

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: A25-13326  
Date Received: 9/27/1989  
Receipt No: E010843  
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: FORREST MANN 208-357-3777  
Address: 257 W. MAPLE  
SHELLEY, ID 83274  
OR  
Name: MATT MANN 208-357-3777  
Address: 257 W. MAPLE  
SHELLEY, ID 83274

A2513326

2. Date of Priority: JUN 15, 1885

3. Source: UNNAMED STREAM Trib. to: GRAYS LAKE OUTLET

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County     |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 03S      | 43E   | 20      | SW     | NW     | NW     |     | BONNEVILLE |

5. Description of diverting works:  
HEADGATE AND OPEN DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.000  |      |        |

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

8. Total consumptive use is 247.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
INCIDENTAL STOCKWATER FOR 500 PAIRS OF RANGE CATTLE.

10. Place of Use:

DE-12-5-92

| Township      | Range | Section | 1/4 of | 1/4              | Lot | Use | Acres |
|---------------|-------|---------|--------|------------------|-----|-----|-------|
| 03S           | 43E   | 19      | SW     | NE               |     | IRR | 28.0  |
|               |       |         | SE     | NE               |     | IRR | 37.0  |
|               |       |         | NE     | <del>SW</del> SE |     | IRR | 15.0  |
|               |       |         | NW     | <del>SW</del> SE |     | IRR | 18.8  |
| Section Acres |       |         |        |                  |     |     | 98.8  |
| Total Acres   |       |         |        |                  |     |     | 98.8  |

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
SOURCE OF WATER IS KNOWN LOCALLY AS POSEY CREEK.

15. Basis of Claim: BENEFICIAL USE

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: 1

For Individuals:

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

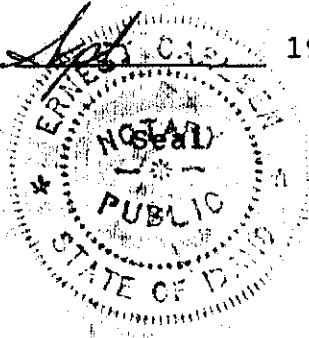
Signature of Claimant(s): Ernest M. Lane Date: Sept 27/89  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 27 day  
of Sept 19 89.

Ernest Carlson  
Notary Public

Residing at Albion Falls, ID  
My Commission Expires 6-14-1994.

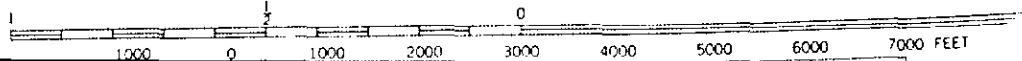


Top 35. Rgc 43E



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NOV 12 1992

SCALE 1:24000



Log for claim 25-13326

Spatial Dynamics CAT

11/10/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT       |
|----------------|-----|------|------------------|----------------|---------------|
| 03s43e         | 19  | SWNE | 28               | 41             | Indiscernible |
| 03s43e         | 19  | SENE | 37               | 41             | Indiscernible |
| 03s43e         | 19  | NESE | 15               | 41             | Indiscernible |
| 03s43e         | 19  | NWSE | 18               | 41             | Indiscernible |
| <b>Totals:</b> |     |      | 98               | 164            |               |

 SPATIAL  
DYNAMICS

AJ5809NP  
No. A25-13326

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00  
PAGE: 77

| OWNER<br>CODE | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | MATT MANN        | 06/15/1885       | IRRIGATION | 04-01 11-01           | 2.000 CFS         |                     |
| C             | FORREST MANN     |                  |            |                       |                   |                     |
|               | 257 W MAPLE      |                  |            |                       |                   |                     |
|               | SHELLEY ID 83274 |                  |            |                       |                   |                     |
|               | (208) 357-3777   |                  |            |                       |                   |                     |
|               |                  |                  |            | TOTAL DIVERSION:      | 2.000 CFS         |                     |
|               |                  |                  |            | CONSUMPTIVE USE:      |                   | 247.00 AFA          |

Water Source: UNNAMED STREAM

Tributary to: GRAYS LAKE OUTLET

Stage: BENEFICIAL USE

Point(s) of Diversion: T03S R43E S20 SWNNWN

BONNEVILLE County

Place of use Legal Description for: IRRIGATION

|            | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |                  |
|------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------------------|
| T R S      | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | SUM              |
| 03S 43E 19 |    |    | 28 |    | 37 |    |    |    |    |    |    |    |    |    | 15 | 18 | 98.8             |
|            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES 98.8 |

POU County: BONNEVILLE

Non-Irrigation Uses: INCIDENTAL STOCKWATER FOR 500 PAIRS OF RANGE CATTLE.

Other Rights: NONE

Remarks: GEN SOURCE OF WATER IS KNOWN LOCALLY AS POSEY CREEK.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

Audit: 09/27/89 CARLSEN 12/04/92 THOMPSON 03/29/95 POST-STD

## INTER-DEPARTMENT MEMO

TO: FileSUBJECT: A25 - 13326FROM: JoDATE: 4-20-93

I was able to contact Mr. Thomasson regarding his claim. He doesn't know who - if anyone - bought this property. I faxed letter & copy of claim / map and told him the claim since remain in Forest Mann's name until he "takes the tree by the horns".

420-93. Thomasson called back and said they are no longer interested in the Mann property. at some point in time this claim may have to be amended.

☒ For your information

☐ Response required

Jo

signature

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|                                          |                 |              |
|------------------------------------------|-----------------|--------------|
| Post-It™ brand fax transmittal memo 7671 |                 | # of pages ▶ |
| To                                       | From            |              |
| RON THOMASSON                            | JO THOMPSON     |              |
| Co.                                      | Co.             |              |
|                                          | WATER TO SOURCE |              |
| Dept.                                    | Phone #         |              |
|                                          | 208-525-7161    |              |
| Fax #                                    | Fax #           |              |
|                                          |                 |              |

DECEMBER 5, 1992

FOREST MANN  
257 W MAPLE  
SHELLEY ID 83274

RE: AMENDED NOTICE OF CLAIM A25-13326

Dear Mr. Mann:

Please find enclosed an amended copy of Notice of Claim A25-13326. It has come to our attention the place of use does not match the land list as submitted. A copy of the map is also enclosed for your convenience.

The area highlighted on the Notice has been changed to correspond with the map. If you agree with the change, please sign the Notice in the presence of a Notary and return promptly.

Respectfully,

Jo Thompson  
Adjudication Secretary

Enclosure: Amended Notice of Claim

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Next- The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

Posey Oglesby, widower,  
(Signs by mark - X)

Wm. Wickel and R. H. Hocking,  
witnesses..... Grantor.

TO

Alexander Brown,  
Grantee.

Character of Instrument **Warranty Deed**  
Date **February 6, 1904**  
Recorded **May 23, 1916** at **10:05 A.M.**  
Book **#2** of Deeds at Page **575**  
Records of Bonneville County, Idaho.  
Transcribed from Book ... Page ...  
Records of Bingham County, Idaho.  
Consideration **\$600.00 (No IRS)**

*Acknowledgement.*

Date **May 23, 1904**  
Before **Harry Field, Justice of Peace**  
In and for **Bingham** County, State of **Ida.**  
Is Official Seal Affixed? **XX**  
Is Acknowledgement regular? **Yes**  
Does Acknowledgement show separate examination of wife? **XX**  
**No IRS-**

Granting Words. Grant, bargain, sell, and convey  
Covenants. Warranty and defend  
Does wife join throughout instrument?  
Are there any irregularities or defects?  
Are there any conditions, limitations or recitals?

*NOT IN TITLE.  
Not abstracted  
herein.*

Conveys the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 20, the  
E $\frac{1}{2}$  of the NE $\frac{1}{4}$  and SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 19,  
the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 17 and the SE $\frac{1}{4}$  of  
the SE $\frac{1}{4}$  of Section 18, in Twp. 3 South of Range  
43 E.B.M. containing 240 acres more or less. To-  
gether with a private water right from Posey Creek.

# Continuation of Abstract of Title

3 No. 20 The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

Alex Brown, (Not stated)

Character of Instrument Quitclaim Deed  
 Date May 12, 1913  
 Recorded May 17, 1916 at 9:06 A.M.  
 Book #4 of Deeds at Page 471  
 Records of Bonneville County, Idaho.  
 Transcribed from Book . . . Page . . .  
 Records of Bingham County, Idaho.  
 Consideration \$900.00 (IRS \$1 old.)

Grantor.

TO

Emma M. Ashton,

Grantee.

## Acknowledgement.

Date May 12, 1916  
 Before W.B. Hardy, a Notary Public  
 In and for Minidoka County, State of Idaho  
 Is Official Seal Affixed Yes  
 Is Acknowledgement regular Yes  
 Does Acknowledgement show separate examination of wife ~~ex~~  
 No IRS- Residence Rupert, Idaho

Granting Words. Demise, release and forever quitclaim  
 Covenants. To have and to hold  
 Does wife join throughout instrument?  
 Are there any irregularities or defects?  
 Are there any conditions, limitations or recitals?

Conveys the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section  
 20, the East Half E $\frac{1}{2}$  of the NE $\frac{1}{4}$ , the  
 SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 19, in Twp. 3  
 South of Range Forty-three (43) East of  
 Boise Meridian, Idaho, containing 160 acres,  
 according to Government Survey. Together with  
 160 in. of water our of Poisi Creek.

May 2, 1991

Forrest Mann  
257 W. Maple  
Shelley, ID 83274

RE: **Evidence of Priority**

Dear Mr. Mann:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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NOV 12 1992

Forrest Mann

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All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen  
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"  
Proof Report

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NOV 12 1992

To Ernie  
Date 12-3 Time 8:40 A.M.  
P.M.

## WHILE YOU WERE OUT

Ron Thomasson

of \_\_\_\_\_

Phone (503) 231-6145  
AREA CODE NUMBER EXTENSION

|                   |  |                    |  |
|-------------------|--|--------------------|--|
| Telephoned        |  | Please call        |  |
| Called to see you |  | Will call again    |  |
| Wants to see you  |  | Returned your call |  |

Message RE: A25-13326  
Place of Use: Map  
do not match.

Ron Thomasson is  
purchasing the property

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503 231-6145

C/O  
Nudey

JO:

Mr. Mann needs to  
arend claimdland list  
to compare with map.  
Will you take care of this?

TDX

Emie.