

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-569 V1

WATER RIGHT NUMBER: 67-569 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                        |
|-------------------|----------------------------------------------------------------------------------------------------------------|
| Original Owner    | EVERETT G GUNN                                                                                                 |
|                   | WEISER, ID 83672                                                                                               |
| Original Owner    | F E BUCHANAN                                                                                                   |
|                   | , ZZ                                                                                                           |
| Current Owner     | GUNN SHELBY AND SLOAN<br>C/O HELEN GUNN SHELBY<br>330 E BANNOCK ST APT 903<br>BOISE, ID 83702<br>(208)549-0575 |

Priority Date: 04/01/1885

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          | 1.100 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.100 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| MANN CREEK        | SW1/4NW1/4SE1/4 | Sec. 19, Twp 11N, Rge 04W, B.M. |
| WASHINGTON County |                 |                                 |
| MANN CREEK        | NW1/4SW1/4SE1/4 | Sec. 6, Twp 11N, Rge 04W, 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 | 19  |      |      |    |    |      |    |    |    | 3.0 |    |    | 8.5 | 35.0 | 32.0 | 36.0 | 38.0 | 152.5  |
| 11N | 04W | 30  | 35.0 | 31.0 |    |    | 19.0 |    |    |    |     |    |    |     |      |      |      |      | 85.0   |

Total Acres: 237.5

Conditions of Approval:

## IDAHO DEPARTMENT OF WATER RESOURCES

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1. K06 This right is limited to the irrigation of 55 acres within the place of use described above in a single irrigation season.
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. 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.
4. 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 Priority Date

Comment: It looks like the decreed Priority Date was amended from April 1, 1885 to April 1, 1884. They claimed April 1, 1885. Obtain amended claim.

2. mcase 5/26/2004 POU

Comment: Decreed total irrigated acreage is 55 acres. Claimed 253 acres. The decree has a note penciled in referencing transfer # 745, PD 208 to include NENW. No transfer paperwork included in claim file. I did not create a shape because of these issues.

3. mcase 5/26/2004 Quantity

Comment: Decreed for 1.1 cfs. Water right file has .77 cfs.

4. dnarsavage 10/19/2005 POU

Comment: The transfer Morgan Case spoke of did indeed happen. This covers nearly all of the undecreed ground that appears to be irrigated. The rest can be covered by an unclaimed decreed right (67-633). I have sent correspondence to Shirts Bros (info from taxlots) to change ownership and claim extra decreed right.

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:

## IDAHO DEPARTMENT OF WATER RESOURCES

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|             |               |              |
|-------------|---------------|--------------|
| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
| 4           |               | 200          |

Combined Water Rights: 67-566 , 67-569 , 67-591 , 67-601 , 67-609

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 3:42:43 PM      | mcase           |                           |                 | Active        |
| Source         | 5/26/2004 3:42:56 PM      | mcase           |                           |                 | Active        |
| Use            | 5/26/2004 3:47:45 PM      | mcase           |                           |                 | Active        |
| Season         | 5/26/2004 3:48:35 PM      | mcase           |                           |                 | Active        |
| Quantity       | 5/26/2004 3:48:45 PM      | mcase           |                           |                 | Active        |
| POD            | 3/22/2006 12:06:54 PM     | dnarsavage      |                           |                 | Active        |
| Source         | 3/22/2006 12:13:40 PM     | dnarsavage      |                           |                 | Active        |
| POU            | 3/22/2006 12:14:02 PM     | dnarsavage      |                           |                 | Active        |
| Use            | 3/22/2006 12:18:17 PM     | dnarsavage      |                           |                 | Active        |
| Season         | 3/22/2006 12:19:47 PM     | dnarsavage      |                           |                 | Active        |
| Quantity       | 3/22/2006 12:20:11 PM     | dnarsavage      |                           |                 | Active        |
| Summary        |                           |                 | 03/22/2006                | dnarsavage      | Active        |
| Priority Date  | 3/22/2006 12:24:17 PM     | dnarsavage      |                           |                 | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>              |
|----------------|------------------------|-----------------|------------------------------|
| POU            | 10/19/2005 10:16:43 AM | dnarsavage      | Updated shape for Active POU |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 0          |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 0          |
| POU            | 10/19/2005 10:16:47 AM | dnarsavage      | Updated shape for 0          |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 0          |
| POU            | 10/19/2005 10:16:44 AM | dnarsavage      | Updated shape for 67 566     |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 67 601     |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 67 609     |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 0          |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 0          |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 0          |
| POU            | 10/19/2005 10:16:45 AM | dnarsavage      | Updated shape for 67 591     |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 0          |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 0          |
| POU            | 10/19/2005 10:16:46 AM | dnarsavage      | Updated shape for 0          |

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|        |                        |            |                                                                                                                                                                                                                                                                              |
|--------|------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU    | 10/19/2005 10:16:46 AM | dnarsavage | Updated shape for 0                                                                                                                                                                                                                                                          |
| POU    | 10/19/2005 10:11:32 AM | dnarsavage | Updated shape for Active POU                                                                                                                                                                                                                                                 |
| POU    | 10/19/2005 10:16:44 AM | dnarsavage | Updated shape for 67 569                                                                                                                                                                                                                                                     |
| POU    | 10/19/2005 10:16:46 AM | dnarsavage | Updated shape for 0                                                                                                                                                                                                                                                          |
| POU    | 10/19/2005 10:16:46 AM | dnarsavage | Updated shape for 0                                                                                                                                                                                                                                                          |
| POU    | 10/19/2005 10:16:46 AM | dnarsavage | Updated shape for 0                                                                                                                                                                                                                                                          |
| POD    | 3/22/2006 12:08:35 PM  | dnarsavage | Correlated PODID 620001 from SpatialDataID 306322 to SpatialDataID 11732                                                                                                                                                                                                     |
| POD    | 3/22/2006 12:11:16 PM  | dnarsavage | Correlated PODID 620000 from SpatialDataID 366912 to SpatialDataID 11585                                                                                                                                                                                                     |
| Source | 3/22/2006 12:13:41 PM  | dnarsavage | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                 |
| POU    | 3/22/2006 12:15:18 PM  | dnarsavage | Updated PLS for 67 566                                                                                                                                                                                                                                                       |
| POU    | 3/22/2006 12:15:20 PM  | dnarsavage | Updated PLS for 67 569                                                                                                                                                                                                                                                       |
| POU    | 3/22/2006 12:15:22 PM  | dnarsavage | Updated PLS for 67 601                                                                                                                                                                                                                                                       |
| POU    | 3/22/2006 12:15:23 PM  | dnarsavage | Updated PLS for 67 609                                                                                                                                                                                                                                                       |
| POD    | 3/22/2006 12:08:57 PM  | dnarsavage | Correlated PODID 620001 from SpatialDataID 306322 to SpatialDataID 11732                                                                                                                                                                                                     |
| POD    | 3/22/2006 12:09:13 PM  | dnarsavage | Correlated PODID 620001 from SpatialDataID 306322 to SpatialDataID 11732                                                                                                                                                                                                     |
| POD    | 3/22/2006 12:11:09 PM  | dnarsavage | Correlated PODID 620000 from SpatialDataID 366912 to SpatialDataID 11585                                                                                                                                                                                                     |
| POD    | 3/22/2006 12:11:13 PM  | dnarsavage | Correlated PODID 620000 from SpatialDataID 366912 to SpatialDataID 11585                                                                                                                                                                                                     |
| POU    | 3/22/2006 12:14:03 PM  | dnarsavage | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required? |
| POU    | 3/22/2006 12:15:17 PM  | dnarsavage | Updated PLS for Active POU                                                                                                                                                                                                                                                   |
| Use    | 3/22/2006 12:18:17 PM  | dnarsavage | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?  |

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|          |                       |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|-----------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary  | 3/22/2006 12:22:39 PM | dnarsavage | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(No) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| General  | 3/22/2006 12:24:18 PM | dnarsavage | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(Yes) 16. Is a Priority Date remark and/or condition required?</p>                                                                                                                                                                                                                           |
| Season   | 3/22/2006 12:19:48 PM | dnarsavage | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>                                                                             |
| Quantity | 3/22/2006 12:20:12 PM | dnarsavage | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p>                                                                 |

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|               |                       |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------|-----------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source        | 5/26/2004 3:42:57 PM  | mcase      | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?                                                                                                                                                                                                                                                                                                                         |
| Use           | 5/26/2004 3:47:46 PM  | mcase      | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?                                                                                                                                                                                                                                                                                                  |
| Quantity      | 5/26/2004 3:48:46 PM  | mcase      | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?                                                                                                                                                                                                                                                                       |
| Priority Date | 5/26/2004 3:42:43 PM  | mcase      | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(No) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?                                                                                                                                             |
| Season        | 5/26/2004 3:48:36 PM  | mcase      | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(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?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use? |
| POD           | 3/22/2006 12:06:54 PM | dnarsavage | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                                                                                                 |
| POU           | 3/22/2006 12:15:21 PM | dnarsavage | Updated PLS for 67 591                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Water Supply Bank:



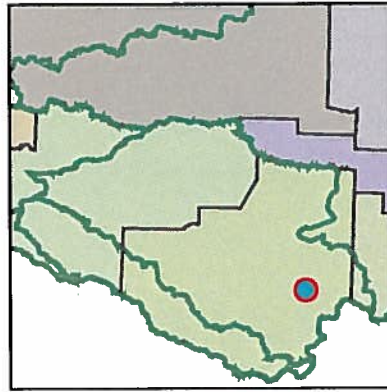
# Idaho Department of Water Resources

Adjudication Claim:

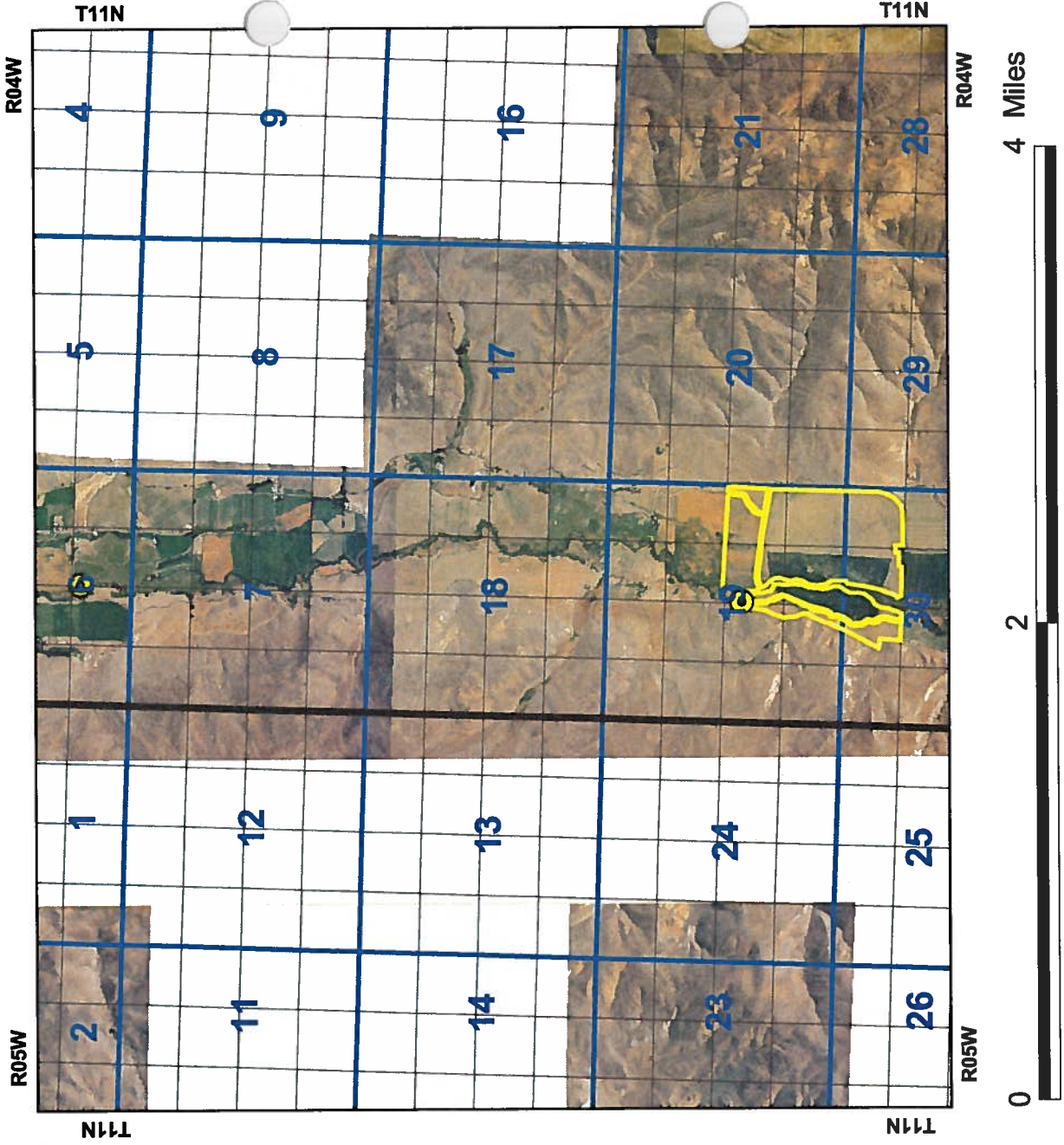
**67-569**

## Legend

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

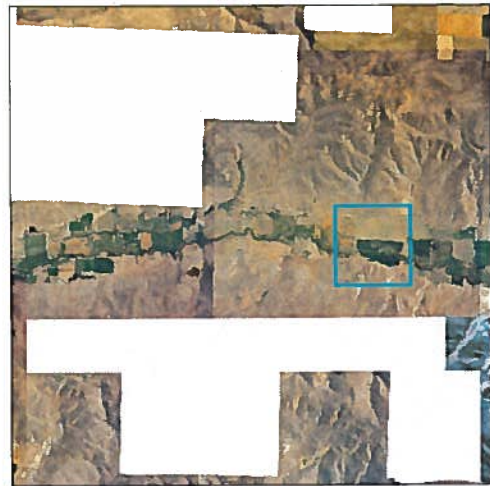
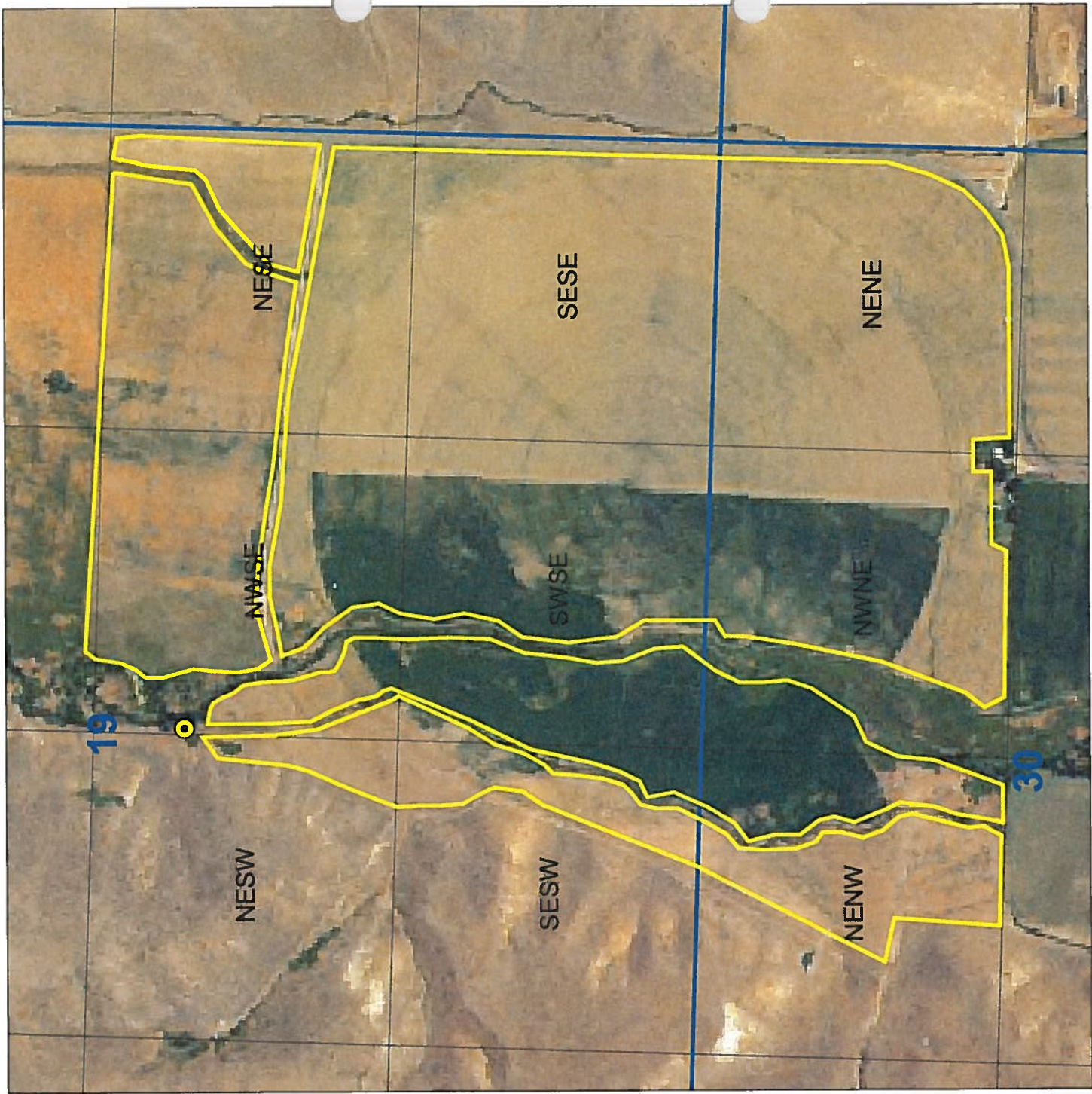


Washington County  
IDWR Basin 67



Prepared by D. Narsavage  
On Wednesday, March 22, 2006  
1987/88 Aerial Photography

67-569



## **Conversational Memorandum**

With: Chris Bromley

Date: 10/27/2005

Agent: Dan Narsavage

Regarding: SRBA Claim 67-569 & Transfer #745

67-569 was decreed by Jefferson v Higgenbotham for 1.1 cfs to be used on 55 acres between Buchanan Ditch and Mann Creek. On the application that resulted in transfer #745, Horace Lloyd asked to be able to alternate water use between the decreed land and the land on the other side of the creek from this land. Idaho law does not allow this, so there was some disagreement on how to handle the related SRBA claim. I went to see Chris Bromley.

The wording of the transfer itself does not specify that the water use can be alternated. Instead, it said that the 1.1 cfs could be used on all of the land – much more than 55 acres.

Chris's advice is that we should recommend this right as 1.1 cfs (as decreed) to be used on the entire POU – roughly 100 acres. This is because IDWR had allowed it and because the irrigation of this land has presumably been done like this since the transfer.

There are still several acres of the total PPU for the Shirts Bros that don't have a historical right, so there will still be a need for a BU claim. I wrote a letter to the Shirts Bros indicating this earlier this month, but I have not yet heard back from them.

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: A67-00569  
Date Received: 10-12-89  
Receipt No: M004906  
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: GUNN, SHELBY, AND SLOAN 208-549-0575  
Address: C/O HELEN GUNN SHELBY  
800 E. 6TH  
WEISER, ID 83672

2. Date of Priority: APR 01, 1885

3. Source: MANN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 11N      | 04W   | 6       | NW     | SW     | SE  |     | WASHINGTON |
|          |       | 19      | SW     | NW     | SE  |     | WASHINGTON |

5. Description of diverting works:  
LUND DITCH AND PUMPS IN MANN CREEK

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.100 |      |        |

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

8. Total consumptive use is 885.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 11N      | 04W   | 19      | SE     | SW  |     | IRR | 11.0  |
|          |       |         | NE     | SE  |     | IRR | 39.0  |

A67-00569

Page 1

Date: 10/03/89

SCANNED  
APR 06 2004

MICROFILMED  
OCT 01 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 11N      | 04W   | 19      | NW     | SE  |     | IRR           | 37.0  |
|          |       |         | SW     | SE  |     | IRR           | 37.0  |
|          |       |         | SE     | SE  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 164.0 |
|          |       | 30      | NE     | NE  |     | IRR           | 39.0  |
|          |       |         | NW     | NE  |     | IRR           | 38.0  |
|          |       |         | NE     | NW  |     | IRR           | 12.0  |
|          |       |         |        |     |     | Section Acres | 89.0  |
|          |       |         |        |     |     | Total Acres   | 253.0 |

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:

67-00566/00633/00601/00609/00591, MANN CREEK RESERVOIR

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Organizations:

I do solemnly swear or affirm that I am Partner of \_\_\_\_\_ Title

Gunn, Shelby and Sloan that I have signed the foregoing Organization document in the space below as Partner of \_\_\_\_\_ Title

Gunn, Shelby and Sloan and that the statements contained in the Organization foregoing document are true and correct.

Helen Gunn Shelby  
Signature of Authorized Agent

Gunn, Shelby and Sloan  
Title and Organization

Oct. 12, 1989  
Date

State of Idaho )  
County of Washington ) SS.

Subscribed and sworn (or affirmed) before me this 12<sup>th</sup> 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

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Certificate of Water Right  
Transferred Right No. 745.

THIS IS TO CERTIFY That HORACE LLOYD, of Weiser, Idaho, is the owner of and using a certain water right for 1.10 cubic feet per second of the waters of Manns Creek, with priority of April 1, 1884, said water being decreed to F. E. Buchanan by Judge Ed. L. Bryan of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, in the case of

E. V. JEFFERSON,  
Plaintiff,

vs.

THOS. M. HIGGENBOTHAM,  
Defendants.

said decree bearing date of June 3, 1921, and being amended by Judge Ed. L. Bryan under date of June 10, 1927.

That said original decree has been entered into the records of the State of Idaho in Volume 4 of Decrees, beginning at Page 459, and said amended decree in Volume 4 of Decrees at Page 640.

That under the terms of said decree and the amendment thereof, said water right is appurtenant to the following described lands, to-wit:

55 acres in the  $N\frac{1}{2}$   $NE\frac{1}{4}$  Section 30,  
Township 11 North, Range 4 West, B.M.

That said Horace Lloyd has become the owner of said water right through purchase.

And that now, upon the application of Horace Lloyd, of Weiser, Idaho, for the transfer of 1.10 cubic feet per second of the waters of Manns Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.10 cubic feet per second of the waters of Manns Creek on the above described lands is hereby abandoned and the place of use of said waters to which the water right hereby confirmed shall by this Certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

$N\frac{1}{2}$   $NE\frac{1}{4}$  and  $NE\frac{1}{4}$   $NW\frac{1}{4}$  Section 30,  
Township 11 N., Range 4 W., B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

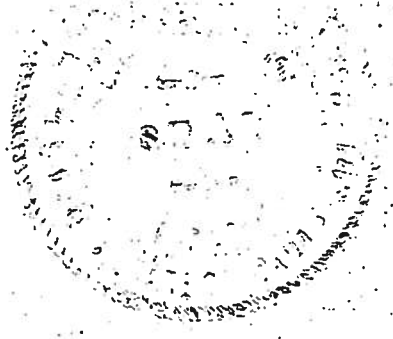
1.10 cubic feet per second of  
the water of Manns Creek, with  
priority of April 1, 1884.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Manns Creek through the Buchanan Ditch with point of diversion in the  $NW\frac{1}{4}$   $SE\frac{1}{4}$  Section 7, Township 11 North, Range 4 West, B. M.

That the water right hereby transferred will hereafter be pumped directly from Manns Creek with points of diversion in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 30, Township 11 North, Range 4 West, B. M. and also in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 7, Twp. 11 North, Range 4 W.B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 9th day of July, A. D. 1949.



*Mark R Kulp*

MARK R. KULP  
State Reclamation Engineer

RECEIVED  
SEP 8 1951

# Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of Washington

ss.

Everett D. Gunn being first duly sworn, deposes and says: That his postoffice address is R#2 Weiser, Idaho; That he is the owner of and using a certain water right, bearing date of priority of April 1, 1895, 19  , for 1.2 cubic feet per second of the waters of Morris Creek, County of Washington, State of Idaho, decreed to F. E. Buchanan, by decree of Judge Varian, of the 7th Judicial District of the State of Idaho, in and for the County of Washington, in the case of

Jefferson et al vs Thomas Huggins et al said decree bearing date of   , for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 41, in the County of Washington, and State of Idaho, to-wit: Unirrigated land on NE 1/4 NW 1/4 - 30-11N-4W  
(Kannan 122 Buchanan Ranch)

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: By Purchase

That said waters are now diverted from said stream in the NW 1/4 SE 1/4 of Sec. 7, Twp. 11, Range. 4, and conducted to the above described lands through the Buchanan ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in SW 1/4 of NE 1/4, Sec. 7, Twp. 11, Range 4, and thereafter conduct same to the above described land through the Bradshaw-Payne ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows: These two ditches  
parallel each other & are long. The change is  
to make one ditch use of water better  
in the dry season.

That no one will be injured by such change and that such change will be made at affiant's own risk.

Everett D. Gunn

Affiant.

Subscribed and sworn to before me this 27th. day of August, 1951

    
Notary Public for Idaho

Residing at Weiser, Idaho

My Commission expires 4-10-54

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

I have read above application & hereby approve same.  
I am now co-owner of Buchanan ditch with Mr. Gunn

8-27-51

Acknowledged before me this 27th. day of August, 1951

    
Notary Public

Approved by T.C. Woods Watermaster-Signed T.C. Woods

The Payne Ranch adjoining Bealman  
Ranch on north already received  
water from the Bealman-Payne  
ditch & is owned by me, also,  
Everett D. Payne



Township 11 N., Range 4 W., County Washington, State Idaho

Island Township Plat

