



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2005

TUMBLEWEED DEVELOPMENT GROUP LLC
PO BOX 161
PAYETTE ID 83661

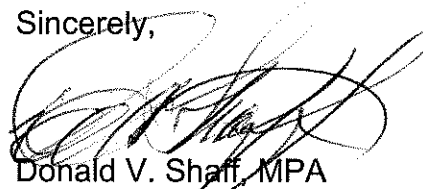
RE: Snake River Basin Adjudication (SRBA)
Notice of Change in Water Right Ownership - #65-2457

I am returning the Notice of Change in Water Right Ownership that you submitted for your property in Payette County. The property described in the deeds you submitted is basically shown by the yellow blocks on the enclosed map. The lot in the Vistair Subdivision, however, is not in yellow.

The earlier recorded water right and the claim for #65-2457 are for the property shown on the map by the yellow dots to the north of the deed properties. The yellow blocks do contain domestic right #65-3962 for the westerly smaller parcel and #65-2455 for irrigation on the two larger parcels. Some or all of the property apparently has water from the Lower Payette Ditch Co.

Also enclosed are documents used for initially gaining a water right for #65-2457. Clearly, this water right was developed on the land north of the yellow blocks on the map, which brings me to questions I raised in an earlier letter I sent to Frank and Melita Shelley (copy enclosed).

Sincerely,



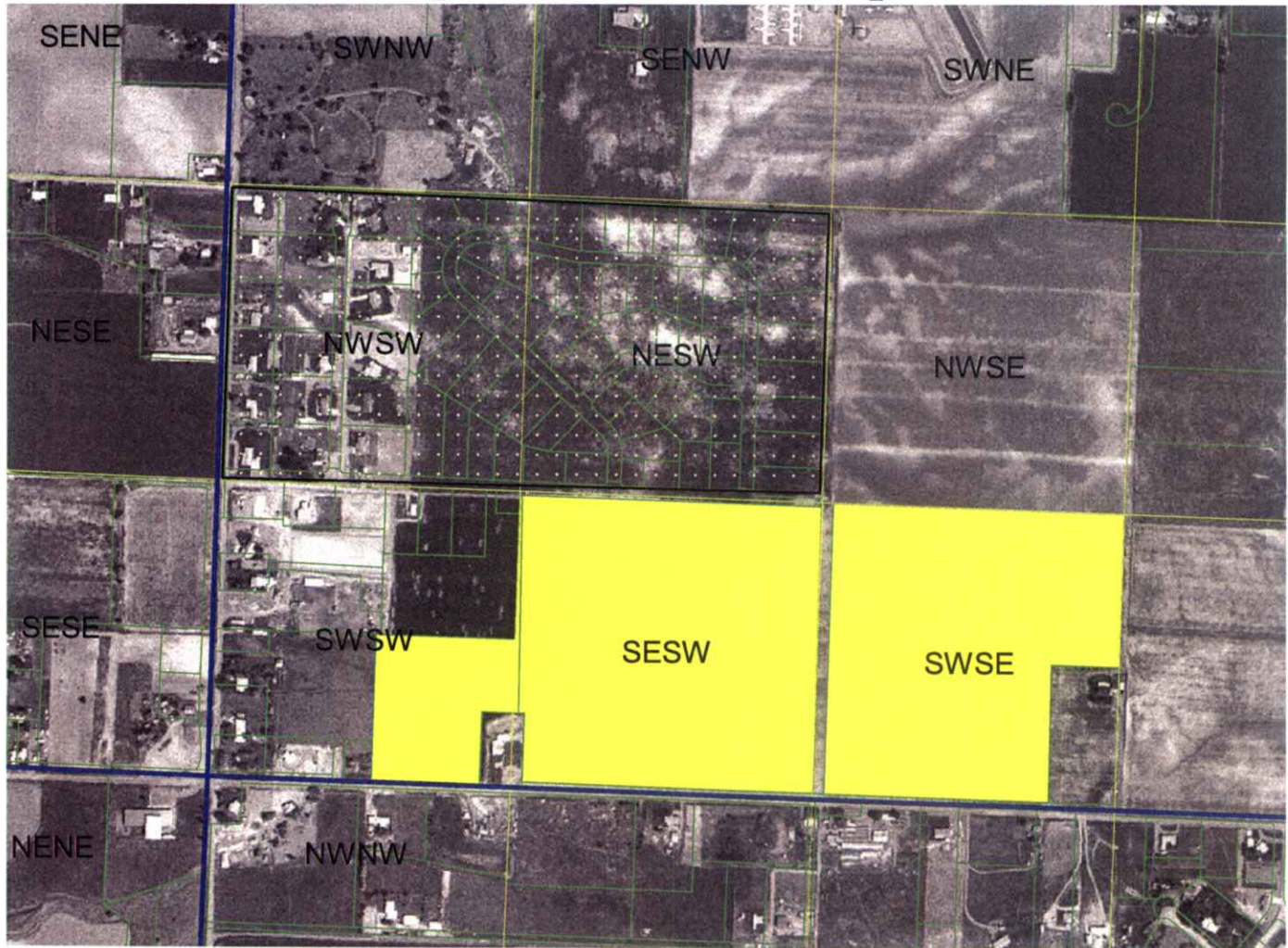
Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:state

Enclosures:

Notice of Change in Water Right Ownership (Returned)
Map
Copy of 8/30/05 Letter to Frank and Melita Shelley
Historical Documents Used for 65-2457

Tumbleweed Development Group LLC Properties



0.2 0 0.2 0.4 Miles



-  Sections
-  QQ
-  Payette taxlots

Drawn by D. Shaff
Date: 12/23/05
1994 Photograph



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 30, 2005

COPY

FRANK AND MELITA SHELLEY
960 NW 14TH AVE
PAYETTE ID 83661

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #65-2457

Dear Claimants:

Initial review of your claim was made last February, when Ms. Fisher was questioned about the ownership of the land. To date, I have had no response. The land claimed and where the water right is described is represented in the Payette County plats as one or more multiple-ownership subdivision(s).

I did find water right #65-2455 for the Trust on land south and to the east of the land claimed under 65-2457. Please notify me if you have no interest in 65-2457.

Please explain (1) how the Trust retained ownership of the water right claimed, (2) how the water under the claimed right is used, and (3) how the water has been put to beneficial use each year explaining any periods of non-use.

I look forward to your reply. If you have any questions please contact me at 208/287-4921 and/or consult with your attorney.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region
Enclosure:
Map

SCANNED

AUG 30 2005

COPY

State of Idaho License and Certificate of Water Right

Water License No. 19623

Amount 1.2 second feet

Water District No.

Priority April 27, 1945

THIS IS TO CERTIFY that J. C. PALUMBO of Payette, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 25, 1945; that Permit No. 19623 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.2 second feet, was issued thereunder on July 6, 1945, showing that said works were completed on the 23rd day of June, 1945; and that on the 27th day of July, 1945,

J. C. PALUMBO

of Payette, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well (subterranean), a tributary of , for the purpose of irrigation, under Use Permit No. 19623 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 State Reclamation Engineer of Idaho and entered of record in Volume 7 of Licenses at page 4312, on the 19th day of December, 1945;

The right hereby confirmed dates from April 27, 1945;

The Point of Diversion is located

in the NE 1/4 SW 1/4, Sec. 26, Tp. 9 N., R. 5 W., B. M. Payette 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 1.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N.	5 W.	26	NE 1/4 SW 1/4	40	40
			NW 1/4 SW 1/4	40	40
			Number of acres actually irrigated -		80

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.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 19th day of December, 1945.

MARK R. KULP

State Reclamation Engineer

(SEAL)

65 2457

COPY

DEPT. OF AGRICULTURE

REPORT OF ENGINEER

Permit No. 15613

This proof is for beneficial use

In Water District No.

1. Name of applicant J. C. Polanco, Payette, Idaho

2. Source of water supply: Subterranean (well)

3. Location of point of diversion: Is in the NE 1/4 SW 1/4

T. 5 N., R. 5 W. County of Payette

of Section 20

4. Describe works as they exist, giving dimensions and capacities of same: A Drilled Well 410 feet deep, cased 100 feet to shale formation. The equipment consists of a deep well Pomona Pump, driven by four horse power motor. Ditches average two feet wide and one foot deep

5. Water is used for: Irrigation

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): NE 1/4 SW 1/4, NW 1/4 SW 1/4 Section 20, Twp. 5 N., Range 5 W., R. 5 W.

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

8. What large stream would the water here appropriated finally reach?

None

Remarks

"The Pump delivers 1.2 cubic feet per second, with 55 foot drawdown"

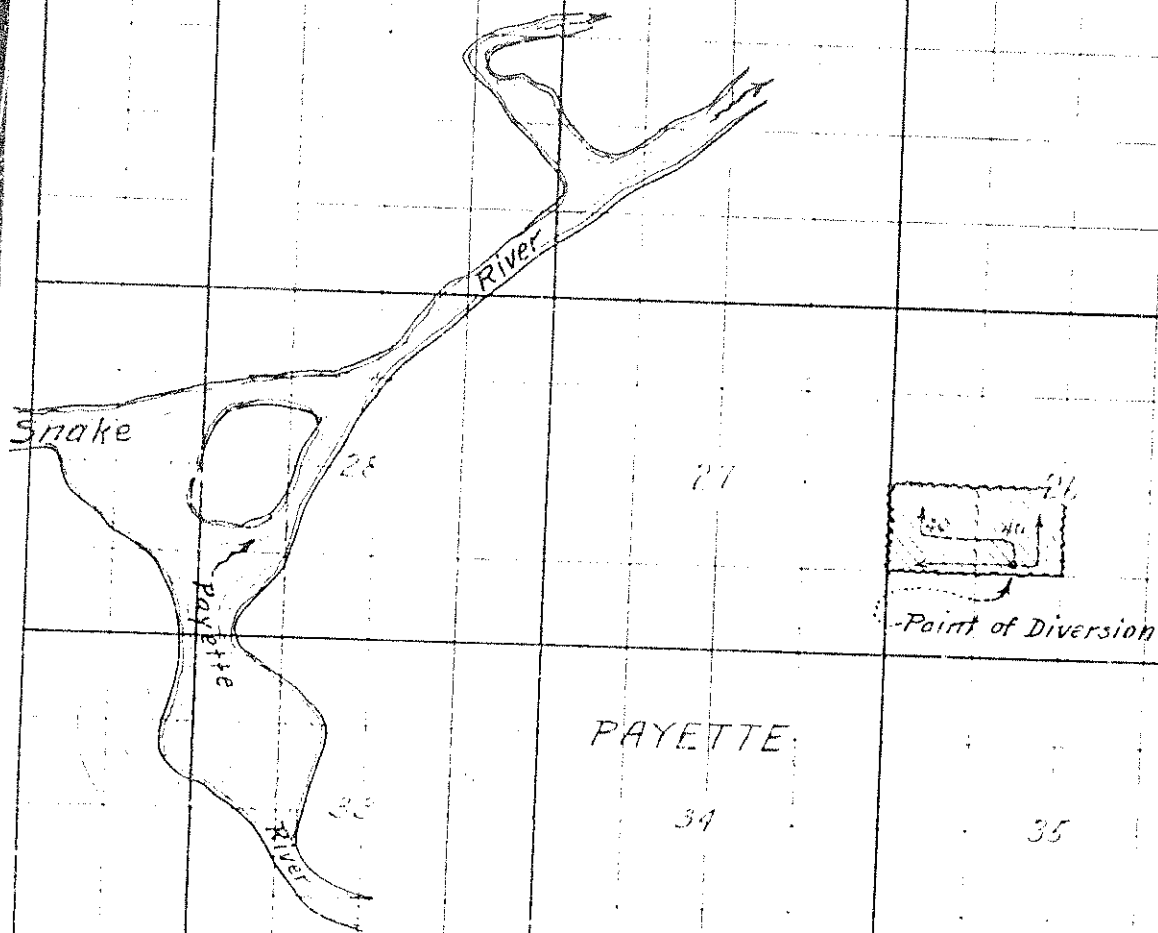
This examination was made on the

15th. day of May, 1946.

(Signed)

W. H. Delaney
Examiner.

COPY



COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19623

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. J.C. Palumbo, Payette, Idaho. Fruit Grower, Packer, and Shipper.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Individually owned, not incorporated.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 19623 April 27, 1947

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean well, Diverted from well, located on NE $\frac{1}{4}$ of SW $\frac{1}{4}$ section 26, township 9, North, Range 5, W.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Open ditch and pipe lines. Capable of conveying about 20 inches of water. Private ditch to furnish for herein described land only.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name one subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigating orchard lands. No subdivisions. Land to be irrigated is in two divisions; one 40 acre tract from which water is diverted and one subdivision of 42 acres. Over all description is NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, TWP 9 North, Range 5, W.B.M.

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. For irrigation only

19623

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 80 inches

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.
Ans. I am sole owner

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Has been and is being continuously used on land described in permit.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Using water from pump located on Lower Payette Ditch delivered through a pipe line to the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, approximately 20 inches from a water right held in Lower Payette Ditch Company.

(Sign) *J. E. Palumbo*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was

subscribed and sworn to before me, at my office in Payette, County of Payetta, State of Idaho, on this 27 day of July, A. D. 1945.

J. E. Palumbo

My commission expires June 16, 1949

COPY

COPY

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of PAYETTE

ss.

J. C. PALMISTO

being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No 19623, and that his postoffice address is Payette, State of Idaho.

Second: That the name of the stream from which said water is to be directed is A well (subterranean).

Third: That the point of diversion of said water is NE 1/4 Sec. 26, T. 9 N., R. 5 W., E. 2.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 27, 1945.

Fifth: That the use for which said water is intended is Irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Well, 120 ft. deep, 10 in. hole, with 6 in. Pomona pump, 12 HP. m.p. (Reservoir, dam, ditch, flume, pipe or otherwise) pipes and ditches.

II. Dimensions of work:
(a) Height of dam: feet, length of dam at top feet, length of dam at bottom feet. Material used in construction (State whether wood, earth, stone or concrete)

(b) Capacity of reservoir: acre feet.
(c) Size of headgate: Width: feet, height: feet.

(d) Conduit: ditch as width at bottom 1 1/2 to 2 1/2 feet, width at water line feet, depth of water 1 1/2 to 2 1/2 feet; diameter of pipe 8 inches, average grade per mile is feet. Length of conduit is 1 1/2 miles.

Seventh: That said works are capable of conducting to the place of intended use 60 in. or 1.2 c.f.s. second feet of water.

Eighth: That water appropriated under said permit is available for 80 acres of land described as follows: NE 1/4 Sec. 26, T. 9 N., R. 5 W., E. 2, County of Payette.

Ninth: Remarks: That.

J. C. Palmisto
(Sign here)

Subscribed and sworn to before me this 23 day of June, 1945.

My commission expires June 14, 1945. J. C. Palmisto
Notary Public.

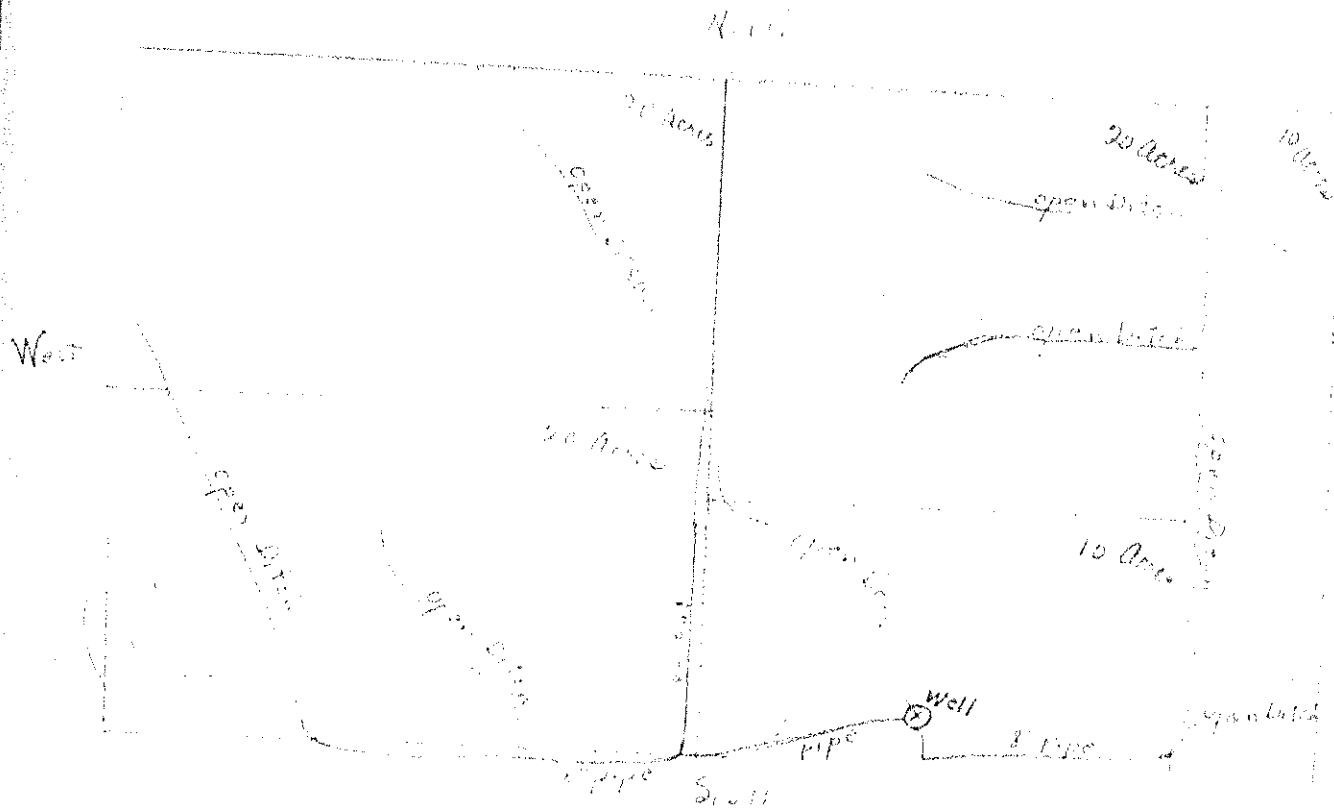
19623

COPY J. G. Palumbo Fruit Company

PACKERS AND DISTRIBUTORS FRUITS AND VEGETABLES

La Paluma and Palumbo's Pride

Payette, Idaho.



19022

