____
4. a. Location of point of diversion is: Township 5N Range 1E Section 34, NE $\frac{1}{4}$ of SW $\frac{1}{4}$,
Govt. Lot _____, B.M., County of ADA
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of
_____ $\frac{1}{4}$, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. **See Report of Engineer for Permit No. G-24539 dated Feb 11,
1957 for licensing of 63-2963.**

6. Water is claimed for the following purposes:

(both dates are inclusive)

For IRRIGATION purposes from 3/1 to 11/15 amount 0.34 cfs (cfs) or 76.5 (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.34 (cfs) and/or (b) 76.5 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
5N	1E	34									17								17

Total number of acres irrigated 17

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (X)

14. Remarks:

The Application for Permit (G 24539) that resulted in license 63-2963 sought 50 acres of irrigation. During the licensing exam in February 1957, the engineer noted 67 acres with a note that "approximately 15 acres" lay above the ditch. The license was limited to 50 acres because that is what the permit was for. The field engineer noted that the 15 acres above the ditch was served by ground water (not surface water) and 52 acres were served by gravity. Of the 52 acres served by gravity, 50 were licensed. Therefore, there are 17 acres unclaimed. These 17 acres (67 – 50 = 17) have not been claimed under water right 63-2963. The members of the association deeded their water rights to the Homeowner's Association in an effort to consolidate all water right ownership into one common entity on behalf of the Association members; these deeds are on file at IDWR under 63-2963.

Last Name _____ Ident. Number _____

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

Scale: 2 inches equals 1 mile.

**(Insert Grid for Map of Project from Original Claim Form
found in "IDWR Forms" File in ERO Filing Cabinets)**

Last Name _____ Ident. Number _____

15. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

of Buckskin Homeowner Assoc., that I have signed the foregoing

document in the space below as President of Buckskin Homeowner Assoc.,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent William Burke

Title and Organization President Date 12/15/06

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 15th day of December 20 06

Notary Public Heather L. Hyde

Residing at Emmett

My Commission Expires 6/30/12

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Topographic map of the Capitol View area in Fresno County, California. The map shows the Capitol View Canal, Dry Creek, and various roads. A black rectangle highlights a specific area, and a callout box indicates "Unclaimed Irrigation = 17 acres".

Unclaimed Irrigation = 17 acres



2 Miles





ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

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DEC 18 2006

WATER RESOURCES
WESTERN REGION

December 18, 2006

Ms. Jan Shurte
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Buckskin Homeowner's Association Beneficial Use Claim

Dear Ms. Shurte,

During a review of the water rights associated with the Buckskin Subdivision, located north of Eagle, Idaho (T5N, R1E, Sec 34 E1/2 of the SW), it came to our attention that there are 17 acres of land that was historically irrigated back to 1957 that was not claimed in the Snake River Basin Adjudication.

Permit G 24539 was licensed as Water Right 63-2963 in 1957 for 50 acres. During the field exam, the engineer noted that the actual amount of irrigation was 67 acres, with ground water supplementing Capital View Irrigation District's water on 50 of the acres and "approximately 15" acres of primary. The "approximately 15" acres (actually 17) were never filed on in the SRBA.

The filing fee of \$134 is included along with the supporting documents taken from the 63-2963 file. If you have any questions, please call.

Regards,

A handwritten signature in cursive script that reads "Steven R. Hannula". The signature is written in dark ink and is positioned above the printed name.

Steven R. Hannula

Form 23

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DEC 18 2006

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

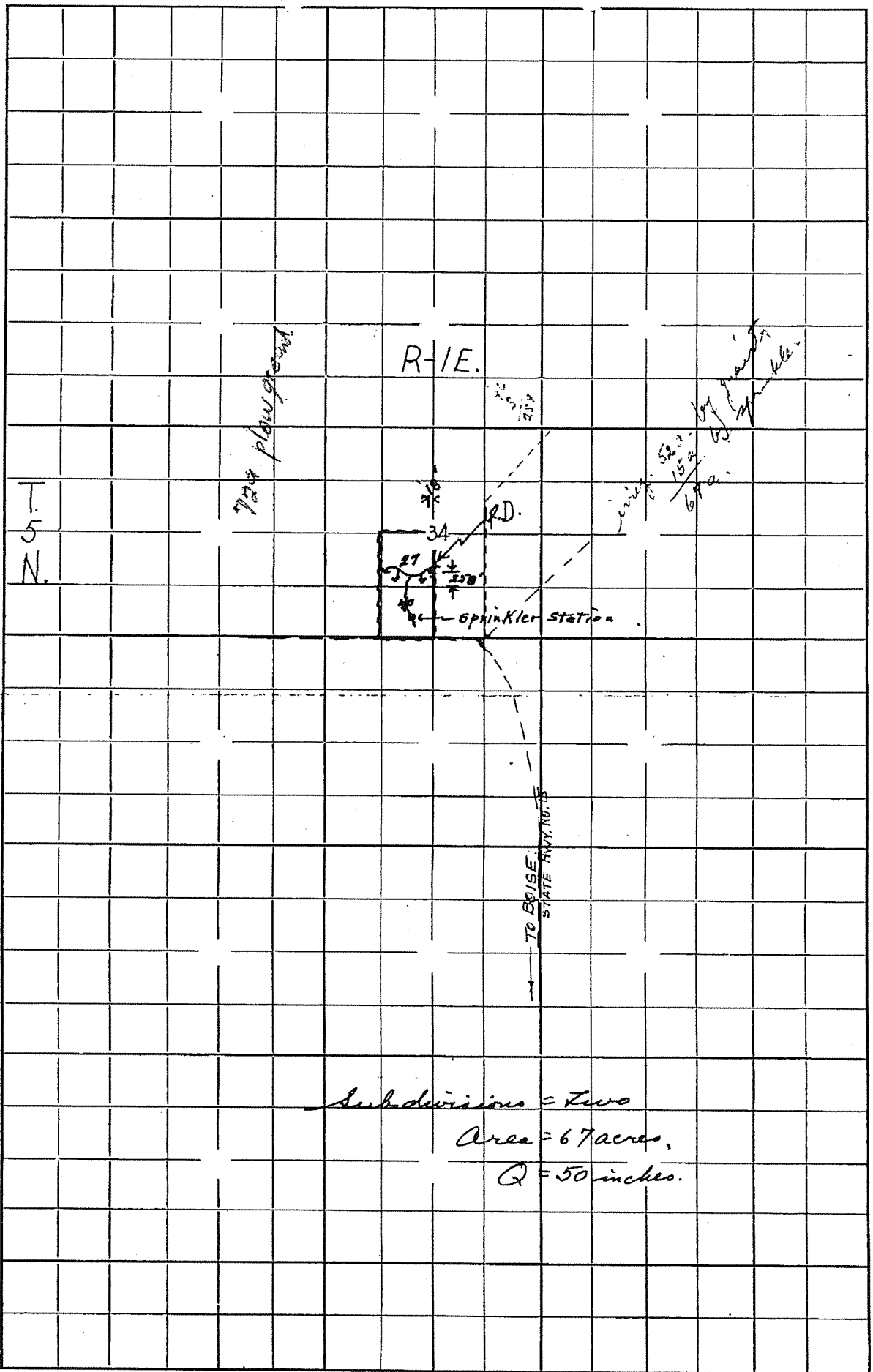
PERMIT NO. G-24539

REPORT ON PROOF OF Completion of works & Beneficial Use

John Andregg
Route 3, Boise, Idaho

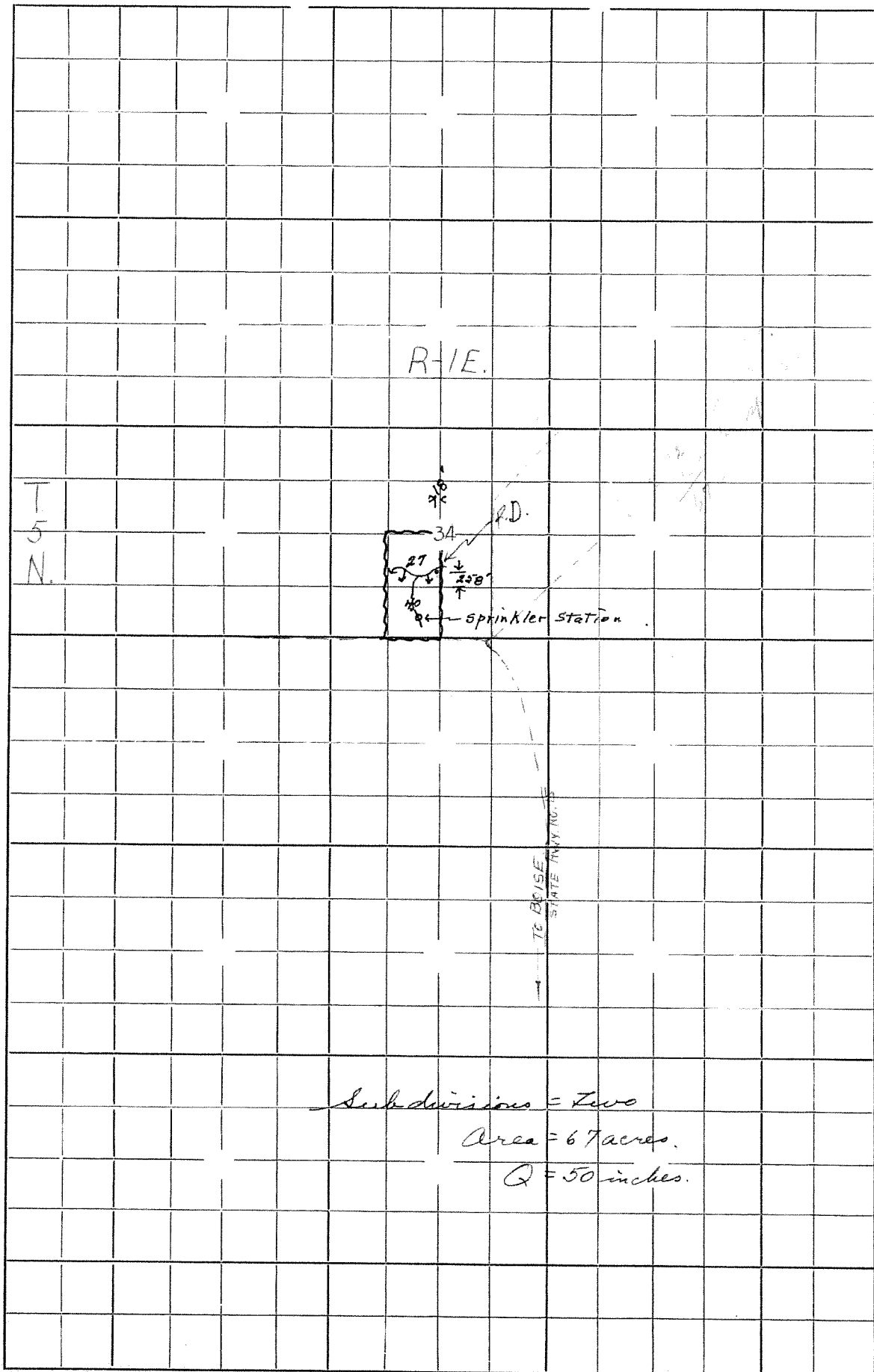
1.0 cfs.
max

app. 1.0 cfs
but 2
acres 67



Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

24539



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

24539

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-24539

This proof is for Comp. of Works & Bene. Use. In Water District No. _____

1. Name of applicant. John Andregg, Route 3, Boise, Idaho2. Source of water supply: Subterranean well3. Location of point of diversion: Is in the NE¹/₄ SW¹/₄ of Section 34T. 5 N. R. 1 E. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: Drilled well 12" dia. by 131' depth, cased 52". H. 8', D. D. to 80'. 6" x 65' column. Two-stage, 8" dia. bowls. Jacuzzi Pump with a Johnson gearhead, angle drive. Pump Serial No. WEE261. Power is an old Plymouth car motor. There is no pump house, no protection, a small concrete pipe base level with the ground. Delivery is thru 6" x 20' pipe up into the ditch. Water is delivered by gravity excepting the changes delivered thru a sprinkler system. Down near the yard, alongside a ditch, there is a 5 h.p. Delco motor with a 2 1/2" x 2" x 6" Peerless Centrifugal Pump and 22 lengths of 3" sprinkler pipe with 22 3/16" x 3/32" sprinkler heads. Operation is at 40 pounds pressure. Then at times this same sprinkler system with a portable motor is used to pump from the high ditch North onto the high land above the North ditch. This water is supplemental to water from Dry Creek except for approximately 15 acres that lays above the ditch and for this reason is primary water.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E¹/₂ SW¹/₄ Section 34, Twp. 5 N., Rge. 1 E., B.F. - 80 acres more or less

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Crops are hay, pasture, and row crops.This examination was made on the 11 day of February, 1957(Signed) E. H. Humphrey Examiner.G-24539

5 hp. Deleo Motor
 Peerless Cent. Pump
 2 1/2" x 2" x 6" pump.
 Bulldoz & Deleo kinetors
 22 Sprinkler heads
 3" x 3/4" @ 40 #
 3" x 40' - 23 per.
 3" x 20' - 4 per.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
 FEB 13 1957

Department of Reclamation

Mr. John Andress
 Route 3

Boise, Idaho

Permit No. 6-24539

Ph = 46544 Binn

Examination for Canal... of North & Bama...

County Ada

3A-5A-1E.

Q2 1.0 c.f.s.

S2 Well

N.D. = NE. SW, Sec. 34, T. 5N. R. 1E

Use = Irrigation & Domestic

Filed - Oct. 23, 1958

Due - Oct. 30, 1956

131' x 12" cal 52'

4-8' dd = 680'

6" cal x 15' 2 stage 8"

Jaeggli Pump

Johnson gear head.

W E R 261 = Sen.

Driven by P. Lynn & Co. motor

No protect

Small conc. base

Level with ground

20' x 6" pipe into pit

State of Idaho

License and Certificate of Water Right

Water License No. G-24539Amount 1.0 c.f.s.

Water District No. _____

Priority October 26, 1953

THIS IS TO CERTIFY that

JOHN ANDREGG

of Route # 3, Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 26, 19 53; that Permit No. G-24539 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.0 second feet, was issued thereunder on March 1, 19 57, showing that said works were completed on the 24th day of September, 19 56; and that on the 24th day of September, 19 56, **JOHN ANDREGG**

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well subterranean, ~~subterranean~~ flow, for the purpose of Irrigation and domestic use under Use Permit No. G-24539 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 5920, on the 1st day of March, 19 57;

The right hereby confirmed dates from October 26, 19 53;

The Point of Diversion is located

in the N 1/4 SW 1/4, Sec. 34, Tp. 5 N., R. 1 E., B. M. County Ada

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>5 N.</u>	<u>1 E.</u>	<u>34</u>	<u>N 1/4 SW 1/4</u> <u>SE 1/4 SW 1/4</u>	<u>10</u> <u>40</u>	<u>10</u> <u>40</u>
Total number of acres irrigated - - - -				- - - -	<u>50</u>

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

1st day of March, 19 57.

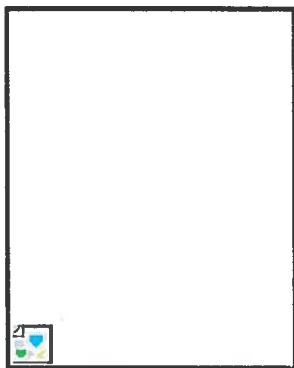
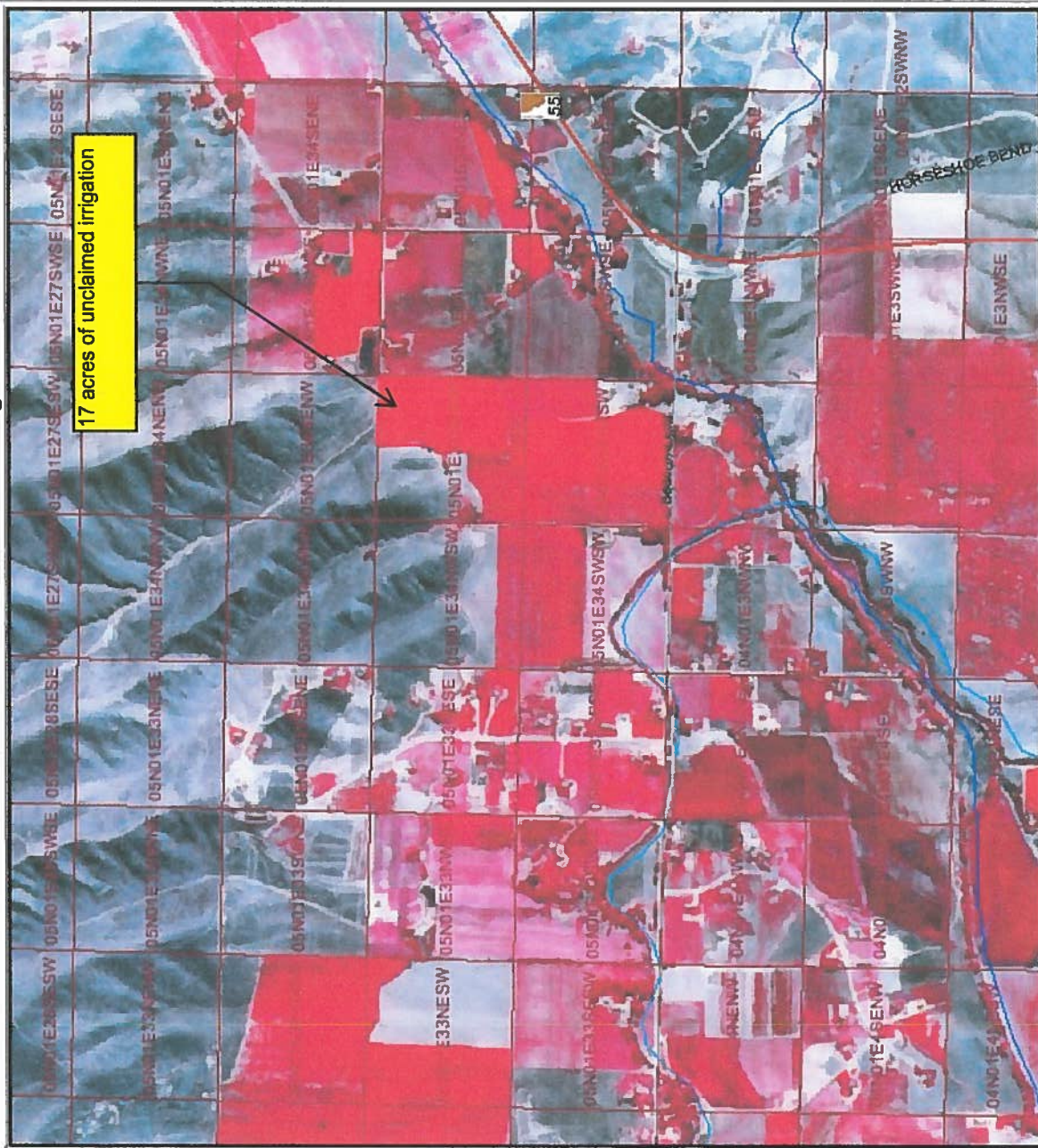
/s/ Mark E. Kulp

State Reclamation Engineer.

(SEAL)

63-2963

Buckskin 1987 IDWR Web Image



- Legend**
- Major Roads
 - Interstate
 - U.S. Highway
 - State Highway
 - Other
 - Lakes
 - Major Rivers
 - Rivers
 - Creeks
 - Rivers
 - Small streams
 - Stream
 - PLS - quarter quarter
 - Counties
 - State
 - Adjudication Photos



Prepared by the ArcView Map Server:

Idaho Department of Water Resources
 1000 West State Street, 8th Floor
 Boise, Idaho 83720-0000
 Ph: (208) 387-4800
 www.idwr.idaho.gov

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Idaho Department of Water Resources

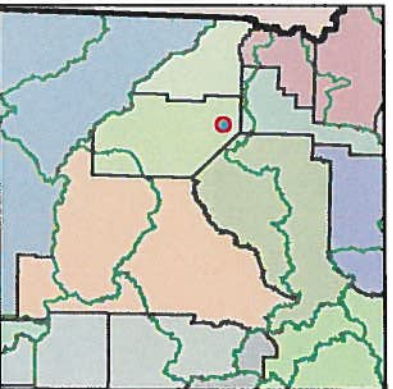


SRBA Recommendation:

63-32583
(Irrigation)

Legend

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



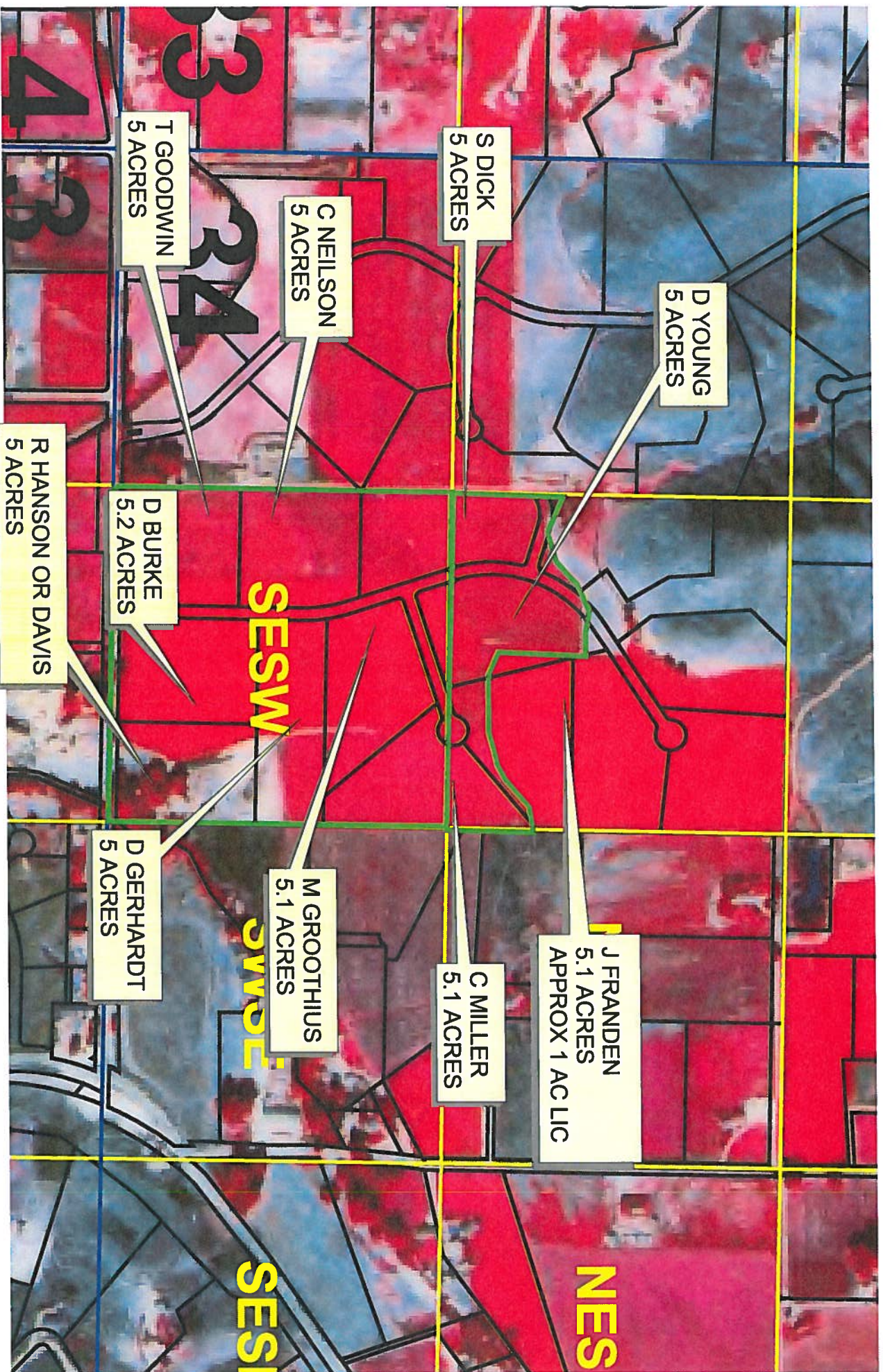
Ada County
IDWR Basin 63



T05N



Prepared by V. Music
On Wednesday, April 11, 2007
1987/88 Aerial Photography



63-2963 license [groundwater] and 63-18591 [b/u based on license from Dry Creek].