

08/26/2004

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

RIGHT NUMBER: 25-13326

NAME AND ADDRESS: MATT MANN
13043 N 115 E
IDAHO FALLS ID 83401

SOURCE: UNNAMED STREAM

TRIBUTARY: GRAYS LAKE

QUANTITY: 0.540 CFS

Use of this right with Right No. 25-00002 is limited to a total combined diversion rate of 4.06 cfs.

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

PRIORITY DATE: 02/06/1904

POINT OF DIVERSION:

T03S R43E S17 SWSWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	05/01 10/31	0.540 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03S R43E S19 NENE 27.0

STOCKWATER same as IRRIGATION

27 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 25-00002 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Water rights 25-00002 and 25-00003 have an equal right to the use of these waters and shall divide them in equal amounts when there is not sufficient water.

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: Beneficial Use

Water Right 25-13326

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AUG 27 2004

1

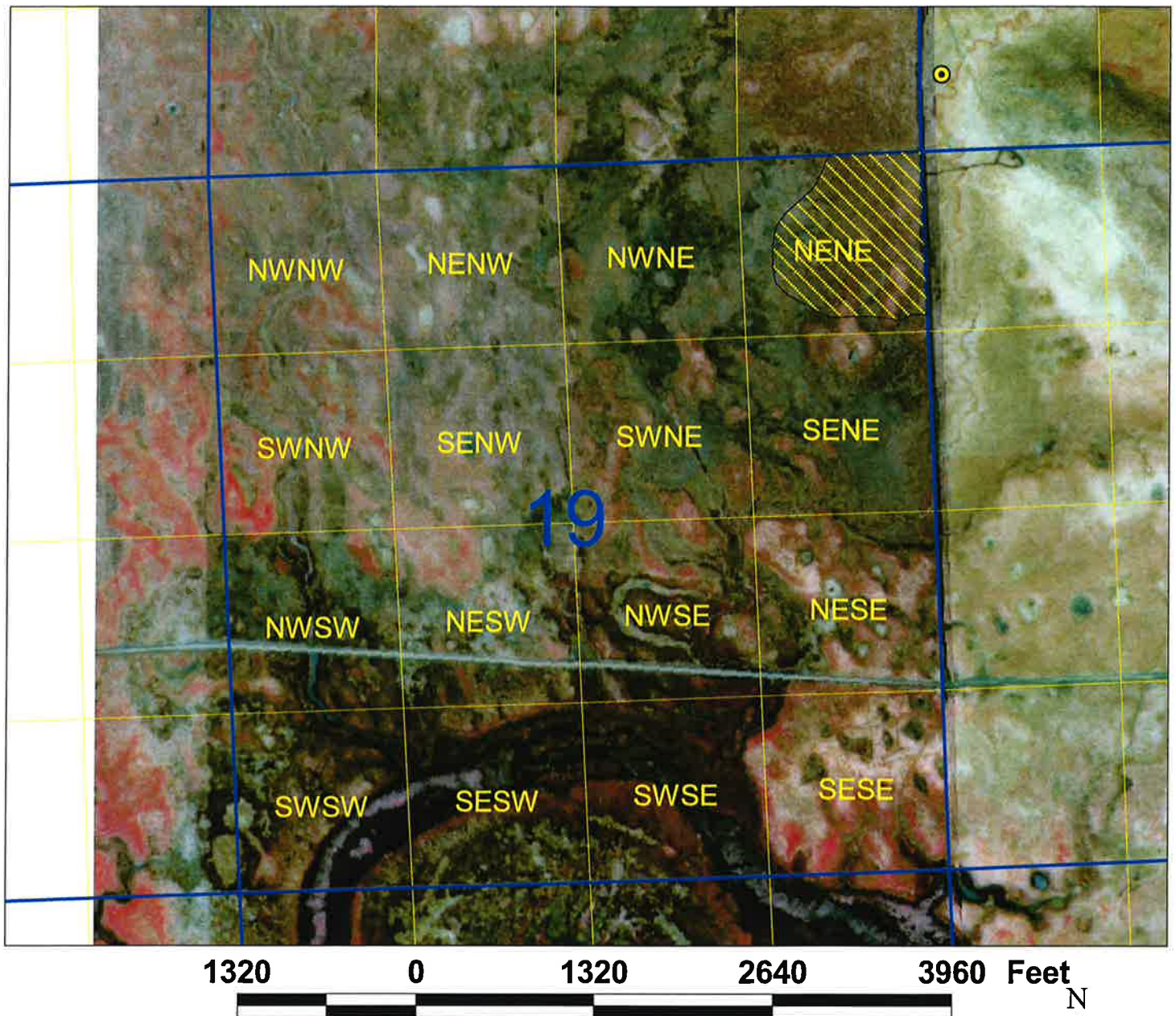


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-13326



- Point of Diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

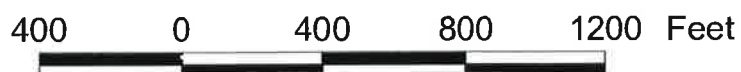
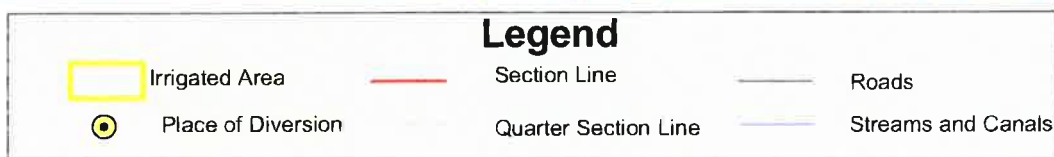
PROFILED



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: August 2004

Water Right Claim Number 25-13326
Township , 3S43E

11/10/2000



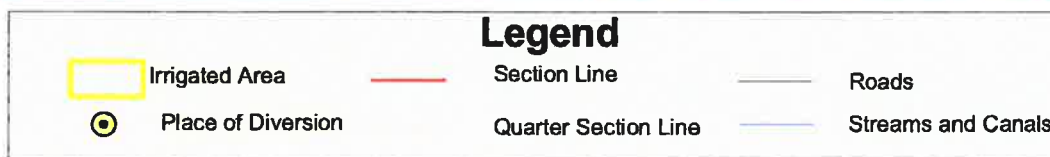
SPATIAL
DYNAMICS



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Water Right Claim Number 25-13326
Township , 3S43E

11/10/2000

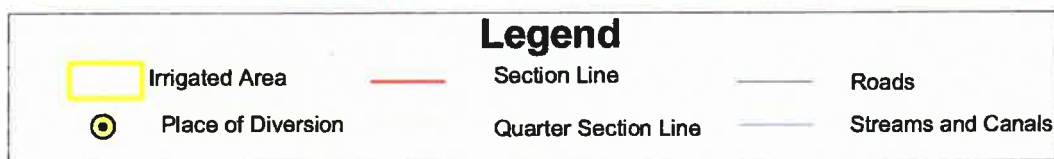
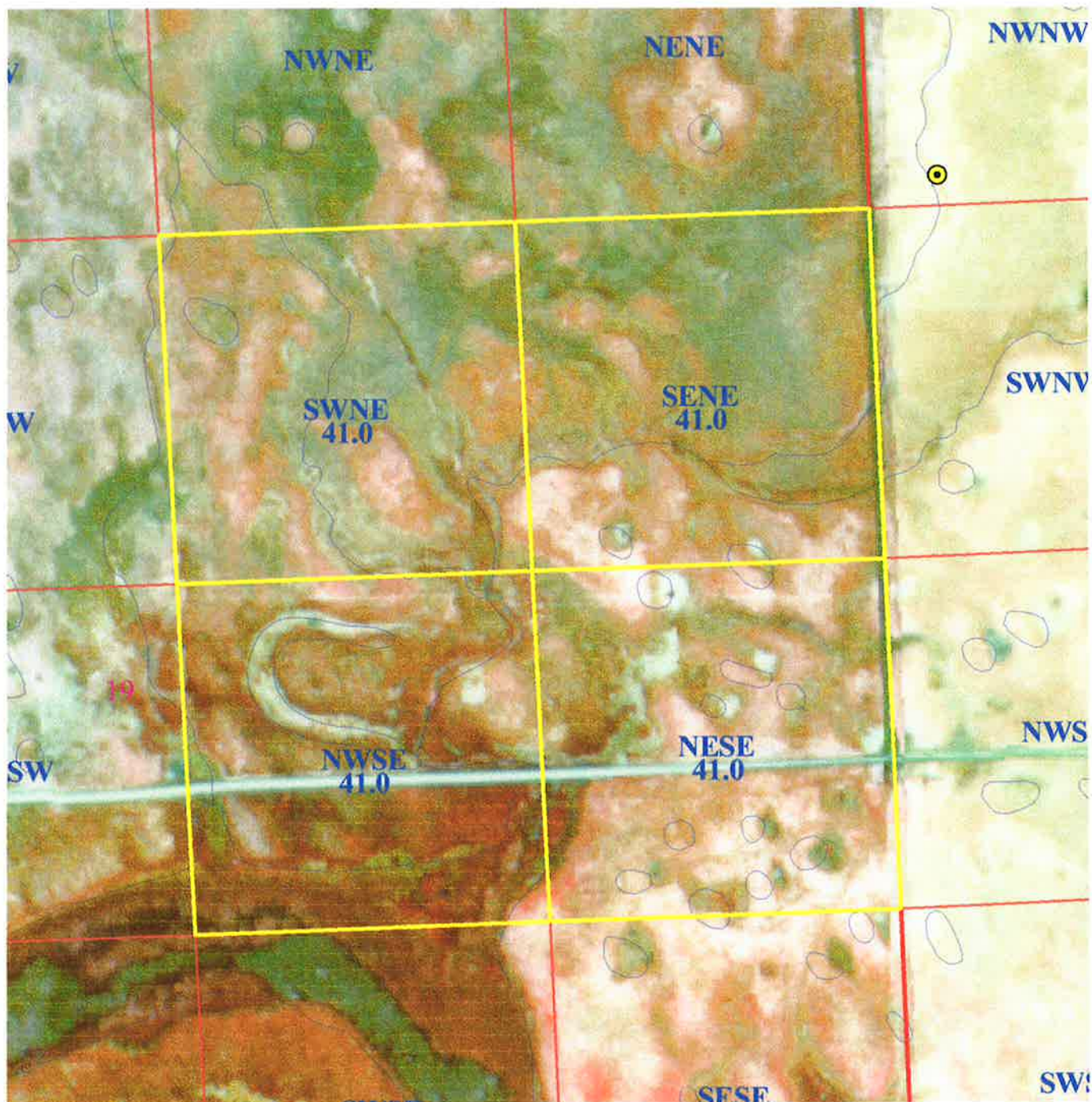


SPATIAL
DYNAMICS



Water Right Claim Number 25-13326
Township , 3S43E

11/10/2000



SPATIAL
DYNAMICS



Field Exam Summary A25-13326
Bryce Contor
Water Resources Field Services

21 November 2003

General Comments

Please see general Posey Creek comments.

This claim apparently is described 1/4 mile too far south, based on my field inspection, what the claimant showed me, and the priority documentation in the file. I have sent a letter inviting the claimant to amend the claim.

The field notes are included with A25-00002 as these two rights were examined together with the same owner.

Ownership

Appears to be correct.

POD

Check the GPS location. From the map it appears that the POD is in the SWSWSW 17, T3S R43E. The GPS location is waypoint 13326, IDTM 707,362E 231,052N.

POU

See my sketch on the layout in the paper file.

Overlap

The POU is overlapped by A25-00002. The POD will possibly be shared with A25-13763 depending on how that right is recommended.

Conflict

See Posey Creek summary.

Priority

See Posey Creek summary.

Quantity

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I propose 0.02 cfs/acre on recommended acres.

Water Use

Livestock and irrigation use confirmed.

List of Photos

- A25-13326_1.jpg Looking west from where the ditch goes under the road, just west of the POD. This is from the NW corner of the POU.
- A25-13326_2.jpg Looking SW at POU from west edge (county road).
- A25-13326_3.jpg Looking west across dam at POD towards POU. POU is on the far side of the pickup.
- A25-13326_4.jpg Looking upstream from lower dam. Both sides of the creek are the claimed POU for A25-13763 in SWSW of section 17.


Bryce A. Contor

21 Nov 2003
Date

*please see notes in A25-10497 re: phone
conversation w/ Kim Morris 11/24/03 BAC*

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Water Resources Field Services
1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

November 21, 2003

Matt Mann
13043 N 115 E
Idaho Falls ID 83401

Re: Adjudication Claim A25-13326, Posey Creek

Dear Mr. Mann:

While doing the write-up for this claim, I noticed that the Place of Use claimed was listed a quarter-mile south of the lands that you showed me. Field inspection, the aerial photos and the Posey Oglesby deed indicate that what you showed me was correct.

The enclosed amended claim adds stockwater use to the claim and corrects the Place of Use. If this looks correct to you, please sign it before a notary and mail it to IDWR at 900 N Skyline, Suite A, Idaho Falls, Idaho 83402. You may also take it into the IDWR office; they can notarize it for you. The yellow copy of each page is for you to keep.

Please call me if you have questions.

Sincerely,

Bryce A. Contor

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AUG 27 2004

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 425-13324

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant (s) Matt Mann Phone (208) 538 7594Mailing Address 13043 N 115 E Idaho Falls ID Zip 834012. Date of Priority (Only one (1) per claim) Jun 15, 18853. Source of water supply (a) Unnamed Stream
which is tributary to (b) Grays Lake4. a. Location of existing point of diversion is: Township 35 Range 43 E Section 17SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____ B.M., County of Bonneville

Additional points of diversion if any: _____

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

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

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

ending point is: Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Dam to ditch to flood
irrigation. Stream known locally as Posey Creek

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 2.0 or

For Stockwater purposes from 1/1 to 12/31 amount 0.04 or

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.04 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 500 pairs range cattle

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
35	43E	19	37	28	188	15													98.8

Total number of acres irrigated 98.8

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

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

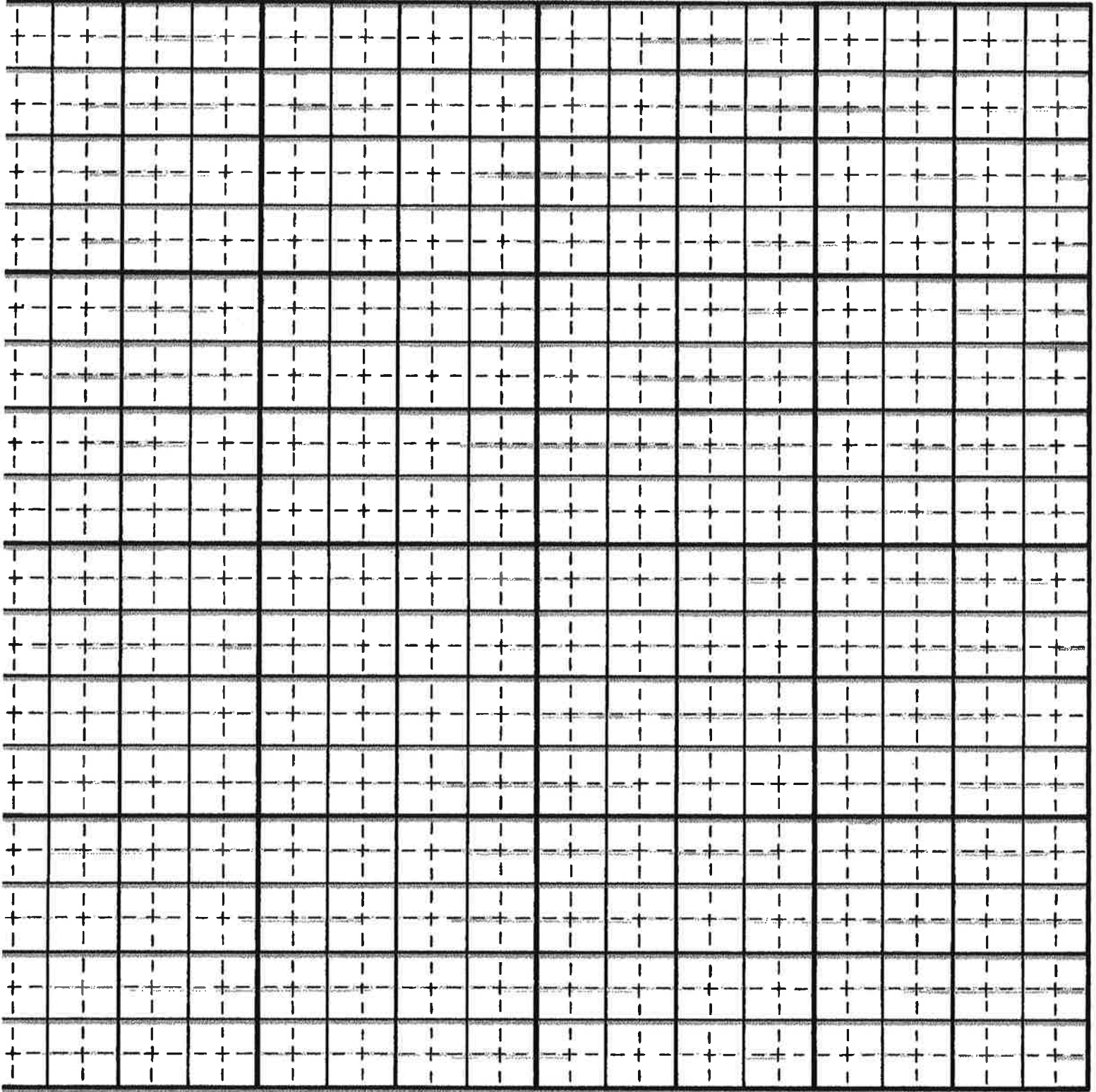
13. Describe any other water rights used at the same place and for the same purposes as described above:
A25-00002 or None ()

14. Remarks: This is an amended claim to clarify the use of stockwater and to correct the location of Point of Diversion and Place of Use

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

Scale: 2 inches equals 1 mile

Please See attached



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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

Decree Number _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title _____
of _____, that I have signed the foregoing
Organization _____
document in the space below as _____ of _____
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

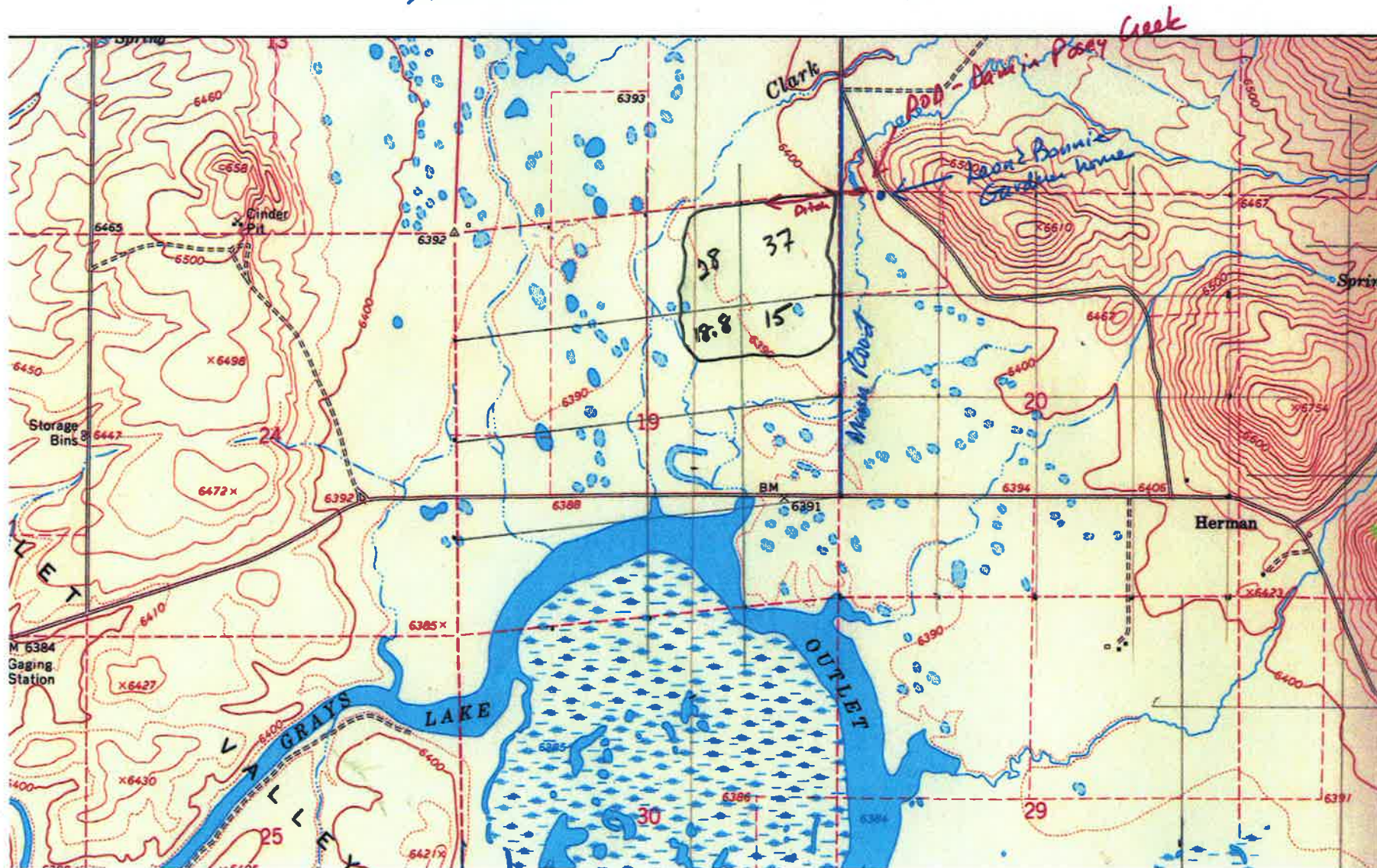
Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

A25-13326 Amended Place of Use | Point of Diversion



T35 R 42 E

T 35 R 43 E

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AUG 27 2004

Field Exam Summary - Posey Creek claims, Basin 25. 20 November 2003

Bryce Contor

Water Resources Field Services

General Comments

There are four claims for Posey Creek water, all beneficial use claims. As outlined below there are two different theories of origin/priority/proof of beneficial use. The documentation is sometimes contradictory. Most of the current sources of information are interested parties. There is active conflict between two of the parties.

Most of the documentation is attached to the copy of this general summary in paper file A25-04152A, the lowest numbered of these claims. Additional documentation provided by individual claimants is in the paper files for their own claims. Attachments and referenced documents are listed at the end. Other documents in the claim files, but not referenced in this summary, are not listed.

This general summary discusses all the claims in relationship to one another and is copied to all the claims files. An individual summary will be prepared for each claim as well.

Ownership

Claim A25-04152A is in the name of Gordon Morris, consistent with assessor's records (attached).

Claim A25-13326 is claimed by Matt Mann. A recent change of ownership documents his ownership of the claimed POU. Note I have proposed an amended claim for a different POU, but this also appears to belong to Mr. Mann.

Claim A25-10497 is in the name of Basil Poulsen but Bonnie Gardner has submitted a change of ownership. Gordon Morris asserts ownership of six acres in the SW of section 20, which appears consistent with the claims and the assessor's plat map (attached). However it is somewhat unclear from the photos how far south irrigation actually extended. The land lays in such a way to allow irrigation into the SW, so I propose splitting the right. I have invited Morris to submit a change of ownership for the six-acre portion.

Claim Bonnie P. Gardner claims A25-13763. The courthouse shows this POU is owned by Leon and Bonnie P. Gardner.

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POD

There are two active points of diversion.

Upper Dam. The "upper dam" point of diversion is a dam in Posey Creek in section 16, north east of all the claimed places of use. It delivers water to a ditch that goes over a ridge and through the claimed POU for A25-04152A in the NE of section 20, then around into the claimed POU of A25-10497 and finally into the south end of the claimed POU of A25-13763. It then potentially spills into the natural channel of Posey Creek, which goes into the south end of the claimed POU of A25-13326 (however this part of the claim appears to be in error, see POU discussion below).

The 1936 affidavit of Arthur Bell in file A25-04152A states this dam delivered "all" the waters of Posey Creek to the east 1/2 of section 20 (corresponding to claim A25-04152A).

The 1973 letter from Kent Foster to IDWR asserts the dam was built in 1921 (but does not claim "personal knowledge") and that there may be "25 or 30" inches of useable water in Posey Creek not diverted by the dam.

Gary Mann indicated that until the dam was rebuilt recently, about 80% of the water went down Posey Creek's natural channel, where it would be available to the north end of A25-13763 and all of A25-13326. Before then the dam was just a hand-dug rock structure. It was rebuilt around ten or eleven years ago, but not more than fifteen years ago.

Matt Mann states that the upper dam washed out in the 1980's and until it was rebuilt the full flow of Posey Creek went down to Matt's lands (A25-13326). Matt states it was rebuilt ten years ago. Currently during high water there is some bypass around the dam, and some water springs up in the channel of Posey Creek below the dam.

Lower Dam. This is an earthen dam at Gardner's driveway, between the SWSW of section 17 and the NWNW of section 20. It diverts water west into Matt Mann's property. There is currently no provision for water to continue south into section 20.

Mrs. Gardner states that this dam is a new development. Mr. Gardner believes it has been there a long time but it used to have a headgate to allow water to go south. Gardners believe the current dam is more recent than 1994 (1984?), which was when the road was changed.

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Matt Mann states that there was a headgate in the dam until the 1970s, but it kept washing out so Manns rebuilt the dam without a headgate.

The pond created by the dam shows on my version of the USGS topo map, based on 1965 aerial photography and field checked in 1966.

POU

A25-04152A. The 1936 affidavit of Arthur Bell asserts the east half of section 20 is the only POU from Posey Creek. This is the only claim in the east half of 20. This 1936 affidavit is the first "personal knowledge" evidence of use on the east half. 1936 is the date of recording; it is unclear when the affidavit was taken.

This POU appears to be somewhat smaller than the claimant's sketch. I propose recommending based on my Terra Server sketch. The NAPP is too hard to interpret. IDWR's GIS shop should be able to scan and rectify the Terra Server images to allow digitizing of the POU.

A25-10497. The 1904 deed from Posey Oglesby to Alexander Brown describes lands in section 20, but not these quarter-quarters. This irrigation would have to be a later development, an accomplished transfer, or an enlargement. The Bill Shultz 1939 affidavit and the Bonnie Gardner 1935 affidavit are quite generic but appear to refer to this irrigation.

See my sketch on the Terra Server image and the claimant's sketch in the original filing. The claimant's sketch is reasonable and probably as good or better than my sketch. I propose recommending as sketched by the claimant, splitting appropriately per the legal description in the change of ownership.

A25-13326. The claim appears to be in error. I have mailed an amended claim to Mr. Mann. The place of use shown me by Mr. Mann is in the NE 1/4 of Section 19. My inspection indicated recent (though probably not in 2003) irrigation.

The 1904 Oglesby/Brown deed specifically includes the NE 1/4 of 19 and references irrigation. Note that this is a conflict with the 1936 Arthur Bell affidavit. A possible explanation is forfeiture and then resumption.

Gary Mann says until the dam was rebuilt "80%" of the water went to this POU. Matt Mann states that now he only receives floodwater that bypasses the dam or spring water that rises in the creek, but that until the dam was rebuilt he enjoyed virtually the full flow of the creek. The existence of the pond on the 1965/1966 USGS quad suggests a history of water in the main channel of the creek.

I propose recommending according to my sketch on the layout, up to the claimed acreage, if Mann amends his claim. The claimed POU has access to the lower reaches of Posey Creek but it is too rough to irrigate. It is likely what Mr. Mann showed me is the correct historical POU.

A25-13763. This parcel is mentioned in the 1904 Oglesby/Alexander Deed and appears to be reflected in the Shutlz and Gardner affidavits. The north half (lands in section 17) could only be irrigated from the natural channel of Posey Creek. Photos A25-13763_1.jpg and A25-13763_2.jpg show no evidence of irrigation of this parcel. Gardners were not comfortable asserting irrigation of this, though they did not specifically acknowledge that it hasn't been irrigated. Matt Mann says Gardners have only irrigated south of their driveway, that is, only in Section 20.

The lands in Section 20 are currently irrigated by the ditch coming around from the south, from the section 16 (upper) dam. This is the water seen in photo A25-13763_3.jpg and is the only evidence I saw of 2003 irrigation on any of these claims.

I believe my sketch on the Terra Server image is quite accurate for the NWNW of section 20. I propose using it to base the A25-13763 recommendation upon.

Overlap

The actual POU of A25-13326 overlaps the south end of A25-00002, though the claimed POU does not. If the claimant files the amended claim the overlap will have to be considered in recommendations.

A25-13326 and (potentially) A25-13763 share the POD at the pond in the SWSW of 17. A25-04252A, A25-10497 and A25-13763 share the dam in section 16 (upper POD).

Conflict

There is a conflict between Gardner and Morris regarding relative quantities of water and ditch maintenance rights, and perhaps even on whether Gardners have a water right.

The deeds produced by Gardner (see *.jpg documents 4,5, and 6) and Morris (see paper file A25-04152A) each convey "1/4" of the underlying existing rights as well as ditch easements. There are a few problems with this split: 1) What happened to the other 2/4? 2) The irrigated acreage is not equal. 3) The deed produced by Gardner does not describe all the lands claimed in A25-10497.

I propose interpreting the intent of the split to allow an equal diversion rate *per acre*. I think water law and the easements already address access for ditch maintenance; there shouldn't be a need to include that in recommendations.

Priority

The Oglesby deed implies a 1904 priority for A25-13763 and A25-13326, which is earlier than documented for the other rights. The Arthur Bell affidavit conflicts with this and implies forfeiture. The Arthur Bell affidavit also appears to conflict with the Dorothy Poulsen affidavit asserting irrigation of A25-13326 and A25-10497. Poulsen's affidavit asserts personal knowledge since February 1935. Bell's affidavit was recorded in 1936 but I don't know when it was given.

I propose getting help from legal staff, but one possibility is to recommend an equal priority of 1935 (based on Dorothy Poulsen's affidavit and an assumption of accomplished transfers) for all the rights. This is based on the following reasoning:

The Oglesby/Alexander deed implies an equal priority between A25-13326 and A25-13763. The Poulsen and Shultz affidavits imply equal priority between A25-04152A, A25-10497, and A25-13763. If there was forfeiture as implied by the Arthur Bell affidavit, the Poulsen, Shultz and Bud Morris affidavits imply resumption. Whatever the basis or history, there is no evidence to suggest a practice of A25-13326 and A25-13763 enjoying senior status to A25-04152A and A25-10497. If indeed they were senior, perhaps there was a subordination or relinquishment of priority along with the resumption.

Quantity

No Manning's equation was done for A25-13326 because the ditch was wide and flat. The headgates and not the channel control likely flow. The ditches appear adequate to support 0.02 cfs/acre.

A Manning's equation on the ditch leading from the upper dam suggests a capacity of 9.5 cfs, which is adequate for 0.02 cfs/acre on all the rights served by the south ditch. Note that the small stream of water observed was reaching all the way to the end of the ditch, so ditch loss is very minor. A bigger issue is the availability of water. This was late in a very dry year, but the streambed itself is small enough to suggest it generally has only modest flows. I propose recommending 0.02 cfs/acre for all rights.

Water Use

Irrigation and stockwater confirmed for all the claims.

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AUG 27 2004

List of Photos

- A25-04152A_1.jpg Upper dam on Posey Creek. This was taken from the hillside on the west. The creek comes in from the left (north) and the natural channel continues to the right. The ditch goes away from the camera to the southeast on the far side of the pond.
- A25-04152A_2.jpg Ditch at location of Manning's calculations looking downstream.
- A25-04152A_3.jpg Ditch bottom at location of Manning's calculations.
- A25-04152A_4.jpg Ditch at location of Manning's calculations looking downstream.
- A25-04152A_5.jpg Ditch where it enters Morris property on the top of the ridge, marked on map by GPS location.
- A25-04152A_6.jpg POU looking south from north edge. Ditch is at foot of photographer.
- A25-04152A_7.jpg Upper end of POU looking east from same location.
- A25-10497_1.jpg Looking north from road at POU. Foreground is not part of claimed POU. There is a low round hill in the center; the ditch comes behind that hill. POU for A25-04152A is up the draw to the east (right) of that hill; POU for A25-10497 is to the west (left).
- A25-13326_1.jpg Looking west from where the ditch goes under the road, just west of the POD. This is from the NW corner of the POU.
- A25-13326_2.jpg Looking SW at POU from west edge (county road).
- A25-13326_3.jpg Looking west across dam at POD towards POU. POU is on the far side of the pickup.
- A25-13326_4.jpg Looking upstream from lower dam. Both sides of the creek are the claimed POU for A25-13763 in SWSW of section 17.
- A25-13763_1.jpg Looking NW towards section 17 POU from the top of the hill about on the section line.

A25-13763_2.jpg	Looking NE towards section 17 POU from about the same location. The clump of red willows towards the right of the photo is about where a POD would have to be to irrigate the section 17 POU.
A25-13763_3.jpg	Looking SW across section 20 ^{POU} ~~POD~~ from the top of the hill about 300 feet south of the previous two photos. This is the end of the ditch from the upper dam. The water shown running in the field also shows on the Terra Server image in paper file A25-04152A.
A25-13763_4.jpg	Looking SE from the same location. This actually shows the POU for A25-10497.
A25-13763_5.jpg	Same as photo 4, looking more ESE.
A25-13763_6.jpg	End of water flow seen in photo 3. This is taken on the Section 20 POU of A25-13763.
A25-13763_A25-10497_Doc1.jpg	Record of old deed, but it does not reference water rights. Provided by Mrs. Gardner.
A25-13763_A25-10497_Doc2.jpg	Bud Morris affidavit. Provided by Mrs. Gardner.
A25-13763_A25-10497_Doc3.jpg	Bill Schulz affidavit. Provided by Mrs. Gardner.
A25-13763_A25-10497_Doc4.jpg- A25-13763_A25-10497_Doc6.jpg	Deed for most of POU of A25-10497 to Bonnie Poulsen.

Documents

A. Documents attached to this summary in paper file A25-04152A

Approximate sketch of claims. Hand sketched on copy of USGS quad. Shows claimed POU, not what I found.

GPS locations. Hand sketched on USGS quad using lat/lon from GPS locations.

Terra Server Image. Unmarked, to let reviewers see the indications I used to identify ditch locations and POU.

Terra Server Image, marked with ditch locations and observed POU. Note that I am uncertain about the southern extent of POU for A25-10497.

Plat map from Bonneville County Assessor, marked in color according to "Parcel Master Inquiry" pages.

Parcel Master Inquiry pages from assessor.

Summary of phone conversation with Matt Mann 10/29/03. Matt is the claimant of A25-113326.

Summary of phone conversation with Gary Mann 10/23/03. Gary owns adjoining property in Section 17. Posey Creek flows through this property but Gary does not claim Posey Creek water. Gary is Matt's brother.

B. Related documents in individual claims files

A25-4152A: Continuation of Abstract of Title, Waiver and/or Relinquishment recorded 1936. Arthur Bell affidavit.

Quitclaim deed to Gordon Morris. References 1/4 interest in water right & easement for ditch maintenance.

Copy of 1973 letter from Kent Foster to Keith Higginson regarding history of dam in Posey Creek.

A25-10497: Contact log of phone calls and meeting w/ Gardners.

A25-13763: Title abstract, Alex Brown to Emma M. Ashton, 1916. Identifies NWNW of 20 (part of A25-13763) and part of NE of 19 (part of A25-13326) along with 160 inches of Posey Creek water.

Title abstract, Posey Oglesby to Alex Brown, 1904. Same lands as 1912 abstract along with SWSW 17 (the remaining part of A25-13763) along with a private water right in Posey Creek.

Dorothy Poulsen affidavit asserting irrigation in sections 17 and 20 (A25-4152A, A25-10497, A25-13763) in 1935. Dorothy is former claimant of A25-10497.

Print of photo of Bud Morris affidavit (scanned as A25-13763_A25-10497_Doc2.jpg) asserting water has "gone over the dam on Posey Creek" since 1947.

Photo of Bill Shulz affidavit (scanned as A25-13763_A25-10497_Doc3.jpg) asserting Posey Creek was "running down into section 17 & 20... since the spring of 1939."

Three photos (one of each page) of quitclaim deed conveying part of lands of A25-10497 to Dorothy Poulsen. The deed specifies a 1/4 share of the water right & an easement for ditch maintenance. It looks to have been executed at the same time as the Gordon Morris deed in A25-04152A. Scanned images are A25-13763_A25-10497_Doc4.jpg through A25-13763_A25-10497_Doc6.jpg


Bryce A. Contor

21 Nov 03
Date

SCANNED

AUG 27 2004

October 25, 2003

Matt Mann
13043 N 115 E
Idaho Falls ID 83401

Re: Posey Creek Water Right Claims

Dear Mr. Mann:

Thank you for showing me your water use on Posey Creek. With what you showed me, with documentation in your file and the other Posey Creek files, and with documentation that Mrs. Gardner and Mr. Morris are sending me, I have enough information to document the original basis of the Posey Creek water rights. What you and the other claimants showed me gives me a good idea of the lands currently able to be irrigated. The enclosed sketch shows where water use has been claimed.

Because actual application of water to beneficial use is the "basis, limit, and extent" of a water right, I also need a better understanding of the use of Posey Creek water during the five years leading up to signing of the adjudication claims. These claims were signed in 1988, 1989, and 1995. I would appreciate any information you can give me regarding all irrigation from Posey Creek from 1983 through 1995. The more detail you can provide - dates, acres irrigated, which ditches were used and which way the water ran - the more useful the information will be and the better job I can do.

A water right is protected from being lost by forfeiture if "circumstances beyond the water user's control" prevent the use of the right. If any of the Posey Creek claimants *were prevented* from irrigating by some circumstance they couldn't control, please also describe that situation.

I realize that the people who know the most about these things are the claimants themselves. However, if some "disinterested person" can provide a written statement about this water use, that is stronger evidence than a statement from a claimant.

Any statement (from the claimant or anyone else) needs to show "personal knowledge." This doesn't mean just that the person *knows* about the water use, but that they actually *saw it* themselves. A statement like "I know this water use occurred because I saw it myself the summer I worked for the Forest Service at Caribou, which would have been 1988 or 1989" is the kind

SCANNED
AUG 27 2004

Water Resources
Field Services
208 663 4667

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 25-13326

WATER RIGHT NUMBER: 25-13326

Owner Type

Current Owner

Name and AddressMATT MANN
13043 N 115 E
IDAHO FALLS, ID 83401
(208)538-7894

Priority Date: 06/15/1885

Basis: Beneficial Use

Status: Active

Source

UNNAMED STREAM

Tributary

GRAYS LAKE OUTLET

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

2.000 CFS

Annual VolumeTotal Diversion:

2.000 CFS

Location of Point(s) of Diversion

UNNAMED STREAM

SW1/4NW1/4NW1/4

Sec. 20, Twp 03S, Rge 43E, B.M.

BONNEVILLE County

Place of UseIRRIGATION Within BONNEVILLE County

T03S R43E S19 SWNE 28.0

T03S R43E S19 SENE 37.0

T03S R43E S19 NESE 15.0

T03S R43E S19 NWSE 18.8

Total Acres: 98.8

Conditions of Approval:Remarks:

1. General SOURCE OF WATER IS KNOWN LOCALLY AS POSEY CREEK.

Dates and Other Information:

SCANNED

AUG 27 2004

OK JC
changed 10-31-02

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

RECEIVED

OCT 31 2002

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

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
25-13326					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *death certificate*
- 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 usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **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)

Forrest MANN

257 West Maple Shelly Id 83274

4. New Owner/Claimant(s)

MATT MANN

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

13043 N 115 E

City, State and ZIP Code

Idaho Falls Idaho 83401

New Telephone Number

(208) 538-7894

5. Date you acquired the property

1996

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AUG 27 2004

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO IDAHO DEPARTMENT OF HEALTH AND WELFARE COOPERATIVE CENTER FOR HEALTH STATISTICS

State of Idaho CERTIFICATE OF DEATH

State File No. 17
Local Reg. No. 17

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR, WITH THE NAME OF DEATH & WEAPONS NUMBER, SHALL BE USED AS A FINAL FACE
EVIDENCE OF THIS DEATH UNDER THESE CODES 30-30-30-30

DECEDENT	NAME - FIRST Forrest		NAME - LAST Caral Mann		SEX Male	DATE OF DEATH (Month, Day, Year) January 23, 1995
	SOCIAL SECURITY NUMBER 519-42-9593		AGE - Last Birthday (Yr.) 67	UNDER 1 YEAR MONTHS 0	UNDER 1 DAY HOURS 0	DATE OF BIRTH (Month, Day, Year) June 27, 1927
	WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		PLACE OF DEATH (Check only one) (1) ☐ Inpatient (2) ☐ ER/Outpatient (3) ☐ DQA		OTHER (4) ☐ Home (5) ☒ Licensed Nursing Residence (6) ☐ Licensed Shelter Home (7) ☐ Other (Specify)	
	FACILITY NAME AND ADDRESS (If not a hospital, enter name of place, street and number) 257 West Maple (home)		CITY, TOWN OR LOCATION OF DEATH Shelley		COUNTY OF DEATH Bingham	
INFORMANT	MARRIAGE STATUS - Married, Never Married, Widowed, Divorced (Specify) Married		SURVIVING SPOUSE (If with, give maiden name) Dorothy Gaye Telford		DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use initials) Rancher/Farmer	
	RESIDENCE STATE Idaho		COUNTRY Bingham	CITY, TOWN OR LOCATION Shelley	STREET AND NUMBER 257 West Maple	ZIP CODE 83274
	RESIDE CITY LIMITED ☒ Yes ☐ No		WAS DECEDENT OF FOREIGN BIRTH? (Specify No or Yes - If yes, specify Country, Migration, Place of Birth, etc.) ☐ Yes ☒ No		RACE - American Indian, Black, Japanese, White, etc. (Specify) White	
	FATHER - NAME Claude Charles Mann		BIRTHPLACE Idaho	MOTHER - FULL MAIDEN NAME Alice Mary Barnes		BIRTHPLACE Idaho
DISPOSITION	METHODOLOGY OF DISPOSITION ☒ Burial ☐ Cremation ☐ Removal from Idaho ☐ Donation ☐ Other (Specify)		PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Ririe-Shelton Cemetery		LOCATION - City or Town, State Ririe, Idaho	
	SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>[Signature]</i>		LICENSE NUMBER OF LICENSEE M-656	NAME AND ADDRESS OF FACILITY Wood Funeral Home, 273 North Ridge, Idaho Falls, ID 83402		
	TIME OF DEATH 1:41 p.m.		DATE PRONOUNCED DEAD (Month, Day, Year) January 23, 1995	WAS CASE REFERRED TO CORONER? ☐ Yes ☒ No		MANNER OF DEATH (Check One) ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Could Not Be Determined
	IMMEDIATE CAUSE (Final disease or condition resulting in death) POSTAL CANCER		27. PART I Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest. Enter UNDERLYING CAUSE (disease or injury that initiated events resulting in death) LAST POSTAL CANCER			
CERTIFIER	27. PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I.		WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No		WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☐ Yes ☒ No	
	CERTIFIER (Check One) ☒ PHYSICIAN - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐ CORONER - On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.		SIGNATURE AND TITLE OF CERTIFIER <i>[Signature]</i> Dr. Roger H. Tall, 2001 South Woodruff, Idaho Falls, ID 83404		LICENSE NUMBER W-4222	
	DATE OF BIRTH (Month, Day, Year) 1/24/95		DATE SIGNED (Month, Day, Year) January 30, 1995		DATE FILED (Month, Day, Year) January 30, 1995	
	TO BE USED FOR EXTERNAL CAUSES ONLY INJURY AT WORK? ☐ Yes ☒ No TRANSPORTATION ACCIDENT, Injury? ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Other		PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify) At home		LOCATION (Check at House Number, City, County, and State) Idaho Falls, Idaho	
CORONER'S REVIEW AREA	CORONER'S ACTION (Check One) (1) ☐ Reviewed Only (2) ☐ Reviewed, Completed Items 26 and/or 30 (3) ☐ Reviewed, Amended and Certified		CORONER'S SIGNATURE <i>[Signature]</i>		DATE SIGNED (Month, Day, Year) January 30, 1995	
	REGISTRAR'S SIGNATURE <i>[Signature]</i>		DATE FILED (Month, Day, Year) January 30, 1995			

I certify that this is a true and correct reproduction or abstract of an official record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS.

DATE ISSUED: January 30, 1995

JANE S. SMITH
State Registrar

SCANNED

AUG 27 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2002

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication

Dear Claimant:

The Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Blackfoot River, Willow Creek and South Fork of the Snake River Drainages. This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

The purpose of this letter is to advise you that personnel from Intrepid will make an effort to contact claimants to arrange for conducting a field investigation and obtain information about your water use. IDWR requests that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights. Information collected during this process will be reported to IDWR and used by a Senior Water Resource Agent to prepare a recommendation on the water right.

The process of adjudicating water rights is straightforward for most people, resulting in the issuance of decreed water rights. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

If you have sold your property, we request that you forward this letter to the purchaser. The new owner is responsible for advising IDWR of the change in ownership so future correspondence will be mailed to the correct party. If you are unable to forward this letter, please send any information regarding a new owner to our Eastern Regional Office located at 900 N Skyline Dr, Idaho Falls, ID, 83402, Attention: Jennifer Crabtree (208) 525-7161.

Sincerely,

Ernest Carlsen
Adjudication Section Supervisor
Eastern Regional Office

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AUG 27 2004

SCANNED

AUG 13 2001

Log for claim 25-13326

Spatial Dynamics CAT

11/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s43e	19	SWNE	28	41	Indiscernible
03s43e	19	SENE	37	41	Indiscernible
03s43e	19	NESE	15	41	Indiscernible
03s43e	19	NWSE	18	41	Indiscernible
Totals:			98	164	

AJ5809NP
No. A25-13326

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 77

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MATT MANN	06/15/1885	IRRIGATION	04-01 11-01	2.000 CFS	
C	FORREST MANN					
	257 W MAPLE					
	SHELLEY ID 83274			TOTAL DIVERSION:	2.000 CFS	
	(208) 357-3777			CONSUMPTIVE USE:		247.00 AFA

Water Source: UNNAMED STREAM

Tributary to: GRAYS LAKE OUTLET

Stage: BENEFICIAL USE

Point(s) of Diversion: T03S R43E S20 SWNWNW

BONNEVILLE 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	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
03S	43E	19	:					28		37	:									:	15		18				:	98.8
																								TOTAL ACRES		98.8		

POU County: BONNEVILLE

Non-Irrigation Uses: INCIDENTAL STOCKWATER FOR 500 PAIRS OF RANGE CATTLE.

Other Rights: NONE

Remarks: GEN SOURCE OF WATER IS KNOWN LOCALLY AS POSEY CREEK.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 09/27/89 CARLSEN 12/04/92 THOMPSON 03/29/95 POST-STD

INTER-DEPARTMENT MEMO

TO: FileSUBJECT: A25 - 13326FROM: JoDATE: 4-20-93

I was able to Contact Mr Thomasson regarding his claim. He doesn't know who - if anyone - bought this property. I faxed letter & copy of claim / map and told them the claim since remain in Forest Mann's name until he "takes the tree by the horns".

4-20-93. Thomasson called back and said they are no longer interested in the Mann Property. at some point in time this claim may have to be amended.

(☒) For your information

() Response required

Jo
signature

MICROFILMED

APR 12 1994

To Ernie
Date 12-3 Time 8:40 A.M.
P.M.

WHILE YOU WERE OUT

Ron Thomasson

of _____

Phone (503) 231-6145
AREA CODE NUMBER EXTENSION

Telephoned		Please call	
Called to see you		Will call again	
Wants to see you		Returned your call	

Message RE: A25-13326
Place of Use: Map
do not match.

Ron Thomasson is
purchasing the property

MICROFILMED

APR 12 1994

231-6145
4/23/93

C/O
Rudolf

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To	RON THOMASSON	
Co.	Co. JO THOMPSON	
Dept.	Dept. WATER RESOURCES	
Fax #	Phone # 208-525-7161	
	Fax #	

DECEMBER 5, 1992

FOREST MANN
257 W MAPLE
SHELLEY ID 83274

RE: AMENDED NOTICE OF CLAIM A25-13326

Dear Mr. Mann:

Please find enclosed an amended copy of Notice of Claim A25-13326. It has come to our attention the place of use does not match the land list as submitted. A copy of the map is also enclosed for your convenience.

The area highlighted on the Notice has been changed to correspond with the map. If you agree with the change, please sign the Notice in the presence of a Notary and return promptly.

Respectfully,

Jo Thompson
Adjudication Secretary

Enclosure: Amended Notice of Claim

MICROFILMED

APR 12 1994

Continuation of Abstract of Title

Next- The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

Posey Oglesby, widower,
(Signs by mark - X)
Wm. Wickel and R. H. Hocking,
witnesses..... Grantor.

TO

Alexander Brown, Grantee.

Character of Instrument Warrant Deed
Date February 6, 1904
Recorded May 23, 1916 at 10:05 A.M.
Book #2 of Deeds at Page 575
Records of Bonneville County, Idaho.
Transcribed from Book ... Page ...
Records of Bingham County, Idaho.
Consideration \$600.00(No IRS)

Acknowledgement.

Date May 23, 1904
Before Harry Field, Justice of Peace
In and for Bingham County, State of Ida.
Is Official Seal Affixed? XX
Is Acknowledgement regular Yes
Does Acknowledgement show separate examination of wife? X
No IRS-

Granting Words. Grant, bargain, sell, and convey
Covenants. Warrant and defend
Does wife join throughout instrument?
Are there any irregularities or defects?
Are there any conditions, limitations or recitals?

NOT IN TITLE.
Not abstracted
hereunder.

Conveys the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, the
E $\frac{1}{2}$ of the NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19,
the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17 and the SE $\frac{1}{4}$ of
the SE $\frac{1}{4}$ of Section 18, in Twp. 3 South of Range
43 E.B.M. containing 240 acres more or less. To-
gether with a private water right from Posey Creek.

Continuation of Abstract of Title

No. 20 The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

Alex Brown, (Not stated)

Character of Instrument Quitclaim Deed
Date May 12, 1913
Recorded May 17, 1916 at 9:06 A.M.
Book #4 of Deeds at Page 471
Records of Bonneville County, Idaho.
Transcribed from Book . . . Page . . .
Records of Bingham County, Idaho.
Consideration \$900.00 (IRS \$1 cld.)

Grantor.

TO

Emma M. Ashton,

Grantee.

Acknowledgement.

Date May 12, 1916
Before W.B. Hardy, a Notary Public
In and for Minidoka County, State of Idaho
Is Official Seal Affixed Yes
Is Acknowledgement regular Yes
Does Acknowledgement show separate examination of wife ex
No IRS- Residence Rupert, Idaho

Granting Words. Demise, release and forever quitclaim
Covenants. To have and to hold
Does wife join throughout instrument?
Are there any irregularities or defects?
Are there any conditions, limitations or recitals?

Conveys the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section
20, the East Half E $\frac{1}{2}$ of the NE $\frac{1}{4}$, the
SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, in Twp. 3
South of Range Forty-three (43) East of
Boise Meridian, Idaho, containing 160 acres,
according to Government Survey. Together with
160 in. of water our of Poisi Creek.

May 2, 1991

Forrest Mann
257 W. Maple
Shelley, ID 83274

RE: **Evidence of Priority**

Dear Mr. Mann:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED

NOV 12 1992

Forrest Mann

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

MICROFILMED
NOV 12 1992

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 25-13326
Date Received: 9/27/1989
Receipt No: E010843
Received By:

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

1. Name of Claimant(s)

MATT MANN Phone: (208)538-7894
13043 N 115 E
IDAHO FALLS ID USA 83401

2. Date of Priority: 06/15/1885

3. Source: UNNAMED STREAM Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	43E	17	SW SW SW	BONNEVILLE	

5. Description of diverting works:

DAM TO DITCH TO FLOOD IRRIGATION. STREAM KNOW LOCALLY AS POSEY CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2	
STOCKWATER	01/01	12/31	0.04	

7. Total Quantity Appropriated is:

2.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 500

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03S	43E	19	NW NE	IRRIGATION	28
			NE NE	IRRIGATION	

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AUG 27 2004

SE	NE	IRRIGATION	15
SW	NE	IRRIGATION	18.8
Section Acres			98.8
Total Acres			98.8

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

OTHER WATER RIGHTS BEING USED 25-00002

THIS IS AN AMENDED CLAIM TO CLARIFY THE USE OF STOCKWATER AND TO CORRECT THE LOCATION OF POINT OF DIVERSION AND PLACE OF USE

SOURCE OF WATER IS KNOWN LOCALLY AS POSEY CREEK.

15. Basis of Claim: Beneficial Use

SCANNED
AUG 27 2004

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 A25-13326

Date Received _____

Receipt Number _____

Amended

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

RECEIVED
DEC 12 2003

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Matt Mann Phone (208) 538 7894Mailing Address 13043 N 115 E Idaho Falls ID Zip 834012. Date of Priority (Only one (1) per claim) Jun 15, 18853. Source of water supply (a) Unnamed stream
which is tributary to (b) Grays Lake4. a. Location of existing point of diversion is: Township 35 Range 43 E Section 17,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Bonneville

Additional points of diversion if any: _____

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

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

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

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

Dam to ditch to flood
irrigation. Stream know locally as Posey Creek

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AUG 27 2004

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 2.0 or _____

For Stockwater purposes from 1/1 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.04 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 500 pairs range cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
35	43E	19	37	28	188	15													98.8

Total number of acres irrigated 98.8

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
A25-00002 or None ()

14. Remarks: This is an amended claim to clarify the use of stockwater and to correct the location of point of diversion and place of use

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct. ²⁰⁰³

Signature of Claimant (s) Matt Mann Date 12-8-03

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ Title _____ of _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn to (affirmed) before me this 8th day of December 19 2003



Notary Public Rhonda Avery
Residing at Jefferson
My Commission Expires 3-5-2007

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

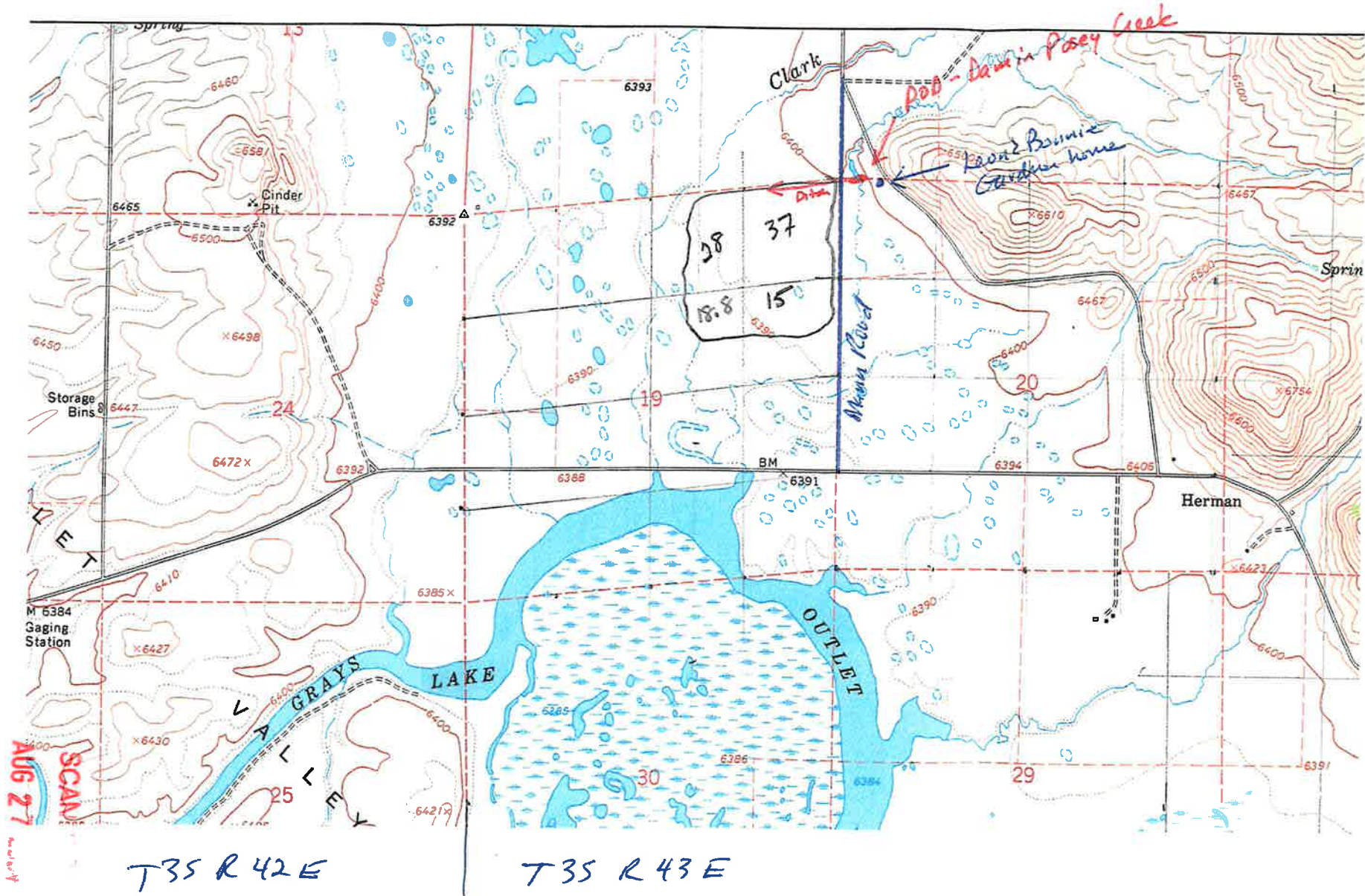
Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

A25-13326 Amended Place of Use | Point of Diversion



SCANNED

AUG 8 2001

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: A25-13326
Date Received: 9/27/1989
Receipt No: E010843
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FORREST MANN 208-357-3777
Address: 257 W. MAPLE
SHELLEY, ID 83274
OR
Name: MATT MANN 208-357-3777
Address: 257 W. MAPLE
SHELLEY, ID 83274

A2513326



2. Date of Priority: JUN 15, 1885

3. Source: UNNAMED STREAM Trib. to: GRAYS LAKE OUTLET

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	43E	20	SW	NW	NW		BONNEVILLE

5. Description of diverting works:
HEADGATE AND OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 247.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATER FOR 500 PAIRS OF RANGE CATTLE.

A25-13326

Page 1

Date: 09/27/89

MICROFILMED

NOV 12 1992

DE 12-5-92

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	43E	19	SW	NE		IRR	28.0
			SE	NE		IRR	37.0
			NE	~~SW~~ SE		IRR	15.0
			NW	~~SW~~ SE		IRR	18.8
Section Acres							98.8
Total Acres							98.8

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE OF WATER IS KNOWN LOCALLY AS POSEY CREEK.

15. Basis of Claim: BENEFICIAL USE

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.

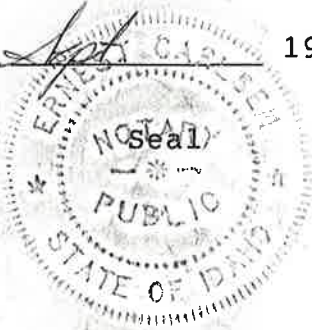
Signature of Claimant(s): Joann Mann Date: Sept 27/89
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 27 day

of Sept 27 19 89

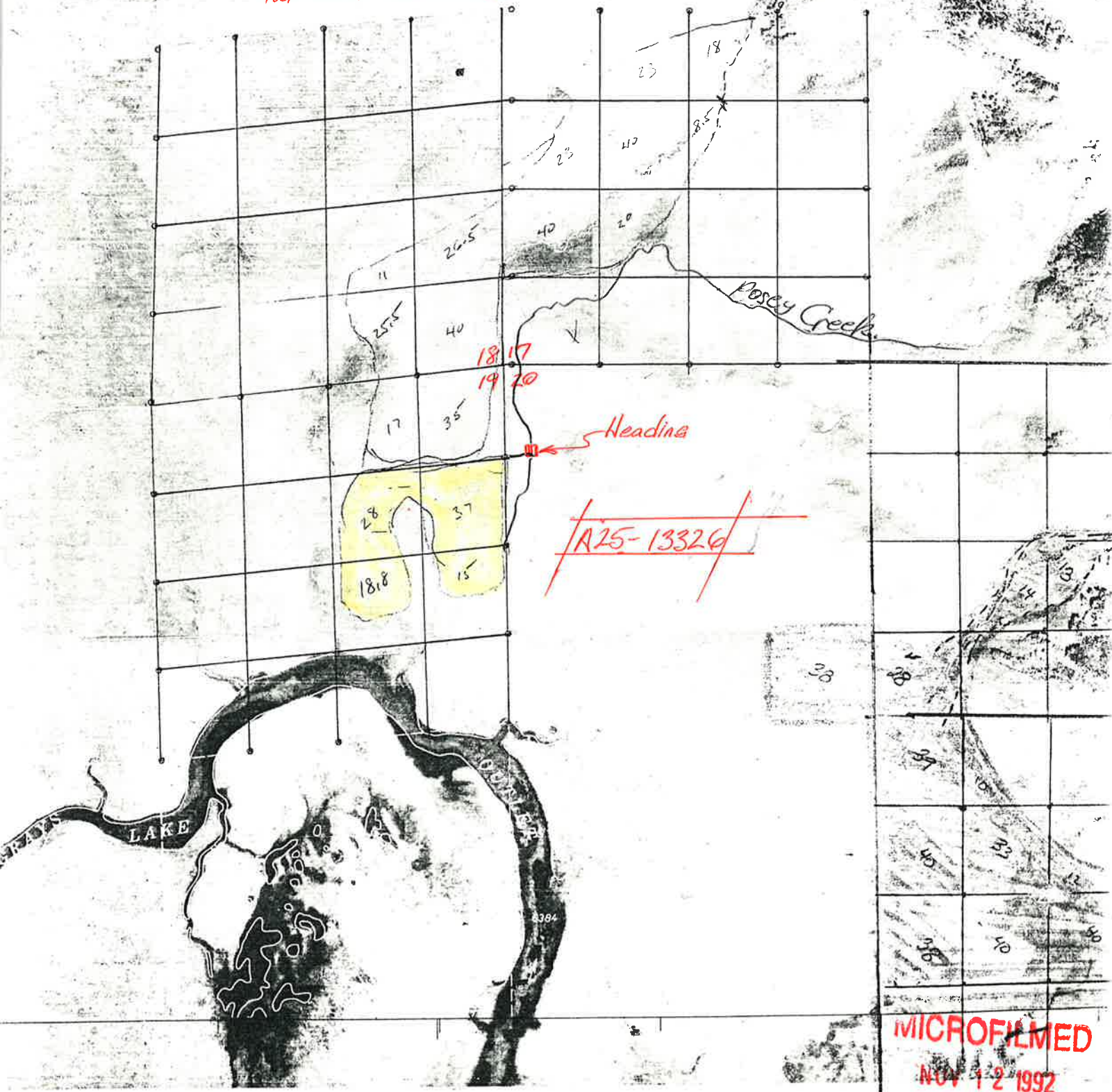
Ernest Carlson
Notary Public



Residing at Albion Falls, R.

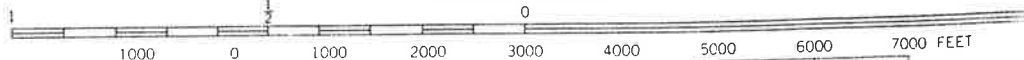
My Commission Expires 6-14-1994

Top 35. Rge 43E



MICROFILMED
NOV 12 1992

SCALE 1:24000

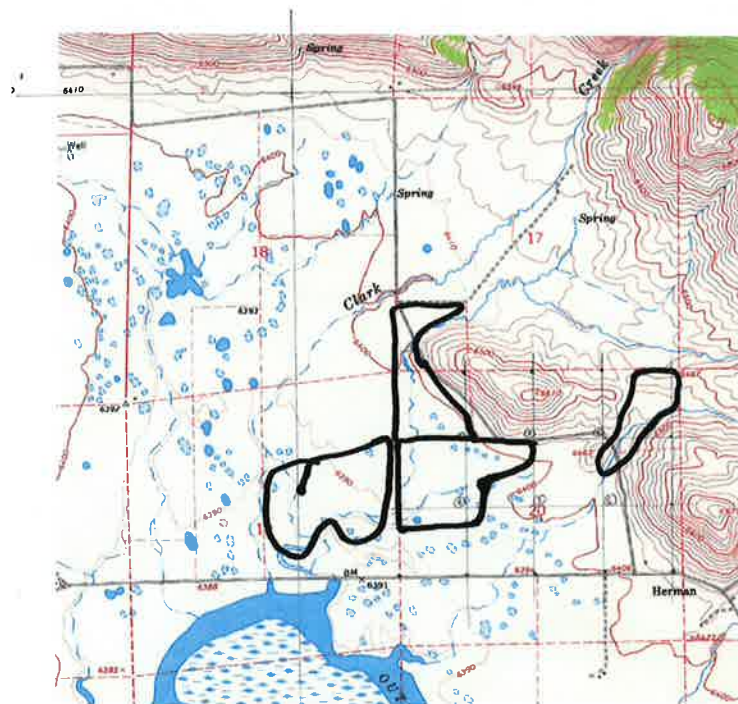


of thing we need. Please try to include specific detail about *exactly where* the water was used, *when* it was used, and *how much* was used.

Please mark up this map, write a statement, get statements from other people if you can, and mail it back to me at the address at the top of the letter. If you have questions, please call me at 208 663 4667 or 208 681 9100.

Thank you,

Bryce A. Contor



SCANNED
AUG 27 2004

Water Resources
Field Services
208 663 4667