

12/12/06
DBP

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 05 2006

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: December 8, 2006

Water right number: 67-4206

ESTATE OF NATHAN SHEPHERD
1040 STATE ST
WEISER ID 83672

HELEN I SHEPHERD
1040 STATE ST
WEISER ID 83672
Telephone Number: (208)549-2225

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: 12/01/06 SIGNATURE: Betty Miller
Please print your name: Betty Miller

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Address Change:
Estate of Nathan
Shepherd
959 Freshness
Eagle, Idaho
83616
SCANNED
DEC - 6 2006

05/05/2006

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

RIGHT NUMBER: 67-4206

NAME AND ADDRESS: ESTATE OF NATHAN SHEPHERD
1040 STATE ST
WEISER ID 83672

HELEN I SHEPHERD
1040 STATE ST
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.500 CFS
112.500 AFY

PRIORITY DATE: 04/01/1952

POINT OF DIVERSION:

T11N R06W S33 NENWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.500 CFS 112.50 AFY

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R06W S33 NWSE 25.00

25 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



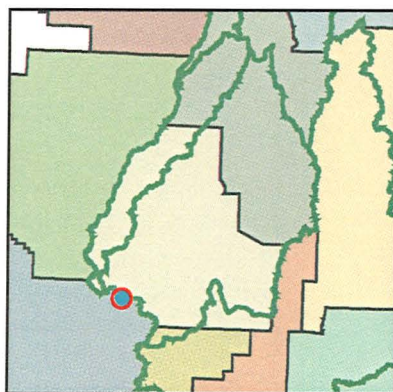
Idaho Department of Water Resources

SRBA Recommendation:

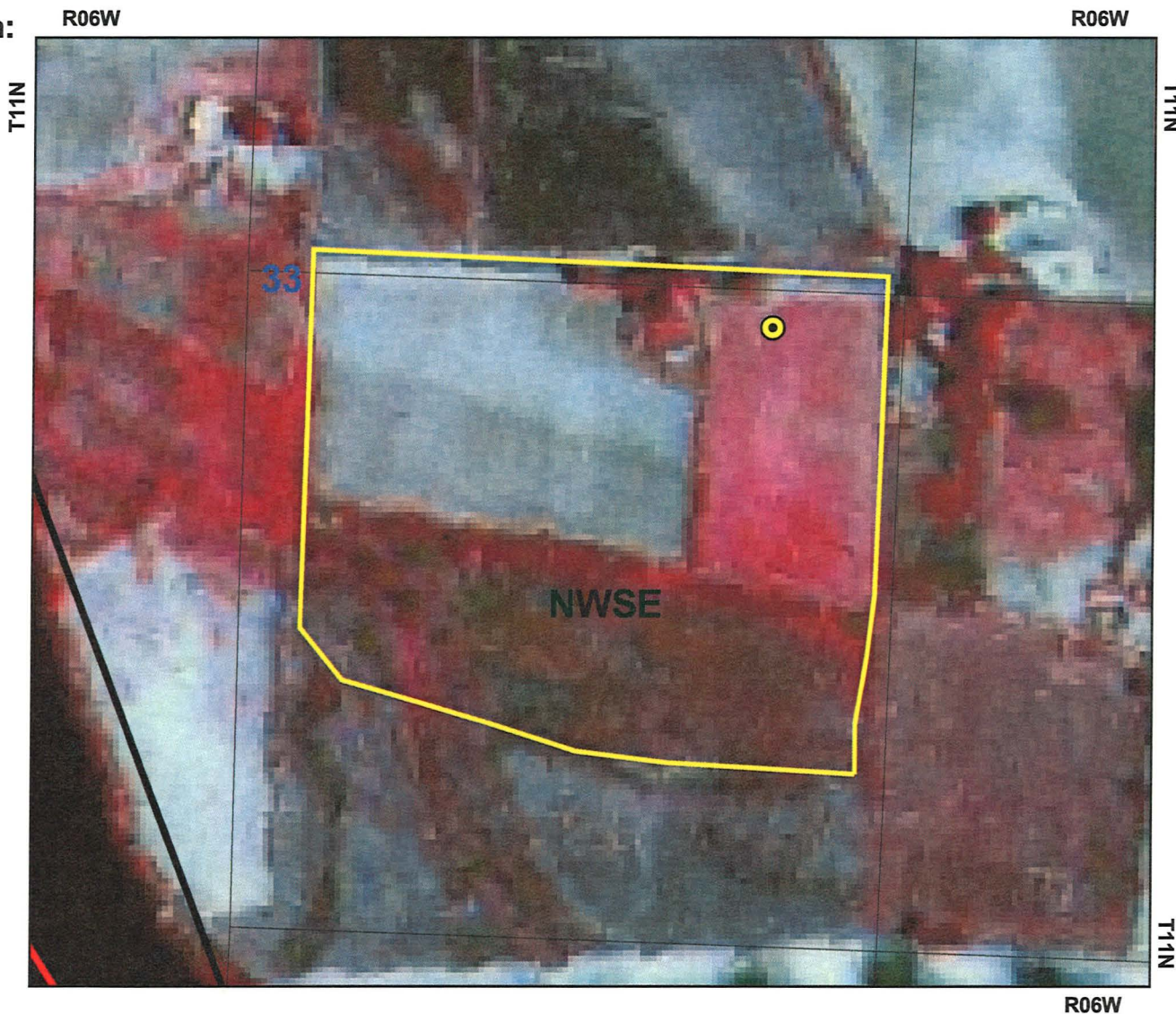
67-4206

Legend

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



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by M. Van Bussum
On Monday, May 8, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4206 V1

WATER RIGHT NUMBER: 67-4206 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ESTATE OF NATHAN SHEPHERD 1040 STATE ST WEISER, ID 83672
Current Owner	HELEN I SHEPHERD 1040 STATE ST WEISER, ID 83672 (208)549-2225

Priority Date: 04/01/1952

Basis: Beneficial Use

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	03/01 to 11/15	0.500 CFS	112.50 AF
	<u>Total Diversion:</u>	0.500 CFS	112.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4SE1/4	Sec. 33, Twp 11N, Rge 06W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
11N 06W 33															25.0		25.0

Total Acres: 25

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:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4206 V1

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: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	5/5/2006 10:31:23 AM	mvanbussum			Active
Priority Date	5/5/2006 10:31:53 AM	mvanbussum			Active
POD	5/5/2006 10:32:15 AM	mvanbussum			Active
Source	5/5/2006 10:34:44 AM	mvanbussum			Active
POU	5/5/2006 10:35:08 AM	mvanbussum			Active
Use	5/5/2006 10:38:37 AM	mvanbussum			Active
Season	5/5/2006 10:38:52 AM	mvanbussum			Active
Quantity	5/5/2006 10:47:23 AM	mvanbussum			Active
Summary			05/05/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/5/2006 10:33:22 AM	mvanbussum	Updated shape
POU	5/5/2006 10:37:23 AM	mvanbussum	Updated shape for Active POU
POU	5/5/2006 10:37:34 AM	mvanbussum	Updated PLS for Active POU
Contacts	5/5/2006 10:31:23 AM	mvanbussum	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Field exam conducted 4-20-06.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4206 V1

POD	5/5/2006 10:32:16 AM	mvanbussum	(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?
General	5/5/2006 10:31:53 AM	mvanbussum	(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 of this water use 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 - Affidavit from Charles Shepherd, who dug the well with his father.
Source	5/5/2006 10:34:44 AM	mvanbussum	(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 - Field exam conducted 4-20-06.
POU	5/5/2006 10:35:09 AM	mvanbussum	(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 - Field exam conducted 4-20-06.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4206 V1

Use	5/5/2006 10:38:38 AM	mvanbussum	(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 - Field exam conducted 4-20-06.
Season	5/5/2006 10:38:53 AM	mvanbussum	(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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/5/2006 10:47:24 AM	mvanbussum	(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? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - 5hp pump with 12 feet of lift gives theoretical capacity of 2.57 cfs, well in excess of the claimed diversion rate of 0.5 cfs. Description for Question 10 - 25 acres * 4.5 acre-feet per year per acre = 112.5 ac-ft/year
Summary	5/5/2006 10:48:07 AM	mvanbussum	(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? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4206 V1

Water Supply Bank:

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
67-4206)

State of Idaho)
County of _____)

AFFIDAVIT

RECEIVED

Charles M. Shepard being first duly sworn,
deposes and says: We saw the will on

April 1952

We use four foot across by
four foot high Cement tile.
It is about thirty feet No

four foot high cement tile

It is about thirty feet deep

Charles W. Shaker
(Signature)

RACHELLE J. BLACKWELL
NOTARY PUBLIC
STATE OF IDAHO

Subscribed and sworn to before me this
day 27 of April, ~~19~~ 2006.

day 27 of April, ~~19~~ 2000.

Rachelle Blackwell
(Notary Public)

Residing at Fruitland, Idaho.

My Commission Expires May 29, 2008 .

SEAL

SCANNED

MAY 03 2006

C Shepherd
1489 Cove Rd
Weiser, Idaho
83672

BOISE ID 8

28 APR 2006 PM 1 T

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 1148 BOISE ID

POSTAGE WILL BE PAID BY ADDRESSEE

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

SRBA STATE

IDAHO DEPARTMENT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83707-9815

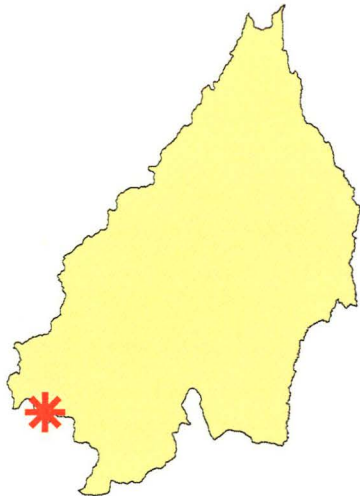
Attn: M. VanBussum



Idaho Department of Water Resources

Water Right Claim No:

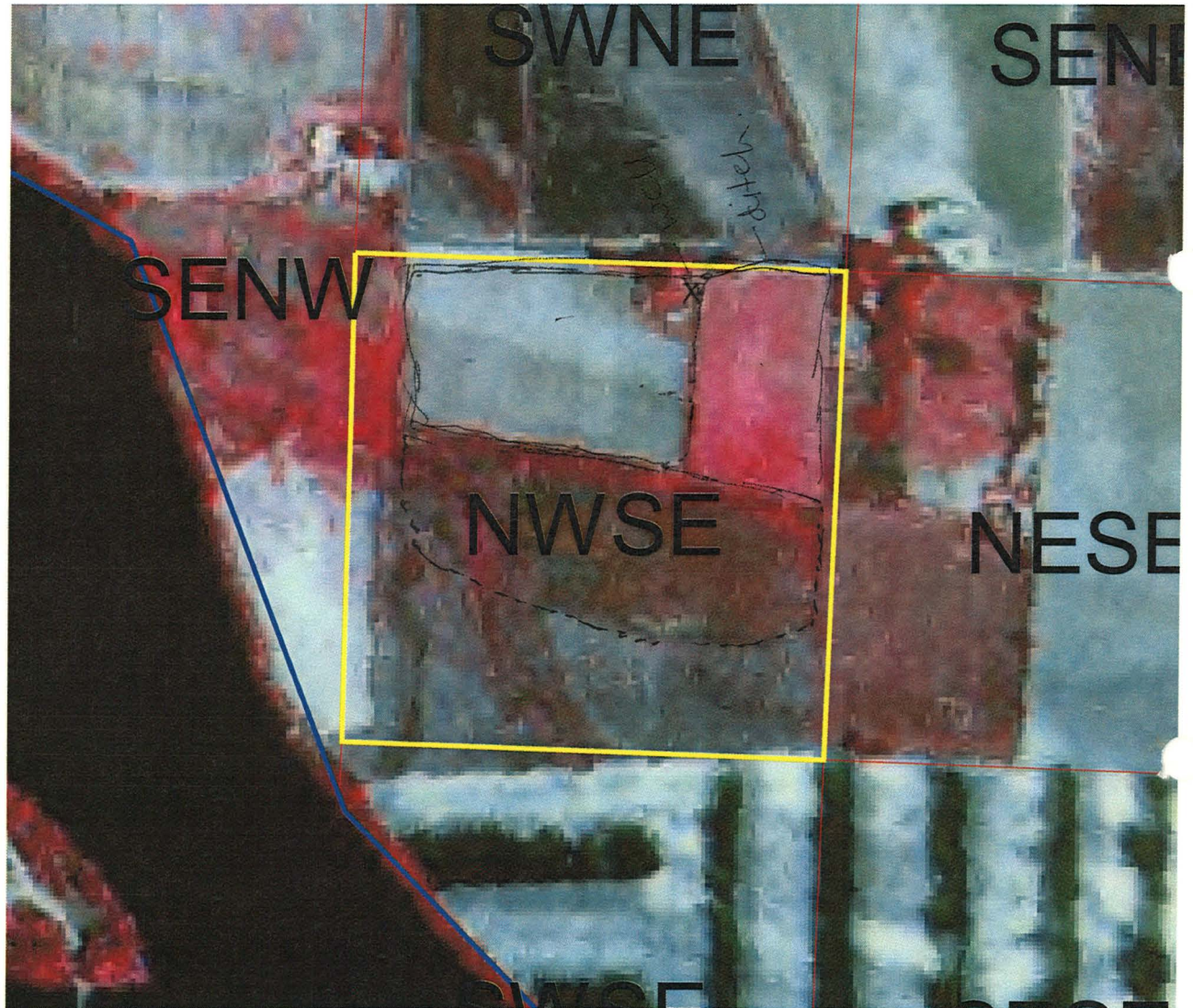
67-4206



*39 ac here
25 ac irrig.*

Legend

-  Place of Use
-  Section Lines
-  Quarter Quarters



Priority Date Data Entry Form**Claim Number 67-4206**

Claimed Priority Date: 4/1/1952

Claimed Basis: Statutory Claim

☒ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: 4/1/1952

Water Right Basis: Statutory Claim

Recommended Priority Date ____

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Chuck hand dug the well in 1952.
He will be providing an affidavit. Left
an affidavit form & envelope.

Reviewer: MVBDate: 4-20-02

Point of Diversion and Source Data Entry Form

Claim Number 67-4206

Claimed Point of Diversion and Source

T11N R06W S33 NENWE Within WASHINGTON County Source: GROUND WATER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T11N R06W S33 NWSE Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified:

15 ft to water
pump is 12 ft down - 5hp.
hand-dug by Chuck

A0017626
2255696
1453908

pump goes to a network of pipelines - part next to road is ~~irrigated~~ irrigated farmland - part closer to river is not irrigated at the moment, but was irrigated

Reviewer: MLB

in last few years,

Date: 4-20-08

just as grass for a few stock

Place Of Use Data Entry Form

Claim Number 67-4206

Claimed Place Of Use

T11N R06W S33 NWSE 25.0

Total Acres 25

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T11N R06W S33 NWSE 25.0

Total Acres 25

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

see attached layout for acreage

Reviewer: MVBDate: 4-20-02

Period of Use and Quantity Data Entry Form

Claim Number 67-4206

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.5	

Overall Diversion Rate 0.5

Overall Diversion Volume

 Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	0.5	

Overall Diversion Rate 0.5

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate 0.5Overall Diversion Volume 112.5

Document how the Period of Use and/or Diversion Rate were verified:

well is hand-dug - 15 ft to water - pump
is 12 ft down - 5 hp pump
↳ see attached spreadsheet for theoretical quantity

Groundwater - will need volume limit

Volume: 1) $(260 \text{ days})(1.9835)(0.50 \text{ cfs}) = 257.9 \text{ ac-ft/yr}$

2) $(25 \text{ ac})(4.5 \text{ ac-ft/yr}) = 112.5 \text{ ac-ft/yr}$

IDWR standard season of use

Reviewer: MVBDate: 4-20-06

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	ESTATE OF NATHAN SHEPHERD	1040 STATE ST	WEISER	ID	83672	
Current Owner	HELEN I SHEPHERD	1040 STATE ST	WEISER	ID	83672	(208)549-2225

Date of Field Exam: 4/20/06 Time: 8:30am

Accompanied By: Chuck Shepherd Phone Number: 549-2811 (Napa Auto Parts - he is owner)

Relationship to Claimant: Son of Helen & Nathan

Directions to Property (if different from above) and/or update owner information:

Reviewer: AJB

Date: 4-20-06

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 67-4206
 Examiner: Monica Van Bussum
 Date of Field Exam: 4/20/2006

	Pump #1	Pump #2	Pump #3
P/D No.:			
PUMP HORSEPOWER	5	0	0
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	12	0	0
DISCHARGE PRESSURE	0	0	0
RATE OF FLOW (cfs)	2.57	#DIV/0!	#DIV/0! #####

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.
 No Friction

Examiners Notes:

1000

IDENT. NO. 67-4206

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 167-4206
 Old No. _____ New No. _____

Record

1. Original Owner: Nathan & Helen Shepherd Shepherd

Present Owner: _____

2. Address: 1040 State St.

3. City: Weiser State: Id Zip: 83672

4. A. Source of Water: gw

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 4-1-1952

D. County: 87

E. Total Diversion Rate: .5

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank):

H. Water District: _____

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWSE</u>	<u>33</u>	<u>11N</u>	<u>6W</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 11-1 for A purposes. Amount .5
 (cfs or AC-Ft/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-04206
Date Received: 6/06/1989
Receipt No: C007263
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NATHAN SHEPHERD
Address: 1040 STATE ST.
WEISER, ID 83672

AND/OR

Name: HELEN I. SHEPHERD
Address: 1040 STATE ST.
WEISER, ID 83672

208-549-2225

2. Date of Priority: APR 01, 1952

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	06W	33	NE	NW	SE		WASHINGTON

5. Description of diverting works:

WELL, 42" CONCRETE CASING, 20' DEEP, 2 1/2 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

7. Total Quantity Appropriated is:

0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

87.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	06W	33	NW SE		IRR	25.0
Section Acres						25.0
Total Acres						25.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
GRIMMETT IRRIGATION LATERAL DISTRICT

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
OCT 02 1992

16. Signature(s)

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

Number of attachments: -/-

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): Helen J. Edgemoor Date: 6/6/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of June 19 86 Carter Fritschle
Notary Public
Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

T 11 N

R 6 W

A67-04206

MOORES HC
OF

