

AL5-03407

T13N
R3E

11	39	

Maures

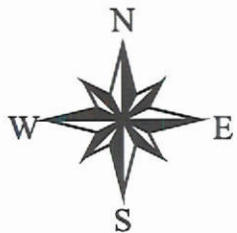
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SEP 22 1992

Idaho Department of Water Resources

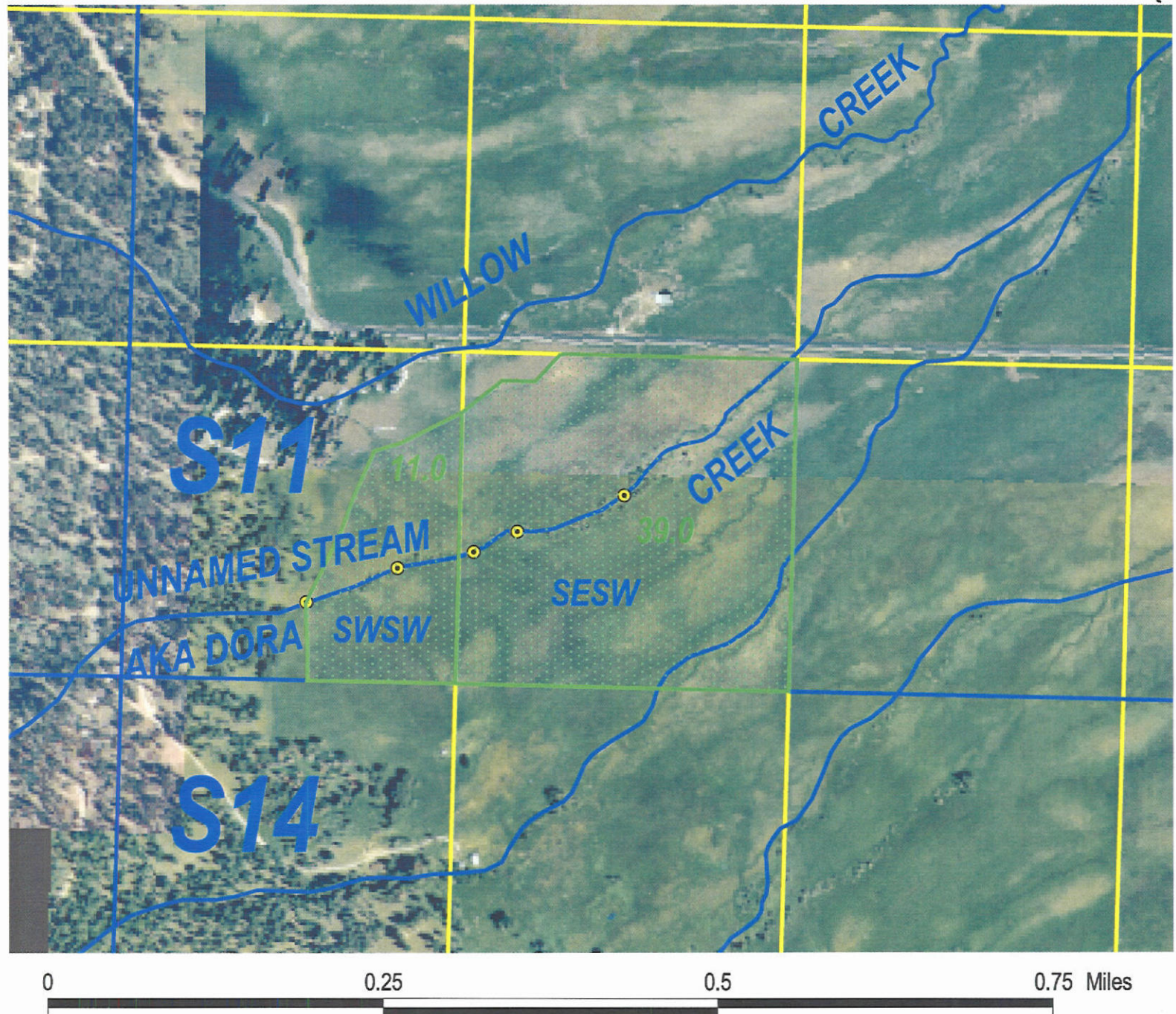
T13N, R03E
S11

Claims: 65-03407
Owner : MACGREGOR
Prepared by:
Ron Howerton
Date: 3 AUG 99

-  Place of use
-  POD
-  SECTION LINES
-  1/4 1/4 Lines
-  Acres



1987 NAPP



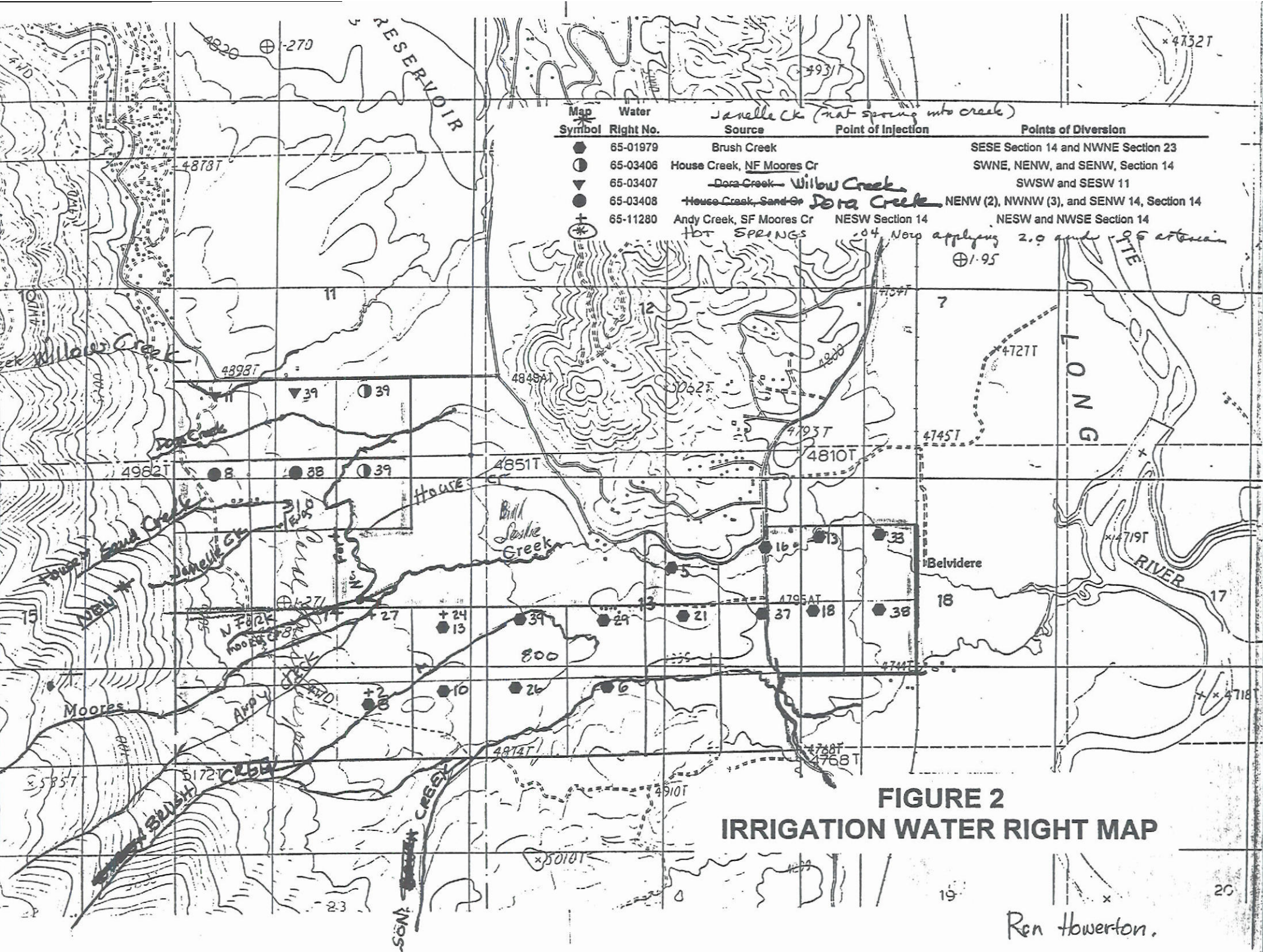


FIGURE 2
IRRIGATION WATER RIGHT MAP

Ren Howerton.

CF
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: A65-03407
Date Received: 11/23/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CAROL LYNN MACGREGOR
Address: 1109 WARM SPRINGS AVE.
BOISE, ID 83712

AND/OR

Name: JOSEPH GORDON SCHWARZ
Address: 1109 WARM SPRINGS AVE.
BOISE, ID 83712

2. Date of Priority: APR 01, 1897

3. Source: DORA CREEK Trib. to: SAND CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	03E	11	SW	SW	SW		VALLEY
			SE	SW			VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	03E	11	SW	SW		IRR	11.0
			SE	SW		IRR	39.0
Section Acres							50.0
Total Acres							50.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
65-11411

14. Remarks:
2 P/D IN SWSW, S11, T13N, R3E AND
3 P/D IN SESW, S11, T13N, R3E.

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., 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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

A65-03406, A65-03407

☒ Water Right Number(s): A65-03408, A65-03409, & A65-11411

☒ Name and Address of Former Claimant(s): MacGregor Land & Livestock Co. Inc.
P.O. Box 5128
Boise, ID 83705

☒ New Claimant(s): Carol Lynn MacGregor and/or
Joseph Gordon Schwarz

☒ New Mailing Address: 1109 Warm Springs Avenue
Boise, ID 83712

New Telephone Number: () _____

☒ Does the change in ownership result in a splitting of the water right claimed? _____ yes _____ ☒ no
If yes, then describe the portion of the water right that is now claimed by the new owner:

☒ Attach proof of ownership
Describe proof attached: Deed
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

☐ Signature of New Claimant(s): _____

Date: _____

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

Date: _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 3-9-89 By: CF

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Copies to Claimants 11-16-90

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

CLAUDE V. MARCUS
CRAIG MARCUS
BARRY MARCUS
GALE M. MERRICK
GARY L. MONTGOMERY
ROBERT C. MONTGOMERY

LAW OFFICES
MARCUS, MERRICK & MONTGOMERY

MARCUS BUILDING
737 NORTH 7TH STREET

BOISE, IDAHO 83702-5595

March 7, 1989

TELEPHONE
(208) 342-3563
TELEFAX
(208) 342-2170

Adjudication Bureau
Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, Idaho 83720

Attn: Dena

Re: Carol Lynn MacGregor Water Rights (Valley County)

Dear Dena:

I have enclosed the following notices of water rights pertaining to Carol MacGregor's Ranch located in Valley County:

- (1) Decreed Right No. A65-03406 (House Creek - 1.56 cfs);
- (2) Decreed Right No. A65-03407 (Dora Creek - 1.0 cfs);
- (3) Decreed Right No. A65-03408 (Sand Creek - .72 cfs);
- (4) Decreed Right No. A65-03409 (Groundwater - .04 cfs); and
- (5) Decreed Right No. A65-11411 (Willow Creek - 1.00 cfs);

The water rights should be in the name of Carol Lynn MacGregor, *AND/OR* individually and as custodian for Catherine Moore Bettis, Janelle Agnes Bettis and Laura MacGregor Bettis; and Joseph Gordon Schwarz. The corrections appear in red. Please advise me when the corrected notices are ready and I will have them executed. Call me if you have any questions. Thank you for your cooperation.

Very truly yours,

MARCUS, MERRICK & MONTGOMERY

Barry Marcus
Barry Marcus

BM:bm
Encs.

MICROFILMED
SEP 22 1992

Resp 1

DEED

THIS INDENTURE, made this 21st day of December, 1988, by and between MacGREGOR LAND AND LIVESTOCK CO., an Idaho corporation, with principal offices in Boise, Ada County, Idaho, the "Grantor," and the Grantees hereinafter named, as tenants in common in the percentages of ownership hereinafter set forth, the "Grantees";

W I T N E S S E T H:

FOR VALUE RECEIVED, the Grantor has granted, conveyed, bargained and sold, and does hereby grant, bargain, sell, convey and confirm to the following named Grantees, as tenants in common in the following percentages, to wit:

1. Carol Lynn MacGregor, a single person dealing with her sole and separate property, a 74.67 interest;
2. Carol Lynn MacGregor, as custodian for Catherine Moore Bettis, a minor single person, a 6.24% interest;
3. Carol Lynn MacGregor, as custodian for Janelle Agnes Bettis, a minor single person, a 6.24% interest;
4. Carol Lynn MacGregor, as custodian for Laura MacGregor Bettis, a minor single person, a 6.24% interest; and
5. Joseph Gordon Schwarz (aka J.G. Bettis), a single person dealing with his sole and separate property, a 6.61% interest,

their respective successors and assigns, that certain real property situated in the COUNTY OF VALLEY, STATE OF IDAHO, described on Exhibit "A" attached hereto and by this reference made a part hereof (the "Subject Property").

TOGETHER with all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

TOGETHER with all water, water rights, water storage rights, ditches, easements and rights-of-way for ditches appurtenant thereto and used in connection therewith; and all grazing permits, grazing leases and grazing rights appurtenant thereto and used in connection therewith;

SUBJECT TO the liens and encumbrances described on Exhibit "B" and all covenants, restrictions, reservations, rights of way and easements that are of record and/or that are open and obvious from any inspection of the Subject Property.

TO HAVE AND TO HOLD the Subject Property, with its appurtenances, unto the Grantees, as tenants in common in the above percentages, and their respective successors and assigns, forever.

The current address of the Grantees is: Carol L. MacGregor, 1109 Warm Springs Avenue, Boise, Idaho 83712.

IN WITNESS WHEREOF, this Deed has been duly executed by and on behalf of the Grantor the day and year herein first above written.

MacGREGOR LAND AND LIVESTOCK CO.

By Jock D. MacGregor
Jock D. MacGregor, President

ATTEST:

Carol L. MacGregor
Carol L. MacGregor, Secretary

STATE OF IDAHO)
) ss.
County of Ada)

On this 23 day of December, 1988, before me,
M. NEAL NEWHOUSE, a Notary Public in and for
said State, personally appeared JOCK D. MacGREGOR and CAROL L.
MacGREGOR, known or identified to me to be the President and
Secretary, respectively, of MacGREGOR LAND AND LIVESTOCK CO., the
corporation that executed the within instrument or the person who
executed the instrument on behalf of said corporation, and
acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

M. Neal Newhouse
Notary Public for Idaho
Residing at Bone, Idaho
My commission expires on Aug 1, 1991

EXHIBIT "A" TO DEED

Legal Description

The NW1/4 NE1/4, NW1/4, of Section 14, Twp. 13N., Rge. 3E., B.M. and the SW1/4 SE1/4, SE1/4 SW1/4, and a portion of the SW1/4 SW1/4 of Section 11, Twp. 13N., Rge. 3E., B.M., in Valley County, State of Idaho. That portion of the SW1/4 SW1/4 of Section 11 more particularly described as follows:

Beginning at the SW corner of said Section 11, thence N 0° 55'04" E along the West line of said Section 11, a distance of 666.91';

Thence, N 89° 51'41" E a distance of 432.00';

Thence, N 0° 55'04" E a distance of 186.00';

Thence N 89° 51'41" E a distance of 159.78' to a point in the center of a roadway which is 20' wide being 10' on each side of the following described roadway centerline and which is available for the use of both parties and their assigns:

Thence N 76° 09'16" E a distance of 115.93' to a point of curvature;

Thence along a curve to the left which has a central angle of 59° 12'35", a radius of 75.0', a tangent distance of 42.61' and a long chord of 74.10', to a point of tangency;

Thence N 16°56'41" E a distance of 35.73' to a point of curvature;

Thence along a curve to the left which has a central angle of 37°06'00", a radius of 100', a tangent distance of 33.56' and a long chord of 64.73', to a point of tangency;

Thence N 20° 09'19" W a distance of 128.99' to a point of curvature;

Thence along a curve to the right which has a central angle of 23° 54'20", a radius of 140.0', a tangent distance of 29.64', and a long chord of 57.99', to a point of tangency;

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SEP 22 1992

Thence N3° 45'01" E a distance of 124.90' to a point on the North line of said SW1/4 SW1/4, the end of the common roadway in said SW1/4 SW1/4;

Thence N89° 59'26" E along the North line of said SW1/4 SW1/4 a distance of 603.61' to the NE corner of said SW1/4 SW1/4;

Thence, S 0° 41'02" W along the East line of said SW1/4 SW1/4 a distance of 1330.95' to the SE corner of said SW1/4 SW1/4;

Thence S89° 51'41" W along the South line of said SW1/4 SW1/4 a distance of 1323.59' to the Point of Beginning.

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SEP 22 1992

164825

STATE OF IDAHO, } ss.
County of Valley, }

I hereby certify that this instrument
was filed for record at the request of

Hawley, Todd

at 06 minutes past 3

o'clock P M. This 23

day of Dec 1988

in my office and duly recorded in

Dr. # 6 of Deeds

Leslie Davis

Ex-Officio Recorder

By J. H. Hawkins Deputy

Fee \$ 18.00

EXHIBIT "B" TO DEED

Permitted Encumbrances

1. That a certain unrecorded Agreement dated November 24, 1976 between Edgar W. House and Dora Davidson House, husband and wife, as Seller, and MacGregor Land & Livestock Co., as Buyer, related to the purchase and sale of the property described in this deed. The deed and related documents are held in escrow at Idaho First National Bank, Boise, Idaho. The final payment is due November 24, 1995.

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SEP 22 1992

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: 65-03407
DATE RECEIVED:
RECEIPT NO:
RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: MACGREGOR LAND & LIVESTOCK CO. INC.
ADDRESS: P.O. BOX 5128
BOISE, ID 83705

2. DATE OF PRIORITY: APR 01, 1897

3. SOURCE: DORA CREEK TRIB. TO: SAND CREEK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
13N	03E	11	SW	SW	SW		VALLEY
			SE	SW	SW		VALLEY

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

7. TOTAL QUANTITY APPROPRIATED IS:
1.000 C.F.S. (AND/OR) A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
13N	03E	11	SW	SW		IRR	11.0
			SE	SW		IRR	39.0
SECTION ACRES							50.0

10. PLACE OF USE: CONTINUED

TOTAL ACRES 50.0

11. PLACE OF USE IN COUNTIES: VALLEY, VALLEY

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

65-11411

14. REMARKS:

2 P/D IN SWSW, S11, T13N, R3E AND

3 P/D IN SESW, S11, T13N, R3E.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS 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): _____ DATE: _____

_____ DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM President OF

MacGregor Land & Livestock Co., THAT I HAVE SIGNED THE FOREGOING ORGANIZATION

DOCUMENT IN THE SPACE BELOW AS President OF

MacGregor Land & Livestock Co. AND THAT THE STATEMENTS CONTAINED IN THE ORGANIZATION

FOREGOING DOCUMENT ARE TRUE AND CORRECT.

Jeff Pappas SIGNATURE OF AUTHORIZED AGENT

President MacGregor Land & Livestock Co. TITLE AND ORGANIZATION

11/23/88 DATE

STATE OF IDAHO)
COUNTY OF ADA) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 23RD DAY

OF NOVEMBER 19 88

Jeff Pappas NOTARY PUBLIC

RESIDING AT BOISE, IDAHO

MY COMMISSION EXPIRES 11/8/1994

DATE: 09/30/88

65-03407

PAGE

3

11

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SEP 22 1992

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

C O P Y
FOR YOUR FILES

Ident. Number: A65-03407
Date Received: 11/23/1988
Receipt No: X999999
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: *Carol Lynn MacGregor*
~~MACGREGOR LAND & LIVESTOCK CO. INC.~~
Address: ~~P.O. BOX 5128~~ *1109 Warm Springs Ave.*
~~BOISE, ID 83712 83705~~

2. Date of Priority: APR 01, 1897

3. Source: DORA CREEK Trib. to: SAND CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	03E	11	SW	SW	SW		VALLEY
			SE	SW	SW		VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	03E	11	SW	SW		IRR	11.0
			SE	SW		IRR	39.0
Section Acres							50.0

A65-03407

Page 1

Date: 02/16/89

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SEP 22 1992

10. Place of Use: Continued

Total Acres 50.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
65-11411

14. Remarks:

2 P/D IN SWSW, S11, T13N, R3E AND
3 P/D IN SESW, S11, T13N, R3E.

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., 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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

AL65-03407

RESERVOIR

T13N
R3E

11	39	

Moore's

MICROFILMED

SEP 22 1992

WESTERN REGION

OWNER (S):

MAC GREGOR

CLAIM NUMBERS:

11411

3407

AGENT: RON HOWERTON

DATE 8/30/99

[illegible]

POLYGON CREATED ON 803

POLYGON # () () () () UPDATED BY rdh

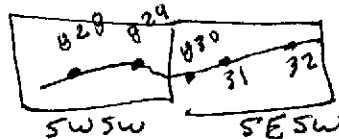
ATTRIBUTES OF B65-POU.SHP (859) () () () () ()

ATTRIBUTES OF B65-POD.SHP (827) (828) (829) (830) (831) 832

B65-DBPOU.DBF UPDATED BY rdh 11411

B65-DBPOD.DBF UPDATED BY rdh

NOTES:





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. To have a timely filing you must file this claim with IDWR by May 25, 2001. IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

AJ0749NP
No. R65-03407

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/04/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CAROL LYNN MACGREGOR	04/01/1897	IRRIGATION	04-15 10-15	1.000 CFS	
C	JOSEPH GORDON SCHWARZ 1109 WARM SPRINGS AVE BOISE ID 83712 (208) 386-9494					
TOTAL DIVERSION:					1.000 CFS	

Water Source: UNNAMED STREAM

Tributary to: CASCADE RESERVOIR

Stage: DECREED

Point(s) of Diversion: T13N R03E S11 SWSW SESW VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
13N	03E	11	:											11	39			:	50.0	
TOTAL ACRES																			50.0	

POU County: VALLEY

Other Rights: 65-11411

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-03108X A65-03407 A65-11411

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-11411 SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE.

POD 2 POINTS OF DIVERSION LOCATED IN T13N, R03E, S11, SWSW.
3 POINTS OF DIVERSION LOCATED IN T13N, R03E, S11, SESW.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-11411 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 50.0 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP SOURCE IS ALSO KNOWN AS DORA CREEK

Dates: Exam Made Date: Verified Date: 08/04/1999 Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Audit: 08/04/99 RHOWERTO

WR5809NP
No. 65-03407

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/03/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CAROL LYNN MAC GREGOR 1109 WARM SPRINGS AVE BOISE ID 83712	04/01/1897	IRRIGATION	04/15 10/15	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

Water Source: DORA CREEK *AKA UNNAMED STREAM* Tributary to: *CASCADE RESERVOIR* ~~SAND CREEK~~ Stage: DECREED
Point(s) of Diversion: T13N R03E S11 SWSW SESW VALLEY County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																	
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM					
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:				
13N	03E	11	:					:					:						:					:					
													11	39	:														50.0
													TOTAL ACRES													50.0			

Pou County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-03108X 65-11411

Remarks: GEN 2 P/D IN SWSW, S11, T13N, R3E AND
3 P/D IN SESW, S11, T13N, R3E.

Dates:	App. Received:	Priority Date:	04/01/1897
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/24/87 04/30/88 CONVERT 06/05/89 CURTIS 10/11/94 SCURTIS
02/08/98 CLEARFLD

Idaho Department of Water Resources

**T13N, R03E
S11**

Claims: 65-03407

Owner : MACGREGOR

Prepared by:

Ron Howerton

Date: 3 AUG 99

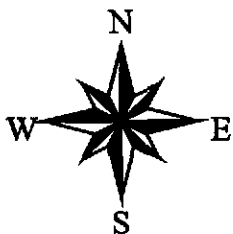
 Place of use

● POD

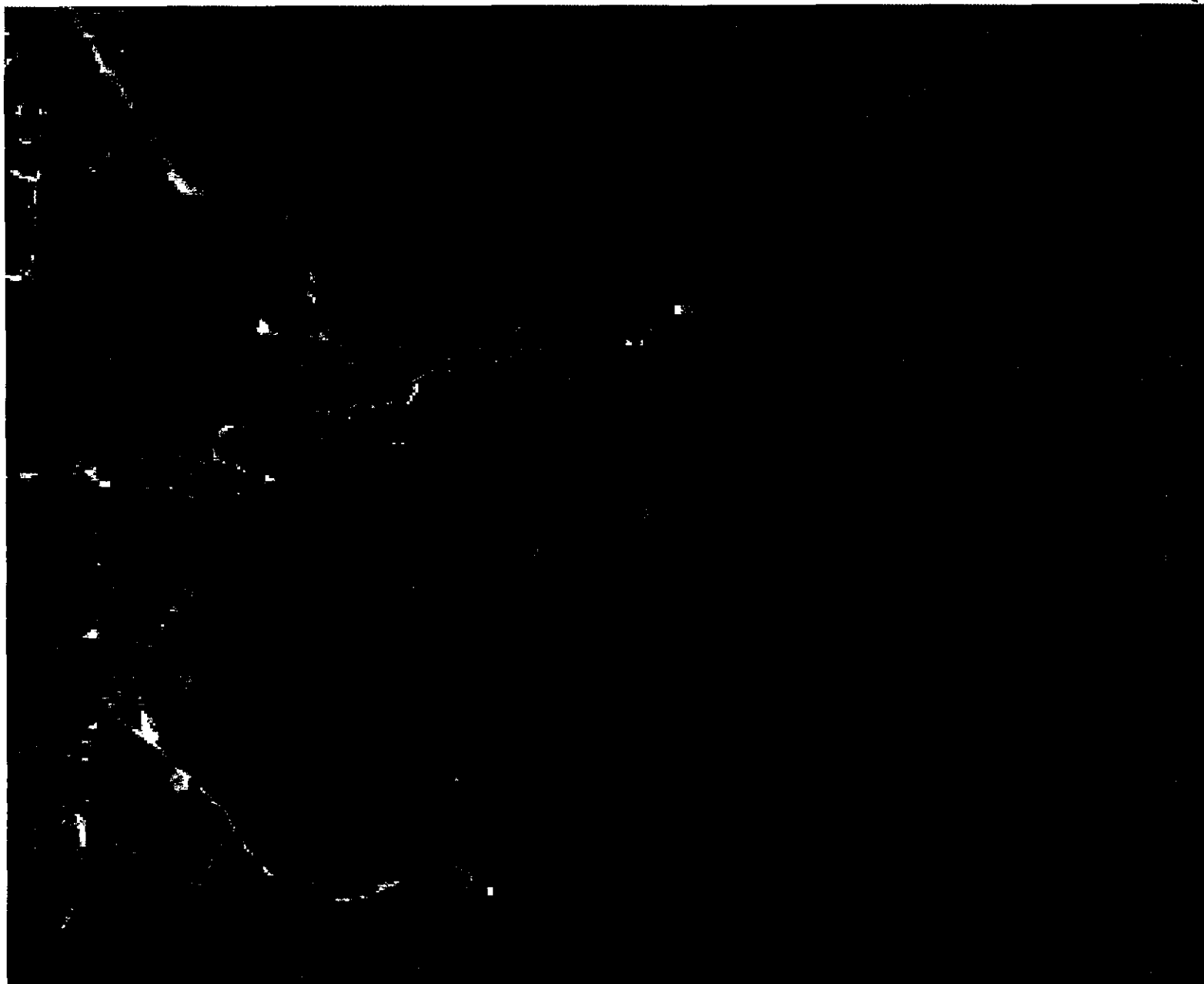
 SECTION LINES

 1/4 1/4 Lines

Acres



1987 NAPP



0 0.25 0.5 0.75 Miles





1. Rose McNameesters
 2. Penderosa Park, Inc.
 3. Mary R. Allen
 4. United States of America - U.S. Reac.
 5. State of Indiana
 6. ~~James E. McNameester~~ Everett K. Allen
 7. Boise, Cascade Corp.
 8. Grattor, Ballard Allen
- Subdivision No. 1

PREA MAP "A" T13U R03E

65 - 11411

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:15:13
08/04/99

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A65-03407

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV			Rch 8/4/99 IN-OFFICE					Rch 8/4/99
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:15:13
08/04/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-03407

LAST: MACGREGOR LAND & LIVESTOCK CO INC FIRST:
ADDRESS: PO BOX 5128
CITY: BOISE STATE: ID ZIP: 83705
PHONE NUMBER: 208-000-0000

OWNER CODE: 0

LAST: MACGREGOR FIRST: CAROL LYNN
ADDRESS: 1109 WARM SPRINGS AVE
CITY: BOISE STATE: ID ZIP: 83712
PHONE NUMBER: 208-000-0000

OWNER CODE: C

LAST: SCHWARZ FIRST: JOSEPH GORDON
ADDRESS: 1109 WARM SPRINGS AVE
CITY: BOISE STATE: ID ZIP: 83712
PHONE NUMBER: 208-000-0000

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N(✓)

CLAIM REMARKS: GEN 2 P/D IN SWSW, S11, T13N, R3E AND
3 P/D IN SESW, S11, T13N, R3E.

112

CONTACT PERSON: IN-OFFICE

PHONE NUMBER: () -

DATE OF FIELD EXAM: 8/4/99

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE MAPS IN FILE

A. AJ CLAIM: # A65-03407 PRIORITY DATE: 04-01-1897 STAGE: D

B. WR RECORD: # 65-03407 PRIORITY DATE: 04-01-1897 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

04-01-1897

REVIEWED BY Rdh

DATE 8/4/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-03407	13N 03E	11		SW	SW			VALLEY		
A65-03407	13N 03E	11		SE	SW			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-03108X NONE
A65-11411

WR RECORDS IN SAME 40 ACRE TRACT
65-03108X
65-11411

SOURCE: DORA CREEK

TRIB: SAND CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-03407	13N 03E	11		SW	SW			VALLEY		
65-03407	13N 03E	11		SE	SW			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A65-03108X NONE
A65-11411

SOURCE: DORA CREEK

TRIB: SAND CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

1. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: 1987 GIS NAPP PHOTO

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
13N	03E	11		SW	SW			VALLEY		
13N	03E	11		SE	SW			VALLEY	AKA DORA CR	
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: DORA CREEK ~~UN~~ NAMED STREAM TRIB: SAND CREEK CASCADE RESERVOIR

REVIEWED BY: Rch DATE: 8/4/99

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

GRAVITY Ditches

A. ROOT WATER RIGHT NUMBERS: A65-03407

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	03E	11	SW	SW		MACGREGOR, CAROL LYNN	A65-03407 / 11.0	65-03407 / 11.0	25.0		11
			SW	SW		MACGREGOR, CAROL LYNN	A65-11411 / 11.0	65-11411 / 11.0			
			SW	SW		ALLEN, EVERETT K.		65-03110 / 11.0			
			SW	SW		ALLEN, E. K.		65-11232 / 11.0			
13N	03E	11	SE	SW		MACGREGOR, CAROL LYNN	A65-03407 / 39.0	65-03407 / 39.0	36.0		39
			SE	SW		MACGREGOR, CAROL LYNN	A65-11411 / 39.0	65-11411 / 39.0			
			SE	SW		ALLEN, EVERETT K.		65-03110 / 39.0			
			SE	SW		ALLEN, E. K.		65-11232 / 39.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-03407	50.00	50.00	61.00	50
POU COUNTY: VALLEY					

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-03407	DORA CREEK	MACGREGOR, CAROL LYNN	1.000	0.020		
A65-11411	WILLOW CREEK	MACGREGOR, CAROL LYNN	1.000	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-11411

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POB: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

_____ ~~SNAPP~~, IDWR NO. 1987; () ASCS PHOTO; ~~OTHER~~ _____

NOTES: PRBA MAP "A" T13N, R03E

RECOMMENDATIONS:

TOTAL ACRES: 50 N/A()

REVIEWED BY: RCH DATE: 8/4/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-03407 IRRIGATION	FROM 04-15 TO 10-15	1.000 CFS	
TOTAL DIVERSION RATE/VOLUME		1.000 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-03407 IRRIGATION	FROM 04-15 TO 10-15	1.000 CFS	
TOTAL DIVERSION RATE/VOLUME		1.000 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y(☐) N(☐)

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.000 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.000 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD NA, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 50 x 0.02 CFS/ACRE = 1.0 CFS
(Taken from pou review)

1b. CALCULATIONS

SAME AS DECREE

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

WR RECORD CONDITIONS/REMARKS:

PID Remarks

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ☒

REC. PURPOSE OF USE	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	04-15	10-15	1.000	_____		_____	0.0	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			1.000	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (☐)

REVIEWED BY: Reh DATE: 8/4/99

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

POD - 2 PIDS LW 13N, 03E, S11, SWSW
- 3 PIDS LW 13N, 03E, S11, SE5W

POU1 - COMB ACRES WITH 65-11411 IS 50

QNT - E28 0.02/acre with 65-11411

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

B01 AKA DORA CREEK

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(/)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-03407

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 1.000 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-03407	1.000	-		65-03407	1.000
TOTAL CFS		1.000				1.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE Y FIELD EXAMINER Y() N()

NO SPLITS

NOTES:

AUTHENTICATION:

SIGNATURE: Ron Howerton DATE: 8/4/99

NAME OF FIELD EXAMINER: Ron Howerton TITLE: _____

Sr Water Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. _____	Y(☒) N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☒ OTHER <u>MAP</u>	DATE <u>PRBA MAP "A" T13N R3E</u>	Y(☒) N()
☒ OTHER <u>PROFILE</u>	DATE <u>WP RECORD</u>	Y(☒) N()
☒ OTHER <u>CLAIM</u>	DATE <u>ORIGINAL PRBA CLAIM</u>	Y(☒) N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☒ OTHER <u>OVERLAP</u>	DATE <u>8/3/99</u>	<u>1</u>	<u>REVIEW</u>
☒ OTHER <u>SOURCE MAP</u>	DATE <u>FIG 2</u>	<u>1</u>	<u>CLAIMANTS SOURCE AKA NAMES</u>

10:15:39
08/04/99
17

CLAIM NUMBER: A65-03407

Field Inspection Flag:
Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 16, 1990

Carol Lynn MacGregor
1109 Warm Springs Ave.
Boise, ID 83712

RECEIVED
NOV 19 1990

RE: Snake River Basin Adjudication (SRBA)
Valley County - Notices of Claim #A65-03406,
A65-03407, A65-03408, A65-0309 & A65-11411
Change in Ownership

Department of Water Resources
Western Regional Office

Dear Ms. MacGregor:

Notice of Change in Ownership has been received, and we have changed our records to reflect this notice. Copies of the claims referenced above are enclosed for your review and records.

If you have any questions or concerns, please contact me at 327-7939.

Sincerely,

Carter Fritschle
Sr. Water Rights Agent

CF:sf:state:west

Enclosures:

Claims Referenced Above

cc: Barry Marcus

MICROFILMED

SEP 22 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

July 24, 1990

Carol Lynn MacGregor
1109 Warm Springs Avenue
Boise, ID 83712

RE: Snake River Basin Adjudication (SRBA)
Gem County Receipt #C014620, \$25.00

Dear Ms. MacGregor:

Due to the fact you have withdrawn your claim, we have initiated the refund process with the State Auditor's Office.

Because the firm of Marcus, Merrick & Montgomery paid the filing fee, the check must be made payable to them. We have requested that your name be added to the check so there will be no confusion on their part when they receive the funds. Additionally, we have sent them a copy of this letter. They should receive the check in the near future.

Please contact us should you have any questions or concerns.

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:sf:ref:west

cc: Marcus, Merrick & Montgomery
737 N. 7th
Boise, ID 83702

0013096
50.00 late fee
AGS 03408
03406
03407
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Valley

IDENT. NO. 65-3407 ✓
Amended

Box 5128 Boise, ID 83705
(Mailing Address)

RECEIVED
 criminal records division

The extent and nature of said claim is as follows:

DEC 2 1976

- ~~Department of Water Resources~~
~~Western Regional Office~~

- [illegible]

Total No. of acres	50
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- NOTE:** Include here the type and number of stock watered.

- ☐ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Resources.

Individual

(Signature of Claimant)

Organization MacGregor Land & Livestock (Signature of Spouse)

Gordon H. McGee, Jr.
(Signature of Authorized Agent)
in the year 1971 before me

90r President of 68 Gov. and - Liverpool
above instrument, and acknowledged to me that (he, she, they,
) executed the same.

Notary Public residing at 1000 Bowen Idaho

7-YPUNCHED 27/77

Valley
HO,

IDENT. NO. 65-3407 ✓
Amended

Box 5128 Boise, ID 83705
(Mailing Address)

RECEIVED

DEC 2 1976

- Department of Water Resources
Western Regional Office**

- (5) Dora Creek tributary to Sand Creek and ~~(1)~~ out of Willow Creek

-

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF.) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities: be as specific as possible: gravity ditches

- [illegible]

Total No. of acres	50
--------------------	----

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered.

- (7) Effluent, sewage waste, or return water from this use is discharged into _____

- (8) If you are claiming water as a member of an organization, list name of organization.

- (9) Remarks

- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☐ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Resources.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

Individual

Nov. 24, 1976 (Date)

(Signature of Claimant)

State of Texas

(Signature of Spouse)

County of Ada

(Signature of Spouse)

On this 30th

Signature of Authorized Agent

a notary public, personally appeared, Boston, Massachusetts President Ac6 Pignone and Liviostock Co
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they,
corporation, partnership or) executed the same.

Notary Public residing at

My commission expires

9 July 1979

Rev 2/1/77

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2777

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM
TO A
WATER RIGHT

IDENT. NO. 65-3907 MAR. NO. 65-3907

Notice is hereby given that

DORA DAVIDSON HOUSE

(Name of Claimant)

P. O. Box 81, Cascade, Idaho

(Mailing Address)

Department of Water Administration

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) **April 1, 1897**
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) **(5) Dora Creek tributary to Sand Creek and (1) out of Willow Creek**
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)
- Use **Irrigation** Period of Use From **April 1** To **Oct. 31**
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day) (Both Dates Inclusive)
- Use Period of Use From To
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day) (Both Dates Inclusive)
- Use Period of Use From To
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day) (Both Dates Inclusive)
- (4) Quantity of water claimed: **1.0** Cubic Feet Per Second, or Acre Feet Per Annum, and/or Gals. Per Minute.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source **(2) SW 1/4 SW 1/4, Sec. 11, Twp. 13 N, Rge. 3 E, B.M.; additional points: (2) SW 1/4, Sec. 11; (1) SW 1/4, Sec. 11, T. 13N, R. 3E, B.M.**
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. **gravity ditches**
- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13N	3E	11											11	39					50.0

Total No. of acres **50**

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) Effluent, sewage waste, or return water from this use is discharged into.
- (8) If you are claiming water as a member of an organization, list name of organization.
- (9) Remarks
- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case
☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

May 11, 1971

(Date)

Individual

Dora Davidson House

(Signature of Claimant)

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

State of **Idaho**

County of **Ada**

ss.

Organization Seal

On this **11th** day of **May**, in the year **1971**, before me,

a notary public, personally appeared

Dora Davidson House

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

Notary Public residing at *Boise, Idaho*

My commission expires

Oct. 8, 1974

FILED

Morgan W. Richards, Jr.
MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2334
MTB&B 13-719

RECEIVED

DEC 21 1984

U. CLERK

DEC 24 1984

CLERK
James J. Butler DEPUTY

Attorneys for MacGregor Land &
Livestock Company

Department of Water Resources

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT TO	)	Civil No. 3667
THE USE OF SURFACE AND	)	
GROUNDWATER OF THE PAYETTE	)	STIPULATION AND ORDER
RIVER DRAINAGE BASIN	)	

COMES NOW Darwin L. Pancheri and Joan L. Pancheri, and
Duane Pancheri and Laura Pancheri (hereinafter "Pancheris") and
MacGregor Land & Livestock Company (hereinafter "MacGregor"), and
stipulate and agree as follows:

1. Pancheris on behalf of themselves, their heirs,
successors and assigns, hereby stipulate, agree and concede that
the priority dates, uses, periods of use, quantity of water
claimed, diversion points and places of use in the attached
exhibits for MacGregor water rights 65-3406, 65-3407, 65-3408 and
65-11411 are accurate and correct and, therefore, prior in time
and right to the water rights claimed by Pancheris.

2. MacGregor hereby dismisses with prejudice its
objection to and protest of the water rights claimed by Pancheris

in this case. Pancheris hereby dismiss with prejudice their objection and protest of the water rights claimed by MacGregor.

3. Both parties agree to bear their own costs and attorney's fees.

DATED this 14th day of December, 1984.

MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED

By Morgan W. Richards, Jr.
Morgan W. Richards, Jr. -
Of the Firm - Attorneys for
MacGregor Land & Livestock Co.

ANDERSON, KAUFMAN, RINGERT & CLARK

By W. F. Ringert
W. F. Ringert - Of the Firm -
Attorneys for Darwin Pancheri, Joan
Pancheri, Duane Pancheri and Laura
Pancheri

O R D E R

The foregoing stipulation having come duly and regularly before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections to and protests filed against Pancheris' water rights by MacGregor and against MacGregor's water rights by Pancheris be dismissed with prejudice and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that MacGregor's water rights 65-3406, 65-3407, 65-3408 and 65-11411 listed in attached Exhibits with regard to priority dates, uses, periods of use, quantity of water claimed, diversion points and places of use be deemed admitted and conceded by the Pancheris, their heirs, successors and assigns as true and accurate.

DATED this 19th day of December, 1984.

H/ Roger L. Williams
DISTRICT JUDGE

EXHIBIT A - STIPULATION TO PANCHERI OBJECTION
AMENDED PROPOSED FINDING OF WATER RIGHT

PAGE

SOURCE: DORA CREEK

TRIBUTARY TO: SAND CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3407	MACGREGOR LAND AND LIVESTOCK CO., INC. BOX 5128 BOISE, IDAHO 83705 REMARKS: 2 P/DS IN SWSW & 3 P/DS IN SESW S11. THIS RIGHT WHEN COMBINED WITH RIGHT 65-11411 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/1/1897	IRRIGATION	4/15 10/15	--- AFA 1.00 CFS	SWSW S11 T13N R 3E SESW S11 T13N R 3E	SWSW(11) SESW(39) S11 T13N R 3E *50*	BENEFICIAL USE

INDICATES TOTAL

FILE COPY

new 12-4698-
2-9

Right Number: 65-3407

Name and Address: MacGregor Land and Livestock Co., Inc.
Box 5128
Boise, Idaho 83705

Source: Dora Creek tributary to Sand Creek

Priority: 4/ 1/1897

Use: Irrigation

Use Period: 4/15 to 10/15

Maximum Amount: --- AFA

Maximum Rate: 1.00 CFS

Diversion Point: SWSW S11 T13N R 3E
SESW S11 T13N R 3E

Place of Use: SWSW(11) SESW(39)
S11 T13N R 3E
50

Basis of Right: Beneficial Use

Remarks: Two Points of Diversion in SWSW, SEC. 11,
T. 13N. R. 3E. 2 P/Ds from Dora Creek in
SWSW and 3 P/Ds in SESW S11. This right
when combined with right 65-11411 shall
provide no more than .02 CFS/acre.

01 WATER RIGHT NUMBER - 65-3407 02 OLD (D) NUMBER -

03001 - MACGREGOR LAND & LIVESTOCK CO. INC. 04001 - FIRST NAME 05001 - C ORIG. OWNER
06 ADD LINE 1 - P.O. BOX 5128 07 ADD LINE 2 -
08 ADD LINE 3 - 09 CITY - BOISE 10 STATE - ID 11 ZIP - 83705
12 STAGE - 0 DECREE 13 STATUS -
14001 - DORA CREEK 15001 - SAND CREEK TRIBUTARY OF
16 DIVERSION MEANS - 17 COUNTY - 85 VALLEY
18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - 1.000 20 TOTAL DIVERSION VOLUME - .00
21 WATER DISTRICT - 65

----- DIVERSION POINTS -----															
TRACT	SEC	TWN	RNG	LOT	RFLG	S T R E A M I N D E X F I E L D S									
22001 -	SWSW	23001 - 11	24001 - 13N	25001 - 03E	26001 -	27001 -									
				28001 -	0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0
22002 -	SESW	23002 - 11	24002 - 13N	25002 - 03E	26002 -	27002 -									
				28002 -	0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0

29 NON-IRRIGATION USE -

----- PLACE OF USE -----							
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT	
30001 - 01 IRRIGATION	31001 - 13N	32001 - 03E	33001 - 11	34001 - SWSW	35001 - 11	36001 -	
30002 - 01 IRRIGATION	31002 - 13N	32002 - 03E	33002 - 11	34002 - SESW	35002 - 39	36002 -	
							TOTAL ACRES: 50

----- WATER USE -----				
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0415	38001 - 1015	39001 - 01 IRRIGATION	40001 - 1.000	41001 - 0.00

42 DECREE PLAINTIFF NAME - STATE OF IDAHO

43 DECREE DEFENDANT NAME - A & C CORP., ET AL.

REMARKS
44001 - 2 P/D IN SWSW, S11, T13N, R3E AND
44002 - 3 P/D IN SESW, S11, T13N, R3E.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE - 65-11411

D A T E S		D A T E S		F L A G S	
47	PRIORITY - 1-APR-1897	55	LICENSE -	63	TRANSFER/AMENDED -
48	PROOF DUE -	56	APPL RECEIVED -	64	DLE/CAREY ACT -
49	PROOF MADE -	57	FIELD EXAM MADE -	65	FLAG_1 -
50	APPROVE/DENIED -	58	DECREE - 21-JAN-1986	66	FLAG_2 -
51	PROTESTED -	59	START WORK -	67	FLAG_3 -
52	HEARING -	60	ORDER SHOW CAUSE -		
53	VERIFIED - 1/06/87 <i>DF</i>	61	DATE_1 -		
54	LAST UPDATE - 23-DEC-1986	62	DATE_2 -		

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAEF

Date 10/07/83 10/25/83

Right No. 65-3407

Claimant MLL

Recommendation differs from claim: ☒ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☐ License

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☒ Decree. Name & date J. WORTHINGTON HARTLEY & HILLMAN et al
9/29/1937

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☒ Posted Notices, Water Locations Notices. ☐ In file. Boise Co. S.H. CANFIELD
HILL SITE & WATER RTS
BK 3, PAGE 58

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☒ A.S.C.S. Records. Year & Photograph No. 7/15/61 DHZ-288-32

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☒ Interview(s). Attach conversation memorandum.

☒ Other MLL ANSWER TO INTERROGATORIES IN PAUCHER DRI. FILE

☒ MAP IN 65-3419

Field Exam Made: ☒ Yes ☐ No Date _____ 60's-70's - AERIAL PHOTO FIELD WORK

☐ Adj. Report in file ☐ Beneficial Use Report in License (S.O.) File

Measurement _____ cfs. Amount recommended _____ cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. _____, _____, _____

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☒ Yes ☐ No

Remarks _____

MEMORANDUM

TO: 65-11411

FROM: Donald V. Shaff

DATE: October 26, 1983

SUBJECT: MacGregor Claim in Willow Creek

I returned Mr. Allen's earlier telephone call to discuss the circumstances involved in the October 20, 1983, letter. According to old records Allen reviewed involving Marsh, Caufield and others, MacGregor would be the successor to the last right on the creek or return flows.

He concluded a 1937 water right from Willow Creek for MacGregor would not be objectionable to him. I told him the Department would, therefore, involve him in the Pancheri objection no more.

DVS/cjk

MEMORANDUM

TO: 65-11411, 65-3407
FROM: Donald V. Shaff
DATE: October 25, 1983
SUBJECT: NEW CLAIM

Mr. Gordon MacGregor came into the office in response to the letter dated October 20, 1983, to E. K. Allen. MacGregor was sent a copy of Allen's letter.

MacGregor had a copy of the Caufield posted notice to support the priority of 1897. He said Daisy Miller and Dora House were available to testify to the continuous use of water despite the impact of the 1937 lawsuit Worthington v. Hillman.

In light of the minor utilization of Willow Creek, MacGregor was willing to concede to a 1937 date of priority for Willow Creek.

He was firm on the earlier priority date for Dora Creek. MacGregor reasoned that Davidson did not respond to the suit because none of the other parties to the suit, nor any water users to date, used any water from Dora Creek or Willow Creek after Dora Creek entered it. Davidson had no conflict with the other litigants.

An acceptable solution to me was for MacGregor to have separate water rights to Dora Creek and Willow Creek. MacGregor filed a new claim (65-11411) with a 1937 priority for Willow Creek water and was willing to leave Dora Creek by itself on 65-3407 with an 1897 priority. He was willing to recognize the Davidson default on Willow Creek.

DVS/cjk

October 20, 1983

Mr. E. K. (Pat) Allen
Cascade, ID 83611

RE: 65-3407 - Willow Creek Water Rights

Dear Mr. Allen:

The water rights of MacGregor Land and Livestock Co., Inc. were reviewed following an objection to the Proposed Finding in the Payette River Adjudication. The objection filed by the Pancheris was for the purpose of questioning the water rights south of the West Mountain Road served by Moores Creek and its tributaries and Brush Creek.

MacGregor claimed a water right with an 1897 date of priority from both Dora Creek and Willow Creek. The Proposed Finding recommended that MacGregor has a water right from Dora Creek with an 1897 priority. Any water right from Willow Creek was not included in the Proposed Finding. The latter was apparently in error.

Investigation of the Pancheris' objection showed MacGregor does divert water from Dora Creek and Willow Creek for the same lands. With the diversion from Willow Creek, MacGregor's 1897 claim conflicts with the decree of Worthington et al. versus Hillman et al., and would propose that a water right comes before your storage rights in Willow Lake and Shirts Lake decreed in the same 1937 action. Therefore, the Department is proposing this water right, 65-3407, has a priority date of 9/30/1937. The enclosed sheet details McGregor's water right from Dora Creek and Willow Creek as the Department is now prepared to forward to the court.

If you have any comments on this amendment to the Proposed Finding, please respond by November 1, 1983. After that date, a stipulation among the parties to the Pancheris objection will probably be signed and a Motion to Amend the Proposed Finding will be sent to the court. The Dora Creek and Willow Creek changes will be among the amendments unless you contact this office earlier.

Mr. E. K. Allen
October 20, 1983
Page 2

Thank you for assisting this office through the years in the
Payette River Adjudication.

Regards,

Donald V. Shaff
Adjudication Unit Leader

DVS/cjk
Enclosure

cc: Mr. Gordon MacGregor w/enc.
Mr. Morgan W. Richards, Jr. w/enc.

EXHIBIT B - STIPULATION TO PANCHERI OBJECTION
AMENDED PROPOSED FINDING OF WATER RIGHT

PAGE

SOURCE: SAND CREEK

TRIBUTARY TO: WILLOW CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3408	MACGREGOR LAND AND LIVESTOCK CO., INC. BOX 5128 BOISE, IDAHO 83705 REMARKS: SOURCES FOR THIS RIGHT ARE 2 P/DS IN NENW & 3 P/DS IN NWNW S14 FROM SAND CREEK TRIB. TO WILLOW CREEK & HOUSE CREEK. TRIB. TO NORTH FORK, MOORES CREEK.	4/ 1/1897	IRRIGATION	4/15 10/15	--- AFA .72 CFS	NWNW S14 T13N R 3E NENW S14 T13N R 3E SESW S14 T13N R 3E	NENW(38) NWNW(8) S14 T13N R 3E *46*	BENEFICIAL USE

SOURCE: WILLOW CREEK

TRIBUTARY TO: CASCADE RESERVOIR

65-3407	MACGREGOR LAND AND LIVESTOCK CO., INC. BOX 5128 BOISE, IDAHO 83705 REMARKS: SOURCES FOR THIS RIGHT ARE DORA CREEK TRIB. TO SAND CREEK & WILLOW CREEK TRIB. TO CASCADE RESERVOIR. 2 P/DS FROM DORA CREEK AND 1 P/D FROM WILLOW CREEK IN SWSW S11. 3 P/DS IN SESW S11 FROM DORA CREEK.	9/30/1937	IRRIGATION	4/15 10/15	--- AFA 1.00 CFS	SWSW S11 T13N R 3E SESW S11 T13N R 3E	SWSW(11) SESW(39) S11 T13N R 3E *50*	BENEFICIAL USE
---------	--	-----------	------------	------------	---------------------	--	--	-------------------

INDICATES TOTAL

October 20, 1983

Mr. Morgan W. Richards, Jr.
Moffatt, Thomas, Barrett & Blanton
P.O. Box 829
Boise, ID 83701

RE: 65-3407

Dear Mr. Richards:

The enclosed letter was sent to Pat Allen to solicit his comments on the pending change to the Proposed Finding that affects the water rights on Willow Creek.

If you have any questions about this matter, please feel free to contact me.

Regards,

Donald V. Shaff
Adjudication Unit Leader

DVS/cjk

Enclosure

October 20, 1983

Mr. Gordon MacGregor
MacGregor Land and Livestock Co., Inc.
Box 5128
Boise, ID 83705

RE: 65-3407

Dear Mr. MacGregor:

The enclosed letter was sent to Pat Allen to solicit his comments on the pending change to the Proposed Finding that affects the water rights on Willow Creek.

If you have any questions about this matter, please feel free to contact me.

Regards,

Donald V. Shaff
Adjudication Unit Leader

DVS/cjk

Enclosure

MEMO

TO: File No. 65-3407
FROM: Don Shaff
DATED: 6/07/83
SUBJ: Proposed Finding Corrections

Incorrectly the Proposed Finding did not show a diversion from Willow Creek for the irrigation of this land. Further the Proposed Finding failed to detail the sources of the diversions or the number of diversions in the water right listing.

The major change to this right is the priority date. Reference can be made to the Valley County lawsuit titled Thomas L. Worthington and W. Hartley v Lewis R. Hillmon, D. K. Allen (substituting for various parties) and William J. Davidson. The decree for this suit is recorded in Book 2 of Judgment Record page 389 of Valley County. My 7/28/83 memorandum in the Pancheri Objection folder suggested the priority date claimed on 65-3407 caused no conflict with earlier rights. This was correct only in so far as the flow right from Willow Creek. The later storage rights awarded in that decree were not considered. Those rights, their sources and priority dates are: 65-11232, Willow Lake, ~~2/07~~^{Shirts}/1929; 65-3110, ~~Search~~^{Shirts} Lake, ~~8/01~~^{8/01}/1931. Since Davidson was ruled in default in the action for failing to appear ~~in~~^{and} answer ~~to~~ the complaint and cross complaint, the any water right that he may have held would be subsequent to any water rights awarded in the decree. Therefore, the priority date for this water right 65-3407 should be advanced to the date after the decree or 9/30/1937.

This priority date change has the only effect of correcting the facts. The practical impact is negligible since this right will be the last flow right on Willow Creek. The storage rights are filled only during the non-irrigation season according to the directives of the decree.