



T 4N

T 3N

4833

4832

4831000m N

43° 37' 30"

57000m E

569

568

567 10'

566

SCALE 1:24 000

1 MILE

3000 4000 5000 6000 7000 FEET

0 1 KILOMETRE

MICROFILMED

AUG 20 1992

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

ADVANCE PRINT



Idaho Department of Water Resources

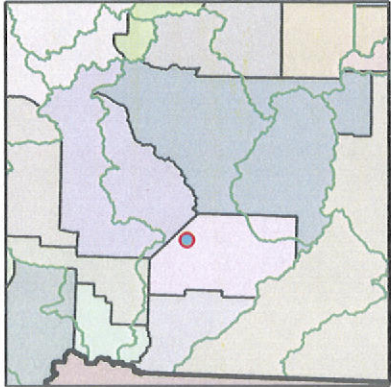
SRBA Recommendation:

63-4397

(Irrigation)

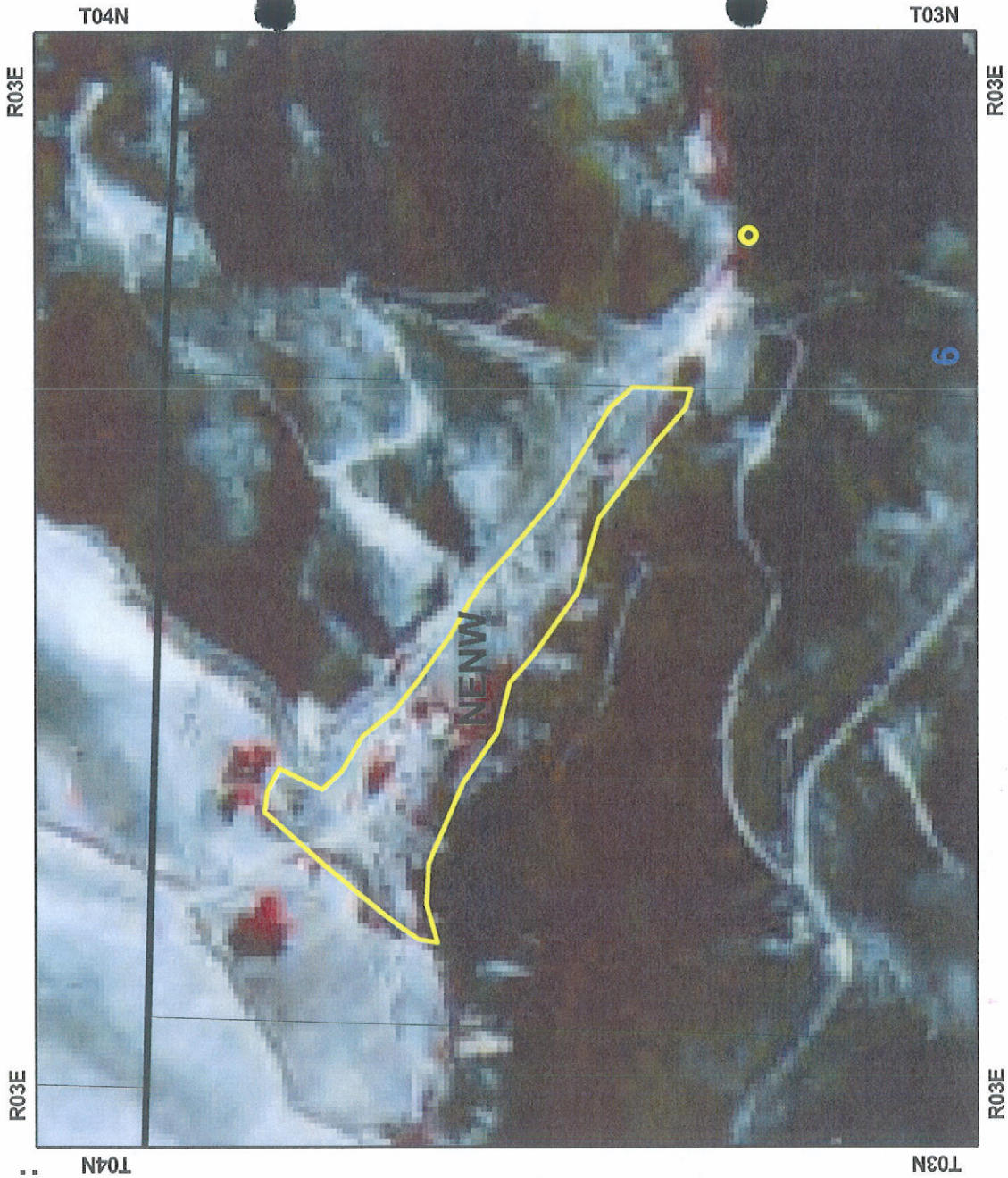
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



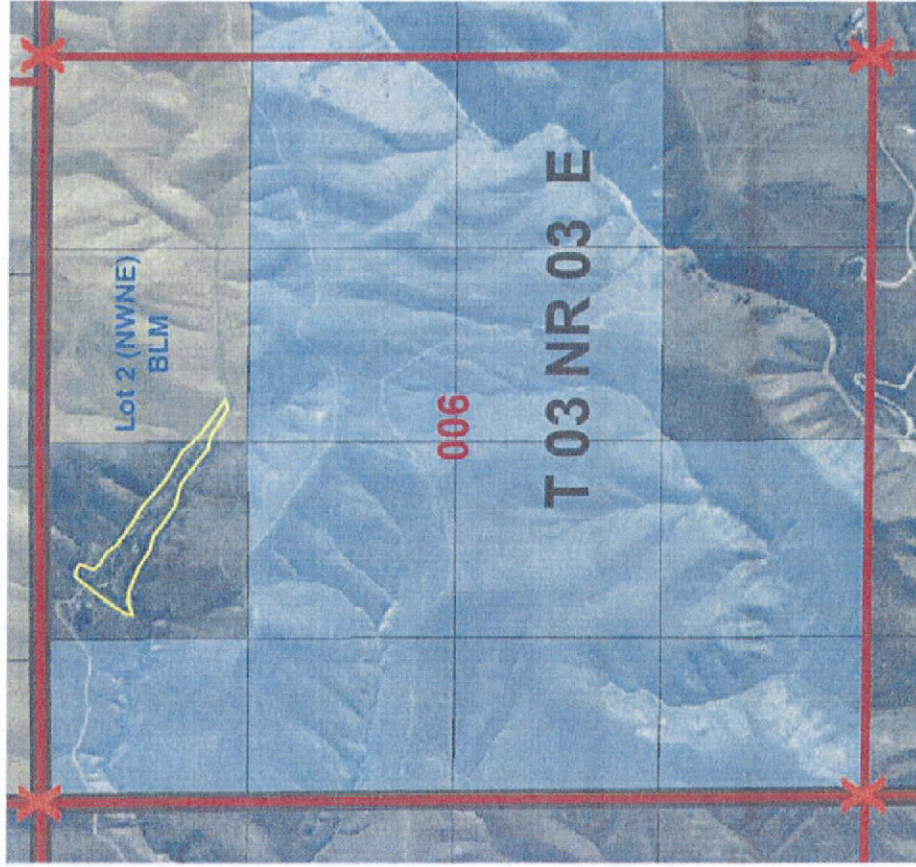
Ada County
IDWR Basin 63

Prepared by S. Egbert
On Friday, January 19, 2007
1987/88 Aerial Photography



0 0.1 0.2 Miles

63-04397

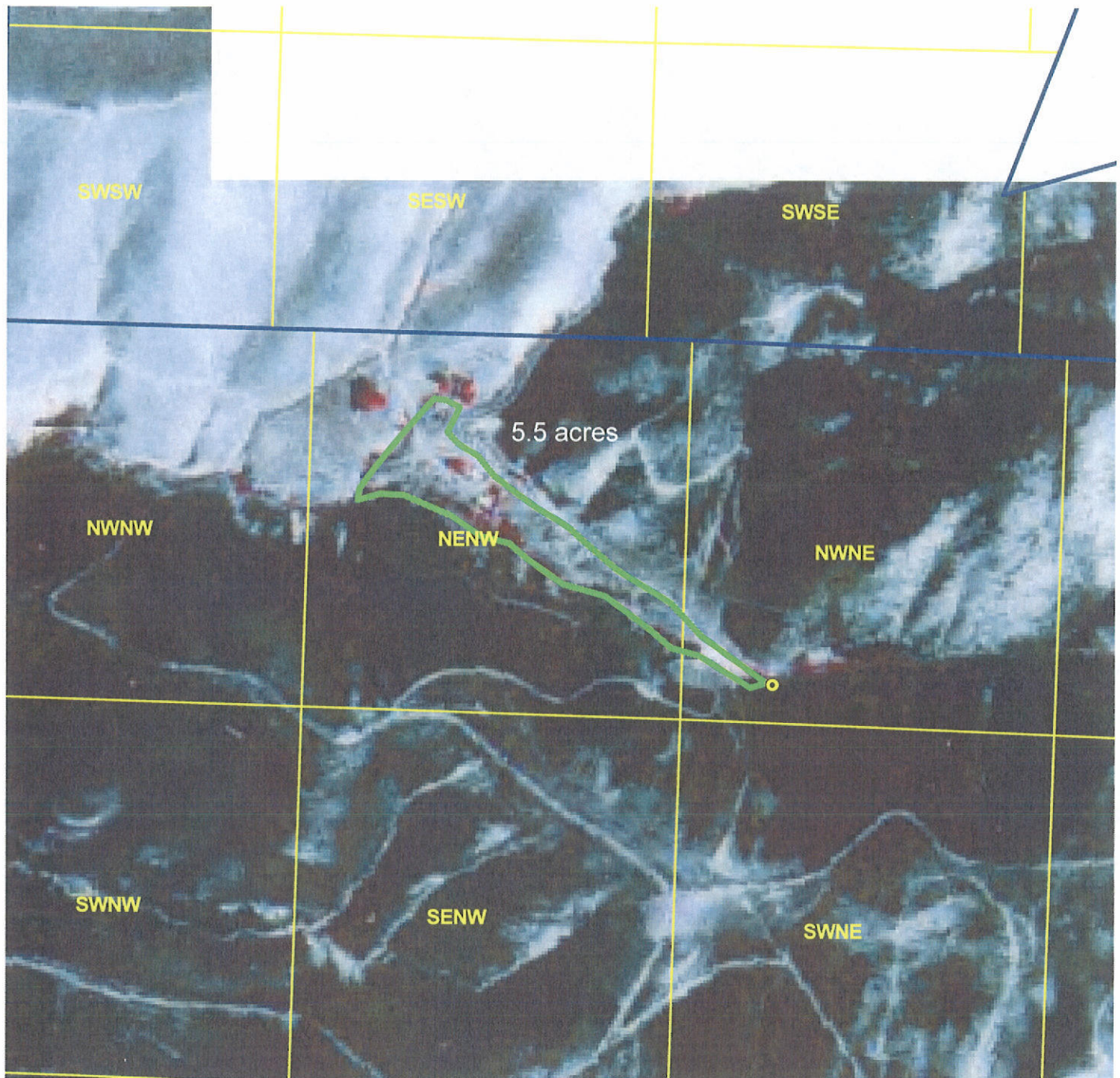


Remove Lot 2 (NWNE) from recommendation and adjust shapefile accordingly

Idaho Department of Water Resources

63-4397

T03N R03E S6



- Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter

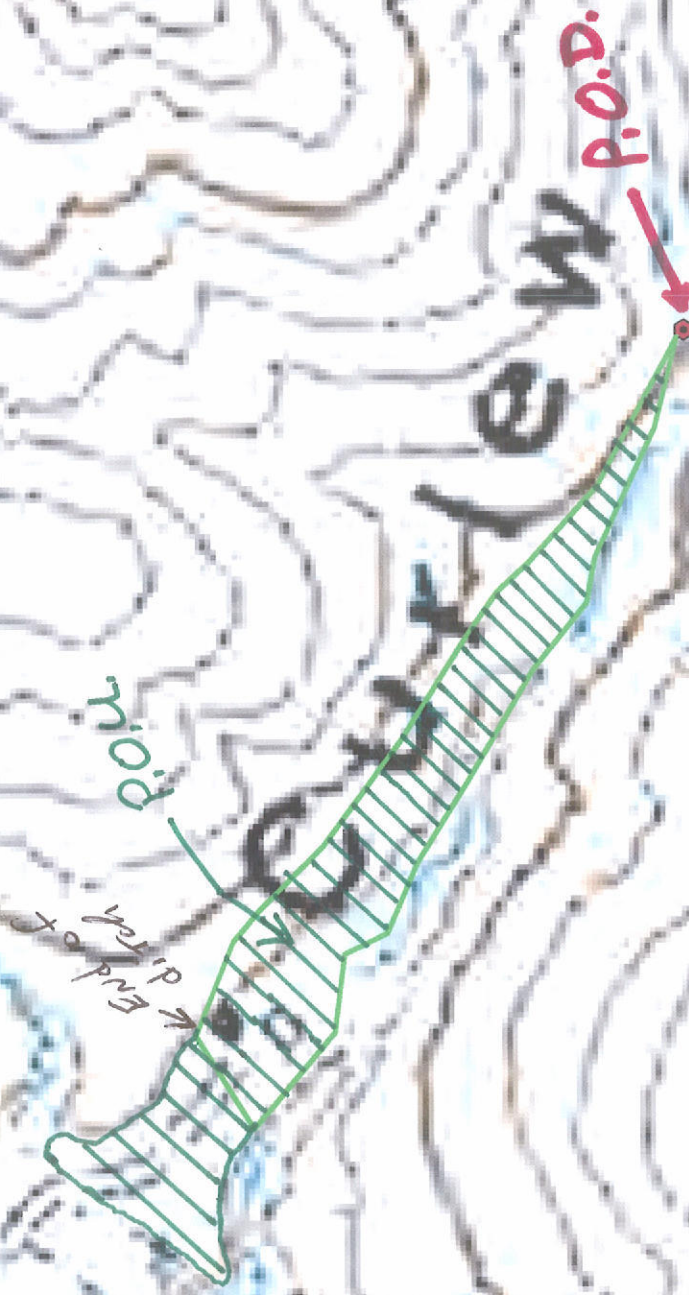


700 0 700 1400 2100 Feet

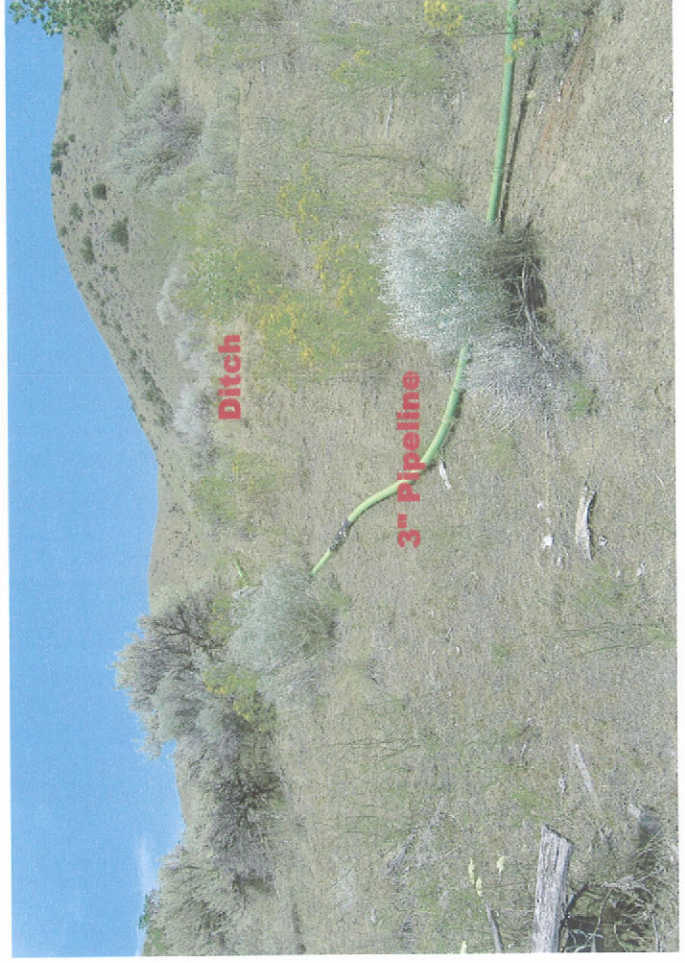
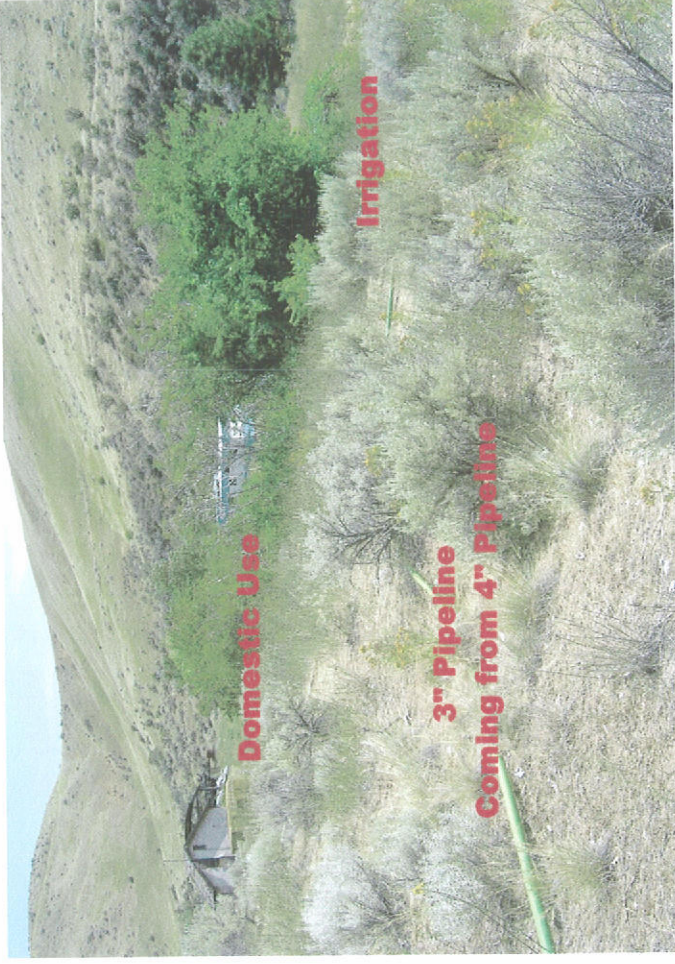
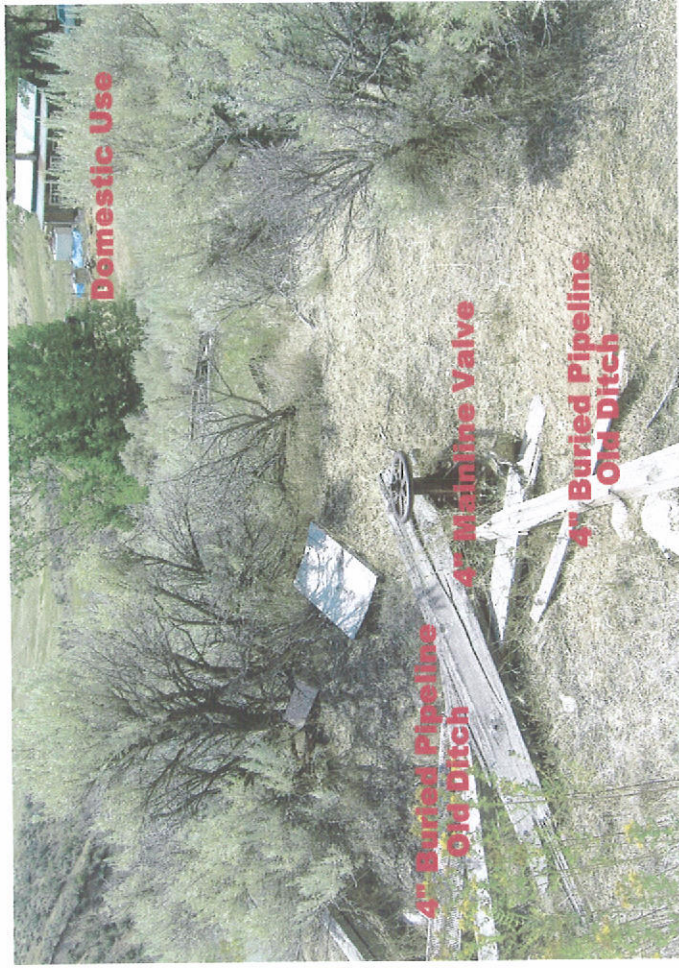
IDWR
Prepared by: Sandy Egbert
Date: 10-12-05
1987 Photography

A63-04397

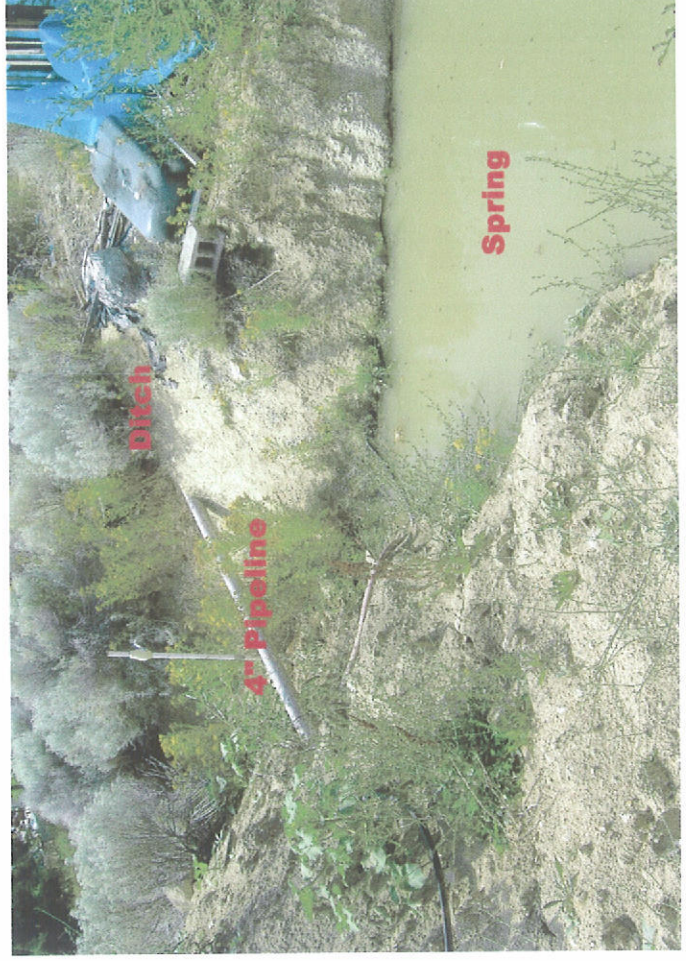
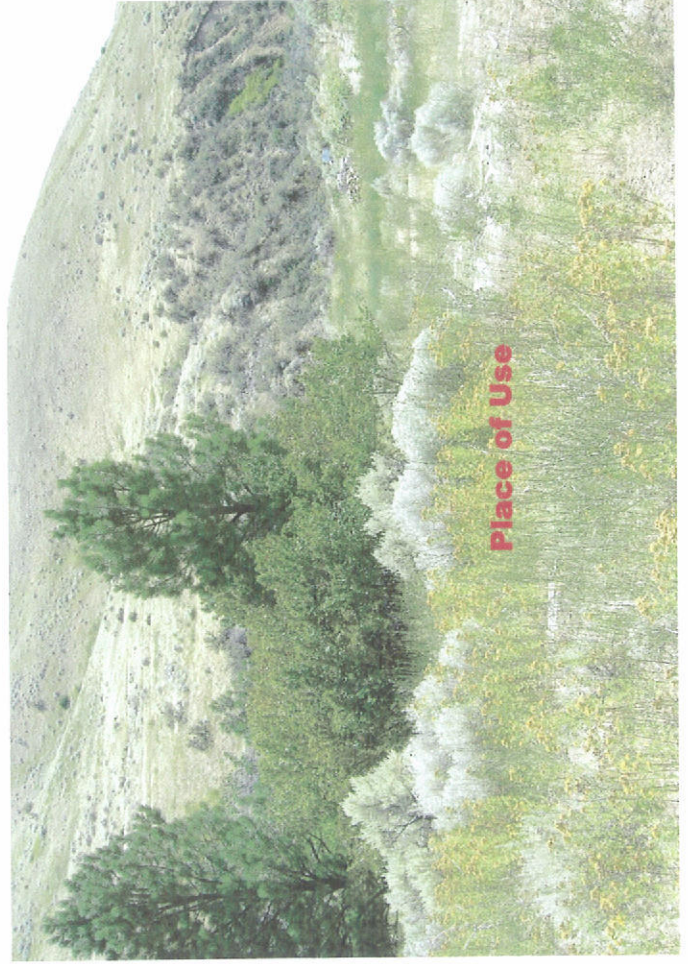
W.A. Shepherd



AG3-04397

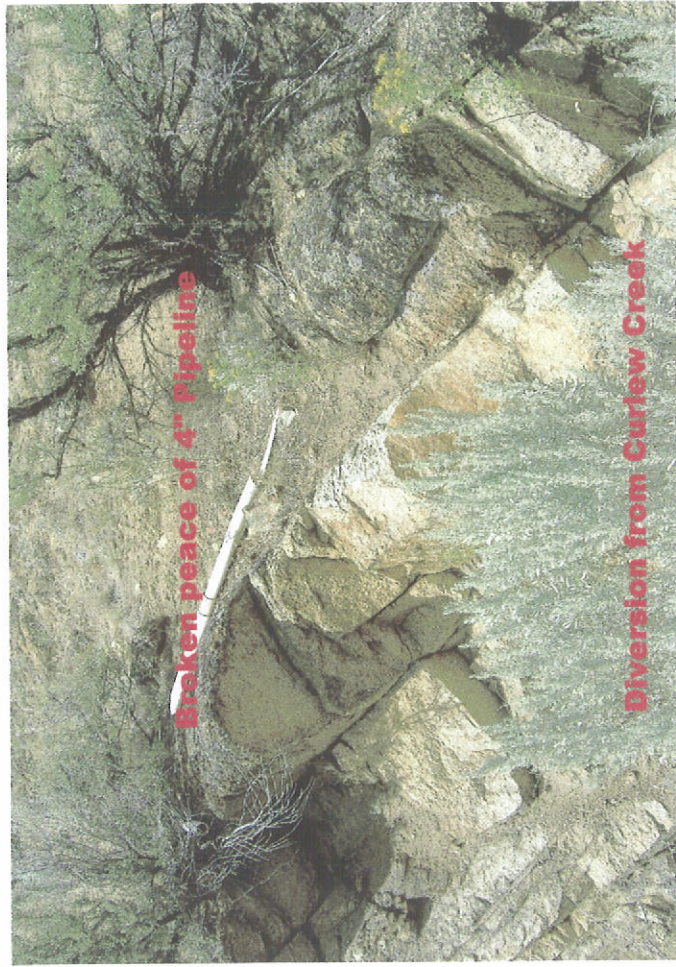


A63-04397

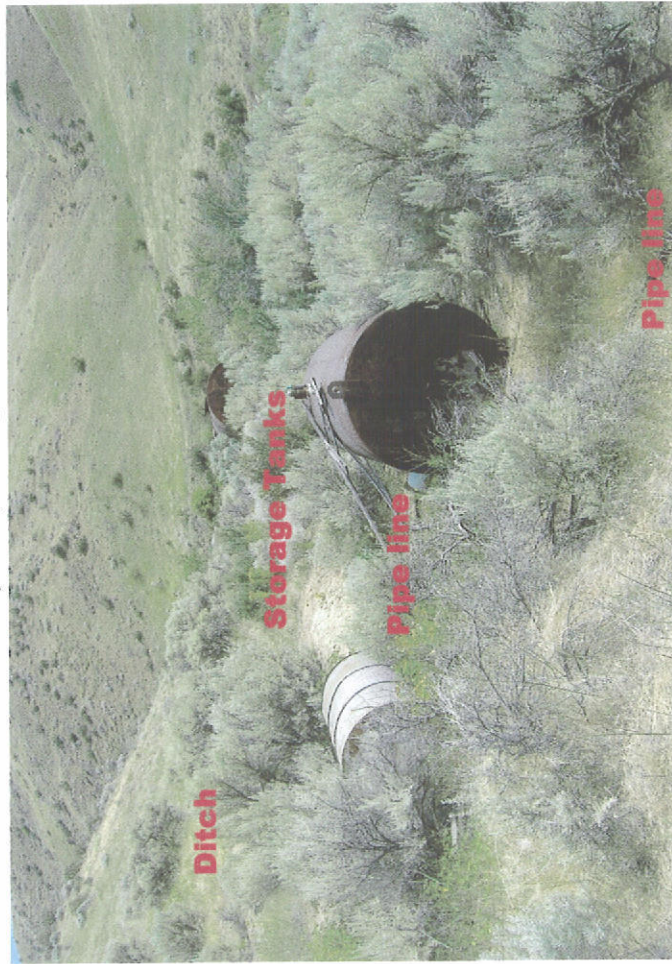


GPS 232 6886- 1383406

A63-04397



GPS POD 2327132 - 1383215

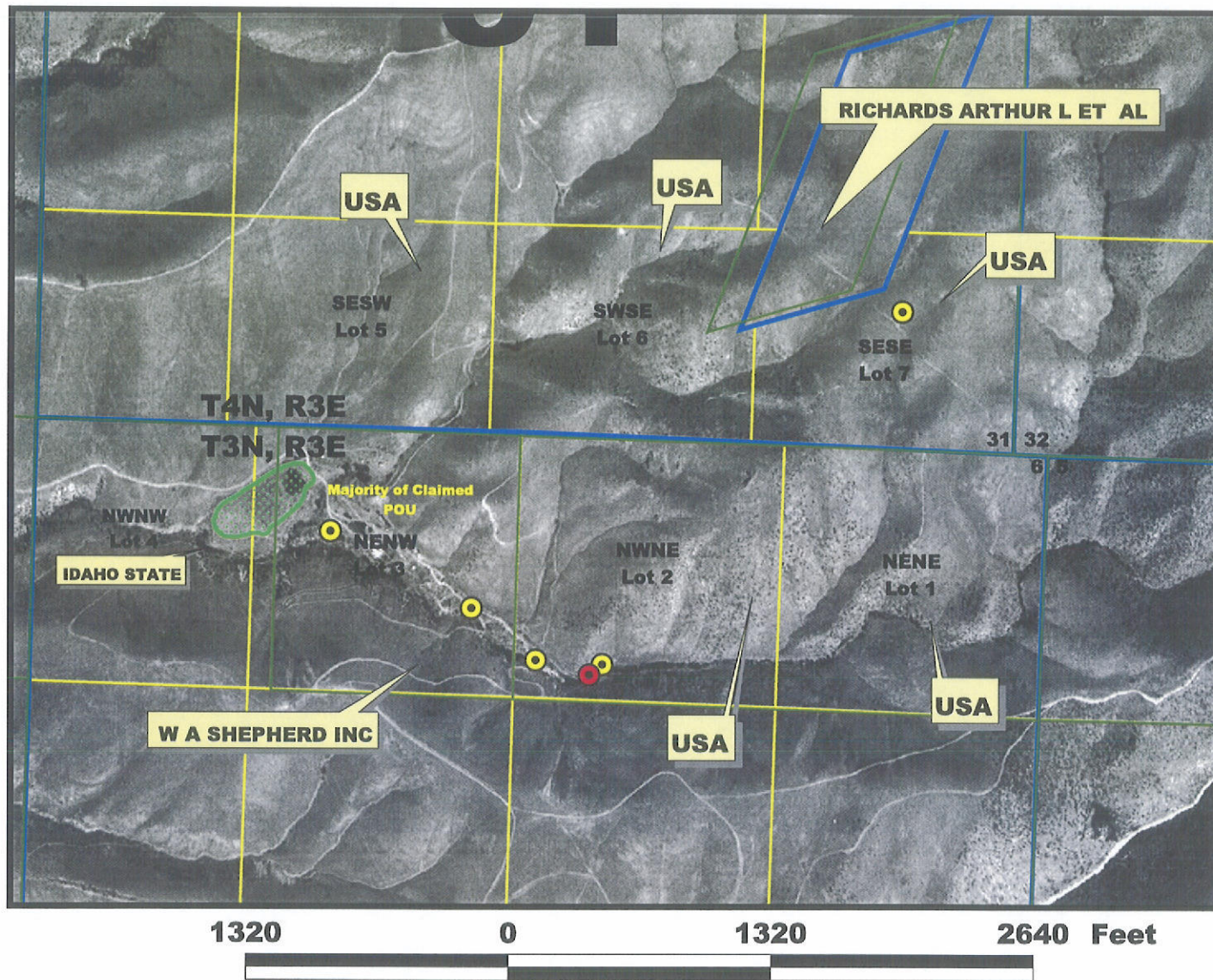




POU & POD Location Map

1992 DOQQ

63-04396 & 63-04397



● Point of Diversion for 63-04396

Total found Acres: N/A

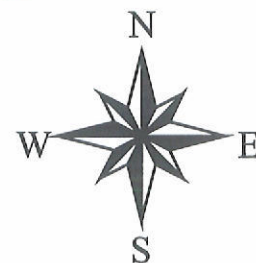
□ Claimed Place of Use - Initial determination of irrigated Acreage

□ Ada County Tax Lot Data

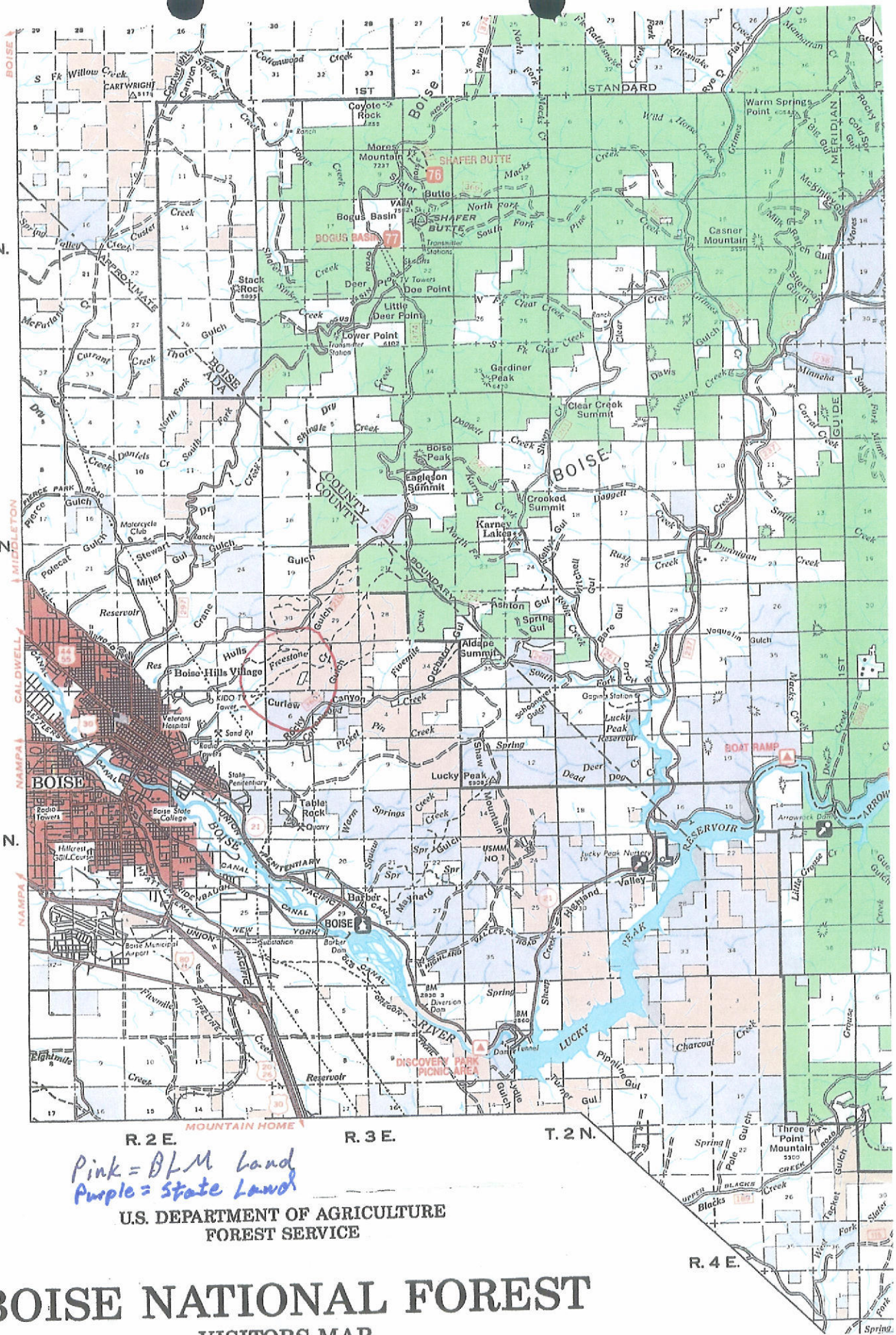
□ Quarter Quarter Lines

□ Section Lines

● Point of Diversion for 63-04397

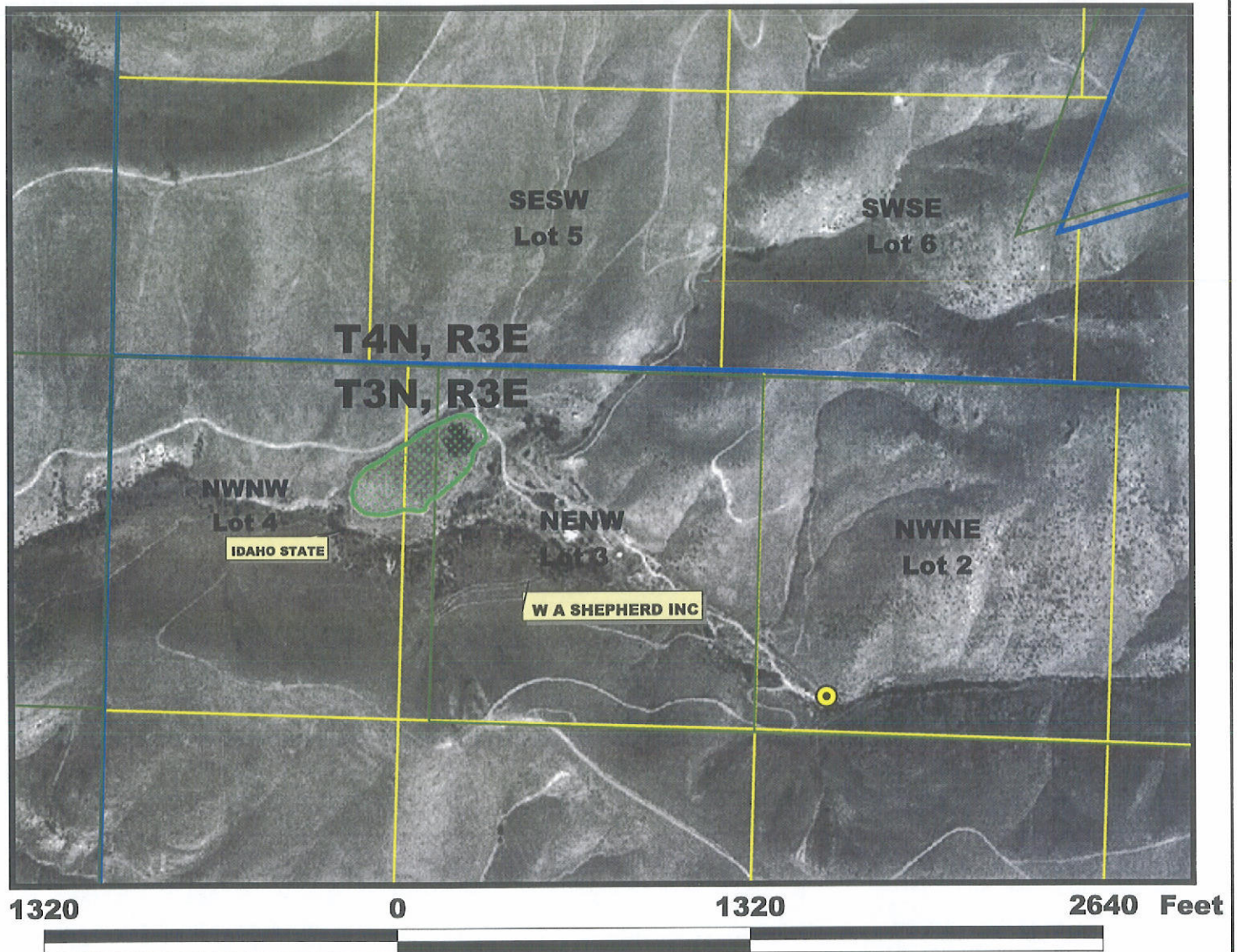


Prepared by: C. Saxton
Date: May 2004





POU and POD Location Map 1992 DOQQ 63-04397



● Point of Diversion

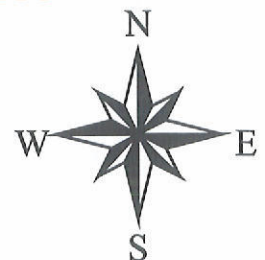
▨ Assumed Claimed Place of Use

▭ Ada County Tax Lot Data

▭ Quarter Quarter Lines

▭ Section Lines

Total claimed Acres: 11.0



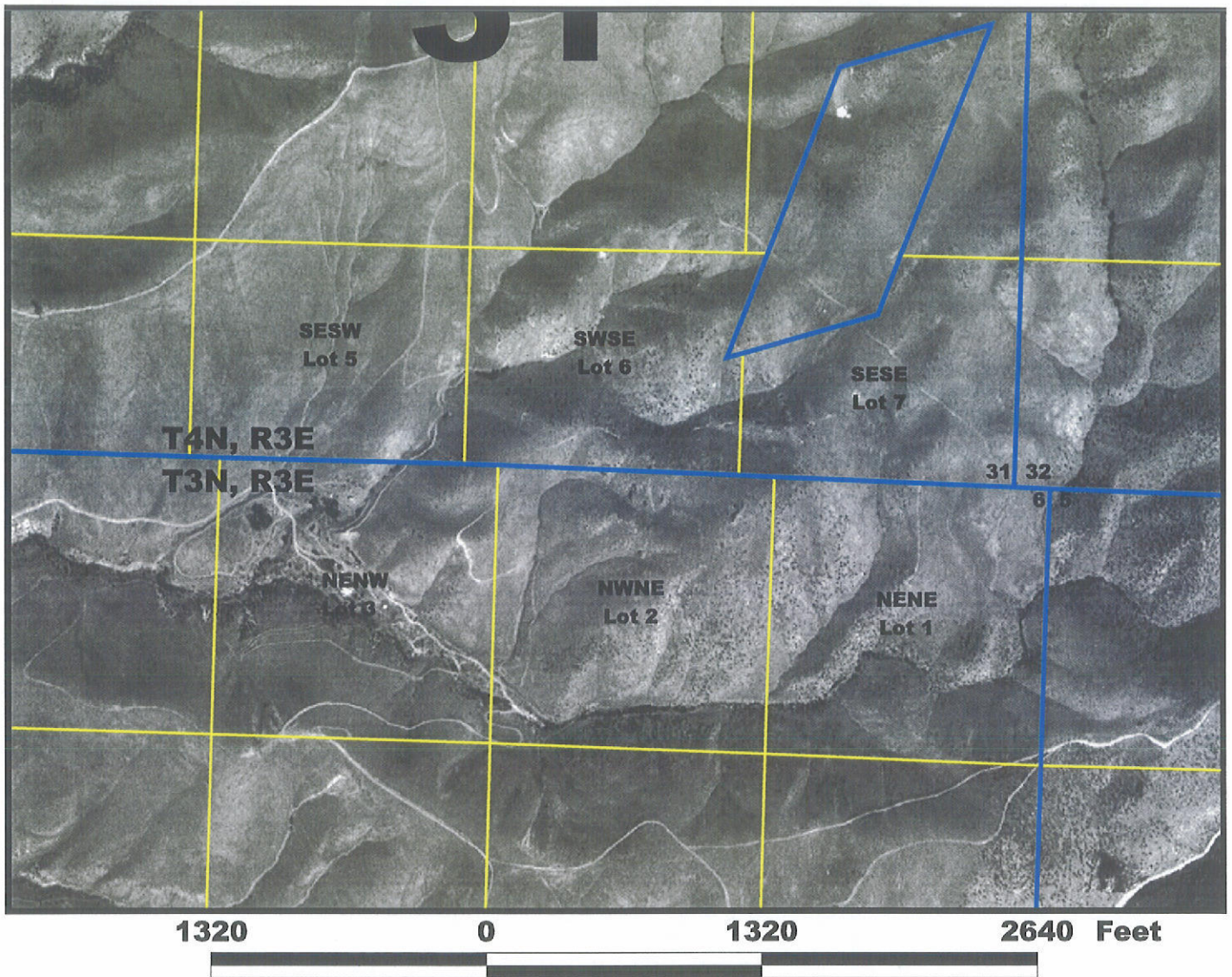
Prepared by: C. Saxton
Date: April 2004



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

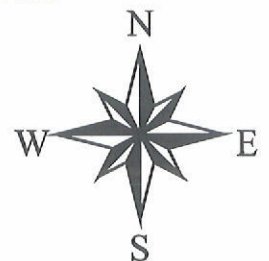


Quarter Quarter Lines



Section Lines

Total claimed Acres: 11.0

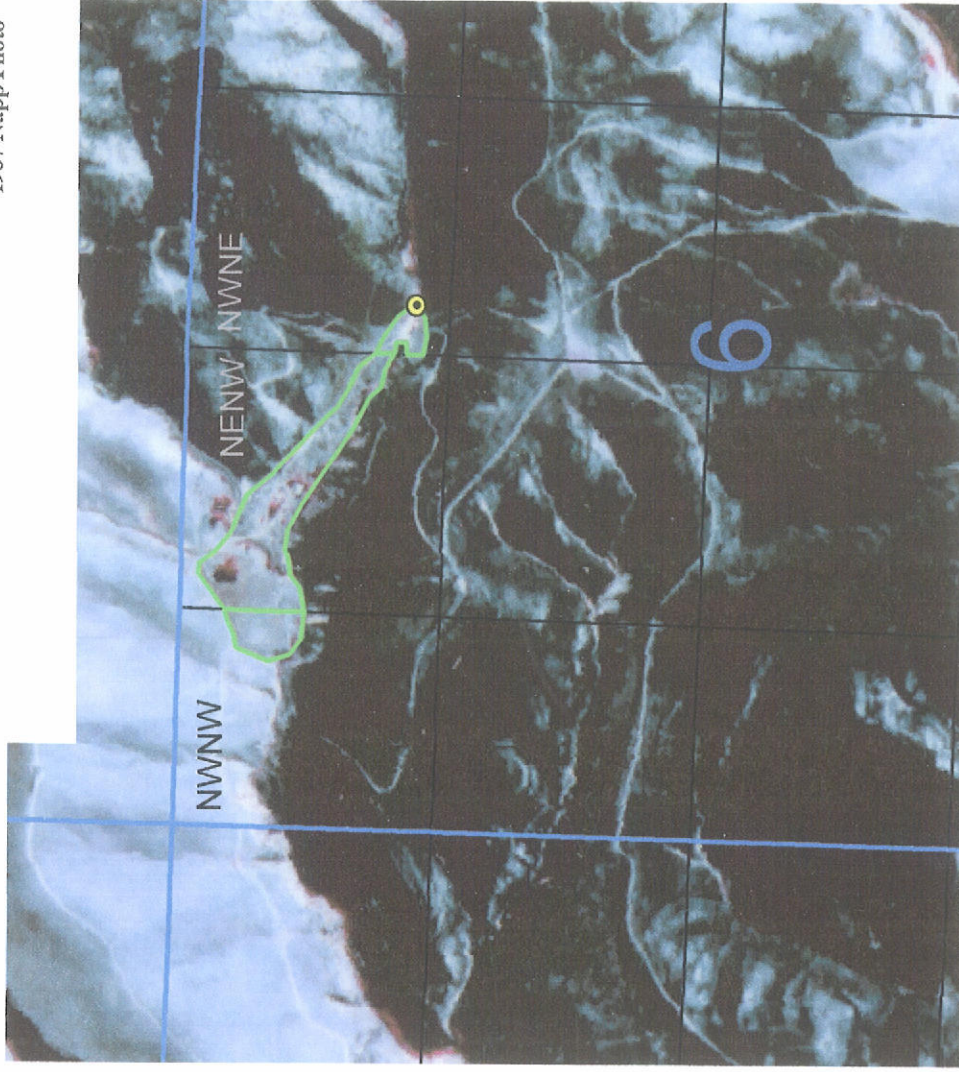


Prepared by: C. Saxton
Date: April 2004

Idaho Department of Water Resources

Claim Number: 63-04397
Legal: T3N, R3E, S6
Reviewed By:

1987 Napp Photo



● Point of Diversion



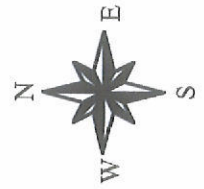
Place of Use



Section Lines



Quarter Quarter Lines



0 0.25 0.5 0.75 Miles

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: A63-04397
Date Received: 8/07/1989
Receipt No: C00900P
Received By: JWC

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.
3400 BOISE, ID 83702

2. Date of Priority: MAR 20, 1916

3. Source: CURLEW GULCH Trib. to: COTTONWOOD CREEK

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

5. Description of diverting works:
DIV. DAM WITH DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		
INDUSTRIAL	01/01	12/31	0.030		
MINING	01/01	12/31	0.030		

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

8. Total consumptive use is 38.5 Acre Feet Per Annum.

9. Non-irrigation uses:
I/ SAWMILL, X/ PILOT MILL AND MINING.

A63-04397

Page 1

Date: 08/07/89

SCANNED
OCT 04 2006

MICROFILMED
AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	03E	6	NW		NE	2	IRR	1.0
			NE		NW	3	IRR	7.0
			NE		NW	3	INDUST	
			NE		NW	3	MINING	
			NW		NW	4	IRR	3.0
							Section Acres	11.0
							Total Acres	11.0

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:
NONE

14. Remarks:
CLAIM BASED ON CANCELLED PERMIT 63-2233.

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): Ma Shepherd Date: 8/7/89

Date: _____

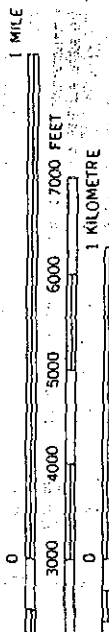
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of Aug 19 89
Seal Joh Dale Carlson
Notary Public

Residing at Boise Id
My Commission Expires 4/3/94



SCALE 1:24 000



MICROFILMED
AUG 20 1992

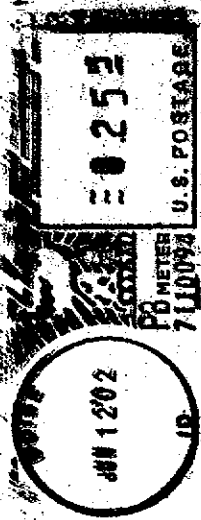
BOISE NORTH, IDAHO
N4337.5-W11607.5/7.5
1975

ADVANCE PRINT

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

RETURN SERVICE REQUESTED

603-4396
4397



RETURN TO SENDER
☒ 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 8



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

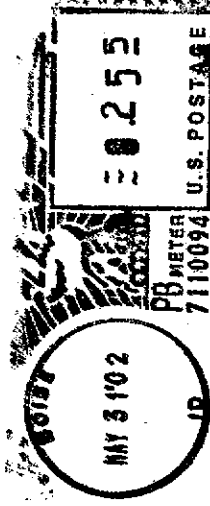
Return Service Requested

63-4396
4397

3400

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

PRESORTED
FIRST CLASS



RECEIVED

JUN 11 2002

WATER RESOURCES
WESTERN REGION

SHEPHERD 83702-0098 1401 06 06/04/02
FORWARD TIME EXP RTN TO SEND
SHEPHERD 51
POL BOX 51
BELLEVUE ID 83313-0551

RETURN TO SENDER

83720-0098 83720-0098

Sent again
6-12-02

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-04397

FILED
2007 JAN 25 PM 2 05

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

SOURCE: CURLEW GULCH CREEK TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.10 CFS

PRIORITY DATE: 03/15/1925

POINT OF DIVERSION: T03N R03E S06 LOT 2 (SNNWNE) Within Ada County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.10 CFS

PLACE OF USE: Irrigation Within Ada County
T03N R03E S06 LOT 3 (NENW) 5.0
5.0 Acres Total

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

JAN 25 2007

Joe B. Smith
SPECIAL MASTER

RECEIVED BY MAIL - JUDGE
TWIN FALLS CO., IDAHO
FILED _____

2007 JAN 25 PM 2 05

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

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND CONCLUSIONS
	)	OF LAW
	)	
_____	)	FOR WATER RIGHT 63-4397

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 20, 2006, the United States of America acting through the Department of Interior, Bureau of Land Management filed an objection to the *Director's Report*, asserting that the United States of American, through the Bureau of Land Management, is the owner of the property. On January 23, 2007, the parties the subcase filed a *Standard Form 5 - Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water right 63-4397 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated January 24, 2007.


Theodore R. Booth
Special Master
Snake River Basin Adjudication

2007 JAN 25 PM 2 05

In Re SRBA

Case No. 39576

Water Right(s): 63-04397

DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - IDAHO
TWIN FALLS CO., IDAHO
FILED _____

2007 JAN 25 PM 2 05

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04397

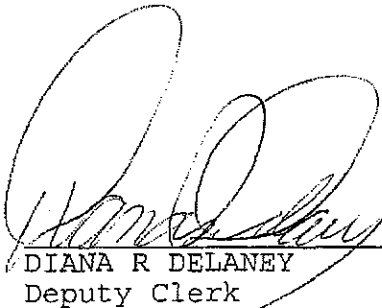
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 25, 2007, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

W A SHEPHERD INC
PO BOX 815
MILTON, WA 98354



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/25/07

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

Subcase No. 63-4397

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

W A Shepherd Inc

Paul Shepherd 1-23-06
authorized signature Date

OBJECTOR(s):

USDI/Bureau of Land Management

David M. F. LAB 1-23-06
Larry Brown Date
Attorney, General Litigation Section
U.S. Dept. of Justice

STANDARD FORM 5 - 63-4397

IDWR Concurrence:

Sandy Egbert 1-19-07
Sandy Egbert Date
GIS Specialist

Nicholas B. Spencer 1-19-07
Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on 2-23, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

hand-delivered

2. Copies to:

USDI Bureau of Land Management
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

hand-delivered

W A Shepherd Inc
PO Box 815
Milton, WA 98354

mail - 1/24/07

IDWR Repository
P.O. Box 83720
Boise, ID 83720

hand-delivered

Becky Harvey
Signature of person mailing the form

SF5 Right No. 63-4397

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

RIGHT NUMBER: 63-4397

NAME AND ADDRESS:

W A SHEPHERD INC
PO BOX 815
MILTON WA 98354

SOURCE:

Source:
CURLEW GULCH CREEK

Tributary:

COTTONWOOD CREEK

Fwp

QUANTITY: 0.100 CFS ~~0.110-CFS~~
0.000 AFY

PRIORITY DATE: 03/15/1925

POINT OF DIVERSION:

T03N R03E S6 Lot 2 SWNWNE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

0.100 CFS

~~0.110-CFS~~

de
NBS
PES.
PN

PLACE OF USE:

IRRIGATION within ADA County

~~T03N-R03E-S06-Lot-2-NWNW-0-5~~

T03N R03E S06 Lot 3 NENW 5.0

5 ACRES TOTAL

~~5.5-ACRES-TOTAL~~

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

SF5 Right No. 63-4397

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

) Subcase No. 63-4397
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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CLAIMANT(s):

W A Shepherd Inc

Paul Shepherd 1-23-06
authorized signature Date

OBJECTOR(s):

USDI/Bureau of Land Management

Daniel Mer 1-23-06
Larry Brown Date
Attorney, General Litigation Section
U.S. Dept. of Justice

STANDARD FORM 5 - 63-4397

IDWR Concurrence:

Sandy Egbert 1-19-07
Sandy Egbert Date
GIS Specialist

Nicholas B. Spencer 1-19-07
Nicholas B. Spencer Date
Deputy Attorney General

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I certify that on 2-23, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

hand-delivered

W A Shepherd Inc
PO Box 815
Milton, WA 98354

mail - 1/24/07

IDWR Repository
P.O. Box 83720
Boise, ID 83720

hand-delivered

Becky Harvey
Signature of person mailing the form

SF5 Right No. 63-4397

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

RIGHT NUMBER: 63-4397

NAME AND ADDRESS:

W A SHEPHERD INC
PO BOX 815
MILTON WA 98354

SOURCE:

Source:
CURLEW GULCH CREEK

Tributary:

COTTONWOOD CREEK

Fwp

QUANTITY:

0.100 CFS ~~0.110-CFS~~
0.000 APY

PRIORITY DATE:

03/15/1925

POINT OF DIVERSION:

T03N R03E S6 Lot 2 SWNWNE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

0.100 CFS

~~0.110-CFS~~

PLACE OF USE:

IRRIGATION within ADA County

~~T03N-R03E-S06-Lot 2-NWNW 0.5~~

T03N R03E S06 Lot 3 NENW 5.0

5 ACRES TOTAL

~~5-5-ACRES-TOTAL~~

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

SF5 Right No. 63-4397



Idaho Department of Water Resources

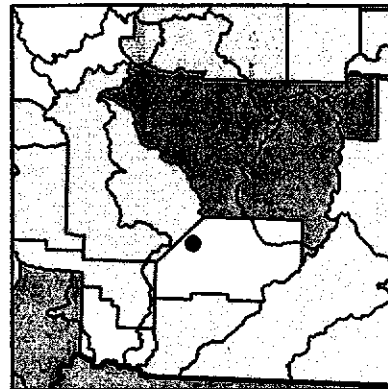
SRBA Recommendation:

63-4397

(Irrigation)

Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63

Prepared by S. Egbert
On Friday, January 19, 2007
1987/88 Aerial Photography



RECEIVED
APR 27 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 63-04397
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: W.A. & Viola M. Shepherd (Dir Rpt Owner)

Address: Mountain Cove Road; Boise, Idaho 83702

Name: W.A. Shepherd, Inc. (02-21-06 NCAP)

Address: P.O. Box 815; Milton, WA 98354

Name:

Address: ;

Name:

Address: ;

SCANNED
OCT 04 2006

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

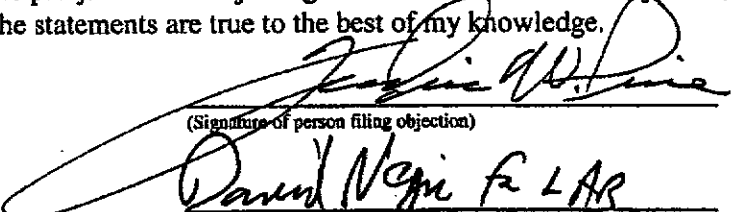
) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

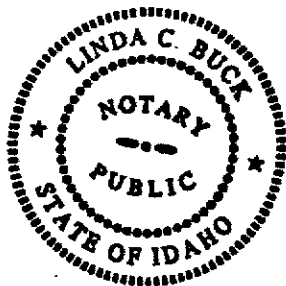

(Signature of person filing objection)

David Negri for LAR
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 19, 2006
Linda C. Buck

Linda C. Buck



Notary Public for Idaho

Residing at: Mountain Home,

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on 4-19-, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

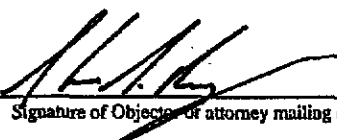
Name: W.A. & Viola M. Shepherd (Dir Rpt Owner)
Address: Mountain Cove Road; Boise, Idaho 83702
Name: W.A. Shepherd, Inc. (02-21-06 NCAP)
Address: P.O. Box 815; Milton, WA 98354
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

12/12/2005

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

RIGHT NUMBER: 63-4397

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

VIOLA M SHEPHERD
MOUNTAIN COVE RD
BOISE ID 83702

POU on BLM:

Claimant is not authorized to farm Public Land.

SOURCE: CURLEW GULCH CREEK

TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.110 CFS

PRIORITY DATE: 03/15/1925

POINT OF

DIVERSION: T03N R03E S06 SW1/4 Lot 2 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.110 CFS

PLACE OF USE: IRRIGATION Within ADA County

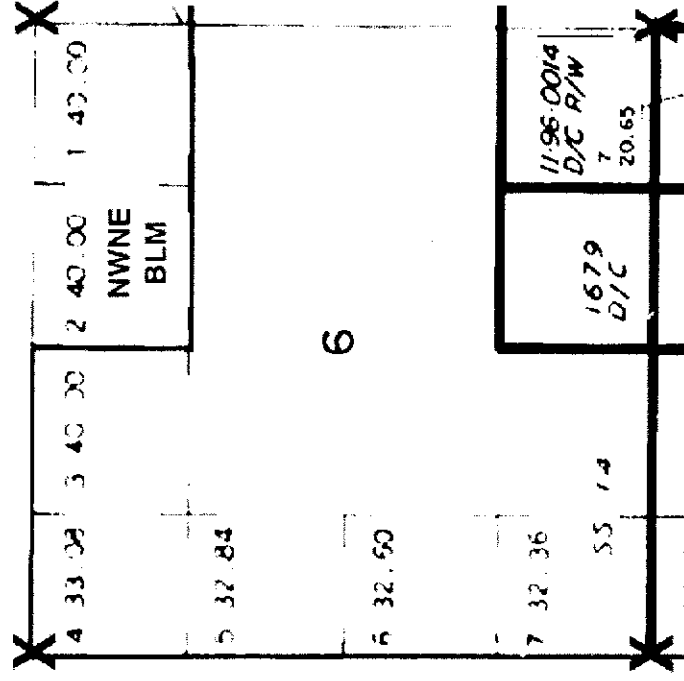
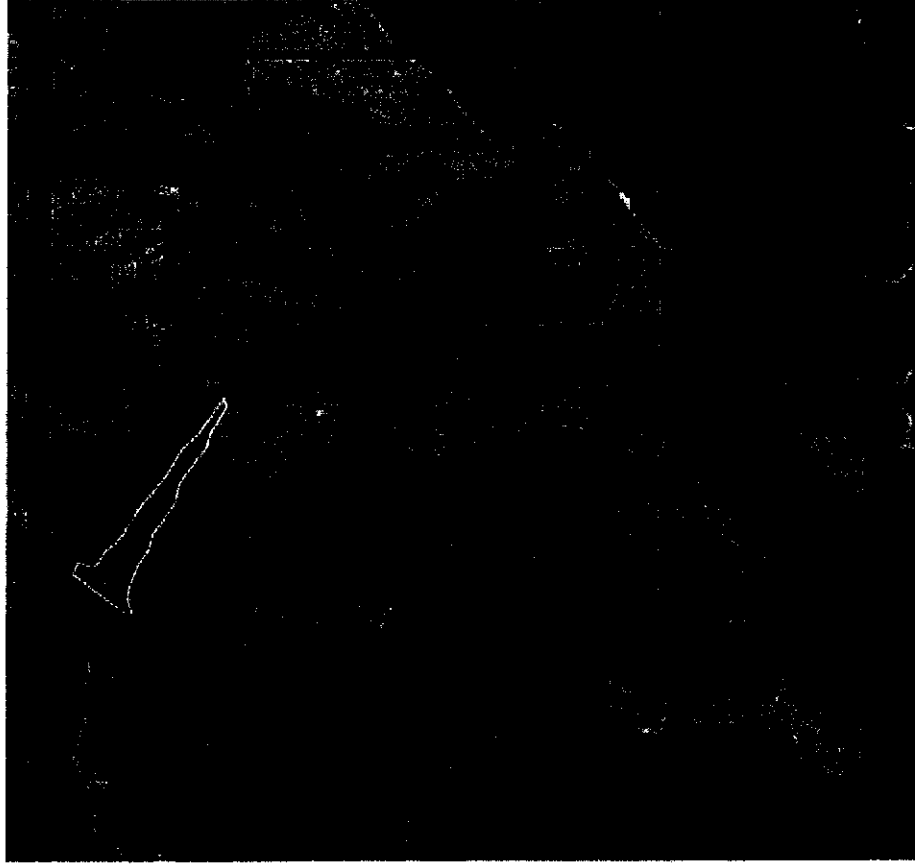
BLM	T03N R03E S06 Lot 2 NW1/4	0.50	T03N R03E S06 Lot 3 NE1/4	5.00
5.5 ACRES TOTAL				

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

63-04397



Remove Lot 2 (NWNE) from recommendation and adjust shapefile accordingly

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 21 2006	
By _____	Clerk
Deputy Clerk	

**COPY
RECEIVED**

**FEB 23 2006
DEPARTMENT OF
WATER RESOURCES**

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

In Re SRBA	)	Water Rights: 63-4396, 63-4397
	)	
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
	)	PROCEEDING

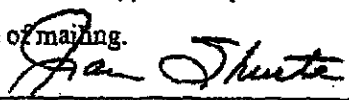
IDWR has completed the following administrative proceeding:

- ☐ 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

RECEIVED

COPY

FEB 23 2006

02/15/2006

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

RIGHT NUMBER: 63-4397
NAME AND ADDRESS: W A SHEPHERD INC
PO BOX 815
MILTON WA 98354

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

SOURCE: CURLEW GULCH CREEK

QUANTITY: 0.110 CFS

PRIORITY DATE: 03/15/1925

POINT OF DIVERSION:

T03N R03E S6 SWNW1/4 Lot 2 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.110 CFS

PLACE OF USE: IRRIGATION Within ADA County

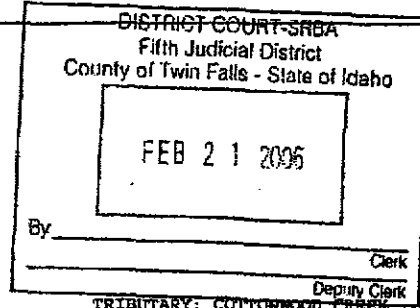
T03N R03E S06 Lot 2 NW1/4	0.50	T03N R03E S06 Lot 3 NW1/4	5.00
---------------------------	------	---------------------------	------

5.5 ACRES TOTAL

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(s), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



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	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Office of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

W A Shepherd Inc.	☐ overnight mail
PO Box 815	☒ regular mail
Milton WA 98354	☐ hand-delivered
	☐ facsimile

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

Toni Harris

Signature of person mailing this document



IDAHO SECRETARY OF STATE Search Results

Ben Ysursa, Secretary of State

Search Result Summary

[[New Search](#)]

Search Results 1 through 1

(W.A. SHEPHERD, INC. ... W.A. SHEPHERD, INC.)

W.A. SHEPHERD, INC. [[View Details](#)]

Organizational ID / Filing number: C104857
PO BOX 815
MILTON, WA 98354

Filed 19 Jan 1994
CORPORATION
GOODSTANDING

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

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



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 C104857
Number:

Number of Authorized Stock 70000
Shares:

Date of Last Annual Report: 17 Nov 2005

Amendments:

Amendment filed 19 Jan 1994 INCORPORATION

[View Document Online](#)
[Download \(TIFF format\)](#)

Annual Reports:

Report for year 2006 ANNUAL REPORT

[View Document Online](#)
[Download \(TIFF format\)](#)

Report for year 2005 ANNUAL REPORT

[View Document Online](#)
[Download \(TIFF format\)](#)

Report for year 2004 ANNUAL REPORT

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Report for year 2002 ANNUAL REPORT

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Report for year 2002 ANNUAL REPORT

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Report for year 2000 ANNUAL REPORT

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Report for year 1999 ANNUAL REPORT

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Report for year 1998 ANNUAL REPORT

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Report for year 1997 ANNUAL REPORT

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Report for year 1996 ANNUAL REPORT

[View Document Online](#)
[Download \(TIFF format\)](#)

Report for year 1995 ANNUAL REPORT

[View Document Online](#)
[Download \(TIFF format\)](#)

No. C 104857		Due no later than January 31, 2006 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Correct in this box, if applicable W.A. SHEPHERD, INC. W.A. SHEPHERD PO BOX 618 MILTON, WA 98354		VIOLA M RADASH 8225 W IDAHO LETHA, ID 83836	
NO FILING FEE IF RECEIVED BY DUE DATE				3. Near Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
Office Title	Name	Street or P.O. Address	City	State	Zip
Pres.	W.A. Shepherd	PO Box 618	Milton	Wa	98354
V.P.	Paul F. Shepherd	Box 277	P.iggins	Id.	83349
Sec. Treas.	Viola M Radash	828 SW Idaho Blvd.	Emmett Id.	Id.	83617
5. Organized Under the Laws of: IDAHO C 104857		6. Signature <u>W. A. Shepherd</u> Name <u>W.A. Shepherd</u>		Date <u>11-14-05</u> Title <u>Pres.</u>	
Issued 11/01/2005		Do Not Tape or Staple		200801007657	

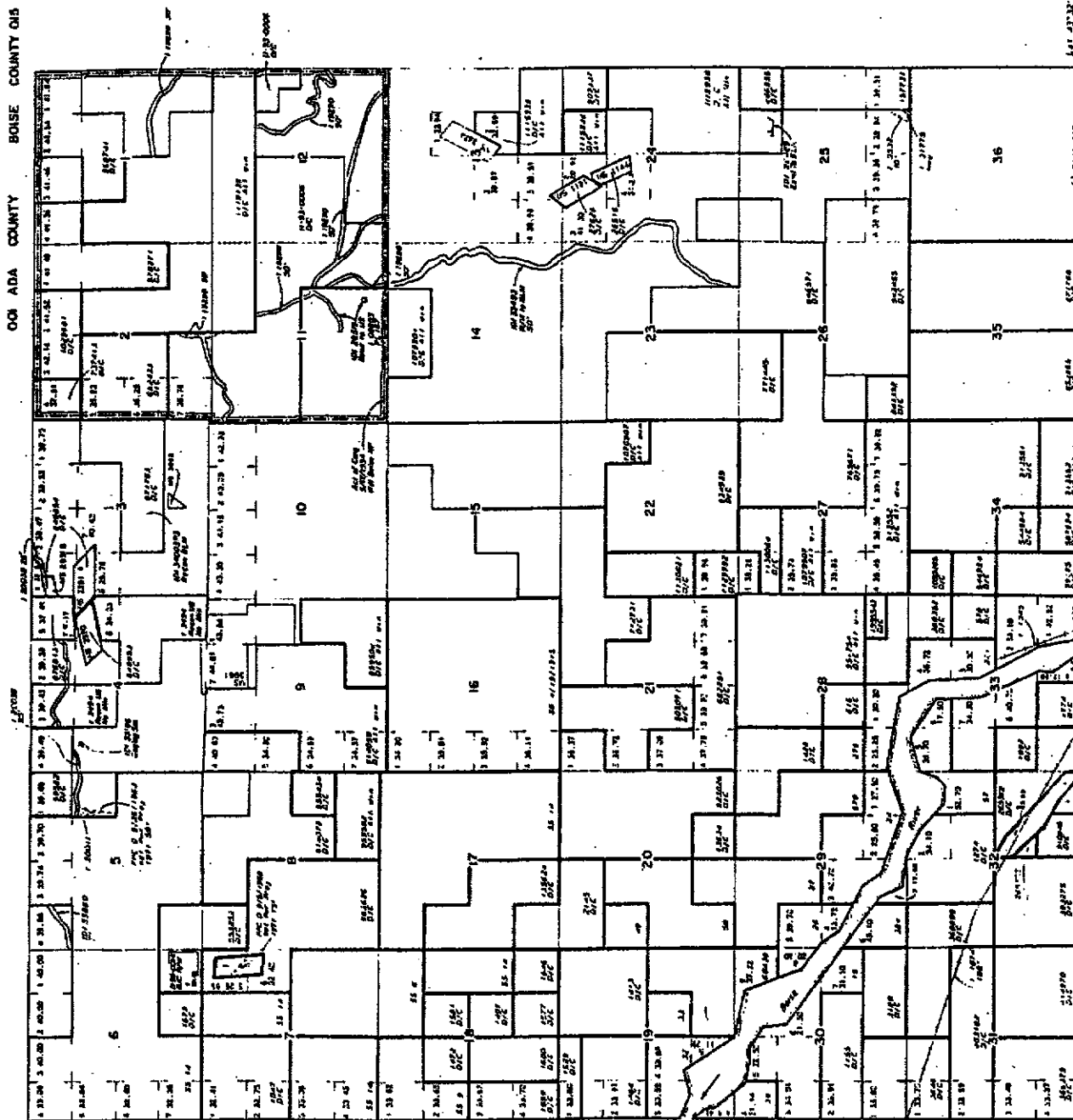
6. THE FUTURE OF THE

**STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS**

MT PLAT

INDEX TO REGISTERED TRACTS		
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601 43°32'N 4
16-31 16-31

USE PLAT 5

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE WITHDRAWAL INSTRUCTIONS FOR THE DATE OF THE REMOVAL WITH-

WAGGON STATIONERS
This place is the Bureau's Repository of Tires, and
only as a storage depository of the tires.

SCALE - IN CROCHET

02/15/2006

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

RIGHT NUMBER: 63-4397

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: CURLEW GULCH CREEK

TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.110 CFS

PRIORITY DATE: 03/15/1925

POINT OF DIVERSION:

T03N R03E S6 SWNWNE Lot 2 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY , /

IRRIGATION

03/15 11/15

~~0.110~~ CFS

PLACE OF USE: IRRIGATION Within ADA County

~~T03N R03E S06 Lot 2 NWNE~~ 0.50

T03N R03E S06 Lot 3 NENW 5.00

5.0

~~5~~ ACRES TOTAL

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

SCANNED
OCT 04 2006

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

In Re SRBA	)	Water Rights: 63-4396, 63-4397
	)	
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

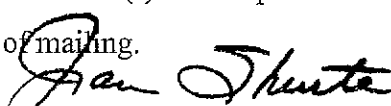
IDWR has completed the following administrative proceeding:

- ☐ 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

How Harris

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

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

WATER RESOURCES
WESTERN REGION

- 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. 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

Add Entry 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) 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 NIA
 Received by JPT Date _____ Receipt No. _____
 Processed by JPT 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

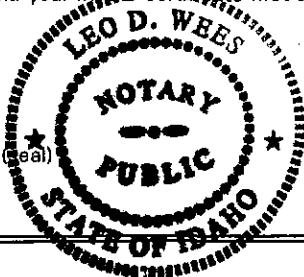
Viola M. Shepherd
W.A. Shepherd
VIOLA M. SHEPHERD, by
W.A. SHEPHERD, Agent under Power of Attorney,
dated November 25, 1992.

'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 the 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 C104857
Number:

Number of Authorized Stock 70000
Shares:

Date of Last Annual Report: 17 Nov 2005

Amendments:

Amendment filed 19 Jan 1994 INCORPORATION

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[Idaho Secretary of State's Main Page](#)[State of Idaho Home Page](#)Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

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 ~~Inc.~~

~~MOUNTAIN COVE RD~~
~~BOISE ID 83702~~

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

PO Box 815
Myton 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:

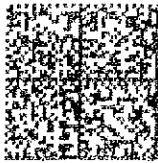
 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-14-05 SIGNATURE: W A Shepherd Inc. WA Shepherd = Pres
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
0004310339 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 0
02 1A
0004388393
\$ 00.8
NOV 04
MAILED FROM ZIP CODE 83705



RECEIVED

NOV 08 2005

WATER RESOURCES
WESTERN REGION

add

INSUFFICIENT
ADDRESS

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

603-4396

603-4397

WA Shepherd Inc

PO Box 815

Milton WA 98354-0815

Resent 11-8-05

ADDRESS SERVICE
REQUESTED

10/12/2005

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

RIGHT NUMBER: 63-4397

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

VIOLA M SHEPHERD
MOUNTAIN COVE RD
BOISE ID 83702

SOURCE: CURLEW GULCH CREEK

TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.110 CFS

PRIORITY DATE: 03/15/1925

POINT OF DIVERSION:

T03N R03E S6 SWNWNE Lot 2 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.110 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R03E S06 Lot 2 NWNE	0.5	T03N R03E S06 Lot 3 NENW	5.0
--------------------------	-----	--------------------------	-----

5.5 ACRES TOTAL

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

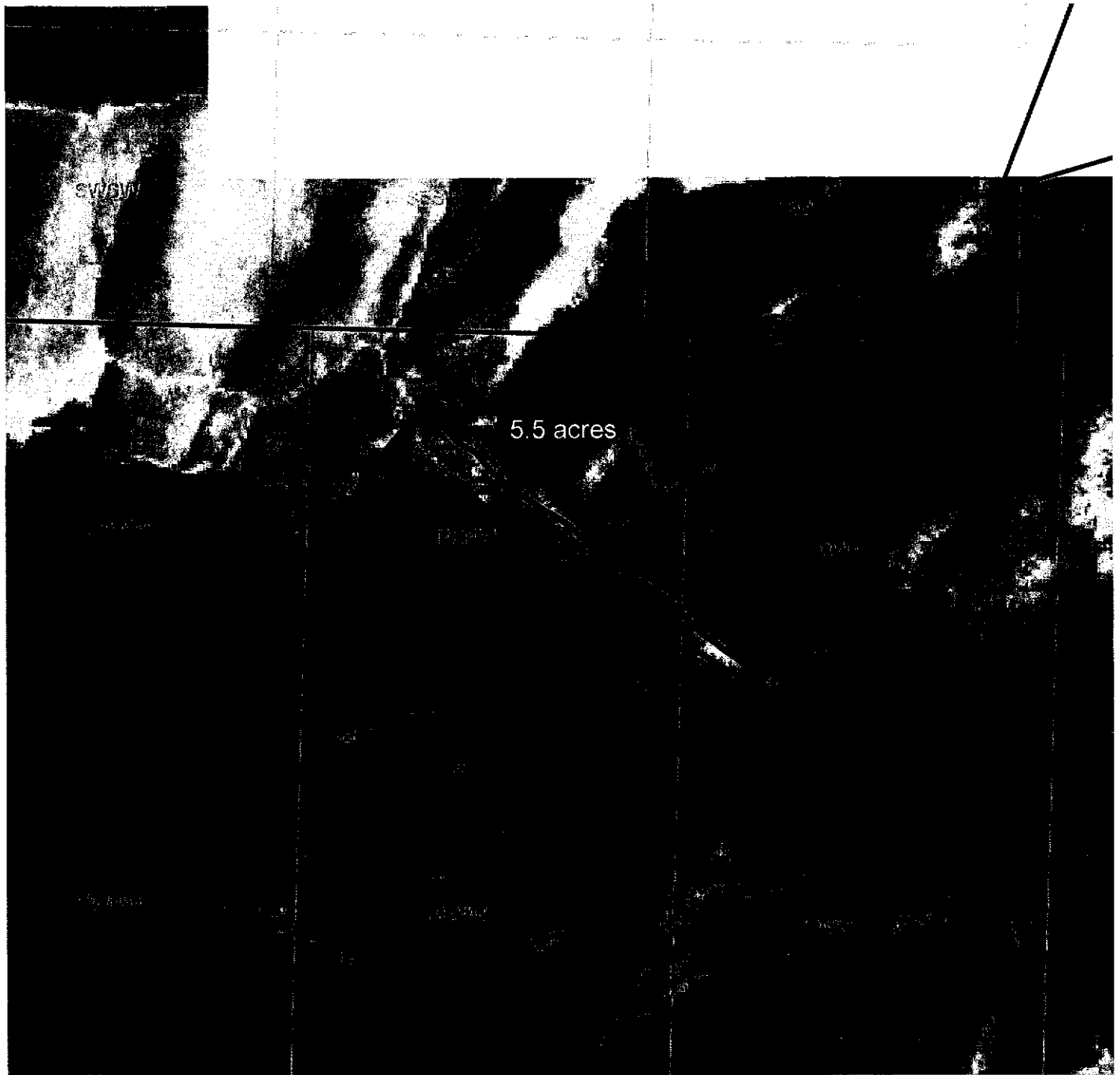
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

63-4397

T03N R03E S6



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



700 0 700 1400 2100 Feet

IDWR

Prepared by: Sandy Egbert

Date: 10-12-05

1987 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4397 V1

WATER RIGHT NUMBER: 63-4397 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: 03/15/1925

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
CURLEW GULCH CREEK	COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.110 CFS	
	<u>Total Diversion:</u>	0.110 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

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		.5			5.0												
				L 2			L 3												

Total Acres: 5.5

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4397 V1

Comments:

1. segbert 10/12/2005 Use

Comment: Mining and industrial were not recommended as claimed because the field exam could not verify those uses and the claimants affidavit indicates the mining was only done during the Depression

2. segbert 10/12/2005 Priority Date

Comment: The priority date was advanced to 1925 per claimants affidavit since the 1916 permit was cancelled due to lack of proof of beneficial use

3. segbert 10/12/2005 POU

Comment: Irrigated acres were reduced from 11 acres to 5.5 acres per 1987 aerial photography showing less irrigation than claimed

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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/15/2005	lharris	Active
Priority Date	10/11/2005 2:09:18 PM	segbert			Active
POD	10/11/2005 2:18:02 PM	segbert			Active
Source	10/11/2005 2:20:27 PM	segbert			Active
POU	10/11/2005 2:22:14 PM	segbert			Active
Use	10/11/2005 2:24:31 PM	segbert			Active
Season	10/11/2005 4:14:41 PM	segbert			Active
Quantity	10/11/2005 4:14:43 PM	segbert			Active
Use	10/12/2005 12:31:57 PM	segbert			Active
Season	10/12/2005 12:46:38 PM	segbert			Active
Quantity	10/12/2005 12:51:25 PM	segbert			Active
Summary			10/12/2005	segbert	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4397 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	10/11/2005 4:14:41 PM	segbert	(No) 1. Is the basis of claim Decree or License?
Quantity	10/11/2005 4:14:43 PM	segbert	(No) 1. Is the basis of this claim a Decree or License?
Summary	10/12/2005 12:53:30 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? (No) 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?
Use	10/12/2005 12:31:58 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 12:46:38 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? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4397 V1

Quantity	10/12/2005 12:51:25 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?
General	10/11/2005 2:09:19 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? Description for Question 12/13 - Affidavit in file
POD	10/11/2005 2:18:22 PM	segbert	Updated shape
POU	10/11/2005 2:23:58 PM	segbert	Updated shape for Active POU
POU	10/11/2005 2:22:15 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	10/11/2005 2:24:31 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4397 V1

POD	10/11/2005 2:18:02 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	10/11/2005 2:20:27 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?
Summary	4/15/2005 8:45:15 AM	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

04/15/2005

Adjudication Claim Report 63-4397

WATER RIGHT NUMBER: 63-4397

Owner TypeName and Address

Current Owner

W A SHEPHERD
MOUNTAIN COVE RD
BOISE, ID 83702

Current Owner

VIOLA M SHEPHERD
MOUNTAIN COVE RD
BOISE, ID 83702

Priority Date:

3-15-1925 - per affidavit in file
03/20/1946

Basis:

Statutory Claim

BCU

Status:

Active

Source

CURLEW GULCH CREEK

Tributary

COTTONWOOD CREEK

.02 cfs
per acreBeneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

0.200 CFS

Annual Volume

INDUSTRIAL

1/01 to 12/31

0.030 CFS

MINING

1/01 to 12/31

0.030 CFS

Total Diversion:

0.260 CFS

Location of Point(s) of Diversion

CURLEW GULCH CREEK

ADA County

L2 (SW1/4NW1/4NE1/4)

Sec. 6,

Twp 03N, Rge 03E, B.M.

GPS

Place of Use

IRRIGATION

Reduced acres per aerial photos & shape
drawn by field examiner

Twp Rge Sec

03N 03E 6

NE				NW				SE				SW				Totals			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals			
1.0	1.0	1.0	1.0	7.0	3.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	14.0			
1.5				5												5.5			

Total Acres: 11

INDUSTRIAL

Non Use Per field exam

Twp Rge Sec

03N 03E 6

NE				NW				SE				SW				Totals			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals			

MINING

Non Use Per field exam

Twp Rge Sec

03N 03E 6

NE				NW				SE				SW				Totals			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals			

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4397

		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:

1. General CLAIM BASED ON CANCELLED PERMIT 63-2233.

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:

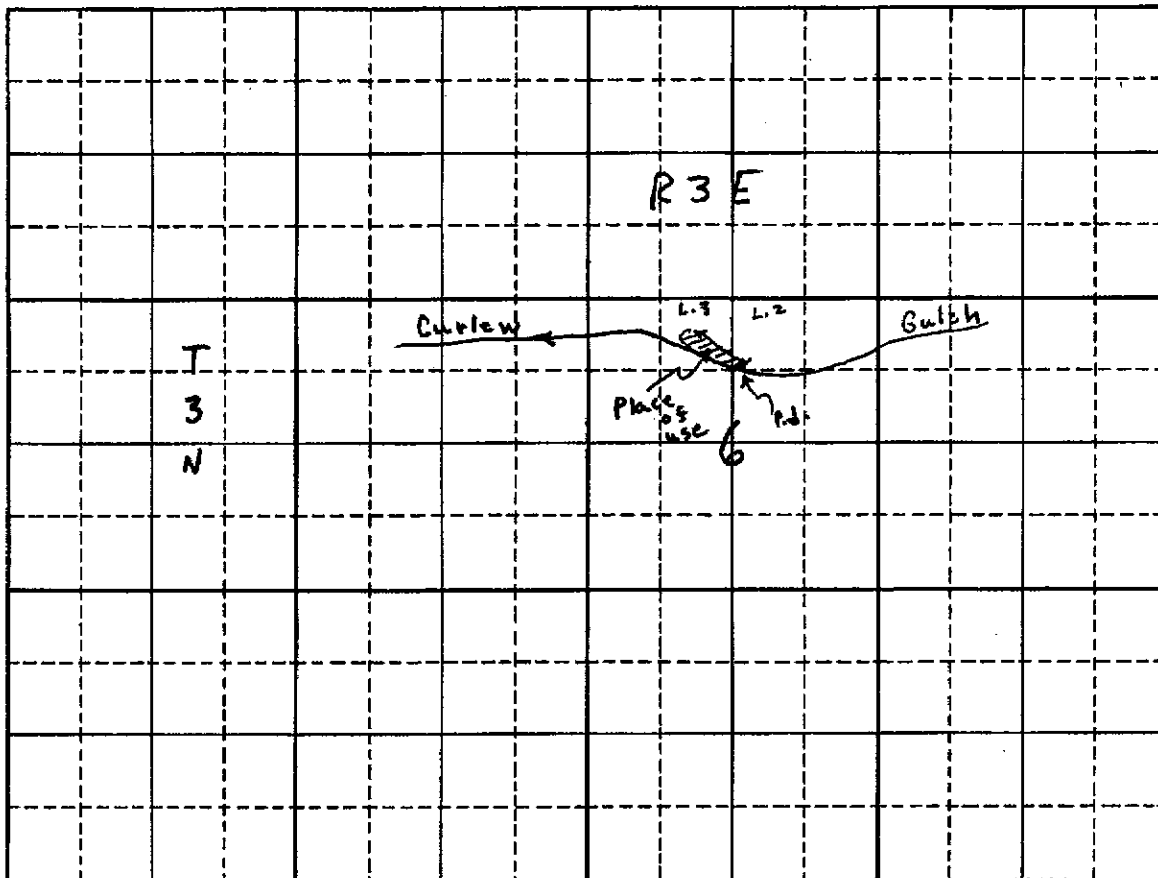
Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
---------	--------------------	----------	--------------------	----------	--------

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
---------	-----------------	----------	----------

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

- (8) Remarks The water right was initiated as cancelled permit No. 63-2233. Proff
of completion of of works was March 20, 1916.



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 affiant's knowledge.

Sworn to before me this 29 day of

November 7 (Claimant), 1976

W. Shepherd
(Claimant)
November 1976
Tyle Glen Taylor
Notary Public
Residing at Boise Idaho

My commission expires 11-25-78

For Department Use Only

Received by L.G.S. Date 29 Nov-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by R.H. Date _____ claimant by: _____
\$10.00 fee received by R.F. Date 11-29-76
Approved for publication by CS 12-20-76 _____
Published in Idaho Statesman _____
Dates Dec. 24-16 _____



Land Records

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General Information

Property Acres: 40.000
Zone Code: RP
Primary Code Area: 233 Tax Districts
Group Type: SECT
Subdivision: 3N 3E 06
Section: 3N3E06

Property Description

LOT 3
 SEC 6 3N 3E
 #S0906210000 R
 #94004986

Property Address

3400 MOUNTAIN COVE RD
 BOISE, ID 83702


[Click to View Interactive Map](#)

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- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	50-DRY GRAZING	40.000	\$1,600	INCOME

Total Assessed Value: \$1,600

Parcel Valuation History

Assessed value for year 2004 \$1,600
Assessed value for year 2003 \$1,400
Assessed value for year 2002 \$1,400
Assessed value for year 2001 \$1,300
Assessed value for year 2000 \$1,200

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4397

04/15/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4397	Claim	03N	03E	6	NW	NE	2	IRRIGATION	1/11	W A SHEPHERD
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
4397	Claim	03N	03E	6	NW	NW	4	IRRIGATION	3/11	W A SHEPHERD

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	00	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](#)

Calculations for Flow Rate

Claims .3 cfs or 134.65 gpm

1,070.4' from P.O.D. to End of Pipeline

Approximately 12.5 feet of elevation drop from P.O.D. to End of Pipeline

difference between 10' + 15' drop in elevation is approximately 6.5 gpm

∴ The calculations for a 4" pipeline 1,070.4' long with a 12.5' drop is = 148.95 gpm or .33 cfs

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

CLAIM NO(s). A63-04397

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: See letter in file may need affidavit
(If the priority date, based on your exam, seems questionable, explain below.)

claim based on cancelled permit 63-2233

3. No Change — SAME SOURCE

Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION

Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

Rock dam diverts water into 4 inch pipe. Pipe carries
water to tanks, small dam, uses, all area below ditch
& pipeline can be irrigated and appears to have been in the
past. Ind & mn uses have not been used for some time.

6. No Change WATER USES
Different uses, (list uses found):

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

7. No Change - TOTAL VOLUME *calculated cfs of 4" pipeline for 1,070.4' with
a 12.5 foot drop = 33 cfs*
Incomplete on claim, the total is, Amount _____ CFS _____ AFA *Need to reduce cfs
to match Acres Irr.
(11 Acres)*
Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: Ind & MN

Additional comments: HAVE NOT been used in some time.

9. No Change — PLACE OF USE: (If changed, list below.) No Irr in Lot 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 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

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

No Acres ^{50'} found in Lot 4 only Lot 2 & Lot 3. Ind & MN
USES HAVE NOT been used in a long period of time.

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 7-15-2004

FIELD EXAMINER:

M. G. Gibson

Print Name

[Signature]

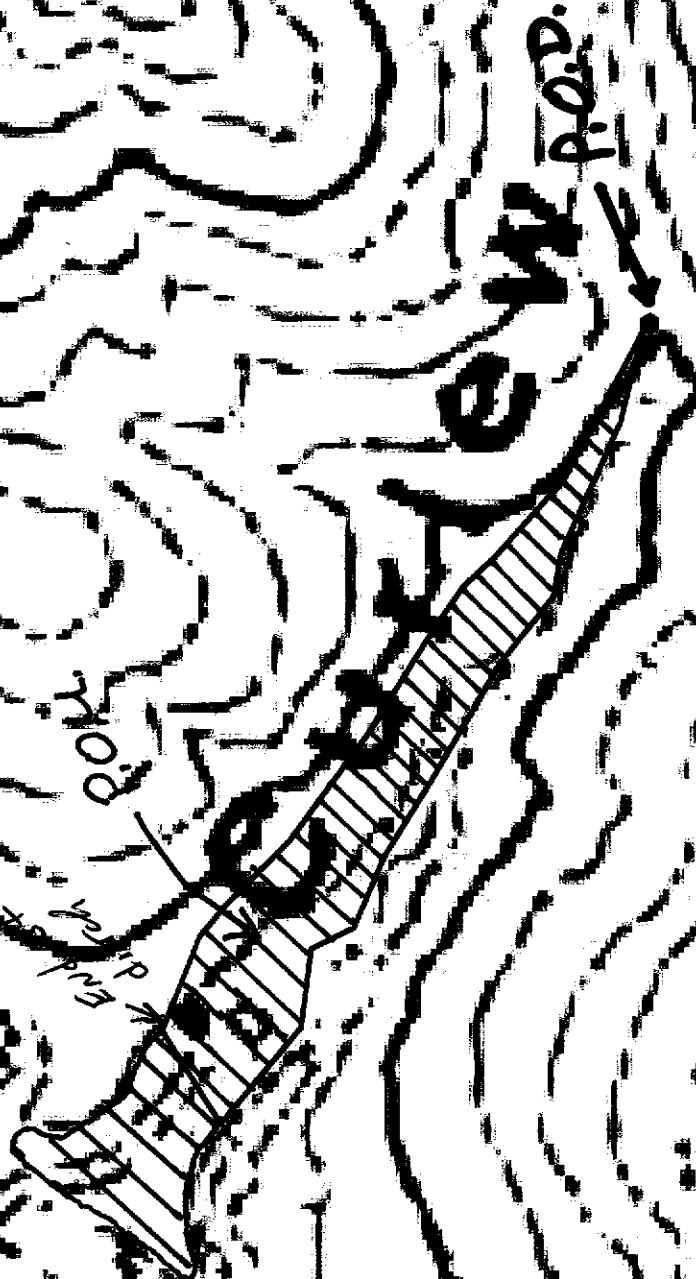
Signature

7-15-2004

1,070.4' δ dip
POD end of

3400
A63-04397

W.A. Shepherd



A63-04397



A63-04397



GP5 232 6886- 1383406

A63-04397



GPS POD 2327132 - 1383215



4-30-07: Call BLM and find out if Shepard has mining claims
(Spoke with) or Foreman
Van

: History of Mining Claim

: Talk to Mel about Contact Person.

: Need General F.E., No measure if appears 210 acres
of irrigation

: Priority - use letter to support 1225 priority for 63-04377
and 1967 for 63-04396.

5-4-07: Spoke with Fred Price and sent him an Email with my
questions about POD's on BLM Ground and any mining
claims, He said that the POD's probably aren't a
problem.

Fred Price: 373-3831
(BLM)

Fred_Price@blm.gov

5-7-07: Reply from Fred in file via E-Mail

At this point, have Gene conduct FE to find out
what is actually going on.

11-6-03 : Need to look at Permit 63-02233

3-18-04 : On Oct 22, 1977 a Field Examiner conducted an Exam and Found No B-use. Earliest Priority date that could be recommended would be one day after that exam.

4-27-04 : App # 10047 became 63-02233. 3-18-04 statement is correct. Claimed Evidence of Priority is Not Valid.

: No Signs of B-use of water during FE

: Current mailing Address is PO Box on Affidavit

: PD Claimed on B/M Ground

: Appears Part of POU on

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 (SNNWNE) -BLM -2 springs
T03N R03E S06 Lot 3 (NWNENW) -non-federal
T03N R03E S06 Lot 3 (SENNENW) -non-federal
T04N R03E S31 Lot 7 (NESESE) -BLM

63-04397: PODs: Map: 1916 priority
T03N R03E S06 Lot 2 (SNNWNE) -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 (NWNNE) 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 S6 NWNE Govt Lot 2
S6 NWNE
S6 SE NE NW Govt Lot 3
T4N R3E S31 NE SE SE 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

From: Saxton, Craig
Sent: Wednesday, May 05, 2004 8:33 AM
To: 'fred_price@blm.gov'
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.

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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	S6	Govt Lot 2
			S6	
			SWNWNE	
			NWNENW	
			SEENENW	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

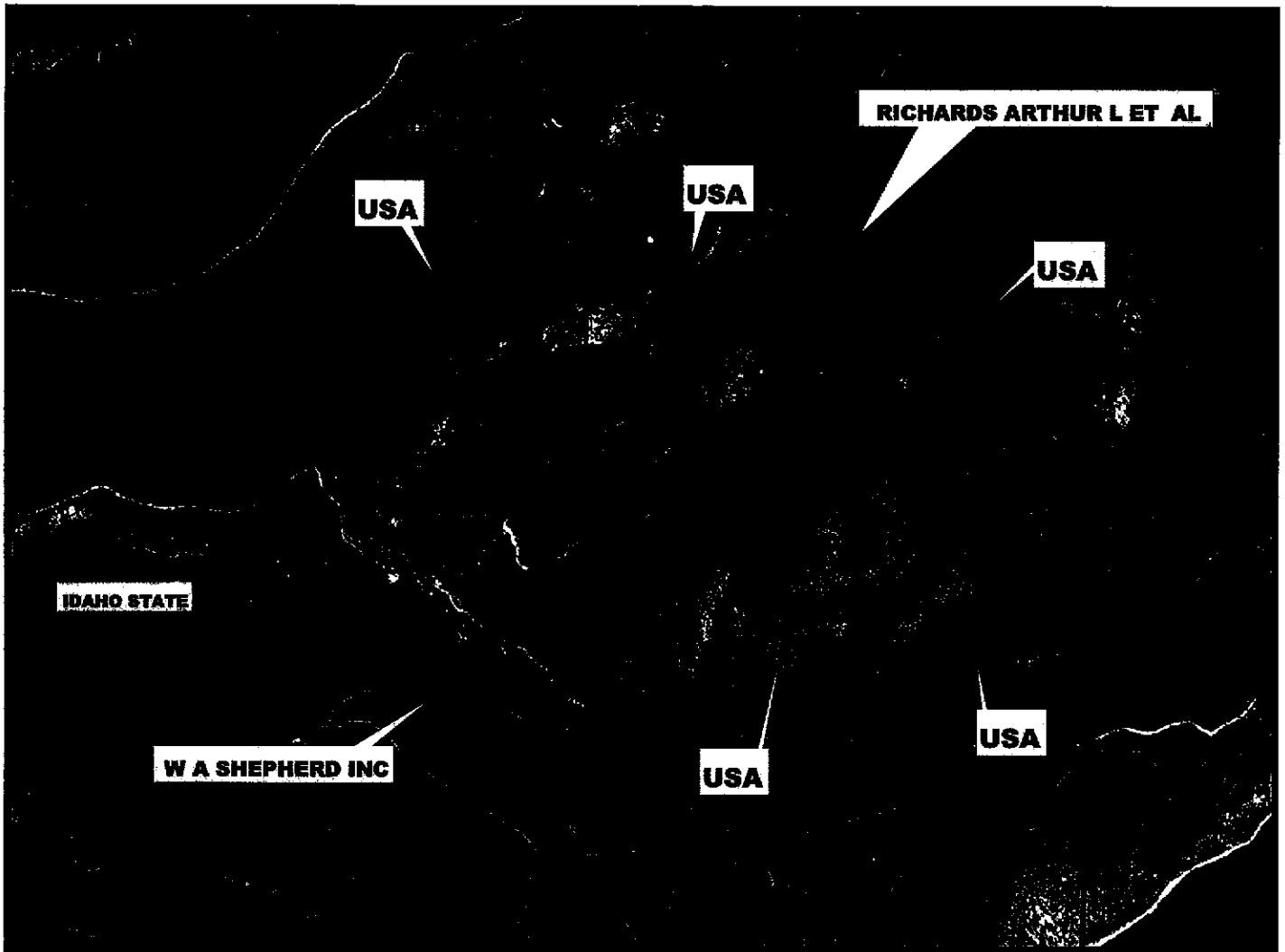
Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau - Western Region
csaxton@idwr.state.id.us
(208) 334-2190



POU & POD Location Map

1992 DOQQ

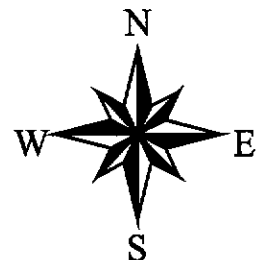
63-04396 & 63-04397



1320 0 1320 2640 Feet

- Point of Diversion for 63-04396
- Claimed Place of Use - Initial determination of irrigated Acreage
- Ada County Tax Lot Data
- Quarter Quarter Lines
- Section Lines

Total found Acres: N/A



- Point of Diversion for 63-04397

Prepared by: C. Saxton
Date: May 2004

10

T. 5 N.

45'

11

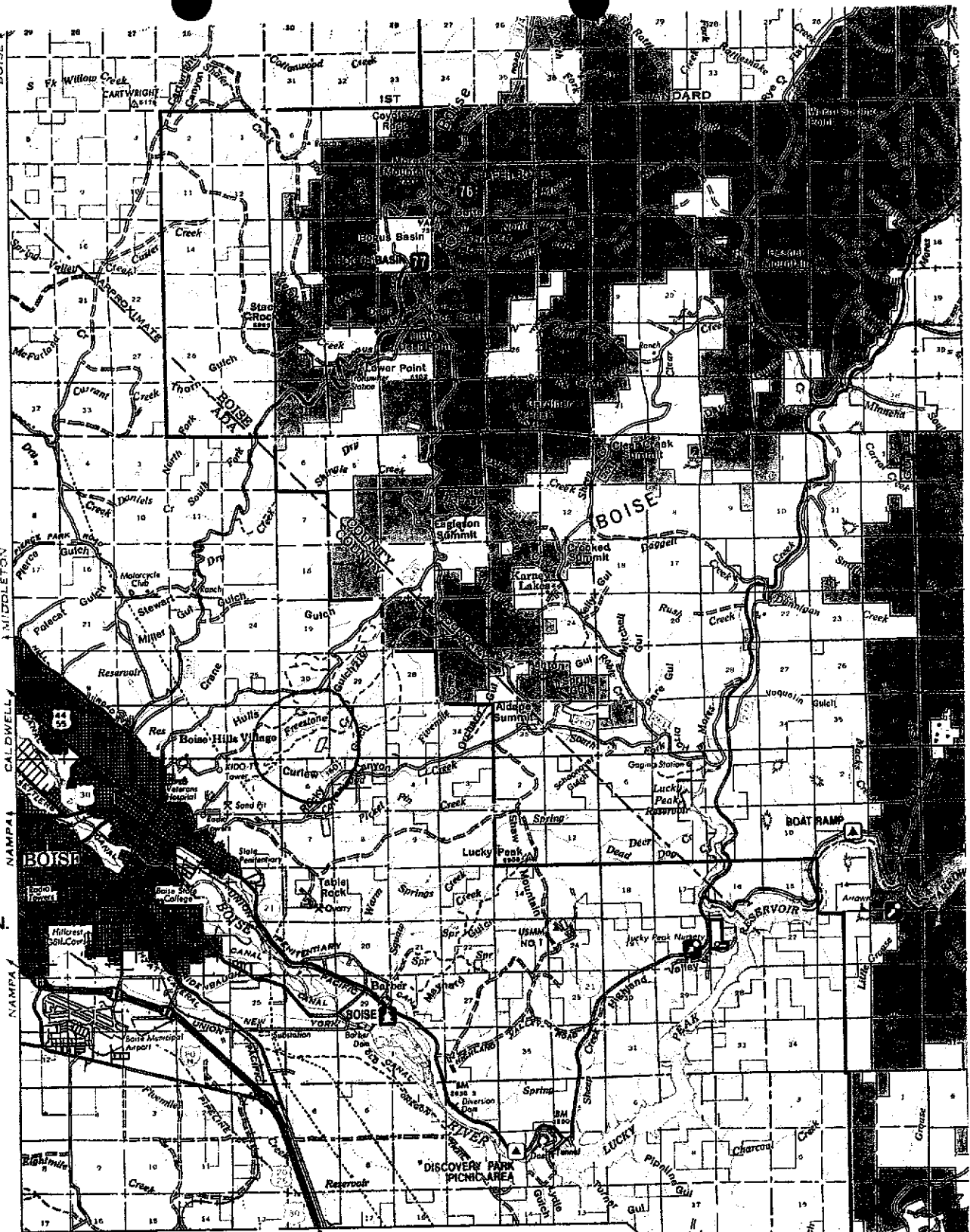
T. 4 N.

37'
30"

T. 3 N.

12

43'
30"



Pink = BLM Land
Purple = State Land

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

BOISE NATIONAL FOREST

VISITOR'S MAP

R. 4 E.

T. 2 N.

R. 3 E.

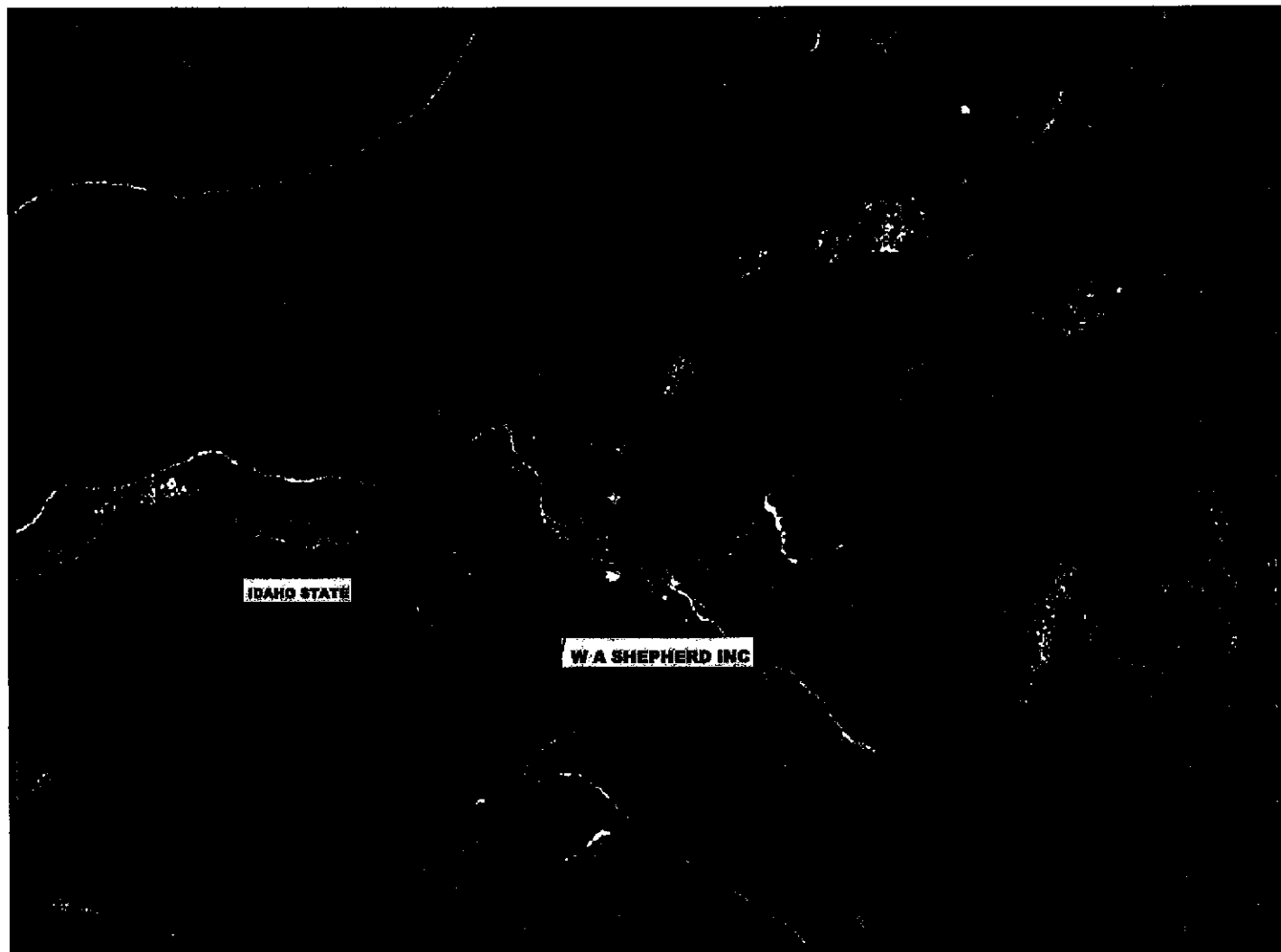
R. 2 E.



POU and POD Location Map

1992 DOQQ

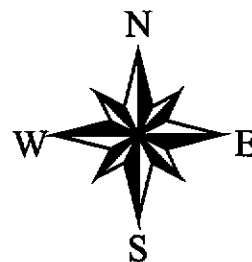
63-04397



1320 0 1320 2640 Feet

- Point of Diversion
-  Assumed Claimed Place of Use
-  Ada County Tax Lot Data
-  Quarter Quarter Lines
-  Section Lines

Total claimed Acres: 11.0



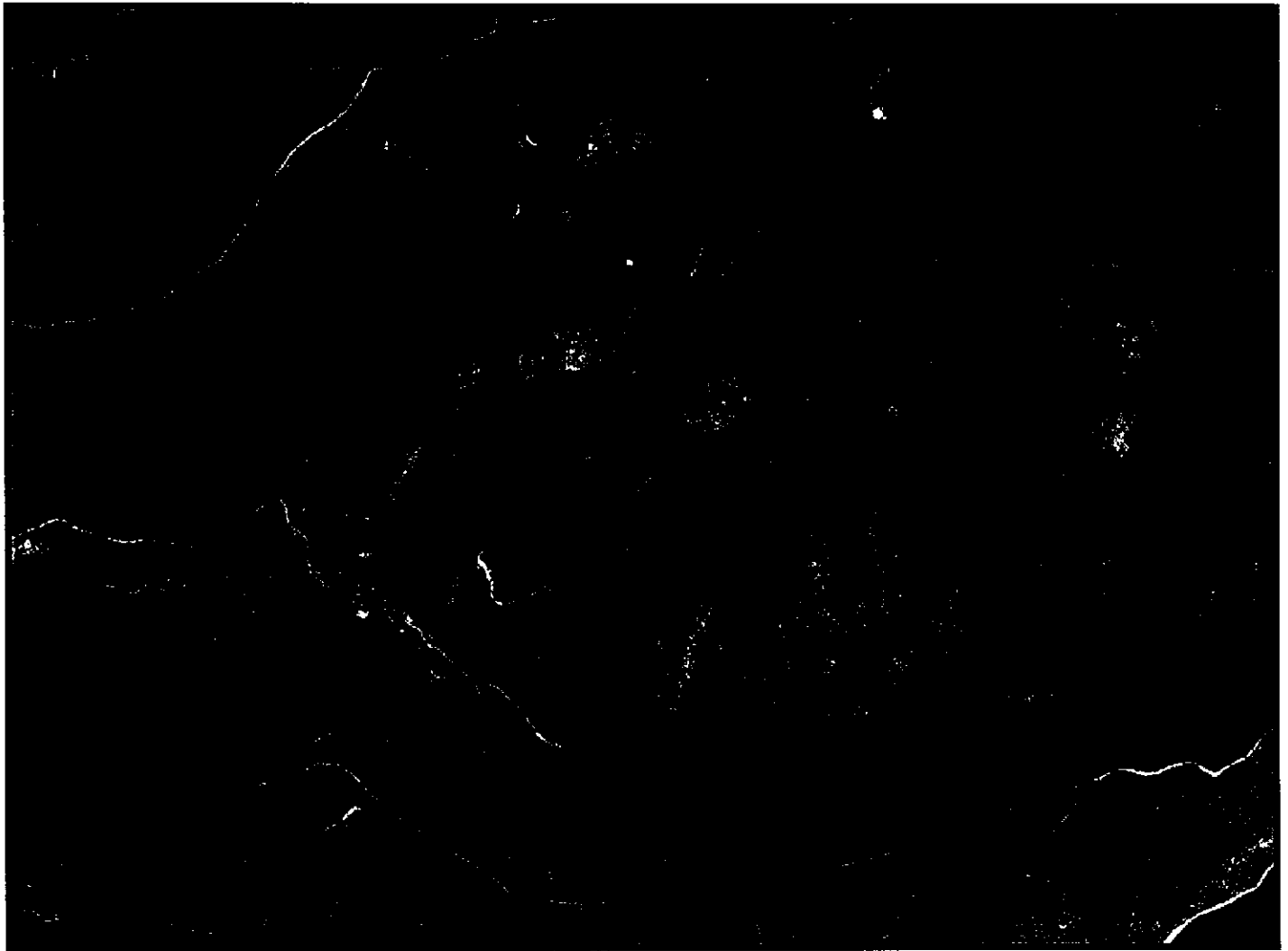
Prepared by: C. Saxton
Date: April 2004



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

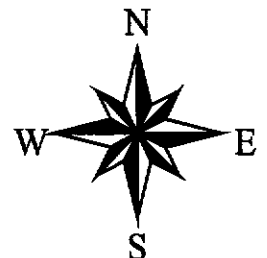


Quarter Quarter Lines



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 four 10,000 gallon tanks to get us through the summer as the creek dries up in June usually.

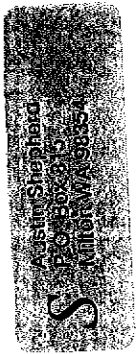
For proof you can see the Tunnel north of the road and a water hole we pump out of next and as you progress across the property will see the spring on the left. If you continue on the road you will pass the storage tanks. From the tanks you can see a small pond we use to fill the tanks. It need be. Usually 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 & uncle. 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

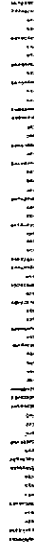
We expect to continue using our usual water supply til death do us part or dispose of the place.
Hope this meets your requirements.
Sincerely
Austin Shepherd



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

Attn:
Craig Saxton

83705+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

63-04396 & 63-04397
W. A. SHEPHERD
VIOLA M SHEPERT
PO BOX 815
MILTON WA 98354

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. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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



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?

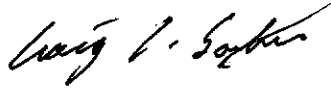
-If so, we need some sort of evidence of priority. I am enclosing a letter and a pamphlet that should explain what IDWR is looking for.

-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

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

Date of first receipt at office of State Engineer 10.00 a.m. March 14, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10047
 Recorded in Book 33 Page 10047 Approved March 21, 1914.
 This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.
 Bond in the sum of _____ to be filed on or before _____
 Work to begin on or before May 20, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
 One-fifth of the work above specified to be completed on or before September 21, 1914.
 The whole of said work to be completed on or before March 21, 1915.
 Beneficial use of water appropriated in accordance herewith, to be made on or before March 21, 1916.

Witness my hand this 21st day of March, 1914.

F. P. King,
 State Engineer.

Remarks:

Proof of completion of works made March 26, 1915.

Certificate of completion issued April 29, 1915.

Permit No. 10047

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Minnie E. Shepherd, of Kuna, County of Ada, and State of Idaho, the holder of Permit No. 10047, issued upon Application No. 14941, bearing date of priority of March 14, 1914, authorizing the diversion of one (1) second foot of the waters of Curlew Gulch, in Lot 2, Sec. 6, T. 3 N., R. 3 E.B.M., County of Ada, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use one (1) second foot of the waters of Curlew Gulch; that the point of diversion of said waters is at a point just above the falls in Lot 2, Sec. 6, T. 3 N., R. 3 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 3 and 4, Sec. 6, T. 3 N., R. 3 E.B.M., containing 60 acres.

Witness my hand this 29th day of April, A. D. 1915.

J. H. Smith,

State Engineer of the State of Idaho.

December 26, 1917.

Permit 13047.

Mrs. Minnie K. Shepherd,
Boise, Idaho.

Dear Madam:--

The report of our examining engineer, for proof of beneficial use of water under above permit, shows no lands to be under cultivation and no evidence of clearing or otherwise improving the property. Under these circumstances, your final proof under this permit could not be accepted. When the land has been cultivated and irrigated, you can again proceed with proof of beneficial use of water in the usual manner.

Very truly yours,

J. B. SMITH,

State Engineer.

By _____

10047

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. 10047/63-2233)
IN THE NAME OF Minnie E. Shepherd)

ORDER OF CANCELLATION

WHEREAS, the permit holder has failed to submit proof of beneficial use of water
due on March 21, 1916 ; and,

WHEREAS, on July 15, 1971, notice was sent to the holder of said permit
to appear before the Director of the Department of Water Administration on or before
August 24, 1971, to show cause why said permit should not be cancelled; and,

WHEREAS, the holder of said permit has failed to comply with the requirements of
said permit and has not shown adequate cause why such permit should not be cancelled;

IT IS THEREFORE ORDERED and Permit 10047/63-2233 is hereby CANCELLED.

Dated this 1st day of October, 19 71.


R. KEITH HIGGINSON
Director

63-2233

Permit No. _____

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

Thomas E. Shepherd 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. 22247 and that his postoffice address is Kama

State of Idaho

Second: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 31, 1915

Third: That the use for which said water is intended is irrigation and mining

Fourth: 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: small dam and ditch
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 2 feet, length of dam at top 12 feet, length of dam at bottom 12 feet. Material used in construction earth & stone

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir None acre feet.

(c) Size of headgate: Width None feet, height None feet.

(d) Conduit None ditch width at bottom 2 feet, width at water line 3 feet, depth of water 1 1/2 feet; diameter of pipe 7 1/4 inches;

average grade per mile is 3/4 feet. Length of conduit is 1 miles.

Fifth: That said works are capable of conducting to the place of intended use 1 second feet of water.

Sixth: That water appropriated under said permit is available for forty acres of land described as follows: lots 3 and 4, Sec. 6, T. 3 N., R. 3 E.

Seventh. Remarks: That

When used for mining the whole head is used.

Subscribed and sworn to before me this 26 day of March, 1915

My commission expires Nov 18 - 1916

Thomas E. Shepherd
(Sign here)

M. M. M. M.
Notary Public

1004

July 15, 1971

CERTIFIED MAIL

31395

Re: Permit No. 10047 (New No. 63-2233)

Minnie E. Shepherd
Boise,
Idaho

Dear Mrs. Shepherd:

It appearing to the Department of Water Administration that the terms and conditions of Permit 10047/63-2233 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on March 21, 1916, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before August 24, 1971, why said permit should not be cancelled.

Permit 10047/63-2233 claims the use of 1.0 cubic feet per second of water from Curlew Gulch the point of diversion was to be located within ~~the~~ Lot 2, Sec. 6, T. 3N, R. 3E, B.M. and the permit was approved March 21, 1914.

R. KEITH HIGGINSON
Director

63-2233

Lincoln, Nebraska Jan 2 1906

J. H. Smith

Omaha, Nebraska

Dear Sir: I herewith send notice
of proof of application of Water.

I am confused to know which there
are two State engineers owing to seeing
your name signed to your letter to
me and the name of T. P. King signed
to the notice. However, I will leave

it to you to correct any error in
the notice. I have made arrangements
to have the notice published in the
local paper in Lincoln, which has been
established a proper period of time to re-
ceive legal notices.

Very truly,

Miner E. Shepherd

10047

RECEIVED

6 JAN 4

OFFICE OF STATE ENGINEER

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

July 15, 1971 CERTIFIED MAIL

Re: Permit No. 10047 (New No. 63-2233)

Minnie E. Shepherd
Boise,
Idaho

Dear Mrs. Shepherd:

It appearing to the Department of Water Administration that the terms and conditions of Permit 10047/63-2233 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on March 21, 1916, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before August 24, 1971, why said permit should not be cancelled.

Permit 10047/63-2233 claims the use of 1.0 cubic feet per second of water from Curlew Gulch,
the point of diversion was to be located within ~~the~~ Lot 2, Sec. 6, T. 3N,
R. 3E, B.M. and the permit was approved March 21, 1914.


R. KEITH HIGGINSON
Director

63-2233

REPORT OF ENGINEER

Dist. 2 H

1. State name of applicant and number of permit: Minnie E. Shepherd - No. 10047
2. State source of water supply: Curlew Gulch
3. Location of point of diversion: Lot 2 Sec. 6, T.3 N.R. 3 E.B.M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: No

5. Describe works as they exist, giving dimensions and capacities of same:

Canal $\frac{1}{4}$ mile long bottom width 1 ft. Top width 1 ft. 6 in.

grade, etc. depth 6 in. Capacity 1 sec. ft.

The diversion works were never built and the portion constructed of the above mentioned canal is the middle portion. It would be impossible to pass water through the canal at present.

6. State whether or not water has been turned into works of diversion: No

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

The canal was probably intended to water about 10 acres each in lots 3 and 4 of Sec. 6 T.3 N.R.3 E.

There are no lands under cultivation and no visible evidence of clearing or other work improving the property.

8. Submit map on enclosed plat, showing location and details of above description.

Remarks:

The place shows the appearance of being abandoned and no recent improvements were noted. A house stood on the property at some past time but has been removed.

This examination was made on the 22nd day of October 1917.

(Signed)

H. H. Palmer

Examiner

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None at all.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Saw water used two years ago to irrigate orchard and garden.

(Sign)

W. P. Richards

I hereby certify that the foregoing testimony was read to the above subscriber 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, in Boise, County of Ada,

State of Idaho, on this 20th day of March, A. D. 1916.

Clara M. Brown
Notary Public.

My Commission Expires Aug. 19, 1919.

10047

Permit No. 10047

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. W. L. Richards, over 41 years, Boise, Idaho, Real Estate Agent.

Ques. 2. Are you acquainted with Minnie E. Shepherd, the holder of Permit No. 10047? How long have you known ^{her} and where does he reside?

Ans. I am. For two or three years.

Ques. 3. Have you read or heard read said Permit No. 10047, and are you familiar with its provisions and conditions?

Ans. Have not read permit but am familiar with the water right.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water to point of diversion to place of use.

Ans. Curlew creek- Cannot exactly locate the point of diversion but it is close to the land to be irrigated. Small dam and headgate to divert the water. Ditch about 18 in. on bottom, about 2 1/2 feet on top. Will carry fully the amount of water applied for.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Have seen the water running in the ditch- but cannot estimate amount.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) 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 irrigation and domestic use and mining use.

About 10 or 12 acres can be irrigated- the rest is too high.

Water has also been used for placer mining purposes.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. For placer mining purposes.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam soil and very rich.

10047

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Two or three years ago this spring I saw water used on the
land for irrigation of the orchard and garden.

(Sign) Ell Jones

I hereby certify that the foregoing testimony was read to the above subscriber 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, in Boise, County of Ada

State of Idaho, on this 20th day of March A. D. 1916.

Elara M. Brown
Notary Public.

My Commission Expires Aug. 19, 1919.

10047

Permit No. 10047.....

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

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

Ans. E. W. Jones, over 21 years, Boise, Printer.

Ques. 2. Are you acquainted with Minnie E. Shepherd the holder of Permit No. 10047? How long have you known ^{her} him and where does he reside?

Ans. About 10 years - Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 10047, and are you familiar with its provisions and conditions?

Ans.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Curlew creek - Cannot give exact location of point of diversion. Small dam and headgate to divert water into ditch. Ditch is large enough to carry all the water necessary for the land but cannot give dimensions.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Have seen the ditch pretty well filled with water.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) 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. Irrigation - domestic use - Cannot estimate amount under cultivation but there is quite a good sized orchard and garden.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Placer mining purposes.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Black soil, very rich.

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

Ans. Water was first used in 1914 and 1915 to the extent mentioned before.

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. None.

(Sign)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe her to be the person she represents herself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho, on this 20th day of March, A. D. 1916.

Attest my hand and seal of office this 20th day of March, A. D. 1916.

Ernest E. Shepherd

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe her to be the person she represents herself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho on this 20th day of March, A. D. 1916.

Clara M. Brown

Notary Public for the State of Idaho, residing at Boise.

My commission expires Aug. 15, 1919.

PERMIT NO. 10047

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. Minnie E. Shepherd, over 41 years, Boise, Housewife, Boise.

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

Ans. Am acting for myself

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

Ans. No. 10047 - Priority - March 14, 1914.

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

Ans. Curlew creek - Just above the falls described in lot 2, Sec. 6, T. 3 N., R. 3 E. 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. Very small dam and headgate to divert the water -

Ditch about 18 in. to 2 feet on bottom, about 2 1/2 feet on top, will

average 1 ft. deep. Will carry all the water in the creek in ordinary flow.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each 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. Irrigation, domestic and mining - In Lot 3 - about 10 or 12 acres.

Mining in Lot 4.

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

Ans. For Placer mining purposes.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. Will require an inch to the acre.

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.

10047

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the Twentieth day of March, 1914,
at Boise, County of Ada, State of Idaho,
before J. H. Smith State Engineer, proof will be submitted
of the application to beneficial use of one ^{foot} cubic foot per second of the waters of
Curlew Creek in accordance with the terms and conditions of Permit No. 10047
heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Winnie
E. Shepherd, Hues, Idaho.

2. The use to which said water has been applied is for irrigation and mining

3. The amount applied to beneficial use is one cubic foot per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
Lot 3 and 4, section 6, Twp. 3 N., Range 3 East,
Boise meridian

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
Shepherd ditch

6. The right to take the water from such works is based upon Permit No. 10047

7. The source of supply from which such water is diverted is Curlew Creek

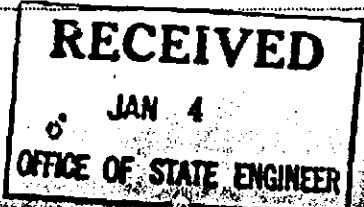
8. The date of the priority which said user is prepared to establish is March 14th, 1914.

J. H. Smith

State Engineer.

10047

A. C. & CO. 10047



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

Jan. 1st 1916

(P. O.)

Kuna, Idaho.

To the State Engineer,

Boise, Idaho.

Dear Sir,

You are hereby authorized to have the attached notice published at my expense in the

Kuna Herald, of *Kuna, Idaho.*, published in the

in which the works are situated.

Minnie E. Shepherd

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

RECEIVED

JAN 4

OFFICE OF STATE ENGINEER

10047

Idaho Department of Water Resources

1987 Napp Photo



Claim Number: 63-04397

Legal: T3N, R3E, S6

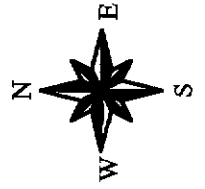
Reviewed By:

☉ Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines



0 0.25 0.5 0.75 Miles