

MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: May 15, 2007

RE: Objection to 67-10483 (parent of 67-14837 and 67-14838)

This memo records my understanding of Charles Woods' objection to the recommendation for 67-10483 and the children resulting from its split, 67-14837 and 67-14838.

Ownership

According to the deed submitted, the southern part should indeed have been recommended in the name of Woods and the northern part in the name of Pursifull. The Washington County taxlots show Woods owns the north part and Pursifull the southern part, but we have to go with the deed as proof of ownership.

Acreage

In my phone conversation with Mr. Woods, he said he and Pursifull should both have been recommended 5 acres. The taxlot records show each taxlot is 4.8 acres. In reviewing the 1987 imagery again, it appears that we should have recommended 4.2 acres to the northern portion (Pursifull) and 4.8 acres to the southern portion (Woods) with each getting their proportional share of the full diversion rate claimed. I have included a map with this memo showing the new shapes and acreages, as well as proportional quantity for each right.



Idaho Department of Water Resources

Objection Review

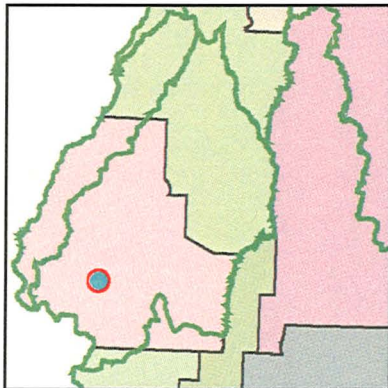
Areas outlined in light blue are new POU shapes

Adjudication Claim Number: **67-10483**

T12N R05W

Legend

-  Mvbpou.shp
-  Washington taxlots
-  GCDB12N05W GCDB
-  PLSS Section LinesGcdb_sections.shp



Washington County
IDWR Basin 67



0 0.1 0.2 Miles

Prepared by M. Van Bussum
On Tuesday, May 15, 2007
1987 Aerial Photography

05/15/2007

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

RIGHT NUMBER: 67-14838

NAME AND ADDRESS: CHARLES A WOODS
1369 HWY 95
WEISER ID 83672

PEGGY C WOODS
1369 HWY 95
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.104 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: 06/01/1886

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:

T12N R05W S12 SWSWSE 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	0.104 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R05W S25 NENW 4.80

4.8 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 67-10483.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14838 V1

WATER RIGHT NUMBER: 67-14838 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J E LOLLEY , ID
Directors Report Owner	CATHY R PURSIFULL 17752 WHITE WILLOW DR WESTFIELD, IN 46074-9703
Original Owner	IRA L JACKSON 1387 HWY 95 WEISER, ID 83672 (208)549-3290
Current Owner	CHARLES A WOODS 1369 HWY 95 WEISER, ID 83672 (208)549-0395
Current Owner	PEGGY C WOODS 1369 HWY 95 WEISER, ID 83672 (208)549-0395

Priority Date: 06/01/1886

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	0.104 CFS	
	<u>Total Diversion:</u>	0.104 CFS	

Location of Point(s) of Diversion

MANN CREEK	SW1/4SW1/4SE1/4	Sec. 12, 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	05W	25					4.8												4.8

Total Acres: 4.8

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14838 V1

1. 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.
2. 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.
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.
4. This right is a split from former right 67-10483 .

Remarks:Comments:

1. mvanbussum 5/15/2007 POU

Comment: I have updated POU and quantity after examining the objection to the parent right, 67-10483. See scanned documents for an explanation. If the objection is not resolved according to this, we will have to use the old shape, which is in the parent right recommendation.

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: AND
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			02/01/2007	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	5/15/2007 12:58:35 PM	mvanbussum	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14838 V1

Summary	2/1/2007 10:43:44 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?
POU	2/1/2007 10:43:00 AM	mvanbussum	Updated PLS for Active POU
POU	2/1/2007 10:42:50 AM	mvanbussum	Updated shape for Active POU
POU	5/15/2007 12:58:16 PM	mvanbussum	Updated shape for Active POU

Water Supply Bank:

MEMORANDUM

TO: File
FROM: Sally Sherman 
DATE: April 4, 2007
RE: Ownership Change #67-14838

When I checked the Contact I.D. table, I saw an address for the claimant, Charles A. Woods, but it was in Meridian instead of Weiser as he put on his ownership change document.

I called and left a message – Mr. Woods returned my call shortly and confirmed he used to live in Meridian a long time ago. I updated his address.

SCANNED

APR - 4 2007

04/04/2007

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

RIGHT NUMBER: 67-14838

NAME AND ADDRESS: CHARLES A WOODS
1369 HWY 95
WEISER ID 83672

PEGGY C WOODS
1369 HWY 95
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.060 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: 06/01/1886

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POINT OF
DIVERSION:

T12N R05W S12 SWSWSE 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	0.060 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R05W S25 NENW 3.00

3 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 67-10483.