

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10746B V1

WATER RIGHT NUMBER: 67-10746B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CLIFF LANGLEY 1418 US HWY 95 WEISER, ID 83672 (208)549-3371
Current Owner	JONNA S STONE 1438 HWY 95 WEISER, ID 83672
Original Owner	GAIL LANGLEY 1418 US HWY 95 WEISER, ID 83672 (208)549-3371
Current Owner	KENDALL J STONE 1438 HWY 95 WEISER, ID 83672

Priority Date: 04/01/1886

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.530 CFS	
	<u>Total Diversion:</u>	0.530 CFS	

Location of Point(s) of Diversion

MANNS CREEK	SW1/4SW1/4SE1/4	Sec. 12, Twp 12N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	05W	24																	26.5
																			26.5

Total Acres: 26.5

Conditions of Approval:

1. 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.

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2. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate to all Primary Rights on Mann Creek.
3. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 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	11/16/2005 11:19:48 AM	dnarsavage			Active
Priority Date	11/16/2005 11:21:08 AM	dnarsavage			Active
POD	11/16/2005 11:24:17 AM	dnarsavage			Active
Source	11/16/2005 11:24:30 AM	dnarsavage			Active
POU	11/16/2005 11:24:49 AM	dnarsavage			Active
POU	11/16/2005 11:24:54 AM	dnarsavage			Active
Use	11/16/2005 11:27:21 AM	dnarsavage			Active
Season	11/16/2005 11:27:45 AM	dnarsavage			Active
Quantity	11/16/2005 11:29:31 AM	dnarsavage			Active
Summary			11/16/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

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Use	11/16/2005 11:27:21 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	9/28/2005 11:24:51 AM	dnarsavage	Edited Season Of Use
POU	9/28/2005 11:25:00 AM	dnarsavage	Updated PLS for Active POU
POU	9/28/2005 11:27:07 AM	dnarsavage	Updated shape for Active POU
Contacts	11/16/2005 11:19:48 AM	dnarsavage	(No) 1. Do you want to schedule an appointment? Comment for 1: I dont want to
General	11/16/2005 11:21:08 AM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required?
POD	11/16/2005 11:23:48 AM	dnarsavage	Updated shape
Source	11/16/2005 11:24:31 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	11/16/2005 11:24:55 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

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Quantity	11/16/2005 11:29:32 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POU	9/28/2005 11:24:47 AM	dnarsavage	Updated shape for Active POU
POD	11/16/2005 11:24:17 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	11/16/2005 11:24:50 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
Summary	11/16/2005 11:30:34 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (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?

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Season	11/16/2005 11:27:46 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	9/28/2005 11:27:14 AM	dnarsavage	Updated PLS for Active POU
POU	1/6/2006 2:25:35 PM	dnarsavage	Updated shape for Active POU

Water Supply Bank:



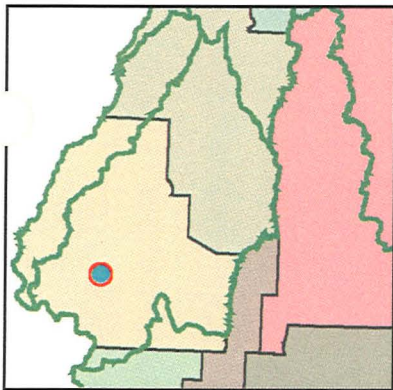
Idaho Department of Water Resources

Adjudication Claim Number: **67-10746B**

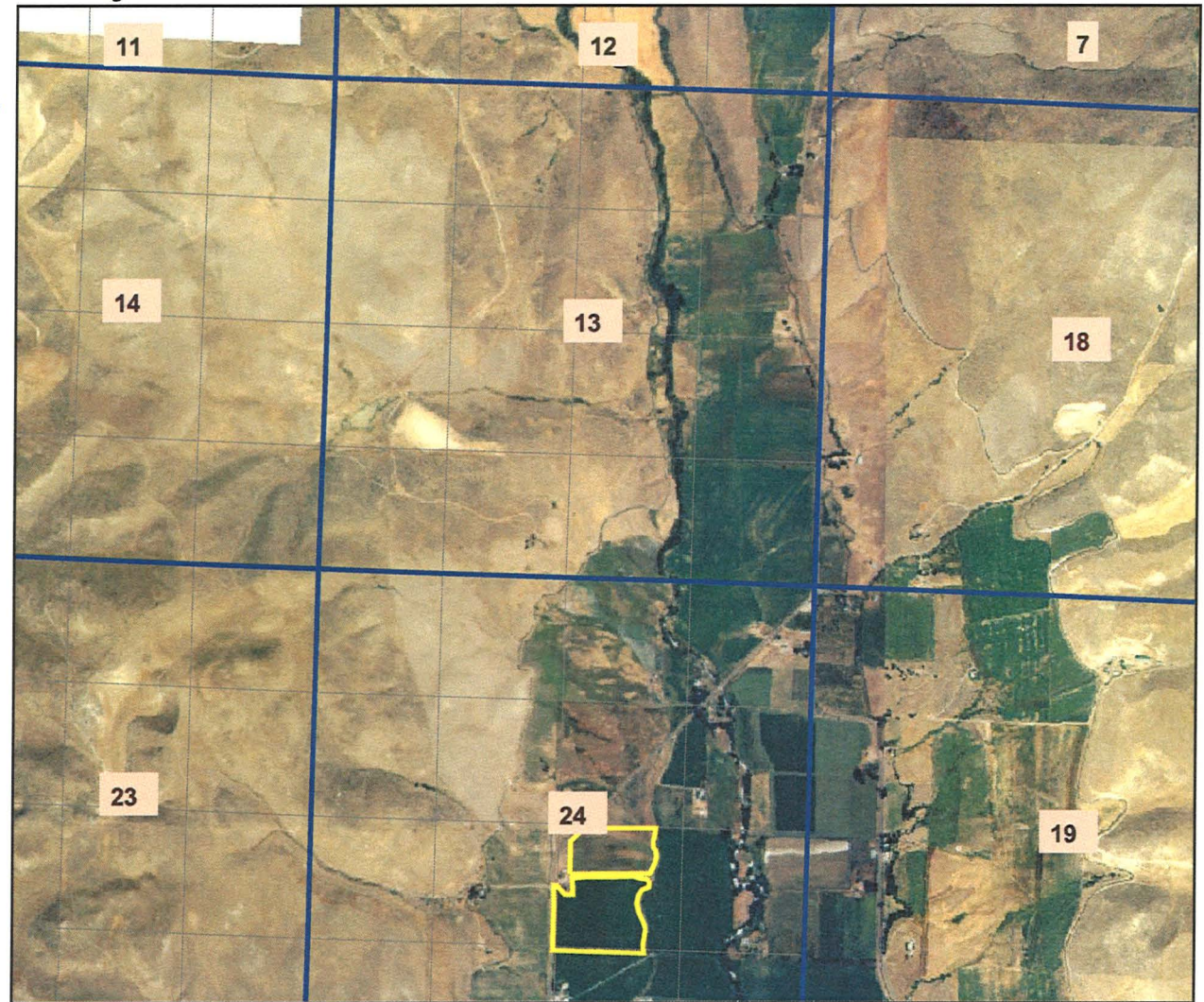
T12N R05W

Legend

-  Point of Diversion
-  Place of Use
-  PLS Sections
-  GCDBQuarter Quarters



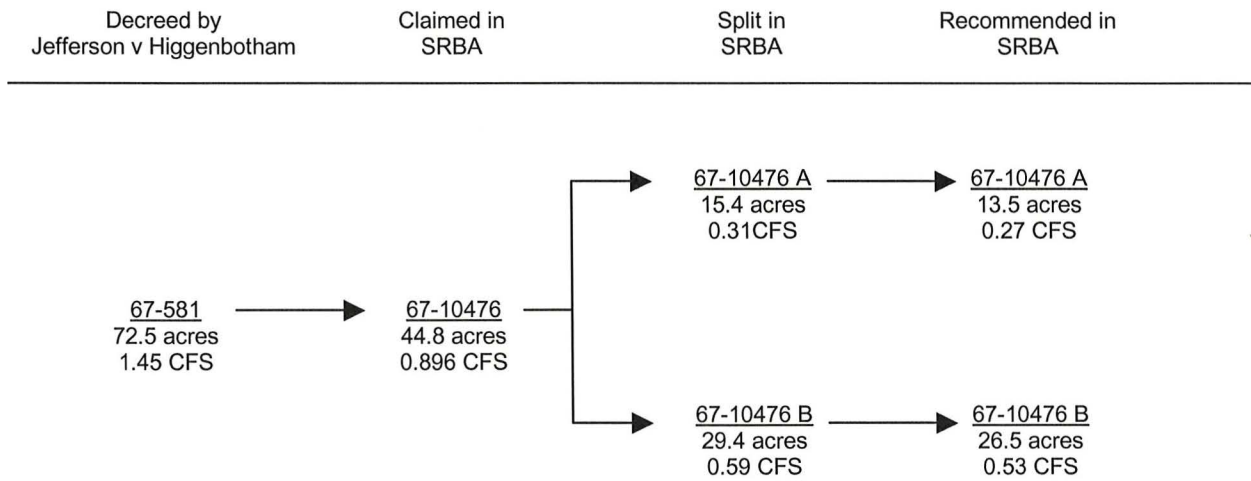
Washington County
IDWR Basin 67



0 0.8 1.6 Miles

A horizontal scale bar with markings at 0, 0.8, and 1.6 miles.

Prepared by D. Narsavage
On Monday, December 5, 2005
1987/88 Aerial Photography



In my analysis of 67-581, I found only roughly 44 acres to which this could be applicable (outlined in blue and labeled in the map below), as all the surrounding land is covered by other decreed rights (also in Jefferson v Higgenbotham). There are now a couple small farm roads and at least one house within the POU polygon that I generated from the decree now, so the originally-claimed 44.8 acres was probably the claimants' entire property before the split. The total of 40 acres I have recommended have these unirrigated features removed.

Dan Narsavage



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A67-10746B**
Date Received: 10/11/1989
Receipt No: X777777
Received By: _____

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

1. Name: KENDALL J STONE
Address: 1438 HWY 95
WEISER ID

83672

AND/OR

Name: JONNA S STONE
Address: 1438 HWY 95
WEISER ID

83672

2. Date of Priority: APR 1, 1886

3. Source: MANNS CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	05W	12	SW	SW	SE		WASHINGTON

5. Description of diverting works:
DIVERSION DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.590		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED

OCT 22 1996

SCANNED

APR 09 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	24	NW	SE		IRR	29.4
Section Acres							29.4
Total Acres							29.4

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS WATER RIGHT IS FROM COMBINED RIGHTS A67-00581 AND A67-00580
CHANGE OF OWNERSHIP AND SPLIT COMPLETED BY L.R.W. ON 11/21/94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/ 3/1921

E. V. JEFFERSON ET.AL.

Decree Plaintiff

THOMAS HIGGENBOTHAM ET.AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP RECEIVED

Please print or type
(see instructions on back of page)

NOV 09 1994

DATE OF CLOSING: 9/12/94

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____.
 If you have additional legal descriptions, please attach separate sheet.

RECEIVED

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

NOV 10 1994

WATER RESOURCES
WESTERN REGION

☐ Water Right Number(s)
Assigned by IDWR: _____

☐ Name and Address of Former Owner/Claimant(s)(Seller): CLIFFORD LANGLEY

1418 HIGHWAY 95
WEISER, ID 83672

☐ New Owner/Claimant (Purchaser):

KENDALL J. STONE & JONNA S. STONE, H&W

☐ New Mailing Address:

1438 HIGHWAY 95

WEISER, ID 83672

☐ New Telephone Number: () _____

12N5W S.24
NWSE, NESE

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: RECORDED WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) _____ Date 9/10/94

Date

☐ Signature of Former Owner/Claimant(s): _____ Date 9/10/94

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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OCT 22 1996

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

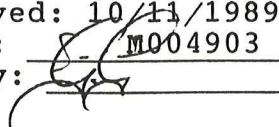
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-10746

Date Received: 10/11/1989

Receipt No: M004903

Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFF LANGLEY 208-549-3371
Address: 1418 US HIGHWAY 95
WEISER, ID 83672

OR

Name: GAIL LANGLEY 208-549-3371
Address: 1418 US HIGHWAY 95
WEISER, ID 83672

2. Date of Priority: APR 01, 1886

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	12	SW	SW	SE		WASHINGTON

5. Description of diverting works:
DIVERSION DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.896		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	24	NW	SE	IRR	29.4
			SW	SE	IRR	15.4
					Section Acres	44.8
					Total Acres	44.8

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS WATER RIGHT IS FROM COMBINED RIGHTS A67-00581 AND A67-00580

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/03/1921

E. V. JEFFERSON ET.AL.

Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET.AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Gail Langley* Date: *10-11-1989*

Date: _____

State of Idaho)
County of *ADA*) SS.

Subscribed and sworn (or affirmed) before me this

of *Oct* 19 *89*

Mimi Anne Egan
Notary Public

Seal

Residing at *Boise, Idaho*
My Commission Expires *9-2-1994*



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

Date November 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[KENDALL OR JONNA STONE
1438 HWY 95
[WEISER ID 83672]

Notice of Claim No.(s) A67-10743B, A67-10746B, A67-10749B, A67-10752

Dear Claimant:

Enclosed is **your** copy(s) of the above referenced claim(s) which reflect the change in ownership of the land and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure(s)

PLEASE NOTE: The claims which have the B suffix represent a split of the original claim. The water quantity was pro-rated based on an inch per acre. Be sure to review these claims closely for accuracy. If we do not hear from you within 30 days of the date of this letter, we will assume all the information is correct.

Also, we did not make any changes to the diversion locations. If there has or will be a change, please notify us.

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OCT 22 1996