

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 67-10384
Date Received: 9/28/1989
Receipt No: M004742
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WAYNE W WILLIAMSON
1691 THOUSAND SPRINGS RD
WEISER ID USA 83672

Phone: (208) 549-3650

ANITA A WILLIAMSON
1691 THOUSAND SPRINGS RD
WEISER ID USA 83672

Phone: (208) 549-3650

2. Date of Priority: 03/29/1913

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	05W	11	SE NE	WASHINGTON	

5. Description of diverting works:

DELIVERY IS FROM THE JOSLIN EXT. DITCH, PUMPS, MAINLINES, SPRINKL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	3.4	

7. Total Quantity Appropriated is:

3.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	04W	18	NE	SE	IRRIGATION	10
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	5
					Section Acres	45
12N	04W	19	SW	NE	IRRIGATION	20
			SE	NE	IRRIGATION	25
			NW	NE	IRRIGATION	20
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			SE	SW	IRRIGATION	35
			NE	SE	IRRIGATION	35
			NW	SE	IRRIGATION	25
			SW	SE	IRRIGATION	20
			SE	SE	IRRIGATION	20
					Section Acres	280
12N	04W	20	NW	SW	IRRIGATION	8
			SW	SW	IRRIGATION	10
					Section Acres	18
12N	04W	29	SW	NW	IRRIGATION	1
			NW	SW	IRRIGATION	5
					Section Acres	6
12N	04W	30	NE	NE	IRRIGATION	10
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	24
			SE	NW	IRRIGATION	10
			NE	SW	IRRIGATION	20
			NE	SE	IRRIGATION	35
			NW	SE	IRRIGATION	40
					Section Acres	219
					Total Acres	568

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:

14. Remarks:

Ownership changed by DB 8/25/2004

THIS IS A SECONDARY RIGHT.

SOURCE WAS CORRECTED TO MANN CREEK FROM MANNS CREEK.

| THIS CLAIM COMBINES DECREED RIGHTS 67-627, -628, -629 AND -631. FOR THESE RIGHTS THE DECREE GAVE 70% OF THE FLOOD WATER RIGHT FOR THE LOW WATER RIGHT.

THE FLOOD WATER RIGHTS ARE RESPECTIVELY: 627 = 0.4 FLOOD, 0.28 LOW WATER 628 = 1.6 FLOOD, 1.12 LOW WATER 629 = 0.8 FLOOD, 0.56 LOW WATER 631 = 0.6 FLOOD, 0.42 LOW WATER | THEREFORE THE LOW WATER RIGHT DIVERSION RATE COMBINED IS 2.38 CFS AND THE FLOOD WATER RIGHT COMBINED IS 3.4 CFS | A67-10383 CLAIMS THE LOW WATER RIGHT AND A67-10384 CLAIMS THE FLOOD WATER RIGHT.

15. Basis of Claim: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

OCT 15 2003

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
_____	<u>67-2078A</u>	_____	_____	_____	_____
_____	<u>67-4456</u>	_____	_____	_____	_____
_____	<u>67-7189</u>	_____	_____	_____	_____
_____	<u>67-10383</u>	_____	_____	_____	_____
_____	<u>67-10384</u>	_____	_____	_____	_____
<u>67-10401</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) W.M. & DELORIS WILLIAMSON
1860 CEMETARY RD, WEISER 83672
4. New Owner/Claimant(s) WAYNE W. &/or ANITA A. WILLIAMSON
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1691 THOUSAND SPRINGS RD
- City, State and ZIP Code WEISER ID 83672
- New Telephone Number (208) 549-3650
5. Date you acquired the property 7/30/2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Wanda Williams 10-15-03
(include title if applicable) Anita A. Williams 10/15/03

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by g Date 10/15/03 Fee \$25 - (67-10401)
 Receipted by g Date 10/15/03 Receipt No. W031028
 Processed by _____ AJ Date _____ WR _____ Date _____

2003-273

190510

WARRANTY DEED

For Value Received

DELORIS L. WILLIAMSON, a widow

does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto

WAYNE W. WILLIAMSON AND ANITA A. WILLIAMSON, husband and wife

whose current address is 1691 THOUSAND SPRINGS ROAD
WEISER, ID 83672

the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO:

SEE ATTACHED EXHIBIT "A"

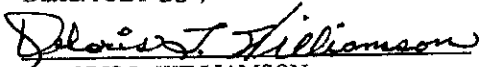
GRANTOR RESERVES A LIFE ESTATE IN THE RESIDENCE AT
1860 CEMETERY ROAD WEISER, IDAHO 83672.

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

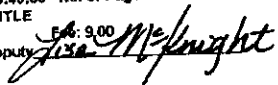
Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantees their heirs and assigns forever. And the said grantor does hereby covenant to and with the said grantees that she is the owner in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: JULY 30th, 2003


DELORIS L. WILLIAMSON

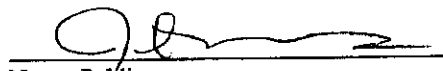
Instrument # 190510

WEISER, WASHINGTON, IDAHO
2003-07-30 03:45:00 No. of Pages: 3
Recorded for: AMERITITLE
SHARON WIDNER Fee: 9.00
Ex-Officio Recorder Deputy 
Index to: DBED

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 30th day of JULY, 2003, before me, a notary public in and for the said State, Personally appeared
DELORIS L. WILLIAMSON

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.


Notary Public
Residing at Weiser, Idaho
Comm. Expires 3-27-04

JONATHAN P. EDWARDS
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT 'A'

Parcel I

Township 12 North, Range 4 West of the Boise Meridian, Washington County, Idaho:

- Section 17: SW1/4SW1/4;
 Section 18: SE1/4NE1/4, E1/2SE1/4, SW1/4SE1/4;
 Section 19: N1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4;

Parcel II

Township 12 North, Range 4 West of the Boise Meridian, Washington County, Idaho:

- Section 19: SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, SAVE AND EXCEPT the following described tract: Beginning at a point 132 feet east of SW corner of the NW1/4SE1/4 said Section 19; thence North 30 feet; thence West 1452 feet; thence South 30 feet; thence East 1452 feet to the point of beginning; ALSO SAVE AND EXCEPT the following described tract: Beginning at the NW corner of the SE1/4NW1/4 said Section 19; thence South 16 feet; thence East and parallel to the north line of said SE1/4NW1/4 to the east line of said SE1/4NW1/4; thence in a northeasterly direction to a point on the north line of the SW1/4NE1/4 said Section 19, 80 feet east of the northwest corner of said SW1/4NE1/4; thence West along the north line of said SW1/4NE1/4 and SE1/4NW1/4 to the point of beginning.

Both exceptions →
 are narrow and
 appear to be
 driveways, or
 roads.

Parcel III

Township 12 North, Range 4 West of the Boise Meridian, Washington County, Idaho:

- Section 19: SE1/4SW1/4, S1/2SE1/4, and a tract described as follows:
 Beginning at the southwest corner of the NW1/4SE1/4; thence East 132 feet; thence North 30 feet; thence West to the west line of the NE1/4SW1/4; thence South 30 feet; thence East to the point of beginning.
- Section 20: NW1/4NW1/4, S1/2NW1/4, and SW1/4;
 Section 29: W1/2NE1/4, NW1/4 and N1/2SW1/4;
 Section 30: NE1/4, N1/2SE1/4, the north 4 rods of the NE1/4NW1/4, and a tract described as: Beginning at the southeast corner of the NE1/4SW1/4; thence West 330 feet; thence North 1320 feet to the north line of the said

Continued

190510

Exhibit "A"
Continued

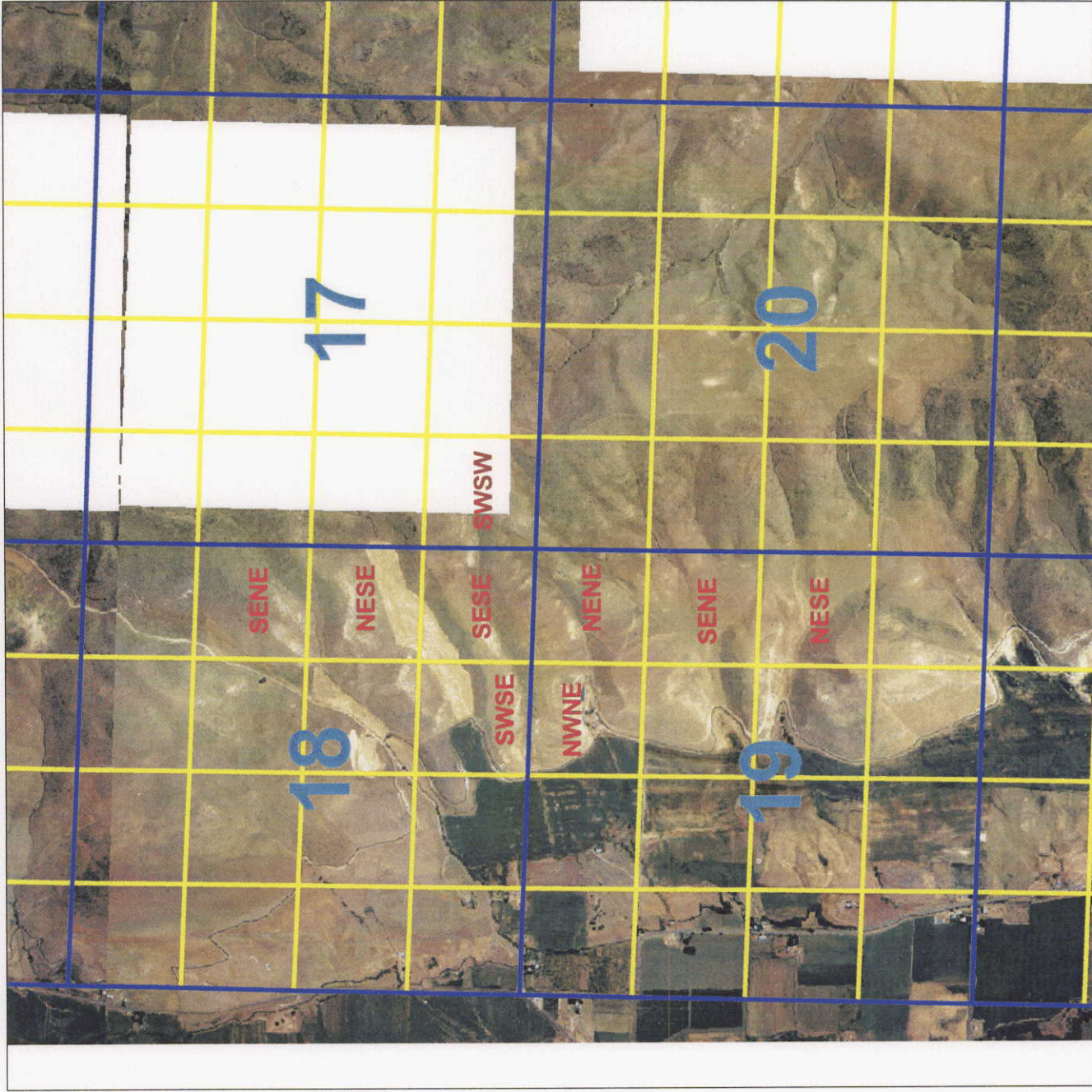
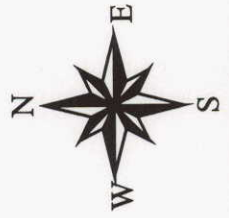
NE1/4SW1/4; thence northeasterly to the northeast corner of the SE1/4NW1/4; thence South 2640 feet, more or less, to the point of beginning; SAVE AND EXCEPT a tract of land situated in the SE1/4SW1/4 of Section 19 and the NE1/4NW1/4 of Section 30, described as follows: Beginning at a point 66 feet south of the northwest corner of the NE1/4NW1/4 of said Section 30; thence East 460 feet; thence North 425 feet; thence West 460 feet; thence South 425 feet to the point of beginning.

Together with all water, water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to water rights under the Mann Creek Irrigation District.

Williamson

12N 4W

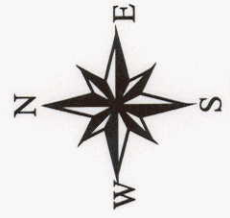
-  Section Line
-  QQ Lines
-  Parcel 1 on deed



0.4 0 0.4 0.8 Miles



12N 4W

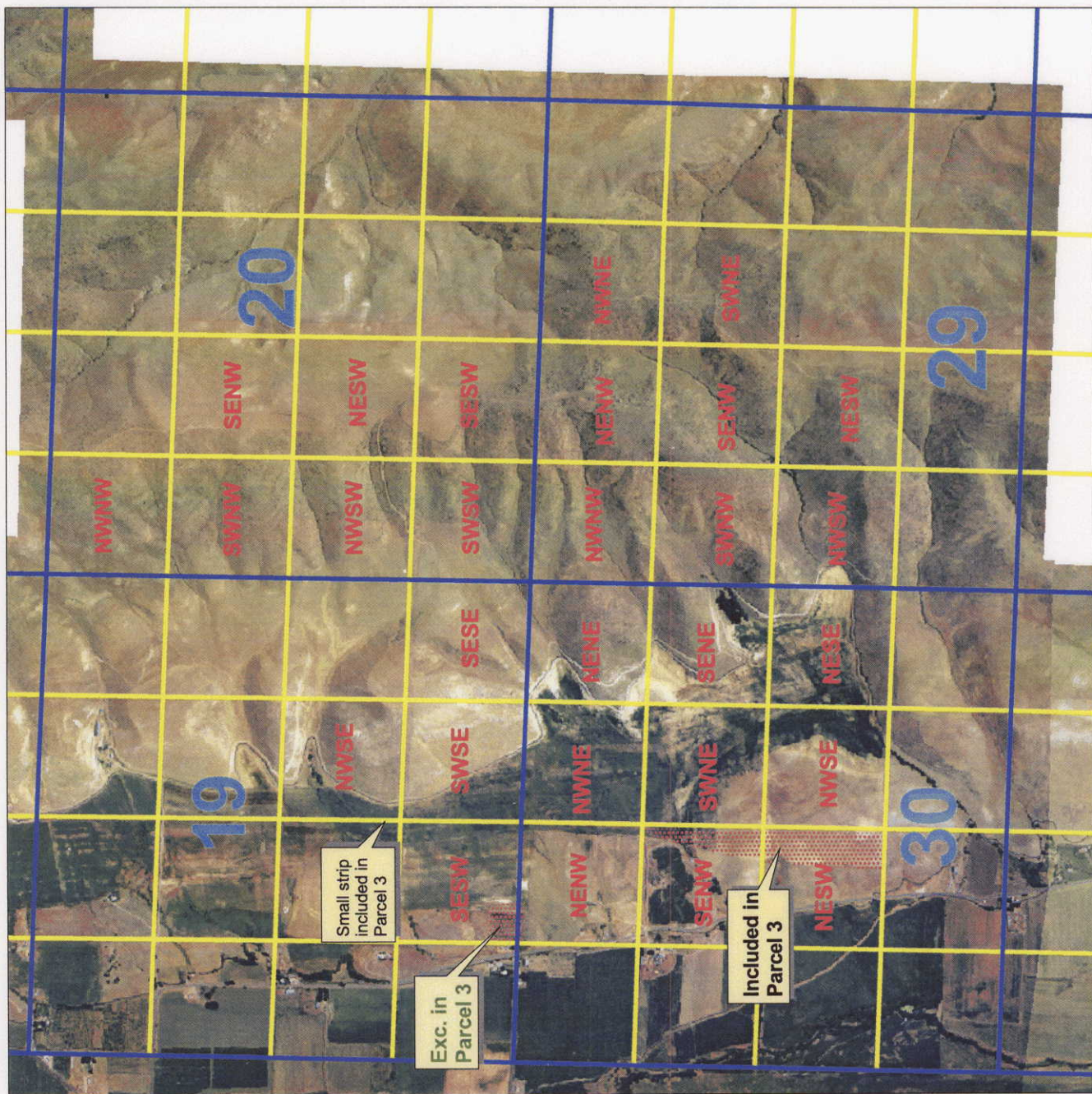
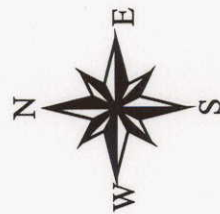


Williamson

12N 4W

-  Section Line
-  QQ Lines
-  Parcel 3 on deed with exception

*See attached outline also,
without imagery.*



Williamson

12N 4W

 Section Line

 QQ Lines

 Small Strip of land included in Parcel 3 description



0.1 0 0.1 0.2 Miles



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: A67-10384
Date Received: 9/28/1989
Receipt No: M004742
Received By: *DE - [Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DELORIS L. WILLIAMSON 208-549-1981
Address: 1860 CEMETARY RD.
WEISER, ID 83672

OR
Name: W. M. WILLIAMSON 208-549-1981
Address: 1860 CEMETARY RD.
WEISER, ID 83672

2. Date of Priority: MAR 29, 1913

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	11	SE	NE			WASHINGTON

5. Description of diverting works:

DELIVERY IS FROM THE JOSLIN EXT. DITCH, PUMPS, MAINLINES, SPRINKL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.400		

7. Total Quantity Appropriated is:

3.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1988.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	04W	18	NE	SE		IRR	10.0
			SW	SE		IRR	30.0
			SE	SE		IRR	5.0
						Section Acres	45.0
		19	NW	NE		IRR	20.0
			SW	NE		IRR	20.0
			SE	NE		IRR	25.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			SE	SW		IRR	35.0
			NE	SE		IRR	35.0
			NW	SE		IRR	25.0
			SW	SE		IRR	20.0
			SE	SE		IRR	20.0
						Section Acres	280.0
		20	NW	SW		IRR	8.0
			SW	SW		IRR	10.0
						Section Acres	18.0
		29	SW	NW		IRR	1.0
			NW	SW		IRR	5.0
						Section Acres	6.0
		30	NE	NE		IRR	10.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	24.0
			SE	NW		IRR	10.0
			NE	SW		IRR	20.0
			NE	SE		IRR	35.0
			NW	SE		IRR	40.0
						Section Acres	219.0
						Total Acres	568.0

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:

A67-10383, STORAGE WATER, A6707189, A67-04456, A67-02078A
A67-10384 Page 2 Date: 10/03/89

MICROFILMED

OCT 05 1992

14. Remarks:

THIS IS A SECONDARY RIGHT.

SOURCE WAS CORRECTED TO MANN CREEK FROM MANNS CREEK.

THIS CLAIM COMBINES DECREED RIGHTS 67-627, -628, -629 AND -631.
FOR THESE RIGHTS THE DECREE GAVE 70% OF THE FLOOD WATER RIGHT FOR
THE LOW WATER RIGHT.

THE FLOOD WATER RIGHTS ARE RESPECTIVELY:

627 = 0.4 FLOOD, 0.28 LOW WATER

628 = 1.6 FLOOD, 1.12 LOW WATER

629 = 0.8 FLOOD, 0.56 LOW WATER

631 = 0.6 FLOOD, 0.42 LOW WATER

THEREFORE THE LOW WATER RIGHT DIVERSION RATE COMBINED IS 2.38 CFS
AND THE FLOOD WATER RIGHT COMBINED IS 3.4 CFS

A67-10383 CLAIMS THE LOW WATER RIGHT AND A67-10384 CLAIMS THE
FLOOD WATER RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.

Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.

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: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

508

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
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CIVIL CASE NUMBER: 39576

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SEP 28 1989

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Received By: AB

Department of Water Resources

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8. Total consumptive use is 1988.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A67-10384

Page 1

Date: 09/28/89

MICROFILMED

OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12N	04W	18	NE		SE		IRR	10.0
			SW		SE		IRR	30.0
			SE		SE		IRR	5.0
			Section Acres					45.0
		19	NW		NE		IRR	20.0
			SW		NE		IRR	20.0
			SE		NE		IRR	25.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			SE		SW		IRR	35.0
			NE		SE		IRR	35.0
			NW		SE		IRR	25.0
			SW		SE		IRR	20.0
			SE		SE		IRR	20.0
			Section Acres					280.0
		20	NW		SW		IRR	8.0
			SW		SW		IRR	10.0
			Section Acres					18.0
		29	SW		NW		IRR	1.0
			NW		SW		IRR	5.0
			Section Acres					6.0
		30	NE		NE		IRR	10.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	24.0
			SE		NW		IRR	10.0
			NE		SW		IRR	20.0
			NE		SE		IRR	35.0
			NW		SE		IRR	40.0
			Section Acres					219.0
			Total Acres					568.0

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629 = 0.8 FLOOD, 0.56 LOW WATER

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AND THE FLOOD WATER RIGHT COMBINED IS 3.4 CFS

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FLOOD WATER RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.

Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.

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: 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): *W M Williamson* Date: 9/28/89

Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of September 19 89

Anna Baunhoff
Notary Public
Anna Baunhoff, Notary Public
Residing at Boise, Idaho

Seal

Residing at My Commission Expires December 7, 1994

My Commission Expires _____

13000m, N

A6710384

Proof reports
are attached
to H67-10383

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 25, 2004

WAYNE W WILLIAMSON
ANITA A WILLIAMSON
1691 THOUSAND SPRINGS RD
WEISER ID 83672

Re: Notice of Claim to a Water Right No. 67-2078A, 67-4456, 67-7189, 67-10383 & 67-10384

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

SCANNED
AUG 25 2004

August 14, 1990

W. M. Williamson
1860 Cemetary Rd.
Weiser, ID 83672

Dear Mr. Williamson:

We have recently received complaints concerning your use of water from Mann Creek diverted via the Joslin Extension Ditch. This letter is being sent only to inform you of these complaints and to provide information concerning your water rights presently on file and the rules and regulations of the Department regarding the use of those rights pursuant to Volume 8 of the Idaho Code.

The water rights in questions are your adjudicated water rights from Mann Creek along with the storage right you have from Mann Creek Reservoir. The adjudicated rights are as follows:
DECREED IN THE MANN CREEK DECREE - JEFFERSON, ET AL VS HIGGNEBOTHAM, ET AL, DATED JUNE 3, 1921:

Right No.	HIGH WATER	LOW WATER	PRIORITY
67-0627	- 20"(.40cfs)	-14"(.28cfs)	-3-29-1913
67-0628	- 40"(.80cfs)	-28"(.56cfs)	-3-29-1913
67-0629	- 80"(1.6cfs)	-56"(1.12cfs)	-3-29-1913
67-0631	- 30"(.60cfs)	-21"(.42cfs)	-3-29-1913
TOTALS	170"(3.4cfs)	119"(2.38cfs)	

Also, our records indicated there was a License No. 67-02078A with a March 3, 1913, priority date for 3.3 cfs from Mann Creek, for 165 acres you have claimed in the Snake River Blasin Adjudication. However, this license was superceded by the Secondary decree for Mann Creek dated 6-3-1921. This means that because the license was completed in 1914, and J. I. Williamson was joined in the Secondary adjudication in 1919, then the license had to have been filed on under the above rights, or forfeited. If you disagree with this determination, legal proof will be needed.

In the Snake River Basin Adjudication the above listed adjudicated high and low rights were combined into one claim for the high water right - Claim No. A67-10384 for 3.4 cfs and one claim for the low water right - Claim No. A67-10383 for 2.38 cfs. The high water right and the low water right are not additive. The maximum amount that could be diverted under these rights is 170" during high water, and 119" during low water. Before Mann Creek Reservoir was built, the diversion from the Joslin Extension Ditch would have been decreased to the low water rights when Mann Creek dropped below 6,114". Then, when Mann Creek dropped below 4,280", the diversion for the Joslin Extension Ditch would have been shutoff. The 6,114" and 4,280" figures are the number of inches for high water and low water rights, respectively, decreed to other ditches with water rights prior to the Joslin Extension Ditch in the Mann Creek Decree of 6-3-1921 (abstract of these rights available upon request). When

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the Mann Creek Reservoir was built, it was to allow diversion of water throughout the irrigation season by using stored water when waterusers would have normally had no water.

The Mann Creek Irrigation District states that you have 286.6 inches of stored water in Mann Creek Reservoir to be used within the boundaries of the Mann Creek Irrigation District. Our watermaster records also show that 286.6" of storage water has been historically delivered to you. The district has stated that you are using this water on lands lying outside of the irrigation district boundaries. The Department is not validating this claim by the District, but are informing you of the consequences if, in fact you are irrigating land outside the irrigation district boundaries with storage water rights. The only way you could be diverting adjudicated water rights, rather than your storage water, at this time of the year is if there is over 4,280" flowing in Mann Creek as it enters the Mann Creek Reservoir. It would have to be 4,490" in order to receive the full 210" of low water decreed to the Joslin Extension Ditch, and in turn for you to receive your full 119" of low water decreed rights.

Also, you would have to have been using your adjudicated water on the parcel of land in question prior to November 19, 1987, to legally use your adjudicated water on this land when adjudicated water is available. This date was the commencement of the Snake River Basin Adjudication, and any use developed prior to that can be shown on your adjudication claim, but if the use has been developed since that date, then an Application for Transfer to change the place of use from the adjudicated place of use is now required. At this time of the year the Irrigation District states that no adjudicated water, except possibly the first water right, is available. This judgement comes from their experience during the drought of 1977. Therefore, they feel you are using storage water and not live flow water rights. If you are irrigating this land with stored water, they can legally force you to discontinue irrigating any lands outside the irrigation district. If you do not discontinue this use, they would be in violation of an illegal diversion of water because water is being used on land not covered under their water right.

We have also been informed that you have began irrigating land this year with water from the Joslin Extension Ditch which has historically been irrigated from the Mann Creek Ditch under Water Right No. 67-0516. This right has been claimed in the adjudication by Herman Mantooth as being diverted from the Mann Creek ditch. If, in fact, you are using the Joslin Extension Ditch rather than the Mann Creek Ditch, and the change in the point of diversion was made after November 19, 1987, then an Application for Transfer of a Water Right must be filed with the Department. Until a transfer is filed and approved, the watermaster cannot deliver additional water into the Joslin Extension ditch, thereby providing that no other users of that ditch are injured by any additional diversion of water. If you did begin this diversion after November 19, 1987, and other waterusers file a formal complaint, the Department can issue a cease and desist order to you based on illegal diversion of water. If you can show that the diversion from the Joslin Extension ditch to this

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land began prior to November 19, 1987, then Mr. Mantooth needs to amend his adjudication claim to show this point of diversion, and avoid the cease and desist order from the Department. However, this does not guarantee that you will be able to divert this water if injury by another person is still formally declared, since the adjudication claim does not automatically grant the transfer.

Please remember that nothing has been proven, and the Department is not presently making any judgements, rather only informing you of the complaints we have received and what actions may be taken if these allegations are true. Feel free to contact me with any comments or questions you have concerning this letter.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Adjudication Section

JS:j

cc: James Brown
Mann Creek Irrig. District
1655 Deer Ck. Rd.
Weiser, ID 83672

Gerald Myers, Watermaster
HC 70, Box 2010
Midvale, ID 83645

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