

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:

Ident. Number

Date Received

Receipt Number

A34-00960
39576

A34-10818

1-12-1990

E011692

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 12 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) City of Mackay Phone (208) 588-2274Mailing Address P.O. Box 509, Mackay, ID Zip 832512. Date of Priority (Only one (1) per claim) 01/01/19023. Source of water supply (a) Warm Springs, also known as "City Springs"
which is tributary to (b) Big Lost River4. a. Location of existing point of diversion is: Township 7 N. Range 24 Section 32,
1/4 of 1/4 of NW 1/4, Govt. Lot, 2 E. B.M., County of Custer

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, 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. Concrete encased spring withspringhouse, through 10" pipeline, to storage tank, thence through
pipeline to businesses and residences through City water system.Storage tank size 300,000 gallons.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Municipal purposes from 01/01 to 12/31 amount 1.2 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Municipal -Domestic and fire protection for 350 households.

10. Description of place of use: Use is within the City of Mackay (Incorporated Limits)

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	
7N	24E	20																M	
7N	24E	21											M	M					
7N	24E	28		M	M		M	M	M	M	M	M				M			
7N	24E	29	M			M													

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes _____ No X
 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.
34-07505 and 34-07073 or None ()

14. Remarks:
1. City Water system, providing domestic and Fire Protection to City residents. 2. Par. No. 15. See also Woodman v. Millonig, et. al., Decree entered 07/14/52 in Custer County District Court, recorded in Book 4 of Judgments, p. 391.

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Last Name Mackay Ident No. _____

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

T. 7 N. Range 24 EBM, Sections 20,21,28,& 29

[illegible]

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Last Name Mackay, City of Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____
Court Custer District Case Number _____ Decree Date 03/02/1902
Plaintiff vs Defendant S.T. Moe, et. al. v. Henry Harger, et. al.

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 _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Mayor _____ Title _____
of City of Mackay _____, that I have signed the foregoing
Organization
document in the space below as Mayor of City of Mackay
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Daryl H. Casper*
Title and Organization Mayor, of City of Mackay Date 1/10/90

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

Subscribed and sworn (or affirmed) before me this 10 day of January 19 90

SEAL Notary Public *Leann Wartchow*
Residing at Arco, Id
My Commission Expires 4/28/92

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, William G. Carlson 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 *William Carlson*
Address P.O. Drawer 804 Arco, ID 83213
Date 1/10/90

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NOV 24 1992

Last Name Mackay Ident. Number _____

SRBA CLAIMS RECEIVING CHECKLIST #2

4/11/1989

CLAIMANT'S NAME CITY OF MACKAY

CLAIM IDENT. NO. Δ34-10818

DATE RECEIVED 1-12-90

CK # —

AMOUNT \$ —

YES

NO

Required Info?

Eq 11703
E011692

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) N/A ☒ YES ☐ NO *
4. Is the legal description of the p.d. sufficient? ☐ YES ☒ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? N/A ☒ YES ☐ NO *
- Is the consumptive use correct? N/A ☒ YES ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒ YES ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ☒ YES ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? N/A ☒ YES ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: JDW

Date: 8-15-90

Claim must be returned to claimant: — (Yes) — (No)

Claimant must be notified of modifications: — (Yes) — (No)

Receipt Prepared by: —

Claim data entered by: —

Sent to claimant by: —

Date: —

Date: —

Date: —

Checked by: —

Date: —

Comments: NEEDS 10% TRACT FOR D/D.

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NOV 24 1992

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

RENUMBERED *A34-00960.*
Ident. Number: A34-10818
Date Received: *1/15/1990* *1/12/90*
Receipt No: *EQ11703*
Received By: *PRW*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF MACKAY 208-588-2274
Address: P. O. BOX 509
MACKAY, ID 83251

2. Date of Priority: JAN 01, 1902

3. Source: CITY SPRING Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	24E	32	NW	NW	NE		CUSTER

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/ DOMESTIC AND FIRE PROTECTION FOR 350 HOUSEHOLDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	24E	20	SE	SE		MUNI	
		21	SW	SW		MUNI	
			SE	SW		MUNI	

A34-10818

Page 1

Date: 03/23/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	24E	28	NW	NE	MUNI	
			SW	NE	MUNI	
			NE	NW	MUNI	
			NW	NW	MUNI	
			SW	NW	MUNI	
			SE	NW	MUNI	
			NE	SW	MUNI	
		29	NW	SW	MUNI	
			NW	SE	MUNI	
			NE	NE	MUNI	
			SE	NE	MUNI	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A34-07073, PERMIT 34-07505

14. Remarks:

1. CITY WATER SYSTEM, PROVIDING DOMESTIC AND FIRE PROTECTION TO CITY RESIDENTS.

2. PAR. NO. 15. SEE ALSO WOODMAN VS. MILLONIG, ET AL., DECREE ENTERED 07/14/52 IN CUSTER COUNTY DISTRICT COURT, RECORDED IN BOOK 4 OF JUDGEMENTS, P. 391.

#5 (CONT.)

CONCRETE ENCASED SPRING WITH SPRINGHOUSE, THROUGH 10" PIPELINE, TO BUSINESSES AND RESIDENCES THROUGH CITY WATER SYSTEM. STORAGE TANK SIZE -- 300,000 GALLONS.

*** MEMO TO THE FILE 03/23/1990 PRM. ***

POINT OF DIVERSION ON SUBMITTED NOTICE OF CLAIM WAS NW¼, SEC. 32, T7N, R24E. P/D LISTED IN DATABASE RECORD IS FROM USGS QUAD.

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 _____

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: 8011703

Date: 1/15/1990
Time:

Received

From: CITY OF MADKAY

Type of Payment	Program A cct	Amount
ADJUDICATION FEE	410162 9337 6490	380.00
OVERPAYMENT OF ADJUDICATION FEE	410162 9337 6490	92.00
CHECK 6665		Total \$472.00

Water Right Numbers
A34-00960 A34-07073 A34-00780C

Region: EASTERN

Signature:

Ernest Carlson
March 18, 1991

Renumbered from A34-10818.

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NOV 24 1992

March 18, 1991

Mr. William G. Carlson
P.O. Drawer 804
Arco, ID 83213

RE: A34-10818, City of Mackay

Dear Mr. Carlson:

The Notice of Claim your office submitted on behalf of the City of Mackay has been renumbered. Originally it was assigned a new water right number, A34-10818. However, since the right was previously decreed it had already been assigned a number of 34-0960. To continue with the original number, we have changed the claim number to A34-00960, and have modified the receipt E011703 to reflect this number (copy enclosed).

Regarding this Notice of Claim, I have a question concerning the priority date.

Item 15 states the water right is based on a decree entitled Moe vs. Harger dated 3/2/1902. It is my understanding this decree was superseded by a subsequent court action entitled Woodman vs. Millonig et al, entered 7/14/1952. In reviewing the latter court action I find no mention of January 1, 1902 priority date. To recommend the right as claimed evidence supporting the claimed priority date will have to be furnished.

Please submit this evidence by April 1, 1991. If you have any questions concerning this matter please contact me.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:sc
Enclosure

cc: Oval Caskey
Anna Baumhoff

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MASONIC BUILDING
260 W. GRAND AVE.

WILLIAM G. CARLSON
ATTORNEY AT LAW
P.O. DRAWER 804
ARCO, IDAHO 83213-0804

RECEIVED

mar
FEB 28 1991

AREA CODE 208
527-3458

Department of Water Resources
Eastern District Office

March 27, 1991

State of Idaho
Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

Attn: Ernest Carlsen Re: City of Mackay -
Adjudication Supervisor A34-00960

Gentlemen:

City of Mackay has asked us to respond to Mr. Carlsen's letter of March 18, 1991, regarding the priority date of the above claim.

As we indicated to Mr. Carlsen in our telephone conference, we have examined an Abstract of Title in possession of the City and can definitely trace the City water right from the present, back to the Water Decreed to William Boone, in Moe v. Harger. The recorded instruments indicate that the water system, including these water rights, were used in Mackay, from March 22, 1904, when they were described in a Deed from White Knob Copper Company to Mackay Development Company.

We have prepared, and enclose an Affidavit, which we ask that you consider in setting the priority date. We can furnish the Abstract, if you feel it is needed.

Very truly yours,



William G. Carlson
Attorney for City of Mackay

Enclosure

WGC/lw

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RECEIVED

FEB 28 1991

AFFIDAVIT RE. CLAIM A34-0096
(City of of Mackay)

Department of Water Resources
Eastern District Office

WILLIAM G. CARLSON, being first duly sworn, deposes and says:

His is the Attorney for the City of Mackay, a Municipal Corporation, and makes this Affidavit in support of Notice of Claim A34-10818, now denominated A34-00960, by the State of Idaho Department of Water Resources, specifically in support of the claimed priority date of 01/10/1902.

Affiant has examined an "Abstract of Title" which is in possession of the City of Mackay, and which relates to a certain Water Right from Warm Springs Creek, which is the source of the domestic water supply system for the City of Mackay.

Affiant finds the Claim to Title to the Water Right to have descended to the City of Mackay, as follows:

1. A Notice of Water Right Location was filed by one WILLIAM A. BOONE, on May 26, 1900, claiming diversion of 5 cfs of water from Warm Springs Creek, as of May 11, 1900.

2. On March 20, 1902, WILLIAM BOONE conveyed 5 cfs of water from Warm Springs Creek to WAYNE DARLINGTON, by Quit Claim Deed, describing the location Notice. Recorded 6/12/1902, Book 1 of Deeds, page 223.

3. On May 19, 1902, WAYNE DARLINGTON conveyed all of his interest in the water of Warm Springs Creek to White Knob Copper Company (Limited), a Corporation, by Quit Claim Deed, recorded 05/23/1902, Book F, Deeds, Page 550-1.

4. In Moe v. Harger, a Water Judgment (Decree) was entered on January 3, 1903, and recorded in Judgment Book I, pp. 412-421, inclusive, Decreeing to WILLIAM BOONE, 50 inches of water from Warm Springs Creek, with a priority of 01/01/1902.

5. On March 22, 1904, White Knob conveyed the "Water Works of the Village of Mackay" including all waters of Warm Springs Creek, to Mackay Development Company, Limited, a Corporation, by Warranty Deed, Recorded 03/26/1904, Recorded in Book G of Deeds, pp. 168,169,170.

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6. On November 27, 1912, Mackay Development conveyed the described Water System, including "Water powers and privileges," and further including all property of Mackay Development in Custer County, to JOHN T. SMITH, by Quit Claim Deed, Recorded 12/04/12, Book 9 of Deeds, p. 458.

7. On February 26, 1913, Smith conveyed the Water System, including water power and privileges to Idaho Development Company, by Quit Claim Deed, Recorded 03/17/13, Book 9 of Deeds, p. 468.

8. On November 28, 1916, both Smith and Mackay Development Company conveyed the water system, including water powers, to Idaho Improvement Company, a Corporation, by Quit Claim Deeds recorded 12/15/16, in Book 12 of Deeds, pp. 106 and 104. (Idaho Development Company, Grantee in "6." disappears.)

9. On March 29, 1917, Idaho Improvement Company conveyed the Water System to H.W. WEILER by Warranty Deed, recorded 04/04/17, Book 12 of Deeds, p. 155.

10. On May 18, 1917, Weiler conveyed the system back to Idaho Improvement Company, by Warranty Deed, recorded 06/11/17, Book 12 of Deeds, p. 171.

11. On April 24, 1918, Idaho Improvement Company gave a Real Estate Mortgage to W.G. JENKINS, and Company, Recorded 04/27/18, Book 6 of Mortgages, pp. 220-221. This Mortgage describes the water system serving Mackay, and the Moe v. Harger Decree, decreeing to WILLIAM BOONE, 50 inches of water, and 1 cfs of water acquired by use.

12. The Mortgage was assigned to J.D. CARR, by Assignment dated October 23, 1922, recorded in Book 2 Assignments, p. 11.

13. The Mortgage was released by Carr by Release dated June 25, 1924, recorded Book 4, Releases of Mortgage, p. 83.

14. Several other Mortgages were given, released and/or foreclosed, resulting in the ownership returning to Idaho Improvement Company, a Corporation.

15. On February 25, 1948, the Village (now City) of Mackay, purchased all of the capital stock by Mackay Water Company and Idaho Improvement Company, from the Estate of JOHN DUNCAN CARR, by Bill of Sale, and the assets of the Mackay Water System, including "certain water rights",

by Executrix Deed. (Not a part of the Abstract)

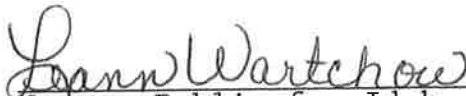
16. The language of the conveyances in each instrument from "4." above describes the water system and water rights of the Village of Mackay, and descend directly from the Boone location notice and Decree, giving priority date of 01/01/1902, for the City of Mackay Water Right.

Affiant has also examined a copy of the Stipulated Decree in the case of Woodman v. Millonig, et. al. in which the Plaintiff was held to have the right to the first 5 miners inches of water from Warm Springs Creek, and Village of Mackay had the right to the balance of the flow. Although the Decree does not give a priority date for either parties right, the records of Custer County, set forth above, clearly show that the Court had reference to the Boone Decree in Moe v. Harger, which set the priority date as January 1, 1902.

Further Affiant Saith Not.


WILLIAM G. CARLSON

Subscribed and sworn to before me, a Notary Public, this 27 day of march, 1991.


Notary Public for Idaho,
Residing at Arco, Idaho,
Commission Expires 4/28/92.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:08:08
09/06/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A34-10618

LAST: CITY OF MACKAY
ADDRESS: P. O. BOX 509
CITY: MACKAY
PHONE NUMBER: 208-588-2274

FIRST:

STATE: ID ZIP: 83251

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS:

1. CITY WATER SYSTEM, PROVIDING DOMESTIC AND FIRE PROTECTION TO CITY RESIDENTS.
 2. PAR. NO. 15. SEE ALSO WOODMAN VS. MILLONIG, ET AL., DECREE ENTERED 07/14/52 IN CUSTER COUNTY DISTRICT COURT, RECORDED IN BOOK 4 OF JUDGEMENTS, P. 391.
- *5 (CONT.)
CONCRETE ENCASED SPRING WITH SPRINGHOUSE, THROUGH 10" PIPELINE, TO BUSINESSES AND RESIDENCES THROUGH CITY WATER SYSTEM. STORAGE TANK SIZE -- 300,000 GALLONS.
*** MEMO TO THE FILE 03/23/1990 PRM. ***
POINT OF DIVERSION ON SUBMITTED NOTICE OF CLAIM WAS NW 1/4, SEC. 32, T7N, R24E. F/D LISTED IN DATABASE RECORD IS FROM USGS QUAD.

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CONTACT PERSON: GALE LORDS

PHONE NUMBER: () -

DATE OF FIELD EXAM: 10/2/90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: GALE LORDS - ~~city~~

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: city engineer

DIRECTIONS TO PROPERTY / REMARKS:

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A. AJ CLAIM: # A34-10818 PRIORITY DATE: 01-01-1902 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

Decree July 14 1952 does not specify priority dates

→ see mail message from Ernie Carlson -

evidence supporting 1/1 1902 in file at eastern

Rec as claimed

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

8/21/91

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A34-10818	07N	24E	32	NW	NW	NE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

34-02147
34-07088
34-07503

SOURCE: CITY SPRING

TRIB: BIG LOST RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER
AB

REMARKS:

*recommended as claimed / verified by field exam
except add Govt Lot "2" to legal description*

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
1N	24E	32	NW	NW	NE	2	CUSTER

SOURCE:

REVIEWED BY: B

TRIS:

DATE:

8-21-91



10 inch intake pipe used by City to divert water from the "City Spring".

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A. ROOT WATER RIGHT NUMBERS: A34-10818

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	24E	28	NW	NE		CITY OF MACKAY	A34-10818 /	- /			
						BILLAU, ROBIN L.	A34-02485 / 6.0	34-02485 /			27.0
						CITY OF MACKAY	A34-07073 /	- /			
						ARMSTRONG, EDWARD F.	A34-00440A / 0.8	- /			
						POWERS, JOHN L.	A34-00440B / 19.0	- /			
						POWERS, JOHN L.	A34-10748 / 19.0	- /			
						POWERS, JOHN		34-07239 / 28.0			
07N	24E	28	SW	NE		CITY OF MACKAY	A34-10818 /	- /			
						CITY OF MACKAY	A34-07073 /	- /			11.0
						EVANS, LOUIS H.		34-00227C /			
07N	24E	21	SE	SW		CITY OF MACKAY	A34-10818 /	- /			
						CITY OF MACKAY	A34-07073 /	- /			30.0
						POWERS, JOHN L.	A34-00440B / 20.0	- /			
						CITY OF MACKAY	A34-00780C / 5.5	34-00780C /			
						POWERS, JOHN L.	A34-10748 / 20.0	- /			
						POWERS, JOHN		34-07239 / 25.0			
07N	24E	28	NE	NW		CITY OF MACKAY	A34-10818 /	- /			
						CITY OF MACKAY	A34-07073 /	- /			12.0
						LAPEVRE, CHAS.		34-00440 / 1.0			
						MC KENZIE, K.		34-00569E /			
07N	24E	20	SE	SE		CITY OF MACKAY	A34-10818 /	- /			
						WILLIAMS, ED H.	A34-10353 /	- /			37.0
						CITY OF MACKAY	A34-07073 /	- /			
						PEHRSON, RANDY	A34-00077 / 12.4	- /			
						PEHRSON, RANDY	A34-02380 / 12.4	- /			
						MC KELVEY, DONALD T.	A34-00851 / 8.0	34-00851 /			
						MC KELVEY, DONALD T.	A34-10374 / 8.0	- /			
						ROBINSON, WENDELL	A34-10530 /	- /			
						GOODMAN, LULU		34-00280 /			
						WILLIAMS, HENRY		34-00850 /			
07N	24E	21	SW	SW		CITY OF MACKAY	A34-10818 /	- /			
						SHAW, ROBERT E.	A34-10126 / 6.0	- /			42.0
						CITY OF MACKAY	A34-07073 /	- /			
						CITY OF MACKAY	A34-00780C / 5.5	34-00780C /			
						RICHTER, CHARLES A.		34-00005 / 5.0			
						RICHTER, CHARLES A.		34-00005 / 5.0			
07N	24E	28	NW	NW		CITY OF MACKAY	A34-10818 /	- /			
						SAYER, ALTON T.	A34-10176 /	- /			39.0
						CITY OF MACKAY	A34-07073 /	- /			
						CHAMBERLAIN, DAVE	A34-07191 / 1.0	34-07191 / 1.0			
						CROCKER, MRS. THOMAS		34-00176 /			
						GREENWOOD, H.G.		34-00284 / 3.0			
						LAPEVRE, CHAS.		34-00440 / 25.0			

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MC KENZIE , K.

34-00569E /

07N 24E 28 SW NW	CITY OF MACKAY CITY OF MACKAY MARINAC , MIKE L. MARINAC , MIKE L. MARINAC , MIKE L. LOSS , CHRISTINE LOSS , CHRISTINE MC KENZIE , K. WARREN , LEVI	A34-10818 / A34-07073 / A34-00705 / 9.5 A34-00826A / 9.5 A34-07089 / 9.5 A34-10527 / A34-10831 / 1.0	- / - / 34-00705 / 9.5 34-00826A / 9.5 34-07089 / 10.0 - / - /	42.0
07N 24E 28 SE NW	CITY OF MACKAY CITY OF MACKAY EVANS , LOUIS H. MC KENZIE , K.	A34-10818 / A34-07073 /	- / - / 34-00227C / 34-00569E /	28.0
07N 24E 28 NE SW	CITY OF MACKAY FULLMER , CURT D. LAMBSON , GARY G. CITY OF MACKAY EVANS , LOUIS H. MC KENZIE , K.	A34-10818 / A34-02336 / 30.0 A34-02336A / 2.2 A34-07073 /	- / 34-02336 / 30.0 - / - / 34-00227C / 34-00569E /	36.0
07N 24E 28 NW SW	CITY OF MACKAY FULLMER , CURT D. CITY OF MACKAY MARINAC , MIKE L. MARINAC , MIKE L. MARINAC , MIKE L. EVANS , LOUIS H. MC KENZIE , K.	A34-10818 / A34-07222 / 1.0 A34-07073 / A34-00705 / 1.0 A34-00826A / 1.0 A34-07089 / 1.0	- / 34-07222 / 1.0 - / 34-00705 / 1.0 34-00826A / 1.0 34-07089 / 1.0 34-00227C / 34-00569E /	42.0
07N 24E 28 NW SE	CITY OF MACKAY FULLMER , CURT D. LAMBSON , GARY G. CITY OF MACKAY CHURCH OF JESUS CHRIST LATTER MC KENZIE , K. SCHOOL DISTRICT NUMBER 182	A34-10818 / A34-02336 / 5.0 A34-02336A / 4.0 A34-07073 /	- / 34-02336 / 5.0 - / - / 34-07517 / 2.0 34-00569E / 34-02338 / 2.0	27.0
07N 24E 29 NE NE	CITY OF MACKAY FRAUENHOLZ , LOWELL PRITCHETT , FLORA M. LAMBSON , GARY G. CITY OF MACKAY MC KELVEY , DONALD T. MC KELVEY , DONALD T. HALVERSON , M.D. CROCKER , MRS. THOMAS GOODMAN , LULU WILLIAMS , HENRY	A34-10818 / A34-00284A / 1.0 A34-00541 / 1.0 A34-07030 / 16.0 A34-07073 / A34-00851 / 1.0 A34-10374 / 1.0 A34-10882 /	- / - / 34-00541 / 1.0 34-07030 / 16.0 - / 34-00851 / - / - / 34-00176 / 34-00280 / 34-00850 /	41.0
07N 24E 29 SE NE	CITY OF MACKAY LAMBSON , GARY G. CITY OF MACKAY MARINAC , MIKE L. MARINAC , MIKE L. MARINAC , MIKE L.	A34-10818 / A34-07030 / 2.0 A34-07073 / A34-00705 / 2.0 A34-00826A / 2.0 A34-07089 / 2.0	- / 34-07030 / 2.0 - / 34-00705 / 2.0 34-00826A / 2.0 34-07089 / 2.0	39.0

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NOV 24 1992

WARREN, LEVI
CUSTER COUNTY FAIR BOARD

34-00807 / 3.0
34-07539 /

TOTAL ACRES A34-10818

453.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() NO)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

F.O.U. city limits of mackay - blank the fields and
use REMARK - J03

RECOMMENDATIONS:

TOTAL ACRES:

NA

REVIEWED BY:

B

DATE:

8-21-91

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A34-10818 MUNICIPAL	FROM 01-01 TO 12-31	1.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.200 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
----------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

☒ Y() ☐ N()

RECOMMEND TO WR STANDARDS OR OTHER?

☐ Y() ☐ N() Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y FIELD EXAMINER

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A34-07073, PERMIT 34-07505

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A34-02485	GROUNDWATER	BILLAU, ROBIN L.	0.140	0.023	18.20	3.03
A34-00440B	BIG LOST RIVER	POWERS, JOHN L.	4.000	0.013		
A34-10748	WASTE WATER	POWERS, JOHN L.	6.000	0.019		
A34-00780C	BIG LOST RIVER	CITY OF MACKAY	0.440	0.020		
A34-00077	BIG LOST RIVER	PEHRSON, RANDY	3.040	0.014		
A34-02380	GROUNDWATER	PEHRSON, RANDY	3.890	0.019		
A34-00851	BIG LOST RIVER	MC KELVEY, DONALD T.	0.200	0.009		
A34-10374	BIG LOST RIVER	MC KELVEY, DONALD T.	0.340	0.016		
A34-10126	BIG LOST RIVER	SHAW, ROBERT E.	0.120	0.020		
A34-07191	GROUNDWATER	CHAMBERLAIN, DAVE	0.020	0.020		
A34-00705	BIG LOST RIVER	MARINAC, MIKE L.	0.063	0.003		
A34-00826A	BIG LOST RIVER	MARINAC, MIKE L.	0.160	0.007		
A34-07089	GROUNDWATER	MARINAC, MIKE L.	0.190	0.009	61.50	3.00
A34-10831	SWAGER SLOUGH	LOSS, CHRISTINE	0.030	0.030		
A34-02336	GROUNDWATER	FULLMER, CURT D.	0.700	0.020		
A34-02336A	GROUNDWATER	LAMBSON, GARY G.	0.120	0.019		
A34-07222	GROUNDWATER	FULLMER, CURT D.	0.020	0.020		
A34-00284A	BIG LOST RIVER	FRAUENHOLZ, LOWELL	0.050	0.050		

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NOV 24 1992

CLAIM NUMBER: A34-10818

RIGHT	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A34-00541	BIG LOST RIVER	PRITCHETT, FLORA M.	0.020	0.020		
A34-07030	GROUNDWATER	LAMBSON, GARY G.	0.250	0.007		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A34-10818	MUNICIPAL	CITY OF MACKAY	FROM 01-01 TO 12-31	1.200 CFS	
A34-07073	MUNICIPAL	CITY OF MACKAY	FROM 01-01 TO 12-31	.880 CFS	
A34-02485	STOCKWATER	BILLAU, ROBIN L.	FROM 01-01 TO 12-31	.020 CFS	.20 AF/A
A34-10353	DOMESTIC	WILLIAMS, ED H.	FROM 01-01 TO 12-31	.040 CFS	
A34-10353	STOCKWATER	WILLIAMS, ED H.	FROM 01-01 TO 12-01	.020 CFS	
A34-10530	DOMESTIC	ROBINSON, WENDELL	FROM 01-01 TO 12-31	.040 CFS	
A34-10530	STOCKWATER	ROBINSON, WENDELL	FROM 01-01 TO 12-31	.160 CFS	
A34-10176	DOMESTIC	SAYER, ALTON T.	FROM 04-01 TO 11-01	.020 CFS	
A34-10527	DOMESTIC	LOSS, CHRISTINE	FROM 01-01 TO 12-31	.040 CFS	
A34-10882	DOMESTIC	HALVERSON, M.D.	FROM 01-01 TO 12-31	.040 CFS	

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NOV 24 1992

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. *municipal* IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AE/A

ACRES _____ x CONSUMPTIVE VOL. AE/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AE/A

*see memo limited
w remarks*

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AE/A

ACRES _____ x DIVERSION VOL. AE/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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NOV 24 1992

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AE/A	REC. CONS. USE
Municipal	1/1 12/31	1.2		
TOTAL FOR THIS RIGHT				
REVIEWED BY: <i>[Signature]</i>		DATE: 8-21-91		

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NOV 24 1992

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 34-10818

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "K" CLAIM NUM.	"K" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A34-10818	1.200	-	-	-	-
TOTAL CFS		1.200				

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

Recommend as decreed
decree date 7-14-1952

Direct CU. to 190AC when used with 34-07073 and
34-00780C

AUTHENTICATION:

SIGNATURE:

DATE:

8-21-91

NAME OF FIELD EXAMINER:

TITLE:

Sr. W. L. Agat

MICROFILMED
NOV 24 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:08:08
09/06/90

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A34-~~10818~~ ⁰⁰⁹⁶⁰ *Renumbered*

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		B 8-21-91	N	6	B 8-21-91	B 8-21-91	B 9-3-91
POINT OF DIV	Y		AB 10/2/90	yes	6			
SOURCE	Y		"	NO				
PLACE OF USE	Y		"	yes	5/1			
DIV. AROUND CFS/VOLUME	Y		"	N				
CONSUMPTIVE USE	-		B 8-21-91	yes	6			
PURPOSES	Y		AB 10/2/90	NO				
PERIOD OF USE	Y		"	NO				
BASIS OF CLAIM	Y							
REMARKS	Y							

*Notice of appearance
Changed to J. Lynn Estes
8/29/91 B*

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PG = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
AERIAL PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

J03
E09 34-07073 34-00780C, (C.4)
F05 34-00959 190AF,
~~E01~~ ~~Recreation~~

MICROFILMED
NOV 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: September 27, 1990

00960
A34-10810
CITY OF MACKAY
P. O. BOX 509

MACKAY

ID 83251

RE: field examination of a water right claimed
in the Snake River Basin Adjudication

Dear Claimant:

The field staff of this agency plans to conduct water right field examinations of your water right claim during this irrigation season. The identification number of the claim is shown above. If more than one claim is to be field examined, the additional claim identification numbers are listed below. The field examination is necessary to verify your water use.

If you, or someone with knowledge of your water system could be available at the time of the field examination, your cooperation and assistance would be appreciated. We will attempt to contact you by telephone to schedule a time for the field examination. If you have any questions regarding the field examination, you may contact this office.

Sincerely,

for Ernest Carlsen
Water Rights Supervisor, Adjudication

EC:cf:gc

A34-007800

A34-07073
CITY OF MACKAY
P. O. BOX 509

MACKAY

ID 83251

NOV 24 1992
MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

March 18, 1991

Mr. William G. Carlson
P.O. Drawer 804
Arco, ID 83213

RE: A34-10818, City of Mackay

Dear Mr. Carlson:

The Notice of Claim your office submitted on behalf of the City of Mackay has been renumbered. Originally it was assigned a new water right number, A34-10818. However, since the right was previously decreed it had already been assigned a number of 34-0960. To continue with the original number, we have changed the claim number to A34-00960, and have modified the receipt E011703 to reflect this number (copy enclosed).

Regarding this Notice of Claim, I have a question concerning the priority date.

Item 15 states the water right is based on a decree entitled Moe vs. Harger dated 3/2/1902. It is my understanding this decree was superseded by a subsequent court action entitled Woodman vs. Millonig et al, entered 7/14/1952. In reviewing the latter court action I find no mention of January 1, 1902 priority date. To recommend the right as claimed evidence supporting the claimed priority date will have to be furnished.

Please submit this evidence by April 1, 1991. If you have any questions concerning this matter please contact me.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:sc
Enclosure

cc: Oval Caskey
Anna Baumhoff

RECEIVED
MAR 19 1991

Department of Water Resources

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

MICROFILMED
NOV 24 1992

CLAIMANT'S NAME: City of MackayDATE: 8-21-91EMPLOYEE: Anna Baumbach

RE: To calculate a consumptive use amount for the City I have estimated the number of irrigated acres (not covered by other water rights) within the current boundaries of the City limits (see map in file) and the final total was calculated at 65 acres.

Therefore the Consumptive Use Volume limitation for both the Spring and Groundwater right 34-07073 would be

$$2.5 \text{ AF} \times 65 \text{ AC} = 162.5 \text{ af/ANNUM}$$

Decreed right 34-00780C claims 22 acres of water. It appears from the claim 11 acres are within the City limits - therefore when all rights are considered the total number of irrigated acres would be the 65 ac plus the 11 acres outside the city limits or 76 ac.

Consumptive Use would then be:

$$2.5 \text{ AF/A} \times 76 \text{ AC} = 190 \text{ AF/ANNUM}$$

when all three rights are used together

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NOV 24 1992



CITY OF MACKAY

203 SOUTH MAIN
P.O. BOX 509
MACKAY, ID 83251

RECEIVED
AUG 26 1991

Department of Water Resources

August 23, 1991

Anna Baumhoff
Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Ms. Baumhoff;

This letter is to inform you that William Carlson is no longer the City attorney. The City accepted Mr. Carlsons resignation effective June 30, 1991. The City hired Lynn Estes for the position effective August 6, 1991.

Sincerely,

Oval L. Caskey
Oval L. Caskey
Mayor

olc/sr
cc

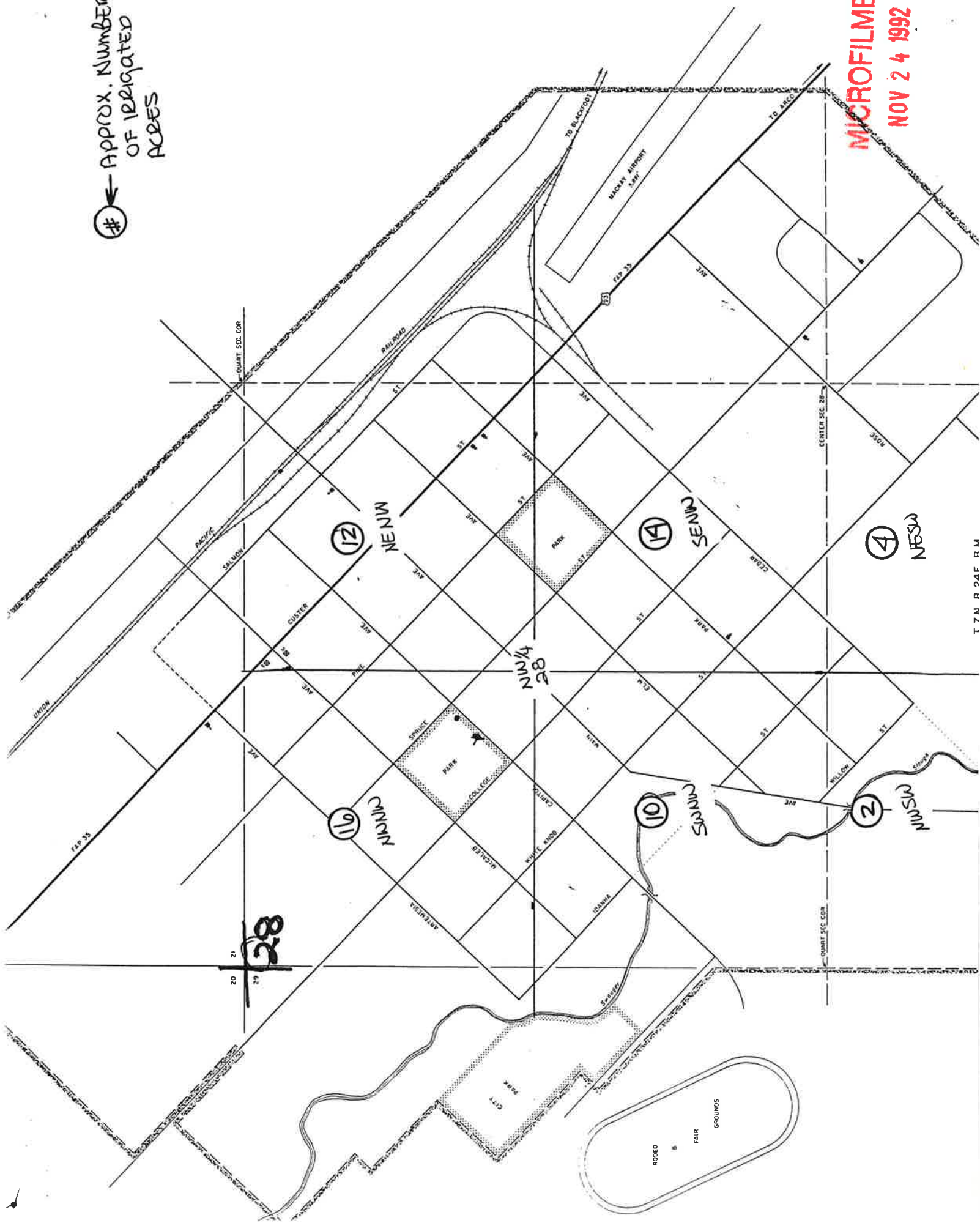
*Signed Notice from
J. Lynn Estes is on
the Amended Claim form
A34-0780C
B8/29/91*

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NOV 24 1992

ENJOY LOST RIVER'S FAMOUS FISHING

STRE
FEDER

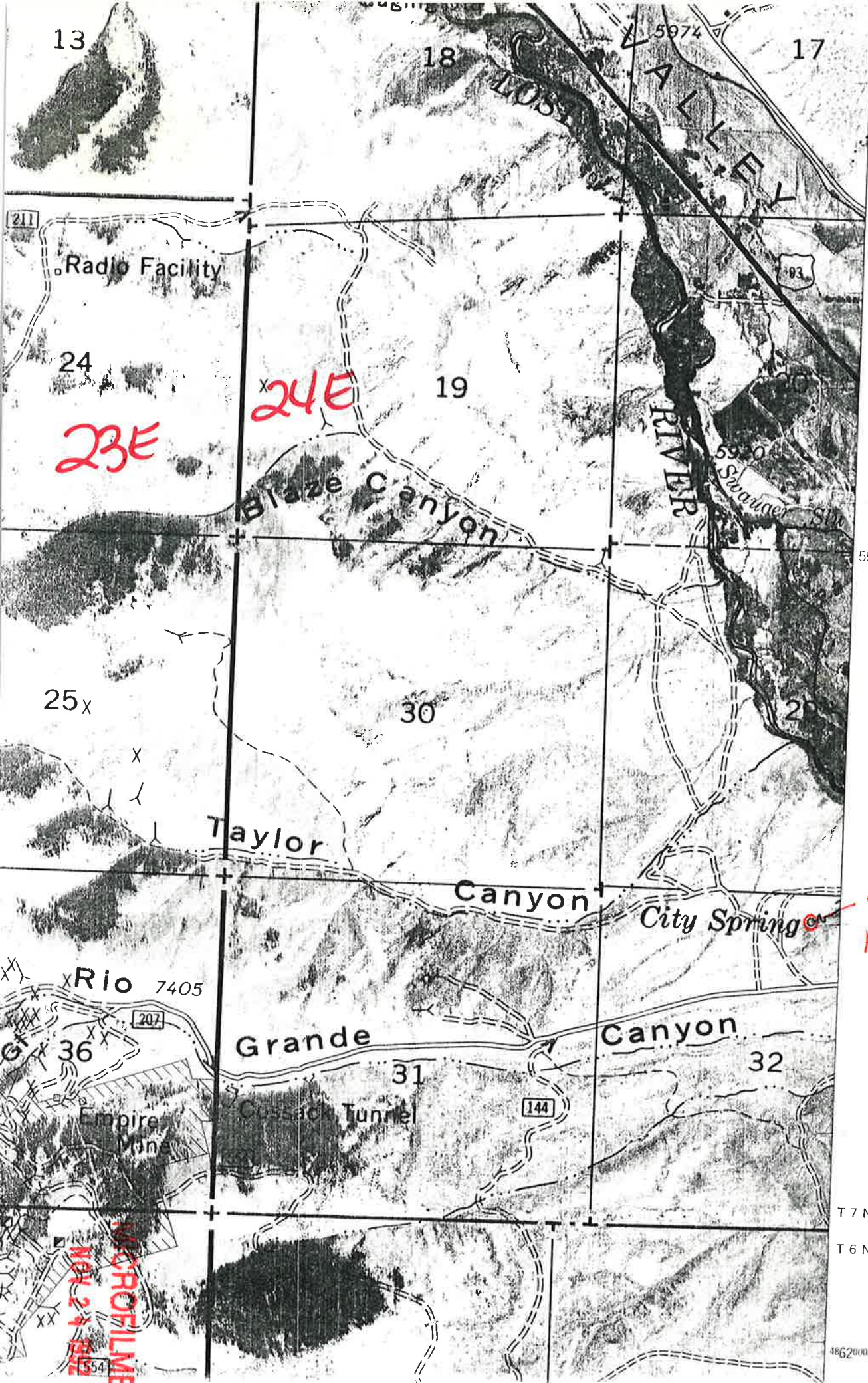
NOV 24 1992



NOV 24 1992

PROFILMED

[illegible]



(MACKAY NE)

13

18

5974

17

211

Radio Facility

24

24E

19

23E

Blaze Canyon

RIVER

5920

Swander

55°

25x

30

Taylor

Canyon

City Spring

P.D
AB4-10818
00960
and
AB4-00959

Rio 7405

Grande

Canyon

31

32

Cossack Tunnel

144

Empire Mine

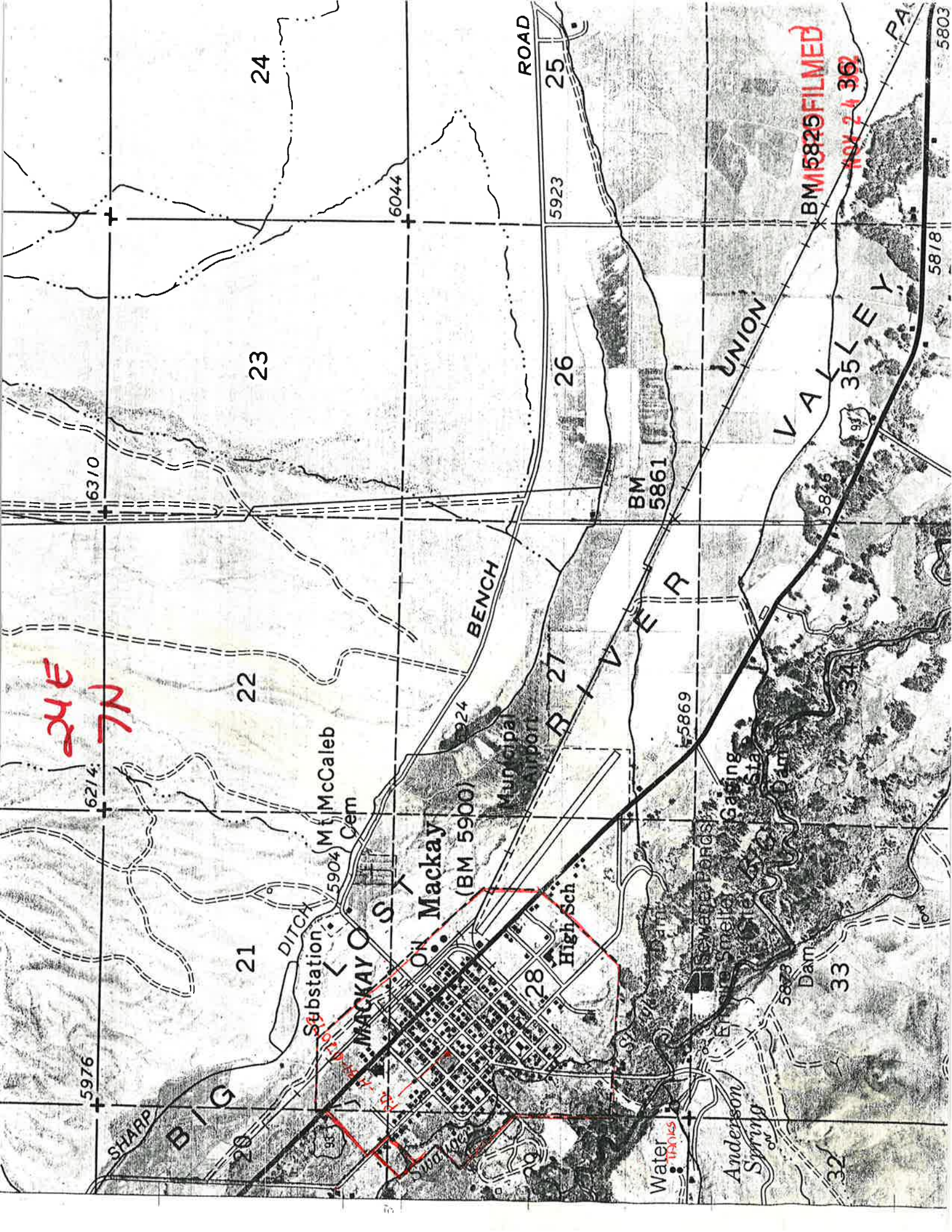
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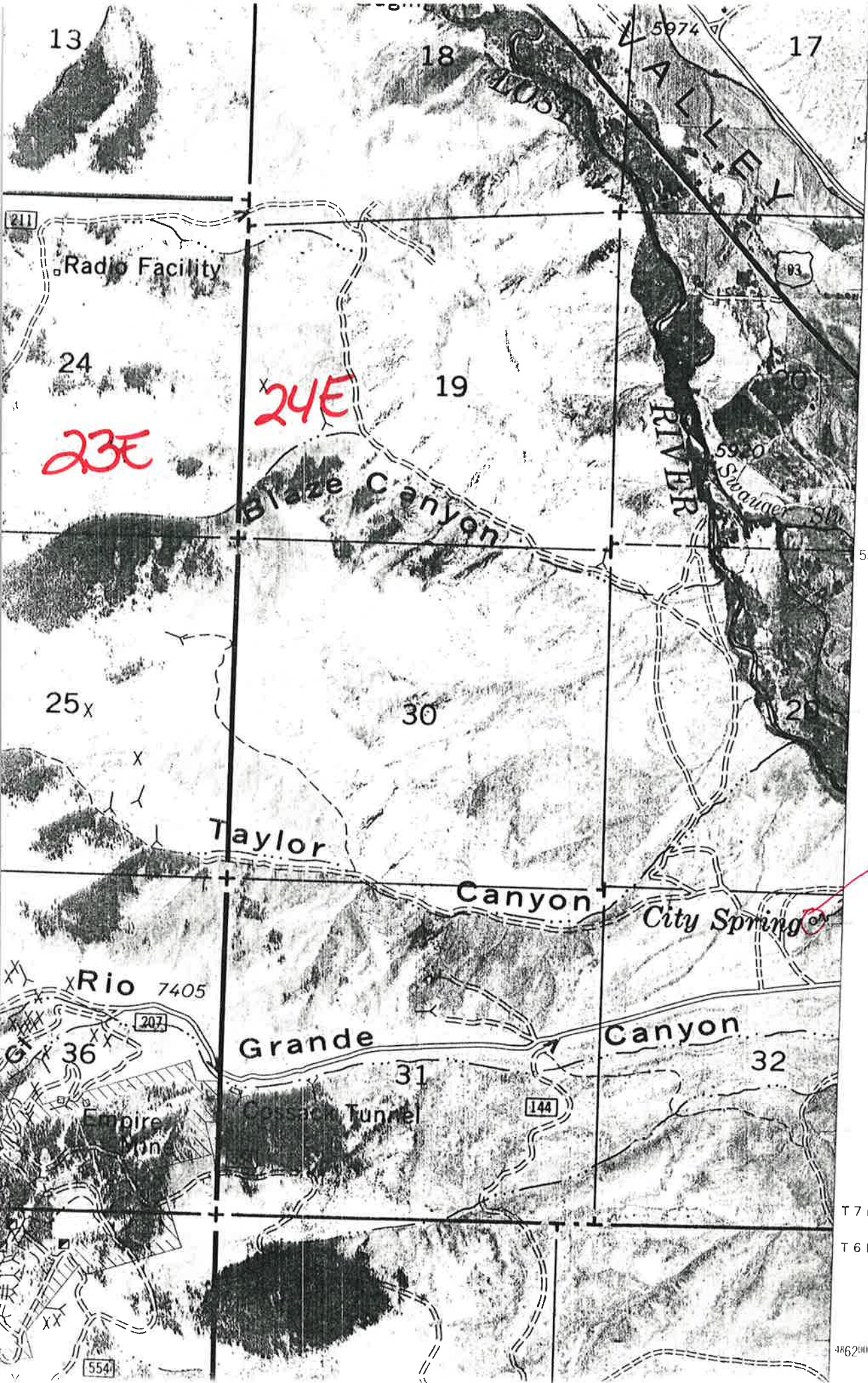
T 7 N
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4862000m N



24E
7N

BM 5825 FILMED
NOV 24 36



(MACKAY NE)

MICROFILMED
NOV 24 1992

P.D.
34-00960
34-00959

T7N
T6N
T6N

4620000 N.

Water Right Number - R34-00960

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CITY OF MACKAY

1 - PO BOX 509
2 -
3 -
City- MACKAY State- ID Zip- 83251
Phone - 208-588-2274

*** A - ATTORNEY ***
ESTES

J. LYNN

1 - PO BOX 11
2 -
3 -
City- ARCO State- ID Zip- 832130011
Phone - 208-527-3458

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1902 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
CITY SPRING BIG LOST RIVER

Point of Diversion							Stream Index (Blank if no Index Code)
Twn	Rng	Sec	Tract	Lot	RFlg	County	
07N	24E	32	NW NW NE	2	(37)	CUSTER	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
40 - MUNICIPAL		01/01	12/31	1.200	

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +	Total Consumptive Use - +	KW Usage - +
1.200			0.0	

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County

+ - - Diversion Means - WATER DIVERTED IN 10" PIPE FROM SPRING TO HOLDING TANKS TO CITY

+ - - Non-Irrigation Use - MUNICIPAL CITY OF MACKAY

+ - - Other Rights for Same Use - 34-07073

+ - - - - - Remarks - - - - - +

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF MACKAY.
RIGHT NO. 34-00959 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NOS. 34-00780C AND 34-07073 IS
LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 190
AF.

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NOV 24 1992

Water right number - R34-00960

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

A3410818
Renumbered claim

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
WOODMAN MILLONIG, ET AL 07/14/1952

+ - - Audit Fields - 08/21/91 BAUMHOFF 08/29/91 BAUMHOFF 09/03/91 BAUMHOFF

+ - - - - Comments - - - - - +

Date: 08/21/1991 User Id: BAUMHOFF Subject: COPIED FROM REMARKS
1. CITY WATER SYSTEM, PROVIDING DOMESTIC AND FIRE PROTECTION TO CITY RESIDENTS.
2. PAR. NO. 15. SEE ALSO WOODMAN VS. MILLONIG, ET AL., DECREE ENTERED 07/14/52 IN CUSTER COUNTY DISTRICT COURT, RECORDED IN
BOOK 4 OF JUDGEMENTS, P. 391. #5 (CONT.)
CONCRETE ENCASED SPRING WITH SPRINGHOUSE, THROUGH 10" PIPELINE, TO BUSINESSES AND RESIDENCES THROUGH CITY WATER SYSTEM. STORAGE
TANK SIZE -- 300,000 GALLONS. *** MEMO TO THE FILE 03/23/1990 PRM. ***
POINT OF DIVERSION ON SUBMITTED NOTICE OF CLAIM WAS NW¼, SEC. 32, T7N, R24E. P/D LISTED IN DATABASE RECORD IS FROM USGS QUAD.

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 10/02/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 09/03/1991	Old Judicial District	-
Claim Received Date	- 01/15/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 34
Licensed Date	- 00/00/0000	Receipt Number	- E011703	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- N	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

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NOV 24 1992

see 34-00780C for
response to objection -

- Ask Lynne K-H about
priority date.

claims 34-00960 & 34-00959
should have the same
priority dates.

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APR 20 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

Case No. 34-00960

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State of Idaho;
and all Claimants to the use of water
from the Snake River Basin Water
System,

Respondents.

OBJECTION

RECEIVED

MAR 0 1 1993

Department of Water Resources
Adjudication Bureau

I. GENERAL INFORMATION

1. Person objecting:

Name: United States Department of Justice,
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

Briefly describe your interest in this water right: The United States
holds water rights of many types in all reporting areas within the SRBA.

2. Owner of the water right:

Name: CITY OF MACKAY

Address: PO BOX 509
MACKAY, ID 83251

3. If this objection is filed by an attorney:

Attorney Name: David W. Harder
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-5784

If filed by an attorney, notice of pending court proceedings will be sent to
the attorney only.

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APR 20 1994

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - ☒ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - ☐ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.
12. ☐ Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to certain paragraphs of the general provisions in the Director's report as noted on the attached "Reasons Supporting Objections and Proposed Changes".

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

[XX] Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

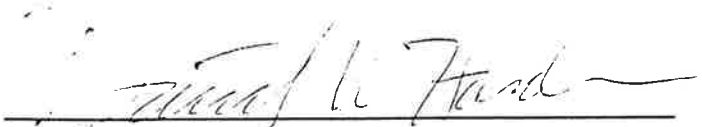
REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES - 2 pgs.

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APR 20 1994

POOR ORIGINAL

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the United States is a water claimant and party, under I.C. 42-1401A(1) and (7), and after review of the foregoing objection find that it is true and correct. Executed on this 25th of February 1993.


David W. Harder
Indian Resources Section
Environment and Natural Resources
Division
P.O. Box 44378
Washington, D.C. 20026-4378
(202) 272-5784

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of February, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

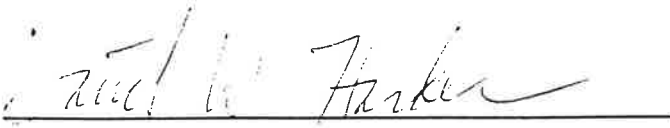
Have delivered on 2/26/93, but

2. One copy to the owner of the water right:

Owner name: CITY OF MACKAY
Owner's address: PO BOX 509
MACKAY, ID 83251

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449


Signature of Objector or attorney mailing
on Objector's behalf

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES

CITY OF MACKAY

CASE NO. 34-00960

3.a. QUANTITY

Peak Diversion Rate

The peak diversion rate (1.2 cfs) for this recommended water right is based on a decreed irrigation right. There is no water measurement information presented in IDWR's files as to the capacity of the spring or the city water system.

The peak diversion rate should be based on system capacity. Sufficient facts should be submitted by the claimant or developed by IDWR to establish the capacity of the system and how all the sources of supply are utilized to meet water requirements.

Annual Volume Quantification

Municipal water rights should be quantified by peak diversion rates and annual diversion volumes by expansion period. No factual data has been developed to establish what the historic and current levels of water use are for this community.

Lack of Data on File

In addition to the foregoing, after a review of the claim file for this right, we are unable to ascertain the accuracy of IDWR's recommendation because of the absence of some or all of the following: work papers, work maps, field investigation reports, notes or memos to the file or any other documentation describing how IDWR reached its conclusion.

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10. CONSUMPTIVE USE

It is unreasonable to establish the annual consumptive use volume for the City of MacKay municipal water right based upon applying the full consumptive irrigation requirement (CIR) of the most water consumptive crop that can be grown in the area for all presently watered acre within the city limits.

The watering of city related green areas is typically done for aesthetic/recreational rather than commercial purposes. As such, it is not reasonable to expect that the full irrigation water requirement for a target crop, such as alfalfa, will be used on each watered acre in the city.

There is no measured data in the files which can be used to check the validity of employing the irrigation consumptive use approach.

The consumptive use volume limitation recommended by IDWR includes acreage which is apparently outside the city limits, based on IDWR work file calculations. Therefore, the combined annual consumptive use volume should be based on 65 acres and, using IDWR's methodology, 162.5 acre-feet.

11. REMARKS

The place of use for this recommended water right is identified as within the city limits of Mackay. As such, the watered acreage, based on IDWR work sheets, should be 65 rather than 76 acres. The annual consumptive use using IDWR methodology is, therefore, 162.5 acre-feet.

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 the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 34-00960 -0001

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: US DEPT OF JUSTICE
Address: ENVIRONMENT & NATURAL RESOURCE
550 W FORT ST BOX 33
BOISE ID 83734

3. If this response is filed by an attorney:

Attorney Name(s): A. LYNNE KROGH-HAMPE
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |☒| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

See attachment entitled "Reasons Supporting Each Box Checked."

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A34-00960	4
Reasons Supporting Each Box Checked	2
Recommended Water Rights Acquired under State Law	1

(Over)

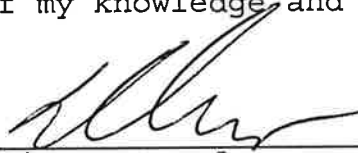
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

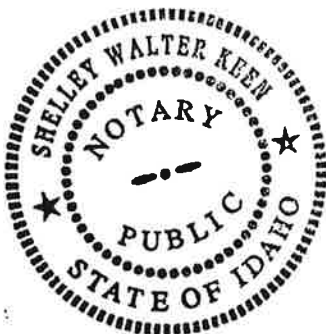
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By: A. Lynne Kopp-Nampe
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 1st day of July,
1993.



Shelley Walter Keen
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of July, 1993, I mailed the original and copies of the ~~foregoing~~ response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: J LYNN ESTES
Address: PO BOX 11
ARCO ID 83213-0011

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: ENVIRONMENT & NATURAL RES DIV
DAVID W HARDER
550 W FORT ST BOX 33
BOISE ID 83734

A Lynne Kogh Dampse
Signature of Respondent or attorney
mailing on Respondent's behalf

REASONS SUPPORTING EACH BOX CHECKED

ITEMS 3 AND 3.A: QUANTITY

In response to Statement of the Objection items 3 and 3.a. and all allegations of the objection regarding those items, IDWR responds as follows.

IDWR admits that the diversion rate recommended for this right is based on a decreed irrigation right. Determination of maximum annual diversion volume for each surface water right is not currently necessary for the administration of water rights; and administration of all surface water rights based on annual diversion volume is not currently necessary or reasonable.

IDWR is not subject to any requirement that it prepare documentation describing how IDWR reached its conclusions as to each claim in a manner sufficient that each and every claimant understand and accept those conclusions. IDWR does, however, document its investigation of the claims as IDWR deems necessary to perform IDWR's statutory duties in the adjudication, subject to the staff time available and other limitations. Lack of data in IDWR's files as to a particular recommendation is not a basis for objection to that recommendation.

IDWR denies this portion of the objection and any allegations regarding this portion of the objection not expressly admitted herein.

ITEM 10: CONSUMPTIVE USE

In response to Statement of the Objection item 10, and all allegations of the objection regarding this item, IDWR responds as follows.

IDWR admits that:

1. The recommendation of consumptive use volumes for this municipal right is based on consumptive use for irrigated areas within municipal boundaries, because irrigation use is the only significantly consumptive component of this municipal use; and

2. The recommendation of consumptive use volumes for irrigation is based on the most water-consumptive crop that can be grown in the area during the period of year when water is used for irrigation, as provided by Idaho Code §42-1401A(2).

IDWR denies this portion of the objection and any allegations regarding this portion of the objection not specifically admitted herein.

ITEM 11: REMARKS

In response to Statement of the Objection item 11, and all allegations of the objection regarding this item, IDWR responds as follows.

There is an error in the remarks in the description of this right. The description of the right should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

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

DATE: JUL-1-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: CITY SPRING		TRIBUTARY: BIG LOST RIVER				
34-00960	CITY OF MACKAY PO BOX 509 MACKAY ID 83251	01/01/1902	MUNICIPAL	01-01 12-31	1.2	CFS DECREED
					TOTAL QUANTITY:	1.2 CFS
NON-IRRIGATION-USES:						
MUNICIPAL CITY OF MACKAY						
POINT OF DIVERSION:						
T07N R24E S32 LOT 2 (NWNWNE)						
PLACE OF USE: MUNICIPAL						
REMARKS: PLACE OF USE IS LANDS WITHIN CITY LIMITS OF MACKAY.						
RIGHT NO. 34-00959 IS ALSO DIVERTED THROUGH POINT OF DIVERSION						
DESCRIBED ABOVE.						
USE OF THIS RIGHT WITH RIGHT NOS. 34-00780C AND 34-07073 IS						
LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 190						
162.5 AF.						

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