

09/12/2006

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

RIGHT NUMBER: 67-10636
NAME AND ADDRESS: MC KEE BROTHERS INC
2980 SALUBRIA RD
CAMBRIDGE ID 83610
SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER
QUANTITY: 2.840 CFS
Right Nos. 67-494B, 67-492, 67-493, 67-10636 are limited to a total combined diversion rate of 6.56 cfs.
PRIORITY DATE: 06/21/1921
POINT OF DIVERSION:

T14N R02W S17 NENENE 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	2.840 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T14N R02W S18	NWNE	37.00	T14N R02W S18	SWNE	4.00
T14N R02W S18	NENW	37.00	T14N R02W S18 Lot 1	NWNW	40.00
T14N R02W S18 Lot 2	SWNW	40.00	T14N R02W S18	SENW	32.00
T14N R02W S18	NESW	8.00	T14N R02W S18 Lot 3	NWSW	22.00
T14N R03W S12	NESE	30.00	T14N R03W S12	SESE	40.00
T14N R03W S13	NENE	38.00			

328 ACRES TOTAL

Right Nos. 67-494B, 67-492, 67-493, 67-10636 are limited to the irrigation of a combined total of 328 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

Saxton, Craig

From: Saxton, Craig
Sent: Sunday, December 10, 2006 8:58 AM
To: Nelson, Dan
Subject: RE: 67-10622 EOP

Dan,

I don't think this is going to affect you with your now very old EOP question for 67-10622, but I miss calculated in my "quick analysis" of 67-10636. It does directly overlap decreed rights in whole. So the recommendation of 328 acres is good for 67-10636 and still not additional evidence of priority is needed.

Just thought I would let you know in case that had any impact in what you were looking into. I don't think it does.

Craig

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

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



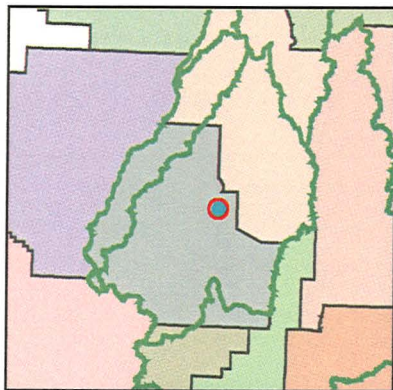
Idaho Department of Water Resources

SRBA Recommendation:

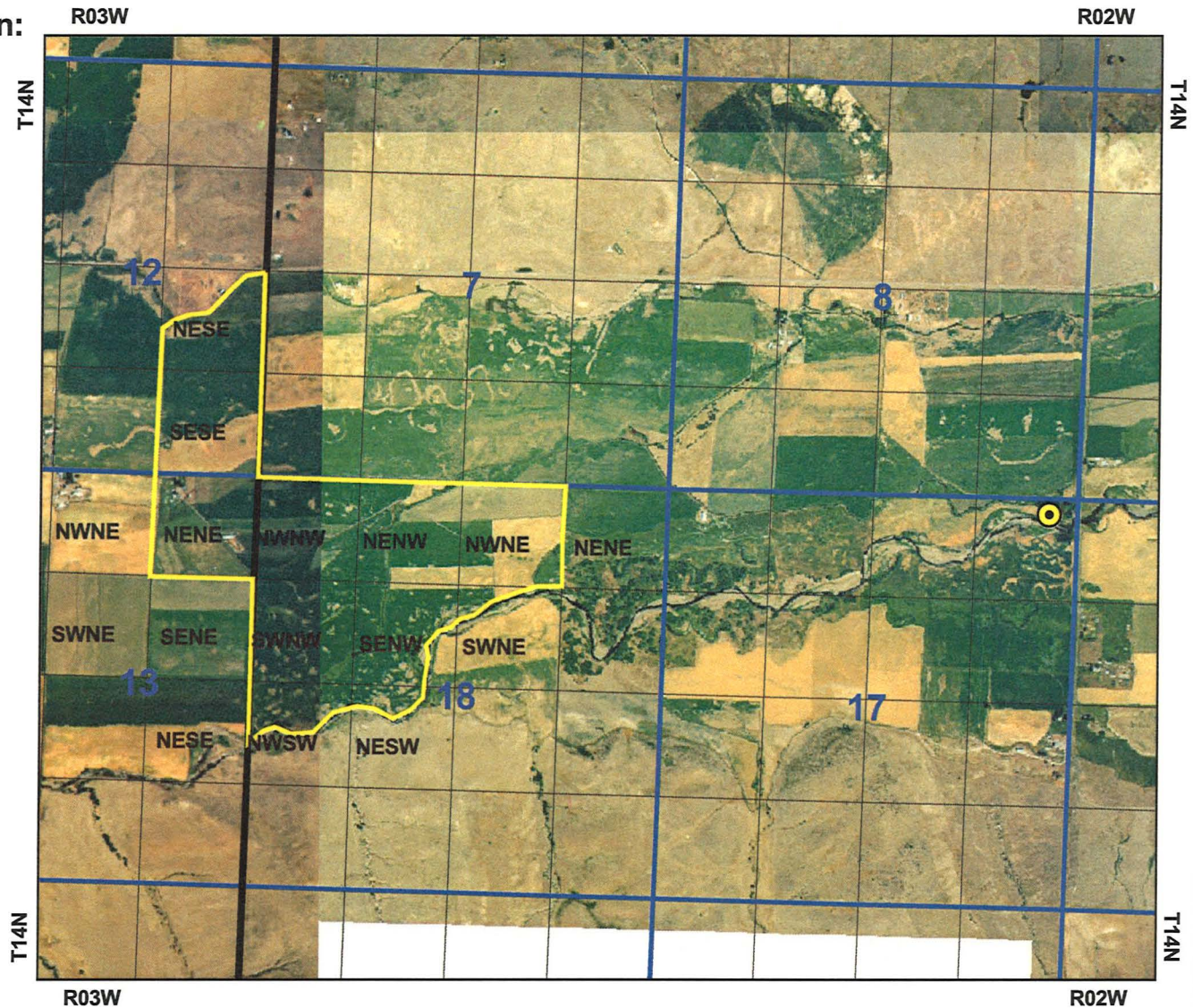
67-10636

Legend

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



Washington County
IDWR Basin 67



0 0.9 1.8 Miles

Prepared by M. Mount
On Tuesday, September 12, 2006
1987/88 Aerial Photography

67-10636



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. A67-10636

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	2.840 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.840 CFS 984.00 AFA

Water Source: LITTLE WEISER RIVER

Tributary to: WEISER RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T14N R02W S17 NENENE

WASHINGTON 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	12	:																	:	70.0												
14N	02W	13	:	38																:	38.0												
14N	03W	18	:			37	04					37	01-40	02-40	32			08	03-22	:	220.0												
																				TOTAL ACRES													328.0

POU County: WASHINGTON

Non-Irrigation Uses: 200 HEAD CATTLE WATER FROM DITCHES DURING THE IRRIGATION SEASON

Other Rights: BEN ROSS RES., 67-00492, 67-00493, 67-10636

Remarks: GEN THIS WATER CARRIED IN THE DONART-MARTIN-COX DITCH.
THIS CALIM IS FOR FLOOD WATER.

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:

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 Satab~~ 2981 Salubria Rd
Cambridge, Id 83610

New 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[✓]
✓ - 00494 B[✓]
✓ - 10622[✓]
- - 10636[✓]
✓ - 00492[✓]
- - 00493[✓]

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 67-10636
Date Received: 10/6/1989
Receipt No: C012061
Received By:

AMENDED

AMENDED

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	17	NE NE NE	WASHINGTON	

5. Description of diverting works:

DONART-MARTIN-COX DITCH, HEADGATE DIVERTS INTO GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.84	

7. Total Quantity Appropriated is:
2.84 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
14N	02W	18	NW NE	IRRIGATION	37
			SW NE	IRRIGATION	4
			NE NW	IRRIGATION	37

			NW	NW	1	IRRIGATION	40
			SW	NW	2	IRRIGATION	40
			SE	NW		IRRIGATION	32
			NE	SW		IRRIGATION	8
			NW	SW	3	IRRIGATION	22
						Section Acres	220
14N	03W	12	NE	SE		IRRIGATION	30
			SE	SE		IRRIGATION	40
						Section Acres	70
14N	03W	13	NE	NE		IRRIGATION	38
						Section Acres	38
						Total Acres	328

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 CARRIED IN THE DONART-MARTIN-COX DITCH.
 THIS CALIM IS FOR FLOOD WATER.
 | ADDRESS CHANGE BY CLAIMANT LETTER 5/19/99 SS.

Claim amended to change range claimed in the place of use. See memo in file (csaxton 9-14-05).

15. Basis of Claim: Beneficial Use

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, September 14, 2005 5:13 PM
To: 'dlmckee@ctcweb.net'
Subject: Amendment of claim 67-10636

Dear Dale,

I looked at the original claim file to see if the messed up range on claim 67-10636 was just a typo and it was in a sense. You did sign the original claim that shows the ranges backward, but the map you submitted along with the claim clearly shows that the range in Section 12 and 13 are in range 3W and Section 18 is in range 2W. So I went ahead and changed the data base without need of your signature. Of course, if you disagree with this, let me know.

I am attaching a copy of the claim that has been updated. Take a look at it and if there is anything else that is in error, let me know.

Thanks.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
craig.saxton@idwr.idaho.gov



67-10636.doc

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 67-10636
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	17	NE NE NE	WASHINGTON	

5. Description of diverting works:

DONART-MARTIN-COX DITCH, HEADGATE DIVERTS INTO GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.84	

7. Total Quantity Appropriated is:
2.84 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	12	NE	SE		IRRIGATION	30
			SE	SE		IRRIGATION	40
						Section Acres	70
14N	02W	13	NE	NE		IRRIGATION	38
						Section Acres	38
14N	03W	18	NW	NE		IRRIGATION	37
			SW	NE		IRRIGATION	4
			NE	NW		IRRIGATION	37
			NW	NW	1	IRRIGATION	40
			SW	NW	2	IRRIGATION	40
			SE	NW		IRRIGATION	32
			NE	SW		IRRIGATION	8
			NW	SW	3	IRRIGATION	22
						Section Acres	220
						Total Acres	328

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 CARRIED IN THE DONART-MARTIN-COX DITCH.
THIS CALIM IS FOR FLOOD WATER.
| 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/mk

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: **A67-10636**
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
Address: 2965 SALUBRIA RD
CAMBRIDGE ID

208-257-3538

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	17	NE	NE	NE		WASHINGTON

5. Description of diverting works:

DONART-MARTIN-COX DITCH, HEADGATE DIVERTS INTO GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.840		

7. Total Quantity Appropriated is:

2.840 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 984.0 Acre Feet Per Annum.

9. Non-irrigation uses:

200 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	12	NE	SE		IRR	30.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	70.0
		13	NE	NE		IRR	38.0
						Section Acres	38.0
	03W	18	NW	NE		IRR	37.0
			SW	NE		IRR	4.0
			NE	NW		IRR	37.0
			NW	NW	1	IRR	40.0
			SW	NW	2	IRR	40.0
			SE	NW		IRR	32.0
			NE	SW		IRR	8.0
			NW	SW	3	IRR	22.0
						Section Acres	220.0
						Total Acres	328.0

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 RES., 67-00492, 67-00493, 67-10636

14. Remarks:

THIS WATER CARRIED IN THE DONART-MARTIN-COX DITCH.
THIS CALIM IS FOR FLOOD WATER.

|

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: A67-10636
Date Received: 10/06/1989
Receipt No: 0012061
Received By: CA

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	17	NE	NE	NE		WASHINGTON

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IRRIGATION	03/15	11/15	2.840		

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

8. Total consumptive use is 984.0 Acre Feet Per Annum.

9. Non-irrigation uses:
200 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	12	NE	SE		IRR	30.0
			SE	SE		IRR	40.0
Section Acres							70.0

A67-10636

Page 1

Date: 10/06/89

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	02W	13	NE	NE		IRR	38.0
					Section	Acres	38.0
	03W	18	NW	NE		IRR	37.0
			SW	NE		IRR	4.0
			NE	NW		IRR	37.0
			NW	NW	1	IRR	40.0
			SW	NW	2	IRR	40.0
			SE	NW		IRR	32.0
			NE	SW		IRR	8.0
			NW	SW	3	IRR	22.0
					Section	Acres	220.0
					Total	Acres	328.0

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 RES., 67-00492, 67-00493, 67-10636

14. Remarks:

THIS WATER CARRIED IN THE DONART-MARTIN-COX DITCH.

THIS CALIM IS FOR FLOOD WATER.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
OCT 05 1992

16. Signature(s)

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

Number of attachments: -2-

For Organizations:

I do solemnly swear or affirm that I am President of
Title
McKEE Bros. Inc., that I have signed the foregoing
Organization
document in the space below as President of
Title
McKEE Bros. Inc. and that the statements contained in the
Organization
foregoing document are true and correct.
David G. McKee
Signature of Authorized Agent
President McKee Bros Inc.
Title and Organization
October 6 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of October 19 89
Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

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

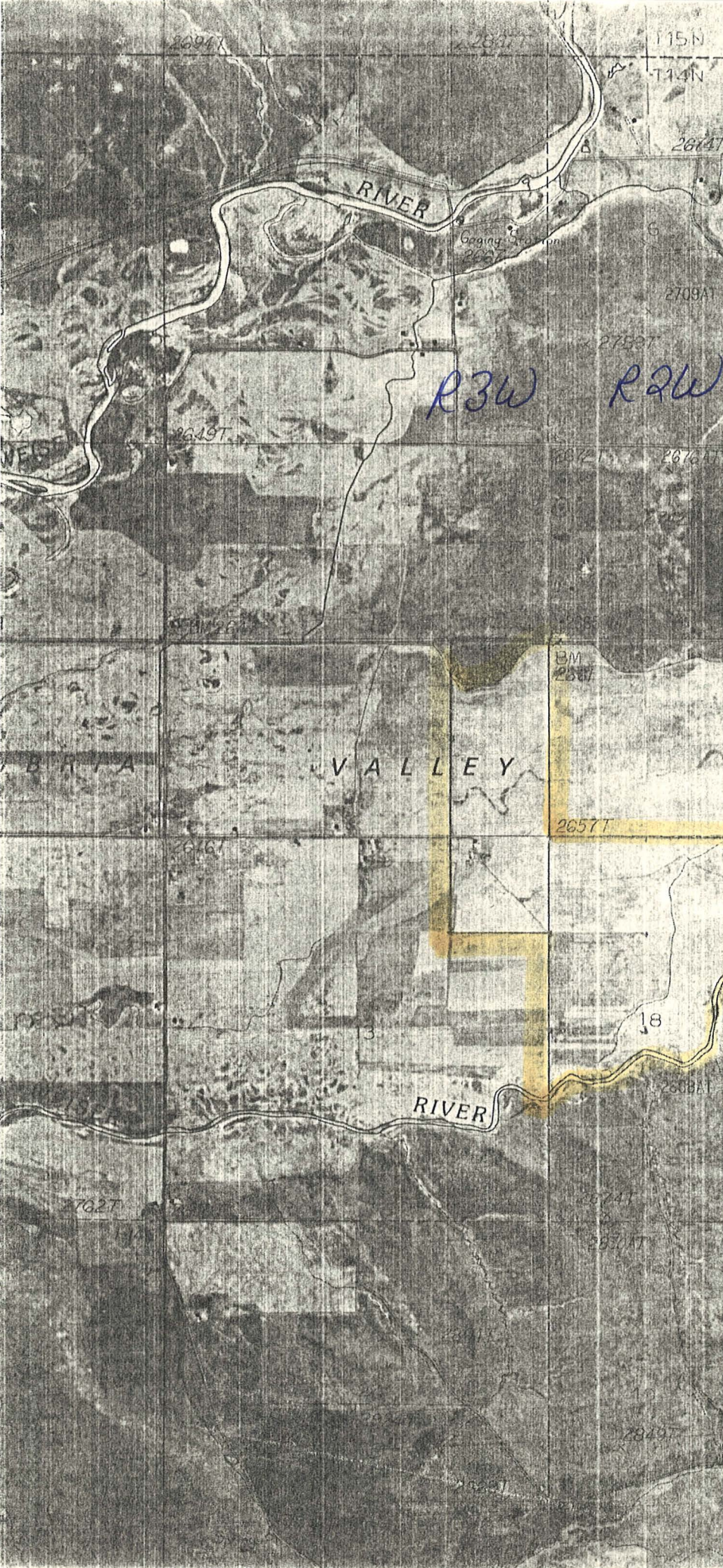


P.D.

T14N
R2W

MICROFILMED
OCT 05 1992

T15N
T14N



MICROFILMED
OCT 05 1992