

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: A37-00235B
Date Received: 10/26/1988
Receipt No: M001772
Received By: Sp

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT DAN MANNING 208-788-3323
Address: RT. 1, BOX 125
BELLEVUE, ID 83313

2. Date of Priority: JUN 15, 1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	36	NE	SW	NW		BLAINE

5. Description of diverting works:
HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
STOCKWATER	04/01	11/01	0.030		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK - 40 HEAD CATTLE AND 20 HEAD HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	13	SE	SW		IRR	6.0
			SE	SW		STOCK	

A37-00235B

Page 1

Date: 10/26/88

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	13	SW	SE		IRR	34.0
			SW	SE		STOCK	
						Section Acres	40.0
						Total Acres	40.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-12091

14. Remarks:
TRANS. 2962.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, 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

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): *Robert D. Manning* Date: 10/26/88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of Oct 19 88 *John Val Caruso*
Notary Public

Seal

Residing at Blaine, ID
My Commission Expires 6/2/94





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 14, 2006

ROBERT DAN MANNING
51815 N FOREPAUGH PEAK RD
WICKENBURG AZ 85390

RE: Change of Address Notification

Dear Mr. Manning,

Thank you for notifying us of your change in address on your water rights. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Carrie Hahn
Clerk

10/19/06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

- [] Name(s): Robert Dan Manning
- [] Water Right No.(s) 37-235B ; 37-12091
- [] Old Mailing Address: PO Box 1125
Bellevue ID 83313
- [] New Mailing Address: 51815 N. Forepaugh Peak Rd
Wickenburg, AZ
85390
- Telephone Number: (928) 1685 - 4720
602 317 - 0685 (cell)
- [] Signature(s) per phone call w/ JR
(must be signed by all individuals listed unless you have authority to sign on their behalf)
(include your title if on behalf of company or organization)
- Date: 12-14-06

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
7600 Mineral Drive-Suite 100
Coeur d'Alene, ID 83815
Fax: (208) 762-2819

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

Robertson, Jean

From: Robertson, Jean
Sent: Thursday, December 14, 2006 12:53 PM
To: 'kimk01@netzero.net'
Subject: scanned original claims 37-235B & 37-12091 (Dan Manning)

Here they are and some copies of 2004 aerial photos. Jeanie



2006121413345852200612141348181720061214135607402006121413573949

5.pdf



5.pdf



1.pdf



3.pdf

11/20/2006

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

RIGHT NUMBER: 37-235B

NAME AND ADDRESS: ROBERT DAN MANNING
4120 E FOREST PLEASANT PL
CAVE CREEK AZ 85331

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 06/15/1883

POINT OF DIVERSION:

T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S13	SESW	7.80	T01N R18E S13	SWSE	28.00
---------------	------	------	---------------	------	-------

35.8 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

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.



Idaho Department of Water Resources

SRBA Recommendation:

37-235B

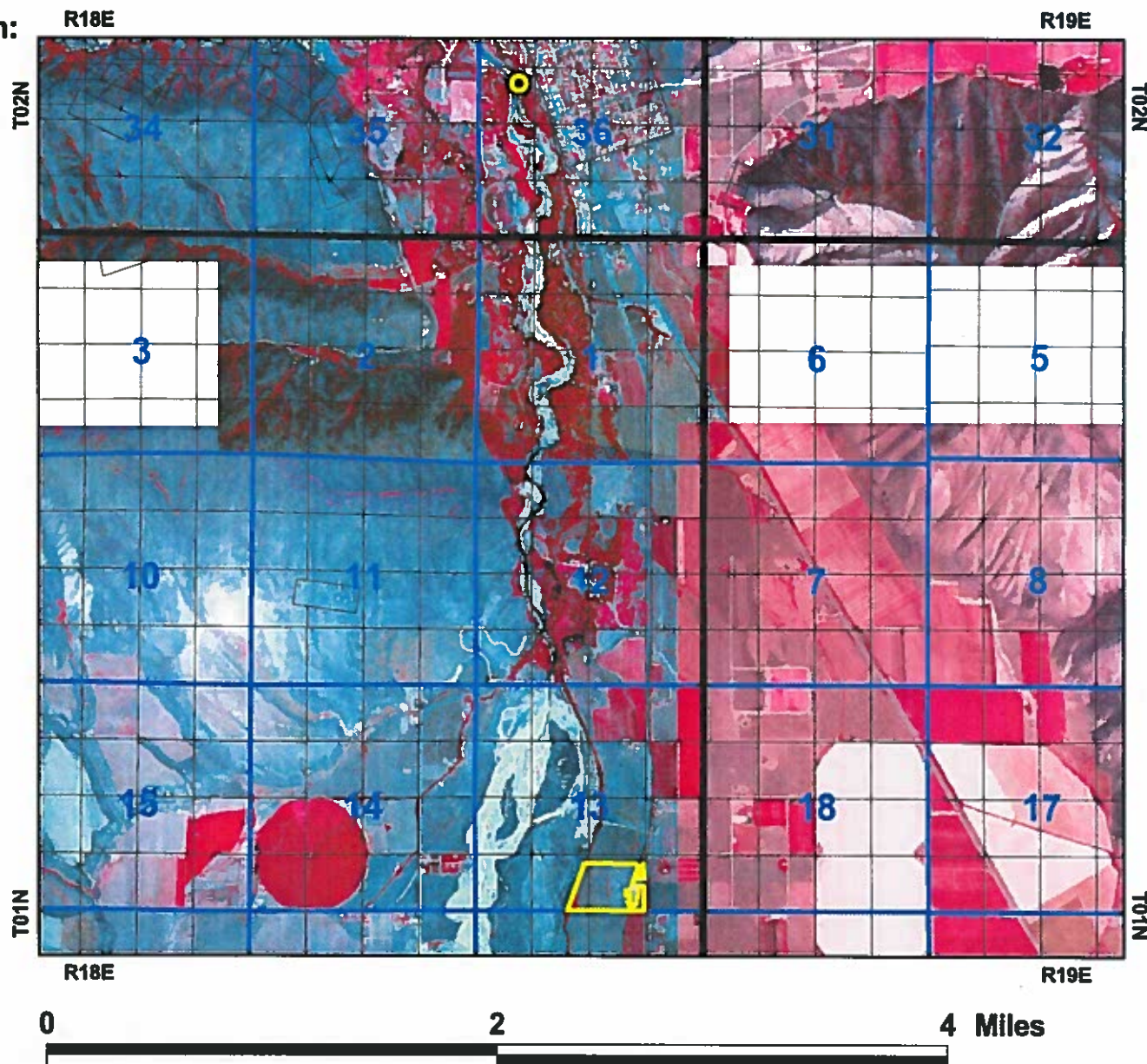
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

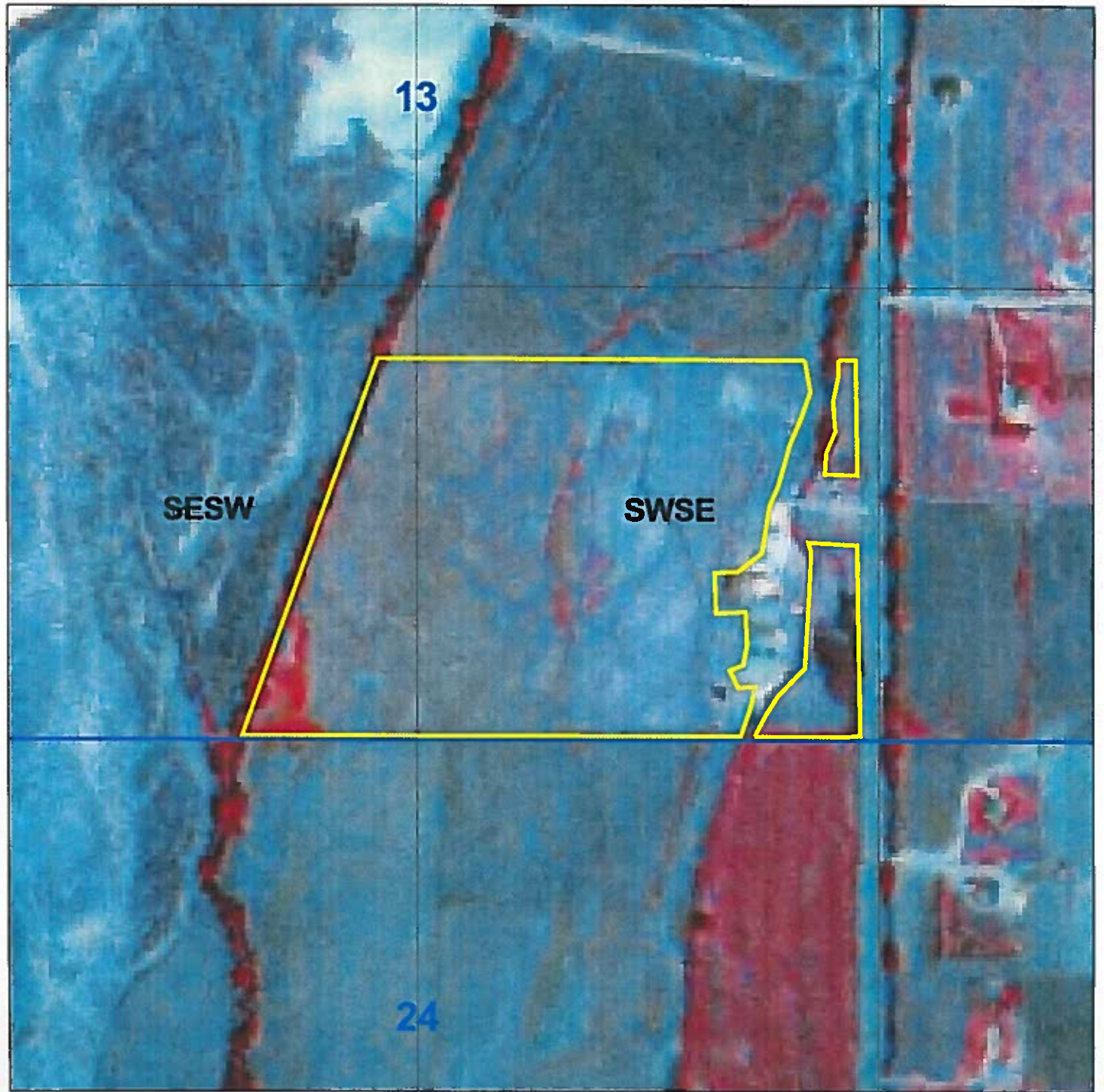


Prepared by J. Roberts
On Monday, November 20, 2006
1987/88 Aerial Photography

Owner: Robert Dan Manning

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

37-235B



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-235B V1

WATER RIGHT NUMBER: 37-235B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PETER FOSTER
	, ID
Current Owner	ROBERT DAN MANNING 4120 E FOREST PLEASANT PL CAVE CREEK, AZ 85331 (480)585-6964

Priority Date: 06/15/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	L3 (NE1/4SW1/4NW1/4)	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE 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						
01N	18E	13																	7.8				28.0	35.8

Total Acres: 35.8

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-235B V1

Comments:

1. jroberts 11/20/2006 copied from remarks

Comment: See remarks for additional conditions of approval.
TRANS. 2962.

2. jroberts 11/20/2006 Basis of Recommendation

Comment: Standard season of use, place of use per GIS of irrigated property. Stockwater use claimed but dropped because not part of water right or decree. Address updated to Arizona per letter in companion file 37-12091 and tax lot information.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-235B

WATER RIGHT NUMBER: 37-235B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PETER FOSTER
	, ID
Current Owner	ROBERT DAN MANNING
	RT 1 BOX 125
	BELLEVUE, ID 83313
	(208)788-3323

Priority Date: 06/15/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE 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		
01N	18E	13													8.0				34.0	40.0

Total Acres: 40

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
4. TRANS. 2962.
P/U INCOMPLETE. SEE FILE.
NOT TO EXCEED 1.0 CFS WHEN COMBINED WITH OTHER RTS. ON THIS LAND.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

37-235B } rec's
37-12091 }

45-7732 - permit app.

Records modified 11-29-06.
-M

37-235B
37-12091

Robert Dan Manning
51815 N. Forepaugh Rd.
Wickenburg, AZ
85390

KimKO1@netzero.net

RECEIVED
DEC 01 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Rec'd 11-22-06 -M

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

☒ No account number on mail
☐ Account number illegible

Addressee's Name

Robert Dan Manning

Old Address (Include
apartment or suite number)

Rt 1 Box 125

City, State, and ZIP Code

Bellevue ID 83313

New Address (Include
apartment or suite number)

P.O. Box 1125

City, State, and ZIP Code

Bellevue ID 83313

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).
☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address ☐ No such street ☐ No such number
☐ Refused ☐ Attempted, not known ☐ Unclaimed

PS Form 3547, June 1995

Adjudication Claim Notes

Claim(s): 37-0235B

Background Data

37-0235B

- Source is Big Wood River tributary to Malad River
- A priority date search indicated the following:
 - 37-0235 originally decreed for 2.0 cfs split into by Transfer No. 2962:
 - 37-0235A for 1.0 cfs (split by unrecorded transfer)
 - 37-0235C claimed for 0.58 cfs (watermaster delivering 0.58 cfs)
 - 37-0235D claimed for 0.42 cfs (watermaster delivering 0.42 cfs)
 - 37-0235B for 1.0 cfs for irrigation of 40 acres
 - 37-0235B claimed for 1.0 cfs on 40 acres (watermaster delivering 1.0 cfs)

Place Of Use Data

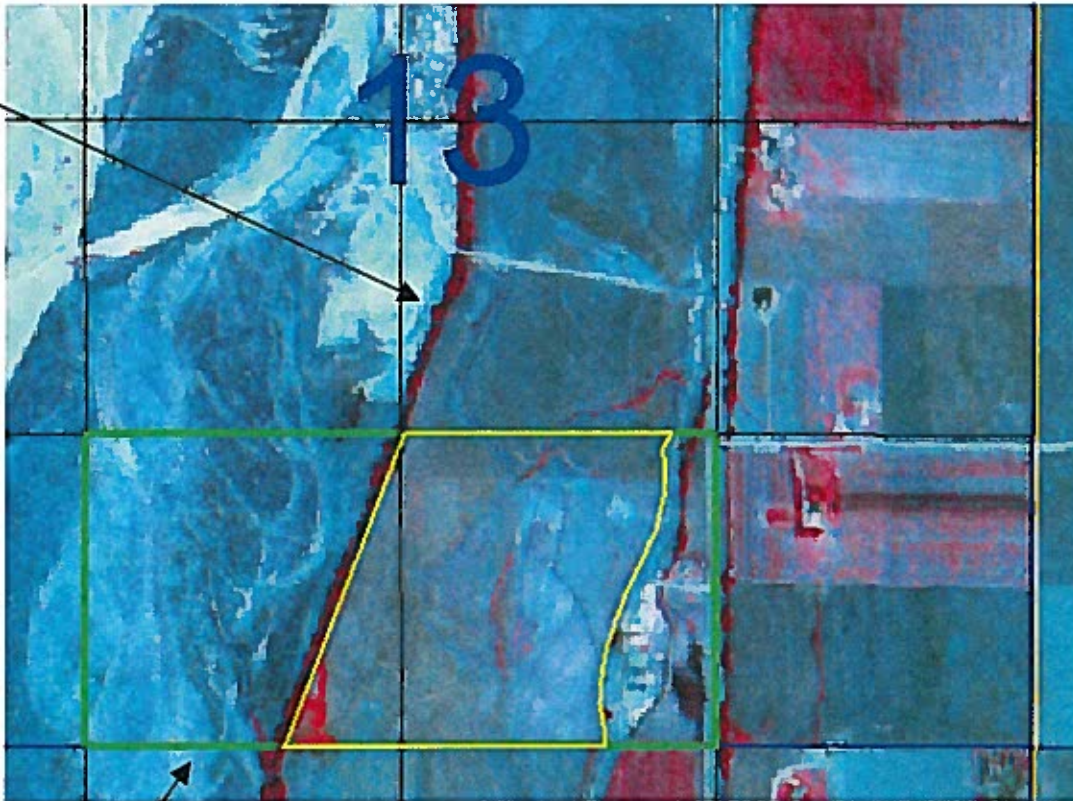
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

Bypass
Canal?



Decreed POU
(Green Line)

2004 Aerial Photo





Photograph of POD taken by Lee Peterson.
Location: 2478666 1362709
Plate: A0011767
Photo #: 1060210

Notes

T1N R18E Section 13

- Found 37 acres
- POD is head of District 45 Canal – GPS's by Lee Peterson
- **What is the place of use for stockwater?**
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

37-00235

37-00235 A

1.0 cfs

unrecorded
transfer

37-00235 B

1.0 cfs Dan Manning

1.0 cfs Dan Manning
water master records

37-00235 C

.42 cfs

.42 cfs Jim J. Walker
Water master records

37-00235 D

.58 cfs (irrigation) Heath-Marshall

.58 cfs Glen Marshall
Water master records

SR.B.A. CLAIM?

proposed
transfer

37-00235 E

.31 cfs (irrigation)
Heath-Marshall

37-00235 F

.27 cfs (industrial)
Heath-Marshall

rights changed in
this proposed transfer

37-00236

37-00236 A

2.32 cfs Heath-Marshall

2.32 cfs Glen Marshall
Water Master Records

37-00236 B

1.68 cfs

1.68 cfs Jim J. Walker
Water master records

SR.B.A. CLAIM?

37-00308

37-00308 A

.67 cfs

.68 cfs Jim J. Walker
Water Master records

SR.B.A. CLAIM?

37-00308 B

.93 cfs Heath-Marshall

.92 cfs Glen Marshall
water master records

right changed in
this proposed transfer

MICROFILMED

FEB 07 1997

right changed in
this proposed
transfer

T # 4756

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Foster, Peter	2.0		37-0235
2962	Manning, Robert Dan	1.0		37-0235B
	Foster, Peter	1.0		37-0235A

TRANS

R

A

N

S

E

E

Transfer No. 2962Water Right No. 37-0235

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Robert Dan Manning Phone 788-3323Post Office address Route #1 Box 125, Bellevue, ID 83313**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. _____ Decreed to Peter Foster
(Name)
In case of S. C. Frost et al vs Alturas Water Co. et al
dated in 12-13-1909 in Fourth District county of Lincoln
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
purchase of portion of land & water right

3. Source of water Big Wood River tributary to Malad River4. Date of priority 6-15-1883**5. Water is used for the following purposes:**

amount 2.0 cfs for Irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.0 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36
Township 2N Range 18E B.M. in Blaine County
Additional points of diversion, if any P. D. is Bellevue Canal (District #45 Canal)

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1N	18E	13									X		X	X		X	X		
		24		X	X											X			

Total number of acres to be irrigated 320

9. Describe any other water rights used for the same purpose as described above _____
37-0234A (20"), 37-0236 (200")

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? _____

CERTIFIED

4/1/83

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 1.0 cubic feet per second
 &/or
 b. _____ acre feet per annum

Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36 Township 2N
 Range 18E, B.M., Blaine County

Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>1N</u>	<u>18E</u>	<u>13</u>									<u>40</u>		<u>40</u>		<u>40</u>	<u>40</u>			<u>160</u>

Total number of acres to be irrigated 160

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

a. Amount of water to be diverted 1.0 c.f.s. &/or _____ acre feet

b. Description of diverting works _____

c. Describe the reasons for the proposed changes Tie land & water together as they were recently purchase. ~~Change B.I.D.I. Road located behind the property~~

2. Change in point of diversion No Change

Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

3. Change in place of use

a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

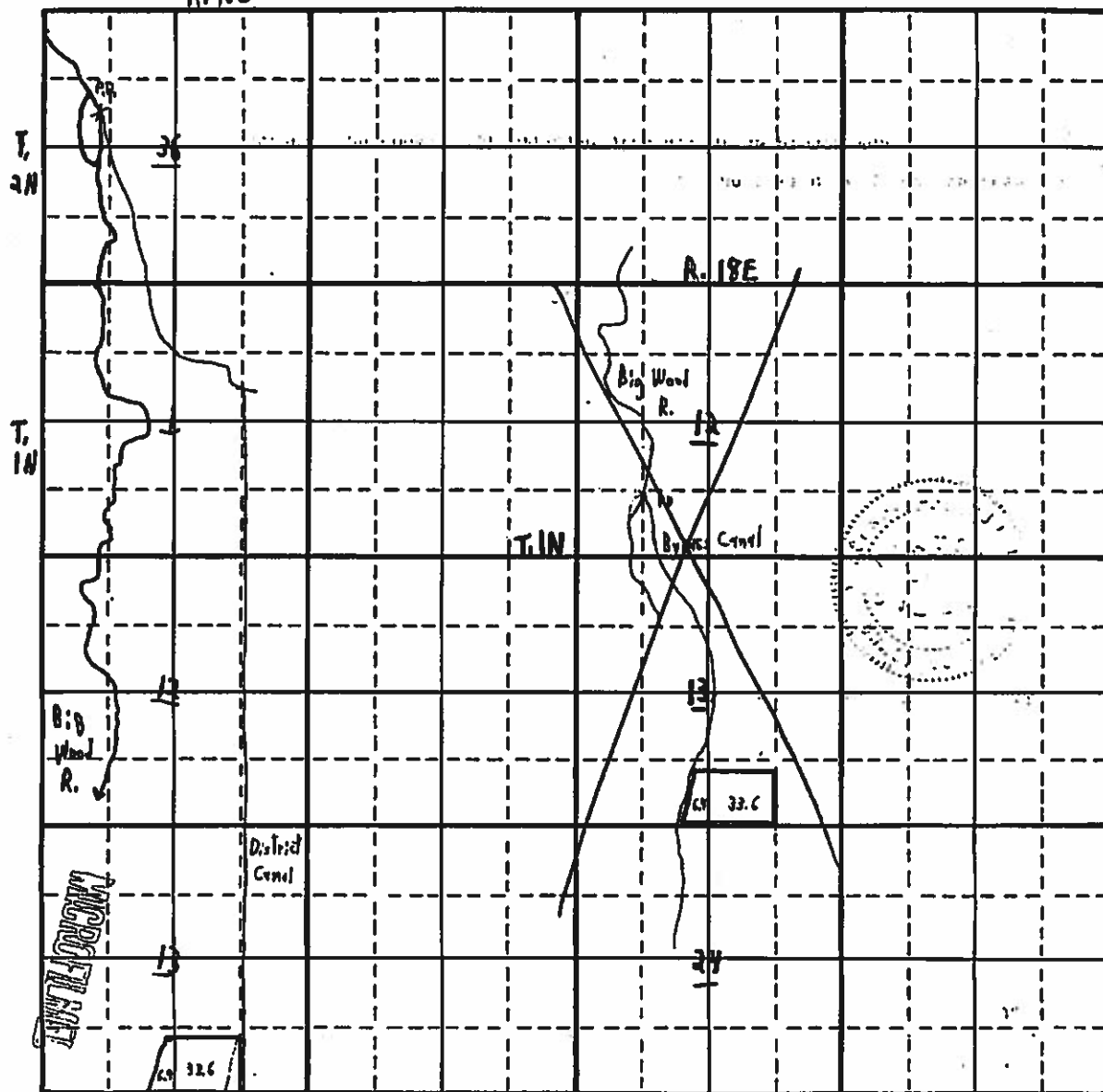
b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer Land is zoned for commercial use & is no longer irrigated.

[illegible]

Total number of acres to be irrigated 40

4. Describe any other water rights used for the same purpose as described above. none
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R. 18E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

RECORDED

Remainder of this right plus the 1884 Foster rights are now used in Sec. 24.

Soil in this area is very gravelly, requiring more than 1" / acre for proper irrigation.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 30 day of September 1983

Robert Dan Manning
(Signature of Applicant)
[Signature]
(Notary Public)

My commission expires 3/85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-02358 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.
3. The maximum rate of diversion under this transfer, when considered together with all other rights for the same land, shall not exceed a combined rate of diversion of 1.0 cfs.

Witness my hand this 29th day of February, 19 84

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>JP</u>	Date <u>7-30-83</u>	Protest filed by <u>None</u>
Prelim. check by <u>IB</u>	Fee <u>\$50.00</u>	
Received by <u>JP</u>	Date <u>11-7-83</u> # <u>32925</u>	
Published in <u>Grand review Journal</u>		Copies of protest forwarded by _____
Pub. dates <u>4/22 & 12/1/83</u> <u>12/15 & 12/29/83</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>11/18/83</u>		Recommended for <u>approval</u> denial
rec'd. <u>11/22/83</u>		by <u>AD</u>