

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-591 V1

WATER RIGHT NUMBER: 67-591 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUNN SHELBY AND SLOAN C/O HELEN GUNN SHELBY 330 E BANNOCK ST APT 903 BOISE, ID 83702 (208)549-0575
Original Owner	W L PAYNE

, ZZ

Priority Date: 04/01/1884

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	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

MANN CREEK	NW1/4SW1/4SE1/4	Sec. 6, Twp 11N, Rge 04W, B.M.
WASHINGTON County		
MANN CREEK	SW1/4NW1/4SE1/4	Sec. 19, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04W	19								3.0				8.5	35.0	32.0	36.0	38.0	152.5
11N	04W	30	35.0	31.0			19.0												85.0

Total Acres: 237.5

Conditions of Approval:

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. K06 This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.
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.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. mcase 6/4/2004 Quantity

Comment: No decreed annual diversion. Could not determine recommended annual diversion.

2. segbert 6/8/2004 POU

Comment: There are several more QQs on the claim than are mentioned in the decree.

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:

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

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/4/2004 2:15:19 PM	mcase			Active
Source	6/4/2004 2:17:02 PM	mcase			Active
Use	6/4/2004 2:17:51 PM	mcase			Active
Season	6/4/2004 2:18:21 PM	mcase			Active
Quantity	6/4/2004 2:18:30 PM	mcase			Active
POU	6/8/2004 11:13:54 AM	segbert			Active

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Priority Date	3/22/2006 1:04:46 PM	dnarsavage	Active
POD	3/22/2006 1:07:31 PM	dnarsavage	Active
Source	3/22/2006 1:08:00 PM	dnarsavage	Active
POU	3/22/2006 1:08:23 PM	dnarsavage	Active
Use	3/22/2006 1:11:15 PM	dnarsavage	Active
Season	3/22/2006 1:12:22 PM	dnarsavage	Active
Quantity	3/22/2006 1:14:03 PM	dnarsavage	Active
Summary		03/22/2006 dnarsavage	Active
Season	3/22/2006 1:16:34 PM	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/22/2006 12:09:01 PM	dnarsavage	Correlated PODID 620688 from SpatialDataID 306322 to SpatialDataID 11732
POD	3/22/2006 12:08:39 PM	dnarsavage	Correlated PODID 620688 from SpatialDataID 306322 to SpatialDataID 11732
POD	3/22/2006 12:11:20 PM	dnarsavage	Correlated PODID 620689 from SpatialDataID 366912 to SpatialDataID 11585
POD	3/22/2006 12:11:30 PM	dnarsavage	Correlated PODID 620689 from SpatialDataID 366912 to SpatialDataID 11585
POD	3/22/2006 1:07:32 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	3/22/2006 1:08:23 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?
General	3/22/2006 1:04:46 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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Source	3/22/2006 1:08:00 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?
Use	3/22/2006 1:11:15 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?
Quantity	3/22/2006 1:14:04 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?
Summary	3/22/2006 1:15:36 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? (Yes) 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?

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Season	3/22/2006 1:12:23 PM	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?
Season	3/22/2006 1:16:35 PM	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?
POU	6/8/2004 11:13:55 AM	segbert	(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? (No) 7. Is there evidence that there has been a change in the POU? (No) 13. Does the file contain all the necessary information to verify the POU?
POU	6/8/2004 11:42:36 AM	segbert	Edited shape boundary
Source	6/4/2004 2:17:02 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?
Use	6/4/2004 2:17:51 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?
Quantity	6/4/2004 2:18:31 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?

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Season	6/4/2004 2:18:21 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?
Priority Date	6/4/2004 2:15:20 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?

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: A67-00591
Date Received: 10-12-89
Receipt No: M004906
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 01, 1884

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

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

9. Non-irrigation uses:

10. Place of Use:

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

A67-00591

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Date: 10/03/89

SCANNED
APR 06 2004

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

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

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

67-00566/00633/00601/00609/00569, MANN CREEK RESERVOIR

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.

Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Partner of _____ Title

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

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

Helen Gunn Shelby
Signature of Authorized Agent

Gunn, Shelby and Sloan
Title and Organization

Oct, 12, 1989
Date

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of October 19 89

Carter Fritschle
Notary Public



Residing at _____

My Commission Expires _____

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



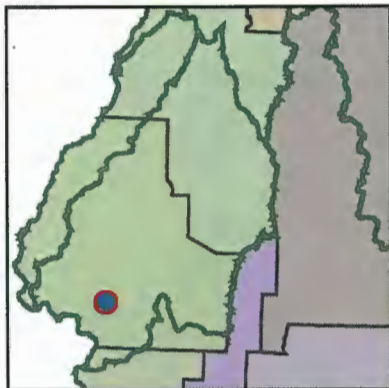
Idaho Department of Water Resources

Adjudication Claim:

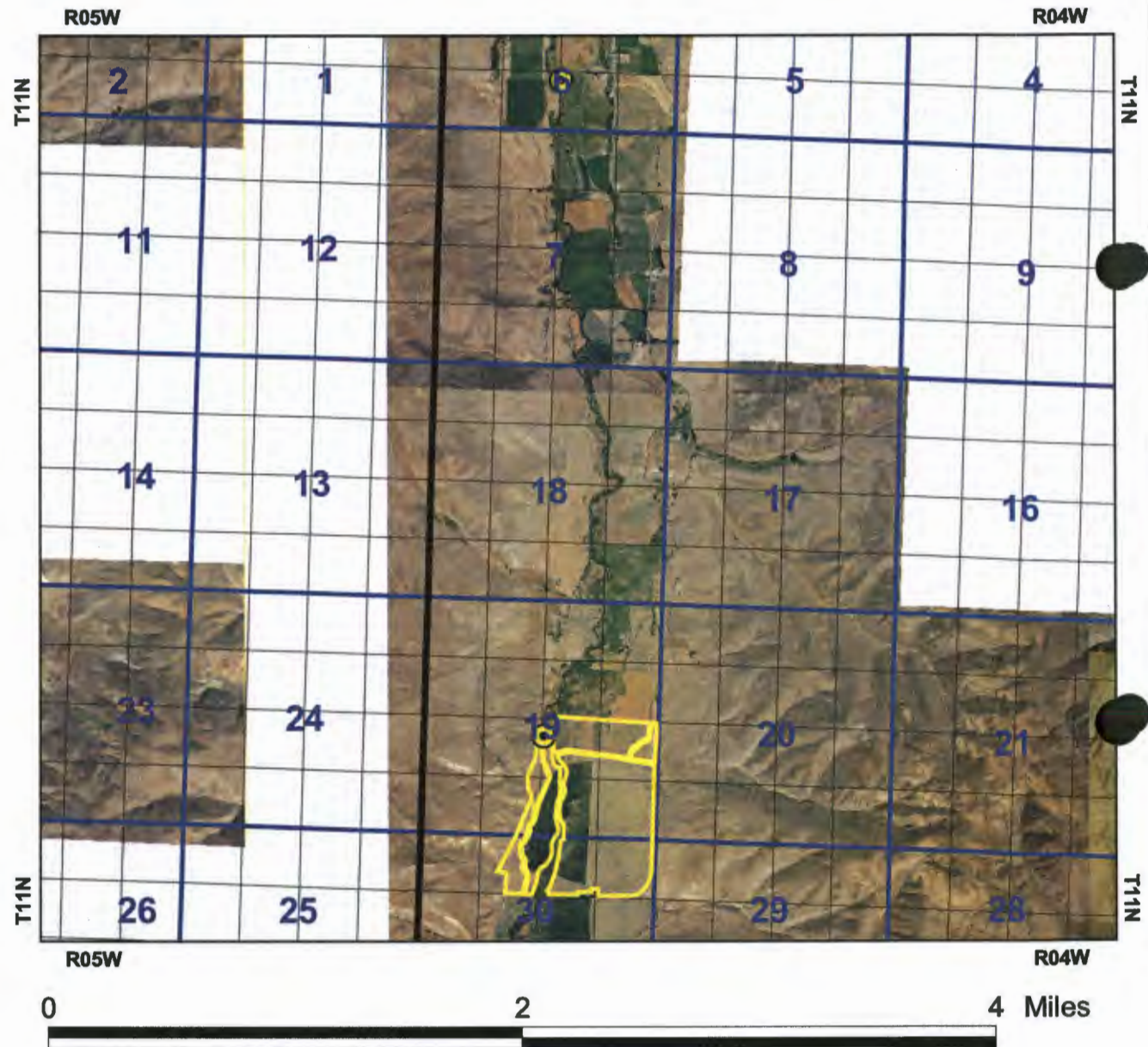
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Legend

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



Washington County
IDWR Basin 67



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

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