

MicroFILMED

RHW

T
3

11

Q.P.D
15

36

10

Q.P.D

19

3

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.

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

Joe Shurruca
(Claimant)

19, 83

Wm. C. K. [unclear] For

FOR DEPARTMENT USE ONLY

Received by ls Date 5-2-83 Exception filed by: _____ Forwarded to _____ Date _____

Prelim. check by js Date 5-10-83 claimant by: _____

\$30.00 fee received by js Date 5-11-84 27980

Published in Press Tribune

Dates 5/26/83 6/2/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 2 1983



CLAIM TO A WATER RIGHT

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

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

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

P. O. Box 2 Marsing, ID 83639
(Mailing Address)

Telephone No. 896-4442

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 4/1935

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

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Springs tributary to Snake River

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

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	(Mo., Day)	(Mo., Day)
Quantity <u>.94 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>	
Quantity <u>.02 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>	
Quantity _____	Use _____	Period of Use From _____	To _____	
Quantity _____	Use _____	Period of Use From _____	To _____	
Quantity _____	Use _____	Period of Use From _____	To _____	

(4) .96 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SW 1/4, Sec. 36 Twp. 3N Rge. 4W B.M., County of Canyon
Additional points of diversion: NWSE Sec 36 T3N R4W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Diversion Dam & Gravity Ditches

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

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	4W	36									10	15	19	3					47

No. of acres 47

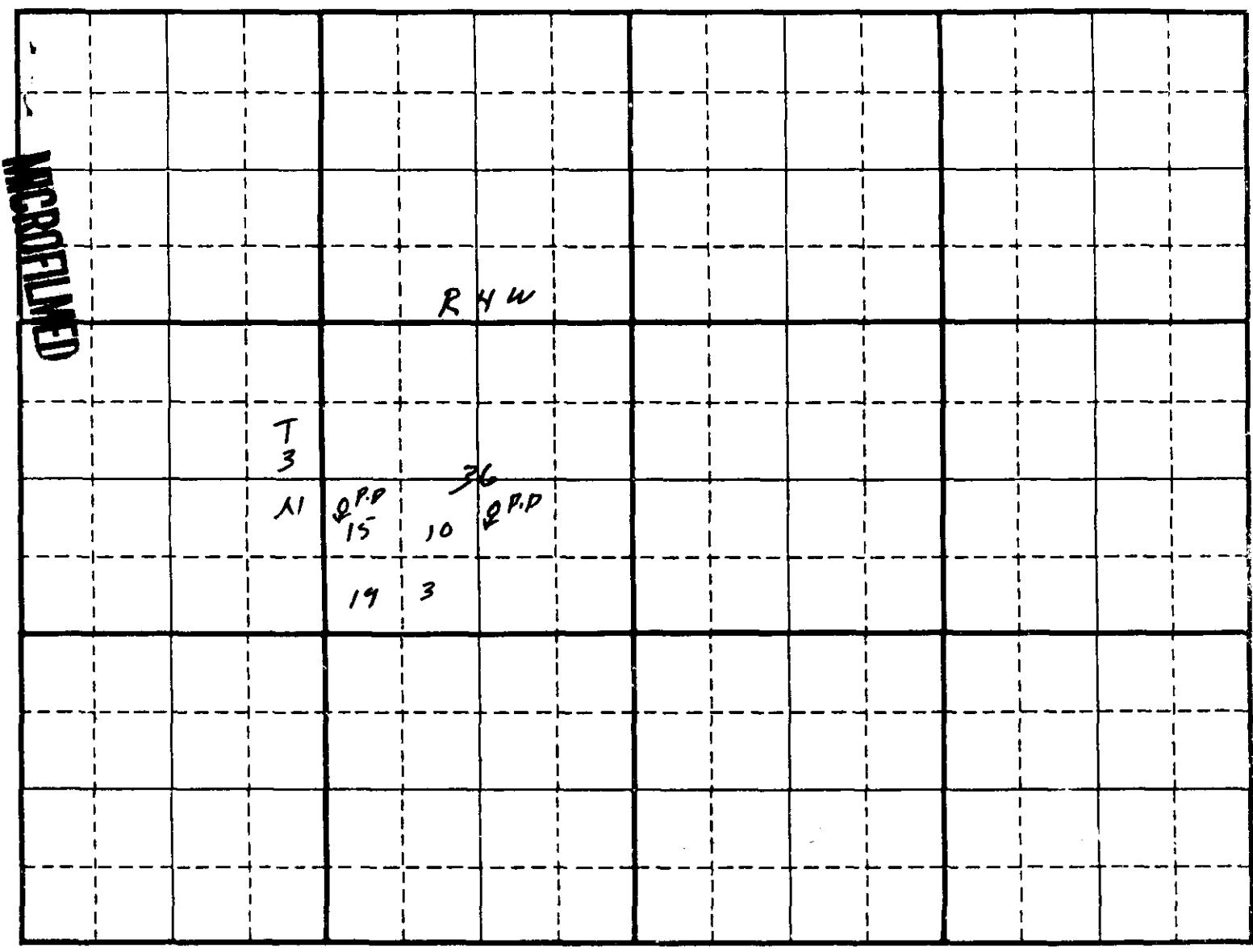
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 40 hd/range

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

MICROFILMED

(8) Remarks X



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Canyon) ss.

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

Sworn to before me this 21st day of April

Joe Shurruca
(Claimant)
19 83

Wm. I. [Signature]
Notary Public
Residing at Caldwell, Idaho

My commission expires 5-15-86

5-7-83 FOR DEPARTMENT USE ONLY

Received by <u>[Signature]</u>	Date <u>5-2-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>[Signature]</u>	Date <u>5-10-83</u>		claimant by:	
\$30.00 fee received by <u>[Signature]</u>	Date <u>5-4-84</u>	<u>27980</u>		
Published in <u>Boise Tribune</u>				
Dates <u>5/26 & 6/2/83</u>				

State of Idaho
County of Owyhee

RECEIVED

MAY 2 1983

Department of Water Resources

deposes and says: _____

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

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

That as a lessee of said property, he has applied and used said waters from said spring for more than fifteen years last past to irrigate the approximately 47 acres of ground located in the SW $\frac{1}{4}$ Sec. 36, Twp. 3 N., R., 4 W.B.M., as described in the "Claim to a Water Right", and that he has also used the water from said spring to water livestock during the period he has been leasing the property.

Further affiant sayeth not.

Marcel Elordi
(Signature) Marcel Elordi

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

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

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

RECEIVED

MAY 3 1993

**Department of Water Resources
Western Regional Office**

MACRO-TILMED

RECEIVED

MAY 2 1983

Department of Water Resources

CLYDE H. BEVAN

deposes and says:

That he is a resident of Homedale, Idaho.

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

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

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

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

Further affiant sayeth not.

Philo A. Buman
(Signature)

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

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

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

RECEIVED

MAY 6 1964

Department of Western Resources
Western Energy Institute

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have been
filed on water rights created by
diversion and beneficial use:

63-5003

EAGER, ESSIE M. &/or
RICHARD
RT. 5 BOX 197, CALDWELL,
Idaho 83605
Source: WASTE WATER trib. to
SAND HOLLOW CREEK
Priority Date: May 14, 1949
Diversion Pt: LOT 03 (NENW) Sec
06 T 05N R 03W
Use: IRRIGATION (0.40 CFS)
In: LOT 03 (NENW) Sec 06 T 05N
R 03W FOR 7 ACRES

63-5008

BUCKLEY, GEORGE S.
P.O. BOX 43, CASCADE, Idaho
83611
Source: UNNAMED STREAM
trib. to SNAKE RIVER
Priority Date: June 3, 1909
Diversion Pt: SWSE Sec 35 T 03N
R 04W
Use: IRRIGATION (0.12 CFS)
STOCKWATER (0.04 CFS)
In: SWSE Sec 35 T 03N R 04W
FOR 6 ACRES

63-5009

INGLE, MARION JOSEPH
RT. 5 BOX 206, CALDWELL,
Idaho 83605
Source: WASTE WATER trib. to
SAND HOLLOW CREEK
Priority Date: April 15, 1950
Diversion Pt: SWSW Sec 05 T 05N
R 03W
Use: IRRIGATION (0.28 CFS)
STOCKWATER (0.02 CFS)
In: NESE Sec 06 T 05N R 03W FOR
8 ACRES

63-5013

CHURRUEA, CARMEN &/or JOE
P.O. BOX 2, MARSING, Idaho
83639
Source: SPRINGS trib. to SNAKE
RIVER
Priority Date: April 1, 1935
Diversion Pt: NWSW NWSE Sec 36
T 03N R 04W
Use: IRRIGATION (0.94 CFS)
STOCKWATER (0.02 CFS)
In: NESW NWSW SWSW SESW
36 T 03N R 04W FOR 47 ACRES

63-5014

UNION PACIFIC RAILROAD CO.
1416 DODGE ST., OMAHA, NE
68179
Source: GROUNDWATER
Priority Date: July 1, 1937
Diversion Pt: NWSE NESW Sec 26
T 03N R 02W
Use: STOCKWATER (0.66 CFS)
COMMERCIAL (0.18 CFS)
In: SENW NENW NWSE Sec 26 T
03N R 02W

63-5018

McCLELLIN, JERRY &/or
TERRY L.
RT. 4 BOX 405, CALDWELL,
Idaho 83605
Source: SPRINGS trib. to SNAKE
RIVER
Priority Date: July 1, 1969
Diversion Pt: SESE Sec 35 T 03N R
04W
Use: IRRIGATION (0.24 CFS)
STOCKWATER (0.02 CFS)
In: SESE Sec 35 T 03N R 04W FOR
12 ACRES

63-5022

LOWER CENTER POINT DITCH
CO.
RT. 2 BOX 623, CALDWELL,
Idaho 83605
Source: BOISE RIVER trib. to
SNAKE RIVER
Priority Date: April 1, 1932
Diversion Pt: NENW Sec 12 T 04N
R 04W
Use: IRRIGATION (21.20 CFS)
In: P/U within the lands of Lower
Center Point Ditch Co. Acres
- 1083.

63-5023

MUSCHBACHER, ANTHONY W.
&/or MARY A.
RT. 1 HOSKINS RD., WILDER,
Idaho 83676
Source: SPRING trib. to SINKS
Priority Date: January 1, 1947
Diversion Pt: NWNE Sec 13 T 03N
R 05W
Use: IRRIGATION (0.10 CFS)
DOMESTIC (0.04 CFS)
In: NWNE Sec 13 T 03N R 05W
FOR 5 ACRES

Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, Western Region,
Statehouse, Boise, Idaho 83720.

KEN DUNN
Director

May 26; June 2, 1983

RECORDED

JUN 18 1983

Deposited with the State of Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Garrah J. Wheeler

of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States of
America, and at all times hereinafter mentioned
was over the age of eighteen years, and not a party
to the above entitled action.

2. That I am the Principal Clerk of the Idaho
Press-Tribune, a daily, (except Saturday)
newspaper published in the City of Nampa and
Caldwell, in the County of Canyon, State of Idaho;
that the said newspaper is in general circulation
in the said County of Canyon, and in the vicinity of
Nampa and Caldwell, and has been uninterrupted-
ly published in said County during a period of
seventy-eight consecutive weeks prior to the first
publication of the notice, a copy of which is hereto
attached.

3. That the notice, of which the annexed is a prin-
ted copy, was published in said newspaper

two times

in the regular and entire issue of said paper, and
was printed in the newspaper proper, and not in a
supplement.

4. That said notice was published the following
dates:

May 26;

June 2, 1983

Garrah J. Wheeler

Subscribed and sworn to before me this 2nd
day of June

19 83

Janne Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

MICROFILMED

WRR100
63-5013

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
30-JAN-1986 19:46:20

01 WATER RIGHT NUMBER - 63-5013

02 OLD (D) NUMBER -

LAST NAME
03001 - CHURRUCA
03002 - CHURRUCA

FIRST NAME
04001 - CARMEN
04002 - JOE

ORIG. OWNER
05001 - C
05002 - C

06 ADD LINE 1 - P.O. BOX 2

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - MARSING

10 STATE - ID

11 ZIP - 83639

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - SPRINGS

TRIBUTARY OF
15001 - SNAKE RIVER

16 DIVERSION MEANS - DAM & DITCHES

17 COUNTY - 27 CANYON

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .960

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

----- DIVERSION POINTS -----													
TRACT	SEC	TWN	RNG	LOT	RFLG	S T R E A M I N D E X F I E L D S							
22001 - NSW	23001 - 36	24001 - 03N	25001 - 04W	26001 -	27001 -								
				28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0
22002 - NWSE	23002 - 36	24002 - 03N	25002 - 04W	26002 -	27002 -								
				28002 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0

29 NON-IRRIGATION USE - S/40 RANGE.

----- PLACE OF USE -----						
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 03N	32001 - 04W	33001 - 36	34001 - NESW	35001 - 10	36001 -
30002 - 01 IRRIGATION	31002 - 03N	32002 - 04W	33002 - 36	34002 - NSW	35002 - 15	36002 -
30003 - 01 IRRIGATION	31003 - 03N	32003 - 04W	33003 - 36	34003 - SWSW	35003 - 19	36003 -
30004 - 01 IRRIGATION	31004 - 03N	32004 - 04W	33004 - 36	34004 - SESW	35004 - 03	36004 -

TOTAL ACRES: 47

----- WATER USE -----					
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME	
37001 - 0315	38001 - 1115	39001 - 01 IRRIGATION	40001 - 0.940	41001 -	0.00
37002 - 0101	38002 - 1231	39002 - 04 STOCKWATER	40002 - 0.020	41002 -	0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 - SENT IN BY WM. G. GIGRAY, JR. LAWYER, CALDWELL, ID. 83605 0640.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

WRR100
63-5013

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
30-JAN-1986 19:46:20

D A T E S		D A T E S		F L A G S	
47	PRIORITY - 1-APR-1935	55	LICENSE -	63	TRANSFER/AMENDED -
48	PROOF DUE -	56	APPL RECEIVED -	64	DLE/CAREY ACT -
49	PROOF MADE -	57	FIELD EXAM MADE -	65	FLAG_1 -
50	APPROVE/DENIED -	58	DECREE -	66	FLAG_2 -
51	PROTESTED -	59	START WORK -	67	FLAG_3 -
52	HEARING -	60	ORDER SHOW CAUSE -		
53	VERIFIED -	61	DATE_1 -		
54	LAST UPDATE - 30-JAN-1986	62	DATE_2 -		

9/8/86
VERIFIED JKN

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Jan Grover

Right Number 63-5013 Applicant CHORRUEA

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☐ Name and address.
- ☐ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☐ Source.
- ☐ Quantity, use, period.
- ☐ Point(s) of diversion.
- ☐ Location of use.
- ☐ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 6/13/83
- ☒ Claim published correctly. Issue. true
5264 6/2/83 30/27980
- ☐ Exceptions processed.

By 6/24/83 Date DBS

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J.V.V. Date 7-6-83

MICROFILMED

RECEIVED
JUL 6 1983

Department of Water Resources

GIGRAY, MILLER, DOWNEN & WESTON

LAWYERS

DEARBORN BUILDING

9TH & DEARBORN STS.

POST OFFICE BOX 640

CALDWELL, IDAHO 83605-0640

TELEPHONE 208-459-0091

WM. F. GIGRAY, JR.
DEAN E. MILLER
DONALD E. DOWNEN
GERALD L. WESTON

WM. F. GIGRAY, III
DEAN J. MILLER
R. SCOTT PASLEY
PATRICK J. KOLE

April 29, 1983

State of Idaho
Department of Water Resources
Statehouse
Boise, ID 83720

RECEIVED

MAY 2 1983

Department of Water Resources

Attention: Mr. John Noyes

Re: Carmen and/or Joe Churruca
Claim to a Water Right

Dear John:

Enclosed please find the water right claim of Carmen and Joe Churruca which Joe has previously conferred with you, and with reference to which claim you assisted him in filling out.

In support of the claim are two affidavits; one of Marcel Elordi and the other of Clyde H. Bevan.

Lastly, enclosed please find Joe's check for \$30.00 to cover the filing of the claim.

If there is anything further that we need to do in connection with this claim, please call me.

Very truly yours,

GIGRAY, MILLER, DOWNEN & WESTON

Wm. F. Gigray, Jr.

Wm. F. Gigray, Jr.

WFG/ea
Encs

cc: Joe Churruca

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JUNE 15, 1983

CARMEN CHURRUEA
JOE CHURRUEA
P.O. BOX 2
MARSING

ID 83639

RE: Claim No. 63-5013

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

WATER RESOURCES
DIVISION

63-5013

CHURRUEA, CARMEN &/or JOE

P.O. BOX 2, MARSING, ID 83639

Source: SPRINGS trib. to SNAKE RIVER

Priority Date: 04/01/1935

Diversion Pt: N45W Sec 36 T 03N R 04W

Use: IRRIGATION	(0.94 CFS)
STOCKWATER	(0.02 CFS)

In: NESH NWSW SWSW SESW Sec 36 T 03N R 04W FOR 47 ACRES

INTRODUCTION

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]