

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

RETURNED
TO
RENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

RECEIVED
JAN 23 2007
DEPARTMENT OF
WATER RESOURCES

HELEN TIFFIN
1041 MANNS CREEK RD
WEISER ID 83442

FIRST CLASS



UNITED STATES POSTAL SERVICE
FIRST CLASS
0004389393 JAN 19 2007
MAILED FROM ZIP CODE 83700

Director's Report
WR # 67-621
67-622
67-14105

SCANNED

MAR 13 2007

05/16/2007

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

RIGHT NUMBER: 67-621

NAME AND ADDRESS: CAPURRO FAMILY TRUST
1041 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.400 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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: 06/01/1911

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.

POINT OF DIVERSION:

T11N R04W S6 NWNENW Within WASHINGTON County

T12N R05W S25 NWNENE 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	0.400 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R04W S07	SWNE	4.00	T11N R04W S07	SENE	10.00
T11N R04W S07	NESW	6.00			

STOCKWATER in WASHINGTON County

T11N R04W S07	SWNE	T11N R04W S07	SENE
T11N R04W S07	NESW		

20 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

WATER RIGHT NUMBER: 67-621 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAPURRO FAMILY TRUST 1041 MANN CREEK RD WEISER, ID 83672
Directors Report Owner	CAPURRO PROPERTIES LIMITED PARTNERSHIP 1041 MANN CREEK RD WEISER, ID 83672 (208) 549-1381
Directors Report Owner	HELEN TIFFIN 1041 MANN CREEK RD WEISER, ID 83672 (208) 549-2898
Original Owner	CHARLES H BOHRER WEISER, ID

Priority Date: 06/01/1911

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	0.400 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

MANN CREEK	NW1/4NE1/4NE1/4	Sec. 25, Twp 12N, Rge 05W, B.M.
WASHINGTON County		
MANN CREEK	NW1/4NE1/4NW1/4	Sec. 6, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
11N	04W	7	4.0	10.0	6.0		20.0

Total Acres: 20

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N 04W	7			X					X	X								

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
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 to all 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.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. 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.
6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Remarks:Comments:

1. segbert 6/17/2004 POU

Comment: There is no township and range listed on the decree for this right

2. mvanbussum 12/14/2006 NOE Water Use

Comment: Per NOE correspondence, claimant stated water used for irrigation and stockwater. This was only claimed for irrigation. Will need an amended claim for stockwater. No changes made.

3. mvanbussum 12/20/2006 NOE Water Use 2

Comment: Claimant amended claim to include in-stream stockwater 12-19-2006.

4. mvanbussum 12/20/2006 NOE POU

Comment: Per claimant initial NOE correspondence, acreage should have been 30. During meeting with Tonya Capurro 12-19-2006, I asked her if there was additional irrigated acreage not included in recommended POU. She said no. No changes to recommended POU.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

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	6/17/2004 2:25:16 PM	segbert			Active
Source	6/17/2004 2:25:42 PM	segbert			Active
POU	6/17/2004 2:26:02 PM	segbert			Active
Use	6/17/2004 2:47:59 PM	segbert			Active
Season	6/17/2004 2:48:19 PM	segbert			Active
Quantity	6/17/2004 2:48:58 PM	segbert			Active
POD	6/17/2004 2:50:15 PM	segbert			Active
Priority Date	11/30/2005 10:51:20 AM	dnarsavage			Active
POD	11/30/2005 10:53:29 AM	dnarsavage			Active
Source	11/30/2005 10:58:39 AM	dnarsavage			Active
POU	11/30/2005 10:58:52 AM	dnarsavage			Active
Use	11/30/2005 11:01:07 AM	dnarsavage			Active
Season	11/30/2005 11:02:05 AM	dnarsavage			Active
Quantity	11/30/2005 11:02:30 AM	dnarsavage			Active
Summary			11/30/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/30/2005 10:55:08 AM	dnarsavage	Updated shape
POD	11/30/2005 10:56:35 AM	dnarsavage	Updated shape
POU	11/30/2005 11:00:02 AM	dnarsavage	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

Use	11/30/2005 11:01:07 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?
POU	10/6/2005 8:41:05 AM	dnarsavage	Updated shape for Active POU
POU	12/20/2006 9:55:21 AM	mvanbussum	Updated shape for Active POU
POU	6/17/2004 2:41:28 PM	segbert	Edited shape boundary
POU	6/17/2004 2:41:50 PM	segbert	Edited shape boundary
POU	6/17/2004 2:46:30 PM	segbert	Edited shape boundary
Use	6/17/2004 2:47:59 PM	segbert	(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	6/17/2004 2:25:17 PM	segbert	(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?
Source	6/17/2004 2:25:43 PM	segbert	(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	6/17/2004 2:26:03 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (No) 5. Does the Decree or License have a POU?
Season	6/17/2004 2:48:19 PM	segbert	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

Quantity	6/17/2004 2:48:59 PM	segbert	(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?
POU	6/17/2004 2:45:05 PM	segbert	Edited shape boundary
POD	6/17/2004 2:50:15 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POD	11/30/2005 10:53:29 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?
POU	11/30/2005 10:58:52 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? (No) 14. Is a POU remark and/or condition required?
Season	11/30/2005 11:02:05 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

Quantity	11/30/2005 11:02:31 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?
Summary	11/30/2005 11:03:10 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? (No) 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?
Source	11/30/2005 10:58:40 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?
General	11/30/2005 10:51:20 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	11/30/2005 10:59:16 AM	dnarsavage	Updated shape for Active POU
POU	11/30/2005 10:59:52 AM	dnarsavage	Edited Season Of Use
POU	2/9/2006 3:35:30 PM	dnarsavage	Updated shape for Active POU

Water Supply Bank:

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)
67-621	-OK to change MVB 5-16-2007				
67-622	-OK to change MVB 5-16-2007 (also part of deed in 67-14101)				

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) CAPURRO Properties Limited Partnership

4. New Owner/Claimant(s) CAPURRO Family Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 1041 MANN Creek Rd.

City, State and ZIP Code Weiser, ID 83672

New Telephone Number (208) 549-1381

RECEIVED

APR 17 2007

195427

WHEN RECORDED, RETURN TO:
McAnaney & Associates
1101 W. River Street, Suite 100
Boise, Idaho 83702

QUITCLAIM DEED

GRANTOR, Capurro Properties Limited Partnership, does hereby REMISE, RELEASE and forever QUITCLAIM, unto Allen J. Capurro and Tonya L. Capurro, Trustees of The Capurro Family Trust Agreement, dated April 10, 2002, as amended, whose current address is 1041 Mann Creek Road, Weiser, Idaho 83672, as GRANTEE, and to Grantee's successors and assigns, all of Grantors' right, title and interest in and to the real property situated in Washington County, Idaho, more particularly described as follows:

See Exhibit A attached hereto.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument this 26th day of OCTOBER, 2004.

Capurro Properties Limited Partnership,
an Idaho Limited Partnership

By: Allen J. Capurro
Allen J. Capurro, General Partner

By: Tonya L. Capurro
Tonya L. Capurro, General Partner

Instrument # 195427

WEISER, WASHINGTON, IDAHO

2004-10-29

08:43:00 No. of Pages: 3

Recorded for: MC ANANEY & ASSOCIATES

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: DEED

[Signature]

QUITCLAIM DEED - 1

[M:\Clients\Capurro, Allen and Tonya - 36269\36269.0001 - Estate Planning\QCD-Washington County 83.72 Acres FLP to Trust.DOC]

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Department of Water Resources
Adjudication Bureau

195427

NOTARY

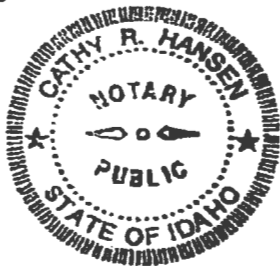
STATE OF IDAHO)

: ss.

County of ADA)

On this TH 26 day of OCTOBER, 2004, before me, the undersigned, a notary public in and for said state, personally appeared Allen J. Capurro and Tonya L. Capurro, known or identified to me to be the general partners of Capurro Properties Limited Partnership, an Idaho limited partnership, and acknowledged to me that they executed the same as the general partners of Capurro Properties Limited Partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Cathy R. Hansen
Notary Public for Idaho
Residing at HORSESHOE BEND, ID
My Commission Expires 6/28/08

QUITCLAIM DEED - 2

[M:\Clients\Capurro, Allen and Tonya - 36269\36269.0001 - Estate Planning\QCD-Washington County 83.72 Acres FLP to Trust.DOC]

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APR 17 2007

Department of Water Resources
Adjudication Bureau

195427

EXHIBIT A

A tract of land located in Sec. 7, Twp. 11 N., R. 4 W., B.M., more particularly described as follows:

Commencing at the northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 7;

Thence South 88°30'17" West, a distance of 2736.57 feet to the TRUE POINT OF BEGINNING;

Thence South 11°31'50" East, a distance of 2636.69 feet, more or less, to a point on the South line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 7;

Thence West along the South line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, to the southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 7;

Thence North along the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, to the northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 7;

Thence North 88°30'17" East, a distance of 1137.40 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH THAT CERTAIN EASEMENT, with the right to grade and slope the same, for purposes of ingress and egress and the location and maintenance of utilities, recorded December 13, 1994, Instrument No. 162027, Official Records, Washington County, Idaho, over, across and under the following described lands located in Washington County, Idaho, and more particularly described to-wit:

Beginning at a point 1137.40 feet East of the northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 11 North, Range 4 West of the Boise Meridian;

Thence East along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 7, to intersect the right-of-way of Mann Creek Road;

Thence southerly to a point 25 feet South of the North line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 7;

Thence West parallel to the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 7, to a point South 11°31'50" East from the point of beginning;

Thence North 11°31'50" West a distance of 25 feet, more or less, to the point of beginning.

QUITCLAIM DEED - 3

[M:\Clients\Capurro, Allen and Towya - 36269\Estate Planning - 36269.0001\QCD-Washington County 83.72 Acres FLP to Trust.DOC]

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Department of Water Resources
Adjudication Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 11, 2007

Allen and Tonya Capurro
1041 Manns Creek Rd
Weiser ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Change in Water Right Ownership - #67-621, 67-622 and 67-14105

Dear Allen and Tonya,

Thank you for your patience as we have processed changes in ownership for your water rights. As you can see from this Notice of Completed Administrative Proceeding, we have modified our records to reflect your ownership of Water Right Claims #67-621 and 67-622. Water Right Claim #67-14105 is already in the name of the Capurro Family Trust.

In processing the change of ownership, I noticed the Warranty Deed conveying water right claims #67-621 and 67-622 is to Capurro Properties Limited Partnership, not Capurro Family Trust. With the other changes in ownership, the deeds listed Capurro Family Trust. If the name should be Capurro Family Trust, you will need to complete another ownership change form and provide a deed of conveyance from Capurro Properties Limited Partnership to Capurro Family Trust. I've enclosed one should you need it.

As always, please call me at 208/287-4907 if you have any questions or concerns.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent
Adjudication Bureau

MVB:ss:state

Enclosure:

Notice of Change in Water Right Ownership Form

RECEIVED

APR 17 2007

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

Water Rights: 67-621 and 67-622

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
☒ Substitution of Party
☐ IC § 42-222

- ☐ Point of diversion ☐ Place of use
☐ Period of use ☐ Nature of use
☐ Split of water right ☐ Change in ownership

☐ Other:

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water right(s) except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: April 11, 2007

Mon P V
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 12, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W. Fort St. MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase:

Capurro Properties Limited Partnership Helen Tiffin
1041 Mann Creek Rd.
Weiser, ID 83672

Kaz. Law
Signature of person mailing this document

RECEIVED
APR 17 2007

Department of Water Resources
Adjudication Bureau

02/12/2007

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

RIGHT NUMBER: 67-621

NAME AND ADDRESS: CAPURRO PROPERTIES LIMITED PARTNERSHIP
1041 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.400 CFS

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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: 06/01/1911

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.

POINT OF DIVERSION:

T11N R04W S6 NWNENW Within WASHINGTON County

T12N R05W S25 NWNENE 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	0.400 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R04W S07	SWNE	4.00	T11N R04W S07	SENW	10.00
T11N R04W S07	NESW	6.00			

STOCKWATER in WASHINGTON County

T11N R04W S07	SWNE	T11N R04W S07	SENW
T11N R04W S07	NESW		

20 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

RECEIVED
APR 17 2007
Department of Water Resources
Adjudication Bureau

02/12/2007

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

RIGHT NUMBER: 67-622

NAME AND ADDRESS: CAPURRO PROPERTIES LIMITED PARTNERSHIP
1041 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.040 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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: 04/01/1912

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:

T11N R04W S6 NWNENW 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	0.040 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R04W S07 NWSE 2.00

STOCKWATER in WASHINGTON County

T11N R04W S07 NWSE

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RECEIVED
APR 17 2007
Department of Water Resources
Adjudication Bureau

MEMORANDUM

TO: Sally Sherman

FROM: Monica Van Bussum

DATE: February 12, 2007

RE: Change of ownership for 67-621 and 67-622, referencing 67-14105

I have already done all the data entry and am including a copy of recommendations for 67-621 and 67-622 if you will take care of the NCAPs.

67-621 and 67-622 were mentioned with a change of ownership for 67-14105. The change of ownership for 67-14105 has already been completed. Because it was related to these files and on the same form, I am including the file in this packet. Nothing needs to be done with 67-14105 at this time. It's just included for reference.

Also, all of the other changes of ownership for the Capurro family have put ownership in the name of the Capurro Family Trust. In your note to the Capurros, please mention this name is different and let them know if they want to change the name to Capurro Family Trust, they will need to send another change of ownership form.

I realize this will be an extra step for you, but I think the claimants will appreciate it.

Thanks!

SCANNED
APR 11 2007

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)
	67-621			okay to change per deed received 2-6-2007	MVB 2-9-2007
	67-622			okay to change per deed received 2-6-2007	MVB 2-9-2007
	67-14105			okay to change	MVB 1-23-2007

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)

Helen Tiffin

1041 Manns Creek Rd Weiser ID 83672

4. New Owner/Claimant(s)

Capuno Family Trust

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1041 Mann Creek Rd

City, State and ZIP Code

Weiser ID 83672

New Telephone Number

(208) 549-1381

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.

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) *Sonya Capuno* _____
 (title if applicable)

 (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 *Esther AJ* Date *1-26-07* WR _____ Date _____

NCAP prepared.

SCANNED

JAN 26 2007

INSTRUMENT NO. 179083
PAGE 1 OF 2

QUITCLAIM DEED

For Value Received ALLEN J. CAPURRO and TONYA L. CAPURRO, the Grantors, do hereby remise, release and forever quit-claim unto THE CAPURRO FAMILY TRUST, Allen J. Capurro and Tonya L. Capurro, Co-Trustees UTA dated July 23, 1997, the Grantee, whose address is 1041 Mann Creek Road, Weiser, Idaho 83672, all the following described real estate situated in the County of Washington, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT 'A':

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever.

Dated this 17th day of March, 2000.

Allen J. Capurro
Allen J. Capurro

Tonya L. Capurro
Tonya L. Capurro

STATE OF IDAHO)
) SS
County of Washington)

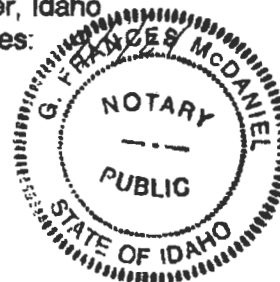
On this 17th day of March, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared ALLEN J. CAPURRO and TONYA L. CAPURRO, known to me to be the person(s) who signed the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

INSTRUMENT NO. 179083
STATE OF IDAHO, COUNTY OF WASHINGTON ss,
Filed for record at the request of
WASHINGTON COUNTY TITLE
37 Min. past FOURTEEN o'clock P.M.
This 17TH day of MARCH 20 00
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$6.00
By G. Frances McDaniel Deputy
WASHINGTON COUNTY TITLE

Comp. Index
Comp. Rel.
Film
Comptone
Card Rel.
Sk. Rel.
Up-Date
Return
Copy

G. Frances McDaniel
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires:



SCANNED
JAN 26 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0820

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
GovernorKARL J. DREHER
Director

A tract of land located in Section 7, Township 11 North, Range 4 West, Boise Meridian, Washington County, Idaho, more particularly described as follows:

Beginning at the Northeast corner (reset by evidence) of the Southeast quarter of the Northeast quarter of said Section 7;

thence S 80°30'17" W a distance of 633.11 feet to the REAL POINT OF BEGINNING;

thence S 78°18'48" E a distance of 90.65 feet;

thence S 11°47'06" E a distance of 90.65 feet;

thence S 1°23'48" W a distance of 245.67 feet;

thence S 11°20'17" E a distance of 234.10 feet;

thence S 24°04'25" E a distance of 207.53 feet;

thence S 12°16'05" E a distance of 195.77 feet;

thence S 0°57'42" E a distance of 495.23 feet;

thence N 89°23'59" W a distance of 27.57 feet;

thence S 0°36'01" W a distance of 239.80 feet;

thence S 4°25'29" W a distance of 100.45 feet;

thence S 4°36'31" E a distance of 115.61 feet;

thence S 0°36'01" W a distance of 227.67 feet;

thence S 89°23'59" E a distance of 123.77 feet;

thence S 3°58'09" W a distance of 123.77 feet;

thence S 88°06'42" W a distance of 1821.06 feet;

thence N 11°31'50" W a distance of 2636.69 feet;

thence N 88°30'17" E a distance of 2103.46 feet to the REAL POINT OF BEGINNING.

SCANNED
JAN 26 2007

INSTRUMENT NO. 179084
PAGE 1 OF 2

QUITCLAIM DEED

For Value Received ALLEN J. CAPURRO and TONYA L. CAPURRO, the Grantors, do hereby remise, release and forever quit-claim unto THE CAPURRO FAMILY TRUST, Allen J. Capurro and Tonya L. Capurro, Co-Trustees UTA dated July 23, 1997, the Grantee, whose address is 1041 Mann Creek Road, Weiser, Idaho 83672, all the following described real estate situated in the County of Washington, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT 'A':

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever.

Dated this 17th day of March, 2000.

Allen J. Capurro
Allen J. Capurro

Tonya L. Capurro
Tonya L. Capurro

STATE OF IDAHO)
 : ss
County of Washington)

On this 17 day of March, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared ALLEN J. CAPURRO and TONYA L. CAPURRO, known to me to be the person(s) who signed the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

INSTRUMENT NO. 179084
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
WASHINGTON COUNTY TITLE
37 Min. past FOURTEEN o'clock P.M.
This 17TH day of MARCH 20 00
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$6.00
By Sharon Widner Deputy
WASHINGTON COUNTY TITLE

Comp. Index
Comp. Rel.
Film
Compare
Card Rel.
Etc. Rel.
Up-date
Reform
Copy

G. Frances McDaniel
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires 12/31/01



SCANNED
JAN 26 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

EXHIBIT A

JAMES E. RISCH
GovernorKARL J. DREHER
DirectorTRACT 1

TOWNSHIP 11 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 7: All that part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying easterly of the centerline of the right of way for Mann Creek Road as said road crosses said subdivision;

Section 8: N $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING right of way for Mann Creek Road.

TRACT 2

TOWNSHIP 11 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 7: A parcel of land lying on the westerly side of Mann Creek Road in the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows: Beginning at the northeast corner (reset by evidence) of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7; thence South a distance of 1474.68 feet; thence West 351.02 feet to the REAL POINT OF BEGINNING; thence S 0° 36' 01" W a distance of 682.83 feet; thence N 89° 23' 59" W a distance of 123.77 feet; thence N 0° 36' 01" E a distance of 227.67 feet; thence N 4° 36' 31" W a distance of 115.61 feet; thence N 4° 25' 29" E a distance of 100.45 feet; thence N 0° 36' 01" E a distance of 239.80 feet; thence S 89° 23' 59" E a distance of 127.57 feet to the REAL POINT OF BEGINNING.

SCANNED

JAN 26 2007

Allen & Tonya Capurro
1041 Mann Creek Rd.
Weiser, Id. 83672
(208)549-1381
(208)549-3889 fax

Send To:

Monica Van Bussen
Id. Dept Water Res
208-287-6700

Total pages, including cover:

3

Comments:

SCANNED
FEB 12 2007

67-621#67-622

Approved by:

Initials _____

WARRANTY DEED

FOR VALUE RECEIVED, WALDON E. ISOM and SHEILA SUMMERHAYS ISOM, husband and wife, the Grantors, do hereby, grant, bargain, sell and convey unto CAPURRO PROPERTIES LIMITED PARTNERSHIP, the Grantee, whose address is 1041 Mann Creek Road, Weiser, ID 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

LEGAL DESCRIPTION ATTACHED - MARKED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 30th day of October, 2001.

Waldon E. Isom

Waldon E. Isom

Sheila Summerhays Isom

Sheila Summerhays Isom

STATE OF IDAHO)

: ss

County of Washington)

On this 30th day of October, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared WALDON E. ISOM and SHEILA SUMMERHAYS ISOM known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Clarence H. Knight

Notary Public for Idaho

Residing at Weiser, Idaho

Commission expires: 09/07/05

Instrument # 184196

WEISER, WASHINGTON, IDAHO

2001-10-30 04:27:00 No. of Pages: 2

Recorded for : WASHINGTON COUNTY TITLE

SHARON WIDNER

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED



184196

EXHIBIT "A"

Attached to Isom/Capurro Warranty Deed

A tract of land located in Sec. 7, Twp. 11 N., R. 4 W., B.M., more particularly described as follows:

Commencing at the northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 7;

Thence South 88°30'17" West, a distance of 2736.57 feet to the TRUE POINT OF BEGINNING;

Thence South 11°31'50" East, a distance of 2636.69 feet, more or less, to a point on the South line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 7;

Thence West along the South line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, to the southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 7;

Thence North along the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, to the northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 7;

Thence North 88°30'17" East, a distance of 1137.40 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH THAT CERTAIN EASEMENT, with the right to grade and slope the same, for purposes of ingress and egress and the location and maintenance of utilities, recorded December 13, 1994, Instrument No. 162027, Official Records, Washington County, Idaho, over, across and under the following described lands located in Washington County, Idaho, and more particularly described to-wit:

Beginning at a point 1137.40 feet East of the northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 11 North, Range 4 West of the Boise Meridian;

Thence East along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 7, to intersect the right-of-way of Mann Creek Road;

Thence southerly to a point 25 feet South of the North line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 7;

Thence West parallel to the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 7, to a point South 11°31'50" East from the point of beginning;

Thence North 11°31'50" West a distance of 25 feet, more or less, to the point of beginning.

SCANNED
FEB 12 2007

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 67-621
Date Received: 10/3/1989
Receipt No: M004775
Received By:

AMENDED CLAIM

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

1. Name of Claimant(s)

CAPURRO FAMILY TRUST Phone: (208) 549-1381

1041 MANN CREEK RD
WEISER ID USA 83672

2. Date of Priority: 06/01/1911

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	25	NW NE NE	WASHINGTON	
11N	04W	6	NW NE NW	WASHINGTON	

5. Description of diverting works:

SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.6	
STOCKWATER	1/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

IN-STREAM STOCKWATER

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
11N	04W	7	SE NW	IRRIGATION	17

SCANNED
DEC 20 2006

SE	NW	STOCKWATER	
SW	NE	IRRIGATION	5
SW	NE	STOCKWATER	
NE	SW	IRRIGATION	8
NE	SW	STOCKWATER	
Section Acres			30
Total Acres			30

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:

DESC. OF DIVERTING WORKS - DIVERSION IS VIA THE HANNAH DITCH AND THE LYNCH DITCH. HEADGATES FROM DITCHES, GRAVITY FLOW, FLOOD IRRIGATION. NOTE: THIS RIGHT IS SHOWN IN THE DECREE AS BEING FROM THE HANNAH DITCH ONLY. HOWEVER, THE LEGAL DESCRIPTION GIVEN SHOWS THE SENW AND THE NESW WHICH CAN BE IRRIGATED FROM THE HANNAH DITCH. IT ALSO SHOWS THE SENE WHICH IS ACROSS THE CREEK AND TWO OTHER DITCHES FROM THE HANNAH DITCH AND COULD NOT HAVE BEEN AND NEVER HAS BEEN IRRIGATED FROM THE HANNAH DITCH. THE CLAIMANT DOES HAVE PROPERTY IRRIGATED FROM THE LYNCH DITCH THAT IS NOT COVERED UNDER ANY FILINGS, BUT HAS BEEN DELIVERED AND ASSESSED FOR YEARS. THIS LAND COULD HAVE BEEN IRRIGATED BY THE HANNAH DITCH AND MAY HAVE BEEN TRADED TO BE DELIVERED OUT OF THE LYNCH DITCH AFTER THE DECREE. THEREFORE, THIS RIGHT IS BEING FILED SHOWING BOTH THE HANNAH AND LYNCH AS THE DIVERSION.

AMENDED CLAIM TO INCLUDE STOCKWATER. MVB 12-19-2006

15. Basis of Claim: Decreed

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.

SCANNED
DEC 20 2006

Number of attachments: _____

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): Tony Capurso - Trustee of Capurso Family Trust Date: 12-19-06

_____ Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19th
of December 2006 Craig L. Saxton

Notary Public

Residing at Boise ID

My commission Expires 8/17/07



SCANNED
DEC 20 2006

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: A67-00621
Date Received: 10/03/1989
Receipt No: 1005775
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HELEN TIFFIN 208-549-2898
Address: 1041 MANNS CREEK RD.
WEISER, ID 83672

2. Date of Priority: JUN 01, 1911

3. Source: MANNS 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	NE	NW		WASHINGTON
12N	05W	25	NW	NE	NE		WASHINGTON

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	04W	7	SW	NE		IRR	5.0
			SE	NW		IRR	17.0

A67-00621

Page 1

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	7	NE SW		IRR	8.0
Section Acres						30.0
Total Acres						30.0

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:
NONE.

14. Remarks:

DESC. OF DIVERTING WORKS - DIVERSION IS VIA THE HANNAH DITCH AND THE LYNCH DITCH. HEADGATES FROM DITCHES, GRAVITY FLOW, FLOOD IRRIGATION. NOTE: THIS RIGHT IS SHOWN IN THE DECREE AS BEING FROM THE HANNAH DITCH ONLY. HOWEVER, THE LEGAL DESCRIPTION GIVEN SHOWS THE SENW AND THE NESW WHICH CAN BE IRRIGATED FROM THE HANNAH DITCH. IT ALSO SHOWS THE SENE WHICH IS ACROSS THE CREEK AND TWO OTHER DITCHES FROM THE HANNAH DITCH AND COULD NOT HAVE BEEN AND NEVER HAS BEEN IRRIGATED FROM THE HANNAH DITCH. THE CLAIMANT DOES HAVE PROPERTY IRRIGATED FROM THE LYNCH DITCH THAT IS NOT COVERED UNDER ANY FILINGS, BUT HAS BEEN DELIVERED AND ASSESSED FOR YEARS. THIS LAND COULD HAVE BEEN IRRIGATED BY THE HANNAH DITCH AND MAY HAVE BEEN TRADED TO BE DELIVERED OUT OF THE LYNCH DITCH AFTER THE DECREE. THEREFORE, THIS RIGHT IS BEING FILED SHOWING BOTH THE HANNAH AND LYNCH AS THE DIVERSION.

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: 0 MAP FILED IN A67-00537

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): Nelen Triffin Date: 10/3/89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of October 19 89 Jan Thurtell
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 12 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: 67-621

HELEN TIFFIN
1041 MANNS CREEK RD
WEISER ID 83672
Telephone Number: (208)549-2898

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

① Use ② owner ③ number of ac.

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

① Used for irrigation & stockwater
② Bought by Capurro Family Trust 1998
③ Should be 30 ac. total

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

#3 Your Adjudication Report dtd 9/24/98 shows 30 ac.

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

DATE: 12-7-06

SIGNATURE:

Tonya Capurro

Please print your name:

TONYA CAPURRO

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

NO E review

- Use → claimed for ^{irrigation} ~~stockwater~~ - will need amended claim to include stock
- Owner → send c/o
- Acreage → ask claimant during appointment 12/19
looks like a hole in the middle of POU - is that the additional 10 acres?

MVB 12-14-06

SCANNED

DEC 13 2006

AJ5809NP
No. A67-00621

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/24/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HELEN TIFFIN 1041 MANNS CREEK RD WEISER ID 83672 (208) 549-2898	06/01/1911	IRRIGATION	03-15 11-15	0.60 CFS	
TOTAL DIVERSION:					0.60 CFS	

Water Source: MANNS CREEK

Tributary to: WEISER RIVER

Stage: DECREED

Point(s) of Diversion: T11N R04W S06
T12N R05W S25

NWNENW
NWNENE

WASHINGTON County
WASHINGTON County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: SUM
11N	04W	7	:			05	:					17	:		08	:			
TOTAL ACRES																			30.0

POU County: WASHINGTON

Non-Irrigation Uses: NONE.

Other Rights: NONE.

Remarks: GEN DESC. OF DIVERTING WORKS - DIVERSION IS VIA THE HANNAH DITCH AND THE LYNCH DITCH. HEADGATES FROM DITCHES, GRAVITY FLOW, FLOOD IRRIGATION. NOTE: THIS RIGHT IS SHOWN IN THE DECREE AS BEING FROM THE HANNAH DITCH ONLY. HOWEVER, THE LEGAL DESCRIPTION GIVEN SHOWS THE SENW AND THE NESW WHICH CAN BE IRRIGATED FROM THE HANNAH DITCH. IT ALSO SHOWS THE SENE WHICH IS ACROSS THE CREEK AND TWO OTHER DITCHES FROM THE HANNAH DITCH AND COULD NOT HAVE BEEN AND NEVER HAS BEEN IRRIGATED FROM THE HANNAH DITCH. THE CLAIMANT DOES HAVE PROPERTY IRRIGATED FROM THE LYNCH DITCH THAT IS NOT COVERED UNDER ANY FILINGS, BUT HAS BEEN DELIVERED AND ASSESSED FOR YEARS. THIS LAND COULD HAVE BEEN IRRIGATED BY THE HANNAH DITCH AND MAY HAVE BEEN TRADED TO BE DELIVERED OUT OF THE LYNCH DITCH AFTER THE DECREE. THEREFORE, THIS RIGHT IS BEING FILED SHOWING BOTH THE HANNAH AND LYNCH AS THE DIVERSION.

Dates: Exam Made Date: Verified Date: 04/23/1985 Objection Filed Date:

Misc: Water District Number: 67 Field Inspection Flag:
Presumption Flag:

SCANNED
DEC 13 2006

Adjudication Recommendation Report 67-621 V1

WATER RIGHT NUMBER: 67-621 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

11N 04W 7		X		X		X			
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Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
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 to all 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.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. 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.
6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Remarks:Comments:

1. segbert 6/17/2004 POU

Comment: There is no township and range listed on the decree for this right

2. mvanbussum 12/14/2006 NOE Water Use

Comment: Per NOE correspondence, claimant stated water used for irrigation and stockwater. This was only claimed for irrigation. Will need an amended claim for stockwater. No changes made.

3. mvanbussum 12/20/2006 NOE Water Use 2

Comment: Claimant amended claim to include in-stream stockwater 12-19-2006.

4. mvanbussum 12/20/2006 NOE POU

Comment: Per claimant initial NOE correspondence, acreage should have been 30. During meeting with Tonya Capurro 12-19-2006, I asked her if there was additional irrigated acreage not included in recommended POU. She said no. No changes to recommended POU.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

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	6/17/2004 2:25:16 PM	segbert			Active
Source	6/17/2004 2:25:42 PM	segbert			Active
POU	6/17/2004 2:26:02 PM	segbert			Active
Use	6/17/2004 2:47:59 PM	segbert			Active
Season	6/17/2004 2:48:19 PM	segbert			Active
Quantity	6/17/2004 2:48:58 PM	segbert			Active
POD	6/17/2004 2:50:15 PM	segbert			Active
Priority Date	11/30/2005 10:51:20 AM	dnarsavage			Active
POD	11/30/2005 10:53:29 AM	dnarsavage			Active
Source	11/30/2005 10:58:39 AM	dnarsavage			Active
POU	11/30/2005 10:58:52 AM	dnarsavage			Active
Use	11/30/2005 11:01:07 AM	dnarsavage			Active
Season	11/30/2005 11:02:05 AM	dnarsavage			Active
Quantity	11/30/2005 11:02:30 AM	dnarsavage			Active
Summary			11/30/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/30/2005 10:55:08 AM	dnarsavage	Updated shape
POD	11/30/2005 10:56:35 AM	dnarsavage	Updated shape
POU	11/30/2005 11:00:02 AM	dnarsavage	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

Use	11/30/2005 11:01:07 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?
POU	10/6/2005 8:41:05 AM	dnarsavage	Updated shape for Active POU
POU	12/20/2006 9:55:21 AM	mvanbussum	Updated shape for Active POU
POU	6/17/2004 2:41:28 PM	segbert	Edited shape boundary
POU	6/17/2004 2:41:50 PM	segbert	Edited shape boundary
POU	6/17/2004 2:46:30 PM	segbert	Edited shape boundary
Use	6/17/2004 2:47:59 PM	segbert	(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	6/17/2004 2:25:17 PM	segbert	(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?
Source	6/17/2004 2:25:43 PM	segbert	(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	6/17/2004 2:26:03 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (No) 5. Does the Decree or License have a POU?
Season	6/17/2004 2:48:19 PM	segbert	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

Quantity	6/17/2004 2:48:59 PM	segbert	(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?
POU	6/17/2004 2:45:05 PM	segbert	Edited shape boundary
POD	6/17/2004 2:50:15 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POD	11/30/2005 10:53:29 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?
POU	11/30/2005 10:58:52 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? (No) 14. Is a POU remark and/or condition required?
Season	11/30/2005 11:02:05 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-621 V1

Quantity	11/30/2005 11:02:31 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?
Summary	11/30/2005 11:03:10 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? (No) 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?
Source	11/30/2005 10:58:40 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?
General	11/30/2005 10:51:20 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	11/30/2005 10:59:16 AM	dnarsavage	Updated shape for Active POU
POU	11/30/2005 10:59:52 AM	dnarsavage	Edited Season Of Use
POU	2/9/2006 3:35:30 PM	dnarsavage	Updated shape for Active POU

Water Supply Bank:



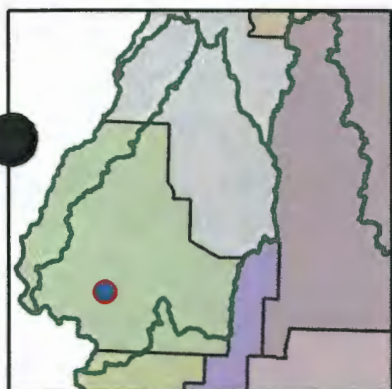
Idaho Department of Water Resources

Adjudication Claim:

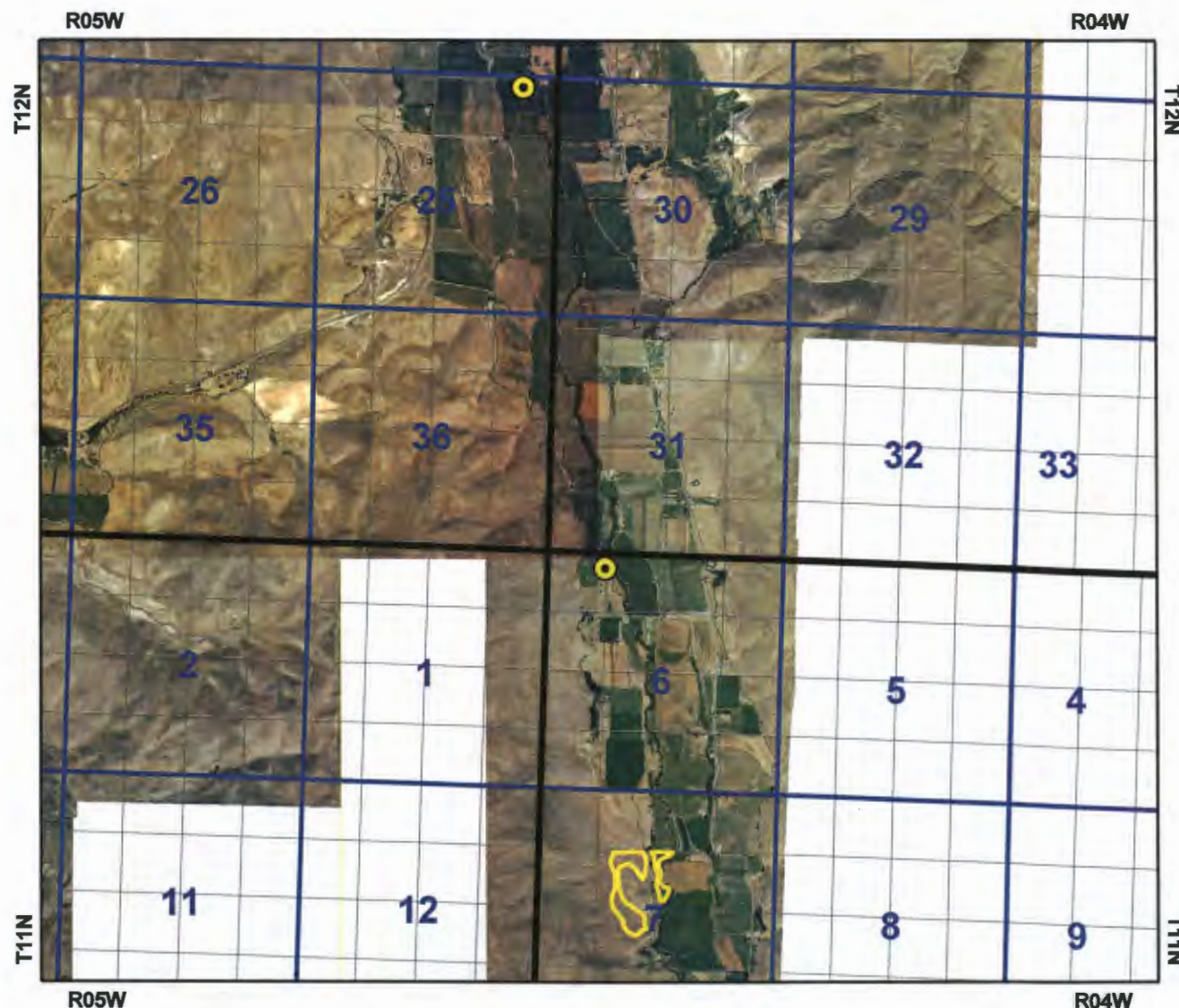
67-621

Legend

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



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Tuesday, February 7, 2006
1987/88 Aerial Photography

67-621

