

08/27/2004

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

RIGHT NUMBER: 79-7028

NAME AND ADDRESS: CONNIE J SHUCK
BOX 151
WHITE BIRD ID 83554

WILLIAM D SHUCK
BOX 151
WHITE BIRD ID 83554

SOURCE: WHITE BIRD CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/02/1970

POINT OF DIVERSION:

T28N R01E S14 NESW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	05/01 10/31	0.040 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

T28N R01E S14 NESW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Y.T.

8-27-04

This Notice was claimed as Beneficial Use as basis of claim. Evidence in file shows development took place prior to Application for Permit being filed.

Recommend 1970 Priority Date.

Recommend .04 cfs. Licensing exam estimated Q but Proof of Ben. Use had 52 gpm being pumped. Limit to 13,000 gpd

Recommend Period of use as claimed.

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: A79-07028
Date Received: 7/15/1988
Receipt No: W000588
Received By: RW

RECEIVED
AUG 24 1988

No. 1 enc.

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM D. SHUCK 208-839-2441
Address: BOX 151
WHITEBIRD, ID 83554

Name: CONNIE J. SHUCK 208-839-2441
Address: BOX 151
WHITEBIRD, ID 83554

2. Date of Priority: JUN 02, 1970

3. Source: WHITEBIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	14	NE	SW			IDAHO

5. Description of diverting works:
1.5 HP PUMP, 1.5" PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	05/01	11/01	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
1 DOMESTIC W/LAWN & GARDEN.

A79-07028

Page 1

Date: 08/04/88

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
28N	01E	14	NE SW		DOMEST	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s) William D Shuck

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): William D Shuck Date: 8-21-88
Connie J Shuck Date: 8-21-88

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of aug 19 88

Patricia M. Cope
Notary Public

Seal

Residing at White Birch
My Commission Expires 10-3-88

RECEIVED

Form No. 42-1409 (2) b 1/88

AUG 24 1988

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
Department of Water Resources
Western Regional Office

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CIVIL CASE NUMBER: 39576

Ident. Number

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Date Received

Receipt Number

RECEIVED
JUL 20 1988

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED
JUL 15 1988

Department of Water Resources
Western Regional Office

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25 Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) William and Connie Shack Phone 208 839-2441

Mailing Address Box 151 White Bird, Idaho Zip 83854

2. Date of Priority (Only one (1) per claim) 6-2-1970 (8-16-73 vic.)

3. Source of water supply (a) White Bird Creek
which is tributary to (b) Salt Salmon River

4. Location of point of diversion is: Township White Bird Range Everest St.

Section 14, 28N 1/4 of NE 1/4 of SW 1/4, Govt. Lot 1E, B.M.,

County of Idaho Tax No. 85 LOT 12 Less E 20'
BLK 2

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. pump 12 hp 1 1/2 Pipe

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

(Both dates are inclusive)
For Domestic purposes from 5-1- to 11-1 amount .04 (cfs)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) 1 household lawn and garden

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Copies: White State, Yellow-Claimant

OCT 06 1992

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
D 28N	1E	14									DOM							

11. In which county (ies) are lands listed above as place of use located? Idaho

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ☒

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

Decree _____
If applicable provide IDWR Water Right Number 79-7028
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) William D Shuck Date 7-13-88
Connie J Shuck Date 7-13-88

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of Aug 19 88

SEAL

Notary Public Patricia M. Cope
Residing at White Bird

My Commission Expires 10-2-93

Last Name Shuck Ident No. _____

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OCT 06 1992

WATER RIGHT LICENSE

License of Water Right No. 79-7028 Priority August 16, 1973 Amount 0.016 cfs
THIS IS TO CERTIFY, that WILLIAM D. & CONNIE J. SHUCK
of Whitebird, Idaho, has complied with the terms and conditions of Permit

No. 79-7028 issued pursuant to Application for Permit dated August 15, 1973,
and has submitted proof to the Department of Water Resources on October 2, 1974 (late proof)
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.016 cfs of water from Whitebird Creek
tributary to the Salmon River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>Oct, 15</u>	at <u>0.016</u> cfs and	<u>3.2</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.016 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3.2 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 14,

Twp. 28 N, Rge. 1 E, B. M. in the County of Idaho

Description and location of place of use:

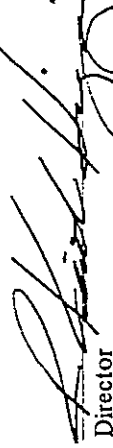
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
28 N	1 E	14									0.8								0.8

Total number of acres irrigated 0.8

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8 day of September, 19 75.


Director

A79-07028



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

August 4, 1988

R. KEITH HIGGINSON
Director

RE: SRBA Claim (Domestic)

William and Connie Shuck
Box 151
White Bird, ID 83554

SUBJECT: Incomplete Claim Form

Dear Mr. & Mrs. Shuck:

This will acknowledge the receipt of the above referenced Notice of Claim on July 15, 1988.

We are not able to file this claim due to the fact that it has not been notarized, and/or completed.

Please note, the priority date claimed (item #2) is an earlier date than the priority date on License #79-07028(8/16/73). This is acceptable, however you will be required to provide proof to substantiate the earlier priority date in the future. Item #4 was incomplete and I have transferred this information from your license to a computer generated claim form which I have enclosed.

Therefore, I am returning claim form #A79-07028 and a computer generated form for you to complete and return to this office within 30 days. Please return both claim forms, and be sure that the computer generated form is signed and notarized. You may retain the yellow copies for your records. Also enclosed is your receipt for \$25.00.

If you have any questions regarding this matter, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading "Robert B. Whitney", is written above the typed name.

Robert B. Whitney
Sr. Water Rights Agent
Adjudication Section

RW:sl
Enclosures

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OCT 06 1992

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
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CIVIL CASE NUMBER: 39576

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Date Received _____

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TO A
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Where Daily Use is less than 13,000 gallons per day. Filing fee \$25 Department of Water Resources

Department of Water Resources
Western Regional Office

RECEIVED
JUL 15 1988

Please type or print clearly

1. Name of Claimant (s) William and Connie Shack Phone 208 839-2441Mailing Address Box 151 White Bird, Idaho Zip 838542. Date of Priority (Only one (1) per claim) 6-2-1970 (8-16-73 Lic.)3. Source of water supply (a) White Bird Creek
which is tributary to (b) Salt Salmon River4. Location of point of diversion is: Township White Bird Range EVEREST ST.Section 14, 28N 1/4 of NE 1/4 of SW 1/4, Govt. Lot 1E, B.M.,County of Idaho

Tax No. 65 LOT 12 L-SS E 20'
BLK 2

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
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For _____ purposes from _____ to _____ amount _____

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Copies: White-State, Yellow-Claimant

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TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
28N	1E	14									DOM							

11. In which county (ies) are lands listed above as place of use located? Idaho
12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number 79-7028
Court _____ Case Number _____ Decree Date _____
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Signature of Claimant (s) William D Shuck Date 7-13-88
Connie J Shuck Date 7-13-88

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public ☒

Residing at _____

My Commission Expires _____

Last Name Shuck Ident No. _____

Copies With State, Return Claimant
MICROFILMED

OCT 06 1992