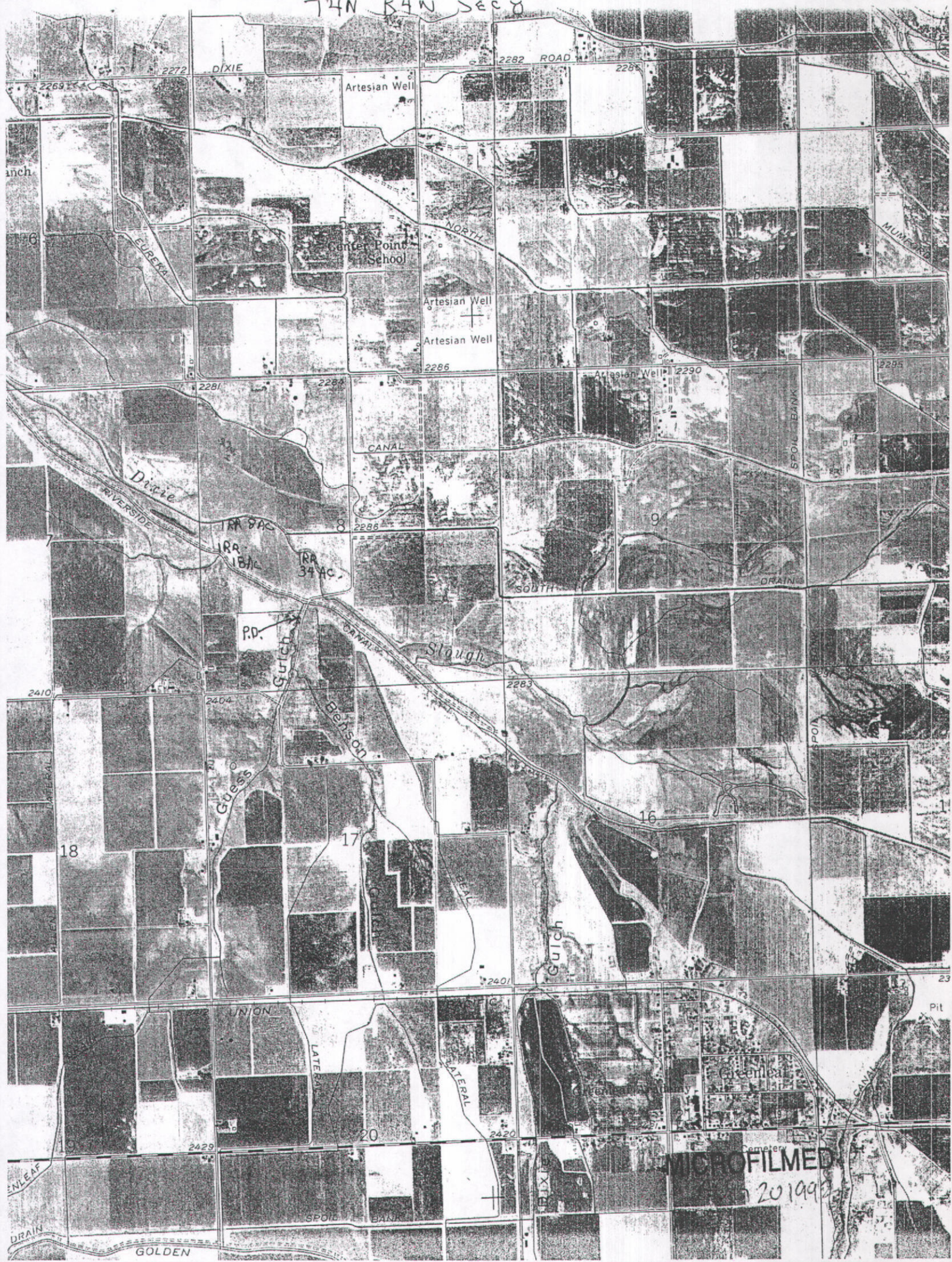


74N 84W SEC 8



MICROFILMED
201992



Idaho Department of Water Resources

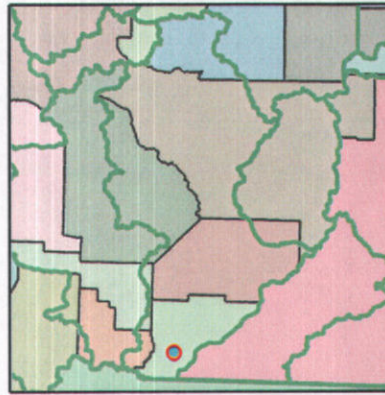
SRBA Recommendation:

63-4821

Acres = 53.4

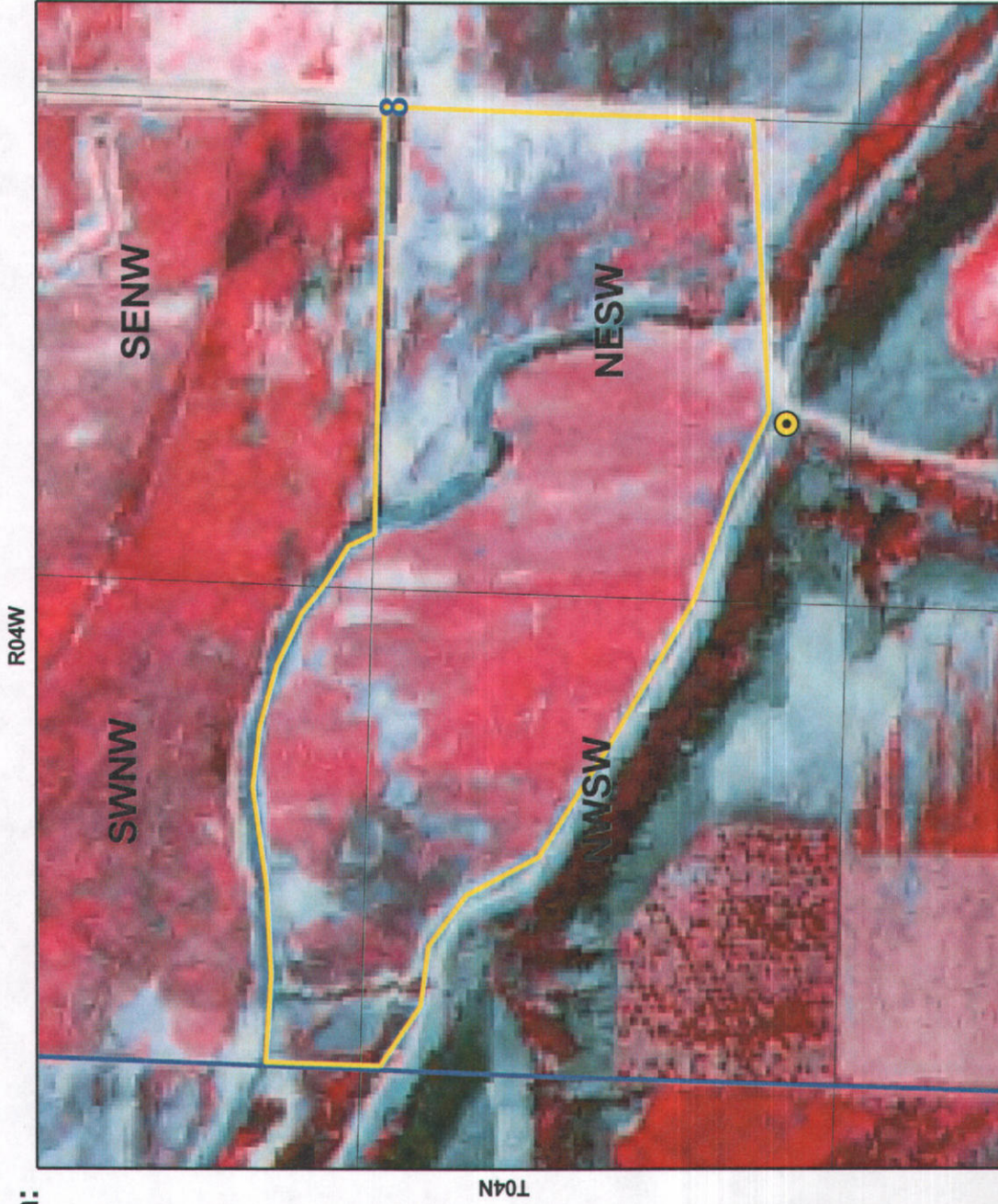
Legend

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



Canyon County
IDWR Basin 63

Prepared by K. Walker
On Friday, June 23, 2006
1987/88 Aerial Photography



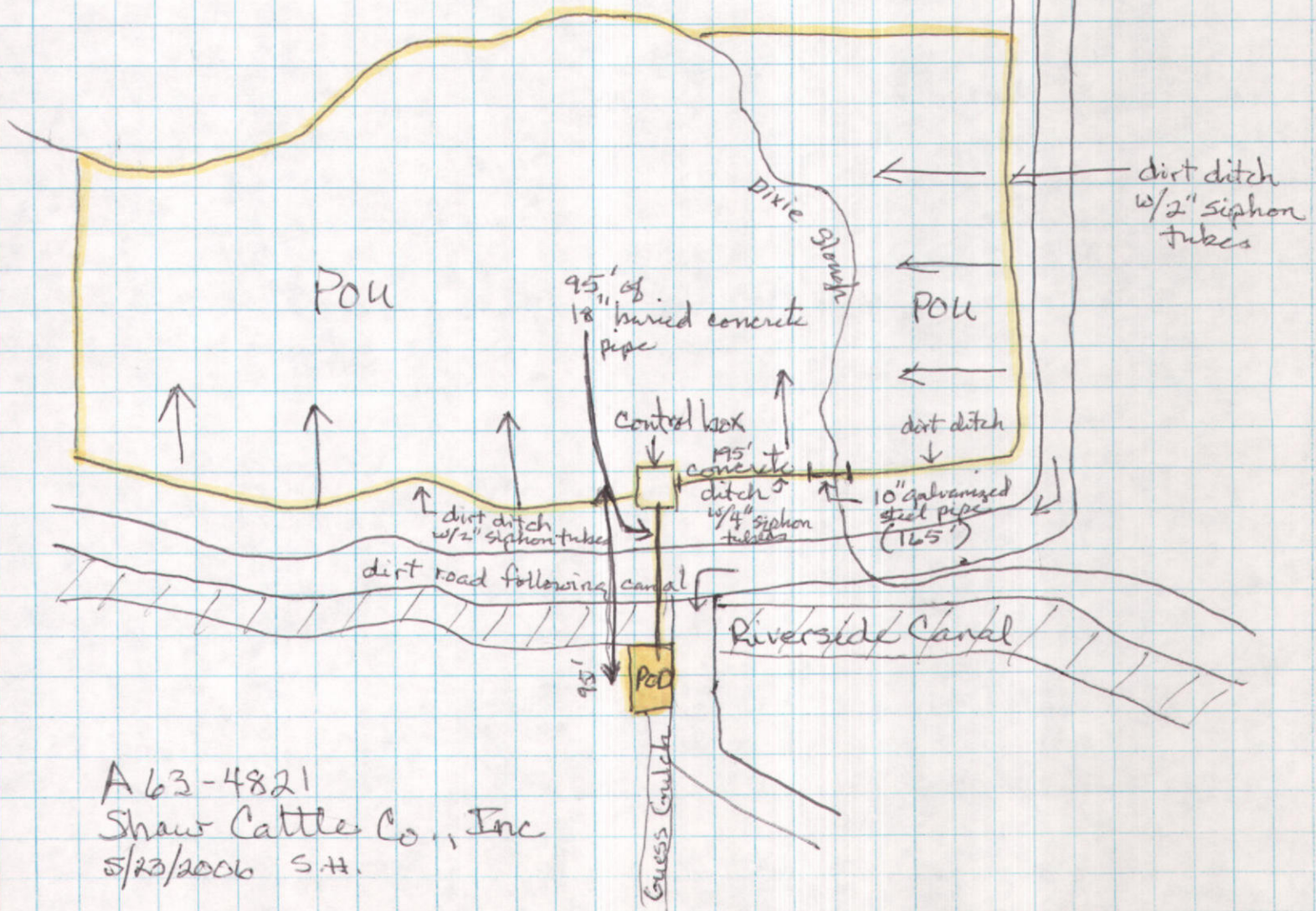
N ↑

POD: 0.08 miles
from Howe + Tucker Rd
intersection (west side after
crossing canal)
POU: Fields directly north

Texas Rd

Howe Rd

Tucker Rd



A63-4821
Shaw Cattle Co., Inc
5/23/2006 S.H.



79.96 acres

54.56 acres

SWNE

NWSE

SWSE

SENW

NESW

SESW

SWNW

NWSW

SWSW

dirt ditch w/ 2' siphon tubes

dirt ditch w/ 2' siphon tubes

moved to 13th bridge



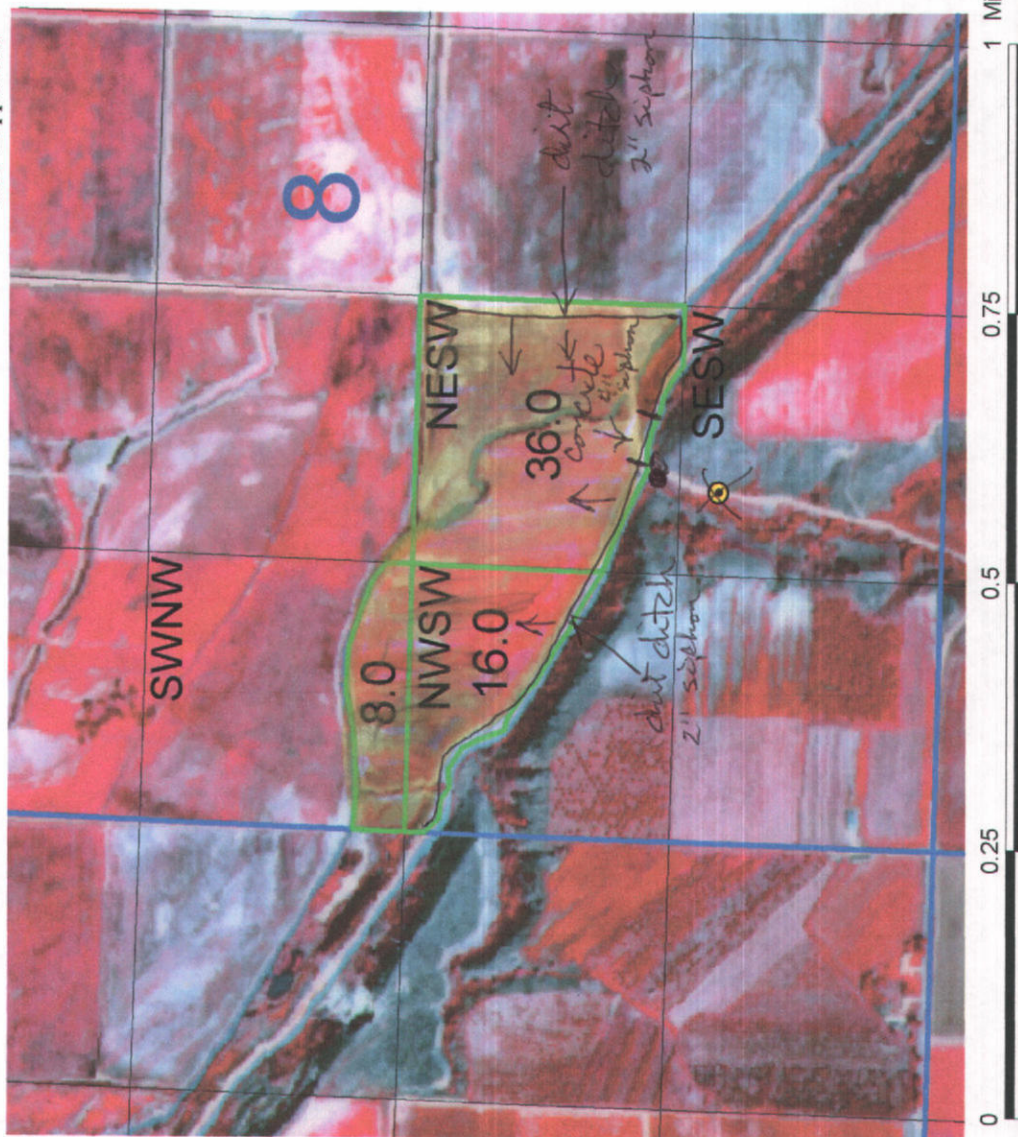


Alb 3-4871 Shaw Cattle Co. Inc. 5/23/2006 S.H

Idaho Department of Water Resources

Claim Number: 63-04821
 Legal: T04N, R04W, S08
 Reviewed By:

1987 Napp Photo



 Point of Diversion

 Place of Use

 Section Lines

 Quarter Quarter Lines





POD

check.
Placed in
Guess
Gulch,
95' of
18" concrete
pipe
buried to
concrete
control box

5/23/2006



POD

check
placed in
Guess
Gulch

5/23/2006 S.H.

A63-4871 Shaw Cattle Co. Inc.

dirt
ditch
for irrigating
fields to
the west.
2" siphon
tubes, tarps
to dam up
area for
increasing
flow;
gravity
flow
south to
north



Concrete
control
box

195'
concrete
ditch
running
east

23/05/2006

5/23/2006



195'
concrete
ditch
running
east w/
4" siphon
tubes,
gravity
flow south
to north

23/05/2006

5/23/2006 S.H.

A63-4821 Shaw Cattle Co. Inc.

field irrigated on east
side of slough



23/05/2006

slough →

165'
concrete
ditch

concrete
control
box

5/23/2006 S.H.

A63-4871 Shaw Cattle Co. Inc.



23/05/2006

concrete
control
box

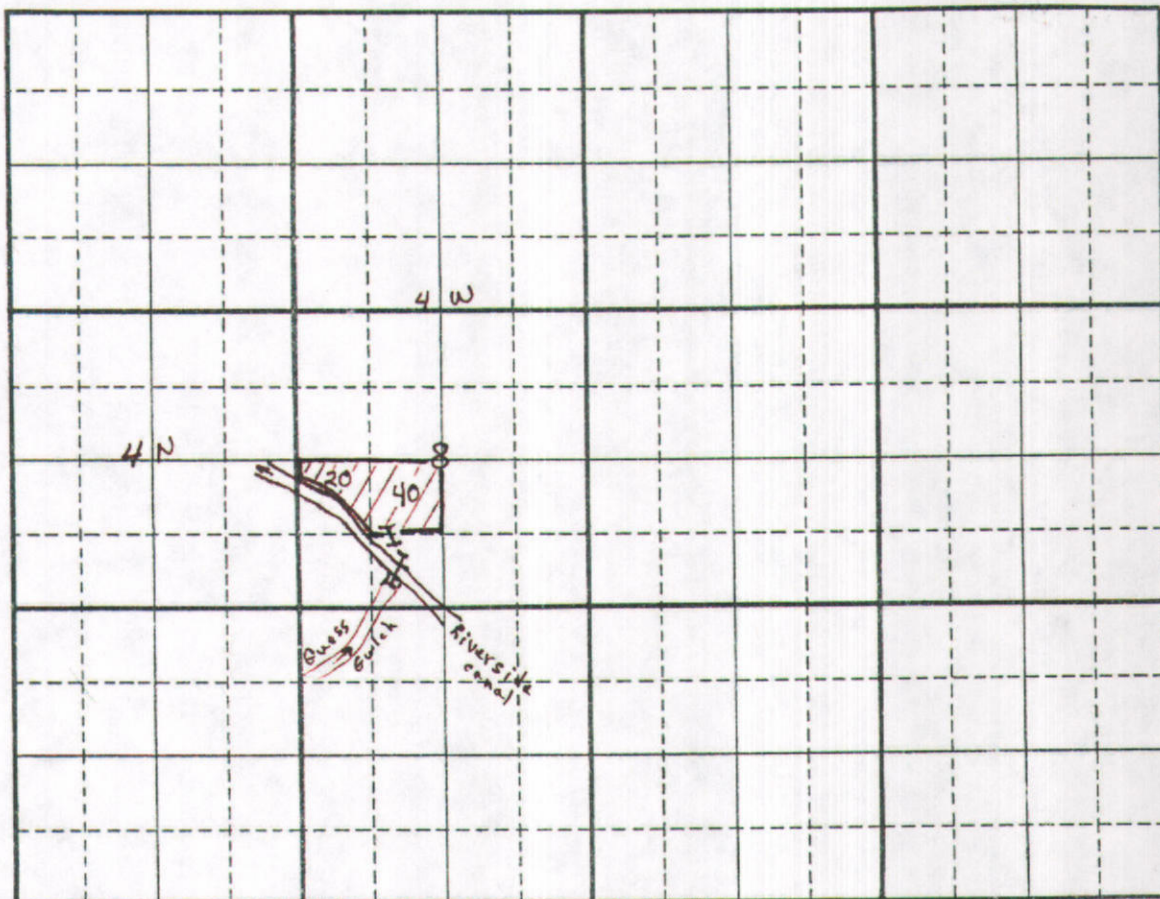
5/23/2006 S.H.



5/23/2006 S.H.
A63-4821 Shaw Cattle Co. Inc.

165'
10" galvanized
steel pipe
crossing
Dixie Slough
to dirt ditch
going east
then north
w/ gravity
flow east
to west

(8) Remarks _____

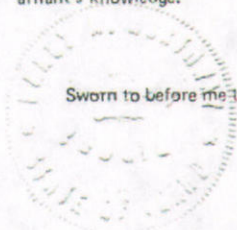


Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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



Sworn to before me this 14 day of September, 19 81.

Tom E. Shaw
(Claimant)

Nancy M. Hathway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by mm Date 9-14-81 Exception filed by: _____ Date _____
Prelim. check by mm Date 9/21/81 Forwarded to claimant by: _____
\$20.00 fee received by mm Date 9-14-81 #20211
Published in Boise Tribune
Dates 10/1 - 10/8/81

MICROFILMED

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: A63-04821
Date Received: 3/08/1990
Receipt No: C015410
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHAW CATTLE CO., INC. 208-459-3029
Address: 23020 HOWE RD.
CALDWELL, ID 83605

2. Date of Priority: JAN 01, 1922

3. Source: GUESS GULCH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	8	NW	SE	SW		CANYON

5. Description of diverting works:
CHECK IN CREEK W/DITCH & PIPE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIG.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	8	SW	NW		IRR	8.0
			NE	SW		IRR	34.0
			NW	SW		IRR	18.0

Section Acres 60.0

A63-04821

Page 1

Date: 03/08/90

MICROFILMED

AUG 20 1992

10. Place of Use: Continued

Total Acres 60.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
N/A

14. Remarks:

THIS RT. IS CLAIMED HERE WITH P/U SLIGHTLY DIFFERENT IN ARRANGEMENT THAN THAT ORIGINALLY CLAIMED, BECAUSE OF SLIGHT CHANGES IN LAND & FIELD USED. THE ACREAGE TOTAL AND THE AMOUNT OF FLOW REMAINS UNCHANGED FROM THAT ORIGINALLY CLAIMED.

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 ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Pres. of Shaw Cattle Co. Inc. that I have signed the foregoing document in the space below as Pres. of Shaw Cattle Co. Inc. and that the statements contained in the foregoing document are true and correct.

Serg. Shaw
Signature of Authorized Agent
Pres. Shaw Cattle Co. Inc.
Title and Organization
3/8/1990
Date

State of Idaho)
County of ADA) SS.

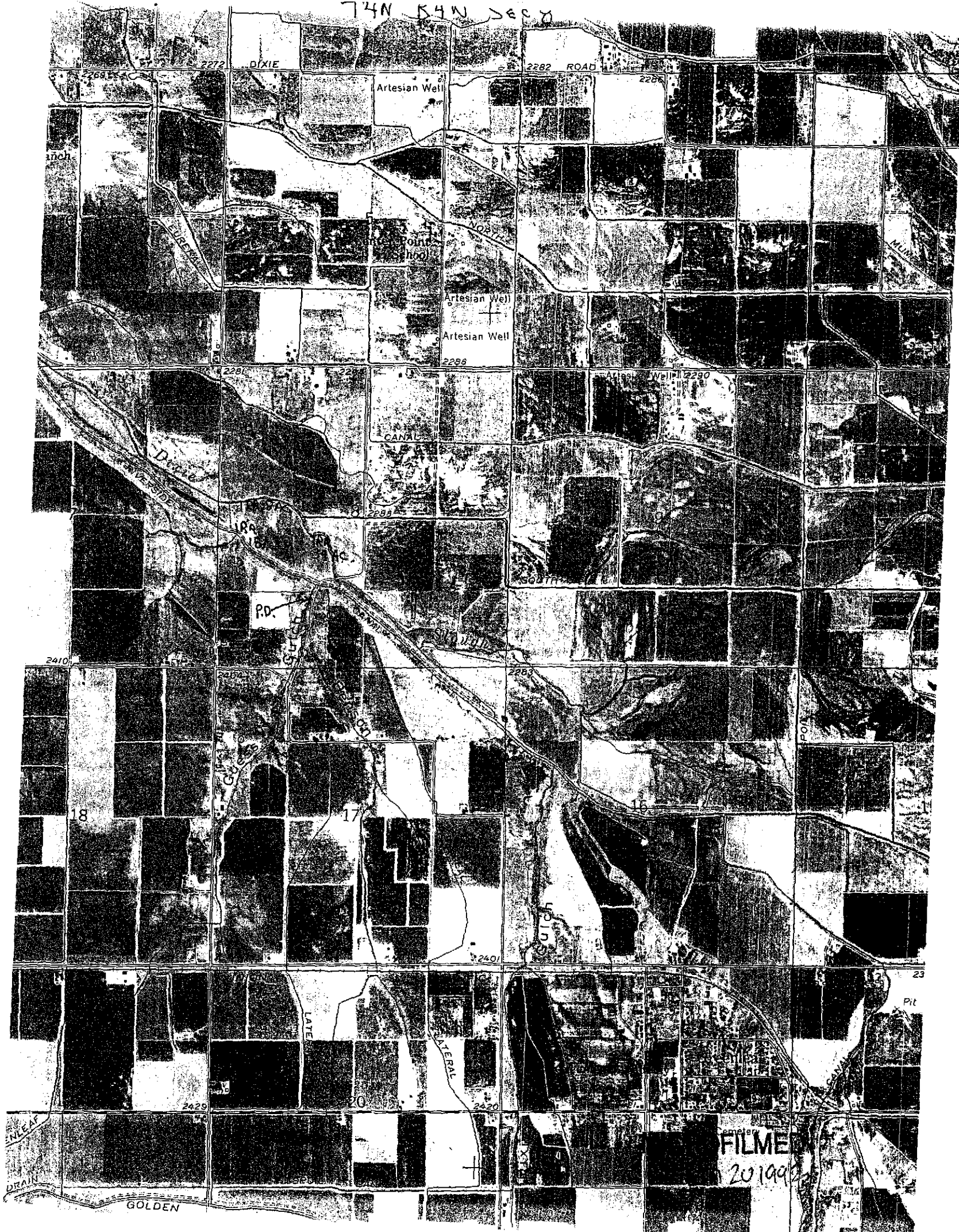
Subscribed and sworn (or affirmed) before me this 8th day
of MARCH 19 90

Forrest E. Luthy
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

74N 54N Sec 8



FILMED

201993

GOLDEN

RECEIVED

AUG 30 2007

DEPARTMENT OF
WATER RESOURCES

Michael P. Lawrence [ISB No. 7288]
Deborah E. Nelson [ISB No. 5711]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for the Shaw Cattle Co., Inc.

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

Sub Case No.: 63-4821

NOTICE OF APPEARANCE

YOU WILL PLEASE take notice that Michael P. Lawrence of the firm Givens Pursley LLP, hereby enters his appearance as attorney of record for claimant Shaw Cattle Co., Inc. in the above entitled action.

DATED this 28th day of August, 2007.

Respectfully submitted,

GIVENS PURSLEY LLP

By



Michael P. Lawrence
Deborah E. Nelson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th of August, 2007, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

David W. Gehlert
Attorney for E. Gail McGarry of
Department of Interior; BOR
U.S. Department of Justice
Environment & Natural Resource Division
1961 Stout Street - 8th Floor
Denver, Co 80294

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Albert P. Barker
Attorney for Wilder Irrigation District
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Suite 102
Boise, ID 83702

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail



Michael P Lawrence

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 63-4821

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

RECEIVED

Please fill in the following information:

JUN 1997
DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Shaw Cattle Co. Inc.

Address: 23020 Howe Rd.

Caldwell, ID 83607

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: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District. Should be Pipe Gulch waste way Tributary to Riverside Canal.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Land Subject to Wilder Irrigation Water Right
- 10 ☐ **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 OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District. The place of use is covered by an existing Wilder Irrigation District water right, which is the primary water right for the place of use.

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada)ss.

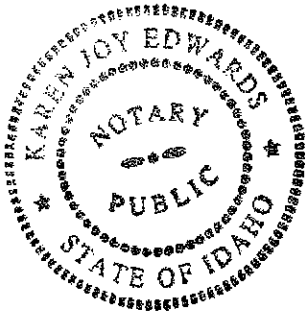
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

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 JUN 18 2007, 200 , 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
PO Box 2707
Twin Falls, ID 83303-2707

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

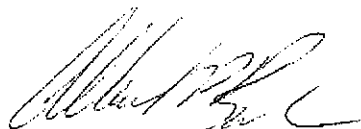
Name: Shaw Cattle Co. Inc.
Address: 23020 Howe Rd.
Caldwell, ID 83607

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

09/29/2006

NOTICE OF ERROR
REPLY

RECEIVED

NOV 03 2006

DEPARTMENT OF
WATER RESOURCES

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: October 31, 2006

Water right number: 63-4821

SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL ID 83607
Telephone Number: (208)459-3029

RECEIVED

NOV 01 2006

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:

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

DATE: 10-26-06 SIGNATURE: Greg Shaw
Please print your name: GREG SHAW

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

Vpw

06/23/2006

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

RIGHT NUMBER: 63-4821

NAME AND ADDRESS: SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL ID 83607

SOURCE: GUESS GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.070 CFS

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION:

T04N R04W S8 SWNESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.070 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S08	SWNW	8.10	T04N R04W S08	SESW	0.30
T04N R04W S08	NESW	31.00	T04N R04W S08	NWSW	14.00

53.4 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

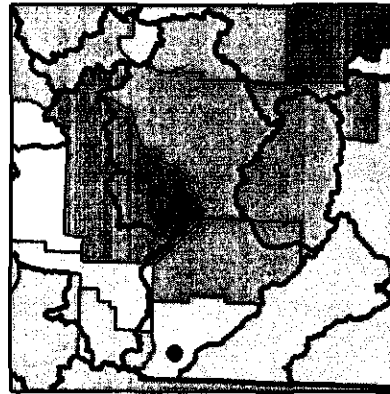
SRBA Recommendation:

63-4821

Acres = 53.4

Legend

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



Canyon County
IDWR Basin 63

Prepared by K. Walker
On Friday, June 23, 2006
1987/88 Aerial Photography

R04W



T04N

0 0.2 0.4 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4821

WATER RIGHT NUMBER: 63-4821 ✓

Owner Type Name and Address
 Current Owner SHAW CATTLE CO INC
 23020 HOWE RD
 CALDWELL, ID 83607
 (208)459-3029
 Original Owner SHAW HEREFORD RANCH INC
 22993 HOWE RD
 CALDWELL, ID 83605
 (208)459-4980

Priority Date: 01/01/1922 ✓

Basis: Statutory Claim

Status: Active

Source

GUESS GULCH CREEK

BOISE RIVER

Beneficial Use

IRRIGATION ✓

From To
3/15 to 11/15Diversion Rate

4.200 CFS

Annual VolumeTotal Diversion:

1.200 CFS

Location of Point(s) of Diversion

GUESS GULCH CREEK

CANYON County

SW NE SW

NW 1/4 SE 1/4 SW 1/4

Sec. 8, Twp 04N, Rge 04W, B.M.

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	8	8.1	0.3	34.0	18.0	60.0

Total Acres: 60 ✓

Conditions of Approval:

1.

THIS RT IS CLAIMED HERE WITH P/U SLIGHTLY DIFFERENT IN ARRANGE- MENT THAN THAT
 ORIGINALLY CLAIMED, BECAUSE OF SLIGHT CHANGES IN LAND & FIELD USED. THE
 ACREAGE TOTAL AND THE AMOUNT OF FLOW REMAINS UNCHANGED FROM THAT
 ORIGINALLY CLAIMED.

Remarks:Comments:

53.4
~~54.5~~ ac
 $\times 0.02$
~~1.09~~ cfs
 $\rightarrow 1.07$ cfs
 1.068×1.07 cfs

use standard

N/A - surface water

Rec. by
 KW
 6/23/06

~~54.5~~
 53.4 ac
 per GIS
 shape

Field Exam Date 5/23/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED
JUN 12 2006

WATER RESOURCES
WESTERN REGION

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-04821

Owner: Shaw Cattle Co, Inc Phone No. (208) 459-3029

Current Address: 23020 Howe Rd. Caldwell, Id 83607

☒ No change NAME IS THE SAME

☐ NEW OWNER

☒ No change Address

☐ NEW ADDRESS

☒ How long owned property? 1959

Accompanied by: Greg Shaw/President of Co.

PRIORITY DATE

☒ No change – Complete evidence submitted or not necessary

☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.

☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 11/1/1972

(If priority date, based on your exam, seems questionable, explain below.)

Source: Guess Gulch Tributary to Bowen River

☒ No Change – SAME SOURCE

☐ Source found is different than claimed:

POINT OF DIVERSION

☐ No change

☒ POD found is different than claimed: SW NESW

☐ If different, when did POD change? POD was not changed, in 1984 the type of delivery was changed. Instead of piped over the canal, they buried 18" concrete pipe under the canal. This was always the POD location.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

A0002120

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SW	NE	SW	8	4N	4W	Canyon	N 43° 41' 68.7 W 116° 50' 74.4

Description of diverting works

Check gate in Grass Gulch w/ 95' of 18" buried concrete pipe under Riverside Canal to concrete control box on north side of canal

OVERLAP REVIEW

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☐ No change

☐ Different Uses

* Change in cfs, due to change in acreage

Use Irrigation From 3/15 To 11/15 Amount 1.09 cfs - kw CFS 109.12 AFA 6/23/04

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☒ No change stockwater incidental to irrigation 40-50 pr. cattle
- ☐ Changes Exam found: Domestic # of homes _____ Stock # _____
- Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
- ☒ Changes shown below: Only number of acres irrigated, due to slough running through property + dirt road running along canal caused a reduction in acres irrigated.

Place of Use			NE					
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW
4N	4W	8						

Please ~~can~~ calculate actual acreage in each quarter-quarter. Greg agreed w/ total acreage shown on topo. map.

Thanks! ~~ST~~

		Totals
SW	SE	
		54.56

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: _____

Delivery System Narrative: Concrete check in Gueas Gulch 95' of 18" concrete pipe buried under Riverside Canal to concrete control box on north side of canal. Dirt ditch running east to west (on the south end of the property) with 2" siphon tubes, gravity flow south to north. 195' concrete ditch runs to the east on the south end of the property (2" siphon tubes, gravity flow south to north). The concrete ditch can either go to waste into the slough or be piped 165' across the slough through 10" galvanized steel pipe to a dirt ditch that runs to the east then north adjacent to Tucker Rd. (gravity flow east to west using 2" siphon tubes)

Dirt ditch to west fields use tarps to dam up ditch to increase flow through siphon tubes.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Greg's dad purchased house in 1959 & property in 1960.
No supplemental water utilized.

Changes in total acreage used was reduced to 54.56 acres, due to topo map indicating reduction from 60 acres to 54.56 acres. Greg Shaver agreed with changes due to slough running through property & road following canal. Livestock utilized same water as being irrigated. (Incidental to irrigation) 40-50 pr.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4W	8																	54.56

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: Concrete check in Gueas Gulch 95' of 18" concrete pipe buried under Riverside Canal 4" concrete control box on north side of canal. Dirt ditch running east to west (on the south end of the property) with 2" siphon tubes, gravity flow south to north. 195 concrete ditch runs to the east on the south end of the property (4" siphon tubes, gravity flow south to north). The concrete ditch can either go to waste into the slough or be piped 165' across the slough through 10" galvanized steel pipe to a dirt ditch that runs to the east then north adjacent to Tucker Rd. (gravity flow east to west using 2" siphon tubes)

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Gregs dad purchased house in 1959 + property in 1960.

No supplemental water utilized.

Changes in total acreage used was reduced to 54.56 acres, due to topo map indicating reduction from 60 acres to 54.56 acres. Greg Shaur agreed with changes due to slough running through property + road following canal.

Livestock utilized same water as being irrigated. (incidental to irrigation) 40-50 pr.

POD is located 0.08 miles south from Howe + Tucker Rd intersection, on the west side after crossing the Riverside Canal. POU are the field directly to the north, northwest + northeast of the POD.

Directions: 184, Ext 26 Notes, left Notes Rd (cross railroad tracks), go 1 1/2 miles + road makes a S, keep going west + road turns into Howe Rd, go 2 1/2 miles, white house at the corner of Howe Rd + Texas Rd.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

6-12-2006

FIELD EXAMINER:

Jandy Hemenway

4821 Shaw
Claim No. and Name: A63-28289 Luna
Inspection Date: 5/9/2006 - 5/23/04
Field Inspector: Sandy Hemenway

Measurements/Calculations:

Irrigation:

Confirmed acres irrigated: 54.56 acres x 0.02cfs = 109.12 cfs

= 1.0912 kw
4/20/06

Season 3/15 - 11/15 = 246 days

Required V.i.r = allowable acres under permit x requirement IDWR chart (figure 2)=

54.56 acres x 3.5 = 190.96 = 191.0 afa

Potential V.d.r. = max. allowable cfs x permit season x 1.9835 =

109.12 x 246 x 1.9835 = 53244.1 afa

Pipe Capacity:

18" buried concrete pipe = 8.83 cfs capacity

Background Information:

tarps used to back up water to increase flow for siphon tubes

steel gates used on concrete ditches (only one available, so could not time flow going from one section gated off to another; this was the only method of measurement available)

Orange Peel test:

Q=VA

V=ft. traveled/sec

A=height x width

H= 21", W = 78", 9 ft traveled, 3 seconds

V = 9ft/3sec. = 3.0 ft/sec

A = 6.5 ft. x 1.75 ft = 73.9375 ft squared

Q= 73.9375 ft squared x 3 ft/sec = 221.81 cfs

Livestock: (incidental to irrigation)

Confirmed Livestock: 40 - 50 pairs cattle

Table 1 Recommended Diversion Rate for Stockwater Exhibit 15A

51-100 cattle 0.03 cfs

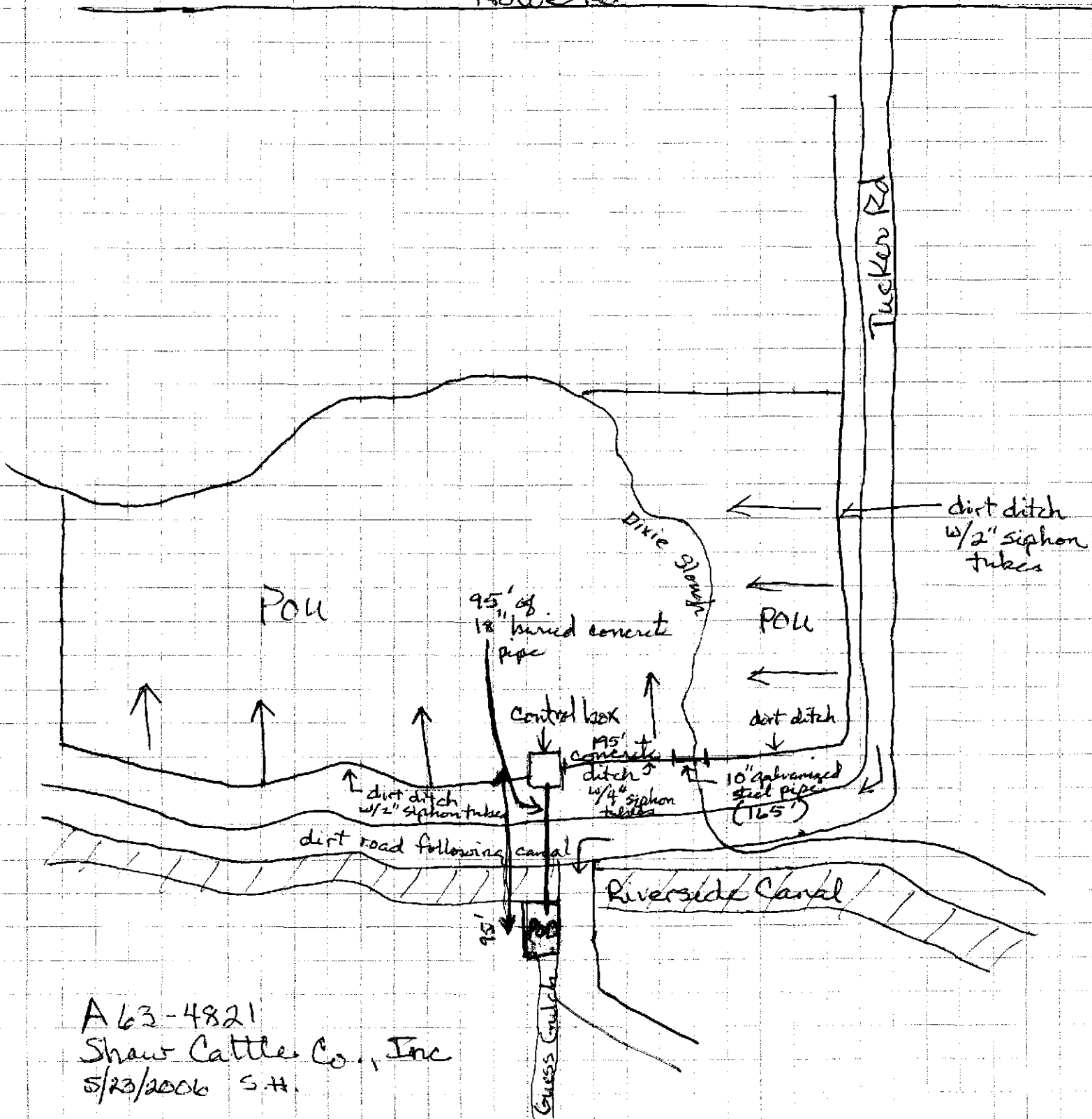
N ↑

POD: 0.08 miles
from Howe + Tucker Rd
intersection (west side after
crossing canal)
POU: Fields directly north

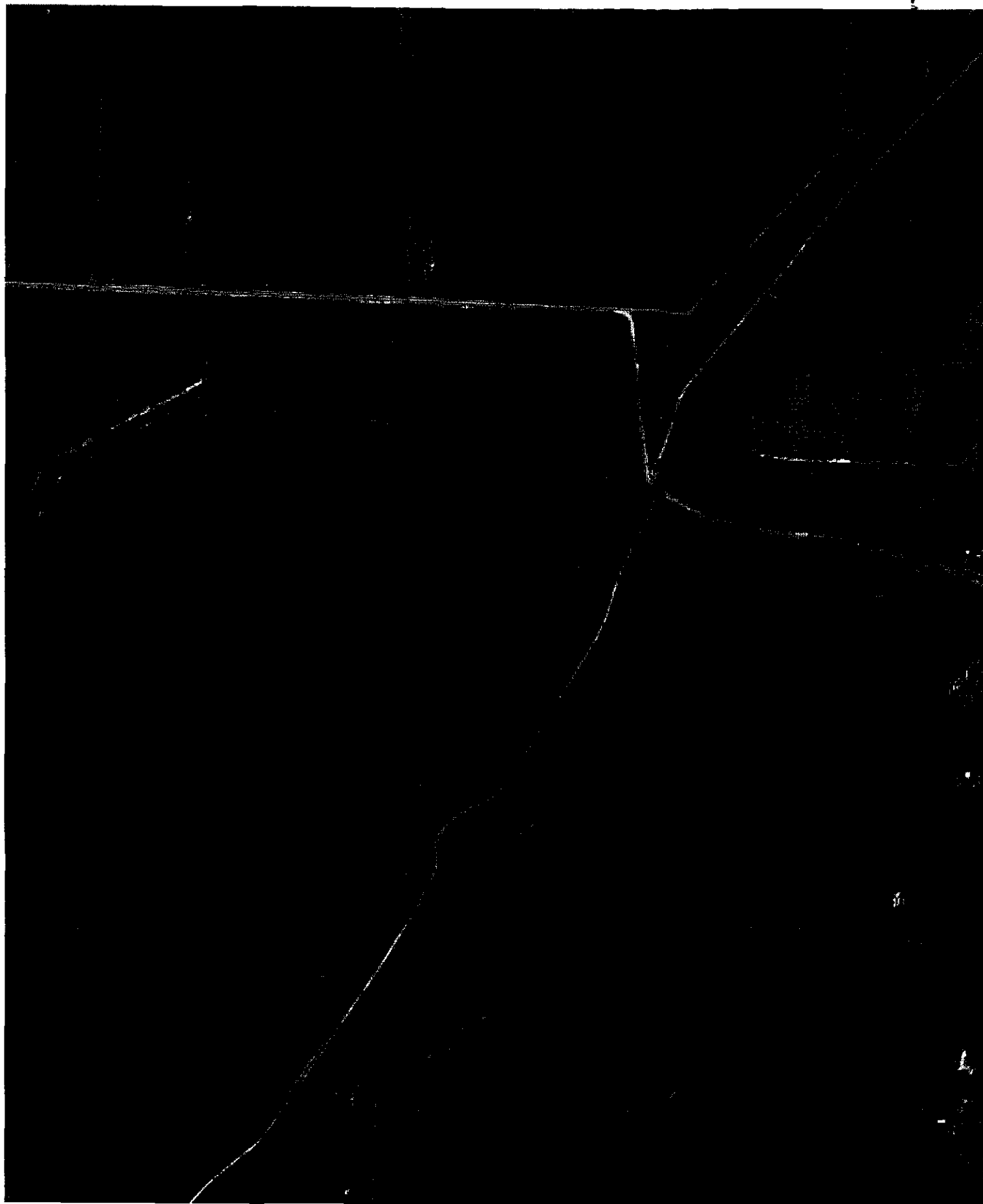
Texas Rd

Howe Rd

Tucker Rd



A63-4821
Shaw Cattle Co., Inc
5/23/2006 S.H.



A63-4821 Shaw Cattle Co. Inc. 5/23/2006 S.H.



A63-4881 Shaw-Cattle Co. Inc. 5/22/2006 5:21

Idaho Department of Water Resources

Claim Number: 63-04821
Legal: T04N, R04W, S08
Reviewed By:

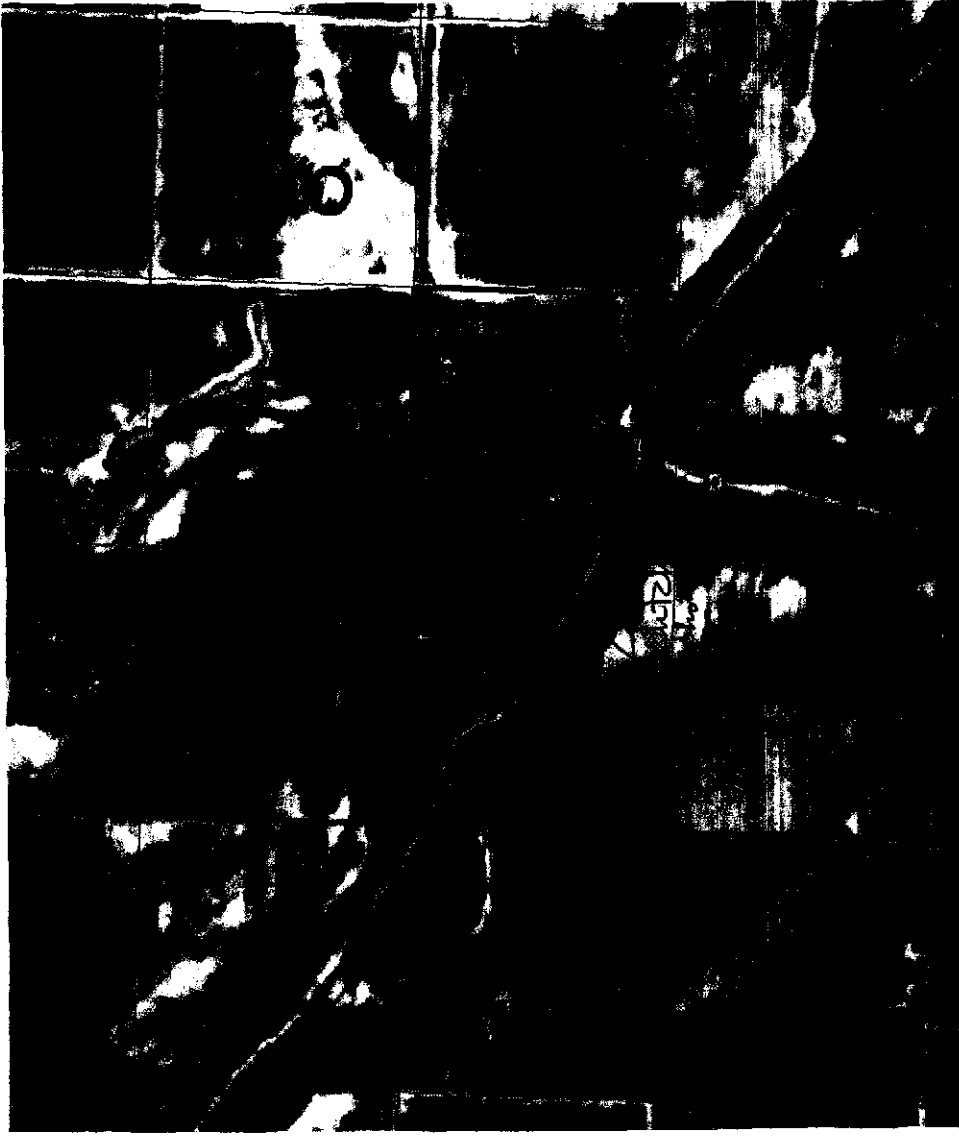
☒ Point of Diversion

Place of Use

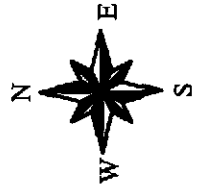
Section Lines

Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 0.75 1 Miles





POD

check.
placed in
Guess
Gulch,
95' of
18" concrete
pipe
buried to
concrete
control box.

5/23/2006



POD

check.
placed in
Guess
Gulch

5/23/2006 S.H.

A63-4871 Shaw Cattle Co. Inc.



dirt
ditch
for irrigating
fields to
the west.
2" siphon
tubes, tarp
to dam up
area for
increasing
flow by
gravity
flow
south to
north

5/23/2006

Concrete
control
box

195'
concrete
ditch
running
east

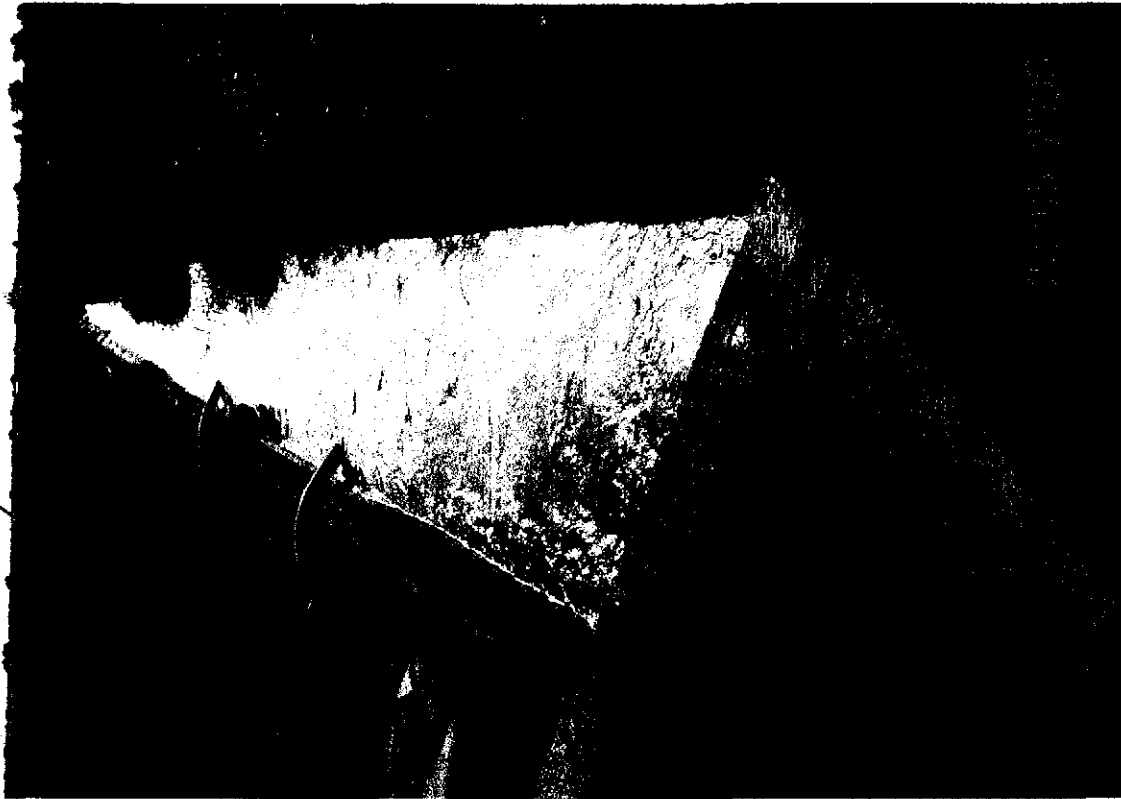


195'
concrete
ditch
running
east w/
4" siphon
tubes,
gravity
flow south
to north

5/23/2006 S.H.

A63-4821 Shaw Cattle Co. Inc.

field irrigated on east
side of slough

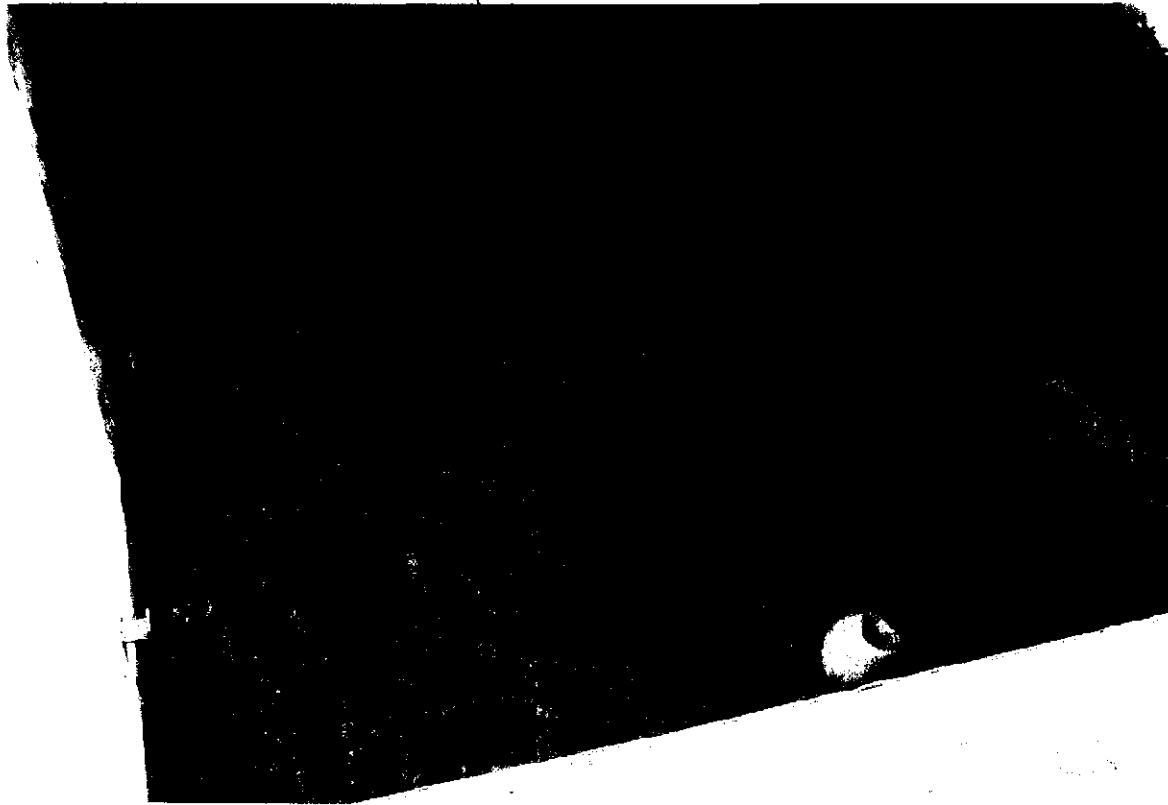


slough →

165' —
concrete
ditch

concrete
control
box

concrete
control
box



5/23/2006 S.H.

5/23/2006 S.H.
A63-4871 Shaw Cattle Co. Inc.



5/23/2006 S.H.
A63-4821 Shaw Cattle Co. Inc.

165'
10" galvanized
steel pipe
crossing
Dixie Slough
to dirt ditch
going east
then north
w/gravity
flow east
to west

Tues 5/23 7:30

A63-4821 Field Exam Request:
SHAW CATTLE CO., INC.

Sandy

Contact:

04/24/2006

Contact **Greg Shaw** at 459-3029 to set up a field exam.

Property Address:

Get directions from Mr. Shaw when you call to set up appointment.

Requests:

*Please verify **all the elements** of this right.

In addition, please verify:

- ✓ • **GPS the location of the diversion point.**
- ✓ • **1987 Aerial Photo:** Please draw the **60 acres** that are irrigated from Guess Gulch Creek in 1987 on the enclosed **1987 aerial photograph**. Draw the **diversion works** on the 1987 aerial photo.
- ✓ • **Capacity of System:** Verify that the claimed **1.2 cfs** is possible/applicable.
- ✓ • Does the Claimant use Ditch Company rights in conjunction with Guess Gulch Creek water on this 60 acres of irrigation? Possibly, Eureka Ditch Company? *No*

Kay Walker
287-4953
Sr. Water Resource Agent
IDWR – State Office via Western Region

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4821

WATER RIGHT NUMBER: 63-4821

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHAW HEREFORD RANCH INC 22993 HOWE RD CALDWELL, ID 83605 (208)459-4980

Priority Date: 01/01/1922

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GUESS GULCH CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/15	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

GUESS GULCH CREEK	SE1/4SW1/4	Sec. 8, Twp 04N, Rge 04W, B.M.
CANYON 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	
04N	04W	8									40.0	20.0							60.0

Total Acres: 60

Conditions of Approval:Remarks:Comments:

Receipt Details for ID C015410

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/8/1990 4:00:22 PM	3/8/1990	State	\$210.00	Check
Payer		SHAW CATTLE CO., INC.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2014			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$210.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4821		\$110.00	Claim
63	21422		\$25.00	Claim
63	21423		\$25.00	Claim
63	21424		\$25.00	Claim
63	21425		\$25.00	Claim

OK

Print Report

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4821**

02/02/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
222D	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
223K	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
4821	Claim	04N	04W	8	SW	NW		IRRIGATION	8/60	SHAW CATTLE CO INC
1361	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
1362	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
1363	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
4821	Claim	04N	04W	8	NE	SW		IRRIGATION	34/60	SHAW CATTLE CO INC
4821	Water Right	04N	04W	8	NE	SW		IRRIGATION	40/60	SHAW HEREFORD RANCH INC
4821	Claim	04N	04W	8	NW	SW		IRRIGATION	18/60	SHAW CATTLE CO INC
4821	Water Right	04N	04W	8	NW	SW		IRRIGATION	20/60	SHAW HEREFORD RANCH INC

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-04821

Date: 1-9-02

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	4W	8							8		34	18							60
-GIS										8		36	16							60
Claim																				
-GIS																				
Claim																				
-GIS																				
Claim																				
-GIS																				
Claim																				
-GIS																				

Number of POD's 1

Total Claimed Acres: 60

Overlapping POU Claim #'s:

63-21362

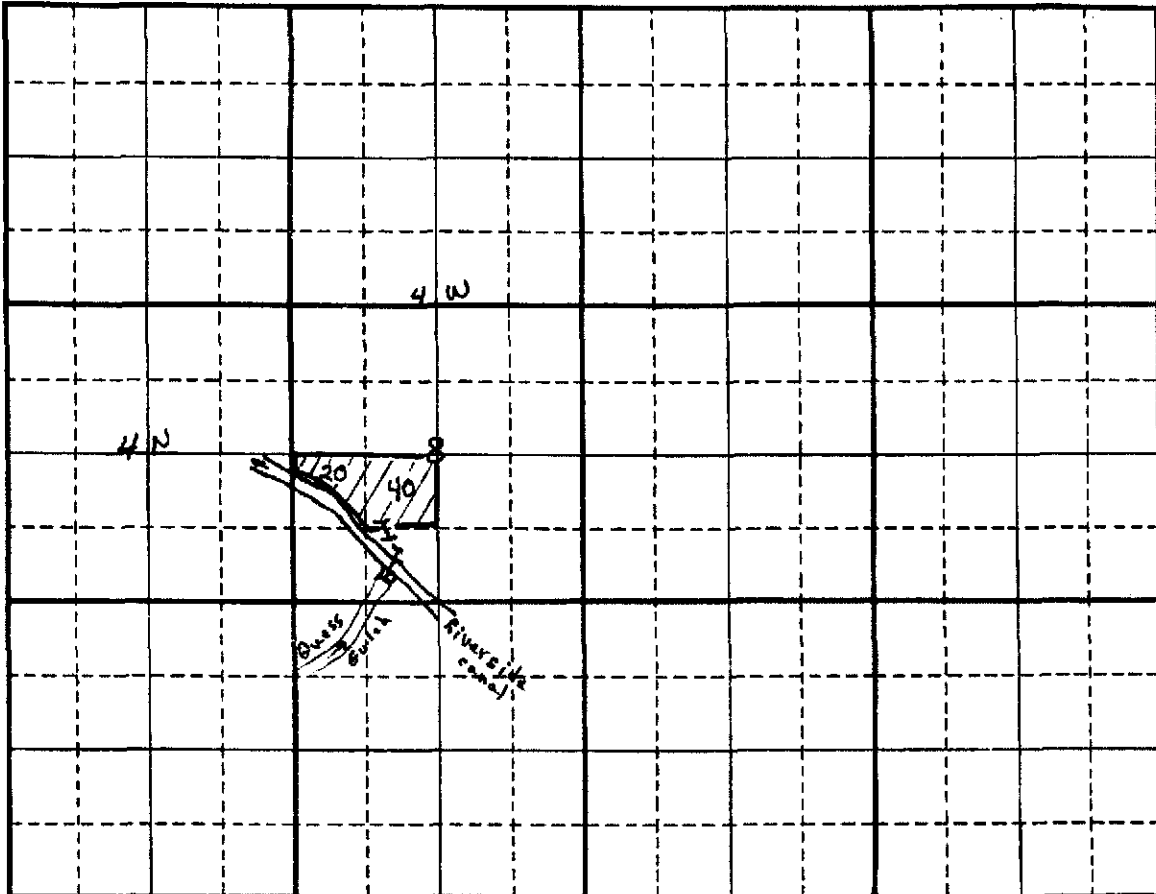
Total GIS Acres: 60

COMMENTS:

POU & POD per claim map/county boundaries
and image interpretation

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

(8) Remarks



Scale: 2 inches equal 1 mile.

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

State of Idaho

County of

Ada

) ss.

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

Sworn to before me this

14

day of

September

19 81

Tom E. Shaw

(Claimant)

Nancy M. Hathway

Notary Public

Residing at

Boise

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by

mm

Date

9-14-81

Exception filed by:

Forwarded to

Date

Prelim. check by

mm

Date

9/21/81

\$20.00 fee received by

mm

Date

9-14-81 #20211

claimant by:

Published in

Times Tribune

Dates

10/1 - 10/8/81

MICROFILMED

State of Idaho
County of

Evidence

being first duly sworn.

deposes and says:

To Whom It May Concern,

This pertains to the Water Rights on the following land.

I Floyd Fivecoat, sold Shaw Hereford Ranch, 60 Acres (more or less)
in Feb. 1972.

This property is in Canyon County with the following description,
(N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 8 T-4N R-4W) lying North of the Riverside Canal.

Mr. Mark Benson homesteaded in this location and was the first to
irrigate this property from the Benson & Guess Gulch.

Mr. Herlocker, who is the father of my wife Eva, owned and irrigated this property from the same source (Benson & Guess Gulch.) in the early twenties.

I had the lease or ownership of this property from 1922 until I sold it to the Shaws, and had irrigated from the Benson & Guess Gulch every year.

Floyd Fiveroat
(signature)

Subscribed and sworn to before me this 7 day of July 19 81

Darwin E. Smith
(notary public)

Residing at Wampy, Idaho
My commission expires Jan. 1-1946

DECLINED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 7, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL ID 83607

+ sent shapefile

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4821

Dear Claimants,

In the past, Tom Shaw submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. Mr. Shaw indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to 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 important that each element of the Notice of Claim 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.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by March 1, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.



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

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-4821

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.