

10/19/2007

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

RIGHT NUMBER: 67-14916

NAME AND ADDRESS: NANCY J BENNION
1235 MANN CREEK RD
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.090 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: 06/01/1881

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 S24 SESE 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	0.090 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R04W S31 NWSE 4.40

4.4 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 67-530B.



Idaho Department of Water Resources

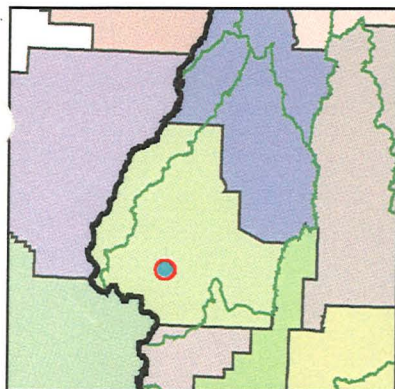
SRBA Recommendation:

67-14916

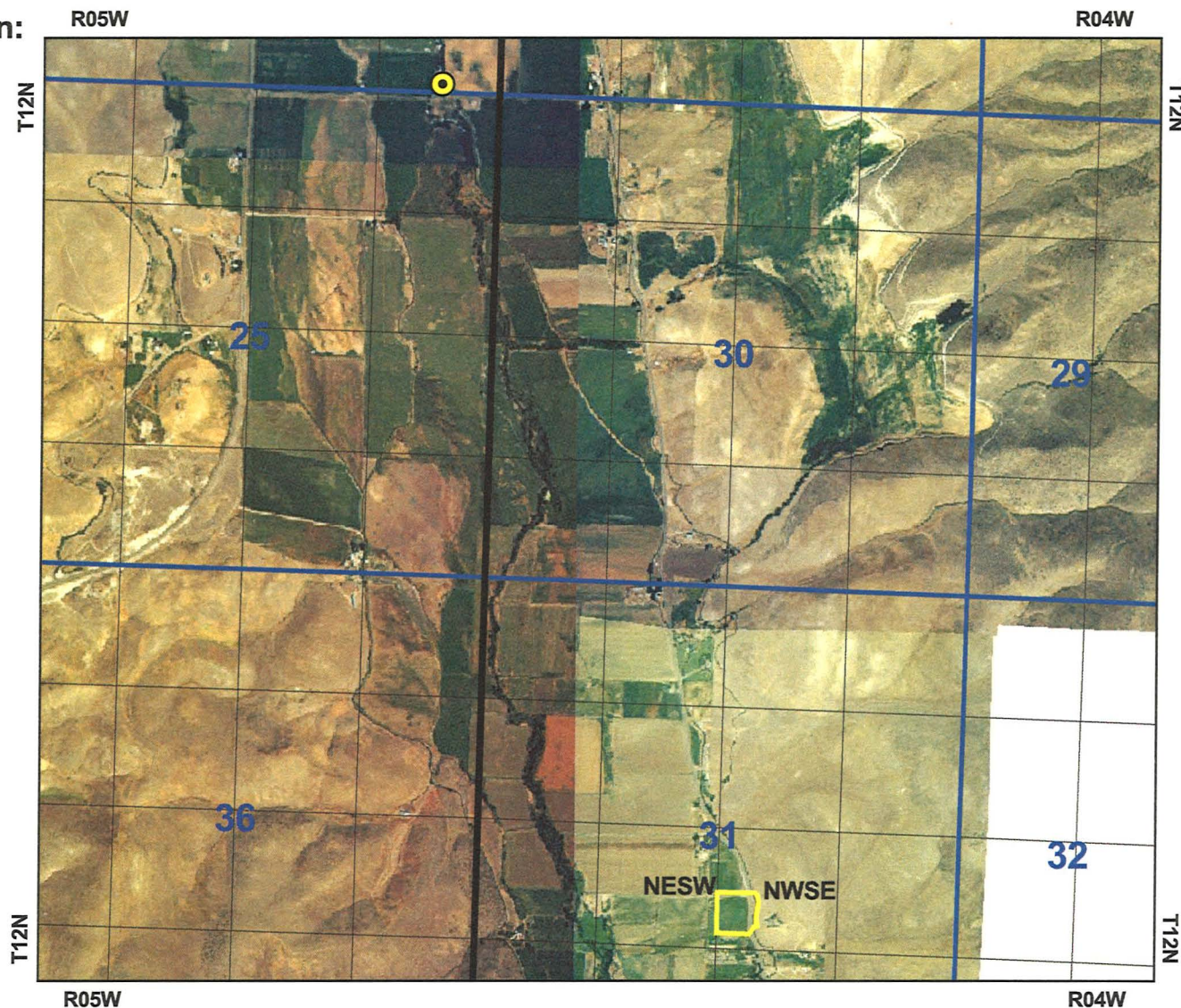
(Irrigation)

Legend

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



Washington County
IDWR Basin 67

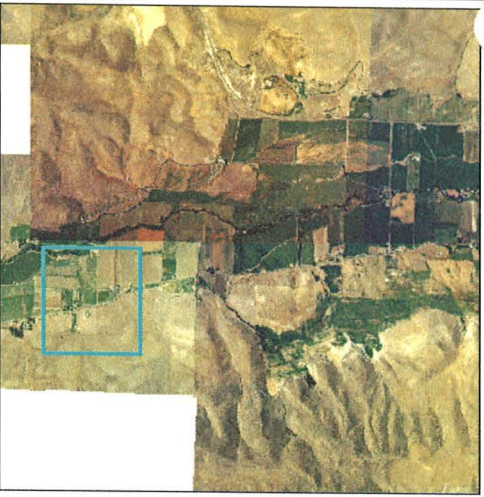


0 0.8 1.6 Miles



Prepared by IDWR State Office
On Friday, October 19, 2007
1987/88 Aerial Photography

67-14916



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14916 V1

WATER RIGHT NUMBER: 67-14916 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY J BENNION 1235 MANN CREEK RD WEISER, ID 83672 (208)414-1965
Directors Report Owner	FRED A BECKMAN 1229 MANN CREEK RD WEISER, ID 83672 (208)549-2538
Original Owner	M N WEBB , ID
Directors Report Owner	JOY B BECKMAN 1229 MANN CREEK RD WEISER, ID 83672 (208)549-2538

Priority Date: 06/01/1881

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	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SE1/4	Sec. 24, 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	31																	4.4
																			4.4

Total Acres: 4.4

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14916 V1

2. This right is a split from former right 67-530B.
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. 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.

Remarks:Comments:

1. shemenway 10/16/2007 OC AND SPLIT
 Comment: 67-530B WAS SPLIT INTO 67-14916 AND 67-14917.

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: 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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.15		7.5

Combined Water Rights: 67-14916 , 67-14917

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>
POU	10/16/2007 1:33:22 PM	shemenway			Active
POD	10/16/2007 1:35:15 PM	shemenway			Active
Contacts	10/16/2007 1:40:52 PM	shemenway			Active
Priority Date	10/16/2007 1:42:48 PM	shemenway			Active
Source	10/16/2007 1:43:27 PM	shemenway			Active
Use	10/16/2007 1:44:38 PM	shemenway			Active
Season	10/16/2007 1:50:29 PM	shemenway			Active
Quantity	10/16/2007 1:51:48 PM	shemenway			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14916 V1

Summary	10/16/2007	shemenway	Active
POD	10/16/2007 1:59:45 PM	shemenway	Active
POU	10/16/2007 1:59:46 PM	shemenway	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/16/2007 1:33:22 PM	shemenway	(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	10/16/2007 1:35:15 PM	shemenway	(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? (Yes) 10. Is a POD remark and/or condition required?
Contacts	10/16/2007 1:40:53 PM	shemenway	(No) 1. Do you want to schedule an appointment? Comment for 1: SPLIT FROM 67-530B DECREED WR
Season	10/16/2007 1:50:29 PM	shemenway	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
General	10/16/2007 1:42:48 PM	shemenway	(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?

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Adjudication Recommendation Report 67-14916 V1

Source	10/16/2007 1:43:27 PM	shemenway	(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?
Use	10/16/2007 1:44:38 PM	shemenway	(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?
Summary	10/16/2007 1:58:27 PM	shemenway	(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? (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?
POD	10/16/2007 1:59:45 PM	shemenway	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD?
POU	10/16/2007 1:59:47 PM	shemenway	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required?
Quantity	10/16/2007 1:51:49 PM	shemenway	(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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - SPLIT FROM 67-530B DECREED WR

Water Supply Bank:

Split Analysis

Water Right Number: 67-530B

Diversion Rate: 0.15 CFS

Reviewer Name: Sandy Hemenway

Date: 4/3/2007

Acreage Analysis

[illegible]

SCANNED
OCT 19 2007

Water Right Number: 67-530B
 Diversion Rate: 0.15 CFS
 Reviewer Name: Sandy Hemenway
 Date: 39175

Split Tree

67-14916 ~~(4.6 ac & 0.09 cfs)~~ <i>4.4</i>
67-14917 ~~(2.9 ac & 0.06 cfs)~~ <i>3.1</i>

Summary

Right No:	Diversion Rate	Irrigated Acres	CFS / Acre
67-530B	0.15	7.5	0.020
67-14916	0.09	~~4.6~~ <i>4.4</i>	0.020
67-14917	0.06	~~2.9~~ <i>3.1</i>	0.020

67-530B
 (7.5 ac & 0.15 cfs)