

11/14/2006

NOTICE OF ERROR
REPLY

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: December 8, 2006

Water right number: 67-615

VAUGHN W KELLEY

PO BOX 413

WEISER ID 83672

Telephone Number: (208)549-2317

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

11-29-06

SIGNATURE:

Vaughn W. Kelley

Please print your name:

VAUGHN W. KELLEY

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

SCANNED

DEC 11 2006

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: A67-00615
Date Received: 9/26/1989
Receipt No: 4004700
Received By: JPC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VAUGHN W. KELLEY 208-549-2317
Address: P.O. BOX 413
WEISER, ID 83672
2. Date of Priority: APR 01, 1902
3. Source: MANNS CREEK Trib. to: WEISER RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 10N | 04W | 6 | SE | NW | NW | | WASHINGTON |
5. Description of diverting works:
5 HP. PUMP IN MANNS CREEK
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.700 | | |
7. Total Quantity Appropriated is:
0.700 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 199.5 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 10N | 04W | 6 | NE | NW | | IRR | 10.0 |
| | | | NW | NW | | IRR | 2.0 |
| | | | SW | NW | | IRR | 29.0 |
- A67-00615 Page 1 Date: 09/26/89

SCANNED
APR 06 2004
MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	04W	6	SE	NW		IRR	16.0
Section Acres							57.0
Total Acres							57.0

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:
YES

14. Remarks:

THIS IS A SECONDARY RIGHT.
P/U BETWEEN MANNS CK., WEISER R. & SLOUGH TRACT.
FLOODWATER RIGHT IS 1 CFS. AC. IRR.=50.
ORIGINAL DIVERSION MEANS WAS DESTROYED WHEN GALOWAY CANAL
WAS CONSTRUCTED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
Decree Defendant

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: _____

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): Laughlin W. Kelley Date: 9-26-89
_____ Date: _____

State of Idaho)
County of Wash) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of Sept 19 89

John Hal Carlson
Notary Public

Seal

Residing at Bain Id

My Commission Expires 6/3/94

MICROFILMED
OCT 01 1992



AG-103K

Water Right Number - 67-00615

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MC DUFF

DANIEL

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - + + - - Stage - - + + - - Status - - - +
04/01/1902 14 D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
MANNS CREEK WEISER RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.700

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.700

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

11N 04W 31

01 IRRIGATION

87 WASHINGTON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

THIS IS A SECONDARY RIGHT.
WATER CARRIED IN TEH FALLIGAN DITCH.
P/U BETWEEN MANNS CK., WEISER R. & SLOUGH TRACT.
FLOODWATER RIGHT IS 1 CFS. AC. IRR.=50.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
E. V. JEFFERSON ET. AL.

+ - - - - Decree Defendant - - - +
THOMAS HIGGENBOTHAM ET. AL.

+ - Decree Date - +
06/03/1921

MICROFILMED

OCT 01 1992

Water right number - 67-00615

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 04/23/85

05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 67
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 06/03/1921				

MICROFILMED

OCT 01 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-615 V1

WATER RIGHT NUMBER: 67-615 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VAUGHN W KELLEY PO BOX 413 WEISER, ID 83672 (208)549-2317
Original Owner	DANIEL MC DUFF LEWISTON, ID

Priority Date: 04/01/1902

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	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4NW1/4NW1/4	Sec. 6,	Twp 10N,	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	
10N	04W	6					9.0	4.0	28.0	16.0									57.0
							L 3	L 4	L 5										

Total Acres: 57

Conditions of Approval:

1. K06 This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
2. E62 This right when combined with Right No. 67-2169C shall provide no more than .02 cfs per acre.
3. This right is limited to a diversion rate of 0.7 cfs within the irrigation season.
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.
5. E51 Right Nos. 67-615 and 67-2169C are limited to a total combined diversion rate of 1.14 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-615 V1

6. 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.
7. 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.
8. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. segbert 6/15/2004 POU

Comment: Cannot verify the pou from the description in the decree

2. segbert 6/15/2004 Quantity

Comment: Cannot verify the quantity

3. dnarsavage 2/14/2006 POU

Comment: The POU described in the decree is exactly the parcel owned by V. Kelley. (PIN RP10N04W062710A)

4. dnarsavage 2/14/2006 Quantity

Comment: The claimant claimed the low-water right rather than the full 0.02 cfs/acre, but put in the remarks that the "floodwater right is 1 cfs." Based on this, I can recommend the full 1 cfs as decreed.

5. dnarsavage 2/15/2006 Combined Use

Comment: 67-615, -2169C, -10316, and -10319 all claimed the same POU, and were all claimed at 1"/acre. Kelleys intent was to claim the two established rights (615 & 2169C), then to claim flood water on top of each of them. Since both established rights are for 1"/acre anyway, there is no need for either -10316 or -10319 and they will both be disallowed. The established rights have different sources, so I will recommend -615 at 1"/acre. Presumably then, 2169C can be recommended at 1"/acre and a combined use limitation can then be put on the two rights.

6. mvanbussum 11/13/2006 Quantity

Comment: Original decreed right from Jefferson v. Higgenbotham was for 1 cfs and 50 acres. Claimed quantity was for 0.7 cfs. Quantity recommended as claimed.

7. dfavreau 11/13/2006 POU

Comment: K06 limited to 50 acres - original decreed acres

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-615 V1

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: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	6/15/2004 10:03:06 AM	segbert			Active
Source	6/15/2004 10:03:22 AM	segbert			Active
Priority Date	6/15/2004 10:03:43 AM	segbert			Active
POU	6/15/2004 10:06:29 AM	segbert			Active
Use	6/15/2004 10:21:55 AM	segbert			Active
Season	6/15/2004 10:22:48 AM	segbert			Active
Quantity	6/15/2004 10:23:35 AM	segbert			Active
POD	6/15/2004 10:51:25 AM	segbert			Active
Priority Date	2/14/2006 3:38:38 PM	dnarsavage			Active
POD	2/14/2006 3:40:26 PM	dnarsavage			Active
Source	2/14/2006 3:42:19 PM	dnarsavage			Active
POU	2/14/2006 3:42:44 PM	dnarsavage			Active
Use	2/14/2006 3:44:31 PM	dnarsavage			Active
Season	2/14/2006 3:44:50 PM	dnarsavage			Active
Quantity	2/14/2006 3:45:29 PM	dnarsavage			Active
Summary			02/14/2006	dnarsavage	Active
Quantity	11/13/2006 3:26:01 PM	mvanbussum			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-615 V1

Quantity	6/15/2004 10:23:36 AM	segbert	(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? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POD	6/15/2004 10:51:26 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Source	2/14/2006 3:42:19 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?
POU	2/14/2006 3:42:45 PM	dnarsavage	(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?
General	2/14/2006 3:38:38 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?
Use	2/14/2006 3:44:31 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?
Season	2/14/2006 3:44:51 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 67-615 V1

Quantity	2/14/2006 3:45:30 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	2/14/2006 3:41:24 PM	dnarsavage	Updated shape
POU	2/14/2006 3:43:30 PM	dnarsavage	Updated shape for Active POU
Summary	2/14/2006 3:47:56 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?
POD	2/14/2006 3:40:26 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - As claimant said, the original diversion works were destroyed when Galloway ditch was constructed or enlarged. The new POD is a pump in Mann Creek.
POU	11/13/2006 4:48:00 PM	dfavreau	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-615 V1

Quantity	11/13/2006 3:26:26 PM	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? (Yes) 12. Is a Quantity remark or condition required?
POU	11/13/2006 4:47:47 PM	dfavreau	Updated shape for Active POU
Priority Date	6/15/2004 10:03:07 AM	segbert	(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?
Source	6/15/2004 10:03:23 AM	segbert	(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?
Priority Date	6/15/2004 10:03:43 AM	segbert	(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?
POU	6/15/2004 10:06:29 AM	segbert	(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?
POU	6/15/2004 10:20:34 AM	segbert	Edited shape boundary
Use	6/15/2004 10:21:55 AM	segbert	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-615 V1

Season 6/15/2004 10:22:49 AM segbert

(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?

Water Supply Bank:



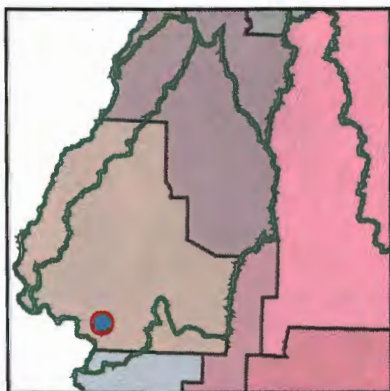
Idaho Department of Water Resources

Adjudication Claim:

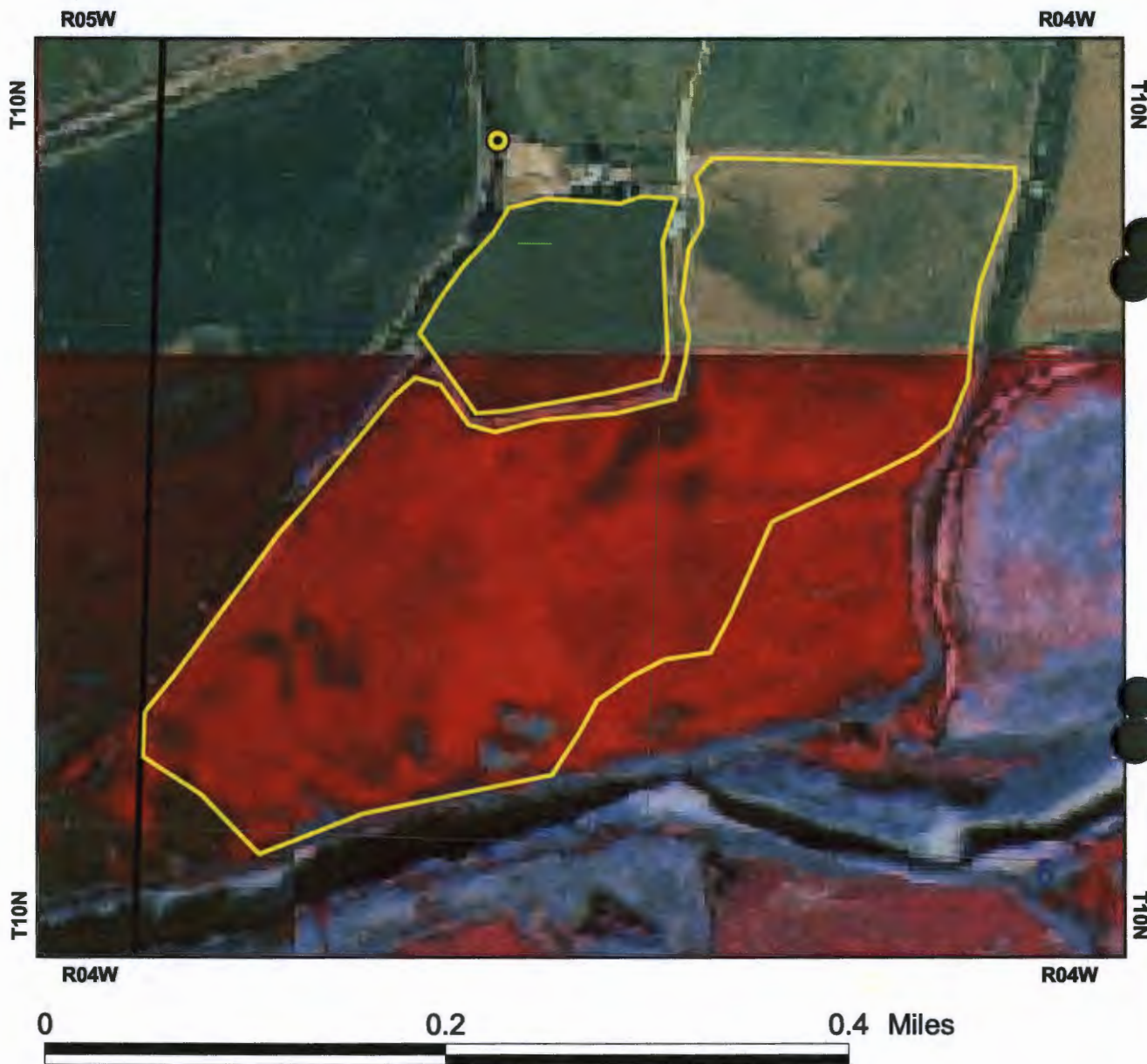
67-615

Legend

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



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Tuesday, February 14, 2006
1987/88 Aerial Photography