

Revised Place of Use 31-19, 31-11337



Idaho Department of Water Resources

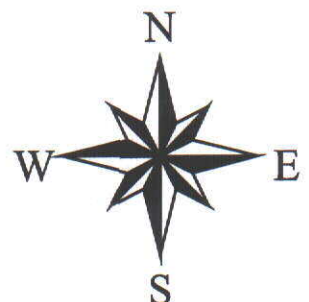
Water Right 31-19, 31-11337

Township 6N Range 35E Section 4



0 1320 Feet

-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

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

DISTRICT COURT-SREA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
)
Case No. 39576)

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

Water Right 31-11337

SEP 10 2002

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: JALENE SHULDBERG
KEITH SHULDBERG
1785 N 1800 E
HAMER, ID 83425

SOURCE: CAMAS CREEK

TRIBUTARY: MUD LAKE

QUANTITY: 131.00 APY

USE OF THIS RIGHT WITH RIGHT NO. 31-19 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 418 AP.

PRIORITY DATE: 05/01/1934

POINT OF DIVERSION: T06N R35E S04 NENENE Within Jefferson County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-13	131.00 APY
	Irrigation from Storage	04-01 TO 10-31	131.00 APY

PLACE OF USE: Irrigation from Storage Within Jefferson County

T06N R35E S04 LOT 1	(NENE) 28.0	LOT 2	(NWNE) 33.0
	SWNE 40.0		SENE 40.0
LOT 3	(NENW) 7.3	LOT 4	(NWNW) 13.0
	SWNW 38.0		SENE 40.0
239.3 Acres Total			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 79.3 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 31-19 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 239.3 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE
AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER
DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS
OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT
NUMBER 307626.

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

RULE 54(b) CERTIFICATE

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



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

03/15/2001

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

RIGHT NUMBER: 31-11337

NAME AND ADDRESS: JALENE SHULDBERG
KEITH SHULDBERG
1785 N 1800 E
HAMER, ID 83425

SOURCE: CAMAS CREEK

TRIBUTARY: MUD LAKE

131 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-19 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 418 AF.

PRIORITY DATE: 05/01/1934

POINT OF DIVERSION: T06N R35E S4

NENENE

Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01-01 12-13	131.00 AFY
IRRIGATION FROM STORAGE	04-01 10-31	131.00 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within

JEFFERSON County

T06N R35E S4	LOT 1	NENE	28	T06N R35E S4	LOT 2	NWNE	33
T06N R35E S4		SWNE	40	T06N R35E S4		SENE	40
T06N R35E S4	LOT 3	NENW	7.3	T06N R35E S4	LOT 4	NWNW	13
T06N R35E S4		SWNW	38	T06N R35E S4		SENE	40

239.3 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 79.3 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 31-19 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 239.3 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM
INDEPENDENT WATER USERS INC.

Revised Place of Use 31-19, 31-11337



Idaho Department of Water Resources

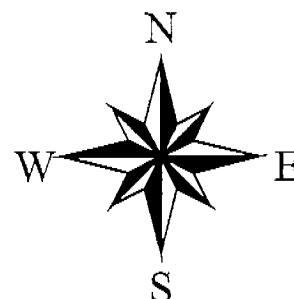
Water Right 31-19, 31-11337

Township 6N Range 35E Section 4



0 1320 Feet

- ⊙ Point of Diversion
- ⊙ Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-11337

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JALENE SHULDBERG 1785 N 1800 E HAMER, ID 83425
Current Owner	KEITH SHULDBERG 1785 N 1800E HAMER, ID 83425
Original Owner	JAY T FURNESS
Original Owner	ESTHER B FURNESS 1785 N 1800 E HAMER, ID 83425 (208)663-4300

Priority Date: 05/01/1934
Basis: Beneficial Use
Status: Valid

<u>Source</u>	<u>Tributary to</u>
CAMAS CREEK	MUD LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	01/01	12/13		131 AFA	
STORAGE					
IRRIGATION FROM	04/01	10/31		131 AFA	
STORAGE					
Total Diversion				131 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	35E	4	NE NE NE	0	JEFFERSON

IRRIGATION FROM STORAGE Use:
Acre Limit: 233.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	35E	4	1	NENE	26	2	NWNE	33		SWNE	40		SENE	40
			3	NENW	4.1	4	NWNW	12		SWNW	38		SENW	40

Total Acres: 233.1

Conditions of Approval:

- C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-19 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 418 AF.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 73.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-19 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 233.1 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

Author	Date	Subject	Comment
bcontor	11/2/00	Priority	Per watermaster Greg Shenton, WD records show Independent Water Users water and 31-19 water comingled on the entire PPU from the beginning of Independent WU. First record of Independent on allotment sheet is 5/1/1934.
bcontor	11/2/00	priority	Additional documentation in file is affidavit from a former owner who personally applied creek water to the whole PPU as early as 1940.
bcontor	11/2/00	enlargement	This right is similar to an enlargement in that no additional Q was developed when the acreage was combined with Independent Water Users acreage on a PPU basis. However since it predated mandatory permit statute, condition C11 is not applied.
bcontor	11/2/00	volume	418/233.1 = 1.79 af/acre. 233.1 - 160 = 73.1 "new" acres. 73.1 X 1.79 = 131 acre feet. However no additional Q or V were developed, so combined use limit of 418 afa w/ 31-19 is applied.

Dates:

Licensed Date:
 Claim Received Date: 02/21/2000
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	11/2/00 9:10:11 AM	bcontor			In Process
Priority Date	11/2/00 9:07:33 AM	bcontor			In Process
Quantity	11/2/00 9:23:09 AM	bcontor			In Process
Season	11/2/00 9:20:47 AM	bcontor			In Process
Source	11/2/00 9:10:41 AM	bcontor			In Process
Summary	11/2/00 9:23:58 AM		11/2/00 9:23:58 AM	bcontor	Complete
Use	11/2/00 9:11:59 AM	bcontor			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: AND
 Overall Max Diversion Rate:
 Overall Max Diversion Volume: 131
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:

Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	11/2/00 9:10:09 AM	bcontor	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Field inspection. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required. Edited point location 1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (YES) The basis of claim is beneficial use. 4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use. 10. (YES) The claim file contains sufficient evidence of priority date. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	11/2/00 9:09:24 AM	bcontor	
Priority Date	11/2/00 9:07:32 AM	bcontor	1. (YES) The basis of claim is beneficial use. 5. (NO) A flow measurement was not required. Comment for 5: See comments. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Quantity	11/2/00 9:23:08 AM	bcontor	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Season	11/2/00 9:20:45 AM	bcontor	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change in the Source. 7. (YES) The file contains all of the necessary information to verify the source. Comment for 7: Field Inspection 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Source	11/2/00 9:10:40 AM	bcontor	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Summary	11/2/00 9:23:56 AM	bcontor	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the purpose of use. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
Use	11/2/00 9:11:58 AM	bcontor	

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: A31-11337

Date Received: 2/21/2000

Receipt No: ~~X777777~~ E026

Received By: BAC 285

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEITH C SHULDBERG
Address: 1785 N 1800 E
HAMER ID

208-663-4644

83425

2. Date of Priority: ~~APR 1, 1900~~ May 1st 1934 KS

3. Source: CAMAS CREEK Trib. to: MUD LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	35E	4	NE	NE	NE		JEFFERSON

5. Description of diverting works:
PUMP TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.630	1.70	KS

7. Total Quantity Appropriated is:

~~0.630~~ C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	35E	4	NE	NE		IRR	41.2
			NW	NE		IRR	41.2
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	4	NW	NW		IRR	12.0
			SW	NW		IRR	38.3
			SE	NW		IRR	40.0
						Section Acres	257.7
						Total Acres	257.7

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
INDEPENDENT WATER USERS SHARES

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 31-00019 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.70 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 31-00019 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 257.7 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 31-00019 PURSUANT TO SECTION 42-1426, IDAHO CODE.

RIGHT NO. 31-00019 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 97.7 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

15. Basis of Claim: BENEFICIAL USE

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: 1

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): Keith C. Shuldley Date: 10-26-00

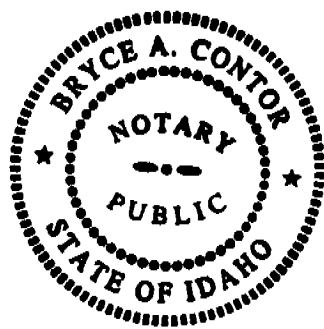
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of October 20 00
Bryce A. Contor
Notary Public

Seal

Residing at Mud Lake ID 83450
My Commission Expires 10/26/00





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 15, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KEITH & JALENE SHULDBERG
1785 N 1800 E
HAMER ID 83425

RE: NOTICE OF ERROR

Dear Mr. and Mrs. Shuldberg:

Water Agent Bryce Contor has finished reviewing your Notice of Error for water right numbers 31-19 and 31-11337, and has adjusted the claims accordingly.

Enclosed for your records are copies of the recommendations and an aerial photo of the property.

If you have any questions feel free to contact Bryce Contor at this office.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Cheri Vandermeulen'.

Cheri Vandermeulen
Records Clerk

To: Ind. Water users files
Keith Shuldberg Files
Fr: Bryce Contor
Date: 10/27/00

Re: Irrigation of Keith Shuldberg
lands north of Camas Creek

Yesterday Keith told me he has a
pipe buried beneath Camas Creek
to convey water from his lift pump
to his pool north of Camas Creek.

Bryce A. Contor

To: A31-11337
Fr: Bryce Connor
Date: 9/23/00

To: Priority date

Per Greg Sheraton, Watermaster, Keith
Shulberg's Right has always been commingled
w/ Independent Water Users water on
the entire POU. Greg says he has
documentation going back to beginning
of Independent.

First Allotment sheet records of Ind.
Water Users appear in 1934.

Therefore I recommend priority date
of 5/1/1934.

BAC.

March 27, 2000

We, Jay and Esther Furness, purchased the west half of our farm in Mud Lake from Charlie Duncan in November 1946. We purchased Independent Water shares and comingled it with the 1908 water right to irrigate the west side of the farm.

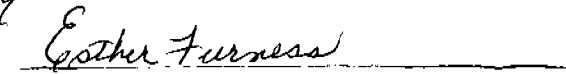
The legal description of the above stated property is:

TRACT 1: Township 6 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho.

Section 4: South 1/2 of the NW 1/4, EXCEPTING THEREFROM: Beginning at the Southwest corner of the NW 1/4 of said Section and running thence East 382 feet; thence North 197 feet; thence West 382 feet; thence South 197 feet to the point of beginning.

TRACT 2: All that part of Lot 3 lying South of Camas Creek, and all that part of Lot 4 lying South of Camas Creek, and East of a private roadway across said Lot 4, being in Section 4, Lot 1 and the East 1/2 of the South 1/2 of the Northeast 1/4 of Section 4, Lot 2 and the SW1/4 of the NE1/4 EXCEPTING THEREFROM: Beginning at the Northeast corner of Lot 1, Section 4 and running thence West 200 feet; thence South 300 feet; thence East 200 feet; thence North 300 feet to the point of beginning.


Jay T. Furness


Esther Furness