

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 57-07034A

Priority: August 17, 1969

Maximum Diversion Rate

4.46 CFS

It is hereby certified that ARTHUR J MERRICK Or VERLA J MERRICK

21118 WEES RD

OREANA ID 83650

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 30, 1969; and has submitted Proof of Beneficial Use on October 4, 1974. An examination indicates that the works have a diversion capacity of 74.97 cfs of water from

SOURCE

CASTLE CREEK

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

4.46 CFS

LOCATION OF POINT OF DIVERSION:

CASTLE CREEK NW¼NE¼SE¼ Sec 13, Twp 04S, Rge 01E, B M, OWYHEE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 01E 1						23.0	24.0		1.0	33.0	13.0	1.0					95.0
						L 4											
04S 01E 2	29.0			38.0									39.0			22.0	128.0
	L 1																

Total Acres 223

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 57-C.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1000.0 af at the field headgate for the lands above.
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 57-07034A

- 5 Rights 57-00235, 57-11665, 57-11666 and 57-11667 are also diverted through the point of diversion described above

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 8th day of September, 2004.


FOR KARL J. DREHER
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 57-07034A

Date of Priority: December 29, 1970

Maximum Diversion Rate: 4.46 CFS

Comes now **ARTHUR J MERRICK Or VERLA J MERRICK**
21118 WEES RD

OREANA ID 83650 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No 57-07034A, and requests that the permit be changed as follows

Source: CASTLE CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

RATE OF DIVERSION

4.46 CFS

LOCATION OF POINT OF DIVERSION:

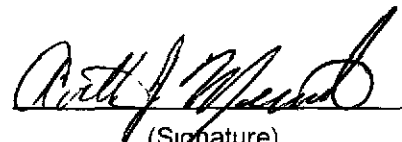
CASTLE CREEK NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 13, Twp 04S, Rge 01E, B M , OWYHEE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 01E 1						23.0	24.0		1.0	33.0	13.0	1.0					95.0
						L 4											
04S 01E 2	29.0			38.0									39.0		22.0		128.0
	L 1																

Total Acres: 223

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk Signed this 30 day of August, 2004


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 57-07034A

Preliminary check by bw M FOR DEPARTMENT USE ONLY Fee = 50.00 Received by M # 0045034 Date 9-2-04

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No 57-07034A with the following

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district At the time of this approval, this water right is within State Water District No 57-C
- 2 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1000 0 af at the field headgate for the lands above.
- 4 This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above
- 5 Rights 57-00235, 57-11665, 57-11666 and 57-11667 are also diverted through the point of diversion described above

Witness my hand this 8th day of September, 2004

Karl J. Dreher
FOR KARL J. DREHER
Director

Water Supply Bank No _____

Water Right No _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

JAN 12 2004
DEPARTMENT OF WATER RESOURCES

Name of Seller/Lessor Arthur J Merrick Phone 208 934-2641
Post office address 21118 Wees Rd ~~OREANA~~ Oreana Id 83650

1 DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____ (Name of court)
02-70467
- b. License No. 02-23578 ~~3~~ issued by the Idaho Department of Water
Resources.
- c. Permit No. _____ issued by the Idaho Department of Water
Resources

2 DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE. (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right All cubic feet per second &/or
_____ acre-feet per annum
- b. Point of diversion: SW 1/4 of SW 1/4 of Section 26 Township 35 Range
1E, B.M. in Owyhee County
Additional points _____

c Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank. (90)

Total number of acres

(162) 02-7046
02-2357
240

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Snake River Rights During Season

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe

02-7046 E
02-2357 B
52-7034

- e. If the water right is a permit, describe the work accomplished toward developing the right.

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4

REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board.

_____ For sale;
X For lease for a period from 2004 to Indefinite
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown), or

_____ As a gift to the state of Idaho.

2 Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

1/12/04
Date

Pratt J. Meacham
Signature

FOR DEPARTMENT USE ONLY

Received by CP Date 1/12/04 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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
57-7034					

- 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)

Arthur J. Merriek
Verna Merriek

- 4 New Owner/Claimant(s)

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

New Mailing Address

21115 WOODS Rd

City, State and ZIP Code

Cheban, ID 83650

New Telephone Number

208 534 2641

- 5 Date you acquired the property

March 21 1950

Deed contained in Water Right
file # 57-70341

- 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) _____ and co-
(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 _____	Date _____	Fee _____
Received by _____	Date 1/2-09	Receipt No 0072271
Processed by _____ AJ	Date _____	WR _____ Date _____

**NOW
STARTING
RIGHT
SIDE OF
FILE**

MEMORANDUM

TO Permit 57-07034

FROM KAY WALKER 

RE: License Preparation

Date: June 23, 2004

.....

This permit was decreed in the SRBA under 2 separate competing claims also known as 57-07034A (Merrick) and 57-7034B (Y T Farms). The claims were decreed with condition A01 that allows IDWR to complete the statutory procedure of licensing the development that had occurred. The field examination was conducted in July of 2001 and submitted to the state office shortly thereafter. I began to prepare the licenses and found I had questions regarding the place of use to be shown under the Y T Farms portion of the right.

The Merricks came into the office on January 12, 2004 and submitted a notice of change in ownership and a copy of their deed that helped me determine that they owned 223 acres of this right. They will be licensed under Right No. 57-7034A.

Scott King had been in contact with Mike Ihli concerning the claims on Snake River water that Scott had been reviewing. He suggested I contact Mike Ihli for assistance in determining the place of use to be licensed and Mr. Ihli came into the office and we went over the place of use and ownership of the lands found irrigated by the examiner.

Lands found in SENE, S23 and SWNW, S24, T4S, R1E, are owned by Murdock's and they do not receive any water from this system. They have their own water right from Catherine Creek (57-80 & 57-2259) and ground water (57-2300) according to Mr. Ihli, which I have confirmed, and these lands should not be included. The ownership was confirmed using Owyhee County tax lot information in arc view.

Lands found in NWNW, S2; SESE, S3; NENE, S10, NWNW, SENW, SESW, S11, and NENW, NWNE, S14; T4S, R1E, all belong to BLM and the permit holder does not want these lands included under the licensing of this right. Mr. Ihli stated they will change their irrigation system so they don't irrigate the public lands. He originally intended to discuss this with BLM and get permission to irrigate the above lands but decided against pursuing this matter.

Lands located in S1/2NENE and a portion of SENE, S14 are under the name of HFM Castle Dairy LLC. I found only 19 acres of irrigation occurring in the area of this ownership. These lands will be licensed under Rt. 57-11666.

Further into review of the recommended place of use we found lands owned by Ron and Linda Yanke were included. Mr. Ihli suggested I contact Richard Heaton who is the attorney for Mrs Yanke to request ownership documentation so we could split a portion of this right to them. Yanke's own lands in SWNW, W1/2SW, S13, SENE, E1/2SE; S14; NENE, S23 and NWNW, S24; T4S, R1E. Mr. Heaton came in to the office after receiving my letter of 5/25/2004 and submitted a change in water right ownership form along with a copy of a deed that confirmed Yanke's ownership. These lands will be licensed under Rt. 57-11667

The remaining lands to be licensed are owned by HFM Castlview LLC which we obtained deeds providing ownership information on. These 1716 acres will be licensed under Rt. 57-11665. During overlap review for this proposed right I found Rt. 57-00235 was decreed from Castle Creek on 63 acres of this land. That right was decreed for 0.017 cfs per acre so I was able to include the 63 acres under this proposal but limited the rights when combined to 1716 acres. There are also overlapping Snake River water rights on this property so have limited all rights when combined to 0.02 cfs per acre and 7720.0 af per year

Examiner recommended licensing 2385 acres total on the face of the exam. The lands I recommend be licensed are as follows:

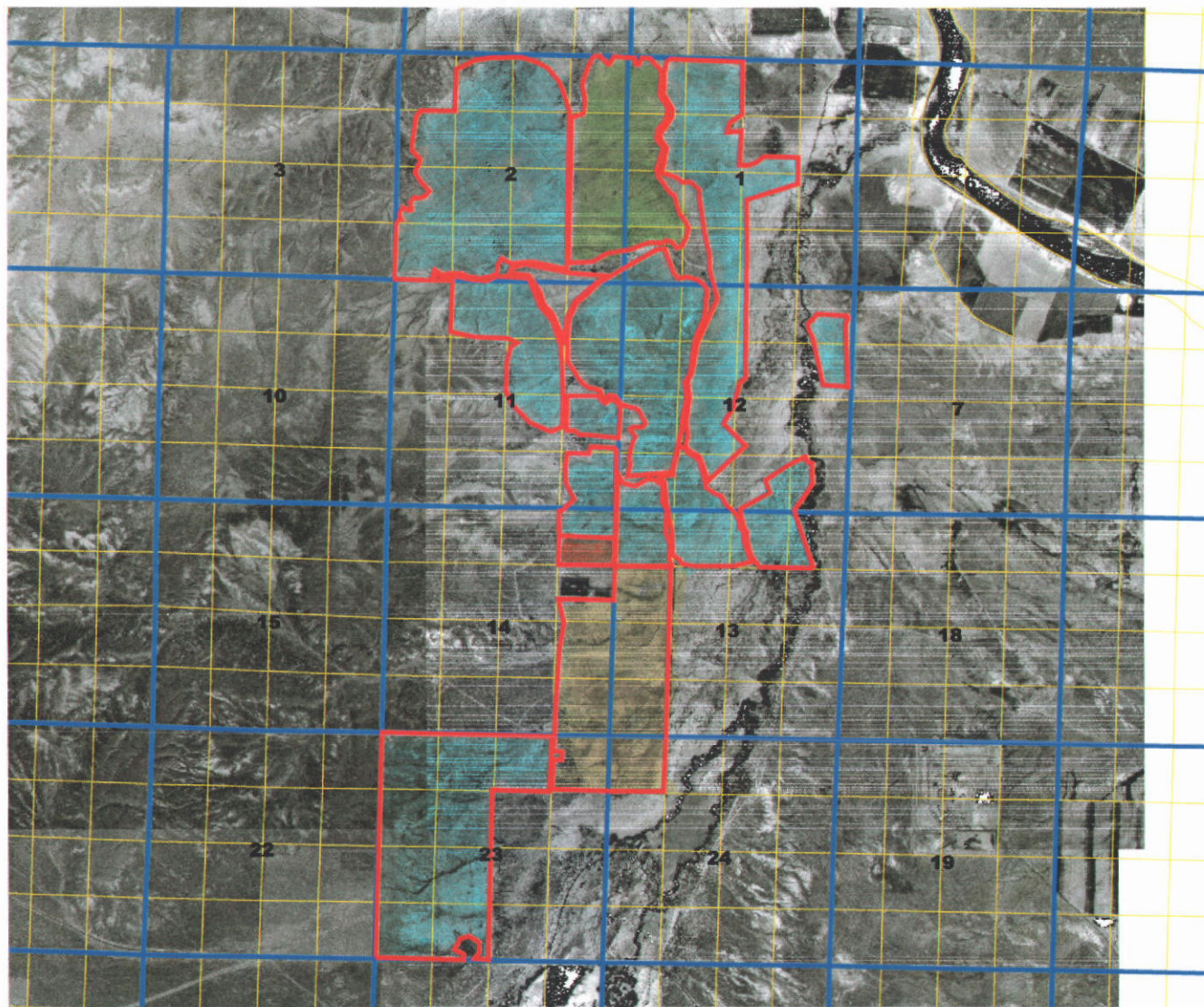
57-7034A	223 acres
57-11665	1716 acres
57-11666	19 acres
57-11667	292 acres

Total.	2250 acres
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The lands recommended for licensing are 135 acres less than examiner's proposal. To account for these acres I found 58 acres owned by Murdock that do not receive water from this system and 44 acres owned by BLM that the right holder requested be omitted from this right. This accounts for 102 acres of the 135 that have not been included in the proposed licenses. The other 33 acres might be accounted for by creation of the shape file in arc view and consideration of the different ownerships

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Status</u>	<u>Rate(cfs)</u>	<u>Owner(s)</u>
57	235		Active	1 10	COMSTOCK, MARK A (Current), COMSTOCK, SHAUNA B (Current)
57	7034	A	DRAFT Active	4.46	MERRICK, ARTHUR J (Current), MERRICK, VERLA J (Current)
57	11665		DRAFT Active	33 14	HFM CASTLEVIEW LLC (Current)
57	11666		DRAFT Active	0 38	HFM CASTLE DAIRY LLC (Current)
57	11667		DRAFT Active	5 84	YANKE, LINDA L (Current), YANKE, RONALD C (Current)
			Total	44 92	

Capacity of Ditch delivering water = 74 97 cfs - no capacity limitation required



shape
matches
CFSA photo
w/ exception
of BM &
Murdock
lands

- 57-7034a.shp
- 57-11666.shp
- 57-11665.shp
- 57-11667.shp
- Sections
- QQ
- GCDB04S02E GCDB
- GCDB04S01E GCDB
- GCDB03S02E GCDB
- GCDB03S01E GCDB

FW
6/22/2004



McDonnell
Permit 57-7034
51.2 cfs
2560 acres

SPBA
decreases

57-7034A

Merrick
51.2 cfs
2560 acres

Proposed
~~Lic~~
22.3 ac
4.46 cfs

57-7034B

Y T Farms
51.2 cfs
2560 acres

ownership
changes

↓ 57-11665

HFM Castleview
Proposed ~~Lic~~ 1712 ac
34.24 cfs

↓ 57-11666

HFM Castle Dairy
Proposed ~~Lic~~ - 19 acres
0.38 cfs

↓ 57-11667

Yanke
Proposed ~~Lic~~ - 292 ac
5.84 cfs

KW

6/22/04



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2004

ARTHUR J MERRICK
VERLA J MERRICK
21118 WEES RD
OREANA ID 83650

RE: License No. 57-7034A - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

57-7034A

**ARTHUR J MERRICK
VERLA J MERRICK
21118 WEES RD
OREANA ID 83650**


**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which.

- i A hearing was held,
- ii The final agency action was taken,
- iii The party seeking review of the order resides, or
- iv The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

57-7034A - MERRICK



0.5

0

0.5 Miles

- 57-7034a.shp
- Sections
- QQ
- Right POD
- Administrative BasinsAdminbas.shp





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 6, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

AUTHUR J OR VERLA J MERRICK
21118 WEES RD
OREANA ID 83650

RE: Water Right No. 57-07034A

Dear Mr. and Mrs. Merrick:

The Department is reviewing the above referenced permit prior to issuing a water right license. We find that this right has been partially decreed in the Snake River Basin Adjudication (SRBA), however, pursuant to Section 42-1421, Idaho Code, we must complete the statutory licensing procedure in accordance with Section 42-219, Idaho Code. Once the license has been issued the Department will reflect the completion of the licensing process in its water rights database. By issuing a license on this permit, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point of diversion and place of use are in a location other than what was described on the permit. Therefore, before a license can be issued, your permit must be amended to depict this water right as it was actually developed. We have included a layout showing the lands that will be covered under this license. Please review the layout and make sure all the lands you irrigate under this right are included on the layout.

The enclosed Application for Amendment form depicts the place of use and other information, as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented please sign the form and return it with the \$50.00 filing fee within 30 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

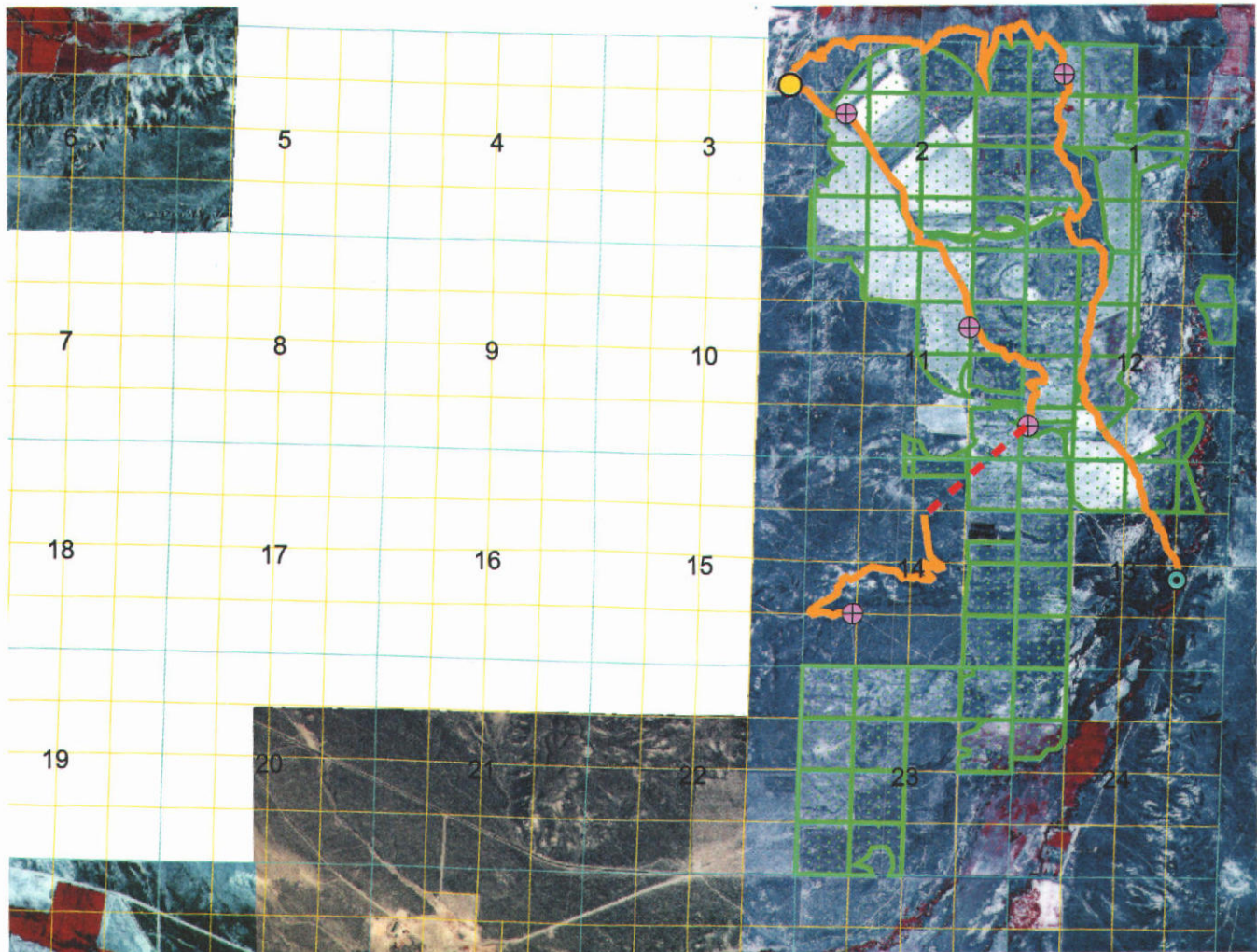
If you do not concur with the field examiner's findings, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7944.

Sincerely,

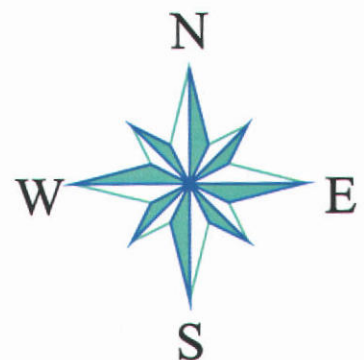

KAY WALKER
Sr. Water Resource Agent

Enclosures

57-7034



-  Buried pipe
-  Pump stations
-  Co-mingle point
-  P/D
-  Canal
-  Sections
-  P/U
-  1/41/4



LICENSE REVIEW CHECKLIST

Permit No. 57-7034A Date. 6-22-04 Reviewer. Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion change

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use add

W 1/2 NW, S1
NESE, S2

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 02-23574 & 02-7046A

File reviewed _____ Profile reports printed _____

Limit to 223 ac.
when combined
based upon
ownership

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 51.2 cfs
Fee Limit 51.2 cfs
Measured 74.97 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 4.46

Water Uses OK

Change (P46)

Season of Use per new Standards

3/1 - 11/15

Irrigation 4.46 cfs 1000.0 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 4.46 cfs 1000.0 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp Gw (WB7/065/104)

overlap spec combined rts (W35) → WB7

Laure (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

4.46 cfs x 1.9835 x 260 days = 2300.0 af (vs) 223 acres x 4.5 (FHR) = 1003.5 af

~1000.0 when
rounded
to 3 sig.
figures

Remarks _____

Additional Conditions 57C

Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt Dist? _____
Cnt. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below
no

SRBA Claim? yes - partially decreed w/ "A01"

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice P49

S06

Type	WR #	Owner	Source	TRs	NENE	NWAE	SWNE	SENE	NENW	NNNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	57 7034A	ARTHUR J MERRICK, VERLA J MERRICK,	CASTLE CREEK	04S01E1						23 24	24		1	33	13	1					96
Claim	2 2957B	ARTHUR J MERRICK,	SLAKE RIVER	04S01E1						28	24										52
Right	2 2357	IVAN E NANNNEY,	SLAKE RIVER	04S01E1						39	39										117
Right	57 11665	HFM CASTLEVIEW LLC,	CASTLE CREEK	04S01E1			10		39	13	14	38	31	2	17	23		16	5		208
Claim	2 2357A	HFM CASTLEVIEW LLC,	SLAKE RIVER	04S01E1						17	16	30									63
Right	57 235	MARK A COMSTOCK, SHAUNA B COMSTOCK,	CASTLE CREEK	04S01E1						17	16	30									63
Right	2 7046B	CONNECTICUT GENERAL LIFE INSURANCE CO,	SLAKE RIVER	04S01E1		35	20		40				40	40	40	39	15	40	40	35	145
Right	2 7046A	ESTATE OF HARRY M MC DOWELL,	SLAKE RIVER	04S01E1			20						36	22	36			40	40		259
Claim	2 10234	HFM CASTLEVIEW LLC,	SLAKE RIVER	04S01E1																	174
Claim	2 7046C	HFM CASTLEVIEW LLC,	SLAKE RIVER	04S01E1			12		35											13	60
Claim	2 7046D	HFM CASTLEVIEW LLC,	SLAKE RIVER	04S01E1		35										50	15				50
Right	57 139	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													62
Right	57 142	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													62
Right	57 144	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													62
Right	57 150	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													62
Right	57 154	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													62
Right	57 156	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													62
Right	57 159	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													62
Right	57 164	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													62
Right	57 234	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													62
Right	57 90	NICK NETTLETON,	CASTLE CREEK	04S01E1	33			29													9
Claim	2 2100B	NICK S NETTLETON,	SLAKE RIVER	04S01E1	9																53
Claim	2 7261	NICK S NETTLETON,	SLAKE RIVER	04S01E1	24			29													8
Rec	2 2100B	NICK S NETTLETON,	SLAKE RIVER	04S01E1	9			29													53
Rec	2 7261	NICK S NETTLETON,	SLAKE RIVER	04S01E1	24			29													2
Right	2 2100B	NICK S NETTLETON,	SLAKE RIVER	04S01E1	2																53
Right	2 7261	NICK S NETTLETON,	SLAKE RIVER	04S01E1	24			29													57
Claim	2 7046E	VERLA J MERRICK, ARTHUR J MERRICK,	SLAKE RIVER	04S01E1									4	32	18	3					

OLW/ R4. 02-2357
a 02-7046A-
combined
limit to 223
access to 223
based upon ship-
owners that
that all water
could be
e/22/04

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	57 7034A	ARTHUR J MERRICK, VERLA J MERRICK,	CASTLE CREEK	04S01E2	29			38									39			22	128
Claim	2 7046E	VERLA J MERRICK, ARTHUR J MERRICK,	SLAKE RIVER	04S01E2	40			40												25	105
Right	2 7046A	ESTATE OF HARLEY M MC DOWELL,	SLAKE RIVER	04S01E2	40			40											39	40	229
Claim	2 2357B	ARTHUR J MERRICK,	SLAKE RIVER	04S01E2													38				38
Right	2 2357	IVAN E NANNEY,	SLAKE RIVER	04S01E2													38				75
Right	57 11665	HFM CASTLEVIEW LLC,	CASTLE CREEK	04S01E2				40									38				392
Claim	2 10234	HFM CASTLEVIEW LLC,	SLAKE RIVER	04S01E2				40											37	6	94
Claim	2 2173	HFM CASTLEVIEW LLC,	SLAKE RIVER	04S01E2					21										39	15	94
Claim	2 2357A	HFM CASTLEVIEW LLC,	SLAKE RIVER	04S01E2																	240
Claim	2 7046C	HFM CASTLEVIEW LLC,	SLAKE RIVER	04S01E2															37		37
Right	2 2173	IVAN E NANNEY JR,	SLAKE RIVER	04S01E2					39												10
Right	2 7046B	CONNECTICUT GENERAL LIFE INSURANCE CO,	SLAKE RIVER	04S01E2																	266
					40				40												10

39

40

40



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 6, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ARTHUR J MERRICK
21118 WEES RD
OREANA ID 83650

**RE: APPLICATION TO LEASE WATER RIGHT NO(S). 57-7034A,
2-2357 (part claimed in SRBA as 2-2357B) and 2-7046A (part claimed
in SRBA as 2-7046E) TO THE WATER SUPPLY BANK**

Dear Lessor:

The Department of Water Resources ("department") has completed its review of the Applications to Sell or Lease Water Right(s) to the Water Supply Bank ("bank") Please consider that the offered water right(s) are accepted into the bank

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

1. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. The water rights referenced above will be rented from the bank at the current rental rate.
6. The rights referenced above are leased to the bank as follows:

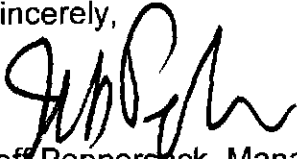
Right No.	Acres (ac)	Diversion Rate (cubic ft per sec., cfs)	Diversion Volume (acre-feet, af)
57-7034A	223	4.46	1000
2-2357B	90	1.80	450
2-7046E	162	2.82	729
combined limit	223	4.46	1000

7. Acceptance of a right into the bank does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication or any other department application process
8. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
9. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

The rights will remain in the bank for an "indefinite" period of time unless the rights are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department

If you have questions, please feel free to contact the department.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

c: John Westra – IDWR Western Regional Office

MEMORANDUM

To: Files 57-7034E, 2-2357B and 2-7046E

From: Jeff Peppersack and Cynthia Bridge Clark

Date: July 26, 2004

Re: Lease of Water Rights to the State Water Supply Bank

<u>Water Right</u>	<u>SRBA Claims</u>	<u>Lease: Rate</u>	<u>Volume</u>	<u>Acres</u>
57-7034A	Decreed	4.46 cfs	1000 af	223
2-7046A(part)	2-7046E	2.82 cfs	729 af	162
2-2357 (part)	2-2357B	1.80 cfs	450 af	90
Combined Total		4.46 cfs	1000 af	223

Arthur (Joe) Merrick filed an application to lease his portions of water rights 2-2357 and 2-7046A to the Water Supply Bank. Mr. Merrick's portions are claimed in the SRBA under 2-2357B and 2-7046E respectively. Water right 57-7034A is a right decreed in the SRBA as a permit; the permit overlaps the claimed acres with an alternate source from Castle Creek. A draft license is prepared limiting the right to 0.02 cfs and 1000 af with other rights. In a telephone conversation on July 5, 2004, Joe Merrick stated that he would like to lease the B57 right to the bank as well. He indicated that the right has not been used for some time, as the creek has not been flowing.

Comments on SRBA claim 2-7046E indicate the claimed diversion rate (14.26 cfs for 162 acres) represents the full diversion rate from right 2-7046B (14.26 cfs for 713 acres) rather than a portion of part A (32 cfs for 1836.5 acres). Therefore, the diversion rate leased to the bank was based on the rate per acre of part A (2.82 cfs rather than the claimed 14.26 cfs).

These rights should be accepted into the bank with limiting conditions. Permit 57-7034A should be accepted as prepared in the draft license.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 57-7034A

[] Name(s): Verla Merrick

[] Old Mailing Address: HC 79 Box 2325
Oreana Id 83650

[] New Mailing Address: 21118 Wees Rd
Oreana, ID 83650

Telephone Number: (208) 834 - 2641

[] Signature(s) of Owner(s) Verla Merrick

(Include your title if on behalf of company or organization)

Date: 1-26-04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights
(Please print or type)

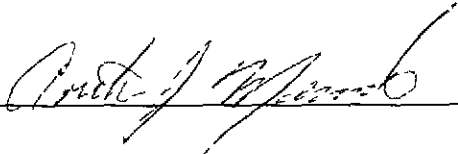
[] Water Right Number(s). 02-7046A
02-2357B
57-7034A

[] Name(s): Arthur J Merrick

[] Old Mailing Address. HC 79 Box 2325
Creana Id 83650

[] New Mailing Address: 2118 Wees Rd
Creana Id 83650

Telephone Number: (208) 334-2641

[] Signature(s) of Owner(s) 

(Include your title if on behalf of company or organization)

Date: Jan 12 2004

*Basin 57 updated 1-22-04
copy to Sally S. 12104*

WARRANTY DEED

57-7034A

For Value Received
K. C. Farms, Inc., an Idaho Corporation

the grantor , do hereby grant, bargain, sell and convey unto
Author J. Merrick and Verla Merrick, husband and wife
Oreana Route, Murphy, Idaho 83650

the grantee s, the following described premises, to-wit:

All that land situate in Owyhee County, Idaho, described in
EXHIBIT "A" attached hereto:

* * * * *

Together with all water and water rights, ditches and ditch rights
used thereor or appurtenant thereto, including but not limited to
240 shares of Castle Creek Irrigation Company and Water under license
32057/02,2357 3.84 cfs, 30398/02-2173 6 cfs, and Permit No. 02-7046
part of which is 12.26 cfs, 32.0 cfs.

Subject to exceptions and reservations contained in patents from
the United St ates.

Subject to existing easements for roads, highways, ditches, canals,
laterals and power and transmission lines.

Subject to current taxes, assessments, and all easements, restrictions
and reservations of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantees , that ~~the~~ it is the owner in fee simple of said premises; that said
premises are free from all incumbrances

and that ~~with~~ will warrant and defend the same from all lawful claims whatsoever.
Dated: March 21, 1980

K. C. Farms, Inc.

Cecelia K. Ellsworth
Secretary

John L. Ellsworth
President

STATE OF IDAHO, COUNTY OF Owyhee
On this 21st day of March , 19 80
before me, a notary public in and for said State, personally
appeared John L. Ellsworth and
Cecelia K. Ellsworth
President and Secretary,
of K. C. Farms, Inc.

known to me to be the person s who se name ~~are~~
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Thomas K. Shi
Notary Public
Residing at 101 Murphy, Idaho
Comm. Expires Feb. 1, 1984

STATE OF IDAHO, COUNTY OF Owyhee
I hereby certify that this instrument was filed for record at
the request of O T C
Recorded at 10 minutes past 11:00 o'clock A m.,
on this 21st day of March
1980, in my office, and duly recorded in Book
Bk & Pg. 59 Deeds at page Microfilmed

BARBARA JAYO
Ex-Officio Recorder
By James J. Jenson Deputy.
Fees \$ 4.00
Mail to: N i a k

IN TOWNSHIP 4 SOUTH, RANGE 1 EAST, B.M., OVERTON COUNTY, IDAHO
 Section 2: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying North of irrigation ditch

Section 1: A portion of W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ that lies Westerly of a line and Northerly of said irrigation ditch, said line and ditch being more particularly described as follows:

COMMENCING at the NW corner of said Sec. 1; thence South 89°47'40" East along the North boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, a distance of 434.91 feet to the TRUE POINT OF BEGINNING; thence South 50°18'33" East a distance of 205.14 feet; thence South 46°15'23" East a distance of 108.41 feet; thence South 20°46'08" East a distance of 95.00 feet; thence South 0°14'15" West a distance of 377.58 feet; thence South 25°11'43" West a distance of 88.00 feet; thence South 9°52'00" West a distance of 54.43 feet; thence South 21°16'02" East a distance of 77.07 feet; thence South 39°18'21" East a distance of 281.33 feet; thence South 18°37'25" East a distance of 96.39 feet; thence South 9°29'26" West a distance of 41.48 feet; thence South 31°37'45" West a distance of 113.25 feet; thence South 19°16'38" West a distance of 142.14 feet; thence South 36°22'41" West a distance of 74.77 feet; thence South 44°45'57" West a distance of 112.82 feet; thence South 30°19'46" West a distance of 52.82 feet; thence South 15°33'05" West a distance of 153.08 feet; thence South 8°29'25" East a distance of 88.15 feet; thence South 27°55'28" East a distance of 64.90 feet; thence South 53°16'26" East a distance of 116.21 feet; thence South 20°00'03" East a distance of 66.60 feet; thence South 14°56'58" West a distance of 143.75 feet; thence South 8°26'21" West a distance of 189.05 feet; thence South 26°22'53" West a distance of 133.97 feet; thence South 11°44'55" West a distance of 71.65 feet; thence South 7°28'01" East a distance of 74.74 feet; thence South 27°46'00" East a distance of 152.71 feet; thence South 44°58'50" East a distance of 95.27 feet; thence South 30°06'37" East a distance of 167.45 feet; thence South 42°30'55" East a distance of 138.78 feet; thence South 59°32'09" East a distance of 93.42 feet; thence South 32°29'34" East a distance of 53.36 feet; thence South 14°28'42" East a distance of 275.44 feet; thence South 22°46'37" East a distance of 162.18 feet; thence South 44°29'47" East a distance of 100.85 feet; thence South 31°02'08" East a distance of 151.32 feet; thence South 17°40'53" East a distance of 126.46 feet; thence South 9°14'17" West a distance of 177.88 feet; thence South 26°29'36" West a distance of 115.23 feet; thence South 16°05'10" West a distance of 105.81 feet; thence South 64°18'04" West a distance of 111.56 feet; thence North 68°53'24" West a distance of 46.89 feet; thence North 46°55'15" West a distance of 58.00 feet; thence North 40°27'42" West a distance of 102.14 feet; thence North 74°03'10" West a distance of 80.46 feet; thence South 19°25'50" West a distance of 23.75 feet to the centerline of an irrigation easement; thence South 64°16'59" West along said centerline a distance of 1568.15 feet; thence South 86°13'09" West along said centerline a distance of 925.84 feet; thence North 85°01'46" West along said centerline a distance of 70.00 feet, more or less, to a point on the West boundary of SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Data and Deed Call Listing of File: MERRICK 57-7034.des

Tract 1 0.2882 Hectares: 2882 1 Sq M : Closure = n21.1106e 1624.23 M Precision =1/ 1- Perimeter = 2416 M

001=/NW,NW,NW,1,4S,1E
002=/S89.4740E 434.91
003=S50.1833E 205.14
004=S46.1523E 108.41
005=S20.4608E 95.0
006=S00.1415W 377.58
007=S25.1143W 88.0
008=S09.5200W 54.43
009=S21.1602E 77.07
010=S39.1821E 281.33
011=S18.3725E 96.39
012=S09.2926W 41.48
013=S31.3745W 113.25
014=S19.1638W 142.14
015=S36.2241W 74.77
016=S44.4557W 112.82
017=S30.1946W 52.82
018=S15.3305W 153.08
019=S08.2925E 88.15
020=S27.5528E 64.90
021=S53.1626E 116.21
022=S20.0003E 66.60
023=S14.5658W 143.75
024=S08.2621W 189.05
025=S26.2253W 133.97
026=S11.4455W 71.65
027=S07.2801E 74.74
028=S27.4600E 152.71
029=S44.5850E 95.27
030=S30.0637E 167.45
031=S42.3055E 138.78
032=S59.3209E 93.42
033=S32.2934E 53.36
034=S14.2842E 275.44
035=S22.4637E 162.18
036=S44.2947E 100.85
037=S31.0208E 151.32
038=S17.4053E 126.46
039=S09.1417W 177.88
040=S26.2936W 115.23
041=S16.0510W 105.81
042=S64.1804W 111.56
043=N68.5324W 46.89
044=N46.5515W 58.00
045=N40.2742W 102.14
046=N74.0310W 80.46
047=S19.2550W 23.75
048=S64.1659W 1568.15
049=S86.1309W 925.84
050=N85.0146W 70.00



Title:		Date: 03-03-2004
Scale: 1 inch = 618 feet	File: MERRICK 57-7034.des	

MEMORANDUM

TO: File 57-7034

FROM: KAY WALKER *kw*

RE: Ownership

Date: December 2, 2003

.....
On November 24, 2003, Scott King requested I call Mike ~~Ihlik~~ *Ihlik* regarding this permit. Scott is working on the SRBA claims for rights from the Snake River on this place. Mr. ~~Ihlik~~ *Ihlik* stated he would try to locate a member from Castle Butte Inc. to assign this permit over to new property owners.

On December 2, 2003, Mr. ~~Ihlik~~ *Ihlik* contacted me regarding this permit again. He cannot locate John Ellsworth, who was the president of Castle Butte Inc. before that company went defunct. Mr. Ellsworth is reportedly in South America and unavailable to assign the permit. I told Mr. ~~Ihlik~~ *Ihlik* we could accept a Notice of Change in Water Right Ownership form for the permit as long as we had a chain in title from Castle Butte Inc. to current owners. Mr. ~~Ihlik~~ *Ihlik* stated that Scott King had most of the documents showing chain of title in his claim review files.

Mr. ~~Ihlik~~ *Ihlik* can be contacted at 867-5736 (cell phone)

** kw 6/23/04*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 57-7034

1. Owner: Castle Butte Inc. Phone No. 377-1449/867-5736

Current Address: 11854 W. Flintlock, Boise ID 83713

2. Accompanied by: Mike Ihley EXAM DATE : 7/18/01

Address: Same as above Phone No.

Relationship to Permit Holder: Manager

3. Source: Castle Creek tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 02-7046A & B

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	SE	13	4S	1E	Owyhee	USGS Quad

2. Place(s) of Use

Indicate Method of Determination

Twp.	Rge.	Sec.	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	1E	1			11		Lt 3 40	Lt 4 40	40	38	29	34	33	23		16	5		309
		2	Lt 1 30	Lt 2 28	40	40	Lt 3 35	Lt 4 8	28	40	40	30	40	36	40	40	35	35	545
		3																3	3
		10	1																1
		11	40	40	40	32	40	13						3	30	20	4	37	299
		12	14	6	5	15	37	40	40	40	36	31	30	31		1	12	11	349
		13	12	37			38	37	40			40	40						244
		14	38	14		15	2								38			39	146
		23	38	40		35	40	40	40	40	40	40	40	30					423
		24						40	26										66

Total = 2385

KW
3/11/04

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

SEE ATTACHED MAP

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

Y Aerial Photo Attached (required for irrigation of 10+ acres).

Y 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

*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
Survey Level						

2. **Measurements:** Mannings Equation Attached

E. NARRATIVE/REMARKS/COMMENTS

Water is diverted from Castle Creek into a ditch/canal gravity irrigation system in the SENE S13. From there, the water flows North to a pump station in the SENW S1, then meanders North along the top of S2, dips South to the SENE S3 pump/relift station, where it then co-mingles and supplements Snake River licenses 02-7046A & B. From that point, both sources share the same irrigation system, utilizing four additional pump stations. Irrigation occurs via pivot, wheel line and handline sprinklers. CFSA photos show a planemetered area of 2103 acres irrigated. This is within 12% of the 2385 acres calculated via IDWR arc view. The river rights were licensed for a combined total of 2550.5 acres irrigation within the farm. The 2385 acres

recommended on this permit are all that can now be irrigated from the irrigation system. The SRBA files will be noted with these acre findings. The Snake River licenses should be decreed for the total 2385 acres found.

A Mannings Equation was conducted on a standard stretch of the Castle Creek ditch/canal near the P/D in S13. The calculation showed a ditch capacity of 75 cfs. At the time of the exam, Castle Creek water was not flowing into the ditch. The ditch is primarily used in the spring, during high flows, to supplement the Snake River water.

Ownership of the entire farm is currently split three ways involving Mark Comstock, Arthur Merrick, and Y T Farms c/o Mike Ihley. Because the original permit holder, Castle Butte Inc is unavailable for assignments, changes of ownership will be filed by the current owners once this permit is licensed. Please let me know when the license has been issued and I will make sure the appropriate ownership changes are filed.

SRBA claim 57-7034A was filed by Merrick for 2560 acres and 57-7034B was filed by Y T Farms for the same 2560 acres. Both claims are fortunately still pending decree due to the Basin 57 season of Use changes. A copy of this license and all ownership changes need to be sent to Western Region so that Jan Schurte can amend the SRBA claims accordingly. Once the claims match the allocation records, Jan will file an encap with the SRBA court.

No other rights are used.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

___Y___ Additional Computation Sheets Attached

Measured Method:

Mannings Equation calculated ditch (canal) capacity @ 74.97 cfs. Allow 47.7 cfs (1"/acre)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2385 \times 4.5 = 10732.5$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 47.7 \times 260 = 12402$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 10732.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Irrigation	3/1	11/15	47.7	10732.5
TOTAL			47.7	10732.5

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Lori Graves - Senior Agent

Field Examiner's Name Lori Graves Date 9/10/01

Reviewer _____ Date _____

SEAL

MANNING EQUATION CHANNEL CAPACITY RESULTS

07-26-2001

File Number: 57-7034

Claimant: Merrick

Channel measured: Castle Creek Diversion

Date of measurement: 7/18/2001

Measurement location:

On fence line between Geisla Schall's farm and Hulet's farm.

Calculation prepared by: Lori Graves

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 200 feet.

The upstream and downstream rod readings are 4.60 and 5.34 feet.

The channel cross section is 27.65 ft-sq.

The wetted perimeter is 15.11 feet.

The hydraulic radius is 1.83 feet.

The slope is 0.0037

The roughness coefficient is 0.0500

The flow velocity is 2.712 ft/sec.

The rate of flow is 74.97 cfs.

CROSS SECTION NUMBER 2

For File Number 57-7034 for the Castle Creek Diversion

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	1.00	1.00	1.00
3	1.42	1.42	2.00
4	2.14	2.14	3.00
5	2.45	2.45	4.00
6	2.87	2.87	5.00
7	3.00	3.00	6.00
8	2.90	2.90	7.00
9	2.82	2.82	8.00
10	2.85	2.85	9.00
11	2.80	2.80	10.00
12	2.52	2.52	11.00
13	1.72	1.72	12.00
14	1.10	1.10	13.00
15	0.00	0.00	14.00

The area for this cross section is 29.59 square feet
and the wetted perimeter is 15.86 feet.

CROSS SECTION NUMBER 1

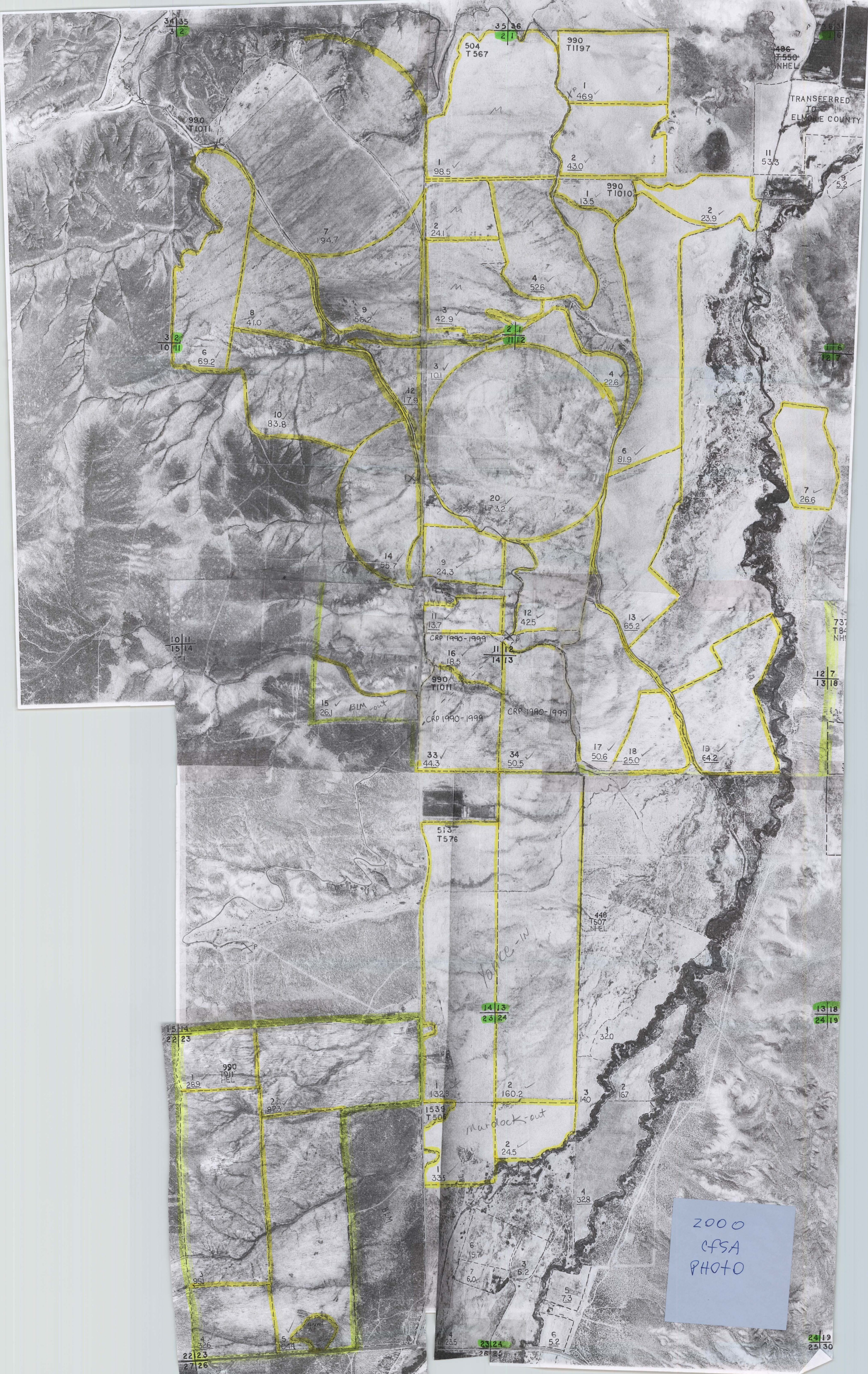
For File Number 57-7034 for the Castle Creek Diversion

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	1.39	1.39	1.28
3	2.33	2.33	2.28
4	2.98	2.98	3.28
5	3.13	3.13	4.28
6	3.14	3.14	5.28
7	2.94	2.94	6.28
8	2.93	2.93	7.28
9	2.75	2.75	8.28
10	2.00	2.00	9.28
11	1.32	1.32	10.28
12	0.60	0.60	11.28
13	0.00	0.00	12.28

The area for this cross section is 25.70 square feet
and the wetted perimeter is 14.36 feet.

4 S 1 E

	64	63	62	61	64	63		
	8	35	28	30	40	40		
	28	40	40	40	40	38	11	
		22				2		
	30	40	40	40	34	29	16	
3	40	36	35	35	33	23	5	
1	13	40	40	40	40	37	6	14
			40	32	40	40	5	15
		41				12		
			20	30	31	36	1	
		3	4	37	30	31	12	11
		2	14	38	37	38	37	12
				15	40			
		14				13		
				38	40			
				39	40			
	40	40	40	38	40			
	40	40		35	26			
		23				24		
	40	40						
	40	30						





P/D
NWNESE
S13
4S 1E

Snake R.
pump station
for 02-7046





Ditch / Canal
Delivery system

