

07/30/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-585C

NAME AND ADDRESS: WADE HIGGINS
1456 HWY 95
WEISER ID 83672

DIANE HIGGINS
1456 HWY 95
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.140 CFS

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.

PRIORITY DATE: 04/01/1886

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.

POINT OF
DIVERSION:

T12N R05W S12 SWSWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.140 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R05W S24 SWNE 7.20

7.2 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

RECEIVED

JUN 29 2007

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
67-585 C					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Wesley C. Higgins
1585 Hwy 95 Weiser, ID 83672

4. New Owner/Claimant(s) Wade and Diane Higgins
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address 1456 Hwy 95

City, State and ZIP Code Weiser ID 83672

New Telephone Number (208) 707-1550

RECEIVED

JUN 27 2007

WATER RESOURCES
WESTERN REGION

SCANNED

JUL 02 2007

5. Date you acquired the property

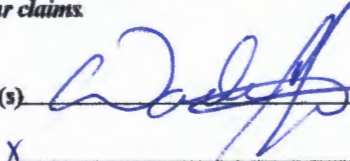
10/28/2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

X

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by SH AJDate 7-30-07

WR _____ Date _____

NCAP prep red 8-8-07

SCANNED

AUG - 8 2007

SCANNED

JUL 02 2007

199537

Accommodation only

BAD COPY

WARRANTY DEED

FOR VALUE RECEIVED,

Wesley Higgins and Lavinia Higgins, Husband and Wife
 the Grantor(s), do(es) hereby grant, bargain sell and convey unto
 Wade C. Higgins and Diane R. Higgins, husband and wife
 the Grantee, whose current address is 1585 Highway 95, Weiser, ID, 83672, the
 following described premises, in Washington County, Idaho, TO WIT:

Attached hereto of and made a part thereof as exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the
 said Grantee, heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant
 to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said
 premises; that they are free from all encumbrances EXCEPT: Subject to all existing
 patent reservations, easements, right(s) of way, protective covenants, zoning ordinances,
 and applicable building codes, laws and regulations, general taxes and assessments,
 including irrigation and utility easements (if any) for the current year, which are not due
 and payable, and that Grantor(s) will warrant and defend the same from all lawful claims
 whatsoever.

Dated: 10-28-05

Wesley Higgins
 Wesley Higgins

Lavinia Higgins
 Lavinia Higgins

State of Idaho)
) S.S.
 County of Ada)

On this 28 day of October, in the year of 2005, before me
Whittney Curran, personally appeared
Wesley Higgins and Lavinia Higgins proved to me on the basis of satisfactory
 evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument,
 and acknowledged that he (she)(they) executed the same.



Whittney Curran
 Notary Public

Comm. Exp. 5-19-2011

Instrument # 199537

WEISER, WASHINGTON, IDAHO

2005-12-05 03:14:00 No. of Pages: 2

Recorded for: AMERITITLE

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: DEED

SCANNED

JUL 02 2007

199537

EXHIBIT A

A parcel of land situated in the SW1/4NE1/4 of Section 24, Township 12 North, Range 5 West of the Boise Meridian, Washington County, Idaho, and is more particularly described as follows:

Commencing at the Southwest corner of said SW1/4NE1/4;

Thence S 89°30'00" E along the South boundary line of said SW1/4NE1/4 a distance of 342.69 feet to a point on the Southeasterly right-of-way line of U.S. Highway 95 which point is the TRUE POINT OF BEGINNING;

Thence N 42°49'45" E along said Highway right-of-way line a distance of 1282.20 feet to a point on the centerline of the Adams-Saling Ditch;

Thence S 6°56'00" W along said ditch centerline a distance of 20.00 feet;

Thence S 10°49'00" W along said ditch centerline a distance of 171.10 feet;

Thence S 26°55'00" W along said ditch centerline a distance of 90.50 feet;

Thence S 18°03'00" W along said ditch centerline a distance of 60.20 feet;

Thence S 20°31'00" W along said ditch centerline a distance of 136.60 feet;

Thence S 6°09'00" W along said ditch centerline a distance of 234.90 feet;

Thence S 15°39'00" E along said ditch centerline a distance of 266.50 feet;

Thence S 2°37'00" E along said ditch centerline a distance of 3.17 feet to a point on the South boundary of said SW1/4NE1/4;

Thence N 89°30'00" W a distance of 776.54 feet to the TRUE POINT OF BEGINNING.

SCANNED

JUL 02 2007

Legal Description

1456 Hwy 95
Weiser, ID

Parcel 2, Section 24, Tnp 12 Kyrk Survey. Parcel # RP-12N05W248520A

A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 12 North, Range 5 West of the Boise Meridian, Washington County, Idaho, and is more particularly described as follows:

Commencing at the Southwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence S 89° 30' 00" E along the South boundary line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 342.69 feet to a point on the Southeasterly Right-of-way line of U.S. Highway 95 which point is the TRUE POINT OF BEGINNING;

Thence N 42° 49' 45" E along said Highway Right-of-way line a distance of 1282.20 feet to a point on the centerline of the Adams-Saling Ditch;

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Thence S 10° 49' 00" W along said ditch centerline a distance of 171.10 feet;

Thence S 26° 55' 00" W along said ditch centerline a distance of 90.50 feet;

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Thence N 89° 30' 00" W a distance of 776.54 feet to the TRUE POINT OF BEGINNING.

SCANNED

JUL 02 2007

DEV

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
67-585 C					

Maxwell sold to Wesley Higgins, who sold to Wade & Diane Higgins

2. The following **REQUIRED** information must be submitted with this form:

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- C. Either of the following (if necessary to clarify division of water rights or other complex **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
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(2 ownership forms attached & signed) gt.

3. Name and Address of Former Owner/Claimant(s) William (Bill) Maxwell

4. New Owner/Claimant(s) Wesley C. Higgins
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address 1585 Hwy 95

City, State and ZIP Code Weiser ID 83672

New Telephone Number (208) 549-2537

RECEIVED

JUN 27 2007 SCANNED

WATER RESOURCES
WESTERN REGION JUL 02 2007

5. Date you acquired the property _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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Stock		
Domestic		
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Totals		

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7. Signature(s) of New Owner(s) or Claimant(s) _____

(title if applicable)

(title if applicable)

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For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by SH AJDate 7-30-07

WR _____ Date _____

NCAP prepared
8-8-07
ms

SCANNED

AUG - 8 2007

SCANNED

JUL 02 2007

100-95-5141

WARRANTY DEED

For Value Received

WILLIAM J. MAXWELL AND LOUISE MAXWELL, husband and wife

The grantor s, do hereby grant, bargain, sell and convey unto
WESLEY HIGGINS AND LAVINIA HIGGINS, husband and wife
the grantees, whose current address is
1585 HWY 95, WEISER, ID 83672
the following described premises, in WASHINGTON County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

Together with all water, water rights, ditches and ditch rights appurtenant thereto
and in anyway belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions,
dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantees, that they the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 7, 1995

William J. Maxwell
WILLIAM J. MAXWELL

Louise Maxwell
LOUISE MAXWELL

STATE OF IDAHO, COUNTY OF WASHINGTON
On this 7th day of DECEMBER, 19 95,
before me, a notary public in and for the said State, personally
appeared

WILLIAM J. MAXWELL AND LOUISE MAXWELL

known or identified to me to be the personS whose nameS
subscribed to the within instrument, and acknowledged to me
that THEY executed the same.

Christy Hinch
Notary Public

Residing at WEISER, Idaho
Comm. Expires 11/4/97

STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLE

at 46 minutes past ELEVEN o'clock P.M.,
this 8TH day of DECEMBER
19 95, in my office, and duly recorded in ~~BOOK~~
of Deeds ~~BOOK~~ BY #164908

SHARON WIDNER
Ex-Officio Recorder

By *J. Mc Knight*
Fees \$ 6.00
Mail to: WEISER VALLEY TITLE

Comp. Index
Comp. Rel.
Film
Compare
Card Rel.
Deputy Bk. Rel.
Up-date
Return
Copy

INSTRUMENT NO.

EXHIBIT "A"

FILE NO.: 100-95-5141

A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 12 North, Range 5 West of the Boise Meridian, Washington County, Idaho, and is more particularly described as follows;

Commencing at the Southwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence S 89°30'00" E along the South boundary line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 342.69 feet to a point on the Southeasterly Right-of-way line of U.S. Highway 95 which point is the TRUE POINT OF BEGINNING;

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SCANNED

JUL 02 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-585C V1

WATER RIGHT NUMBER: 67-585C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WESLEY C HIGGINS 1585 HWY 95 WEISER, ID 83672 208-549-2537
Current Owner	WADE HIGGINS 1456 HWY 95 WEISER, ID 83672 (208)707-1550
Current Owner	DIANE HIGGINS 1456 HWY 95 WEISER, ID 83672 (208)707-1550
Original Owner	VERE ADAMS , ID
Directors Report Owner	WILLIAM J MAXWELL 340 PIONEER RD WEISER, ID 83672 (208)549-3143
Original Owner	DUDLEY ADAMS , 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	0.140 CFS	
	<u>Total Diversion:</u>	0.140 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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	05W	24			7.2														7.2

Total Acres: 7.2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-585C V1

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 only to all rights identified as Primary Rights on Mann Creek.
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: POD shape created for diversion. I did not create a POD shape for the rediversion.
3. mcase 6/4/2004 POU
Comment: Updated Shape
4. mcase 6/4/2004 Quantity
Comment: No decreed annual diversion. Could not determine recommended annual diversion.

Water Supply Bank:

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 13 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-585C

WILLIAM J MAXWELL
340 PIONEER RD
WEISER ID 83672
Telephone Number: (208)549-3143

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: _____ SIGNATURE: _____

Please print your name: _____

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

Possible new owner: -
Wesley Higgins
1585 US Hwy 95
Weiser ID 83672

Sold property

SCANNED
DEC 13 2006

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

WILLIAM J MAXWELL
340 PIONEER RD
WEISER ID 83672

MAXW340 836722020 1A05 03 12/04/05
MAXWELL, ALENA LOUISE
854 GENESEE AVE
GENESEE ID 83632-9643
FORM 3547



67-585C
(former owner)

REC IV
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

SCANNED
JAN 10 2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-585C V1

WATER RIGHT NUMBER: 67-585C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	VERE ADAMS
	, ID
Current Owner	WILLIAM J MAXWELL
	340 PIONEER RD
	WEISER, ID 83672
	(208)549-3143
Original Owner	DUDLEY ADAMS
	, ID

Priority Date: 04/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANNS CREEK	WEISER RIVER

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Location of Point(s) of Diversion

MANNS 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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	05W	24			7.2														7.2

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-585C V1

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Remarks:Comments:

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Comment: Updated shape

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Comment: POD shape created for diversion. I did not create a POD shape for the rediversion.

3. mcase 6/4/2004 POU

Comment: Updated Shape

4. 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: 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: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 12:38:59 PM	mcase			Active
POD	6/4/2004 12:41:57 PM	mcase			Active
Source	6/4/2004 12:42:04 PM	mcase			Active
POU	6/4/2004 1:57:08 PM	mcase			Active
Use	6/4/2004 1:57:27 PM	mcase			Active
Season	6/4/2004 1:58:01 PM	mcase			Active
Quantity	6/4/2004 1:58:10 PM	mcase			Active
Priority Date	11/14/2005 1:00:36 PM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-585C V1

Source	11/14/2005 1:03:55 PM	dnarsavage	Active
POU	11/14/2005 1:05:49 PM	dnarsavage	Active
Use	11/14/2005 1:06:08 PM	dnarsavage	Active
Season	11/14/2005 1:07:21 PM	dnarsavage	Active
Quantity	11/14/2005 1:07:41 PM	dnarsavage	Active
Summary		11/14/2005 dnarsavage	Active
POD	11/14/2005 1:08:42 PM	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/14/2005 1:03:13 PM	dnarsavage	Updated PLS
POU	11/14/2005 1:05:50 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?
Season	11/14/2005 1:07:21 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?
Quantity	11/14/2005 1:07:42 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? (Yes) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-585C V1

POD	11/14/2005 1:08:43 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?
Summary	11/14/2005 1:08:34 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 1:04:42 PM	dnarsavage	Updated shape for Active POU
General	11/14/2005 1:00:37 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?
Use	11/14/2005 1:06:08 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?
Source	11/14/2005 1:03:55 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?
POU	11/14/2005 1:05:09 PM	dnarsavage	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-585C V1

POD	6/4/2004 12:41:58 PM	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 12:42:04 PM	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	6/4/2004 1:57:08 PM	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?
Use	6/4/2004 1:57:27 PM	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?
Priority Date	6/4/2004 12:39:00 PM	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?
Season	6/4/2004 1:58:02 PM	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	6/4/2004 1:58:11 PM	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 67-585C
Date Received: 10/19/1989
Receipt No: W006393
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILLIAM J MAXWELL Phone: (208)549-3143

340 PIONEER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1886

3. Source: MANNS CREEK , MANNS CREEK Trib. to: WEISER RIVER , WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	05W	12	SW SW SE	WASHINGTON	
12N	05W	24	NE SE NW	WASHINGTON	R

5. Description of diverting works:

HEADGATE AT HEAD OF LOLLEY DITCH, PIPELINE FROM LOLLEY TO POU.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.14	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	24	SW	NE	IRRIGATION	7.2
Section Acres						7.2
Total Acres						7.2

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

WATER CARRIED IN THE LOLLEY DITCH.
THIS IS A SECONDARY RIGHT.
FLOOD WATER RIGHT IS .68 CFS.
LOW WATER IS .476 CFS.
AC. IRR.=34.
P/U ALSO DESCRIBED BY METES AND BOUNDS IN DECREE.
THIS CLAIM HAS BEEN CHECKED FOR A FIELD EXAM IN ORDER TO DETERMINE THE ACTUAL NUMBER
OF ACRES IRRIGATED.
THIS CLAIM IS SPLIT A67-00585A = MANTOOTH FOR ?_CFS A67-10770 = ROMNEY FOR 0.06 CFS
B.A.S.
A67-00585B=TUTTLE FOR 0.10 CFS. L.R.W.
A67-00585C=ACTUAL NO. OF IRR. ACREAGE IS 7.24.

TOTAL FEES DUE=58.00 SEE RECEIPT NO. W6392 AND W6393.

15. Basis of Claim: Decreed

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 AG7-00585C
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) William J Maxwell Phone (208) 549-3143
Mailing Address 340 Pioneer Road - Weiser Idaho Zip 83672

2. Date of Priority (Only one (1) per claim) 4-1-1886

3. Source of water supply (a) Mann Creek via Lolley Ditch
which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 12 N Range 5 W^{BM} Section 12,
SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Washington

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Head Gate at Head of Lolley Ditch

Pipe Line from Lolley Ditch to place of use

MICROFILMED

OCT 01 1992

6. Water is claimed for the following purposes:

200 AM 10-12-89

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

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

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12 N	5 W	24			7.24														7.24

Total number of acres irrigated 7.24

11. In which county (ies) are lands listed above as place of use located? Washington

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

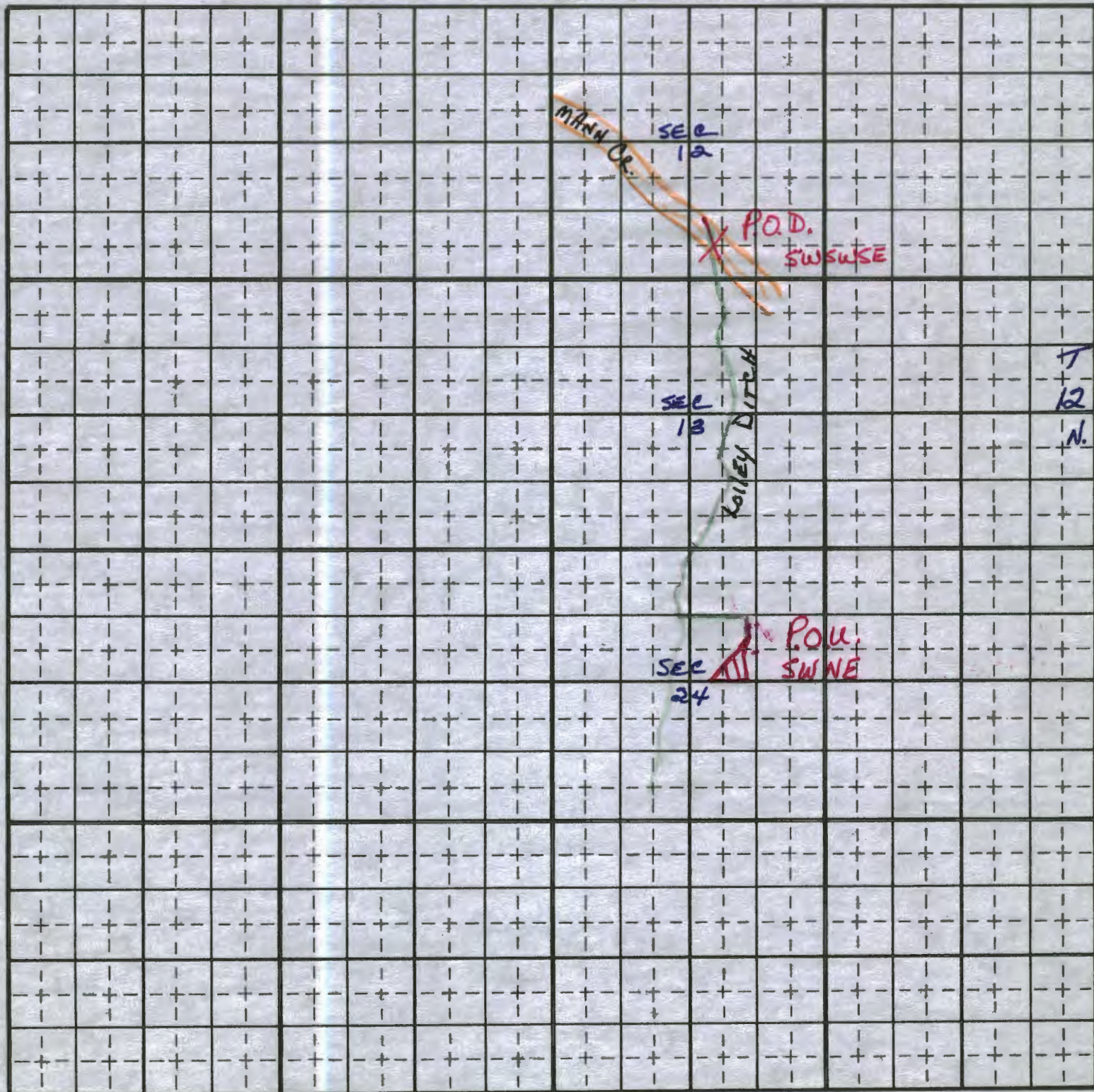
Last Name Maxwell Ident No. _____

MICROFILMED
Copies: White - State, Yellow - Claimant
OCT 01 1992

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

Scale: 2 inches equals 1 mile

R 5w



Last Name

Maxwell

Ident No.

MICROFILMED
Copies: White-State, Yellow-Claimant

OCT 01 1992

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

Decree X

If applicable provide IDWR Water Right Number _____

Court _____ Case Number 67-585 Decree Date 6-3-21

Plaintiff vs Defendant Jefferson vs Higginbotham

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) William J Maxwell Date 10-10-89

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 Washington) SS.

_____)

Subscribed and sworn (or affirmed) before me this 10 day of October 19 89

SEAL

Notary Public Delmer M Jones

Residing at Weiser

My Commission Expires 5-16-91

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 Maxwell Ident. Number _____

MICROFILMED

Copies White-Sub Yellow-Claimant **OCT 01 1992**

Water Direct Div. from main CR
2012
50555C

12 7
13 18

T 18 D
R 5 W
S. 12

AG 7-00585C

13 18
24 19

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 C

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:

LOLEY



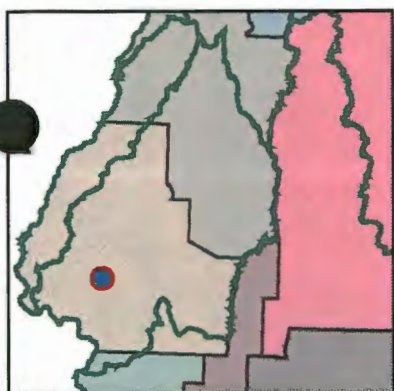
Idaho Department of Water Resources

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

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 Monday, December 5, 2005
1987/88 Aerial Photography