

12/19/2006

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

RIGHT NUMBER: 67-45

NAME AND ADDRESS: STEVEN R SHUMWAY
HWY 95 BOX 2405
COUNCIL ID 83612

ELSIE B SHUMWAY
HWY 95 BOX 2405
COUNCIL ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 06/01/1905

POINT OF DIVERSION:

T17N R01W S10 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.140 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S22 SESE 7.00

7 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 - Decreed

Use of this right is combined with water from Farmers Canal Water Users Association.

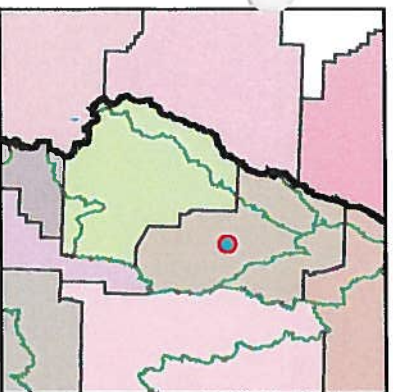
Idaho Department of Water Resources



SRBA Recommendation:
67-45
(Irrigation)

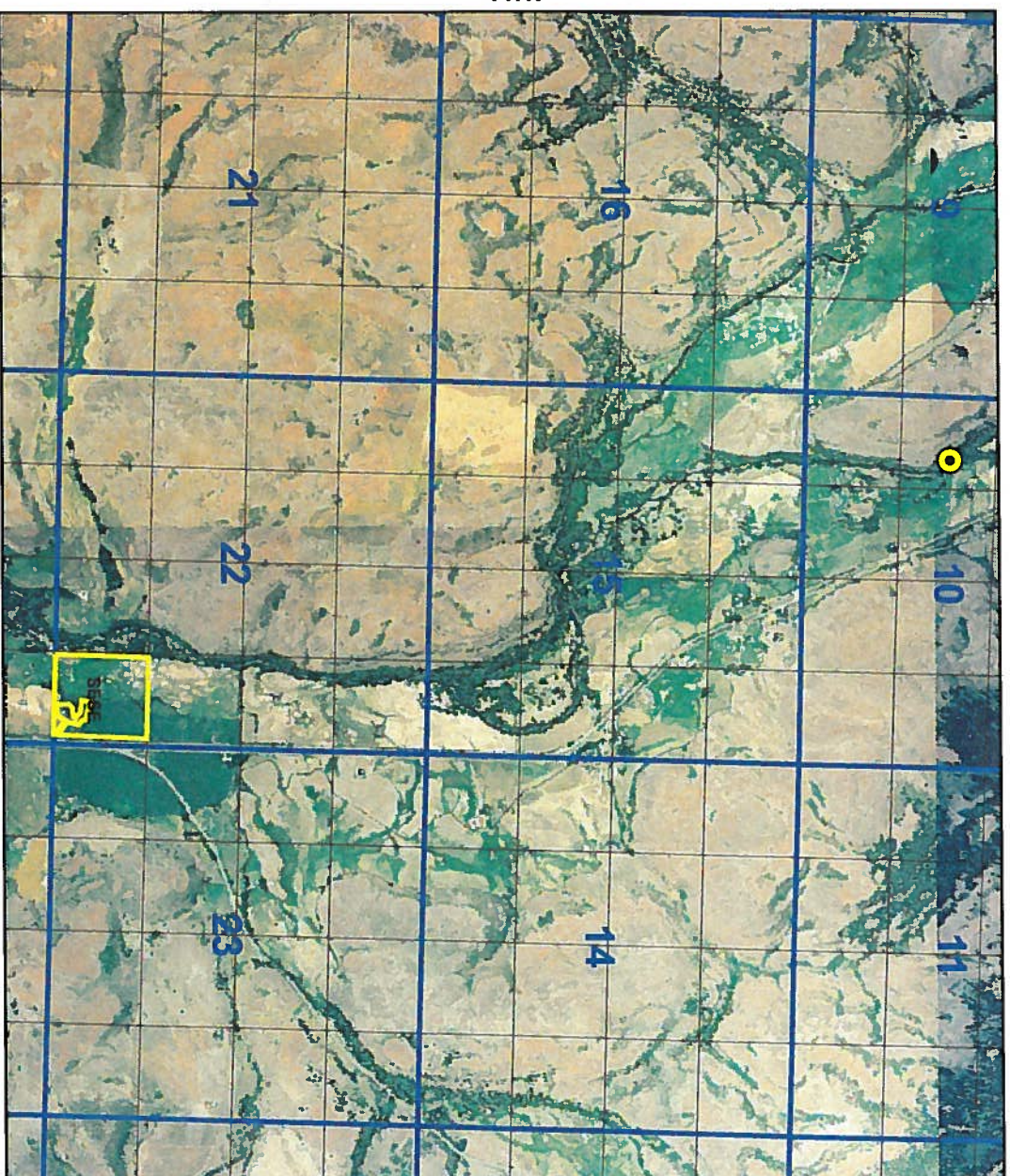
Legend

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



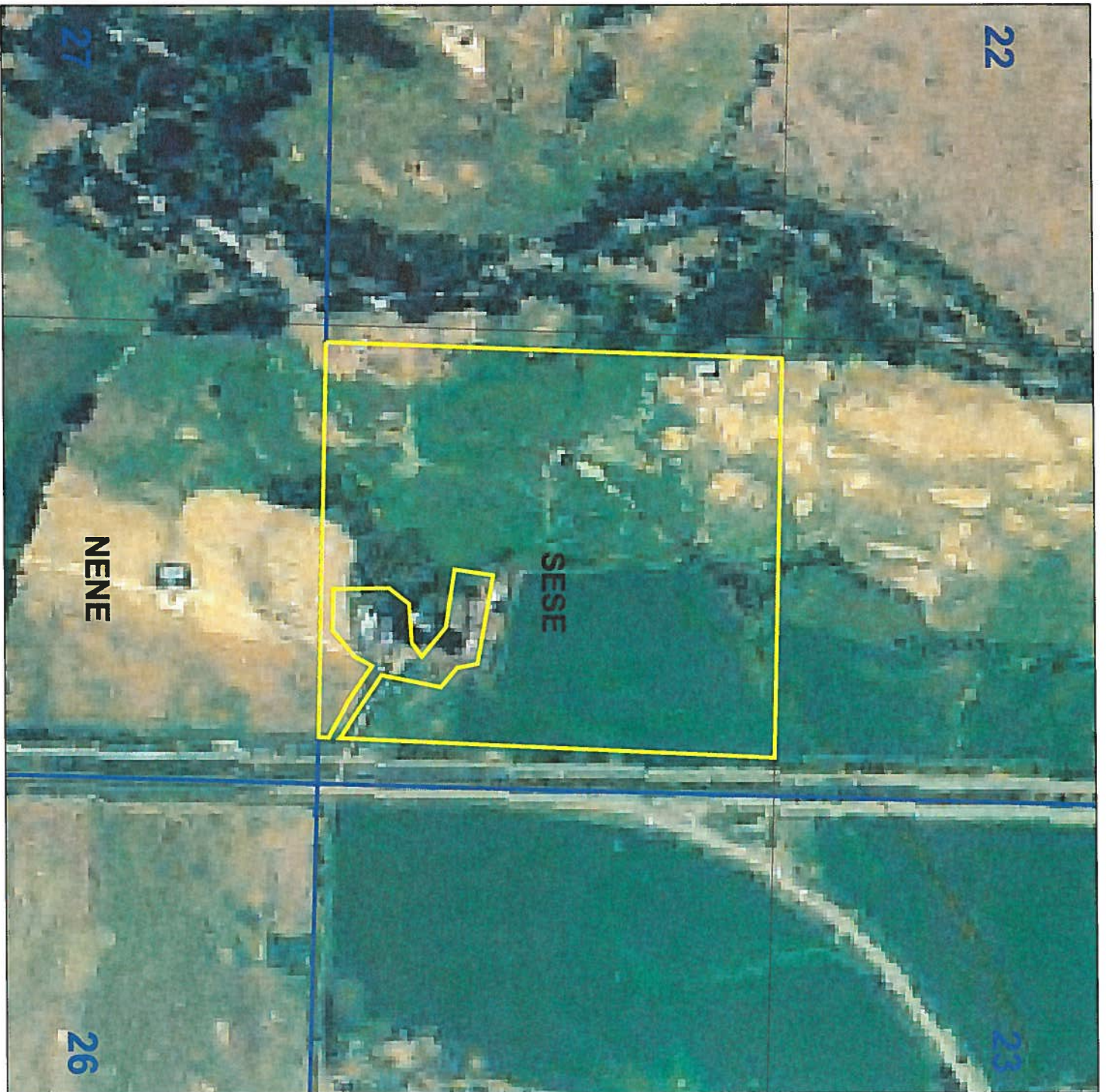
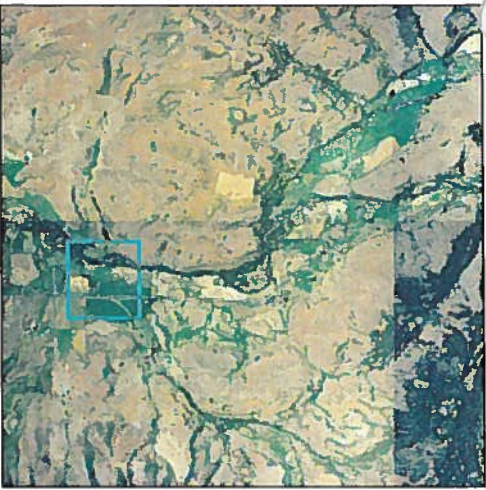
T17N

R01W



Prepared by IDWR State Office
On Tuesday, December 19, 2006
1987/88 Aerial Photography

67-45



03/02/2006

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

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NAME AND ADDRESS: STEVEN R SHUMWAY
HWY 95 BOX 2405
COUNCIL ID 83612

ELSIE B SHUMWAY
HWY 95 BOX 2405
COUNCIL ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 06/01/1905

POINT OF DIVERSION:

T17N R01W S10 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.140 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S27 SESE 7.00

7 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 - Decreed

Idaho Department of Water Resources

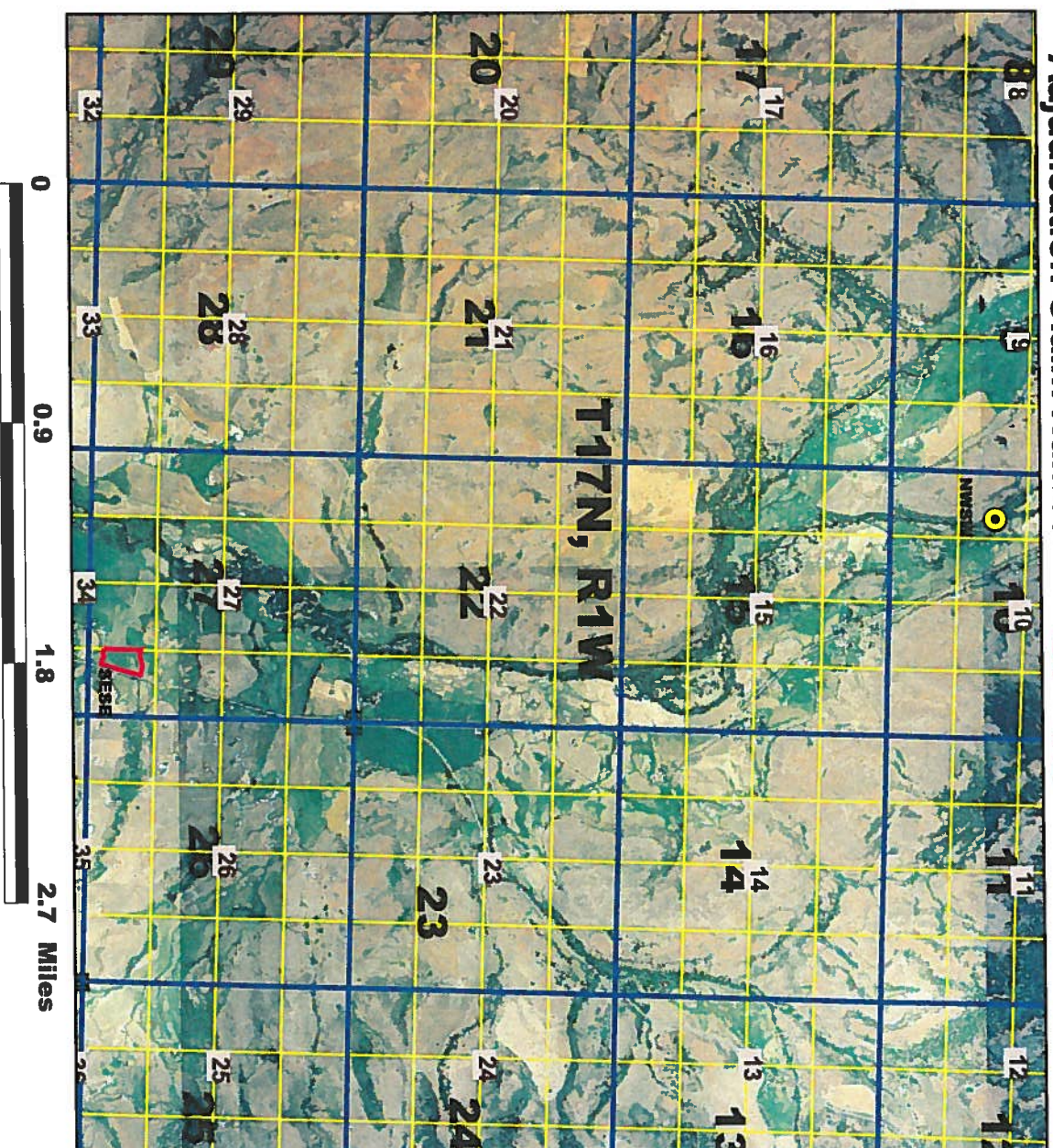
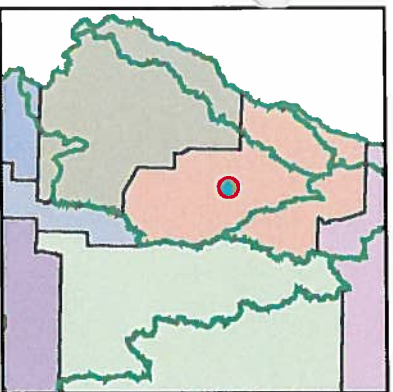


Adjudication Claim Number: **67-45**

T17N R01W

Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T17n01w.shp



Prepared by C. Saxton
On Thursday, March 2, 2006
1987 Aerial Photography

CONVERSATIONAL MEMORANDUM

Date: March 2, 2006

To: File 67-45, 67-70, 67-72, 67-375C, 67-376, 67-2117, 67-11304C

From: Craig L. Saxton

Subject: Phone Call – Shumway

I called Steve Shumway and he wasn't available, but was able to speak with his son, Dan I think.

Dan met with Monica VanBussum and David Tuthill at the B67 water district meeting on February 6, 2006. I had given Monica a packet of amended claims and a letter to give to the Shumway's.

I called as a follow-up on March 1, 2006 to inquire if they were going to send in the amended claims. I discussed several subjects with Dan.

67-70, 67-72, and 67-376:

I asked Dan if he was going to send in the amended claims that I asked Monica to drop off with him. He said he did not have them. Monica did give them to him so they could have been lost in the shuffle. I will send claimant a third and final copy. I told him I need them signed and returned to recommend their water rights.

67-45:

I asked again if they felt that this was their water right as it is claimed on someone else's land. I have not been given a solid answer. They have not returned the amended claim I sent them. I will recommend this as decreed, not on Shumway's property.

67-375C and 67-11304C:

Again we discussed how Shumway feels they should have a larger portion of the split as McAlvain (67-375B & 67-11304B in the name of Fruitvale) doesn't have right to the water according to Shumway. I told Dan that I needed something to support that. He said he will talk to his dad, Steve.

67-2117:

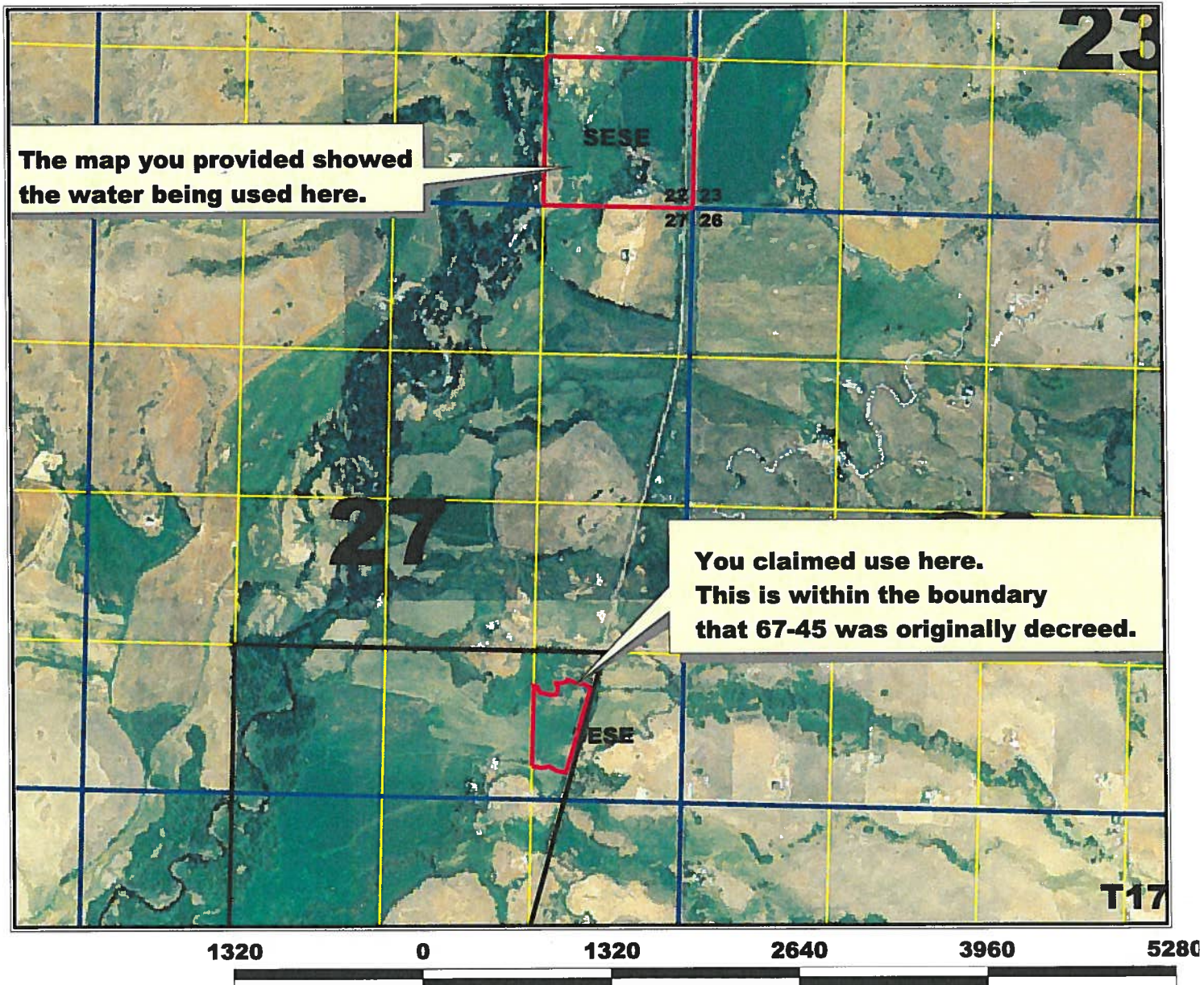
I told him that this was based on a license and I didn't see any problems recommending it.



State of Idaho

Amended claim Map for Claim(s): 67-45

The amended claim puts the place of use back on your property in the SESE of section 22.



Point of Diversion



Preliminary Place of Use



Claimed Place of Use - N/A



Tax Lot Data - N/A

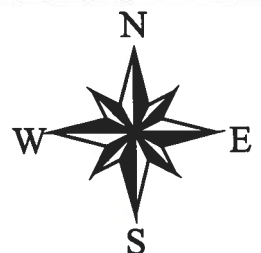


Quarter Quarter Lines



Section Lines

Total Irrigated Acres =



Prepared By: Craig L. Saxton
Date: December 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-11419

WATER RIGHT NUMBER: 67-11419

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CRYSTAL V WHITE 2301 HIGHWAY 95 COUNCIL, ID 83612-5233 (208)253-6052
Current Owner	ROY E GOULD 2301 HIGHWAY 95 COUNCIL, ID 83612-5233 (208)253-6052
Current Owner	R TODD NELSON 915 W 2ND ST WEISER, ID 83672-1806 (208)549-8204
Current Owner	DONNA K NELSON 915 W 2ND ST WEISER, ID 83672-1806 (208)549-8204

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.020 CFS	
	<u>Total Diversion:</u>	2.020 CFS	

Location of Point(s) of Diversion

WEISER RIVER	NE1/4NW1/4SW1/4	Sec. 10, Twp 17N, Rge 01W, B.M.
ADAMS 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	
17N	01W	27									.5			14.0		.5	31.0	10.0	56.0
17N	01W	34	1.0	17.0	24.0	4.0	31.0	1.0											78.0

Total Acres: 134

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-11419

Conditions of Approval:

1. THIS CLAIM IS A COMBINATION OF WATER RIGHT NO'S 67-00043 AND 67-00044 SINCE BOTH HAVE THE SAME SOURCE AND PRIORITY DATE.
| ADDRESS CHANGE BY CLAIMANT LETTER 5/10/99 SS.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 1/2/1990
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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-14091

WATER RIGHT NUMBER: 67-14091

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FERDINAND HUDEMANN 2325 HIGHWAY 95 COUNCIL, ID 83612-5233
Original Owner	PATTI ANN ANDERSON 2325 HIGHWAY 95 COUNCIL, ID 83612-5233 (208)253-6015
Current Owner	DIANNA ANDERSON 2325 HWY 95 COUNCIL, ID 83612 (208)253-6121
Current Owner	KELLY ANDERSON 2325 HWY 95 COUNCIL, ID 83612 (208)253-6121
Original Owner	MARGARET HUDEMANN 2325 HIGHWAY 95 COUNCIL, ID 83612-5233
Original Owner	RICHARD T ANDERSON 2325 HIGHWAY 95 COUNCIL, ID 83612-5233 (208)253-6015

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.580 CFS	
	<u>Total Diversion:</u>	1.580 CFS	

Location of Point(s) of Diversion

WEISER RIVER	NE1/4SW1/4NW1/4	Sec. 26, Twp 17N, Rge 01W, B.M.
ADAMS County	(Rediversion)	
WEISER RIVER	SW1/4SW1/4NW1/4	Sec. 26, Twp 17N, Rge 01W, B.M.
ADAMS County	(Rediversion)	
WEISER RIVER	NW1/4NW1/4SW1/4	Sec. 26, Twp 17N, Rge 01W, B.M.
ADAMS County	(Rediversion)	
WEISER RIVER	NE1/4NW1/4SW1/4	Sec. 10, Twp 17N, Rge 01W, B.M.
ADAMS County		
WEISER RIVER	SE1/4NE1/4SE1/4	Sec. 27, Twp 17N, Rge 01W, B.M.
ADAMS County	(Rediversion)	

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-14091

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
17N	01W	27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					21.0	21.0					2.0				23.0	30.0			97.0

Total Acres: 97

Conditions of Approval:

1. Ownership changed by DH 12/9/2003
2. THIS WATER CARRIED IN THE FARMERS CANAL. THERE ARE FIVE POINTS OF REDIVERSION FROM THE FARMERS CANAL. TWO OF THESE ARE IN THE SENESE SEC. 27. THIS IS A COMBINATION OF RIGHTS 67-00039 AND 67-00040.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 12/18/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

12-29-05: This claim is upon the decreed POE, but is on land owned by:

Nelly Anderson
2325 HWY 95
Council ID 83612

: Claim map shows POE on Shumway's Property, But that is different than what was claimed

: WM Records Show Delivery to a parcel not claimed and different than claim map.

12-30-05: The only other claims filed close to this is 67-14081 and 67-1419 and neither claim a portion of 67-45. There are no competing claims for 67-45

: Conversation with Shumway, he said he never owned Anderson's Property so this isn't a C/O issue.

: It appears there was simply an error in filing accidentally putting 527 instead of 22.

1-30-06: Two weeks ago, Mr Shumway called and said this was an error and apparently not pursuing it. Rec as decreed and send C/O. But wait till after 2-6-06 meeting.

2-2-06: Spoke w/Carter w/o amended claim or evidence to support C/O, Recommend as claimed

22

POU on claim map

SESE

NENE

Parcel that WM Records
show delivery to.

27

Legal Description Claimed
w/in decreed POU (in black)

SESE

34

Middle Valley Ditch.

Middle Valley Irrigating Ditch Company

Allison Jewell Ditch.

Alexander Allison

Joseph Allison

Eugene Looney

Harry Coon

Smith-Janes-Martin Ditch

B. F. Janes

Marion Smith

Heirs of R H Martin

Post-Weston Ditch.

J Emmett Pfost

Grace Everest

Goldie Abernathy

Fred Jewell

John A Pfost

Farmers Canal.

Mark Winkler

Carrie Winkler

E Hinkle

S A Moudy and E Hinkle

George Gould

Frank Hahn Ditch.

Frank Hahn

Glenn McMahon Ditch.

Isaac McMahon

For Power

Hollie A. McMahon

Samuel E McMahon

William M Glenn

Lester I McMahon

1000 / July 7, 1885 67 0023
700 / Nov. 1, 1887 67 0024
500 / May 1, 1889 67 0025

68 / July 4, 1882 67 0026
54 / May 1, 1902 67 0027
100 / July 4, 1882 67 0028
100 / July 4, 1882 67 0029
165 / July 4, 1882 67 0030

10 / July 4, 1886 67 0031
90 / July 4, 1886 67 0032
90 / July 4, 1886 67 0033

125 / May 6, 1884 67 0034
25 / May 6, 1884 67 0035
50 / Aug. 27, 1910 67 0036
50 / Aug. 27, 1910 67 0037
41 / March 25, 1911 67 0038

60 / June 1, 1891 67 0039
19 / June 1, 1891 67 0040
50 / June 1, 1891 67 0041
32 / Jan 1, 1900 67 0042
19 / June 1, 1891 67 0043
82 / June 1, 1891 67 0044
7 / June 1, 1905 67 0045

33 / June 1, 1902 67 0046
38 / June 1, 1903 67 0047
36 / June 1, 1904 67 0048
83 / June 1, 1905 67 0049

10 / May 31, 1884 67 0050
9 / May 1, 1901 67 0051
400 / July 1, 1908 67 0052
4 / June 1, 1884 67 0053
22 / June 1, 1884 67 0054
45 / June 1, 1884 67 0055
4 / May 31, 1884 67 0056

FRED M JEWELL: The Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 31, Township 15 North, Range 2 West Boise Meridian, containing 80 acres.

JOHN A FOST: The East half of the Southeast Quarter, of Section 1, Township 14 North, Range 3 West Boise Meridian.

MARK WINKLER: The South half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 27, Township 17 North, Range 1 West Boise Meridian.

GARRIE WINKLER: The Northeast Quarter of the Southeast Quarter of Section 27, Township 17 North, Range 1 West Boise Meridian,

E HINKLE: The South half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) of Section 34, and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 33 in Township 17 North, Range 1 West Boise Meridian, containing 160 acres, also the West half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$) of Section 34, the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 33, Township 17 North, Range 1 West; Lot one of Section 4, Township 16 North, Range 1 West Boise Meridian.

B A MOUDY AND E HINKLE: The South half of the Northeast Quarter of Section 34, Township 17 North, Range 1 West Boise Meridian.

GEORGE GOULD: The Southeast quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section 27, and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$) of Section 34, and that part of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section 34 and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 27 lying west of the right-of-way of the P & I N Railroad track, all situated in Township 17 North, Range 1 West Boise Meridian.

FRANK HAHN: The West half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 22; the Northwest Quarter of the Northeast Quarter and the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, and the West half of the Southwest Quarter all in Section 27; the Southeast Quarter of the Northeast Quarter, and the East half of the Southeast Quarter of Section 28; the Northeast Quarter of the Northeast Quarter of Section 33; and the Northwest Quarter of the Northwest Quarter of Section 34, all in Township 17 north, Range 1 West Boise Meridian.

ISRAAC McMAHAN: The North half of the Southwest Quarter the West half of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 15, and the Southwest Quarter of the Northwest Quarter of Section 14, Township 17 North, Range 1 West Boise Meridian.

ROLLIE A McMAHAN: The Northwest Quarter of the Southwest Quarter of Section 14, Township 17 North, Range 1 West Boise Meridian.

SAMUEL E McMAHAN: The Southwest Quarter of the Northeast Quarter of Section 15 Township 17 North, Range 1 West Boise Meridian.

WILLIAM K GLENN: The Southwest Quarter of the Southwest Quarter of Section 14 and the Southeast Quarter of the Southeast Quarter of Section 15, and the East half of the Northeast Quarter of Section 23, Township 17 North, Range 1 West Boise Meridian.

JUL 24 1996

POST WESTON DITCH

J. Emmett Pfost	125	May 6, 1884
John A. Pfost	41	March 25, 1911
Goldie Abernathy	50	Aug 27, 1910
Fred Jewell	50	" " "
Grace Everest	25	May 6, 1884

MIDDLE FORK AND LOST CREEK

Orchards Water Company Middle Fork	3500	Sept. 11, 1909
Lost Creek Reservoir	6250	May 27, 1910
A. L. Freshafer	360 A ft.	" " "
J. A. Carr	300 A ft.	" " "

MIDDLE FORK

W. M. Bassus	14	May 1, 1891
Catherine Austin	24	" " "
	24	" " 1901
Ben Wooden	30	" " 1894
Henry Helmsoth	13	" " 1900
George Shaw	21	" " "
William B. Shaw	44	" " 1903
Dave Duree	5	" " 1905
C. E. Roper	7½	" " 1911
John Sweringen	6	" " 1903

FARMERS' CANAL

Mark Winkler	60	June 1, 1891
Carrie Winkler	19	" " "
E. Hinkle	{ 50	" " "
	{ 32-	Jan. 1, 1900
	19	June 1, 1891
B. A. Moudy and E. Hinkle	82	" " "
George Gould	7	" " 1905

FRANK HAHN DITCH

FRANK HAHN

383	June 1, 1902
33	" " 1903
38	" " 1904
36	" " 1905
60	

JUL 2 4 1996