



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 31, 2006

4M FARMS TRUST
STUART W MACKAY
PO BOX 493
WEISER ID 83672

RESPONSE DEADLINE
APRIL 14, 2006

RE: Snake River Basin Adjudication (SRBA)
Notice of Change in Water Right Ownership – #3-2001C

Dear Mr. Mackay:

I apologize for the inconvenience and delay you have experienced in changing the ownership of your water rights. I have one piece of information that I am still in need of in order to process the ownership change for 3-2001C. The deed that you previously provided only covers the land that is covered by right 3-2001B. If you wish to change ownership of 3-2001C from Stuart and Marsha Mackay to 4M Farms, please submit the legal description of this property along with deeds if the property was conveyed into the name of the trust. The following Sunnyside Orchard Tract numbers describe the area of covered by right 3-2001C: 49-55, 72-77, and 81-82. The enclosed map may be helpful in locating the property.

We have all the needed information to process the ownership change for 3-2001B. When all the information has been supplied for 3-2001C, the ownership for both water rights will be changed and we will send you a letter for your files indicating the change.

Please call our toll free number 1-800-451-4129 if you have any questions. You may reach me directly at (208) 287-4918.

Sincerely,

Jennifer Dean, EIT
Adjudication Technical Section

Enclosure:
Map of 3-2001C



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 23, 2005

RECEIVED
SEP 09 2005
Department of Water Resources

STUART MACKAY
PO BOX 493
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Incomplete Notice of Change in Water Right Ownership
Notice of Claim to a Water Right #3-2001B
and
Change in Address of Notice of Claim #3-2001C

Dear Mr. Mackay:

We are in receipt of the documents referenced above. I have changed the address only on Notice of Claim #3-2001C and enclosed a copy for your file. Although you wrote three names on this document, this is not an ownership change form. However, you may add this claim number to your ownership change form if you wish.

We are returning the incomplete Notice of Change in Water Right Ownership you submitted for your property in Washington County. Before this ownership change can be processed, we need your assistance.

Signatures are required. The Name Connector was left blank at Item 4. Please either have each of the owners sign at the bottom of page 1 (where there's room) or have one person sign and circle "or" or "and/or" as the name connector. Please line through the printed names at Item 7.

Please submit a complete copy of the 4M Farms Trust, including the date it was recorded and the signatures of the Trustees.

Please submit a complete copy of "Exhibit A" to the Quitclaim Deed.

If you have any questions, please call me at 1/800-451-4129.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

ss:region

Enclosure:

Incomplete Notice of Change in Water Right Ownership
Computer-generated Copy of Notice of Claim #3-2001C

QUITCLAIM DEED

For Value Received,

Elizabeth Mackay, dealing with her sole and separate property,
does hereby convey, release, remise and forever quit claim unto

Elizabeth Mackay as Personal Representative of the Steven B. Mackay Estate, ~~as her sole and separate property,~~ *Em,*

whose current address is

5490 South Portside Way
Taylorsville, Utah 84123

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

together with their appurtenances, to hold as his sole and separate property in accordance with the recitals set forth above.

Dated: 9-27-95

Elizabeth Mackay
Elizabeth Mackay

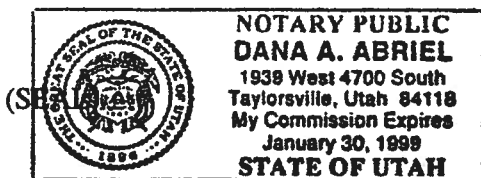
STATE OF IDAHO)

:SS

County of SLC)

On this 27TH day of SEPTEMBER, 1995, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **ELIZABETH MACKAY**, known to me to be the person who executed the within instrument and acknowledged to me that she 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.



Dana A. Abriel
NOTARY PUBLIC FOR ~~IDAHO~~ UTAH
Residing at: 1939 W 4700 SO, TAYLORSVILLE
My commission expires: 1-30-99

PARCEL E

Est. of Steven B. Mackay, deceased, and Elizabeth C. Mackay, undivided 1/2 interest and Stephen Wayne Mackay, an undivided interest

Lots 4, 5, 6, 24, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 of Sunnyside Orchard Tract according to the Official Plat thereof on file in the office of the County Recorder of Washington County, Idaho, and being situated in portions of Section 17 and 20, Township 10 North, Range 5 West of the Boise Meridian, SAVE AND EXCEPT all that portion conveyed to the City of Weiser in Deed recorded March 30, 1990 as Instrument No. 149042, Official Records.

and FURTHER EXCEPTING the following:

A parcel of land situated within Lot 5 (within NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 10 North, Range 5 West, Boise Meridian) of Sunnyside Orchard Tract, as the same is shown on the official plat thereof on file in the office of the County Recorder of Washington County, Idaho, which parcel of land is more particularly described as follows:

**Beginning at the northeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 10 North, Range 5 West, Boise Meridian;
Thence South a distance of 20.00 feet along the East line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;**

Thence N 89°54'40" W - 30.00 feet to the northeast corner of Lot 5 of Sunnyside Orchard Tract, which point is the TRUE POINT OF BEGINNING, and which point is on the west right-of-way line of an existing County Road known as River Dock Road and on the south right-of-way line of an existing County Road known as Hansen Road;

Thence N. 89°54'40" W. 280.00 feet along the North boundary of said Lot 5 and the south right-of-way line of Hansen Road;

Thence South, parallel to the east boundary of said Lot 5, a distance of 155.57 feet;

Thence S. 89°54'40" E, parallel to the north boundary of said Lot 5, a distance of 280.00 feet to a point on the west right-of-way line of River Dock Road;

Thence North a distance of 155.57 feet along the east boundary of said Lot 5 and the west right-of-way line of River Dock Road to the TRUE POINT OF BEGINNING.

EXHIBIT

A

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 3-2001C

Previous Mailing Address: RT #3
WEISER ID 83672

New Mailing Address: Box 493
WEISER IDAHO 83672

Telephone Number: 208) 549-2019

Signature of all Claimant(s): 4 M FARMS (TRUST)
Please print your name below your signature.

JEFF MACKAY SPURST MACKAY And or
ERIN MACKAY Brown Kelley Mackay
Springer

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

*address only changed
8-23-05*

SCANNED
AUG 23 2005

SS
ADDRESS FM.doc
Revised 12/3/04

IDWR Use Only:
Data Entry: _____

SCANNED
AUG 17 2005

Date: _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 10, 2005

3-2001B AND 3-2001C
STUART AND MARSHA MACKAY
1680 CRYSTAL LN
WEISER ID 83672

RESPONSE DEADLINE
September 9, 2005

Re: Changes of Ownership and Address, Accomplished Transfer of Point of Diversion

Dear Claimants:

The Notices of Claim to a Water Right (claims) identified with the numbers shown above your names have been filed in the Snake River Basin Adjudication (SRBA). We have reason to believe you may be the owner of some or all of the lands covered by 3-2001B. In addition, the address we have on file for 3-2001C (RT #3 Weiser) appears to have changed. All claimants and owners of water rights are required (42-248 and 42-1409(6), Idaho Code) to notify the Idaho Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right.

Also, during our review we found that the claimed point of diversion for 3-2001C differs from that which was licensed. The licensed point of diversion is in T10N, R05W, Section 20 (NWNENE). The claim indicates the point of diversion is in T10N, R05W, Section 17 (SWSWSE). Idaho Statute (IC 42-1425) allows IDWR to recommend a change in point of diversion as an accomplished transfer if that change took place prior to the commencement of the SRBA, November 19, 1987. Changes that occurred after that date require a formal transfer application filed with the IDWR Water Allocations Bureau.

At this time, without evidence that the change took place prior to the commencement of the SRBA, the right will be recommended as licensed. If you disagree with this assessment, please provide evidence of when the location of the point of diversion changed and submit it to this office by September 9, 2005.

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

Enclosed please find the Address and Ownership change forms and filing instructions, and copies of the claims. Please complete the forms and return them, together with the additional required information, in the envelope provided before September 9, 2005. If you should decide to return the materials in a different mailer, please be sure to write "ATTN: SRBA claim numbers 3-2001B and 3-2001C" on the front of the mailer.

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

Steve Robischon
Adjudication Technical Support Section

Enclosures

SCANNED
AUG 10 2005

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-02001C

Date: 11-07-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	10N	5W	17									27			5		20	14		66
GIS													36	6	2		19	13		68
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 66

Overlapping FOU Claim #'s:

Total GIS Acres: 68

COMMENTS:

There is no ownership data available in county data.
 Claim map was not clear; Estimated pou in conjunction
 with 03-02001B + 03-04005.
 POD per claim map.

Idaho Department of Water Resources

Claim Number: 03-02001C
Legal: T10N, R05W, S17
Reviewed By:

Pump info:

15 h.p.

Parma #13858-15 date: 1995
w/ a 10 inch discharge pipe

M.M. 8/10/05

pump info taken during July 2005
field exam

es is



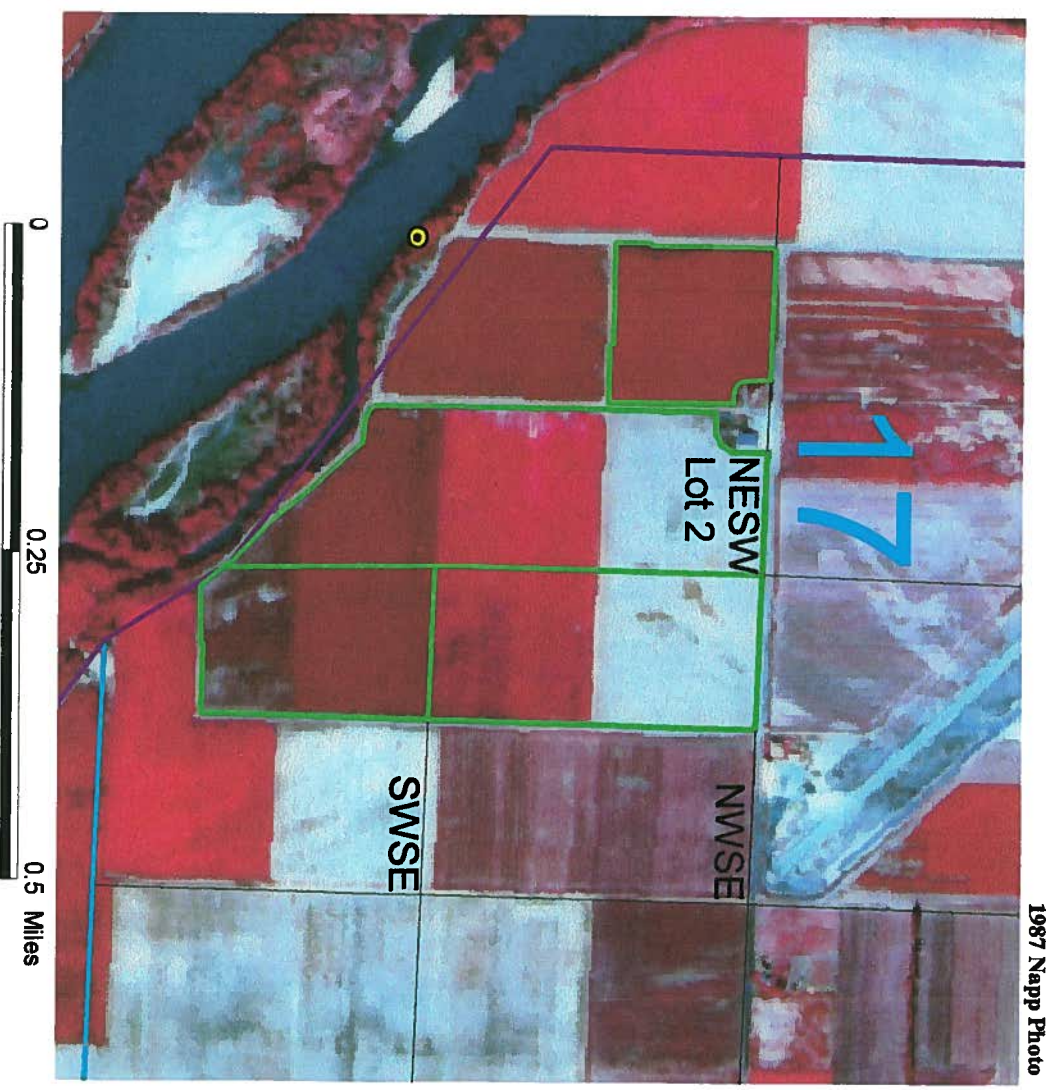
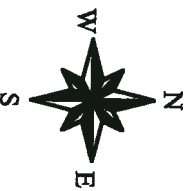
1987 Napp Photo

to be pump - not part of 2001 licensed pump

Idaho Department of Water Resources

Claim Number: 03-02001C
Legal: T10N, R05W, S17
Reviewed By:

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Township/Range Lines



116-00
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: A03-02001C
Date Received: 10/10/1989
Receipt No: W006270
Received By: _____

RECEIVED
OCT 16 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STUART W. MACKAY 208-549-2019
Address: RT #3
WEISER, ID 83672

OR
Name: MARSHA MACKAY 208-549-2019
Address: RT. #3
WEISER, ID 83672

2. Date of Priority: JAN 15, 1907

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	05W	17	SW	SW	SE		WASHINGTON

5. Description of diverting works:
PUMP, PIPELINE TO GRAVITY IRRIGATION SYSTEM, 15 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.320		

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

8. Total consumptive use is 231.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A03-02001C

Page 1

Date: 10/11/89

MICROFILMED

AUG 10 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	17	NE	SW		IRR	27.0
			SE	SW		IRR	5.0
			NW	SE		IRR	20.0
			SW	SE		IRR	14.0
						Section Acres	66.0
						Total Acres	66.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT IS CLAIMED AS A SPLIT OF THE OLD LICENSE ISSUED WITH A 1907 PRIORITY FOR THE PORTION OF THE LANDS ORIGINALLY HELD BY THE SUNNYSIDE ORCHARD CO. WHICH THE CLAIMANT NOW OWNS. THE LICENSE WAS ISSUED AT THE DIVERSION RATE OF ONE INCH TO THE ACRE WHICH IS BEING CLAIMED HERE.

15. Basis of Claim: LICENSE
Water Right Number: 2516

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): Marsha Macbay Date: 10-12-89

Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of October 19 89

James L. Saito
Notary Public

Seal

Residing at Keiser Idaho
My Commission Expires 11-29-94

Patch
Island

SWAKE

P

P.D.
P.I.
141

6

AUG