

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 63-361
Date Received: 3/2/1990
Receipt No: W010359
Received By:

AMENDED

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

1. Name of Claimant(s)

MARK A MC DONOUGH Phone: (208) 495-9801
PO BOX 74
MELBA ID USA 83641

2. Date of Priority: 04/01/1917

3. Source: WARM SPRINGS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	02W	8	SE NE	CANYON	

5. Description of diverting works:

HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.1	248

7. Total Quantity Appropriated is:
1.1 C.F.S. and/or 248 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
01S	02W	5	SW SW	IRRIGATION	10
			SE SW	IRRIGATION	19
			NE SW	IRRIGATION	3

					Section Acres	32
01S	02W	6	NE	NE	IRRIGATION	4
			NW	NE	IRRIGATION	7
			SE	NE	IRRIGATION	3
					Section Acres	14
01S	02W	8	NW	NE	IRRIGATION	2
			NE	NW	IRRIGATION	7
					Section Acres	9
					Total Acres	55

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: 63-9807, 63-2431, 63-8389

14. Remarks:

This amendment changes the land list and the point of diversion to be more accurate. The original claim had 3 acres wrongly placed in the NENW Sec. 5. It should read NESW. The point of diversion is actually in the SENE and not the NESE as listed.

THIS RIGHT JUNIOR TO 63-0360,
TRANS. 2873.

15. Basis of Claim: License

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

OCT 27 2004

WATER RESOURCES
WESTERN REGION

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

Date Received

Receipt Number

AL3-00361
10-27-04

AMENDED

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

Please type or print clearly

1. Name of Claimant(s) Mark McDonough Phone (208) 495-9801
Mailing Address PO Box 74, Melba, ID Zip 83641
2. Date of Priority (Only one (1) per claim) 4/1/1917 (no change)
3. Source of water supply (a) Warm Springs Creek (no change)
Which is tributary to (b) Snake River (no change)
4. a. Location of point of diversion is: Township 1S Range 2W Section 8, 1/4 of SE 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
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. No change

6. Water is claimed for the following purposes: (no change)

For irrigation purposes from 03/15 to 11/15 amount 1.1 (cfs) or 248 (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.1 (cfs) and/or (b) 248 (acre feet)

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

9. Non-irrigation uses; describe fully. (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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
1S	2W	5									3		10	19					32
		6	4	7		3													14
		8		2			7												9

Total number of acres irrigated 55

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 X 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.
63-9807, 63-02-2431, 63-8389 or None ()

14. Remarks:

This amendment changes the land list and the point of diversion to be more accurate. The original claim had 3 acres wrongly placed in the NENW section 5. It should read NESW. The point of diversion is actually in the SE of the NE and not the NE of the SE as currently listed.

Last Name _____ Ident. Number _____

15. Basis of Claim (Check One) Beneficial Use ___ Posted Notice ___ License ☒ Permit ___

Decree _____

If applicable provide IDWR Water Right Number 63-361

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 received notice in the Snake River Basin Adjudication." I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 2 (map and photograph)

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

Signature of Claimant(s) Mark McDonough Date October 25, 04
_____ Date _____

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

of _____ Title _____ that I have signed the foregoing

Organization _____ document in the space below as _____ of _____

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

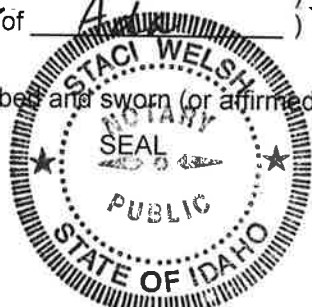
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25th day of October 20 04



Notary Public Staci Welsh

Residing at Meridian, Idaho

My Commission Expires 1/27/2005

17. Notice of Appearance:

Please Print Name

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.

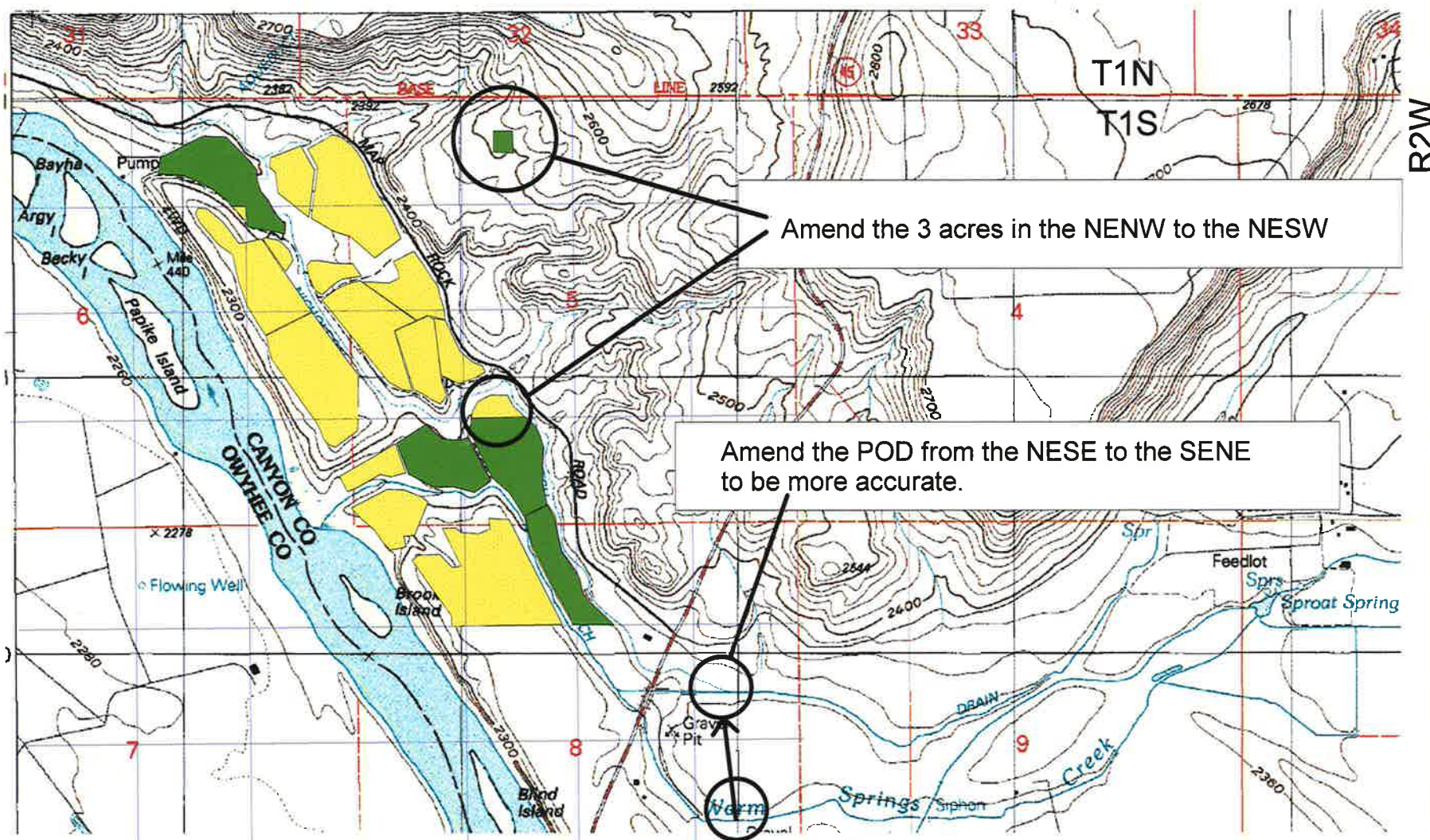
Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Map for Amended Claim 63-361



Amend the 3 acres in the NENW to the NESW

Amend the POD from the NESE to the SENE to be more accurate.

63-361 Place of Use

Fields



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: **A63-00361**

Date Received: 3/ 1/1990

Receipt No: W010359

Received By: DE JDN

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

1. Name: MARK MC DONOUGH 208-522-5739
Address: 6638 57TH AVENUE NE
SEATTLE WA 98115

2. Date of Priority: APR 1, 1917

3. Source: WARM SPRINGS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	02W	8	NE	SE			CANYON

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.100		248.00

7. Total Quantity Appropriated is:
1.100 C.F.S. (and/or) 248.00 A.F.A.

8. Total consumptive use is 193.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	02W	5	NE	NW		IRR	3.0
			SW	SW		IRR	10.0
			SE	SW		IRR	19.0

MICROFILMED

JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	32.0
		6	NE	NE	IRR	4.0
			NW	NE	IRR	7.0
			SE	NE	IRR	3.0
					Section Acres	14.0
		8	NW	NE	IRR	2.0
			NE	NW	IRR	7.0
					Section Acres	9.0
					Total Acres	55.0

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:
02-02240, 63-09807, 02-02431

14. Remarks:
THIS RIGHT JUNIOR TO 63-0360.
TRANS. 2873.

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: _____

MICROFILMED

JUL 25 1994

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JUL 25 1994

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

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number AG-3-00361Date Received 3-1-90Receipt Number W010359
+ W015893

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

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

RECEIVED
FEB 3 1993

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Mark McDonough Phone (208) 522-5739
Mailing Address 6638 57th Avenue NE, Seattle, WA Zip 98115

2. Date of Priority (Only one (1) per claim) 4/1/17

3. Source of water supply (a) Warm Springs Creek
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 1S Range 2W Section 8,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: None

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

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. Headgates and ditches.

MICROFILMED

JUL 25 1994

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 1.10 or 248

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.10 (cfs) and/or (b) 248 (acre feet)

8. Total consumptive use claimed is 193 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	
1S	2W	5					3						10	19					32
1S	2W	6	4	7		3													14
1S	2W	8		2			7												9

Total number of acres irrigated 55

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 X 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.
02-2240, 63-9807, 02-2431 or None ()

14. Remarks:

MICROFILMED

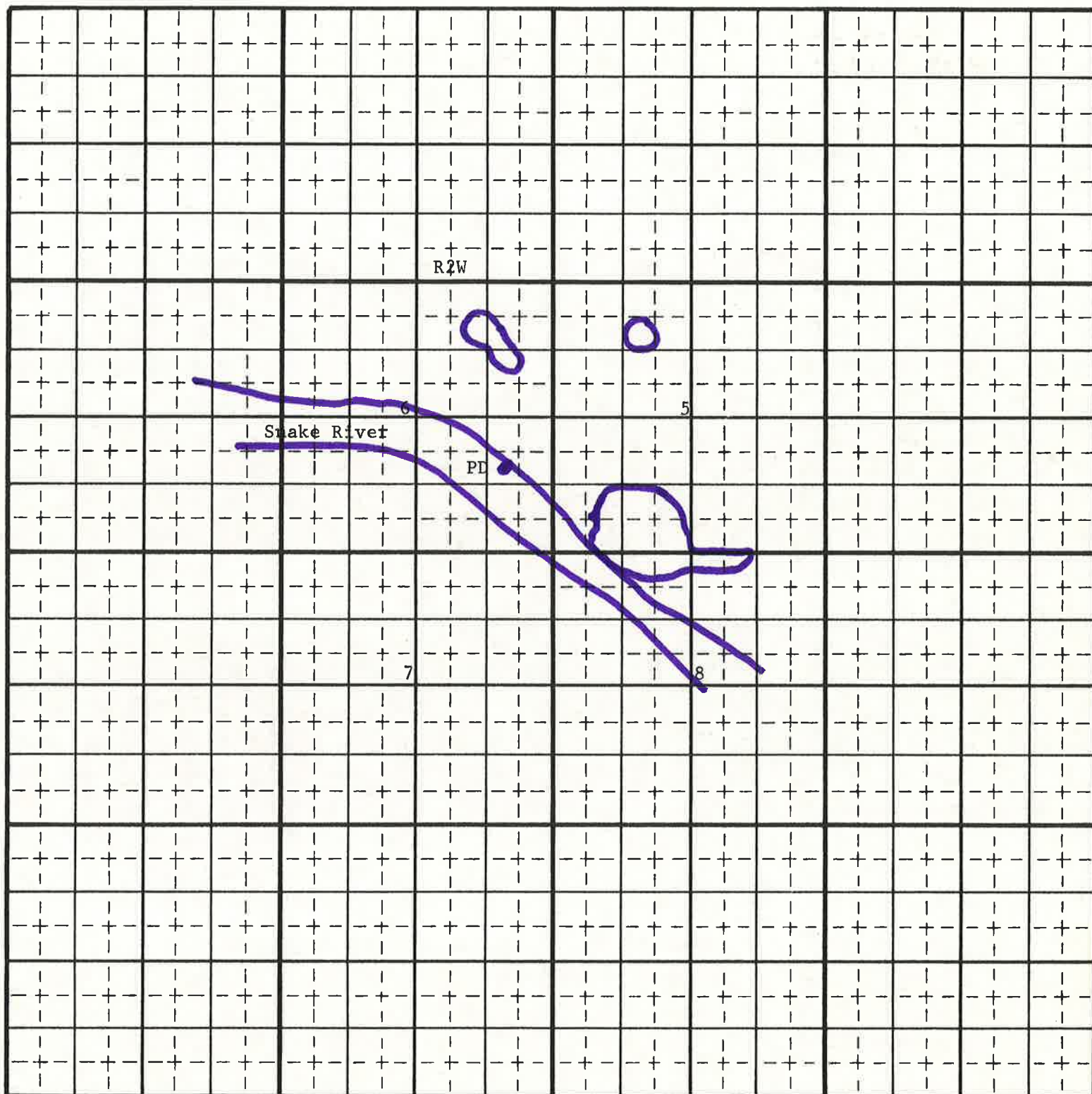
JUL 25 1994

Last Name McDonough 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



MICROFILMED

JUL 25 1994

Last Name McDonough Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-0361
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 0

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

Signature of Claimant (s) Keith Chapman atty in fact

Date 3/1/90

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 _____ of _____
Title 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 _____)

County of ADA)

SS.

Subscribed and sworn (or affirmed) before me this 15th day of March 19 90

SEAL

Notary Public Jan Thurte

Residing at Meridian, ID

My Commission Expires 9-14-94

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 _____

MICROFILMED

JUL 25 1994

Last Name McDonough Ident. Number _____

Copies White-State, Yellow-Claimant

STATE OF IDAHO
POWER OF ATTORNEY

RECEIVED
MAR 29 1990

Department of Water Resources
Western Regional Office

I Mark McDonough hereby nominate Sherl L. Chapman
whose address is 410 S. Orchard, Suite 144, Boise, Idaho 83705, as
attorney-in-fact with full authority to act for and on behalf of the
undersigned in all matters pertaining to claims to a water right for
the Snake River Basin Adjudication,
Such acts shall include but not be limited to the filing of the claim
and receiving of all notices pertaining to such claims.

Dated this 24th day of March, 1990.

Mark McDonough

STATE OF WASH)
IDAHO) ss
County KING)

On this 24 day of March, 1990,
personally appeared before me the signer (s) of the above instrument,
who duly acknowledged to me that he (~~she~~) (~~they~~) executed the same.

Vincent E. Hagerud
Notary Public

My Commission expires:

Oct 1, 1990

MICROFILMED
JUL 25 1994

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 01/22/93
Time: 08:17:07

Rec/No - W010359 AR/No -
From: - SHERL L. CHAPMAN CONSULT.

Receipt Type - CK Doc/No - 1061
Remarks - MARK MC DONOUGH

MOST CURRENT RECEIPT

Receipt Date: 03/02/1990

Type Of Payment
ADJUDICATION CLAIM FEE

Fund	FD	PCA	Obj	Subsid	Fee
9337		410162	6490		440.00

Total Due - 440.00

WR/No
A6300361
*A0202240

WR Fee 53.00
~~57.00~~ *A0202431
~~115.00~~ *
164.00

WR Fee 136.00
~~189.00~~ *A6309807
25.00

WR Fee
63.00

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

*A02-02431	50.00	175 acres	\$136.00
*A02-02240	50.00	114 acres	\$164.00
* D4S	25.00	—	25.00
A63-00361	50.00	55.00	69.00
*A63-09807	50.00	20.00	\$63.00

\$17.00

* correct fee paid

MICROFILMED

JUL 25 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

1-92
CLAIMANT'S NAME Mr Donough CLAIM IDENT. NO. A63-00361

DATE RECEIVED 3/1/90 RECEIPT # 401039 FEE PAID \$ 50. - FEE REQ'D \$ 69. -

	YES	NO	Required Info?
Is the name and address complete with zip code?	☒	☐	*
Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
(a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A	☒	☐	
Is the legal description of the p.d. sufficient?	☒	☐	*
Is there a description of the diverting works?	☒	☐	
Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
Is a total quantity claimed entered?	☒	☐	
If required is a consumptive use entered? N/A	☒	☐	
Is the consumptive use correct? N/A	☒	☐	
Are the non-irrigation uses listed showing # of homes, hd. of stock?	☐	☐	*
If multiple domestic, is single ownership indicated?	☐	☐	
Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
Is (are) the county(ies) entered?	☒	☐	
Is the ownership of p.u. checked?	☒	☐	
Are other water rights listed or "none" indicated?	☒	☐	
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	☒	☐	
Is the basis of the claim indicated?	☒	☐	
If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A	☒	☐	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.	☐	☐	
If no, was water right no. found?	☐	☐	*
If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A	☒	☐	
(If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☐	☐	
If the claimant requested a monthly docket sheet, was the fee paid? N/A	☒	☐	
Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date)	☒	☐	*
If no, was an extension of time filed & approved?	☐	☐	*
Is the fee enclosed correct? Exempt	☒	☐	*

MICROFILMED

JUL 25 1994

- | | YES | NO |
|---|---------------------|---------------------|
| 3. Is this claim being rejected and returned to claimant? | <u>~~✓~~</u> | <u>✓</u> |
| 4. Can this claim be data entered? | <u>✓</u> | <u>~~✓~~</u> |
| 5. Was claim modified? | <u>—</u> | <u>~~✓~~</u> |
| If yes, do modifications require notification to claimant? | | |
| Note: Modifications made must be explained in comments stating where the information for any changes was found. | | |

Claim reviewed by: RNF RNF Date 1-22-93 2/8/93
 Claim data entered by: JED Date 2-8-93

REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER
 THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE
 RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: needs an additional \$17.00

RECEIVED
OCT 27 2006
WATER RESOURCES
WESTERN REGION

10/09/2006

NOTICE OF ERROR
REPLY

RECEIVED

NOV 01 2006

DEPARTMENT OF
WATER RESOURCES

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: 10/31/2006

Water right number: 63-361

MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641
Telephone Number: (208) 495-9801

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:

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

DATE:

10/27/06

SIGNATURE:

Mark A. McDonough

Please print your name:

MARK A. McDONOUGH

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

NOV 02 2006

10/17/2006

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

RIGHT NUMBER: 63-361

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

SOURCE: GROUCH DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.100 CFS
248.00 AFY

Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 04/01/1917

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 63-360A & 63-360B per Decree 63-T, Bachman et al vs Reynolds Irrigation District.

POINT OF DIVERSION:

T01S R02W S8 SENE 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	1.100 CFS
PLACE OF USE:	<u>IRRIGATION Within CANYON County</u>		
	T01S R02W S05 NESW 3.00	T01S R02W S05 SWSW	10.00
	T01S R02W S05 SESW 19.00	T01S R02W S06 NENE	4.00
	T01S R02W S06 NWNE 7.00	T01S R02W S06 SENE	3.00
	T01S R02W S08 NWNE 2.00	T01S R02W S08 NENW	7.00
	55 ACRES TOTAL		

Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of 231 acres in a single irrigation season.

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 - Decreed

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

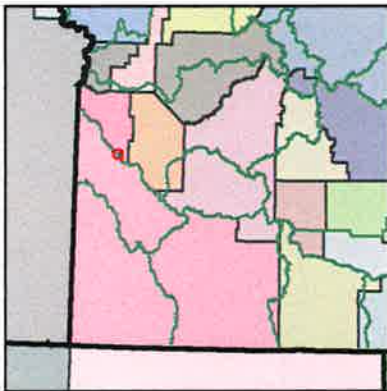
SRBA Recommendation:

63-361

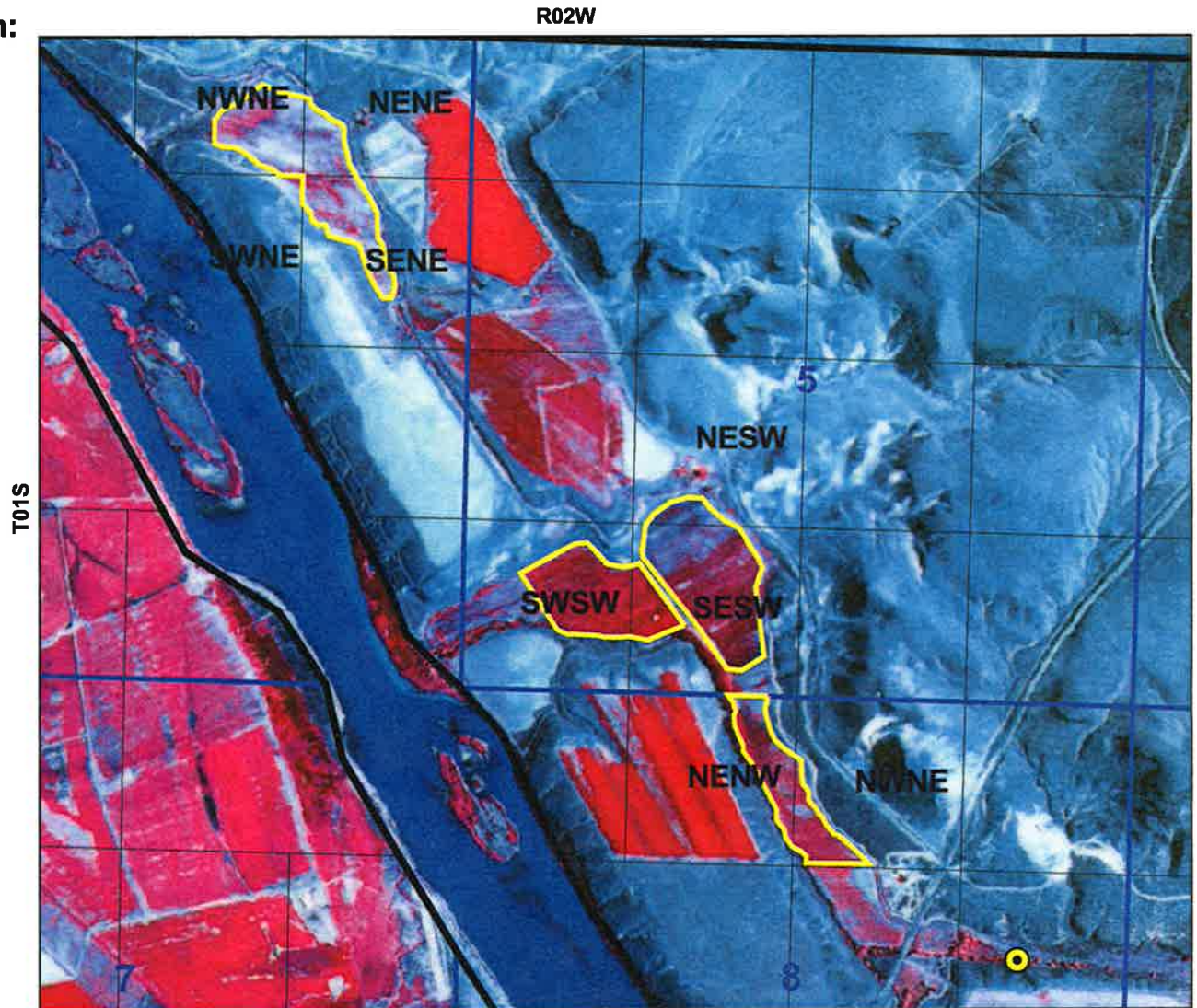
(Irrigation)

Legend

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



Canyon, Owyhee Counties
IDWR Basin 63



0

0.6

1.2 Miles

Prepared by M. Ciscell
On Tuesday, October 17, 2006
1987/88 Aerial Photography

Water Right Number - 63-00361

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
SIMPSON

OSCAR C.

1 -
2 -
3 -City-
Phone - 208-000-0000

State- ID Zip-

*** O - ORIGINAL OWNER ***
MC MILLAN

THOMAS

1 -
2 -
3 -City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
04/01/1917 14 WESTERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WARM SPRINGS CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 02W 8 NE SE (27) CANYON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

11/01

1.100

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.100+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

01S	02W	5	NE SW		3.0	01	IRRIGATION	(27) CANYON
01S	02W	5	SW SW		10.0	01	IRRIGATION	(27) CANYON
01S	02W	5	SE SW		19.0	01	IRRIGATION	(27) CANYON
01S	02W	6	NE NE		4.0	01	IRRIGATION	(27) CANYON
01S	02W	6	NW NE		7.0	01	IRRIGATION	(27) CANYON
01S	02W	6	SE NE		3.0	01	IRRIGATION	(27) CANYON
01S	02W	8	NW NE		2.0	01	IRRIGATION	(27) CANYON
01S	02W	8	NE NW		7.0	01	IRRIGATION	(27) CANYON

Total Acres: 55.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

differences circled

Water right number - 63-00361

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +
THIS RIGHT JUNIOR TO 63-0360.
TRANS. 2873.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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

+ - - - - Decree Plaintiff - - - - +
FRED BACHMAN
+ - - - - Decree Defendant - - - - +
REYNOLDS IRR. DIST.
+ - Decree Date - +
09/17/1934

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 07/01/85 05/01/88 CONVERT 07/31/89 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 07/01/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended - T
Decree Date - 09/17/1934	Presumption Flag -	

*Denial - RJ. file in each claim.
The, Jan -*



**State of Idaho
DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUN 26 2000

WATER RESOURCES
WESTERN REGION

June 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK MCDONOUGH
6638 57TH AVENUE NE
SEATTLE WA 98115

RE: APPLICATION TO LEASE WATER RIGHT NOS. 02-02240, 02-02431, 63-00361, 63-08389 AND 63-09807 TO THE WATER SUPPLY BANK

Dear Mr. McDonough:

The department has reviewed the above referenced applications which you submitted to the department on June 20, 2000.

Please consider that the water rights offered for lease have been accepted into the Water Supply Bank ("bank") through January 1, 2001. Several items to keep in mind in connection with the lease are as follows:

1. The monetary return to the water right owner for rental of a right from the bank is \$2.25 per acre-foot of water per year for water which is rented.
2. There is no payment if a right is not rented from the bank.
3. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
4. A right accepted into the bank stays in the bank until it is released by the Board or until the lease term expires.
5. While a water right is in the bank, forfeiture provisions are stayed.

While not related to the lease of the rights to the bank, my review of department files shows that you apparently have not filed a Snake River Adjudication Claim on water right no. 63-08389. You probably should file such a claim with the department.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton'.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Regional Office
✓ Adjudication Bureau

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

11/06/95 13:37:30
Page 1

Water Right Number - 63-08389

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
MC DONOUGH

MARK A.

1 - 6638 57TH AVE NE
2 -
3 -
City- SEATTLE
Phone - 206-522-5739

State- WA Zip- 98115

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/10/1992 ✓ 14 WESTERN P - PERMIT ✓

+ - - - - Source - - - - + + - - - Tributary - - - - +
GROUCH DRAIN ✓ Snake River

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
01S	02W	5	SE SW ✓			(27) CANYON ✓				
		8	NE NW ✓			(27) CANYON ✓				

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION ✓		03/15 ✓	11/15 ✓	1.300 ✓	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.300 ✓

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
1S	2W	5	SESW ✓		5			
01S	02W	5	SW SW ✓		25.0	01	IRRIGATION	(27) CANYON
01S	02W	8	NE NW ✓		20.0	01	IRRIGATION	(27) CANYON
01S	02W	8	NW NW ✓		20.0	01	IRRIGATION	(27) CANYON

1S 2W 6 NWNE
1S 2W 6 SESE
Total Acres: 65.0
65 ✓

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

changes
per
amendment
approved
3/1/83.

11/06/95 13:37:30
Page 2

+ - Decree Date - +
00/00/0000

+ - Decree Date - +

Proof Due Date	- 12/01/1981	Field Exam Made	- 11/11/1991	Field Exam Fee	- N
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 03/10/1992	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 11/24/1976	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

Receipt # 23115

If questions arise during the processing of this amendment,

lease contact:

Cheryl L. Chapman

221 S. Orchard, Suite N

Poise, ID 83705

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT

Department of Water Resources
Western Regional Office

APPROVED

Department of Water Resources
Western Regional Office

Permit No. 63-6339

Comes now Mark A. McDonough &/or Roxy E. McDonough of (address)

P.O. Box 74, Melba, Idaho 83641, and represents to the Director of
the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-3389, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5 Twp. 1S
Rge. 2W, B.M., County of Canyon. Other points of diversion:
NE/4 NW/4, Section 8, T1S, R2W, B.M., Canyon County

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 1.30 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

					R2W						
					6						
					6				5		
	T 1 S										
						4	20	5			
							12	18			
					7				8		

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Boise, Idaho, this 11th day of January, 19 83.
Mark A. McDonough
 (signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

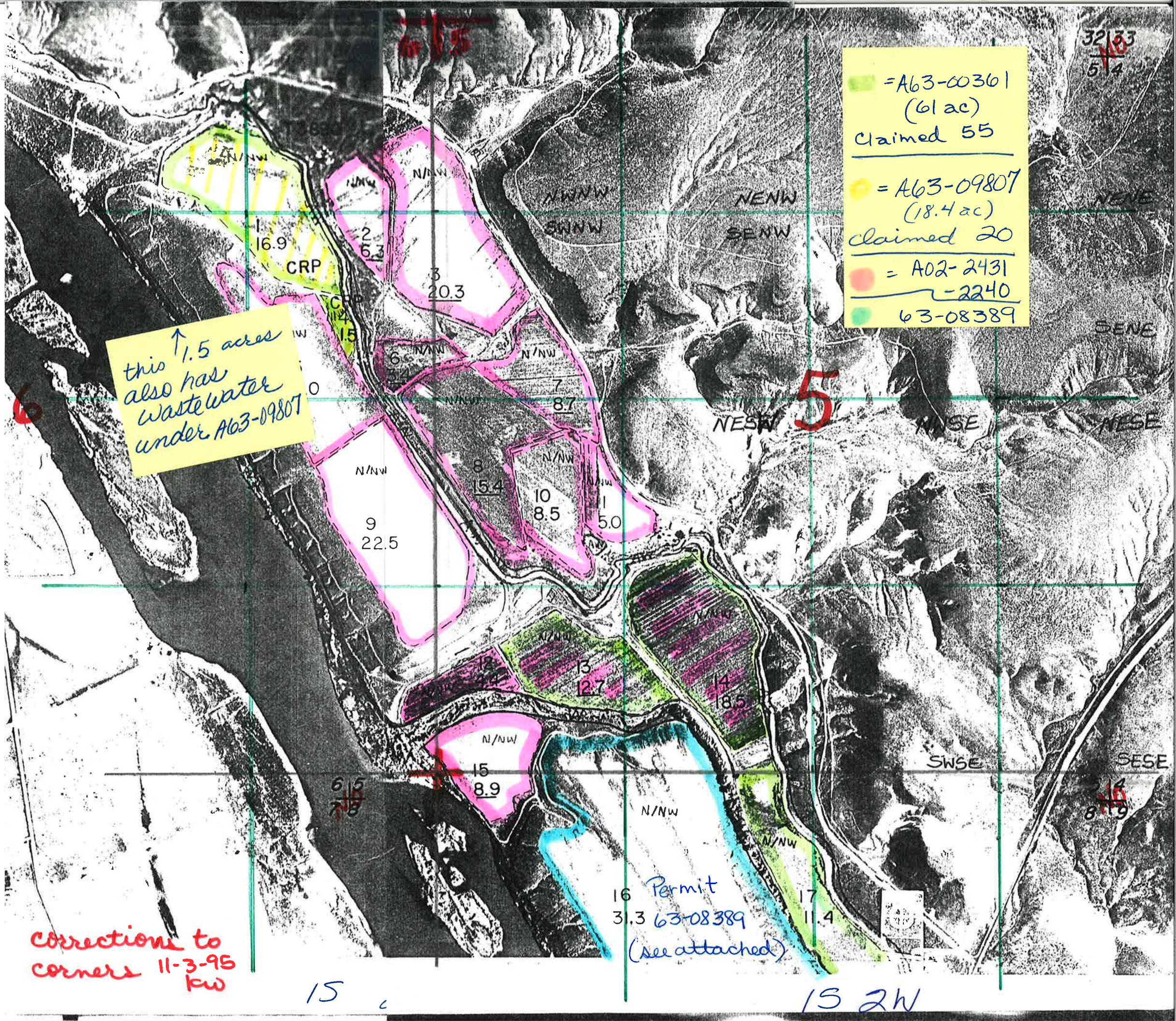
I, L. GLEN SAXTON, of the Department of Water Resources
 hereby APPROVE the above Application for Amendment of Permit No. 63-8389.

Witness my hand this 1st day of March, 19 83.

L. Glen Saxton
 Chief, Operations Bureau

- = A63-00361
(61 ac)
Claimed 55
- = A63-09807
(18.4 ac)
Claimed 20
- = A02-2431
-2240
- 63-08389

↑ 1.5 acres
this also has
wastewater
under A63-09807



corrections to
corners 11-3-95
kw

16 Permit
3.3 63-08389
(see attached)

15

15 2W

ME
SI

16
31.3

T5404
NW

6.0

T5015

4
24.5

2
4.5

3
3.3

T5015

9
7.9

10
2.4

2
T5

T5018

1
32.7

21
24.2

8
3.2

9
4.4

8
10.3

T3843

5
27.8

6
27.6

/P.C.

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

A63-00361

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>N</u>						
PT. OF DIV.	<u>N</u>						
SOURCE	<u>N</u>						
PL. OF USE	<u>~~Y~~ Y</u>						
DIV. AMOUNT CFS/AF	<u>N</u>						
CONSUMPTIVE USE	<u>X</u>						
NATURE OF USE	<u>N</u>						
PERIOD OF USE	<u>Y</u>						
BASIS OF CLAIM	<u>Y</u>						
REMARKS	<u>Y</u>						

DATA ENTRY COMPLETED
BY _____ DATE _____

FINAL RECOMMENDATION
BY _____ DATE _____

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

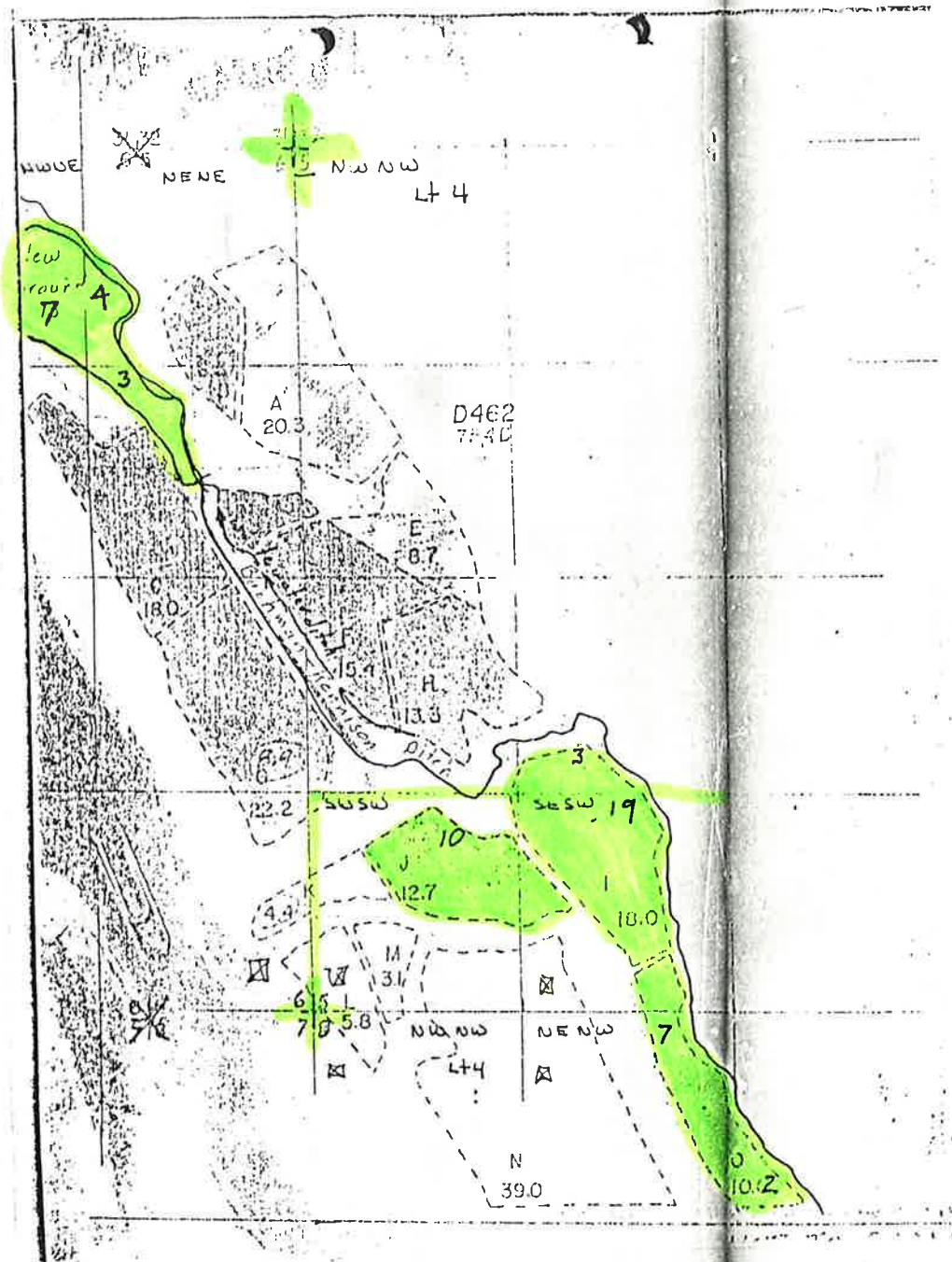
**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS:

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE COMMENTS) = 6

Error possible on plu description (i.e.) SRBA NENW, Sec.5
Trans NESW, Sec.5
Check out -



IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/19/95 10:20:42
Page 1

Water Right Number - 63-00361

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SIMPSON

OSCAR C.

1 -
2 -
3 -

City-
Phone - 208-000-0000

State- ID Zip-

*** O - ORIGINAL OWNER ***
MC MILLAN

THOMAS

1 -
2 -
3 -

City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - +
04/01/1917 ✓

+ - - - Region - - - +
14 WESTERN

+ - - - Stage - - - +
D - DECREED ✓

+ - - - Status - - - +

+ - - - Source - - - - +
WARM SPRINGS CREEK ✓

+ - - - - Tributary - - - - +
SNAKE RIVER ✓

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
01S	02W	8	NE SE			(27) CANYON				

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION ✓	04/01		11/01	1.100 ✓	248.0

+ - Total Div. Rate - + 1.100 ✓
+ - Total Div. Volume - + 248.0
+ - Total Div. Capacity - +

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
01S	02W	5	NE SW		3.0	01	IRRIGATION	(27) CANYON	
01S	02W	5	SW SW		10.0	01	IRRIGATION	(27) CANYON	
01S	02W	5	SE SW		19.0	01	IRRIGATION	(27) CANYON	
01S	02W	6	NE NE		4.0	01	IRRIGATION	(27) CANYON	
01S	02W	6	NW NE		7.0	01	IRRIGATION	(27) CANYON	
01S	02W	6	SE NE		3.0	01	IRRIGATION	(27) CANYON	
01S	02W	8	NW NE		2.0	01	IRRIGATION	(27) CANYON	
01S	02W	8	NE NW		7.0	01	IRRIGATION	(27) CANYON	

Total Acres: 55.0 ✓

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/19/95 10:20:42
Page 2

08NP
00-26ght number - 63-00361

Prefix Translation: WATER RIGHT

THIS RIGHT JUNIOR TO 63-0360.
TRANS. 2873. ✓

Remarks

- - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

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

+ - - - - Decree Plaintiff - - - +

FRED BACHMAN

+ - - - - Decree Defendant - - - +

REYNOLDS IRR. DIST.

+ - Decree Date - +

09/17/1934

- - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 07/01/85 CONVERT 05/01/88 CONVERT 07/31/89 CONVERT

- - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 07/01/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended - T
Decree Date - 09/17/1934	Name Connector -	POU Ownership Flag -
Presumption Flag -		



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

1-28-93

[*Sheryl A. Chapman*
410 S. Orchard #144
Boise, ID 83705]

Dear Claimant(s):

This office is presently processing the Notice of Claim(s) to a Water Right you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the items checked below, we cannot continue to process this claim(s). We are returning this claim(s) to you to complete items required that were incomplete on your claim form. ONLY THE ITEMS CHECKMARKED IN THIS LETTER NEED COMPLETION. IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM(S). Also enclosed is the receipt for the filing fee previously submitted with this claim(s).

_____ Fee - No fee received or inadequate fee received, fee due is \$17.00.
(Filing fees, based on use(s) of water, were due on all claims filed)

_____ Late Notice of Claim - This claim was received on _____ which is after the deadline for filing claims in _____ County. The deadline for this County was _____, and the late fee now due is _____. The enclosed Late Fee Notice explains the late fee and how it is computed.

_____ Item No. 2 - Date of priority - month/day/year that water was first put to use, regardless of ownership. If month or day is unknown, the Dept. will recommend 12/31 of the year designated.

_____ Item No. 3 - Source of Water

_____ Item No. 4 - Point of Diversion - must be shown by quarter-quarter (40 acre tract), section, township and range. Lot and block for subdivision are not acceptable as the legal description for the point of diversion, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

_____ Item No. 6 - Uses of Water

_____ Item No. 9 - Non-Irrigation Uses

_____ Item No. 10 - Place of Use - must be listed by quarter-quarter (40 acre tract), section, township, and range. Lot and block for subdivision are not acceptable as the legal description for the place of use, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

MICROFILMED

JUL 25 1994

Item No. 12 - Ownership of place of use - It appears that the places of use filed on this claim are owned by separate individuals. This claim form can only be used when the places of use are under single ownership, even when all the uses are from one source. Enclosed are claim forms to be used to file on each separately owned place of use. The claim being returned will need to be modified to show one owner, with the changes initialed and dated. The \$25 fee for this claim has been submitted, however, the additional claims returned need to submit a \$25 fee each.

Item No. 15 - Basis of Claim - Please designate if your water right is based on beneficial use of the water - Beneficial Use, or if it is based upon a previously filed water right - Posted Notice, License, Permit or Decree.

Item No. 16 - Signature - this claim form does require your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed in this item.

MAP ENCLOSED: Please mark the location of the well(s) and the location of the place(s) of use on this map. Then return the map with your claim and the additional information requested, if any. We can then determine the quarter-quarter(1/41/4) legal description based on the locations marked on this map.

✓ Other: Per acre fee submitted was
inadequate.

Please complete the above item(s) on your claim form(s), initial and date any changes or additions, and return the claim(s), with the requested fee(if one was requested), to our office within 30 days from the date of this letter. If the claim(s), or fee requested, is not received within this 30-day period, the claim(s) will be rejected and your fee, if one was paid previously, will be refunded. Please contact our office listed in the address below, within the 30 day time period, either in writing or by phone, to let us know if there is a problem returning the claim(s), or fee, in order to keep this claim(s) valid. If the claim(s) is rejected and fee refunded, due to no response within the 30-days, the claim(s) can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claim(s) along with the regular filing fee that was refunded, and an additional late fee will be required. Please return your claim(s), any other claims, information or fees requested, if any, to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

MICROFILMED

JUL 25 1994

SO:s

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THAT THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

Transfer No. 2873Water Right No. 63-0361

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

APPROVED

To Change the Point of Diversion and/or the Place of Use

Name of applicant Mark A. &/or Roxy E. McDonough Phone 495-2218
Post Office address Melba, Idaho 83641

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-0361 Decreed to Thomas McMillan & Oscar C. Simpson
(Name)
in case of Fred Bachman et al vs Reynolds Irr. District et al
dated in 9/17/1934 in 7th District Court county of Canyon
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
See warranty deed

3. Source of water Warm Springs Creek tributary to Snake River

4. Date of priority 4/1/1917

5. Water is used for the following purposes:

amount 1.1 for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.1 cubic feet per second
8/or
b. _____ acre feet per annum
7. Location of original point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8
Township 1S Range 2W, B.M., in Canyon County
Additional points of diversion, if any _____

8. Lands irrigated or 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 $\frac{1}{4}$	
1S	2W	6																	
1S	2W	5											X	X					
1S	2W	8					X	L.4 X											

Total number of acres to be irrigated 55

9. Describe any other water rights used for the same purpose as described above _____
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

MICROFILMED

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 1.1 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Bachman-Kennison Ditch
 - c. Describe the reasons for the proposed changes New land will be more efficiently served by ditch (Bachman-Kennison Ditch)

2. Change in point of diversion NO CHANGE

Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

3. Change in place of use
 - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No XXX. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
This land will be irrigated from another source/ waste water or Snake River.

[illegible]

This is a scan of a blank sheet of graph paper. It features a grid of squares defined by solid black lines. Each square is further divided into four smaller quadrants by dashed lines. On the far left side, there is a vertical column of eight squares. In the second square from the bottom of this column, the word "RECEIVED" is printed vertically, oriented sideways. The rest of the page is empty.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

RECEIVED

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 6 day of August, 19 81

[Signature]
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0361
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 17th day of August, 19 83

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>665</u>	Date <u>8/6/81</u>	Protest filed by _____
Prelim. check by _____	Fee <u>50.00</u> <u>*19571</u>	
Receipted by <u>38</u>	Date <u>8/6/81</u>	
Published in <u>News. Item.</u>	Copies of protest forwarded by _____	
Pub. dates <u>9/10 & 17, 1981</u>	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for <u>approval</u>	denial
_____ rec'd. _____	by <u>DBS</u> <u>[Signature]</u>	



NOT TO SCALE

(1)

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

FRED BACHMAN, FRED L. BACHMAN,
RAY KENNISON, THOMAS McMILLIAN,
OSCAR C. SIMPSON,

Plaintiffs,

-vs-

REYNOLDS IRRIGATION DISTRICT,
an irrigation district corporation;
THE FEDERAL LAND BANK
OF SPOKANE, a corporation;
JOHN E. KEITH and BLANCHE
KEITH, his wife; C. C. TODD
and BESSIE TODD, his wife,

Defendants.

D E C R E E

THIS CAUSE came on regularly to be heard before the Court on the 23rd day of May, 1934, Messrs. Devison & Devison and Richards & Hage appearing as counsel for plaintiffs, and Mr. Walter Griffiths appearing as counsel for the defendants, and thereupon evidence was introduced and submitted on the part of the respective parties, and the cause was submitted to the Court for final determination, and the Court having heard the evidence and arguments of counsel and having heretofore made and filed its findings of fact and conclusions of law herein, and being fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

I

That this action be and it hereby is dismissed as to defendants Federal Land Bank of Spokane, C. C. Todd and Bessie Todd, his wife.

II

That the waters of Warm Springs Creek in Canyon County, Idaho, are hereby allotted and decreed, for irrigation

feet per second, to be diverted and used as follows:

~~1.4~~ 1.4 cubic feet per second to be diverted in the Southeast Quarter of the Northeast Quarter of Section 9, Township 1 South, Range 2 West, B.M., for use upon 70 acres located in the Southeast Quarter of the Northeast Quarter, the North Half of the Southeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section 9, Township 1 South, Range 2 West, B.M.;

~~.1~~ .1 cubic feet per second to be diverted in the Northeast Quarter of the Southeast Quarter of Section 8, Township 1 South, Range 2 West, B.M., to be used upon 5 acres located in the Northeast Quarter of the Southeast Quarter of said Section 8;

~~.22~~ .22 cubic feet per second to be diverted through the Bachman-Kennison Ditch in the Northeast Quarter of the Southeast Quarter of Section 8, Township 1 South, Range 2 West, B.M., to be used upon 11 acres located in the Southwest Quarter of the Northeast Quarter of Section 8, Township 1 South, Range 2 West, B.M.

63 0361

RIGHT NO. 2. Plaintiffs Thomas McMillan and Oscar C. Simpson, priority April 1, 1917, subject, however, and subordinate to Right No. 1, 1.1 cubic feet per second, to be diverted through the Bachman-Kennison Ditch in the Northeast Quarter of the Southeast Quarter of Section 8, Township 1 South, Range 2 West, B.M., for use upon 55 acres of land located in Lot 1, Section 6, the South Half of the Southwest Quarter of Section 5, and the Northeast Quarter of the Northwest Quarter and Lot 4, of Section 8, all in Township 1 South, Range 2 West, B.M.

~~8.64~~ RIGHT NO. 3. Plaintiffs Fred Bachman, Roy Kennison and Fred L. Bachman, priority October 28, 1928, 8.64 cubic

