

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-550 V1

WATER RIGHT NUMBER: 67-550 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DWIGHT MADDOX 1040 LOWER CRANE CREEK RD WEISER, ID 83672 (208)549-2451
Original Owner	D E JOHNS , ID

Priority Date: 06/01/1906

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	0.150 CFS	
STOCKWATER	01/01 to 12/31	0.200 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4NE1/4	Sec. 22, Twp 13N, 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		
13N	05W	22													5.0				2.5	7.5

Total Acres: 7.5

STOCKWATER same as IRRIGATIONConditions 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-550 V1

Comments:

1. mcase 6/2/2004 POU
Comment: Updated Shape

2. mcase 6/2/2004 POU
Comment: Claimed POU matched legal description, but not total irrigated acreage. The decreed acreage is 5.5 total, they claimed 20 acres. I generated the shape using the taxlot information.

3. mcase 6/2/2004 Quantity
Comment: Decreed flow of 0.11 cfs. Claimed 0.7 cfs.

4. mcase 6/2/2004 Water Use
Comment: I am not sure if the decreed right covers both irrigation and stockwater uses.

5. mcase 6/2/2004 POD
Comment: POD shape not generated. Location not verified.

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	6/2/2004 10:46:38 AM	mcase			Active
Source	6/2/2004 10:47:30 AM	mcase			Active
POU	6/2/2004 10:50:57 AM	mcase			Active
Season	6/2/2004 11:08:34 AM	mcase			Active
Quantity	6/2/2004 11:08:41 AM	mcase			Active
Use	6/2/2004 11:10:50 AM	mcase			Active
POD	6/2/2004 11:11:58 AM	mcase			Active
Priority Date	5/11/2006 10:33:12 AM	dnarsavage			Active
POD	5/11/2006 10:37:58 AM	dnarsavage			Active
Source	5/11/2006 10:39:31 AM	dnarsavage			Active
POU	5/11/2006 10:39:49 AM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-550 V1

Use	5/11/2006 10:42:19 AM	dnarsavage	Active
Season	5/11/2006 10:42:52 AM	dnarsavage	Active
Quantity	5/11/2006 10:46:26 AM	dnarsavage	Active
Summary	05/11/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	6/2/2004 11:10:51 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use?
POD	6/2/2004 11:11:58 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License?
Priority Date	6/2/2004 10:46:38 AM	mcase	(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?
Source	6/2/2004 10:47:31 AM	mcase	(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?
POD	5/11/2006 10:37:58 AM	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	5/11/2006 10:39:32 AM	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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-550 V1

Season	5/11/2006 10:42:53 AM	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?
POU	5/11/2006 10:45:35 AM	dnarsavage	Updated PLS for Active POU
General	5/11/2006 10:33:13 AM	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?
POD	5/11/2006 10:38:19 AM	dnarsavage	Updated shape
Use	5/11/2006 10:42:19 AM	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	5/11/2006 10:49:29 AM	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? (Yes) 10. Would you like to set the verification date?
POU	5/11/2006 10:45:14 AM	dnarsavage	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-550 V1

POU	5/11/2006 10:39:49 AM	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?
POU	5/11/2006 10:41:44 AM	dnarsavage	Updated shape for Active POU
Quantity	5/11/2006 10:46:26 AM	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?
Season	6/2/2004 11:08:34 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?
Quantity	6/2/2004 11:08:42 AM	mcase	(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? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POU	6/2/2004 10:50:57 AM	mcase	(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?

Water Supply Bank:



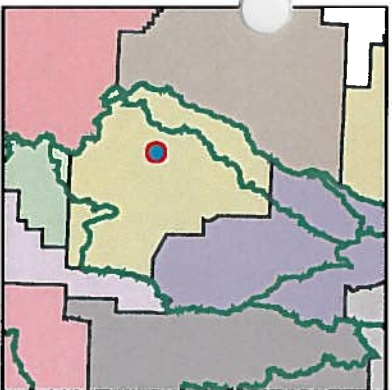
Idaho Department of Water Resources

SRBA Recommendation:

67-550

Legend

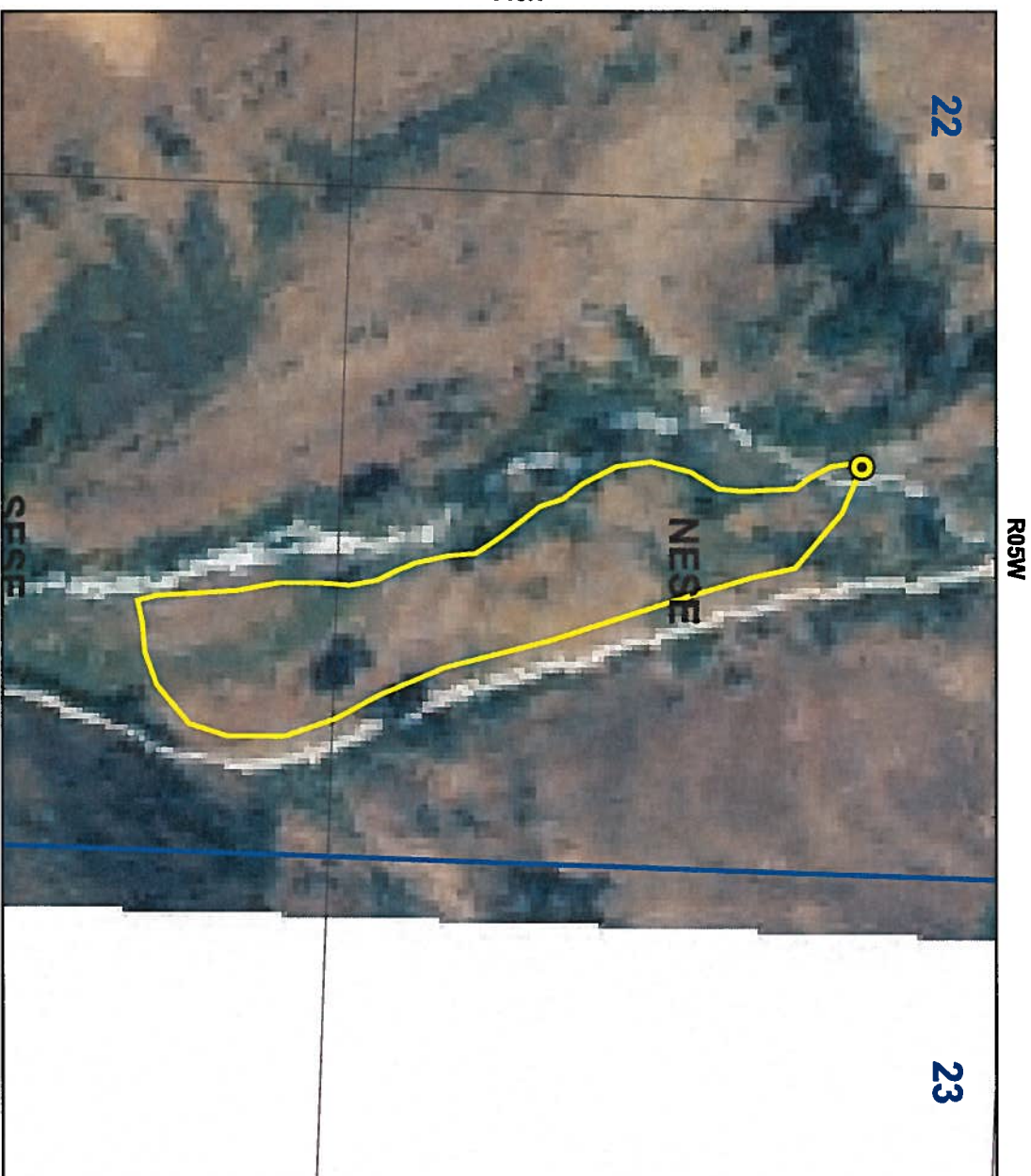
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 67



T13N



Prepared by D. Narsavage
On Thursday, May 11, 2006
1987/88 Aerial Photography



67-550 Maddox. Photo of POU for 67-550. GPS point taken at this gate. Both pictures are taken from the road north of Mann Creek Reservoir. In the lower picture, the ditch is more clearly seen going across the center of the picture. Mann Creek is in the distance flowing from right to left. See layout for path of ditch through field. This is known to the Maddox family as the Peach Orchard.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

October 29, 1990

R. KEITH HIGGINSON
DIRECTOR

Dwight Maddox
1040 Lower Crane Rd.
Weiser, ID 83672

RE: Snake River Basin Adjudication (SRBA)
Washington County - A67-00550, A67-00663B, A67-00666B,
A67-02019, A67-04500, A67-04501B,
A67-10967

Dear Mr. Maddox:

We are forwarding to you computer-generated copies of the Notices of Claim which you filed for your property in Washington County.

We have interpreted the data from your claims and have made some minor modifications which we feel more accurately describe your water rights. The items that were modified are highlighted. Please review the enclosed forms to assure that these modifications are in agreement with your water rights.

On Claim #A67-02019 at Item #8, the amount you have listed for consumptive use for your water right may be inaccurate. Using the chart in the instruction booklet (page 15), and based on your legal description, the Department suggests 3.5 acre feet per acre per annum. You are claiming 10 acres of irrigated land; therefore, your consumptive use would be 35.0 acre feet per annum. If this does not agree with your actual usage, please explain at Item #14, "Remarks".

If you agree that all the modifications are correct as indicated, you do not have to return the forms. However, if you feel we have misinterpreted any claim, and you make any changes to the Notice of Claim form, you must initial the changes you make, sign the form before a notary public and return the claim and a copy of this letter to:

Western Region Office
2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

Please make these corrections before November 29, 1990. Do not hesitate to contact this office, or our Western Region Office, if you have any questions about the modifications.

SCANNED
MAY 10 2004

MICROFILMED

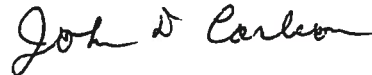
OCT 01 1992

Dwight Maddox
October 29, 1990
Page 2 - Washington County

The Identification Number of three of your Notices of Claim to a Water Right has been changed. The suffix "B" has been added to each number in order to distinguish your claim from other claims that may claim a portion of the same original water right.

Claim A67-00663 is changed to A67-00663B, claim A67-00666 is changed to A67-00666B and claim A67-04501 is changed to A67-04501B. This change does not affect your claims in any other way. Please refer to the above record numbers in any future inquiries or correspondence.

Sincerely,



John D. Carlson
Adjudication Supervisor

JDC:ALB:sf:west
Enclosures:

Copies of Claims: A67-00550, A67-00663B, A67-00666B,
A67-02019, A67-04500, A67-04501B, A67-10967

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: A67-00550
Date Received: 10/18/1989
Receipt No: C012375
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DWIGHT MADDOX
Address: 1040 LOWER CRANE RD.
WEISER, ID 83672 208-459-2451

2. Date of Priority: JUN 01, 1906

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
13N	05W	22	SE	NE			WASHINGTON

5. Description of diverting works:
DAM IN CREEK WITH DIVERSION HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/30	0.500		
STOCKWATER	01/01	12/31	0.200		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13N	05W	22	SW	NE		IRR	5.0
			SE	NE		IRR	5.0
			NE	SE		IRR	5.0
			SE	SE		IRR	5.0

A67-00550

Page 1

Date: 09/12/90

SCANNED
MAY 10 2004

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

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:
NONE

14. Remarks:

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: 67-0550
Date Received: 10-18-89
Receipt No: CO/2375
Received by: *RF*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of applicant: Dwight Maddox

Phone: 549-2451

Address: 1040 Lower Craine, Weiser, Idaho 83672

2. Date of priority: ~~1900~~ 1906

3. Source of water supply: Mann Creek

Tributary to: Weiser River

4. Point of diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	5W	22		SE	NE		WASHINGTON

5. Description of existing diversion works: Dam in creek with diversion headgate

6. Water is claimed for the following purposes:
(both dates are inclusive)

Purposes	From	To	C.F.S.	(OR)	A.F.A.
Irrigation	4/1	11/30/30 <i>DM</i>	0.5		
Stockwater	1/1	12/30	0.2		

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

8. Total consumptive use claimed is: 70 acre ft/year

9. Non-irrigation uses;

Last Name: MADDOX

Ident. Number: 67-0550

MICROFILMED

10. Lands irrigated of Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	5W	22	SE	NE			05
13N	5W	22	SW	NE			05
13N	5W	22	NE	SE			05
13N	5W	22	SE	SE			05

Total number of acres irrigated 20

11. Place of Use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: ~~STATUTORY CLAIM~~
Case Number:
Court:
Decree Date:

Decree, Mann Creek

vs

Plaintiff

Defendant

16. Signatures (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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s):

Maryon Maddox
Lucy D. Maddox

Date: *10-18-89*

Date: *10-18-89*

State of Idaho

SS.

County of _____

Last Name: MADDOX

Ident. Number: *62-0650*

MICROFILMED

OCT 11 1989

Subscribe and sworn (or affirmed) before me this 18TH day of OCTOBER 19 89

Seal

Notary Public Burt Tolme

Residing at WEESER, IDAHO

My Commission Expires 11-1-93

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name: MADDOX

Ident. Number: 67-0560

MICROFILMED

OCT 01 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Made ex CLAIM IDENT. NO. AL67-00550DATE RECEIVED 10/18/89 CK # C012375 AMOUNT \$ 70⁰⁰ YES NO Required Info?

1. Is the name and address complete with zip code? YES NO Required Info? *
2. Is a priority date entered? YES NO Required Info? *
- Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required. * *get m/d from deere mod*
3. (a) Is a source entered? YES NO Required Info? *
- (b) Is a tributary to entered? (if required) N/A YES NO Required Info? *
4. Is the legal description of the p.d. sufficient? YES NO Required Info? *
5. Is there a description of the diverting works? YES NO Required Info? *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. YES NO Required Info? *
- Is the period of use included? YES NO Required Info? *
- Is a quantity claimed for each use? YES NO Required Info? *
7. Is a total quantity claimed entered? YES NO Required Info? *
8. If required is a consumptive use entered? N/A YES NO Required Info? *
- Is the consumptive use correct? N/A YES NO Required Info? *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A YES NO Required Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? YES NO Required Info? *
11. Is (are) the county(ies) entered? YES NO Required Info? *
12. Is the ownership of p.u. checked? YES NO Required Info? *
13. Are other water rights listed or "none" indicated? NONE YES NO Required Info? *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A YES NO Required Info? *
15. Is the basis of the claim indicated? YES NO Required Info? *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A YES NO Required Info? *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. YES NO Required Info? *
18. Has the claim been signed, sealed, and dated by a notary? YES NO Required Info? *
19. Was this claim filed on time, or was an extension granted? YES NO Required Info? *
20. Is the fee enclosed correct? Exempt YES NO Required Info? *
21. If this claim is based on an existing water right, has the identification number been entered? N/A YES NO Required Info? *
22. Should this claim be data entered? YES NO Required Info? *

Claim checked by: B Date: 9/12/90Claim must be returned to claimant: (Yes) ✓ (No) Claimant must be notified of modifications: (Yes) ✓ (No) Receipt Prepared by: B Date: 9/12/90 Checked by: Date: Claim data entered by: B Date: 9/12/90 Checked by: Date: Sent to claimant by: Date: Checked by: Date: Comments: no overlap -

MICROFILMED

OCT 01 1992