

12/06/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 26, 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 13, 2006

Water right number: 67-522A

FRANKLIN D STIRM
1373 MANN CREEK RD
WEISER ID 83672
Telephone Number: (208)549-0938

JUNE Y STIRM
1373 MANN CREEK RD
WEISER ID 83672
Telephone Number: (208)549-0938

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

67-522A The area as shown as barn lot is now being watered as I don't have any livestock being dry lotted there.

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

This portion of Laramie needs to be adjusted to reflect the change as being watered from ditch water.

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: 12-17-06

SIGNATURE: Franklin D. Stirm

Please print your name: FRANKLIN D. STIRM

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

Received after NOE deadline.
No changes made.

MVB 1-19-2007

RECEIVED

DEC 21 2006

WATER RESOURCES
WESTERN REGION

SCANNED

DEC 27 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-522A V1

WATER RIGHT NUMBER: 67-522A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANKLIN D STIRM 1373 MANN CREEK RD WEISER, ID 83672 (208)549-0938
Original Owner	JOHN W WALKER 1955 B S 2400 E GOODING, ID 83330 (208)934-8525
Current Owner	JUNE Y STIRM 1373 MANN CREEK RD WEISER, ID 83672 (208)549-0938

Priority Date: 06/01/1874

Basis: Decreed

Status: Active

<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	03/01 to 11/15	0.560 CFS	
	<u>Total Diversion:</u>	0.560 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	30																	28.0
									23.0	5.0									
									L 2										

Total Acres: 28

Conditions of Approval:

- 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-522A V1

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.

Remarks:Comments:

1. segbert 6/1/2004 POU

Comment: This right is part of a split. It is very hard to tell where the property actually is.

2. segbert 6/1/2004 Quantity

Comment: The right has been split and I can not determine the amount

3. dnarsavage 1/10/2006 POU

Comment: Updated shape - This portion of the split is clearly within the decreed POU. However 67-522B is above the ditch, so it is unclear how water was delivered to 67-522B when it was decreed.

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	6/1/2004 10:37:17 AM	segbert			Active
Source	6/1/2004 10:37:37 AM	segbert			Active
POU	6/1/2004 11:02:05 AM	segbert			Active
Use	6/1/2004 11:03:46 AM	segbert			Active
Season	6/1/2004 11:11:40 AM	segbert			Active
Quantity	6/1/2004 11:14:05 AM	segbert			Active
POD	6/1/2004 11:21:23 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-522A V1

Season	6/10/2004 9:19:02 AM	mcase	Active
Priority Date	11/21/2005 12:25:09 PM	dnarsavage	Active
POD	11/21/2005 12:25:53 PM	dnarsavage	Active
Source	11/21/2005 12:26:41 PM	dnarsavage	Active
POU	11/21/2005 12:26:54 PM	dnarsavage	Active
Use	11/21/2005 12:33:56 PM	dnarsavage	Active
Quantity	11/21/2005 12:35:13 PM	dnarsavage	Active
Summary		11/21/2005 dnarsavage	Active
Season	11/21/2005 12:36:12 PM	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	9/29/2005 10:37:51 AM	dnarsavage	Updated shape for Active POU
POU	9/29/2005 10:38:00 AM	dnarsavage	Updated PLS for Active POU
POU	9/29/2005 10:38:04 AM	dnarsavage	Edited Season Of Use
Season	6/10/2004 9:19:03 AM	mcase	(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?
POD	11/21/2005 12:25:53 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	11/21/2005 12:26:54 PM	dnarsavage	(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? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POD	8/11/2005 2:09:45 PM	dnarsavage	Correlated PODID 620376 from SpatialDataID 304975 to SpatialDataID 9560
POD	8/11/2005 2:09:46 PM	dnarsavage	Correlated PODID 620376 from SpatialDataID 304975 to SpatialDataID 9560

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-522A V1

POD	8/11/2005 2:09:46 PM	dnarsavage	Correlated PODID 620376 from SpatialDataID 304975 to SpatialDataID 9560
POU	6/1/2004 11:02:06 AM	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?
Use	6/1/2004 11:03:46 AM	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	6/1/2004 11:21:23 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Priority Date	6/1/2004 10:37:17 AM	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	6/1/2004 10:37:37 AM	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?
Season	6/1/2004 11:11:40 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
Quantity	6/1/2004 11:14:05 AM	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?
POU	11/21/2005 12:27:43 PM	dnarsavage	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-522A V1

General	11/21/2005 12:25:10 PM	dnarsavage	(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? (Yes) 16. Is a Priority Date remark and/or condition required?
Source	11/21/2005 12:26:41 PM	dnarsavage	(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? (No) 11. Is a Source remark and/or condition required?
Use	11/21/2005 12:33:56 PM	dnarsavage	(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? (No) 13. Is a Purpose of Use remark and/or condition required?
Quantity	11/21/2005 12:35:14 PM	dnarsavage	(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? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	11/21/2005 12:36:05 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-522A V1

Season 11/21/2005 12:36:12 PM dnarsavage (Yes) 1. Is the basis of claim Decree or License?

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 67-522A

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: AS CLAIMED = AS DECREED IN 1921
(If the priority date, based on your exam, seems questionable, explain below.)

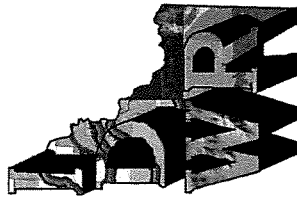
3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:



Idaho Department of Water Resources

Adjudication Claim Number: 67-522A

T12N R04W

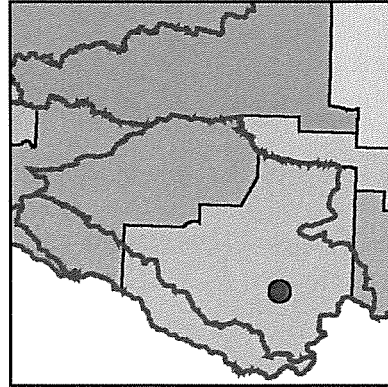
Legend

● Point of Diversion

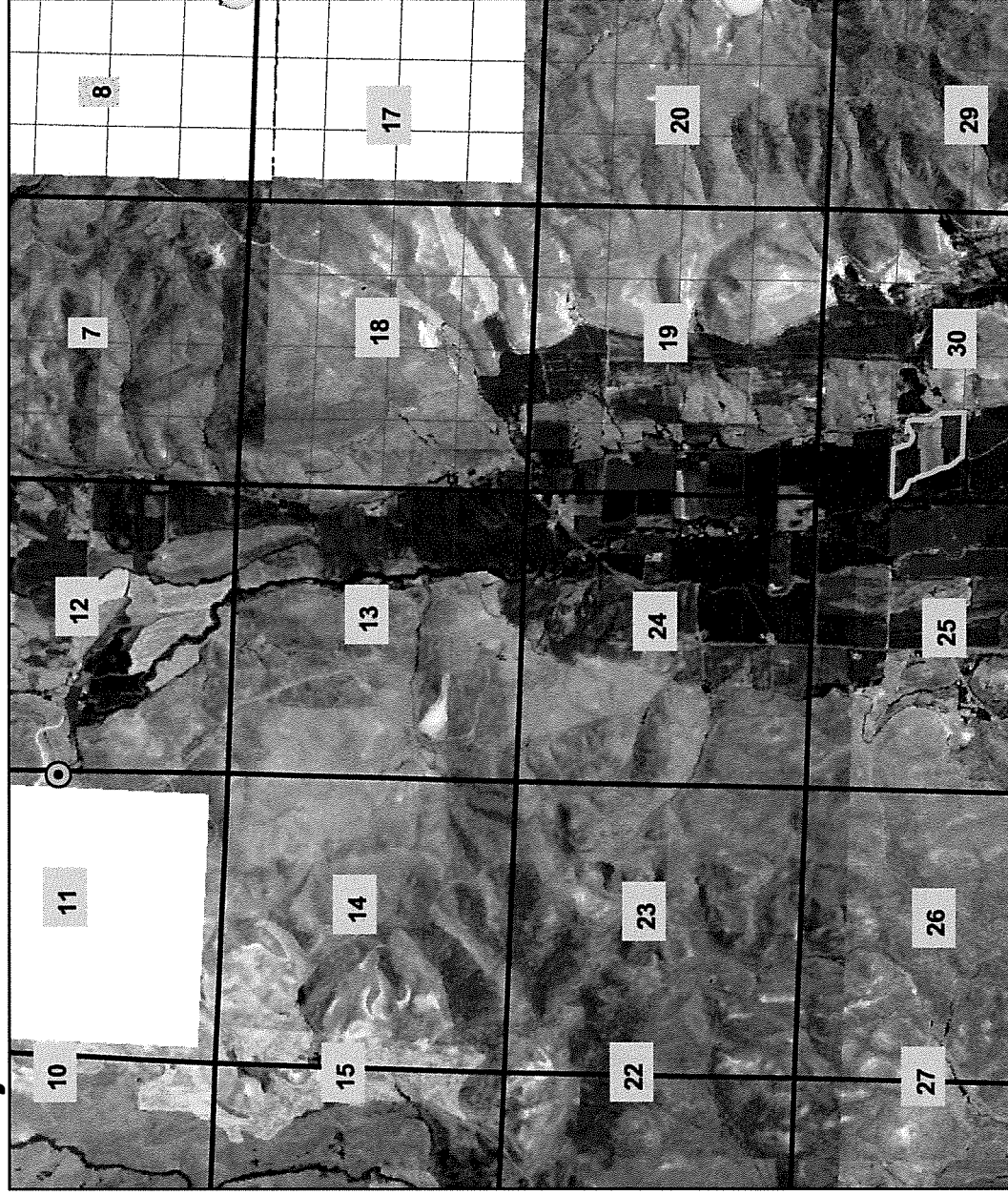
□ Place of Use

□ PLS Sections

□ GCDBQuarter Quarters



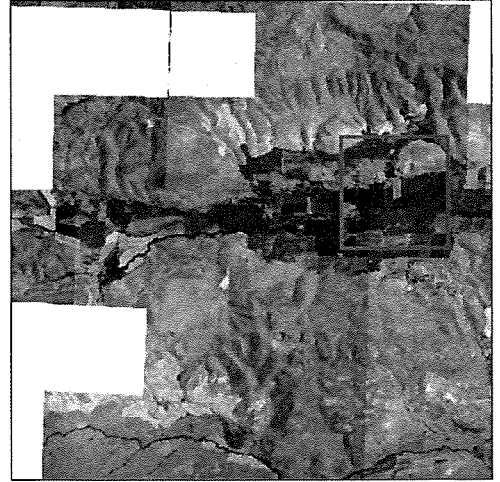
Washington County
IDWR Basin 67



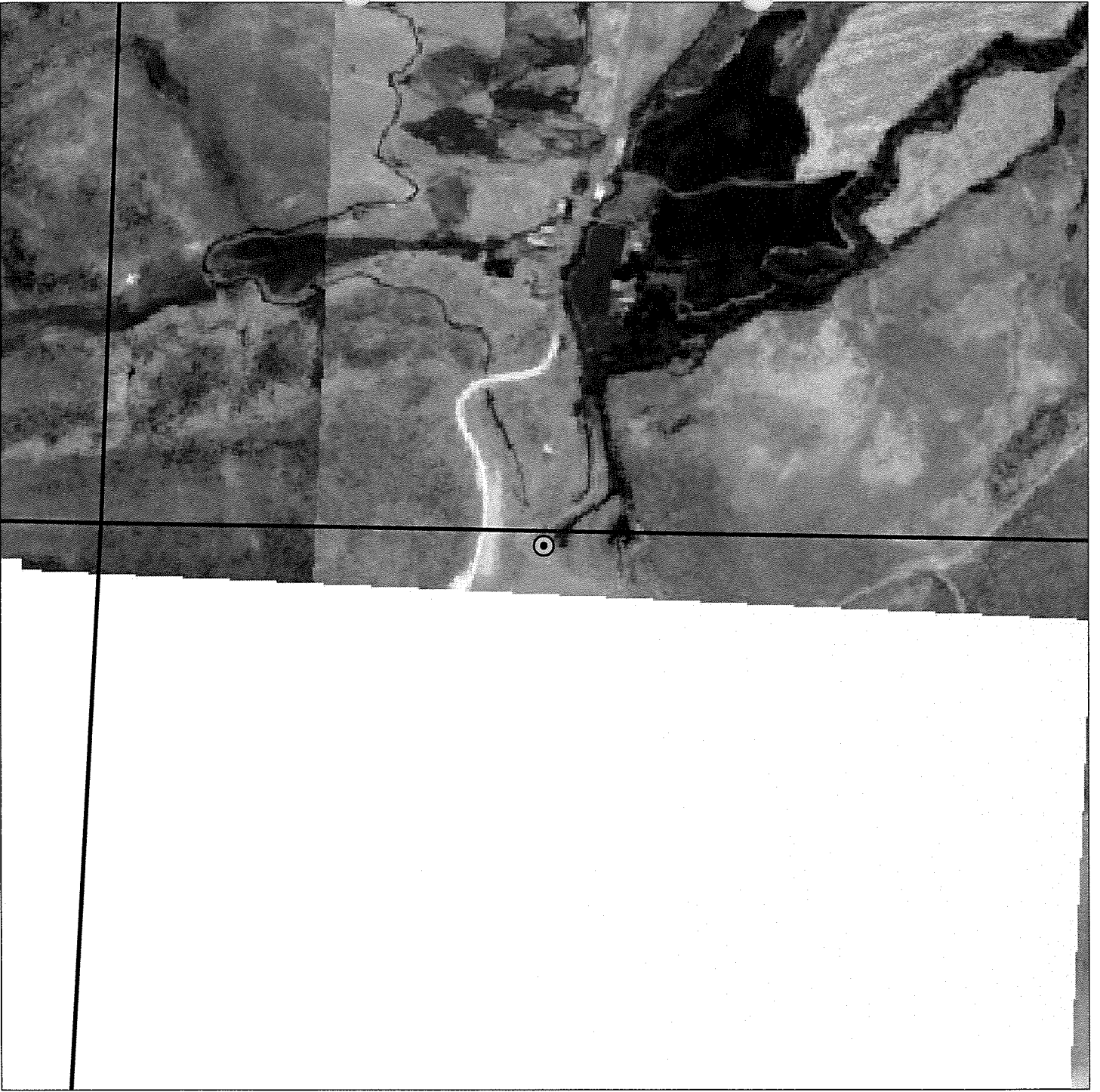
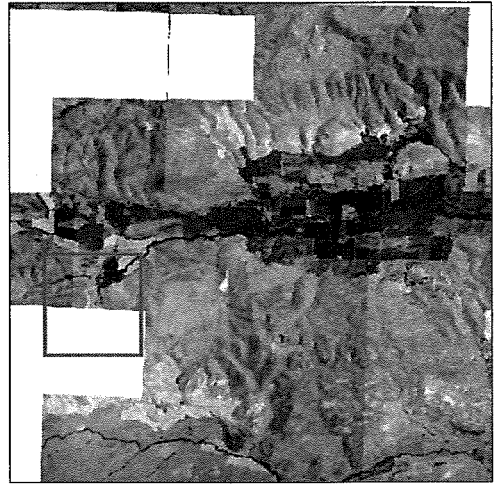
0 1 2 Miles

Prepared by D. Narsavage
On Tuesday, January 10, 2006
1987/88 Aerial Photography

Rec67-522A



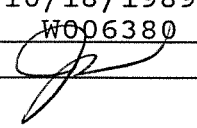
Rec67-522A



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: A67-00522A
Date Received: 10/18/1989
Receipt No: W006380
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANKLIN D. STIRM 208-549-0938
Address: 1373 MANN CREEK RD.
WEISER ID 83672

Name: JUNE Y. STIRM 208-549-0938
Address: 1373 MANN CREEK RD.
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	04W	30		SE	NE	R	WASHINGTON
				SE	NW	R	WASHINGTON
	05W	11	SE	SE	NE		WASHINGTON

5. Description of diverting works:
DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/15	0.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

OCT 01 1992

SCANNED

APR 06 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	04W	30	SW	NW		IRR	36.0
			SE	NW		IRR	9.2
						Section Acres	45.2
						Total Acres	45.2

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:
MANN CREEK RES.

14. Remarks:

WATER CARRIED IN THE MANN CREEK DITCH.
THIS IS PRIMARY RIGHT.
FLOODWATER RIGHT .8582 CFS.
LOW WATER .60074 CFS.
AC. IRR.=42.91.
INCREASED NUMBER OF ACRES WHICH HAVE BEEN IRRIGATED SINCE THE
1920'S. INDICATED LOCATION OF DIVERSIONS. ADDED ACRES PER
QUARTER, QUARTER.

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: _____

MICROFILMED
OCT 01 1992

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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
OCT 01 1992

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: A67-00522
Date Received: 10/10/1989
Receipt No: W6380
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANKLIN D. STIRM 208-549-0938
Address: 1373 MANN CREEK RD.
WEISER, ID 83672

Name: JUNE Y. STIRM 208-549-0938
Address: 1373 MANN CREEK RD.
WEISER, ID 83672

2. Date of Priority: JUN 01, 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	04W	30	SE	NE		R	WASHINGTON
			SE	NW		R	WASHINGTON
	05W	11	SE	SE	NE		WASHINGTON

5. Description of diverting works:
DAM, HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/15	0.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A67-00522

Page 1

Date: 10/10/89

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	04W	30	SW	NW		IRR	36.0
			SE	NW		IRR	9.2
Section Acres							45.2
Total Acres							45.2

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:
MANN CREEK RES.

14. Remarks:

WATER CARRIED IN THE MANN CREEK DITCH.
THIS IS PRIMARY RIGHT.
FLOODWATER RIGHT .8582 CFS.
LOW WATER .60074 CFS.
AC. IRR.=42.91.
INCREASED NUMBER OF ACRES WHICH HAVE BEEN IRRIGATED SINCE THE
1920'S. INDICATED LOCATION OF DIVERSIONS. ADDED ACRES PER
QUARTER, QUARTER.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): *Franklin A. Stirm* Date: *10-10-89*

Date: _____

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *10* day
of *October* 19 *89*

Linda Werner
Notary Public

Seal

Linda A. Werner
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 8, 1994
My Commission Expires _____

19 20

30 29

Spring

Division

Ditch

IN STREAM flow
BEGIN MANN CR. DITCH
NW NESW

IN STREAM flow END -
MANN CR. DITCH
NW NESW

OCT 11 1962

30 29