



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

MAILED

NOV 17 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Robert A. Shirts
Ronald W. Shirts
777 Mann Creek Rd.
Weiser, ID 83672

Re: Original Notice of Claim to a Water Right No. 67-2168A

Renumbered Notice of Claim to a Water Right No. 67-2169H

Dear Claimant(s):

While conducting a preliminary review of claim 67-2168A, several inconsistencies were discovered between your claim 67-2168A and the parent water right of 67-2168. Upon further examination, it appeared that your claim was assigned to the incorrect water right. The water right 67-2169 appears to be the correct parent right for your claim. Because of these findings, your claim has been renumbered to 67-2169H.

In summary, claim no. 67-2168A was renumbered to 67-2169H for the following reasons:

- 1) Evidence indicates that Weiser Irrigation District (WID) did not have possession of water right 67-2168 at the time the contract between WID and Donald E. Sinden was finalized and hence, could not have sold any portion of the right to a second party.
- 2) The Place of Use (POU) listed in water right 67-2168 is not similar to the lands claimed in 67-2168A, now 67-2169H.
- 3) The language within the contract is consistent with the application for permit #18549, now Water Right No. 67-2169, not permit #18425 as stated in the contract. Specifically regarding the 1937 application for a permit to appropriate a large quantity of flood waters of the Weiser River by WID.

Because of the renumbering of your claim, an amendment of your claim to a water right is recommended. It is recommended that the priority date of the claim reflect the priority date of the parent water right. Additionally, the water right 67-2169 has a licensed total quantity appropriated of 120 c.f.s. The contract between WID and Donald E. Sinden mentions 70 inches of surface water. Seventy inches is equivalent to 1.4 c.f.s. You may wish to amend the total c.f.s claimed.

For your convenience, I have included an amended water right claim with this letter. Please initial any proposed or additional changes that you agree with, sign and have the signature notarized, then return the claim to me at the address included in the letterhead.

Please note that the enclosed Notice of Claim to a Water Right or this letter is not a determination of your water right. This claim represents a renumbering and amendment to an existing claim in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified, and recommended to the SRBA Court for court decree sometime in the near future. If further questions arise during the review process, you will be contacted.

Thank you for your time. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,



Danielle Bruno-Favreau
GIS Specialist
Adjudication Section
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 67-2169H
Date Received: 11/7/2005
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT A SHIRTS Phone: (208)549-2702

777 MANN CREEK RD
WEISER ID USA 83672

RONALD W SHIRTS Phone: (208)549-2702

777 MANN CREEK RD
WEISER ID USA 83672

2. Date of Priority: 12/18/1936

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	35	NE NE	WASHINGTON	

5. Description of diverting works:

Galloway Canal w/headgates and gravity flow - gravity irrigation.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.4	

7. Total Quantity Appropriated is:

1.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	04W	6	NE	NW	IRRIGATION	20
			NW	NW	IRRIGATION	5
					Section Acres	25
11N	04W	31	NE	SW	IRRIGATION	2
			SW	SW	IRRIGATION	2
			SE	SW	IRRIGATION	26
					Section Acres	30
					Total Acres	55

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 right was renumbered to right 67-2169H.

THIS WATER IS DELIVERED VIA THE GALLOWAY CANAL. SEE COPY OF CONTRACT IN FILE CONVEYING THIS LICENSE TO THE ORIGINAL OWNER OF THIS PROPERTY - DONALD SINDEN. THIS WATER HAS BEEN AND IS BEING USED PER THE CONTRACT.

This right has been renumbered to 67-2168A due to a duplicate filing which will be numbered 67-2168B.

This right is renumbered from former right 67-2168A.

Ownership changed by DB 4/4/2002

15. Basis of Claim: License

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): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____