

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-2169H V1

WATER RIGHT NUMBER: 67-2169H V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                   |
|-------------------|---------------------------------------------------------------------------|
| Current Owner     | ROBERT A SHIRTS<br>777 MANN CREEK RD<br>WEISER, ID 83672<br>(208)549-2702 |
| Current Owner     | RONALD W SHIRTS<br>777 MANN CREEK RD<br>WEISER, ID 83672<br>(208)549-2702 |

Priority Date: 12/18/1936

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            | 03/01 to 11/15          | 1.400 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.400 CFS             |                      |

Location of Point(s) of Diversion

|                   |            |                                 |
|-------------------|------------|---------------------------------|
| WEISER RIVER      | NE1/4NE1/4 | Sec. 35, Twp 11N, Rge 04W, B.M. |
| WASHINGTON 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 |        |
| 10N 04W 6   |    |    |    |    | 16.0 | 7.0 |    |    |     |    |     |      |    |    |    |    | 23.0   |
|             |    |    |    |    | L 3  | L 4 |    |    |     |    |     |      |    |    |    |    |        |
| 11N 04W 31  |    |    |    |    |      |     |    |    | 2.8 |    | 6.2 | 23.0 |    |    |    |    | 32.0   |
|             |    |    |    |    |      |     |    |    |     |    | L 4 |      |    |    |    |    |        |

Total Acres: 55

Conditions of Approval:

1. This right is renumbered from former right 67-2168A.
2. 127 Place of use is within the area served by the Weiser Irrigation District
3. 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.
4. This right was renumbered to right 67-2169H.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-2169H V1

Remarks:Comments:

1. dfavreau 11/14/2006 Quantity

Comment: 1.4 cfs from 70 miners inches awarded in Donald Sinden/WID contract. Approximately 2.5 cfs per acre.

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:  
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  | 11/14/2006 12:07:53 PM    | dfavreau        |                           |                 | Active        |
| POD            | 11/14/2006 12:08:13 PM    | dfavreau        |                           |                 | Active        |
| Source         | 11/14/2006 12:09:45 PM    | dfavreau        |                           |                 | Active        |
| POU            | 11/14/2006 12:10:02 PM    | dfavreau        |                           |                 | Active        |
| Use            | 11/14/2006 12:11:11 PM    | dfavreau        |                           |                 | Active        |
| Season         | 11/14/2006 12:11:34 PM    | dfavreau        |                           |                 | Active        |
| Quantity       | 11/14/2006 12:12:23 PM    | dfavreau        |                           |                 | Active        |
| Summary        |                           |                 | 11/14/2006                | dfavreau        | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>              |
|----------------|------------------------|-----------------|------------------------------|
| Summary        | 11/13/2006 2:13:31 PM  | cfritsch        | Bulk Copy                    |
| POD            | 11/14/2006 11:49:39 AM | dfavreau        | Updated PLS                  |
| POU            | 11/14/2006 12:02:47 PM | dfavreau        | Updated PLS for Active POU   |
| POU            | 11/14/2006 12:02:37 PM | dfavreau        | Updated shape for Active POU |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-2169H V1

|          |                        |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------|------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season   | 11/14/2006 12:11:34 PM | dfavreau | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(No) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>               |
| Quantity | 11/14/2006 12:12:23 PM | dfavreau | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(No) 7. Is a flow measurement required?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - flow data provided by company</p>                                                                   |
| Summary  | 11/14/2006 12:12:57 PM | dfavreau | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(No) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| POD      | 11/14/2006 11:49:30 AM | dfavreau | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Source   | 11/14/2006 12:09:45 PM | dfavreau | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p> <p>(No) 11. Is a Source remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                         |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-2169H V1

|         |                        |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------|------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General | 11/14/2006 12:07:53 PM | dfavreau | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(No) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> |
| POD     | 11/14/2006 12:08:14 PM | dfavreau | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                              |
| POU     | 11/14/2006 12:10:02 PM | dfavreau | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(Yes) 6. Can the claimed POU be verified using the water right file?</p> <p>(No) 14. Is a POU remark and/or condition required?</p>                                                                                                                                                        |
| Use     | 11/14/2006 12:11:11 PM | dfavreau | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                             |

Water Supply Bank:

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 67-2168A  
Date Received: 10/18/1995  
Receipt No: W020009  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT A SHIRTS Phone: (208) 549-2702  
777 MANN CREEK RD  
WEISER ID USA 83672

RONALD W SHIRTS Phone: (208) 549-2702  
777 MANN CREEK RD  
WEISER ID USA 83672

2. Date of Priority: 04/13/1937

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     | Type |
|----------|-------|---------|-----------------------|------------|------|
| 11N      | 04W   | 35      | NE NE                 | WASHINGTON |      |

5. Description of diverting works:

Galloway Canal w/headgates and gravity flow - gravity irrigation.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 1      |            |

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

8. Total consumptive use:

SCANNED  
MAY 10 2004

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of | 1/4 Lot | Use           | Acres |
|----------|-------|---------|--------|---------|---------------|-------|
| 10N      | 04W   | 6       | NE     | NW      | IRRIGATION    | 20    |
|          |       |         | NW     | NW      | IRRIGATION    | 5     |
|          |       |         |        |         | Section Acres | 25    |
| 11N      | 04W   | 31      | NE     | SW      | IRRIGATION    | 2     |
|          |       |         | SW     | SW      | IRRIGATION    | 2     |
|          |       |         | SE     | SW      | IRRIGATION    | 26    |
|          |       |         |        |         | Section Acres | 30    |
|          |       |         |        |         | Total Acres   | 55    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 4/4/2002

This right has been renumbered to 67-2168A due to a duplicate filing which will be numbered 67-2168B.

THIS WATER IS DELIVERED VIA THE GALLOWAY CANAL. SEE COPY OF CONTRACT IN FILE CONVEYING THIS LICENSE TO THE ORIGINAL OWNER OF THIS PROPERTY - DONALD SINDEN. THIS WATER HAS BEEN AND IS BEING USED PER THE CONTRACT.

15. Basis of Claim: License

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 67-2168  
Date Received: 10/18/1995  
Receipt No: W020009  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT A SHIRTS  
777 MANN CREEK RD  
WEISER ID USA 83672

Phone: (208) 549-2702

RONALD W SHIRTS  
777 MANN CREEK RD  
WEISER ID USA 83672

Phone: (208) 549-2702

2. Date of Priority: 04/13/1937

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     | Type |
|----------|-------|---------|-----------------------|------------|------|
| 11N      | 04W   | 35      | NE NE                 | WASHINGTON |      |

5. Description of diverting works:

GALLOWAY CANAL W/HEADGATES AND GRAVITY FLOW - GRAVITY IRRIGATION.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 1      |            |

7. Total Quantity Appropriated is:  
1 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 |
|----------|-------|---------|--------|---------|---------------|-------|
| 10N      | 04W   | 6       | NE     | NW      | IRRIGATION    | 20    |
|          |       |         | NW     | NW      | IRRIGATION    | 5     |
|          |       |         |        |         | Section Acres | 25    |
| 11N      | 04W   | 31      | NE     | SW      | IRRIGATION    | 2     |
|          |       |         | SW     | SW      | IRRIGATION    | 2     |
|          |       |         | SE     | SW      | IRRIGATION    | 26    |
|          |       |         |        |         | Section Acres | 30    |
|          |       |         |        |         | Total Acres   | 55    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 4/4/2002

THIS WATER IS DELIVERED VIA THE GALLOWAY CANAL. SEE COPY OF CONTRACT IN FILE CONVEYING THIS LICENSE TO THE ORIGINAL OWNER OF THIS PROPERTY - DONALD SINDEN. THIS WATER HAS BEEN AND IS BEING USED PER THE CONTRACT.

15. Basis of Claim: License

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 24 1998

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

WATER RESOURCES  
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s): 18425  
 Adjudication Claim No(s): A67-02168 / A67-14090 (Crane Creek Reservoir Water
2. The following REQUIRED information must be submitted with this form:
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)  
OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant DALE BALDERSTON  
4783 John Day Highway, Vale, Oregon 97918
4. New Owner/Claimant(s) Robert A. Shirts, single, Ronald W. Shirts, single  
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or  
 New Mailing Address 777 Mann Creek Rd.,  
 City, State and ZIP Code Weiser, ID 83672  
 New Telephone Number ( 208 ) 549-2702
5. Date you acquired the property March 12, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Robert A. Shirts  
Ronald W. Shirts  
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

COPY

INSTRUMENT NO. 168879  
PAGE 1 OF 2

Approved by:  
Initials R.S. R.S.

WARRANTY DEED

FOR VALUE RECEIVED, DALE E. BALDERSTON, a single person the Grantor, does hereby, grant, bargain, sell and convey unto ROBERT A. SHIRTS, and RONALD W. SHIRTS, both single persons, the Grantees, whose address is 777 Mann Cr. Rd. Weiser, ID 83672 the following described real estate situated in Washington County, State of Idaho, to-wit:

See Attached Exhibit A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all incumbrances, and that he will warrant and defend the same from all lawful claims whatsoever.

DATED this 12 day of March 1997.

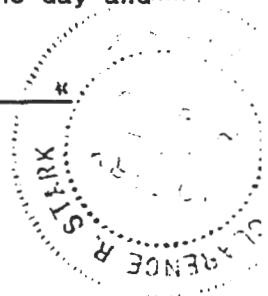
Dale E. Balderston  
Dale E. Balderston

STATE OF IDAHO )  
: ss  
County of Washington )

On this 12 day of March, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Dale E. Balderston known to me to be the person\* who signed the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Clarence R. Starn  
Notary Public for Idaho  
Residing at Weiser, Idaho  
Commission expires 9/3/99



INSTRUMENT NO. 168879  
STATE OF IDAHO, COUNTY OF WASHINGTON ss,  
Filed for record at the request of  
WASHINGTON COUNTY TITLE  
15 Min. past THIRTEEN clock P M  
This 12TH day of MARCH 19 97  
Index to: DEED  
SHARON WIDNER, Recorder Fee: 6.00  
By Daddy Daratt Deputy  
WASHINGTON COUNTY TITLE

Cmp. Index  
Cmp. Rel.  
Film  
Compare  
Card Rel.  
Bk. Rel.  
Up-date  
Return  
Copy

EXHIBIT A

A tract of land lying in the SW $\frac{1}{4}$  of Section 31, Township 11 North, Range 4 West of the Boise Meridian, and in the NW $\frac{1}{4}$  of Section 6, Township 10 North, Range 4 West of the Boise Meridian, described as follows:

Commencing at a cross chiseled in the masonry 3 $\frac{1}{2}$  feet north of the south end of the east buttress of the stone and concrete dam constructed in 1902 by George Falligan across Manns Creek at the county road in the SW $\frac{1}{4}$  of said Section 31, which cross bears N 50° 50' E 1783 feet from the southwest corner of said Section 31, and running thence along the center of said creek as follows:

S 13° 8' W 559.1 feet;

S 41° 38' W 307.8 feet;

S 64° 31' W 187.2 feet;

S 4° 34' E 600.5 feet to Station 277 - 89.8 of the P. and I. N. Railway;

Thence S 5° 57' E 500 feet, more or less, to a point which is S 11° 55' W 1971.5 feet from the aforementioned cross in masonry;

Thence leaving said creek and running East 1350 feet, more or less, to the East side of a certain slough;

Thence in a northeasterly direction along said slough to a point 1608.5 feet South and 12 rods West of the northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 31;

Thence West 102 feet;

Thence North to the North right of way line of the Pacific and Idaho Northern Railroad;

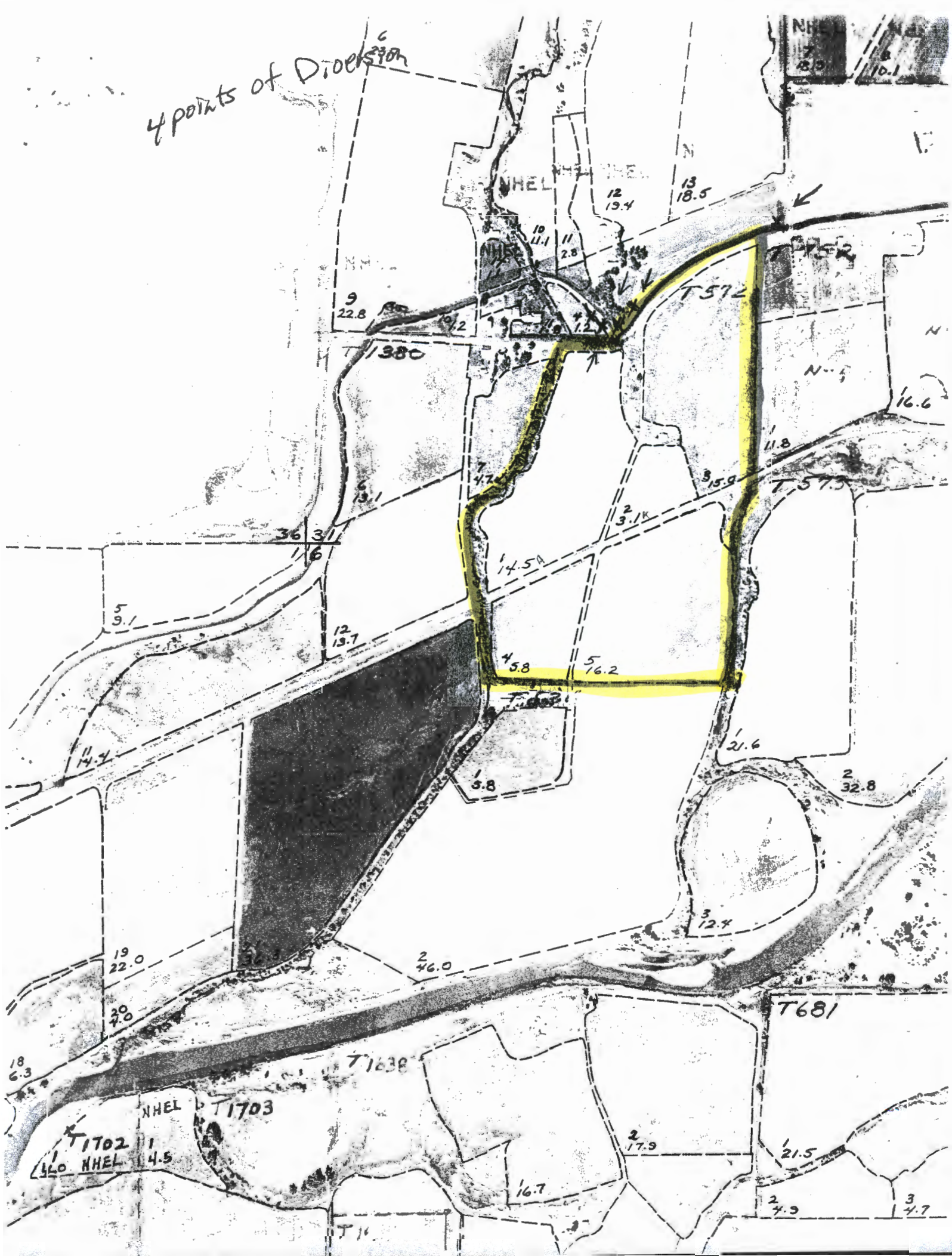
Thence up and along said right of way line in a northeasterly direction to a point 150 feet more or less West from the East line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 31, to a point where an existing north/south fence intersects right of way;

Thence North along the existing fence to the South right of way of the county road known as Weiser River Road;

Thence Southwesterly along said South right of way to the POINT AND PLACE OF BEGINNING.

TOGETHER WITH all water rights appurtenant thereto, including but not limited to, approximately 100 acre feet of primary storage in Crane Creek Reservoir.

4 points of Diversion





PARCEL PLOT

55 TOTAL ACRES  
1987 NAPP

18.0

14.3

16.2

55 TOTAL ACRES  
1987 NAPP

18.0

14.3

15.2

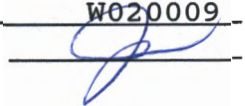
6.5



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: **A67-02168**  
Date Received: 10/18/1995  
Receipt No: W020009  
Received By: 

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

1. Name: DALE BALDERSTON 208-549-0960  
Address: 1839 WEISER RIVER RD  
WEISER ID 83672

2. Date of Priority: APR 13, 1937

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     |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 11N      | 04W   | 35      |        | NE     | NE     |     | WASHINGTON |

5. Description of diverting works:  
GALLOWAY CANAL W/HEADGATES AND GRAVITY FLOW - GRAVITY IRRIGATION.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.000 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 10N      | 04W   | 6       | NE     | NW     |     | IRR | 20.0  |
|          |       |         | NW     | NW     |     | IRR | 5.0   |

**MICROFILMED**  
**OCT 22 1996**

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 25.0  |
| 11N      | 04W   | 31      | NE         | SW  | IRR           | 2.0   |
|          |       |         | SW         | SW  | IRR           | 2.0   |
|          |       |         | SE         | SW  | IRR           | 26.0  |
|          |       |         |            |     | Section Acres | 30.0  |
|          |       |         |            |     | Total Acres   | 55.0  |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

CLAIM NO. A67-14090 - CRANE CREEK RESERVOIR WATER.

14. Remarks:

THIS WATER IS DELIVERED VIA THE GALLOWAY CANAL. SEE COPY OF CONTRACT IN FILE CONVEYING THIS LICENSE TO THE ORIGINAL OWNER OF THIS PROPERTY - DONALD SINDEN. THIS WATER HAS BEEN AND IS BEING USED PER THE CONTRACT.

15. Basis of Claim: LICENSE

Water Right Number: 18425

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: 4 SEE MAP IN A67-14090

**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): Wale Balderson Date: 10-18-95  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 18th day  
of Oct. 19 95

Jan Thurtell  
Notary Public

Seal

Residing at Meridian ID  
My Commission Expires 9-14-2000

# State of Idaho License and Certificate of Water Right

Water License No. 18425  
Water District No. \_\_\_\_\_

Amount One sec. ft.  
Priority April 13, 1937

THIS IS TO CERTIFY that ED. R. COULTER  
of Weiser, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated April 13, 19 37; that Permit No. 18425  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
One second feet, was issued thereunder on February 27, 19 39, showing that said works  
were completed on the 31st day of January, 19 38; and that on the 12th  
day of March, 19 38,

O. A. WEST, TRUSTEE FOR THE BONDHOLDERS OF BUTTERFIELD LIVESTOCK COMPANY, LTD., ASSIGNEE,  
of Weiser, 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, stock and  
domestic use, under Use Permit No. 18425 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 7  
of Licenses, at page 3929, on the 27th day of February, 19 39;

The right hereby confirmed dates from April 13, 19 37;

The Point of Diversion is located 1360 ft. distant from NE cor. Sec. 35, T. 11 N., R. 4 W., B.M.  
in the NE 1/4 NE 1/4, Sec. 35, Tp. 11 N., R. 4 W., B.M. Washington County.

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 One  
cubic feet per second.

Description and location of use:

| Twp.  | Range | Sec. | Forty-acre Tract                  | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-------|-------|------|-----------------------------------|----------------------------------|---------------------------------|
| 11 N. | 6 W.  | 23   | NE 1/4 NE 1/4                     | 10                               | 10                              |
|       |       |      | SE 1/4 NE 1/4                     | 20                               | 20                              |
|       |       | 14   | NE 1/4 SW 1/4                     | 20                               | 20                              |
|       |       |      | NW 1/4 SE 1/4                     | 40                               | 30                              |
|       |       |      | SW 1/4 SE 1/4                     | 20                               | 20                              |
|       |       |      | Total Number of Acres Irrigated - |                                  |                                 |

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 27th day of February, 19 39

(SEAL)

JAMES SPOFFORD  
Commissioner of Reclamation

MICROFILMED  
OCT 27 1968

67 2168

SEE SUPPORTING DOCUMENTS ATTACHED

THOMAS L. MARTIN  
ATTORNEY AT LAW  
BOISE, IDAHO

May 21, 1937

RECEIVED

MAY 22 1937

Department of Reclamation

Honorable R. W. Faris  
Commissioner of Reclamation  
Boise, Idaho

Re: Permit No. 18425  
Ed. R. Coulter.

Dear Mr. Faris:

I am enclosing an assignment of the above permit from Ed. R. Coulter and Lucy W. Coulter, his wife, to O. A. West, Trustee for the Bondholders of Butterfield Livestock Company, Ltd., a corporation. Please show this assignment on your records and notify me of any matters requiring attention in regard to this permit.

I might say the right of way has already been secured to divert this water into the canal of the Weiser Irrigation District and if this has not already been done it will be done during this irrigation season. We will be able to make proof of completion of works and application of the water to beneficial use during this year. I presume this can be done any time after we have diverted the water. The carriage right which we have secured is permanent.

I note in the approval that one of the conditions is that we shall file a bond in the sum of \$ on or before \_\_\_\_\_. I am wondering if any bond will be required under the circumstances? I might explain a little further what the conditions are:

O. A. West purchased 100 acre feet in the Crane Creek Reservoir under authority and directions of the District Court. As a part of the same consideration he received the assignment to one cubic foot of the flood waters of Weiser

MICROFILMED

SEP 22 1936

18425

R.W.Jaris--2

5-21-37

River described in Permit No. 18425. At the same time, he secured a perpetual right of way in the canal of Weiser Irrigation District to carry all of this water. The land had heretofore been irrigated but did not have a sufficient water right. The application shows that the applicant has a right to transport this water through the canal system of the Weiser Irrigation District and Mr. West acquired this right.

Under these circumstances, is it necessary to file any bond or do anything except divert the water and apply it to beneficial use, at which time we can make our proof?

Very truly yours

*T. L. Martin*

T. L. MARTIN

TLM:KS

MICROFILMED

OCT 23 1996

18425

POOR ORIGINAL

THIS CONTRACT, executed in duplicate this 17th day of November, 1941, by and between WEISER IRRIGATION DISTRICT, a quasi-municipal corporation of Weiser, Idaho, party of the first part, and DONALD EUGENE SINDEN of Weiser, Idaho, party of the second part, WITNESSETH:

WHEREAS, on this date E. W. Horner, Trustee, for and in consideration of the sum of \$300.00 lawful money of the United States to the Weiser Irrigation District paid, has conveyed to the second party one hundred (100) acre feet of the primary storage water rights in Crane Creek Reservoir, together with a proportionate part of the appurtenant impounding rights and storage facilities in said reservoir, dams and structures used in impounding same, in the same proportion as said 100 acre feet of the primary storage rights hereby

WHEREAS, the party of the second part is desirous of obtaining water conveyed bear to the primary storage rights of 45,400 acre feet, and supplemental water from the Crane Creek reservoir for irrigation then said acre feet hereby conveyed in the event of shortage share time of said tract of land, and if such is obtained it will be in equal diminution with all other interests in said primary necessary that said water, and in fact, all of the water to be storage of 45,400 acre feet; and, used in irrigation of the said lands of the second party shall be

WHEREAS, party of the second part and his mother, Dollie Sinden, are the owners of the fee simple title and in possession of all

those certain lands conveyed by Paul Davis and others to Dollie Sinden, NOW, THEREFORE, in consideration of said sum of \$300.00 cash in hand paid by the second party to the first party, the receipt whereon October 28, 1941 in Book 61 of Deeds, page 223 thereof, in the office of the County Recorder of Washington County, Idaho, to which sell and grant to the party of the second part an interest in said record of said deed reference is hereby made for full description water permit license # 25435 heretofore referred to, of said lands, being about 75 acres, more or less. to give to the party of the second part seventy (70) acres in

NOW, IT IS AGREED between said parties that said water was conveyed by said Horner, Trustee, to the second party for the purpose of having same made appurtenant to said lands hereinbefore described by reference, and it is agreed between the parties hereto that said

JKE PAGE #2

storage water rights shall be, and same hereby is, made appurtenant to said lands; and,

WHEREAS, in 1937 the party of the first part made application to the Commissioner of Reclamation of the State of Idaho for a permit to appropriate a large quantity of flood waters of the Weiser River and on which application Permit # 18425 issued from the office of the Commissioner of Reclamation of the State of Idaho to the party of the first part, and since said time formal proof of beneficial use of the water under said permit has been made and license therefor has been duly issued by the Commissioner of Reclamation of the State of Idaho unto the party of the first part; and,

WHEREAS, the party of the second part is desirous of obtaining late and supplemental water from the Crane Creek reservoir for irrigation of said tract of land, and if same is obtained it will be necessary that said water, and in fact, all of the water to be used in irrigation of the said lands of the second party shall be transported from the Weiser River to said lands through the irrigation canal of the party of the first part;

NOW, THEREFORE, in consideration of said sum of \$300.00 cash in hand paid by the second party to the first party, the receipt whereof is hereby acknowledged, the party of the first part does hereby sell and grant to the party of the second part an interest in said water permit license # 18425 hereinbefore referred to, sufficient to give to the party of the second part seventy (70) miners inches of said water right and which water right is from the flood waters of the Weiser River, and does hereby also grant and convey to the party of the second part the perpetual right to transport through the irrigation canal of the party of the first part annually, said

A Notary Public in and for the State of Idaho, personally appeared

seventy miners inches of flood water and said storage water this day so conveyed by Horner, Trustee, to the second party.

It is agreed that annually the party of the second part shall pay to the party of the first part twelve (\$12.00) dollars maintenance charge, same to be paid one-half on or before the first day of April each year, and the balance on or before the first day of October each year.

It is further agreed that the delivery of water hereby conveyed shall be made by the ditch tender of the first party, who shall have the sole right to operate and manage all headgates leading from the canal of the party of the first part.

It is agreed that in the event in the future it shall become necessary that any improvements shall be made in the canal of the party of the first part at any place between the head of said canal and the lands of the party of the second part, the party of the second part shall pay his pro rata part of the expense of such improvement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, signing this contract in duplicate the day and year first above written.

WEISER IRRIGATION DISTRICT,  
a corporation,

By /s/ Arlo Alder  
President.

ATTEST: /s/ Vincent F. Derig  
Secretary.

STATE OF IDAHO :  
County of Washington : ss.

On this the 17th day of November, 1941, before me, the undersigned, a Notary Public in and for said State, personally appeared John I.

POOR ORIGINAL

THIS INDENTURE, Made this 17th day of November, 1941, by and between E. W. Horner, Trustee, of Weiser, Idaho, party of the first part, and DONALD EUGENE SINDEN of Weiser, Idaho, party of the second part, WITNESSETH:

WHEREAS, Frank D. Ryan by deed dated October 4th, 1938, recorded in Book 58 of Deeds, page 365, Deed Records of Washington County, Idaho, did purchase certain water rights, etc., in said deed described; and

WHEREAS, by another certain deed dated the 29th. day of January, 1941. said Frank D. Ryan and Luella Ryan did convey to E. W. Horner, Trustee, 266 acre feet of the primary storage water rights in Crane Creek Reservoir, being part of the water rights purchased by said Ryan and recorded in Book 58 of Deeds, page 365, aforesaid; and,

WHEREAS, the said party of the first part hereto does now own the said 266 acre feet of the primary storage water rights in Crane Creek Reservoir, with full power to sell and dispose of same,

NOW, THEREFORE, IN consideration of the premises and in consideration of the sum of Three Hundred (\$300.00) Dollars in cash this day received therefore, the said E. W. Horner, Trustee does hereby sell and convey unto the party of the second part hereto as grantee, one hundred (100) acre feet of the primary storage water right in Crane Creek Reservoir, together with a proportionate part of the appurtenant impounding rights and storage facilities in said reservoir, dams and structures, used in impounding the same, in the same proportion as said one hundred acre feet of primary storage rights here conveyed bear to the primary storage rights of 45,000 acre feet, then said acre feet hereby conveyed shall, in the event of shortage, share equal diminution with all other interests in said primary storage of 45,000 acre feet.

This deed is given subject to the provisions of contracts of record in Washington County, Idaho, providing for the creation of a reservoir administration board for the operation of the Crane Creek Reservoir and the distribution of the waters there from and the levying of assessments to pay the expenses of reservoir administration, it being understood and agreed that the water and rights hereby conveyed shall bear its proportionate expense of the reservoir administration operation.

Together with the tenements, hereditaments, water rights, water filings and appurtenances whatsoever to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described acre feet of water, together with the appurtenances to the party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal this the day and year above written.

E. W. Horner  
Trustee.

STATE OF WYOMING :  
: ss  
County of Laramie:

On this the 26th. day of November, 1941. before me. the undersigned, a Notary Public in and for said State, personally appeared E. W. Horner, Trustee, known unto me to be the person who executed said instrument as such trustee.

New #67-2169

# State of Idaho

## License and Certificate of Water Right

Water License No. 18429  
Water District No. \_\_\_\_\_

Amount 120 second feet  
Priority December 18, 1936

THIS IS TO CERTIFY that WEISER IRRIGATION DISTRICT  
of Weiser, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated December 18, 1936; that Permit No. 18429  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
120 second feet, was issued thereunder on January 23, 1939, showing that said works  
were completed on the 12th day of March, 1938; and that on the 12th  
day of March, 1938,

WEISER IRRIGATION DISTRICT  
of Weiser, 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 and domestic  
use, under Use Permit No. 18429 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 7  
of Licenses, at page 3913, on the 23rd day of January, 1939;

The right hereby confirmed dates from December 18, 1936;

The Point of Diversion is located S 49° 30' W. 1360 feet distant from the NE corner Sec. 35, T. 11 N., R. 4 W. B.M.  
in the NE ¼ NE ¼, Sec. 35, Tp. 11 N., R. 4 W., B. M.

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 120  
cubic feet per second.

Description and location of use:

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Range | Sec. | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|------------------|----------------------------------|---------------------------------|
| NW¼NW¼ Sec. 2; N½NW¼, SW¼NW¼ Sec. 3; N½, NE¼SW¼, N½SE¼ Sec. 4; N½NE¼, N½NW¼, SW¼NW¼ Sec. 5;<br>N½NE¼, NW¼ Sec. 6; All in Twp. 10 N., R. 4 W. B.M. E½NE¼, NE¼NW¼ Sec. 1; NE¼NE¼ Sec. 2;<br>All in Twp. 10 N., R. 5 W. B.M. NE¼SW¼, S½SW¼ Sec. 31; SW¼, S½SE¼ Sec. 32; SE¼SW¼ Sec. 33;<br>SE¼SW¼, S½SE¼ Sec. 34; S½SW¼ Sec. 35; All in Twp. 11 N., R. 4 W. B.M. SE¼SE¼ Sec. 28;<br>S½ Sec. 29; S½ Sec. 30; N½, N½SE¼ Sec. 31; N½, N½SW¼, SE¼SW¼, NW¼SE¼ Sec. 32; N½NE¼, N½NW¼<br>Sec. 33; SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼ Sec. 34; S½SW¼, SW¼SE¼ Sec. 35; All in Twp. 11 N.,<br>R. 5 W., B.M. SW¼NW¼, SW¼ Sec. 14; S½NW¼, S½ Sec. 15; NE¼, S½NW¼, S½ Sec. 16; S½NE¼, NE¼NW¼,<br>SE¼NW¼, S½ Sec. 17; S½SE¼ Sec. 18; N½NE¼, NE¼NW¼ Sec. 19; All Secs. 20, 21, 22 & 23; SW¼, W½SE¼<br>Sec. 24; NW¼NE¼, S½NE¼, NW¼, S½ Sec. 25; All Secs. 26, 27 & 28; N½, NE¼SW¼, SE¼ Sec. 29;<br>N½, NE¼SW¼, NE¼SE¼ Sec. 33; N½, SW¼, NW¼SE¼ Sec. 34; N½NE¼, N½NW¼, Sec. 35; N½ Sec. 36; All<br>in Twp. 11 N., R. 5 W. B.M. |       |      |                  |                                  |                                 |
| A total of 10,890.9 acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |       |      |                  |                                  |                                 |

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 23rd day of January, 1939

(SEAL) \_\_\_\_\_  
(SEAL) \_\_\_\_\_  
JAMES SPOFFORD  
Commissioner of Reclamation

RECEIVED

JUL 24 2006

DEPARTMENT OF  
WATER RESOURCES

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 67-2169H  
Date Received: 11/7/2005  
Receipt No:  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

ROBERT A SHIRTS Phone: (208)549-2702

777 MANN CREEK RD  
WEISER ID USA 83672

RONALD W SHIRTS Phone: (208)549-2702

777 MANN CREEK RD  
WEISER ID USA 83672

2. Date of Priority: 12/18/1936

RS

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     | Type |
|----------|-------|---------|-----------------------|------------|------|
| 11N      | 04W   | 35      | NE NE                 | WASHINGTON |      |

5. Description of diverting works:

Galloway Canal w/headgates and gravity flow - gravity irrigation.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 1.4    |            |

RS

7. Total Quantity Appropriated is:

1.4 C.F.S.

RS

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 10N      | 04W   | 6       | NE         | NW  | IRRIGATION    | 20    |
|          |       |         | NW         | NW  | IRRIGATION    | 5     |
|          |       |         |            |     | Section Acres | 25    |
| 11N      | 04W   | 31      | NE         | SW  | IRRIGATION    | 2     |
|          |       |         | SW         | SW  | IRRIGATION    | 2     |
|          |       |         | SE         | SW  | IRRIGATION    | 26    |
|          |       |         |            |     | Section Acres | 30    |
|          |       |         |            |     | Total Acres   | 55    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

This right was renumbered to right 67-2169H.

THIS WATER IS DELIVERED VIA THE GALLOWAY CANAL. SEE COPY OF CONTRACT IN FILE CONVEYING THIS LICENSE TO THE ORIGINAL OWNER OF THIS PROPERTY - DONALD SINDEN. THIS WATER HAS BEEN AND IS BEING USED PER THE CONTRACT.

This right has been renumbered to 67-2168A due to a duplicate filing which will be numbered 67-2168B.

This right is renumbered from former right 67-2168A.

Ownership changed by DB 4/4/2002

15. Basis of Claim: License

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):

Robert A. Shurt  
Ron Shurt

Date:

6/5/06

Date:

State of Idaho

County of

Washington

SS.

Subscribed and sworn (or affirmed) before me this

of 5th June 2006

Patty J. Davies

Notary Public

Residing at

Wesley, Idaho

My commission Expires

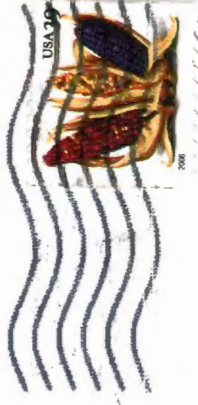
10-15-11



Bob Shirts  
777 Mann Creek Rd.  
Weiser, Id 83672

BOISE ID 837

22 JUL 2006 PM 1 L



Danielle Bruno  
Favreau

Natural Resources Division - Water Resources  
P.O. Box 83720  
Boise, Id 83720-0098

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 67-2169H  
Date Received: 11/7/2005  
Receipt No:  
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT A SHIRTS Phone: (208)549-2702

777 MANN CREEK RD  
WEISER ID USA 83672

RONALD W SHIRTS Phone: (208)549-2702

777 MANN CREEK RD  
WEISER ID USA 83672

2. Date of Priority: 12/18/1936

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     | Type |
|----------|-------|---------|-----------------------|------------|------|
| 11N      | 04W   | 35      | NE NE                 | WASHINGTON |      |

5. Description of diverting works:

Galloway Canal w/headgates and gravity flow - gravity irrigation.

6. Water is used for the following purposes:

Purpose  
IRRIGATION

From To C.F.S.  
03/15 11/15 1.4

(or) A.F.A

7. Total Quantity Appropriated is:  
1 C.F.S.  
1.4

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

67-2169H

11/07/2005

1

one review this what  
we did & why

change priority date

highlight

where  
initially it was

initial anything you want to change

AMENDED BY BLS

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 10N      | 04W   | 6       | NE         | NW  | IRRIGATION    | 20    |
|          |       |         | NW         | NW  | IRRIGATION    | 5     |
|          |       |         |            |     | Section Acres | 25    |
| 11N      | 04W   | 31      | NE         | SW  | IRRIGATION    | 2     |
|          |       |         | SW         | SW  | IRRIGATION    | 2     |
|          |       |         | SE         | SW  | IRRIGATION    | 26    |
|          |       |         |            |     | Section Acres | 30    |
|          |       |         |            |     | Total Acres   | 55    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

This right was renumbered to right 67-2169H.

THIS WATER IS DELIVERED VIA THE GALLOWAY CANAL. SEE COPY OF CONTRACT IN FILE CONVEYING THIS LICENSE TO THE ORIGINAL OWNER OF THIS PROPERTY - DONALD SINDEN. THIS WATER HAS BEEN AND IS BEING USED PER THE CONTRACT.

This right has been renumbered to 67-2168A due to a duplicate filing which will be numbered 67-2168B.

This right is renumbered from former right 67-2168A.

Ownership changed by DB 4/4/2002

15. Basis of Claim: License

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: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this

of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

67-2169

120 cts

| <u>Warrant</u> | <u>contact</u>     | <u><del>120 cts</del></u> | <u>cts</u> | <u>inches</u>       | <u>Wr #</u> |
|----------------|--------------------|---------------------------|------------|---------------------|-------------|
| Kerner         | A. Arthur Bruchars | <del>120</del> 2          | 100"       | <del>67</del> 2169A |             |
| Kelley         | Annie Kelley       | 1                         | 50"        | 2169C               |             |
| Shirts         | Donald Sinden      | 1.4                       | 70"        | 2169H               |             |

$$1'' / 0.02 \text{ cts} = \frac{70''}{x}$$

$$1''x = 70''(0.02)$$



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

MAILED

NOV 17 2005

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Robert A. Shirts  
Ronald W. Shirts  
777 Mann Creek Rd.  
Weiser, ID 83672

Re: Original Notice of Claim to a Water Right No. 67-2168A

Renumbered Notice of Claim to a Water Right No. 67-2169H

Dear Claimant(s):

While conducting a preliminary review of claim 67-2168A, several inconsistencies were discovered between your claim 67-2168A and the parent water right of 67-2168. Upon further examination, it appeared that your claim was assigned to the incorrect water right. The water right 67-2169 appears to be the correct parent right for your claim. Because of these findings, your claim has been renumbered to 67-2169H.

In summary, claim no. 67-2168A was renumbered to 67-2169H for the following reasons:

- 1) Evidence indicates that Weiser Irrigation District (WID) did not have possession of water right 67-2168 at the time the contract between WID and Donald E. Sinden was finalized and hence, could not have sold any portion of the right to a second party.
- 2) The Place of Use (POU) listed in water right 67-2168 is not similar to the lands claimed in 67-2168A, now 67-2169H.
- 3) The language within the contract is consistent with the application for permit #18549, now Water Right No. 67-2169, not permit #18425 as stated in the contract. Specifically regarding the 1937 application for a permit to appropriate a large quantity of flood waters of the Weiser River by WID.

Because of the renumbering of your claim, an amendment of your claim to a water right is recommended. It is recommended that the priority date of the claim reflect the priority date of the parent water right. Additionally, the water right 67-2169 has a licensed total quantity appropriated of 120 c.f.s. The contract between WID and Donald E. Sinden mentions 70 inches of surface water. Seventy inches is equivalent to 1.4 c.f.s. You may wish to amend the total c.f.s claimed.

SCANNED  
JAN 09 2006

PAGE 1 OF 2

For your convenience, I have included an amended water right claim with this letter. Please initial any proposed or additional changes that you agree with, sign and have the signature notarized, then return the claim to me at the address included in the letterhead.

Please note that the enclosed Notice of Claim to a Water Right or this letter is not a determination of your water right. This claim represents a renumbering and amendment to an existing claim in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified, and recommended to the SRBA Court for court decree sometime in the near future. If further questions arise during the review process, you will be contacted.

Thank you for your time. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,



Danielle Bruno-Favreau  
GIS Specialist  
Adjudication Section  
State Office

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 67-2169H  
Date Received: 11/7/2005  
Receipt No:  
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT A SHIRTS Phone: (208)549-2702

777 MANN CREEK RD  
WEISER ID USA 83672

RONALD W SHIRTS Phone: (208)549-2702

777 MANN CREEK RD  
WEISER ID USA 83672

2. Date of Priority: 12/18/1936

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     | Type |
|----------|-------|---------|-----------------------|------------|------|
| 11N      | 04W   | 35      | NE NE                 | WASHINGTON |      |

5. Description of diverting works:

Galloway Canal w/headgates and gravity flow - gravity irrigation.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 1.4    |            |

7. Total Quantity Appropriated is:

1.4 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 |    |
|-------------|-------|---------|---------------|-----|------------|-------|----|
| 10N         | 04W   | 6       | NE            | NW  | IRRIGATION | 20    |    |
|             |       |         | NW            | NW  | IRRIGATION | 5     |    |
|             |       |         | Section Acres |     |            |       | 25 |
|             |       |         |               |     |            |       |    |
| 11N         | 04W   | 31      | NE            | SW  | IRRIGATION | 2     |    |
|             |       |         | SW            | SW  | IRRIGATION | 2     |    |
|             |       |         | SE            | SW  | IRRIGATION | 26    |    |
|             |       |         | Section Acres |     |            |       | 30 |
| Total Acres |       |         |               |     | 55         |       |    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

This right was renumbered to right 67-2169H.

THIS WATER IS DELIVERED VIA THE GALLOWAY CANAL. SEE COPY OF CONTRACT IN FILE CONVEYING THIS LICENSE TO THE ORIGINAL OWNER OF THIS PROPERTY - DONALD SINDEN. THIS WATER HAS BEEN AND IS BEING USED PER THE CONTRACT.

This right has been renumbered to 67-2168A due to a duplicate filing which will be numbered 67-2168B.

This right is renumbered from former right 67-2168A.

Ownership changed by DB 4/4/2002

15. Basis of Claim: License

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: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this

of \_\_\_\_\_ 20\_\_ \_\_\_\_\_

Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

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 67-2169H  
Date Received: 11/7/2005  
Receipt No:  
Received By:

**AMENDED**

**AMENDED**

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

1. Name of Claimant(s)

ROBERT A SHIRTS Phone: (208)549-2702

777 MANN CREEK RD  
WEISER ID USA 83672

RONALD W SHIRTS Phone: (208)549-2702

777 MANN CREEK RD  
WEISER ID USA 83672

2. Date of Priority: 12/18/1936

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     | Type |
|----------|-------|---------|-----------------------|------------|------|
| 11N      | 04W   | 35      | NE NE                 | WASHINGTON |      |

5. Description of diverting works:

Galloway Canal w/headgates and gravity flow - gravity irrigation.

6. Water is used for the following purposes:

| Purpose    | From To     | C.F.S. | (or) A.F.A |
|------------|-------------|--------|------------|
| IRRIGATION | 03/15 11/15 | 1.4    |            |

7. Total Quantity Appropriated is:

1.4 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 |
|----------|-------|---------|------------|-----|---------------|-------|
| 10N      | 04W   | 6       | NE         | NW  | IRRIGATION    | 20    |
|          |       |         | NW         | NW  | IRRIGATION    | 5     |
|          |       |         |            |     | Section Acres | 25    |
| 11N      | 04W   | 31      | NE         | SW  | IRRIGATION    | 2     |
|          |       |         | SW         | SW  | IRRIGATION    | 2     |
|          |       |         | SE         | SW  | IRRIGATION    | 26    |
|          |       |         |            |     | Section Acres | 30    |
|          |       |         |            |     | Total Acres   | 55    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

This right was renumbered to right 67-2169H.

THIS WATER IS DELIVERED VIA THE GALLOWAY CANAL. SEE COPY OF CONTRACT IN FILE CONVEYING THIS LICENSE TO THE ORIGINAL OWNER OF THIS PROPERTY - DONALD SINDEN. THIS WATER HAS BEEN AND IS BEING USED PER THE CONTRACT.

This right has been renumbered to 67-2168A due to a duplicate filing which will be numbered 67-2168B.

This right is renumbered from former right 67-2168A.

Ownership changed by DB 4/4/2002

15. Basis of Claim: License

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:

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this

of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

# MEMO

IDWR Employee: Danielle Favreau

Date: 11/7/05

Claim No(s): 67-2168A to 67-2169H

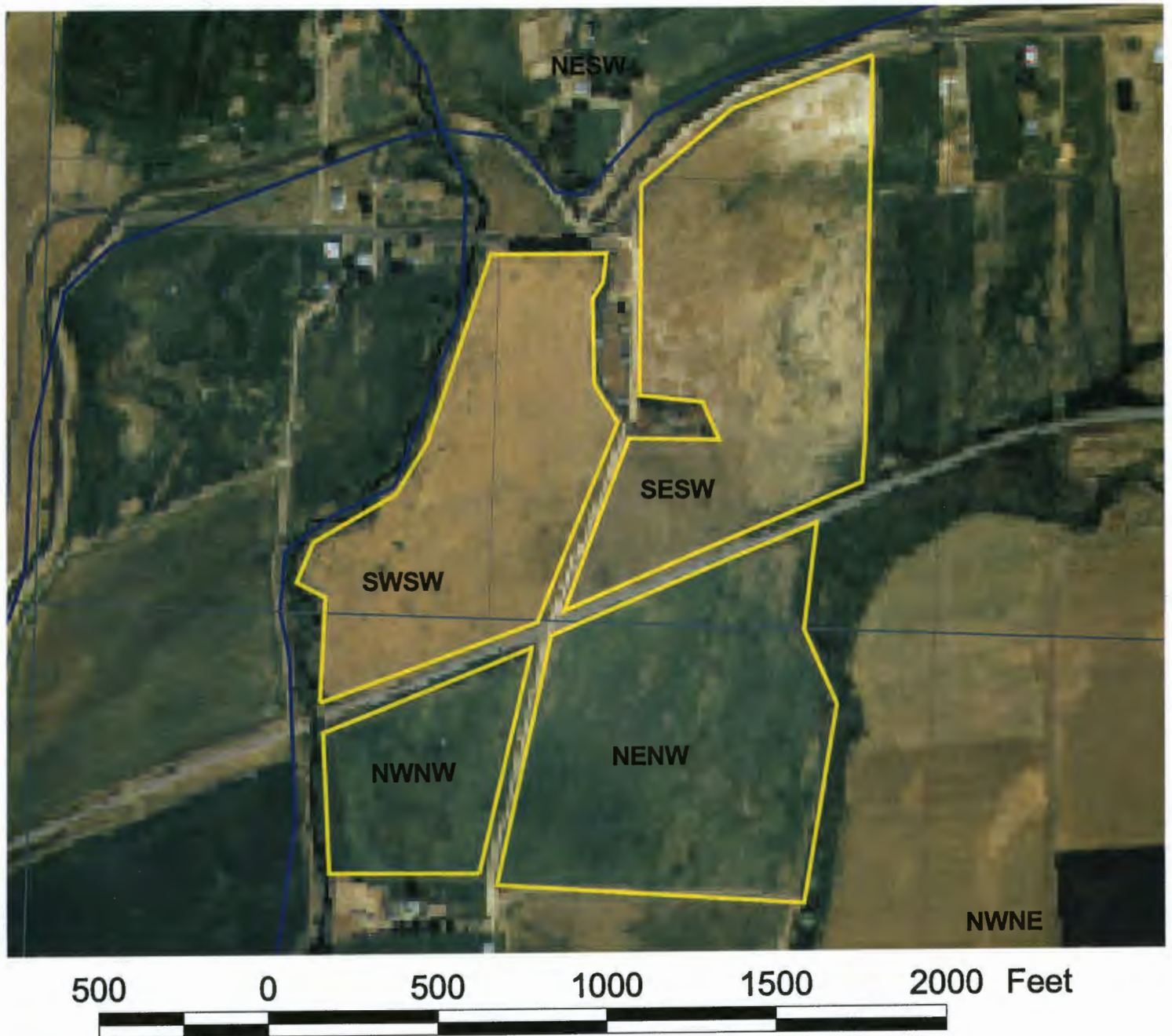
Subject: Renumbering

Details:

Claim No. 67-2168A was renumbered to 67-2169H for the following reasons:

- 1) Parent Water Right 67-2168 was is a license originally in the name of Ed. Coulter. The lands of Mr. Coulter, now owned by the Walkers, was annexed into the Weiser Irrigation District on August 1, 1944. The contract provided as evidence of transfer of water right by the claimant of 67-2168A is between the Weiser Irrigation District (WID) and Donald E. Sinden and was signed in November of 1941. WID did not have possession of 67-2168 at the time of the contract and hence could not have sold any portion of the right to a second party.
- 2) The Place of Use (POU) listed in 67-2168 are not similar to the lands claimed in 67-2168A, now 67-2169H.
- 3) The language within the contract is consistent with the application for permit #18549 – now license 67-2169 not permit #18425 as stated in the contract. Specifically regarding the 1937 application for a permit to appropriate a large quantity of flood waters of the Weiser River by WID.
- 4) The language in the contract between WID and Donald E. Sinden is similar to the contracts between WID and Annie Kelly and WID and A. Arthur and Eva Breshears. These contracts were provided as evidence of transfer of water right for claims against Parent Water Right 67-2169.

Idaho Department of Water Resources  
**67-2168A**



**T10N, R04W, S6 &  
T11N, R04W, S31**



Prepared by Anita L. Warntjes  
January 9, 2004  
1993/94 True Color Photo

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-2168A V1

WATER RIGHT NUMBER: 67-2168A V1

Owner Type      Name and Address  
Current Owner      ROBERT A SHIRTS  
777 MANN CREEK RD  
WEISER, ID 83672  
  
Current Owner      RONALD W SHIRTS  
777 MANN CREEK RD  
WEISER, ID 83672

Priority Date: 04/13/1937

Basis:

Status:

Source      Tributary  
WEISER RIVER      SNAKE RIVER

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 03/01 to 11/15        | 1.000 CFS             |                      |
| <u>Total Diversion:</u> |                       | 1.000 CFS             |                      |

Location of Point(s) of Diversion

WEISER RIVER      NE1/4NE1/4      Sec. 35, Twp 11N, Rge 04W, B.M.  
WASHINGTON County

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   | NW  | SW  | SE  | Totals |
|-----|-----|-----|------|-----|-----|-----|--------|
| 10N | 04W | 6   | 20.0 | 5.0 |     |     | 25.0   |
| 11N | 04W | 31  |      |     | 2.0 | 2.0 | 30.0   |

Total Acres: 55

Conditions of Approval:

Remarks:

DRAFT  
DO NOT  
SCAN

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-2168A V1

Comments:

1. mcase 5/3/2004 Weiser Irrigation District  
Comment: 2168B is a duplicate claim by the Weiser Irrigation District.
2. mcase 5/3/2004 Period of Use  
Comment: No licensed Period of Use. I recommended the standard Season of Use
3. mcase 5/3/2004 Quantity  
Comment: No licensed annual diversion. Could not determine the recommended annual diversion.

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:  
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:

| Element       | Last Reviewed Date   | Reviewer | Last Verified Date | Verifier | Status |
|---------------|----------------------|----------|--------------------|----------|--------|
| Priority Date | 5/3/2004 10:19:50 AM | mcase    |                    |          |        |
| POD           | 5/3/2004 10:20:36 AM | mcase    |                    |          |        |
| Source        | 5/3/2004 10:20:45 AM | mcase    |                    |          |        |
| POU           | 5/3/2004 10:20:53 AM | mcase    |                    |          |        |
| Use           | 5/3/2004 10:21:05 AM | mcase    |                    |          |        |
| Season        | 5/3/2004 10:21:23 AM | mcase    |                    |          |        |
| Quantity      | 5/3/2004 10:21:32 AM | mcase    |                    |          |        |

Verification Log:

| Element | Date Time Stamp      | Reviewer | Log text              |
|---------|----------------------|----------|-----------------------|
| POD     | 5/3/2004 10:20:13 AM | mcase    | Edited point location |

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-2188A V1

| Priority Date | 5/3/2004 10:19:50 AM | mcase    | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required? |
|---------------|----------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD           | 5/3/2004 10:20:36 AM | mcase    | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?                                                                                                                                                                                                                                              |
| Source        | 5/3/2004 10:20:44 AM | mcase    | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?                                                                                                                                                                                                                                               |
| POU           | 5/3/2004 10:20:53 AM | mcase    | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?                                                                                                                                                                                                            |
| Use           | 5/3/2004 10:21:05 AM | mcase    | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?                                                                                                                                                                                                                        |
| Season        | 5/3/2004 10:21:23 AM | mcase    | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?                                                                                                                                                                                                                                    |
| Quantity      | 5/3/2004 10:21:32 AM | mcase    | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?<br>(No) 8. Does the parent right have an annual diversion volume limit?                                                                                                                    |
| POU           | 1/9/2004 2:16:06 PM  | awarntje | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                            |
| POU           | 1/9/2004 2:20:38 PM  | awarntje | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                            |