

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: A63-09230
Date Received: 2/09/1990
Receipt No: M005810
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DIANE M. MCSHERRY
Address: 27974 HWY. 30
 CALDWELL, ID 83605 208-459-8727
 OR
Name: STEVE A. MCSHERRY
Address: 27974 HWY. 30
 CALDWELL, ID 83605 208-459-8727
2. Date of Priority: MAY 01, 1979
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | | | | | | | | |
|----------|-------|---------|--------|--------|--------|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
| 05N | 03W | 17 | NW | NE | | | CANYON |
5. Description of diverting works:
2 PUMPS, 1 AND 7 HP
6. Water is used for the following purposes:
- | | | | | | |
|------------|-------|-------|--------|------|--------|
| Purpose | From | To | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 0.150 | | 33.80 |
| DOMESTIC | 01/01 | 12/31 | 0.040 | | 1.20 |
7. Total Quantity Appropriated is:
0.190 C.F.S. (and/or) 35.00 A.F.A.
8. Total consumptive use is 24.5 Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 HOME

A63-09230

Page 1

Date: 02/09/90

MICROFILMED
AUG 24 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	03W	17	NW NE		IRR	7.5
Section Acres						7.5
Total Acres						7.5

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:
NONE

14. Remarks:
Domestic use is for 1 home.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

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

Signature of Claimant(s): *Diane McSherry* Date: 2-9-90
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of Feb. 19 90 *Linda Werner*
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

2671 IV SE
(PARMA SE)

T. 6 N.

T. 5 N.

15 MI. TO U.S. 95
BLACK CANYON INTERCHANGE 4.5 MI

47'30"

4848

4847

770 000
FEET

PARMA II MI

4845

T5N
R3W
Sec. 17

AG39230



ENCLOSURE
NOV 28 1962

06/22/2006

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

RIGHT NUMBER: 63-9230
NAME AND ADDRESS: DIANE M MC SHERRY
27974 HWY 30
CALDWELL ID 83605
STEVE A MC SHERRY
27974 HWY 30
CALDWELL ID 83605

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.190 CFS
35.000 AFY

PRIORITY DATE: 05/01/1979

POINT OF DIVERSION:

T05N R03W S17 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.150 CFS 33.80 AFY
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY

Domestic use is for 1 home.

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S17 NWNE 7.50

DOMESTIC Within CANYON County

T05N R03W S17 NWNE

7.5 ACRES TOTAL

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

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

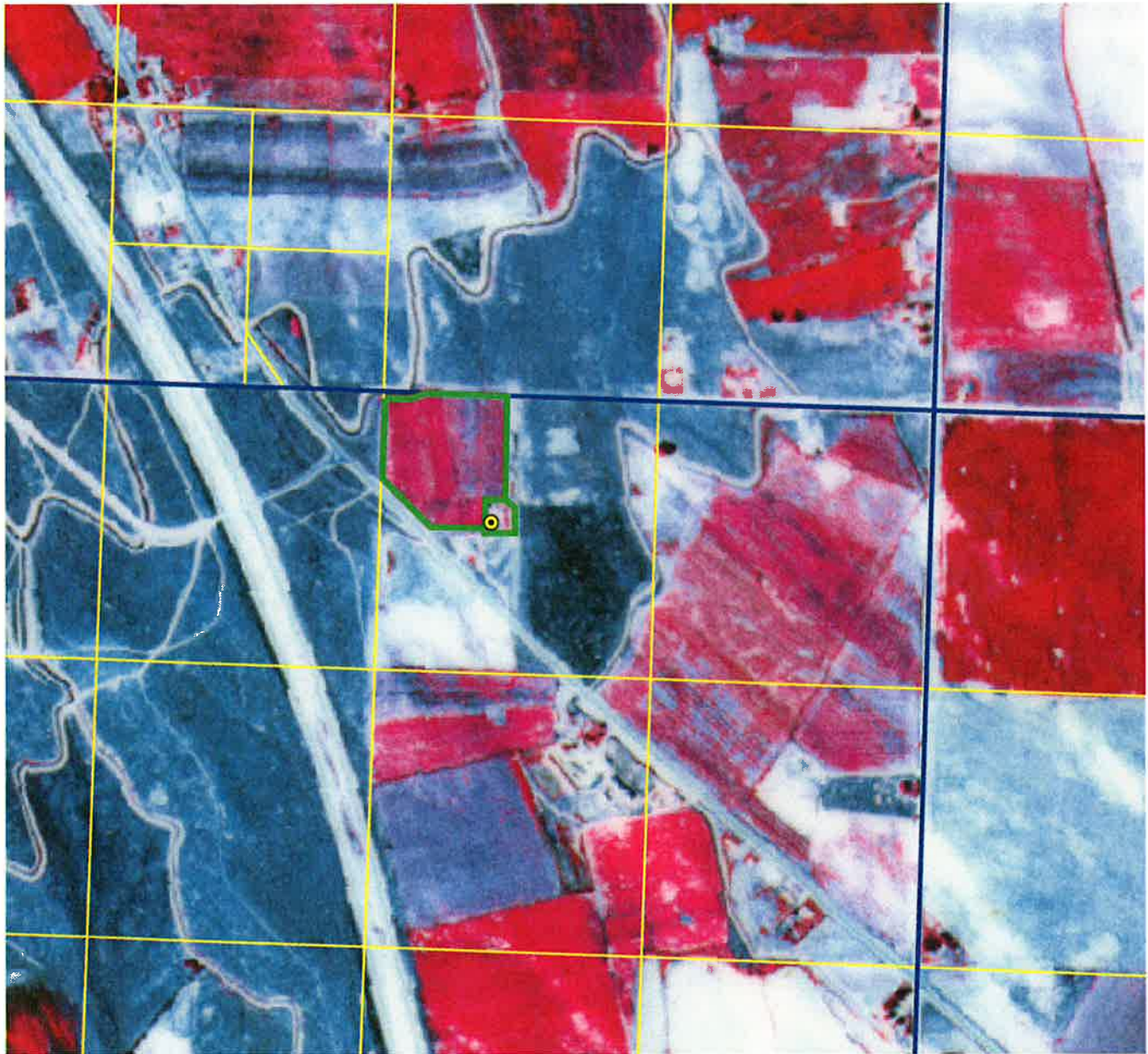
EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

63-9230

05N 03W Section 17



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 7.5

400 0 400 800 Feet



IDWR
Prepared by: Lori Graves
Date: 6-22-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9230 V1

WATER RIGHT NUMBER: 63-9230 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALICE M BARKER RT 5 BOX 235 CALDWELL, ID 83605
Original Owner	RICHARD H BARKER RT 5 BOX 235 CALDWELL, ID 83605
Current Owner	DIANE M MC SHERRY 27974 HWY 30 CALDWELL, ID 83605 (208)459-8727
Current Owner	STEVE A MC SHERRY 27974 HWY 30 CALDWELL, ID 83605 (208)459-8727

Priority Date: 05/01/1979

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.150 CFS	33.80 AF
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
	<u>Total Diversion:</u>	0.190 CFS	35.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 17, Twp 05N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 03W 17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	7.5
		7.5															

Total Acres: 7.5

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9230 V1

05N 03W 17	X				
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Conditions of Approval:

1. X01 Domestic use is for 1 home.
2. 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.
3. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Remarks:Comments:

1. Igraves 6/22/2006 Parcel No.
Comment: Irrigation and domestic uses are for Parcel No. R3786800000.
2. Igraves 6/22/2006 P/D
Comment: Licensing field exam indicates two submersible pumps in the well are used (one for each use).
3. Igraves 6/22/2006 Domestic Use
Comment: 1.2 af was licensed for domestic use which indicates that the domestic lawn was not included as part of the 7.5 licensed acres.

Dates and Other Information:

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

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-9230

WATER RIGHT NUMBER: 63-9230

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALICE M BARKER RT 5 BOX 235 CALDWELL, ID 83605
Original Owner	RICHARD H BARKER RT 5 BOX 235 CALDWELL, ID 83605
Current Owner	DIANE M MC SHERRY 27974 HWY 30 CALDWELL, ID 83605 (208)459-8727
Current Owner	STEVE A MC SHERRY 27974 HWY 30 CALDWELL, ID 83605 (208)459-8727

Priority Date: 05/01/1979

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.150 CFS	33.80 AF
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
<u>Total Diversion:</u>		0.190 CFS	35.00 AF

Location of Point(s) of DiversionGROUND WATER
CANYON County

NW1/4NE1/4

Sec. 17, Twp 05N, Rge 03W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	03W	17																	7.5

Total Acres: 7.5

DOMESTIC same as IRRIGATIONConditions of Approval:

- Domestic use is for 1 home.

Dates and Other Information:

Claim Received Date: 2/9/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:

comment: Parcel No R3786800000
held - 539 3/1-11/15
XOI 1 home

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09230

Priority: May 1, 1979 Amount: 0.19 CFS 35.0 AFA

This is to certify, that RICHARD H. BARKER
ALICE M. BARKER

RT. 5 BOX 235
CALDWELL, ID 83605

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 1, 1979, and has submitted proof to the Department of Water Resources on June 16, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .190 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	0.15 CFS	33.8 AFA
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AFA
	Totals	0.19 CFS	35.0 AFA

LOCATION OF POINT OF DIVERSION(S): NWNE , Sec. 17, Township 05N, Range 03W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 03W 17	NWNE 7.5			7.5

Total number of acres irrigated: 7.5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 1 home.

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09230

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 17th
day of FEBRUARY, 1987.

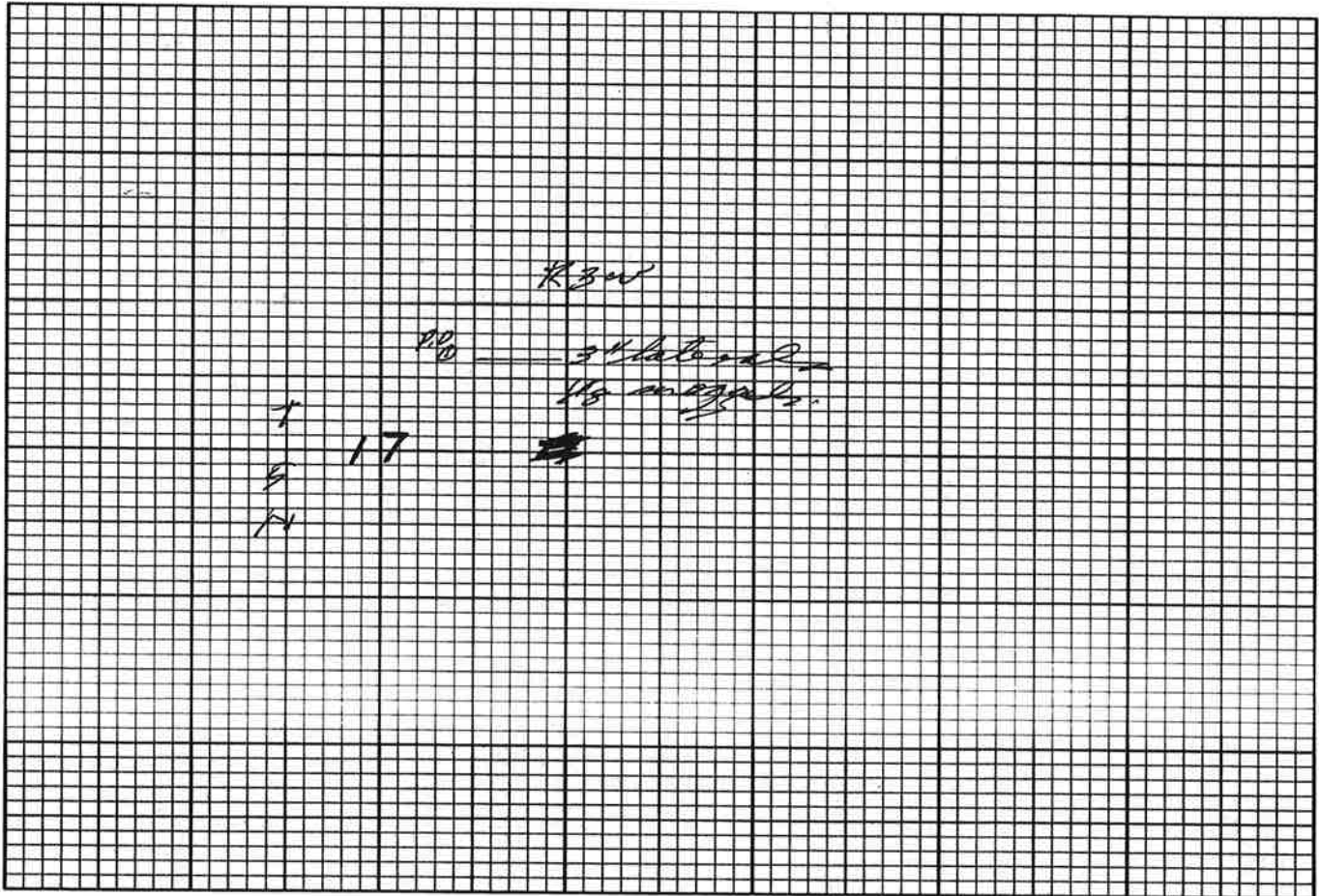
Acting for the Director

Norman Young

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[illegible]

10. Other water rights on these lands none
11. Other water right diverted from same p.d. none
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

14. Remarks _____

15. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above

- ☒ None
- ☐ Other

16. Examiner's/Consultant's Signature John R. Meyer Date 7/6/84

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

MICROFILMED CONSULTANT SEAL

MAR 02 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

63-9230
Permit No.

Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Irrigation
30 - 1/8 nozzle - 25 PSI $2.25 \text{ GPM} \times 30 \times .002228 = \underline{1.5 \text{ cfs}}$
 $7.5 \text{ acres} \times 4.5 = \underline{33.75 \text{ MFR}}$

Theoretical $7.5 \times 8.8 \times .80 \text{ eff.} = 52.8 = \underline{1.25 \text{ cfs}}$
 $150 \text{ ft lift} + .43 / 25 \text{ PSI} (58.14) = 208.14$

Domestic $1 \text{ HP} \times 8.8 \times .80 = 7.04 = \underline{.04 \text{ cfs}}$
 $150 \text{ ft} + .43 / 20 \text{ PSI} (46.05) = 296.57$

b) Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 7.5 \times 4.5 = 33.75$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .12 \times 245 \times 1.9835 = 72.89$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$

c) Volume Calculations for Other Uses:

Domestic 1.2 MFR

2. Overlap Review

- a) Other water rights with same place of use: none
- b) Other water rights with same point of diversion: none
- c) Analysis:

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RECOMMENDED AMOUNTS

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
63-9230	5/1/79	.19	5/1/79		.19

4. Permit Holder: Richard H & or Alice M. Barker.
 Address: Box 225 Caldwell, Ida 83605

5. Source: Groundwater

tributary to _____

6. Beneficial Use

Period of Use
From To

Rate of Diversion
Q (cfs)

Annual Volume
V (afa)

<u>Domestic</u>	<u>8/1</u>	<u>12/31</u>	<u>.04</u>	<u>1.2</u>
<u>Irrigation</u>	<u>3/15</u>	<u>11/15</u>	<u>.15</u>	<u>33.75</u>

Allowable Maximums:

.19

34.95

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
		NW	NW	NE	17	5N	3W	Canyon

Place(s) 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	
5N	3W	17		7.5														7.5	

Total Acres 7.5

Recommended Conditions/Remarks: none.

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Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature John H. Meyer

Checked in Regional Office by GLS

Approved in State Office by Rayann McCarthy

Date 7/5/84

Date 2/25/85

Date 11/14/88

T5N

B504
224B
715A2
P.D.

D
16.2

E
3.6

8.9
17.6

B771
250B
R3W

A
20.5

6.6
D

C
5.7

B
15.9

E
4.4

B577
236B

B622
1280B

B
26

B45
237B

B
8.7

A
1.9

570
38B

C
8.9

D
6.3

E
10.0

65

G
15.9

F
7.0

17.6

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Idaho Dept. of Water Resources Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 2878	BLACK CANYON IRRIGATION DIST,	ELIJAH DRAIN, WILSON DRAIN	05N03W17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	05N03W17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
App	63 12050	W E SNETHEN, R L SNETHEN,	GROUND WATER	05N03W17	5	16															21
Claim	63 9230	DIANE M MC SHERRY, STEVE A MC SHERRY,	GROUND WATER	05N03W17		7.5															7.5
Rec	63 9230	DIANE M MC SHERRY, STEVE A MC SHERRY,	GROUND WATER	05N03W17		7.5															7.5
Right	63 10005	FLORENCE E GUENGERICH, RICHARD S GUENGERICH,	GROUND WATER	05N03W17				X													0
Right	63 20540	ROSS W HANSEN, HAZEL F HANSEN,	GROUND WATER	05N03W17											X						0
Right	63 20540	ROSS W HANSEN, HAZEL F HANSEN,	GROUND WATER	05N03W17											X						0
Right	63 27968	LARRY D GREEN, KATHERINE GREEN,	GROUND WATER	05N03W17													X				0
Right	63 27968	LARRY D GREEN, KATHERINE GREEN,	GROUND WATER	05N03W17													X				0
Right	63 28680	HOWARD W KREIMAN,	GROUND WATER	05N03W17											X						0
Right	63 30292	WILLIAM A KESNER JR, JULIE L KESNER,	GROUND WATER	05N03W17					X												0
Right	63 9230	RICHARD H BARKER, ALICE M BARKER,	GROUND WATER	05N03W17		7.5															7.5
Claim	65 2927C	LARRY D GREEN,	PAYETTE RIVER	05N03W17													4.5				4.5
Claim	65 2927D	EDWIN O GREEN,	PAYETTE RIVER	05N03W17													35			25	60
Rec	65 2433	UNITED STATES OF AMERICA ACTING THROUGH,	PAYETTE RIVER	05N03W17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Claim	65 2900		TUNNEL NO 2 DRAIN	05N03W17	X	X	X	X			X		X	X	X	X	X	X	X	X	0
Rec	65 2900	BLACK CANYON IRRIGATION DIST,	TUNNEL NO 2 DRAIN	05N03W17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
App	63 11994	BETTY L ALEXANDER, JACK W ALEXANDER,	WASTE WATER	05N03W17			8	3										25	13		49

Receipt Details for ID M005810

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/9/1990 8:44:50 AM	2/9/1990	Mobile	\$57.00	Cash
Payer		MCSHERRY, DIANE		

Account Information:

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

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$57.00	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	9230		\$57.00	Claim

[Print Report](#)

REAL PROPERTY INQUIRY

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+++++
01 6R37868-000- -0 032-00 SCH134+ 01 5,000 8.06
+++++
10 24,000 1.00
MC SHERRY, STEVE A + 19 .39
& MC SHERRY, DIANE H/W + 31 97,900
+ 32 5,100
+
+
27974 HWY 30 +
CALDWELL ID 83607 +
+++++
17-5N-3W NE + TOTAL 132,000 9.45
NWNW NE-N OF HWY 30 ++++++
+ SURVEY INST 8824642
+ DRAIN DR VALUE APPR WLK
+ CLASS 3 REAP 03 MAN 02 UNIT 1
27974 HWY 30, CA + PARCEL 6R05N03W170750 H/O N C/B N
+ PRIOR ACCOUNT 5R37868-000- -0
+ 02 MH on Property NO
+ 03 Traits 04 Companion Sheet

```

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 04/03/2006 Time 14:50

REAL PROPERTY INQUIRY

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+++++
01 6R37868-010- -0 032-00 SCH134+ 12 100 .24
+++++
MC SHERRY, STEVE A +
& MC SHERRY, DIANE H/W +
+
+
27974 HWY 30 +
CALDWELL ID 83607 +
+++++
17-5N-3W NE + TOTAL 100 .24
NWNW NE-S OF HWY 30 ++++++
+ SURVEY INST 8824642
+ DRAIN DR VALUE APPR WLK
+ CLASS REAP 03 MAN UNIT 0
HWY 30, CA + PARCEL 6R05N03W170755 H/O N C/B N
+ PRIOR ACCOUNT 5R37868-010- -0
+ 02 MH on Property NO
+ 03 Traits 04 Companion Sheet

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