

11/14/2006

NOTICE OF ERROR
REPLY

DEC 12 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: 67-515C

LOUISE TARTER

1516 HWY 95

WEISER ID 83672

Telephone Number: (208)549-2347

new owners

Carol Tarter and/or Sandra Tarter Cooper

new ownership
documentation to follow

deceased →

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. new ownership

DATE: _____

SIGNATURE: _____

Carol Tarter

Please print your name: _____

Carol Tarter

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

SCANNED
DEC 12 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-515C V1

WATER RIGHT NUMBER: 67-515C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOUISE TARTER 1516 HWY 95 WEISER, ID 83672 (208)549-2347
Original Owner	J A TARTER , ID

Priority Date: 06/01/1874

Basis: Decreed

Status:

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/1 to 11/15	0.110 CFS	
	<u>Total Diversion:</u>	0.110 CFS	

Location of Point(s) of Diversion

MANNS 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											5.5						5.5
													L 4						

Total Acres: 5.5

Conditions of Approval:

1. 169 This right is a Primary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, irrespective of priority, is senior to all Secondary Rights on Mann Creek.
2. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-515C V1

Remarks:Comments:

1. segbert 5/27/2004 Quantity

Comment: This is part of a split

2. dnarsavage 11/9/2005 Split

Comment: More info on the split:

67-515 was decreed 83.72ac & 1.6744cfs

67-11519 (Barstad) has been recommended 58.2ac & 1.16cfs.

67-515A (Mantooth) 7ac & 0.14cfs

67-515B (J. Tarter) 10.7ac & 0.21cfs

67-515C (L. Tarter) 5.5ac & 0.11cfs

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: S

Owner Name Connector:

Water District Number: 67

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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	5/27/2004 1:23:11 PM	segbert			
Source	5/27/2004 1:23:36 PM	segbert			
POU	5/27/2004 1:33:19 PM	segbert			
Use	5/27/2004 1:57:59 PM	segbert			
POD	5/27/2004 1:58:08 PM	segbert			
Season	5/27/2004 1:58:10 PM	segbert			
Quantity	5/27/2004 1:58:11 PM	segbert			
Season	5/27/2004 3:23:05 PM	segbert			
Quantity	5/27/2004 3:23:55 PM	segbert			

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-515C V1

POU	5/27/2004 1:33:19 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file?
POU	5/27/2004 1:40:05 PM	segbert	Created polygon from PLS
Use	5/27/2004 1:58:00 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
POD	5/27/2004 1:58:09 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Season	5/27/2004 1:58:10 PM	segbert	(Yes) 1. Is the basis of claim Decree or License?
Quantity	5/27/2004 1:58:11 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Season	5/27/2004 3:23:05 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	5/27/2004 3:23:56 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume?
Priority Date	5/27/2004 1:23:11 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Source	5/27/2004 1:23:37 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	9/28/2005 10:07:33 AM	dnarsavage	Updated PLS for Active POU
POU	9/28/2005 10:04:13 AM	dnarsavage	Updated shape for Active POU
POU	9/28/2005 10:05:58 AM	dnarsavage	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-515C V1

POU	9/28/2005 10:04:18 AM	dnarsavage	Edited Season Of Use
POU	9/28/2005 10:07:25 AM	dnarsavage	Updated shape for Active POU
POU	9/28/2005 10:04:30 AM	dnarsavage	Updated PLS for Active POU
POU	9/28/2005 10:06:09 AM	dnarsavage	Updated PLS for Active POU
POU	9/28/2005 10:08:40 AM	dnarsavage	Updated shape for Active POU
POU	9/28/2005 10:08:46 AM	dnarsavage	Updated PLS for Active POU
POD	8/11/2005 2:09:44 PM	dnarsavage	Correlated PODID 619492 from SpatialDataID 304975 to SpatialDataID 9560
POD	8/11/2005 2:09:44 PM	dnarsavage	Correlated PODID 619492 from SpatialDataID 304975 to SpatialDataID 9560

Water Supply Bank:

Split Analysis

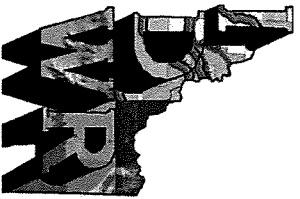
Water Right Number: 67-515
 Diversion Rate: 1.6744 CFS
 Reviewer Name: Dan Narsavage
 Date: 12/22/2005

[illegible]

2.62 acres not found

67-515 (83.7 ac & 1.67 cfs)	67-515A (7.0 ac & 0.14 cfs)
	67-515B (10.4 ac & 0.21 cfs)
	67-515C (5.5 ac & 0.11 cfs)
	67-11519 (58.2 ac & 1.16 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-515	1.6744	83.72	0.020
67-515A	0.14	7	0.020
67-515B	0.21	10.4	0.020
67-515C	0.11	5.5	0.020
67-11519	1.16	58.2	0.020



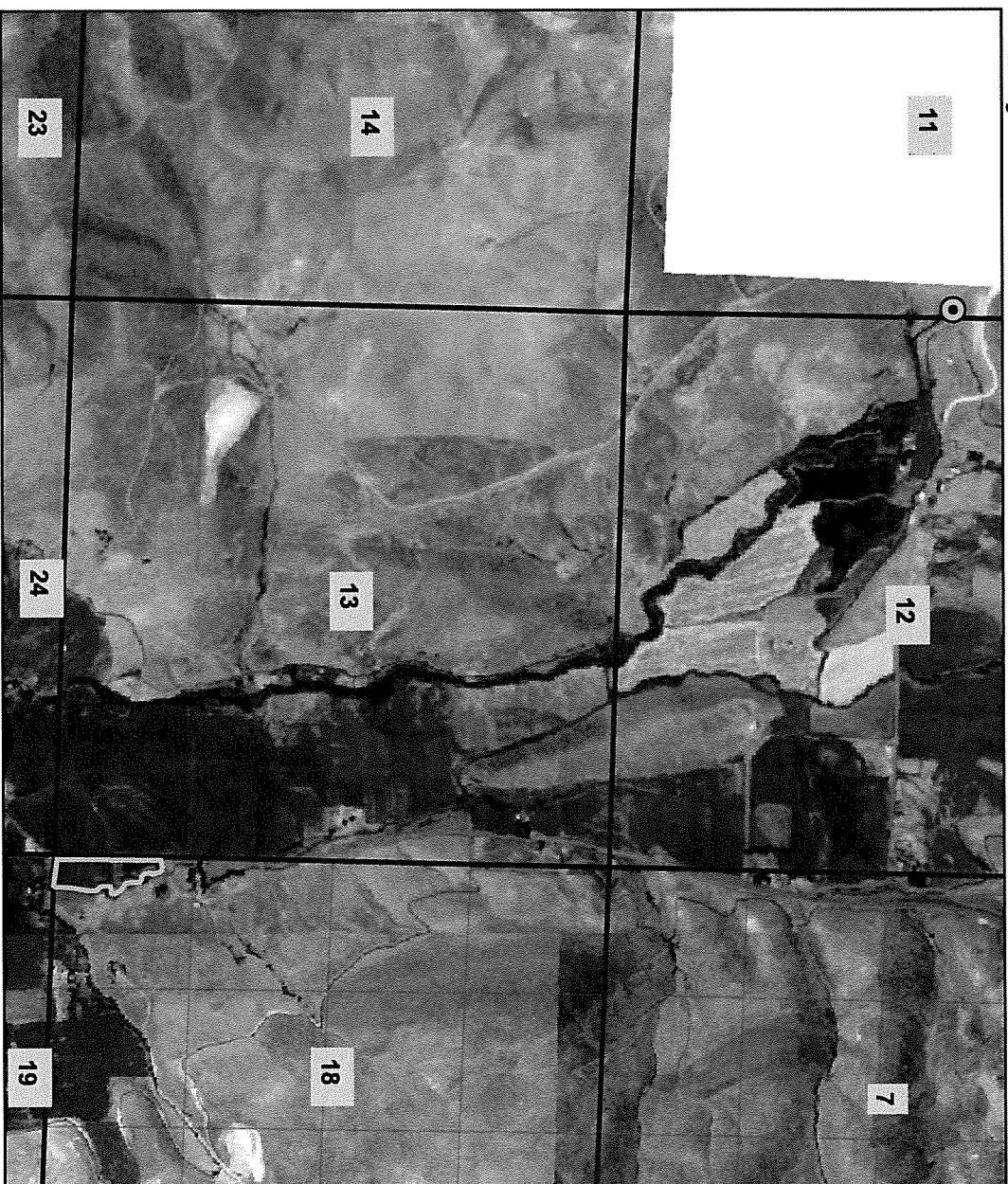
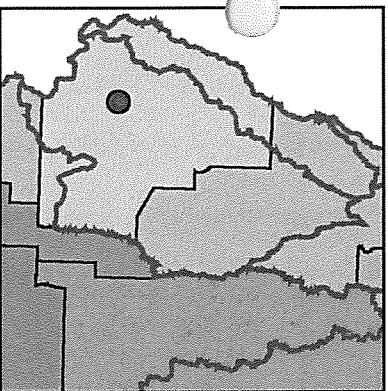
Idaho Department of Water Resources

Adjudication Claim Number: **67-515C**

T12N R04W

Legend

-  Point of Diversion
-  Place of Use
-  PLS Sections
-  GCDBQuarter Quarters



Prepared by D. Narsavage
On Monday, December 5, 2005
1987/88 Aerial Photography

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

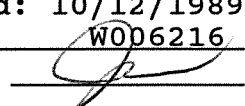
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00515C

Date Received: 10/12/1989

Receipt No: W006216

Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOUISE TARTER 208-549-2347
Address: 1516 HWY 95
WEISER ID 83672

2. Date of Priority: JUN 1, 1874

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

4. Point of Diversion:

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

5. Description of diverting works:
2-8" HEADGATES - NO MEASURING DEVICES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.110		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	04W	18	SW	SW		IRR	5.5

Section Acres 5.5

SCANNED

APR 06 2004

MICROFILMED

OCT 22 1996

10. Place of Use: Continued

Total Acres 5.5

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:
NONE.

14. Remarks:
COPY OF LEGAL ENCLOSED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

E. V. JEFFERSON ET. AL.
Decree Plaintiff

THOMAS HIGGENBOTHAM ET. AL.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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 _____

MICROFILMED
OCT 22 1996

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: 39576Ident. Number A67-00575CDate Received 10-12-89Receipt Number W006216

RECEIVED
OCT 12 1989

Department of Water Resources
Western Regional Office

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

Please type or print clearly

- Name of Claimant (s) LOUISE TARTER Phone (208) 549-2347
Mailing Address 1516 Hwy 95 Zip 83612
- Date of Priority (Only one (1) per claim) 8-21-84 - See Item #15 for priority date
- Source of water supply (a) MAN N CREEK DITCH FROM MAN N CRIES.
which is tributary to (b) WEISER RIVER
- a. Location of existing point of diversion is: Township 12 N Range 4 W Section 18,
NW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, 4 B.M., County of WASH.
(SEE ATTACHMENTS)
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township 12 N Range 5 W Section 11, SE 1/4 of SE 1/4 of NE 1/4,
Govt. Lot _____ B.M., County of WASH
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of WASH.
- 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.

2 - 8" HEAD GATES - NO MEASURING DEVICES

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OCT 22 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from MAR.15 to NOV.15 amount 11 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 11 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
<u>12N</u>	<u>4W</u>	<u>18</u>											<u>5.5</u>						<u>5.5</u>

Total number of acres irrigated 5.5

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

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. _____ or None (☒)

14. Remarks: copy of legal enclosed

MICROFILMED

OCT 22 1996

Last Name L. TARTER Ident No. _____

Copies: White -State, Yellow-Claimant

SCALE FOR SECTION, { Each side large blue squares = 20 chains, 80 rods, 1320 feet; area of square 40 acres.
660 Ft.=1 Inch { Each side small red squares = 5 chains, 20 rods, 330 feet; area of square 2½ acres.

T 12 N R. 4 W S 18 SW Lot 4

Divisions

NW ¼ SW ¼ of SW ¼

SW ¼ SW ¼ of SW ¼

SW ¼

18

Point of use
SW ¼ of SW ¼

Containing 18.48 acres
See attachment

L. TARTER

MICROFILMED

OCT 27

SCALE FOR QUARTER SECTION, { Each side large blue squares = 10 chains, 40 rods, 660 feet; area of square 10 acres.
330 Ft.=1 Inch { Each side small red squares = 2.5 chains, 10 rods, 165 feet; area of square .625 of 1 acre.

PRONTO LAND MEASURE 660-330 MAP SHEET

PRONTO LAND MEASURE
P.O. Box 3219, Flint, MI 48502

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ✓
If applicable provide IDWR Water Right Number _____ Prim. 1894
Court 7th Judicial Case Number _____ Decree Date 6-3-21
Plaintiff vs Defendant JEFFERSON vs. HIGGENBOTHAM

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 2

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

Signature of Claimant (s) Louise Tarter Date Oct 10-89

Date _____

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 Washington) SS.

Subscribed and sworn (or affirmed) before me this 10th day of Oct. 19 89

SEAL

Notary Public Cerlene K. Suttispie

Residing at Weiser

My Commission Expires May 22, 1995

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 _____

Last Name L. TARTER Ident. Number _____

MICROFILMED
OCT 22 1998

Copies White-State, Yellow-Claimant

LOUISE TARTER ATTA, A.

Instrument No. 134188
Page 1 of 1 Pages

QUIT-CLAIM DEED

For Value Received TARTER LIVESTOCK COMPANY, an Idaho corporation,

the grantor does hereby remise, release and forever quit-claim unto LOUISE TARTER,
a single woman, Route 2 Box 117H, Weiser, Idaho 83672

the grantee, all the following described real estate situated in the County of Washington,
State of Idaho, to-wit:

IN TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 18: All that part of the West 42 rods (683 feet) of Lot 4
lying northerly and westerly of the right of way for
County Road known as Thousand Springs Valley Road,
EXCEPTING right of way for Highway granted to State of
Idaho by Deed recorded in Book 41 Deeds, page 318
records of Washington County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
her heirs and assigns forever.

Dated this 21st day of August, 19 84.

Louise Tarter
(Louise Tarter, President)

J. Allen Tarter (Sec)
(J. Allen Tarter, Secretary)

Elton Tarter
(Elton Tarter, Director)

STATE OF IDAHO, COUNTY OF Washington -ss:
On this 29th day of August, 19 84,

STATE OF IDAHO, COUNTY OF WASHINGTON

I hereby certify that this instrument was filed for record at
the request of Washington County Title Co.

LNS