

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: A63-05013
Date Received: 6/ 5/1990
Receipt No: C017120
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: FRANK CHURRUCA JR 602-943-3953
Address: 733 EAST CAROL
PHOENIX AZ 85020

2. Date of Priority: APR 1, 1935

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	36	SE	NE	SW		CANYON
			NW	SE	SW		CANYON

5. Description of diverting works:
DIVERSION DAMS AND GRAVITY DITCHES TO PLACES OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.940		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 164.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/40 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	36	NE	SW		IRR	10.0
			NW	SW		IRR	15.0

SCANNED
APR 22 2008

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	36	SW	SW		IRR	19.0
			SE	SW		IRR	3.0
Section Acres							47.0
Total Acres							47.0

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:
WILDER IRRIGATION DIST.

14. Remarks:
2 DIVERSION POINTS
CHANGE OF OWNERSHIP BY MTS 9/6/1995
CLAIM AMENDED TO CHANGE SOURCE FROM SPRINGS TO UNNAMED STREAM AND
TO CHANGE P/D'S 9/6/1995 MTS

15. Basis of Claim: STATUTORY 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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

SEP 06 1995

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

IN RE THE GENERAL ADJUDICATION
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Date Received: 6/ 5/1990

Receipt No: C017120

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CARMEN CHURRUCA 602-943-3953
Address: 733 EAST CAROL
PHOENIX AZ 85020
AND/OR
Name: FRANK CHURRUCA 602-943-3953
Address: 733 EAST CAROL
PHOENIX AZ 85020

2. Date of Priority: APR 1, 1935

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	04W	36	SE	NE	SW		CANYON
			NW	SE	SW		CANYON

5. Description of diverting works:
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8. Total consumptive use is 164.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/40 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	36	NE	SW		IRR	10.0
			NW	SW		IRR	15.0
			SW	SW		IRR	19.0
			SE	SW		IRR	3.0

Section Acres 47.0

Total Acres 47.0

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:
WILDER IRRIGATION DIST.

14. Remarks:
2 DIVERSION POINTS

15. Basis of Claim: STATUTORY 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.

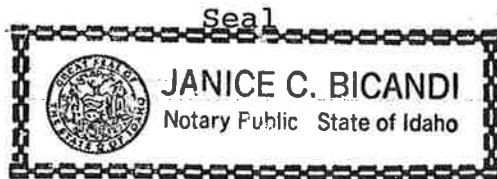
Signature of Claimant(s): Frank Churruarín Date: 9/5/95

Date: _____

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of September 19 95

Janice C. Bicandi
Notary Public



Residing at Calderwell
My Commission Expires 3-19-99

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
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CIVIL CASE NUMBER: 39576

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Receipt No: C017120
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARMEN CHURRUCA 602-943-3953
Address: 733 EAST CAROL
PHOENIX, AZ 85020

AND/OR
Name: FRANK CHURRUCA 602-943-3953
Address: 733 EAST CAROL
PHOENIX, AZ 85020

2. Date of Priority: APR 01, 1935

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	36	NW	SW			CANYON
			NW	SE			CANYON

5. Description of diverting works:
DIVERSION DAM AND GRAVITY DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
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STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 164.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/40 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	36	NE	SW		IRR	10.0
			NW	SW		IRR	15.0
			SW	SW		IRR	19.0
			SE	SW		IRR	3.0

Section Acres 47.0

Total Acres 47.0

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:
WILDER IRRIGATION DIST.

14. Remarks:
2 SPRINGS

15. Basis of Claim: STATUTORY 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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 20 1992

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 63-5013Date Received 6/5/90Receipt Number CO17120

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUN 5 1990

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Frank & Carmen ^{CHURRUEA} Phone (208) 943-3953 ³Mailing Address 733 East Carol Phoenix, Arizona Zip 850202. Date of Priority (Only one (1) per claim) 4/1/19353. Source of water supply (a) Spring
which is tributary to (b) Sink River4. a. Location of existing point of diversion is: Township 3N Range 4W Section 36,1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of CanyonAdditional points of diversion if any: NW SE Sec 36 T3N R4W

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 enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion dam &gravity ditch to place of use.

MICROFILMED

AUG 20 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 1.94 or _____

For stockwater purposes from 1/1 to 12/31 amount 1.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.96 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 164.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 40 head/range

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>3N</u>	<u>4W</u>	<u>36</u>									<u>10</u>	<u>15</u>	<u>19</u>	<u>3</u>					<u>47</u>

Total number of acres irrigated 47

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 ☒ 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 described above.
Wilder irrigation District or None ()

14. Remarks:

2 Springs

MICROFILMED

AUG 20 1992

Last Name CHURRUA Ident No. 63-5013

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

AUG 20 1992

Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number 63-5013

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Frank Churrua Date 6/4/90

Date _____

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 Idaho) SS.

County of Canyon)

Subscribed and sworn (or affirmed) before me this 4 day of June 19 90

SEAL

Notary Public John K. Hays

Residing at 15470 Bonadelle Rd

My Commission Expires Sept 21, 1994

Please Print Name

17. Notice of Appearance:

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 _____

MICROFILMED

AUG 20 1992

Last Name CHURRUEA Ident. Number 63-5013

Copies White-State, Yellow-Claimant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

SEP 06 1995

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 4W
Section 36, 1/4 of _____ 1/4 of SW 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A63-05013
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Carmen Churrua and/or Frank Churrua
733 East Carol
Phoenix AZ 85020
- ☐ New Owner/Claimant (Purchaser): Frank Churrua, Jr.
- ☐ New Mailing Address: 733 East Carol
Phoenix AZ 85020
- ☐ New Telephone Number: (602) 943 - 3953
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- _____
- _____
- _____

☒ Attach proof of ownership, describe proof attached: Copy of Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Frank Churrua Jr. Date 9/5/95

_____ Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____

_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

Before Me the undersigned Notary Personally
Appeared Frank Churrua & Prove to
be the person subscribed within the
instrument & Acknowledged the same.

Melanie H. Craig
Res. Notary Public

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 9-6-95 By: MTS

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Conn-Exp
12-08-99

RECEIVED

SEP 06 1995

WATER RESOURCES
WESTERN REGION

9.2/8173

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, Made and entered into this 10th day of August, 1992, by and between JOSEPH L. CHURRUCA, the duly appointed and acting personal representative of the estate of Carmen Churruca, deceased, hereinafter referred to as Party of the First Part, and FRANK CHURRUCA, JR., Box 2, Marsing, Idaho 83639, hereinafter referred to for convenience as Party of the Second Part; WITNESSETH:

WHEREAS, On April 15, 1992, the Party of the First Part was appointed as the personal representative of the estate of Carmen Churruca, deceased, by the District Court of the Third Judicial District of the State of Idaho, in and for the County of Owyhee, Magistrate Division, and is now the duly qualified and acting personal representative of said deceased;

NOW, THEREFORE, The Party of the First Part, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLAR, lawful money of the United States of America, and other good and valuable considerations, to him in hand paid by the Party of the Second Part, the receipt whereof is hereby acknowledged, and pursuant to the terms of the Last Will and Testament of Carmen Churruca, deceased, dated July 23, 1982, admitted to probate on April 15, 1992, has granted, bargained, and conveyed, and by these presents does hereby grant and convey unto the said Party of the Second Part, Frank Churruca, Jr., his heirs and assigns, without covenant or warranty, express or implied, all of the right, title and interest of Carmen Churruca, deceased, and all of her estate, in and to that certain real property, situated in the said County of Canyon, State of Idaho, more particularly described as follows, to-wit:

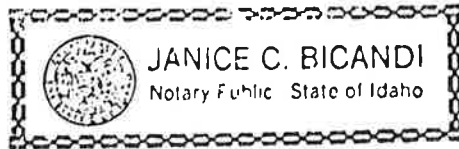
All of Lot 4 North of the Price Lateral in Section 2, Township 2 North, Range 4 West of the Boise Meridian; and

The South One-Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), of Section Thirty-six (36), Township 3 North, Range 4 West of the Boise Meridian, Canyon County, Idaho, EXCEPTING THEREFROM, Beginning at the West Quarter corner of said Section 36 and running thence South 89° 40' East along the center line of said Section 36 a distance of 242 feet; thence South 180 feet; thence North 89° 40' West 242 feet to a point in

STATE OF IDAHO)
) ss.
County of Owyhee)

On this 11th day of August, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH L. CHURRUCA, personal representative of the estate of Carmen Churruca, deceased, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Janice C. Bicandi
Notary Public for Idaho
Residing at Caldwell
My Commission Expires 3/12/93

9218173

RECORDED

'92 AUG 11 PM 3 57

REC'D
CANYON COUNTY RECORDER
BY *Delaney*

REQUEST
BY Deed REF 900
GIGAWATT-ILLINOIS-ATTYS

Personal Representative's Deed

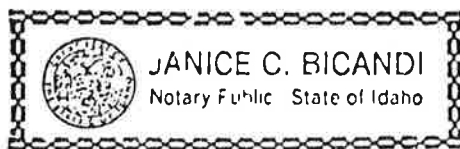
the West boundary line of said Section 36; thence North along said West line 180 feet to the point of beginning.

AND

All that part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) and all that part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 36, Township 3 North, Range 4 West of the Boise Meridian, Canyon County, Idaho, situate and lying below the Deer Flat Low Line Canal, as now located, containing in all 28 acres, more or less, subject to unpaid United States Government construction and drainage charges, and Wilder Irrigation District Bond assessments, appurtenant to the above lands there is hereby granted an easement, right of way and use over existing private way across the Northwest Quarter of the Southeast Quarter of said Section 36.

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances thereunto appertaining, unto the said Party of the Second Part, his heirs and assigns forever.

IN WITNESS WHEREOF, The said Party of the First Part, as personal representative of the estate of Carmen Churruca, deceased, has hereunto set his hand and seal the day and year first above written.



Janice C. Bicandi

Joseph L. Churruca (SEAL)
Joseph L. Churruca
Personal Representative of the
Estate of Carmen Churruca,
Deceased

RECEIVED

JUL 2 1990

Date Received

RECEIVED
JUN 5 1990

State of Idaho
Department of Water Resources
Western Regional Office
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

FRANK CHURRUEA
Name of Claimant

(602) 943-3953
Phone Number

733 East Carol Phoenix, Arizona 85020
Mailing Address City State Zip

Canyon 3/15/90
County(s) where place of use is located Date claim originally due

Q3-5013
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

I live in Arizona and did not
receive notice for renewal

Claimant requests an extension to 6/11, 19 90

Frank Churrua 6/4, 19 90
Signature Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

A notice was not mailed to this address.

and if granted the filing deadline is extended to June 11, 19 90

Signed this 30 day of June, 19 90

David B. Shaw
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW

MICROFILMED
AUG 20 1992

RECEIVED

DEC 10 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC - 8 2008
By _____ Clerk
_____ Deputy Clerk

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) SPECIAL MASTER'S REPORT
Case No. 39576) FINDINGS OF FACT AND
CONCLUSIONS OF LAW
FOR WATER RIGHT 63-05013

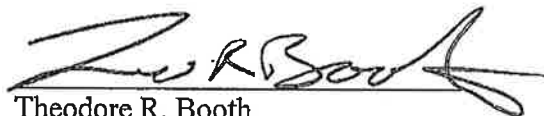
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On December 3, 2008, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-05013 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Dec 8, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-05013

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

DEC - 8 2008

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: BRUCE CHURRUCA
HERBERT F CHURRUCA
PO BOX 358
MARSING, ID 83639

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of
water may be discontinued at any time.

QUANTITY: 0.80 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.
This right when combined with all other rights shall not exceed
0.02 cfs per acre.

PRIORITY DATE: 04/01/1935

POINT OF DIVERSION: T03N R04W S36 SENESW Within Canyon County
NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.78 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T03N R04W S36	NWSW 7.0
		SWSW 19.0
	39.0 Acres Total	SESW 3.0

Stockwater	Within Canyon County
Same as Irrigation	

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

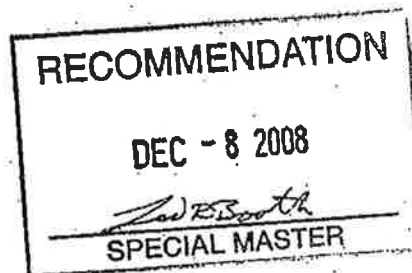
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

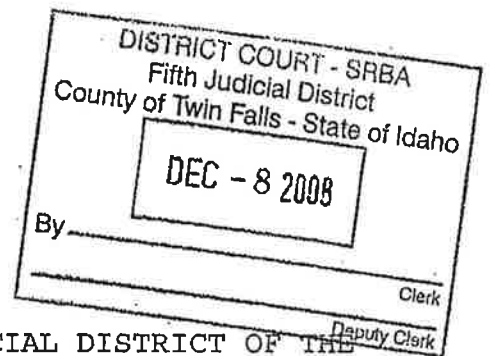
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

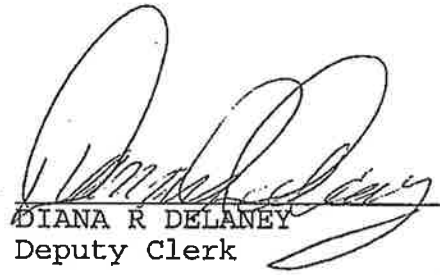
Water Right(s): 63-05013

On December 08, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 08, 2008.


DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC - 8 2008	
By _____	Clerk
Deputy Clerk	

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-05013

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 08, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

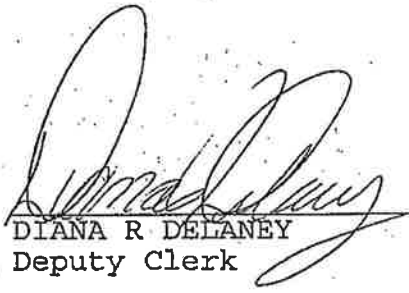
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
12/08/08

BRUCE CHURRUCA
HERB CHURRUCA
HERBERT F CHURRUCA
PO BOX 358
MARSING, ID 83639



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2
12/08/08

Spent to S.O. on 11-21-08
Jr

**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

) Subcase No. 63-05013
)
)
)
)
)
)
)

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 described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS

Herbert Churruca, and
Bruce Churruca

[Signature] 11/3/08

Date

OBJECTOR

Wilder Irrigation District

[Signature] 11/13/08

Date

Albert P. Barker, Attorney

INTERVENOR

Herbert Churrua,

 11/3/08
Date

RESPONDENT

United States on behalf of
Bureau of Reclamation

David Gehlert Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:

 11-20-08
IDWR Agent Date Nicholas Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on _____, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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, Idaho 83303-2707

2. Copies to:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

FRANK CHURRUCA JR
733 E CAROL
PHOENIX, AZ 85020

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-5013

NAME AND ADDRESS: HERBERT F CHURRUCA
PO BOX 358
MARSING ID 83639

BRUCE CHURRUCA
PO BOX 358
MARSING ID 83639

SOURCE: UNKNOWN STEADAM

TRIBUTARY: SHANE RIVER

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.800 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION:

T03N R04W S36 SESESW Within CANYON County

T03N R04W S36 NWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.780 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T03N R04W S36	NESW	10.00	T03N R04W S36	NWSW	7.00
T03N R04W S36	SWSW	19.00	T03N R04W S36	SESW	3.00

STOCKWATER same as IRRIGATION

39 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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

SF5 Right No. 63-5013

SF5 Right No. 63-5013

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

Stockwater use is for 40 range cattle.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

Stockwater use is for 40 range cattle.

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

RIGHT NUMBER: 63-5013

NAME AND ADDRESS: HERBERT F CHURRUCA
PO BOX 358
MARSING ID 83639

BRUCE CHURRUCA
PO BOX 358
MARSING ID 83639

FRANK CHURRUCA JR
733 E CAROL
PHOENIX AZ 85020

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.800 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

PRIORITY DATE: 04/01/1935

POINT OF DIVERSION:

T03N R04W S36 SENESW Within CANYON County

T03N R04W S36 NWSESW 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	0.780 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R04W S36	NESW	10.00	T03N R04W S36	NWSW	7.00
---------------	------	-------	---------------	------	------

T03N R04W S36	SWSW	19.00	T03N R04W S36	SESW	3.00
---------------	------	-------	---------------	------	------

STOCKWATER same as IRRIGATION

39 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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

Stockwater use is for 40 range cattle.

**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

Water Rights: 63-5013

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: October 22, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 22, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

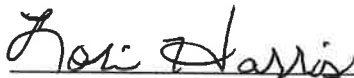
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Herbert Churruca	☐	overnight mail
Bruce Churruca	☒	regular mail
PO Box 358	☐	hand-delivered
Marsing ID 83639	☐	facsimile

Frank Churruca Jr	☐	overnight mail
733 E Carol	☒	regular mail
Phoenix AZ 85020	☐	hand-delivered
	☐	facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 22, 2008

HERBERT F CHURRUCA
BRUCE CHURRUCA
PO BOX 358
MARSING ID 83639

Re: Water Right No. 63-5013

Dear Herbert & Bruce:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris". The signature is written in dark ink and is positioned above the typed name and title.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
OCT 17 2008
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-5013					

SFS
pending

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *N/A*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

FRANK CHURRUA JR

733 E CAROL PIKE AC

4. New Owner/Claimant(s)

HENRIET F. CHURRUA OR BRICE CHURRUA

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 358

City, State and ZIP Code

MARSHALL ID 83639

New Telephone Number

() 208-454-7820

5. Date you acquired the property

5/2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Handwritten Signature]

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <i>[Signature]</i>	Date <u>10-17-08</u>	Fee <u>N/A</u>
Receipted by <i>[Signature]</i>	Date <u>10-22-08</u>	Receipt No. _____
Processed by <i>[Signature]</i> AJ	Date <u>10-22-08</u>	WR _____ Date _____

Recorded mail to:

Name: _____

Address: _____

City/State/Zip Code: _____

Space above this line for Recorder's use

SPECIAL DURABLE FINANCIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, BRUCE A. CHURRUCA
the undersigned principal, whose address is 1117 W CALIFORNIA AVE
YOUNGTOWN AZ 85363 by this instrument, hereby constitute and appoint
HERB F. CHURRUCA, whose address is
Box 358 MARSHING ID 83639
as my Agent to act in my name, place and stead, and for my use and benefit as if I were personally present to
transact such business and perform every act requisite and necessary to: SW 1/4 of SECTION 36
TOWNSHIP 3 NORTH, RANGE 1 WEST, B.M. CAYEN County ID -
JOINT OWNED FARM LAND (PARCEL 1) Approx 14.11 ACRES

FURTHERMORE, I specifically authorize my above named Agent to:

- a) buy, sell, contract, receive, possess, transfer, lease, let, demise, remise, release, encumber, hypothecate or mortgage, whichever is applicable to accomplish the objectives heretofore described.
- b) sign, seal deliver or otherwise execute and/or acknowledge any and all instruments, papers or documents requisite and necessary to accomplish the objectives heretofore described.
- c) Other authority(ies) not previously mentioned include: ALL NECESSARY BUSINESS

GIVING AND GRANTING unto said Agent, full power and authority to transact any business, perform every act and thing whatsoever requisite and necessary to fully accomplish the intents and purposes of this Special Power of Attorney, and therefore, I hereby ratify and confirm every act that said Agent shall lawfully do or cause to be done by virtue of these presents.

The validity of this Special Power of Attorney shall not be affected by my subsequent disability, incapacity or the lapse of time, and shall continue in full force and effect during my lifetime, unless sooner revoked or terminated by me in writing.

(Continued on Back Side)

IN WITNESS WHEREOF, I, have hereunto set my hand this 23 day of May, 2002.

Signature of Witness

Address of Witness

City/State/Zip Code

Signature of Principal

Address of Principal

City/State/Zip Code

Bruce Churruar

11117 W California Ave

Yonagton AZ 85363

ACKNOWLEDGMENT OF PRINCIPAL

I, Bruce Churruar, the principal sign my name to this power of attorney this 23 day of May, 2002, and be first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free voluntary act for the purposes expressed in the power of attorney and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.

Bruce Churruar

Signature of Principal

AFFIDAVIT OF WITNESS

I, _____, the witness sign my name to the foregoing power of attorney being first duly sworn and do declare to the undersigned authority that the principal signs and executes this instrument as his/her power of attorney and that he/she signs it willingly or willingly directs another to sign for him/her, and that I in the presence and hearing of the principal, sign the power of attorney as witness to the principal's signing and that to the best of my knowledge the principal is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Signature of Witness

State of ARIZONA)
County of MARICOPA) ss.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by Bruce Churruar, the principal, and subscribed and sworn to before me by _____,

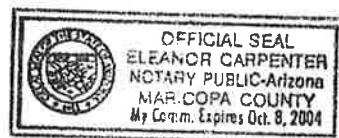
the witness, this 23 day of MAY, 2002
My Commission Expires: 10-08-04 Eleanor Carpenter
Notary Public

If acknowledged in State of Florida, complete section below:
(Principal) ☐ Personally Known (or) ☐ Produced Identification

If applicable, Type of Identification Produced: _____

(Witness) ☐ Personally Known (or) ☐ Produced Identification

If applicable, Type of Identification Produced: _____



INSTRUMENT NO. 200203161

QUITCLAIM DEED

FOR VALUE RECEIVED

I, ROSALIE L. CHURRUA

do hereby convey, release, remise and forever quit claim

unto BRUCE CHURRUA AND HERBERT F. CHURRUA

whose address is P.O. Box 358 MARSHALL ID 83639

the following described premises, to-wit:

SEE ATTACHED LEGAL DESCRIPTION FOR PARCEL
1 Book 378

RECEIVED

OCT 21 2008

WATER RESOURCES
WESTERN REGION

REQUEST Rosalie Churrua
TYPE Deed FEE 9.00

G NOEL MALES
CANYON CNT RECORDER
C.R.

2002 JUN 22 AM 11 51

RECORDED

200203161

together with their appurtenances.

Dated:

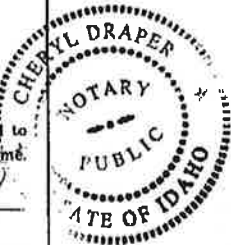
Rosalie L. Churrua 1-22-02

STATE OF IDAHO, COUNTY OF

On this 22 day of Jan, 2002,
before me, a notary public in and for said State, personally
appeared Rosalie L. Churrua

known to me to be the person who name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Residing at Middleton Id, Idaho
Comm. Expires 12-06-05



PIONEER TITLE COMPANY
OF CANYON COUNTY

423 So. Kimball
Caldwell, Idaho 83605

100 - 10th Ave. South
Nampa, Idaho 83651



DESCRIPTION FOR
ROSALIE CHURRUCA

PARCEL 1

BBCE JOB NO. SC081484

BOOK 378

September 26, 1994

This parcel is a portion of SW¼ of Section 36, Township 3 North, Range 4 West, B.M., Canyon County, Idaho, and being more particularly described as follows:

BEGINNING at the Southwest Corner of said Section 36;

Thence North 00° 08' 11" East along the Westerly boundary of SW¼ of said Section 36, a distance of 2445.40 feet;

Thence North 89° 58' 49" East parallel to the North boundary of said SW¼, a distance of 242.00 feet;

Thence North 00° 08' 11" East parallel to the West boundary of said SW¼, a distance of 180.00 feet to a point on the North boundary of said SW¼;

Thence North 89° 58' 49" East along said North boundary, a distance of 1171.68 feet to a point on the centerline of Deer Flat Low Line Canal;

Thence traversing the centerline of the following courses:

South 43° 42' 23" East, a distance of 475.67 feet;
South 59° 14' 01" East, a distance of 47.50 feet;
South 73° 38' 10" East, a distance of 138.06 feet;
South 62° 52' 15" East, a distance of 65.98 feet;
South 56° 25' 35" East, a distance of 290.16 feet;
South 65° 27' 03" East, a distance of 185.47 feet;
South 55° 24' 02" East, a distance of 208.42 feet;
South 78° 49' 01" East, a distance of 54.40 feet;
North 77° 56' 34" East, a distance of 35.84 feet to a point on the East boundary of said SW¼;

Thence leaving said centerline and running South 00° 05' 00" West along said East boundary, a distance of 43.91 feet;

Thence South 27° 44' 08" West, a distance of 140.79 feet;

Thence South 34° 55' 09" West, a distance of 120.29 feet;

For excellence in engineering services—since 1957

**DESCRIPTION FOR
ROSALIE CHURRUCA
PARCEL 1**

**PAGE 2
BBCE JOB NO. SC081494**

Thence South 52° 41' 50" West, a distance of 276.31 feet;

Thence North 81° 22' 35" West, a distance of 27.87 feet;

Thence South 00° 00' 00" East, a distance of 118.62 feet;

Thence South 88° 39' 38" East, a distance of 380.89 feet to a point on the East boundary of said SW¼;

Thence South 00° 05' 00" West along said East boundary, a distance of 942.33 feet;

Thence South 87° 46' 38" West, a distance of 286.13 feet;

Thence South 01° 48' 32" West, a distance of 326.89 feet to a point on the South boundary of said SW¼;

Thence North 89° 49' 37" West along said South boundary, a distance of 1047.16 feet to the Southeast Corner SW¼ of said SW¼;

Thence North 89° 49' 46" West continuing along the South boundary, a distance of 1323.30 feet to the **POINT OF BEGINNING**.

This parcel is subject to a road easement for Chicken Dinner Road along the West boundary.

This parcel is also subject to a road easement for Marsing Road along the South boundary.

This parcel is also subject to an irrigation easement along the Deer Flat Low Line Canal.

This parcel is also subject to an Ingress/Egress easement 30.00 feet parallel and West of the Easterly boundary of SW¼ of said Section 36.

This parcel is also subject to all other easements and Rights-of-Way existing or of record.

This parcel contains 141.11 acres.



RECEIVED

JUL 07 2008

DEPARTMENT OF
WATER RESOURCES

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

JUL - 2 2008

By

Clerk
Deputy Clerk

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

) Subcase 63-05013

Case No. 39576

) ORDER TO SHOW CAUSE

This matter came before this Special Master pursuant to an initial hearing held June 20, 2008. Frank Churruca, Jr., (hereinafter "Claimant") was notified of the hearing via first class mail sent to his last known address. The Claimant failed to appear at the initial hearing.

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, (hereinafter "Objector") filed an objection to the *Director's Report* for this water right claim, asserting that the source of the water right is waste water, and that the water right should not exist.

It is hereby ordered that the Claimant shall appear before this Special Master on **July 22, 2008, at 1:30 P.M.** Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue north, Twin Falls, Idaho, to show cause why the objection filed by the Wilder Irrigation District should not be granted. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the remedy sought by the Wilder Irrigation District, including disallowance of the water right.** If the Claimant participates in the hearing, he will be expected to notify this Special Master whether he intends to prosecute the case, and accordingly a trial date will be set. In such event, no additional evidence or argument need be presented as the subcase will be allowed to

proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(2)(B).

A copy of this *Order to Show Cause* shall be served upon the Claimant and the Objector not less than five (5) days prior to the date herein shown. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated

July 2, 2008

Theodore R. Booth

THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO
SHOW CAUSE was mailed on July 02, 2008, with sufficient first-class
postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

FRANK CHURRUCA JR

733 E CAROL
PHOENIX, AZ 85020
Phone: 602-943-3953

ORDER

Page 1 7/02/08

FILE COPY FOR 01926

Deputy Clerk





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 1, 2008

BRUCE CHURRUCA
LINDA CHURRUCA
PO BOX 358
MARSING ID 83639

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-5013

Dear Mr. & Mrs. Churruca:

We have been advised you may be the new owner of the property with the water right referenced above (see enclosed report).

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions included with this form and return to our office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region

LH:l
Enclosures

RECEIVED

MAY 26 2008
DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:42
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
	)	SUBCASE NO: 63-05013

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 27, 2008 at 11:00 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be
JUNE 23, 2008 or hearing will

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

6/25/08
per Canyon Co.
tax lot info:
Bruce & Linda
Churrua, Trustee
PO Box 358
Marsing, 83639

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

FRANK CHURRUCA JR

733 E CAROL
PHOENIX, AZ 85020
Phone: 602-943-3953

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

A. Subcase 63-5013

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Frank Churruca Jr.

Address: 733 E. Carol

Phoenix, AZ 85020

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District. Should be unnamed drain.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District.

F. VERIFICATION (must be completed)

State of Idaho)

County of Ada)ss.

Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

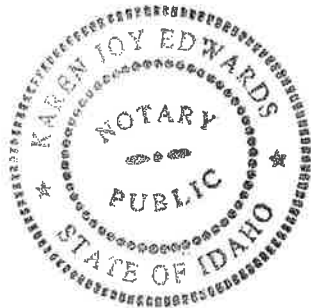
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 200 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Frank Churruca Jr.
Address: 733 E. Carol
Phoenix, AZ 85020

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

06/30/2006

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

RIGHT NUMBER: 63-5013

NAME AND ADDRESS: FRANK CHURRUCA JR
733 E CAROL
PHOENIX AZ 85020

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.800 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

PRIORITY DATE: 04/01/1935

POINT OF DIVERSION:

T03N R04W S36 SENESW Within CANYON County

T03N R04W S36 NWSESW 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	0.780 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T03N R04W S36	NESW	10.00	T03N R04W S36	NWSW	7.00
T03N R04W S36	SWSW	19.00	T03N R04W S36	SESW	3.00

STOCKWATER same as IRRIGATION

39 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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

Stockwater use is for 40 range cattle.

11-1-06 (724-6128)
Frank Churruca called -
will submit change in
ownership to put
right in his &
brother's names.
Frank died 5 yrs.
ago.
kw



Idaho Department of Water Resources

SRBA Recommendation:

63-5013

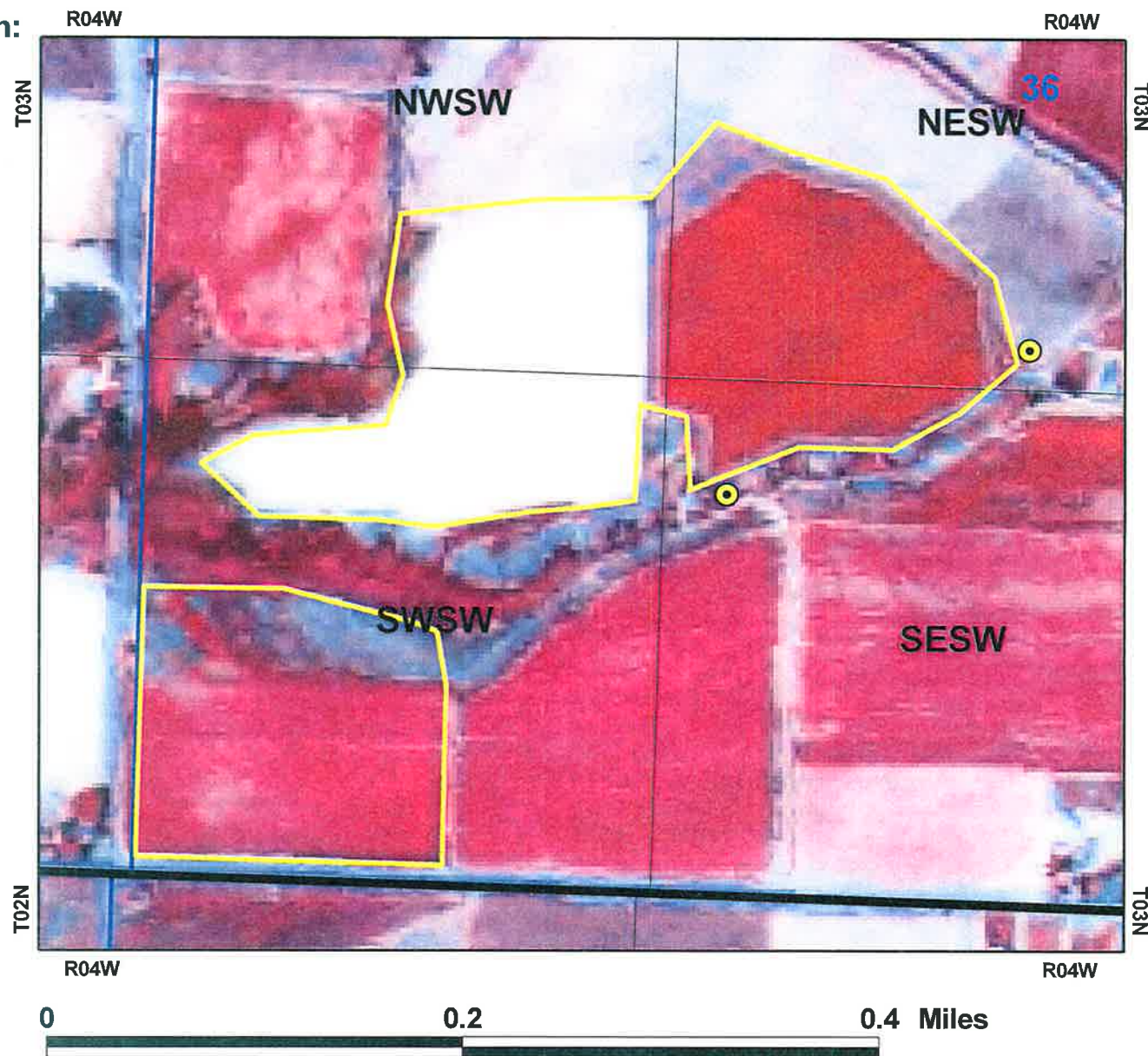
Acres = 39

Legend

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



Canyon County
IDWR Basin 63



Prepared by K. Walker
On Friday, June 30, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5013

WATER RIGHT NUMBER: 63-5013

Owner Type

Current Owner

Name and Address

FRANK CHURRUCA JR
733 E CAROL
PHOENIX, AZ 85020
(602)943-3953

Original Owner

CARMEN CHURRUCA
733 E CAROL
PHOENIX, AZ 85020
(602)943-3953

Priority Date: 04/01/1935

Basis: ~~Statutory Claim~~ **BU**

Status: Active

Source

UNNAMED STREAM

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

STOCKWATER

From To

3/15 to 11/15

1/01 to 12/31

Diversion Rate~~0.940 CFS~~ 0.78

0.020 CFS

Annual VolumeTotal Diversion:~~0.960 CFS~~ 0.80 cfsLocation of Point(s) of Diversion

UNNAMED STREAM

CANYON County

NW1/4SE1/4SW1/4

Sec. 36, Twp 03N, Rge 04W, B.M.

UNNAMED STREAM

CANYON County

SE1/4NE1/4SW1/4

Sec. 36, Twp 03N, Rge 04W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	04W	36	10.0	15.0	19.0	3.0	47.0

Total Acres: ~~47~~ 39

STOCKWATER same as IRRIGATION

Conditions of Approval:

- 2 DIVERSION POINTS CHANGE OF OWNERSHIP BY MTS 9/6/1995 CLAIM AMENDED TO CHANGE SOURCE FROM SPRINGS TO UNNAMED STREAM AND TO CHANGE P/D'S 9/6/1995 MTS

Remarks:

39 x 0.02 = 0.78
 Kay Walker
 6/30/2006

W59-40 hd range cattle
 exp - X02-40 hd range cattle
 N05, N08

N/A
 surface water

use standard

use this date
 per evidence

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5013

WATER RIGHT NUMBER: 63-5013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARMEN CHURRUCA PO BOX 2 MARSING, ID 83639
Current Owner	JOE CHURRUCA PO BOX 2 MARSING, ID 83639

Priority Date: 04/01/1935
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.940 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		0.960 CFS	

Location of Point(s) of Diversion

SPRINGS	NW1/4SW1/4	Sec. 36, Twp 03N, Rge 04W, B.M.
CANYON County		
SPRINGS	NW1/4SE1/4	Sec. 36, Twp 03N, Rge 04W, 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	
03N	04W	36									10.0	15.0	19.0	3.0					47.0

Total Acres: 47

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. SENT IN BY WM. G. GIGRAY, JR. LAWYER, CALDWELL, ID. 83605 0640.

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5013

03/28/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
5013	Claim	03N	04W	36	NE	SW		IRRIGATION	10/47	FRANK CHURRUCA JR
27068	Claim	03N	04W	36	NE	SW		IRRIGATION	5/5	MARCELLA ARCHER
4924	Water Right	03N	04W	36	NE	SW		IRRIGATION	5/5	KEARNEY T ARCHER
5013	Water Right	03N	04W	36	NE	SW		IRRIGATION	10/47	CARMEN CHURRUCA
27068	Claim	03N	04W	36	NE	SW		STOCKWATER		MARCELLA ARCHER
26950	Water Right	03N	04W	36	NE	SW		STOCKWATER		MARCELLA ARCHER
26950	Water Right	03N	04W	36	NE	SW		DOMESTIC		MARCELLA ARCHER
5013	Claim	03N	04W	36	NW	SW		IRRIGATION	15/47	FRANK CHURRUCA JR
5013	Water Right	03N	04W	36	NW	SW		IRRIGATION	15/47	CARMEN CHURRUCA
20207	Water Right	03N	04W	36	NW	SW		DOMESTIC		MARGARET M BEEMAN
5013	Claim	03N	04W	36	SW	SW		IRRIGATION	19/47	FRANK CHURRUCA JR
5013	Water Right	03N	04W	36	SW	SW		IRRIGATION	19/47	CARMEN CHURRUCA
5013	Claim	03N	04W	36	SE	SW		IRRIGATION	3/47	FRANK CHURRUCA JR
5013	Water Right	03N	04W	36	SE	SW		IRRIGATION	3/47	CARMEN CHURRUCA

Receipt Details for ID C017120

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/5/1990 9:57:13 AM	6/5/1990	State	\$97.00	Check
Payer		CHURRUCA, FRANK/CARMEN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
NONE			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$97.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	5013		\$97.00	Claim


Print Report

REAL PROPERTY INQUIRY

```

+++++
01 6R33625-000- -0 085-00 SCH363+ 05 25 .90
+++++
10 25,300 1.00
CHURRUCA FAMILY TRUST + 19 .17
% CHURRUCA, FRED J & + 31 34,800
% CHURRUCA, JOAN C H/W @@ + 32 3,700
+
+
5457 STATE HWY 65 +
BRANSON MO 65616 +
+++++
36-3N-4W SW + TOTAL 63,825 2.07
TX 02028 IN SESW ++++++
+ SURVEY 9437962 INST 200534898
+ DRAIN DR VALUE APPR MKB
+ CLASS R2 REAP 02 MAN 01 UNIT 1
18540 MARSING RD, CA + PARCEL 6R03N04W365010 H/O N C/B N
+ PRIOR ACCOUNT 5R33625-000- -0
+ 02 MH on Property NO

```

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R33625000 0 UNIT 001 TOTAL UNITS 1

```

SITE 18540 MARSING RD CA SEC/TWN/RNG 36-3N-4W
ASSESSED VALUE 63,825 ACREAGE 2.07
SUB/PARK NAME YEAR/MAKE
CLASS R2 RENTAL HOUSE CLASS '2' SPACE LOT BLOCK
+++++
YR BUILT 1915 AIR COND AIR - NONE CARPORT N
STORY 1 STORY HEATING CARPORT SQ FT
FIRST SQ FT 736 EXTERIOR WOOD SIDING DECK/PATIO? N
SECOND SQ FT ROOF WOOD SHINGLES POOL? N
BEDS 1 BSMT SQ FT SPA? N
BATHS 1.00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE D1 NEIGHBORHOOD 0
GARAGE SQ FT 266

```

```

+++++
COMMENTS (1 OF 2) 2 UNITS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

```

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 03/28/2006 Time 10:16

REAL PROPERTY INQUIRY

```

+++++
01 6R33625-011- -0 085-00 SCH363+ 01 52,100 102.00
+++++
02 7,600 25.28
CHURRUCA FAMILY TRUST + 05 200 6.00
% CHURRUCA, BRUCE & + 19 7.83
% CHURRUCA, LINDA-TRUSTEE +
% CHURRUCA, HERBERT F @@ +
+
PO BOX 358 +
MARSING ID 83639 +
+++++
36-3N-4W SW + TOTAL 59,900 141.11
TX 02029 IN SW ++++++
+ SURVEY 9437962 INST 200258946
+ DRAIN DR VALUE APPR MKB
+ CLASS REAP 02 MAN UNIT 0
MARSING RD, CA + PARCEL 6R03N04W365011 H/O N C/B N
+ PRIOR ACCOUNT 5R33625-011- -0
+ 02 MH on Property NO

```

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:44:04
09/07/95

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A63-05013

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		MTS 8-29-95			MTS 11-24-95		
POINT OF DIV								
SOURCE	Y	↑ 9-1-95 MTS - Original Claim						
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-05013

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>X</u>					<u>MTS</u> <u>11-24-95</u>	
PT. OF DIV.		<u>MTS</u> <u>8-29-95</u>	<u>1,2,5</u>				
SOURCE			<u>1,2,5</u>		<u>Y</u>		
PL. OF USE			<u>1,2,5</u>		<u>Y</u>		
DIV. AMOUNT CFS/AF			<u>6</u>				
CONSUMPTIVE USE							
NATURE OF USE			<u>2,5</u>				
PERIOD OF USE							
BASIS OF CLAIM							
REMARKS							

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES ✓ NO .

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: Claim amended to comply with historical source and P/D's - SEE
FIELD EXAM WRITE UP.

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:44:04
09/07/95

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A63-05013

LAST: CHURRUCA
ADDRESS: 733 EAST CAROL
CITY: PHOENIX
PHONE NUMBER: 602-943-3953

FIRST: CARMEN
STATE: AZ ZIP: 85020

OWNER CODE: O

LAST: CHURRUCA JR
ADDRESS: 733 EAST CAROL
CITY: PHOENIX
PHONE NUMBER: 602-943-3953

FIRST: FRANK
STATE: AZ ZIP: 85020

OWNER CODE: C

FIELD EXAM REQUIRED?

yes

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N(*✓*)

CLAIM REMARKS: 2 DIVERSION POINTS
CHANGE OF OWNERSHIP BY MTS 9/6/1995
CLAIM AMENDED TO CHANGE SOURCE FROM SPRINGS TO UNNAMED STREAM AND
TO CHANGE P/D'S 9/6/1995 MTS

CONTACT PERSON: Frank Charruca

PHONE NUMBER: 602 455-1268 OR

DATE OF FIELD EXAM: 8-29-95

APPOINTMENT MADE: Y(☒) N(☐)

TIME: 10:00 A(☒) P(☐)

ACCOMPANIED BY: Ron Hovetor, claimant, claimant's

PHONE NUMBER: 602 943-3953 = ARIZ phone #

RELATIONSHIP TO CLAIMANT: son, Joe.

DIRECTIONS TO PROPERTY / NOTES:

18540 Maricopa Rd -
claimant does not farm the property himself.
See AD Memo dated 8-25-95 attached as Page 2a

ADJUDICATION MEMORANDUM

Rose Churruca for
CLAIMANT: Frank Churruca CLAIM NO: A63-05013
EMPLOYEE: Mel Schulte DATE: 8-25-95
SUBJECT: Field exam schedule.

Rose Churruca called in response to my letter mailed to their Arizona address. They are in the Maricopa area now and want to schedule exam. She did not know anything about the property or use of water but her husband, Frank - a claimant, will be available to help. Scheduled exam for Tuesday, 8-29-95 @ 10:00 am.

- A. AJ CLAIM: # A63-05013 PRIORITY DATE: 04-01-1935 STAGE: S
- B. WR RECORD: # 63-05013 PRIORITY DATE: 04-01-1935 STAGE: S
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N(☒)
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(☒)
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N(☒)
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y() N()
- FIELD EXAM COMPLETED N/A(☒) Y() N()
- FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y() N()
- LICENSE ISSUED N/A(☒) Y() N()
- * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y() N(☒)
- * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE. *affidavits*
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N()

NOTES: *Priority affidavits relate to source being springs but
are sufficient to prove actual source which is an
unnamed stream fed by the springs and other seepage
water and waste water.
See copies of affidavits labeled as Pages 3a & 3b -
Originals are in ISO vault file.*

=====

RECOMMENDED PRIORITY DATE:

3-15-1935

REVIEWED BY *MTS*

DATE *9-7-95*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A63-05013	03N	04W	36	SE	NE	SW			CANYON		
A63-05013	03N	04W	36	NW	SE	SW			CANYON		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A63-26241 R63-26950
A63-26950 R63-27068
A63-27068

WR RECORDS IN SAME 40 ACRE TRACT
63-04924

SOURCE: UNNAMED STREAM

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
63-05013	03N	04W	36		NW	SW			CANYON		
63-05013	03N	04W	36		NW	SE			CANYON		

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A63-20207 NONE

SOURCE: SPRINGS

TRIB: SNAKE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

See field exam writeup

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

See field exam writeup

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM NA)

Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 8-29-95 NAME OF EXAMINER MTS)

Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

P/D amended after field exam to reflect actual
historical diversions. No diversions were made at the
springs claimed in Statutory Claim 63-05013.
See exam writeup labeled 5a and Orthophoto map
labeled 5c

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
03N	04W	36	SE	NE	SW			CANYON		
03N	04W	36	NW	SE	SW			CANYON		
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: Unnamed Stream TRIB: Snake River

REVIEWED BY: MTS DATE: 9-7-95

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT (☒)

See Attached map labeled 5b.

5a.

MEMORANDUM TO FILE

TO: A63-05013

FROM: MEL SCHULTE *MTS*

DATE: SEPTEMBER 7, 1995

RE: FIELD EXAM WRITE UP

The field exam for A63-05013 was conducted on 8/29/1995 at 10:00 am with the assistance of Ron Howerton; Frank Churruca, claimant and Joe Churruca, claimant's son.

After a detailed discussion with the claimant and his son, we concluded the source is incorrect in the Statutory Claim filed by his father on 4/21/1983 and the adjudication claim filed by Frank Churruca for his mother, Carmen Churruca. Historically, water has actually been diverted from an Unnamed Stream rather than Springs. While some springs contribute to the stream's flow, waste water and seepage water are also major contributors. Water is not diverted directly from either of the springs claimed as the sources but flows from the springs into a natural channel. Based on this information the claimant amended the claim.

Frank Churruca revealed at the time of the exam that he is the sole owner of the property by virtue of an inheritance of his mother's interest. A change of ownership has been completed to reflect the change.

The system description and application of water is as follows: At P/D#1 a concrete headgate structure diverts water from the stream into a small delivery ditch. We performed a Mannings measurement on the dry ditch about 25 to 30 feet below the headgate. The small ditch flows into a gated pipe that flows for about 1000' West and irrigates a field to the South. At the end of the gated pipe water can return to a dirt ditch flowing Southwest and then West to irrigate another field to the South of the ditches.

The second P/D is about 1000' downstream from the first and is a structure similar to the first one. Water flows from the second P/D into a small dirt ditch that was in use at the time of the exam. We performed a Mannings measurement on this ditch about 30 feet below the headgate. Water flows through this ditch about 1000' where it is either discharged to the North to irrigate a small pasture or diverted South into a concrete ditch to irrigate a second field that slopes to the West. All irrigation is by gravity flow.

Frank Churruca indicated that to his knowledge the current system and fields are the historical use of the water from the source claimed, Unnamed Stream and all irrigation has been historically by gravity flow. Based on this information it is evident no

Page 2

Memo to file A63-05013

additional fields North of the fields currently irrigated could be irrigated due to the topographic lay of the land. Therefore, the maximum acres that can be recommended in the NWSW, S36 is 7 acres.

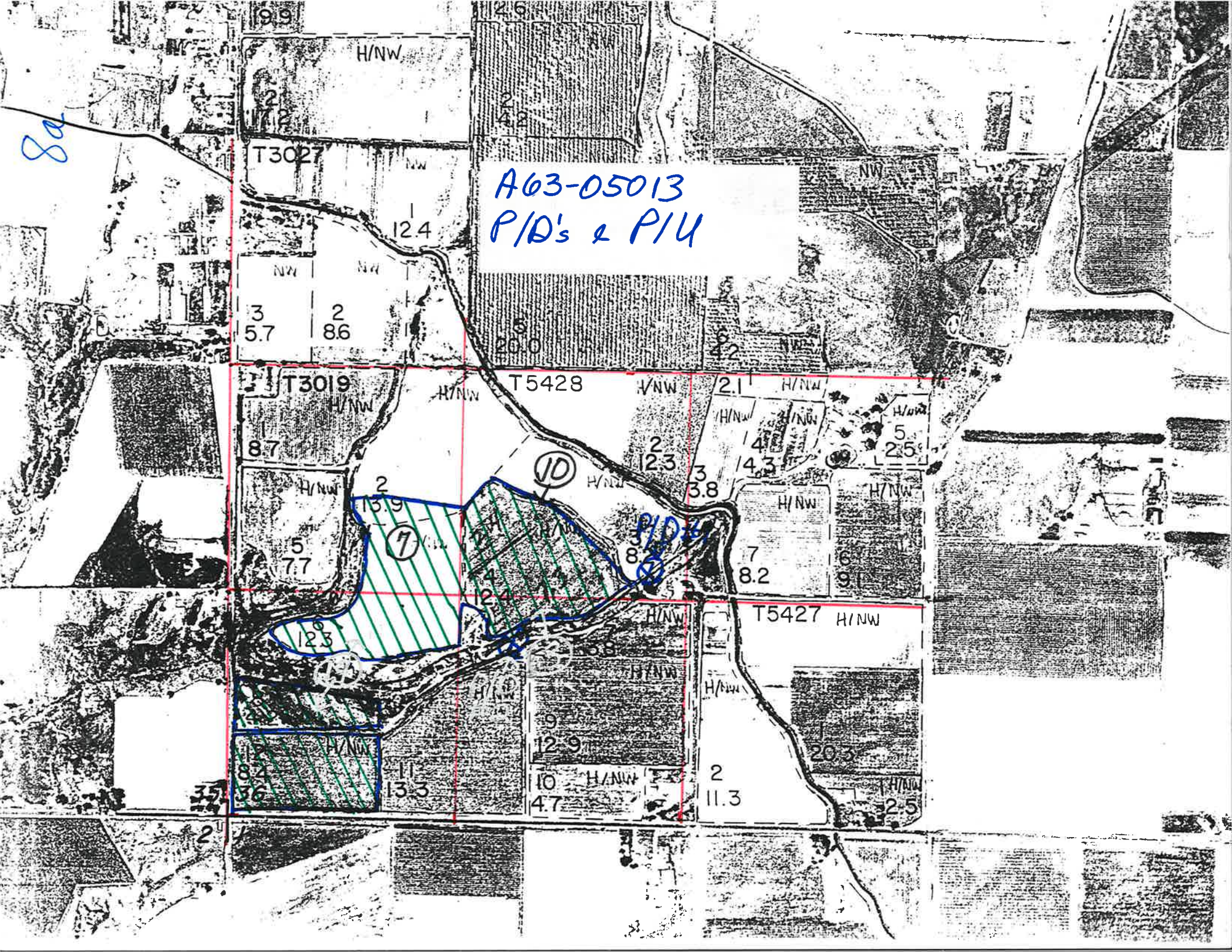
Wilder Irrigation District water is also used on this farm. An irrigation district canal traverses the NESW quarter section. Water can be diverted into the same unnamed stream that is the source of this claim and then rediverted through the same system that serves this claim.

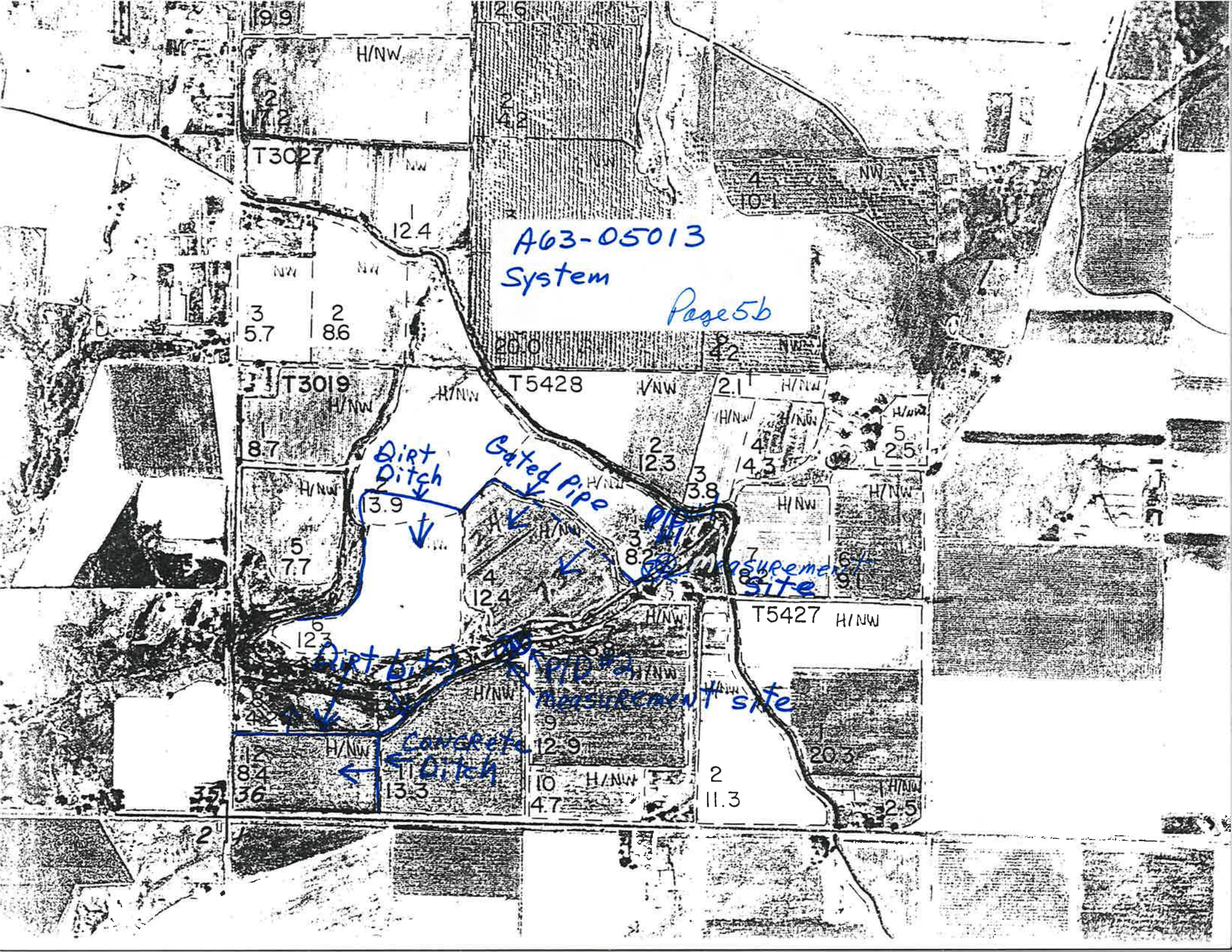
Stock drink directly from the unnamed stream source. There were approximately 40 head on the premises at the time of the field exam. Springs, seepage water and runoff water into the stream channel provide a year around source of water for stock.

MTS

8a

A63-05013
P/D's & P/U







5c

X54
1971

A63-05013

T3N
T2N

A. ROOT WATER RIGHT NUMBERS: A63-05013

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03N	04W	36	NE	SW		CHURRUCA JR, FRANK	A63-05013 / 10.0	63-05013 / 10.0	39.0		10
			NE	SW		ARCHER, KEARNEY T	A63-26950 /	- /			
			NE	SW		ARCHER, KEARNEY	A63-27068 / 5.0	- /			
			NE	SW		ARCHER, KEARNEY T	R63-26950 /	- /		North of canal	
			NE	SW		ARCHER, KEARNEY	R63-27068 /	- /			
			NE	SW		ARCHER, KEARNEY		63-04924 / 5.0		- NO AJ claim	
03N	04W	36	NW	SW		CHURRUCA JR, FRANK	A63-05013 / 15.0	63-05013 / 15.0	40.0		7
			NW	SW		BEEMAN, JAMES R	A63-20207 /	- /			
03N	04W	36	SW	SW		CHURRUCA JR, FRANK	A63-05013 / 19.0	63-05013 / 19.0	38.0		19
03N	04W	36	SE	SW		CHURRUCA JR, FRANK	A63-05013 / 3.0	63-05013 / 3.0	39.0		3
ADDITIONAL POU FOUND											

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A63-05013	STOCKWATER	CHURRUCA JR, FRANK	FROM 01-01 TO 12-31	0.020 CFS	
A63-26950	STOCKWATER	ARCHER, KEARNEY T	FROM 01-01 TO 12-31	0.020 CFS	
A63-26950	DOMESTIC	ARCHER, KEARNEY T	FROM 01-01 TO 12-31	0.040 CFS	
A63-27068	STOCKWATER	ARCHER, KEARNEY	FROM 01-01 TO 12-31	0.020 CFS	
R63-26950	STOCKWATER	ARCHER, KEARNEY T	FROM 01-01 TO 12-31	0.020 CFS	
R63-26950	DOMESTIC	ARCHER, KEARNEY T	FROM 01-01 TO 12-31	0.040 CFS	
R63-27068	STOCKWATER	ARCHER, KEARNEY	FROM 01-01 TO 12-31	0.020 CFS	
A63-20207	DOMESTIC	BEEMAN, JAMES R	FROM 01-01 TO 12-31	0.040 CFS	

*Not related to
this claim*

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: WILDER IRRIGATION DIST. *-yes*

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: ☒ ORTHOPHOTOQUAD, IDWR NO. X54; () TOPOGRAPHIC QUAD, IDWR NO. _____;
(☒ NAPP, IDWR NO. X54 SE; (☒ ASCS PHOTO; () OTHER _____

NOTES: P/U determined using dot grid overlay

Stockwater uses are in-stream in same PP's as
irrigation.

40 hd range cows & calves

See ASCS map labeled 8a and NAPP photo as 8b

See Photo pages labeled 8c, 8d, 8e, 8f, 8g

RECOMMENDATIONS:

TOTAL ACRES: 39 N/A ()

REVIEWED BY: MTS DATE: 9-7-95

426-42 7-14-87

X54 SE

86



8c
A63-05013

Photos 8-29-95



#1

P/D #1



#2

P/D #1, delivery ditch
and upper X section
used in measurement

8d
A63-05013

Photos 8-29-95



#3
Lower X section
in ditch
below P/D #1



#4
Gated pipe
and part of
P/U near P/D #1 -
looking NW
from area
near P/D #1

8e

Photos 8-29-95

A63-05013

#5

P/D #2



#6

P/D #2 and
upper X section in
delivery ditch below
P/D #2



8P
A63-05013

Photos 8-29-95



#7
Lower X section in
delivery ditch below
P/Q #2



#8
P/U - 4± acse
pasture looking
West from SE
corner

8g
A63-05013

Photos 8-29-95

#9

Delivery ditch
to 8± acre P14
looking South
from NE corner



#10

P14 - 8± acre
field looking
SW from NE
corner.



A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-05013 IRRIGATION	FROM 03-15 TO 11-15	0.940 CFS	
A63-05013 STOCKWATER	FROM 01-01 TO 12-31	0.020 CFS	
TOTAL DIVERSION RATE/VOLUME		0.960 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-05013 IRRIGATION	FROM 03-15 TO 11-15	0.940 CFS	
63-05013 STOCKWATER	FROM 01-01 TO 12-31	0.020 CFS	
TOTAL DIVERSION RATE/VOLUME		0.960 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☐) N(☒)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

NOTES: $39 \text{ ac} \times .02 = .78 \text{ cfs}$

$40 \text{ hd} \times 12 \text{ gpd} = 480 / 120 = 4 \text{ gpm} = .01 \text{ cfs}$

AJ CLAIM TOTAL DIVERSION RATE: 0.960 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.960 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

See Mannings measurements attached

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(☒) N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD Mannings x 2 each, SEE ATTACHED CALCULATIONS labeled 11/9 & 11/6

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 39 x 0.02 CFS/ACRE = .78 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 39 x DIVERSION VOL. AF/A FOR AREA 4.5 = Not recommended - surface water
TOTAL DIVERSION VOLUME 175.5 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 164.5 AF/A

ACRES 39 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =
TOTAL CONSUMPTIVE USE 136.5 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW (☒) OR SEE ATTACHMENT ()

$40 \times 12 \times 365 = .5 \text{ cfs} = \text{stockwater}$
 $40 \text{ hd} \times 12 \text{ gpd} = 480 \text{ gpd} / 120 \text{ min} = 4 \text{ gpm} = .01 \text{ cfs}$

Claim Number(s): A63-05013

11a

Name of Claimant(s): Frank or Carmen ChurruaName of Ditch, Canal, or Stream: Ditch below upper P/D - unnamed StreamDate of Measurement: 25' ± below P/D Data Collected by: Mel Schulte & Ron HMeasurement Location: SE NE 1/4 SW 1/4 Section 36 T 3N R 4WUpper P/D

Cross Section Data

Basis: high water mark(☒) maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

<u>Upstream</u> X section		<u>Downstream</u> X section	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	1 ~~1~~ . <u>0</u>	<u>0</u>
2. <u>.42</u>	<u>.5</u>	2 ~~1~~ . <u>.42</u>	<u>.5</u>
3. <u>.42</u>	<u>1.0</u>	3 ~~1~~ . <u>.42</u>	<u>1.0</u>
4. <u>.39</u>	<u>1.4</u>	4 ~~1~~ . <u>.39</u>	<u>1.5</u>
5. <u>.30</u>	<u>1.6</u>	5 ~~1~~ . <u>.30</u>	<u>1.8</u>
6. <u>.16</u>	<u>0</u>	6 ~~1~~ . <u>0</u>	<u>2.1</u>
7. _____	_____	17. _____	_____
8. _____	_____	18. _____	_____
9. _____	_____	19. _____	_____
10. _____	_____	20. _____	_____

Slope Data

Basis: high water mark(☒) channel bottom() land surface()

Channel Length from Cross-Section Location: upstream _____ downstream _____

Total Channel Length Used for Slope Measurement: 158.5

Height of Engineers Level: _____

Upstream Rod Reading: 4.96 - high water mark (if taken from channel bottom) _____ = _____Downstream Rod Reading: 6.1 - high water mark (if taken from channel bottom) _____ = _____

Note: the downstream rod reading must be higher than the upstream rod reading

Are maps and/or photos attached? yes()

Comments

Upstream
 Upper 5.385
 lower - 4.65
 $.735 \times 100 = 73.5'$

Downstream
 upper 6.55
 lower 5.695
 $.85 \times 100 = 85'$

MANNING EQUATION CHANNEL CAPACITY RESULTS 08-30-1995

File Number: A6305013
Claimant: CHURRUCA
Channel measured: DITCH FROM UNNAMED STREAM UPPER PD
Date of measurement: AUGUST 29 1995
Measurement location:
25 FEET BELOW UPPER PD
SENESE S36 T3N R4W
Calculation prepared by: MEL SCHULTE
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 159 feet.
The upstream and downstream rod readings are 4.96 and 6.10 feet.
The channel cross section is 0.42 ft-sq.
The wetted perimeter is 2.89 feet.
The hydraulic radius is 0.15 feet.
The slope is 0.0072
The roughness coefficient is 0.0250
The flow velocity is 1.403 ft/sec.
The rate of flow is 0.59 cfs.

CROSS SECTION NUMBER 1

For File Number A6305013 for the DITCH FROM UNNAMED STREAM UPPER PD

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.42	0.42	0.50
3	0.42	0.42	1.00
4	0.39	0.39	1.40
5	0.30	0.30	1.60
6	0.16	0.16	0.00

The area for this cross section is 0.18 square feet
and the wetted perimeter is 3.38 feet.

CROSS SECTION NUMBER 2

For File Number A6305013 for the DITCH FROM UNNAMED STREAM UPPER PD

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.42	0.42	0.50
3	0.42	0.42	1.00
4	0.39	0.39	1.50
5	0.30	0.30	1.80
6	0.00	0.00	2.10

The area for this cross section is 0.67 square feet
and the wetted perimeter is 2.39 feet.

Claim Number(s): A63-05013

116

Name of Claimant(s): Frank or Carmen ChurruarName of Ditch, Canal, or Stream: ditch below lower P/D - Unnamed StreamDate of Measurement: 30' below P/D Data Collected by: Mel Schulte & Ron HMeasurement Location: NW SE 1/4 SW 1/4 Section 36 T 3N R 4WLower P/D

Cross Section Data

Basis: high water mark(X) maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

<u>Upstream X section</u>		<u>Downstream X section</u>	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	~~#1~~ <u>0</u>	<u>0</u>
2. <u>.25</u>	<u>.5</u>	~~2~~ <u>.35</u>	<u>.3</u>
3. <u>.9</u>	<u>1.0</u>	~~3~~ <u>.40</u>	<u>.5</u>
4. <u>.8</u>	<u>1.5</u>	~~4~~ <u>.55</u>	<u>.8</u>
5. <u>.75</u>	<u>2.0</u>	~~5~~ <u>.60</u>	<u>1.2</u>
6. <u>.4</u>	<u>2.5</u>	~~6~~ <u>0</u>	<u>1.7</u>
7. <u>0</u>	<u>3.0</u>	17. _____	_____
8. _____	_____	18. _____	_____
9. _____	_____	19. _____	_____
10. _____	_____	20. _____	_____

Slope Data

Basis: high water mark(X) channel bottom() land surface()

Channel Length from Cross-Section Location: upstream _____ downstream _____

Total Channel Length Used for Slope Measurement: 246'

Height of Engineers Level: _____

Upstream Rod Reading: 4.58 - high water mark (if taken from channel bottom) _____ = _____Downstream Rod Reading: 6.31 - high water mark (if taken from channel bottom) _____ = _____

Note: the downstream rod reading must be higher than the upstream rod reading

Are maps and/or photos attached? yes(X)UpstreamUpper - 5.18lower - 4.01.18 X 100 = 118'

Comments

DownstreamUpper - 6.96lower - 5.681.28 X 100 = 128'

MANNING EQUATION CHANNEL CAPACITY RESULTS

08-30-1995

File Number: A6305013

Claimant: CHURRUCA

Channel measured: DITCH FROM UNNAMED STREAM LOWER PD

Date of measurement: AUGUST 29 1995

Measurement location:

30 FEET DOWN STREAM FROM LOWER PD

NWSESW S36 T3N R4W

Calculation prepared by: MEL SCHULTE

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 246 feet.

The upstream and downstream rod readings are 4.58 and 6.31 feet.

The channel cross section is 0.65 ft-sq.

The wetted perimeter is 2.19 feet.

The hydraulic radius is 0.30 feet.

The slope is 0.0070

The roughness coefficient is 0.0350

The flow velocity is 1.590 ft/sec.

The rate of flow is 1.03 cfs.

CROSS SECTION NUMBER 1

For File Number A6305013 for the DITCH FROM UNNAMED STREAM LOWER PD

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.25	0.25	0.50
3	0.90	0.90	1.00
4	0.80	0.80	1.50
5	0.75	0.75	2.00
6	0.40	0.40	2.50
7	0.00	0.00	3.00

The area for this cross section is 1.55 square feet
and the wetted perimeter is 3.64 feet.

CROSS SECTION NUMBER 2

For File Number A6305013 for the DITCH FROM UNNAMED STREAM LOWER PD

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.35	0.35	0.30
3	0.40	0.40	0.50
4	0.55	0.55	0.80
5	0.60	0.60	1.20
6	0.00	0.00	1.70

The area for this cross section is 0.65 square feet
and the wetted perimeter is 2.19 feet.

[illegible]

SENT IN BY WM. G. GIGRAY, JR. LAWYER, CALDWELL, ID. 83605 0640.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	03-15	11-15	0.940	<u>.78</u>		<u>175.5</u>	164.5	<u>136.5</u>
STOCKWATER	01-01	12-31	0.020	<u>.02</u>		<u>.5</u>	164.5	<u>.</u>
TOTAL FOR THIS RIGHT			0.960	<u>.80</u>		<u>176.0</u> ~~180.0~~	164.5	<u>136.5</u>

NON-IRRIGATION USES CLAIMED: S/40 RANGE.

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (✓)

REVIEWED BY: MTS

DATE: 9-7-95

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EO ? - combined with Walker Dr. Dist

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(☒)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-05013

NA
DATABASE
0.960

EXAMINER

CFS

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

63-05013

0.960

TOTAL CFS

0.960

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

NA
DATABASE
N

FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE:

Michael Schultz

DATE:

9-7-95

NAME OF FIELD EXAMINER:

TITLE:

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1971</u> IDWR ID NO. <u>X54</u>	Y(☒) N(☐)
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☒ NAPP	DATE OF PHOTO <u>7-14-87</u> IDWR ID NO. <u>X54SE</u>	Y(☒) N(☐)
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987</u>	Y(☒) N(☐)
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y(☐) N(☐)
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y(☐) N(☐)
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y(☐) N(☐)
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y(☐) N(☐)
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☒ SYSTEM DESCRIPTION	DATE DRAWN <u>9-7-95</u>	<u>1</u>	_____
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>8-29-95</u>	<u>5</u>	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED <u>8-29-95</u>	<u>2</u>	_____
☒ OTHER <u>Exam Write up</u>	DATE <u>9-7-95</u>	<u>1</u>	_____
☐ OTHER _____	DATE _____	_____	_____

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

		NE								NW								SW								SE								
WR-NUMBER	SOURCE	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
A6305013	T03N R04W S36 SPRINGS	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	47		
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																																		
6302388	BOISE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:			
A6302388	BOISE RIVE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:			
6304924	SPRING	:	:	:	:	:	:	:	:	:	:	:	:	:	:	05	:	:	:	:	:	:	:	:	:	:	:	:	:	:	5			
6308688	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	10	15	19	03	:	:	:	:	:	:	:	:	:	:	:	47			
R6308688B	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	S	:	:	:	:	:	S	:	:	:	:	:	:	:	S	5			
6311721	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	120			
M6311721	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	120			
6311885	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	05	:	:	:	:	:	:	:	:	:	:	:	:	:	:	5			
M6311885	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	05	:	:	:	:	:	:	:	:	:	:	:	:	:	:	5			
A6320207	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	0	:	:	:	:	:	:	:	:	:	:	:	:	:	:	47			
R6326950	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	0	:	:	:	:	:	:	:	:	:	:	:	:	:	:			
A6327014	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	0	:	:	:	:	:	:	:	:	:	:	:	:	:	:			
R6328082	GROUNDWATE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	S	:	:	:	:	:	:	:	:	:	:	:	:	:	:			
C27Q-X 54	:	27		26		26		39		34		41		38		38		39		40		38		39		36		39		39	578			
C73Q-X 54	:	35		39		29		39		35		42		40		40		42		39		42		42		40		40		39	622			

A63-05013

CLAIM INVESTIGATION LOG: CLAIMANT CONTACT CHECKLIST

Name and address (p.1)

☒ Change in address/ownership

Priority

☐ Claim based on recent decree; priority claimed later than decreed priority (I-C, p. 2)

Other claims based on decree

☐ More recent adjudication (II-B-2, p. 5)

☐ Priority claimed less than five years after date of decree (II-E-1-a, p. 7)

☐ Priority claimed more than five years after date of decree (II-E-1-b, p. 7)

Claim based on recent license

☐ Priority claimed earlier than licensed priority (III-B-2, p. 9)

☐ Priority claimed later than licensed priority (III-C, p. 10)

Other claims based on license

☐ Prior adjudication (IV-B-2, p. 13)

☐ Priority claimed earlier than licensed priority (IV-D-2, p. 14)

☐ Priority claimed less than five years after date license issued (IV-E-1, p. 16)

☐ Priority claimed more than five years after date license issued (IV-E-2, p. 16)

Claim based on permit

☐ Priority claimed earlier than permit proposed priority (V-D-2, p. 19)

Claim based on beneficial use (including statutory claim)

☒ Date of beneficial use 1935

☐ Prior adjudication (VI-B-2, p. 23) No

Claim based on posted notice

☐ Prior adjudication (VII-B-2, p. 27)

☐ Priority claimed same as date of posting (VII-E, p. 28)

☐ Priority claimed earlier than date of posting (VII-F, p. 28)

☐ Priority claimed later than date of posting (VII-G, p. 29)

☐ Claim based on second presumption; date of beneficial use

Source

☐ Date of change (I-C, p. 37; III-C, p. 40)

Point of Diversion

☐ Date of change (I-C, p. 48; III-C, p. 51)

Nature of Use, Amount of Each NU, and Total Amount

Claim based on decree or license

☐ Total amount discrepancy (I-A-2, p. 61; II-A-2, p. 70)

☐ Total amount claimed greater than decreed or licensed amount
(I-B-2-b, p. 62; II-B-2-b, p. 70)

___ Claim based on recent decree or license, total amount claimed less
___ than decreed or licensed amount (I-B-3-b, p. 62)
___ Claim based on older decree or license, total amount claimed less
___ than decreed or licensed amount (II-B-3-b, p. 71)
___ Claim based on older decree, NU not stated in decree (II-C-4, p. 72)
___ Claim based on recent decree or license, date of change (I-D, p. 63)
___ Claim based on older decree or license, date of change (II-D, p. 74)
___ Verify change (I-E-1-c, p. 65; II-E-1-c, p. 76; I-F-3, p. 67; II-F-3, p. 77)
___ Additional NU (I-G-2, p. 67; II-G-2, p. 79)
___ Injury (I-H-4, p. 68; II-H-4, p. 80)

___ Claim based on permit; claim less than permit (III-B-3, p. 83)

___ Claim based on beneficial use (including statutory claim or posted notice)

✓ ___ Verify current use (IV-A-3, p. 85) 8-29-95
___ Unclaimed verified NU(s) or amounts (IV-B-2, p. 86)
___ Reasonableness of verified use (IV-C-2, p. 87)
___ Increase in total amount (IV-D-2, p. 87)
___ Date of change (IV-G, p. 90)
___ Alternate NU: injury (IV-I-5, p. 93)
___ Additional NU (IV-J-3, p. 94)

Season of Use

___ Claim based on older decree; SU not stated in decree; SU in excess of IDWR standard
(I-E-3, p. 98)
___ Claim based on decree or license, increase in SU (I-D, p. 99)
✓ ___ Claim based on beneficial use (including statutory claim, posted notice, 2nd
presumption), claimed SU in excess of IDWR standards (III-C, p. 104)

Place of Use

___ Claim based on decree or license

___ Verify change (I-B-3, p. 108; II-B-3, p. 113; III-B-3, p. 120; IV-B-3, p. 124)
___ Date of change (I-C, p. 109; II-C, p. 115; III-C, p. 121; IV-C, p. 126)

___ Claim based on beneficial use

✓ ___ Verify current use (VI-A-3, p. 131) 8-29-95
___ Verified PU not claimed (VI-B-3, p. 132)
___ Date of change (VI-D, p. 133)

Change in Place of Use Attachment

___ Evidence of ownership (I-A, p. 136)
___ Right claimed is supplemental right, injury (II-C-4, p. 138)
___ Injury (III-B, p. 140)

Forfeiture Attachment

___ Total forfeiture, resumption of use (I-E, p. 145)
___ Partial forfeiture, resumption of use (II-E, p. 148)

Other

___ Describe:

Churruca
A63-05013

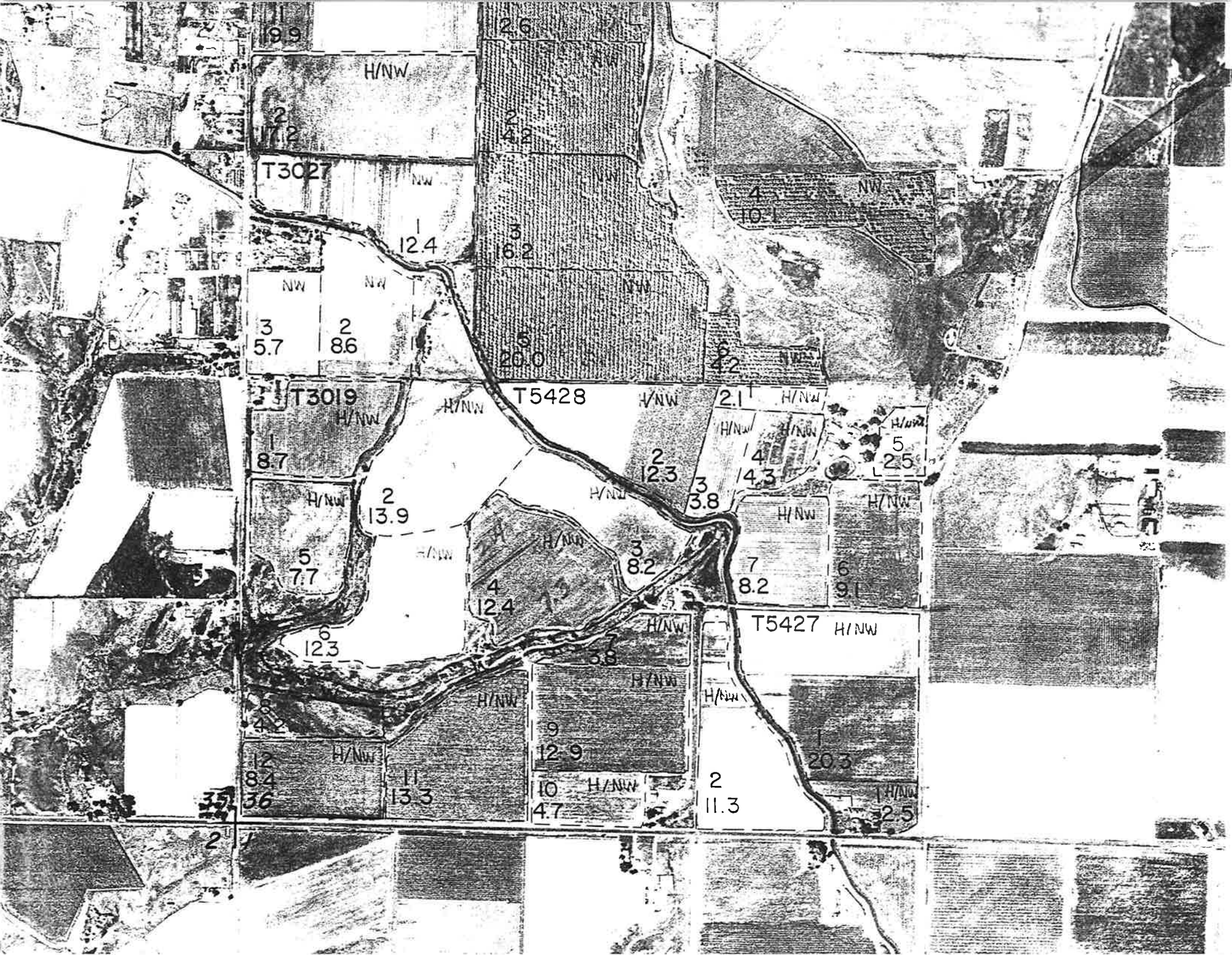
FIELD EXAM PHOTO INDEX SUMMARY

Date: 8-29-95

Roll No.: 24 exp -

Photographer: Mel S

PHOTO NO	SUBJECT
13	P/D at lower diversion
14	lower X section for PD #1
15	upper X " " "
16	P/D #1
17	P/D #2
18	upper X section for P/D #2
19	lower X " " "
20	P/U - 4 ac. pasture
21	delivery ditch to PU - 8.4 ac.
22	P/U - 8.4 ac.
23	P/U - 8.4 ac.
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 6, 1995

PHILIP E. BATT
GOVERNOR

Frank Churruca Jr
18540 Marsing Rd
Marsing ID 83639

KARL J. DREHER
DIRECTOR

Re: A63-05013 Ownership change

Dear Frank:

Enclosed for your records are copies of the ownership change documents that reflect your sole ownership of the claim. The enclosed copy of the amended claim form shows that you amended the claim to show the source of water to be an Unnamed Spring rather than Springs. This form is also for your records and does not require you to take any additional action at this time.

Thanks for assisting us in conducting the field exam on Tuesday, August 29th. Based on my initial review it appears there were about 40 acres being irrigated. Our measurements indicated there is a sufficient amount of water to recommend the standard diversion rate of an inch per acre. At a later date we will make our final recommendations and you will be notified at that time to give you the chance to agree or disagree with our findings.

If you have any questions please call me any time at the number below.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc

OWNERCHURRUCAA6305013



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 1, 1995

PHILIP E. BATT
GOVERNOR

Frank Churruca
18540 Marsing Rd
Marsing ID 83639

KARL J. DREHER
DIRECTOR

Re: A63-05013 Ownership and Amendment

Dear Mr Churruca:

During the field exam of your water right claim on Tuesday, August 29th we discussed changing the ownership of the claim into your name only to reflect that you inherited your mother's interest in the property. Enclosed is a Notice of Change of Water Right Ownership form for you to sign. Please sign the form on the line "Signature of New Owner/Claimant and return it with a copy of the Deed or document that transferred the property to you.

The original filing showed the water source to be "Springs." Based on the actual source that we found during our field exam, it is more accurate to call the source an "Unnamed Stream." Enclosed is an amended claim form that shows the source to be "Unnamed Stream." If you will sign the form in front of a Notary Public and return it to me, we will change our records accordingly. If you want to bring the amended claim to our office I can notarize your signature. There are no fees to amend your claim if you choose to do so.

Call me at the number below if you have any questions.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc
ChurrucaOwnership/Amendment

STATE OF IDAHO 1971
DEPARTMENT OF WATER RESOURCES

MAY 2 1983

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Carmen Churrueta &/or Joe Churrueta
(Name of Claimant)

P. O. Box 2 Marsing, ID 83639

Telephone No. 896-4442

(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)

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Springs

tributary to

Snake 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:

(cfs, af)

(Domestic, Irrigation, Stock, Etc.)

(Mo., Day)

(Both dates inclusive)

(Mo., Day)

Quantity .94 cfs Use Irrigation Period of Use From 3/15 To 11/15

Quantity .02 cfs Use Stockwater Period of Use From 1/1 To 12/31

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity	Use	Period of Use From	To
----------	-----	--------------------	----

- (4) .96 cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ SW ¼, Sec. 36 Twp. 3N Rge. 4W B.M., County of Canyon

Additional points of diversion: NWSE Sec 36 T3N R4W

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. Diversion Dam & Gravity Ditches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

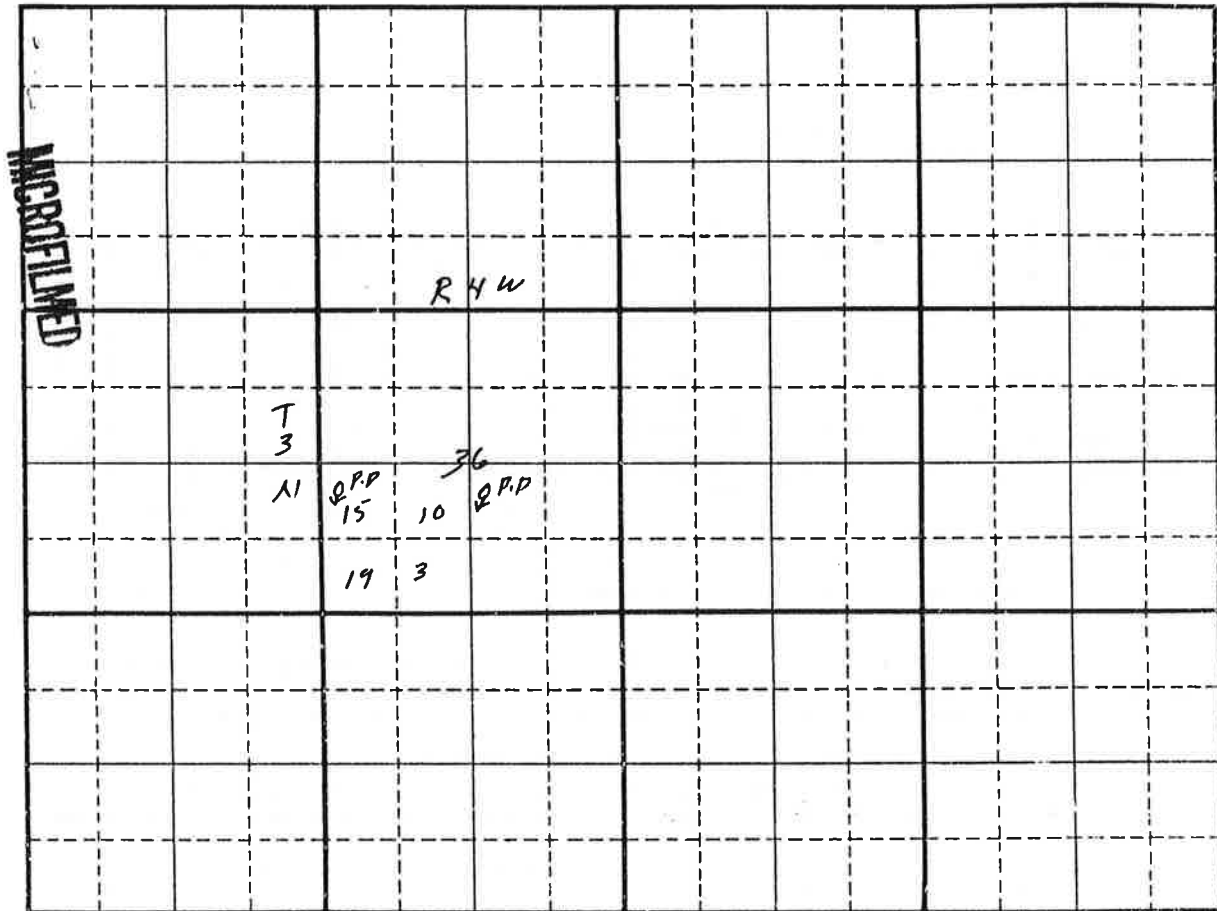
No. of acres 47

- 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: 40 hd/range

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks X



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Canyon) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 21st day of April

Joe Shurruca
(Claimant)

Wm. I. Kinnick, Jr.
Notary Public

Residing at Caldwell, Idaho

My commission expires 5-15-86

Received by [Signature] Date 5-2-83 Exception filed by: _____ Date _____
Prelim. check by [Signature] Date 5-10-83 \$30.00 fee received by [Signature] Date 5-4-84 27980
Published in Idaho Tribune Dates 5/26 & 6/2/83

FOR DEPARTMENT USE ONLY

Fowarded to claimant by: _____ Date _____

Deer costs

Fishing Fee	\$50
47 acres	47
	\$97

Frank was in Oregon during
sign up period - attach extension
of time John.

Originals in
SO Vault File.

MICROFILMED

AUG 20 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Churrelea

CLAIM IDENT. NO.

AL63-05013

DATE RECEIVED

6/5/90

CK #

017120

AMOUNT \$

97⁰⁰

YES

NO

Required Info?

1. Is the name and address complete with zip code?

✓

✓

*

2. Is a priority date entered?

✓

✓

*

Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required.

✓

✓

*

3. (a) Is a source entered?

✓

✓

*

(b) Is a tributary to entered? (if required)

N/A

✓

✓

*

4. Is the legal description of the p.d. sufficient?

✓

✓

*

5. Is there a description of the diverting works?

✓

✓

*

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

✓

✓

*

Is the period of use included?

✓

✓

*

Is a quantity claimed for each use?

✓

✓

*

7. Is a total quantity claimed entered?

✓

✓

*

8. If required is a consumptive use entered?

N/A

✓

✓

*

Is the consumptive use correct?

N/A

✓

✓

*

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

✓

✓

*

10. Is (are) the place(s) of use and purpose(s) indicated?

✓

✓

*

11. Is (are) the county(ies) entered?

✓

✓

*

12. Is the ownership of p.u. checked?

✓

✓

*

13. Are other water rights listed or "none" indicated?

✓

✓

*

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

✓

✓

*

15. Is the basis of the claim indicated?

✓

✓

*

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A

✓

✓

*

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

✓

✓

*

18. Has the claim been signed, sealed, and dated by a notary?

✓

✓

*

19. Was this claim filed on time, or was an extension granted?

✓

✓

*

20. Is the fee enclosed correct?

Exempt

✓

✓

*

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

✓

✓

*

22. Should this claim be data entered?

✓

✓

*

Claim checked by:

B

Date:

7/13/90

Claim must be returned to claimant:

(Yes) ✓ (No)

Claimant must be notified of modifications:

(Yes) ✓ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

B

Date:

7/17/90

Date:

Checked by:

Date:

Comments:

MICROFILMED

AUG 20 1992

IN THE MATTER OF:)
)
)
)
)
)
)
)
State of Idaho)
County of Canyon)

AFFIDAVIT

CLYDE H. BEVAN being first duly sworn,
deposes and says: _____

That he is a resident of Homedale, Idaho.

That his parents were the owners of the NE 1/4 SW 1/4,
Sec. 36, Twp. 3 N., R. 4 W.B.M. in the year 1935, and that he
resided with his parents on said real property at that time.

That he has read a copy of the "Claim to a Water
Right" as prepared and filed by Carmen Churruca and/or Joe
Churruca, P. O. Box 2, Marsing, Idaho 83639, with the Department
of Water Resources of the State of Idaho claiming a water right
from springs with the following points of diversion, namely, the
NW 1/4 SW 1/4, Sec. 36, Twp. 3 N., R. 4 W.B.M., and the NE 1/4
SE 1/4, Sec. 36, Twp. 3 N., R. 4 W.B.M., for .94 cfs for irriga-
tion use for the period of March 15th to November 15th of each
year, and .02 cfs for stockwater use for the period of January
1st to December 31st each year.

That he has personally observed the application and use
of waters from said springs since April of 1935 to date for irriga-
tion purposes upon approximately 47 acres of ground upon land
located in the SW 1/4 of Sec. 36, Twp. 3 N., R. 3 W.B.M.

That he has also during the period from 1935 until the
date of this affidavit, observed the use of the waters from said
springs to water livestock.

Further affiant sayeth not.

Clyde H. Bevan
(Signature)

Subscribed and sworn to before me this 28th day of January, 1983.

Wm. J. Higgins, Jr.
(Notary Public)

NOTARIAL PUBLIC
NICHOLSON

Residing at Caldwell, Idaho.
My Commission Expires 5-15-86.

IN THE MATTER OF:)
)
)
)
)
)
)
)
State of Idaho)
County of Owyhee)

AFFIDAVIT

MARCEL ELORDI being first duly sworn,
deposes and says: _____

~~That he is a resident of Marsing, Idaho.~~

~~That for more than 15 years last past he has leased from
Carmen Churruca certain farm property located in the Southwest
Quarter, Section 36, Township 3 North, Range 4 West of the Boise
Meridian; that with regard to the real property which he has been
leasing, he has read a copy of the "Claim to a Water Right" as
prepared and filed by Carmen Churruca and/or Joe Churruca, P. O.
Box 2, Marsing, Idaho 83639, with the Department of Water Resources
of the State of Idaho, claiming a water right from springs with
the following points of diversion, namely, the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36,
Twp. 3 North, R. 4 W.B.M., and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 3 N.,
R. 4 W.B.M., for .94 cfs for irrigation use for the period of March
15th to November 15th of each year, and .02 cfs for stockwater
use for the period of January 1st to December 31st each year.
That as a lessee of said property, he has applied and used said
waters from said spring for more than fifteen years last past to
irrigate the approximately 47 acres of ground located in the SW $\frac{1}{4}$
Sec. 36, Twp. 3 N., R., 4 W.B.M., as described in the "Claim to
a Water Right", and that he has also used the water from said
spring to water livestock during the period he has been leasing
the property.~~

Further affiant sayeth not.

Marcel Elordi
(Signature) Marcel Elordi

Subscribed and sworn to before me this 21st day of April, 1983

Wm. J. Hamm
(Notary Public)

Residing at Caldwell, Idaho.
My Commission Expires 5-15-86.

NOTARIZED