

Change of owner sent
12/03/04 KMT

06/08/2004

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-278

A GAIL SHEPPARD
3831 E 850 N
RIGBY ID 83442
Telephone Number: (208)745-6200

RICHARD G SHEPPARD
3837 E 850 N
RIGBY ID 83442
Telephone Number: (208)745-6114

MARGENE SHEPPARD
3831 E 850 N
RIGBY ID 83442
Telephone Number: (208)745-6200

JUNE SHEPPARD
3837 E 850 N
RIGBY ID 83442
Telephone Number: (208)745-6114

RECEIVED

DEC 03 2004

Department of Water Resources
Eastern Region

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

I included an old court case decision which involved this 37 acres plus the adjoining farm. This land has 176 inches of water.

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

Gail and Margene Sheppard have been bought out by Richard and June Sheppard.

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

This East side Water district has been organized at least 2 years. I've talked to Michael Holiday prior to this procedure (a adjudication). He has not come out during the irrigation season once. So he has no idea of the amount of water we use or how we irrigate.

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

4. The Court concludes as a matter of law that the plaintiffs are the owners and have the right to the use of five hundred eighty-four (584) miners inches of the flow of the waters of the said Hyrum Poole slough and are entitled to have the same flow to their headgates without interference by the defendants, or either of them, and that the plaintiffs are entitled to an injunction, perpetually enjoining the defendants and each of them, their attorneys, agents, and employees from in any manner interfering with the flow of the said quantities of water to the headgates of the said plaintiffs.

5. Therefore it is ordered, adjudged and decreed that the plaintiffs herein are owners of the right to the use of five hundred eighty-four (584) miners inches of the flow of the waters of "The Hyrum Poole Slough", and to have same flow, without interference, to their headgates; that plaintiffs are entitled to have the waters of said slough decreed and distributed to each of them according to the area of the land owned by each and the requirements of the same; there is hereby decreed and distributed to plaintiff John R. Scott of the flow of waters of said slough three hundred sixty-eight (368) miners inches, and that the said right dates from the 15th day of May, 1889; that there is hereby decreed and distributed to plaintiff Josiah A. Scott (176) miners inches, the right thereto dating from May 15, 1889; That there is hereby decreed and distributed to plaintiff, Mabel S. McMurtrey of the flow of the waters of said slough, forty (40) miners inches, the right thereto dating from May 15, 1889.

And the defendants, their attorneys, agents and employees and each of them are hereby perpetually enjoined from diverting water from the said slough, (from pumping water therefrom) in any manner that will interfere with the free flow of the several quantities of water herein decreed to plaintiffs. The right to the use of the several quantities of water herein allotted and decreed to the plaintiffs respectively is adjudged and decreed a right appurtenant to the several tracts of land herein described as the property of the said several plaintiffs. It is decreed that defendants J.A. Duffy and Sylvanus Hawke shall have the right to turn water into the said slough as they have done in the past and if they desire, to pump the same out for irrigation upposes.

It is ordered, that the plaintiffs herein pay the costs of this proceeding.
Done and dated at Rigby, Idaho, this 25 day of September, 1919.

Filed September 30, 1919
Zina H. Poole, Clerk

James G. Gwinn, District Judge.

No. 10

FILED 11