Saxton, Craig

From: Saxton, Craig
Sent: Sunday, December 10, 2006 10:41 AM
To: 'jph@wkdtlaw.com'
Subject: SRBA Claims 67-4112A & 67-4112C.

Dear Mr. Hazel,

Sorry it has taken me so long to respond to your calls and the fax you submitted. I found your e-mail address on-line and thought that due to the large number of phone calls we are receiving, this would be a better way to contact you and explain what happened with recommendation 67-4112A and 67-4112C as I can respond outside of normal business hours.

Reduction in Priority date:

67-4112A and 67-4112C represent water rights that were not included in the Muir v. Allison Decree (May 9, 1918). Muir v. Allison described water rights in the Weiser drainage which included Cottonwood Creek. Muir vs. Allison defined the duty of water at 5/8 inches per acre (0.0125 cfs). This means that each acre of irrigated ground was granted a diversion rate of 0.0125 cfs.

IDWR considers the standard diversion rate needed to irrigate one acre of ground to be 1 inch per acre or 0.02 cfs. My understanding was that the practice was that more than 5/8 inches per acre (the remaining 3/8) was used when available (flood water). This "flood water" however wasn't recorded or defined by the Muir v. Allison decree. Sometime in the mid 70's, it is my understanding that there was a push to file statutory claims (Idaho Code 42-243) or beneficial use claims to document use of the flood water. 67-4112 appears to be one of these claims.

When people filed these flood water claims they generally claimed the priority of their decreed water. However, since Muir v. Allison didn't recognize this additional 3/8 inches per acre, then IDWR cannot recognize that as a valid water right at the time of the decree. Therefore, IDWR cannot recommend the flood water rights with priority dates that date back into the Muir v. Allison decree.

So, the best priority date that can be recommended for a beneficial use right or a right that wasn't described in Muir v. Allison would be one day after the decree was finalized, or May 10, 1918.

Based on the assumption that when flood water was available, people with decreed rights were probably using the flood water on their decreed acres, our guidance was that if the flood water acreage was the same as the decreed acreage, then we could recommend one day after the decree without additional evidence of priority supporting that the additional 3/8 inches per acre was being used in conjunction with the decreed water. Since your client's flood water is being recommended for the same acreage as the decreed water, then my intention was to recommend the priority dates for 67-4112A and 67-4112C as May 10, 1918. *However, I see that 67-4112A was recommended a priority date of May **18**, 1918 which clearly appears to be a typo and has been changed to May **10**, 1918.*

That is why I told you that we did not need additional information to support priority date. And that is why the best priority date I can recommend to your clients beneficial use claims or any one else's beneficial use claims is May 10, 1918.

If your client still disagrees with the recommended priority date, the burden would be to prove that this flood water either was actually included in Muir v. Allison or that it was overlooked and somehow the 5/8 inch duty assigned in the decree was not applicable to your clients property.

Diversion rate Reduction:

As I mentioned before, IDWR considers the standard diversion rate needed to irrigate one acre to be 0.02 cfs. Based on this, the flood water 67-4112A and 67-4112B was recommended for the diversion rate needed to bring use of the right in combination with the decreed water up to one full inch per acre.

EX:	67-14664	Decreed	0.02 cfs	1.4 acres (0.02 cfs @ 5/8"/acre = 1.4 acres)
	67-14667	Decreed	0.42 cfs	26.1 acres (found irrigated ground)
		Total =	0.44 cfs	26.1 acres

So combining the decreed rights recommended for one of the parcels in question we have 0.44 cfs and 26.1 acres (the 26.1 acres is what was found as irrigated ground). **This is 0.0168 cfs per acre**. This is greater than the decreed 5/8

inches per acre but we can increase the diversion rate per acre for the decreed rights up to 0.02 cfs if less irrigated acreage is found than what was originally decreed.

Now adding the flood water:

67-4112A Beneficial Use 0.08 cfs 26.1 acres

We add the decreed water rights to the flood water rights together and we have 0.52 cfs for 26.1 acres or **0.02 cfs per acre**.

In order for IDWR to recommend more than one inch per acre, evidence needs to be submitted showing that the soil type requires more than one inch per acre. This can be done through a Hubble Analysis. I am attaching the Hubble worksheet for your convenience.

I hope this answers your questions. I feel that we have recommended the best priority dates and diversion rates we could for your clients beneficial use water rights.

If you have further questions, please give me a call or send me an e-mail. At this time no adjustments to the recommendations for 67-4112A and 67-4112C have been made except for changing the priority date on 67-4112A from 5-**18**-1918 to 5-**10**-1918.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau



Hubble Analysis Worksheet.pdf


67-4112A Amended Recommendatio...

PS: Would you please just send me a quick e-mail confirmation that you received this e-mail and the two (2) associated attachments?

11/14/2006

RECEIVED
DEC 07 2006
DEPT. OF WATER RES.

NOTICE OF ERROR
REPLY

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: 67-4112A

MANIS INVESTIGATIONS INC
DEFINED BENEFIT PENSION PLAN
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

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

The IDWR recommendation provides for a priority date of May 18, 1918, with a diversion of .08 cfs. My client objects to this change in the priority date and the substantial reduction in the amount of diversion is in error.

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

Water Right 67-4112A should have a priority date of 6-01-1889 with a total diversion of .41cfs.

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

The IDWR recommendation changes the priority date without explanation and substantially reduces the amount of diversion.

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

DATE: 12/5/06 **SIGNATURE:** Joel Hayes for Manis Investigation Inc

Please print your name: Joel

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

SCANNED
DEC 0 8 2006

11/14/2006

RECEIVED
DEC 07 2006
DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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: 67-4112C

MANIS RANCH LLC
C/O WAYNE MANIS
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835
Telephone Number: (208) 772-4296

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

The IDWR recommendation provides for a priority date of May 10, 1918, with a total diversion of .16 cfs. My client objects to the change in priority date as well as the substantial reduction in the amount of water diverted.

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

Water Right Number 67-4112C should have a priority date of 6-01-1889 with a total diversion of 1.76 cfs.

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

The IDWR recommendation changes the priority date without explanation and substantially reduces the amount of diversion.

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

DATE: 12-5-06 **SIGNATURE:** Joel Hazel for Manis Ranch LLC

Please print your name: Joel Hazel

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

SCANNED
DEC 08 2006

RECEIVED
DEC 07 2006
DEPARTMENT OF
WATER RESOURCES

WITHERSPOON, KELLEY, DAVENPORT & TOOLE

A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

THE SPOKESMAN REVIEW BUILDING
608 NORTHWEST BOULEVARD, SUITE 401
COEUR D'ALENE, IDAHO 83814-2146
Telephone: (208) 667-4000
Fax: (208) 667-8470

SPOKANE OFFICE
1100 U.S. BANK BUILDING
422 WEST RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201-0300
(509) 624-5265

PORTLAND OFFICE
1515 SW FIFTH AVENUE, SUITE 690
PORTLAND, OREGON 97201
Telephone: (503) 546-2391
Fax: (503) 546-3889

COEUR D'ALENE OFFICE

EDWARD J. ANSON++
DENNIS M. DAVIS++
MARK A. ELLINGSEN^>
JOEL P. HAZEL^
ROBERT J. CALDWELL^

SPOKANE OFFICE

ROBERT L. MAGNUSON
NED M. BARNES
WILLIAM D. SYMMES**
ROBERT H. LAMP
K. THOMAS CONNOLLY
THOMAS D. COCHRAN
DUANE M. SWINTON
JOSEPH H. WESSMAN
JEFFREY L. SUPINGER*
LESLIE R. WEATHERHEAD*‡
MICHAEL D. CURRIN
BRIAN T. REKOFKE*
R. MAX ETTER, JR.*
MICHAEL F. NIENSTEDT*
JOHN M. RILEY III
F.J. DULLANTY, JR.
DANIEL E. FINNEY
MARY R. GIANNINI*‡
TIMOTHY M. LAWLOR
WILLIAM M. SYMMES*‡
STANLEY M. SCHWARTZ*
DAVID M. KNUTSON
JODY M. McCORMICK‡
MICHAEL L. LOFT*‡
ROSS P. WHITE
RICHARD L. MOUNT
ANDREW J. SCHULTHEIS**
SHELLEY N. RIPLEY
CHRISTOPHER G. VARALLO*‡
KIMBERLY A. KAMEL*
RYAN M. BEAUDOIN*
STACY A. BJORDAHL
PATRICIA L. JOHNSON
LARA L. HEMINGWAY
RICHARD A. REPP*
BENJAMIN S. COLEMAN
RYAN K. JENSEN
TRACY N. LeROY>>
JULIE H. OLDS+
JASON R. WHITELEY*
GEANA VAN DESSEL
STEVEN J. DIXSON

++Admitted in Idaho only
^Also admitted in Washington
*Also admitted in Idaho
‡Also admitted in Oregon
>Also admitted in Montana
** Also admitted in California
+Also admitted in New York
>>Also admitted in Illinois

OF COUNSEL

WM. A. DAVENPORT
JOHN E. HEATH, JR.
ALLAN H. TOOLE
DONALD J. LUKES

December 5, 2006

Via: U.S. Mail & Facsimile 208-287-6700

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources, State of Idaho
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right Claims 67-4112A & 67-4112C

Dear Craig:

I direct this letter to you since we had previous correspondence regarding the claims of my client, Wayne Manis and his entities Manis Ranch, LLC and Manis Investigations, Inc. Defined Benefits Pension Plan. I originally contact you via letter dated October 10, 2005 regarding water right claims 67-4112A and 67-4112C. In later correspondence, an e-mail dated October 17, 2005, you helpfully pointed out that there were two other SRBA Claims that were applicable to my client's property, namely 67-318 and 67-319. Based upon your recommendation, I filed Change in Ownership forms as to 67-318 and 67-319.

Also, in your October 17, 2005, e-mail correspondence you wrote:

> At this time, no additional information needs to be submitted to IDWR regarding SRBA Claims 67-4112A and 67-4112C. Based upon my initial review, claims 67-4112A and 67-4112C directly overlap portions of decreed rights 67-318 and 67-319 and therefore additional evidence or priority is not needed.
>
> Upon further investigation, additional information may be required. But at this time, I do not see any action that

SCANNED
DEC 08 2006

needs to be taken regarding evidence of priority for 67-4112A and 67-4112C. Please disregard the September 16, 2005 deadline shown on the letter requesting evidence of priority.

Based upon your instructions in the October 17, 2005, e-mail, we did not proceed with presenting evidence of a Priority Claim based on 67-4112A and 67-4112C. On December 5, 2005, you wrote my client indicating a Notice of Claim to Water Right Numbers 67-14664, 67-14665, 67-14167 and 67-14668. I now understand that the these water right claims are the redesignation of the rights covered under previous water rights 67-318 and 67-319.

On or about November 17, 2006, my client received notice from both Judge John M. Melanson and Carl J. Dreher regarding IDWR's preliminary recommendation regarding my client's water rights. Upon review of the water rights and information available on the IDWR website, we believe that there are errors with regard to the recommendations as to Water Right Claim Numbers 67-4112A and 67-4112C.

Attached hereto also find separate Notice of Error replies in the format attached to the November 15, 2006 correspondence to my client regarding the above two water rights.

NOTICE OF ERROR RE: WATER RIGHT 67-4112A

The IDRW Adjudication Claim Report available on IDWR's website indicates that Water Right 67-4112A has a priority date of 6-01-1889 with a total diversion of .41cfs.

The IDWR recommendation provides for a priority date of May 18, 1918, with a diversion of .08 cfs. My client objects to this change in the priority date and the substantial reduction in the amount of diversion.

NOTICE OF ERROR RE: WATER RIGHT 67-4112C

The IDWR Adjudication Claim Report available on IDWR's website indicates that Water Right 67-4112C has a priority date of 6-01-1889 with a total diversion of 1.76 cfs.

The IDWR recommendation provides for a priority date of May 10, 1918, with a total diversion of .16 cfs. My client objects to the change in priority date and the substantial reduction in the amount of diversion.

SCANNED
DEC 0 8 2006

Please explain the reason for the change in priority dates and the substantial reduction in the amount of diversion regarding rights 67-4112A and 67-4112C.

I appreciate your helpfulness in the past with regard to these water rights and look forward to working with you to resolve these discrepancies in my clients' water rights.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.

By: _____
Joel P. Hazel

Enclosures

cc: Carl J. Dreher, Director of Dept. of Water Resources
Wayne Manis, ***Via: Facsimile 664-5597***

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DEC 08 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 67-4112C
Date Received: 10/27/2003
Receipt No: W030960
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MANIS RANCH LLC
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID USA 83835

Phone:

2. Date of Priority: 06/01/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
16N	01W	36	NE	NW		ADAMS	
16N	01W	36	NW	NW		ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/20	07/15	1.76	

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

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 0 8 2004

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
16N	01W	26	NW	SE		IRRIGATION	40
			NE	SE		IRRIGATION	14
			SE	SE		IRRIGATION	15
						Section Acres	69
						Total Acres	69

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split for a portion of water right 67-4112. See remarks in 67-4112. DH 9/2/2003

Fees paid under receipt number W030960 on 9/26/2003. DH

Signed claim received 10/27/2003. DH

PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.

15. Basis of Claim: Statutory Claim

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 67-4112C
Date Received: 5/10/2002
Receipt No: W030960
Received By:

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

RECEIVED
OCT 27 2003
WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

MANIS RANCH LLC
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID USA 83835

Phone:

2. Date of Priority: 06/01/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
16N	01W	36		NE	NW	ADAMS	
16N	01W	36		NW	NW	ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/20	07/15	1.76	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
16N	01W	26	NW	SE		IRRIGATION	40
			NE	SE		IRRIGATION	14
			SE	SE		IRRIGATION	15
						Section Acres	69
						Total Acres	69

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split for a portion of water right 67-4112. See remarks in 67-4112. DH 9/2/2003

Fees paid under receipt number W030960 on 9/26/2003. DH

PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.

15. Basis of Claim: Statutory Claim

16. Signature(s)

SEE NEXT PAGE

(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 Organizations:

I do solemnly swear or affirm that I am a member of
Title
the MANIS RANCH LLC, that I have signed the foregoing
Organization
document in the space below as a member of
Title
MANIS RANCH LLC and that the statements contained in the
Organization
foregoing document are true and correct. Wayne J. Manis
Signature of Authorized Agent

MEMBER / MANIS RANCH LLC
Title and Organization

10/03/2003
Date

State of Idaho)
) SS.
County of Kootenai)

Subscribed and sworn (or affirmed) before me this 3rd
of October 2003

Joel Hazel
Notary Public

Residing at Kootenai County

My commission Expires 9/1/2005

JOEL P. HAZEL NOTARY PUBLIC STATE OF IDAHO

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 67-4112C
Date Received: 5/10/2002
Receipt No:
Received By:

AIM TO A WATER RIGHT
UNDER STATE LAW

This claim sent for signature and money. 9-2-03

$119-

Money rec'd 9-26-03 w/ no claim. Sent for signature again 9-29-03.

1.

Phone:

2.

3. o: WEISER RIVER

4.

4 of 1/4 Lot	County	Type
NW	ADAMS	
NW	ADAMS	

5.

6. oses:

From	To	C.F.S.	(or) A.F.A
04/20	07/15	1.76	

7.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
16N	01W	26	NW	SE		IRRIGATION	40
			NE	SE		IRRIGATION	14
			SE	SE		IRRIGATION	15
						Section Acres	69
						Total Acres	69

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split for a portion of water right 67-4112. See remarks in 67-4112. DH 9/2/2003

PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.

15. Basis of Claim: Statutory Claim

Mani's portion -

08/29/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4112

WATER RIGHT NUMBER: 67-4112

67-4112C

Owner Type	Name and Address
Current Owner	JOHN FRASIER
	COUNCIL, ID 83612

Priority Date: 06/01/1889

Basis: Statutory Claim

Status: Active

Source	Tributary
COTTONWOOD CREEK	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	4/20	7/15	~~2.550~~ CFS 1.76	
STOCKWATER	7/15	11/15	~~0.050~~ CFS 0	
		Total Diversion:	~~2.600~~ CFS 1.76	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NE1/4NW1/4	Sec. 36,	Twp 16N,	Rge 01W, B.M.	ADAMS County
COTTONWOOD CREEK	NW1/4NW1/4	Sec. 36,	Twp 16N,	Rge 01W, B.M.	ADAMS County

Place of Use

IRRIGATION Within ADAMS County

T16N R01W S26	NESW	~~15.0~~	T16N R01W S26	NESE	14.0
T16N R01W S26	NWSE	40.0	T16N R01W S26	SESE	15.0
T16N R01W S35	NENE	~~16.0~~			

Total Acres: ~~100~~ 69

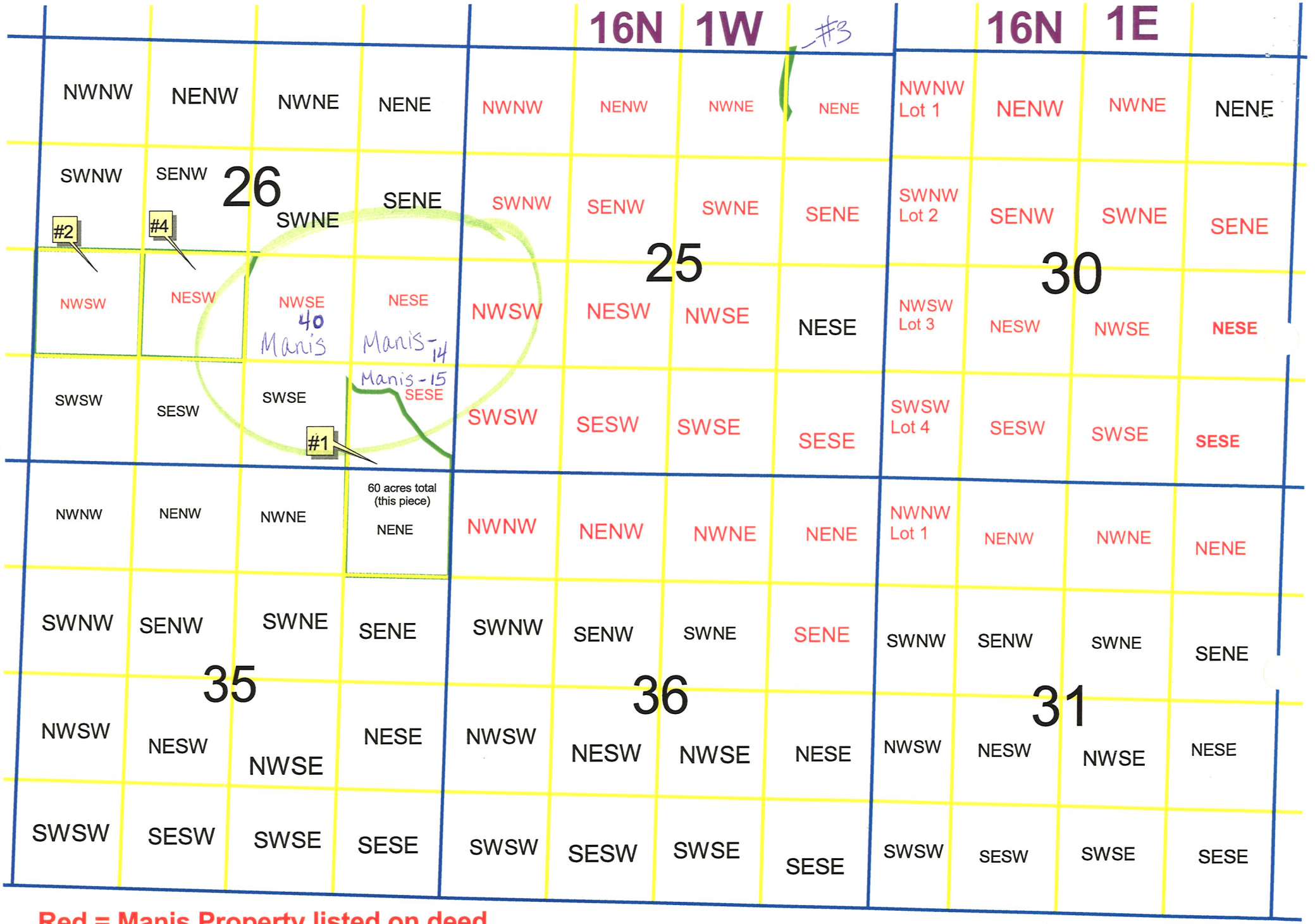
STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

1. General PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.

Comments:



Red = Manis Property listed on deed

Green = Exceptions on deed

61-4112C

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

RECEIVED
JUL 08 2002
WATER RESOURCES
WESTERN REGION

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 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
67-4112		~~No~~ yes			
67-11238 P.D. Issued		no			

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 usually attached to your deed or on file with the county).

OR

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 **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): David E. Cereghino/D. Wayne Cada
23250 Cada Lane, Caldwell, ID 83650

4. New Owner/Claimant(s): Manis Ranch, L.L.C.
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address: 7244 E. Hayden Creek Road

City, State and ZIP Code: Hayden Lake, ID 83835

New Telephone Number: (208)

5. Date you acquired the property: June 28, 2002

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 67-4112

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		*
Stock		
Domestic		
Other		
Total		

* all remaining not previously split

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable)

X Wayne F. Manis
By: Wayne F. Manis, President/Member
X

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.

For Office Use Only
Received by DH Date 1-9-02 Fee
Receipted by Date Receipt No.
Processed by AJ Date WR Date

INSTRUMENT NO. 101849
PAGE 1 OF 4

WARRANTY DEED

COPY

For Value Received, DAVID E. CEREGHINO, a married man as his sole and separate property, as to an undivided 49% interest, and D. WAYNE CADA, a married man as his sole and separate property, as to an undivided 51% interest.

The Grantors, do hereby grant, bargain, sell and convey unto MANIS RANCH L.L.C., an Idaho limited liability company

the Grantee, whose current address is 7244 E. Hayden Creek Rd., Hayden Lake, ID 83835

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF.

Together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs 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 they are free from all encumbrances excepting for all easements of record, rights of way, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever. Grantors further specifically warrant that no unpatented mining claims exist upon the above-described premises. Grantors do further, assign, transfer, and convey unto Grantee Idaho Department of Water Resources Water Right No. 67-11239 and Idaho Department of Water Resources Water Right No. 67- 4112.

Date: June 27, 2002.

DAVID E. CEREGHINO

D. WAYNE CADA

Instrument # 101849
COUNCIL, ADAMS, IDAHO
2002-07-01 10:53:45 No. of Pages: 4
Recorded for : TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 12.00
Ex-Officio Recorder Deputy
Index to: DEED

STATE OF IDAHO)
)ss
COUNTY OF Adams)

On this 28th day of June, in the year of 2002, before me, a Notary Public in and for said State, personally appeared DAVID E. CEREGHINO and D. WAYNE CADA, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

JULIE E. WILSON NOTARY PUBLIC STATE OF IDAHO

Notary Public
Residing at: Council
Commission expires: 5-22-04

EXHIBIT 'A'

Township 16 North, Range 1 East, Boise Meridian, Adams County, Idaho
Section 30: NW1/4NE1/4, S1/2NE1/4, E1/2NW1/4, E1/2SW1/4, SE1/4, and Lots 1, 2, 3, and 4
Section 31: N1/2NE1/4, NE1/4NW1/4, Lot 1

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 25: N1/2, SW1/4, W1/2SE1/4, SE1/4SE1/4
Section 36: N1/2NE1/4, SE1/4NE1/4, N1/2NW1/4
Section 26: N1/2SW1/4, N1/2SE1/4, SE1/4SE1/4

#1

EXCEPTING THEREFROM a tract known as Tract "A" on record of survey recorded as Instr. No. 100255 and more particularly described as follows:
Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Sections 26 and 35: A tract of land located in the SE1/4SE1/4 of Section 26 and the NE1/4NE1/4 of Section 35, more particularly described as follows:
Beginning at the corner common to Sections 25, 26, 35 and 36, T16NR1W, Boise Meridian, Adams County, Idaho;
Thence South 00° 43'54" East 1326.27 feet along the line common to Sections 35 and 36 to the southeast corner of the NE1/4NE1/4 of Section 35;
Thence South 89° 52'16" West 1316.48 feet along the south line of the NE1/4NE1/4 of Section 35 to the Southwest corner of the NE1/4NE1/4 of Section 35;
Thence North 00° 22'59" West 1324.17 feet along the West line of the NE1/4NE1/4 of Section 35 to the Northwest corner of the NE1/4NE1/4 of Section 35;
Thence North 00° 48'38" East 1104.35 feet along the West line of the SE1/4SE1/4 of Section 26 to a point in the center of Cottonwood Creek Road, said point being on a nontangent curve with center being North 78° 12'26" East 130.00 feet radial distance;
Thence along the centerline of Cottonwood Creek Road through the following eleven courses:

1) Counterclockwise along last said nontangent curve an arc distance of 136.61 feet (chord South 41° 53'47" East 130.41 feet);
2) South 72° 00'00" East 76.92 feet;
3) Along a 450.00 foot radius curve to the left an arc distance of 249.36 feet (chord South 87° 52'30" East 246.19 feet);
4) North 76° 15'00" East 101.99 feet;
5) Along a 80.00 foot radius curve to the right an arc distance of 124.71 feet (chord South 59° 05'27" East 112.46 Feet) TO A POINT ON A REVERSE CURVE WITH CENTER BEING North 75° 34'05" East 700.00 feet radial distance;
6) Counterclockwise along last said reverse curve an arc distance of 200.38 feet (chord South 22° 37'57" East 199.70 feet);
7) South 30° 50'00" East 187.75 feet;
8) Along a 750.00 foot radius curve to the left an arc distance of 267.25 feet (chord South 41° 02'30" East 265.84 feet);
9) South 51° 15'00" East 286.80 feet;
10) Along a 350.00 foot radius curve to the left an arc distance of 124.21 feet (chord South 61° 25'00" East 123.56 feet;
11) South 71° 35'00" East 14.99 feet to a point on the line common to Sections 25 and 26;

Thence South 01° 12'01" West 146.39 feet along the line common to Sections 25 and 26 to the REAL POINT OF BEGINNING.
EXCEPTING the County Road right-of-way.

CONTINUED

EXHIBIT 'A' CONTINUED

EXCEPTING THEREFROM a parcel known as Tract "C" on record of survey recorded as Instr. No. 100908
Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 26: A tract of land located in the NW1/4SW1/4 more particularly described as follows:
Beginning at the quarter corner common to Sections 26 and 27, T16NR1WBM, Adams County, Idaho;
Thence North 89° 43'46" East 1320.00 feet along the East-West midsection line of Section 26;
Thence South 00° 00'00" East 1318.65 feet to a point on the South line of the NW1/4SW1/4 of Section 26;
Thence South 89° 45'20" West 1324.19 feet along the South line of the NW1/4SW1/4 of Section 26 to the Southwest corner of the NW1/4SW1/4 of Section 26;
Thence North 00° 10'56" East 1318.07 feet along the line common to Sections 26 and 27 to the REAL POINT OF BEGINNING.
SUBJECT TO the County Road known as Cottonwood Road as now established.

EXCEPTING THEREFROM a parcel more particularly described as follows:
Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 25: A strip of land 60 feet in width for fee access purposes located in the N1/2NE1/4 more particularly described as follows:
Beginning at a point on the line common to Sections 24 and 25, said point being South 89° 55'44" East 1353.45 feet from the ¼ corner common to Sections 24 and 25, T16NR1WBM, Adams County, Idaho;
Thence continuing South 89° 55'44" East 61.32 feet along the line common to Sections 24 and 25;
Thence South 12° 00'00" West 391.56 feet;
Thence along a 620.00 foot radius curve to the left, an arc distance of 146.08 feet (chord South 05° 15'00" West 145.75 feet);
Thence South 01° 30'00" East 154.24 feet;
Thence along a 130.00 foot radius curve to the left an arc distance of 114.58 feet (chord South 26° 45'00" East 110.91 feet);
Thence South 38° 00'00" West 60.00 feet to a point on a nontangent curve with center being North 38° 00'00" East 190.00 feet radial distance;
Thence clockwise along said nontangent curve an arc distance of 167.46 feet (chord North 26° 45'00" West 162.10 feet);
Thence North 01° 30'00" West 154.24 feet;
Thence along a 680.00 foot radius curve to the right an arc distance of 160.22 feet (chord North 05° 15'00" East 159.85 feet);
Thence North 12° 00'00" East 378.88 feet to the REAL POINT OF BEGINNING.

Continued

#4
NESW

ALSO EXCEPTING THEREFROM a parcel known as Tract "D" on record of survey recorded as Instr No. 100908.

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 26: A tract of land located in the N1/2SW1/4 and NW1/4SE1/4 more particularly described as follows:

Commencing at the ¼ corner common to Sections 26 and 27, T16N., R. 1W., Boise Meridian, Adams County, Idaho;

Thence N 89° 43'46"E, 1320.00 feet along the East-West midsection line of Section 26 to the TRUE POINT OF BEGINNING;

Thence, continuing N 89° 43'46"E, 1419.22 feet along the East-West midsection line of Section 26;

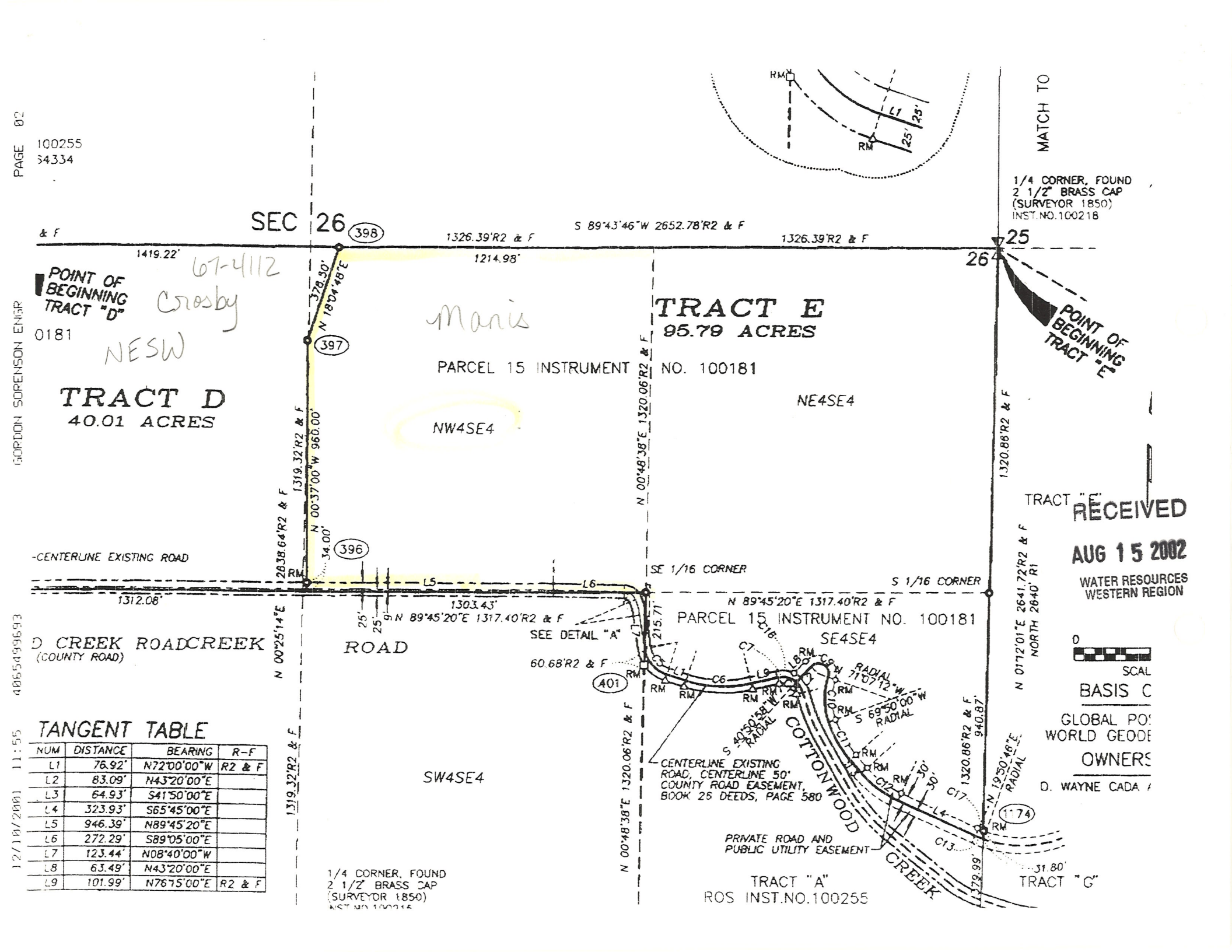
Thence S 18° 04'48"W, 378.50 feet;

Thence S 00° 37'00"E, 960.00 feet to a point on the South line of the N1/2S1/2 of Section 26;

Thence S 89° 45'20"W, 1312.08 feet along the South line of the N1/2S1/2 of Section 26;

Thence N 00° 00'00"E, 1318.65 feet to the POINT OF BEGINNING.

SUBJECT TO the County Road known as Cottonwood Road as now established.



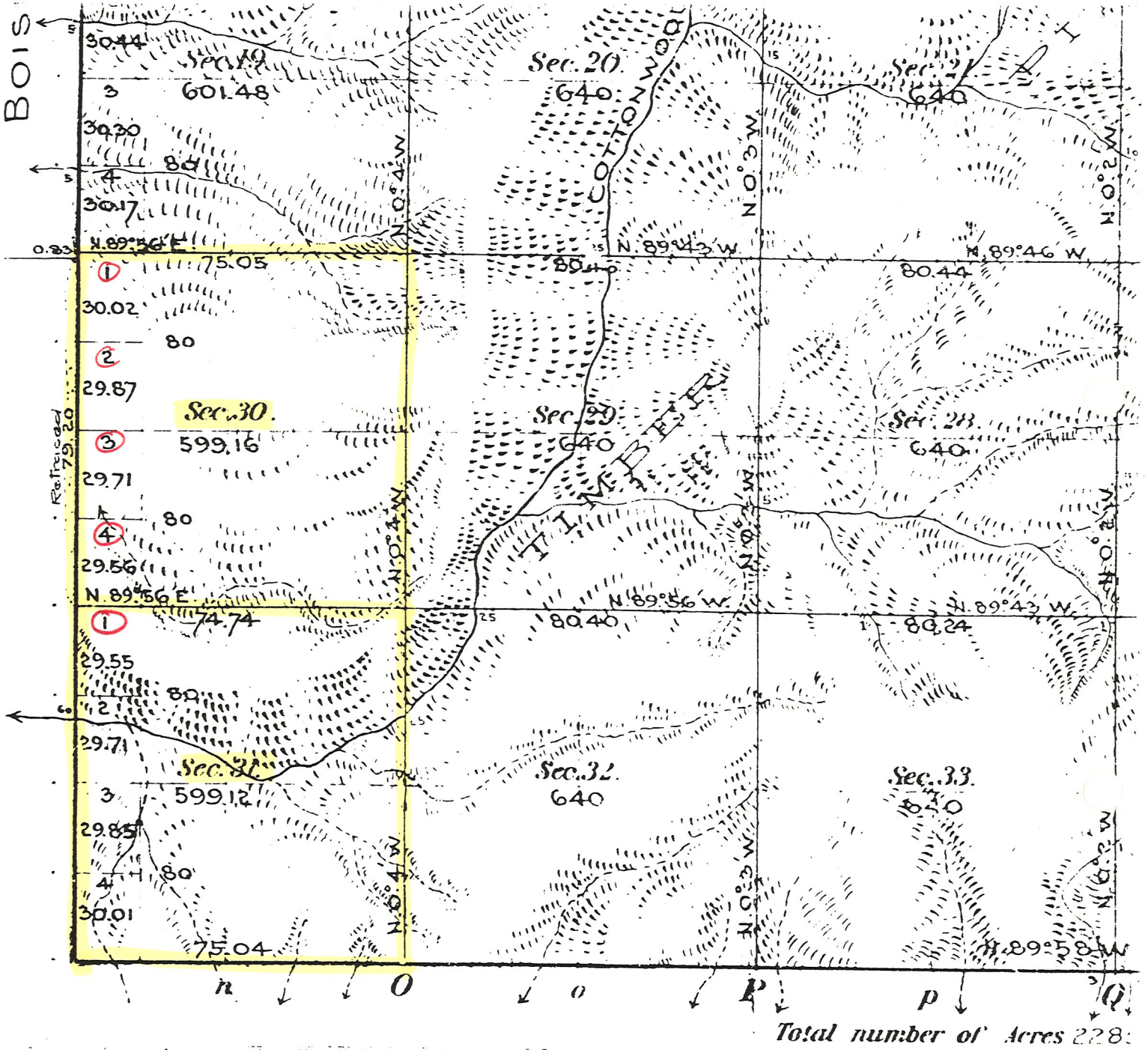
TANGENT TABLE

NUM	DISTANCE	BEARING	R-F
L1	76.92'	N72°00'00"W	R2 & F
L2	83.09'	N43°20'00"E	
L3	64.93'	S41°50'00"E	
L4	323.93'	S65°45'00"E	
L5	946.39'	N89°45'20"E	
L6	272.29'	S89°05'00"E	
L7	123.44'	N08°40'00"W	
L8	63.49'	N43°20'00"E	
L9	101.99'	N76°15'00"E	R2 & F

LEGAL DESCRIPTION TRACT E

A TRACT OF LAND LOCATED IN THE NE 1/4 SW 1/4, N 1/2 SE 1/4 AND SE 1/4 SE 1/4 OF SECTION 26, T.16 N., R.1 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

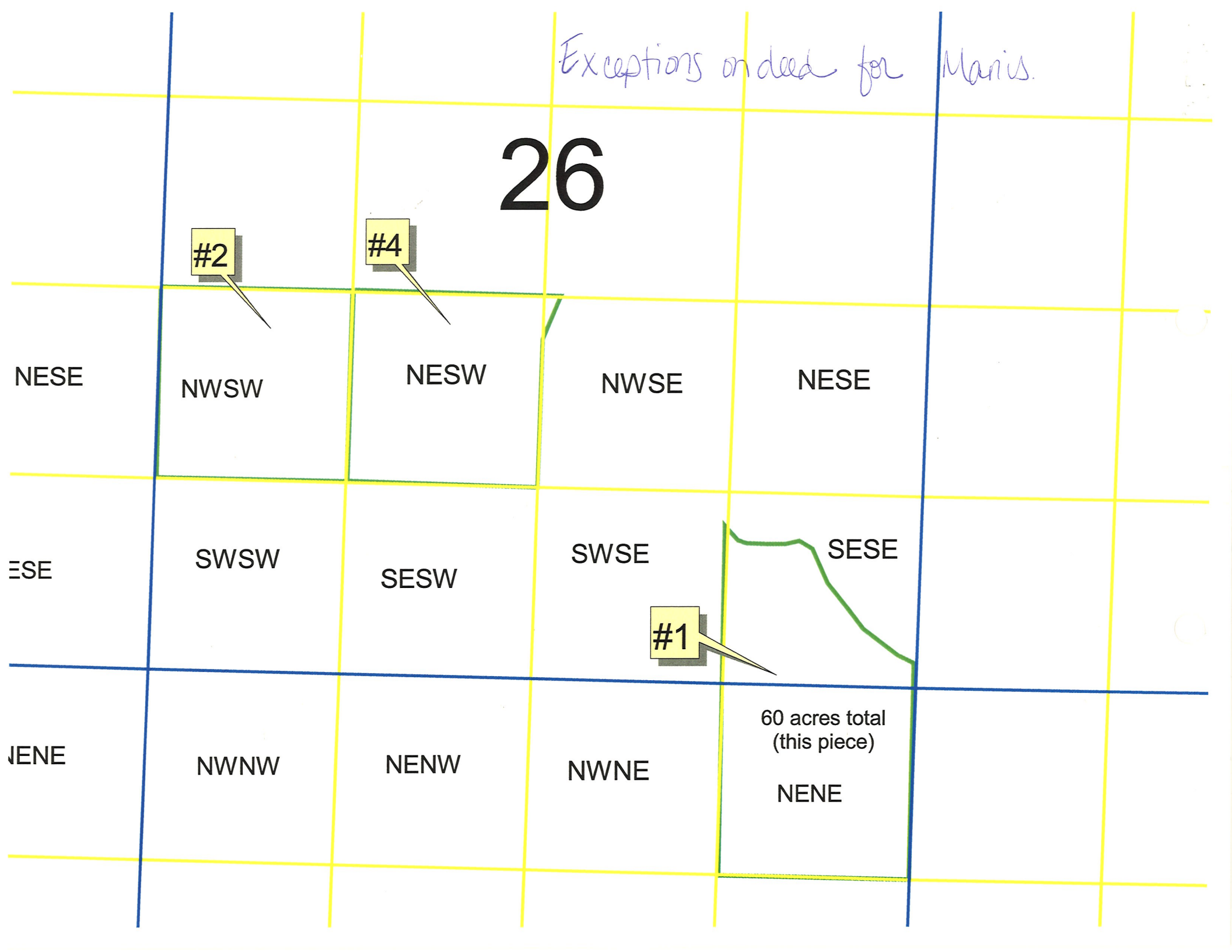
BEGINNING AT THE 1/4 CORNER COMMON TO SECTIONS 25 AND 26, T.16 N., R.1 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; THENCE S 01°12'01"W, 2261.73 FEET ALONG THE LINE COMMON TO SECTIONS 25 AND 26 TO A POINT ON A NONTANGENT CURVE WITH CENTER BEING N 19°50'46"E, 425.00 FEET RADIAL DISTANCE; THENCE CLOCKWISE ALONG SAID NONTANGENT CURVE, AN ARC DISTANCE OF 32.67 FEET (CHORD N 87°57'07"W, 32.66 FEET); THENCE N 65°45'00"W, 323.93 FEET; THENCE ALONG A 425.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 177.41 FEET (CHORD N 53°47'30"W, 176.12 FEET); THENCE N 41°50'00"W, 64.93 FEET; THENCE ALONG A 450.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 170.17 FEET (CHORD N 31°00'00"W, 169.16 FEET) TO A POINT ON A COMPOUND CURVE WITH CENTER BEING N 69°50'00"E, 260.00 FEET RADIAL DISTANCE; THENCE CLOCKWISE ALONG SAID COMPOUND CURVE, AN ARC DISTANCE OF 177.19 FEET (CHORD N 00°38'36"W, 173.78 FEET) TO A POINT ON A REVERSE CURVE WITH CENTER BEING N 71°07'12"W, 40.00 FEET RADIAL DISTANCE; THENCE COUNTERCLOCKWISE ALONG SAID REVERSE CURVE, AN ARC DISTANCE OF 108.59 FEET (CHORD N 58°53'36"W, 78.19 FEET); THENCE S 43°20'00"W, 83.09 FEET TO A POINT ON THE AS CONSTRUCTED CENTERLINE OF COTTONWOOD CREEK ROAD AND NONTANGENT CURVE WITH CENTER BEING S 40°50'58"W, 80.00 FEET RADIAL DISTANCE; THENCE ALONG THE CENTERLINE OF COTTONWOOD CREEK ROAD THROUGH THE FOLLOWING FIVE COURSES: 1.) COUNTERCLOCKWISE ALONG LAST SAID NONTANGENT CURVE, AN ARC DISTANCE OF 76.24 FEET (CHORD N 76°27'01"W, 73.38 FEET); 2.) S 76°15'00"W, 101.99 FEET; 3.) ALONG A 450.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 249.36 FEET (CHORD N 87°52'30"W, 246.19 FEET); 4.) N 72°00'00"W, 76.92 FEET; 5.) ALONG A 130.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 136.61 FEET (CHORD N 41°53'47"W, 130.41 FEET) TO A POINT ON THE WEST LINE OF THE SE 1/4 SE 1/4 OF SECTION 26; THENCE N 00°48'38"E, 215.71 FEET ALONG THE WEST LINE OF THE SE 1/4 SE 1/4 OF SECTION 26 TO THE NORTHWEST CORNER OF THE SE 1/4 SE 1/4 OF SECTION 26; THENCE S 89°45'20"W, 1303.43 FEET ALONG THE SOUTH LINE OF THE NW 1/4 SE 1/4 OF SECTION 26; THENCE N 00°37'00"W, 960.00 FEET; THENCE N 18°04'48"E, 378.50 FEET TO A POINT ON THE NORTH LINE OF THE N 1/2 SE 1/4 OF SECTION 26; THENCE N 89°43'46"E, 2541.37 FEET ALONG THE NORTH LINE OF THE N 1/2 SE 1/4 OF SECTION 26 TO THE POINT OF BEGINNING; CONTAINING 95.79 ACRES, MORE OR LESS; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT.



16N
1E

Total number of Acres 228

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M	Ch	Lks	When Surveyed	Acres
South Township lines (Res)	Herman D. Gradon and James H. Robb	190. October 13, 1897	5	75	04	[illegible] 11 A.D. 1898	
Subdivisions	"	"	39	01	75	[illegible] 13 A.D. 1898	


Exceptions on deed for Mavis.
26
#2
#4
NESE
NWSW
NESW
NWSE
NESE
ESE
SWSW
SESW
SWSE
SESE
#1
60 acres total
(this piece)
NENE
NWNW
NENW
NWNE
NENE

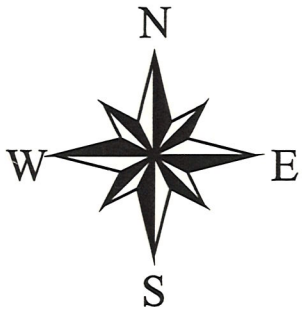
Manis Ranch

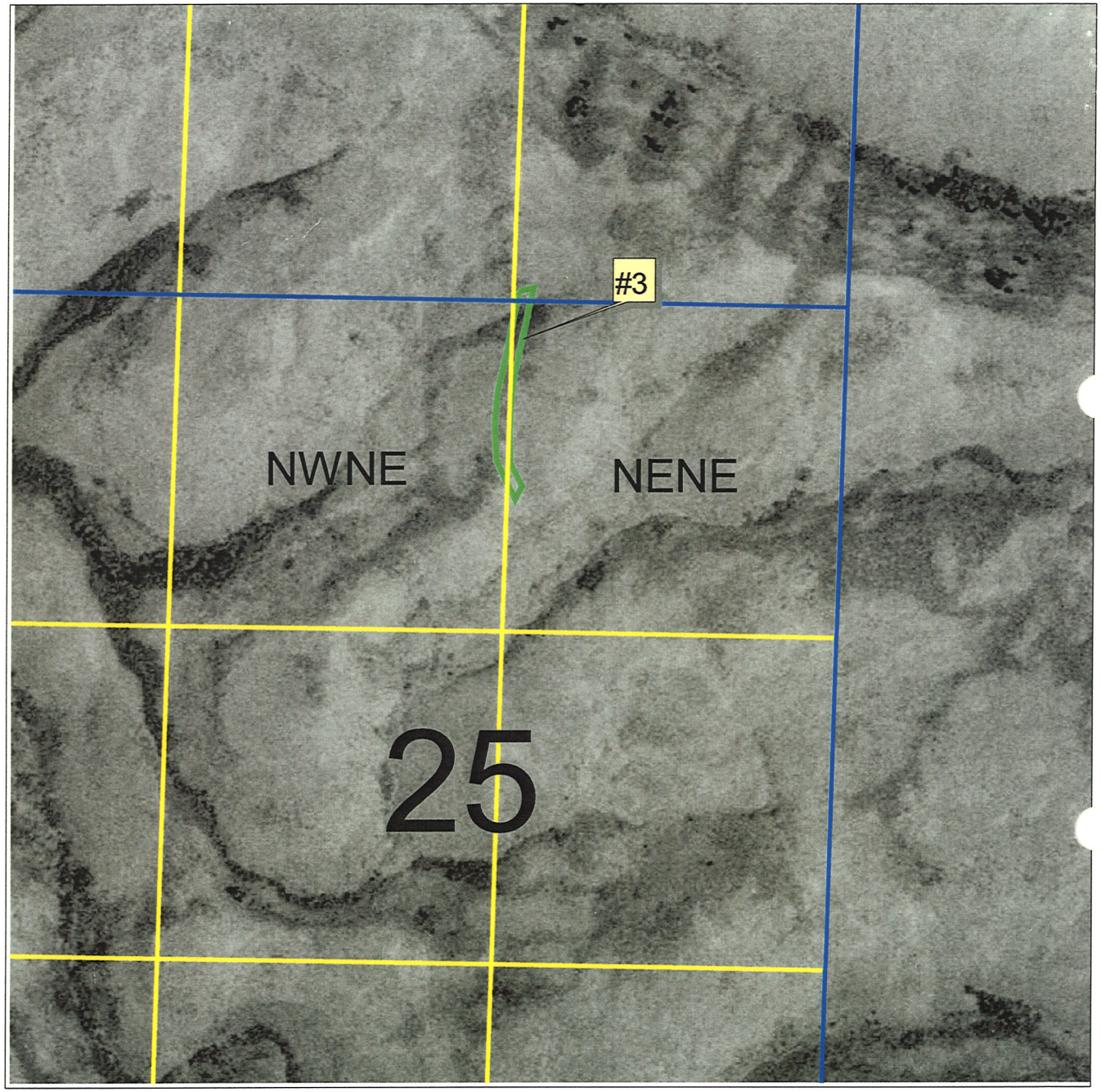
16N 1W

Exception #3

Section Line

QQ Line





0 0.4 0.8 Miles

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 67-4112
Date Received: 5/10/2002
Receipt No: W029150
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID CROSBY Phone: (208)761-6114
PO BOX 820
COUNCIL ID USA 83612

2. Date of Priority: 06/01/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
16N	01W	36		NE	NW	ADAMS	
16N	01W	36		NW	NW	ADAMS	

5. Description of diverting works:

Ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/20	07/15	0.38	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
16N	01W	26	NE	SW		IRRIGATION	15
						Section Acres	15
						Total Acres	15

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS FOR A PORTION OF 67-4112.

15. Basis of Claim: Beneficial Use

Form No. 42-1409 (2) a 1/88

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

$50 - + $1 per acre

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number A67-04112

Date Received 5/10/02

Receipt Number W029150

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) David Crosby Phone (208) 761-6114

   Mailing Address P.O. Box 20 COUNCIL, IDAHO. Zip 83612

2. Date of Priority (Only one (1) per claim) 6/1/1889

3. Source of water supply (a) Cottonwood Creek

   which is tributary to (b) WEISER RIVER

4. a. Location of existing point of diversion is: Township 16N Range 1W Section 36,

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

   Additional points of diversion if any: NWNW

   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. DITCH

6. Water is claimed for the following purposes:

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

For IRR purposes from 4/20 to 7/15 amount .38 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .38 (cfs) and/or (b) _____ (acre feet)

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

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16N	1W	26									15								15

Total number of acres irrigated 15

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

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

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

14. Remarks: Portion of wt 67-4112

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ✓ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-4112
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) David Crosby Date 5-10-02

_____ 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 _____)
) SS.
County of Ada)

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

LORI GRAVES NOTARY PUBLIC SEAL STATE OF IDAHO

Notary Public Lori Graves

Residing at Boise

My Commission Expires 6/18/04

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

R1 RECORD PER GENERAL LAND OFFICE SURVE[illegible]880)
R2 RECORD PER RECORD OF SURVEY, INSTRUM[illegible] NO.100255
R3 RECORD PER RECORD OF SURVEY, INSTRUMENT NO.64334

1/4 CORNER, FOUND
2 1/2" BRASS CAP
(SURVEYOR 1850)
INST.NO.100216

1/4 CORNER, FOUND
2 1/2" BRASS CAP
(SURVEYOR 1850)
INST.NO.100218

MATCH TO SHEE

SEC 26

N 89°43'46"E 2627.80'R2 & F

1320.00'

1419.22'

1326.39'R2 & F

1214.98'

N 89°43'46"E 2652.78'R2 & F

1326.39'R2 & F

POINT OF BEGINNING TRACT "C"

POINT OF BEGINNING TRACT "D"

POINT OF BEGINNING TRACT "E"

PARCEL 15 INSTRUMENT NO. 100181

TRACT C
40.01 ACRES

TRACT D
40.01 ACRES

TRACT E
95.79 ACRES

PARCEL 15 INSTRUMENT NO. 100181

NE4SE4

NW4SE4

N2SW4

S2SW4

SW4SE4

1318.07'

N 00°00'00"W 1318.65'

378.50'

N 18°04'48"E

1319.32'R2 & F

N 00°37'00"W 960.00'

1320.06'R2 & F

N 00°48'38"E

1320.86'R2 & F

NORTH 2640' R1
N 00°10'56"E 2636.14'F

1324.19'

1312.08'

S89°45'20"W 2622.30'

1303.43'

S 89°45'20"W 1317.40'R2 & F

N 89°45'20"E 1317.40'R2 & F

CENTERLINE EXISTING ROAD

COTTONWOOD CREEK ROAD
(COUNTY ROAD)

N 00°25'14"E 2638.64'R2 & F

60.68'R2 & F

215.71'

CENTERLINE EXISTING ROAD, CENTERLINE 50' COUNTY ROAD EASEMENT, BOOK 26 DEEDS, PAGE 580

S 40°50'58"W RADIAL

N 19°50'46"E RADIAL

1320.86'R2 & F
940.87'

NORTH 2640' R1
N 01°12'01"E 2641.72'R2 & F

PRIVATE ROAD AND PUBLIC UTILITY EASEMENT

31.80'

379.99'

TRACT "A"
ROS INST.NO.100255

TRACT "G"

25 ROAD

SEE DETAIL "B"

DETAIL
NO SCALE

S 1/16 CORNER

SE 1/16 CORNER

S 1/16 CORNER

E 1/16 CORNER

SEC. CORNER, FOUND
2 1/2" BRASS CAP
(SURVEYOR 1850)
INST.NO.100214

1/4 CORNER, FOUND
2 1/2" BRASS CAP
(SURVEYOR 1850)
INST.NO.100357

SEC. CORNER, FOUND
2 1/2" BRASS CAP
(SURVEYOR 1850)
INST.NO.100219

1308.40'R2 & F

1308.40'R2 & F

N 89°46'55"E 2616.80'F
S 89°51'W 2634.06' R1

N 89°46'55"E
S 89°51'W
2616.80'R2 & F
2634.06' R1

27 26 34 35

26 35

26 25 35 36

STATE OF IDAHO
GORDON E. SORENSON
1850
PROF. ENGR. & LAND SURVEYOR

GORDON E. SORENSON
IDAHO REG. PE/LS #1850

SURVEY PERFORMED FOR:
WAYNE CADA AND DAVE CEREGHINO

SURVEY PERFORMED BY:
GORDON SORENSON ENGINEERING

1/4	SEC.	T.	R.
	26	16 N.	1 W.

DRAWING DATE:DEC

Instrument # 100908
COUNCIL, ADAMS, IDAHO
2001-12-26 12:41:54 No. of
Recorded for: GORDON SORENSO
MICHAEL FISK Fee
Ex-officio Recorder Deputy
Index to: SURVEY

FILING FEE = $50 PLUS $1 PER ACRE CLAIMED

 04/24/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4112

WATER RIGHT NUMBER: 67-4112

Owner Type	Name and Address
Current Owner	JOHN FRASIER
	COUNCIL, ID 83612

Priority Date: 06/01/1889

Basis: Statutory Claim

Status: Active

Source	Tributary
COTTONWOOD CREEK	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/20 to 7/15	2.550 CFS	
STOCKWATER	7/15 to 11/15	0.050 CFS	
	Total Diversion:	2.600 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NE1/4NW1/4	Sec. 36,	Twp 16N, Rge 01W, B.M.	ADAMS County
COTTONWOOD CREEK	NW1/4NW1/4	Sec. 36,	Twp 16N, Rge 01W, B.M.	ADAMS 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	
16N01W 26									15.0				14.0	40.0		15.0	84.0
16N01W 35	16.0																16.0

Total Acres: 100

STOCKWATER same as IRRIGATION

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4112

Remarks:

1. General PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

12/06/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4112C

NAME AND ADDRESS: MANIS RANCH LLC
C/O WAYNE MANIS
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.160 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T16N R01W S36 NENW Within ADAMS County

T16N R01W S36 NWNW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.160 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S26	NESE	7.6	T16N R01W S26	NWSE	37.0
T16N R01W S26	SESE	4.0			

48.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 48.6 acres in a single irrigation season. Combined Right Nos.: 67-4112C, 67-14665, and 67-14668.

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.

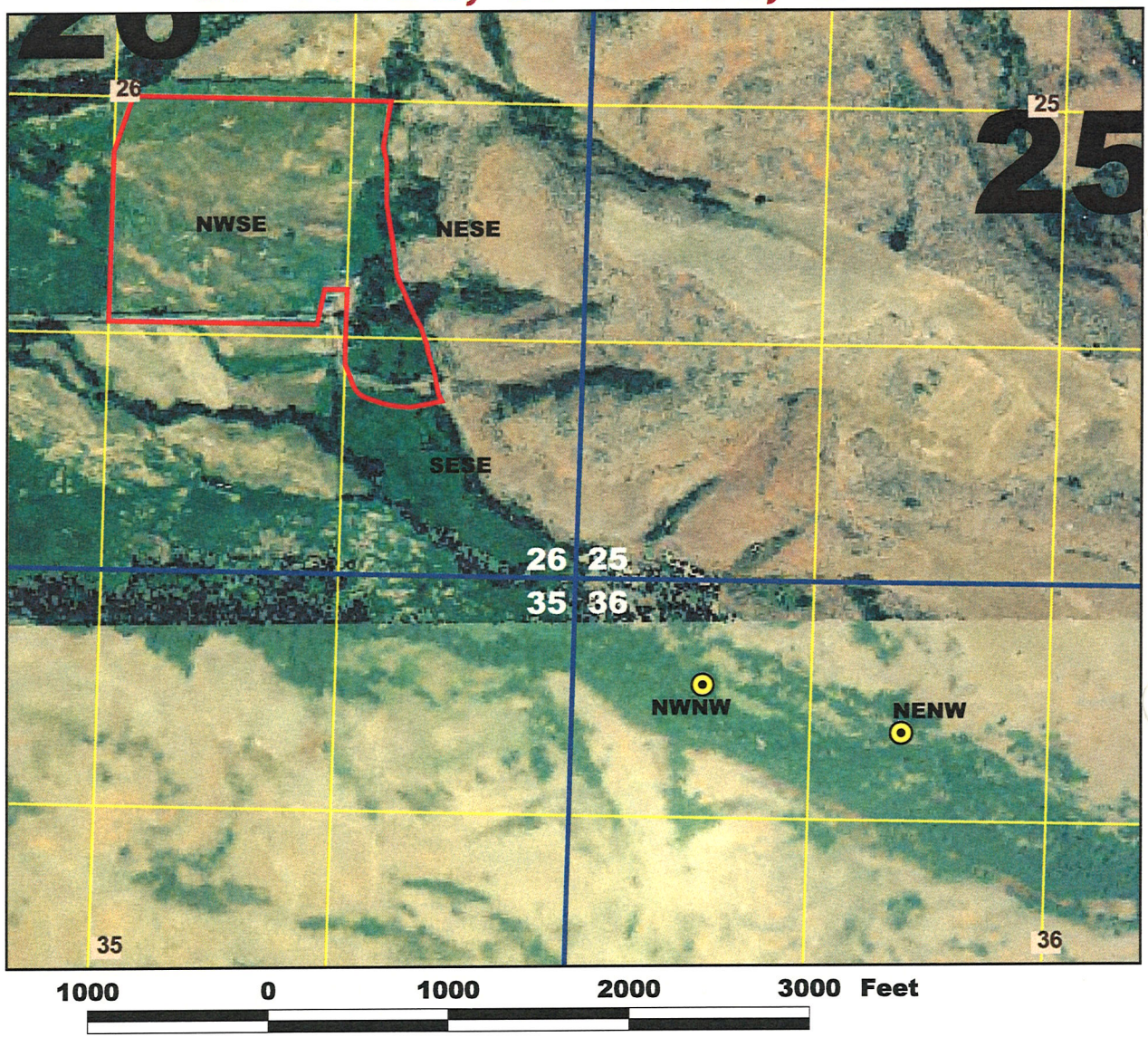
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

Adjudication Claim Number:

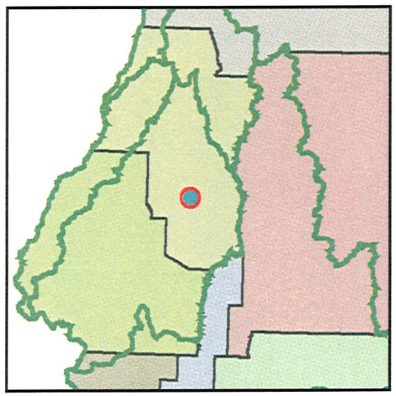
67-4112C, 67-14665, & 67-14668

T16N R01W



Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T16n01w.shp



Adams County
IDWR Basin 67

N

Prepared by C. Saxton
On Tuesday, December 6, 2005
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4112C V1

WATER RIGHT NUMBER: 67-4112C V1

Owner Type	Name and Address
Current Owner	MANIS RANCH LLC C/O WAYNE MANIS 7244 E HAYDEN CREEK RD HAYDEN LAKE, ID 83835 (208) 772-4296
Original Owner	JOHN FRASIER PO BOX 273 COUNCIL, ID 83612 (208)253-4891

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

Source	Tributary
COTTONWOOD CREEK	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.160 CFS	
	Total Diversion:	0.160 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK NE1/4NW1/4 Sec. 36, Twp 16N, Rge 01W, B.M.
ADAMS County

COTTONWOOD CREEK NW1/4NW1/4 Sec. 36, Twp 16N, Rge 01W, B.M.
ADAMS 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	
16N 01W 26													7.6	37.0		4.0	48.6

Total Acres: 48.6

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 48.6 acres in a single irrigation season. Combined Right Nos.: 67-4112C, 67-14665, and 67-14668.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4112C V1

Remarks:

Comments:

1. csaxton 12/6/2005 From Claim (1)
Comment: PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.

2. csaxton 12/6/2005 From Claim (2)
Comment: Signed claim received 10/27/2003. DH

3. csaxton 12/6/2005 From Claim (3)
Comment: Fees paid under receipt number W030960 on 9/26/2003. DH

4. csaxton 12/6/2005 From Claim (4)
Comment: This claim is the result of a split for a portion of water right 67-4112. See remarks in 67-4112. DH 9/2/2003

5. csaxton 12/6/2005 Moving Acres Around
Comment: It appears that the proportionate splits of original statutory claim 67-4112 were not distributed correctly. Since it seems clear that IDWR personnel helped prepare the split claims, recommend some of the acres claimed under 67-4112C to the POU recommended under 67-4112A without an amended claim. It appears that there was just an error in splitting up the acreage when the claims were filed. All the acreage is covered and paid for between the two claims and the claims are owned by the same person, although not in the name of the same entity. This will make the recommendations fit with recommendations for split portions of 67-318 and 67-319.

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:
Owner Name Connector:
Water District Number:
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	12/6/2005 9:30:10 AM	csaxton			Active
Priority Date	12/6/2005 9:36:43 AM	csaxton			Active
POD	12/6/2005 9:37:00 AM	csaxton			Active
Source	12/6/2005 9:38:46 AM	csaxton			Active
POU	12/6/2005 9:39:21 AM	csaxton			Active
Use	12/6/2005 9:41:38 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4112C V1

Season	12/6/2005 9:41:56 AM	csaxton			Active
Quantity	12/6/2005 9:43:50 AM	csaxton			Active
Summary			12/06/2005	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	12/6/2005 9:37:22 AM	csaxton	Updated shape
POD	12/6/2005 9:37:37 AM	csaxton	Updated shape
POU	12/6/2005 9:40:25 AM	csaxton	Updated PLS for Active POU
POU	12/6/2005 9:39:22 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Direct overlap with decreed rights.
POU	12/6/2005 9:39:57 AM	csaxton	Updated shape for Active POU
Use	12/6/2005 9:41:38 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - This is flood water that overlaps decreed irrigation rights.
Season	12/6/2005 9:41:57 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4112C V1

Quantity	12/6/2005 9:43:51 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims for 0.20 cfs or less do not require measurement.
Summary	12/6/2005 9:49:45 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	12/6/2005 9:36:44 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Flood water directly overlaps with Muir vs. Allison decreed water. No additional EOP needed to recommend one day Muir vs. Allison was signed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4112C V1

POD	12/6/2005 9:37:00 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	12/6/2005 9:38:46 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Overlaps decreed rights from the same source that has been verified.
Contacts	12/6/2005 9:30:11 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review

Water Supply Bank:

IDWR Field Exam Form 12/06/2005

Contacts Data Entry Form

Claim Number: 67-4112C

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	MANIS RANCH LLC	C/O WAYNE MANIS 7244 E HAYDEN CREEK RD	HAYDEN LAKE	ID	83835	(208) 772-4296
Original Owner	JOHN FRASIER	PO BOX 273	COUNCIL	ID	83612	(208)253-4891

Comment for 1: Desktop Review

Date of Field Exam: ____Desktop Review_____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Ownership information looks accurate._____

_____

_____

_____

Reviewer: Craig L. Saxton Date: 12/6/05

IDWR Field Exam Form 12/06/2005

Priority Date Data Entry Form

Claim Number 67-4112C

Claimed Priority Date: 6/1/1889 Claimed Basis: Statutory Claim

_X_ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: Water Right Basis:

Recommended Priority Date **5/10/1918** Recommended Basis **Beneficial Use**

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Flood water directly overlaps with Muir vs. Allison decreed water. No additional EOP needed to recommend one day Muir vs. Allison was signed.

Reviewer: **Craig L. Saxton** Date: **12/6/05**

IDWR Field Exam Form 12/06/2005

Point of Diversion and Source Data Entry Form

Claim Number 67-4112C

Claimed Point of Diversion and Source

T16N R01W S36 NENW Within ADAMS County Source: COTTONWOOD CREEK WEISER RIVER

T16N R01W S36 NWNW Within ADAMS County Source: COTTONWOOD CREEK WEISER RIVER

X **Use Claimed POD and Source as Recommended POD and Source**

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source	Tributary To

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? **67-4112A, 67-4112B, 67-4112C and 67-14663 thru 67-14668.**

Document how the POD and Source were verified:

GPS Tag #: A0014030 and A0014029. GPSd by Bosco Bosler on 7-27-04

Reviewer: **Craig L. Saxton** Date: **12/6/05**

IDWR Field Exam Form 12/06/2005

Place Of Use Data Entry Form

Claim Number 67-4112C

Claimed Place Of Use

T16N R01W S26	NESE	14.0	T16N R01W S26	NWSE	40.0
T16N R01W S26	SESE	15.0			

Total Acres 69

__ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

Recommended Place of Use _____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
See next Page:								

Total Acres _____

Document how the POU was verified:

1987 NAPP photography.

It appears that the proportionate splits of original statutory claim 67-4112 were not distributed correctly. Since it seems clear that IDWR personnel helped prepare the split claims, recommend some of the acres claimed under 67-4112C to the POU recommended under 67-4112A without an amended claim. It appears that there was just an error in splitting up the acreage when the claims were filed. All the acreage is covered and paid for between the two claims and the claims are owned by the same person, although not in the name of the same entity. This will make the recommendations fit with recommendations for split portions of 67-318 and 67-319.

Reviewer: **Craig L. Saxton** Date: **12/6/05**

Split/Overlap Analysis

Water Right Number: 67-4112

Diversion Rate: _____ CFS

					Parent	Children							
					67-4112	Found	Claim	Rec	Claim	Rec	Claim	Rec
							Manis Invest		Crosby		Manis Ranch	
Twp	Rng	Sec	Q-Q	Lot			4112A	4112A	4112B	4112B	4112C	4112C
16N	1W	26	NESW			15			15	15		
			NESE			7.6					14	7.6
			NWSE			37					40	37
			SESE			21		17			15	4
		35	NENE			9.1	16	9.1				
					0	89.7	16	26.1	15	15	69	48.6

Sum Claimed ac =	100
Sum Rec ac =	89.7

Purpose of Use Data Entry Form

Claim Number 67-4112C

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

X **Use Claimed Purpose of Use as Recommended Purpose of Use**

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

_____

_____

_____

_____

Reviewer: Craig L. Saxton Date: 12/6/05

IDWR Field Exam Form 12/06/2005

Period of Use and Quantity Data Entry Form

Claim Number 67-4112C

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	04/20	07/15	1.76	

Overall Diversion Rate 1.76 Overall Diversion Volume

X **Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	**3/15**	**11/15**	**0.16**	**N/A**

Overall Diversion Rate **0.16** Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Diversion rate recommended to bring total diversion rate of flood water and decreed water up to 1 full inch per acre.

Reviewer: **Craig L. Saxton** Date: **12/6/05**

Memorandum

Date: December 5, 2005

To: 67-4112A and 67-4112C

From: Craig L. Saxton

Re: Recommended Acres and property boundaries

67-4112A and 67-4112C are claimed in the name of Manis Investigations and Manis Ranch respectively. Both of these are owned by Wayne Manis as confirmed by a letter from his attorney Joel P. Hazel received on October 10, 2005.

The issue is that 67-4112C (Manis Ranch), claims irrigation on land in the name of Manis Investigations. And 67-4112A (Manis Investigations), doesn't claim enough acreage to cover the irrigated POU on ground in the name of Manis Investigations.

It appears that the proportionate splits of original statutory claim 67-4112 were not distributed correctly. Since it seems clear that IDWR personnel helped prepare the split claims, I am going to recommend some of the acres claimed under 67-4112C to the POU recommended under 67-4112A without an amended claim.

It appears that there was just an error in splitting up the acreage when the claims were filed. All the acreage is covered and paid for between the two claims and the claims are owned by the same person, although not in the name of the same entity. This will make the recommendations fit with recommendations for split portions of 67-318 and 67-319.

Water Right Record

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	318		Decreed	1889-05-01	0.06	*4.8*	COTTONWO	IRRIGATION	MC GINLEY, JAMES H	wrWaterRight
67	319		Decreed	1890-07-01	1.44	*115.2*	COTTONWO	IRRIGATION	MC GINLEY, JAMES H	wrWaterRight
				Total =	1.5	120				

Watermaster Records

6N01W26	TUNNELL, DAVID	**$2.40**	**$2.10**	**3**	**318**	**MCGINLI**	**5/1/89**
6N01W26	TUNNELL, DAVID	**$57.60**	**$50.40**	**72**	**319**	**MCGINLI**	**7/1/90**

* I cannot find David Tunnell in the Tax lots or any SRBA claims filed in his name.
* The parcel number listed for tunnell ends with 803 and Manis parcel # is 803A
* Change of ownership in Manis files shows he bought property from Tunnell

Claim

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	4112	A	Beneficial Us	1889-06-01	0.41	16	COTTONWO	IRRIGATION, STOCK	MANIS INVESTIGATION	wrAdjudicationClaim
67	4112	C	Statutory Clai	1889-06-01	1.76	69	COTTONWO	IRRIGATION	MANIS RANCH LLC (Cu	wrAdjudicationClaim
67	14664		Decreed	1889-05-01	0.02	26.1	COTTONWO	IRRIGATION	MANIS INVESTIGATION	wrAdjudicationClaim
67	14665		Decreed	1889-05-01	0.03	57.9	COTTONWO	IRRIGATION	MANIS RANCH LLC (Cu	wrAdjudicationClaim
67	14667		Decreed	1890-07-01	0.42	26.1	COTTONWO	IRRIGATION	MANIS INVESTIGATION	wrAdjudicationClaim
67	14668		Decreed	1890-07-01	0.78	57.9	COTTONWO	IRRIGATION	MANIS RANCH LLC (Cu	wrAdjudicationClaim

Recommendation

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	4112	A	Beneficial Us	5/10/1918	0.08	26.1	COTTONWO	IRRIGATION, STOCK	MANIS INVESTIGATION	Recommendation
67	14664		Decreed	1889-05-01	0.02	1.4	COTTONWO	IRRIGATION	MANIS INVESTIGATION	Recommendation
67	14667		Decreed	1890-07-01	0.42	26.1	COTTONWO	IRRIGATION	MANIS INVESTIGATION	Recommendation
					0.52	26.1	*0.020 = Inches per acre*			

67	4112	C	Beneficial Us	5/10/1918	0.16	48.6	COTTONWO	IRRIGATION	MANIS RANCH LLC (Cu	Recommendation
67	14665		Decreed	1889-05-01	0.03	2.6	COTTONWO	IRRIGATION	MANIS RANCH LLC (Cu	Recommendation
67	14668		Decreed	1890-07-01	0.78	48.6	COTTONWO	IRRIGATION	MANIS RANCH LLC (Cu	Recommendation
					0.97	48.6	*0.020 = Inches per acre*			

Diversion rate recommended for beneficial use claims 67-4112A and 67-4112C bring the total diversion rate up to 1" per acre in conjunction with decreed Muir vs. Allison water

Split history for Decreed Right 67-4112

WR History

67-4112	Frasier
2.6	cfs
85	ac

Claim History

67-4112	Crosby
	0.38
	15

Claim History

67-4112A	Manis Invest
	0.41
	16

67-4112B	Crosby
	0.38
	15

67-4112C	Manis Ranch
	1.76
	69

Recommendation

67-4112A	Manis Invest
	0.08
	26.1

67-4112B	Crosby
	0.05
	15

67-4112C	Manis Ranch
	0.16
	48.6

Sum CFS =	2.550
Sum Acre=	100

Extra CFS =	
Extra Acre =	
Extra AFA =	

Sum CFS =	0.290
Sum Acre=	89.7

Extra CFS =	
Extra Acre =	
Extra AFA =	

** calculated at 5/8 inches per acre*

***Last updated 12-5-05 (csaxton)**

For digital copy of Excel spreadsheet file: See Craig L. Saxton

I don't know what is going with this or how it got split into greater parts than the original.

***Recommend this rights at roughly 3/8 inches per acre, or to bring b-use and decreed water up to 1 inch per acre in combination.**

WITHERSPOON, KELLEY, DAVENPORT & TOOLE

A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

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NED M. DARNELL
WILLIAM D. SYMMES**
ROBERT H. LAMP
K. THOMAS CONNOLLY
THOMAS D. COCHRAN
DUANE M. SWINTON
JOSEPH H. WIEKAMAN
JEFFREY L. SUITTICH*
DONALD J. LOCKE*†
LESLIE R. WEATHERHEAD**
MICHAEL D. CURRIN
BRIAN T. REGAN*†
R. MAX RITER, JR.*
MICHAEL P. HEMETER*
JOHN M. RILEY III
P.J. DALLANTY, JR.
DANIEL B. TINNEY
MARY E. GRANDINETTI
TIMOTHY M. LAWLOR
WILLIAM M. RYMER*
STANLEY M. SCHWARTZ*
DAVID M. KNUTSON
JOHN M. MCCORMICK‡
MICHAEL L. LOFTY‡
ROSS P. WHITE
RICHARD E. HOUNY
ANDREW J. SCHULTHEIS**
STELLEY M. RIPLEY
CHRISTOPHER G. VARALLO*
KIMBERLY A. KAMEL*
RYAN M. READDON*
LARA L. HEMINGWAY
RICHARD A. KEPP*
BENJAMIN E. COLEMAN
STACY A. BOORAEM
D. TOBY MCLAUGHLIN
RYAN G. JENSEN
TRACY N. LeROY**
STEVEN O. ANDERSON
RULE H. OLDS*

**Admitted in Idaho only
^Also admitted in Washington
*Also admitted in Idaho
†Also admitted in Oregon
>Also admitted in Montana
**Also admitted in California
+Also admitted in New York
>>Also admitted in Illinois

OF COUNSEL

WM. A. DAVENPORT
JOHN E. HEATH, JR.
ALLAN H. TOOLE

October 10, 2005

U.S. Mail & Facsimile: (208) 287-6700

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources, State of Idaho
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right Claims 67-4112A & 67-4112C

Dear Mr. Saxton:

This law firm represents Manis Investigations, Inc., Defined Benefits Pension Plan, Manis Ranch, Inc. as well as Wayne Manis who owns and controls both of the above mentioned entities. Mr. Manis was on an extended hunting trip in South Africa from August 25, 2005 until approximately October 7, 2005. Mr. Manis provided your letters dated August 30, 2005 regarding the two above entitled claims today. Given these circumstances I request a brief extension of the September 16, 2005 deadline to submit evidence of priority date for the above entitled claims.

I will contact you this week.

Sincerely,

WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.

By: _____
JOEL P. HAZEL

cc: Wayne Manis (via fax: 664-5597)
JPH/akg
Enclosure
Q:\Clients-DMD-JPH\JPH CDA LH.doc

WITHERSPOON, KELLEY, DAVENPORT & TOOLE, P.S.
A Professional Service Corporation
Attorneys and Counselors

The Spokesman Review Building
608 Northwest Boulevard, Suite 401
Coeur d'Alene, Idaho 83814-2146
Telephone (208) 667-4000, Facsimile (208) 667-8470

FACSIMILE TRANSMISSION COVER PAGE

DATE: Oct. 10, 2005

TO: Craig L. Saxton

RE: Water Rights Claims 67-4112A + 67-4112C

FAX NO.: 208-287-6700

FROM: Joel P. Hazel

Total number of pages including cover page: 2

****

Message:

FILE NO.

If you do not receive all pages, or if any of the pages are illegible, please contact our office at (208) 667-4000.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, pleased be advised that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used or relied upon, and cannot be used or relied upon, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.
Confidentiality Notice: The information contained in this facsimile and any accompanying attachment(s) is intended only for the use of the intended recipient and may be confidential and/or privileged. If any reader of this communication is not the intended recipient, unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return facsimile, and delete the original message and all copies from your system. Thank you

Saxton, Craig

From: Saxton, Craig
Sent: Monday, October 17, 2005 11:10 AM
To: 'jph@wkdtlaw.com'
Subject: Evidence of Priority for 67-4112A and 67-4112C

Dear Mr. Hazel,

Per our phone conversation on October 17, 2005, I will summarize a couple of main points of our conversation.

67-4112A and 67-4112C are irrigation claims based on beneficial use. This means that it is a claim asserting a valid water right which has never been verified by IDWR.

In researching 67-4112A and 67-4112C in response to your phone call last week, I found two SRBA claims that appear to be applicable to your clients property. Those claims are based on water rights decreed in Muir Vs. Allison and are numbered 67-318 and 67-319. In our phone conversation today, I encouraged you to file a Notice of Change in Water Right ownership form and change the portion of water rights 67-318 and 67-319 that are applicable to your clients property, into his name.

In addition, I told you that at this time, no additional information needs to be submitted to IDWR regarding SRBA claims 67-4112A and 67-4112C. Based upon my initial review, claims 67-4112A and 67-4112C directly overlap portions of decreed rights 67-318 and 67-319 and therefore additional evidence of priority is not needed.

Upon further investigation, additional information may be required. But at this time, I do not see any action that needs to be taken regarding evidence of priority for 67-4112A and 67-4112C. Please disregard the September 16, 2005 deadline shown on the letter requesting evidence of priority. If additional information is needed, your client will be contacted.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
(208) 287-4916
craig.saxton@idwr.idaho.gov

CONVERSATIONAL MEMORANDUM

Date: October 17, 2005

To: File 67-318, 67-319, 67-4112A, & 67-4112C

From: Craig L. Saxton

Subject: Phone Call – Change of Ownership

Spoke with Joel Hazel, Attorney for Mr. Manis (67-4112A, C). He is going to send in a change of ownership for 67-318 and 67-319. Because decreed water directly overlaps statutory water, no EOP is needed for 67-4112A & C.

Claim No. 67-4112

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

~~Section 42-226a, Idaho Code~~

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has ~~been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right~~ but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that John Frasier (name of claimant)

of Council, ID (mailing address), ~~claims a right to the diversion and beneficial use of~~ the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Cottonwood Creek (flood water), tributary to: Weiser River

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 2.55 cfs Use Irrigation Period of Use: From April 20 To July 15

Amount .05 cfs Use Stockwater Period of Use: From July 15 To Nov. 15

Amount _____ (cfs, gpm or a/f) Use _____ (dom., irri., stock, etc.) Period of Use: From _____ To _____ (both dates inclusive)

(3) Total quantity of water claimed: 2.6 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) _____

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) ~~A) Point of diversion: (give location of point where water is diverted from its source)~~

NE ¼ NW ¼, Sec. 36 Twp. 16 N Rge. 1 W B.M. County of Adams

Additional points of diversion: ~~NE¼NW¼~~, Sec. 36, T. 16 N, R. 1 W

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Diversion dams, 18" metal headgate, gravity ditch system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16N	1W	26									15				14	40		15	69
		35	16																16

Total No. of acres 85

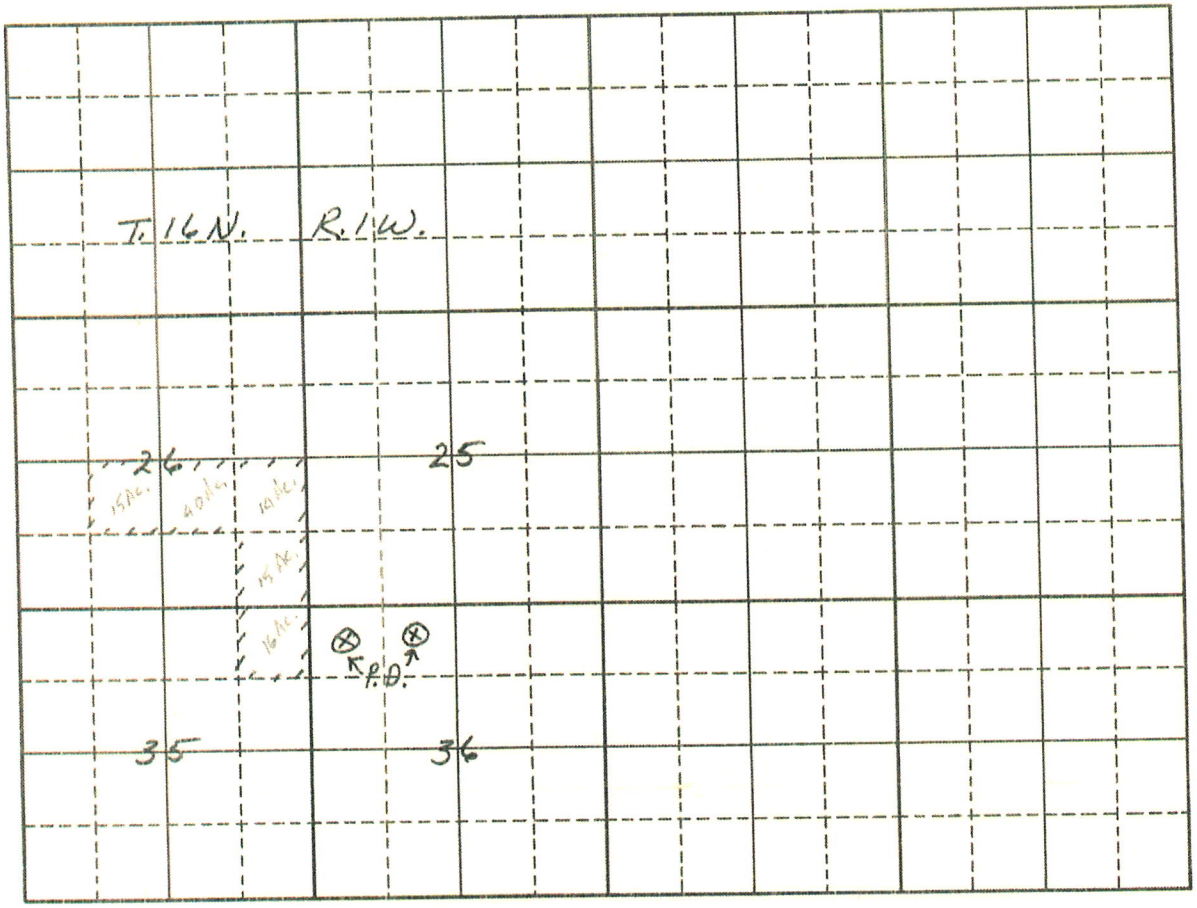
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater for 300 head. Cows & 15 horses

(7) If you are claiming water as a member of an organization, list name of organization: _____

Decreed water right 67-72 in 1870 out of Cottonwood Creek.

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of ADAMS)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

John Fraser
(Claimant)

Sworn to before me this 14TH day of MARCH, 19 75

Jane Ibbett
Notary Public
Residing at COUNCIL IDAHO

My commission expires 6-22-76

For Department Use Only

Received by		Date 3/19/75	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by	CS	Date ~~3-19-75~~			
$10.00 fee received by		Date 3-19-75 #454			
Approved for publication by		4-8-75 OK			
Published in	Adams County Leader				
Dates	March 27 & April 3				

IN THE MATTER OF:

John Frasier, Water Right

AFFIDAVIT

State of Idaho)

County of _____)

Clarence Gould being first duly sworn, deposes and says: I was born on the John Frasier ranch in 1895. My father settled on the ranch in 1888 and used water out of Cottonwood creek ever since I can remember

Clarence Gould
(signature)

Subscribed and sworn to before me this 14TH day of MARCH 1975.

Paul Braun
(notary public)

Residing at COUNCIL IDAHO.

My commission expires 6-22-76

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 22, 2004

MANIS INVESTIGATIONS INC
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

RE: Notice of Change in Water Right Ownership: 67-4112C

Dear Property Owner(s):

Our office has received your Notice of Change in Water Right Ownership, and it is being returned to you at this time. The Warranty Deed submitted only covers a portion of the above referenced claim. In addition, our records indicate that this water right is currently in the name of Manis Ranch LLC.

This claim is for property located in the NESE, SESE and NWSE of Section 26, Township 16 North, Range 1 West. The Warranty Deed submitted only covers the land located in the SESE of said Section, Township and Range.

If you wish to continue the name change process to put this claim into the name of Manis Investigations Inc, please submit the Deed(s) showing this property transfer, which includes the legal description of the property.

If you have any questions concerning this matter, please feel free to contact this office at any time.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosures

SCANNED
JUL 2 2 2004

RECEIVED
JUN 22 2004
WATER RESOURCES
WESTERN REGION

Form 42-248/42-1409(6) July, 2000

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 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
"Parent #" →	67-4112		NO			
	67-4112A		NO			
	67-4112C		NO			

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 usually attached to your deed or on file with the county).

   OR

   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 **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): Douglas M. King & Janice Hobbs
   P.O. Box 388, Bayview, ID 83803

4. New Owner/Claimant(s): Manis Investigations Inc Defined Benefit Pension Plan
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: 7244 E. Hayden Creek Road

   City, State and ZIP Code: Hayden Lake, ID 83835

   New Telephone Number: (208) 741-0032

5. Date you acquired the property: June 10, 2004

SCANNED
JUN 22 2004

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) X Wayne J. Mann

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.

For Office Use Only
Received by DB Date 6-22-04 Fee -0-
Receipted by _____ Date _____ Receipt No. _____
Processed by _____AJ Date _____ WR _____ Date _____

INSTRUMENT NO. 106317
PAGE 1 OF 2

WARRANTY DEED

For Value Received, DOUGLAS M. KING, a single man, and JANICE HOBBS, a single woman

the grantors, do hereby grant, bargain, sell and convey unto
MANIS INVESTIGATIONS, INC. DEFINED BENEFIT PENSION PLAN

the grantee, whose current address is 7244 East Hayden Creek Road, Hayden Lake, ID 83835

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, its heirs 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 they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever.

Date: June 10, 2004

DOUGLAS M. KING

JANICE HOBBS

Instrument # 106317
COUNCIL, ADAMS, IDAHO
2004-06-14 03:55:00 No. of Pages: 2
Recorded for : TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 6.00
Ex-Officio Recorder Deputy
Index to: DEED

STATE OF Idaho)
: ss
COUNTY OF Kootenai)

On this 11th day of June, in the year of 2004, before me, a Notary Public in and for said State, personally appeared DOUGLAS M. KING & JANICE HOBBS
known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that ~~he/she~~/they executed the same.

TERRY SHECK
NOTARY PUBLIC
STATE OF IDAHO

Notary Public
Residing at: Coeur d'Alene
Commission expires: 6-11-10

#04-502

SCANNED
JUN 22 2004

INSTRUMENT No. 06317
PAGE 2 OF 2

EXHIBIT 'A'

'TRACT A'

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho Sections 26 and 35: A tract of land located in the SE1/4SE1/4 of Section 26 and the NE1/4NE1/4 of Section 35, more particularly described as follows:

Beginning at the corner common to Sections 25, 26, 35 and 36, T16NR1W, Boise Meridian, Adams County, Idaho;

Thence South 00° 43'54" East 1326.27 feet along the line common to Sections 35 and 36 to the southeast corner of the NE1/4NE1/4 of Section 35;

Thence South 89° 52'16" West 1316.48 feet along the south line of the NE1/4NE1/4 of Section 35 to the Southwest corner of the NE1/4NE1/4 of Section 35;

Thence North 00° 22'59" West 1324.17 feet along the West line of the NE1/4NE1/4 of Section 35 to the Northwest corner of the NE1/4NE1/4 of Section 35;

Thence North 00° 48'38" East 1104.35 feet along the West line of the SE1/4SE1/4 of Section 26 to a point in the center of Cottonwood Creek Road, said point being on a nontangent curve with center being North 78° 12'26" East 130.00 feet radial distance;

Thence along the centerline of Cottonwood Creek Road through the following eleven courses:

1) Counterclockwise along last said nontangent curve an arc distance of 136.61 feet (chord South 41° 53'47" East 130.41 feet);
2) South 72° 00'00" East 76.92 feet;
3) Along a 450.00 foot radius curve to the left an arc distance of 249.36 feet (chord South 87° 52'30" East 246.19 feet);
4) North 76° 15'00" East 101.99 feet;
5) Along a 80.00 foot radius curve to the right an arc distance of 124.71 feet (chord South 59° 05'27" East 112.46 Feet) TO A POINT ON A REVERSE CURVE WITH CENTER BEING North 75° 34'05" East 700.00 feet radial distance;
6) Counterclockwise along last said reverse curve an arc distance of 200.38 feet (chord South 22° 37'57" East 199.70 feet);
7) South 30° 50'00" East 187.75 feet;
8) Along a 750.00 foot radius curve to the left an arc distance of 267.25 feet (chord South 41° 02'30" East 265.84 feet);
9) South 51° 15'00" East 286.80 feet;
10) Along a 350.00 foot radius curve to the left an arc distance of 124.21 feet (chord South 61° 25'00" East 123.56 feet;
11) South 71° 35'00" East 14.99 feet to a point on the line common to Sections 25 and 26;

Thence South 01° 12'01" West 146.39 feet along the line common to Sections 25 and 26 to the REAL POINT OF BEGINNING.

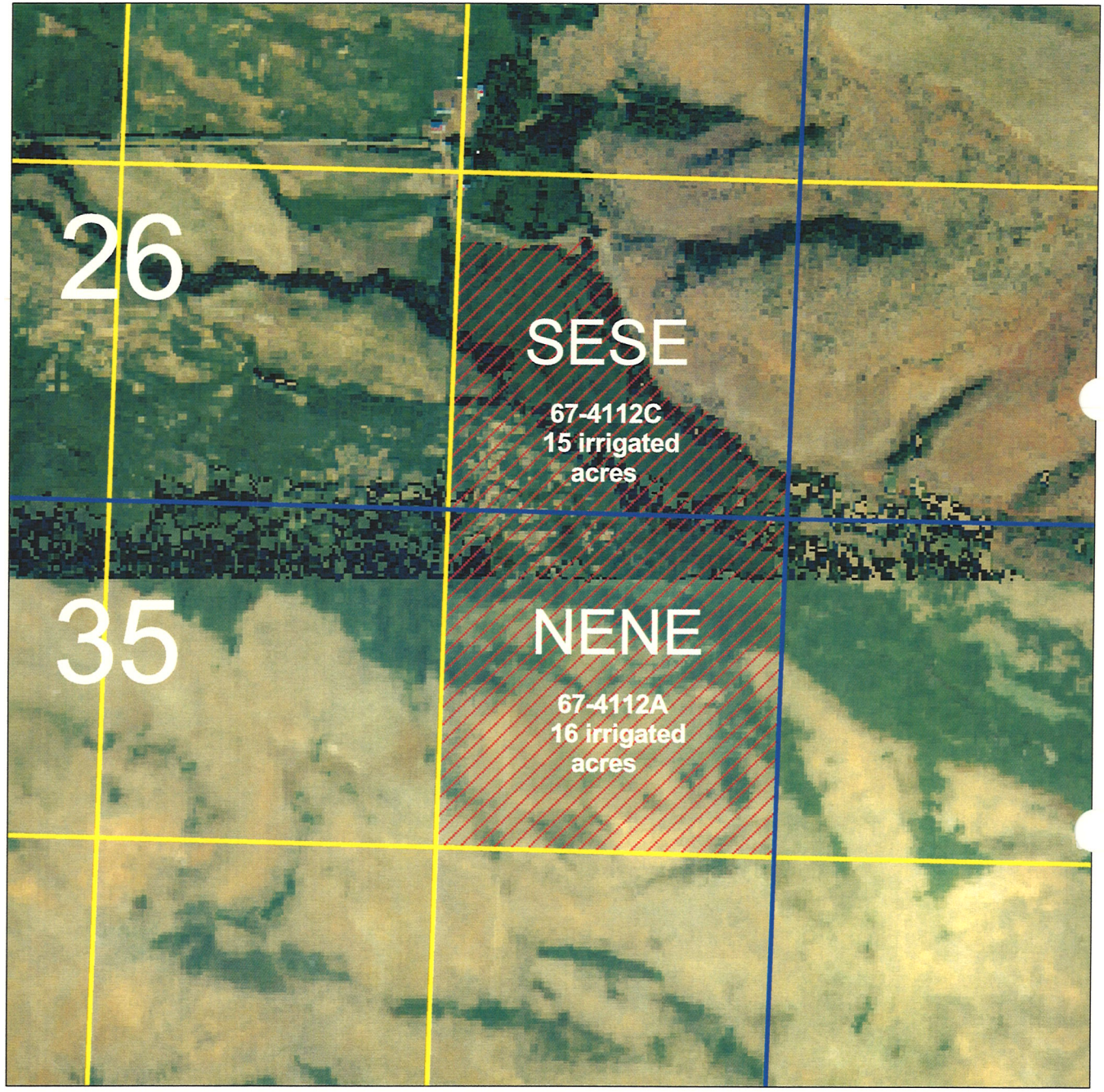
EXCEPTING the County Road right-of-way.

SCANNED
JUN 2 2 2004

DRAFT

67-4112A & 67-4112C

16N 1W



Section Line

QQ Lines

Metes & bounds description

N
W
E
S

0.04 0 0.04 0.08 Miles

DRAFT

MEMORANDUM

To: 67-4112A and 67-4112C
From: Denise Buffington
Date: June 23, 2004
Subj: Ownership Change information

We received an ownership change from Manis Investigations Inc on June 22, 2004 for the above claim numbers. After pulling the files, it was discovered that 67-4112A had not been filed on in the SRBA.

In addition, we had also received an ownership in February to change 67-4112A into the name of Douglas M King and Janice Hobbs. This ownership change had not been reviewed or processed as of yet; therefore the claim had not been filed as of yet.

Upon receiving the information from Manis Investigations, stating that they now own the property, a claim was sent to them to sign, notarize and return with the filing fee of $66.

All ownership change documentation and maps are in the files.

SCANNED
JUN 2 3 2004

MEMORANDUM

Date: October 9, 2003

To: Denise Hatfield

From: Craig L. Saxton

Subject: Change of Ownership Issues – Follow up for an OD Call

Sadie at 880-2122 (she is a realator) had questions concerning ownership of 67-04112A and 67-04112C. She said that a change of ownership was sent in to put all of 67-04112A should be in the name of Dave and Sandy Tunnell and a portion of 67-04112B (ie. The SESE of section 26, should also be in the Tunnell name.

However, the thing that is throwing me off is that both of the SRBA claim records are set at Temporary status. So doesn't that mean that a change of ownership isn't going to do squat. Don't they need to file the claim. However, your notes says that at least 67-04112C is paid for under receipt #: W030960.

I am confused.

I gave Sadie your name and she is going to call you once you get back and she has some of the other details worked out. I just wanted to make you familiar with the situation

0 response - no call rec'd as of 11-4-03

SCANNED
APR 0 8 2004

10/09/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4112C

WATER RIGHT NUMBER: 67-4112C

Owner Type	Name and Address
Current Owner	MANIS RANCH LLC 7244 E HAYDEN CREEK RD HAYDEN LAKE, ID 83835
Original Owner	JOHN FRASIER COUNCIL, ID 83612

Priority Date: 06/01/1889

Basis: Statutory Claim

Status: Temporary

Source	Tributary
COTTONWOOD CREEK	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/20 to 07/15	1.760 CFS	
	Total Diversion:	1.760 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK ADAMS County	NE1/4NW1/4	Sec. 36, Twp 16N, Rge 01W, B.M.
COTTONWOOD CREEK ADAMS County	NW1/4NW1/4	Sec. 36, Twp 16N, Rge 01W, B.M.

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	
16N	01W	26													14.0	40.0		15.0	69.0

Total Acres: 69

Possibly Be in Tunnell Name

Conditions of Approval:

Remarks:

1.	General	PRIORITIES ARE 6-1-1889 & 6-1-1890. AC. IRR.=85.
2.	General	This claim is the result of a split for a portion of water right 67-4112. See remarks in 67-4112. DH 9/2/2003
3.	General	Fees paid under receipt number W030960 on 9/26/2003. DH

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4112C

Comments:

Dates and Other Information:

Claim Received Date: 5/10/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
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

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 27, 2003

MANIS RANCH LLC
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

Re: Notice of Claim to a Water Right No. 67-4112C

Dear Claimant(s):

Enclosed is your copy of the above referenced claim(s), in which you recently filed with the Department.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DH: dh

Enclosure

MANIS RANCH L.L.C.

E. 7244 HAYDEN CREEK ROAD PHONE: 208/772-4296
HAYDEN LAKE, IDAHO 83835 FAX: 208/664-5597

October 22, 2003

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
OCT 27 2003
WATER RESOURCES
WESTERN REGION

RE: NOTICE OF CLAIM OF WATER RIGHT OWNERSHIP NO. 67-4112

To Whom It May Concern:

Enclosed please find signed and notarized claim documents the Department of Water Resources requested in a letter dated September 29, 2003. Upon receipt of the requested documents, your Department stated that it would continue to process the ownership change. Please advise as to the status of this water right ownership change or forward evidence of title on this claim at your earliest convenience.

If you have any questions concerning this matter, please contact me at 208/771-0032.

Sincerely,

MANIS RANCH L.L.C.

Wayne F. Manis

WAYNE F. MANIS

WFM/cmh

enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 29, 2003

MANIS RANCH LLC
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

RE: Notice of Claim to a Water Right No. 67-4112C

Dear Property Owner(s):

The Department has received the appropriate filing fee for the above referenced claim. However, before we can continue processing this claim, we need the claim to be signed and notarized.

Please sign the enclosed claim and return it to this office within 30 days. If the signed claim is not received within 30 days, the Department will refund your money and the claim will be voided.

Thank you again for your patience and cooperation. If you have any questions concerning this matter, please feel free to contact this office at any time.

Sincerely,

Adjudication Section
Western Region

DH:dh

Enclosures

Idaho Department of Water Resources Receipt

Receipt ID W030960

Payment Amount $119.00 **Date Received** 9/26/2003 1:46:57 PM **Region** Western **Status**

Payment Type Check **Check Number** 1034

Payer MANIS RANCH LLC

Comment NOTICE OF CLAIM TO A WATER RIGHT 67-4112C

Fee Detail

Amount	Description	Fund	FD	PCA	SO
$119.00	ADJUDICATION FILING FEE	0337		42503	1155

Signature Line (Dept. Representative)

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED
SEP 26 2003
WATER RESOURCES
WESTERN REGION

September 2, 2003

MANIS RANCH LLC
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

Copy

RE: Notice of Claim to a Water Right No. 67-4112C

Dear Property Owner(s):

Enclosed you will find a Notice of Claim to a Water Right form, along with the Notice of Change in Water Right Ownership you recently submitted. Department records show that portions of this right have not been previously filed on. In order to complete the process of changing your portion into your name, please review the claim attached, sign in front of a notary, and initial any changes that were made.

The appropriate filing fee for this claim is $50, plus $1 per acre claimed. Please submit the completed claim and $119 at your earliest convenience.

Thank you again for your patience and cooperation. If you have any questions concerning this matter, please feel free to contact this office at any time.

Sincerely,

Denise Hatfield

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH:dh

Enclosures

No claim rec'd w/ money.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 2, 2003

MANIS RANCH LLC
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

RE: Notice of Claim to a Water Right No. 67-4112C

Dear Property Owner(s):

Enclosed you will find a Notice of Claim to a Water Right form, along with the Notice of Change in Water Right Ownership you recently submitted. Department records show that portions of this right have not been previously filed on. In order to complete the process of changing your portion into your name, please review the claim attached, sign in front of a notary, and initial any changes that were made.

The appropriate filing fee for this claim is $50, plus $1 per acre claimed. Please submit the completed claim and $119 at your earliest convenience.

Thank you again for your patience and cooperation. If you have any questions concerning this matter, please feel free to contact this office at any time.

Sincerely,

Denise Hatfield

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH:dh

Enclosures

MANIS RANCH L.L.C.

E. 7244 HAYDEN CREEK ROAD PHONE: 208/772-4296
HAYDEN LAKE, IDAHO 83835 FAX: 208/664-5597

RECEIVED

AUG 2 1 2003

WATER RESOURCES
WESTERN REGION

August 19, 2003

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: STATUS REQUEST REGARDING NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP NO. 67-4112

To Whom It May Concern:

Enclosed please find a copy of a letter you sent to me dated June 27, 2003, acknowledging receipt of a plat map or a survey map of the property indicating the acres purchased. The Department indicated in an earlier letter that upon receipt of the requested documents, the Department would complete the ownership change.

To date, we have not received information indicating that the change regarding water right ownership has been recorded.

Please advise as to the status of this water right ownership change.

Sincerely,

MANIS RANCH L.L.C.

Wayne F. Manis

WAYNE F. MANIS

WFM/cmh
Enc.

creed Noah & Co.
Real Estate

PO Box 268 • 35 S. Superior Street • Cambridge, ID 83610
Phone 208-257-3355 • Fax 208-257-3855
www.creednoah.com

RECEIVED
AUG 15 2002
WATER RESOURCES
WESTERN REGION

August 14, 2002

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

To Whom It May Concern:

On behalf of Manis Ranch LLC we are enclosing a copy of your correspondence to Manis Ranch LLC, a survey map and legal description as per your request and a copy of the Water Right Report pertaining to Water Right No. 67-4112.

We hope this information will be sufficient for you to complete the ownership change. Please contact me if we can be of further assistance.

Thank you.

Sincerely,

Creed Noah

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 27, 2003

WAYNE F MANIS
MANIS RANCH LLC
516 SHERMAN AVE
COEUR D' ALENE ID 83814

RE: Notice of Change in Water Right Ownership No. 67-4112

Dear Property Owner(s):

In response to your letter dated June 24, we have received the requested map and the change of ownership information is ready for final review. Copies will be mailed upon completion.

Thank you again for your patience and cooperation, as we have had several water right changes to process. If you have any further questions regarding this matter, feel free to contact this office at (208) 334-2190.

Sincerely,

Denise Hatfield

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

RECEIVED
JUN 27 2003
WATER RESOURCES
WESTERN REGION

MANIS INVESTIGATIONS, INC.
Investigative and Consulting Services
Domestic • Foreign

June 24, 2003

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP NO. 67-4112

To Whom It May Concern:

Enclosed please find a letter that you sent to me on July 18, 2002, with attachments requesting change in water right ownership.

Your letter requested that we submit a plat map or a survey map of the property indicating the acres purchased and upon receipt you would complete the ownership change.

This information was forwarded to you last year by Mr. Creed Noah, however, we have received no information indicating that the changes were made.

Please advise as to the status of this water right ownership change.

Sincerely,

MANIS RANCH, L.L.C.

Wayne F. Manis

WAYNE F. MANIS

WFM/as
Enc.
cc: Creed Noah

516 Sherman Avenue • Coeur d'Alene, Idaho 83814 • Telephone (208) 664-4395 • Fax (208) 664-5597

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 18, 2002

MANIS RANCH LLC
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

RE: Notice of Change of Water Right Ownership No. 67-4112

Dear Property Owners:

This office has reviewed your Notice of Change of Water Right Ownership for the property with the above reference water right number. However, we are returning this to you at this time.

In order to further review this ownership change adequately, we need you to submit a plat map or a survey map of the property, indicating the acres in which you purchased.

Please submit the above information and we may be able to complete this ownership change. We apologize for any inconvenience this may have caused.

If you have any questions concerning this letter, please contact this office at 334-2190. Thank you for your patience and cooperation, as we have had several water right changes to process.

Sincerely,

Adjudication Section
Western Region

DH: dh

Enclosures

Adams County

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

April 24, 2002

DAVID CROSBY
PO BOX 820
COUNCIL ID 83612

RE: Notice of Claim to a Water Right No. 67-4112

Dear Mr. Crosby:

Enclosed you will find a Notice of Claim to a Water Right form, along with the Change in Ownership information you recently submitted. Department records show that this right has not been previously filed on. In order to complete the process of changing this right to your name, please complete this form and return to this office at your earliest convenience.

The appropriate filing fee for this particular irrigation claim, would be $50, plus $1 per acre claimed.

If you have any questions regarding this matter, please feel free to contact this office at any time. Thank you for your cooperation.

Sincerely,

Adjudication Section
Western Region

Enclosure

DB: db

FILING FEE = $50 PLUS $1 PER ACRE CLAIMED

04/24/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4112

WATER RIGHT NUMBER: 67-4112

Owner Type	Name and Address
Current Owner	JOHN FRASIER
	COUNCIL, ID 83612

Priority Date: 06/01/1889

Basis: Statutory Claim

Status: Active

Source	Tributary
COTTONWOOD CREEK	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/20 to 7/15	2.550 CFS	
STOCKWATER	7/15 to 11/15	0.050 CFS	
	Total Diversion:	2.600 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NE1/4NW1/4	Sec. 36,	Twp 16N, Rge 01W, B.M.	ADAMS County
COTTONWOOD CREEK	NW1/4NW1/4	Sec. 36,	Twp 16N, Rge 01W, B.M.	ADAMS 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	
16N 01W 26									15.0				14.0	40.0		15.0	84.0
16N 01W 35	16.0																16.0

Total Acres: 100

STOCKWATER same as IRRIGATION

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4112

Remarks:

1. General PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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

RECEIVED
APR 2 2 2002
WATER RESOURCES
WESTERN REGION

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 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
67-4112		yes			

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 usually attached to your deed or on file with the county).

OR

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 **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.

Name and Address of Former Owner/Claimant(s): David E. Cereghino / D. Wayne Cada
23250 Cada Lane, Caldwell, ID 83650

New Owner/Claimant(s): David Crosby
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address: P.O. Box 820

City, State and ZIP Code: Council, ID 83612

New Telephone Number: (208) 761-6114

Date you acquired the property: 4-12-02

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 67-4112

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		15 acres
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

Signature of New Owner(s) or Claimant(s) (include title if applicable)
X David Crosby
X

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.

For Office Use Only
Received by DB Date 4-22-02 Fee $0
Receipted by ____ Date ____ Receipt No. ____
Processed by ____ AJ Date ____ WR ____ Date ____

INSTRUMENT NO. 101444 WARRANTY DEED

PAGE 1 OF 2

COPY

For Value Received, DAVID E. CEREGHINO, a married man as his sole and separate property, and D. WAYNE CADA, a married man as his sole and separate property

the grantors, do hereby grant, bargain, sell and convey unto DAVID CROSBY, an unmarried man

the grantee, whose current address is P.O. Box 820, Council, ID 83612

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs 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 they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever.

Date: April 12, 2002

DAVID E. CEREGHINO

D. WAYNE CADA

Instrument # 101444
COUNCIL, ADAMS, IDAHO
2002-04-12 04:11:31 No. of Pages: 2
Recorded for : TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 6.00
Ex-Officio Recorder Deputy
Index to: DEED

STATE OF Idaho)
: ss
COUNTY OF Adams)

On this 11 day of April, in the year of 2002, before me, a Notary Public in and for said State, personally appeared

DAVID E. CEREGHINO and D. WAYNE CADA
known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at: Indian Valley
Commission expires: 9-17-04

#02-213

INSTRUMENT NO. 101444
PAGE 2 OF 2

EXHIBIT 'A'

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 26: A tract of land located in the N1/2SW1/4 and NW1/4SE1/4 more particularly described as follows:
Commencing at the ¼ corner common to Sections 26 and 27, T16N., R. 1W., Boise Meridian, Adams County, Idaho;
Thence N 89° 43'46"E, 1320.00 feet along the East-West midsection line of Section 26 to the TRUE POINT OF BEGINNING;
Thence, continuing N 89° 43'46"E, 1419.22 feet along the East-West midsection line of Section 26;
Thence S 18° 04'48"W, 378.50 feet;
Thence S 00° 37'00"E, 960.00 feet to a point on the South line of the N1/2S1/2 of Section 26;
Thence S 89° 45'20"W, 1312.08 feet along the South line of the N1/2S1/2 of Section 26;
Thence N 00° 00'00"E, 1318.65 feet to the POINT OF BEGINNING.
SUBJECT TO the County Road known as Cottonwood Road as now established.

The above described parcel is also known as TRACT D as shown on Record of Survey recorded December 26, 2001 as Instr. No. 100908.