

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 86-11924

Priority: January 3, 2003

Maximum Diversion Rate: 0.20 CFS

This is to certify, that JOHN W MC FARLAND
PO BOX 254
KENDRICK ID 83537

has applied for a permit to appropriate water from:

Source: SPRING SPRINGS GROUND WATER	Tributary: SINKS SINKS
--	----------------------------------

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.04 CFS	
DOMESTIC	01/01 to 12/31	0.04 CFS	
IRRIGATION	03/15 to 11/15	0.20 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.06 CFS	
STOCKWATER STORAGE	01/01 to 12/31		3.0 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		3.0 AF
IRRIGATION STORAGE	03/15 to 11/15		3.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS	NW¼NW¼SW¼	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NW¼NW¼SW¼	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NW¼NW¼SW¼	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NW¼NW¼SW¼	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	SW¼NW¼SW¼	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	NE¼NW¼SW¼	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	NE¼NW¼SW¼	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		

State of Idaho
Department of Water Resources
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LOCATION OF POINT(S) OF DIVERSION CONTINUED:

SPRING	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRING	NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
GROUND WATER	NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
GROUND WATER	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 86-11924

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
38N 03W 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X	X	X	X		X	X		

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
38N 03W 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										X							

PLACE OF USE: IRRIGATION AND IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
38N 03W 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									6.0	10.0	7.0	1.5	2.5	1.0			28.0

Total Acres: 28

PLACE OF USE: STOCKWATER STORAGE, IRRIGATION STORAGE, AND STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
38N 03W 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X	X		X		X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 1, 2010**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

State of Idaho
Department of Water Resources
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CONDITIONS OF APPROVAL CONTINUED

5. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. Stockwater use is for 50 range cattle, 50 horses, and 50 sheep or goats.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of March, 2005.


FOR KARL J DREHER, Director

1-3-03

FORM 202
12/99

Ident. No. 86-11924

71472

RECEIVED

FEB 23 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

#100⁰⁰ RECEIVED

JAN 03 2003

Department of Water Resources

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant John W Mc FARLAND Phone 208-289-2418
Mailing address P.O. Box 254 Kendrick, ID. 83537
2. Source of water supply Springs & Groundwater which is a tributary of Sinks
3. Location of point of diversion is Township 38N Range 3W Sec. 26, in the See attachment 1/4, Govt. Lot See attachment, B.M., Latah County;

additional points of diversion if any: IRRIGATION STR. 3/15 11/15
IRRIGATION FROM STR.

4. Water will be used for the following purposes:
Amount 0.04 cfs for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.06 cfs for Diversion to Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.0 AF for Stockwater Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.0 AF for Stockwater-bow Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.20 cfs and/or (b) 3.0 AFA
cubic feet per second acre feet per annum

6. Proposed diverting works: Spring boxes w/ 2" pipe to ponds and storage tanks

a. Describe type and size of devices used to divert water from the source water ram nr. end of pipe to power.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. 600ft 1320ft 112kW

b. Stockwatering; list number and kind of livestock. 50 range cattle, 50 horses, 500 sheep/goats

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1 home

e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
38N	3W	26									5	5/10	5	5	5	5	5		
		26										5							
		26									6	10	7	1.5		25	1		28
		26									Storage	Storage		Storage		Storage	Storage		
											From City	From City		From City		From City	From City		

Total number of acres to be irrigated 28

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

11. a. Who owns the property at the point of diversion? Applicant
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: _____

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

John McFarland
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 1/3/03 Time 1:35p Preliminary check by _____
Fee \$ 100.00 Receipted by [Signature] # N015415 Date 1/3/03
Publication prepared by [Signature] Date 1/13/05 Published in Moscow Fallman Daily News 1/20 & 27/05
Publication approved [Signature] Date 2/7/05

JOHN W. MCFARLAND

T. 38N., R. 3W. SEC. 26

LOCATIONS OF SPRINGS:

- NW NW SW - 4 P/d's
- SW NW SW - 1 P/d
- NE NW SW - 3 P/d's
- NE SW SW - 1 P/d
- SW SW SW - 2 P/d's
- NW NE SW - 5 P/d's
- SW NE SW - 1 P/d
- SE NE SW - 1 P/d
- NW SE SW - 1 P/d
- SE NW SE - 1 P/d
- SW NW SE - 1 P/d
- NW SW SE - 1 P/d

LOCATIONS OF WELLS:

- NW SW 1 P/d
- NW SE 1 P/d
- NE SW 1 P/d

LOCATIONS OF PONDS:

- NW SW - 0.6 AC, SE SW - 0.6 AC
- NE SW - 0.6 AC, NW SE - 0.6 AC, SW SE - 0.6 AC

T38N
R3W
Sec. 26

NW

SPRING

POND

Well

Well

Well

SPRING

POND

NE



Now
Starting
Right Side
of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 21, 2005

JOHN W MC FARLAND
PO BOX 254
KENDRICK ID 83537

RE: Permit No. 86-11924

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

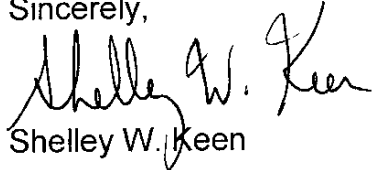
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

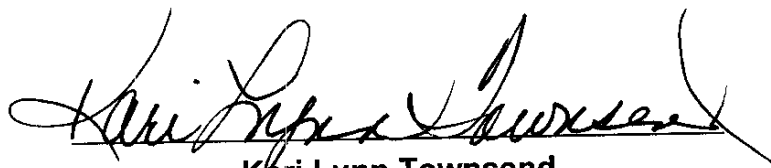
CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

86-11924

**JOHN W MC FARLAND
PO BOX 254
KENDRICK ID 83537**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

50211-1-1

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: March 18, 2005
To: Water Right File 86-11924
From: Shelley Keen *SK*
Re: Application Review

SOURCE

The regional office entered several ponds as sources of water for this right, but the ponds are actually the reservoirs that will be created by diverting water under this right. I deleted the ponds from the source and POD lists.

STORAGE VOLUME

The right holder requested an annual storage volume of 3 AF, but stated in correspondence that he may have to fill and deplete his reservoirs as many as 30 times to accomplish his irrigation. With this frequency of activity, it is hard to know whether the storage right should be greater than 3 AF or whether much of the storage and depletion will be covered by the irrigation use under the 24-hour rule of thumb. The field examiner should review this issue carefully in the future and require the right holder to file for an additional storage right if necessary.

POINTS OF DIVERSION

The applicant listed every spring on his property as a potential point of diversion because he does not know yet which ones will flow throughout the dry part of the summer. When this right is fully developed, it is likely that there will be far fewer points of diversion than listed on the permit.

OVERLAPPING RIGHTS

The right holder has decreed right 86-11916, which authorizes domestic and stockwater use from most of the same springs listed as points of diversion listed on this right. The domestic and stock uses on this right will presumably receive ground water from the proposed wells.

SALMON/CLEARWATER MORATORIUM

This right proposes the use of surface water for irrigation purposes in the Clearwater River drainage. However, the sources are springs that sink, so there will be no impact on anadromous fish.

86. '1924
Rea: water rights. # 86-11916 (3-15-95)
Dear S. Kelley
Hello -

MAR 17 2005
DEPARTMENT OF
WATER RESOURCES

Thank you for noticing the two
different water right #s!

water right # 86-11916 is
the right number - and correct
information as originally sub-
mitted.

I have over 30 springs on
my property - although most
are seasonal - that's why there
are identical location and diversion
points - in the same areas.

untill I know (with this dry
season now) which springs will last
through the dry season - I will
not know which ones to develop.

Stock water is the most important
right now.

To irrigate the proposed 28 acres
I would need to fill and empty
the reservoir about 30 times.

Sincerely

John McFarland
P.O. Box 254
Hendrick, Id.
83537



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 8, 2005

JOHN W MCFARLAND
PO BOX 254
KENDRICK ID 83537

RE: Water Right Application 86-11924

Dear Mr. McFarland:

The Department of Water Resources (IDWR) is reviewing the application you submitted for the diversion of water from a number of springs and three wells in Section 26, Township 38N, Range 3 West, B. M. The application indicates that you intend to use the water for a variety of purposes, including irrigation storage, domestic use, and stock watering. While reviewing your application, I noted that Water Right 86-11916 was decreed to you on February 24, 2005, for domestic and stock watering purposes from most of the same springs. I also saw that your application does not clearly describe how many separate water systems will be developed and which sources will be diverted for which proposed water uses.

IDWR cannot issue duplicative water rights. Therefore, I am writing to request that you provide a revised list of points of diversion by subtracting those spring sources and points of diversion that are already listed on Right 86-11916 and from which water will be diverted only for domestic and/or stock watering purposes already authorized by Right 86-11916. To assist you with this project, I have enclosed a copy of Right 86-11916 and a printout of your application. On the printout of your application I have marked the points of diversion that appear to be covered by Right 86-11916.

In addition, IDWR cannot issue permits covering multiple water sources and multiple diversion/delivery systems unless they are to be established at the same time for the same beneficial uses. Please provide a set of carefully labeled drawings or diagrams of each of your proposed diversion/delivery systems showing which proposed water uses they will supply.

Finally, please describe how many times you will have to fill and empty your small reservoirs to accomplish your proposed irrigation of 28 acres.

Please provide the requested information within 30 days. If you do not respond within 30 days, IDWR will assume that the water uses proposed in your application will receive water only from the proposed wells and from the springs that are not listed on Right 86-11916.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosures

\\A006\Users\SKeen\NAMELTRS\McFarland 86-11924.doc

SRBA

SUBCASE SUMMARY REPORT 86-11916

[Return to SRBA Home Page](#)

SRBA
03-08-2005

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 86-11916 FILE#: 00000
CLAIMANT: MC FARLAND, JOHN W
PO BOX 254

KENDRICK ID 83537
STATUS: PD ISSUED SPECIAL MASTER:
WATER SOURCE: SPRINGS TRIBUTARY: SINKS

**** PARTIES INVOLVED ****

JOHN W MC FARLAND C PRO SE

**** ROA ENTRIES ****

02-24-2005 PARTIAL DECREE FILED

02-24-2005

[Return to SRBA Home Page](#)

SRBA

DIRECTORS REPORT 86-11916

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 86-11916

Name and Address: JOHN W MC FARLAND
PO BOX 254
KENDRICK, ID 83537

Source: SPRINGS Tributary: SINKS

Quantity: .08 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

Priority Date: 06-15-1910

Diversion Point: T38N R03W S26	SENESW Within Latah County SWNESW NWNESW NWNESW NWNESW NWNESW NWNESW NENWSW NENWSW NENWSW NWNWSW NWNWSW NWNWSW NWNWSW NESWSW SWSWSW SWSWSW SENWSE NWSWSE NWSWSE
--------------------------------	--

Purpose and Period of Use:	Purpose of Use Stockwater Domestic	Period of Use 01-01 TO 12-31 01-01 TO 12-31	Quantity .04 CFS .04 CFS
-------------------------------	--	---	--------------------------------

Place of Use:	Stockwater T38N R03W S26	Within Latah County NESW SWSW SWSE	NWSW NWSE
---------------	-----------------------------	---	--------------

Domestic
T38N R03W S26

Within Latah County
NWSE

Other Provisions Necessary for Definition / Administration of this Water Right:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

Explanatory Material: Basis of Claim - Beneficial Use

[Return to SRBA Home Page](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 86-11916 V1

WATER RIGHT NUMBER: 86-11916 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN W MC FARLAND PO BOX 254 KENDRICK, ID 83537 (208)289-2418

Priority Date: 06/15/1910

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

SPRINGS	SE1/4NW1/4SE1/4	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NW1/4SW1/4SE1/4	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NW1/4SW1/4SE1/4 ✓	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	SE1/4NE1/4SW1/4 ✓	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	SW1/4NE1/4SW1/4 ✓	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NW1/4NE1/4SW1/4 ✓	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NW1/4NE1/4SW1/4 ✓	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NW1/4NE1/4SW1/4 ✓	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NW1/4NE1/4SW1/4 ✓	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		
SPRINGS	NE1/4NW1/4SW1/4 ✓	Sec. 26, Twp 38N, Rge 03W, B.M.
LATAH County		

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 86-11916 V1

SPRINGS	NE1/4NW1/4SW1/4 ✓	Sec. 26,	Twp 38N,	Rge 03W, B.M.
LATAH County				
SPRINGS	NE1/4NW1/4SW1/4 ✓	Sec. 26,	Twp 38N,	Rge 03W, B.M.
LATAH County				
SPRINGS	NW1/4NW1/4SW1/4 ✓	Sec. 26,	Twp 38N,	Rge 03W, B.M.
LATAH County				
SPRINGS	NW1/4NW1/4SW1/4 ✓	Sec. 26,	Twp 38N,	Rge 03W, B.M.
LATAH County				
SPRINGS	NW1/4NW1/4SW1/4 ✓	Sec. 26,	Twp 38N,	Rge 03W, B.M.
LATAH County				
SPRINGS	NE1/4SW1/4SW1/4 ✓	Sec. 26,	Twp 38N,	Rge 03W, B.M.
LATAH County				
SPRINGS	SW1/4SW1/4SW1/4 ✓	Sec. 26,	Twp 38N,	Rge 03W, B.M.
LATAH County				
SPRINGS	SW1/4SW1/4SW1/4 ✓	Sec. 26,	Twp 38N,	Rge 03W, B.M.
LATAH County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
38N	03W	26															X		

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
38N	03W	26															X	X	

Conditions of Approval:

1. C18 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.
2. n11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. n13 The quantity of water under this right shall not exceed 13,000 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 86-11916 V1

Remarks:

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

**Affidavit of
Publication**

STATE OF IDAHO
County of Latah ss

Lorraine Hudson
Legal Clerk

being first duly sworn, on oath deposes and says:

That she is the printer of Moscow-Pullman Daily News, a newspaper of general circulation, printed and published daily except Sunday at Moscow, Latah County, Idaho, in compliance with Sections 60-106, 60-107, and 60-108 of the Idaho Code and the amendments thereto: that the notice of which the annexed is a full, true and correct printed copy was published in the regular and entire issues of said newspaper and not in a supplement thereto, upon the following dates:

*Jan 20, 27,
2005*

the same being the date designated for the publication of said notice.

Lorraine Hudson

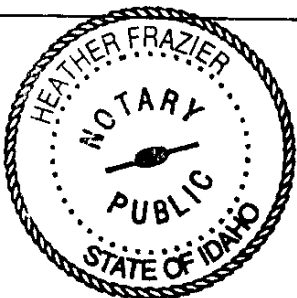
this 27 day of Jan
in the year of 2005, before a Notar
Public, personally appeared

Lorraine Hudson

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Heather Frazier

Notary Public for Idaho
Residing at Moscow, Idaho
My Commission expires
10/02/07



LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

86-11924
JOHN W MC FARLAND
PO BOX 254
KENDRICK ID 83537
Point(s) of Diversion (4)

NWNWSW S26 T38N R03W
LATAH County

Source SPRINGS Tributary To SINKS

Point(s) of Diversion SWN-WSW S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion (3) NEN-WSW S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion NESWSW S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion (2) SWSWSW S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion (5) NWNESW S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion SWNESW S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion SENESW S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion NWS-ESW S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion SEN-WE S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion SWN-WE S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion NWSWE S26 T38N R03W LATAH County

Source SPRING Tributary To SINKS

Point(s) of Diversion NWSW S26 T38N R03W LATAH County

Source GROUND WATER
Point(s) of Diversion NWSE S26 T38N R03W LATAH County

Source GROUND WATER
Point(s) of Diversion NESW S26 T38N R03W LATAH County

Source GROUND WATER
Point(s) of Diversion NWSW S26 T38N R03W LATAH County

Source POND
Point(s) of Diversion SESW S26 T38N R03W LATAH County

Source POND
Point(s) of Diversion NESW S26 T38N R03W LATAH County

Source POND
Point(s) of Diversion NWSE S26 T38N R03W LATAH County

Source POND
Point(s) of Diversion SWSE S26 T38N R03W LATAH County

Source POND
Use: IRRIGATION 03/15 To 11/15 0.2 CFS

Use: IRRIGATION STORAGE 03/15 To 11/15 3 AFA
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 3 AFA

Use: STOCKWATER 01/01 To 12/31 0.04 CFS
Use: STOCKWATER STORAGE 01/01 To 12/31 3 AFA

Use: STOCKWATER FROM STORAGE 01/01 To 12/31 3 AFA
Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.06 CFS
Total Diversion: 0.2 CFS

Date Filed: 01/03/2003
Place Of Use: STOCKWATER T38N R03W S26 NESW

NWSW SWSW SESW NWSE SWSE
Place Of Use: DOMESTIC T38N R03W S26 NWSW

RECEIVED
FEB 07 2005
IDWR/North

Place Of Use: IRRIGATION T38N R03W S26 NESW NWSW SWSW SESW NWSE SWSE

Number of Acres 28
Place Of Use: IRRIGATION STORAGE and IRRIGATION FROM STORAGE

T38N R03W S26 NESW NWSW SESW NWSE SWSE

Number of Acres 28
Place Of Use: STOCKWATER STORAGE and STOCKWATER FROM STORAGE

T38N R03W S26 NESW NWSW SESW NWSE SWSE
Remark: Domesitc use is for 1 home.

Stockwater use is for 600 head of mixed stock.

87-10037
LISA GREENVILLE
1218 CANTERWOOD
MOSCOW ID 83843

Point(s) of Diversion L4 (SWSW) S31 T40N R05W LATAH County

Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.08 CFS

Total Diversion: 0.08 CFS
Date Filed: 07/23/2004
Place Of Use: IRRIGATION T40N R05W S31 SWSW Lot 4

SESW
Number of Acres 2.5

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
January 20, 27, 2005

News Review Publishing Company

Federal EIN #82-0149270

P.O. Box 8187

Moscow, ID 83843

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MOSCOW PULLEN
DAILY NEWS
local fresh

Invoice Statement

DATE	INVOICE #
01/31/05	000001880

Page 1

TEARSHEETS:

BILL TO:

30010311

AD DOUG WEBER

IDAHO DEPT/WATER RESOURCE
1910 NORTHWEST BLVD # 210
COEUR D ALENE, ID 83814-2676

DATE	AD NUMBER OR P.O. NUMBER	CHARGES OR CREDITS DESCRIPTION/PRODUCT CODE	SAU BILLED	SIZE / UNITS	RATE	CHARGES
01/27	0000033193	MCFARLAND-KENDRICK	1x	21.75	DN	248.82

0.00

PO: 01/20/05 & 01/27/05

RECEIVED
FEB 07 2005
IDWR/North

File Copy

DAILY NEWS

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

86-11924

JOHN W MC FARLAND
PO BOX 254
KENDRICK ID 83537

Point(s) of Diversion (4)	NWNWSW	S26	T38N	R03W	LATAH County
Source SPRINGS	Tributary To SINKS				
Point(s) of Diversion	SWNWSW	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion (3)	NENWSW	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion	NESWSW	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion (2)	SWSWSW	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion (5)	NWNESW	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion	SWNESW	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion	SENESW	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion	NWSESW	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion	SENWSE	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion	SWNWSE	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion	NWSWSE	S26	T38N	R03W	LATAH County
Source SPRING	Tributary To SINKS				
Point(s) of Diversion	NWSW	S26	T38N	R03W	LATAH County
Source GROUND WATER					
Point(s) of Diversion	NWSE	S26	T38N	R03W	LATAH County
Source GROUND WATER					
Point(s) of Diversion	NESW	S26	T38N	R03W	LATAH County
Source GROUND WATER					
Point(s) of Diversion	NWSW	S26	T38N	R03W	LATAH County
Source POND					
Point(s) of Diversion	SESW	S26	T38N	R03W	LATAH County
Source POND					
Point(s) of Diversion	NESW	S26	T38N	R03W	LATAH County
Source POND					
Point(s) of Diversion	NWSE	S26	T38N	R03W	LATAH County
Source POND					
Point(s) of Diversion	SWSE	S26	T38N	R03W	LATAH County
Source POND					

INFORMATION CONTINUED ON NEXT PAGE

Use: IRRIGATION	03/15 To 11/15	0.2 CFS	
Use: IRRIGATION STORAGE	03/15 To 11/15		3 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 11/15		3 AFA
Use: STOCKWATER	01/01 To 12/31	0.04 CFS	
Use: STOCKWATER STORAGE			01/01 To 12/31 3 AFA
Use: STOCKWATER FROM STORAGE	01/01 To 12/31	3 AFA	
Use: DOMESTIC	01/01 To 12/31	0.04 CFS	
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.06 CFS	
Total Diversion:		0.2 CFS	

Date Filed: 01/03/2003

Place Of Use: STOCKWATER T38N R03W S26 NESW NWSW SWSW SESW NWSE SWSE
 Place Of Use: DOMESTIC T38N R03W S26 NWSW
 Place Of Use: IRRIGATION T38N R03W S26 NESW NWSW SWSW SESW NWSE SWSE
 Number of Acres 28
 Place Of Use: IRRIGATION STORAGE and IRRIGATION FROM STORAGE
 T38N R03W S26 NESW NWSW SESW NWSE SWSE
 Number of Acres 28
 Place Of Use: STOCKWATER STORAGE and STOCKWATER FROM STORAGE
 T38N R03W S26 NESW NWSW SESW NWSE SWSE

Remark: Domesite use is for 1 home.
 Stockwater use is for 600 head of mixed stock.

87-10037

LISA GREENVILLE
 1218 CANTERWOOD
 MOSCOW ID 83843

Point(s) of Diversion L4 (SWSW) S31 T40N R05W LATAH County
 Source GROUND WATER

Use: IRRIGATION	03/15 To 11/15	0.08 CFS
Total Diversion:		0.08 CFS

Date Filed: 07/23/2004

Place Of Use: IRRIGATION T40N R05W S31 SWSW Lot 4 SESW
 Number of Acres 2.5

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KARL J DREHER, Director

Published on January 20 and 27, 2005

Good day to you, Lorraine. I trust you will be able to handle this one for us - it is a long one and I hope you can just do a copy and paste so you don't have to type it all out. It would be a tough one if you have to do that. **PLEASE FAX PROOF PRIOR TO PUBLICATION - 208-769-1454 so I can check and make sure all bases are covered.**

Thanks and have a marvelous day. Dianne Ball

**DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454**

January 13, 2005

PLEASE FAX PROOF COPY PRIOR TO PUBLICATION 208-769-1454

If you have ANY questions, please call me at 208-769-1450

This is a LONG one - and I hope you can just copy and paste.

**LORRAINE HUDSON
LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843-8187**

e-mailed to legals@dnnews.com 1/13/05

RE: Application for Permit No. 86-11924 and 87-10037

Dear Lorraine:

Below, as part of this document, you will find a legal notice which we wish to have published in your newspaper on the dates indicated, January 20 and 27, 2005, (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 02/07/2005. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne Ball
Administrative Assistant

~~~~~



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

**NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615**  
**(208) 769-1450** **Fax (208) 769-1454**

**DIRK KEMPTHORNE**  
**GOVERNOR**

**KARL J. DREHER**  
**DIRECTOR**

January 13, 2005

JOHN W MC FARLAND  
PO BOX 254  
KENDRICK ID 83537

RE: Application for Permit No 86-11924

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Moscow Pullman Daily News on January 20 and 27<sup>th</sup>, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee  
Senior Water Resource Agent