

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-538A V1

WATER RIGHT NUMBER: 67-538A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	C L GEAR
	, ZZ
Current Owner	PEGGY FLINT 1091 MANN CREEK RD WEISER, ID 83672 (208)549-3930
Current Owner	DENNIS WHITE 1091 MANN CREEK RD WEISER, ID 83672 (208)549-3930

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	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

MANNS 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	
11N	04W	6																20.0	20.0
11N	04W	7	30.0																30.0

Total Acres: 50

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.

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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. dnarsavage 1/25/2006 Not Split

Comment: This is NOT a split right. To the best of my knowledge, the claimants own the entire place of use decreed to 67-538.

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:

<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 1:12:24 PM	segbert			Active
Source	6/7/2004 1:12:52 PM	segbert			Active
POU	6/7/2004 1:13:13 PM	segbert			Active
Use	6/7/2004 1:24:38 PM	segbert			Active
Season	6/7/2004 1:25:27 PM	segbert			Active
Quantity	6/7/2004 1:26:08 PM	segbert			Active
POD	6/7/2004 1:27:53 PM	segbert			Active
Season	6/10/2004 9:25:31 AM	segbert			Active
Priority Date	11/29/2005 4:07:48 PM	dnarsavage			Active
POD	11/29/2005 4:08:39 PM	dnarsavage			Active
Source	11/29/2005 4:09:44 PM	dnarsavage			Active

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POU	11/29/2005 4:09:57 PM	dnarsavage	Active
Use	11/29/2005 4:12:02 PM	dnarsavage	Active
Season	11/29/2005 4:12:31 PM	dnarsavage	Active
Quantity	11/29/2005 4:12:56 PM	dnarsavage	Active
Summary	11/29/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/29/2005 4:10:45 PM	dnarsavage	Updated PLS for Active POU
POU	11/29/2005 4:10:21 PM	dnarsavage	Updated shape for Active POU
Season	11/29/2005 4:12:31 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?
Quantity	11/29/2005 4:12:57 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?
POD	11/29/2005 4:08:40 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?
Source	11/29/2005 4:09:45 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?

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POU	11/29/2005 4:10:29 PM	dnarsavage	Edited Season Of Use
POU	11/29/2005 4:11:42 PM	dnarsavage	Updated shape for Active POU
Use	11/29/2005 4:12:02 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	11/29/2005 4:13:40 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?
General	11/29/2005 4:07:48 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?
POU	11/29/2005 4:09:57 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?

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Season	6/10/2004 9:25:32 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?
POU	10/6/2005 7:52:05 AM	dnarsavage	Updated shape for Active POU
Priority Date	6/7/2004 1:12:24 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?
Quantity	6/7/2004 1:26:08 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? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POD	6/7/2004 1:27:53 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POU	6/7/2004 1:24:18 PM	segbert	Edited shape boundary
Use	6/7/2004 1:24:38 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?
Season	6/7/2004 1:25:28 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? (Yes) 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) 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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Source	6/7/2004 1:12:53 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	6/7/2004 1:13:14 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? (Yes) 6. Can the claimed POU be verified using the water right file?
POD	11/21/2005 10:38:42 AM	dnarsavage	Correlated PODID 620721 from SpatialDataID 366539 to SpatialDataID 10853
POD	11/21/2005 10:38:34 AM	dnarsavage	Correlated PODID 620721 from SpatialDataID 366539 to SpatialDataID 10853
POD	11/21/2005 10:38:38 AM	dnarsavage	Correlated PODID 620721 from SpatialDataID 366539 to SpatialDataID 10853

Water Supply Bank:



Idaho Department of Water Resources

T111N R04W

Adjudication Claim Number: **67-538A**

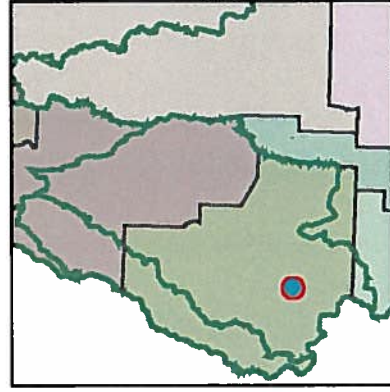
Legend

 Point of Diversion

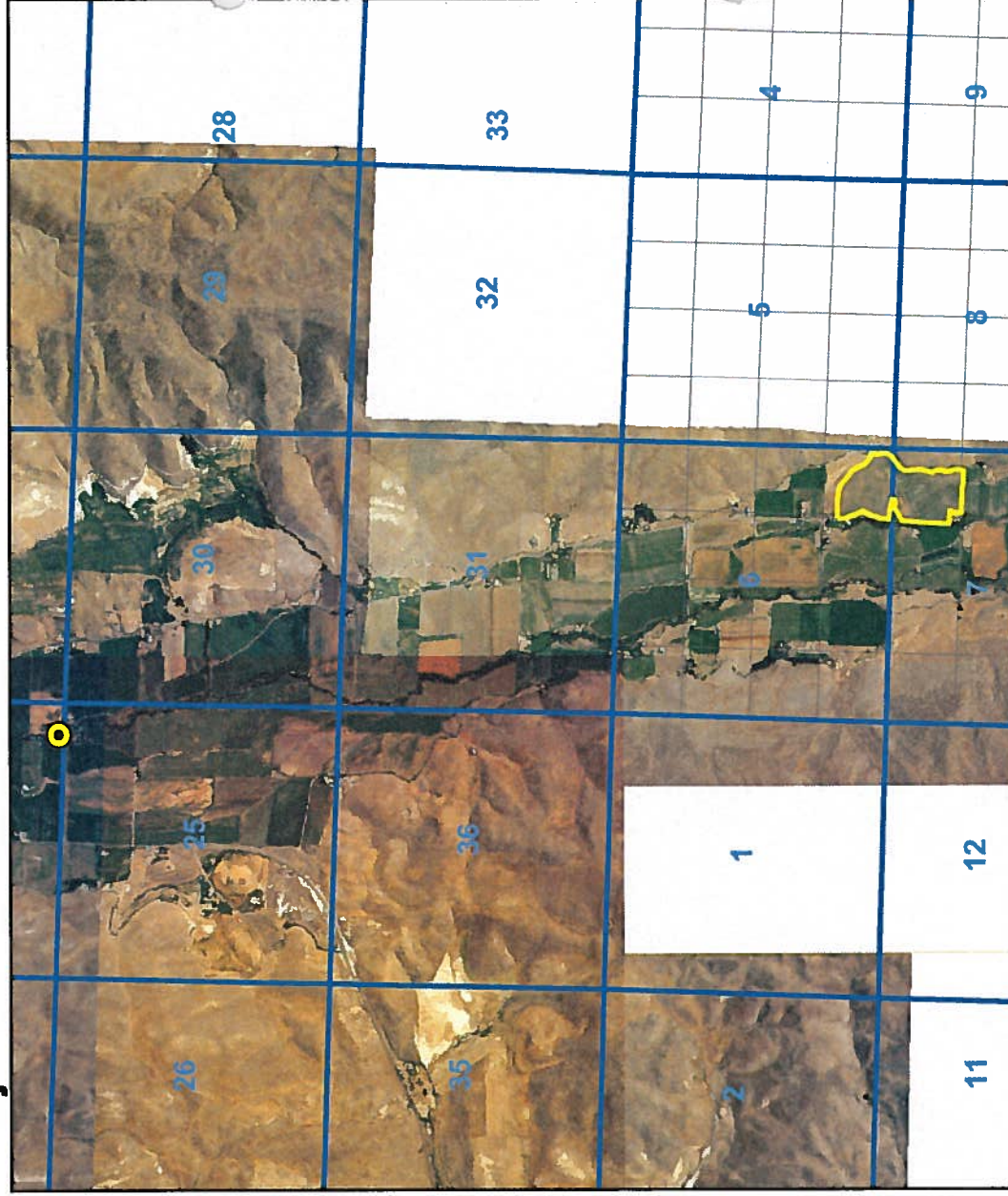
 Place of Use

 PLS Sections

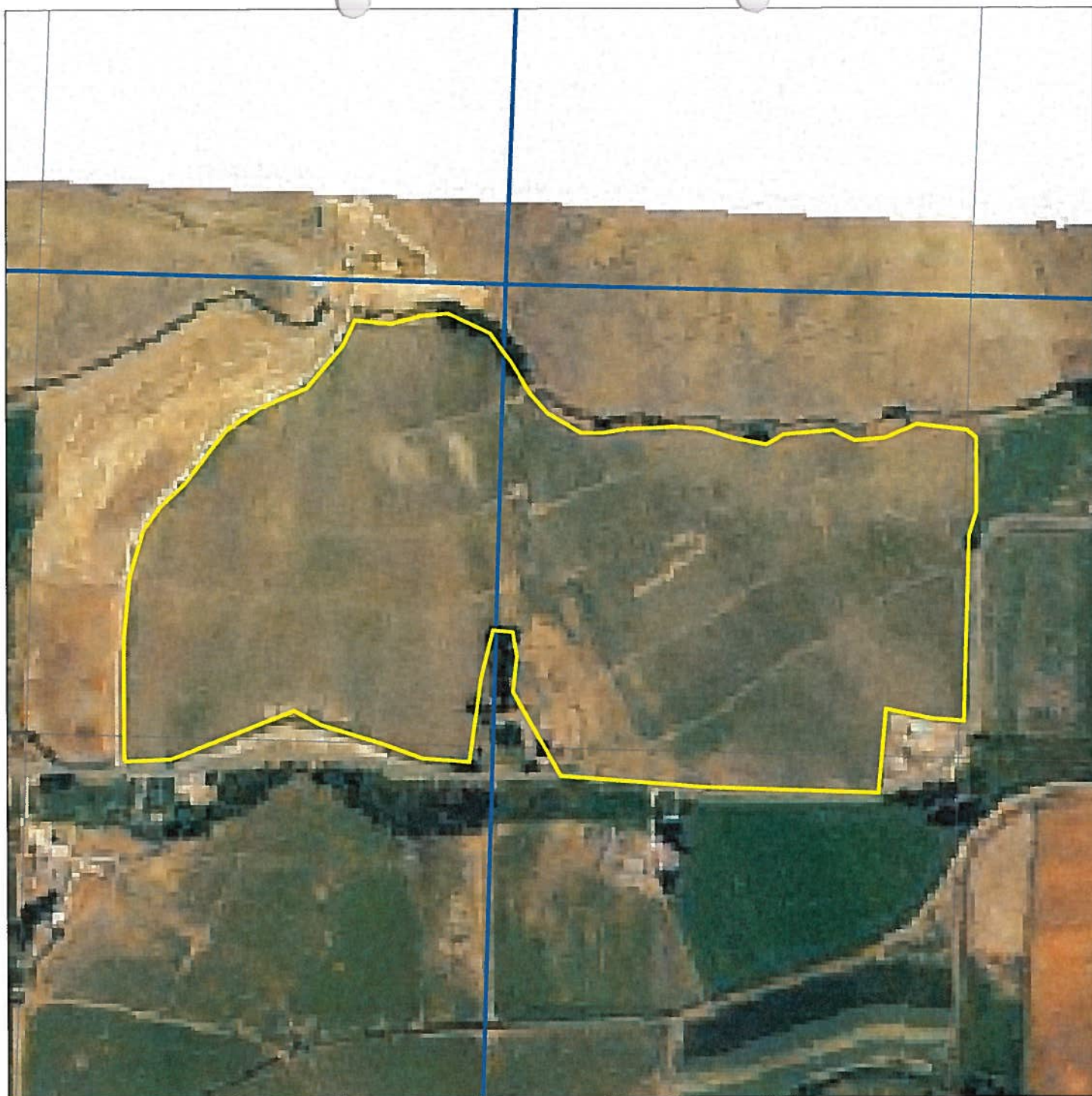
 Quarter Quarters



Washington County
IDWR Basin 67



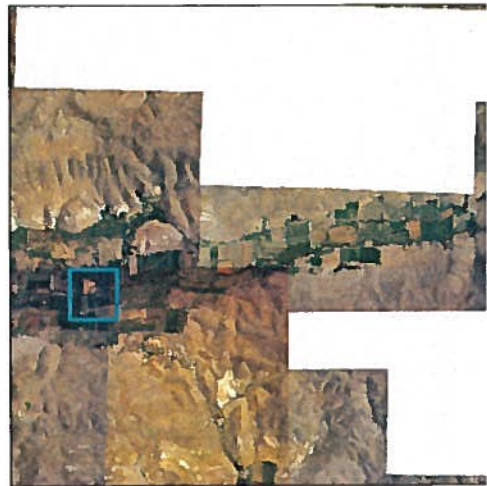
Prepared by D. Narsavage
On Wednesday, January 25, 2006
1987/88 Aerial Photography



Rec67-538A



Rec67-538A



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: A67-00538A
Date Received: 10/ 9/1990
Receipt No: W012771
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PEGGY FLINT 208-549-3930
Address: 1091 MANN CREEK RD.
WEISER, ID 83872

OR

Name: DENNIS WHITE 208-549-3930
Address: 1091 MANN CREEK RD.
WEISER, ID 83872

2. Date of Priority: JUN 1, 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:
FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

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

8. Total consumptive use is 175.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	04W	6	SE	SE		IRR	20.0

A67-00538A

Page 1

Date: 03/06/91

SCANNED

APR 06 2004

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
		7	NE	NE	IRR	30.0
					Section Acres	30.0
					Total Acres	50.0

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:
A67-02386, A67-04489

14. Remarks:
THIS IS A PRIMARY RIGHT.
WATER CARRIED IN THE WEBB DITCH.
AC. IRR.=65. FLOODWATER 1.3 CFS.
SPLIT RIGHT, ACRES IRR.=50 ACRES.

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): *Jerry D. Dine* Date: 3/19/91
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of March 19 91 *Linda Werner*
Notary Public

Seal

LINDA WERNER
Residing at RESIDING AT EAGLE, IDAHO
MY COMMISSION EXPIRES DEC. 8, 1994
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

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 _____

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

Date Received

Receipt Number

10-9-90

2012771

RECEIVED
OCT 09 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

Colby B. Sandlian and/or
1. Name of Claimant (s) Jack R. Hunt Phone (316) 263-0118

Mailing Address 435 North Broadway, Suite 201, Wichita, KA Zip 67202

2. Date of Priority (Only one (1) per claim) June 1, 1881

3. Source of water supply (a) Manns Creek

which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 12 N Range 5W Section 24 ,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Washington

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. 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. Webb Ditch

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 275 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	
11N	4W	6																37	37
11N	4W	7	28																28

Total number of acres irrigated 65

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

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.

A67-02386 (B.O.R. Stor. Rt.) and A67-04489 or None ()

14. Remarks:

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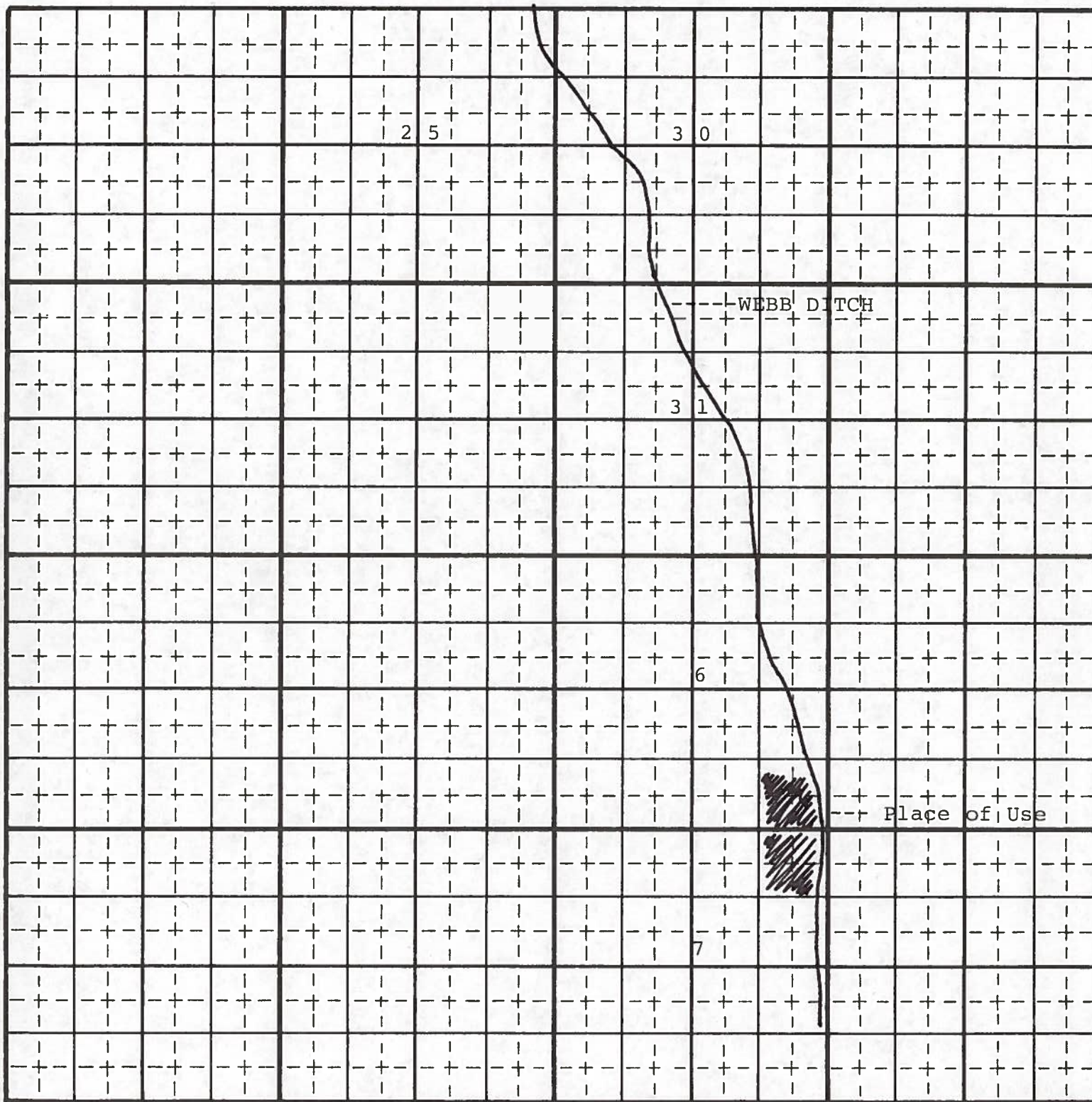
Last Name Sandlian & Hunt Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

X Diversion Point T12NR5W, Sec. 24, SESES



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Last Name Sandlian & Hunt Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 67-00538
Court Washington County Case Number 1238 Decree Date June 3, 1921
Plaintiff vs Defendant E. V. Jefferson, et al, v. Thomas Higgenbottom, et al

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 _____

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

Signature of Claimant (s) Colby B. Sandlian

Date 10-1-90

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 _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

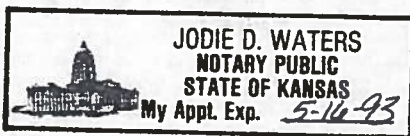
Title and Organization _____

Date _____

State of ~~Idaho~~ KANSAS)
County of SEDGWICK) SS.

Subscribed and sworn (or affirmed) before me this 1st day of October, 19 90

SEAL



Notary Public Jodie D. Waters

Residing at 1727 Marlboro; Wichita, Kansas

My Commission Expires May 16, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Nicholas T. Bokides 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 Nicholas T. Bokides

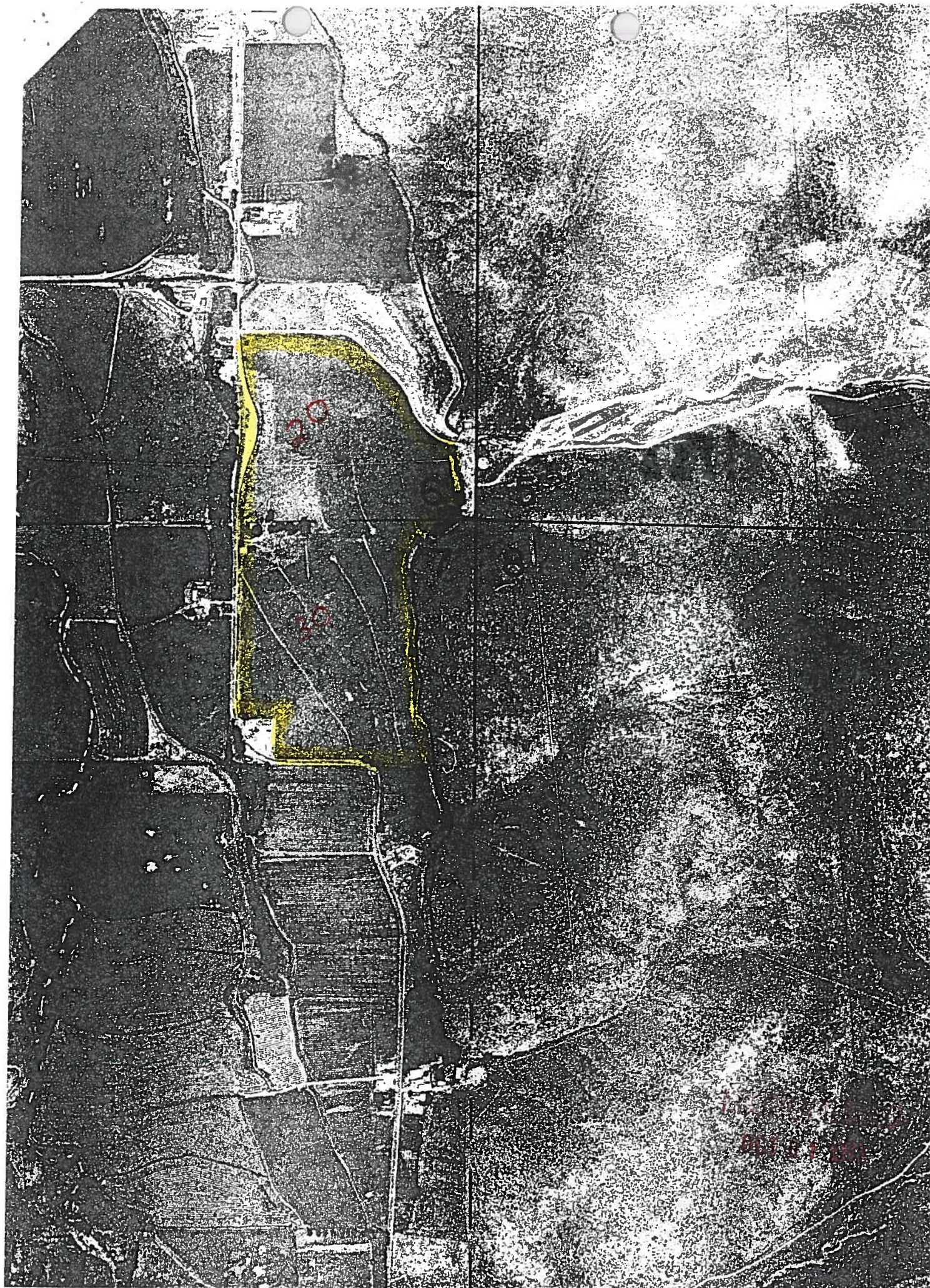
Address P. O. Box 28, Weiser, Idaho 83672

Date September 27, 1990

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OCT 01 1992

Last Name Sandlian & Hunt Ident. Number _____

Copies White-State, Yellow-Claimant



WARRANTY DEED

For Value Received

W. MARTIN SMITH AND PHYLLIS G. SMITH, husband and wife

The grantor s, do hereby grant, bargain, sell and convey unto

DENNIS WHITE AND PEGGY FLINT, husband and wife

the grantee s, whose current address is 1091 Mann Creek Road, Weiser, ID 83672

the following described premises, in WASHINGTON County Idaho, to-wit:

SEE EXHIBIT "A"

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EXHIBIT "A"

IN WASHINGTON COUNTY, IDAHO:

IN TOWNSHIP 11 NORTH, RANGE 4 WEST, BOISE MERIDIAN:

SECTION 6: Beginning at the NW corner of the SE1/4SE1/4 of Section 6, Township 11 North, Range 4, West Boise Meridian; thence South along the West line of said SE1/4SE1/4 291 feet, more or less, to a point on the South line of an existing lane, being the TRUE POINT OF BEGINNING; thence Southeasterly along the Southerly and Westerly line of said lane to a point on the Westerly right of way of the Mann Creek Irrigation Ditch; thence Southerly along the said Westerly right of way of the Mann Creek Irrigation Ditch to a point where said Ditch intersects the South line of the SE1/4SE1/4 of Section 6, Township 11 North, Range 4 West Boise Meridian; thence West along the South line of said SE1/4SE1/4 to the SW corner of said SE1/4SE1/4; thence North along the West line of said SE1/4SE1/4 to the TRUE POINT OF BEGINNING.

SAVE AND EXCEPT right-of-way for Mann Creek Road.

SECTION 7: All that part of the NE1/4NE1/4 lying West of the Mann Creek Irrigation Ditch right-of-way. SAVE AND EXCEPT the following described tract, to-wit:

Beginning at the SW corner of the said NE1/4NE1/4; thence North 233 feet; thence East 224.5 feet; thence South 233 feet; thence West 224.5 feet to the point of beginning.

SAVE AND EXCEPT right-of-way for Mann Creek Road.

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Nicholas T. Bokides

ATTORNEY AT LAW

320 STATE STREET, P. O. BOX 28

WEISER, IDAHO 83672

(208) 549-0611

October 4, 1990

RECEIVED
OCT 09 1990

Department of Water Resources
Western Regional Office

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Sandlian and Hunt Notice of Claim

Dear Sirs:

Enclosed please find an original Notice of Claim to a Water Right for Colby B. Sandlian and Jack R. Hunt covering lands owned by them in Washington County. Also enclosed is my check in the amount of \$100.00 to cover the filing fee and late charge. The \$1.00 per acre charge on this land has already been paid under the filing by Mann Creek Irrigation District.

Should you have any questions concerning the enclosed, do not hesitate to get in touch with me.

Thank you.

Yours very truly,



Nicholas T. Bokides

NTB:jw

Enclosures

pc: Mr. Colby B. Sandlian

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