

12/12/2006

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

RIGHT NUMBER: 67-530A

NAME AND ADDRESS: GILBERT R BALL JR
1117 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.420 CFS

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.

PRIORITY DATE: 06/01/1881

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 other rights that have not been identified as a Primary Right on Mann Creek.

POINT OF DIVERSION:

T12N R05W S24 SESESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.420 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R04W S31 SWSE 21.00

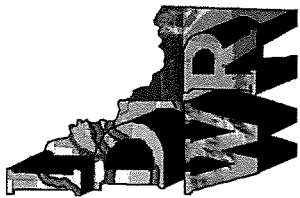
21 ACRES TOTAL

Place of use is within the area served by Mann Creek Irrigation District.

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

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 - Decreed



Idaho Department of Water Resources

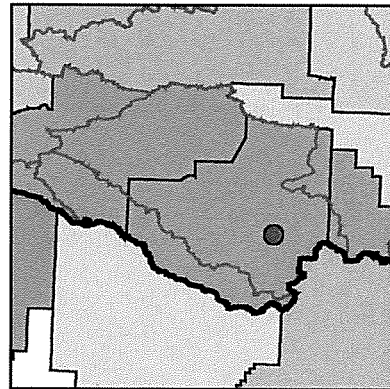
SRBA Recommendation:

67-530A

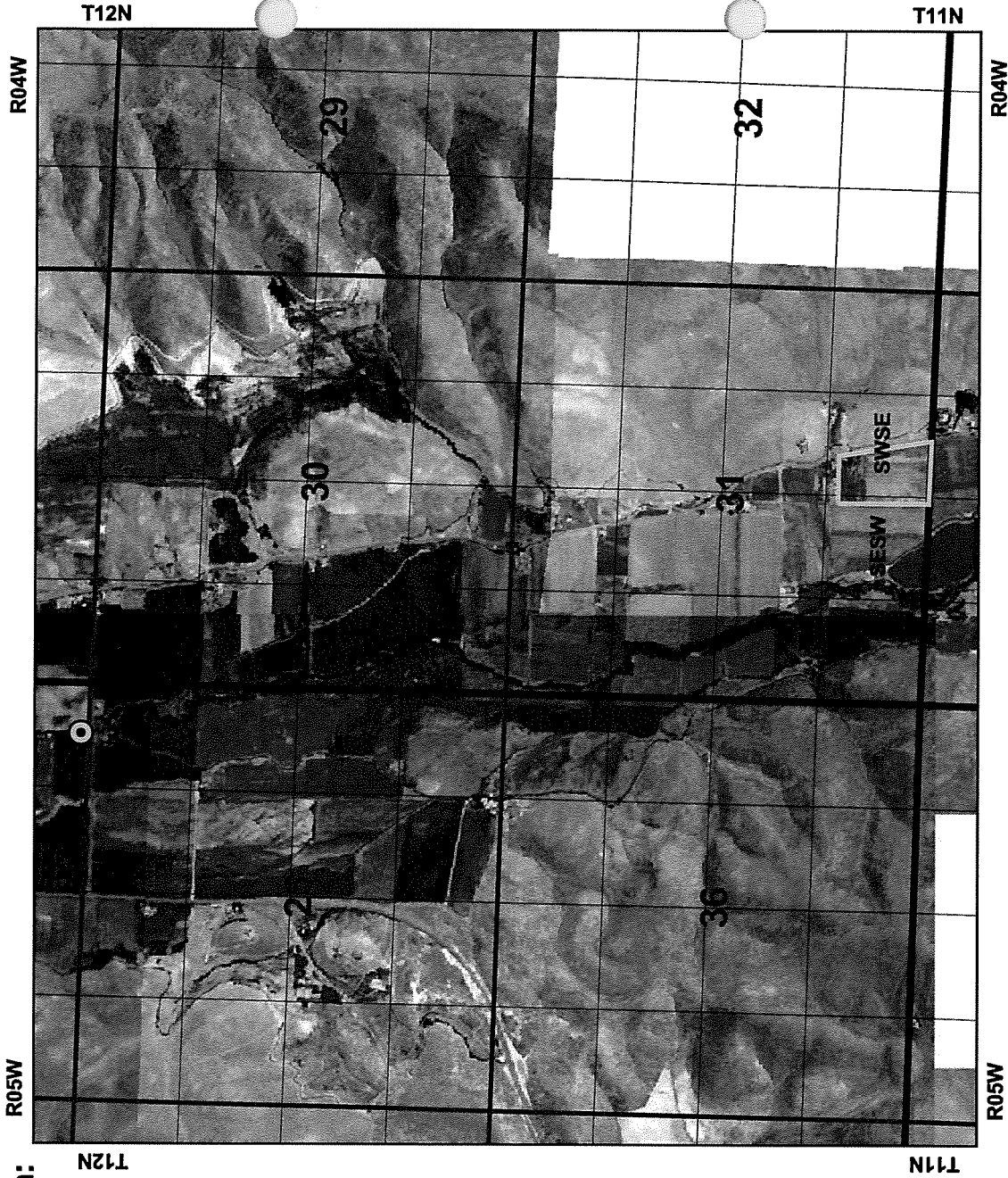
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



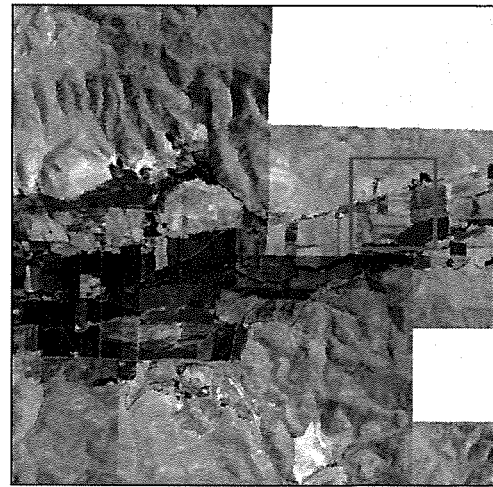
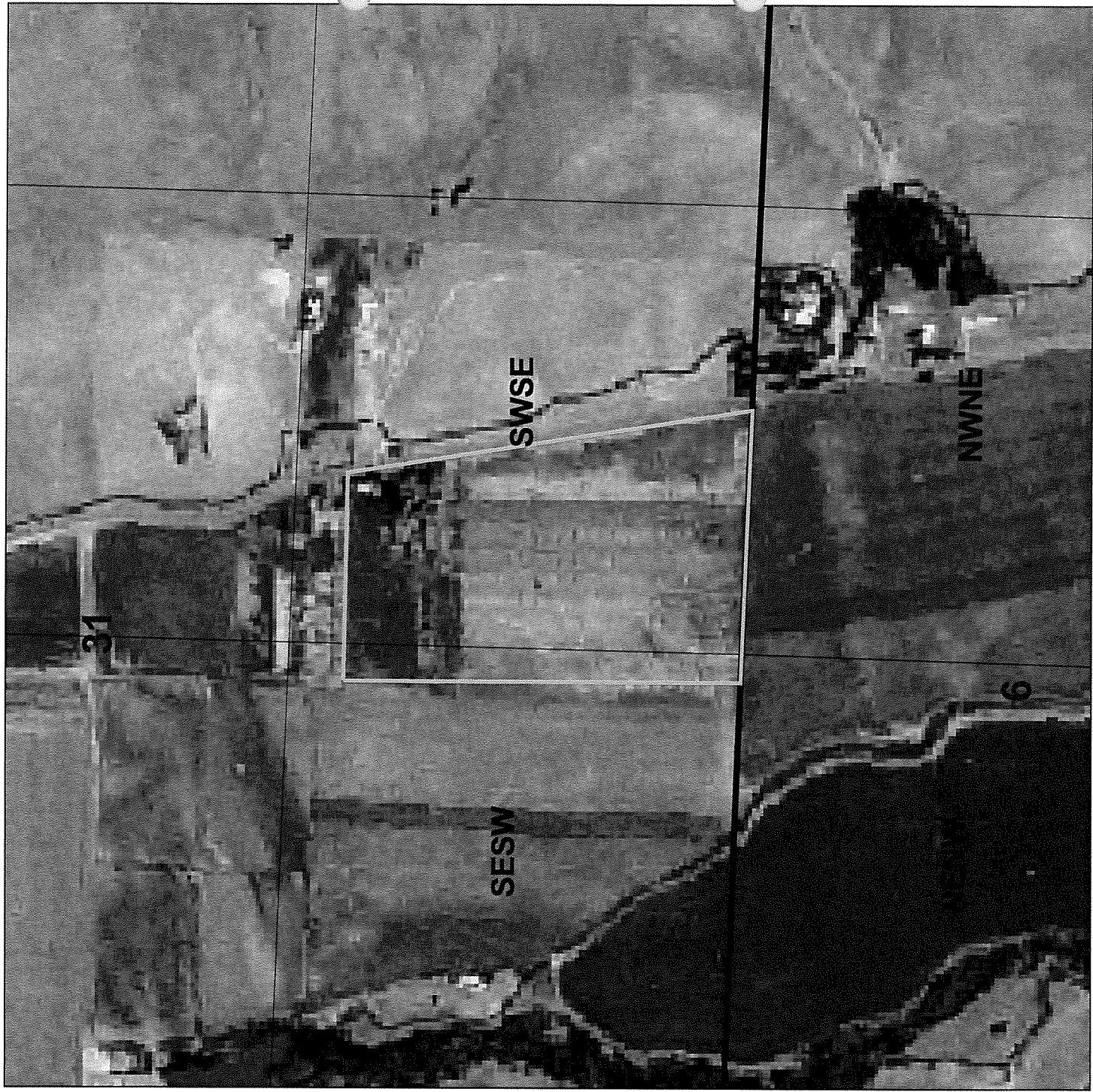
1.8 Miles

0.9

0

Prepared by IDWR State Office
On Tuesday, December 12, 2006
1987/88 Aerial Photography

67-530A



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-530A V1

WATER RIGHT NUMBER: 67-530A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	M N WEBB
	, ID
Current Owner	GILBERT R BALL JR 1117 MANN CREEK RD WEISER, ID 83672 (208)549-0793

Priority Date: 06/01/1881

Basis: Decreed

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	0.420 CFS	
	<u>Total Diversion:</u>	0.420 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SE1/4SE1/4	Sec. 24, 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	31																21.0	21.0

Total Acres: 21

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. 129 Place of use is within the area served by Mann Creek Irrigation District.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-530A V1

4. 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 other rights that have not been identified as a Primary Right on Mann Creek.

Remarks:Comments:

1. mvanbussum 12/12/2006 NOE POU

Comment: Per NOE correspondence, changed acreage irrigated to 21 and POU according to claimant correspondence.

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	6/7/2004 8:14:26 AM	segbert			Active
Source	6/7/2004 8:15:15 AM	segbert			Active
POU	6/7/2004 8:16:24 AM	segbert			Active
Use	6/7/2004 8:44:26 AM	segbert			Active
Season	6/7/2004 8:45:21 AM	segbert			Active
Quantity	6/7/2004 8:47:01 AM	segbert			Active
POD	6/7/2004 9:14:48 AM	segbert			Active
Season	6/10/2004 8:56:37 AM	segbert			Active
Priority Date	11/28/2005 2:40:53 PM	dnarsavage			Active
POD	11/28/2005 2:41:46 PM	dnarsavage			Active
Source	11/28/2005 2:42:36 PM	dnarsavage			Active
POU	11/28/2005 2:43:05 PM	dnarsavage			Active
Use	11/28/2005 2:44:36 PM	dnarsavage			Active
Season	11/28/2005 2:44:58 PM	dnarsavage			Active
Quantity	11/28/2005 2:45:47 PM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-530A V1

Summary

11/28/2005

dnarsavage

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/3/2005 2:52:31 PM	dnarsavage	Edited Season Of Use
POU	12/12/2006 5:22:31 PM	mvanbussum	Updated shape for Active POU
POU	12/12/2006 5:22:44 PM	mvanbussum	Updated PLS for Active POU
POU	10/3/2005 2:52:15 PM	dnarsavage	Updated shape for Active POU
POU	10/3/2005 2:52:38 PM	dnarsavage	Updated PLS for Active POU
Season	6/10/2004 8:56:38 AM	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?
POD	11/21/2005 10:38:27 AM	dnarsavage	Correlated PODID 620696 from SpatialDataID 366539 to SpatialDataID 10853
Priority Date	6/7/2004 8:14:28 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	6/7/2004 8:15:16 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?
POU	6/7/2004 8:16:25 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? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	6/7/2004 8:44:27 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-530A V1

Season	6/7/2004 8:45:22 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?
POU	6/7/2004 9:13:23 AM	segbert	Edited shape boundary
POD	6/7/2004 9:14:49 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Quantity	6/7/2004 8:47:02 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? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POU	6/7/2004 9:14:13 AM	segbert	Edited shape boundary
POU	6/7/2004 9:13:35 AM	segbert	Edited shape boundary
POD	11/28/2005 2:41:47 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	11/28/2005 2:43:05 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?
Season	11/28/2005 2:44:58 PM	dnarsavage	(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? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-530A V1

Quantity	11/28/2005 2:45:47 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?
General	11/28/2005 2:40:54 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	11/28/2005 2:42:36 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	11/28/2005 2:44:37 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?
Summary	11/28/2005 2:46:45 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 67-530A V1

POD

11/21/2005 10:38:30 AM

dnarsavage

Correlated PODID 620696 from SpatialDataID
366539 to SpatialDataID 10853

Water Supply Bank:

ATTN: CRAIG SAXTON

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: 67-530A

GILBERT R BALL JR
1117 MANN CREEK RD
WEISER ID 83672
Telephone Number: (208)549-0793

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:

1 BENEFIT THE CLAIM FOR WATER RIGHT SHOULD BE
21 ACRES AS ORIGINALLY CLAIMED RATHER THAN 18 ACRES →
RECOMMENDED.

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

SEE DAN MARSAVALLO'S REMARKS FROM 1/23/06 RECOMMENDING
ADDITIONAL ACRES.

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

DATE: 11/29/06

SIGNATURE:

Gilbert R. Ball Jr.

Please print your name:

GILBERT R. BALL, JR.

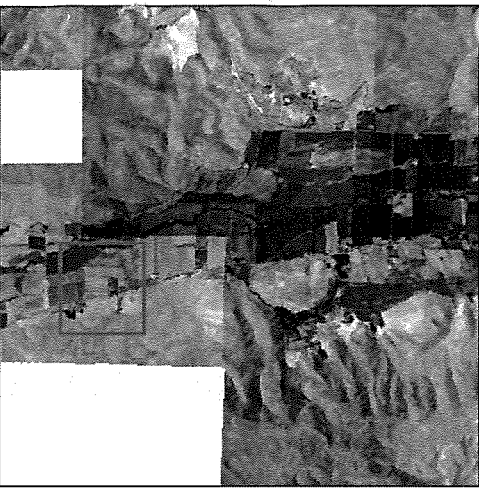
IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

ALSO need to
add Ex plan.
Remark that
Mann Creek Irr
Dist. water supple-
ments this it

NOE review
changed POU & diversion rate
MVB 12-12-06

SCANNED
DEC 08 2006

67-530A



Redrawn P64
← And these areas

SCANNED
DEC 08 2006

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

CLAIM NO(s). 67-530 A

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 DECREED
(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:

Split Analysis

Water Right Number: 67-530

Diversion Rate: 0.6486 CFS

Reviewer Name: **Dan Narsavage**

Date: 23-Jan-06

[illegible]

67-530 A

(18.0 ac & 0.36 cfs)

67-530

(32.4 ac & 0.65 cfs)

67-530 B

(7.5 ac & 0.15 cfs)

67-530 C

(1.5 ac & 0.03 cfs)

Leftover

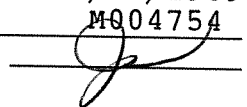
(5.4 ac & 0.11 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-530	0.6486	32.43	0.020
67-530 A	0.36	18	0.020
67-530 B	0.15	7.5	0.020
67-530 C	0.03	1.5	0.020
Leftover	0.11	5.43	0.020

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: A67-00530A
Date Received: 10/02/1989
Receipt No: MQ04754
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GILBERT R. BALL, JR.
Address: 1117 MANN CREEK RD.
WEISER, ID

208-549-0793

83672

2. Date of Priority: JUN 01, 1881

3. Source: MANNS CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	05W	24	SE	SE	SE		WASHINGTON

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.420		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12N	04W	31	SW	SE		IRR	21.0

Section Acres 21.0

A67-00530A

Page 1

Date: 04/04/90

SCANNED
APR 06 2004

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Total Acres 21.0

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:
MANN CREEK IRRIG. DIST. RTS.

14. Remarks:
DESC. OF DIVERTING WORKS - WATER IS DELIVERED VIA THE WEBB DITCH
WITH IRRIGATION BY GRAVITY FLOW THRU DITCHES FOR FLOOD IRRIG.
THIS CLAIM REFLECTS THE 1" PER ACRE OF FLOOD WATER DECREED UNDER
THE MANN CREEK DECREE WITH THE LOW WATER RIGHT BEING .7 OF THAT
AMOUNT. THIS RIGHT IS A PRIMARY RIGHT IN THE MANN CK. DECREE.

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): _____ 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 _____

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: A67-00530A

Date Received: ~~10/01/1989~~ 10/2/89

Receipt No: MOO4754

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GILBERT R. BALL, JR. 208-549-0793
Address: 1117 MANN CREEK RD.
WEISER, ID 83672
2. Date of Priority: JUN 01, 1881
3. Source: MANNS CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	05W	24	SE	SE	SE		WASHINGTON
5. Description of diverting works:
SEE REMARKS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.420		
7. Total Quantity Appropriated is:
0.420 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12N	04W	31	SW	SE		IRR	21.0
Section Acres							21.0

10. Place of Use: Continued

Total Acres 21.0

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:
MANN CREEK IRRIG. DIST. RTS.

14. Remarks:
DESC. OF DIVERTING WORKS - WATER IS DELIVERED VIA THE WEBB DITCH
WITH IRRIGATION BY GRAVITY FLOW THRU DITCHES FOR FLOOD IRRIG.
THIS CLAIM REFLECTS THE 1" PER ACRE OF FLOOD WATER DECREED UNDER
THE MANN CREEK DECREE WITH THE LOW WATER RIGHT BEING .7 OF THAT
AMOUNT. THIS RIGHT IS A PRIMARY RIGHT IN THE MANN CK. DECREE.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 Map

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): Gilbert R. Ball, Jr. Date: 10-2-1989

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 2ND day
of October 19 89

Jan Shute
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94