

03/16/2006

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

RIGHT NUMBER: 67-72

NAME AND ADDRESS: ELSIE B SHUMWAY
HWY 95 BOX 2405
COUNCIL ID 83612

STEVEN R SHUMWAY
HWY 95 BOX 2405
COUNCIL ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.760 CFS

PRIORITY DATE: 05/01/1906

POINT OF DIVERSION:

T17N R01W S4 SWNE Lot 1 Within ADAMS County

T17N R01W S23 SWSWNE Injection Within ADAMS County

T17N R01W S23 NWNWSW Rediversion Within ADAMS County

Water under this right may be injected into Fort Hall Creek at the POD shown above and redirected from Fort Hall Creek to the place of use from the point of diversion shown above, but the water right may be exercised directly from the diversion from the Weiser River.

Water under this right may be re-diverted from Fort Hall Creek only when such water is injected into Fort Hall Creek.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.760 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S23	NESW	6.90	T17N R01W S23	NWSW	30.00
T17N R01W S23	SWSW	30.00	T17N R01W S23	SESW	3.90
T17N R01W S26	NENW	26.00	T17N R01W S26	NWNW	36.00

132.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 132.8 acres in a single irrigation season. Combined Right Nos.: 67-70, 67-72, and 67-376

This right is limited to the irrigation of 60.8 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Idaho Department of Water Resources

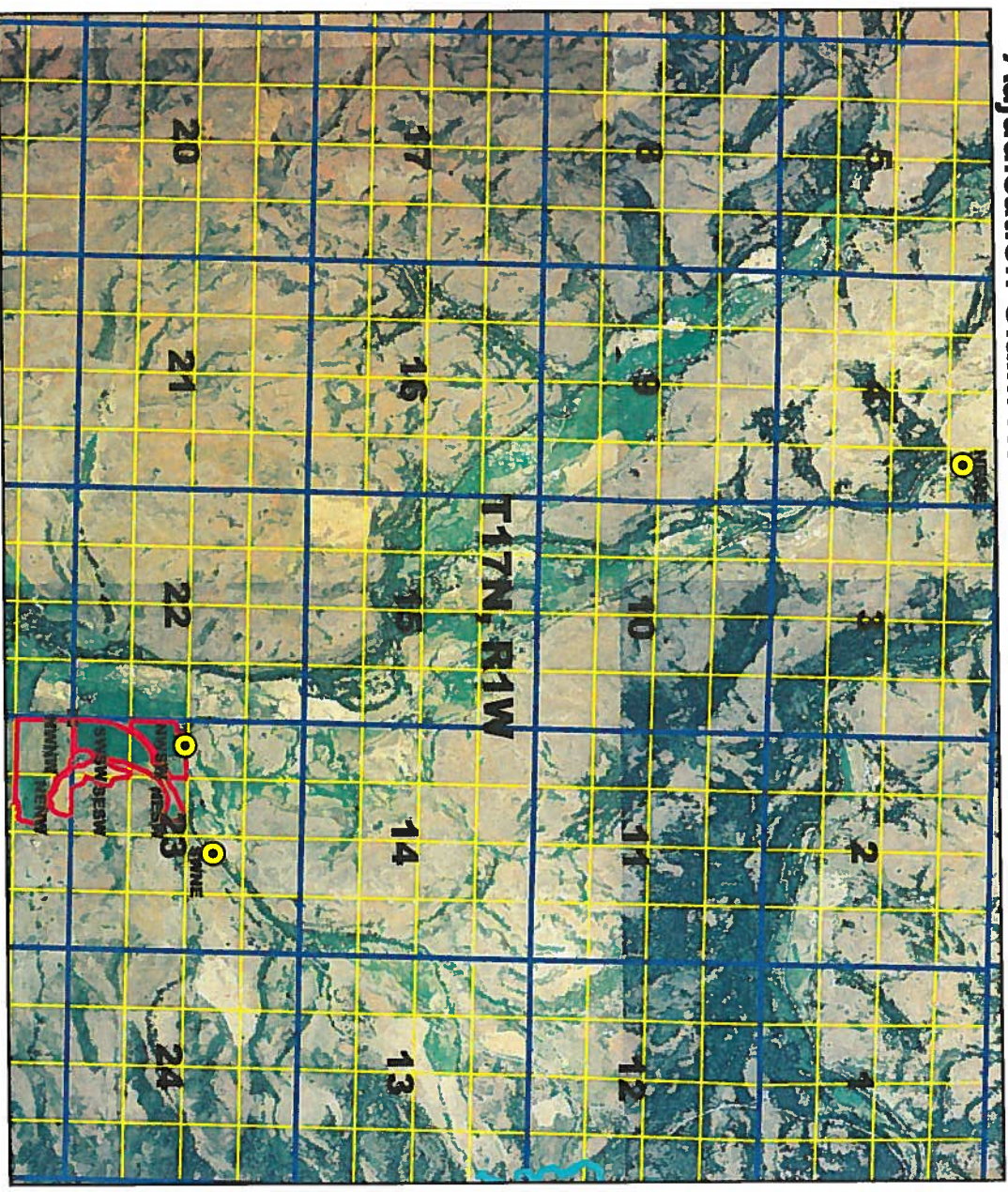
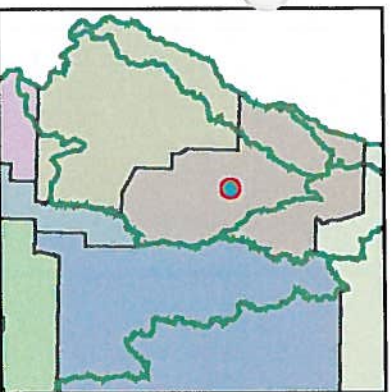


T17N R01E
T17N R01W
T18N R01W

Adjudication Claim Number: **67-70 & 67-72**

Legend

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



Prepared by C. Saxton
On Thursday, March 16, 2006
1987 Aerial Photography

Water Master Records									
Page #	Parcel Number	Name	New Charge 2005	New Charge 2003	Water In Inches	File #	Original Owner	Priority Date	Ditch
12	RP17N01W270001	SHUMWAY, STEVE	\$ 5.60	\$4.90	7	45	G GOULD	6/1/05	Farmers
13	RP17N01W234800	SHUMWAY, STEVE	\$ 8.00	\$7.00	10	376	A FREEHAFFER	7/19/93	Farmers
13	RP17N01W234800	SHUMWAY, STEVE	\$ 30.40	\$38.58	55.11		248 AF STG		Farmers Delivered south of Scism
25	RP17N01W234800	SHUMWAY, STEVE	\$ 28.00	\$26.60	38	72	S GOSHERT	5/1/06	Robertson Sevey
26	RP17N01W234800	SHUMWAY, STEVE	\$ 28.00	\$24.50	35	70	FREHAJER	6/1/02	Robertson Sevey

Water Right Records									
Basin Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)
67	45	Decreed	Active	6/1/1905	0.14	11.2	WEISER RIV IRRIGATION	GOULD, GEORGE	(wr)WaterRight
67	70	Decreed	Active	6/1/1902	0.7	56	WEISER RIV IRRIGATION	FREEHAFFER, A L	(wr)WaterRight
67	72	Decreed	Active	5/1/1906	0.76	60.8	WEISER RIV IRRIGATION	GOSHERT, S D	(Cu wr)WaterRight
67	376	Decreed	Active	1893-07-19	0.2	16	FORT HALL IRRIGATION	FREEHAFFER, A L	(wr)WaterRight
						132.8			

Claim									
Basin Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)
67	45	Decreed	Active	6/1/1905	0.14	7	WEISER RIV IRRIGATION	SHUMWAY, ELSIE	Claim
67	70	Decreed	Active	6/1/1902	0.7	58	WEISER RIV IRRIGATION	SHUMWAY, ELSIE	Claim
67	72	Decreed	Active	5/1/1906	0.76	38	WEISER RIV IRRIGATION	SHUMWAY, ELSIE	Claim
67	376	Decreed	Active	1893-07-19	0.2	146	FORT HALL IRRIGATION	SHUMWAY, STEVE	Claim
67	2117	License	Active	5/9/1919	2	101	WEISER RIV IRRIGATION	SHUMWAY, STEVE	Claim

Recommendation									
Basin Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)
67	45	Decreed	Active	6/1/1905	0	0	WEISER RIV IRRIGATION	SHUMWAY, ELSIE	Recommendation
67	70	Decreed	Active	6/1/1902	0.7	56	WEISER RIV IRRIGATION	SHUMWAY, ELSIE	Recommendation
67	72	Decreed	Active	5/1/1906	0.76	60.8	WEISER RIV IRRIGATION	SHUMWAY, ELSIE	Recommendation
67	376	Decreed	Active	1893-07-19	0.2	16	FORT HALL IRRIGATION	SHUMWAY, STEVE	Recommendation
						Total =			
						132.8			
						0.0125 per acre			

67	2117	License	Active	5/9/1919	2	100	WEISER RIV IRRIGATION	SHUMWAY, STEVE	Recommendation
----	------	---------	--------	----------	---	-----	-----------------------	----------------	----------------

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.

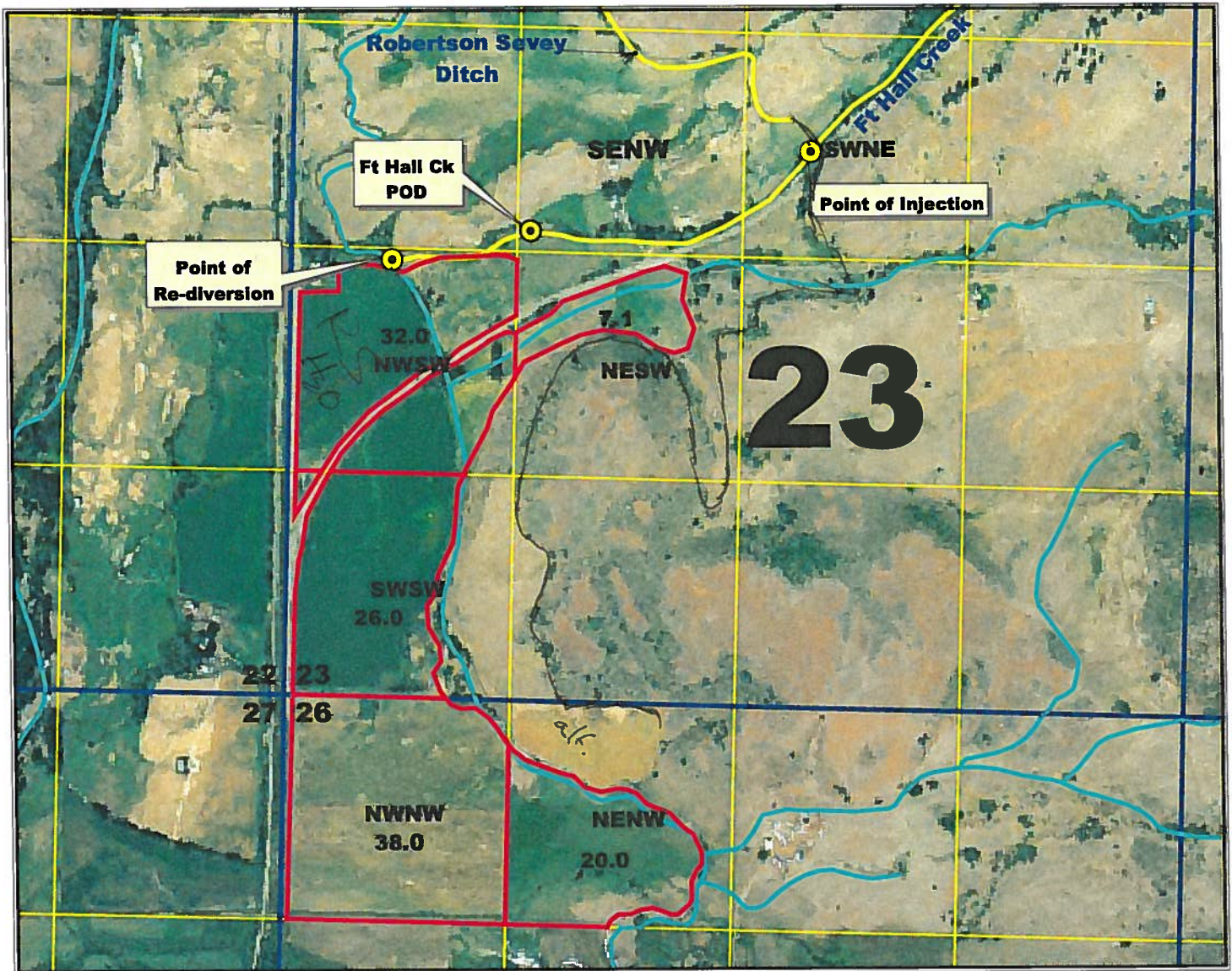
67-2117:

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



1320 0 1320 2640 Feet



Point of Diversion



Preliminary Place of Use



Claimed Place of Use - N/A



Tax Lot Data - N/A

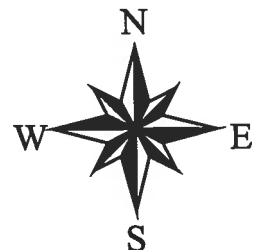


Quarter Quarter Lines



Section Lines

Total Irrigated Acres = 123.1



Prepared By: Craig L. Saxton
Date: December 2005

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 67-72
Date Received: 1/2/1990
Receipt No: W007328
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

ELSIE B SHUMWAY Phone: (208)253-4409

HWY 95 BOX 2405
COUNCIL ID USA 83612

STEVEN R SHUMWAY Phone: (208)253-4409

HWY 95 BOX 2405
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1906

3. Source: WEISER RIVER , WEISER RIVER , WEISER RIVER Trib. to: SNAKE RIVER ,
SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01W	4	SW	NE	NE	ADAMS	
17N	01W	23	SW	SW	NE	ADAMS I	
17N	01W	23	NW	NW	SW	ADAMS R	

5. Description of diverting works:

ROBERTSON-SEEVEY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.76	

7. Total Quantity Appropriated is:
0.76 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	23	NE	SW	IRRIGATION	7.1
			NW	SW	IRRIGATION	32
			SW	SW	IRRIGATION	26
			Section Acres		65.1	
17N	01W	26	NE	NW	IRRIGATION	20
			NW	NW	IRRIGATION	38
			Section Acres		58	
			Total Acres		123.1	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

THIS WATER CARRIED IN THE ROBERTSON-SEEVEY DITCH

Claim amended to more accurately describe the points of diversion as well as the place of use as a permissible place of use with 67-70, 67-72, and 67-376 (csaxton 12/30/05).

Claim set to temporary status until amended claim signed and returned to this office (csaxton 12/30/05).

Acreage fees paid under W007238. Acres paid for in claim 67 -376 (csaxton 12/30/05).

15. Basis of Claim: Decreed

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.

12-29-05: Claimed w/in decreed POU. Overlap w/67-70

: Decreed for 60.8 ac @ $5\frac{1}{8}$ inches per acre

Split/Overlap Analysis - Water Right No.:

67-72

Twp	Rng	Sec	Q-Q	Decree				Claims				Recommendations	
				RSDC	Goshert	Shumway						72	
17N	01W	3	NWSW	3.66	5							Shumway	0.38
		10	NWNNW	6.5	0.76	0.76							
			SENNW	23									
			SENNW	7									
			NESW	19									
			NWSW	10									
			SESE	33									
			SWSE	2.5									
		14	SWNNW	17									
			NESW	15									
			NWSW	40									
			SWSW	14									
			SESW	16									
		15	NENE	7									
			NWNE	25									
			SWNE	34									
			SENE	33									
			NESW										
			NWSW										
			NESE										
			NWSE										
			SWSE										
			SENNW	12									
		23	NWNNW	14									
			SENNW	40									
			SENNW	36									
			NESW	3									
			NWSW	30 X		38						30	
			SWSW	22 X									
			NESE	11									
			NWSE										
			SESE	11									
			SWSE										
			NWNE										
			SWNE										
		26	NWNNW	X									
		27	NENE	6									
				60.8		38		0		0		30	0 acreage for each claim
												1.00	0.00 percent of total acreage
												30.00	0.00 acreage to recommend
												0.38	0.00 cts to recommend

*Watermaster delivery indicates 38 in. (=0.76 cfs) to Shumway.
 *Will need combined use limits with 67-70.

0.38 cfs
 18.75 inches
 30 ac @ 5/8

30 Total acreage

Robertson Seavey Ditch.

George Robertson

Lester I McMahon

Samuel E McMahon

Rollie A McMahon

Isaac McMahon

Lillian G Spofford

Fruitvale Townsite Company and its grantees

Phillip Walston

C E Cox

A L Freehafer and Margaret E Pike

Lost Creek Res.

S D Goshert

G T Hamill

B R Windes

First Bank of Council

J J Jones

Biggerstaff Ditches.

T B Biggerstaff

Middle Fork Weiser River.

Orchards Water Company

Lost Creek Storage

A L Freehafer Lost Creek Storage

J A Carr Lost Creek Storage

W M Baccus

Catherine Austin

Ben Wooden

Henry Reimsöth

George Shaw

William B Shaw

John Sweringen

Dave Durre

C E Roper

Fall Creek.

James Harrell (Steward Ditch)

Jacob Cornett (Steward Ditch)

John Cornett

Oscar Gilbert (Steward Ditch)

5'

30'

18'

1'

22'

10'

4'

4'

45'

30'

4'

4'

24'

35'

40 A Ft

38'

25'

5'

135'

20'

5'

8'

45'

35003' 1077

6250' 1077

360 A Ft

300 A Ft

14'

24'

24'

30'

13'

21'

44'

6'

5'

74'

120' 1764

90'

58'

40'

June 1, 1884 67 0057

June 1, 1887 67 0058

April 1, 1901 67 0059

April 1, 1901 67 0060

April 1, 1901 67 0061

April 1, 1901 67 0062

April 1, 1901 67 0063

April 1, 1905 67 0064

April 25, 1901 67 0065

Sept 23, 1901 67 0066

May 1, 1906 67 0067

May 1, 1901 67 0068

Sept 23, 1901 67 0069

June 1, 1902 67 0070

May 27, 1910 67 0071

May 1, 1906 67 0072

May 1, 1906 67 0073

May 1, 1916 67 0074

May 1, 1908 67 0075

May 18, 1910 67 0076

May 18, 1910 67 0077

May 25, 1910 67 0078

June 1, 1890 67 0079

Sept 11, 1905 67 0080

May 27, 1910 67 0081

May 27, 1910 67 0082

May 27, 1910 67 0083

May 1, 1891 67 0084

May 1, 1891 67 0085

May 1, 1901 67 0086

May 1, 1894 67 0087

May 1, 1900 67 0088

May 1, 1900 67 0089

May 1, 1903 67 0090

May 1, 1903 67 0091

May 1, 1905 67 0092

May 1, 1911 67 0093

July 1, 1883 67 0094

July 1, 1883 67 0095

Dec 30, 1907 67 0096

May 1, 1899 67 0097

JUL 24 1996

LESTER I McMAHAN: The Southeast Quarter of the Northeast Quarter of Section 15, Township 17 North, Range 1 West Boise Meridian.

GEORGE ROBERTSON: The East half of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10, Township 17 North, Range 1 West Boise Meridian.

LILLIAN G SPOFFORD: The North half of the Northwest Quarter of Section 23 and the Southeast Quarter of the Southwest Quarter of Section 14, Township 17 North, Range 1 West Boise Meridian.

FRUITVALE TOWNSITE COMPANY: The North half of the Northeast Quarter of Section 15, Township 17 North, Range 1 West Boise Meridian.

PHILIP WALSTON: The Southwest Quarter of the Southeast Quarter of Section 10, Township 17 North, Range 1 West Boise Meridian.

O E COX: A tract of four acres in the Northeast corner of the Fruitvale town-site, in Section 15, Township 17 North, Range 1 West Boise Meridian.

A L FREEMAN and MARGARET E PIKE: The West half of the Southeast Quarter and a strip of land in the West half of the Southwest Quarter adjoining lands above described, all in Section 23, Township 17 North, Range 1 West Boise Meridian.

S D GOSHERT: The West half of the Southwest Quarter of Section 23, and the Northwest Quarter of the Northwest Quarter of Section 26, Township 17 North, Range 1 West. —

G T HAMILL: The South half of the Northwest Quarter of Section 23, Township 17 North, Range 1 West Boise Meridian.

E R WINDES: The West half of the Northeast quarter, the East half of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, the North half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 26, Township 17 North, Range 1 West Boise Meridian.

FIRST BANK OF COUNCIL: The East half of the West half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 17 North, Range 1 West Boise Meridian.

J J JONES: The East half of the Southwest Quarter of Section 22 and the Northeast Quarter of the Northeast Quarter of Section 27, Township 17 North, Range 1 West Boise Meridian.

T B BIGGERSTAFF: The Southwest Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter of Section 1, the South half of the Southeast Quarter of Section 2, Township 17 North, Range 1 West Boise Meridian.

ORCHARD WATER COMPANY: The East half of the Southwest Quarter of Section 14, the Northwest Quarter of the Northwest Quarter of Section (23) and 20 acres in the West half of the Southwest Quarter of the Northwest Quarter of Section 23; all Sec. 22; the South half the North half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 15; the South half of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 10; the North half and the East half of the Northeast Quarter of the Southeast Quarter of Section 21, the South half the North half of the Northeast Quarter and the North half of the Northwest Quarter of Section 16, the Southwest Quarter, the South half and the West half of the Northwest Quarter of Section 9; the East half; the North half of the Southwest Quarter of Section 8; the east half of the Southwest Quarter, the South half of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 17; all of Section 20; the West half of the Southeast Quarter and the West half of the Northeast Quarter of Section 19; all in Township 17 North, Range 1 West Boise Meridian. *Trans. #1077*

JUL 24 1996

John V. Blom
1. Blom Blom

ROSL ANSLON DITCH

May 31, 1884
May 31, 1884

GLENN McMAHON DITCH

Isaac McMahon 10
9
for power 400
Relie A. McMahon 4
Samuel E. McMahon 22
W. M. Glenn 45
Lester I McMahon 4

May 31, 1884
" 1, 1901
July 1, 1908
June 1, 1884
" " "
" " "
May 31, "

ROBERTSON SEAVEY DITCH

George Robertson 30⁵

June 1, 1884
" " 1887

S. D. Goshert 38

May 1, 1906

Lester I. McMahon 18

April 1, 1901

G. T. Hamill 25⁵

May 1, 1906
" " 1916

Samuel E. McMahon 1

April 1, 1901

Relie A. McMahon 22
10

" " "
" " "

Isaac McMahon 4
4

" " 1905
" " 1901

Lillian G. Spefford 45

" 25, "

E. R. Windes 135
20

May 1, 1908
" 18, 1910

First Bank of Council 10

" " "

J. J. Jones 8

" 25, "

Fruitvale Townsite Company & its
Grantees 30

Sept 23, 1901

Phillip Walstrom 4
4

May 1, 1906
" 1, 1901

C. E. Cox 24

Sept 23, 1901

ROMLINSON YANTIS DITCH

Mary E. Tomlinson 50

June 13, 1905

E. W. Tomlinson 55

" " "

Sarah Yantis 40

" " "

L. A. Spira 10

" " "

Ralph Yantis 8

Dec. 31, 1908

JUL 24 1996