

Change in Ownership

08/18/2006

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: 79-4098

Previous owners {
NANCY JO HURD
~~PO BOX 391 HC69 Box 168 A~~
~~LUCILE ID 83542 R199105, ID 83549~~
Telephone Number: (208) ~~628-3897~~

KENNETH HURD
~~PO BOX 391~~ as above
~~LUCILE ID 83542~~
Telephone Number: (208) 628-3897

Current owner, as of 7/19/06:

Michael D. McGee
1301 S. Samson Trail
McCall, ID 83638
208 634-2534
208 628-

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

Change in Ownership

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

Property was subdivided

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

mm ✓

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

MICHAEL D MCGEE
PH. 208-634-2534
1301 S SAMSON TRL.
MC CALL, ID 83638-5142

92-372/1231
153300575872

4033

DATE 9-13-06

08/18/2006

PAY TO THE
ORDER OF

Idaho Department of Water Resources \$ 100.⁰⁰

One hundred and 00/100

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Included
Details on Back.



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MEMO

WR # 79-4099

Michael D McGee

MP

~~LUCILE ID 83542~~ RIGGINS ID 83549
~~Telephone Number: (208) 628-3897~~

NANCY JO HURD 208 628-3103
PO BOX 391
LUCILE ID 83542 as above
Telephone Number: (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

10/15/2006

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

RIGHT NUMBER: 79-4098

NAME AND ADDRESS: MICHAEL D MC GEE
1301 S SAMSON TRAIL
MC CALL ID 83638

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1950

POINT OF DIVERSION:

T25N R01E S2 SWNW Lot 5 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

T25N R01E S02 Lot 5 SWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Dr. Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

FAX: (208) 762-2819

www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 19, 2006

Michael D. McGee
1301 S Samson Trail
McCall ID 83638

Re: Change in Ownership for 79-4098 & 79-4099

Dear Mr. McGee:

We are returning your two checks numbered 4033 and 4034. There are no fees to change the ownership of a water right that is pending in a general adjudication. Your rights are still pending because they have not yet been decreed by the SRBA Court.

We will make the necessary changes and send copies when they are completed. Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory Taylor', written over a horizontal line.

Gregory Taylor
Sr. Water Resource Agent

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	79-4099	☒			
	79-4098	☒			

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Kenneth Hurd and Nancy Jo Hurd
~~PO Box 391 Lucite, ID 83542~~ HC 69 Box 168A
R199AS, ID 83541

4. New Owner/Claimant(s)

Michael D McGee

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1301 S. Samson Trail

City, State and ZIP Code

McCall, ID 83638

New Telephone Number

(208) 634-2534 or (208) 628-3965 (Lucite)

5. Date you acquired the property

7-19-2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>79-4099</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.150 cfs</u>	<u>2.46 acres, 1 home</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.150 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s) Michael D. McGee
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

MICHAEL D MCGEE
PH. 208-634-2534
1301 S SAMSON TRAIL
MC CALL, ID 83638-5142

92-372/1231
153300575872

4034

DATE 9-13-06

PAY TO THE
ORDER OF

Idaho Dept. of Water Resources

\$ 25.00

Twenty Five and 00/100

DOLLARS

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Michael D McGee

MP

anged. List just the
by checking in the
right in which case

MEMO

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>79-4099</u>	<u>Y</u>			
	<u>79-4098</u>	<u>N</u>			

The following REQUIRED information must be submitted with this form:

A. The appropriate FILING FEE. See instructions for fee amounts.

B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

Name and Address of Former
Owner/Claimant(s)

Kenneth Hurd and Nancy Jo Hurd

~~PO Box 391 Lucite, ID 83542~~

HC69 Box 168A
R19905, ID 83549

New Owner/Claimant(s)

Michael D McGee

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

1301 S. Samson Trail

City, State and ZIP Code

McCall, ID 83638

New Telephone Number

(208) 634-2534 or (208) 628-3965 (Lucite)

Date you acquired the property

7-19-2005

04/03/2006

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

RIGHT NUMBER: 79-4098
NAME AND ADDRESS: NANCY JO HURD
PO BOX 391
LUCILE ID 83542

KENNETH HURD
PO BOX 391
LUCILE ID 83542

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
6.600 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1950

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>
DOMESTIC	01/01 12/31	0.150 CFS 6.60 AFY

PLACE OF USE: DOMESTIC Within IDAHO County
T25N R01E S02 Lot 5 SWNW

1 Home

*.04 cfs
per Mr. McGee*

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

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: A79-04098
Date Received: 6/20/1988
Receipt No: C001445
Received By: CT

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: JUN 01, 1950

3. Source: GROUNDWATER Trib. to:

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:

6" CASED WELL, 87' DEEP, JET PUMP. (PUMP WILL BE REPLACED)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.240		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC/ 11, 1 HOUSE AND 10 TRAILER SPACES.

10. Place of Use:

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

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:
NONE

14. Remarks:

CLAIMANT PLANS TO REPLACE JET PUMP WITH A SUBMERSIBLE PUMP.

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 ☒ 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): Kenneth Hurd Date: 20 June 1988
Date: _____

State of Idaho)
County of Ada) SS.

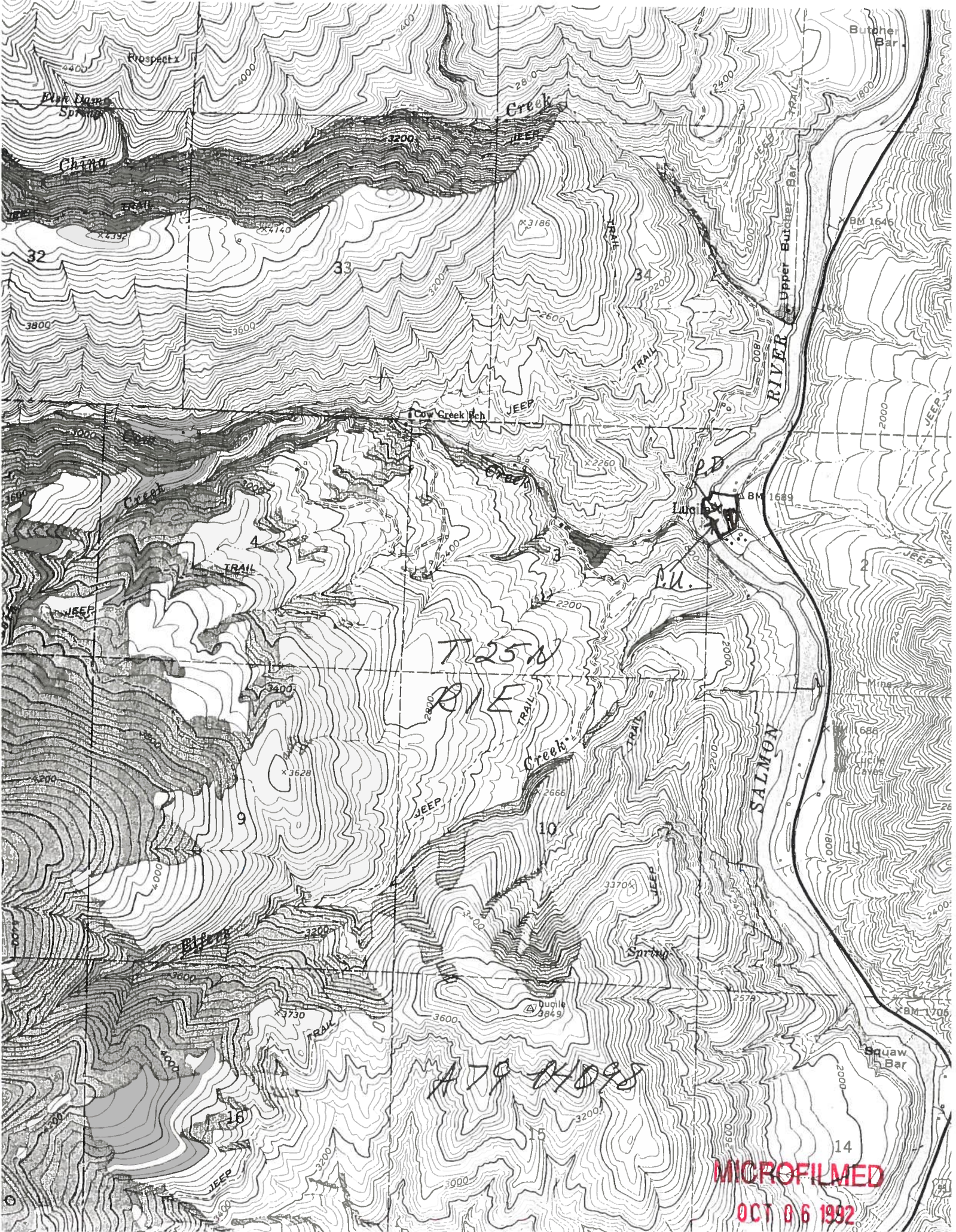
Subscribed and sworn (or affirmed) before me this 20th day

of June 19 88

Seal

Carter Fritschle
Notary Public

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



MICROFILMED
OCT 06 1992

79-4098

T25N R01E
Section(s) 2



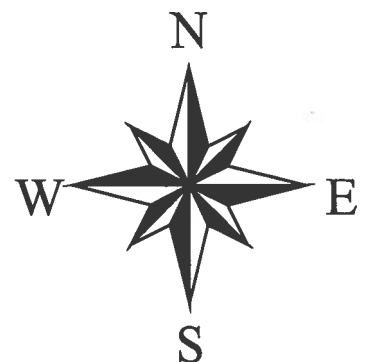
0.09 0 0.09 0.18 Miles



Place of Use



Point of Diversion



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