

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-585B

DAN RAY TUTTLE

1449 US 95

WEISER ID 83672

Telephone Number: (208) 549-1616

208 549-1500

KATHLEEN TUTTLE

1449 US 95

WEISER ID 83672

Telephone Number: (208) 549-1616

Done
DBF
12/1/06

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: 11-29-06 SIGNATURE: [Signature]
Please print your name: KATHLEEN TUTTLE

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

SCANNED
DEC 08 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-585B V1

WATER RIGHT NUMBER: 67-585B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAN RAY TUTTLE 1449 US 95 WEISER, ID 83672 (208)549-1616
Original Owner	VERE ADAMS , ID
Original Owner	DUDLEY ADAMS , ID
Current Owner	KATHLEEN TUTTLE 1449 US 95 WEISER, ID 83672 (208)549-1616

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	3/1 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

MANN CREEK	SW1/4SW1/4SE1/4	Sec. 12, Twp 12N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
12N	05W	24	4.0			1.0	5.0

Total Acres: 5

Conditions of Approval:

1. 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.

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2. 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.
3. 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.

Remarks:Comments:

1. mcase 6/4/2004 POD
Comment: Updated shape

2. mcase 6/4/2004 POD
Comment: Updated PLS

3. mcase 6/4/2004 POU
Comment: Updated Shape

4. mcase 6/4/2004 POU
Comment: Updated Shape

5. mcase 6/4/2004 POU
Comment: Updated Shape

6. mcase 6/4/2004 POU
Comment: Updated PLS

7. mcase 6/4/2004 POU
Comment: Claimed POU PLS description that does not completely match the decreed PLS description OR the map provided. It looks like a typo on the Range description. I digitized the shape using the map and updated the PLS description to recommend.

8. mcase 6/4/2004 Quantity
Comment: No decreed annual diversion. Could not determine recommended 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: AND
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:

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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	6/4/2004 10:24:37 AM	mcase			Active
POD	6/4/2004 10:30:03 AM	mcase			Active
Source	6/4/2004 10:30:12 AM	mcase			Active
POU	6/4/2004 11:48:08 AM	mcase			Active
Use	6/4/2004 11:55:56 AM	mcase			Active
Season	6/4/2004 11:56:29 AM	mcase			Active
Quantity	6/4/2004 11:56:55 AM	mcase			Active
Priority Date	11/14/2005 1:16:09 PM	dnarsavage			Active
POD	11/14/2005 1:17:01 PM	dnarsavage			Active
Source	11/14/2005 1:17:43 PM	dnarsavage			Active
POU	11/14/2005 1:18:00 PM	dnarsavage			Active
Season	11/14/2005 1:20:45 PM	dnarsavage			Active
Quantity	11/14/2005 1:21:20 PM	dnarsavage			Active
Summary			11/14/2005	dnarsavage	Active
Use	11/14/2005 1:47:10 PM	dnarsavage			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/14/2005 1:17:01 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	11/14/2005 1:18:01 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

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Quantity	11/14/2005 1:21:20 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	11/14/2005 1:21:50 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	11/14/2005 1:18:15 PM	dnarsavage	Updated shape for Active POU
POU	9/28/2005 10:35:40 AM	dnarsavage	Updated shape for Active POU
POU	9/28/2005 10:35:56 AM	dnarsavage	Edited Season Of Use
POU	9/28/2005 10:28:40 AM	dnarsavage	Updated shape for Active POU
POU	9/28/2005 10:35:52 AM	dnarsavage	Updated PLS for Active POU
Source	11/14/2005 1:17:43 PM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
General	11/14/2005 1:16:09 PM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required?

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POU	11/14/2005 1:18:33 PM	dnarsavage	Updated PLS for Active POU
Season	11/14/2005 1:20:46 PM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Use	11/14/2005 1:47:11 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	6/4/2004 11:56:29 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?
Priority Date	6/4/2004 10:24:37 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?
POD	6/4/2004 10:30:03 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Source	6/4/2004 10:30:12 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?

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POU	6/4/2004 11:48:08 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? (No) 6. Can the claimed POU be verified using the water right file?
Use	6/4/2004 11:55:57 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?
Quantity	6/4/2004 11:56:55 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?

Water Supply Bank:

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: A67-00585B
Date Received: 9/19/1989
Receipt No: 14004929
Received By: CF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAN RAY TUTTLE 208-549-1616
Address: 1449 U.S. 95
WEISER, ID 83672
AND/OR
Name: KATHLEEN TUTTLE 208-549-1616
Address: 1449 U.S. 95
WEISER, ID 83672
2. Date of Priority: APR 01, 1886
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
12N	05W	11	SE	SE	NE		WASHINGTON
5. Description of diverting works:
LOLLEY DITCH, FLOOD IRRIGATION
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		
7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 15.0 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	04W	24	SW	NE		IRR	4.0
	05W	24	NW	SE		IRR	1.0
Section Acres							5.0
Total Acres							5.0

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:

A67-02386 (MANN CREEK RESERVOIR)

14. Remarks:

WATER CARRIED IN THE LOLLEY DITCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.

Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -1-

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): [Signature] Date: 10-12-89

Date: _____

State of Idaho)

County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 12th day

of October 19 89

[Signature]
Notary Public



Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

T 12N
R 5W

A67-00585 B

MANN CREEK SW QUADRANGLE
IDAHO
7.5 MINUTE SERIES (ORTHO PHOTOQUAD)

506

55'

507

508

200 000 FEET

509

116°52'30"

44°22'30"



4913

4912

P.U.

4911

980 000
FEET

4910

4909

20'

MICROFILMED

OCT 01 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 67-585 B

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS _____
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: AS DECREED
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

LOLLEY



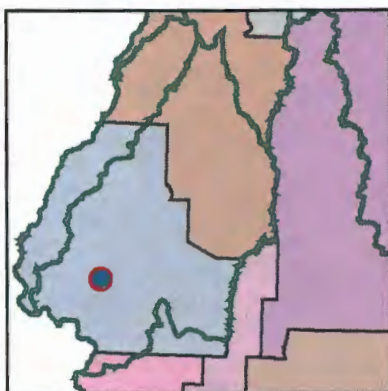
Idaho Department of Water Resources

Adjudication Claim Number: **67-585B**

T12N R05W

Legend

-  Point of Diversion
-  Place of Use
-  PLS Sections
-  GCDBQuarter Quarters



Washington County
IDWR Basin 67



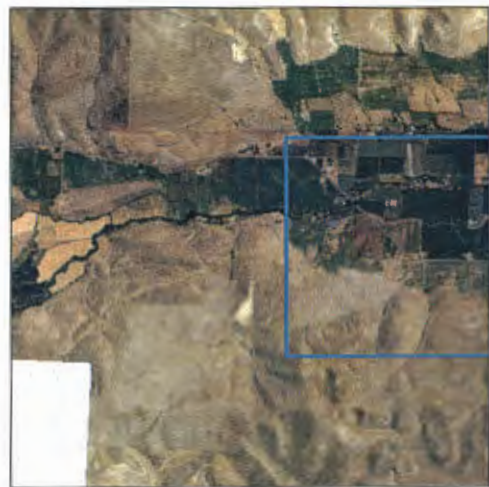
0 0.7 1.4 Miles



Prepared by D. Narsavage
On Friday, January 6, 2006
1987/88 Aerial Photography



Rec67-585B





Rec67-585B

