



NOE

WR # 67-534B

multiple owners in POU (approx 6)
comment in Quicklook
mub 6/12/2007

RECEIVED

NOV 20 2006

DEPARTMENT OF
WATER RESOURCES

GARLAND PARKER
1824 JONES RD
WEISER ID 83612

ADDRESS SERVICE
REQUESTED

SCANNED

FEB 27 2007

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

RECEIVED
JAN 23 2007
DEPARTMENT OF
WATER RESOURCES

Director's Report
WR # 67-534B

GARLAND PARKER
1824 JONES RD
BOISE, ID 83702

SCANNED
MAR 13 2007

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-534B V1

WATER RIGHT NUMBER: 67-534B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARLAND PARKER 1824 JONES RD WEISER, ID 83672 (208)549-0453
Original Owner	MARTHA M ROGERS 1636 E LOCUST EMMETT, ID 83617 (208)365-6735
Original Owner	PETER E ROGERS , ID

Priority Date: 06/01/1881
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	0.140 CFS	
	<u>Total Diversion:</u>	0.140 CFS	

<u>Location of Point(s) of Diversion</u>			
MANNS CREEK	NE1/4NE1/4	Sec. 25,	Twp 12N, Rge 05W, B.M.
WASHINGTON County			

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
11N	04W	6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							6.5	3.5											10.0
							L 3	L 4											

Total Acres: 10

Conditions of Approval:

1.

168

This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate to all Primary Rights on Mann Creek.
2.

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.

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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.

Remarks:

Comments:

1. segbert 6/7/2004 POU
Comment: The PLS on the decree and claim are different. The claim mentions 12N, the decree does not.
2. dnarsavage 11/21/2005 POU
Comment: The southern portion of this claim's POU falls within the POU for 67-556. It is unclear how the system works in the northern portion of the claimed POU. Consequently, I will recommend what the evidence can support - the southern portion.

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: OR
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	6/7/2004 10:27:35 AM	segbert			Active
Source	6/7/2004 10:28:51 AM	segbert			Active
POU	6/7/2004 10:29:52 AM	segbert			Active
Use	6/7/2004 10:48:41 AM	segbert			Active
Quantity	6/7/2004 10:50:25 AM	segbert			Active
POD	6/7/2004 10:50:54 AM	segbert			Active
Season	6/7/2004 10:50:55 AM	segbert			Active
Season	6/10/2004 9:02:36 AM	segbert			Active
Priority Date	11/21/2005 3:42:25 PM	dnarsavage			Active
Source	11/21/2005 3:45:50 PM	dnarsavage			Active
POU	11/21/2005 4:04:08 PM	dnarsavage			Active

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Use	11/21/2005 4:04:56 PM	dnarsavage	Active
Season	11/21/2005 4:05:12 PM	dnarsavage	Active
Quantity	11/21/2005 4:05:25 PM	dnarsavage	Active
Summary		11/21/2005 dnarsavage	Active
POD	11/21/2005 4:07:24 PM	dnarsavage	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	11/21/2005 3:44:45 PM	dnarsavage	Updated shape
Source	11/21/2005 3:45:51 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?
POU	11/21/2005 4:02:17 PM	dnarsavage	Updated PLS for Active POU
POU	11/21/2005 4:04:09 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?
General	11/21/2005 3:42:25 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? (No) 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?
POU	11/21/2005 4:02:24 PM	dnarsavage	Edited Season Of Use
Use	11/21/2005 4:04:56 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?

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Season	11/21/2005 4:05:12 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?
POD	11/21/2005 4:07:24 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License?
POD	11/21/2005 3:45:07 PM	dnarsavage	Updated PLS
Quantity	11/21/2005 4:05:26 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 4:06:23 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?
POU	11/21/2005 4:02:06 PM	dnarsavage	Updated shape for Active POU

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Season	6/10/2004 9:02:36 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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Priority Date	6/7/2004 10:27:36 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 10:28:52 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 10:29:53 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? (Yes) 7. Is there evidence that there has been a change in the POU? (No) 8. Can the claim be verified as an accomplished transfer? (Yes) 9. Does the claim include an enlargment in the POU? (No) 10. Was an enlargment claim filed? Description for Question 13 - True
POU	6/7/2004 10:48:21 AM	segbert	Edited shape boundary
Use	6/7/2004 10:48:42 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?
Quantity	6/7/2004 10:50:25 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?
POD	6/7/2004 10:50:54 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?

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Season	6/7/2004 10:50:55 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? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (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?
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Water Supply Bank:

Memo

From: Dan Narsavage

Regarding: 67-533 & 67-534 and their children (67-14100, -534C, -534B)

Date: January 24, 2006

The Problem:

67-534 B claimed portions of 67-533 and 67-534 on the west side of the creek. 67-533 & 534 were both decreed out of Webb Ditch (June 1881 priority date), which sits on the east bank of Mann Creek, and so without additional infrastructure, services only the east bank with gravity-fed irrigation. This memo will attempt to answer the question of whether or not 67-534 B can be recommended as claimed.

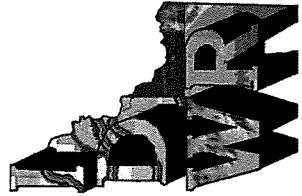
Observations:

I have observed that in a number of places along Mann Creek, water users have historically used siphons and/or flumes to carry irrigation water across the creek or other ditches. This is supported in many cases by the fact that the decree documented more irrigated acres than could be irrigated without such infrastructure in place.

This is the case here. 67-533 was decreed 35 acres of irrigation but there are fewer than 30 acres available for irrigation between Webb Ditch and Mann Creek in the described POU. 67-534 was decreed 66 acres, and there are only 60 acres between Webb Ditch and the creek in the described POU, some of which cannot be gravity irrigated due to terrain considerations. In both of these decreed rights, the legal description of the POU crosses the creek.

Conclusions:

Given the evidence of historical use of flumes to get irrigation water across the creek and the available decreed acreage, I can confidently recommend allowing this decreed water on the west side of the creek. The fact that 67-534 B claims the priority date associated with Webb Ditch, rather than Hannah Ditch, the claimed delivery ditch, further supports my conclusion.



Idaho Department of Water Resources

Adjudication Claim Number: **67-534B**

T111N R04W

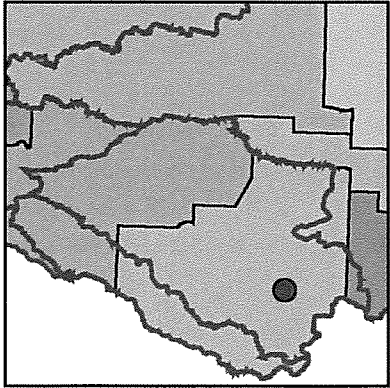
Legend

Point of Diversion

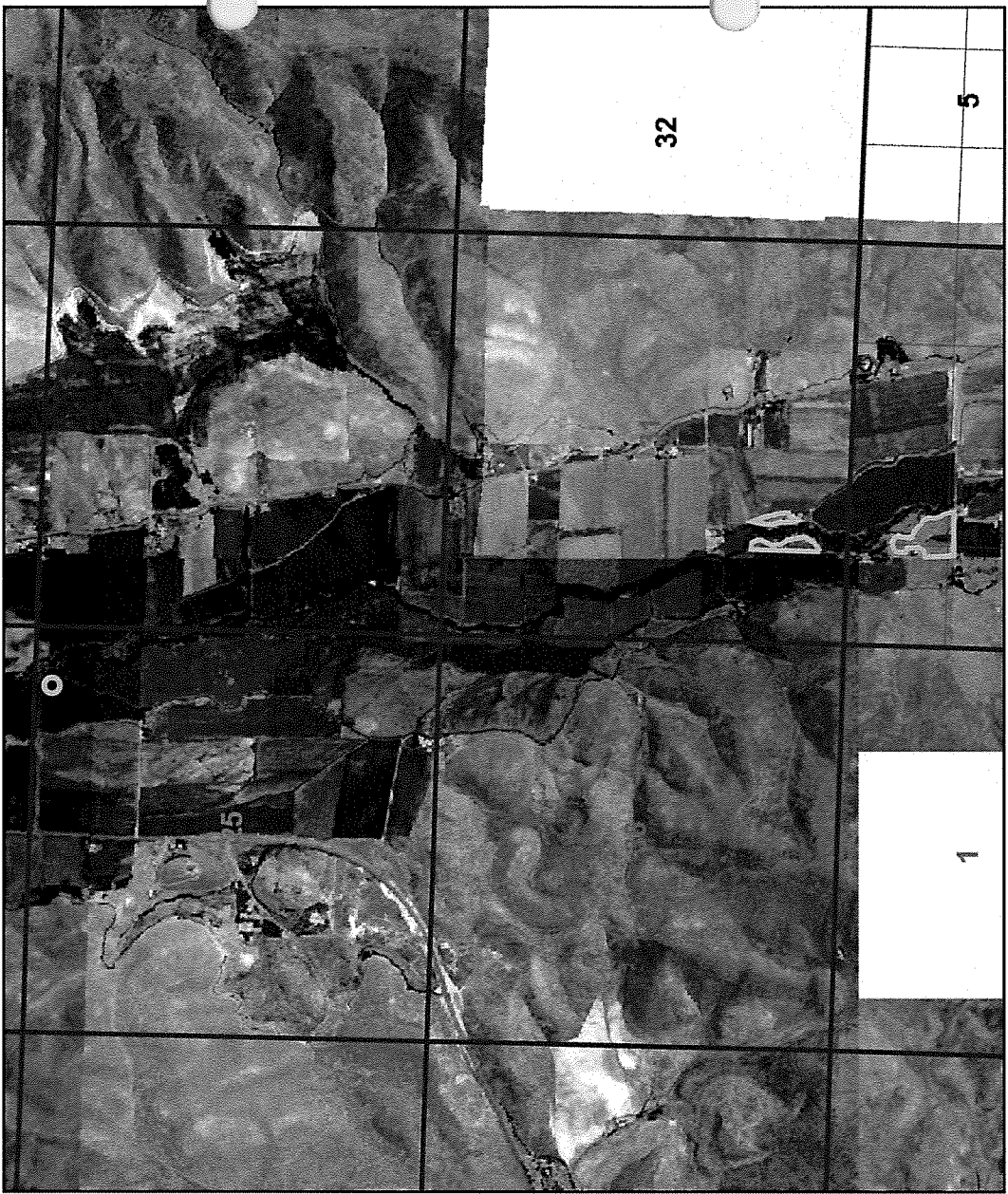
Place of Use

PLS Sections

Quarter Quarters

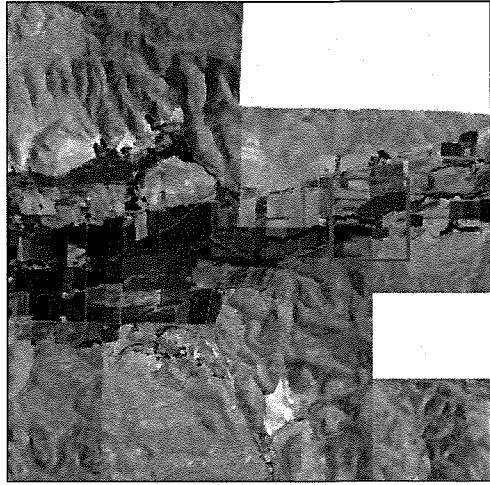


Washington County
IDWR Basin 67

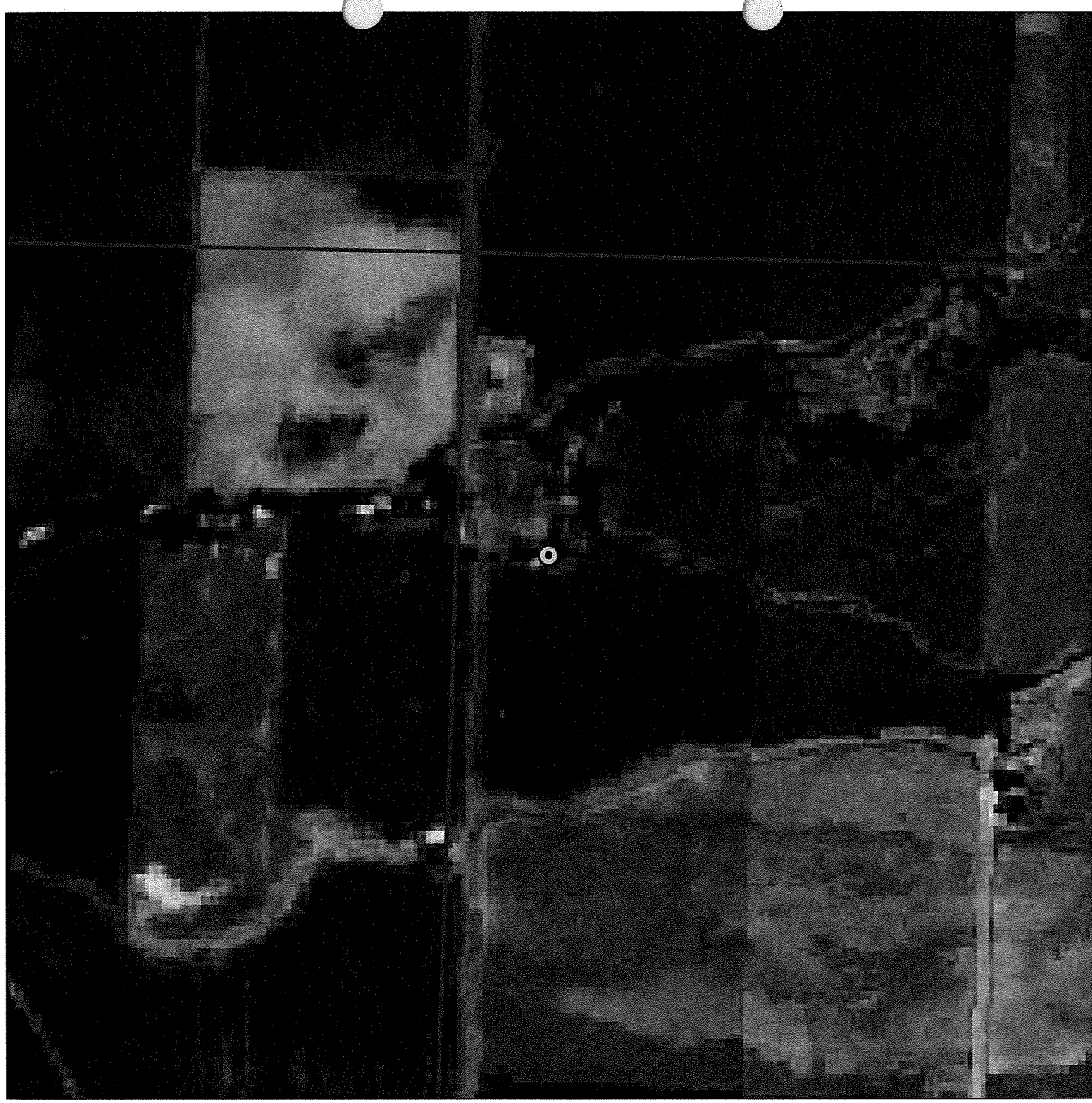


Prepared by D. Narsavage
On Tuesday, January 24, 2006
1987/88 Aerial Photography

Rec67-534B



Rec67-534B



Split Analysis

Water Right Number:	67-533
Diversion Rate:	0.7 CFS
Reviewer Name:	Dan Narsavage
Date:	24-Jan-06

[illegible]

67-533 (35.0 ac & 0.70 cfs)	67-14100 (26.0 ac & 0.52 cfs)
	67-534B (3.5 ac & 0.07 cfs)
	LEFTOVER (5.5 ac & 0.11 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-533	0.7	35	0.020
67-14100	0.52	26	0.020
67-534B	0.07	3.5	0.020
LEFTOVER	0.11	5.5	0.020

Split Analysis

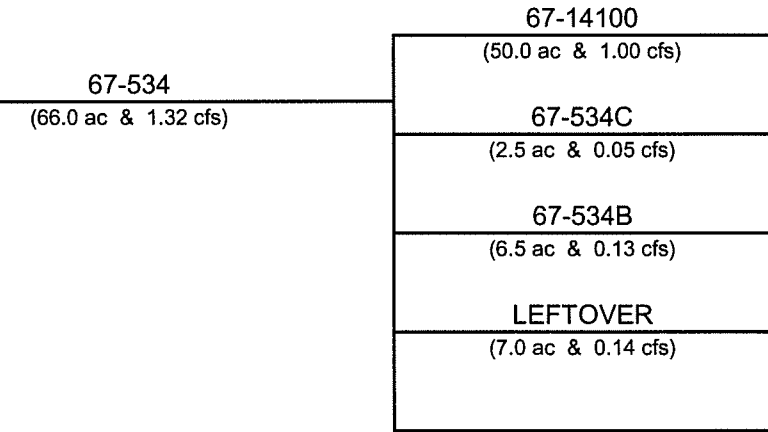
Water Right Number: 67-534

Diversion Rate: 1.32 CFS

Reviewer Name: Dan Narsavage

Date: 24-Jan-06

Twp	Rng	Sec	Q-Q	Lot	Parent	Children Acres				
					67-534	67-14100	67-534C	67-534B	LEFTOVER	
					66	50	2.5	6.5	7	



Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-534	1.32	66	0.020
67-14100	1.00	50	0.020
67-534C	0.05	2.5	0.020
67-534B	0.13	6.5	0.020
LEFTOVER	0.14	7	0.020

DECREED RIGHTS		
67-533	35	acres
67-534	66	acres
Total	101	acres

CLAIMS					
	67-14100	67-534 B	67-534 C	Totals	Leftover
67-533	29	4.1		33.1	1.9
67-534	50	5.9	3.5	59.4	6.6
Totals	79	10	3.5	92.5	8.5

RECOMMENDATIONS					
	67-14100	67-534 B	67-534 C	Totals	Leftover
67-533	26	3.5		29.5	5.5
67-534	50	6.5	2.5	59	7
Totals	76	10	2.5	88.5	12.5

10/13/82 CK# 2203
\$114⁰⁰
AB

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: A67-00534B
Date Received: 10-12-89
Receipt No: 65006293
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARLAND PARKER 208-549-0453
Address: 1824 JONES 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	Lot	County
12N	04W	25	NE	NE	NE		WASHINGTON

5. Description of diverting works:
WATER DELIVER THROUGH HANNAH DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	04W	6	NE	NW		IRR	5.9
					Section Acres		5.9
12N	04W	31	SE	SW		IRR	4.1
					Section Acres		4.1

SCANNED
APR 06 2004

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Total Acres	10.0
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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:

THIS CLAIM REPRESENTS A SPLIT OF BOTH 67-00533 AND 67-00534. AS BOTH HAVE THE SAME POD AND SAME PRIORITY DATE THE SPLITS FROM BOTH HAVE BEEN COMBINED AND CLAIMED UNDER THIS NUMBER A67-00534B. AS A PORTION OF BOTH HAD ALREADY BEEN CLAIMED-BY COMBINATION UNDER THE NUMBER A67-00533 THE NUMBER A67-00534B HAS BEEN ASSIGNED.

FROM 67-00534 5.9 ACRES ARE CLAIMED AND FROM 67-00533 4.1 ACRES ARE CLAIMED. THE AMOUNT CLAIMED IS 1" PER ACRE BASED UPON THE FLOOD WATER RATE. 10 ACRES = 0.2 CFS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

VS

THOMAS HIGGENBOTHAM ET. AL.
Decree Defendant

MICROFILMED
OCT 01 1992

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

Signature of Claimant(s): *Garland Parker* Date: Oct 13, 89
_____ Date: _____

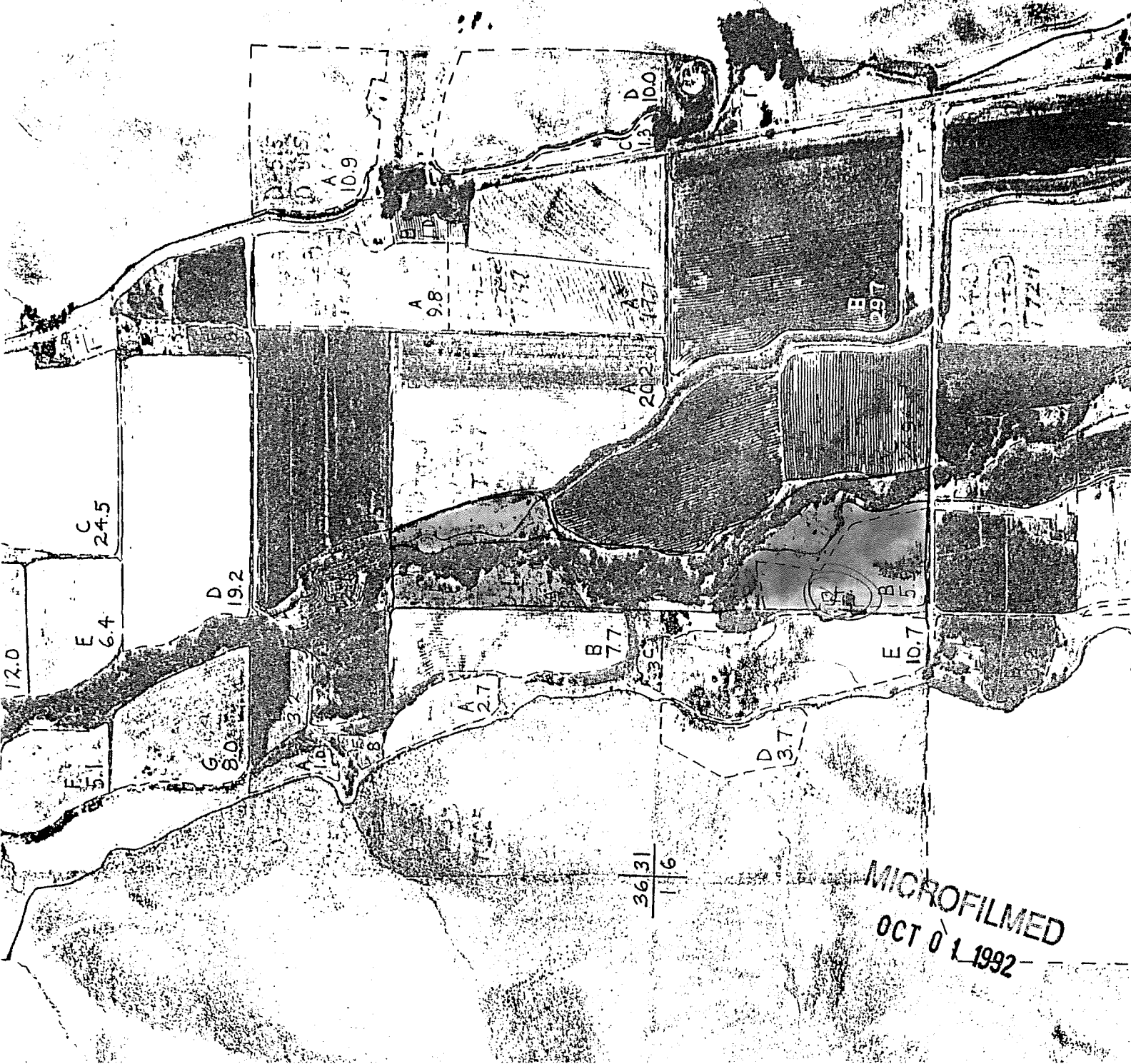
State of Idaho)
County of Washington) ss.

Subscribed and sworn (or affirmed) before me this 13th day
of October 19 89
Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

MICROFILMED
OCT 01 1992

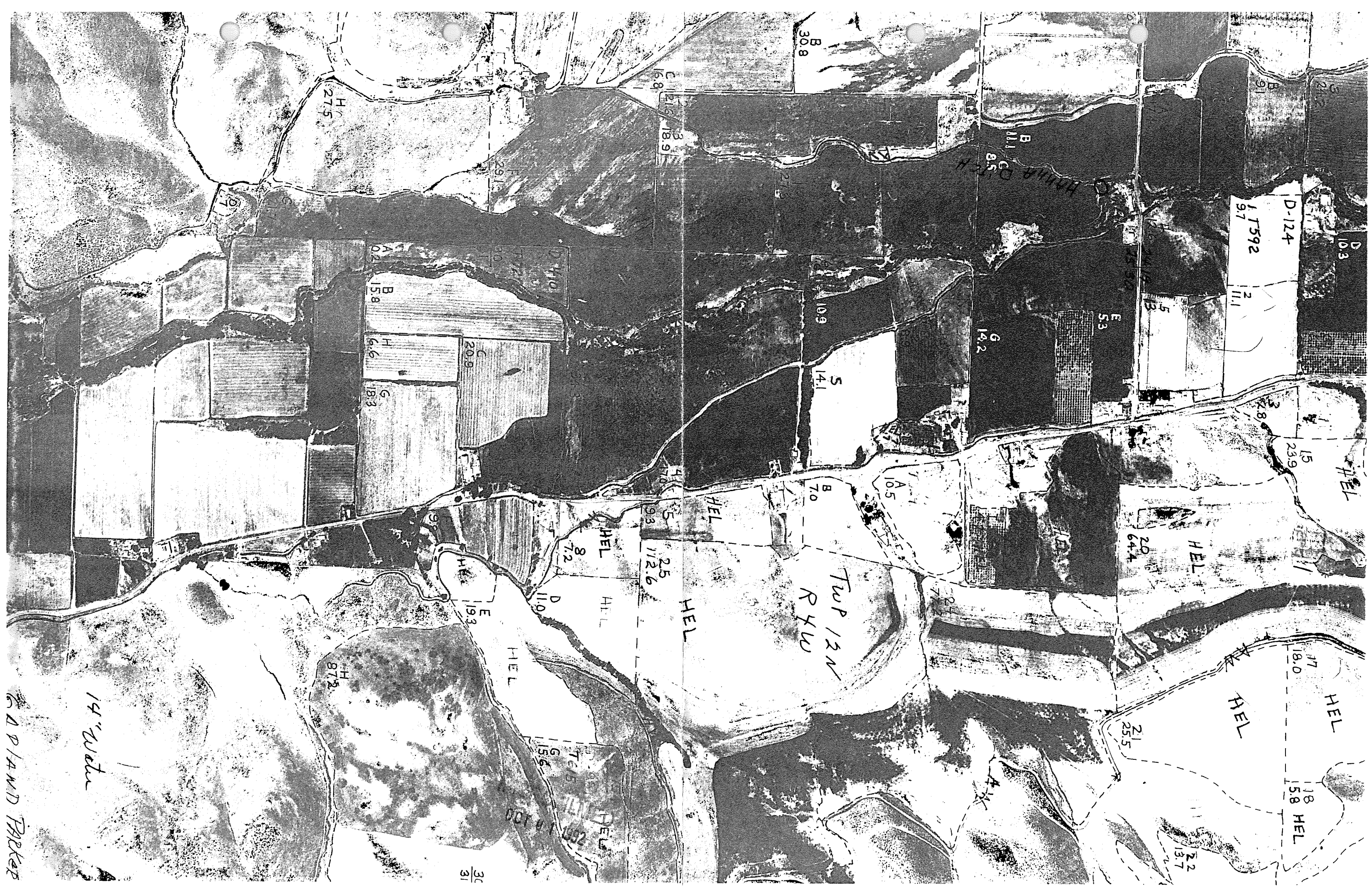


11N4W

3631
16

3132
65

MICROFILMED
OCT 01 1992



CLAUDE FACKER