

RECEIVED

JAN 29 2007

DEPARTMENT OF  
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase

67-10020

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Address:

Daytime Phone:

Stephen C. & Ruth Mackay

2095 Seid Creek Rd.

Cambridge ID 83610

(208) 257-4222

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Address:

Stephen C. & Ruth Mackay

2095 Seid Creek Rd.

Cambridge ID 83610

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☒ **Quantity**  
Should be: .33 CFS
4. ☒ **Priority Date**  
Should be: 1918
5. ☒ **Point of Diversion**  
Should be: 16 N 04 W Sec 27 NW 4 SW 4  
Washington Co.
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: Irrigate 53 acres
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☐ **Place of Use**  
Should be: \_\_\_\_\_
10. ☐ **I object because:**
  - ☐ This water right Should not exist.
  - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** Amend water  
right to make corrections as recommended  
by IWR - Vicky Music and agreed to  
by Mackays.

F.

VERIFICATION (must be completed)

State of Idaho )  
 )ss.

County of Washington

Stephen C Mackey duly sworn, upon oath, deposes and says:  
(Name of person filing objection)  
Ruth Mackey

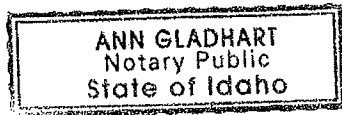
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Stephen C Mackey  
(Signature of person filing objection)  
Ruth Mackey

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 25, 2007

Ann Gladhart  
Notary Public for Idaho  
Residing at: Cambridge  
My Commission Expires: 3-31-16



12/21/2006

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

RIGHT NUMBER: 67-10020

NAME AND ADDRESS: STEPHEN C MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

RUTH MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

SOURCE: LITTLE PINE CREEK

TRIBUTARY: PINE CREEK

QUANTITY: 0.220 CFS

Right Nos. 67-4202 and 67-10020 are limited to a total combined diversion rate of ~~0.61 CFS~~ **1.02 CFS**

PRIORITY DATE: 04/01/1930 - 1918

POINT OF DIVERSION: T16N R04W S27 NWSW Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE                                | PERIOD OF USE           | QUANTITY        |
|-----------------------------------------------|-------------------------|-----------------|
| IRRIGATION                                    | 04/01 10/31             | 0.220 CFS       |
| PLACE OF USE: IRRIGATION in WASHINGTON County |                         | <b>1.33 CFS</b> |
| T16N R04W S21 NESE 3.00                       | T16N R04W S21 NWSE 3.00 |                 |
| T16N R04W S21 SWSE 3.00                       | T16N R04W S21 SESE 2.00 |                 |

**53** ~~12~~ ACRES TOTAL

Right Nos. 67-4202 and 67-10020 are limited to the irrigation of a combined total of ~~34~~ **53** 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 - Beneficial Use

12/21/2006

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

RIGHT NUMBER: 67-2258

NAME AND ADDRESS: STEPHEN C MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

RUTH MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.600 CFS

PRIORITY DATE: 11/26/1956

POINT OF  
DIVERSION: T13N R03W S3 SENW Within WASHINGTON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 10/31          | 0.600 CFS       |

PLACE OF USE: IRRIGATION in WASHINGTON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T13N R03W S03 | SENW | 30.00 | T13N R03W S03 | NESW | 40.00 |
|---------------|------|-------|---------------|------|-------|

70 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

*We no longer own this property -*

02/28/2007

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

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RIGHT NUMBER: 67-10020

NAME AND ADDRESS: STEPHEN C MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

RUTH MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

SOURCE: LITTLE PINE CREEK

TRIBUTARY: PINE CREEK

QUANTITY: 0.330 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T16N R04W S27 NWSW Within WASHINGTON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.330 CFS       |

PLACE OF USE: IRRIGATION in WASHINGTON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T16N R04W S21 | NESE | 24.10 | T16N R04W S21 | NWSE | 17.60 |
| T16N R04W S21 | SWSE | 1.00  | T16N R04W S21 | SESE | 10.30 |

53 ACRES TOTAL

Right Nos. 67-4202 and 67-10020 are limited to the irrigation of a combined total of 53 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 - Beneficial Use



# Idaho Department of Water Resources

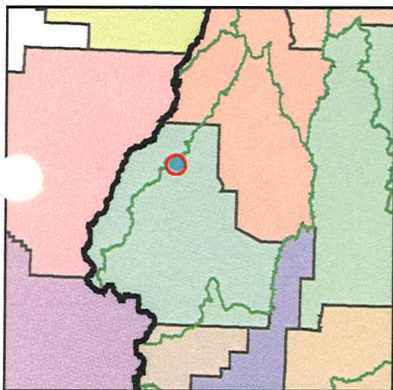
SRBA Recommendation:

**67-10020**

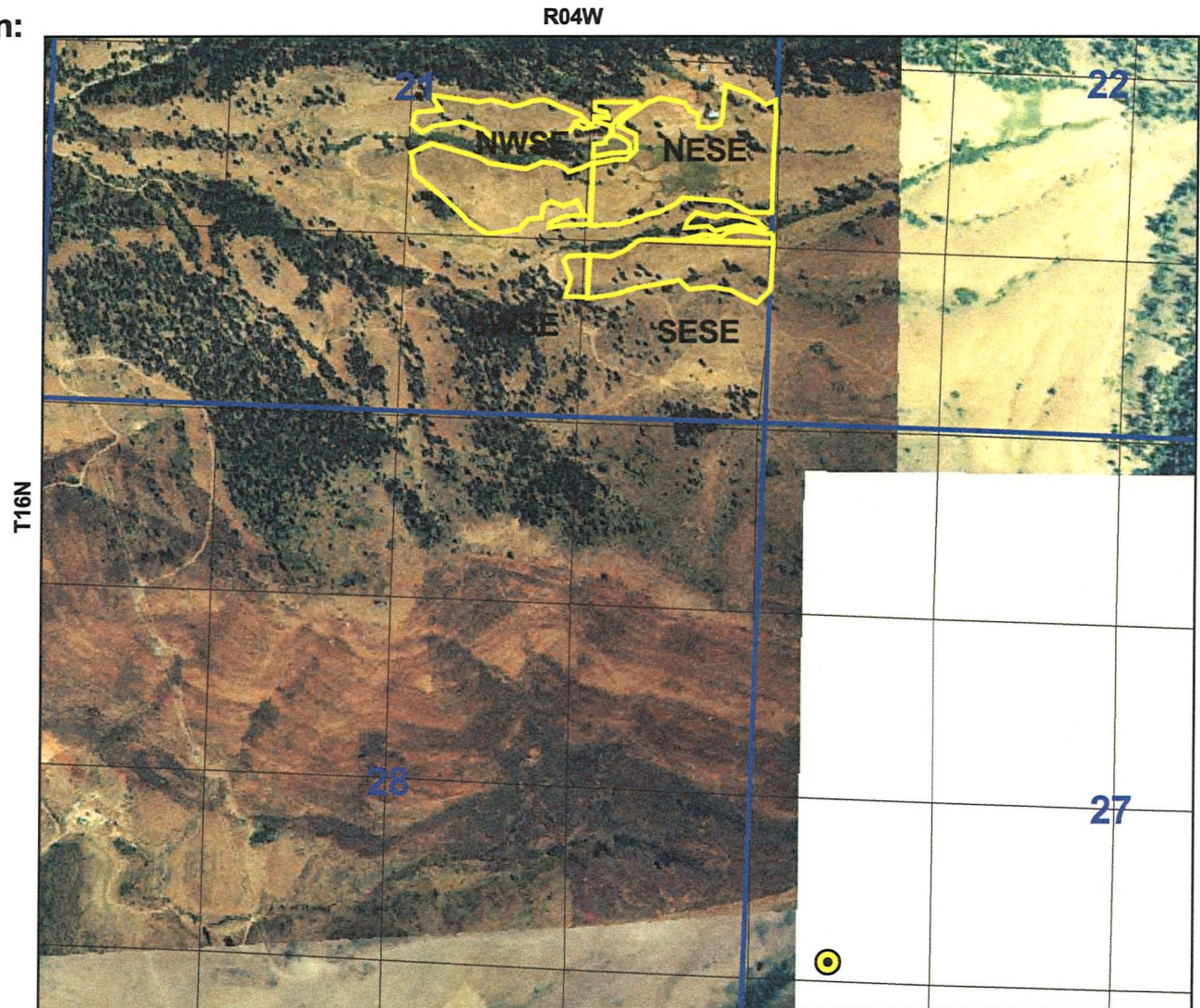
(Irrigation)

## Legend

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



Washington County  
IDWR Basin 67



0 0.5 1 Miles

Prepared by V. Music  
On Wednesday, February 28, 2007  
1987/88 Aerial Photography

11/16/2006

NOTICE OF ERROR  
REPLY

RECEIVED

DEC 04 2006

WATER RESOURCES  
WESTERN REGION

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: December 8, 2006

Water right number: 67-10020

STEPHEN C MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

RUTH MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610  
Telephone Number: (208)257-3570

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Priority date should be the earliest possible (1918) since this water has been used continually on our ranch since approximately 1906. (See affidavits) Location of irreg. fields Chg'd to fields as given to Vickie.

2. Describe the changes you wish to make in the proposed recommendation:

If Claim 67-2141A is denied to us, we need to increase 67-10020 to accommodate this amt. of water. Increase quantity to .44 cfs. We irrigate approx. 53 ac. Claim 67-2141A Water (Queen's sense) has been delivered to our ranch for, at least, the last 30 yrs. (See water master report attached)

3. Give a brief explanation as to why you disagree with these portions:

Point of diversion needs to be corrected ✓ as per meeting w/ Vickie Music 11/29/06.

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

DATE: 11-30-06

SIGNATURE:

Stephen C Mackey

Please print your name:

Stephen C. MACKEY

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

| FILE NO. | FILE DATE | DECREED OWNER | PRESENT OWNER                           | DESCRIPTION                                                                                                                                                                                                          | CFS  | DE-<br>CREED | FLOOD  | STORAGE | 1978<br>ACTUAL | 1979<br>PROP. |
|----------|-----------|---------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------------|--------|---------|----------------|---------------|
| 67-214   | 5-1-00    | J. Davis      | E. Van Fossen<br>#5250                  | SWNE TN2 NW $\frac{1}{4}$ 11-15-4; NW $\frac{1}{4}$ NW $\frac{1}{4}$                                                                                                                                                 | 0.7  | 35"          | 62.50" |         | 4.46           | 11.3          |
| 67-217   | "         | J. Gibson     | "                                       | SWNE TN2 NW $\frac{1}{4}$ 11-15-4; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$<br>2-15-4                                                                                                    | 0.55 | 27.5"        | 40.25" |         | 3.50           | 10            |
| 67-219   | 5-1-01    | E. Webber     | Cecil Bilboa<br>#5399<br>C/B Cuddy Mtn. | All of Section 35-16-4; SW $\frac{1}{4}$ 35-16-<br>4 Ranch                                                                                                                                                           | 0.28 | 14"          |        |         | 1.78           | 1.6           |
| 67-226   | 5-1-02    | S. Rutledge   | "                                       | All of Section 35-16-4; S $\frac{1}{2}$ SW $\frac{1}{4}$ 25-<br>16-4; SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35-16-4                                                                | 0.34 | 17"          |        |         | 2.16           | 1.9           |
| 67-229   | 5-1-08    | J. Weimer     | "                                       | All of Section 35-16-4; NESE 18-15-<br>3                                                                                                                                                                             | .82  | 41           |        |         | 5.22           | 4.7           |
| 67-2096  | 1-30-15   | Lavender      | "                                       | All of Section 35-16-4; SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25-<br>16-4; SE $\frac{1}{4}$ SE $\frac{1}{4}$ 18; E $\frac{1}{2}$ NE $\frac{1}{4}$ 19; NW $\frac{1}{4}$ NW $\frac{1}{4}$<br>20-15-3                       | 1.0  |              | 50"    |         | 6.36           | 5.8           |
| 67-220   | 5-1-01    | R. Howland    | "                                       | All of Section 35-16-4; S $\frac{1}{2}$ NE $\frac{1}{4}$ 35-<br>16-4                                                                                                                                                 | 0.24 | 12"<br>84    |        |         | 1.52           | 1.4           |
| 67-201   | 6-3-09    | M. Ward       | E. Armacost<br>#5205                    | NE $\frac{1}{4}$ NESE 32-15-3                                                                                                                                                                                        | 0.95 | 47.5"        |        |         | 6.04           | 5.1           |
| 67-4062  |           |               | "                                       | NE $\frac{1}{4}$ NESE 32-15-3; SWSW 30-15-3                                                                                                                                                                          | 1.03 |              | 51.5"  |         | 6.56           | 6.1           |
| 67-2141  | 9-11-23   |               | John Mount<br>#5375<br>MACKEY           | E $\frac{1}{2}$ NESE SWNESE S $\frac{1}{2}$ NWSE E $\frac{1}{2}$ SWSE,<br>S $\frac{1}{2}$ NWNESE NENW NESE S $\frac{1}{2}$ N $\frac{1}{2}$ NWSE 21-16-<br>4; NE $\frac{1}{4}$ NW $\frac{1}{4}$ 27-16-4 (Little Pine) | 0.22 |              | 11"    |         | 1.40           | 1.5           |
| 67-2113  | 8-3-17    |               | Wm. Pugh                                | W $\frac{1}{2}$ NE $\frac{1}{4}$ NWSE 22-16-4; S $\frac{1}{2}$ SW $\frac{1}{4}$ 15;<br>N $\frac{1}{2}$ NW $\frac{1}{4}$ 22-16-4 (Little Pine)                                                                        | 2.8  |              | 140"   |         | 17.80          | 16.           |
| 67-183   | 6-1-79    | A. McDonald   | Bill Noah<br>#5203                      | Lots 3 & 4, SESW S $\frac{1}{2}$ SE SE 32A of<br>NESE 31-15-3; SWSE 4-14-3; NE $\frac{1}{4}$ 9;<br>Part S $\frac{1}{2}$ SE 11-14-3                                                                                   | 0.94 | 47"          |        |         | 5.98           | 5.4           |

01/22/2007

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

RIGHT NUMBER: 67-10020

NAME AND ADDRESS: STEPHEN C MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

RUTH MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

SOURCE: LITTLE PINE CREEK

TRIBUTARY: PINE CREEK

QUANTITY: 0.220 CFS <sup>33</sup>

Right Nos. 67-4202 and 67-10020 are limited to a total combined diversion rate of 0.61 cfs.

PRIORITY DATE: 04/01/1930

POINT OF DIVERSION:  
T16N R04W S27 NWSW Within WASHINGTON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> <sup>33</sup> |
|-----------------------|----------------------|-------------------------------|
| IRRIGATION            | 04/01 10/31          | 0.220 CFS                     |

PLACE OF USE: IRRIGATION in WASHINGTON County

|                   |      |                      |               |      |                      |
|-------------------|------|----------------------|---------------|------|----------------------|
| T16N R04W S21     | NESE | 3.00 <sup>24.1</sup> | T16N R04W S21 | NWSE | 3.00 <sup>17.6</sup> |
| T16N R04W S21     | SWSE | 3.00 <sup>1</sup>    | T16N R04W S21 | SESE | 2.00 <sup>10.3</sup> |
| 53 11 ACRES TOTAL |      |                      |               |      |                      |

Right Nos. 67-4202 and 67-10020 are limited to the irrigation of a combined total of 31 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 - Beneficial Use



# Idaho Department of Water Resources

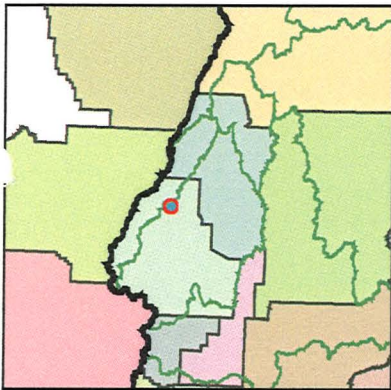
SRBA Recommendation:

**67-10020**

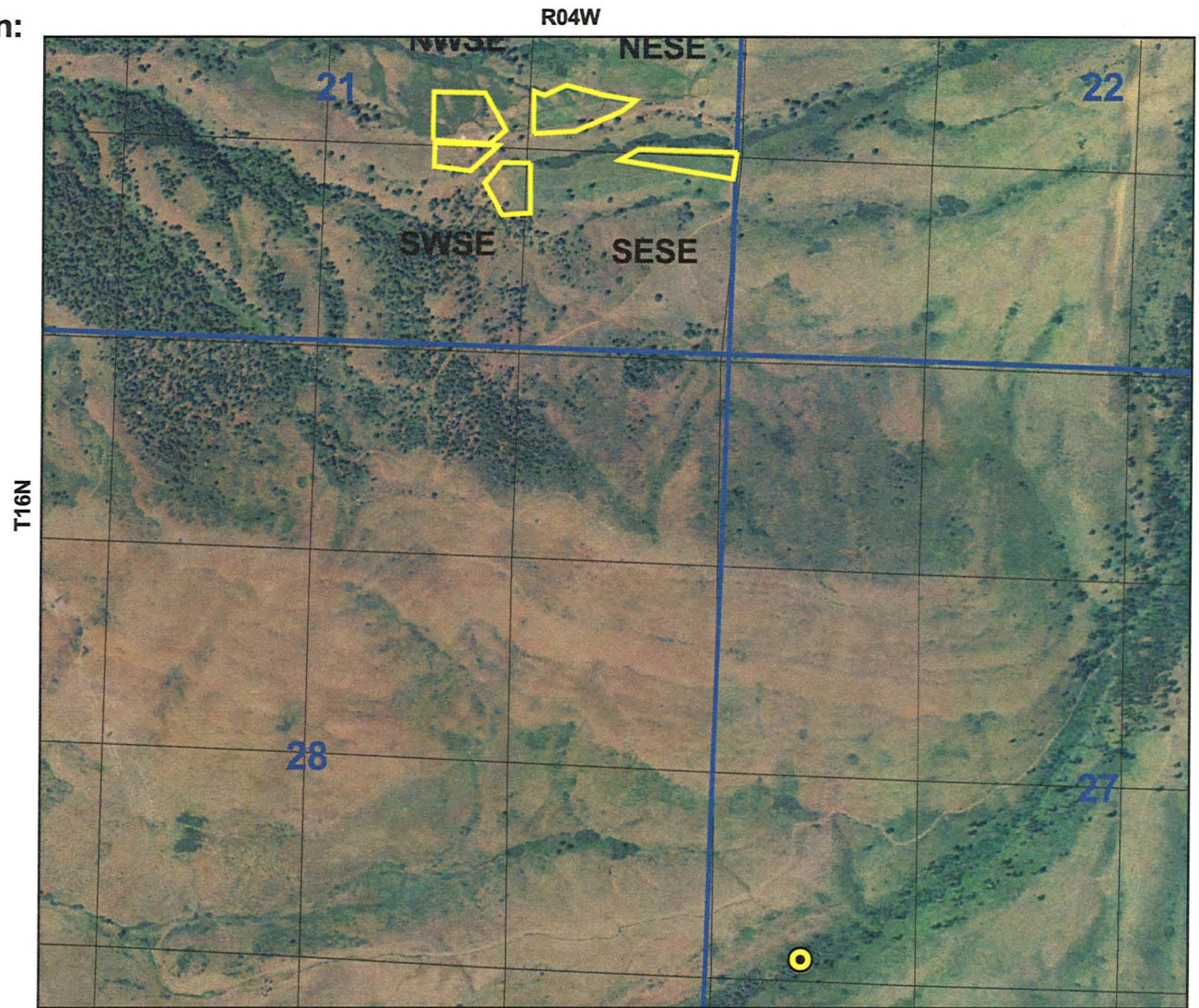
(Irrigation)

## Legend

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



Washington County  
IDWR Basin 67



Prepared by V. Music  
On Thursday, November 16, 2006  
2004 Aerial Photography

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## CONVERSATION MEMORANDUM TO CLAIM FILE

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**TO:** CLAIM FILE NOS. 67-10020  
**FROM:** VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN REGION  
**SUBJECT:** CLAIMS REVIEW – EVIDENCE OF PRIORITY, ETC  
**DATE:** 12/4/2006  
**CC:**

---

This beneficial use claim filed by the Mackeys states that it is for acres irrigated though not included in the license 67-2141. The claim is for 11 acres in the SE/4 of Section 21. They claim a priority date of 1906 and provided affidavits. The source claimed is Little Pine Creek. The claim refers the reader / reviewer to the license for 67-2141. The Mackeys claimed the entire license [67-2141A] though their POU is entirely different from that licensed. The licensed POU is owned and claimed by the Howells.

There is no relationship between the Mackey claim and the license. License 67-2141 is for 11 acres of irrigation in the SW/4 of Section 28, over a ½ mile south of the Mackey claim. Nowhere in the entire license file is there a reference to acres claimed by the Mackeys. The priority date for this license in 1923 and the applicant states she has used the water for 2 seasons. Clearly the applicant knew of the licensing procedure. It makes no sense that the applicant would have filed for a license for the property south and not the Mackey property if she owned and irrigated it. Also, Milk Creek abuts the Mackey property and is most likely the source – not Little Pine Creek.

The affidavits provided by the Mackeys refer generally to the Pine Grove Ranch and irrigation in the area of the Mackey claim. I am not sure where the Pine Grove Ranch was but I think it is the ranch owned by Mr Mount and now Mr Mackey. Alma Beigh's affidavit suggests that the source of water was wastewater from a ranch to the north. Melvin Richard's affidavit refers to the Pine Grove Ranch and states that the source of water was Milk Creek and Little Pine wastewater. Ellen Ford's affidavit also states that she lived in Pine Grove Ranch and that the source of water was Milk Creek and Pine Creek wastewater from the ranch to the north. None of these affidavits refer to water use back to 1906 or to the acres claimed by the Mackey.

An unsigned affidavit by George Ford refers to the ranch now owned by John Mount that was historically irrigated with water from a spring. He mentions that the POD had been around since 1906 but is not specific as to where the POD was. His knowledge dates back to 1930 and he mentioned the NESE Sec 21, which was Mr Ford's home, and part of the Mackey claim.

There is also a narrative by Roger Meyer, Indian Valley WM, who did a field exam in 2005. It provides some history and a map. The Meyer narrative suggests the Mackey water source might be wastewater from the Pugh field.

While it is true that the POD from Little Pine Creek existed in 1906 due to Little Pine Cr rights being decreed in the Muir v Allison, if this right existed then, it would have been decreed in Muir v Allison. So, it is safe to assume that it was not in existence in 1906 or in 1923 when 67-2141 was licensed. It is most likely that this water use was developed later as wastewater from the surrounding lands that

were flood irrigated or Milk Creek and the spring as claimed by Mr. Mount in the statutory claim 67-4202 filed in 1983. The 1975 aerial [T4 orthophoto] and the 1987 aerials really do not show clear irrigation. Irrigation on the Mackey property is evident in the 2006 aerial and the fields are delineated in the Arcview clu layer.

~~I will recommend 11 acres irrigation with a 1930 priority date. The recommended source will be Little Pine Creek though I believe there has been a change in source.~~

Based on aerials, watermaster records, other information provided by the claimants [Mackeys] during the notice of error process, I changed my recommendation to 53 acres, .33 cfs and limited to 53 acres and 1.02 cfs when combined with 67-4202. I advanced the claimed priority date to one day after the decree or 5/10/1918.

**VLM**



# Water Master



## INDIAN VALLEY WATER DISTRICT 67A

Roger Meyer  
3035 Cemetery Rd.  
Cambridge, Idaho 83610  
Phone (208) 257-3418  
Cell (208) 741-0859  
E-mail [rjmeyer@ctcweb.net](mailto:rjmeyer@ctcweb.net)

September 06, 2005

### TO WHOM IT MAY CONCERN:

This is an attempt to explain the mess that has been in existence on Little Pine Creek.

FACT (1) Little Pine Creek Diversion is on Richard Pugh's property and not the National Forest.

(2) Richard Pugh has senior water rights on Little Pine Creek and he can take all the water that is in the creek.

(3) This was a land Swap between Richard Pugh and the National Forest with this swap The Trail Head and the Camp ground was to remain open to the public. With this he traded John Mount/ Stephen Mackey's grazing rights. When he was confronted by Mr Mackey he said "sue me".

(4) The old flood irrigation system that fed the Unnamed stream(A.K.A. Milk Creek) and Seid Creek no longer exists.

This is what I found today, looking at the Hand drawn Map the High Ditch has been abandoned. This was the irrigation water that irrigated Pugh's west field the run off from that field went into Seid creek and all the water rights below.

Lower down on Little Pine Creek is the Diversion that is still in use today with some changes. Little Pine Creek is completely blocked today. If it was on forest service land they would not let him do that. That was why the land swap. Looking at the hand drawn map you can see the dashed line and where the

Irrigation would flow and how everyone would benefit from it. Also they would not let him make these changes that would hurt other water rights down stream from there and neither should have IDWR. This is another one of the good old boy deals where someone got paid off!!!!!!

Looking at the system that is in effect today from the diversion through a bubbler. It starts with an 8" pipe then it goes down to a 6" pipe and then down to a 4" pipe which runs all of his wheel lines.

Mackey has a 3" pipe that comes off of the end of the 4" pipe at the end of Pugh's wheel lines.

The 2141A and the 10020 water rights come from the same diversion point which is .22 CFS each and when Pugh isn't taking all the water which he has a right to the Mackey's should have 22" inches of water available to them.

The unnamed stream ( A. K. A. Milk Creek / Spring) Water right #67-04202 comes off the mountain and is a completely different source. It is not tied to Little Pine Creek at all. It produces approximately 100 GPM in the spring and drops off to about 50 GPM in the fall. The water coming off the mountain in the unnamed stream that crosses the Advent Gulch Road is about a couple gpm. It is fed by the spring where the GPS shows it. I know I was knee deep in mud when I got to it. The Pipe from the POD on W/R 67-04202 is a 4" pipe buried 4feet under the ground that has risers for stock water all winter.

Water right #2141 POD is in the wrong place. There's no water in that quarter section 16N04W27NENW. It should be 16N04W27NWNE and then it goes to the land that it is supposed to irrigate. It is all the way over next to Seid Creek Road. My understanding is that a slide has taken out the ditch and hasn't been replaced and it has been this way for years. Where the water is being used isn't where the License was issued for. That's another problem.

Each Water Right has 3 affidavits showing that this property has had water rights all the way back to 1906.

Roger Meyer



PUGH'S field

SEIO CREEK

PUGH'S field  
SPRINKLED

MILK CREEK  
AKA SPANIC

MACKAY  
DIVISION

PIPE LINE  
PUGH'S field

3" pipe @ 85 PSI

MACKAY  
LAND

pond

pond

to DRAINAGE  
2" pipe

High ditch

ORIGINAL  
DITCH

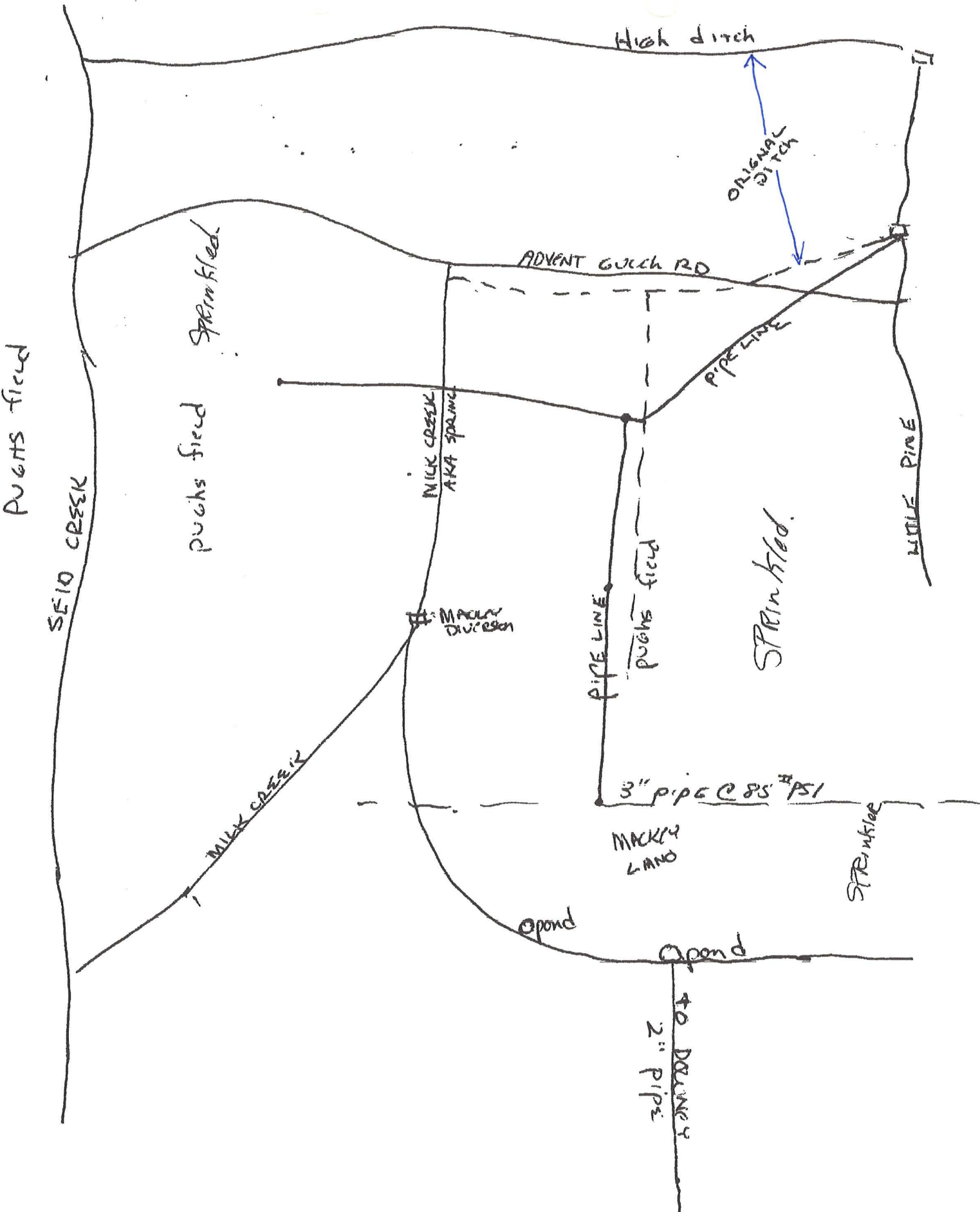
ADVENT GULCH RD

PIPE LINE

LITTLE PINE

SPRINKLED

SPRINKLER



## CONVERSATIONAL MEMORANDUM

Date: September 10, 2005

To: File 67-4202 and 67-10020

From: Craig L. Saxton

Subject: Evidence of priority

I spoke with Ruth Mackey on 9-6-05 (?). She was calling to tell me that she had met with Roger Meyer for a field exam and he had evidence of priority in the file. I told her I would check the files when I got them from Roger and then would call her back.

I did review the files this morning and it does look like there are several affidavits in the file. I did not review them and compare them with the claims so I don't know what date they will support at this time. However, I did call Ms. Mackey back and told her we did have the evidence she submitted and she could ignore the letter requesting evidence of priority along with the September 16<sup>th</sup> deadline. I said I would call her back if I had further questions.

## Contacts Data Entry Form

Claim Number: 67-10020

| Owner Type    | Full Name        | Address               | City      | State | Zip   | Phone         |
|---------------|------------------|-----------------------|-----------|-------|-------|---------------|
| Current Owner | STEPHEN C MACKEY | 2095 SEID CREEK<br>RD | CAMBRIDGE | ID    | 83610 |               |
| Current Owner | RUTH MACKEY      | 2095 SEID CREEK<br>RD | CAMBRIDGE | ID    | 83610 | (208)257-3570 |

Date of Field Exam: Sept 3-2005 Time: 1400Accompanied By: Steve Phone Number: 208-257-3570Relationship to Claimant: Owner

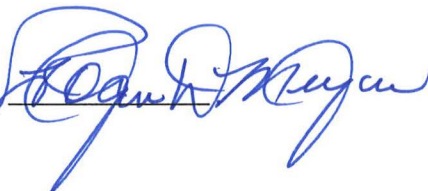
Directions to Property (if different from above) and/or update owner information:

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Reviewer: Date: 9-3-05



**Claim Number 67-10020**

**Claimed Basis: Beneficial Use**

Water Right Basis:

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

### 3 AFFIDAVITS

Reviewer:

Signature: 

Date:

Date: 9-3-05

## Point of Diversion and Source Data Entry Form

Claim Number 67-10020

Claimed Point of Diversion and Source

T16N R04W S23 NWSW Within WASHINGTON County Source: LITTLE PINE CREEK PINE CREEK

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Little Pine Creek Pine Creek

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source |
|-----|-----|-----|---------|----------------|--------|--------|
|-----|-----|-----|---------|----------------|--------|--------|

|                  |       |     |    |  |            |             |
|------------------|-------|-----|----|--|------------|-------------|
| #095             | #A 00 | 167 | 91 |  | Washington | 3 Pictures. |
| 16N 04W 22 NE SE |       |     |    |  |            |             |
|                  |       |     |    |  |            |             |
|                  |       |     |    |  |            |             |

22 78 338  
15 04 574Other rights from this POD? yes.

Document how the POD and Source were verified:

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Reviewer:



Date:

9-3-05

## Place Of Use Data Entry Form

Claim Number 67-10020

## Claimed Place Of Use

|               |      |     |               |      |     |
|---------------|------|-----|---------------|------|-----|
| T16N R04W S21 | NESE | 3.0 | T16N R04W S21 | NWSE | 3.0 |
| T16N R04W S21 | SWSE | 3.0 | T16N R04W S21 | SESE | 2.0 |

Total Acres 11

☐ Use Claimed POU as Recommended POU

## Water Right Place Of Use

## Recommended Place of Use

☐ See corrections to claimed POU above

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total Acres \_\_\_\_\_

Document how the POU was verified:

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Reviewer:



Date:

9-7-05

## Purpose of Use Data Entry Form

Claim Number 67-10020

Claimed Purpose of Use

| Water Use  | Number of Homes | Number of Stock | Acre Limit |
|------------|-----------------|-----------------|------------|
| IRRIGATION |                 |                 |            |

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

| Water Use | Number of Homes | Number of Stock | Acre Limit |
|-----------|-----------------|-----------------|------------|
|-----------|-----------------|-----------------|------------|

Recommended Purpose of Use

| Water Use | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|-----------|-----------------|-----------------|------------|-----------------|
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |
|           |                 |                 |            |                 |

Document how the Purpose of Use was verified:

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Reviewer:



Date:

9-3-05

**Period of Use and Quantity Data Entry Form**

Claim Number 67-10020

## Claimed Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| IRRIGATION | 5/01  | 11/01 | 0.22 |        |

Overall Diversion Rate 0.22

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

## Water Right Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|-----------|-------|-----|------|--------|

Overall Diversion Rate

Overall Diversion Volume

## Recommended Period of Use and Diversion Rate

| Water Use | Start | End   | Rate | Volume |
|-----------|-------|-------|------|--------|
| IRR.      | 3/15  | 11/15 | .22  |        |
|           |       |       |      |        |
|           |       |       |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

Document how the Period of Use and/or Diversion Rate were verified:

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Reviewer: 

Date: 9-3-05



#A0016791 Little Pine Creek Bubbler #3.JPG

50 ft x/road down stream from Diverision



#A0016791 Little Pine Creek Diverision Grids #2.JPG



#A0016791 Little Pine Creek Diverision #1.JPG



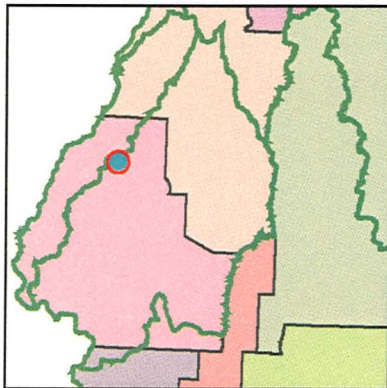
# Idaho Department of Water Resources

Adjudication Claim Number: **67-10020**

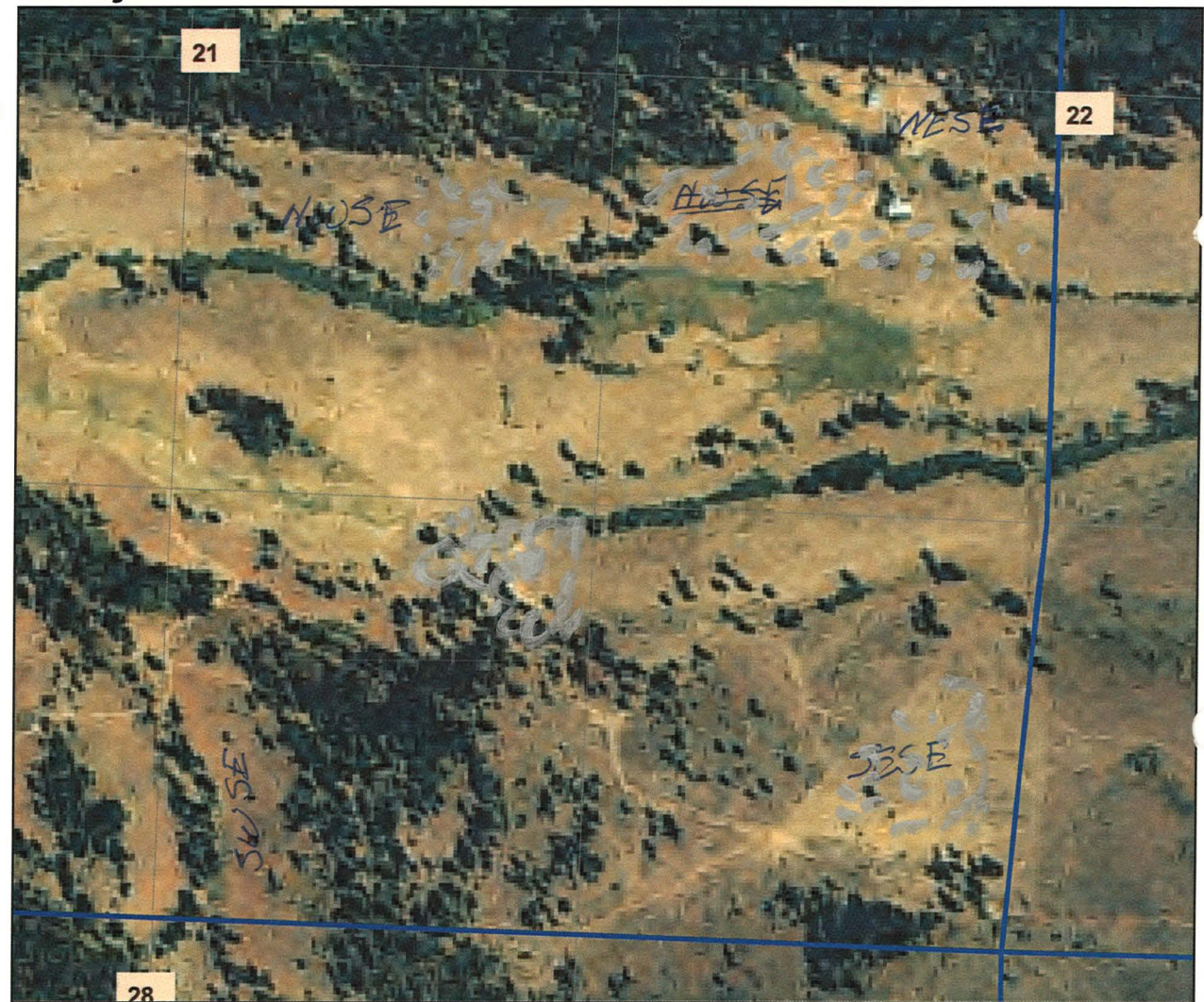
**T16N R04W**

## Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County  
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by M. Van Bussum  
On Wednesday, August 24, 2005  
1987 Aerial Photography

67-10020 Stephen & Ruth Mackey 257-3570

#095 POD. Little Pine Creek. 2278338 3 Pictures  
Div. 1504574

~~#A001671~~ #A0016791  
16N04W22 NESE.

POU.

See Map  
SPF markers

PR/date June 1 1909

TYPE IRR SAME AS 67-2141A.  
POD SAME AS 67-2141A.

AFF. Davis (3)

70 Range  
of Horses

## MEMORANDUM

Date: August 17, 2005

To: File

From: Monica Van Bussum

RE: SRBA claim 67-02141, 67-02141A and 67-10020

In looking through the files, it appears there is some conflict over who owns the licensed right. It is fully claimed in 2141 and 2141A, but with different POUs. This memo is an attempt to explain what might have happened and to give the field examiner some guidance.

First, there is an existing license for 67-02141 with a priority date of 1923. The POD is in 16N04WS27 NENW. The POU is 16N04WS28 NWSW 4 acres and SWSW 7 acres for a total off 11 acres. The diversion rate is 0.22 cfs. SRBA claim 67-02141 exactly mimics this license.

### License

67-2141

September 1923

0.22 cfs

POD: 16N 04W 27 NENW

POU: 16N 04W 28 NWSW 4 acres

SWSW 7 acres

Total POU: 11 acres

### Claims

67-2141

Howell, Dale J

September 1923

0.220 cfs (0.220 irrigation and 0.03 stock for 100 head)

POD: 16N 04W 27 NENW

POU: 16N 04W 28 NWSW 4 acres

SWSW 7 acres

Total POU: 11 acres

67-2141A

Mackey, Ruth & Stephen

September 1923

0.220 cfs irrigation

POD: 16N 04W 23 NWSW  
POU: 16N 04W 21 SESE 11 acres  
Total POU: 11 acres

*67-10020*

Mackey, Ruth & Stephen

June 1909

0.220 cfs irrigation

POD: 16N 04W 23 NWSW  
POU: 16N 04W 21 NESE 3 acres  
NWSE 3 acres  
SWSE 3 acres  
SESE 2 acres  
Total POU: 11 acres

It looks like we'll have to treat claim 67-2141A as a beneficial use claim because there is no evidence of a transfer and claim 67-2141 fully claims what is licensed.

As a side note, there is a note from Dave Tuthill to Mr. Mount in 1990. It appears Mr. Mackey bought the property from Mr. Mount, so Dave's note is applicable to Mackey's claim.

AJ0749NP  
No. A67-10020

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 05/05/99  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS     | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|--------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | STEPHEN MACKEY     | 06/01/1909       | IRRIGATION | 05-01 11-01           | 0.220 CFS         |                     |
| C             | RUTH MACKEY        |                  |            |                       |                   |                     |
|               | 2095 SEID CREEK RD |                  |            | TOTAL DIVERSION:      | 0.220 CFS         |                     |
|               | CAMBRIDGE ID 83610 |                  |            | CONSUMPTIVE USE:      |                   | 33.00 AFA           |
|               | (208) 257-3570     |                  |            |                       |                   |                     |

Water Source: LITTLE PINE CREEK

Tributary to: PINE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T16N R04W S23

NWSW

WASHINGTON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |             |      |      |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|-------------|------|------|
| T   | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | :           | SUM  |      |
|     |     |    | : | Lt   | Ac   | Lt   | Ac   | :  | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac   | :           |      |      |
| 16N | 04W | 21 | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : | 03   | 03   | 03   | 02   | :           | 11.0 |      |
|     |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      | TOTAL ACRES |      | 11.0 |

POU County: WASHINGTON

Other Rights: NONE

Remarks: GEN A BENEFICIAL USE CLAIM IS FILED ON THIS ACREAGE TO COVER THE  
ACRES NOT INCLUDED IN LICENSE 67-02141A. THESE ACRES HAVE  
BEEN IRRIGATED SINCE 1906. SEE AFFIDAVITS.

ADDRESS CHANGE BY CLAIMANT LETTER 5/5/1999 SS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

APR 14 2004  
SCANNED

### Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

67-10019, 67-10020

☐ No account number on mail

☐ Account number illegible

Addressee's Name

Stephen C Mackey Ruth Mackey

Old Address (Include apartment or suite number)

HC 69 Box 3710

City, State, and ZIP Code

Cambridge, Id 83610

New Address (Include apartment or suite number)

2095 Seid Creek Rd

City, State, and ZIP Code

Cambridge, Id 83610

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).

☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address

☐ No such street

☐ No such number

☐ Refused

☐ Attempted, not known

☐ Unclaimed

PS Form 3547, June 1995

+A67-00081AF  
✓ - 02141A ✓  
✓ - 02258 ✓  
✓ - 04202 ✓

June 1, 1988

I, Alma Beigh, lived on what is now known as the Pine Grove Ranch from about 1914 until 1922. I was 14 years old when I left. My father, Sam Hopper, irrigated all of the fields around the house, and had adequate water year around. The water came, by ditch, from the ranch above.

Alma E Beigh  
Alma Beigh

**INDIVIDUAL**

STATE OF IDAHO )  
 ) ss.  
COUNTY OF Washington )

On this 1st day of June, in the year 1988, before me a Notary Public in and for said State, personally appeared Alma E. Beigh known or identified to me to be the person            whose name            is/are subscribed to the within instrument and acknowledged to me that            he            executed the same.

WITNESS my hand and official seal.

B. J. Soules  
Notary Public for Idaho  
Residing at                                  Cambridge  
My commission expires: 8-21-91

**MICROFILMED**  
**OCT 02 1992**

May 31, 1988

To Whom it May Concern:

I, Melvin T. Richards lived on the ranch known here as the Pine Grove Ranch, from April 5, 1946 until September, 1972. During all of that time we used the water flowing from above to adequately irrigate approximately 30 acres of pasture and to provide stock water year around. The ditch carried water from Milk Creek, and Little Pine waste water which was used to irrigate the ranch above.

Other than one period when we helped some neighbors below us with water from the Milk Creek ditch, we were probably the only people using the Milk Creek water.

Melvin T. Richards  
Melvin T Richards

**INDIVIDUAL**

STATE OF IDAHO )  
COUNTY OF Washington ) ss.

On this 1st day of June, in the year 1988, before me a Notary Public in and for said State, personally appeared Melvin T. Richards known or identified to me to be the person            whose name            is/are subscribed to the within instrument and acknowledged to me that            he            executed the same.

WITNESS my hand and official seal.

B. J. Soules  
Notary Public for Idaho  
Residing at            Cambridge  
My commission expires: 8-21-91

**MICROFILMED**  
**OCT 02 1992**

June 1, 1988

I, Ellen Ford, lived on what is now known as the Pine Grove Ranch from 1939 to 1946. We used the water from the ditch for our domestic water and had enough water to irrigate all of the pastures around the house. The water from the ditch came from Milk Creek and water diverted from Little Pine Creek to irrigate the ranch above us.

*Ellen Ford*

Ellen Ford

**INDIVIDUAL**

STATE OF IDAHO )  
COUNTY OF Washington ) ss.

On this 1st day of June, in the year 1988, before me a Notary Public in and for said State, personally appeared Ellen Ford known or identified to me to be the person        whose name        is/are subscribed to the within instrument and acknowledged to me that        he        executed the same.

WITNESS my hand and official seal.

*B. G. Soules*

Notary Public for Idaho  
Residing at Cambridge  
My commission expires: 8-21-91

**MICROFILMED**  
**OCT 02 1992**

A F F I D A V I T

*deceased*

STATE OF IDAHO                    )  
                                          :SS  
County of Washington)

GEORGE FORD, being first duly sworn on oath, deposes and says:

That this affiant is a resident of Cambridge, Idaho. That this affiant moved on a ranch now owned by John Mount in April of 1930 and resided there through October of 1945. That during this period of time, he irrigated approximately ~~50 to 60~~ acres of land from May through October and for the balance of the year used this water source for domestic and stock water. That the source of this water was from a spring situate in the Southeast<sup>west</sup> Quarter of the Southeast Quarter of the Northwest Quarter of Section 22, Township 16 North, Range 4 West of Boise Meridian, which was connected to a ditch traversing across the Northwest Quarter of Section 22 into the Northwest Quarter of the Southwest Quarter of said Section 22, where it entered our ranch in the Northeast Quarter of the Southeast Quarter of said Section 21, Township 16 North, Range 4 West of Boise Meridian. That when I first had knowledge of this ditch and irrigation system, it had existed for many years, and to my understanding from inquiry of old-timers, was first built in the year 1906 and used continuously since that time.

\_\_\_\_\_  
GEORGE FORD

SUBSCRIBED AND SWORN TO before me this the \_\_\_\_\_ day of \_\_\_\_\_, 1975.

\_\_\_\_\_  
Notary Public, State of Idaho  
Residing at:

OCT 05 1985  
MICROFILMED

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. 15878  
Water District No. 41-E

Amount .22 sec. ft.  
Priority 9-11-1923

THIS IS TO CERTIFY that Julia Queen,  
of Cambridge, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated September 11, 1923; that Permit No. 15878  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
0.3 second feet, was issued thereunder on September 20, 1926, showing that said works  
were completed on the 8th day of September, 1926; and that on the 23rd  
day of October, 1926.

Julia Queen,

of Cambridge, State of Idaho, made proof to the satisfaction of the  
Commissioner of Reclamation of Idaho, of the right to use the waters of Little Pine Creek,  
a tributary of Weiser River, for the purpose of irrigation and  
domestic use, under Use Permit No. 15878 of the Commissioner of Reclamation,  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is  
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6  
of Licenses, at page 3459, on the 1st day of September, 1927;

The right hereby confirmed dates from September 11, 1923;

The Point of Diversion is located  
in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 27, Tp. 16 N., R. 4 W., B. M. Washington County;

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,  
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .22  
cubic feet per second.

Description and location of use:

| Twp.  | Range | Sec. | Forty-acre Tract                                                       | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-------|-------|------|------------------------------------------------------------------------|----------------------------------|---------------------------------|
| 16 N. | 4 W.  | 28   | NW $\frac{1}{4}$ SW $\frac{1}{4}$<br>SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 10<br>5                          | 4<br>7                          |
|       |       |      |                                                                        |                                  | Total 11                        |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use  
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,  
this 1st day of September, 1927

GEO. N. CARTER.

Commissioner of Reclamation

(SEAL)

67 2141

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 67-10020  
Date Received: 4/21/1989  
Receipt No: W002610  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STEPHEN C MACKEY Phone:

2095 SEID CREEK RD  
CAMBRIDGE ID USA 83610

RUTH MACKEY Phone: (208)257-3570

2095 SEID CREEK RD  
CAMBRIDGE ID USA 83610

RECEIVED

2. Date of Priority: 05/10/1918

JAN 25 2007

3. Source: LITTLE PINE CREEK Trib. to: PINE CREEK

WATER RESOURCES  
WESTERN REGION

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County Type

16N 04W ~~27~~ NE SE  
SM Rm NW SW WASHINGTON

5. Description of diverting works: SM Rm

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 0.33   |            |

7. Total Quantity Appropriated is:  
0.33 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 16N      | 04W   | 21      | NE         | SE  | IRRIGATION    | 24.1  |
|          |       |         | NW         | SE  | IRRIGATION    | 17.6  |
|          |       |         | SW         | SE  | IRRIGATION    | 1     |
|          |       |         | SE         | SE  | IRRIGATION    | 10.3  |
|          |       |         |            |     | Section Acres | 53    |
|          |       |         |            |     | Total Acres   | 53    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used: 67-4202

14. Remarks:

*pm SM.*

PLACE OF USE ~~AND FOR~~ SAME AS 67-4202. WATER FROM 67-4202 [MILK CREEK] CO-MINGLED WITH THIS RIGHT.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

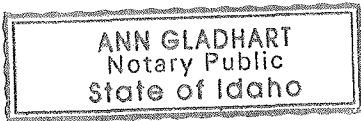
Signature of Claimant(s): Stephen C Mackay Date: 1-23-07  
Ruth Mackay 1-23-07 Date:

State of Idaho )  
County of Washington ) SS.

Subscribed and sworn (or affirmed) before me this 23rd day  
of January 2007 Ann Gladhart

Notary Public

Residing at Cambridge  
My commission Expires 3-31-16



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: **A67-10020**  
Date Received: 4/21/1989  
Receipt No: W002610  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: STEPHEN MACKEY 208-257-3570  
Address: 2095 SEID CREEK RD  
CAMBRIDGE ID 83610  
OR  
Name: RUTH MACKEY 208-257-3570  
Address: 2095 SEID CREEK RD  
CAMBRIDGE ID 83610

2. Date of Priority: JUN 1, 1909

3. Source: LITTLE PINE CREEK Trib. to: PINE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 16N      | 04W   | 23      |        | NW     | SW  |     | WASHINGTON |

5. Description of diverting works:  
SEE A67-02141A

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/01 | 11/01 | 0.220 |      |        |

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

8. Total consumptive use is 33.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 16N      | 04W   | 21      | NE     | SE  |     | IRR | 3.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 16N      | 04W   | 21      | NW  |    | SE  |     | IRR           | 3.0   |
|          |       |         | SW  |    | SE  |     | IRR           | 3.0   |
|          |       |         | SE  |    | SE  |     | IRR           | 2.0   |
|          |       |         |     |    |     |     | Section Acres | 11.0  |
|          |       |         |     |    |     |     | Total Acres   | 11.0  |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

A BENEFICIAL USE CLAIM IS FILED ON THIS ACREAGE TO COVER THE ACRES NOT INCLUDED IN LICENSE 67-02141A. THESE ACRES HAVE BEEN IRRIGATED SINCE 1906. SEE AFFIDAVITS.

|  
ADDRESS CHANGE BY CLAIMANT LETTER 5/5/1999 SS.

15. Basis of Claim: BENEFICIAL USE



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

MAY - 5 1999

Department of Water Resources

DIRK KEMPTHORNE  
GOVERNOR

April 29, 1999

KARL J. DREHER  
DIRECTOR

STEPHEN C AND RUTH MACKEY  
2095 SEID CREEK RD  
CAMBRIDGE ID 83610

Re: Snake River Basin Adjudication (SRBA)  
Water Rights #67-10019, A67-10020, A67-00081AF, A67-02141A,  
A67-02258 & A67-04202  
Change of Address

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

*Sally*

Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

*Stephen C Mackey* 208-257-3570  
Claimant Signature Telephone No.

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: A67-10020  
Date Received: 5/03/1989 4-21  
Receipt No: W26010  
Received By:         

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: STEPHEN MACKEY 208-257-3570  
Address: HC 69, BOX 3710  
CAMBRIDGE, ID 83610  
OR  
Name: RUTH MACKEY 208-257-3570  
Address: HC 69, BOX 3710  
CAMBRIDGE, ID 83610
2. Date of Priority: JUN 01, 1909
3. Source: LITTLE PINE CR. Trib. to: PINE CR.
4. Point of Diversion:  

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County     |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 16N      | 04W   | 23      | NW     | SW     |        |     | WASHINGTON |
5. Description of diverting works:  
SEE A67-02141A
6. Water is used for the following purposes:  

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/01 | 11/01 | 0.220 |      |        |
7. Total Quantity Appropriated is:  
0.220 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

| Township      | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|-----|----|-----|-----|-----|-------|
| 16N           | 04W   | 21      | NE  |    | SE  |     | IRR | 3.0   |
|               |       |         | NW  |    | SE  |     | IRR | 3.0   |
|               |       |         | SW  |    | SE  |     | IRR | 3.0   |
|               |       |         | SE  |    | SE  |     | IRR | 2.0   |
| Section Acres |       |         |     |    |     |     |     | 11.0  |
| Total Acres   |       |         |     |    |     |     |     | 11.0  |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

A BENEFICIAL USE CLAIM IS FILED ON THIS ACREAGE TO COVER THE  
ACRES NOT INCLUDED IN LICENSE 67-02141A. THESE ACRES HAVE  
BEEN IRRIGATED SINCE 1906. SEE AFFIDAVITS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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 AG7-10020  
Date Received 4-21-89  
Receipt Number W2610

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Mackey, Stephen or Ruth Phone (~~208~~) 257-3570  
Mailing Address HC 69, Box 3710 Cambridge Zip 83610
2. Date of Priority (Only one (1) per claim) June 1, 1909
3. Source of water supply (a) Little Pine creek  
which is tributary to (b) Pine creek
4. a. Location of existing point of diversion is: Township 16N Range 4W Section 23,  
\_\_\_\_\_ 1/4 of NW 1/4 of SW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of \_\_\_\_\_  
Additional points of diversion if any: \_\_\_\_\_
- b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_  
ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_  
\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. See WR 67-04121A2141A

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OCT 02 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 5-1 to 11-1 amount 0.22 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.22 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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 |        |
| 16N | 4W  | 21  |        |       |       |       |        |       |       |       |        |       |       |       | 3      | 3     | 3     | 2     | 11     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 11

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

12. Do you own the property listed above as place of use? Yes ☒ 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.  
A67-02141A 04121A 02141A or None ( )

14. Remarks: A beneficial use claim is filed on this acreage to cover the acres not included in license 67-04121A. These acres have been irrigated since 1906. See affidavits.

**MICROFILMED**

**OCT 02 1992**

Last Name Mackey Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

STURGILL PEAK QUADRANGLE  
IDAHO-WASHINGTON CO.  
15 MINUTE SERIES (TOPOGRAPHIC)

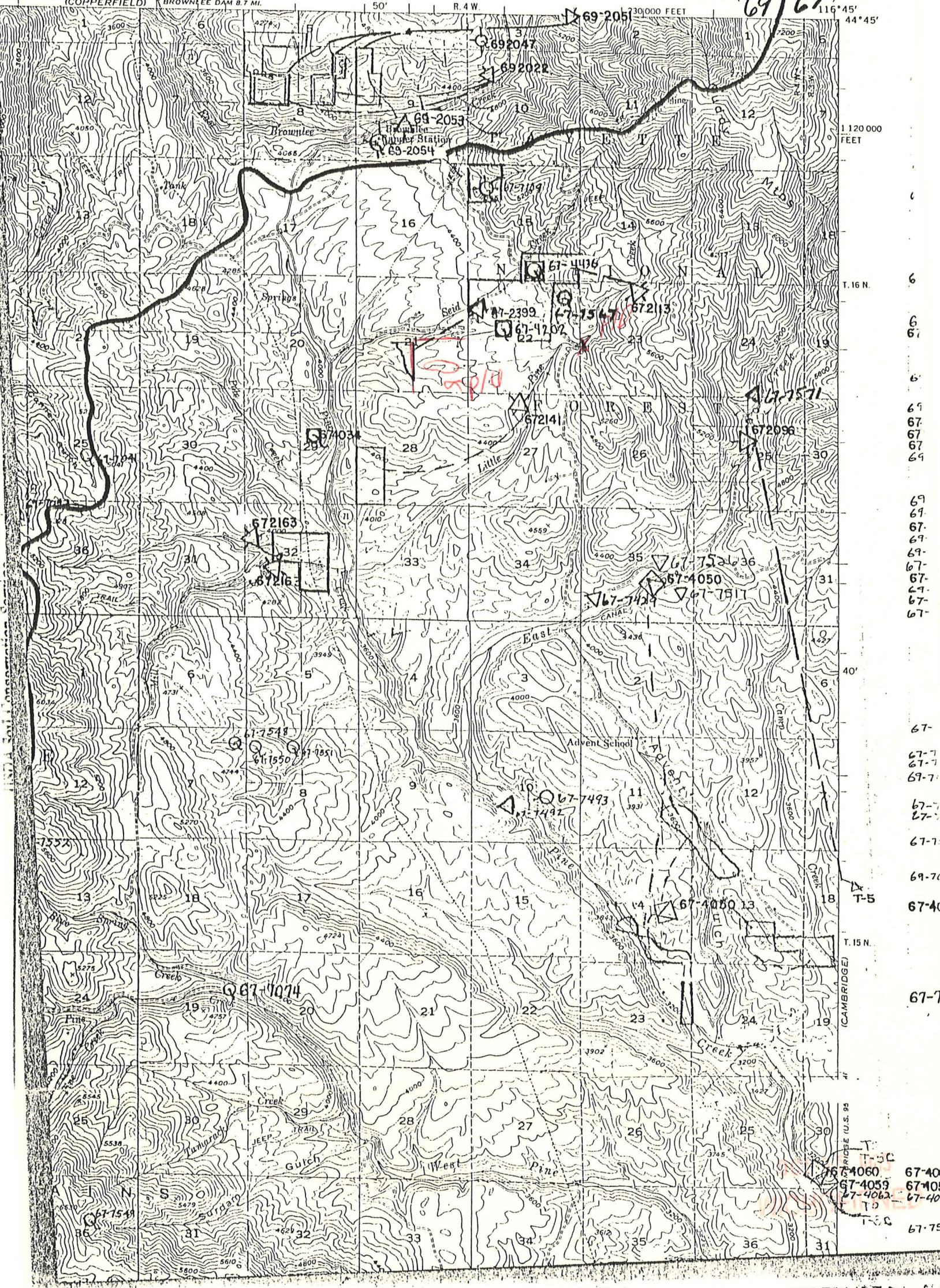
(HORNET)

(COPPERFIELD) BROWNLEE DAM 8.7 MI.

50' R. 4 W.

69-2051 230,000 FEET

116° 45' 44' 45'



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