

IDAHO DEPARTMENT
OF WATER RESOURCES

T07S, R05W, S23

6 = ACRES

Section Lines

PLACE OF USE

1/4 1/4 Lines

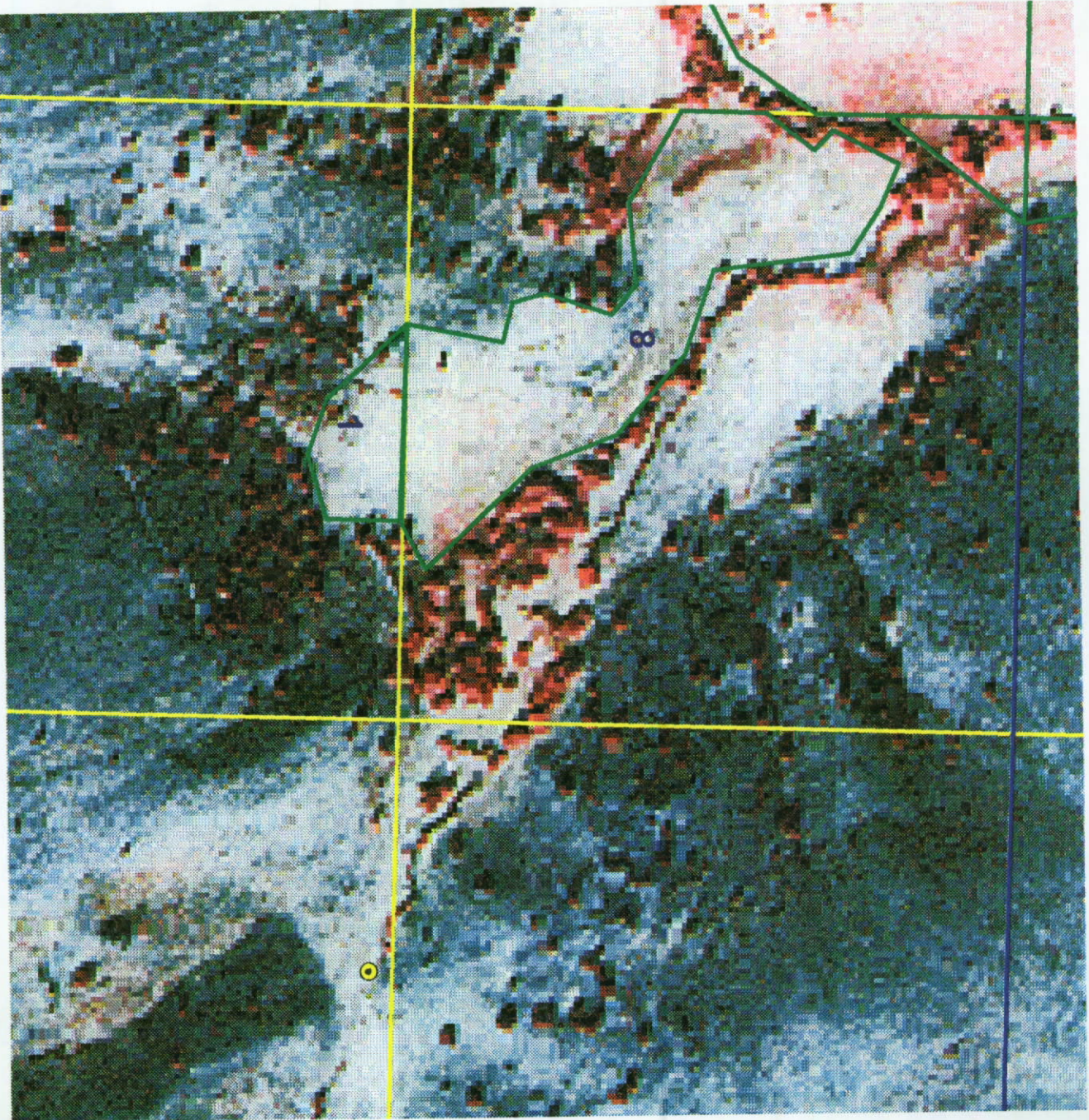
POINT(S) OF DIVERSION

Claim(s): 55-04039
Owner(s): MORGAN
Prepared by: KAY WALKER
Date: 2/28/1998
TOTAL ACRES = 9



1987 NAPP

0 0.25



8

Spring

JEOP

17

20

16

West

Creek

21

Mine

15

10

22

JEOP

TRAIL

11

Rail

14

11

12

13

14

15

16

17

18

19

20

5

6

7

8

9

10

11

12

13

14

15

Creek

P.O.D.

JEOP

5758

75-54

AA53

1979

Spec. 1034
55-04054
55-04054

Pictures taken 7/8/93
by kw



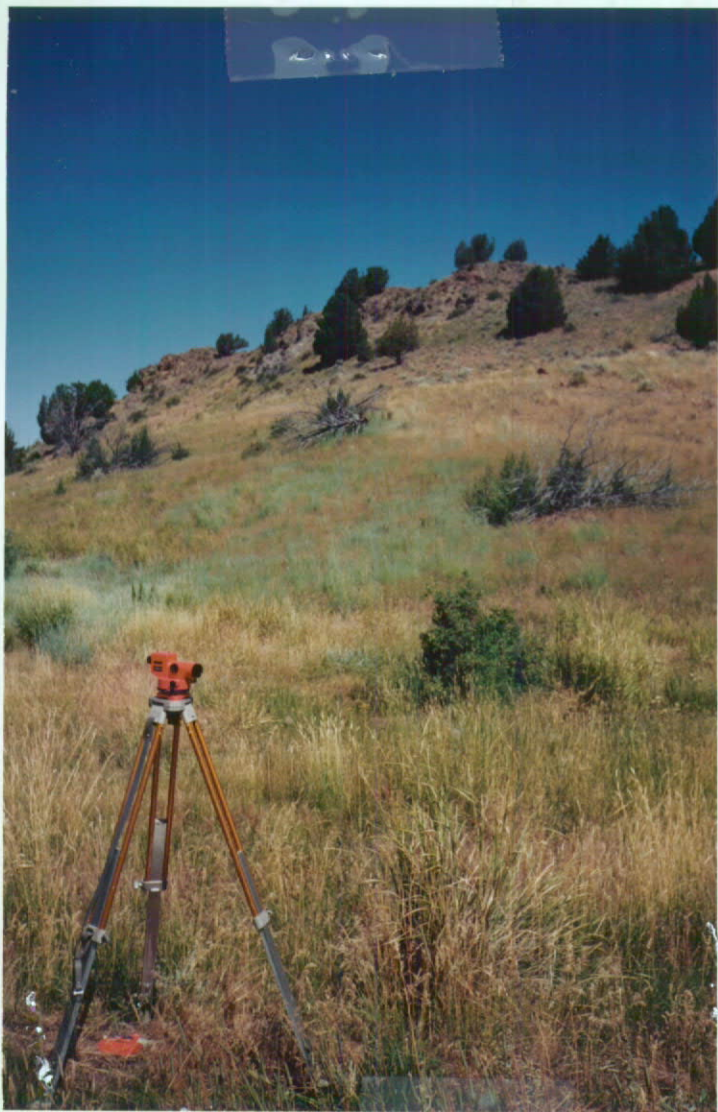
Point of
Diversion -
From Mine
Creek

Ditch from
Iron Mine
Creek point
of diversion.



A55-04039

Pictures taken
8-3-93 by Kworlsw



Location of tripod
set-up on Iron
Mine Creek.

Ditch from
Iron Mine
Creek.



A55-04039

Pictures taken
7/8/93 by kw



Place of
use -
irrigated
by Iron
mine Ck. -
North side
of Rail Ck.

Place of
use ~~at~~ for
Rail Ck.
& Iron
mine Ck.



A55-04039

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: A55-04039
Date Received: 1/31/1989
Receipt No: W002131
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALTER MORGAN 208-583-2366
Address: PO BOX 277
JORDAN VALLEY OR 97910
OR
Name: GRACE MORGAN 208-583-2366
Address: PO BOX 277
JORDAN VALLEY OR 97910

2. Date of Priority: MAR 1, 1895

3. Source: IRON MINE CREEK Trib. to: RAIL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	05W	23	NE	NW			OWYHEE

5. Description of diverting works:
GRAVITY DIVERSION INTO OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/15	0.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	14	NE	NW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	14	SE	NW		IRR	16.0
			NE	SW		IRR	18.0
			SE	SW		IRR	12.0
						Section Acres	51.0
		23	NE	NW		IRR	9.0
						Section Acres	9.0
						Total Acres	60.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE ENTIRE FLOW OF IRON MINE CREEK IS DIVERTED ACRES ON MAP AA53
ATTACHED.
OWNERSHIP CHANGED BY KW 10/01/1993.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 9/20/93

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) (Basin 55)
Assigned by IDWR: 55-2013, 2100, 2145, 4038, 4039, 10118, 10119
10120, 10122, 10121, 10123, 10122, 4037
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Ray Pershall
P.O. Box 817
Marsing, ID 83639
- ☐ New Owner/Claimant (Purchaser): Walter Morgan OR Grace Morgan
Box 277
- ☐ New Mailing Address: Jordan Valley OR 97910
- ☐ New Telephone Number: (208) 583 - 2366
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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: _____

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

- ☒ Signature of New Owner/Claimant(s) Ray Pershall Date 9-23-93

Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: EW By: 10/1/93

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

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: A55-04039
Date Received: 11/21/1988
Receipt No: W002131
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAY PERSHALL 208-896-4287
Address: ROUTE 1 BOX 448
MARSING, ID 83639

2. Date of Priority: MAR 01, 1895

3. Source: IRON MINE CREEK Trib. to: RAIL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	05W	23	NE	NW			OWYHEE

5. Description of diverting works:
GRAVITY DIVERSION INTO OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/15	0.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	14	NE	NW		IRR	5.0
			SE	NW		IRR	16.0
			NE	SW		IRR	18.0
			SE	SW		IRR	12.0
Section Acres							51.0

A55-04039

Page 1

Date: 02/14/89

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SEP 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	23	NE	NW		IRR	9.0
Section Acres							9.0
Total Acres							60.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:
THE ENTIRE FLOW OF IRON MINE CREEK IS DIVERTED ACRES ON MAP AA53
ATTACHED.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 55-04039
Date Received 11-21-88
Receipt Number W002131/W002132

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
NOV 21 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Ray Pershall Phone (208) 896-4287
Mailing Address RT. 1 Box 448 Marsing, Idaho Zip 83639

2. Date of Priority (Only one (1) per claim) March 1, 1895

3. Source of water supply (a) Iron Mine Creek
which is tributary to (b) Rail Creek

4. a. Location of existing point of diversion is: Township 7S. Range 5W Section 23,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Gravity diversions to open
ditches

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SEP 29 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 1 to Nov. 15 amount 54 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 54 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
75	5W	23					9												9
		14					5			16 18			12						51

Total number of acres irrigated 60

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

12. Do you own the property listed above as place of use? Yes X No X
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. _____ or None (X)

14. Remarks: The entire flow of Iron Mine Creek is diverted
across on Map A753 attached erroneously
described irrigated 60 acres since March, 1895,

Last Name Pershall Ident No. 55-04039

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Copies: White-State, Yellow-Claimant

SEP 29 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Scale: 2 inches equals 1 mile

[illegible]

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Copies: White-State, Yellow-Claimant

SEP 29 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 35-04039

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Ray Pershall Date 11/17/88
Date _____

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

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 17 day of November 19 88

SEAL

Notary Public John K. Noyes

Residing at 15470 Homedale Rd.
Caldwell, Idaho

My Commission Expires Sept. 21, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Pershall Ident. Number 55-04039

MICROFILMED
Copies White-State, Yellow-Claimant
SEP 29 1992

Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 1 to Nov. 15 amount .54 or 11

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .54 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
75	5W	23				9													9
		14				5				16	18			12					51

Total number of acres irrigated

60

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

12. Do you own the property listed above as place of use? Yes X No X

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.

or None (X)

14. Remarks: The entire flow of Iron Mine Creek is diverted
across on Map A753 attached

Last Name Pershall Ident No. 55-04039

50 H60 = 110.00

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Copies: White State, Yellow-Claimant

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old (D) Number -

[illegible]

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+ - - Priority Date - - +      + - - Region - - +      + - - Stage - - +      + - - Status - - +
14      01/01/1895                                S - STATUTORY CLAIM

```

```
+ - - - Source - - - - - +
IRON NINE CREEK
+ - - - Tributary - - - - - +
RAIL CREEK
```

[illegible]

05W	23	SW NE	(73)	OWYHEE
07S	23	NW NW	(73)	OWYHEE

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
+	-	-	-	-	-	-

01 - BRIGATION	04/15	10/31	0.540
----------------	-------	-------	-------

+ - Total Div. Rate	+ - Total Div. Volume	+ - Total Div. Capacity
0.540		

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
-----	-----	-----	-------	-----	-------	--------------	-------------	--------

05W	07S	14	NE NW	5.0	01	IRRIGATION	(73)	OWYHEE
05W	07S	14	SE NW	5.0	01	IRRIGATION	(73)	OWYHEE
05W	07S	14	NE SW	2.0	01	IRRIGATION	(73)	OWYHEE
05W	07S	23	NW NE	5.0	01	IRRIGATION	(73)	OWYHEE
05W	07S	23	NE NW	7.0	01	IRRIGATION	(73)	OWYHEE
05W	07S	23	SE NW	3.0	01	IRRIGATION	(73)	OWYHEE
07S	07S	23	SE NW	3.0	01	IRRIGATION	(73)	OWYHEE

27.0

+ - - Diversion Means - Gravity Diversion INTO OPEN DITCHES:

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

	Remarks	
	No Remarks found.	

+ - - - - +
- - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - -	- Decree Plaintiff	- - +	+ - - -	- Decree Defendant	- - +	+ - Decree Date -
						00/00/0000

+ - - Audit Fields -

SEP 29 1992

Adj. flag translation: Standard Water Right Number

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Start Work Date	-	00/00/0000	Verified Date	-	01/17/1986	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000					

٢٩٩ ٢ ٩ ١٠٩٢

Water Right Number - 55-04039

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
PERSHALL

RAY

1 - ROUTE 1
2 -
3 -

City- MARSING State- ID Zip- 83639
Phone -

Priority Date - 01/01/1895
Region - 14 WESTERN
Source - IRON MINE CREEK
Tributary - RAIL CREEK
Statutory Claim -
Stage -
Status -

Point of Diversion -
Stream Index (Blank if no Index Code)
272.0 313.0 152.0 20.0 1.0
272.0 313.0 152.0 20.0 1.0

Water Use -
Period From - 04/15
Period To - 10/31
Diversion Rate - 0.540
Diversion Volume -

Total Div. Rate - 0.540
Total Div. Volume -
Total Div. Capacity -
Total Consumptive Use -
KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
07S	05W	14	NE NW	5.0	5.0	01	01	IRRIGATION	(73) OWYHEE
07S	05W	14	SE NW	5.0	5.0	01	01	IRRIGATION	(73) OWYHEE
07S	05W	14	NE SW	2.0	2.0	01	01	IRRIGATION	(73) OWYHEE
07S	05W	23	NW NE	5.0	5.0	01	01	IRRIGATION	(73) OWYHEE
07S	05W	23	NE NW	7.0	7.0	01	01	IRRIGATION	(73) OWYHEE
07S	05W	23	SE NW	3.0	3.0	01	01	IRRIGATION	(73) OWYHEE

Total Acres: 27.0

Diversion Means - GRAVITY DIVERSION INTO OPEN DITCHES.
Non-Irrigation Use -
Other Rights for Same Use -
Remarks - No Remarks found.
Old Water Right Numbers -
No Old Water Right Numbers found.

MICROFILMED

WATER RIGHT

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- p
Start Work Date	- 00/00/0000	Verified Date	- 01/17/1986	DLE/carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Microfilm Roll No	-	Presumption Flag	-

MICROFILMED
SEP 29 1992.

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

A55-04039

CLAIMANT'S NAME PERSALL

CLAIM IDENT. NO. _____

DATE RECEIVED 11-21-88CK # 4572/4396AMOUNT \$ 1073/10.00

YES

NO

Required Info?

1. Is the name and address complete with zip code? 72. Is a priority date entered? 7Is the priority date acceptable in view of mandatory filing dates? 73. (a) Is a source entered? 7(b) Is a tributary to entered? (if required) N/A 74. Is the legal description of the p.d. sufficient? 75. Is there a description of the diverting works? 76. 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. 7Is the period of use included? 7Is a quantity claimed for each use? 77. Is a total quantity claimed entered? 78. If required is a consumptive use entered? N/A 7Is the consumptive use correct? N/A 79. 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. N/A 710. Is (are) the place(s) of use and purpose(s) indicated? 711. Is (are) the county(ies) entered? 712. Is the ownership of p.u. checked? 713. Are other water rights listed or "none" indicated? 714. 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.) N/A 715. Is the basis of the claim indicated? 716. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.) 717. Is the claim signed by the claimant, and is the signature appropriate? 718. Has the claim been signed, sealed, and dated by a notary? 719. Was this claim filed on time, or was an extension granted? 720. Is the fee enclosed correct? Exempt 721. If this claim is based on an existing water right, has the identification number been entered? N/A 722. Should this claim be receipted and data entered? 7Claim checked by: VERIFIED RDN Date: 1-31-89Claim must be returned to claimant: (Yes) (No)Claimant must be sent a copy of amended claim for approval: (Yes) (No)Receipt Prepared by: Date:
Claim data entered by: Date: Checked by: Date:
Sent to claimant by: Date: Comments: SEE REMARKS (NOT EXPANSION)110.00ENTER ACRES AS ON CLAIM

MICROFILMED

SEP 29 1989

DATE: 03/01/98
PAGE: 1

(REGIONAL)

DIVERSION
VOLUME

TOTAL DIVERSION: 0.18 CFS

Stage: BENEFICIAL USE

DAYHEE County

SE

TOTAL ACRES

Other Rights: NONE

A55-04039 R55-04037

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

OWNERSHIP CHANGED BY KW 10/01/1993.

Audit: 03/01/98 KWALKER

IDAHO DEPARTMENT
OF WATER RESOURCES

T07S, R05W, S23

6 = ACRES

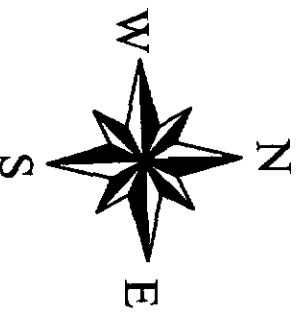
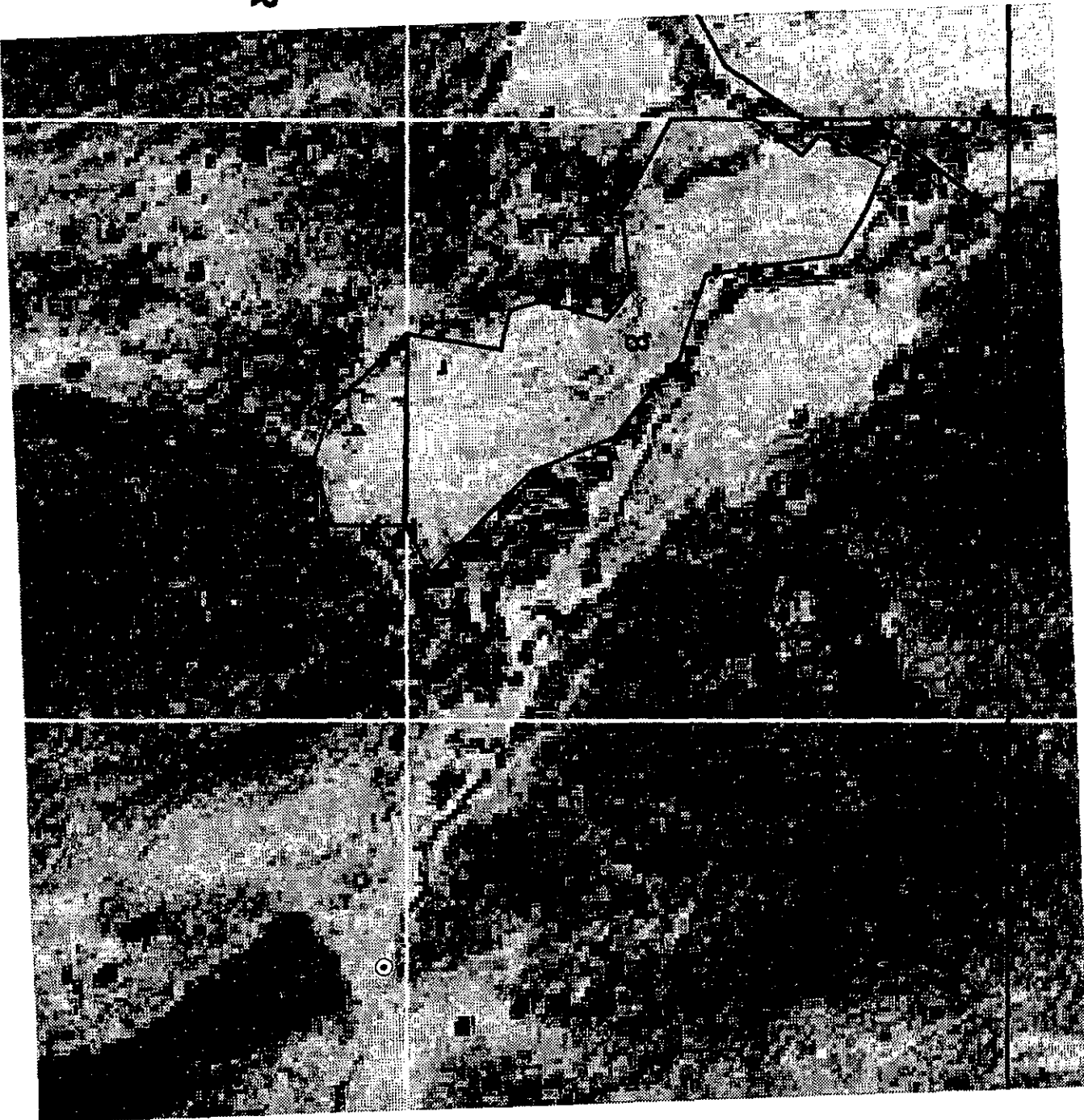
Section Lines

PLACE OF USE

1/4 1/4 Lines

POINT(S) OF DIVERSION

Claim(s): 55-04039
Owner(s): MORGAN
Prepared by: KAY WALKER
Date: 2/28/1998
TOTAL ACRES = 9



1987 NAPP

0

0.25

DIVERSION RATE	DIVERSION VOLUME
100	100
90	90
80	80
70	70
60	60
50	50
40	40
30	30
20	20
10	10
0	0

TOTAL DIVERSION:
CONSUMPTIVE USE:

~~0:52 CFS~~

Stage: BENEFICIAL USE 2

WAYNE COUNTY

7

SUM

~~260~~

Other Rights: NONE

Other ~~Water Rights~~ Listing Overlapping Place(s) of use:

A55-04039

Verified Date:

Field Inspection Flag:
Presumption Flag: ~~28~~

Date: 06/18/1994 **User-ID:** WALKER **Subject:** COPIED FROM REMARKS
Comments:

ATTACHED.
OWNERSHIP CHANGED BY KU 10/01/1993.

Audit: 04/18/94 WALKER

~~205~~
~~FOI (255-04037)~~ NO

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

455-04039

MR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	Y	7-8-93					
PT. OF DIV.							
SOURCE							
PL. OF USE							
DIV. AMOUNT CFS/AF		609 200 8-3-93					
CONSUMPTIVE USE							
NATURE OF USE							
PERIOD OF USE							
BASIS OF CLAIM	Stat.						
REMARKS	1						

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES NO *some need more*

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS:

Must be examined due to stage.

VERIFICATION CODES

- TOPO MAP/ORTHO PHOTO = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- NAPP PHOTOS = 4
- FIELD EXAM = 5
- OTHER(SEE COMMENTS) = 6

DATA ENTRY COMPLETED
BY DATE

FINAL RECOMMENDATION
BY DATE

LAST: PERSHALL
ADDRESS: ROUTE 1 BOX 448
CITY: MARSING
PHONE NUMBER: 208-896-4287
OWNER CODE: 0

LAST: MORGAN
ADDRESS: PO BOX 277
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2366
OWNER CODE: C

LAST: MORGAN
ADDRESS: PO BOX 277
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2366
OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER


CLAIM REMARKS: THE ENTIRE FLOW OF IRON MINE CREEK IS DIVERTED ACRES ON MAP AA53
ATTACHED.
OWNERSHIP CHANGED BY KW 10/01/1993.

CONTACT PERSON: Ray Leeshall

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 7/8/93

APPOINTMENT MADE: Y() N() TIME: 8:30 A() P()

ACCOMPANIED BY: same

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: same

DIRECTIONS TO PROPERTY / NOTES:

Met at Mr. Leeshall's home in Meeting.
See directions in A55-04037.

A. AJ CLAIM: # A55-04039 PRIORITY DATE: 03-01-1895 STAGE: J
B. WR RECORD: # 55-04039 PRIORITY DATE: 01-01-1895 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) Y DATABASE EXAMINER *pc*

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? (Y/N) (Y) (N) ()
IF YES EXPLAIN.

NOTES: *Only source of evidence is Mr. Leubadel's statement. The homestead documents the McGowan brought in do not describe the land under this claim - these lands are "around" the irrigated place of use.*

RECOMMENDED PRIORITY DATE:

4-15-1921

REVIEWED BY *ku*

DATE

4-18-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-04039	07S	05W	23		NE	NW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE ☒ NONE ☒

WR RECORDS IN SAME 40 ACRE TRACT
NONE ☒

SOURCE: IRON MINE CREEK

TRIB: RAIL CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
55-04039	07S	05W	23		SW	NE		OWYHEE
55-04039	07S	05W	23		NW	NW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE ☒

A55-10349 NONE ☒

SOURCE: IRON MINE CREEK

TRIB: RAIL CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD EXAMINER


NOTES:

[illegible]

From Mine Ct. is diverted by canvas dam, to ditch, to place of use. This creek is co-mingled with Rail Creek water for use on lands on North side of Rail Ct. in Section 14, 75, 54.

A. ROOT WATER RIGHT NUMBERS: A55-04039

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	05W	14	NE	NW		MORGAN, WALTER PERSHALL, RAY	A55-04039 / 5.0	55-04039 / 5.0 55-04037 / 6.0		8.0	0
07S	05W	14	SE	NW		MORGAN, WALTER PERSHALL, RAY	A55-04039 / 16.0	55-04039 / 5.0 55-04037 / 12.0		12.0	8
07S	05W	14	NE	SW		MORGAN, WALTER PERSHALL, RAY	A55-04039 / 18.0	55-04039 / 2.0 55-04037 / 15.0		11.0	4
07S	05W	14	SE	SW		MORGAN, WALTER PERSHALL, RAY	A55-04039 / 12.0	55-04037 / 15.0		14.0	0
07S	05W	23	NE	NW		MORGAN, WALTER BRUCE, ROBERT C	A55-04039 / 9.0 A55-10349 /	55-04039 / 7.0		25.0	8
TOTAL ACRES							A55-04039	60.00	19.00	70.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
[Signature]

POU COUNTY: OMYREE

PRESUMPTION FLAG:

NOTES:

Recommend C05

RECOMMENDATIONS:

TOTAL ACRES:

26

REVIEWED BY:

[Signature]

DATE:

4/18/94

A. AJ CLAIMED USES:

PURPOSES
A55-04039 IRRIGATION

MONTH/DAY
FROM 03-01 TO 11-15

DIVERSION QUANTITY
.540 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.540 CFS

B. WR RECORDED USES:

PURPOSES
55-04039 IRRIGATION

MONTH/DAY
FROM 04-15 TO 10-31

DIVERSION QUANTITY
.540 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.540 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE EXAMINER
N N
Y Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()
Y() N() Explain in notes, below.

NOTES:

WR standards for this area are 4-15 to 10-15.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(✓) N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.540 CFS
MR ROOT RIGHT TOTAL DIVERSION RATE: 0.540 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

FIELD DATABASE EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y *far*

B. FLOW MEASUREMENT

MEASUREMENT METHOD *Mannings*, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(✓) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A55-10369	STOCKWATER	BRUCE, ROBERT C	FROM 06-01 TO 10-15	.120 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 240 x 0.02 CFS/ACRE = 2.52 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 240 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 65.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

NOTES: (Include limitations on consumptive use for combined rights.)

E01 (55-04037)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION ✓	4-15 10-15 ~~03-01 11-15~~	DATABASE EXAMINER 0.540 <u>0.52</u>	DATABASE EXAMINER <u>N/A</u>	DATABASE EXAMINER 0.0 <u>05.0</u>
TOTAL FOR THIS RIGHT		~~0.540~~ 0.52		0.0 65.0

REVIEWED BY: kw DATE: 4-18-94

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ☒ NEEDS REVIEW ☐
() () () ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-04039 *D/A*
TOTAL DIVERSION RATE OF WR SPLITS *0.540*

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
	ASS-04039	0.540			55-04039	0.540
TOTAL CFS					0.540	0.540

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
If NO, is the written review sheet attached? (Y/N)

NOTES:

AUTHENTICATION:

SIGNATURE: *Kay Walker*

DATE: *4-18-94*

NAME OF FIELD EXAMINER: *Kay Walker*

TITLE: *Sr. Agent*

State of Idaho,

County of Owyhee,

WE HEREBY certify that the following instrument was duly recorded in the
Office of the County Clerk of Owyhee County, Idaho, on the 1st day of May, 1944.
United States, Character of Instrument, no tax paid
Grantor, : Patent.
to : Date of Instrument, April 8th, 1941.
Opal C. Dunning, formerly : Date of Record,
Opal C. Phipps, : April 21st, 1944, at 9:10 o'clock A.M.
Grantee. : Book 10 of Patents, page 137,
: Owyhee County Records.

Blackfoot 047094

Issued pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto.

Executed by the President: Franklin D. Roosevelt
By Jeanne Kavanagh, Secretary.

R. S. Clinton, Chief, Patents Division,
General Land Office.

Seal of the General Land Office affixed.

Recorded: Patent Number 1110922.

Description---The south half of the southwest quarter, the northeast quarter of the southwest quarter, the south half of the northeast quarter, the northeast quarter of the northeast quarter and the northwest quarter of the southeast quarter of Section twenty-two, the west half of the southwest quarter, the southeast quarter and the southwest quarter of the northeast quarter of Section fourteen, and the north half of the northeast quarter of Section twenty-three in Township seven south of Range five west of the Boise Meridian, Idaho, containing six hundred forty acres.

Covenants---Subject to the usual water rights reservations.

And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916, (39 Stat., 862).

Abstract of Title
TO

The southeast quarter, the southwest quarter of the northeast quarter and the west half of the southwest quarter of Section fourteen, the north half of the northeast quarter of section twenty-three and the east half of the northeast quarter of the northeast quarter of Section twenty-two, all in Township seven south of Range five west of the Boise Meridian, Idaho.

---:---

RECEIVED

FEB 17 1994

WATER RESOURCES
WESTERN REGION

Prepared for J. W. Dunning, Homedale, Idaho,
by the Owyhee County Abstract Co.

MANNING EQUATION CHANNEL CAPACITY RESULTS

08-04-1993

File Number: A55-04039

Claimant: RAY PERSHALL

Channel measured: IRON MINE CREEK DITCH

Date of measurement: 08/03/1993

Measurement location:

NENW S23 T07S R05W

Calculation prepared by: KAY WALKER

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 204 feet.

The upstream and downstream rod readings are 4.77 and 7.19 feet.

The channel cross section is 0.82 ft-sq.

The wetted perimeter is 2.48 feet.

The hydraulic radius is 0.33 feet.

The slope is 0.0119

The roughness coefficient is 0.0450

The flow velocity is 1.728 ft/sec.

The rate of flow is 1.42 cfs.

CROSS SECTION NUMBER 1

For File Number A55-04039 for the IRON MINE CREEK DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.60	0.60	0.50
3	0.64	0.64	0.90
4	0.47	0.47	1.30
5	0.38	0.38	1.60
6	0.00	0.00	2.00

The area for this cross section is 0.82 square feet
and the wetted perimeter is 2.48 feet.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): A55-04039

Name of Claimant(s): Reeshall

Name of Ditch, Canal, or Stream: Iron Mine Cr.

Date of Measurement: 8-3-93 Data Collected By: Kay & Linda

Measurement Location: NE 1/4 NW 1/4 Section 23 T 7S R 5W

Cross Section Data

Basis: high water mark(☒) maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

	depth or rod reading	distance from initial point		depth or rod reading	distance from initial point
LEW					
1.	<u>0</u>	<u>0</u>	7.		
2.	<u>.5</u>	<u>.60</u>	8.		
3.	<u>.9</u>	<u>.64</u>	9.		
4.	<u>1.3</u>	<u>.47</u>	10.		
5.	<u>1.6</u>	<u>.38</u>	11.		
6. REW	<u>2.0</u>	<u>0</u>	12.		

Slope Data

Basis: high water mark(☒) channel bottom() land surface()

Level Readings:	upstream	downstream	
upper stadia	<u>4.99</u>	<u>7.97</u>	
center	<u>4.77</u>	<u>7.19</u>	
lower stadia	<u>4.53</u>	<u>6.39</u>	channel length
stadia difference	(<u>.46</u> + <u>1.58</u>) x 100 =		<u>204'</u>

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes()

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS							
earth	.020	✓	(1)	negligible	.000		(1)				
rock	.025		(2)	minor	.010	✓	(2)				
fine gravel	.024		(3)		.015		(3)				
coarse gravel	.028		(4)	appreciable	.020		(4)				
					.030		(5)				
				severe	.040		(6)				
					.050		(7)				
					.060		(8)				
SURFACE IRREGULARITY				VEGETATION							
smooth	.000		(1)	low	.005	✓	(1)				
minor	.005	✓	(2)		.010	✓	(2)				
moderate	.010		(3)	medium	.015		(3)				
severe	.020		(4)		.020		(4)				
					.025		(5)				
				high	.030		(6)				
					.040		(7)				
					.050		(8)				
				very high	.060		(9)				
					.075		(10)				
					.100		(11)				
				VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
				gradual	.000	✓	(1)	minor	1.00	✓	(1)
				occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)				
	.015		(4)								

75-51

AA53
1079



Pictures taken 7/8/93
by kw



Point of
Diversion -
From Mine
Creek

Ditch from
Iron Mine
Creek point
of diversion.



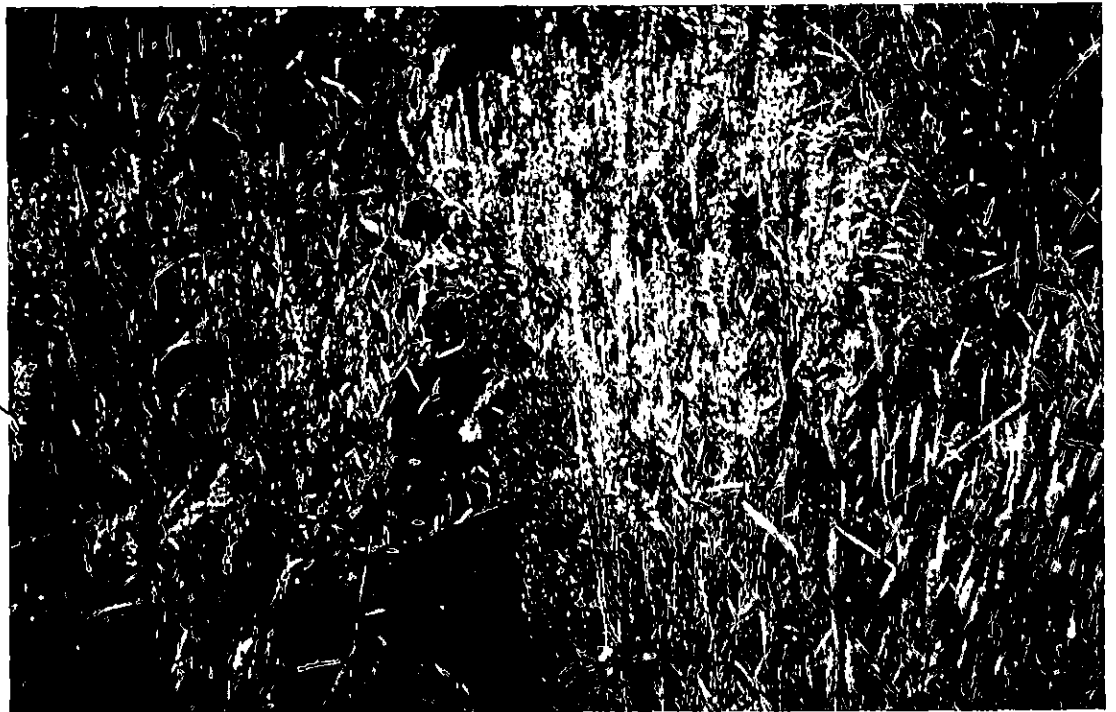
A55-04039

Pictures taken
8-3-93 by Kworlun

Location of tripod
set-up on Iron
Mine Creek.



Ditch from
Iron Mine
Creek.



A55-04039

Pictures taken
7/8/93 by kw



Place of
use -
irrigated
by Iron
mine Ck. -
North side
of Rail Ck.

Place of
use ~~at~~ for
Rail Ck.
& Iron
mine Ck.



A55-04039

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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 Ray Pershall

(Name of Claimant)

Route #1, Marsing, ID 83639

(Mailing Address)

(Zip Code)

Telephone No. _____

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) 1895

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)

Iron Mine Creek

tributary to Rail Creek

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.54 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>4/15</u>	To <u>10/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 0.54 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

SW ¼ NE ¼, Sec. 23 Twp. 7S Rge. 5W B.M., County of Owyhee

Additional points of diversion: NW¼NW¼, S. 23, T. 7S, R. 5W, B.M.

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. Gravity diversion into open ditches.

- (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	
7S	5W	23		5			7			3									15
		14					5			5	2								12

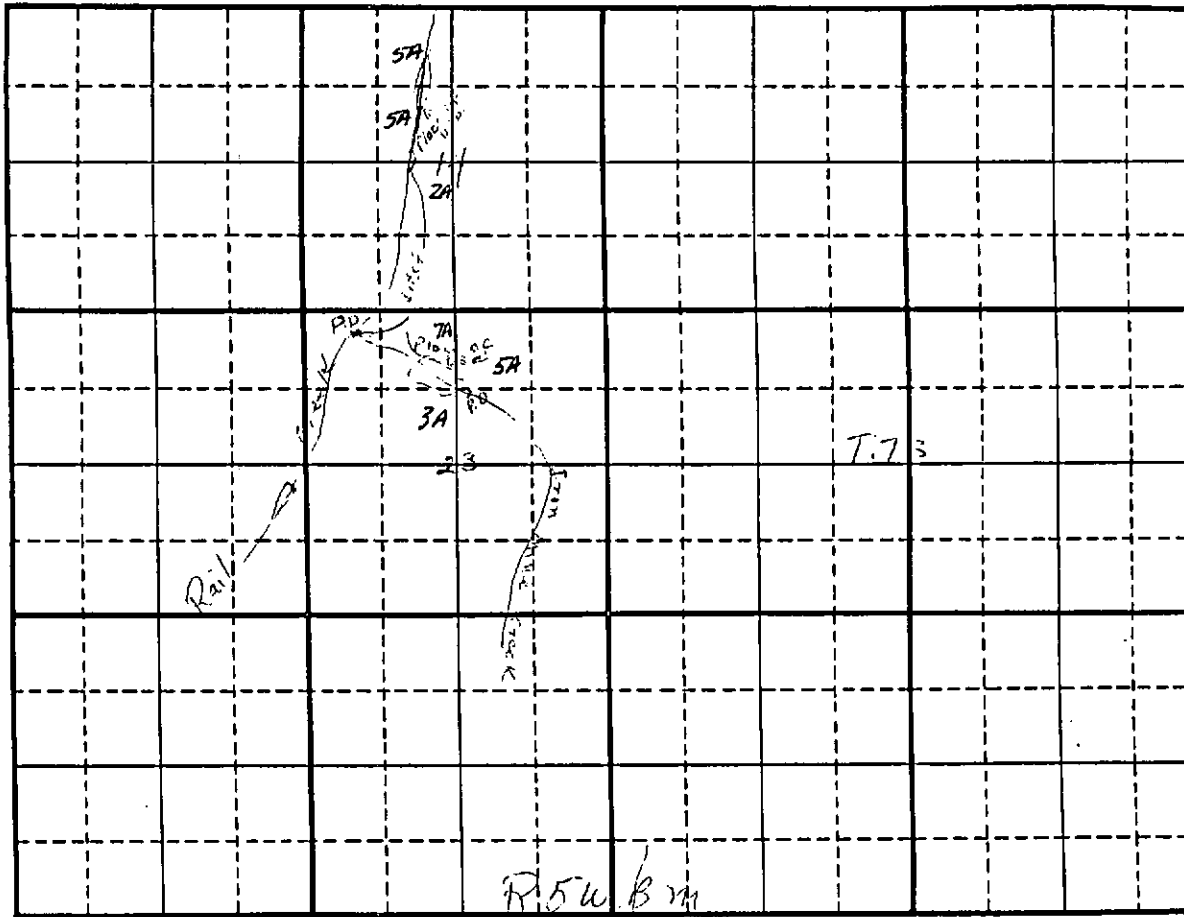
No. of acres 27

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

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

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

(8) Remarks The entire amount of water in the creek is used.



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 5 day of October, 1979.

Ray Marshall
(Claimant)
Kathleen A. Walker
Notary Public
Residing at Boise

My commission expires life

FOR DEPARTMENT USE ONLY

Received by <u>R.W.H.</u>	Date <u>10-5-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CWB</u>	Date <u>10/11/79</u>		claimant by:	
\$20.00 fee received by <u>KK</u>	Date <u>10/27/79 #14580</u>			
Published in <u>Owyhee Nugget</u>				
Dates <u>10/25 & 11/1/79</u>				



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 1, 1993

RE: Notice of Claims to Water Rights Nos. A55-02013, A55-02100, A55-02145, A55-04038, A55-04039, A55-04037, A55-10118, A55-10120, A55-10121, A55-10119, A55-10122 and A55-10123

Walter or Grace Morgan
P.O. Box 277
Jordan Valley, OR 97910

Dear Mr. and Mrs. Morgan:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the lands and appurtenant water rights covered under the original filings submitted by Ray Pershall. Also enclosed is a copy of the Notice of Change of Water Right Ownership which Mr. Pershall submitted.

On May 10, 1993, I requested that Mr. Pershall submit additional information in regard to evidence of priority for Claims A55-04037, A55-04038 and A55-04039. Enclosed is a copy of that correspondence for your information.

The Department will contact you in the future concerning any other requirements that may be needed in order to process these claims for final court decree. If you have any questions concerning the enclosed claims, please do not hesitate to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures
cc: Ray Pershall



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 10, 1993

RE: Notice of Claims to Water Right Nos. A55-04037, A55-04038
and A55-04039

Ray E. Pershall
Rt. 1 Box 448
Marsing, ID 83639

Dear Mr. Pershall:

I have reviewed the above referenced files to make sure all is in order prior to conducting the field exam on these systems. Please be advised that it would be to your advantage to submit some additional information in regard to evidence of priority for these claimed water rights. The evidence you have submitted describes an "Abstract of Title" which shows the relationship between the land and the creeks used for irrigation of these lands. If possible, we would like to have a copy of the pages from the abstract that the land description and water usage are discussed.

It is to your advantage to submit the best evidence available to substantiate your water use. I am enclosing a brochure entitled "Evidence of Priority" which discusses the type of evidence that is acceptable. If you have any questions in regard to this, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 1, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RAY PERSHALL
ROUTE 1 BOX 448
MARSING ID 83639

4-28-93
too muddy!!
he will call as soon
as we can access
the property -

RE: Claims filed in the Snake River Basin Adjudication.

Dear Mr. Pershall;

The Department of Water Resources will be conducting beneficial use and water right claim verification examination in your area beginning in April. An examination is needed to verify your water use in order to issue a water right license and/or decree.

Information on your permit or claim which may need to be verified includes source of water, type of usage, amount of water used, number of acres irrigated, and legal descriptions of the point of diversion and/or place of use.

In order to expedite these field examinations, which need to be completed this season, we request that you contact our office at (208) 334-2190 within two weeks to make an appointment at a time convenient for you. The amount of time required to conduct these exams depends on the number of water rights you have filed. An approximate time can be given when you call for an appointment.

Although it is not mandatory that you accompany the field examiner, it does insure that an accurate description of your system will be made. If either yourself, or someone familiar with the system, could accompany the examiner it would be beneficial.

To make an appointment, or if you have any questions or problems with scheduling the exam verification, please contact one of the following water resource agents in our office.

RON HOWERTON

KAY WALKER

LINDA WERNER

located on N. Slope of South Mountain - cows aren't even moving to upper fields due to mud. KW

RECEIVED
JUL 25 1991

Department of Water Resources
Western Regional Office

July 23. 1991
Marsing, Id.

Idaho Dept Water Resources,

In answer to the information you requested.
I have an Abstract Of Title , showing
that my land watered from South Mountain
creek was patented on Jan. 3rd. 1914.
On Iron Mine and Rail Creek I have Abstract
of Title showing land under these creeks
Was Patented in 1924 and 1933 both creeks
joining in this land.

I was on this land in 1921 and the land
had been irrigated long befor that.
If you require any more info. Pleas let
me know.

Ray E. Pershall
Ray E. Pershall

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

On this 24th day of July, in the year 1991, before me, Tom G. Yokom,
a notary public in and for said State of Idaho, personally appeared
Ray E. Pershall, known to me to be the person whose name is sub-
scribed to the within instrument and acknowledged to me that he
executed the same.

Tom G. Yokom
Notary Public for Idaho
Residing at Marsing
My commission expires 1-25-96



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

A55-04037
RAY PERSHALL
RT. 1 BOX 448

June 28, 1991

RE: Claim No(s): A55-04037

CECIL D. ANDRUS

GOVERNOR

A55-04039
R. KEITH HIGGINSON

MARSING

ID 83639

A55-04038

DIRECTOR

Dear Claimant(s):

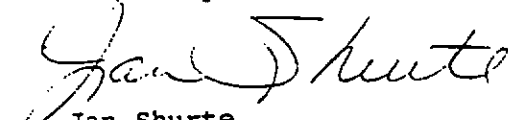
In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no license, decree or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of first use, or "Priority Date", for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes the types of evidence required and explains what kind of documents will fulfill this requirement. While we encourage you to read the entire pamphlet, we would like to direct your attention to the right-hand half of this pamphlet once you open it. There you will find information concerning the evidence requirements mentioned above. The other sections describe to you why this evidence is necessary.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, cannot be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the above claim(s) have been or soon will be conducted by Department personnel.

Please submit the required evidence supporting the priority date(s) by August 1, 1991, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact a water resource agent in this office.

Sincerely,


Jan Shurte
Water Rights Supervisor
Adjudication Section

JS:lh
Enclosures