

MANN CREEK SW QUADRANGLE

IDAHO

7.5 MINUTE SERIES (ORTHO PHOTOQUAD)

116° 52' 30"
44° 22' 30"



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: **A67-00555A**
Date Received: 10/12/1989
Receipt No: C012161
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: NOAH E MCCALL 208-549-2314
Address: 1374 U S HWY 95
WEISER ID 83672

OR

Name: JANE MCCALL 208-549-2314
Address: 1374 U S HWY 95
WEISER ID 83672

2. Date of Priority: APR 1, 1877

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	13	SE	SW	SE		WASHINGTON

5. Description of diverting works:
LATERALS AND PUMPS, ADAMS-SALING DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	25	SE	NE		IRR	3.0

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10. Place of Use: Continued

Section Acres 3.0

Total Acres 3.0

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:
MANNS CREEK IRRIGATION DISTRICT

14. Remarks:
THIS RIGHT IS A SECONDARY RIGHT.
WATER CARRIED IN THE ADAMS-SAILING DITCH.
FLOODWATER 1.4 CFS. AC. IRR.=70.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

E. V. JEFFERSON ET. AL.
Decree Plaintiff

THOMAS HIGGENBOTHAM ET. AL.
vs 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: _____

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State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4-8-91

LEGAL DESCRIPTION OF PROPERTY: Township 12 N Range 05 W
Section 25, 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ 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: A 67-10760
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): David W. and Judith L. Boyle
2301 Valley Road
Midvale, Id.
- ☐ New Owner/Claimant (Purchaser): Noah E. and Jane McCall
- ☐ New Mailing Address: 1374 U.S. Hwy 95
Weiser, Id. 83672
- ☐ New Telephone Number: (208) 549-2314
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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:

(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): Noah E McCall Date 12-9-93
Jane McCall Date 12-9-93
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

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

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:

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

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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: A67-00555A
Date Received: 10-12-89
Receipt No: CO1216
Received By: MA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID W. BOYLE 208-549-0484
Address: 1374 U.S. HIGHWAY 95
WEISER, ID 83672
OR
Name: JUDITH BOYLE 208-549-0484
Address: 1374 U.S. HIGHWAY 95
WEISER, ID 83672
2. Date of Priority: APR 01, 1877
3. Source: MANNS CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	13	SE	SW	SE		WASHINGTON
5. Description of diverting works:
LATERALS AND PUMPS, ADAMS-SALING DITCH
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 10.5 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	25	SE NE		IRR	3.0
Section Acres						3.0
Total Acres						3.0

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:
MANNS CREEK IRRIGATION DISTRICT

14. Remarks:
THIS RIGHT IS A SECONDARY RIGHT.
WATER CARRIED IN THE ADAMS-SAILING DITCH.
FLOODWATER 1.4 CFS. AC. IRR.=70.

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 map

For Individuals:

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

Signature of Claimant(s): X Judith Boyle Date: X 10/12/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of October 19 89

Heleen Harrington
Notary Public

Seal

Residing at Heleen Harrington, Notary Public
Residing at Boise, Idaho
My Commission ~~Expires~~ Expires December 1, 1994

MANN CREEK SW QUADRANGLE

IDAHO

7.5 MINUTE SERIES (ORTHO PHOTOQUAD)

116° 52' 30"
44° 22' 30"

200,000 FEET

55'

506

508



512

511

510
980 000
FEET

510



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 4, 1994

NOAH OR JANE MCCALL
1374 U S HWY 95
WEISER ID 83672

Dear Mr. or Mrs. McCall;

Enclosed you will find **your** copies of the two Notices of Claim to a Water Right originally filed by Mr. Boyle. They are numbered A67-00555A and A67-10760.

Please note - A67-10760 is the claim that was filed with the wrong legal description. I have corrected the legal description under items 4 and 10; however, since this resulted in an amended claim I need your initials and date by the corrected items. I have highlighted these items.

I have sent along two copies of this claim. Please return the claim you have initialed and save the second copy for your records. Be sure to return this information to my attention as soon as possible. I am sending a stamped, self-addressed envelope for your convenience.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

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CONVERSATION MEMORANDUM

DATE 1-3-94FILE AG7-10760 &
AG7-00555ANAME OF PARTY Noah McCall
EMPLOYEE Linda WarnerRE: my letter dated 12-16-93 & his call to
me dated 12-22-93

Correct legal should be T12N - not
T11N. Chromant verified this using maps I
sent to him.

NV also used the H₂O from Mammie or
referenced on AG7-00555A. I will chg
ownership on this & the other & have him
initial & date the legal description chg on
AG7-10760.

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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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 16, 1993

NOAH OR JANE MCCALL
1374 US HWY 95
WEISER ID 83672

Dear Mr. or Mrs. McCall;

I am in the process of completing the change of ownership for the Notice of Claims to a Water Right filed by the previous owners of your property, David and Judith Boyle.

During the processing I noticed a discrepancy in the legal descriptions given. The legal description listed on Notice of Claim number A67-10760 is for a place of use located in T11N, R5W, Section 25, SE1/4NE1/4. The legal description on the warranty deed submitted is T12N, R5W, Section 25, SE1/4NE1/4. It appears that an error was made during the claims taking process; however, at this point that is only an assumption. Consequently, I am sending you two copies of maps, one for each area listed above. Please use these maps to determine the correct location of your property.

I also noted that there was another claim made in the Adjudication by Mr. and Mrs. Boyle. This claim is numbered A67-00555A and is for the irrigation of 3 acres from Manns creek through the Adams-Sailing ditch. I am sending you a profile report of that claim, for your information.

Please review the above information for accuracy of the legal description and the water usage from Manns creek and advise me as soon as possible what action needs to be taken. Be sure to send your response to my attention. Upon receipt of this information I will continue with the ownership change.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

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THIS INDENTURE, Made this 8 day of April, in the year 1991 between David W. Boyle and Judith L Boyle 2301 Valley Road of Midvale, County of Washington, State of Idaho the parties of the first part, and Noah McCall & Jane McCall 1374 U.S. Hwy 95 N. of Weiser, County of Washington State of Idaho, the parties of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of DOLLARS lawful money of the United States of America, to in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to heirs and assigns forever, all the following described real estate situated in Washington County, State of Idaho, to-wit:

Commencing at a point 23 feet south of the northwest corner of the SE 1/4 NE 1/4 of Section 25, Township 12 North, Range 5 West of the Boise Meridian; thence South 331.5 feet; thence Easterly 407 feet; thence Northerly 330 feet to a point 23 feet from the North line of the said SE 1/4 NE 1/4; thence West 348 feet to the point of beginning. Together with all water rights from the Adams-Saling Ditch, with the understanding that the existing waste water overflow from the Adams-Saling Ditch on the North side of the above described property is to remain intact. Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

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TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part:

TO HAVE AND TO HOLD. All and singular, the above mentioned and described premises, together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their

CLAIMANT'S NAME: Boyle, Judith

DATE: 10-12-89

EMPLOYEE: Helen H-T

RE: This 3-acre portion does appear to be definitely a portion of the 70 acres decreed in the Mann Creek decree.

The claim by Johnson-Bryant AL7-00555⁵, for 77 acres exceeds the original decreed 70 acres and I'm not clear as to if this is an expansion.

The Boyles did purchase their 3 acre parcel from Johnson-Bryant and recently (Oct. 1987) did pay it off.

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OCT 01 1992