

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 69-4001

WATER RIGHT NUMBER: 69-4001

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAVIS MC GAHEY 4033 LANDORE RD COUNCIL, ID 83612 (208)258-4481
Current Owner	O E MC GAHEY 4033 LANDORE RD COUNCIL, ID 83612 (208)258-4481

Priority Date: 06/01/1901

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/15	1.000 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	1.030 CFS	

Location of Point(s) of Diversion

BEAR CREEK	SE1/4SE1/4	Sec. 13, Twp 20N, Rge 03W,
B.M.		
ADAMS County		

Place of UseIRRIGATION Within ADAMS County

T20N R03W S34	SENE	8.0	T20N R03W S35	SWNW	34.0
T20N R03W S35	NWSW	8.0			

Total Acres: 50

STOCKWATER same as IRRIGATIONConditions of Approval:

1. IRRIGATION - 150 AFA AT 3.0 AFA/AC PLUS STOCKWATER - 1.3 AFA. BEAR COMMUNITY DITCH SUPPLIES WATER TO NUMEROUS USERS. MCGAHEY'S HAVE HEADGATES AND LATERALS TO USE GRAVITY IRRIGATION ON THEIR ACRES.

AFFIDAVIT OF WITNESS CONCERNING WATER RIGHTS

I, William C. JORDAN have been a property owner/neighbor and/or resident of Bear, Idaho since 1962 (43 years)

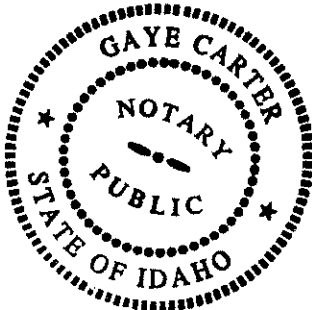
The Bear Creek Community Ditch was developed to divert water out of Bear Creek for property irrigation, domestic use, and stock water use, and was completed in 1901. The Bear Creek Community Ditch Board was established to administer and monitor water usage, as well as collect fees for maintenance of the ditch.

I verify that, to the best of my knowledge, the property parcel of Twp 20 N Range 03 W Section 34 now owned by DAN McGAHEY has been a part of, and a continuous user of the water since the Bear Creek Community Ditch was completed. SE 1/4 & NE 1/4

Date August 14, 2005

Twp 20 N Range 03 W
Section 35 SW 1/4 NW 1/4

William C. Jordan
Signature of Witness



Gaye Carter
Notary Public for Idaho
Residing at: Council
My Commission expires: 9/2005

SUBSCRIBED AND SWORN to before me this 14th day of August, 2005

Notary Public for Idaho

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as
described on claim form number 69-4001, now owned
by Mavis McGahey at Bear, Idaho has been used
since 1942.

Date Sept 5, 1967
Signed Eva D. Lake

On this 5th day of September, in the year 1967, before
me, the undersigned, a Notary Public in and for the State
of Idaho, personally appeared Eva D. Lake
known to me to be the person whose name is subscribed to
this instrument.

n

Margaret S. Rose
Notary Public For Idaho
Residing at Twinsburg, Idaho

TO WHOM IT MAY CONCERN.

There was approximately 100 acres of land being irrigated from the Bear Creek Community ditch on the property my husband, Jack McGahey, and I purchased (he is now deceased) from W.T. Robertson- near Idaho November 1936.
Description of land as follows

T 20 R3 N
S 1/4- N W 1/4
N 1/4- S W 1/4

Sec. 35 154 Acres Located in Adams

county, State of Idaho.

Date. June 14, 1967

Signed Mary McGahey

State of Idaho
County of Nezperce

Mary McGahey appeared before me, Walter H. Durland a Notary Public in and for the State of Idaho and affixed her signature to the above described instrument.

Walter H. Durland
Notary Public
Residing at: 627 Bryden Ave.
Lewiston, Idaho
My Commission Expires 10/27/67

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as described on claim form number 69-4001, now owned by Mavis McGahey at Bear, Idaho has been used since 1946.

Date 9-22-67

Signed William G. Nipm

*Given and subscribed before me this 22nd
day of September, 1967*

*Jaren R. Prosser
Notary Public, and
for the State of
Washington, residing at
Seattle*

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as
described on claim form number 69-4001, now owned
by Mavis McGahey at Bear, Idaho has been used
since _____. 1927

Date Aug. 31 - 67
Signed Joe Edwards

Mary E. Holt
NOTARY PUBLIC FOR OREGON
My Commission Expires April 22, 1968

AFFIDAVIT OF WITNESS CONCERNING WATER RIGHTS

I, Bert Warner have been a property owner/neighbor and/or
resident of Bear, Idaho since 1923.

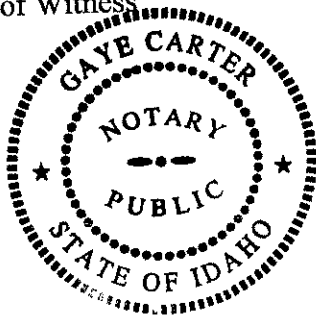
The Bear Creek Community Ditch was developed to divert water out of Bear Creek for property
irrigation, domestic use, and stock water use, and was completed in 1901. The Bear Creek
Community Ditch Board was established to administer and monitor water usage, as well as collect
fees for maintenance of the ditch.

I verify that, to the best of my knowledge, the property parcel of T-20 R03W S-34 SE 1/4 & NE 1/4
now owned by Dan McGahey has been a part of, and a continuous user of
the water since the Bear Creek Community Ditch was completed. and

T-20 R03W S-35 SW 1/4 NW 1/4

Date 8-14-05, 2005.

Bert Warner
Signature of Witness



Gaye Carter
Notary Public for Idaho
Residing at: Council
My Commission expires: 9/2005

SUBSCRIBED AND SWORN to before me this 14th day of August, 2005

Notary Public for Idaho

STATE OF IDAHO.

SS

COUNTY OF ADAMS:

I, William T. Robertson, being first duly sworn

on my oath, doth depose and say, that in the year 1901, I with Arthur V. Robertson, Joe Warner, Madison Elliott, ~~xxxxxxx~~ and Charles Warner, constructed a ditch from Bear Creek, and leading down to the W.T. Robertson place, that we appropriated water from Bear Creek to irrigate our lands, that since the 1st day of July 1901, to the extent of least forty inches of water, and for each and every year since the said date I have used the said water on the S₂ NW₁ N₂ of SW₁, sec 35 T.20 N.R.3 west of Boise Meridian for the irrigation of the same,

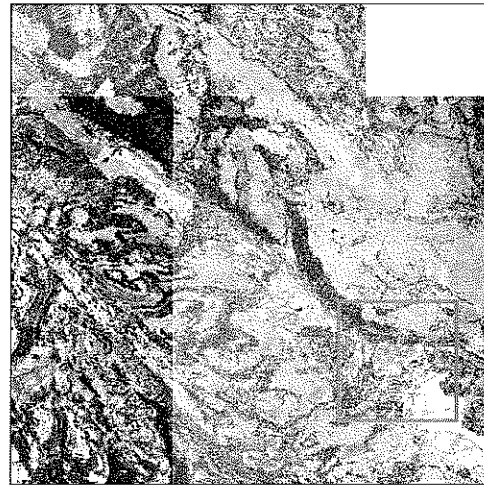
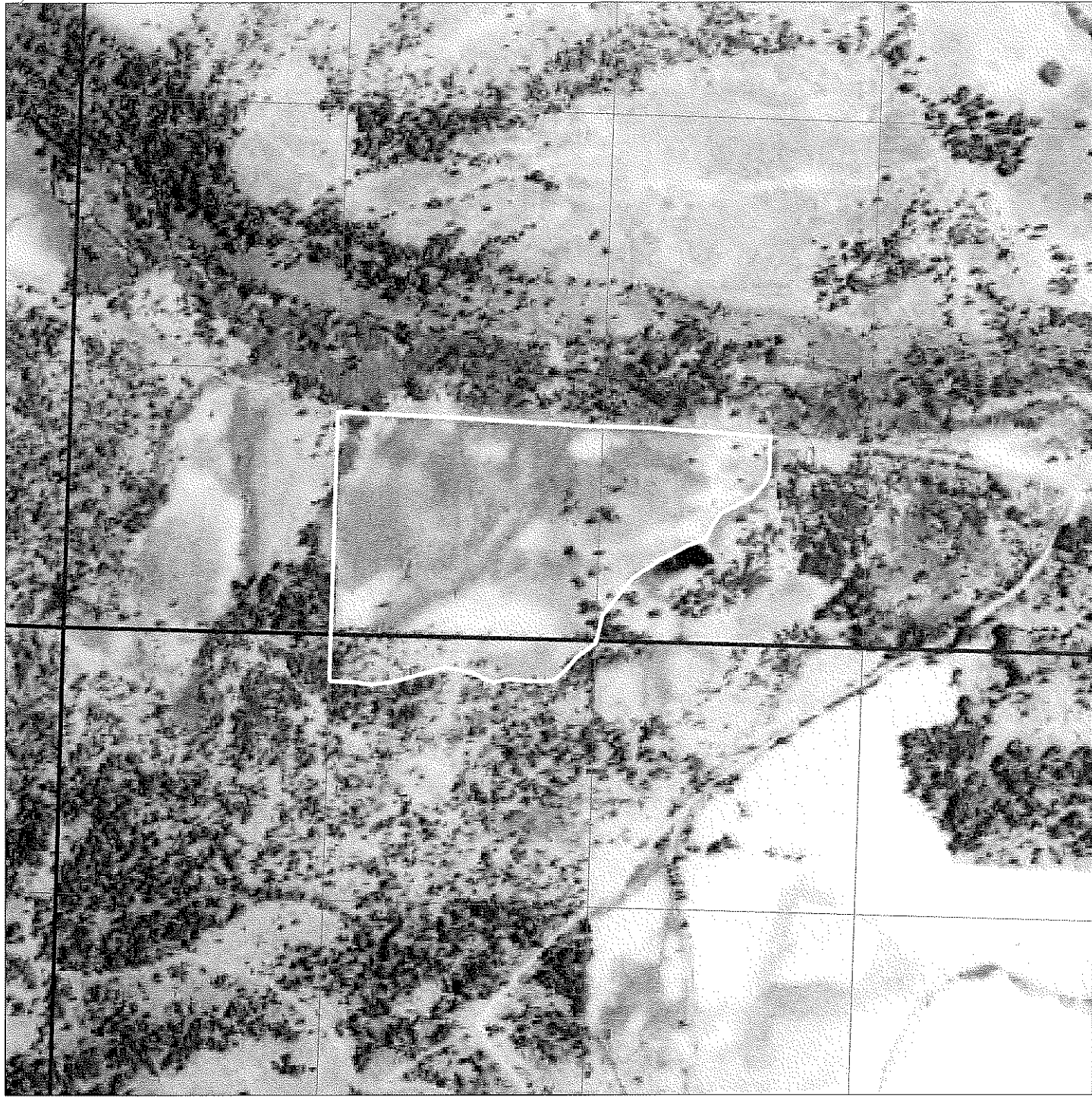
William T. Robertson

Subscribed and Sworn to Before me this 23rd day of November 1936:

L. L. Burtenshaw

Notary Public, for Idaho,
residing at Council:

Rec69-4001



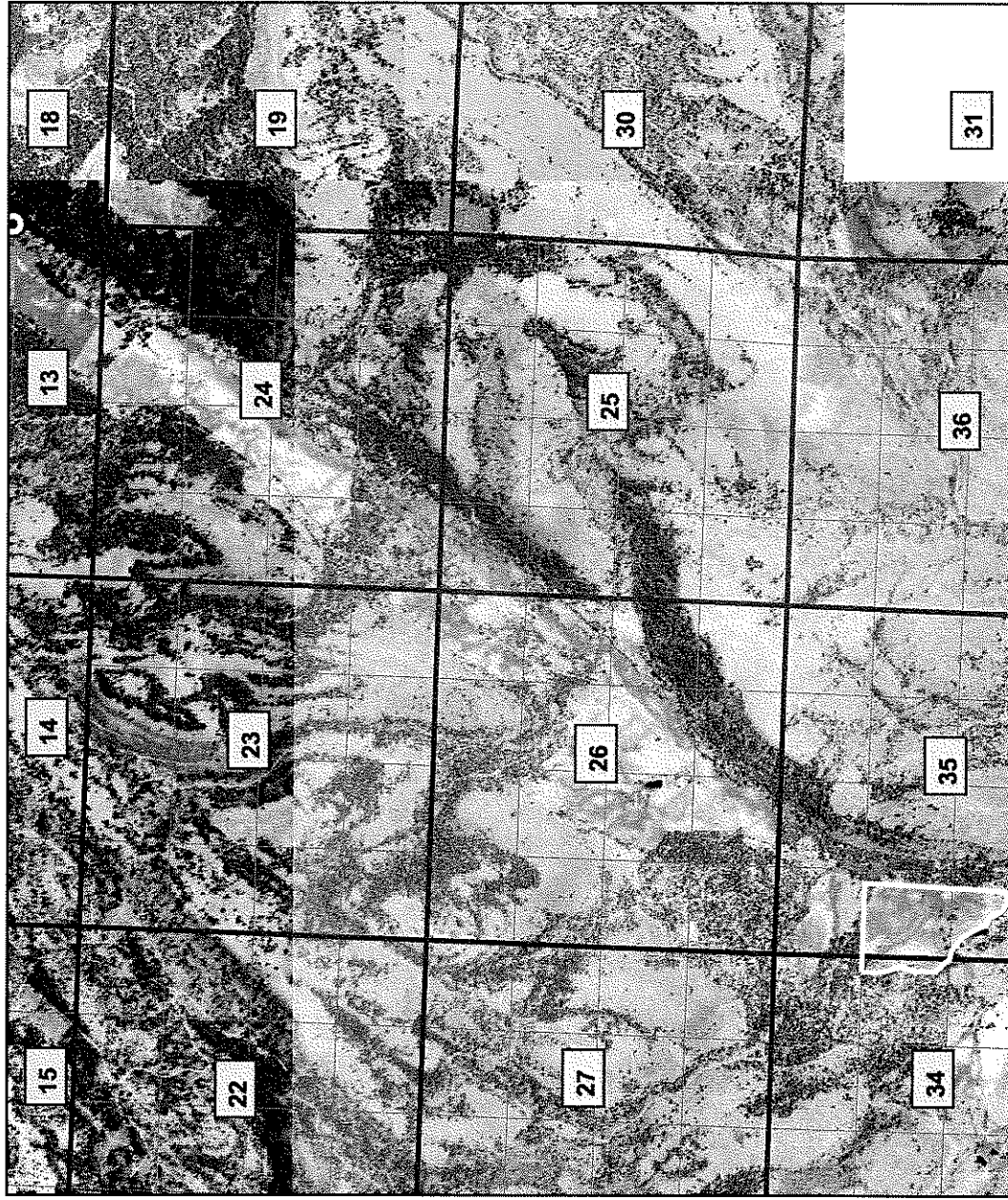
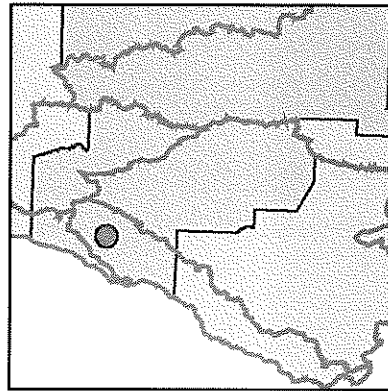
Idaho Department of Water Resources

Adjudication Claim Number: 69-4001

T20N R03W

Legend

- ⊙ Point of Diversion
- Place Of Use
- ▭ PLS Sections
- ▭ Quarter Quarters



0 1 2 Miles

Prepared by M. Ciscell
On Monday, August 22, 2005
1987/88 Aerial Photography