

09/16/2009

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

RIGHT NUMBER: 37-7228

NAME AND ADDRESS: ALEXANDER MACDONALD III
PO BOX 3404
HAILEY ID 83333

JESSICA A MACDONALD
PO BOX 3404
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.04-0.140~~ CFS
~~1.20-16.20~~ AFY

PRIORITY DATE: 05/18/1973

POINT OF
DIVERSION:

T02N R18E S36 ~~SESE~~-SENESE Lot 5 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
		1.20 AFY
<u>IRRIGATION</u>	<u>04/01 11/01</u>	<u>0.100 CFS</u>
		<u>15.00 AFY</u>

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S36 Lot 5 NESE 3.60 T02N R18E S36 SESE 3.50

DOMESTIC in BLAINE County

T02N R18E S36 SESE

7.1 ACRES TOTAL

This right is limited to the irrigation of 5 acres within the place of use described above 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.

~~The remainder of this right was forfeited for non use from 1980 to 1992.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Point of diversion is located within Lot 19, Muldoon Ranch Subdivision.

Parcel No. RP004250000190A.

Place of use is located within Lot 19, Muldoon Ranch Subdivision.

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VERIFIED BY KKC
9-16-09

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TRIBUTARY:

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16.20 AFY

PRIORITY DATE: 05/18/1973

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DIVERSION:

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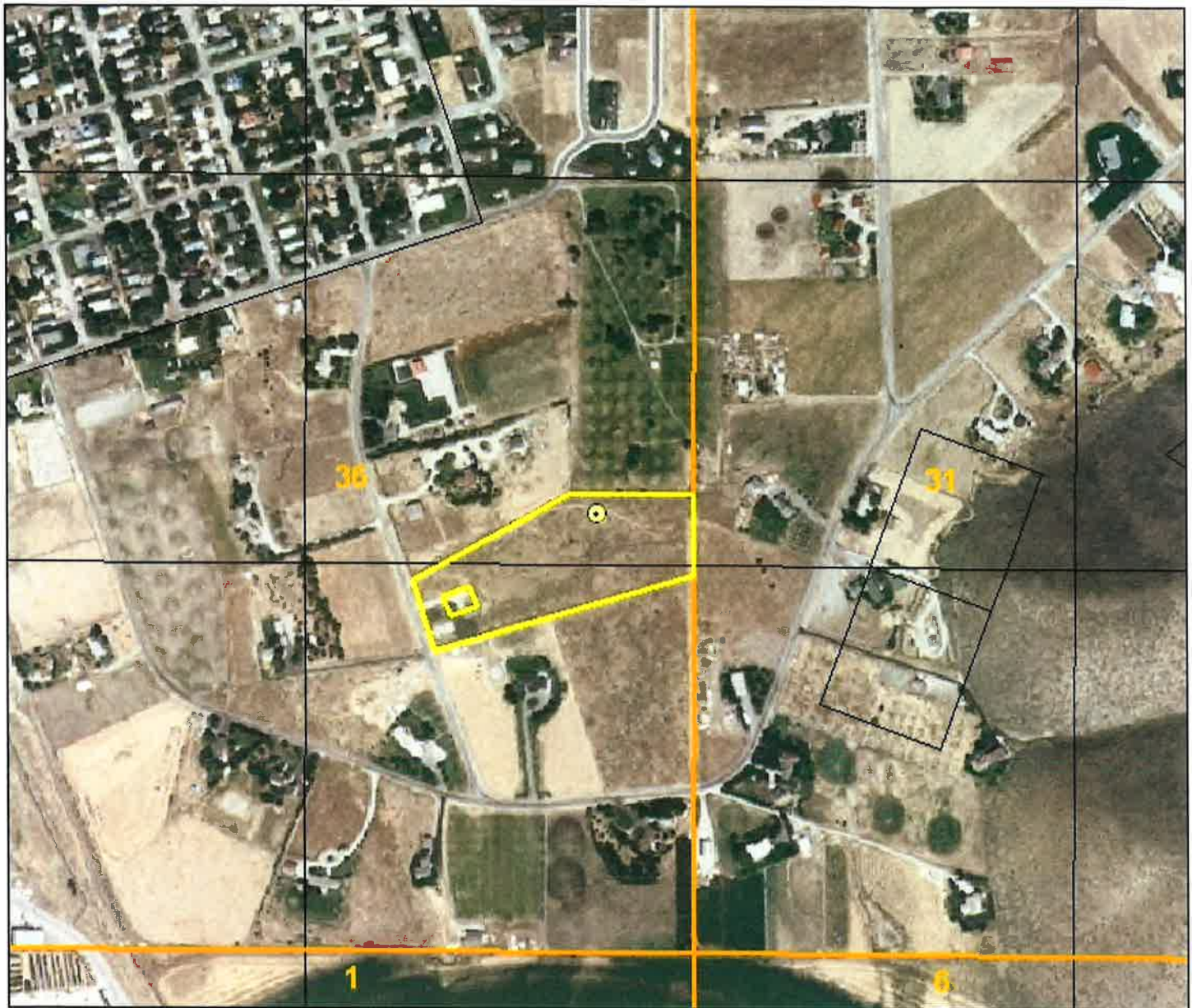
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RECOMMENDED PLACE OF USE FOR 37-7228 Macdonald



PLACE OF USE
TWP 02N, RNG 18E, SEC 36
Data Entry on SEPTEMBER 16, 2009

★ LOCATION IN BASIN

- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION
2006 AERIAL PHOTOGRAPHY
BY KELLY K CHRISTENSEN



Basin 37



Christensen, Kelly

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, September 15, 2009 12:33 PM
To: Bromley, Chris; Kelly, Vicki; Christensen, Kelly
Cc: 'Alex Macdonald III'
Subject: RE: 37-7228 MacDonald POD and POU issue

Attachments: irrigation well location.pdf



irrigation well
location.pdf (...)

Chris, Vicky & Kelly,

We have located the irrigation well on a 2006 photo from your website. We would like to simply identify the entire lot as a PPU with the restriction of 5 acres irrigated. Can we do that?

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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-----Original Message-----

From: Christensen, Kelly
Sent: Friday, September 11, 2009 1:50 PM
To: Jim Speck; Bromley, Chris; Kelly, Vicki

As I started to prepare the recommendation for this right as normal I found another series of problems. The attached analysis hopefully covers the issues but I now need your client's input to finish the recommendation.

The department is going to look at the quarter/quarter boundary shift as merely a correction of the licensed POU and POD based upon better mapping and therefore an amended claim will NOT be necessary. I do, however, need to establish the POD location and to the best it can be drawn, the POU boundary. I realize that the POU boundary will be difficult to define as the old home was burnt and a new home was constructed but please provide me with as accurately as possible the shape. I would consider generating a slightly larger shape and then limiting it to the licensed 5 acres.

Once I get the info I should be able to complete the SF-5 in a short amount of time.

9-15-2009 12:33 PM E-mail
 FROM: Jim Speck
 TO: Kelly Christensen, Chris Brown, Vicki Kelly

02N18E36SESW 02N18E36SWNE 02N18E36SSE 02N19E31SWNW
 02N18E36NESW 02N18E36NESE 02N19E31NWSW
 02N18E36NWSE 02N18E36SESE 02N19E31SWSW
 02N18E36SESW 02N18E36SWSE 01N18E16ENW 01N18E16ENE 01N18E16ENE 01N18E16ENE

Point of Diversion Well Location

75

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 FROM: Jim Speck
 TO: Kelly Christensen, Chris Brown, Vicki Kelly

02N18E36SESW 02N18E36SWNE 02N18E36SSE 02N19E31SWNW
 02N18E36NESW 02N18E36NESE 02N19E31NWSW
 02N18E36NWSE 02N18E36SESE 02N19E31SWSW
 02N18E36SESW 02N18E36SWSE 01N18E16ENW 01N18E16ENE 01N18E16ENE 01N18E16ENE

Point of Diversion Well Location

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Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, September 11, 2009 1:50 PM
To: 'Jim Speck'; Bromley, Chris; Kelly, Vicki
Subject: 37-7228 MacDonald POD and POU issue

Attachments: 37-7228 MacDonald POU discussion.doc

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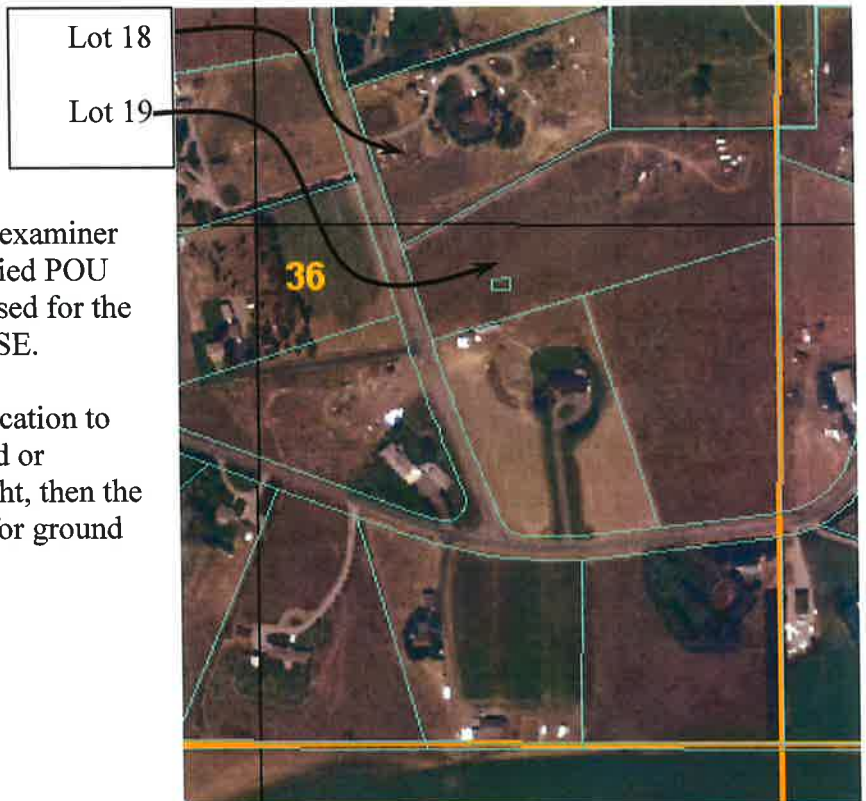
37-7228 MacDonald
POU discussi...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-7228 MacDonald

The permit sketch showed both the POD and POU as being wholly within Sec 36 SESE. No aerial photos were used in the field verification for licensing field examination. The examiner carried forward the permit identified POU and 37-7228 was ultimately licensed for the irrigation of 5 acres in Sec 36 SESE.

Unless there was a modification to the lot boundary sometime around or following the licensing of this right, then the license should have been issued for ground in both Sec 36 NESE and SESE.



1992 aerial photo

The two photo clips show a closer view of Lot 19. Tax lot information identified the lot as being 7.1 acres. As the available aerial photography does not clearly show the irrigated ground and the license is only for 5 acres. The irrigated 5 acres need to be identified. It is assumed that the lawn area would be included within the irrigated acreage.

The point of diversion location also needs to be identified. If it is located in the northeastern portion of lot 19 then it would be in Sec 36 NESE.



3-18-09

37- 7228 Septuo Conf. McDonald.

Issue - possible forfeiture 1994 to 1987

Need Evidence of Use.

Calander

Sept 2 @ 2:00 PM.

Claim filed in 1994

Owner knows upto 1984±

1992 home burnt down.

looking at possible Power Record



37-7228
Hearing Sept 18, 2008
Clairmont seeking additional info
regarding Evidence of Feasibility
State of Calif
3-18-09

Forrestly Area
with 34-7228