

NOTICE OF ERROR
REPLY

RECEIVED

MAR 09 2007

DEPARTMENT OF
WATER RESOURCES

11/16/2006 RECEIVED

DEC 24 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4202

STEPHEN C MACKEY
2095 SEID CREEK RD
CAMBRIDGE ID 83610

change made
vmm

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Priority date should be 1906. acreage irrigated should be 53 AC.
with combined rights. Include fields around hse as per
11/29/06 meeting w/ Vicky.

2. Describe the changes you wish to make in the proposed recommendation:

Change priority date to 1906
Change total acreage irrig. to 53 AC
change fields irrigated to include fields around hse.

3. Give a brief explanation as to why you disagree with these portions:

See my letter of 11/30/06 + affidavits.

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/30/06

SIGNATURE:

Ruth Mackey

Please print your name:

RUTH MACKEY

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705. 2083342190

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DEC 04 2006
WATER RESOURCES
WESTERN REGION

November 30, 2006

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Attention: Vicky Music
Reference Claim # 67-4202

Vicky:

When Steve and I purchased Pine Grove Ranch from John and Ruth Mount, we purchased a ranch that had historically irrigated approximately 50+ acres. In an effort to clarify exactly what water rights we were entitled to and needed to file on with Idaho Water Resources, I contacted as many of the owners of this property as were still in the area and/or living. I, also, spent three (3) days at Water Resources going through the microfilm files to document what I could find. Following is what I was told.

I spoke with Alma Beigh (Deming) the summer of 1988. She told me her family moved to the property we now own in the early 1900's. She couldn't remember the exact year but she said she was about 2-3 years of age. Since she was 14 when they moved, in about 1924, that would be approximately 1910. She remembers playing in the ditch that carried water from "Milk Creek" onto their ranch to irrigate the fields around the house.

The Affidavit from Elmo Edwards states he owned the ranch above us (Pugh's) from 1928 until approx. 1945, that he was aware of the ditch that carried water across his ranch to our ranch (legal description puts ditch water to land owned by us) and that according to what he was told by "old timers" this ditch and diversions were first built in 1906.

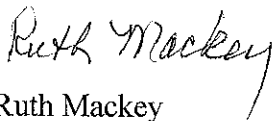
I spoke with Ellen Ford, wife of George Ford, in the summer of 1988. An affidavit had been taken from her husband George but he died before he could sign it. She basically gave me the same information that appears on this affidavit. They moved to the ranch we now own in 1930 and lived there until 1945 when they sold it to Melvin "Shorty" Richards. She stated they had more water coming down the "Milk Creek" ditch than they knew what to do with. They used this water each and every year they lived there and it irrigated approximately 50 acres of fields around the house. She said the ditch was an old ditch and had been in use for many years when they moved there. Georges' Affidavit states that this ditch and irrigation system had existed for many years before they moved to the ranch and that he had been told by the "old timers" that it was first built in 1906.

When I spoke with Melvin "Shorty" Richards, he told me he had irrigated all the fields around the house each year he lived there. At the time I spoke with him he wasn't sure of the exact acreage but stated it was at least 30 acres. On an earlier Affidavit, dated 1982, he stated he irrigated 50 to 60 acres. He told me this ditch was the main source of irrigation and stock water for the ranch. Until the 1970's or so, this was also the only domestic water to the ranch.

On November 29, 2006, I called Keith Ford, son of George and Ellen Ford, who lived on the ranch until he was 14 years of age. I asked him to confirm the above information to the best of his recollection. He stated that the ditch carrying water from Milk Creek and diverted water from Little Pine Creek had always been available and used on Pine Grove Ranch. This ditch was an old ditch when they moved there and that the 1906 date was probably correct.

From my interviews with Alma Beigh, Ellen Ford, "Shorty" Richards and John Mount, it is my belief that the 1906 date is correct and was generally accepted by these folks to be the date the ditch was built and put into use on our ranch.

Sincerely,

A handwritten signature in cursive script that reads "Ruth Mackey".

Ruth Mackey
Pine Grove Ranch
2095 Seid Creek Rd.
Cambridge, ID 83610

Music, Vicky

From: Ruth Mackey [heartland@ctcweb.net]
Sent: Thursday, November 30, 2006 1:52 PM
To: Music, Vicky
Subject: Information you requested on Mackey Ranch

Here is a scanned copy of my letter, affidavit by George Ford, bill for pipeline to carry our water from Little Pine, chain of ownership of our property, and water master report showing delivery of water to our ranch on water right #67-2141 for the year 1978. I don't know how much further back this goes. Couldn't find the old water master logs. I do know it is still this way on the water master report today. Hope this helps. Ruth

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