

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4176

WATER RIGHT NUMBER: 63-4176

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRADFORD P SHAW 4937 N HOLLOW LN BOISE, ID 83702 (208)362-9516
Current Owner	M CAMILLE SHAW 4937 N HOLLOW LN BOISE, ID 83702 (208)362-9516

Priority Date: 03/01/1959

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	TENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.270 CFS	
<u>Total Diversion:</u>		0.270 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4SE1/4	Sec. 4, Twp 02N, Rge 01E, B.M.
ADA 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	
02N	01E	4															23.0		23.0

Total Acres: 23

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

SCANNED
OCT 11 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4176

6. X35 Rights 63-4175 and 63-4176 when combined shall not exceed a total diversion rate of 0.32 cfs, a total annual maximum diversion volume of 61.2 af at the field headgate, and the irrigation of 13.6 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. pskaggs 4/26/2004 3:35:52 PM Transferred Right
 Comment: This is now an approved transfer, transfer number = 71048

Dates and Other Information:

Claim Received Date: 8/28/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: And/Or
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4.5
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.32	61.2	13.6
Combined Water Rights:		

Element Reviewed/Verified Dates:

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

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71048

This is to certify that: BRADFORD P SHAW And/Or
M CAMILLE SHAW
4937 N HOLLOW LN
BOISE ID 83702
(208)362-9516

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-4176	AJC/Beneficial Use	03/01/1959	0.27 cfs	N/A	N/A	13.6	WASTE WATER
63-4175	AJC/Beneficial Use	03/01/1929	0.32 cfs	N/A	N/A	13.6	TENMILE CREEK

Purpose of Transfer (Changes Proposed)

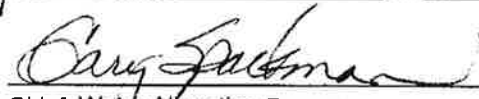
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-4176	NO	YES	YES	NO	NO	NO
63-4175	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-4176	63-4176	0.27 cfs	N/A	13.6	23.0		N/A	N/A	N/A	N/A
63-4175	63-4175	0.32 cfs	N/A	13.6	23.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.32 cfs	N/A	13.6	23.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-4176
As Modified by Transfer No. 71048

In accordance with the approval of Transfer No. 71048, Water Right No. 63-4176 is now described as follows.

Right Holder: BRADFORD P SHAW And/Or
M CAMILLE SHAW
4937 N HOLLOW LN
BOISE ID 83702

Priority Date: March 01, 1959

Source: WASTE WATER

Tributary: TENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.27 CFS	
			0.27 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER NWSE Sec. 4 Twp 02N Rge 01E ADA 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	
02N	01E	4																	23.0
																		23.0	

Total Acres: 23

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 63-4176
As Modified by Transfer No. 71048

CONDITIONS OF APPROVAL

5. Rights 63-4175 and 63-4176 when combined shall not exceed a total diversion rate of 0.32 cfs, a total annual maximum diversion volume of 61.2 af at the field headgate, and the irrigation of 13.6 acres within the place of use described above in a single irrigation season.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of April, 2004



Chief, Water Allocation Bureau

Saxton, Craig

From: Nelson, Dan
Sent: Monday, April 26, 2004 3:54 PM
To: Saxton, Craig
Subject: FW: 71048 Shaw - Approved Transfer

Craig,

I thought you might want to know about this. This is the transfer that I bugged you about so much.

Dan

-----Original Message-----

From: Skaggs, Pam
Sent: Monday, April 26, 2004 3:47 PM
To: Nelson, Dan; Curtis, Sharla; Shaff, Don; Shurte, Jan
Subject: 71048 Shaw - Approved Transfer

Rights associated with approved Transfer 71048

WR Number	Current#	Type
63-4175	63-4175	Recommendation
63-4176	63-4176	Recommendation

This message is notification that this transfer has been approved and is available for distribution as appropriate.

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

RECEIVED

JAN 21 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Bradford P. and/or M. Camille Shaw

Phone 208-362-9516

Post Office address 4937 North Hollow Lane, Boise, Idaho, 83702

A. Purpose of Transfer

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Move irrigation water to a new field.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-4175</u>	<u>01-03-1929</u>	<u>0.32</u>	<u>Irrigation</u>	<u>3-1 to 11-15</u>
<u>63-4176</u>	<u>03-01-1959</u>	<u>0.27</u>	<u>Irrigation</u>	<u>3-1 to 11-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.32 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ten Mile Creek and Waste water tributary to Fifteenmile Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	4	2N	1E	Ada	Pond
		NW	SE	4	2N	1E	Ada	Creek

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	1E	4														23			23

Total acres 23

PART 1

6. General Information:

- a. Description of diversion system Pumps, small retention pond, distribution pipeline.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: No longer irrigated with this water right.
- d. Remarks: This transfer is for the 13.6 acres of irrigated land identified in the preliminary recommendation to be used in a 23 acre place of use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20_____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4175 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Ten Mile Creek tributary to Fifteenmile Creek4. Date of priority 01-03-1929

5. Water is used for the following purpose:

Amount 0.32 for Irrigation purposes from 3-1 to 11-15
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 10.32 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	4	2N	1E	Ada	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	1E	4													2.6	11			13.6

Total acres 13.69. Describe any other water rights used for the same purpose as described above 63-2388, 63-4176

PART 2 - 63-4175

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4176 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☐ Other _____

3. Source of water WASTE WATER tributary to Tenmile Creek

4. Date of priority 03-01-1959

5. Water is used for the following purpose:

Amount 0.27 for Irrigation purposes from 3 -1 to 11-15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 0.27 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	4	2N	1E	Ada	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	1E	4													2.6	11			13.6

Total acres 13.6

9. Describe any other water rights used for the same purpose as described above 63-2388, 63-4175

PART 2 – 63-4176

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Points of Diversion:

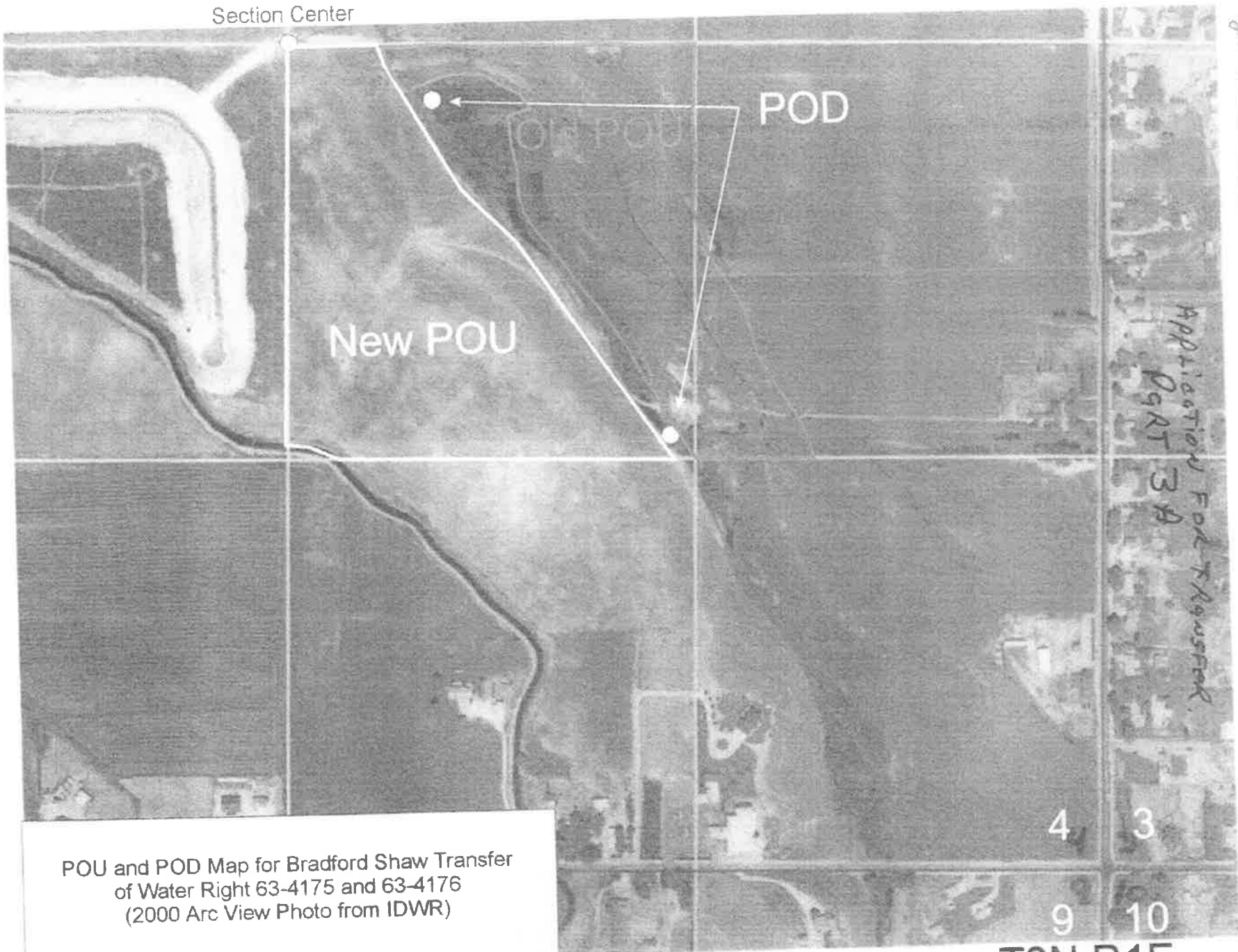
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

Application For Transfer
PART 3A



POU and POD Map for Bradford Shaw Transfer
of Water Right 63-4175 and 63-4176
(2000 Arc View Photo from IDWR)

T2N R1E

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use _____ Amount (cfs/ac-ft) _____ Hours/days/year _____ Period of Use _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature] M. Camille Shaw
 (Signature of Applicant)



Subscribed and sworn before me this 16th day of January, 2004.
Christina A. Sexton
 (Notary Public)
 My commission expires 2-15-06

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 1 attachments
 Received by DAN + [Signature] Date 1-21-04 Protest filed by _____
 Prelim. check by DAN Fee \$250.00
 Received by DAN FOR KL Date 11-16-03 W02-997B
 Published in _____ Copies of protest forwarded by _____
 Pub. Dates _____ Hearing held by _____ Date _____
 Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
 _____ rec'd. _____ by _____
 Copy of transfer sent to lien holder _____

Robert H. McQuade
Ada County Assessor
 200 West Front Street
 Boise, ID 83702

2002

**ASSESSMENT NOTICE
 & ESTIMATE OF TAX**

THIS IS NOT A BILL.
 DO NOT PAY.

PARCEL DESCRIPTION:

PAR #7250 @ N SIDE OF SE4
 SEC 4 2N 1E
 PARCEL 2 R/S 5634
 #417400-S #417200-C

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: (208) 287-7236

Parcel Address: S CLOVERDALE RD
 BOISE ID 83709

*****5-DIGIT 83719

|||||

|||||

SHAW BRADFORD PAINE
 SHAW M CAMILLE
 PO BOX 190244
 BOISE ID. 83719

Appeals of your property value must be filed in
 writing, on a form provided by the County, by:

JUNE 24, 2002

Tax Code Area: 152

Parcel Number: S1404417250

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
IRRIGATED AG DRY GRAZING WASTE LAND	48.151 28.440 1.000	0 0 0	0
SUBTOTAL: LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	77.591	0 0 0	0

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
ADA COUNTY PEST EXTERMINATION EMERGENCY MEDICAL ADA COUNTY HIGHWAY DIST SCHOOL DISTRICT NO 3 KUNA LIBRARY KUNA FIRE MOSQUITO ABATEMENT			(208) 364-2333 (208) 888-2316 (208) 375-7048 (208) 387-6120 (208) 922-1000 (208) 922-1025 (208) 922-1144 (208) 362-1440	6-17-2002 6-17-2002 6-17-2002 8-28-2002 6-11-2002 8-15-2002 8-28-2002
SUBTOTAL: FEES: TOTAL PROPERTY TAXES & FEES:				

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

TAX EST DOES NOT INCLUDE ADDITIONAL CERTIFICATIONS AND FEES.
 NEWLY ANNEXED AREAS - SEE 2000 TAX BILL FOR LAST YEARS TAXES

0108820

ATTACH A.

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

RECEIVED

AUG 28 1989

Ident. Number: A63-04176

Date Received: 8-28-89

Receipt No: 6005053

Received By: _____

Department of Water Resources
Western Regional Office

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

1. Name: BRADFORD P. SHAW
Address: 7383 S. CLOVERDALE
BOISE, ID 83709 208-362-9516

2. Date of Priority: OCT 22, 1902

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01E	3	NW	SW			ADA
			SW	SW			ADA

5. Description of diverting works:
GRAVITY FLOWS, NATURAL DRAIN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	4	NE	SE		IRR	40.0
			NW	SE		IRR	20.0
Section Acres							60.0

A63-04176

Page 1

Date: 08/15/89

MICROFILMED

AUG 20 1992

10. Place of Use: Continued

Total Acres 60.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
63-4175.

14. Remarks:

2 POINTS OF DIVERSION IN NWSW SECTION 3, T2N. R1E.
WASTE WATER FROM NEW YORK CANAL SYSTEM (MOORE LATERAL).
CLAIMANT SAYS THAT STAT. CLAIM INCORRECTLY SHOWS 50 ACRES AND
SHOULD BE 60 ACRES.

15. Basis of Claim: STATUTORY CLAIM

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: 8/22/89

Date: _____

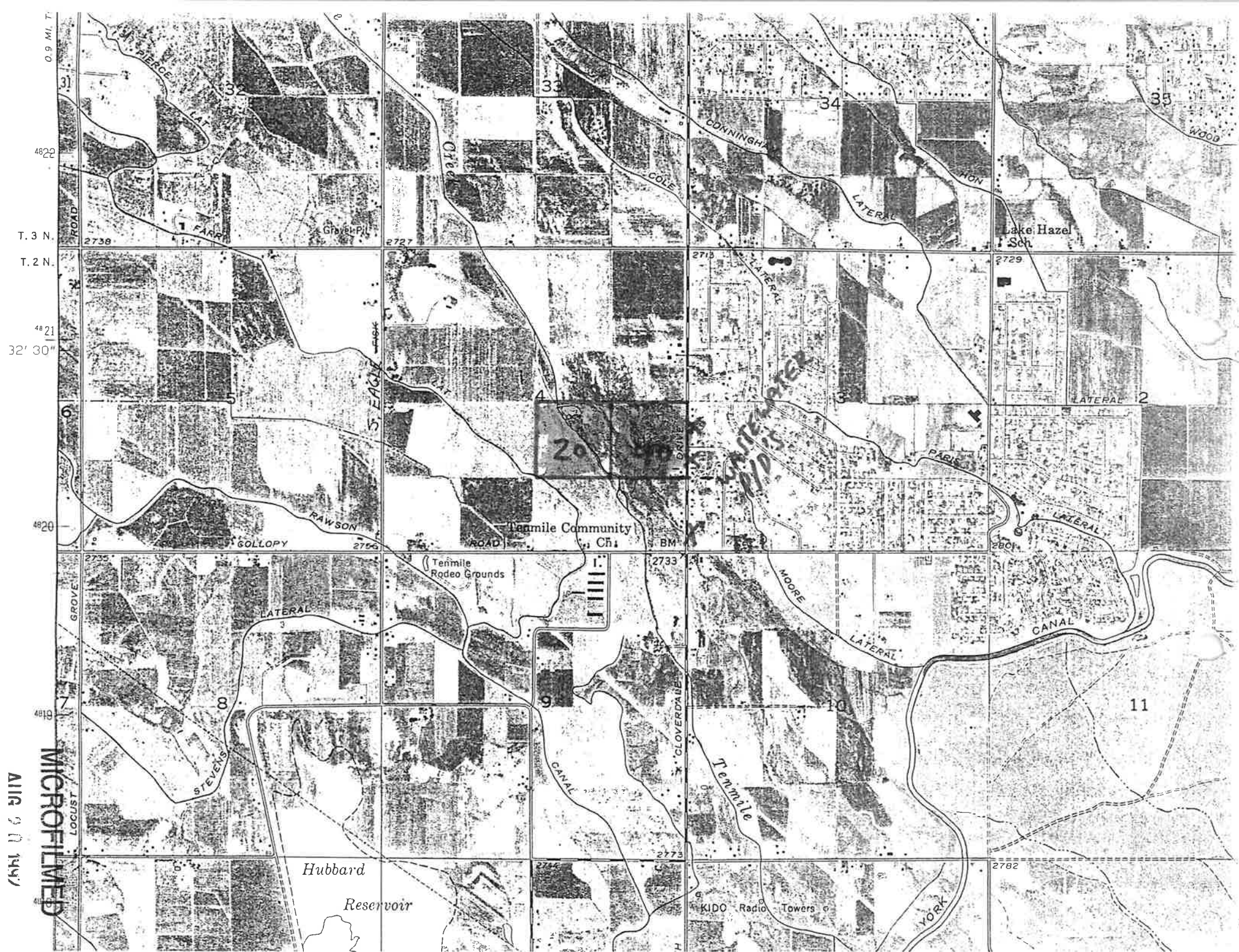
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of August 19 89

[Signature]
Notary Public

Seal

Residing at Boise ID
My Commission Expires 1/13/93



MICROFILMED

AUG 9 7 1997

Identification No. _____

Claim No. 63-4176

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

Bradford P. Shaw and Camille Shaw, husband and wife

1. Name of claimant M. B. Shaw and Lexola P. Shaw, husband and wife

post office address 1119 Warm Springs Avenue, Boise, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 3 Township 2 North

Range 1 East B.M. located on waste water from New York Canal System
(name of source) (Moore Lateral)

tributary to Boise River in Ada County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Oct. 22, 1902 (50 inches) amount: .5 c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

Total claimed .5 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irr. of crops period of use from April 1 to Oct. 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____

_____ ; length is _____ feet; height is _____ feet;

width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped Not applicable; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____

capacity of pump is _____ g.p.m.; name and address of well driller is _____

See letter dated 9/1/12 Kite

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir Not applicable ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 50.34

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

Do you get water through a ditch owned by several users? If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known)

6. Where water is used for stock watering, give number of each kind of stock watered Not applicable

7. Where water is used for domestic or municipal purposes give number of families served Not applicable
name of town supplied

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of Ada } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information and the same matters and facts therein are
true to the best of the affiants knowledge.

Sworn to before me this 8th day of August, 1972.

[Signature]
Claimant

[Signature]
Notary Public
Residing at Boise, Idaho

My commission expires

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>ef</u>	<u>8/31/72</u>			
Prelim. check by <u>KHF</u>	Date <u>8/31/72</u>			
Fee received by <u>ef</u>	Date <u>9-5-72</u>			
Approved for publication by <u>KHF</u>	<u>9/5/72</u>			
Published in <u>Idaho State</u>	Dates <u>9-11-72</u>			



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

A63-04175 & A63-04176
BRADFORD P SHAW
7383 S CLOVERDALE
BOISE ID 83709

Re: Claim No(s). A63-04175

£ A63-04176

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

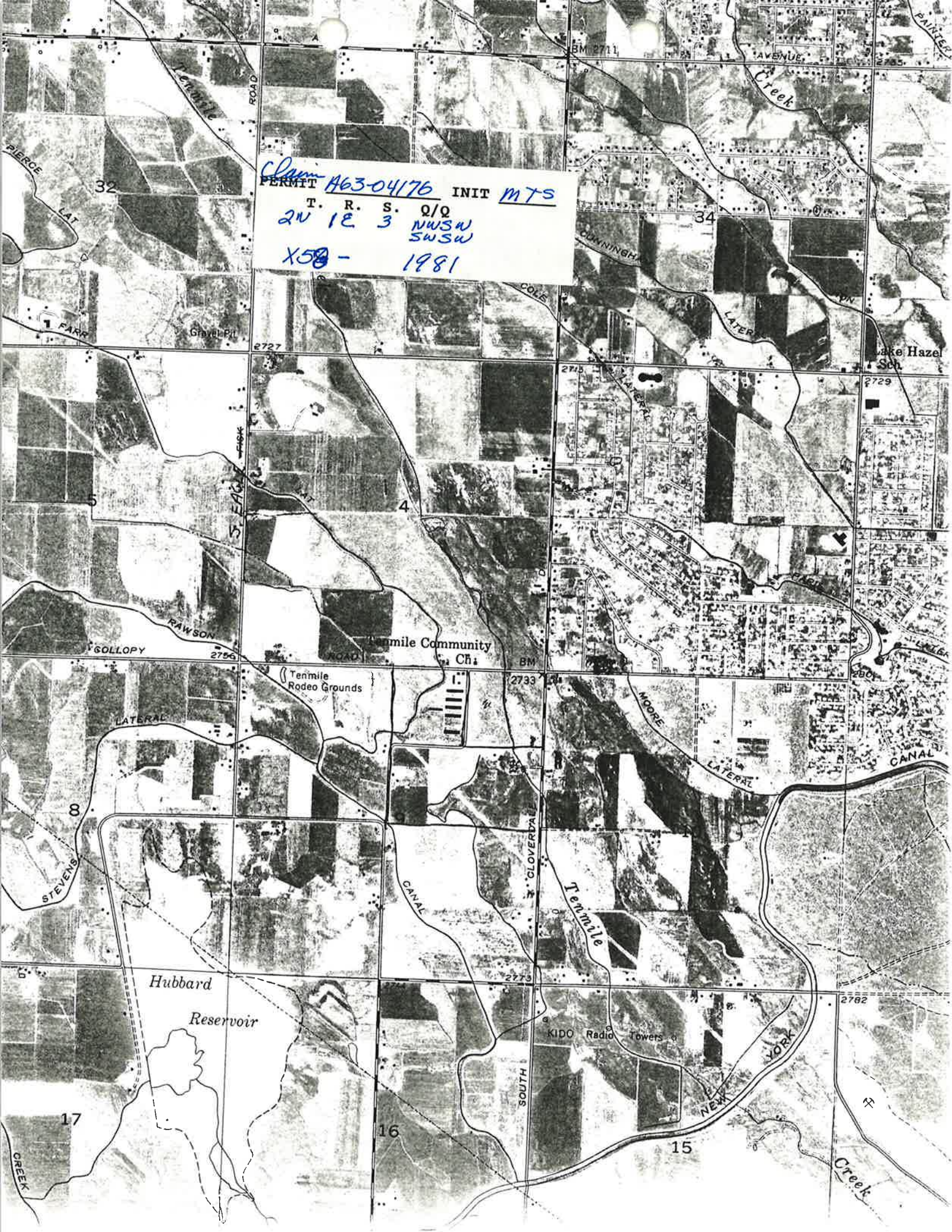
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Enclosures



00

Claim
PERMIT A63-04176 INIT
T. R. S. Q/Q
P/D 2N 1E 3 NWSW, SWSW
SCALE
PHOTO ID. X58 SW

X58 SW



Claim
PERMIT *A63-04176* INIT *MTS*
T. R. S. Q/Q
2N 1E 3 NWSW
X58 - 1981

Water Right Number - A63-04176

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

SHAW

BRADFORD P

1 - 7383 S CLOVERDALE

2 -

3 -

City- BOISE

State- ID Zip- 83709

Phone - 208-362-9516

*** O - ORIGINAL OWNER ***

SHAW

CAMILLE

1 - 1119 WARM SPRINGS AVE

2 -

3 -

City- BOISE

State- ID Zip- XXXXX

Phone - 208-000-0000

SHAW

M B

1 -

2 -

3 -

City- XXXXX

State- ID Zip- XXXXX

Phone - 208-000-0000

SHAW

LEXOLA P

1 -

2 -

3 -

City- XXXXX

State- ID Zip- XXXXX

Phone - 208-000-0000

+ - - Priority Date - - +

10/22/1902

+ - - Region - - - +

14 WESTERN

+ - - Stage - - - +

S - STATUTORY CLAIM

+ - - Status - - - +

+ - - - - Source - - - - - +

WASTE WATER

+ - - - - Tributary - - - - - +

BOISE RIVER

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County Diversion Name

02N 01E 3 NW SW (1) ADA
SW SW (1) ADA

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

10/31

1.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

1.200

0.0

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

02N 01E 4 NE SE 40.0 01 IRRIGATION (1) ADA

02N 01E 4 NW SE 20.0 01 IRRIGATION (1) ADA

Total Acres: 60.0

Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - 63-4175.

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	01/21/1985	Old Judicial District	-	
Claim Received Date	-	08/28/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	W005053	Federal/State Indicator	-	S
Claims Tape Error Flg	-		POU Ownership Flag	-	Y	Presumption Flag	-	
Fee Exempt Flag	-		Name Connector	-		Notice of Error Flag	-	

Identification No. _____
Claim No. 63-4176
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

Bradford P. Shaw and Camille Shaw, husband and wife

1. Name of claimant M. B. Shaw and Lexola P. Shaw, husband and wife

post office address 1119 Warm Springs Avenue, Boise, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 3 Township 2 North

Range 1 East B.M. located on waste water from New York Canal System
(name of source) (Moore Lateral)

tributary to Boise River in Ada County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

(50 inches)
Oct. 22, 1902 amount: .5 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .5 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irr. of crops period of use from April 1 to Oct. 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____

_____ ; length is _____ feet; height is _____ feet;

width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped Not applicable; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____

capacity of pump is _____ g.p.m.; name and address of well driller is _____

63 4176

_____, if so, give dates and explain.

-
-
-
-
-

- if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

- [illegible]

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch

The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered Not applicable

7. Where water is used for domestic or municipal purposes give number of families served Not applicable
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information and the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 8th day of August, 1972.

vorn, deposes and says that he, she, they subscribed the
ached information and that the matters and facts therein are
X David Wood Shurt
X Walter Shaw - Lynne Pamela Shurt
Claimant
day of August, 1972.
Randall C. Fredlund
Notary Public
Residing at Boise, Idaho

My commission expires 2 2 87

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>ef</u>	<u>8/31/72</u>			
Prelim. check by <u>KHF</u>	<u>8/31/72</u>			
	<u># 8782</u>			
Fee received by <u>me</u>	<u>9-5-72</u>	Fee \$		
Approved for publication by <u>KHF</u>	<u>9/5/72</u>			
Published in <u>Id. Stateman</u>	<u>Dates 9-14 & 21-72</u>			

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u> or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or	<u> </u> acre feet
		Total claimed:	<u>1.2 c.f.s.</u> or	<u> </u> acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

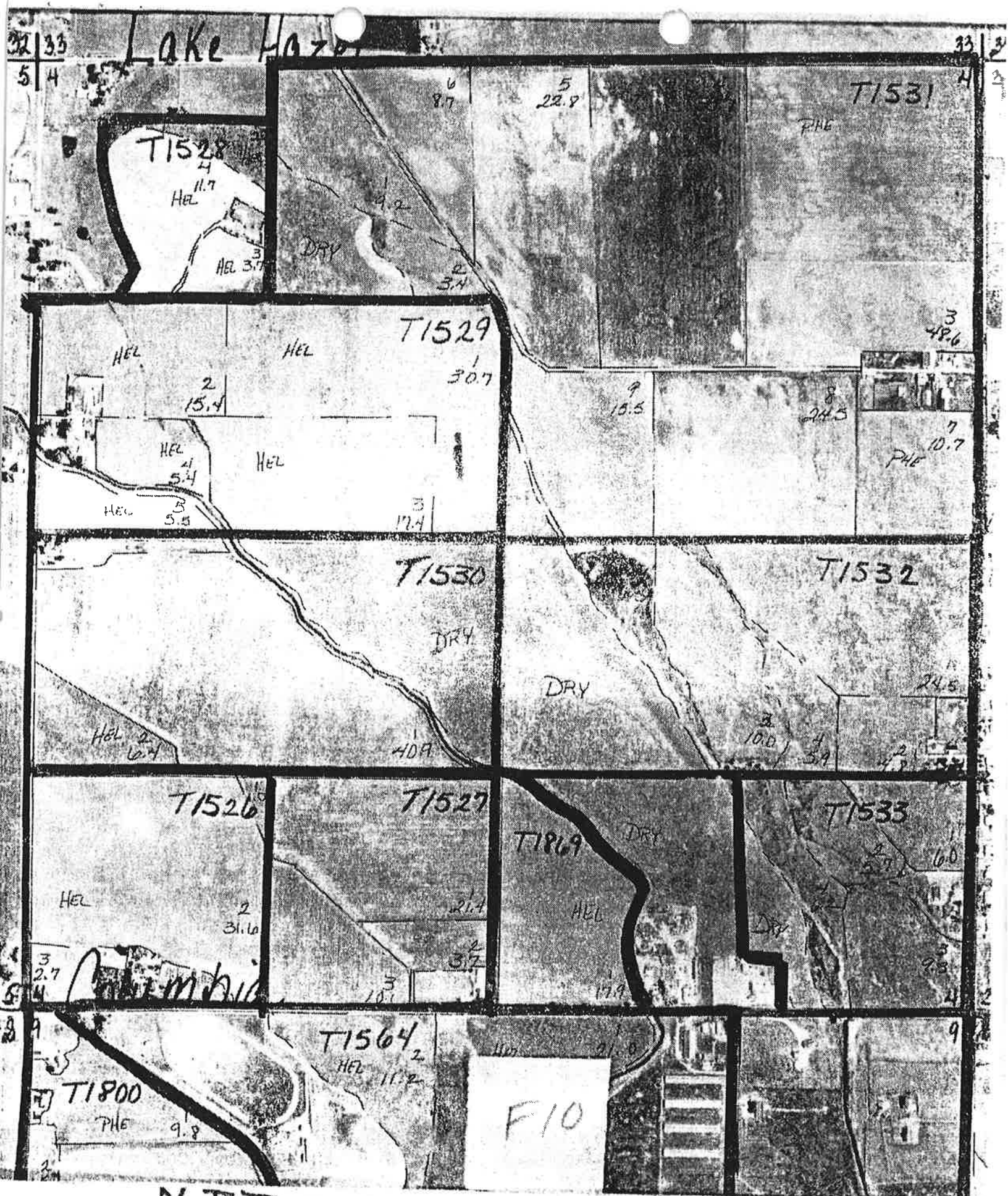
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.



DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 11 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-04176

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

AV-CB LLC
9647 W PEBBLE BROOK LN
BOISE, ID 83714

SOURCE:

WASTE WATER TRIBUTARY: TENMILE CREEK

QUANTITY:

0.27 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.32 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 61.2 AF. COMBINED RIGHT NOS.:
63-04175 & 63-04176.

PRIORITY DATE:

03/01/1959

POINT OF DIVERSION:

T02N R01E S04 NWSE Within Ada County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.27 CFS

PLACE OF USE:

Irrigation
T02N R01E S04 NWSE 23.0
23.0 Acres Total Within Ada County

USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 13.6 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE SOURCE OF THIS WATER RIGHT IS WASTE WATER. THE WASTING OF
WATER MAY BE DISCONTINUED AT ANY TIME.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

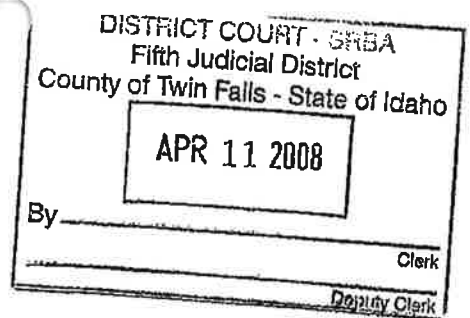
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

APR 11 2008

Lawrence B. Smith
SPECIAL MASTER



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-04176

On April 11, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

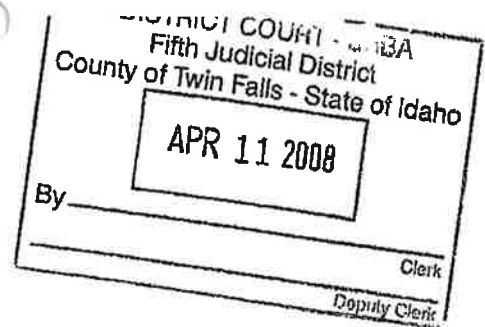
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 11, 2008.



DIANA R DELANEY
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 63-04176

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 11, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

AV-CB LLC
Represented by:
JOHNSON, WYATT B
ANGSTMAN JOHNSON & ASSOCIATES
3649 LAKEHARBOR LN
BOISE, ID 83703
Phone: 208-384-8588

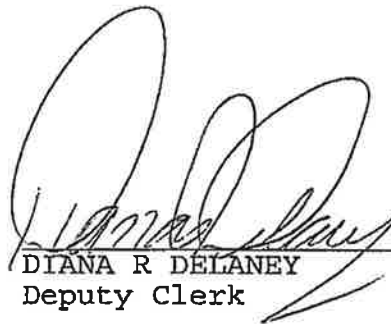
BOISE KUNA IRRIGATION DIST
Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

PAGE 1
04/11/08

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

WYATT B JOHNSON
3649 N. LAKEHARBOR LN
BOISE, ID 83703
Phone: 208-384-8588



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 11 2008	
By _____	Clerk
_____	Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
_____	)	FOR WATER RIGHT 63-04176

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 21, 2006, the Boise-Kuna Irrigation District, by and through its attorney Shelly M. Davis, filed an objection to the *Director's Report*, seeking inclusion of a remark regarding the source of the right being wastewater. On April 9, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-04176 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 11, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

RECEIVED

APR 11 2008

DEPARTMENT OF
WATER RESOURCES

RECEIVED

FEB 04 2008

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

SUBCASE NO: 63-4176

Case No. 39576

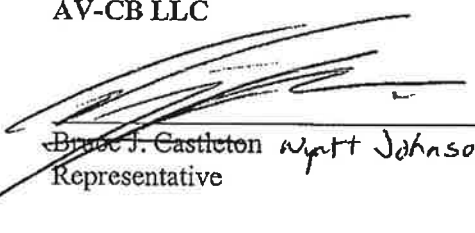
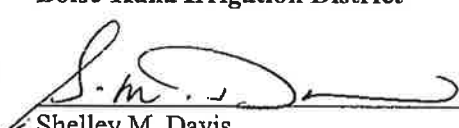
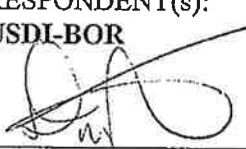
STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR indicate their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT(s):
AV-CB LLCOBJECTOR(s):
Boise-Kuna Irrigation District
Bruce J. Castleton
Representative3/28/08
Date
Shelley M. Davis2/15/08
DateRESPONDENT(s):
USDI-BOR
David Gehlert4/2/08
Date

SF5 Right No. 63-4176

IDWR CONCURRENCE:

 1-31-08
Jan Shurte
Adjudication Supervisor, IDWR

Date

 2-5-08
Nicholas B Spencer
Deputy Attorney General
Attorney for IDWR

Date

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

RIGHT NUMBER: 63-4176

NAME AND ADDRESS: AV-CB LLC
9647 W PEBBLE BROOK LN
BOISE ID 83714

SOURCE: WASTE WATER

TRIBUTARY: TENMILE CREEK

QUANTITY: 0.270 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.32 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 61.2 AF. COMBINED RIGHT NOS.:
63-04175 & 63-04176.

PRIORITY DATE: 03/01/1959

POINT OF DIVERSION:

T02N R01E S4 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.270 CFS

PLACE OF USE: IRRIGATION in ADA County

T02N R01E S04 NWSE 23.00

23 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 13.6 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

The source of this water right is waste water. The wasting of water
may be discontinued at any time.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall accomplish the change authorized by Transfer 71048
by 4/26/2009.

After specific notification by the Department, the right holder shall install
a suitable measuring device or shall enter into an agreement with the
Department to determine the amount of water diverted from power records
and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of transfer # 71048
is cause for the Director to rescind approval of the transfer.

CERTIFICATE OF MAILING

I certify that on this 8th day of April 2007, I mailed the original and copies of this form, including all attachments, as indicated below:

via FedEx mail:

CLERK OF THE SRBA COURT (Original)
SRBA Courthouse
District Court
253 Third Ave. North
Twin Falls, Idaho 83301
Phone: (208) 736-3011

via First Class U.S. Mail, prepaid:

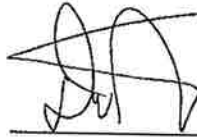
Wyatt Johnson
Angstman, Johnson, & Associates
3649 Lakeharbor Lane
Boise, ID 83703

Shelley M. Davis
Barker, Rosholt & Simpson
P.O. Box 2139
Boise, ID 83701-2139

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR
Document Depository
P.O. Box 83720
Boise, ID 83720-0098



David W. Gehlert

Wyatt Johnson
Angstman, Johnson, & Associates, PLLC
3649 Lakcharbor Lane
Boise, Idaho 83703
Telephone: (208) 384-8588
Facsimile: (208) 853-0117
Johnson ISB: 5858

Attorney for the Claimant

IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT OF IDAHO IN
AND FOR THE COUNTY OF TWIN FALLS

IN RE:

SRBA

Case No. 39576,

Subcase No.: 63-04176

NOTICE OF SUBSTITUTION OF COUNSEL

COME NOW Wyatt B. Johnson of Angstman, Johnson, & Associates, PLLC, and
Bruce Castleton of Naylor & Hales, PC, and hereby give notice to the Court and all
interested parties of the substitution of Angstman, Johnson, & Associates, PLLC as
counsel of record for AV-CB, LLC, the Claimant in the above-entitled matter. The Court
and all interested parties are requested to make such notation for all future pleadings and

1 correspondence to Claimant at Angstman, Johnson, & Associates, PLLC 3649
2 Lakeharbor Lane, Boise, Idaho 83703.

3 DATED this 15th day of April, 2008.

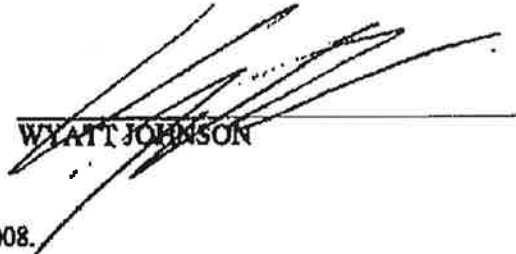
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8 DATED this ____ day of March, 2008.

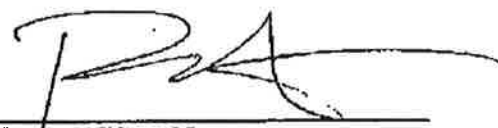
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12 BRUCE CASTLETON

1 correspondence to Claimant at Angstman, Johnson, & Associates, PLLC 3649
2 Lakcharbor Lane, Boise, Idaho 83703.

3 DATED this 1st day of April, 2008.

6
7
8 
9 WYATT JOHNSON

10 DATED this 1st day of April, 2008.

11
12 
13 BRUCE CASTLETON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 2008, I caused to be served a true copy of the foregoing NOTICE OF SUBSTITUTION OF COUNSEL by the method indicated below, and addressed to those parties marked served below:

<u>Served</u>	<u>Party</u>	<u>Counsel</u>	<u>Means of Service</u>
☐		John M. Marshall Givens Pursley, LLP 601 W. Bannock Street Boise, Idaho 83701 Fax: (208) 388-1300	☐ U.S. Mail, Postage Paid. ☐ Hand Delivered to Office or Court House Drop Box. ☒ Fax Transmittal
☐		Shelley M. Davis Barker Rosholt & Simpson, LLP 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, Idaho 83701-2139 Fax: (208) 344-6034	☐ U.S. Mail, Postage Paid. ☐ Hand Delivered to Office or Court House Drop Box. ☒ Fax Transmittal
☐		Environment and Natural Resource Division United States Department of Justice 800 Park Blvd., Ste. 600 Boise, Idaho 83712-9903 Fax: (208) 387-0842	☐ U.S. Mail, Postage Paid. ☐ Hand Delivered to Office or Court House Drop Box. ☒ Fax Transmittal

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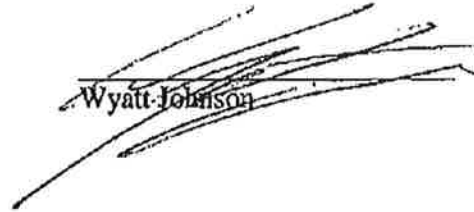
☐

Director
Idaho Department of Water
Resources
322 E. Front St.
P.O. Box 83720
Boise, Idaho 83720-0098
Fax: (208) 287-6700

☐ U.S. Mail, Postage Paid.

☐ Hand Delivered to Office or
Court House Drop Box.

☒ Fax Transmittal


Wyatt Johnson

Wyatt Johnson
Angstman, Johnson, & Associates, PLLC
3649 Lakeharbor Lane
Boise, Idaho 83703
Telephone: (208) 384-8588
Facsimile: (208) 853-0117
Johnson ISB: 5858

Attorney for the Claimant

IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT OF IDAHO IN
AND FOR THE COUNTY OF TWIN FALLS

IN RE:

SRBA

Case No. 39576,

Subcase No.: 63-04176

NOTICE OF APPEARANCE

COME NOW Wyatt B. Johnson of Angstman, Johnson, & Associates, PLLC, and
hereby give notice to the Court and all interested parties of the appearance of Angstman,
Johnson, & Associates, PLLC as counsel of record for AV-CB, LLC, the Claimant in the
above-entitled matter. The Court and all interested parties are requested to make such
notation for all future pleadings and correspondence to Claimant at Angstman, Johnson,
& Associates, PLLC 3649 Lakeharbor Lane, Boise, Idaho 83703.

1 DATED this 28 day of March, 2008.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of March, 2008, I caused to be served a true copy of the foregoing NOTICE OF APPEARANCE by the method indicated below, and addressed to those parties marked served below:

<u>Served</u>	<u>Party</u>	<u>Counsel</u>	<u>Means of Service</u>
☐		John M. Marshall Givens Pursley, LLP 601 W. Bannock Street Boise, Idaho 83701 Fax: (208) 388-1300	☐ U.S. Mail, Postage Paid. ☐ Hand Delivered to Office or Court House Drop Box. ☒ Fax Transmittal
☐		Shelley M. Davis Barker Rosholt & Simpson, LLP 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, Idaho 83701-2139 Fax: (208) 344-6034	☐ U.S. Mail, Postage Paid. ☐ Hand Delivered to Office or Court House Drop Box. ☒ Fax Transmittal
☐		Environment and Natural Resource Division United States Department of Justice 800 Park Blvd., Ste. 600 Boise, Idaho 83712-9903 Fax: (208) 387-0842	☐ U.S. Mail, Postage Paid. ☐ Hand Delivered to Office or Court House Drop Box. ☒ Fax Transmittal

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Director
Idaho Department of Water
Resources
322 E. Front St.
P.O. Box 83720
Boise, Idaho 83720-0098
Fax: (208) 287-6700

☐ U.S. Mail, Postage Paid.

☐ Hand Delivered to Office or
Court House Drop Box.

☒ Fax Transmittal

Wyatt Johnson

Angstman, Johnson & Associates, PLLC
3649 Lakeharbor Lane
Boise, ID 83703
(208) 384-8588
(208) 853-0117

Fax Cover Sheet

To: Director

From: Wyatt Johnson

Fax: (208) 287-6700

Date: March 28, 2008

Phone: (208) 287-4801

Pages: 5

Re: AV-CB v. SRBA

CC: cc: Michael Rodriguez

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

Please find following a Notice of Service in Case No. 63-04176. Thank you.

1
2
3
4
5 Wyatt Johnson
6 Angstman, Johnson, & Associates, PLLC
7 3649 Lakeharbor Lane
8 Boise, Idaho 83703
9 Telephone: (208) 384-8588
10 Facsimile: (208) 853-0117
11 Johnson ISB: 5858

12 Attorney for the Claimant

13
14 IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT OF IDAHO IN
15 AND FOR THE COUNTY OF TWIN FALLS

16 IN RE:

17 SRBA

18 Case No. 39576,

Subcase No.: 63-04175 *and 63-04176*

NOTICE OF SUBSTITUTION OF COUNSEL

19 COME NOW Wyatt B. Johnson of Angstman, Johnson, & Associates, PLLC, and
20 Bruce Castleton of Naylor & Hales, PC, and hereby give notice to the Court and all
21 interested parties of the substitution of Angstman, Johnson, & Associates, PLLC as
22 counsel of record for AV-CB, LLC, the Claimant in the above-entitled matter. The Court
23 and all interested parties are requested to make such notation for all future pleadings and
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1 correspondence to Claimant at Angstman, Johnson, & Associates, PLLC 3649
2 Lakeharbor Lane, Boise, Idaho 83703.

3 DATED this 21st day of February, 2008.

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7 WYATT JOHNSON

8 DATED this ____ day of February, 2008.

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12 BRUCE CASTLETON

1 correspondence to Claimant at Angstman, Johnson, & Associates, PLLC 3649
2 Lakeharbor Lane, Boise, Idaho 83703.

3 DATED this 21st day of February, 2008.
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7 WYATT JOHNSON

8 DATED this 21st day of February, 2008.
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11 BRUCE CASTLETON
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2008, I caused to be served a true copy of the foregoing NOTICE OF SUBSTITUTION OF COUNSEL by the method indicated below, and addressed to those parties marked served below:

<u>Served</u>	<u>Party</u>	<u>Counsel</u>	<u>Means of Service</u>
☐		John M. Marshall Givens Pursley, LLP 601 W. Bannock Street Boise, Idaho 83701 Fax: (208) 388-1300	☐ U.S. Mail, Postage Paid. ☐ Hand Delivered to Office or Court House Drop Box. ☒ Fax Transmittal
☐		Shelley M. Davis Barker Rosholt & Simpson, LLP 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, Idaho 83701-2139 Fax: (208) 344-6034	☐ U.S. Mail, Postage Paid. ☐ Hand Delivered to Office or Court House Drop Box. ☒ Fax Transmittal
☐		Environment and Natural Resource Division United States Department of Justice 800 Park Blvd., Ste. 600 Boise, Idaho 83712-9903 Fax: (208) 387-0842	☐ U.S. Mail, Postage Paid. ☐ Hand Delivered to Office or Court House Drop Box. ☒ Fax Transmittal

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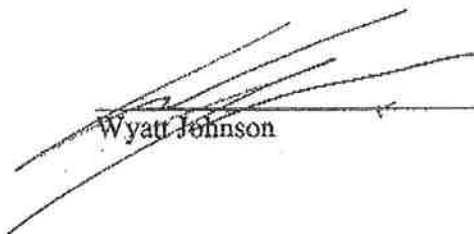
☐

Director
Idaho Department of Water
Resources
322 E. Front St.
P.O. Box 83720
Boise, Idaho 83720-0098
Fax: (208) 287-6700

☐ U.S. Mail, Postage Paid.

☐ Hand Delivered to Office or
Court House Drop Box.

☒ Fax Transmittal


Wyatt Johnson

Shurte, Jan

From: Shelley Davis [smd@idahowaters.com]
Sent: Monday, January 14, 2008 4:20 PM
To: Shurte, Jan
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Excellent. Thanks.

Some of them he should have brought were from part II in Basin 63 that were otherwise set for trial on March 19.

-Shelley

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Monday, January 14, 2008 4:07 PM
To: Shelley Davis
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Nick did bring a group of settlements on Friday and I know some of yours were in there. I reviewed them briefly, then am having the database changed here and passed them out to the agents who worked on them. Once they are signed we will send out the appropriate copies. All looked well with the settlements – less initial hearings.

Thanks,
Jan

From: Shelley Davis [mailto:smd@idahowaters.com]
Sent: Monday, January 14, 2008 2:31 PM
To: Shurte, Jan
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Thanks. I talked to Nick about 4 or 5 others too. Has he passed those along to you as well?

-Shelley

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Monday, January 14, 2008 1:52 PM
To: Shelley Davis
Cc: Spencer, Nick
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Thanks Shelley – I will work on the SF5 for 63-4176 asap. Jan

From: Shelley Davis [mailto:smd@idahowaters.com]
Sent: Monday, January 14, 2008 11:55 AM
To: Shurte, Jan; Spencer, Nick
Cc: Shelley Davis; Bruce Castleton
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

The agreement between Mr. Castleton and myself was to include the remark that we have all agreed to "The source of this right is waste water. The wasting of water may be discontinued at any time." If you have any additional questions, please feel free to call me at 336-0700, or Mr. Castleton at 383-9511.

1/29/2008

-Shelley

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Monday, January 14, 2008 10:13 AM
To: Spencer, Nick
Cc: Shelley Davis
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Nick – did you ever find out what they wanted as a remark on this one. We did not have a wastewater remark on this one because it was in Part 2. I just need to know if they want different wastewater language or if they want the new language - no problem. Just need to know. I am still assuming they will be pursuing 63-4175 as it is for Ten Mile Creek? Thanks, Jan

From: Spencer, Nick
Sent: Tuesday, January 08, 2008 4:34 PM
To: Shurte, Jan
Cc: Williams, Ray
Subject: FW: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Jan, if we already have the old wastewater remark on 4176, it looks to me all we should have to do with this one is substitute the new remark. Is my thinking out to lunch? NBS

From: Bruce Castleton [mailto:bjc@naylorhales.com]
Sent: Tuesday, January 08, 2008 4:31 PM
To: Spencer, Nick
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Mr. Spencer,

I communicated to Shelly Davis that my client, AV-CB, LLC, is no longer going to oppose the Boise-Kuna Irrigation District's objection in the 63-4176 subcase, that being the one where the IDWR has already designated the water right as wastewater. Will you send whatever paperwork is necessary for a settlement of this subcase?

Thanks,

Bruce
Fax: 383-9511

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]
Sent: Monday, May 07, 2007 4:40 PM
To: Bruce Castleton
Subject: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Dear Mr. Castleton: Here is the latest draft of the waste water remark that may resolve a number of objections filed by the irrigation districts to recommendations of rights they contend are using waste water, including possibly Boise-Kuna Irrigation District's objections to your client's two rights. I don't remember if your situation is one where there is an issue regarding whether your client's source is natural flow, or natural flow co-mingled with waste water. If so, no agreement has yet been reached on how to resolve that situation. NBS

-----Original Message-----

From: CHAS [mailto:chas@mcdevitt-miller.com]
Sent: Monday, May 07, 2007 11:14 AM
To: 'Shelley Davis'; Spencer, Nick

1/29/2008

Cc: 'Albert Barker'; 'Bryce Farris'; 'Gehlert David (ENRD)'; kmarioncarr@yahoo.com; 'E. Gail McGarry'
Subject: RE: waste water remark

Nick: I likewise sent the same language referenced by Ms. Davis to all persons (or Counsel) with claims to which we (NYID) had objected. cfmc

-----Original Message-----

From: Shelley Davis [mailto:smd@idahowaters.com]

Sent: Friday, May 04, 2007 4:21 PM

To: Spencer Nick

Cc: Albert Barker; CHAS; Bryce Farris; Gehlert David (ENRD); kmarioncarr@yahoo.com; E. Gail McGarry; Shelley Davis

Subject: RE: waste water remark

Nick:

The language that was agreed upon between the BoR and Districts is as follows:

"The source of this right is waste water. The wasting of water may be discontinued at any time."

I think this language comports with the changes that Garrick suggested. I sent a letter to Mr. Creamer and Mr. Lawrence earlier this week containing this proposed language. I hope to hear back from one or both of them before the status conferences on Tuesday, and I will be happy to discuss the situation with them at that time. Aside from issues that Mr. Creamer and his clients may want to take up with me, on behalf of BKID I agree that as between the BoR, Irrigation Districts and the Department there is agreement.

Very Truly Yours,
Shelley M. Davis

Barker Rosholt & Simpson, LLP

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]

Sent: Friday, May 04, 2007 3:56 PM

To: david.gehlert@usdoj.gov; Shelley Davis; chas@mcdevitt-miller.com; bryce@ringertclark.com

Cc: Harvey, Becky

Subject: waste water remark

It is my understanding that when representatives of the three irrigation districts met with representatives of the BOR last week you reached agreement on the following standard waste water remark, for use in resolving certain of your waste water objections: "The source of this water right is waste water and the wasting of this right may be discontinued at any time." I have forwarded that language to the appropriate managers at IDWR for their review. They do not have a problem with it. Garrick Baxter, the lead adjudication attorney, however, thought that the idea could be expressed a little more precisely if the remark were split into two sentences, as follows: "The source of this water right is waste water. The wasting of waste water may be discontinued at any time." He offers this as a suggested improvement, not as a requirement for IDWR's approval of the remark. Please let me know your thoughts on this suggested change. In any event, unless I hear anything from you to the contrary, I will presume that we can report to the Special Master that there is essential agreement among us on language for those subcases where the pro se claimants have agreed to the inclusion of a standard waste water remark on their water right descriptions, and that I shortly will be able to send that language to those claimants for their review. That leaves, however, the group of subcases where the claimants contend that their right is comingled with natural flow, and the Givens Pursley firm has suggested conditional language to recognize this circumstance. Combining the language proposed by Givens Pursley with the language you are now proposing the remark would read something like as follows:

"To the extent that the water from the source described above is waste water, the wasting of it may be discontinued at any time." Have you discussed this situation among yourselves, or reached consensus on language you would propose to address it? Please let me know your thoughts. Thank you. NBS

Shurte, Jan

From: Shelley Davis [smd@idahowaters.com]
Sent: Monday, January 14, 2008 11:55 AM
To: Shurte, Jan; Spencer, Nick
Cc: Shelley Davis; Bruce Castleton
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

The agreement between Mr. Castleton and myself was to include the remark that we have all agreed to "The source of this right is waste water. The wasting of water may be discontinued at any time." If you have any additional questions, please feel free to call me at 336-0700, or Mr. Castleton at 383-9511.

-Shelley

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Monday, January 14, 2008 10:13 AM
To: Spencer, Nick
Cc: Shelley Davis
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Nick – did you ever find out what they wanted as a remark on this one. We did not have a wastewater remark on this one because it was in Part 2. I just need to know if they want different wastewater language or if they want the new language – no problem. Just need to know. I am still assuming they will be pursuing 63-4175 as it is for Ten Mile Creek? Thanks, Jan

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Sent: Tuesday, January 08, 2008 4:34 PM
To: Shurte, Jan
Cc: Williams, Ray
Subject: FW: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

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From: Bruce Castleton [mailto:bjc@naylorhales.com]
Sent: Tuesday, January 08, 2008 4:31 PM
To: Spencer, Nick
Subject: RE: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Mr. Spencer,

I communicated to Shelly Davis that my client, AV-CB, LLC, is no longer going to oppose the Boise-Kuna Irrigation District's objection in the 63-4176 subcase, that being the one where the IDWR has already designated the water right as wastewater. Will you send whatever paperwork is necessary for a settlement of this subcase?

Thanks,

Bruce
Fax: 383-9511

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]
Sent: Monday, May 07, 2007 4:40 PM

1/14/2008

To: Bruce Castleton

Subject: SRBA Subcase nos. 63-4175 and 63-4176 (AV-CB LLC)

Dear Mr. Castleton: Here is the latest draft of the waste water remark that may resolve a number of objections filed by the irrigation districts to recommendations of rights they contend are using waste water, including possibly Boise-Kuna Irrigation District's objections to your client's two rights. I don't remember if your situation is one where there is an issue regarding whether your client's source is natural flow, or natural flow co-mingled with waste water. If so, no agreement has yet been reached on how to resolve that situation. NBS

-----Original Message-----

From: CHAS [mailto:chas@mcdevitt-miller.com]

Sent: Monday, May 07, 2007 11:14 AM

To: 'Shelley Davis'; Spencer, Nick

Cc: 'Albert Barker'; 'Bryce Farris'; 'Gehlert David (ENRD)'; kmarioncarr@yahoo.com; 'E. Gail McGarry'

Subject: RE: waste water remark

Nick: I likewise sent the same language referenced by Ms. Davis to all persons (or Counsel) with claims to which we (NYID) had objected. cfmc

-----Original Message-----

From: Shelley Davis [mailto:smd@idahowaters.com]

Sent: Friday, May 04, 2007 4:21 PM

To: Spencer Nick

Cc: Albert Barker; CHAS; Bryce Farris; Gehlert David (ENRD); kmarioncarr@yahoo.com; E. Gail McGarry; Shelley Davis

Subject: RE: waste water remark

Nick:

The language that was agreed upon between the BoR and Districts is as follows:

"The source of this right is waste water. The wasting of water may be discontinued at any time."

I think this language comports with the changes that Garrick suggested. I sent a letter to Mr. Creamer and Mr. Lawrence earlier this week containing this proposed language. I hope to hear back from one or both of them before the status conferences on Tuesday, and I will be happy to discuss the situation with them at that time. Aside from issues that Mr. Creamer and his clients may want to take up with me, on behalf of BKID I agree that as between the BoR, Irrigation Districts and the Department there is agreement.

Very Truly Yours,
Shelley M. Davis

Barker Rosholt & Simpson, LLP

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]

Sent: Friday, May 04, 2007 3:56 PM

To: david.gehlert@usdoj.gov; Shelley Davis; chas@mcdevitt-miller.com; bryce@ringertclark.com

Cc: Harvey, Becky

Subject: waste water remark

It is my understanding that when representatives of the three irrigation districts met with representatives of the BOR last week you reached agreement on the following standard waste water remark, for use in

resolving certain of your waste water objections: "The source of this water right is waste water and the wasting of this right may be discontinued at any time." I have forwarded that language to the appropriate managers at IDWR for their review. They do not have a problem with it. Garrick Baxter, the lead adjudication attorney, however, thought that the idea could be expressed a little more precisely if the remark were split into two sentences, as follows: "The source of this water right is waste water. The wasting of waste water may be discontinued at any time." He offers this as a suggested improvement, not as a requirement for IDWR's approval of the remark. Please let me know your thoughts on this suggested change. In any event, unless I hear anything from you to the contrary, I will presume that we can report to the Special Master that there is essential agreement among us on language for those subcases where the pro se claimants have agreed to the inclusion of a standard waste water remark on their water right descriptions, and that I shortly will be able to send that language to those claimants for their review. That leaves, however, the group of subcases where the claimants contend that their right is comingled with natural flow, and the Givens Pursley firm has suggested conditional language to recognize this circumstance. Combining the language proposed by Givens Pursley with the language you are now proposing the remark would read something like as follows: "To the extent that the water from the source described above is waste water, the wasting of it may be discontinued at any time." Have you discussed this situation among yourselves, or reached consensus on language you would propose to address it? Please let me know your thoughts. Thank you. NBS

2007 SEP 19 PM 4 35

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcases 63-02757, 63-04176, and 63-25750
Case No. 39576) TRIAL SCHEDULING ORDER
ORDER OF JOINT TRIAL

A Scheduling Conference was held on September 11, 2007. Pursuant to I.R.C.P. 42(a), and because there is a common question of fact regarding whether a "waste water" remark should be included in the partial decrees for these water rights, it is **ordered** that the trials in subcases 63-02757, 63-04176, and 63-25750 shall be held jointly. The following dates shall govern the conduct of these subcases through trial:

November 30, 2007 5:00 PM Disclosure of Witnesses. Disclosure of all witnesses, except impeachment witnesses, shall be completed by this deadline. All non-disclosed witnesses, except impeachment witnesses, shall be excluded from testifying in the trial unless permitted by the Special Master in the interests of justice. I.R.C.P. 16(e)(6)(J).

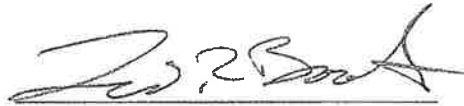
^{14 alw P}
January 12, 2008 5:00 PM Discovery Served and Responses Completed. Deadline for completion of all discovery, meaning that all discovery is served and response is complete, including the taking of depositions of lay and expert witnesses, all interrogatories, request for production / inspections and admissions. Motions to compel should be filed accordingly so as to accommodate this deadline.

February 5, 2008 5:00 PM Hearing on Motion for Summary Judgment. Motions for summary judgment shall be filed, notice for hearing, and actually heard by this deadline. The filing and service of the motion, affidavits, and briefing shall be conducted in compliance with I.R.C.P. 56(c).

March 11, 2008 9:30 AM Final Pre-Trial Conference. Pursuant to I.R.C.P. 16, a final pre-trial conference will be held at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

March 19, 2008 9:00 AM Trial. The trial be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.

Dated September 19, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on September 19, 2007, with sufficient first-class postage to the following:

AV-CB LLC

Represented by:
BRUCE J CASTLETON
950 W BANNOCK, STE 610
BOISE, ID 83702
Phone: 208-383-9511

CITY OF KUNA

Represented by:
RANDALL S. GROVE
1038 S RIVER STONE DR
NAMPA, ID 83686
Phone: 208-442-6950

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

JERRY FREDERICK

8870 S BLACK CAT RD
NAMPA, ID 83687
Phone: 208-888-9578

RECEIVED

FEB 26 2007

DEPARTMENT OF
WATER RESOURCES

NOTICE OF EXTENSION
TWIN FALLS CO., IDAHO
FILED

2007 FEB 23 PM 1 30

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

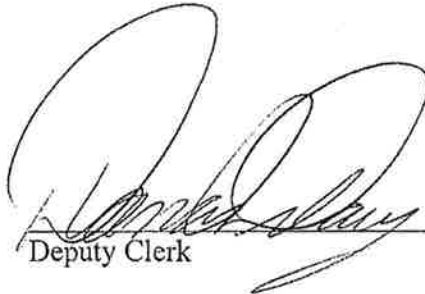
Subcase No: 63-4175 and 63-4176

NOTICE CHANGING LOCATION OF SHOW
CAUSE HEARING

On December 20, 2006, this Court issued an *Order to Show Cause* setting a hearing in the above subcases for April 10, 2007, at 2:45 p.m., at the Snake River Basin Adjudication Courthouse in Twin Falls, Idaho. Due to the Court's travel schedule, the location of this hearing has changed.

NOTICE IS GIVEN that the Order to Show Cause Hearing for Subcases 63-4175 and 63-4176 will be held April 10, 2007, at 2:45 p.m. (MT), at the Idaho Water Center, 6th Floor, 322 East Front Street, Boise, Idaho.

DATED February 23, 2007.


Deputy Clerk

RECEIVED

FEB 26 2007

CERTIFICATE OF MAILING

DEPARTMENT OF
WATER RESOURCES

I certify that a true and correct copy of the NOTICE CHANGING LOCATION OF ORDER TO SHOW CAUSE HEARING was mailed on February 23, 2007, with sufficient first-class postage to the following:

BOISE KUNA IRRIGATION DIST

Represented by:

SHELLEY M. DAVIS

1010 W JEFFERSON, STE 102

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

AV-CB LLC

9647 W PEBBLE BROOK LN

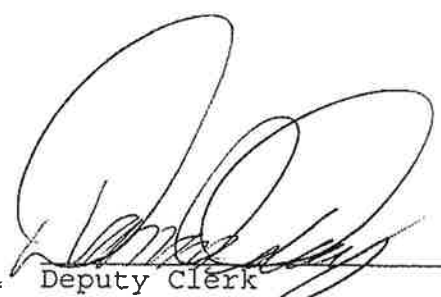
BOISE, ID 83714

NOTICE CHANGING LOCATION

Page 1 2/23/07

FILE COPY FOR 01144

Deputy Clerk



0122 22 2005

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA	)	Subcases 63-04175 & 63-04176
	)	
Case No. 39576	)	ORDER TO SHOW CAUSE
	)	

On April 21, 2006, the Boise-Kuna Irrigation District, by and through its attorney Shelly M. Davis of Barker Rosholt & Simpson, LLP, filed objections to the *Director's Report* for these water right claims, asserting that the source of the water right claims is wastewater belonging to the Boise-Kuna Irrigation District, and that the water rights should not exist. On June 23, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed a response to the objection, also asserting that the water rights should not exist.

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the**

ORDER TO SHOW CAUSE
 G:\BASIN FOLDERS\Orders\63orders\4175 & 4176.OTSC.doc
 Last printed 12/20/2006 10:27:00 AM

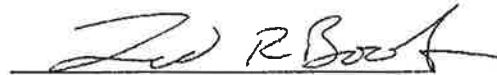
Page 1 of 2

Claimant being deemed to have consented to the disallowance of the water right claim. If the Claimant participates in the hearing, the Claimant will be expected to notify this Special Master whether he/she intends to oppose the objections, and accordingly a trial date will be set. In such case, no additional evidence or argument need be presented as subcase(s) will be allowed to proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(4).

A copy of this *Order to Show Cause* shall be served upon the Claimant not less than five (5) days prior to the date herein shown, upon which those parties are required to appear before this Special Master and show cause. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated December 20, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

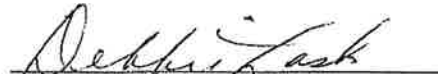
I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on December 20, 2006, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

AV-CB LLC
9647 W Pebble Brook Ln
Boise, ID 83714

U.S. Department of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

Shelly Davis
Barker Rosholt & Simpson, LLP
205 N. 10th Street, Ste 520
Boise, ID 83702


Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA)

Case No. 39576)

A. Subcase **63-4176**

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry

United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100

Boise, ID 83706 -1234

Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Boise – Kuna Irrigation District

Address: c/o Shelley M. Davis

Barker Rosholt & Simpson, LLP

205 N. 10th Street, Ste. 520

Boise, ID 83702

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. ☐ I object because:
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F.

CERTIFICATE OF MAILING

I certify that on 6.23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Bradford P. & Camille M. Shaw
Address: 4937 N. Hollow Ln
Boise, ID 83702

3. One copy to the party who filed the objection at the following address:

Name: Boise - Kuna Irrigation District
Address: c/o Shelley M. Davis
Barker Rosholt & Simpson, LLP
205 N. 10th Street, Ste. 520
Boise, ID 83702

4. Copies to:
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

E. J. M. Gary
Your signature or signature of attorney

RECEIVED

APR 21 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 SRBA) A. Subcase 63-4176
(Insert water right number)
)
Case No. 39576)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Kuna Irrigation District
Address: 129 N. School Ave.
Kuna, ID 83634
Daytime Phone: 922-5608

Name & Address of Attorney, if any:

Shelley M. Davis
Barker Rosholt & Simpson, LLP
205 N. 10th Street, Ste. 520, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Bradford P. and Camille M. Shaw
Address: 4937 N. Hollow Ln.
Boise ID, 83702

SCANNED
OCT 11 2006

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the Boise-Kuna Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☒ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Ada)

Shelley M. Davis, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

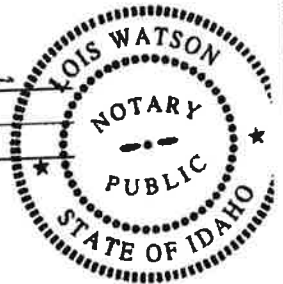
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 19, 2006

Notary Public for Lars Anderson
Residing at: Ada County, Idaho
My Commission Expires: 12/08



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 20, 20006 I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

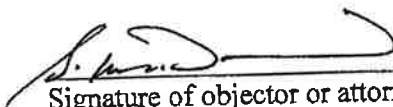
Name: Bradford P. and Camille M. Shaw
Address: 4937 N. Hollow Ln.
Boise, ID 83702

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

01/03/2006

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

RIGHT NUMBER: 63-4176

NAME AND ADDRESS: AV-CB LLC
9647 W PEBBLE BROOK LN
BOISE ID 83714

~~BRADFORD P SHAW~~
~~7383 S CLOVERDALE RD~~
~~BOISE ID 83709~~

SOURCE: WASTE WATER

TRIBUTARY: TENMILE CREEK

QUANTITY: 0.270 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.32 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 61.2 AF. COMBINED RIGHT NOS.: 63-04175
& 63-04176.

PRIORITY DATE: 03/01/1959

POINT OF DIVERSION:

T02N R01E S4 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.270 CFS

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S04 NWSE 23.0

23 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 13.6 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall accomplish the change authorized by Transfer 71048
by 4/26/2009.

After specific notification by the Department, the right holder shall install
a suitable measuring device or shall enter into an agreement with the
Department to determine the amount of water diverted from power records
and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of transfer # 71048
is cause for the Director to rescind approval of the transfer.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Water Rights: 63-4175, 63-4176

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

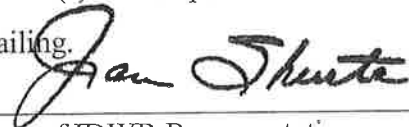
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: January 3, 2006


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 3, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

AV-CB LLC
9647 W. Pebble Brook Ln.
Boise ID 83714

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Bradford Shaw
7383 S. Cloverdale Rd.
Boise ID 83709

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4175					
63-4176					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Shaw Family LP + Bradford Shaw /
Megoradons (2 parcels)

4. New Owner/Claimant(s)

AVCB LLC (Roger-Allen)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

9647 W. Pebble Brook Ln

City, State and ZIP Code

Boise ID 83714

New Telephone Number

(208) 853-3711

5. Date you acquired the property

July 2005

RECEIVED

DEC 29 2005

**WATER RESOURCES
 WESTERN REGION**



ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 07/25/05 04:47 PM
DEPUTY Bonnie Oberbillig
RECORDED-REQUEST OF
Title One

AMOUNT 24.00 8



Order No.: A0538952

WARRANTY DEED

FOR VALUE RECEIVED,

SHAW FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership as to Parcel I only and BRADFORD PAINE SHAW and M. CAMILLE SHAW, husband and wife, as to Parcel II only, the Grantors, do hereby grant, bargain sell and convey unto AV-CB, LLC, an Idaho limited liability company whose current address is P.O. Box 140075, Boise, Idaho 83714 the Grantee, the following described premises, in Ada County, Idaho, TO WIT:

PARCEL I

A parcel of land situated in the Southwest Quarter of the Southeast Quarter of Section 4, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at the South Quarter corner of said Section 4; thence on the South boundary of Section 4,

South 89 degrees 30'00" East a distance of 1125.67 feet to the POINT OF BEGINNING; thence North 0 degree 46'18" East a distance of 770.00 feet to a point; thence

South 90 degrees 00'00" West a distance of 355.33 feet to a point on the centerline of the Farr Lateral; thence along said centerline,

North 45 degrees 50'13" West a distance of 512.01 feet to a point; thence continuing along the centerline,

North 64 degrees 10'37" West a distance of 134.22 feet to a point; thence along the centerline, North 43 degrees 14'32" West a distance of 195.62 feet to a point; thence

South 89 degrees 35'11" East a distance of 1196.40 feet; thence

South 00 degree 46'18" West a distance of 549.10 feet; thence

South 90 degrees 00'00" West a distance of 181.59 feet; thence

South 00 degree 46'18" West a distance of 770.26 feet to the South boundary of said Section 4; thence along the South boundary

North 89 degrees 30'00" West a distance of 30.00 feet to the POINT OF BEGINNING.

PARCEL II

A portion of the Northwest Quarter Southeast quarter, Section 4, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, described as follows:

Beginning at the Northwest corner of said Northwest Quarter Southeast Quarter, the REAL POINT OF BEGINNING; thence South 89°40'51" East along the North line of said Northwest Quarter Southeast quarter a distance of 1037.44 feet to the Northwest corner of Umpqua Subdivision No. 1; thence Southerly along the Westerly boundary of said Umpqua Subdivision No. 1 and also Umpqua Subdivision No. 2 the following courses and distances:
South 00°46'41" West, 301.95 feet;
South 00°46'41" West, 378.05 feet;
South 33°35'59" East, 531.29 feet;
South 00°46'41" West along said West boundary of said Umpqua Subdivision No. 2, said line along being the East line of said Northwest quarter Southeast quarter a distance of 200.00 feet to the Southwest corner of said Umpqua Subdivision No. 2, said point also being the Southeast corner of said Northwest Quarter Southeast Quarter; thence North 89°34'43" West along the South line of said Northwest Quarter Southeast Quarter a distance of 1337.17 feet to the Southwest corner of said Northwest Quarter Southeast Quarter; thence North 00°46'02" East along the West line of said Northwest Quarter Southeast Quarter a distance of 1318.51 feet to the Northwest corner of said Northwest Quarter Southeast Quarter, the REAL POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantors does hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to the permitted exceptions attached hereto as Exhibit A, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: July 25, 2005

SHAW FAMILY LIMITED PARTNERSHIP

BY: SHAW CORPORATION, General Partner

BY: [Signature]
BRADFORD PAINE SHAW, President

BY: M. Camille Shaw
M. CAMILLE SHAW, Secretary

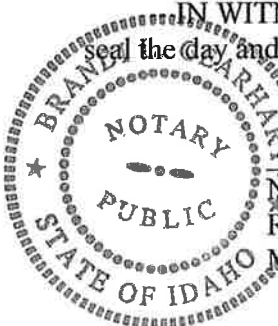
[Signature]
BRADFORD PAINE SHAW
M. Camille Shaw
M. CAMILLE SHAW

STATE OF IDAHO)
) ss.
County of Ada)

On this 25th day of July, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared BRADFORD PAINE SHAW and M. CAMILLE SHAW known or identified to me to be the President and Secretary of the corporation that executed the within instrument said corporation known to me to be the General Partner of SHAW FAMILY LIMITED PARTNERSHIP, the partnership that executed the instrument and acknowledged to me that they executed the same for and on behalf of said corporation and that such corporation executed it on behalf of said partnership and that said partnership executed it.

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

Brandi S. Hearshart
NOTARY PUBLIC for Idaho
Residing at: Middleton
My Commission Expires: 9/14/07



State of Idaho)
County of Ada)

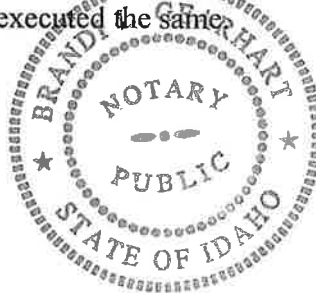
On this 25th of July, 2005, before me, the undersigned, a notary public personally appeared, Bradford Paine Shaw and M. Camille Shaw known to me or proven to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Brandi R. Leachart

Notary Public

Residing In: Middleton

Expires: 9/4/07



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

FIRST CLASS



UNITED STATES POSTAGE
02 1A
0004389393
\$ 01
JAN
MAILED FROM ZIP CODE

RECEIVED
JAN 06 2006
WATER RESOURCES
WESTERN REGION

UNDELIVERABLE AS
ADDRESSED
FORWARDING ORDER
EXPIRED

IDAHO DEPARTMENT OF WATER RESOURCES

2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

TO

BRADFORD SHAW
7283 S CLOVERDALE RD
BOISE ID 83709

63-4175 } NCAP
63-4176 }

WTF

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

UNDELIVERABLE AS
ADDRESSEE
FORWARDING ORDER
EXPIRED

WAF / KOB

BRADFORD P SHAW
7383 S CLOVERDALE RD
BOISE ID 83709

63-4175
63-4176

FIRST CLASS



UNITED STATES POSTAGE
EITNEY BOWES
02 1A
0004310839
\$ 00.83
DEC 16 2005
MAILED FROM ZIP CODE 83709

RECEIVED
DEC 20 2005
WATER RESOURCES
WESTERN REGION

RECEIVED
DEC 19 2005
DEPARTMENT OF
WATER RESOURCES

UNDELIVERABLE AS
ADDRESSEE
FORWARDING ORDER
EXPIRED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2005

AV-CB LLC
9647 W PEBBLE BROOK LN
BOISE ID 83714

RE: NOTICE OF CLAIM NO(S): A63-4175, 63-4176

Dear Claimant(s):

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in the ownership for the above claim(s). IDWR records currently show the following name and address as the owner of the claim(s) listed above:

**BRADFORD SHAW
4937 N HOLLOW LN
BOISE ID 83702**

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership form, as appropriate, to correct our records.

If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at (208) 334-2190.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region

LH:1
Enclosures

05/05/2005

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

RIGHT NUMBER: 63-4176

NAME AND ADDRESS: BRADFORD P SHAW
7383 S CLOVERDALE RD
BOISE ID 83709

SOURCE: WASTE WATER

TRIBUTARY: TENMILE CREEK

QUANTITY: 0.270 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.32 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 61.2 AF. COMBINED RIGHT NOS.: 63-04175
& 63-04176.

PRIORITY DATE: 03/01/1959

POINT OF DIVERSION:

T02N R01E S4 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.270 CFS

PLACE OF USE:

IRRIGATION Within ADA County

T02N R01E S04 NWSE 23.0

23 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 13.6 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Beneficial Use

The right holder shall accomplish the change authorized by Transfer 71048
by 4/26/2009.

After specific notification by the Department, the right holder shall install
a suitable measuring device or shall enter into an agreement with the
Department to determine the amount of water diverted from power records
and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of transfer # 71048
is cause for the Director to rescind approval of the transfer.

Harris, Lori

From: Shurte, Jan
Sent: Thursday, May 05, 2005 8:02 AM
To: Harris, Lori
Subject: FW: 71048 Shaw -Order Granting an Extension of Time to Complete Transfer

-----Original Message-----

From: Skaggs, Pam
Sent: Wednesday, May 04, 2005 9:40 AM
To: Nelson, Dan; Curtis, Sharla; Shaff, Don; Shurte, Jan
Subject: 71048 Shaw -Order Granting an Extension of Time to Complete Transfer

On 05-04-2005 an Order Granting an Extension of Time to Complete Transfer 71048 was issued extending the completion date to 04-26-2009.
A comment has been added to the WR records.

-----Original Message-----

From: Skaggs, Pam
Sent: Monday, April 26, 2004 3:47 PM
To: Nelson, Dan; Curtis, Sharla; Shaff, Don; Shurte, Jan
Subject: 71048 Shaw - Approved Transfer

Rights associated with approved Transfer 71048

WR Number	Current#	Type
63-4175	63-4175	Recommendation
63-4176	63-4176	Recommendation

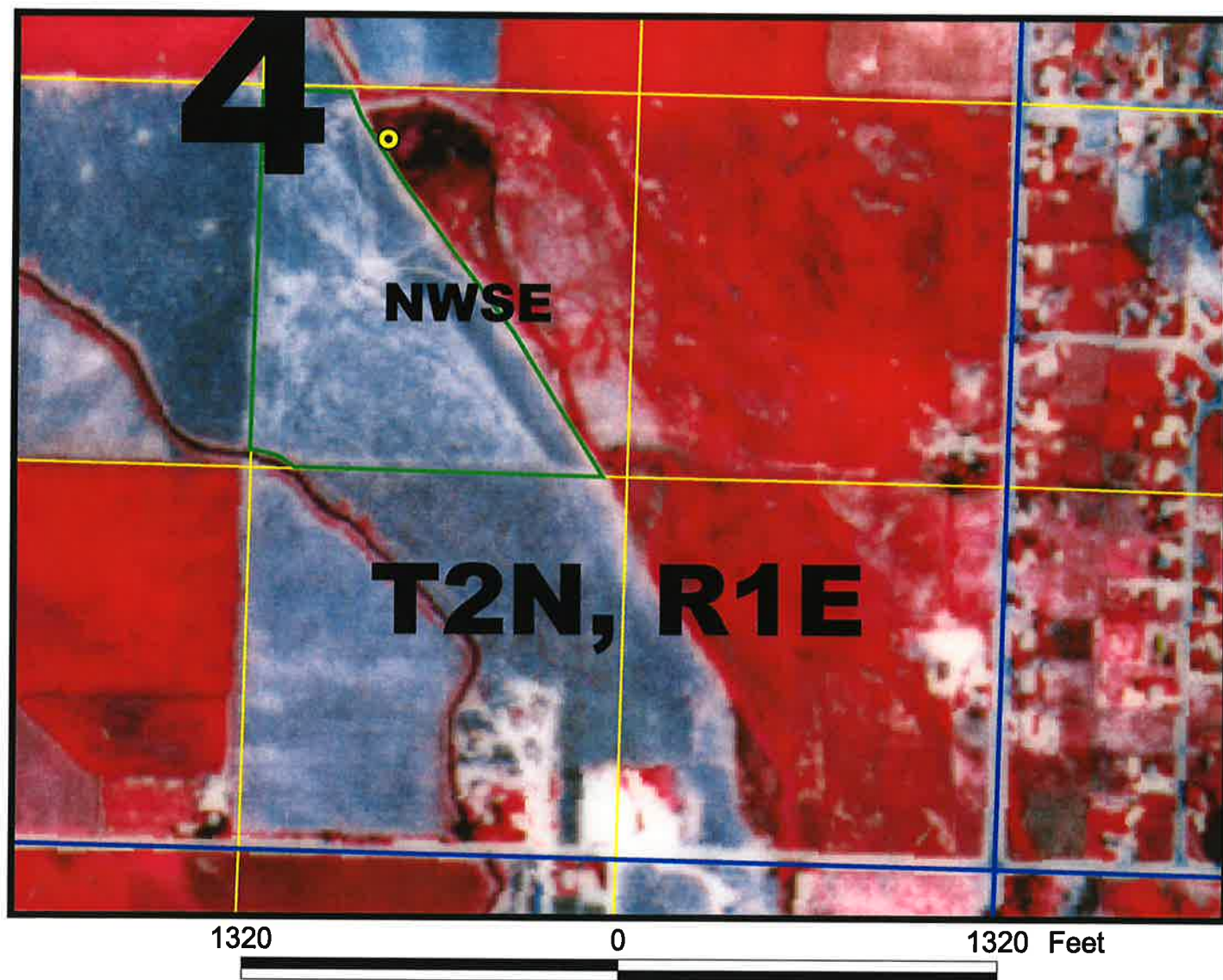
This message is notification that this transfer has been approved and is available for distribution as appropriate.



STATE OF IDAHO

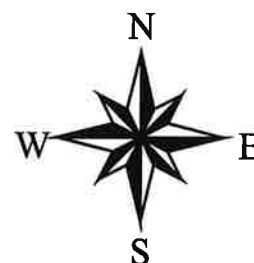
Department of Water Resources
Western Region

Water Right(s): 63-04176



Total Irrigated Acres: 23.0

- ⊙ Point of Diversion
- Place of Use
- Quarter Quarter Lines
- Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: May 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4176 V1

WATER RIGHT NUMBER: 63-4176 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	M CAMILLE SHAW 4937 N HOLLOW LN BOISE, ID 83702 (208)362-9516
Original Owner	LEXOLA P SHAW , ID
Current Owner	BRADFORD P SHAW 7383 S CLOVERDALE RD BOISE, ID 83709 (208)362-9516
Original Owner	M B SHAW 999 N CURTIS RD STE 407 BOISE, ID 83704

Priority Date: 03/01/1959

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	TENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.270 CFS	
	<u>Total Diversion:</u>	0.270 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4SE1/4	Sec. 4, Twp 02N, Rge 01E, B.M.
ADA 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	
02N	01E	4																	23.0
																			23.0

Total Acres: 23

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 63-4176 V1

1. Explanatory After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 13.6 ACRES IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 61.2 AF. COMBINED RIGHT NOS.: 63-04175 & 63-04176.
4. Explanatory Failure of the right holder to comply with the conditions of transfer # 71048 is cause for the Director to rescind approval of the transfer.

Comments:

1. csaxton 8/14/2003 Diversion Rate

Comment: Mannings measurement conducted on 8-12-03 determined that waste ditch has the capacity to convey 1.47 cfs. Recommend 1 inch per acre.

2. csaxton 8/14/2003 Priority Date

Comment: Priority date evidence is statement from claimant on 8/6/03 during filed exam where he said that a pond was built in the 1950s, and at that time the waste water was being used. Must recommend beginning of the irrigation season in 1959 without further evidence.

3. csaxton 5/25/2004 Approved Transfer

Comment: Transfer 71048 altered this claim. Recommendation changed to represent approved transfer 71048. all previous notes are related to claim review prior to approval of Transfer 71048.

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:

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.32		
Combined Water Rights: 63-4176 , 63-4175		

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>
Contacts	8/14/2003 10:45:57 AM	csaxton			Active
Priority Date	8/14/2003 10:58:10 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4176 V1

POD	8/14/2003 10:58:26 AM	csaxton	Active
Source	8/14/2003 11:00:15 AM	csaxton	Active
POU	8/14/2003 11:07:26 AM	csaxton	Active
Use	8/14/2003 11:08:52 AM	csaxton	Active
Season	8/14/2003 11:09:14 AM	csaxton	Active
Quantity	8/14/2003 11:10:34 AM	csaxton	Active
Summary	08/14/2003	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/25/2004 10:51:57 AM	csaxton	Edited PLS
POU	5/25/2004 10:52:55 AM	csaxton	Edited PLS
POD	5/25/2004 10:51:13 AM	csaxton	Edited point location
POU	5/25/2004 10:52:28 AM	csaxton	Edited shape boundary
Priority Date	8/14/2003 10:58:10 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Priority date evidence is statement from claimant on 8/6/03 during filed exam where he said that a pond was built in the 1950s, and at that time the waste water was being used. Must recommend beginning of the irrigation season in 1959 without further evidence.
POD	8/14/2003 10:58:26 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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	8/14/2003 11:06:55 AM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4176 V1

Source	8/14/2003 11:00:16 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FE 8/6/03 and 8/12/03
POU	8/14/2003 11:07:26 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FE 8/6/03 and 8/12/03
Use	8/14/2003 11:08:53 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FE 8/6/03 and 8/12/03
Season	8/14/2003 11:09:16 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4176 V1

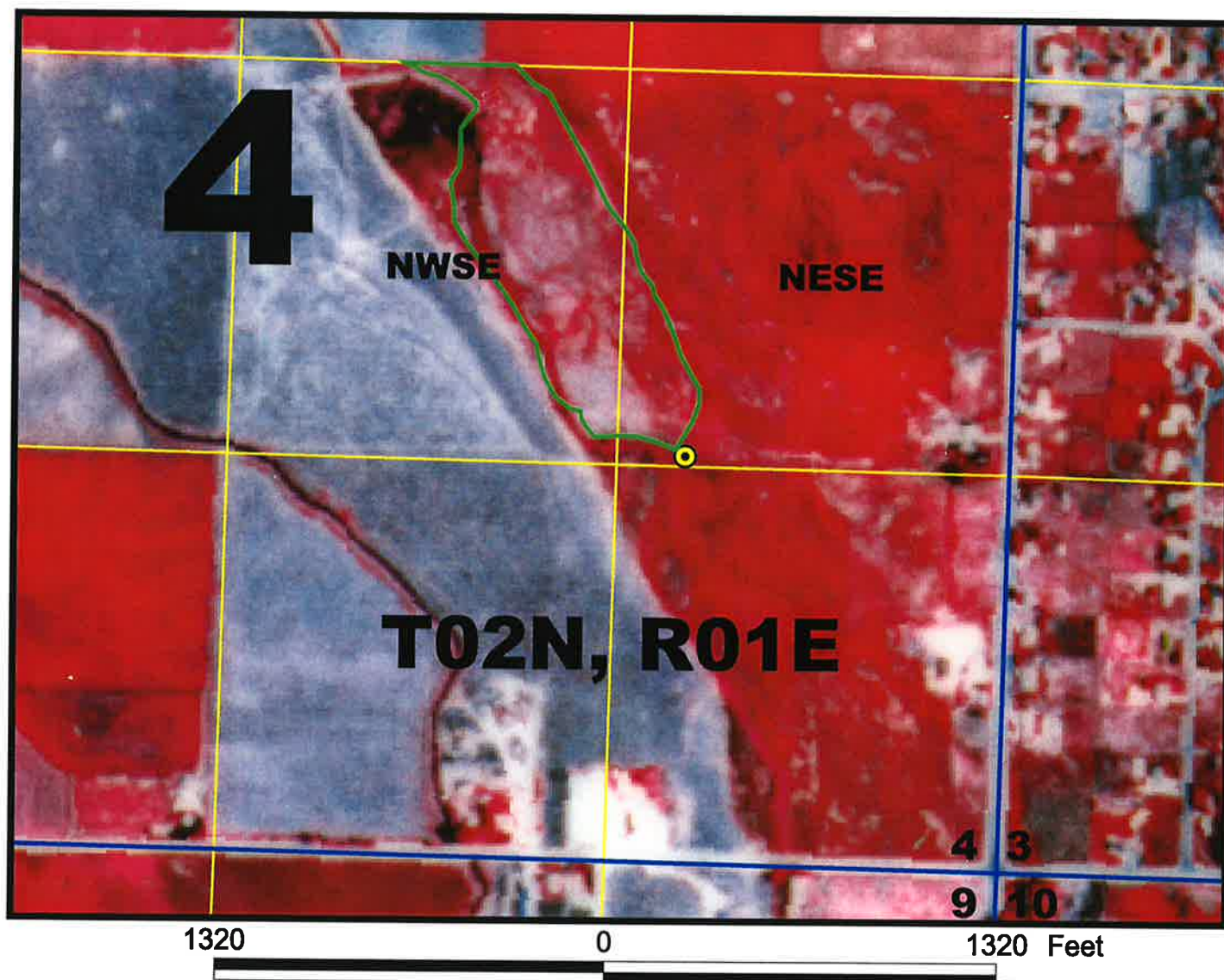
Quantity	8/14/2003 11:10:35 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of 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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Mannings measurement on 8/12/03.
POU	8/14/2003 11:08:09 AM	csaxton	Edited PLS
Summary	8/14/2003 11:13:51 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	8/14/2003 10:45:57 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 8/6/03 and 8/12/03
POD	8/14/2003 11:03:22 AM	csaxton	Edited point location
POU	8/14/2003 11:07:45 AM	csaxton	Edited shape boundary



STATE OF IDAHO

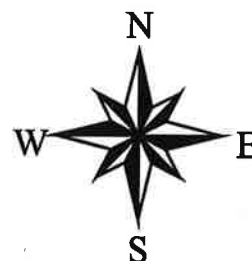
Department of Water Resources
Western Region

Water Right(s): 63-04176



Total Irrigated Acres: 13.6

- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Quarter Quarter Lines
- ▭ Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: August 2003

08/15/2003

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

RIGHT NUMBER: 63-4176

NAME AND ADDRESS: BRADFORD P SHAW
7383 S CLOVERDALE RD
BOISE ID 83709

SOURCE: WASTE WATER

TRIBUTARY: TENMILE CREEK

QUANTITY: 0.270 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.32 CFS.

PRIORITY DATE: 03/01/1959

POINT OF DIVERSION:

T02N R01E S4 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.270 CFS

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S04	NESE	2.6	T02N R01E S04	NWSE	11.0
---------------	------	-----	---------------	------	------

13.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 13.6 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4176 V1

WATER RIGHT NUMBER: 63-4176 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CAMILLE SHAW 1119 WARM SPRINGS AVE BOISE, ID
Original Owner	LEXOLA P SHAW , ID
Current Owner	BRADFORD P SHAW 7383 S CLOVERDALE RD BOISE, ID 83709 (208)362-9516
Original Owner	M B SHAW 999 N CURTIS RD STE 407 BOISE, ID 83704

Priority Date: 03/01/1959

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	TENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.270 CFS	
	<u>Total Diversion:</u>	0.270 CFS	

Location of Point(s) of Diversion

WASTE WATER	NE1/4SE1/4	Sec. 4, Twp 02N, Rge 01E, B.M.
ADA 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	
02N	01E	4													2.6	11.0			13.6

Total Acres: 13.6

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 63-4176 V1

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.32 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 63-04175 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 13.6 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 8/14/2003 Diversion Rate

Comment: Mannings measurement conducted on 8-12-03 determined that waste ditch has the capacity to convey 1.47 cfs. Recommend 1 inch per acre.

2. csaxton 8/14/2003 Priority Date

Comment: Priority date evidence is statement from claimant on 8/6/03 during filed exam where he said that a pond was built in the 1950s, and at that time the waste water was being used. Must recommend beginning of the irrigation season in 1959 without further evidence.

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:
 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

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	8/14/2003 10:45:57 AM	csaxton			Active
Priority Date	8/14/2003 10:58:10 AM	csaxton			Active
POD	8/14/2003 10:58:26 AM	csaxton			Active
Source	8/14/2003 11:00:15 AM	csaxton			Active
POU	8/14/2003 11:07:26 AM	csaxton			Active
Use	8/14/2003 11:08:52 AM	csaxton			Active
Season	8/14/2003 11:09:14 AM	csaxton			Active
Quantity	8/14/2003 11:10:34 AM	csaxton			Active
Summary			08/14/2003	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4176 V1

Priority Date	8/14/2003 10:58:10 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Priority date evidence is statement from claimant on 8/6/03 during filed exam where he said that a pond was built in the 1950s, and at that time the waste water was being used. Must recommend beginning of the irrigation season in 1959 without further evidence.
POD	8/14/2003 10:58:26 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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	8/14/2003 11:06:55 AM	csaxton	Edited PLS
Source	8/14/2003 11:00:16 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FE 8/6/03 and 8/12/03
POU	8/14/2003 11:07:26 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FE 8/6/03 and 8/12/03

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4176 V1

Use	8/14/2003 11:08:53 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FE 8/6/03 and 8/12/03
Season	8/14/2003 11:09:16 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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?
Quantity	8/14/2003 11:10:35 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Mannings measurement on 8/12/03.
POU	8/14/2003 11:08:09 AM	csaxton	Edited PLS
Summary	8/14/2003 11:13:51 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	8/14/2003 10:45:57 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: FE 8/6/03 and 8/12/03

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4176 V1

POD	8/14/2003 11:03:22 AM	csaxton	Edited point location
POU	8/14/2003 11:07:45 AM	csaxton	Edited shape boundary

Adjudication Claim Report 63-4176

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CAMILLE SHAW 1119 WARM SPRINGS AVE BOISE, ID
Original Owner	LEXOLA P SHAW , ID
Current Owner	BRADFORD P SHAW 7383 S CLOVERDALE RD BOISE, ID 83709 (208)362-9516
Original Owner	M B SHAW 999 N CURTIS RD STE 407 BOISE, ID 83704

Priority Date: ~~10/22/1902~~ 3/1/~~1959~~ 1959
Basis: Statutory Claim
Status: Active

Tributary

~~BOISE RIVER~~ Jennette Ck

Annual Volume

n/A

0.27

Sec. 3, Twp 02N, Rge 01E, B.M.

~~Sec. 3, Twp 02N, Rge 01E, B.M.~~

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals			
02N	01E	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	40.0	20.0	60.0	
Total Acres:			60												2.6				13.6			

- use of this right with 63-04175 is limited to 0.27 cfs
- use of this right with 63-04875 is limited to 13.6 ~~cfs~~ ac.

Remarks:

08/14/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4176

1. General

~~2 POINTS OF DIVERSION IN NWSW SECTION 3, T2N, R1E.~~ *No-one ROD*
WASTE WATER FROM NEW YORK CANAL SYSTEM (MOORE LATERAL).
CLAIMANT SAYS THAT STAT. CLAIM INCORRECTLY SHOWS 50 ACRES AND SHOULD
BE 60 ACRES.

Comments:

Dates and Other Information:

Claim Received Date: 8/28/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
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

Memorandum

Date: August 14, 2003

To: Dan Nelson

Cc: Steve Lester

From: Craig Saxton

Subject: Bradford Shaw application for Transfer and SRBA claims 63-04175 and 63-04176

I have completed SRBA recommendations on 63-04175 and 63-04176. It was brought to my attention that a transfer has been filed on these two rights and the recommendations needed to be done promptly. Well...that didn't happen... but they are done now.

Note that the application for Transfer of a water right asked to move 23 of 60 claimed acres. I found 13.6 acres total being irrigated from the waste water source and Ten Mile Creek (both overlapping). The majority of the 60 acres claimed under the two above mentioned rights is irrigated under Boise-Kuna Canal company.

In addition, recommended priority dates for both claims were reduced compared to what was claimed based on available evidence.

When leaving the field exam I informed Mr. Shaw that my intention was to recommend these two rights significantly different than what was claimed. So this shouldn't be a big surprise.

Let me know if you have any questions.

2-26-03 : FE See notes in 63-04175
FE

6-30-03 : 63-17404 Domestic from Well PD'd
: New York Canal completed in 1900.

8-5-03 : called and left message to call me for FE.

: Priority Evidence is all for 10 mile Creek.
When was waste water first used?

8-6-03 : See Notes in 63-04175
FF

: Priority Date: Claimant said in 1950's previous
owner put in a system to try to pump from
pond, at that time waste water was use.
Support 3-1-1959 priority date. However, I asked
claimant to provide additional Evidence.

8-12-03 : Did manning's Calculation For diversion Rate
FE Capacity. See Notes in file.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): 63-4176
 Name of Claimant(s): Bradford Shaw
 Name of Ditch, Canal, or Stream: WASTE DITCH
 Date of Measurement: 8-12-03 Data Collected By: CRAIG & RON
 Measurement Location: SE 1/4 SE 1/4 Section 4 T 2N R 1E

Cross Section Data

Basis: high water mark(☒) maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

UPSTREAM		DOWNSTREAM	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. <u>0</u>	<u>0</u>
<u>.25</u>	<u>.5</u>	<u>.45</u>	<u>.5</u>
<u>.55</u>	<u>1.0</u>	<u>.5</u>	<u>1.0</u>
2. <u>.25</u>	<u>1.6</u>	8. <u>.45</u>	<u>1.5</u>
<u>.4</u>	<u>2.5</u>	<u>.6</u>	<u>2.0</u>
3. <u>.45</u>	<u>3.0</u>	9. <u>.7</u>	<u>2.5</u>
<u>.7</u>	<u>3.5</u>	<u>.7</u>	<u>3.0</u>
4. <u>.45</u>	<u>4.0</u>	10. <u>.6</u>	<u>3.9</u>
<u>.45</u>	<u>4.5</u>	<u>.8</u>	<u>4.5</u>
5. <u>.55</u>	<u>5.0</u>	11. <u>.4</u>	<u>5.0</u>
<u>0</u>	<u>5.4</u>	<u>0</u>	<u>5.4</u>
6. <u>0</u>		12. <u>0</u>	

Slope Data

Basis: high water mark(☒) channel bottom() land surface()

Level Readings:	upstream	downstream	
upper stadia	<u>5.76</u>	<u>6.57</u>	
center	<u>4.72</u>	<u>5.92</u>	
lower stadia	<u>3.70</u>	<u>5.26</u>	channel length
stadia difference	(<u>2.06</u> + <u>1.31</u>) x 100 =		<u>337</u>

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes()

MANNING EQUATION CHANNEL CAPACITY RESULTS

08-12-2003

File Number: 63-4176

Claimant: SHAW

Channel measured: WASTE DITCH

Date of measurement: 08-12-03

Measurement location:

02N 01E S04 SESE

Calculation prepared by: CRAIG

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 337 feet.

The upstream and downstream rod readings are 4.72 and 5.92 feet.

The channel cross section is 2.54 ft-sq.

The wetted perimeter is 5.99 feet.

The hydraulic radius is 0.42 feet.

The slope is 0.0036

The roughness coefficient is 0.0500

The flow velocity is 1.003 ft/sec.

The rate of flow is 2.55 cfs.

CROSS SECTION NUMBER 1

For File Number 63-4176 for the WASTE DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.25	0.25	0.50
3	0.55	0.55	1.00
4	0.25	0.25	1.60
5	0.40	0.40	2.50
6	0.45	0.45	3.00
7	0.70	0.70	3.50
8	0.45	0.45	4.00
9	0.45	0.45	4.50
10	0.55	0.55	5.00
11	0.00	0.00	5.40

The area for this cross section is 2.17 square feet
and the wetted perimeter is 6.04 feet.

CROSS SECTION NUMBER 2

For File Number 63-4176 for the WASTE DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.45	0.45	0.50
3	0.50	0.50	1.00
4	0.45	0.45	1.50
5	0.60	0.60	2.00
6	0.70	0.70	2.50
7	0.70	0.70	3.00
8	0.60	0.60	3.90
9	0.80	0.80	4.50
10	0.40	0.40	5.00
11	0.00	0.00	5.40

The area for this cross section is 2.91 square feet
and the wetted perimeter is 5.95 feet.

63-04176

Manning's

FE: 8/12/03



Looking North at Jan Shurte holding the surveying rod for the Manning's measurements. Waste Ditch runs between Jan and the 5 gallon bucket.



Looking North at the Level and IDWR crew during the Manning's measurement.

63-04176

Manning's

FE: 8/13/03



Looking North at the ditch that the Manning's calculation was done on. This is the Waste water ditch.

4

Ten
mile
creek is
200 mi 10
Boulevard
DIVERSION FROM
X FAY Lateral

11.6A

Waste
Ten
Cannals

Downstream PT

Down

DIVERSION FROM
X Ten Mile

Old Canal Street
Intersection

Some
Waste
Not
Preserved

63-04176

POD

FE: 8/6/03

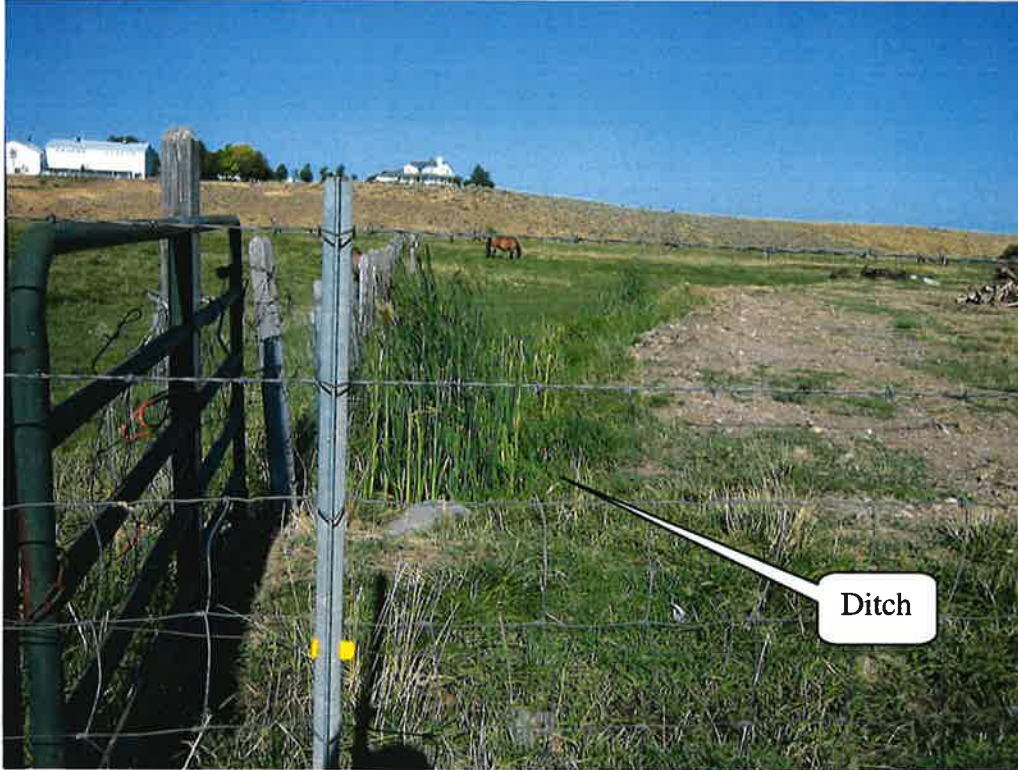


Looking South East at Waste Ditch as it crosses to the claimants property. The fence seen in the picture is the south boundary of the claimants property.

63-04176

Ditch

FE: 8/6/03



Looking West at the waste ditch just as it crosses under Cloverdale Rd. Cloverdale is behind me in the picture. This filed seen in this picture is just south of the claimed POU.

63-04176

Ditch

FE: 8/6/03



Looking South at the waste ditch at the point it flows under Cloverdale Rd and works it's way to the claimed POU.

63-04176

Ditch

FE: 8/6/03



Looking East at point in the ditch where water diverts from the ditch to the East and West to flood irrigate the field. This ditch carries both Ten Mile Creek water and Waste water from the New York Canal.

63-04176

Ditch

FE: 8/6/03



Looking North at point in the ditch where water diverts from the ditch to the East and West to flood irrigate the field. Plastic gate the blocks water for diversion can be seen in the ditch. This ditch carries both Ten Mile Creek water and Waste water from the New York Canal.

63-04176

Ditch

FE: 8/6/03



Looking East at point in the ditch where water diverts from the ditch to the East and West to flood irrigate the field. This ditch carries both Ten Mile Creek water and Waste water from the New York Canal.

63-04176

Ditch

FE: 8/6/03



Looking South at Ditch that runs through the middle of the claimed POU. This ditch carries both Ten Mile Creek water and Waste water from the New York Canal.

63-04176

Ditch

FE: 8/6/03



Looking South at the gated pipe and tank that conveys Boise-Kuna canal company share water.

29-04176

Source

Field Exam: 2-26-03



Looking South at ditch that appears to be claimed as the collection ditch for waste water. Claimed POU is behind and to the right of where I took this picture (csaxton).



Looking West at ditch that appears to be claimed as the collection ditch for waste water. Claimed POU is to the right of this picture (csaxton).

29-04176

POU

Field Exam: 2-26-03



Looking West at the north side of claimed POU. To the right is a golf course (csaxton).



Looking SW at claimed POU. POU appears to be in the process of being subdivided. Fire hydrant can be seen in the claimed POU (csaxton).

29-04176

POU

Field Exam: 2-26-03



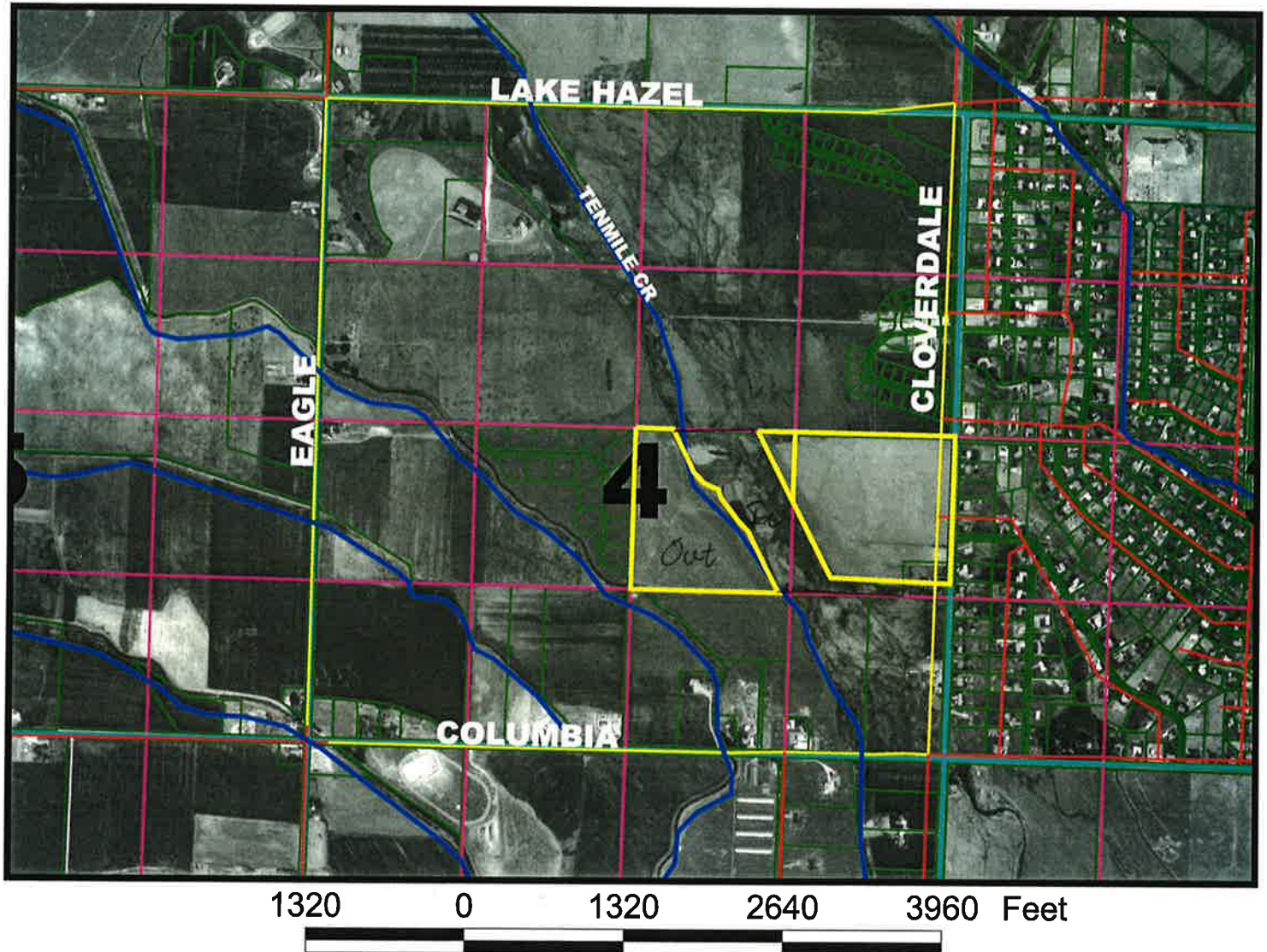
Looking South at the East side of the claimed POU (csaxton).



Site Location Map

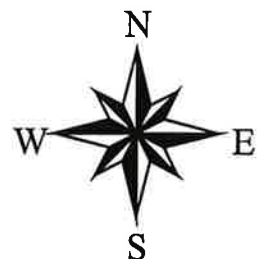
Bradford Shaw

Water Right(s): 63-04175 and 63-04176



Total Claimed Acres: 60.0

-  Point(s) of Diversion
-  Tax Lot Data
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines
-  Streams
-  Streets



Prepared by: C. Saxton
Date: January 2003

III. History of Water Resource Development

Prior to Federal Development

In August 1862, miners found gold in Grimes Creek, about 40 miles north of the present city of Boise. The discovery caused a significant migration into the Boise River drainage and by 1863, 19,000 people had relocated to the area. The population was generally dependent on food and supplies imported from Oregon and Utah.

Although the population center was to the north in the mining areas, by the summer of 1865, most of the river bottom land in the Boise Valley was under irrigation; crops included grains, vegetables, and fruits. Irrigated agriculture expanded to higher lying bench lands as crop yields and produce prices increased. These lands, unlike the bottom lands, were more difficult to irrigate and water delivery was dependent on engineering expertise and capital. Companies with broad-based financial capability were formed by private investors to promote bench land development.

One of the early developments (1865) was the Ridenbaugh Canal which began as a modest undertaking of 2-1/2 miles to provide water for irrigating about 640 acres, to power flour and sawmills, and to transport logs. William B. Morris acquired the ditch and in 1877 filed for water rights of 100 cubic feet per second (cfs). In 1888, William H Ridenbaugh, nephew and successor to Morris, filed for water rights of 600 cfs. Through a series of transactions, interests were sold, and a main canal (12 miles), two branch canals (25 miles), a Nampa Canal through Deer Flat Valley (45 miles), and a chain of 10 reservoirs were constructed. One-third of the Boise River flow was required for the development in low water years. The system was acquired by the Nampa and Meridian Irrigation District in January 1906.

Another expansive effort was that of the Idaho Mining and Irrigation Company which in 1882 filed two claims totaling 3,000 cfs of water for mining, milling, and agriculture purposes and proposed construction of two canals. The New York Canal, which is currently one of the main diversion canals, was begun as an effort to provide water to the southern bench lands in the eastern area of the Boise Valley. The history of construction is mottled with several starts, financial failures, and repurchase of assets. In 1894, the New York Canal Company was formed from two groups of farmers and 25 miles of canal were completed in 1900. The New York Canal Company was eventually succeeded by the current New York Irrigation District.

The Phyllis Canal, which extends some 35 miles from its diversion near Eagle Island was the effort of the Idaho Mining and Irrigation Company for a canal to serve the western area of the Boise Valley. It was completed in 1891 and sold in 1902 to the Pioneer Irrigation District which also acquired the Caldwell Canal.

An effort to irrigate lands on the north side of the Boise River west of Middleton was initiated in 1874. Subsequently additional filings and enlargements of the canal were made and Howard Sebree extended the (Sebree) canal to a 20 mile-long system in 1888. This system was purchased by the Farmers Cooperative Ditch Company in 1902.

A canal company to divert water to the opposite side of the river from the Sebree Diversion was formed, sold, and resold. The canal was purchased by the Riverside Irrigation District in 1893 and increased to 30 miles long by 1903.

Another major canal system was initiated in 1884 by settlers to irrigate lands in the vicinity of

Identification No. _____

Claim No. 63-4176

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

Bradford P. Shaw and Camille Shaw, husband and wife

1. Name of claimant M. B. Shaw and Lexola P. Shaw, husband and wife

post office address 1119 Warm Springs Avenue, Boise, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 3 Township 2 North

Range 1 East B.M. located on waste water from New York Canal System

(name of source) (Moore Lateral)

tributary to Boise River in Ada County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Oct. 22, 1902 (50 inches) amount: .5 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed .5 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irr. of crops period of use from April 1 to Oct. 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____

_____ ; length is _____ feet; height is _____ feet;

width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capac-

ity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped Not applicable, depth of well is

_____ feet; diameter of well is _____ inches; type of pump is _____

capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____
Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir Not applicable
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

If feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____; if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	1E	4													40				40
2N	1E	4													10.34				10.34

Total number of acres to be irrigated 50.34

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered Not applicable

7. Where water is used for domestic or municipal purposes give number of families served Not applicable
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of Ada ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information and that the matters and facts therein are
true to the best of the affiants knowledge.

Sworn to before me this 8th day of August, 1972.

Russell C. Fredlund
Notary Public

Residing at Boise, Idaho

My commission expires 7-19-1975

For Department Use Only

Received by <u>ef</u>	Date <u>8/31/72</u>	Exception filed by:	Forwarded to	Date
			claimant by:	
Prelim. check by <u>KHF</u>	Date <u>8/31/72</u>			
	<u>8/8/72</u>			
Fee received by <u>ef</u>	Date <u>9-5-72</u>	Fee \$		
Approved for publication by <u>KHF</u>	Date <u>9/5/72</u>			
Published in <u>Idaho Stateman</u>	Dates <u>9/14 & 21-72</u>			

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4176

Notice is hereby given that BRADFORD P. & CAMILLE SHAW & M.B. &
LEXOLA P. SHAW, 1119 Warm Springs Avenue, Boise, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 0.5 cubic feet per second ~~more or less~~ of water
from waste water from New York Canal System (Moore Lateral)
with the point of diversion in the SW¹/₄SW¹/₄, Sec. 3, T. 2 N., R. 1 E., B.M.,
Ada County

The water is claimed to be used from April 1 to Oct. 31 for the
irrigation of 50.34 acres
with a priority of Oct. 22, 1902;
the place of use is within the N¹/₂SE¹/₄, Sec. 4, T. 2 N., R. 1 E., B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho Statesman, Boise, Idaho
on Sept. 14, 1972 and Sept. 21, 1972

63 4176

Western District Office

September 5, 1972

RE: CLAIM TO A WATER RIGHT NOS. 63-4175
63-4176

Mr. Bradford P. Shaw
1119 Warm Springs Avenue
Boise, Idaho

Dear Mr. Shaw:

Attached herewith is your receipt No. 8782 in the amount of \$20.00 for
Claim to a Water Right Nos. 63-4175 and 63-4176 which was received in
this office August 31, 1972.

Sincerely,

KENNETH H. POIT, P.E.
Western District Engineer

KHP:mlp

Enclosure

CLEMONS, COSHO, HUMPHREY & SAMUELSEN

DALE CLEMONS
LOUIS H. COSHO
HOWARD D. HUMPHREY
DAVID R. SAMUELSEN
MAX A. EIDEN, JR.
RANDALL C. FREDRICKS
R. MICHAEL SOUTHCOMBE

COUNSELLORS AND ATTORNEYS AT LAW
1110 BANK OF IDAHO BUILDING
BOISE, IDAHO 83702

C. STANLEY SKILES
[1909-1967]

TELEPHONE
AREA CODE 208
344-7611

September 1, 1972

RECEIVED

63-4175
63-4176

SEP 5 1972

State of Idaho
Department of Water Administration
614 West State
Boise, Idaho 83702

Department of Water Administration

Re: Water Claims - Bradford P. Shaw et ux. and
M. B. Shaw et ux.

Gentlemen:

In reply to your request for additional information,
particularly as to the 40-acre section on which the water is
diverted, I submit the following:

1. Claim for waste water from New York Canal system:

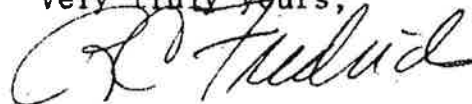
Point of diversion would be in the Southwest
quarter of the Southwest quarter, Section 3,
Township 2 North, Range 1 East, Boise Meridian.

2. In regard to the water claimed out of the Ten Mile
Creek:

Point of diversion would be in the Northwest
quarter of the Southeast quarter, Section 4,
Township 2 North, Range 1 East, Boise Meridian.

If you need any further information, please
advise.

Very truly yours,



Randall C. Fredricks

mb

63 4176

RECEIVED

Department of Water Administration

STATE OF IDAHO)
COUNTY OF ADA) ss.

9-27-72
OK
11/2

NOTICE OF CLAIM
TO A WATER RIGHT
(No. 63-4176)

Notice is hereby given that BRADFORD P. & CAMILLE SHAW & M. B. & LEXOLA P. SHAW, 1119 Warm Springs Avenue, Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second of water from waste water from New York Canal System (Moore Lateral) with the point of diversion in the SW1/4SW1/4, Sec. 3, T. 2N., R. 1E., B.M., Ada County.

The water is claimed to be used from April 1 to Oct. 31 for the irrigation of 50.34 acres with a priority of Oct. 22, 1902; the place of use is within the N1/2SE1/4, Sec. 4, T. 2N., R. 1E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON,
Director
Pub: Sept. 14, 21, 1972 911

Marilyn A Connell, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two ~~consecutive~~ Weekly insertions, beginning with the issue of September 14, 19 72, and ending with the issue of September 21, 19 72.

Marilyn A Connell

Subscribed and sworn to before me this 22nd day of September, 19 72.

Jana A Connell

Notary Public for Idaho, Residing at Boise, Idaho

WR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-04176

Date: 12-12-00

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	2N	1E	4													40	20			60
GIS																40	40			80
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Total Claimed Acres: 60

Total GIS Acres: 80

Overlapping POU Claim #'s: _____

COMMENTS :

per claim map

Idaho Department of Water Resources

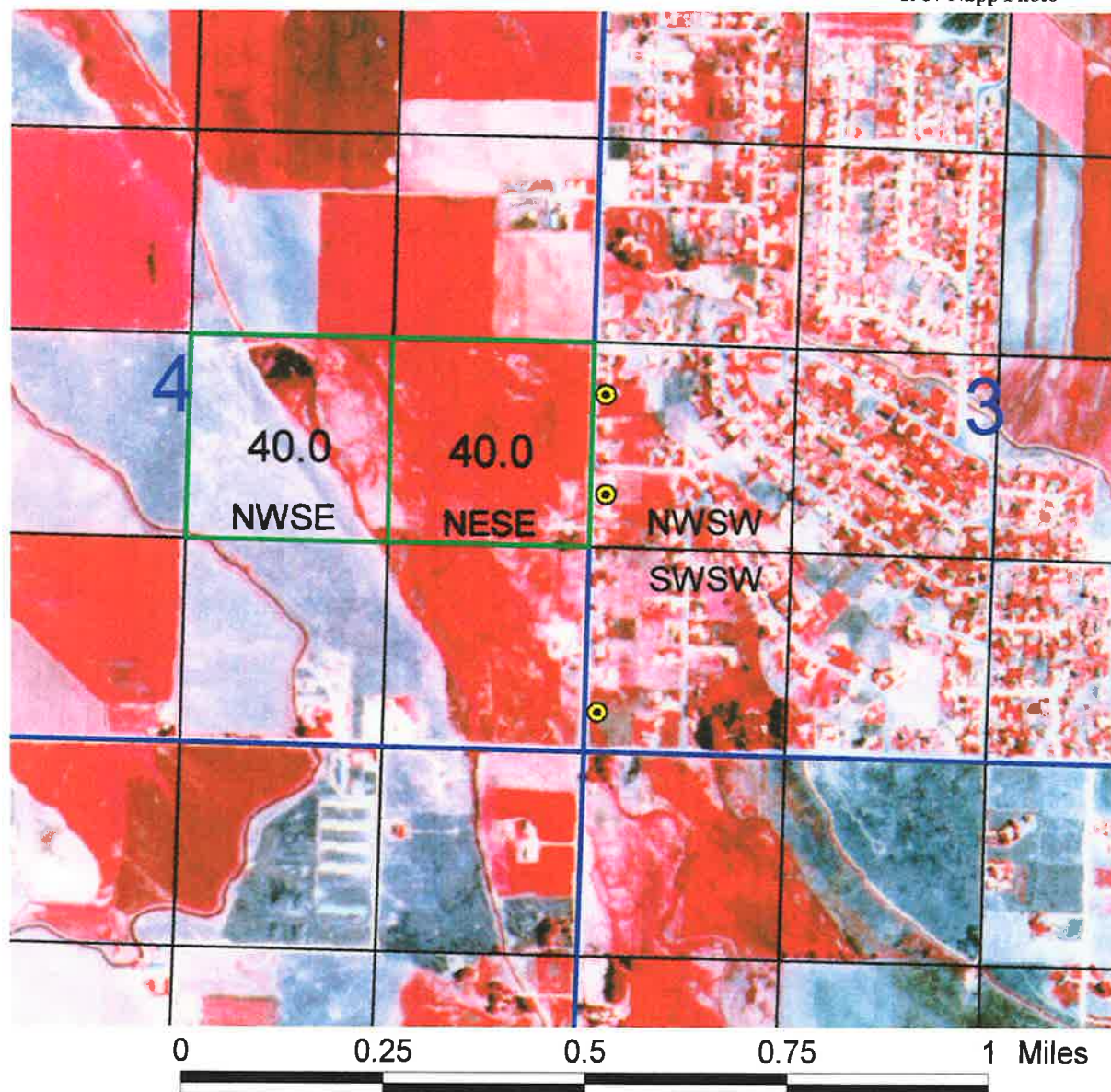
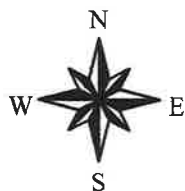
1987 Napp Photo

Claim Number: 63-04176

Legal: T02N, R01E, S4

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-04176

Legal: T02N, R01E, S4

Reviewed By:



Point of Diversion



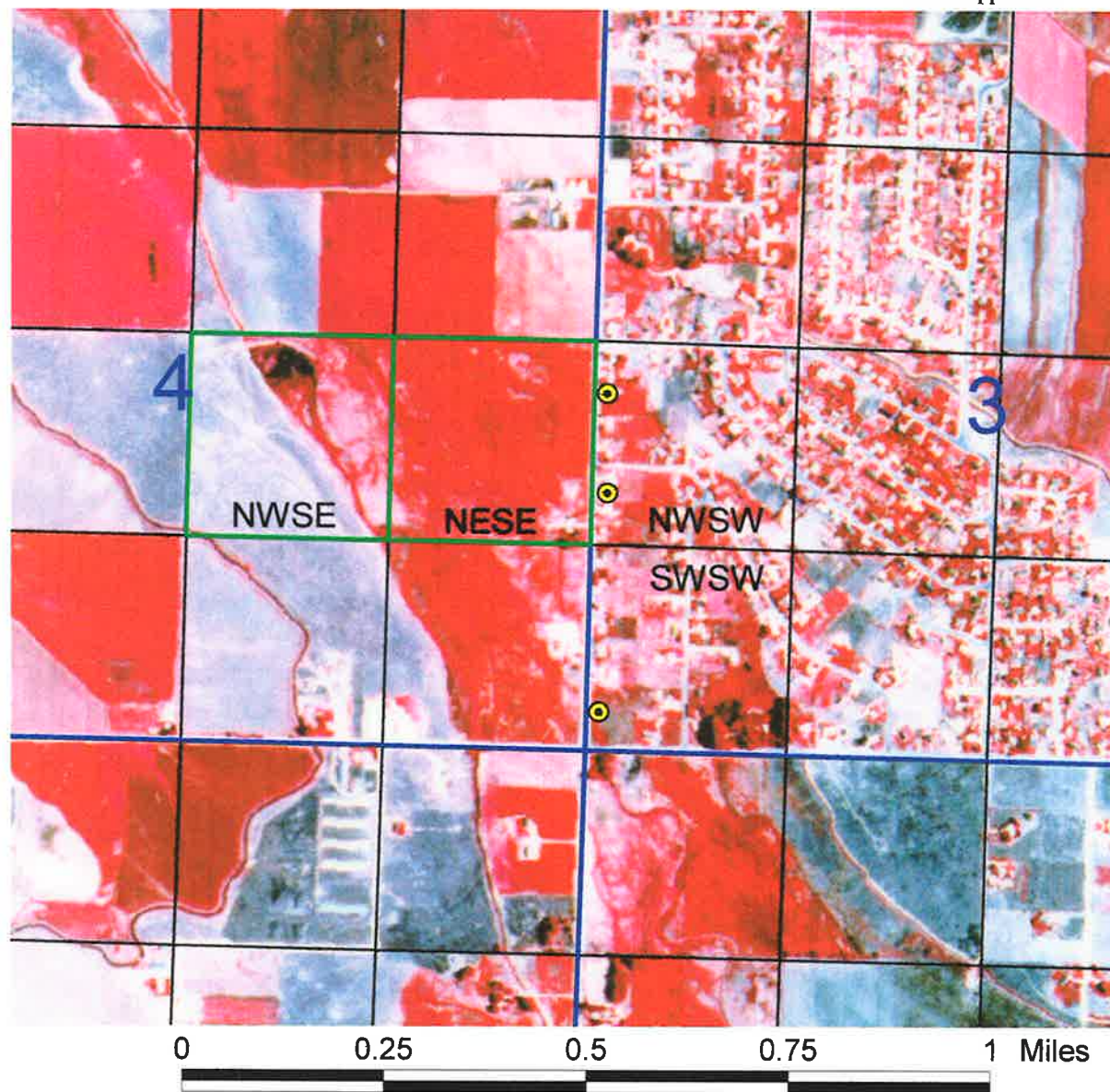
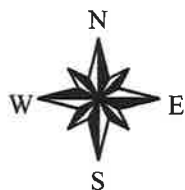
Place of Use



Section Lines



Quarter Quarter Lines



AJ5809NP
No. A63-04176

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 94

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRADFORD P SHAW 7383 S CLOVERDALE BOISE ID 83709 (208) 362-9516	10/22/1902	IRRIGATION	04-01 10-31	1.200 CFS	
TOTAL DIVERSION:					1.200 CFS	

Water Source: WASTE WATER

Tributary to: BOISE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T02N R01E S03

NWSW

SWSW

ADA County

Place of use Legal Description for: IRRIGATION

												NE				NW				SW				SE						
T	R	S	NENE		NWNE		SWNE		SENE		:	NENW		NWNW		SWNW		SESW		:	NESE		NWSE		SWSE		SESE		:	SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
02N	01E	4	:								:									:	40		20						:	60.0
																TOTAL ACRES												:	60.0	

POU County: ADA

Non-Irrigation Uses: INSTREAM STOCKWATER

Other Rights: 63-4175.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

63-15586	63-16333	63-16844	63-16878	63-17165	63-17178	63-17405	63-17796	63-17910	63-18116
63-18142	63-18273	63-18293	63-19255	63-19410	63-19940	63-22832	63-23725	63-27944	A63-15586
A63-16333	A63-16844	A63-16878	A63-17165	A63-17178	A63-17405	A63-17796	A63-17910	A63-18116	A63-18142
A63-18273	A63-18293	A63-19255	A63-19410	A63-19940	A63-22832	A63-23725	A63-27944		

Other Water Rights Listing Overlapping Place(s) of Use:
A63-04175

Remarks: GEN 2 POINTS OF DIVERSION IN NWSW SECTION 3, T2N. R1E.
WASTE WATER FROM NEW YORK CANAL SYSTEM (MOORE LATERAL).
CLAIMANT SAYS THAT STAT. CLAIM INCORRECTLY SHOWS 50 ACRES AND
SHOULD BE 60 ACRES.

Dates: Exam Made Date: Verified Date: 01/21/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 08/15/89 HOWERTON 03/30/95 POST-STD

ADJUDICATION MEMORANDUM

CLAIM NO.: A63-04175, 4-04176

SUBJECT:

Evidence of Priority

EMPLOYEE:

Mel Schulte

DATE:

9-14-95

Budd Shaw called to advise he has hired
Sheryl Chapman to provide evidence of
priority for his claims referenced above.

NOTICE OF WATER RIGHT.

STATE OF IDAHO,

County of Ada } ss.

To All Concerned.

Notice is Hereby Given:

John H. Moore of Ada County Idaho
hereby claims the use of the waters of Ten Mile Creek in
Sagin County
to the extent of ten (10) cubic feet per second.

It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: at a point thirty (30)
rods north of the 1/4 corner on the section line
between sections 9 and 10 in Twp 2 N. R 1 E. B. M.
on said Ten Mile Creek in Ada Co. Idaho.
(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

2d. The purpose for which said water is intended to be used is the irri-
gation of N¹SE¹ & SE¹SE¹ Sec 4 Twp 2 N R 1 E B M
The place of intended use is N¹SE¹ & SE¹SE¹ Sec 4 Twp 2 N
R 1 E B M in Ada Co Idaho

3d. It is intended to divert said water by means of a dam across said
Ten Mile Creek and a canal from said dam to the
place of use
The general course of the proposed conduit is North

The length of the proposed conduit is about 130 rods

The destination of the proposed conduit is the land above described

It is intended to use said waters for irrigating the following described lands:

N¹SE¹ & SE¹SE¹ Sec 4 Twp 2 N R 1 E B M.
in Ada Co - Idaho

The area of lands proposed to be irrigated by said conduit is 120 Acres

Witness My hand at Ada County Idaho,
this 2nd day of April 1900

John H. Moore

CLAIMANTS.

STATE OF IDAH

County of Ada

ss.

John H. Moore

being first duly sworn depose and say that he is of lawful age and
is claimant of the Water Right mentioned in the foregoing notice
and whose name is subscribed thereto. That the Statements in said notice are true,
and that the original notice, of which the foregoing is a true copy, was posted in a con-
spicuous place at or near the place of intended diversion (as provided by law) on the 2nd
day of April 1900, at 15 minutes past 6 o'clock P. M.

Subscribed and sworn to before me this 6 day of April 1900

And I further certify that on the date last above given personally appeared before me
the affiant above named, known to me to be the person whose name is subscribed to the
within instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.

Miles H. Joe Notary Public

NOTE—(The above Certificate may, where there are several claimants, be made and sworn to by one of them.)

No.

NOTICE OF WATER RIGHT

of John H. Moore

Ada County, Idaho

Dated Apr 2 1900

STATE OF IDAHO,

County of Ada

I hereby certify that this instrument

filed for record at request of

John H. Moore

at 25 minutes past

6 o'clock P. M., this

day of April A. D. 1900

in my office, and duly recorded in Book 2

of Water Rights at page 60

Ex-officio Recorder

By H. H. West Deputy

Fees, \$ 1.00 Paid

NOTE—A copy of this notice must within 15 days
after it is posted be filed for record in the office of the
Recorder of the County in which it is posted, and a
duplicate copy in the office of the State Engineer at
Boise City. (Said copies may be filed by mail.)

Statesman Printing Company, Boise, Idaho

Mail Chautau, Meridian

A S S I G N M E N T

FOR VALUE RECEIVED, We, WILLIAM B. KNIPE, Jr., and DIANE S. KNIPE, husband and wife, of Boise, Ada County, Idaho, and DAVID F. TAYLOR, a bachelor, of Seattle, Washington, do hereby sell, assign, transfer and set over unto M. B. SHAW and LEXOLA P. SHAW, husband and wife, of Boise, Ada County, Idaho, all of ~~my~~^{our} right, title and interest in and to, and under that certain Notice of Water Right of JOHN W. MOORE to 10 cubic feet per second of the waters of Ten Mile Creek in Ada County, State of Idaho, for the irrigation of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 2 North, Range 1 East, Boise Meridian, in Ada County, Idaho, recorded the 6th day of April, 1960, in Book 2 of Water Rights at page 607, Records of Ada County, State of Idaho, together with all rights accrued thereunder or hereafter to accrue of whatever nature or kind.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
this 16th day of September, 1962.


William B. Knipe, Jr.


Diane S. Knipe


David F. Taylor

STATE OF IDAHO)
) ss.
County of Ada)

On this 23rd day of November, 1962, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM B. KNIPE, Jr., DIANE S. KNIPE, and DAVID F. TAYLOR, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

FOR VALUE RECEIVED, I, C. W. BRASSFIELD, of Boise, Ada County, Idaho, do hereby sell, assign, transfer and set over unto WILLIAM B. KNIPE, JR., and DAVID F. TAYLOR, both of Boise, Ada County, Idaho, all of my right, title and interest in and to, and under that certain Notice of Water Right of John W. Moore to 10 cubic feet per second of the waters of Ten Mile Creek in Ada County, State of Idaho, for the irrigation of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 2 North, Range 1 East, Boise Meridian, in Ada County, Idaho, recorded the 6th day of April, 1960, in Book 2 of Water Rights at page 607, Records of Ada County, State of Idaho, together with all rights accrued thereunder or hereafter to accrue of whatever nature or kind.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of August, 1961.


C. W. Brassfield

STATE OF IDAHO)
County of Ada) ss.

On this 3rd day of August, 1961, before me, the undersigned, a Notary Public in and for said State, personally appeared C. W. BRASSFIELD, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

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


Notary Public for Idaho
Residing at Boise, Idaho

use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the W. 1/2 of NE 1/4 and E. 1/2 of NW 1/4 Sec. 27, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0250

33 inches, from July 1, 1895, hereby designated as Right No. 129. And be adjudged to pay \$2.31 costs in addition to the costs incurred by him.

XCVIII.

That the defendant the NEW YORK CANAL COMPANY, Limited, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river about 11 miles above Boise City, for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0251

10955 inches, from March 23, 1900, hereby designated as Right No. 131. And be adjudged to pay \$766.85 costs in addition to the costs incurred by it.

XCIX.

That the defendant the CANYON DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the SE corner of NE 1/4 of Sec. 16, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

3-0369 63 0252
2500 inches, from May 17, 1900. hereby designated as Right No. 132.

Also, diverted from said river at a point on its right bank, at the head of the slough immediately south of the head-gate of the so-called Sebree canal, and immediately west of the so-called Caldwell wagon bridge across said river, in Canyon County, Idaho, for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0252

277 inches, from Oct. 25, 1901. hereby designated as Right No. 134. And be adjudged to pay \$54.39 costs in addition to the costs incurred by it.

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

~~A63-04607A~~)
~~A63-4175 & 4176~~)

State of Idaho)
County of Ada)

AFFIDAVIT

RECEIVED

SEP 14 1995

WATER RESOURCES
WESTERN REGION

Melvin D. Hodges being first duly sworn,
deposes and says: In March of 1952 we

purchased 200 acres of Property
from W.O. Cunningham - the
Property south of us owned by
Clifford Brassfield was using the
water from Ten Mile Creek for
Irrigation and stock water.
This water has been used ever
since for Irrigation and Stock Water.

Melvin D. Hodges
(Signature)

Subscribed and sworn to before me this
day 21st of August, 1995.

SEAL

Christy Kuhlman
(Notary Public)

Residing at Kuna, ID.

My Commission Expires 8/1/02.



My Commission Expires 3-20-2022
Residing at Kama, Idaho
(Notary Public)

Subscribed and sworn to before me this
day 23rd of August, 1995.

(Signature)

George W. Whitman

I am clearly remember my mother and father they and Emma Whitman early 1900 Valley Farmers with had land interests in this creek of water claim. This mark was irrigated from Ten mile creek before the construction of the New York Canal. The mark was the always along in the way to Baylee County at but an irrigated pasture and was bordered on Paris in the desert.

deposes and says:

being first duly sworn,

George W. Whitman

An early 1929

IN THE MATTER OF
NOTICE OF CLAIM TO
A WATER RIGHT NO. (S)
A63-4175 & 4176
State of Idaho
County of _____

AFFIDAVIT

RECEIVED
SEP 14 1995
WATER RESOURCES
WESTERN REGION

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-04176

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*							
PT. OF DIV.							DATA ENTRY COMPLETED
SOURCE							BY _____ DATE _____
PL. OF USE							FINAL RECOMMENDATION
. AMOUNT CFS/AF							BY _____ DATE _____
CONSUMPTIVE USE							
NATURE OF USE							
PERIOD OF USE							
BASIS OF CLAIM							
REMARKS							

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: _____

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:57:49
07/07/95

PAGE: 1
GENERAL INFORMATION

18
CLAIM NUMBER: A63-04176

LAST: SHAW FIRST: BRADFORD P
ADDRESS: 7383 S CLOVERDALE
CITY: BOISE STATE: ID ZIP: 83709
PHONE NUMBER: 208-362-9516

OWNER CODE: C

LAST: SHAW FIRST: CAMILLE
ADDRESS: 1119 WARM SPRINGS AVE
CITY: BOISE STATE: ID ZIP: XXXXX
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: SHAW FIRST: M B
ADDRESS:
CITY: XXXXX STATE: ID ZIP: XXXXX
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: SHAW FIRST: LEXOLA P
ADDRESS:
CITY: XXXXX STATE: ID ZIP: XXXXX
PHONE NUMBER: 208-000-0000

OWNER CODE: O

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: 2 POINTS OF DIVERSION IN NWSW SECTION 3, T2N. R1E.
WASTE WATER FROM NEW YORK CANAL SYSTEM (MOORE LATERAL).
CLAIMANT SAYS THAT STAT. CLAIM INCORRECTLY SHOWS 50 ACRES AND
SHOULD BE 60 ACRES.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A63-04176 PRIORITY DATE: 10-22-1902 STAGE: S

B. WR RECORD: # 63-04176 PRIORITY DATE: 10-22-1902 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N()

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N()

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N()

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A() Y() N()

FIELD EXAM COMPLETED N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE N/A() Y() N()

LICENSE ISSUED N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N()

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

____ - ____ - ____

REVIEWED BY _____

DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A63-04176	02N 01E	3		NW	SW			ADA		
A63-04176	02N 01E	3		SW	SW			ADA		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
*

R63-16333
R63-18142
R63-18273
R63-22832
R63-23725
R63-27944

WR RECORDS IN SAME 40 ACRE TRACT

63-07981
63-10116
63-10920
63-11979

* 19 A PREFIX CLAIMS WITH THIS POD

SOURCE: WASTE WATER

TRIB: BOISE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
63-04176	02N 01E	3		SW	SW			ADA		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

63-10116
63-10920
63-11979

A63-16333 R63-16333
A63-16844 R63-18142
A63-17178 R63-22832
A63-17796 R63-23725
A63-18116 R63-27944
A63-18142
A63-18293
A63-19255
A63-22832
A63-23725
A63-27944

SOURCE: WASTE WATER

TRIB: BOISE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
02N	01E	3		NW	SW			ADA		
02N	01E	3		SW	SW			ADA		
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: WASTE WATER

TRIB: BOISE RIVER

REVIEWED BY: DATE:

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A63-04176

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	01E	4	NE	SE		SHAW, BRADFORD P	A63-04176 / 40.0	63-04176 / 40.0			41.0
			NE	SE		SHAW, BRADFORD P	A63-17404 /	- /			
			NE	SE		SHAW, BRADFORD P	A63-04175 / 40.0	63-04175 / 40.0			
02N	01E	4	NW	SE		SHAW, BRADFORD P	A63-04176 / 20.0	63-04176 / 10.0			26.0
			NW	SE		SHAW, BRADFORD P	A63-04175 / 20.0	63-04175 / 10.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A63-04176	60.00	50.00	67.00
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POU COUNTY: ADA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A63-04176	WASTE WATER	SHAW, BRADFORD P	1.200	0.020		
A63-04175	TENMILE CREEK	SHAW, BRADFORD P	1.200	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A63-17404	DOMESTIC	SHAW, BRADFORD P	FROM 01-01 TO 12-31	0.040 CFS	
A63-17404	STOCKWATER	SHAW, BRADFORD P	FROM 01-01 TO 12-31	0.030 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 63-4175.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-04176 IRRIGATION	FROM 04-01 TO 10-31	1.200 CFS	
TOTAL DIVERSION RATE/VOLUME		1.200 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-04176 IRRIGATION	FROM 04-01 TO 10-31	0.500 CFS	
TOTAL DIVERSION RATE/VOLUME		0.500 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 1.200 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.500 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS)
REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE
OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM
IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-01	10-31	DATABASE 1.200	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			1.200	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED: INSTREAM STOCKWATER

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-04176

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.500	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-	-	-	-	63-04176	0.500
TOTAL CFS						0.500

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N	FIELD EXAMINER Y() N()
---------------	--------------------------------

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:57:49
07/07/95

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QUICKLOOK INFORMATION

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CLAIM NUMBER: A63-04176

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

15:07:14
07/07/95
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CLAIM NUMBER: A63-04176

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: