

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 63-21570
Date Received: 1/22/1990
Receipt No: W007792
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOE E MC CARY Phone: (208)459-7415
17235 HOMEDALE RD
CALDWELL ID USA 83607

2. Date of Priority: 05/01/1961

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	03W	7	NE NE	CANYON	

5. Description of diverting works:

APPROX. 350' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/01	0.8	180

7. Total Quantity Appropriated is:
0.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	03W	7	NE NE	IRRIGATION	40
Section Acres					40

Total Acres 40

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

REPLACEMENT WELL DRILLED IN APPROX. 1982. 30 HP PUMP THIS CLAIM IS BEING FILED IN LIEU OF WATER RIGHT A63-07390 BECAUSE THE PRIORITY DATE IS NOT ACCURATE. CLAIM WITHDRAWAL SUBMITTED.

15. 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: A63-21570
Date Received: 1/22/1990
Receipt No: W007792
Received By: LW

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOE E. MCCARY
Address: 222 E. LOGAN
CALDWELL, ID 83605
208-459-7415

2. Date of Priority: MAY 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03W	7	NE	NE	NE		CANYON

5. Description of diverting works:
APPROX. 350' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/01	0.800		180.00

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	03W	7	NE	NE		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A63-21570

Page 1

Date: 03/16/90

MICROFILMED

SEP 03 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

NONE

14. Remarks:

REPLACEMENT WELL DRILLED IN APPROX. 1982. 30 HP PUMP

THIS CLAIM IS BEING FILED IN LIEU OF WATER RIGHT A63-07390
BECAUSE THE PRIORITY DATE IS NOT ACCURATE. CLAIM WITHDRAWAL
SUBMITTED.

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 _____

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: A63-21570
Date Received: 3/15/1990
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOE E. MCCARY 208-459-7415
Address: 222 E. LOGAN
CALDWELL, ID 83605

2. Date of Priority: MAY 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	7	NE	NE			CANYON

5. Description of diverting works:
APPROX. 350' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/01	0.440		180.00

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	7	NE	NE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

A63-21570

Page 1

Date: 03/15/90

MICROFILMED

SEP 03 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

REPLACEMENT WELL DRILLED IN APPROX. 1982. 30 HP PUMP
THIS CLAIM IS BEING FILED IN LIEU OF WATER RIGHT A63-07390
BECAUSE THE PRIORITY DATE IS NOT ACCURATE. CLAIM WITHDRAWAL
SUBMITTED.

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 _____

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: A63-07390
Date Received: 1/22/1990
Receipt No: W007792
Received By: LA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOE E. MC CARY
Address: 222 E. LOGAN ST.
CALDWELL, ID 83605 208-459-7415

2. Date of Priority: JAN 26, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	7	NE	NE			CANYON

5. Description of diverting works:
APPROX. 350' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/01	0.440		180.00

7. Total Quantity Appropriated is:
0.440 C.F.S. (and/or) 180.00 A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	7	NE	NE		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A63-07390

Page 1

Date: 01/22/90

MICROFILMED
SEP 03 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:
REPLACEMENT WELL DRILLED IN APPROXIMATELY 1982. 30 HP PUMP

15. Basis of Claim: LICENSE

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 _____

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: AG 3-21570 39576

Ident. Number AG 3-21570

Date Received _____

Receipt Number _____

RECEIVED

MAR 15 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Joe E. McCARY Phone (208) 459-7415

Mailing Address 222 E. LOGAN CALDWELL, ID. Zip 83605

2. Date of Priority (Only one (1) per claim) MAY 1, 1961

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 03N Range 03W Section 7,
_____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CANYON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

APPROX. 350' DEEP

MICROFILMED

SEP 03 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/01 amount 0.440 or 180.00

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.440 (cfs) and/or (b) 180.00 (acre feet)

8. Total consumptive use claimed is 140.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
03N	03W	7	NE 1/4																40 Acres

Total number of acres irrigated 40.0

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

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 None ()

14. Remarks: REPLACEMENT WELL DRILLED APPROXIMATELY 1982
30 H.P. PUMP

MICROFILMED

SEP 03 1992

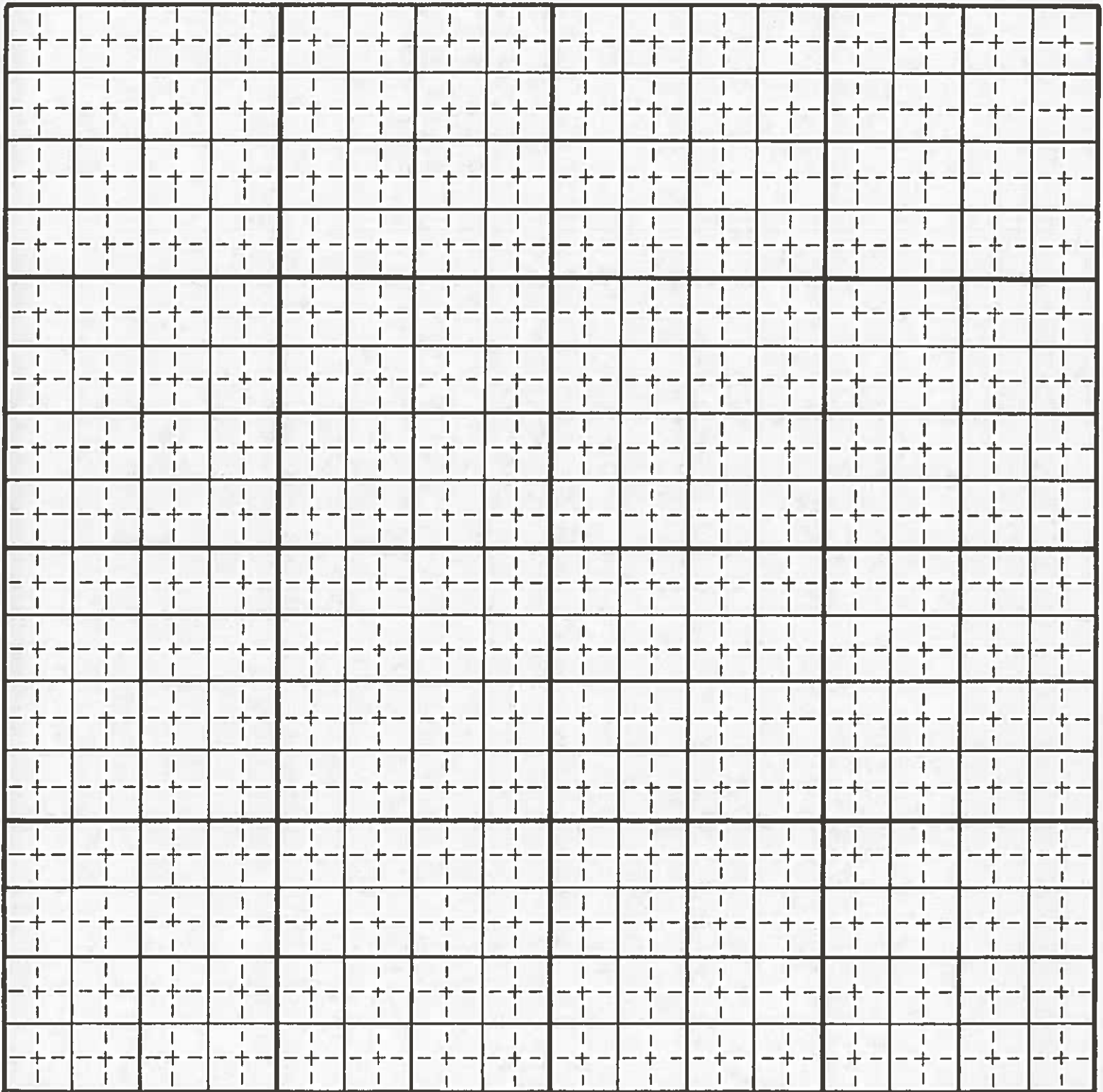
Last Name MCCARY

Ident No. 112-11570

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

SEP 03 1992

Last Name

McARY

Ident No.

A13-1870

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) _____

Date 3/14/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____

Title _____

of _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this _____

14th

day of _____

March

19 90

SEAL

Notary Public _____

Linda K. Elvie

Residing at _____

Caldwell, ID.

My Commission Expires _____

8-27-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

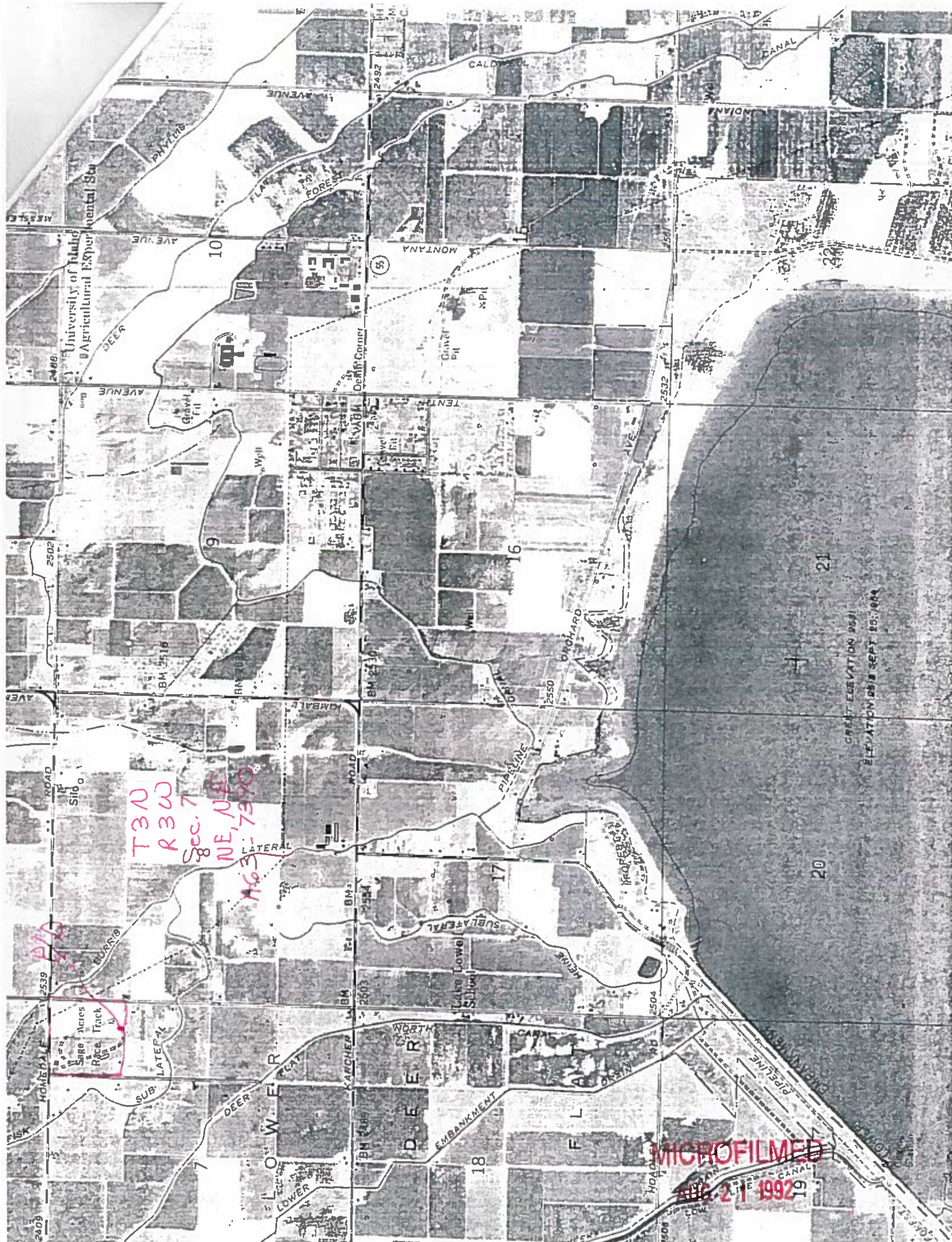
Last Name McCrain

Ident. Number 1213-07390

MICROFILMED

SEP 03 1992

Copies White-State, Yellow-Claimant



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



RECEIVED

OCT 11 2006

WATER RESOURCES
WESTERN REGION

JOE E MCCARY
222 E LOGAN ST
CALDWELL ID 83605

MCCARY 83605 2025 1505 10 10/10/06
RETURN TO SENDER
MCCARY MC
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER



17235 Homedale Rd
Caldwell 83607

63-21570
Resent 10-12-06



11/14/2006

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

RIGHT NUMBER: 63-21570

NAME AND ADDRESS: JOE E MC CARY
17235 HOMEDALE RD
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.440 CFS
171.000 AFY

PRIORITY DATE: 03/01/1961

POINT OF DIVERSION:

T03N R03W S7 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.440 CFS
171.00 AFY

PLACE OF USE: IRRIGATION in CANYON County

T03N R03W S07 NENE 38.00

38 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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

09/29/2006

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: October 31, 2006

Water right number: 63-21570

JOE E MC CARY
222 E LOGAN ST
CALDWELL ID 83605
Telephone Number: (208)459-7415

17355 HOMCO ALO RD
CALDWELL, ID. 83607

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

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

None

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

None

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

None

☒ I AGREE with this proposed recommendation, no changes need to be made.

DATE: 10/26/06 SIGNATURE: Joe E. McCary
Please print your name: Joe E. McCary

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

09/29/2006

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

RIGHT NUMBER: 63-21570

NAME AND ADDRESS: JOE E MC CARY
222 E LOGAN ST
~~CALDWELL ID 83605~~ 17235 Homedale Rd,
Caldwell, ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.440 CFS
171.00 AFY

PRIORITY DATE: 03/01/1961

POINT OF DIVERSION:
T03N R03W S7 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.440 CFS 171.00 AFY
PLACE OF USE: <u>IRRIGATION Within CANYON County</u>		
T03N R03W S07	NENE 38.00	
38 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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

06/08/2006

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

RIGHT NUMBER: 63-21570

NAME AND ADDRESS: JOE E MC CARY
222 E LOGAN ST
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.440 CFS
171.000 AFY

PRIORITY DATE: 03/01/1961

POINT OF DIVERSION:

T03N R03W S7 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.440 CFS
171.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T03N R03W S07 NENE 38.00

38 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.

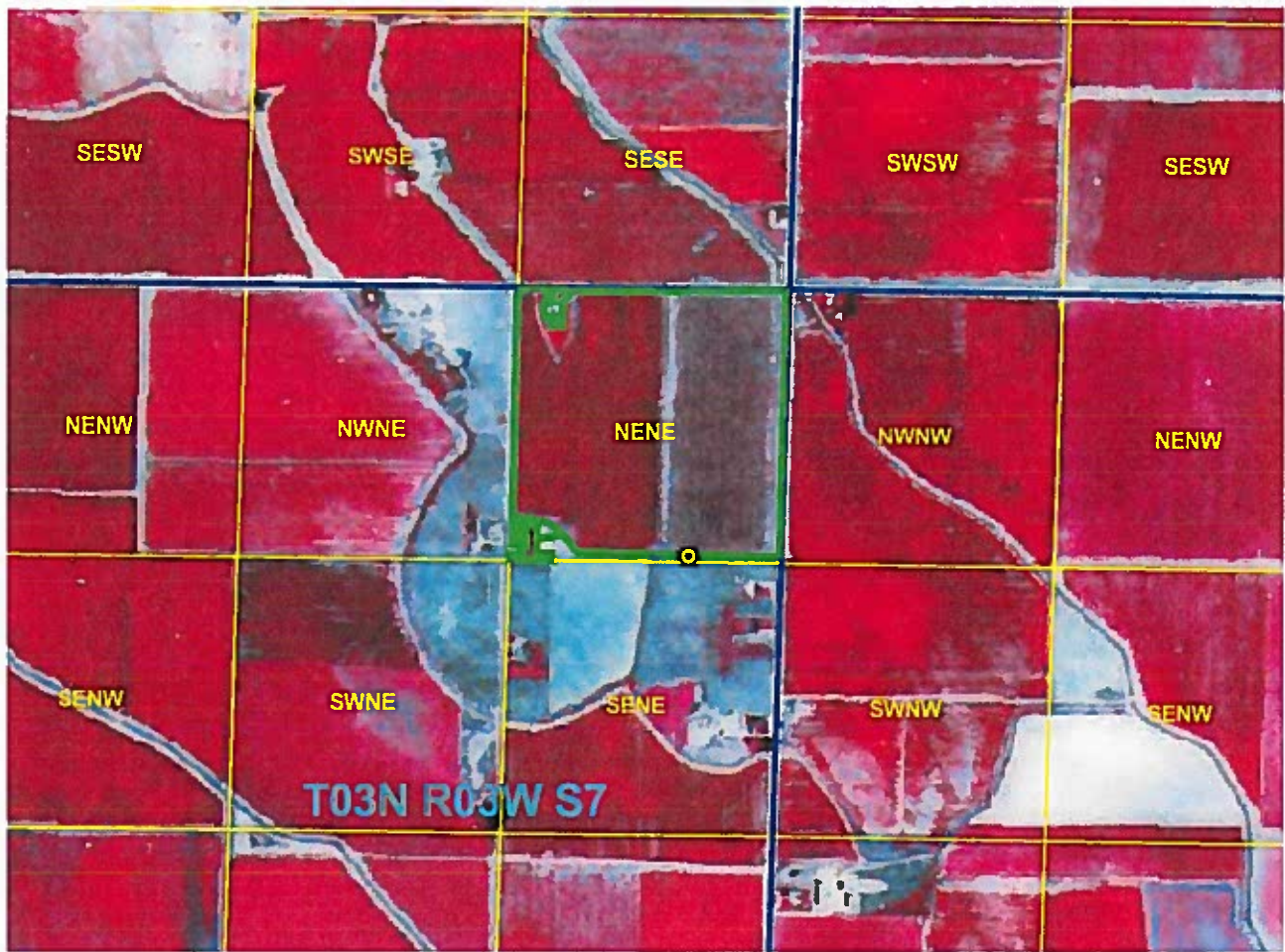
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R3W SECTION(S) 7
WATER RIGHT(S) : 63-21570



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

Total Irrigated Acres = 38 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: May 2006



MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-21570

FROM: DANIEL A. NELSON

DATE: 6/8/06

SUBJECT: CLAIM REVIEW

License 63-7390 was initially filed on this property in 1971, and a subsequent adjudication claim was filed on this right. However, the current owner discovered that the original owner developed this irrigation use in 1961. Therefore, he withdrew the SRBA claim on the licensed right, and filed this claim as a beneficial use right with the 1961 priority date and diversion rate of 0.80 cfs instead of the licensed amount of 0.44cfs.

In reviewing the information available to the department, a well log was found that showed a received date of 1/9/1967. However, the date drilled on the well log was not legible. The department did not require that well logs be submitted during this time period, so it is possible that well could have been drilled in 1961 and was not actually submitted until 1967. There was an affidavit from the previous owner stating that the well was drilled in 1961. I asked the current owner of the property to provide additional information that would sway the tide to the 1961 priority date. The current owner provided two affidavits from the son of the previous owner who moved irrigation pipe on the property in 1961, and another gentleman who also moved sprinkler pipe on the property in 1962. With this information, I am fairly comfortable with recommending a priority date of 3/1/1961, which is the start of the irrigation season.

The next issue involved was the diversion rate difference between this claim and the original license. The original license was measured using a brand new flow meter that was installed just for the field exam. The field examiner measured 0.44 cfs on this flow meter in 1976. Once again this measurement was made well after the development of the well, so there was a possibility that the well did in fact produce more water when it was originally drilled. The old well did eventually fail, and was replaced in 1982, so this did seem like a possibility. Unfortunately, the current owner could not find any pump test data or other measurements on the original well, so I had to recommend the amount measured in the field exam in 1976 or 0.44 cfs.

The final issue was the acres irrigated. As was common in the day, the license was issued for the entire 40-acre tract instead of just the lands actually irrigated. The maps in the original license showed two homes and a road in the aerial photos used during the licensing exams. Those two homes are still on the property, and there are also roads on two sides of the fields. When I created the GIS maps for this beneficial use, I only found 38 acres actually irrigated. Whereas, this is a beneficial use right, the actual acres irrigated must be used instead of the acres licensed. Therefore, I recommended this claim for 38 acres of irrigation.

There are no overlapping water rights for this claim. The season of use will be recommended per the standard of 3/1 to 11/15. I am also going to carry forward the condition requiring that a measurement device be installed and maintained as part of the diverting works of this system. This condition was placed on the original license, and should still be part of the current system. Therefore, it should be included on this recommendation.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21570 V1

WATER RIGHT NUMBER: 63-21570 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOE E MC CARY 222 E LOGAN ST CALDWELL, ID 83605 (208)459-7415

Priority Date: 03/01/1961

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.440 CFS	171.00 AF
	<u>Total Diversion:</u>	0.440 CFS	171.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 7, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	03W	7	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	38.0
			38.0																

Total Acres: 38

Conditions of Approval:

1. C18 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.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21570 V1

Comments:

1. dnelson 6/8/2006 Claim Review

Comment: License 63-7390 was initially filed on this property in 1971, and a subsequent adjudication claim was filed on this right. However, the current owner discovered that the original owner developed this irrigation use in 1961. Therefore, he withdrew the SRBA claim on the licensed right, and filed this claim as a beneficial use right with the 1961 priority date and diversion rate of 0.80 cfs instead of the licensed amount of 0.44cfs.

In reviewing the information available to the department, a well log was found that showed a received date of 1/9/1967. However, the date drilled on the well log was not legible. The department did not require that well logs be submitted during this time period, so it is possible that well could have been drilled in 1961 and was not actually submitted until 1967. There was an affidavit from the previous owner stating that the well was drilled in 1961. I asked the current owner of the property to provide additional information that would sway the tide to the 1961 priority date. The current owner provided two affidavits from the son of the previous owner who moved irrigation pipe on the property in 1961, and another gentleman who also moved sprinkler pipe on the property in 1962. With this information, I am fairly comfortable with recommending a priority date of 3/1/1961, which is the start of the irrigation season.

The next issue involved was the diversion rate difference between this claim and the original license. The original license was measured using a brand new flow meter that was installed just for the field exam. The field examiner measured 0.44 cfs on this flow meter in 1976. Once again this measurement was made well after the development of the well, so there was a possibility that the well did in fact produce more water when it was originally drilled. The old well did eventually fail, and was replaced in 1982, so this did seem like a possibility. Unfortunately, the current owner could not find any pump test data or other measurements on the original well, so I had to recommend the amount measured in the field exam in 1976 or 0.44 cfs.

Page 2
McCary

The final issue was the acres irrigated. As was common in the day, the license was issued for the entire 40-acre tract instead of just the lands actually irrigated. The maps in the original license showed two homes and a road in the aerial photos used during the licensing exams. Those two homes are still on the property, and there are also roads on two sides of the fields. When I created the GIS maps for this beneficial use, I only found 38 acres actually irrigated. Whereas, this is a beneficial use right, the actual acres irrigated must be used instead of the acres licensed. Therefore, I recommended this claim for 38 acres of irrigation.

There are no overlapping water rights for this claim. The season of use will be recommended per the standard of 3/1 to 11/15. I am also going to carry forward the condition requiring that a measurement device be installed and maintained as part of the diverting works of this system. This condition was placed on the original license, and should still be part of the current system. Therefore, it should be included on this recommendation.

2. dnelson 6/8/2006 Text

Comment: REPLACEMENT WELL DRILLED IN APPROX. 1982. 30 HP PUMP THIS CLAIM IS BEING FILED IN LIEU OF WATER RIGHT A63-07390 BECAUSE THE PRIORITY DATE IS NOT ACCURATE. CLAIM WITHDRAWAL SUBMITTED.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21570 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/03/2006	scurtis	Active
Contacts	6/8/2006 3:18:40 PM	dnelson			Active
Priority Date	6/8/2006 3:19:59 PM	dnelson			Active
POD	6/8/2006 3:21:36 PM	dnelson			Active
Source	6/8/2006 3:23:00 PM	dnelson			Active
POU	6/8/2006 3:25:03 PM	dnelson			Active
Use	6/8/2006 3:26:34 PM	dnelson			Active
Season	6/8/2006 3:28:20 PM	dnelson			Active
Quantity	6/8/2006 3:29:20 PM	dnelson			Active
Summary			06/08/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Quantity	6/8/2006 3:29:21 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - The well for this claim was involved in a licensing exam in 1976, which determined the flow rate Description for Question 10 - 4.5 afa X 38 acres = 171

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21570 V1

Summary	6/8/2006 3:31:51 PM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	4/3/2006 6:46:49 AM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
Contacts	6/8/2006 3:18:41 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This components of this claim were reviewed during a licensing exam in 1976, which provided adequate information to recommend right.
POD	6/8/2006 3:21:36 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	6/8/2006 3:24:53 PM	dnelson	Updated shape for Active POU
POD	6/8/2006 3:20:54 PM	dnelson	Updated shape
General	6/8/2006 3:19:59 PM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Three affidavits were supplied stating that the well was in use in 1961 and 1962.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21570 V1

POU	6/8/2006 3:25:03 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - 1987 aerial photography and ASCS aerial photos from 1976 licensing exam.
Season	6/8/2006 3:28:21 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Source	6/8/2006 3:23:01 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - The well for this claim was involved in a licensing exam in 1976, which verified the source.
Use	6/8/2006 3:26:35 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - The water use for this claim was involved in a licensing exam in 1976, which verified the use.

Water Supply Bank:

AFFIDAVIT OF FRED BROOKS

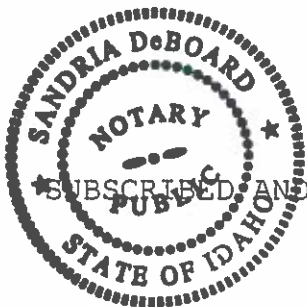
STATE OF IDAHO)
) ss:
County of Canyon)

FRED BROOKS, Being first duly sworn, deposes and says:

I was born on April 20, 1949 and currently reside at 2316 Parker Avenue, Caldwell, Idaho 83605.

My father was Louis W. Brooks. He bought the 40 acres on Homedale Road from the Huston Mustang Club on December 1, 1960.

The irrigation well in question was installed in 1961 and we irrigated the pasture land where my dad kept several horses and infield of the race track with irrigation pipes. The well was located on the east side of the property with the outlets running east and west.



2006.

Fred Brooks
Fred Brooks

SUBSCRIBED AND SWORN to before me this 5th day of June,

Sandra DeBoard
Notary Public for Idaho
Residing at Caldwell, Idaho
Commission Expires: 9-16-2010

AFFIDAVIT OF RAY L. WOLFE

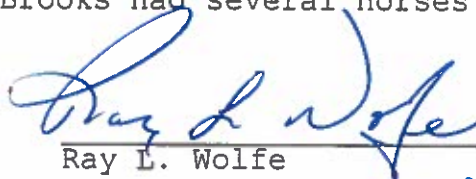
STATE OF IDAHO)
) ss:
County of Canyon)

RAY L. WOLFE, Being first duly sworn, deposes and says:

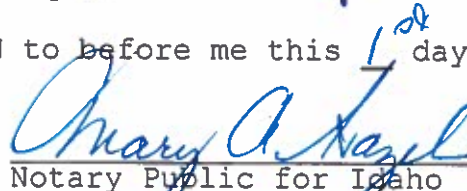
I was born on July 31, 1949 and currently reside at 1509 Oregon Avenue, Caldwell, Idaho 83605.

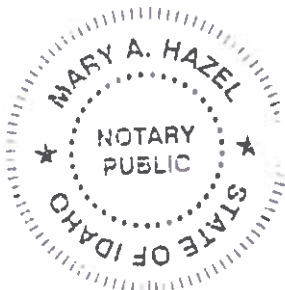
I was a friend and school-mate of Fred Brooks. Fred is the son of Louis W. Brooks who owned the forty acres which surrounds the house located at what is now 17235 Homedale Road, Caldwell, Idaho 83607, where the irrigation well is in question.

Fred and I moved irrigation pipes on the forty acres in 1962. I remember the mainline went under the race track and we irrigated the infield of the race track, as well as the rest of the pasture as Louis W. Brooks had several horses on the pasture.


Ray L. Wolfe

SUBSCRIBED AND SWORN to before me this 1st day of January 2006.


Notary Public for Idaho
Residing at Caldwell, Idaho
Commission Expires: 2/24/09



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7390

WATER RIGHT NUMBER: 63-7390

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LOUIS W BROOKS
Current Owner	CALDWELL, ID JOE E MC CARY 222 E LOGAN ST CALDWELL, ID 83605 (208)459-7415

Priority Date: 01/26/1971

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/01	0.440 CFS	180.00 AF
	<u>Total Diversion:</u>	0.440 CFS	180.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 7, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	03W	7	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	40.0
			40.0																40.0

Total Acres: 40

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Remarks:Comments:Dates and Other Information:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7390 Priority Jan. 26, 1971 Amount 0.44 cfs

THIS IS TO CERTIFY, that JOE E. McCARY
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-7390 issued pursuant to Application for Permit dated January 26, 1971,
and has submitted proof to the Department of Water Resources on February 12, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.44 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 1</u>	<u>0.44</u> cfs and	<u>180 acre feet or</u>
	from _____	cfs and	<u>4.5 af per acre</u>
	from _____	cfs and	

(good dates inclusive)

Subject, however, to the condition that no more than 0.44 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
180 acre feet per year, said waters to be diverted within the NE 1/4 of Sec. 7
Twp. 3 N, Rge. 3 W, B.M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	
3 N	3 W	7	40												40

Total number of acres irrigated 40

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15 day of
November, 19 76.

Director

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

I, LOUIS W. BROOKS, hereby assign to JOE E. McCARY,
Name
of 222 East Logan Street, Caldwell, Idaho,
Address

- CHECK ONE ☒ All my right, title, and interest, in and to Permit No. 63-7390
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this 14 day of February, 19 71.

Louis W Brooks
Permit Holder

Anna Marie Brooks
Wife of Permit Holder

State of Idaho)
County of Canyon) ss.

On this 14 day of February, 19 71, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

John D. Collins
Notary Public residing at _____
Caldwell, Idaho

My commission expires Nov 13 - 1976

(SEAL)

63 7390

Identification No. 63-7390
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT APPROVED

To appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK) ASSIGNED TO: JOE E. MCCARY
222 East Logan St.
Caldwell, Idaho 83605

1. Name of applicant Louis W. Brooks
post office address 307 South Kimball, Caldwell, Idaho 83605
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7 Township 3N
Range 3W B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .80 for irrigation purpose from March 15 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for stock water purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.86 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. drilled well, pump, motor,
pipe and sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 265 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7 Township 3N
Range 3W B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 100 beef

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	3W	7	40																40

Total number of acres to be irrigated 40

c. Describe any other water rights used for the same purposes as described above. None

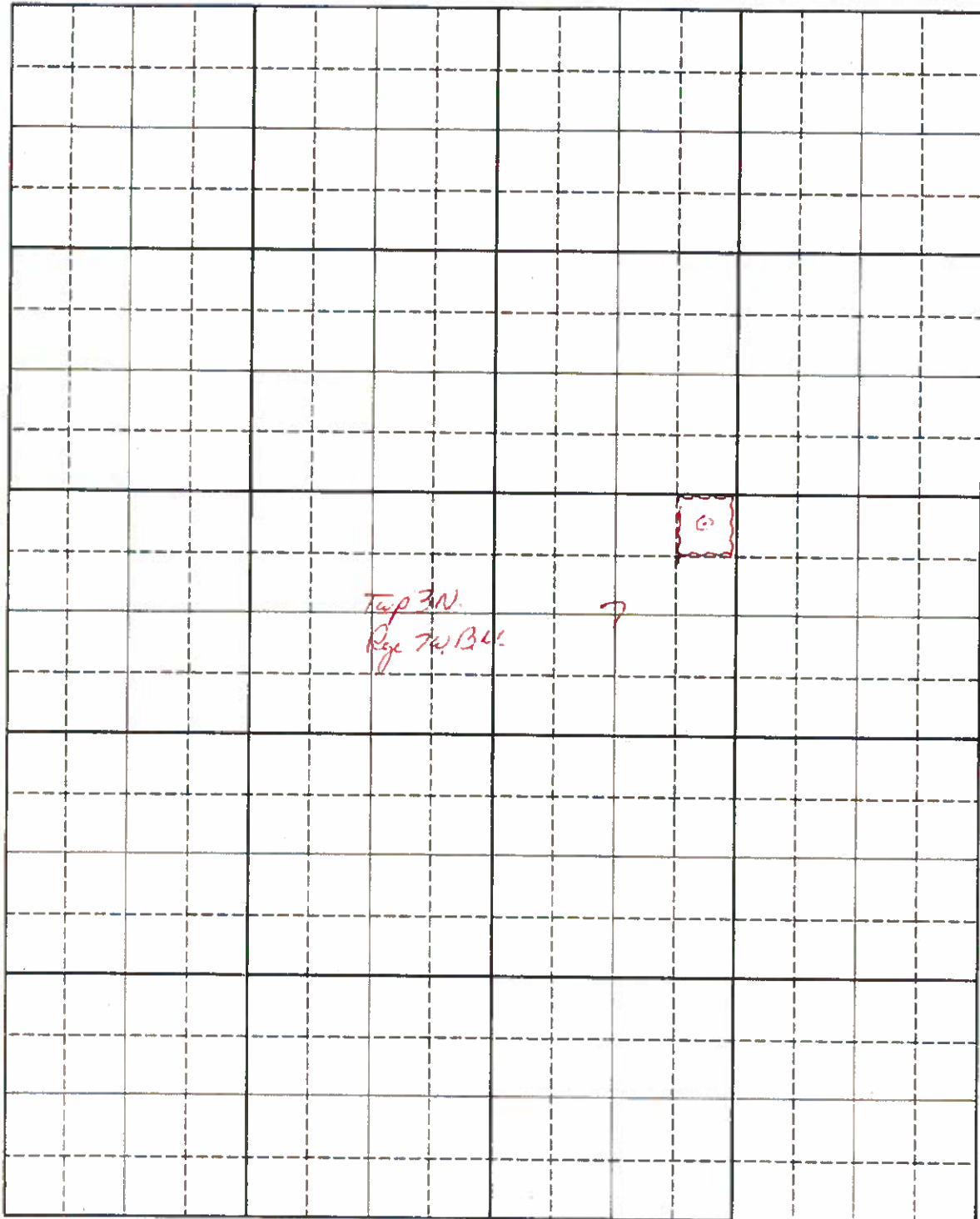
9. a. Who owns the property at the point of diversion Self

b. Who owns the land to be irrigated or place of use Self

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lewis W. Burke
(Applicant)

13 7350

Received by JK Date 1-26-71 Time 10:24Preliminary check by JK Fee \$ 20.00Receipted by JK Date 1-26-71Publication prepared by dg Date 2-2-71Published in New-TribunePublication dates 2-11 & 2-18, 71Publication approved du Date 2-24-71

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JK/ BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7390, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 76.
- c. Other: The permit holder shall permanently install and maintain as part of the diverting works a measuring device at the point of diversion of a type approved by this Department.

2. Denial of said application is for the following reasons: _____

Witness my hand this 18th day of March, 1971.


Deputy Director

STAFF ANALYSIS

COMMENTS: WATER TABLE IS STABLE (U.D.#18). PL. of
DIVERSION IS ON SMALL KNOLL THAT DOES NOT APPEAR TO RECEIVE
BASE PROJECT SURFACE WATER. A well log appears to have been
filed for this well. Aquifer is sediment. Static DTL
is 50 to 100'. Yields are moderate and drawdowns are
medium to high. Many small domestic wells in area, and at
least one of these a small irrigation well is located in the same 1/4 section.

ACTION: Approved X Denied

Conditions of approval or reason for denial: _____

63 7390

100 cows @ 15 gpd per cow = 1500 gpd

if cows are to be watered in 2 hrs. pumping time - 750 gph

.02 cfs = 13,600 gpd = 570 gph

thus the request rate of 0.02 cfs would require about
1 hr/day pumping time.

$$\frac{(1500 \text{ gpd}) (365 \text{ day/year})}{328,000 \text{ gal/A.F.}} = 1.7 \approx 2 \text{ A.F./yr}$$

63 7350

October 28, 1976

Mr. Joe E. McCary
222 East Logan St.
Caldwell, ID 83605

Dear Mr. McCary:

A representative of this Department has made an examination of the works covered by your Permit No. 63-7390 and has found the following:

Quantity of water diverted: 0.44 cfs Source: ground water

Amount of water that can be recognized as beneficially used under Idaho law: 0.44 cfs

The maximum quantity diverted shall not exceed 180 acre feet, or 4.5 af per acre, per year.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, Twp. 3 N, Rge. 3 W, B.M.

Beneficial use: Irrigation of 40 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, Twp. 3 N, Rge. 3 W, B.M.

Priority date established: January 26, 1971

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

• *Staphylococcus aureus*

Permit No. 63-7390
Examination for b/u

Permit No. 63-7390

Examination for b/u

Permit No. 63-7390

Examination for b/u

Permit No. 63-7390

Examination for b/u

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Examination for b/u

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Permit No. 63-7390

Examination for b/u

Permit No. 63-7390

Examination for b/u

Permit No. 63-7390

Examination for b/u

100

40

Rge. 3W

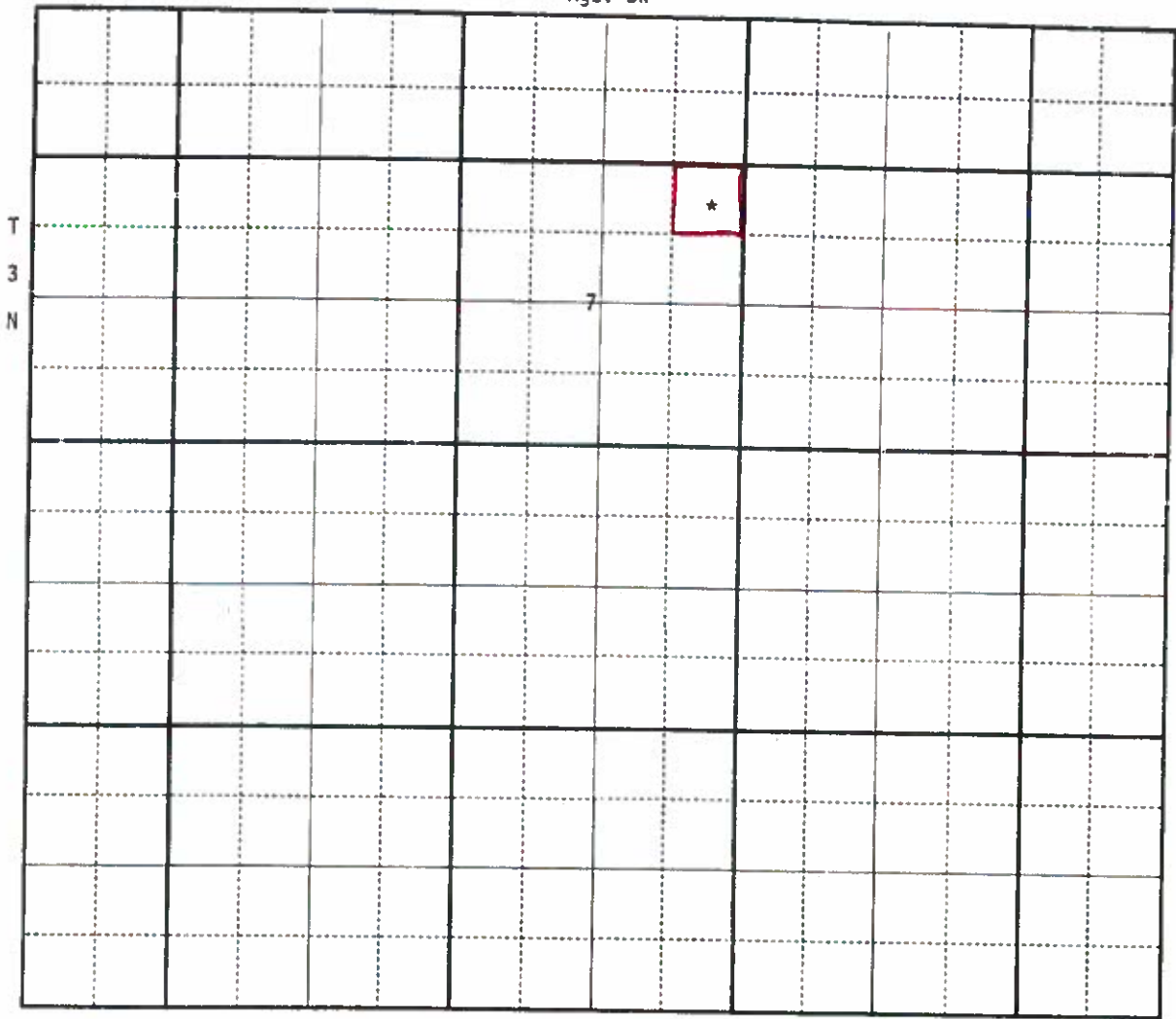
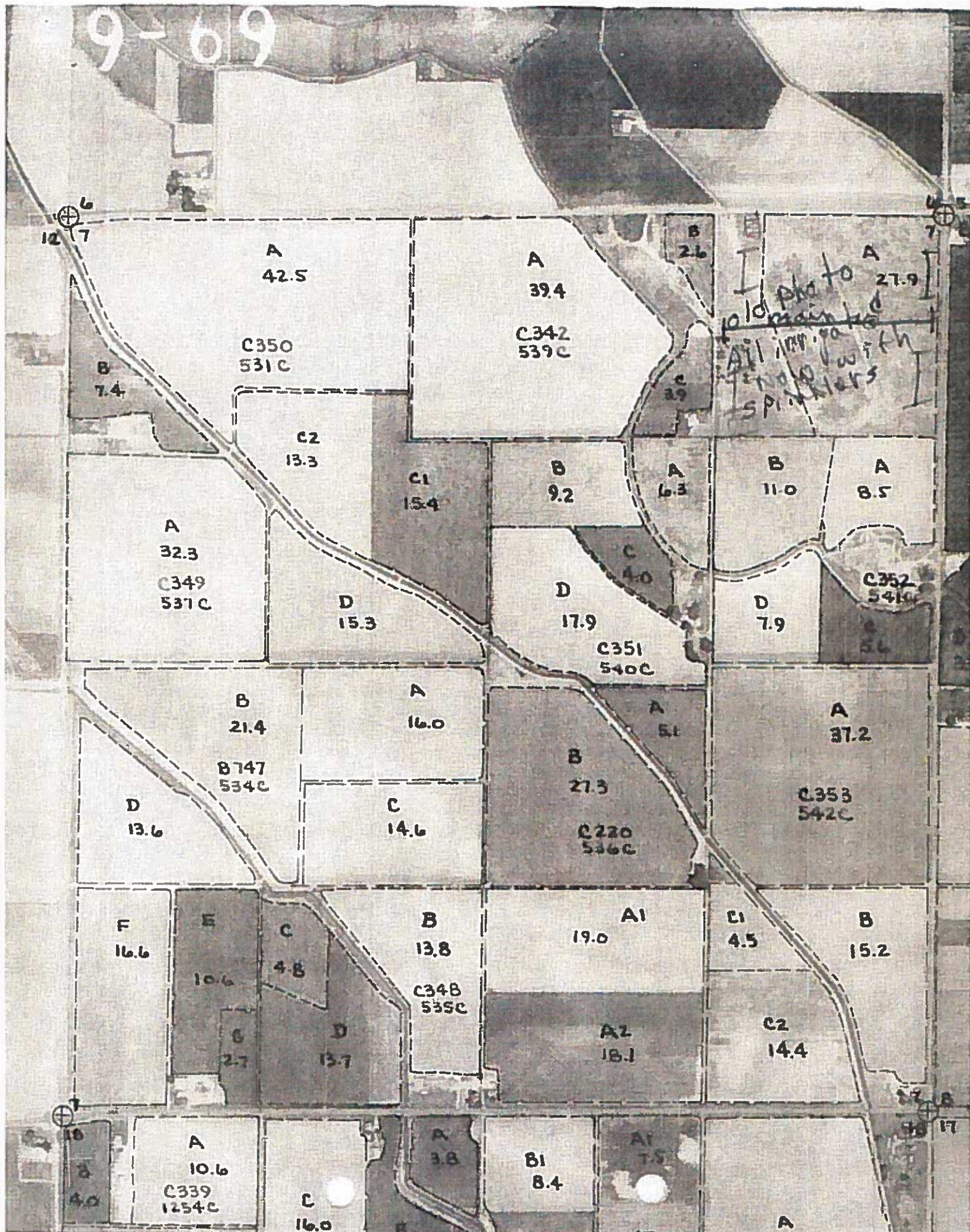


Diagram of System

see photo

9-69



DATE OF EXAM 24 June 76

ACREAGE
Found 40
Recommended 40

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 0.44 c.f.s. V = 180 AF/Ann. from 4-1 to 10-3
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 0.44 cfs Method of measurement Acres Feet (C-PM)

Total Q recommended 0.44 cfs Meter No. 40647273 Type Badger Condition New

Total V recommended 180 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

$0.00058 \text{ AF/Min} \times 60 \text{ Min} \times 1440 \text{ Days} = 189.984 \text{ AF} \approx 190 \text{ AF}$
 $0.44 (1.98) 213 = 185 > 180$
 $4.0 (4.5) = 180 \text{ AF/Ann}$

SYSTEM DESCRIPTION:

12" 265' deep well w/ 30 HP Western Pump 14937
+ 4 30 HP. Newbury pump motor Ser # X153602
w/ 6" discharge in underground system

REMARKS:

System in operation (max cap) at time of exam.
Mr. McCarry called office 21 June 76 - said
meter was installed - acreage & system shown by McCarry.

Examiner's Signature E. M. Ballou Date 24 June 1976
Checked by THH Date 7-7-76
Approved by _____ Date _____

Identification No. _____
Permit No. 63-7390

RECEIVED

FEB 12

Department of Water Resources

OK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Joe E. McCary
b) Post Office Address 222 E Logan - Caldwell, ID. 83605
2. Permit Number 63-7390
3. Date of Priority that you are prepared to establish 3/1/76
4. a) Source from which water was appropriated ground water (well)
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 7
Township 3N, Range 3W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount .80 for irrigation purposes from 2/15 to 10/1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .05 for domestic purposes from 1/1 to 12/31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount .04 for stock water purposes from 1/1 to 12/31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .86 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 30 HP PUMP 12" CASING
Well 265 FT. Deep
b) Describe the type and size of measuring device which you have installed at your point of diversion: BADGER
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: STOCK WATER

2-12-76 76

REPORT OF WELL DRILLER
State of Idaho

RECEIVED
JAN 9 1967
Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:
Name L. W. Brooks
Address Highway 100
Calvin, Idaho

Owner's Permit No. _____
NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: _____
METHOD OF CONSTRUCTION: Rotary ☐ Cable ☐
Dug ☐ Other _____ (explain)

CASING SCHEDULE: Threaded ☐ Welded ☒
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
Thickness of casing: _____ Material: _____
Steel ☐ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☐ No ☐ Type of perforator used: _____

Size of perforations: _____ " by _____ "
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒
Manufacturer's name _____
Type _____ Model No. _____
Diam. Slot size _____ Set from _____ ft. to _____ ft.
Diam. Slot size _____ Set from _____ ft. to _____ ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No ☐ size of gravel _____ Gravel placed from _____ ft. to _____ ft. Surface seal provided? Yes ☐ No ☐ To what depth? _____ ft. Material used in seal: _____

Did any strata contain unusable water? Yes ☒
No ☐ Type of water: _____
Depth of strata _____ ft. Method of sealing strata off: _____

Surface casing used? Yes ☐ No ☐
Cemented in place? Yes ☐ No ☐

Locate well in section

			A

LOCATION OF WELL: County _____
_____ Sec. _____ T. _____ R. _____

Size of drilled hole: 12" Total depth of well: 250 Standing water level below ground: 60 Temp. _____ Fahr. _____ Test delivery: _____ gpm or _____ cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test: _____

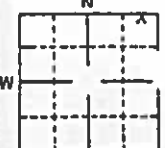
Length of time of test: _____ Hrs. _____ Min.
Drawdown: _____ ft. Artesian pressure: _____ ft. above land surface Give flow _____ cfs or _____ gpm. Shutoff pressure: _____
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing? Yes ☐ No ☐

DEPTH	MATERIAL	WATER
FROM TO		YES OR NO
FEET FEET		
0 4	Top soil	no
4 6	Hard clay	no
6 10	Clay & sand	no
10 20	Clay & sand	no
20 25	Clay & sand	no
25 28	Clay & sand	no
28 30	Clay & sand	no
30 35	Clay & sand	no
35 40	Clay & sand	no
40 45	Clay & sand	no
45 50	Clay & sand	no
50 55	Clay & sand	no
55 60	Clay & sand	no
60 65	Clay & sand	no
65 70	Clay & sand	no
70 75	Clay & sand	no
75 80	Clay & sand	no
80 85	Clay & sand	no
85 90	Clay & sand	no
90 95	Clay & sand	no
95 100	Clay & sand	no
100 105	Clay & sand	no
105 110	Clay & sand	no
110 115	Clay & sand	no
115 120	Clay & sand	no
120 125	Clay & sand	no
125 130	Clay & sand	no
130 135	Clay & sand	no
135 140	Clay & sand	no
140 145	Clay & sand	no
145 150	Clay & sand	no
150 155	Clay & sand	no
155 160	Clay & sand	no
160 165	Clay & sand	no
165 170	Clay & sand	no
170 175	Clay & sand	no
175 180	Clay & sand	no
180 185	Clay & sand	no
185 190	Clay & sand	no
190 195	Clay & sand	no
195 200	Clay & sand	no
200 205	Clay & sand	no
205 210	Clay & sand	no
210 215	Clay & sand	no
215 220	Clay & sand	no
220 225	Clay & sand	no
225 230	Clay & sand	no
230 235	Clay & sand	no
235 240	Clay & sand	no
240 245	Clay & sand	no
245 250	Clay & sand	no

Work started: _____
Work finished: _____
Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.
Name: _____
Address: _____
Signed by: _____
License No. _____ Date: _____

Use other side for additional remarks

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELLOWNER Name <u>Dr. Joe L. McCarty</u> Address <u>222 E. Logan-Caldwell, Id. 83605</u> Owner's Permit No. _____	7. WATER LEVEL Static water level _____ feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____																																																																																																																																		
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																																															
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3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Hole Diam.</th><th>Depth From</th><th>Depth To</th><th>Material</th><th>Water Yes/No</th></tr></thead><tbody><tr><td>2 1/2"</td><td>0</td><td>10</td><td>2' Topsoil - 2' Firm Clay - 6' Brn. Clay</td><td> </td></tr><tr><td> </td><td>10</td><td>13</td><td>Firm Brn. Clay</td><td> </td></tr><tr><td> </td><td>13</td><td>16</td><td>Coarse Brn. Sand</td><td> </td></tr><tr><td> </td><td>16</td><td>22</td><td>Sand, Gravel, River Rock</td><td> </td></tr><tr><td> </td><td>22</td><td>33</td><td>Firm brown Clay</td><td> </td></tr><tr><td> </td><td>33</td><td>45</td><td>Lt. Brn. Clay - Softer</td><td> </td></tr><tr><td> </td><td>45</td><td>55</td><td>Brn. Clay w/ Sand Streaks</td><td> </td></tr><tr><td> </td><td>55</td><td>82</td><td>Lt. Brn. Clay</td><td> </td></tr><tr><td> </td><td>82</td><td>95</td><td>gray Sand</td><td> </td></tr><tr><td> </td><td>95</td><td>108</td><td>Gray Sand</td><td> </td></tr><tr><td> </td><td>108</td><td>125</td><td>Lt. Brn. Clay</td><td> </td></tr><tr><td> </td><td>125</td><td>140</td><td>Brn. Clay</td><td> </td></tr><tr><td> </td><td>140</td><td>151</td><td>Brn. Sand - Medium -</td><td> </td></tr><tr><td> </td><td>151</td><td>155</td><td>Brn. Clay</td><td> </td></tr><tr><td> </td><td>155</td><td>180</td><td>Brn. Sand w/ Clay Streaks</td><td> </td></tr><tr><td> </td><td>180</td><td>198</td><td>Brn. Clay w/ Sand Streaks</td><td> </td></tr><tr><td> </td><td>198</td><td>203</td><td>Brn. Sand - Medium -</td><td> </td></tr><tr><td> </td><td>203</td><td>205</td><td>Sand w/ Clay</td><td> </td></tr><tr><td> </td><td>205</td><td>240</td><td>Brn. Clay (Few Traces Sand Streaks)</td><td> </td></tr><tr><td> </td><td>240</td><td>243</td><td>Brn. Sand - Fine to Medium</td><td> </td></tr><tr><td> </td><td>243</td><td>250</td><td>Brn. Clay</td><td> </td></tr><tr><td> </td><td>250</td><td>255</td><td>Brn. Sand - Fine w/ Clay Streaks</td><td> </td></tr><tr><td> </td><td>255</td><td>270</td><td>Brn. Sand - Medium -</td><td> </td></tr><tr><td> </td><td>270</td><td>275</td><td>Brn. Clay</td><td> </td></tr><tr><td> </td><td>275</td><td>285</td><td>Brn. Clay w/ Sand Streaks</td><td> </td></tr></tbody></table>	Hole Diam.	Depth From	Depth To	Material	Water Yes/No	2 1/2"	0	10	2' Topsoil - 2' Firm Clay - 6' Brn. Clay			10	13	Firm Brn. Clay			13	16	Coarse Brn. Sand			16	22	Sand, Gravel, River Rock			22	33	Firm brown Clay			33	45	Lt. Brn. Clay - Softer			45	55	Brn. Clay w/ Sand Streaks			55	82	Lt. Brn. Clay			82	95	gray Sand			95	108	Gray Sand			108	125	Lt. Brn. Clay			125	140	Brn. Clay			140	151	Brn. Sand - Medium -			151	155	Brn. Clay			155	180	Brn. Sand w/ Clay Streaks			180	198	Brn. Clay w/ Sand Streaks			198	203	Brn. Sand - Medium -			203	205	Sand w/ Clay			205	240	Brn. Clay (Few Traces Sand Streaks)			240	243	Brn. Sand - Fine to Medium			243	250	Brn. Clay			250	255	Brn. Sand - Fine w/ Clay Streaks			255	270	Brn. Sand - Medium -			270	275	Brn. Clay			275	285	Brn. Clay w/ Sand Streaks	
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☒ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	10. WORK STARTED Work started <u>Oct. 1, 1981</u> finished <u>Oct. 5, 1981</u>																																																																																																																																		
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>250 inches</td><td>16 inches</td><td>2 inches</td><td>140 feet</td></tr><tr><td>250 inches</td><td>16 inches</td><td>180 feet</td><td>240 feet</td></tr><tr><td>250 inches</td><td>16 inches</td><td>270 feet</td><td>280 feet</td></tr></tbody></table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Well screen installed? ☒ Yes ☐ No Manufacturer's name <u>Koscoe Hoss</u> Type _____ Model No. _____ Diameter 1 1/2" Slot size .80 Set from 140 feet to 160 feet Diameter 1 1/2" Slot size .80 Set from 240 feet to 270 feet Gravel packed? ☒ Yes ☐ No Size of gravel 3/8 minus Placed from -18 feet to 285 feet Surface seal depth 0-18 Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>2"</u>	Thickness	Diameter	From	To	250 inches	16 inches	2 inches	140 feet	250 inches	16 inches	180 feet	240 feet	250 inches	16 inches	270 feet	280 feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	11. DRILLERS CERTIFICATION <u>dl</u> I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>PLTE COPE DRILLING CO., INC.</u> Firm No. <u>Q13</u> Address <u>6505 W. Chinden Blvd.</u> <u>Meridian, ID. 83642</u> Date <u>October 5, 1981</u> Signed by (Firm Official) <u>[Signature]</u> and (Operator) <u>[Signature]</u>																																																																																																						
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6. LOCATION OF WELL Sketch map location must agree with written location. N  W E County <u>Caribou</u> Subdivision Name _____ Lot No. _____ Block No. _____ NE 1/4 NE 1/4 Sec. <u>7</u> T. <u>3N</u> N/S. R. <u>3W</u> E/W.	USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT																																																																																																																																		

In conclusion, I have several concerns about recommending SRBA claim A63-21570. The well log and field exam provides very strong evidence that the licensed claim should not have been withdrawn, and this water use should be recommended as licensed. In order to do this, you would need to reinstate the A63-7390 and withdraw A63-21570. All I can do with A63-21570 at this point is to recommend or disallow this claim based on the priority date. I have not made a final decision on what to do with this claim at this point. I wanted to give you the opportunity to either provide additional evidence to support your standing that irrigation was in use in 1961, and that 0.80 cfs was being diverted. I also wanted to give you the opportunity to withdraw A63-21570 and reinstate A63-7390 if that is the path you choose to take.

Unfortunately, I cannot give you an unlimited amount of time to provide this information. Due to the effort to complete the adjudication process, I can only allow you until 5/26/2006 until I must make a decision on this issue.

If you have any questions or concerns please contact me at the above address.

Respectfully,

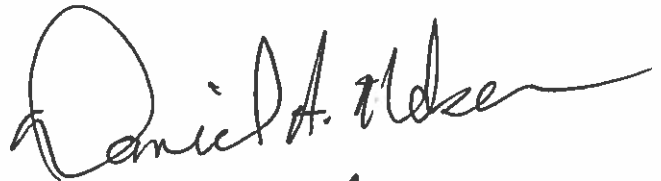


Daniel A. Nelson
Sr. Water Right Agent

Enclosures:

Notice of Claim A63-21570
Notice of Claim A63-7390
1967 Well Log L. W. Brooks
Field Exam Report 63-7390

I have allowed
an additional
2 weeks to supply
this information.
It is now due
6-9-06.


5-19-06



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 3, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOE E MC CARY
222 E LOGAN
CALDWELL ID 83605

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A63-21570

Dear Mr. McCary:

I have been asked to review your Snake River Basin Adjudication (SRBA) claim A63-21570. During my review of the claim, I read the letter sent in by L. W. Brooks claiming that the well was installed in 1961. With this letter you decided to withdraw your SRBA claim on water right license A63-7390 with a 1/26/1971 priority date and 0.44 cfs diversion rate, and filed a beneficial use claim A63-21570 based on Mr. Brooks letter with a 5/1/1961 priority date. You also increased the rate of diversion to 0.80 cfs in the beneficial use claim from the 0.44 cfs measured during the licensing of water right A63-7390.

Department records show a well log for a L. W. Brooks at the same legal description, which appears to be the same 12-inch well associated with both of these rights. This well log was received on January 9, 1967, which suggests that the well was actually drilled within 30 days of that date. This would suggest that the water was not actually put to use for irrigation until the beginning of the irrigation season in 1967. Any use of water after 3/25/1963 was required to have a water right. If the well for this water right was drilled in 1967, then Mr. Brooks did the proper thing by attaining a water right license in 1971. Our office cannot grant a beneficial use claim for water after the 1963 date.

I am also concerned with the increase in flow rate. The field exam states that a new badger meter had been installed at the time of the field exam, and the system was operating at maximum capacity. I am confident that at the time of the exam in 1976 this system was actually diverting 0.44 cfs. However, the field exam was done several years after the system was installed, so if there is another measurement that was made at the time the system was installed then there is a possibility that the diversion rate could be increased.

In conclusion, I have several concerns about recommending SRBA claim A63-21570. The well log and field exam provides very strong evidence that the licensed claim should not have been withdrawn, and this water use should be recommended as licensed. In order to do this, you would need to reinstate the A63-7390 and withdraw A63-21570. All I can do with A63-21570 at this point is to recommend or disallow this claim based on the priority date. I have not made a final decision on what to do with this claim at this point. I wanted to give you the opportunity to either provide additional evidence to support your standing that irrigation was in use in 1961, and that 0.80 cfs was being diverted. I also wanted to give you the opportunity to withdraw A63-21570 and reinstate A63-7390 if that is the path you choose to take.

Unfortunately, I cannot give you an unlimited amount of time to provide this information. Due to the effort to complete the adjudication process, I can only allow you until 5/26/2006 until I must make a decision on this issue.

If you have any questions or concerns please contact me at the above address.

Respectfully,



Daniel A. Nelson
Sr. Water Right Agent

Enclosures:

Notice of Claim A63-21570
Notice of Claim A63-7390
1967 Well Log L. W. Brooks
Field Exam Report 63-7390

REAL PROPERTY INQUIRY

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+++++
01 7R32564-000- -0 059-00 SCH139+ 01 29,300 36.64
+++++
KORN, ADA B +
% MARSHALL, STEPHEN W +
+
+
1824 FILLMORE ST +
CALDWELL ID 83605 +
+++++
03-3N-3W SE + TOTAL 29,300 38.34
SESE LESS TAX 8 +
+ SURVEY INST 8907756
+ DRAIN DR VALUE APPR MKB
+ CLASS REAP 96 MAN UNIT 0
+ PARCEL 7R03N03W039000 H/O N C/B N
+ PRIOR ACCOUNT 6R32564-000- -0
+ 02 MH on Property NO
MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

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System User- IDWRR Date 04/03/2006 Time 9:33

REAL PROPERTY INQUIRY

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+++++
01 6R32646-000- -0 059-00 SCH139+ 01 27,700 36.62
+++++
MC CARY, JOE E FAMILY TRUST +
% MC CARY, JOE E & + 10 30,000 1.00
% MC CARY, MARY JO TRUSTEES + 19 1.50
+
+
17235 HOMEDALE RD +
CALDWELL ID 83607 +
+++++
07-3N-3W NE + TOTAL 270,100 39.12
NE-NE LESS TAX 9 +
+ SURVEY INST 200527247
+ DRAIN DR VALUE APPR TAM
+ CLASS +3 REAP 04 MAN 03 UNIT 1
+ PARCEL 6R03N03W070100 H/O N C/B N
+ PRIOR ACCOUNT 5R32646-000- -0
+ 02 MH on Property NO
MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

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System User- IDWRR Date 04/03/2006 Time 9:34

REAL PROPERTY INQUIRY

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+++++
01 6R32979-011- -0 145-00 N SCH131+ 01 73,100 104.64
+++++
HUFF, HERMAN +
& HUFF, RUTH-FAMILY TRUST + 19 5.00
+
+
14513 LAKE AVE +
NAMPA ID 83651 +
+++++
23-3N-3W SW + TOTAL 100,100 109.64
S 30AC NESW, SESW, SWSE LS TX 96810 +
+ SURVEY INST 200147866
+ DRAIN DR VALUE APPR TAM
+ CLASS BF REAP 04 MAN 03 UNIT 0
+ PARCEL 6R03N03W234901 H/O N C/B N
+ PRIOR ACCOUNT 5R32979-011- -0
LONE STAR RD, NA

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Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

3/27/90

[Joe E. McCary]
222 E. Logan
Caldwell, ID 83605
[]

Dear Claimant(s):

We have received your Notice(s) of Claim to a Water Right filed in the Snake River Basin Adjudication.

In the initial review of this claim(s) we found it necessary to complete some of the items on the claim form(s). A copy of your original claim(s) with these changes marked, along with the computer generated copy, and Receipt No. N/A are enclosed. The following items have been added and/or changed on the claim(s) enclosed:

_____ Item #2 - Only a portion of your priority date was listed. This item requires a month, day and year. We have added in the required information based on the Department's rules for dates of priority.

_____ Item #4 - The point of diversion appears to be incorrectly described or not described at all. Based on other information provided which included your legal description, we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, enclosed is a copy of the subdivision map from which we computed the quarter-quarter legal description.

_____ Item #5 - No description of diverting works was listed. Because the source was described as a groundwater source, we have completed this item with well, pump and pipeline. If your groundwater source is not a well, please notify us.

_____ Item #6 - The period of use is not listed for the use(s) claimed. The Department has recommended periods of use for certain uses. The recommended period of use has been added to your claim.

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Item #7 - The total quantity claimed was not completed.
The use(s) claimed have been added together and
this amount added to your claim.

Item #9 - The number of homes was not listed on your claim.
It appears to be filed for one domestic home and
this information has been added to your claim.

Item #10- The place of use appears to be incorrectly
described, or not described at all. Based on
other information submitted we have added in the
quarter-quarter, section, township and range.
If you had listed the Lot, Block and Subdivision
name, we have enclosed a copy of the subdivision
map from which we computed the quarter-quarter
legal description. Or, if you have listed a
quarter-quarter legal description under Item No.
4, we have listed this same quarter-quarter,
section township and range on this item.

Item #12- The ownership of the place of use has not been
marked. We have assumed you own the place of use
and this information has been added to your
claim.

Item #15- Basis of Claim was not completed. No previously
recorded water rights were found, therefore, we
have marked beneficial use of the water as the
basis for filing this claim.

✓ Other The quantity of water was increased to 1" per
acre (0.80 cfs) per our phone conversation of
3-16-90.

If you have any problems or questions concerning these additions
and/or changes, please feel free to change the copy of your claim
form(s) and return it to this office. The new changes can then be
made and a computer generated copy showing these changes sent to you.
If we do not hear from you, we will assume these changes meet with
your approval and the claim(s) will remain as shown on the enclosed
copies.

Sincerely,

Linda A. Warner
Sr. Water Resource Agent
Adjudication Section

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Receipt modification
W.R. number modified on 3-16-1990.

W007792

FROM: AG3-57390

TO: AG3-21570

Withdraw license & resubmitted B.U.
claim because priority date incorrect.

01/22/90
13:17:45

MCCARY, JOE E.

ADJUDICATION FEE

0410162 9337 6490

\$115.00

\$115.00

CHECK 9691

WR/NO: A63-20362 A63-21570

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

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CONVERSATION MEMORANDUM

DATE 3-16-1990

FILE AG3-21570

NAME OF PARTY

Dr. Joe McCary

EMPLOYEE

Linda Wimmer

RE:

Increase in quantity

Dr. McCary has requested that the amount
of water diverted be increased to 0.80 cfs
reflecting 1" / acre.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED
MAR 15 1990

February 13, 1990

Department of Water Resources
Western Regional Office

Joe E. McCary
222 E. Logan St.
Caldwell, ID 83605

Dear Mr. McCary;

I have received your letter of February 7, 1990 requesting a change of priority date on your Notice of Claim to a Water Right, A63-07390.

Upon reflection on this matter I am going to suggest an alternate method of claiming the priority date of 1961. Because your initial claim is based on a water right license, it may be difficult to have the change in priority approved. The priority date of January 26, 1971, was given because the person who originally initiated this license did so on this date. The day a person applies for a permit to appropriate a water right is the day that the priority date is assigned regardless of the date usage first occurred.

To circumvent this you may withdraw this claim in the Snake River Basin Adjudication and file a claim based on beneficial use. Since your usage for irrigation began before March 25, 1963, a claim based on a grandfather right, rather than a licensed appropriation may be filed.

Enclosed is a Notice of Claim to a Water Right form, with instructions, which may be used to refile this water right. All you need do is take the information from the existing claim and transfer it to the new claim, taking care to indicate the correct priority date. Be sure to have the claim signed and notarized. Also enclosed is a claim withdrawal form for A63-07390. No additional fee is needed. Once I receive your new claim form I will transfer the fee from the old filing to the new filing.

Feel free to contact me if you have any questions regarding this letter.

Sincerely,

Linda A. Werner

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

RECEIVED

SEP 03 1992

RECEIVED

FEB 12 1990

Department of Water Resources
Western Regional Office

January 24, 1989

TO WHOM IT MAY CONCERN:

Dear Sir:

I, the undersigned, do certify that I installed an irrigation well for the purpose of irrigating 40 acres within the NE 1/4 of the NE 1/4 of Section 7, Township 3 North, Range 3 West, B.M.

This well was put in use in 1961. I sold this 40 acres to the present owner, Joe E. McCary, in 1971.



L. W. Brooks
Big Bend Resort
P. O. Box 24
Parker Dam, California 92267

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SEP 03 1992