

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 67-10622
Date Received: 10/6/1989
Receipt No: C012061
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MC KEE BROTHERS INC Phone: (208)257-3778

2980 SALUBRIA RD
CAMBRIDGE ID USA 83610

2. Date of Priority: 06/21/1921

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	02W	1	NE SW	ADAMS	

5. Description of diverting works:

SCHWENKFELDER DITCH, CONCRETE STRUCTURE AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.23	

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

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 09 2004

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	02W	17	NW	SW	IRRIGATION	20
					Section Acres	20
14N	02W	18	NE	SW	IRRIGATION	1
			NE	SE	IRRIGATION	20
			NW	SE	IRRIGATION	8
			SW	NE	IRRIGATION	30
			SE	NW	IRRIGATION	5
					Section Acres	64
					Total Acres	84

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:

14. Remarks:

THIS WATER IS DIVERTED INTO THE SCHWENKFELDER DITCH AND REDIVERTED INTO THE GLADHARD DITCH.

THIS CLAIM IS FOR FLOODWATER.

| ADDRESS CHANGE BY CLAIMANT LETTER 5/19/99 SS.

15. Basis of Claim: Beneficial Use

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**Claim Number(s): 67-488A & 67-7508Previous Mailing Address: 2965 Salubria RdCambridge, ID 83610

New Mailing Address:

McKee Brothers, Inc.2980 Salubria RdCambridge, ID 83610

Telephone Number:

(208) 257-3778 or 257-3538

Signature of Claimant(s):

Brent McKee

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: SS/MS

Date: 4-1-02

67-10641 P.D.
67-10622 dm
67-10636
67-464
67-492
67-494B
67-493
67-10643 P.D.
67-10642 P.D.
67-488A dm
67-7508 dm

updated ALL records.

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: **A67-10622**
Date Received: 10/ 6/1989
Receipt No: C012061
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MC KEE BROS INC 208-257-3538
Address: 2965 SALUBRIA RD
CAMBRIDGE ID 83610

2. Date of Priority: JUN 21, 1921

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	1		NE	SW		ADAMS

5. Description of diverting works:
SCHWENKFELDER DITCH, CONCRETE STRUCTURE AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.230		

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

8. Total consumptive use is 252.0 Acre Feet Per Annum.

9. Non-irrigation uses:
100 HEAD CATTLE WATER FROM DITCHES DURING THE IRRIGATION SEASON.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	02W	17	NW	SW		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
		18	SW	NE	IRR	30.0
			SE	NW	IRR	5.0
			NE	SW	IRR	1.0
			NE	SE	IRR	20.0
			NW	SE	IRR	8.0
					Section Acres	64.0
					Total Acres	84.0

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:
BEN ROSS RESERVOIR, 67-00464

14. Remarks:
THIS WATER IS DIVERTED INTO THE SCHWENKFELDER DITCH AND
REDIVERTED INTO THE GLADHARD DITCH.
THIS CLAIM IS FOR FLOODWATER.
|
ADDRESS CHANGE BY CLAIMANT LETTER 5/19/99 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 18 1999

Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

April 29, 1999

KARL J. DREHER
DIRECTOR

MC KEE BROS INC
2965 SALUBRIA RD
CAMBRIDGE ID 83610

Re: Snake River Basin Adjudication (SRBA)
Water Rights #67-10641, 67-10642, 67-10643, A67-00464,
A67-00494B, A67-10622, A67-10636, A67-00492 & A67-00493
Change of Address *lands changed, NCAR prepared.*

Dear Water Right Holder:

5-19-99

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.

Brent White
Claimant Signature

Sec. 208-257-3538
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: A67-10622
Date Received: 10/06/1989
Receipt No: 2012061
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MC KEE BROS., INC. 208-257-3217
Address: 2981 SALUBRIA RD.
CAMBRIDGE, ID 83610

2. Date of Priority: JUN 21, 1921

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	1		NE	SW		ADAMS

5. Description of diverting works:
SCHWENKFELDER DITCH, CONCRETE STRUCTURE AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.230		

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

8. Total consumptive use is 252.0 Acre Feet Per Annum.

9. Non-irrigation uses:
100 HEAD CATTLE WATER FROM DITCHES DURING THE IRRIGATION SEASON.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	02W	17	NW	SW		IRR	20.0
Section Acres							20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	02W	18	SW	NE		IRR	30.0
			SE	NW		IRR	5.0
			NE	SW		IRR	1.0
			NE	SE		IRR	20.0
			NW	SE		IRR	8.0
						Section Acres	64.0
						Total Acres	84.0

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:
BEN ROSS RESERVOIR, 67-00464

14. Remarks:
THIS WATER IS DIVERTED INTO THE SCHWENKFELDER DITCH AND
REDIVERTED INTO THE GLADHARD DITCH.
THIS CLAIM IS FOR FLOODWATER.

15. Basis of Claim: BENEFICIAL USE

(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.

OCT 05 1992

A67-10622



09/26/2007

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

RIGHT NUMBER: 67-10622

NAME AND ADDRESS: MC KEE BROTHERS INC
2980 SALUBRIA RD
CAMBRIDGE ID 83610

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 1.230 CFS

PRIORITY DATE: 03/15/1937

POINT OF DIVERSION:

T14N R02W S1 NESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.230 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S17	NWSW	20.00	T14N R02W S18	SWNE	30.00
T14N R02W S18	SENE	4.00	T14N R02W S18	NESW	2.00
T14N R02W S18	NESE	16.00	T14N R02W S18	NWSE	12.00

84 ACRES TOTAL

Right Nos. 67-464 and 67-10622 are limited to the irrigation of a combined total of 84.0 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

Water is delivered through Schwenkfelder Ditch and then diverted through the Gladhard Ditch.



Idaho Department of Water Resources

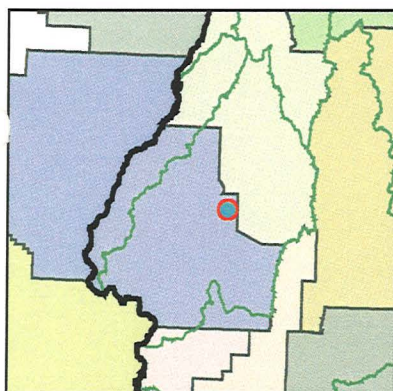
SRBA Recommendation:

67-10622

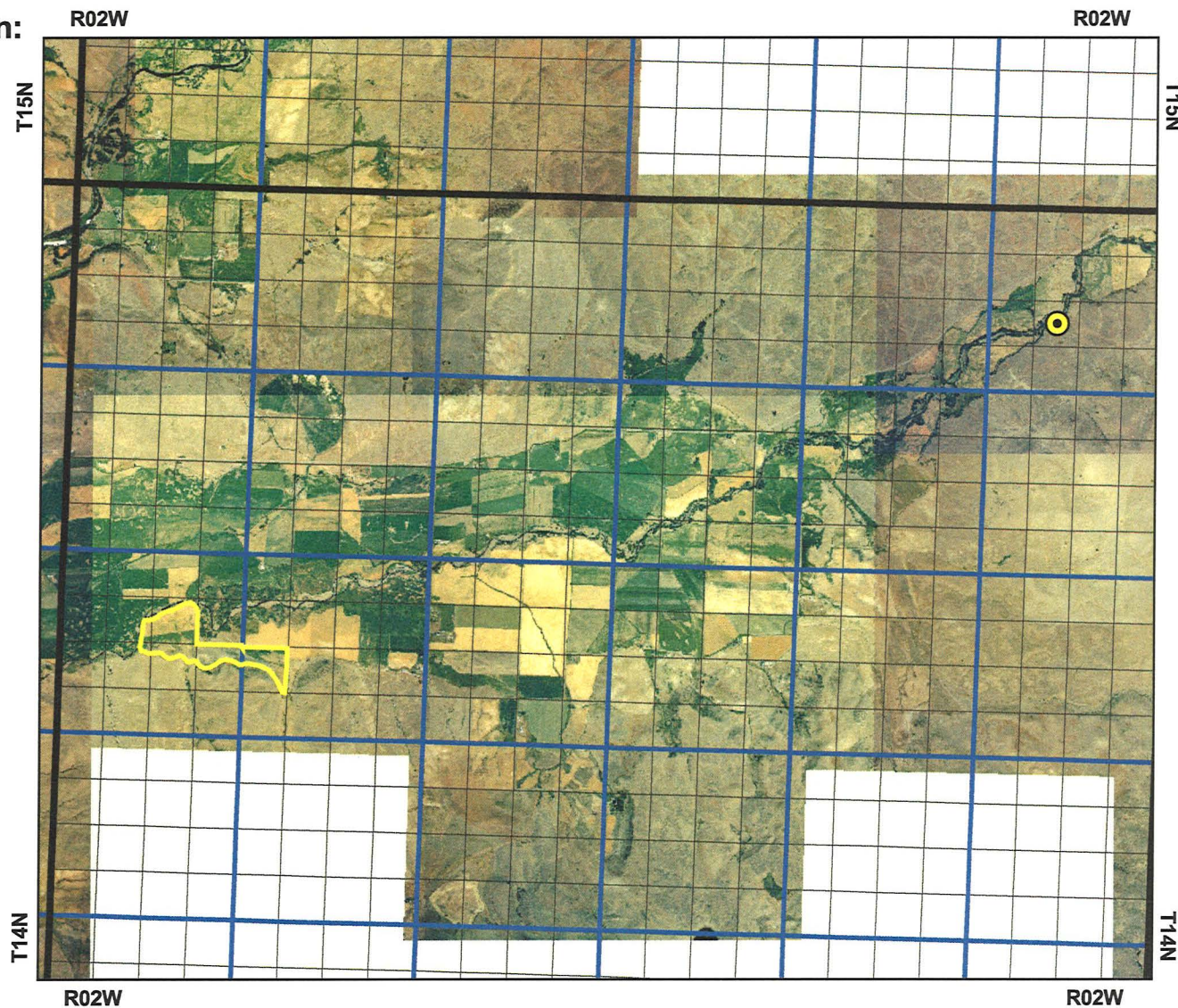
(Irrigation)

Legend

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



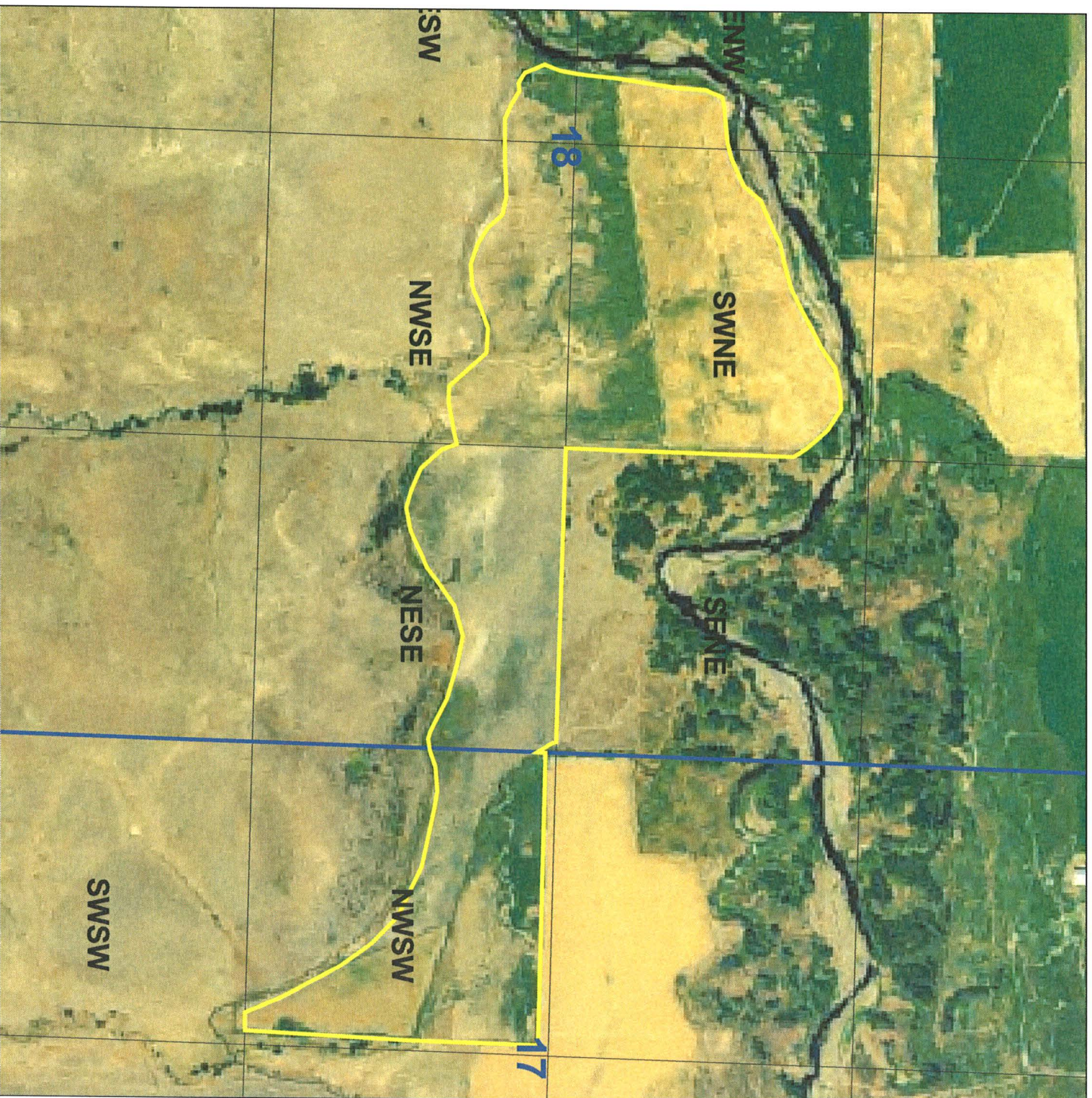
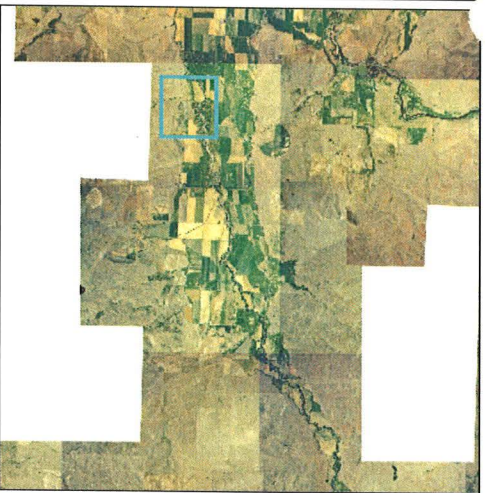
Washington County
IDWR Basin 67



0 2 4 Miles

Prepared by IDWR State Office
On Wednesday, September 26, 2007
1987/88 Aerial Photography

67-10622



a
RECEIVED

AUG 17 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)

A.

Subcase

67-10622

(insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Brent McKee

Address:

2980 Salubra Rd

Cambridge Id 83610

Daytime Phone: 208-739-7107

Name & Address of Attorney, if any:

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

Name:

McKee Brothers INC.

Address:

2980 Salubra 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: as recommended
2. ☒ **Source**
Should be: as recommended
3. ☒ **Quantity**
Should be: as recommended
4. ☒ **Priority Date**
Should be: 11
5. ☒ **Point of Diversion**
Should be: 11
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: 11
7. ☒ **Purpose(s) of Use**
Should be: 11
8. ☒ **Period of Year**
Should be: 11
9. ☒ **Place of Use**
Should be: 11
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): The water right in question has been of beneficial use because the water has been in use on agricultural land as far back as our records can show

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Washington)

Russell Wilcox Brent McKee, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

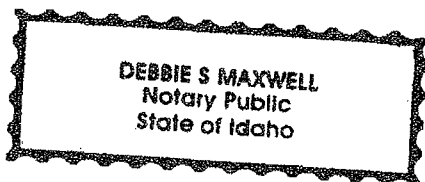
Brent McKee
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 11, 2007

Debbie A Maxwell
Notary Public for Idaho
Residing at: Council Idaho
My Commission Expires: 8/24/2013



My Commission Expires 8/24/2013

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Aug 16, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

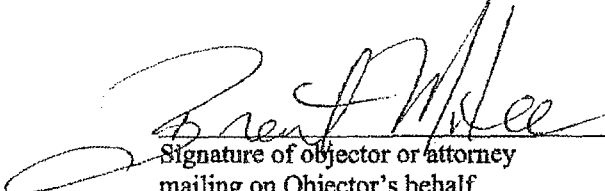
Name: Mutier Brothers Inc
Address: 2950 Suburban Dr Cambridge Id 83610

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

McKee Brothers, Inc.
2980 Salubria Rd
Cambridge, ID 83610
208-257-3538

RECEIVED
AUG 17 2007
DEPARTMENT OF
WATER RESOURCES

August 16, 2007

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: SRBA Case No. 39576

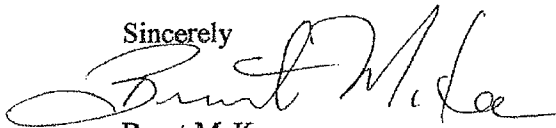
To Whom It May Concern:

On behalf of McKee Brothers, Inc., I, Brent McKee, wish to file an objection for disallowing right number 67-10622. The following documentation is enclosed as evidence supporting our reason for the claim.

1. A notarized statement from Russell Wilkerson stating that he can verify the land in question was being irrigated by the year 1963.
2. A notarized statement from Isaac Ward attesting that the land was being irrigated by 1960.
3. A notarized statement from Jerry Jaeger verifying that the land was being irrigated by 1962.
4. An affidavit by Jerry Jaeger, President of the Little Weiser Irrigation District verifying that the acres in question have been paying the construction and maintenance levee each year since 1937 and have been irrigated continuously and has been put to beneficial use.

I object to the director's report for not recommending this water right. It should be recommended with all elements. If you need additional information or have any questions please call me at 257-3538 or 739-7107.

Sincerely



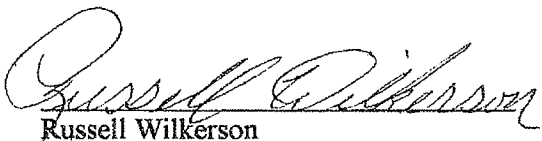
Brent McKee
McKee Brothers, Inc

August 15, 2007

To Whom It May Concern:

I attest that being a neighboring farm and having water rights in the same ditch, I can verify that the land in question was being irrigated by the year 1963. The property is described in the attached map being #17 & #18. It is located T14N, R02W S17 * 18. It is outlined in yellow according to the legend as Place of Use.

Attest:


Russell Wilkerson

**Individual
Acknowledgment**

STATE OF IDAHO,

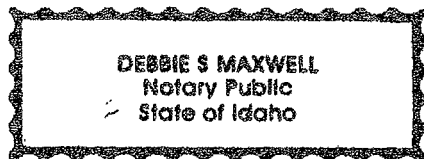
COUNTY OF Washington } ss.

On this 16 day of August, in the year 2007, before me

Debbie S Maxwell, a notary public in and for said State of
Idaho, personally appeared Russell Wilkerson

known or identified to me (or proved to me on the oath of _____) to be the person

whose name is subscribed to the within instrument and acknowledged to me that _____ he _____ executed the same.



Debbie S Maxwell
Notary Public for Idaho

Residing at Council Id

My commission expires 8-24-2013

August 15, 2007

RECEIVED
AUG 17 2007
DEPARTMENT OF
WATER RESOURCES

To Whom It May Concern:

I attest that being a neighboring farm and having water rights in the same ditch, I can verify that the land in question was being irrigated by the year 1960. The property is described in the attached map being #17 & #18. It is located T14N, R02W S17 * 18. It is outlined in yellow according to the legend as Place of Use.

Attest:



Isaac Ward

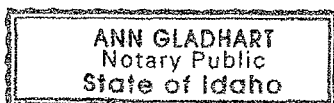
State of Idaho

County of Washington

On this 15th day of August, 2007 before me, the undersigned notary public, personally appeared

Isaac Ward

known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.





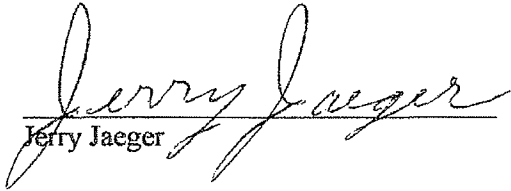
Notary Public: Ann Gladhart
Cambridge, Idaho
Commission Expires: March 31, 2016

August 15, 2007

To Whom It May Concern:

I attest that being a neighboring farmer I can verify that the land in question was being irrigated by the year 1962. The property is described in the attached map being #17 & #18. It is located T14N, R02W S17 * 18. It is outlined in yellow according to the legend as Place of Use.

Attest:


Jerry Jaeger

**Individual
Acknowledgment**

STATE OF IDAHO,

COUNTY OF Washington

} ss.

On this 16 day of August, in the year 2007, before me

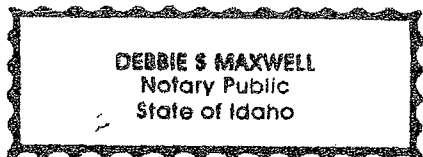
Debbie S Maxwell

, a notary public in and for said State of

Idaho, personally appeared Jerrey Jaeger

known or identified to me (or proved to me on the oath of _____) to be the person

whose name is subscribed to the within instrument and acknowledged to me that _____ he _____ executed the same.



Debbie S Maxwell
Notary Public for Idaho

Residing at Council Id

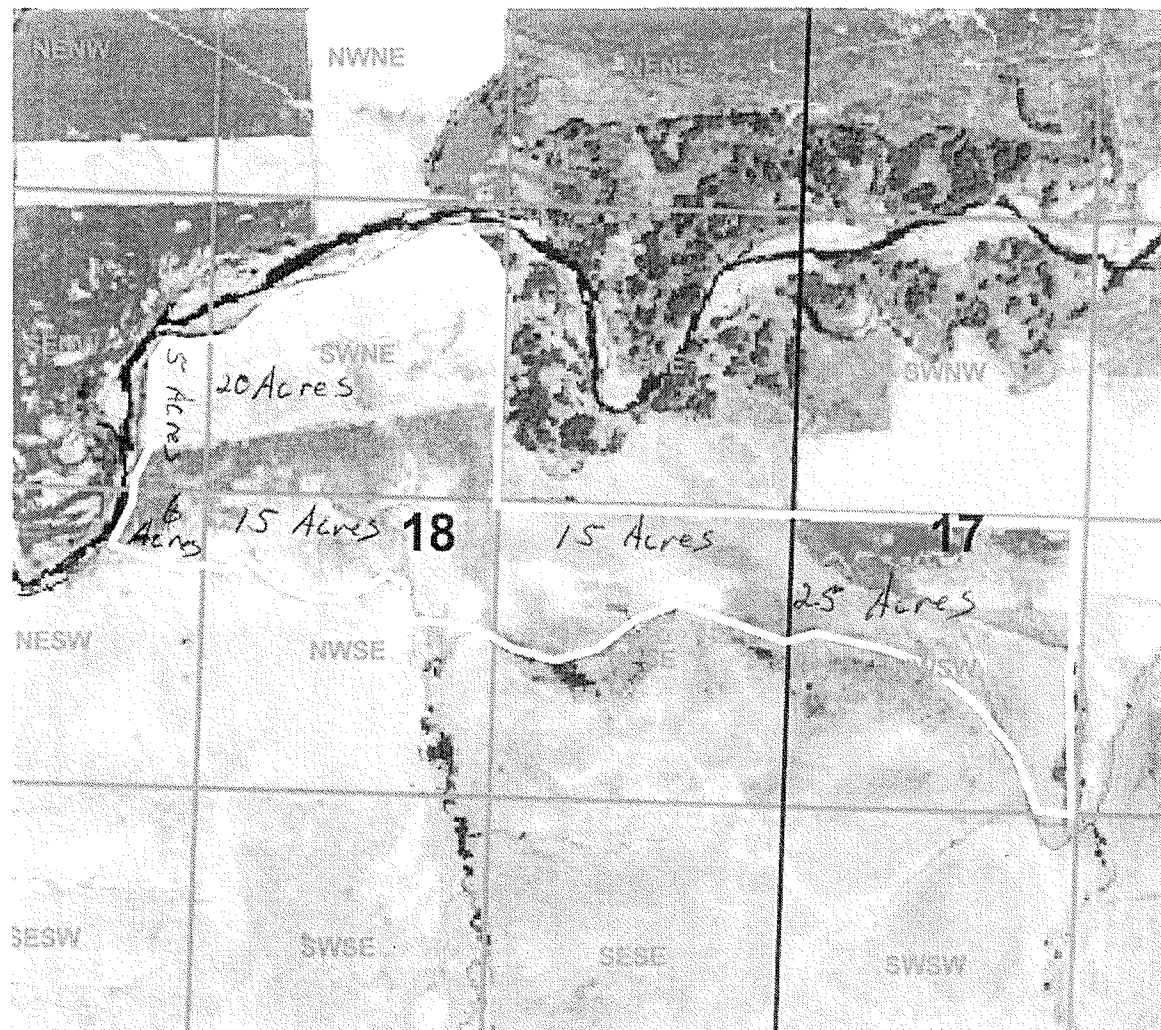
My commission expires 8-24-2013

Idaho Department of Water Resources

T14N, R02W S17 & 18
Water Right No: 67-464

Legend

- ⊙ Point of Diversion
- Place of Use
-  Quarter Quarter Lines
-  Section Lines



0.1 0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles

Prepared by Morgan Case
July 23, 2004
1987 True Color

AFFIDAVIT

Concerning: Disallowed Flood Water Right for the McKee Brothers.

The Little Weiser Irrigation District was established in 1937 with the construction of the C. Ben Ross Reservoir. The benefited acres within the district include eighty-six acres in Sections 17 and 18, T 14N, R2W, BM which have been irrigated with water delivered through what is known as the Schwenkfelder Ditch. This has been continuous since the District was established. According to our records, these acres have been paying the construction and maintenance levee each year and have been irrigated continuously. Flood water has been used during the early part of the season each year until it runs out and then the Reservoir water is used for the remainder of the season. This water has definitely been put to beneficial use.

Jerry Jaeger, President
Little Weiser Irrigation District

Jerry Jaeger

Debbie S Maxwell

Notary Public for: Council Idaho - State of Idaho

Residing at: Council Idaho



My Commission Expires 8-24-2013

12/04/2006

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

RIGHT NUMBER: 67-10622

NAME AND ADDRESS: MC KEE BROTHERS INC
2980 SALUBRIA RD
CAMBRIDGE ID 83610

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 1.230 CFS

PRIORITY DATE: 06/21/1921

POINT OF DIVERSION:

T14N R02W S1 NESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

1.230 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S17	NWSW ¹⁶	20.00	T14N R02W S18	SWNE ²⁰	30.00
T14N R02W S18	SENW ⁴	5.00	T14N R02W S18	NESW ²	1.00
T14N R02W S18	NESE ¹⁶	20.00	T14N R02W S18	NWSE ¹²	8.00

84 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

TO: ADJUDICATION CLAIM FILE 67-10622

FROM: DANIEL A. NELSON

DATE: 12/4/06

SUBJECT: CLAIM REVIEW

This claim was filed as a flood water right to cover the ground irrigated under decreed right 67-464. Decreed right allows a maximum of 36 acres to be irrigated under the Muir vs. Allison decree, but the claimant claimed a total of 84 acres irrigated under both this right and decreed right 67-464. Therefore, in order to recommend this right, the claimant would need to provide evidence of priority showing when the additional acres were put into production. The claimant contacted Craig Saxton on 9/14/2005 requesting more time to provide the evidence needed to recommend this right. No evidence has been provided.

We can occasionally recommend a beneficial use right if there is evidence from another right that has been licensed or decreed that the ground was being irrigated. Water right 67-2385 does overlap a portion of this ground, but a large amount of this ground wasn't included in the original license. Several other decreed rights were recommended to cover a portion of this ground, and it is not possible to separate what was covered and what wasn't covered by the original license. The recommendation for 67-2385 does include the entire 40-acre tract, but it depicts a border and not the original licensed acres.

Taking all this information into account, I must recommend that this claim be disallowed. If the owner can provide the needed evidence of priority, this recommendation can be revisited, but unless evidence of priority is submitted, there is nothing to suggest that this ground was irrigated with floodwater with the priority date claimed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10622 V1

WATER RIGHT NUMBER: 67-10622 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MC KEE BROTHERS INC 2980 SALUBRIA RD CAMBRIDGE, ID 83610 (208)257-3778

Priority Date: 06/21/1921

Basis:

Status: **DISALLOWED**

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.230 CFS	
	<u>Total Diversion:</u>	1.230 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4SW1/4	Sec. 1, Twp 14N, Rge 02W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	02W	17																	20.0
14N	02W	18			30.0				5.0	1.0					20.0	8.0			64.0

Total Acres: 84

Conditions of Approval:

1. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
2. P03 No beneficial use found.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10622 V1

Comments:

1. dnelson 12/4/2006 Claim Review

Comment: This claim was filed as a flood water right to cover the ground irrigated under decreed right 67-464. Decreed right allows a maximum of 36 acres to be irrigated under the Muir vs. Allison decree, but the claimant claimed a total of 84 acres irrigated under both this right and decreed right 67-464. Therefore, in order to recommend this right, the claimant would need to provide evidence of priority showing when the additional acres were put into production. The claimant contacted Craig Saxton on 9/14/2005 requesting more time to provide the evidence needed to recommend this right. No evidence has been provided.

We can occasionally recommend a beneficial use right if there is evidence from another right that has been licensed or decreed that the ground was being irrigated. Water right 67-2385 does overlap a portion of this ground, but a large amount of this ground was not included in the original license. Several other decreed rights were recommended to cover a portion of this ground, and it is not possible to separate what was covered and what was not covered by the original license. The recommendation for 67-2385 does include the entire 40-acre tract, but it depicts a border and not the original licensed acres.

Taking all this information into account, I must recommend that this claim be disallowed. If the owner can provide the needed evidence of priority, this recommendation can be revisited, but unless evidence of priority is submitted, there is nothing to suggest that this ground was irrigated with floodwater with the priority date claimed.

2. dnelson 12/4/2006 Text

Comment: THIS WATER IS DIVERTED INTO THE SCHWENKFELDER DITCH AND REDIVERTED INTO THE GLADHARD DITCH.

THIS CLAIM IS FOR FLOODWATER.

| ADDRESS CHANGE BY CLAIMANT LETTER 5/19/99 SS.

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: OR

Water District Number: 67

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

Combined Use Limits: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>
Summary			12/04/2006	dnelson	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	11/13/2006 2:13:40 PM	cfritsch	Bulk Copy

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10622 V1

Summary	12/4/2006 11:55:33 AM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-10622

WATER RIGHT NUMBER: 67-10622

Owner Type Name and Address
 Current Owner MC KEE BROTHERS INC
 2980 SALUBRIA RD
 CAMBRIDGE, ID 83610
 (208)257-3778

Priority Date: 06/21/1921
 Basis: Beneficial Use
 Status: Active

NO EVIDENCE SUPPLIED
 SEE COMMENTS and
 SEXTON'S 9-14-05 MEMO.

Source Tributary
 LITTLE WEISER RIVER WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.230 CFS	
<u>Total Diversion:</u>		1.230 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER NE1/4SW1/4 Sec. 1, Twp 14N, Rge 02W, B.M.
 ADAMS County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
14N 02W 17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	20.0
14N 02W 18			30.0					5.0	1.0				20.0	8.0			64.0

Total Acres: 84

Conditions of Approval:

- THIS WATER IS DIVERTED INTO THE SCHWENKFELDER DITCH AND REDIVERTED INTO THE GLADHARD DITCH.
 THIS CLAIM IS FOR FLOODWATER.
 | ADDRESS CHANGE BY CLAIMANT LETTER 5/19/99 SS.

Remarks:Comments:Dates and Other Information:

P03 } NO Beneficial
 P13 } USE FOUND

NOOP
 TO
 COMMENTS

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	67 10622	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W18			30					5	1				20	8			64
Claim	67 10636	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W18		37	4		37	40	40	32	8	22			20	8			220
Claim	67 464	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W18			30					5	1				20	8			64
Claim	67 492	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W18		37	4		37	40	40	32	8	22							220
Claim	67 493	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W18		37	4		37	40	40	32	8	22							220
Rec	67 10636	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W18		37	4		37	40	40	32	8	22							220
Rec	67 491	MARILYN M HOLLON, RICHARD HOLLON,	LITTLE WEISER RIVER	14N02W18	19.3																19.3
Rec	67 492	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W18		37	4		37	40	40	32	8	22							220
Rec	67 493	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W18		37	4		37	40	40	32	8	22							220
Rec	67 494B	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W18		40	4.7		40	39	39	34	6.6	17							220.3
Right	67 2385	LITTLE WEISER IRRIGATION DIST,	LITTLE WEISER RIVER	14N02W18		30	20		32	39	39	27	6	5							198
Right	67 464	ELLA MAE CARTER, EDITH K DEVANEY,	LITTLE WEISER RIVER	14N02W18									X				X	X			0
Right	67 491	W D MOREY,	LITTLE WEISER RIVER	14N02W18	X	X	X	X													0
Right	67 492	MARGARET A CROUTER,	LITTLE WEISER RIVER	14N02W18		X	X		X			X									0
Right	67 493	J E DONART,	LITTLE WEISER RIVER	14N02W18						X	X			X							0
Tclaim	67 491	MARILYN M HOLLON, RICHARD HOLLON,	LITTLE WEISER RIVER	14N02W18	19.3																19.3

Not
covered
D.gallow

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	67 10191	MARILYN HOLLON, RICHARD HOLLON,	LITTLE WEISER RIVER	14N02W17							30	40	10								80
Claim	67 10622	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W17										20							20
Claim	67 14506	HOLLY SPIERING, MONTE SPIERING,	LITTLE WEISER RIVER	14N02W17			40	40									11	10			101
Claim	67 4591	HOLLY SPIERING, MONTE SPIERING,	LITTLE WEISER RIVER	14N02W17			40	40									11	10			101
Claim	67 464	MC KEE BROTHERS INC,	LITTLE WEISER RIVER	14N02W17										20							20
Claim	67 477B	M MARIE GLADHART, WILLIAM E GLADHART,	LITTLE WEISER RIVER	14N02W17	25																25
Rec	67 10191	MARILYN HOLLON, RICHARD HOLLON,	LITTLE WEISER RIVER	14N02W17							30	40	10								80
Rec	67 14506	HOLLY SPIERING, MONTE SPIERING,	LITTLE WEISER RIVER	14N02W17			40	40									12	9			101
Rec	67 4591	HOLLY SPIERING, MONTE SPIERING,	LITTLE WEISER RIVER	14N02W17			40	40									12	9			101
Rec	67 491	MARILYN M HOLLON, RICHARD HOLLON,	LITTLE WEISER RIVER	14N02W17					6	8.7											14.7
Right	67 2385	LITTLE WEISER IRRIGATION DIST,	LITTLE WEISER RIVER	14N02W17			30	40			30	40	10	25			20	10			205
Right	67 4591	RUTH E ROBBINS, AUSTIN B ROBBINS JR,	LITTLE WEISER RIVER	14N02W17			40	40									10	10			100
Right	67 464	ELLA MAE CARTER, EDITH K DEVANEY,	LITTLE WEISER RIVER	14N02W17										X							0
Right	67 491	W D MOREY,	LITTLE WEISER RIVER	14N02W17					X	X											0
TClaim	67 491	MARILYN M HOLLON, RICHARD HOLLON,	LITTLE WEISER RIVER	14N02W17					6	8.7											14.7
Right	67 4297	RUTH E ROBBINS, AUSTIN B ROBBINS JR,	UNNAMED STREAM	14N02W17			40	40									11	10			101

Nelson, Dan

From: Saxton, Craig
Sent: Monday, December 04, 2006 9:21 AM
To: Nelson, Dan
Subject: 67-10622 EOP

Hey Dan,

There is no EOP in 67-10636. She recommended it as flood water that directly overlaps Muir v. Allison rights.... however, she shouldn't have. The Mc Kee's only have 297.6 acres of decreed water as far as I can tell from my quick analysis. Misty recommended 328 acres which she should have cut to 297.6 upon not receiving additional evidence. The recommendation for 67-10636 will need to be reduced.

Treat 67-10622 as if there is no EOP. We have contacted them. Give them what we can and if that's nothing then disallow it I guess.

Thanks for all the help Dan,

C

CONVERSATIONAL MEMORANDUM

Date: September 14, 2005

To: File 67-10622 & 67-10636

From: Craig L. Saxton

Subject: Evidence of priority – amended claim

Spoke with Brant and Dale McKee. First of all they needed an extension on the deadline and I told them no problem. Just get it to me ASAP.

Second, there was an issue with 67-10636. It appears that the Range locations were in error – they got switched around. I told them I would look it up and see if I could change it without an amended claim.

Looking at the file, it looks like they signed the original claim that listed the range as 2W when it should be 3W and 3W when it should be 2W. But the map submitted with the claim clearly shows the property and that the written portion of the claim was an error. Based on the map, and that during our discussion they told me it was wrong and wanted it changed, I will amend the claim as they requested without a signed amended claim.

AJ0749NP
No. A67-10622

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

DATE: 05/19/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MC KEE BROS INC 2965 SALUBRIA RD CAMBRIDGE ID 83610 (208) 257-3538	06/21/1921	IRRIGATION	03-15 11-15	1.230 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.230 CFS 252.00 AFA

Water Source: LITTLE WEISER RIVER

Tributary to: WEISER RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14N R02W S01

NESW

ADAMS County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
14N	02W	17	:																	:	20.0
14N	02W	18	:			30						05		01				20	08	:	64.0
																				TOTAL ACRES	84.0

POU County: WASHINGTON

Non-Irrigation Uses: 100 HEAD CATTLE WATER FROM DITCHES DURING THE IRRIGATION SEASON.

Other Rights: BEN ROSS RESERVOIR, 67-00464

Remarks: GEN THIS WATER IS DIVERTED INTO THE SCHWENKFELDER DITCH AND
REDIVERTED INTO THE GLADHARD DITCH.
THIS CLAIM IS FOR FLOODWATER.

ADDRESS CHANGE BY CLAIMANT LETTER 5/19/99 SS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 67

Field Inspection Flag:
Presumption Flag:

SCANNED
APR 09 2004

Notice to Mailer of Correction in Address

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

67-10641, -10643✓ -10642

☐ No account number on mail☐ Account number illegible

Addressee's Name

McKee Bros. Inc.

Old Address (Include
apartment or suite number)

City, State, and ZIP Code

~~2781 Salubria Rd~~ 2781 Salubria Rd
Cambridge, Id 83610New Address (Include
apartment or suite number)

City, State, and ZIP Code

2965 Salubria Rd
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

+ A67-00464✓
✓ - 00494B✓
✓ - 10622✓
- - 10636✓
✓ - 00492✓
- - 00493✓