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JUL 02 2015

WATER RESOURCES
WESTERN REGION

June 30, 2015

Frank G. Schwartz
3239 Highway 71
Cambridge, Idaho 83610

State of Idaho
Department of Water Resources, Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Subject: Transfer No. 78950

Dear Sir/Madam,

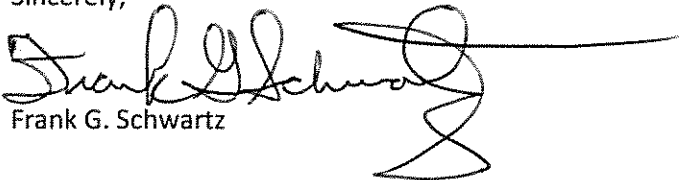
Enclosed please find an original signed and notarized affidavit regarding water right 67-195, which is the subject of Transfer No. 78950. Please place this affidavit in the permanent record for water right 67-195.

This affidavit was prepared and signed by Frank C. Shirts, who owned the property and associated water right 67-195 for over forty years (through 1992). The protest of transfer 78950 brought to light some misunderstanding about the history of water right 67-195, and this affidavit provides facts that should hopefully clear up the misunderstanding for the future.

Feel free to contact me at the above address or phone 208-821-0388 if you have any questions or need anything further.

Thank you.

Sincerely,


Frank G. Schwartz

AFFIDAVIT OF Frank C. Shirts

Name/Address: Frank C. Shirts, 785 Mann Cr. Rd, Weiser, ID

Occupation: Farmer/Rancher and former owner of property at 3239 Highway 71, Cambridge, ID

I, Frank C Shirts, swear or affirm:

1. That I and my wife, Mary L. Shirts, owned the 212 acre property with the current physical address of 3239 Highway 71, Cambridge, Idaho from the 1950s until 1992.
2. I sold this property to Clifford and Mardelle Shinn in 1992. Frank and Mary Schwartz, my son-in-law and daughter, purchased this property from Clifford and Mardelle Shinn in 2012.
3. The property had an irrigation water right number 67-195 for 0.62 cfs for irrigation of 45 acres, diverted from the main Pine Creek, with a priority date of August 15, 1888.
4. While I owned this property, I diverted water from the main Pine Creek in Township 15N, Range 04W, Sections 14 and 24, as is evident from the ditch systems still visible on the property. My use of the diversion in Section 14, which was upstream from my property, was discontinued in the 1970s after the new owner (Mink family) of the land where the diversion existed filled in a portion of the ditch which supplied my property without my consent.
5. As shown in Attachment 1, a notarized document prepared in 1989 as part of the Snake River Basin water right adjudication process, I was diverting water in Township 15N, Range 04W, Section 24 from the main Pine Creek for irrigation of this property.
6. During my ownership of the 212 acre property on Pine Creek, I did not change or contemplate requesting a change to add a point of diversion from East Pine Creek in Township 16N, Range 04W, Section 35. A diversion at that location is about 4 miles away from my property and flows across dry land owned by others through ditches and the Advent Gulch stream channel.
7. During the time I owned the Pine Creek property, natural flow and wastewater from Advent gulch, when available, was used as a component of my total water right to irrigate about five acres at the lower end of this property. Advent Gulch is a seasonal, intermittent stream and flowed onto my Pine Creek property at a lower elevation than the majority of the irrigated ground on the property, making it unsuitable as a water supply for flood irrigation of the majority of the land.
8. My father-in-law, Raymond Hutchinson, owned land up Advent Gulch since the 1930s. I farmed/ranched this Advent Gulch property before it was sold to the Mink family in the 1960s. During the time I farmed this Advent Gulch land, there were several years when Pine Creek water was cut off to Advent Gulch due to the younger priority date associated with the water right for the Advent Gulch property.
9. As shown in Attachment 2, Clifford and Mardelle Shinn requested a change in 2004 to add a point of diversion in Township 16N, Range 04W, Section 35 as well as retaining a point of diversion in Township 15N, Range 04W, Section 24. That was the first time that Section 35 point of diversion existed for the Pine Creek property which I had previously owned.

I swear or affirm that the above and foregoing representations are true, correct and complete to the best of my information, knowledge, and belief.

1-21-15 Frank C. Shirts

Date

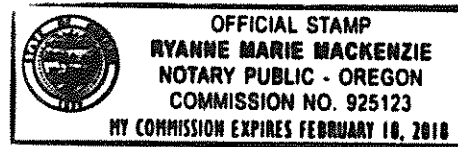
Frank C. Shirts

I, the undersigned Notary Public, do hereby affirm that Frank C. Shirts personally appeared before me on the 21 day of January, 2015 and signed the above Affidavit as his free and voluntary act and deed.

Ryanne Marie Mackenzie

Notary Public

STATE OF OREGON
COUNTY OF MALHEUR



My Commission Expires: 2-18-18

Attachments:

Attachment 1 (3 pages)

Attachment 2 (4 pages)

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: A67-00195
Date Received: 10/12/1989
Receipt No: MOO 4922
Received By: DA5

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARY L. SHIRTS 208-257-3804
Address: HC 69 BOX 3450
CAMBRIDGE, ID 83610

OR
Name: FRANK C. SHIRTS 208-257-3804
Address: HC 69 BOX 3450
CAMBRIDGE, ID 83610

2. Date of Priority: AUG 15, 1888

3. Source: PINE CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	04W	24	NW	SW	NW		WASHINGTON

5. Description of diverting works:
DITCH TO FLOOD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.620		

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

8. Total consumptive use is 158.0 Acre Feet Per Annum.

9. Non-irrigation uses:
IN-STREAM STOCK WATERING

A67-00195

Page 1

Date: 10/12/89

MICROFILMED

AUG 05 1994

Attachment 1 Page 1

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	04W	24	SW	NW		IRR	15.0
			NW	SW		IRR	15.0
			SW	SW		IRR	15.0
						Section Acres	45.0
						Total Acres	45.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN T. MUIR
Decree Plaintiff

VS

WILLIAM ALLISON
Decree Defendant

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: 0

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): X Mary L. Shurt Date: 10-12-89
_____ Date: _____

State of Idaho
County of Washington } ss.

Subscribed and sworn (or affirmed) before me this 12 day
of Oct 19 89 Bruce A. Schull
Notary Public

Residing at BRUCE A. SCHULL, NOTARY PUBLIC
My Commission Expires RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1993



Clifford W. Shinn
3239 Hwy. 71
Cambridge, ID 83610

February 12, 2004

RECEIVED

FEB 13 2004

WATER RESOURCES
WESTERN REGION

Lori Graves
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Dear Lori,

After consulting Frank Shirts (previous owner) and Roy Mink (neighbor) I have, hopefully, determined the correct locations of points of diversion for water right identified as A67-00195.

The information regarding point of diversion and acreage allocations intended for irrigation is collected and enclosed.

In addition to the information and maps you sent, I've enclosed two (2) additional maps. One map titled *Cliff Shinn Project* shows my property and its proximity to Pine Creek. On this map, I have located points of diversion and numbered them 1, 2, and 3.

P.O.D. #1 referenced in affidavit written by Roy Mink (neighbor) is no longer in use, replaced by #4 P.O.D. (See other map.)

P.O.D. #2 abandoned years ago in favor of #3, a more usable location.

P.O.D. #3 replacing #2, but unused at present but plan to retain and use again. Will supply irrigation for south side of Pine Creek.

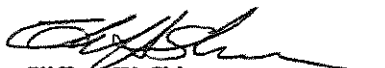
A second map shows location of P.O.D. #4, located at upper (north) end of Advent Gulch, on East Pine Creek, T16; R4W; Sec. 35. This P.O.D. is supplying all irrigation currently used and is limited to north side of Pine Creek.

The acreages shown are a "best guess" and are based on potential as well as actual ditch to flood irrigation.

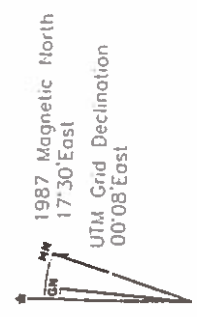
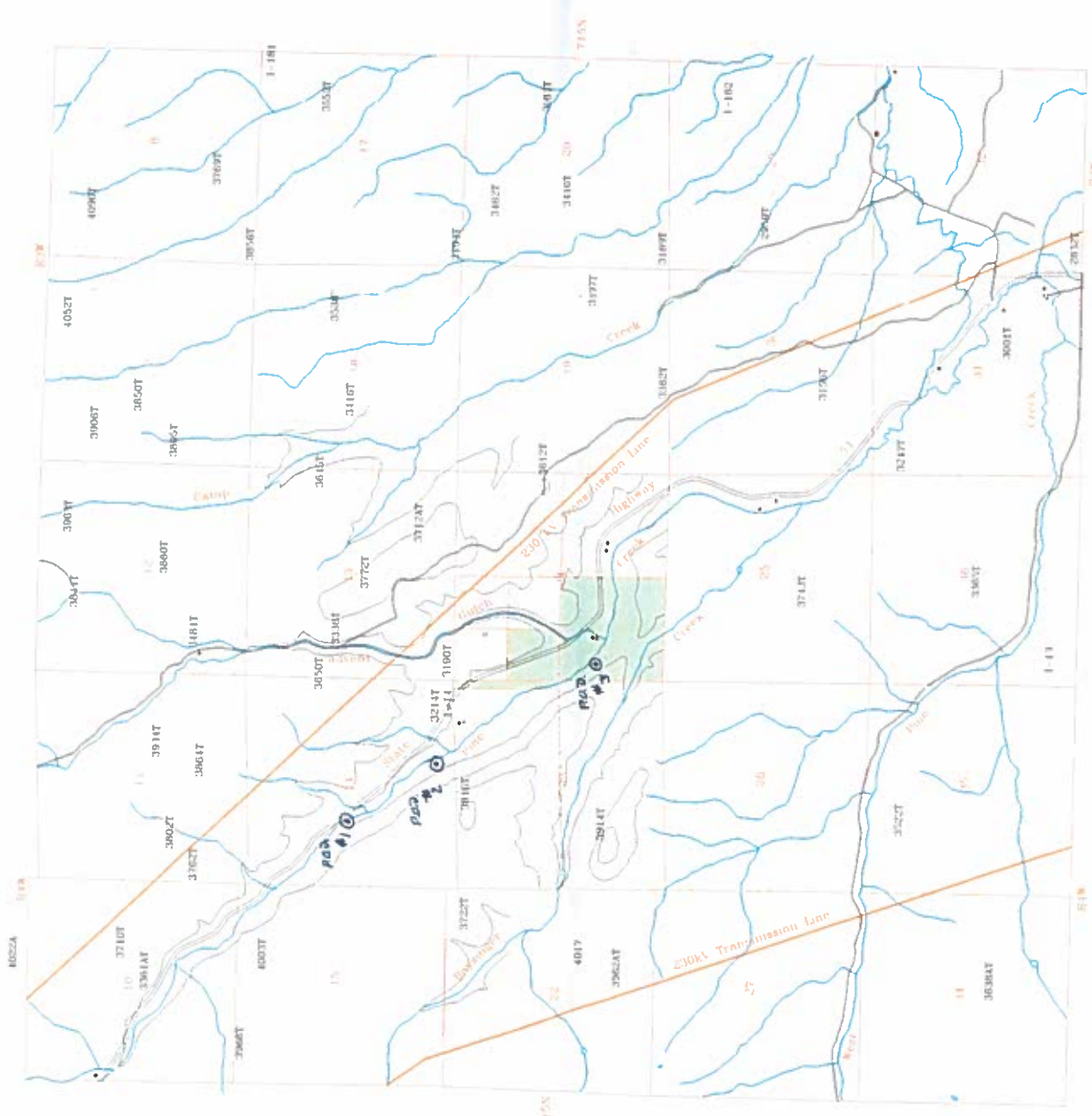
Also, please find enclosed the affidavit written by Roy Mink regarding the P.O.D. #4 relocation on East Pine Creek on or about June 1984.

Please inform me if any additional information is required to accurately document Water Right A67-00195.

Sincerely,


Clifford W. Shinn

Attachment 2 page 1



- Baseline Features
- Sections
 - Roads
 - Streams
 - Transmission Line
 - Shinn Ranch



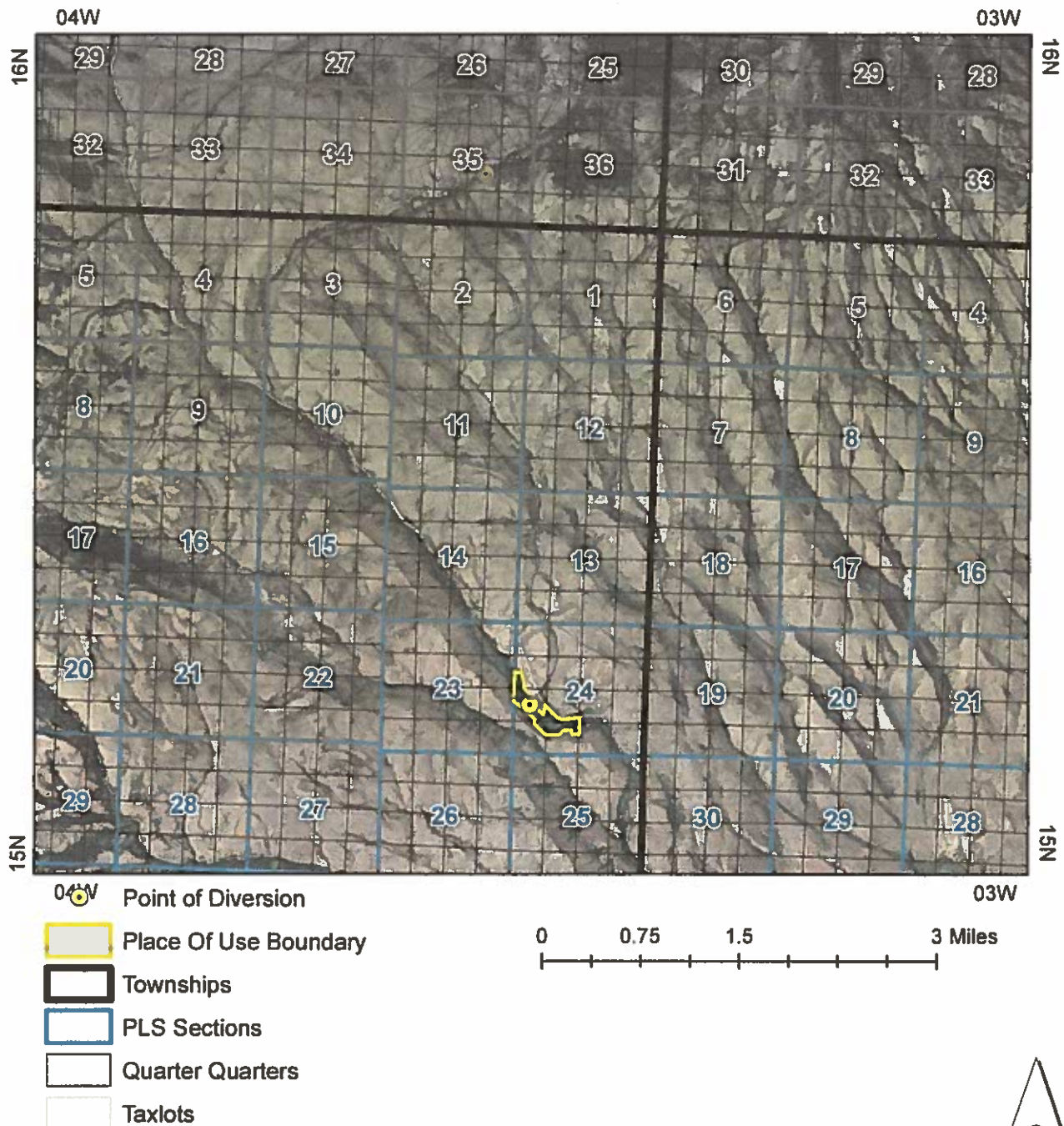
CLIFF SHINN PROJECT
A PORTION OF SECTION 23 & 24
T.15N., R.4W., B.M. WASHINGTON
COUNTY, IDAHO

State of Idaho
Department of Water Resources

Water Right
67-195

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Map produced on January 27, 2013

Attachment 2 page 3

Cliff Shinn
Cambridge, Id

Dear Cliff,

Being a neighbor to Frank Shinn since 1971 it is known he changed his point of diversion for his water right from East pine near Hwy 71, to East pine Advent Hub. This was done in June, 1984.

The original ditch was made impossible because of the construction and widening done to Hwy 71 in conjunction with the construction of the Idaho Power Browne Complex.

AFFIDAVIT

Rg Hunt
3305 Hwy 71
Cambridge, Id
508-257-3829