

RECEIVED

JUL 29 2004

WATER RESOURCES
WESTERN REGION

\$66-

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 67-4112A

Date Received: ~~6/23/2004~~ 7-29-04

Receipt No: W032066

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

Phone: (208) 741-0032

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	0.41	
STOCKWATER	07/15	11/15	0.05	

7. Total Quantity Appropriated is:
0.41 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	35	NE	NE	IRRIGATION	16
			NE	NE	STOCKWATER	
					Section Acres	16
					Total Acres	16

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, however has not been claimed in the SRBA. DH 9/2/2003

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

15. Basis of Claim: Statutory Claim

16. Signature(s)

Wayne J. Manis

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: N/A

For Organizations:

I do solemnly swear or affirm that I am Member/President/Program Administrator of MANIS INVESTIGATIONS Inc. Title Administrator that I have signed the foregoing Defined Benefit Pension Plan Organization document in the space below as Member/President/Program Administrator of MANIS INVESTIGATIONS Inc. Title Administrator and that the statements contained in the foregoing document are true and correct.

Wayne J. Manis
Signature of Authorized Agent

Manis Investigations Inc.
Title and Organization

July 4, 2004
Date

State of Idaho)
County of Kootenai) SS.

Subscribed and sworn (or affirmed) before me this 4th of July 2004

[Signature]
Notary Public

Residing at Kootenai County

My commission Expires 9/3/2005



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

RECEIVED

JUN 22 2004

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
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

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
DOUGLAS M. KING

Janice Hobbs
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 Deputy Fisk

Index to: DEED

STATE OF Idaho)
COUNTY OF Kootenai) : ss

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) are subscribed to the within instrument, and acknowledged to
me that ~~he/she~~ they executed the same.

TERRY SHECK
NOTARY PUBLIC
STATE OF IDAHO

Terry Sheck
Notary Public

Residing at: Boise, ID

Commission expires: 6-11-10

'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.

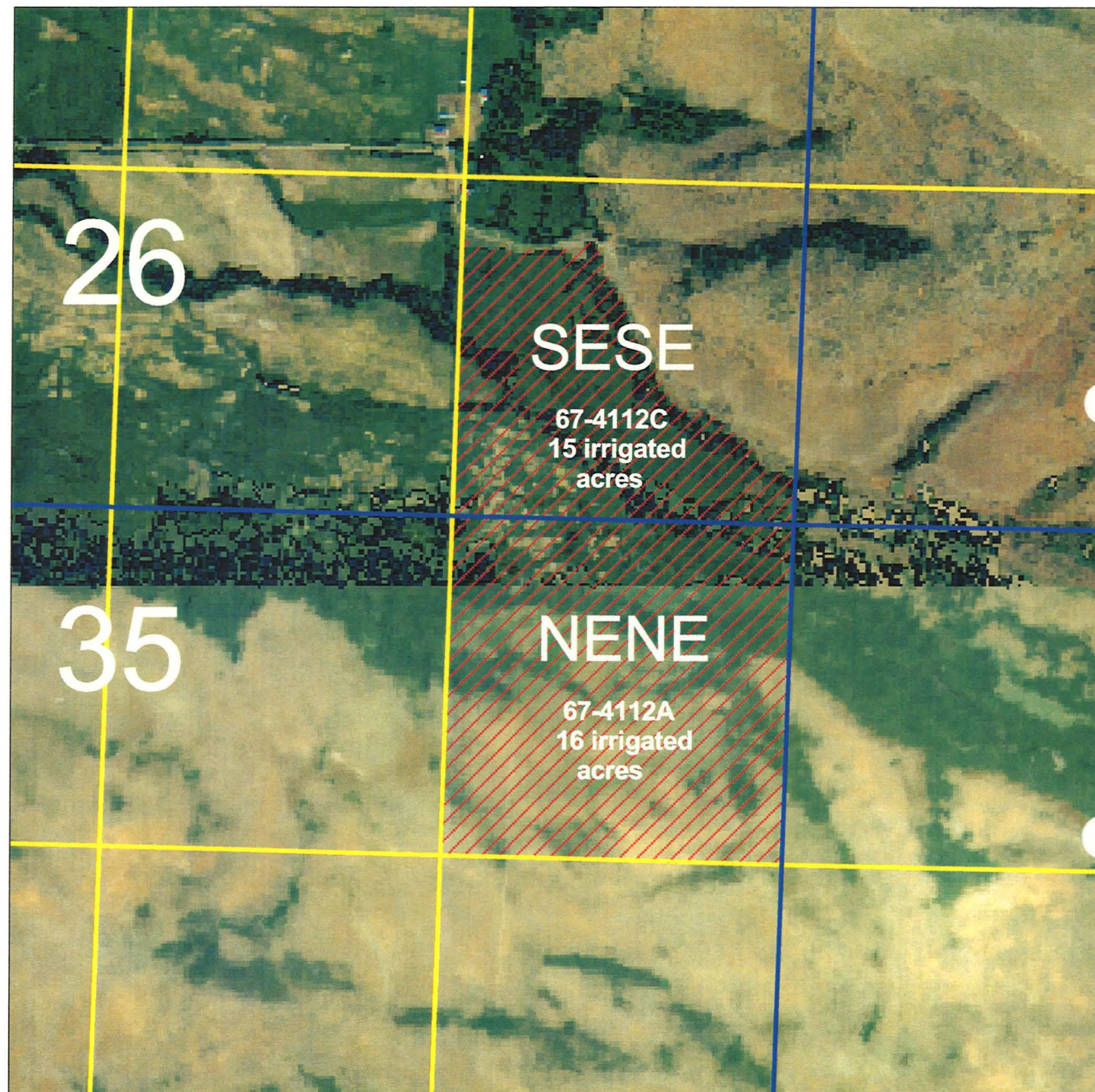
EXCEPTING the County Road right-of-way.

SCANNED
JUN 22 2004

67-4112A & 67-4112C

16N 1W

-  Section Line
-  QQ Lines
-  Metes & bounds description



0.04 0 0.04 0.08 Miles





**TIMBERLINE REAL ESTATE
& ESCROW, INC.**

IDWR:

According to the realtor involved in this transaction (and the previous transaction wherein current seller was purchaser), this parcel has water as follows:

16 acres T16N R1W Section 35
15 acres T16N R1W Section 26

Thank you!

P. O. Box 6, 204 Illinois Avenue, Council, ID 83612
Phone: 208-253-6886 FAX: 208-253-6887

We are committed to excellence!

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

FEB 23 2004

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.

- i. 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	67-4112 = Parent		
67-4112A		NO	67-4112A = Temp.		

- need to file on
this claim
\$64-

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *N/A*
- 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 R. Tunnell or Sandra L. Tunnell
P.O. Box 86, Lyons, OR 97358

4. New Owner/Claimant(s)

Douglas M. King & Janice Hobbs

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

New Mailing Address

151 Shiloh Drive

City, State and ZIP Code

Lewiston, ID 83501

New Telephone Number

(208) 798-5666

5. Date you acquired the property

Nov. 3, 2003

6.

If the change in ownership affects the entire water right for each water right 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)

[Handwritten Signature]
[Handwritten Signature]

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 2-23-04 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

COPY

For Value Received, DAVID R. TUNNELL and SANDRA L. TUNNELL, husband and wife
the grantors, do hereby grant, bargain, sell and convey unto
DOUGLAS M. KING, a single man, and JANICE HOBBS, a single woman

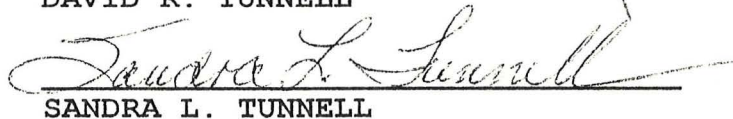
the grantees, whose current address is 151 Shiloh Drive, Lewiston, ID 83501
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said
Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, 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: November 3, 2003


DAVID R. TUNNELL


SANDRA L. TUNNELL

Instrument # 104887

COUNCIL, ADAMS, IDAHO

2003-11-05

12:01:56 No. of Pages: 2

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: 6.00

Ex Officio Recorder Deputy 

Index to: DEED

STATE OF *Oregon*

)

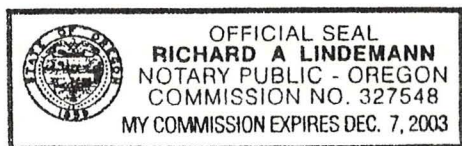
COUNTY OF *Linn*

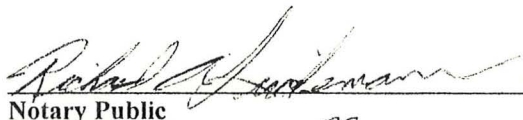
: ss

)

On this *30th* day of October, in the year of 2003, before me, a Notary Public in and for said State, personally appeared
DAVID R. TUNNELL & SANDRA L. TUNNELL

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me
that they executed the same.




Notary Public

Residing at: *Lewiston, OR*

Commission expires: *12-7-03*

Over →

'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);
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- 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.

SUBJECT TO THE FOLLOWING:

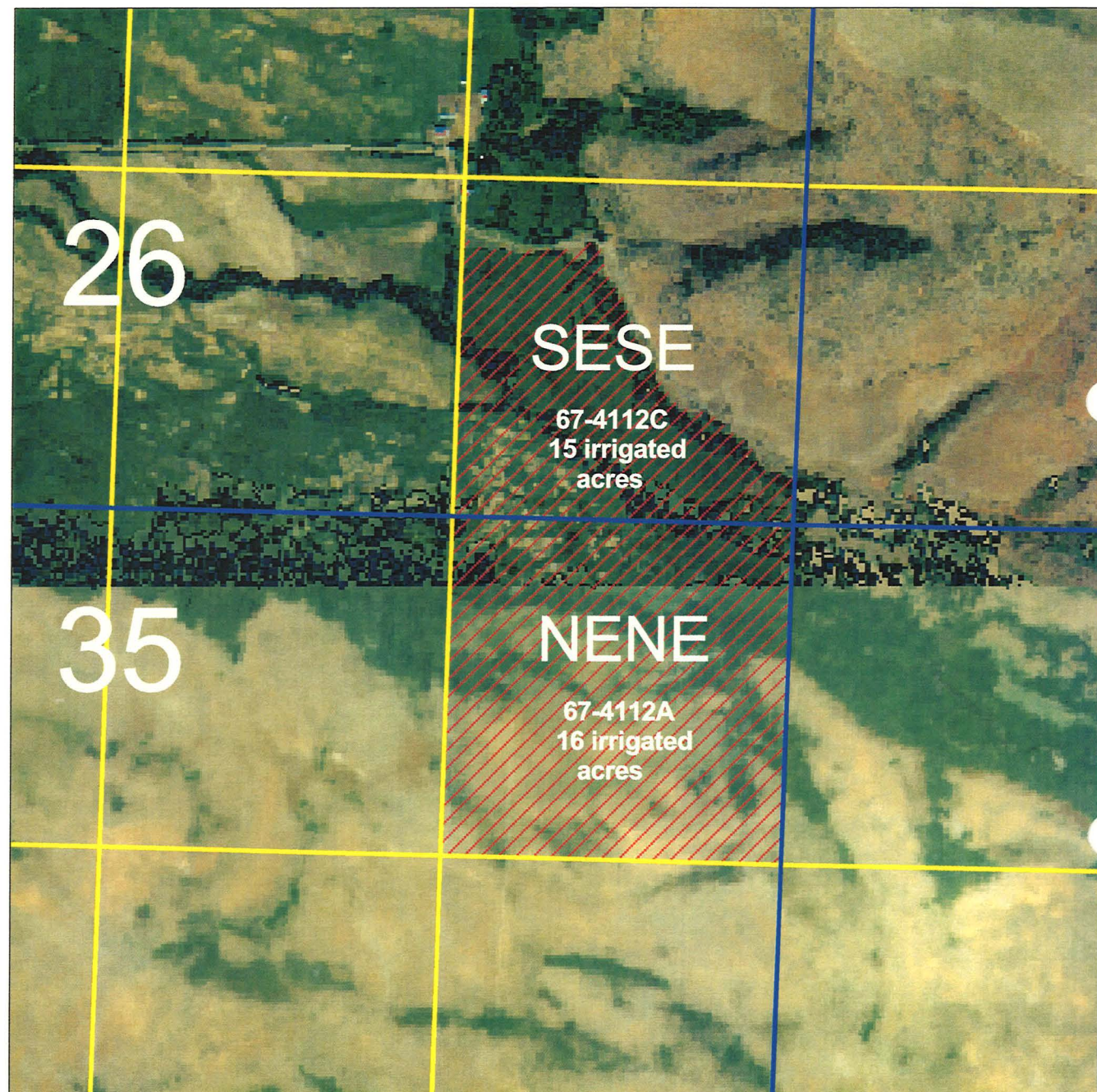
MORTGAGE dated September 4, 2001 to secure an indebtedness in the principal sum of \$110,000.00 and any other amounts and/or obligations secured thereby.

Recorded: September 7, 2001 as Instr. No. 100361
Mortgagor: DAVID R. TUNNELL and SANDRA L. TUNNELL,
Husband and wife
Mortgagee: 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

67-4112A & 67-4112C

16N 1W

-  Section Line
-  QQ Lines
-  Metes & bounds description



0.04 0 0.04 0.08 Miles



IDAHO DEPARTMENT OF WATER
Adjudication Claim Report 67-

WATER RIGHT NUMBER: 67-4112A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN FRASIER
	COUNCIL, ID 83612

Priority Date: 06/01/1889
 Basis: Statutory Claim
 Status: **Not Claimed**

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/20 to 07/15	0.410 CFS	
STOCKWATER	07/15 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.410 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 UseIRRIGATION Within ADAMS County

T16N R01W S35 NENE 16.0

Total Acres: 16

STOCKWATER Within ADAMS County

T16N R01W S35 NENE

Conditions of Approval:Remarks:

1. General PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.
2. Explanatory This claim is the result of a split for a portion of water right 67-4112, however has not been claimed in the SRBA. DH 9/2/2003

Comments:

See additional
ownership change
documents in
67-4112B + C.
DH

Per arcview -
 ←
 Jack W Frasier
 PO Box 208
 Council 83612
 Letter sent 9/3/03

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4112A

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Remainder (not claimed)

Page 1

08/29/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4112

WATER RIGHT NUMBER: 67-4112

67-4112A

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 7/15	2.550 CFS	.41
STOCKWATER	7/15 to 11/15	0.050 CFS	.05
	<u>Total Diversion:</u>	2.600 CFS	.41

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

16

Not covered (exception) on Maris Seed

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

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

Comments:

				16N 1W #3				16N 1E			
NWNW	NENW	NWNE	NENE	NWNW	NENW	NWNE	NENE	NWNW Lot 1	NENW	NWNE	NENE
SWNW	SEnw	26	SENE	SWNW	SEnw	SWNE	SENE	SWNW Lot 2	SEnw	SWNE	SENE
#2 NWSW	#4 NESW		SWNE								
NWSW	NESW	NWSE	NESE	NWSW	NESW	NWSE	NESE	NWSW Lot 3	NESW	NWSE	NESE
SWSW	SESW	SWSE	SESE	SWSW	SESW	SWSE	SESE	SWSW Lot 4	SESW	SWSE	SESE
NWNW	NENW	NWNE	NENE	NWNW	NENW	NWNE	NENE	NWNW Lot 1	NENW	NWNE	NENE
SWNW	SEnw	SWNE	SENE	SWNW	SEnw	SWNE	SENE	SWNW	SEnw	SWNE	SENE
35				36				31			
NWSW	NESW	NWSE	NESE	NWSW	NESW	NWSE	NESE	NWSW	NESW	NWSE	NESE
SWSW	SESW	SWSE	SESE	SWSW	SESW	SWSE	SESE	SWSW	SESW	SWSE	SESE

Red = Manis Property listed on deed
 Green = Exceptions on deed

67-4112A

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

A67-04112

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. 820 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

Form No. 42-1400 (S) 2/88

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

050-174-174

CIVIL CASE NUMBER: 050-174-174

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Inr 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	
<u>16N</u>	<u>1W</u>	<u>26</u>									<u>15</u>								<u>15</u>

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 rt 67-4112

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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 Croxson 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

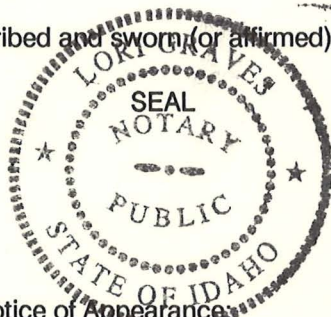
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

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



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

Last Name _____ Ident. Number _____

Date _____

Address _____

Signature _____

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

Please Print Name _____

My Commission Expires _____

2/18/04

Residing at _____

Boise

Notary Public _____

Jan. Gorman

Subscribed and sworn to (affirmed) before me this _____ day of _____, 19 _____.

County of _____ }
State of Idaho } ss.



and that the statements contained in the foregoing document are true and correct.

Title _____ Organization _____

document in the space below as _____ of _____

Organization _____

_____ of _____ that I have signed the foregoing

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

Date _____

Signature of Claimant (s) _____

David Cochran

5-10-02

For individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true

Number of attachments _____

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

18. Signature (s) _____

Plaintiff vs Defendant _____

Court _____

Case Number _____

Decree Date _____

If applicable provide IDWR Water Right Number _____

62-4115

Decree _____

19. Basis of Claim (check one) Beneficial Use _____

Posted Notice _____

License _____

Permit _____

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

RENUMBERED TO 67-4112B

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

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

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

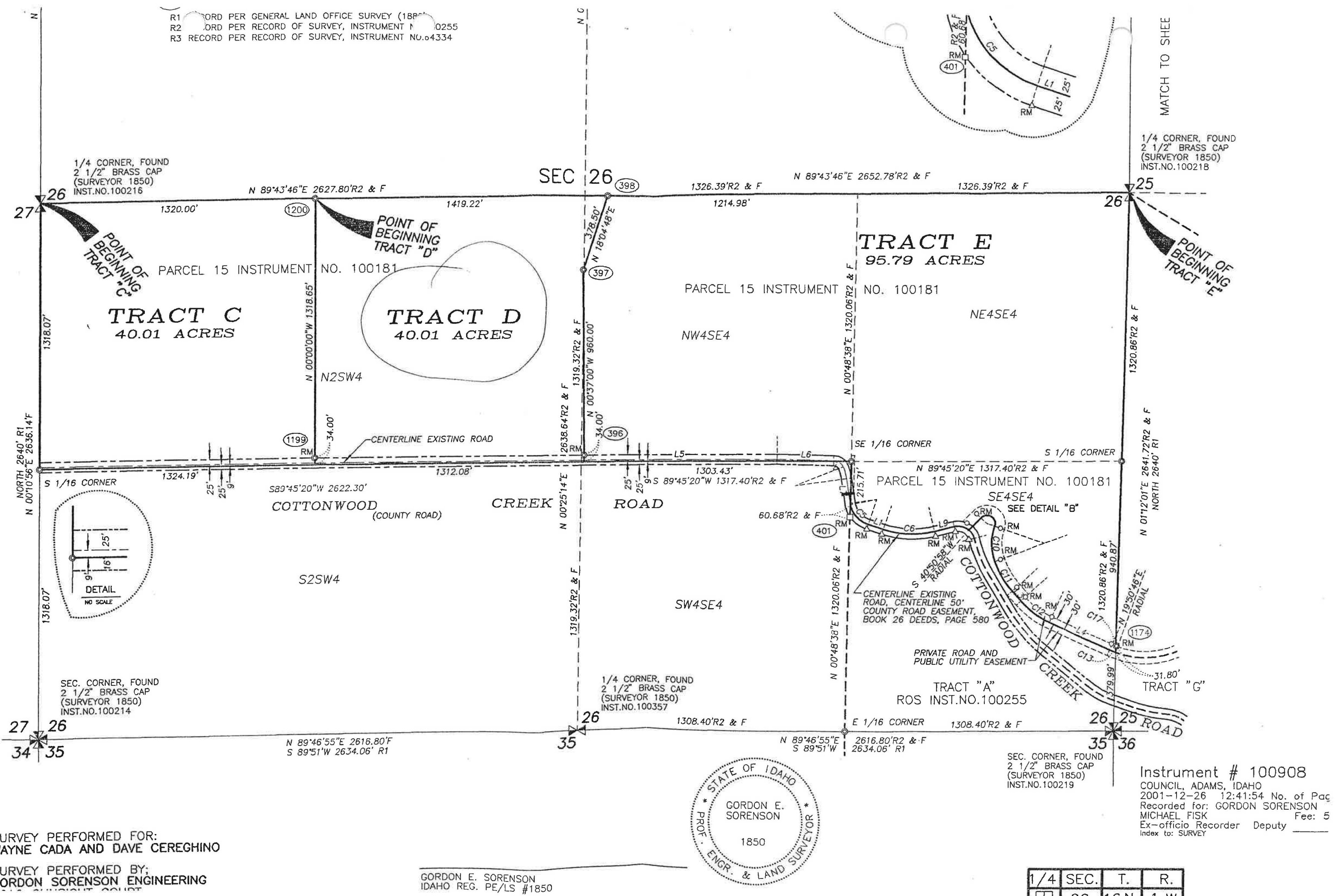
1. General PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.

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

R1 RECORD PER GENERAL LAND OFFICE SURVEY (1880)
R2 RECORD PER RECORD OF SURVEY, INSTRUMENT NO. 100255
R3 RECORD PER RECORD OF SURVEY, INSTRUMENT NO. 1004334



Karl

RECEIVED
DEC 07 2006
DEPARTMENT OF
WATER RESOURCES

WITHERSPOON, KELLEY, DAVENPORT & TOOLE
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

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. KROFKE*
R. MAX EETER, 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. LARGY**
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

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

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 11 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 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 IDWR 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.

Craig L. Saxton
December 5, 2006
Page 3

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 Hazel
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 11 2006

70702
1-49
+ .050 slack

11/14/2006

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 Hagel 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 11 2006

11/14/2006

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 11 2006

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



57-4112A 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?

12/06/2005

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

RIGHT NUMBER: 67-4112A

NAME AND ADDRESS: MANIS INVESTIGATIONS INC
DEFINED BENEFIT PENSION PLAN
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.080 CFS

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

PRIORITY DATE: 05/18/1918

POINT OF DIVERSION:

T16N R01W S36 NENW Within ADAMS County

T16N R01W S36 NWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.080 CFS
STOCKWATER	03/15 11/15	0.050 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S26 SESE 17.0 T16N R01W S35 NENE 9.1

STOCKWATER same as IRRIGATION

26.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 26.1 acres in a single irrigation season. Combined Right Nos.: 67-4112A, 67-1466H, and 67-1466Z.

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

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

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

Stockwater use is for 300 range cattle and 15 horses.



Idaho Department of Water Resources

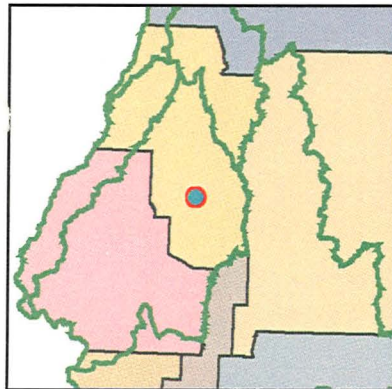
Adjudication Claim Number:

67-4112A, 67-14664, & 67-14667

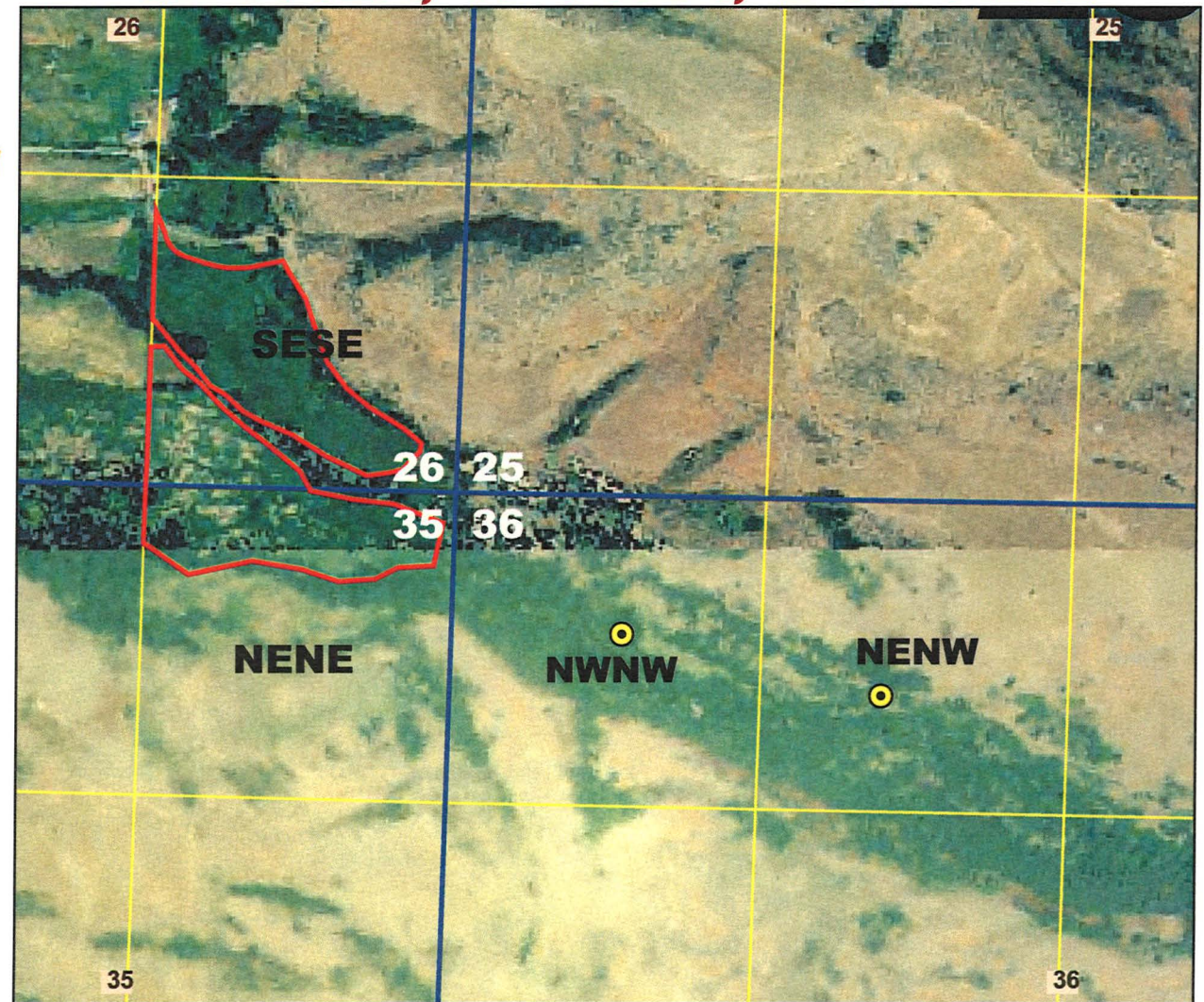
T16N R01W

Legend

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



Adams County
IDWR Basin 67



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4112A V1

WATER RIGHT NUMBER: 67-4112A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MANIS INVESTIGATIONS INC DEFINED BENEFIT PENSION PLAN 7244 E HAYDEN CREEK RD HAYDEN LAKE, ID 83835
Original Owner	JACK W FRASIER PO BOX 208 COUNCIL, ID 83612 (208)253-4758
Original Owner	JOHN FRASIER PO BOX 273 COUNCIL, ID 83612 (208)253-4891

Priority Date: 05/18/1918

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.080 CFS	
STOCKWATER	03/15 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.080 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																	17.0
16N	01W	35	9.1																9.1

Total Acres: 26.1

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-4112A V1

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 26.1 acres in a single irrigation season. Combined Right Nos.: 67-4112~~5~~⁶, 67-1466~~2~~⁴, and 67-1466~~4~~².
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. X02 Stockwater use is for 300 range cattle and 15 horses.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. csaxton 12/6/2005 Stockwater Use

Comment: Recommended greater number of stock than standard diversion rate. Number of stock was taken from the original Statutory claim.

2. csaxton 12/6/2005 From Claim (1)

Comment: This claim is the result of a split for a portion of water right 67-4112, however has not been claimed in the SRBA. DH 9/2/2003

3. csaxton 12/6/2005 From Claim (2)

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

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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/6/2005 8:08:10 AM	csaxton			Active
Priority Date	12/6/2005 8:09:18 AM	csaxton			Active
POD	12/6/2005 8:09:28 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4112A V1

Source	12/6/2005 8:11:25 AM	csaxton	Active
POU	12/6/2005 8:12:08 AM	csaxton	Active
Use	12/6/2005 8:14:04 AM	csaxton	Active
Season	12/6/2005 8:15:59 AM	csaxton	Active
Quantity	12/6/2005 8:18:48 AM	csaxton	Active
Summary		12/06/2005 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/6/2005 8:12:58 AM	csaxton	Updated PLS for Active POU
Summary	12/6/2005 8:23:47 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?
Quantity	12/6/2005 8:18:49 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 Dave Tuthill, claims recommended for 0.20 cfs or less do not require measurement.
Contacts	12/6/2005 8:08:11 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4112A V1

General	12/6/2005 8:09:19 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.
POD	12/6/2005 8:09:29 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?
POD	12/6/2005 8:10:15 AM	csaxton	Updated shape
POD	12/6/2005 8:10:34 AM	csaxton	Updated shape
Source	12/6/2005 8:11:27 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 - Flood water on top of decreed water where source is defined.
POU	12/6/2005 8:12:10 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? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Overlap with decreed water.
POU	12/6/2005 8:12:42 AM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4112A V1

Use	12/6/2005 8:14:06 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 - Overlap with decreed water.
Season	12/6/2005 8:16:00 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 administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

Water Supply Bank:

Contacts Data Entry Form

Claim Number: 67-4112A

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	MANIS INVESTIGATIONS INC	DEFINED BENEFIT PENSION PLAN 7244 E HAYDEN CREEK RD	HAYDEN LAKE	ID	83835	
Original Owner	JACK W FRASIER	PO BOX 208	COUNCIL	ID	83612	(208)253-4758
Original Owner	JOHN FRASIER	PO BOX 273	COUNCIL	ID	83612	(208)253-4891

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**

Priority Date Data Entry Form

Claim Number 67-4112A

Claimed Priority Date: 6/1/1889

Claimed Basis: Beneficial Use

☒ **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**

Point of Diversion and Source Data Entry Form

Claim Number 67-4112A

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

Place Of Use Data Entry Form

Claim Number 67-4112A

Claimed Place Of Use

T16N R01W S35 NENE 16.0

T16N R01W S35 NENE

Total Acres 16

☐ 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							

Sum Claimed ac =	100
Sum Rec ac =	89.7

Purpose of Use Data Entry Form

Claim Number 67-4112A

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
STOCKWATER			

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
Irrigation				
Stockwater		300 cows & 15 horses		

Document how the Purpose of Use was verified:

Stockwater number taken from statutory claim.

Reviewer: Craig L. Saxton

Date: 12/6/05

Period of Use and Quantity Data Entry Form

Claim Number 67-4112A

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	04/20	07/15	0.41	
STOCKWATER	07/15	11/15	0.05	

Overall Diversion Rate 0.41 Overall Diversion Volume

☒ **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	0.05	N/A

Overall Diversion Rate **0.05** 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**

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 Use	1889-06-01	0.41	16	COTTONWO	IRRIGATION, STOCK	MANIS INVESTIGATION	wrAdjudicationClaim
67	4112	C	Statutory Claim	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 Use	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			

CFS

67	4112	C	Beneficial Use	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			

CFS

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

* calculated at 5/8 inches per acre

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 =	

*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.

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.

WITHERSPOON, KELLEY, DAVENPORT & TOOLE

A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

OEUR D'ALENE OFFICE

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DENNIS M. DAVIS++
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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. SPINGER*
DONALD J. LUKES†
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*
LARA L. HEMINGWAY
RICHARD A. REPP*
BENJAMIN S. COLEMAN
STACY A. BJORDAHL
D. TOBY McLAUGHLIN
RYAN K. JENSEN
TRACY N. LEROY--
STEVEN O. ANDERSON
JULIE 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

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

RECEIVED
OCT 13 2005
Department of Water Resources

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

OF COUNSEL

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

October 10, 2005

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

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

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 Hazel

JOEL P. HAZEL

cc: Wayne Manis (via fax: 664-5597)

JPH/akg

Enclosure

Q:\Clients-DMD-JPH\JPH CDA LH.doc

SCANNED
OCT 13 2005

WITHERSPOON, KELLEY, DAVENPORT & TOOLE

A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

THE SPOKESMAN REVIEW BLDG., SUITE 401
608 NORTHWEST BOULEVARD
COEUR D'ALENE, IDAHO 83814-2146



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

Saxton, Craig

From: Saxton, Craig
Sent: Monday, October 17, 2005 11:10 AM
To: 'jph@wkdttlaw.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.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-325e, 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, claims a right to the diversion and beneficial use of
(mailing address)

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 Waiser Creek
- (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	Use	Period of Use: From	To
100.00	100.00	100.00	100.00

[illegible]

- (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: NE ¼, 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.

[illegible]

Total No. of acres 85

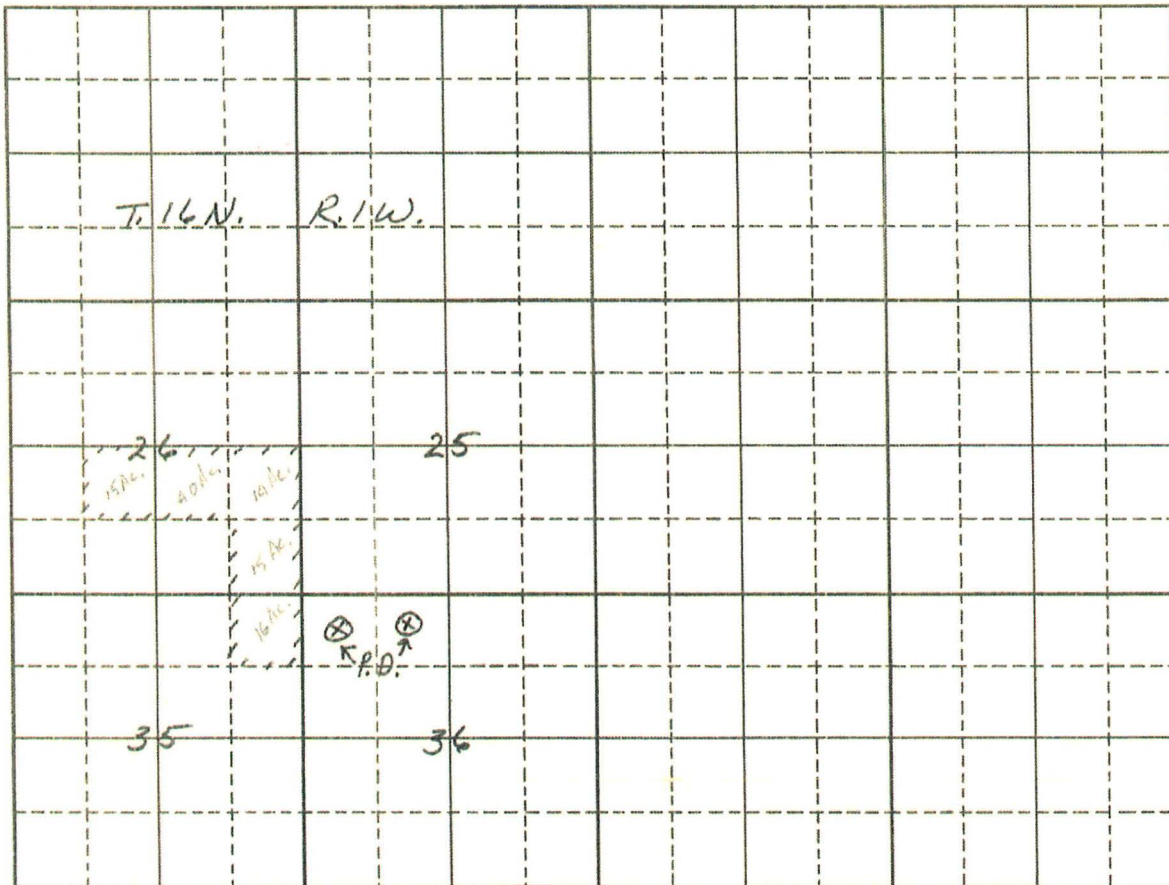
- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:**

Stockwater for 300 head. Cows & 15 horses

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

Decayed water **MICROPHYMED** 9 - 72 in 1890 out of
Cotton-wood creek.

(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.

Sworn to before me this 14th day of

MARCH, 1975

Notary Public

Residing at Council IDAHO

My commission expires 6-22-76

For Department Use Only

Received by 29 Date 3/19/75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by 13 Date 10-13-19-75 claimant by: _____
\$10.00 fee received by 2a Date 3/19/75 #451
Approved for publication by Chen 4-8-75 alk _____
Published in Adams County Journal _____
Dates March 27 - April 3 _____

IN THE MATTER OF:

John Frasier, Water Right
State of Idaho
County of _____

AFFIDAVIT

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 19 75.

Paul Strawn
(notary public)

Residing at COUNCIL BLAFFS
My commission expires 6-22-76

MICROFILMED

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.



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 23, 2004

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

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

Dear Property Owner(s):

Enclosed you will find a Notice of Claim to a Water Right form, along with a copy of the Notice of Change in Water Right Ownership you recently submitted. Department records show that this right has not been previously filed on. In order to complete the process of filing this claim in 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 \$66 at your earliest convenience.

Please note we are currently processing the ownership change request for water right number 67-4112C also. A copy of this claim will be mailed to you upon completion.

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 Buffington
Office Specialist I
Adjudication Section
Western Region

DB: db

Enclosures

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 realtor) 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4112A

WATER RIGHT NUMBER: 67-4112A

Owner Type Name and Address
 Original Owner JOHN FRASIER
 COUNCIL, ID 83612
 Current Owner JACK W FRASIER
 BOX 208
 COUNCIL, ID 83612
 (208)253-4758

*Definatehly the one we are
 looking For.*

Shor

Priority Date: 06/01/1889
 Basis: Statutory Claim
 Status: Temporary

Source Tributary
 COTTONWOOD CREEK WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/20 to 07/15	0.410 CFS	
STOCKWATER	07/15 to 11/15	0.050 CFS	
<u>Total Diversion:</u>		0.410 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	35	16.0																16.0

Total Acres: 16

STOCKWATER

*Faxed to us in Jan 2002
 Should be in Tunnel Name*

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	35	X																

*But is
 going to
 be Transferred
 into New
 Owner*

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-4112A

Conditions of Approval:

Remarks:

1. General PRIORITIES ARE 6-1-1889 & 6-1-1890.
AC. IRR.=85.
2. Explanatory This claim is the result of a split for a portion of water right 67-4112, however has not been
claimed in the SRBA. DH 9/2/2003

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

September 3, 2003

JACK W FRASIER
PO BOX 208
COUNCIL ID 83612

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

Dear Property Owner(s):

Enclosed you will find a Notice of Claim to a Water Right for your review. We have been advised you may be the current owner of the property associated with this claim number. Department records show that this claim has not been previously filed on. If you do in fact own this property and wish to file the attached claim, please review, sign in front of a notary, and initial any necessary changes that were made.

The appropriate filing fee for this claim is \$50, plus \$1 per acre claimed. Please submit the completed claim and \$66 at your earliest convenience.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield". The signature is written in dark ink and is positioned above the printed name and title.

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH:dh

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

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,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist I
Adjudication Section
Western Region

DH: dh

Enclosures

MANIS INVESTIGATIONS, INC.

*Investigative and Consulting Services
Domestic • Foreign*

RECEIVED

JUN 27 2003

WATER RESOURCES
WESTERN REGION

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

WFM/as
Enc.
cc: 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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

Adams County

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

Page 1

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

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

Tw	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
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 22 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.

- i. 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			

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)

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

708 761-6114

5. Date you acquired the property

4-12-00

If the change in ownership affects the entire water right for each water right 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 <u>67-4112</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
<u>Irrigation</u>		<u>15 acres</u>
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 David Crosby

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
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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

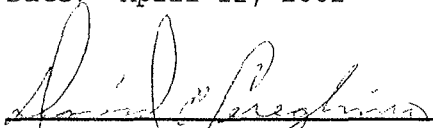
the grantee, whose current address is P.O. Box 820, Council, ID 83612

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

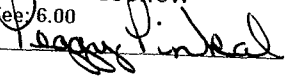
SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

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

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



D. WAYNE CADA

STATE OF Idaho)
COUNTY OF Adams) : ss

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

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;

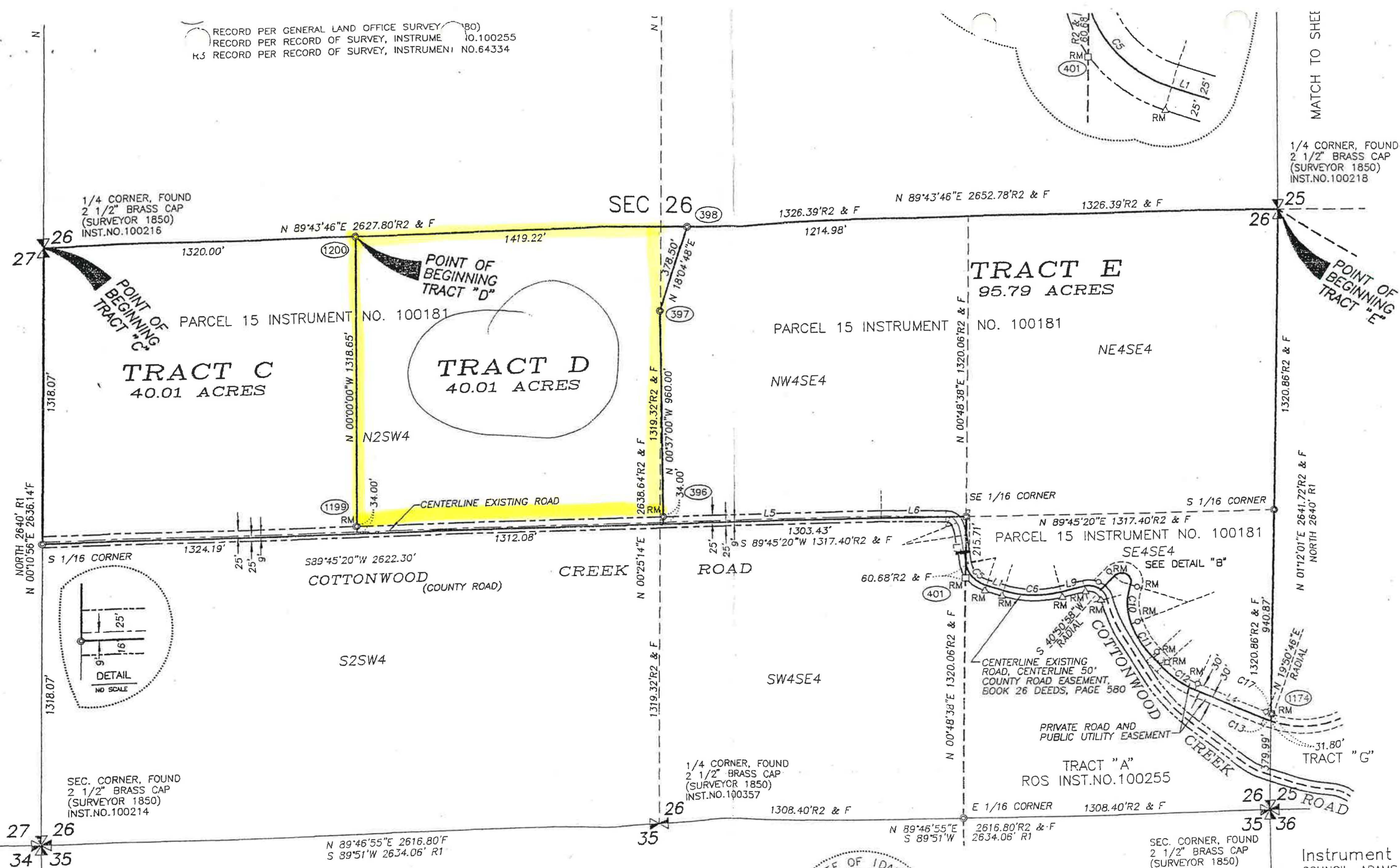
Thence S 89° 45'20"W, 1312.08 feet along the South line of the N1/2S1/2 of Section 26;

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.

RECORD PER GENERAL LAND OFFICE SURVEY (80)
RECORD PER RECORD OF SURVEY, INSTRUMENT NO. 100255
K3 RECORD PER RECORD OF SURVEY, INSTRUMENT NO. 64334



SURVEY PERFORMED FOR:
WAYNE CADA AND DAVE CEREGHINO

SURVEY PERFORMED BY;
GORDON SORENSON ENGINEERING

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

A circular professional seal for Gordon E. Sorenson, a Professional Engineer in the State of Idaho. The seal features the text "STATE OF IDAHO" at the top, "GORDON E. SORENSON" in the center, and "1850" below the name. The outer ring of the seal contains the text "PROF. ENGR. & LAND SURVEYOR".

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

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

1/4	SEC.	T.	R.
☐	26	16 N	1 W