

12/06/2005

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

RIGHT NUMBER: 67-14665

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

SOURCE: COTTONWOOD CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:

T16N R01W S36 SWNENW Within ADAMS County

T16N R01W S36 NENWNW 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	0.030 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

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

48.6 ACRES TOTAL

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

This right is limited to the irrigation of 2.6 acres within the place of use described above in a single irrigation season.

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



Idaho Department of Water Resources

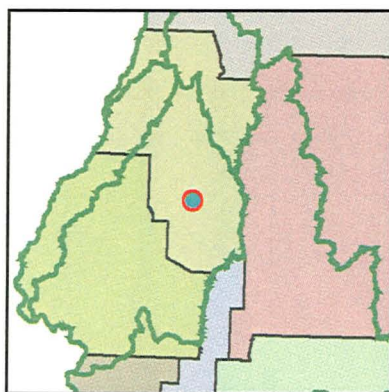
Adjudication Claim Number:

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

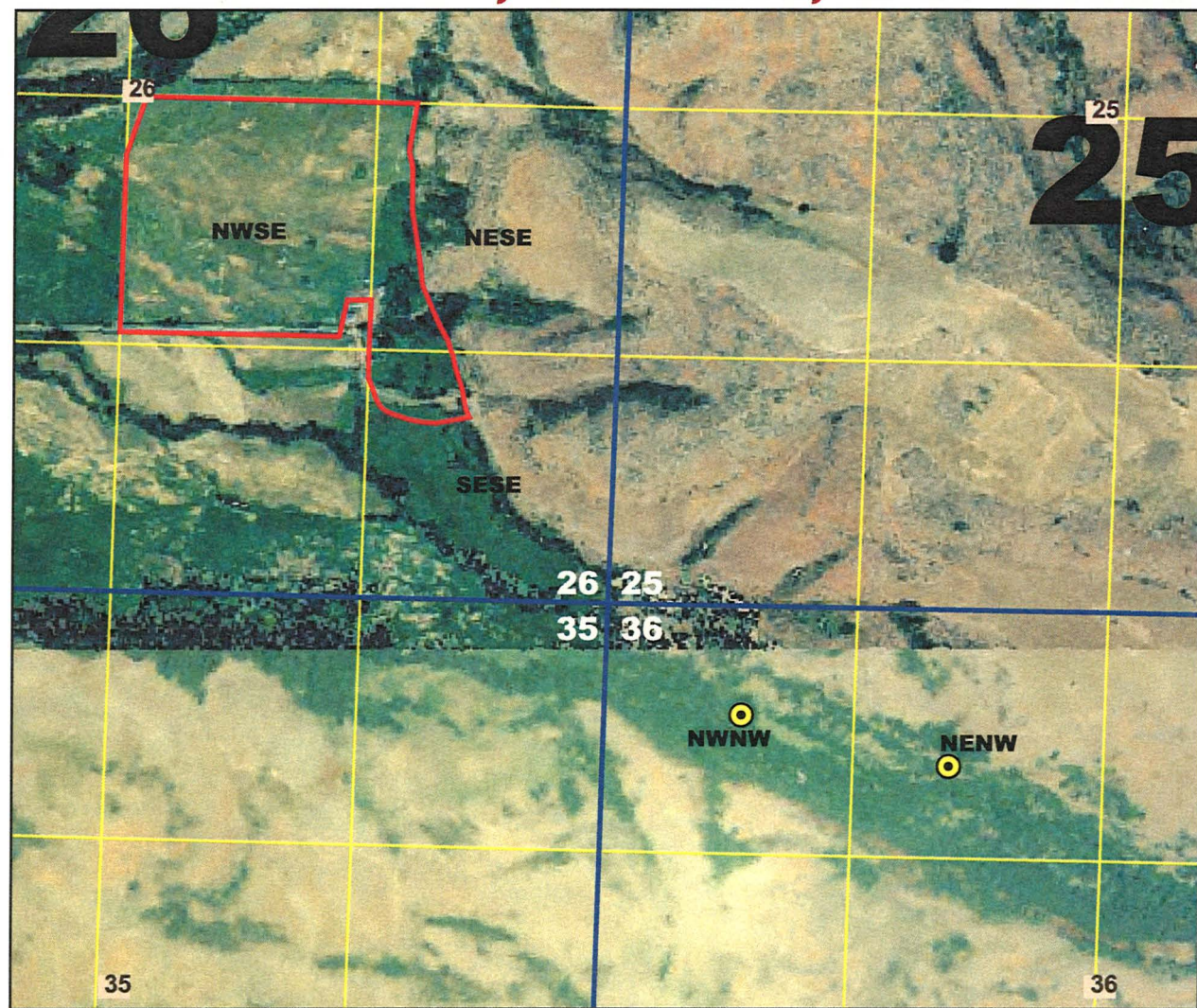
T16N R01W

Legend

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



Adams County
IDWR Basin 67



1000 0 1000 2000 3000 Feet

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14665 V1

WATER RIGHT NUMBER: 67-14665 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MANIS RANCH LLC C/O WAYNE MANIS 7244 E HAYDEN CREEK RD HAYDEN LAKE, ID 83835 (208) 772-4296

Priority Date: 05/01/1889

Basis: Decreed

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	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	SW1/4NE1/4NW1/4	Sec. 36, Twp 16N, Rge 01W, B.M.
ADAMS County		
COTTONWOOD CREEK	NE1/4NW1/4NW1/4	Sec. 36, Twp 16N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	26													7.6	37.0		4.0	48.6

Total Acres: 48.6

Conditions of Approval:

1. 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 48.6 acres in a single irrigation season. Combined Right Nos.: 67-4112C, 67-14665, and 67-14668.
3. K06 This right is limited to the irrigation of 2.6 acres within the place of use described above in a single irrigation season.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14665 V1

Comments:

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

Comment: This right is a split from former right 67-318.

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

Comment: THERE ARE TWO POINTS OF DIVERSION: DIVERSION LOCATED IN SW1/4 NW1/4 NE1/4, SEC. 36 IS USED TO IRRIGATE FIELDS LOCATED NORTH OF LITTLE COTTONWOOD CREEK; DIVERSION LOCATED IN NW1/4 NE1/4 NW1/4 IS USED TO IRRIGATE FIELD LOCATED IN SEC. 26 AND 35 BETWEEN LITTLE COTTONWOOD CREEK AND COTTONWOOD CREEK.

OWNERSHIP CHANGED BY LH 10/12/95.
OWNERSHIP CHANGED BY DB 9/12/2000.

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>
Contacts	12/6/2005 10:22:35 AM	csaxton			Active
Priority Date	12/6/2005 10:23:02 AM	csaxton			Active
POD	12/6/2005 10:23:14 AM	csaxton			Active
Source	12/6/2005 10:24:46 AM	csaxton			Active
POU	12/6/2005 10:24:57 AM	csaxton			Active
Use	12/6/2005 10:26:25 AM	csaxton			Active
Season	12/6/2005 10:26:41 AM	csaxton			Active
Quantity	12/6/2005 10:26:58 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>
POD	12/6/2005 10:23:39 AM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14665 V1

Contacts	12/6/2005 10:22:36 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
General	12/6/2005 10:23:03 AM	csaxton	(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? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/6/2005 10:23:14 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (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 10:23:55 AM	csaxton	Updated PLS
Source	12/6/2005 10:24:47 AM	csaxton	(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	12/6/2005 10:24:57 AM	csaxton	(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?
Use	12/6/2005 10:26:25 AM	csaxton	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14665 V1

Season	12/6/2005 10:26:41 AM	csaxton	(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	12/6/2005 10:25:26 AM	csaxton	Updated shape for Active POU
POU	12/6/2005 10:25:38 AM	csaxton	Updated PLS for Active POU
Quantity	12/6/2005 10:26:59 AM	csaxton	(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?
Summary	12/6/2005 10:31:06 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	12/6/2005 10:24:18 AM	csaxton	Updated shape
POD	12/6/2005 10:24:32 AM	csaxton	Updated PLS

Water Supply Bank:

Priority Date Data Entry Form

Claim Number 67-14665

Claimed Priority Date: 5/1/1889

Claimed Basis: Decreed

X__ 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:

As Decreed _____

Point of Diversion and Source Data Entry Form

Claim Number 67-14665

Claimed Point of Diversion and Source

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

T16N R01W S36 NWNENW Within ADAMS County Source: COTTONWOOD 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
16N	1W	36		NWNW	ADAMS	COTTONWOOD CREEK
16N	1W	36		NENW	ADAMS	COTTONWOOD CREEK

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 67-14665

Claimed Place Of Use

T16N R01W S26	NESE	14.0	T16N R01W S26	NWSE	39.9
T16N R01W S26	SESE	4.0			

Total Acres 57.9

☐ 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 48.6

Document how the POU was verified:

1987 NAPP photography.

Limited to 2.6 ac at 5/8 inches per acre

Reviewer: Craig L. Saxton

Date: 12/6/05

Contacts Data Entry Form

Claim Number: 67-14665

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	MANIS RANCH LLC	C/O WAYNE MANIS 7244 E HAYDEN CREEK RD	HAYDEN LAKE	ID	83835	(208) 772-4296

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 appears accurate. _____

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

Split/Overlap Analysis

Water Right Number: 318 & 319

Diversion Rate: _____ CFS

					Parent	Children							
					318 & 319	Found	Claim	Rec	Claim	Rec	Claim	Rec	
Twp	Rng	Sec	Q-Q	Lot			Crosby	Crosby	Manis Invest	Manis Invest	Manis Ranch	Manis Ranch	
16N	1W	26	NESW		15	15	15	15					
			NESE		14	7.6					14	7.6	
			NWSE		40	37					39.9	37	
			SESE		19	21			15	17	4	4	
		35	NENE		11	9.1			11.1	9.1			

Sum Claimed ac =	99
Sum Rec ac =	89.7

Purpose of Use Data Entry Form

Claim Number 67-14665

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
Irrigation			2.6	

Document how the Purpose of Use was verified:

As Decreed _____

Reviewer: Craig L. Saxton

Date: 12/6/05

Period of Use and Quantity Data Entry Form

Claim Number 67-14665

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	03/15	11/15	0.03	

Overall Diversion Rate 0.03 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
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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:

Diversion rate split calculations were conducted by taking the irrigated acres under the claimants parcel and calculating the percentage of ground the claimants owned within the total POU and then applied that percentage to the overall diversion rate.

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 Us	1889-06-01	0.41	16	COTTONWO	IRRIGATION, STOCK	MANIS INVESTIGATION	wrAdjudicationClaim
67	4112	C	Statutory Clai	1889-06-01	1.76	69	COTTONWO	IRRIGATION	MANIS RANCH LLC (Cu	wrAdjudicationClaim
67	14664		Decreed	1889-05-01	0.02	26.1	COTTONWO	IRRIGATION	MANIS INVESTIGATION	wrAdjudicationClaim
67	14665		Decreed	1889-05-01	0.03	57.9	COTTONWO	IRRIGATION	MANIS RANCH LLC (Cu	wrAdjudicationClaim
67	14667		Decreed	1890-07-01	0.42	26.1	COTTONWO	IRRIGATION	MANIS INVESTIGATION	wrAdjudicationClaim
67	14668		Decreed	1890-07-01	0.78	57.9	COTTONWO	IRRIGATION	MANIS RANCH LLC (Cu	wrAdjudicationClaim

Recommendation

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

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

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

MEMORANDUM

Date: December 5, 2005

To: File 67-14663 thru 67-14668

From: Craig L. Saxton

From my initial investigation, SRBA claims 67-318 and 67-319 should be split into three parts in three different names, but only two owners.

- Crosby, David
- Manis Investigations Inc
- Manis Ranch LLC

Per my solicitation, I received a change of ownership from Manis Ranch LLC to change ownership on a portion of rights 67-318 and 67-319.

I found a change of ownership request submitted in 2004 splitting 67-4112 into two parts. In that change of ownership documentation are deeds showing the ownership of property by Manis Investigations Inc. I don't know why 67-318 and 67-319 weren't split in 2004 when the first change of ownership was submitted, but I will split them now.

Thus I have change of ownership documentation to split 67-318 and 67-319 into three parts:

- Manis Ranch LLC
- Manis Investigations Inc
- And the remaining portion stay's in the name of Wayne Cada as I do not have change of ownership documentation from David Crosby.

See split tree documentation in files.

Split history for Decreed Right 67-318 & 319

WR History

67-318 McGinley
0.06 cfs
4.8 ac
0.002298851

* calculated at 5/8 inches per acre

Claim History

67-318 Cada
0.06
99

67-14663	Cada
	0.01
	15
67-14664	Manis Invest
	0.02
	26.1
67-14665	Manis Ranch
	0.03
	57.9

Sum CFS =	0.060
Sum Acre=	99
Sum AF =	

Extra CFS =	0.000
Extra Acre =	0.0
Extra AFA =	

67-319 McGinley
1.44 cfs
115.2 ac

* calculated at 5/8 inches per acre

67-319 Cada
1.44
99

67-14666	Cada
	0.24
	15
67-14667	Manis Invest
	0.42
	26.1
67-14668	Manis Ranch
	0.78
	57.9

Sum CFS =	1.44
Sum Acre=	99
Sum AF =	

Extra CFS =	
Extra Acre =	
Extra AFA =	

Recommendation

67-14663	Actual ac	Cada	Change of ownership Needed to Crosby
		0.01	
	15	0.8	
		0.167	%
67-14664		Manis Invest	
		0.02	
	26.1	1.4	
		0.291	%
67-14665		Manis Ranch	
		0.03	
	48.6	2.6	
		0.5	%

Sum CFS =		0.060
Sum Acre=	89.7	4.8
Total % =		1.0

Extra CFS =		0.000
Extra Acre =		
Total % =		

67-14666	Actual ac	Cada	Change of ownership Needed to Crosby
		0.24	
	15	15	
		0.167	%
67-14667		Manis Invest	
		0.42	
	26.1	26.1	
		0.291	%
67-14668		Manis Ranch	
		0.78	
	48.6	48.6	
		0.542	%

Sum CFS =		1.440
Sum Acre=	89.7	89.7
Total % =		1.000

Extra CFS =		0.000
Extra Acre =		0.0
Total % =		

*Last updated 12-1-05 (csaxton)

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

Cow Creek.

American Falls Development Company, sub for

W H Philbrick and R B Greenwood

Goodrich Creek.

J P Ogilvie

Ashton Roby

Cottonwood Creek.

F W Beier

P W Higgins

Edgar Moser

William Phipps

I A Whiteley sub for I A Whiteley and J D Neale

G W Phipps

James H McGinley

Cottonwood Creek (Con)

Mary E Houston

A W Peebles

R S Kincaid

Grant Moore

North Fork Cottonwood Creek.

Gifford-Sorenson Ditch.

M P Gifford

Eliza Sorenson

James L Stewart and William F Smith

B D Piper

Mrs J T Root sub for M Rhinehart

Emma Cool, sub for Fred Cool

J A Carr

Gladwell Commercial Bank

A L Freehafer

Emma Arrington

Washington County Land & Development Co.

Frank E Brown

Winkler & Weid

Crystal Foust

Robert Wafler

First National Bank of Vale

North Fork Cottonwood Creek (Con)

Ben Houston

A Grossen

Hans Grossen

47

10

4

58

20

22 1/2

50

20

3

31 3/8

15 5/8

37 1/2

3

72

25

4

4 7 880

3 7 154

5

107

62

20

10

96

10

25

58

5

5

25

2 1/2

23 3/4

5

2 1/2

16

3

10

5

June 1, 1886 67 0306

May 1, 1892 67 0307

May 1, 1911 67 0308

June 1, 1882 67 0309

Sept 6, 1884 67 0310

Sept 6, 1884 67 0311

June 1, 1884 67 0312

June 1, 1889 67 0313

June 1, 1895 67 0314

June 1, 1887 67 0315

June 1, 1888 67 0316

June 1, 1889 67 0317

May 1, 1889 67 0318

July 1, 1896 67 0319

July 2, 1890 67 0320

April 1, 1896 67 0321

April 1, 1896 67 0322

May 1, 1900 67 0323

May 1, 1900 67 0324

June 5, 1902 67 0325

June 5, 1902 67 0326

June 5, 1902 67 0327

June 5, 1902 67 0328

June 5, 1902 67 0329

June 5, 1902 67 0330

June 5, 1902 67 0331

June 5, 1902 67 0332

June 5, 1902 67 0333

June 5, 1902 67 0334

June 5, 1902 67 0335

June 5, 1902 67 0336

June 5, 1902 67 0337

June 5, 1902 67 0338

June 5, 1902 67 0339

June 5, 1902 67 0340

June 5, 1902 67 0341

June 5, 1902 67 0342

June 5, 1902 67 0343

JUL 24 1936

half of the Northeast Quarter of Section 34, Township 16 North, Range 1 West Boise Meridian.

P W HIGGINS: The Southeast Quarter of the Northwest Quarter, Section 34, and the Southwest Quarter of the Northeast Quarter Section 34, and a strip 10 rods wide on the South side of the Northeast Quarter of the Northwest Quarter of Section 34, all in Township 16 North, Range 1 West Boise Meridian.

EDGAR MOSER: The Southeast Quarter of the Southwest Quarter Section 27, and the Northeast Quarter of the Northwest Quarter Section 34, except the P & I N right-of-way and a strip 10 rods wide off the South side of the Northeast Quarter of the Northwest Quarter of Section 34, Township 16 North, Range 1 West Boise Meridian.

WILLIAM PHIPPS: The South half of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter of Section 26, and the Northwest Quarter of the Northeast Quarter of Section 35, Township 16 North, Range 1 West Boise Meridian.

I A WHITELEY: The North half of the Southeast Quarter, the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 27, Township 16 North, Range 1 West Boise Meridian.

G W PHIPPS: The North half of the Northwest Quarter of Section 34, and 4 acres immediately north of Section 27, Township 16 North, Range 1 West Boise Meridian.

JAMES H MCGINLEY: The North half of the South half and the Southeast Quarter of the Southeast Quarter, Section 26 and the Northeast Quarter of the Northeast Quarter Section 35, Township 16 North, Range 1 West Boise Meridian.

MARY E HOUSTON: The Northeast Quarter of the Northeast Quarter, the South half of the Northeast Quarter, and the Southeast Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 West Boise Meridian.

A W FEEBLES: The Southwest Quarter of the Southeast Quarter and the East half of the Northwest Quarter of Section 28, Township 16 North, Range 1 West Boise Meridian.

R B KINCAID: The Northeast Quarter of the Northeast Quarter of Section 28, Township 16 North, Range 1 West Boise Meridian.

GRANT MOORE: North half of the Northwest Quarter of Section 35, Township 16 North, Range 1 West Boise Meridian.

M P GIFFORD: The Southeast Quarter of the Southeast Quarter of Section 15, the Southwest Quarter of the Southeast Quarter of Section 15, the Southwest Quarter of Section 14, all in Township 16 North, Range 1 West Boise Meridian.

ELIZA SORENSEN: The Southwest Quarter of Section 16, Township 16 North, Range 1 West Boise Meridian.

JAMES L STEWART AND WILLIAM F SMITH: The Southeast Quarter of the Southwest Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

S D PIPER: The North half of the Southwest Quarter of the Southeast Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

MRS J T ROOT: The Southeast Quarter of the Northeast Quarter of Section 10, the Southwest Quarter of the Northwest Quarter and the North half of the Southwest Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

EMMA COOL: The Northeast Quarter of the Northwest Quarter and the South half of the Southwest Quarter of the Southeast Quarter of Section 23, Township 16 North, Range 1 West Boise Meridian.

COTTONWOOD CREEK

William Phipps	50	June 1, 1884
	20	" " 1889
	3	" " 1892
G. W. Phipps	37½	" " 1889
F. W. Beier	58	" " 1882
P. W. Higgins	20	Sept 6, 1884
Edgar Moser	22½	" " "
Grant Moore	3 5	May 1, 1900
I. A. Whiteley, sub. for I. A. Whiteley and J. D. Neale	15 5/8 31 3/8	June 1, 1888 " " 1887
Mary E. Houston	25	July 2, 1890
A. W. Peebles	4	Apr 1, 1896
R. S. Kincaid	4	" " "
James H. McGinley	72 3	July 1, 1890 May 1, 1889

RECEIVED
 JUL 24 1896

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 67-14665
Date Received: 12/1/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

MANIS RANCH LLC Phone: (208) 772-4296

C/O WAYNE MANIS
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID USA 83835

2. Date of Priority: 05/01/1889

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

4. Point of Diversion:

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

5. Description of diverting works:

DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.03	

7. Total Quantity Appropriated is:
0.03 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	SE	IRRIGATION	14
			NW	SE	IRRIGATION	39.9
			SE	SE	IRRIGATION	4
					Section Acres	57.9
					Total Acres	57.9

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:

THERE ARE TWO POINTS OF DIVERSION: DIVERSION LOCATED IN SW1/4 NW1/4 NE1/4, SEC. 36 IS USED TO IRRIGATE FIELDS LOCATED NORTH OF LITTLE COTTONWOOD CREEK; DIVERSION LOCATED IN NW1/4 NE1/4 NW1/4 IS USED TO IRRIGATE FIELD LOCATED IN SEC. 26 AND 35 BETWEEN LITTLE COTTONWOOD CREEK AND COTTONWOOD CREEK.

OWNERSHIP CHANGED BY LH 10/12/95.

OWNERSHIP CHANGED BY DB 9/12/2000.

This right is a split from former right 67-318.

15. Basis of Claim: Decreed

16. Signature(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 5, 2005

MANIS RANCH LLC
C/O WAYNE MANIS
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

Re: Notice of Claim to a Water Right No. 67-14664, 67-14665, 67-14667, and 67-14668

Dear Mr. Manis:

Enclosed are copies of the above referenced claims, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing 67-318 and 67-319.

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

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

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

WITHERSPOON, KELLEY, DAVENPORT & TOOLE, P.S.
ATTN: JOEL P. HAZEL
608 NW BLVD, SUITE 401
COEUR D'ALENE ID 83814-2146

Split/Overlap Analysis

Water Right Number: 67-318

Diversion Rate: 0.06 CFS

[illegible]

67-318 (99.0 ac & 0.06 cfs)	Cada (15.0 ac & 0.01 cfs)
	Manis Invest (26.1 ac & 0.02 cfs)
	Manis Ranch (57.9 ac & 0.03 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-318	0.06	99	0.001
Cada	0.01	15	0.001
Manis Invest	0.02	26.1	0.001
Manis Ranch	0.03	57.9	0.001

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>67-318</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)
Irrigation	<u>.0442</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 <u>67-319</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)
Irrigation	<u>1.061</u>	
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Manis Ranch, LLC c/o Wayne Manis
(include title if applicable)

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

SCANNED

NOV 22 2005

Warranty
Deed

MANIS RANCH LLC

TIMBERLINE TITLE AND ESCROW, INC.
P. O. Box 6, Council, Idaho 83612
Phone: 208-253-6886
FAX: 208-253-6887

Manis Ranch LLC
7244 East Hayden Creek Road
Hayden Lake, ID 83835

DATE: 8-1-02
YOUR NO.
OUR NO. 100-02-312
NAME: Cereghino & Cada / Manis

We enclose the following:

Title Insurance Policy: Owner's
Recorded Warranty Deed

Thank you for doing business with us!

TIMBERLINE TITLE & ESCROW, INC.

NOTE: Unless indicated below, the above named addressee is the
only recipient of this report.

Enclosures

SCANNED

NOV 22 2005

INSTRUMENT NO. **101849**
PAGE 1 OF 4

WARRANTY DEED

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

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

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

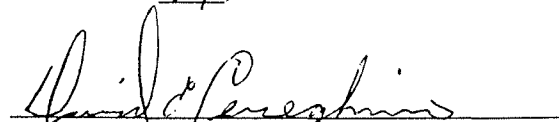
the following described premises, in Adams County, Idaho, to-wit:

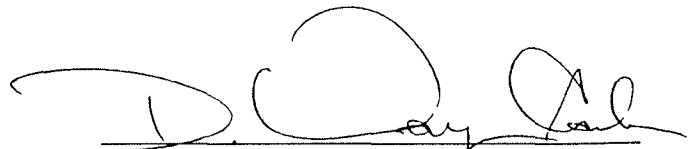
SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF.

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

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

Date: June 29, 2002.


DAVID E. CEREGHINO


D. WAYNE CADA

STATE OF IDAHO)
)SS
COUNTY OF Adams)

Instrument # 101849

COUNCIL, ADAMS, IDAHO

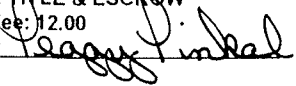
2002-07-01

10:53:45 No. of Pages: 4

Recorded for : TIMBERLINE TITLE & ESCROW

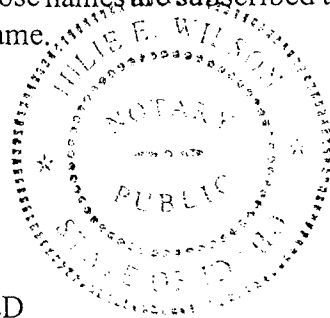
MICHAEL FISK

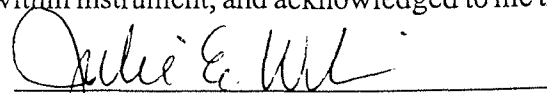
Fee: 12.00

Ex-Officio Recorder Deputy 

Index to: DEED

On this 29th day of June, in the year of 2002, before me, a Notary Public in and for said State, personally appeared DAVID E. CEREGHINO and D. WAYNE CADA, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.




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

WARRANTY DEED

SCANNED

NOV 22 2005

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

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

EXCEPTING THEREFROM a tract known as Tract "A" on record of survey recorded as Instr. No. 100255 and more particularly described as follows:

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

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

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

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

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

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

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

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

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

EXCEPTING the County Road right-of-way.

CONTINUED

SCANNED

NOV 7 2 2005

INSTRUMENT NO. 101049
PAGE 3 OF 4

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

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 26: A tract of land located in the NW1/4SW1/4 more particularly described as follows:

Beginning at the quarter corner common to Sections 26 and 27, T16NR1WBM, Adams County, Idaho;

Thence North 89° 43' 46" East 1320.00 feet along the East-West midsection line of Section 26;

Thence South 00° 00' 00" East 1318.65 feet to a point on the South line of the NW1/4SW1/4 of Section 26;

Thence South 89° 45' 20" West 1324.19 feet along the South line of the NW1/4SW1/4 of Section 26 to the Southwest corner of the NW1/4SW1/4 of Section 26;

Thence North 00° 10' 56" East 1318.07 feet along the line common to Sections 26 and 27 to the REAL POINT OF BEGINNING.

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

EXCEPTING THEREFROM a parcel more particularly described as follows:

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 25: A strip of land 60 feet in width for fee access purposes located in the N1/2NE1/4 more particularly described as follows:

Beginning at a point on the line common to Sections 24 and 25, said point being South 89° 55' 44" East 1353.45 feet from the ¼ corner common to Sections 24 and 25, T16NR1WBM, Adams County, Idaho;

Thence continuing South 89° 55' 44" East 61.32 feet along the line common to Sections 24 and 25;

Thence South 12° 00' 00" West 391.56 feet;

Thence along a 620.00 foot radius curve to the left, an arc distance of 146.08 feet (chord South 05° 15' 00" West 145.75 feet);

Thence South 01° 30' 00" East 154.24 feet;

Thence along a 130.00 foot radius curve to the left an arc distance of 114.58 feet (chord South 26° 45' 00" East 110.91 feet);

Thence South 38° 00' 00" West 60.00 feet to a point on a nontangent curve with center being North 38° 00' 00" East 190.00 feet radial distance;

Thence clockwise along said nontangent curve an arc distance of 167.46 feet (chord North 26° 45' 00" West 162.10 feet);

Thence North 01° 30' 00" West 154.24 feet;

Thence along a 680.00 foot radius curve to the right an arc distance of 160.22 feet (chord North 05° 15' 00" East 159.85 feet);

Thence North 12° 00' 00" East 378.88 feet to the REAL POINT OF BEGINNING.

Continued

SCANNED

NOV 27 2005

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

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 26: A tract of land located in the N1/2SW1/4 and NW1/4SE1/4 more particularly described as follows:

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

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

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

Thence S 18° 04' 48"W, 378.50 feet;

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

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

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

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

SCANNED

NOV 22 2005