

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: A67-10878
Date Received: 10/16/1989
Receipt No: W006295
Received By: kdh

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILMA POTTER 208-549-1810
Address: 1439 US HWY 95
WEISER, ID 83672

OR
Name: HAROLD L. POTTER 208-549-1810
Address: 1439 US HWY 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	SE			WASHINGTON
		24	NE	SW	R		WASHINGTON
			SE	SW	R		WASHINGTON

5. Description of diverting works:
CEM.STRUCTURE, CATCH BASIN, PUMP & GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.550		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

SCANNED
APR 09 2004

A67-10878

Page 1

Date: 10/16/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	24	NE	SW		IRR	20.0
			SE	SW		IRR	28.0
					Section Acres		48.0
		25	NE	NW		IRR	13.0
					Section Acres		13.0
					Total Acres		61.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-04499,A67-00630,A67-00546

14. Remarks:
THIS WATER RIGHT IS COMBINED, SEE OLD WR #'S
3 POINTS OF DIVERSION IN NESW SEC 24
2 POINTS OF DIVERSION IN SESW SEC 24

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

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): Harold L. Potter Date: 10-16-1989

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of Oct 19 89 Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires My Commission Expires December 8, 1994

23

24

23

24

26

25

SPRING

SE 1/4 & NW 1/4 1 SW 1/4

PAD

IRRA
DIVE

PAD

SESW
28 AC

NENW
13 AC

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NEW # 467-10878

Water Right Number - 67-00577 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LOLLEY

J. F.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1886 14 D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
MANNS CREEK WEISER RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 0.210

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.210

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
12N	05W	24	SE SW	28		01	IRRIGATION	87 WASHINGTON
12N	05W	25	NE NW	13		01	IRRIGATION	87 WASHINGTON
12N	05W	25	SE NW			01	IRRIGATION	87 WASHINGTON
12N	05W	25	NE SW			01	IRRIGATION	87 WASHINGTON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

THIS IS A SECONDARY RIGHT.
WATER CARRIED IN THE LOLLEY DITCH.
FLOODWATER RIGHT IS .3 CFS. AC. IRR.=15.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

41.1 Acres
3/4 = 0.075 cfs
+ 2
15

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Field Exam Fee	-	
Swan Falls	-	
Temporary Right	-	P
DLE/Carey Act	-	
Water District	-	67
Transfer/Amended	-	

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 67-00579 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

NEWMAN S. S. 1 -
2 -
3 -
City- State- Zip-
Phone -

NEWMAN ELSIE 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

04/01/1886 14 D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +

MANNS CREEK WEISER RIVER

+ - - - - Point of Diversion - - - - - +

TwN Rng Sec Tract Lot RFlg County

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 0.280

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

0.280

+ - - - - Place of Use - - - - - +

TwN Rng Sec Tract Lot Acres Code Description County

12N 05W 24 NE SW 20.0 01 IRRIGATION 87 WASHINGTON

Total Acres: 20.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks - - - - - +

THIS IS A SECONDARY RIGHT.
WATER CARRIED IN THE LOLLEY DITCH.
FLOODWATER .4 CFS.

Low water set - .28

2.25
+ 0.4
1.5
/ .55

Com BINE
INTO NEW #

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 67-00579 Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
E. V. JEFFERSON ET. AL. THOMAS HIGGENBOTHAM ET. AL. 06/03/1921

+ - - Audit Fields -

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 67
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 06/03/1921				

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Memo

Regarding: 67-577, 67-546, and all children thereof

From: Dan Narsavage

Date: January 18, 2006

Jefferson v Higgenbotham (the decree) described the same POU for both 67-546 and 67-577. The only difference is that 546 is a primary right for 35 acres and 577 is secondary and for only 15 acres. The total number of acres in the described lands is much greater than 50. Given this, I will assume that these two rights do not overlap, and also that the land intended to be decreed to 67-546 was irrigated first.

The northern parcel that has claims to these two rights (claimed by Potter in 67-10878) contains roughly 35 acres. Furthermore, the data available to me lead me to believe that it is easier to irrigate via gravity flow. The southern parcel; claimed by 67-546 A, B, & C; is much hillier and appears more difficult to irrigate by gravity. The irrigable portion of this parcel is roughly 15 acres.

Given this data, in spite of the fact that some of the involved claimants claimed portions of both 67-546 and 67-577, I will give the primary right (67-546) entirely to the northern parcel, and the secondary right (67-577) entirely to the claimants in the southern parcel.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10878 V1

WATER RIGHT NUMBER: 67-10878 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAROLD L POTTER 1439 US HWY 95 WEISER, ID 83672 (208)549-1810
Current Owner	WILMA POTTER 1439 US HWY 95 WEISER, ID 83672 (208)549-1810

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	03/15 to 11/15	0.550 CFS	
	<u>Total Diversion:</u>	0.550 CFS	

Location of Point(s) of Diversion

MANNS CREEK	SW1/4SE1/4	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									18.0				23.0				41.0
12N	05W	25					11.0												11.0

Total Acres: 52

Conditions of Approval:

1. K06 This right is limited to the irrigation of 29.6 acres within the place of use described above in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10878 V1

3. 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.
4. 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.
5. E55 Right Nos. 67-10878 and 67-546D are limited to the irrigation of a combined total of 52 acres in a single irrigation season.

Remarks:Comments:

1. dnarsavage 8/4/2005 Combination

Comment: This is a combination of 67-577 and 67-579. Both are secondary right sout of Lolley Ditch with a priority date of 4/1/1886 (Jefferson v Higgenbotham)

2. dnarsavage 8/4/2005 Acres

Comment: The acres claimed here are also covered in the claim 67-546D. Potter appears to be the only owner of the land associated with 579, and so will be recommended all 20 acres. 546 and 577 have been claimed by several others, and these claims will be split accordingly

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: OR

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>
Priority Date	11/17/2005 11:06:31 AM	dnarsavage			Active
POD	11/17/2005 11:07:42 AM	dnarsavage			Active
Source	11/17/2005 11:08:37 AM	dnarsavage			Active
POU	11/17/2005 11:08:55 AM	dnarsavage			Active
Season	11/17/2005 11:09:27 AM	dnarsavage			Active
Quantity	11/17/2005 11:09:45 AM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10878 V1

Summary	11/17/2005	dnarsavage	Active
Summary	11/17/2005	dnarsavage	Active
Use	11/17/2005 11:13:12 AM	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	11/17/2005 11:08:37 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?
Use	11/17/2005 11:13:12 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?
General	11/17/2005 11:06:31 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	11/17/2005 11:07:42 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	11/17/2005 11:08:56 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10878 V1

Quantity	11/17/2005 11:09:45 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	11/17/2005 11:11:39 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?
Summary	11/17/2005 11:11:57 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?
Season	11/17/2005 11:09:28 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	8/4/2005 3:49:08 PM	dnarsavage	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10878 V1

POU	8/4/2005 3:50:13 PM	dnarsavage	Updated PLS for Active POU
POD	8/5/2005 11:42:19 AM	dnarsavage	Updated shape

Water Supply Bank:

DAN'S
NOTES

Priority Date Data Entry Form

Claim Number 67-10878

Claimed Priority Date: 4/1/1886

Claimed Basis: Decreed

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date _____

Recommended Basis _____

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

THIS CLAIM COMBINES A PORTION OF 67-577
AND ALL OF 67-579 BOTH ARE SECONDARY, HAVE
THE SAME PRIORITY DATE, AND ARE OUT OF THE
SAME DITCH WITH THE SAME SOURCE. THE TWO ARE
CONTIGUOUS SO I SEE NO REASON NOT TO COMBINE
THEM.

DECREED PRIORITY = CLAIMED PRIORITY = 4/1/1886

Reviewer: DLN

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number 67-10878

Claimed Point of Diversion and Source

T12N R05W S12 SWSE Within WASHINGTON County Source: MANNS CREEK WEISER RIVER
T12N R05W S24 NESW Rediversion Within WASHINGTON County Source: MANNS CREEK WEISER RIVER
T12N R05W S24 SESW Rediversion Within WASHINGTON County Source: MANNS CREEK WEISER RIVER

☒ 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? _____

Document how the POD and Source were verified:

SAME AS 67-577 B

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 67-10878

Claimed Place Of Use

T12N R05W S24	NESW	20.0	T12N R05W S24	SESW	28.0
T12N R05W S25	NENW	13.0			

Total Acres 61

☐ 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

Total Acres _____

Document how the POU was verified:

BECAUSE OF OTHER CLAIMS TO 67-577, I
 CANNOT GIVE THIS POU ALL 61 CLAIMED ACRES.
 BUT I CANNOT FIND 61 ACRES TO IRRIGATE ANYWAY,
 THEY GOT AROUND 51 ac INSTEAD.

Reviewer: DLN

Date: _____

Purpose of Use Data Entry Form

Claim Number 67-10878

Claimed Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit

IRRIGATION



Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

SAME AS 67-577 B

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 67-10878

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.55	
Overall Diversion Rate 0.55		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

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SAME AS 67-577B

Reviewer: _____

Date: _____

Contacts Data Entry Form

Claim Number: 67-10878

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	HAROLD L POTTER	1439 US HWY 95	WEISER	ID	83672	(208)549-1810
Current Owner	WILMA POTTER	1439 US HWY 95	WEISER	ID	83672	(208)549-1810

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

Reviewer: _____

Date: _____

Split/Overlap Analysis - Water Right No.: 67-577

[illegible]

67-577 (15.0 ac & 0.30 cfs)	10878 (9.6 ac & 0.19 cfs)
	546A (1.7 ac & 0.03 cfs)
	577B (0.8 ac & 0.02 cfs)
	577A (2.9 ac & 0.06 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-577	0.3	15	0.020
10878	0.19	9.57	0.020
546A	0.03	1.71	0.020
577B	0.02	0.78	0.020
577A	0.06	2.94	0.020



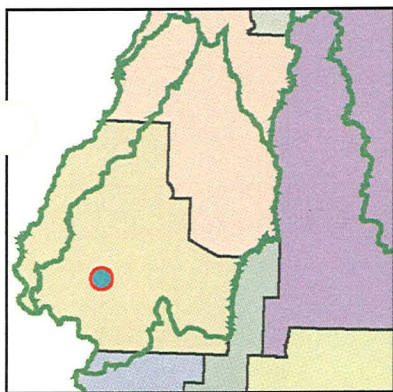
Idaho Department of Water Resources

Adjudication Claim Number: **67-10878**

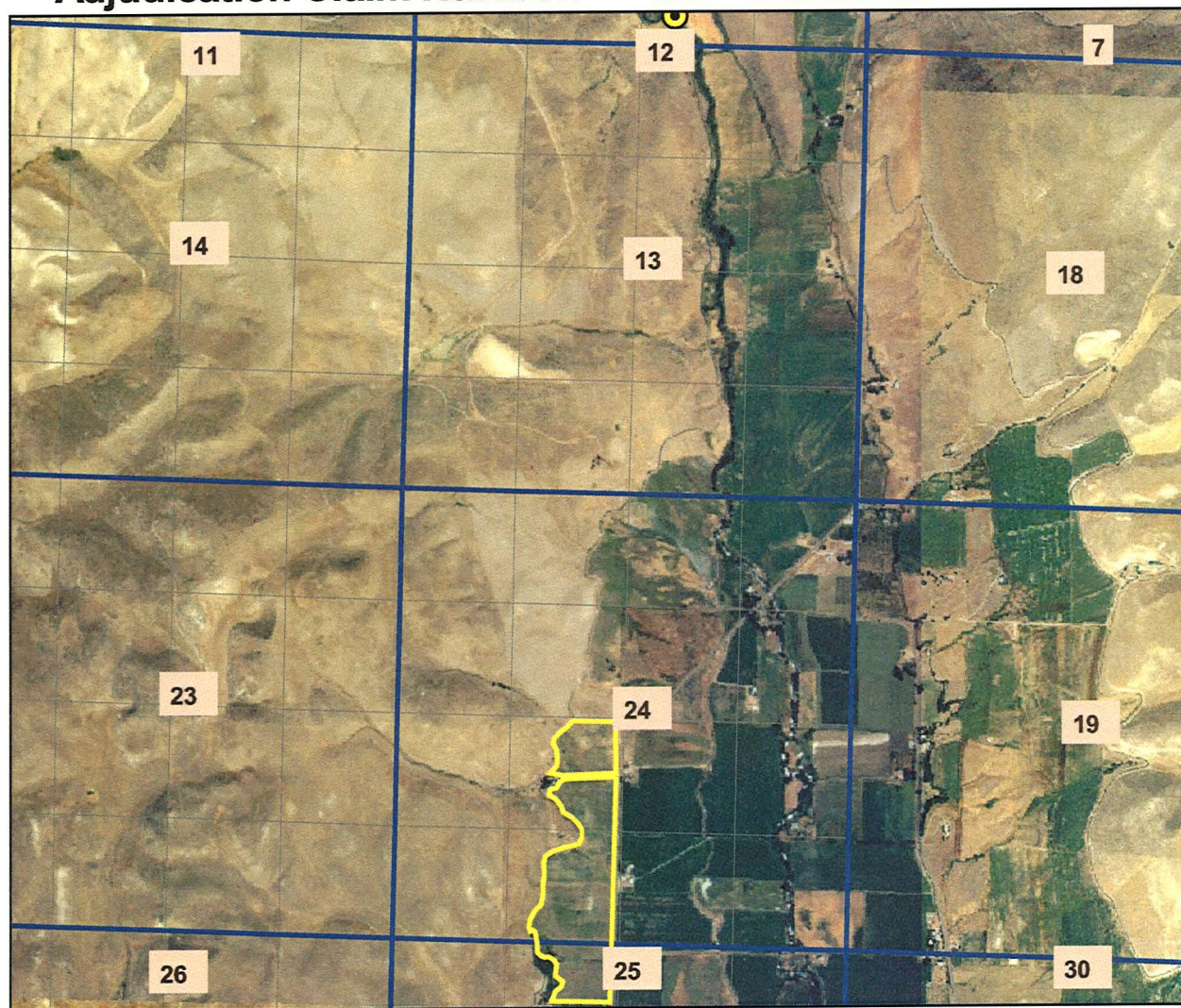
T12N R05W

Legend

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



Washington County
IDWR Basin 67

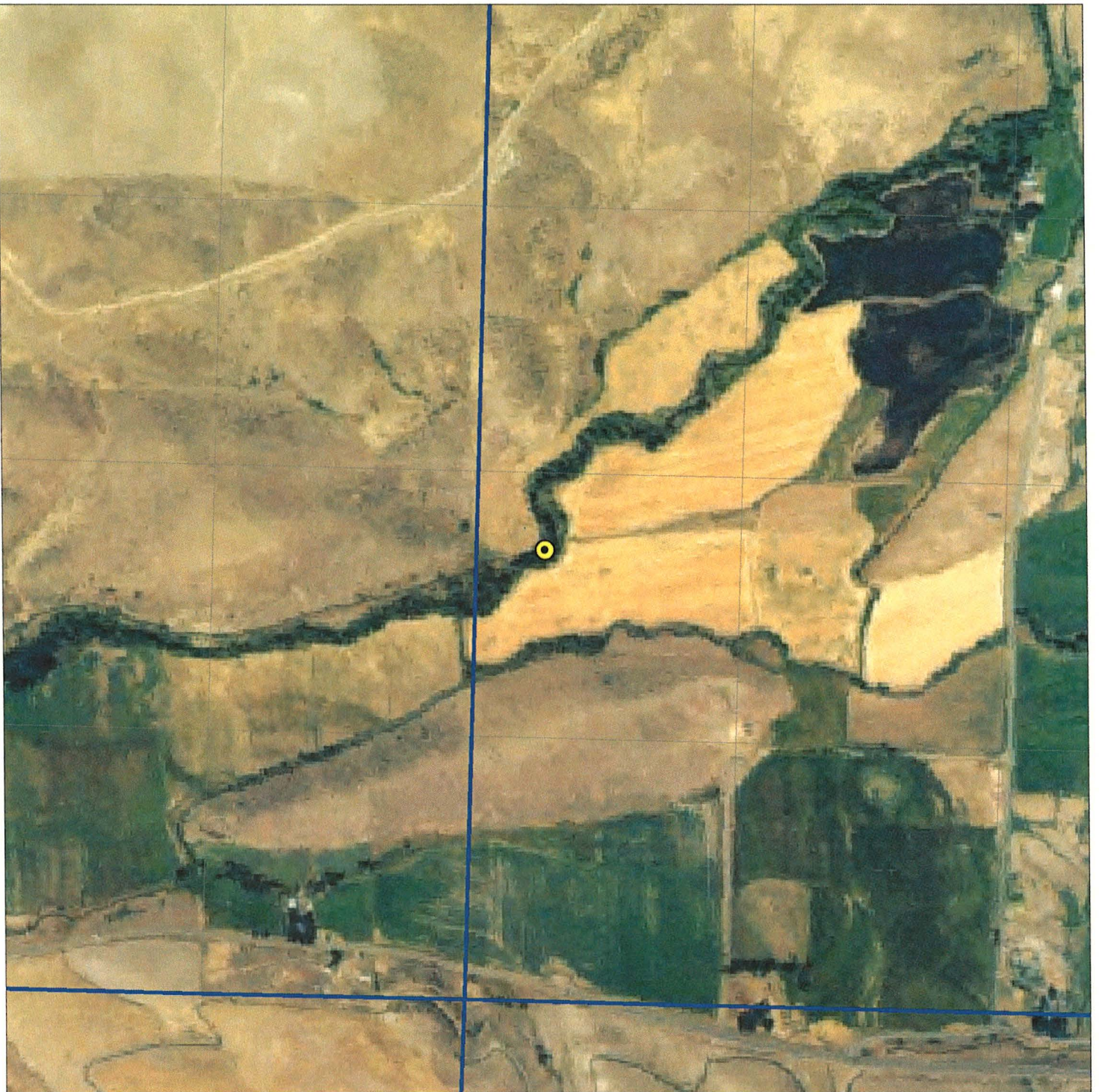


0 0.9 1.8 Miles



Prepared by D. Narsavage
On Thursday, August 11, 2005
1987 Aerial Photography

Rec67-10878



Rec67-10878

