



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Copy *WD file*

August 7, 1996

PHILIP E. BATT
GOVERNOR

Lewis Rothwell
461 Highway Dr.
Arco, ID 83213

KARL J. DREHER
DIRECTOR

Re: Mc Affee Well

Dear Mr. Rothwell:

This letter is a response to your recent inquiry about the Mc Affee well located in T4N R26E, Sec 23, SWSWSE, which is an open discharge well to the Arco Canal. I understand that representatives from the Department visited with you at the well site on July 25. At this meeting, you informed Department staff that you believed that the well in question was the 'old Peterson well', that this well was subject to past litigation or other administrative decisions, and that the well had never been pumped until July of 1996.

I and other staff members have made a review of all the ground water rights and claims for wells in this particular area. We believe that the litigation or administrative action which you referred to is the Winger v. Jones Local Ground Water Board Decision of October 28, 1969. This decision affected wells owned by Mc Affee (two wells), Jones (well now owned by Schureman), Peterson, and yourself. The owners of these wells were required to 'redrill, deepen or replace their existing wells under supervision of the Department of Reclamation' before diverting any water from such wells.

One of the two Mc Affee wells referred to in the decision as well no. 1 was an open discharge well to the Arco Canal under water right no. 34-2509. This water right file contains a well log which is attached for your reference. The well was drilled in 1960 and had a depth of only 51 feet. Our present understanding based upon Department records and discussions with Mrs. Anita Mc Affee ^{and} the watermaster is that this well is currently owned by Mc Affee and is located east of the well which you visited with staff on July 25 (it is the first well west of Highway 93 and north of the Arco Canal in the SWSE of Section 23, T4N R26E). Right 34-02509 was licensed by the Department in 1979 and recommended as a licensed right in the Snake River Basin Adjudication (SRBA) Director's report for a rate of 4.68 cfs. The other Mc Affee well, referred to as well no. 3 in the Winger decision, was located about one-quarter mile north of the Arco Canal. This latter well was drilled in 1961 and had a depth of 56 feet (see attached well log). The water right associated with this well was right no. 34-02475. IDWR made a 'disallowed' recommendation for this right in the SRBA