

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: A67-00609  
Date Received: 10/12/1989  
Receipt No: 1004906  
Received By:                     

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: GUNN, SHELBY, AND SLOAN 208-549-0575  
Address: C/O HELEN GUNN SHELBY  
800 E. 6TH  
WEISER, ID 83672

2. Date of Priority: APR 01, 1896

3. Source: MANN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County     |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 11N      | 04W   | 6       | NW     | SW     | SE     |     | WASHINGTON |
|          |       | 19      | SW     | NW     | SE     |     | WASHINGTON |

5. Description of diverting works:  
LUND DITCH AND PUMPS IN MANN CREEK

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.200  |      |        |

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

8. Total consumptive use is 885.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 11N      | 04W   | 19      | SE     | SW     |     | IRR | 11.0  |
|          |       |         | NE     | SE     |     | IRR | 39.0  |

A67-00609

Page 1

Date: 10/12/89

SCANNED  
APR 06 2004  
MICROFILMED  
OCT 01 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of        | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|-----|-----|-----|-------|
| 11N      | 04W   | 19      | NW            | SE  |     | IRR | 37.0  |
|          |       |         | SW            | SE  |     | IRR | 37.0  |
|          |       |         | SE            | SE  |     | IRR | 40.0  |
|          |       |         | Section Acres |     |     |     | 164.0 |
|          |       | 30      | NE            | NE  |     | IRR | 39.0  |
|          |       |         | NW            | NE  |     | IRR | 38.0  |
|          |       |         | NE            | NW  |     | IRR | 12.0  |
|          |       |         | Section Acres |     |     |     | 89.0  |
|          |       |         | Total Acres   |     |     |     | 253.0 |

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:

67-00566/00569/00633/00601/00591, MANN CREEK RESERVOIR

14. Remarks:

15. Basis of Claim: DECREEED

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am Partner of \_\_\_\_\_ Title

Gunn, Shelby and Sloan , that I have signed the foregoing Organization

document in the space below as Partner of \_\_\_\_\_ Title

Gunn, Shelby and Sloan and that the statements contained in the Organization

foregoing document are true and correct.

Helen Gunn Shelby  
Signature of Authorized Agent

Gunn, Shelby and Sloan  
Title and Organization

Oct. 12, 1989  
Date

State of Idaho )

County of Washington )

SS.

Subscribed and sworn (or affirmed) before me this 12<sup>th</sup> day

of October 19 89

Carter Fritschle  
Notary Public

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Carter Fritschle, Notary Public  
Residing at Eagle, Idaho  
My commission Expires March 21, 1994



## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-609 V1

WATER RIGHT NUMBER: 67-609 V1

|                   |                                                                                                                |
|-------------------|----------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                        |
| Original Owner    | W L PAYNE                                                                                                      |
|                   | , ZZ                                                                                                           |
| Current Owner     | GUNN SHELBY AND SLOAN<br>C/O HELEN GUNN SHELBY<br>330 E BANNOCK ST APT 903<br>BOISE, ID 83702<br>(208)549-0575 |

Priority Date: 04/01/1896

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          | 0.200 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.200 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                     |
|-------------------|-----------------|-------------------------------------|
| MANN CREEK        | NW1/4SW1/4SE1/4 | Sec. 6,   Twp 11N,   Rge 04W, B.M.  |
| WASHINGTON County |                 |                                     |
| MANN CREEK        | SW1/4NW1/4SE1/4 | Sec. 19,   Twp 11N,   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   |        |       |
| 11N | 04W | 19  |      |      |    |    |      |    |    |    | 3.0 |    |    |    | 8.5 | 35.0 | 32.0 | 36.0 | 38.0   | 152.5 |
| 11N | 04W | 30  | 35.0 | 31.0 |    |    | 19.0 |    |    |    |     |    |    |    |     |      |      |      |        | 85.0  |

Total Acres: 237.5

Conditions of Approval:

1. K06 This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-609 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. 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 to all Primary Rights on Mann Creek.
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. segbert 6/14/2004 POU

Comment: The decree is for 10 acres but 253 acres are claimed. Same shape as 67-601

2. segbert 6/14/2004 Quantity

Comment: Cannot verify quantity

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: OR

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> |
|-------------|---------------|--------------|
| 4           |               | 200          |

Combined Water Rights: 67-566 , 67-569 , 67-591 , 67-601 , 67-609

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  | 6/14/2004 3:02:27 PM      | segbert         |                           |                 | Active        |
| Source         | 6/14/2004 3:02:50 PM      | segbert         |                           |                 | Active        |
| POU            | 6/14/2004 3:03:10 PM      | segbert         |                           |                 | Active        |
| Use            | 6/14/2004 3:09:30 PM      | segbert         |                           |                 | Active        |
| Season         | 6/14/2004 3:10:15 PM      | segbert         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-609 V1

|               |                      |            |        |
|---------------|----------------------|------------|--------|
| Quantity      | 6/14/2004 3:11:23 PM | segbert    | Active |
| POD           | 6/14/2004 3:14:50 PM | segbert    | Active |
| Priority Date | 3/22/2006 2:33:01 PM | dnarsavage | Active |
| POD           | 3/22/2006 2:34:14 PM | dnarsavage | Active |
| Source        | 3/22/2006 2:34:29 PM | dnarsavage | Active |
| POU           | 3/22/2006 2:34:45 PM | dnarsavage | Active |
| Use           | 3/22/2006 2:35:06 PM | dnarsavage | Active |
| Season        | 3/22/2006 2:35:56 PM | dnarsavage | Active |
| Season        | 3/22/2006 2:36:09 PM | dnarsavage | Active |
| Quantity      | 3/22/2006 2:36:27 PM | dnarsavage | Active |
| Summary       | 03/22/2006           | dnarsavage | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU            | 6/15/2004 7:56:38 AM   | segbert         | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                             |
| POU            | 6/15/2004 8:05:14 AM   | segbert         | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                             |
| General        | 3/22/2006 2:33:02 PM   | dnarsavage      | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(Yes) 16. Is a Priority Date remark and/or condition required? |
| Source         | 3/22/2006 2:34:29 PM   | dnarsavage      | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                      |
| POU            | 3/22/2006 2:34:46 PM   | dnarsavage      | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required?                                                                                                                                                      |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-609 V1

|          |                       |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------|-----------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use      | 3/22/2006 2:35:07 PM  | dnarsavage | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                                                                                                                              |
| Season   | 3/22/2006 2:35:55 PM  | dnarsavage | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(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?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required?              |
| Season   | 3/22/2006 2:36:09 PM  | dnarsavage | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(Yes) 6. Is there evidence that there has been a change in the Period of Use?                                                                                                                                                                                                                                                                                                                                                                                           |
| Quantity | 3/22/2006 2:36:27 PM  | dnarsavage | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?<br>(No) 8. Does the parent right have an annual diversion volume limit?<br>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?<br>(Yes) 12. Is a Quantity remark or condition required? |
| POD      | 3/22/2006 12:09:08 PM | dnarsavage | Correlated PODID 621285 from SpatialDataID 306322 to SpatialDataID 11732                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| POD      | 3/22/2006 12:11:37 PM | dnarsavage | Correlated PODID 621286 from SpatialDataID 366912 to SpatialDataID 11585                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-609 V1

|         |                       |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------|-----------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 3/22/2006 2:39:26 PM  | dnarsavage | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(No) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| POD     | 3/22/2006 12:08:46 PM | dnarsavage | Correlated PODID 621285 from SpatialDataID 306322 to SpatialDataID 11732                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| POD     | 3/22/2006 12:11:27 PM | dnarsavage | Correlated PODID 621286 from SpatialDataID 366912 to SpatialDataID 11585                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| POD     | 3/22/2006 2:34:15 PM  | dnarsavage | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| POU     | 6/15/2004 7:56:05 AM  | segbert    | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Use     | 6/14/2004 3:09:32 PM  | segbert    | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Season  | 6/14/2004 3:10:17 PM  | segbert    | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p>                                                                                                                                                  |
| POD     | 6/14/2004 3:14:52 PM  | segbert    | (Yes) 1. Is the basis of this claim a Decree or License?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-609 V1

|               |                      |         |                                                                                                                                                                                                                                                                                                                                                                 |
|---------------|----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date | 6/14/2004 3:02:29 PM | segbert | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly? |
| Source        | 6/14/2004 3:02:51 PM | segbert | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?                                                                                                                                                                              |
| POU           | 6/14/2004 3:03:12 PM | segbert | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(No) 6. Can the claimed POU be verified using the water right file?<br>(No) 7. Is there evidence that there has been a change in the POU?                                                                      |
| POU           | 6/14/2004 3:08:33 PM | segbert | Edited shape boundary                                                                                                                                                                                                                                                                                                                                           |
| Quantity      | 6/14/2004 3:11:25 PM | segbert | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?                                                                                                                            |

Water Supply Bank:

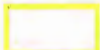
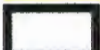


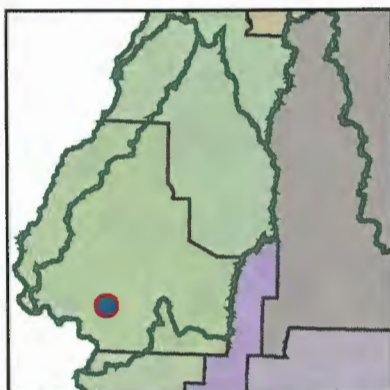
# Idaho Department of Water Resources

Adjudication Claim:

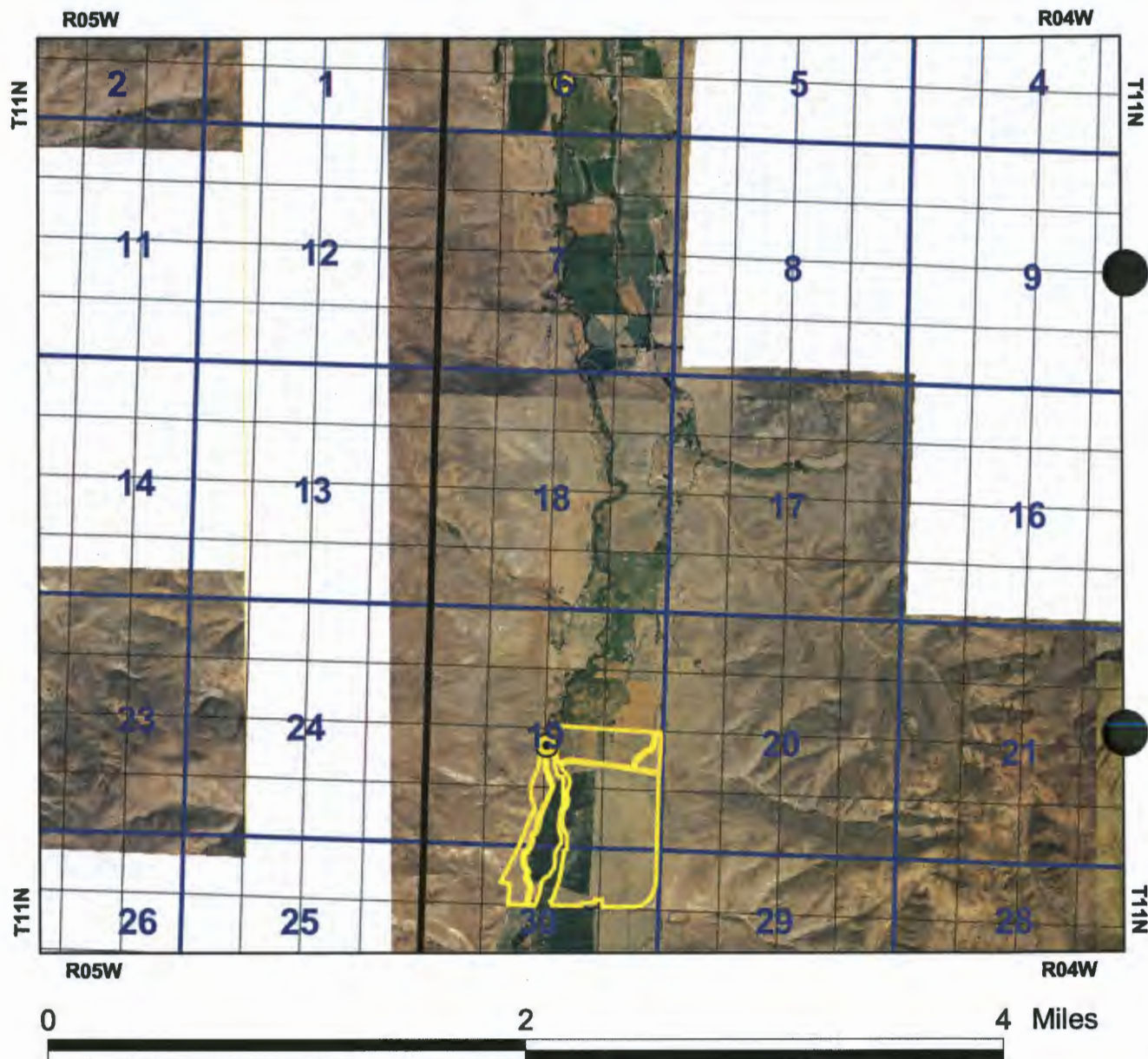
**67-609**

## Legend

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



Washington County  
IDWR Basin 67



Prepared by D. Narsavage  
On Wednesday, March 22, 2006  
1987/88 Aerial Photography

67-609

