

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-7605

WATER RIGHT NUMBER: 13-7605

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRAD SHUMWAY 9479 N TREASURTON RD PRESTON, ID 83263 (208) 852-3125

Priority Date: 01/01/1902
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BATTLE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

<u>Location of Point(s) of Diversion</u>		
UNNAMED STREAM	NW1/4NE1/4	Sec. 25, Twp 13S, Rge 39E, B.M.
FRANKLIN County		

Place of Use
STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	39E	25		X															

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

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Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC - 4 2001

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

1. Name of Right Holder BRAD P. SHUMWAY Phone 208 852-3125
Mailing address 9479 N. Treasure Rd Preston, ID
2. Source of water supply Unnamed Stream tributary to Battle Creek
3. Point of diversion is in Gov't. Lot 1/4 NW 1/4 NE 1/4, Section 25,
Township 13S Range 39E, B.M., Franklin County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion: 4" pipe (120') to one water trough + 4" return pipe to creek
 - b) Describe the delivery system: See above
 - c) Describe the number, type and total capacity of troughs or tanks one trough
 - d) Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source: Flow through with 4" return pipe
 - e) Describe how the system is designed to allow measurement of the rate of diversion: NA

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13S	39E	25		S														

6. Priority date claimed or established: Jan 1, 1902
7. Rate of diversion: 0.05 cfs
used for up to 225 head of cattle

Form 113
07/00

8. Season of use: From 1-1 to 12-31
9. a) Who owns the property at the point of diversion? applicant
b) Who owns the property at the place of use? applicant
10. When will construction occur? Fall-winter of 2001
11. Comments: _____

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 8th day of November, 2001

Brian P. Hummer
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by _____ Date _____ Preliminary check by _____
Fee: \$ 25.00 Receipted by HWT Receipt No. E027249 Date 11-8-01
Water District No. 12 Entered into data base 11/9/01 By HWT



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 28, 2001

Brad P Shumway
9479 N Treasurton Rd
Preston ID 83263

RE: Instream Stock Diversion No 13-07605
Notice of Diversion for Instream Stockwater Use

Dear Sir:

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

If exceptions to the notice are filed you will be sent a copy of the exceptions(s).

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information, including any exceptions, regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met.

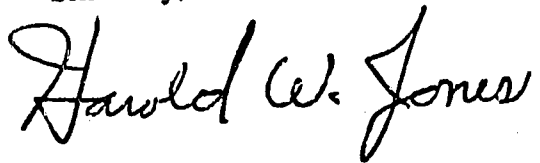
- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the Director of the Department of Water Resources.

- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the notice for your records. Please feel free to contact this office if you have any questions.

Sincerely,



Harold W Jones
Water Right Supervisor

HWJ::sc

Enclosure