

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: A67-02117
Date Received: 12/18/1989
Receipt No: WFO 7328
Received By: BAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVE SHUMWAY 208-253-4409
Address: HWY 95 BOX 2405
COUNCIL, ID 83612

2. Date of Priority: MAY 09, 1919

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	10	NE	NW	SW		ADAMS

5. Description of diverting works:
HEADGATE AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		

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

8. Total consumptive use is 360.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	01W	22	NE	SE		IRR	27.0
			SE	SE		IRR	37.0
Section Acres							64.0

A67-02117

Page 1

Date: 12/19/89

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	27	NE	NE		IRR	37.0
Section Acres							37.0
Total Acres							101.0

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:
67-00081V, 67-02053V, 67-00083BB

14. Remarks:
THIS WATER IS CARRIED THROUGH THE FARMERS' CANAL

15. Basis of Claim: LICENSE
Water Right Number: 14010

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: 1

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): *[Signature]* Date: 1-8-90
Date:

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

Subscribed and sworn (or affirmed) before me this 2 day
of January 19 1990 *[Signature]*
Notary Public

Residing at BRUCE A. SCHULD, NOTARY PUBLIC
My Commission Expires RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995



03/02/2006

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

RIGHT NUMBER: 67-2117

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

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 05/09/1919

POINT OF DIVERSION:

T17N R01W S10 NENWSW 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	2.000 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S22	NESE	33.00	T17N R01W S22	SESE	32.00
T17N R01W S27	NENE	35.00			

100 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 - License



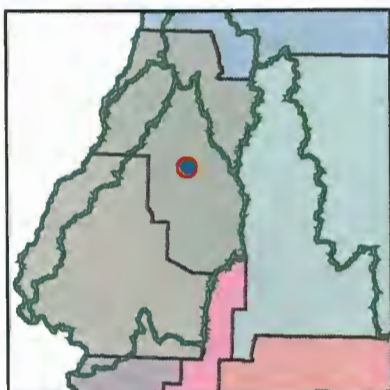
Idaho Department of Water Resources

Adjudication Claim Number: **67-2117**

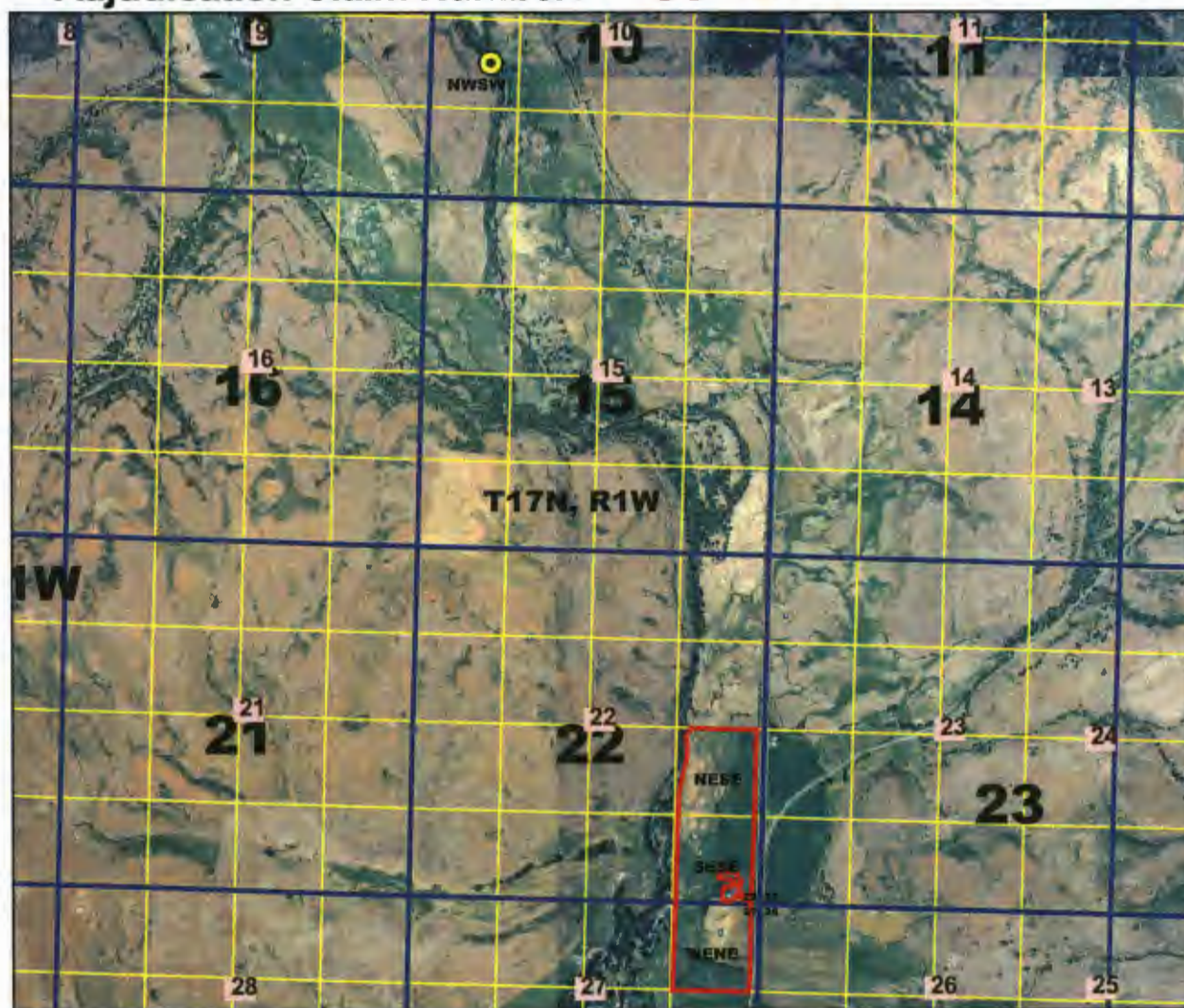
T17N R01W

Legend

-  Point of Diversion(s)
-  Place of Use
-  B67 sections.shp
-  T17n01w.shp



Adams County
IDWR Basin 67



0.9 0 0.9 1.8 Miles

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2117 V1

WATER RIGHT NUMBER: 67-2117 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEVEN R SHUMWAY HWY 95 BOX 2405 COUNCIL, ID 83612 (208)253-4409
Original Owner	GEORGE GOULD COUNCIL, ID

Priority Date: 05/09/1919

Basis: License

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	03/15 to 11/15	2.000 CFS	
	<u>Total Diversion:</u>	2.000 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	22																	33.0		32.0	65.0
17N	01W	27	35.0																			35.0

Total Acres: 100

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2117 V1

Comments:

1. csaxton 3/2/2006 POD

Comment: Licensed POD is for NESW of section 10. Actually location is NWSW of Section 10. No actual change in pod so no C03, but it is recommended differently than licensed.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
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>
Priority Date	6/22/2004 8:58:12 AM	segbert			Active
POD	6/22/2004 8:58:31 AM	segbert			Active
Source	6/22/2004 9:02:11 AM	segbert			Active
POU	6/22/2004 9:02:50 AM	segbert			Active
Use	6/22/2004 9:03:31 AM	segbert			Active
Season	6/22/2004 9:03:55 AM	segbert			Active
Quantity	6/22/2004 9:04:59 AM	segbert			Active
Contacts	3/2/2006 11:42:36 AM	csaxton			Active
Priority Date	3/2/2006 11:43:28 AM	csaxton			Active
POD	3/2/2006 11:46:34 AM	csaxton			Active
Source	3/2/2006 11:49:18 AM	csaxton			Active
POU	3/2/2006 11:50:43 AM	csaxton			Active
Use	3/2/2006 11:53:02 AM	csaxton			Active
Season	3/2/2006 11:53:18 AM	csaxton			Active
Quantity	3/2/2006 12:37:32 PM	csaxton			Active
Summary			03/02/2006	csaxton	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 67-2117 V1

Contacts	3/2/2006 11:42:36 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
General	3/2/2006 11:43:28 AM	csaxton	(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? (No) 16. Is a Priority Date remark and/or condition required?
POU	1/7/2004 11:19:03 AM	awarntje	Edited shape boundary
POU	1/7/2004 11:26:38 AM	awarntje	Edited shape boundary
POD	6/22/2004 8:58:31 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file?
Quantity	6/22/2004 9:04:59 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POD	3/2/2006 11:48:45 AM	csaxton	Updated shape
Source	3/2/2006 11:49:18 AM	csaxton	(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? (No) 11. Is a Source remark and/or condition required?
POU	3/2/2006 11:52:30 AM	csaxton	Updated shape for Active POU
POD	3/2/2006 11:46:34 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	3/2/2006 11:48:56 AM	csaxton	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2117 V1

POU	3/2/2006 11:50:43 AM	csaxton	(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? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	3/2/2006 11:52:40 AM	csaxton	Updated PLS for Active POU
Use	3/2/2006 11:53:02 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	3/2/2006 11:53:18 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	3/2/2006 12:40:38 PM	csaxton	(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? (No) 5. Does this right have any combined use limits with other rights? (No) 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2117 V1

Quantity	3/2/2006 12:37:32 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Priority Date	6/22/2004 8:58:12 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?
Source	6/22/2004 9:02:12 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?
POU	6/22/2004 9:02:51 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? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	6/22/2004 9:03:31 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	6/22/2004 9:03:56 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
POU	1/7/2004 11:27:42 AM	awarntje	Edited shape boundary
POU	1/7/2004 11:24:33 AM	awarntje	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2117 V1

POU

1/7/2004 11:25:48 AM

awarntje

Edited shape boundary

Water Supply Bank:

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.

12-29-05: This looks Good Res at licensed



22-139 100 sheets

State of Idaho
License and Certificate of Water Right

Water License No. 14010Amount 2 sec. ft.Water District No. 41-M-NPriority 5- 2-19

THIS IS TO CERTIFY that GEORGE GOULD
of Council, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 9, 1919; that Permit No. 14010
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2 second feet, was issued thereunder on May 19, 1920, showing that said works
were completed on the 5th day of May, 1920; and that on the 9th
day of May, 1921,

GEORGE GOULD

of Council, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Weiser River
, a tributary of Snake River, for the purpose of irrigation
& domestic, under Use Permit No. 14010 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 5 of Licenses, at page 2865, on the 18th day of October, 1921;

The right hereby confirmed dates from May 9, 1919;

The Point of Diversion is located
in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, Tp. 17 N., R. 1 W., B. M. County of Adams

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
17 N.	1 W.	22	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26.7	26.7
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	36.6	36.6
		27	NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.7	36.7

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 18th day of October, 1921.

W. G. SWENDSEN.

Commissioner of Reclamation.

(SEAL)

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 41-~~ST~~
m

1. State name of applicant and number of permit: George Gould - Permit 14010
2. State source of water supply: Weiser River
3. Location of point of diversion: NE¹SW¹ Sec. 10 T. 17 N. R. 1 W. B.M.

4. Describe works as they exist, giving dimensions and capacities of same: This permit diverts from the Farmers Ditch at a point about 2 miles from the heading of in Weiser river. The Farmers ditch is 6' bottom 2 1/2 foot banks and will carry between 7 & 15 sec. ft.

5. State whether or not water has been turned into works of diversion: yes
6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE¹SE¹ & SE¹SE¹ Sec. 22, and NE¹NE¹ Sec. 27, T. 17 N. R. 1 W. B.M.

NE¹SE¹ Sec. 22 26.7 acres SE¹SE¹ 36.6 acres NE¹NE¹ Sec. 27 36.7 acres. The ranch is in a high state of cultivation.

7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? Four
9. Give names and amount of each right: Four Mark Winkler 60 inches Garie Winkler 19 inches E. Hinkle 50 inches S. A. Moody 19 inches Geo. Gould 7 inches (Decreed rights)
10. What large stream would the water here appropriated finally reach? Snake River
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: Weiser river to Snake river

Remarks: This is a supplemental or flood right. Some of the land being supplied with decreed water.

This examination was made on the 24 day of July 1921

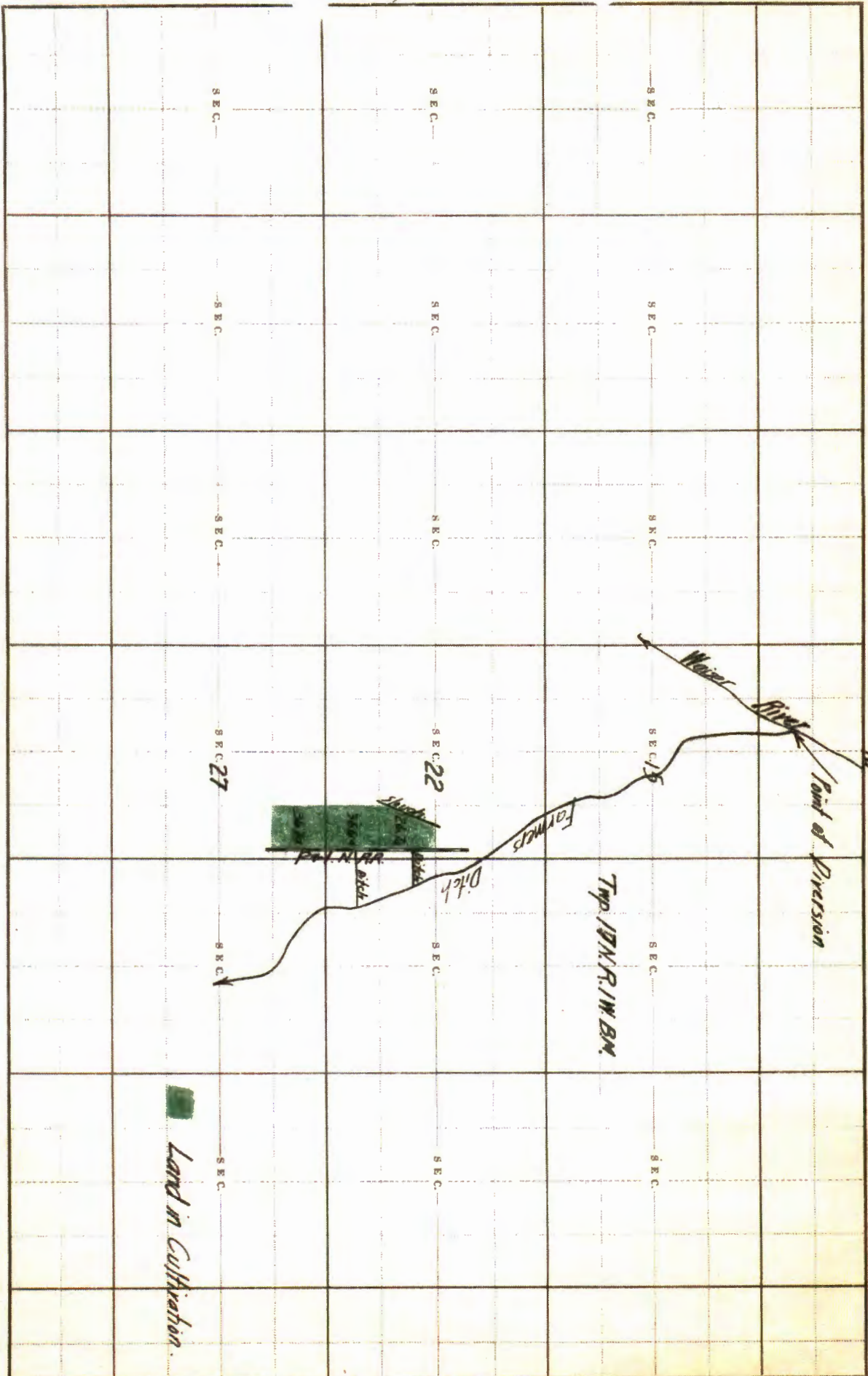
(Signed)

Geo. H. Carter
Examiner.

14010

NAME OF APPLICANT

Geo. Gould # 1000

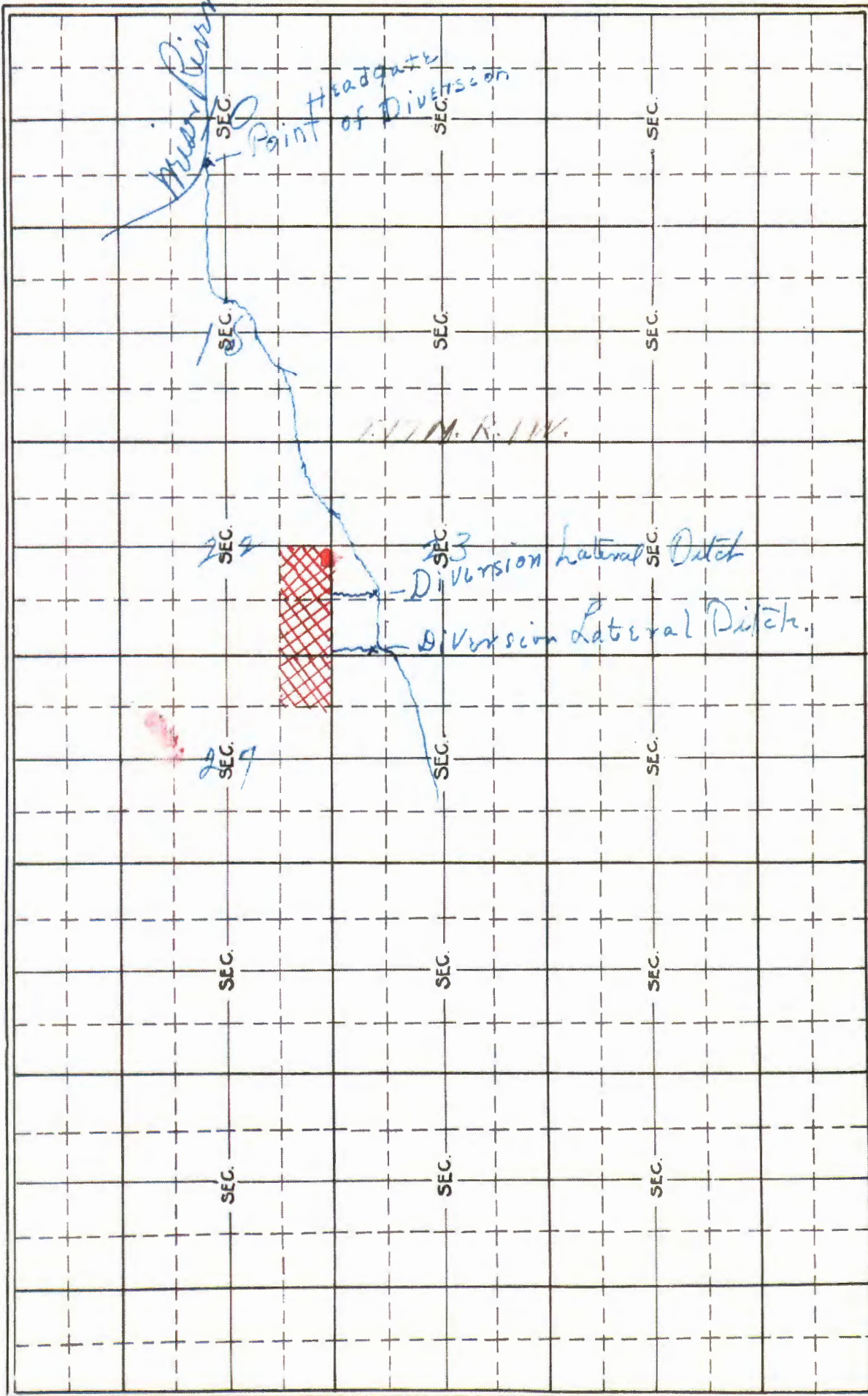


SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

14010

Name of Applicant

GEORGE GOULD



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

14010