

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-33078

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho APR 30 2009 By _____ Deputy Clerk
--

NAME AND ADDRESS: CAROL L GLENN
R JERRELL GLENN
24520 BOISE RIVER RD
PARMA, ID 83660

SOURCE: UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY: 0.74 CFS

PRIORITY DATE: 03/01/1910

POINT OF DIVERSION: T04N R04W S06 LOT 1 (NENE) Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Irrigation	PERIOD OF USE 03-01 TO 11-15	QUANTITY 0.74 CFS
-------------------------------	------------------------------	---------------------------------	----------------------

PLACE OF USE: Irrigation Within Canyon County
T05N R05W S36 SWNE 3.0 LOT 1 (SENE) 34.0
37.0 Acres Total

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

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION APR 30 2009 <i>John M. Melanson</i> SPECIAL MASTER
--

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, April 28, 2009 8:16 AM
To: Spencer, Nick
Subject: RE: 63-32837 [now 63-33078] (Glenn)

Hi Nick,

☺. I can answer the question about why we recommended 63-33078 vs 63-32837. Originally, 63-32837 was a split from License No. 63-2139A and so it was basically a licensed right with a priority date of 8/15/1910. Mr. Glenn wanted the same priority date as his neighbor since they had both been using the source from the same time, only one had filed a license with an August date of first use and Mr. Erskine had filed a b/u claim with the beginning of the irrigation season as 3/1/1910. There is a memo in the file from me to Don Shaff asking if anyone had ever taken an amended claim where they changed the priority date and the basis from a license to beneficial use. Don responded that he did not mind the Court granting a motion to amend, however, he wanted to show the license trail and disallow the licensed number. So, I said would it work to change the number to a new number (63-33078) and recommend the licensed number (63-32837) be disallowed and recommended as 63-33078. He said that is exactly what he was trying to convey to me. So, that's what we did. It was a little unorthodox, but it got the whole thing settled. This involved the Erskine's, Jerry Glenn and the two ladies that I can't remember their names. All have settled and basically we just need to explain this to the SM. If he asks.

Jan

From: Spencer, Nick
Sent: Monday, April 27, 2009 6:04 PM
To: Shurte, Jan
Cc: Ridgeway, Renea
Subject: 63-32837 [now 63-33078] (Glenn)

Hi Jan. Can you refresh my recollection on a matter coming up for hearing tomorrow? Glenn's claim 63-32837 [split from another right] was recommended for disallowance. Glenn was then granted leave to file an amended claim and we were directed to file an ADR in response to it. We recommended the amended claim, but as 63-33078 instead of 63-32837 (which we disallowed but apparently not clearly enough for the Court to understand it). Hence we have a status conference tomorrow to tell the SM that we have signed an SF-5 on 63-33078 and that 63-32837 was disallowed--so the bottom line is that we are done. Anyway, in case he asks, why did we recommend the amended claim under the new number 63-33078 instead of just recommending it as 63-32837? NBS

Amended Director's Report
Right No. 63-33078

Sent to S.O. for signature on 4-7-08. Recd from S.O. on

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

RIGHT NUMBER: 63-33078

NAME AND ADDRESS: R JERRELL GLENN
24520 BOISE RIVER RD
PARMA ID 83660

CAROL L GLENN
24520 BOISE RIVER RD
PARMA ID 83660

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 03/01/1910

POINT OF DIVERSION:

T04N R04W S6 NENE Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.740 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36	SWNE 3.00	T05N R05W S36 Lot 1 SENE	34.00
---------------	-----------	--------------------------	-------

37 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.

THE
This source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The following rights also are diverted through point of diversion described above: 63-4595, 63-32838, 63-32839 & 63-32840

Amended Director's Report
Right No. 63-33078

*NOTE:
NEW CONDITION
DATA ENTERED
ON 2/2/09*

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

In Re SRBA

Case No. 39576

) **A. Subcase** 63-33078
) (Insert water right number)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A WATER
RIGHT**

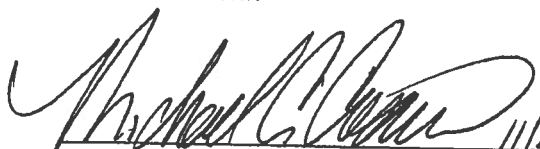
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

R. Jerrell Glenn

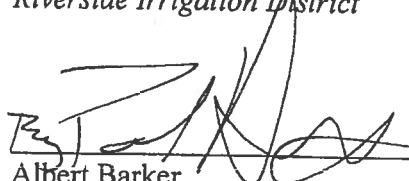


Michael C. Creamer
Attorney for R. Jerrell Glenn

11/25/08
Date

OBJECTOR:

Riverside Irrigation District

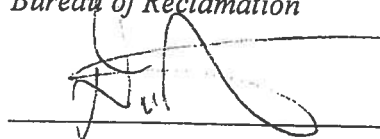


Albert Barker
Attorney for Riverside Irrigation District

12/2/08
Date

RESPONDENT:

Bureau of Reclamation



Date

12/10/08

IDWR CONCURRENCE



Date

4-7-09
Date

CERTIFICATE OF MAILING

I certify that on November ~~26~~²⁷, 2008 I mailed the original and copies of this form, including all attachments, to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

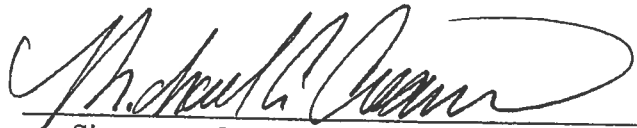
2. Copy to:

Riverside Irrigation District
Represented by:
Albert P. Barker
Barker, Rosholt & Simpson, LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139

R. Jerrell Glenn
Represented by:
Michael P. Lawrence & Michael C. Creamer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701

USDI Bureau of Reclamation
US Department of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098



Signature of person or attorney mailing the form

Shurte, Jan

From: Ridgeway, Renea
Sent: Monday, April 06, 2009 1:09 PM
To: Shurte, Jan
Subject: FW: 63-33078
Attachments: SFX32A.pdf

Since this is already scanned and in an interest to save time – could you please just print out, sign and then send back to my attention either by e-mail or snail mail? Thanks!

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

4/7/2009

Shurte, Jan

From: Ridgeway, Renea
Sent: Monday, April 06, 2009 12:11 PM
To: Shurte, Jan
Subject: RE: 63-33078 - SF5

Hi Jan,

I made a few inquiries. BOR stated they sent it back to me in December with a couple of other documents. I received all the documents except for this one so I'm not sure what happened there. In any case, BOR just PDF'd the document to me and it still requires IDWR concurrence so I will get this circulated today. I believe it also still requires initials on the recommendation but I will sort that all out. Thanks!

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Shurte, Jan
Sent: Wednesday, April 01, 2009 2:33 PM
To: Ridgeway, Renea
Cc: Williams, Ray
Subject: 63-33078 - SF5

Hi Renea,

Do you know the status of this one? I have an email from last December in the file where Mike Creamer was sending an SF5 around concerning the wastewater remark for this one and 63-4595. Looks like 63-4595 is done and this one high and dry. This originally came from a split of 63-2139A into 63-32837 & 32838. We then disallowed 63-32837 and recommended it as 63-33078 (for a variety of reasons) and I just signed off on an SF5 for 63-32838 the other day (3/25/09). I don't have anything further in the file – inherited this one from Kay and I am not sure what to do with it.

Thanks,
Jan

4/7/2009

Shurte, Jan

From: Ridgeway, Renea
Sent: Wednesday, April 01, 2009 2:42 PM
To: Shurte, Jan
Subject: RE: 63-33078 - SF5

I was just wondering about that myself as I sent off the Eicks/Catozzi SF5 today and knew that I needed to look at 63-2139A to make sure everything relating to that case has been taken care of. I will look through my e-mails and see if I can find any information and then contact which ever attorney (Creamer or Arrington) to try and locate that SF5. I want to say it is with M. Creamer and he just needs a nudge. I just started working on a discovery project right now and when I have the complete I will try and find a more concrete answer for you. Thanks!

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Shurte, Jan
Sent: Wednesday, April 01, 2009 2:33 PM
To: Ridgeway, Renea
Cc: Williams, Ray
Subject: 63-33078 - SF5

Hi Renea,

Do you know the status of this one? I have an email from last December in the file where Mike Creamer was sending an SF5 around concerning the wastewater remark for this one and 63-4595. Looks like 63-4595 is done and this one high and dry. This originally came from a split of 63-2139A into 63-32837 & 32838. We then disallowed 63-32837 and recommended it as 63-33078 (for a variety of reasons) and I just signed off on an SF5 for 63-32838 the other day (3/25/09). I don't have anything further in the file – inherited this one from Kay and I am not sure what to do with it.

Thanks,
Jan

4/2/2009

Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, April 01, 2009 2:33 PM
To: Ridgeway, Renea
Cc: Williams, Ray
Subject: 63-33078 - SF5

Hi Renea,

Do you know the status of this one? I have an email from last December in the file where Mike Creamer was sending an SF5 around concerning the wastewater remark for this one and 63-4595. Looks like 63-4595 is done and this one high and dry. This originally came from a split of 63-2139A into 63-32837 & 32838. We then disallowed 63-32837 and recommended it as 63-33078 (for a variety of reasons) and I just signed off on an SF5 for 63-32838 the other day (3/25/09). I don't have anything further in the file – inherited this one from Kay and I am not sure what to do with it.

Thanks,
Jan

4/1/2009

Shurte, Jan

From: Spencer, Nick
Sent: Tuesday, December 02, 2008 5:23 PM
To: Music, Vicky; Shurte, Jan
Cc: Ridgeway, Renea
Subject: FW: SF-5s Glenn and Erskine

Attachments: SF5 63-04595 (Erskine executed).PDF; LA to Arrington Encl SF5 for Sign.PDF



SF5 63-04595 LA to Arrington Encl
(Erskine executed... SF5 for S...

Here are electronic copies of the SF-5s Givens Pursley prepared to resolve 63-4595 and 63-33078, which Mike Creamer sent so we can review them before we receive the paper originals for signature. Could you look them over right away and see if they look okay to you? If they do look okay, while we are waiting for the paper originals could you start preparing the SF-5s for 63-21534 (Myers and Cooney) and 63-32838 (Eicks and Catozzi) using the wastewater remark contained in Paul Arrington's October 30th e-mail which Renea forwarded to you that same day? I understand that 63-21534 is Sandy Egbert's file, but since the only change to the recommendation is the inclusion of Paul Arrington's proposed wastewater remark per the October 30th e-mail, I wonder if in fact it would be easier for you to do it over there rather than to ask Sandy to do it here. If not, let Renea and me know, and we will ask Sandy to do it. Please let me know if this is do-able and if the SF-5s for 4595 and 33078 are acceptable. Thanks. NBS

-----Original Message-----

From: Michael C Creamer [mailto:mcc@givenspursley.com]
Sent: Tuesday, December 02, 2008 11:01 AM
To: Spencer, Nick
Subject: SF-5s Glenn and Erskine

Nick,

per our discussion please see attached.

Sincerely,

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
Direct: 208-388-1247
Main: 208-388-1200
Fax: 208-388-1300
www.givenspursley.com

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GIVENS PURSLEY LLP

LAW OFFICES
601 W Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

LORI L. ANDERSON
DIRECT DIAL: 208 388-1234
EMAIL: Lorianderson@givenspursley.com

Gary G. Allen	Steven J. Hippler	Deborah E. Nelson
Peter G. Barton	Debra K. Kristensen	Kelsey J. Nunez
Christopher J. Beeson	Anne C. Kunkel	W. Hugh O'Riordan, LL.M.
Clint R. Bolinder	Jeremy G. Ladle	Angela M. Reed
Erik J. Bolinder	Michael P. Lawrence	Justin A. Steiner
Jeremy C. Chou	Franklin G. Lee	Scott A. Tschirgi, LL.M.
William C. Cole	David R. Lombardi	J. Will Varin
Michael C. Creamer	John M. Marshall	Conley E. Ward
Amber N. Dina	Kenneth R. McClure	Robert B. White
Elizabeth M. Donick	Kelly Greene McConnell	
Kristin Bjorkman Dunn	Cynthia A. Melillo	
Thomas E. Dvorak	Christopher H. Meyer	RETIRED
Jeffrey C. Fereday	L. Edward Miller	Kenneth L. Pursley
Justin C. Fredin	Patrick J. Miller	James A. McClure
Martin C. Hendrickson	Judson B. Montgomery	Raymond D. Givens (1917-2008)

November 25, 2008

Mr. Paul L. Arrington
Barker, Rosholt & Simpson, LLP
113 Main Avenue West, Ste. 303
P.O. Box 485
Twin Falls, ID 83301-6167

Re: Subcase 63-33078

Dear Paul:

On behalf of Michael Creamer, I am enclosing the original SF5 regarding Subcase 63-33078 that has been executed by Mr. Creamer. Would you or Albert Barker kindly execute and date the SF5 and forward to David Gelhert for their signature on behalf of the Bureau of Reclamation. Please contact us should you have any concerns.

Sincerely,



Lori Anderson
Assistant to Michael P. Lawrence

Enclosure

LA S:\CLIENTS\10181\2LA to Arrington Encl SF5 for Sign.DOC

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

In Re SRBA

Case No. 39576

) **A. Subcase** 63-33078
) (Insert water right number)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A WATER
RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

R. Jerrell Glenn

OBJECTOR:

Riverside Irrigation District



Date

Michael C. Creamer
Attorney for R. Jerrell Glenn

Albert Barker
Attorney for Riverside Irrigation District

Date

RESPONDENT:

Bureau of Reclamation

IDWR CONCURRENCE

Date

Date

CERTIFICATE OF MAILING

I certify that on November 25th, 2008 I mailed the original and copies of this form, including all attachments, to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copy to:

Riverside Irrigation District
Represented by:
Albert P. Barker
Barker, Rosholt & Simpson, LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139

R. Jerrell Glenn
Represented by:
Michael P. Lawrence & Michael C. Creamer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701

USDI Bureau of Reclamation
US Department of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098



Signature of person or attorney mailing the form

Amended Director's Report
Right No. 63-33078

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

RIGHT NUMBER: 63-33078

NAME AND ADDRESS: R JERRELL GLENN
24520 BOISE RIVER RD
PARMA ID 83660

CAROL L GLENN
24520 BOISE RIVER RD
PARMA ID 83660

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 03/01/1910

POINT OF DIVERSION:

T04N R04W S6 NENE Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.740 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36	SWNE	3.00	T05N R05W S36 Lot 1 SENE	34.00
---------------	------	------	--------------------------	-------

37 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.

This source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The following rights also are diverted through point of diversion described above: 63-4595, 63-32838, 63-32839 & 63-32840

Amended Director's Report
Right No. 63-33078

Amended Director's Report
Right No. 63-33078

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

RIGHT NUMBER: 63-33078

NAME AND ADDRESS: R JERRELL GLENN
24520 BOISE RIVER RD
PARMA ID 83660

CAROL L GLENN
24520 BOISE RIVER RD
PARMA ID 83660

SOURCE: UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 03/01/1910

POINT OF DIVERSION:

T04N R04W S6 NENE Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.740 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36	SWNE	3.00	T05N R05W S36 Lot 1 SENE	34.00
---------------	------	------	--------------------------	-------

37 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

The following rights are diverted through point of diversion described above:
63-32838, 63-32839 & 63-32840

08/18/2008

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

RIGHT NUMBER: 63-33078

NAME AND ADDRESS: R JERRELL GLENN
24520 BOISE RIVER RD
PARMA ID 83660

CAROL L GLENN
24520 BOISE RIVER RD
PARMA ID 83660

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 03/01/1910

POINT OF DIVERSION:

T04N R04W S6 NENE Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.740 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 SWNE 3.00 T05N R05W S36 Lot 1 SENE 34.00

37 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

The following rights are diverted through point of diversion described above:
63-32838, 63-32839 & 63-32840

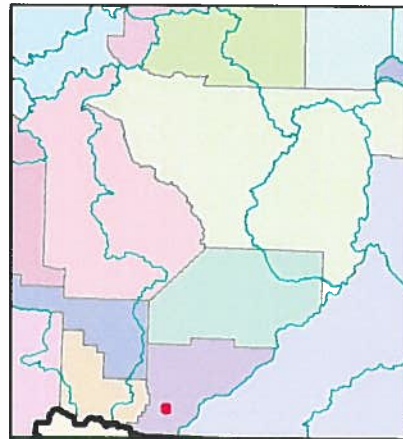


Idaho Department of Water Resources

SRBA Recommendation
63-33078
 (IRRIGATION)

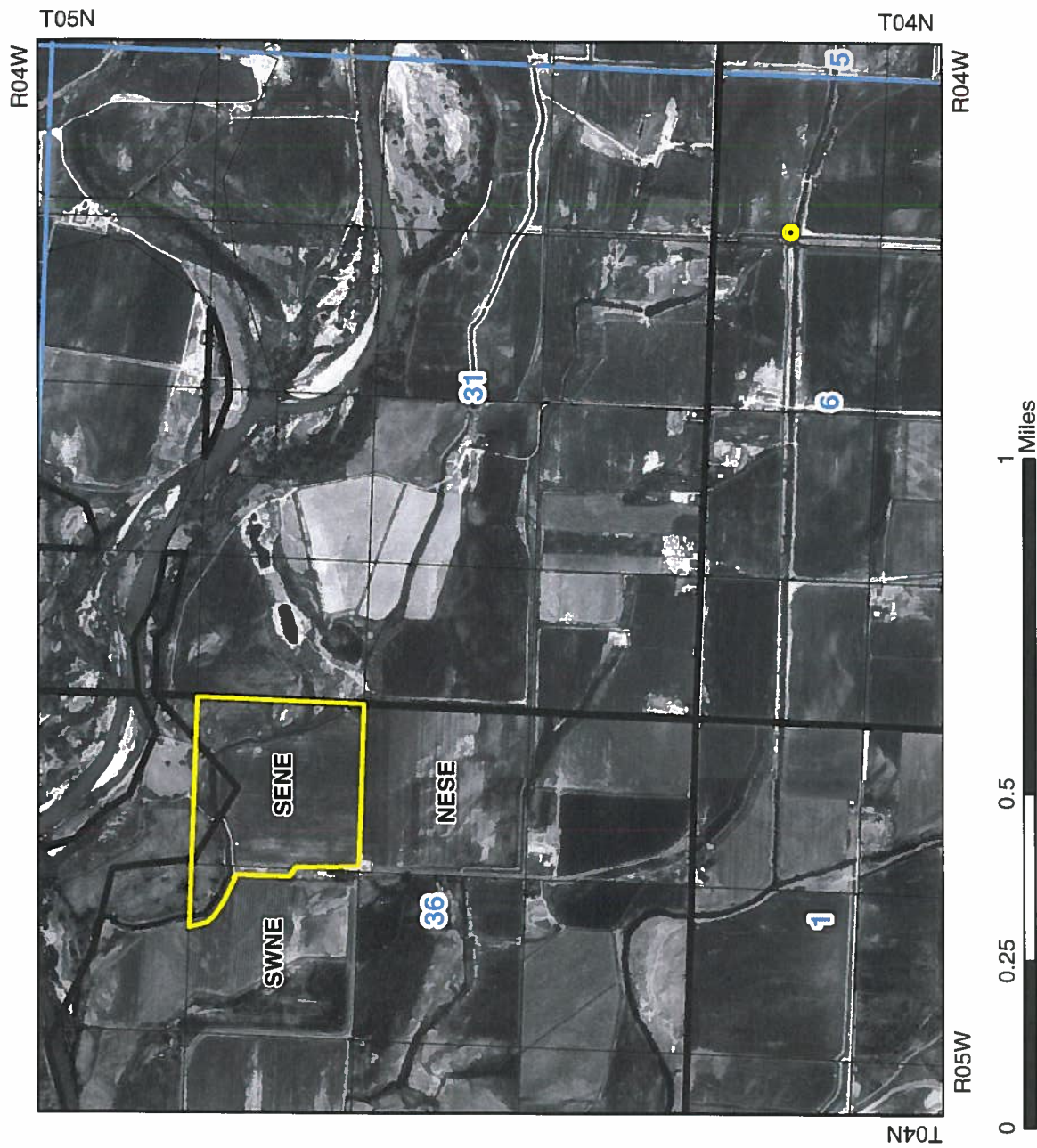
Legend

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



Canyon County
IDWR Basin 63

Prepared by Kay Walker
 On August 18, 2008
 1992 Aerial Photography



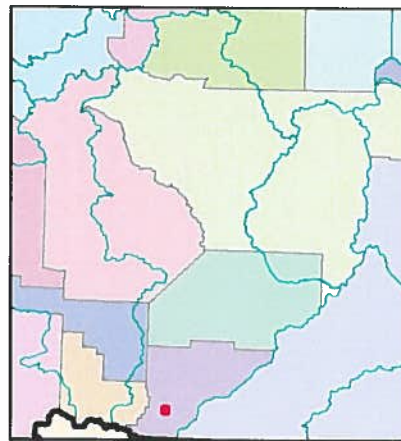


Idaho Department of Water Resources

SRBA Recommendation
63-33078
 (IRRIGATION)

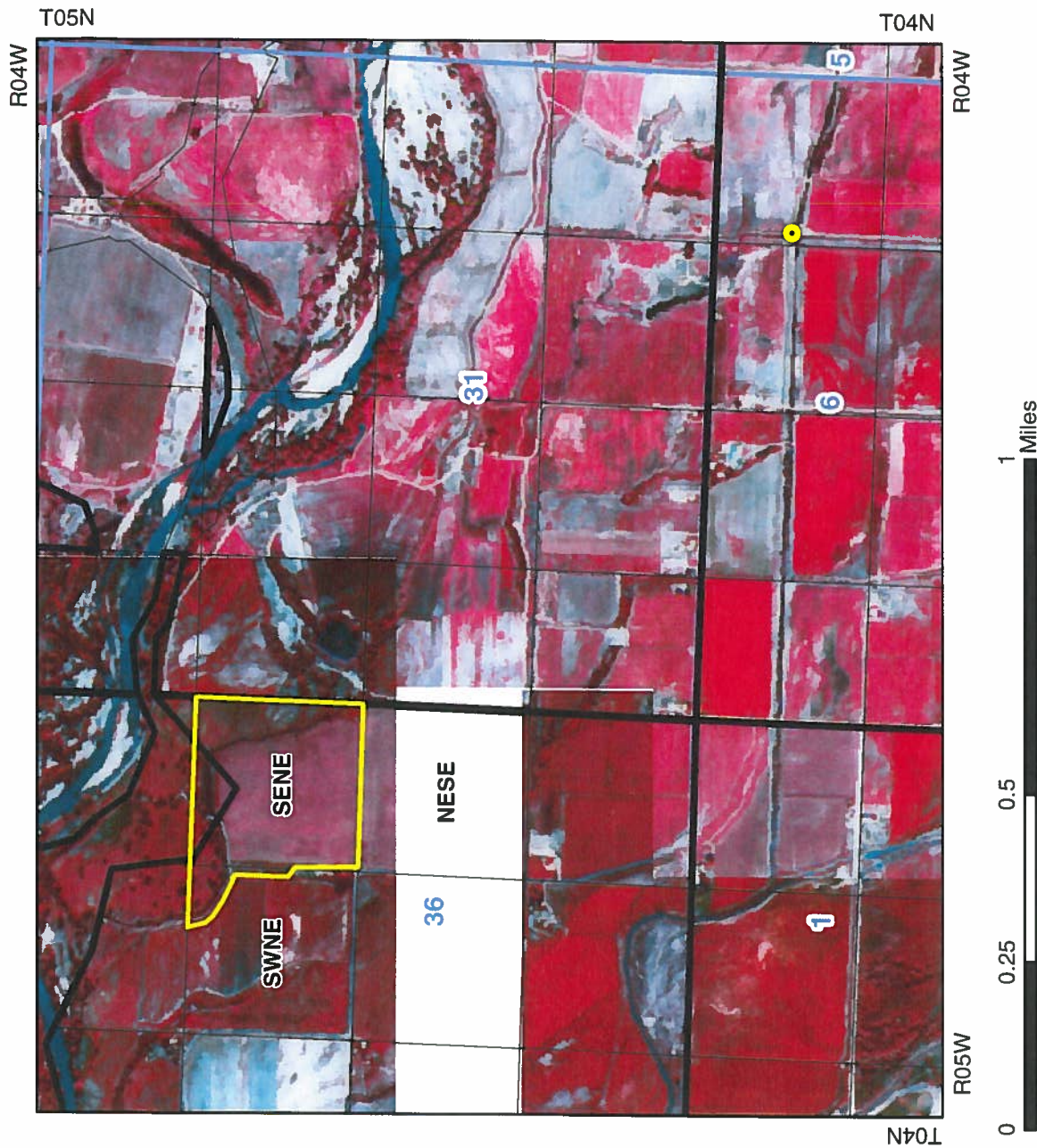
Legend

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



Canyon County
IDWR Basin 63

Prepared by Kay Walker
 On August 18, 2008
 1987/88 Aerial Photography



Walker, Kay

From: Music, Vicky
Sent: Friday, June 27, 2008 8:06 AM
To: Williams, Ray
Cc: Walker, Kay
Subject: RE: 63-32837 - Glenn Amended Claim

Hi Ray – Kay did Glenn's recommendations so am forwarding this info to her. Thanks - Vicky

From: Williams, Ray
Sent: Friday, June 27, 2008 7:41 AM
To: Music, Vicky
Subject: FW: 63-32837 - Glenn Amended Claim

Vicky,

Just wanted to make sure this got forwarded to you.

Thanks,

Ray

From: Spencer, Nick
Sent: Thursday, June 26, 2008 4:50 PM
To: Williams, Ray
Subject: FW: 63-32837 - Glenn Amended Claim -

fyi

From: Michael P. Lawrence [mailto:mpl@givenspursley.com]
Sent: Thursday, June 26, 2008 4:20 PM
To: Shurte, Jan; Spencer, Nick
Subject: 63-32837 - Glenn Amended Claim

Jan and Nick,

Today I told the Court that I'd get the amended claim (re: priority date) filed for 63-32837 today. Unfortunately, I did not have it properly prepared this morning and Mr. Glenn is no longer in Boise to sign it today. I will have to mail it to him for his signature and therefore will not have it before next week.

Sorry for the inconvenience. Please forward this message to Vicky Music if she is responsible for this right.

Thanks,
Mike

Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.

6/27/2008

P.O. Box 2720
Boise, Idaho 83702
phone: (208) 388-1294
fax: (208) 388-1300
website: www.givenspursley.com

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6/27/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

WATER RIGHT NUMBER: 63-4595 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EMMETT R MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	CONNIE R ERSKINE 24788 BOISE RIVER RD PARMA, ID 83660 (208)454-8712
Original Owner	MARY N MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	DAN J ERSKINE 24788 BOISE RIVER RD PARMA, ID 83660 (208)454-8712
Priority Date:	03/01/1910
Basis:	Beneficial Use
Status:	Active

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

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

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	36																	20.5
																			L 3

Total Acres: 20.5

Conditions of Approval:

Neighbor's right that had been recommended w/earlier priority date than license 63-2139A. KW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

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

Remarks:Comments:

1. vmusic 9/14/2006 EVIDENCE OF PRIORITY

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

2. vmusic 9/14/2006 ACC TRX POD

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

3. vmusic 9/14/2006 ACRES

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

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/14/2006 3:17:56 PM	vmusic			Active
Priority Date	9/14/2006 3:18:40 PM	vmusic			Active
POD	9/14/2006 3:22:02 PM	vmusic			Active
Source	9/14/2006 3:24:36 PM	vmusic			Active
POU	9/14/2006 3:25:07 PM	vmusic			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

Use	9/14/2006 3:27:30 PM	vmusic	Active
Season	9/14/2006 3:28:22 PM	vmusic	Active
Quantity	9/14/2006 3:29:15 PM	vmusic	Active
Summary	09/14/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/14/2006 3:17:56 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
POD	9/14/2006 3:23:03 PM	vmusic	Updated shape
POU	9/14/2006 3:26:38 PM	vmusic	Updated shape for Active POU
General	9/14/2006 3:18:41 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - 63-2139 LICENSE AND STATEMENT FROM PRIOR OWNER
Source	9/14/2006 3:24:36 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FIELD EXAM 2005 AND 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

POU	9/14/2006 3:25:07 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIALS, FIELD EXAMS
Use	9/14/2006 3:27:30 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FIELD EXAMS, AERIALS
Season	9/14/2006 3:28:22 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/14/2006 3:29:15 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - SEE FIELD EXAM 2005 NOTES

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

Summary	9/14/2006 3:35:14 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	9/14/2006 3:22:02 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? Description for Question 6 - OLD POD DRIED UP AT SOME TIME. TRANSFER AT LEAST 1936 MAYBE BEFORE

SubCase:

SubCase Number: 63-4595
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date:
 Attorney Assigned:
 Adjudication Agent: vmusic
 Basis of Claim: Beneficial Use
 Date Filed: 8/16/2007 Objection Status: Active
 Date Filed: 6/18/2007 Objection Status: Active
 Date Filed: 6/30/2008 Objection Status: Active

Water Supply Bank:

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 63-33078
Date Received: 7/3/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

R JERRELL GLENN
24520 BOISE RIVER RD
PARMA ID USA 83660

Phone: (208)459-2838

CAROL L GLENN
24520 BOISE RIVER RD
PARMA ID USA 83660

Phone: (208)459-2838

2. Date of Priority: 03/01/1910

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04W	6	NE NE	CANYON	

5. Description of diverting works:

Gravity flow from unnamed stream via ditch for flood irrigation.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.74	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	05W	36	SW NE	IRRIGATION	3
			SE NE	IRRIGATION	34
Section Acres					37

Total Acres 37

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right number 63-2139A.

Although this water rights lineage can be traced to water right license 6495, there is evidence that the priority should be 3/10/1910 rather than 8/15/1910 as in the license.

15. Basis of Claim:

16. Signature(s)

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

Number of attachments: _____

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): _____ Date: _____

Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

2015

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

CIVIL CASE NUMBER: 39576

Ident. Number

63-32837

33078

Date Received

Receipt Number

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 3 2008

By

Clerk

Deputy Clerk

Please type or print clearly

1. Name of Claimant(s) R. Jerrell and Carol L. Glenn Phone (208) 459-2838
Mailing Address 24520 Boise River Rd., Parma, ID Zip 83660
2. Date of Priority (only one (1) per claim) 03/01/1910
3. Source of water supply (a) Unnamed stream
which is tributary to (b) Boise River
4. a. Location of existing point of diversion is: Township 4N Range 4W Section 06,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Canyon
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
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 enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Gravity flow from unnamed stream via ditch for flood irrigation.

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 03/01 to 11/15 amount 0.74 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.74 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. 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 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	
5N	5W	36			3	34													37

Total number of acres irrigated 37

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

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

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 describe above.

63-32839 or None ()

14. Remarks:

This right is a split from former right number 63-2139A.

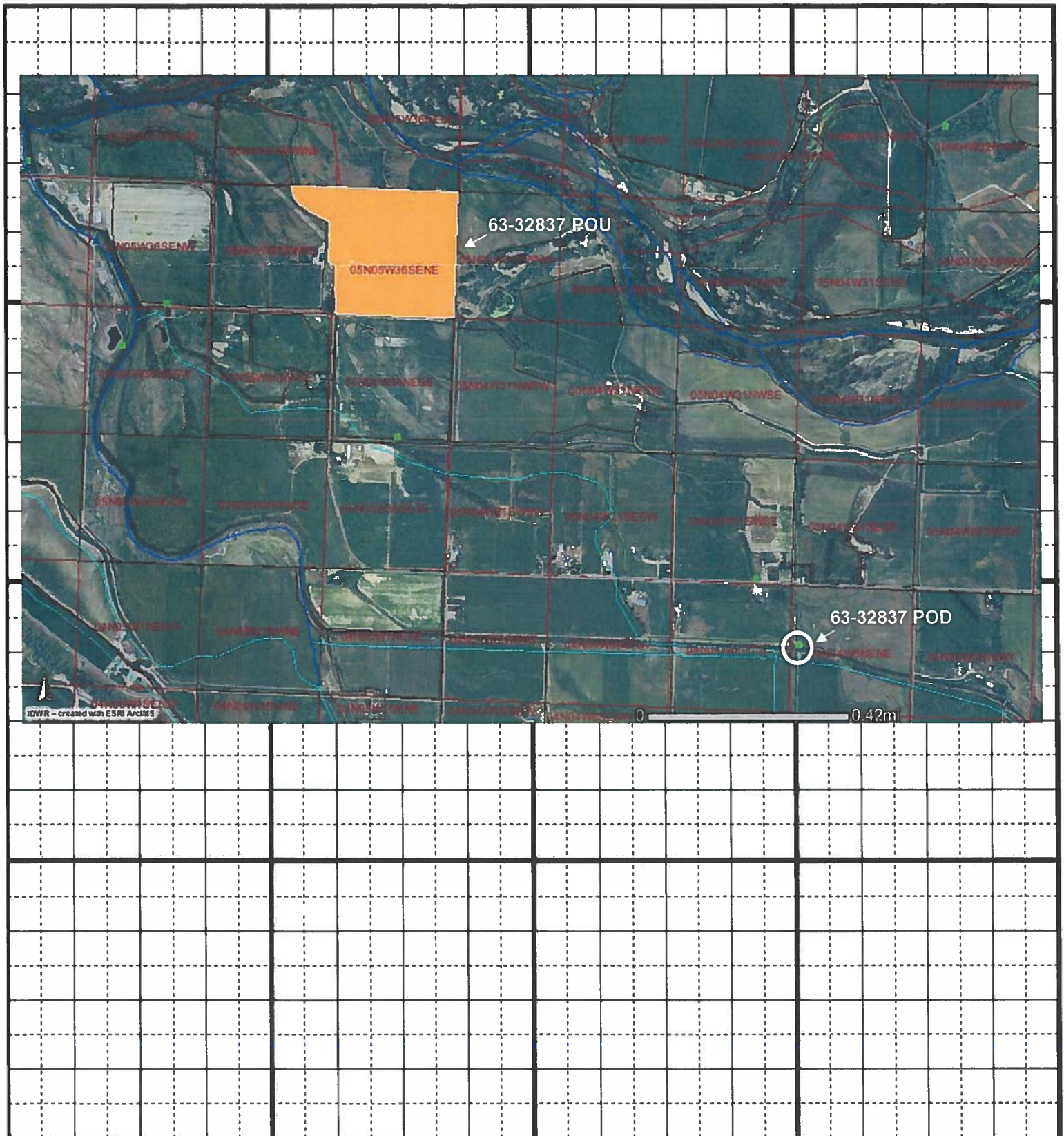
Although this water right's lineage can be traced to water right license 6495, there is evidence that the priority date should be 3/1/1910 rather than 8/15/1910 as in the license.

Last Name Glenn

Ident. No. 63-32837

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

Scale: 2 inches equals 1 mile



Last Name Glenn

Ident. No. 63-32837

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☒ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number 63-2139A

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." (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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

R. J. Glenn
Carol L. Glenn

Date 6-30-08

Date 6-30-08

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

Title

of , that I have signed the foregoing

Organization

document in the space below as

of

Title

Organization

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho/or

)

) SS.

County of

)

Subscribed and sworn (or affirmed) before me this

Notary Public

Residing at

My Commission Expires

20th day of JUNE, 2008 20

Sheila A. Seeman

Parma

3/17/2010

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Michael P. Lawrence 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 601 W. Bannock, P.O. Box 2720, Boise, ID 83702

Date 7/1/08

Last Name Glenn

Ident. Number 63-32837