

11/14/2006 RECEIVED
DEC 06 2006
DEPARTMENT OF
WATER RESOURCES

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: 67-544B

SHIRLEY HUST
1677 DEER CREEK RD
WEISER ID 83672
Telephone Number: (208)549-2757

FLOYD D HUST
1677 DEER CREEK RD
WEISER ID 83672
Telephone Number: (208)549-2757

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.

DATE: 12-4-06 SIGNATURE: Floyd Hust
Please print your name: Floyd Hust

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

SCANNED
DEC 08 2006

Split Analysis

Water Right Number:	67-544
Diversion Rate:	2.99 CFS
Reviewer Name:	Dan Narsavage
Date:	21-Dec-05

[illegible]

67-544 (149.0 ac & 2.99 cfs)	67-544A (31.0 ac & 0.62 cfs)
	67-544B (16.0 ac & 0.32 cfs)
	67-544C (16.0 ac & 0.32 cfs)
	67-544D (71.0 ac & 1.42 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-544	2.99	149	0.020
67-544A	0.62	31	0.020
67-544B	0.32	16	0.020
67-544C	0.32	16	0.020
67-544D	1.42	71	0.020

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-544B V1

WATER RIGHT NUMBER: 67-544B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHIRLEY HUST 1677 DEER CREEK RD WEISER, ID 83672 (208)549-2757
Original Owner	HENRY T BARKER , ID
Current Owner	FLOYD D HUST 1677 DEER CREEK RD WEISER, ID 83672 (208)549-2757

Priority Date: 06/01/1884

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	0.320 CFS	
	<u>Total Diversion:</u>	0.320 CFS	

Location of Point(s) of Diversion

MANN 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	05W	12	16.0																16.0

Total Acres: 16

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-544B 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. 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.

Remarks:Comments: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	6/8/2004 8:38:17 AM	segbert			Active
Priority Date	6/8/2004 8:38:33 AM	segbert			Active
Source	6/8/2004 8:38:48 AM	segbert			Active
POU	6/8/2004 8:39:48 AM	segbert			Active
Use	6/8/2004 8:47:03 AM	segbert			Active
Quantity	6/8/2004 8:48:21 AM	segbert			Active
POD	6/8/2004 8:50:01 AM	segbert			Active
Season	6/8/2004 8:50:08 AM	segbert			Active
Season	6/10/2004 9:31:51 AM	segbert			Active
Priority Date	8/11/2005 2:29:34 PM	dnarsavage			Active
POD	8/11/2005 2:30:27 PM	dnarsavage			Active
Source	8/11/2005 2:30:41 PM	dnarsavage			Active
POU	8/11/2005 2:31:20 PM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-544B V1

Use	8/11/2005 2:32:15 PM	dnarsavage	Active
Season	8/11/2005 2:33:00 PM	dnarsavage	Active
Quantity	8/11/2005 2:33:52 PM	dnarsavage	Active
Summary		08/11/2005 dnarsavage	Active
Summary		08/11/2005 dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	6/10/2004 9:31:52 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?
Quantity	6/8/2004 8:48:22 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	9/21/2005 9:43:00 AM	dnarsavage	Updated shape for Active POU
POU	9/21/2005 10:30:32 AM	dnarsavage	Updated shape for Active POU
POD	8/11/2005 2:09:48 PM	dnarsavage	Correlated PODID 620753 from SpatialDataID 304975 to SpatialDataID 9560
POD	8/11/2005 2:09:49 PM	dnarsavage	Correlated PODID 620753 from SpatialDataID 304975 to SpatialDataID 9560
POD	8/11/2005 2:09:49 PM	dnarsavage	Correlated PODID 620753 from SpatialDataID 304975 to SpatialDataID 9560
POU	8/11/2005 2:27:02 PM	dnarsavage	Updated PLS for Active POU
General	8/11/2005 2:29:35 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? (No) 16. Is a Priority Date remark and/or condition required?

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Adjudication Recommendation Report 67-544B V1

POD	8/11/2005 2:30:27 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	8/11/2005 2:30:41 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?
POU	8/11/2005 2:31:20 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?
Use	8/11/2005 2:32:15 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?
POU	8/11/2005 2:26:50 PM	dnarsavage	Edited Season Of Use
Summary	8/11/2005 2:41:24 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-544B V1

Summary	8/11/2005 2:41:36 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? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (No) 10. Would you like to set the verification date?
Season	8/11/2005 2:33:00 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	8/11/2005 2:33:53 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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?
Priority Date	6/8/2004 8:38:18 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 ?
Source	6/8/2004 8:38:48 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-544B V1

POU	6/8/2004 8:39:48 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?
POU	6/8/2004 8:46:48 AM	segbert	Edited shape boundary
Use	6/8/2004 8:47:04 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	6/8/2004 8:50:01 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POU	11/9/2005 10:44:28 AM	dnarsavage	Updated PLS for Active POU
Priority Date	6/8/2004 8:38:34 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?
Season	6/8/2004 8:50:08 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 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?

Water Supply Bank:



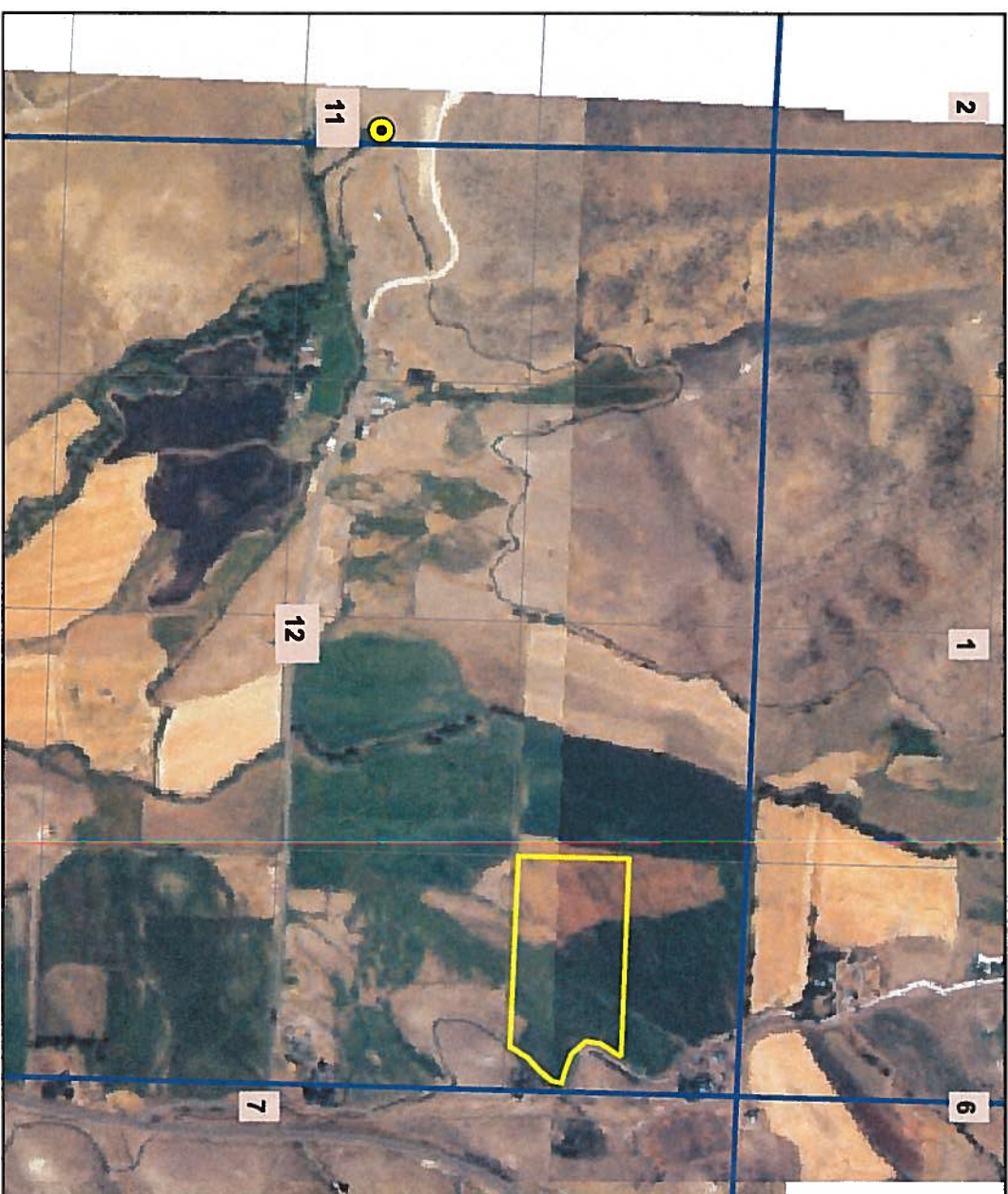
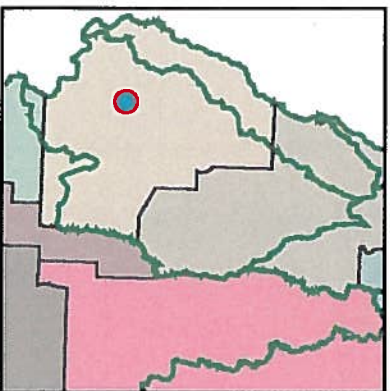
Idaho Department of Water Resources

Adjudication Claim Number: **67-544B**

T12N R05W

Legend

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



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

Idaho Department of Water Resources

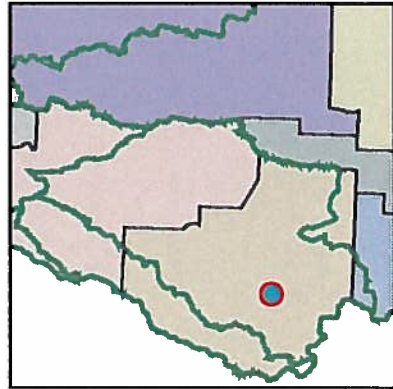


T12N R05W

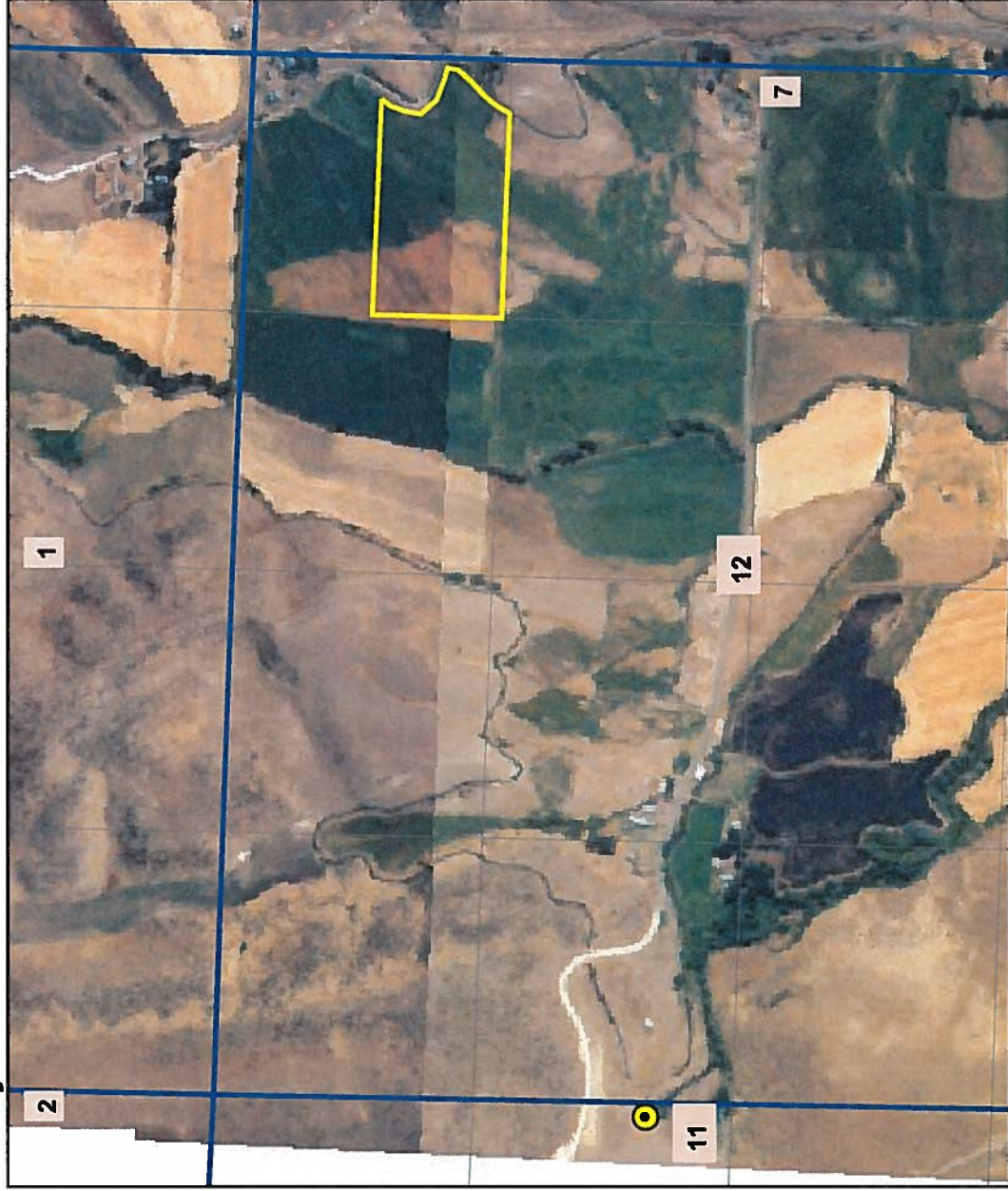
Adjudication Claim Number: **67-544B**

Legend

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

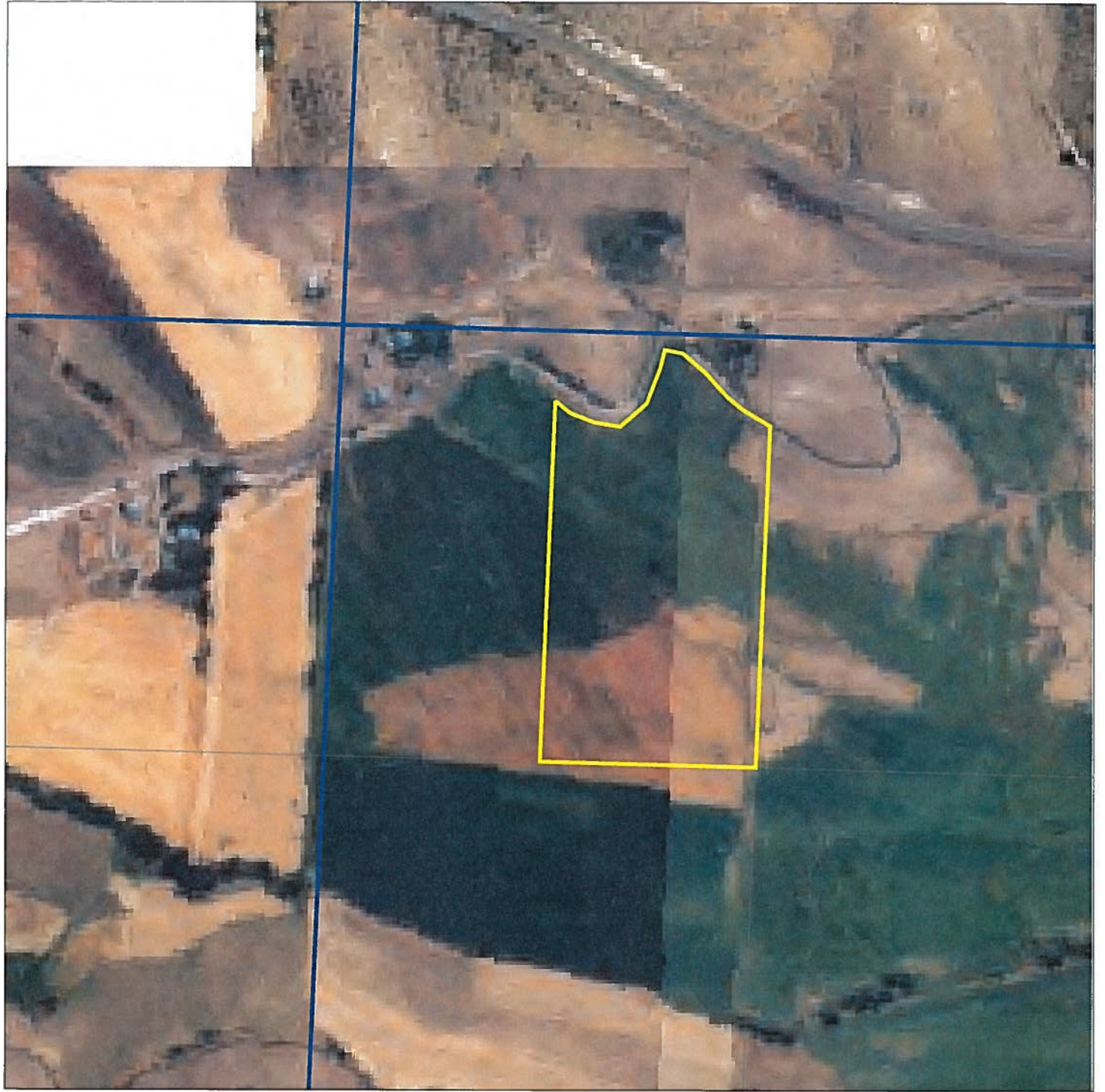


Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Thursday, August 11, 2005
1987 Aerial Photography

Rec67-544B



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: A67-00544B
Date Received: 10/18/1989
Receipt No: C012355
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FLOYD D. HUST
Address: 1677 DEER CREEK RD.
WEISER, ID 83672 208-549-2757

OR

Name: SHIRLEY HUST
Address: 1677 DEER CREEK RD.
WEISER, ID 83672 208-549-2757

2. Date of Priority: JUN 01, 1884

3. Source: MANN 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	11	SE	SE	NE		WASHINGTON

5. Description of diverting works:
JOSLIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.338		

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

8. Total consumptive use is 59.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12N	05W	12	NE	NE		IRR	16.9

A67-00544B

Page 1

Date: 06/11/90

SCANNED

APR 06 2004

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: A67-00544B
Date Received: 10/13/1989
Receipt No: C012365
Received By: D.K.

RECEIVED

OCT 18 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: FLOYD D. HUST 208-549-2757
Address: 1677 DEER CREEK RD.
WEISER, ID 83672

OR

Name: SHIRLEY HUST 208-549-2757
Address: 1677 DEER CREEK RD.
WEISER, ID 83672

2. Date of Priority: JUN 01, 1884

3. Source: MANN 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	11	SE	SE	NE		WASHINGTON

5. Description of diverting works:
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Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.338		

7. Total Quantity Appropriated is:
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8. Total consumptive use is 59.2 Acre Feet Per Annum.

9. Non-irrigation uses:

A67-00544B

Page

1

Date: 10/13/89

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	12	NE	NE		IRR	16.9
Section Acres							16.9
Total Acres							16.9

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 RESERVOIR

14. Remarks:

THIS IS WATER IS USED ON THE S1/2 OF THE NE1/4 OF THE NE 1/4 OF
SECTION 12, TWN. 12N, RNG. 5W.

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: -0-

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): Floyd D. Nitz Date: 10-13-89

Date: _____

State of Idaho)
County of Washington) SS.

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

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-544B V1

WATER RIGHT NUMBER: 67-544B V1

Owner Type
Current Owner

Name and Address
SHIRLEY HUST
1677 DEER CREEK RD
WEISER, ID 83672
(208)949-2757
HENRY T BARKER

Original Owner
FLOYD D HUST
1677 DEER CREEK RD
WEISER, ID 83672
(208)949-2757

Priority Date: 06/01/1894
Basis: Decreed
Status: Decreed

Source
MANN CREEK
Beneficial Use
IRRIGATION

Location of Point(s) of Diversion
WASHINGTON County
MANN CREEK
SEC 14SE14NE14W
Sec. 11, Twp 12N, Rge 05W, B.M.

Place of Use
IRRIGATION

Total Acres: 16.9

Conditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-544B V1

Dates and Other Information:

Decreed Date:
Engagement Use Priority Date:
Engagement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Filed:
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
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Season	6/10/2004 9:31:51 AM	segbert

Verification Log:

Element	Date Time Stamp	Reviewer
Season	6/10/2004 9:31:52 AM	segbert

Log text

(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
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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?
(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

Quantity 6/8/2004 8:48:22 AM segbert