

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10787 V1

WATER RIGHT NUMBER: 29-10787 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KRAIG C MC GEE 1420 CEDAR LAKE RD POCATELLO, ID 83204 (208)232-4779
Current Owner	KAREN MC GEE 1420 CEDAR LAKE RD POCATELLO, ID 83204 (208)232-4779

Priority Date: 04/01/1948

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	CEDAR CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	01/01 to 12/31		5.75 AF
IRRIGATION	04/01 to 10/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	5.75 AF

Location of Point(s) of Diversion

SPRING	SW1/4NW1/4SE1/4	Sec. 12, Twp 07S, Rge 34E, B.M.
BANNOCK County		

Place of Use

RECREATION STORAGE

Twp	Rge	Sec	NE	NW	SW	SE	Totals
07S	34E	12	NE	NW	SW	SE	

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
07S	34E	12	NE	NW	SW	SE	

Total Acres: 2

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

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1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. rwarner 11/15/2002 Priority
Comment: Priority date based upon affidavits submitted.

Dates and Other Information:

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/15/2002 9:58:25 AM	rwarner			Active
POD	11/15/2002 11:42:38 AM	rwarner			Active
Source	11/15/2002 11:43:59 AM	rwarner			Active
POU	11/15/2002 11:45:22 AM	rwarner			Active
Use	11/15/2002 11:48:04 AM	rwarner			Active
Season	11/15/2002 11:52:09 AM	rwarner			Active
Quantity	11/15/2002 11:56:28 AM	rwarner			Active
Priority Date	11/15/2002 2:26:34 PM	rwarner			Active
Summary			11/15/2002	rwarner	Active
POD	11/15/2002 3:07:14 PM	rwarner			Active
POU	11/15/2002 3:07:15 PM	rwarner			Active
Source	11/15/2002 3:07:16 PM	rwarner			Active
Use	11/15/2002 3:07:17 PM	rwarner			Active
Season	11/15/2002 3:07:18 PM	rwarner			Active
Quantity	11/15/2002 3:07:19 PM	rwarner			Active

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 29-10787 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	11/15/2002 11:52:08 AM	rwarnar	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/15/2002 11:56:27 AM	rwarnar	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Priority Date	11/15/2002 2:26:35 PM	rwarnar	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Summary	11/15/2002 2:26:50 PM	rwarnar	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

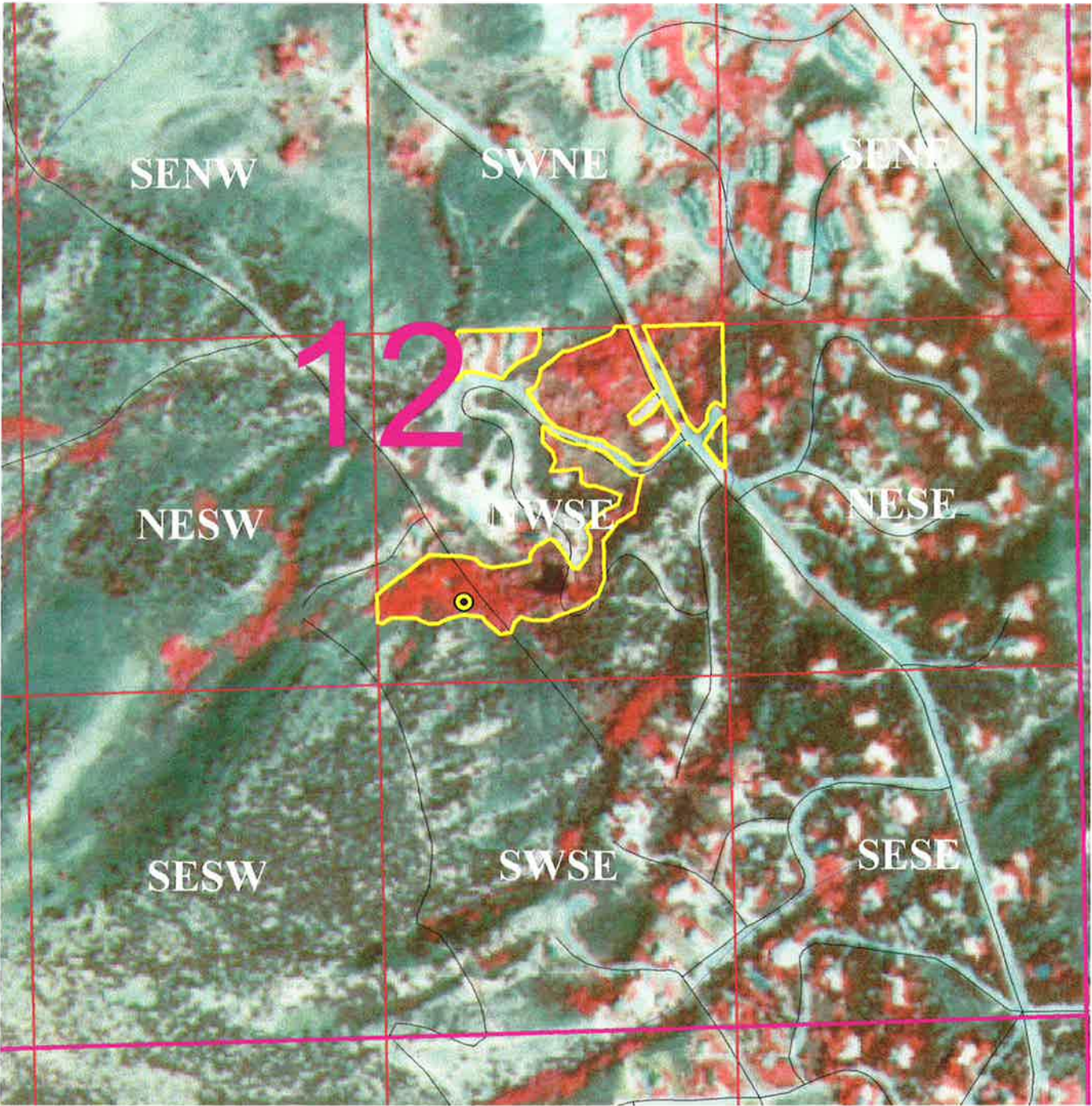
Adjudication Recommendation Report 29-10787 V1

POD	11/15/2002 3:07:15 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit?
POU	11/15/2002 3:07:16 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? Description for Question 13 - field exam
Source	11/15/2002 3:07:17 PM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? Description for Question 10 - field exam
Use	11/15/2002 3:07:18 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? Description for Question 10,11,12 - field exam
Season	11/15/2002 3:07:19 PM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit?
Quantity	11/15/2002 3:07:20 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit?
Contacts	11/15/2002 9:58:25 AM	rwarner	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review
POD	11/15/2002 11:32:09 AM	rwarner	Edited point location
POD	11/15/2002 11:42:37 AM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	11/15/2002 11:43:58 AM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (No) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - field exam

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10787 V1

POU	11/15/2002 11:45:22 AM	rwarnar	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - field exam
Use	11/15/2002 11:48:03 AM	rwarnar	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - field exam



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

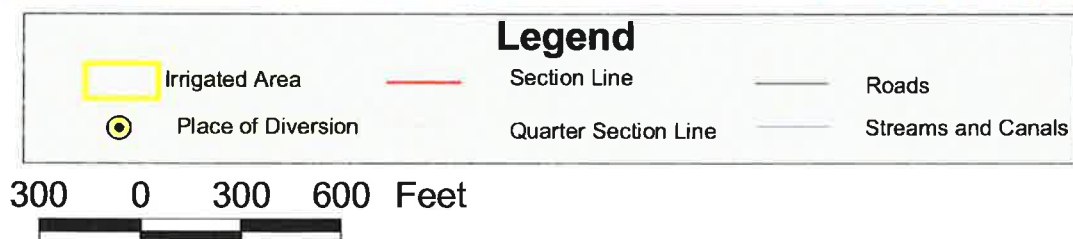
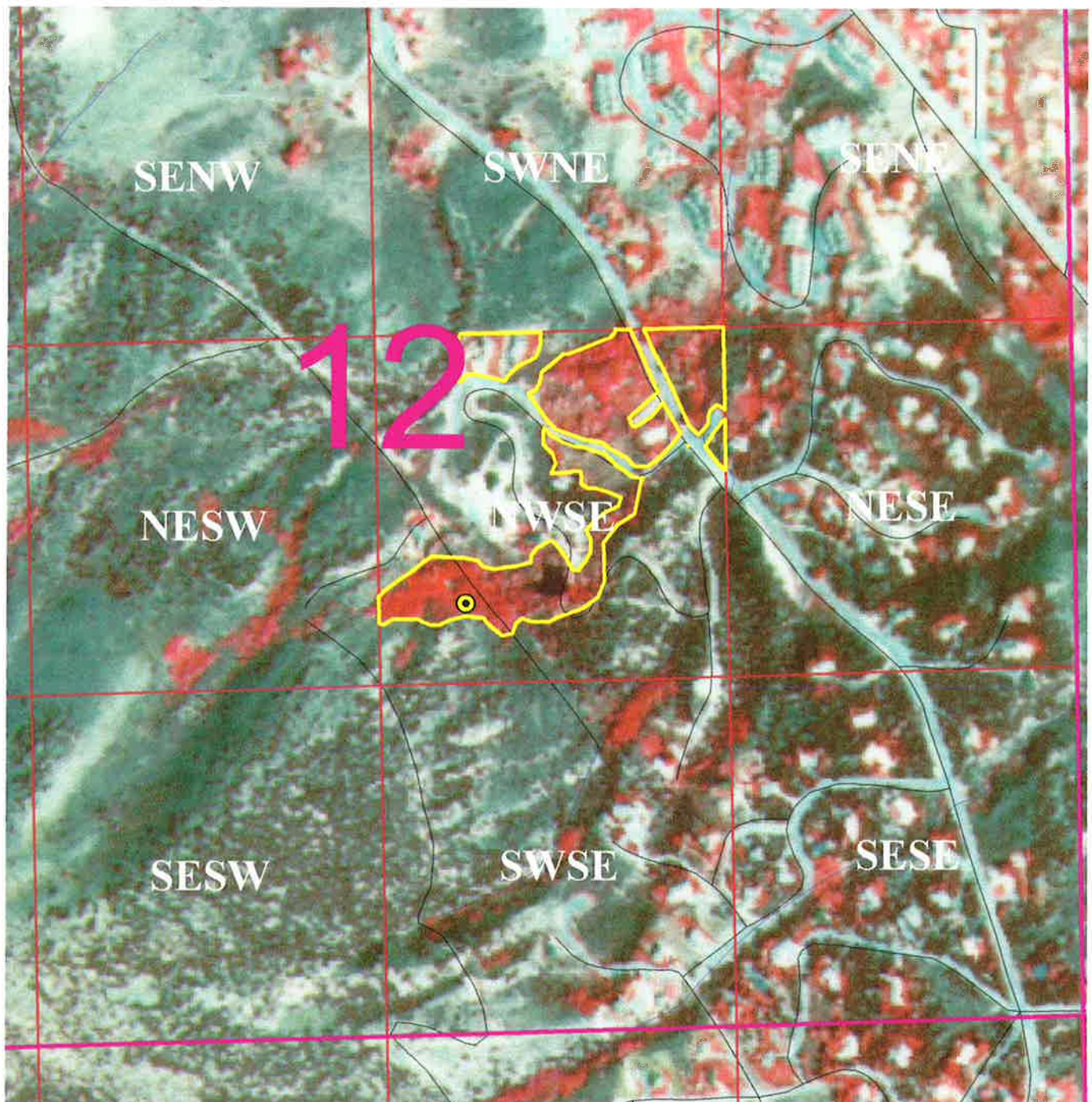
 Roads

 Streams and Canals

Legend

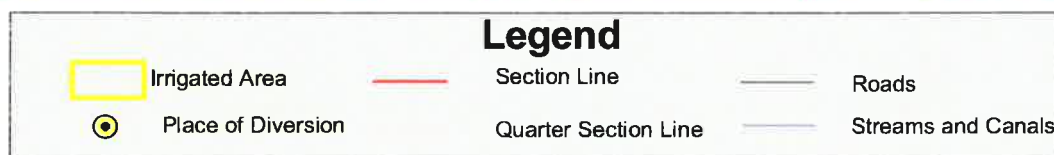
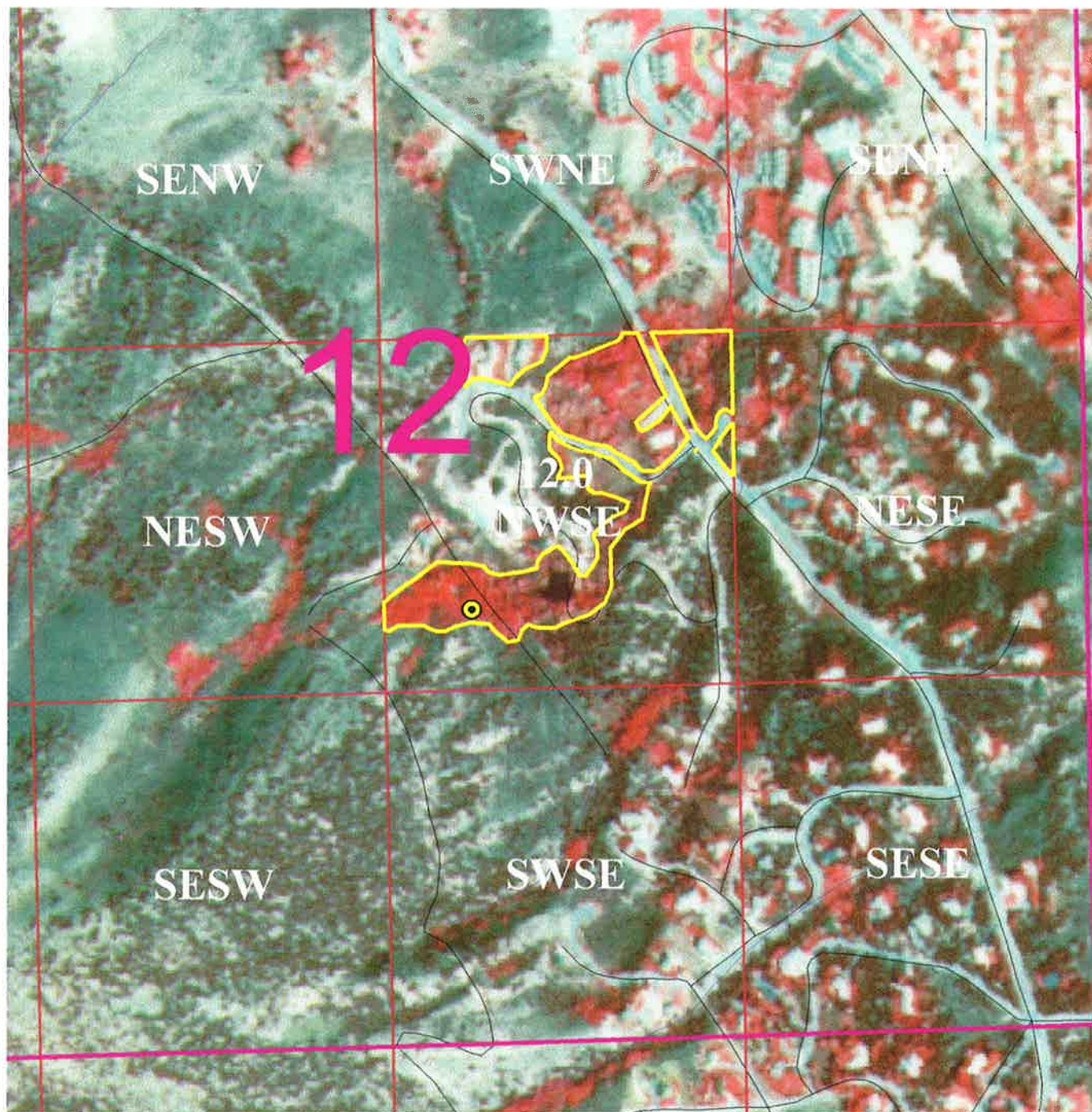


09/12/2000



Water Right Claim Number A29-10787
Township , 7S34E

09/12/2000



Roger

02/13/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-10787

KRAIG C MC GEE
1420 CEDAR LAKE RD
POCATELLO ID 83204
Telephone Number: (208)232-4779

KAREN MC GEE
1420 CEDAR LAKE RD
POCATELLO ID 83204
Telephone Number: (208)232-4779

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: 2/24/03

SIGNATURE:

Kraig C. McGee M.D.

Please print your name:

Kraig C. McGee

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

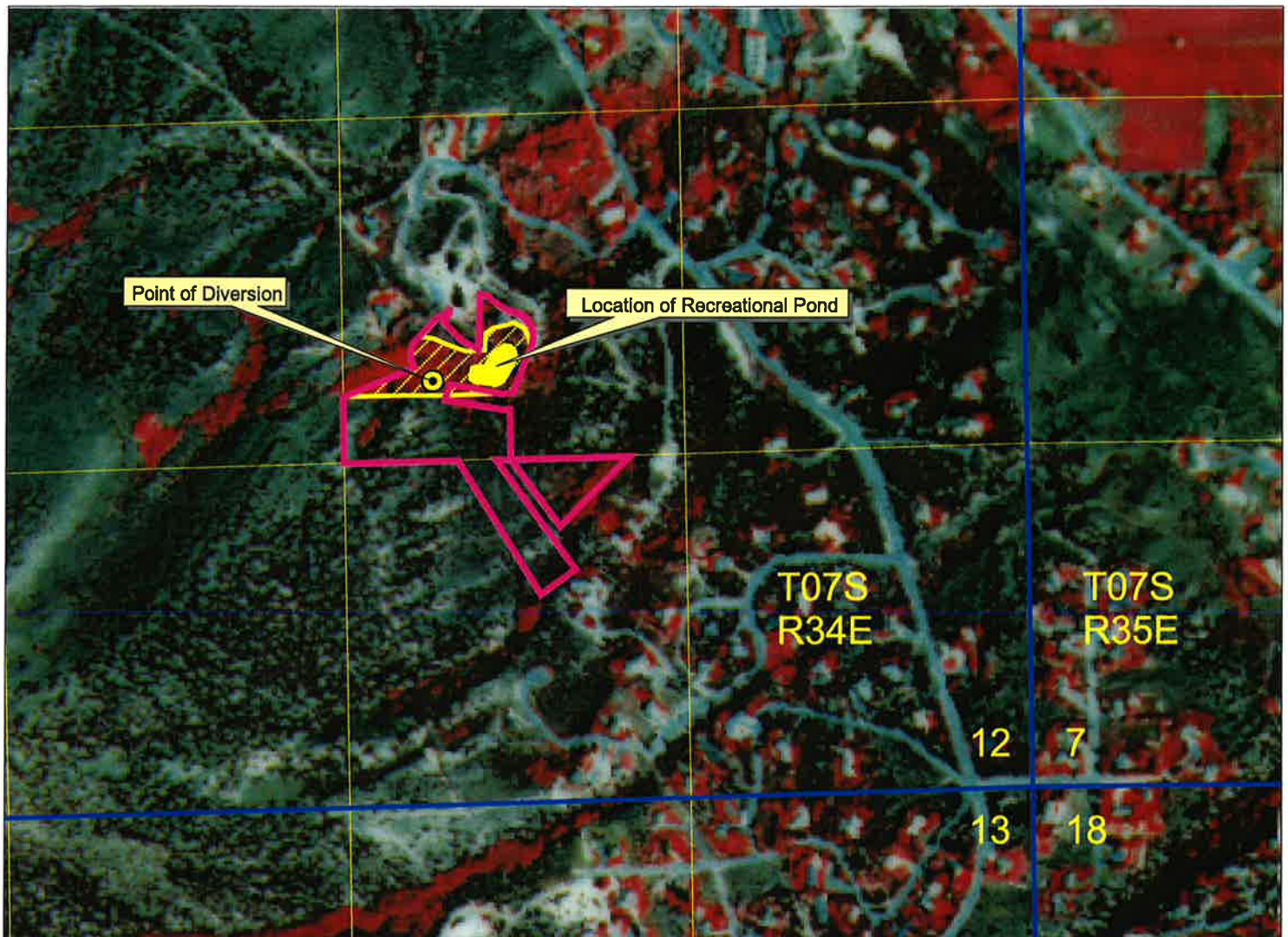
RECEIVED

2-28-2003

Idaho Department of Water Resources



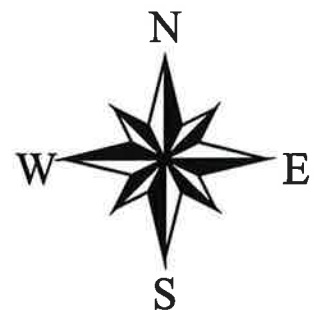
State of Idaho Department of Water Resources Eastern Region Claim No.: 29-10787



0.1 0 0.1 0.2 Miles

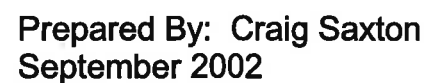
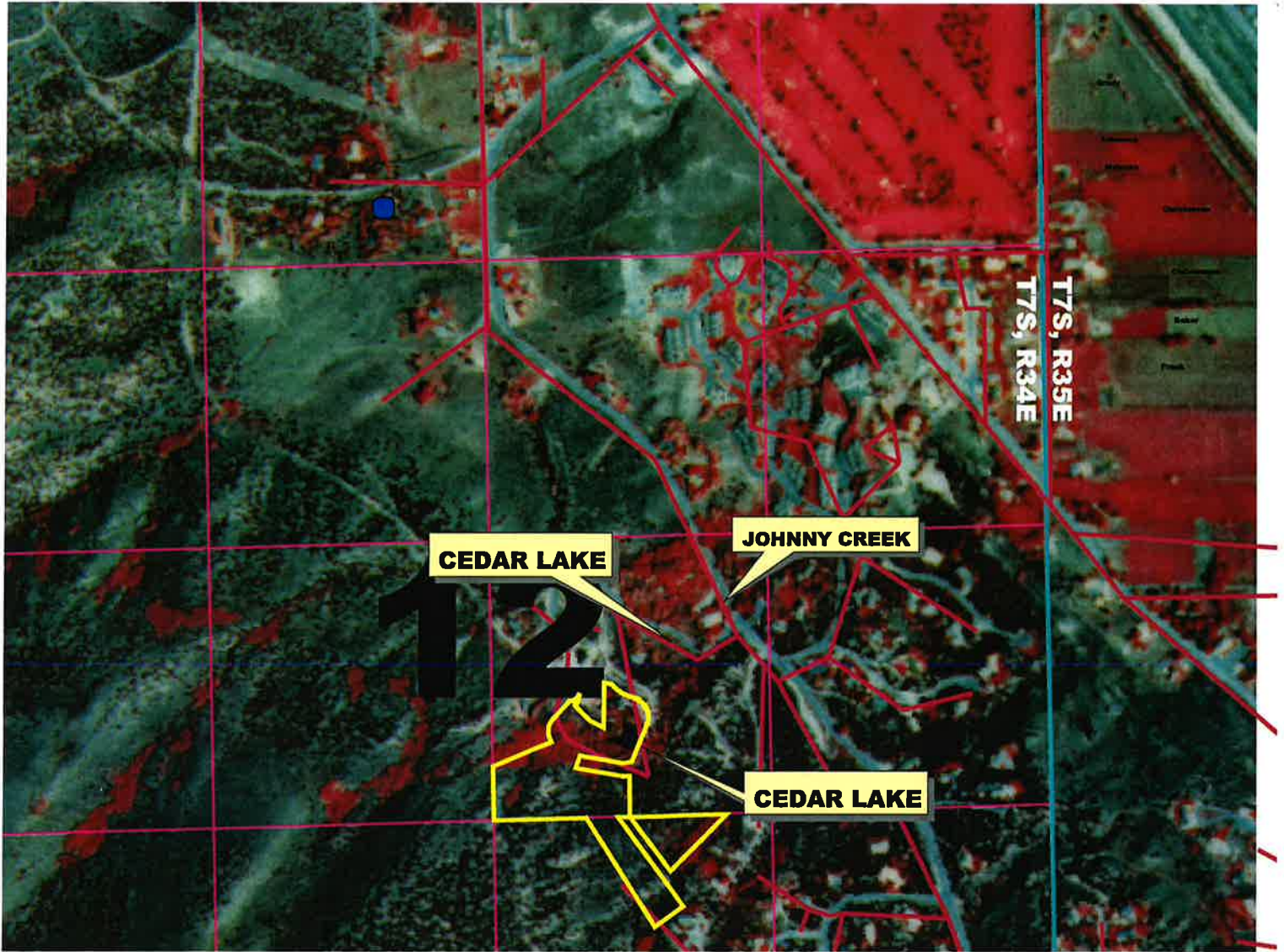
Irrigated Acres = 2.0

-  29-10787 pond.shp
-  Diversion.shp
-  29-10787 ownership.shp
-  Place of use.shp
-  Sections
-  QQ



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: January, 2003

29-10787 - Mc Gee



Prepared By: Craig Saxton
September 2002

9-13-02: Can support 1948 Priority. ok.

: Need to find POW

: no other claims.

- recommend 4/1 to 10/31 for irrigation season.

29-10787 - Mc Gee



Point of Diversion



Claimed POU - N/A



Property Boundary



Bannock Co Tax Lot Data

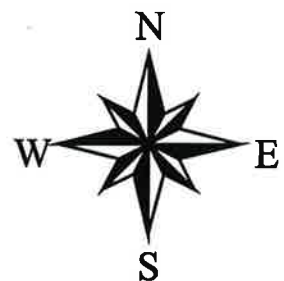


Section Lines



Quarter Quarter Lines

Property Acreage: 0.0



Prepared By: Craig Saxton
September 2002



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

EPE 19 ft. Diversion from spring upstream from private lake. Diversion is for irrigation. 12" pipe blocked by rock. Behaves as sharp crested weir, 1.5" deep, 12" wide. Tag placed on pipe.

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☒ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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JUN 15 2001

Log for claim A29-10787

Spatial Dynamics BTD

9/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s34e	12	NWSE	2	12	Indiscernible
Totals:			2	12	

Can support 1948 Priority

Audit: 03/27/90 HAUMANN 08/04/94 THOMPSON 03/29/95 POST-STD

McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-4121

FAX NO: (208) 233-4174

M. JAY MEYERS*
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

MICHAEL E. BOSTWICK
*Also admitted in Wyoming

March 30, 1995

Dave Carlson
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

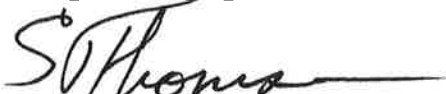
Re: Kraig and Karen McGee

Dear Mr. Carlson:

Pursuant to your January 3, 1995, letter to my clients, Kraig and Karen McGee, a copy of which is enclosed for your reference, I have enclosed Affidavits of John Weeks, Harry Matthews, and Kraig McGee as well as the Idaho Department of Water Resources' Adjudication Claim Profile Report. Please advise if anything further is required to support the priority date of March 31, 1995.

Please note that we have enclosed the original Affidavits of these individuals.

Very truly yours,


Steven A. Thomsen

SAT/ac
Enclosures
cc Kraig & Karen McGee

MICROFILMED

NOV 13 1995

STATE OF IDAHO)
 :ss
County of Bannock)

JOHN WEEKS, after being first duly sworn upon oath,
deposes and states:

1. That I reside at 4210 Johnny Creek Road, Pocatello,
Idaho 83204;

2. That I have lived at that address since 1960;

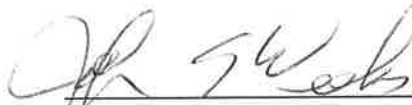
3. That I am personally aware that a dam existed on
Cedar Lake in the Johnny Creek area at that time, and, judging from
the age and size of the trees and shrubbery on the dam as well as
the condition of the appliances used for diversion of the water,
the dam had been constructed and water diverted for many years (at
least ten (10)) before;

4. That the land where that dam and lake are located
are presently owned by Dr. Kraig and Mrs. Karen McGee and sit
directly next to their residence;

5. That Mr. Les Falter and I used water from the lake
to water our horses with the permission of Mr. Jack Ziebarth who
owned the land at that time;

FURTHER your Affiant saith not.

DATED this 30th day of March, 1995.



JOHN WEEKS

SUBSCRIBED AND SWORN TO before me this 30 day of March,
1995.

(SEAL)



Notary Public for Idaho

STATE OF IDAHO)
 :SS
County of Bannock)

HARRY W. "BUD" MATTHEWS, after being first duly sworn upon oath, deposes and states:

1. That I reside at 5030 Chinook Drive, Pocatello, Idaho 83201. My phone number is 233-0292;
2. That I make this Affidavit upon personal knowledge and in support of the Claim of Water Right of Kraig McGee;
3. That I have been personally familiar with the Cedar Lake for more than forty-seven (47) years;
4. That our children played there, caught frogs, etc.;
5. That the property was owned by Jack Ziebarth. The water was diverted for irrigation, and I even believe that at one time, was used to water what is now the Riverside Golf Course;
6. That in addition, Mr. Ziebarth had animals which would have watered from the lake;

FURTHER your Affiant saith not.

DATED this 29 day of March, 1995.

Harry W. Matthews
"BUD" MATTHEWS

SUBSCRIBED AND SWORN TO before me this 29 day of March, 1995.

(SEAL)

Steven A. Thomsen
Notary Public for Idaho
Residing in Pocatello
My Commission Expires 8/17/98

MICROFILMED
NOV 13 1998

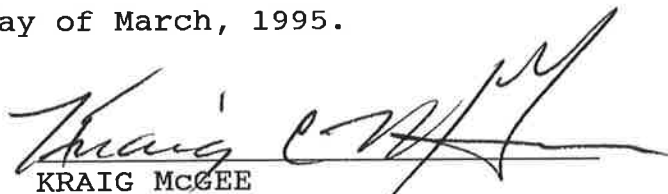
STATE OF IDAHO)
 :SS
County of Bannock)

KRAIG MCGEE, after being first duly sworn upon oath,
deposes and states:

1. That I reside at 1420 Cedar Lake Road, Pocatello,
Idaho 83204. My phone number is 232-4779;
2. That I make this Affidavit upon personal knowledge;
3. That I have been personally familiar with Cedar Lake
since about 1962. We moved to that area when I was in the sixth
grade;
4. That at that time Cedar Lake was in existence used
for stock watering and diverted for use irrigating lands down the
hill;
5. That we purchased our present home in June 1981 and
have continuously summer irrigated since that time. The home was
built by Jack Carothers in about 1976. I can verify that the home
came equipped with an irrigation and diversion system to divert
water out of Cedar Lake;

FURTHER your Affiant saith not.

DATED this 29th day of March, 1995.


KRAIG MCGEE

SUBSCRIBED AND SWORN TO before me this 29 day of March,
1995.

(SEAL)


Notary Public for Idaho
Residing in Pocatello
My Commission Expires 8/17/98



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-10787
KAREN MCGEE
KRAIG C MCGEE
1420 CEDAR LAKE RD
POCATELLO ID 83204

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication (SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is known as the **PRIORITY DATE**, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the PRIORITY DATE.**

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

MICROFILMED

NOV 13 1996

JUN 15 2001

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: A29-10787

Date Received: 3/27/1990

Receipt No: 6012597/90

Received By:

MAR 29 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KRAIG C. MC GEE 208-232-4779
Address: 1420 CEDAR LAKE RD.
POCATELLO, ID 83204
AND/OR
Name: KAREN MC GEE 208-232-4779
Address: 1420 CEDAR LAKE RD.
POCATELLO, ID 83204

2. Date of Priority: JUN 25, 1920

3. Source: SPRING Trib. to: CEDAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	34E	12	SW	NW	SE		BANNOCK

5. Description of diverting works:
PIPED, GRAVITY FLOW TO SPRINKLERS & PIPED OVER FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		
RECREATION STORAGE	01/01	12/31			5.75

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

A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
R, 1 LAKE

A29-10787

Page 1

Date: 03/27/90

MICROFILMED

NOV 16 1992



CIR

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	34E	12	NW	SE		IRR	2.0
			NW	SE		REC S	

Section Acres 2.0

Total Acres 2.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 16 1992

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: 1

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): Quang C. M. Lam Date: 3/27/90

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of March 19 90

Carter Fritschle
Notary Public

Seal

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires My commission Expires March 21, 1994

