

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | TOM MCCLELLAN  | 04/26/1983       | DOMESTIC  | 01-01 12-31           | 0.09 CFS          |                     |
| TOTAL DIVERSION: |                |                  |           |                       | 0.09 CFS          |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T10S R24E S01

SWNE

CASSIA County

Place of use Legal Description for: DOMESTIC

| NE   |     |      |      | NW   |    |      |    | SW   |    |      |    | SE   |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |  |
|------|-----|------|------|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|--|
| NENE |     | NWNE |      | SWNE |    | SENE |    | NENW |    | NWNW |    | SWNW |    | SENW |    | NESW |    | NWSW |    | SWSW |    | SESW |    | NESE |    | NWSE |    | SWSE |    | SESE |  |
| T    | R   | S    | : Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   |  |
| 10S  | 24E | 1    | :    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |  |
|      |     |      | :    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |  |

POU County: CASSIA

Non-Irrigation Uses: 1 HOME

Other Rights: 45-07533 SAME WELL.

## Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

OK

2/9/98

Remarks: EXP PARCEL NO. RPT10SR24E011350A

Dates: Exam Made Date: Verified Date: 12/03/1997 Objection Filed Date:

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

AJ0749NP  
No. R45-12609

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

DATE: 12/03/97  
PAGE: 1

=====

| OWNER<br>CODE | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------|------------------|-----------|-----------------------|-------------------|---------------------|
|---------------|----------------|------------------|-----------|-----------------------|-------------------|---------------------|

-----

|                  |                                                  |            |          |             |          |  |
|------------------|--------------------------------------------------|------------|----------|-------------|----------|--|
| C                | TOM MCCLELLAN<br>RT 1 BOX 400<br>RUPERT ID 83350 | 04/26/1983 | DOMESTIC | 01-01 12-31 | 0.09 CFS |  |
| TOTAL DIVERSION: |                                                  |            |          |             | 0.09 CFS |  |

Water Source: GROUNDWATER      Tributary to:

Point(s) of Diversion:      T10S R24E S01      SWNE      Stage: BENEFICIAL USE

Place of use Legal Description for: DOMESTIC      CASSIA County

|           | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |
|-----------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| T R S     | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |
| 10S 24E 1 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    |
|           | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    |

POU County: CASSIA

Non-Irrigation Uses: 1 HOME

Other Rights: 45-07533 SAME WELL.

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RPT10SR24E011350A

Dates:      Exam Made Date:      Verified Date: 12/03/1997      Objection Filed Date:

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

Audit: 12/03/97 SSHERMAN

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-20-1997  
PAGE: A-284

Rec'd 5016885  
25.2

RIGHT NUMBER: 45-12609

NAME & ADDRESS: TOM MCCLELLAN

~~RT 1 BOX 400~~

~~RUPERT ID 83350~~

376 Porley Ln.  
Declo ID 83323

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS

PRIORITY DATE: 04/26/1983

POINT OF DIVERSION: RPT10S R24E S01 350

SWNE

Within CASSIA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

DOMESTIC DOMESTIC/ 1 HOME

PERIOD OF USE

01-01 12-31

QUANTITY

0.09 CFS

PLACE OF USE:

DOMESTIC

T10S R24E S01

Within CASSIA County

SWNE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

only w/R

Verified by AS Date: 9-23-97

Verification Source: CR



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

October 8, 1997

KARL J. DREHER  
DIRECTOR

TOM MC CLELLAN  
376 PERLEY LN  
DECLO ID 83323

*12-3-97 @ response. My letter not returned  
by P.O., tho.*

Re: Snake River Basin Adjudication (SRBA)  
Notice of Claim #A45-12609  
Change of Address

Dear Claimant:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

\_\_\_\_\_  
Claimant Signature

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 45-12609

NAME AND ADDRESS: TOM MCCLELLAN  
RT 1 BOX 400  
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS

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

PRIORITY DATE: 04/26/1983

POINT OF DIVERSION: T10S R24E S01 SWNE Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE  | QUANTITY |
|-------------------------------|-----------------|----------------|----------|
|                               | Domestic 1 HOME | 01-01 TO 12-31 | 0.09 CFS |

PLACE OF USE: Domestic T10S R24E S01 SWNE Within Cassia County

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.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
Daniel C. Hurlbutt, JR.  
Presiding Judge  
Snake River Basin Adjudication

## **Congratulations** **Here's your** **decreed water right!**

*You have received your partial decree of water rights in the Snake River Basin Adjudication (SRBA) with this brochure. The partial decree is the SRBA Court's official decision on your water right based on the claim to a water right you submitted.*

*The term "Partial Decree" simply means your water right represents only a small portion of the future SRBA decree. This partial decree is final; however, you may have the opportunity to correct errors and the right to an appeal.*

*This brochure is designed to help answer questions you may have about your water right and to provide a way to get more information or to have your questions answered.*

## **Commonly Asked Questions**

### **1. Do I need to do something?**

Yes. Carefully check your partial decree to make sure all the information is correct. If there are errors, immediately call the Idaho Department of Water Resources (IDWR) to discuss the problem. You may need to request a change form. In some instances the correction can only be made by the SRBA Court. If so you will need to contact the court or approach an attorney to assist you. The phone numbers are on the back of this brochure.

*If the partial decree correctly describes your water right, you do not need to do anything more. However, be sure to keep IDWR notified of any changes in ownership for all your water rights.*

### **2. This is a copy of the partial decree for my water right. Where is the original?**

The original partial decree for your water right will be retained by the Snake River Basin Adjudication

(SRBA) Court, and a certified copy will be permanently archived at IDWR. Copies are available upon request.

### **3. When will the SRBA be completed so my partial decree becomes part of the final decree?**

The final decree will be issued at the end of the case when all water rights have been reviewed and disputes resolved. The SRBA Court and IDWR are moving forward as quickly as possible. This is a large, complex case with many legal and technical problems to resolve.

We anticipate that finalization of the process will require many more years of hard work. In the meantime, your partial decree represents a completion of the effort to decree your individual water right, and if you are not advised otherwise you can consider this process complete.

### **A Very Important Reminder**

While the SRBA continues, the law requires that you notify IDWR if there are any name or address changes. If the property to which the right applies changes hands, please file a change of ownership with the form obtained from an IDWR office. Failure to file an ownership change may result in your right not being included in the final decree at the end of the case, a penalty of up to \$100 and restrictions on water use.

**Please  
Carefully Review  
Your Partial Decree**

Carefully read and check all items to make sure they are accurate, such as:

1. Name and Address
2. Water Source
3. Date of Priority
4. Point of Diversion
5. Place of Use
6. Nature of Use

**If You Find An Error  
Or Something That Needs  
To Be Corrected**

Immediately call the IDWR Regional Office that handles your basin. The telephone numbers are on the back panel of this brochure. Your basin is designated as the first two digits of your water right.

If an administrative change is needed the proper form will be mailed to you upon your request. Complete and return the form to the IDWR Regional Office that handles your basin.

Cards associated with this publication are available from the Idaho Department of Water Resources in accordance with Section 41702, Idaho Code. IDWR 88-42001-1037

**Here's How To Contact  
IDWR Regional Offices If  
You Need Assistance**

**If your partial decree begins with 01, 21, 22,  
23, 24, 25, 27, 29, 31, 32, 33, 34, 35, 73, 74, 75:**

IDWR Eastern Regional Office  
900 N. Skyline Dr.  
Idaho Falls, ID 83402-1718  
(208) 525-7161

**If your partial decree begins with 02, 36, 37, 41,  
43, 45, 47, 71, 72:**

IDWR Southern Regional Office  
1141 Fillmore St., Suite 200  
Twin Falls, ID 83301-3380  
(208) 736-3033

**If your partial decree begins with 03, 51, 55, 57,  
61, 63, 65, 67, 69, 77, 78, 79:**

IDWR Western Regional Office  
2735 Airport Way, Boise, ID 83705-5082  
(208) 334-2190

**If your partial decree begins with 81, 82, 83, 84,  
85, 86, 87:**

IDWR Northern Regional Office  
1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814-2615  
(208) 769-1450

**Guide  
To Reviewing  
Your Partial  
Decree  
Water Right  
In The  
Snake River Basin  
Adjudication**



Idaho  
Department  
of Water  
Resources



5th Judicial  
District  
Court  
of Twin Falls



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 27, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

45-12609  
TOM MCCLELLAN  
RT 1 BOX 400  
RUPERT ID 83350

RE: Domestic and/or Stockwater Rights in Basins 41, 43 and 45  
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basins 41, 43 and 45. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in these basins will be recommended in a later process.

Note that you have 120 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in American Falls, Malad City, Burley and Twin Falls, and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher  
Director

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES  
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT  
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: February 27, 1998

PAGE: 1

RIGHT NUMBER: 45-12609

NAME AND ADDRESS: TOM MCCLELLAN  
RT 1 BOX 400  
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS

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

PRIORITY-DATE: 04/26/1983

POINT OF DIVERSION T10S R24E S01 SWNE Within CASSIA County

## PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE | QUANTITY |
|----------------|-----------------|---------------|----------|
|                | DOMESTIC 1 HOME | 01-01 12-31   | 0.09 CFS |

PLACE OF USE: DOMESTIC Within CASSIA County  
T10S R24E S01 SWNE

OTHER MATTERS 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.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
PARCEL NO. RPT10SR24E011350A

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098

RETURN SERVICE REQUESTED



## IMPORTANT WATER RIGHT INFORMATION



RECEIVED  
MAR 06 1998  
Department of Water Resources  
INSUFFICIENT ADDRESS  
RETURNED TO SENDER

STATE OF IDAHO  
District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707



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: A45-12609  
Date Received: 5/10/1994  
Receipt No: S016885  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

1. Name: TOM MCCLELLAN  
Address: RT 1 BOX 400  
RUPERT ID

83350

JUN 14 1994  
Department of Water Res.  
Survey & Admin. Offi

2. Date of Priority: APR 26, 1983

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 10S      | 24E   | 1       | SW     | NE     |     |     | CASSIA |

5. Description of diverting works:  
EXISTING WELL & PUMP (6" X 87' DEEP)

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S | (or) | A.F.A. |
|----------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.090 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC/ 1 HOME

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use      | Acres |
|----------|-------|---------|--------|-----|-----|----------|-------|
| 10S      | 24E   | 1       | SW     | NE  |     | DOMESTIC |       |

11. Place of use in counties: CASSIA

MICROFILMED  
OCT 28 1994

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

13. Other Water Rights Used:  
45-07533 SAME WELL.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

RECEIVED

JUN 14 1994

Department of Water Res.  
Snake River Basin Offi.

(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: 0

**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): Jon H. McClellan Date: 6-9-94

John R. Milleney McClellan Date: 6-9-94

State of Idaho )  
County of Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 9th day  
of June 19 94

Shirley L. Williams  
Notary Public

Seal

Residing at Burley, Idaho  
My Commission Expires 2-21-98

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OCT 28 1994

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: **A45-12609**  
Date Received: 5/10/1994  
Receipt No: S016885  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: TOM MCCLELLAN  
Address: RT 1 BOX 400  
RUPERT ID

83350

2. Date of Priority: APR 26, 1983

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 10S      | 24E   | 1       | SW     | NE     |     |     | CASSIA |

5. Description of diverting works:  
EXISTING WELL & PUMP (6" X 87' DEEP)

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.090  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC/ 1 HOME

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 10S      | 24E   | 1       | SW     | NE  |     | DOMEST |       |

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:  
45-07533 SAME WELL.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 \_\_\_\_\_

**MICROFILMED**  
**OCT 28 1994**



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

10-May-1994 13:48

Tom McClellan  
RT 1 Box 400  
Rupert, ID 83350

RE: SRBA Claim

Dear Mr. McClellan:

Please find enclosed your receipt for the \$25 money order for payment of the filing fee for the domestic claim you recently sent to the Department. There is a matter that is somewhat confusing with regards to the claim you recently submitted. The matter is the basis of your claim (item #15). Your domestic claim references license 45-07533 which was issued in Oct of 1989 for the irrigation of 3 acres. Since the license was issued for irrigation and not domestic purposes it is not appropriate to claim domestic use based on that license. Please note that on the enclosed computer generated claim I have data entered your claim basing the domestic use on beneficial use.

I need clarification of this matter: If it is your intention to claim domestic use with a basis of beneficial use please sign the computer generated claim before a notary and return it to our office. This will allow you the domestic use plus the licensed use of the irrigation of 3 acres. Please note that claiming license 45-07533 in the SRBA is optional at this time since proof of beneficial use for the license was not submitted before Nov. 19, 1987. If it is your intention to claim license 45-07533 including the irrigation of 3 acres use you must complete the enclosed long form and pay a total fee of \$53. If you decide to do this and wish to withdraw the domestic claim as data entered the \$25 can be applied to that fee. If you wish to do both then complete long form and submit \$53 and sign domestic claim.

I can imagine this is somewhat confusing so if you have questions please feel free to contact me at this office. I will await your response.

Sincerely,

Allen D. Merritt, P.E.  
Water Rights Supervisor

Encl:

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

Identification No. A45-12609

Date Received \_\_\_\_\_

Receipt Number 5016885

NOTICE OF CLAIM  
TO A  
WATER RIGHT

MAY 10 1994

ACQUIRED UNDER STATE LAW  
For Domestic and/or Stockwater Purposes  
Where Daily Use is less than 13,000 gallons per day.

De, \_\_\_\_\_ Resources  
Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Tom McClellan Phone (208) 654-2635Mailing Address Rt. 1, Box 400 Rupert, ID Zip 833502. Date of Priority (Only one per claim) April 26, 1983 Month/Day/Year3. Source of water supply (Check one) (☒ Groundwater or Other ( ) (a) \_\_\_\_\_

which is tributary to (b) \_\_\_\_\_ Name or kind of source

4. Location of point of diversion is: Township 10 S Range 24 ESection 1, SW 1/4 of NE 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.,County of Cassia

Additional points of diversion if any: \_\_\_\_\_

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Existing well and pump. (Well diameter 6 inches, depth 87 ft.)  
(casing! Thickness 250 inches Diameter 6 inches + from 1 ft. to 20 ft.)

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from January 1 to December 31 amount 0.09 (cfs)  
(Both dates are inclusive)

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total quantity claimed 0.09 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic: one home

MICROFILMED  
OCT 28 1994

10. Place of use is: Township: 10 S Range 24 E  
Section 1, SW 1/4 of NE 1/4, Govt. Lot \_\_\_\_\_, B.M.,  
for (Circle One) Domestic Stock Domestic and Stock  
Additional places of use, if any \_\_\_\_\_

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes ☒ No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
( ) None or \_\_\_\_\_

14. Remarks: Copies enclosed: Water right license; permit / proof of beneficial use

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff vs Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number 45-07533

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 2 + check

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Jimmy H. McCellan Date 4/26/94

Jodi R. McCellan Date 4/26/94

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_, Title \_\_\_\_\_, 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 \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Cassia )

SS.

**NOTARIZATION REQUIRED FOR EACH CLAIM**

Subscribed and sworn (or affirmed) before me this 26 day of April 19 94



Notary Public Kevin G. Welch

Residing at Burley

My Commission Expires 10/14/98

**MICROFILMED**

**OCT 28 1994**

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

Gillenev / McClellan  
Bk. 1, Box 400  
Rupert, ID 83350



RECEIVED

MAY 06 1994

Department of Water Resources

RETURN TO SENDER  
FORWARDING ORDER

Idaho Dept. of Water Resources  
2148 4th Ave East  
Twin Falls, ID 83301

RECEIVED

MAY 10 1994

De.  
Southern Region Office  
of Resources

MICROFILMED  
OCT 28 1994

State of Idaho  
Department of Water Resources

RECEIVED

MAY 10 1994

**WATER RIGHT LICENSE**

WATER RIGHT NO. 45-07533

Department of Water Resources  
Southern Region Office

Priority: April 26, 1983

Maximum Diversion Rate:  
Maximum Diversion Volume:<sup>1</sup>

0.09 CFS  
12.0 AF

This is to certify, that TOM MC CLELLAN  
RT 1 BOX 62  
RUPERT, ID 83350

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated April 26, 1983; and  
has submitted Proof of Beneficial Use on March 10, 1989. An examination indicates  
that the works have a diversion capacity of .090 cfs of water from a GROUNDWATER  
source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u>                     | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u>                                | <u>ANNUAL VOLUME</u> |
|-------------------------------------------|----------------------|---------------------------------------------------------|----------------------|
| IRRIGATION                                | 03/15 to 11/15       | 0.09 CFS                                                | 12.0 AF              |
| <u>LOCATION OF POINT(S) OF DIVERSION:</u> |                      | SWNE , Sec. 1, Township 10S, Range 24E<br>CASSIA County |                      |

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 10S        | 24E        | 1          | SWNE         | 3            |              | 3            |

Total number of acres irrigated: 3

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 28th day of OCTOBER, 1989.

*Norman C. Higgins*  
R. Keith Higginson, Director

MICROFILMED  
OCT 28 1994

POOR ORIGINAL 35

# QUITCLAIM DEED

RECEIVED

**For Value Received**

MAY 10 1994

ELLEN McCLELLAN and FRED H. McCLELLAN, husband and wife  
do hereby convey, release, remise and forever quit claim unto

Deputy Director Resources  
Southern Region Office

THOMAS H. McCLELLAN and JODI GILLINEY McCLELLAN, husband and wife  
1000 E. 375 N. - Burley, Idaho 83318

the following described premises, to-wit:

TOWNSHIP 10 SOUTH, RANGE 24 EAST, BOISE MERIDIAN

Section 1: Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , more particularly described as follows:

Commencing at a point South 0°18' East along the quarter section line for 1432.19 feet from the Northwest corner of Lot 2 of said Section 1, which shall be the True Point of Beginning:

Thence East for 655.05 feet to a point;

Thence South 0°18' East for 212.65 feet to a point marked by a steel pin, said point lying on the North right-of-way of the Main Canal;

Thence South 77°17' West for 51.26 feet along said right-of-way to a point marked by a steel pin;

Thence South 68°17' West for 649.91 feet along said right-of-way to a point on the quarter section line as marked by a steel pin;

Thence North 0°18' West for 463.41 feet to the True Point of Beginning.

SUBJECT TO a 50.0 foot wide access road right-of-way along the East side of said property.

TOGETHER WITH an access road 50 feet wide running from the above described property in a Northerly direction to the existing County road, as shown on Southern Idaho Land Surveys Map No. 1501-74.

ALL IN CASSIA COUNTY, STATE OF IDAHO

SUBJECT TO:

General taxes for the year 1989, and subsequent years.

together with their appurtenances.

Dated: February 1, 1989

Ellen McClellan  
ELLEN MCCLELLAN

FRED H. McCLELLAN

STATE OF IDAHO, COUNTY OF CASSIA

On this 1st day of February, 1989, before me, a  
notary public in and for said State, personally appeared

Ellen McClellan and Fred H. McClellan

known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Fred C. Bell

Residing at **Burley** Idaho Comm. Expires **8/2/94**

For Recording Only

CASSIA COUNTY ABSTRACT  
FILM  
Feb 20 39 AM '89  
CASSIACOUNTYIDAHO  
FRIDAY  
FEE \$  
CASSIA COUNTY ABSTRACT

MICROFILM  
26728  
JCH

PROPERTY  
BHT

2001-25