

09/10/2007

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

RIGHT NUMBER: 67-14700

NAME AND ADDRESS: GARY F SUTTON
3555 S RUSTLER PL
MERIDIAN ID 83642

TINA D SUTTON
3555 S RUSTLER PL
MERIDIAN ID 83642

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.440 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: 04/01/1896

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 only to all rights identified as Primary Rights on Mann Creek.

POINT OF
DIVERSION:

T11N R04W S19 NWSE 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	0.440 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R04W S30	SENW	11.00	T11N R04W S30	NESW	11.00
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22 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

Adjudication Recommendation Report 67-14700 V1

WATER RIGHT NUMBER: 67-14700 V1

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	JEANNE W WALLACE PO BOX 711 WEISER, ID 83672 (208)549-0187
Directors Report Owner	GLEN N WALLACE PO BOX 711 WEISER, ID 83672 (208)549-0187
Current Owner	GARY F SUTTON 3555 S RUSTLER PL MERIDIAN, ID 83642 (208)890-2507
Current Owner	TINA D SUTTON 3555 S RUSTLER PL MERIDIAN, ID 83642 (208)890-2507

Priority Date: 04/01/1896

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	0.440 CFS	
	<u>Total Diversion:</u>	0.440 CFS	

Location of Point(s) of Diversion

MANN CREEK	NW1/4SE1/4	Sec. 19, Twp 11N, Rge 04W, 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	30									11.0	11.0							22.0

Total Acres: 22

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14700 V1

1. 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.
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 only to all rights identified as Primary Rights on Mann Creek.
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.

Remarks:

Comments:

Water Supply Bank:

67-14700



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14700 V1

WATER RIGHT NUMBER: 67-14700 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEANNE W WALLACE PO BOX 711 WEISER, ID 83672 (208)549-0187
Current Owner	GLEN N WALLACE PO BOX 711 WEISER, ID 83672 (208)549-0187

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

Source

MANN CREEK

Beneficial Use

IRRIGATION

From To
03/01 to 11/15

Total DisAnnual VolumeLocation of Point(s) of Diversion

MANN CREEK

NW1/4

11N, Rge 04W, B.M.

WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04W	30													22.0

Total Acres: 22

Conditions of Approval:

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14700 V1

3. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate to all Primary Rights on Mann Creek.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	3/31/2006 12:39:24 PM	dnarsavage			Active
POD	3/31/2006 12:39:40 PM	dnarsavage			Active
Source	3/31/2006 12:41:46 PM	dnarsavage			Active
Use	3/31/2006 12:42:14 PM	dnarsavage			Active
Season	3/31/2006 12:42:52 PM	dnarsavage			Active
Quantity	3/31/2006 12:43:37 PM	dnarsavage			Active
Summary			03/31/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	3/31/2006 12:03:06 PM	dnarsavage	Updated shape for Active POU
POD	3/31/2006 12:39:41 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? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14700 V1

Use	3/31/2006 12:42:15 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?
Quantity	3/31/2006 12:43:37 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?
POD	3/31/2006 12:41:05 PM	dnarsavage	Updated shape
General	3/31/2006 12:39:24 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?
Source	3/31/2006 12:41:46 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?
Season	3/31/2006 12:42:53 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14700 V1

Summary	3/31/2006 12:45:12 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? (No) 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:



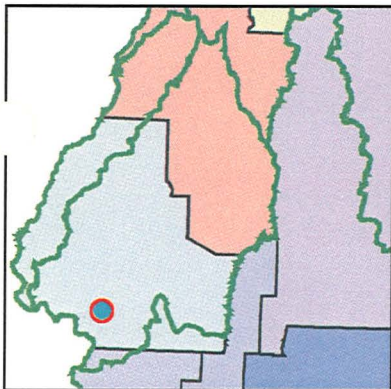
Idaho Department of Water Resources

Adjudication Claim:

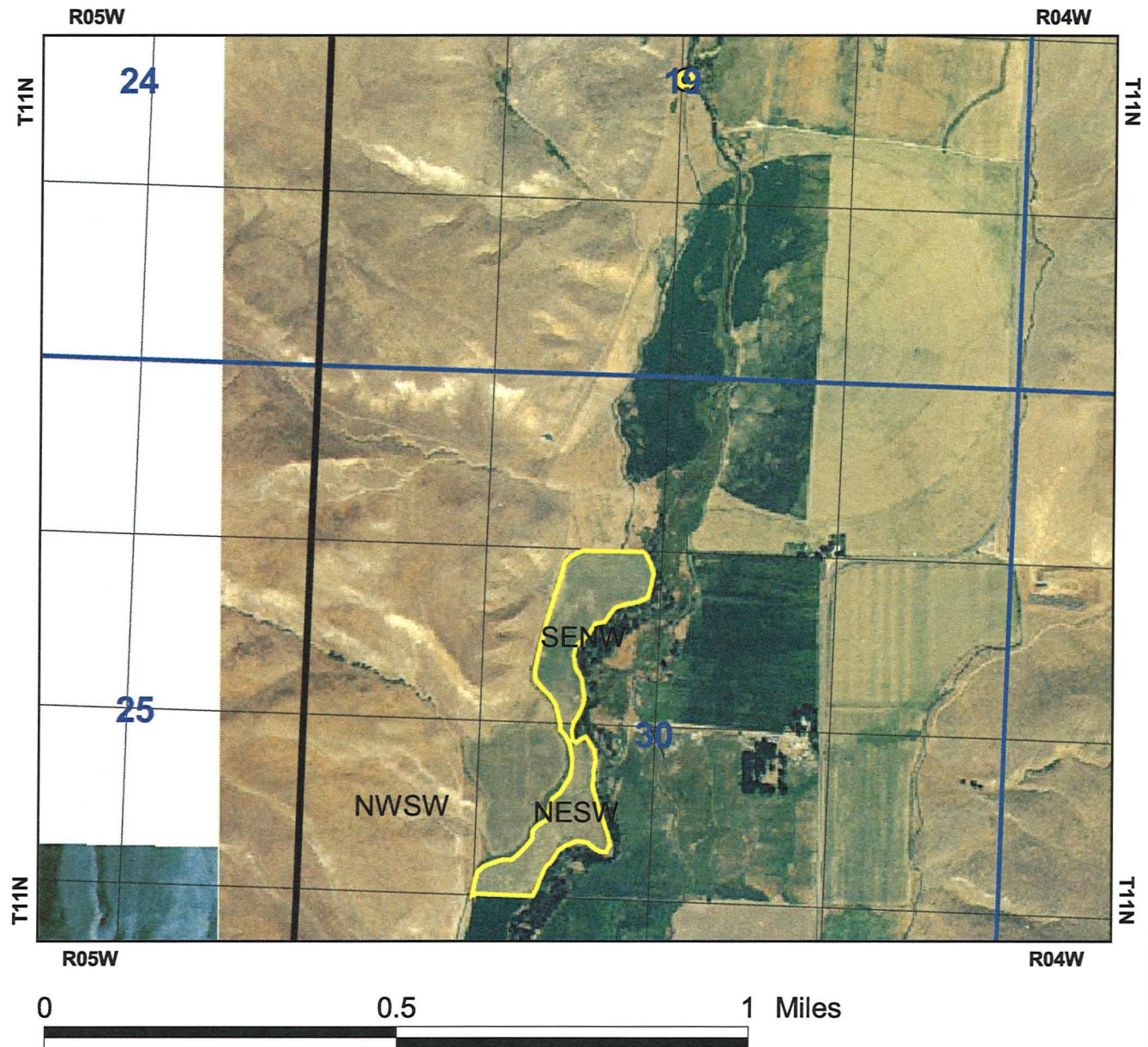
67-14700

Legend

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

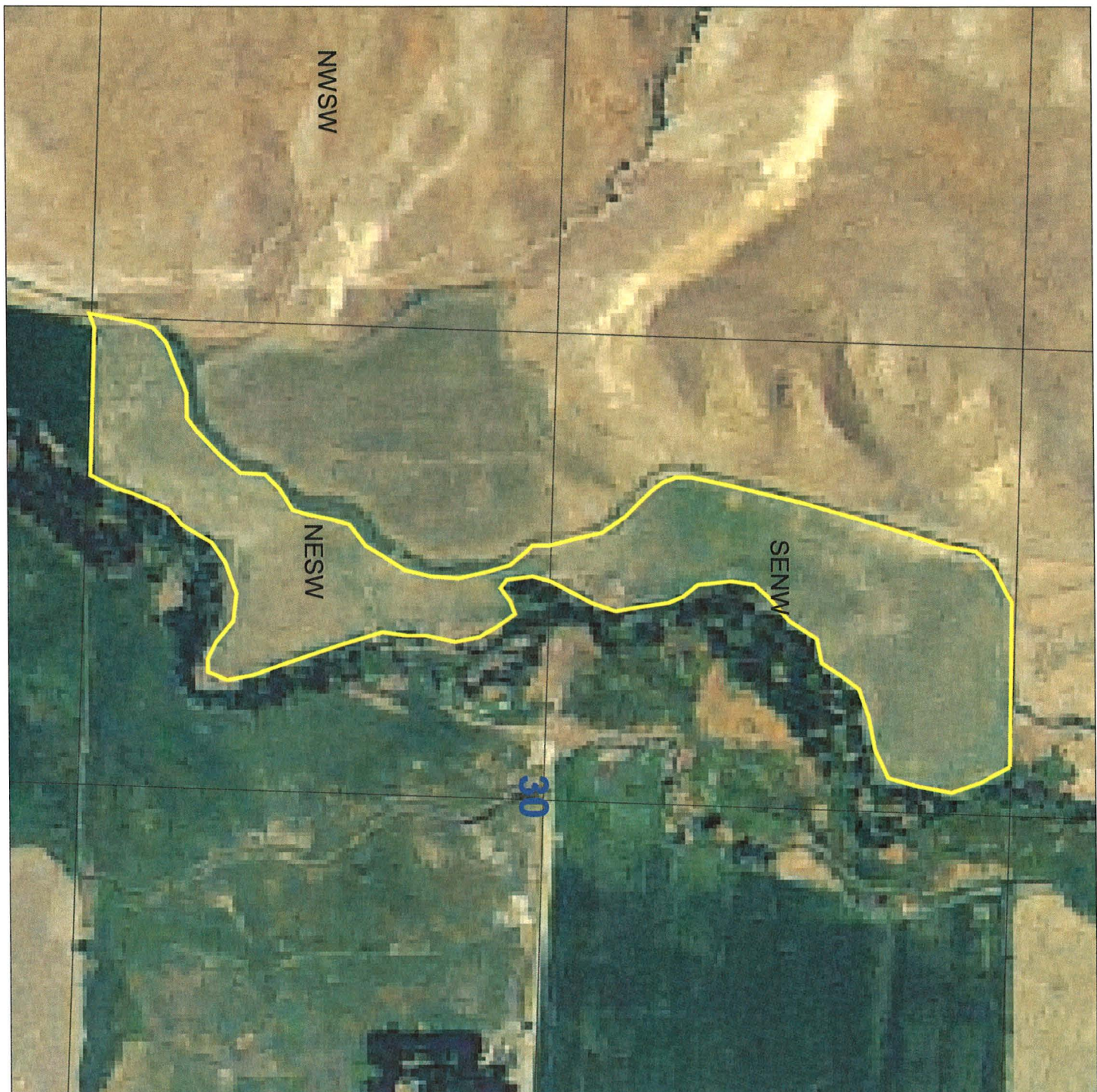


Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Friday, March 31, 2006
1987/88 Aerial Photography

67-14700



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 67-14700
Date Received: 1/30/2006
Receipt No: C080191
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JEANNE W WALLACE Phone: (208)549-0187

PO BOX 711
WEISER ID USA 83672

GLEN N WALLACE Phone: (208)549-0187

PO BOX 711
WEISER ID USA 83672

2. Date of Priority: 04/01/1896

3. Source: MANN CREEK , MANN 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
11N	04W	19	NW SE	WASHINGTON	
11N	04W	30	NE SW	WASHINGTON	

5. Description of diverting works:

Ohm Ditch and also a lift pump in creek as additional point of diversion.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.44	

7. Total Quantity Appropriated is:
0.44 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
11N	04W	30	SE	NW	IRRIGATION	11
			NE	SW	IRRIGATION	11
					Section Acres	22
					Total Acres	22

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:

Please refer to enclosed map.

15. Basis of Claim: Decreed

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: 67-14780³⁹⁵⁷⁶
Ident. Number _____
Date Received 1-30-06
Receipt Number C080191

RECEIVED

JAN 30 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Glen and Jeanne Wallace Phone 6208 549-0187

Mailing Address P.O. Box 711 Weiser, Id. Zip 83672

2. Date of Priority (Only one (1) per claim) April 1, 1896

3. Source of water supply (a) Mann Creek
which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 11N Range 04W Section 19,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Washington

Additional points of diversion if any: T11N R 04W Sec 30 NESW

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, 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.

Ohm ditch and also
a lift pump in creek as additional
point of diversion.

SCANNED

MAR 29 2006

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/01 to 11/15 amount 44 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
11N	04W	30								11	11								22

Total number of acres irrigated 22

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.

or None (☒)

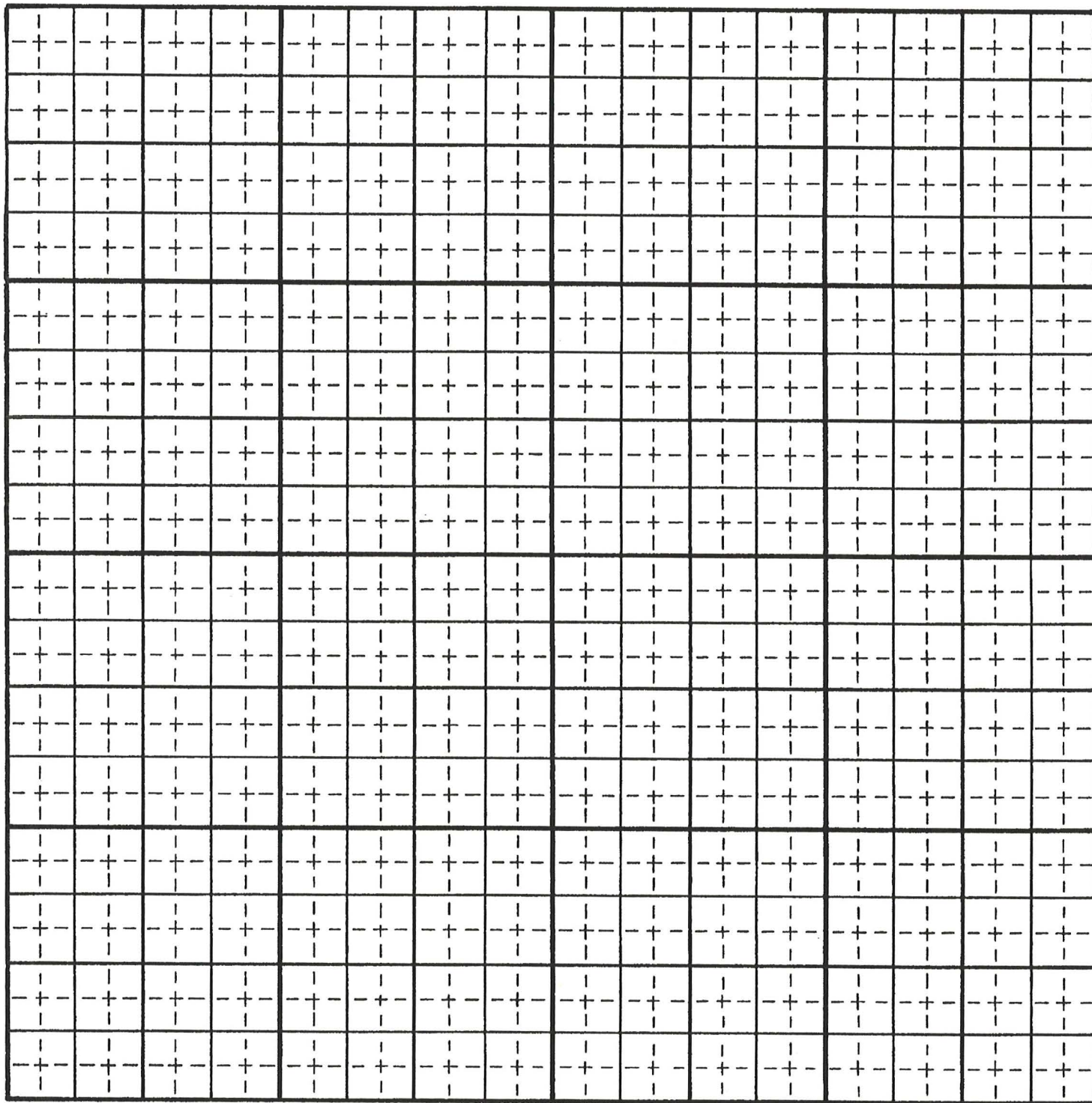
14. Remarks: please refer to enclosed map

Last Name Wallace Ident No. 67-14700

SCANNED
MAR 29 2006

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Wallace

Ident No. 67-14700

SCANNED
MAR 29 2006

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒ 67-665
If applicable provide IDWR Water Right Number 67-665
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant Jefferson vs Higgenbotham

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 1

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

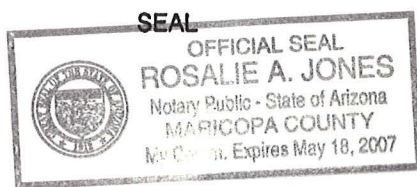
Signature of Claimant (s) John W. Wallace Date 1-27-06
John W. Wallace Date 1-27-06

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 Arizona }
County of Maricopa } SS.

Subscribed and sworn (or affirmed) before me this 27th day of Jan 192006



Notary Public Rosalie A Jones
Residing at 2015 W. Weckenburg Way Wick AZ
My Commission Expires May 18, 2007
Please Print Name ROSALIE A Jones

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 Wallace Ident. Number 67-14700



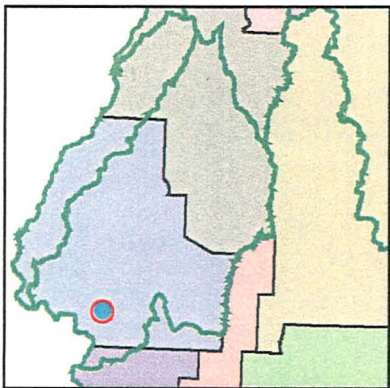
Idaho Department of Water Resources

Wallace Claims

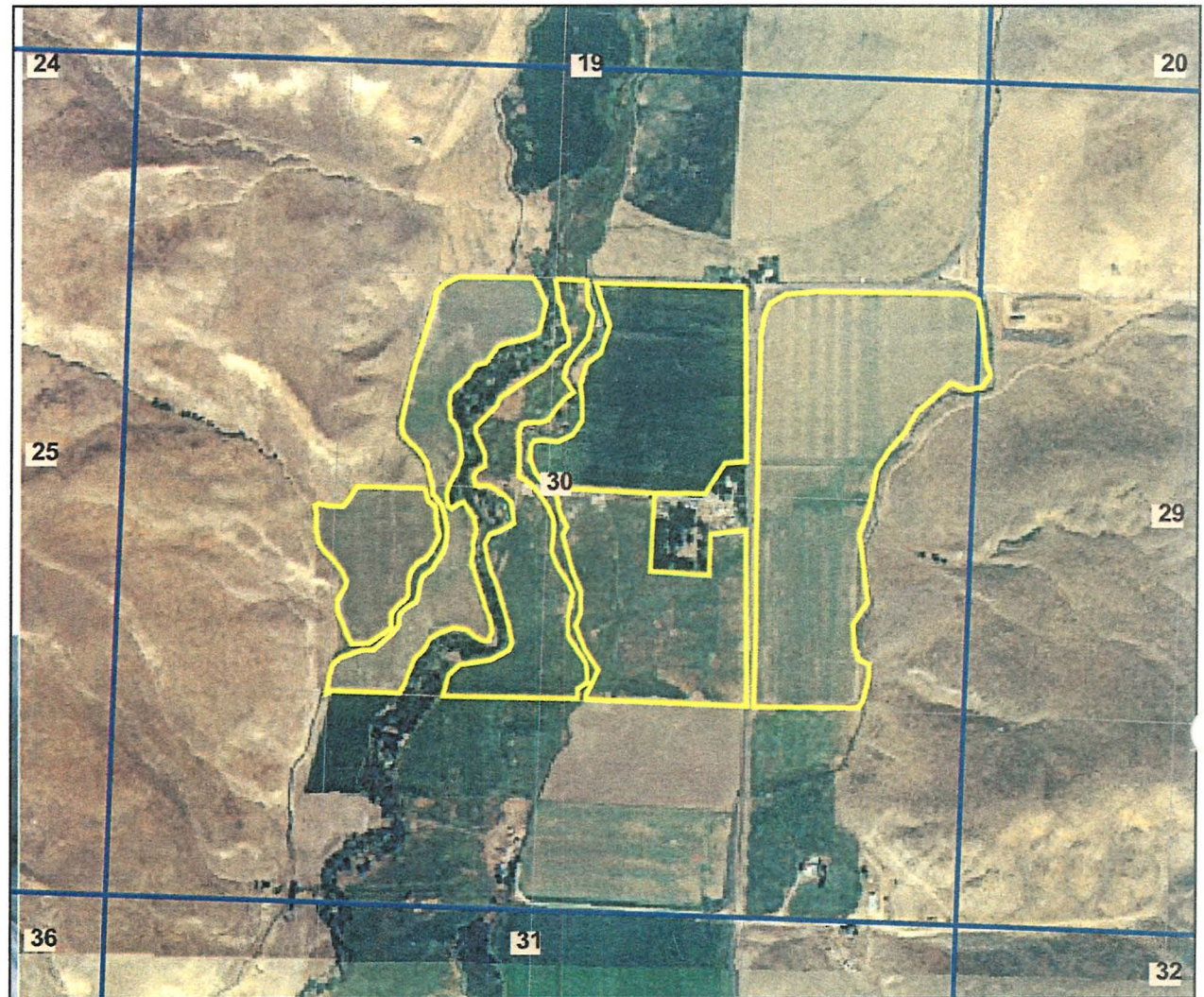
T11N R04W
T11N R05W

Legend

-  Wallace Claims
-  Section Lines



Washington County
IDWR Basin 67



0 0.5 1 Miles



Prepared by D. Narsavage
On Thursday, December 15, 2005
1987 Aerial Photography

SCANNED