

Adjudication Recommendation Report 67-559 V1

WATER RIGHT NUMBER: 67-559 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HARRY C WISHART

Current Owner , ID
KAREN M CANO
1833 JONES RD
WEISER, ID 83672
(208)549-1252

Priority Date: 04/01/1880

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	0.100 CFS	
		<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

MANN CREEK
WASHINGTON County

SE1/4SW1/4

Sec. 31, Twp 12N, Rge 04E, B.M.

Place of Use

IRRIGATION

[illegible]

al Acres: 5

Cons of Approval:

- 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.
- 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate to all Primary Rights on Mann Creek.
- 7 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-559 V1

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:
 Water District Number:
 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	3/31/2006 9:33:29 AM	dnarsavage			Active
POD	3/31/2006 9:33:48 AM	dnarsavage			Active
Source	3/31/2006 9:39:01 AM	dnarsavage			Active
POU	3/31/2006 9:39:19 AM	dnarsavage			Active
Use	3/31/2006 9:40:25 AM	dnarsavage			Active
Season	3/31/2006 9:41:55 AM	dnarsavage			Active
Quantity	3/31/2006 9:42:56 AM	dnarsavage			Active
Summary			03/31/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	3/31/2006 9:33:30 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?

IDAHO DEPARTMENT OF WATER RESOURCES

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POD	3/31/2006 9:38:18 AM	dnarsavage	Updated shape
Season	3/31/2006 9:41:56 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?
Source	3/31/2006 9:39:01 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?
POU	3/31/2006 9:39:45 AM	dnarsavage	Updated shape for Active POU
Use	3/31/2006 9:40:26 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	3/31/2006 9:46:02 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? (Yes) 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?

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Quantity	3/31/2006 9:42:56 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?
POD	3/31/2006 9:33:48 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?
POU	3/31/2006 9:39:19 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	3/31/2006 10:27:22 AM	dnarsavage	Updated shape for Active POU
POU	3/30/2006 12:16:37 PM	dnarsavage	Updated shape for Active POU
POD	3/30/2006 12:18:22 PM	dnarsavage	Updated shape
POU	3/30/2006 12:24:20 PM	dnarsavage	Updated shape for Active POU
POU	3/30/2006 12:25:20 PM	dnarsavage	Updated shape for Active POU
POU	3/30/2006 12:27:32 PM	dnarsavage	Updated shape for Active POU
POU	3/30/2006 12:37:42 PM	dnarsavage	Updated shape for Active POU

Water Supply Bank:



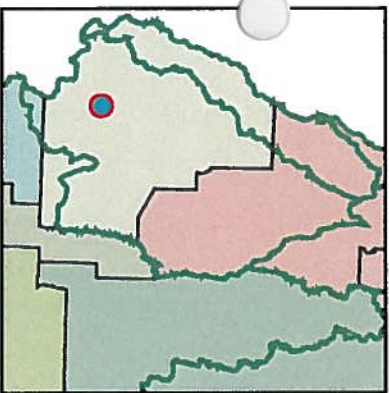
Idaho Department of Water Resources

Adjudication Claim:

67-559

Legend

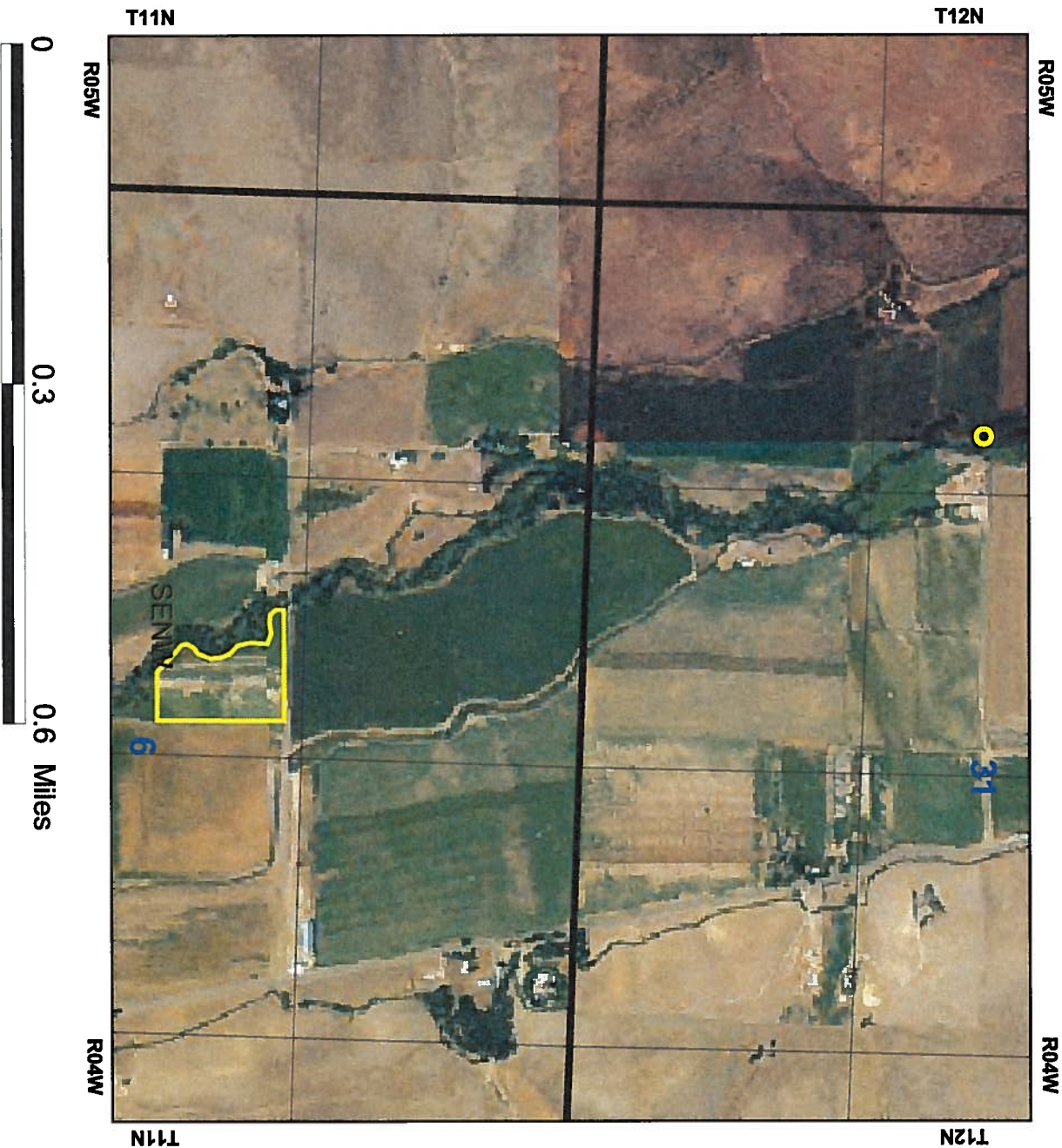
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Friday, March 31, 2006
1987/88 Aerial Photography



67-559



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 67-559
Date Received: 1/23/2006
Receipt No: C080143
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KAREN CANO Phone: (208)549-1252

1833 JONES RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1880

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	Type
12N	04E	31	SE SW	WASHINGTON	

5. Description of diverting works:

Permanent diversion in creek with boards, 24-inch headgate and pipeline.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.1	

7. Total Quantity Appropriated is:
0.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	04W	6	SE	NW	IRRIGATION	5
					Section Acres	5
					Total Acres	5

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:

14. Remarks:

THIS RIGHT IS A SECONDARY RIGHT.
WATER CARRIED IN THE SHINKLE-WISHART-EVANS DITCH.
FLOODWATER 1.2 CFS. AC. IRR.=60.
| THIS RIGHT HAS BEEN SPLIT AND COMBINED: SEE A67-11514 WHICH CLAIMS 0.19 CFS AND
COMBINES IT WITH PORTIONS OF DECREED RIGHT 67-00529 AND 67-00532, UNDER THE SWAIN
FAMILY TRUST, 5/22/90 AB

15. Basis of Claim: Decreed

WISHNET

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

67-559
1-23-06
C080143
d.e. as 3-27-06

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 23 2006

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) KAREN M. CANO Phone (208) 549-1252

Mailing Address 1833 JONES RD. WEISER, ID Zip 83672

2. Date of Priority (Only one (1) per claim) 04/01/1880

3. Source of water supply (a) MANN CREEK
which is tributary to (b) WEISER RIVER

4. a. Location of existing point of diversion is: Township 12N Range 4W Section 31,
SE 1/4 of SW 1/4 of _____ 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. PERMANENT DIVERSION IN

CREEK WITH BOARDS, 24" HEADGATE AND PIPELINE.

SCANNED

MAR 27 2006

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 03/01 to 11/15 amount 0.1 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.1 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ 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	
<u>11N</u>	<u>4W</u>	<u>06</u>								<u>X</u>									<u>5</u>

Total number of acres irrigated 5

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.
_____ or None ()

14. Remarks: SEE ATTACHMENT.

Last Name Cano Ident No. 61-559

SCANNED

MAR 27 2006

SCANNED

PER MAP PROVIDED BY IDWR IS ACCEPTABLE.

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

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two perpendicular dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Last Name

Cen.

Ident No.

67-559

SCANNED

MAR 27 2006

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒

If applicable provide IDWR Water Right Number 67-559

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant JEFFERSON VS. HIGGIN BOTTOM

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

Signature of Claimant (s) Karen Cano

Date 2-20-06

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/or Idaho)

SS.

County of Washington)

Subscribed and sworn (or affirmed) before me this

20th

day of

January

2006

Notary Public

Stephanie McDaniel

Residing at

Weiser, ID

My Commission Expires

09-11-06

Please Print Name



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

Cano

Ident. Number

67-559

SCANNED
MAR 27 2006

REMARKS

JANUARY 18, 2006

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: GILBERT BALL: SECRETARY, WISHART DITCH WATER USERS ASSN.

RE: WATER RIGHT APPLICATION FOR KAREN CANO IDWR# 67-559.

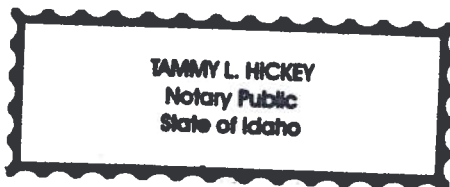
I BECAME INVOLVED WITH IRRIGATION WATER THROUGH THE WISHART DITCH IN 1969. THE PROPERTY IN QUESTION HAS BEEN ASSESSED FOR FIVE ACRES OF WATER FROM AT LEAST THAT DATE TO PRESENT. THE MANN CREEK IRRIGATION DISTRICT WHICH ASSESSES FOR CONSTRUCTION CHARGE AND OPERATIONS AND MAINTENANCE OF THE DAM AND RESEVOIR HAS ASSESSED THIS PARCEL FOR FIVE ACRES OF WATER SINCE 1967.

SINCERELY,

GILBERT R. BALL JR.

Gilbert R. Ball, Jr.

SECRETARY, WISHART DITCH WATER USERS ASSOCIATION



Tammy L. Hickey 1/18/2006
exp 8/5/2010

Cano 67-559

SCANNED
MAR 27 2006