



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

October 10, 1991

Mr. & Mrs. Frank MacLerran
Rt. 2, Box 2C
Mackay, ID 83251

RE: Snake River Basin Adjudication (SRBA)
Custer County - #A34-02294
Receipts #C020931 (\$25.00) and #C021262 (\$25.00)

Dear Mr. & Mrs. MacLerran:

Since we have not heard anything further from you, the refund process has been initiated with the State Auditor's Office for the fees you paid. You should receive your check in the near future.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:ref

MICROFILMED
DEC 09 1992

WHITE - State Auditor
 YELLOW - Remittance Advice
 PINK - State Auditor then Agency
 GOLDENROD - Agency Copy

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
 Office of State Auditor

AGENCY USE

6798	
Date	10/15/91
Code	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

FRANK OR MARCELL MACLERRAN
 RT. 2, BOX 20
 MACKAY, ID 83251

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	04 10 162	9337	8831		REFUNDS PER D. SHAFF WR #A34-02294 RECEIPT #C020931 RECEIPT #C021262 10/11/91 50.00	50.00	
TOTAL						50.00	

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.

DEC 09 1992

Date

Head of Agency or Institution

State Auditor

REFUND REQUEST

TO: S. Frazee to Log In
FOR: J. Carlson/D. Shaff/D. Allen
FROM: S. Frazee

RE: Payor Frank or Marcell Mac Lerran
Address Rt. 2 Box 2C
Mackay, ND 583251

Claimant if NOT Payor -
Refund Amount \$ 25.00 50- Claim Location Attached
Extension Filed? Y/N NA Copy Attached? Y/N NA
Late Fees Paid? Y/N NA On Receipt # -
S.O. Verified Ext. by - on -
Refund Generated By (☒) Agent Carter () Claimant
Refund Category -
Date of Last Correspondence (copy attached) 7-24-91

Claim No.	Use	Fees Paid	Correct Fee	Rec't #
<u>A3A 0229A</u>	<u>dom</u>	\$ <u>25.00</u>	<u>25.00</u>	<u>C020931</u>
<u>11</u>		\$ <u>2.5</u>	<u>50-</u>	<u>C021262</u>
		\$		
		\$		
		\$		
		\$		
		\$		

Detailed Reason(s) for Refund Attached Y ☒ N

Region Adj. Supervisor Approval - John Carlson Approval -
Don Shaff Approval 10-11-91 Hold - To Fiscal 10-11-91
Not Refunded as of 7-20-91 Logged 08-28-91
Data Base Modified? Y/N NA By DF Date 10-11-91
No response to 7-24-91 ltr from Carter. Carter called 7-23-91. This claimant + VERY angry with us - told Carter he caused him to have heart attack. Whole thing a real mess, hence ref. ltr slightly modified. He's not going to sign wld form - Carter tried.

05/01/91

MICROFILMED

DEC 09 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

July 24, 1991

Mr. & Mrs. Frank L. MacLerran
Route 2, Box 2C
Mackay, ID 83251

RE: Snake River Basin Adjudication (SRBA)
Custer County - Notice of Claim #A34-02294
Receipt #C020931

Dear Mr. & Mrs. MacLerran:

As you requested during our phone conversations this week, here is a letter detailing some of your options you may take on your water right referenced above. Your Notice of Claim has been assigned the number A34-02294. Except for the "A" in front of the 34, this number is the same as the one presently assigned to the original filing you made on June 23, 1950. All claims are filed by their number; please refer to that number in any future correspondence.

First of all, I wish to thank you for returning your claim and sending us your drawing showing the location of the well. I'm sorry you have received conflicting answers regarding whether or not to file a claim on your domestic well. Many domestic well owners are choosing to pay the filing fee of \$25.00 to file a claim in this Adjudication rather than taking the deferral option. In order to encourage claimants to file in a timely manner, a late fee of \$50.00 or 15% of the original filing fee, whichever is greater, is assessed. Unfortunately, this means that the total of the filing fee and late fee for your claim is \$75.00.

When you returned your claim, you sent check #1998 in the amount of \$25.00 (your receipt is enclosed), which is half of the late fee needed. If you choose to continue with this filing, we need the other half of the late fee, or \$25.00. Also, you may wish to amend your claim and base it on your water right license (copy enclosed) and claim the priority date of June 23, 1950.

Should you decide to withdraw your Notice of Claim, please complete and return the enclosed Request for Withdrawal, and the money you have paid to date (\$50.00) will be refunded to you.

MICROFILMED

DEC 09 1992

Mr. & Mrs. Frank L. MacLerran
July 24, 1991
Page 2 - Custer County

Please contact me if you have any questions. You may call our toll-free number at 1/800-451-4129 and they will connect you with my line.

Sincerely,



Carter Fritschle
Senior Water Rights Agent

CF:sf:state:region:tf

Enclosure:

Receipt #C021262

Request for Withdrawal

Copy of Water Right License

MICROFILMED

DEC 09 1992

CLAIMANT'S NAME: Frank MacLerran DATE: 7-23-91
COUNTY: Custer 588-2832
EMPLOYEE: Carter Fritschle CF

Mr. MacLerran was quite upset when he was told that the total of the filing fee and late fee was \$75.00. He stated that he was 85 years old, and all we were after was his money. I informed him that he could withdraw his claim, and we could then refund the \$50.00 he has paid to date. He requested that we explain his options in a letter, and then he would decide what action he wanted to take.

MICROFILMED
DEC 09 1992

RECEIVED

July 15, 1991

JUL 22 1991

Department of Water Resources

Dear Sirs:

Our well is located 14 feet from the line of Section 27 & 28.
It is located 9 feet from the house, which is located on the line
of section 27 & 28. We have enclosed a drawing which is clearer
then the map you sent to us.

The primary use of this well is the domestic, house and small yard.
which equal ~~to~~ a city lot. 65' X 100'

According to the pamphlet you sent us, I hi-lighted some of the
paragraphs. It's really confusing to know what to believe.

We filed on our well in the Spring of 1952, and it was inspected
by Mr. Higgins.

We cannot remember receiving a commencement notice to file in Sept.
1989 on our Domestic Well.

We were told People with Domestic Wells, were not required to file
at this time and maybe, never have to.

Enclosed: Letter
Map
Drawing Plan
Copy of Letter
Check
~~Form~~

Frank L MacLennan
Rt 1 Box 2c
Moshay, Idaho 83251

MICROFILMED
DEC 09 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

July 9, 1991

Frank L. MacLerran
Route 2, Box 2C
Mackay, ID 83251

RECEIVED
JUL 22 1991

RE: Snake River Basin Adjudication (SRBA)
Custer County - Receipt #C020931

Department of Water Resources

Dear Mr. MacLerran:

We have received the Notice of Claim to a Water Right you recently filed in the Snake River Basin Adjudication. However, before we can process your Notice of Claim, there are a couple of items which require your attention.

Our records indicate you were mailed a Commencement Notice September 18, 1989, and did not file a Notice of Claim; you therefore are liable for late fees. The statutes governing the adjudication provide that late fees be assessed to encourage prompt filing of the Notices of Claims. Idaho Code §42-1409(8) sets these fees at \$50.00 or 15% whichever is greater. If you feel you have a compelling reason that prevented you from meeting the initial deadline of January 12, 1990, you may request an extension of time which, if granted, would warrant a refund of the late fees. I have enclosed a form for your possible use in this matter.

If you choose to continue with this filing by paying the late fees, we need your assistance at Item #4, point of diversion, and Item #10, place of use.

I have enclosed a map highlighting the section within which your property apparently lies based on the information you supplied in your Notice of Claim. Please mark the location of your well and return the map, with a copy of this letter, to my attention.

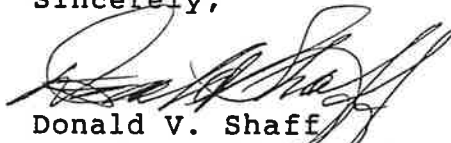
We will suspend for 14 days (July 23, 1991) the processing of your claim until the late fees are paid and the map is marked and returned. Your fees will be refunded unless late fees are paid as set forth above. We are enclosing Receipt #C020931 in the amount of \$25.00, for the filing fees.

MICROFILMED
DEC 09 1992

Frank MacLerran
July 9, 1991
Page 2 - Custer County

Please don't hesitate to contact me or the regional office
in Idaho Falls at 525-7161 if you have any questions.

Sincerely,



Donald V. Shaff
Manager, Adjudication Section

DVS::sf:state:east:tf

Enclosure:

Orthoquad Map

Receipt #C020931

Request for Extension of Time

MICROFILMED
DEC 09 1992

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-12379
Date Received: 6/21/1991
Receipt No: C020931
Received By: _____

*Rejected
Insufficient
Fees*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: FRANK L MAC LERRAN
Address: RT 1 BOX 2C
MACKAY ID

83251

208-588-2832

2. Date of Priority: MAY 20, 1952

3. Source: GROUNDWATER

Trib. to: INSUFFICIENT FEES; REFUNDE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	24E	28	SE	SE	SE		CUSTER

5. Description of diverting works:
WELL, 4" PIPE 30' DEEP 1 HP PUMP, PIPED TO HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ONE HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	24E	28	SE	SE		DOMEST	

11. Place of use in counties: CUSTER

A34-12379

Page 1

Date: 10/17/91

MICROFILMED
DEC 09 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

TO: A34-12379
FROM: D. Shaff 
DATE: October 17, 1991
RE: NUMBERING RATIONAL

During the course of the correspondence related to the filing of this claim, this claim was associated with 34-02294. Had the filing process not reached an impasse, a positive link between the claim and license may have been possible. The difficulty I had with continuing the identification of the claim with the license number is the use and priority date claimed. Both elements were different than those confirmed by the license. In addition I was reluctant to identify the rejected claim with the license number given the use claimed did not mesh with the uses of the license that as yet has not been claimed. I chose to have one record (A34-12379) for the rejected claim and another (R34-02294) for the not claimed record.

MICROFILMED
DEC 09 1992

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576 12379

Identification No. A34-02294
Date Received 6/21/91
Receipt Number 6020931

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

RECEIVED
JUN 21 1991

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) FRANK L MACLERRAN Phone (208) 588-2832

Mailing Address Route 1, Box 2 C Zip 83251

2. Date of Priority (Only one per claim) Spring 1952 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 7N Range 24E

Section 28 27 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____, BM.,

County of Custer

Additional points of diversion if any: NA

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well 4" pipe 30' deep 1 h.p. House Pump
pipe into House.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 Household

MICROFILMED
DEC 09 1992

10. Place of use is: Township: 7 N Range 24 E

Section 28, 27-SE 1/4 of SE 1/4, Govt. Lot _____, B.M.,

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any NA

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

X None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Frank J MacLerran Date 6-18-91

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Custer) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 18th day of June 19 91

SEAL

Notary Public Linda M. Hendry

Residing at MacLerran, Id.

My Commission Expires 3/19/93

Last Name MacLerran Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

DEC 09 1992

Air Port

High way

318 ft

Air Port
Property

0.9 Acres in
Section

27

(Basement)
House



Well 14' from line
corner of well

286 ft

52.5 ft

719.4 ft

Section

28

5.6 Acres in

SAGE BRUSH

1082.1 ft

410.4 ft

MICROFILMED
DEC 11 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME MacLerran, Frank L.CLAIM IDENT. NO. 12379
A34-02294DATE RECEIVED 06-21-1991CK # C020931AMOUNT \$ 25.00

- | | YES | NO | Required Info? |
|--|-------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☐ | ☒ | * |
| 20. Is the fee enclosed correct? | ☐ | ☒ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: AFRAGEDate: 10-17-91

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Date:

Claim data entered by: AFRAGEDate: 10-17-91Checked by: BDate: 10/17/91

Sent to claimant by:

Date:

Comments:

refunded, withdrawn. Notate fees pd.

MICROFILMED

DEC 09 1992