

B-360.
D. TATOM

L. MITCHELL

1W

23
26

23
24
26
25

F# 30
T-387
B. Florence
Rese 1017

1
31.4
Hel

2
11.8
Hel

3
34.3
Hel

2
3.4
Well

B-252
C. MADSEN
B-144
24.9
Hel

1
16.6

2
5.9

3
6.2

4
400

6
11.5

16N

Property Boundary

MICROFILMED

SEP 19 1990

B-78
FRASIER
B-78

67-7823

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Appl

Shaffer, Duane & Ilene M-67-07828-Henry, Meredith & Mary as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated January 4, 1990

and the last in the issue dated January 11, 1990 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this 12th

day of January 19 90

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-07823

SHAFFER, DUANE C.

SHAFFER, ILENE M.

P. O. BOX 336

COUNCIL, ID 83612

Source: LESTER CREEK

Tributary: WEISER RIVER

Diversion Pt: NWNE Sec 26 T

16N R 01W

Use: IRRIGATION (.700 CFS)

IRRIGATION STORAGE

(10.00 AF)

IRRIGATION FROM STORAGE

(10.00 AF)

STOCKWATER STORAGE

(1.40 AF)

STOCKWATER FROM STORAGE

(1.40 AF)

Total Diversion (.700 CFS)

(10.00 AF)

Date Filed: 12/12/1989

In: T16N R01W S26

NWNE SWNE NENW SENW

35.0 ACRES TOTAL

67-07823

HENRY, MEREDITH

HENRY, MARY

HC 64 BOX 3450

COUNCIL, ID 83612

Source: UNNAMED STREAM

Tributary: WEISER RIVER

Diversion Pt: NESW Sec 31 T

19N R 01E

Use: IRRIGATION (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 12/11/1989

In: T19N R01E S31 NESW

2.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JANUARY 22, 1990.

R. KEITH HIGGINSON,

Director

Published 1/04/1990 & 1/11/1990

MICROFILMED

SEP 19 1990

RECEIVED
MAR 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

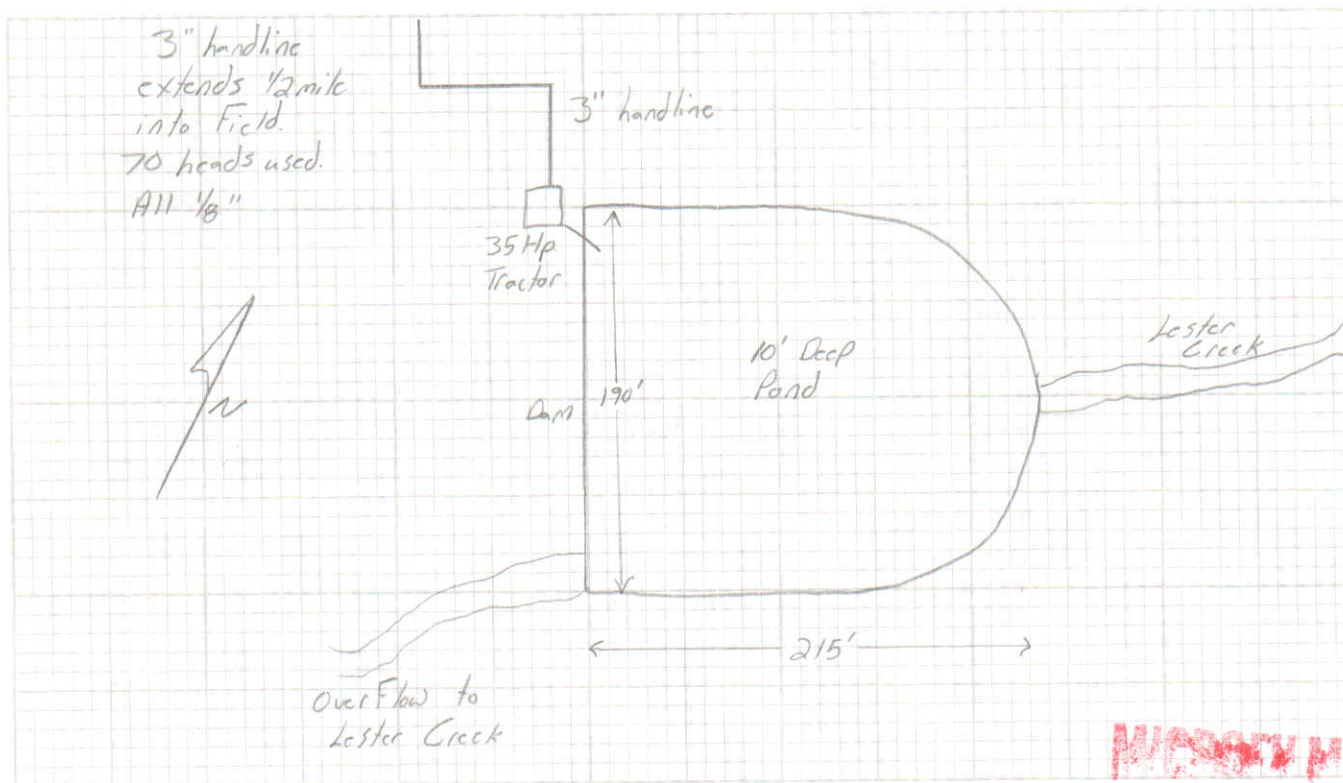
Permit No. 67-07823
1. Owner: Duane C. & Ilene M. Schaffer Phone No. 253-4860
Current Address: P.O. Box 336 Council ID 83612
2. Accompanied by: Duane Schaffer EXAM. DATE: 7-9-91
Address: Same Phone No. _____
Relationship to Permit Holder: _____
3. Source: Lester Creek tributary to Weiser River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 67-00320 - used on other acres
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: None
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

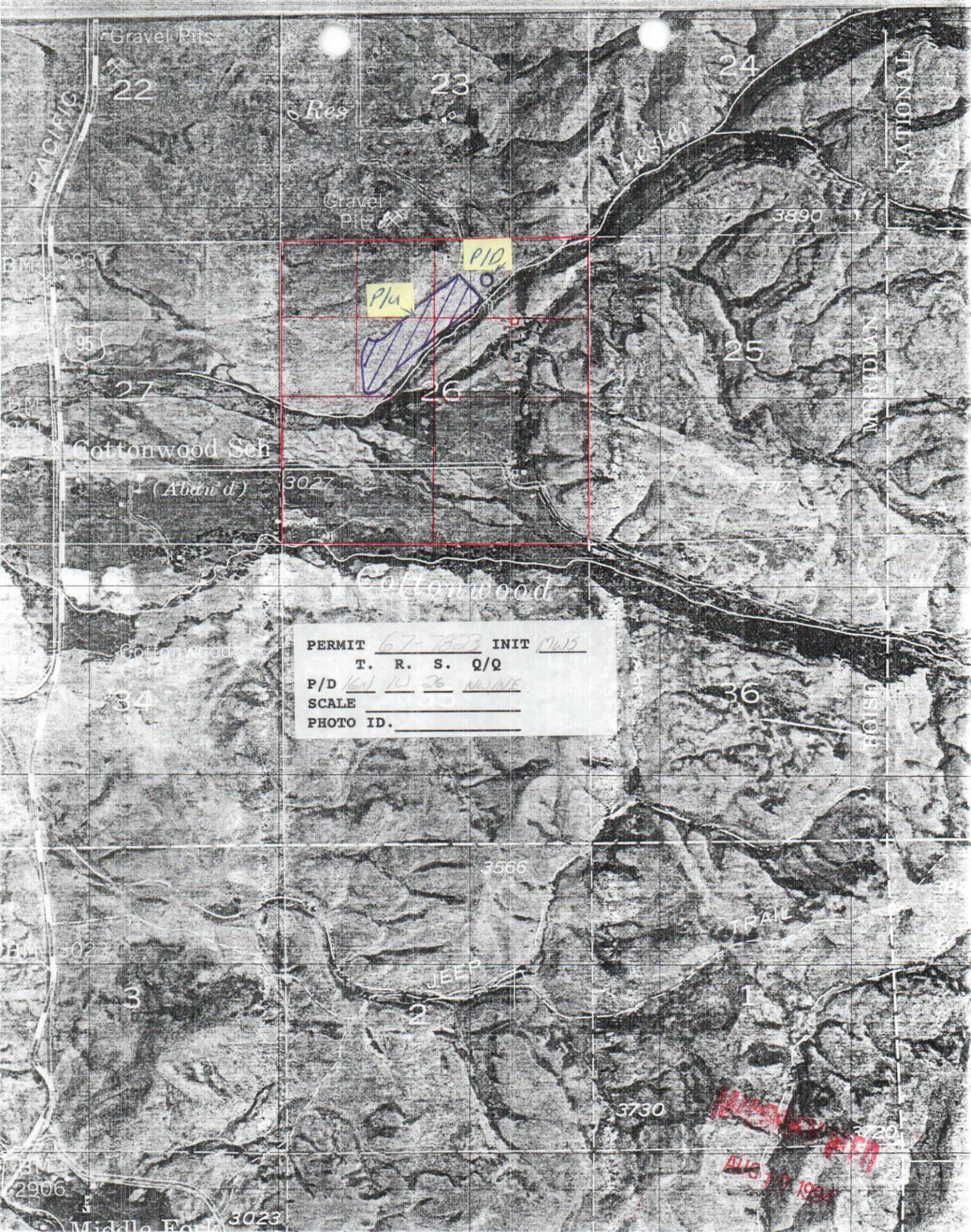
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached Aerial



Scale: 1" = 100'

AUG 10 1994

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).



67-07823



#1.

Tractor operates
pump. 35 Hp.



#2.

Dam extends
190' to background.
Natural drainage
located in background,
to right of dam.

MISSOURI
AUG 10 1994

67-07823



#3.

Pump is located
in pond, underneath
wooden cover.



#4.

Pond, Facing west.
Dam is located in
background.
Fields being irrigated
are located behind
tractor, as indicated
by line.

MISSOURI
AUG 10 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 67-07823

Priority: December 12, 1989

Maximum Diversion Rate:

0.52 CFS

Maximum Diversion Volume:

149.4 AF

This is to certify, that DUANE C SHAFFER
ILENE M SHAFFER

PO BOX 336

COUNCIL ID 83612-0336

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 12, 1989; and has submitted Proof of Beneficial Use on May 23, 1990. An examination indicates that the works have a diversion capacity of .520 cfs of water from:

LESTER CREEK

tributary to WEISER RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.52 CFS	140.0 AF
IRRIGATION STORAGE	01/01 to 12/31		9.4 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		9.4 AF
STOCKWATER STORAGE	01/01 to 12/31		1.4 AF
Totals		0.52 CFS	149.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 26, Township 16N, Range 01W
ADAMS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	01W	26	NWNE 10	SWNE 5	NENW 5	35
			SENE 15			

Total number of acres irrigated: 35

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS/REMARKS:

AUG 10 1994

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

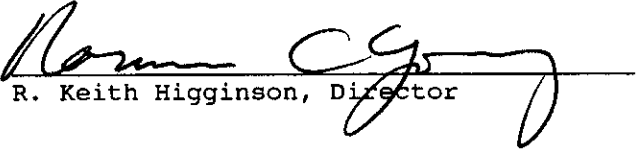
WATER RIGHT NO. 67-07823

CONDITIONS/REMARKS:

5. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. Stockwater storage is for 100 range cattle.

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 29TH day of JULY, 1994.

Acting for


R. Keith Higginson, Director

AUG 10 1994

08/80
RECEIVED
 MAY 23 1990

For Office Use Only

Amt. of Fee \$ 100.00Date 5/23/90Receipt No. 6016963Received by J. Johnston
7-16-90

Department of Water Resources

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 67-07823 Telephone No. 253-4860

Name(s) of Permit Holder(s): Duane C Shaffer - Ilene M. Shaffer

Post Office Address: P.O. Box 336 Council, Idaho 83612

Source of Water: Lester Creek

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation 35 (No. of acres)Stockwater 100 cattle (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted .70 cfs 10 acre/feet

Show date water was first diverted and beneficially used under this permit: May 15, 1990

One of the following may be a condition of approval of your permit: I request no measuring device as I

Measuring device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No Pump only from storage
with a maximum of
 OR 64 sprinklers at approx.

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No 5 gallons per minute

Fee Enclosed: \$ 100. (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Duane Shaffer 253-4860
 Name Telephone No.

1774 So. Exeter St. Council, Id.
 Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

SEP 19 1990

May 22, 1990
 Date

Duane C Shaffer
 Signature (and title if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

ORDER

IN THE MATTER OF REMOVING A CONDITION OF
APPROVAL FOR PERMIT NO. 67-07823
IN THE NAME OF DUANE C. &/OR ILENE SHAFFER

WHEREAS, on April 23, 1990, the Department of Water Resources issued Permit No. 67-07823 in the name of Duane and Ilene M. Shaffer with a condition requiring that:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit;

and,

WHEREAS, on May 23, 1990, the Department received a request from the permit holders to remove the condition requiring a measuring device and lockable controlling works; and,

WHEREAS, the Department of Water Resources has determined that a measuring device and lockable controlling device is not required at this time for the control of the diversion;

THEREFORE, the condition of approval requiring a measuring device and lockable controlling device is REMOVED. The Department of Water Resources retains the jurisdiction to require installation of a measuring device and lockable controlling works if a future need is determined.

Dated this 13th day of August, 1990.

L. GLEN SAXTON
Chief, Water Allocation Bureau

L. Glen Saxton

MICROFILMED
SEP 19 1990

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 67-07823

Proposed Priority: December 12, 1989 Maximum Diversion Rate: 0.70 CFS

This is to certify, that **DUANE C. SHAFFER**
ILENE M. SHAFFER
P.O. BOX 336
COUNCIL, ID 83612

has applied for a permit to appropriate water from:

LESTER CREEK

tributary of **WEISER RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.70 CFS	
IRRIGATION STORAGE	11/16 to 03/14		10.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		10.0 AF
STOCKWATER STORAGE	01/01 to 12/31		1.4 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		1.4 AF
Totals		0.70 CFS	

LOCATION OF POINT(S) OF DIVERSION: NWNE Sec. 26, Township 16N, Range 01W
ADAMS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	01W	26	NWNE 10	SWNE 5	NENW 5	35
			SENE 15			
Total number of acres irrigated:						35

PLACE OF USE: IRRIGATION STORAGE, same as IRRIGATION use
PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use
PLACE OF USE: STOCKWATER STORAGE, same as IRRIGATION use
PLACE OF USE: STOCKWATER FROM STORAGE, same as IRRIGATION use

MICROFILMED

SEP 19 1990

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1991**.
2. Subject to all prior water rights.
3. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 67.
5. The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

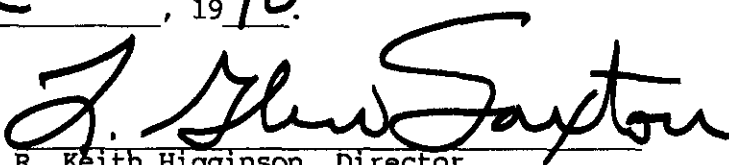
NO. 67-07823

CONDITIONS/REMARKS:

6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. Stockwater storage is for 100 head.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23rd day of April, 1990.

for 
R. Keith Higginson, Director

MICROFILMED

SEP 19 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DUANE C. SHAFFER 208-253-4860
Address: P.O. BOX 336
COUNCIL, ID 83612
AND/OR
Name: ILENE M. SHAFFER 208-253-4860
Address: P.O. BOX 336
COUNCIL, ID 83612

2. Source: LESTER CREEK Trib. to: WEISER RIVER
3. Location of Point of Diversion: NWNE Sec. 26, Township 16N, Range 01W
ADAMS County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.700		
IRRIGATION STORAGE	11/16	03/14			10.00
IRRIGATION FROM STORAGE	03/15	11/15			10.00
STOCKWATER STORAGE	01/01	12/31			1.40
STOCKWATER FROM STORAGE	01/01	12/31			1.40

5. Total quantity to be appropriated is:
0.700 CFS (and/or) 10.00 AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
EARTH DAM, PUMP AND SPRINKLERS.
b. Height of storage dam 16 feet; active reservoir capacity 10.00
acre-feet; total reservoir capacity 10.00 acre-feet; period of
year when water will be diverted to storage: 11/16 to 3/14 inclusive.
c. Proposed well diameter is inches; proposed depth of well is
feet.
d. Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.

8. Description of proposed uses:
STORAGE FOR IRRIGATION AND STOCKWATER.

MICROFILMED

SEP 19 1990

9. Place of Use: IRRIGATION ~~FROM STORAGE~~

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
16N 01W 26	NWNE 10	SWNE 5	NENW 5	35
	SENE 15			35

Total number of acres irrigated: 35

Place of Use: IRRIGATION, same as IRRIGATION FROM STORAGE use
Place of Use: IRRIGATION STORAGE, same as IRRIGATION FROM STORAGE use
Place of Use: STOCKWATER STORAGE, same as IRRIGATION FROM STORAGE use
Place of Use: STOCKWATER FROM STORAGE, same as IRRIGATION FROM STORAGE use

10. Describe any other water rights used for the same purposes.
LAPSED PERMIT 67-7448.

11. a. Who owns the property at the point of diversion?
APPLICANTS

b. Who owns the land to be irrigated or place of use?
APPLICANTS

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

12. Remarks:

DAM WAS BUILT IN 1984 UNDER PERMIT 67-7448. OWNERSHIP OF
HAS CHANGED HANDS TWICE SINCE THEN.

13. Map of proposed point of diversion and place of use attached? []

BE IT KNOWN that the undersigned hereby makes application for permit to
appropriate the public waters of the State of Idaho as herein set forth.

SEP 10 1990

Quane C. Shaffer
Applicant

Received by 76. KW Date 12/14/89 Time 3:07 pm Preliminary check by GG

Fee \$ 45. Receipted by KW # C013472 Date _____

Publication prepared by GG Date 12-27-89 Published in Adams County Leader

Publication approved LL Date 2/12/90

B-360.
D. TATOM

L. MITCHELL

W.

26

23

26

25

23

24

B-252
C. MADSEN
B-144
24.9

2
11.8

1
31.4

3
34.3

30
T-387
B. Florence
Rest

Well

End

Boundary

1
16.6

2
3.9

400

B-78
FRASIER
B-78

SEP 19 1980

67-7823

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Appl

Shaffer, Duane & Ilene M-67-07828-Henry, Meredith & Mary as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated January 4, 1990

and the last in the issue dated January 11, 1990 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this 12th

day of January 1990

Notary Public for Idaho,
Residing at Council, Idaho

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-07823

SHAFFER, DUANE C.

SHAFFER, ILENE M.

P. O. BOX 336

COUNCIL, ID 83612

Source: LESTER CREEK

Tributary: WEISER RIVER

Diversion Pt: NWNE Sec 26 T

16N R 01W

Use: IRRIGATION (.700 CFS)

IRRIGATION STORAGE

(10.00 AF)

IRRIGATION FROM STORAGE

(10.00 AF)

STOCKWATER STORAGE

(1.40 AF)

STOCKWATER FROM STORAGE

(1.40 AF)

Total Diversion (.700 CFS)

(10.00 AF)

Date Filed: 12/12/1989

In: T16N R01W S26

NWNE SWNE NENW SENW

36.0 ACRES TOTAL

67-07828

HENRY, MEREDITH

HENRY, MARY

HC 64 BOX 3450

COUNCIL, ID 83612

Source: UNNAMED STREAM

Tributary: WEISER RIVER

Diversion Pt: NESW Sec 31 T

19N R 01E

Use: IRRIGATION (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 12/11/1989

In: T19N R01E S31 NESW

2.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JANUARY 22, 1990.

R. KEITH HIGGINSON,

Director

Published 1/04/1990 & 1/11/1990

RECORDED

SEP 19 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

September 19, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID WAYNE WEAVER
1405 MILL ST
ELY NV 89301

RE: Water Right Change of Ownership

Dear Mr. Weaver:

I recently received a 'New Property Owner Notice of Change of Water Right Ownership' form changing ownership of Snake River Basin Adjudication (SRBA) Claim Nos. A67-11299, A67-11300, A67-00320, A67-07972, and A67-07823. Processing of change of ownership of the first three claims is occurring at our Western Region office.

Right no. 67-07823 is a licensed water right. This right was established after the commencement of the SRBA, no claim has been filed in the SRBA for this right, nor is it necessary to file a SRBA claim on it. In Idaho, decreed, licensed, and claimed water rights are considered real property; therefore, proof of owning the land is proof of owning the water right unless extenuating circumstances exist. Water right statute does not provide a means for changing owner of record for licensed water rights; although, I have placed your correspondence in License No. 67-07823's water right file.

Right no. 67-07972 is a permitted water right. I did receive an 'Assignment of Permit' form (without fees) on this permit for processing.

As of July 1, 1994, the assignment of a permit must be accompanied by a \$25.00 filing fee. Assignments of permits are not acceptable without filing fees.

I am returning the assignment to you. Please resubmit the assignment with the filing fee to my attention at the above address.

If you have any questions, please contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent

Enclosures

RECEIVED
NOV 14 1995



NOTICE

NEW PROPERTY OWNER
CHANGE OF WATER RIGHT C OWNERSHIP

RECEIVED

SEP 14 1995

Please print or type

(see instructions on back of page)

Department of Water Resources

DATE OF CLOSING: 8/18/95

LEGAL DESCRIPTION OF PROPERTY: Township 16 N Range 01 W
 Section 23+24 1/4 of 1/4 of 1/4 Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

RECEIVED

SEP 15 1995

WATER RESOURCES
WESTERN REGION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- ☐ Water Right Number(s)
Assigned by IDWR:

A67-11299, A67-11300, A67-00320
A67-07972 + A67-07823

- ☐ Name and Address of Former
Owner/Claimant(s)(Seller):

Duane C Shaffer +/r Ilene M. Shaffer
P.O. Box 336
Council, ID 83612

- ☐ New Owner/Claimant
(Purchaser):

David Wayne Weaver

- ☐ New Mailing Address:

1405 Mill Street
Eliz, NV 89301

- ☐ New Telephone Number: () -

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of
ownership, describe
proof attached:

Copy of recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New
Owner/Claimant(s)

X David Wayne Weaver

Date

8/18/95

Date

- ☐ Signature of Former
Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

RECEIVED

SEP 19 1995

Department of Water Resources

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

NOV 14 1995

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

INSTR NT NO. **88519**
WARRANTY DEED

For Value Received DUANE CHARLES SHAFFER, aka DUANE C. SHAFFER, and ILENE MARIE SHAFFER, aka ILENE M. SHAFFER, husband and wife

the grantors , do hereby grant, bargain, sell and convey unto
DAVID WAYNE WEAVER, a single man

the grantee, whose current address is, 1405 Mill Street, Ely, NV 89301

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee , that they are the owners in fee simple of said premises; that they are free from all incumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that they will warranty and defend the same from all lawful claims whatsoever.

Date: August 4, 1995

Duane C. Shaffer
Duane Charles Shaffer, aka Duane C. Shaffer

Ilene M. Shaffer
Ilene Marie Shaffer, aka Ilene M. Shaffer

STATE OF Idaho)
) SS
COUNTY OF Adams

On this 18th day of Aug. in the year of 1995, before me a Notary Public, personally appeared DUANE CHARLES SHAFFER, aka DUANE C. SHAFFER, & ILENE MARIE SHAFFER, aka ILENE M. SHAFFER known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

at 56 minutes past 4 o'clock PM.
this 18th day of August, 1995, in my office, and duly recorded in Book

of Deeds at page

Christy A. Drury
Notary Public
Residing at Franklin, Idaho
Commission expires: 8/4/98

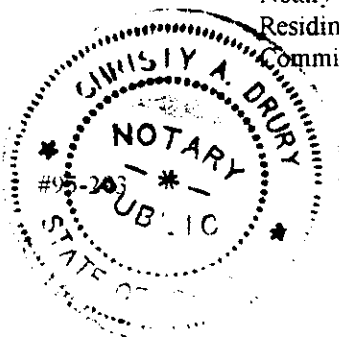
MICHAEL FISK

Ex-Officio Recorder

By: Peggy Link
Deputy

Fees \$6.00

Mail to: Timberline Title & Escrow



RECORDED

RECEIVED

SEP 14 1995

NOV 14 1995

WATER RESOURCES
WESTERN REGION

PARCEL 1

Township 16 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 26: N1/2NE1/4NE1/4

RECEIVED

SEP 14 1995

PARCEL 2

Township 16 North, Range 1 West, Boise Meridian, Adams County,
Idaho

WATER RESOURCES
WESTERN REGION

Section 26: E1/2NW1/4, W1/2NE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4

Section 23: SE1/4SW1/4, SW1/4SE1/4

EXCEPTING THEREFROM a parcel in the SW1/4SE1/4 of Section 23 in
Township 16 North, Range 1 West more particularly described as
follows:

Beginning at the NW corner of said SW1/4SE1/4;

Thence North 89 degrees 44'00" East along the Northerly boundary
of said SW1/4SE1/4 a distance of 1317.88 feet to the NE corner of
said SW1/4SE1/4;

Thence South 00 degrees 13'47" East along the Easterly boundary
of said SW1/4SE1/4 a distance of 1303.87 feet to the SE corner of
said SW1/4SE1/4;

Thence South 89 degrees 39'38" West along the Southerly boundary
of said SW1/4SE1/4 a distance of 858.13 feet to the centerline of
an existing gravel road;

Thence traversing said centerline as follows:

North 13 degrees 40'01" West a distance of 419.51 feet;

Northwesterly 169.43 feet along a curve to the left having a
central angle of 47 degrees 48'22", a radius of 203.07 feet and
a long chord which bears North 37 degrees 34'13" West a distance
of 164.56 feet;

North 61 degrees 28'24" West a distance of 201.35 feet;

Northwesterly 44.68 feet along a curve to the left having a
central angle of 15 degrees 54'36", a radius of 160.89 feet and
a long chord which bears North 69 degrees 25'42" West a distance
of 44.53 feet;

Thence leaving said centerline and bearing North 04 degrees
06'35" West along an existing fenceline a distance of 654.62
feet to the POINT OF BEGINNING.

TOGETHER WITH any and all water rights appurtenant to the
property.

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1995 which are a
lien but not yet due or payable.

POWERLINE EASEMENT granted to IDAHO POWER COMPANY, a
corporation, recorded April 23, 1948 in Book 4M of Misc.,
page 543. Affects E1/2NE1/4 of Section 26.

AN EXISTING ROAD RIGHT OF WAY as set forth in a document
granted E. Lucille Mitchell recorded February 1, 1987 as
Inst. No. 73748 and also January 7, 1977 as Inst. No. 55524.

MATTERS DISCLOSED in a Record of Survey entitled "Dennis
Orwig" recorded as Inst. No. 71281. Affects the SE1/4SW1/4
and the SW1/4SE1/4 of Section 23 and the NW1/4NE1/4 of
Section 26.

RIGHT to ride horses and drive cattle on existing roads and
trails as set forth in Deed recorded February 11, 1993 as
Instr. No. 83554. Affects all of the herein described land.

RECEIVED
SEP 14 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 1, 1994

DUANE C SHAFFER
ILENE M SHAFFER
PO BOX 336
COUNCIL ID 836120336

RE: WATER RIGHT NO. 67-07823

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

A faint, rectangular stamp, possibly a date or processing stamp, located in the bottom right corner of the page.

AUG 10 1994

RECEIVED
MAR 25 1993

STATE OF IDAHO
Department of Water Resources
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 67-07823
1. Owner: Duane C. & Ilene M. Schaffer Phone No. 253-4860
Current Address: P.O. Box 336 Council, ID 83612
2. Accompanied by: Duane Schaffer EXAM. DATE: 7-9-91
Address: Same Phone No. _____
Relationship to Permit Holder: _____
3. Source: Lester Creek tributary to Weiser River

B. OVERLAP REVIEW

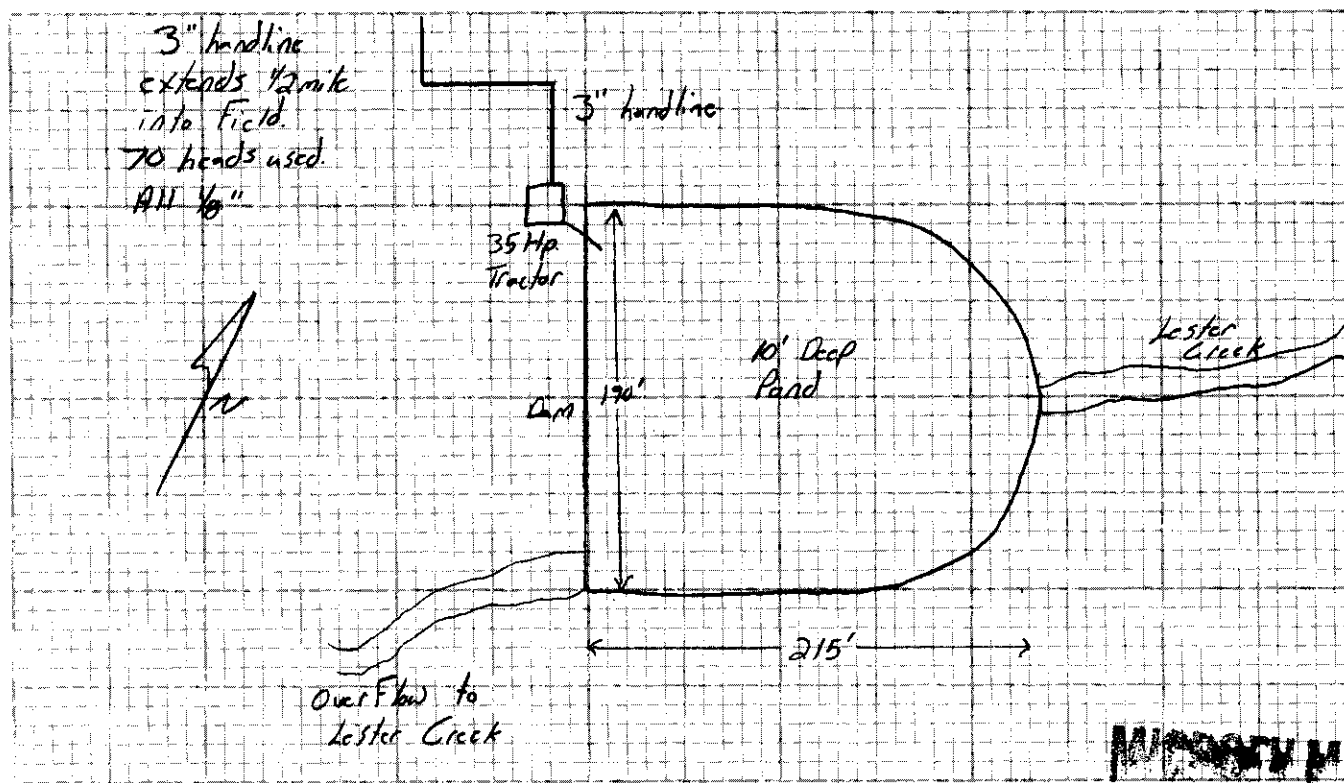
1. Other water rights with same place of use: 67-00320 - used on other acres

☐ Copies Attached
2. Other water rights with same point of diversion: None

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached Aerial



Scale: 1" = 100'

AUG 10 1994

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A 170' wide x 16' high dam is used to collect water from Lester Creek. The total storage area was $215' \times 170' \times 10' / 43,560 = 9.4 \text{ ac}$. A 35 hp diesel tractor was used to pump water from the pond into a 3" handline. The line extended 1/2 mile into a 34.3 acre field. Seventy, 1/8" dia. sprinkler nozzles were being used to irrigate the field. The sprinkler pressure ranged from 60 psi. at the top to 44 psi. at the end of the line. Ten head of stock also watered from the pond. At the time of the exam, no water was running from

☒ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	No tags	35hp		No tags	

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NE	26	16N	1W	Adams	USGS Photo Quad

6. Place(s) of Use:

Indicate Method of Determination USGS Photo Quad/Aerial

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	
16N	1W	26		10	5		5			15									35 ac

MAINTAINED

AUG 10 1994

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Sprinkler Pressure Gauge						

2. Measurements:

1/8" sprinklers - 60psi - top; 52psi, 50psi, 50psi - middle; 46psi, 44psi - end
Avg of about 50psi
35 hp pump, max 1 ft from bottom of pond - 20 ft, 60 psi est.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$1/8" @ 50psi = 3.30 GPM \times 20 heads \times \frac{1 cfs}{448.8 GPM} = .52 cfs$$

2. Alternate Method for Checking Purposes:

$$35 hp \times 60\% \times 8.8 / (2.31 \times 60psi \times 20') = 1.2 cfs$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (8)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{35 \times 4.0}{(\text{Acres})} = 140 afa$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .52 cfs \times 245 days \times 1.9835 = 252.6 afa$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 140 afa$$

2. Volume Calculations for Other Uses: Stock

$$100 cows \times 12 \frac{GPD}{head} \times \frac{365 days}{year} \times \frac{1 afa}{325,350} = 1.4 AFA$$

MEASURED

AUG 10 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Lester Creek.

No other water rights affect this permit.

Formerly Schwilling Dam & Reservoir #67-7448 Lapsed. The dam was dropped from the Department's jurisdiction 7-1-87 (too small).

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>3/15</u>	<u>11/15 *</u>	<u>.52 cfs</u>	<u>140 AFA</u>
<u>Irrigation Storage</u>	<u>11/16</u>	<u>3/14 *</u>		<u>9.4 AFA</u>
<u>Irrigation From Storage</u>	<u>3/15</u>	<u>11/15 *</u>		<u>9.4 AFA</u>
<u>Stockwater Storage</u>	<u>1/1</u>	<u>12/31</u>		<u>1.4 AFA</u>
<u>Stockwater From Storage</u>	<u>1/1</u>	<u>12/31</u>		<u>1.4 AFA</u>
Totals:			<u>.52 cfs</u>	<u>149.4 AFA</u>

2. Recommended Amendments

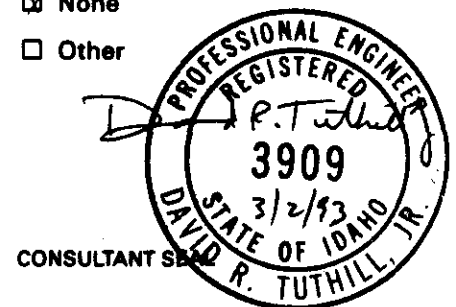
- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

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

- ☒ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name Mark Soria
JFW 4/7/92
Signature Mark Soria
Certification Date _____
Field Report Preparation Date 7-9-91



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

* Adjustments made during review of this right for licensing approval.
See memo for additional information. 7/21/94 czj.

NOTED

AUG 10 1994



PERMIT _____ INIT P/D
T. R. S. Q/Q
P/D _____
SCALE _____
PHOTO ID. _____

MULLER

B-376

Flynn

B-360
D. TATOM

L. MITCHELL

B-394
D. ORWIG
B-394

67-07823

F# 30
T-387
D. Shaffer

22 23
27 26

1 29.9
Hel

3 14.4
Hel

5 18.9
Hel

B-252
C. MADSEN
6 24.9
Hel

3 34.3
Hel

1 31.4
Hel

4

5

Land

2

3.4

6

5 11.4
Hel

10 16

8 6.6

9 8.7
Hel

1 16.6

2 5.9

4 10.6

B-78
FRASIER
B-78

6 12.5

AUG 10 1993

7

20.1

8

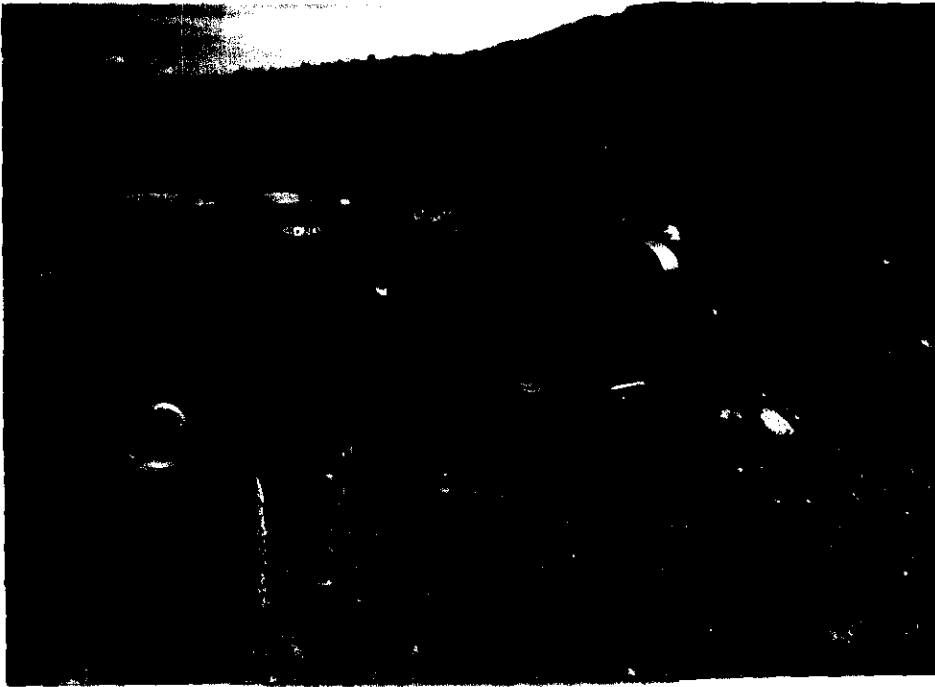
7.2
Hel

B-78

J. FRASIER

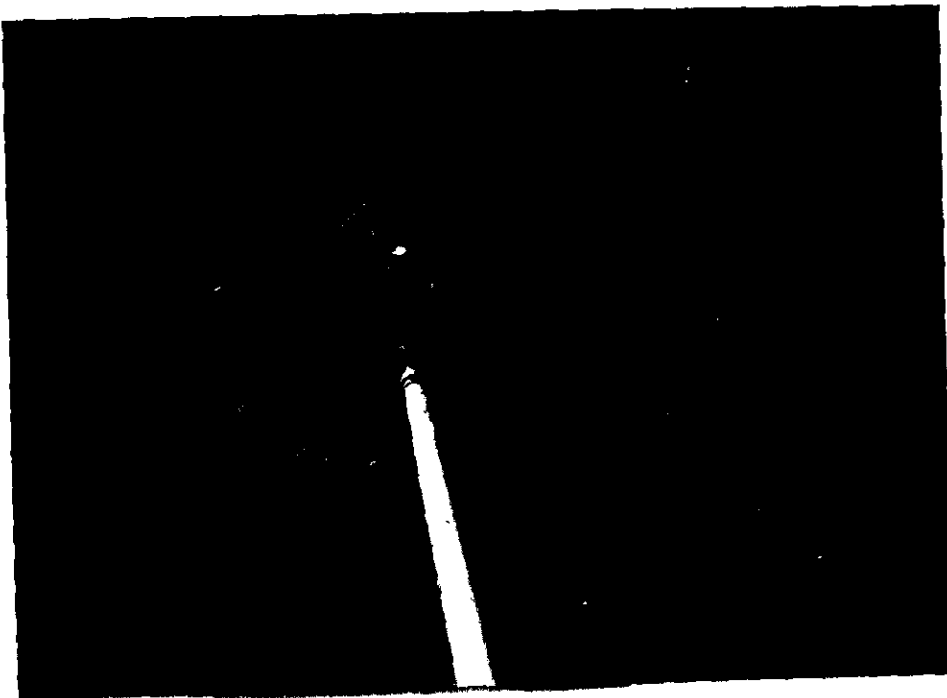
B-78

67-07823



#1.

Tractor operates
pump. 35 HP



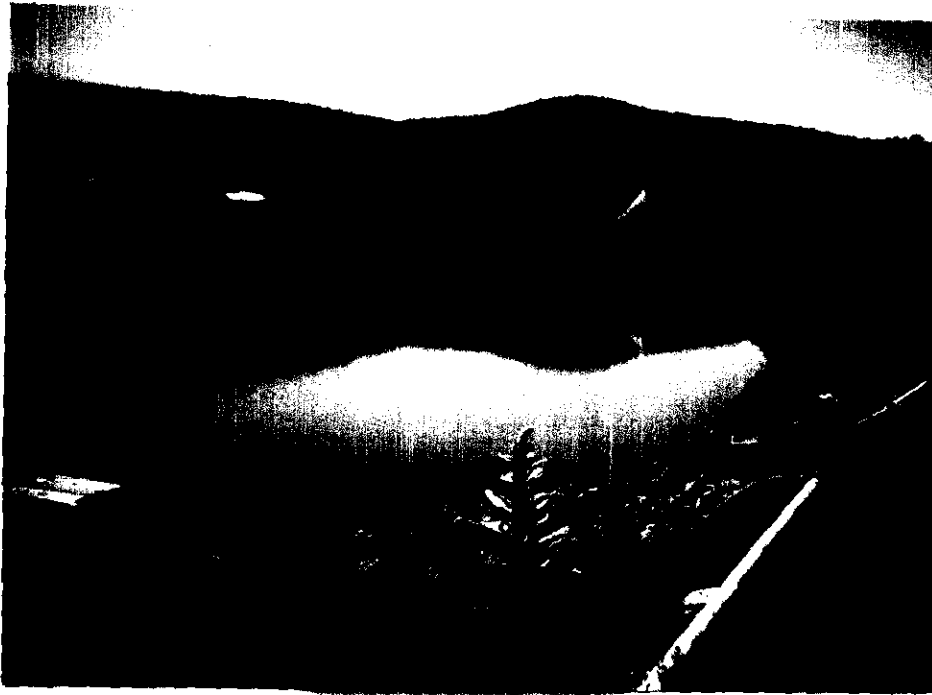
#2.

Dam extends
190' to background
Natural drainage
located in background,
to right of dam.

~~REDACTED~~

AUG 10 1994

G 7-07523



#3.

Pump is located
in pond, underneath
wooden cover.



#4.

Pond, Facing west.
Dam is located in
background.

Fields being irrigated
are located behind
tractor, as indicated
by line.

RECEIVED
AUG 10 1994

May 19, 1992

DUANE C. SHAFFER
ILENE M. SHAFFER
P.O. BOX 336
COUNCIL ID 83612

RE: Water Right No. 67-07823

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement

AUG 10 1994

purposes. This type of coordination could minimize the impact on existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

1994

August 15, 1990

Duane and Ilene M. Shaffer
P. O. Box 336
Council, ID 83612

Dear Mr. and Mrs. Shaffer:

Re: Permit No. 67-7823

The department received the proof of beneficial use form along with your request for the department remove the measuring device requirement. Enclosed is an order which removes the condition.

The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Western Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

c: region

MICROFILMED

SEP 19 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 24, 1990

DUANE C. SHAFFER
ILENE M. SHAFFER
P.O. BOX 336
COUNCIL, ID 83612

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 67-07823

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

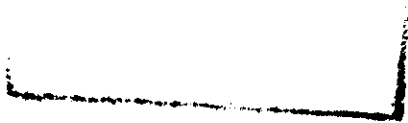
If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

MICROFILMED

SEP 19 1990



Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

SEP 15 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 14, 1990

Duane C. Shaffer
P.O. BOX 336
Council, ID 83612

RE: 67-07823 Application for Permit

Dear Mr. Shaffer,

The Department recently received an application for the above referenced water right permit. The application specifies a storage dam may be constructed which will come under the jurisdiction of the State of Idaho, Dam Safety Program. Dams which are 10 feet or more in height or store 50 acre-feet or more are large enough to come under the jurisdiction of the Department of Water Resources. Dams which are more than 20 feet in height or store 100 acre-feet or more require submittal of plans and specifications, prepared by a professional engineer, to the Department for review and approval prior to start of construction.

Enclosed is a copy of the Rules and Regulations for Safety of Dams for your information. Also find enclosed an application to construct the dam. The application must be filled out completely and returned along with the appropriate fee. Fees are based on the storage capacity of the reservoir and is explained in Section 42-1713 of the Idaho Code which is located at the back of the Rules and Regulations.

Construction of the dam shall not proceed until the application is submitted to and approved by the Department. Other barriers which are not subject to Department jurisdiction are listed in Rule 2,6,4, page 3.

Please contact me, phone 334-2190 if you have any questions.

Sincerely,

John Westra
Western Region

MICROFILMED

SEP 10 1990

Enclosures

3-19-90
DAM built 1984
ALREADY under Dept.
jurisdiction # D67-7448
Sent to WESTERN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

DECEMBER 27, 1989

Adams County Leader
P.O. Box 23
Council, ID 83612

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 22, 1990.

Yours truly,

GAIL GARRETT
Secretary

Encl.

MICROFILMED

SEP 10 1990

67-07823

SHAFFER, DUANE C.
SHAFFER, ILENE M.
P.O. BOX 336
COUNCIL, ID 83612

Source: LESTER CREEK

Tributary: WEISER RIVER

Diversion Pt: NWNE Sec 26 T 16N R 01W

Use: IRRIGATION	(.700 CFS)	
IRRIGATION STORAGE		(10.00 AF)
IRRIGATION FROM STORAGE		(10.00 AF)
STOCKWATER STORAGE		(1.40 AF)
STOCKWATER FROM STORAGE		(1.40 AF)
Total Diversion:	(.700 CFS)	(10.00 AF)

Date Filed: 12/12/1989

In: T16N R01W S26	NWNE	SWNE	NENW	SENE
35.0 ACRES TOTAL				

MIDR

SEP 19 1989