

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 67-14630
Date Received: 10/20/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DONALD F BARSTAD Phone: (208)549-3794

1555 HWY 95
WEISER ID USA 83672-5515

2. Date of Priority: 03/03/1913

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	SE	NE	WASHINGTON	

5. Description of diverting works:

DIVERSION VIA JOSLIN DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.8	

7. Total Quantity Appropriated is:
0.8 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	SW	NW	2	IRRIGATION	2
			NW	SW	3	IRRIGATION	13
						Section Acres	15
12N	05W	12	SE	SE		IRRIGATION	25
						Section Acres	25
						Total Acres	40

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:

This claim has been renumbered from 67-2078 C --DLN (10/20/05)

Basis changed from "License" to "Beneficial Use" because license was superceded by the Mann Creek Decree. But license will be used as EOP.

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 _____ 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

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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: **A67-02078C**
Date Received: 5/29/1990
Receipt No: W012411
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DONALD F BARSTAD
Address: 1555 HWY 95
WEISER ID

208-549-3794

83672-5515

2. Date of Priority: MAR 3, 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	SE	NE		WASHINGTON

5. Description of diverting works:
DIVERSION VIA JOSLIN DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.800		

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

A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 250 HEAD BEEF CATTLE-INCIDENTAL TO IRRIGATION.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	04W	18	SW	NW	2	IRR	2.0
			NW	SW	3	IRR	13.0

SCANNED
MAY 10 2004

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	15.0
	05W	12	SE	SE	IRR	25.0
					Section Acres	25.0
					Total Acres	40.0

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:

A67-00624, MANN CK FLOOD WATER & STORAGE WATER RIGHTS.

14. Remarks:

THIS CLAIM IS A SPLIT FROM ORIGINAL LICENSE NO. 67-02078. THIS CLAIM REFLECTS A CHANGE IN PLACE OF USE FROM THE NESW(10AC) AND THE NWSW(LT.3) FOR 3 ACRES TO THE NWSW(LT.3) FOR A TOTAL OF 13 AC. THIS LEFT 2 ACRES IN THE SWNW(LT.2). THE 25 ACRES IN SEC. 12 ARE ALSO CLAIMED UNDER A67-00624B, HOWEVER, THIS LICENSE HAS AN EARLIER DATE OF PRIORITY, SO THEY ARE BEING CLAIMED HERE ALSO. ADDRESS CHANGE BY CLAIMANT LETTER 3/24/99 SS.

15. Basis of Claim: LICENSE

Water Right Number: 9151



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

MAR 23 1999

Department of Water Resources

March 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD F BARSTAD
1555 HIGHWAY 95
WEISER ID 83672-5515

RE: Snake River Basin Adjudication (SRBA)
Water Rights #67-11520, A67-00624B, A67-00632B,
A67-02078C, A67-11519, A67-00625A & A67-00545A

Dear Water Right Holder:

Records changed 3-24-99. NCAP prepared. -SS

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by April 5, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

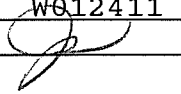
Donald F. Barstad
Claimant Signature

(208) 549-3794
Telephone No.

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: **A67-02078C**
Date Received: 9/11/1989
Receipt No: W012411
Received By: 

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

1. Name: DONALD F BARSTAD 415-837-9240
Address: PO BOX 18
DIABLO CA 94528

2. Date of Priority: MAR 3, 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	SE	NE		WASHINGTON

5. Description of diverting works:
DIVERSION VIA JOSLIN DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.800		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 250 HEAD BEEF CATTLE-INCIDENTAL TO IRRIGATION.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	04W	18	SW	NW	2	IRR	2.0
			NW	SW	3	IRR	13.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	15.0
	05W	12	SE	SE	IRR	25.0
					Section Acres	25.0
					Total Acres	40.0

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:

A67-00624, MANN CK FLOOD WATER & STORAGE WATER RIGHTS.

14. Remarks:

THIS CLAIM IS A SPLIT FROM ORIGINAL LICENSE NO. 67-02078. THIS CLAIM REFLECTS A CHANGE IN PLACE OF USE FROM THE NESW(10AC) AND THE NSW(LT.3) FOR 3 ACRES TO THE NSW(LT.3) FOR A TOTAL OF 13 AC. THIS LEFT 2 ACRES IN THE SWNW(LT.2). THE 25 ACRES IN SEC. 12 ARE ALSO CLAIMED UNDER A67-00624B, HOWEVER, THIS LICENSE HAS AN EARLIER DATE OF PRIORITY, SO THEY ARE BEING CLAIMED HERE ALSO.

15. Basis of Claim: LICENSE

Water Right Number: 9151

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 167-02078B
Date Received 9-11-89
Receipt Number W005817
W012411

RECEIVED
FEB 26 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DONALD F. BARSTAD Phone (415) 837-9240

Mailing Address P.O. Box 18 DIABLO, CA Zip 94528

2. Date of Priority (Only one (1) per claim) 3-03-1913

3. Source of water supply (a) MANN CREEK
which is tributary to (b) WEISER RIVER

4. a. Location of existing point of diversion is: Township 12N Range 05W Section 211,
SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, 87 B.M., County of WASHINGTON

Additional points of diversion if any: JOSLIN DITCH ~~MANN CREEK DITCH~~

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DIVERSION VIA JOSLIN DITCH

MICROFILMED

OCT 22 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from JAN 1 to DEC 31 amount 580 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 580 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5.840 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) ONE HOUSEHOLD SERVED + 250 HEAD OF BEEF CATTLE INCIDENTAL

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12N	04W	18			<u>FD</u>				<u>2</u>				<u>13</u>						<u>15</u>
12N	05W	12																<u>25</u>	<u>25</u>
12N	05W	13	<u>25</u>																<u>25</u>

Total number of acres irrigated 65 40

11. In which county (ies) are lands listed above as place of use located? WASHINGTON

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A67-00624, MANN CK. IRR. DIST. FLOODRTS. & STORAGE or None ()
IN MANN CK. RES.

14. Remarks: THIS CLAIM IS A SPLIT FROM ORIG. LICENSE NO. 67-02078. THIS CLAIM REFLECTS A CHANGE IN PLACE OF USE FROM THE ~~25~~ NESW (10 AC) TO THE NWSW (LT. 3) PLUS 3 ACRES FROM LT. 2 (SWNW) FOR A TOTAL OF 13 AC IN LOT 3. THIS LEFT 2 ACRES IN LOT 2. THE 25 ACRES IN SEC. 12 ARE INCLUDED ON CLAIM NO. A67-00624 ALSO, HOWEVER, THIS LICENSE HAS AN EARLIER DATE OF PRIORITY, SO THEY ARE INCLUDED HERE, TOO.

Last Name BARSTAD Ident No. A67-02078B

Copies: White - State, Yellow - Claimant

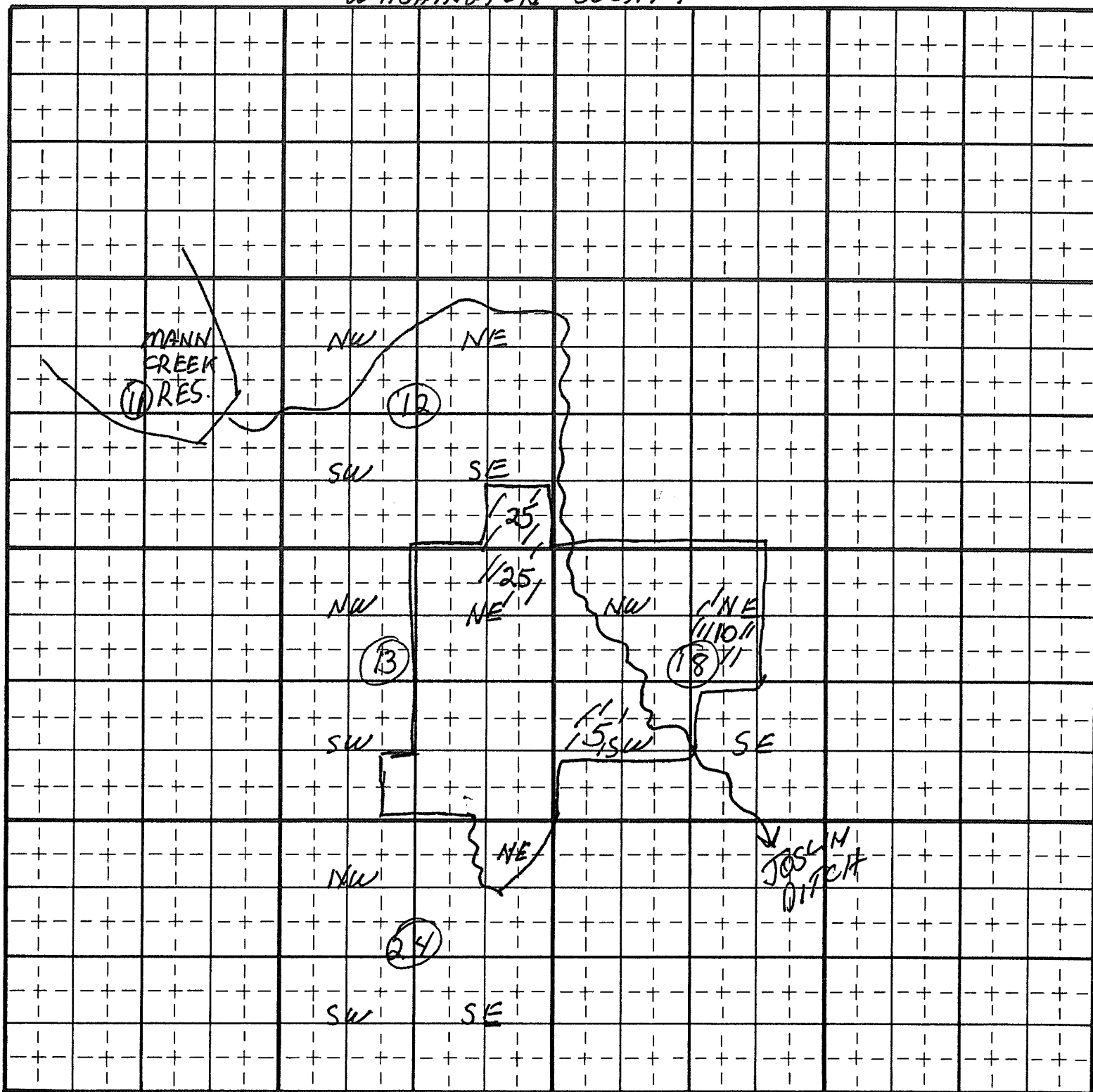
OCT 22 1996

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile *TWN 12N, RNG. 04W + 05W*

SECT. 18-12 + 13

WASHINGTON COUNTY



MICROFILMED

OCT 22 1996

Last Name

BAASTAD

Ident No.

A167-02078B

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-02078 (THIS CLAIM IS A SPLIT OFF OF ORIG. RT.)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 5 ~~7~~ (PROOF REPORT) MAP FILED IN A67-08583.

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

Signature of Claimant (s) Donald F. Barstad Date 5-29-90 O.F.A.
DONALD F. BARSTAD Date 2-20-90

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

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 _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 29th day of May 19 90

SEAL

Notary Public Jan Shulte

Residing at Meridian, ID

My Commission Expires 9-14-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
OCT 22 1990

Last Name BARSTAD Ident. Number A67-02078B

Copies White-State, Yellow-Claimant

Adj. Flag Translation: Standard Water Right Number Old (D) Number - 9151

City- WEISER Phone - State- ID zip- 14 - - - Region - - - +

Source - MANN CREEK - - - +

Point of Diversion - - - +

Stream Index (Blank if no Index Code) 272.0 288.0 2.0

Diversion Rate 5.840

Diversion Volume 1300

01 - IRRIGATION

01 - IRRIGATION

01 - IRRIGATION

01 - IRRIGATION

Water Right Number - 67-02078

Adj. Flag Translation: Standard Water Right Number

City- WEISER Phone - State- ID zip- 14 - - - Region - - - +

Source - MANN CREEK - - - +

Point of Diversion - - - +

Stream Index (Blank if no Index Code) 272.0 288.0 2.0

Diversion Rate 5.840

Diversion Volume 1300

01 - IRRIGATION

01 - IRRIGATION

Water Right Number - 67-02078

Adj. Flag Translation: Standard Water Right Number

City- WEISER Phone - State- ID zip- 14 - - - Region - - - +

Source - MANN CREEK - - - +

Point of Diversion - - - +

Stream Index (Blank if no Index Code) 272.0 288.0 2.0

Diversion Rate 5.840

Diversion Volume 1300

01 - IRRIGATION

01 - IRRIGATION

Water Right Number - 67-02078

Adj. Flag Translation: Standard Water Right Number

City- WEISER Phone - State- ID zip- 14 - - - Region - - - +

Source - MANN CREEK - - - +

Point of Diversion - - - +

Stream Index (Blank if no Index Code) 272.0 288.0 2.0

Diversion Rate 5.840

Diversion Volume 1300

01 - IRRIGATION

01 - IRRIGATION

Water Right Number - 67-02078

Adj. Flag Translation: Standard Water Right Number

City- WEISER Phone - State- ID zip- 14 - - - Region - - - +

Source - MANN CREEK - - - +

Point of Diversion - - - +

Stream Index (Blank if no Index Code) 272.0 288.0 2.0

Diversion Rate 5.840

Diversion Volume 1300

01 - IRRIGATION

01 - IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

Water right number - 67-02078	Adj. flag translation: Standard Water Right Number
+ - - Non-Irrigation Use -	
+ - - Other Rights for Same Use -	
+ - - - - -	Remarks - - - - -
	No Remarks found.
+ - - - - -	Conditions of Approval - - - - -
	No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +
	00/00/0000
+ - - Audit Fields - 04/23/85	05/01/88 CONVERT
+ - - - - -	Water Rights Dates and Flags Area - - - - -
	Field Exam Fee -
	Swan Falls -
	Temporary Right - P
	DLE/Carey Act -
	Water District - 67
	Transfer/Amended -
	Field Exam Made - 00/00/0000
	Protested Date - 00/00/0000
	Hearing Date - 00/00/0000
	Verified Date - 04/23/1985
	Receipt Number -
	Appl Received - 00/00/0000
	01/31/1979
	Decree Date - 00/00/0000
	Proof Due Date - 00/00/0000
	Approved/Denied - 00/00/0000
	Proof Made Date - 00/00/0000
	Start Work Date - 00/00/0000
	Order Show Cause - 00/00/0000
	Licensed Date - 01/31/1979
	Decree Date - 00/00/0000

MICROFILMED
OCT 22 1996

County, Washington
Stream, Mann Creek
Amount, 5.04 sec. ft.
Use, Irrigation
Priority, 3-3-1913

STATE OF IDAHO

Water License No. 9151

WHEREAS, On the 3rd day of March, A.D. 1913, Asa Tolloy
of Weiser, County of Washington, State of Idaho, duly made application
(No. 13857) to me for a permit to use 6-11/25 cubic feet per second of the waters of
Mann Creek
County of Washington, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 29th day of March, A.D. 1913, Permit No. 9151 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 1st day of October, A.D. 1913, and for the application to ben-
eficial use of said water on or before the 1st day of October, A.D. 1913, and,

WHEREAS, On the 23rd day of July, A.D. 1913, Asa Tolloy

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
6-11/25 cubic feet per second of said waters, as evidenced by my Certificate No. 9151
dated June 9, 1914, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 6-11/25 cubic feet per second of said water
with date of priority of March 3, 1913, and

WHEREAS, On the 27th day of September, A.D. 1913, Asa Tolloy

the holder of said permit, duly made proof of the application to beneficial use of 5.04 cubic
feet per second of said water

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to

Asa Tolloy

of Weiser, County of Washington, State of Idaho, the holder and owner
of said Permit No. 9151, a perpetual right, dating from March 3, 1913,
to the use of 5.04 cubic feet per second of the waters of Mann Creek

In the County of Washington and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at the S.E. Cor. of the NE¹ of SW¹, Sec. 2,
T. 12 N., R. 5 W., B. 1.

and conducted to and upon 292 acres, divided as follows: 25 A. in SE¹ SE¹, Sec. 12,
25 A. in NE¹ NE¹, Sec. 13; T. 12 N., R. 5 W., B. 1. 5 A. in SW¹ NW¹, 10 A. in NE¹ SW¹,
2 A. in NW¹ SE¹, 7 A. in SW¹ SE¹, 25 A. in SE¹ SW¹, 5 A. in SW¹ SW¹, all in Sec. 18;
30 A. in NE¹ NW¹, 20 A. in SE¹ NW¹, 30 A. in NE¹ SW¹, 30 A. in SE¹ SW¹, 13 A. in NW¹ NE¹,
15 A. in SW¹ NE¹, 15 A. in NW¹ SE¹, 20 A. in SW¹ SE¹, all in Sec. 19; 15 A. in NW¹ NE¹,
Sec. 30, all in T. 12 N., R. 4 W., B. 1.

for the purpose of irrigation and domestic use, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source of supply, canal, or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 9th day of June
A.D. nineteen hundred and fourteen.

F. P. KING,

State Engineer

(Seal)

67-2076

REPORT OF ENGINEER

1. State name of applicant and number of permit: Osca Polley # 9151
2. State source of water supply: Manns. Cr.
3. Location of point of diversion: SE 6. NE 1/4 SW 2 Sec. 2
T. 12 N. R. 5 W.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 3 to 4 ft.
 - (b) Width at water line: 6 to 8 ft.
 - (c) Depth of water: about 2 ft.
 - (d) Grade per mile: 1.6 ft.
 - (e) Capacity of ditch: 12 second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: It was running to about 1/2 capacity.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SE 1/4 SE 1/4 25 Ac. Sec 12, 25 Ac. M 2 1/4 ME 1/4 Sec 13 T. 12 N. R. 5 W.
SW 1/4 NW 1/4 SA, M 2 1/4 SW 1/4 10 Ac., NW 1/4 SE 1/4 2 Ac., SW 1/4 SE 1/4 7 Ac., SE 1/4 SW 1/4 25 Ac.
SW 1/4 SW 1/4 5 Ac. all in Sec 18; M 2 1/4 NW 1/4 30 Ac., SE 1/4 NW 1/4 20 Ac., M 2 1/4 SW 1/4 30 Ac.
SE 1/4 SW 1/4 30 Ac., NW 1/4 ME 1/4 13 Ac., SW 1/4 ME 1/4 15 Ac., NW 1/4 SE 1/4 15 Ac.
20 Ac. SW 1/4 SE 1/4 all in Sec 19; 15 Ac. NW 1/4 ME 1/4 Sec 30, All in T. 12 N. R. 4 W.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: The ditch is an enlargement and continuation of the Johnson-Michaels ditch and have the same point of diversion.

May 13 - 1914

Walter R. Heyde

STATE OF IDAHO.

County of _____

_____ being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 1914.

My Commission Expires _____

Notary Public.

9151

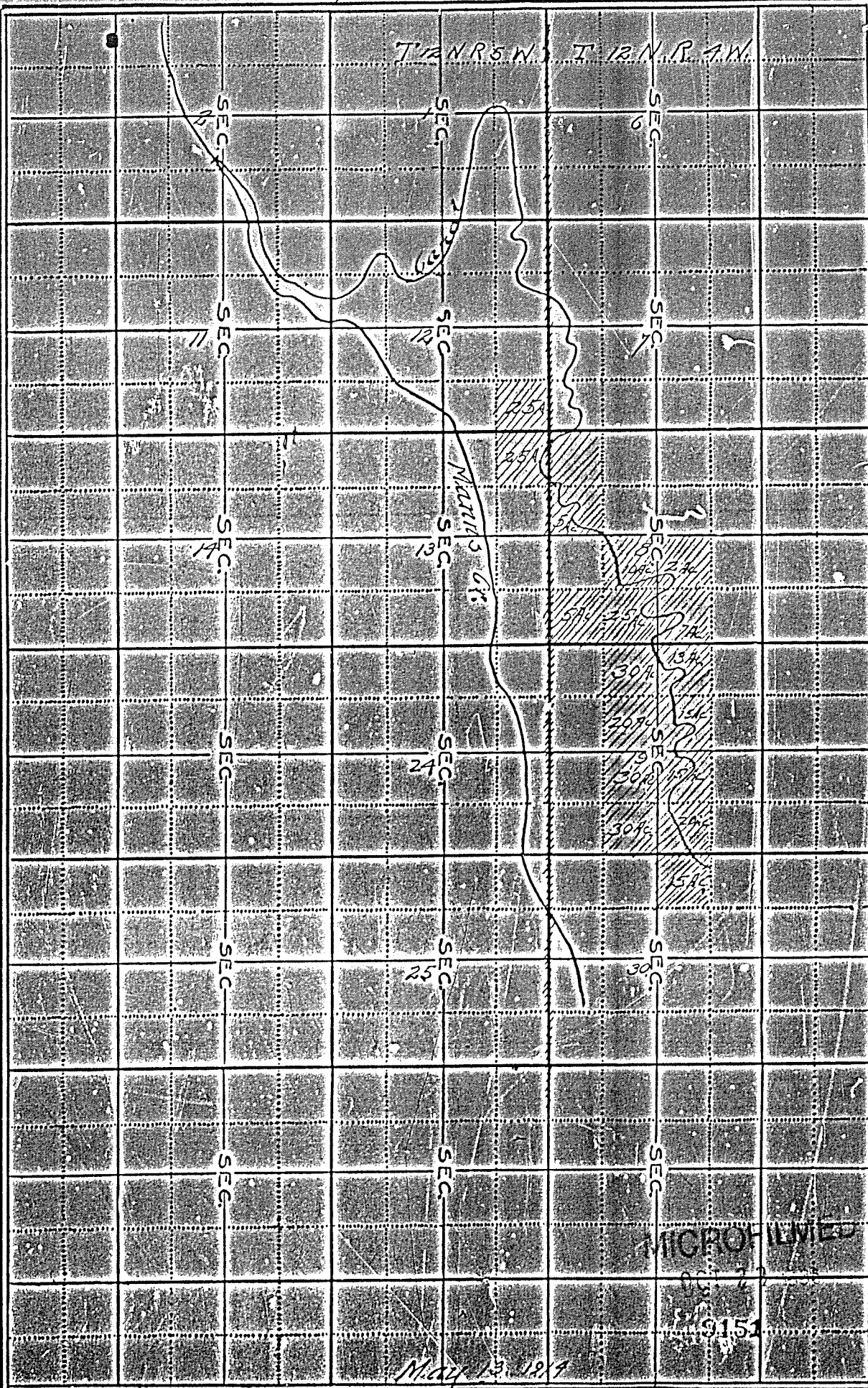
MICROFILME

Oct 22 1914

Name of Applicant *Asa Lolley*

Per 9151

TRANSW. T. R. P. A. W.



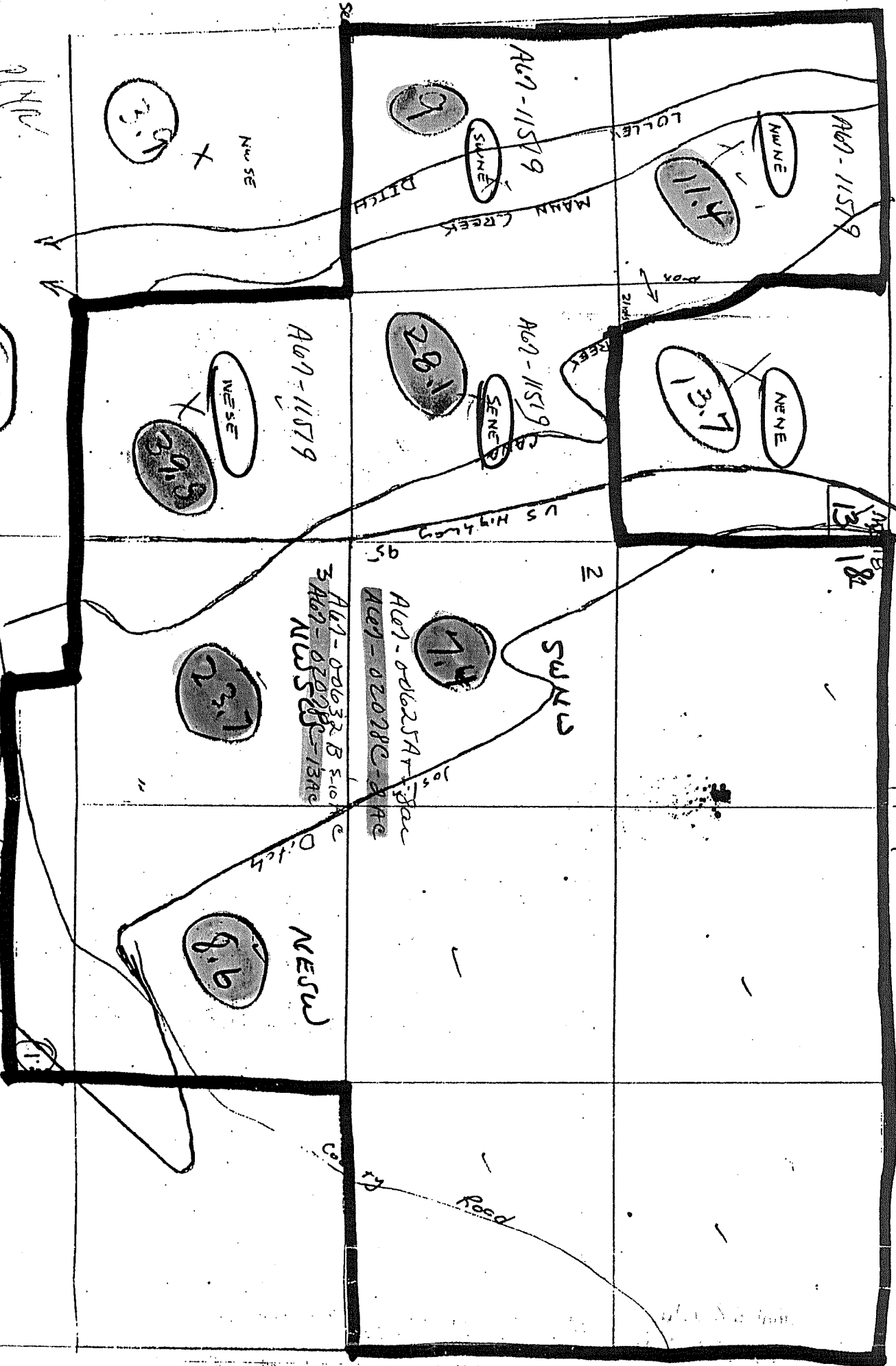
MICROFILMED

May 13 194

ANNEXES TO THE T12R4W

T12R4W

N 71



8.0 of Highway
86 in bottom cult.
W. of highway

Water right 75 acres
River Creek Spring
Canal Deep Wells
Cost per acre \$ 6.45 plus assmt. per year

Cream route
School: G 10 H 10
Church 10
Pvd. Hwy Mkt. rd.

BROKER'S COPY

PEOPLE
THIS HOLDS
UP TO 129
ACRES.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

December 15, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

BARSTAD FAMILY LTD PARTNERSHIP
1723 UPPER MANN CK RD
WEISER ID 83672

RE: Notice of Error (NOE) Reply

Dear Mr. Barstad,

Per your NOE, I have reviewed your questions and think I have some answers for you.

67-2078C:

You should not have been sent a copy of 67-2078C because it has been re-numbered to 67-14630. So in essence, 67-2078C does not exist anymore. Sending you a copy of it is an error on our part. You did send in a NOE saying you agreed with 67-14630 so I think that is taken care of.

67-625A:

This was disallowed because it was recommended under rights 67-14258 (Gomez) and 67-14259 (Phillips). Your claim to 67-625 was disallowed because 67-14258 and 67-14259 claim the place of use in all or part of the originally decreed place of use (POU). Your claim 67-625A did not claim the POU in the original POU.

Since the right was over claimed, we had to disallow your claim to a portion of water right 67-625.

67-623B:

This right you didn't actually ask about through a NOE, but I came across it when I was reviewing the above rights. The reason I bring this up is that 67-623B was originally disallowed and I am not sure why. I went ahead and changed the recommendation to a valid water right. Enclosed is a copy for your information.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s);

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-2078C

BARSTAD FAMILY LTD PARTNERSHIP
1723 UPPER MANN CREEK RD
WEISER ID 83672

Telephone Number: (208) 549-2466

Re #1'd
to 67-14630

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

We cannot make a recommendation for this water right number as we have no plot map where this is located and no acreage number. We were told at the meeting in Weiser on Wednesday, November 29th, that someone from your office would call us with this information. To date no one has called.

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

Same as above: No acreage number and no plot map.

~~I AGREE~~ with this proposed recommendation: no changes need to be made.

DATE: 12-3-06

SIGNATURE:

Donald Barstad, G.P.

Please print your name:

DONALD BARSTAD

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Barstad contacted
By letter
L. Sutton
12-15-06

SCANNED
DEC - 6 2006

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 14 2006
DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-14630

BARSTAD FAMILY LTD PARTNERSHIP

1723 UPPER MANN CREEK RD

WEISER ID 83672

Telephone Number: (208)549-2466

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-3-06

SIGNATURE:

Donald Barstad, D.P.

Please print your name:

DONALD BARSTAD

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC - 6 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14630 V1

WATER RIGHT NUMBER: 67-14630 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARSTAD FAMILY LTD PARTNERSHIP 1723 UPPER MANN CREEK RD WEISER, ID 83672 (208)549-2466

Priority Date: 03/03/1948

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MANN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.640 CFS	
	<u>Total Diversion:</u>	0.640 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SE1/4NE1/4	Sec. 11, Twp 12N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	04W	18							2.0				13.0						15.0
								L 2				L 3							
12N	05W	12															25.0		25.0

Total Acres: 40

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Basis changed from "License" to "Beneficial Use" because license was superceded by the Mann Creek Decree. But license will be used as EOP.
3. This claim has been renumbered from 67-2078 C --DLN (10/20/05)

Remarks:



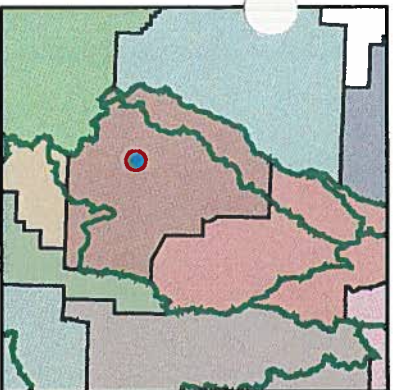
Idaho Department of Water Resources

SRBA Recommendation:

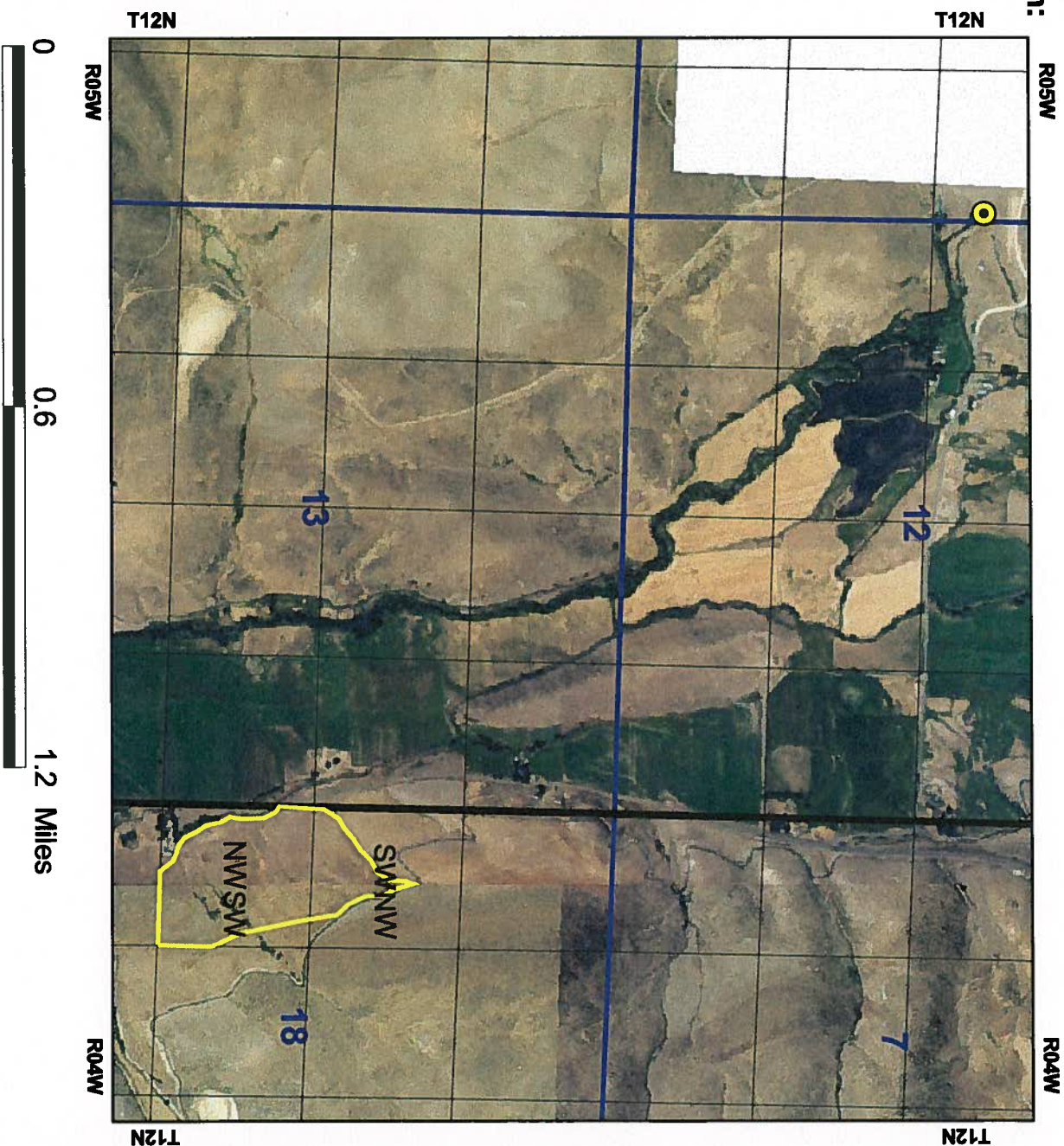
67-14630

Legend

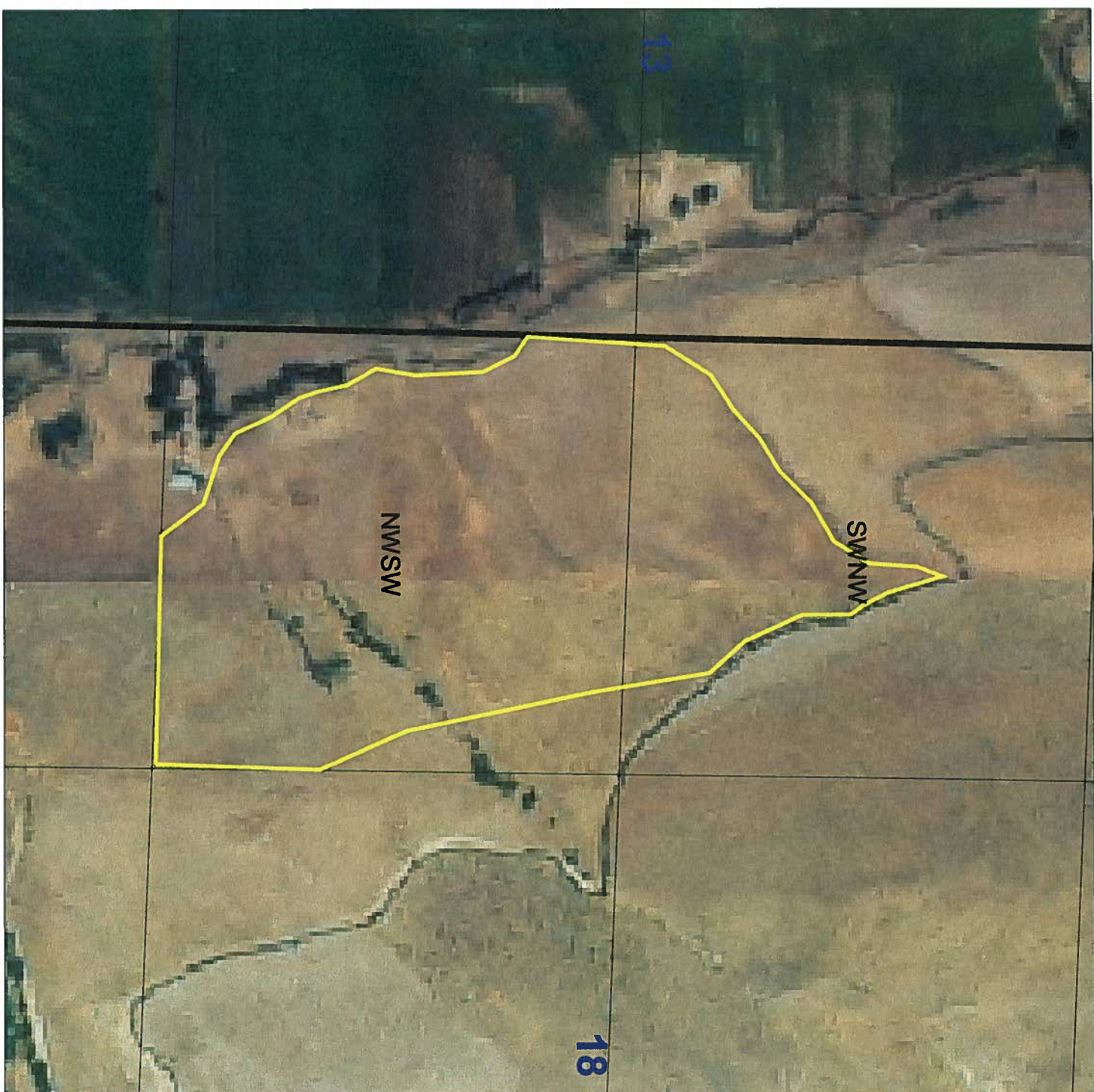
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Thursday, April 20, 2006
1987/88 Aerial Photography



88

db **BARSTAD BEEF CATTLE**

APR 07 2006

Barstad Family Limited Partnership
1723 Upper Mann Creek RD
Weiser, ID 83672

Idaho Dept of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Unclaimed Tarter and 67-14630

April 6, 2006

Dear Mr. Narsavage:

In reference to our telephone call regarding the unclaimed Tarter property and the evidence of priority on the Pedro property I will be sending you notarized statements from the previous owners of the aforementioned properties prior to April 30th.

In the interim I have found all of the enclosed material that was completed approximately sixteen years ago. Possibly some of it may be beneficial toward the completion of our claim. After reviewing the material, if it is not pertinent, you may discard it as we have the originals.

Sincerely,



Donald Barstad

SCANNED

APR 10 2006



State of Idaho
Department of Water Resources

RECEIVED
APR 07 2006
DEPARTMENT OF
WATER RESOURCES

WATER RIGHT LICENSE

License of Water Right No. R-696/67-2386 Priority Dec. 14, 1940 Amount 10,000 acrefeet

THIS IS TO CERTIFY, that the U.S. BUREAU OF RECLAMATION
of Boise, Idaho, has complied with the terms and conditions of Permit
No. R-696/67-2386 issued pursuant to Application for Permit dated December 14, 1940
and has submitted proof to the Department of Water Resources on January 5, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the storage of 10,000 acre feet of water from Mann Creek
tributary to the Weiser River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Storage for</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>-</u> cfs and <u>10,000 acre feet</u> <u>Irrigation</u> from _____ to _____ at _____ cfs and _____			
<u>Irrigation</u> from <u>March 15</u> to <u>Nov. 15</u> at <u>-</u> cfs and <u>5.0 acre feet per acre</u> (both dates inclusive)			

Subject, however, to the condition that no more than 10,000 af of water be stored at any one time, and
that the amount of water so stored and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
10,000 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 11,
Twp. 12 N, Rge. 5 W, B. M. in the County of Washington

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
SEE	LAND		LIST	ATTACHMENT															

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25 day of
November, 19 75.

SCANNED
APR 10 2006

Director

LAND LIST ATTACHMENT

[illegible]

Total number of acres irrigated 4,296.0

SCANNED

APR 10 2006

TITLE
OF
CASE

JEFFERSON, et al vs. HIGGENBOTHAM, et al

SOURCE Near Creek

WATER DIST. 67

COUNTY Washington

PAGE 1

JUDICIAL DIST. 7th

JUDGE Ed L. Bryon

DATE OF DECREE 6-3-21

RECORDED 1125 IN BOOK NO. 162 AT PAGE NO. 162 FILE NO. 411B2

PN.	DN.	DECREED OWNER	NAME	PRESENT OWNER	INCHES AMT SEC. 1908	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
							SUBDIV.	SEC.	TWP.	RG.		
			PRIMARY RIGHTS (Amount of water		shown is	flood water					right is 0.7 of such amount)	
			MAIN CREEK DITCH		680.61	1874	Low water	176.427				
67	513		Otto Cronwall		73.85						N ¹ / ₂ SE ¹ / ₄ , SE ¹ / ₄ SE ¹ / ₄ , Sec. 11; S ² / ₂ NW ¹ / ₄ , NE ¹ / ₄ NW ¹ / ₄ , SW ¹ / ₄ , W ¹ / ₂ SE ¹ / ₄ Sec. 12-12N-5W SE ¹ / ₄ NE ¹ / ₄ , Pt. NE ¹ / ₄ NE ¹ / ₄ , Sec. 13-12N-5W; Lot 3, Sec. 18 12N-4W	
67	514		Otto F. Strobel		10.						W ¹ / ₂ NE ¹ / ₄ , NE ¹ / ₄ SE ¹ / ₄ , Sec. 13 - 12N-5W S ¹ / ₂ SE ¹ / ₄ , Sec. 13; Parts N ¹ / ₂ NE ¹ / ₄ , Sec. 21-12N-5W; W ¹ / ₂ of Lot 4, Sec. 18, lots 1, 2, 3, Sec. 19 - 12N-4W	
67	515		W. A. Strobel		18						S ¹ / ₂ NE ¹ / ₄ , Sec. 21-12N-5W; Lot 2, Sec. 19-12N-4W 46.1 ac. in S ¹ / ₂ SE ¹ / ₄ , Sec. 24; N ¹ / ₂ NE ¹ / ₄ , Sec. 25-12N-5W N ¹ / ₂ NW ¹ / ₄ , Sec. 30-12N-4W	
67	516		J. A. Tarter		83.72						Lot 1, Sec. 19-12N-4W; Pt. SE ¹ / ₄ SE ¹ / ₄ , Sec. 24-12N-5W Pt. N ¹ / ₂ S ¹ / ₂ SW ¹ / ₄ , Sec. 18; Lot 1, Sec. 19; all Lot 2, Sec. 18, 12N-4W	
67	517		D. W. Adams		15.25						Pt. NE ¹ / ₄ SE ¹ / ₄ , Sec. 24-12N-5W; Pt. Lot 3, Sec. 19, 12N-4W	
67	518		Russell R. Jackson		46.1						SW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄ , NE ¹ / ₄ SW ¹ / ₄ , NW ¹ / ₄ SE ¹ / ₄ , Pt. Lot 3, Sec. 19 12N-4W	
67	519		Mable Jackson		15.05						Part S ¹ / ₂ NW ¹ / ₄ , Sec. 30-12N-4W Lot 3, N ¹ / ₂ -Lot 4, N ¹ / ₂ SE ¹ / ₄ SW ¹ / ₄ , Part. NE ¹ / ₄ SW ¹ / ₄ , Sec. 30 12N-4W	
67	520		Earl Adams		14.68						SW ¹ / ₄ SE ¹ / ₄ , S ¹ / ₂ S ¹ / ₂ SW ¹ / ₄ , Sec. 30; 30 ac. North end NW ¹ / ₄ Sec. 31-12N-4W	
67	521		Ernest A. Hagans		30.47						25 rods of NW ¹ / ₄ , Sec. 31-12N-4W	
67	522		Asa H. Lolley		10.						30 ac. NW ¹ / ₄ , Sec. 31 - 12N-4W	
67	523		John W. Walker		42.91						25 acres NW ¹ / ₄ , Sec. 31-12N-4W	
67	524		Alexander Carlson		60.68						S. 50 rods of NW ¹ / ₄ , Sec. 31, 12N-4W	
67	525		Charles Olson		14.15							
67	526		Albert P. Cooper		16.2242							
67	527		Grover C. Jones		30.							
67	528		L. A. Stites		16.2242							
67	529		MaBe Jewell Stites		32.1							

SCANNED

APR 10 2006

County: Washington
Stream: Mann Creek
Amount: 5.84 sec. ft.
Use: Irrigation
Priority: 3-3-1913

67-2078

STATE OF IDAHO

Water License No. 9151

WHEREAS, On the 3rd day of March, A. D. 1913, Asa Lolley

of Weiser, County of Washington, State of Idaho, duly made application (No. 13857) to me for a permit to use 6-11/25 cubic feet per second of the waters of Mann Creek

County of Washington, State of Idaho, for irrigation and domestic purposes,

WHEREAS, On the 29th day of March, A. D. 1913, Permit No. 9151 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 1st day of October, A. D. 1913, and for the application to beneficial use of said water on or before the 1st day of October, A. D. 1913, and,

WHEREAS, On the 23rd day of July, A. D. 1913, Asa Lolley,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 6-11/25 cubic feet per second of said waters, as evidenced by my Certificate No. 9151 dated June 9, 1914, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6-11/25 cubic feet per second of said water with date of priority of March 3, 1913, and

WHEREAS, On the 27th day of September, A. D. 1913, Asa Lolley

the holder of said permit, duly made proof of the application to beneficial use of 5.84 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, hereby grant and confirm to

Asa Lolley

of Weiser, County of Washington, State of Idaho, the holder and owner of said Permit No. 9151, a perpetual right, dating from March 3, 1913, to the use of 5.84 cubic feet per second of the waters of Mann Creek

in the County of Washington and State of Idaho, or so much thereof as may be necessary for purposes hereinbelow mentioned, to be diverted at the S.E. Cor. of the NE¹ of SW¹, Sec. 2 T. 12 N., R. 5 W.B.M.,

and conducted to and upon 292 acres, divided as follows: 25 A. in SE¹ SE¹, Sec. 12, T. 12 N., R. 5 W.B.M.; 5 A. in SW¹ NE¹, 10 A. in NE¹ NE¹, Sec. 13; 2 A. in NW¹ SE¹, 7 A. in SW¹ SE¹, 25 A. in SE¹ SW¹, 5 A. in SW¹ SW¹, all in Sec. 30 A. in NE¹ NW¹, 20 A. in SE¹ NW¹, 30 A. in NE¹ SW¹, 30 A. in SE¹ SW¹, 15 A. in SW¹ NE¹, 15 A. in NW¹ SE¹, 20 A. in SW¹ SE¹, all in Sec. 19; 15 A. in Sec. 30, all in T. 12 N., R. 4 W.B.M.,

SCANNED

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

STATE OF IDAHO

Water License No. 9151

WHEREAS, On the 3rd day of March, A. D. 1913, Asa Lolley

Weiser, County of Washington, State of Idaho, duly made application No. 13857 to me for a permit to use 6-11/25 cubic feet per second of the waters of Mann Creek, County of Washington, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 29th day of March, A. D. 1913, Permit No. 9151 was issued said applicant for the diversion of said water and providing for the completion of the works of diversion herein described on or before the 1st day of October, A. D. 1913, and for the application to be of said water on or before the 1st day of October, A. D. 1913, and,

WHEREAS, On the 23rd day of July, A. D. 1913, Asa Lolley,

holder of said permit, duly made proof of the completion of adequate works for the diversion of 6-11/25 cubic feet per second of said waters, as evidenced by my Certificate No. 9151 dated June 9, 1914, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6-11/25 cubic feet per second of said water with date of priority of March 3, 1913, and

WHEREAS, On the 27th day of September, A. D. 1913, Asa Lolley,

holder of said permit, duly made proof of the application to beneficial use of 5.84 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, hereby grant and confirm to

Asa Lolley

Weiser, County of Washington, State of Idaho, the holder and owner of said Permit No. 9151, a perpetual right, dating from March 3, 1913, the use of 5.84 cubic feet per second of the waters of Mann Creek

the County of Washington and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at the N.W. Cor. of the NW 1/4 of SW 1/4, Sec. 12, T. 12 N., R. 5 W.B.M.,

and conducted to and upon 292 acres, divided as follows: 10 A. in SW 1/4 SE 1/4, Sec. 12, T. 12 N., R. 5 W.B.M.; 5 A. in SW 1/4 NW 1/4, 10 A. in NW 1/4 SE 1/4, 7 A. in SW 1/4 SE 1/4, 25 A. in SW 1/4 SE 1/4, 5 A. in SW 1/4 SW 1/4, all in Sec. 18, T. 12 N., R. 5 W.B.M.; 20 A. in SW 1/4 NW 1/4, 30 A. in NW 1/4 SE 1/4, 30 A. in SW 1/4 SE 1/4, 15 A. in NW 1/4 SE 1/4, 15 A. in NW 1/4 SE 1/4, 20 A. in SW 1/4 SE 1/4, all in Sec. 19; 15 A. in NW 1/4 SE 1/4, all in T. 12 N., R. 4 W.B.M.,

SCANNED

APR 10 2006

the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local customs, rules and regulations which have been or may be adopted from time to time by majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

APR 07 2006

**Mann Creek
Irrigation
District**

Washington County,
Idaho

ORIGINAL
FINAL TAX RECEIPT
TAX LEVY FOR THE YEAR 1988

Nº 6

Weiser, Idaho 12/14, 1988

RECEIVED from Donald F. Barstad
PO Box 18, Diablo CA 94528
in payment of the taxes for the year 1988 on the following described property, the
sum of Sixteen hundred sixty-two and 21/100 DOLLARS \$1662.21

DESCRIPTION OF LANDS					Assessment Per Acre	Amount and Distribution	
	Section	Twp.	Range	Irrig. Acres			
PEDRO	18	12N	4W	129.1	2.79	Maintenance	635.28
PEDRO	13	12N	5W		4.51	Construction	1026.93
TARTER	13	12N	5W	67.9			
TARTER	24	12N	5W			Total Assess.	1662.21
TARTER	12	12N	5W	30.7			
						One-Half Paid	
						Balance Due	
						Penalty	
				227.7		TOTAL PAID	1662.21

IMPORTANT — Please make sure that
you have secured a receipt for each piece
of property you own in the District.

If the owner's name is not correct, please indi-
cate here:

Present Owner _____

Address _____

**THE FOLLOWING TAXES ARE DELINQUENT ON
ABOVE PROPERTY**

Year	Number	Amount

Margaret Chipman
Assistant Secretary-Treasurer

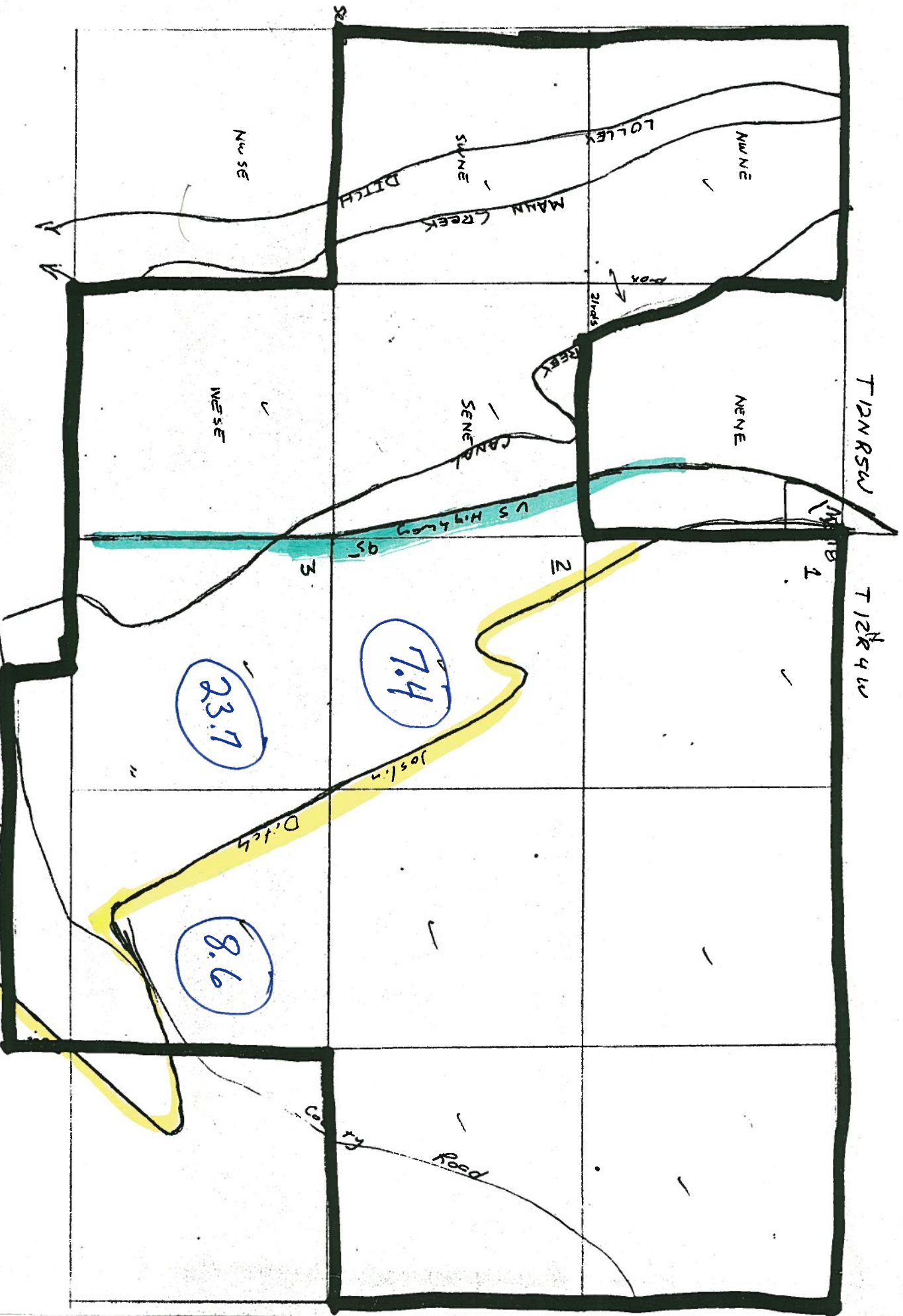
SCANNED

APR 10 2006

PEORO PLACE
WEST OF HWY. 95

75' A. W. H. 1/2
NORTH MARK

13660



8.0 of Highway
86 in bottom cut.
W. of Highway

BROKER'S COPY

Water right 75 acres
River Creek Spring
Canal Deep Wells
Cost per acre \$ 6.45 plus assmt. per year

Cream route
School: G 10 H 10
Church 10
Pvd. Hwy. Mkt. rd.

SCANNED

APR 10 2006

db BARSTAD BEEF CATTLE

RECEIVED

APR 14 2006
DEPARTMENT OF
WATER RESOURCES

Dan Narsavage
Idaho Dept of Water Resources
PO Box 83720
Boise, ID 83720-0098

Subject: 67-14630 evidence of priority

April 11, 2006

Dear Mr. Narsavage:

As per our telephone conversation, enclosed is a notarized, sworn, statement from Mr. Paul Striker of Weiser, ID. Also, enclosed are pictures of the subject property, most commonly known as 1526 Hwy 95, Weiser, ID 83672, in Washington County.

I am in the process of preparing the Tarter Claim and will be sending it along as soon as possible.

I hope this material is all that you will need to put this matter to rest. If you have any questions, please call me at (208-549-2466)

Sincerely,



Donald Barstad

SCANNED

APR 17 2006



Paul Striker
1790 N Striker Lane
Weiser, ID 83672

Idaho Dept of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Evidence of priority 67-14630

April 11, 2006

Dear Mr. Narsavage:

This letter is to confirm the water usage on the Pedro Place, in Washington County, most commonly known as 1526 Hwy 95, Weiser, ID 83672. The original owners of this property was the Adams family somewhere in the late 1800's. They irrigated 67-14630 from the Joselin Ditch. The Pedro family purchased the property approximately 1920. They also irrigated 67-14630 from the Joselin Ditch.

I purchased the property from the Pedro Family in 1970. I, also, irrigated 67-14630 from the Joselin Ditch. In 1984 I sold the property to the Barstad's. The Barstad Family installed an elaborate sprinkling system to irrigate 67-14630 in 1986. To the best of my knowledge, the Joselin Ditch was constructed in 1877 and has been continuously used for irrigation on 67-14630 to this date.

If you have any questions, please call me at (208-549-1397).

Sincerely,

A handwritten signature in cursive script that reads "Paul Striker".

Paul Striker

SCANNED

APR 17 2006

STATE OF IDAHO.

COUNTY OF _WASHINGTON_)

On this _12th day of _April_____, in the year of _2006_____, before me

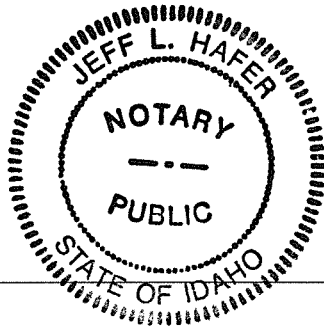
_____ Jeff L. Hafer _____ a notary public in and for said State of Idaho, personally

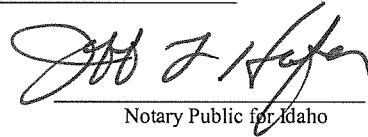
appeared _____ Paul Strker _____

known or identified to me (or proved to me on the oath of _____) to be the person

_____ whose name _____ subscribed to the

within instrument and acknowledged to me that _____ they _____ executed the same.




Notary Public for Idaho

Residing at ___Weiser, Idaho___

My commission expires _5-16-08_

SCANNED

APR 17 2006



Pedro Place, Joselin Ditch # 67-14630



Evidence of priority previous water users:
Barstad-Striker-Pedro-Adams

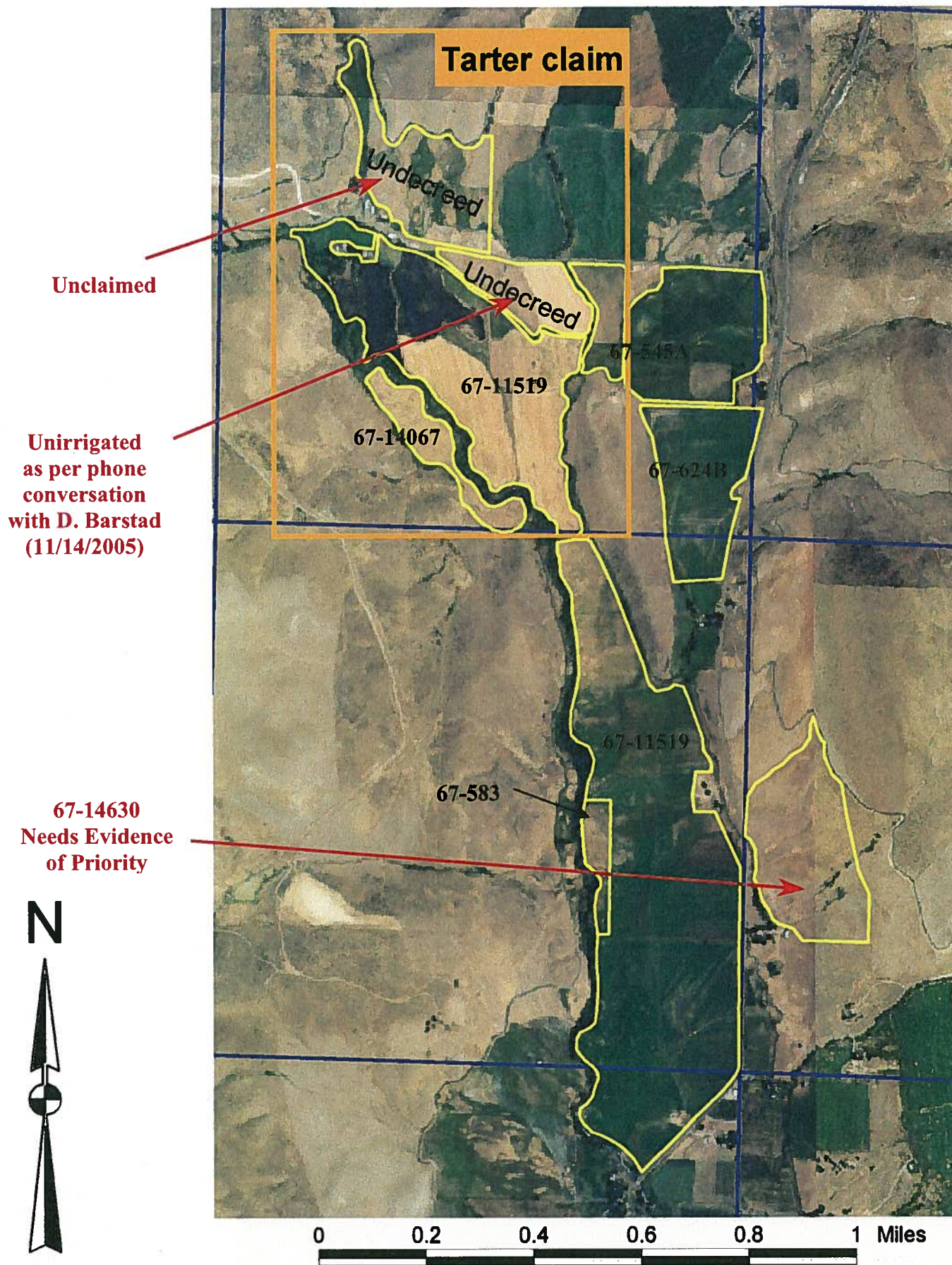


Water pump feeding 40 acres



1 of 35 underground sprinkler heads

SCANNED



SCANNED

APR 17 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 20, 2005

DONALD F BARSTAD
1555 HWY 95
WEISER ID 83672-5515

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-14630
Identification Number Change

Dear Claimant:

The identification number of your water right has been changed from #67-2078C to 67-14630. The basis of your claim changed from "License" to "Beneficial Use" because the license was superceded by the Mann Creek Decree. Please use the new number in future inquiries or correspondence you may have with our Department.

I have enclosed a copy of Notice of Claim #67-14630 which you may retain for your records.

Please be sure to tell us if your address changes in any way or if you have sold the property connected with this water right claim.

Do not hesitate to contact this office toll-free at 1/800-452-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Copy of Notice of Claim #67-14630

SCANNED
OCT 20 2005

Memorandum

From: Dan Narsavage

Date: April 20, 2006

Re: Affidavit from Paul Striker (dated 04/11/06, notarized 04/12/06) regarding 67-14630

The problem:

After reviewing this affidavit, I require more information before I can recommend a priority date for this claim. Mr. Striker identified the land claimed for irrigation by Barstad, and he indicated that he owned this land before Barstad. He also said that the two owners previous to him, the Pedro family and the Adams family, had irrigated it. However, he failed to give any indication of his age or how long he has lived along Mann Creek, so I cannot determine what he actually witnessed.

The solution:

I called Mr. Striker on April 20, 2006, and he indicated that he has lived along Mann Creek for most of his life and he can remember the Pedro family irrigating the land claimed by 67-14630 in the late 1940s. Based on this, I will recommend a 1948 priority date.

DATE: 03/24/99
PAGE: 1

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 67	Field Inspection Flag: Presumption Flag:	

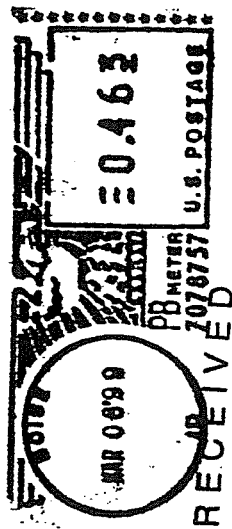
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098**

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS

33720-0098

IMPORTANT WATER RIGHT INFORMATION



MAR 18 1999

Department of Water Resources

67-11520
DONALD F BARSTAD
PO BOX 18
DIABLO CA 94528

BARSO16 945262034 1C97 17 03/13/99
FORWARD TIME EXP RTN TO SEND
BARSTAD
1555 HIGHWAY 95
WEISER ID 83672-5515

2007-08-01 10:00 AM

[illegible]

April 11, 1990

Donald F. Barstad
1526 Highway 95 North
Weiser, ID 83672

Dear Mr. Barstad:

I received your letter dated March 29, 1990, on April 2, 1990 requesting an appointment be set up with me to discuss your water right claims in Washington County. I have tried to contact you by phone Monday, Tuesday, and today of this week with no answer at your Weiser phone number. I have not tried your California number assuming you are in Idaho this week as stated in your letter. We also received your earlier letter dated February 22, 1990, and I had given it to the agent who actually did the review on your claims. Due to the fact that we were in the midst of Canyon County claims filing, the agent was booked with Canyon County appointments and could not find the time to answer your letter. I do have to sign any letters returning claims with problems that are sent by the Department's water resource agents and I also do a review of those claims at that time. Therefore, I am familiar with your claims and am available to assist you in completing your claims to insure they are filed correctly.

This letter is to request that you call and set up an appointment with me to complete your claims. It will be difficult to set up an appointment this week because we are in the last week of our Payette County deadline and I will be working at the mobile office in Payette Thursday and Friday. Will there be another time in the next few months that you will be in Idaho? Your claims will not be affected by the delay, because they have been officially received at our office, and just need some changes or corrections. However, the Washington County claims received after the deadline are affected by being submitted late. An extension of time request form can still be completed when you come in for your appointment, and the outcome of that request is not affected by delaying your appointment. Payette County is our last county for claims filing, therefore, any day after April 18, 1990, should be open for an appointment. Hopefully, this delay will not cause you too much inconvenience.

Please contact me at your earliest convenience at 334-2190 to set up an appointment.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Adjudication Section

JS:j

MICROFILMED
OCT 22 1996

db BARSTAD BEEF CATTLE

RECEIVED

APR 02 1990

Department of Water Resources
Western Regional Office

March 29, 1990

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705
Attn: Jan Shurte,
Adjudications Supervisor

Dear Jan:

In February, I sent you a number of water rights revised claim forms per your instruction letter dated February 1, 1990. In that letter there were a number of questions that needed answering by your department. As of this date I have not received a response from you.

I recently purchased another ranch next door to my existing property. I am enclosing these forms that are partially filled out, and, again, there are a number of questions that I need help in answering from your department.

I will be in the Boise area April 7th through April 14th, and if at all possible, I would like to meet with you regarding this matter.

Sincerely,



Donald F. Barstad

DFB/jh

MICROFILMED

OCT 22 1990

db BARSTAD BEEF CATTLE

RECEIVED
FEB 26 1990

Department of Water Resources
Western Regional Office

February 22, 1990

Jan Shurte
Adjudications Supervisor
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Jan:

Enclosed please find copies of #1 - County Property Tax Records, #2 - Mann Creek Irrigation District Assessment, #3 - copy of my original letter dated September 8, 1989, #4 - copy of my original water rights claims dated September 11, 1989, #5 - copy of your receipt #W005817 dated September 11, 1989, #6 - copy of my cancelled check in the amount of \$227.30 dated September 7, 1989, #7 - copy of your letter dated February 1, 1990, #8 - copies of five new revised water rights claims, and #9 - an aerial photo of the property boundaries in question.

In reviewing your forms, WR0723NP, I still find some discrepancies in water right totals.

All that I am trying to do is establish the correct water rights in accordance with the Mann Creek Irrigation District's assessment, that being my first purchase of property called Pedro being 129.1 acres; my second purchase, being called Tartar - 67.9 acres, and my third purchase of property being Tartar - 30.7 acres.

I have marked these plots on the aerial photograph enclosed.

I have not had the new water rights claims notarized as I am uncertain at this point if they are correct. I am planning to be in Idaho next month and could stop in to see you if necessary. In the meantime, if there are any problems or questions on the material that I have furnished you, you may call me at 415-732-1050.

Sincerely,



Donald F. Barstad
DFB/jh
enc.

MICROFILMED
OCT 22 1996

CALIFORNIA: (415) 837-9240 • POST OFFICE BOX 18 • DIABLO, CALIFORNIA 94528
IDAHO: (208) 549-0550 • 1526 HIGHWAY 95 NORTH • WEISER, IDAHO 83672

**Mann Creek
Irrigation
District**
Washington County,
Idaho

ORIGINAL
FINAL TAX RECEIPT
TAX LEVY FOR THE YEAR 1988

Nº 5

Weiser, Idaho 12/10, 1988

RECEIVED from Donald E Barstad
PO Box 18, Diablo C - 94528
in payment of the taxes for the year 1988 on the following described property, the
sum of thirteen hundred sixty-two and 21/100 DOLLARS \$ 1662.21

DESCRIPTION OF LANDS					Assessment Per Acre	Amount and Distribution	
	Section	Twp.	Range	Irrig. Acres			
① { PEDRO	18	12N	44W	129.1	2.79	Maintenance	635.28
① { PEDRO	13	12N	5W		4.51	Construction	1026.95
② { TARTEN	13	12N	5W	67.9			
② { TARTEN	24	12N	5W			Total Assess.	1662.21
③ { TARTEN	12	12N	5W	30.7			
						One-Half Paid	
						Balance Due	
						Penalty	
				227.7		TOTAL PAID	

IMPORTANT — Please make sure that
you have secured a receipt for each piece
of property you own in the District.

If the owner's name is not correct, please indi-
cate here:

Present Owner _____

Address _____

**THE FOLLOWING TAXES ARE DELINQUENT ON
ABOVE PROPERTY**

Year	Number	Amount

Margaret Chipman
Assistant Secretary-Treasurer

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OCT 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 1, 1990

Donald F. Barstad
Barstad Beef Cattle
1526 Highway 95 North
Weiser, Idaho 83672

RE: Snake River Basin Adjudication
Washington County

Dear Mr. Barstad;

Attached you will find your receipt #W005817 for \$227.00 and other documents for your perusal. The attached documents will assist us in correctly filing for your Adjudication Claims. Although, you have been very prudent in your filing, there may be some misunderstanding on your part regarding the necessary filings for your water rights. I would like to explain what has been filed on in your area, and what you should be filing. If after reviewing this letter and the enclosed information, you would like assistance in completion of your filing you should make an appointment with our office. If you prefer to complete the filings in the comfort of your own office, there are additional claims forms enclosed.

You have indicated the License #67-2386 as the basis for your claim, however, the license is in the name of The United States of America, Bureau of Reclamation and represents the irrigation storage rights the Bureau developed in behalf of you and your community. You do own shares of storage water in the Mann Creek Reservoir which you or your predecessors purchased through the Mann Creek Irrigation District. The Bureau of Reclamation, however, owns the reservoir and the storage water rights and has taken care of the filing for this right. In addition, the Mann Creek Irrigation District has filed a "Notice of Claim to a Water Right" for the beneficial use of flood waters from Mann Creek for its share holders. The individual land owners in your community, however, need to file for live flow or previously established rights based on old licenses and decrees appurtenant to their lands, and as listed on a Watermaster's list such as you also submitted with your claim.

We have researched the water rights for your lands and have attached copies of the rights to your previously submitted claim. These rights include portions of six decreed and one licensed right for which five separate

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OCT 22 1996

filings should be made. The Proof Reports of these water rights are attached to your original claim and contain all the information you need to file these five claims. You have several options in filing these claims, of which we would be more than happy to assist you with. Three of the rights, 67-00513, 67-00514, 67-00515, can be combined on the same claim as they have the same date of priority and have the same source. Each of the other rights should be filed separately including the information we have highlighted or added with a highlighter.

If you have any questions, concerns or would like to make an appointment, please do not hesitate to contact Bruce Schuld through this office.

Sincerely,



Jan Shurte
Adjudications Supervisor
Western Regional Office
Idaho Department of Water Resources

cc:JS:BAS:file

Enclosures: Original "Notice of Claim to a Water Right"
"Notice of Claim to a Water Right" 7 - Long Forms
Proof Reports - 7

db BARSTAD BEEF CATTLE

RECEIVED

SEP 11 1989

Department of Water Resources
Western Regional Office

September 8, 1989

Western Region
Idaho Department of
Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Sirs:

Enclosed herewith please find a check in the amount of \$237.30 which covers my \$50.00 application fee and \$1.00 per acre for the 227.3 acres of water rights claimed.

If you have any questions you may contact me directly at 415-952-7522.

Sincerely,



Donald F. Barstad

DFB/jh
enc.

*ORIGINAL
LETTER*

MICROFILMED

OCT 22 1989

CALIFORNIA: (415) 837-9240 • POST OFFICE BOX 18 • DIABLO, CALIFORNIA 94528
IDAHO: (208) 549-0550 • 1526 HIGHWAY 95 NORTH • WEISER, IDAHO 83672

Saxton, Craig

From: Tuthill, Dave
Sent: Friday, April 29, 2005 11:54 AM
To: Saxton, Craig; Bromley, Chris
Cc: Nelson, Dan
Subject: RE: New Issue with Jefferson Vs. Higgenbotham

Nice analysis, Craig.

I think that it would be very difficult to defend a position that the license was not superceded by the decree -- I agree with your conclusion, but I am open to additional interpretation by Chris.

Thanks for your good work,

Dave

-----Original Message-----

From: Saxton, Craig
Sent: Friday, April 29, 2005 9:58 AM
To: Bromley, Chris
Cc: Nelson, Dan; Tuthill, Dave
Subject: New Issue with Jefferson Vs. Higgenbotham

Hey Chris,

I am really beginning to hate this decree. I guess it is good to work these things out now so we can deal with them when they come up again in the future.

What I have is a license that dates back into the decree.

67-02078 was licensed to Asa Lolley with a priority date of 3-3-1913. Licensed was signed on 6-9-1914. On page 6 of the "67-02078 Backfile" (attached) it speaks of Asa being quick claim deeded 10 inches of water. I just thought that was interesting and really probably doesn't mean much.

Anyway, let me make a long story short.

Asa Lolley was party to the decree signed June 3, 1921. In fact, I think she is in there twice.

I have:

67-521, Asa H. Lolley
67-628, A H Lolley

Both with the same POU.

However, the POU defined in the decreed rights, is significantly smaller than the POU described in license 67-02078.

So, I checked the entire POU for other decreed rights that fell within 67-02078's licensed POU (attached) to see if that licensed acreage is covered with decreed water. There are a lot.

Conclusion: I think this license was superseded by the decree. I can't find any mention of the license being valid in the decree (however, I admit, I didn't read through the whole thing).

Just brainstorming here, but my guess would be that Asa Lolley filed for the license for a huge amount of acres and got it put in her name even if it was someone else's property. Then through the decree process, they divided out that water use to the actual users of the land.

Whaddya think?

All these Jefferson Vs. Higgenbotham questions such as the priority date issues and primary and secondary rights, have surfaced because Dan Nelson at Western is going to do a licensing field exam on a permit that overlaps with 4

SRBA claims. 67-02078A being one of them. I am trying to figure out if he even needs to look at this while he is out there, or we just disallow the thing because it was superceded by the decree.

One other note: The current owner on the SRBA claims is Wayne W Williamson. One of the names that keeps popping up on not only the licensing permit, but the decree as well is Williamson. I think there is a family history here where we could run into some "old timer water use practices" rather than what was actually legal. Just my opinion.

Thanks again.

Craig

<< File: 67-2078 Backfile.pdf >> << File: 67-02078 Decreed overlap.xls >>