

RECEIVED

11/14/2006

DEC 05 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-583

BARSTAD FAMILY LTD PARTNERSHIP

1723 UPPER MANN CREEK RD

WEISER ID 83672

Telephone Number: (208)549-2466

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

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

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

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

DATE: 12-3-06

SIGNATURE:

Donald Barstad, G.P.

Please print your name:

DONALD BARSTAD

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

SCANNED

DEC - 6 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-583 V1

WATER RIGHT NUMBER: 67-583 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARSTAD FAMILY LTD PARTNERSHIP 1723 UPPER MANN CREEK RD WEISER, ID 83672 (208)549-2466
Original Owner	J A TARTER , ID

Priority Date: 04/01/1886

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	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SE1/4NE1/4	Sec. 11, 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	13																	6.0
																			6.0

Total Acres: 6

Conditions of Approval:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-583 V1

4. 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.
5. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. mcase 6/3/2004 POU

Comment: Updated Shape

2. mcase 6/3/2004 POU

Comment: Claimed only 13 acres of 40 decreed. Some are outside of decreed POU. Shape created from claim map.

3. mcase 6/3/2004 Quantity

Comment: Could not determine annual diversion.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/3/2004 8:29:58 AM	mcase			Active
Source	6/3/2004 8:30:40 AM	mcase			Active
POU	6/3/2004 8:41:09 AM	mcase			Active
Use	6/3/2004 8:42:07 AM	mcase			Active
Season	6/3/2004 8:42:58 AM	mcase			Active
Quantity	6/3/2004 8:43:09 AM	mcase			Active
Priority Date	1/18/2006 11:10:30 AM	dnarsavage			Active
POD	1/18/2006 11:12:19 AM	dnarsavage			Active
Source	1/18/2006 11:12:36 AM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-583 V1

POU	1/18/2006 11:12:49 AM	dnarsavage	Active
Use	1/18/2006 11:13:10 AM	dnarsavage	Active
Season	1/18/2006 11:13:50 AM	dnarsavage	Active
Quantity	1/18/2006 11:14:14 AM	dnarsavage	Active
Summary	01/18/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	8/3/2005 1:16:39 PM	dnarsavage	Correlated PODID 620568 from SpatialDataID 306367 to SpatialDataID 10405
POD	8/3/2005 1:16:39 PM	dnarsavage	Correlated PODID 620568 from SpatialDataID 306367 to SpatialDataID 10405
POD	8/11/2005 2:09:47 PM	dnarsavage	Correlated PODID 620567 from SpatialDataID 304975 to SpatialDataID 9560
POD	8/11/2005 2:09:47 PM	dnarsavage	Correlated PODID 620567 from SpatialDataID 304975 to SpatialDataID 9560
General	1/18/2006 11:10:31 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?
POU	1/18/2006 11:12:50 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? (Yes) 14. Is a POU remark and/or condition required?
Season	1/18/2006 11:13:50 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?

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Adjudication Recommendation Report 67-583 V1

Quantity	1/18/2006 11:14:14 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	1/18/2006 11:12:19 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - Changed from Lolley Ditch to Mann Creek Ditch. POU is contiguous with Barstads other rights irrigated out of Mann Creek Ditch.
Source	1/18/2006 11:12:37 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?
Use	1/18/2006 11:13:10 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?

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Adjudication Recommendation Report 67-583 V1

Summary	1/18/2006 11:16:08 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (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?
Use	6/3/2004 8:42:08 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?
Season	6/3/2004 8:42:59 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	6/3/2004 8:43:09 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?
POU	10/21/2005 8:09:48 AM	dnarsavage	Updated shape for Active POU
Priority Date	6/3/2004 8:29:59 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?

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Adjudication Recommendation Report 67-583 V1

Source	6/3/2004 8:30:41 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	6/3/2004 8:41:09 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?

Water Supply Bank:



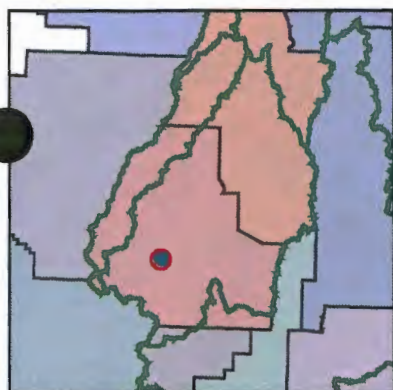
Idaho Department of Water Resources

SRBA Recommendation:

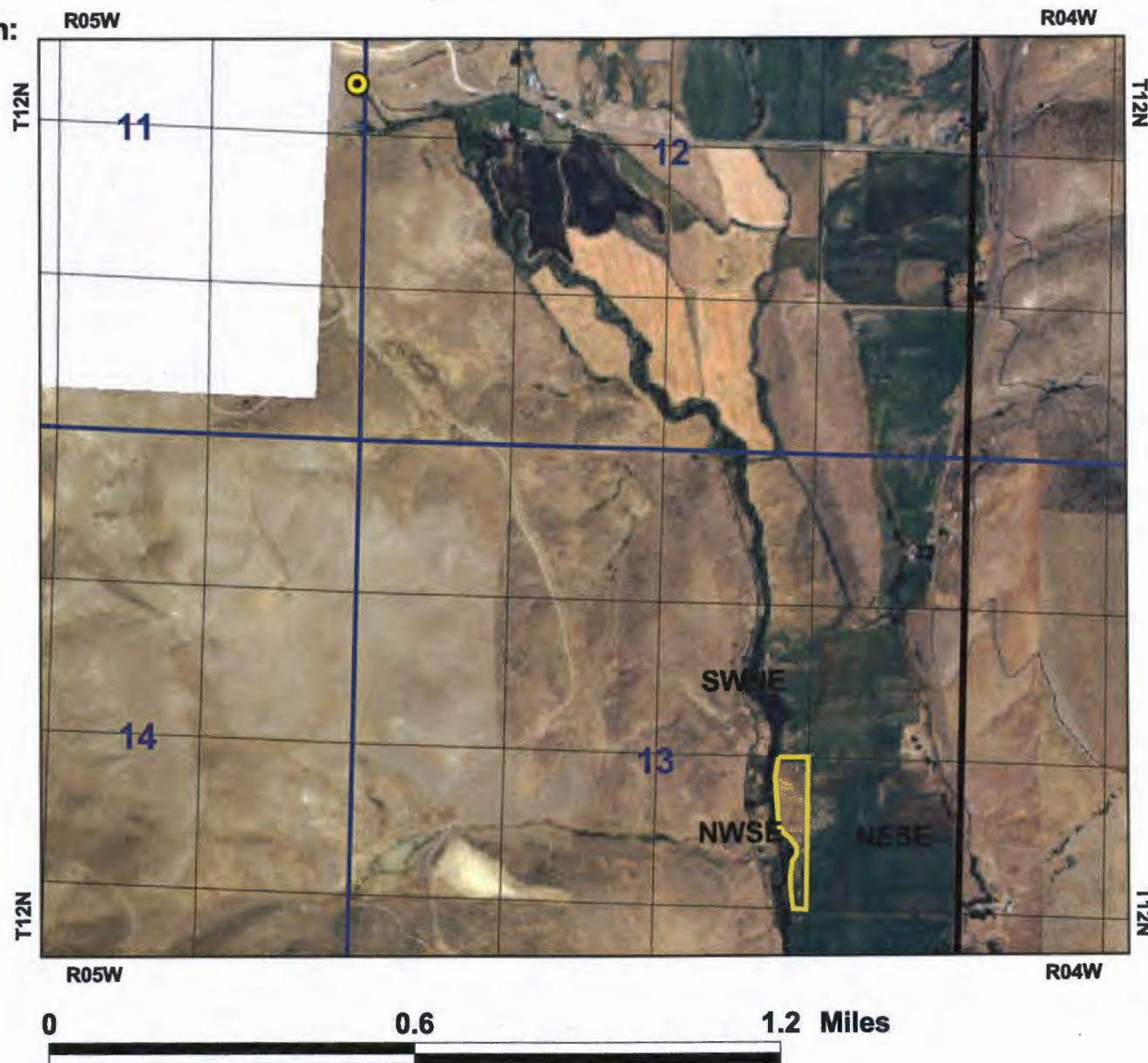
67-583

Legend

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



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Monday, May 8, 2006
1987/88 Aerial Photography

67-583



August 15, 2005

DONALD BARSTAD
PO Box 18
DIABLO CA 94528

Re: Snake River Basin Adjudication (SRBA) claim 67-583

Dear Claimant(s)

The Idaho Department of Water Resources is currently in the process of reviewing SRBA claims in your area. You filed claim 67-583 in which you claimed water to irrigate 13 acres out of Mann Creek, and based this claim on a decreed right. It appears that the 13 acres were separated into two areas: a northern portion and a southern portion (please see the enclosed maps).

The decreed right 67-583 (Jefferson vs Higgenbotham, 1921) described lands to be irrigated only out of Lolley Ditch, however your claim indicates that water the northern portion is being irrigated out of Mann Creek Ditch. Mann Creek Ditch is on the opposite side of the creek, and so this indicates to me that there has been a change in place of use since the decree. However I cannot find any record of an accomplished transfer in our files. Please provide evidence of when this change took place.

Also, the decree describes only land within "the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 13 and the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 24 in Twp 12 N of R 5 W . . ." On your claim, you claimed 9 acres in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 24, however on the map accompanying the claim, no land in this tract is outlined. Instead, there are roughly 9 acres outlined in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 13 (see map). If this is another change in the place of use, you will need to amend your claim and provide evidence of when that change took place. I have included an amended claim indicating that you wish to claim zero acres in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 24 and instead are claiming nine (9) acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 13. If this is indeed what you intended to claim, then please initial the changes and sign this amended claim in the presence of a Notary and return it no later than September 2, 2005.

It also appears that you may have sold a portion of this land. In order to update our records, a change of ownership form (attached) must also be submitted. If you have any questions, then please email or call me at the contact information below. Thank you.

Respectfully submitted,

Dan Narsavage
GIS Specialist
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098
Dan.Narsavage@idwr.idho.gov
(208) 287-4800

Enclosure(s):

Follow up:

Donald Barstad called in late August and said that sorting it out would be much easier in person. I tried sending the map and claim folders with Bosco or Roger for a field exam, but they're swamped and refused to take any more until their backlog has been whittled down.

I called Barstad back and left a message on his phone to that effect.

10/13/05:

I have resolved some of the issues in the letter, but others are still there. Yet others are brand new.

Remaining issues: The parcel on which Barstad's house (east side of creek) is located has no water right on it, and some of it is still being irrigated today. Barstad claimed a right that was decreed directly across the creek (west bank) on this property (east bank) instead. This stuff looks like it might be irrigated too, making an accomplished transfer improbable.

The west bank may not be irrigated. In that case, it seems reasonable to call it an accomplished transfer and be done with it. The land that was claimed in the southern portion might be more of a challenge.

What might be easier is if Barstad lets go of 67-583 altogether. After the adjudication is over, he can file for a transfer of water from where the highway went in onto the parcel where his house is. Looks like there'll be enough acreage there to cover it. Then we can say that 67-583 was transferred solely to the claimed southern portion in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$.

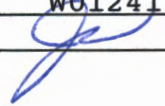
New issues: Barstad bought the Tarter property to the north (67-14067 – the stuff right below the dam down to the northern boundary of 67-11514) and has not filed a c/o. Furthermore, Tarter claimed all irrigated acres below the ditch in this claim, but the northern portion of this area, nor the extreme eastern part, were not covered by the decree. The acres in the extreme eastern portion can be covered with water remaining in 67-545A to the east, however that leaves several acres currently uncommendable there. See my shapefile for more info.

The large swath of land under Joslin Ditch that has sprinklers on it still has no way to be recommended. I thought I'd addressed this in my original letter, but it appears that I didn't.

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: **A67-00583**
Date Received: 6/ 5/1996
Receipt No: W012411
Received By: 

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

1. Name: DONALD F BARSTAD 415-837-9240
Address: PO BOX 18
DIABLO CA 94528

2. Date of Priority: APR 1, 1886

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	11	SE	SE	NE		WASHINGTON
		12	SW	SW	SE		WASHINGTON

5. Description of diverting works:
DIVERSION VIA BOTH LOLLEY DITCH-SEC. 24 & MANNS CK DITCH-SEC. 13.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.260		

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

8. Total consumptive use is 45.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, INCIDENTAL TO IRRIGATION.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	13	NW	SE		IRR	4.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.0
		24	NW	NE	IRR	9.0
					Section Acres	9.0
					Total Acres	13.0

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 CK IRRIG DIST FLOOD WTR & STORAGE RTS.

14. Remarks:

THIS IS A SECONDARY RIGHT.

NOTE: THE ACRES IN THE NWN, SEC. 24 ARE IRRIGATED BY WATER
DIVERTED THRU THE LOLLEY DITCH AND THE ACRES IN THE NWSE, SEC. 13
FROM THE MANNS CREEK DITCH.

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: _____

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For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

April 11, 1990

Donald F. Barstad
1526 Highway 95 North
Weiser, ID 83672

Dear Mr. Barstad:

I received your letter dated March 29, 1990, on April 2, 1990 requesting an appointment be set up with me to discuss your water right claims in Washington County. I have tried to contact you by phone Monday, Tuesday, and today of this week with no answer at your Weiser phone number. I have not tried your California number assuming you are in Idaho this week as stated in your letter. We also received your earlier letter dated February 22, 1990, and I had given it to the agent who actually did the review on your claims. Due to the fact that we were in the midst of Canyon County claims filing, the agent was booked with Canyon County appointments and could not find the time to answer your letter. I do have to sign any letters returning claims with problems that are sent by the Department's water resource agents and I also do a review of those claims at that time. Therefore, I am familiar with your claims and am available to assist you in completing your claims to insure they are filed correctly.

This letter is to request that you call and set up an appointment with me to complete your claims. It will be difficult to set up an appointment this week because we are in the last week of our Payette County deadline and I will be working at the mobile office in Payette Thursday and Friday. Will there be another time in the next few months that you will be in Idaho? Your claims will not be affected by the delay, because they have been officially received at our office, and just need some changes or corrections. However, the Washington County claims received after the deadline are affected by being submitted late. An extension of time request form can still be completed when you come in for your appointment, and the outcome of that request is not affected by delaying your appointment. Payette County is our last county for claims filing, therefore, any day after April 18, 1990, should be open for an appointment. Hopefully, this delay will not cause you too much inconvenience.

Please contact me at your earliest convenience at 334-2190 to set up an appointment.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Adjudication Section

JS:j

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APR 15 2004
APR 06 2004
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db BARSTAD BEEF CATTLE

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APR 02 1990

Department of Water Resources
Western Regional Office

March 29, 1990

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705
Attn: Jan Shurte,
Adjudications Supervisor

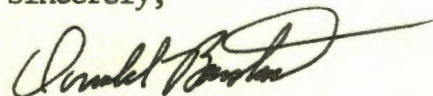
Dear Jan:

In February, I sent you a number of water rights revised claim forms per your instruction letter dated February 1, 1990. In that letter there were a number of questions that needed answering by your department. As of this date I have not received a response from you.

I recently purchased another ranch next door to my existing property. I am enclosing these forms that are partially filled out, and, again, there are a number of questions that I need help in answering from your department.

I will be in the Boise area April 7th through April 14th, and if at all possible, I would like to meet with you regarding this matter.

Sincerely,



Donald F. Barstad

DFB/jh

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CALIFORNIA: (415) 837-9240 • POST OFFICE BOX 18 • DIABLO, CALIFORNIA 94528
IDAHO: (208) 549-0550 • 1526 HIGHWAY 95 NORTH • WEISER, IDAHO 83672

db BARSTAD BEEF CATTLE

RECEIVED

FEB 26 1990

Department of Water Resources
Western Regional Office

February 22, 1990

Jan Shurte
Adjudications Supervisor
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Jan:

Enclosed please find copies of #1 - County Property Tax Records, #2 - Mann Creek Irrigation District Assessment, #3 - copy of my original letter dated September 8, 1989, #4 - copy of my original water rights claims dated September 11, 1989, #5 - copy of your receipt #W005817 dated September 11, 1989, #6 - copy of my cancelled check in the amount of \$227.30 dated September 7, 1989, #7 - copy of your letter dated February 1, 1990, #8 - copies of five new revised water rights claims, and #9 - an aerial photo of the property boundaries in question.

In reviewing your forms, WRO723NP, I still find some discrepancies in water right totals.

All that I am trying to do is establish the correct water rights in accordance with the Mann Creek Irrigation District's assessment, that being my first purchase of property called Pedro being 129.1 acres; my second purchase, being called Tartar - 67.9 acres, and my third purchase of property being Tartar - 30.7 acres.

I have marked these plots on the aerial photograph enclosed.

I have not had the new water rights claims notarized as I am uncertain at this point if they are correct. I am planning to be in Idaho next month and could stop in to see you if necessary. In the meantime, if there are any problems or questions on the material that I have furnished you, you may call me at 415-732-1050.

Sincerely,



Donald F. Barstad
DFB/jh
enc.

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CALIFORNIA: (415) 837-9240 • POST OFFICE BOX 18 • DIABLO, CALIFORNIA 94528
IDAHO: (208) 549-0550 • 1526 HIGHWAY 95 NORTH • WEISER, IDAHO 83672



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 1, 1990

Donald F. Barstad
Barstad Beef Cattle
1526 Highway 95 North
Weiser, Idaho 83672

RE: Snake River Basin Adjudication
Washington County

Dear Mr. Barstad;

Attached you will find your receipt #W005817 for \$227.00 and other documents for your perusal. The attached documents will assist us in correctly filing for your Adjudication Claims. Although, you have been very prudent in your filing, there may be some misunderstanding on your part regarding the necessary filings for your water rights. I would like to explain what has been filed on in your area, and what you should be filing. If after reviewing this letter and the enclosed information, you would like assistance in completion of your filing you should make an appointment with our office. If you prefer to complete the filings in the comfort of your own office, there are additional claims forms enclosed.

You have indicated the License #67-2386 as the basis for your claim, however, the license is in the name of The United States of America, Bureau of Reclamation and represents the irrigation storage rights the Bureau developed in behalf of you and your community. You do own shares of storage water in the Mann Creek Reservoir which you or your predecessors purchased through the Mann Creek Irrigation District. The Bureau of Reclamation, however, owns the reservoir and the storage water rights and has taken care of the filing for this right. In addition, the Mann Creek Irrigation District has filed a "Notice of Claim to a Water Right" for the beneficial use of flood waters from Mann Creek for its share holders. The individual land owners in your community, however, need to file for live flow or previously established rights based on old licenses and decrees appurtenant to their lands, and as listed on a Watermaster's list such as you also submitted with your claim.

We have researched the water rights for your lands and have attached copies of the rights to your previously submitted claim. These rights include portions of six decreed and one licensed right for which five separate

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filings should be made. The Proof Reports of these water rights are attached to your original claim and contain all the information you need to file these five claims. You have several options in filing these claims, of which we would be more than happy to assist you with. Three of the rights, 67-00513, 67-00514, 67-00515, can be combined on the same claim as they have the same date of priority and have the same source. Each of the other rights should be filed separately including the information we have highlighted or added with a highlighter.

If you have any questions, concerns or would like to make an appointment, please do not hesitate to contact Bruce Schuld through this office.

Sincerely,



Jan Shurte
Adjudications Supervisor
Western Regional Office
Idaho Department of Water Resources

cc:JS:BAS:file

Enclosures: Original "Notice of Claim to a Water Right"
"Notice of Claim to a Water Right" 7 - Long Forms
Proof Reports - 7

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JUL 22 1996

Water Right Number - 67-00583

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
TARTER

J. A.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
04/01/1886+ - - Region - - - +
14+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - +
MANNS CREEK+ - - Tributary - - - - +
WEISER RIVER+ - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

12N 05W 13 NW SE 4 = 13 acres

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.560

28 cfs 26 cfs (13 acres)

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage

0.560

+ - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

12N	05W	13	NW SE 4	4 = 13 acres	01	IRRIGATION	87	WASHINGTON
12N	05W	24	NW NE		01	IRRIGATION	87	WASHINGTON
12N	05W	24	NE NE 14	TARTER # 2				

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +

THIS IS A SECONDARY RIGHT.
WATER CARRIED IN THE LOLLEY DITCH.
FLOODWATER .8 CFS. AC. IRR.=40.+ - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - Decree Plaintiff - - - +
E. V. JEFFERSON ET. AL.+ - - Decree Defendant - - - +
THOMAS HIGGENBOTHAM ET. AL.+ - Decree Date - +
06/03/1921OCT 22 1996
MICROFILMED

Water right number - 67-00583

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 04/23/85

05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 67
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 06/03/1921				

MICROFILMED
OCT 22 1996

db BARSTAD BEEF CATTLE

RECEIVED

SEP 11 1989

Department of Water Resources
Western Regional Office

September 8, 1989

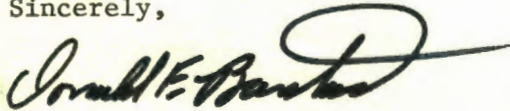
Western Region
Idaho Department of
Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Sirs:

Enclosed herewith please find a check in the amount of \$237.30 which covers my \$50.00 application fee and \$1.00 per acre for the 227.3 acres of water rights claimed.

If you have any questions you may contact me directly at 415-952-7522.

Sincerely,



Donald F. Barstad

DFB/jh
enc.

*ORIGINAL
LETTER*

MICROFILMED

OCT 22 1996

CALIFORNIA: (415) 837-9240 • POST OFFICE BOX 18 • DIABLO, CALIFORNIA 94528
IDAHO: (208) 549-0550 • 1526 HIGHWAY 95 NORTH • WEISER, IDAHO 83672

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

A67-00583

Date Received

9-11-89

Receipt Number

W005817 + W012411

RECEIVED

FEB 26 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DONALD F. BARSTAD Phone (415) 837-9240Mailing Address P.O. Box 18, DIABLO CA Zip 945282. Date of Priority (Only one (1) per claim) 6-3-1921 4-1-19963. Source of water supply (a) MANNS CREEK
which is tributary to (b) WEISER RIVER4. a. Location of existing point of diversion is: Township 12N Range 5W Section 11,
SE MANNS CR. DITCH
SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of WASHINGTONAdditional points of diversion if any LOLLEY DITCH + MANNS CREEK DITCH
LOLLEY DITCH DIVERSION PT. IS SW 1/4 SW 1/4 SE 1/4, SEC. 12, T. 12N, R. 5W
b. If instream flow, beginning point of claimed instream flow is:Township 12N Range 05W Section 24, NE 1/4 of NE 1/4 of _____ 1/4,Govt. Lot _____ B.M., County of WASHINGTON

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.DIVERSION VIA BOTH THE
LOLLEY DITCH - FOR LANDS IN SEC. 24 + THE MANNS CREEK
DITCH FOR THE LANDS IN SEC. 13.

MICROFILMED

OCT 22 1996

Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from JAN 1 to DEC 31 amount .28 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .28 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 45.5 ~~0560~~ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATER INCIDENTAL TO IRRIGATION.

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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
																			9
12N	05W	24	~~14.4~~	9															~~14.4~~
12N	05W	13														4			4

Total number of acres irrigated 14.4 13

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 ☒ 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.
MANNS CK. IRRIG DIST. FLOOD WTR. RT., & STORAGE RTS. or None ()
FROM MANNS CK. RES.

14. Remarks:

NOTE: THE ACRES IN THE NWNE, SEC. 24 ARE IRRIGATED BY WATER DIVERTED THRU THE LOLLEY DITCH AND THE ACRES IN THE NWSE, SEC. 13 FROM THE MANNS CK. DITCH.

MICROFILMED
OCT 22 1996

Last Name BARSTAD Ident No. A67-00583

Copies: White -State, Yellow-Claimant

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

Decree ☒

If applicable provide IDWR Water Right Number 67-00583

Court _____ Case Number _____ Decree Date 6-3-1921

Plaintiff vs Defendant E.V. JEFFERSON, PLAINTIFF - THOMAS HIGGENBOTHAM, 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 FOO 3 (MAP + PROOF REPORT)

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

Signature of Claimant (s) Donald F. Burt

Date 5-29-90 O.F.B.
2-20-90

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 _____

of _____

Title

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 _____)

County of AOA)

SS.

Subscribed and sworn (or affirmed) before me this

29th

day of

May

19

90

Notary Public Jan Thurtell

Residing at Meridian, ID

My Commission Expires 9-14-94

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 BARSTAD

Ident. Number _____

MICROFILMED

OCT 22 1996

Copies White-State, Yellow-Claimant

LYNN WIGGINS
WASHINGTON COUNTY ASSESSOR
256 E. COURT
WEISER, ID 83672

THIS IS NOT A BILL

RETURN POSTAGE GUARANTEED

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	41.000 AC	26,281
3 DRY AGR	4.000 AC	1,112
5 DRY GRAZING	58.000 AC	1,044
19 WASTE	1.000 AC	

TOTALS 104.000 28,437

TAXPAYERS 1989 VALUATION ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 26, 1989
See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

Mail To:
BARSTAD, DONALD F ETUX
P O BOX 18
DIABLO CA 94528

E 1/2 NESW E 4 A OF
SWSE SESE NWSE
S13T12R5 104 ACRES

PROPERTY ADDRESS

PARCEL NO. RP 003777

A TAX CODE

47-00

MICROFILMED
OCT 22 1996

LYNN WIGGINS
WASHINGTON COUNTY ASSESSOR
256 E. COURT
WEISER, ID 83672

THIS IS NOT A BILL

RETURN POSTAGE GUARANTEED

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	23.000 AC	10,320
5 DRY GRAZING	13.000 AC	234
10 RURAL HOMESITE	1.000 AC	7,500
19 WASTE	.950 AC	
31 RURAL RES BLDG		25,612
32 RURAL IMP ON AG		19,349

TOTALS 37.950 63,015

**TAXPAYERS 1989
VALUATION ASSESSMENT NOTICE**

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IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 26, 1989
See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

Mail To:

**BARSTAD, DONALD F ETUX
P O BOX 18
DIABLO CA 94528**

**LOT 3 S18T12R4
37.95 ACRES**

PROPERTY ADDRESS **1526 THOUSAND SPGS RD 83672**
PARCEL NO. **RP 003690** A TAX CODE **47-00**

LYNN WIGGINS
WASHINGTON COUNTY ASSESSOR
256 E. COURT
WEISER, ID 83672

THIS IS NOT A BILL

RETURN POSTAGE GUARANTEED

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	25.000 AC	11,218
3 DRY AGR	31.000 AC	2,635
5 DRY GRAZING	233.000 AC	4,194
19 WASTE	.700 AC	

TOTALS 289.700 18,047

**TAXPAYERS 1989
VALUATION ASSESSMENT NOTICE**

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listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 26, 1989
See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

Mail To:

**BARSTAD, DONALD F ETUX
P O BOX 18
DIABLO CA 94528**

**W1/2NE E1/2NW NESW
TN-1 LOTS 1 & 2
S18T12R4 289.70 ACRES**

PROPERTY ADDRESS
PARCEL NO. **RP 003692** A TAX CODE **47-00**

**MICROFILMED
OCT 22 1996**

LYNN WIGGINS
WASHINGTON COUNTY ASSESSOR
256 E. COURT
WEISER, ID 83672

THIS IS NOT A BILL

RETURN POSTAGE GUARANTEED

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	24.000 AC	14,615
5 DRY GRAZING	12.000 AC	216
19 WASTE	3.000 AC	

TAXPAYERS 1989
VALUATION ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 26, 1989

See the reverse side for further references

KEEP THIS COPY FOR YOUR RECORDS

TOTALS 39.000 14,831

TN-1 S12T12R5
39.00 ACRES

Mail To:

BARSTAD, DONALD F ETUX
P O BOX 18
DIABLO CA 94528

PROPERTY ADDRESS

PARCEL NO. **RP 003770**

A TAX CODE 47-00

LYNN WIGGINS
WASHINGTON COUNTY ASSESSOR
256 E. COURT
WEISER, ID 83672

THIS IS NOT A BILL

RETURN POSTAGE GUARANTEED

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	88.000 AC	56,408
5 DRY GRAZING	71.000 AC	1,647
19 WASTE	3.500 AC	

TAXPAYERS 1989
VALUATION ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 26, 1989

See the reverse side for further references

KEEP THIS COPY FOR YOUR RECORDS

TOTALS 162.500 58,055

TN-2 NWNE S1/2NE NESE
S13T12R5 162.50 ACRES

Mail To:

BARSTAD, DONALD F ETUX
P O BOX 18
DIABLO CA 94528

PROPERTY ADDRESS

PARCEL NO. **RP 003773**

A TAX CODE 47-00

MICROFILMED
OCT 22 1996

LYNN WIGGINS
WASHINGTON COUNTY ASSESSOR
256 E. COURT
WEISER, ID 83672

THIS IS NOT A BILL

RETURN POSTAGE GUARANTEED

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	5.000 AC	3,205
5 DRY GRAZING	6.000 AC	108

**TAXPAYERS 1989
VALUATION ASSESSMENT NOTICE**

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 26, 1989
See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

TOTALS 11.000 3,313

Mail To:
BARSTAD, DONALD F ETUX
P O BOX 18
DIABLO CA 94528

**TN-4 S13T12R5
11 ACRES**

PROPERTY ADDRESS

PARCEL NO. **RP 003778-01** A TAX CODE **47-00**

LYNN WIGGINS
WASHINGTON COUNTY ASSESSOR
256 E. COURT
WEISER, ID 83672

THIS IS NOT A BILL

RETURN POSTAGE GUARANTEED

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	23.000 AC	14,743
19 WASTE	2.000 AC	

**TAXPAYERS 1989
VALUATION ASSESSMENT NOTICE**

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 26, 1989
See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

TOTALS 25.000 14,743

Mail To:
BARSTAD, DONALD F ETUX
P O BOX 18
DIABLO CA 94528

**TN-2 REVISED: S24T12R5
25 ACRES**

**MICROFILMED
OCT 22 1996**

PROPERTY ADDRESS

PARCEL NO. **RP 003813-02** A TAX CODE **47-00**

**Washington County,
Idaho**

ORIGINAL

FINAL TAX RECEIPT

TAX LEVY FOR THE YEAR 1988

No. 5

Weiser, Idaho 12114, 1988

RECEIVED from

Donald F Barstad

PC Box 18, Lido C - 945-28

in payment of the taxes for the year 1988 on the following described property, the

sum of

Sixteen hundred sixty-two and $\frac{2}{100}$ DOLLARS \$1662 $\frac{2}{100}$

DOLLARS \$166-

DESCRIPTION OF LANDS					Assessment Per Acre	Amount and Distribution		
	Section	Twp.	Range	Irrig. Acres				
① {	PEORO	18	12 N	4 W 2	129.1	2.79	Maintenance	635.28
	PEORO	13	12 N	5 W 3		4.51	Construction	1026.95
② {	TARTEN	13	12 N	5 W 3	67.9			
	TARTEN	24	12 N	5 W 3			Total Assess.	1662.21
③ {	TARTEN	12	12 N	5 W	30.7			
							One-Half Paid	
							Balance Due	
							Penalty	
					227.7		TOTAL PAID	

IMPORTANT — 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**

[illegible]

Margaret Chipman
Assistant Secretary

Assistant Secretary-Treasurer

MICROFILMED
OCT 22 1996