

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 63-4594  
Date Received: 3/22/1990  
Receipt No: C015926  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TERRY TIDWELL Phone: (208)722-7132  
24680 BOISE RIVER ROAD  
PARMA ID USA 83660

DEBBIE DELANEY Phone: (208)722-7132  
24860 BOISE RIVER RD  
PARMA ID USA 83660

2. Date of Priority: 06/01/1934

3. Source: DIXIE SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 05N      | 05W   | 36      | NW NW                 | CANYON |      |

5. Description of diverting works:

PUMP, HEADGATE, DITCHES, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 0.4    |            |

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

8. Total consumptive use:

SCANNED  
APR 11 2008

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 05N      | 05W   | 35      | NE         | NE  | IRRIGATION    | 10    |
|          |       |         |            |     | Section Acres | 10    |
| 05N      | 05W   | 36      | NW         | NW  | IRRIGATION    | 10    |
|          |       |         |            |     | Section Acres | 10    |
|          |       |         |            |     | Total Acres   | 20    |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

CHANGE IN OWNERSHIP LG 6-13-2006

15. Basis of Claim: Statutory Claim

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: A63-04594  
Date Received: 3/22/1990  
Receipt No: C015926  
Received By: 

RECEIVED  
JUN 11 1990

Department of Water Resources  
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JOHN ELSBERRY 208-347-2465  
Address: HC 64 BOX 3520  
COUNCIL, ID 83612

Name: SANDRA ELSBERRY 208-347-2465  
Address: HC 64 BOX 3520  
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1934

3. Source: DIXIE SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 05W   | 36      | NW     | NW     |     |     | CANYON |

5. Description of diverting works:  
PUMP, HEADGATE, DITCHES, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.400  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 05N      | 05W   | 35      | NE     | NE  |     | IRR           | 10.0  |
|          |       |         |        |     |     | Section Acres | 10.0  |
|          |       | 36      | NW     | NW  |     | IRR           | 10.0  |
|          |       |         |        |     |     | Section Acres | 10.0  |
|          |       |         |        |     |     | Total Acres   | 20.0  |

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:  
NONE

14. Remarks:

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 X 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): X John E. Blum Date: 6-3-90  
Kimberly E. Blum Date: 6-3-90

State of Idaho

County of

Adams

) SS.  
)

Subscribed and sworn (or affirmed) before me this 7<sup>th</sup> day

of

June

19

90

William Howard

Notary Public

Seal

Residing at

New Meadows

My Commission Expires

11-28-92

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

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-4594               | A63-4594                     | AJ    |                       |                              |       |
| 63-28187              | PD                           |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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)

John & Sandra Ellsberry  
 HC 64 Box 3520

4. New Owner/Claimant(s)

Council, ID 83612

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

New Mailing Address

Terry Tidwell & Debbie Delaney  
 24860 Boise River Rd, Parma, ID

City, State and ZIP Code

New Telephone Number

(208) 722-7132

83660

5. Date you acquired the property

11-2-92

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

*D. K. Tidwell*  
*Debbie Delaney*

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>lg</i> | Date <i>5/17/06</i> | Fee <i>\$25 (63-28187)</i> |
| Received by <i>lg</i> | Date <i>5/17/06</i> | Receipt No. <i>W034177</i> |
| Processed by _____    | AJ Date _____       | WR _____ Date _____        |

## WARRANTY DEED

FOR VALUE RECEIVED

Terry Tidwell

the Grantor , do hereby grant, bargain, sell and convey unto

Terry K. Tidwell and Debbie Delaney husband and wife

the Grantees , whose address is 24860 Boise River Rd. Parma, ID 83660

the following described premises, to-wit:

see attached exhibit A

REQUEST  
TYPE Doc Fee  
Terry Tidwell  
9.00CANYON CNTY RECORDER  
BY  
G. NOEL HALES

2002 OCT 28 AM 11:54

RECORDED

200250658

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee ,  
 their heirs and assigns forever. And the said Grantor does hereby covenant to  
 and with the said Grantee , that he the owner in fee simple of said premises; that  
 said premises are free from all encumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

T.K. Tidwell 10/25/02

STATE OF IDAHO, COUNTY OF Canyon  
 On this 25th day of October 2002  
 before me, a notary public in and for said State, personally  
 appeared

Terry K. Tidwell

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

Notary Public

Residing at Parma, Idaho  
 Comm. Expires 8-9-03

PIONEER TITLE COMPANY  
 OF CANYON COUNTY

423 So. Kimball  
 Caldwell, Idaho 83605

100 - 10th Ave. South  
 Nampa, Idaho 83651

EXHIBIT "A"

PARCEL I:

The Northeast Quarter of the Northeast Quarter in Section 35, Township 5 North, Range 5 West of the Boise Meridian in Canyon County, Idaho, excepting therefrom the following:

That part of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 35, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, described as follows:

Beginning at the Southeast corner of the said Northeast Quarter of the Northeast Quarter of said Section 35, thence running West 200 feet; thence running North 200 feet; thence East 200 feet; thence South 200 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

That portion of the Northeast Quarter of the Northeast Quarter of Section 35, and that portion of the Northwest Quarter of the Northwest Quarter of Section 36, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, lying North of the following described line:

Beginning at a point on the East boundary line of the Northwest Quarter of the Northwest Quarter of said Section 36, which point lies North from the Southeast corner thereof a distance of 676 feet, which is the True Point of Beginning; thence

South 80° 00' West a distance of 200 feet to a point; thence  
South 70° 45' West a distance of 180 feet to a point; thence  
South 63° 31' West a distance of 175 feet to a point; thence  
South 51° 16' West a distance of 95 feet to a point; thence  
North 67° 40' West a distance of 100 feet to a point; thence  
North 48° 40' West a distance of 132 feet to a point; thence  
North 24° 03' West a distance of 138 feet to a point; thence  
North 16° 38' West a distance of 125 feet to a point; thence  
South 88° 03' West a distance of 200 feet to a point; thence  
North 86° 53' West a distance of 230 feet to a point on the West boundary line of  
Section 36, which point is 840 feet North from the Southwest corner of said Northwest Quarter  
of the Northwest Quarter; thence continuing in Section 35,  
North 86° 53' West a distance of 70 feet to a point; thence  
South 83° 52' West a distance of 192 feet to a point; thence  
South 73° 34' West a distance of 248 feet to a point; thence  
North 73° 14' West a distance of 220 feet to a point; thence  
North 67° 24' West a distance of 340 feet to a point; thence  
North 59° 50' West a distance of 330 feet, more or less, to a point in the West  
boundary line of said Northeast Quarter of the Northeast Quarter of Section 35, which point  
is North 1120 feet from the Southwest corner thereof.

PARCEL II:

The Northwest Quarter of the Northwest Quarter in Section 36, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, excepting therefrom the following:

That portion of the Northeast Quarter of the Northeast Quarter of Section 35, and that portion of the Northwest Quarter of the Northwest Quarter of Section 36, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, lying North of the following described line:

Beginning at a point on the East boundary line of the Northwest Quarter of the Northwest Quarter of said Section 36, which point lies North from the Southeast corner thereof a distance of 676 feet, which is the TRUE POINT OF BEGINNING; thence

South 80° 00' West a distance of 200 feet to a point; thence

South 70° 45' West a distance of 180 feet to a point; thence

South 63° 31' West a distance of 175 feet to a point; thence

South 51° 16' West a distance of 95 feet to a point; thence

North 67° 40' West a distance of 100 feet to a point; thence

North 48° 40' West a distance of 132 feet to a point; thence

North 24° 03' West a distance of 138 feet to a point; thence

North 16° 38' West a distance of 125 feet to a point; thence

South 88° 03' West a distance of 200 feet to a point; thence

North 86° 53' West a distance of 230 feet to a point on the West boundary line of Section 36, which point is 840 feet North of from the Southwest corner of said Northwest Quarter of the Northwest Quarter; thence continuing in Section 35,

North 86° 53' West a distance of 70 feet to a point; thence

South 83° 52' West a distance of 192 feet to a point; thence

South 73° 34' West a distance of 248 feet to a point; thence

North 73° 14' West a distance of 220 feet to a point; thence

North 67° 24' West a distance of 340 feet to a point; thence

North 59° 50' West a distance of 330 feet, more or less, to a point in the West boundary line of said Northeast Quarter of the Northeast Quarter of Section 35, which point is North 1120 feet from the Southwest corner thereof.

Also Excepting Therefrom

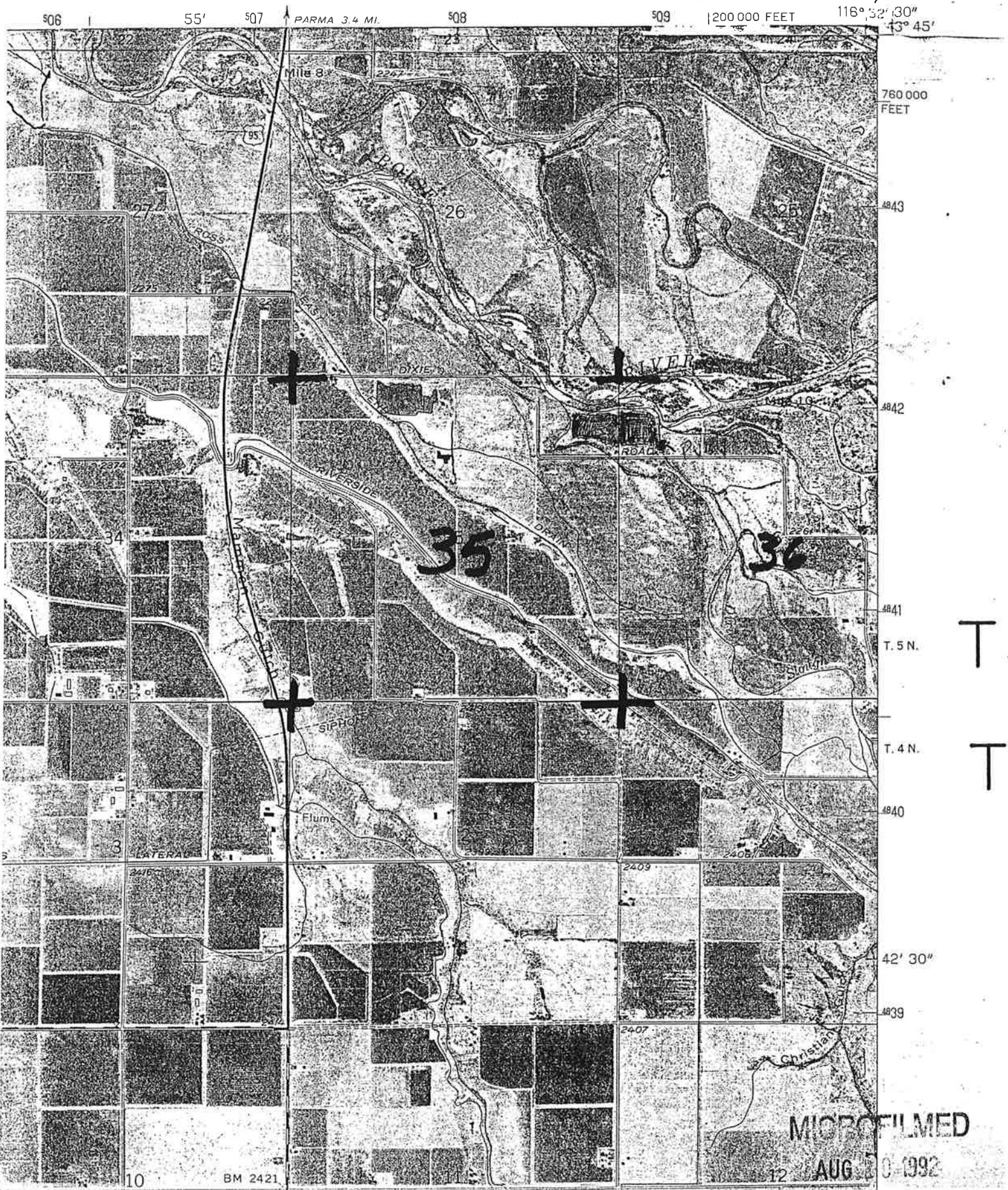
That portion of the Northwest Quarter of the Northwest Quarter of Section 36, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, which lies East of the Dixie Slough Drain.

# T5N R5W

WILDER QUADRANGLE

IDAHO

7.5-MINUTE SERIES (ORTHO PHOTOQUAD)



# Receipt Details for ID C015926

| Status | Adjustment Type     | Version |
|--------|---------------------|---------|
|        | Water Right Receipt | 3       |

**General Information:**

| Date Received         | Date Deposited | Region                   | Total Amount | Payment Type |
|-----------------------|----------------|--------------------------|--------------|--------------|
| 9/25/1990 12:46:15 PM | 9/25/1990      | State                    | \$75.00      | Check        |
| Payer                 |                | ELSBERRY, JOHN E./SANDRA |              |              |

**Account Information:**

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 2336                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION FEE**Fee Detail:**

| Amount  | Description      | PCA    | Fund | Fund Detail | Subsidiary | Object |
|---------|------------------|--------|------|-------------|------------|--------|
| \$75.00 | 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 |
|--------------|-----------------|--------------|--------|------|
|--------------|-----------------|--------------|--------|------|

[Print Report](#)

AUG 26 2009

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 No. 63-4594

Case No. 39576

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.

CLAIMANT(S)/OBJECTOR

OBJECTOR

Riverside Irrigation District

Terry Tidwell 7/28/2009  
Terry Tidwell Date

Debbie Delaney 7/28/2009  
Debbie Delaney Date

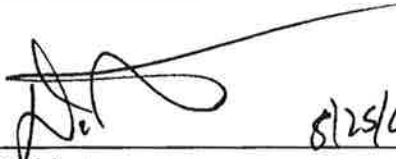
Albert P. Barker 8/15/09  
Albert P. Barker, Attorney Date

STANDARD FORM 5 - 63-4594

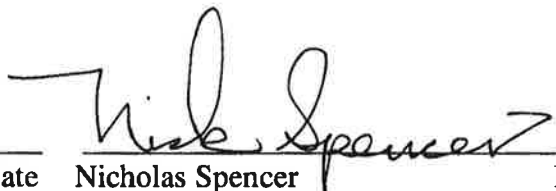
Jan Shunte 7/31/09  
IDWR DATE

**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:**

  
\_\_\_\_\_  
IDWR Agent Date Nicholas Spencer Date  
Deputy Attorney General

SF5 Right No. 63-4594

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

RIGHT NUMBER: 63-4594

NAME AND ADDRESS: TERRY TIDWELL  
24680 BOISE RIVER RD  
PARMA ID 83660

DEBBIE DELANEY  
24860 BOISE RIVER RD  
PARMA ID 83660

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

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

*AMS*  
*T. Tidwell*  
*DD*  
*NBS*  
*DL*

QUANTITY: 0.190 CFS

PRIORITY DATE: 06/01/1934

POINT OF DIVERSION:

T05N R05W S36 NWNW 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          | 0.190 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 NWNW 9.50

9.5 ACRES TOTAL

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SF5 Right No. 63-4594

## CERTIFICATE OF MAILING

I certify that on Aug. 25, 2009, 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:

RIVERSIDE IRRIGATION DISTRICT

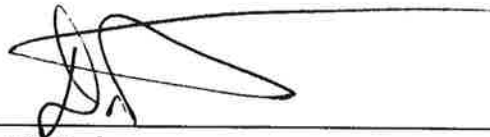
Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

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

TERRY TIDWELL  
DEBBIE DELANEY  
24860 BOISER RIVER RD  
PARMA, ID 83660

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



Signature of person or attorney mailing the form

**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 No. 63-4594             |
|                | ) |                                 |
| Case No. 39576 | ) |                                 |
|                | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
| _____          | ) | <b>WATER RIGHT</b>              |

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.**

**CLAIMANT(S)/OBJECTOR**

Terry Tidwell      7/28/2009  
Terry Tidwell      Date

Debbie Delaney      7/28/2009  
Debbie Delaney      Date

**OBJECTOR**

Riverside Irrigation District

\_\_\_\_\_  
Albert P. Barker, Attorney      Date

STANDARD FORM 5 – 63-4594

\_\_\_\_\_

Jan Shute      7/31/09  
IDWR      DATE

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

RIGHT NUMBER: 63-4594

NAME AND ADDRESS: TERRY TIDWELL  
24680 BOISE RIVER RD  
PARMA ID 83660DEBBIE DELANEY  
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SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

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

*T. Tidwell*  
*DD* *JD*

QUANTITY: 0.190 CFS

PRIORITY DATE: 06/01/1934

POINT OF DIVERSION:

T05N R05W S36 NWNW 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          | 0.190 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 NWNW 9.50

9.5 ACRES TOTAL

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

RIGHT NUMBER: 63-4594

NAME AND ADDRESS: TERRY TIDWELL  
24680 BOISE RIVER RD  
PARMA ID 83660DEBBIE DELANEY  
24860 BOISE RIVER RD  
PARMA ID 83660

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

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

QUANTITY: 0.190 CFS

PRIORITY DATE: 06/01/1934

POINT OF DIVERSION:

T05N R05W S36 NWNW 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          | 0.190 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 NWNW 9.50

9.5 ACRES TOTAL

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

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

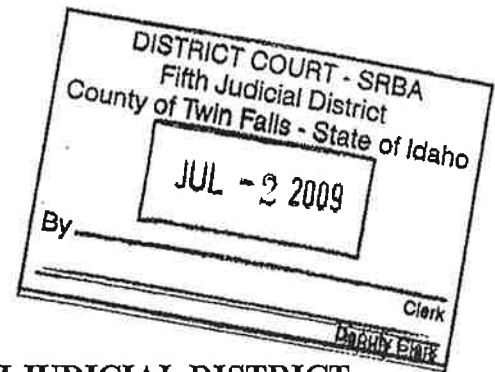
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECEIVED

JUL - 6 2009

Department of Water Resources  
Adjudication Bureau



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

In Re SRBA

))  
)  
)  
)  
)  
)  
)

Subcase No. 63-4594

Case No. 39576

ORDER GRANTING  
MOTION TO WITHDRAW AS  
ATTORNEY OF RECORD

On June 16, 2009, Dana Hofstetter of Hofstetter Law Office, LLC, attorney of record for Terry Tidwell and Debbie Delaney in SRBA Subcase No. 63-4594, filed a *Motion to Withdraw as Attorney of Record*, pursuant to I.R.C.P. Rule 11(b)(2). A hearing on the *Motion to Withdraw as Attorney of Record* was held on June 30, 2009, with Ms. Hofstetter attending by telephone and Terry Tidwell and Debbie Delaney not attending. For good cause shown, the *Motion to Withdraw as Attorney of Record* is **granted**.

Pursuant to Rule 11(b)(3) of the Idaho Rules of Civil Procedure, it is hereby further ordered that Terry Tidwell and Debbie Delaney shall within twenty (20) days from the date of service or mailing of this Order shall appoint another attorney to appear or shall appear in person by filing a written notice with the court stating how they will proceed without an attorney. The failure to file and serve a written appearance either in person or through a newly appointed attorney within such twenty (20) day period, shall be

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO WITHDRAW AS ATTORNEY OF RECORD was mailed on July 02, 2009, with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

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

TERRY TIDWELL

Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702  
Phone: 208-424-7800

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

TERRY TIDWELL

~~24860~~ BOISE RIVER RD  
PARMA, ID 83660  
Phone: 208-722-7132

DEBBIE DELANEY

24860 BOISE RIVER RD  
PARMA, ID 83660  
Phone: 208-722-7132

RECEIVED

JUL 01 2009

DEPARTMENT OF  
WATER RESOURCES

2009 JUN 30 AM 11:26  
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 STATUS |
|                | ) | CONFERENCE           |
| Case No. 39576 | ) |                      |
| _____          | ) | SUBCASE NO: 63-04594 |

Please be advised that Special Master THEODORE R. BOOTH  
has set a Status Conference in the above subcase(s)  
as follows:

TUESDAY, SEPTEMBER 01, 2009 at 09:00 AM (MT)

SRBA  
253 - 3RD AVENUE NORTH  
TWIN FALLS, ID

Parties may participate by telephone by dialing the number  
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JUNE 30, 2009

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

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

Page 1 6/30/09

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JUNE 30, 2009, with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

Represented by:

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

DEBBIE DELANEY

TERRY TIDWELL

Represented by:

DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702  
Phone: 208-424-7800

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

**Shurte, Jan**

---

**From:** Ridgeway, Renea  
**Sent:** Wednesday, July 15, 2009 11:02 AM  
**To:** Shurte, Jan  
**Subject:** RE: 63-4594 - Tidwell

Go ahead and send the recommendation. Dana withdrew on 7/2 so I will remove her name from the certificate of mailing. Thanks!

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

---

**From:** Shurte, Jan  
**Sent:** Wednesday, July 15, 2009 10:32 AM  
**To:** Courtney, Andrea; Ridgeway, Renea  
**Cc:** Harris, Lori  
**Subject:** 63-4594 - Tidwell

Hi there,

This is the one where Dana withdrew as there attorney and Mr. Tidwell has informed me that he will settle on the Janicek language with Riverside ID. Can I send you the SF5 on this one or do we have to wait until the Court issues an ok on her withdrawal?

Jan

7/15/2009

**Shurte, Jan**

---

**From:** Shurte, Jan  
**Sent:** Wednesday, July 15, 2009 10:32 AM  
**To:** Courtney, Andrea; Ridgeway, Renea  
**Cc:** Harris, Lori  
**Subject:** 63-4594 - Tidwell

Hi there,

This is the one where Dana withdrew as there attorney and Mr. Tidwell has informed me that he will settle on the Janicek language with Riverside ID. Can I send you the SF5 on this one or do we have to wait until the Court issues an ok on her withdrawal?

Jan

7/15/2009

STATUS CONFERENCE NOTES:

RIGHT NO. 63-4594

DATE: 6-30-09

Hearing on Motion to Withdraw  
Dana as attorney. All ok. Now  
we should do an SKS with the  
Jamaican language.

RECEIVED

DEC 10 2008

DEPARTMENT OF  
WATER RESOURCES

2008 DEC 09 AM 11:23  
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           |
|                | ) | FOR SCHEDULING CONFERENCE       |
| Case No. 39576 | ) |                                 |
| <hr/>          |   | SUBCASE NOS: 63-04233B 63-04594 |
|                |   | 63-10217                        |

The Scheduling Conference for this subcase will be  
held as follows:

TUESDAY, MARCH 31, 2009 at 10:00 AM (MT)  
SRBA  
253 - 3RD AVENUE NORTH  
TWIN FALLS, ID

Parties may participate by telephone by dialing the number  
225-383-1099 and when prompted entering the code 675342.

Parties and their attorneys, if any, shall attend the  
Scheduling Conference and shall be prepared to discuss the  
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

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

Page 1 12/09/08

(continued)

The date for the scheduling conference will not be changed unless a Stipulation to Reset is received by the court fourteen (14) days before the date of the scheduling conference. Parties who wish to change the date of the scheduling conference must do the following:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on the alternative date(s) and time(s) provided by the clerk.
3. Prepare a Stipulation to Reset the hearing. The hearing must be reset on one of the dates and times provided by the clerk. The stipulation must specify the date(s) and time(s) agreed to and must contain a statement that you have contacted each party or their attorney and that all have agreed on the alternative date(s) and time(s). The court will send a notice resetting the hearing.
4. If the parties cannot agree on one of the alternative dates and times provided by the clerk, the party wishing to change the date and time must file an Expedited Motion to Reset with the court at least 21 days prior to the scheduled hearing.

IT IS SO ORDERED.

Dated: DECEMBER 09, 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 FOR SCHEDULING CONFERENCE was mailed on DECEMBER 09, 2008,  
with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

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

DEBBIE DELANEY  
JENNIFER G COGGINS  
L DEAN GOODNER  
REBECCA LYNN GOODNER  
SCOTT A COGGINS  
TERRY TIDWELL

Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702  
Phone: 208-424-7800

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

RECEIVED

SEP 02 2008

DEPARTMENT OF  
WATER RESOURCES

Terry Tidwell and Debbie Delaney

Dana L. Hofstetter, ISB #3867  
HOFSTETTER LAW OFFICE, LLC  
608 West Franklin Street  
Boise, Idaho 83702  
(208) 424-7800  
(208) 424-8774 (Facsimile)

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

In Re SRBA

Case No. 39576

)  
)  
)  
)

Subcase No. 63-4594

**MOTION TO FILE LATE  
OBJECTION**

---

**MOTION**

Terry Tidwell and Debbie Delaney, by and through their counsel of record, Dana Hofstetter of Hofstetter Law Office, LLC, hereby move, pursuant to I.R.C.P. Rule 55(c) and SRBA Administrative Order 1, for leave to file a late Objection to Water Right No. 63-4594. This Motion is supported by the Memorandum below, the proposed Objection attached hereto as Exhibit A and the record.

## MEMORANDUM

Water Right No. 63-4594 was recommended in the SRBA to the Movants with the following "Other Provision" language:

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

The Riverside Irrigation District filed an Objection in this subcase asserting *inter alia* "The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District." Riverside also stated that, "Proposed waste water remark does not sufficiently protect original appropriator."

As a result of Riverside's Objection, the Movants became aware of the potentially dire consequences if the "Other Provision" language is interpreted to mean that the source of Water Right No. 63-4594 is wholly waste water. Accordingly, the Movants are respectfully filing this Motion to ensure that this matter is appropriately addressed.

**GOOD CAUSE EXISTS TO GRANT**  
**LEAVE TO FILE A LATE OBJECTION**

The decision to allow a late objection to be filed in the SRBA, is based on the good cause standard of I.R.C.P. 55(c). The Rule 55(c) standard requires good cause and a meritorious defense. *McFarland v. Curtis*, 123 Idaho 931, 935, 854 P.2d 274, 278 (Ct. App. 1993). The Rule 55(c) standard for setting aside entry of default is less stringent than the Rule 60(b) standard for setting aside default judgment. *Id.* at 935-36, 854 P.2d at 278-79. This approach is consistent with the policy that cases generally should be decided on their merits and that in an earlier stage of where there has been no judgment, a liberal approach is appropriate. *Id.* at 936, 854 P.2d at 279. The Rule 55(c) standard has been described as requiring the movant to show "some excuse for failure to answer, that a meritorious defense exists, and the policy of deciding cases on the merits should be recognized." *Id.*

This Motion is consistent with these authorities. This subcase is at a relatively early stage where other than an Initial Hearing no other judicial proceedings have yet occurred. Movants did not realize the full potential impact on their water right of the "Other Provision" language until after Riverside filed its Objection. The Director's Report Recommendation for their water right listed "Dixie Slough" as the source and the Riverside Objection made it apparent that the "Other Provision" language could be

interpreted and applied to deem the source of their water right wholly Riverside waste water and subject to Riverside's exclusive control. This Court recently has addressed similar "Other Provision" language and a similar Objection in another subcase. *See Memorandum Decision and Order on Motion for Summary Judgment*, SRBA Subcase No. 63-27475 (May 2, 2008).

Consistent with Rule 55(c), the policy in favor of deciding cases on the merits and the purpose of the SRBA to establish the nature and extent of water rights, this Motion to File Late Objection should be granted.

#### CONCLUSION

For the reasons stated above, this Motion to File Late Objection should be granted.

RESPECTFULLY SUBMITTED this 29th day of August, 2008.

HOFSTETTER LAW OFFICE, LLC

By

  
Dana L. Hofstetter

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of August, 2008, I caused to be served copies of the foregoing **Motion to File Late Objection** by the methods indicated below:

Idaho Department of Water Resources  
Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098  
✱ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449  
✱ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724  
✱ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Albert P. Barker  
Barker, Rosholt and Simpson  
P. O. Box 2139  
Boise, Idaho 83701-2139  
✱ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

  
Dana L. Hofstetter

4088.1/8135

Terry Tidwell and Debbie Delaney

Dana L. Hofstetter, ISB #3867  
HOFSTETTER LAW OFFICE, LLC  
608 West Franklin Street  
Boise, Idaho 83702  
(208) 424-7800  
(208) 424-8774 (Facsimile)

RECEIVED

JUN 17 2009

DEPARTMENT OF  
WATER RESOURCES

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

In Re SRBA

Case No. 39576

)  
)  
)  
)

Subcase No. 63-4594

MOTION TO WITHDRAW AS  
ATTORNEY OF RECORD

MOTION

Dana Hofstetter of Hofstetter Law Office, LLC hereby moves, pursuant to I.R.C.P. Rule 11(b)(2), to withdraw as attorney of record for Terry Tidwell and Debbie Delaney in this subcase based upon Mr. Tidwell's request and desire to proceed *pro se* in this matter.

RESPECTFULLY SUBMITTED this 16th day of June, 2009.

HOFSTETTER LAW OFFICE, LLC

By



Dana L. Hofstetter

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of June, 2009, I caused to be served copies of the foregoing **Motion to Withdraw as Attorney of Record** by the methods indicated below:

Idaho Department of Water Resources  
Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098  
\* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724  
\* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Albert P. Barker  
Barker, Rosholt and Simpson  
P. O. Box 2139  
Boise, Idaho 83701-2139  
\* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Terry Tidwell and Debbie Delaney  
24860 Boise River Road  
Parma, Idaho 83660  
\* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

  
Dana L. Hofstetter

4088.1/8614

STATUS CONFERENCE NOTES:

RIGHT NO. 63-4594

DATE: 3-31-09

Scheduling Conf. - Dana Hystetter  
Normal w/ obj. — atty.

Paul A. states that he + Dana  
has come up with some language  
that Dana may be able to talk to  
clients. Claimants have objected  
that no remark be included at all.

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 39576

A. Subcase 63-4594

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Terry Tidwell and Debbie Delaney

Address: 24860 Boise River Road

Parma, Idaho 83660

Daytime Phone: (208) 722-7132

Name & Address of Attorney, if any:

Dana L. Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

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

Name: Terry Tidwell

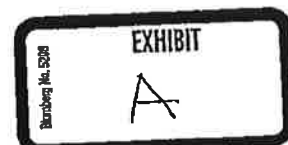
Debbie Delaney

Address: 24680 Boise River Road

24860 Boise River Road

Parma, Idaho 83660

Parma, Idaho 83660



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: Waste water remark should be deleted.
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. ☒ **Other Provision**  
Should be: Waste water remark should be deleted.
11. **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 OBJECTION(S):** Source is not wholly waste water.

\_\_\_\_\_

\_\_\_\_\_

F.

VERIFICATION (Must be Completed)

State of Idaho )  
 ) ss.  
County of Ada )

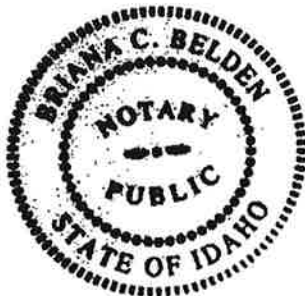
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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

*Dana L. Hofstetter*  
Attorney signing in representative capacity

Subscribed and sworn to before me on: August 29, 2008



*Briana C. Belden*  
Notary Public for the State of Idaho  
Residing at: Meridian  
My Commission expires: 01-16-2013

## 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 August 29, 2008, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)  
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: Terry Tidwell and Debbie Delaney  
Address: 24860 Boise River Road  
Parma, Idaho 83660

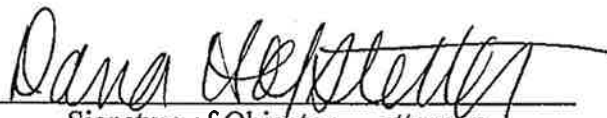
3. Copies to:

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

Albert P. Barker  
P.O. Box 2139  
Boise, Idaho 8370-2139

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

United States Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MCS 033  
Boise, ID 83724



Signature of Objector or attorney  
mailing on Objector's behalf

RECEIVED

MAY 26 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 23 PM 12:29  
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 NOS: 63-04594    | 63-10217 |
|                |   | 63-21616                 |          |

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

THURSDAY, JUNE 19, 2008 at 10:30 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 filed with the court by  
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(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:

RIVERSIDE IRRIGATION DISTRICT

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

RAY OBENDORF

Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702  
Phone: 208-424-7800

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

L DEAN GOODNER

REBECCA LYNN GOODNER  
12555 S CLOVERDALE  
KUNA, ID 83634  
Phone: 208-362-4247

RAY OBENDORF

24034 BATT CORNER RD  
PARMA, ID 83660  
Phone: 208-482-7397

TERRY TIDWELL

24680 BOISE RIVER ROAD  
PARMA, ID 83660  
Phone: 208-722-7132

DEBBIE DELANEY

24860 BOISE RIVER RD  
PARMA, ID 83660  
Phone: 208-722-7132

2007 03 20

## THE EXPANSION OF HUMAN RESOURCES

## Re SRBA

(Insert water right number)

# STANDARD FORM 1 OBJECTION

Parma, ID 83660

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 Riverside Irrigation District.

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 Riverside 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 Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

State of IDAHO)  
County of ADA) ss.

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.

*Robert R. L.*

Subscribed and sworn to before me on: June 18, 2007  
Suzanne Estes

Notary Public for Idaho  
Residing at: Boise  
My Commission Expires: June 1, 2012



## 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, 2007, 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: Terry Tidwell and Debbie Delaney  
Address: 24680 Boise River Road  
Parma, ID 83660

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

12/10/2006

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

RIGHT NUMBER: 63-4594

NAME AND ADDRESS: TERRY TIDWELL  
24680 BOISE RIVER ROAD  
PARMA ID 83660

DEBBIE DELANEY  
24860 BOISE RIVER RD  
PARMA ID 83660

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 06/01/1934

POINT OF

DIVERSION: T05N R05W S36 NWNW Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.190 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 NWNW 9.50

9.5 ACRES TOTAL

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

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

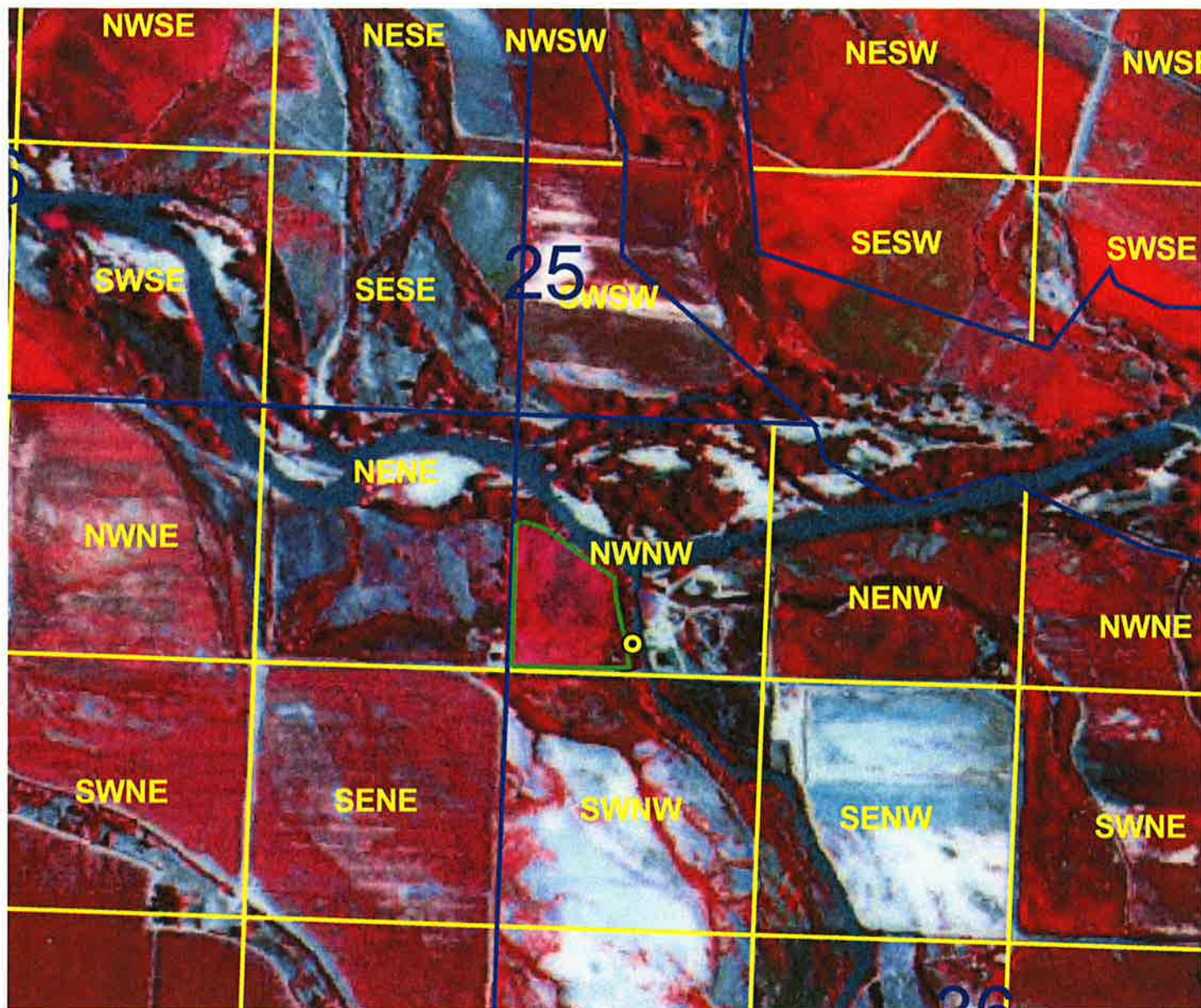
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho  
Idaho Department of Water Resources  
Western Region

T5N R5W SECTION 36  
Water Right: 63-4594



1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 8

9.5



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

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: August 2006

10/11/2006

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

---

RIGHT NUMBER: 63-4594

NAME AND ADDRESS: TERRY TIDWELL  
24680 BOISE RIVER ROAD  
PARMA ID 83660

DEBBIE DELANEY  
24860 BOISE RIVER RD  
PARMA ID 83660

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 06/01/1934

POINT OF DIVERSION:

T05N R05W S36 NWNW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.190 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S36 NWNW 9.50

9.5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

09/29/2006

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006**

Water right number: 63-4594

TERRY TIDWELL  
24680 BOISE RIVER ROAD  
PARMA ID 83660

DEBBIE DELANEY  
24860 BOISE RIVER RD  
PARMA ID 83660

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

*Increase acreage to 9.5 ACRES*

3. Give a brief explanation as to why you disagree with these portions:

*IT WAS INCORRECTLY MARKED - MORE ACREAGE WAS  
HISTORICALLY IRRIGATED*

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

DATE:

*10/11/06*

SIGNATURE:

*T.K. Tidwell*

Please print your name:

*TERRY K. TIDWELL*

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

08/29/2006

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

RIGHT NUMBER: 63-4594

NAME AND ADDRESS: TERRY TIDWELL  
24680 BOISE RIVER ROAD  
PARMA ID 83660

DEBBIE DELANEY  
24860 BOISE RIVER RD  
PARMA ID 83660

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: ~~0.160~~ CFS .19

PRIORITY DATE: 06/01/1934

POINT OF DIVERSION:

T05N R05W S36 NWNW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.160 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S36 NWNW 8.00

9.5  
8 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Changed per office visit  
w/ Terry Tidwell on 10/11/06  
See NOE form.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4594 V1

WATER RIGHT NUMBER: 63-4594 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                       |
|-------------------|-------------------------------------------------------------------------------|
| Original Owner    | EMMETT R MC CURRY<br>24780 BOISE RIVER RD<br>PARMA, ID 83660<br>(208)722-5358 |
| Previous Owner    | JOHN ELSBERRY<br>HC 64 BOX 3520<br>COUNCIL, ID 83612<br>(208)347-2465         |
| Previous Owner    | SANDRA ELSBERRY<br>HC 64 BOX 3520<br>COUNCIL, ID 83612<br>(208)347-2465       |
| Current Owner     | TERRY TIDWELL<br>24680 BOISE RIVER ROAD<br>PARMA, ID 83660                    |
| Current Owner     | DEBBIE DELANEY<br>24860 BOISE RIVER RD<br>PARMA, ID 83660                     |

Priority Date: 06/01/1934

Basis: Beneficial Use

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| DIXIE SLOUGH  | BOISE RIVER      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15          | 0.160 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.160 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| DIXIE SLOUGH  | NW1/4NW1/4 | Sec. 36, Twp 05N, Rge 05W, B.M. |
| CANYON County |            |                                 |

Place of Use

IRRIGATION Within CANYON County

T05N R05W S36 NWNW 8.0

Total Acres: 8

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4594 V1

Comments:

1. vmusic 8/29/2006 POU

Comment: ACRES IN SECTION 35 HAVE LIKELY NEVER BEEN IRRIGATED PER THE AERIAL REVIEW AND CURRENT OWNERS WHO ARE ONLY IRRIGATING ABOUT 8 ACRES IN SEC 36. CLAIMED 10 ACRES BUT THE LOT IS ONLY ABOUT 8 ACRES. IN 2004 ONLY IRRIGATING ABOUT 6.5 ACRES

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 04/25/2006                | scurtis         | Active        |
| Contacts       | 8/29/2006 3:36:37 PM      | vmusic          |                           |                 | Active        |
| Priority Date  | 8/29/2006 3:37:07 PM      | vmusic          |                           |                 | Active        |
| POD            | 8/29/2006 3:38:20 PM      | vmusic          |                           |                 | Active        |
| Source         | 8/29/2006 3:39:49 PM      | vmusic          |                           |                 | Active        |
| POU            | 8/29/2006 3:40:10 PM      | vmusic          |                           |                 | Active        |
| Use            | 8/29/2006 3:43:48 PM      | vmusic          |                           |                 | Active        |
| Season         | 8/29/2006 3:44:08 PM      | vmusic          |                           |                 | Active        |
| Quantity       | 8/29/2006 3:45:02 PM      | vmusic          |                           |                 | Active        |
| Summary        |                           |                 | 08/29/2006                | vmusic          | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                        |
|----------------|------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary        | 4/25/2006 8:51:06 AM   | scurtis         | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?                                                                                                                                             |
| Contacts       | 8/29/2006 3:36:39 PM   | vmusic          | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: DESKTOP REVIEW                                                                                                                                                                                                                                                   |
| POD            | 8/29/2006 3:38:22 PM   | vmusic          | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required? |
| POU            | 8/29/2006 3:42:50 PM   | vmusic          | Updated shape for Active POU                                                                                                                                                                                                                                                                                                           |
| POD            | 8/29/2006 3:38:40 PM   | vmusic          | Updated shape                                                                                                                                                                                                                                                                                                                          |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4594 V1

|         |                      |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------|----------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source  | 8/29/2006 3:39:51 PM | vmusic | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim an Application or Permit?</p> <p>(No) 6. Is the basis of claim a Posted Notice?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>(No) 11. Is a Source remark and/or condition required?</p> <p>Description for Question 10 - FIELD EXAM AUGUST 2006</p>                                                                                                                                                                                                                                   |
| POU     | 8/29/2006 3:40:11 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2b. Is the POU required?</p> <p>(No) 3. Is the basis of claim a Application or Permit?</p> <p>(No) 7. Is there evidence that there has been a change in the POU?</p> <p>(Yes) 13. Does the file contain all the necessary information to verify the POU?</p> <p>(No) 14. Is a POU remark and/or condition required?</p> <p>Description for Question 13 - FIELD EXAM AUGUST 2006</p>                                                                                                                                                                                                                                                      |
| General | 8/29/2006 3:37:08 PM | vmusic | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?</p> <p>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> <p>Description for Question 12/13 - AFFIDAVIT FROM PRIOR OWNER</p> |
| Use     | 8/29/2006 3:43:49 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - FIELD EXAM AUGUST 2006</p>                                                                                                                                                                                                                                                     |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4594 V1

|          |                      |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------|----------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season   | 8/29/2006 3:44:10 PM | vmusic | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>                                                                            |
| Quantity | 8/29/2006 3:45:04 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(Yes) 7. Is a flow measurement required?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - THEORETICAL PER FIELD EXAM AUGUST 2006</p>                                                                           |
| Summary  | 8/29/2006 3:46:05 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(Yes) 4. Is any portion of the claim be recommended?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(No) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |

Water Supply Bank:



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

June 13, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

Terry Tidwell  
Debbie Delaney  
24860 Boise River Road  
Parma, ID 83660

Notice of Claim to a Water Right No. 63-4594

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Liberty Gagnon'.

Liberty Gagnon  
Office Specialist 1  
Adjudication Section  
Western Region Office

LG: lg

Enclosure

New Owner:

Terry Tidwell  
24860 Boies Rd  
Parma 83660

Dom claim: 63-28187  
needs  $\Delta$  in ownership

other wts? 63-28187-  
dom well

Per office visit w/ Terry  
Tidwell 5/17/06

7.5 HP pump  $\rightarrow$  3"  
mainline  $\rightarrow$  can  
run 30 sprinklers-  
9/64" nozzles

5' lift from  
slough

sending affidavit

Property in S35 not  
irrigated - natural  
habitat per Terry



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 8, 2006

TERRY TIDWELL  
24860 BOISE RIVER RD  
PARMA ID 83660

**RE: NOTICE OF CLAIM NO: A63-4594**

Dear Land Owner:

We are currently preparing the Notice of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claim for your reference. Our research indicates there may have been a change in the ownership for the above claim. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the claim listed above:

**JOHN & SANDRA ELSBERRY  
HC 64 BOX 3520  
COUNCIL ID 83612**

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves  
Sr. Water Resource Agent

Enclosures



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 8, 2006

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

JOHN & SANDRA ELSBERRY  
HC 64 BOX 3520  
COUNCIL ID 83612

RE: EVIDENCE OF PRIORITY  
Snake River Basin Claim No: A63-4594

Dear Claimants:

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your diversion and acres irrigated needs to be identified on the attached aerial photo. Please include as much detail regarding your diversion system as possible, such as pump hp, feet of lift, etc. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

Page 2

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by May 29, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,

A handwritten signature in black ink, appearing to read "Lori Graves".

Lori Graves  
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit  
Notice of Claim A63-4594  
Aerial Photo

Cc: TERRY TIDWELL  
24860 BOISE RIVER RD  
PARMA ID 83660

# EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO  
Office of State Auditor

AGENCY USE

|                  |
|------------------|
| 9310             |
| Date<br>06/06/90 |
| Code<br>193002   |

**VENDOR:** If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

|              |      |
|--------------|------|
| Document No. |      |
| Pre-Audit    | Date |
| Warrant No.  |      |

PAY  
TO

JOHN ELSBERRY  
HC 64 BOX 3520  
COUNCIL, ID 83612

**CHECK ONE:**

( 1 ) MISCELLANEOUS EXPENDITURE  
( ) STATE CONTRACT

( ) PURCHASE ORDER

( ) MISCELLANEOUS  
ENCUMBRANCE REQUISITION

PAYMENT: ( ) PARTIAL ( ) FINAL

Encumbrance Reference No.

| LINE No. | PROGRAM   | FUND | ACCT. |     | DESCRIPTION                                                    | LINE AMOUNT | AGENCY USE |
|----------|-----------|------|-------|-----|----------------------------------------------------------------|-------------|------------|
|          |           |      | Maj   | Min |                                                                |             |            |
| 1        | 04 10 162 | 9337 | 8831  |     | REFUNDS<br>PER GENE GIBSON<br>RECEIPT #C015926<br>6/ 1/90 5.00 | 5.00        |            |
| TOTAL    |           |      |       |     |                                                                | 5.00        |            |

RECEIVED  
JUN 08 1990

Department of Water Resources  
Western Regional Office

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

**AUDITOR'S CERTIFICATE**

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

MICROFILMED

AUG 20 1992

Date

Head of Agency or Institution

State Auditor

TO: NANCY HANDZEL

FROM: GENE GIBSON

DATE: 06/01/1990

SUBJECT: TRANSFER OF FUNDS

Nancy on 03/26/90 we received a Application For Permit from John Elsberry which was sent on 03/22/1990. The filing fee paid for this application was \$75.00 according to receipt number C015926. An Adjudication Claim with a fee of \$70.00 should have been filed instead of the application. The applicant would like to transfer the fees paid on the application to the fee owed on the adjudication claim. Since this Application has not been processed or advertised a refund of \$5.00 will be due to Mr. Elsberry. Thank you for your assistance in this matter.

Gene

|                                |                |         |                |
|--------------------------------|----------------|---------|----------------|
| Fee paid on Application        | Receipt Number | C015926 | \$75.00        |
| Fee owed on Adjudication Claim |                |         | 70.00          |
| Refund due                     |                |         | <u>\$ 5.00</u> |

John Elsberry  
HC 64 Box 3520  
Council, Id. 83612

MICROFILMED

AUG 28 1992

April 27, 1990

John Elsberry  
HC 64 Box 3520  
Council, Idaho 83612

Mr. Elsberry:

We recently received your water right Application For Permit. However, there are problems with this application that must be resolved before we can process it. The problems are outlined below.

Source of Water (Item 2)--Dixie Slough is not located in the legal land description given on your application.

Point of Diversion Location (Item 3)--This needs to be reviewed if Dixie Slough is the source of water.

Amount of Water (Item 4)--customarily, water right applications are made for .02 cubic feet per second (cfs) per acre of irrigated land. (.02 cfs is equivalent to one Idaho miner's inch.) In your case, .74 cfs may be filed for on 37 acres of irrigated ground.

Place of Use (Item 9)--for the place of use you need to indicate the number of irrigated acres in each quarter-quarter tract where the irrigated ground is located.

Project Map (Item 13)--a map of the project must be provided with your application. A photocopy of a USGS topographic map or an ASCS aerial photograph of your property could be used.

Fee--to irrigate 37 acres (i.e. .74 cfs), a fee of \$45.00 is required. The enclosed instructions include a fee schedule. You submitted \$75.00 with your application.

It is important that you provide our office with the above information within 30 days, or the priority date established when your application was received may be advanced. Please contact me at 334-2190 or 2735 Airport Way, Boise, Idaho 83705, if I can be of assistance in helping you obtain this information.

Sincerely,

*Sent*

Melvin Gene Gibson  
Sr. Water Resource Agent

MICROFILMED

AUG 28 1992

5-29-90 called  
Should have filed adj. Claim  
# A63-04594 Sent 6-1-90  
for Signature



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 63-

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant John Elsherry and Sandra Elsherry Phone 347-2465

Post office address HC 64 Box 3520 Council, Id 83612

2. Source of water supply Dixie Slough which is a tributary of Boise River  
Less tx 1 + less part lying E of Dixie Slough

3. Location of point of diversion is NW 1/4 of NW 1/4 of Govt. Lot Dixie Slough

Sec. 36 Township 6 5N Range 5 W B.M. Canyon County; additional

points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 4.8 for Irrigation purposes from March 15 to Nov. 15 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 4.8 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. \_\_\_\_\_

Gravity flow -

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total

reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:

\_\_\_\_\_ to \_\_\_\_\_ inclusive.

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

\_\_\_\_\_ years (minimum 1 year).

MICROFILMED

AUG 28 1992

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 6   | 5 W   | 36   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 37  | acres |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above.

*irrigation*

11. a. Who owns the property at the point of diversion?

*Layton Noe*

b. Who owns the land to be irrigated or place of use?

*John Elsberry*

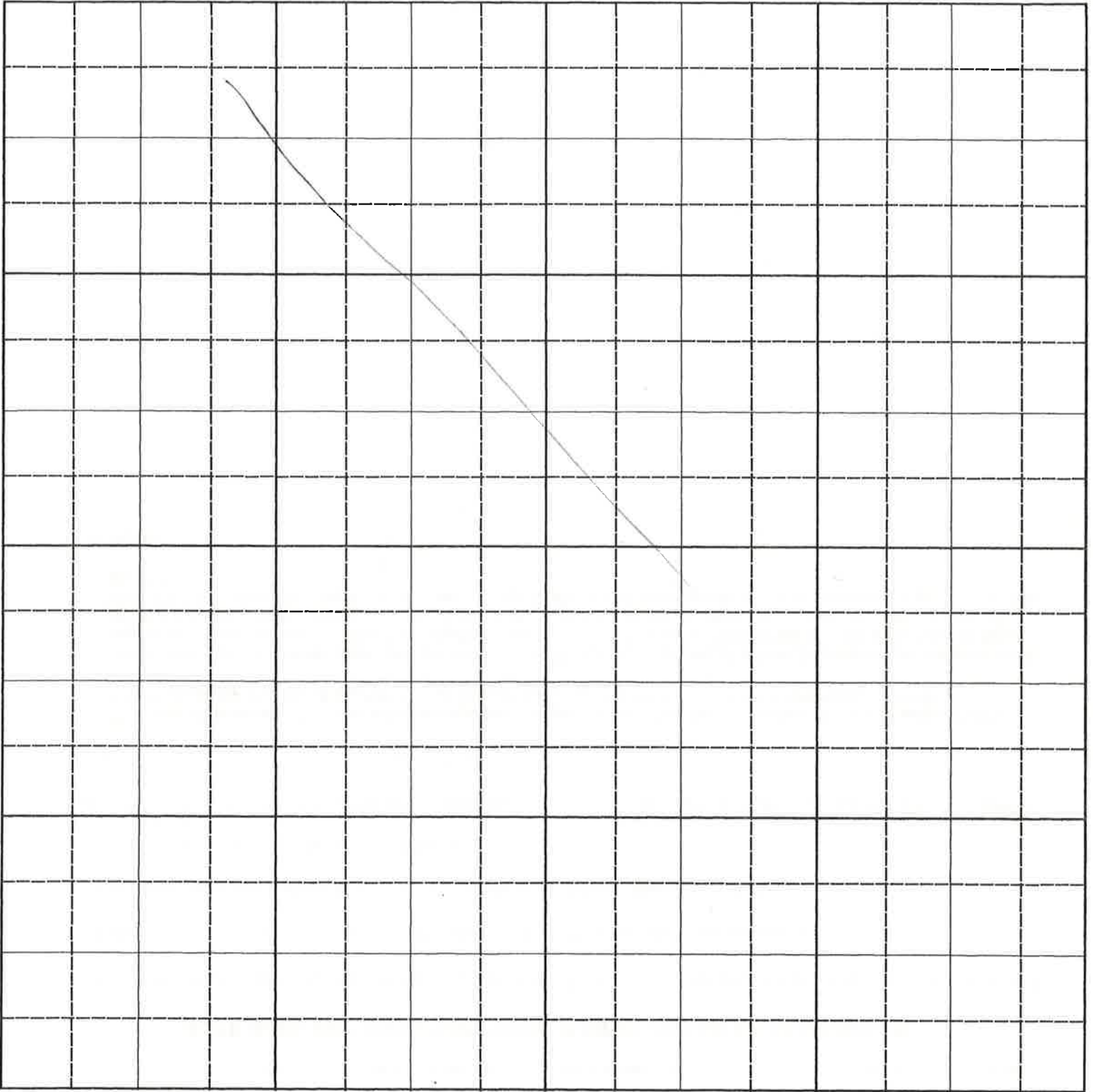
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

12. Remarks:

*Property address is:*

*24860 Boise River Rd Parma, Id. 83660  
Parcel 9R39228-011--0*

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*John C. Cherry*  
(Applicant)

**MICROFILMED**

**AUG 20 1992**

Received by Ms. C. Wong Date 3/27/90 Time 1:30pm Preliminary check by \_\_\_\_\_  
Fee \$ 75.00 Receipted by C. Wong # C015926 Date 3/26/90  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

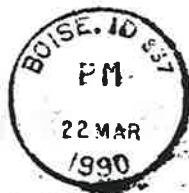
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

John Elshury  
HC 64 Box 3520  
Council, Id. 83612



**KEEP**  
**Important DATE**

Dep. of Water Resources  
1301 N. Orchard St.  
Boise, Idaho 83706

AUG 20 1992

RECORDED

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4594

WATER RIGHT NUMBER: 63-4594

Owner Type                      Name and Address  
 Original Owner                  EMMETT R MC CURRY  
                                          24780 BOISE RIVER RD  
                                          PARMA, ID 83660  
                                          (208)722-5358  
 Current Owner                   JOHN ELSBERRY  
                                          HC 64 BOX 3520  
                                          COUNCIL, ID 83612  
                                          (208)347-2465  
 Current Owner                   SANDRA ELSBERRY  
                                          HC 64 BOX 3520  
                                          COUNCIL, ID 83612  
                                          (208)347-2465

Priority Date: 06/01/1934  
 Basis: Statutory Claim  
 Status: Active

Source                                      Tributary  
 DIXIE SLOUGH                              BOISE RIVER

Beneficial Use                      From      To                      Diversion Rate                      Annual Volume  
 IRRIGATION                              3/15 to 11/15                      0.400 CFS  
                                          Total Diversion:                      0.400 CFS

Location of Point(s) of Diversion

DIXIE SLOUGH                              NW1/4NW1/4                      Sec. 36, Twp 05N, Rge 05W, B.M.  
 CANYON County

Place of Use

## IRRIGATION

| Twp | Rge | Sec | NE   | NW | SW | SE | NE   | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|----|----|----|----|----|----|----|----|--------|
| 05N | 05W | 35  | 10.0 |    |    |    |      |    |    |    |    |    |    |    |    |    |    |    | 10.0   |
| 05N | 05W | 36  |      |    |    |    | 10.0 |    |    |    |    |    |    |    |    |    |    |    | 10.0   |

Total Acres: 20

Dates and Other Information:

Claim Received Date: 3/22/1990  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

Surface rts - not in an irrdistrict/canal co. service area  
 Emmett McCurry's affidavit does not address # of acres - only refers to T. Tidwell prop.

Desktop review/vlm

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION** – verify contact information is completeClaim No(s) 63-4594

Owner: \_\_\_\_\_ Phone No. \_\_\_\_\_

Current Address: \_\_\_\_\_

- ☒ No change NAME IS THE SAME Change in ownership filed
- ☐ NEW OWNER \_\_\_\_\_
- ☐ No change Address \_\_\_\_\_
- ☐ NEW ADDRESS \_\_\_\_\_
- ☐ How long owned property? \_\_\_\_\_

Accompanied by: \_\_\_\_\_

**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary -affidavit
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: \_\_\_\_\_

(If priority date, based on your exam, seems questionable, explain below.)

\_\_\_\_\_

\_\_\_\_\_

Source: \_\_\_\_\_ Tributary to \_\_\_\_\_

- ☒ No Change –SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☒ No change
- ☐ POD found is different than claimed: \_\_\_\_\_
- ☐ If different, when did POD change? \_\_\_\_\_

**DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

see 8-14-2006 field exam notes

**OVERLAP REVIEW**

Other water rights with the same point of diversion: non

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

**WATER USES**☒ No change☐ Different Uses

Use irr From 3/1 To 11/15 Amount .16 CFS AFA

Use From To Amount CFS AFA

Use From To Amount CFS AFA

**TOTAL VOLUME – Groundwater only**☐ Incomplete on claim, the total is, Amount CFS AFA☐ Changes found, the new total is, Amount CFS AFA☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☐ Changes Exam found: Domestic # of homes Stock #

Types Additional comments:

**PLACE OF USE:**☒ No Change☐ Changes shown below:

lot is only 8 ac. - rec 8.2 ac.  
 acres in G.35 not irr in B1 NAPP. Owners don't  
 irrigate it & stated to field examiner that they didn't  
 think it ever had been. 2004 - about 6.5 ac irr.

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: none

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

see field exam notes

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                               |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

surface rts - none

no conditions / remarks needed.

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- DATE EXAM CONDUCTED: 11/11/2023

FIELD EXAMINER:

4

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POD REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-4594

08/29/2006

1

| ater Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Source                    | Name              |
|--------------|-------------|-----|-----|-----|----|----|-----|---------------------------|-------------------|
| 63-4594      | Claim       | 05N | 05W | 36  | NW | NW |     | DIXIE SLOUGH BOISE RIVER  | TERRY TIDWELL     |
| 63-27225     | Claim       | 05N | 05W | 36  | NW | NW |     | GROUND WATER              | EDWIN L HUCKFELDT |
| 63-28187     | Claim       | 05N | 05W | 36  | NW | NW |     | GROUND WATER              | SANDRA ELSBERRY   |
| 63-27539     | Claim       | 05N | 05W | 36  | NW | NW |     | UNNAMED DRAIN BOISE RIVER | RICHARD HEATLEY   |
| 63-27225     | Water Right | 05N | 05W | 36  | NW | NW |     | GROUND WATER              | EDWIN HUCKFELDT   |
| 63-28187     | Water Right | 05N | 05W | 36  | NW | NW |     | GROUND WATER              | SANDRA ELSBERRY   |

**IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-4594**

08/29/2006

1

| Right # | Type        | Tw  | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name              |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|-------------------|
| 4594    | Claim       | 05N | 05W | 35  | NE | NE |     | IRRIGATION     | 10/20       | TERRY TIDWELL     |
| 4594    | Water Right | 05N | 05W | 35  | NE | NE |     | IRRIGATION     | 10/20       | EMMETT R MC CURRY |
| 7401    | Water Right | 05N | 05W | 35  | NE | NE |     | DOMESTIC       |             | ANNE E MAZZA      |
| 4594    | Claim       | 05N | 05W | 36  | NW | NW |     | IRRIGATION     | 10/20       | TERRY TIDWELL     |
| 4594    | Water Right | 05N | 05W | 36  | NW | NW |     | IRRIGATION     | 10/20       | EMMETT R MC CURRY |
| 8187    | Water Right | 05N | 05W | 36  | NW | NW |     | STOCKWATER     |             | SANDRA ELSBERRY   |
| 7539    | Claim       | 05N | 05W | 36  | NW | NW |     | WILDLIFE       |             | RICHARD HEATLEY   |
| 7225    | Water Right | 05N | 05W | 36  | NW | NW |     | DOMESTIC       |             | EDWIN HUCKFELDT   |
| 8187    | Water Right | 05N | 05W | 36  | NW | NW |     | DOMESTIC       |             | SANDRA ELSBERRY   |

---

**MEMORANDUM TO SUBCONTRACTOR**

---

**TO: SANDY HEMENWAY**  
**FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN REGION**  
**SUBJECT: 63-4594**  
**DATE: 8/14/2006**  
**CC: CLAIM FILE**

---

This is a statutory/beneficial use claim for 20 acres in sections 35 and 36. The site address is: 24860 Boise River Rd., Parma. Contacts are Terry Tidwell and Debbie Delaney [husband and wife] and their phone no. is 722-7132.

Please:

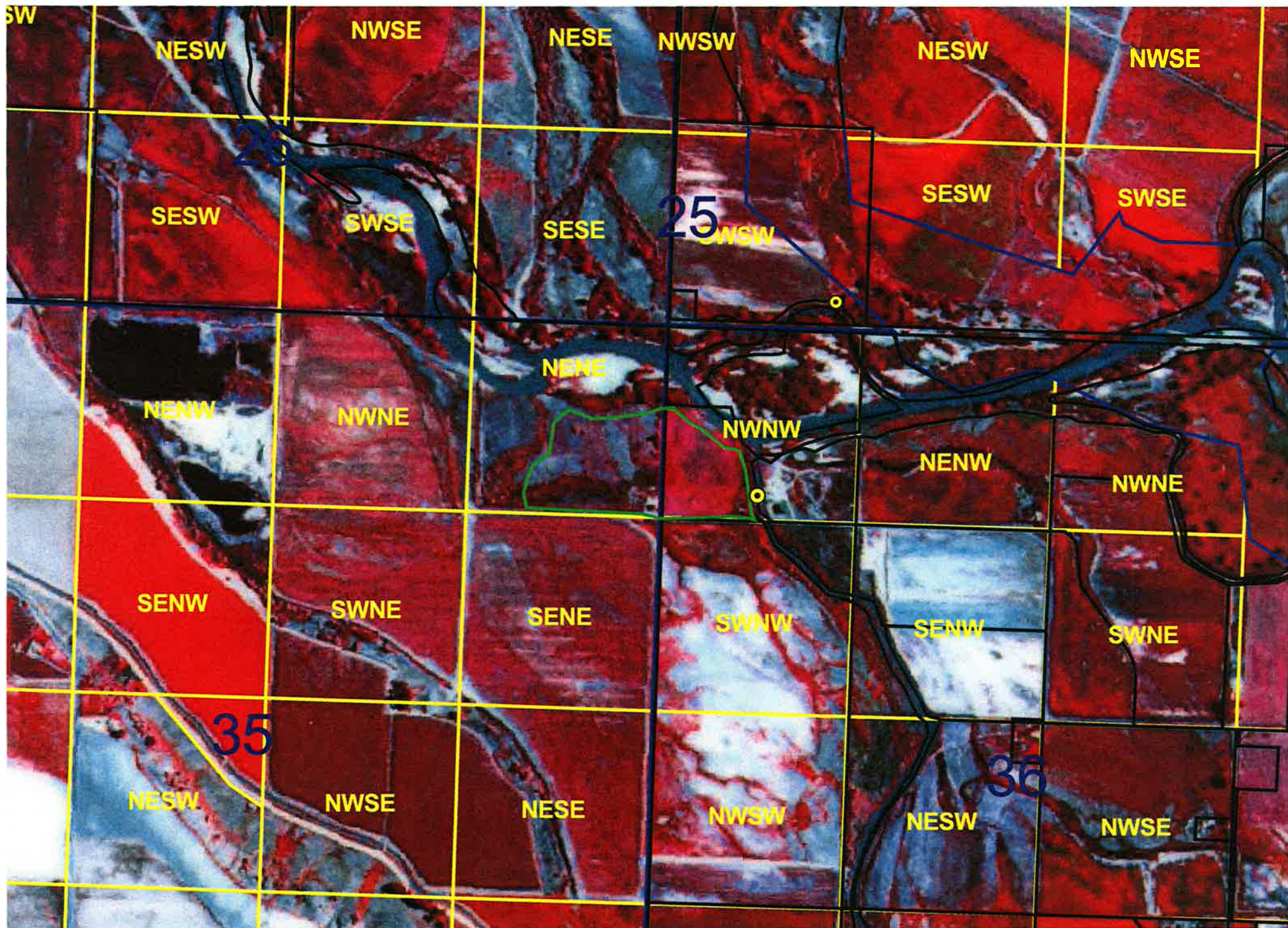
1 – verify the acres irrigated in 1987. The acres in the NENE Section 35 do not look cultivated in the 1987 or 2004 aerial. Also, verify if Tidwell/Delaney own the claimed property in Sec 35.

2 – GPS the point of diversion and located it on the 2004 aerial.

3 – gather flow measurements and calculate flow. Describe diversion and delivery system. Again, I am interested in if there is a delivery system to the NENE section 35.

Thanks.

VLM



63-4594-- 1987 NAPP. Tidwells own the parcel in Section 36, Debbie Delaney may own the parcel in Section 35. Canyon Co taxlot info on Arcview doesn't list an owner for the acres claimed in the NENE which do not look cultivated.

MAY 17 2006

WATER RESOURCES  
WESTERN REGION

# AFFIDAVIT

A-634594

State of Idaho  
County of CANYON

Emmett McCurry

deposes and says: I do hereby affirm that I irrigated the property with the above water right number since its inception in 1934, and continued to do so until I sold the property.

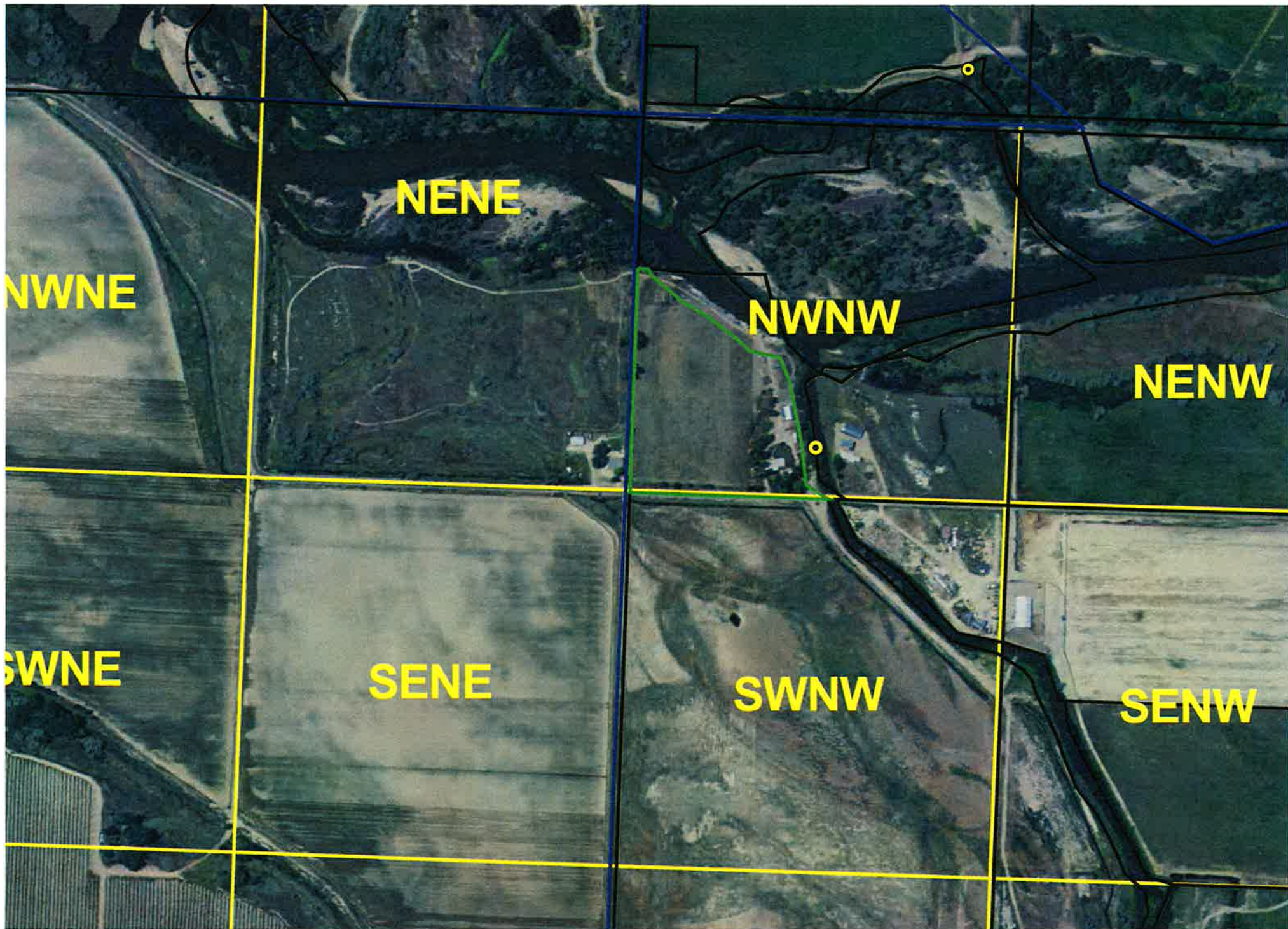
To the best of my knowledge this property has been irrigated continuously since 1934.

I know that Johnellsberry irrigated said land until he sold the property in 1992.

Terry Tidwell, the present owner, irrigates the property to this DAY

Emmett M. Cress  
(Signature)

May 17<sup>th</sup> = 2006



63-4594-- 2004 aerial. Tidwells own the parcel in green. Canyon Co taxlot info on Arcview doesn't list an owner for the acres claimed in the NENE which do not look cultivated.

*may be Debbie Delaney*



## Water Right Report 63-28187

WATER RIGHT NUMBER: 63-28187

| <u>Owner Type</u> | <u>Name and Address</u>                                                 |
|-------------------|-------------------------------------------------------------------------|
| Current Owner     | SANDRA ELSBERRY<br>HC 64 BOX 3520<br>COUNCIL, ID 83612<br>(208)347-2465 |
| Current Owner     | JOHN ELSBERRY<br>HC 64 BOX 3520<br>COUNCIL, ID 83612<br>(208)347-2465   |

**Status:** Active

Tributary

## GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-----------------------|-----------------------|----------------------|
| DOMESTIC              | 1/01 to 12/31         | 0.040 CFS             |                      |
| STOCKWATER            | 1/01 to 12/31         | 0.050 CFS             |                      |
|                       | Total Diversion:      | 0.040 CFS             |                      |

GROUND WATER NW1/4NW1/4 Sec. 36, Twp 05N, Rge 05W, B.M.  
CANYON County

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 63-28187

Conditions of Approval:

1. PARCEL NO. 1R39228-011-0 STOCKWATER, 75 RANGE CATTLE PROPERTY ALSO KNOWN AS 24860 BOISE RIVER RD., PARMA.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:Comments:

1. AJU10-DS 6/22/2000 AJU10 CONDITION UPDATE  
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

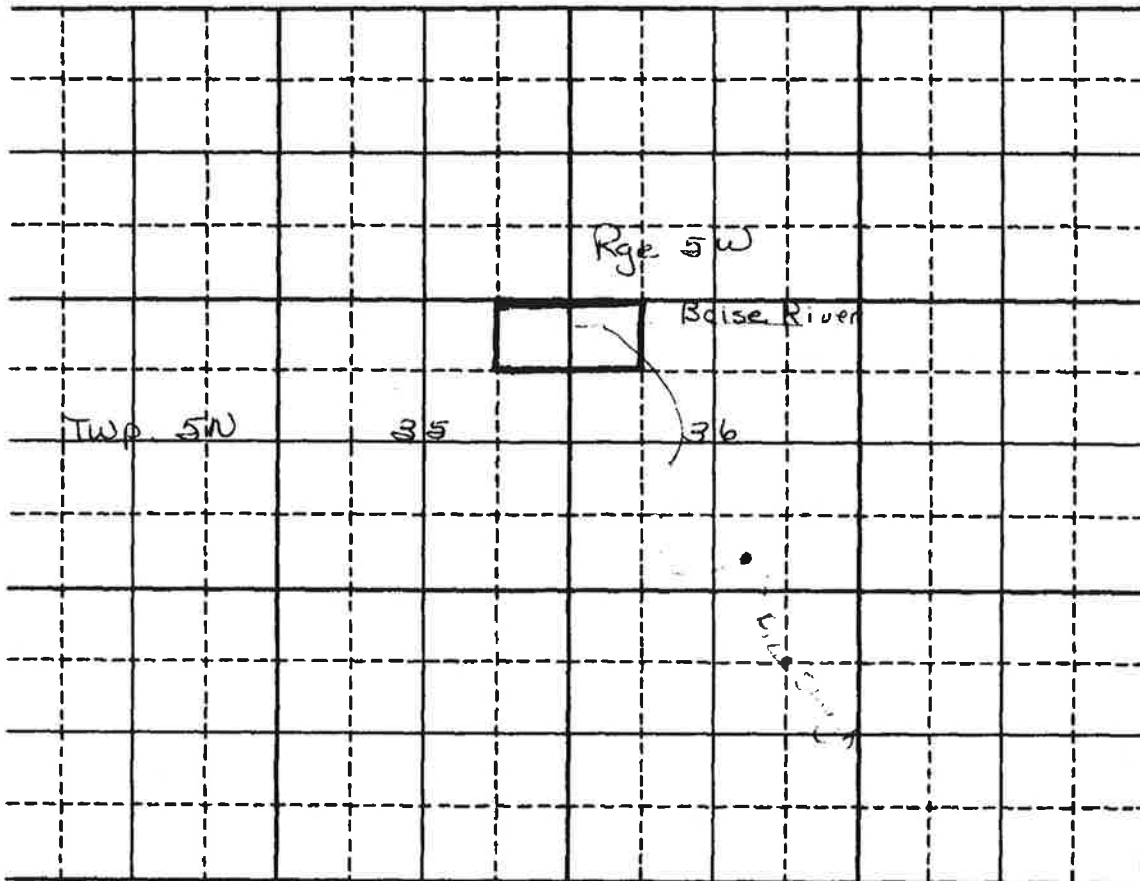
Dates and Other Information:

Licensed Date:  
Decreed Date: 5/31/2000  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector: AND  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number: 39576  
Judicial District: FIFTH  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:



(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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 Ada ) 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 affiants knowledge.

Sworn to before me this 25<sup>th</sup> day of January 19 78.

Emmett McCurry  
(Claimant)

Katherine J. Weaver  
Notary Public

Residing at Basin

My commission expires 6-15-81

For Department Use Only

|                                                     |                     |                     |              |      |
|-----------------------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>jo</u>                               | Date <u>1/25/78</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>jo</u>                          | Date <u>1/25/78</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>mlb</u>                  | Date <u>1/25/78</u> | <u>#10293</u>       |              |      |
| Approved for publication by <u>John S. Lilburne</u> |                     |                     |              |      |
| Published in <u>Feb 27 9, 1978</u>                  |                     |                     |              |      |

RECEIVED

AUG 23 2006

Field Exam Date 8/17/2006

DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT

RECEIVED  
AUG 22 2006  
DEPARTMENT OF  
WATER RESOURCES

**Prior to Field Exam**

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION – verify contact information is complete**

Claim No(s) 63-4594

Owner: Terry Tidwell or Debbie Delaney Phone No. (208) 777-7132

Current Address: 24860 Boise River Rd, Parma, Id 83660

☒ No change NAME IS THE SAME

☐ NEW OWNER

☐ No change Address

☒ NEW ADDRESS correct addresses so both are the same (24860)

☒ How long owned property? 11 years

Boise River Rd.

Accompanied by: Terry Tidwell

**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1934

(If priority date, based on your exam, seems questionable, explain below.)

Source: Dixie Slough Tributary to Boise River

☒ No Change –SAME SOURCE

☐ Source found is different than claimed:

**POINT OF DIVERSION**

☒ No change

☐ POD found is different than claimed:

☐ If different, when did POD change?

# **DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

A 00021

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
| 39   | -          | -   | NW  | NW  | 36   | SN   | SW   | Canyon | N43°43.859'                               |
|      |            |     |     |     |      |      |      |        | W116°53.362'                              |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works 3" PVC from Dixie Slough to 7.5 Hp Gorman Rupp, 2" discharge, 5' lift, 30-35 psi,

## **OVERLAP REVIEW**

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:                     

## **WATER USES**

☐ No change

☒ Different Uses

Use Irrigation From 3/15 To 11/15 Amount 0.20 CFS 19.0 AFA

Use                      From                      To                      Amount                      CFS                      AFA

Use                      From                      To                      Amount                      CFS                      AFA

## **TOTAL VOLUME – Groundwater only**

☐ Incomplete on claim, the total is, Amount                      CFS                      AFA

☐ Changes found, the new total is, Amount                      CFS                      AFA

☐ More than 1" per Acre? Yes                      (claimant must complete excess flow sheet)

## **NON-IRRIGATION USES:**

☒ No change

☐ Changes Exam found: Domestic # of homes                      Stock #                     

Types                      Additional comments:                     

## **PLACE OF USE:**

☐ No Change

☒ Changes shown below:

\* T5N R5W S35 NENE own 26 acres there but have never irrigated any of it.

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |       | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE    |        |
| 5N           | 5W  | 36  |    |    |    |    |    | 10 |    |    |    |    |    |    |    |    |    |       | 10.0   |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | Total | 10.0   |

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: 2" discharge from pump to 3" aluminum pipe 150' to field irrigated to west. 8 lines off of the main (located on south property line running east to west). 8 lines run south to north. 50' sections 3" aluminum. 2 lines w/ (15) nozzles & 4 nozzles in yard/garden area run at 1 time. Majority of nozzles are 1/64" rainbirds with some mixed variety. Average psi is 20 psi in the field

| Well or Diversion Identification No<br>GPS ID | Motor Make     | Hp  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|----------------|-----|------------------|-----------|-----------------------------------|
| A0002134                                      | Gorman<br>Rupp | 7.5 | No tag           | No tag    | 2"                                |

Run 30 - 35 psi  
FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

No supplemental water used.

Canyon County Assessors office shows Tidwell/Delaney own 26 acres T5N R5W S35 NENE. Terry Tidwell confirmed that they own this property but have never irrigated the property in the 11 years they have owned it, & not aware of previous irrigation.

Directions: I84, Exit 26/Notus Pass, to Notus,  
Lt. Notus Rd, cross Boise River then turn Right on  
Boise River Rd, 5.4 miles, cross bridge across  
Dixie Slough (first house on right) 24860 Boise River Rd;

POD: after crossing over bridge, go north up the slough 98'

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU of house.

POU: property + yard surrounding  
house + property to the west + NW

DATE EXAM CONDUCTED:

8-22-2006

FIELD EXAMINER:

Sandy Hemenway

63-4594 Tidwell/Delaney  
Date of Inspection: 8/17/2006  
Field Inspector: Sandy Hemerway

Pumpback Computation Spreadsheet (attached) = 0.39 cfs

Sprinkler Nozzles:

3" aluminum lines + main line

50' sections

2 lines w/ 15 <sup>field</sup> nozzles + 4 nozzles in yard/garden @ 1 time

9/64" nozzles (rainbirds) + some mixed variety

Average psi = 20 psi

19 total nozzles at 1 time

8 lines in yard

1" of 1 Nozzle Discharge in GPM Chart =  $\frac{2.65 \text{ gpm}}{448.8} = 0.0059$

19 nozzles  $\times 0.006 \text{ cfs} = 0.112 = \boxed{0.11 \text{ cfs}}$  <sup>= 0.006 cfs</sup>  
\* possible leak in line some place (everything is being irrigated)

Irrigation:

Own 15 acres Sec. 36 NWNW, irrigate 10 acres as claimed

Season: 3/15 - 11/15 = 246 days

10 acres  $\times 0.02 \text{ cfs} = 0.20 \text{ cfs}$

$V_{ic} = 10 \times 4.5 = 45.0 \text{ afa}$

$V_{dr} = (246 \text{ days}) \times (1.98) \times (Q) / 10 \text{ acres} =$   
 $(246 \times 1.98 \times 0.39) / 10 = 18.99 = 19.0 \text{ afa}$

$V = 19.0 \text{ afa}$

Recommend allowing 0.02 cfs per acre (0.20 cfs)  
leaning more with the pumpback computation  
spreadsheet instead of the nozzle discharge. Possible  
leak in line, some mixed variety nozzles, pipe capacity  
all are variables.

Pipe Capacity: 3" aluminum = 0.25 cfs maximum

Pumpback Computation Spreadsheet (DRT 1/24/1995)

Data Entered By: Sandy Hemenway

Project: Flow Computation for A63-4594 Tidwell

Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 \cdot (100/\text{roughness})^{1.85} \cdot ((\text{cfs} \cdot 448.8)^{1.852} / \text{ID}^{4.8655} \cdot \text{Length} / 100)$$

To Find: Compute Rate of Flow for a Pumpback System

Data Table

Vertical Lift: 5.00 feet

Pressure Req'd: 35.00 psi

Required Head: 85.85 feet

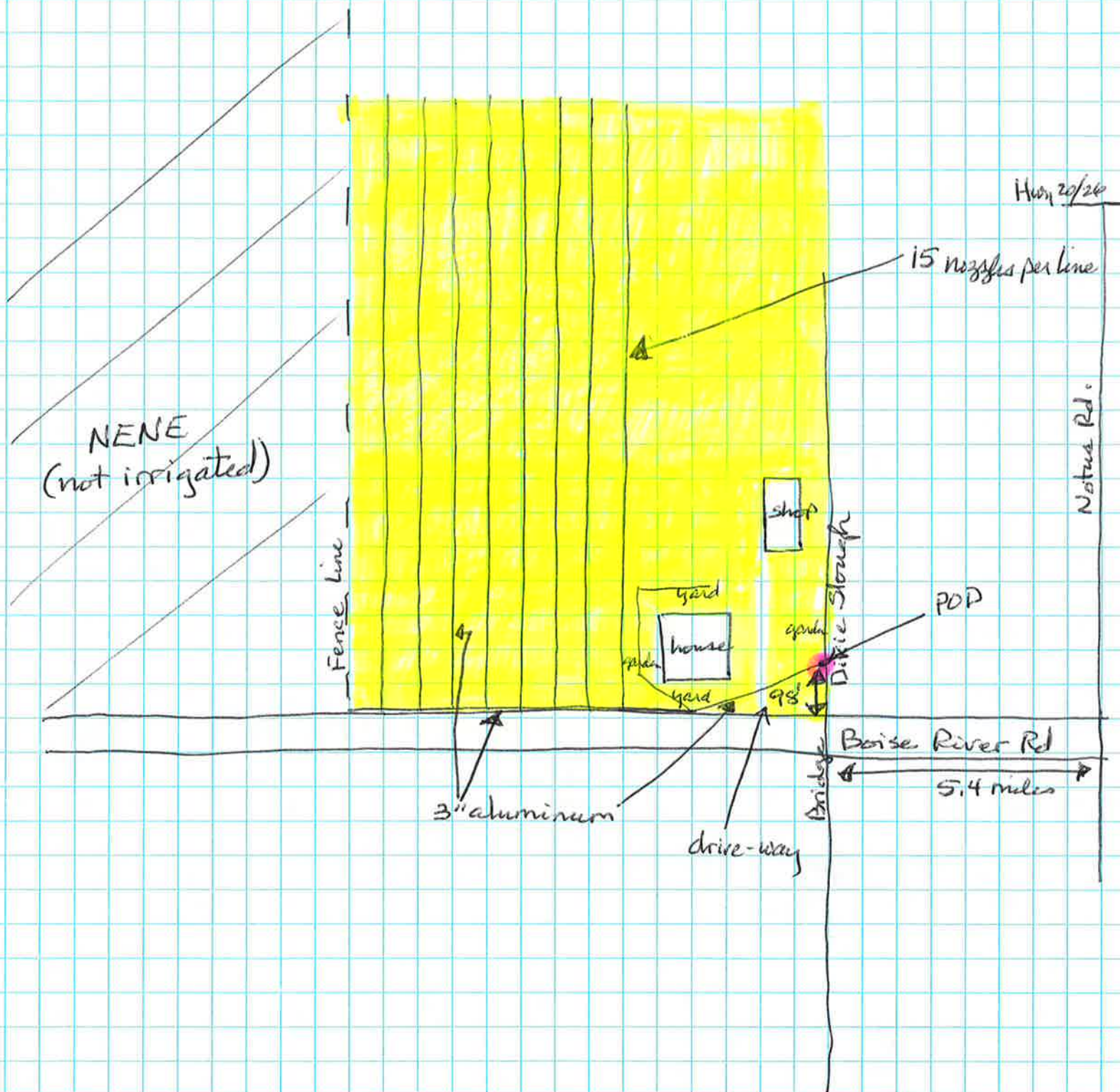
Pump Horsepower: 7.50 horsepower

Pipe Roughness: 125.00 Note: pvc = 150, smooth and straight pipe = 140  
aluminum - joint length 20' = 125, joint length  
30' = 130, joint length 40' = 132, joint length  
50' = 134, new riveted steel = 100  
old riveted steel = 100, old cast iron = 95,  
old pipes in poor condition = 60 to 80

| Inside<br>Diameter<br>in Inches | Equivalent<br>Length<br>in Feet | Unit<br>Head<br>Loss | Total<br>Friction<br>Head Loss from Pipe Friction | Head<br>Loss<br>per 100 ft |
|---------------------------------|---------------------------------|----------------------|---------------------------------------------------|----------------------------|
| 2.50                            | 150.00                          | 34.00                |                                                   | 22.67                      |
| 1.50                            | 0.00                            | 0.00                 |                                                   | #DIV/0!                    |
| 1.00                            | 0.00                            | 0.00                 |                                                   | #DIV/0!                    |
|                                 |                                 |                      | 34.00                                             |                            |

Initial Estimate of Rate of Flow: 0.389 CFS

Computation of Rate of Flow: 0.39



↑ N 63-4594 Tidwell  
8-17-2006 S.H.

□ = POI

● = POD



POD:

Dixie  
Slough

3' PVC

5' lift

Gorman  
Rupp 7.5Hp  
(No tag)  
30-35psi

2"  
discharge  
150' of 3" aluminum  
to field at NWNW

08/17/2006

SH



POU:

yard,  
garden

63-4594 Tidwell

08/17/2006

SH



POU:  
yard,  
garden

SH

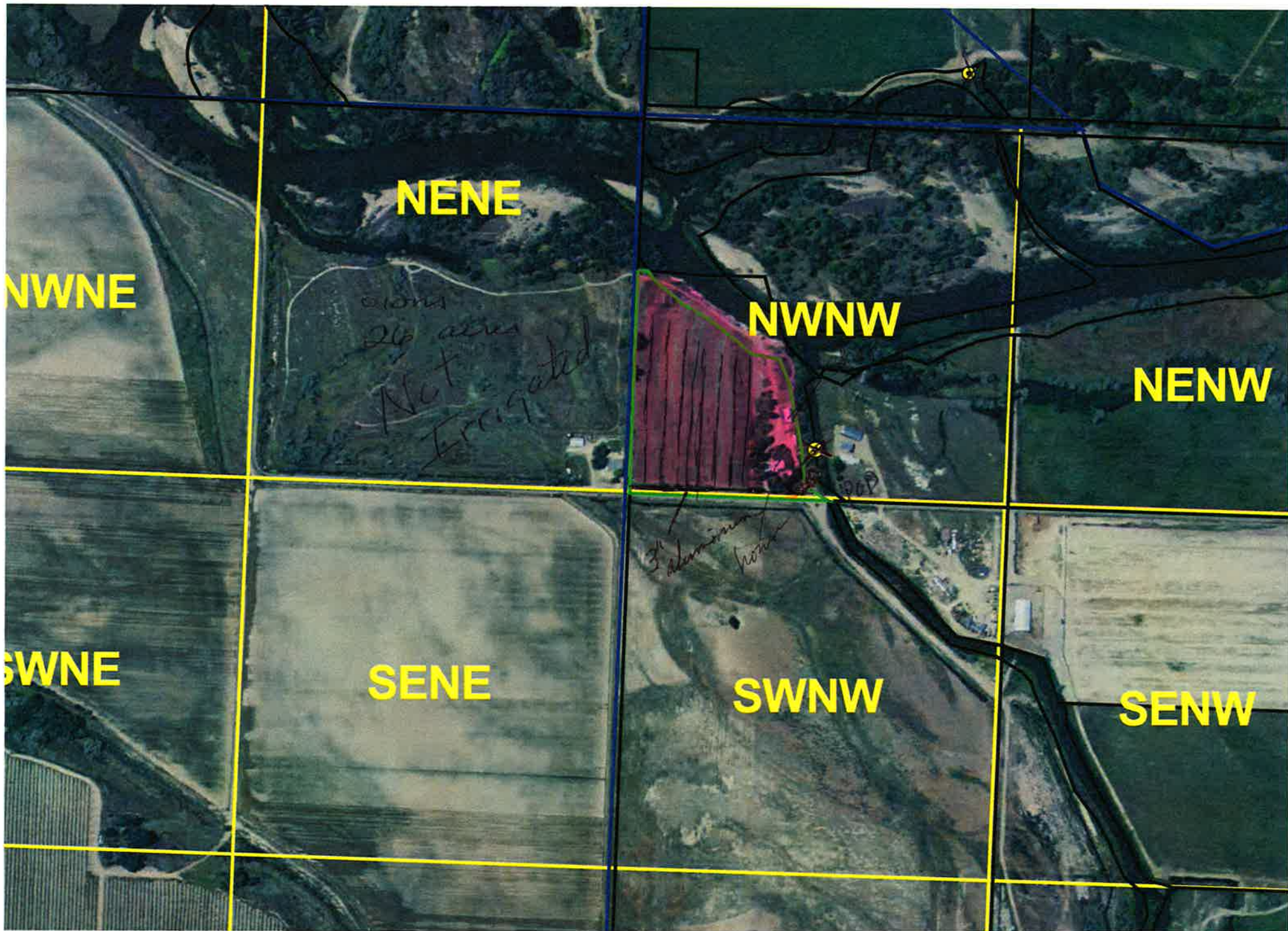


3" aluminum  
50' sections  
2 lines  
w/15 nozzles  
+ 4 nozzles  
in yard +  
garden  
run at  
1 time  
9/64" nozzles  
20 psi  
coverage

POU:  
10 acres  
Sec. 36  
NWNW  
(own total  
of 15 acres)

SH

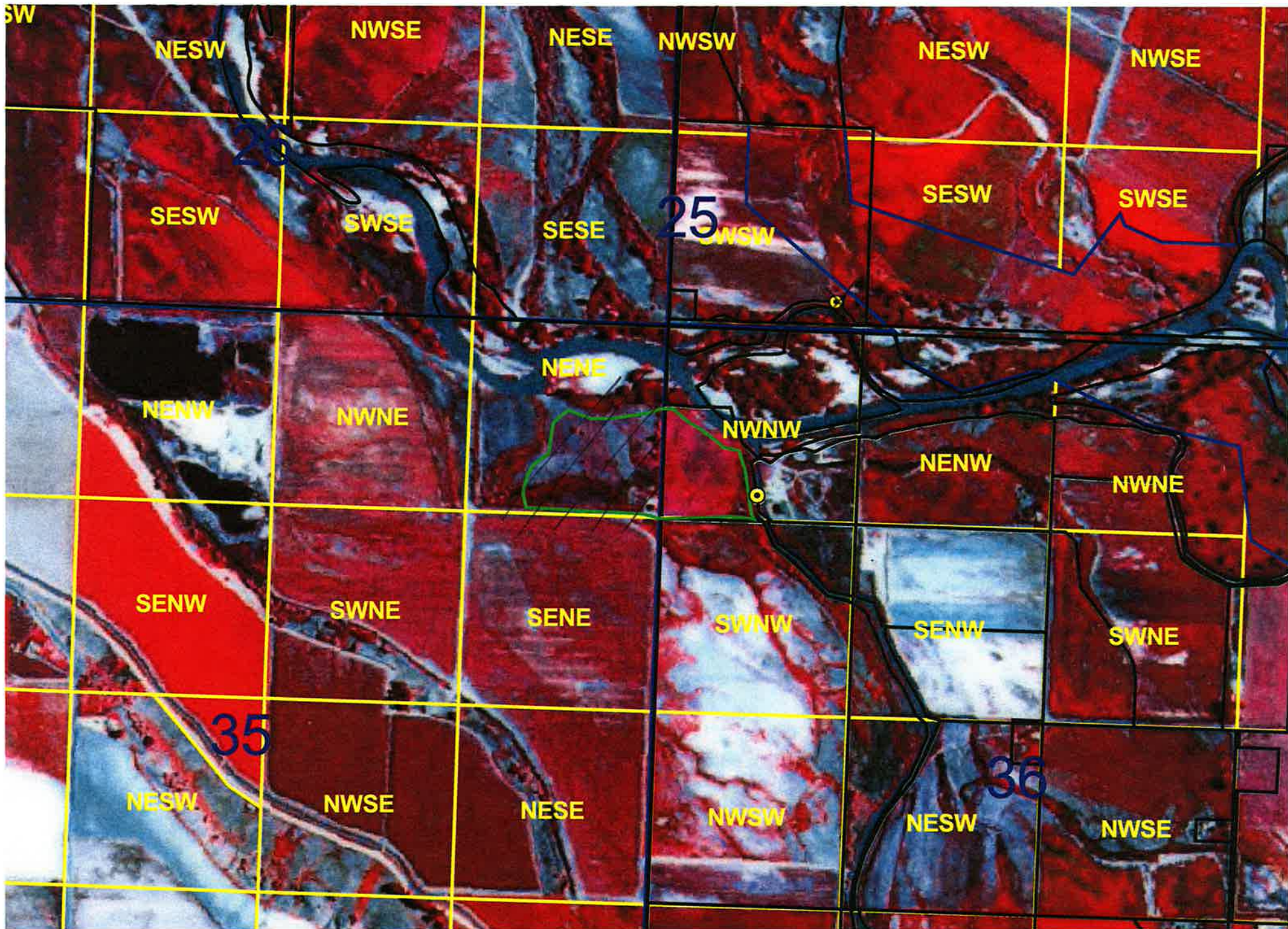
63-4594 Tidwell



63-4594-- 2004 aerial. Tidwells own the parcel in green. Canyon Co taxlot info on Arcview doesn't list an owner for the acres claimed in the NENE which do not look cultivated.

● = POD

■ = POH



63-4594-- 1987 NAPP. Tidwells own the parcel in Section 36, Debbie Delaney may own the parcel in Section 35. Canyon Co taxlot info on Arcview doesn't list an owner for the acres claimed in the NENE which do not look cultivated. Canyon County Assessors shows Tern Tidwell + Debbie Delaney own 26 acres in NENE. SH. ☒ = Not Irrigated

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MEMORANDUM TO SUBCONTRACTOR

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TO: SANDY HEMENWAY  
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN  
REGION  
SUBJECT: 63-4594  
DATE: 8/14/2006  
CC: CLAIM FILE

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This is a statutory/beneficial use claim for 20 acres in sections 35 and 36. The site address is: 24860 Boise River Rd., Parma. Contacts are Terry Tidwell and Debbie Delaney [husband and wife] and their phone no. is 722-7132.

Please:

1 – verify the acres irrigated in 1987. The acres in the NENE Section 35 do not look cultivated in the 1987 or 2004 aerial. Also, verify if Tidwell/Delaney own the claimed property in Sec 35. *Yes (for 11 years)*

✓ 2 – GPS the point of diversion and located it on the 2004 aerial.

✓ 3 – gather flow measurements and calculate flow. Describe diversion and delivery system. Again, I am interested in if there is a delivery system to the NENE section 35.

Thanks.

VLM

*No system to  
NENE (never  
has been)*

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4594

WATER RIGHT NUMBER: 63-4594

| <u>Owner Type</u> | <u>Name and Address</u>                                                       |
|-------------------|-------------------------------------------------------------------------------|
| Original Owner    | EMMETT R MC CURRY<br>24780 BOISE RIVER RD<br>PARMA, ID 83660<br>(208)722-5358 |
| Original Owner    | JOHN ELSBERRY<br>HC 64 BOX 3520<br>COUNCIL, ID 83612<br>(208)347-2465         |
| Original Owner    | SANDRA ELSBERRY<br>HC 64 BOX 3520<br>COUNCIL, ID 83612<br>(208)347-2465       |
| ✓ Current Owner   | TERRY TIDWELL<br><del>24880</del> BOISE RIVER ROAD<br>PARMA, ID 83660         |
| ✓ Current Owner   | DEBBIE DELANEY<br>24860 BOISE RIVER RD<br>PARMA, ID 83660                     |

24860 Boise River Rd  
(208) 722-7132  
(208) 722-7132

Priority Date: 06/01/1934

Basis: Statutory Claim

Status: Active

Source

DIXIE SLOUGH

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.400 CFS 0.2

Annual VolumeTotal Diversion:

0.400 CFS 0.2

Location of Point(s) of Diversion

DIXIE SLOUGH

NW1/4NW1/4

Sec. 36, Twp 05N, Rge 05W, B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

~~T05N R05W S35 NENE 10.0~~

T05N R05W S36 NWNW 10.0

Total Acres: 20 10

Owned, but  
Not irrigated, & have never irrigated.

Conditions of Approval:

1. CHANGE IN OWNERSHIP LG 6-13-2006

Remarks: