

11/18/2008

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

RIGHT NUMBER: 67-14793

NAME AND ADDRESS: CAPURRO FAMILY TRUST
1041 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.350 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 SENE 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	0.350 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R04W S30 Lot 1 NWNW	14.00	T12N R04W S30 Lot 2 SWNW	2.00
T12N R05W S25	NENE	1.50	

17.5 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

This right is a split from former right 67-14301.

11/14/2006

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

RIGHT NUMBER: 67-14793

NAME AND ADDRESS: JOLETA QUIGLEY
1704 DEER CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.350 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 SENE 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	0.350 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 67-14301.

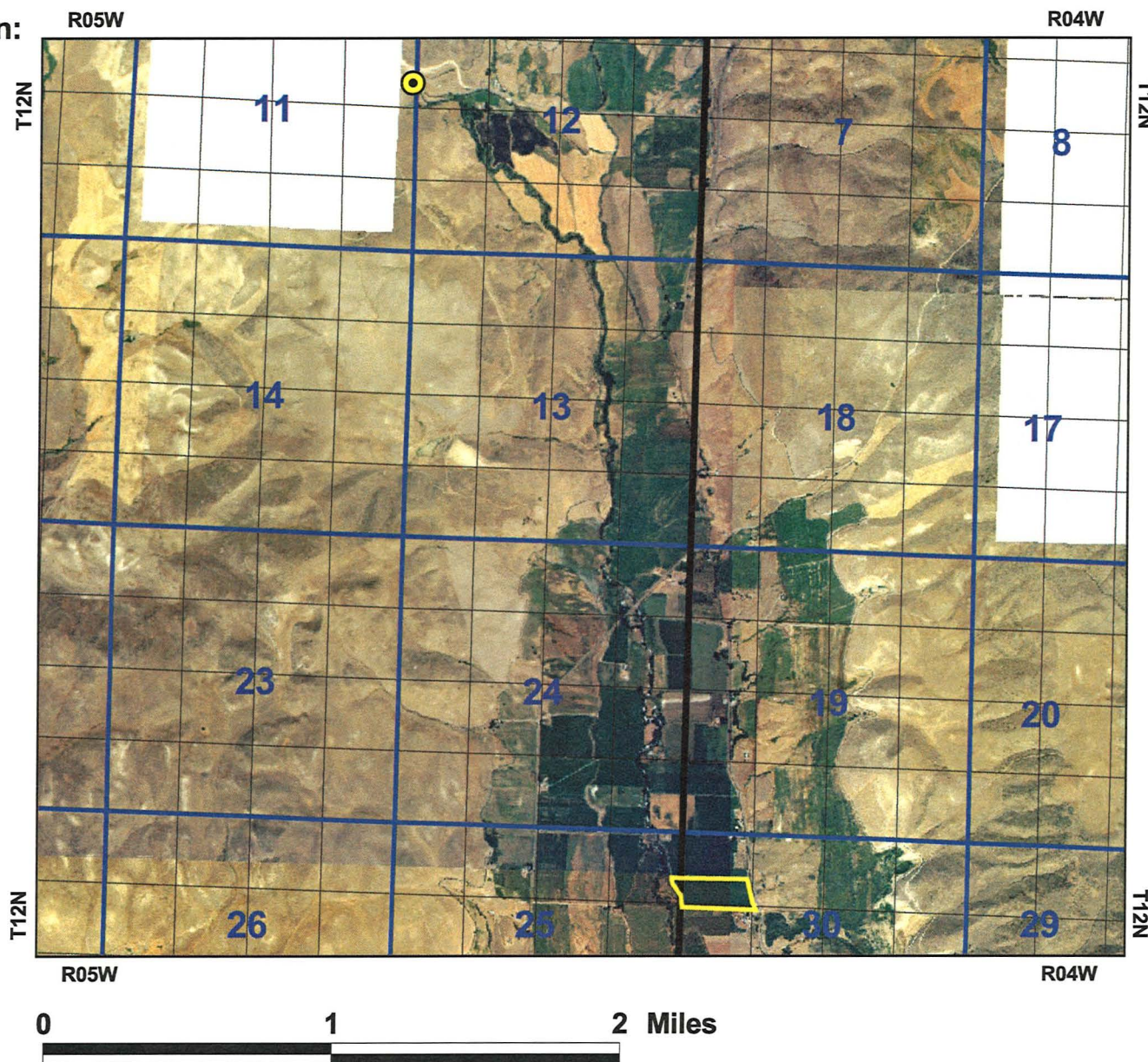
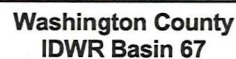


67-14793

(Irrigation)

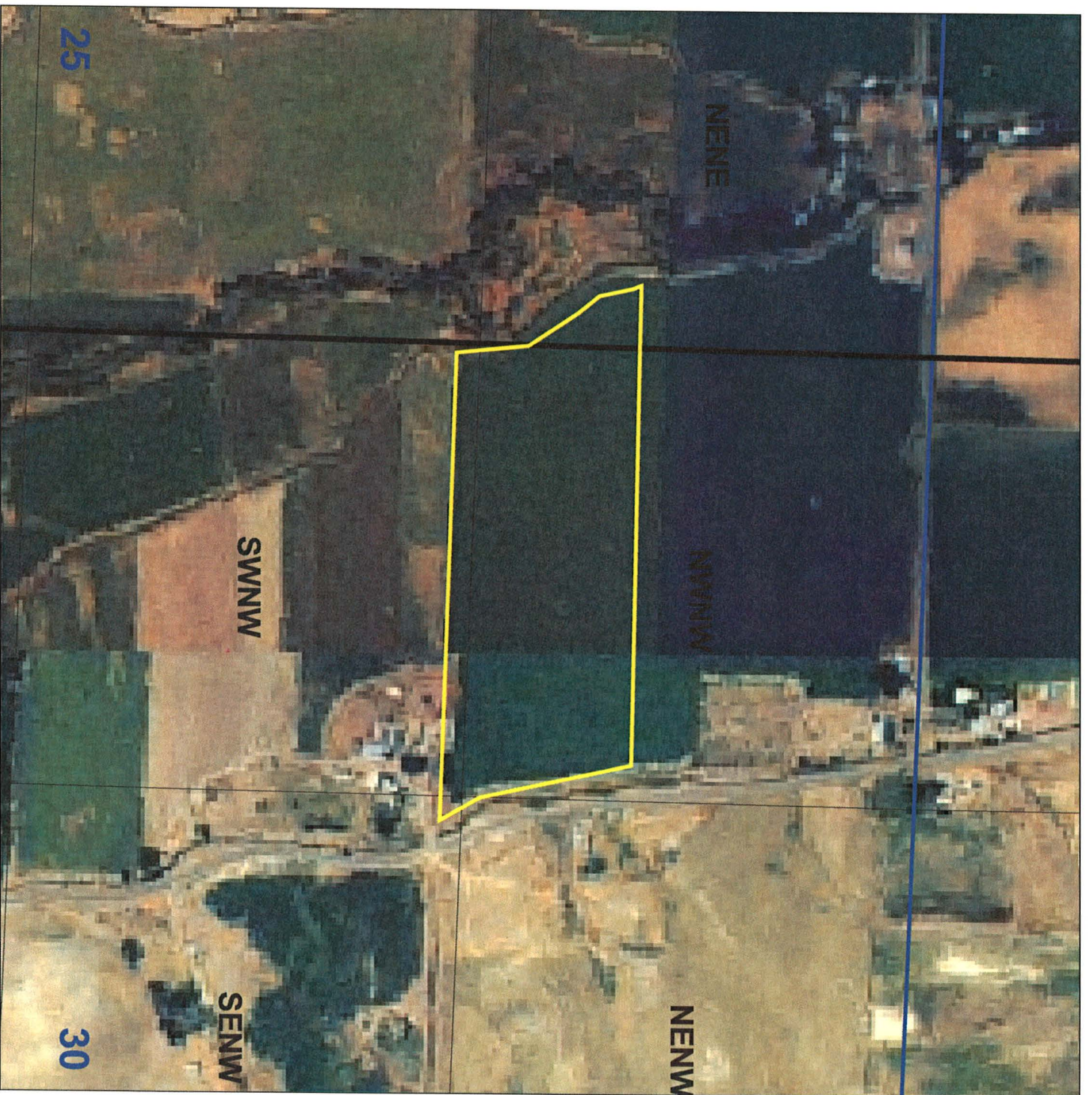
Legend

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



Prepared by M. Van Bussum
On Tuesday, November 14, 2006
1987/88 Aerial Photography

67-14793



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14793 V1

WATER RIGHT NUMBER: 67-14793 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ZELLA R BALDERSTON 1819 JACKSON LN WEISER, ID 83672
Original Owner	RUSSELL R JACKSON
Original Owner	, ZZ GERALD L HAGANS 1819 JACKSON RD WEISER, ID 83672 (208)549-2150
Original Owner	DALE E BALDERSTON 1819 JACKSON LN WEISER, ID 83672
Original Owner	APRIL NELSON 139 CLARA AVE UKIAH, CA 95482
Original Owner	WILLIAM NELSON 139 CLARA AVE UKIAH, CA 95482
Original Owner	JUDITH C POMEROY 667 PIONEER RD WEISER, ID 83672 (208)549-3066
Previous Owner	CAPURRO FAMILY TRUST 1041 MANN CREEK RD WEISER, ID 83672
Current Owner	JOLETA QUIGLEY 1704 DEER CREEK RD WEISER, ID 83672 (208)549-2822

Priority Date: 06/01/1874

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	0.350 CFS	
	<u>Total Diversion:</u>	0.350 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4NE1/4	Sec. 11, Twp 12N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14793 V1

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	30						14.0	2.0										16.0
								L 1	L 2										
12N	05W	25	1.5																1.5

Total Acres: 17.5

Conditions of Approval:

1. 169 This right is a Primary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, irrespective of priority, is senior to all other rights that have not been identified as a Primary Right on Mann Creek.
2. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. This right is a split from former right 67-14301 .

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: S
 Owner Name Connector:
 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:

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

Adjudication Recommendation Report 67-14793 V1

Summary		11/07/2006	ssherman	Active
POD	11/14/2006 10:12:52 AM	mvanbussum		Active
POU	11/14/2006 10:13:12 AM	mvanbussum		Active
Quantity	11/14/2006 10:14:53 AM	mvanbussum		Active
Summary		11/14/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	11/7/2006 9:53:33 AM	ssherman	(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? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right?
POU	11/14/2006 10:13:54 AM	mvanbussum	Updated shape for Active POU
POU	11/14/2006 10:14:00 AM	mvanbussum	Updated PLS for Active POU
POU	11/14/2006 10:14:24 AM	mvanbussum	Updated PLS for Active POU
POD	11/14/2006 10:12:53 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	11/14/2006 10:13:14 AM	mvanbussum	(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	11/14/2006 10:13:00 AM	mvanbussum	Updated shape
POU	11/14/2006 10:14:15 AM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14793 V1

Quantity	11/14/2006 10:14:55 AM	mvanbussum	(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	11/14/2006 10:15:57 AM	mvanbussum	(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?

Water Supply Bank:



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.

November 7, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

JOLETA QUIGLEY
1704 DEER CREEK RD
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-14793

Dear Claimant:

As a result of obtaining a portion of the property and water rights from the Capurro Family Trust, the identification number to your water right has been changed as follows:

From
67-14301

To
67-14793

Please use the new number in future inquiries or correspondence you may have with our Department.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Thank you for your patience and cooperation. We have had several water right changes to process. Please call me at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Notice of Claim to a Water Right

SCANNED
NOV 07 2006

RECEIVED
NOV 25 2008
DEPARTMENT OF
WATER RESOURCES

MEMORANDUM

Date: 11/20/08
From: Julie Murphy, SRBA Deputy Clerk
To: Monica Van Bussum
Subject: NCAP for 67-14793

A hearing on the Basin 67 uncontested rights was held in the SRBA Court on 09/16/08 and *Partial Decrees* were subsequently issued on 10/20/08. Therefore, the Court is returning this NCAP to you as your mailing was received too late for the Court to make any changes.

SCANNED
NOV 25 2008

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

Water Right: 67-14793

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222

- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water right(s) except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 11/18/2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11/19, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

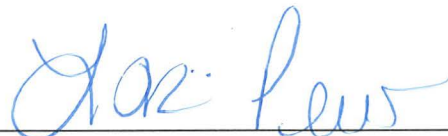
Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W. Fort St. MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase:

Capurro Family Trust
1041 Mann Creek Rd.
Weiser, ID 83672

Wayne Quigley
1704 Deer Creek Rd.
Weiser, ID 83672



Signature of person mailing this document

11/18/2008

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

RIGHT NUMBER: 67-14793

NAME AND ADDRESS: CAPURRO FAMILY TRUST
1041 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.350 CFS

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POINT OF
DIVERSION:

T12N R05W S11 SENE 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	0.350 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R04W S30 Lot 1 NWNW	14.00	T12N R04W S30 Lot 2 SWNW	2.00
T12N R05W S25	NENE	1.50	

17.5 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 67-14301.

SCANNED
NOV 15 2008

RECEIVED

SEP 30 2008

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	67-14793	-OKay to change		MVB 11/18/2008	

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Wayne and Joleta Guigley

4. New Owner/Claimant(s)

Capurro Family Trust

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1041 Mann Creek Rd

City, State and ZIP Code

Weiser, Id. 83672

New Telephone Number

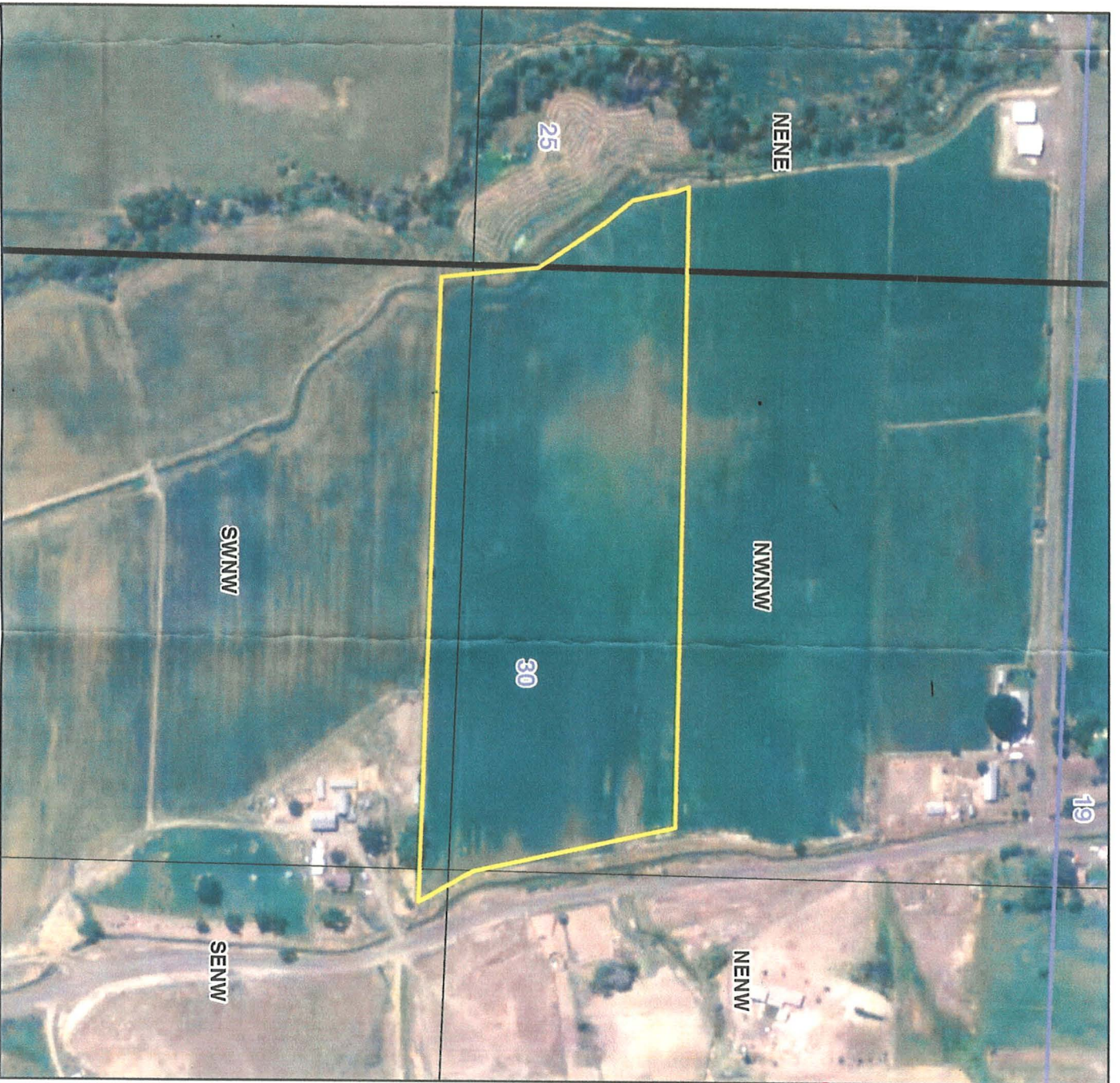
(208) 549-1381

SCANNED

SEP 30 2008



67-14793



SCANNED

SEP 30 2008

Approved by:
Initials _____



Warranty Deed



FOR VALUE RECEIVED, WAYNE QUIGLEY, a widow, the Grantor, does hereby, grant, bargain, sell and convey unto CAPURRO FAMILY TRUST, the Grantee, whose address is 1041 MANN CREEK RD., WEISER, ID 83672 the following described real estate situated in Washington County, State of Idaho, to-wit:

See Legal Description Attached

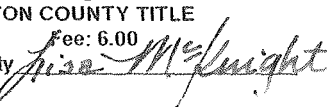
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all incumbrances, and that he will warrant and defend the same from all lawful claims whatsoever.

DATED this 9th day of September, 2008.


WAYNE QUIGLEY

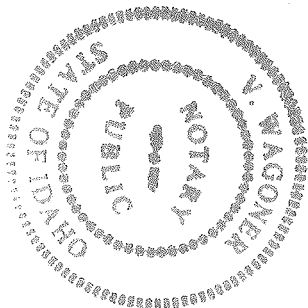
STATE OF IDAHO)
: SS
County of Washington)

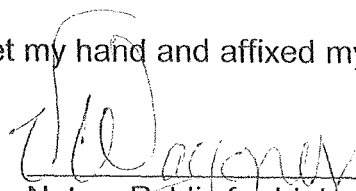
Instrument # 210331

STATE OF IDAHO, COUNTY OF WASHINGTON
9-9-2008 11:38:00 No. of Pages: 2
Recorded for : WASHINGTON COUNTY TITLE
SHARON WIDNER Fee: 6.00
Ex-Officio Recorder Deputy 
Index to: DEED

On this 9th day of September, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared WAYNE QUIGLEY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.




Notary Public for Idaho
Residing at Caldwell, Idaho
Commission expires: 7-22-2010

SCANNED

SEP 30 2008

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 67-14793
Date Received: 10/18/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOLETA QUIGLEY Phone: (208)549-2822

1704 DEER 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 NE	WASHINGTON	

5. Description of diverting works:

MANN CREEK DITCH, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.35	

7. Total Quantity Appropriated is:
0.35 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses: