

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: A29-04268
Date Received: 3/22/1990
Receipt No: M006320
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES FREEMAN SHAW 208-234-1758
Address: 2072 N. MINK CREEK RD
POCATELLO, ID 83204

OR

Name: BONNIE J. SHAW 208-234-1758
Address: 2072 N. MINK CREEK RD
POCATELLO, ID 83204

2. Date of Priority: AUG 01, 1904

3. Source: SPRING Trib. to: MINK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	20	SW	SW	SW		BANNOCK

5. Description of diverting works:
HEADGATE & PUMPS TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOME S/ INC STOCK



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	19	SE	SE		IRR	1.0
						Section Acres	1.0
		20	SW	SW		IRR	9.0
						Section Acres	9.0
						Total Acres	10.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
MINK CREEK IRR CORP

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

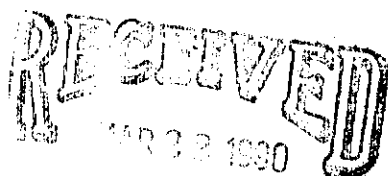
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
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Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Bonnie J. or
1. Name of Claimant (s) James Freeman Shaw Phone (288) 234-1758
Mailing Address 2012 N. Mink Creek Road, Pocatello, Idaho Zip 83204
2. Date of Priority (Only one (1) per claim) 1904 Aug. 1
3. Source of water supply (a) Unnamed Spring (located in NW 1/4 NW 1/4 Sec 30 T 75 R 35E)
which is tributary to (b) Mink Creek
4. a. Location of existing point of diversion is: Township 7S Range 35E Section 20,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Bannock
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
18" Concrete Headgate; pump to pump from ponds along Spring
Sprinkler irrigation System includes 1000 Feet of 4" Mainline
pipe, 40 rainbirds and 5 horse power pump in use since
1982.

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NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan. 1 to Dec. 31 amount .04 or _____

For Irrigation purposes from Apr. 1 to Nov. 1 amount .12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .16 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 30.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) One residence on the land. Spring is used to water lawn/garden areas immediately adjacent to house. Also used and appreciated for its aesthetic quality as it passes through the property.

10. Description of place of use:
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) used for domestic animals and fowl. in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	35E	20											9						9
7S	35E	19																3	3

Total number of acres irrigated 10 acres

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A water right included in the Mink Creek Irrigation Corp. or None ()

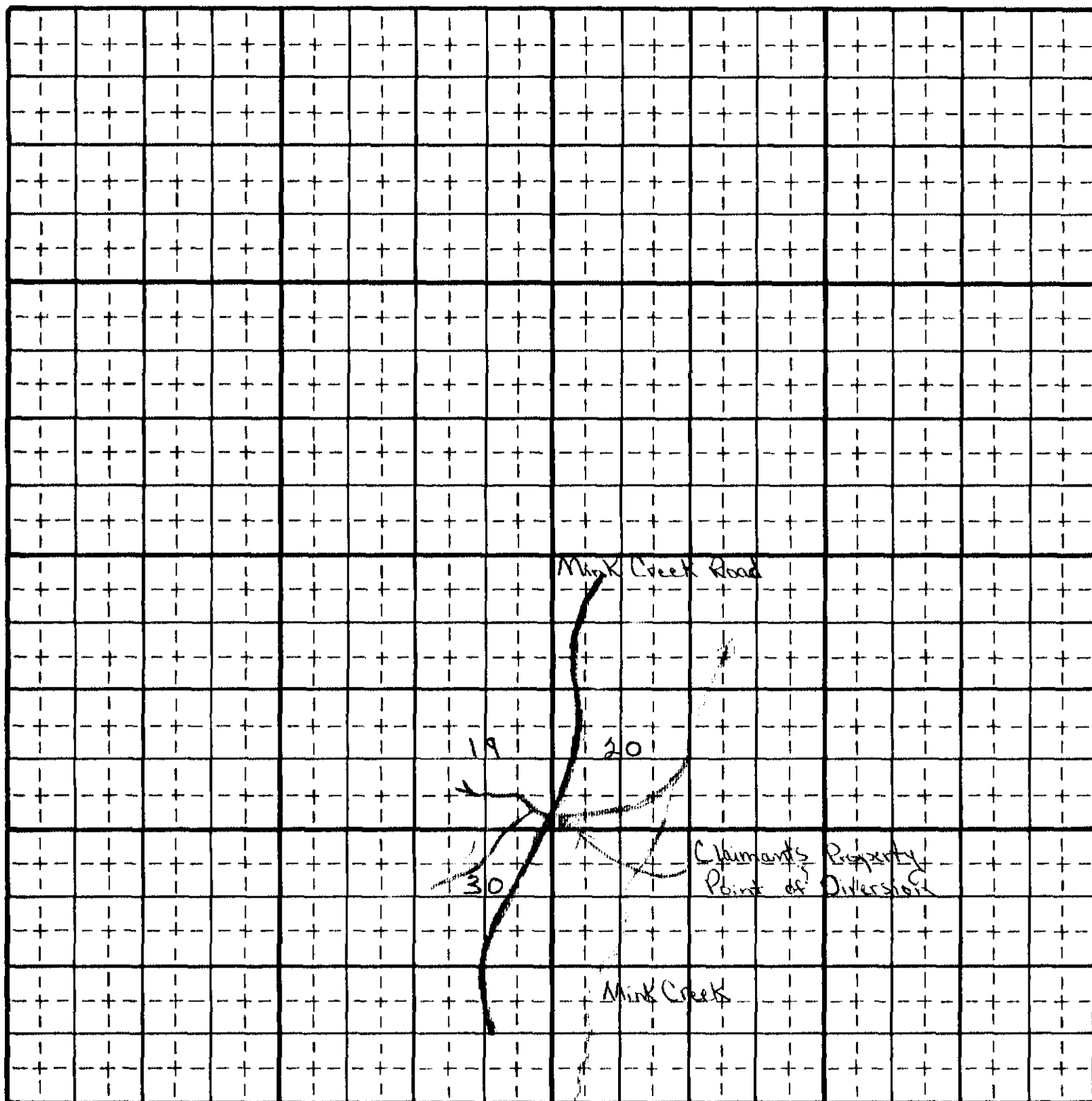
14. Remarks: A small well is located on the property for household use.
The unnamed Spring has been used for domestic purposes since approximately 1904, being the only water supply for the house.
The Spring water is an important supplement to the Mink Creek Irrigation Corp rights as the Mink Creek Supply diminishes or is appropriated by someone with an earlier water right for fire protection

Last Name Shaw Ident No. _____

NOV 13 1992

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

Scale: 2 Inches equals 1 mile



T 15 R 35 E B.M.

Last Name

Shaw

Ident No.

Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number 29-4268

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 4

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

Signature of Claimant (s)

James F. Shaw
Bonnie J. Shaw

Date 3/22/90

Date 3/22/90

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bunneke) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of March 1990

SEAL

Notary Public [Signature]

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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Copies White-State, Yellow-Claimant

Last Name _____ Ident. Number _____



Log for claim A29-04268

Spatial Dynamics LTD

9/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	19	SESE	1	0.8	
07s35e	20	SWSW	9	2.2	POD placement? / Indiscernible
Totals:			10	3	

John L. ...

...

AJ5809NP
No. A29-04268

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 199

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES FREEMAN SHAW	08/01/1904	IRRIGATION	04-01 11-01	0.120 CFS	
C	BONNIE J SHAW		DOMESTIC	01-01 12-31	0.040 CFS	
	2072 N MINK CREEK RD					
	POCATELLO ID 83204					
	(208) 234-1758					
				TOTAL DIVERSION:	0.160 CFS	
				CONSUMPTIVE USE:		30.00 AFA

Water Source: SPRING

Tributary to: MINK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R35E S20 SWSWSW BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
07S	35E	19	:															01	:	1.0	
07S	35E	20	:									09							:	9.0	
																			TOTAL ACRES	:	10.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: D/ ONE HOME S/ INC STOCK

Other Rights: MINK CREEK IRR CORP

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10697 29-11326 29-12164 A29-04339 A29-10361 A29-10697 A29-11326

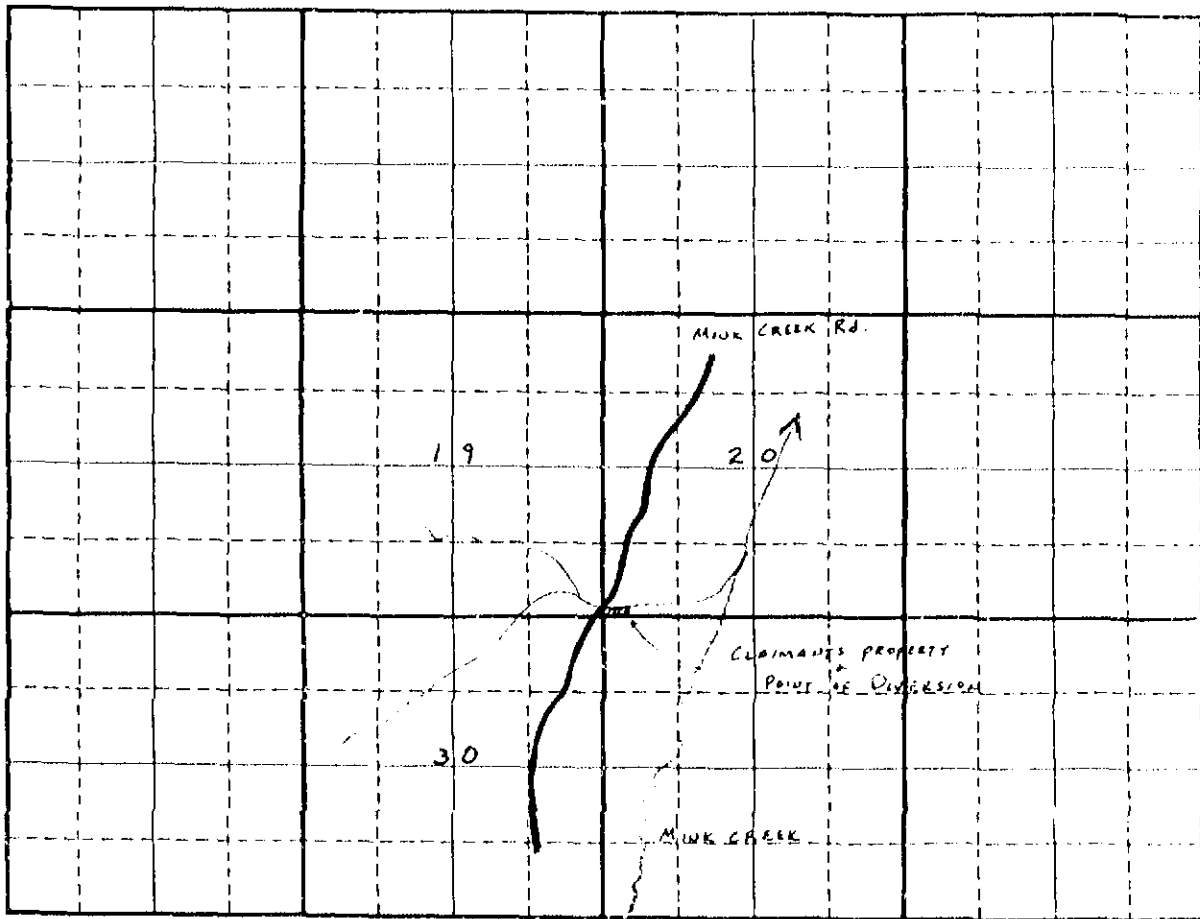
Other Water Rights Listing Overlapping Place(s) of Use:
A29-00275 A29-04339 A29-10361

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 06/21/90 DCARLSON 07/20/94 THOMPSON 03/29/95 POST-STD

(8) Remarks In 1977 Neil Gardner filed an irrigation claim naming James Shaw and others as users of the water. The spring has also been used for domestic purposes since approximately 1904, being the house water supply. This is submitted to clarify that claim.



Scale: 2 inches equal 1 mile.

T 7 S., R 35 E. B. M.

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)

) ss.

County of Bannock)

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 2nd day of

November

1982

Notary Public
Residing at

Pocatello Idaho

My commission expires

Life time.

FOR DEPARTMENT USE ONLY

Received by *OW*
Prelim. check by *HW5*
\$30.00 fee received by *OW*
Published in *Idaho State Journal* *11/25/82*
Dates *11/18 & 11/25/82*

Date *11-20-82* Exception filed by:
Date *11-04-82*
Date *11-04-82*

Forwarded to
claimant by: Date

November 23, 1983

Idaho Department Of Water Resources
Eastern Regional Office
150 Shoup
Idaho Falls, Idaho 83401

Re: James Freeman Shaw, Claimant

To: The Department Of Water Resources

Please be advised that my name is Edward P. Say of Route 2, Box 216, Kimberly, Idaho and that I grew up and formerly resided in the old farm house with the current address of 427 Mink Creek Road, Pocatello, Idaho.

I lived in the house from 1905 to 1924. During that period the unnamed spring running behind the house served as our principal source of water for the house. Further, the spring was used for incidental water uses associated with a home, such as garden and lawn watering and it also watered the livestock, poultry and other animals kept on the property at the time as well as for irrigation of the land.

To the best of my knowledge the spring has been used for those domestic uses since about 1904 to the present date.

Edward P. Say,
Edward P. Say

STATE OF Idaho)
COUNTY OF Twin Falls) :ss

SUBSCRIBED AND SWORN to before me this 23rd day
of March, 1984.

(SEAL)

[Signature]
NOTARY PUBLIC for Idaho
Residing at Twin Falls

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NOV 13 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 James Freeman Shaw

(Name of Claimant)

427 Mink Creek, Pocatello, Idaho 83201

(Mailing Address)

Telephone No. (208) 232-1758

(Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1957 (used for domestic since 1904)
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)

Unnamed spring (Sec. 30, T7S, R35E, B.M.) tributary to Mink Creek

- (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	.04 cfs	Use Domestic	Period of Use From Jan. 1	To Dec. 31
Quantity	.12 cfs	Use Irrigation	Period of Use From Apr. 1	To Nov. 1
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) .16 cfs TOTAL QUANTITY USED.

(cfs, af)

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

SW 1/4 SW 1/4, Sec. 20 Twp. 7S Rge. 35E, B.M., County of Bannock

Additional points of diversion: All are located within the above described location.

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. 18" concrete headgate & pump from ponds along spring

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	35E	20										6							

No. of acres 6

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: The claimant has a residence on the land and uses the spring to water the area immediately adjacent to his home, garden crops and to facilitate the residence. The spring is also enjoyed, used and appreciated for its aesthetic quality as it passes by this claimant's land.

NOTE: Include here the type and number of stock watered: Domestic animals and fowl

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

MAY 1914

THE STORY OF ARTHUR PERCIVAL SAY
AND FANNIE EMMA BAUR
AS REMEMBERED BY ARTHUR R. SAY, THEIR
GRANDSON

Spring used for domestic irrigation on property
located at 2012 N. Main Creek Rd. (James & Bonnie Shaw)

Used
from
1904
to
present
date

The crops he raised were alfalfa hay, wheat, barley, oats and a couple of years he tried flax. The farm also had milk cows, pigs, chickens, and horses. Also on the farm were two big orchards which had all kinds of apples, several pear trees, Bing and pie cherries, plums and raspberries. They did not sell much of the fruit, but gave most of it away. They had two big gardens. The buildings on the farm included the house, which was modern, electricity, central heat, hot and cold water (which came from a spring about 3/4 of a mile away), indoor bath and toilet. At one time it had carbide with the carbide light fixtures and the carbide tank. There was a fruit cellar, two chicken houses, a garage, granary, a blacksmith shop, a barn, and two corrals. There was also a big scale to weigh the wagons of hay. The farm also had a lot of cedar trees (juniper) and Mink Creek ran through it. It also had a reservoir that was fed by a spring and furnished the water for the house and gardens and orchards.

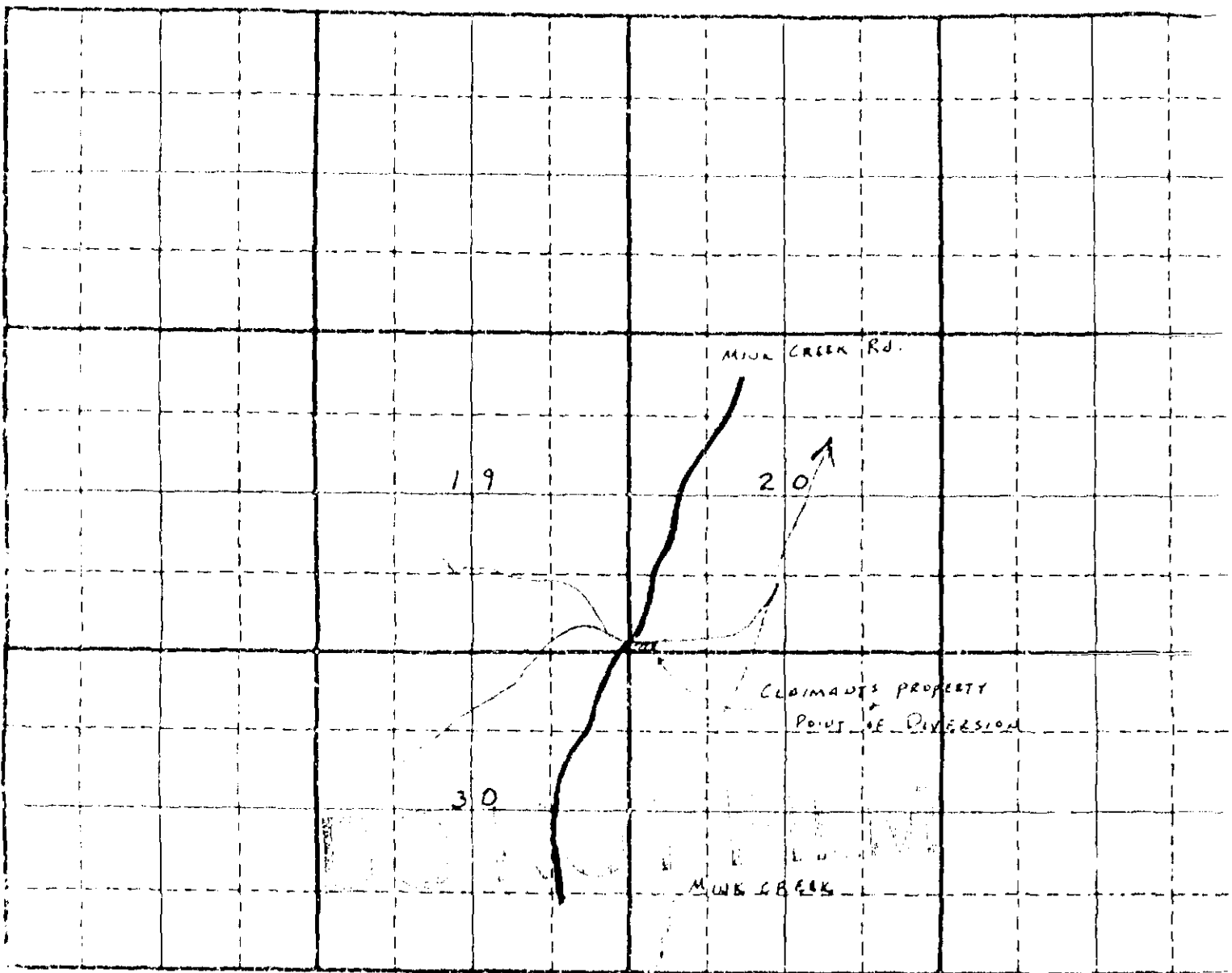
Grandpa gave me a horse that we called Tom. It was a cow pony and I rode him all over the country. We fixed up an old time buggy and he repaired a one horse harness and we would ride the one horse buggy around. He also had another riding horse that we called Snip. It was a race horse that had his foot cut. We used the race horse for both riding and working. Then there were the two big work horses.

Grandpa was a very law abiding person. I have never know him to willingly break the law. One time there were some people renting his other farm. I do not believe they were paying the rent. One day we took the wagon to pick up some lumber that he had stored there. These people did not want us to take the lumber and they hit the horses and did all sorts of things to get us to leave, but grandpa did not say a thing but just continued to load the lumber. A few days later a summons came to grandpa, and he had to go to court. The court found him not guilty and also made the people move.

Grandpa told me a lot of stories. One was about a wild horse that use to roam about there. The horse had a club foot, but nobody could catch it. He also told a story about robbers who buried their loot of gold up a canyon before they were caught and the loot was never found.

Grandpa was a hard worker and always in good health. One day he was stacking hay and just finished the stack (about 30 ft. high). I was handling the horse that took the hay up by a Jackson Fork. He started to come down by hanging onto the fork while I was to lower him down, but the slack wasn't out of the cable and he fell all the way with the fork on top of him (about 50 lbs.). He just got up and said "lets go to dinner." He was a little stiff the next day and didn't know why. Another time he was raking hay with a team of horses and a trip rack. The horses started to run away with him. Ronnie saw it and took out after him on another horse. But when he got to the rake grandpa was not on it, so he went back to look for him. When he found him he had blood all over his head. The team lost the rack when they went through the gate. Grandpa started after them, but the neighbors had stopped them. Everybody wanted to grandpa to go to the hospital, but grandpa. He finally agreed to go only after he had a bath. That night he found his clothes and walked out of the hospital. Another time he got hurt was he was working on a shutoff gate for the water. There was some reinforcement bars that was cut off with a welding torch

8) Remarks In 1977 Neil Gardner filed an irrigation claim naming James Shaw and others as users of the water. The spring has also been used for domestic purposes since approximately 1904, being the house water supply. This is submitted to clarify that claim.



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County of Bannock) 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 2nd day of

James Freeman Shaw
(Claimant)
November 1982
John L. Sh. K.
Notary Public
Residing at Pocatello Idaho

My commission expires Life time

FOR DEPARTMENT USE ONLY

Received by	Date	Exception filed by:	Forwarded to	Date
P. elon. check by HWS	Date 11-24-82		claimant by:	
\$30.00 fee received by	Date			
Published in Idaho State Journal				
Dates 11/18 & 11/25/82				

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Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		
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						Section Acres	1.0
		20	SW	SW		IRR	9.0
						Section Acres	9.0
						Total Acres	10.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
MINK CREEK IRR CORP

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

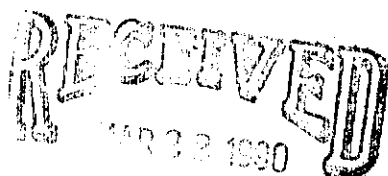
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Number of attachments: _____

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I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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Department of Water Resources

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Please type or print clearly

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which is tributary to (b) Mink Creek
4. a. Location of existing point of diversion is: Township 7S Range 35E Section 20,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Bannock
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
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18" Concrete Headgate; pump to pump from ponds along Spring
Sprinkler irrigation System includes 1000 Feet of 4" Mainline
pipe, 40 rainbirds and 5 horse power pump in use since
1982.

MICROFILMED

NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan. 1 to Dec. 31 amount .04 or _____

For Irrigation purposes from Apr. 1 to Nov. 1 amount .12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .16 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 30.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) The residence on the land. Spring is used to water lawn/garden areas immediately adjacent to house. Also used and appreciated for its aesthetic quality as it passes through the property.

10. Description of place of use:
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols. Used for domestic animals and fowl.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	35E	20											9						9
7S	35E	19																3	3

Total number of acres irrigated 10 acres

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A water right included in the Mink Creek Irrigation Corp. or None ()

14. Remarks: A small well is located on the property for household use.
The unnamed Spring has been used for domestic purposes since approximately 1904, being the only water supply for the house.
The Spring water is an important supplement to the Mink Creek Irrigation Corp rights as the Mink Creek Supply diminishes or is appropriated by someone with an earlier water right.

Last Name Shaw Ident No. _____

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