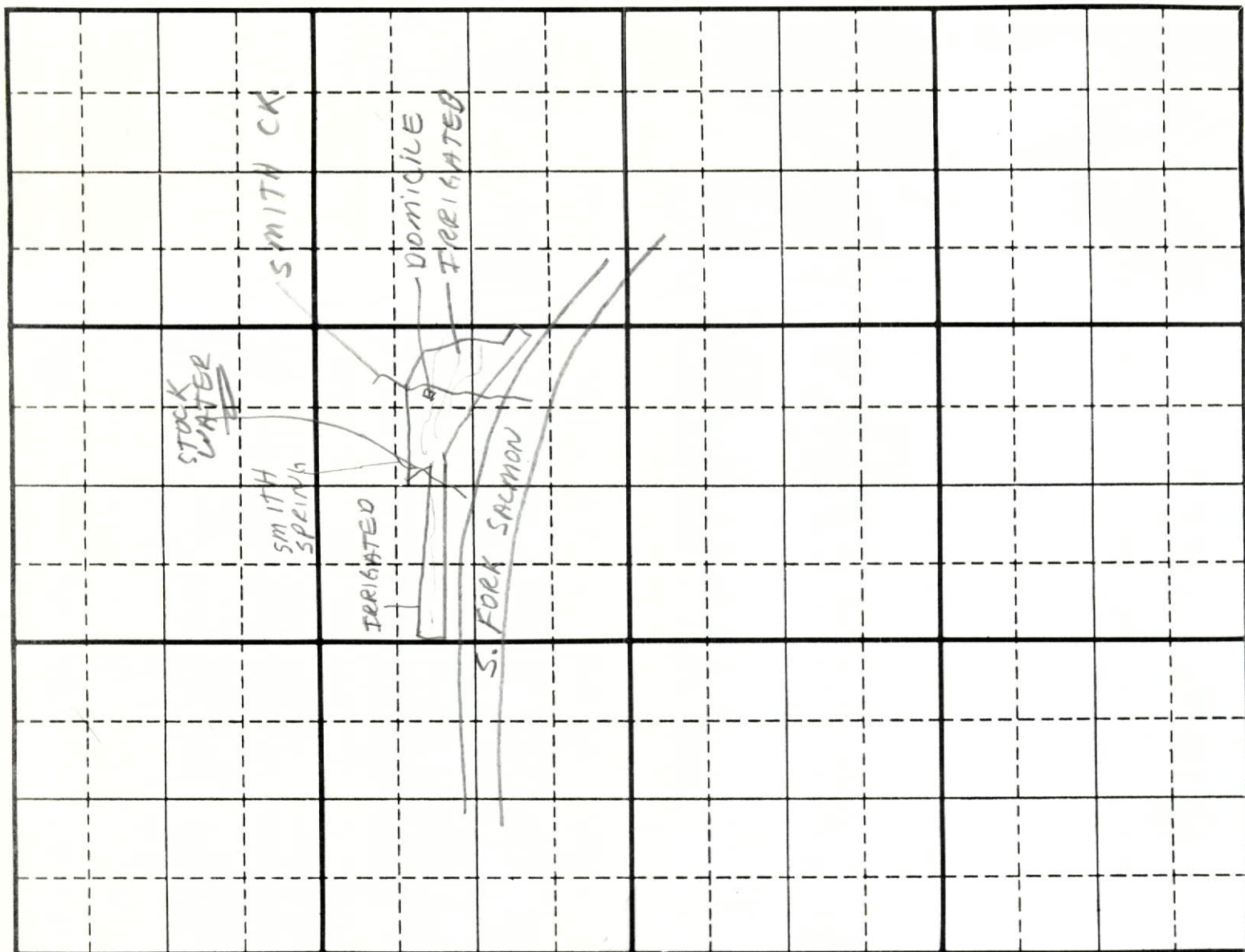


(8) Remarks Water right based upon homestead entry survey #59.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Richard C. K.
(Claimant)

Sworn to before me this 22nd day of January, 19 80.

[Signature]
Notary Public
Residing at Caldwell, Idaho

My commission expires May 15, 1982

FOR DEPARTMENT USE ONLY

Received by <u>nn</u>	Date <u>1-29-80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CWB</u>	Date <u>1/30/80</u>		claimant by:	
\$20.00 fee received by <u>KK</u>	Date <u>11/30/80</u>	<u>#15322</u>		
Published in <u>Idaho City Free Press</u>			<u>KK</u>	<u>2/27/80</u>
Dates <u>2/14 & 2/13/80</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 24 1980

CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Mackay Bar Corporation

(Name of Claimant)

3190 Airport Way - Boise, Idaho 83705

Telephone No. 344-1881

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 30, 1908

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Smith Creek

tributary to South Fork of the Main Salmon River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>2 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>1 Apr</u>	To <u>1 Nov</u>
Quantity	<u>.5 cfs</u>	Use <u>Stock</u>	Period of Use From <u>1 Jan</u>	To <u>31 Dec</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 2.5 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

unsurveyed ¼, Sec. 13 Twp. 22N Rge. 7E B.M., County of Idaho

Additional points of diversion: None

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 2' dam

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22N	7E	13					U	N	S	U	R	V	E	E	D				100

No. of acres 100

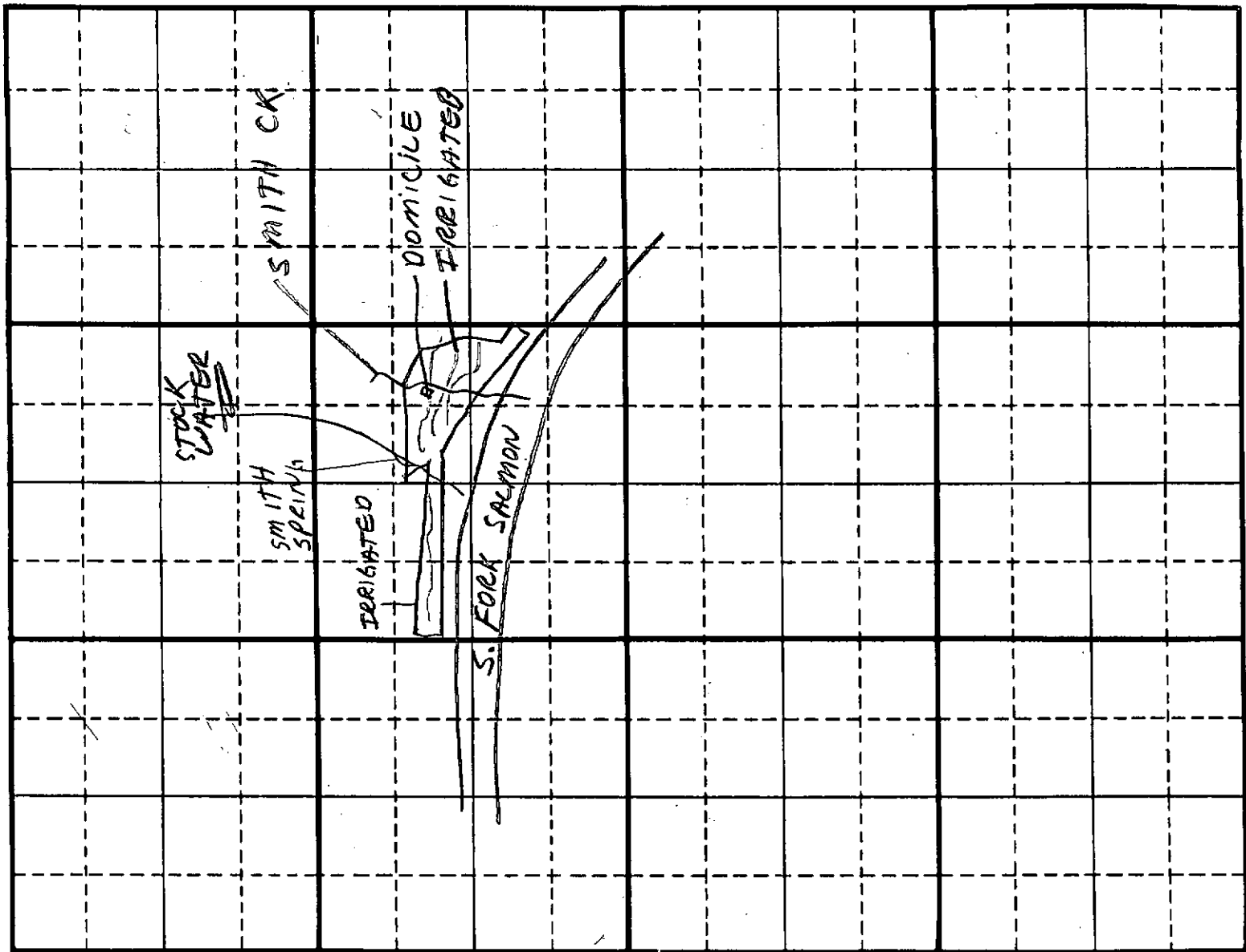
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stock water

NOTE: Include here the type and number of stock watered: 50 cows

- (7) If you are claiming water as a member of an organization, list name of organization:

RECEIVED
JAN 24 1980
MAILED

(8) Remarks Water right based upon homestead entry survey #59.



Scale: 2 inches equal 1 mile.

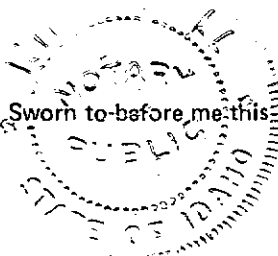
Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada)

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



Sworn to before me this 22nd day of January, 19 80.

Richard C K
(Claimant)

Notary Public

Residing at Caldwell, Idaho

My commission expires May 15, 1982

FOR DEPARTMENT USE ONLY

Received by <u>nn</u>	Date <u>1-29-80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CWB</u>	Date <u>1/30/80</u>		claimant by:	
\$20.00 fee received by <u>KK</u>	Date <u>1/30/80</u>	<u>#15322</u>		
Published in <u>Old City Free Press</u>			<u>KK</u>	<u>2/27/80</u>
Dates <u>2/10 & 2/13/80</u>				

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given
that the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial use:

77-1045

MACKAY BAR
CORPORATION
3190 AIRPORT WAY,
BOISE, ID 83705
Source: MACKAY SPRING
tributary to MAIN SALMON
RIVER

Priority Date: 02/28/1917

Amount: 1.00 CFS

Diversion Point: Sec 32 T
24N R 03E, IDAHO Co.

Use: COMMERCIAL (0.50
CFS) from 01/01 to 12/31

IRRIGATION (0.50 CFS)
from 04/01 to 11/01

Place of Use: Sec 32 T 24N R
03E

Diversion Means:
PIPELINE

77-1046

MACKAY BAR
CORPORATION
3190 AIRPORT WAY,
BOISE, ID 83705

Source: SMITH CREEK
tributary to SALMON
RIVER, SOUTH FORK

Priority Date: 06/30/1908

Amount: 2.50 CFS

Diversion Point: Sec 13 T
22N R 07E, IDAHO Co.

Use: IRRIGATION (2.00
CFS) from 01/01 to 11/01

STOCKWATER (0.50 CFS)
from 01/01 to 12/31

Place of Use: Sec. 13 T 22N R
07E

Diversion Means: DAM

77-1047

MACKAY BAR
CORPORATION
3190 AIRPORT WAY,
BOISE, ID 83705

Source: GROUSE CREEK
tributary to SALMON
RIVER, SOUTH FORK

Priority Date: 12/11/1912

Amount: 1.00 CFS

Diversion Point: Sec. 24 T
22N R 07E Sec. 25 T 22N R
07E, IDAHO Co.

Use: IRRIGATION (1.00
CFS) from 01/01 to 11/01

Place of Use: Sec. 24 T 22N R
07E Sec 25 T 22N R 07E

Diversion Means: DAM

77-1048

MACKAY BAR
CORPORATION
3190 AIRPORT WAY,
BOISE, ID 83705

Source: HETTINGER
RANCH SPRING tributary
to SALMON RIVER, SOUTH
FORK

Priority Date: 06/30/1908

Amount: 1.00 CFS

Diversion Point: Sec 13 T

24N R 03E, IDAHO Co.

77-1049

MACKAY BAR
CORPORATION

3190 AIRPORT WAY,
BOISE, ID 83705

Source: SALMON RIVER
tributary to SNAKE RIVER

Priority Date: 01/01/1967

Amount: 1.00 CFS

Diversion Point: Sec 32 T
24N R 03E, IDAHO Co.

Use: IRRIGATION (1.00
CFS) from 04/15 to 11/01

Place of Use: Sec 32 T 24N R
03E

Diversion Means: PUMP &
PIPELINE

77-1051

POWELL MINING CO.
P.O. BOX 136, KINGSTON,
WA 98346

Source: MEADOW CREEK,
WEST FORK tributary to
WIND RIVER

Priority Date: 09/01/1905

AFFIDAVIT OF PUBLICATION

Nona Donaldson

being first duly

sworn, says he is the Office Manager

of the IDAHO COUNTY FREE PRESS, a weekly newspaper which

is published and issued weekly at Grangeville, Idaho County,

State of Idaho, and which is of general circulation in said county

and state; that the said notice, of which the one hereto attached

is a true copy, was published in said paper for 2 weeks,

being published 2 times, the first publication being

on the 6 day of February, 1980,

and the last publication on the 15 day of

February, 1980; and that the said notice

was published in the newspaper proper and not a supplement;

that said newspaper has been continuously and uninterruptedly

published in said county during a period of more than seventy-

eight consecutive weeks prior to the first publication of said

notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this 18 day

February, 1980.

Marilyn J. Stalley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

P/D:

NE/NE

Sec 13

22 N

7 E

WRR100
77-4046

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
11-MAR-1986 08:58:00

01 WATER RIGHT NUMBER - 77-4046

02 OLD (D) NUMBER -

LAST NAME
03001 - MACKAY BAR CORP.

FIRST NAME
04001 -

ORIG. OWNER
05001 - C

06 ADD LINE 1 - 3190 AIRPORT WAY

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - BOISE

10 STATE - ID

11 ZIP - 83705

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - SMITH CREEK

TRIBUTARY OF
15001 - SALMON RIVER, SOUTH FORK

16 DIVERSION MEANS - DAM

17 CCUNTY - 49 IDAHO

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 2.500

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

----- DIVERSION POINTS -----												
TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS				
22001 - NENE	23001 - 13	24001 - 22N	25001 - 07E	26001 -	27001 -							
			28001 - 0	272.0	92.0	172.0	16.0	0.0	0.0	0.0	0	0.8

29 NON-IRRIGATION USE - S/EO CATTLE

----- PLACE OF USE -----						
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 22N	32001 - 07E	33001 - 13	34001 -	35001 -	36001 -
						TOTAL ACRES: 0

----- WATER USE -----					
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME	
37001 - 0401	38001 - 1101	39001 - 01 IRRIGATION	40001 - 2.000	41001 -	0.00
37002 - 0101	38002 - 1231	39002 - 04 STOCKWATER	40002 - 0.500	41002 -	0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 - P/D & P/U INCOMPLETE. UNSURVEYED AREA DESCRIBED BY H.E.S.
44002 - NO. 59. AC. IRR. = 100.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
47 PRIORITY	- 30-JUN-1908	55 LICENSE	-	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED	-	58 DECREE	-	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHOW CAUSE	-		

WRR100
77-4046

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
11-MAR-1986 08:53:00

----- D A T E S ----- D A T E S ----- F L A G S -----

53 VERIFIED -
54 LAST UPDATE - 10-MAR-1986

61 DATE_1 -
62 DATE_2 -

VERIFIED AMS

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: CW Byers

Right Number 77-4046

Applicant MACRAY BARR CORP

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion } HES #59
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By DBS

Date 2/26/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature]

Date 3/4/80

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

FEBRUARY 29, 1980

MACKAY BAR CORPORATION
3190 AIRPORT WAY
BOISE

ID 83705

RE: Claim No. 77-4046

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

MICROFILMED

ZZ-4046-

MACKAY BAR CORPORATION

3190 AIRPORT WAY, BOISE, ID 83705

Source: SMITH CREEK tributary to SALMON RIVER, SOUTH FORK

Priority Date: 06/30/1908

Amount: 2.50 CFS

Diversion Point: Sec 13 T 22N R 07E, IDAHO Co.

Use: IRRIGATION	(2.00 CFS)	from 04/01 to 11/01
STOCKWATER	(0.50 CFS)	from 01/01 to 12/31

Place of Use: Sec 13 T 22N R 07E

Diversion Means: DAM

MICROFILMED