

Idaho Department of Water Resources

1987 Napp Photo

Claim Number:

57-02114

Legal:

T01S, R05W, S30

31, 32

T02S, R05W, S5

Reviewed By:

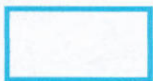
Point of Diversion



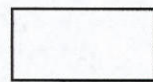
Place of Use



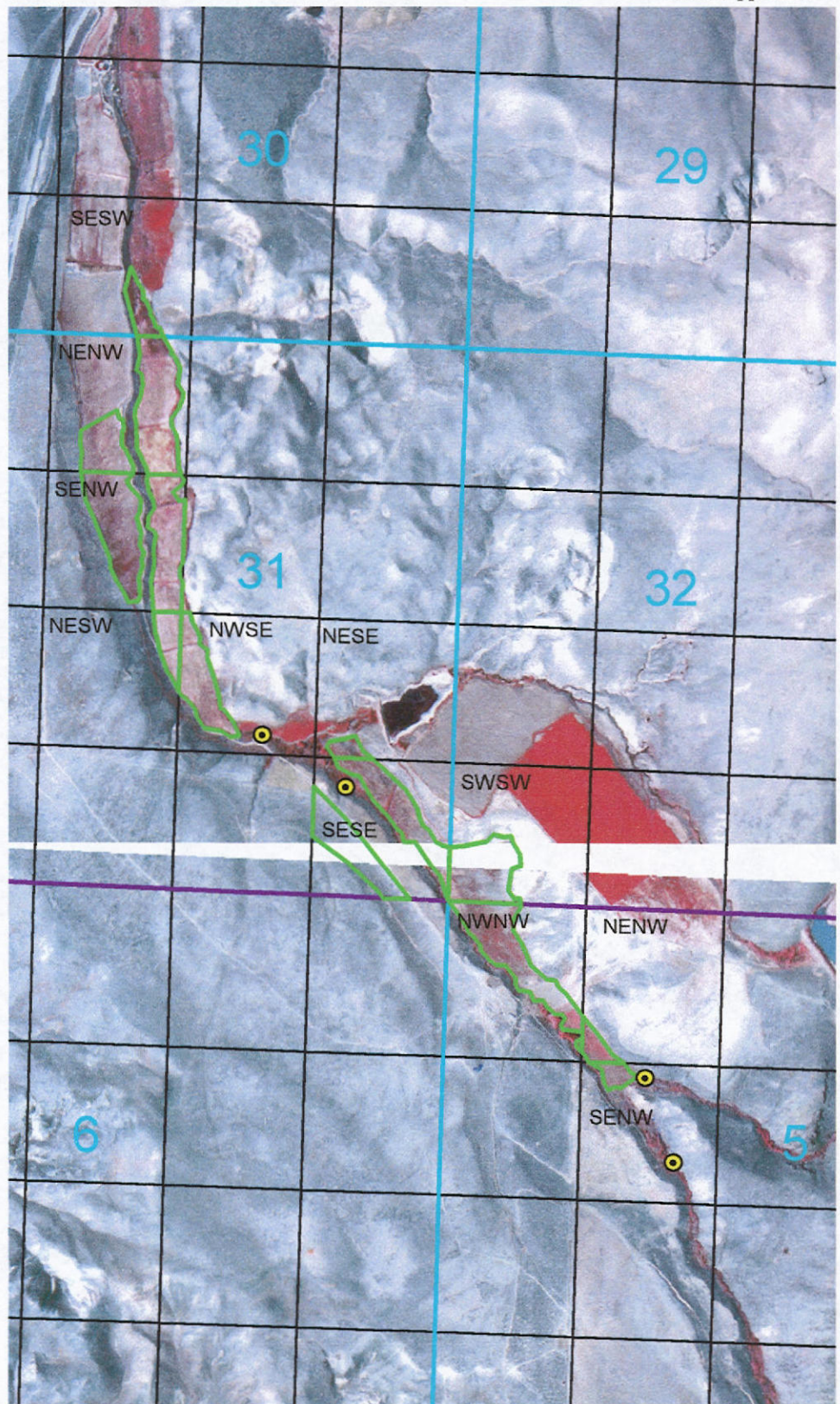
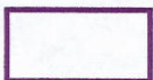
Section Lines



Quarter Quarter Lines



Township/Range Lines

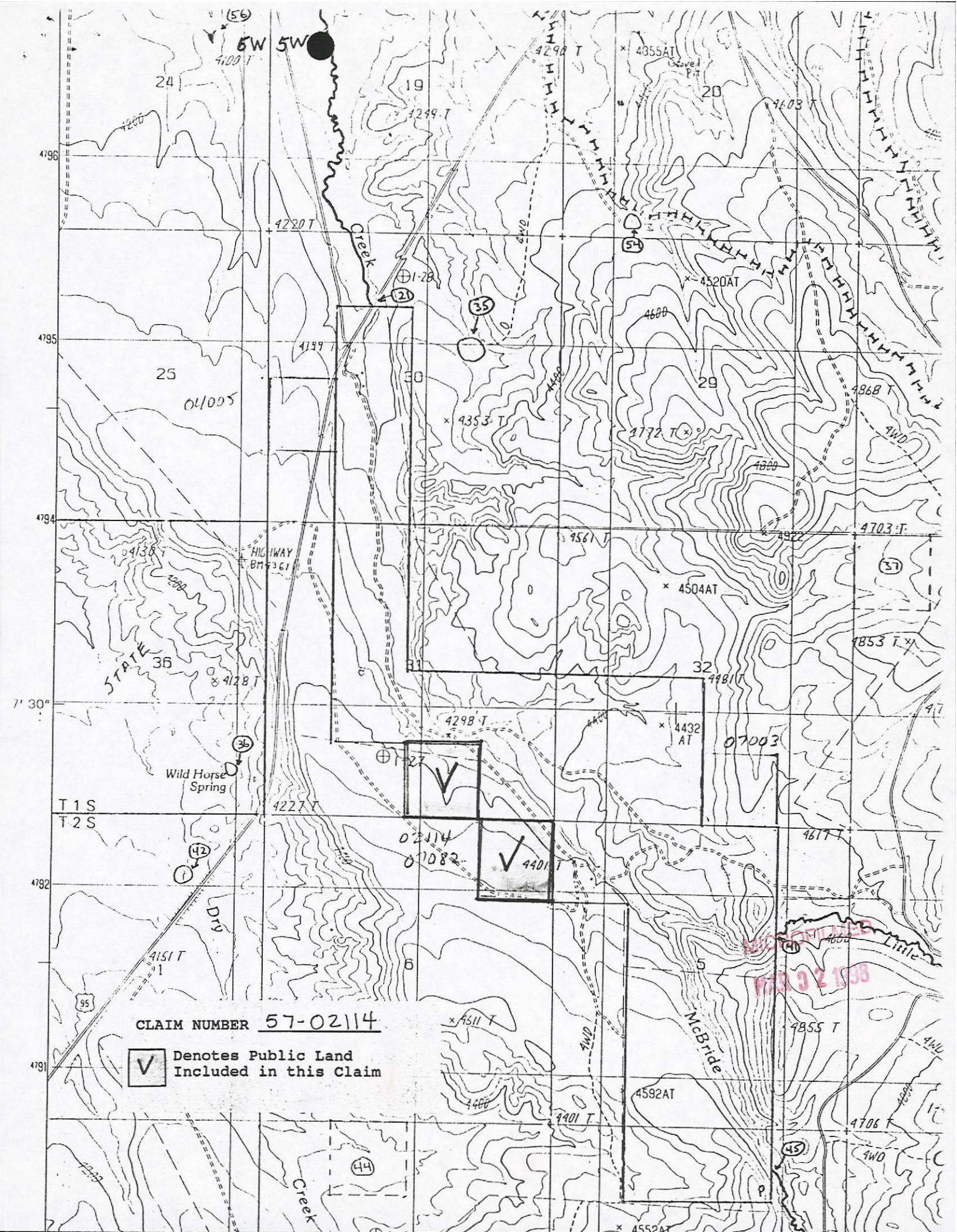


0 0.25 0.5 0.75 1 Miles

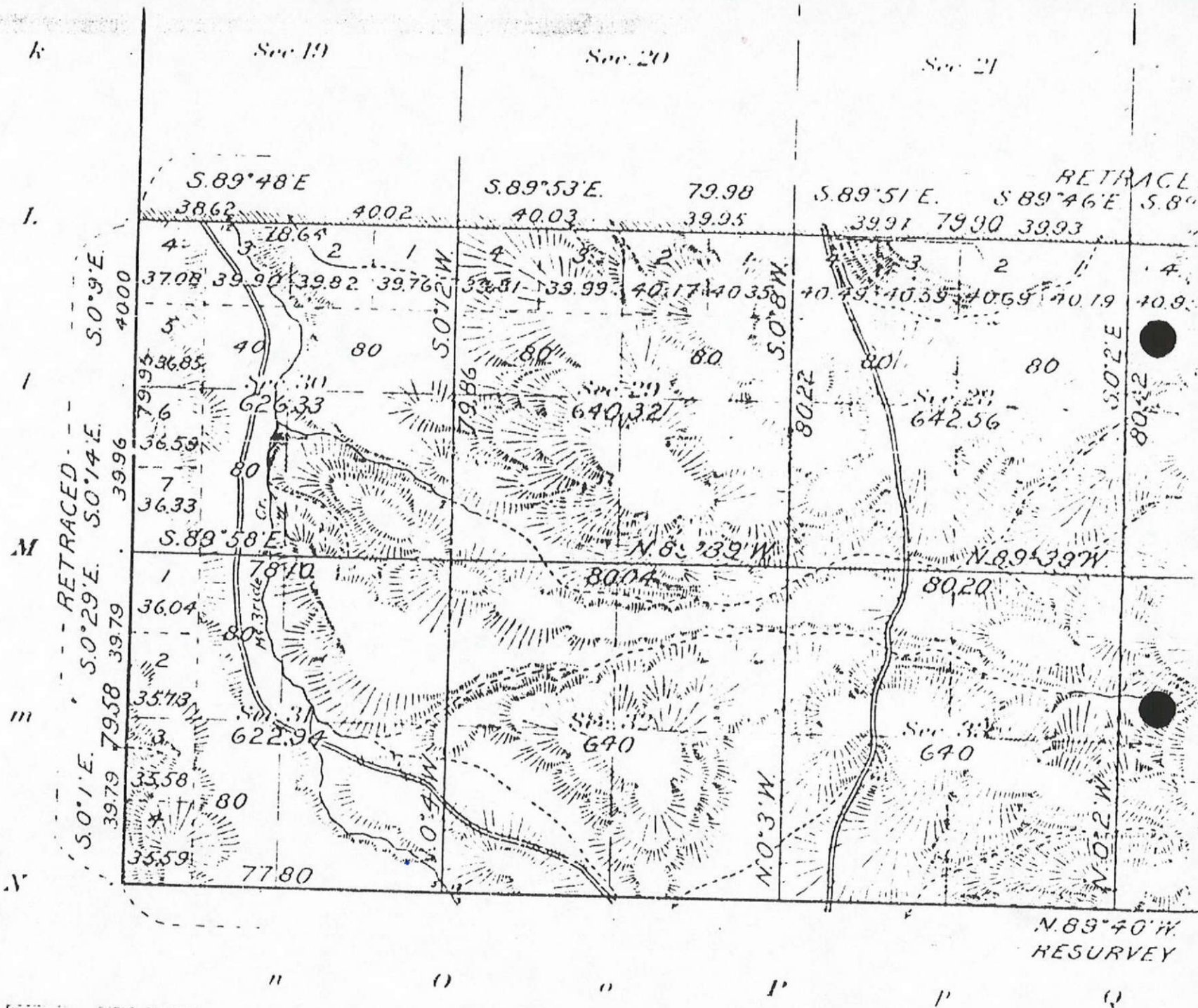
CLAIM NUMBER 57-02114



Denotes Public Land
Included in this Claim



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OCT 07 1992



Surveys Designated	By Whom Surveyed	GROUP		Amount of Surveys			When Began
		No.	Date	Mts.	chs.	lks.	
Subdivisions	Jay P. Hester & J. K. Kutz	17	Mar. 18, 1911	16	00	28	April 22, 1911
Subdivisions - Ret.							

Township No 2 South, Range No 5 West

G f F e E d D

Reserved
N. 89° 40' W.

g

h

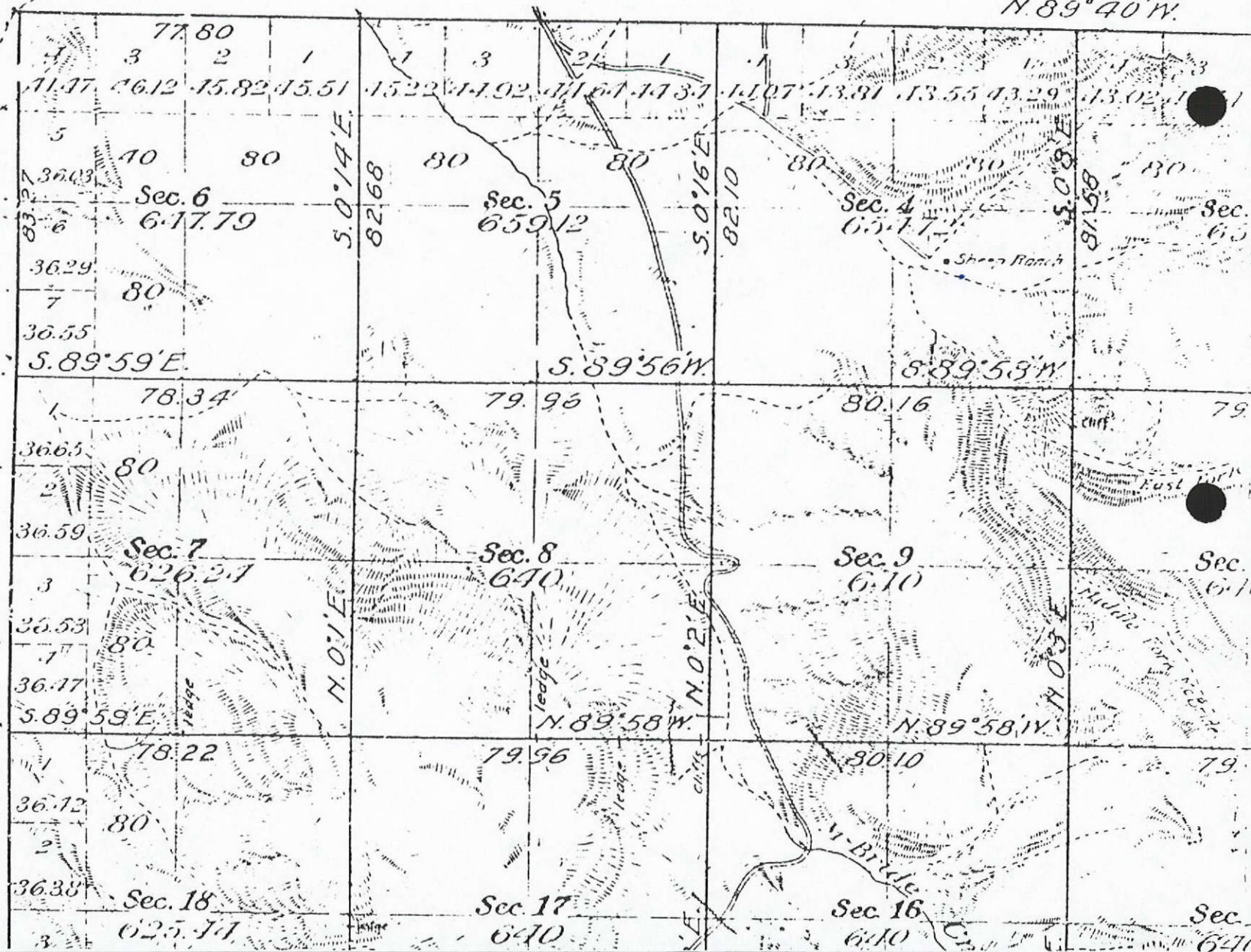
i

j

k

OCT 07 1992

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Shenk's Overlap Analysis

LAND LIST ATTACHMENT

Total Acres → 317.5 → Irrigated

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
57-02114	1S	5W	30											2					2.
Direct Flow		31					15			19	4				1	5	11	14	69.
		32											10						10.
	2S	5W	5				2	12		2									16.
		6	3																3.
																			<u>100 ac.</u>
57-04005	1S	5W	30							11.5	24	1		24					60.5
Direct Flow + Storage		31					25			19	4				1.5	8		7	64.5
		32											10						10.
	2S	5W	5				2	10		2									14.
																			<u>149 ac.</u>
57-07003	1S	5W	30							Stor.									0.5
Direct Flow + Storage		31					5.5			0.5					5.5			2	13.5
		32									25	25	14	33			1		98.
	2S	5W	5				13	1	Stor.	20	10		2						48.
																			<u>160</u>
57-07082	1S	5W	30							11.5	24	1		24					60.5
Storage		31					30.5			19.5	4				7	8	11	16	96.
		32									25	25	24	33			1		108.
	2S	5W	5				13	1	22	12		2							50.
		6	3																3.
																			<u>317.5</u>
57-10893	1S	5W	30							11.5	24	1		24					60.5
Storage		31					30.5			19.5	4				7	8	11	16	96.
		32									25	25	24	33			1		108.
	2S	5W	5				13	1	22	12		2							50.
		6	3																3.
																			<u>317.5</u>

57-07082 } Total number of acres irrigated _____
 57-10893 } Cover all irrigated lands under these rights.

Claims A57-02114/04005/07003/07082

PHOTO # 1

This picture shows where water enters the small reservoir.



PHOTO # 2

Point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31 - entire creek is dammed up.



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kw
taken 6/18/91

Claims A57-02114/04005/07003/07082

PHOTO # 3

McBride Creek - Diversion dam in creek and ditch that goes directly to Little McBride Creek. Place of use also in picture.



Place of use.

PHOTO # 4



MICROFILMED
OCT 17 1962

11/9/90
kw

Claims A57-02114/04005/07003/07082

PHOTO # 5

Points(2) of diversion in Sec. 5... from McBride Creek.



PHOTO # 6

Point of diversion in Sec. 8... Small rock dam in creek.



MICROFILMED
OCT 6 7 1992

11/9/90
kw

Claims A57-02114/04005/07003/07082

PHOTO # 7

Ditch that takes off from Point of Diversion in Sec. 8.



MICROFILMED
OCT 07 1992

11/9/90
kw

Claims A57-02114/04005/07003/07082

PHOTO # 3

This picture shows point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31... (see photo #2 and photo #4 also)



PHOTO # 4

Point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31...



MICROFILMED
OCT 07 1992

*pictures
6/18/91 - kw*

Claims A57-02114/04005/07003/07082

PHOTO # 5

This picture shows point of diversion in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31 - picture taken above diversion.



PHOTO # ~~5~~ ^{kw}6

Point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31... picture taken below diversion.



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pictures
6/18/91-kw

Claims A57-02114/04005/07003/07082

PHOTO # 11

Picture of the point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 2S, Rge. 5W. Diverting water from McBride Creek into Little McBride Creek then into small reservoir.



PHOTO # 12

Picture of the cement culverts where Little McBride Creek joins Willow Creek.



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OCT 07 1992

*pictures
6/18/91 - kw*

6-18-91

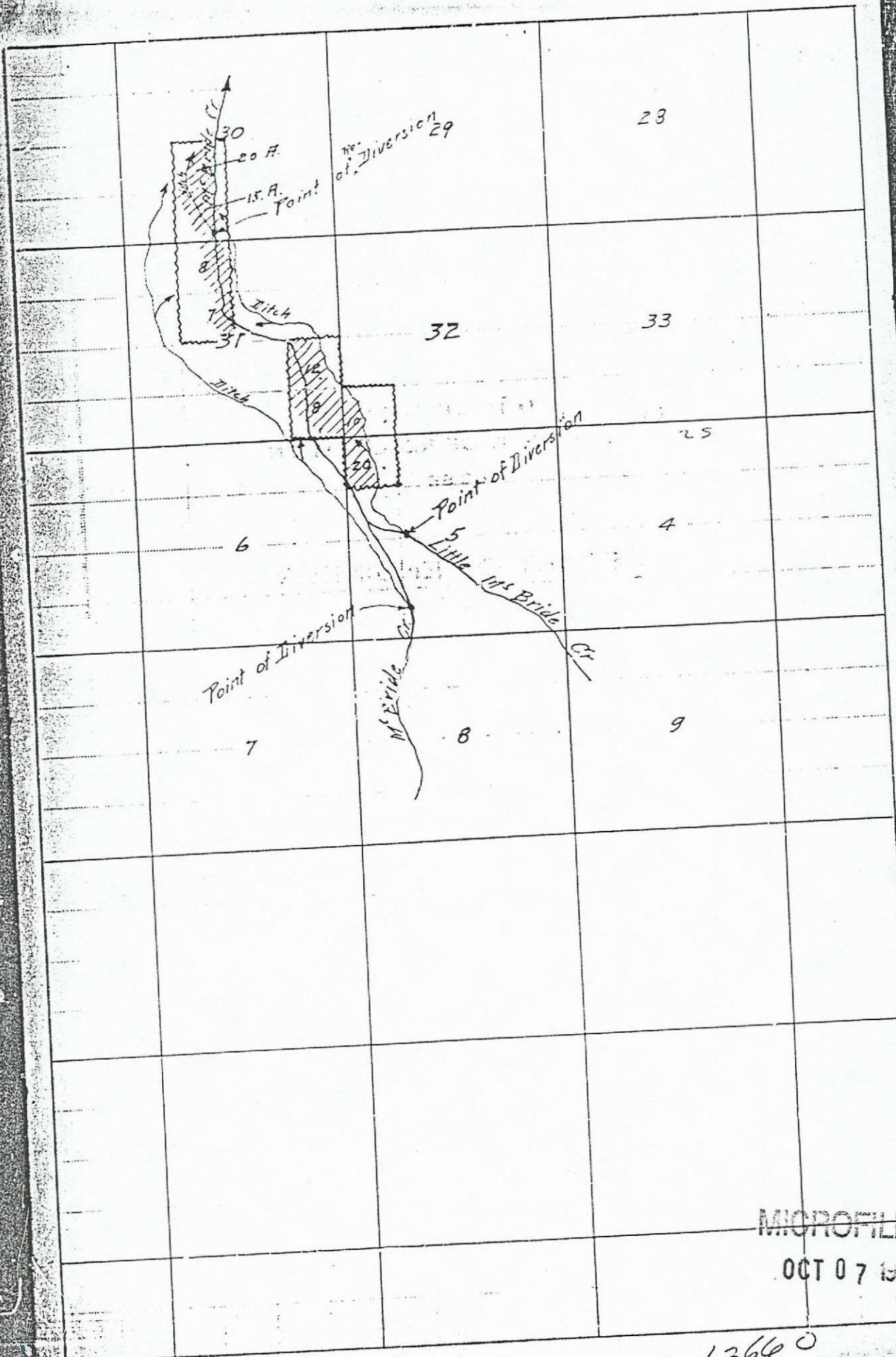


Cement
culverts in
~~Ditch~~ Willow Fork
NWSE, Sec. 4-
Willow Fork &
Little McBride
Ck. meet
here.



Picture showing
point where
McBride Ck.
and Little
McBride Ck.
meet.

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OCT 17 1992



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: A57-02114
Date Received: 12/06/1988
Receipt No: 0002460
Received By: _____

No ✓
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK ~~LEE~~ SHENK
Address: STAR ROUTE
MARSING, ID 83639

Name: MARGIE SHENK
Address: STAR ROUTE
MARSING, ID 83639

2. Date of Priority: JUL 11, 1918

3. Source: MC BRIDE CREEK Trib. to: SUCCOR CREEK
LITTLE MC BRIDE CREEK SUCCOR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	05W	30	SE	SW			OWYHEE
		31	SW	SE			OWYHEE
02S	05W	5	SE	NW			OWYHEE
			SE	SW			OWYHEE

5. Description of diverting works:
SMALL DIVERSION DAMS IN CREEKS WITH DITCHES FOR GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER.

A57-02114

Page 1

Date: 01/11/89

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OCT 17 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
01S	05W	30	NE	SW		IRR	20.0	
			SE	SW		IRR	15.0	
							Section Acres	35.0
		31	NE	NW		IRR	8.0	
			SE	NW		IRR	7.0	
			NE	SE		IRR	12.0	
			SE	SE		IRR	8.0	
							Section Acres	35.0
		32	SW	SW		IRR	10.0	
								Section Acres
02S	05W	5	NW	NW		IRR	20.0	
							Section Acres	20.0
							Total Acres	100.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
CLAIM NO.'S A57-04005 & A57-07082.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 13660

MICROFILMED
OCT 07 1992

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): Mark D. Shurt Date: 3-21-89
Margie Shurt Date: 3-21-89

State of Idaho)
County of OWYHEE) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of March, 19 89

Helma D. Garrison
Notary Public

Seal

Residing at Emmett, Idaho
My Commission Expires 5-22-91

Idaho Department of Water Resources

1987 Napp Photo

Claim Number:

57-02114

Legal:

T01S, R05W, S30

31, 32

T02S, R05W, S5

Reviewed By:

Point of Diversion



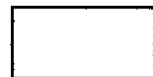
Place of Use



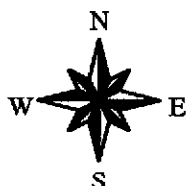
Section Lines



Quarter Quarter Lines



Township/Range Lines



0 0.25 0.5 0.75 1 Miles



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-02114

Date: 6-11-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	15	5W	30											2						2
-GIS-														2.3						2.3
Claim			31					15			19	4				1	5		14	58
GIS								16			19	3				1.3	6.8		15	61
Claim			32											10						10
GIS														8.4						8.4
Claim	2S	5W	5					-5	-4											16
GIS								2	12		2									14.3
								1.8	11		1.5									

Number of POD's 4

Total Claimed Acres: 86

Overlapping FOU Claim #'s:
57-04005

Total GIS Acres: 86

COMMENTS:

County data indicates claimant doesn't own all of these parcels. Per claim map & claim legal description.

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-02114

1997 APR 29 PM 2:33
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: ED WILSEY
CARL WILSEY
HCR 81
MARSING ID 83639

SOURCE: MC BRIDE CREEK TRIBUTARY: SUCCOR CREEK
LITTLE MC BRIDE CREEK MC BRIDE CREEK

QUANTITY: 1.72 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005 AND 57-07003 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.03 CFS.

PRIORITY DATE: 07/11/1918

POINT OF DIVERSION: T01S R05W S31 NWSE Within Owyhee County
T02S R05W S05 SESE (2)
SENW

TWO POINTS OF DIVERSION LOCATED IN SENW, S05, T02S, R05W.

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 1.72 CFS

PLACE OF USE: IRRIGATION Within Owyhee County
T01S R05W S30 SESW 2.0
S31 NENW 15.0 SENW 19.0 NESW 4.0 NESE 1.0
NWSE 5.0 SESE 14.0
S32 SWSW 10.0
T02S R05W S05 Lot 3 (NENW) 2.0 Lot 4 (NWNW) 12.0 SENW 2.0
86.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082
AND 57-10893 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL
OF 301.5 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082
AND 57-10893 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 753.8 AF.

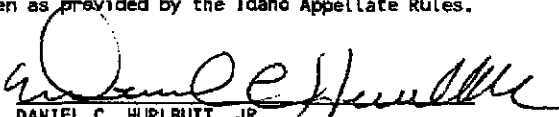
DATED: APR 29 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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.

DATED: APR 29 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK

2003 JAN 3 PM 4 42

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

In Re SRBA	)	Water Right 57-2114
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on April 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 to 10-31

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated January 3, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

January 3, 2003

Ed Wilsey
Carl Wilsey
HCR 81
Marsing, ID 83639

RECEIVED

JAN - 6 2003

Department of Water Resources

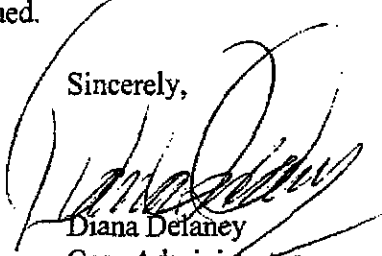
Dear Water Right Claimant(s):

This letter accompanies copies of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right numbers 57-2114, 57-4005, 57-7003, 57-7082, and 57-10893. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of these water rights. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for each of these water rights. As stated in the face of each **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The **Order** also incorporates into the **Partial Decrees** an express statement that each **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). These **Orders**, in combination with the **Partial Decrees** that were issued for these water rights on April 29, 1997, set forth all of the elements of your water rights. The Snake River Basin Adjudication (SRBA) Court suggests that you keep these documents in a safe location together with a copy of each **Partial Decree** to show evidence of these water rights. The original of these **Orders** and the original of each **Partial Decree** for these water rights are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Orders** are entered **Nunc Pro Tunc**, meaning that the **Orders** will be treated as if they were issued on the same date that the **Partial Decrees** were originally issued.

Sincerely,



Diana Delaney
Case Administrator

RECEIVED

MAY 1997
Department of Water Resources
Tribal Division Bureau

MAY 29 PM 2:33

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

) **ORDER OF PARTIAL DECREE**

Case No. 39576

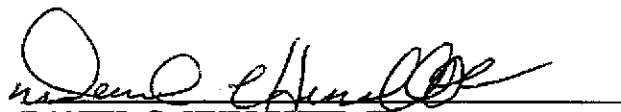
) **For Water Right 57-02114**

On March 5, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-02114 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 29, 1997.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

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)

Case No. 39576

The State of Idaho, ex rel.)
R. Keith Higginson in his)

Subcase No. 57-02114-0001

official capacity as director)
of the Idaho Department of)
Water Resources,)

STIPULATION AND ORDER
TO RESOLVE OBJECTION

Petitioner,)

v.)

The United States;)
the State of Idaho;)
and all claimants to the use)
of water from the Snake River)
Basin Water System,)

Respondents.)

DESCRIPTIVE SUMMARY

This is a stipulation and order to resolve the United
States' objection to water right number 57 - 02114 .

STIPULATION

To resolve the dispute over the above-captioned water right,
the claimant, Mark D. and Margie Shenk, the objector, the
United States of America, and the Idaho Department of Water
Resources (IDWR), stipulate and agree as follows:

1. The places of use as recommended in the Director's Report
are incorrect. The following places of use should be deleted:
T01S R05W S31 SWSE 11.0 acres and T02S R05W S06 Lot 1 NENE 3.0
acres.

2. In connection with the change of the places of use, the amount of water recommended shall be reduced proportionately with the reduction of acreage. The amount of water shall be reduced from 2.00 cfs to 1.77 cfs.

3. The water right is accurately described in Exhibit 1, a revised page of the Director's report containing the changes described above showing specific changes made to the Director's original recommendation in an underline/overstrike format.

4. All decrees, whether partial or final, should describe the water right as modified and described in Exhibit 1.

5. Upon entry of partial and final decrees for this water right number describing the right as shown in Exhibit 1, including the modification indicated thereon, the objection of the United States shall be deemed withdrawn.

6. Because there are no remaining objections to this water right, a partial decree may be entered for it pursuant to I.C. 42-1412(8).

7. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

8. This stipulation is entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence, whatsoever.

MICROFILMED
MAR 92 2010

Respectfully submitted,

CLAIMANT

Dated:

UNITED STATES OF AMERICA
on behalf of the BLM

Dated:

By:

Daria J. Zane
Attorney
General Litigation Section
Environment & Natural Resources Division
U.S. Department of Justice
P.O. Box 663
Washington, D.C. 20044
(202) 272-8351

Dated:

By:

David Brunner
District Manager
Bureau of Land Management
Boise, Idaho 83720

IDAHO DEPARTMENT OF WATER RESOURCES

Dated:

By:

Daniel L. Steckel
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

MICROFILMED
MAR 12 1986

ORDER

This matter having come before the Court upon stipulation of counsel, and good cause having been shown,

IT IS HEREBY ORDERED that the Court shall enter a partial decree for water right ____-____ as described in the attached Exhibit 1. The United States' objection shall be deemed withdrawn upon entry of the partial decree. Because no other objections have been raised to this water right, the hearing for entry of this partial decree is scheduled for _____, 199__, at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

DATED and signed this _____ day of _____, 1994.

DANIEL C. HURLBUTT JR.
District Judge

MICROFILMED
MAR 32 1994

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAR-25-1994
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: LITTLE MC BRIDE CREEK		TRIBUTARY: MC BRIDE CREEK				

57-02114	MARGIE SHENK MARK D SHENK 28801 SCOTT PIT RD PARMA ID 83660	07/11/1918	IRRIGATION	04-15 10-15	~~2.00~~ 1.78	CFS LICENSE
----------	--	------------	------------	-------------	----------------------	-------------

TOTAL QUANTITY: ~~2.00~~ CFS

POINT OF DIVERSION:
T01S R05W S31
T02S R05W S05
PLACE OF USE: IRRIGATION

NWSE
SESE
SESW

T01S R05W S30	SESW 2.0				
S31	NENW 15.0	SESW 19.0	NESW 4.0	NESE 1.0	
	NWSE 5.0	~~SESW 11.0~~	SESE 14.0		
S32	SWSW 10.0				
T02S R05W S05	Lot 3 (NENW) 2.0	Lot 4 (NWNW) 12.0	SESW 2.0		
S06	Lot 1 (NENE) 3.0				

86.0 ~~100.0~~ ACRES TOTAL

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO IDAHO CODE 42-1416A.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.

2 POINTS OF DIVERSION LOCATED IN SENW, S05, T02S, R05W.
SOURCES FOR THIS RIGHT ARE MCBRIDE CREEK TRIB. TO SUCCOR
CREEK, AND LITTLE MCBRIDE CREEK TRIB. TO MCBRIDE CREEK.

RIGHT NO. 57-04005 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION
WITHIN THE NWSE, S31, T01S, R05W AND SENW, S05, T02S, R05W.

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082
AND 57-10893 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE

USE VOLUME OF 793.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 317.5 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005 AND 57-07003 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.35 CFS.

753.8

301.5

6.03

MICROFILMED

1993 02 25

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: MC BRIDE CREEK		TRIBUTARY: SUCCOR CREEK				
57-02114	MARGIE SHENK MARK D SHENK 28801 SCOTT PIT RD PARMA ID 83660	07/11/1918	IRRIGATION	04-15 10-15	<u>1.72</u> <u>2100</u>	CFS CFS LICENSE
TOTAL QUANTITY:					<u>1.72</u> <u>2100</u>	CFS CFS
POINT OF DIVERSION:						
T01S R05W S31		NWSE				
T02S S05		SESE				
PLACE OF USE: IRRIGATION		SESW				
T01S R05W S30		SESW 2.0				
S31		NENW 15.0 SENW 19.0 NESW 4.0 NESE 1.0 NWSE 5.0				
		SESE 14.0				
S32		SWSW 10.0				
T02S R05W S05		Lot 3 (NENW) 2.0 Lot 4 (NWNW) 12.0 SENW 2.0				
~~T01S R05W S31~~		~~BASE 11.0~~				
~~T02S R05W S05~~		~~K01 / 1 (NENE) 3.0~~				
86.0 ACRES TOTAL						
~~1110010 ACRES TOTAL~~						
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A. 2 POINTS OF DIVERSION LOCATED IN SENW, S05, T02S, R05W. SOURCES FOR THIS RIGHT ARE MCBRIDE CREEK TRIB. TO SUCCOR CREEK, AND LITTLE MCBRIDE CREEK TRIB. TO MCBRIDE CREEK. RIGHT NO. 57-04005 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION WITHIN THE NWSE, S31, T01S, R05W AND SENW, S05, T02S, R05W. USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082 AND 57-10893 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 753.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 301.5 ACRES IN A SINGLE IRRIGATION SEASON. ~~USE VOLUME OF 793.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 317.5 ACRES IN A SINGLE IRRIGATION SEASON.~~ USE OF THIS RIGHT WITH RIGHT NOS. 57-04005 AND 57-07003 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.03 CFS. ~~LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.133 CFS.~~						

RECORDED
102 02 1983

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting: United States of America
Bureau of Land Management
Name: U.S. Department of the Interior
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:

The United States, through the Bureau of
Land Management, is the owner of the land
upon which this water right is claimed,
has a senior existing water right, and
claimant does not have a valid water
right.

2. Owner of the water right:
Margie Shenk
Name: claimant Mark D. Shenk
Address: 28801 Scott Pit Rd.
Parma, ID 83660
3. If this objection is filed by an attorney:
K. Jack Haugrud
Attorney Name: Daria J. Zane
U. S. Department of Justice
Attorney Address: 500 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: 202-272-4134/8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

MICROFILMED
MAR 22 1973

MICROFILMED

MAR 02 1993

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 57-02114
(You must insert the
water right number you
are objecting to)

OBJECTION RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

12. ☒ Water Right Recommendation: I object to:
- a. ☒ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The United States of America, acting through the Bureau of Land Management, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water right or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source. BLM specifically objects to the quantity, priority date, and/or purpose of use of the claimed right because granting this right will adversely affect the United States senior water right downstream.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The Directors report should be changed to recommend disallowance of this claim.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

MICROFILMED

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

(Over)

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

1. Map of claim on public land

2. Conflicting USDI claims

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of February,
199 3.


Notary Public for Ada County
Residing at: Boise, Idaho
My Commission expires: April 26, 1997

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I ~~mailed~~^{certified} the original and ~~copies~~^{filed} of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Margie Shenk
Mark D. Shenk
Owner's address: 28801 Scott Pit Rd.
Parma, ID 83660

3. One copy to:

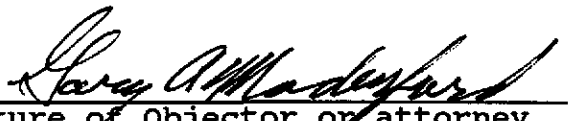
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

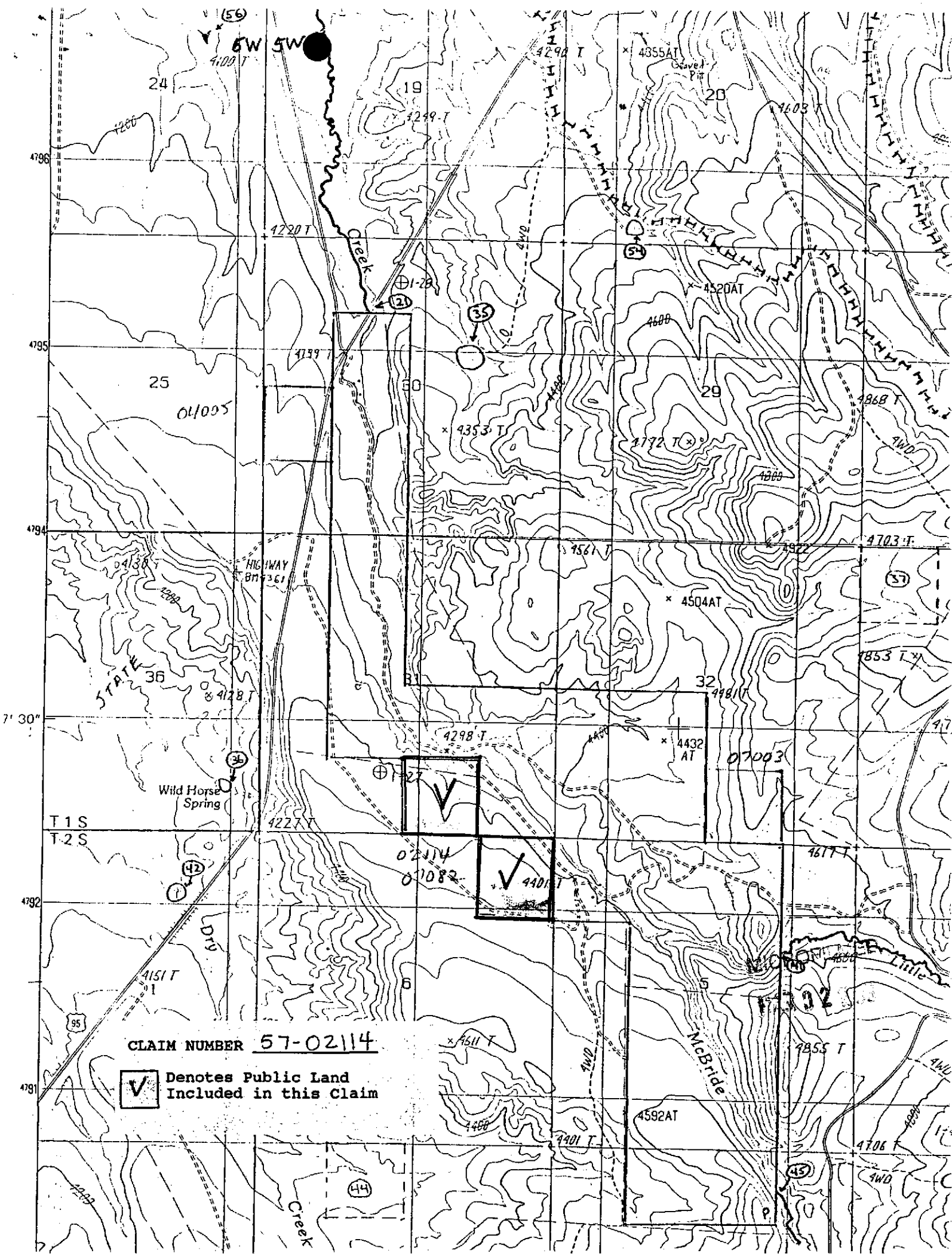
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

MICROFILMED

OBJECTION - ~~6~~ MAR 02 1993



Signature of Objector or attorney
mailing on Objector's behalf



CLAIM NUMBER: 57-02114

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

57-11103

57-11171

Shenk's Overlap Analysis

LAND LIST ATTACHMENT

Total Acres → 317.5 → Irrigated

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
57-02114	15	5W	30											2					2.
Direct Flow		31					15			19	4				1	5	11	14	69.
		32											10						10.
25	5W	5					2	12		2									16.
		6	3																3.
																			100 ac.
57-04005	15	5W	30							11.5	24	1		24					60.5
Direct Flow		31					25			19	4				1.5	8		7	64.5
+ Storage		32											10						10.
25	5W	5					2	10		2									14.
																			149 ac.
57-07003	15	5W	30							Stor.	0.5								0.5
Direct Flow		31					5.5			0.5					5.5		2		13.5
+ Storage		32										25	25	14	33		1		98.
25	5W	5					13	1	20	10	2								48.
																			160
57-07082	15	5W	30							11.5	24	1		24					60.5
Storage		31					20.5			19.5	4				7	8	11	16	96.
		32										25	25	24	33		1		108.
25	5W	5					13	1	22	12	2								50.
		6	3																3.
																			317.5
57-10893	15	5W	30							11.5	24	1		24					60.5
Storage		31					20.5			19.5	4				7	8	11	16	96.
		32										25	25	24	33		1		108
25	5W	5					13	1	22	12	2								50
		6	3																3.
																			317.5

57-07082 } Total number of acres irrigated
 57-10893 } Cover all irrigated lands under these rights.

MICROFILMED
 MAR 2 1983

MICROFILMED

1993 JUN 25

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

1993 JUN 25 PM 3:41
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 57-02114 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2544

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |X| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. |X| Source: I respond to the objection concerning the source of water.
3. |X| Quantity: I respond to the objection concerning:
4. |X| Priority Date: I respond to the objection concerning the priority date.
7. |X| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |X| Place of Use: I respond to the objection concerning:
10. |X| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

MICROFILMED

MAR 02 1983

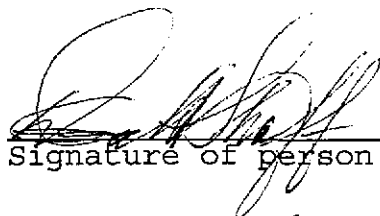
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

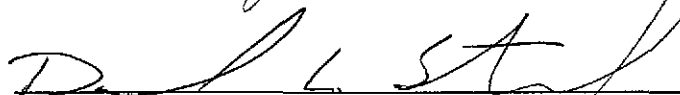
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



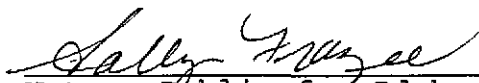
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 27th day of June,
1993.



Notary Public for Idaho
Residing at: Bose
My Commission expires: 11-14-1998

MICROFILMED

MAR 02 1998

12. ☒ Water Right Recommendation: I respond to the objection concerning:

12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 7, 8, 9, 10, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. IDWR admits that the claims listed in the objection are recommended in the director's report. IDWR admits that the exercise of rights to water from the same source may impact each other. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A57-02114

3

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: MARGIE & MARK D SHENK
Address: 28801 SCOTT PIT RD
PARMA ID 83660

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
PO BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

RECEIVED

JUL 01 1993

Department of Water Resources
Adjudication Bureau

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 the Rights to the Use of Water
from the Snake River Basin
Water System

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

57-07003-0001
57-10893-0001
57-04005-0001
57-07082-0001

Case No. 57-02114-0001
(Insert the Case No.
from the Objection
you are responding to)

RESPONSE TO OBJECTION

MICROFILMED

MAR 02 1993

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to objections filed against one water right, using one response form. The water right number listed as the "Case No." on the Objection you are responding to must be inserted above as the "Case No." If you choose to file one form to respond to all objections filed against the same water right, your response should cover every issue raised in the objections.

To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for filing this response are found at Page 5, and must be strictly followed.

(Over)

RESPONSE TO OBJECTION - 1

Any party physically filing 25 (twenty-five) or more responses must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing a response form, you are certifying that the response is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person responding to objection:

Name: Mark D. Shenk
Address: 28801 Scott Pit Rd.
Parma, Idaho 83660

Briefly describe your interest in this water right:

Owner of water rights and private
land.

2. Person who filed objection:

Name: USDI--BLM
Address: 3380 American Terrace
Boise, Idaho 83706

3. If this response is filed by an attorney:

Attorney Name: _____
Attorney Address: _____

Attorney Phone No.: _____

MICROFILMED

MAR 32 1983

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☐ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:
 - a. ☒ the legal description of the place of use; or
 - b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

MICROFILMED

MAR 02 1983

(Over)

11. ☐ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- a. ☐ this water right being recommended at all; or
- b. ☒ this water right not being recommended.
13. ☐ Description of Reservation: I respond to the objection concerning the legal description of the reservation.
14. ☐ Other: I respond to the objection concerning: _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

Although, I agree that some BLM ground has been sub-irrigated, the BLM property that is irrigated is in addition to this water right and should have no bearing on the original Directors report.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Directors report should be approved as originally written.

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary: _____
- _____
- _____

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 199____, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: _____

Address: _____

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: _____

Address: _____

4. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

5. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

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MAR 02 1998

Signature of Respondent or attorney
mailing on Respondent's behalf

VERIFICATION (Must be Completed)

State of Idaho

County of O. Canyon

Mark D. Shunt, being first duly
(Name of person filing response)
sworn, upon oath, deposes and says:

That I am the person or entity filing this response, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Mark D. Shunt
Signature of person filing response

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30 day of June,
1993.

Robert M. Pedersen
Notary Public for Idaho
Residing at: Idaho
My Commission expires: 3-14-94

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right you responded to, if other than yourself; to the party who filed the objection to which you are responding, if different from the owner of the water right; to the office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

888 921

(Over)

AJ0749NP
No. 57-02114

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/01/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EDDIE L WILSEY	07/11/1918	IRRIGATION	04-15 10-15	2.00 CFS	
C	DEBRA K WILSEY					
C	CARL L WILSEY					
C	PAULA J WILSEY					
	C/O WILSEY BROS					
	HCR 81					
	MARSING ID 83639					
	(208) 337-4780					
D	MARGIE SHENK					
D	MARK D SHENK					
	28801 SCOTT PIT RD					
	PARMA ID 83660					
	(208) 722-7123					
				TOTAL DIVERSION:	2.00 CFS	

Water Source: MC BRIDE CREEK
LITTLE MC BRIDE CREEK

Tributary to: SUCCOR CREEK
MC BRIDE CREEK

Stage: LICENSE

Point(s) of Diversion:	T01S R05W S31	NWSE	SESE	OWYHEE County
	T02S R05W S05	SENE		OWYHEE 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	Lt	Ac	Lt	Ac	SUM	
01S	05W	30	:																		2.0	
01S	05W	31	:						15				19		04			01	05	11	14	69.0
01S	05W	32	:												10						10.0	
02S	05W	5	:						03-02	04-12			02								16.0	
02S	05W	6	:	01-03																	3.0	
TOTAL ACRES																				100.0		

POU County: OWYHEE

Other Rights: 57-04005, 57-07082, 57-10893

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks: 2 POINTS OF DIVERSION LOCATED IN SENW, S05, T02S, R05W.
SOURCES FOR THIS RIGHT ARE MCBRIDE CREEK TRIB. TO SUCCOR
CREEK, AND LITTLE MCBRIDE CREEK TRIB. TO MCBRIDE CREEK.
RIGHT NO. 57-04005 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION
WITHIN THE NWSE, S31, T01S, R05W AND SENW, S05, T02S, R05W.

AJ0749NP
No. 57-02114

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/01/95
PAGE: 2

=====

Remarks: USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082
AND 57-10893 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 793.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 317.5 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 57-04005 AND 57-07003 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.35 CFS.

Dates: Exam Made Date: 11/09/1990 Verified Date:

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

Comments: Date: 06/01/1995 User-ID: KWALKER Subject: NAME CHANGE
RECEIVED AND PROCESSED NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
FORM THIS DATE. KW 6/1/95

Audit: 06/01/95 KWALKER

MICROFILMED
MAR 92 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

RECEIVED

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. APR 26 1995
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. Department of Water Resources

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) Assigned by IDWR: 57-04005, 57-02114, 57-07003, 57-07082

☐ Name and Address of Former Owner/Claimant(s)(Seller): MARK D OR MARGIE SHENK
28801 SCOTT PIT RD
PARMA, ID 83639

☒ New Owner/Claimant (Purchaser): Edwin & Wilsey
Debra K Wilsey
Paula J. Wilsey

☒ New Mailing Address: Wilsey Bros
HCR 81
MARSING, ID 83639

☒ New Telephone Number: (208) 337-4780

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

RECEIVED

MAY 02 1995

☐ Attach proof of ownership, describe proof attached: _____

WATER RESOURCES
WESTERN REGION

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Edwin & Wilsey Date 4-24-95
Carl & Wilsey Paula J. Wilsey Date 4-24-95

☒ Signature of Former Owner/Claimant(s): Mark D. Shenk Date 4-19-95
Margie J. Shenk Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 04-26-95

By: S. Sharma

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 26, 1995

EDDIE L WILSEY
DEBRA K WILSEY
CARL L WILSEY
PAULA J WILSEY
WILSEY BROS
HCR 81
MARSING ID 83639

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #57-04005, 57-02114,
57-07003, 57-07082 & 57-10893

Dear Claimants:

Thank you for notifying us of the change in ownership of the water rights referenced above. SRBA Judge Hurlbutt issued an Amended Order March 22, 1995, requiring claimants such as yourself acquiring property and associated water right(s) identified in a Director's Report to use Standard Form 3 for change in ownership. We have enclosed this form for your use. When the Court's form has been submitted according to the instructions the processing of the change of ownership can be completed.

Please contact us or the SRBA Court at 208/733-3011 if you have any questions.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region
Enclosure:
Standard Form 3

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MAY 02 1995

RECEIVED

MAY 02 1995

WATER RESOURCES
WESTERN REGION



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 22, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Notice of Claims to Water Rights Nos. 57-04005, 57-02114,
57-07003, 57-07082 and 57-10893

Wilsey Bros.
HCR 81
Marsing, ID 83639

Dear Claimants:

We have received the Change of Ownership Form 42-1409(7) in connection with the above referenced claims. Enclosed are computer generated profile reports of the information on these claims, which now reflect the change of ownership to the Department's records. Please be advised that these claims were previously submitted to the Snake River Basin Adjudication (SRBA) Court in Twin Falls to be decreed as a part of the Department's Director's Report for water rights in Basin 57.

Although the Department's records have been changed to reflect this ownership change, SRBA Judge Daniel C. Hurlbutt, Jr. has issued a Court Order dated June 17, 1993, requiring that any claimant with a claim submitted for final decree must complete Standard Form 3 before the Court's records for the decree will be changed to reflect the new owner. Standard Form 3 was sent to you on April 26, 1995, by our State Office. If you need another form, or did not receive the first form, please contact this office as soon as possible.

If you have any questions concerning Standard Form 3, please do not hesitate to contact us at (208)334-2190 or the SRBA Court at (208)736-3011.

Sincerely,

ADJUDICATION STAFF
Department of Water Resources
Western Region Office

KW:k
Enclosures

Department of Water Resources
Adjudication Bureau

Page 1

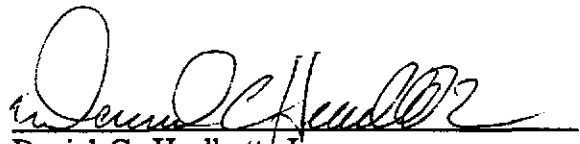
objections 57-02114-0001, 57-07003-0001, 57-10893-0001, 57-04005-0001, 57-07082-0001

with the following conditions:

1. A separate response form must be filed for each water right objected to.
2. Mr. Shenk must follow the response form's Certificate of Mailing requirements and send a copy of every response, along with a copy of any documents supporting the response, if any, to:
 - a) Chief, Natural Resources Division, Office of the Attorney General, State of Idaho, P.O. Box 44449, Boise, ID 83711-4449
 - b) The United States Department of Justice, Environment and Natural Resources Division, 550 West Fort Street, Box 33, Boise, ID 83734
 - c) United States Department of Interior, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706
 - d) All parties listed in the director's report as owners of these water rights.
3. The response forms must be received by this court on or before 5 p.m., Thursday, July 15, 1993.

A standard response form and *SRBA Administrative Rule 1, Rules of Procedure*, are included with this order for Mr. Shenk's convenience. The response form may be reproduced, as the instructions provide.

DATED July 2, 1993.


Daniel C. Hurlbutt, Jr.
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
MAR 02 1993

CERTIFICATE OF MAILING

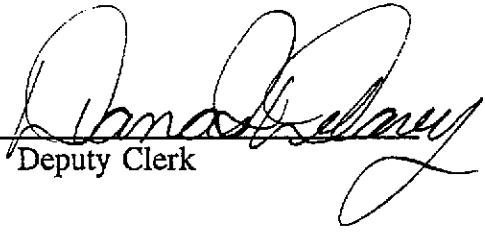
I certify that a true and correct copy of the ***ORDER GRANTING EXTENSION OF TIME TO FILE RESPONSES TO OBJECTIONS*** was mailed July 2, 1993, in an envelope with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

The United States Department of Justice
Environment and Natural Resource Division
5509 West Fort Street, Box 33
Boise, ID 83734

United States Department of Interior
Bureau of Land Management
3380 Americana Terrace
Boise, ID 83706

Mark D. Shenk
28801 Scott Pit Road
Parma, ID 83660

By 
Deputy Clerk

RECEIVED

JUN 13 1995

Department of Water Resources
Adjudication Bureau

RECEIVED

JUN 12 1995

OFFICE OF THE
ATTORNEY GENERAL

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

In Re SRBA

Case No. 39576

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☒ CONSENT TO SUBSTITUTION OF
PARTY

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is _____

I am the claimant of _____

(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of 57-07082 57-10893
57-04005 57-02114 57-07003
(Insert each water right number)

My name is Ed Wilsey - Carl Wilsey

My address is HCR 81 Marsing Id. 83639

My phone number is: Work 337-4780 Home 337-4780

The name and address of the prior claimant/seller who I wish to be substituted for are:

Mark D. Shunk 28801 SCOT PIT RD PRIMA ID 85660

Margi Shunk

Mark D. Shunk
Signature of prior claimant/seller

Ed Wilsey Carl L Wilsey
Debra Wilson Paula J. Wilsey
Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____
(Identify party/claimant)

Attorney address and phone number: _____

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MAR 32 1995

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of Owyhee

Wilsey Bros., being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Ed Wilsey

Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 6-6-95
(Insert Date)

Kelly D. Small
Notary Public for IDAHO
Residing at: Wilder, Idaho 83627
My Commission expires: 5/1/97

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

5. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724

Signature of person or attorney mailing the form

RECEIVED

DEC 30 1996

Department of Water Resources

1996 DEC 26 PM 1:12

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-02114

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 26, 1996, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ED WILSEY
CARL WILSEY
HCR 81
MARSING, ID 83639

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

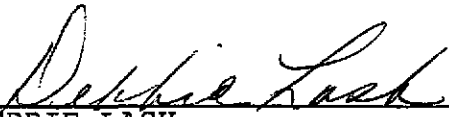
JACK HAUGRUD
US DEPT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MAR 2 1997
MICROFILMED

CERTIFICATE OF MAILING

PAGE 1
12/26/96

MARK D. SHENK
28801 SCOTT PIT RD
PARMA, ID 83660



DEBBIE LASH
Deputy Clerk

MICROFILMED
MAR 32 1996

CERTIFICATE OF MAILING

PAGE 2
12/26/96

RECEIVED

DEC 30 1996

1996 DEC 26 PM 1:12

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

Department of Water Resources

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

In Re SRBA
Case No. 39576

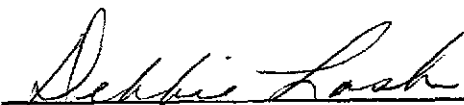
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-02114

On December 26, 1996, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before January 09, 1997.

DATED December 26, 1996.


DEBBIE LASH
Deputy Clerk

MICROFILMED

MAR 32 1997

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

In Re SRBA
Case No. 39576

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
DISTRICT COURT - SRBA
Water Right 57-0214 TWIN FALLS CO., IDAHO

FILED DL

NAME & ADDRESS: ED WILSEY
CARL WILSEY
HCR 81
MARSING ID 83639

SOURCE: MC BRIDE CREEK
LITTLE MC BRIDE CREEK

TRIBUTARY: SUCCOR CREEK
MC BRIDE CREEK

QUANTITY: 1.72 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005 AND 57-07003 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.03 CFS.

RECEIVED
DEC 30 1996

Department of Water Resources

PRIORITY DATE: 07/11/1918

POINT OF DIVERSION: T01S R05W S31
T02S R05W S05

NWSE
SESE
SENW

Within OWYHEE County

TWO POINTS OF DIVERSION LOCATED IN SENW, S05, T02S, R05W.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
1.72 CFS

PLACE OF USE:

IRRIGATION

Within OWYHEE County

T01S R05W S30	SESW	2.0			
S31	NENW	15.0	SENW	19.0	NESW 4.0
	NWSE	5.0	SESE	14.0	NESE 1.0
S32	SWSW	10.0			
T02S R05W S05 Lot 3 (NENW)	2.0	Lot 4 (NWNW)	12.0	SENW	2.0
86.0 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082
AND 57-10893 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL
OF 301.5 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082
AND 57-10893 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 753.8 AF.

MICROFILMED
MAR 9 2 1998

DATED: 12-26-96

Fritz X. Haemmerle
FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED

MAR 02 1996

RECEIVED

DEC 30 1996

Department of Water Resources

1996 DEC 26 PM 1:12

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED OK

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

In Re SRBA	)	PRELIMINARY SPECIAL
	)	MASTER'S REPORT
Case No. 39576	)	
	)	WATER RIGHT 57-02114
	)	

FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409(1990). The director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 1 and investigated and abstracted the notices of claim for Reporting Area 2 (Basin 57), which includes portions of Owyhee County. The Director of the Idaho Department of Water Resources then filed a *Director's Report for Reporting Area 57 (Director's Report)* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-02114 was filed on February 26, 1993 by the United States Bureau of Land Management (BLM). A response to the objection was filed on June 25, 1993 by the Idaho Department of Water Resources and a response was filed on July 15, 1993 by the claimant of water right 57-02114, Mark D. Shenk. BLM objected to **element 1**, Name and Address; **element 2**, Source; **element 3**, Quantity; **element 4**, Priority Date; **element 7**, Purpose of Use; **element 8**, Period of Year; **element 9**, Place of Use; **element 10**, Consumptive Use; **element 12**, Water Right Recommendation. On June 12, 1995 a *Standard Form 3 (Substitution of Party)* was filed with the court. **Element 1**, Name and Address will reflect that change and will now be Carl and Ed Wilsey. On October 18, 1996 the parties and IDWR submitted a *Standard Form 5* with the court.

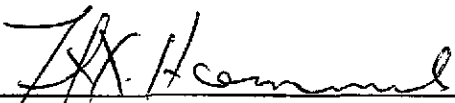
CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be recommended for each subcase.

Where a *Standard Form 5* has been signed by the parties and IDWR it may be treated as an *Amended Director's Report*.

Therefore, based on the file and record herein, IT IS RECOMMENDED that water right 57-02114 be **decreed** with the elements as set forth in the *Standard Form 5* and the attached *Preliminary Special Master's Report and Recommendation for Partial Decree for Water Right 57-02114*.

DATED December 17, 1996.



FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

RECEIVED

MAR 06 1997

1997 MAR -5 PM 1:18

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 57-02114

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 05, 1997, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ED WILSEY
CARL WILSEY
HCR 81
MARSING, ID 83639

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

JACK HAUGRUD
US DEPT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

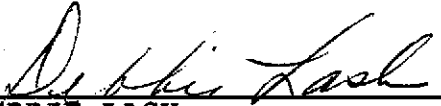
MICROFILMED

MAR 02 1997

CERTIFICATE OF MAILING

PAGE 1
03/05/97

MARK D. SHENK
28801 SCOTT PIT RD
PARMA, ID 83660


DEBBIE LASH
Deputy Clerk

RECEIVED

MAR 06 1997

Department of Water Resources

1997 MAR -5 PM 1:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA
Case No. 39576

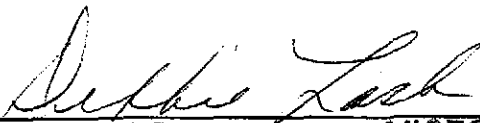
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-02114

On March 03, 1997, Special Master FRITZ X HAEMMERLE
issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above
subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

Pursuant to SRBA Administrative Order 1, Section 14b, any party
to the adjudication may file a Notice of Challenge to a SPECIAL MASTER'S
REPORT AND RECOMMENDATION within 21 days following the date of
publication of the filing of the Special Master's report in the Docket
Sheet except parties to the subcase who failed to file a Motion to
Alter or Amend before the Special Master (AO1, Section 9f).
The Notice of Challenge shall appear on the Docket Sheet and shall be
served on parties to the subcase(s) covered by the challenged report
and the SRBA Court Reporter.

DATED March 03, 1997.


DEBBIE LASH
Deputy Clerk

MICROFILMED

MAR 02 1997

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

In Re SRBA)

Case No. 39576)

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-02114

1997 MAR -5 PM 1:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS:

ED WILSEY
CARL WILSEY
HCR 81
MARSING ID 83639

SOURCE:

MC BRIDE CREEK
LITTLE MC BRIDE CREEK

TRIBUTARY: SUCCOR CREEK
MC BRIDE CREEK

QUANTITY:

1.72 CFS

RECEIVED

MAR 06 1997

Department of Water Resources

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005 AND 57-07003 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.03 CFS.

PRIORITY DATE:

07/11/1918

POINT OF DIVERSION:

T01S R05W S31
T02S R05W S05

NWSE
SESE
SENE

Within OWYHEE County

TWO POINTS OF DIVERSION LOCATED IN SENW, S05, T02S, R05W.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
1.72 CFS

PLACE OF USE:

IRRIGATION

Within OWYHEE County

T01S R05W S30	SESW	2.0		
S31	NENW	15.0	SENE	19.0
	NWSE	5.0	SESE	14.0
S32	SWSW	10.0		
T02S R05W S05	Lot 3 (NENW)	2.0	Lot 4 (NWNW)	12.0
SENW				2.0
86.0	ACRES TOTAL			

USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082
AND 57-10893 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL
OF 301.5 ACRES IN A SINGLE IRRIGATION SEASON.

MICROFILMED

MAR 02 1997

DATED:

3/5/97

FRITZ X. HAEMMERLE

Special Master

Snake River Basin Adjudication

MICROFILMED
MAR 02 1998

RECEIVED
MAR 06 1997
Department of Water Resources

1997 MAR -5 PM 1:18
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED - EL

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

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	WATER RIGHT 57-02114
_____	)	

FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409(1990). The director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 1 and investigated and abstracted the notices of claim for Reporting Area 2 (Basin 57), which includes portions of Owyhee County. The Director of the Idaho Department of Water Resources then filed a *Director's Report for Reporting Area 57 (Director's Report)* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-02114 was filed on February 26, 1993 by the United States Bureau of Land Management (BLM). A response to the objection was filed on June 25, 1993 by the Idaho Department of Water Resources and a response was filed on July 15, 1993 by the claimant of water right 57-02114, Mark D. Shenk. BLM objected to **element 1**, Name and Address; **element 2**, Source; **element 3**, Quantity; **element 4**, Priority Date; **element 7**, Purpose of Use; **element 8**, Period of Year; **element 9**, Place of Use; **element 10**, Consumptive Use; **element 12**, Water Right Recommendation. On June 12, 1995 a *Standard Form 3 (Substitution of Party)* was filed with the court. **Element 1**, Name and Address will reflect that change and will now be Carl and Ed Wilsey. On October 18, 1996 the parties and IDWR submitted a *Standard Form 5* with the court.

CONCLUSIONS OF LAW

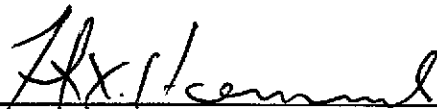
Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be recommended for each subcase.

A *Preliminary Special Master's Report and Recommendation for Partial Decree* was issued on December 26, 1996. No motion to alter or amend was filed and the time for such a motion has now expired.

Where a *Standard Form 5* has been signed by the parties and IDWR it may be treated as an *Amended Director's Report*.

Therefore, based on the file and record herein, IT IS RECOMMENDED that water right 57-02114 be decreed with the elements as set forth in the *Standard Form 5* and the attached *Special Master's Report and Recommendation for Partial Decree for Water Right 57-02114*.

DATED February 28, 1997.



FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

MICROFILMED

MAR 02 1997

1997 APR 29 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-02114

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-02114 was mailed
on April 29, 1997, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ED WILSEY
CARL WILSEY
HCR 81
MARSING, ID 83639

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

MARK D. SHENK
28801 SCOTT PIT RD
PARMA, ID 83660

MICROFILMED

MAR 9 2 1997

CERTIFICATE OF MAILING

PAGE 1
DIANA DELANEY 04/29/97
Chief Deputy Clerk

APR 30 1997
OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

MAY 8 1997

Department of Water Resources
Adjudication Bureau

1997 APR 29 PM 2:33

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILE # _____

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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

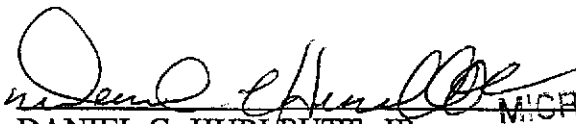
) For Water Right 57-02114

On March 5, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-02114 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 29, 1997.


DANIEL C. HURLBUTT, JR.

Presiding Judge
Snake River Basin Adjudication

MICROFILMED

MAY 12 1997

MAIL5367



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARGIE SHENK	07/11/1918	IRRIGATION	04-15 10-15	2.00 CFS	
C	MARK D SHENK					
	28801 SCOTT PIT RD					
	PARMA ID 83660					
	(208) 722-7123					
TOTAL DIVERSION:					2.00 CFS	

Water Source: MC BRIDE CREEK
LITTLE MC BRIDE CREEK

Tributary to: SUCCOR CREEK
MC BRIDE CREEK

Stage: LICENSE

Point(s) of Diversion: T01S R05W S31 NWSE SESE Owyhee County
T02S R05W S05 SENW Owyhee County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	05W 30												02					2.0
01S	05W 31					15			19	04				01	05	11	14	69.0
01S	05W 32											10						10.0
02S	05W 5					03-02	04-12		02									16.0
02S	05W 6	01-03																3.0
TOTAL ACRES																	100.0	

POU County: Owyhee

Other Rights: 57-04005, 57-07082, 57-10893

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks: 2 POINTS OF DIVERSION LOCATED IN SENW, S05, T02S, R05W.
SOURCES FOR THIS RIGHT ARE MCBRIDE CREEK TRIB. TO SUCCOR
CREEK, AND LITTLE MCBRIDE CREEK TRIB. TO MCBRIDE CREEK.
RIGHT NO. 57-04005 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION
WITHIN THE NWSE, S31, T01S, R05W AND SENW, S05, T02S, R05W.
USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082
AND 57-10893 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 793.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 317.5 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 57-04005 AND 57-07003 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.35 CFS.

MICROFILMED
OCT 07 1992

Dates:	Exam Made Date: 11/09/1990	Verified Date: 02/26/1992
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:
Audit:	00/00/00	

MICROFILMED
OCT 07 1992

Claim No.: A57-02114

CVR CORRECTIONS

Season of Use, Consumptive Use, Diversion Volume

☒ Change season of Use

Use Code 01 From 4/15 to 10/15

Use Code From / to /

Use Code From / to /

☐ Change Consumptive Use Volume

 acres x 2.5^{ok} af/a (for area) = af/a

☐ Change Diversion Volume N/A - surface water

 acres x 3.5 af/a (for area) = af/a

☐ Change Remarks

Code

Recommended Change

<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

☒ Corrections Made 1-10-92
(date)

Data-entry Complete 1-10-92
(date)

Reviewing Agent Ray Walker
(signature)

MICROFILMED

OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:27:03
11/06/91

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A57-02114

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N		kw & js 11-9-90	N	5	kw 11-15-91	kw 12-16-91	kw 12-18-91
POINT OF DIV	Y ✓		[Handwritten squiggle]	Y	[Handwritten vertical line]	[Handwritten squiggle]	[Handwritten squiggle]	[Handwritten squiggle]
SOURCE	+N			fix trib.				
PLACE OF USE	+N			Y				
DIV. AMOUNT CFS/VOLUME	+N			N				
CONSUMPTIVE USE	.			N				
PURPOSES	Y ✓			N				
PERIOD OF USE	Y ✓			Y				
BASIS OF CLAIM	Xic			N				
REMARKS	N/A			N				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
OCT 6 7 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:27:03
11/06/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-02114

LAST: BUSH
ADDRESS:
CITY: MARSING
PHONE NUMBER: 208-000-0000

FIRST: ANDREW F.

STATE: ID ZIP: 83639

OWNER CODE: 0

LAST: DOLENCE
ADDRESS:
CITY: HOMEDALE
PHONE NUMBER: 208-000-0000

FIRST: JOE J.

STATE: ID ZIP: 83628

OWNER CODE: 0

LAST: SHENK
ADDRESS: STAR ROUTE
CITY: MARSING
PHONE NUMBER: 208-000-0000

FIRST: MARK D.

STATE: ID ZIP: 83639

OWNER CODE: C

LAST: SHENK
ADDRESS: STAR ROUTE
CITY: MARSING
PHONE NUMBER: 208-000-0000

FIRST: MARGIE

STATE: ID ZIP: 83639

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER
EW

MICROFILMED
OCT 27 1992

CONTACT PERSON: Mark D. Shank

PHONE NUMBER: (208) 337-4317

DATE OF FIELD EXAM: 11/9/90

APPOINTMENT MADE: Y(☒) N(☐)

TIME: 9:30 A(☒) P(☐)

ACCOMPANIED BY: Mark D. Shank

PHONE NUMBER: () - - - -

RELATIONSHIP TO CLAIMANT: claimant

DIRECTIONS TO PROPERTY / REMARKS:

Go out Hwy. 95 from. Manning towards
Jordan Valley. Ranch is 5 miles inside
Idaho line on or near McBride Cr. —
only ranch in vicinity... left side
of highway.

MICROFILMED
OCT 07 1991

A. AJ CLAIM: # A57-02114 PRIORITY DATE: 07-11-1918 STAGE: L
B. WR RECORD: # 57-02114 PRIORITY DATE: 07-11-1918 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
fw

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
07-11-1918

REVIEWED BY *fw*

DATE *12/16/91*

=====

MICROFILMED
OCT 07 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-02114	01S	05W	30		SE	SW		OWYHEE
A57-02114	01S	05W	31		SW	SE		OWYHEE
A57-02114	02S	05W	5		SE	NW		OWYHEE
A57-02114	02S	05W	5		SE	SW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A57-04005 -
A57-10893 R57-04005
R57-07082

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: MC BRIDE CREEK
LITTLE MC BRIDE CREEK

TRIB: SUCCOR CREEK
McBride ~~SUCCOR~~ CREEK ← *Fix*

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-02114	02S	05W	5		SE	SW		OWYHEE
57-02114	02S	05W	5		SE	NW		OWYHEE
57-02114	01S	05W	30		SE	SW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

NONE

A57-04005 NONE
A57-10893

SOURCE: MC BRIDE CREEK
LITTLE MC BRIDE CREEK

Succor
TRIB: ~~SUCCOR~~ CREEK
McBride ~~SUCCOR~~ CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
*N

FIELD
EXAMINER
KW
KW

MICROFILMED
OCT 27 1992

REMARKS:

Recommend CO3 - The changes in diversion points occurred when Brown reservoir was constructed (between 1946 and 1958). No other irrigators on these creeks so no injury caused.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
1S	5W	31		NW	SE		Owyhee
11	11	11		SE	SE		

SOURCE: McBride Creek TRIB: Succor Creek

REVIEWED BY: fw DATE: 12-16-91

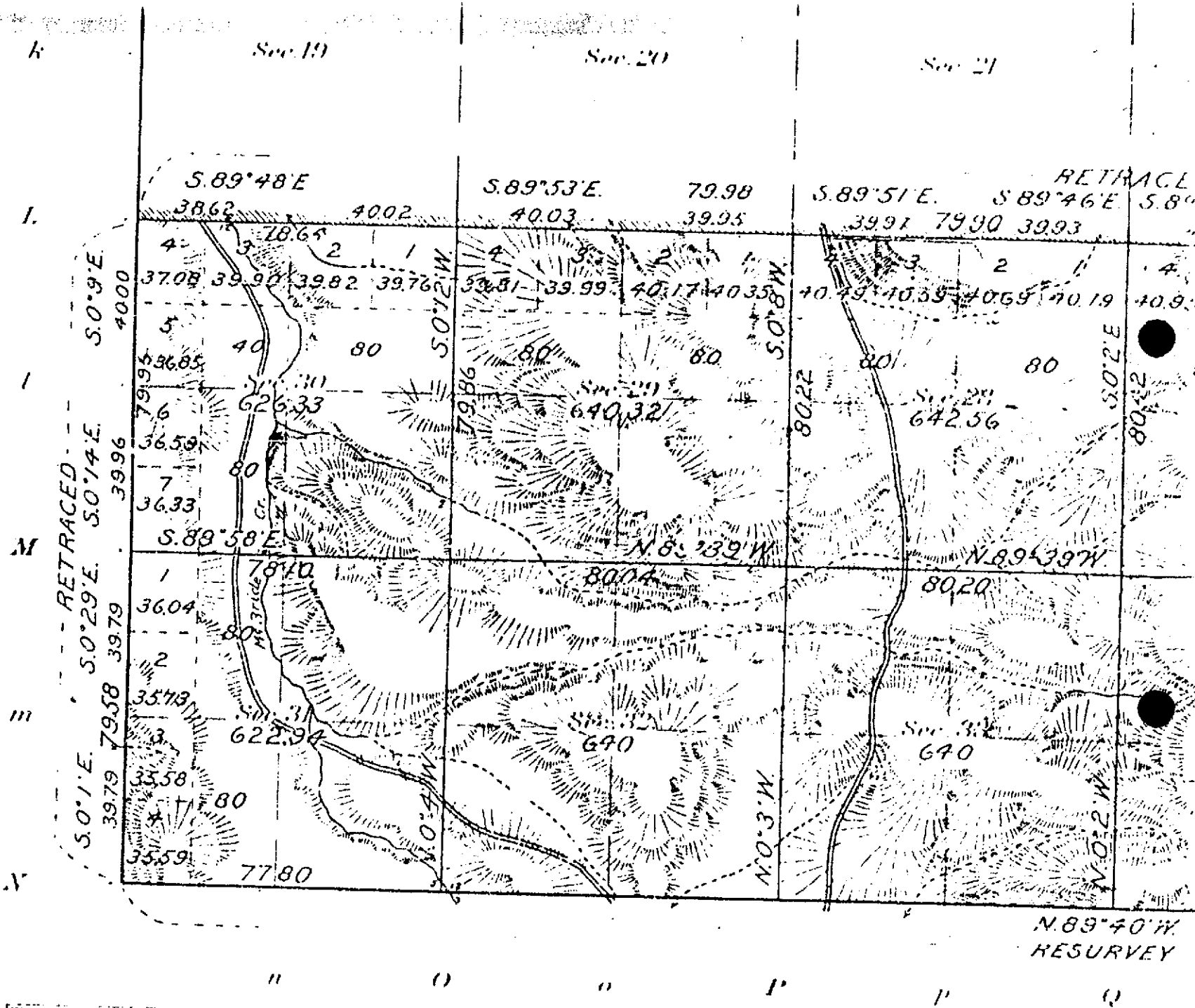
additional source: 2S 5W 5 SENW Little McBride Ck. trib. to McBride Ck.

MICROFILMED
OCT 07 1992

IS 5W

OCT 07 1992

MICROFILMED

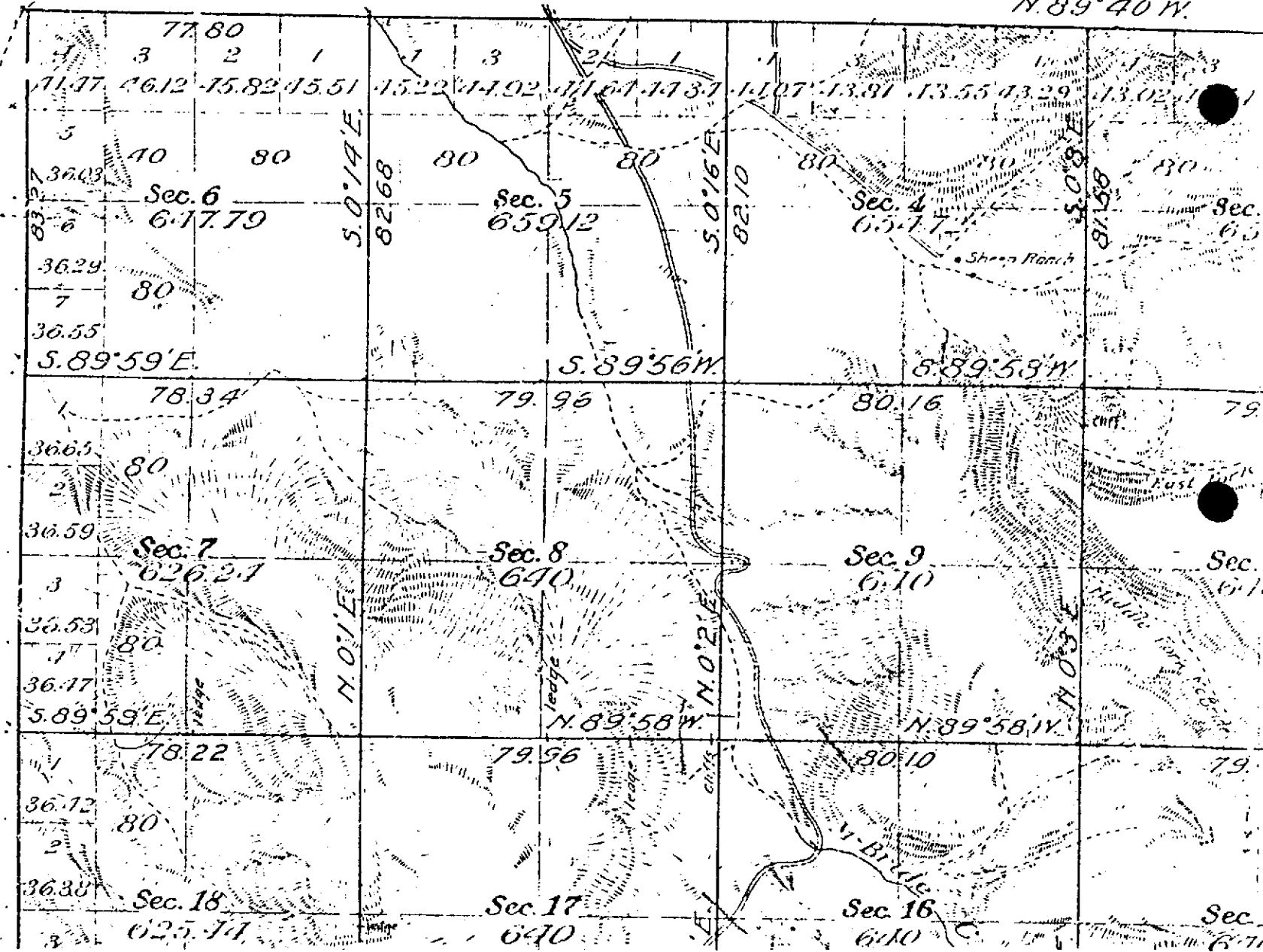


Surveys Designated	By Whom Surveyed	GROUP		Amount of Surveys			When Begun
		No.	Date	Mts.	chs.	fks.	
Subdivisions	Jay P. Hester & Co. & Kurigne	174	Mar. 18, 1911	16	00	28	April 22, 1911
Subdivisions - Ret.							

Township No 2 South, Range No 5 West

G f F e E d D

Reserve
N. 89° 40' W.



MICROFILMED

OCT 07 1992

g

H

h

I

i

A. ROOT WATER RIGHT NUMBERS: A57-02114
R57-02114

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
01S	05W	30	NE	SW		SHENK, MARK D.	A57-02114 /20.0	57-02114 /20.0	28.0		0
			NE	SW		SHENK, MARK D.	A57-07082 /20.0	57-07082 /30.0			
			NE	SW		SHENK, MARK D.	A57-04005 /23.0	57-04005 /23.0			
			NE	SW		SHENK, MARK D.	A57-10893 /24.0	- /			
			NE	SW		SHENK, MARK D.	R57-04005 /24.0	- /			
			NE	SW		SHENK, MARGIE	R57-07082 /24.0	- /			
01S	05W	30	SE	SW		SHENK, MARK D.	A57-02114 /15.0	57-02114 /15.0	29.0		2
			SE	SW		SHENK, MARK D.	A57-07082 /20.0	57-07082 /30.0			
			SE	SW		SHENK, MARK D.	A57-04005 /22.0	57-04005 /22.0			
			SE	SW		SHENK, MARGIE	R57-02114 / 2.0	- /			
			SE	SW		SHENK, MARK D.	A57-10893 /24.0	- /			
			SE	SW		SHENK, MARK D.	R57-04005 /24.0	- /			
			SE	SW		SHENK, MARGIE	R57-07082 /24.0	- /			
01S	05W	31	NE	NW		SHENK, MARK D.	A57-02114 / 8.0	57-02114 / 8.0	36.0		15
			NE	NW		SHENK, MARK D.	A57-07082 /30.0	57-07082 /30.0			
			NE	NW		SHENK, MARK D.	A57-04005 /26.0	57-04005 /26.0			
			NE	NW		SHENK, MARGIE	R57-02114 /15.0	- /			
			NE	NW		SHENK, MARK D.	A57-10893 /30.5	- /			
			NE	NW		SHENK, MARK D.	R57-04005 /25.0	- /			
			NE	NW		SHENK, MARGIE	R57-07082 /30.5	- /			
01S	05W	31	SE	NW		SHENK, MARK D.	A57-02114 / 7.0	57-02114 / 7.0	30.0		19
			SE	NW		SHENK, MARK D.	A57-07082 /20.0	57-07082 /30.0			
			SE	NW		SHENK, MARK D.	A57-04005 /21.0	57-04005 /21.0			
			SE	NW		SHENK, MARGIE	R57-02114 /19.0	- /			
			SE	NW		SHENK, MARK D.	A57-10893 /19.5	- /			
			SE	NW		SHENK, MARK D.	R57-04005 /19.0	- /			
			SE	NW		SHENK, MARGIE	R57-07082 /19.5	- /			
			SE	NW		SHENK, MARK D.		57-07547 / 1.0			
01S	05W	31	NE	SE		SHENK, MARK D.	A57-02114 /12.0	57-02114 /12.0	13.0		1
			NE	SE		SHENK, MARK D.	A57-07082 /12.0	57-07082 / 5.0			
			NE	SE		SHENK, MARK D.	A57-04005 / 3.0	57-04005 / 3.0			
			NE	SE		SHENK, MARGIE	R57-02114 / 1.0	- /			
			NE	SE		SHENK, MARGIE	R57-07003 / 5.0	- /			
			NE	SE		SHENK, MARK D.	A57-10893 / 7.0	- /			
			NE	SE		SHENK, MARK D.	R57-04005 / 1.5	- /			
			NE	SE		SHENK, MARGIE	R57-07082 / 7.0	- /			
01S	05W	31	SE	SE		SHENK, MARK D.	A57-02114 / 8.0	57-02114 / 8.0	26.0		14

NOTED
01S 05W 31

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SE	SE		SHENK, MARK D.	A57-07082 / 2.0	57-07082 / 12.0			
			SE	SE		SHENK, MARK D.	A57-04005 / 10.0	57-04005 / 10.0			
			SE	SE		SHENK, MARGIE	R57-02114 / 14.0	- /			
			SE	SE		SHENK, MARGIE	R57-07003 / 2.0	- /			
			SE	SE		SHENK, MARK D.	A57-10893 / 9.0	- /			
			SE	SE		SHENK, MARK D.	R57-04005 / 7.0	- /			
			SE	SE		SHENK, MARGIE	R57-07082 / 9.0	- /			
01S	05W	32	SW	SW		SHENK, MARK D.	A57-02114 / 10.0	57-02114 / 10.0	30.0		
			SW	SW		SHENK, MARK D.	A57-07082 / 20.0	57-07082 / 25.0			
			SW	SW		SHENK, MARK D.	A57-04005 / 9.0	57-04005 / 9.0			
			SW	SW		SHENK, MARGIE	R57-02114 / 10.0	- /			10
			SW	SW		SHENK, MARGIE	R57-07003 / 14.0	- /			
			SW	SW		SHENK, MARK D.	A57-10893 / 24.0	- /			
			SW	SW		SHENK, MARK D.	R57-04005 / 10.0	- /			
			SW	SW		SHENK, MARGIE	R57-07082 / 24.0	- /			
02S	05W	5	NW	NW		SHENK, MARK D.	A57-02114 / 20.0	57-02114 / 20.0			
			NW	NW		SHENK, MARK D.	A57-07082 / 20.0	57-07082 / 20.0			
			NW	NW		SHENK, MARK D.	A57-04005 / 16.0	57-04005 / 16.0			
			NW	NW	4	SHENK, MARGIE	R57-02114 / 12.0	- /			12
			NW	NW	4	SHENK, MARK D.	A57-10893 / 10.0	- /			
			NW	NW	4	SHENK, MARK D.	R57-04005 / 10.0	- /			
			NW	NW	4	SHENK, MARGIE	R57-07082 / 10.0	- /			
TOTAL ACRES							A57-02114	100.00	100.00	192.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(✓) N()
IF YES SEE ATTACHED SHEET: below

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
fuo

IS 5W 31 NESW 4
NWSE 5
SWSE 11
2S 5W 5 NENW 2
SEnw 2

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PRESUMPTION FLAG:

REMARKS:

Recommend C05 - change in place of use occurred when Brown Dam was constructed (between 1946 & 1958). There were not any printed maps of this area when license was issued - this may have been a result in

RECOMMENDATIONS:

TOTAL ACRES: 100

REVIEWED BY: kw

DATE: 12-16-91

→ recommended changes also.

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CLAIMANT: ShenkAGENT: Ray Walker DATE: 12-16-91

GIVEN:

ACRES OVERLAPPING: 317.5IRRIGATION METHOD: FLOOD ☒ % SPRINKLER ☒ %

DELIVERY LOSS FACTOR USED:

_____ = _____ % _____ = _____ %
 (SOURCE) (SOURCE)

_____ = _____ %
 (SOURCE)

RANGE OF RECOMMENDABLE DIVERSION RATES & VOLUMES — at 2.5

SOURCE	ACRES	DIVERSION RATE		DIV VOL	C.U. VOL
		MIN	MAX		
<u>all</u>	<u>317.5</u>		<u>6.35</u>	<u>N/A</u>	<u>793.8</u>

ANALYSIS

SOURCE	NUMBER	ACRES	PRIORITY	CLAIMED CFS	CUM. CFS
<u>McBride &</u>					
<u>Little McBride</u>	<u>57-02114</u>	<u>100</u>	<u>7-11-1918</u>	<u>2.0</u>	
<u>McBride &</u>					
<u>Little McBride</u>	<u>57-04005</u>	<u>149</u>	<u>4-1-1958</u>	<u>2.98</u>	
<u>Little McBride</u>	<u>57-07003</u>	<u>160</u>	<u>9-26-1967</u>	<u>2.91 + storage</u>	
<u>Little McBride</u>	<u>57-07082</u>	<u>317.5</u>	<u>9-27-1972</u>	<u>storage</u>	
<u>Willow Fork</u>					
<u>unn. streams</u>	<u>57-10893</u>	<u>317.5</u>	<u>9-26-1967</u>	<u>storage</u>	
				<u>7.89 cfs</u>	

ANALYSIS FOR ~~CLAIM NO.~~

Shenk's entire system (except new app. that does not overlap any of the above)

Standard Conditions:

Standard Remarks:

EOI — diversion rate only — 57-02114/04005/07003 — 6.35 cfs
 EOI — consumptive use & acres — all rights when combined

NOT RECORDED
 OCT 17 1992

Shenk's Overlap Analysis

LAND LIST ATTACHMENT

Total Acres → 317.5 → Irrigated

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
57-02114	1S	5W	30										2						2.
Direct Flow		31					15			19	14				1	5	11	14	69.
		32											10						10.
	5W						2												6.
		3																	3.
																			100 ac.
57-04005	1S	5W	30							15	24	1		24					60.5
Direct Flow		31					25			19	4				25	8		7	64.5
+ Storage		32											10						10.
	5W						2												4.
																			149 ac.
57-07003	1S	5W	30							5									0.5
Direct Flow		31					55			25					55			2	13.5
+ Storage		32								25	25	14	33				1		98.
	5W						3			5									8.
																			160
57-07082	1S	5W	30							15	24	1		24					60.5
Storage		31					25			25	4				7	8	11	16	96.
		32								25	25	24	33				1		108.
	5W						3			5									10.
																			3.
																			317.5
57-10893	1S	5W	30							15	24	1		24					60.5
Storage		31					25			25	4				7	8	11	16	96.
		32								25	25	24	33				1		108.
	5W						3			5									10.
																			3.
																			317.5

57-07082 } Total number of acres irrigated
 57-10893 } Cover all irrigated lands under these rights.

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-02114 IRRIGATION	FROM 03-15 TO 11-15	2.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-02114 IRRIGATION	FROM TO	2.000 CFS
57-02114 DOMESTIC	FROM TO	2.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	<i>fw</i>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	<i>Y-N</i>	<i>fw</i>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<i>fw</i>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in remarks, below.

REMARKS:

*No longer used this ~~water~~ ^{right} for domestic purposes.
Recommend irrigation season of 4-1 to 11-1
per WR standards for this area.*

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 2.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
N *fw*

B.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: CLAIM NO.'S A57-04005 & A57-07082.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-02114	MC BRIDE CREEK	SHENK , MARK D.	2.000	0.020		
	LITTLE MC BRIDE CREEK					
R57-02114	MC BRIDE CREEK	SHENK , MARGIE	2.000	0.020		
	LITTLE MC BRIDE CREEK					
A57-04005	LITTLE MC BRIDE CREEK	SHENK , MARK D.	8.000	0.051	80.00	0.51
R57-04005	LITTLE MC BRIDE CREEK	SHENK , MARK D	8.000	0.053	80.00	0.53
	MC BRIDE CREEK					
R57-07003	LITTLE MC BRIDE CREEK	SHENK , MARGIE	3.200	0.028	146.00	1.31
A57-07082	MC BRIDE CREEK	SHENK , MARK D.	5.000	0.013	150.00	0.41
	LITTLE MC BRIDE CREEK					
R57-07082	LITTLE MC BRIDE CREEK	SHENK , MARGIE	5.000	0.016	150.00	0.50
A57-10893	WILLOW FORK	SHENK , MARK D.	3.200	0.010	146.00	0.49
	UNNAMED STREAMS					

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NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 100 x 0.02 CFS/ACRE = 2.0 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE =

~~250.0~~ AF/A

none claimed

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME =

N/A - surface water.

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

*see overlap analysis
317.5 total ac. x 2.5 = 793.8 AF
when all rights are
combined.*

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
<u>Irrig.</u>	<u>4-1 11-1</u>	<u>2.0</u>	<u>N/A</u>	<u>793.8</u> - when
TOTAL FOR THIS RIGHT		<u>2.0</u>	<u>N/A</u>	see remark all rights are combined.
REVIEWED BY: <u>kw</u>		DATE: <u>12-16-91</u>		

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
(✓)	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

N/A

ROOT WATER RIGHT NUMBER: 57-02114

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-02114	2.000	R57-02114	2.000	57-02114	2.000
TOTAL CFS		2.000		2.000		2.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N/A

FIELD
EXAMINER
[Signature]

REMARKS:

AUTHENTICATION:

SIGNATURE:

Ray Walker

DATE:

12-16-91

NAME OF FIELD EXAMINER:

Ray Walker

TITLE:

Sr. Agent

OCT 07 1991

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:39:39
11/06/91

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A57-02114

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARK D. SHENK	07/11/1918	IRRIGATION	03-15 11-15	2.00 CFS	
C	MARGIE SHENK					
	STAR ROUTE					
	MARSING ID 83639					
					TOTAL DIVERSION:	
					CONSUMPTIVE USE:	250.0 AFA

Water Source: MC BRIDE CREEK
LITTLE MC BRIDE CREEK

Tributary to: SUCCOR CREEK
SUCCOR CREEK

Stage: LICENSE

Point(s) of Diversion: T01S R05W S30 SESW
S31 SWSE
T02S R05W S05 SENW SESW
OWYHEE County
OWYHEE County
OWYHEE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
01S	05W	30	:					:					:	20			15	:						:	35.0	
01S	05W	31	:					:	08			07	:					:	12			08		:	35.0	
01S	05W	32	:					:					:			10		:						:	10.0	
02S	05W	5	:					:		20			:					:						:	20.0	
																							TOTAL ACRES		100.0	

Other Rights: CLAIM NO.'S A57-04005 & A57-07082.

Other Water Rights with Same Point(s) of Diversion and Source:
A57-04005 R57-02114 R57-04005 R57-07082

Other Water Rights Listing Overlapping Place(s) of use:
A57-04005 A57-07082 R57-02114 R57-04005 R57-07082

Non-Irrigation Use: INSTREAM STOCKWATER.

Dates: Exam Made Date: 11-9-1990

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:58:31
05/22/90

PAGE: 2
QUICKLOOK INFORMATION

CLAIM NUMBER: A57-02114

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE <u>7/11/1918</u>	<u>N</u>					<u>DAJ 5/24/90</u>	<u>CH 12/6/88</u>	
POINT OF DIV <u>15 SW 30</u> <u>25 SW 5</u> <u>35 SW 5</u>	<u>Y</u>					<u>"</u>	<u>"</u>	
RCE <u>McBride Creek</u>	<u>N</u>					<u>"</u>	<u>"</u>	
PLACE OF USE <u>Lit. McBride Creek</u>	<u>N</u>					<u>"</u>	<u>"</u>	
DIV. AMOUNT CFS/VOLUME <u>2.00</u>	<u>N</u>					<u>"</u>	<u>"</u>	
CONSUMPTIVE USE <u>250</u>	<u>N</u>					<u>"</u>	<u>"</u>	
PURPOSES <u>I</u>	<u>N</u>					<u>"</u>	<u>"</u>	
PERIOD OF USE <u>3/15 4/15</u>	<u>N</u>					<u>"</u>	<u>"</u>	
BASIS OF CLAIM <u>License</u>	<u>N</u>					<u>"</u>	<u>"</u>	

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAIP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

added POD

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ N/A Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap ☐ yes ☐ no If yes: ☐ copy of claims & water rights incl?
- Type of Overlap? ☐ Add acres or uses to existing system
- ☐ Increase rate of flow or volume
- ☐ Other: _____
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap ☐ yes ☐ no If yes: ☐ copy of claims & water rights incl?
- Type of Overlap? ☐ Increase rate of flow or volume
- ☐ Add P/D's
- ☐ Increase number of acres within tracts
- ☐ Different source for same acres
- ☐ Other: _____
- ☒ Appointment Letter Sent? 10-19-90 kw (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached see CVR in A54-02114

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
- ☒ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use.

C. Review and Processing:

Claim No. submitted for weekly exam completed prog. report? ☐ Yes ☐ No

Exam completed date data entered on claim _____ (initial & date)

Claim Verification Report completed _____ (initial & date)

Was CVR spot-checked by Supervisor? ☐ Yes ☐ No _____ (initial & date)

R claim file created _____ (initial & date)

Recommendations entered on R claim file _____ (initial & date)

FILED
OCT 19 1992

Claims A57-02114/04005/07003/07082

PHOTO # 1

This picture shows where water enters the small reservoir.

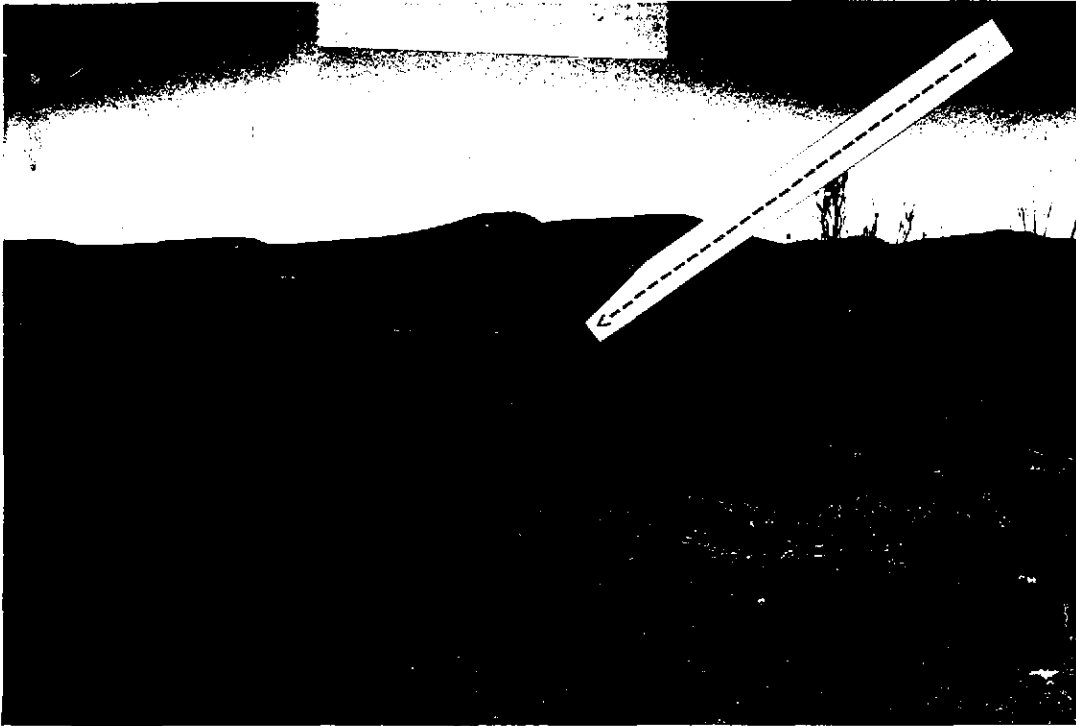


PHOTO # 2

Point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31 - entire creek is dammed up.



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kw
taken 6/18/91

Claims A57-02114/04005/07003/07082

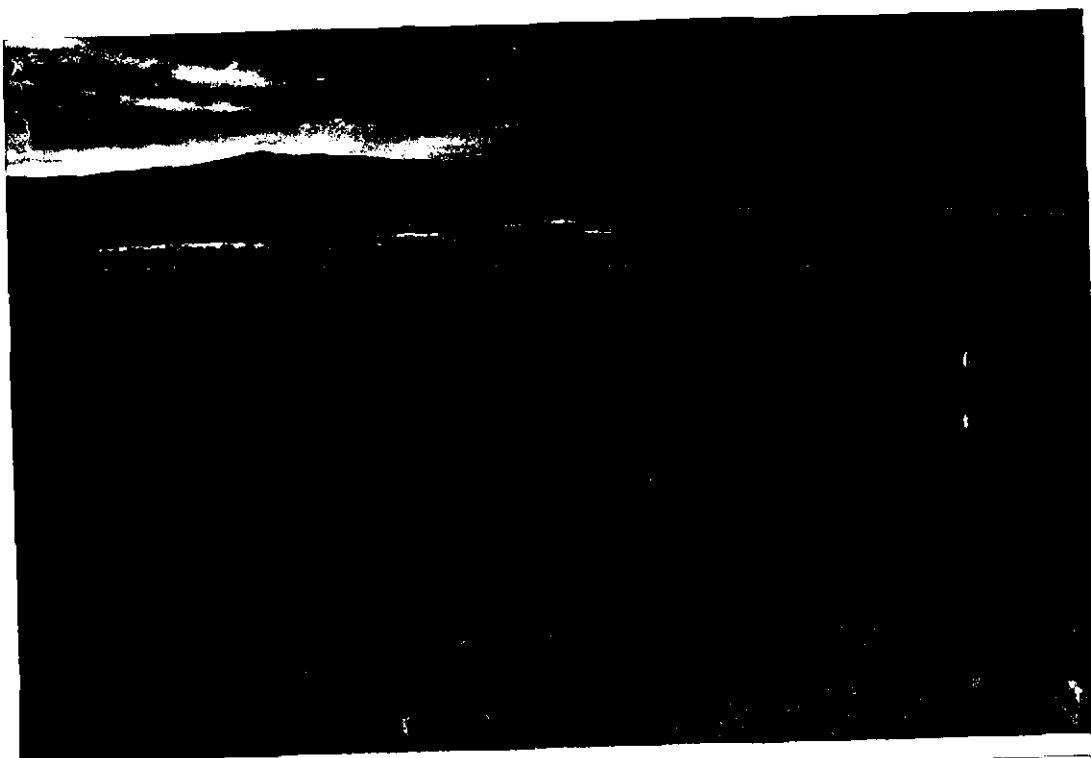
PHOTO # 3

McBride Creek - Diversion dam in creek and ditch that goes directly to Little McBride Creek. Place of use also in picture.



PHOTO # 4

Place of use.



LMED

9.2

11/9/90
kw

Claims A57-02114/04005/07003/07082

PHOTO # 5

Points(2) of diversion in Sec. 5... from McBride Creek.

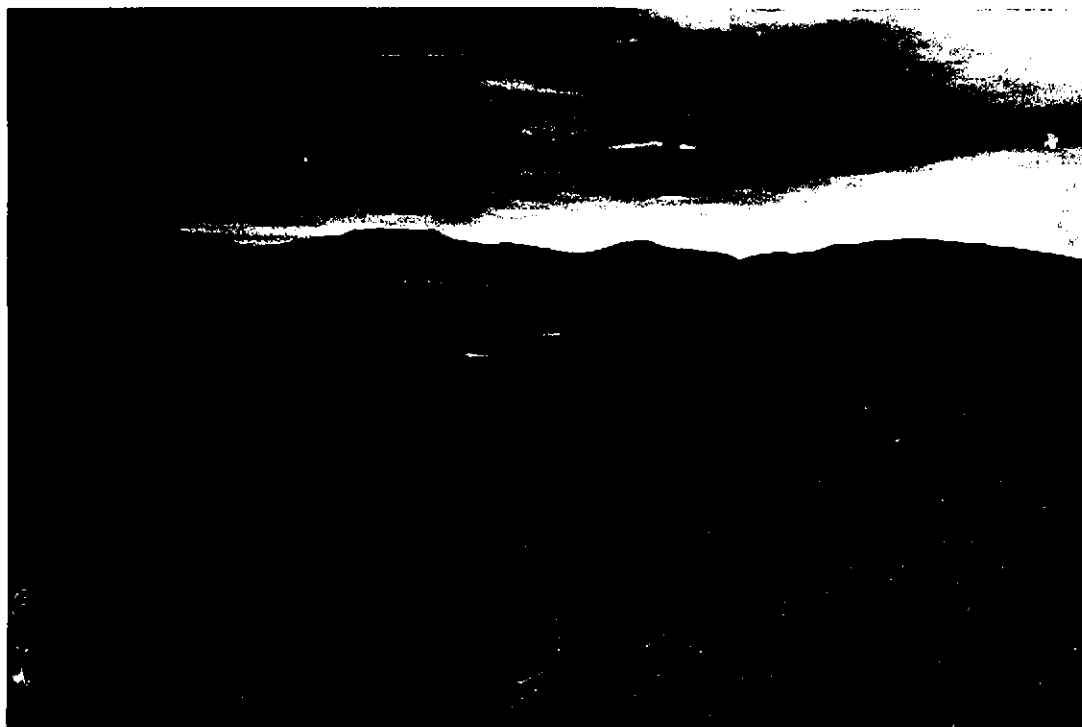


PHOTO # 6

Point of diversion in Sec. 8... Small rock dam in creek.



MICROFILMED

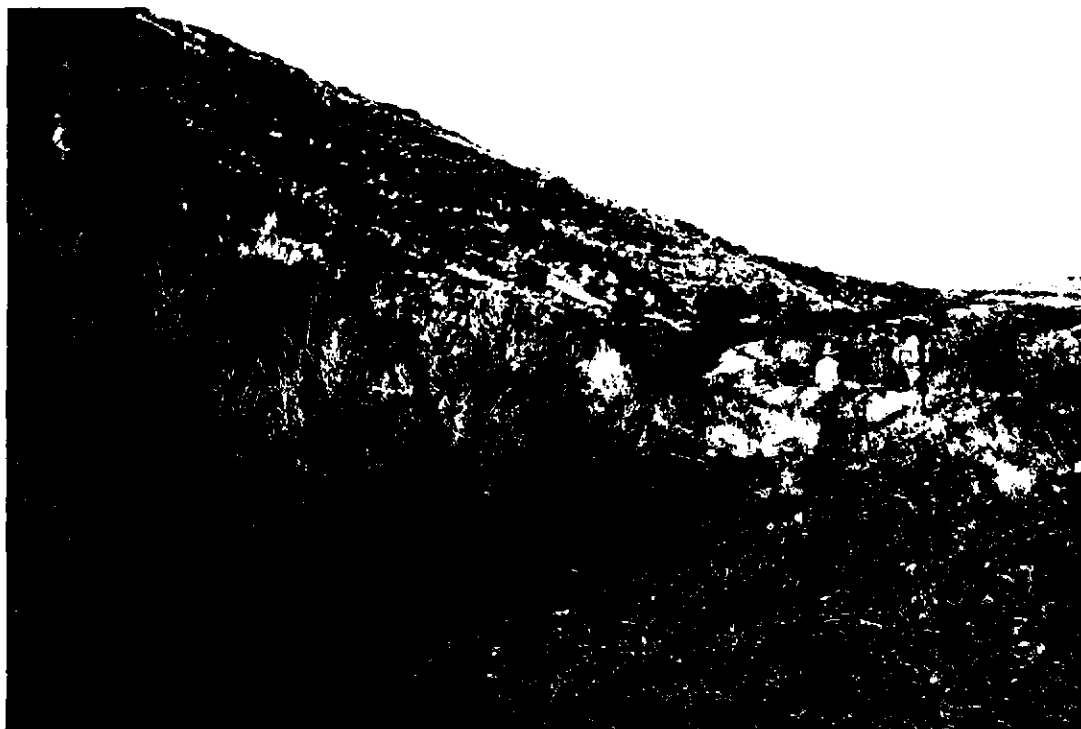
OCT 07 1992

11/9/90
kw

Claims A57-02114/04005/07003/07082

PHOTO # 7

Ditch that takes off from Point of Diversion in Sec. 8.



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OCT 07 1992

11/9/90
kw

Claims A57-02114/04005/07003/07082

PHOTO # 3

This picture shows point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31... (see photo #2 and photo #4 also)

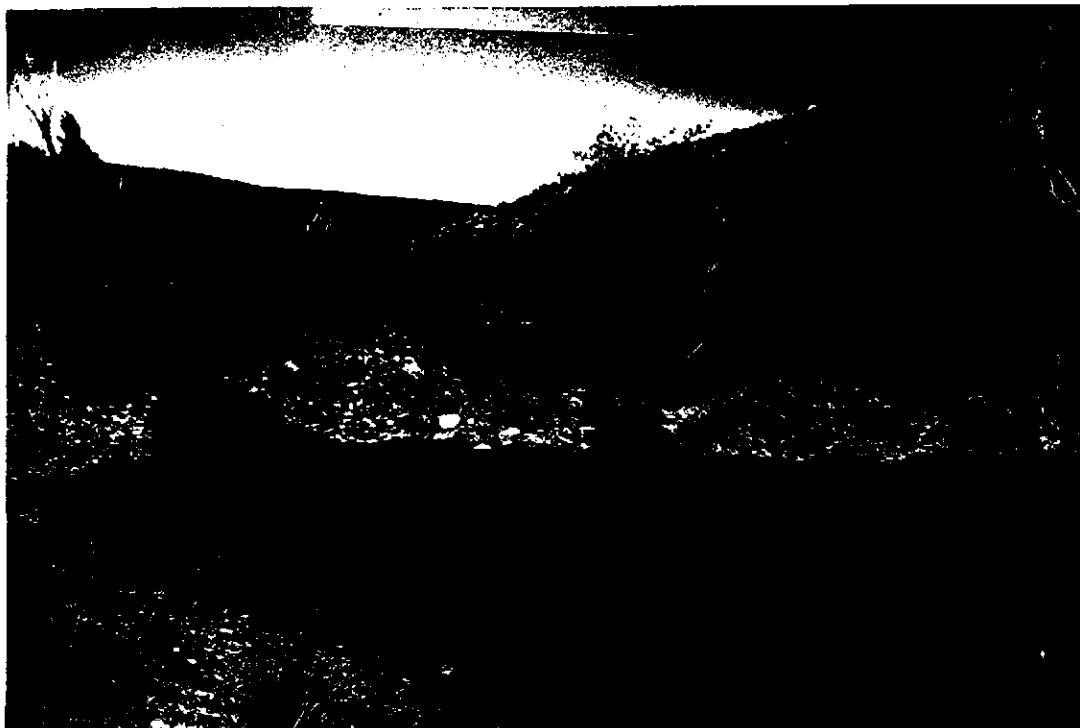


PHOTO # 4

Point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31...



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*pictures
6/18/91 - kw*

Claims A57-02114/04005/07003/07082

PHOTO # 5

This picture shows point of diversion in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31 - picture taken above diversion.

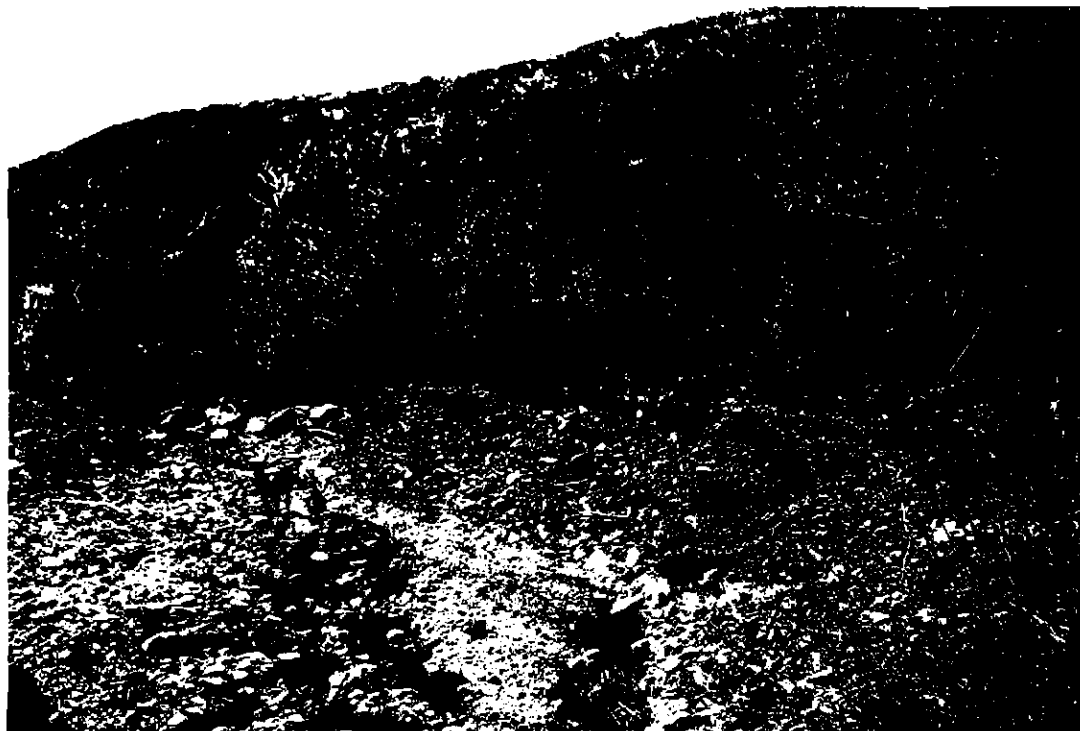


PHOTO # ~~5~~^{kw}6

Point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31... picture taken below diversion.



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7 1992

pictures
6/18/91-kw

Claims A57-02114/04005/07003/07082

PHOTO # 11

Picture of the point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 2S, Rge. 5W. Diverting water from McBride Creek into Little McBride Creek then into small reservoir.



PHOTO # 12

Picture of the cement culverts where Little McBride Creek joins Willow Creek.



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*pictures
6/18/91 - kw*

6-18-91



Cement
culverts in
~~Willow Fork~~
NWSE, Sec. 4-
Willow Fork &
Little McBride
Ck. meet
here.



Picture showing
point where
McBride Ck.
and Little
McBride Ck.
meet.

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AJ5809NP
No. 57-02114

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/19/93
PAGE: 16

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARGIE SHENK	07/11/1918	IRRIGATION	04-15 10-15	2.00 CFS	
C	MARK D SHENK 28801 SCOTT PIT RD PARMA ID 83660 (208) 722-7123					
TOTAL DIVERSION:					2.00 CFS	

Water Source: MC BRIDE CREEK
LITTLE MC BRIDE CREEK

Tributary to: SUCCOR CREEK
MC BRIDE CREEK

Stage: LICENSE

Point(s) of Diversion:	T01S R05W S31	NWSE	SESE	OWYHEE County
	T02S R05W S05	SENE		OWYHEE 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	Lt	Ac	SUM	
01S	05W	30	:													02				2.0	
01S	05W	31	:							15				19		04		01	05	11	69.0
01S	05W	32	:													10				10.0	
02S	05W	5	:							03-02	04-12			02						16.0	
02S	05W	6	:	01-03																3.0	
TOTAL ACRES																			100.0		

POU County: OWYHEE

Other Rights: 57-04005, 57-07082, 57-10893

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks:

2 POINTS OF DIVERSION LOCATED IN SENW, S05, T02S, R05W.
SOURCES FOR THIS RIGHT ARE MCBRIDE CREEK TRIB. TO SUCCOR
CREEK, AND LITTLE MCBRIDE CREEK TRIB. TO MCBRIDE CREEK.
RIGHT NO. 57-04005 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION
WITHIN THE NWSE, S31, T01S, R05W AND SENW, S05, T02S, R05W.
USE OF THIS RIGHT WITH RIGHT NOS. 57-04005, 57-07003, 57-07082
AND 57-10893 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 793.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 317.5 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 57-04005 AND 57-07003 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.35 CFS.

Dates: Exam Made Date: 11/09/1990 Verified Date: 02/26/1992

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

Audit: 07/31/91 WALKER 10/02/91 WALKER 10/03/91 WALKER 10/09/91 WALKER
10/23/91 WALKER 11/15/91 WALKER 12/16/91 WALKER 12/18/91 WALKER
01/10/92 WALKER 02/26/92 WALKER 07/29/92 PR-PRODM 10/13/92 CPSHAW
12/05/92 ADT-SHAW

MICROFILMED
JUL 20 1994

5-27-93
(Date)

**THIS IS A COPY OF THE CLAIM FILE
THE ORIGINAL IS AT THE STATE OFFICE**

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: A57-02114
Date Received: 12/06/1988
Receipt No: W0002460
Received By: _____

RECEIVED

MAR 11 1989

No ✓

Department of Water Resources
Western Region

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK ~~LEE~~ SHENK
Address: STAR ROUTE
MARSING, ID 83639

Name: MARGIE SHENK
Address: STAR ROUTE
MARSING, ID 83639

2. Date of Priority: JUL 11, 1918

3. Source: MC BRIDE CREEK Trib. to: SUCCOR CREEK
LITTLE MC BRIDE CREEK SUCCOR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	05W	30	SE	SW			OWYHEE
		31	SW	SE			OWYHEE
02S	05W	5	SE	NW			OWYHEE
			SE	SW			OWYHEE

5. Description of diverting works:

SMALL DIVERSION DAMS IN CREEKS WITH DITCHES FOR GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER.

A57-02114

Page 1

Date: 01/11/89

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OCT 07 1986

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	05W	30	NE	SW		IRR	20.0
			SE	SW		IRR	15.0
					Section Acres		35.0
		31	NE	NW		IRR	8.0
			SE	NW		IRR	7.0
			NE	SE		IRR	12.0
			SE	SE		IRR	8.0
					Section Acres		35.0
		32	SW	SW		IRR	10.0
			Section Acres		10.0		
02S	05W	5	NW	NW		IRR	20.0
			Section Acres		20.0		
		Total Acres		100.0			

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
CLAIM NO.'S A57-04005 & A57-07082.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 13660

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): Mark D. Shinn Date: 3-21-89
Margie Shinn Date: 3-21-89

State of Idaho)
County of DWYHEE) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of March, 19 89

Helma D. Garrison
Notary Public

Seal

Residing at Emmett, Idaho
My Commission Expires 5-22-91

State of Idaho

License and Certificate of Water Right

Water License No. 13660

Amount 2 second feet

Water District No.

Priority July 11, 1918

THIS IS TO CERTIFY that ANDREW F. BUSH

of Homedale, Idaho

made application for a permit to appropriate the

public waters of the State of Idaho dated July 11, 1918; that Permit No. 13660

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

6.4 second feet, was issued thereunder on April 15, 1927, showing that said works

were completed on the 30th day of March, 1927; and that on the 12th

day of June, 1929,

AMELIA PERKINS, Assignee,

of Caldwell

, State of Idaho

, made proof to the satisfaction of the

Commissioner of Reclamation

of Idaho, of the right to use the waters of McBride & Little McBride Creeks,

, a tributary of Sucker Creek

, for the purpose of irrigation and domestic

use

, under Use Permit No. 13660

of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is

hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7

of Licenses, at page 4257, on the 16th day of April, 1945;

to Joe J. Dolence, of Homedale, Idaho, present owner by purchase

The right hereby confirmed dates from July 11, 1918;

are

The Point of Diversion is located in the SE 1/4 SW 1/4 and SE 1/4 NW 1/4 Sec. 3, Twp. 2 S., Range 5 W., B.M. and

in the SE 1/4 SW 1/4, Sec. 30, Twp. 1 S., R. 5 W., B.M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed Two (2) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	5 W.	30	NE 1/4 SW 1/4	40	20
			SE 1/4 SW 1/4	40	15
		31	NE 1/4 NW 1/4	40	8
			SE 1/4 NW 1/4	40	7
			NE 1/4 SE 1/4	40	13
			SE 1/4 SE 1/4	40	8
		32	SW 1/4 SW 1/4	40	10
			NW 1/4 NW 1/4	40	20
2 S.	5 W.	5			

Number of Acres Actually Irrigated- 100

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

State Reclamation Engineer

WITNESS the seal and signature of the Commissioner of Reclamation, at Boise, Idaho, this 16th day of April, 1945

(SEAL)

MARK R. NULP
State Reclamation Engineer

OCT 07 1952

57-2114

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

57-2114

Permit No. 13660

This proof is for Beneficial Use

In Water District No.

1. Name of applicant: Amelia Perkins
2. Source of water supply: McBride Creek and Little McBride Creek
3. Location of point of diversion: Is in the SE¹/₄SW¹/₄ & SW¹/₄SW¹/₄ of Section 5
1 S R. 5 W. B.M. County of Owyhee
4. Describe works as they exist, giving dimensions and capacities of same: diversions are made direct from the creek no headgate being necessary. Ditches are from 2 to 3 ft wide and 1 ft deep
5. Water is used for: Irrigation and domestic use
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SE¹/₄SW¹/₄ Sec. 30; SE¹/₄SW¹/₄ & SE¹/₄SW¹/₄ Sec. 31, and SW¹/₄SW¹/₄ Sec. 32, T. 1 S., R. 5 W.
NE¹/₄SW¹/₄ (Lot 4) Sec. 5, T. 2 S., R. 5 W., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River
- Remarks: about 100 Acres agricultural land, the balance being pasture

Total creek flow 5/28/30 was 1 cu. ft.

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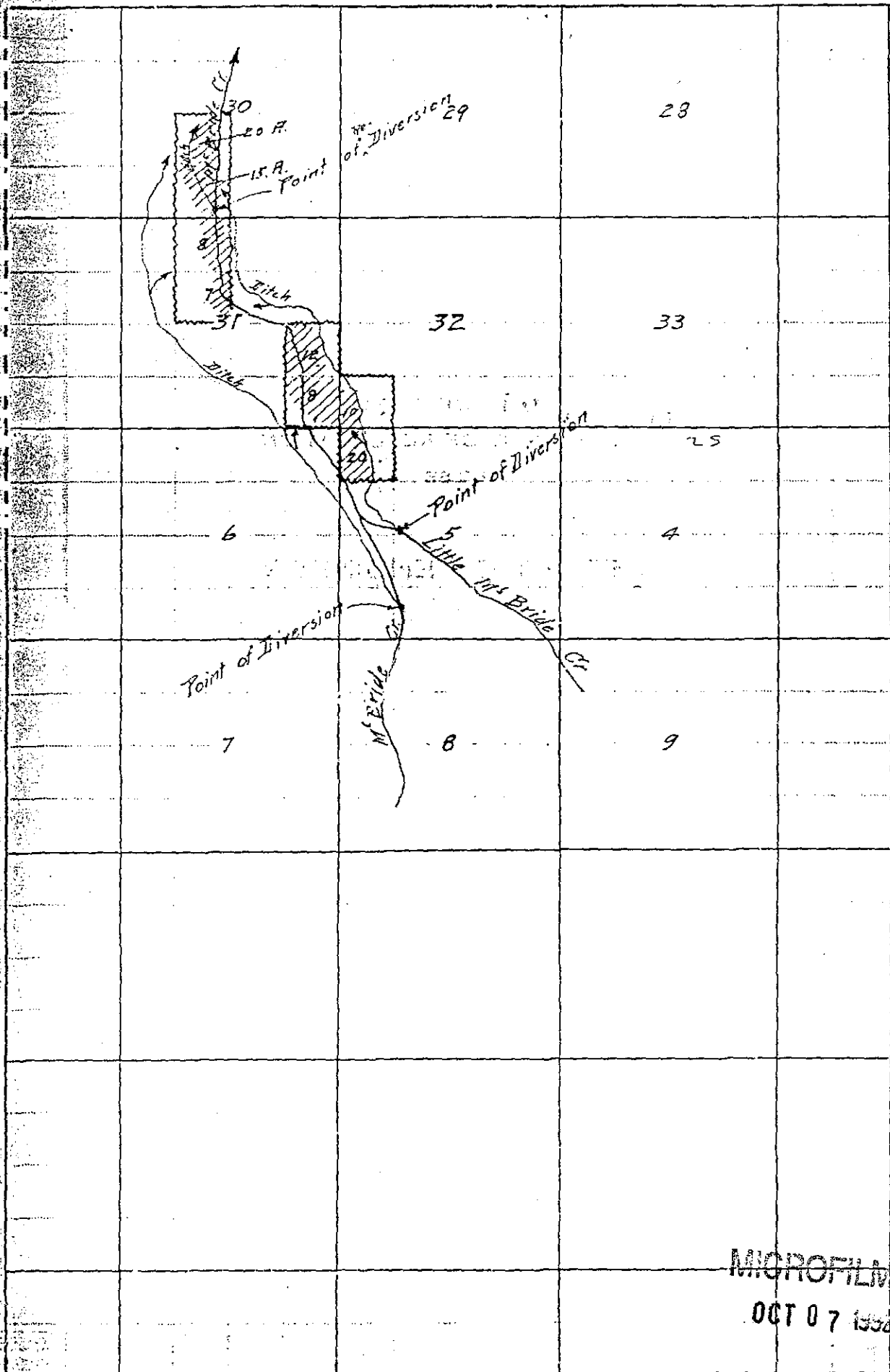
OCT 07 1992

This examination was made on the 28th day of May 1930

(Signed)

Robert A. Tolman
Examiner.

13660



SCALE: 7 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

MICROFILME
OCT 07 1952

13660