

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04821
Date Received: 3/08/1990
Receipt No: C015410
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHAW CATTLE CO., INC. 208-459-3029
Address: 23020 HOWE RD.
CALDWELL, ID 83605

2. Date of Priority: JAN 01, 1922

3. Source: GUESS GULCH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04W	8	NW	SE	SW		CANYON

5. Description of diverting works:
CHECK IN CREEK W/DITCH & PIPE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIG.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	8	SW	NW		IRR	8.0
			NE	SW		IRR	34.0
			NW	SW		IRR	18.0

Section Acres 60.0

A63-04821

Page 1

Date: 03/08/90

SCANNED
APR 22 2008

MICROFILMED

AUG 20 1992

10. Place of Use: Continued

Total Acres 60.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
N/A

14. Remarks:
THIS RT. IS CLAIMED HERE WITH P/U SLIGHTLY DIFFERENT IN ARRANGEMENT THAN THAT ORIGINALLY CLAIMED, BECAUSE OF SLIGHT CHANGES IN LAND & FIELD USED. THE ACREAGE TOTAL AND THE AMOUNT OF FLOW REMAINS UNCHANGED FROM THAT ORIGINALLY CLAIMED.

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: 1

For Organizations:

I do solemnly swear or affirm that I am Pres. Title of Shaw Cattle Co. Inc. Organization that I have signed the foregoing document in the space below as Pres. Title of Shaw Cattle Co. Inc. Organization and that the statements contained in the foregoing document are true and correct.

 Greg Shaw
Signature of Authorized Agent
 Pres. Shaw Cattle Co. Inc.
Title and Organization
 3/8/1990
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of MARCH 19 90

 Dorothy E. Luth
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

[illegible]

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - 5th
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 15 2008

By _____

CLERK

AL DISTRICT OF THE

In Re SRBA) SPECIAL MASTER'S REPORT
)
 Case No. 39576) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-04821

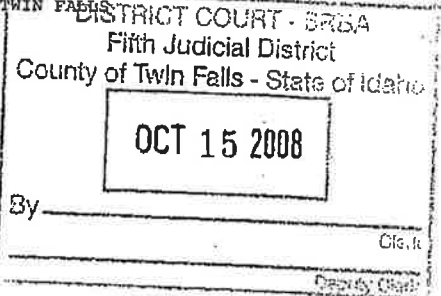
Page 1 of 1

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 63-04821



NAME AND ADDRESS: SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL, ID 83607

SOURCE: GUESS GULCH CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 1.07 CFS

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION: T04N R04W S08 SWNESW Within Canyon County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.07 CFS

PLACE OF USE:	Irrigation		Within Canyon County
	T04N R04W S08	SWNW 8.1	SENW 0.3
		NESW 31.0	NWSW 14.0
	53.4 Acres Total		

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

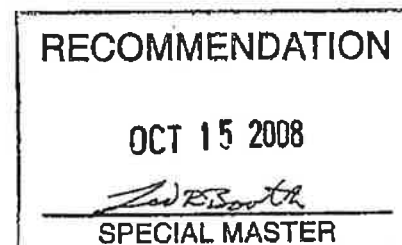
THE SOURCE OF THIS WATER RIGHT INCLUDES WASTE WATER. THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH THE STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT.

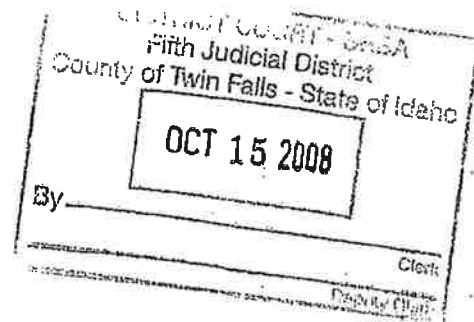
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

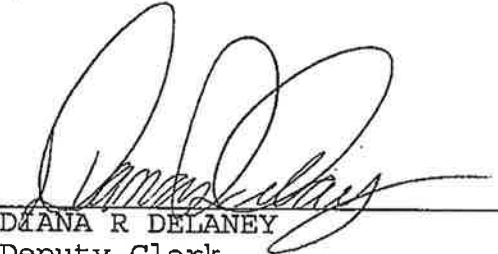
Water Right(s): 63-04821

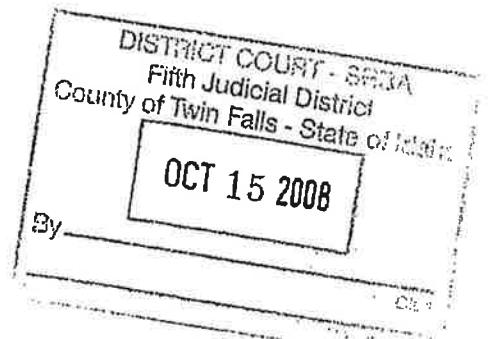
On October 15, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 October 15, 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): 63-04821

CERTIFICATE OF MAILING

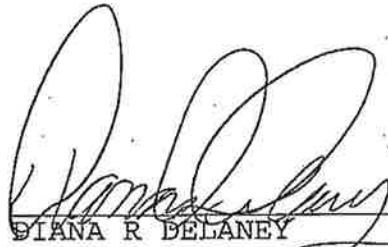
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 15, 2008, with sufficient first-class postage prepaid to the following:

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

WILDER IRRIGATION DISTRICT
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

SHAW CATTLE CO INC
Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

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



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

SUBCASE: 63-04821

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; that 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Shaw Cattle Co. Inc.
23020 Howe Rd.
Caldwell, ID 83607

Dreg Shaw 6-25-2008
Date

OBJECTOR:

Wider Irrigation District
709 Cleveland Blvd.
Caldwell, ID 83605

Albert P. Barker 6/20/08
Date

RESPONDENT: Bureau of Reclamation

[Signature] 8/13/08
Date

IDWR CONCURRENCE:

[Signature] 10-1-08
Date

12/14/2006

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

RIGHT NUMBER: 63-4821
 NAME AND ADDRESS: SHAW CATTLE CO INC
 23020 HOWE RD
 CALDWELL ID 83607
 SOURCE: GUESS GULCH CREEK TRIBUTARY: BOISE RIVER
 QUANTITY: 1.070 CFS
 PRIORITY DATE: 01/01/1922
 POINT OF DIVERSION: T04N R04W S8 SWNESE Within CANYON County
 PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	1.070 CFS
PLACE OF USE:	<u>IRRIGATION in CANYON County</u>		
	T04N R04W S08 SWNW 8.10	T04N R04W S08 SENW	0.30
	T04N R04W S08 NESW 31.00	T04N R04W S08 NWSW	14.00

53.4 ACRES TOTAL

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

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

AS The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with the state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

put DG

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

RIGHT NUMBER: 63-4821

NAME AND ADDRESS: SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL ID 83607

SOURCE: GUESS GULCH CREEK TRIBUTARY: BOISE RIVER

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 1.070 CFS

This right, when combined with all other rights, shall not exceed 0.02 cfs per acre at the field headgate.

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION:

T04N R04W S8 SWNESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.070 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S08	SWNW	8.10	T04N R04W S08	SENW	0.30
T04N R04W S08	NESW	31.00	T04N R04W S08	NWSW	14.00

53.4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

08/13/2008

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

RIGHT NUMBER: 63-4821

NAME AND ADDRESS: SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL ID 83607

SOURCE: GUESS GULCH CREEK

TRIBUTARY: BOISE RIVER

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 1.070 CFS

This right, when combined with all other rights, shall not exceed 0.02 cfs per acre at the field headgate.

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION:

T04N R04W S8 SWNESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.070 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S08	SWNW	8.10	T04N R04W S08	SENW	0.30
T04N R04W S08	NESW	31.00	T04N R04W S08	NWSW	14.00

53.4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

for SF 5-
KW
8/13

2008 AUG 04 AM 11:52
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	NOTICE SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-04821

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, AUGUST 12, 2008 at 04:00 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Dated: AUGUST 04, 2008

/S/ DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

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

Page 1 8/04/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on AUGUST 04, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

SHAW CATTLE CO INC

Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

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

RECEIVED

MAY 26 2008
DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:41
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NO: 63-04821

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 02:00 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

SHAW CATTLE CO INC

Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

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

Michael P. Lawrence [ISB No. 7288]
Deborah E. Nelson [ISB No. 5711]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for the Shaw Cattle Co., Inc.

RECEIVED

AUG 30 2007

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

Case No. 39576

Sub Case No.: 63-4821

NOTICE OF APPEARANCE

YOU WILL PLEASE take notice that Michael P. Lawrence of the firm Givens Pursley LLP, hereby enters his appearance as attorney of record for claimant Shaw Cattle Co., Inc. in the above entitled action.

DATED this 28th day of August, 2007.

Respectfully submitted,

GIVENS PURSLEY LLP

By



Michael P. Lawrence
Deborah E. Nelson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28TH of August, 2007, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

David W. Gehlert
Attorney for E. Gail McGarry of
Department of Interior; BOR
U.S. Department of Justice
Environment & Natural Resource Division
1961 Stout Street - 8th Floor
Denver, Co 80294

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Albert P. Barker
Attorney for Wilder Irrigation District
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Suite 102
Boise, ID 83702

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail



Michael P Lawrence

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 63-4821

(Insert water right number)

Case No. 39576

)

)

STANDARD FORM 1
OBJECTION

RECEIVED

Please fill in the following information:

JUN 1997

DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Shaw Cattle Co. Inc.

Address: 23020 Howe Rd.

Caldwell, ID 83607

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 source should be described as waste waters, and waste waters belong to the Wilder Irrigation District. Should be Pipe Gulch waste way Tributary to Riverside Canal.

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: Land Subject to Wilder Irrigation Water Right

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 description of the source should have been waste water. The waste waters belong to the Wilder 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 Wilder Irrigation District. The place of use is covered by an existing Wilder Irrigation District water right, which is the primary water right for the place of use.

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada)ss.

Albert P. Barker, 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)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 8/2/2012

Karen Joy Edwards

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 JUN 18 2007, 200__, 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: Shaw Cattle Co. Inc.
Address: 23020 Howe Rd.
Caldwell, ID 83607

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

09/29/2006

NOTICE OF ERROR
REPLY

RECEIVED

NOV 03 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-4821

SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL ID 83607
Telephone Number: (208)459-3029

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-26-06 SIGNATURE: GREG SHAW

Please print your name: GREG SHAW

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

Vpw

06/23/2006

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

RIGHT NUMBER: 63-4821

NAME AND ADDRESS: SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL ID 83607

SOURCE: GUESS GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.070 CFS

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION:

T04N R04W S8 SWNESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.070 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S08	SWNW	8.10	T04N R04W S08	SENW	0.30
T04N R04W S08	NESW	31.00	T04N R04W S08	NWSW	14.00

53.4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

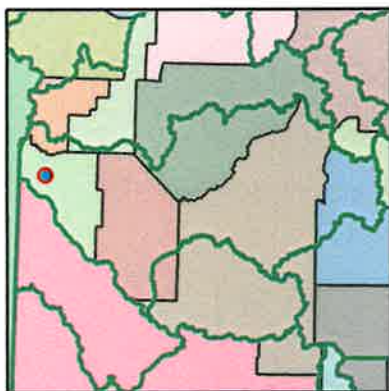
SRBA Recommendation:

63-4821

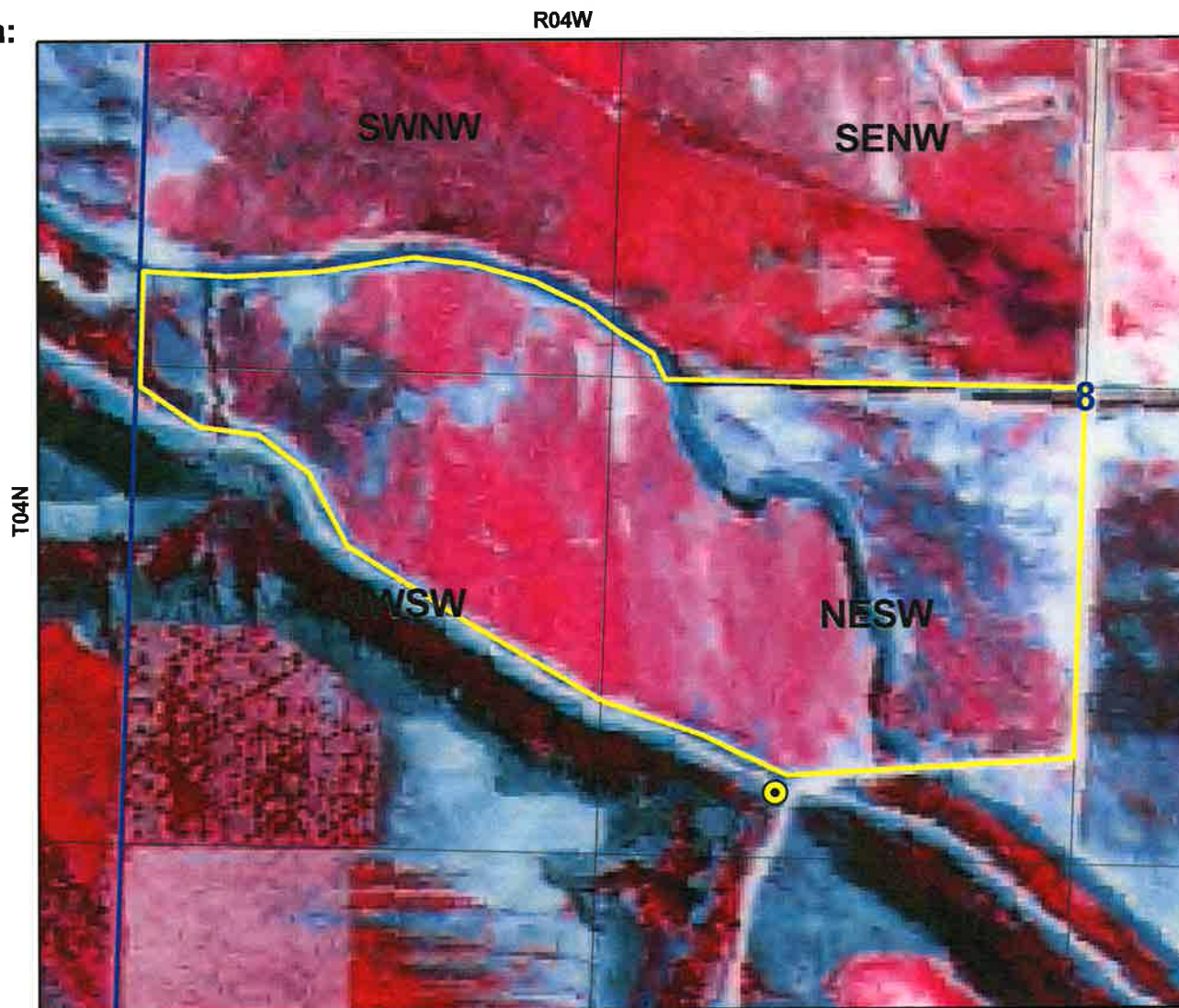
Acres = 53.4

Legend

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



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles



Prepared by K. Walker
On Friday, June 23, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4821

WATER RIGHT NUMBER: 63-4821 ✓

Owner Type Name and Address
 Current Owner SHAW CATTLE CO INC ✓
 23020 HOWE RD ✓
 CALDWELL, ID 83607 ✓
 (208)459-3029 ✓
 Original Owner ~~SHAW HEREFORD RANCH INC~~
 22993 HOWE RD
 CALDWELL, ID 83605
 (208)459-4980

Priority Date: 01/01/1922 ✓

Basis: Statutory Claim ✓ *Bill*

Status: Active

SourceGUESS GULCH CREEK ✓ *use standard* *tributary* BOISE RIVER ✓ *ok*Beneficial Use

IRRIGATION ✓

From To
3/15 to 11/15Diversion Rate4.200 CFS ✓ *1.07* *1.09*Annual VolumeTotal Diversion:1.200 CFS ✓ *1.07* *1.09*Location of Point(s) of Diversion

GUESS GULCH CREEK ✓

CANYON County ✓

*SW NE SW**NW 1/4 SE 1/4 SW 1/4* ✓

Sec. 8, ✓ Twp 04N, ✓ Rge 04W, ✓ B.M.

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	8	✓	✓	✓	✓	60.0 ✓
			8.1	0.3	34.0	12.0	
			8.1	0.3	31	14	

Total Acres: 60 ✓

Conditions of Approval:

1. THIS RT. IS CLAIMED HERE WITH P/U SLIGHTLY DIFFERENT IN ARRANGE- MENT THAN THAT ORIGINALLY CLAIMED, BECAUSE OF SLIGHT CHANGES IN LAND & FIELD USED. THE ACREAGE TOTAL AND THE AMOUNT OF FLOW REMAINS UNCHANGED FROM THAT ORIGINALLY CLAIMED.

Remarks:Comments:

53.4
54.5 ac
x 0.02
1.09 cfs
1.068 x 1.07 cfs

N/A - surface water

54.5
53.4 ac
per GIS
shape

Rec. by
KW
6/23/06

Field Exam Date 5/23/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED
JUN 12 2006
WATER RESOURCES
WESTERN REGION

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63 - 04821

Owner: Shaw Cattle Co, Inc Phone No. (208) 459-3029

Current Address: 23020 Howe Rd. Caldwell, Id 83607

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER

- ☒ No change Address
- ☐ NEW ADDRESS

☒ How long owned property? 1959

Accompanied by: Greg Shaw/President of Co.

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1/1/1972

(If priority date, based on your exam, seems questionable, explain below.)

Source: Guass Gulch Tributary to Bowen River

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: SW NESW
- ☐ If different, when did POD change? POD was not changed, in 1984 the type of delivery was changed. Instead of piped over the canal, they buried 18" concrete pipe under the canal. This was always the POD location.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

A0002100

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SW	NE	SW	8	4N	4W	Canyon	N 43° 41' 68.7"
									W 116° 50' 74.4"

Description of diverting works

Check opt. in Gress Gulch w/ 95' of 18" buried concrete pipe under Riverside Canal to concrete control box on north side of canal

OVERLAP REVIEW

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☐ No change

☐ Different Uses

Use Irrigation From 3/15 To 11/15 Amount 1.09 cfs - kw CFS 6/23/04 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

NS/A

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change stockwater incidental to irrigation 40-50 pr. cattle

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Only number of acres irrigated, due to slough running through property + dirt road running along canal caused a reduction in acres irrigated.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4W	8																	54.56

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: Concrete check in Guess Gulch, 95' of 18" concrete pipe buried under Riverside Canal. Concrete control box on north side of canal. Dirt ditch running east to west (on the south end of the property) with 2" siphon tubes, gravity flow south to north. 195 concrete ditch runs to the east on the south end of the property (2" siphon tubes, gravity flow south to north). The concrete ditch can either go to waste into the slough or be piped 165' across the slough through 10" galvanized steel pipe to a dirt ditch that runs to the east then north adjacent to Tucker Rd. (gravity flow east to west using 2" siphon tubes)

Dirt ditch to west fields use tarps to dam up ditch to increase flow through siphon tubes.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Greg's dad purchased house in 1959 + property in 1960.

No supplemental water utilized.

Changes in total acreage used was reduced to 54.56 acres, due to topo map indicating reduction from 60 acres to 54.56 acres. Greg Shgar agreed with changes due to slough running through property + road following canal.

Livestock utilized same water as being irrigated. (Incidental to irrigation) 40-50 pr.

POD is located 0.08 miles south from How + Tucker Rd intersection, on the west side after crossing the Riverside Canal. POU are the field directly to the north, northwest + northeast of the POD.

Directions: 184, Ext 26 North, left North Rd (cross railroad tracks), go 1 1/2 miles + road makes a S, keep going west + road turns into Howe Rd, go 2 1/2 miles, white house at the corner of Howe Rd + Texas Rd.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

6-12-2006

FIELD EXAMINER:

Sandy Hemmerway

4821 Shaw
Claim No. and Name: A63-28289 Luna
Inspection Date: 5/9/2006 - 5/23/04
Field Inspector: Sandy Hemenway

Measurements/Calculations:

Irrigation:

Confirmed acres irrigated: 54.56 acres x 0.02cfs = ~~109.12 cfs~~ = 1.0912 ^{kw} 4/20/06

Season 3/15 - 11/15 = 246 days

Required V.i.r = allowable acres under permit x requirement IDWR chart (figure 2)=

54.56 acres x 3.5 = 190.96 = 191.0 afa

Potential V.d.r. = max. allowable cfs x permit season x 1.9835 =

109.12 x 246 x 1.9835 = 53244.1 afa

Pipe Capacity:

18" buried concrete pipe = 8.83 cfs capacity

Background Information:

tarps used to back up water to increase flow for siphon tubes

steel gates used on concrete ditches (only one available, so could not time flow going from one section gated off to another; this was the only method of measurement available)

Orange Peel test:

$Q=VA$

$V=\text{ft. traveled/sec}$

$A=\text{height x width}$

$H=21"$, $W=78"$, 9 ft traveled, 3 seconds

$V=9\text{ft}/3\text{sec.}=3.0\text{ ft/sec}$

$A=6.5\text{ ft.} \times 1.75\text{ ft}=73.9375\text{ ft squared}$

$Q=73.9375\text{ ft squared} \times 3\text{ ft/sec}=221.81\text{ cfs}$

Livestock: (incidental to irrigation)

Confirmed Livestock: 40 - 50 pairs cattle

Table 1 Recommended Diversion Rate for Stockwater Exhibit 15A

51-100 cattle 0.03 cfs

N ↑

POD: 0.08 miles
from Howe + Tucker Rd
intersection (west side after
crossing canal)
POU: Fields directly north

Texas Rd

Howe Rd

Tucker Rd

POU

95' of
18" buried concrete
pipe

control box

Dixie Glough

POU

dirt ditch
w/ 2" siphon
tubes

dirt ditch

dirt ditch
w/ 2" siphon tubes

195' concrete
ditch w/ 4" siphon
tubes

10" galvanized
steel pipe
(165')

dirt road following canal

Riverside Canal

POD

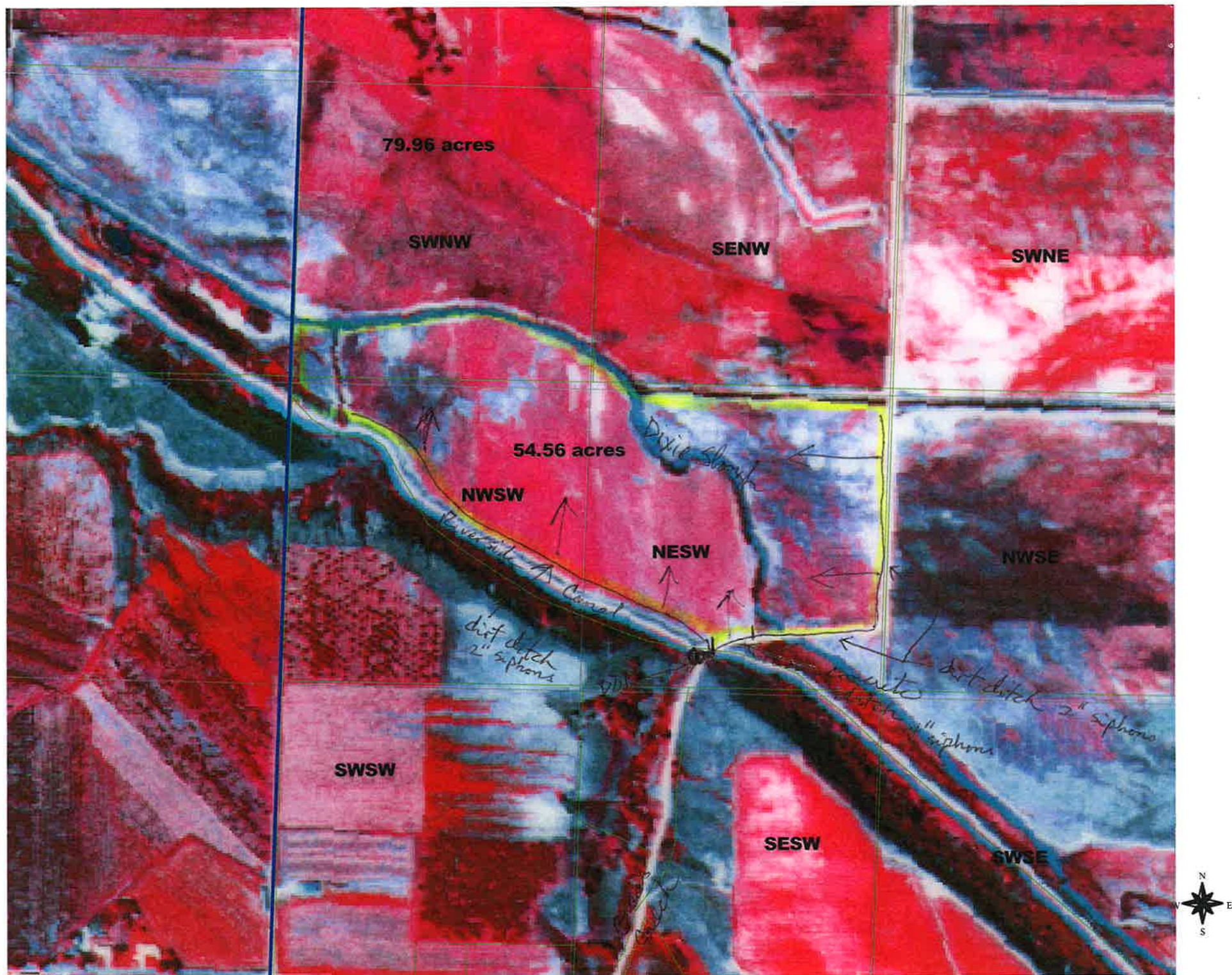
Guess Culvert

A63-4821
Shaw Cattle Co., Inc
5/23/2006 S.H.



A63-4821 Shaw Cattle Co. Inc.

5/23/2006 J.H.



A63-4871 Shaw Cattle Co. Inc. 5/23/2006 S.H

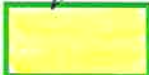
Idaho Department of Water Resources

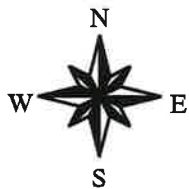
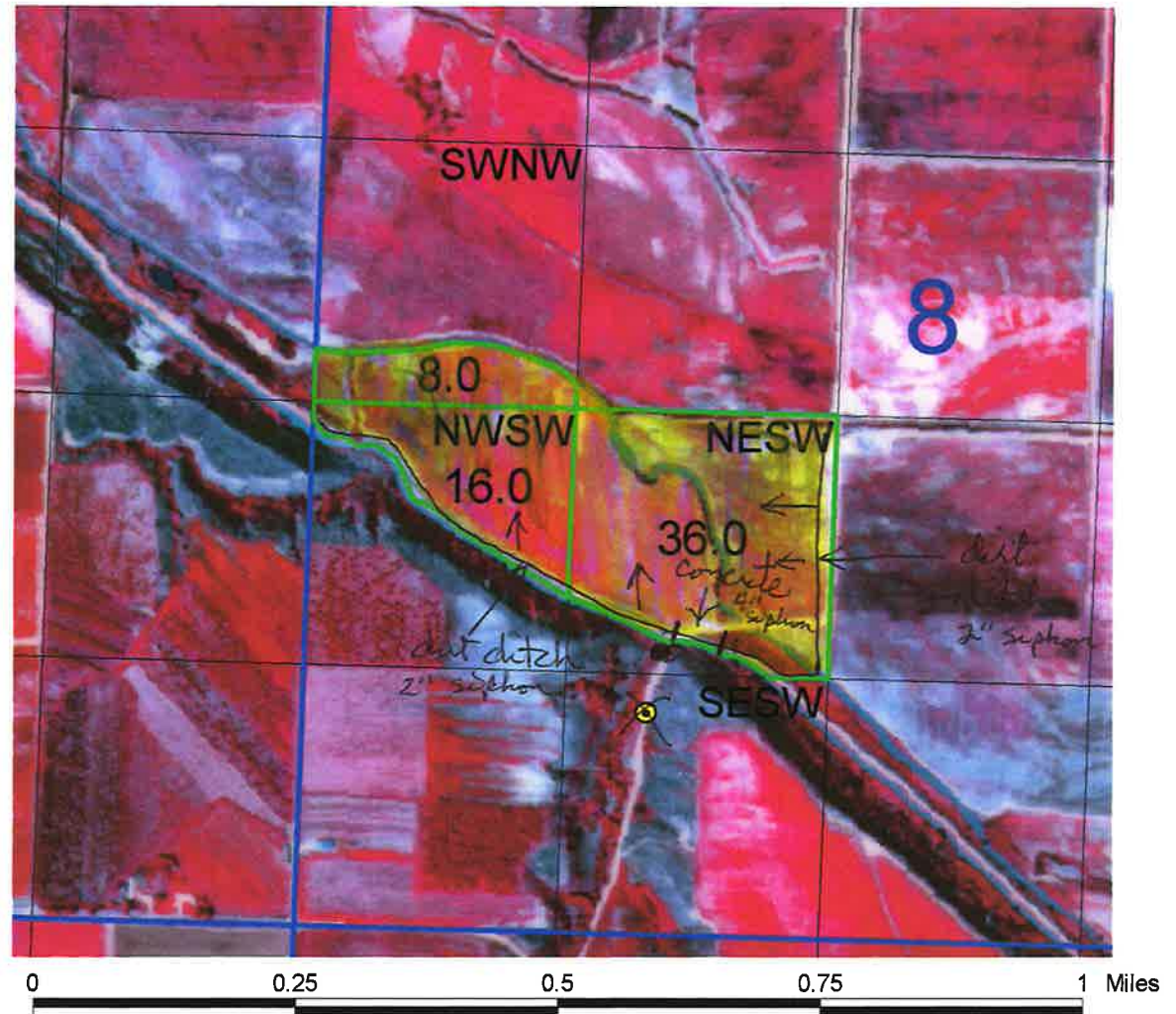
Claim Number: 63-04821

Legal: T04N, R04W, S08

Reviewed By:

1987 Napp Photo

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





POD

Check.
Placed in
Guess
Gulch,
95' of
18" concrete
pipe
buried to
concrete
control box

5/23/2006



POD

check
placed in
Guess
Gulch

5/23/2006 S.H.

A 63-4821 Shaw Cattle Co. Inc.



dirt
ditch
for irrigating
fields to
the west.
2" siphon
tubes, tarps
to dam up
area for
increasing
flow.
gravity
flow
south to
north

5/23/2006

Concrete
control
box

195'
concrete
ditch
running
east

23/05/2006



195'
concrete
ditch
running
east w/
4" siphon
tubes,
gravity
flow south
to north

23/05/2006

5/23/2006 S.H.

A63-4821 Shaw Cattle Co. Inc.



slough →

field irrigated on east
side of slough

165'
concrete
ditch

concrete
control
box

23/05/2006

5/23/2006 S.H.

A63-4871 Shaw Cattle Co. Inc.



concrete
control
box

23/05/2006

5/23/2006 S.H.



5/23/2006 SH.
A63-4821 Shaw Cattle Co. Inc.

165'
10" galvanized
steel pipe
crossing
Dixie Slough
to dirt ditch
going east
then north
w/ gravity
flow east
to west

Tues 5/23 7:30

A63-4821 Field Exam Request:
SHAW CATTLE CO., INC.

Sandy

Contact:

04/24/2006

Contact **Greg Shaw** at 459-3029 to set up a field exam.

Property Address:

Get directions from Mr. Shaw when you call to set up appointment.

Requests:

*Please verify **all the elements** of this right.

In addition, please verify:

- ✓ • **GPS the location of the diversion point.**
- ✓ • **1987 Aerial Photo:** Please draw the **60 acres** that are irrigated from Guess Gulch Creek in 1987 on the enclosed **1987 aerial photograph**. Draw the **diversion works** on the 1987 aerial photo.
- ✓ • **Capacity of System:** Verify that the claimed **1.2 cfs** is possible/applicable.
- ✓ • Does the Claimant use Ditch Company rights in conjunction with Guess Gulch Creek water on this 60 acres of irrigation? Possibly, Eureka Ditch Company? **No**

Kay Walker
287-4953
Sr. Water Resource Agent
IDWR – State Office via Western Region

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4821

WATER RIGHT NUMBER: 63-4821

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHAW HEREFORD RANCH INC 22993 HOWE RD CALDWELL, ID 83605 (208)459-4980

Priority Date: 01/01/1922
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
GUESS GULCH CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/15	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

GUESS GULCH CREEK	SE1/4SW1/4	Sec. 8, Twp 04N, Rge 04W, B.M.
CANYON 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	
04N	04W	8									40.0	20.0							60.0

Total Acres: 60

Conditions of Approval:Remarks:Comments:

Receipt Details for ID C015410

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/8/1990 4:00:22 PM	3/8/1990	State	\$210.00	Check
Payer		SHAW CATTLE CO., INC.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2014			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$210.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4821		\$110.00	Claim
63	21422		\$25.00	Claim
63	21423		\$25.00	Claim
63	21424		\$25.00	Claim
63	21425		\$25.00	Claim

OK

Print Report

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4821**

02/02/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
222D	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
223K	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
4821	Claim	04N	04W	8	SW	NW		IRRIGATION	8/60	SHAW CATTLE CO INC
21361	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
21362	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
21363	Claim	04N	04W	8	SW	NW		IRRIGATION	38/2857	EUREKA DITCH CO NO 2
4821	Claim	04N	04W	8	NE	SW		IRRIGATION	34/60	SHAW CATTLE CO INC
4821	Water Right	04N	04W	8	NE	SW		IRRIGATION	40/60	SHAW HEREFORD RANCH INC
4821	Claim	04N	04W	8	NW	SW		IRRIGATION	18/60	SHAW CATTLE CO INC
4821	Water Right	04N	04W	8	NW	SW		IRRIGATION	20/60	SHAW HEREFORD RANCH INC

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-04821

Date: 1-9-02

				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	4N	4W	8							8		34	18							60
GIS										8		36	16							60
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 60

Overlapping POU Claim #'s:

103-21362

Total GIS Acres: 60

COMMENTS:

POU & POD per claim map/county boundaries
and image interpretation.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

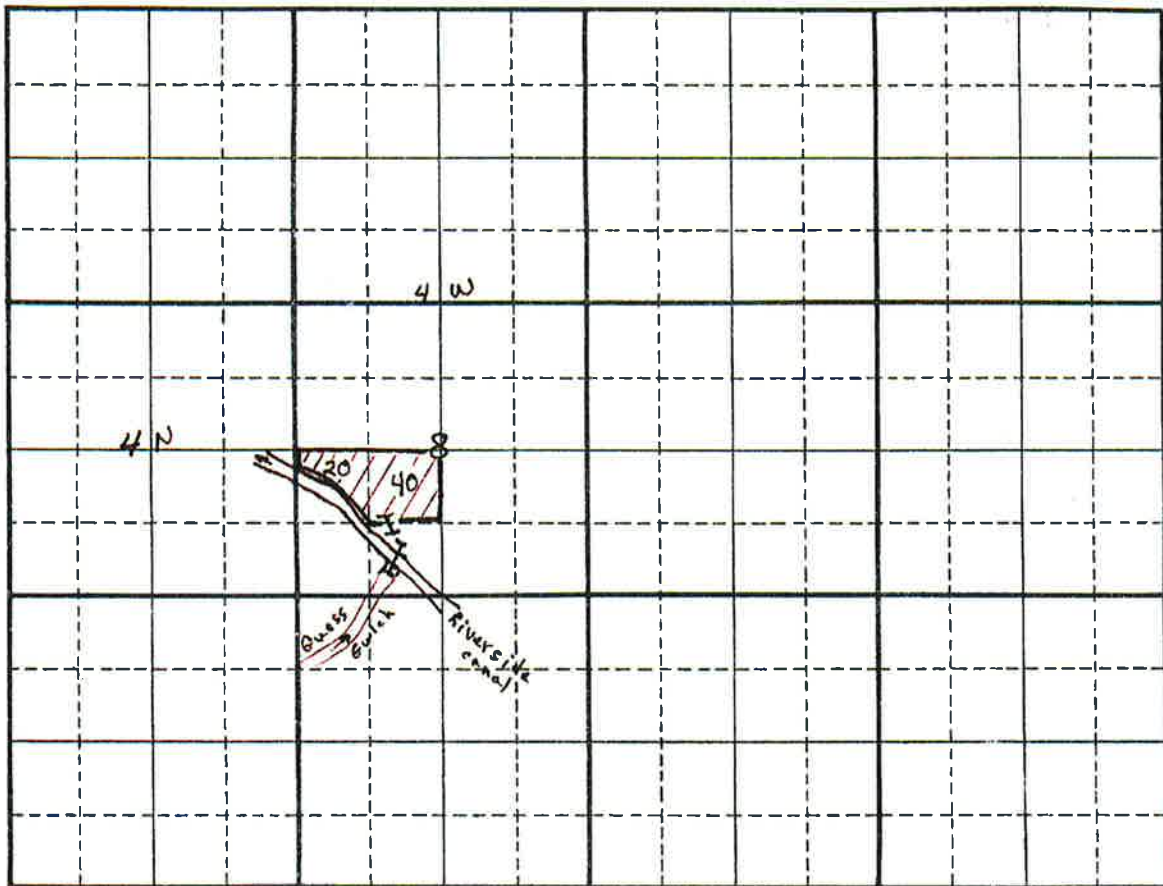
(Name of Claimant)

Telephone No. 459-4980

(Zip Code)

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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 affiant's knowledge.

Sworn to before me this

14

day of

September

, 19 81

Tom E. Shaw
(Claimant)

Nancy M. Hathway
Notary Public
Residing at Boise

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by mn

Date

9-14-81

Exception filed by:

Forwarded to

Date

Prelim. check by mn

Date

9/21/81

\$20.00 fee received by mn

Date

9-14-81 #20211

claimant by:

Published in Boise trib

Dates

10/1 - 10/8/81

MICROFILMED

100

State of Idaho

County of

being first duly sworn,

This pertains to the Water Rights on the following land.

I Floyd Fivecoat, sold Shaw Hereford Ranch, 60 Acres (more or less)

This property is in Canyon County with the following description.

Mr. Mark Benson homesteaded in this location and was the first to

Mr. Herlocker, who is the father of my wife Eva, owned and irrigated

I had the lease or ownership of this property from 1922 until I sold

[illegible]

(signature)

7 day of July 19 81

(notary public)

Nasima Solah

Jan 17-1984

GENERAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 7, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SHAW CATTLE CO INC
23020 HOWE RD
CALDWELL ID 83607

+ sent shapefile

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4821

Dear Claimants,

In the past, Tom Shaw submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. Mr. Shaw 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 historical use of the water for a beneficial use 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 required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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 SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by March 1, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.



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

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-4821

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.