

**NOTICE OF ERROR
REPLY**

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: September 22, 2006

Water right number: 79-4099

KENNETH HURD

~~PO BOX 391~~

~~LUCILE ID 83542~~

~~Telephone Number:~~

NANCY JO HURD

PO BOX 391

LUCILE ID 83542

Telephone Number:

HC 69 Box 168A

RIGGINS ID 83549

(208) 628-3897

208 628-3103

as above

(208) 628-3897

RECEIVED

SEP 18 2006

IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
 a) property has been subdivided, I am new owner of 2.46 acres
 b) diversion amount of irrigation water is inadequate for above acreage.
2. Describe the changes you wish to make in the proposed recommendation:
 Please increase the diversion rate on WR 79-4099 to at least 0.5 cfs.
3. Give a brief explanation as to why you disagree with these portions:
 physical soil properties on this property (please see attachment) are basically a couple of inches of dirt over gravel, rock, and sand.

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

DATE: 9-13-06

SIGNATURE:

Michael D McGee

Please print your name:

Michael D. McGee

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

Physical Soil Properties

Idaho County Area, Idaho, Western Part

Map symbol and soil name	Depth	Sand	Silt	Clay	Moist bulk density	Saturated hydraulic conductivity	Available water capacity	Linear extensi- bility	Organic matter	Erosion factors			Wind erodi- bility group	Wind erodi- bility index
										Kw	Kf	T		
119: Typic Xerofluvents	In 0-10 10-60	Pct — —	Pct — —	Pct 0-1 0-1	g/cc 1.60-1.75 1.60-1.80	micro m/sec 42.00-141.00 141.00	In/in 0.01-0.02 0.01-0.03	Pct 0.0-2.9 0.0-2.9	Pct 0.0-0.5 0.0-0.5	.02 .02	.20 .28	5 5	8 8	0 0

Greg:

Soil properties and aerial photograph of
Lucile are provided by USDA in Ganseville

Map Unit Description (Brief)

Idaho County Area, Idaho, Western Part

[Only those map units that have entries for the selected non-technical description categories are included in this report]

Map Unit: 119 Typic Xerofluvents, cobbly

Description Category: SOI

Symbol: 119

Map Unit Name: Typic Xerofluvents, cobbly

Composition:

Soil : 100 percent Typic Xerofluvents, cobbly; slopes are generally less than 20 percent but are as much as 40 percent on fans at the mouth of drainageways

Setting:

Position on Landscape: on low terraces and flood plains along stream channels

Typical Profile:

Mainly mixed, stratified, unconsolidated, recent alluvium and colluvium from various sources. The material is a varied mixture of sand, gravel, and cobbles and some fine material.

Capability: 7s



~~E 79-4098 (water)~~

79-4099

- Salmon River

T25N R01E
Section(s) 2

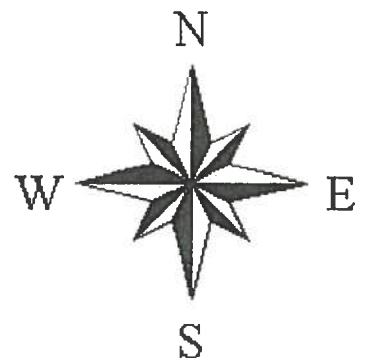
yellowed section
represents property
(2.46 acres) owned
by Michael McGee



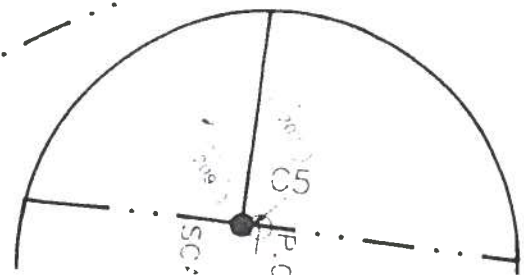
0.09 0 0.09 0.18 Miles

Place of Use

⊙ Point of Diversion



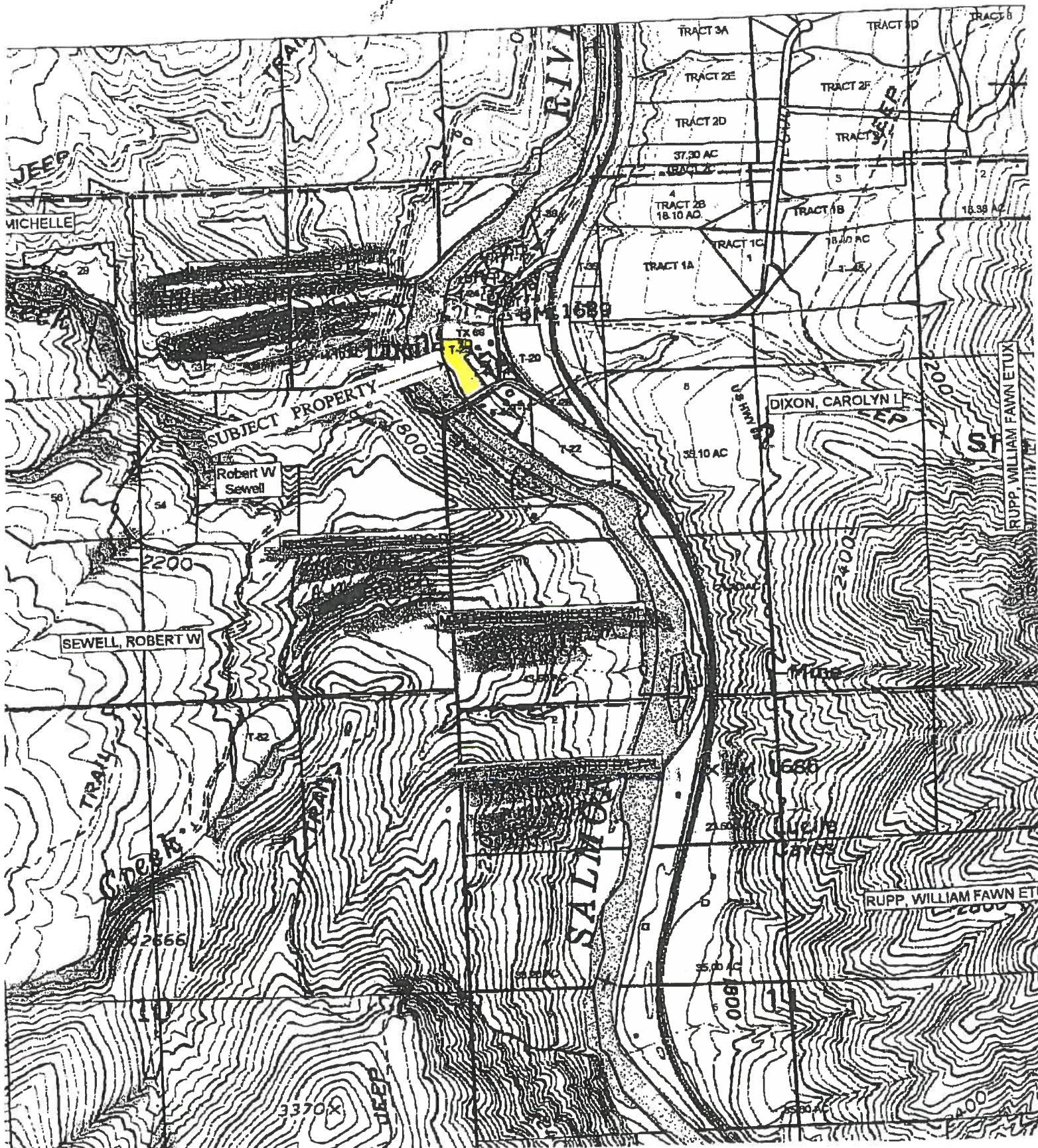
Layout prepared on April 3, 2006
By Greg Taylor
Idaho Department of Water Resources



500 - 3 - 1000

THIS PLAT IS MADE SOLELY FOR THE PURPOSE
OF ASSISTING IN LOCATING THE LAND AND THE
COMPANY ASSUMES NO LIABILITY FOR VARIA-
TIONS, IF ANY, WITH AN ACTUAL SURVEY.

T25N F
R1E



442746

WARRANTY DEED

THIS INDENTURE, made on this 19th day of July, 2005, by KENNY HURD and NANCY

JO HURD, husband and wife, of P.O. Box 391, Lucile, ID 83542, hereinafter referred to as the Grantors, and MICHAEL McGEE, a single man, of 1301 Samson Trail, McCall, ID 83638, hereinafter referred to as the Grantee.

WITNESSETH:

That, the said Grantors, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, for and in consideration of the Grantee's participation in a Section 1031 Exchange pursuant to the terms of the Internal Revenue Code, and other good and valuable considerations to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the said Grantee, his heirs and assigns forever, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, attached hereto and hereby incorporated by this reference.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, his heirs and assigns forever.

And the said Grantors, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said Grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents they were well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments and encumbrances of whatever kind or nature whatsoever,

EXCEPT:

- a) General taxes for the year 2005, which are a lien, not yet due and payable.

WARRANTY DEED

1

STATE of IDAHO County of Idaho Recorded at request of <u>Idaho County Title</u> at <u>3:10 P.m</u> on <u>7-22-05</u> by <u>ROSE E. GEHRING</u> Recorder Fee \$ <u>9.00</u> Deputy <u>un 1/264</u>
--

- b) Utility easements as the same now exist.
- c) Rights and easements in favor of the public for recreational uses of the Salmon River.
- d) Any claim arising from the difference in mean high water line of Salmon River and the meander line as shown by Government Survey or the State of Idaho.
- e) County roads as the same now exist.
- f) Matters as shown on Survey No. S-845, recorded July 7, 1993, under Instrument No. 369354; Survey No. S-1523, recorded July 27, 1998, under Instrument No. 401128; all records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantee, his heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That, this deed is given by Grantors to Grantee, not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantee to Grantors.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

Kenny Hurd
KENNY HURD

Nancy Jo Hurd
NANCY JO HURD

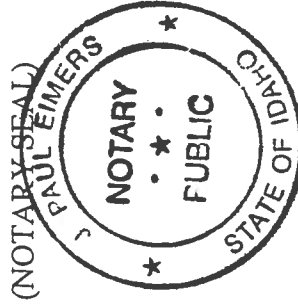
STATE OF IDAHO)

ss

County of Idaho)

On this 19th day of July, 2005, before me, a Notary Public, in and for said County and State, personally appeared, KENNY HURD and NANCY JO HURD, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they freely executed the same.

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



Paul Eimers
Notary Public for the State of Idaho,
Residing at Carroll, NC, therein.
My commission expires 6-24-2011.

WARRANTY DEED

SCHEDULE C

Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 2: A parcel of land located within Government Lot 5, more particularly described from a survey as follows:

Beginning at the B.C. section corner between Sections 2 and 3, said Township and Range and Section 35 Township 26 North Range 1 East, B.M.; thence S 89°54'10" E, 1350.028 feet along the line between Sections 2 and 35 to the Northeast corner of Government Lot 5; thence S 00°21'14" E, 1260.201 feet along the East line of Government Lot 5 to a B.C. monument; thence S 62°15'55" W, 1020.620 feet to a found property pin on the North R.O.W. line of Cow Creek Road; thence S 62°16'46" W, 100.317 feet along the North R.O.W. line of Cow Creek Road to the initial point of beginning; thence S 62°16'46" W, 201.559 feet along said R.O.W. line to a point on the easterly meander line of the Salmon River; thence N 48°04'36" W, 99.053 feet along said meander line; thence N 15°04'05" W, 476.266 feet to a common property corner; thence S 83°59'46" E, 266.000 feet to a set 5/8" property pin; thence S 04°32'57" E, 100.835 feet; thence S 57°21'22" W, 75.000 feet; thence S 32°17'38" E, 311.740 feet back to the initial point of beginning.

Said Parcel is 2.46 acres

04/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 79-4099

NAME AND ADDRESS: KENNETH HURD
PO BOX 391
LUCILE ID 83542

NANCY JO HURD
PO BOX 391
LUCILE ID 83542

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.150 CFS

PRIORITY DATE: 05/01/1962

POINT OF DIVERSION:

T25N R01E S2 SWNW Lot 5 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	0.150 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T25N R01E S02 Lot 5 SWNW 5.00

5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

79-4099

**T25N R01E
Section(s) 2**



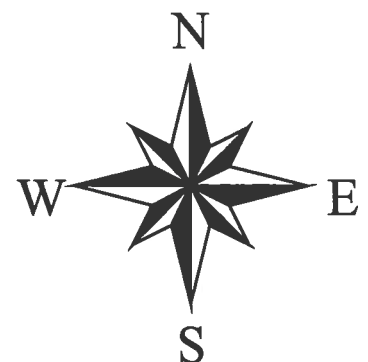
0.09 0 0.09 0.18 Miles



Place of Use



Point of Diversion



**Layout prepared on April 3, 2006
By Greg Taylor
Idaho Department of Water Resources**

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: A79-04099
Date Received: 6/20/1988
Receipt No: C001445
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH HURD 208-628-3897
Address: P.O. BOX 391
LUCILE, ID 83542

OR

Name: NANCY JO HURD 208-628-3897
Address: P.O. BOX 391
LUCILE, ID 83542

2. Date of Priority: MAY 01, 1962

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
25N	01E	2	SW	SW	NW	5	IDAHO

5. Description of diverting works:

CENRIFUGAL PUMP WITH SUCTION HOSE AND PIPE IN RIVER, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.220		

7. Total Quantity Appropriated is:

0.220 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A79-04099

Page 1

Date: 06/20/88

MICROFILMED

OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
25N	01E	2	SW	NW	5	IRR	5.0
Section Acres							5.0
Total Acres							5.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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.

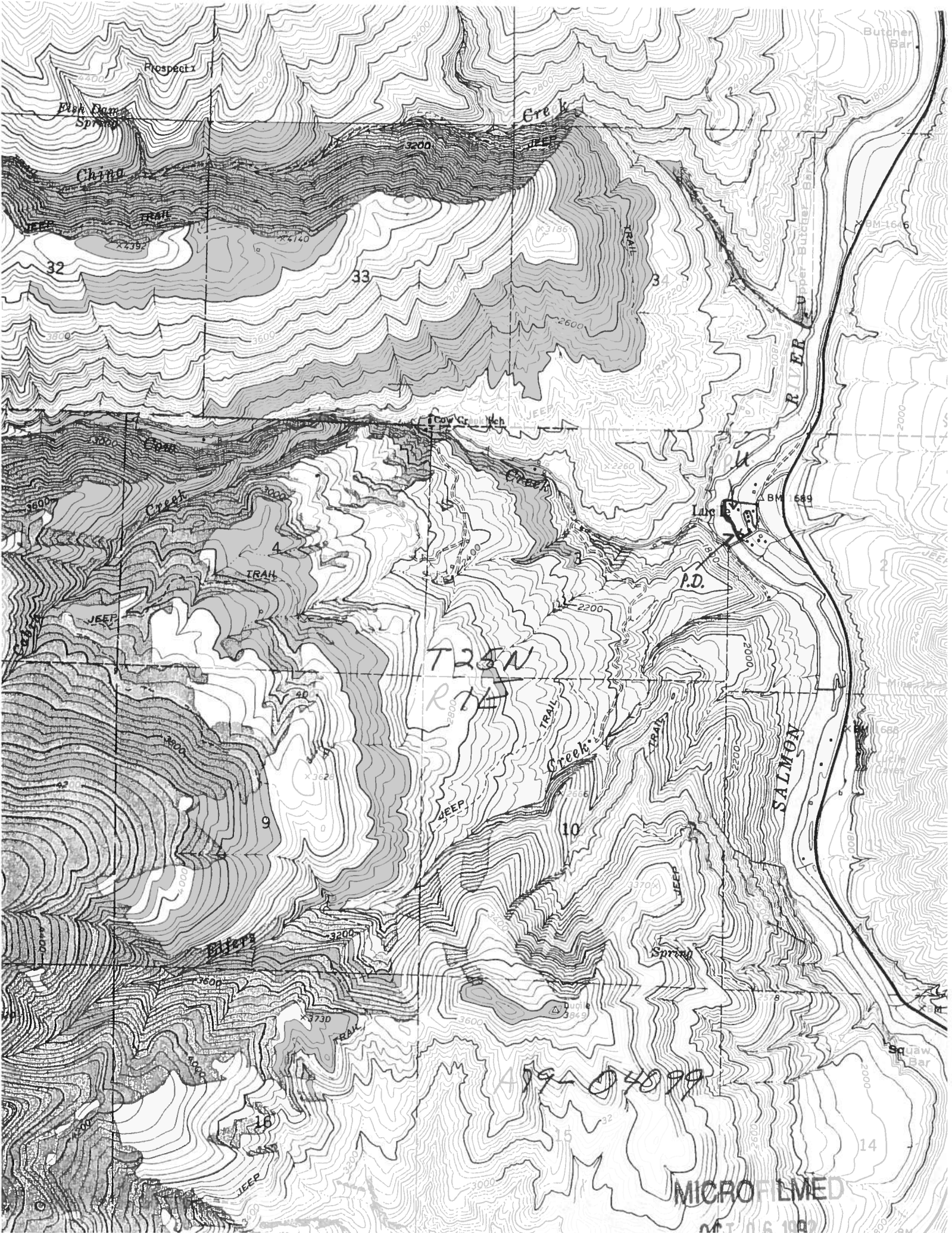
Signature of Claimant(s): Kenneth Hurd Date: 20 June 1988
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of June 19 88 Antero Fritschle
Notary Public

Seal.

Residing at Eagle, Id
My Commission Expires 3-21-94



T25N
R14

499-04099

MICROFILMED

NOV 1961