

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: A37-12091
Date Received: 10/26/1988
Receipt No: M001772
Received By: SP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT DAN MANNING 208-788-3323
Address: RT. 1, BOX 125
BELLEVUE, ID 83313

2. Date of Priority: JUN 02, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	13	NE	SW	SE		BLAINE

5. Description of diverting works:
WELL - 150' DEEP, PUMP - 5.5 HP TO SPRINKLERS AND HOME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOUSEHOLD, BUNKHOUSE, 40 HEAD CATTLE, 20 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	13	SW	SE		IRR	10.0

A37-12091

Page 1

Date: 10/26/88

MICROFILMED

FEB 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	13	SW	SE		STOCK	
			SW	SE		DOMEST	

Section Acres 10.0

Total Acres 10.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-00235B

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert D. Manning Date: 10/26/88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 26 day

of Oct 19 88

John Del. Carlson
Notary Public

Seal

Residing at Boonville

My Commission Expires 6/2/94

MICROFILMED

FEB 26 1993



POD

POU 10 AC



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

February 1, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

Robert Dan Manning
51815 N Forepaugh Peak Rd
Wickenburg AZ 85390

RE: Notice of Error on 37-12091

Dear Mr. Manning,

I am in receipt of your Notice of Error on the above-mentioned right. You stated that the irrigation use (10 acres) and the diversion rate (0.31 cfs) should be recommended as claimed. Your claim was based on beneficial use, not a previous decree or license where the elements of the right were already determined. A letter requesting Evidence of Priority was mailed to you in April of 2005. You responded with evidence of the surface water rights but there was nothing on the priority date of the well. In order to recognize this right as more than a de minimus domestic right, with a 13,000 gallon per day limit and a total of up to ½ acre of irrigation, we must have some information on the well. (I have enclosed a copy of our pamphlet, which should help you.)

I am unable to make the changes you requested at this time. I would encourage you to file an Objection on this right when you receive your copy of the Director's Report. There will be information on how to do this in your packet. That will put the decree on hold and give you time to gather some information. Perhaps then we can make the changes you requested.

Please feel free to give me a call at the office if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

RECEIVED

JAN 19 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF ERROR
REPLY

11/21/2006
RECEIVED

JAN 24 2007

DEPARTMENT OF
WATER RESOURCES

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: 12/13/2006

Water right number: 37-12091

ROBERT DAN MANNING
4120 E FOREST PLEASANT PL
CAVE CREEK AZ 85331
Telephone Number: (480)585-6964

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
you have not included the irrigation use originally claimed which would have been required by the old slaughterhouse on that property. you have also reduced domestic CFS which is not appropriate.
2. Describe the changes you wish to make in the proposed recommendation:
Include some irrigation uses AS in original claim AND Increase domestic CFS to TOTAL .30 CFS
3. Give a brief explanation as to why you disagree with these portions:
that property is zoned to support 2 homes including lawn watering - Garden, irrigating, livestock watering. Reducing water proportions may reduce the value of my LAND + I Am opposed to that.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

1-10-07

SIGNATURE:

Robert Dan Manning

Please print your name: _____

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

RECEIVED

JAN 29 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SCANNED

JAN 24 2007

Robertson, Jean

From: Robertson, Jean
Sent: Thursday, December 14, 2006 12:53 PM
To: 'kimk01@netzero.net'
Subject: scanned original claims 37-235B & 37-12091 (Dan Manning)

Here they are and some copies of 2004 aerial photos. Jeanie



2006121413345852200612141348181720061214135607402006121413573949
5.pdf



5.pdf



1.pdf



3.pdf

11/20/2006

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

RIGHT NUMBER: 37-12091

NAME AND ADDRESS: ROBERT DAN MANNING
4120 E FOREST PLEASANT PL
CAVE CREEK AZ 85331

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/02/1950

POINT OF DIVERSION:

T01N R18E S13 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER in BLAINE County

T01N R18E S13 SWSE

DOMESTIC in BLAINE County

T01N R18E S13 SWSE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12091 V1

WATER RIGHT NUMBER: 37-12091 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT DAN MANNING 4120 E FOREST PLEASANT PL CAVE CREEK, AZ 85331 (480)585-6964

Priority Date: 06/02/1950

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4SE1/4	Sec. 13, Twp 01N, Rge 18E, B.M.
BLAINE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13															X		

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13															X		

Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12091 V1

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. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:

Comments:

1. jroberts 11/20/2006 Basis of Recommendation

Comment: Claim was for 10 acres of irrigation, and domestic and stockwater use with a diversion rate of 0.31 cfs. No evidence of priority was ever submitted for this well. Removed irrigation and recommended as a de minimus domestic and stockwater right until or unless further information received. Reduced diversion rates accordingly.

Water Supply Bank:

Receipt Details for ID M001772

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/26/1988 1:23:43 PM	10/26/1988	Mobile	\$150.00	Check
Payer		MANNING, DAN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2167			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	rCA	Fund	Fund Detail	Subsidiary	Object
\$150.00	ADJUDICATION FEE	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
37	12091		\$60.00	Claim
37	235	B	\$90.00	Claim

Print Report

Adjudication Claim Notes

Claim(s): 37-12091

Background Data

- Beneficial Use claim
- Source is Groundwater
- Claimed for 0.2 cfs for irrigation of 10 acres
- Claimed for 0.08 cfs for domestic
- Claimed for 0.03 cfs for stockwater

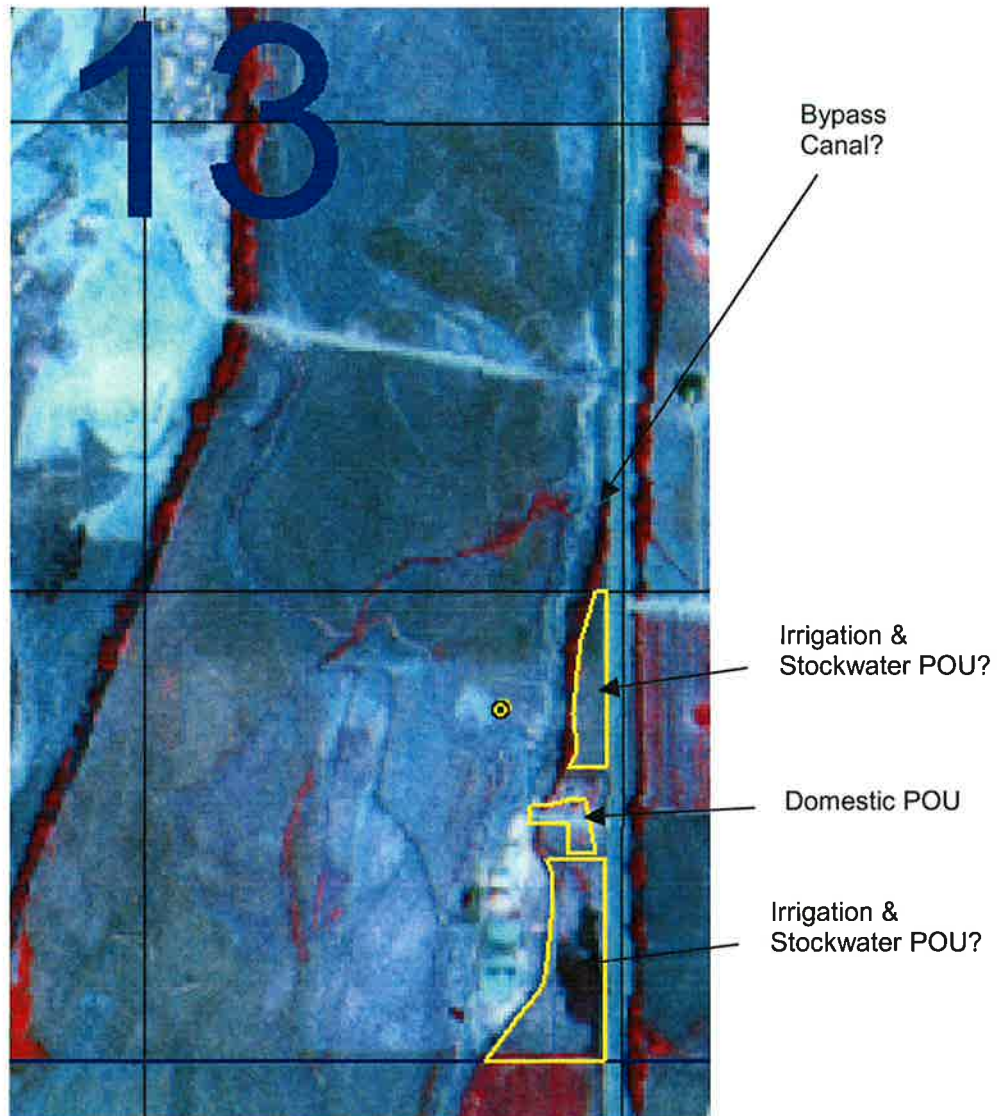
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



2004 Aerial Photo



Notes

T1N R18E Section 13

- Found 3.3 acres
- **Where is the stockwater place of use?**
- **Where is the domestic place of use?**
- **Need evidence of priority for groundwater use. Claimant submitted evidence for 37-235B instead of groundwater use.**
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

RECEIVED

JUL 11 2005

Department of Water Resources

RECEIVED

JUL 08 2005

Department of Water Resources
Southern Region

June 25, 2005

To: IDWR

1341 Fillmore St. STE 200
Twin Falls, ID 83301-3380

From: Robert Dan Manning

4120 E. Forest Pleasant Pl
Cave Creek, AZ 85331

480-585-6964

RE: Water right #37-12091 issued to

Robert Dan Manning
RT 1 Box 125
Bellevue ID, 83313

To Whom it may concern,

Please find enclosed documents supporting "evidence of priority" for water paid for and used. If you need further information please contact me at the Arizona address or phone number.

Best Regards,



Dan Manning

SCANNED

JUL 11 2005

37-12090

WARRANTY DEED

For Value Received Ten Dollars (\$10.00) and other valuable consideration
JOHN F. HEATH and LORETTA J. HEATH, husband and wife, and GLEN S. MARSHALL and
MARGARET L. MARSHALL, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto
ROBERT D. MAUNING, a single person

whose current address is Box 1816, Sun Valley, Idaho 83353

the grantee, the following described premises, in Blaine County Idaho, to wit:
A parcel of land located within Section 13, T. 1N., R. 18 E., B.M., Blaine County,
Idaho, more particularly described as follows:

Commencing at 5/8 inch rebar set by the Idaho State Highway Department in 1973,
which point defines the South 1/4 corner of said Section 13, which point is also the
REAL POINT OF BEGINNING:

Thence South 89°41'59" East 1277.93 feet along the South Boundary of said Section
13 to an iron pin on the Westerly Boundary of Idaho State Highway No. 75;

Thence North 0°30'53" West 1098.62 feet along said Westerly Boundary of Idaho
State Highway No. 75 to an iron pin;

Thence North 89°41'59" West 1382.19 feet to the centerline of a canal;

Thence South 20°32'18" West 200.08 feet along said canal centerline;

Thence South 19°40'35" West 965.70 feet along said canal centerline to the South
Boundary of said Section 13;

Thence South 89°43'26" East 509.49 feet along said South Boundary of said Section
13 to the point of beginning, containing 40.00 acres.

Subject to taxes for the year 1981 and subsequent years.

Grantors do hereby sell and convey 50 inches of decreed water, State Water Right
37-0235, previously decreed to Peter Foster with a priority date of June 15, 1883, as
established in the decree issued in the case of S.C. Frost et al vs. Alturas Water
Company in the Fourth Judicial District of the State of Idaho, in and for the County of
Lincoln, dated December 13, 1909.

Subject to levies and assessments of Wood River Valley Irrigation District and all
utility and other easements of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
his heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 20, 1981

[Signature of John F. Heath]
[Signature of Loretta J. Heath]

[Signature of Glen S. Marshall]
[Signature of Margaret L. Marshall]

STATE OF IDAHO, COUNTY OF
On this 20th day of April, 1981,
before me, a notary public in and for said State, personally
appeared JOHN F. HEATH and LORETTA J. HEATH,
husband and wife, and GLEN S. MARSHALL and
MARGARET L. MARSHALL, husband and wife

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature of Notary Public]
Notary Public
Pocatello, Idaho
Comm. Expires June, 1981

FILED IN BOOK 15
PAGE 15
RECORDED IN BOOK 15
PAGE 15
APR 20 1981
CLERK OF COUNTY
BY *[Signature]*
MARIE NIE
CLERK OF COUNTY

Furnished by the AMERICAN LAND TITLE CO. No. 215127

SCANNED

JUL 11 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12091

WATER RIGHT NUMBER: 37-12091

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT DAN MANNING RT 1 BOX 125 BELLEVUE, ID 83313 (208)788-3323

Priority Date: 06/02/1950
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	to 12/31	0.080 CFS	
IRRIGATION	4/01	to 11/01	0.200 CFS	
STOCKWATER	1/01	to 12/31	0.030 CFS	
<u>Total Diversion:</u>			0.310 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4SE1/4	Sec. 13, Twp 01N, Rge 18E, B.M.
BLAINE County		

Place of UseDOMESTIC Within BLAINE County

T01N R18E S13 SWSE

IRRIGATION Within BLAINE County

T01N R18E S13 SWSE 10.0

Total Acres: 10

STOCKWATER Within BLAINE County

T01N R18E S13 SWSE

Conditions of Approval:Remarks:Comments:

SCANNED

JUN 11 2005

1722

DUE April 20, 2004

Payment is hereby acknowledged

Check No. _____

When tender is made in any other form than cash or money order, this receipt will not become an acquittance until collection is made.

JUL 11 2005

BELLEVUE, IDAHO 83313

1794

Page No.

DUE April 20, 2005

Penalty & Interest	
Total Due	70.00
Total Amount Received	90.00

Payment is hereby acknowledged

Date April 16, 2005

Cash _____

M.O. or Draft _____

Check 11 Check No. 5713

Grace Eaker

SECRETARY AND TREASURER

When tender is made in any other form than cash or money order, this receipt will not become an acquittance until collection is made.

SCANNED

111 1 1 2005

1653

Page No.

Don Manning

DUE April 20,

Payment is hereby acknowledged

Date _____

April 5, 2003

Cash

M.O. or Draft

Check

4

Check No.

5295

Grace Eaker

When tender is made in any other form than cash or money order, this receipt will not become an acquittance until collection is made.

SCANNED

JUL 11 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

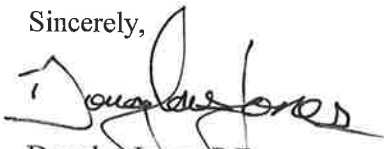
If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,



Douglas Jones, P.E.
Water Rights Supervisor

Enclosures