

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 16 2011

By

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

Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

Water Right Claims: 85-15731 & 85-15732

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIMS

On December 13, 2010, Mel R. and Sharon Schumaker filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on March 15, 2011. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated: March 16, 2011.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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MAR 21 2011

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on March 16, 2011, with sufficient first-class postage to the following:

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

MEL R SCHUMAKER
SHARON L A SCHUMAKER
27299 FEUCHT RD
CULDESAC, ID 83524
Phone: 208-843-5508

ORDER

Page 1 3/16/11

FILE COPY FOR 00770

Deputy Clerk

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Julie Murphy

Paul Harrington

From: Courtney, Andrea [Andrea.Courtney@idwr.idaho.gov]
Sent: Friday, February 04, 2011 2:12 PM
To: Paul Harrington
Cc: Saxton, Craig; Ridgeway, Renea
Subject: motions for late claims 85-15731 & -15732
Attachments: 85-17531 amd claim.pdf; 85-15732 amd claim.pdf

Paul~

IDWR received late claims for the above two subcases and noticed the claims lacked priority dates. IDWR contacted the claimants and received "amended" claims, complete with priority dates. The hearing for these two is scheduled for 3/15. I have attached the two "amended" claims to this email for the Court's records.

Please let me know if you have questions or need anything else from IDWR related to these two subcases.

Have a good weekend.

Andrea

<<85-17531 amd claim.pdf>> <<85-15732 amd claim.pdf>>

Andrea L. Courtney

Deputy Attorney General

Idaho Department of Water Resources

322 East Front Street

P.O. Box 83720

Boise, Idaho 83720-0098

Phone: (208) 287-4810

Fax: (208) 287-6700

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2/8/2011

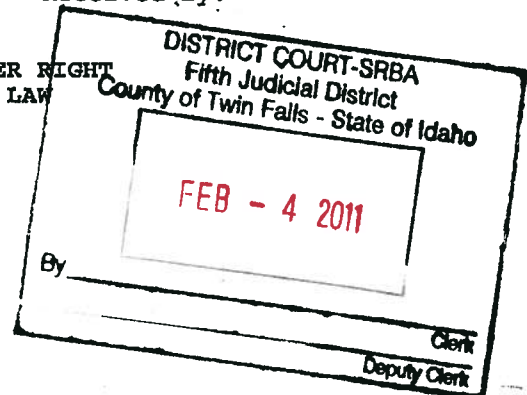
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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 85-15732
Date Received: 9/23/2010
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW



1. Name of Claimant(s)

MEL R SCHUMAKER Phone: (208) 843-5508

27299 FEUCHT RD
CULDESAC ID USA 83524

SHARON L A SCHUMAKER Phone: (208) 843-5508

27299 FEUCHT RD
CULDESAC ID USA 83524

2. Date of Priority: -- 12/31/1968 *MB*

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
35N	03W	34	SW SW 25	NEZ PERCE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

MB

7. Total Quantity Appropriated is:

~~0.02 C.F.S.~~
0.06 C.F.S. *MB*

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
35N	03W	34	SW SW	26	DOMESTIC	
			SW SW	26	STOCKWATER	

11. Place of use in counties: NEZ PERCE

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

13. Other Water Rights Used:

85-15731

14. Remarks:

15. Basis of Claim: Beneficial Use

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/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____

Date: 01-13-2011

Sharon Schumaker

Date: 01-13-2011

**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**

DEC 13 2010

CIVIL CASE NUMBER: 39576

Ident. Number 85-15732

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Mel R. & Sharon L.A. Schumaker Phone [208] 843-5508

Mailing Address 27299 Feucht Road Culdesac, Idaho Zip 83524
Street or Box City State

2. Date of Priority: (Only one per claim) _____
Month/Day/Year (YYYY)

Spring

3. Source of water supply (Check one) Ground Water ☒ or Other ☐ (a) _____

which is tributary to (b) _____

4. Location of Point of Diversion is: Township 35N, Range 3W, Section 34,
1/4 of _____ 1/4, or Govt. Lot 25 & 26 BM., County of Nez Perce;

Parcel (PIN) no. See attached map

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.

Spring box with pipeline from Parcel 4 thru Parcel 3 thru Parcel 1 thru Parcel 2 back into Parcel 1

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Livestock purposes from Jan 1 to Dec 31 amount .02cfs

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .02 CFS ☒ or AFY ☐

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Livestock = .02 CFS See attached chart

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MAR 21 2011

9. Location of Place of Use is: Township 35N, Range 3W, Section 34

1/4 of 1/4, Govt. Lot 25 & 26 BM. Parcel (PIN) no. _____
If different than shown in Item 4

for (Check One) Domestic ☐ Stock ☐ Domestic and Stock ☒

Additional places of use, if any _____

10. In which county (ies) are lands listed above as place of use located? Nez Perce

11. Do you own the property listed above as place of use? Yes ☒ No ☐

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

None () Ident. Number 85-15731

13. Remarks: Spring water to be used for livestock and additional irrigation.

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. 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 ☒ wish to receive do not ☐ and pay a small annual fee for monthly copies of the docket sheet

Number of attachments: 6

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Sharon Schumaker Date: 12.3.2010

Date: 12.2.2010

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing 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 _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name _____ Identification No. _____

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MAR 21 2011

S. 34 , T 35 N , R 3 W

INST. NO. **780531** CONFORMED COPY

FILED FOR RECORD
FEE 500 REC. BY JS

2010 MAY 12 PM 4 49

PATTY O. WEEKS
RECORDER, NEZ PERCE CO. ID.
BY JS DEPUTY

AMENDED RECORD OF SURVEY

PART OF
GOV'T. LOTS 25, 26 & 27
SECTION 34, T 35 N , R 3 W
BOISE MERIDIAN
COUNTY OF NEZ PERCE
STATE OF IDAHO

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY DONE BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE SURVEY RECORDING ACT AT THE REQUEST OF MARVIN FEUCHT IN MAY OF 2010.



Terry T. Golding 5/12/2010
TERRY T. GOLDING DATE
IDAHO PROFESSIONAL LAND SURVEYOR # 7379

BASIS OF BEARINGS

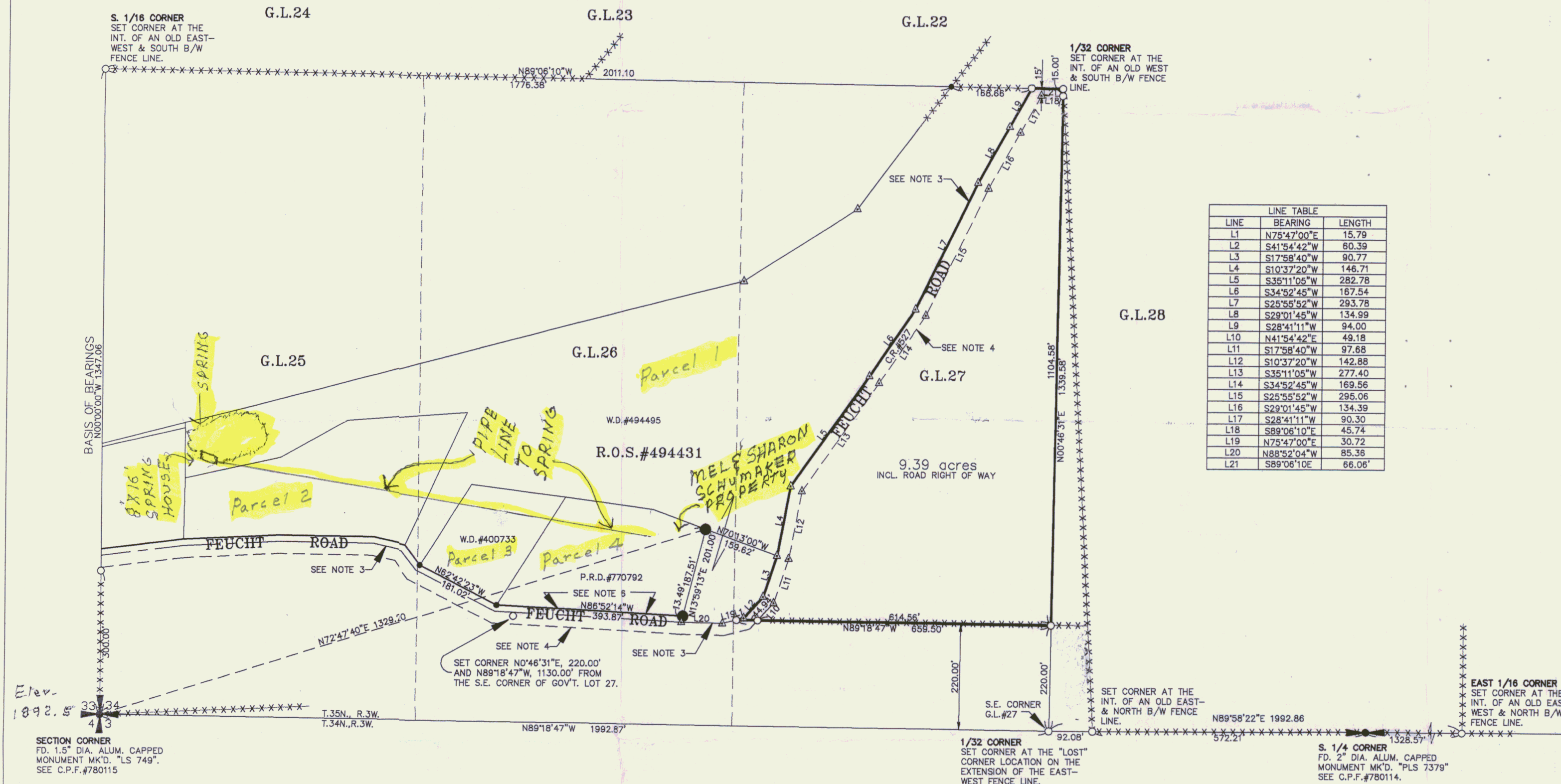
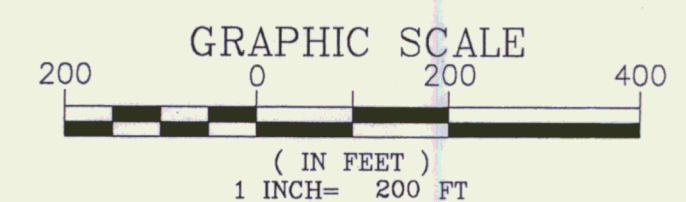
THE BASIS OF BEARINGS FOR THIS SURVEY IS THAT PORTION OF THE WEST LINE OF SECTION 34, AS SHOWN HEREON, BEARING NORTH.

SURVEYORS NOTES

- 1) NOT ALL OF THE EXISTING IMPROVEMENTS TO THIS PROPERTY HAVE BEEN SHOWN.
- 2) IT IS THE LAND OWNERS RESPONSIBILITY TO COMPLY WITH ANY STATE AND LOCAL REGULATIONS GOVERNING THE DIVISION OF LAND PRIOR TO ANY CONVEYANCE.
- 3) CENTERLINE OF FEUCHT ROAD PER LEGAL DESCRIPTION AND AS DEPICTED ON R.O.S.#494431 DATED JUNE, 1985.
- 4) COUNTY ROAD RIGHT OF WAY DEPICTED AT 25' FROM EXISTING DEEDED CENTERLINE OF FEUCHT ROAD.
- 5) FEUCHT ROAD, AKA C.R.#527, PER INFORMATION FROM GOOGLE EARTH, BING MAPS AND RELATED DOCUMENTS AND PERMITS AT THE NEZ PERCE COUNTY ROAD AND BRIDGE DEPARTMENT, COPIES OF WHICH ARE IN MY OFFICE.
- 6) NORTH LNE OF COUNTY ROAD PER P.R.D.#770792.
- 7) THIS MAP AMENDS R.O.S.#780127 DUE TO REMISIONS TO THE RIGHT OF WAY LOCATION AND DELINEATION OF FEUCHT ROAD, AKA C.R.#527.

LEGEND

- ▲ = CALCULATED POSITION ONLY, NO CORNER SET THIS SURVEY.
- = FOUND 2" DIA. IRON PIPE.
- = FOUND 1/2" DIA. REBAR W/ CAP MK'D. "LS 749".
- = SET 5/8" DIA BY 24" LONG REBAR & CAP MK'D. "PLS 7379" UNLESS OTHERWISE STATED.
- X---X---X--- = EXISTING BARBED WIRE FENCE.



Mel R. Schumaker Ident. Number 85 - 15732