

06/19/2002

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

RIGHT NUMBER: 37-4052

NAME AND ADDRESS: JEANNE M MC COMBS  
2052 E 1850 S  
GOODING ID 83330

ALAN D MC COMBS  
2052 E 1850 S  
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.08 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT  
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION:

T06S R15E S4 SWSWNE Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.040 CFS       |
|                       |                      | 5.60 AFY        |
| DOMESTIC              | 01/01 12/31          | 0.040 CFS       |

PLACE OF USE: IRRIGATION Within GOODING County

T06S R15E S04 SWNE 1.4

DOMESTIC Within GOODING County

T06S R15E S04 SWNE

1.4 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

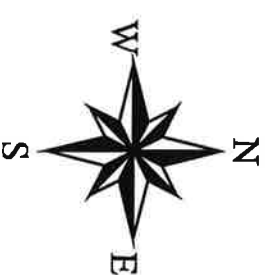
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.  
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

EXPLANATORY MATERIAL: Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS  
RESERVOIR DIST. NO. 2.  
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL  
CO.

# 37-4052

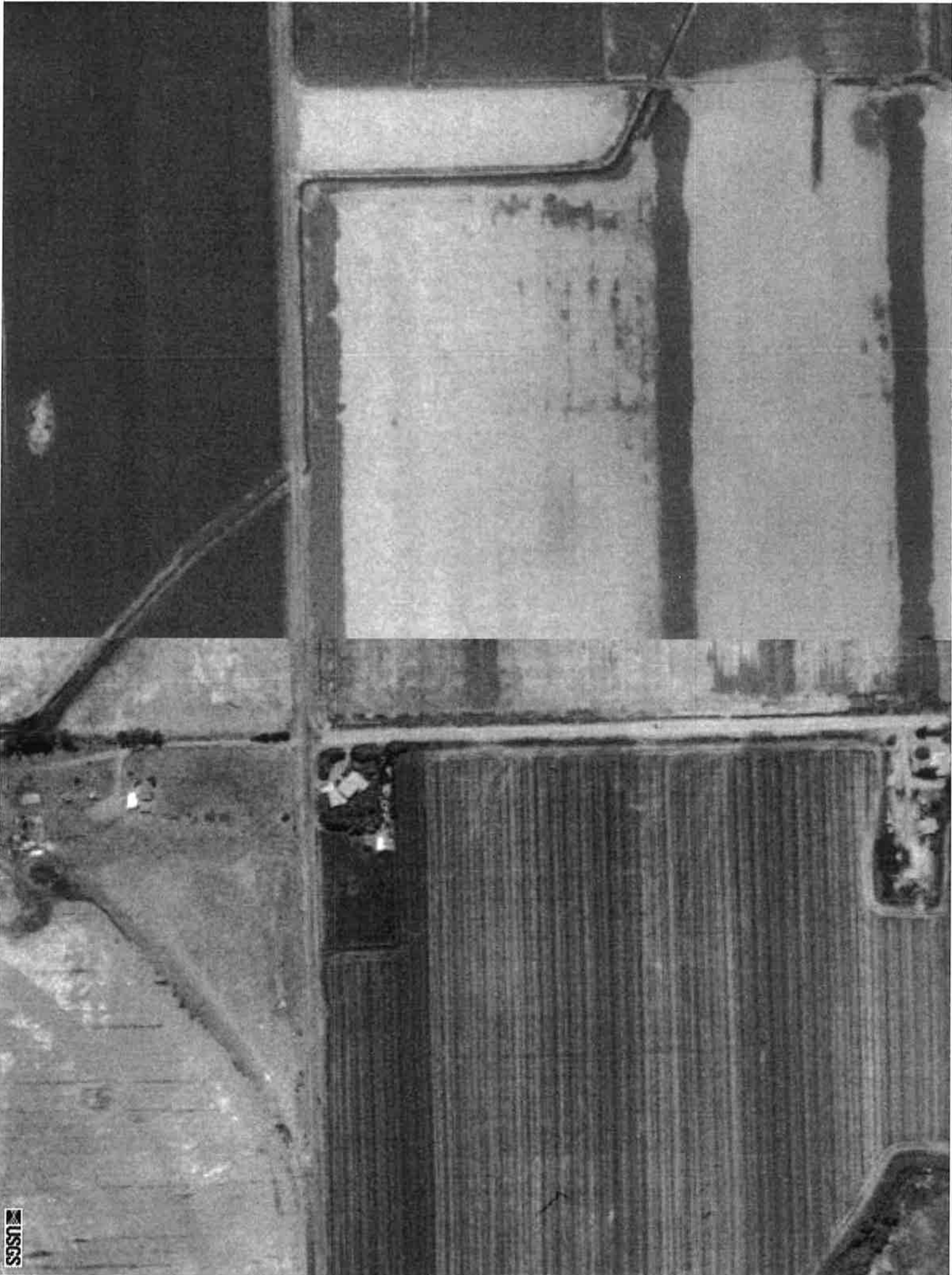
## T06S R15E S04



Map prepared by: Carter Fritschle  
Date prepared: 06/19/02  
1987-1988 NAPP photography  
Idaho Department of Water Resources

37-4052

7-16-1992



37-4052

CA 6-18-02

Telephone conversation with Shelley from  
Gooding County Treasurer's office

McCombs purchased property on 10-1-1961 (owners)

Deed was recorded on 5-21-1962

Assessor's records show home was built in 1962

Property size is 1.5 acres

Recommend 1962 priority date based on this  
information and other evidence submitted.

Note: Deed states land purchased with all  
water rights.

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
Section 42-225a, Idaho Code

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Alan D. McCombs (name of claimant)  
of 121 4th Ave. W, Gooding, Idaho, claims a right to the diversion and beneficial use of  
(mailing address)  
ground water or surface water tributary to groundwater.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) groundwater
- 
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- |        |                          |     |                                  |                |                     |                                    |
|--------|--------------------------|-----|----------------------------------|----------------|---------------------|------------------------------------|
| Amount | <u>.04 cfs</u>           | Use | <u>domestic</u>                  | Period of Use: | From <u>Jan 1</u>   | To <u>Dec. 31</u>                  |
| Amount | <u>.04 cfs</u>           | Use | <u>irrigation</u>                | Period of Use: | From <u>April 1</u> | To <u>Nov. 1</u>                   |
| Amount | <u>(cfs, gpm or a/f)</u> | Use | <u>(dom., irri, stock, etc.)</u> | Period of Use: | From _____          | To _____<br>(both dates inclusive) |

- (3) Total quantity of water claimed: .08 cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) April 1961

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)  
 SW ¼ NE ¼, Sec. 4 Twp. 6 S Rge. 15E B. M. County of Gooding  
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. well, pump, sprinkler

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

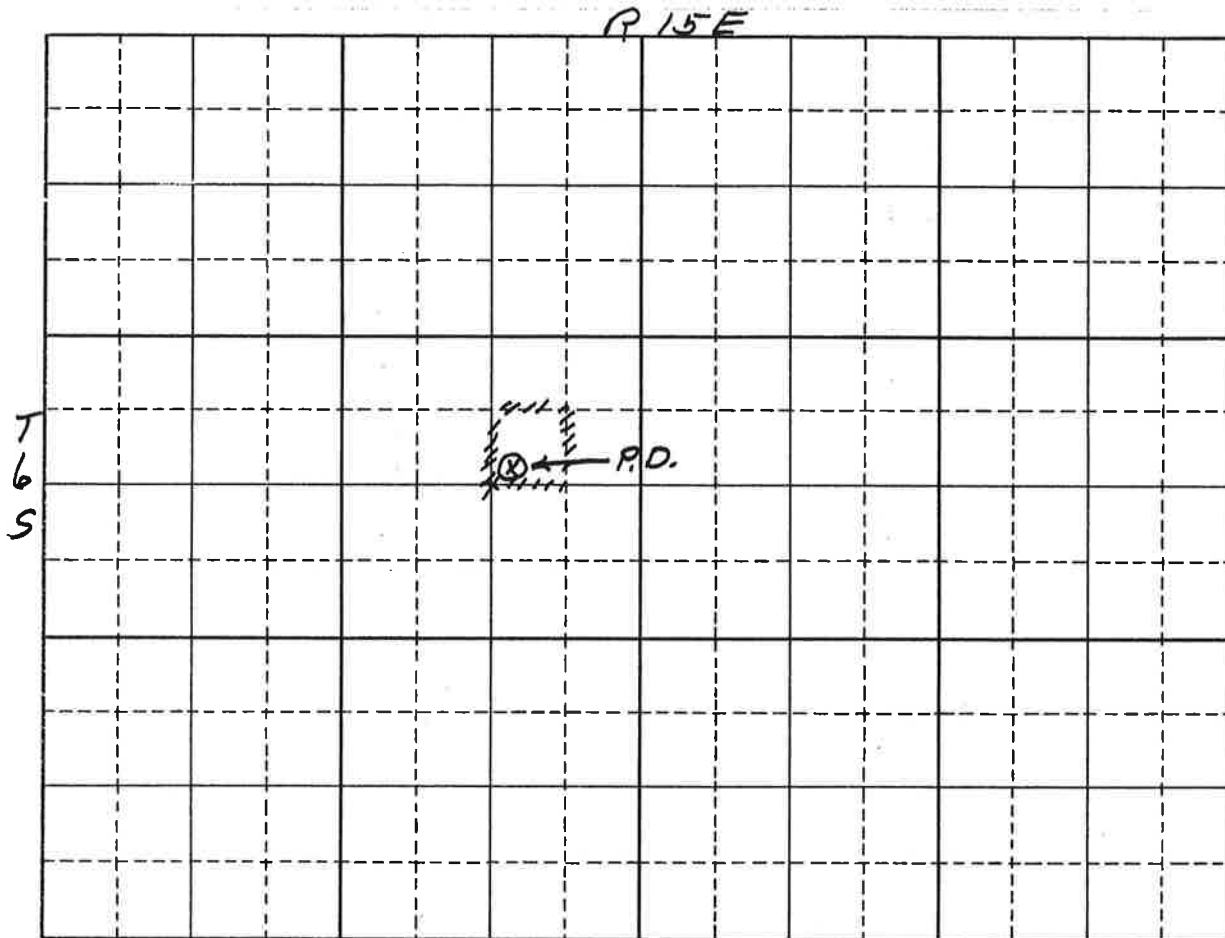
[illegible]

Total No. of acres 2

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: used  
also for single family domestic use
- (7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

37 4052

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Latah ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 5<sup>th</sup> day of January, 19 74.

Alan D. M. Dwyer  
(Claimant)

Notary Public

Residing at Kennett

My commission expires 2-8-74

For Department Use Only

Received by KDF Date 1-8-74 Exception filed by: 74/KDF Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by mls Date 1-8-74 claimant by: \_\_\_\_\_  
\$10.00 fee received by mls Date 1-8-74  
Approved for publication by mls  
Published in Gooding Co. Leader  
Dates 1-17 & 1-24-74

11756-

Claim No. 37-4052

Dear Sir:

Enclosed is evidence supporting  
priority date of the above claim  
Trusting this is the information  
needed

Very Truly Yours

Alan S. McCombs

2052 E. 1850 S.

Gooding, Ida 83330

Phone 934-4616

Claim # 37-4052

03-18-02

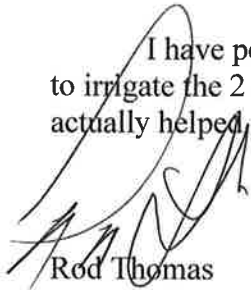
RECEIVED

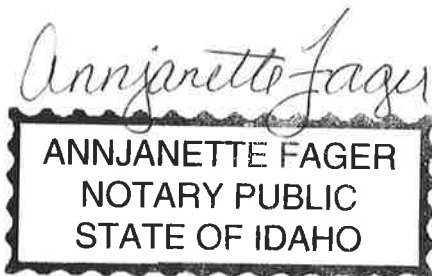
APR - 5 2002

Department of Water Resources

To Whom It May Concern:

I have personal knowledge that Alan and Jeanne McCombs used their well water to irrigate the 2 acres to the east of their home. I observed this during the mid 60's and actually helped do the irrigation in the mid 70's.

  
Rod Thomas



exp 4/27/07  
Blanding County  
3/29/02



## 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 [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 7, 2002

37-4052  
ALAN D MC COMBS  
2052 E 1850 S  
GOODING ID 83330

**RESPONSE DEADLINE**  
**APRIL 12, 2002**

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. I will be conducting field examinations for the SRBA claims with a Ground Water source in your area in late March and early April. Since the priority date of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

**PLEASE NOTE:** IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129. If you have multiple claims that require evidence of priority date, the labels with the identification numbers of the additional claims are attached below. Please submit evidence of the priority date for each of your beneficial use rights. Also, if there are multiple claimants of the claim at the same address, the additional claimants are identified on the labels attached below.

Sincerely,

  
Carter Fritschle  
Water Rights Supervisor

Enclosures

37-4052  
JEANNE M MC COMBS  
2052 E 1850 S  
GOODING ID 83330

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: A37-04052  
Date Received: 6/06/1988  
Receipt No: S000334  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ALAN D. MC COMBS 208-934-4616  
Address: 2052 E. 1850 S.  
GOODING, ID 83330

AND/OR

Name: JEANNE M. MC COMBS  
Address: GOODING, ID 83330

2. Date of Priority: APR 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S      | 15E   | 4       | SW     | SW     | NE  |     | GOODING |

5. Description of diverting works:  
6" X 200' WELL, 1-1/2 HP PUMP, SPRINKLERS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.040 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040 |      |        |

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

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ ONE HOUSE

10.. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 06S           | 15E   | 4       | SW NE      |     | IRR | 2.0   |
| Section Acres |       |         |            |     |     | 2.0   |
| Total Acres   |       |         |            |     |     | 2.0   |

11. Place of use in counties: GOODING

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: STATUTORY CLAIM  
Water Right Number:

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 X 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): Alan D. M. Comb Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 6th day

of June 19 88

Mary G. Baldwin  
Notary Public

Seal

Residing at Gooding Id  
My Commission Expires 10/16/1992