

RECEIVED
NOV 10 2005
Department of Water Resources

67-04062

TO WHOM IT MAY CONCERN:

I am asking that the Priority Date for 67-04062 remain at 1890 and that you please give consideration to the attached information. Obviously it is not possible to obtain affidavits from individuals who have personal knowledge of beneficial use in 1890 but I have included information which may be helpful.

Also, according to the Sub case Status Report, PD was issued on 12-29-2000 for WR 67-11528 which includes the same areas as 67-04062.

Thank you for your consideration in this matter.

Frances M. Shaw

Gene Shaw Trust
Frances M. Shaw, Trustee



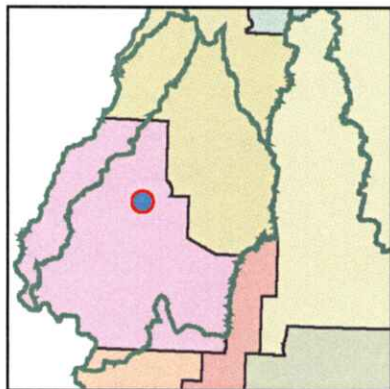
Idaho Department of Water Resources

Point of diversion is
off Pine Creek which
2-3 miles on Hwy 71 W.

T15N R03W

Legend

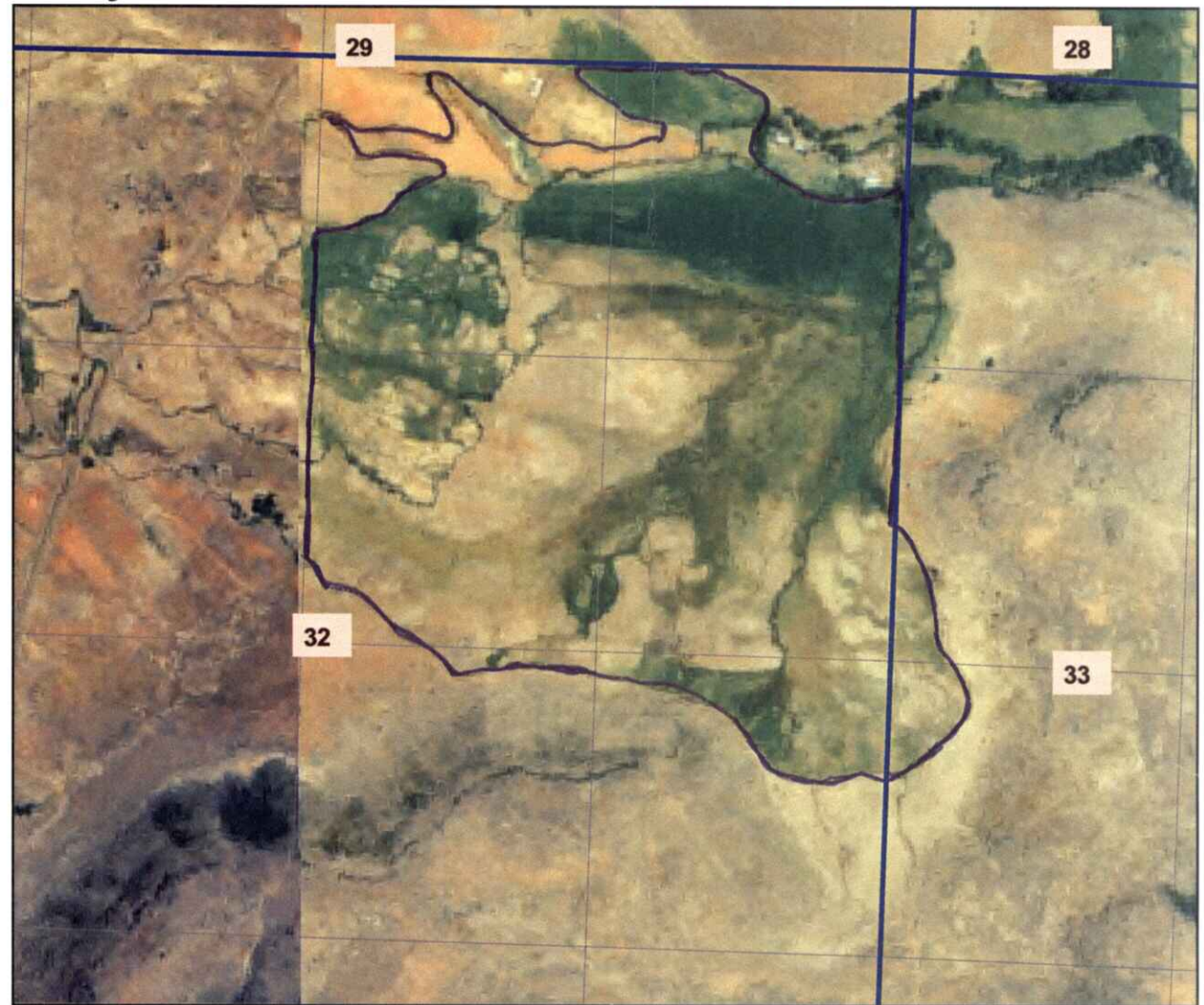
- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



Adjudication Claim Number: **67-4062**



0 0.3 0.6 Miles

Prepared by M. Van Bussum
On Wednesday, August 31, 2005
1987 Aerial Photography

The United States of America
To all to whom these Presents shall come, Greeting:

Homestead Certificate No 1119

Application 3500

Whereas there has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "to secure Homesteads to Actual Settlers on the Public Domain," and the acts supplementary thereto, the claim of James Nixon has been established and duly consummated, in conformity to law, for the North East quarter of Section Thirty-two in Township fifteen North of Range three West of Boise Meridian in Idaho, containing one hundred and sixty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General;

Now know ye, that there is, therefore, granted by the United States unto the said James Nixon the tract of Land above described: To Have and to Hold the said tract of Land, with the appurtenances thereof, unto the said James Nixon and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In Testimony Whereof, I, Grover Cleveland, President of the United States of America, have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the thirtieth day of May, in the year of our Lord one thousand eight hundred and ninety-four and of the Independence of the United States the one hundred and nineteenth.

Recorded, Vol. 34,

Page 147

By the President: Grover Cleveland

By M. M. Means, Secretary

L. D. Lamm, Register of the General Land Office

Index for Record at Register of James Nixon this year
of September 1895 at 3000000
J. D. Smith
Recorder

67-04062

15-3

This Indenture, Made this Tenth day of November in the year of our Lord one thousand eight hundred and ninety-seven, between James Nixon and Nina Nixon (his wife) of the County of Washington, State of Idaho the parties of the first part, and Edwin J. Patch, whose Post Office address is Weiser, County of Washington, State of Idaho, the party of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One Thousand Two Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said party of the second part, and to his heirs and assigns, forever, all the following described real estate, situated in Washington County, State of Idaho, to-wit:

The North East quarter of Section Thirty-two, in Township fifteen North of Range three West of Boise Meridian in Idaho, containing one hundred and sixty acres.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the services and services, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

So have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part and their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Second, sealed and Delivered
in the Presence of
Charles Goodwin

James Nixon
Nina Nixon

B/12 - P/24

This Indenture, Made this 25th day of March in the year of our Lord one thousand nine hundred and two, between Edwin J. Patch, unmarried, of Kootenai County, of Washington, State of Idaho, the party of the first part, and Michael Ward of Cambridge, County of Washington, State of Idaho, the party of the second part.

Witnesseth: That the said party of the first part for and in consideration of the sum of fourteen hundred & fifty dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Washington County, State of Idaho, to-wit:

The North East Quarter of Section Thirty-two, Township fifteen north of Range three west of Boise Meridian, containing one hundred & sixty acres. Together with an undivided one third interest in and to the ditch and water right located heretofore by E. J. Patch, S. F. and John C. Brown, Albert Jewell and James Nison, and of record in the County of Kootenai, for appropriating the waters of Pine Creek, at page 323, of Book one of Water

rights and singular the tenants, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

To Have and to Hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises, in the quiet and peaceful possession of the said party of the second part, his heirs and assigns, against the said party of the first part and his heirs, and against all and every person and persons, whomsoever lawfully claiming or to claim the same, shall and well Warrant and by these presents defend.

In Witness Whereof, The said party of the first part has hereunto set hand and seal the day and year first above written.

Edwin J. Patch

Edwin J. Patch (M. 1)

THIS INSTRUMENT, Made this 30th day of August in the year of our Lord, one thousand nine hundred eighteen, between Michael Ward, and Nora Ward, his wife, whose postoffice address is Cambridge County of Washington, State of Idaho, the parties of the first part, and George C Cable, whose postoffice address is Cambridge, County of Washington, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Five thousand Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and by these presents do grant, bargain, sell convey and confirm, unto the said party of the second part, and to his heirs, and assigns, forever, all the following described real estate situated in County of Washington State of Idaho, to wit:

The northeast quarter of section thirty two in township fifteen north of range three west of Boise Meridian, containing 160 acres, together with all ditches and water rights, used, connected with or appurtenant thereto including a decreed water right, of forty seven and one half miners inches from the waters of Pine Creek.

TOGETHER with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all estate right, title and interest in and to said property, as well in law as in equity of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above-mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to his heirs, and assigns, forever. And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same by through or under the grantors, only shall and will warrant and by these presents forever Defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in
Presence of

Michael Ward (SEAL)

Nora Ward. (SEAL)

R E Wilson,

State of Idaho

County of Washington

ss

On this 30th day of August 1918, before me, R E Wilson, a Notary Public in and for said County, personally appeared Michael Ward and Nora Ward, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

R E Wilson, Notary Public

for Idaho, Residing at Cambridge Idaho

Seal
{ R E Wilson, Notary Public }
State of Idaho

\$5.00 Documentary Revenue Stamps MW 8/30/18.

Filed for record at request of R E Wilson, at 9:35 o'clock A M September 4, 1918.

Fee, \$1.20

Frank E Smith, Recorder

By B B Hunt, Deputy.

Examined To
Date April 3, 1962

taxes paid run 1701

116 (160 acres)

V

Sect 32 Twp 15 N. Range 32 W Bm

By	Dated	Recorded	Grantor	Grantee	Remarks	Bk.	Page
mestead certificate	5-10 1895	9-7 1895	United States	James Nixon	Res 003	6	557 ✓
11-1899 arranty Deed	5-10 1897	11-13 1897	James Nixon & Nina Nixon his wife	Edwin J. Patch		8	176 ✓
warranty	3-25 1902	3-26 1902	Edwin J. Patch, unmarried	Michael Ward	together with undivided 1/3 interest in water rights & ditch rights together with all ditches and water rights, used, connected with or appurtenant including a decreed water right of 47 1/2 miners inches Pine Creek	12	214 ✓
arranty	8-30 1918	9-4 1918	Michael Ward & Nora Ward his wife	George C. Cable		37	447
	9-4 1919	9-6 1919	George C. Cable & Hulda Cable his wife	Herman J. Runstadler	"Michael" Ward water right including	38	584 ✓
warranty	11-13 1922	12-26 1922	Herman J. Runstadler & Runstadler, Lottie E. Runstadler	John Schwenkfelder Trustee	together with all ditches etc.	43	267
adgment	3-8 1927	10-13 1927	Anna Schwenkfelder & Anna Schwenkfelder his wife	Ed Albert Luthi	Deed? (Rec'd?) Judgment	47	598
warranty	10-12 1927	11-12 1927	Albert Luthi, a widower	Elben F. Dotson	subject to mortgage dated 6-3-24 of William Lawrence Released 10-18-29	47	424
mortgage	3-5 1929	4-11 1929	Elben F. Dotson & Ollie W. Dotson	D. V. Wellman Trustee	Released 10-13-30 (Book 12 Release p. 425) Release 12, p. 583	32	38
mortgage	6-1 1934	1-12 1935	Elben F. Dotson a widower	Land Bank Commissioner Spokane	Extended by Paul & Leora Raney. mty Book 37, p 318 to Federal Farm Mty Corp.	37	318
creation of settlement	10-24 1934	4-2 1962	Estate of Ollie Dotson	E. F. Dotson		34	440
warranty Deed	4-13 1935	4-16 1935	Elben F. Dotson, a widower	Noel R. Moore	subject to land bank mty 34, 440. with all water rights	81	307
warranty	5-1 1935	3-7 1940	Noel R. Moore an unmarried man	Paul Raney	subject to Land Commission mortgage mty Book 34, 440	54	41
adgment	7-13 1943	7-13 1943	Paul Raney & Leora May Raney his wife	Federal Farm Mty	Foreclosure Judgment	59	476
couffs Deed	8-17 1944	8-28 1944	Sheriff A. J. Cammese	Federal Farm Mty		64	205
warranty	3-10 1951	5-8 1951	Federal Farm Mty Corp.	Marion Earl Armacost & Bernice J. Armacost his wife	Note exceptions in this deed	72	132
warranty	3-12 1951	3-15 1951	Earl Armacost & Bernice Armacost his wife	Utah Mortgage Loan Corp	not released. \$12000	42	381 X
warranty	10-26 1956	11-14 1956	Earl Armacost & Bernice Armacost his wife	Utah Mortgage Loan Corp	*Assigned \$15000	46	153 X
	10-12 1962	10-20 1962	Earl Armacost & Bernice Armacost his wife	Western Idaho Prod.	subject to first mortgage to	48	135 X

Rel 19/1
Rel 19/1
Rel 18/1

29070-16

67-04062

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 67-201
Date Received: 10/20/89
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): GENE SHAW TRUST
664 SE 28TH WAY
MELROSE FL USA 32666

Phone: (352) 475-1093

2. Date of Priority: 06/03/1890

3. Source: PINE CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
15N	03W	30	SW SW	WASHINGTON

5. Description of diverting works:

DIVERSION DAM, GRAVITY FLOW, OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.95	
STOCKWATER	1/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.95 C.F.S.

8. Total consumptive use:

COPY

FOR YOUR FILES
DO NOT RETURN

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	03W	32	NE	NE	IRRIGATION	30
			NW	NE	IRRIGATION	22
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	20
			NE	SE	IRRIGATION	20
Section Acres						132
Total Acres						132

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT IS ALSO DESCRIBED IN STATUTORY CLAIM 67-04062. (attached)
Ownership changed by DB 12/14/2000.

15. Basis of Claim: Decreed

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 67-4062
Date Received: 1/17/01
Receipt No: 4027293
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GENE SHAW TRUST Phone: (352) 475-1093

664 SE 28TH WAY
MELROSE FL USA 32666

2. Date of Priority: 06/01/1890

3. Source: PINE CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
15N	03W	30	SW SW	WASHINGTON

5. Description of diverting works:

DIVERSION DAM, GRAVITY FLOW, OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
1.03 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 100 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
15N	03W	32	NE NE	IRRIGATION	30

NW	NE	IRRIGATION	22
SW	NE	IRRIGATION	40
SE	NE	IRRIGATION	20
NE	SE	IRRIGATION	20

Section Acres 132

Total Acres 132

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

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): Lene Shaw, as Trustee Date: 1-17-01

_____ Date:

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of Jan 2001.

Jan Shurtz

Notary Public

Residing at Meredian ID

My commission Expires 9-14-2006

