

02/08/2007

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

RIGHT NUMBER: 67-623
NAME AND ADDRESS: M STEWART BRENT
660 ADOBE
WEISER ID 83672

J ELAINE BRENT
660 ADOBE
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.400 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: 04/01/1912

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
T11N R04W S7 NWSWE 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

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R04W S07 SWSE 20.00

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.

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 67-623 V1

WATER RIGHT NUMBER: 67-623 V1

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	RETAH G BRENT 1011 MANN CREEK RD WEISER, ID 83672 (208)549-2259
Directors Report Owner	MERLIN E BRENT 1011 MANN CREEK RD WEISER, ID 83672 (208)549-2259
Original Owner	W ROY BRENT
Current Owner	WEISER, ID M STEWART BRENT 660 ADOBE WEISER, ID 83672 (208)549-3343
Current Owner	J ELAINE BRENT 660 ADOBE WEISER, ID 83672 (208)549-3343

Priority Date: 04/01/1912

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	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

MANN CREEK	NW1/4SW1/4SE1/4	Sec. 7,	Twp 11N,	Rge 04W, 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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04W	7															20.0		20.0

Total Acres: 20

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-623 V1

Conditions of Approval:

1. 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.
2. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate only to all rights identified as Primary Rights on Mann Creek.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
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. dnarsavage 5/24/2006 POD

Comment: 67-4537 claims an additional point of diversion on the ground claimed here. 67-4537 is being disallowed since 67-623 fully covers the ground claimed here, so I am using that claim to support an accomplished change in POD for this right.

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: A67-00623
Date Received: 10/20/1989
Receipt No: C012480
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLIN E. BRENT 208-549-2259
Address: 1011 MANN CK. RD.
WEISER, ID 83672

Name: RETAH G. BRENT 208-549-2259
Address: 1011 MANN CK. RD.
WEISER, ID 83672

2. Date of Priority: APR 01, 1912

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

5. Description of diverting works:
HEADGATE AND GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/15	0.400		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

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

RECEIVED

OCT 20 1989

Ident. Number: A67-00623
Date Received: 10/17/1989
Receipt No: C012480
Received By: OK

posted 10/19/89
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Department of Water Resources

1. Name: MERLIN E. BRENT 208-549-2259
Address: 1011 MANN CK. RD.
WEISER, ID 83672

Name: RETAH G. BRENT 208-549-2259
Address: 1011 MANN CK. RD.
WEISER, ID 83672

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11N	04W	6	NW	NE	NW		WASHINGTON

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	04W	7	SW SE		IRR	20.0
Section Acres						20.0
Total Acres						20.0

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:
N/A

14. Remarks:
THIS IS A SECONDARY RIGHT.
WATER CARRIED IN THE GILDEROY-LYNCH DITCH.
FLOODWATER .4 CFS.

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: 1

For Individuals:

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

Signature of Claimant(s): Leah L. Drent Date: Oct 17, 1989

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of OCTOBER 19 89 Shirley E. Sully
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

P.D

2511AT



OCT 01 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-623 V1

WATER RIGHT NUMBER: 67-623 V1

<u>Owner Type</u>	<u>Name and Address</u>
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Original Owner	W ROY BRENT WEISER, ID

Priority Date: 04/01/1912

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	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

MANN CREEK	NW1/4SW1/4SE1/4	Sec. 7,	Twp 11N,	Rge 04W, 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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04W	7															20.0		20.0

Total Acres: 20

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-623 V1

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Remarks:Comments:

1. dnarsavage 5/24/2006 POD

Comment: 67-4537 claims an additional point of diversion on the ground claimed here. 67-4537 is being disallowed since 67-623 fully covers the ground claimed here, so I am using that claim to support an accomplished change in POD for this right.

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 3:01:41 PM	segbert			Active
Source	6/17/2004 3:02:01 PM	segbert			Active
POU	6/17/2004 3:02:19 PM	segbert			Active
Use	6/17/2004 3:08:25 PM	segbert			Active
Season	6/17/2004 3:08:44 PM	segbert			Active
Quantity	6/17/2004 3:09:23 PM	segbert			Active
POD	6/17/2004 3:12:55 PM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-623 V1

Priority Date	12/1/2005 11:15:47 AM	dnarsavage	Active
POD	12/1/2005 11:17:00 AM	dnarsavage	Active
Source	12/1/2005 11:18:53 AM	dnarsavage	Active
POU	12/1/2005 11:19:14 AM	dnarsavage	Active
Use	12/1/2005 11:20:16 AM	dnarsavage	Active
Season	12/1/2005 11:20:36 AM	dnarsavage	Active
Quantity	12/1/2005 11:20:57 AM	dnarsavage	Active
Summary	12/01/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	6/17/2004 3:08:25 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?
Season	6/17/2004 3:08:45 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?
Priority Date	6/17/2004 3:01:41 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 3:02:01 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 3:02:19 PM	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? (Yes) 6. Can the claimed POU be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-623 V1

Source	12/1/2005 11:18:54 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	12/1/2005 11:15:48 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?
POD	12/1/2005 11:17:00 AM	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?
POD	12/1/2005 11:18:26 AM	dnarsavage	Updated shape
POU	12/1/2005 11:19:36 AM	dnarsavage	Updated shape for Active POU
POU	12/1/2005 11:19:49 AM	dnarsavage	Edited Season Of Use
POU	12/1/2005 11:19:14 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?
Use	12/1/2005 11:20:16 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-623 V1

Season	12/1/2005 11:20:36 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?
Quantity	12/1/2005 11:20:58 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	12/1/2005 11:21:49 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?
POU	6/17/2004 3:08:07 PM	segbert	Edited shape boundary
Quantity	6/17/2004 3:09:23 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?
POD	6/17/2004 3:12:55 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POU	10/6/2005 9:16:30 AM	dnarsavage	Updated shape for Active POU
POD	5/24/2006 9:54:31 AM	dnarsavage	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-623 V1

Water Supply Bank:



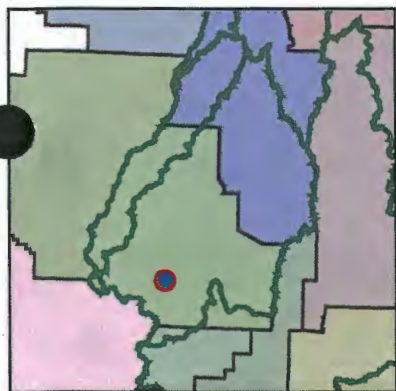
Idaho Department of Water Resources

SRBA Recommendation:

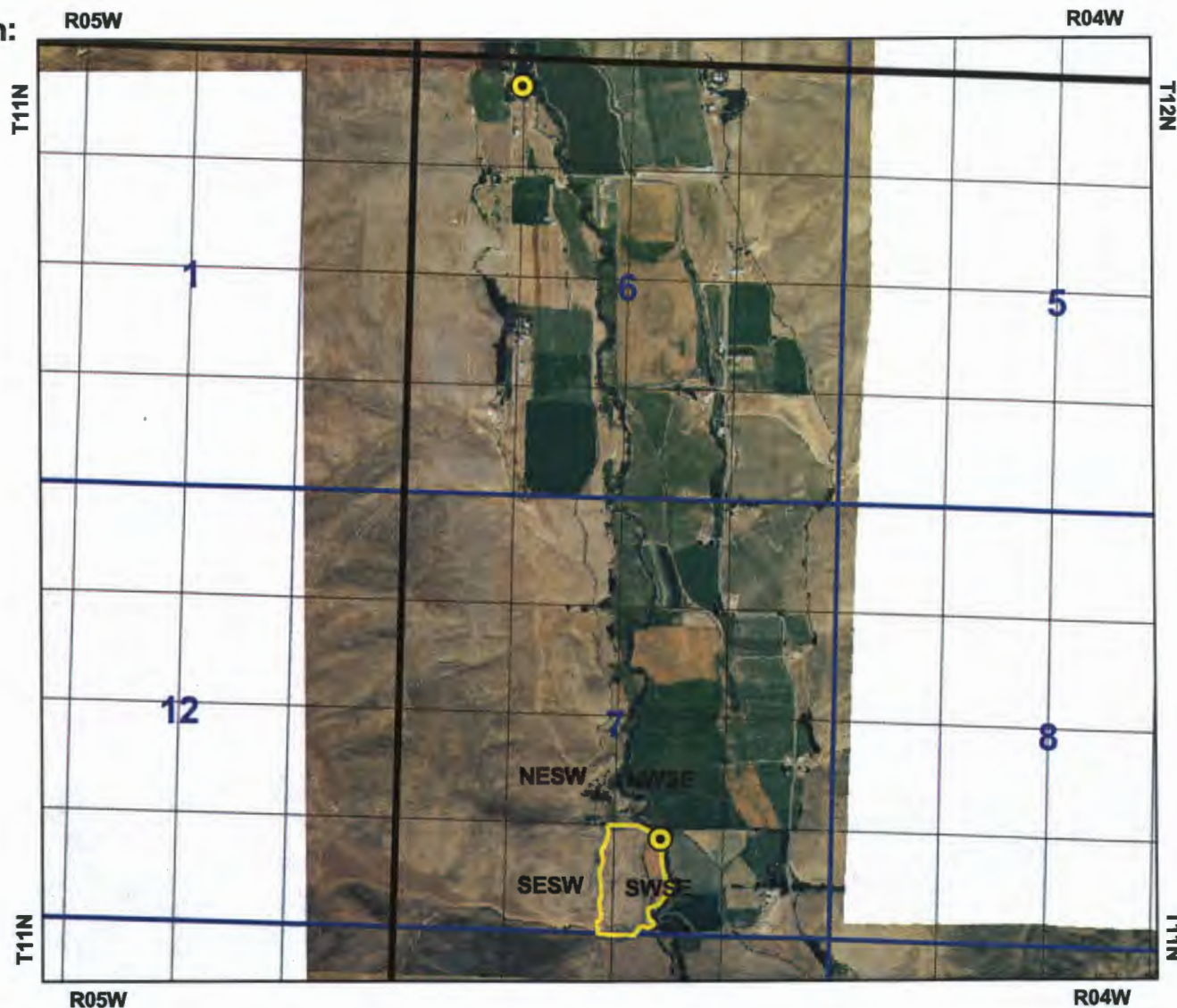
67-623

Legend

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



Washington County
IDWR Basin 67



0 0.8 1.6 Miles

Prepared by D. Narsavage
On Wednesday, May 24, 2006
1987/88 Aerial Photography

67-623

