

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 79-4376 V1

WATER RIGHT NUMBER: 79-4376 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HAROLD F SHEPPARD PO BOX 156 RIGGINS, ID 83549
Current Owner	CHARLES W SHEPPARD ETUX 297 B ST BIGGS, CA 95917 (530)868-1192

Priority Date: 01/01/1920

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
RACE CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	02/15 to 11/30	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

RACE CREEK	SE1/4SE1/4	Sec. 4, Twp 24N, Rge 01E, B.M.
IDAHO 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	
24N	01E	3												2.5					2.5
24N	01E	4																.5	.5

Total Acres: 3

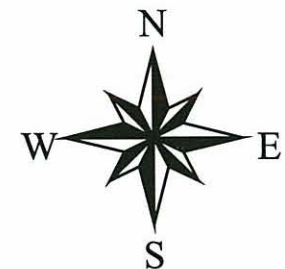
Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

79-4376

T24N R01E
Section(s) 3 & 4

● Point of Diversion
□ Place of Use



Map prepared by: Greg Taylor
Date Prepared: April 27, 2005
Photography: Aerial Photo
Idaho Department of Water Resources

0 600 1200 1800 Feet

A horizontal scale bar with four segments. The first segment is labeled '0', the second '600', the third '1200', and the fourth '1800 Feet'. The bar is black with white markings.

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: A79-04376
Date Received: 7/11/1988
Receipt No: M000342
Received By: CE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD F. SHEPPARD
Address: P.O. BOX 156
RIGGINS, ID 83549

2. Date of Priority: JAN 01, 1920

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	4	SE	SE			IDAHO

5. Description of diverting works:
PUMP, PIPELINES & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.160		

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

8. Total consumptive use is 24.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	3	SW	SW		IRR	4.0
						Section Acres	4.0
		4	SE	SE		IRR	4.0
						Section Acres	4.0

MICROFILMED
OCT 06 1992

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

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

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

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

Charles W. Sheppard, Jr. & Charles M. Sheppard
owners (John Sheppard), Chudawn Sheppard

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 SM Date 12-8-05 Fee N/A
 Received by _____ Date _____ Receipt No. _____
 Processed by AV AJ Date 12-22-05 WR _____ Date _____

10. Place of Use: Continued

Total Acres 8.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments:

For Individuals:

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

Signature of Claimant(s): *Donald F. Sheppard* Date: *7/11/88*
Date:

State of Idaho)
County of *Idaho*) SS.

Subscribed and sworn (or affirmed) before me this *11* day
of *July* 19 *88*

John Dale Carlson
Notary Public

Seal

Residing at *Bain Id*

My Commission Expires *6/3/94*

CLAIMANT'S NAME Sheppard, Harold E. CLAIM IDENT. NO. A79-08376
 DATE RECEIVED 07/11/88 CK # 437 AMOUNT \$ 58.00

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd). A Permit is required for surface water developed after May 20, 1971 (except for instream stockwater).		
3. (a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☒	☐
4. Is the legal description of the p.d. complete?	☒	☐
5. Is there a description of the diverting works?	☒	☐
6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. Is the consumptive use correct?	☒	☐
If required is a consumptive use entered?	☒	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim.	☒	☐
10. Is (are) the place(s) of use entered?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" checked?	☒	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
15. Is the basis of the claim checked?	☒	☐
16. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Is the fee enclosed correct?	☒	☐
Should this claim be receipted and data entered?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☒	☐

Claim checked by: LW

Comments: Consumptive use, remarks

MICROFILMED

OCT 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 30, 2004

CHARLES SHEPPARD
297 B ST
BIGGS CA 95917

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #79-4376

Dear Claimant:

We have been advised you are now the owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the water right, we require the enclosed Notice of Change of Water Right Ownership form be submitted.

Since the claim is still pending before the court, there is no fee to change the ownership.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Form 42-248/42-1409(6)

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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
	<u>79-4376</u>	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) HAROLD F. SHEPPARD
- PO BOX 156 RIGGINS ID 83549
4. New Owner/Claimant(s) Charles W Sheppard ETUX
- Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 297 B ST.
- City, State and ZIP Code Biggs Calif. 95917
- New Telephone Number 1 (530) 868-1192
5. Date you acquired the property 4/8/96

GIGRAY, MILLER & DOWNEN
ATTORNEYS AT LAW
TELEPHONE 208-459-0091
9TH AND DEARBORN STS. - P.O. BOX 640
CALDWELL, IDAHO 83606-0640

386135

STATE of IDAHO	
County of Idaho	SS
Recorded at _____	
by <u>Wm. Sigra</u>	
at <u>8</u>	<u>10</u> o'clock <u>A.</u> M.
this <u>8</u> day of <u>April</u> , 19 <u>96</u>	
ROSE L. GERRING	
By <u>Erith L. Anderson</u>	Recorder
Fees \$ <u>12.00</u>	Deputy

COMPUTER ☒
INDEXED ☒
TRACTED ☒
FILMED ☒
ASSESSOR ☒

DEED

393

THIS INDENTURE, Made and entered into this 26th day of January, 1996, by CHARLES W. SHEPPARD, surviving and sole Trustee of the Harold F. Sheppard Trust, dated August 8, 1994, hereinafter referred to as Grantor, and CHARLES W. SHEPPARD and RHONDA M. SHEPPARD, husband and wife, and JOHN SHEPPARD and CHUDEEN SHEPPARD, husband and wife, of 297 B Street, Biggs, California 95917, hereinafter referred to as Grantees, WITNESSETH:

By reason of the death of Harold F. Sheppard, pursuant to the terms and the authority contained in the agreement dated August 8, 1994, creating the Harold F. Sheppard Trust, Grantor does hereby grant, bargain, sell and convey unto the Grantees the following described real property situated in the County of Idaho, State of Idaho, to-wit:

(See Exhibit "A" attached hereto and by this reference made a part hereof).

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances thereunto appertaining, unto the said Grantees their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor has hereunto set his hand and seal the day and year first above written.

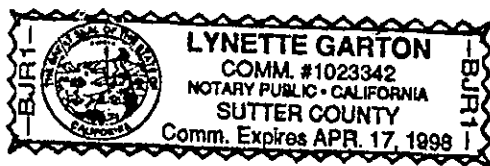
Charles W. Sheppard (SEAL)
Charles W. Sheppard, Trustee of the
Harold F. Sheppard Trust

GIGRAY, MILLER & DOWNEN
ATTORNEYS AT LAW
TELEPHONE 208-450-0091
9TH AND DEARBORN STS. - P.O. BOX 640
CALDWELL, IDAHO 83606-0640

1 STATE OF CALIFORNIA)
2 County of Butte) ss.

3 On this 29th day of ~~January~~^{February}, 1996, before me,
4 Lynette Garton a Notary Public in and for
5 said State, personally appeared CHARLES W. SHEPPARD, surviving
6 and sole Trustee of the Harold F. Sheppard Trust, known to me on
7 the basis of satisfactory evidence to be the person whose name is
8 subscribed to the within instrument and acknowledged to me that
9 he executed the same in his authorized capacity as Trustee of the
10 Harold F. Sheppard Trust, and that by his signature on the
11 instrument the person or the entity upon behalf of which the
12 person acted, executed the instrument.

13 WITNESS My hand and official seal.



Lynette Garton
Notary Public for California
Residing at Gridley California

EXHIBIT "A"

All those portions of Sections 4, 9, and 10 of Township 24 N. R. 1 E. B.M., included in the area described as follows: Beginning at a stone monument marking the Section corner common to Sections 3, 4, 9, and 10, Township 24, N. R. 1, E. B.M., and running thence North, on the East line of Section 4, 592 feet to a steel pin set at the point where the Northerly line of the RACE CREEK ROAD crosses said East line of Section 4; thence North 69° 45' West 96 ft.; thence South 29° 24' West across said road and along the fence line, 286 ft. to a steel pin; thence North 40° 30' West, 125 ft. to a steel pin; thence South 9° 57' East 191 ft., along a fence line to a steel pin; thence South 6° 44' East 107 ft. along a fence line to a steel pin; thence South 87° 29' East 50 ft. along a fence line to a steel pin; thence South 87° 59' East 141 feet along a fence line to a steel pin; thence South 24° 47' East 196 ft. to a steel pin; thence South 86° 34' East 198 ft. to a steel pin; thence North 84° 37' West 196 ft. to the place of beginning, in accordance with that certain map reproduced in the records of Idaho County, Idaho, in Book 109 of Deeds at page 290.

Also all of the West one-half of the Southwest Quarter Southwest Quarter of Section 3, Township 24, N. R. 1, E. B. M., EXCEPTING therefrom the following:

That portion of the $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ of said Section 3, which lies North of the Southerly line of FEED LOT ROAD which Southerly line is particularly described as follows: Beginning at a five-eighths inch by thirty inch iron pin set on the West line of Section 3 at a point 200 ft. North of an iron pin set at the intersection of said West line and the Northerly line of RACE CREEK ROAD; thence North 69° 21' East 281 ft.; thence South 85° 39' East 212 ft.; thence South 72° 50' East 194 ft., to a five-eighths by thirty inch iron pin set at the intersection of the Southerly line of said FEED LOT ROAD and the East line of said $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ of said Section 3.

EXCEPTING ALSO Beginning at a 5/8" x 30" iron pin set at the intersection of the West line of said Section 3 and the North edge of the roadbed of the Bean Creek Road, which pin bears North 573 ft. from the South West corner of said Section 3, and running thence along the North edge of said road South 69°04' E. 186 ft.; thence South 57°14' East 372 ft.; thence North 88°29' East 173.6 ft. to a 5/8" x 30" iron pin set at the intersection of the North edge of said roadbed and East line of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North along said East line 488 feet to a 5/8" x 30" iron pin set on the South edge of the Feed Lot Road; thence along the South edge of said road North 72°50' West 194 ft.; thence North 85°39' West 212 ft.; thence South 69°21' West 281 ft. to a 5/8" x 30" iron pin set at the intersection of the South side of said roadbed and the West line of said Section 3; thence South along said West line 200 feet to the place of beginning.

EXCEPTING ALSO: A tract described as beginning at a point on the East line of the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 24, N.R. 1, E. B. M., where the same is intersected by the South right of way line of U.S. Forest Service Road No. 241; thence Westerly along said right of way line a distance of 175 ft., more or less, to the East bank of Race Creek; thence Southerly and Easterly, along the course of Race Creek, to the Southeast corner of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 3; thence North on the East line of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 3, approximately 250 ft. to the place of beginning, being a tract roughly triangular in shape, bounded on the North by the South right of way line of U. S. Forest Service Road No. 241, on the West and South by the present course of Race Creek, and on the East by the East line of the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 24, N.R. 1, E. B. M.

SHARON A COX
IDAHO COUNTY TREAS. TAX COLL
320 WEST MAIN, ROOM 2
GRANGEVILLE, ID 83530-1994

BILL# 10480
CODE AREA 9-0000

PARCEL NUMBER
RP24N01E036310A

L 67.110
I 73.230

1ST HALF DUE 582.54 TAX 582.54 TAX 1.165.08
LATE LATE LATE
INT INT INT
COST COST COST
TOT TOT TOT

TOT MV 140.340

TOT ACS 5.200

SHEPPARD CHARLES W ETUX
& SHEPPARD JOHN ETUX
297 "B" STREET
BIGGS CA 95917

T24N R1E SEC 3 5.20 AC
W2SW4SW4, LESS TAX # 71.93,108

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

PAYMENTS POSTMARKED AFTER DECEMBER 20,
2005 WILL BE SUBJECT TO LATE FEES &
INTEREST 208-983-2801

TAXING DISTRICT	RATE	
STATE	.000000000	
COUNTY	.002749899	385.92
SCHOOL #241	.004477873	628.42
COUNTY R & B	.000000000	
RIGGINS CEM	.000080663	11.32
SYRINGA HOSP	.000420610	59.02
DISTRICT TOTAL	.007729045	1,084.68
SOLID WASTE		80.40
AMOUNT DUE		1,165.08

SHARON A COX
IDAHO COUNTY TREAS. TAX COLL
320 WEST MAIN, ROOM 2
GRANGEVILLE, ID 83530-1994

BILL# 10511
CODE AREA 9-0000

PARCEL NUMBER
RP24N01E049760/
L 22.820

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	88.18	TAX	88.18	TAX	176.36
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

TOT MV 22.820

TOT ACS 2.270

SHEPPARD CHARLES W ETUX
& SHEPPARD JOHN ETUX
297 W 8th STREET
BIGGS CA 95917

T24N R1E SEC 4 2.27 AC
TAX # 109

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

PAYMENTS POSTMARKED AFTER DECEMBER 20,
2005 WILL BE SUBJECT TO LATE FEES &
INTEREST 208-983-2801

TAXING DISTRICT	RATE	
STATE	.000000000	
COUNTY	.002749899	62.74
SCHOOL #241	.004477873	102.18
COUNTY R & B	.000000000	
RIGGINS CEM	.000080663	1.84
SYRINGA HOSP	.000420610	9.60
AMOUNT DUE	.007729045	176.36



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 22, 2005

CHARLES W SHEPPARD ETUX
297 B ST
BIGGS ID 95917

RE: Change in Ownership for Notice of Claim No. 79-4376

Dear Sir(s):

Please find enclosed a computer generated copy of the Notice of Claim referenced above. Our records now show you as the current owner of this claim. Please keep this copy for your records.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory J. Taylor', is written over a horizontal line.

Gregory J. Taylor
Sr. Water Resource Agent