

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, **Bruce Porter**
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the **Water Permit No.**
32-7098

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

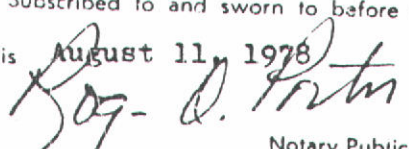
any supplement issue thereof for **two**
consecutive issues, the first publication hav-

ing been made on **August 3, 1978**
and the last publication having been made

on **August 10, 1978**.
Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.



~~~~~

Subscribed to and sworn to before me  
this **August 11, 1978**  
  
(SEAL) Notary Public.

My commission expires **life**

**NOTICE OF APPLICATION  
FOR WATER PERMIT**

Notice is hereby given that Patrick T.  
McGarry, Dubois, Idaho has on 7-25-78  
submitted Application No. 32-7098 for a  
permit to appropriate 4.80 cubic feet per  
second of water from Medicine Lodge  
Creek tributary to sinks by means of  
headgate and ditch within the NE 1/4 SE 1/4,  
Sec. 25, T. 11N, R. 34E, B.M., Clark County;  
to be used from April 1 to Nov. 1 for  
irrigation of 240 acres within the NW 1/4,  
W 1/4 SE 1/4, Sec. 32, T. 11N, R. 34E, B.M.

If issued, this permit will be subject to all  
prior water rights. Protests against the  
granting of the permit must be filed with  
the Idaho Department of Water Resources,  
1515 Lincoln Road, Idaho Falls, Idaho,  
83401 on or before August 21, 1978.

**C. STEPHEN ALLRED**  
Director

Published in the Standard Journal,  
Rexburg, Idaho on Aug. 3 and Aug. 10,  
1978.



SEP 12 1978

Deposited  
Eastern District Office

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF LAPSED PERMIT )  
NO. 32-07098 IN THE NAME OF )  
PATRICK T. MCGARRY )  
\_\_\_\_\_ )

**REINSTATEMENT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. On October 2, 1978, the Department issued Permit No. 32-07098 to Patrick T. McGarry ("permit holder") authorizing the diversion of 4.8 cubic feet per second of water from Medicine Lodge Creek to be used for the irrigation of 240 acres of land in Section 32, T11N, R35E, B.M. A condition of permit approval was that proof of beneficial use of water ("proof") be submitted to the Department on or before October 1, 1983.
2. On October 3, 1983, the permit holder submitted proof to the Department.
3. On June 16, 1986, the Department sent an Examination Fee Notice to the permit holder by certified mail requesting the submittal of a license examination fee within 60 days of the date of the notice. The permit holder did not submit the fee.
4. On June 16, 1987, the Department issued a lapse notice to the permit holder for failure to submit the license examination fee. On August 16, 1987, the permit became of no further force nor effect.
5. On December 23, 1999, the permit holder submitted proof of beneficial use for the lapsed permit together with supporting information and the license examination fee.

**CONCLUSIONS OF LAW**

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require

sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

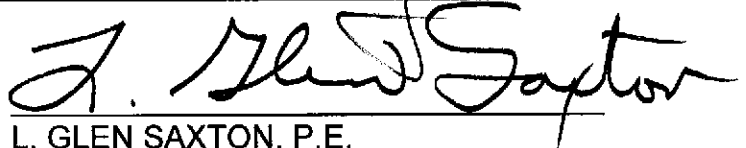
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting proof of beneficial use on December 23, 1999.

3. The Department should reinstate the permit with the priority advanced to the date that proof of beneficial use and license examination fee were received.

#### ORDER

IT IS THEREFORE, HEREBY ORDERED that Permit No. 32-07098 in the name of Patrick T. McGarry is **REINSTATED** with the priority advanced to **December 23, 1999**.

Dated this 27<sup>th</sup> day of January, 2000.

  
L. GLEN SAXTON, P.E.  
Chief, Water Allocation Bureau

FOR OFFICE USE ONLY  
 Amt. of Fee \$: 200.00  
 Receipt No. EP25524  
 Receipt By: ENC  
 Date Received: 12/20/1995

RECEIVED

DEC 23 1999

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Department of Water Resources

### PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 32-7098 Telephone No. (208) 374-5473

2. Name(s) of Permit Holder(s): PATRICK T. McGARRY

3. Mailing Address: HC 61 BOX 1080, DUBOIS, IDAHO 83423

4. Source of Water: MEDICINE LODGE CREEK If GROUNDWATER (well), Date Drilled: mo. / yr.

a. Well Driller: \_\_\_\_\_ Drilling Permit Number: - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

b. **OPTIONAL:**  
 Pump Horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft): \_\_\_\_\_

**5. Use(s) (as authorized by the water right permit):**

Domestic (No. of households): Stockwater (No. and type of stock): 300 head of cattle

**Irrigation (No. of acres):** 240      **Other:** \_\_\_\_\_

6. Total rate of diversion and/or volume for which proof is submitted: 4.8 cfs OR acre feet

**7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)**

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

**Measuring Device:** Is a measuring device required? Yes xx or No    

Has the measuring device been installed? Yes xxx or No     

**Flow Measurement Port:** Is a flow measurement port required? Yes      or No xxx

Has the measurement port been installed? Yes or No xxxx

**8. Fee Enclosed: \$ \$200.00** (See Fee Schedule on back of the instructions for filing proof of beneficial use)

**9. Person to contact to accompany the Department representative during field examination of the water system.**

**Name:** PATRICK T. McGARRY **Telephone Number:** (208) 374-5473

**Address:** HC 61 BOX 1080, MEDICINE LODGE, DUBOIS, IDAHO 83423

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Patrick M. Sweeney Date: 12/13/99  
(include your title, if on behalf of company or organization)

# NOTICE

This file has been REPRODUCED  
from MICROFICHE

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Carla J. Block  
Person Recreating File

Jan 27, 2000  
Date

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32-7098 IN THE )  
NAME OF PATRICK T. MCGARRY ) ORDER OF REINSTATEMENT  
\_\_\_\_\_ )

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before October 1, 1983; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on October 3, 1983;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 32-7098 be REINSTATED and the priority advanced to July 27, 1978.

Dated this 5<sup>th</sup> day of January, 1984.

  
L. GLEN SAXTON  
Chief, Operations Bureau

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR PERMIT APPROVED**

**To Appropriate the Public Waters of the State of Idaho**  
(TYPE OR PRINT IN INK)

1. Name of applicant Patrick T. McGarry Phone: 374-5470  
post office address Star Rt. Dubois Idaho 83423
2. Source of water supply Medicine Lodge Creek which is a tributary of Sinks
3. a. Location of point of diversion is NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 25 Township 11N  
Range 34E B.M. Clark County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
 Amount 4.8 for Irrigation purpose from April 1 to Nov 1 (both dates inclusive)  
(cfs or acre-feet per annum)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
 a. \_\_\_\_\_ cubic feet per second and/or  
 b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
 a. Description of ditches, flumes, pumps, headgates, etc. Headgate, weir and open ditch  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
 Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)  
 c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.  
 b. Estimated construction cost is \$ 1000.00.
8. Description of proposed uses:  
 a. If water is not for irrigation:  
 (1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
 Range \_\_\_\_\_ B.M. \_\_\_\_\_  
 (2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
 (3) List number of each kind of livestock to be watered \_\_\_\_\_  
 \_\_\_\_\_  
 (4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_  
 (5) If water is to be used for other purposes describe: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. If water is for irrigation, indicate acreage in each subdivision in the table below:

| TWP | RANGE | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-------|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |       |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 11N | 35E   | 32  |        |        |        |        | 40     | 40     | 40     | 40     |        |        |        |        |        | 40     | 40     |        | 240    |
|     |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 240

c. Describe any other water rights used for the same purposes as described above. None

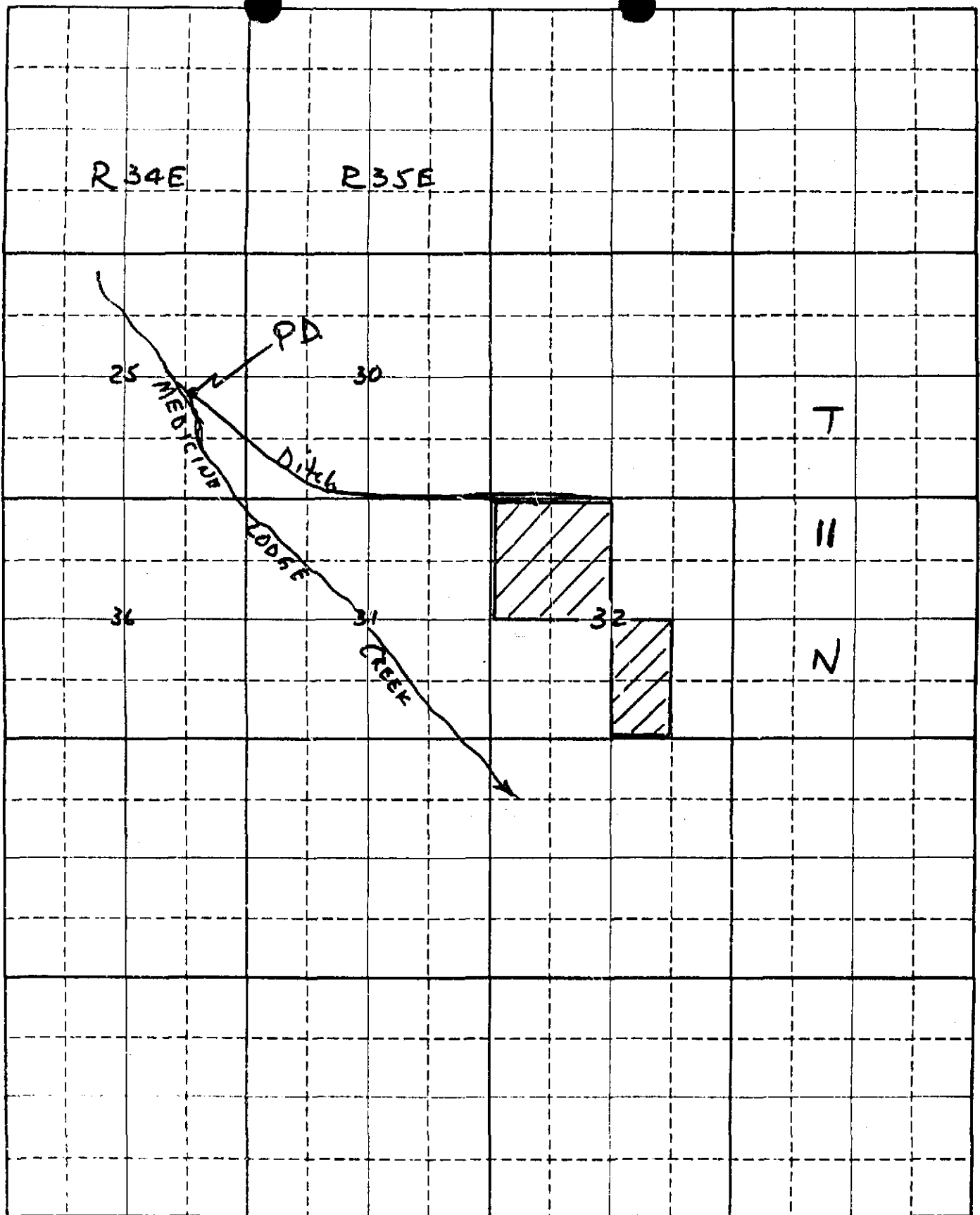
9. a. Who owns the property at the point of diversion Ralph Taylor

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing diversion is the same as my decreed point of diversion

10. Remarks

11 Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*Patrick T. Young*  
(Applicant)

Proposed by BP 7/25/78

Received by BP Date 7-25-78 Time 4:15 P.M.

Preliminary check by Jay Fee \$ 75.00

Received by BP Date 7-25-78 # 11477

Publication prepared by JF Date 9-12-78

Published in STANDARD JOURNAL

Publication dates AUG. 3 & 10, 1978

Publication approved by JF Date 7-12-78

Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by EMC/jg

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 32-7098, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1983.

c. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Use of water under this permit is subject to control by the watermaster of State Water District No. 32-C, Medicine Lodge Creek.

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 2<sup>nd</sup> day of October 19 78.

J. Glen Saxton  
Chief, Operations Bureau



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

January 27, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

PATRICK T MCGARRY  
HC 61, BOX 1080  
DUBOIS ID 83423

**RE: PERMIT NO. 32-07098 - REINSTATEMENT ORDER**

Dear Mr. McGarry:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above referenced lapsed permit.

Enclosed is an order reinstating the permit, since proof and the license examination fee was submitted after the proof due date. Please note that the priority date has been advanced to **December 23, 1999**, pursuant to Section 42-218a.2, Idaho Code.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

L. GLEN SAXTON, Chief  
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

JAN 27 2000

Patrick T. McGarry  
HC 61  
P.O. BOX 1080  
DUBOIS, IDAHO 83423

RECEIVED

JAN 20 2000

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street  
P.O. BOX 83720  
BOISE, IDAHO 83720-0098

Att. L. GLEN SAXTON, P.E.  
Chief, Water Allocation Bureau

January 14, 2000

In reference to my lapsed permit no. 32-07098, you will find enclosed with this letter, records from the Watermaster showing that I have been delivered permitted water no. 32-07098 over my weir since 1978 when the permit water was available. You will also find a letter from the Clark County Treasurer's office showing that the assessments for the permitted water no. 32-07098 has been paid every year I owed an assessment.

To the question as to why I failed to show cause why the proof was submitted late, the answer falls back to the above paragraph. The Watermaster of Water Dist. #32-C has been delivering the permitted water right 32-07098 every year since 1978 when the permitted water was available, and I have been paying the assessments on that permitted water right 32-07098 every year it was declared I owed money. Therefore I believed I had a valid water right. I also believe that I should still be issued the water right with the 1978 priority date.

SINCERELY

  
Patrick T. McGarry

MICROFILMED

JAN 27 2000

# Clark County, Idaho

Bonnie G. Burns  
Treasurer/Ex-Officio Tax Collector

P.O. Box 266  
Dubois, ID 83423

Telephone  
(208) 374-5455

RECEIVED

January 14. 2000

JAN 20 2000

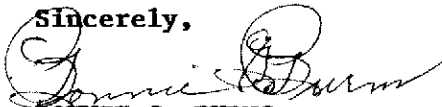
Department of Water Resources

State of Idaho  
Department of Water Resources

RE: Medicine Lodge Water Right 32-07098

My records show that Patrick McGarry has paid all water assessments on Medicine Lodge Water Right # 32-07098 since 1980 thru 1999.

Sincerely,



BONNIE G. BURNS  
CLARK COUNTY TREASURER

MICROFILMED

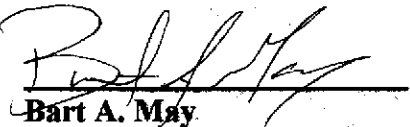
JAN 27 2000

**Water Dist. #32-C**  
**Gregory A. Shenton – Watermaster**  
**Bart A. May – Deputy Watermaster**  
**P.O. Box 33**  
**Dubois, Idaho 83423**  
**(208) 374-5274**

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Patrick T. McGarry asked that our office copy some of our documentation in-which show water under permit no. 32-07098, being diverted and used.

We have delivered said water right 32-07098 to Patrick T. McGarry when there was water available since 1978. I have made copies of our records which show delivery of said water right on the following years, "1980, 1981, 1982, 1983, 1984, 1986, 1993, 1995, 1997, and 1999." I have also highlighted the owner's name, right number, and c.f.s. used for that year. If there are any further needs of this office please feel free to contact us.

  
Bart A. May  
Deputy Watermaster  
Water Dist. #32-C

MICROFILMED

JAN 27 2000



Water Master's Report May 1 1981 to October 31 1981

| OWNER OR DITCH          | WATER<br>RIGHT<br>IDENT. NO.          | DESCRIPTION OF LAND         |      | Total in<br>24-hour<br>Sec. Feet | Total<br>Cost |      |
|-------------------------|---------------------------------------|-----------------------------|------|----------------------------------|---------------|------|
|                         |                                       | Subdivision                 | Sec. |                                  | \$            | cts. |
| nd Small                | P.2051<br>20-30                       | See Stipulation & Agreement |      | 730.70                           | 276           | 81   |
| lead Livestock          | 4                                     | " " " "                     |      | 1548.99                          | 586           | 81   |
| shrcraft                | 13                                    | " " " "                     |      | 601.51                           | 227           | 87   |
| lis                     | 19                                    | " " " "                     |      | 531.70                           | 201           | 42   |
| ention                  | 4-A                                   | " " " "                     |      | 1773.84                          | 671           | 99   |
| olmes                   | 4-B                                   | " " " "                     |      | 968.55                           | 366           | 92   |
| McGarry                 | 9-14                                  | " " " "                     |      | 1032.24                          | 391           | 05   |
| Webster Estate          | P.32-2022,2048,2077<br>5, 8, 22, 25   | " " " "                     |      | 2324.40                          | 880           | 56   |
| Rowland                 | 11                                    | " " " "                     |      | 727.25                           | 275           | 51   |
| Brothers                | 12                                    | " " " "                     |      | 434.36                           | 164           | 55   |
| Woodfield               | P.32-2019,2076,2082<br>10, 23, 24, 25 | " " " "                     |      | 2634.41                          | 998           | 00   |
| Shenton                 | P.32-7009, 7010<br>2                  | " " " "                     |      | 859.46                           | 325           | 59   |
| H. Whittaker            | P.11819<br>7, 8                       | " " " "                     |      | 304.00                           | 115           | 16   |
| aiting                  | 27                                    | " " " "                     |      | 442.00                           | 167           | 44   |
| May                     | P.32-2010,7037,7038,7073<br>6, 8      | " " " "                     |      | 1000.80                          | 379           | 13   |
| oggan                   | 17                                    | " " " "                     |      | 1110.20                          | 420           | 58   |
| ention                  | 1, 16                                 | " " " "                     |      | 322.60                           | 122           | 21   |
| rbett                   | P.32-2061<br>1, 6                     | " " " "                     |      | 156.20                           | 59            | 17   |
| elzer                   | P.32-2008<br>21                       | " " " "                     |      | 72.80                            | 27            | 58   |
| ne Lodge Cattle Assoc.  | P.32-2053,2055                        | " " " "                     |      | 74 20                            | 28            | 11   |
| ne Lodge Grazing Assoc. | P.32-7097                             | " " " "                     |      | 115.20                           | 43            | 64   |
| McGarry                 | P.32-7098                             | " " " "                     |      | 115.20                           | 43            | 64   |
| Total                   |                                       |                             |      | 17880.61                         | 6773          | 74   |

MICROFILMED  
 FEB 27 2000

OWNER OR DIRECTOR

MICROFILMED  
FEB 27 2008

# Watermaster's Report May 1 1983 to October 1983

| OWNER OR DITCH                | WATER RIGHT IDENT. NO.     |
|-------------------------------|----------------------------|
| H. Leland Small               | P.2051<br>20-30            |
| Beaverhead Livestock          | 4                          |
| Grant Ashcraft                | 13                         |
| Faye Doschades                | 19                         |
| Dean Shenton                  | 4-A                        |
| Gerald Holmes                 | 4-B                        |
| Jack McGarry                  | 9-14                       |
| Hugh R. Webster Estate        | P.32-2022,2<br>5-8-22-25   |
| Kenneth Rowland               | 11                         |
| Hoggan Brothers               | 12                         |
| Elman T. Woodfield            | P.32-2019,2<br>10-23-24-25 |
| Hollis Shenton                | P.32-7009,7<br>2           |
| George Whittaker              | P.11819<br>7,8             |
| Ned Gneiting                  | 27                         |
| Allyn May                     | P.32-2010,7<br>6, 8        |
| Hoggan Brothers               | 17                         |
| Dean Shenton                  | 1, 16                      |
| Jim Tarpley                   | P.32-2061<br>1, 6          |
| Tom Stelzer                   | P.32-2008<br>21            |
| Medicine Lodge Cattle Assoc.  | P.32-2053,<br>2055         |
| Medicine Lodge Grazing Assoc. | P.32-7097                  |
| Patrick McGarry               | p. 32-7098                 |
| TOTAL                         |                            |

MICROFILMED  
JAN 27 2000

| Total in 24 hour Sec. Feet | Total Cost \$ cts. | Adopted Budget \$ cts. | Credits \$ cts. | Debits \$ cts. |
|----------------------------|--------------------|------------------------|-----------------|----------------|
| 964                        | 330.02             | 442.89                 | 112.87          |                |
| 1632                       | 558.70             | 729.84                 | 171.14          |                |
| 499                        | 170.83             | 215.18                 | 44.35           |                |
| 462                        | 158.16             | 257.41                 | 99.25           |                |
| 1772                       | 606.63             | 916.41                 | 309.78          |                |
| 714                        | 244.43             | 520.39                 | 275.96          |                |
| 1071                       | 366.65             | 582.53                 | 215.88          |                |
| 2978                       | 1019.49            | 1443.92                | 424.43          |                |
| 876                        | 299.89             | 427.65                 | 127.76          |                |
| 587                        | 200.95             | 253.53                 | 52.58           |                |
| 3297                       | 1128.70            | 1567.91                | 439.21          |                |
| 1458                       | 499.13             | 566.73                 | 67.60           |                |
| 584                        | 199.93             | 252.85                 | 52.92           |                |
| 862                        | 295.10             | 300.19                 | 5.09            |                |
| 1659                       | 567.94             | 547.27                 |                 | 20.67          |
| 1312                       | 449.15             | 655.64                 | 206.49          |                |
| 489                        | 167.41             | 185.18                 | 17.77           |                |
| 718                        | 245.80             | 49.01                  |                 | 196.79         |
| 196                        | 67.10              | 63.38                  |                 | 3.72           |
| ---                        | ---                | 31.70                  | 31.70           |                |
| 273                        | 93.46              | 66.18                  |                 | 27.28          |
| 518                        | 177.33             | 65.21                  |                 | 112.12         |
| 22,921                     | 7,846.80           | 10,141.00              | 2,654.78        | 360.00         |

# Watermaster's Report

May 1 '84 to October 1984

|     | OWNER OR DITCH                | Total in<br>24-hour | Total<br>Cost |      | Adopted<br>Budget |      | Credits |      | Debits |      | Cost     |
|-----|-------------------------------|---------------------|---------------|------|-------------------|------|---------|------|--------|------|----------|
|     |                               | Sec. Feet           | \$            | cts. | \$                | cts. | \$      | cts. | \$     | cts. |          |
| 1.  | H. Leland Small               | 860                 | 274.          | 10   | 466.              | 95   | 192.    | 85   |        |      | Total No |
| 2.  | Norwest Bank                  | 1012                | 322.          | 54   | 794.              | 62   | 472.    | 08   |        |      | 184      |
| 3.  | Grant Ashcraft                | 660                 | 210.          | 35   | 215.              | 51   | 5.      | 16   |        |      | Total No |
| 4.  | Thomas L. Eden                | 343                 | 109.          | 32   | 262.              | 13   | 152.    | 81   |        |      | 5        |
| 5.  | Dean Shenton                  | 1233                | 392.          | 98   | 948.              | 76   | 555.    | 78   |        |      | Other ex |
| 6.  | Gerald Holmes                 | 333                 | 106.          | 13   | 479.              | 60   | 373.    | 47   |        |      |          |
| 7.  | Jack McGarry                  | 583                 | 185.          | 81   | 592.              | 09   | 406.    | 28   |        |      | Total No |
| 8.  | Webster Ranch                 | 1904                | 606.          | 84   | 1490.             | 26   | 883.    | 42   |        |      | Cost per |
| 9.  | Kenneth Rowland               | 465                 | 148.          | 20   | 451.              | 07   | 302.    | 87   |        |      |          |
| 10. | Hoggan Brothers               | 460                 | 146.          | 61   | 273.              | 05   | 126.    | 44   |        |      |          |
| 11. | Elman T. Woodfield            | 2678                | 853.          | 52   | 1594.             | 23   | 740.    | 71   |        |      |          |
| 12. | Hollis Shenton                | 1415                | 450.          | 98   | 614.              | 06   | 163.    | 08   |        |      |          |
| 13. | George Whittaker              | 601                 | 191.          | 55   | 263.              | 86   | 72.     | 31   |        |      |          |
| 14. | Ned Gneiting                  | 464                 | 147.          | 88   | 335.              | 07   | 187.    | 19   |        |      |          |
| 15. | Allyn May                     | 1721                | 548.          | 51   | 624.              | 29   | 75.     | 78   |        |      |          |
| 16. | Hoggan Brothers               | 1483                | 472.          | 66   | 641.              | 82   | 169.    | 16   |        |      |          |
| 17. | Dean Shenton                  | 386                 | 123.          | 02   | 194.              | 43   | 71.     | 41   |        |      |          |
| 18. | Jim Tarpley                   | 462                 | 147.          | 25   | 95.               | 70   |         |      | 51.    | 55   |          |
| 19. | Tom Stelzer                   | 342                 | 109.          | 00   | 67.               | 28   |         |      | 41.    | 72   |          |
| 20. | Medicine Lodge Cattle Assoc.  | ---                 |               |      | 30.               | 79   | 30.     | 79   |        |      |          |
| 21. | Medicine Lodge Grazing Assoc. | 442                 | 140.          | 87   | 91.               | 12   |         |      | 49.    | 75   |          |
| 22. | Patrick McGarry               | 586                 | 186.          | 77   | 114.              | 31   |         |      | 72.    | 46   |          |
| 23. |                               |                     |               |      |                   |      |         |      |        |      |          |
| 24. |                               | 18,433              | 5,874.        | 89   | 10,641.           | 00   | 4,981.  | 59   | 215.   | 48   |          |
| 25. |                               |                     |               |      |                   |      |         |      |        |      |          |
| 26. |                               |                     |               |      |                   |      |         |      |        |      |          |
| 27. |                               |                     |               |      |                   |      |         |      |        |      |          |
| 28. |                               |                     |               |      |                   |      |         |      |        |      |          |
| 29. |                               |                     |               |      |                   |      |         |      |        |      |          |

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## 1993 Water District 32-C Watermasters Report

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|                   |            |                     |
|-------------------|------------|---------------------|
| Water Dist.: 32-C | Year: 1995 | Monthly Flow Totals |
|-------------------|------------|---------------------|

| Water User               | Monthly Totals of 24-hour Second Feet for Irrigation Season |         |         |         |         |           |         | Total<br>24-hour<br>Sec. Ft. |
|--------------------------|-------------------------------------------------------------|---------|---------|---------|---------|-----------|---------|------------------------------|
|                          | April                                                       | May     | June    | July    | August  | September | October |                              |
| Lee Small                | 0.00                                                        | 29.00   | 54.00   | 58.00   | 99.00   | 96.00     | 86.00   | 422.00                       |
| Kyle, Tod, John          | 0.00                                                        | 31.00   | 30.00   | 31.00   | 31.00   | 30.00     | 31.00   | 184.00                       |
| Middle Creek Ranch       | 0.00                                                        | 22.00   | 38.00   | 46.00   | 95.00   | 54.00     | 33.00   | 288.00                       |
| Grant Ashcraft           | 0.00                                                        | 0.00    | 111.00  | 149.00  | 149.00  | 145.00    | 92.00   | 646.00                       |
| Thomas Edan              | 0.00                                                        | 42.00   | 75.00   | 78.00   | 78.00   | 75.00     | 78.00   | 426.00                       |
| Dean Shenton             | 0.00                                                        | 104.00  | 126.00  | 252.00  | 252.00  | 108.00    | 90.00   | 932.00                       |
| Gerald Holmes            | 0.00                                                        | 0.00    | 0.00    | 0.00    | 0.00    | 0.00      | 0.00    | 0.00                         |
| Jack McGarry             | 0.00                                                        | 62.00   | 60.00   | 38.00   | 62.00   | 60.00     | 62.00   | 344.00                       |
| Jack McGarry             | 0.00                                                        | 104.00  | 101.00  | 64.00   | 104.00  | 101.00    | 104.00  | 578.00                       |
| Jack Webster             | 0.00                                                        | 155.00  | 227.00  | 187.00  | 218.00  | 210.00    | 27.00   | 1024.00                      |
| Jack Webster             | 0.00                                                        | 173.00  | 388.00  | 224.00  | 404.00  | 284.00    | 257.00  | 1730.00                      |
| Ken Rowland              | 0.00                                                        | 86.00   | 105.00  | 70.00   | 48.00   | 45.00     | 47.00   | 401.00                       |
| Hogigan Brothers         | 0.00                                                        | 0.00    | 0.00    | 0.00    | 37.00   | 101.00    | 104.00  | 242.00                       |
| Elman Woodfield          | 0.00                                                        | 617.00  | 925.00  | 851.00  | 956.00  | 661.00    | 550.00  | 4560.00                      |
| Thomas Eden              | 0.00                                                        | 356.00  | 463.00  | 439.00  | 455.00  | 354.00    | 233.00  | 2300.00                      |
| Dusty & Susie Shifflett  | 0.00                                                        | 0.00    | 79.00   | 63.00   | 93.00   | 237.00    | 103.00  | 575.00                       |
| George Whittaker         | 0.00                                                        | 27.00   | 60.00   | 64.00   | 31.00   | 30.00     | 24.00   | 236.00                       |
| Ned Gnetting             | 0.00                                                        | 39.00   | 120.00  | 84.00   | 62.00   | 60.00     | 26.00   | 391.00                       |
| G & L Cattle Co          | 0.00                                                        | 126.00  | 288.00  | 301.00  | 206.00  | 96.00     | 72.00   | 1089.00                      |
| Hogigan Brothers         | 0.00                                                        | 94.00   | 230.00  | 206.00  | 62.00   | 75.00     | 51.00   | 718.00                       |
| Dean Shenton             | 0.00                                                        | 0.00    | 48.00   | 42.00   | 54.00   | 18.00     | 0.00    | 162.00                       |
| Lee Small                | 0.00                                                        | 6.00    | 20.00   | 0.00    | 40.00   | 39.00     | 7.00    | 112.00                       |
| G & L Cattle Co          | 0.00                                                        | 93.00   | 210.00  | 217.00  | 105.00  | 206.00    | 179.00  | 1010.00                      |
| Tom Steizer              | 0.00                                                        | 0.00    | 0.00    | 0.00    | 0.00    | 0.00      | 0.00    | 0.00                         |
| Medicine Lodge Cattle    | 0.00                                                        | 0.00    | 0.00    | 0.00    | 0.00    | 0.00      | 0.00    | 0.00                         |
| Medicine Lodge Grazing   | 0.00                                                        | 63.00   | 72.00   | 32.00   | 31.00   | 30.00     | 26.00   | 254.00                       |
| Patrick McGarry          | 0.00                                                        | 69.00   | 72.00   | 32.00   | 31.00   | 30.00     | 26.00   | 260.00                       |
| 24-hour Sec. Ft. Totals: | 0.00                                                        | 2298.00 | 3902.00 | 3528.00 | 3703.00 | 3145.00   | 2308.00 | 18884.00                     |

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list: 32-C Year: 1997 Watermaster

| Water User               | Monthly Totals of 24-hour Second Feet for Irrigation Season |         |         |         |         |           |         | Total<br>24-hour<br>Sec. Ft. |
|--------------------------|-------------------------------------------------------------|---------|---------|---------|---------|-----------|---------|------------------------------|
|                          | April                                                       | May     | June    | July    | August  | September | October |                              |
| Lee Small                | 0.00                                                        | 82.00   | 96.00   | 99.00   | 99.00   | 96.00     | 82.00   | 554.00                       |
| Kyle, Tod, John          | 0.00                                                        | 31.00   | 30.00   | 31.00   | 31.00   | 30.00     | 31.00   | 184.00                       |
| Middle Creek Ranch       | 0.00                                                        | 100.00  | 97.00   | 100.00  | 100.00  | 97.00     | 93.00   | 587.00                       |
| Grant Ashcraft           | 0.00                                                        | 149.00  | 145.00  | 149.00  | 132.00  | 110.00    | 70.00   | 755.00                       |
| Thomas Edan              | 0.00                                                        | 78.00   | 75.00   | 78.00   | 68.00   | 39.00     | 39.00   | 377.00                       |
| Dean Shenton             | 0.00                                                        | 18.00   | 135.00  | 213.00  | 134.00  | 255.00    | 279.00  | 1034.00                      |
| Gerald Holmes            | 0.00                                                        | 0.00    | 0.00    | 0.00    | 0.00    | 0.00      | 0.00    | 0.00                         |
| Bryon Egan               | 0.00                                                        | 34.00   | 73.00   | 102.00  | 96.00   | 69.00     | 14.00   | 388.00                       |
| Jack McGarry             | 0.00                                                        | 44.00   | 60.00   | 62.00   | 62.00   | 60.00     | 62.00   | 350.00                       |
| Jack McGarry             | 0.00                                                        | 79.00   | 101.00  | 104.00  | 104.00  | 101.00    | 30.00   | 519.00                       |
| Jack Webster             | 0.00                                                        | 221.00  | 320.00  | 244.00  | 143.00  | 139.00    | 31.00   | 1098.00                      |
| Jack Webster             | 0.00                                                        | 289.00  | 284.00  | 294.00  | 294.00  | 284.00    | 230.00  | 1675.00                      |
| Ken Rowland              | 0.00                                                        | 91.00   | 105.00  | 109.00  | 96.00   | 68.00     | 0.00    | 469.00                       |
| Hoggan Brothers          | 0.00                                                        | 104.00  | 101.00  | 104.00  | 104.00  | 101.00    | 0.00    | 514.00                       |
| Elman Woodfield          | 0.00                                                        | 690.00  | 861.00  | 405.00  | 283.00  | 274.00    | 283.00  | 2796.00                      |
| Thomas Eden              | 0.00                                                        | 257.00  | 261.00  | 110.00  | 110.00  | 106.00    | 110.00  | 954.00                       |
| Dusty & Susie Shifflett  | 0.00                                                        | 159.00  | 206.00  | 186.00  | 169.00  | 53.00     | 0.00    | 773.00                       |
| George Whitaker          | 0.00                                                        | 62.00   | 60.00   | 62.00   | 38.00   | 0.00      | 11.00   | 233.00                       |
| Ned Gneiting             | 0.00                                                        | 93.00   | 90.00   | 30.00   | 0.00    | 0.00      | 48.00   | 261.00                       |
| G & L Cattle Co          | 0.00                                                        | 137.00  | 250.00  | 107.00  | 31.00   | 0.00      | 51.00   | 576.00                       |
| Hoggan Brothers          | 0.00                                                        | 310.00  | 300.00  | 150.00  | 0.00    | 0.00      | 0.00    | 760.00                       |
| Dean Shenton             | 0.00                                                        | 10.00   | 32.00   | 51.00   | 0.00    | 0.00      | 50.00   | 143.00                       |
| Lee Small                | 0.00                                                        | 20.00   | 39.00   | 26.00   | 0.00    | 0.00      | 0.00    | 85.00                        |
| G & L Cattle Co          | 0.00                                                        | 117.00  | 138.00  | 45.00   | 27.00   | 0.00      | 0.00    | 327.00                       |
| Tom Stelzer              | 0.00                                                        | 0.00    | 36.00   | 0.00    | 0.00    | 0.00      | 0.00    | 36.00                        |
| Medicine Lodge Cattle    | 0.00                                                        | 26.00   | 97.00   | 40.00   | 0.00    | 0.00      | 0.00    | 163.00                       |
| Medicine Lodge Grazing   | 0.00                                                        | 31.00   | 17.00   | 0.00    | 0.00    | 0.00      | 0.00    | 48.00                        |
| Patrick McGarry          | 0.00                                                        | 20.00   | 17.00   | 0.00    | 0.00    | 0.00      | 0.00    | 37.00                        |
| 24-hour Sec. Ft. Totals: | 0.00                                                        | 3252.00 | 4026.00 | 2901.00 | 2121.00 | 1882.00   | 1514.00 | 15696.00                     |

| Water User              | Total<br>24-hour<br>Sec. Feet | Total<br>Cost | Adopted<br>Budget |
|-------------------------|-------------------------------|---------------|-------------------|
| Lee Small               | 554.00                        | \$483.28      | \$763.28          |
| Kyle, Tod, John         | 184.00                        | \$160.51      | \$154.73          |
| Middle Creek Ranch      | 587.00                        | \$512.06      | \$880.55          |
| Grant Ashcraft          | 755.00                        | \$658.62      | \$651.43          |
| Thomas Edan             | 377.00                        | \$328.67      | \$316.33          |
| Dean Shenton            | 1034.00                       | \$902.00      | \$1,051.27        |
| Gerald Holmes           | 0.00                          | \$0.00        | \$440.85          |
| Bryon Egan              | 388.00                        | \$338.47      | \$0.00            |
| Jack McGarry            | 350.00                        | \$305.32      | \$0.00            |
| Jack McGarry            | 519.00                        | \$452.74      | \$1,041.37        |
| Jack Webster            | 1098.00                       | \$957.83      | \$2,934.70        |
| Jack Webster            | 1675.00                       | \$1,461.17    | \$0.00            |
| Ken Rowland             | 469.00                        | \$409.13      | \$604.46          |
| Hoggan Brothers         | 514.00                        | \$448.38      | \$435.07          |
| Elman Woodfield         | 2796.00                       | \$2,439.06    | \$2,851.33        |
| Thomas Eden             | 954.00                        | \$832.21      | \$1,073.50        |
| Dusty & Susie Shifflett | 773.00                        | \$674.32      | \$453.88          |
| George Whitaker         | 233.00                        | \$203.25      | \$125.71          |
| Ned Gneiting            | 261.00                        | \$227.68      | \$204.88          |
| G & L Cattle Co         | 576.00                        | \$502.47      | \$418.19          |
| Hoggan Brothers         | 760.00                        | \$662.98      | \$325.09          |
| Dean Shenton            | 143.00                        | \$124.74      | \$103.56          |
| Lee Small               | 85.00                         | \$74.15       | \$38.16           |
| G & L Cattle Co         | 327.00                        | \$285.25      | \$341.37          |
| Tom Stelzer             | 36.00                         | \$31.40       | \$60.40           |
| Medicine Lodge Cattle   | 163.00                        | \$142.19      | \$69.93           |
| Medicine Lodge Grazing  | 48.00                         | \$41.87       | \$79.57           |
| Patrick McGarry         | 37.00                         | \$32.28       | \$80.39           |
| Totals:                 | 15696.00                      | \$13,692.22   | \$15,500.00       |





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

COPY

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

December 27, 1999

Patrick T. McGarry  
HC 61  
P.O. Box 1080  
Dubois, ID 83423

RE: LAPSED PERMIT NO. 32-07098

Dear Mr. McGarry:

I have reviewed the proof of beneficial use and supporting information which you submitted to the department seeking to have the above referenced lapsed permit reinstate. The purpose of this letter is to seek additional information from you.

Department files show that the permit was issued on July 25, 1978 and that the permit lapsed and became of no force nor effect on August 16, 1987. Section 42-218a, Idaho Code, however, provides for reinstatement of a permit providing that the permit holder can show a) that beneficial use occurred within the authorized development period and b) reasonable cause why the proof was filed late. Upon such a showing by a permit holder, the department is authorized to reinstate a permit with the priority advanced to the date that proof of beneficial use was received.

In the case of lapsed permit no. 32-07098, the authorized development period was from July 25, 1978 when the permit was approved through October 1, 1983 when proof was due. You need to provide evidence to show that water was diverted and used in this period and to show cause why the proof was submitted late.

With respect to the supporting documents which you submitted to the department on December 23, 1999 with the proof form, records of water district 32-C show that in 1999, you were delivered 144 - 24 hour second feet (288 acre feet) of water. The records, however, does not associate this delivery of water with any particular water right or the lapsed permit. The watermaster hopefully can provide you with the needed documentation. The statements of both Gregory A. Shenton and Dean Shenton say that you have been delivered "licensed" water every year it has been available. Since lapsed permit no. 32-07098 is not a license, documentation is needed to show which right or rights Gregory Shenton and Dean Shenton are referring to.

JAN 27 2000

Please sent additional information to my attention in order that the department I can further consider your request for reinstatement of the lapsed permit. If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, P.E.  
Chief, Water Allocation Bureau

c: E. Region - Harold Jones

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JAN 27 2000

PATRICK T. McGARRY  
HC 61 BOX 1080  
DUBOIS, IDAHO 83423  
(208) 374-5470

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

11-30-99

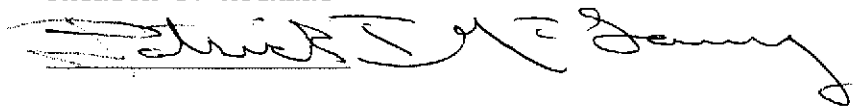
THIS LETTER IS IN RESPONSE TO MY REQUEST TO REINSTATE MY PERMIT NO. 65-13305, ALSO KNOWN AS LAPSED PERMIT NO. 32-07098.

I ASK THAT YOU PLEASE REINSTATE THIS PERMIT WITH THE PRIORITY DATE OF 07-25-78 WHICH WAS THE DATE THIS PROCESS WAS STARTED. WATER DELIVERIES OF THIS PERMIT HAVE BEEN MADE WHEN WATER WAS AVAILABLE EVER SINCE THIS PERMIT WAS APPROVED TILL THIS DATE, AND IS ON RECORD WITH YOUR DEPARTMENT AS PER THE WATERMASTERS REPORT. ALSO THE WATER ASSESSMENTS HAVE BEEN PAID IN FULL EVERY YEAR ON THIS WATER RIGHT SINCE THE DATE OF APPROVAL. ALSO ALL IRRIGATION WORKS ARE IN PLACE AND ARE IN GOOD WORKING CONDITION.

I APOLOGIZE FOR ANY INCONVIENCE I HAVE CAUSED YOUR DEPARTMENT, I FEEL THAT THIS PRIORITY DATE IS OF GREAT BENEFIT TO MY BUSINESS, AND WOULD BE OF GREAT DETRIMENT IF LOST.

I HAVE ENCLOSED THE PROPER FEE'S, AND THANK YOU FOR LOOKING INTO THIS MATTER. IF YOU HAVE ANY FURTHER QUESTIONS PLEASE FEEL FREE TO CALL ME AT ANY TIME ON THIS MATTER.

THANK YOU  
PATRICK T. McGARRY



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JAN 27 2006

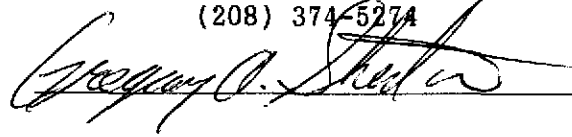
| Water Dist.: 32-C        |                                                             | Year: 1999 |         | Monthly Flow Totals |         |           |         |          |  |  |                              |
|--------------------------|-------------------------------------------------------------|------------|---------|---------------------|---------|-----------|---------|----------|--|--|------------------------------|
| Water User               | Monthly Totals of 24-hour Second Feet for Irrigation Season |            |         |                     |         |           |         |          |  |  | Total<br>24-hour<br>Sec. Ft. |
|                          | April                                                       | May        | June    | July                | August  | September | October |          |  |  |                              |
| Lee Small                | 0.00                                                        | 99.20      | 96.00   | 99.20               | 99.20   | 96.00     | 99.20   | 588.80   |  |  |                              |
| Kyle, Tod, John          | 0.00                                                        | 31.00      | 30.00   | 31.00               | 31.00   | 30.00     | 31.00   | 184.00   |  |  |                              |
| Middle Creek Ranch       | 0.00                                                        | 29.16      | 97.20   | 100.44              | 100.44  | 97.20     | 51.84   | 476.28   |  |  |                              |
| Grant Ashcraft           | 0.00                                                        | 28.92      | 144.60  | 149.42              | 149.42  | 144.60    | 72.30   | 689.26   |  |  |                              |
| Thomas Eden              | 0.00                                                        | 77.50      | 75.00   | 77.50               | 77.50   | 75.00     | 77.50   | 460.00   |  |  |                              |
| Dean Shenton             | 0.00                                                        | 79.00      | 180.00  | 180.00              | 279.00  | 270.00    | 279.00  | 1267.00  |  |  |                              |
| Gerald Holmes            | 0.00                                                        | 103.00     | 66.00   | 0.00                | 0.00    | 0.00      | 0.00    | 169.00   |  |  |                              |
| Brian Egan               | 0.00                                                        | 9.00       | 60.00   | 99.41               | 92.12   | 52.64     | 53.90   | 367.07   |  |  |                              |
| Jack McGarry             | 0.00                                                        | 54.00      | 34.00   | 62.00               | 62.00   | 60.00     | 62.00   | 334.00   |  |  |                              |
| Jack McGarry             | 0.00                                                        | 23.52      | 84.28   | 104.16              | 104.16  | 100.80    | 104.16  | 521.08   |  |  |                              |
| Jack Webster             | 0.00                                                        | 89.68      | 238.20  | 246.14              | 246.14  | 154.20    | 159.34  | 1133.70  |  |  |                              |
| Jack Webster             | 0.00                                                        | 166.72     | 528.60  | 546.22              | 483.34  | 284.40    | 293.88  | 2303.16  |  |  |                              |
| Brian Egan               | 0.00                                                        | 18.50      | 105.00  | 108.50              | 99.68   | 63.84     | 21.50   | 417.02   |  |  |                              |
| Hoggan Brothers Max      | 0.00                                                        | 55.32      | 100.80  | 104.16              | 60.48   | 0.00      | 0.00    | 320.76   |  |  |                              |
| Elman Woodfield          | 0.00                                                        | 608.64     | 924.90  | 955.73              | 790.73  | 514.02    | 647.73  | 4441.75  |  |  |                              |
| Thomas Eden              | 0.00                                                        | 506.54     | 490.20  | 493.74              | 109.74  | 106.20    | 109.74  | 1816.16  |  |  |                              |
| Medicine Lodge Ranches D | 0.00                                                        | 0.00       | 0.00    | 0.00                | 0.00    | 0.00      | 0.00    | 0.00     |  |  |                              |
| Don & Sandy Key          | 0.00                                                        | 0.00       | 0.00    | 4.05                | 8.37    | 8.10      | 0.00    | 20.52    |  |  |                              |
| George Whittaker         | 0.00                                                        | 0.00       | 60.00   | 62.00               | 62.00   | 46.50     | 48.05   | 278.55   |  |  |                              |
| Medicine Lodge Ranches G | 0.00                                                        | 0.00       | 120.00  | 124.00              | 124.00  | 120.00    | 124.00  | 612.00   |  |  |                              |
| Medicine Lodge Ranches M | 0.00                                                        | 0.00       | 410.40  | 418.72              | 257.92  | 249.60    | 257.92  | 1594.56  |  |  |                              |
| Hoggan Brothers          | 0.00                                                        | 0.00       | 480.00  | 185.60              | 372.00  | 360.00    | 372.00  | 1769.60  |  |  |                              |
| Dean Shenton             | 0.00                                                        | 0.00       | 0.00    | 64.00               | 99.20   | 96.00     | 99.20   | 358.40   |  |  |                              |
| Lee Small                | 0.00                                                        | 40.30      | 99.00   | 102.30              | 102.30  | 99.00     | 102.30  | 545.20   |  |  |                              |
| Medicine Lodge Ranches T | 0.00                                                        | 0.00       | 138.00  | 142.60              | 99.20   | 96.00     | 99.20   | 575.00   |  |  |                              |
| Medicine Lodge Ranches W | 0.00                                                        | 0.00       | 71.10   | 66.96               | 77.85   | 52.50     | 54.25   | 322.66   |  |  |                              |
| Dusty & Susie Shifflett  | 0.00                                                        | 44.07      | 69.60   | 20.86               | 64.17   | 0.00      | 0.00    | 198.70   |  |  |                              |
| Tom Stelzer              | 0.00                                                        | 0.00       | 84.00   | 86.80               | 0.00    | 0.00      | 0.00    | 170.80   |  |  |                              |
| Medicine Lodge Cattle    | 0.00                                                        | 0.00       | 138.00  | 68.20               | 53.80   | 30.00     | 31.00   | 321.00   |  |  |                              |
| Medicine Lodge Grazing   | 0.00                                                        | 139.20     | 30.00   | 30.00               | 0.00    | 0.00      | 0.00    | 199.20   |  |  |                              |
| Patrick McGarry          | 0.00                                                        | 0.00       | 0.00    | 144.00              | 0.00    | 0.00      | 0.00    | 144.00   |  |  |                              |
| 24-hour Sec. Ft. Totals: | 0.00                                                        | 2203.27    | 4954.88 | 4877.71             | 4105.76 | 3206.60   | 3251.01 | 22599.23 |  |  |                              |

TO WHOM IT MAY CONCERN

12-02-99

I AM THE WATERMASTER ON MEDICINE LODGE CREEK, McGARRY'S HAVE CALLED FOR AND I HAVE DELIVERED THEIR LICENSED WATER, EVERY YEAR THAT IT HAS BEEN AVAILABLE, AND IS SHOWN ON WATER DISTRICT RECORDS. HE HAS ALSO PAID THE WATER ASSESSMENT ON THIS WATER RIGHT IN FULL EVERY YEAR THERE WAS AN ASSESSMENT.

GREGORY A. SHENTON  
WATERMASTER 32-C  
P.O. BOX 33  
DUBOIS, IDAHO 83423  
(208) 374-5274

A handwritten signature in cursive script, appearing to read "Gregory A. Shenton", written over a horizontal line.

MICROFILMED  
JAN 27 2000

TO WHOM IT MAY CONCERN

I AM A WATER USER ON MEDICINE LODGE CREEK, AND I NEIGHBOR THE McGARRY PROPERTY. I HAVE WITNESSED PAT McGARRY IRRIGATING WITH HIS LICENSED WATER RIGHT NOW FOR MANY YEARS, INCLUDING THIS YEAR.

*James J. McEntee*  
Ha 61  
BEX 1110 Dubois, Idaho  
DATED THIS DATE 12-20--99

MICROFILMED  
JAN 27 2000

TO WHOM IT MAY CONCERN

I AM A WATER USER ON MEDICINE LODGE CREEK, AND I NEIGHBOR THE McGARRY PROPERTY. I HAVE WITNESSED PAT McGARRY IRRIGATING WITH HIS LICENSED WATER RIGHT NOW FOR MANY YEARS, INCLUDING THIS YEAR.

Bill Homan  
Dubuque Iowa Box 123

DATED THIS DATE 12/17/99

MICROFILMED  
JAN 27 2000

# NOTICE

This file has been REPRODUCED  
from MICROFICHE

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Carla A. Block  
Person Recreating File

Jan. 27, 2000  
Date

I certify that file No. 32-7098 has been  
reviewed and is ready to be MICROFILMED  
and DESTROYED.

Kay Walker  
Signature

10-21-88  
Date



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

32-7098  
MC GARRY, PATRICK T.  
STAR RT.  
DUBOIS, ID 83423

June 16, 1987

Dear Permit Holder:

**LAPSE NOTICE**  
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on August 16, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on June 16, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before October 15, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

A handwritten signature in dark ink, reading "L. Glen Saxton", is written over the typed name.

L. GLEN SAXTON, Chief  
Operations Bureau

Enclosure



John V. Evans  
Governor

A. Kenneth Dunn

Di 32-7098  
MC GARRY, PATRICK T.  
STAR PT.  
DUHOIS, ID 83423

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

150 Shoup — Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

June 16, 1986

138773

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Eastern Region  
Idaho Dept. of Water Resources  
150 Shoup Avenue  
Suite 15  
Idaho Falls, ID 83401  
Phone: 525-7161

Sincerely,

*Ron D. Carlson*  
RONALD D. CARLSON  
Regional Manager

Enclosure



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

150 Shoup, Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

January 18, 1984

Patrick T. McGarry  
Star Route  
Dubois, ID 83423

RE: Permit No. 32-7093

Dear Mr. McGarry:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

       A field examination of your system has been scheduled for                     .

If this time and date is not convenient for you, please contact this office as soon as possible.

  X   A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

KEITH C. WILSON  
Sr. Resource Agent

KCW:cw

Enclosure: Reinstatement Order

Patric J. McGarry  
Star Route  
Dubois, ID 83423



IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this as a statement that the permit holder(s) has completed development to the extent shown below on Permit No. 32-7098

Name(s) of Permit Holder: Patrick T. McGarry

Post Office Address: Star Route, Dubois, ID 83423

Tel. No. 374-5470

Source of Water: Medicine Lodge Creek  
Extent of Use: ☐ Domestic (number of households)  
☒ Stockwater 300 (number and type of stock)  
☒ Irrigation 240 (acres)  
☐ Other

Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No  
Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Oct 20 1983  
Date

Patrick T. McGarry  
Signature of Permit Holder

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 32-7028

DATE: Nov 23, 1983

Date proof received

276

Oct 3

Proof due

274

Oct 1

Number of day proof late

2

Priority date

276

July 25, 1978

New priority date

208

July 27, 1978

Remarks:

October 18, 1983

Patrick T. McGarry  
Star Route  
Duhels, ID 83423

Dear Mr. McGarry:

Re: Permit No. 32-7098

Enclosed is a partially completed statement of beneficial use postcard. Please be advised that more information is needed than you supplied on the postcard submitted on October 3, 1983.

Please fill in the source of the water, the amount of acres being irrigated, your telephone number and sign the postcard. Return the it to this office before November 15 to keep the permit from further lapsing and advancing in priority.

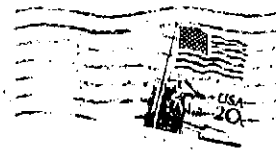
If you have any questions concerning your permit, please feel free to contact this office.

Sincerely,

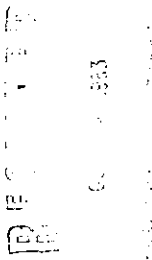
RITA I. FLECK  
Secretary/Records Manager

Enclosure

Patrick T. V. O'Brien  
2144 Route  
Dubois, Idaho 83423



IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720



DEPARTMENT OF WATER RESOURCES 32-7078

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below permit No.

Name(s) of Permit Holder:

Post Office Address:

Tel. No.

Source of Water:

Extent of Use:

- ☐ Domestic  
☒ Stockwater  
☒ Irrigation  
☐ Other

(number of households)  
(number and type of stock)  
(acres)

Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No  
Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Date

Signature of Permit Holder

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440

MC GARRY, PATRICK T.  
STAR HT.  
BURCIS, ID 83423

LAPSE NOTICE

OCTOBER 05, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 32-7098 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF OF NOTICE TO YOU DATED JULY 31, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 10-12-1983  
a copy (an original in this instance) was  
deposited in the U. S. Mails and,  
postage prepaid, sent to the  
individual named above.

*Rita Flick*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
CERTIFIED MAIL

MC GARRY, PATRICK T.  
STAR PT.  
DUBOIS, ID 83423

138806

PROOF DUE NOTICE

JULY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 32-7098 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK  
SECRETARY/RECORDS MANAGER

ENCLOSURES



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

October 2, 1978

Re: Permit No. 32-7098

Patrick T. McGarry  
Star Route  
Dubois, Idaho 83423

Dear Mr. McGarry:

Your approved copy of Application for Permit is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power. While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right. If you have any questions, please let us know.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:kw  
Enclosure

32-7098

## STAFF REVIEW - STATE OFFICE

1. ☒ Name vs. Signature
2. S.W. Source
3. ☒ Point of Diversion
4. ☒ Amnt. & Period of Use
5. ☒ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. N/A Place of Use for other than irrig.
8. ☒ Place of Use for irrigation (add acres)
9. ☒ Property Owner at Pt. of Div. & <sup>other</sup> Pl. of Use
10. ok Map
11. 75.00 Fee & Rec't. No. ☒
12. ok Current Ad

## Copies Sent To:

/ Idaho Health Department  
N Idaho Fish & Game Dept.  
A Bureau of Land Management

P/A U.S.F.S.  
N Dept. of Lands  
7/27/78 Other WATER MASTER  
92C  
No response in file

Dam Safety Information N/A (Goes to Permit Section)

## Check:

Critical G.W. Area yes ☒ no

Other rights on same land None plotted

N/A Withdrawals of all protests received yes no

## Conditions:

ID Power Co. Letter - Snake R. No  
 ID Power Co. Letter - G.W. & Tribs. Yes  
 Snake River Condition No  
 Payette River Letter No  
 Priority Date 7-25-78

Meas. Dev. or Sc. Meas. No  
 Totalizing meter No  
 Supplemental No  
 Right-of-Way Cond. Yes  
 Watermaster Cond. Yes  
 Wtr. Dist No. 32C

Water Quality #16 /  
 Water Quality #10 N/A  
 Intrastate interstate

Meas. Dev. Cond. for apps within  
 a Water Dist. Yes

Glin  
 Reviewer

9/20/78  
 Date

RECOMMENDED

CONDITIONS OF APPROVAL

1. For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.
2. A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.  
(TO BE USED WITH THE WATERMASTER CONDITION ONLY)
3. Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
6. Use of water under this permit is subject to control by the watermaster of State Water District No. 32 C, Medicine Lodge Creek ~~River~~.
7. The maximum rate of diversion shall not exceed \_\_\_\_\_ cubic feet per second.
8. The permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources.
9. This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
10. Return water shall be treated to ensure that the effluent meets (interstate) (intrastate) stream water quality standards.
11. Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of \_\_\_\_\_ Creek will not be impaired for other beneficial users.
12. Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
13. The proposed well shall not be drilled within \_\_\_\_\_ feet of another well.
14. The permit holder must obtain adequate supplemental water for the irrigation season that natural flow is not available.
15. Water shall not be diverted under this permit unless the flow of the Snake River at the U. S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceed 4,750 c.f.s.
16. That should the use of the water on this permit reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, then the diversion under this permit must cease.
17. There is not sufficient water available in the \_\_\_\_\_ River and tributaries that is not appropriated by prior water rights.
18. OTHER \_\_\_\_\_

C  
O  
P  
Y

August 21, 1978

RE: Application No. 32-7098 - Patrick T. McGarry

Standard Journal  
Box 10  
Rexburg, Idaho 83440

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper August 3 and August 10, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donna Henriques  
Secretary

July 27, 1978

Standard Journal  
Box 10  
Rexburg, Idaho 83440

Re: APPLICATION FOR PERMIT

32-7098

McGARRY

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Bill submitted 9.12.78 by dh

RDC:bp

Enclosure: Legal Notice (1)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Patrick T. McGarry, Dubois, Idaho

has on 7-25-78 submitted Application No. 32-7098  
for a permit to appropriate 4.80 cubic feet per second XXXXXXXXXXXXXXXXXXXX  
of water from Medicine Lodge Creek tributary to sinks  
by means of headgate and ditch  
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 25, T. 11N, R. 34E, B.M., Clark County;

to be used from April 1 to Nov. 1  
for irrigation of 240 acres

within the NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 32, T. 11N, R. 35E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 21, 1978.

C. STEPHEN ALLRED

Director

Standard Journal, Rexburg, Idaho

Published in the Aug. 3 and Aug. 10, 1978  
on Aug. 3 and Aug. 10, 1978

July 27, 1978

RE: Application for Permit No. 32-7098 McGarry

Mr. Don Shenton, Watermaster

Dubois, ID 83423

Dear Mr. Shenton:

We are enclosing a copy of an application that may be of interest to your District. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is August 21, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:bp

Enclosure

DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

Application No. M<sup>c</sup>Henry

Source Sumner  
☒ Point of Diversion  
☒ County  
☒ Quantity of Water and Period of Use  
☒ Description of Diverting Works  
☒ Time required for B/U of water  
☒ Place of Use or Acres Irrigated  
☒ Map  
☒ Signature  
☒ Fee

(1) EMC 9/27/78

In form to receipt YES.

(2) " "

Send Copies to:

☐ Idaho State Health Department  
☐ Idaho Fish and Game Department  
☐ Bureau of Land Management

(3) " "

☒ Mr. Shook W.M.  
☐ Request Special Use Permit from U.S.F.S.  
☐ Request Easement from B.L.M.  
☐ Request Information from Applicant

(4) " "

In form for advertising YES.

(5) " "

Platted on Map No. V-39 Small.

(6) " "

Located within Water District No. 32-C

(7) N.A. "

Critical groundwater area: yes no

(8) N.A. "

Groundwater levels:

Declining, Stable, Increasing

(comment) \_\_\_\_\_

(9) " "

Other rights on the same place of use None listed.

(10) \_\_\_\_\_

Comments: \_\_\_\_\_

(11) dh 9.12.78

Affidavit of Publication received (date) 9/12/78

(12) dh 9.12.78

Final date for protests August 21, 1978

Protests received: yes no

(13) EMC 9/14/78

All requested information received from agencies or applicant: yes no

(14) EMC 9/14/78

Action recommended:

☒ Approve Deny

9/25/78 Proposed Priority

Reason for Reduction \_\_\_\_\_

Measuring device required \_\_\_\_\_

See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Eastern

By Ernest Carlson Date 9/14/78

The REXBURG STANDARD and  
The REXBURG JOURNAL  
REXBURG, IDAHO

**Affidavit of Publication**

STATE OF IDAHO }  
County of Madison } ss.

I, **Bruce Porter**  
being first duly sworn, depose and say,  
that I am the printer of THE REXBURG

**Journal**, a newspaper printed and  
published weekly at Rexburg, Madison  
County, Idaho; and I do solemnly swear  
that the **Water Permit No.**  
**32-7098**

a copy of which notice appears attached  
hereto, was published in the regular and  
entire issue of said newspaper, and not in

any supplement issue thereof for **two**  
consecutive issues, the first publication hav-

ing been made on **August 3, 1978**  
and the last publication having been made

on **August 10, 1978**.  
Further, that said newspaper is one of  
general circulation in said county; that it  
is a legal newspaper, conforming to legal  
specifications under the Idaho Statutes; that  
it has at least two hundred bona fide sub-  
scribers living within the county of publica-  
tion; and that it has been continuously and  
uninterruptedly published in said county dur-  
a period of seventy-eight consecutive weeks  
prior to the first publication of the said not-  
ice.

*[Signature]*

Subscribed to and sworn to before me

this **August 11, 1978**

(SEAL)

*[Signature]*  
Notary Public.

My commission expires **life**

**NOTICE OF APPLICATION  
FOR WATER PERMIT**

Notice is hereby given that Patrick T. McGarry, Dubois, Idaho has on 7-25-78 submitted Application No. 32-7098 for a permit to appropriate 4.80 cubic feet per second of water from Medicine Lodge Creek tributary to elinks by means of headgate and ditch within the NE 1/4 Sec. 25, T. 11N, R. 31E, S. 1W, Clark County; to be used from April 1 to Nov. 1 for irrigation of 240 acres within the NW 1/4 WY 1/2 Sec. 32, T. 11N, R. 31E, S. 1W.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1815 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 21, 1978.

**C. STEPHEN ALLRED**

Director

Published in the Standard Journal, Rexburg, Idaho on Aug. 3 and Aug. 10, 1978.

SEP 12 1978

Dep. ...  
Eastern ... Office