

09/29/2006

RECEIVED

NOV 07 2006

WATER RESOURCES
WESTERN REGION

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: October 31, 2006

Water right number: 63-31294

MANN FARMS
31801 MANN LN
PARMA ID 83660
Telephone Number: (208)722-9039

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: 10-31-04

SIGNATURE: 

Please print your name: C. Kent Mann

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

08/02/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31294

NAME AND ADDRESS: MANN FARMS
31801 MANN LN
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.230 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined diversion rate of 1.24 cfs.

Combined Right Nos.: 63-21364, 63-31292, 63-31293, 63-31294, 63-31295.

PRIORITY DATE: 05/12/1976

POINT OF DIVERSION:

T06N R06W S25 SWNE Within CANYON County

T06N R06W S25 SWNE Within CANYON County

T06N R06W S25 SWNE Within CANYON County

T06N R06W S25 NWSE Within CANYON County

Three points of diversion located in T6N, R6W, S25, SWNE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.230 CFS

PLACE OF USE: STOCKWATER Within CANYON County

T06N R06W S25

SWNE

T06N R06W S25

NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 1000 dairy replacement cattle.

Right Nos. 63-21364, 63-31292, 63-31293, 63-31295 are also diverted through points of diversion described above.

Use is within Parcel No. R3948600000.



Idaho Department of Water Resources

63-31294

06N 06W Sections 25



-  POU
-  POD
-  Sections
-  Quarter/Quarter

600 0 600 Feet



IDWR
Prepared by: Lori Graves
Date: 08-07-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31294 V1

WATER RIGHT NUMBER: 63-31294 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MANN FARMS 31801 MANN LN PARMA, ID 83660 (208)722-9039

Priority Date: 05/12/1976

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.230 CFS	
	<u>Total Diversion:</u>	0.230 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 25, Twp 06N, Rge 06W, B.M.
CANYON County		
GROUND WATER	SW1/4NE1/4	Sec. 25, Twp 06N, Rge 06W, B.M.
CANYON County		
GROUND WATER	NW1/4SE1/4	Sec. 25, Twp 06N, Rge 06W, B.M.
CANYON County		
GROUND WATER	SW1/4NE1/4	Sec. 25, Twp 06N, Rge 06W, B.M.
CANYON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	06W	25			X												X		

Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
2. X02 Stockwater use is for 1000 dairy replacement cattle.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31294 V1

4. F05 Right Nos. 63-21364, 63-31292, 63-31293, 63-31295 are also diverted through points of diversion described above.
5. Use is within Parcel No. R3948600000.
6. F02 Three points of diversion located in T6N, R6W, S25, SWNE.
7. 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.
8. E52 The rights listed below are limited to a total combined diversion rate of 1.24 cfs. Combined Right Nos.: 63-21364, 63-31292, 63-31293, 63-31294, 63-31295.

Remarks:Comments:

1. Igraves 8/2/2006 History

Comment: Please see the water right report filed by Scanlan Engineering 9/6/2001 located in files 63-2587B and 63-21364 for a detailed analysis of the historical development of Mann Farms feedlot. According to the report, the feedlot expanded as follows: 1000 stock watered in 1944 covered on decree 63-21364, 1500 added between 1952 and 1963 covered on right 63-31293, 1000 added between 1963 and 1973 covered on right 63-31295, 1000 added between 1973 and 1976 covered on right 63-31294, and 1000 added between 1976 and 1982 covered on right 63-31292. As of 1987, the feedlot consisted of 5500 total stock. Permits 63-31298 and 63-31664 covered another 4500 stock added after 1987, which increased the feedlot to 10,000 total stock.

2. Igraves 8/2/2006 P/Ds

Comment: The claims state that in 1987, four wells provided water to the stock. The two wells located in the SWNE were decreed to right 63-21364 listing a 1944 priority date. Terry Scanlans report provided logs associated with five wells used for the stock as of 2001. No logs were found for wells constructed prior to 1976. Only two of the five logs provided in the report were for wells drilled prior to 1987; one dated 1976 and the other dated 1982. Based on legal description, the report indicated that the two wells decreed to right 63-21364 were replaced in 1994 and 1998.

3. Igraves 8/2/2006 Flow Rate

Comment: The original wells have been replaced with new wells drilled after 1987 via transfer 69555 and permits 63-31298 and 63-31664. The water right report provided dated aerial photos that indicate the gradual expansion of the feedlot, which supports the gradual increase in cow numbers claimed. Since the wells that existed in 1987 have been replaced, cow numbers were used to estimate flow rate. According to claimants consultant, a transfer will be filed after the claims have been decreed to reflect the current p/d status.

4. Igraves 8/2/2006 Stockwater

Comment: The water report states that all stockwater has been supplied from ground water since 1992. Prior to that date, the stock also drank water from a drain ditch. This information was then clarified by Kent Mann stating that since the 1970s, the stock have only consumed ground water. See an e-mail dated 7/26/2006 from Scott King located in file 63-4262 for reference to Kent Manns statement.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31294 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31294

WATER RIGHT NUMBER: 63-31294

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MANN FARMS 31801 MANN LN PARMA, ID 83660 (208)722-9039

Priority Date: 05/12/1976

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.230 CFS	
	<u>Total Diversion:</u>	0.230 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 25, Twp 06N, Rge 06W, B.M.
CANYON County		
GROUND WATER	SW1/4NE1/4	Sec. 25, Twp 06N, Rge 06W, B.M.
CANYON County		
GROUND WATER	NW1/4SE1/4	Sec. 25, Twp 06N, Rge 06W, B.M.
CANYON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	06W	25	X				

Conditions of Approval:

- Other water rights used: 63-21364. Claim is for 1000 head within 5.500 head feed lot. Claimed priority date based on drill log (attached)

Dates and Other Information:

Claim Received Date: 9/6/2001
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

add: N11

N13

X02 - 1000 head

F05 - shared P/ds

F02 - 3 P/ds in SWNE

E52 - cfs combined limit

excl - Parcel No R3548600000

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

Case No. 39576

**AFFIDAVIT OF
KENT MANN**

RECEIVED

SEP 18 2001

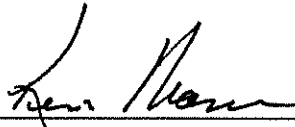
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
 ss.
County of Ada)

KENT MANN of lawful age and of his own personal knowledge, states:

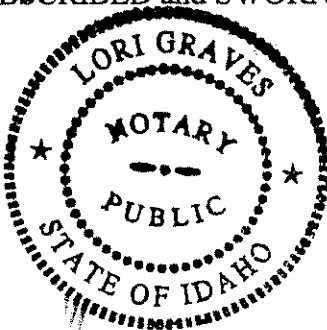
1. Mann Farms includes M&M Feedlots and associated irrigated farmland located in western Canyon County, Idaho.
2. My father, Charles Mann, purchased the Mann Farms property in about 1947. My father is now deceased.
3. My father constructed the first phase of M&M Feedlot in the early 1950s. I estimate that the feedlot capacity was approximately 1,000 head of beef cattle by 1952. At that time, I understand that stockwater for the feedlot was supplied from a drain ditch and from two groundwater wells.
4. Between 1952 and 1963, the feedlot capacity expanded to 2,500 beef cattle. During this period, stockwater was supplied from a drain ditch and approximately two groundwater wells
5. By 1973, the feedlot capacity had expanded to approximately 3,500 head of beef cattle. At that time, stockwater was supplied from a drain ditch and approximately three groundwater wells.

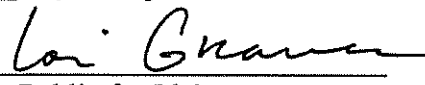
6. By 1984, the capacity of the feedlot facility reached a maximum of 6,500 beef cattle. Stockwater was obtained from the drain ditch and approximately 4 wells.
7. In 1984, the facility switched from raising beef cattle to raising dairy replacement cows.
8. By 1987, the capacity of the feedlot facility reached 5,500 dairy replacement cows. Stockwater was obtained from the drain ditch and four wells.
9. In 1992, use of the drain ditch source for stockwater was discontinued. All stockwater since 1992 has been supplied from groundwater wells.
10. The dairy replacement cows require more space per animal than beef cattle. Therefore, we have gradually expanded the area of the feedlot since 1984 to provide greater living area per animal. Since 1996, the feedlot area has increased by approximately 20.7 acres.



Kent Mann

SUBSCRIBED and SWORN to before me this 18 day of September, 2001.





Notary Public for Idaho
Residing at: Bonneville
Commission expires: 6/18/04

5/29/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page 1

[illegible]

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Claim	63 4852	FARMERS COOPERATIVE DITCH CO.	CONWAY DRAIN	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	36	584
Rec	63 4852	FARMERS COOPERATIVE DITCH CO.	CONWAY DRAIN	06N06W25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Claim	63 2587A	PACE & NIELSEN FARMS,	DRAIN DITCH	06N06W25				40	40		7	39								86
Rec	63 2587A	PACE & NIELSEN FARMS,	DRAIN DITCH	06N06W25				40			7	39								86
Claim	63 5281	PACE & NIELSEN FARMS,	DRAIN DITCH NO 3	06N06W25					18											18
Claim	63 5318	PACE & NIELSEN FARMS,	DRAIN DITCH NO 3	06N06W25							30									30
Rec	63 5281	PACE & NIELSEN FARMS,	DRAIN DITCH NO 3	06N06W25					18											18
Rec	63 5318	PACE & NIELSEN FARMS,	DRAIN DITCH NO 3	06N06W25							30									30
Right	63 5281	PACE & NIELSEN FARMS,	DRAIN DITCH NO 3	06N06W25					18											18
Right	63 5318	PACE & NIELSEN FARMS,	DRAIN DITCH NO 3	06N06W25							30									30
Claim	63 29756	E G JOHNSON, NANCY JOHNSON,	GROUND WATER	06N06W25			X													0
Claim	63 31292	MANN FARMS,	GROUND WATER	06N06W25		X											X			0
Claim	63 31293	MANN FARMS,	GROUND WATER	06N06W25		X											X			0
Claim	63 31294	MANN FARMS,	GROUND WATER	06N06W25		X											X			0
Claim	63 31295	MANN FARMS,	GROUND WATER	06N06W25		X											X			0
Claim	63 3249	NANCY JOHNSON, E G JOHNSON,	GROUND WATER	06N06W25	24			22												46
Permit	63 31298	MANN FARMS,	GROUND WATER	06N06W25		X					X	X				X	X			0
Permit	63 31664	MANN FARMS,	GROUND WATER	06N06W25		X					X	X	X			X	X			0
Rec	63 31292	MANN FARMS,	GROUND WATER	06N06W25		X											X			0

5/29/2006

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page 3

[illegible]

5/29/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page 4

[illegible]

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 63-31294
Date Received: 9/6/2001
Receipt No: W028270
Received By:

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

1. Name of Claimant(s): MANN FARMS Phone: (208) 722-6343
31801 MANN LN
PARMA ID USA 83660

2. Date of Priority: 05/12/1976

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	06W	25	SW NE	CANYON	
06N	06W	25	SW NE	CANYON	
06N	06W	25	NW SE	CANYON	

5. Description of diverting works:

4 wells with buried pipe to water troughs

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.23	

7. Total Quantity Appropriated is:
0.23 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 1000 head of dairy replacement cows

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	06W	25	SW NE		STOCKWATER	
			NW SE		STOCKWATER	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Other water rights used: 63-21364. Claim is for 1000 head within 5.500 head feed lot. Claimed priority date based on drill log (attached)

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A63-31294Date Received 9.6.01Receipt Number W028270**NOTICE OF CLAIM
TO A
WATER RIGHT**

RECEIVED

SEP 06 2001

WATER RESOURCES
WESTERN REGIONACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Mann Farms Phone (208) 722-6343Mailing Address 31801 Mann Lane, Parma, ID Zip 836602. Date of Priority (Only one per claim) 5/12/1976 Month/Day/Year3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____which is tributary to (b) NA Name or kind of source4. Location of point of diversion is: Township 6N Range 6WSection 25 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.,County of CanyonAdditional points of diversion if any: 2 wells SWNE and 1 well NWSE, Sec 25, T6N, R6W5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 4 wells with buried pipe to water troughs

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For stockwater purposes from 1/1 Month/Day to 12/31 Month/Day amount 0.23 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.23 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1000 head of dairy replacement cows

10. Place of use is: Township: 6N Range 6W

Section 25, SW 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of Canyon for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any NWSE Section 25, T6N, R6W

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

12. Do you own the property listed above as place of use? Yes X 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.
63-21364, other SRBA claims

14. Remarks: Claim is for 1000 head within 5,500 head feed lot

Claimed priority date based on drill log (attached)

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 9-6-01

Date _____

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

of _____ Title _____ that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ } SS.

County of ADA }

Subscribed and sworn (or affirmed) before me this 6th day of Sept 2001

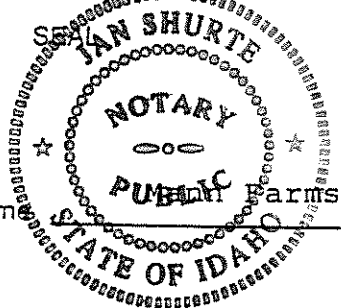
Notary Public [Signature]

Residing at Meridian ID

My Commission Expires 9-14-2004

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant



WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 1, 2001

Terry Scanlan
600 E. River Park Lane, Suite 105
Boise ID 83706

Re: SRBA claims for Mann Farms

Dear Terry:

Enclosed, for your records, are copies of the beneficial use claims and amended claims in the SRBA for Mann Farms.

If you have any questions regarding these claims, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region

LH:l
Enclosures

Idaho Department of Water Resources Receipt

Receipt ID W028270

Payment Amount Date Received Region Status
 Payment Type Check Number

Payer

Comment

 APPL. FOR PERMIT - MANN FARMS (\$250)
 APPL. FOR TRANSFER - MANN FARMS (\$250)
 2- APPL. FOR EXTENSION TO AVOID FORFEITURE (\$100 ea)
 APPL. FOR DRILLING PERMIT (\$200)

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$206.00	ADJUDICATION FILING FEE	0337		42503	1155
\$200.00	DRILLING PERMITS	0229	21	62134	1205
\$250.00	TRANSFERS	0229	21	62105	1155
\$200.00	EXTENSIONS	0229	21	62103	1155
\$250.00	PERMITS	0229	21	62103	1155

Signature Line (Dept. Representative)