

09/05/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-14672

NAME AND ADDRESS: DONEL PARKER
1430 MANNS CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.190 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: 06/01/1874

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 R05W S11 SESENE 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	0.190 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County
T12N R04W S19 Lot 3 NWSW 9.50
9.5 ACRES TOTAL

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

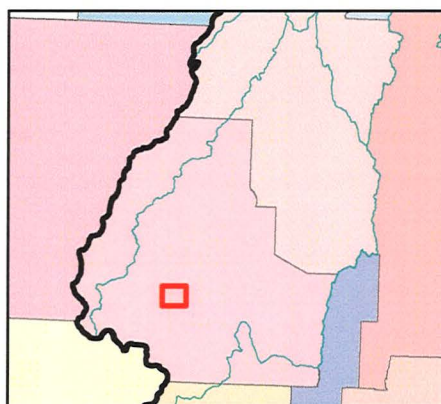


Idaho Department of Water Resources

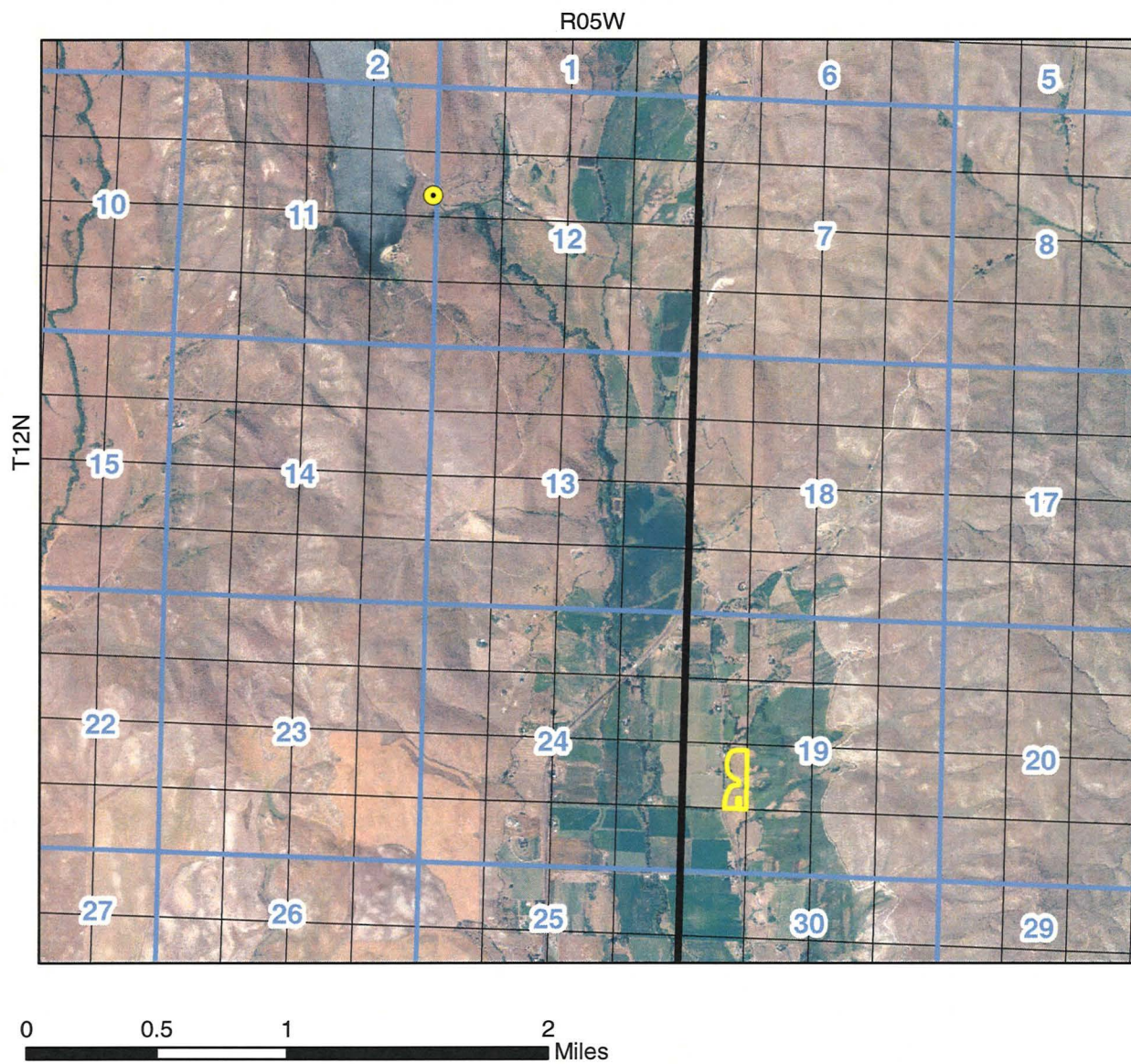
SRBA Recommendation
67-14672
(IRRIGATION)

Legend

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



Washington County
IDWR Basin 67



Prepared by Craig Saxton
On September 05, 2008
2004 Aerial Photography

2008 JUL 17 PM 01:01
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA) ORDER SETTING HEARING
Case No. 39576)
_____) SUBCASE NO: 67-14672

Please be advised that Special Master THEODORE R BOOTH
has set for hearing the MOTION TO FILE LATE OBJECTION AND INITIAL
HEARING.

FRIDAY, SEPTEMBER 05, 2008 at 02:30 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JULY 17, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on JULY 17, 2008, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DONEL D PARKER
1430 MANN CREEK RD
WEISER, ID 83672
Phone: 208-549-1067

DONEL PARKER
1430 MANNS CREEK RD
WEISER, ID 83672

RECEIVED

JUL 19 2008

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Address:

Daytime Phone:

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.19 cfs.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 9.5 acres
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): The Recommendation base
on decreed 67-521

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.

County of WASHINGTON

Donel D. PARKER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

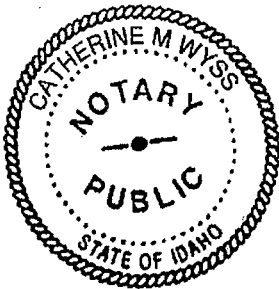
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

x Donel D. Parker
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

9th July 2008



Catherine M. Wyss
Notary Public for Washington County
Residing at: Wesley, ID
My Commission Expires: 8-17-2010

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 9th July, 2009, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Donel D. Parker
Address: 1430 Mann Creek Rd.
Meridian, Idaho 83672

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

x Donel D. Parker
Signature of objector or attorney
mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 23, 2008

DONEL PARKER
1430 MANN CREEK RD
WEISER ID 83672

RE: Recommendation for Snake River Basin Adjudication (SRBA) claim 67-14~~672~~

Dear Mr. Parker,

My name is Craig L. Saxton from the Idaho Department of Water Resources. I received a call from Mr. Wayne Williamson in early June. He told me that he had spoke with you about some concerns you had with your water right. I believe he was calling me, basically, on your behalf, to learn more about why your water right was recommended the way it was. I did discuss your recommendation with Mr. Williamson because I did not feel that any of the information we spoke about would be considered anything other than public information.

Mr. Williamson stated that there was a question as to why the recommendation submitted to the SRBA court by the Idaho Department of Water Resources (IDWR) was for less acreage than originally claimed. Because I did not make the recommendation, I am not 100% sure why it was recommended the way it was, but my research indicates that there might have been an error in the recommendation.

Background:

You filed your claim on October 18, 1989. On your claim, you stated that you were claiming a portion of an old water right: 67-2078. When reviewing your claim to a water right, we determined that 67-2078 was an old licensed that was superseded by the Mann Creek Decree (Jefferson v. Higgenbothom). So basically that means that license 67-2078 was no longer a valid water right and was replaced by a water right described in the Mann Creek Decree.

When the IDWR agent was reviewing your file, he determined that the water right from the Mann Creek Decree that was actually applicable to your property was 67-628. In short, the IDWR agent recommended to the court that your water right was a piece of 67-628.

Analysis:

My analysis indicates that the water right that should have been recommended to your property is 67-521 rather than 67-628.

The reasons for this are outlined below:

- 67-628 does not include the place of use claimed (your property).
- 67-521 is an unclaimed right applicable to the claimed place of use (your property)
- You originally claimed 9.5 acres and 67-521 was decreed for about 10 acres.
- The claimed POD is the same as that decreed for 67-521.
- 67-628 appears to have been recommended in full to Wayne Williamson under water right 67-10384

*Filing an objection to stop the current recommendation from being decreed, and then amending your claim to claim the priority date for 67-521 (6-1-1874), would not only allow me the opportunity to change the recommended acreage from 6.6 to the 9.5 claimed, but would allow me to recommend an earlier priority date which would be to your benefit.

Action:

In order to be able to make any changes on your recommendation, you need to file an objection to your water right recommendation with the SRBA court. For your convenience, I am enclosing an objection form and instructions. Complete the form and mail copies to all the applicable parties.

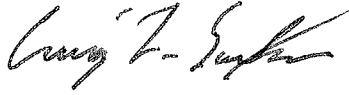
When the court receives the objection, I will get sent copies of the objection and at that time, I will contact you regarding the next steps that need to be taken.

Mr. Williamson mentioned that there might be some apprehension with dealing with the SRBA court. At this time, as long as we agree on the changes and there are no outside objections, we can take care of this without ever having to talk to the court.

I know this is a lot of information. I apologize for being so late at sending you this letter and information, but if you want to object, I recommend you do so soon. The court is issuing partial decrees for water right recommendations that have not been objected to. When a partial decree is issued, it is really hard to make changes to that water right. You really need to file that objection ASAP so your water right isn't partially decreed.

Take a look at the enclosed objection form and call me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s) Motion to file a late Objection

Cc: WAYNE WILLIAMSON
1691 THOUSAND SPRINGS
WEISER ID 83672

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-521

WATER RIGHT NUMBER: 67-521

Owner Type Name and Address

Current Owner ASA H LOLLEY

, ZZ

Priority Date: 06/01/1874

Basis: Decreed

Status: Active

Source

MANNS CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.140 CFS

Annual VolumeTotal Diversion: 0.140 CFSLocation of Point(s) of Diversion

MANNS CREEK

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	04W	19			X				X		X	X				X			
												L 3							

Conditions of Approval:

1. THIS IS A PRIMARY RIGHT WATER CARRIED IN THE MANNS CREEK DITCH.
FLOODWATER .2 CFS.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-521

Licensed Date:
Decreed Date: 6/3/1921
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Thomas Higginbotham, et al
Decree Plaintiff: E V Jefferson, et al
Civil Case Number:
Judicial District: Seventh District
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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

RECEIVED

NOV 27 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-14672

DONEL PARKER
1430 MANNS CREEK RD
WEISER ID 83672

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
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: Nov. 24 - 06

SIGNATURE:

Donel D. Parker

+

Please print your name:

Donel D. PARKER

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

SCANNED

NOV 28 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14672 V1

WATER RIGHT NUMBER: 67-14672 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ASA LOLLEY
	WEISER, ID
Current Owner	DONEL PARKER
	1430 MANNS CREEK RD
	WEISER, ID 83672

Priority Date: 03/03/1913

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	0.190 CFS	
	<u>Total Diversion:</u>	0.190 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SE1/4NE1/4	Sec. 11, 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	04W	19																	6.6
																			L 3

Total Acres: 6.6

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. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14672 V1

Quantity	1/18/2006 10:40:58 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?
POU	1/18/2006 10:39:27 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?
POD	1/18/2006 10:33:45 AM	dnarsavage	Updated shape
POD	1/18/2006 10:34:28 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?
Source	1/18/2006 10:34:40 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?
Summary	1/18/2006 10:43:09 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14672 V1

Use	1/18/2006 10:39:47 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?
Season	1/18/2006 10:40:37 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?

Water Supply Bank:

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

CLAIM NO(s). 67-14672

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.)

BASED ON 67-628, WHICH WAS BASED ON OLD PERMIT
67-2078

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:

DOWN

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 _____ 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

9 ACRES CLAIMED. 6.6 ACRES FOUND + RECOMMENDED

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☒ CHECK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 1/18/06

FIELD EXAMINER:

CRAIG L. SAXTON DLN
Print Name


Signature



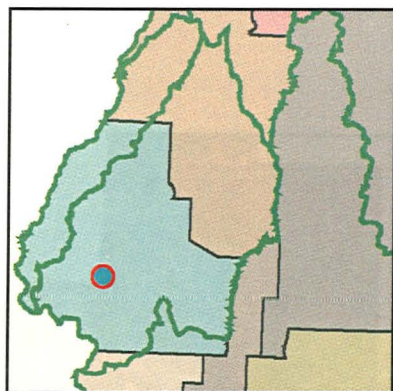
Idaho Department of Water Resources

Adjudication Claim Number: **67-14672**

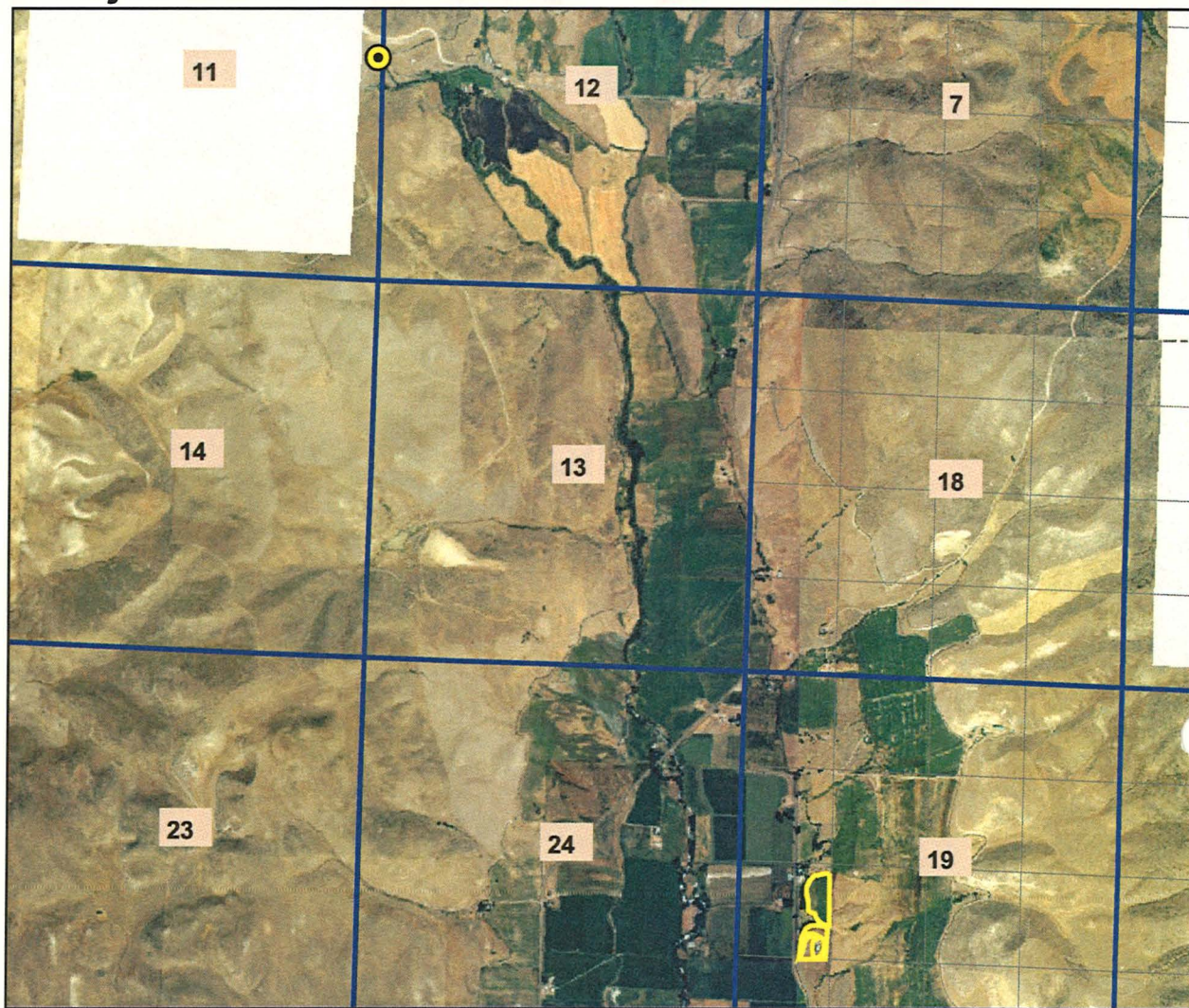
T12N R04W

Legend

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



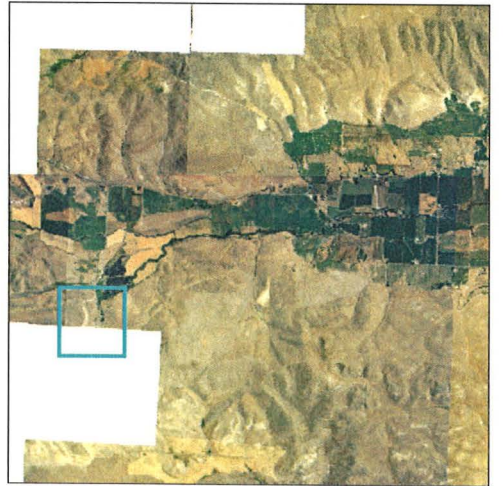
Washington County
IDWR Basin 67



0 1 2 Miles

Prepared by D. Narsavage
On Wednesday, January 18, 2006
1987/88 Aerial Photography

Rec67-14672



4-29-05: This License Superseded by Decree Jefferson Vs. Higgenbotham.
67-6-6 . P02 Not claimed in a prior Adjudication.

Saxton, Craig

From: Tuthill, Dave
Sent: Friday, April 29, 2005 11:54 AM
To: Saxton, Craig; Bromley, Chris
Cc: Nelson, Dan
Subject: RE: New Issue with Jefferson Vs. Higgenbotham

Nice analysis, Craig.

I think that it would be very difficult to defend a position that the license was not superceded by the decree -- I agree with your conclusion, but I am open to additional interpretation by Chris.

Thanks for your good work,

Dave

-----Original Message-----

From: Saxton, Craig
Sent: Friday, April 29, 2005 9:58 AM
To: Bromley, Chris
Cc: Nelson, Dan; Tuthill, Dave
Subject: New Issue with Jefferson Vs. Higgenbotham

Hey Chris,

I am really beginning to hate this decree. I guess it is good to work these things out now so we can deal with them when they come up again in the future.

What I have is a license that dates back into the decree.

67-02078 was licensed to Asa Lolley with a priority date of 3-3-1913. Licensed was signed on 6-9-1914. On page 6 of the "67-02078 Backfile" (attached) it speaks of Asa being quick claim deeded 10 inches of water. I just thought that was interesting and really probably doesn't mean much.

Anyway, let me make a long story short.

Asa Lolley was party to the decree signed June 3, 1921. In fact, I think she is in there twice.

I have:

67-521, Asa H. Lolley
67-628, A H Lolley

Both with the same POU.

However, the POU defined in the decreed rights, is significantly smaller than the POU described in license 67-02078.

So, I checked the entire POU for other decreed rights that fell within 67-02078's licensed POU (attached) to see if that licensed acreage is covered with decreed water. There are a lot.

Conclusion: I think this license was superseded by the decree. I can't find any mention of the license being valid in the decree (however, I admit, I didn't read through the whole thing).

Just brainstorming here, but my guess would be that Asa Lolley filed for the license for a huge amount of acres and got it put in her name even if it was someone else's property. Then through the decree process, they divided out that water use to the actual users of the land.

Whaddya think?

All these Jefferson Vs. Higgenbotham questions such as the priority date issues and primary and secondary rights, have surfaced because Dan Nelson at Western is going to do a licensing field exam on a permit that overlaps with 4

SRBA claims. 67-02078A being one of them. I am trying to figure out if he even needs to look at this while he is out there, or we just disallow the thing because it was superceded by the decree.

One other note: The current owner on the SRBA claims is Wayne W Williamson. One of the names that keeps popping up on not only the licensing permit, but the decree as well is Williamson. I think there is a family history here where we could run into some "old timer water use practices" rather than what was actually legal. Just my opinion.

Thanks again.

Craig

<< File: 67-2078 Backfile.pdf >> << File: 67-02078 Decreed overlap.xls >>

AUG 01 2008

DEPARTMENT OF
WATER RESOURCES

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 67-14672
Date Received: 12/13/2005
Receipt No:
Received By:

Amended

Amended

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

1. Name of Claimant(s)

DONEL PARKER Phone:

1430 MANNS CREEK RD
WEISER ID USA 83672

2. Date of Priority: 06/01/1874

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	05W	11	SE SE NE	WASHINGTON	

5. Description of diverting works:

WATER CARRIED THROUGH JOSLIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.19	

7. Total Quantity Appropriated is:
0.19 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
12N	04W	19	NW SW	IRRIGATION	9.5
Section Acres					9.5

AUG 01 2008

SCANNED

Total Acres 9.5

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: house well -

14. Remarks:

This claim is based on decreed right 67-521 (csaxton 7-11-08).

15. Basis of Claim: Decreed

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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): X Donald D. Parker Date: July 29 - 08
Wilma L. Parker Date: July 29 - 08

8007 1 0 2008
SCANNED

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 67-14672
Date Received: 12/13/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

DONEL PARKER Phone:

1430 MANNS CREEK RD
WEISER ID USA 83672

2. Date of Priority: 03/03/1913

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	05W	11	SE SE NE	WASHINGTON	

5. Description of diverting works:

WATER CARRIED THROUGH JOSLIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.19	

7. Total Quantity Appropriated is:
0.19 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
12N	04W	19	NW SW	IRRIGATION	9.5
Section Acres					9.5

Total Acres 9.5

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:

14. Remarks:

This right was renumbered to right 67-14672 .

This right is renumbered from former right 67-2078B.

Basis changed from License to Decreed. License superceded by the Mann Creek Decree. This claim is a split of 67-628. DLN 12/13/05

15. Basis of Claim: Decreed



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 19, 2005

DONEL PARKER
1430 MANNS CREEK RD
WEISER ID 83672

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-14672
Identification Number Change

Dear Claimant:

The identification number of your water right has been changed from #67-2078B to 67-14672. Nothing else on your water right has been changed. Please use the new number in future inquiries or correspondence you may have with our Department.

I have enclosed a copy of Notice of Claim #67-14672 which you may retain for your records.

Please be sure to tell us if your address changes in any way or if you have sold the property connected with this water right claim.

Do not hesitate to contact this office toll-free at 1/800-452-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Copy of Notice of Claim #67-14672

SCANNED

DEC 19 2005

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: A67-02078B
Date Received: 10/18/1989
Receipt No: C012350
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONEL PARKER
Address: 1430 MANNS CREEK RD.
WEISER, ID

83672

2. Date of Priority: MAR 03, 1913

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	11	SE	SE	NE		WASHINGTON

5. Description of diverting works:
WATER CARRIED THROUGH JOSLIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.190		

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

8. Total consumptive use is 33.2 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	04W	19	NW	SW		IRR	9.5

SCANNED
MAY 10 2004

A67-02078B

Page 1

Date: 06/11/90

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OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	9.5
					Total Acres	9.5

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:
MANNS CREEK IRRIGATION WATER

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 9151

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 _____

b000

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

Date Received

Receipt Number

10-18-89

C012350

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 17 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Donna I Parker Phone ()Mailing Address 1430 Manns Creek Rd, Weiser ID Zip 836722. Date of Priority (Only one (1) per claim) 3-3-19133. Source of water supply (a) Mann Creek
which is tributary to (b) Weiser River4. a. Location of existing point of diversion is: Township 12N Range 5W Section 11,
SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, Washington B.M., County of Washington

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. water carried thruJoslin Ditch.

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OCT 01 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIG purposes from 3/15 to 11/15 amount 0.19 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.19 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 33.25 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>12N</u>	<u>4W</u>	<u>19</u>										<u>9.5</u>							<u>9.5</u>

Total number of acres irrigated 9.5

11. In which county (ies) are lands listed above as place of use located? Washington

12. Do you own the property listed above as place of use? Yes _____ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Manns Creek IRRIG DIST WATER or None ()

14. Remarks: This claim is a split of 67-02078

Last Name PARKER Ident No. _____

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Copies: White -State, Yellow-Claimant

OCT 01 1992

Scale: 2 inches equals 1 mile

[illegible]

ARKET

Ident No.

MICROFILMED
Copies: *White-State, Yellow-Claimant*
OCT 01 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-02078 (part of)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *Donel D. Parker* Date 10/16/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 16 day of October 19 89

SEAL

Notary Public *R. Belmer Jones*

Residing at *Skansen*

My Commission Expires 5/10/91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name PARKER Ident. Number _____

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Copies White-State, Yellow-Claimant

OCT 01 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-02078 (Part of)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Donel D. Parker Date 10/16/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 16 day of October 19 89

SEAL

Notary Public Delmer Jones

Residing at Skier

My Commission Expires 5/10/91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name PARKER Ident. Number _____

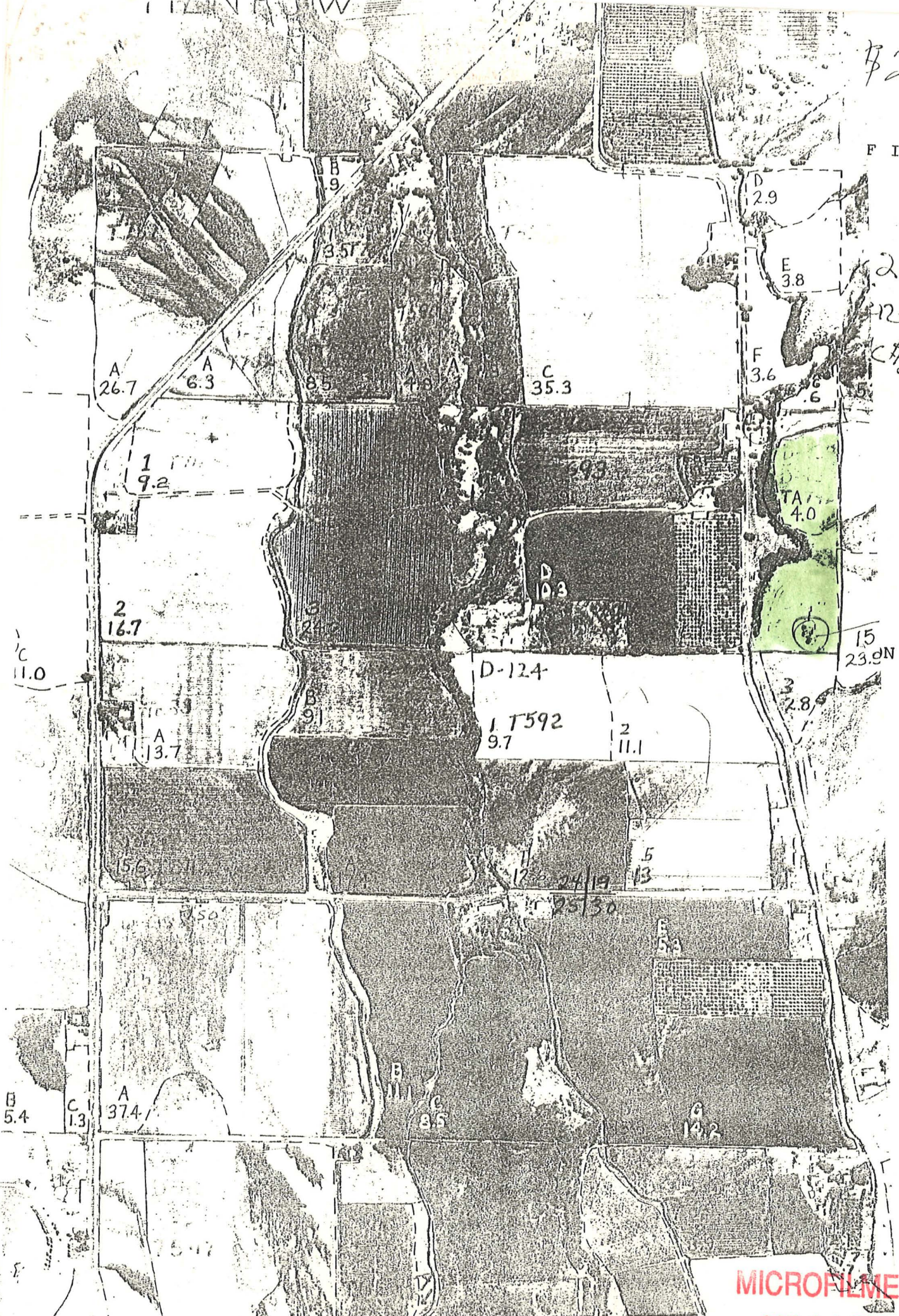
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OCT 01 1992

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OCT 01 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Donel Parker

CLAIM IDENT. NO.

A67-

DATE RECEIVED

10/17/89

CK #

C012350

AMOUNT \$

YES

NO

Require Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
- See Adjudication Memos #1 and #4 to determine if a permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ N/A ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
- Is the period of use included? ☒ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☒ N/A ☐ NO ☐ *
- Is the consumptive use correct? ☐ YES ☒ N/A ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ N/A ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☐ YES ☒ yes ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ N/A ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ N/A ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☒ Exempt ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ N/A ☐ NO ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by:

RMC

Date:

6/11/90

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be notified of modifications:

(Yes) ☐ (No) ☒

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

RMC

Date:

6/11/90

Date:

Checked by: RMCDate: 6/11/90

Comments:

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OCT 01 1992

T12NR5W

Gravel Pit



MICROFILMED
OCT 01 1992

11 12
14 13

Don
1884

William (Jesse)

14 13
23 24