

10/02/2006

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

RIGHT NUMBER: 22-2209

NAME AND ADDRESS: TIM MC GARY
6505 W 3800 S
REXBURG ID 83440

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.610 CFS
106.40 AFY

PRIORITY DATE: 06/20/1961

POINT OF DIVERSION:
T05N R38E S13 SENENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.610 CFS 106.40 AFY
PLACE OF USE:	<u>IRRIGATION Within MADISON County</u>		
	T05N R38E S13	NENE 24.00	T05N R38E S13 NWNE 6.40
	30.4 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 - License

10/02/2006

RECEIVED

OCT 19 2006

Department of Water Resources
Eastern Region

**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:

Water right number: 22-2209

TIM MC GARY
6505 W 3800 S
REXBURG ID 83440
Telephone Number: (208)356-7721

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

10-17-06

SIGNATURE:

Tim R. McGarry

Please print your name:

Tim R. McGarry

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Know
10/20



Idaho Department of Water Resources

SRBA Recommendation:

22-2209

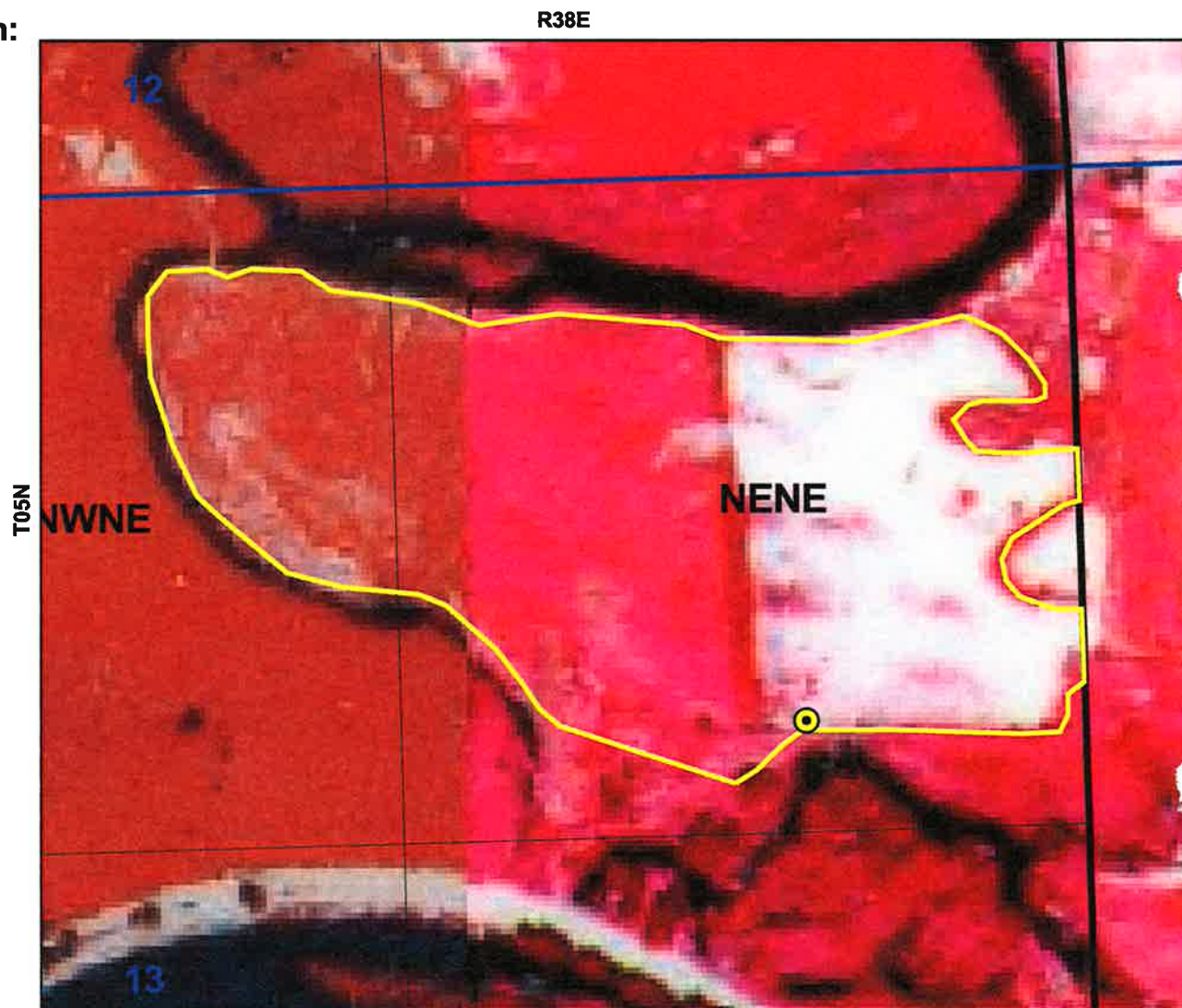
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Madison County
IDWR Basin 22



0 0.1 0.2 Miles



Prepared by T. Galbraith
On Wednesday, September 27, 2006
1987/88 Aerial Photography

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 29843/22-2209 Priority June 20, 1961 Amount 1.48 cfs

THIS IS TO CERTIFY, that ROBERT KOON
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 29843/22-2209 issued pursuant to Application for Permit dated June 20, 1961,
and has submitted proof to the Department of Water Administration on June 21, 1966,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.70 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a slough (subterranean)
tributary of _____, is hereby confirmed in the following amounts:
Amount 1.48 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 1.48 cfs of water be diverted at
any one time, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, Twp. 5 N,
Rge. 38 E, B. M. and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, Twp. 5 N, Rge. 39 E, B. M.
in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 259 acre feet per year or
3.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N	38 E	13	34	30															64
5 N	39 E	18					10												10

Total number of acres irrigated 74

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 11th day of

June, 19 73.


Director

22 2209

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-29843 /22-2209

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Robert Koon

2. Source of water supply: 2 wells

3. Location of point of diversion: Is in the Gen NENE Sec. 13 NW/4NW/4 18 -
5 N 38 E, B.M.
T. 5 N R. 39 E County of Madison

4. Describe works as they exist, giving dimensions and capacities of same:

Berkley Model B2 1/2 RMC W Sor # 6112243
3" discharge Centrifugal Type Tractor Power
The other pump has a 5" discharge and is powered
by the same tractor. It is also a centrifugal type
but did not have a data plate.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N/4NE/4, Sec. 13, T. 5 N., R. 38 E., B.M.; NW/4NW/4, Sec. 18, T. 5 N.,
R. 39 E., B.M.

The system is entirely portable. The point of diversion is variable as to the needs of the sprinkler lines. That is the pump is placed in the slough wherever it is convenient. The subdivisions that are the places of diversion are NW/4NW/4 Sec. 18 & NENE Sec. 13 5N 39 E.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: The system operates 2 1/2 mile lines with 3/4" nozzle. A total of 128 heads & 35 psi average pressure.

$Q = (128)(5.97)/450 = Q = 1.7 \text{ CFS}$

The land was planted in potatoes and grain and is quite marshy with quite a bit of sub water.

This examination was made on the 20 day of Aug, 1970.

(Signed) James Becker Examiner.

20 2079

ny 70

Water Resources Field Services
1571 N. 1100 E.
Terreton, ID 83450
208-~~863-7667~~ 681-9100

5N38E

MEMORANDUM

To: Claim File A22-2209
Fr: Bryce Contor
Date: 8/28/2004
Re: New Adjudication Claim

On August 28 I met with Tim McGarry regarding the Bannock Jim Slough Canal adjudication claims A22-654 and A22-655. He showed me a copy of license 22-2209 which is appurtenant to land he owns and overlaps the lands claimed for the Bannock Jim Slough Canal. Per a phone call to Jennifer Crabtree at Eastern Region of IDWR, this license appears not to have been claimed in the adjudication. I have mailed the attached claim to Mr. McGarry and went ahead and completed a field exam, accompanied by Mr. McGarry. This memo contains the notes from the field exam.

Priority Date: June 20, 1961 per license.

GPS Data: Tag A0012215 glued on top of discharge end of headgate culvert. GPS waypoint 64, coordinates 2,666,865 East, 1,398,466 North IDTM 83.

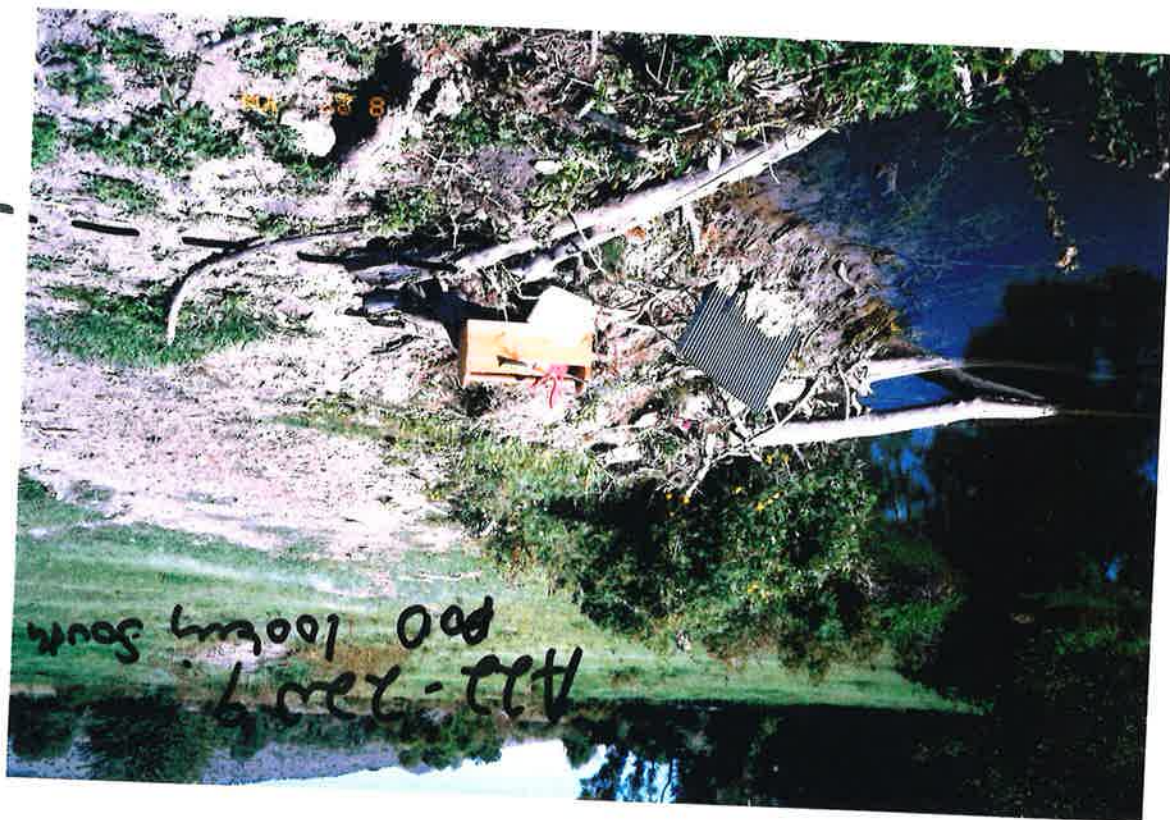
Point of Diversion and Source: Use GPS to double-check, but POD appears to be 5N 38E Section 13 SENENE. Licensed diversion in section 18 is no longer used per claimant. Source is a slough, as licensed.

Place of Use: The place of use appears to be all the lands in section 13 that can be irrigated from the POD that is still in use. Use GIS to clarify exact acres.

Season of Use and Quantity: License specifies 1.48 cfs 4/1 through 11/1

POD 422-2209
Box 8/27/04

Culvert
to
ditch



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 A22-2209

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW

1. Claimant Tim McGarry
6505 W 3800 S
Rexburg ID 83440
(208) 356-7721

2. Date of Priority June 20, 1961

3. Source of water (a) Slough
which is tributary to (b) (sinks)

4. a. Location of points of diversion:

Township	Range	Section	QQQ	Diversion Name
5N	38E	13	SENE	

5. Description of existing diversion works: Culvert to ditch. Culvert has grating that can be blocked to control flow.

6. Water is claimed for the following purposes:

Purpose	Start Date	End Date	cfs	acre feet/year
irrigation	4/1	11/1	1.48	

7. Total quantity claimed (a) 1.48 (cfs) and/or (b) (acre feet per year)

8. Total consumptive use claimed is _____-acre feet per annum.

9. Non-irrigation uses:

10. Description of place of use

Township 5N Range 38E Section 13

NE				NW				SW				SE				
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
24	6.4															30.4

Total number of acres irrigated 30.4

11. Irrigated lands are located in county(s) of: Madison

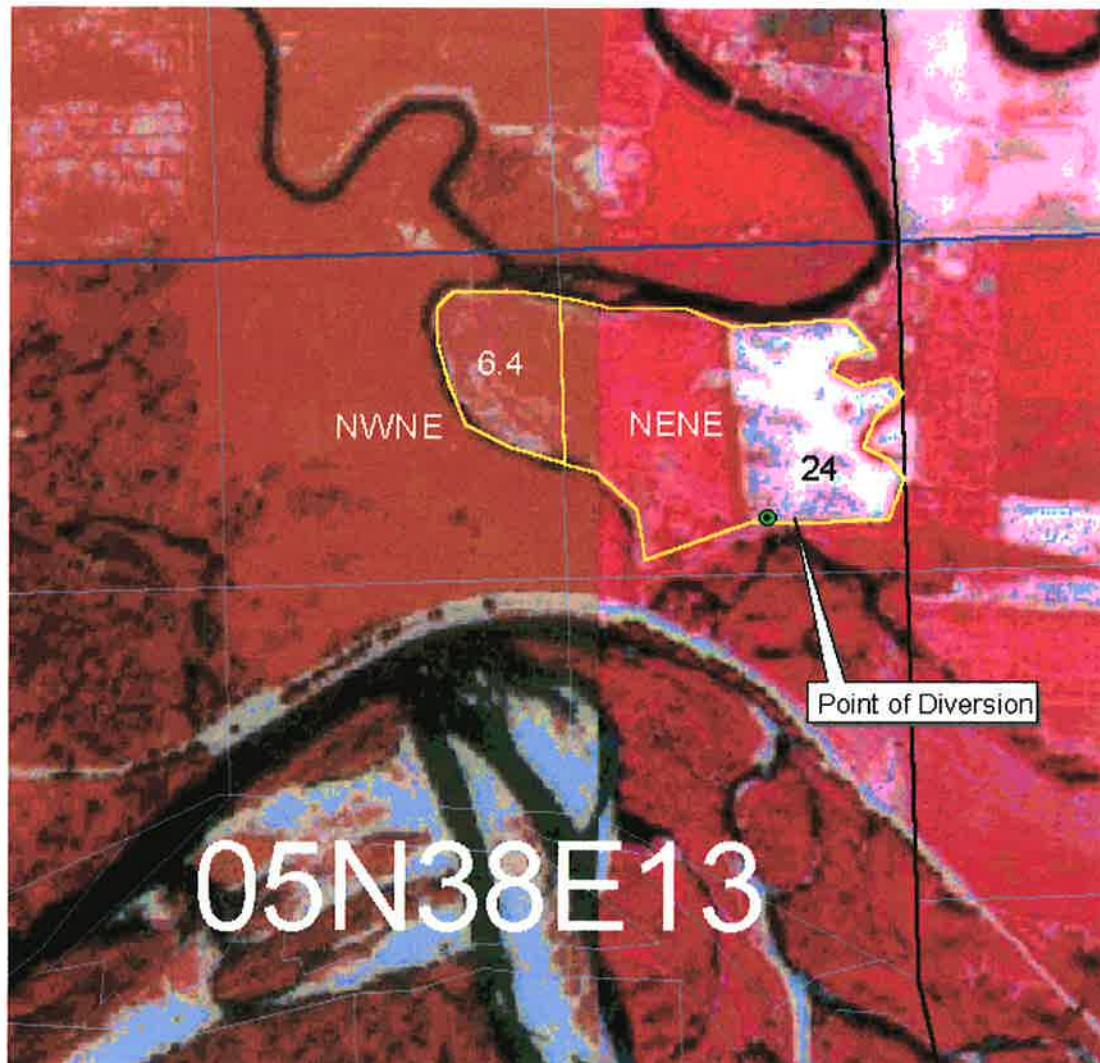
12. Do you own the property listed above as place of use? Yes X

13. Describe any other water rights used at the same place and for the same purposes as described above: 22-650, 22-654, 22-655 (Bannock Jim Slough Canal) and Palisades storage water.

14. Remarks. 1) This is claimed as an accomplished change in place of use. 2) The original licensed diversion rate is more than 0.02 cfs per acre. The claim preserves the original diversion rate because this is needed for the wild-flooding irrigation practice and because all tailwater returns to the source, preventing injury to any other water user.

Map of project:

Adjudication Claim A22-2209



1987 Aerial Photography from IDWR



- Aj_gps_b22_8_04.dbf
- A22-2209_claim.shp
- Gcdb_tr.shp
- PLSS Section Lines Gcdb_sections.shp
- Gcdb_qq.shp

Illustration prepared by
Water Resources Field Services
208 681 9100

15: Basis of Claim: License

IDWR water right number 22-2209

Court Case Number Decree Date

Plaintiff vs Defendant

16: Signatures

Number of attachments (none)

Signature of Claimant(s) _____ Date _____

_____ Date _____

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

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20____

SEAL

Notary Public _____

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 22-2209
Date Received: 9/26/2006
Receipt No: EO
Received By: JC

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TIM MC GARY Phone: (208)356-7721
6505 W 3800 S
REXBURG ID USA 83440

2. Date of Priority: 06/20/1961

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	38E	13	SE NE NE	MADISON	

5. Description of diverting works:

Culvert to ditch. Culvert has grating that can be blocked to control flow.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.48	259

7. Total Quantity Appropriated is:
1.48 C.F.S. and/or 259 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	38E	13	NE NE	IRRIGATION	24
			NW NE	IRRIGATION	6.4
				Section Acres	30.4
				Total Acres	30.4

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

LICENSE DESCRIBES SOURCE AS "A SLOUGH (SUBTERRANEAN)."

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:

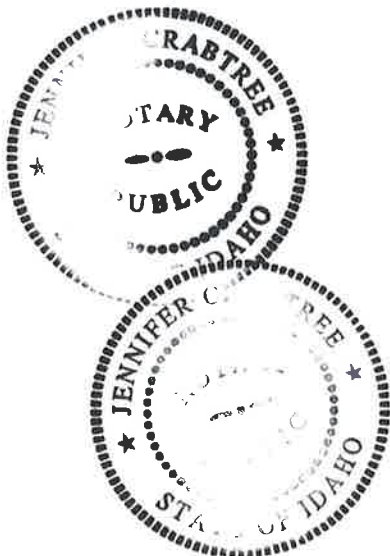
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Tim L. McCaus Date: 9-26-06

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day of Sept 2006



Jennifer Crabtree

Notary Public

Residing at Idaho Falls, ID

My commission Expires 9/23/09