

11/07/2006

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

RIGHT NUMBER: 67-320

NAME AND ADDRESS: DAVID WAYNE WEAVER
1405 MILL ST
ELY NV 89301

SOURCE: COTTONWOOD CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.500 CFS

Right Nos. 67-320 and 67-11300 are limited to a total combined diversion rate of 0.58 cfs.

PRIORITY DATE: 07/02/1890

POINT OF DIVERSION:

T16N R01W S36 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.500 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S26	NENE	0.50	T16N R01W S26	NWNE	2.50
T16N R01W S26	SWNE	18.00	T16N R01W S26	SENE	8.00

29 ACRES TOTAL

Right Nos. 67-320 and 67-11300 are limited to the irrigation of a combined total of 29 acres 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

Idaho Department of Water Resources

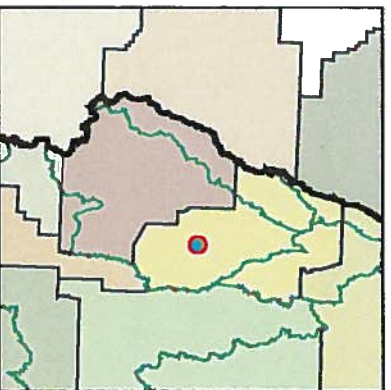


SRBA Recommendation:

67-320
(Irrigation)

Legend

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

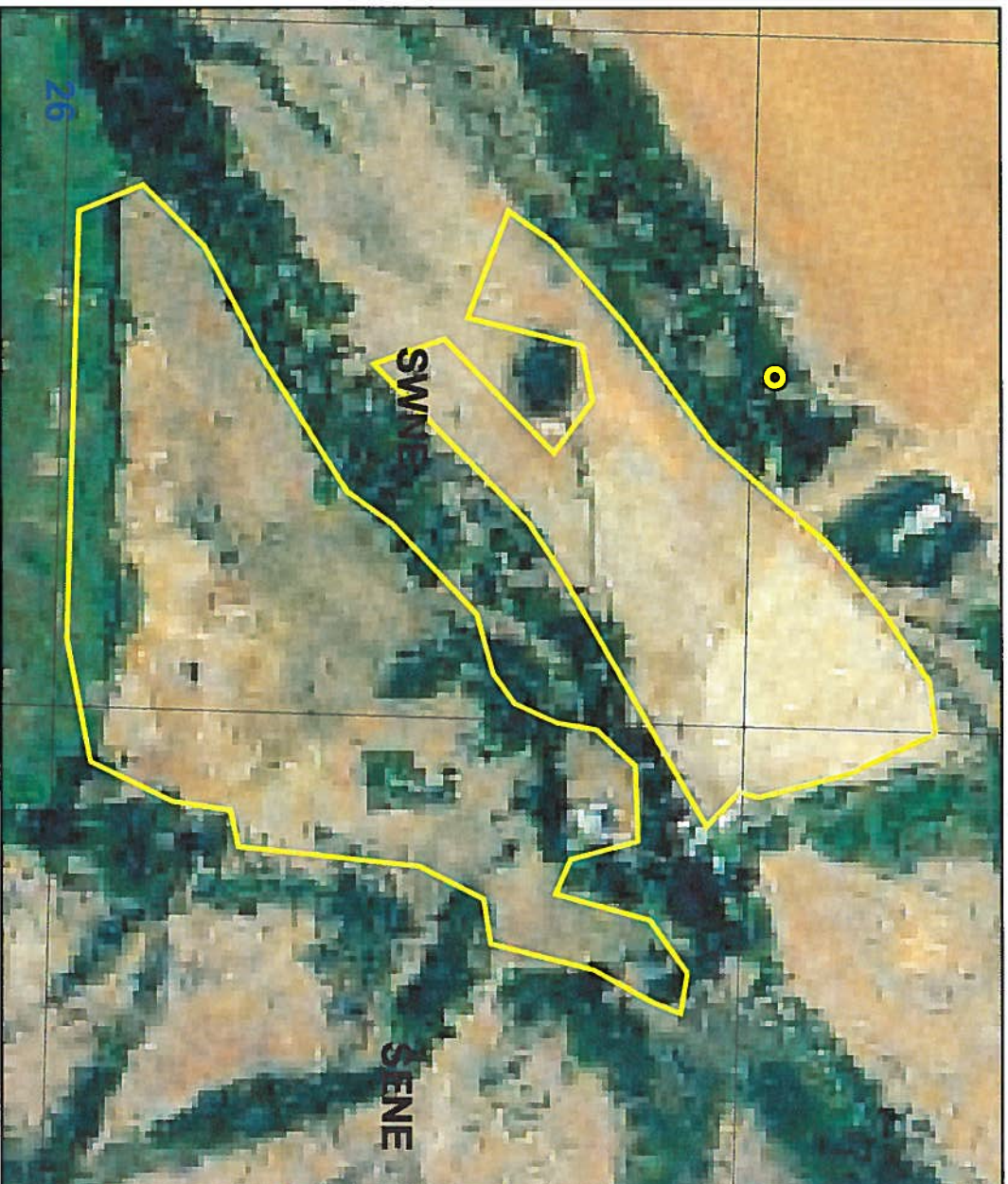


Adams County
IDWR Basin 67



T16N

R01W



Prepared by V. Music
On Tuesday, November 7, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-320 V1

WATER RIGHT NUMBER: 67-320 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ILENE M SHAFFER PO BOX 336 COUNCIL, ID 83612-0336 (208)253-4860
Original Owner	MARY E HOUSTON , ID
Current Owner	DAVID WAYNE WEAVER 1405 MILL ST ELY, NV 89301
Original Owner	DUANE C SHAFFER PO BOX 336 COUNCIL, ID 83612-0336 (208)253-4860

Priority Date: 07/02/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER 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	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW1/4NE1/4	Sec. 36, Twp 16N, Rge 01W, B.M.
ADAMS County		

Place of UseIRRIGATION Within ADAMS County

T16N R01W S26	NENE	0.5	T16N R01W S26	NWNE	2.5
T16N R01W S26	SWNE	18.0	T16N R01W S26	SENE	8.0

Total Acres: 29

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.
2. E55 Right Nos. 67-320 and 67-11300 are limited to the irrigation of a combined total of 29 acres in a single irrigation season.
3. E51 Right Nos. 67-320 and 67-11300 are limited to a total combined diversion rate of 0.58 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-320 V1

Remarks:Comments:

1. segbert 7/29/2004 POU

Comment: The NWNE is not mentioned in the decree

2. Vmusic 11/7/2006 POU

Comment: ACC TRANSFER IN POU PRIOR TO 1987 OR POSSIBLY ERROR IN DECREE DUE TO LACK OF MAP TECHNOLOGY. CLAIMED 29 ACRES WHICH IS LESS THAN DECREED AC MAXIMUM OF 40 ACRES.

3. Vmusic 11/7/2006 QUANTITY

Comment: DID NOT REDUCE DECREED QUANTITY BECAUSE DIVERSION RATE IS STILL LESS THAN .02 CFS PER ACRE

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>
Priority Date	7/29/2004 8:04:32 AM	segbert			Active
POD	7/29/2004 8:05:05 AM	segbert			Active
POU	7/29/2004 8:11:21 AM	segbert			Active
Source	7/29/2004 8:11:22 AM	segbert			Active
Use	7/29/2004 8:11:23 AM	segbert			Active
Season	7/29/2004 8:11:24 AM	segbert			Active
Quantity	7/29/2004 8:11:25 AM	segbert			Active
Source	7/29/2004 8:13:41 AM	segbert			Active
POU	7/29/2004 8:15:13 AM	segbert			Active
Use	7/29/2004 8:26:23 AM	segbert			Active
Season	7/29/2004 8:26:51 AM	segbert			Active
Quantity	7/29/2004 8:27:33 AM	segbert			Active
Summary			11/07/2006	Vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-320 V1

Summary	11/7/2006 12:27:32 PM	Vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	7/29/2004 8:05:04 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Priority Date	7/29/2004 8:04:31 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	7/29/2004 8:10:45 AM	segbert	Edited point location
POU	7/29/2004 8:11:21 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Source	7/29/2004 8:11:22 AM	segbert	(Yes) 1. Is the basis of claim Decree or License?
Use	7/29/2004 8:11:23 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Season	7/29/2004 8:11:24 AM	segbert	(Yes) 1. Is the basis of claim Decree or License?
Quantity	7/29/2004 8:11:24 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POU	7/29/2004 8:15:12 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (No) 7. Is there evidence that there has been a change in the POU?
Source	7/29/2004 8:13:40 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-320

WATER RIGHT NUMBER: 67-320

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ILENE M SHAFFER PO BOX 336 COUNCIL, ID 83612-0336 (208)253-4860
Original Owner	MARY E HOUSTON , ID
Current Owner	DAVID WAYNE WEAVER 1405 MILL ST ELY, NV 89301
Original Owner	DUANE C SHAFFER PO BOX 336 COUNCIL, ID 83612-0336 (208)253-4860

Priority Date: 07/02/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER 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	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	SW1/4NW1/4NE1/4	Sec. 36, Twp 16N, 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	
16N	01W	26	.5	2.0	18.5	8.0													29.0

Total Acres: 29

Conditions of Approval:

1. OWNERSHIP CHANGED BY LH 9/18/95.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-320 V1

WATER RIGHT NUMBER: 67-320 V1

Owner Type
Original Owner
Name and Address
ILENE M SHAFFER
PO BOX 336
COUNCIL ID 83612-0336
(208)253-4860
MARY E HOUSTON

Current Owner
Name and Address
DAVID WAYNE WEAVER
1405 MILL ST
ELY, NV 89301
DUANE C SHAFFER
PO BOX 336
COUNCIL ID 83612-0336
(208)253-4860

Priority Date: 07/02/1890
Basis: Decreed
Status:

Source
COTTONWOOD CREEK

Beneficial Use
IRRIGATION

Location of Point(s) of Diversion
COTTONWOOD CREEK
ADAMS County

Sec. 36, Twp 16N, Rge 01W, B.M.

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	Total
16N	01W	26	3	3	3	3	0	0	0	0	28.0

Total Acres: 29

Conditions of Approval:

Remarks:

25" c/c / .025 = 40 ac dec. claimed 29
(2A)(.02) = .58 ch. Claimed 0 < .02 ch/ac
POD - not needed. Cannot find land left for

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-320 V1

Comments:
1. segbert 7/29/2004 POU
Comment: The NWNE is not mentioned in the decree

Dates and Other Information:

Decreed Date:
Engerment Use Priority Date:
Engerment Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
State of Error Flag: S
Owner Name Connector: OR
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False
Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Priority Date	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
POD	7/29/2004	8:04:32 AM	segbert			
POU	7/29/2004	8:05:05 AM	segbert			
Source	7/29/2004	8:11:21 AM	segbert			
Use	7/29/2004	8:11:22 AM	segbert			
Season	7/29/2004	8:11:24 AM	segbert			
Quantity	7/29/2004	8:11:25 AM	segbert			
Source	7/29/2004	8:13:41 AM	segbert			
POU	7/29/2004	8:15:13 AM	segbert			
Use	7/29/2004	8:26:23 AM	segbert			
Season	7/29/2004	8:26:51 AM	segbert			
Quantity	7/29/2004	8:27:33 AM	segbert			

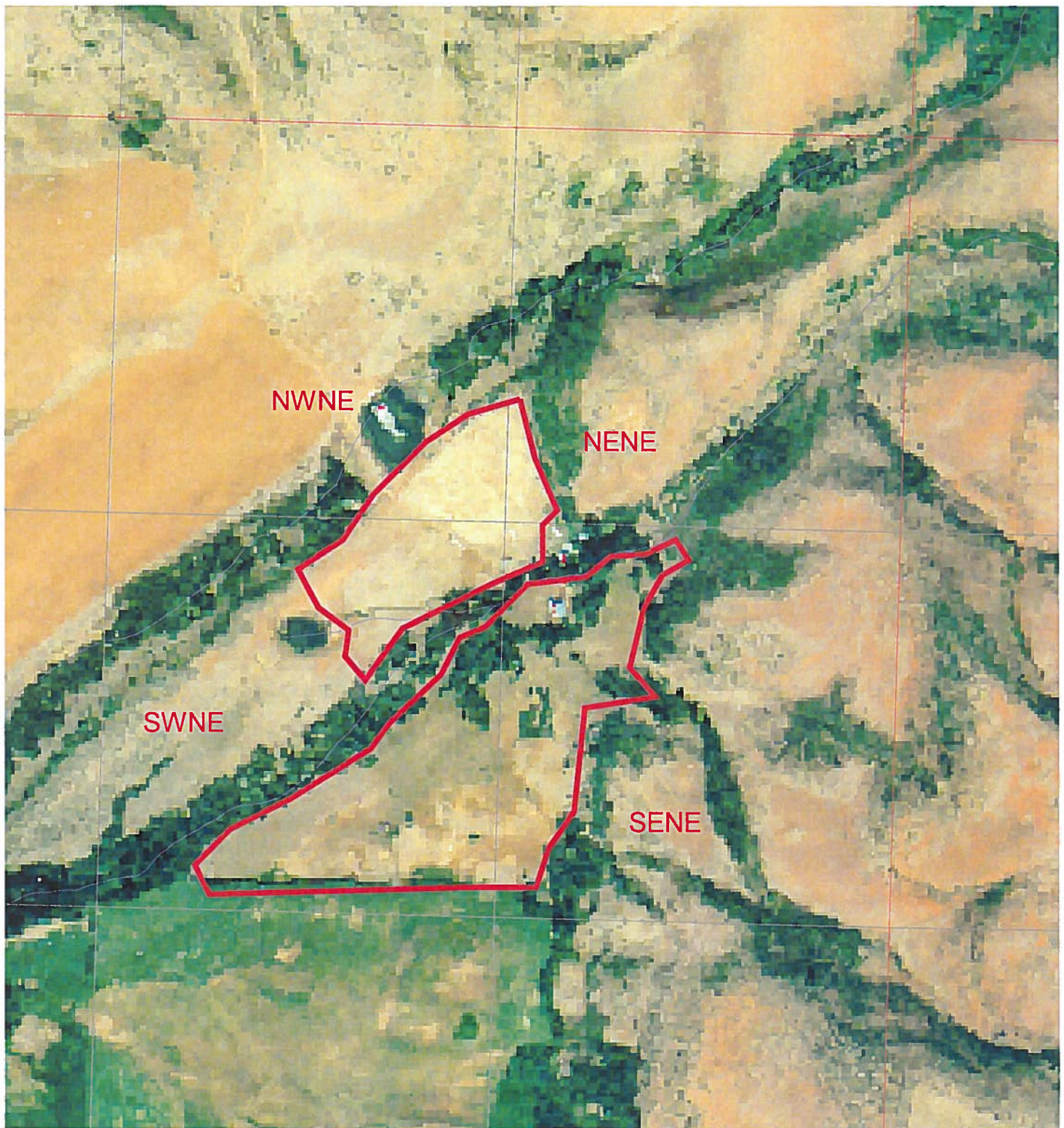
Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	7/29/2004 8:05:04 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?

ESS limited to 29 ac 110 w/63-11300
ESS limited to .58 ch w/63-11300

Idaho Department of Water Resources

67-320



T16N R01W S26



500 0 500 1000 Feet

Prepared by Sandy Egbert
7-29-04
1987 NAPP Photography

Cow Creek.

American Falls Development Company, sub for
W H Philbrick and R B Greenwood

47

June 1, 1886 67 0306

Goodrich Creek.

J P Ogilvie

10

May 1, 1892 67 0307

Ashton Roby

4

May 1, 1911 67 0308

Cottonwood Creek.

F W Beier

58

June 1, 1882 67 0309

P W Higgins

20

Sept 6, 1884 67 0310

Edgar Moser

22 1/2

Sept 6, 1884 67 0311

William Phipps

50

June 1, 1884 67 0312

20

June 1, 1889 67 0313

3

June 1, 1894 67 0314

I A Whiteley sub for I A Whiteley and J D Neale

31 3/8

June 1, 1887 67 0315

15 5/8

June 1, 1888 67 0316

O W Phipps

37 1/2

June 1, 1889 67 0317

James H McGinley

3

May 1, 1889 67 0318

72

July 1, 1896 67 0319

Cottonwood Creek (Con)

Mary R Houston

25

July 2, 1890 67 0320

A W Peebles

4

April 1, 1896 67 0321

R B Kincaid

4

April 1, 1896 67 0322

Grant Moore

3

May 1, 1900 67 0323

5

May 1, 1900 67 0324

North Fork Cottonwood Creek.

Gifford-Borenson Ditch.

M P Gifford

107

June 5, 1902 67 0325

Elisa Borenson

62

June 5, 1902 67 0326

James L Stewart and William F Smith

20

June 5, 1902 67 0327

B D Piper

10

June 5, 1902 67 0328

Mrs J T Root sub for M Rhinehart

96

June 5, 1902 67 0329

Emma Cool, sub for Fred Cool

10

June 5, 1902 67 0330

J A Carr

25

June 5, 1902 67 0331

Gladwell Commercial Bank

58

June 5, 1902 67 0332

A L Freehafer

5

June 5, 1902 67 0333

Emma Arrington

5

June 5, 1902 67 0334

Washington County Land & Development Co.

25

June 5, 1902 67 0335

Frank E Brown

2 1/2

June 5, 1902 67 0336

Winkler & Weid

23 3/4

June 5, 1902 67 0337

Crystal Foust

5

June 5, 1902 67 0338

Robert Wafier

2 1/2

June 5, 1902 67 0339

First National Bank of Vale

16

June 5, 1902 67 0340

North Fork Cottonwood Creek (Con)

Ben Houston

3

June 5, 1902 67 0341

A Grossen

10

June 5, 1902 67 0342

Hans Grossen

5

June 5, 1902 67 0343

JUL 2 4 1936



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 18, 1995

Re: Notices of Claim to a Water Right Nos. A67-00320, A67-11299,
A67-11300

David Wayne Weaver
1405 Mill Street
Ely, NV 89301

Mr. Weaver:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

Claims have not been filed on 67-07972 and 67-07823 in the Snake River Adjudication and are not required to be filed. We have forwarded the ownership change information to our central office for their records on these two water rights.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l
Enclosures

CC: Duane & Ilene Shaffer

SCANNED
APR 02 2004

MICROFILMED
OCT 22 1996

MEMORANDUM

To: File A67-00032D
From: Roxanne McCarthy
Re: Duplicate Claim
Date: December 16, 1994

=====

The attached claim was found in the non-data-entered drawers at the Western Regional office. It appears that Mr. Nelson filed a claim on this right, thinking that the original filing was lost.

This duplicate should be placed in the file; it does not appear to represent a conflicting claim.

MICROFILMED
OCT 22 1996

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 AG7-00032D
Date Received 10-16-89
Receipt Number W006272

RECEIVED

OCT 16 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Vaughn Nelson or Phone (806) 655 4584

Mailing Address 1407 CREEK ^{MERE} CANYON, TX Zip 79015

2. Date of Priority (Only one (1) per claim) July 4, 1886

3. Source of water supply (a) Weiser River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 15N Range 2W Section 31,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of WASH.

Additional points of diversion if any: T14N, R2W, Sec. 5; NW 1/4, NW 1/4 + NE 1/4, NW 1/4

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of
1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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 to sprinklers + flood

MICROFILMED

OCT 22 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.40 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 90 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
14N	2W	5					15	15											30

Total number of acres irrigated 30

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

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.
AG7-04092, Lost Valley Res., 67-7376 or None ()

14. Remarks: This is a split off of AG7-00032 B. Cambridge Ditch Co. has paid acreage fees.

MICROFILMED
OCT 22 1995

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant Muir vs Allison

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) X [Signature] Nelson Date X 10/12/89

Date _____

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 _____

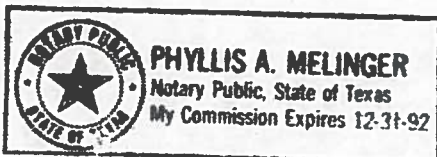
Title and Organization _____ Date _____

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

Canyon - TX

Subscribed and sworn (or affirmed) before me this 12 day of October 19 89

SEAL



Notary Public Phyllis A. Melinger

Residing at W.T.S. 4-Student Center

My Commission Expires December 31-1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on 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 _____

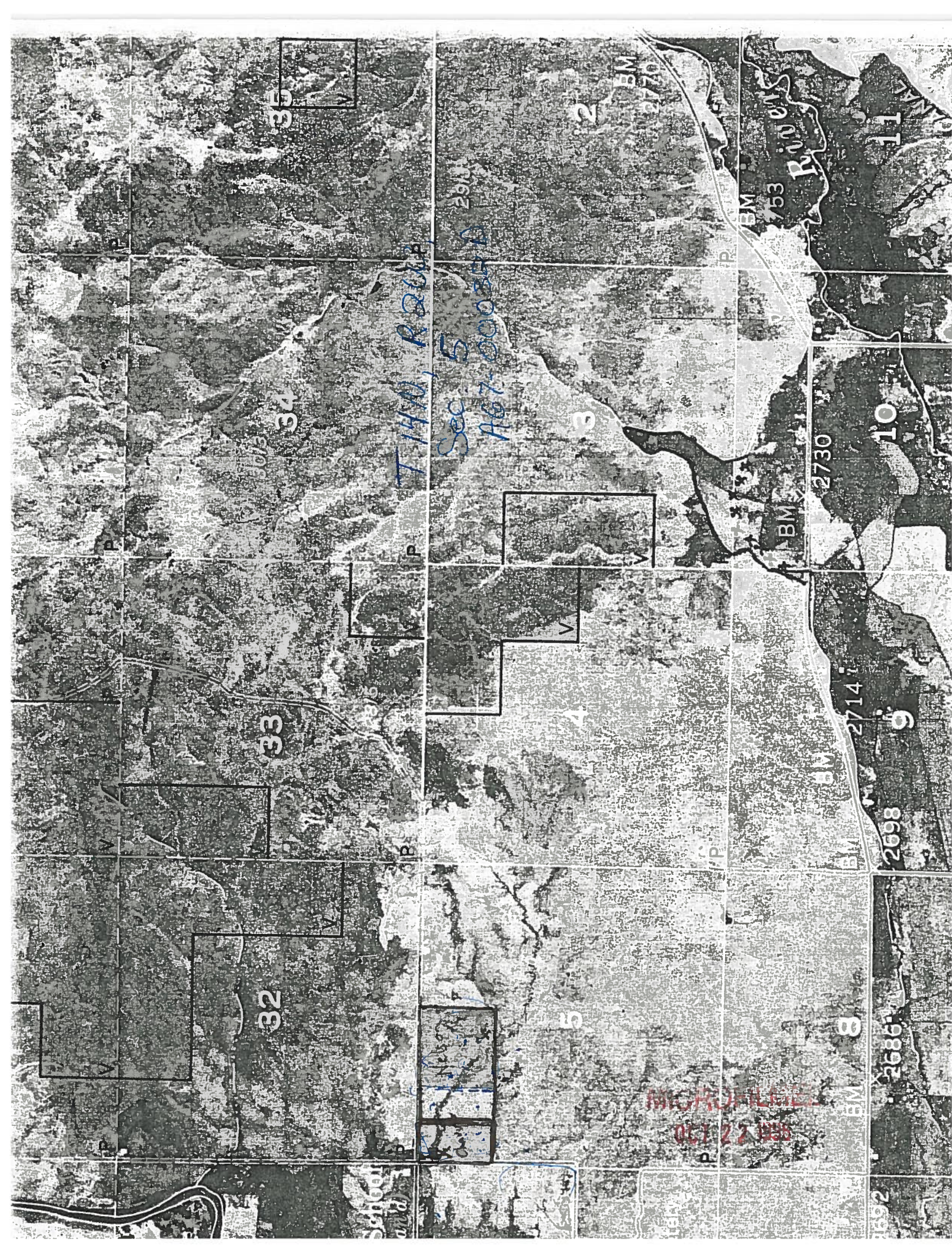
Address _____

Date _____

MICROFILMED
OCT 22 1996

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



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: A67-00320
Date Received: 12/12/1989
Receipt No: W007087
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: DAVID WAYNE WEAVER
Address: 1405 MILL STREET
ELY NV 89301
2. Date of Priority: JUL 2, 1890
3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 16N | 01W | 36 | SW | NW | NE | | ADAMS |
5. Description of diverting works:
CONC WEIR, DITCHES, GRAVITY FLOWS.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.500 | | |
7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
INSTREAM STOCKWATER
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	26	NE	NE		IRR	0.5
			NW	NE		IRR	2.0
			SW	NE		IRR	18.5
			SE	NE		IRR	8.0

SCANNED
APR 02 2004

MICROFILMED
OCT 22 1996

10. Place of Use: Continued

Section Acres 29.0

Total Acres 29.0

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:
A67-11299, A67-11300

14. Remarks:
OWNERSHIP CHANGED BY LH 9/18/95.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED
OCT 22 1996

State of Idaho)
County of) SS.
)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

SEP 14 1995

Department of Water Resources

DATE OF CLOSING: 8/18/95

LEGAL DESCRIPTION OF PROPERTY: Township 16 N Range 01 W
Section 23+26 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block, , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

SEP 15 1995

WATER RESOURCES
WESTERN REGION

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) A67-11299, A67-11300, A67-00320
Assigned by IDWR: A67-07972 + A67-07823

☐ Name and Address of Former Owner/Claimant(s)(Seller): Duane C Shaffer +/or Ilene M. Shaffer
P.O. Box 336

☐ New Owner/Claimant (Purchaser): Council, ID 83612
David Wayne Weaver

☐ New Mailing Address: 1405 Mill Street
Eliz, NV 89301

☐ New Telephone Number: () -

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: copy of recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) X David Wayne Weaver Date 8/18/95
Date

☐ Signature of Former Owner/Claimant(s): Date
Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9-18-95 By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 9-18-95 By:

Claim Numbers of Split, if any:

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OCT 22 1995

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUMENT NO. **88519**
WARRANTY DEED

For Value Received DUANE CHARLES SHAFFER, aka DUANE C. SHAFFER, and ILENE MARIE SHAFFER, aka ILENE M. SHAFFER, husband and wife

the grantors , do hereby grant, bargain, sell and convey unto
DAVID WAYNE WEAVER, a single man

RECEIVED

SEP 14 1995

the grantee, whose current address is, 1405 Mill Street, Ely, NV 89301 ~~Department of Water Resources~~

the following described premises, in Adams County, Idaho, to-wit:

RECEIVED

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

SEP 15 1995

WATER RESOURCES
WESTERN REGION

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee , that they are the owners in fee simple of said premises; that they are free from all incumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that they will warranty and defend the same from all lawful claims whatsoever.

Date: August 4, 1995

Duane C. Shaffer
Duane Charles Shaffer, aka Duane C. Shaffer

Ilene M. Shaffer
Ilene Marie Shaffer, aka Ilene M. Shaffer

STATE OF Idaho)
COUNTY OF Adams) ss

On this 18th day of Aug. in the year of 1995. before me a Notary Public. personally appeared DUANE CHARLES SHAFFER. aka DUANE C. SHAFFER. & ILENE MARIE SHAFFER. aka ILENE M. SHAFFER known or identified to me to be the persons whose names are subscribed to the within instrument. and acknowledged to me that they executed the same

STATE OF IDAHO. COUNTY OF ADAMS
I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

at 56 minutes past 4 o'clock PM.
this 18th day of August, 1995, in my office. and duly recorded in Book

of Deeds at page

Christy A. Drury
Notary Public
Residing at Franklin, Idaho
Commission expires: 8/4/98

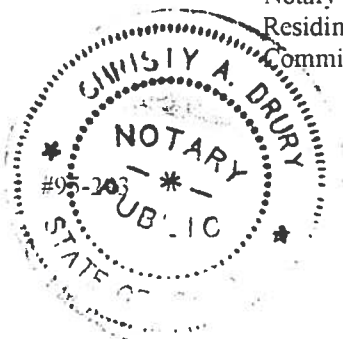
MICHAEL FISK

Ex-Officio Recorder

By: Peggy Pineda
Deputy

Fees \$6.00

Mail to: Timberline Title & Escrow



MICROFILMED

OCT 22 1996

PARCEL 1

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 26: N1/2NE1/4NE1/4

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SEP 14 1995

PARCEL 2

Department of Water Resources

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 26: E1/2NW1/4, W1/2NE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4

Section 23: SE1/4SW1/4, SW1/4SE1/4

EXCEPTING THEREFROM a parcel in the SW1/4SE1/4 of Section 23 in Township 16 North, Range 1 West more particularly described as follows:

Begining at the NW corner of said SW1/4SE1/4;

Thence North 89 degrees 44'00" East along the Northerly boundary of said SW1/4SE1/4 a distance of 1317.88 feet to the NE corner of said SW1/4SE1/4;

Thence South 00 degrees 13'47" East along the Easterly boundary of said SW1/4SE1/4 a distance of 1303.87 feet to the SE corner of said SW1/4SE1/4;

Thence South 89 degrees 39'38" West along the Southerly boundary of said SW1/4SE1/4 a distance of 858.13 feet to the centerline of an existing gravel road;

Thence traversing said centerline as follows:

North 13 degrees 40'01" West a distance of 419.51 feet;

Northwesterly 169.43 feet along a curve to the left having a central angle of 47 degrees 48'22", a radius of 203.07 feet and a long chord which bears North 37 degrees 34'13" West a distance of 164.56 feet;

North 61 degrees 28'24" West a distance of 201.35 feet;

Northwesterly 44.68 feet along a curve to the left having a central angle of 15 degrees 54'36", a radius of 160.89 feet and a long chord which bears North 69 degrees 25'42" West a distance of 44.53 feet;

Thence leaving said centerline and bearing North 04 degrees 06'35" West along an existing fenceline a distance of 654.62 feet to the POINT OF BEGINNING.

TOGETHER WITH any and all water rights appurtenant to the property.

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1995 which are a lien but not yet due or payable.

POWERLINE EASEMENT granted to IDAHO POWER COMPANY, a corporation, recorded April 23, 1948 in Book 4M of Misc., page 543. Affects E1/2NE1/4 of Section 26.

AN EXISTING ROAD RIGHT OF WAY as set forth in a document granted E. Lucille Mitchell recorded February 1, 1987 as Inst. No. 73748 and also January 7, 1977 as Inst. No. 55524.

MATTERS DISCLOSED in a Record of Survey entitled "Dennis Orwig" recorded as Inst. No. 71281. Affects the SE1/4SW1/4 and the SW1/4SE1/4 of Section 23 and the NW1/4NE1/4 of Section 26.

RIGHT to ride horses and drive cattle on existing roads and trails as set forth in Deed recorded February 11, 1993 as Instr. No. 83554. Affects all of the herein described land.

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: A67-00320
Date Received: 12/12/1989
Receipt No: W907087
Received By: KEL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DUANE C. SHAFFER 208-253-4860
Address: P.O. BOX 336
COUNCIL, ID 83612
OR
Name: ILENE M. SHAFFER 208-253-4860
Address: P.O. BOX 336
COUNCIL, ID 83612
2. Date of Priority: JUL 02, 1890
3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	36	SW	NW	NE		ADAMS
5. Description of diverting works:
CONC WEIR, DITCHES, GRAVITY FLOWS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	01W	26	NE		NE		IRR	0.5
			NW		NE		IRR	2.0
			SW		NE		IRR	18.5
			SE		NE		IRR	8.0
							Section Acres	29.0
							Total Acres	29.0

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:
A67-11299, A67-11300

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree 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 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): Quane C Shaffer Date: 12/12/89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of Dec 19 89 Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994

MULLER

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1960

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167-00320

05 NE

8

29 Acres

Boundary

Well

F# 30
T-387
B. Florence
- Rese

4.5

14

L-MITCHELL

34.3
NE

19.9

Prop 1 NE

B-252
C. MADSEN

B-144

2
11.8
NE

5
18.9
NE

6
24.9
NE

1
16.6

8
66

9
87

1.16N
1.15N

42' 30"

07-00320
167-00320
Cottonwood Creek
DIVISION

11-12-19
167-11299
Cottonwood Creek



Original

DATE

67-320
M. Houston

7-2-90

25"

Parcel #

16N R1W 260300

T16N R1W Sec. 26

Reservoir SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$

Pond NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$

Well NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Depth 90'

Power, Sub

Drilling Date ?

MICROFILMED

OCT 01 1992

Receipt Details for ID W007087

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/12/1989 12:57:00 PM	12/12/1989	Western	\$154.00	Check
Payer	SHAFFER, DUANE C.			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
622			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$154.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
67	320		\$79.00	Claim
67	11300		\$50.00	Claim
67	11299		\$25.00	Claim

[Print Report](#)