

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-555A V1

WATER RIGHT NUMBER: 67-555A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NOAH E MC CALL 1374 US HWY 95 WEISER, ID 83672 (208)549-2314
Original Owner	MARY A SATER , ID
Original Owner	JUDITH BOYLE 1374 U S HWY 95 WEISER, ID 83672 (208)549-0484
Current Owner	JANE MC CALL 1374 U S HWY 95 WEISER, ID 83672 (208)549-2314
Original Owner	DAVID W BOYLE 1374 U S HWY 95 WEISER, ID 83672 (208)549-0484

Priority Date: 04/01/1877

Basis: Decreed

Status: Active

Source

MANN CREEK

Tributary

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	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

MANN CREEK

SE1/4SW1/4SE1/4

Sec. 13, 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	25				1.5													1.5

Total Acres: 1.5

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-555A V1

Conditions of Approval:

1. 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.
2. 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 only to all rights identified as Primary Rights on Mann Creek.
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. mcase 5/26/2004 Quantity

Comment: No decreed volume. Could not determine recommended annual diversion.

2. mvanbussum 12/8/2006 NOE POU

Comment: Claimant provided 2006 tax receipt in which the claimant is billed for 2.8 acres of irrigated land. Claim 67-555A was based on the Mann Creek decree and the allotment for this claimant under 67-555 is 1.5 acres of irrigated land. POU remains as recommended initially.

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	5/26/2004 11:12:43 AM	mcase			Active
Source	5/26/2004 11:15:23 AM	mcase			Active
POU	5/26/2004 11:25:26 AM	mcase			Active
Use	5/26/2004 11:25:38 AM	mcase			Active
Season	5/26/2004 11:32:06 AM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-555A V1

Quantity	6/10/2004 8:50:25 AM	mcase	Active
Priority Date	3/24/2006 1:05:22 PM	dnarsavage	Active
POD	3/24/2006 1:05:48 PM	dnarsavage	Active
Source	3/24/2006 1:07:52 PM	dnarsavage	Active
POU	3/24/2006 1:08:20 PM	dnarsavage	Active
Use	3/24/2006 1:10:28 PM	dnarsavage	Active
Season	3/24/2006 1:11:27 PM	dnarsavage	Active
Quantity	3/24/2006 1:11:57 PM	dnarsavage	Active
Summary	03/24/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	9/29/2005 10:13:21 AM	dnarsavage	Edited Season Of Use
POU	9/29/2005 10:13:26 AM	dnarsavage	Updated PLS for Active POU
POU	9/29/2005 10:13:16 AM	dnarsavage	Updated shape for Active POU
POU	10/18/2005 9:20:15 AM	dnarsavage	Updated shape for Active POU
Priority Date	5/26/2004 11:12:43 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	5/26/2004 11:15:23 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?
POU	5/26/2004 11:25:26 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? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	5/26/2004 11:25:38 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? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-555A V1

Quantity	6/10/2004 8:50:27 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? (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?
POD	5/8/2006 2:23:19 PM	dnarsavage	Correlated PODID 619953 from SpatialDataID 306178 to SpatialDataID 10554
POD	5/8/2006 2:23:22 PM	dnarsavage	Correlated PODID 619953 from SpatialDataID 306178 to SpatialDataID 10554
POD	5/8/2006 2:23:07 PM	dnarsavage	Correlated PODID 619953 from SpatialDataID 306178 to SpatialDataID 10554
POD	5/8/2006 2:23:10 PM	dnarsavage	Correlated PODID 619953 from SpatialDataID 306178 to SpatialDataID 10554
POD	5/8/2006 2:23:14 PM	dnarsavage	Correlated PODID 619953 from SpatialDataID 306178 to SpatialDataID 10554
POU	5/26/2004 11:19:41 AM	mcase	Edited shape boundary
Season	5/26/2004 11:32:06 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?
General	3/24/2006 1:05:23 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?
POD	3/24/2006 1:05:48 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-555A V1

Use	3/24/2006 1:10:29 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?
Season	3/24/2006 1:11:27 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	3/24/2006 1:11:58 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	3/24/2006 1:14:53 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 67-555A V1

POU	3/24/2006 1:08:20 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?
Source	3/24/2006 1:07:53 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?

Water Supply Bank:

12/08/2006

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

RIGHT NUMBER: 67-555A

NAME AND ADDRESS: NOAH E MC CALL
1374 US HWY 95
WEISER ID 83672

JANE MC CALL
1374 U S HWY 95
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.030 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: 04/01/1877

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 only to all rights identified as Primary Rights on Mann Creek.

POINT OF DIVERSION:

T12N R05W S13 SESWSE 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	0.030 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R05W S25 SENE 1.50

1.5 ACRES TOTAL

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



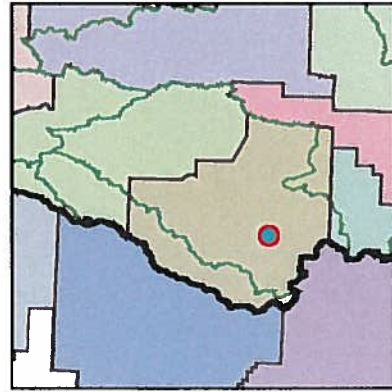
Idaho Department of Water Resources

SRBA Recommendation:

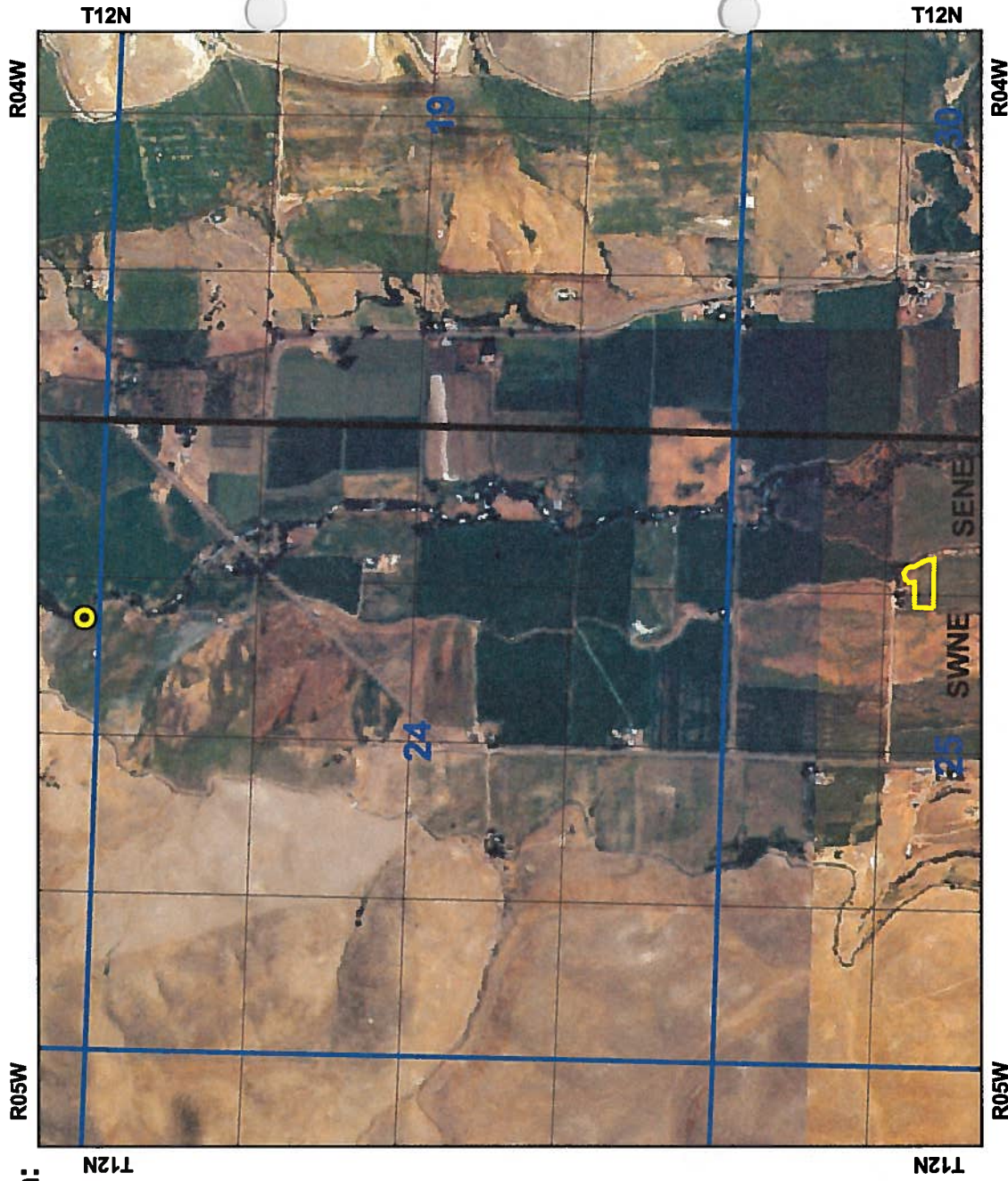
67-555A
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Friday, December 8, 2006
1987/88 Aerial Photography

67-555A



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: 67-555A

NOAH E MC CALL
1374 US HWY 95
WEISER ID 83672
Telephone Number: (208)549-2314

JANE MC CALL
1374 U S HWY 95
WEISER ID 83672
Telephone Number: (208)549-2314

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1 place before W & G Derron

2. Describe the changes you wish to make in the proposed recommendation:

Should have 2.8. Acc Dr, 06 CFF

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

The satiny acc wrong

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

DATE: *11/29/06*

SIGNATURE: *Noah E McCall*

Please print your name: *NOAH E MC CALL*

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

Mann Creek
Irrigation
District
1242 Indianhead Road
Weiser, Idaho 83672

FINAL TAX RECEIPT TAX LEVY FOR THE YEAR 2006

RECEIVED from NOAH WHEELER

Weiser, Idaho, _____, 20____

1374 US HWY 20, WEISER, ID 83672

in payment of the taxes for the year 2006 on the following described property, the sum of

DOLLARS \$ _____

DESCRIPTION OF LANDS				Assessment Per Acre	Amount and Distribution	
Section	Twp.	Range	Irrig. Acres		Maintenance Construction	
25	12N	2W	4.00	4.74	1.27	4.47
Dist of County Tax				6.21	12.10	1.23
				40		27.19
					Total Assessment	
					One-Half Paid	
					Balance Due	
					Penalty	
					TOTAL PAID	

IMPROVEMENT — Please make sure that
you have secured a receipt for each piece
of property you own in the District.

If the owner's name is not correct, please indicate
here: _____

Present Owner _____

Address _____

The Following Taxes Are Delinquent on Above Property

Defn. Number	Year	Amount and Penalty	NOTICE — Read Carefully
			The first half of your taxes MUST be paid on or before December 20, 2006
			This part of your taxes becomes delinquent with penalty and interest added after that date. The remainder must be paid on or before June 20, 2007

MEMO: _____
Receipt subject to final payment of check

Assistant Secretary-Treasurer

Final
Second Installment

Date _____, 20____
Paid by _____

2006

Amount Tax \$ _____

Penalty _____

Advertising _____

Amount Paid \$ _____

Assistant Secretary-Treasurer
MANN CREEK IRRIGATION
DISTRICT

1242 Indianhead Road
Weiser, Idaho 83672

One-Half
First Installment

Date _____, 20____

Paid by _____

2006

Amount Paid \$ _____

Assistant Secretary-Treasurer
MANN CREEK IRRIGATION
DISTRICT

1242 Indianhead Road
Weiser, Idaho 83672

MAKE CHECK PAYABLE TO:

2006 TAX BILL/RECEIPT

PARCEL NUMBER

ANN FREI

BILL#

7263

RP12N05W252000A

WASHINGTON CO TAX COLLECTOR

CODE AREA

47-0000

L

39,280

256 E COURT

CODE AREA

47-0000

I

36,770

WEISER ID 83672

1ST HALF DUE

TAX 65.09

LATE

INT

COST

TOT

2ND HALF DUE

TAX 65.09

LATE

INT

COST

TOT

FULL DUE

TAX 130.18

LATE

INT

COST

TOT

TOT MV

HM-

NET MV

TOT ACS

TOT

76,050

33,140

42,910

1.000

1.000

MCCALL NOAH & JANE

1374 U S HWY 95

WEISER ID 83672

TN-3 & ROAD; LESS HWY 95
S25T12R5 3.64 AC

1374 U S HWY 95 83672

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

IF YOU HAVE RECEIVED THIS BILL IN ERROR
PLEASE CONTACT OUR OFFICE 414-0324
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

OFFICE PHONE 208-414-0324
LEVY SHEET AVAILABLE IN OFFICE

TAXING DISTRICT	RATE
COUNTY	.005119151
WEISER SCH BOND	.001160856
WEI SCH TORT	.000063057
ROAD/BRIDGE	.000817419
SPEC BRIDGE	.000232721
WEISER FIRE	.000992650
RODENT CONTR	.000062152
WEISER AMBUL	.000398309
WEI VAL HOSP	.000585337
AMBULANCE TORT	.000002847
DISTRICT TOTAL	.009434499
SOLID WASTE FEE	
DISTRICT/SPECIAL TOTAL	
-CIRCUIT BREAKER BENEFIT	
AMOUNT DUE	

219.66

49.80

2.70

35.08

9.98

42.58

2.66

17.08

25.12

.12

404.78

38.00

442.78

312.60

130.18



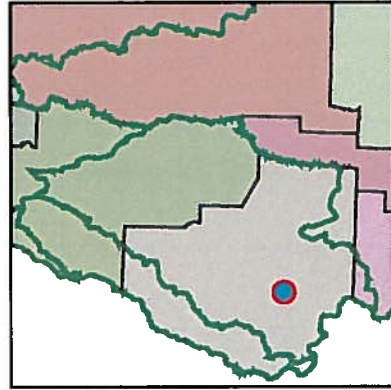
Idaho Department of Water Resources

Adjudication Claim:

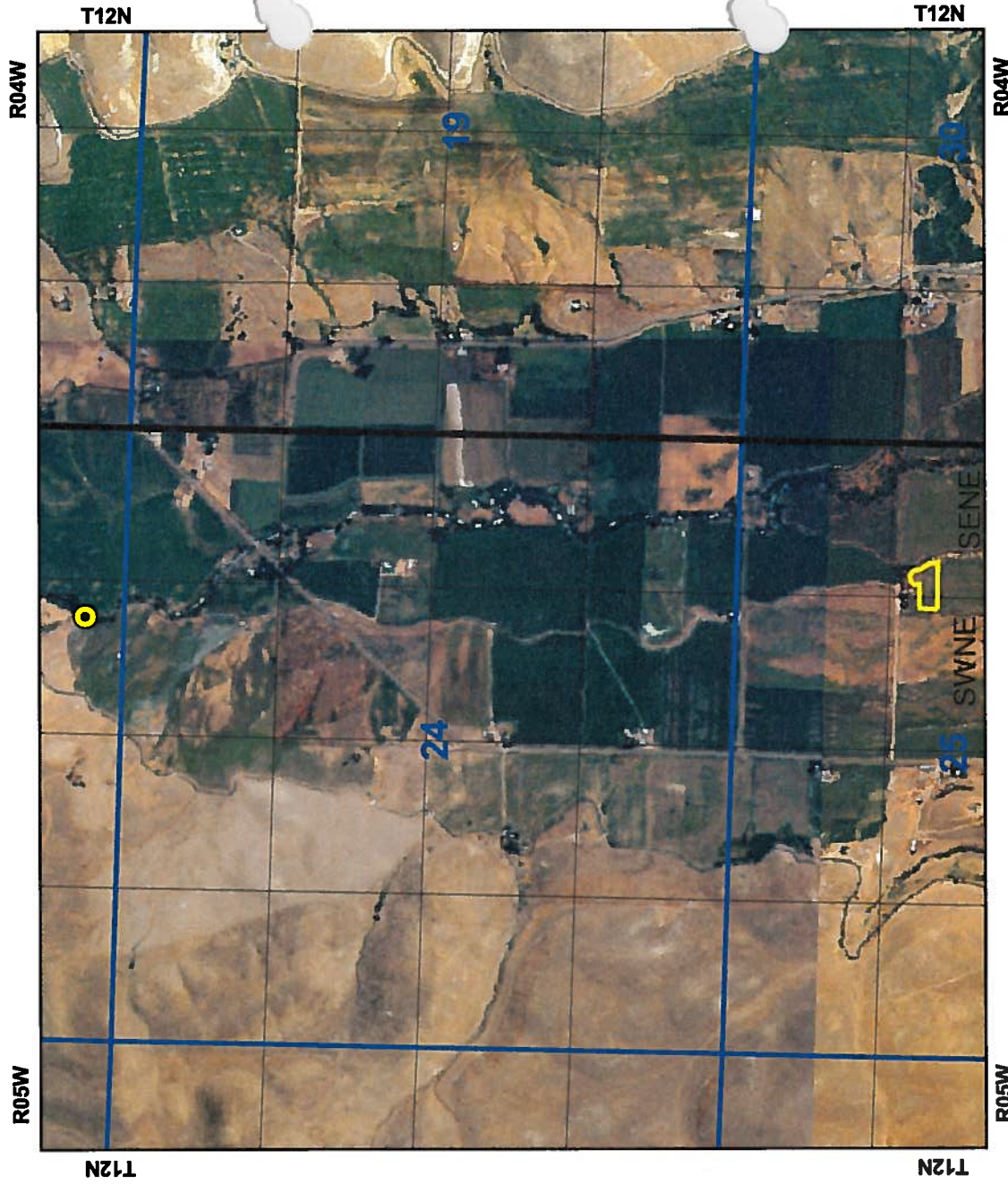
67-555A

Legend

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



Washington County
IDWR Basin 67



0 0.6 1.2 Miles

Prepared by D. Narsavage
On Friday, March 24, 2006
1987/88 Aerial Photography

67-555A



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: **A67-00555A**
Date Received: 10/12/1989
Receipt No: C012161
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: NOAH E MCCALL 208-549-2314
Address: 1374 U S HWY 95
WEISER ID 83672
OR
Name: JANE MCCALL 208-549-2314
Address: 1374 U S HWY 95
WEISER ID 83672

2. Date of Priority: APR 1, 1877

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	05W	13	SE	SW	SE		WASHINGTON

5. Description of diverting works:
LATERALS AND PUMPS, ADAMS-SALING DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	25	SE	NE		IRR	3.0

MICROFILMED
AUG 05 1994

SCANNED

10. Place of Use: Continued

Section Acres 3.0

Total Acres 3.0

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:
MANNS CREEK IRRIGATION DISTRICT

14. Remarks:
THIS RIGHT IS A SECONDARY RIGHT.
WATER CARRIED IN THE ADAMS-SAILING DITCH.
FLOODWATER 1.4 CFS. AC. IRR.=70.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

E. V. JEFFERSON ET. AL.
Decree Plaintiff

THOMAS HIGGENBOTHAM ET. AL.
vs 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: _____

MICROFILMED
AUG 05 1994

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 _____

MICROFILMED
AUG 05 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4-8-91

LEGAL DESCRIPTION OF PROPERTY: Township 12 N Range 05 W
Section 25, 1/4 of SE 1/4 of NE 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A 67-10760
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): David W. and Judith L. Boyle
2301 Valley Road
Midvale, Id.
- ☐ New Owner/Claimant (Purchaser): Noah E. and Jane McCall
- ☐ New Mailing Address: 1374 U.S. Hwy 95
Meriden, Id. 83672
- ☐ New Telephone Number: (208) 549-2314
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Noah E McCall Date 12-9-93
Jane McCall Date 12-9-93
- ☐ Signature of Former Owner/Claimant(s): Date
 Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED

AUG 05 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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: A67-00555A

Date Received: 10-12-89

Receipt No: 012161

Received By: dat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID W. BOYLE 208-549-0484
Address: 1374 U.S. HIGHWAY 95
WEISER, ID 83672

OR
Name: JUDITH BOYLE 208-549-0484
Address: 1374 U.S. HIGHWAY 95
WEISER, ID 83672

2. Date of Priority: APR 01, 1877

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	05W	13	SE	SW	SE		WASHINGTON

5. Description of diverting works:
LATERALS AND PUMPS, ADAMS-SALING DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A67-00555A

Page 1

Date: 10/12/89

SCANNED
APR 06 2004

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	25	SE	NE		IRR	3.0
Section Acres							3.0
Total Acres							3.0

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:
MANNS CREEK IRRIGATION DISTRICT

14. Remarks:
THIS RIGHT IS A SECONDARY RIGHT.
WATER CARRIED IN THE ADAMS-SAILING DITCH.
FLOODWATER 1.4 CFS. AC. IRR.=70.

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: 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): x Judith Boyle Date: x 10/12/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of October 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

MANN CREEK SW QUADRANGLE

IDAHO

7.5 MINUTE SERIES (ORTHOPHOTOQUAD)

116° 52' 30"
44° 22' 30"



980 000
FEET

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 4, 1994

NOAH OR JANE MCCALL
1374 U S HWY 95
WEISER ID 83672

Dear Mr. or Mrs. McCall;

Enclosed you will find **your** copies of the two Notices of Claim to a Water Right originally filed by Mr. Boyle. They are numbered A67-00555A and A67-10760.

Please note - A67-10760 is the claim that was filed with the wrong legal description. I have corrected the legal description under items 4 and 10; however, since this resulted in an amended claim I need your initials and date by the corrected items. I have highlighted these items.

I have sent along two copies of this claim. Please return the claim you have initialed and save the second copy for your records. Be sure to return this information to my attention as soon as possible. I am sending a stamped, self-addressed envelope for your convenience.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

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CONVERSATION MEMORANDUM

DATE 1-3-94FILE AG7-10760 &
AG7-00555ANAME OF PARTY Noah McCall
EMPLOYEE Linda WernerRE: My letter dated 12-16-93 & his call to
me dated 12-22-93.

Correct legal should be T12N - not
T11N. Chromant verified this using maps I
sent to him.

NV also used the H₂O from Mammis cr.
referenced on AG7-00555A. I will chg.
ownership on this & the other & have him
initial & date the legal description chg. on
AG7-10760.

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AUG 05 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 16, 1993

NOAH OR JANE MCCALL
1374 US HWY 95
WEISER ID 83672

Dear Mr. or Mrs. McCall;

I am in the process of completing the change of ownership for the Notice of Claims to a Water Right filed by the previous owners of your property, David and Judith Boyle.

During the processing I noticed a discrepancy in the legal descriptions given. The legal description listed on Notice of Claim number A67-10760 is for a place of use located in T11N, R5W, Section 25, SE1/4NE1/4. The legal description on the warranty deed submitted is T12N, R5W, Section 25, SE1/4NE1/4. It appears that an error was made during the claims taking process; however, at this point that is only an assumption. Consequently, I am sending you two copies of maps, one for each area listed above. Please use these maps to determine the correct location of your property.

I also noted that there was another claim made in the Adjudication by Mr. and Mrs. Boyle. This claim is numbered A67-00555A and is for the irrigation of 3 acres from Manns creek through the Adams-Sailing ditch. I am sending you a profile report of that claim, for your information.

Please review the above information for accuracy of the legal description and the water usage from Manns creek and advise me as soon as possible what action needs to be taken. Be sure to send your response to my attention. Upon receipt of this information I will continue with the ownership change.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

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1 2 Pages

THIS INDENTURE, Made this 8 day of April, in the year 1991

between David W. Boyle and Judith L. Boyle

2301 Valley Road

of Midvale, County of Washington, State of Idaho

the parties of the first part, and Noah McCall & Jane McCall

1374 U.S. Hwy. 95 N.

of Weiser, County of Washington

State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of _____ DOLLARS

lawful money of the United States of America, to _____ in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to _____ heirs and assigns forever, all the following described real estate situated in _____

Washington County, State of Idaho, to-wit:

Commencing at a point 23 feet south of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 12 North, Range 5 West of the Boise Meridian; thence South 331.5 feet; thence Easterly 407 feet; thence Northerly 330 feet to a point 23 feet from the North line of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 348 feet to the point of beginning.

Together with all water rights from the Adams-Saling Ditch, with the understanding that the existing waste water overflow from the Adams-Saling Ditch on the North side of the above described property is to remain intact.

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

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TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their

CLAIMANT'S NAME: Boyle, JudithDATE: 10-12-89EMPLOYEE: Helen H-T

RE: This 3-acre portion does appear to be definitely a portion of the 70 acres decreed in the Mann Creek decree.

The claim by Johnson-Bryant AL7-0055⁵~~8~~ for 77 acres exceeds the original decreed 70 acres and I'm not clear as to if this is an expansion.

The Boyles did purchase their 3 acre parcel from Johnson-Bryant and recently (Oct. 1989) did pay it off.

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