

RECEIVED 3-1 /
MAR 01 2011
DEPARTMENT OF
WATER RESOURCES

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: 86-11997

Date Received: 8/5/2009

Receipt No: N021643

Received By:

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

1. Name of Claimant(s)

MARC MANNI Phone:(208) 877-1555
1010 CORRAL CREEK RD
HELMER ID 83823

PHYLLIS MANNI Phone:(208) 877-1555
1010 CORRAL CREEK RD
HELMER ID 83823

2. Date of Priority: 12/31/1936

3. Source: GROUND WATER Tributary to:

4. Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>	<u>Type</u>
40N	01W	21	SW NW		LATAH	

5. Description of diverting works:

6: Water is used for the following purposes:

<u>Purpose</u>	<u>From To</u>	<u>C.F.S.</u>	<u>(or) A.F.A</u>
DOMESTIC	1 /1 12/31	0.04	0
STOCKWATER	1 /1 12/31	0.02	0

7. Total Quantity Appropriated is: 0.06 C.F.S. and/or 0 A.F.A

8. Non-irrigation uses:

<u>Number of Homes: 1</u>	<u>Water Use</u>	<u>Type Of Stock</u>	<u>Number Of Stock</u>
	STOCKWATER	Chickens	25

9. Place of use:

86-11997

2/11/2011

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Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
40N	01W	21	SW NW		DOMESTIC	

Section Acres

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
40N	01W	21	SW NW		STOCKWATER	

Section Acres

Total Acres

10. Place of use in counties: LATAH

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks:

Priority date description:

Description of use: Water Use Description

DOMESTIC

STOCKWATER

14. Basis of Claim: Beneficial Use

15. 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.

For Individuals: I/We do solemnly swear or affirm under penalty or perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Marc A Manni Date: 22 Feb 2011
Phyllis M. Manni Date: 22 Feb 2011

For Organizations: I do solemnly swear or affirm under penalty or perjury that I am

_____, of _____,
 Title Organization

That I have signed the foregoing document in the space below as

_____, of _____,
 Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date: _____

Title and Organization _____

Please print name

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase <u>26-11997</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is MARC and Phyllis Manni

My address is 1010 Corral Creek Road
Helmer, IDAHO 83823

My phone number is: Work 208-835-2819 Home 208-877-1555
208-596-1874

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

(11) attachments enclosed which include copies of original
pictures given to us by Mrs. Ruth Springer (ie. ^{marion} Perry) niece.
Copy of google map showing where well exists. Other paperwork attachments
include Parade of Homes flyer, title paperwork as well as property
deed.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ PAID NO. 21643
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of Latah

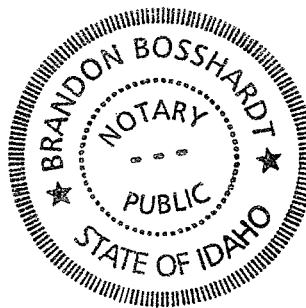
Marc and Phyllis Manni, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Marc Manni
Phyllis M. Manni
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 2/22/2011
(Insert Date)



[Signature]
Notary Public for IDAHO
Residing at: Moscow, ID
My Commission expires: 2-28-2014

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 22 February, ²⁰¹¹~~199~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

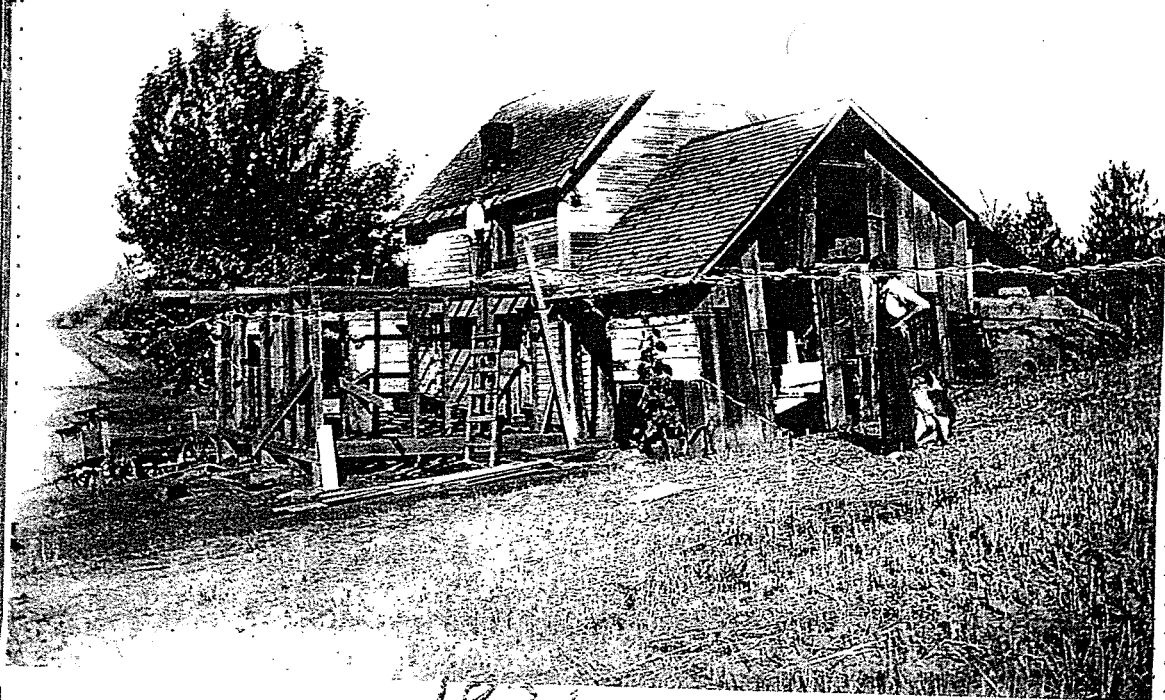
3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Mare A. Mann

Signature of person or attorney mailing the form

Chyllis M. Mann

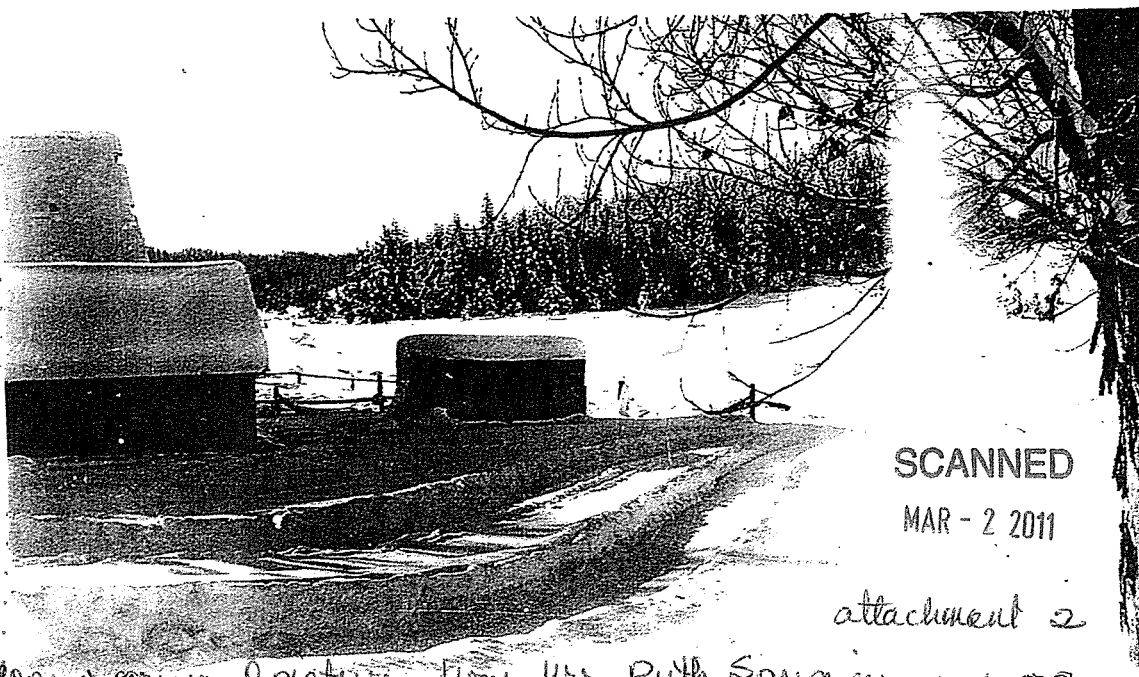


1036

attachment 1

copy of original pictures from Mrs. Ruth Sprunger (a Perry)

1010 Cornell Creek Rd. Helmen, ID



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attachment 2

copy of original pictures from Mrs. Ruth Sprunger 1037

1010 Cornell Creek Rd. Helmen, ID



Barn still standing and in use today

attachment 3

1937

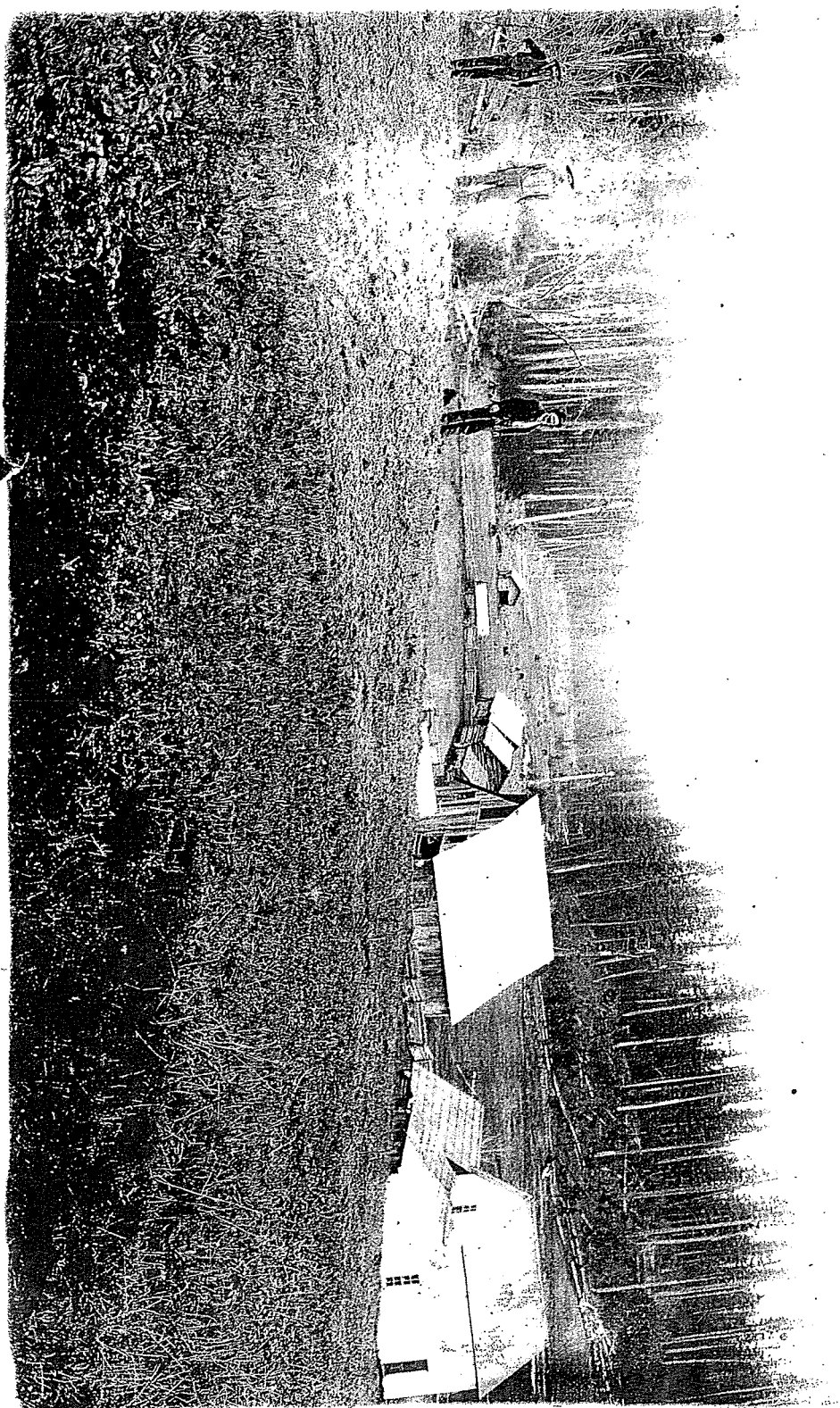
copy of original picture from Mrs. Edith Spinner (a Perry) 1010 Corral Creek Rd
Helmer, ID

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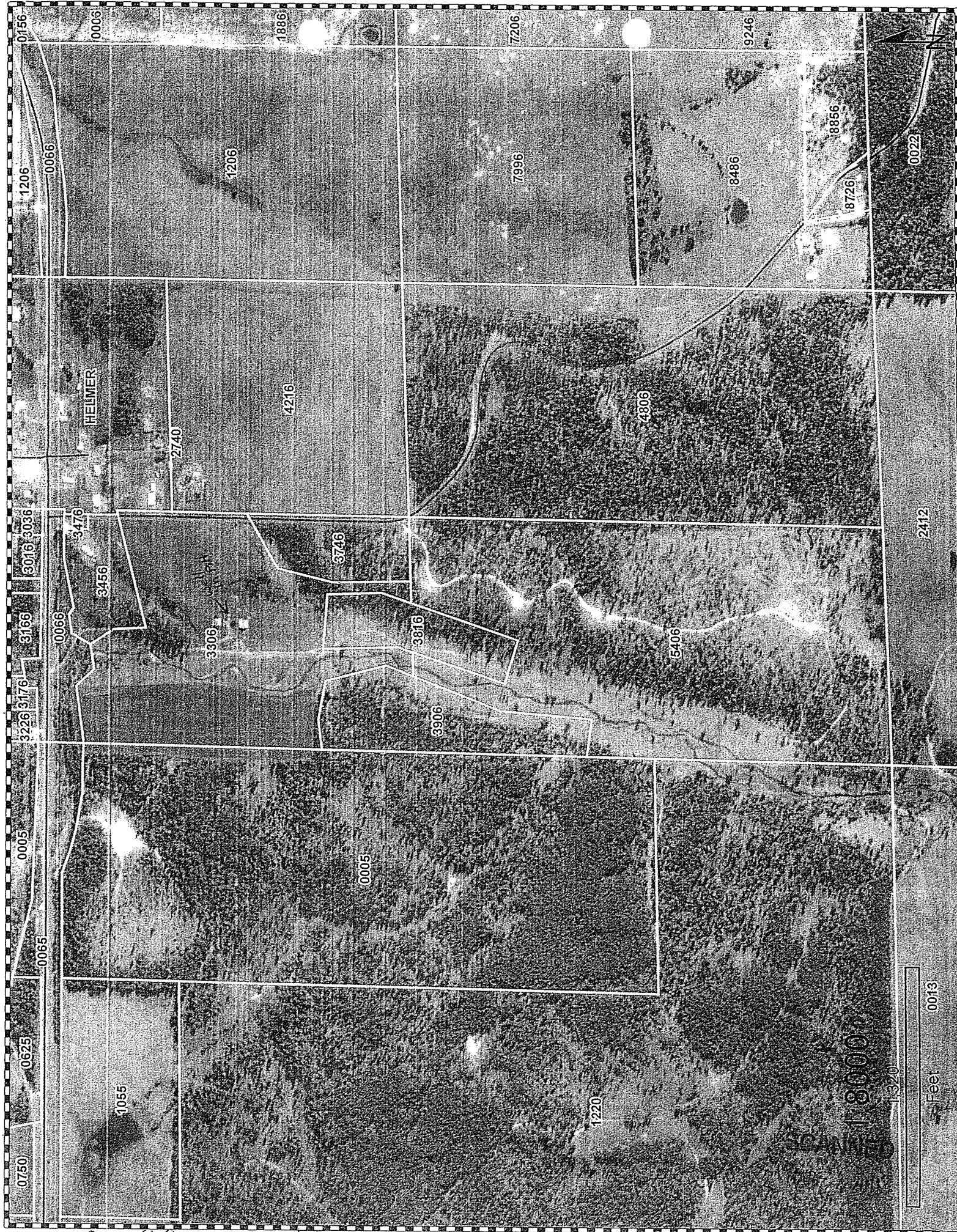
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copy of original picture given to me by Mrs. Ruth Springer, niece of
Maurer Perry who homesteaded this property believed to be early 1900's.
1010 Corns Creek Rd, Helmer, ID

(we still live in original farmhouse. Barn still standing and in use today.
Valley has not changed much since this picture was taken early 1900's. Approx. 1900's + 21

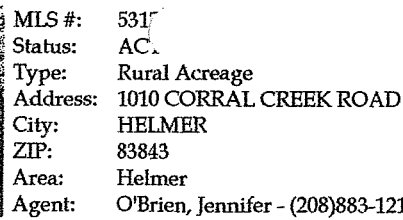


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1010 Corral Creek Rd, Helmer, ID

attachment 5



Acres: 11-40
Lot Size: See A

Asking Price:	\$57,000
Number of Acres:	38.00
Commission-List Agent %:	4
Commission-Co-Op Agent %:	4
Commission-Buyer's Agent %:	4

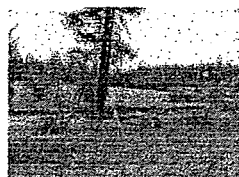
* ACCESS
Easement
Private
State/County Highway
County Road

* EXTRAS
Barn
Corral
Fencing

Property Tax:	0.00
Property Tax Year:	2001

BEAUTIFUL PIECE OF LAND WITH ACCESS FROM HIGHWAY 8...OLDER FARMHOUSE MAY HAVE POTENTIAL FOR RESTORATION OR BUILD YOUR OWN PLACE ON THE TIMBERED KNOLL OVERLOOKING THE CREEK! POSSIBLE TERMS TO QUALIFIED BUYER....MISC. FARM EQUIPMENT AND VEHICLES WILL BE

REMOVED FROM PROPERTY PRIOR TO CLOSING...FARMHOUSE CURRENTLY RENTED FOR \$350/MO...PLEASE CALL PRIOR TO SHOWING!



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Attachment is

June 13, 2002

Latah County Building and Zoning

We acknowledge that the existing home site (building site) under the current rules of Planning and Zoning will be conveyed and stay with the property being sold to Marc and Phyllis Manni. This property is approximately 35 acres and includes an older house and barn and is part of NWNW; SWNW; Section 21; T40N; R1WBM.

Ted Norton



Date:

6-13-02

Bessie Norton



Date:

6-13-02

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attachment 7

06/19/02

LATAH COUNTY ESCROW COMPANY
MASTER FILE LISTING
ACCOUNT NO: 2238

Total pymt:

PAGE 1
\$553.10

* SELLER FIELDS *

Project:

Name: TEDDY.LYNN NORTON
Name2: BESSIE NORTON
Addr1: BOX 28
Addr2: KAHLOTUS WA 99335
Phone: 000-000-0000
Seller Fee: 4.00 Fee Date:

* BUYER FIELDS *

Name: MARC.F. MANNI
Name2: PHYLLIS.M. MANNI
Addr1: 2302 SAND RD
Addr2: MOSCOW ID 83843
Phone: 000-000-0000
Buyer Fee: 4.00 Fee Date:

* CONTRACT FIELDS *

Reserve pymt:	.00	P&I pymt:	554.10	Type code:	
Tax due dt1:		Payment due dt:	7/19/02	Nbr of coupons:	12
Tax due dt2:		Payment freq:	M	Coupon print month:	
Interest rate:	8.500	Original bal:	38500.00	Delinquency notice?	N
Int start dt:	6/19/02	Lte chg:	.00	Disb other than seller?	Y
30 Day int?	N	LC days/deduct:	.00 N	Disbursement amt:	.00
Add-unpaid int?	N	Buyer receipt?	Y	Disbursement pct:	.000
Interest only?	N	Pymt-notice/seller?	Y	Disbursement type:	C

* BALANCE FIELDS *

Account status:		No of payments:	
Late charge bal:	.00	Date last pymt:	
Reserve balance:	.00	Princ last pymt:	.00
Trust balance:	.00	Interest last pymt:	.00
Princ balance:	38500.00	Date int paid to:	6/19/02
YTD principal:	.00	Accrued interest:	.00
YTD interest:	.00	Reference:	

* MEMOS *

Date	Code	Note	Amount	ID
061902	DPE	D/T MAY PP	.00	ALL

* DISBURSEMENTS *

Name and Address	Instructions	DT/PN	Amount/Pct
LATAH COUNTY ESCROW CO.	SELLER FEE	F N	\$.00 .000
LATAH FED CREDIT UNION		C N	\$.00 100.000

PO BOX 9286
912 S WASHINGTON
MOSCOW ID 83843
208-882-0232

* 1098s *

Name and Address	Control	Tax ID Number	Points Paid	Amount/Pct
MARC.F. MANNI	MANN		\$.00	100.000
PHYLLIS.M. MANNI		Reportable		
2302 SAND RD				
MOSCOW ID 83843				

* 1099s *

Name and Address	Control	Tax ID Number	Fed W/H Amt	Amount/Pct
TEDDY.LYNN NORTON	NORT		\$.00	100.000
BESSIE NORTON		Reportable		
BOX 28				
KAHLOTUS WA 99335				

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allan.hunt 2

LATAH COUNTY ESCROW COMPANY
Serving Latah County since 1900

Underwritten by First American Title Insurance Co., Santa Ana, Ca.

Phone: 208-882-4822
Fax : 208-882-4255
106 East Second
Moscow, Idaho 83843

* Member: American Land Title
Idaho Land Title
*Title Insurance
* Closings

June 19, 2002

Marc F. Manni
Phyllis M. Manni
2302 Sand Road
Moscow, ID 83843

RE: Escrow 2238

Dear Mr. and Mrs. Manni:

This will acknowledge receipt of the new escrow as set forth above. I have enclosed a Master File Listing of the escrow and ask that you check to make sure the highlighted information is accurate. If there is a correction or change to be made, please contact me immediately.

BUYER: Please make your check payable to Latah County Escrow Company. Coupons are enclosed or will be mailed at a later date and payment amount includes your monthly escrow fee.

SELLER: Your check will be sent out as you have instructed on the escrow instructions. If your check is being deposited to a bank account, please check the Master File Listing to see that your account number is entered correctly. Your escrow fee will be deducted from the payment amount received.

INTEREST: is computed on a daily basis (balance x interest divided by 365 days x days since last payment or to date interest previously paid to).

TAX INFORMATION: Monthly statements and a year end statement showing interest paid/received will be mailed to both buyer and seller. Be sure to check the Master File Listing to see that the correct social security number is listed.

Thank you for placing your escrow account with Latah County Escrow. Your file is available for inspection in our office during business hours - 8:30 a.m. to 5:00 p.m. Monday through Friday.

Sincerely,



Mary Manderscheid
Long Term Escrow Manager

encl

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attachment 9

DEED OF RECONVEYANCE

LATAH COUNTY TITLE COMPANY, an Idaho corporation, as Trustee in the deed of trust executed by: **MARC F. MANNI AND PHYLLIS M. MANNI**

Recorded on: **June 19, 2002**

Fee: **466542**

in the records of Latah County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT AND CONVEY unto the present parties entitled thereto, without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the lands therein described.

The corporate name subscribed by its Vice President pursuant to a resolution authorizing the execution of this reconveyance duly adopted by its Board of Directors.

DATED: January 23, 2008

LATAH COUNTY TITLE CO., TRUSTEE

BY: *Dave Kiblen*
Vice President

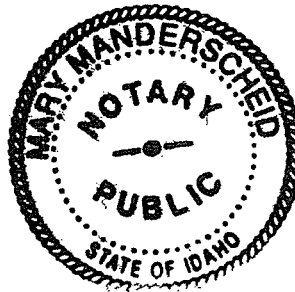
STATE OF IDAHO)
 : ss
County of Latah)

On this 23rd day of January, 2008, before me, the undersigned, a Notary Public in and for said state, DAVE KIBLEN, known to me to be the vice president of the corporation that executed the within instrument, acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date last above written.

Mary Manderscheid
NOTARY PUBLIC in and for Idaho
Residing at Moscow
My commission expires 06/03/09

Legal: 21/40/1
Mail: Manni



NO. 519680
AT THE REQUEST OF:
LATAH COUNTY TITLE CO.
DATE & HOUR: 01.23.08 4:17 pm
SUSAN PETERSEN
LATAH COUNTY RECORDER
FEE \$ 3.00 BY C. Schmitt 2011
Deputy

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Receipt Details for N021643

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/5/2009 11:25:32 AM	8/5/2009 1:57:46 PM	NORTHERN	\$25.00	Check
Payer	MANNI, PHYLLIS M			

Account Information:

Check Number:	1054
---------------	------

Comment

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	NORTHERN ID ADJUDICATION FILING FEE	75503	0337	1		1155

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