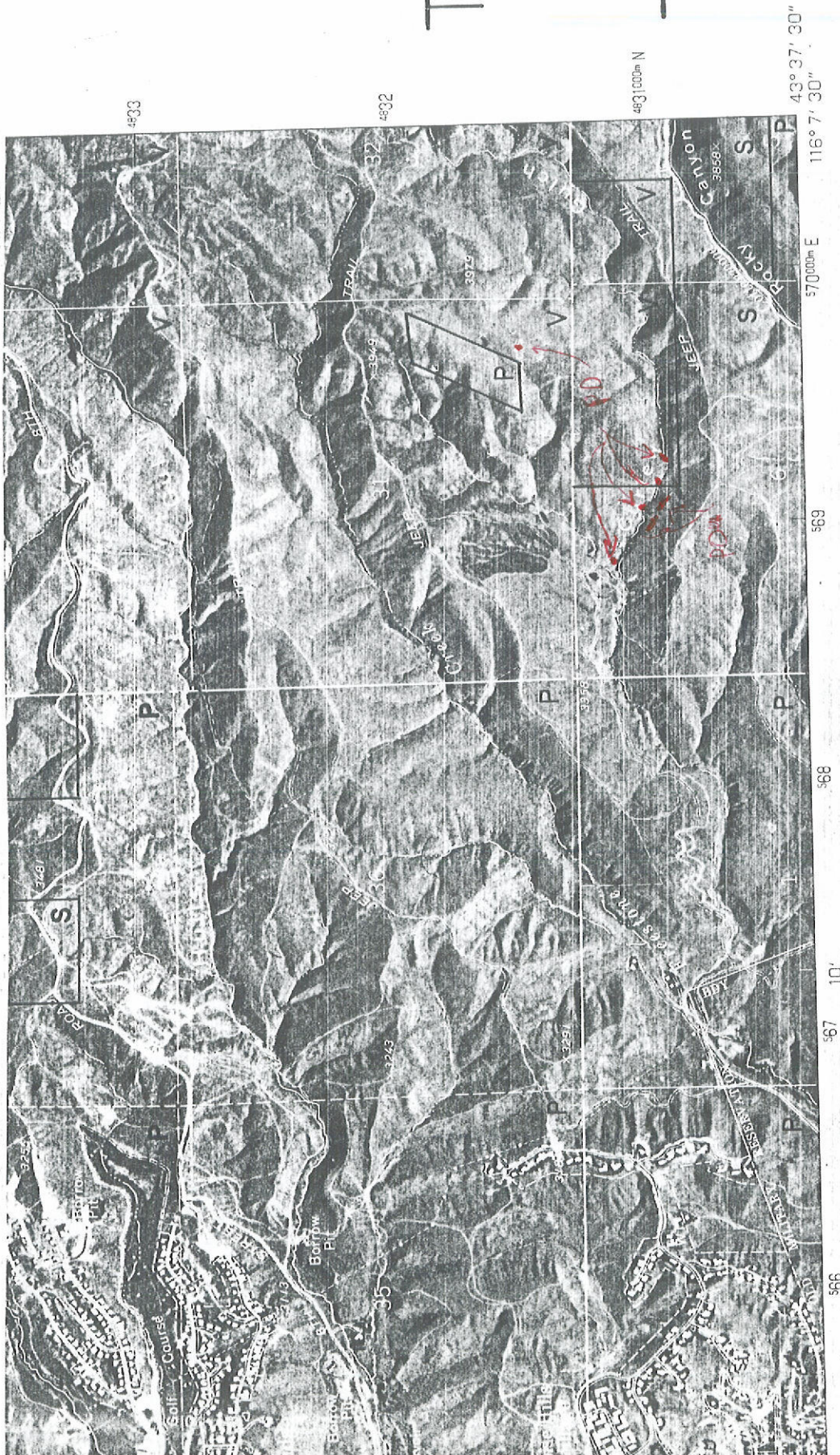


MICROFILMEI
AUG 20 1992

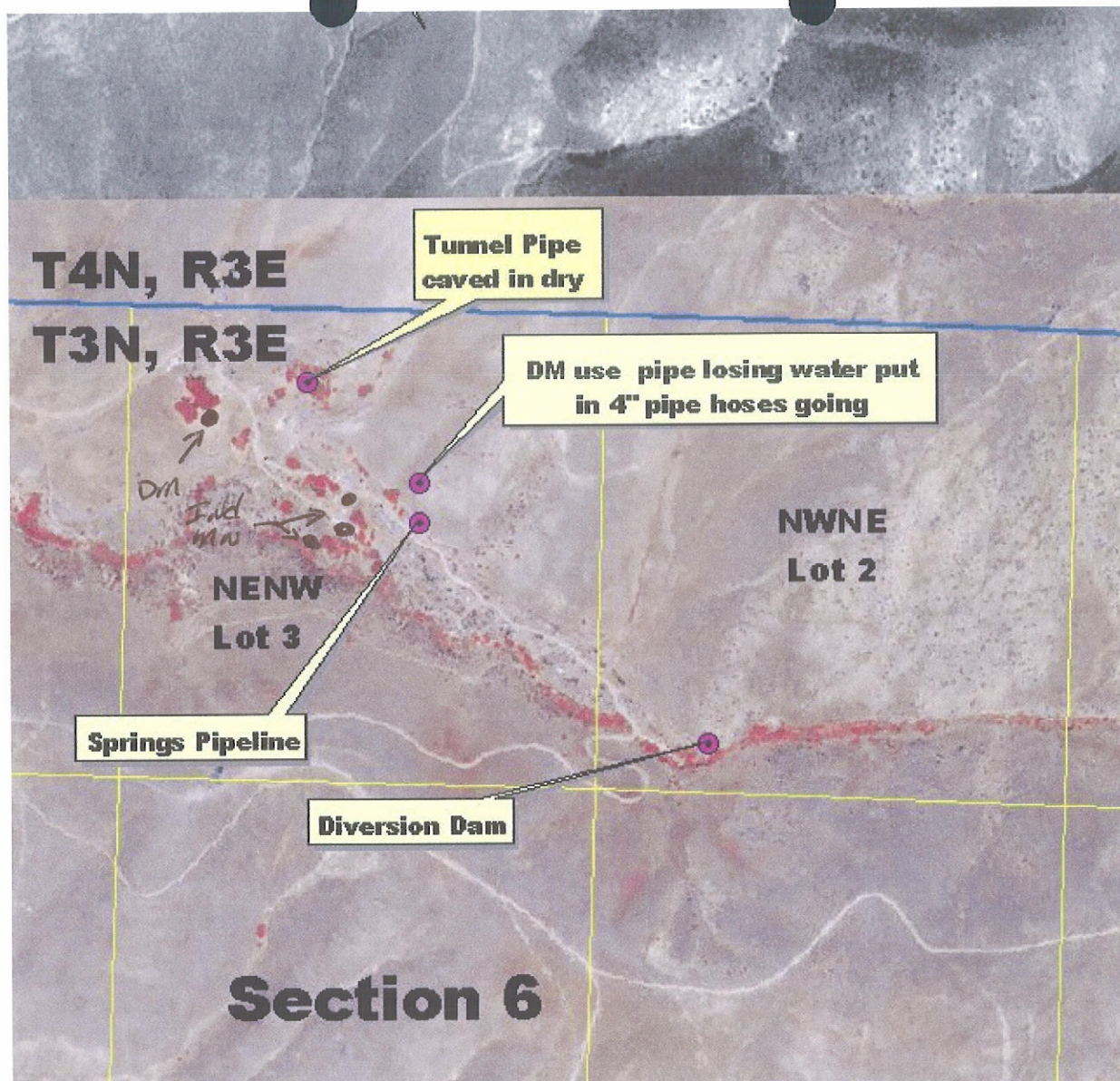
BOISE NORTH, IDAHO
N4337.5-W11607.5/7.5
1975

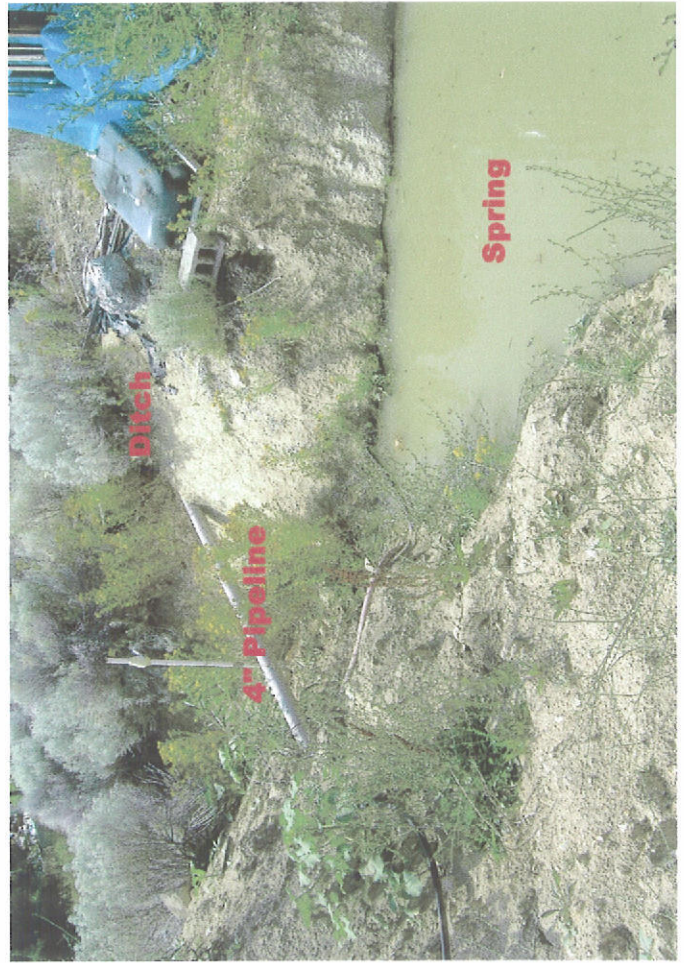
ADVANCE PRINT

X-9

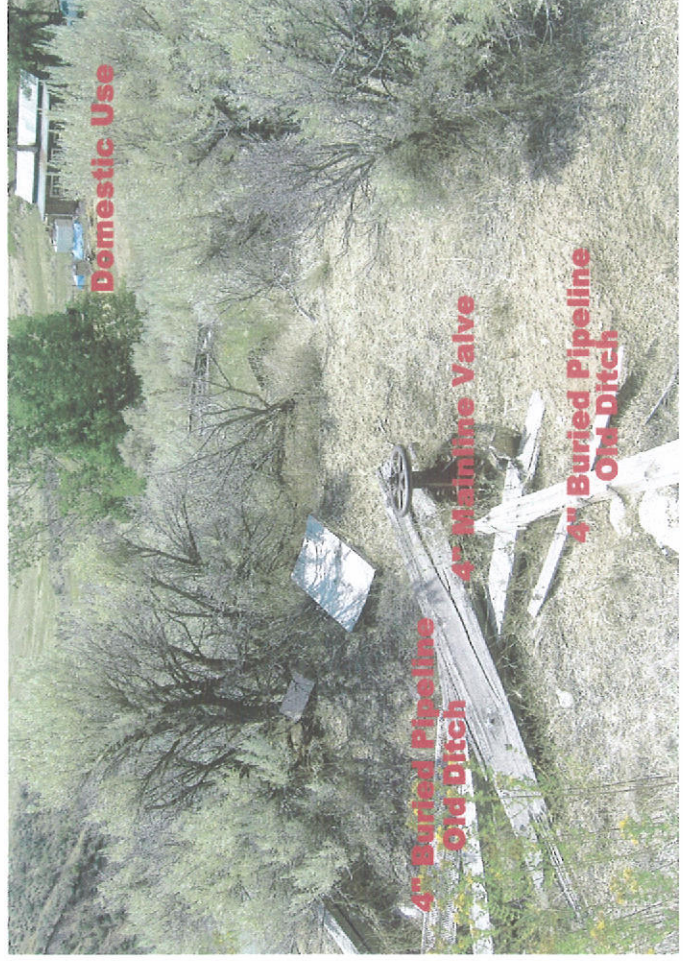
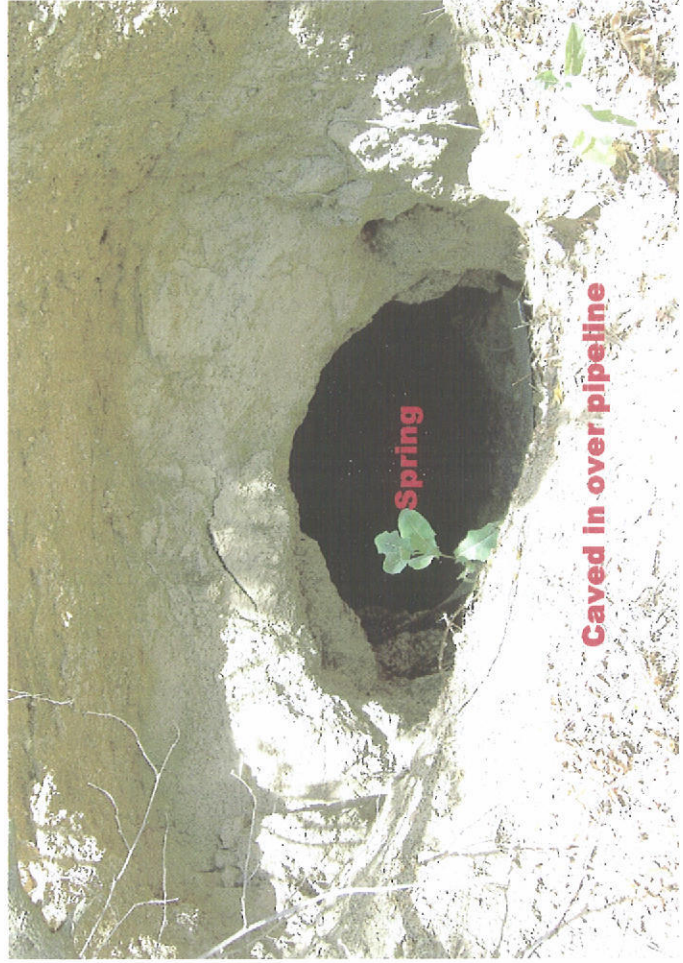
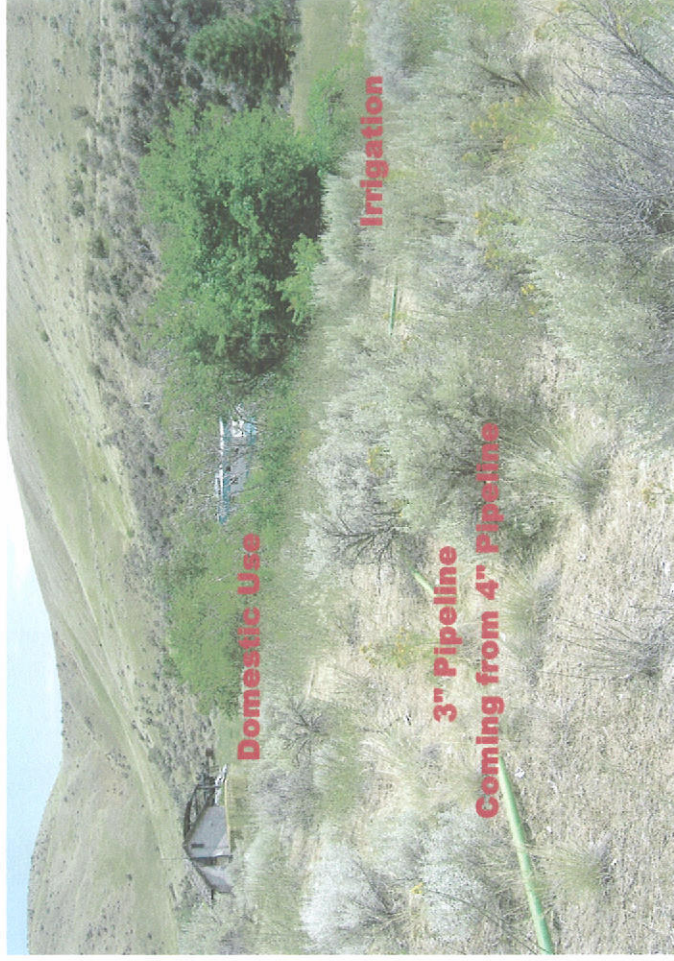
T4N

T3N





GPS 2326886-1383406 POD



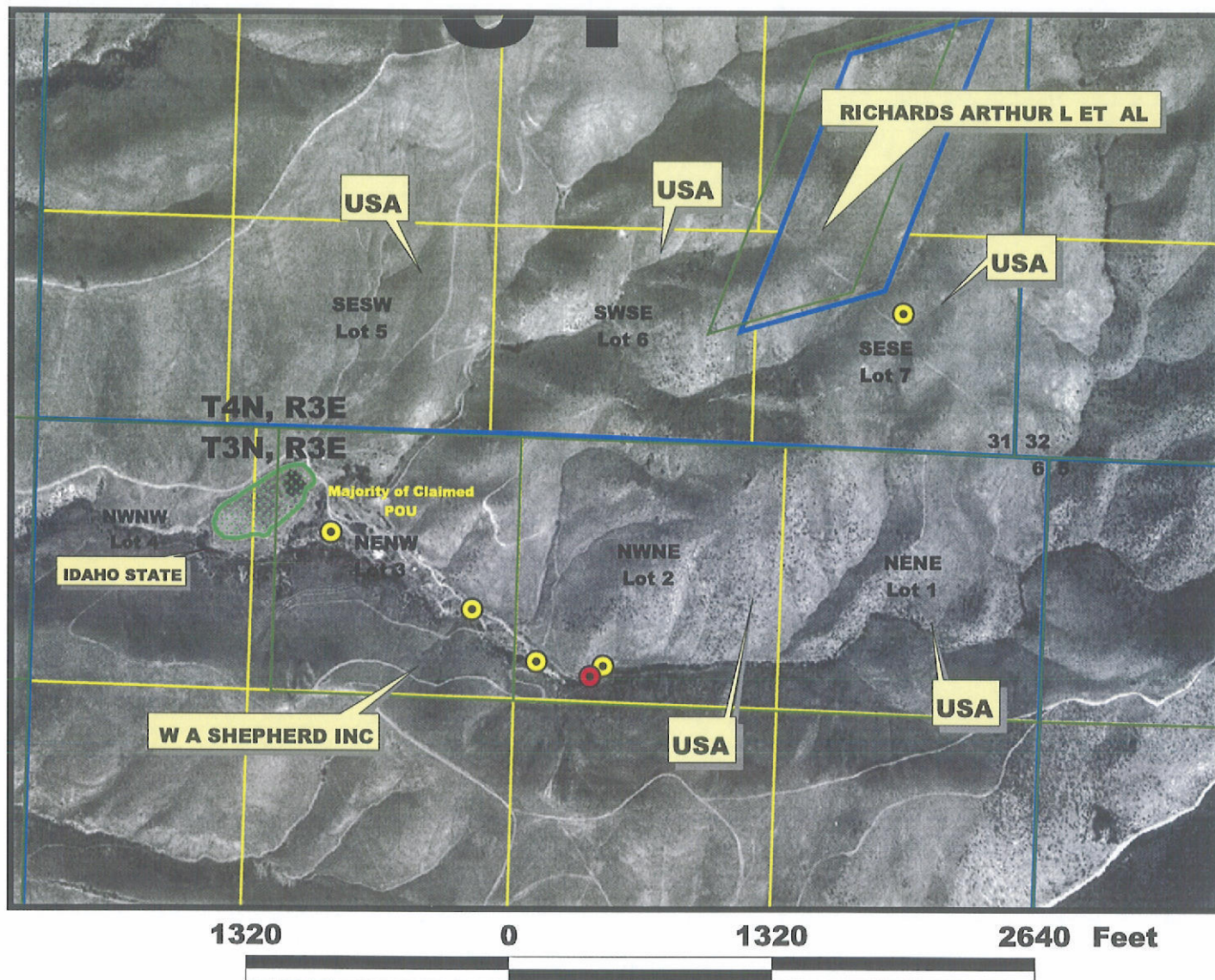
GPS 2326790 - 1383527 POD



POU & POD Location Map

1992 DOQQ

63-04396 & 63-04397



● Point of Diversion for 63-04396

Total found Acres: N/A

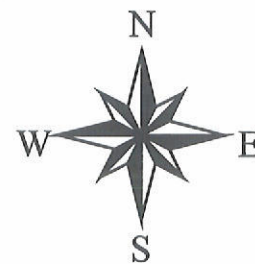
□ Claimed Place of Use - Initial determination of irrigated Acreage

□ Ada County Tax Lot Data

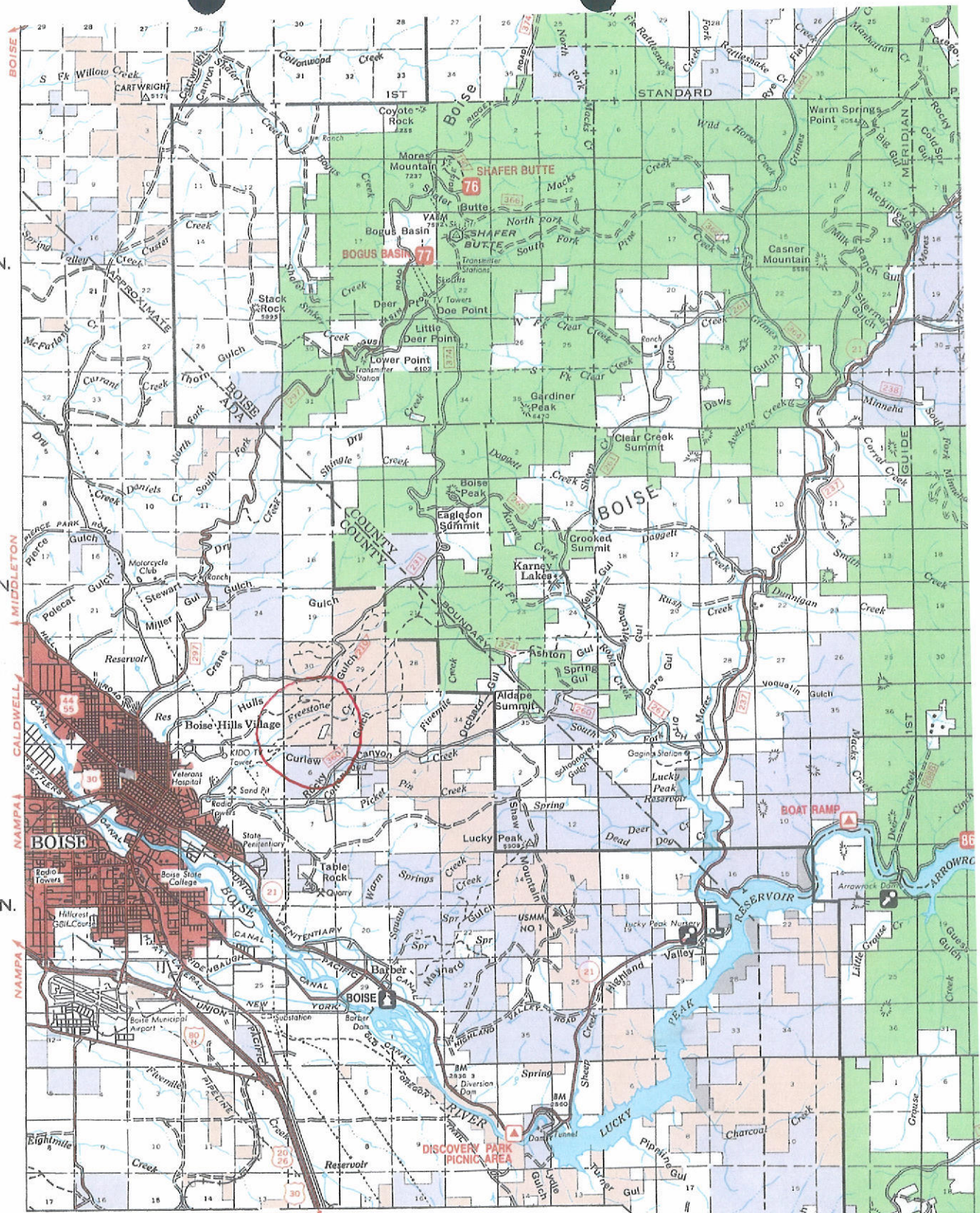
□ Quarter Quarter Lines

□ Section Lines

● Point of Diversion for 63-04397



Prepared by: C. Saxton
Date: May 2004



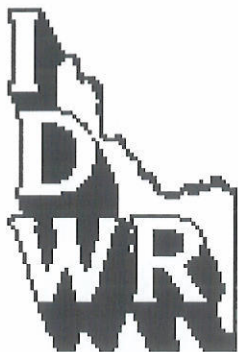
Pink = BLM Land

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

BOISE NATIONAL FOREST

VISITORS MAP

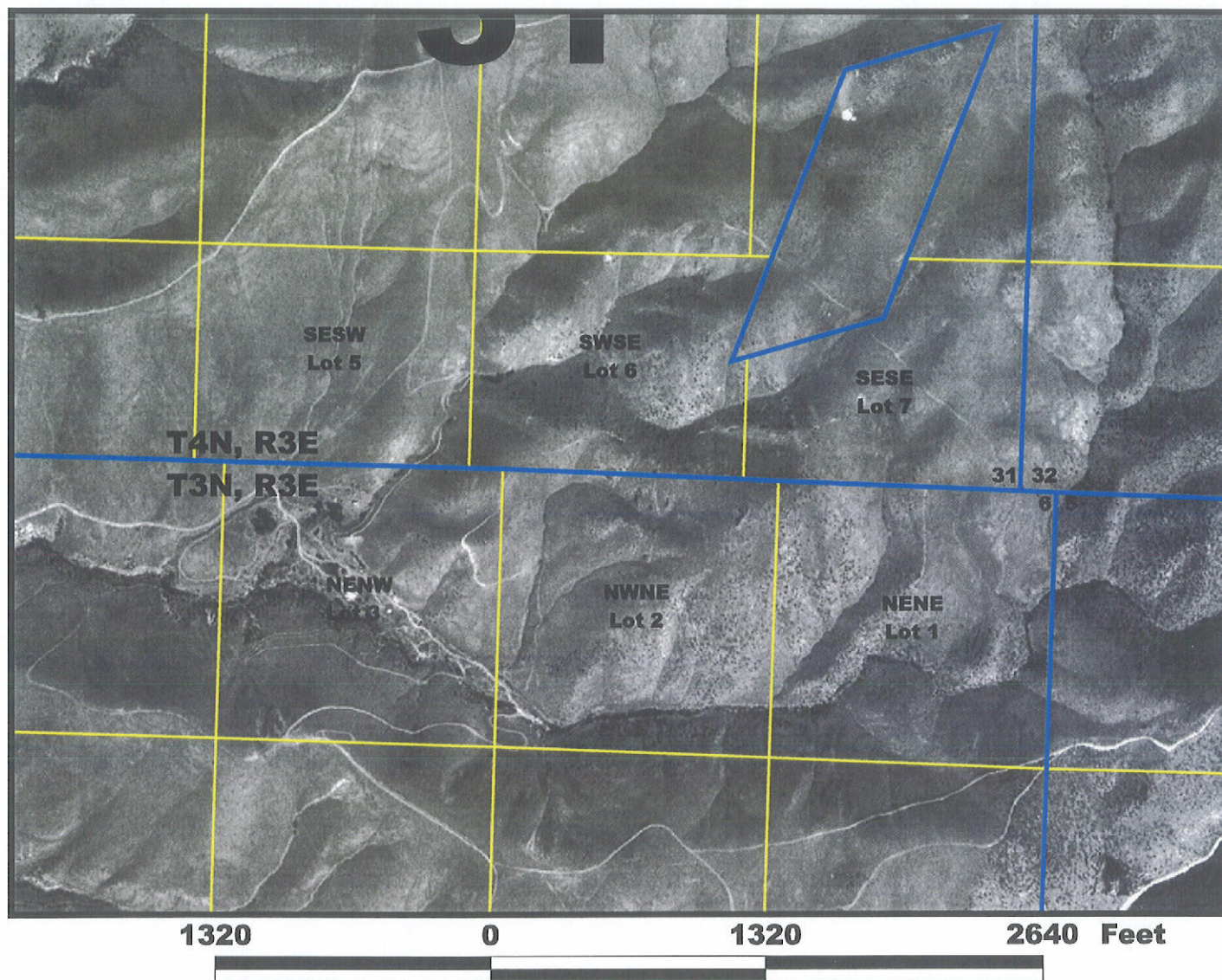
IDAHO



POU and POD Location Map

1992 DOQQ

63-04396 & 63-04397



Point of Diversion



Recommended Place of Use per QQ



Ada County Tax Lot Data

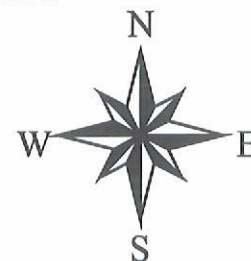


Quarter Quarter Lines



Section Lines

Total claimed Acres: 11.0



Prepared by: C. Saxton
Date: April 2004

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: A63-04396

Date Received: 8/07/1989

Receipt No: C009008

Received By: JAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. A. SHEPHERD
Address: MOUNTAIN COVE RD.
BOISE, ID 83702
OR
Name: VIOLA M. SHEPHERD
Address: MOUNTAIN COVE RD.
BOISE, ID 83702
2. Date of Priority: JUN 01, 1967
3. Source: SPRINGS Trib. to: SINKS
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03E	6	SW	NW	NE	2	ADA
04N	03E	6	NW	NE	NW		ADA
		6	SE	NE	NW	3	ADA
11	3E	→ 31	NE	SE	SE	67	ADA

5. Description of diverting works:
SPRINGS COLLECTED IN CORAGATED PIPE 1.25'DIA.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.010		
DOMESTIC	01/01	12/31	0.010		
MINING	01/01	12/31	0.010		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

I/SAWMILL, X/PILOT MILL, D/1 HOME.
A63-04396 Page 1

Date: 08/07/89

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	03E	6	NE		NW	3	INDUST	
			NE		NW	3	DOMEST	
			NE		NW	3	MINING	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A6304397

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 X 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): Walshurst Date: 8/7/89
Date: _____

State of Idaho)
County of ada) SS.

Subscribed and sworn (or affirmed) before me this 7 day

of Aug. 19 89

Seal

John Dal. Carlson
Notary Public

Residing at Boise Id

My Commission Expires 4/2/94



T4N

T3N

4803

4802

4801

43° 37' 30" N
116° 7' 30" W

570000m E

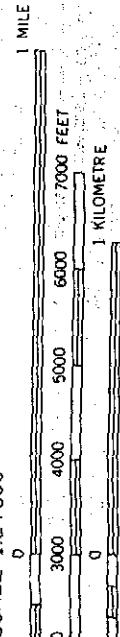
568

568

567 10'

566

SCALE 1:24 000



BOISE NORTH, IDAHO
N4337.5-W11607.5/7.5
1975

ADVANCE PRINT

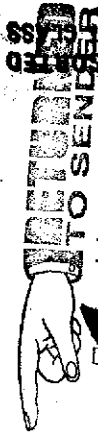
FI X-9

MICROFILMED
AUG 20 1992

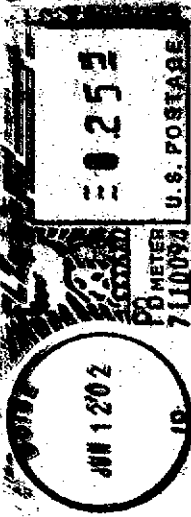
IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

603-4396
4397

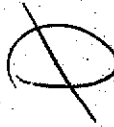


- ☒ Moved, Left No Address
☐ Attempted, Not Known
☐ Unclaimed
☐ Refused
☐ No Such Street
☐ No Such Number
☐ Insufficient Address



RECEIVED
JUN 19 2002
WATER RESOURCES
WESTERN REGION

VIOLA M SHEPHERD
W A SHEPHERD
PO BOX 551
BELLEVUE ID 83710



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

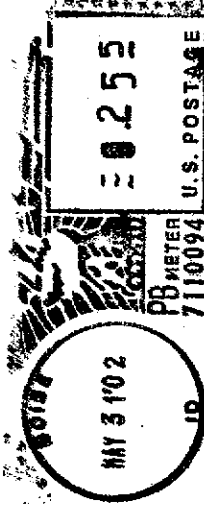
Return Service Requested

63-4396
4397

340D

VIOLA M SHEPHERD
W A SHEPHERD
MOUNTAIN COVE RD
BOISE ID 83702

PRESORTED
FIRST CLASS



RECEIVED

JUN 11 2002

WATER RESOURCES
WESTERN REGION

SHEPHERD 837022225 1401 06 06/04/02
FORWARD TIME EXP RTN TO SEND
SHEPHERD 51
POL BOX 51
BELLEVUE ID 83313-0551
RETURN TO SENDER

Sent again
6-12-02

83720-0098 837202225 1401 06 06/04/02

Sandy



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 29, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WA Shepherd Inc.
PO Box 815
Milton, WA 98354

RE: Notice of Change of Water Right Ownership 63-4396

Dear Claimants:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was submitted to our office. However, we cannot continue to process the ownership change without sufficient **proof of ownership**. This proof needs to be a copy of a **Deed(s), Title Policy, or other legal document** indicating your ownership of the property with an attached legal description.

Please submit a copy of the warranty deed, and we will be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon". The signature is written in dark ink and is positioned above the typed name and title.

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region
(208) 334-2190

LG: lg

Enclosures

NOTICE OF ERROR
REPLY

11/02/2005

RECEIVED

NOV 17 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-4396

~~W A SHEPHERD~~ Inc.
~~MOUNTAIN COVE RD~~
~~BOISE ID 83702~~

P O Box 815
Milton, Wa, 98354

~~VIOLA M SHEPHERD~~
~~MOUNTAIN COVE RD~~
~~BOISE ID 83702~~

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-14-05

SIGNATURE:

W A Shepherd Inc, W A Shepherd Inc

Please print your name:

W A Shepherd

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

11/02/2005 RECEIVED

NOTICE OF ERROR
REPLY

NOV 17 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-4397

W A SHEPHERD
MOUNTAIN COVE RD
BOISE ID 83702

VIOLA M SHEPHERD
MOUNTAIN COVE RD
BOISE ID 83702

Inc.
PO Box 815
Myton Wa, 98354

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

11-14-05

SIGNATURE:

W A Shepherd Inc.

W A Shepherd = Pres

Please print your name:

W A Shepherd

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

NOV 17 2005

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4396					
63-4397					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

W A. Shephard

Viola M Shephard

4. New Owner/Claimant(s)

W A Shephard, Inc.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 815

City, State and ZIP Code

Milton, Wa. 98354

New Telephone Number

253-405-8890

5. Date you acquired the property

Changed to Corporation 1-19-94

Ada County Parcel # 50906212400
 This will identify the current owners & tax payer

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

W A Shepherd, Inc
W A Shepherd Pres.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

02/15/2006

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

RIGHT NUMBER: 63-4396

NAME AND ADDRESS: W A SHEPHERD INC
PO BOX 815
MILTON WA 98354

~~W A SHEPHERD~~
~~VIOLA M SHEPHERD~~
~~MOUNTAIN COVE RD~~
~~BOISE ID 83702~~

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.010 CFS

PRIORITY DATE: 06/01/1967

POINT OF DIVERSION:

T03N R03E S6 SWNWNE Lot 2 Within ADA County

T03N R03E S6 NENENW Lot 3 Within ADA County

T03N R03E S6 NWNENW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

• DOMESTIC

1/01 12/31

0.010 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within ADA County

T03N R03E S06 Lot 3 NENW

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

Water Rights: 63-4396, 63-4397

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: February 17, 2006


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 17, 2006 I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

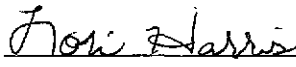
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

W A Shepherd Inc.
PO Box 815
Milton WA 98354

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

NOV 17 2005

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4396					
63-4397					

RECEIVED

DEC 29 2005

WATER RESOURCES
WESTERN REGION

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
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OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

W A Shepherd

Viola M Shepherd

4. New Owner/Claimant(s)

W A Shepherd, Inc.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 815

City, State and ZIP Code

Milton, Wa. 98354

New Telephone Number

253-405-8890

5. Date you acquired the property

Changed to corporation 1-19-94

Ada County Parcel # 50906212400
 This will identify the current owners & tax payer

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Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) W A Shepherd, Inc
(include title if applicable) W A Shepherd Pres.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee N/A
 Received by _____ Date _____ Receipt No. _____
 Processed by JH AJ Date 2-15-06 WR _____ Date _____

QUITCLAIM DEED

FOR VALUE RECEIVED

VIOLA M. SHEPHERD, GRANTOR, does hereby CONVEY, RELEASE, REMISE and FOREVER QUIT CLAIM unto:

W.A. SHEPHERD, INC., an Idaho Corporation, **GRANTEE**, whose current mailing address is: 1399 Anderson Road, Parma, Idaho 83660, the following described properly located in Ada County, State of Idaho, more particularly described as follows, to wit:

Government Lot #3, of Section 6, 3 North, 3 East,
according to the records of Ada County, Idaho.

TOGETHER, with all and singular tenements, hereditaments and appurtenances thereto, belonging or in anywise appertaining, the reversions, remainder and remainders, rents, issues the profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the party of the second part and to its heirs and assigns, forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal on this 19th day of January, 1994.

94004986
W.A. Shepherd
ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

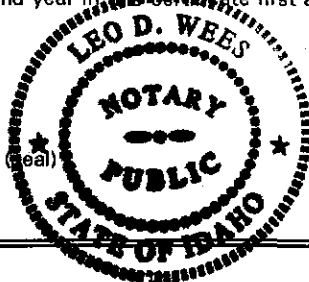
Viola M. Shepherd
W.A. Shepherd
VIOLA M. SHEPHERD, by
W.A. SHEPHERD, Agent under Power of Attorney,
dated November 25, 1992.

'94 JAN 19 PM 3 44
FEE 300 DEP. Klam
RECORDED AT THE REQUEST OF

STATE OF IDAHO)
: ss.
County of ADA)

On this 19th day of January, in the year 1994, before me, a Notary Public, in and for said state, personally appeared **W.A. SHEPHERD, Agent of VIOLA M. SHEPHERD**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 01/30/97



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for W.A. SHEPHERD, INC.](#)]

W.A. SHEPHERD, INC.

PO BOX 815
MILTON, WA 98354

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING, ANREPT SENT 01 Nov 2005

State of Origin: IDAHO

Date of 19 Jan 1994

Origination/Authorization:

Initial Registered Agent: VIOLA M RADABAH
8225 W IDAHO
LETHA, ID 83636

**Organizational ID / Filing
Number:** C104857

**Number of Authorized Stock
Shares:** 70000

Date of Last Annual Report: 17 Nov 2005

Amendments:

Amendment filed 19 Jan 1994 INCORPORATION

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Annual Reports:

Report for year 2006 ANNUAL REPORT

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Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

11/02/2005

RECEIVED

NOV 17 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-4396

~~W A SHEPHERD~~ Inc.
~~MOUNTAIN COVE RD~~
~~BOISE ID 83702~~

~~VIOLA M SHEPHERD~~
~~MOUNTAIN COVE RD~~
~~BOISE ID 83702~~

PO Box 815
Milton, WA, 98354

RECEIVED

DEC 29 2005

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-14-05

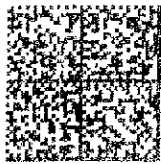
SIGNATURE: W A Shepherd Inc, W A Shepherd Inc

Please print your name: W A Shepherd

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$00.8
0004310839 DEC 16 2
MAILED FROM ZIP CODE 83

RECEIVED

DEC 21 2005

WATER RESOURCES
WESTERN REGION

POINTMENT
ADDRESS

W A SHEPHERD

VIOLA M SHEPHERD
MOUNTAIN COVE RD
BOISE ID 83702

63-4396

63-4397

5 AIRPORT WAY
SE, IDAHO 83705

FIRST CLASS
02 1A
0004388393 NOV 04
\$00.8
MAILED FROM ZIP CODE 83705



RECEIVED

NOV 08 2005

WATER RESOURCES
WESTERN REGION

ins add



INSUFFICIENT
ADDRESS

VIOLA M SHEPHERD
W A SHEPHERD
MOUNTAIN COVE RD
BOISE ID 83702

63-4396

63-4397

WA Shepherd Inc

PO Box 815

Milton WA 98354-0815

Resent 11-8-05

RESS SERVICE
REQUESTED

10/12/2005

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

RIGHT NUMBER: 63-4396

NAME AND ADDRESS: W A SHEPHERD
MOUNTAIN COVE RD
BOISE ID 83702

VIOLA M SHEPHERD
MOUNTAIN COVE RD
BOISE ID 83702

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.010 CFS

PRIORITY DATE: 06/01/1967

POINT OF DIVERSION:

T03N R03E S6 SWNWNE Lot 2 Within ADA County

T03N R03E S6 NENENW Lot 3 Within ADA County

T03N R03E S6 NWNENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.010 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC Within ADA County

T03N R03E S06 Lot 3 NENW

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4396 V1

WATER RIGHT NUMBER: 63-4396 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	W A SHEPHERD MOUNTAIN COVE RD BOISE, ID 83702
Current Owner	VIOLA M SHEPHERD MOUNTAIN COVE RD BOISE, ID 83702

Priority Date: 06/01/1967

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

SPRINGS ADA County	L3 (NE1/4NE1/4NW1/4)	Sec. 6,	Twp 03N,	Rge 03E, B.M.
SPRINGS ADA County	L2 (SW1/4NW1/4NE1/4)	Sec. 6,	Twp 03N,	Rge 03E, B.M.
SPRINGS ADA County	NW1/4NE1/4NW1/4	Sec. 6,	Twp 03N,	Rge 03E, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03E	6					X												
							L 3												

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. X01 Domestic use is for 1 home.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4396 V1

Remarks:Comments:

1. segbert 10/12/2005 POD

Comment: Claimed POD in Section 31 was not mentioned in the field exam so it was not recommended. Two other PODs were recommended in 3N not 4N as claimed per GPS data collected at field exam.

2. segbert 10/12/2005 Uses

Comment: Industrial and mining uses were not recommended per non-use found at the time of the field exam

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary			04/14/2005	lharris	Active
Priority Date	10/12/2005 1:20:38 PM	segbert			Active
POD	10/12/2005 1:22:54 PM	segbert			Active
Source	10/12/2005 1:28:15 PM	segbert			Active
POU	10/12/2005 1:28:35 PM	segbert			Active
Use	10/12/2005 1:30:05 PM	segbert			Active
Season	10/12/2005 1:30:46 PM	segbert			Active
Quantity	10/12/2005 1:31:26 PM	segbert			Active
Summary			10/12/2005	segbert	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	10/12/2005 1:25:22 PM	segbert	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4396 V1

General	10/12/2005 1:20:38 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Summary	10/12/2005 1:34:51 PM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	10/12/2005 1:29:38 PM	segbert	Updated shape for Active POU
POD	10/12/2005 1:22:54 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	10/12/2005 1:28:15 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4396 V1

POU	10/12/2005 1:28:35 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
Use	10/12/2005 1:30:05 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/12/2005 1:30:46 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/12/2005 1:31:27 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POD	10/12/2005 1:25:54 PM	segbert	Updated shape
POD	10/12/2005 1:27:10 PM	segbert	Updated shape
Summary	4/14/2005 3:39:42 PM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4396

WATER RIGHT NUMBER: 63-4396

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	W A SHEPHERD MOUNTAIN COVE RD BOISE, ID 83702
Current Owner	VIOLA M SHEPHERD MOUNTAIN COVE RD BOISE, ID 83702

Priority Date: 06/01/1967

Basis: Statutory Claim *BU*

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to	12/31	0.010 CFS	—
DOMESTIC	1/01 to	12/31	0.010 CFS	—
MINING	1/01 to	12/31	0.010 CFS	—
<u>Total Diversion:</u>			0.010 CFS	

Location of Point(s) of Diversion

SPRINGS	NE L3 (SE1/4NE1/4NW1/4)	Sec. 6,	Twp 04N, 3N	Rge 03E, B.M.	<i>GPS</i>
ADA County					
SPRINGS	<i>Not mentioned in field exam</i> L6 (NE1/4SE1/4SE1/4)	Sec. 31,	Twp 04N,	Rge 03E, B.M.	<i>?</i>
ADA County					
SPRINGS	L2 (SW1/4NW1/4NE1/4)	Sec. 6,	Twp 03N,	Rge 03E, B.M.	<i>GPS</i>
ADA County					
SPRINGS	Lot 3 NW1/4NE1/4NW1/4	Sec. 6,	Twp 04N, 3N	Rge 03E, B.M.	<i>GPS</i>
ADA County					

*Accomplished change - POD*Place of Use

INDUSTRIAL

Non-use per field exam

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	03E	6					X								
							L3								

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals

Domestic 1 home

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4396

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 03E	6					X												
						L 3												

MINING

Non-use per field erosion

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	03E	6					X												
							L 3												

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 8/7/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-04396

1. No Change NAME IS SAME
NEW OWNER: _____

No Change ADDRESS

NEW ADDRESS: P.O. Box 815 Milton WA. 98354
(253) 922-0402

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

By the appearances of the property & age of houses &
equipment I do not disbelieve the priority date, need evidence
in file for proof of date (see letter

3. No Change - SAME SOURCE
Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION 2 Springs 1. 2326 886 - 1383406
2. 2326 790 - 1383527
Point of diversion is different than the claim and/or new P/D's:

Township 3N Range 3E Section 6 1/4 _____ 1/4 NE 1/4 NW L-3 Both P.O.D.'s
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

Springs - Gravity flow pipeline to uses

6. No Change - WATER USES *ALL USES found but HAVE NOT BEEN USED for Different uses, (list uses found): Some time*

Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____ AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change - PLACE OF USE: (If changed, list below.)

Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4

Remarks: (Comments pertinent to field examination) See additional attachment

Equipment rusty, some of the pipeline is in disrepair, some usage for Domestic still going on.

SYSTEM DIAGRAM INCLUDED NA
Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: *7-15-04*

FIELD EXAMINER:

M. G. Gibson
Print Name
M. G. Gibson
Signature

Receipt Details for ID C009008

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/7/1989 4:51:29 PM	8/7/1989	State	\$119.00	Check
Payer		SHEPHERD, W.A. OR VIOLA M		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
7386			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$119.00	ADJUDICATION FEE	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4397		\$67.00	Claim
63	4396		\$52.00	Claim

Print Report

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4396

04/14/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4397	Claim	03N	03E	6	NE	NW	3	IRRIGATION	7/11	W A SHEPHERD
4397	Water Right	03N	03E	6	NE	NW	3	IRRIGATION	13/13	VIOLA M SHEPHERD
4396	Claim	03N	03E	6	NE	NW	3	INDUSTRIAL		W A SHEPHERD
4397	Claim	03N	03E	6	NE	NW	3	INDUSTRIAL		W A SHEPHERD
4396	Water Right	03N	03E	6	NE	NW	3	INDUSTRIAL		W A SHEPHERD
4396	Claim	03N	03E	6	NE	NW	3	MINING		W A SHEPHERD
4397	Claim	03N	03E	6	NE	NW	3	MINING		W A SHEPHERD
4396	Claim	03N	03E	6	NE	NW	3	DOMESTIC		W A SHEPHERD

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that W. A. &/or Viola M. Shepherd

(name of claimant)

of Mtn. Cove Road, Boise, ID 83702, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Springs
_____, tributary to _____

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 0.01 Use Domestic Period of Use: From Jan 1 To Dec 31

Amount 0.01 Use Saw Mill Period of Use: From Jan 1 To Dec 31

Amount 0.01 Use Mining Period of Use: From Jan 1 To Dec 31
(cfs, gpm (dom., irri., (both dates inclusive)
or a/f) stock, etc.)

- (3) Total quantity of water claimed: 0.01 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June 1967

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

SW ¼ SE ¼, Sec. 31 Twp. 4N Rge. 3E B. M. County of Ada

Additional points of diversion: Lot 3, Sec 6, T3N, R3E

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Water is diverted by means of pipeline to the place of use. The mining use is for a pilot mill (about 2 tons per hour output).

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

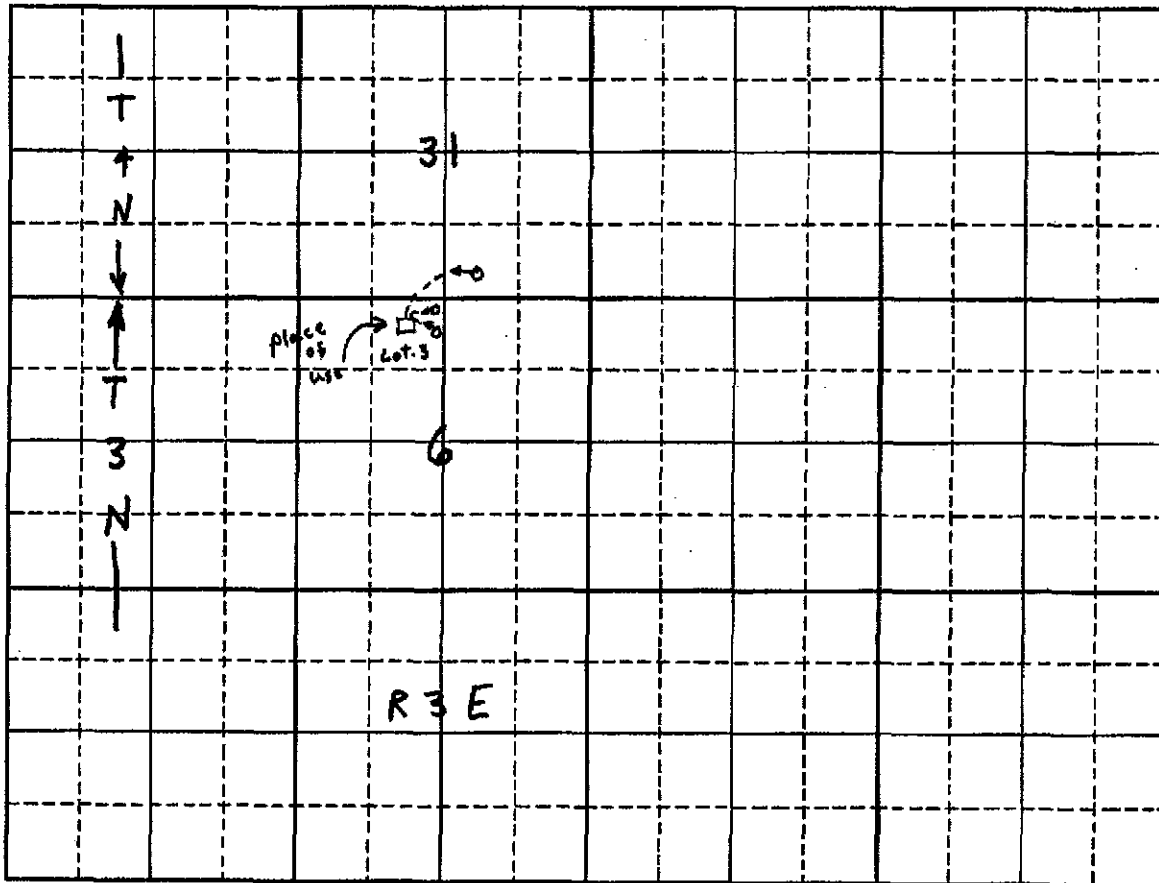
[illegible]

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____
Domestic use for 1 household.

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

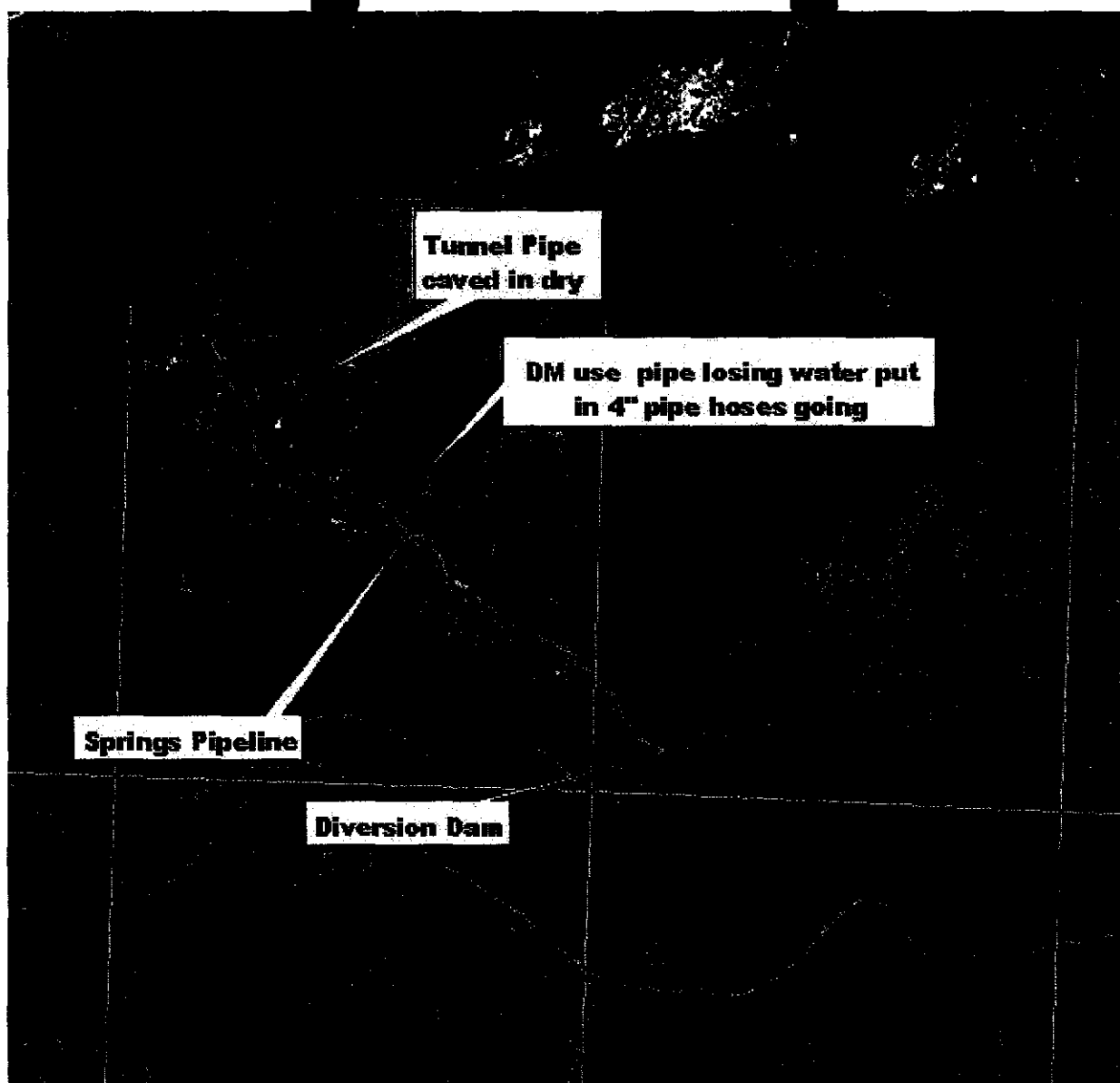
Sworn to before me this 29th day of November, 19 76

W. A. Shepherd
(Claimant)
Fyle Glen Saylor
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

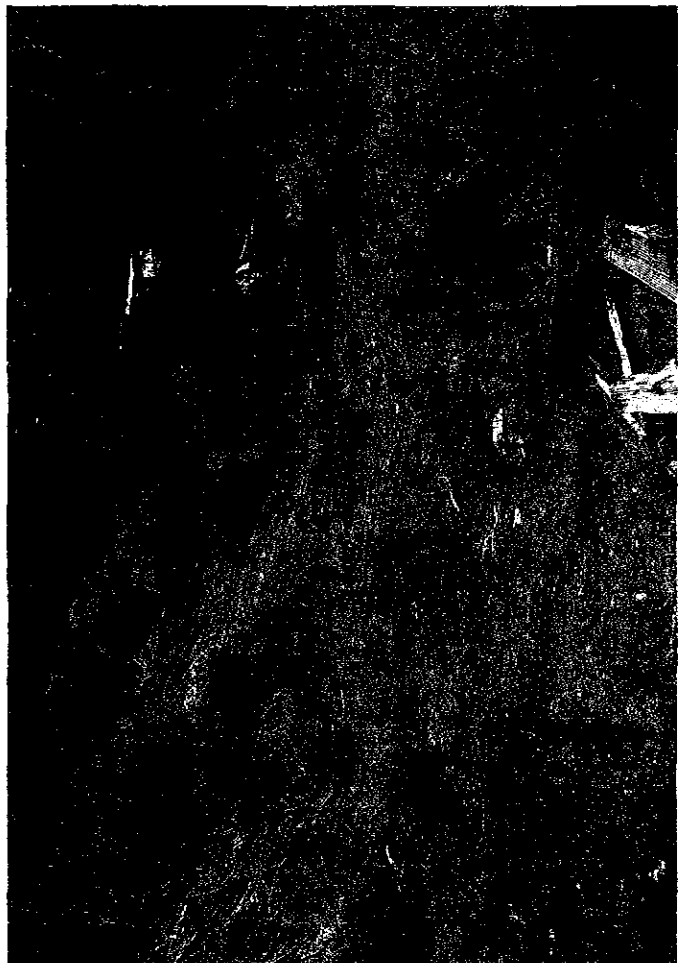
For Department Use Only

Received by H. H. Date 29 Nov 76 Exception filed by: _____ Date _____
Prelim. check by H. H. Date 11-29-76 Forwarded to claimant by: _____
\$10.00 fee received by R. F. Date 11-29-76
Approved for publication by C. S. 12-20-76
Published in Idaho Statesman
Dates Dec. 9-16





GPS 2326886-1383406 POD



Caved in over pipeline

GPS 2326790 - 1383527 POD

4-30-04: Call BLM and find out if Shepard has mining claims
(Spoke with) or Easman
Van

: History of Mining Claim

: Talk to Mel about Contact Person

: Need General FE, No measure it appears 210 acres
of irrigation

: Priorit-use letter to support 1925 priority for 63-04397
and 1967 for 63-04396.

5-4-04
BLM

: Spoke with Fred Price and sent him E-mail with my questions
about POD's on BLM Ground and any mining claims.
He said that the POD's probably aren't an issue.

Fred Price: 373-3831

(BLM) fred-price@blm.gov

5-7-04 : Fred Price Got Back to me (E-mail is in file)
Send Gene For FE to find out what is actually
going on out there.

11-6-02 : Need Evidence of Priority

: Need to Confirm Uses - Mining - Industrial - Domestic

: Need to Confirm POD + POE

: Need to Look @ 63-64397 and see how it Relates

: Add Map to file

4-27-04 : Evidence of Priority Submitted on 4-15-04 Not sufficient
For spring use outside of 42-111.

: Need additional Priority Evidence

: According to Claimant map - POD's claimed list incorrect
Legal description. See notes made on claim. This
Needs Confirmed.

: Is water still used for Mill + Mining operations?

: According to Affidavit - C/O Could be Necessary

: Current Mailing Address is the PO Box on Affidavit

: Two of Claimed POD's Claimed on BLM Ground

Saxton, Craig

From: Fred_Price@blm.gov
Sent: Wednesday, May 05, 2004 10:33 AM
To: Saxton, Craig
Subject: 63-04396, 63-04397: Re: Claims for Mining in Ada County where POD appears to be on BLM ground.



63-04396.RTF



63-04397.RTF



63-04396&63-04397.jpg

Craig,

RE: 63-04396 and 63-04397: W.A. and Viola M. Shepherd

Thanks for giving me an opportunity to review these. I'll ask our Field Office personnel if they are familiar with this area and forward any additional information they provide.

POINTS OF DIVERSION:

I agree that it appears the claim to PODs in S06 of T04N R03E are probably an error as they are 5 or 6 miles away from rest of claim. The PODs you list are consistent with your map. As far as PODs on BLM go, if the diversion and transportation facility (ditch, canal, pipeline, etc.) were constructed prior to FLPMA (1976), or we have issued a Right-of-Way, then we generally do not have a problem. However, if there is no diversion structure on BLM at the claimed POD, then we will object. Sometimes people will identify a water source upstream of their ACTUAL diversion structure and claim this is also a POD, we would object to that if this were the case.

63-04396: PODs: Map: 1967 priority
T03N R03E S06 Lot 2 (SWNWNE) -BLM -2 springs
T03N R03E S06 Lot 3 (NWNENW) -non-federal
T03N R03E S06 Lot 3 (SEENENW) -non-federal
T04N R03E S31 Lot 7 (NESESE) -BLM

63-04397: PODs: Map: 1916 priority
T03N R03E S06 Lot 2 (SWNWNE) -BLM

PLACES OF USE:

The POU's listed below on BLM are a problem for all purposes of use as this claimant is not authorized to conduct any irrigation, industrial, domestic, or mining use of federal public land at these locations. The POU's on BLM represent a trespass. BLM is not concerned with the POU's describing non-federal land.

63-04396: POU: Industrial, Domestic, and Mining
T03N R03E S06 Lot 3 (NENW) -BLM

63-04397: POU's: Irrigation
T03N R03E S06 Lot 2 (NWNE) 1.0 ac -BLM
* T03N R03E S06 Lot 3 (NENW) 7.0 ac -non-federal
T03N R03E S06 Lot 4 (NWNW) 3.0 ac -non-federal

* =POU also used for Industrial and Mining.

Fred Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709
(208) 373-3831
(208) 373-4068 fax

"Saxton, Craig"
<csaxton@idwr.state.id.us>

05/05/2004 08:32
AM

>-----

|
|
| To: "'fred_price@blm.gov'" <fred_price@blm.gov>
|
| cc:
|
| Subject: Claims for Mining in Ada County where POD appears to be on BLM ground.
|

Hello Fred,

Sorry I didn't get this e-mail off to you yesterday as I had said I would. I got off the phone with you and people started coming into my office. Anyway.

To recap: The claims I am looking at are 63-04396 and 63-04397. I guess I am just wondering if BLM knows anything about this, or has any problems with these claims that I should take into account during my review.

What I wanted to e-mail you is a different legal description of the POD's for Claim 63-04396, as I feel that the claim describes the legal description incorrectly. I believe they should be:

T3N	R3E	S6	SWNWNE	Govt Lot 2
		S6	NWNENW	
		S6	SENENW	Govt Lot 3
T4N	R3E	S31	NESESE	Govt Lot 7

Hope this helps. And thanks again.

<<63-04396.RTF>> <<63-04397.RTF>> <<63-04396&63-04397.jpg>>

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau - Western Region

csaxton@idwr.state.id.us
(208) 334-2190

(See attached file: 63-04396.RTF)
(See attached file: 63-04397.RTF)
(See attached file: 63-04396&63-04397.jpg)

Saxton, Craig

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Subject: Claims for Mining in Ada County where POD appears to be on BLM ground.

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		S6	NWNENW	
		S6	SENENW	Govt Lot 3
T4N	R3E	S31	NESESE	Govt Lot 7

Hope this helps. And thanks again.



63-04396.RTF



63-04397.RTF



63-04396&63-04397.jpg

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau - Western Region
csaxton@idwr.state.id.us
(208) 334-2190

10

T. 5 N.

45'

11

T. 4 N.

37'

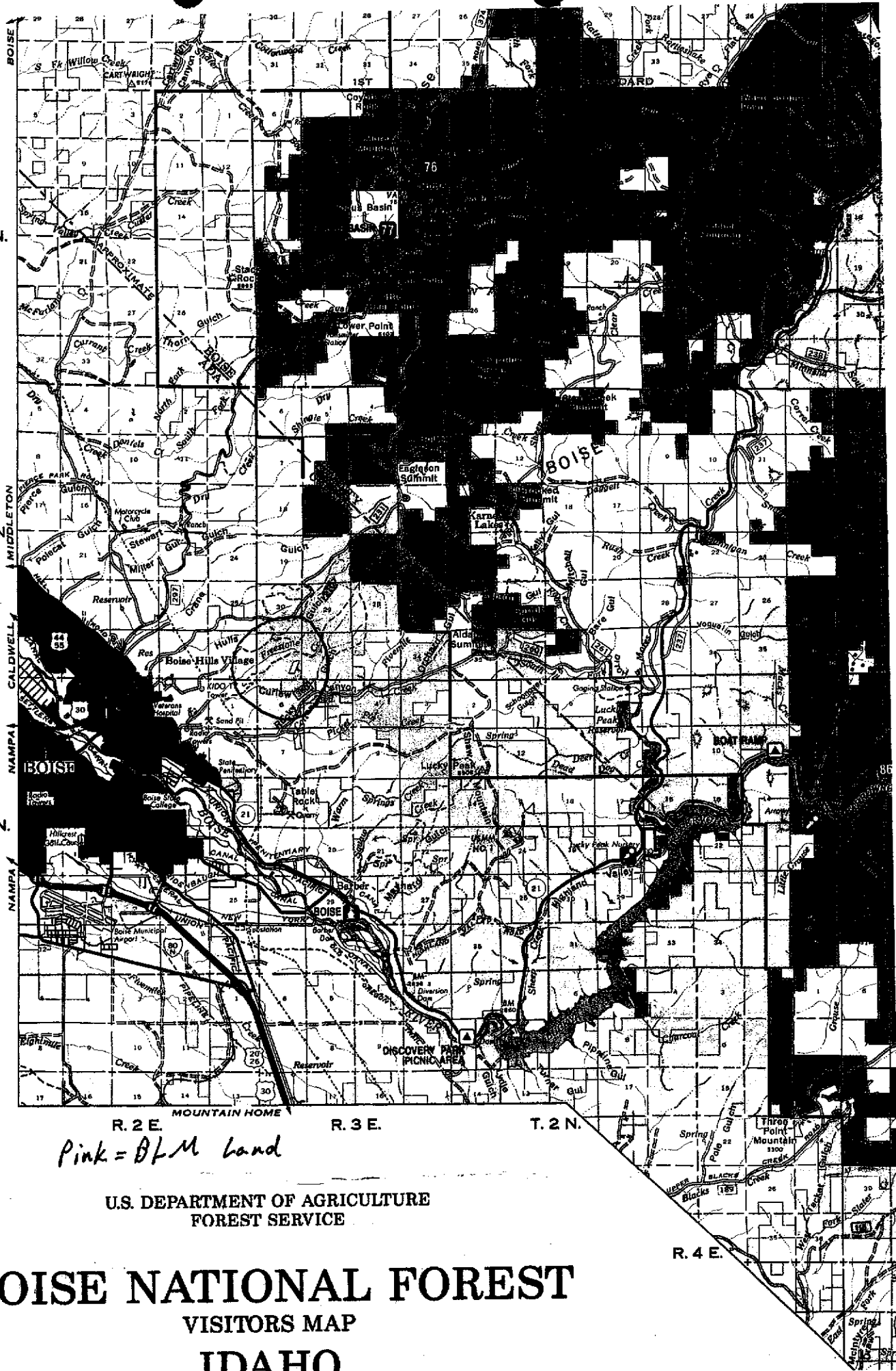
30"

T. 3 N.

12

43'

30"



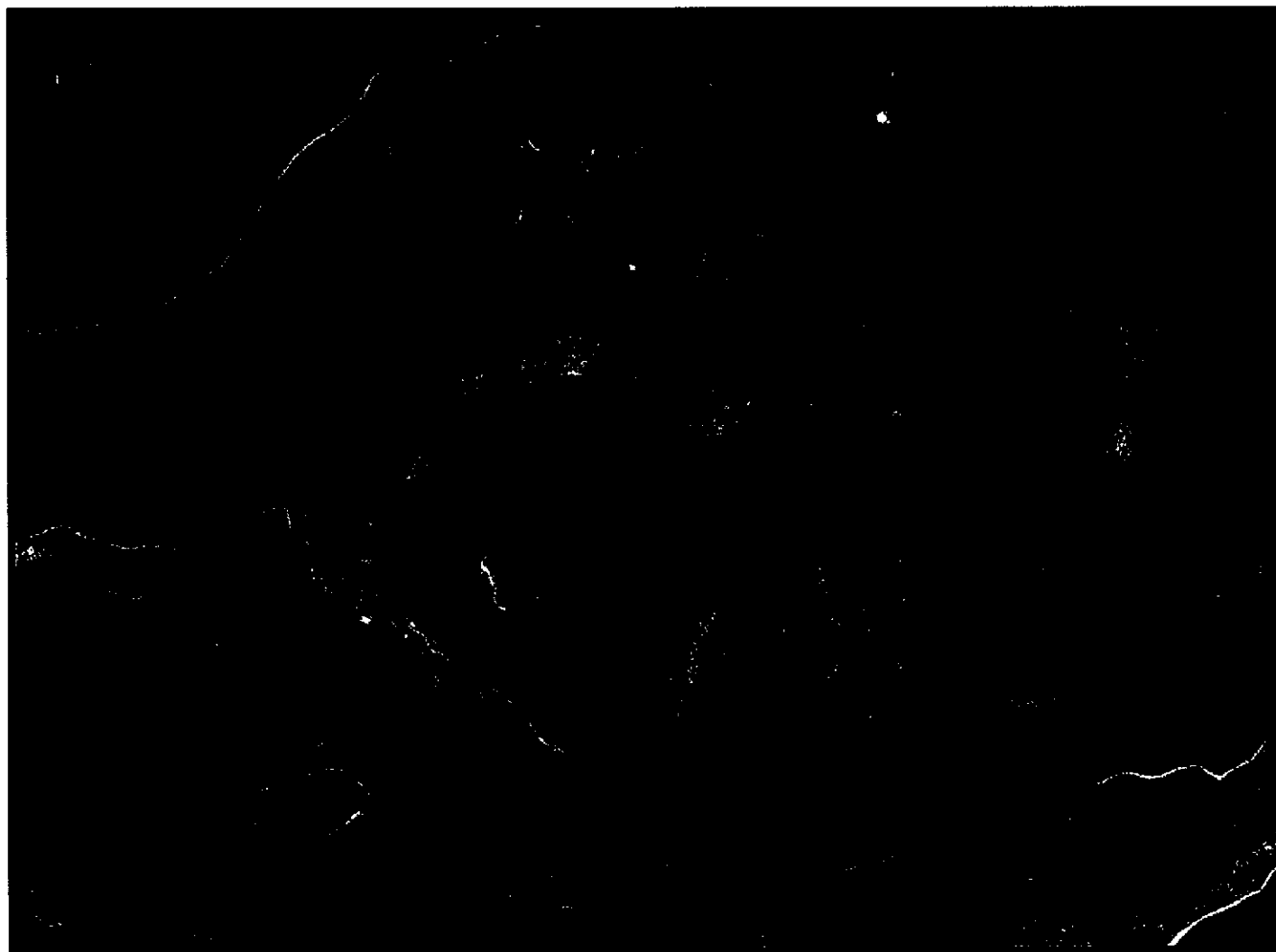
13



POU and POD Location Map

1992 DOQQ

63-04396 & 63-04397



1320 0 1320 2640 Feet



Point of Diversion



Recommended Place of Use per QQ



Ada County Tax Lot Data

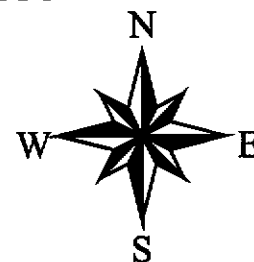


Quarter Quarter Lines



Section Lines

Total claimed Acres: 11.0



Prepared by: C. Saxton
Date: April 2004

Craig Saxton
Ida Department of Water Resources
2735 Airport Way
Boise Ida 83705-5082

RECEIVED

APR 15 2004

WATER RESOURCES
WESTERN REGION

Dear Mr. Saxton,

I don't have time to search our records at this time but you should be able to figure out that we begin using water right after my grand parents bought & moved onto the property. I don't have that date but it was about 1925. They raised my Dad & other family members and had a garden & raised animals both for consumption & limited sales.

Also during the Depression years they used water to run a small placer mining along the creek.

To prove the above your inspector can see the placer rock piles on the lower reaches of Curlew creek.

Near the NW corner is a short water tunnel. East of that about 500' is a spring that I just recently did some work on as it had lost volume. Between those sources we took a small amount of water from the very small seasonal stream for irrigation. Also we still use water from Curlew Creek for irrigation and usually fill our 10,000 gallon tanks to get us through the summer as the creek dries up in June usually.

For proof you can see the tunnel north of the road and a water hole we pump out of next and as you progress across the property will see the spring on the left. If you continue on the road you will pass the storage tanks. From the tanks you can see a small pond we use to fill the tanks it need be. Usually the tanks are filled from a pipe that follows Curlew Creek up stream to gain elevation enough for gravity flow to the tanks. The weeds have the inlet plugged right now but I expect to unplug it one of these days.

I don't live on the property but one of the family does live on site.

To recap, - my Grandparents lived on the place & raised my Dad & aunts & uncles then my Dad lived on the place & used water until he died several years ago. My brother continued to live on site for several years and now a cousin is living there. He works in town during the day so we prefer you make an appointment before going on site.

To reach me: Austin Shepherd
P.O. Box 815
Milton Wa. 98354
Phone 253-922-0402

We expect to continue using our usual water supply til death do us part or dispose of the place.
Hope this meets your requirements.
Sincerely
W. A. Shepherd



S

Austin Shepherd
P.O. Box 815
Milton WA 98354



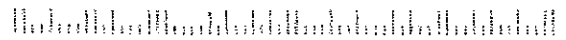
Idaho Dept of Water Resources
2735 Airport Way
Boise, Idaho, 5082

Attn:



Craig Saxton

82705+5082





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2004

W. A. SHEPHERD
VIOLA M SHEPERT
3400 MOUNTAIN COVE RD
BOISE ID 83702

W. A. SHEPHERD
VIOLA M SHEPERT
PO BOX 815
MILTON WA 98354

RE: Snake River Basin Adjudication (SRBA) claims 63-04396 and 63-04397

Dear Mr. and Ms. Shepherd,

The Idaho Department of Water Resources is currently in the process of reviewing SRBA claims in Ada county or otherwise referred to as Basin 63 part 2. You filed two different claims (enclosed) and additional information is needed in order to make a positive recommendation to the SRBA court.

I have tried to track down your phone number to give you a call, but was unsuccessful. I found these two different addresses from the Ada County tax lot information that is available.

My questions are:

-Is water still used from the sources claimed for the purposes claimed?

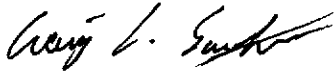
-If so, we need some sort of evidence of priority. I am enclosing a letter and a pamphlet that should explain what IDWR is looking for.

-Is the mailing address on the claim correct? I am enclosing a change of address form for your convenience.

-Lastly, if you feel these are valid water rights, a field exam needs to be conducted to verify the elements of the claims. We will need to set up an appointment with one of our contractors to meet with yourselves, or a representative that is familiar with the system.

Please contact my by April 16, 2004 so we can further discuss these issues. Without this information I will have not choice but to recommend these claims as disallowed to the SRBA court.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Craig L. Saxton".

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2004

63-04396 & 63-04397
W. A. SHEPHERD
VIOLA M SHEPERT
3400 MOUNTAIN COVE RD
BOISE ID 83702

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 63. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by **April 16, 2004** **referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 334-2190.

In addition, a contractor employed by The Idaho Department of Water Resources may be contacting you to set up a filed exam in order to verify the elements of your water right.

Respectfully submitted,

Craig L. Embury

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 63-04396 & 63-04397

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
C009008	67.00	63	4397		Claim
C009008	52.00	63	4396		Claim