

No Color
Documents
In File

70048

APPLICANT:

T: Harriet McCord

WATER RIGHT NO.

36. 7284 etc

INIT.	DATE	COMMENT
alb	8/25/02	Stuffed into firm Stanton
Y	5-8-02	To Mary for scanning
MB	5/9/03	File scanned to date
Y	6-2-03	To Mary for scanning
MB	6/2/03	File scanned to date
Y	6-5-03	To Mary for sds.
MB	6/5/03	Adv. Sch GL 6/12 + 6/19/03; 6/30/03 - ltr to app.
MB	6/24/03	Pub. off. rec.
MB	7/7/03	to ADM for signoff
AD-	7/16/03	Review
	7/17/03	Recommendation
	7/17/03	To MD to forward to SO.
RECEIVED JUL 24 2003 DEPARTMENT OF WATER RESOURCES		

Asm
7/17/07

36-7284

Parent Decked

McCond

3.00 cf

233 acres.

Ownership
change.

36-16082 McCond

0.44 cf

328.8 cf 136.8

34.2 acres

36-16083 Drenshaw

2.56 cf

795.2 cf good

198.8 acres

T 70047

+
36-7999

limit
2.68 cf

36-16064

good

0.33
104.2 cf
28.4 (Acres limit)
26
add new well

36-16063
0.11 cf
32.8 cf
8.2 acres

T 70048

WR #
(36-16063)

add new well good

Transfer Review Sheet

Rev'd @ S.O.
7-24-2003

Applicant Harricff McCord

Transfer # 70048

Rights Involved with Transfer:

WR# 36-7284

AJ# -

Right ID Correct? ☒ Y or N Y or N Y or N Y or N Y or N Y or N

Split? Y or ☒ N Y or N Y or N Y or N Y or N Y or N

Unchanged # 36-16067

Changed # 36-16068

Area of Concern: ESPA, North Snake GW District, WD 130

Comment Letters:

Watermaster: District 130
Fish & Game
Canal Company
Stream Channel
City
DEQ
County
Department of Ag
Other

Date Requested
5-8-03

Date Received

SDE:

Right Number
36-16068

POD ID #
575687

Shape
Updated
☒

POU ID #
669849

Shape
Updated
☒

16067

575686

☒

669846

☒

RECEIVED

JUL 24 2003

70048

Conditions:**GROUNDWATER:**

DRILLING PERMIT - 046
 DP upgrade req'd Y N (contact GW)

WMD - North/East/West
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 067

WMD
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

SURFACE WATER:

WD - R05
 ≤ 0.20 cfs/others - R02, 01P or No MD
 > 0.20 cfs - R43
 WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON 3-15 to 11-15 (use X61 if extended season)
 STANDARD VOLUME 4 af/ac
 CONSUMPTIVE USE VOLUME 3 af/ac

SUPPLEMENTAL - 065-104 (where irrigation is the only use)
 SUPPLEMENTAL - 100-105 (where there are other uses besides irrigation)

WITHIN ESPA

131 - 113-114-116 (mitigation)
 - 115 (meas. Device)

USES:

STORAGE - 18C-R02-01P-18B-NA
 IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
 Volume only - R58/R59/R60/R61
 STOCKWATER - R37 (all BLM/USFS)
 MINING- 054-106
 FISH PROP - 029 (70's basins only)-007-122-106
 HEAT/COOL - R07 (injection well)
 FIRE PROT. - 077
 DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
 MUNICIPAL
 Restricted area - 022-075 RAFN - 007-109-X64
 Irr. GW supp to SW - 102
 DOMESTIC
 Surface water - WB5 (Big Wood or Boise above Star Bridge)
 - 27A (Payette River)
 >1 in restricted area - 070-071-075 (no parks/common areas, etc)
 Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

- T07 - 1 yr to develop
 - T08 - comply or rescind
 T17 - >1 pd, measure all (use w/ WB4)
 T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
 Water Quality - 106-R07

X27 - Number of acres/season in ppu
 X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
 X51 - 2+ yrs to develop
 X53 - Use ltd to orig. source availability
 X54 - forfeited ac/rate (used rarely)
 X55 - (transfer shrinks total water to less ac)
 004 - no right-of-way
 X58 - pending claim (statutory or AJ b/u claim)
 X61 - extended irr season
 X62 - replaces N11 and N13
 X63 - replaces C12
 WB4 - + p/ds, cfs & afa (used with T17)
 WD8 - land application of waste water
 01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd
 rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt yet)
 T19 - replaces C18
 (if at Directors Report or Partial Decree stage)

T20 - use only on unchg'd rts
 not subject to SRBA

OTHER CONDITIONS/REMARKS:

Initial Allocation Review by J.F. Stanton
 SRBA Review Completed by _____
 Regional Manager Review by _____

Date 5-8-03

Date _____

Date 7/17/03

Comments:

Approval Updates Complete 8-1-03
38

Comment Report

Application ID 70048

1. jstanton 5/5/2003 4:25:11 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : North Snake GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 5/8/2003 8:20:01 AM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : North Snake GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

PROFILED
DATE 6-5-03

3. jstanton 5/8/2003 Comment/Analysis

Comment: This app just proposes to change the pod for a portion of the right retained by the applicant. Of the 8.2 acres in this parcel with decreed water, only about 7.7 will actually be irrigated with the new well. The rest of the land will be in roads and a dwelling. The application appears to be approvable.

Jason Miciak is an attorney representing Mrs. McCord on these transfers. They came into my office together to discuss this situation. So even though the Notice of Appearance only lists T70047, it is my understanding that he represents her on both transfers. So I am listing him as the attorney on T70048 also per Pam Skaggs.

Authority To File: The McCord Family Partnership is the right holder of record. IDSOS records show the applicant as the only partner, and the partnership was cancelled last

MICROFILMED

AUG 20 2003

records show the applicant as the only partner, and the partnership was cancelled last year at her request. Now that this is no longer a farm, there would be little advantage to continuing the "partnership" for two small pieces of pasture land. So the "change of ownership" is just a name change, not a change in who actually owns the land.

Water Right Validity: The right was decreed less than 2 years ago, so forfeiture should not be an issue.

Injury To Other Rights: I ran the Snake River effects program (see printouts in transfer file), which showed no significant impact of the proposed pod change. Therefore, other rights should not be injured.

Enlargement of Use: None.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified. Land will continue to be sprinkled as before.

Review of the application finds there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing of this application. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.

4. jstanton 5/8/2003 Legal Notice Remarks

Comment: This application proposes a new well for a parcel of land that was retained by the applicant when she sold the majority of her farm last year, as she no longer has access to the original deep well. The new well will be located 3 3/4 miles west and 1 mile south of the Jerome city center.

PROFILED
DATE 6-5-03

MICROFILMED
AUG 20 2003

Stanton, Jim

From: Stanton, Jim
Sent: Thursday, May 08, 2003 8:24 AM
To: Yenter, Cindy (Hodges)
Cc: Stanton, Jim
Subject: RE: Application for Transfer No. 70048

Watermaster :

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within <two weeks>.

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



Recommendation of
WaterMaster

Sincerely

MICROFILMED
AUG 20 2003

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 24 2003

CORRECTED NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Southern RegionPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
~~36-7284~~			36-16083 - Mc Cord		
36-7284		✓ into	36-16083 - Brandsma		

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Mc Cord Family Partnership
2415 S 2400 E, Jerome, ID 83338

4. New Owner/Claimant(s)

Hill and Ann Brandsma

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2250 E 3200 S

City, State and ZIP Code

Wendell, ID 83355

New Telephone Number

() 404-9501

5. Date you acquired the property

7-15-2002

MICROFILMED

AUG 20 2003

MAY 09 2003

T70048

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

Note - This corrects the flow rate for our portion of this right.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>36-7284 (now 36-16083)</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>2.56 cfs</u>	<u>198.8 acres</u>
~~Stock~~	<u>795.2 AFA</u>	<u>see 36-16083</u>
Domestic		
Other		
Total	<u>2.56 cfs / 795.2 AFA</u>	<u>(2.68 cfs + 795.2 AFA when combined w/36-7799)</u>

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) ☒ *Phil O. Sanderson*
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by *J. P. Clinton* Date 2-24-03 Fee —
 Receipted by — Date — Receipt No. —
 Processed by — AJ Date — WR — Date —

MICROFILMED

AUG 20 2003

SCANNED

MAY 09 2003

T70048



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2002

Jason R Miciak, Attorney
PO Box 2632
Twin Falls, ID 83303-2632

RE: Apps For Transfer #70047 & 70048, Harriet McCord

Dear Mr. Miciak;

We have received your notice of appearance on this matter, so I am contacting you rather than Mrs. McCord. I have started to review these applications prior to advertising, and have found several problems that needs to be resolved before I can proceed further. In 1993, Mrs. McCord applied for Water Transfer #4187 to remove 48 acres of land from Water License 36-7284. She retained the full licensed flow rate of 3.0 cfs, but reduced the place of use to 233 acres. The transfer was approved in 1994. The recommendation for this right in the Snake River Basin Adjudication reflected the approved transfer. However, the final SRBA decree issued in 2001 described the original licensed land of 281 acres rather than the transferred amount.

It therefore appears that the decree is in error, and my belief is that the SRBA court should be contacted to resolve this problem. I don't think that Mrs. McCord still owns the 48 acres in question (15 acres in the SW/SE Sec. 19, and 33 acres in the NW/SE Sec. 30 T. 8S R. 16E), so it would probably be easier to resolve this through the court rather than through the transfer process.

Another problem is that the flow rate appurtenant to the land sold to Mr. Brandsma was calculated incorrectly. I assisted Mr. Brandsma in preparing the change of ownership that split 36-7284 into 36-16082 (McCord) and 36-16083 (Brandsma), and the mistake was mine. I discussed this with our Boise office, and it was determined that a letter from Mr. Brandsma acknowledging the error and asking for correction of the records should be sufficient to solve this problem. Rather than Brandsma getting 2.89 cfs under 36-16083 and 0.80 cfs under 36-7799 (for a total of 3.01 cfs), he should have gotten 2.56 cfs under 36-16083 and 0.80 cfs under 36-7799 (for a total of 2.68 cfs). The correct diversion volume has been assigned to 36-16083, while 36-16082 has too much volume due to the problem of excess acres described above. Unless the flow-rate problem can be corrected, Mrs. McCord will not have enough water to irrigate her land near her home. I don't know how I made this calculation error, so I can only apologize at this point and try to get it corrected. I could contact Mr. Brandsma directly, but will let you decide as to how this should be handled.

MICROFILMED

AUG 20 2003

SCANNED

MAY 09 2003

T70048

I look forward to working with you on this matter.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

AUG 20 2003

SCANNED

MAY 09 2003

T70048

Jason R. Miciak, P.C. ISB #5710
Attorney at Law
139 River Vista Place, Suite 102
P.O. Box 2632
Twin Falls, Idaho 83303-2632
Telephone: (208) 734-5444
FAX: (208) 734-5605
Email: jmiciak@yahoo.com

RECEIVED

NOV 26 2002

Department of Water Resources
Department of Water Resources
Southern Region

**IN THE DEPARTMENT OF WATER RESOURCES
SOUTHERN DIVISION**

In Re: McCord Transfer

Transfer No. 70047

NOTICE OF APPEARANCE

Notice is given that Jason R. Miciak, P.C., Attorney at Law has undertaken representation of the Petitioner McCord in the above captioned matter. All correspondences or communication shall be done through this office at:

Jason R. Miciak, P.C. ISB #5710
Attorney at Law
139 River Vista Place, Suite 102
P.O. Box 2632
Twin Falls, Idaho 83303-2632
Telephone: (208) 734-5444
FAX: (208) 734-5605
Email: jmiciak@yahoo.com

DATED this 25th day of November, 2002.



Jason R. Miciak, P.C.
Counsel for McCord

MICROFILMED

AUG 20 2003

SCANNED

MAY 09 2003

NOTICE OF APPEARANCE

1
T70048

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-07284

2001 DEC 19 PM 2:23

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS:

MC CORD FAMILY PARTNERSHIP
3415 S 2400 E
JEROME, ID 83338

SOURCE:

GROUNDWATER

QUANTITY:

3.00 CFS
1124.00 AFT

PRIORITY DATE:

01/10/1973

POINT OF DIVERSION:

T08S R16E S30

NWNE

Within Gooding County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
3.00 CFS
1124.00 AFT

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation

T08S R16E S19
S29
S30

SWSE 15.0
NWNW 30.0
NENE 36.0
SWNE 40.0
NWSE 40.0

Within Gooding County

SESE 40.0
NWNE 40.0
SENE 40.0

281.0 Acres Total

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07284

PAGE 1
Dec-19-2001

MICROFILMED

AUG 20 2003

SCANNED

MAY 09 2003

T70048

Split into 36-16082
and 36-16083 per ownership
change. Split was based
on this decree, which
is based on the
license and
Not the
recommendation.
J.F.

FIRST-CUT ANALYSIS OF PROPOSED POD CHANGES ON THE SNAKE RIVER

Applicant Harnieff McCord Transfer # 70048

From Cell #	Reach %:	Ashton/Heise	Shelley	Neely/Milner	Milner/KH
<u>509, 10</u>		<u>0.1</u>	<u>0.2</u>	<u>0.6</u>	<u>98.8</u>
To Cell #					
<u>509, 11</u>		<u>0.1</u>	<u>1.2</u>	<u>1.6</u>	<u>96.5</u>
Difference %		<u>-</u>	<u>1%</u>	<u>1%</u>	<u>-2.3%</u>

NOTE: Negative response difference = negative impact: No further analysis needed

Positive response difference over 5% = Full impact analysis & mitigation plan required

MICROFILMED
AUG 20 2003

T70048

McCord Transfer Method

1. Right 36-16082 0.44 cfs 34.2 ac

2. T. 70047 need water for 8.2 ac = $249 \times 0.44 \text{ cfs} = 0.11 \text{ cfs}$

3. T. 70048 need water for 26 ac = $769 \times 0.44 \text{ cfs} = 0.33 \text{ cfs}$

MICROFILMED
AUG 20 2003

T 70048

MEMORANDUM

TO: FILE 36-16063
FROM: VAULT
RE: TRANSFER # 70047
DATE: 7.28.03

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 36-16082

MICROFILMED
AUG 20 2003