

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 63-4595
Date Received: 3/15/1990
Receipt No: W011151
Received By:

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

1. Name of Claimant(s)

CONNIE ERSKINE Phone: (208)454-8712
24780 BOISE RIVER ROAD
PARMA ID USA 83660

DAN ERSKINE Phone: (208)454-8712
24780 BOISE RIVER ROAD
PARMA ID USA 83660

2. Date of Priority: 06/01/1900

3. Source: UNNAMED DRAIN , UNNAMED DRAIN Trib. to: BOISE RIVER , BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	36	NE SE SE	CANYON	
05N	05W	36	SE NE SE	CANYON	

5. Description of diverting works:

HEADGATE IN UNNAMED DITCH, GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.8	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

SCANNED
APR 11 2008

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05W	36	NE	NW	3	IRRIGATION
						25
						Section Acres
						25
						Total Acres
						25

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:

POINT OF DIVERSION HAS BEEN SINGLE POINT ON 1/4-1/4 LINE, CLAIM SHOWS HISTORICAL POINT WHICH IS TRANSFER FROM PREVIOUSLY SHOWN DIVERSION POINT.

FLOW GREATER THAN 1" PER ACRE IS CLAIMED AS DITCH LOSS. WATER IS KEPT FROM DITCH EXCEPT WHEN NEEDED TO IRRIGATE, THEN HEADGATE IS OPENED.

RECORD SHOWS PART OF 63-02139B ON SAME LAND. EXAM REPORT FOR LIC. 63-02139 SHOWS P/D AS UNNAMED STREAM AT POINT IN SE1/4 S.31, T5N, R4W. UNNAMED STREAM NO LONGER FOUND AND DOES NOT SUPPLY WATER TO CLAIMANTS' LAND. CLAIMANT DOES NOT WANT TO CLAIM A PART OF THE 1910 63-02139B.

FEE IS FROM 3/15/90 PAYMENT (\$25) & 2/27/90 PAYMENT (\$50 FROM RECEIPT W009588).

CHANGE IN OWNERSHIP 6-8-2006 LG

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: A63-04595

Date Received: 3/15/1990

Receipt No: WOW 9568 & W01115/

Received By: RL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EMMETT MC CURRY
Address: 24780 BOISE RIVER ROAD
PARMA, ID

208-722-5358

83660

AND/OR

Name: MARY MC CURRY

Address: PARMA, ID

83660

2. Date of Priority: JUN 01, 1900

3. Source: UNNAMED DRAIN

Trib. to: BOISE RIVER

4. Point of Diversion:

Township.	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	36	SE	NE	SE		CANYON
			NE	SE	SE		CANYON

5. Description of diverting works:
HEADGATE IN UNNAMED DITCH, GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

A.F.A.

8. Total consumptive use is 87.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A63-04595

Page 1

Date: 03/15/90

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05W	36	NE NW	3	IRR	25.0
Section Acres						25.0
Total Acres						25.0

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 - SEE REMARKS

14. Remarks:

POINT OF DIVERSION HAS BEEN SINGLE POINT ON 1/4-1/4 LINE, CLAIM SHOWS HISTORICAL POINT WHICH IS TRANSFER FROM PREVIOUSLY SHOWN DIVERSION POINT.

FLOW GREATER THAN 1" PER ACRE IS CLAIMED AS DITCH LOSS. WATER IS KEPT FROM DITCH EXCEPT WHEN NEEDED TO IRRIGATE, THEN HEADGATE IS OPENED.

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FEE IS FROM 3/15/90 PAYMENT (\$25) & 2/27/90 PAYMENT (\$50 FROM RECEIPT W009588).

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: 4

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): Emmett Mc Curry Date: 3/15/90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of March 19 90

Lori Harris
Notary Public

Seal

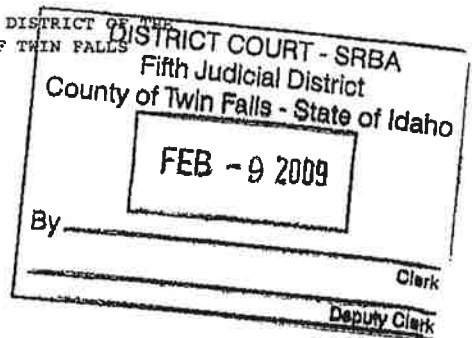
Residing at Boise, Idaho
My Commission Expires 12-8-94

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

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 63-04595



NAME AND ADDRESS: CONNIE R ERSKINE
DAN J ERSKINE
24788 BOISE RIVER RD
PARMA, ID 83660

SOURCE: UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY: 0.52 CFS

PRIORITY DATE: 03/01/1910

POINT OF DIVERSION: * T05N R05W S06 LOT 1 (NENE) Within Canyon County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.52 CFS

PLACE OF USE: Irrigation
T05N R05W S36 LOT 3 (NENW) 20.5
20.5 Acres Total Within Canyon County

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

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

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

RULE 54(b) CERTIFICATE

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

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

RECOMMENDATION

FEB - 9 2009

[Signature]
SPECIAL MASTER

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB - 9 2009
By _____ Clerk
Deputy Clerk

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

In Re SRBA

Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

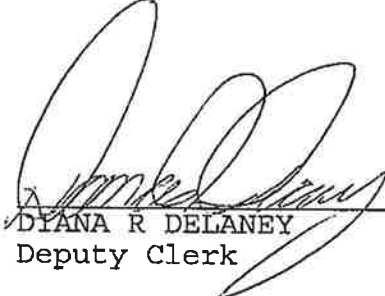
Water Right(s): 63-04595

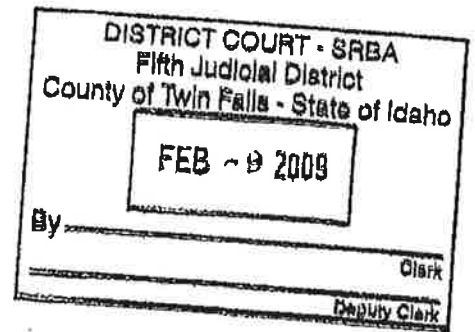
On February 09, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED February 09, 2009.


DIANA R DELANEY
Deputy Clerk



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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04595

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 09, 2009, with sufficient first-class postage prepaid to the following:

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

RIVERSIDE IRRIGATION DISTRICT

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

R JERRELL & CAROL L GLENN

Represented by:
MICHAEL C CREAMER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

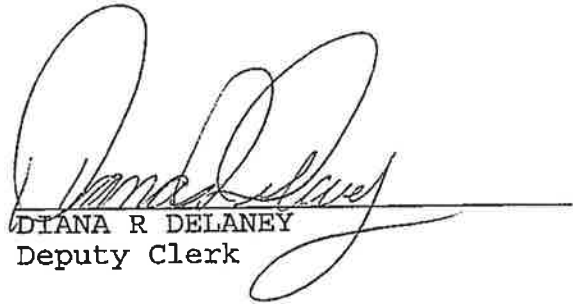
PAGE 1
02/09/09

USDI BUREAU OF RECLAMATION

Represented by:

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

CONNIE R ERSKINE
DAN J ERSKINE
24788 BOISE RIVER RD
PARMA, ID 83660
Phone: 208-454-8712



DIANA R DELANEY
Deputy Clerk

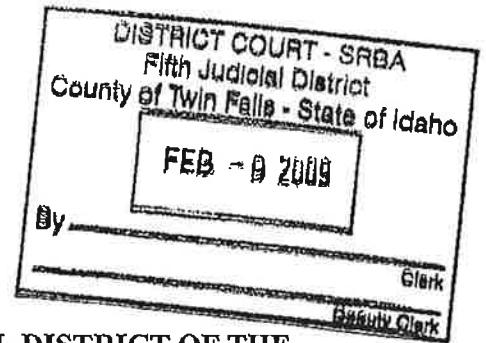
CERTIFICATE OF MAILING

PAGE 2
02/09/09

RECEIVED

FEB 11 2009

DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-04595

I. FINDINGS OF FACT

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

On June 19, 2007, the Riverside Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source should be described as wastewater. On June 30, 2008, R. Jerrell and Carol L. Glenn, through their attorney Michael P. Lawrence filed an objection to the *Director's Report*. On February 5, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objections. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-04595 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Feb 9, 2009

A handwritten signature in black ink, appearing to read "Theodore R. Booth".

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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SEP 03 2008

DEPARTMENT OF
WATER RESOURCES

Michael C. Creamer [ISB No. 4030]
Michael P. Lawrence [ISB No. 7288]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
s:\clients\10181\1\motion to strike.doc

Attorneys for R. Jerrell and Carol L. Glenn

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Sub Case No.: 63-04595

**MOTION TO STRIKE AND FOR
ORDER REQUIRING PRO SE
CLAIMANTS TO COMPLY WITH
THE IDAHO RULES OF CIVIL
PROCEDURE AND SRBA
ADMINISTRATIVE ORDER 1**

R. Jerrell and Carol L. Glenn (the "Glenns") in the above-entitled subcase, through their attorneys Givens Pursley LLP and pursuant to Idaho Rule of Civil Procedure 12(f), hereby move to strike papers filed with the Clerk of the Court by *pro se* Claimants Dan and Connie Erskine and/or by Emmett McCurry on August 14, 2008. The filed papers (collectively "Papers") include one document styled as a "letter" to the Court consisting of seven handwritten pages referenced "From: Emmett McCurry," and a second document also styled as a "letter" to the Court consisting of four handwritten pages referenced "From Dan Erskine & Connie Erskine."

Grounds for Motion

1. The Papers contain patently immaterial, impertinent and scandalous allegations, presumably intended to prejudice the Court in this matter, and are not filed in response to any order of the Court or in support of or defense to any pending pleading or motion.

2. The Claimants have not complied with Idaho R. Civ. P. 7(a)-(b), Idaho R. Civ. P. 5(a)-(c) and Idaho R. Civ. P. 11 with respect to the required form of permitted pleadings and papers, the requirement of service on all parties, including the Glenns,¹ and the requirement that papers filed with Court be well grounded in fact, and are not interposed for any improper purpose such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

3. The Papers constitute an impermissible *ex parte* communication with the Court.

Relief Requested

For the foregoing reasons, the Glenns respectfully request that the Court issue an order:

1) striking the Papers in their entirety from all parts of the record of this or any other subcase;
2) requiring the *pro se* Claimants to hereafter comply fully with the Idaho Rules of Civil Procedure and SRBA Administrative Order 1 under pain of sanctions for future violations, including the payment of reasonable expenses and attorney fees incurred by the Glenns because of any such failure to comply; and 3) prohibiting any further *ex parte* communications with the Court.

Respectfully submitted this 2nd day of September, 2008.

GIVENS PURSLEY LLP

By 
Michael C. Creamer
Michael P. Lawrence

¹ Objectors only learned that the Papers had been filed through the courtesy of the Court Clerk.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd of September, 2008, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

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

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile
☐ E-mail

SERVICE

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

USDI Bureau of Reclamation
Represented by:
United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Connie R. Erskine
Dan J. Erskine
24788 Boise River Rd.
Parma, ID 83660

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Michael C. Creamer

August 10, 2008

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To: Clerk of the District Court

Snake River Basin Adjudication

253 Third Avenue North

P.O. Box 2707

Twin Falls, Idaho 83303-2707

RECEIVED

AUG 11 2008

WATER RESOURCES
WESTERN REGION

From: Emmett McCurry

24780 Boise River Road

Parma, Idaho 83605

In Re SRBA
Case No. 39576
Subcase 63-4595

This letter is about Subcase 63-4595 where Jernel Glenn is objecting to the amount of water usage and on what fields. There are two fields separated by a slough. One is on the north side of the slough and the other is on the south side. Jerry Glenn says I haven't irrigated the north field since about 1978 which is false. Dan and Connie Erskine bought my place but I still live in my house on the farm. I want to give you some background on the property and my dealings with Mr. Glenn. Vicki Music at the Department of Water Resources said I needed to verify the water usage between 1978 and 1990. She said all the rest of the time could be verified thru their records at Water Resources.

First I am 88 years old and been a farmer here in the Dixie area most of my life. The only time I was gone was when I was in the Air

August 10, 2008

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force for 5 years during World War 2. I came to here in 1932 when I was 12 years old. Dad's hired man drove a team with a wagon load of hay in front of me. Behind the wagon was 40 head of milk cows ~~that~~ followed by 100 head of sheep.

I was behind them on a mustang being the cowboy. I purchased the farm from Joe Srivener ^{in 1962.} ~~in 1962.~~

Joe had built a wooden pipe across the slough supported by wooden stilts. Joe irrigated both the north and the south fields. He also raised a large garden at the east end of the north field. In 1939 they said the property was ^{32.28} ~~25.78~~ acres and in 2003 they said the property was 26.78 acres because the Boise River had washed some of it away.

The wooden pipe leaked quite a bit of water. I ~~rented~~ rented a cat ~~and~~ and dozed up a mound across the slough and installed a 12" fiberglass pipe across it so I could irrigate the north field without losing so much water. Bob Lee and Bud Tredway helped me build this but both of them have passed on. I mostly raised grain, corn and pasture on this field. I even had fish and game come out to chase off the ducks because they got so thick.

In 1974 I married Edna Magard and later we got divorced in 1981. Edna had a son whose name is Greg Magard. Dan Erskine and I went over to his house in ^{Parma} ~~Paris~~ and talked to him just the other day.

August 10, 2008

Page 2 of 7

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I was behind them on a mustang being the cowboy. I purchased the farm from Joe Srivercer. in ~~1936~~.

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In 1974 I married Edna Magard and later we got divorced in 1981. Edna had a son whose name is Greg Magard. Dan Erskine and I went over to his house in ~~Parma~~ ^{Parma} and talked to him just the other day.

August 10, 2008

page 3 of 7

Dan Erskine talked to him about the claim that Mr. Glenn was making about not using the water thru the fiberglass pipe. He said that yes they did use the pipe and that Mr. Glenns cattle were always getting on their property. Mr. Glenn told Greg that his dog kept chasing his cattle and ~~that~~ Greg told him, he needed to fix his fences and keep them home. Shortly after that Gregs dog was killed and he said he thought that Jerry was the one who killed it.

About this same time the neighbor ~~to~~ to Mr. Glenn that was to his east was Case Visser (who now lives just north of Notus). Mr. Glenns cattle kept getting on his place. He had an ensilage pit for his dairy cows. Mr. Glenns cattle tore up the tarps on it and did their bodily functions on it making it unfit to feed his cows. They would also ~~go~~ rub against his mobil home in the middle of the night. Case and Mr. Glenn had words and Case beat him up twice. Case told me "I doesn't do no good". Case sold his Dairy in 1984 and moved off ~~the~~ ^{the} property.

When Mr. Glenn first moved here, I loaned him a truck which he brought back with~~ing~~ the bumper all bent up. I loaned him a brand new hay elevator. He let it fall off a truck and brought it back all bent up. I raised grain on the north field one year and his cattle were always in it. After Gregs dog got killed I told Mr. Glenn to go home and never come back.

August 10, 2008

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After Edna and I divorced, I feed cows on my place for John Ellsberry. I would feed his cattle on my place during the winter and then he would take them to Tamerack for the summer. My place was in pasture so I ~~would~~^{had} have my own cattle on it during the summer and sell them during the fall. I did this until the spring of 1984. In 1984 while still in the spring (there was still snow on the ground) when I had my first heart attack, I was feeding 50 bales of hay a day to John's cattle. I was getting the hay from Mitt Houston who lives a couple of miles away. When summer came around I had to take it easier but I still managed to irrigate the north ~~and~~^{and} south fields. I was still irrigating the north field thru the fiberglass pipe.

In 1984 I met Mary ~~Wagner~~^{Wegner} and we got married. Her son Gus was in the service in Germany. He never got out of the service until 1987. It was after Gus got out of the service that the fiberglass pipe caught on fire. This would have been in 1988 or 1989 not 1978 as Jerry Glenn says. As stated in a previous letter to the Idaho Department of Water Resources, I used a pump to irrigate the north field after that. It ran from my irrigation ditch to the north field across the slough. It didn't do a very good job but I did irrigate it. I only ran the pump a few times a year, just enough to keep the ~~pasture~~ pasture ~~from~~ from dying. In 2001 on Christmas day Mary passed.

August 10th, 2008

page 5 of 7

away. We had been married for 17 years.

Vicky Music at Idaho Department of Water Resources said the years in question were from 1978 to 1990. I think I have covered all those years in proving I used the ditch water on both fields but to explain further I will go on.

The first time the fiberglass ditch burnt was 1988 or 1989. Alfred Chandler was my neighbor and we used to help each other when something needed done. Alfred had a large propane weed burner and we usually burned ditches together. He helped me put the fire out. In 2002 or 2003 the pipe caught on fire again and this time it was destroyed beyond repair. Alfred seen the fire and came down with his trailer with a 300 gallon water tank and pump in it. We couldn't get it out so I called the fire department. I think Notus, Parma and Caldwell all responded to the fire. Captain James Cook from Parma witnessed it and made a report on it.

Alfred could witness I used the water but he has ~~has~~ passed away. Lawrence Brown was another ~~neib~~ neighbor that also used to help me clean the ditches but him and his wife are both passed away.

I sold the property to Dan and Connie Erskine in 2005. Since then Dan and Connie have had the Water Resources out several times having me verify that I have continually used the water on both fields. They have looked at the ground and seen water being pumped from my

August 10, 2004

page 6 of 7

irrigation ditch flowing to the north field to irrigate, etc. They have also seen water going to the south field. They have written their findings to the main office stating what they observed.

In 2004 when I was 84 years old, I went up to turn the water down. Mr. Glenn came up on his 4 wheeler and when I was bent over to open my valve. He came up behind me and pushed me into the ditch. I fell against the concrete headgate cutting my head very badly ^(took 15 stitches). I then fell into the ditch which must have pinched some nerves in my back because I had a hard time walking for about a year. When I was able to get out of the ditch Mr. Glenn was gone, I think he thought I was going to drown. I went back to the house and put some bandages on my head but though I should go to the doctors office, I went to the doctors office in Parma. They called the police and asked me what happened and I told them. They wanted me to fill out a thing for his arrest but I said no, but they could go and talk to him. There has been bad blood between Mr Glenn and I for years. This false accusation of me not using water is just another way of him trying to be a bully.

I am 88 years old, served my country in a war, have been a father to two sets of children, been an honest farmer and business man and been a good neighbor

August 10, 2008

to anybody that would meet me halfway. I regret having to write this letter to set things straight. I hope the court can see ~~that~~ that Mr. Glenns actions are not honest and deny his attempt to discredit my water right and myself.

Emmett RAY McCurry
August 10 2008

C.C. IDWR Document Depository

P.O. Box 83720

Boise, Idaho 83720-0098

Chief, Natural Resources Division

Office of the Attorney General

State of Idaho

P.O. Box 44449

Boise, Idaho 83711-4449

United States Department of Justice

Environment & Natural Resources Division

550 W. Fort Street, MSC 033

Boise, Idaho 83724

August 11, 2008

Sheet 1 of 34

To: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 8330-2707

RECEIVED

AUG 11 2008

WATER RESOURCES
WESTERN REGION

From: Dan Erskine & Connie Erskine
24788 Boise River Road
Parma, Idaho 83660

RE: Subcase 63-4595

This letter is in response to the objection filed by Terrel Glenn thru their lawyer Michael Lawrence on June 27, 2008. The form says "In Re SRBA Case No. 39576 Subcase 63-4595", Standard Form 1 objection".

Item #2 says should be "Unnamed Stream, trib. Boise River". I have no objection to this but in some of the old documents it is also ~~labeled~~ labeled ~~it~~ as a "drain".

Item #9 says it should be "14 acres". I disagree with this. The department of Water Resources has been out several times verifying the use. Vicky Music at Idaho Department of Water Resources says ~~that~~ ~~that~~ they can document everything from 1990 on ~~and~~ and the only time period is between 1978 and 1990. Mr. Glenn says the ground was not watered between 1978 and 1990. He stated that the ~~pipe~~ fiberglass pipe was burnt in 1978. I have enclosed a letter from Mr. McCurry in which he says the pipe didn't burn up ~~was~~ until

August 11, 2008

Sheet 2 of 34

his second wifes son (Gus) got home from being in the military. He wasn't ~~releas~~ released from the military until 1987. The first time the pipe burnt after it was built, was either in 1988 or 1989.

The water Resources determined the allowed water is .52 cfs and not .39 as Mrs Glenn is trying to get it reduced to.

The Water Resources has had Vicky Music, Merlane ^{and} Dan Nelson talking to Emmett McCarry who has owned the property since 1936 and whom I bought it from in 2005. They have taken pictures, talked with Emmett, had him sign letters of what was done and when. They have walked the site, looked at the irrigation pipes and ditches. they have looked at the vegetation and have seen it has existed for years. There were trees in the pasture that were atleast 20 years old and if these had not been watered they would not have lived. These trees were in the middle of the north field and not along the edges where it could have been argued that water somehow could have gotten to them.

Emmett signed and gave ~~a~~ a letter to the Water Resources ~~dated~~ dated 9/1/2006. I am enclosing another letter that is dated August 10, 2008 that he talks about all the events and when they happened. He is 88 years old now and doesn't get to far from his house but if the court would like to talk to him about these matters he would be more than willing to help.

August 11, 2008

Sheet 3 of 4

I think will all the documentation, letters, pictures, etc, that there should be no question about whether the property should continue to receive the .52 cfs as allowed by the Department of Water Resources.

Item #4 says the ^{priority} ~~priority~~ date should be "8/15/1910."

The Department of Water Resources list~~s~~ the date of March 1, 1910. I think this date should also stay the same because of their records, findings and decisions. Thru the use of all of their information they are the experts in this area and I am not.

In summary: Please retain my priority date of March 1, 1910, allow~~ing~~ my water right to remain at .52 cfs, and change the wording from an unnamed drain to a unnamed stream~~ed~~ which was a tributary to the Boise River.

We can be contacted at our home phone at 208-722-5469

Dan Erskines cell phone is 208-440-~~4444~~ 4703

Cennie Erskines cell phone is 208-860-0564

Dan Erskine

Cennie Erskine

August 11, 2008

Page 4 of 4

CC, IDWR Document Depository

P.O. Box 83720

Boise, Idaho 83720-0098

Chief, Natural Resources Division

Office of the Attorney General

State of Idaho

P.O. Box 44449

Boise, Idaho 83711-4449

United States Department of Justice

Environment & Natural Resources Division

550 W. Fort Street, MSC 033

Boise, Idaho 83724

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Emmett McCurry
(name of claimant)

of Route #1, Parma, ID, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed drain
tributary to, Boise River

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>0.8 cfs</u>	Use	<u>irrigation</u>	Period of Use:	From	<u>Mar. 15</u>	To	<u>Nov. 15</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.8 cfs cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 4/1 1900

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

- (5) A) Point of diversion: (give location of point where water is diverted from its source) 11W ¼ SW ¼, Sec. 31 Twp. 51N Rgs. 5W B. M. County of CANYON

Additional points of diversion: _____

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field etc.) Give sizes and capacities; be as specific as possible. Check with gravity: flow from ditch from unnamed drain.

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

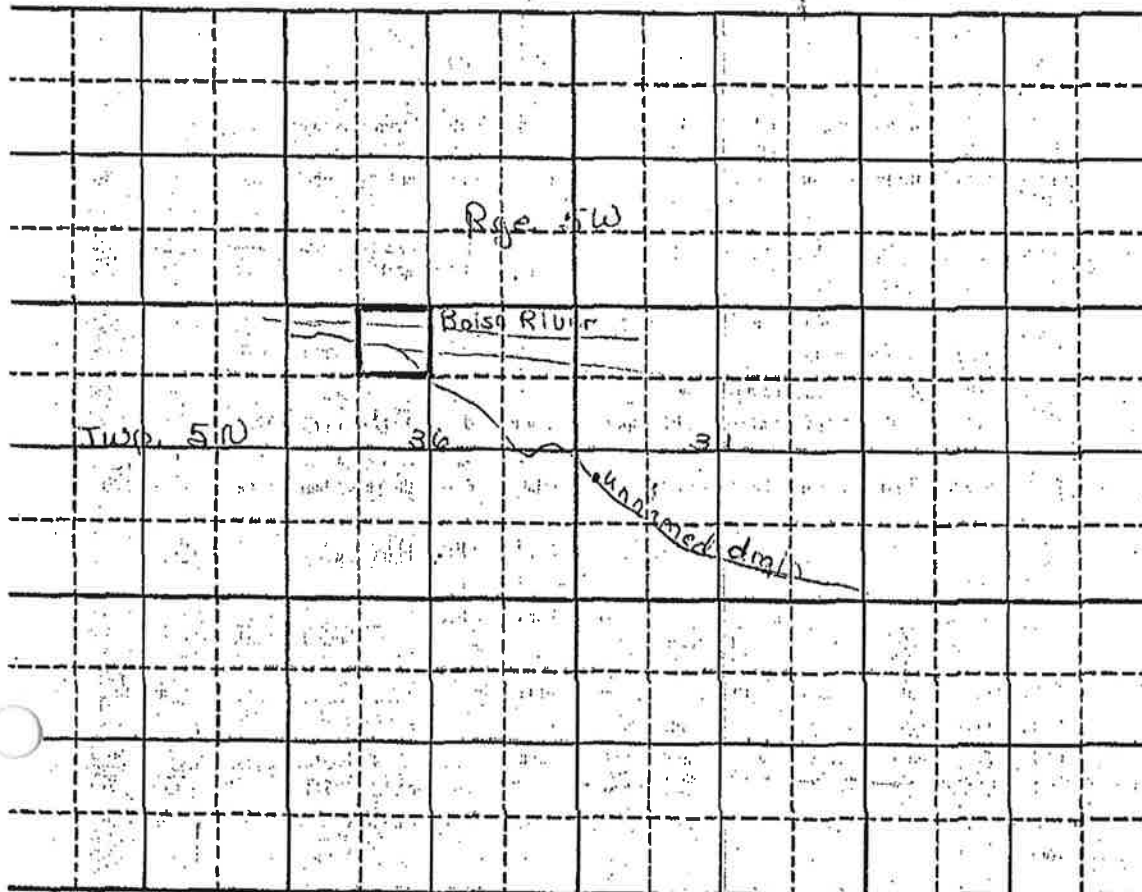
[illegible]

'Total No. of acres' 40

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

(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 25th day of January 19 78.

James T. Williams
Notary Public

Residing at Paris

My commission expires 6-15-81

For Department Use Only

Received by JS

Date 1/25/78

Exception filed by:

Forwarded to:

Date

Prelim. check by JS

Date 1/25/78

claimant by:

\$10.00 fee received by mlh

Date 1/25/78

not # 0293 (paid)

Approved for publication by

Published in Idaho State Gazette

Dates Feb 2 & 9, 1978

EMMETT MC CURRY/
DAN ERSCLINE
24780 BOISE RIVER ROAD
PARMA IDAHO 83660

The property has been bought by Dan Erskine in spring of 2005. Mr. Erskine signed a name change on the date of the exam. Both Mr. Erskine and Mc Curry where present at time of exam. Mr. MC Curry stated that there have been no changes in the water system prior to 1987

Evidence of priority Emmett Mc Curry claims he has owned the property since 1936 where he bought the farm from Joe Sriverer in 1936. Mr. Mc Curry has signed an affidavit. Since the new owner is Mr. Erskine.

Mr. Mc Curry claims that he has farmed and ran an average of 50 head of cattle, 20 horses and 40 sheep on the property since 1936. He came about the priority date of 1900 because the prior owner farmed and ran livestock on the farm prior to Mr. Mc Curry buying the property in 1936. Stock water wasn't filed on due to Mr. Mc Curry having a heart attack at time of filing with the SRBA.

Water Measurement

The land had been watered the same way since 1936. The water comes from eureka drain, enters the north drain, and enters the Dixie slough where the water is shared 50 / 50 with neighbors Pam Myers. They share water for 7 days on and 7 days off at the point of diversion. It flows through a head gate out a 15 inch pipe down a feed ditch that is 24 inches deep and 36 inches wide. At the time of the field exam no Mr. Erskine had the water turned off do to drying up ditch so he could replace it with 15 inch pipe. The point of diversion was at the corner of Texas and Boise river road south. Ditch loss Cal. Might be necessary

Mr. Mc Curry house and livestock water comes from an artesian well that is 200 feet deep with 4 inch pipe that change to a 2 inch pipe. A $\frac{3}{4}$ smith (#c48a96b67) pump is used to pump water to the house and livestock No water is used for irrigation from well.

The arc view map was corrected and land was added across the river that was not highlighted prior the highlighted land cannot be watered from the point of diversion land sits across river. 1939 property was 32.25 acres in 2003 property was 25.78 due to avulsion of Boise River.

Prepared by Merlaine Bishop of the "Idaho Department of Water Resources"

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

AG 3-04595)
Case # 395716)

State of Idaho)
County of)

deposes and says: I Emmett Mc Curry have lived
here ~~and~~ and used the water
since 1936. Used water for
farm and live stock
When I purchased the farm it was
being farmed and watered by
Joe O'Brien Joe Scriven.

Emmett Mc Curry
(Signature)

9/22/2005

9/1/2006

To Water Resources

This letter is to reconfirm the letter I gave to the Water Resources Inspector that came to my place last year. I have watered my entire place since I have owned it. A few years ago I had a fire which damaged a fiberglass pipe that went to my north field. I had Parma Fire Department come out and help me put that out. Since that time we still have watered the north field by pumping water through a 4" pump (until it broke) and since using a 3" pump (Both were trash pumps). Since last year we are in the process of replacing the fiberglass piping (12" diameter) with a 12" P.V.C pipeline. Last year the Inspector took pictures of the fiberglass piping and also took pictures of the 3" pumping system delivering water to the north field. The pictures showed the pump delivering water to the open ditch and the field being irrigated. She also measured the depth and width of the ditches and the culverts going under the roadways. The culverts are 15" in diameter. The 12" P.V.C piping is being placed where the fiberglass pipe was and some still is. This is so we don't have to continue pumping because the cost of fuel. The south field is really good pasture ~~and~~ the north field is also used as a pasture. But it's not of the same quality. Since I have had my heart attack I have not watered the north field as good as I should have but have watered it atleast once a year up to and including this year since I have owned the property. *B. M. Webb Mc Carthy*

From "Idaho Department of Water Resources"

MEMORANDUM

TO: ADJUDICATION FILE 63-4595

FROM: DANIEL A. NELSON

DATE: 9/7/06

SUBJECT: FIELD EXAMINATION

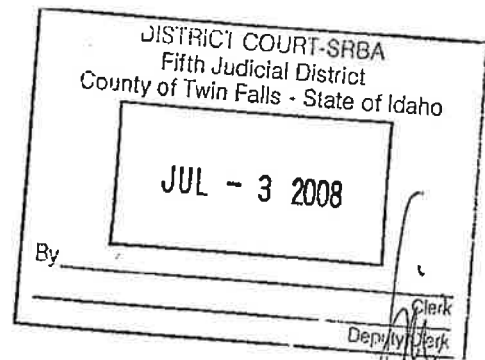
I was asked to go back out and re-examine this claim due to a letter written by a neighbor. The neighbor stated that this ground hasn't been irrigated since a fire burned the pipeline. The burned pipeline is still easily seen on the property, but there is a new pipeline installed on the bank of the slough. A ditch has also been dug along the bank. The grasses in the pasture are currently well watered, and are established grasses, not new seeding. The owner also handed me a statement from the previous owner that stated that they have pumped the water across the slough with a trash pump pictured in the earlier examiners notes.

Taking all of this information into account, I can find no evidence that this ground has not been irrigated since the fire. It is currently a healthy if not overly weedy pasture. All of the grasses, trees and weeds are well established, which suggest that they have been in place quite awhile. I would have no problem recommending the acres on the north side of the slough.

RECEIVED

JUL 08 2008

DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA

Case No. 39576

-) Subcases 63-04595, 63-21534, 63-32837,
-) and 63-32838
-)
-) ORDER GRANTING MOTION TO FILE
-) LATE OBJECTION
-)
-) ORDER GRANTING MOTION TO FILE
-) AMENDED NOTICE OF CLAIM
-)
-) REQUEST FOR AMENDED
-) DIRECTOR'S REPORT FROM IDWR
-)
-) ORDER SETTING STATUS
-) CONFERENCE AND OBJECTION
-) DEADLINES

On June 26, 2008, an initial hearing was held in the above-captioned subcases. At the initial hearing, the claimants of water right 63-32837, Jerrell and Carol Glenn, through their attorney Michael P. Lawrence, moved for permission to file a late objection to the *Director's Report* for water right 63-04595. Based upon the comments of the participants at the hearing, the Jerrell's motion to file a late objection is **granted**.

At the initial hearing, the Jerrells also moved for permission to file an amended notice of claim for water right 63-32837. Again, based upon the comments of the participants at the hearing, the Jerrells motion to file amended notice of claim for water right 63-32837 is **granted**.

The Idaho Department of Water Resources is requested to prepare and file an amended director's report for water right claim 63-32837. The amended director's report should be filed no later than **August 29, 2008**. Notice of the filing of the amended director's report will be published on the Court's Docket Sheet in September, 2008. The

ORDER GRANTING MOTION TO FILE LATE OBJECTION;
ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM;
REQUEST FOR AMENDED DIRECTOR'S REPORT FROM IDWR;
ORDER SETTING STATUS CONFERENCE AND OBJECTION DEADLINES
G:\BASIN FOLDERS\Orders\63ORDERS\4595 et al.grant late objection etc..doc

deadline for filing objections to the amended director's report is **September 29, 2008**.
Responses to any objections are due **October 14, 2008**.

The objections previously filed by the Riverside Irrigation District, and the responses filed by the United States of America, Bureau of Reclamation, shall survive the filing of the amended director's report, and new objections or responses need not be filed by those entities.

A status conference will be held on **Friday, September 5, 2008, at 9:00 A.M.** Mountain Time. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Dated July 3, 2008

THEODORE R. BOOTH

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDERS GRANTING;
REQUEST FOR AMENDED DIRECTOR'S REPORT; ORDER SETTING STATUS
CONFERENCE AND DEADLINES was mailed on July 02, 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

CONNIE R ERSKINE 4595
DAN J ERSKINE
24788 BOISE RIVER RD
PARMA, ID 83660
Phone: 208-454-8712

CAROL L GLENN
R JERRELL GLENN
Represented by:
MICHAEL C CREAMER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

R JERRELL & CAROL L GLENN 39
R JERRELL GLENN
Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

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

JOHN W EICKS) 37
SHEILA CATOZZI
24550 BOISE RIVER RD
PARMA, ID 83660

JANET S COONEY) 21535
PAMELA A MYERS
24747 BOISE RIVER RD
PARMA, ID 83660
Phone: 208-455-2650

ORDER

Page 1 7/03/08

FILE COPY FOR 02015

Deputy Clerk

Julie Murphy

RECEIVED

JUN 27 2008

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 63-4595

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: R. Jerrell and Carol L. Glenn

Address: 24520 Boise River Rd.

Parma, ID 83660

Daytime Phone: 208-459-2838

Name & Address of Attorney, if any:

Givens Pursley LLP

Michael P. Lawrence

P.O. Box 2720, Boise, ID 83701

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

Name: Connie R. and Dan J. Erskine

Address: 24788 Boise River Rd

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: Unnamed Stream, trib. Boise River
3. ☒ **Quantity**
Should be: 0.39 cfs
4. ☒ **Priority Date**
Should be: 8/15/1910
5. ☒ **Point(s) of Diversion**
Should be: NENE Sec. 06, T4N, R4W, B.M., Canyon County
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 14 acres

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):** This water right was established at the same time as water right number 63-32837 (split from water right 63-2139A) and should be decreed with the same priority date, point of diversion, and source as water right number 63-32837. Also, the number of acres in the place of use should be reduced by 6.5 acres due to non-use, and the quantity should be reduced to 0.39 cfs accordingly.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael P. Lawrence, 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 responding 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)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 26, 2008



Lori L. Anderson
Notary Public for Boise Idaho
Residing at: Boise Idaho
My Commission Expires: Aug 23, 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 JUNE 26, 2008, I mailed the original and copies of this response, 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: Connie R. and Dan J. Erskine

Address: 24788 Boise River Rd.

Parma, ID 83660

3. Copies to:

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

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

2008 JUN 24 PM 05:40
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 23, 2008 at 11:00 AM (MT)

SRBA
DISTRICT COURT
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 24, 2008

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

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JUNE 24, 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

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

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

RECEIVED

JUN 19 2007

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

In Re SRBA) A. Subcase 63-4595
(Insert water right number)
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Dan and Connie Erskine
Address: 24788 Boise River Road
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.

F. VERIFICATION (must be completed)

State of IDAHO)
)ss.

County of ADA)

Alber P. BARRE, 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)

Alber P. Barre

(Attorney signing in representative capacity)

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, 200__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Dan and Connie Erskine
Address: 24788 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

2008 SEP 05 AM 09:54
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 NOS: 63-02139A	63-04595
		63-21534	63-32837 63-32838
		63-33078	

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

TUESDAY, DECEMBER 02, 2008 at 10:30 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: SEPTEMBER 05, 2008

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

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

Page 1 9/05/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on SEPTEMBER 05, 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

CAROL L GLENN
R JERRELL GLENN
Represented by:
MICHAEL C CREAMER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

R JERRELL & CAROL L GLENN
R JERRELL GLENN
Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

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

CAROL L GLENN
R JERRELL GLENN
24520 BOISE RIVER RD
PARMA, ID 83660

JOHN W EICKS
SHEILA CATOZZI
24550 BOISE RIVER RD
PARMA, ID 83660

JANET S COONEY
PAMELA A MYERS
24747 BOISE RIVER RD
PARMA, ID 83660
Phone: 208-455-2650

CONNIE R ERSKINE
DAN J ERSKINE
24788 BOISE RIVER RD
PARMA, ID 83660
Phone: 208-454-8712

09/14/2006

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

RIGHT NUMBER: 63-4595

NAME AND ADDRESS: CONNIE ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

DAN ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 03/01/1910

POINT OF DIVERSION:

T05N R05W S36 NESE 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	0.520 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S36 Lot 3 NENW 20.50

20.5 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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

The portion of Right 63-4595 used for conveyance losses is .11 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

WATER RIGHT NUMBER: 63-4595 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EMMETT R MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	CONNIE ERSKINE 24780 BOISE RIVER ROAD PARMA, ID 83660
Original Owner	MARY N MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	DAN ERSKINE 24780 BOISE RIVER ROAD PARMA, ID 83660

Priority Date: 03/01/1910

Basis: Beneficial Use

Status: Active

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

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

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION Within CANYON County

T05N R05W S36 Lot 3 NENW 20.5

Total Acres: 20.5

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.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. X56 The portion of Right 63-4595 used for conveyance losses is .11 cfs.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4595 V1

Comments:

1. vmusic 9/14/2006 EVIDENCE OF PRIORITY

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

2. vmusic 9/14/2006 ACC TRX POD

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

3. vmusic 9/14/2006 ACRES

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/14/2006 3:17:56 PM	vmusic			Active
Priority Date	9/14/2006 3:18:40 PM	vmusic			Active
POD	9/14/2006 3:22:02 PM	vmusic			Active
Source	9/14/2006 3:24:36 PM	vmusic			Active
POU	9/14/2006 3:25:07 PM	vmusic			Active
Use	9/14/2006 3:27:30 PM	vmusic			Active
Season	9/14/2006 3:28:22 PM	vmusic			Active
Quantity	9/14/2006 3:29:15 PM	vmusic			Active
Summary			09/14/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/14/2006 3:17:56 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
POD	9/14/2006 3:23:03 PM	vmusic	Updated shape
POU	9/14/2006 3:26:38 PM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

General	9/14/2006 3:18:41 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - 63-2139 LICENSE AND STATEMENT FROM PRIOR OWNER
Source	9/14/2006 3:24:36 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FIELD EXAM 2005 AND 2006
POU	9/14/2006 3:25:07 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIALS, FIELD EXAMS
Use	9/14/2006 3:27:30 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FIELD EXAMS, AERIALS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4595 V1

Season	9/14/2006 3:28:22 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/14/2006 3:29:15 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - SEE FIELD EXAM 2005 NOTES
Summary	9/14/2006 3:35:14 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	9/14/2006 3:22:02 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? Description for Question 6 - OLD POD DRIED UP AT SOME TIME. TRANSFER AT LEAST 1936 MAYBE BEFORE

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: 63-4595

CONNIE ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

DAN ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

RECEIVED
OCT 26 2006
WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 10/6/2006

SIGNATURE:

Dan J. Erskine / Connie Erskine

Please print your name:

Dan J. Erskine / Connie Erskine

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 28, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

DAN AND CONNIE ERSKINE
24780 BOISE RIVER ROAD
PARMA ID 83660

COPY

**RE: FIELD EXAM REQUEST FOR SNAKE RIVER BASIN ADJUDICATION
(SRBA) CLAIM NUMBER 64-4595**

Dear Mr. and Ms. Erskine:

I have tried several times to contact you to set a time to perform a field inspection of your SRBA claim 63-4595. I have spoken to Mr. Erskine, but have not been able to set a time to come out verify this claim. Without verification of your water right the agent working on your SRBA claim may be required to reduce or disallow this claim.

Our agencies is under a very strict deadline that requires that I perform the field exam for this claim, or return the claim to the agent with a designation of no beneficial use found. I want to give you every opportunity to pursue this water right through to fruition, but unfortunately, I cannot wait any longer. **If I cannot perform the field exam by 9/11/2006, I will be forced to return the claim to be disallowed or reduced. Please contact me at the above address as soon as possible to set an appointment to examine this water right.** My schedule is very limited, so the sooner you call the better chance you will have to comply with the 9/11/2006 deadline.

If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 8, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Dan and Connie Erskine
24780 Boise River Rd
Parma, ID 83660

Notice of Claim to a Water Right No. 63-4595
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,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

AG3-04595

RECEIVED

MAY 04 2006

WATER RESOURCES
WESTERN REGION

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	AG3-04595				

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) Emmett McCurry
4. New Owner/Claimant(s) Dan & Connie Erskine
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 24780 Boise River Road
- City, State and ZIP Code Parma, Idaho 83660
- New Telephone Number (208)-454-8712 Cell-208-440-4703
5. Date you acquired the property 2-15-2005

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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 lg Date 5-4-06 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by lg AJ Date 6-8-06 WR _____ Date _____

AFTER RECORDING MAIL TO:

Danny J. Erskine and Constance R. Erskine
3104 South Montana Avenue
Caldwell, ID 83605

WARRANTY DEED

File No.: **4101-527500 (RPA)**

Date: **February 15, 2005**

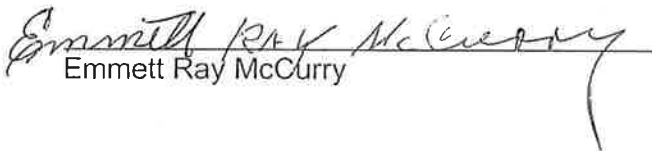
For Value Received, **Emmett Ray McCurry, a widower**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Danny J. Erskine and Constance R. Erskine, husband and wife**, hereinafter referred to as Grantee, whose current address is **3104 South Montana Avenue, Caldwell, ID 83605**, the following described premises, situated in **Canyon County, Idaho**, to wit:

Government Lot 3 in Section 36, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho.

RESERVING A LIFE ESTATE

APN: **R 39228000 0**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


Emmett Ray McCurry

APN:

Warranty Deed
- continued

File No.: **4101-527500 (RPA)**
Date: **02/15/2005**

STATE OF Idaho)
SS.

COUNTY OF Ada)

On this **Seventeenth** day of **February, 2005**, before me, a Notary Public in and for said State, personally appeared **Emmett Ray McCurry**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: Boise, ID
My Commission Expires:

COPY

CONTRACT OF SALE

THIS AGREEMENT, MADE AND ENTERED INTO THIS 10th day of February, 2005, by and between EMMETT McCURRY, of Parma, Canyon County, Idaho, party of the first part, hereinafter referred to as "Seller," and DANNY J. ERSKINE and CONSTANCE R. ERSKINE, husband and wife, of 3104 S. Montana Avenue, Caldwell, Canyon County, Idaho, the parties of the second part, hereinafter referred to as "Buyers."

WITNESSETH:

PREMISES:

That for and in consideration of the covenants and agreements hereinafter contained, to be kept and performed by the parties hereto, Seller agrees to sell and Buyers agree to purchase the following described real property located in Canyon County, State of Idaho, being particularly described as follows:

Lot Three (3), Section Thirty-six (36), Township Five (5) North, Range Five (5) West of the Boise Meridian, in Canyon County, Idaho;

Together with all water, water rights, ditches and rights of way for ditches, all minerals, and all miner rights appurtenant thereto or in anywise appertaining.

PURCHASE PRICE:

The buyers shall pay to Seller for the premises, a total purchase price of Two Hundred Thousand dollars (\$200,000.00).

(a) Buyers shall pay the sum of \$556.56 per month for a period of 360 months, with no interest due thereon., effective upon the execution of this contract..

(b) Buyers shall pay off the existing medical lien secured by the above-mentioned real property, in the amount of \$24,133.26 (plus any additional accrued interest), which sum shall operate as a pre-payment of the first forty-three (43) monthly installments due hereunder. The 44th payment shall be the difference the actual amount of the lien on the date paid, minus the total of the previous 43 payments. The 45th payment, and all payments thereafter shall be at the aforementioned rate of \$556.56 per month

(c) All payments, except for the aforementioned medical lien payoff, shall be paid to the escrow holder hereinafter named.

(d) The Buyers shall have an absolute pre-payment privilege, and all pre-payments shall be credited to the next payment coming due.

LIFE ESTATE TO SELLER:

Buyers agree to purchase said property, subject to Seller retaining a "Life Estate" in such property, allowing him to continue residing upon said property for the remainder of his natural life, or until, for medical reasons, he is no longer able to remain there, and/or until he voluntarily relinquishing said right.

TAXES AND ASSESSMENT:

The Seller agrees that he will pay all taxes, assessments and water charges levied and assessed against said property for the year 2004 and prior thereto. Buyers to pay all such taxes, assessments and water charges, before they become delinquent for the year 2005 and thereafter during the term of this contract.

FIRE INSURANCE:

Buyers agree that they will keep the buildings and improvements situate on the above-described property insured against loss by fire, in a reliable insurance company, in an amount not less than \$200,000.00, payable first to Sellers and second to Buyers, as their respective interests may appear, and Buyer further agrees that they will pay the premiums thereon when due.

EVIDENCE OF TITLE:

The Seller shall immediately furnish to the Buyers as evidence of title, a title insurance policy issued after the date hereof by a reliable title company, insuring the Buyer in the sum of the purchase price of the premises against all losses the Buyers might sustain by reason of any defects in the Seller's title to the premises, subject only to the usual printed exceptions contained in such policies and any other exceptions expressly set forth herein.

IMPROVEMENTS:

Any improvements which may hereinafter be made on said property, including any buildings or structures which be placed thereon, at the time they are so made, placed or done, shall become part of the realty and be governed by the terms and conditions of this contract relating to default and forfeiture. Each of the parties hereto covenant and agree that they will not do anything which might result in the title to said premises being encumbered or clouded in any way.

POSSESSION:

Seller agrees to deliver possession of the above-described premises to Buyers on or before the 1st day of March, 2005, subject to the aforementioned "Life Estate," and Buyers shall be entitled to possession thereafter as long as they are not in default in any of the covenants or agreements herein contained. Buyers covenant they will not commit nor will they allow any

other person to commit any waste or destruction of the premises, and they will maintain the present improvements at all times in their present condition, reasonable wear and tear and unavoidable casualty not the fault of Buyers excepted. Seller, or his authorized agents, shall have the right to go upon said property at reasonable times and at reasonable intervals for the purposes of inspecting the same.

ESCROW HOLDER:

The parties shall forthwith deposit the original of this contract, the deed to the Buyer, and, when available, all other instruments called for by this contract, in escrow with the _____, at _____, Idaho, which is designated as the escrow holder. The parties shall forthwith execute the escrow agreement used by the escrow holder, which shall provide that the Buyers and the Seller shall each pay one-half of the initial escrow fee, and the Sellers shall pay the collection fee charged hereafter by the escrow holder. The escrow holder is instructed and directed as follows: To deliver to the Buyers all instruments deposited in escrow when the Buyers have performed each and every term of this contract to be performed by the Buyers; if a forfeiture is declared and becomes effective as herein provided, then to deliver to the Sellers all of the instruments deposited in escrow.

DEFAULT:

If the Buyers shall for any reason fail to perform any of the agreements herein which are to be performed by the Buyers, the Buyers shall be in default. Upon default occurring, the Seller may deliver to the escrow holder, in duplicate a written notice of default, direct to the Buyers and specifying the matters constituting the default. The escrow holder shall, upon receipt of the notice of default, in duplicate, immediately mail one copy of the notice of default by registered mail with postage prepaid thereon addressed to the Buyer at Parma, Idaho, or at such other address as the Buyers may hereinafter leave in writing with the escrow holder.

FORFEITURE:

Buyer shall have sixty (60) days after the date of mailing the notice of default, within which to correct the matters constituting the default. If the default is not corrected within that time, the Sellers may, without further notice, declare the entire balance due hereunder as immediately due and payable and recover the same, if necessary, by action at law, or the Seller may, without further notice, declare this contract and all rights of the Buyers hereunder forfeited. If the forfeiture is declared, all rights acquired in the premises by the Buyers, as well as all payments of principal and interest and all buildings, fixtures and improvements placed upon the premises by either the Buyer or the Seller shall be forfeited to and shall be retained by the Sellers as liquidated damages for the use of any injury to the premises, and the Seller shall be entitled to immediate possession thereof and shall be released from all liability to convey the premises to the Buyers. From the date of such forfeiture, the Buyers shall be deemed to be the tenant of the Seller holding over after the expiration of their lease, and shall be subject to dispossession under the laws relating to forcible entry and unlawful detainer. These remedies shall not be construed as being exclusive.

REPRESENTATION:

The Buyers acknowledge that neither the Seller nor any of the Seller's agents have made any representation to the Buyers concerning the premises except such representations as are expressly set forth herein and that the Buyers, in purchasing the premises, are relying solely on the Buyers' own inspection, investigation and judgement.

ASSIGNMENT:

No assignment of this contract shall be valid without the written consent of the Seller.

INTERPRETATION:

Paragraph headings herein are intended only as a handy reference index and shall not control the interpretation or limit the meaning of any term of this contract. Singular terms used herein which relate to the Seller and the Buyers shall be read as if written in the plural when necessary.

TIME OF ESSENCE:

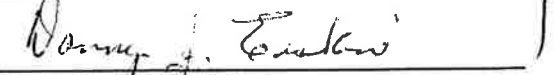
Time and prompt performance of each and every covenant, condition and agreement herein contained is of the essence in this contract.

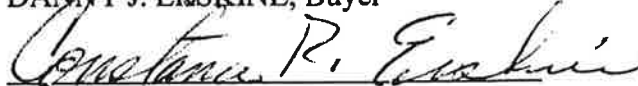
BINDING EFFECT:

This agreement shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.


EMMETT McCURRY, Seller


DANNY J. ERSKINE, Buyer


CONSTANCE R. ERSKINE, Buyer

STATE OF IDAHO)
 : ss.
County of Canyon)

On this 10th day of February, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared EMMETT McCURRY, DANNY J. ERSKINE and CONSTANCE R. ERSKINE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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




Notary Public for Idaho
Residing at: Bose, Idaho
My Commission expires: 01-30-09

Fee

W009588

Today filed Appl. for permit 2/27/90, but this
\$50 should be applied to

02/27/90
08:31:54

\$75 fee for A63-04595.

Other \$25 paid 3/15/90, # W011151.

SL

MC CURRY, EMMETT R.

ADJUDICATION CLAIM FEE
APPLICATION FOR PERMIT

0410162 9337 6490
0620199 1238 6390

\$25.00
\$50.00

Need to change to adjust code

\$75.00

CHECK 267

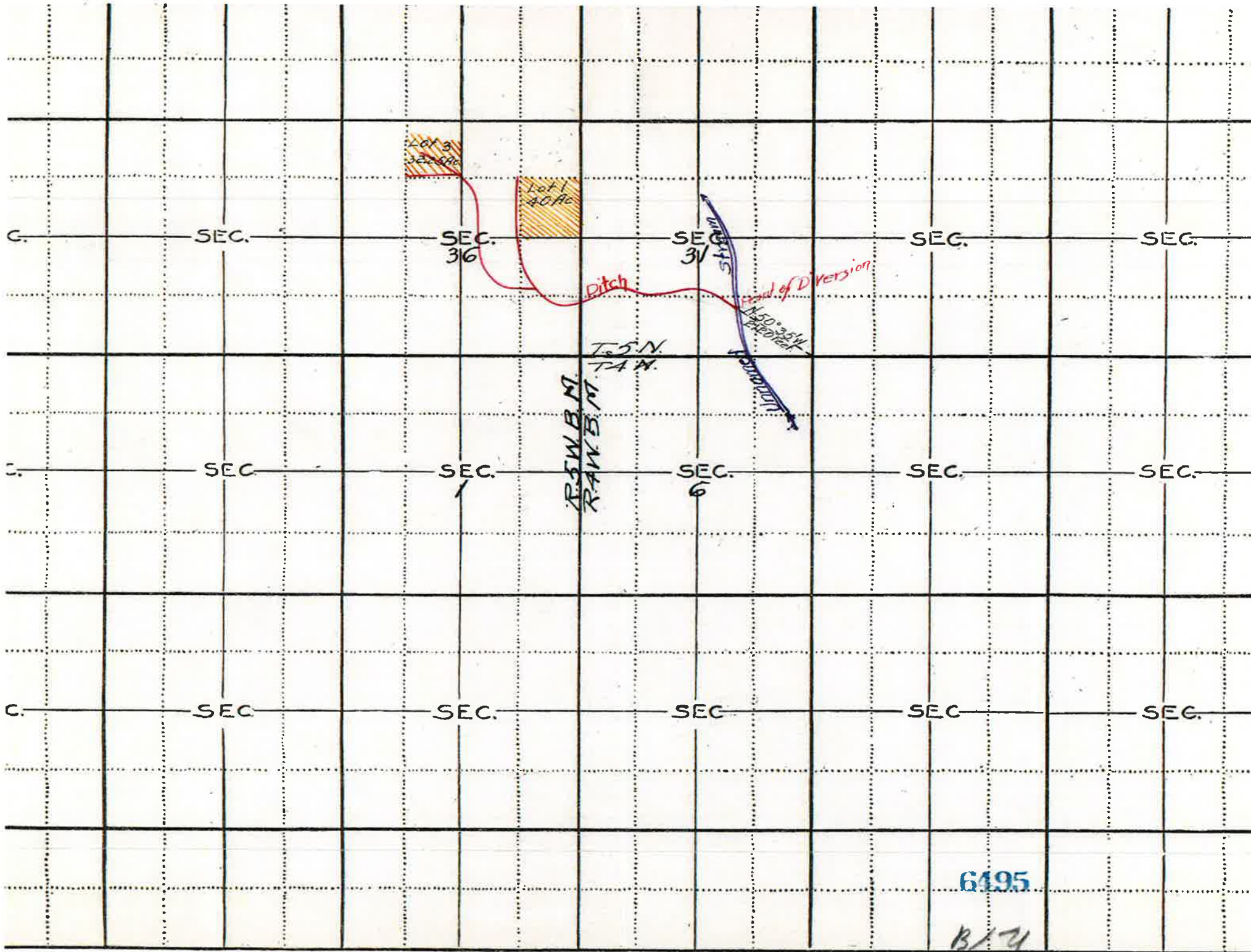
Idaho Department of Water Resources

Region: WESTERN

Signature: _____

MICROFILMED

AUG 20 1992



Desktop review/vlm

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

Prior to Field Exam

- NA*
- ☒ 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) 63-4505

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER C/O processed for Erskins
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

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: claimed 4-1-1900. advanced to 3-1-1936

(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

- were close to point of diversion*
- ☒ No change
 - ☐ POD found is different than claimed: SESE/NESE RQ line. rec NESE – believe this is true
 - ☐ 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 GPS ID

Description of diverting works

see field exam 8-15-05

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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 1.48 From 311 To 11/15 Amount .49 CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use .41 From _____ To _____ Amount _____ CFS _____ AFA

$$(20.5 \text{ (9ac)}) (.02) = .38 \text{ cfs} + .11 \text{ cfs ditch loss} = .49 \text{ cfs}$$

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:

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: _____

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

Delivery System Narrative: see field exam notes 9-15-05

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

~~DOB~~ X56 ditch loss - amount for conveyance loss is .11 cfs

correct trx in PCD = 1936

- LICENSE 63-2139
1910

- (1) advanced priority date to 1935 based on evidence of priority submitted. Clearly irrelative in 1939 appeal.
- (2) see calculation below for ditch loss

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

DATE EXAM CONDUCTED:

9-14-06

FIELD EXAMINER:

Wick Lucca

measured length of ditch from POD to where ditch enters property on East from Arcview = $3985.3' / 5280' \text{ in mi} = .755 \text{ mi of ditch}$

$S = \text{ditch loss}$. $S = (w)(l)(.0667) = \text{cts loss/mile}$. ditch = 2.3' wide on site
Assumed medium soil'

$$(2)(1)(.0667) = 0.13 \text{ cts/mi} \times .75 = .1$$

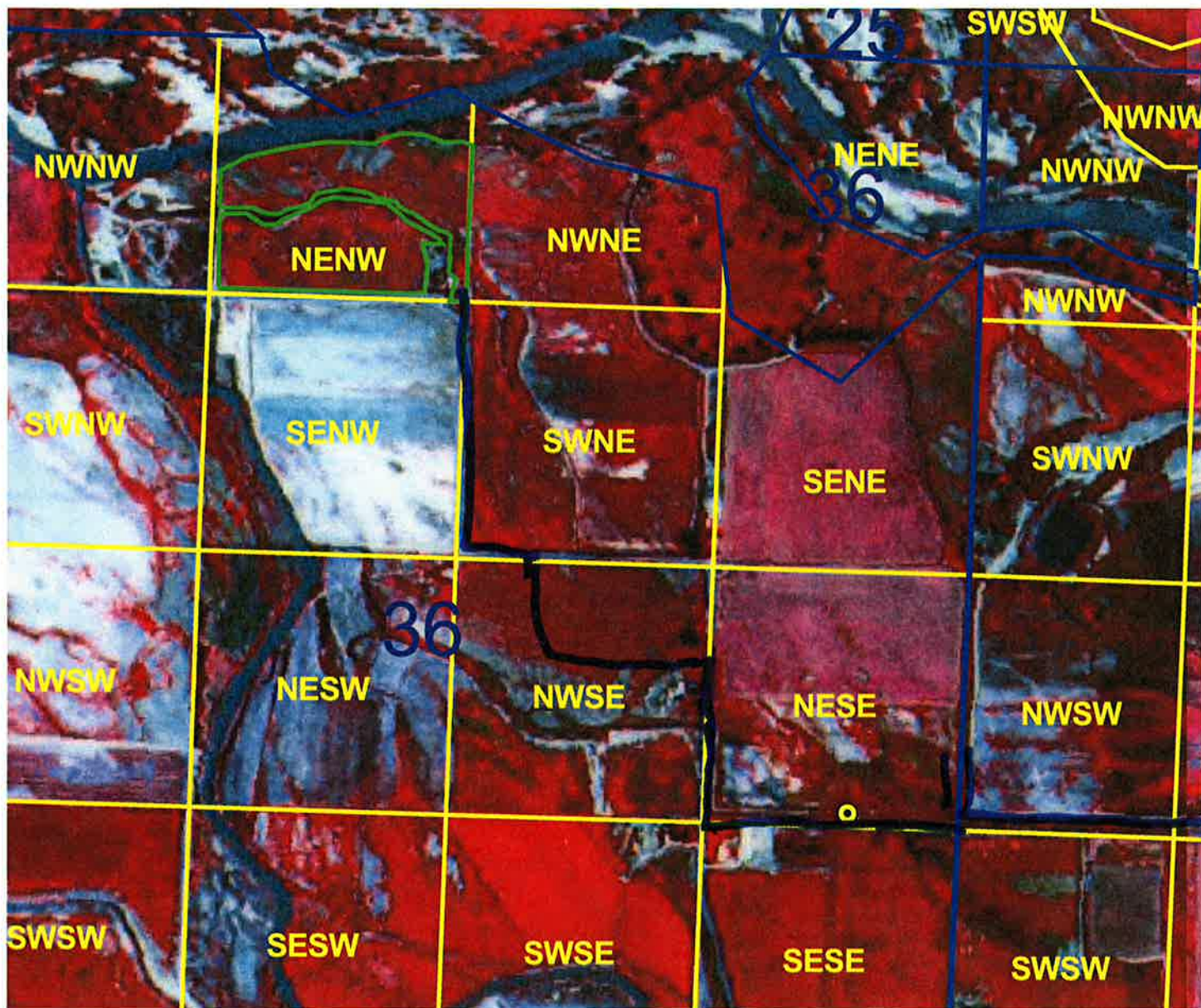
$$(2.3)(1)(.0667) = .15 \text{ cts/m} \times .75 = .11$$

$$\begin{array}{r} 20.5 \\ (19.1)(.02) = .38 \text{ cts} + .11 \text{ ditch loss} = .49 \text{ cts} - \text{Very Conservative} \\ .52 \end{array}$$



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTION 36
Water Right: 63-4595



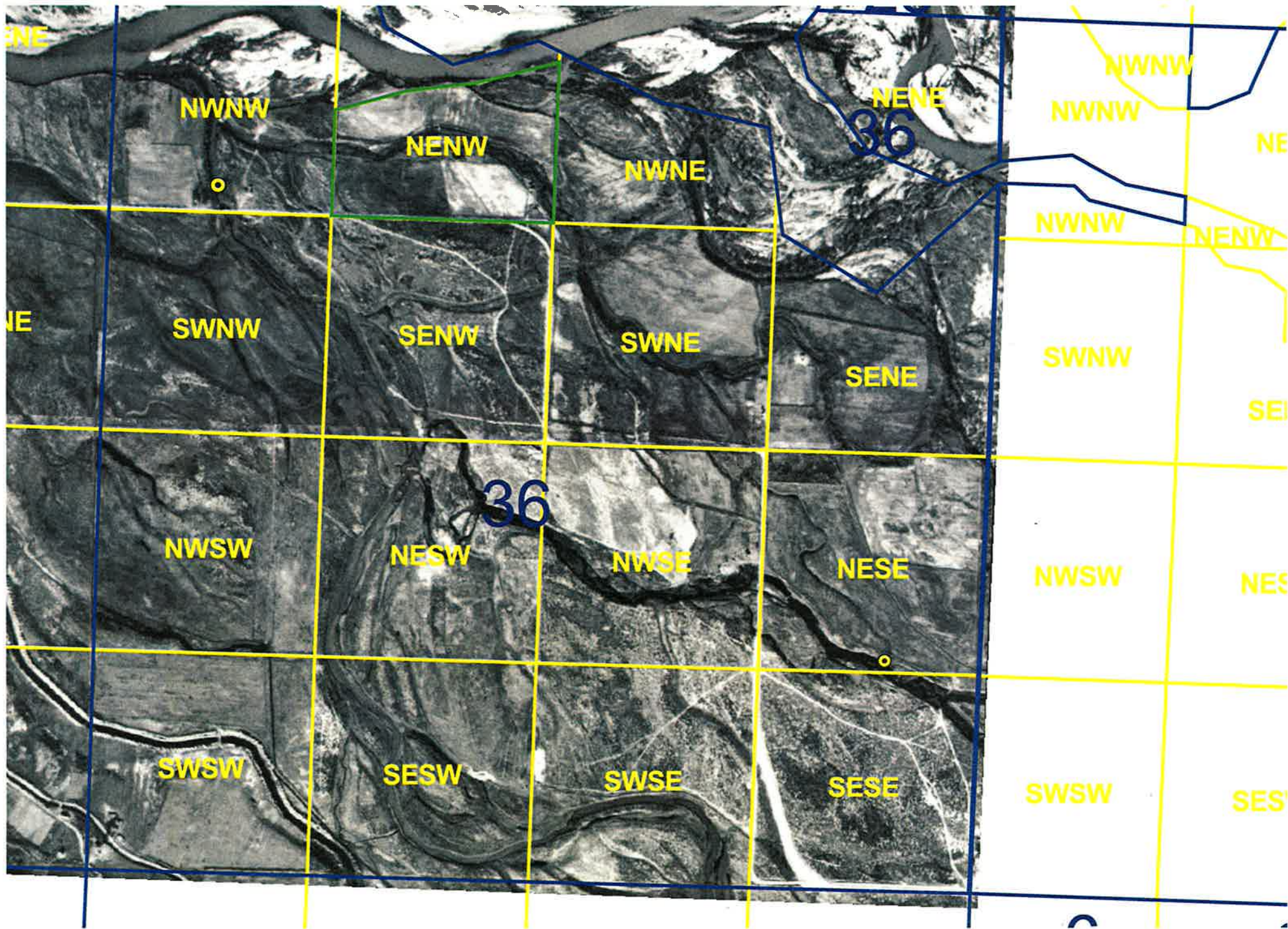
1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 20.5

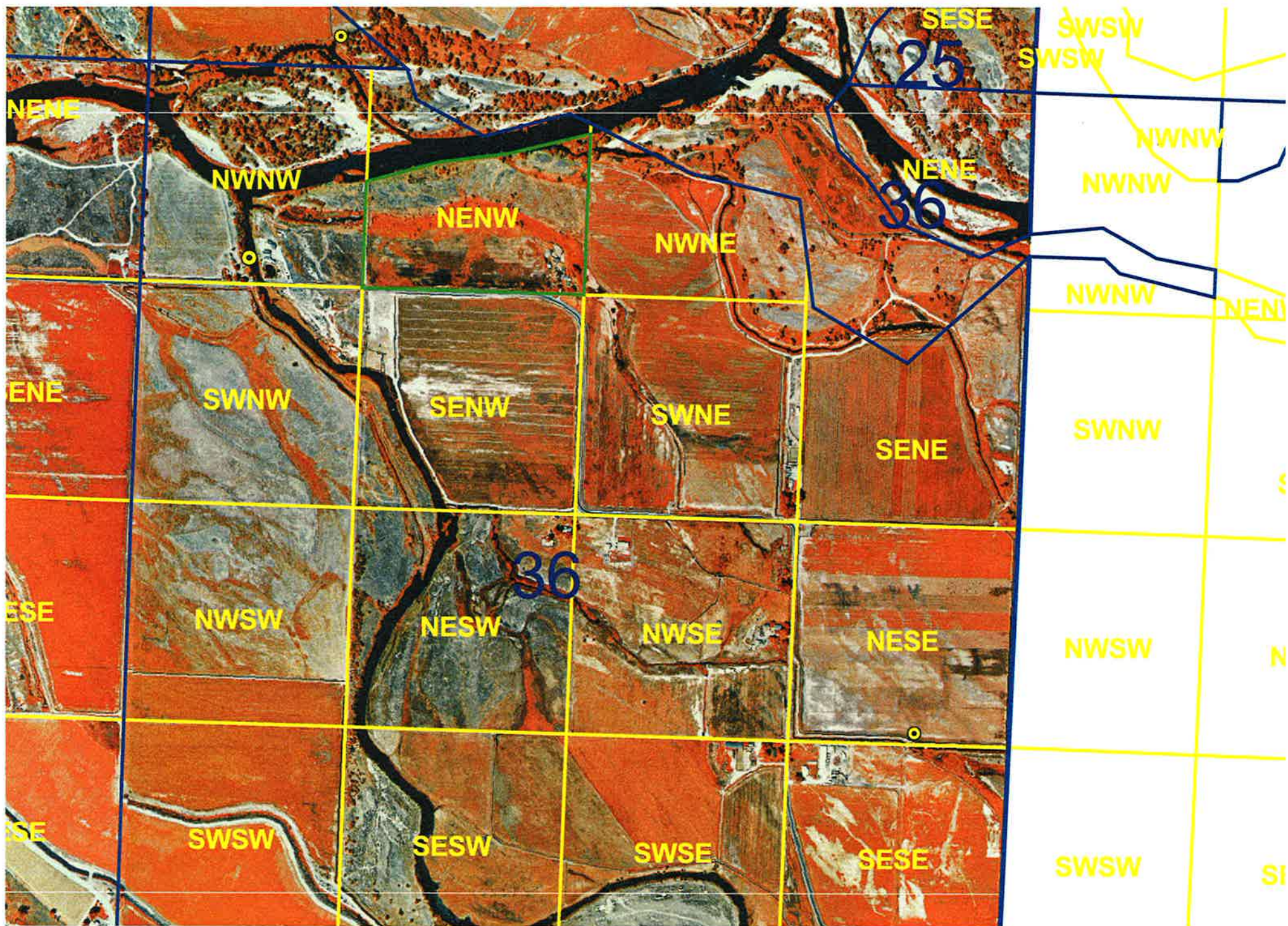


- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

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



63-4595 -- 1939 AERIAL - POU IS NOT IN AN IRRIGATION CO SERVICE AREA. CLEARLY IRRIGATED - ABOUT 25 ACRES.



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4595

WATER RIGHT NUMBER: 63-4595

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EMMETT R MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	CONNIE ERSKINE 24780 BOISE RIVER ROAD PARMA, ID 83660
Original Owner	MARY N MC CURRY 24780 BOISE RIVER RD PARMA, ID 83660 (208)722-5358
Current Owner	DAN ERSKINE 24780 BOISE RIVER ROAD PARMA, ID 83660

Priority Date: 06/01/1900

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	to 11/15	0.800 CFS	.41
			<u>Total Diversion:</u>	0.800 CFS

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within CANYON County

T05N R05W S36 Lot 3 NENW 25.0

Total Acres: 25

Conditions of Approval:

14-20.5
 X50 ✓
 005 - ditch loss
 003 acc trx in POD around 1936 -
 maybe before.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4595

1. POINT OF DIVERSION HAS BEEN SINGLE POINT ON 1/4-1/4 LINE, CLAIM SHOWS HISTORICAL POINT WHICH IS TRANSFER FROM PREVIOUSLY SHOWN DIVERSION POINT. FLOW GREATER THAN 1" PER ACRE IS CLAIMED AS DITCH LOSS. WATER IS KEPT FROM DITCH EXCEPT WHEN NEEDED TO IRRIGATE, THEN HEADGATE IS OPENED. RECORD SHOWS PART OF 63-02139B ON SAME LAND. EXAM REPORT FOR LIC. 63-02139 SHOWS P/D AS UNNAMED STREAM AT POINT IN SE1/4 S.31, T5N, R4W. UNNAMED STREAM NO LONGER FOUND AND DOES NOT SUPPLY WATER TO CLAIMANTS' LAND. CLAIMANT DOES NOT WANT TO CLAIM A PART OF THE 1910 63-02139B. FEE IS FROM 3/15/90 PAYMENT (\$25) & 2/27/90 PAYMENT (\$50 FROM RECEIPT W009588).
2. CHANGE IN OWNERSHIP 6-8-2006 LG

Remarks:

Comments:

Water Supply Bank:

3985'.3 From POD to E boundary where ditch crosses property. $3985.3 / 5280 = .755 \text{ mile}$
 $S = (w)(l)(.0667) = \text{cfs/mi}$ $(2')(1)(.0667) = 0.13 \text{ cfs/mi} \times .75 \text{ mi} = .1$
 $(2.3)(1)(.0667) = .15 \text{ cfs/mi} \times .75 = .11$

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4595

09/14/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-4595	Claim	05N	05W	36	NE	SE		UNNAMED DRAIN BOISE RIVER	CONNIE ERSKINE
63-4595	Claim	05N	05W	36	SE	SE		UNNAMED DRAIN BOISE RIVER	CONNIE ERSKINE
63-20804	Claim	05N	05W	36	SE	SE		GROUND WATER	DORIS I GOFF
63-20804	Water Right	05N	05W	36	SE	SE		GROUND WATER	THOMAS H GOFF

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4595**

09/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4595	Water Right	05N	05W	36	NE	NW		IRRIGATION	40/40	EMMETT R MC CURRY
25749	Water Right	05N	05W	36	NE	NW		STOCKWATER		EMMETT R MC CURRY
25749	Water Right	05N	05W	36	NE	NW		DOMESTIC		EMMETT R MC CURRY
4595	Claim	05N	05W	36	NE	NW	3	IRRIGATION	25/25	CONNIE ERSKINE
2139B	Water Right	05N	05W	36	NE	NW	3	IRRIGATION	30/70	WARREN D HATHAWAY

RECEIVED

MAY 11 2005

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho, 83705

Re: Adjudication Claim Report 63-4595

Dear Sir:

I object to this Statutory Claim as submitted for the following reasons:

1. A maximum of 15.4 acres was ever irrigated.
2. Since 1978 only 8.9 acres have been irrigated. While burning weeds in the spring of 1978, Mr. McCurry burned the fiberglass pipe that transported water across a slough to the 6.5 acre field next to the Boise River.

No attempt has been made during the past 27 years to irrigate the said 6.5 acres. This clearly abandons, under Idaho Statute, the water right to this 6.5 acre field.

In addition to abandoning the water right, Mr. McCurry also abandon the ditch right-of-way to convey said water across private property owned by others.

3. As to priority date, the claimed date is June 1, 1900. Please note that Section 36 is a school section granted to the state of Idaho. The Idaho Department of Lands conveyed Mr. Curry's property to a Mr. John Bowman in 1907 making the 1900 date impossible.
4. The time of use is claimed to be March, 15th to November, 15th each year. The normal irrigation season is April, 15th to October, 1st of each year.

In the 29 years I have lived here, Mr. McCurry has never used water outside of this April, 15th to October, 1st time frame.

Sincerely,

R. Gerrell

MEMORANDUM

TO: ADJUDICATION FILE 63-4595

FROM: DANIEL A. NELSON

DATE: 9/7/06

SUBJECT: FIELD EXAMINATION

I was asked to go back out and re-examine this claim due to a letter written by a neighbor. The neighbor stated that this ground hasn't been irrigated since a fire burned the pipeline. The burned pipeline is still easily seen on the property, but there is a new pipeline installed on the bank of the slough. A ditch has also been dug along the bank. The grasses in the pasture are currently well watered, and are established grasses, not new seeding. The owner also handed me a statement from the previous owner that stated that they have pumped the water across the slough with a trash pump pictured in the earlier examiners notes.

Taking all of this information into account, I can find no evidence that this ground has not been irrigated since the fire. It is currently a healthy if not overly weedy pasture. All of the grasses, trees and weeds are well established, which suggest that they have been in place quite awhile. I would have no problem recommending the acres on the north side of the slough.

9/1/2006

To Water Resources

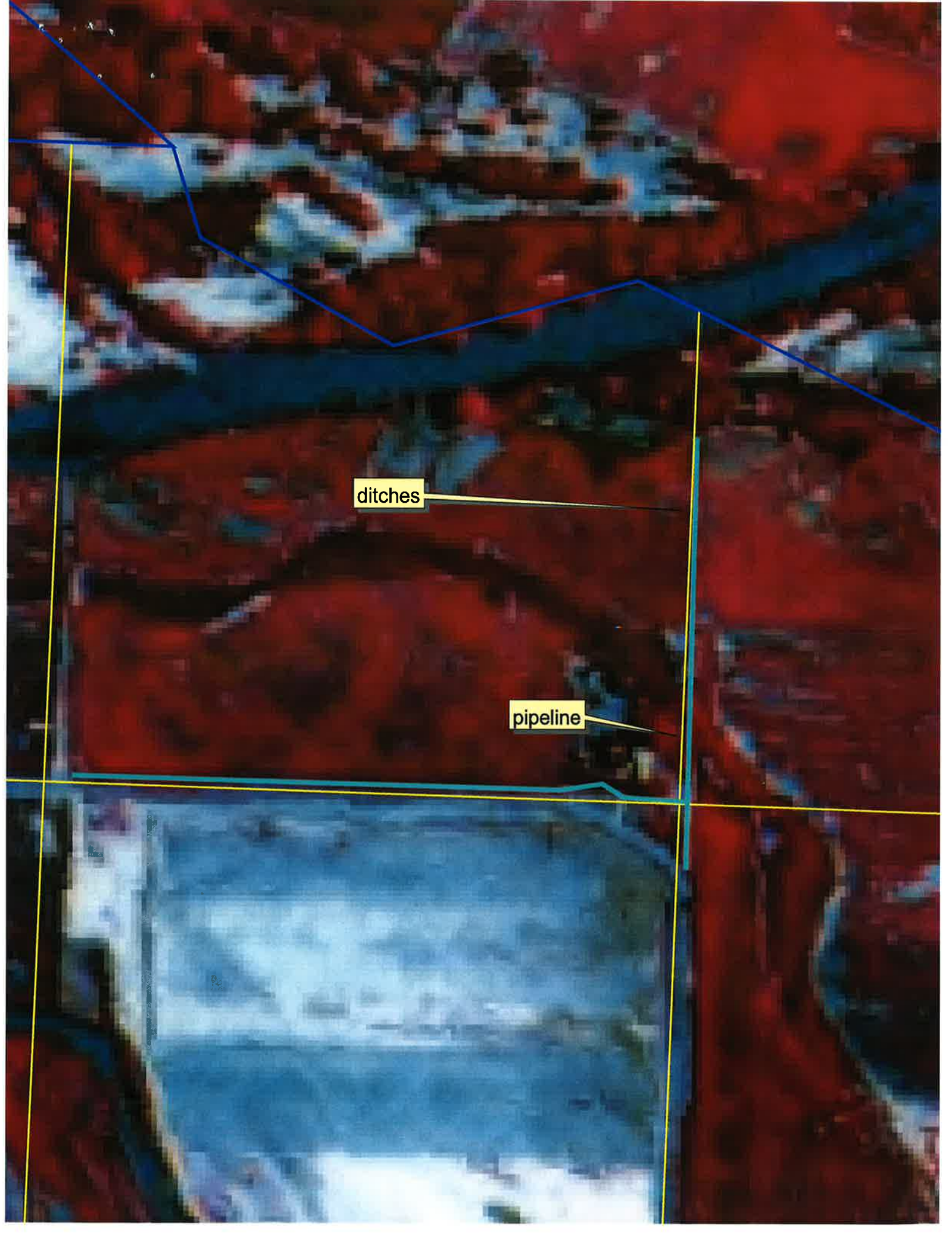
This letter is to reconfirm the letter I gave to the Water Resources Inspector that came to my place last year. I have watered my entire place since I have owned it. A few years ago I had a fire which damaged a fiberglass pipe that went to my north field. I had Parma Fire Department come out and help me put that out. Since that time we still have watered the north field by pumping water through a 4" pump (until it broke) and since using a 3" pump (Both were trash pumps). Since last year we are in the process of replacing the fiberglass piping (12" diameter) with a 12" P.V.C pipeline. Last year the Inspector took pictures of the fiberglass piping and also took pictures of the 3" pumping system delivering water to the north field. The pictures showed the pump delivering water to the open ditch and the field being irrigated. She also measured the depth and width of the ditches and the culverts going under the roadways. The culverts are 15" in diameter. The 12" P.V.C piping is being placed where the fiberglass pipe was and some still is. This is so we don't have to continue pumping because the cost of fuel. The south field is a really good pasture ~~and~~ the north field is also used as a pasture. But it's not of the same quality. Since I have had my heart attack I have not watered the north field as good as I should have but have watered it atleast once a year up to and including this year since I have owned the property.

Jim Mott McCreary



T5N R5W S36 NENW
17 acres

This is an aerial photograph of a rural landscape. A specific parcel of land is highlighted with a green outline. The parcel is irregular in shape, with a large rectangular section at the bottom and a more complex, jagged top boundary. The land within the green outline appears to be a mix of dark green fields and some bare, brownish ground. Surrounding the highlighted area are various other features: a winding road or path to the left, a large body of water or a very flat, light-colored area below the highlighted parcel, and other fields and some small structures in the distance. Yellow lines are drawn across the image, likely representing section boundaries. Blue lines are also visible, possibly indicating property lines or other boundaries. The overall scene is a typical rural landscape with agricultural land and some natural features.



ditches

pipeline

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/6/2006

FILE NUMBER 63-4595



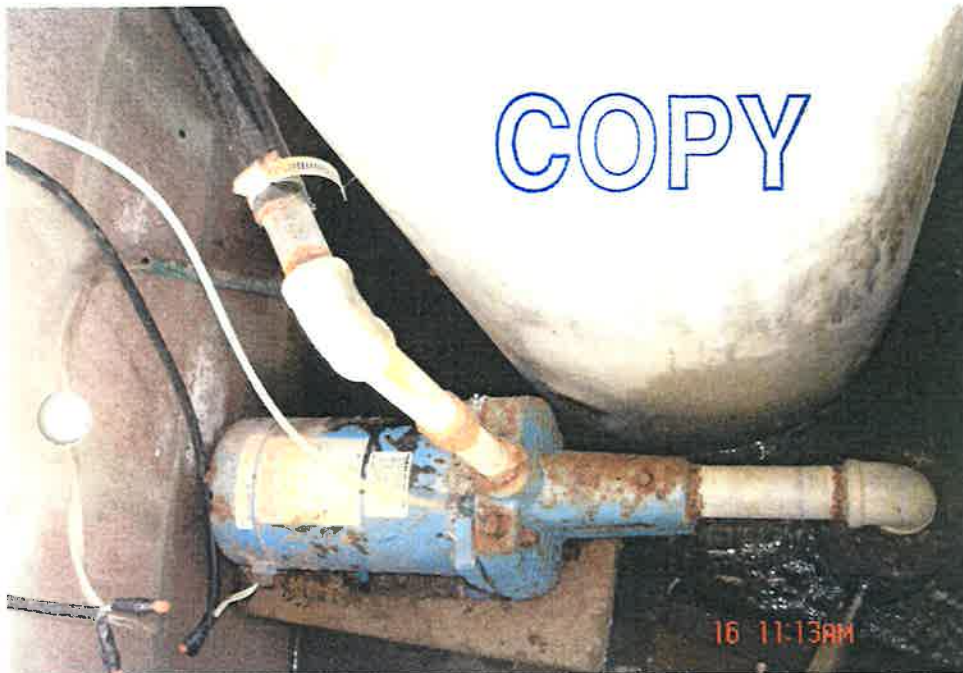
The upper photo is of the point where water comes into pipeline for the north property. This is the same ditch shown in the earlier exam with the ditch dimensions, and coming under the road showing a 15-inch culvert. The top picture is taken at the other end of that ditch on the other side of the corral.



The second photo is the same photo that showed the burned pipe. The earlier examiner didn't take a picture of the new pipe that was installed.

The bottom picture shows the field on the north side of the slough. It is clearly being irrigated, the grass is well established and the ditch was wet. This area has clearly been irrigated over the past few years to establish this mature grass.





COPY

Serial # G48A96B67 3/4 Smith Pump



30 in w/

15 inch Pipe



Well house
Artition well 200 feet deep



new
ditching
this way

replacing feed ditch w/ pipe

FIELD EXAM MEMO

DATE: 7/14/2006

TO: Dan Nelson

FR: Lori Graves

RE: A63-4595

Merlaine has been out on this one and conducted a Mannings measurement showing ditch capacity. The file looked ready for the CVR, however, Liberty came across an objection to the claim submitted by Jerry Glenn that questions the number of acres historically irrigated. Merlaine's exam did not show a detailed system diagram or specify acres irrigated. Could you please investigate Jerry's objection. Thanks Dan.

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

Case # AG3-04595)
39576)

State of Idaho)
County of _____)

deposes and says: I Emmett Mc Curry have lived
here and used the water
since 1936. Used water for
farm and live stock
When I took the farm it was
being farmed and watered by
Joe O'By Joe Brewer.

Emmett Mc Curry
(Signature)

9/22/2005

**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) A63-04595Owner: Emmett McCurry Phone No. 208-722-5358Current Address: 24780 Boise River Road Parma ID 83660

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER DAN Erskine (cell) 440-4703
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? 1 yr

Accompanied by: Emmett McCurry / DAN Erskine**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: _____

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

Emmett McCurry signed AffidavitSource: Dixie 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:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
1		SE	NE	SE	36	5N	5W	CC	
		NE	SE	SE	36	5N	5W	CC	2320200
		NW	SW		31	5N	5W		

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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

WATER USES☐ No change☒ Different UsesUse Irrigation From 3/15 To 11/15 Amount 0.8 CFS _____ AFA _____Use Livestock From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Ditch Loss Cal. / Add stock w/water**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 2 Stock # 50 cows - 12 horsesTypes Cattle, sheep, horses Additional comments: _____**PLACE OF USE:**☒ No Change☐ Changes shown below:

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	NE				NW												25

Overlap with other water rights: NO

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

Delivery System Narrative: Ditch Loss CAL

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
2267875	AO Smith	3/4	CYBAP601		2 inch

FLOW MEASUREMENTS:

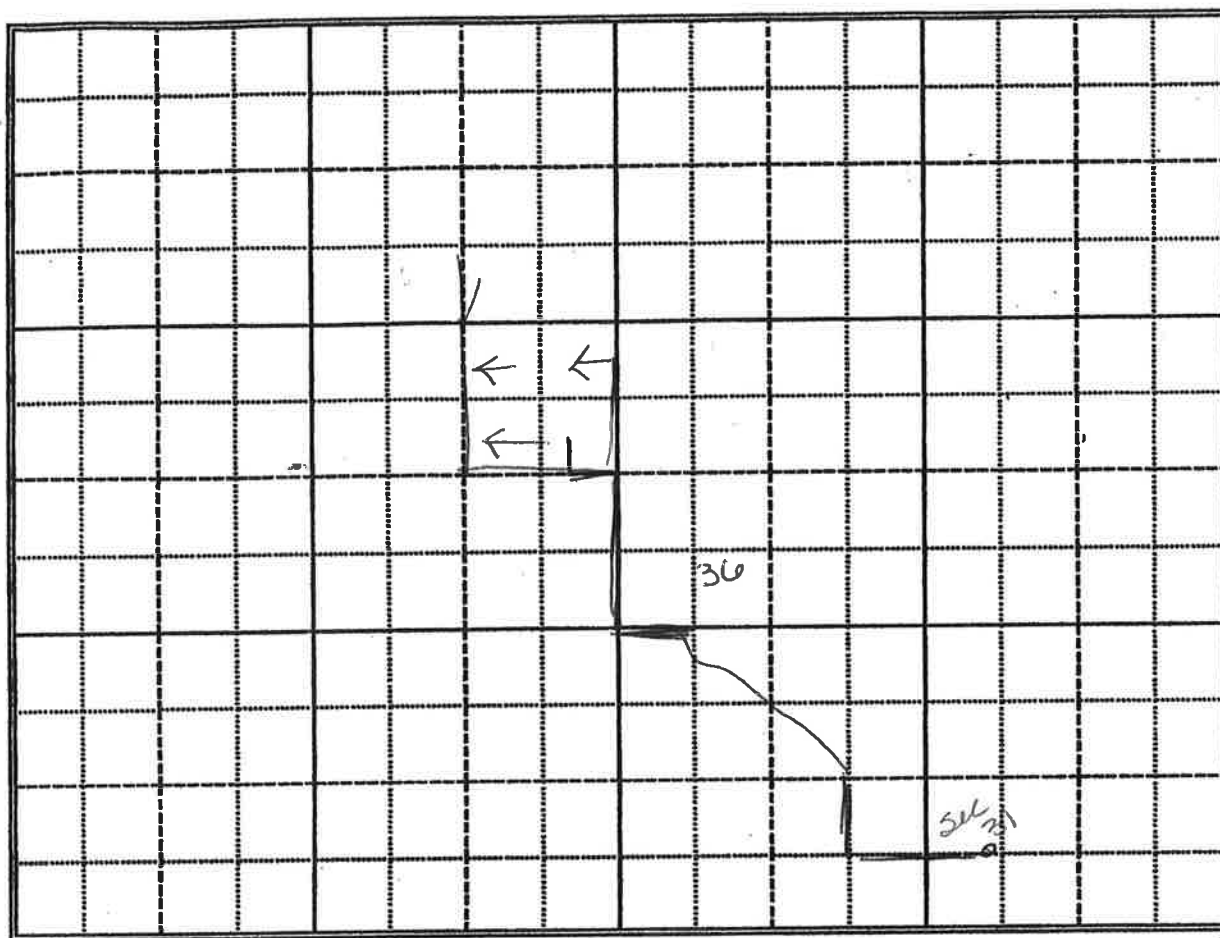
Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

No measurements, work x/ds being done on ditch (Pipe being installed)
Need to CAL Ditch Loss

FIELD EXAMINER: Merlaine Bishop

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



Scale: 1" = _____

GPS 2320268

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

☒ Aerial Photo Attached (required for Irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	Smith 3	3/4	C48 A 96B67	Smith	2267875

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements:

Improvement will be made on ditch. No measurements performed

F. FLOW CALCULATIONS

Measured Method:

_____ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{10em}}$$

$$V_{D.R} = [\text{Diversion Rate (cfs)}] \times (\text{Days In Irrigation Season}) \times 1.9835 = \underline{\hspace{10em}}$$

$$V = \text{Smaller of } V_{I.R} \text{ and } V_{D.R} = \underline{\hspace{10em}}$$

2. Volume Calculations for Other Uses:

See Attachment

EMMETT MC CURRY/
DAN ERSCLINE
24780 BOISE RIVER ROAD
PARMA IDAHO 83660

The property has been bought by Dan Erskine in spring of 2005. Mr. Erskine signed a name change on the date of the exam. Both Mr. Erskine and Mc Curry were present at time of exam. Mr. MC Curry stated that there have been no changes in the water system prior to 1987

Evidence of priority Emmett Mc Curry claims he has owned the property since 1936 where he bought the farm from Joe Sriviverer in 1936. Mr. Mc Curry has signed an affidavit. Since the new owner is Mr. Erskine.

Mr. Mc Curry claims that he has farmed and ran an average of 50 head of cattle, 20 horses and 40 sheep on the property since 1936. He came about the priority date of 1900 because the prior owner farmed and ran livestock on the farm prior to Mr. Mc Curry buying the property in 1936. Stock water wasn't filed on due to Mr. Mc Curry having a heart attack at time of filing with the SRBA.

Water Measurement

The land had been watered the same way since 1936. The water comes from eureka drain, enters the north drain, and enters the Dixie slough where the water is shared 50 / 50 with neighbors Pam Myers. They share water for 7 days on and 7 days off at the point of diversion. It flows through a head gate out a 15 inch pipe down a feed ditch that is 24 inches deep and 36 inches wide. At the time of the field exam no Mr. Erskine had the water turned off do to drying up ditch so he could replace it with 15 inch pipe. The point of diversion was at the corner of Texas and Boise river road south. Ditch loss Cal. Might be necessary

Mr. Mc Curry house and livestock water comes from an artesian well that is 200 feet deep with 4 inch pipe that change to a 2 inch pipe. A $\frac{3}{4}$ smith (#c48a96b67) pump is used to pump water to the house and livestock No water is used for irrigation from well.

The arc view map was corrected and land was added across the river that was not highlighted prior the highlighted land cannot be watered from the point of diversion land sits across river. 1939 property was 32.25 acres in 2003 property was 25.78 due to avulsion of Boise River.

Worksheet
Worksheet for Trapezoidal Channel

→ cell phone 440-4703

Emmett McCurry / Dan Erskine

Project Description

Project File g:\flowmaster\fmw\24.fm2
Worksheet 24780 Boise River Road, Parma Gov. Lot 3, Sec. 36, T5N, R5W
Flow Element Trapezoidal Channel
Method Manning's Formula
Solve For Discharge

Input Data

Mannings Coefficient 0.022 = dirt ditch
Channel Slope 0.000400 ft/ft = 4.8" of fall in 100 L.F.
Depth 1.50 ft
Left Side Slope 0.350000 H : V
Right Side Slope 0.350000 H : V
Bottom Width 1.50 ft

$$4.8/100 = .048$$

rise/run

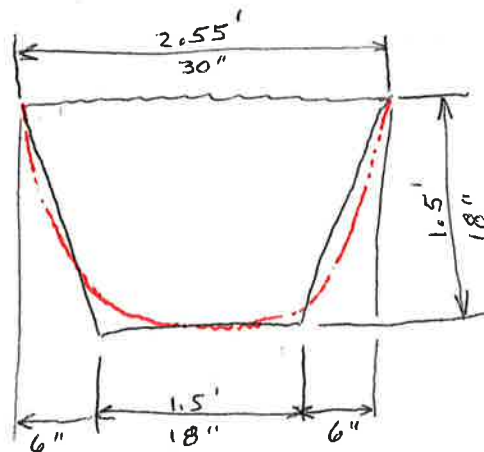
Results

Discharge 3.08 cfs
Flow Area 3.04 ft²
Wetted Perimeter 4.68 ft
Top Width 2.55 ft
Critical Depth 0.49 ft
Critical Slope 0.014163 ft/ft
Velocity 1.01 ft/s
Velocity Head 0.02 ft
Specific Energy 1.52 ft
Froude Number 0.16
Flow is subcritical.

9/15/05
irrigate for 7 days @ 24 hrs/day
then 7 days off. this repeats
all summer long

I 1939 Prop was 32.28 Acres
I 2003 Prop was 26.78 Acres
Because of Avulsion of Boise
River

Actual ditch is like red line



Water from Dixie Dam



Well



Head Gate

Emmett McGarry's

Allen Glens



15x Pipe from head gate Across road.

30 in wide



18" Deep

16 11:45AM



Serial # 648A96067 3/4 Smith Pump



15 inch pipe



Well house
Artition well 200 feet deep



replacing feed ditch w/ pipe

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Emmett McCurry
(name of claimant)

of Route #1, Parma, ID, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed drain
tributary to, Boise River

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>0.8 cfs</u>	Use	<u>irrigation</u>	Period of Use:	From	<u>Mar. 15</u>	To	<u>Nov. 15</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irrl., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.8 cfs cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 4/1 1900

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

- (5) A) Point of diversion: (give location of point where water is diverted from its source) NW ¼ SW ¼, Sec. 31 Twp. 5N Rge. 5W B. M. County of Canyon

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Cheek with gravity flow from ditch from unnamed drain.

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

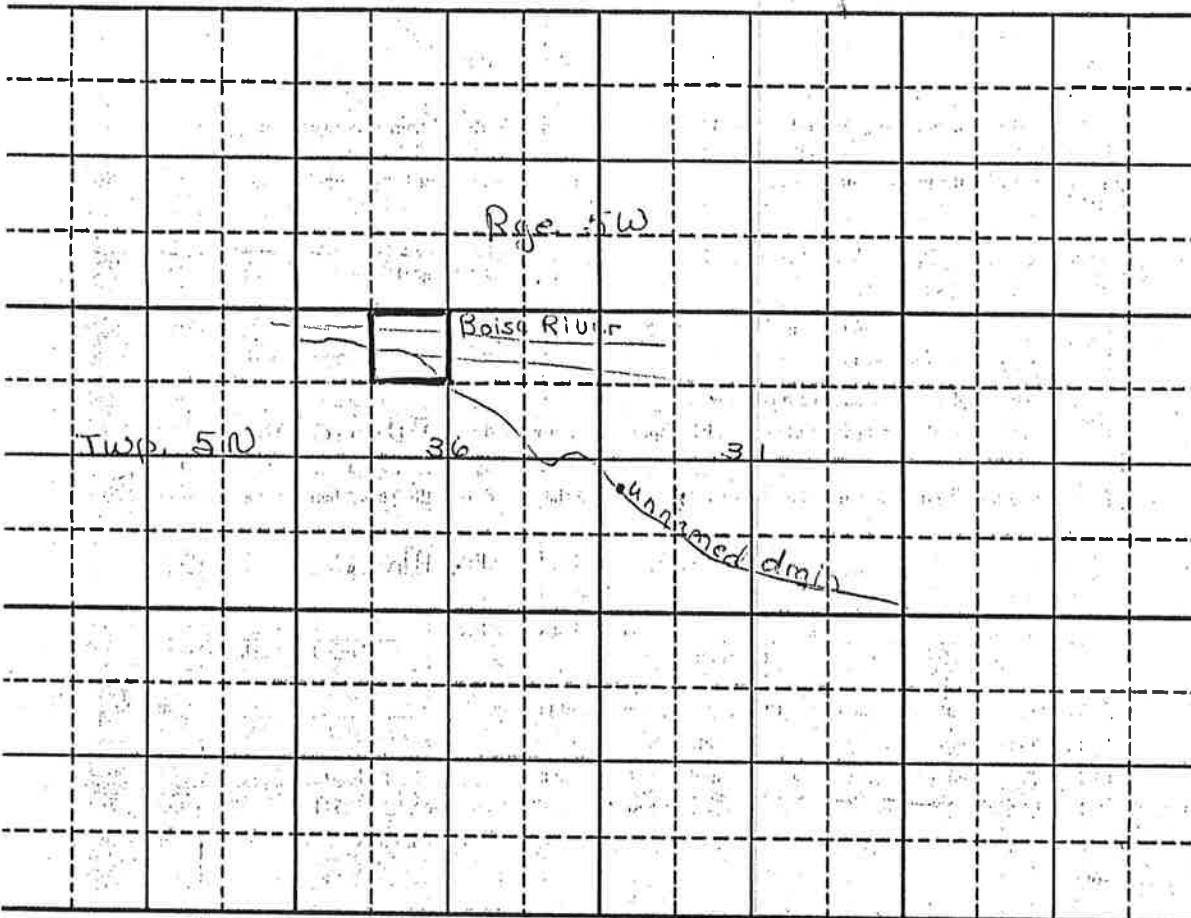
[illegible]

'Total No. of acres 40

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

(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 25th day of

Emmitt McCurry
(Claimant)

19 78

James T. Wham
Notary Public

Residing at Bain

My commission expires 6-15-81

For Department Use Only

Received by JG

Date 1/25/78

Exception filed by:

Forwarded to

Date

Prelim. check by JG

Date 1/25/78

claimant by:

\$10.00 fee received by mlb

Date 1/25/78

not # 0293 (paid)

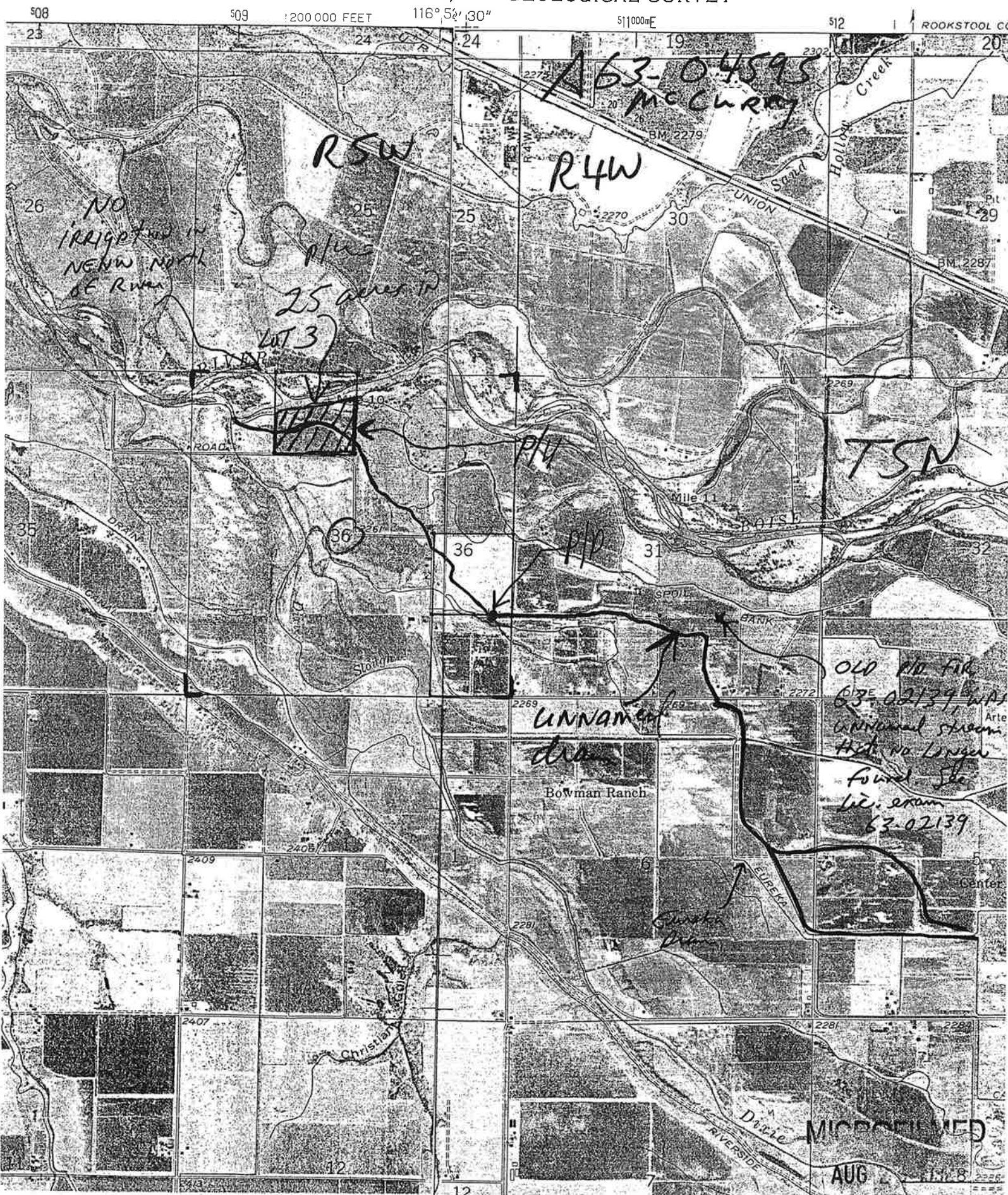
Approved for publication by

Published in Spencer - Tribune

Dates Feb 2 & 9, 1978

WILDER QUADRANGLE
IDAHO
7.5-MINUTE SERIES (ORTHOPHOTOQUAD)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



County:
Stream: Unnamed stream
Amount: 8/10 of 1 sec. ft.
Use: Irr. & Dom.
Priority: Aug. 15, 1910

1864
✓

STATE OF IDAHO

Water License No. 6495

WHEREAS, On the 15th day of August, A. D. 1910,
Eugene W. Achilles and Warren D. Hathaway.

of Caldwell, County of Canyon, State of Idaho, duly made application
(No. 9408) to me for a permit to use 2.2 cubic feet per second of the waters of an
unnamed stream

County of Canyon, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 15th day of August, A. D. 1910, Permit No. 6495 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 15th day of August, A. D. 1915, and for the application to ben-
eficial use of said water on or before the 15th day of August, A. D. 1915, and,

WHEREAS, On the 14th day of August, A. D. 1913,

Eugene W. Achilles and Warren D. Hathaway

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
2.2 cubic feet per second of said waters, as evidenced by my Certificate No. 6495
dated December 13, 1913, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 2.2 cubic feet per second of the said waters
with date of priority of August 15, 1910, and

WHEREAS, On the 20th day of July, A. D. 1915,

Eugene W. Achilles

the holder of said permit, duly made proof of the application to beneficial use of 8/10 of 1 cubic
feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to Eugene W. Achilles

of Penawawa, County of _____, State of Washington, the holder and owner
of said Permit No. 6495, a perpetual right, dating from August 15, 1910,
to the use of 8/10th of 1 cubic foot per second of the waters of an unnamed stream,

in the County of Canyon and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point North 50° 35' W. 2120 feet from
N.E. Corner of Sec. 6, T. 4 N., R. 4 W.B.M.

and conducted to and upon 40 acres in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 36, T. 5 N., R. 5 W.B.M.

for the purpose of Irrigation and Domestic use, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source or supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 16th day of September,
A. D. nineteen hundred and Fifteen.

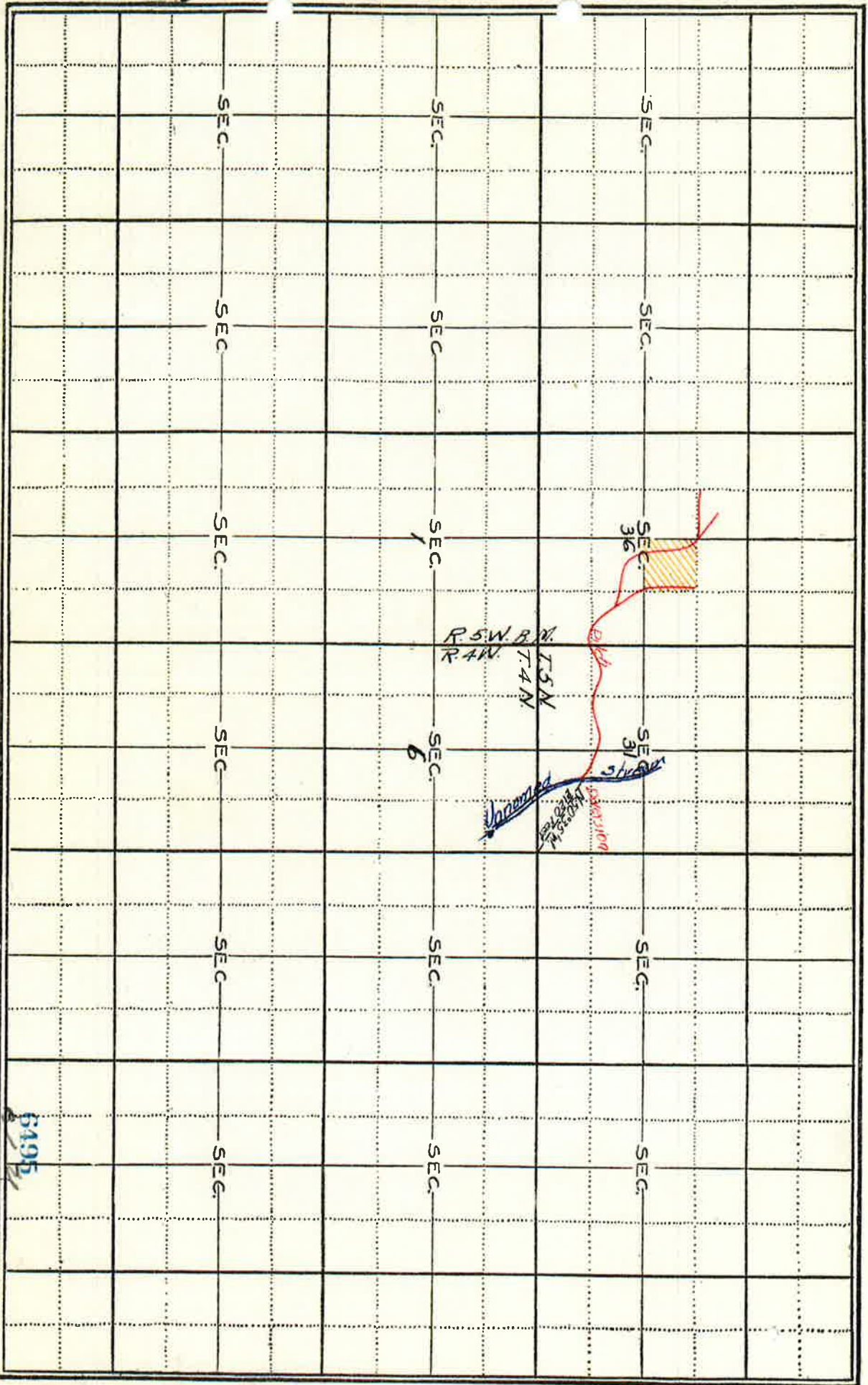
J.H. SMITH.

63 2139

(Seal)

State Engineer.

Name of Applicant Eugene Achilles (Permit No. 6495)



SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.

2. State source of water supply:
3. Location of point of diversion: North 50°35' West from the NE Corner of
Section 6 T.4 N.R.4 W.B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
Works are fully completed
5. Describe works as they exist, giving dimensions of same as follows: .
- (a) Width of conduit at bottom: 2 feet
 - (b) Width at water line: 3 feet
 - (c) Depth of water: 1 foot
 - (d) Grade per mile: 5.28 feet
 - (e) Capacity of ditch: 4 cubic feet per. sec. second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
- Ditch has been used for some time and is now in
good condition.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: Lots 1 and 3 Section 36 T.5 N.R.5 W.B.M.
Lot 1. (40 Acres) about 4½ acres pasture land; 35 acres cultivated
Lot 3 (32.25 Acres 6 Ac. meadow-pasture land part of which
sub-irrigates. 24 acres cultivated.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: The ditch and diversion works under this permit were
constructed in good shape and have had good care.

STATE OF IDAHO,

County of Canyon

} ss.

Engel M. See

, being first duly sworn, deposes and says that the statements

contained in the within report are correct to the best of his knowledge and belief

REPORT OF ENGINEER

1. State name of applicant and number of permit: Eugene Achilles- Permit 6495.
 2. State source of water supply: Unnamed Stream
 3. Location of point of diversion: North 50° 35' West 2120 feet from the NE Corner of Section 6 T. 4 N.R. 4 W. B.M.
 4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
-- Yes---
 5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 2 feet
 - (b) Width at water line: 3 feet
 - (c) Depth of water: 1 foot
 - (d) Grade per mile: 5.28 feet
 - (e) Capacity of ditch: 4 cubic feet per. sec. second feet.
 6. State whether or not water has been turned into works of diversion and if so, to what extent:
Ditch has been used for some time and cleaned recently
 7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SW 1/4 NE 1/4 Section 36 T. 5 N.R. 5 W. B.M.
All of the above land has been in cultivation and there are now
40 acres of meadow-pasture land that is irrigated from the ditch.
 8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.
- Remarks: The ditch and diversion works under this permit were
constructed in good shape and have had good care.

STATE OF IDAHO,

County of Blaine } ss.

Eugene Achilles, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 7 day of August, 1915

My Commission Expires Oct 25, 1915

Notary Public.

6495

WHEREAS, On the 15th day of August, A. D. 1910,

Eugene W. Achilles and Warren D. Hathaway

Idwell, County of Canyon, State of Idaho, duly made application to me for a permit to use 2.2 cubic feet per second of the waters of an unnamed stream,

of Canyon, State of Idaho, for Irrigation and domestic purposes, and,

WHEREAS, On the 15th day of August, A. D. 1910, Permit No. 6495 was issued applicant for the diversion of said water and providing for the completion of the works of diversion described on or before the 15th day of August, A. D. 1913, and for the application to benefit of said water on or before the 15th day of August, A. D. 1915, and,

WHEREAS, On the 14th day of August, A. D. 1913,

Eugene W. Achilles and Warren D. Hathaway,

under of said permit, duly made proof of the completion of adequate works for the diversion of 2.2 cubic feet per second of said waters, as evidenced by my Certificate No. 6495

December 13, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.2 cubic feet per second of the said waters, of priority of August 15, 1910, and

WHEREAS, On the 10th day of July, A. D. 1915,

Warren D. Hathaway,

under of said permit, duly made proof of the application to beneficial use of 1.4 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I grant and confirm to Warren D. Hathaway

Idwell, County of Canyon, State of Idaho, the holder and owner of Permit No. 6495, a perpetual right, dating from August 15, 1910, use of 1.4 cubic feet per second of the waters of an unnamed stream

County of Canyon and State of Idaho, or so much thereof as may be necessary for the uses hereinbelow mentioned, to be diverted at a point North 50° 35' W. from NE. Corner of Sec. 6, T. 4 N., R. 4 W.B.M.

inducted to and upon 70 acres as follows; 40 acres in Lot 1 and 30 acres in Lot 3, Sec. 36, T. 5 N., R. 5 W.B.M.

To Appropriate the Public Waters of the State of Idaho

name of applicant: Eugene W. Achilles and Warren D. Hathaway

Postoffice address: Caldwell (In care of Walter R. Cupp)

County: Canyon State: Idaho

Quantity of water claimed is 2.2 cubic feet per second.

Source of water supply: An unnamed stream

County of Canyon

Location of point of diversion: N. 50° 35' W. 2120 feet from N.E. Cor. Sec. 6, T. 4 N. R. 5 W. B.M.

Water to be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 110 acres

(b) In the following legal subdivisions: S2 NE4 and Lot 3, Sec. 36, Twp. 5 N. R. 5 W. of Range 5 West B.M.

Estimated cost of works: \$500.00

Description of works for diversion:

I. Kind of works: Small earth or timber and earth diversion dam, and ditch

II. Dimensions of works:

(a) Height of dam two feet, length of dam at top about 40 feet, length of dam at bottom 35 feet. Material used in construction: Earth and timber or concrete

(b) Capacity of reservoir: 100 acre feet.

(c) Size of headgate: Width 3 feet, height two feet.

(d) Conduit ditch, width at bottom two feet, width at water line three feet, depth of water one foot. Average grade per mile is one 1/2 feet. Length of conduit is one mile, and it crosses the following quarter sections: SE4 and SW4 Sec. 31, T. 5 N. R. 4 W., and SE4 Sec. 36, Twp. 5 N. R. 5 W. to land described in 5 I (b) above which is the point of intended use.

Time required for the completion of the construction of such work is three years.

Time required for the complete application of the water to the proposed use is two additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate

Remarks: Part of the main ditch has already been completed and part of the water already been applied upon a part of the land.

APPROVAL OF STATE ENGINEER

The number of this permit is 6495.

Date of first receipt of application: 9.00 A.M. August 15, 1910

Recorded in Book 19. Page 6495. Approved August 15, 1910.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same subject to the following limitations and conditions:

Work to begin on or before October 14, 1910, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 15, 1911.

The whole of said work to be completed on or before August 15, 1913.

The time for proof of beneficial use of water appropriated in accordance with this permit to extend to August 15, 1915.

Witness my hand this fifteenth day of August, 1910.

D.G. Martin

State Engineer

PERMIT NO. 6495.

CERTIFICATE OF COMPLETION OF WORKS.

Whom It May Concern:

This is to certify that Eugene W. Achilles and Warren D. Hathaway
Iwell, County of Canyon, and State of Idaho, the holder of Permit No.
issued upon Application No. 9408, bearing date of priority of August 15,
authorizing the diversion of 2.2 second feet of the waters of an unnamed stream
of Canyon, State of Idaho, for irrigation and domestic purposes, has fully
ad with the provisions of the laws of the State of Idaho relating to the
of completion of the works of diversion set out and described in said Permit; the
works are adequate for diverting and conveying to the place of intended use 2.2
-feet of the waters of an unnamed stream; that the point of diversion of said
is N. 50° 35' W. 2120 ft. from the N. E. Cor. Sec. 6, T. 4 N. R. 4 W. B. M.,
at the lands proposed to be irrigated by the use of said water are described as
s, to-wit: S $\frac{1}{2}$ NE $\frac{1}{4}$ and Lot 3, Sec. 36, Twp. 5 N., of R. 5 W. B. M. containing 110

Witness my hand this 13th day of December, 1913.

F.P. KING,

State Engineer of the State of Idaho.

License issued for 1.4 second fee

License issued for .8 second fee

- Page 1863 - W. D. Hathaway
1864 - E. W. Achilles

Motion to strike - granted
irrelevant, prejudicial
wrong time - presented at trial

documents to be sent to all parties
pro se held to same standard as atty in Ct.
2-2-09 10:30 TSC

Nick Spencer: asked for clarification as to
whether client is party or needs to file
response.