

12/12/2006

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

RIGHT NUMBER: 67-14100

NAME AND ADDRESS: GILBERT R BALL JR
1117 MANN CREEK RD
WEISER ID 83672

ISABELLA H BALL
1117 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.580 CFS

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.

PRIORITY DATE: 06/01/1881

This right is a Primary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, irrespective of priority, is senior to all other rights that have not been identified as a Primary Right on Mann Creek.

POINT OF DIVERSION:

T12N R04W S31 SENWSW Lot 3 Within WASHINGTON County

T12N R05W S24 SESESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.580 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R04W S06 Lot 2 NWNE	28.00	T11N R04W S06 Lot 3 NENW	22.00
T12N R04W S31	SES	29.00	

79 ACRES TOTAL

Place of use is within the area served by Mann Creek Irrigation District.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

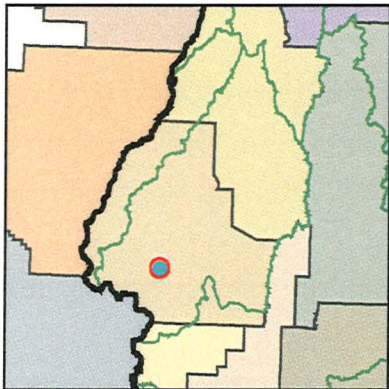
SRBA Recommendation:

67-14100

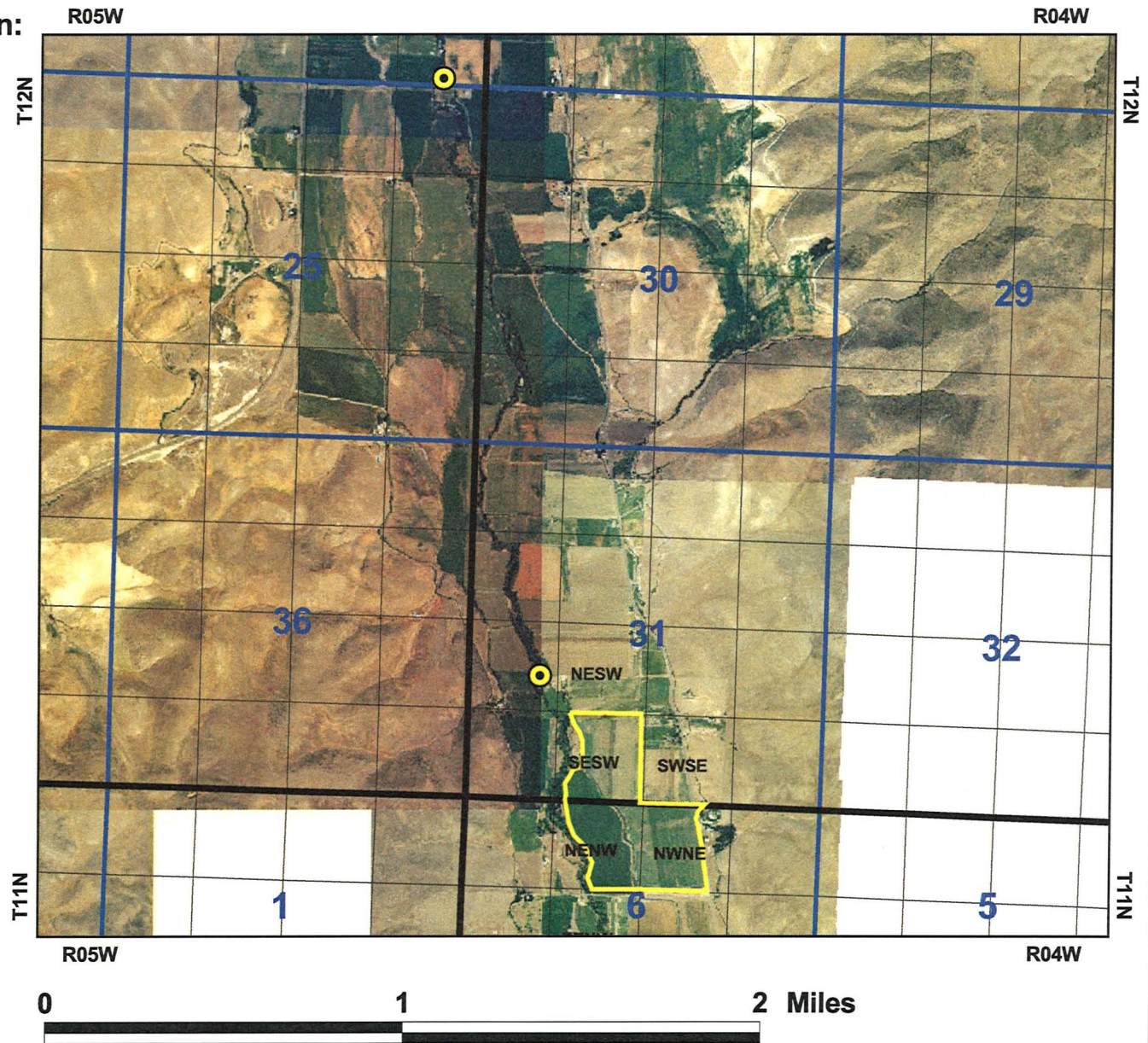
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

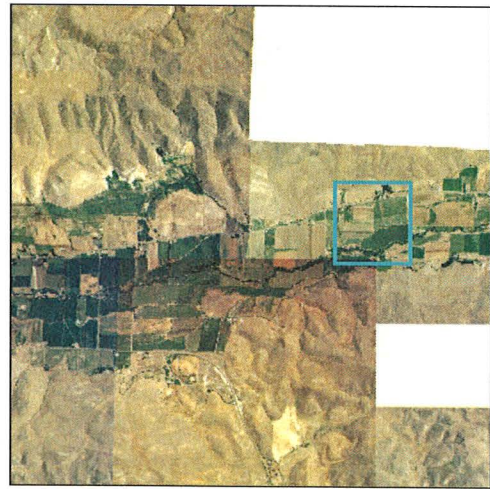
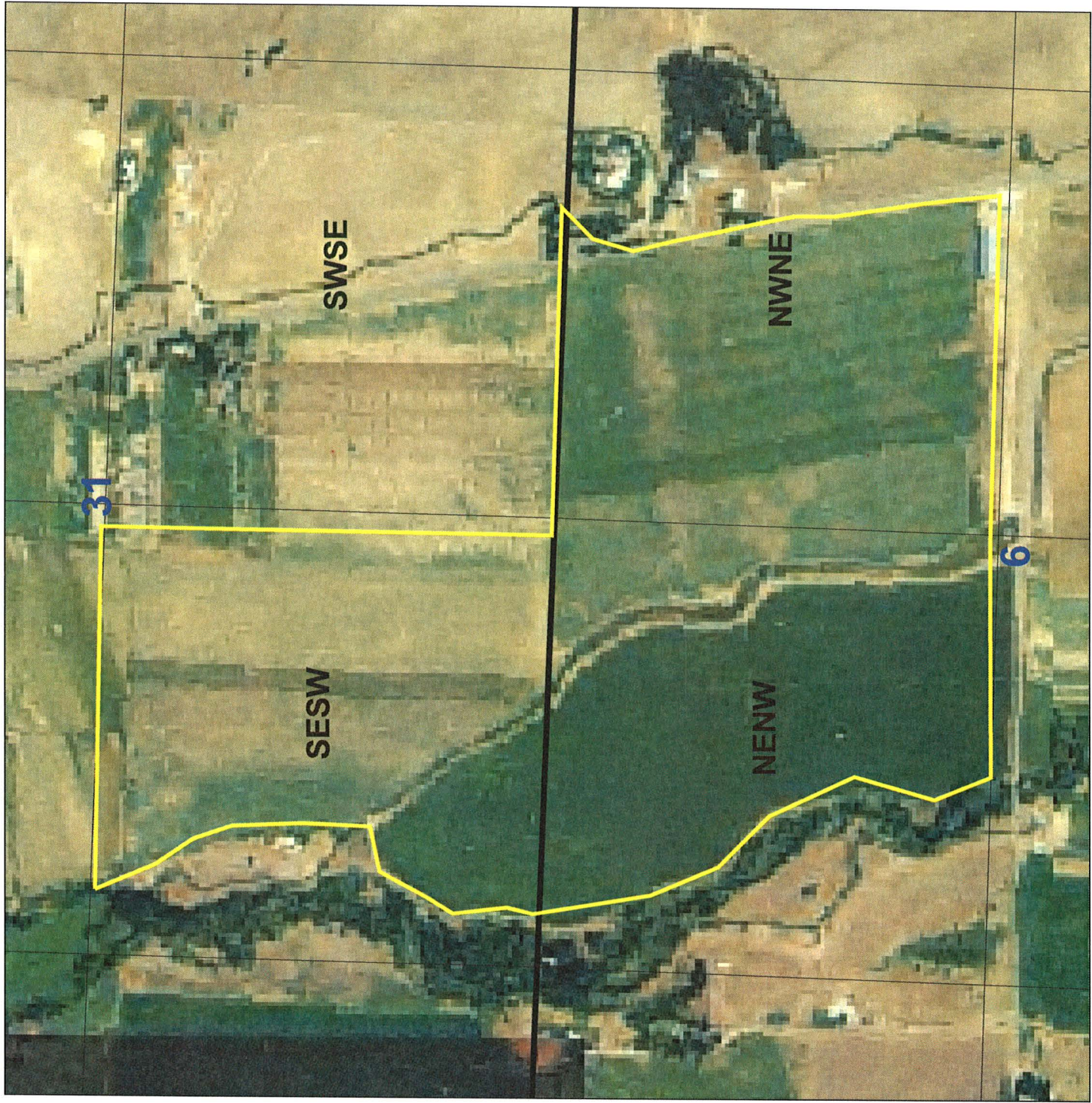


Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Tuesday, December 12, 2006
1987/88 Aerial Photography

67-14100



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14100 V1

WATER RIGHT NUMBER: 67-14100 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J M BARTON
	, ID
Current Owner	GILBERT R BALL JR 1117 MANN CREEK RD WEISER, ID 83672 (208)549-0793
Current Owner	ISABELLA H BALL 1117 MANN CREEK RD WEISER, ID 83672 (208)549-0793

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANN 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	1.580 CFS	
	<u>Total Diversion:</u>	1.580 CFS	

Location of Point(s) of Diversion

MANN CREEK	L3 (SE1/4NW1/4SW1/4)	Sec. 31, Twp 12N, Rge 04W, B.M.
WASHINGTON County		
MANN CREEK	SE1/4SE1/4SE1/4	Sec. 24, 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	
11N	04W	6		28.0			22.0												50.0
				L 2			L 3												
12N	04W	31											29.0						29.0

Total Acres: 79

Conditions of Approval:

1. 129 Place of use is within the area served by Mann Creek Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14100 V1

2. 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.
3. 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.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. 169 This right is a Primary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, irrespective of priority, is senior to all other rights that have not been identified as a Primary Right on Mann Creek.

Remarks:Comments:

1. csaxton 11/15/2006 From Claim

Comment: DESC. OF DIVERTING WORKS - DIVERSION IS VIA TWO DITCHES - 1-THE WEBB DITCH(SESE, SEC. 24) IS USED TO IRRIGATE 24 ACRES OF THE 29 ACRES IN THE SESW, SEC. 31, 28 ACRES IN THE NWNE, SEC. 6 AND 2 OF THE 22 ACRES IN THE NENW, SEC. 6. 2-THE WISHART DITCH(NWSW,S.31) IRRIGATES THE REMAINING 5 OF THE 29 ACRES IN THE SESW, SEC. 31, AND THE REMAINING 20 ACRES OF THE 22 ACRES IN THE NENW, SEC. 6. DIVERSION IS VIA HEADGATES, GRAVITY DITCHES, FLOOD IRRIGATION.

THIS CLAIM IS A COMBINATION OF WATER RIGHT NOS 67-00533 AND 67- 0534 SINCE BOTH HAVE THE SAME PRIORITY DATE AND SAME SOURCE AND BOTH HAVE ADDED THE WISHART DITCH AS A POINT OF DIVERSION. BOTH RIGHTS CLAIMED UNDER THIS CLAIM ARE PRIMARY RIGHTS IN THE MANN CK DECREE. THE CFS SHOWN(1.58) IS THE FLOOD WATER RT. OF 1" PER AC. DECREED IN THE MANN CK. DECREE WITH THE LOW WATER RIGHT BEING .7 OF THAT AMOUNT(1.1 CFS).

THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHT NOS. 67-00533 AND 67-00534.

2. mvanbussum 12/12/2006 NOE POU

Comment: Per NOE process, enlarged POU and recommended additional flow.

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: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14100 V1

Priority Date	11/28/2005 3:43:58 PM	dnarsavage	Active
POD	11/28/2005 3:48:09 PM	dnarsavage	Active
Source	11/28/2005 3:50:47 PM	dnarsavage	Active
POU	11/28/2005 3:51:03 PM	dnarsavage	Active
Use	11/28/2005 4:00:03 PM	dnarsavage	Active
Season	11/28/2005 4:00:43 PM	dnarsavage	Active
Quantity	11/28/2005 4:01:45 PM	dnarsavage	Active
Summary	11/28/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/12/2006 5:33:31 PM	mvanbussum	Updated PLS for Active POU
POU	9/27/2005 3:14:42 PM	dnarsavage	Updated shape for Active POU
POU	9/27/2005 3:19:36 PM	dnarsavage	Updated PLS for Active POU
Season	11/28/2005 4:00:44 PM	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?
Quantity	11/28/2005 4:01:45 PM	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?
POU	12/12/2006 5:30:48 PM	mvanbussum	Updated shape for Active POU
POU	12/12/2006 5:30:59 PM	mvanbussum	Updated PLS for Active POU
POU	12/12/2006 5:33:22 PM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14100 V1

General	11/28/2005 3:43:58 PM	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?
POU	11/28/2005 3:51:03 PM	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?
POU	11/28/2005 3:51:21 PM	dnarsavage	Updated shape for Active POU
POU	11/28/2005 3:52:20 PM	dnarsavage	Updated PLS for Active POU
Use	11/28/2005 4:00:04 PM	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?
POD	11/28/2005 3:46:06 PM	dnarsavage	Updated shape
POD	11/28/2005 3:47:45 PM	dnarsavage	Updated shape
POD	11/28/2005 3:48:10 PM	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? (Yes) 10. Is a POD remark and/or condition required?
Source	11/28/2005 3:50:48 PM	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	11/28/2005 4:00:55 PM	dnarsavage	Edited Season Of Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14100 V1

Summary	11/28/2005 4:02:15 PM	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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Water Supply Bank:

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: 67-14100

GILBERT R BALL JR
1117 MANN CREEK RD
WEISER ID 83672
Telephone Number: (208)549-0793

ISABELLA H BALL
1117 MANN CREEK RD
WEISER ID 83672
Telephone Number: (208)549-0793

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

DISAGREE WITH REDUCTION OF ACRES
From 79 to 76.

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

WANT TO RETAIN 28 ACRES IN NW NE SEC 6
AND 29 ACRES IN SE SW SEC 31.

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

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

DATE: 11/29/06 SIGNATURE: Gilbert R. Ball Jr.
Please print your name: GILBERT R. BALL JR.

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

ALSO need to
add Expl. Remark
that Mann Creek
Irr. Dist. water
supplements this rt.

NOE review
MVB
12-12-06

SCANNED
DEC 08 2006

RECEIVED

NOV 28 1995

WATER RESOURCES
WESTERN REGION

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: A67-14100

Date Received: 10/ 2/1989

Receipt No: M004754

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: GILBERT R BALL SR
Address: 1117 MANN CREEK RD
WEISER ID

208-549-0793
83672

OR

Name: GILBERT R BALL JR
Address: 1117 MANN CREEK RD
WEISER ID

208-549-0793
83672

OR

Name: ISABELLA H BALL
Address: 1117 MANN CREEK RD
WEISER ID

208-549-0793
83672

2. Date of Priority: JUN 1, 1881

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	04W	31	SE	NW	SW	3	WASHINGTON
	05W	24	SE	SE	SE		WASHINGTON

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.580		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

SCANNED

APR 12 2004

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	04W	6	NW	NE	2	IRR	28.0
			NE	NW	3	IRR	22.0
						Section Acres	50.0
12N	04W	31	SE	SW		IRR	29.0
						Section Acres	29.0
						Total Acres	79.0

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:
MANN CREEK IRRIG. DIST. RTS.

14. Remarks:

DESC. OF DIVERTING WORKS - DIVERSION IS VIA TWO DITCHES - 1-THE WEBB DITCH(SESE, SEC. 24) IS USED TO IRRIGATE 24 ACRES OF THE 29 ACRES IN THE SESW, SEC. 31, 28 ACRES IN THE NWNE, SEC.6 AND 2 OF THE 22 ACRES IN THE NENW, SEC. 6. 2-THE WISHART DITCH(NWSW,S.31) IRRIGATES THE REMAINING 5 OF THE 29 ACRES IN THE SESW, SEC. 31, AND THE REMAINING 20 ACRES OF THE 22 ACRES IN THE NENW, SEC. 6. DIVERSION IS VIA HEADGATES, GRAVITY DITCHES, FLOOD IRRIGATION. THIS CLAIM IS A COMBINATION OF WATER RIGHT NO.'S 67-00533 AND 67-0534 SINCE BOTH HAVE THE SAME PRIORITY DATE AND SAME SOURCE AND BOTH HAVE ADDED THE WISHART DITCH AS A POINT OF DIVERSION. BOTH RIGHTS CLAIMED UNDER THIS CLAIM ARE PRIMARY RIGHTS IN THE MANN CK DECREE. THE CFS SHOWN(1.58) IS THE FLOOD WATER RT. OF 1" PER AC. DECREED IN THE MANN CK. DECREE WITH THE LOW WATER RIGHT BEING .7 OF THAT AMOUNT(1.1 CFS).

THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHT NOS. 67-00533 AND 67-00534.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

E. V. JEFFERSON ET. AL.

Decree Plaintiff

THOMAS HIGGENBOTHAM ET. AL.

vs Decree Defendant

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 A67-14100

Ident. Number: A67-00533

Date Received: 10/02/1989

Receipt No: M004754

Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GILBERT R. BALL, SR. 208-549-0793
Address: 1117 MANN CREEK RD.
WEISER, ID 83672

OR

Name: ISABELLA H. BALL 208-549-0793
Address: 1117 MANN CREEK RD.
WEISER, ID 83672

OR

Name: GILBERT R. BALL, JR. 208-549-0793
Address: 1117 MANN CREEK RD.
WEISER, ID 83672

2. Date of Priority: JUN 01, 1881

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	04W	31	SE	NW	SW	3	WASHINGTON
	05W	24	SE	SE	SE		WASHINGTON

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.580		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A67-00533

Page 1

Date: 10/05/89

[Signature]
MICROFILMED
OCT 01 1992
MICROFILMED
OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	04W	6	NW	NE	2	IRR	28.0
			NE	NW	3	IRR	22.0
Section Acres							50.0
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Section Acres							29.0
Total Acres							79.0

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E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
Decree Defendant

A67-00533

Page

2

Date: 10/05/89

~~MICROFILMED~~
~~OCT 01 1992~~

MICROFILMED
OCT 22 1990

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

~~MICROFILMED~~
~~OCT 01 1992~~

MICROFILMED

OCT 22 1989

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: A67-00533
Date Received: ~~10/01/1989~~ 10/2/89
Receipt No: MO04754
Received By: _____

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ACQUIRED UNDER STATE LAW

1. Name: GILBERT R. BALL, SR. 208-549-0793
Address: 1117 MANN CREEK RD.
WEISER, ID 83672
OR
Name: ISABELLA H. BALL 208-549-0793
Address: 1117 MANN CREEK RD.
WEISER, ID 83672
OR
Name: GILBERT R. BALL, JR. 208-549-0793
Address: 1117 MANN CREEK RD.
WEISER, ID 83672

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

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8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A67-00533

Page 1

Date: 10/01/89

MICROFILMED
OCT 01 1992
MICROFILMED
OCT 22 1998

10. Place of Use:

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						Total Acres	79.0

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13. Other Water Rights Used:
MANN CREEK IRRIG. DIST. RTS.

14. Remarks:

DESC. OF DIVERTING WORKS - DIVERSION IS VIA TWO DITCHES - 1-THE WEBB DITCH(SESE, SEC. 24) IS USED TO IRRIGATE 24 ACRES OF THE 29 ACRES IN THE SESW, SEC. 31, 28 ACRES IN THE NWN, SEC. 6 AND 2 OF THE 22 ACRES IN THE NENW, SEC. 6. 2-THE WISHART DITCH(NWSW,S.31) IRRIGATES THE REMAINING 5 OF THE 29 ACRES IN THE SESW, SEC. 31, AND THE REMAINING 20 ACRES OF THE 22 ACRES IN THE NENW, SEC. 6. DIVERSION IS VIA HEADGATES, GRAVITY DITCHES, FLOOD IRRIGATION. THIS CLAIM IS A COMBINATION OF WATER RIGHT NO.'S 67-00533 AND 67-0534 SINCE BOTH HAVE THE SAME PRIORITY DATE AND SAME SOURCE AND BOTH HAVE ADDED THE WISHART DITCH AS A POINT OF DIVERSION. BOTH RIGHTS CLAIMED UNDER THIS CLAIM ARE PRIMARY RIGHTS IN THE MANN CK DECREE. THE CFS SHOWN(1.58) IS THE FLOOD WATER RT. OF 1" PER AC. DECREED IN THE MANN CK. DECREE WITH THE LOW WATER RIGHT BEING .7 OF THAT AMOUNT(1.1 CFS).

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
Decree Defendant

~~MICROFILMED~~
OCT 01 1992
MICROFILMED
OCT 22 1990

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

For Individuals:

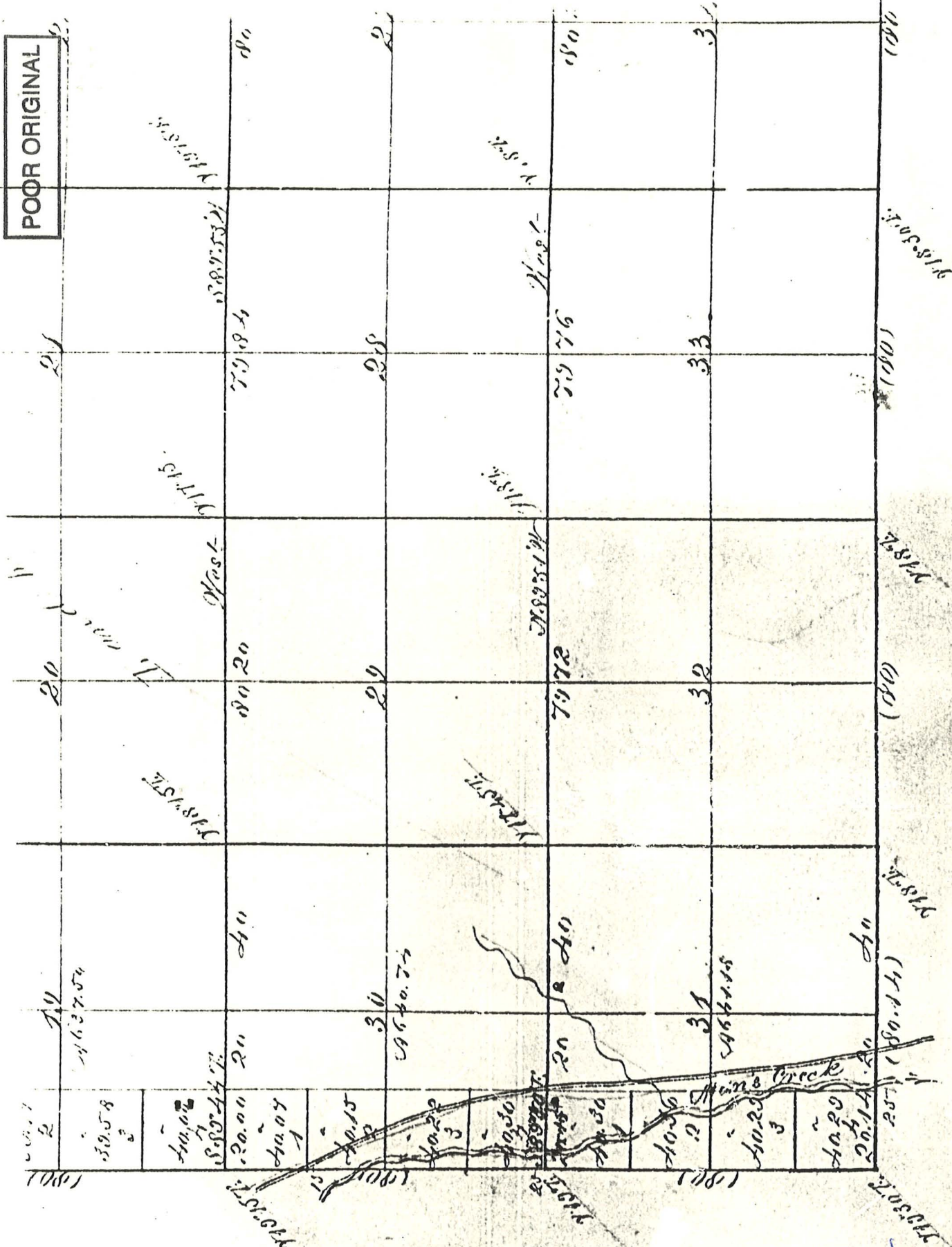
Signature of Claimant(s): Gilbert R. Ball, Jr. Date: 10-2-89
Date:

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

Subscribed and sworn (or affirmed) before me this 2nd day
of October 19 89
Seal
Residing at Meridian, MS
My Commission Expires 8-14-94
Jan Thunte
Notary Public

10/01/89
MICROFILMED
OCT 01 1992
MICROFILMED
OCT 22 1992

POOR ORIGINAL



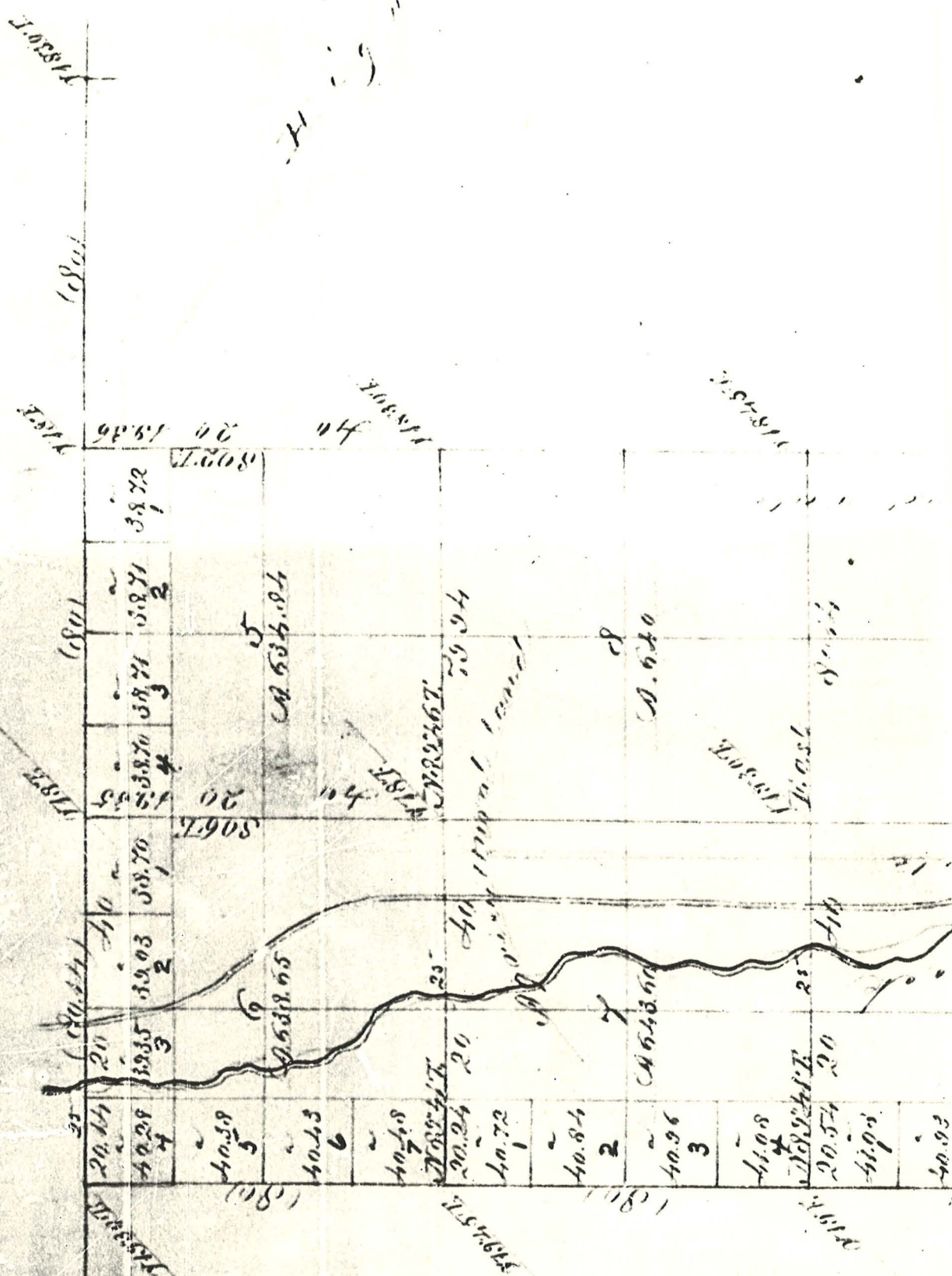
W. G. L. Florida Florist. November 13 1876

16
MICROFILMED
OCT 04 1992
MICROFILMED
OCT 24 1992
Microfilm By

Locality	Date of construction	Amount of Survey		When commenced	When completed
		Miles	Acres		
Ignited Bayshore	Surveyed				
Tennis Club	Champion	February 23	1870	12	00

POOR ORIGINAL

Township of W. North Range



~~MICROFILMED~~
OCT 01 1992

MICROFILMED
OCT 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-0000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

NOV 28 1995

WATER RESOURCES
DIVISION REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 14, 1995

Gilbert R. Ball, Sr.
Isabella H. Ball
Gilbert R. Ball, Jr.

Re: Identification Number Change for a Notice of Claim in the
Snake River Basin Adjudication (SRBA)
Washington County - Claim No. A67-14100

Dear Claimants,

The identification number of your Notice of Claim to a Water Right has been changed from A67-00533 to A67-14100. The claim you filed actually combines two existing rights: 67-00533 and 67-00534. The Idaho Department of Water Resources assigns identification numbers to claims that will allow processing without duplication or confusion; this change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new identification number. Refer to this record number in any future inquiries or correspondence. Please do not hesitate to contact this office, if you have any questions.

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:rm:west
Enclosures:
copy of Notice of Claim

MICROFILMED

OCT 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 67-14100

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____.

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☒ Changes found, the new total is, Amount 1.52 CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

76 ACRES RATHER THAN 79 CLAIMED. MR BALL. IS
THE MAN WHO KNOWS STUFF ABOUT MANN CREEK IRRIGATION
AND HE HAS HELPED ME MORE THAN I CAN SAY. IF HE
INSISTS ON 79 ACRES, THEN THERE'S 79 ACRES. -DLN

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☒ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 1/23/06

FIELD EXAMINER: CRAIG L SAXTON DLN
Print Name

[Signature]
Signature

Split Analysis

Water Right Number: 67-533
Diversion Rate: 0.7 CFS
Reviewer Name: Dan Narsavage
Date: 24-Jan-06

[illegible]

67-533 (35.0 ac & 0.70 cfs)	67-14100 (26.0 ac & 0.52 cfs)
	67-534B (3.5 ac & 0.07 cfs)
	LEFTOVER (5.5 ac & 0.11 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-533	0.7	35	0.020
67-14100	0.52	26	0.020
67-534B	0.07	3.5	0.020
LEFTOVER	0.11	5.5	0.020

Split Analysis

Water Right Number:	67-534
Diversion Rate:	1.32 CFS
Reviewer Name:	Dan Narsavage
Date:	24-Jan-06

[illegible]

67-534	67-14100 (50.0 ac & 1.00 cfs)
(66.0 ac & 1.32 cfs)	67-534C (2.5 ac & 0.05 cfs)
	67-534B (6.5 ac & 0.13 cfs)
	LEFTOVER (7.0 ac & 0.14 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-534	1.32	66	0.020
67-14100	1.00	50	0.020
67-534C	0.05	2.5	0.020
67-534B	0.13	6.5	0.020
LEFTOVER	0.14	7	0.020

DECREED RIGHTS

67-533	35	acres
67-534	66	acres
Total	101	acres

CLAIMS

	67-14100	67-534 B	67-534 C	Totals	Leftover
67-533	29	4.1		33.1	1.9
67-534	50	5.9	3.5	59.4	6.6
Totals	79	10	3.5	92.5	8.5

RECOMMENDATIONS

	67-14100	67-534 B	67-534 C	Totals	Leftover
67-533	26	3.5		29.5	5.5
67-534	50	6.5	2.5	59	7
Totals	76	10	2.5	88.5	12.5



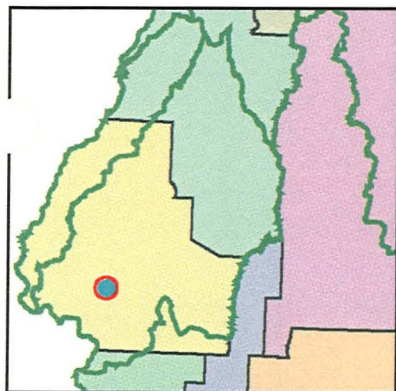
Idaho Department of Water Resources

Adjudication Claim Number: **67-14100**

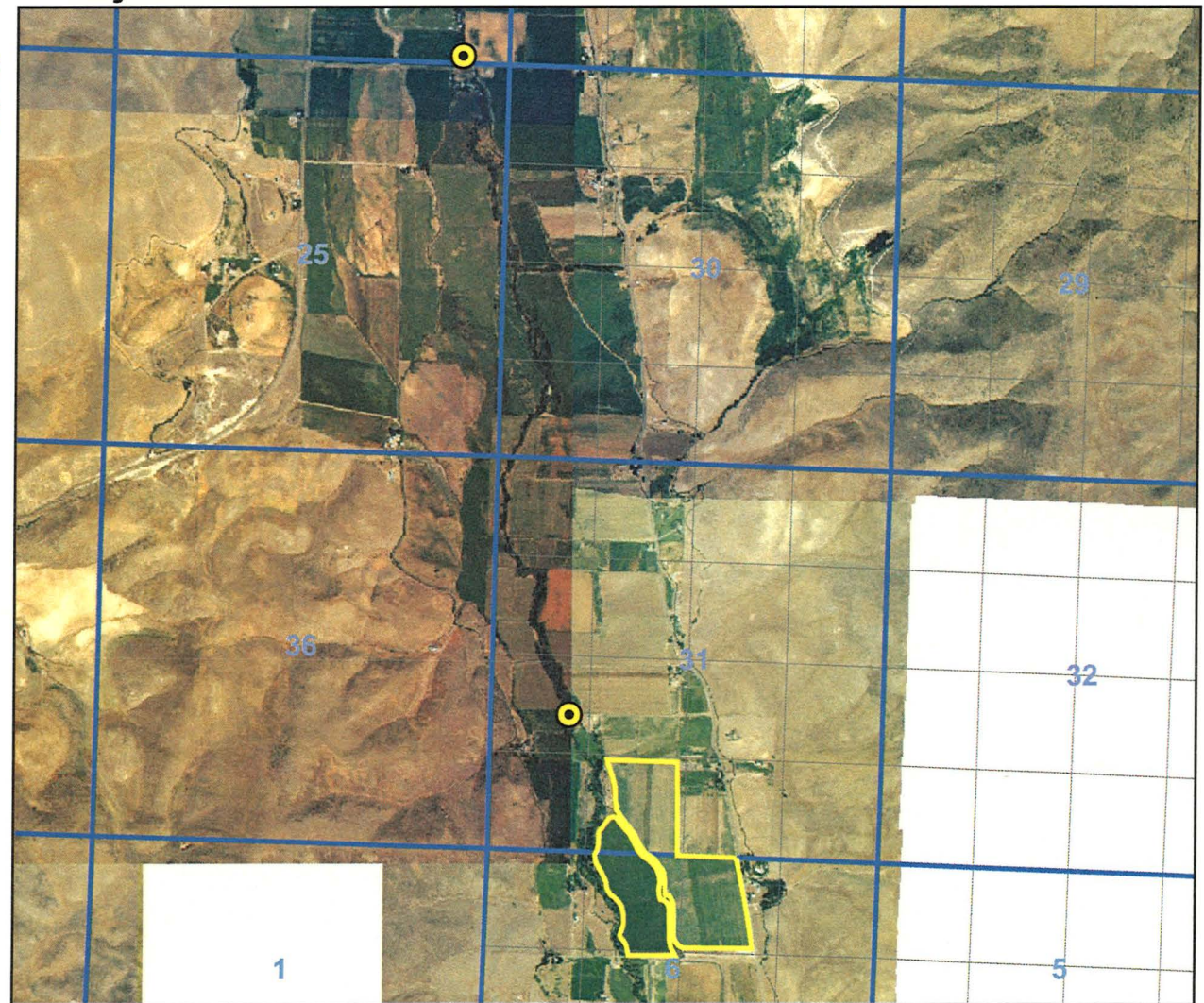
T11N R04W
T12N R04W

Legend

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



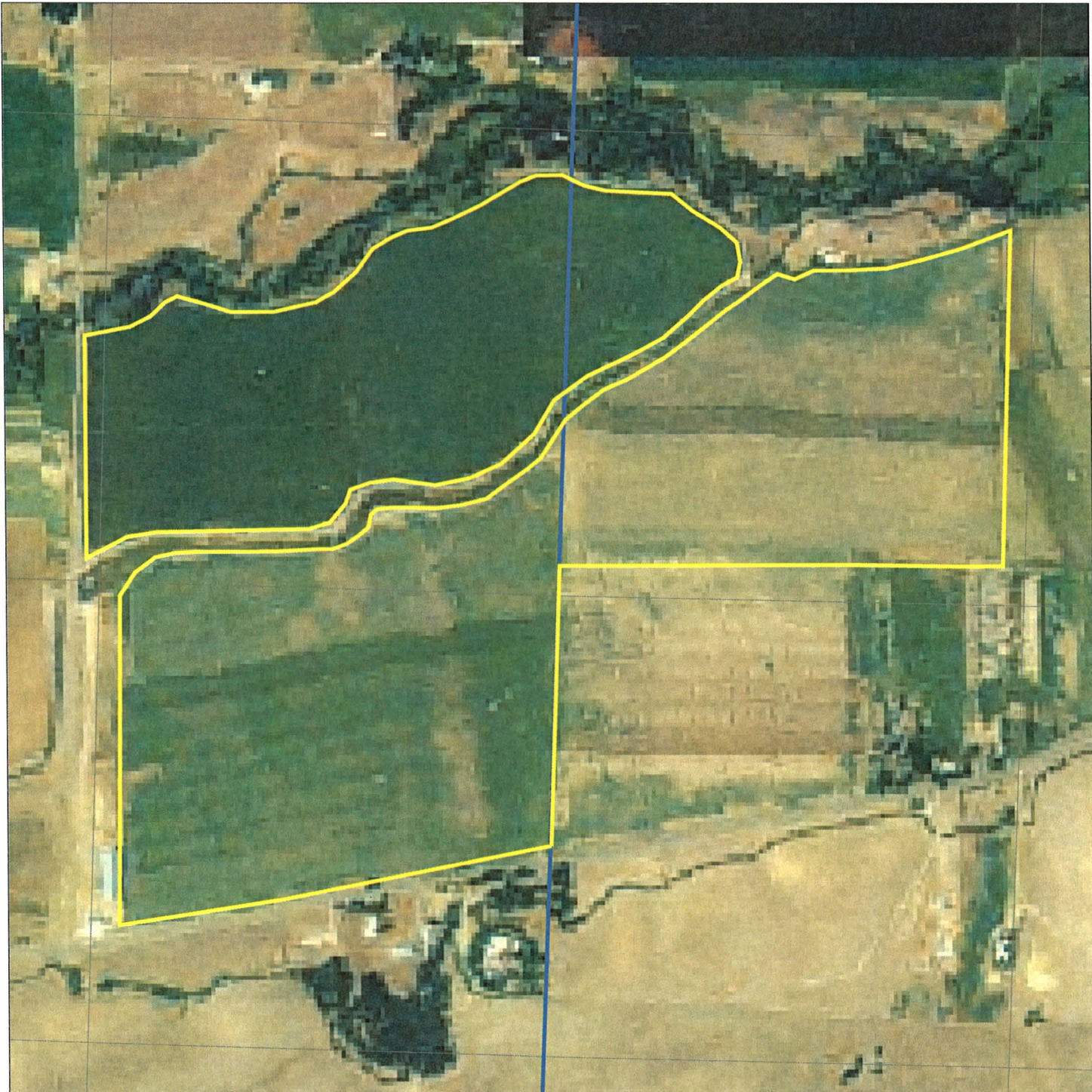
Washington County
IDWR Basin 67



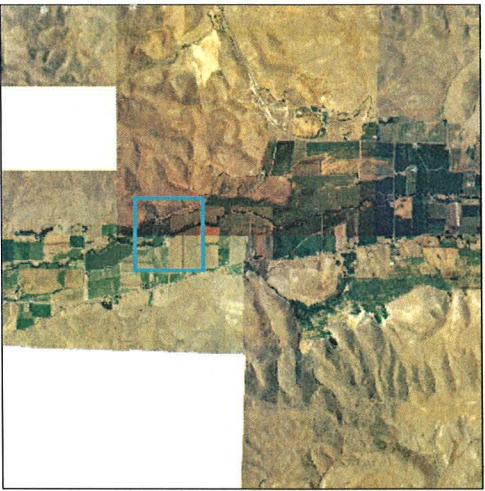
0 1 2 Miles

Prepared by D. Narsavage
On Monday, January 23, 2006
1987/88 Aerial Photography

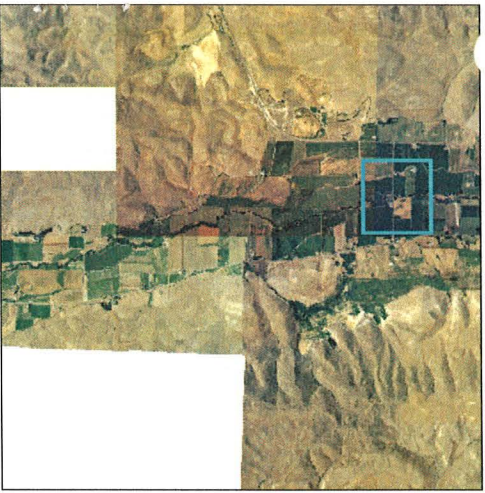
Rec67-14100



Rec67-14100



Rec67-14100



Memo

From: Dan Narsavage

Regarding: 67-533 & 67-534 and their children (67-14100, -534C, -534B)

Date: January 24, 2006

The Problem:

67-534 B claimed portions of 67-533 and 67-534 on the west side of the creek. 67-533 & 534 were both decreed out of Webb Ditch (June 1881 priority date), which sits on the east bank of Mann Creek, and so without additional infrastructure, services only the east bank with gravity-fed irrigation. This memo will attempt to answer the question of whether or not 67-534 B can be recommended as claimed.

Observations:

I have observed that in a number of places along Mann Creek, water users have historically used siphons and/or flumes to carry irrigation water across the creek or other ditches. This is supported in many cases by the fact that the decree documented more irrigated acres than could be irrigated without such infrastructure in place.

This is the case here. 67-533 was decreed 35 acres of irrigation but there are fewer than 30 acres available for irrigation between Webb Ditch and Mann Creek in the described POU. 67-534 was decreed 66 acres, and there are only 60 acres between Webb Ditch and the creek in the described POU, some of which cannot be gravity irrigated due to terrain considerations. In both of these decreed rights, the legal description of the POU crosses the creek.

Conclusions:

Given the evidence of historical use of flumes to get irrigation water across the creek and the available decreed acreage, I can confidently recommend allowing this decreed water on the west side of the creek. The fact that 67-534 B claims the priority date associated with Webb Ditch, rather than Hannah Ditch, the claimed delivery ditch, further supports my conclusion.