



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2005

3-2001C
attn: Stuart Mackay
4-M Farms
Box 493
Weiser, ID 83672

RESPONSE DEADLINE
October 14, 2005

Re: Snake River Basin Adjudication (SRBA) – Claim Number 3-2001C

Dear Stuart Mackay

As you are aware the Idaho Department of Water Resources is currently in the process of reviewing SRBA claims in Basin 03.

During the review, it was found that the claimed point of diversion for claim 3-2001C differs from that which it was originally licensed. According to our knowledge the original diversion point is housed in a pumping station just slightly south and east of your pump. Idaho Statute (IC 42-1425) allows IDWR to recommend a change in point of diversion as an accomplished transfer if that change took place prior to the commencement of the SRBA, November 19, 1987. Changes that occurred after that date require a formal transfer application filed with the IDWR Water Allocations Bureau.

At this time, without evidence that the change took place prior to the commencement of the SRBA, the right will be recommended as licensed. If you agree with this assessment, please provide me with evidence of when the location of the point of diversion changed and submit it to this office by October 14, 2005.

Evidence could be as simple as an affidavit stating when the change was made or something indicating the date of change such as receipts for equipment purchased or pump test records at the new point of diversion. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statements should be in the form of a notarized affidavit.

Should you choose to return the materials in a mailer other than that enclosed, please include the notation "ATTN: SRBA Claim Number 3-2001C on the front of the mailer.

If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 3-2001C, handy when you call.

Sincerely,

Misty Mount
Water Resource Agent
Adjudication Section

RECEIVED

SEP 20 2005
DEPARTMENT OF
WATER RESOURCES

DEAR MISTY,

B₂m IRRIGATION of Weiser, IDAHO
placed in stallation in river at
present location prior to 1987.

B₂m IRRIGATION was owned by
STUART MACKAY, STEVE MACKAY,
RAY BATTEN. Company was dissolved
in mid 1990's, after STEVE MACKAY
suffered a stroke and later passed
away. IT WAS an IDAHO corporation.
There are no company records
left after ten years. Please
advise if I can be more helpful

Thanks

Stuart Mackay

3-2001C