

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: A29-10787
Date Received: 3/27/1990
Receipt No: 6012599/90
Received By: _____

RECEIVED

MAR 29 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KRAIG C. MC GEE 208-232-4779
Address: 1420 CEDAR LAKE RD.
POCATELLO, ID 83204

AND/OR

Name: KAREN MC GEE 208-232-4779
Address: 1420 CEDAR LAKE RD.
POCATELLO, ID 83204

2. Date of Priority: JUN 25, 1920

3. Source: SPRING Trib. to: CEDAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	34E	12	SW	NW	SE		BANNOCK

5. Description of diverting works:
PIPED, GRAVITY FLOW TO SPRINKLERS & PIPED OVER FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		
RECREATION STORAGE	01/01	12/31			5.75

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
R, 1 LAKE

A29-10787

Page 1

Date: 03/27/90

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NOV 16 1992

A2910787



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	34E	12	NW	SE		IRR	2.0
			NW	SE		REC S	
						Section Acres	2.0
						Total Acres	2.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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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: 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): Kuang C. M. [Signature] Date: 3/27/90
Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of March 19 90 Carter Fritschle
Notary Public

Seal

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

KRAIG C MC GEE
KAREN MC GEE
1420 CEDAR LAKE RD
POCATELLO ID 83204



Log for claim A29-10787

Spatial Dynamics BTD

9/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s34e	12	NWSE	2	12	Indiscernible
Totals:			2	12	

- Can support 1948 Priority)

AJ5809NP
No. A29-10787

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 298

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KAREN MCGEE	06/25/1920	IRRIGATION	03-15 11-15	0.040 CFS	
C	KRAIG C MCGEE		RECREATION STORAGE	01-01 12-31		5.75 AFA
	1420 CEDAR LAKE RD					
	POCATELLO ID 83204					
	(208) 232-4779					
				TOTAL DIVERSION:	0.040 CFS	
				CONSUMPTIVE USE:		5.00 AFA

Water Source: SPRING

Tributary to: CEDAR CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R34E S12 SWNWSE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
---	---	---		---	---	---		---	---	---		---	---	---		---
07S	34E	12	:	:	:	:	:	:	:	:	:	:	:	:	:	2.0
															TOTAL ACRES	2.0

Place of use Legal Description for: RECREATION STORAGE

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
---	---	---		---	---	---		---	---	---		---	---	---		
07S	34E	12	:	:	:	:	:	:	:	:	:	:	:	:	:	
															R	

POU County: BANNOCK

Non-Irrigation Uses: R, 1 LAKE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A29-07128

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 03/27/90 HAUMANN 08/04/94 THOMPSON 03/29/95 POST-STD

McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-4121

FAX NO: (208) 233-4174

M. JAY MEYERS*
JERRY R. MEYERS
STEVEN A. THOMSEN

MICHAEL E. BOSTWICK
*Also admitted in Wyoming

HERMAN J. McDEVITT
1928-1988

March 30, 1995

Dave Carlson
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

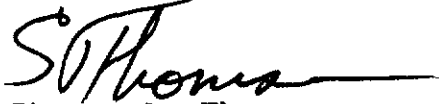
Re: Kraig and Karen McGee

Dear Mr. Carlson:

Pursuant to your January 3, 1995, letter to my clients, Kraig and Karen McGee, a copy of which is enclosed for your reference, I have enclosed Affidavits of John Weeks, Harry Matthews, and Kraig McGee as well as the Idaho Department of Water Resources' Adjudication Claim Profile Report. Please advise if anything further is required to support the priority date of March 31, 1995.

Please note that we have enclosed the original Affidavits of these individuals.

Very truly yours,



Steven A. Thomsen

SAT/ac
Enclosures
cc Kraig & Karen McGee

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NOV 13 1995

STATE OF IDAHO)
 :ss
County of Bannock)

JOHN WEEKS, after being first duly sworn upon oath,
deposes and states:

1. That I reside at 4210 Johnny Creek Road, Pocatello,
Idaho 83204;

2. That I have lived at that address since 1960;

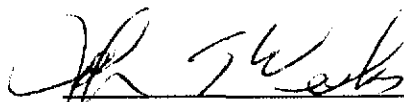
3. That I am personally aware that a dam existed on
Cedar Lake in the Johnny Creek area at that time, and, judging from
the age and size of the trees and shrubbery on the dam as well as
the condition of the appliances used for diversion of the water,
the dam had been constructed and water diverted for many years (at
least ten (10)) before;

4. That the land where that dam and lake are located
are presently owned by Dr. Kraig and Mrs. Karen McGee and sit
directly next to their residence;

5. That Mr. Les Falter and I used water from the lake
to water our horses with the permission of Mr. Jack Ziebarth who
owned the land at that time;

FURTHER your Affiant saith not.

DATED this 30th day of March, 1995.


JOHN WEEKS

SUBSCRIBED AND SWORN TO before me this 30 day of March,
1995.

(SEAL)


Notary Public for Idaho 5-1556

STATE OF IDAHO)
 :SS
County of Bannock)

HARRY W. "BUD" MATTHEWS, after being first duly sworn upon oath, deposes and states:

1. That I reside at 5030 Chinook Drive, Pocatello, Idaho 83201. My phone number is 233-0292;

2. That I make this Affidavit upon personal knowledge and in support of the Claim of Water Right of Kraig McGee;

3. That I have been personally familiar with the Cedar Lake for more than forty-seven (47) years;

4. That our children played there, caught frogs, etc.;

5. That the property was owned by Jack Ziebarth. The water was diverted for irrigation, and I even believe that at one time, was used to water what is now the Riverside Golf Course;

6. That in addition, Mr. Ziebarth had animals which would have watered from the lake;

FURTHER your Affiant saith not.

DATED this 29 day of March, 1995.

Harry W. Matthews
"BUD" MATTHEWS

SUBSCRIBED AND SWORN TO before me this 29 day of March, 1995.

(SEAL).

Steven A. Thomas
Notary Public for Idaho
Residing in Pocatello
My Commission Expires 8/17/98

ACROFILMED
NOV 13 1995

STATE OF IDAHO)
 :ss
County of Bannock)

KRAIG MCGEE, after being first duly sworn upon oath,
deposes and states:

1. That I reside at 1420 Cedar Lake Road, Pocatello,
Idaho 83204. My phone number is 232-4779;

2. That I make this Affidavit upon personal knowledge;

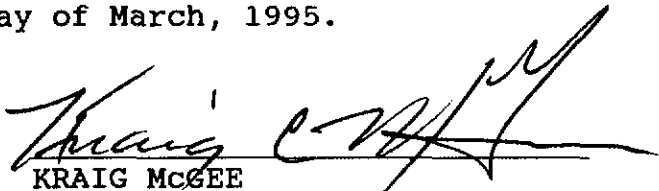
3. That I have been personally familiar with Cedar Lake
since about 1962. We moved to that area when I was in the sixth
grade;

4. That at that time Cedar Lake was in existence used
for stock watering and diverted for use irrigating lands down the
hill;

5. That we purchased our present home in June 1981 and
have continuously summer irrigated since that time. The home was
built by Jack Carothers in about 1976. I can verify that the home
came equipped with an irrigation and diversion system to divert
water out of Cedar Lake;

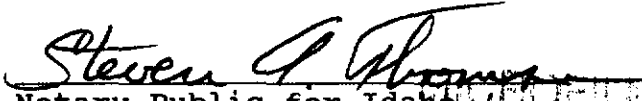
FURTHER your Affiant saith not.

DATED this 29th day of March, 1995.


KRAIG MCGEE

SUBSCRIBED AND SWORN TO before me this 29 day of March,
1995.

(SEAL)


Notary Public for Idaho
Residing in Pocatello
My Commission Expires 8/11/1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-10787
KAREN MCGEE
KRAIG C MCGEE
1420 CEDAR LAKE RD
POCATELLO ID 83204

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication (SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is known as the **PRIORITY DATE**, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the **PRIORITY DATE**.

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

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