

02-02134
DEM. P&RS
SEC. 4

Return Flow to
River at 2 points
upstream from
P/O.

Return
flow to
River upstream
from P/O.

Sparlin
Island

MICROFILMED

(MAP from file 28 1991)

02-02134

T5

T6

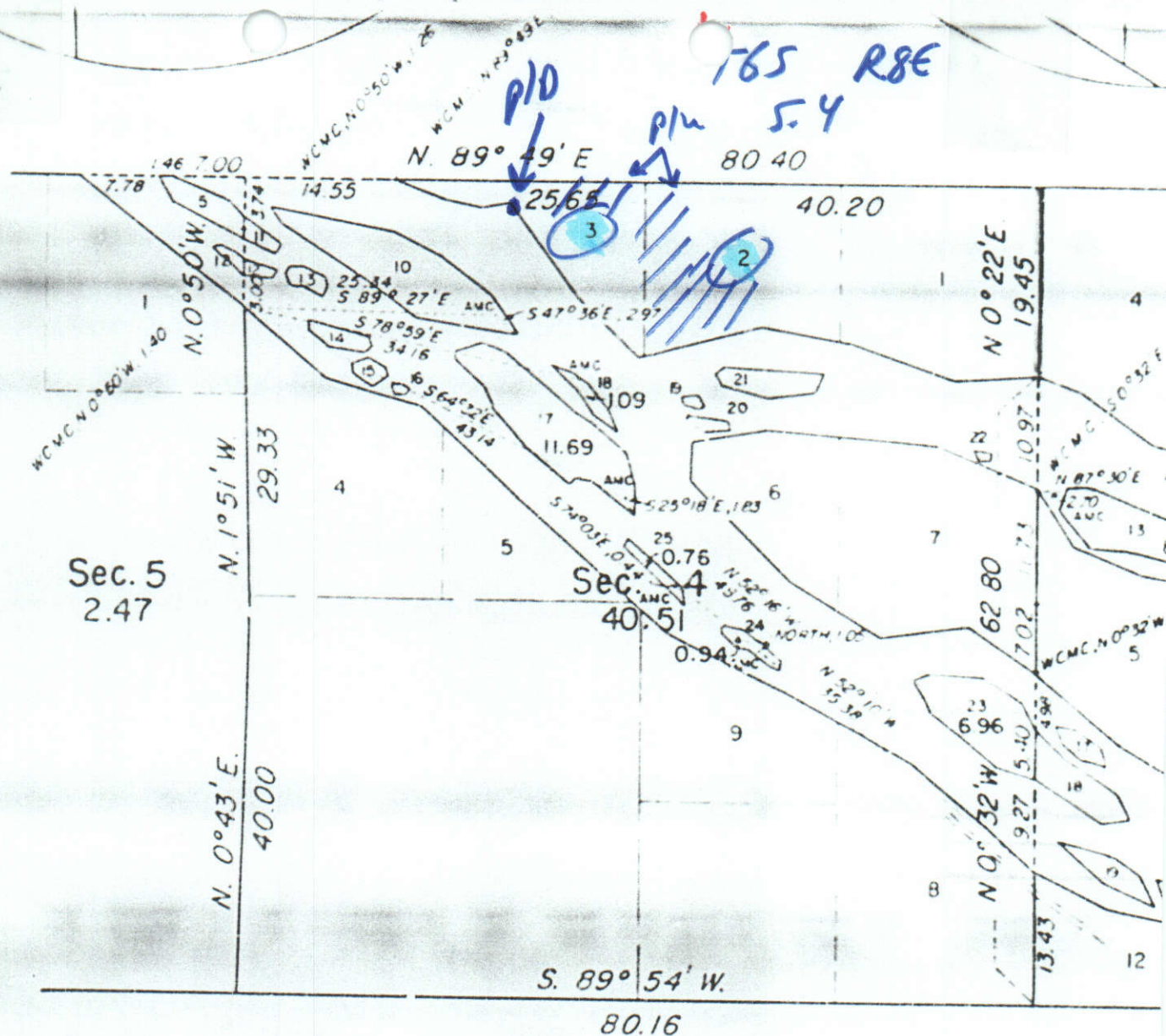
T6S
R8E
S.4

/// = wildlife
ponds
(3)

/// = Irrigate



agnetic Declination
19°00' E.



This plat represents the retracement and reestablishment of part of the east boundary and subdi-

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Mike Thornberry, do solemnly swear that I am
the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 6th day of

February, 19 91, and the last publication having been made on the 13th day of

February, 19 91; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Mike Thornberry

Subscribed and sworn to me this 13th day of

February, 19 91

Open W. S.
Notary Public

JUN 28 1991

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application has been
filed to appropriate the public waters of
the State of Idaho:

02-07440 ✓

MC CARTHY, D. MICHAEL

MC CARTHY, LYNN

HC 63 BOX 26A

HAMMETT, ID 83627

Source: SNAKE RIVER Tributary:
COLUMBIA RIVER

Diversion Pt: LOT 3 (NWNENW) Sec
4 T 06S R 08E

Use: WILDLIFE STORAGE (21.90
AF)

DIVERSION TO STORAGE (1.400
CFS)

Total Diversion: (1.400 CFS) (21.90
AF)

Date Filed: 1/22/1991

In: T06S R08E S04 Lot 2 (NWNENW)
Lot 3 (NENW)

The permit will be subject to all prior
water rights. Protests must be filed
with the Director, Dept. of Water Resources,
Western Region, 2735 Airport
Way, Boise, Idaho 83705 on or before
FEBRUARY 25, 1991.

R. KEITH HIGGINSON, Director
Published 2/6/1991 & 2/13/1991

RECEIVED

FEB 14 1991

Department of Water Resources
Western Regional Office

02-2134
DIV. POINT
SEC 4

T5

T6

T6S
R8E
S.4

/// = wildlife
ponds
(3)

/// = irrigated
acres

Return
flow to
river upstream
from pld.

MICROFILMED
MAY 15 1990

1987 PHOTO
02-02134

SECTION
4

T5 S

02-02134

T65 R8E S. 4
SCALE: 1" $\approx$ 970'
3 PONDS (= ) and
IRRIG. ACRES (= )

Ponds

- #1 720' x 150' x 2' = 5 A.F.
- #2 980' x 400' x 1.5' = 13.5 A.F.
- #3 500' x 300' x 1' = 3.4 A.F.

TOTAL = 21.9 A.F.

NOT FILMED

MAY 15 1992

SECTION
CORREL

IRRIGATED
ACRES

Pond #1

Pond #2

Pond #3

12" PIPE

IRRIGATED
ACRES

RETURN
FLOW

RETURN
FLOW

Simplest
potato
plant
(reference
point)

RIVER

Section 4

River
flow

System diagram & acreage

calculation sheet

02-02134

Scale 1" $\approx$ 970' based on
measured length of section line
common to S. 33 & S. 34.

Length = 5100' $\longrightarrow$

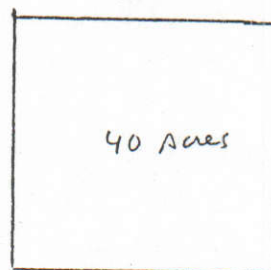
/// irrigation

/// wildlife ponds

28 27
33 34

From E-W section
Line in S. 33

1325'



1275'
From N-S
Section Line in
S. 33

Line from Pond
2 to 1

"DIVERSION
BOX"

Line from box to
Pond #3

LOT 3

LOT 1

33 34

T55

$\longleftarrow$ Hwy 78 $\longrightarrow$

T65

Return
flow

12" pipe

IRrig
2.5 acres

Return
flow

Line from
Pond 3 to 2

15.8 acres

13.8 acres

IRrig

Irrigated
Acres

L. 1	NGNE	13.8
L. 2	NWNE	15.8
L. 3	NGNW	2.5
TOTAL =		32.1

MICROFILMED
MAY 15 1992

R8E

Irrigation pump is mobile
but was in N $\frac{1}{2}$ of Lot 2
during Exam.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 02-07440

Priority: January 22, 1991 Maximum Diversion Rate: 1.40 CFS
Maximum Diversion Volume: 21.9 AF

This is to certify, that D MICHAEL MC CARTHY
LYNN MC CARTHY

HC 63 BOX 26A
HAMMETT ID 83627

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 22, 1991; and has submitted Proof of Beneficial Use on June 7, 1991. An examination indicates that the works have a diversion capacity of 3.900 cfs of water from:

SNAKE RIVER tributary to COLUMBIA RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	11/16 to 03/14		21.9 AF
DIVERSION TO STORAGE	11/16 to 03/14	1.40 CFS	
	Totals	1.40 CFS	21.9 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENW), Sec. 4, Township 06S, Range 08E
ELMORE County

PLACE OF USE: WILDLIFE STORAGE
TWN RGE SEC

06S 08E 4 Lot 2(NWNE) Lot 3(NENW)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

FILED

MAY 15 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 02-07440

CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 7TH
day of MAY, 1992.

Acting for  Director

RECEIVED

MAY 15 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 02-07440

Proposed Priority: January 22, 1991 Maximum Diversion Rate: 1.40 CFS

This is to certify, that **D. MICHAEL MC CARTHY**
LYNN MC CARTHY
HC 63 BOX 26A
HAMMETT, ID 83627

has applied for a permit to appropriate water from:

SNAKE RIVER

tributary of **COLUMBIA RIVER**

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>
WILDLIFE STORAGE	11/16 to 03/14		21.9 AF
DIVERSION TO STORAGE	11/16 to 03/14	1.40 CFS	
	Totals	1.40 CFS	

LOCATION OF POINT(S) OF DIVERSION: LOT 3(NWNENW), Sec. 4, Township 06S, Range 08E
ELMORE County

PLACE OF USE: WILDLIFE STORAGE
TWN RGE SEC

06S 08E 4 LOT 2(NWNE) LOT 3(NENW)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1992.
2. Subject to all prior water rights.
3. Water shall not be diverted under this permit unless the flow of the Snake River exceeds prior rights and established downstream minimum stream flows.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23 day of April, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED

JUN 28 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant D. Michael s/o Lynn McCarthy Phone 366-2000
Post office address HC 63 Box 26A Hammett ID. 83627
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot 03
Sec. 4 Township 6S Range 8E B.M. Elmore County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
* Amount ^{1.40} ~~1.40~~ for Diversion to storage purposes from 11/16 to 3/14 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount 21.9 for Wildlife Storage purposes from 11/16 to 3/14 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.40 and/or (b) 21.9
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 25 hp. Perna water/lifter & 12" lines to 3 ponds. Existing system.
b. Height of storage dam N/A (excavated) feet; active reservoir capacity 21.9 acre-feet; total reservoir capacity 21.9 acre-feet; period of year when water will be diverted to storage: 11/16 to 3/14 inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

* Per telecon with Attorney B. Clark. This is a clarification based on an error in my letter of 11/2/91 (RE: 02-02139), copy attached. Applicant will supply information showing that ≤ 2 ac-ft-day will be appropriated. No delay, in 8/1/91

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. 3 wildlife ponds (waterfowl habitat)

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
65	86	4		W			W												
				L.2			L.3												

Total number of acres to be irrigated _____

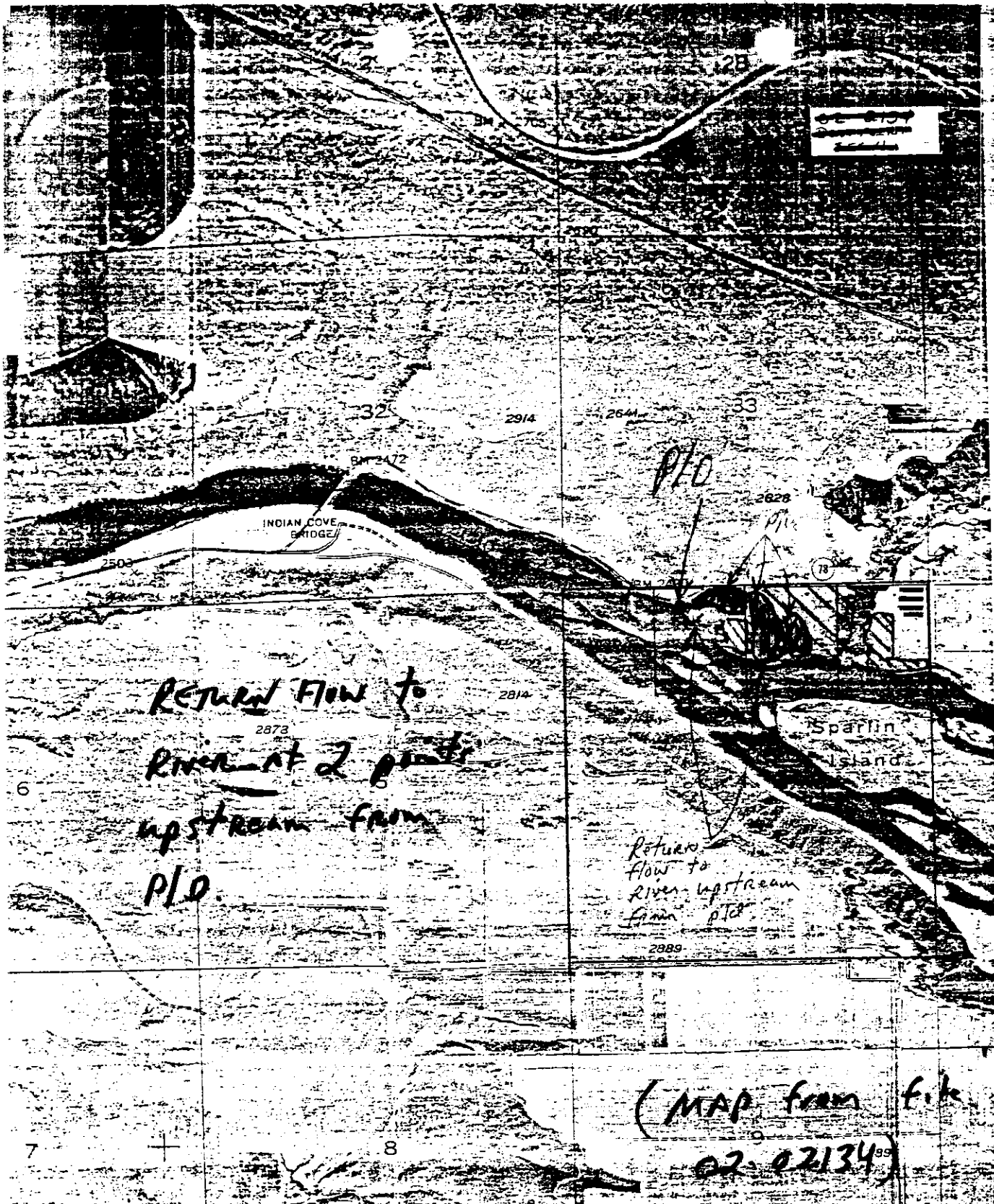
10. Describe any other water rights used for the same purposes as described above. 02-02134 (for 3/15-11/15 period of year)

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: This is an existing system. Application is filed to provide water right coverage for wildlife habitat outside of irrigation season.

RECEIVED

JUN 28 1991



T5

T6

T6S
R8E
S.4

10 = Wildlife
ponds
(3)

(MAP from file 23 1991
02-02134)



Sec. 5
2.47

S. 89° 54' W.

80.16

MICROFILMED

JUN 28 1991

This plat represents the return of land to the
Government of part of the east boundary and the

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

get lot map, below ↗

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 hereinafter

RECEIVED
The undersigned hereby
hereinforth
JUN 28 1991

application for permit to appropriate the public waters of



(Applicant)

No Venclosed. *Rec'd. d.o.p.*
Received by YS Date 1/22/91 Time 1:05 pm Preliminary check by CJH 1-23-91
Fee \$ 45⁰⁰ Received by J.D. # C017462 Date 6/27/90 - see
Publication prepared by GG Date 1-30-1991 Published in Mountain Home News 1/24/91
2/6 & 2/13/91 *memo*
Publication approved ST Date 3-1-91

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. _____, and said application is hereby _____.

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 _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MULTIFILMED

JUN 28 1991

NOTE

Any correspondence etc regarding this application should have CC to Applicants' attorney:

Blain Clark

Ringart, Clark, Harrington et al

P.O. Box 2773

Boise Id. 83701

(342-4591)

per request by attorney

JR 1/24/91

RECEIVED

JUN 28 1991

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Mike Thornberry, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 6th day of

February, 1991, and the last publi-

cation having been made on the 13th day of

February, 1991; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Mike Thornberry

Subscribed and sworn to me this 13th day of

February, 1991

Allen W. [Signature]
Notary Public

JUN 23 1991

NOTICE OF APPLICATION FOR
WATER RIGHTS
The following application has been
filed to appropriate the public waters of
the State of Idaho:
BY: CATHY, D. MICHAEL
APPLICANT, LARRY
HC BOX 28A
HARRIST, ID 83627
Source: SNAKE RIVER, Tributary:
COLUMBIA RIVER
Division P: LOT 2 (NW 1/4) Sec
4 T 08S R 06E
Use: WILDLIFE STORAGE (11.90
AF)
DIVERSION TO STORAGE (1.400
CFS)
Total Diversion: (1.400 CFS) (11.90
AF)
Date Filed: 1/27/1991
In: RIVER, BOX 28A Lot 2 (NW 1/4)
Lot 2 (NW 1/4)
The permit will be subject to all prior
water rights. Permits must be filed
with the Department of Water Re-
sources, State Capitol, Boise, Idaho
Way, Boise, Idaho 83726, on or before
FEBRUARY 28, 1991.
J. J. [Signature] Director
Baldwin 12/28/91 12/28/91

RECEIVED

FEB 14 1991

Department of Water Resources
Western Regional Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

September 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

GREG MELLUM
NANCY MELLUM
271 N BURKE
CAMANO ISLAND WA 98292

RE: Water Right Nos. 02-02134 & 02-07440

Dear Mr. & Mrs. Mellum:

I recently received a 'New Property Owner Notice of Change of Water Right Ownership' form on the above referenced licensed water rights.

In Idaho, decreed, licensed, and claimed water rights are considered real property; therefore, proof of owning the land is proof of owning the water rights unless extenuating circumstances exist. Water right statute does not provide a means for changing owner of record for licensed water rights; although, I have placed your correspondence in each of the water right files.

If you have any questions, please feel free to contact me directly at (208) 327-7944.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Zimmerman".

Cindy Zimmerman
Water Resource Agent



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

AUG 01 1994

Department of Water Resources

DATE OF CLOSING: 7/6/94

LEGAL DESCRIPTION OF PROPERTY: Township 6 South Range 8 East
Section 4, NE 1/4 of NW 1/4 of 1/4, Govt. Lot 3, BM.
Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED WARRANTY DEED

RECEIVED

AUG 02 1994

WATER RESOURCES
WESTERN REGION

[] Water Right Number(s)
Assigned by IDWR: 02-02134 & 02-07440

[] Name and Address of Former
Owner/Claimant(s)(Seller): D. Michael McCarthy & Lynn C. McCarthy
P.O. Box 2622

[] New Owner/Claimant
(Purchaser): Orofino, Idaho 83544
Greg Mellum and Nancy Mellum

RECEIVED

SEP 13 1994

[] New Mailing Address: 271 North Burke
Camano Island, WA 98292

Department of Water Resources

[] New Telephone Number: (206) ~~331-6177~~ 387-7941

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes XX no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of
ownership, describe
proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claimant's proof
of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s): Nancy Mellum Date July 28, 1994
Greg Mellum Date July 18, 1994
[] Signature of Former
Owner/Claimant(s): D. Michael McCarthy Date July 6, 1994
Lynn C. McCarthy Date July 6, 1994

(Signature of former claimant(s) is not required if proof of
ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8-25-94 By: JDL

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 8-25-94 By: JDL

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



WARRANTY DEED

For Value Received

David Michael McCarthy and Lynn C. McCarthy, husband and wife,
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey
PURSUANT TO IRC SECTION 1031 TAX DEFERRED EXCHANGES, unto

Greg Mellum and Nancy Mellum, husband and wife,
hereinafter referred to as Grantee, whose current address is

271 North Burke, Camano Island, WA 98292

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

ELMORE COUNTY, IDAHO, ss

Request of **FIRST AMERICAN**

281682

Time 4:25 P.M.

Date July 8, 1994

Book _____

Page _____

DOLORES ROBISON

By Mark L. Becker
Deputy

Fee \$6.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 6, 1994.

David Michael McCarthy
David Michael McCarthy

Lynn C. McCarthy
Lynn C. McCarthy

STATE OF IDAHO
NOTARY
COUNTY OF Clearwater

On this 6 day of July, in the year 1994, before me, a Notary Public in and for said State, personally appeared David Michael McCarthy and Lynn C. McCarthy, known or identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Susan K. Petree
Notary Public for Idaho
Residing at Orofino, Idaho
Commission Expires: 7-20-94

First American Title Company of Idaho

Exhibit "A"

Lots 1, 2 and 3 in Section 4, Township 6 South, Range 8 East, Boise Meridian, Elmore County, Idaho; SAVING AND EXCEPTING the following two tracts of land:

A tract of land in Lot 1, Section 4, Township 6 South, Range 8 East, Boise Meridian, Elmore County, Idaho, also being the vacated Block 25 of Fruitland Subdivision, more particularly described as follows:

Beginning at the Section corner common to Sections 3 and 4, Township 6 South, Range 8 East, Boise Meridian, and Sections 33 and 34, Township 5 South, Range 8 East, Boise Meridian; thence South 0°32' East 25 feet to an iron pin, the True Point of Beginning; thence North 89°53' West along South right of way line of State Highway No. 78, 655 feet to an iron pin; thence South 0°32' East 570.5 feet to an iron pin; thence South 89°53' East 655 feet to an iron pin on the East boundary line of Section 4; thence North 0°32' West 570.5 feet to the point of beginning.

AND

A tract of land in Lot 1, Section 4, Township 6 South, Range 8 East, Boise Meridian, Elmore County, Idaho, more particularly described as follows:

Beginning at the NE corner of Lot 1 of Section 4, Township 6 South, Range 8 East, B.M., said corner marked by a 5/8" rebar; thence South 0°22'00" West (South 0°32' East rec.) along section line for 595.50 feet to a 1/2" rebar which shall be the Point of Beginning; thence South 0°22'00" West along section line for 505.63 feet to a 1/2" rebar; thence North 89°56'02" West for 646.12 feet to a 1/2" rebar; thence North 0°22'00" East for 505.63 feet to a 5/8" rebar; thence South 89°56'02" East (South 89°53' East rec.) for 646.12 feet (655' rec.) to the Point of Beginning.

INTER-DEPARTMENT MEMO

TO: BRENDA MILLER
FROM: JAN THURTELL

SUBJECT: ADDRESS CHANGE
DATE: 8-26-93

ADDRESS FOR MCCARTHY'S ON 02-07440 IS:

3243 CATALINA LN.
BOISE, ID 83705

RECEIVED

AUG 27 1993

Department of Water Resources

PLEASE NOTE IN FILE FOR ANY FUTURE CORRESPONDENCE.

- ☒ For your information
☐ Response required

THANKS,
Jan
signature

May 11, 1992

D MICHAEL MC CARTHY
LYNN MC CARTHY
HC 63 BOX 26A
HAMMETT ID 83627

RE: WATER RIGHT NO. 02-07440

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:cz

Enclosure

MICROFILMED

MAY 15 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 5, 1991

D. Blair Clark
Ringert, Clark, Harrington, etal
599 West Bannock Street
P O Box 2773
Boise, ID 83701

RE: Permit 02-7440
D. Michael McCarthy

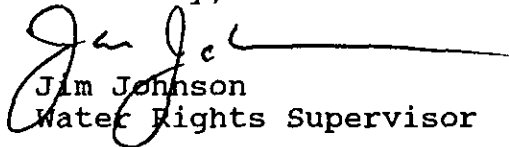
Dear Mr. Clark:

In follow up to your inquire's of July 16 and September 3, 1991, I have checked with Steve Lester concerning the acceptability of using the field examination for right 02-02134 for the examination of this right.

We have reached a conclusion that his examination could be used and a second examination is not necessary. I have initiated the review process and a license will be issued shortly.

If you have any further questions please let me know.

Sincerely,


Jim Johnson
Water Rights Supervisor

MICROFILMED

MAY 15 1992

MEMORANDUM

TO: FILE 02-07440

FROM: JIM JOHNSON

RE: USING FIELD EXAMINATION USED FOR RIGHT 02-02134

DATE: September 5, 1991

=====

This ~~the~~ right was filed to provide for water right coverage for full year round water diversion to a wildlife pond. The pond was originally developed under right 02-02134 along with irrigation of 32.1 acres.

There is no reason to delay the licensing of this right until another examination is conducted. The examination contains all of the necessary documentation to confirm the development and use of water this permit. A copy of the field examination is included in this file.

MICROFILMED

MAY 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: D. Michael McCarthy Permit No. 02-07440
Phone No. 366-2000
Current Address: HC 63 Box 26 A
2. Accompanied by: -N/A- see exam conducted 9/28/90 EXAM. DATE: -
Address: - Phone No. -
Relationship to Permit Holder: -
3. Source: Snake River tributary to Columbia River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 02-2134
- ☐ Copies Attached
2. Other water rights with same point of diversion: -
- ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION SEE ATTACHED COPY

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

Scale: 1" = -

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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MAY 15 1992

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

SEE ATTACHED COPY OF EXAMINATION UNDER RIGHT 02-2134

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1	3		NE	NW	4	6S	8E	ELMORE	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	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	
6S	8E	4		X			X												
				L12			L13												

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MAY 15 1992

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
% FROM River						

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Pond 1 720' x 150' x 2' = 5.0

2 980' x 400' x 1.5' = 13.5

3 500' x 300' x 1' = 3.4

21.9 AF.

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

THIS EXAM REPORT WAS COMPILED FROM AN EXAMINATION
MADE 9/26/1990.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wild life Storage	11/16	3/14		21.9
Diversion to Storage	11/16	3/14	1.4	
Totals:			1.4	21.9

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name Steve Lester (ORIGINAL EXAMINER)
Signature This exam prepared by Jim Johnson
Certification Date Jim Johnson
Field Report Preparation Date 9/5/91

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED
MAY 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 19 1991

02-7440

Department of Water Resources

Permit No. 02-02134

A. GENERAL INFORMATION

- Owner: D. Michael & Lynn McCarthy Phone No. 366-2000
Current Address: HC 63 Box 26A Hammett ID. 83627
- Accompanied by: Owner, Blaise Clark, Layton Nue EXAM. DATE: 9/26/90
Address: c/o owner's address Phone No. _____
Relationship to Permit Holder: B.C. = Attorney; L.N. = Construction
- Source: Snake River tributary to Columbia River

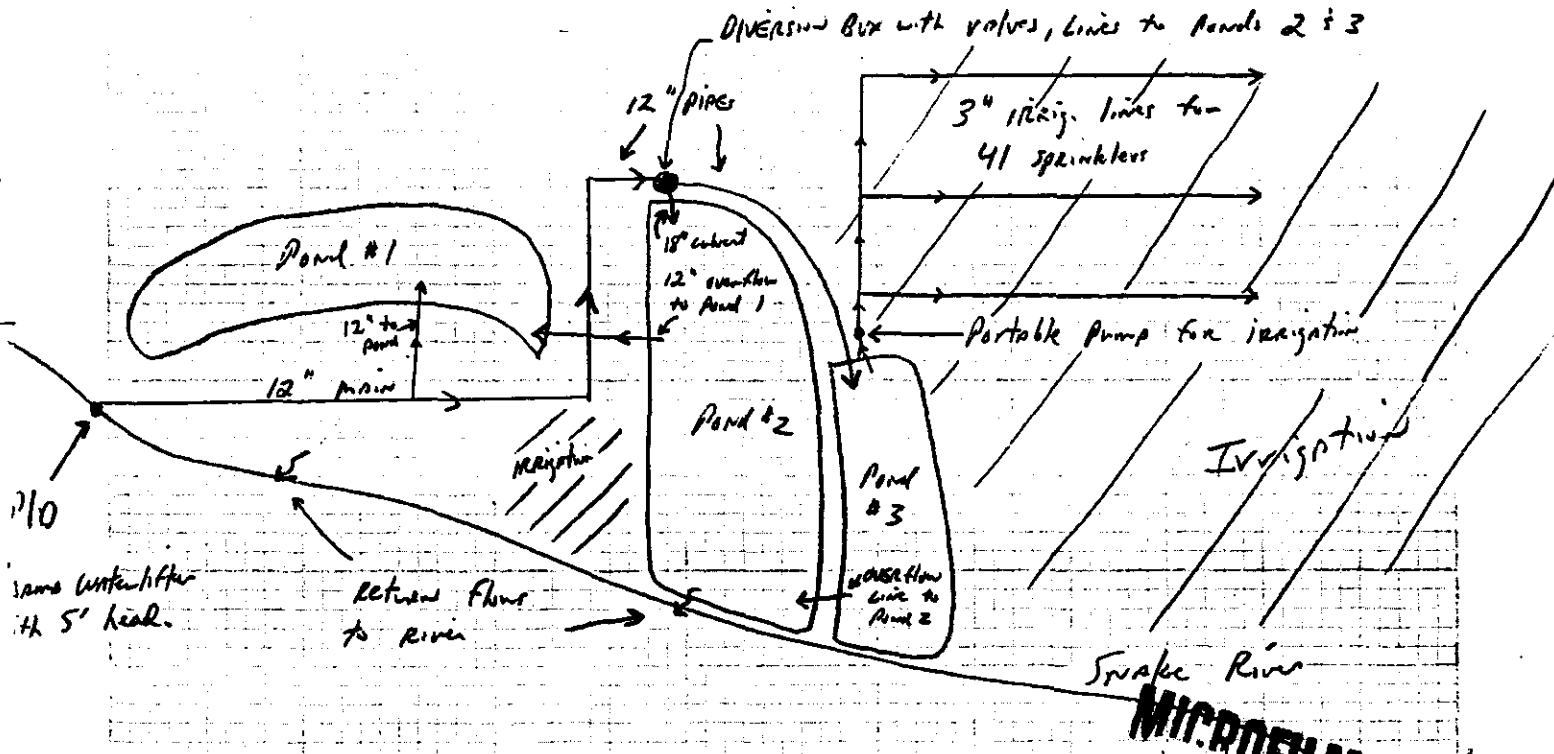
B. OVERLAP REVIEW

- Other water rights with same place of use: 02-02115, 61-07516, 61-07630, & 37-04112
☐ Copies Attached
- Other water rights with same point of diversion: 02-02133, 02-07359, 02-07371, 02-02115
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

also see ASES photo & "System Diag. & Average Calc. Sheet"

- Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = No Scale

- ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
- ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
P/O Filom River	SEE	Pump Curve Attachment				
IRIGATION - Sprinkler	gauge	measurement				

2. Measurements:

N/A
 SPRINKLERS: 41 heads, mostly 5/32" nozzles; Random 30ws; Nelson F-33, use 30 BW chart.
 PSI = 46.46-46.46-45.46-46.45-43, $\bar{x} = 45.3$ psi.
 PSI: 45 45.3 50
 gpm: 4.72 4.74 4.98
 PSI at pump: 48

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

- Measured Method: $\frac{(41)(4.74)}{448.8} = 4.3$ cfs = actual irrigation b.w. with this system
 N/A $\rightarrow$ Divergence Filom River P/O Pump Curve ≈ 3.90 cfs (minimum estimate = 1.11 cfs)
- Alternate Method for Checking Purposes:
 NONE

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
 Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) $\div$ 8.8 = _____ (5) N/A
 Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
 Meter Input HP: (6) x 1.34 = _____ (7)
 Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
 Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (32.1)(5) = 160.5$ N/A
 $V_{D.R.} = [\text{Diversions Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (1.43 \times 246)(1.9835) = 209.8$ N/A
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 160.5$ N/A

2. Volume Calculations for Other Uses:

Wildlife Ponds
 Pond 1 = 720' x 150' x 2' = 5.0 a.f.
 Pond 2 = 980' x 400' x 1.5' = 13.5 a.f.
 Pond 3 = 500' x 700' x 1' = 3.4 a.f.
 TOTAL STORAGE = 21.9 a.f.

- use this figure for wildlife storage in license.

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02-2134
DEV. POINT
SEC 4

INDIAN COVE
BRIDGE

Spartan
Island

Return
flow to
river upstream
from P.O.

MICROFILMED
MAY 25 1980

T5

T6

T6S
R8E
S.4

/// = wildlife
ponds
(3)
/// = irrigated
acres

Sec. 4

Scale: 1" = 10 Ch.

GOVT LOT 3
INCLUDES

Scale: 1" = 10 Ch.

NWNW

NENW

LOTS 1 & 2

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MAY 15 1982

Sec. 5
2.47

Sec. 4

Sec. 3
26.06

/// = wildlife ponds (3)
/// = irrigated areas

Magnetic Declination
19°00' E.

T65 R8E S.4

10 0 40 2

1987 PHOTO
02-02134

02-02134

T65 R8E S. 4

SCALE: 1" $\approx$ 970'

3 POND (= ) and
IRRIG. ACRES (= )

Ponds

#1 720' x 150' x 2' = 5 A.F.

#2 980' x 400' x 1.5' = 13.5 A.F.

#3 500' x 300' x 1' = 3.4 A.F.

TOTAL = 21.9 A.F.

IRRIGATED
ACRES
↓
↓

Simple
potato
plant
(refined
soil)

Section 4

RIVER

River
Flow

Pond
#1

Pond
#2

Pond
#3

12" pipe

IRRIGATED
ACRES

Return
Flow

Return
Flow

DO
LINE

System diagram & acreage calculation sheet

02-02134

Scale 1" $\approx$ 970' based on
measured length of section line
common to S. 33 & S. 34.

Length = 5100' $\longrightarrow$

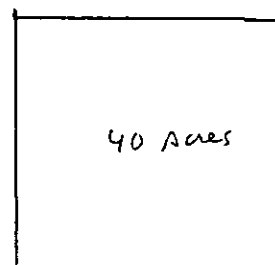
/// irrigation

/// wildlife ponds

28 27
33 34

From E-W section
line in S. 33

1325'



1275'
From N-S
Section Line in
S. 33

Line from Pond
2 to 1

"DIVERSION
BOX"

LINE from box to
POND #3

LOT 3

LOT 1

LOT 2

33 34

← Hwy 78 →

T55

T65

Return
Flow

12" pipe

IRRIG
2.5 acres

Line from
Pond 3 to 2

Return
Flow

13.8
acres

15.8
acres

Irrigated
Acres

L. 1 NENE 13.8

L. 2 NNW 15.8

L. 3 NENW 2.5

TOTAL = 32.1

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MAY 15 1982

R85

Irrigation pump is mobile
but was in N $\frac{1}{2}$ of Lot 2
during exam.

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURRI
DAVID HAMMERQUIST

SAMUEL KAUFMAN (1921-1988)

500 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701

TELEPHONE (208) 342-4881
FAX (208) 342-4857

September 3, 1991

RECEIVED
SEP 04 1991

Rita Fleck
Secretary/Records Manager
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

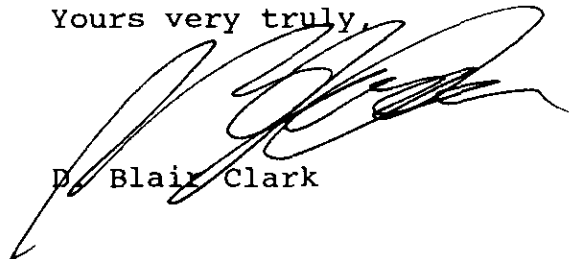
Department of Water Resources

Re: D. Michael McCarthy
Permit No. 02-07440

Dear Ms. Fleck:

I have not heard from you with regard to my letter of July 16th, a copy of which is enclosed. May I please have a response within the next ten days? Thank you.

Yours very truly,



D. Blair Clark

DBC/t
Encl.

MICROFILMED

MAY 15 1992

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURRI
DAVID HAMMERQUIST

SAMUEL KAUFMAN (1921-1986)

500 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701
TELEPHONE (208) 342-4891
FAX (208) 342-4887

July 16, 1991

RECEIVED
JUL 17 1991

Rita Fleck
Secretary/Records Manager
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

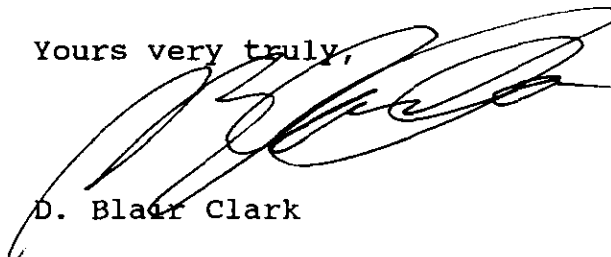
Department of Water Resources

Re: D. Michael McCarthy
Permit No. 02-07440

Dear Ms. Fleck:

Please see my letter to Jim Johnson of June 5, 1991. It was my understanding after discussing the matter with Mr. Johnson and after my discussion with Mr. Lester during the initial field examination, that there is no further field examination necessary because we were simply going along with the first field inspection and doing another permit which covered the same works. Could you please check on this matter and let me know?

Yours very truly,



D. Blair Clark

DBC/t
Encl.
cc: Mike McCarthy

RECEIVED

MAY 15 1992

June 13, 1991

D. MICHAEL MC CARTHY
LYNN MC CARTHY
HC 63 BOX 26A
HAMMETT, ID 83627

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 02-07440

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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 this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

JUN 28 1991

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JUN 07 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Amt. of Fee \$ 125.00
Date 6/7/91
Receipt No. 0020740
Received by J. Jackson

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 02-07440 Telephone No. (208) 366-2000

2. Name(s) of Permit Holder(s): D. Michael McCarthy and Lynn C. McCarthy

3. Post Office Address: HC 63, Box 26A, Hammett, ID 83627

4. Source of Water: Snake River

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: 25 Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock) Other 21.9 acre feet for wild-
life storage, 1.0 cfs for diversion to storage.

6. Total rate and/or volume for which proof is submitted 1 cfs 21.9 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No Installed? Yes ☒ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No

8. Fee Enclosed: \$ 125.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

D. Blair Clark (208) 342-4591
Name Telephone No.

P.O. Box 2773, 599 West Bannock, Boise, Idaho 83701
Address

10. The above information 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.

6-5-91
Date

[Signature] Attorney
Signature (and title if on behalf of a company or organization)

JUN 28 1991

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURR
DAVID HAMMERQUIST

SAMUEL KAUFMAN (1921-1986)

509 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701
TELEPHONE (208) 342-4551
FAX (208) 342-4657

June 5, 1991

Jim Johnson
Water Rights Supervisor
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: D. Michael McCarthy
Permit No. 02-07440

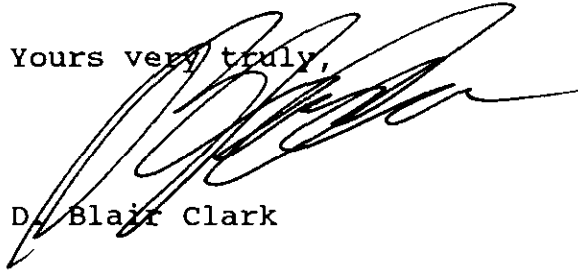
Dear Mr. Johnson:

Steve Lester made the initial field examination on Mr. McCarthy's prior permit and I refer you to his memoranda of January 24, 1991, January 2, 1991, and his inspection notes of September 26, 1990.

It is my understanding that the final proof form was required but that another field inspection will not be necessary. If you desire to reinspect the project, please let me know. There have not been any changes made for purposes of this permit since the last inspection.

Enclosed is the original Proof of Beneficial Use which I have prepared on behalf of Mr. McCarthy.

Yours very truly,


D. Blair Clark

DBC/t
cc: Mike McCarthy

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JUN 07 1991
Department of Water Resources

JUN 28 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 26, 1991

LYNN MC CARTHY
D. MICHAEL MC CARTHY
HC 63 BOX 26A
HAMMETT, ID 83627

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 02-07440

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Note also that water shall not be diverted under this permit unless the flow of the Snake River exceeds established downstream minimum stream flows. In addition, there are many applications for permit for the use of Snake River water that are prior to your permit. These applications have been filed for the irrigation of lands that the applicants are attempting to obtain under the Federal Land laws such as Desert Entry and Carey Act. If these lands are developed, and if the established minimum stream flows are maintained, then no water would be available for

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JUN 28 1991

this permit. Therefore, you should carefully consider these facts before making any expenditures for the construction of your system.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

JUN 28 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 02-7440/Trust Water Processing

DATE: 4-11-91

I have reviewed this application to determine if trust water processing or evaluation criteria is necessary.

The wildlife storage identified on this application is actually part of an irrigation system developed under permit no. 02-2134. This latter permit is an exempt trust water permit since proof of beneficial use had been filed prior to July 1, 1985. The attached memo by Steve Lester summarizes the uses he found during the field exam.

Based on Steve's memo, it appears that application no. 02-7440 was filed in order to obtain a separate right for the wildlife use outside of the irrigation season. A new application was probably not needed since there was an adequate amount of volume under the original permit that could have been assigned to the wildlife use over the full year.

Since the wildlife use under the application is an existing use, and the annual consumptive use volume of the ponds would be less than 2.0 acre-feet per day per year, the application can be approved without trust water considerations. Trust conditions are not applicable in approving the application.

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MEMORANDUM

TO: FILE 02-02134
FROM: STEVE LESTER
DATE: DECEMBER 31, 1990
SUBJECT: FIELD EXAM REPORT - FLOW AND VOLUME

The permit was issued for 1.40 cfs to irrigate 69 acres. The season of use was not specified, and an assumed season of 3/15-11/15 will be used. The exam fee of \$125 allows the full recommendation of 1.40 cfs. The current use includes irrigation and wildlife ponds.

FLOW

The pump curves suggest that approximately 3.90 cfs is diverted from the river. This represents an intermediate value and is the best estimate that could be made. A sprinkler measurement reveals that irrigation beneficial use of .43 cfs occurs for 32.1 acres. Therefore, diversion to storage @ 1.40 cfs (permit maximum) and irrigation @ .43 cfs (maximum b.u. measured) for a total flow @ 1.40 cfs is recommended.

VOLUME

The permit implies irrigation of 69 acres at 5 afa/ac (from chart) or 345 afa. The maximum irrigation volume for 32.1 acres, or 160.5 afa, is allowable. The wildlife storage of 21.9 afa can be included. Storage is recommended since it takes about 8 days to fill the ponds at 1.40 cfs ($1.40 \times 1.9835 = 2.78$ af in 1 day; $21.9/2.78 = 7.9$ days). Irrigation storage and irrigation from storage are allowable but not additive in the total volume. Because the license recommendation includes the maximum irrigation volume @ 5 afa/ac, adding (versus including) 21.9 afa irrigation storage/irrigation from storage would represent additional irrigation water in excess of the maximum implied by the permit and would constitute an expansion. Volume can include 160.5 (irrigation) plus 21.9 (wildlife storage) for a total of 182.4 afa with the condition that irrigation is limited to 5 afa/ac.

ADDITIONAL RIGHT(S)

The owner is an avid waterfowl enthusiast and wants wildlife ponds that are usable all year. However, the license should not allow use outside of the irrigation season. An additional right(s) should be obtained to cover diversion to storage and wildlife storage from 11/16-3/14.

Because the area falls within the trust water boundary, a new application would be limited to 1.00 cfs (for up to 2 af/day) for this non-consumptive use. The application could include 1.00 cfs diversion to storage and 21.9 af wildlife storage from 11/16-3/14. Such an application would be processed out-of sequence with respect to trust water. The owner will be contacted on this point.

JUN 28 1991

* could be > 1 cfs if applicant shows that only 2 ac-ft/day will be diverted - clarification of Rule 2.8 ("consumptive").

SL 1/24/91

INTER-DEPARTMENT MEMO — 1

FROM Steve Lester

DATE 3/21/91

TO 02-07440 File

SUBJECT PONDS 'S' CONSUMPTIVE USE

Three ponds are found at the site. The pond is NENEW has been in place many years & may even be a natural pond. The two ponds in NWNS were installed by the current owner. These two ponds are located on ~~land~~ **land** previously irrigated by former owner, Hudson Farms. JUN 28 1991

Thus, the ponds do not represent an increase in c. p. on the land in question.

SIGNATURE



EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO Office of State Auditor

AGENCY USE

Date	4045
Code	02/01/91
	193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY
TO

RINGERT, CLARK, ET. AL.
ATTN: MR. BLAIR CLARK
PO BOX 2773
BOISE, ID 83701

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE
() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	05 10 199	1238	8831		REFUNDS PER STEVE LESTER RECEIPT #0017462 1/24/91 5.00	5.00	
TOTAL						5.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURRI
DAVID HAMMERQUIST

SAMUEL KAUFMAN (1921-1986)

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701

TELEPHONE (208) 342-4591
FAX (208) 342-4687

January 30, 1991

JAN 31 1991

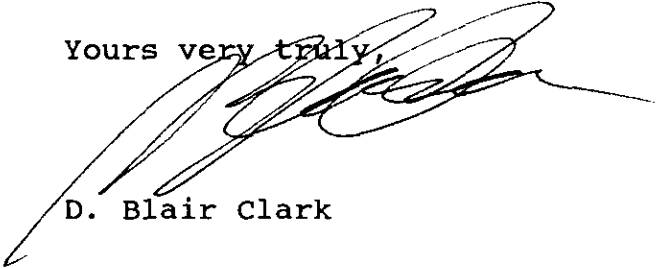
Steve Lester
Department of Water Resources
1301 North Orchard
Boise, ID 83706

Dear Steve:

Confirming our telephone conversation of January 24, 1991, you are authorized to amend the application we submitted in light of the rule to be 1.4 CSF so Mr. McCarthy's non-consumptive right would be for the same flowage rate as his other right.

We will be supplying information that the non-consumptive use does comply with the regulations in that the amount utilized is less than two acre feet in a 24 hour period.

Yours very truly,


D. Blair Clark

DBC/t

RECEIVED

JUN 28 1991

MEMORANDUM

TO: NANCY HANDZEL

FROM: STEVE LESTER

DATE: JANUARY 24, 1991

SUBJ: REFUND FOR APPLICATIONS

D. Michael and Lynn McCarthy submitted an Application for Transfer and an Application for Amendment of Permit 02-02134 in 1990. The transfer was receipted with no. C017462 for \$50 and the amendment was receipted with no. C017856 for \$20. Both receipts used code 05-20-199-1238-6390. The fees were paid by the applicants' attorney's firm of Ringert, Clark, Harrington et al of Boise.

Subsequently, a field exam of Permit 02-02134 revealed that a license amendment is necessary. The fee for this is \$20 and should be applied from receipt C017856; I believe that the license amendment uses the same code found in the \$20 receipt. Also, a new Application for Permit for the McCarthys was received on 1/22/91 for 1.40 cfs and 21.9 afa, and this requires a \$45 fee that should be supplied from receipt C017462 (same code for new application as was used in the receipt). The \$5 balance found in C017462 should be refunded.

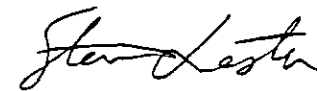
The Application for Transfer will therefore be unnecessary and considered withdrawn. The Application for Amendment will be applied to the license amendment for Permit 02-02134, which does not require any advertising. These changes were discussed with Mr. Clark during the field examination of 02-02134 on 9/26/90.

Please send a \$5 refund to:

Mr. Blair Clark
Ringert, Clark, Harrington et al
P.O. Box 2773
Boise, ID. 83701

(telephone 342-4591)

Thanks,


Steve Lester
Sr. Water Resource Agent

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JUN 28 1991

CC: Gary Spackman, WR Permits Section Mngr.
Permit File 02-02134 (see field exam)
Blair Clark, Attorney for McCarthys

*copy: McCarthy's new application for permit
of 1/22/91*

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURRI
DAVID HAMMERQUIST

SAMUEL KAUFMAN (1921-1986)

509 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701

TELEPHONE (208) 342-4801
FAX (208) 342-4857

January 18, 1991

RECEIVED
JAN 23 1991

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705
Attn: Steve Lester

Idaho Department of Water Resources
Western Regional Office

Re: Permit No. 03-03234
D. Michael and Lynn McCarthy

Dear Steve:

Mike and I got together and reviewed your revised application for permit which is herewith. As soon as the permit is issued please send me a copy of it and we will submit the proof of beneficial use.

Thank you for all of your courtesies and cooperation in this matter.

Yours very truly,

Dictated by Mr. Clark and
mailed without signature in
his absence to avoid delay.

D. Blair Clark

DBC/t

JUN 28 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

January 2, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

D. Michael and Lynn McCarthy
HC 63, Box 26A
Hammett, ID. 83627

RE: Permit No. 02-02134

Dear Mike and Lynn:

The above Snake River permit was examined on 9/26/90 for licensing purposes. The field exam report was recently completed and will be forwarded to the department State Office for review and licensing. This sometimes takes considerable time but such delays do not adversely affect water right permits. A copy of the license will be sent to you upon approval.

The field examination resulted in license recommendations described in Table 1, attached. The permit must be amended to include the changes in the right prior to licensing. The \$20 fee received with the Application for Amendment of A02-02134 (adjudication claim) on 7/31/90 will cover the licensing amendment procedure, and you do not need to take any action on this item.

Permit 02-02134 is limited to the irrigation season and cannot be recommended for the wildlife ponds outside of the season. A new right must be obtained for wildlife use from 11/16 through 3/14. Enclosed is an Application for Permit to provide the required water right. Due to the \$50 fee with an Application for Transfer of A02-02134 received on 6/28/90, no additional fee is needed with the Application for Permit. The application fee for the new right is \$45 and can be obtained from the \$50 already paid. A \$5 refund will be issued to your attorney's office for the balance after the new application is returned.

Note that the new application is limited to 1.00 cubic feet per second (cfs) instead of 1.40 cfs as recommended in 02-02134. The area in question falls within the trust water or Swan Falls impact area. New rights for non-consumptive uses such as wildlife are restricted to 1.00 cfs defined by Water Appropriation Rule 2,8 authorized by Idaho Code 42-1805(8). By limiting the application to 1.00 cfs, a new right can be obtained without lengthy delays related to trust water issues. If approved, the application, when combined with 02-02134, will provide complete water right protection for the 21.9 acre feet (af) wildlife ponds and for 32.1 irrigated acres. Once the new application is approved, it will be ready for licensing since the exam information is contained in 02-02134. Upon receiving a new permit, you may immediately submit the Proof of Beneficial Use (blank form attached for records), and a license report will be prepared and forwarded to the State Office for licensing. If you do this after receiving a new permit, be sure to send the proof form directly to me to expedite the license process.

RECEIVED
JUN 28 1991

*
NO! per Glen Sexton call to me 1/11/91. I misinterpreted rule 2,8. Can have any cfs rate as long as can show diversion of ≤ 2 sf/day. So if > 1.00 cfs, applicant should submit plans to show total ac. ft diversion per 24 hrs.

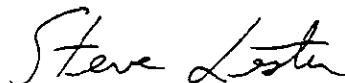
Permit 02-02134, McCarthy
1/2/91, Page 2

Adjudication claim A02-02134 was filed by Hoodco Farms Inc. to protect permit 02-02134. When ownership changes occur, a "Change in Ownership" form should be submitted for the appropriate adjudication claim. Apparently, the form was filed for claim A02-02115, another Snake River right on your property, but not for A02-02134. Please use the enclosed form to record the ownership change for claim A02-02134.

In summary, permit 02-02134 will be recommended for licensing of the maximum allowable beneficial uses for 1.40 cfs and 182.4 af. The new application for the maximum allowable wildlife uses for the rest of the year should be signed at the bottom of application page 3. The change in ownership form should be completed for adjudication claim A02-02134. These actions will protect the wildlife and irrigation uses that were examined last fall.

Please return the application and ownership forms to me within 30 days. No additional fees are needed. Let me know if additional help is needed.

Sincerely,



Steve Lester
Sr. Water Resource Agent

CC: Blair Clark, Attorney for McCarthys

Enclosures: Table 1, License Recommendations
Application for Permit and Proof of Beneficial Use
Change in Ownership

MICROFILMED

JUN 28 1991

Exam found:

Point of Diversion - T6S R8E S. 4 Lot 3 (NENW).

Place of Use - T6S R8E S. 4 Lot 1 (NENE) 13.8 acres, Lot 2 (NWNE) 15.8 acres and wildlife, Lot 3 (NENW) 2.5 acres and wildlife; total 32.1 acres and 3 ponds.

Diversion rate - from river, 3.90 cfs (pump curve); for irrigation, 0.43 cfs (sprinkler measurements).

Pond volume - 21.9 af.

TABLE 1- LICENSE RECOMMENDATION FOR PERMIT NO. 02-02134.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE (CFS)</u>	<u>ANNUAL VOLUME (AFA)</u>
DIVERSION TO STORAGE	3/15 TO 11/15	1.40	N/A
WILDLIFE STORAGE	" "	N/A	21.9
IRRIGATION	" "	0.43	160.5
IRRIGATION STORAGE	" "	N/A	21.9
IRRIGATION FROM STORAGE	" "	<u>N/A</u>	<u>21.9</u>
	TOTAL	1.40	182.4

NOTE:

1. Permit limits include irrigation season, not specified in permit but assumed to be 3/15-11/15 per IDWR standards.
2. Full irrigation volume for 32.1 acres equals 160.5 afa; can include but not add 21.9 afa irrigation storage/irrigation from storage to the irrigation volume since addition would represent an expansion.
3. According to pump curves, system capacity is approximately 3.90 cfs.
4. Irrigation is limited to .013 cfs/ac and 5 afa/ac.
5. Total volume includes irrigation (160.5) plus wildlife storage (21.9).

JUN 28 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

JANUARY 30, 1991

Mountain Home News
Drawer O
Mountain Home, ID 83647

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 25, 1991.

Yours truly,

GAIL GARRETT
Secretary

Encl.

MICROFILMED
JUN 28 1991

02-07440

MC CARTHY, D. MICHAEL
MC CARTHY, LYNN
HC 63 BOX 26A
HAMMETT, ID 83627

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: LOT 3 (NWNENW) Sec 4 T 06S R 08E

Use: WILDLIFE STORAGE	(21.90 AF)
DIVERSION TO STORAGE (1.400 CFS)	
Total Diversion: (1.400 CFS)	(21.90 AF)

Date Filed: 1/22/ 1991

In: T06S R08E S04 Lot 2 (NWNE) Lot 3 (NENW)

Microfilm

JUN 28 1991