

State of Idaho

License and Certificate of Water Right

Water License No. 12052
 Water District No. 55

Amount 1.6 sec. ft.
 Priority March 18, 1916.

THIS IS TO CERTIFY that **DAVID W. & CHAS. H. LOWRY**,
 of **Fairblain, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **March 18,** **1916**; that Permit No. **12052**
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of **6.4**
 second feet, was issued thereunder on **May 19,** **1920**, showing that said works
 were completed on the **16th** day of **April**, **1920**; and that on the **26th**
 day of **November**, **1920**,
CHAS. H. LOWRY,

of **Fairblain** State of **Idaho**, made proof to the satisfaction of the
~~Commissioner of Reclamation~~
~~Commissioner of Idaho~~, of a right to the use of the waters of **(1) Squaw Creek (2) Elderberry Spring**
 a tributary of **Re. Br. Owyhee River**, for the purpose of **Irrigation & Domestic use**
 under Use Permit No. **12052** of the State Engineer, and that said right to the use of said
 waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the ~~State~~
~~Commissioner of Reclamation~~
 of Idaho and entered of record in Volume **5** of Licenses, at page **2755**, on the **20th**
 day of **December**, **1920**;

The right hereby confirmed dates from **March 18,** **1916**;

The Point of Diversion is located
 in the **(1) NW 1/4** **SE 1/4** **Sec. 19**, **Tp. 10 S.**, **R. 5 W.**, **B. M.**
(2) NW 1/4 **SE 1/4** **Sec. 19**, **Tp. 10 S.**, **R. 5 W.**, **B. M.**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
 exceed **1.6** cubic feet per second, as follows:— **Squaw Creek 0.1 sec. ft.**
Elderberry Spring 1.5 sec. ft.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 S	6 W.	18	SE 1/4	40	—
			SW 1/4	40	—
			NE 1/4	40	30
			SE 1/4	40	25
			SW 1/4	40	15
			NE 1/4	40	—
			SE 1/4	40	—
			SW 1/4	40	10

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
 use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the **Commissioner of Reclamation**
 day of **December**, **1920**,
 at **Boise, Idaho**, this **20th**

V. G. SUNDGREN.
 Commissioner of Reclamation
 By **E. F. Bear,**
 Deputy.

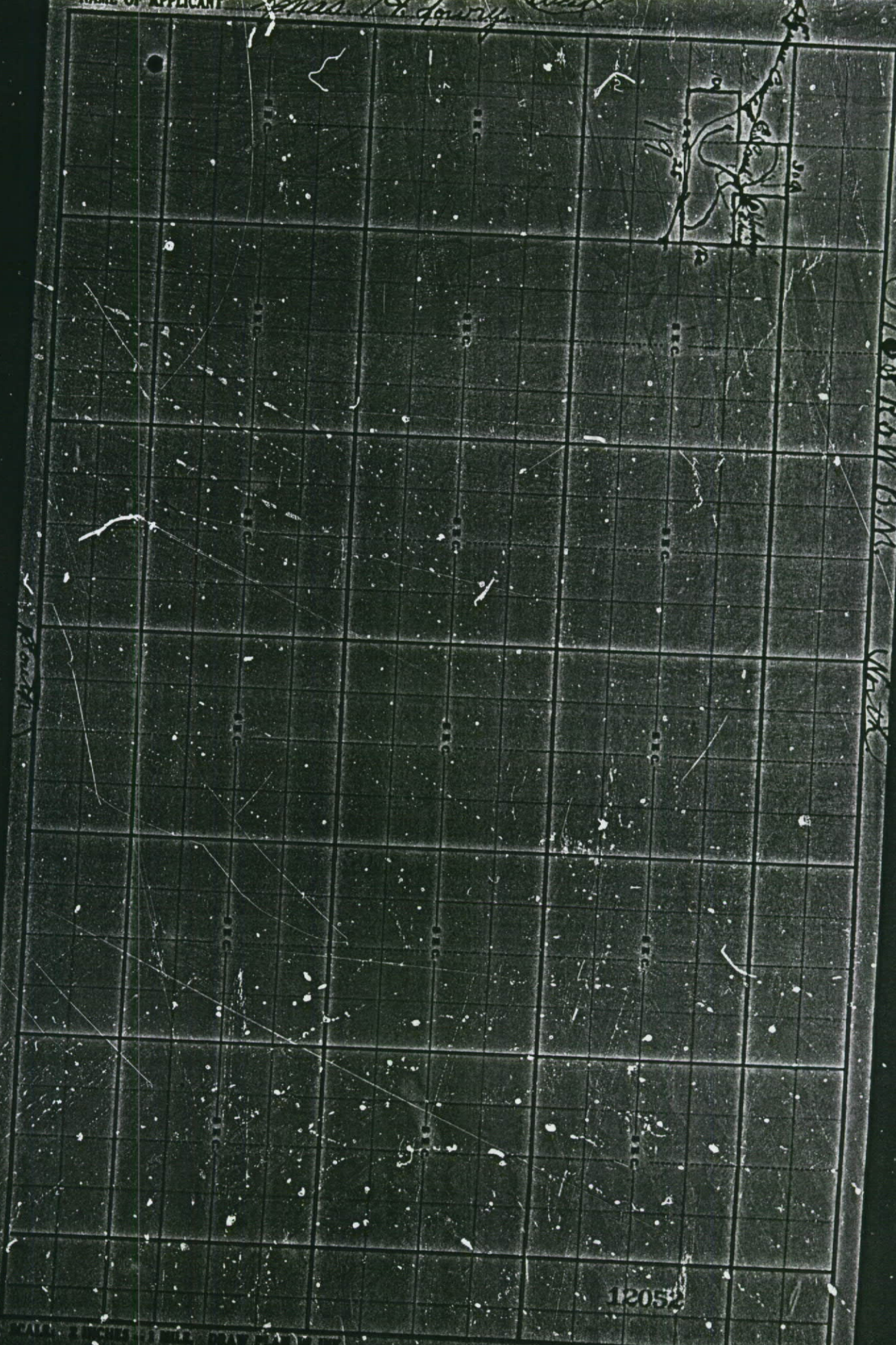
(2241)

55 2011

NAME OF APPLICANT

Thomas F. Lawrence

Wash



Wash

Wash

12052

SCALE 1 INCH = 1 MILE DRAWN BY

Public Co. for road thru

MAP FOR ... field exam

REPORT OF ENGINEER

This report is for Water

In Water District No.

1. State name of applicant and number of permit: Chas. F. Henry 12052
2. State source of water supply: Elderberry Spring
3. Location of point of diversion: S.E. corner of the N.W. 1/4 of the N.E. 1/4 Sec. 19 T. 7 N. S. R. 5 W. B.M.
4. Describe works as they exist, giving dimensions and capacities of same: Three ditches three (3) feet on the top, two (2) feet on the bottom and one (1) foot deep each.
5. State whether or not water has been turned into works of diversion: Water has been used for irrigation and domestic purposes for 9 years.
6. Give exact location of lands to be irrigated. If report is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): N.W. 1/4 of N.E. 1/4 and the South 1/2 of the N.E. 1/4 and the S.E. 1/4 of N.W. 1/4. 3.0 acres in the N.W. 1/4 of N.E. 1/4 and 5 acres in the S.E. 1/4 of N.E. 1/4 and 2.5 acres in the S.W. 1/4 of N.E. 1/4 and 1.0 acres in the S.E. 1/4 of the N.W. 1/4 of Sec. 19. and also domestic purposes.
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system: One Chas. F. Henry conducts 116 cfs.
9. Give names and amount of each right: Chas. F. Henry conducts the whole of the 116 cfs. in of water.
10. What large stream would the water here appropriated finally reach: Squaw Creek
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: There are no tributaries.

Remarks:

David W. Henry used drainage waters on small portion of Desert entry located below above described land.

This examination was made on the 13 day of December 1920

(Signed)

D. J. Hunter

Examiner.

12052

Permit No. 12052

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Elisha Lewis, age 48, occupation, miner. Residence and Postoffice address, Silver City, Idaho.

Ques. 2. Are you acquainted with Chas. E. Lowry, the holder of Permit No. 12052? How long have you known him and where does he reside?

Ans. Yes sir. Known him 12 years. He resides at Fairlawn, Idaho.

Ques. 3. Have you read or heard read said Permit No. 12052, and are you familiar with its provisions and conditions?

Ans. Yes sir.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Elderberry Springs. Point of diversion in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 10 S., R. 5 W., E. M. Small diversion dam and ditches, each one-fourth mile long, width at bottom 2 ft., width at water line 3 ft., depth of water 1 ft.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 3 second feet. Have seen ditches full of water.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision. State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.)

Ans. Irrigation and domestic purposes. Irrigating 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T. 10 S., R. 5 W., E. M. No natural meadow. All cultivated land. Land reclaimed and produced profitable crops of hay.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 0

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Gravelly soil requiring about 2 inches of water per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None, whatever.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. During irrigation season of last eight years, have seen all of this land irrigated through said irrigation system.

(Sign)

Elmer Lewis

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Silver City, County of Owyhee

State of Idaho, on this 30th day of November, A. D. 1920.

W. H. Leonard
Probate Judge

Notary Public

My commission expires _____

12052



Permit No. 12052

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. William D. Winter, age 56, occupation stockraising, residence and P. O. address, Fairylawn, Idaho.

Ques. 2. Are you acquainted with Chas. H. Lowry, the holder of Permit No. 12052? How long have you known him and where does he reside?

Ans. Yes. Known him 25 years. He resides at Fairylawn, Idaho.

Ques. 3. Have you read or heard read said Permit No. 12052, and are you familiar with its provisions and conditions?

Ans. Yes sir.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Strawberry Springs. Point of diversion in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 10 S., R. 5 W., B. M. Small diversion dam and ditches, each one-fourth mile long, width at bottom 2 ft., width at water line 3 ft., depth of water 1 ft.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 3 second feet. Have seen ditches full of water.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Domestic use and irrigation. 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T. 10 S., R. 5 W., B. M. All land cultivated and no natural meadow. Land reclaimed and produces about 3 tons of hay per acre.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 0

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Gravelly soil requiring not less than 12 inches of water per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No sir.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Each year, for last nine years, have seen all of this land irrigated through said irrigation system.

(Sign) *William D. Winter*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Silver City County of Owhee State of Idaho, on this 25th day of November A. D. 1920.

W. D. Winter
Probate Judge

Notary Public

My commission expires _____

12052



PERMIT NO. 12052

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. CHAS. H. LOWRY, age 32, residence, Fairlawn, Idaho, occupation, stockraising, P.O. address, Fairlawn, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. 0

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 12052, dated _____, Priority, March 18, 1916.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Elderberry Springs. Point of diversion, SE corner of NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 10 S., R. 5 W., B. 1 N.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Small diversion dam and ditch capable of conveying two and one-third cubic feet per second of said springs to place of use.

Three ditches from common point of diversion, 2 ft. wide at bottom, 3 ft. wide at water line, depth of water 1 ft., each one-fourth mile long.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivate or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. For domestic use and irrigating 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 10 S., R. 5 W., B. 1 N. All land cultivated and no natural meadow.

As a direct result of said use, land produces about 3 tons of hay per acre.

Ques. 7. If for other than for irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. 0

Ques. 8. What is the minimum amount of water required for the specified above?

Ans. Not less than 12 inches per acre, owing to gravelly soil.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Same person.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Each year for last nine years, all of said land has been
irrigated and fertilized from Elderberry Springs, through said
irrigation system.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and right claimed thereunder.

Ans. NONE

(Sign) Chas H Lowrey

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Silver City County of Owajon State of Idaho on this 26th day of Nov A. D. 1920.

R. H. Leonard
Probate Judge.

12052

RECEIVED
DEC 3 1920
DEPT. OF AGRICULTURE

12052

STATE OF IDAHO
Department of Reclamation

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Owyhee
David W. Henry being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 12052 and that his postoffice address is Fairplay, Idaho
State of Idaho

Second: That the name of the stream from which said water is to be diverted is Sagehen Creek and Oldenberg Spring

Third: That the point of division of said water is NW 1/4 NE 1/4 Sec 19 T. 10 N. R. 25 W. B.M. and NW 1/4 NW 1/4 Sec 19 and SW 1/4 SW 1/4 Sec 18 T. 10 N. R. 25 W.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 23, 1920 for domestic purposes

Fifth: That the use for which said water is intended is Irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Log dams and rock dams with ditches
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 4 feet, length of dam at top 12 feet, length of dam at bottom 8 feet. Material used in construction Logs and rock
(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet

(c) Size of headgate: Width 6 feet, height 2 feet

(d) Conduit Ditches width at bottom Two feet, width at water line Three feet, depth of water 0.75 feet, diameter of pipe _____ inches, average grade per mile is Three feet. Length of conduit is 0.75 miles

Seventh: That said works are capable of conducting to the place of intended use 6.4 second feet of water.

Eighth: That water appropriated under said permit is available for 320 acres of land described as follows: SE 1/4 SE 1/4 Sec 19 T. 10 N. R. 25 W. and SW 1/4 SW 1/4 Sec 18 T. 10 N. R. 25 W. also NW 1/4 NW 1/4 Sec 19 T. 10 N. R. 25 W. and SE 1/4 NW 1/4 Sec 19 T. 10 N. R. 25 W.

Ninth: Remarks: That

David W. Henry
(Sign here)

Subscribed and sworn to before me this 16 day of April 1920

Joseph L. Loomis

My commission expires June 1, 1923

Notary Public.

12052

55 feet per

T103, F6 W, 5 W
T103, F5 W, 5 W

Permit No. 12052-4404
 to be accompanied

JORDAN VALLEY ENGINEERING & LAND CO.

Tracytown, Idaho

Oct 18 1899

The State Engineer
Boise Idaho

Dear Sir:

I am

in regard to

Application No. 17347 issued to David

Charles Henry of

Boise Idaho

I am not prepared to

that is need be my dear Sir

No. 018799 described above is 6400 ft

deep and 1200 ft and for section 18.

It is 1113 ft 1120 ft section 19. 1700 ft.

I want to make full proof on water

before 18th and 19th of next

month. I have on November 29 1899

Tracytown, Idaho

David S. Smith

Boise Idaho

I am not prepared to

that is need be my dear Sir

No. 018799 described above is 6400 ft

deep and 1200 ft and for section 18.

It is 1113 ft 1120 ft section 19. 1700 ft.

I want to make full proof on water

before 18th and 19th of next

month. I have on November 29 1899

RECEIVED

OCT 20 1899

It was Michael's story, and
Harris's. But he had been at

[illegible]

These are representative
David Johnson

T. Payne

T10S, R5W

BB53SW

Ba

A55-04042

A55-4041



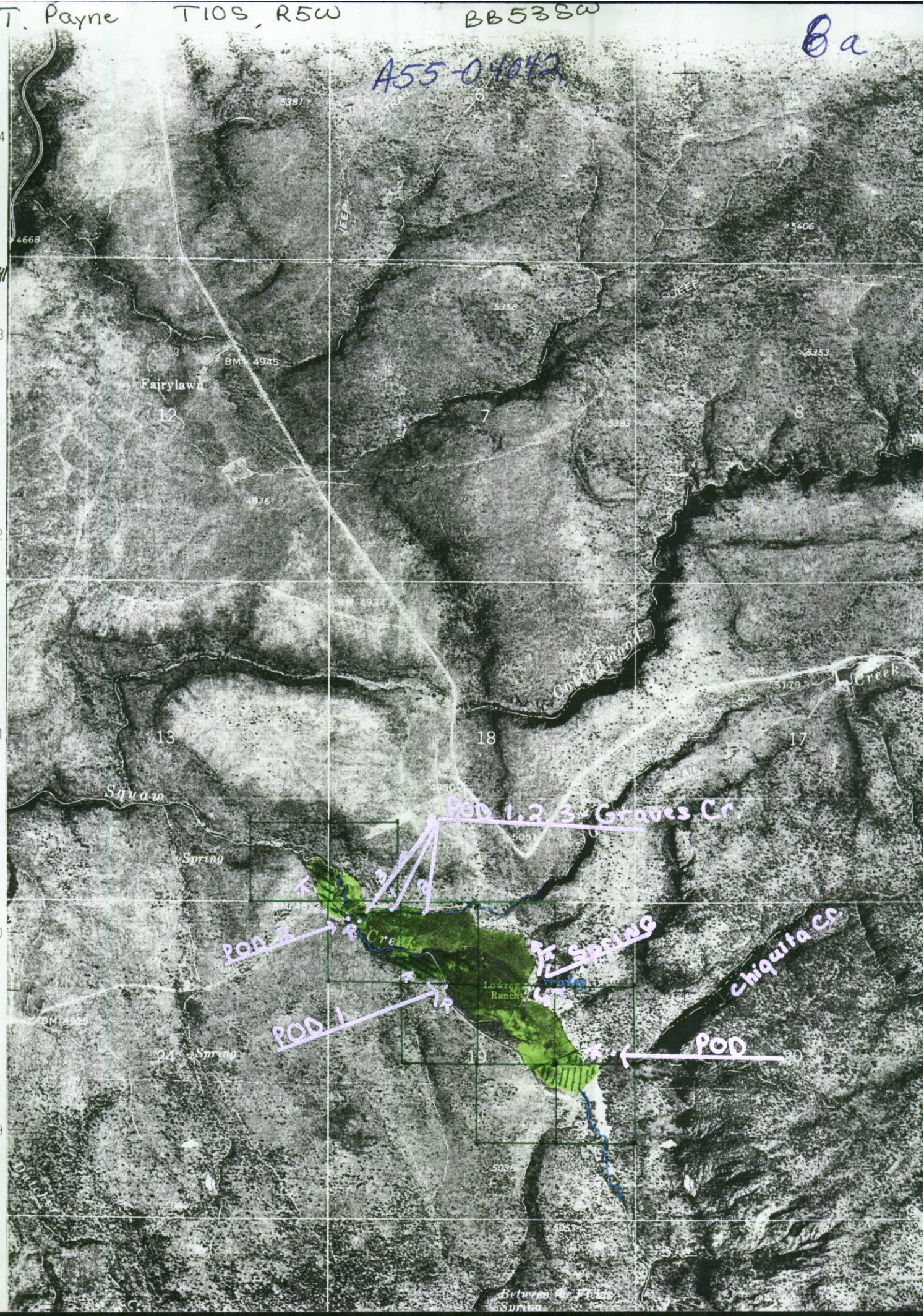
Grave cr. irr.



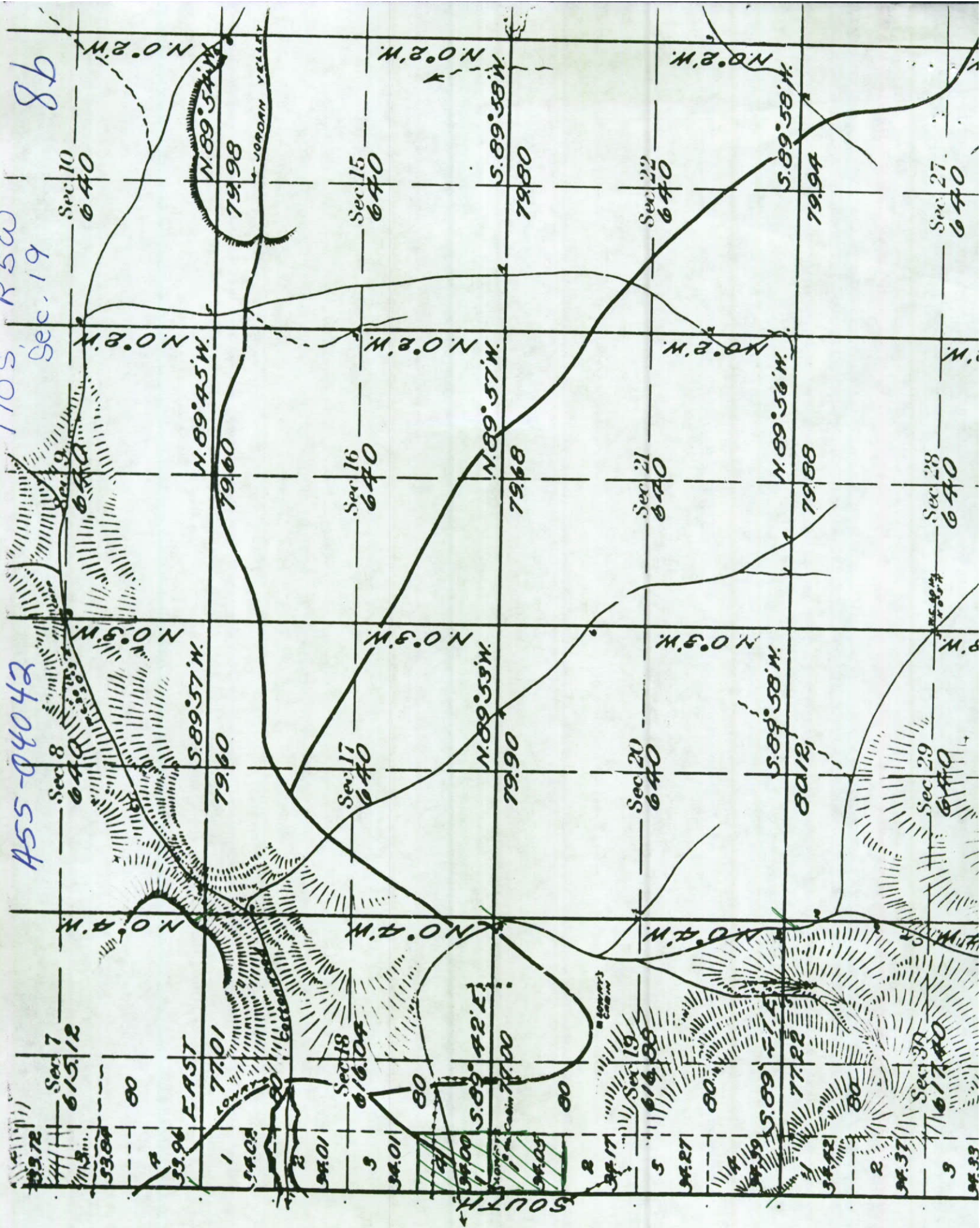
Squaw cr. irr.



Chiquita cr. irr.



98



82



PLACE OF USE

6 ACRES

OWNER(S): TED PAYNE

Prepared by: **Mel Schulte**

Date: 1/27/1998

TOTAL ACRES = 100



Changes made 3/30/98 at Morning meeting.

CARD NO.

Ted Payne

TOWNSHIP

10S

RANGE 5W EAST

6

5

4

3

2

1

7

8

9

10

11

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17

16

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35

36

Squaw cr H₂O & Spring H₂O do not overlap.
Overlap between the Spring, Chiquita cr. & Grave cr.

55-4041 - 17 Ac & 0.34cfs

Spring 55-4042 119 AC & 2.38cfs

C. 55-4043 15 Ac & 0.30cfs

55-13456 8 AC & 0.16

A55-4042



8-18-95

Point of diversion - Spring



From spring source -
Pump in ditch.

8-18-95

Original pictures in
A55-13457

A55-04042



Ditch from pump which runs
along northeastern edge of land

8-18-93



Place of use from
spring, looking west
by road & ditch.

8-18-93

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

RECEIVED
JAN 17 1989

Ident. Number: A55-04042
Date Received: 12/13/1988
Receipt No: 0002150
Received By: *[Signature]*

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED PAYNE 208-583-2477
Address: JORDAN VALLEY, OR 97910
OR
Name: DOROTHY PAYNE 208-583-2477
Address: JORDAN VALLEY, OR 97910

2. Date of Priority: JUN 01, 1896

3. Source: SPRING Trib. to: SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	05W	19	NE	SW	NE		OWYHEE

5. Description of diverting works:
DAM, PIPELINE & STOCK TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.070	18%	330-98 <i>[Signature]</i>
POWER	01/01	12/31	4.000		
IRRIGATION	04/15	10/15	3.160		

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

A.F.A.

8. Total consumptive use is 395.0 Acre Feet Per Annum.

9. Non-irrigation uses:

D/2 FAMILIES, *5300* BEEF *750*

A55-04042

Page *3-30-98* *MTD* 1
JP

Date: 12/13/88

MICROFILMED

SEP 29 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	05W	18	SW	SW		IRR	4.0
						Section Acres	4.0
		19	NW	NE		IRR	23.0
			SW	NE		IRR	35.0
			SE	NE		IRR	2.0
			NE	NW		IRR	35.0
			NW	NW		IRR	20.0
			SE	NW		IRR	13.0
			NE	SE		IRR	13.0
			NW	SE		IRR	10.0
						Section Acres	151.0
	06W	13	SE	SE		IRR	4.0
						Section Acres	4.0
						Total Acres	159.0

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:
A55-04041 AND A55-04043

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

(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 R. Basin Adjudication." (b.) I/We do do not X wish to receive and a small annual fee for monthly copies of the docket sheet.

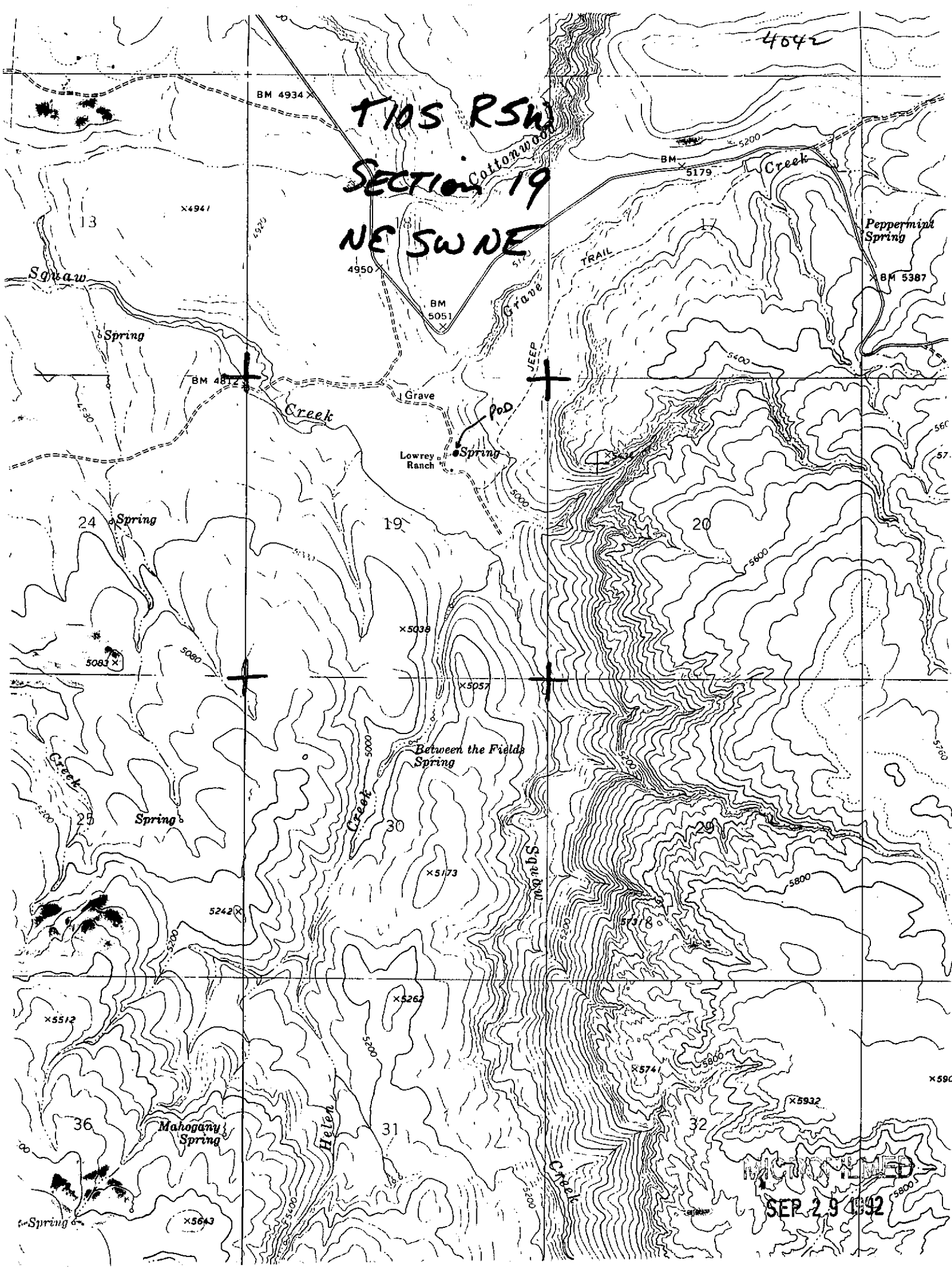
For Individuals:

Signature of Claimant(s): Ed Payne Date: Dec 13, 88
Date:

Subscribed and sworn (or affirmed) before me this 13th day
of Dec 19 88 *W. D. C. C.*

Residing at Boise, ID
My Commission Expires 9-2-1994

T10S RSW
SECTION 19
NE SW NE



SEP 29 1992

Water Right Number - 55-04042 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - + - - - - +

*** C - CURRENT OWNER ***
PAYNE

TED

1 -

2 -

3 -

City- JORDAN VALLEY

Phone -

1 -

2 -

3 -

City- JORDAN VALLEY

Phone -

State- OR Zip- 97910

State- OR Zip- 97910

DOROTHY

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1896 14 WESTERN S - STATUTORY CLAIM

+ - - - - Source - - - - + + - - - - - Tributary - - - - - + + - - - - -
SPRING SQUAW CREEK

+ - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
County

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)	Diversion Rate	Diversion Volume		
10S	05W	19	NW NE			(73)	OWYHEE	272.0	313.0	195.0	3.0	5.5

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

43	- DOMESTIC	01/01	12/31	0.080	
04	- STOCKWATER	01/01	12/31	0.070	
28	- POWER	01/01	12/31	4.000	
01	- IRRIGATION	04/15	10/15	3.160	

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +
7.310

+ - - - - Tract Sec Rng Description Place of Use Code Acres

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
10S	05W	18	SW SW		4.0	01	IRRIGATION	(73)) OWYHEE
10S	05W	19	NW NE		23.0	01	IRRIGATION	(73)) OWYHEE
10S	05W	19	SW NE		35.0	01	IRRIGATION	(73)) OWYHEE
10S	05W	19	SE NE		2.0	01	IRRIGATION	(73)) OWYHEE
10S	05W	19	NE NW		35.0	01	IRRIGATION	(73)) OWYHEE
10S	05W	19	NW NW		20.0	01	IRRIGATION	(73)) OWYHEE
10S	05W	19	SE NW		13.0	01	IRRIGATION	(73)) OWYHEE
10S	05W	19	NE SE		12.0	01	IRRIGATION	(73)) OWYHEE
10S	05W	19	NW SE		10.0	01	IRRIGATION	(73)) OWYHEE
10S	05W	13	SE SE		4.0	01	IRRIGATION	(73)) OWYHEE

Total Acres: 158.0

+ - - Diversion Means - DAM, PIPELINE & STOCK TANKS

Prefix Translation:

S/300 BEEF

Use -

- - Remarks - -

No Remarks found.

Water Right Numbers

No Old Water Right Numbers found.

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

	+ + -	- Decree Defendant	+ + -
--	-------	--------------------	-------

+ - Decree Date - +
00/00/0000

--Comments--
No Comments Found

CONVERT

Water Rights Dates and Flags Area

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	Microfilm Roll No	-	Presumption Flag	-

SEP 29 1992

TOTAL DIVERSION: 2.29 CFS

Stage: BENEFICIAL USE

OWYHEE County

TOTAL ACRES

AJ0749NP
No. R35-04042

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/14/98
PAGE: 2

Conditions of Approval:

- "IRRIGATION SEASON" THE SPECIFIC CALENDAR DESCRIPTION SHOWN MAY BE USED.
- H04 - POSSIBLE ALTERNATIVE PERIOD OF USE 04/15 10/15
SEE EXPLANATORY MATERIAL BELOW.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NOS. 55-04043 AND 55-13456 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.03 CFS FOR IRRIGATION.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 101.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-04043 & 55-13456.

EXP STOCKWATER, 750 RANGE CATTLE
SOURCE IS ALSO KNOWN AS ELDERBERRY SPRING.

Dates: Exam Made Date: 08/18/1993 Verified Date: 04/14/1998 Objection filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 03/04/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) H03 H04 ADDED IF NOT ALREADY PART
OF RECORD THRU

Date: 04/14/1998 User-ID: MSCHULTE Subject: NOTICE OF ERROR
THE CLAIM WAS AMENDED TO INCREASE THE STOCKWATER COMPONENT AND A
NOTICE OF ERROR WAS FILED ON 3/30/1998 TO ADD IRRIGATED ACRES
AND CHANGE THE PRIORITY DATE. AFTER ADDITIONAL REVIEW OF PRIORITY
DOCUMENTS NO CHANGE WAS MADE TO THE PRIORITY DATE RECOMMENDATION
BUT THE PLACE OF USE AND STOCKWATER COMPONENTS WERE INCREASED.

Audit: 04/14/98 MSCHULTE

March 6, 1998

**NOTICE OF ERROR
REPLY**

head - stock water

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A

NOTICE OF ERROR REPLY IS:

March 30, 1998

Water right number:

~~55-04043~~ 55-04042

DOROTHY PAYNE

TED PAYNE

JORDAN-VALLEY-OR 97910-

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Priority date

Increase stock to 750 head
added pasture around house

2. Describe the changes you wish to make in the proposed recommendation:

1896

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: March 30, 98

SIGNATURE: Ted Payne

Please print your name: _____

CLAIM NO. 155-04042

**IDWR SUPPLEMENTAL CLAIM VERIFICATION REPORT
FOR DOCUMENTING CHANGES TO CVR**

1. ☒ NAME - No change

☐ NEW OWNER: _____

(SUPPORTING DOCUMENTATION REQUIRED - ATTACH COPY)

☒ ADDRESS - No change

☐ NEW ADDRESS: _____

2. ☒ SOURCE - No change

☐ CHANGE - New source and/or tributary is: _____

3. ☐ QUANTITY - No change

☒ CHANGE - New amounts: .18 = S A = .08
2.03 = I CFS and/or _____ AFY

4. ☒ PRIORITY DATE - No change

☐ CHANGE - Priority date to: Reviewed 4-13-98 with Susan Hamlin - no change.
(EVIDENCE OF PRIORITY REQUIRED - ATTACH COPY)

5. ☒ POINT OF DIVERSION - No Change

☐ CHANGE - New point of diversion is: T _____, R _____, S _____, _____ 1/4, _____ 1/4, _____ 1/4

T _____, R _____, S _____, _____ 1/4, _____ 1/4, _____ 1/4
(LOCATION OF POD(S) SHOULD BE SHOWN ON MAP)

6. ☒ PURPOSE AND PERIOD OF USE - No change

☒ CHANGE	New purpose of use	New period of use	New amount(s)
	<u>IRRIGATION</u>	from <u>4-15</u> to <u>10-15</u>	<u>2.03</u> cfs _____ af
	<u>Stockwater</u>	from <u>1-1</u> to <u>12-31</u>	<u>.18</u> cfs _____ af
	<u>Dom.</u>	from <u>1-1</u> to <u>12-31</u>	<u>.08</u> cfs _____ af

7. ☐ PLACE OF USE - No change

☒ CHANGE New place(s) of use: (LOCATION(S) AND ACRES SHOULD ALSO BE SHOWN ON MAP)

T	R	S	N E				N W				S W				S E				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>105</u>	<u>SW</u>	<u>18</u>											<u>2.1</u>						<u>2.1</u>
		<u>19</u>		<u>18.2</u>	<u>27</u>	<u>4.3</u>	<u>25</u>	<u>9.8</u>		<u>2.7</u>					<u>8</u>	<u>4.2</u>			<u>99.2</u>
																			<u>101.3</u>

REMARKS Amend - QNT, POD, EXP

CONDITIONS

Delete W14

Reviewer

Mel Schulte

Date

4-14-98

A10749NP
NO. R55-04042

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/27/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TED PAYNE	04/15/1911	IRRIGATION	04-15 10-15	2.00 CFS	9.03
C	DOROTHY PAYNE		STOCKWATER	01-01 12-31	0.07 CFS	1.62 gpa
	JORDAN VALLEY OR 97910		DOMESTIC	01-01 12-31	0.08 CFS	
	(208) 583-2477					

TOTAL DIVERSION:

2.15 cfs 2.89

Water Source: SPRING

Tributary to: SQUAW CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10S R05W S19

SENN

OWNYEE County

Place of use legal Description for: IRRIGATION

NE	SE	SW	SE	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac	NE NE NE NE NE NE	SE SE SE SE SE SE	SW SW SW SW SW SW	SE SE SE SE SE SE	
10S 05W 18 : 17 26 04 : 25 01-10 03 :					2.0
10S 05W 19 : 17 26 04 : 25 01-10 03 :					98.0
					TOTAL ACRES 100.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use legal Description for: DOMESTIC

NE	SE	SW	SE	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac	NE NE NE NE NE NE	SE SE SE SE SE SE	SW SW SW SW SW SW	SE SE SE SE SE SE	
10S 05W 19 : 17 26 04 : 25 01-10 03 :					2.0
					98.0
					TOTAL ACRES 100.0

POU County: OMYEE

Non-Irrigation Uses: 2 HOMES

Conditions of Approval:

- N09 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- W14 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NOS. 55-04043 AND 55-13456 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.03 cfs. for div.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 100 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-04043 & 55-13456.

EXP STOCKWATER, 300 RANGE CATTLE

750

101.3

See Supplemental CDR

AJ0769NP
NO. R55-04042

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/27/98
PAGE: 2

=====

Remarks:	SOURCE IS ALSO KNOWN AS ELDERBERRY SPRING.		
Dates:	Exam Made Date: 08/18/1993	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	
Audit:	02/27/98 LHARRIS		

=====

AJ0749NP
No. R55-04042

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/21/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TED PAYNE	04/15/1911	IRRIGATION	04-15 10-15	2.32 CFS	2.0
C	DOROTHY PAYNE		STOCKWATER	01-01 12-31	0.07 CFS	
	JORDAN VALLEY OR 97910		DOMESTIC	01-01 12-31	0.08 CFS	
	(208) 583-2477					

TOTAL DIVERSION: 2.58 CFS
CONSUMPTIVE USE: 2.15
290.00 AF - Belete

Water Source: SPRING
Tributary to: SQUAW CREEK
Stage: BENEFICIAL USE

Point(s) of Diversion: T10S R05W S19 SENWNE
OWYHEE County

Place of use Legal Description for: IRRIGATION															
NE				NW				SW				SE			
T	R	S	:	NAME	NAME	SENE	:	NAME	NAME	NAME	:	NAME	NAME	SESE	:
10S	05W	18	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
10S	05W	19	:												
				20	27	06	:	30	01-14	05	:	04-04	07	03	TOTAL ACRES
				4.0											
				112.0											
				116.0											

See table

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION - BUNE, S19

POU County: OWYHEE
EXP Range

Non-irrigation Uses: DOMESTIC, 2 HOMES; STOCKWATER, 300 CATTLE

Remarks: SOURCE IS ALSO KNOWN AS ELDERBERRY SPRING. - EXP-B01
USE OF THIS RIGHT WITH RIGHT NOS. 55-04043 AND 55-13456 IS - QNT-E04.
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS, A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 290.00 AF AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 140 ACRES IN A SINGLE
IRRIGATION SEASON. 100 POU1-E14

Dates: Exam Made Date: 08/18/1993 Verified Date: 02/21/1995

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

A55-04042

VR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHICH/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHICH/DATE	"R" RECORD
------------	---	--	---	------------------------	------------------------------------	-----------------------------------	------------

PRIORITY*	<u>Y</u>	<u>Kinda better VR Records</u>		<u>Y</u>	<u>Don't</u>		
-----------	----------	--------------------------------	--	----------	--------------	--	--

PT. OF DIV.	<u>Y</u>	<u>8-18-93</u>	<u>1, 4, 5</u>	<u>N</u>	<u>8-23-93</u>		
-------------	----------	----------------	----------------	----------	----------------	--	--

SOURCE	<u>N</u>		<u>1, 4, 5</u>	<u>N</u>			
--------	----------	--	----------------	----------	--	--	--

PL. OF USE	<u>Y</u>		<u>1, 4, 5</u>	<u>Y</u>			
------------	----------	--	----------------	----------	--	--	--

DIV. AMOUNT CFS/AP	<u>Y</u>		<u>5</u>	<u>Y</u>			
-----------------------	----------	--	----------	----------	--	--	--

CONSUMPTIVE USE			<u>Dept Std.</u>				
--------------------	--	--	------------------	--	--	--	--

NATURE OF USE	<u>Y</u>		<u>1, 4, 5</u>	<u>Y</u>	<u>Y</u>		
------------------	----------	--	----------------	----------	----------	--	--

PERIOD OF USE	<u>Y</u>		<u>Dept. Std.</u>	<u>N</u>			
------------------	----------	--	-------------------	----------	--	--	--

BASIS OF CLAIM	<u>Y</u>		<u>J</u>	<u>N</u>			
-------------------	----------	--	----------	----------	--	--	--

REMARKS	<u>N</u>						
---------	----------	--	--	--	--	--	--

see file A55-04041

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES Y NO N

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

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

COMMENTS:

All claim - must be examined.
Not evidence of priority. Still no, but still no

FINAL RECOMMENDATION

BY WU DATE 2-21-95

DATA ENTRY COMPLETED

BY WU DATE 2-21-95

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

COPY INCLUDED IN FILE?

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

☒ ORTHOPHOTOQUAD DATE OF PHOTO 1979 IDWR ID NO. 8853 Y (X) N () Page 8a

☒ MAP DATE OF PHOTO 1-31-87 IDWR ID NO. 885354 Y () N (X)

~~ASCS AERIAL PHOTO~~ GIS maps DATE OF PHOTO 1-27-98 24-13-98 Y (X) N () Page 8c

☒ ASCS COLOR SLIDE DATE OF PHOTO Y () N ()

☒ BLM OR USFS AERIAL PHOTO DATE OF PHOTO Y () N ()

☒ TOWNSHIP SURVEY (GOVERNMENT PLAT) DATE OF SURVEY Y (X) N () Page 8b

☒ SCS SOIL SURVEY MAP DATE ISSUED Y () N ()

☒ SUBDIVISION PLAT MAP DATE OF MAP Y () N ()

☒ OTHER GIS maps DATE Y () N () Page 8d, e, f

or OTHER Priority Data Evidence - various Delta - many pages Y () N ()

☒ OTHER DATE Y () N ()

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

☒ LICENSING FIELD EXAM DATE OF FIELD EXAM NO. OF PAGES NOTES

☒ WATER RIGHT LICENSE DATE LICENSE SIGNED

☒ IDWR APPROVED TRANSFER DATE TRANSFER APPROVED

☒ SYSTEM DESCRIPTION DATE DRAWN

☒ PHOTOGRAPHS DATE(S) PHOTOS TAKEN 8-18-93 2

☒ SPLIT RIGHT REVIEW DATE REVIEW COMPLETED

☒ HUBBLE ANALYSIS DATE ANALYSIS COMPLETED

☒ CONVEYANCE LOSS ANALYSIS DATE ANALYSIS COMPLETED

☒ FLOW MEASUREMENT CALCULATIONS DATE SYSTEM MEASURED 8-18-93 6 Pages 11a - F

☒ OTHER Overlap reviews DATE 2-16-95 1

☒ OTHER DATE

LAST: PAYNE
ADDRESS: JORDAN VALLEY
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2477
OWNER CODE: C

FIRST: TED
STATE: OR ZIP: 97910

LAST: PAYNE
ADDRESS: JORDAN VALLEY
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2477
OWNER CODE: C

FIRST: DOROTHY
STATE: OR ZIP: 97910

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-____
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)
ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-____
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / REMARKS:

See phone conversation memo in A55-04041

A. AJ CLAIM: # A55-04042 PRIORITY DATE: 06-01-1896 STAGE: S
B. WR RECORD: # 55-04042 PRIORITY DATE: 06-01-1896 STAGE: S

C. FIELD EXAM REQUIRED?

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

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

REMARKS: Affidavit submitted by C. Douglas, D. Browne & D. Anderson do not support a priority of 01896. Information in file of unclaimed issues no. 55-20718 shows evidence that the filing was made on early 002 1911. None of the affidavits refer to this source production. Of paramount need need to submit additional claim supporting the priority from source as evidence to support the source usage made to 1911. * Source usage removed & claimed on A55-13457.

See affidavit & other priority info. in A55-04041.

RECOMMENDED PRIORITY DATE: 4-15-1911

~~06-01-1896~~

REVIEWED BY

Linda Wilson

DATE

8-20-93

A55-04042. (~~See A55-04041~~) 4-13-98

Patent 651986 dated ~~10-27-1920~~ ⁵⁻²⁰⁻¹⁸⁶² ~~6-21-1921~~ (Homestead).
10S, 5W, S19. NWNE, SWNE, SENE.
SENE, SENE,

Patent 753749 dated ⁶⁻⁷⁻¹⁹²⁰ ~~6-21-1926~~ (Sale of Desert Land) ³⁻³⁻¹⁸⁷⁷
10S, 5W, S19, NWNW(L1), NENE
S18, SWSW(L4) -

Patent 986908 - dated ¹⁰⁻⁸⁻¹⁹²⁶ ~~10-30-1942~~ (Homestead) ⁵⁻²⁰⁻¹⁸⁶²
10S, 5W, S19, SESE, ~~NENE, SENE~~

Patent 744394 dated ⁴⁻¹²⁻¹⁹²⁰ ~~6-30-1920~~ (Homestead) ⁵⁻²⁰⁻¹⁸⁶²
10S, 5W, S19, NESE, NWSE, SWSE
NESW

Proofs & Depositions for unclaimed license 55-020,
indicates some of land was irrigated "for last
nine years prior to November 1920"

Three affidavits are vague.

Summary: This evidence does not support an 1896
priority date. The only record of "1896" is
the original statutory claim form. A 1911
priority recommendation is based on the
proofs and deposition statements "Each year, for
last nine years, all of said land has been
cultivated and irrigated from Eldeberry springs."
The dates of the proofs and depositions are 1920.
(1920 - 9 yrs = 1911).

INTER-DEPARTMENT MEMO

49

TO: Linda

CLAIM NO'S.

SUBJECT: Evid. of PriorityFROM: Jan

ASS-040411,

DATE: 3/13/92

04042 & 04043

Ted Payne brought his evid. of priority in for the above claims. They don't date back to 1896, however, I'm not sure what he could find that would. He stated that when they filed the orig. stat. claims in 1979, there was some record at the Dept. going back to 1896 & they used that. I did find old right #55-02071 dated 3/18/1916 & we need to check that original file for any utter, etc. that go state an earlier

() For your information

() Response required

signature 1992

Over

P.S. Mr. Payne stated that this ground was homesteaded in 1896, but not patented until 1918 or so.

date. It could be that Forest found some-
thing in that file that pointed back to 1896.
& it will have a bunch of info. in it since
that is what Payne based all of his statutory
claims on when he filed in 1979. In other
words, please check the orig. file for 55-02071
before advancing the priority. However, I'm
not sure if the priority should be advanced
just because he couldn't find evidence back
to 1896. I think that we should give him
1896 & if someone objects at least he has
evidence back to 1916, at least. The evidence
doesn't have to be all the way back, I believe, in
prior to 1900 or early 1900 priority dates.
Jan

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

State of Idaho)
County of _____)

Charles G Dougal being first duly sworn,

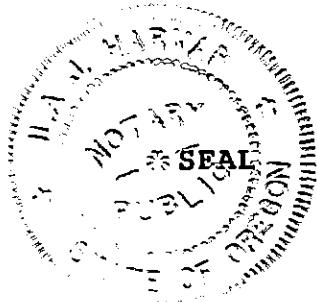
deposes and says: I first came to this Ranch in
1935, I went to work for Brace Bros. on the old
Brace Ranch. At that time Bill Maher had the
Louise, Charley Loveland was working for Bill Maher
haying and cowboying. The spring had lots of water and
they were using it. And square creek plus Chequita Creek.

Charles G Dougal
(Signature)

Subscribed and sworn to before me this
day 13 of March, 1992.

Ala Harnan
(Notary Public)

Residing at Jordan Valley, Ok.
My Commission Expires 6-30-92.



IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

State of Idaho)
County of)

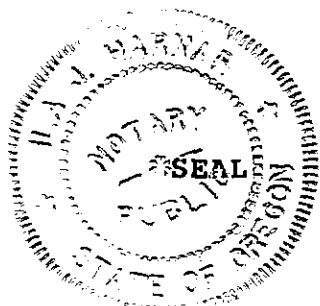
Del Brown being first duly sworn,
deposes and says: I WAS FIRST AT THIS RANCH
IN 1937 THEY WERE RAISING HAY
+ PASTURE AT THAT TIME, USING
THE WATER TO IRRIGATE.

Del Brown
(Signature)

Subscribed and sworn to before me this
day 12th of March, 1992.

Dr. J. Haman
(Notary Public)

Residing at Jordan Valley OR.
My Commission Expires 6-30-92.



MICROFILMED

SEP 24 1992

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

State of Idaho)
County of _____)

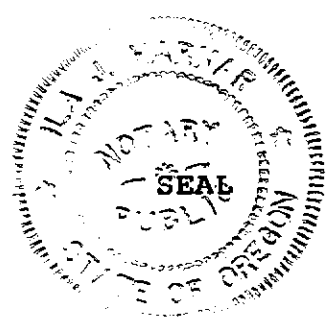
Gertrude Anderson being first duly sworn,
deposes and says: I was born and lived
all my younger life at Cliffs Idaho, so
my family was a neighbor of the Leray
who ranched on the land in question
raising hay and running cattle. The water
was used to irrigate hay land and
pasture, my birth date July - 1915. —

Gertrude Anderson
(Signature)

Subscribed and sworn to before me this
day 12th of March, 1992.

Ala J. Harnar
(Notary Public)

Residing at Jordan Valley, OR.
My Commission Expires 6-30-92.



No 4494

ABSTRACT OF TITLE

TO

The north half of the southeast quarter, the southwest quarter of the southeast quarter, and the northeast quarter of the southwest quarter of Section nineteen in Township ten south of Range five west of the Boise Meridian, Idaho;

The northwest quarter of the northeast quarter, the south half of the northeast quarter, and the southeast quarter of the northwest quarter of Section nineteen in Township ten south of Range five west of the Boise Meridian, Idaho;

The southeast quarter of the southeast quarter of Section thirteen in Township ten south of Range six west and the Lot four of Section eighteen and the Lot one and the northeast quarter of the northwest quarter of Section nineteen in Township ten south of Range five west of the Boise Meridian, Idaho; and

The southeast quarter of the southeast quarter of Section nineteen, the east half of the northeast quarter and the east half of the southeast quarter of Section thirty, the northeast quarter of the northeast quarter of Section thirty-one, the west half of the northwest quarter of Section thirty-two and the west half of the southwest quarter and the west half of the northwest quarter of Section twenty-nine in Township ten south of Range five west of the Boise Meridian, Idaho.

S.19
T.10S
R.5W
N $\frac{1}{2}$ SE
SWSE
NESW
NWNE
S $\frac{1}{2}$ NE
SENW

S.13
SESE
S.18
lot 4
S.19
lot 1
NE/NW

T.10S
R.5W

S.19
SESE

S.30
E $\frac{1}{2}$ NE
E $\frac{1}{2}$ SE

S.31
NE/NE

S.32
W $\frac{1}{2}$ NW
S.29

W $\frac{1}{2}$ SW
W $\frac{1}{2}$ NW
T.10S
R.5W

Prepared for W. S. Maher, Boise, Idaho,
by the Owyhee County Abstract Co.

4494

Township

Range

10S. 6 W.			NORTH	10S. 5W.		
3	2	1		6	5	4
10	11	12		7	8	9
15	14	13		18	17	16
			3 4			
22	23	24	1 2 3 4		20	21
			5 6 7 8			
27	26	25		30	29	28
				31		
34	35	36		32		33
			SOUTH			

Lot 1 in section 19 = 34.05 acres
 Lot 4 of section 18 = 34.8 acres

Index to Abstract
---:---

	Book	Page
Patent- - - - -United States to David W. Lowry- - - - -	7	483
Patent- - - - -United States to Charles H. Lowry- - - - -	7	595
Patent- - - - -United States to David W. Lowry- - - - -	9	31
Patent- - - - -United States to David W. Lowry- - - - -	10	99
Warranty Deed - - - - -Charles H. Lowry et ux, to W. S. Maher - - - - -	15	385
Warranty Deed - - - - -David W. Lowry to Marcus Lowry- - - - -	30	180
Tax Deed- - - - -Ford, Treasurer to Owyhee County - - - - -	30	253
Deed- - - - -Owyhee County to W. S. Maher - - - - -	30	409
Tax Deed- - - - -Ford, Treasurer to Owyhee County - - - - -	30	624
Tax Deed- - - - -Ford, Treasurer to Owyhee County - - - - -	30	625
Deed- - - - -Owyhee County to W. S. Maher - - - - -	31	168H
Deed- - - - -Owyhee County to W. S. Maher - - - - -	31	168I
Lease & Option- - - - -Chas. H. Lowry et ux, to Marcus P. Lowry - - - - -	4	339
Mortgage- - - - -Bert Lowry et al, to Ontario National Bank - - - - -	14	374
Release of Mortgage - - - - -Ontario National Bank to Bert Lowry et al- - - - -	4	13
Mortgage- - - - -Marcus Lowry et ux, to David W. Lowry - - - - -	15	1
Release of Mortgage - - - - -David W. Lowry to Marcus Lowry et ux- - - - -	5	553
Mortgage- - - - -W. S. Maher et ux, to Ben Mills - - - - -	20	626
Mortgage- - - - -W. S. Maher et ux, to Ben Mills - - - - -	21	512

United States, : Character of Instrument,
Grantor, : Patent.
to : Date of Instrument,
David W. Lowry, : April 12th, 1920.
Grantee. : Date of Record,
: June 30th, 1920, at 9:10 o'clock A.M.
: Book 7 of Patents, page 483,
: Owyhee County Records.

Boise 022748.

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: Woodrow Wilson

By M. P. LeRoy, Secretary.

L. Q. C. Lamar, Recorder of the General Land Office.

(Seal of the General Land Office affixed.)

Recorded: Patent Number 744394.

Description---The North half of the southeast quarter, the southwest quarter of the southeast quarter, and the northeast quarter of the southwest quarter of Section nineteen in Township Ten south of Range five west of the Boise Meridian, Idaho, containing one hundred sixty acres.

Covenants---Subject to the usual water right 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.

MURPHY, IDAHO

S.19
N 1/2 SE
SWSE
NESW
T10S
R.5W

United States, : Character of Instrument,
 Grantor, : Patent.
 to : Date of Instrument,
 David W. Lowry, : October 8th, 1926.
 Grantee. : Date of Record,
 : October 30th, 1942, at 1:30 o'clock P.M.
 : Book 10 of Patents, page 99,
 : Owyhee County Records.

Boise 024401 --- Ten Villars, in hand paid.

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: CALVIN COOLIDGE

By Viola B. Pugh, Secretary.

M. P. LeRoy, Recorder of the General Land Office.

(Seal of the General Land Office affixed.)

Recorded: Patent Number 986908.

Description---The southeast quarter of the southeast quarter of Section nineteen, the east half of the northeast quarter and the east half of the southeast quarter of Section thirty, the northeast quarter of the northeast quarter of Section thirty-one, the west half of the northwest quarter of Section thirty-two and the west half of the southwest quarter and the west half of the northwest quarter of Section twenty-nine in Township ten south of Range five west of the Boise Meridian, Idaho, containing four hundred eighty acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor-General.

Covenants---Subject to the usual water right 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 centered 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).

S. 19
 SESE
 E 1/2 NE
 E 1/2 SE
 S. 30
 NE NE
 S. 31
 W 1/2 NW
 S. 32
 W 1/2 SW
 W 1/2 NW
 S. 29
 T 10 S
 R 5 W

United States,	: Character of Instrument,
Grantor,	: Patent.
to	: Date of Instrument,
Charles H. Lowry,	: October 29th, 1918.
Grantee.	: Date of Record,
	: June 21st, 1921, at 9:05 o'clock A.M.
	: Book 7 of Patents, page 595,
	: Owyhee County Records.

Boise 018793.

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: Woodrow Wilson

By M. P. LeRoy, Secretary.

L. Q. C. Lamar, Recorder of the General Land Office.

(Seal of the General Land Office affixed.)

Recorded: Patent Number 651986.

Description---The northwest quarter of the northeast quarter, the south half of the northeast quarter, and the southeast quarter of the northwest quarter of Section nineteen in Township ten south of Range five west of the Boise Meridian, Idaho, containing one hundred sixty acres.

Covenants---Subject to the usual water right 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.

MURPHY, IDAHO

S.19
NWNE
S 1/2 NE
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T10S
R 5W

United States,	: Character of Instrument,
Grantor,	: Patent.
to	: Date of Instrument,
David W. Lowry,	: June 7th, 1920.
Grantee.	: Date of Record,
	: June 21st, 1926, at 9:20 o'clock A.M.
	: Book 9 of Patents, pages 31 & 32,
	: Owyhee County Records,

Boise 018799

Issued according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories", as amended by the Act of March 3, 1891.

Executed by the President: Woodrow Wilson

By M. P. LeRoy, Secretary.

L. Q. C. Lamar, Recorder of the General Land Office.
(Seal of the General Land Office affixed.)

Recorded: Patent Number 753749.

Description---The southeast quarter of the southeast quarter of Section thirteen in Township ten south of Range six west and the Lot four of section eighteen and the Lot one and the Northeast quarter of the northwest quarter of Section nineteen in Township ten south of Range five west of the Boise Meridian, Idaho, containing one hundred forty-eight and five-hundredths acres.

Covenants---Subject to the usual water right 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.

MURPHY, IDAHO

S.13
S.E.S.E
T10S
R6W
S.18
lot 4
S.19
lot 1
N.E.N.W
T10S
R5W

United States,	: Character of Instrument;
Grantor,	: Patent.
to	: Date of Instrument,
Charles H. Lowry,	: October 29th, 1918.
Grantee.	: Date of Record,
	: June 21st, 1921, at 9:05 o'clock A.M.
	: Book 7 of Patents, page 595,
	: Owyhee County Records.

Boise 018793.

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: Woodrow Wilson

By M. P. Leroy, Secretary.

By E. C. C. Lamar, Recorder of the General Land Office.

(Seal of the General Land Office affixed.)

Recorded: Patent Number 651986.

Description--The northwest quarter of the northeast quarter, the south half of the northeast quarter, and the southeast quarter of the northwest quarter of Section Nineteen in Township ten south of Range five west of the Boise Meridian, Idaho, containing one hundred sixty acres.

Covenants--Subject to the usual water right 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.

MURPHY, IDAHO

105.5W
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MICROFILMED

SEP 29 1992

State of Idaho License and Certificate of Water Right

Water License No. 12052
Water District No. 59

Amount 1.6 sec. ft.
Priority March 16, 1916.

THIS IS TO CERTIFY that DAVID W. & CHAS. H. LOWRY, of Fairplay, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 19, 1916; that Permit No. 12052 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second feet was issued thereunder on May 19, 1920, showing that said works were completed on the 16th day of April, 1920; and that on the 26th day of November, 1920

CHAS. H. LOWRY,

of Fairplay, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of (1) Squaw Creek (2) Elderberry Spring a tributary of Re. Co. Snake River, for the purpose of Irrigation & Domestic use under Use Permit No. 12052 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2755, on the 20th day of December, 1920

The right hereby confirmed dates from March 16, 1916;

The Point of Diversion is located in the (S) 20 1/4 Sec. 19 S. Tp. 10 S. R. 5 W. B.M. County of Owyhee

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.6 cubic feet per second, as follows: - Squaw Creek 0.1 sec. ft. Elderberry Spring 1.5 sec. ft.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 S	6 W.	18	31 32	40	—
			33 34	40	—
			35 36	40	30
			37 38	40	25
			39 40	40	15
			41 42	40	—
			43 44	40	—
			45 46	40	10

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 20th day of December, 1920

V. S. JENNINGS

Commissioner of Reclamation
By S. W. Boer, Deputy.

(221)

55-26-1

NAME OF APPLICANT

John F. H. [illegible]



map for cont. field exam

10-20-67

REPORT OF ENGINEER

Presented to the Board of Directors

of the City of New York

for the year ending December 31, 1905

Submitted by the Engineer

of the City of New York

Wm. C. Clegg

Having been appointed by the Board of Directors to examine the accounts of the City of New York for the year ending December 31, 1905, and to report thereon to the Board, I have the honor to submit herewith the following report.

The accounts of the City of New York for the year ending December 31, 1905, have been examined by me, and I find that they are correct and complete.

The accounts of the City of New York for the year ending December 31, 1905, have been examined by me, and I find that they are correct and complete. The accounts of the City of New York for the year ending December 31, 1905, have been examined by me, and I find that they are correct and complete.

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The accounts of the City of New York for the year ending December 31, 1905, have been examined by me, and I find that they are correct and complete. The accounts of the City of New York for the year ending December 31, 1905, have been examined by me, and I find that they are correct and complete.

County, No. 2002

Application of Water for Beneficial Use

1. State and county of residence, and place of business, of the depositor.
2. State and county of residence, and place of business, of the witness.

3. State and county of residence, and place of business, of the witness.

4. State and county of residence, and place of business, of the witness.

5. State and county of residence, and place of business, of the witness.

6. Point of diversion in NE 1/4 Sec. 10, T. 10 N., R. 10 E., S. 10.
7. State diversion dam and ditch, each
8. Length of ditch, from point at bottom of dam, width at water line, and
9. State water line.

10. State and county of residence, and place of business, of the witness.

11. State and county of residence, and place of business, of the witness.

12. State and county of residence, and place of business, of the witness.

13. State and county of residence, and place of business, of the witness.

14. State and county of residence, and place of business, of the witness.

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20. State and county of residence, and place of business, of the witness.

21. State and county of residence, and place of business, of the witness.

22. State and county of residence, and place of business, of the witness.

1102

Application of Water to Beneficial Use

Occupation and (if possible) address
10. Occupation stock raising, residence

Chas. H. Potter
How long have you known him and where does he reside?

He resides at 744 W. 1st St. Idaho

Is he a resident of No. 12032? And are you familiar with

the nature of diversion and the character of conveyance

in 12032, Sec. 10
in diversion dam and ditch, each

the flow of water from 2/3 of the river line and

For many seasons of water do you estimate said works will safely conduct

of size and how much water have you seen being conveyed?

about 1000 cfs. of water from 1/3 of the river

State whether the water is conveyed by canal or by ditch (if by ditch, give

number of acres irrigated in each sub-

div. the character of the land and the nature of the crops

20 acres in 12032, 10 acres

25 acres in 12033, 10 acres in 12034, Sec. 10, Td

1000 cfs. of water and no natural meadow

claimed and produces about 3 tons of hay per acre

Is the water of other purpose than irrigation? Has water been ap-

plied to other uses?

Is the water of other purpose than irrigation? Has water been ap-

plied to other uses?

Is the water of other purpose than irrigation? Has water been ap-

plied to other uses?

Is the water of other purpose than irrigation? Has water been ap-

plied to other uses?

1000 2 4
The undersigned, being duly sworn, depose and say that the within and foregoing is a true and correct copy of the original of the same as the same appears from the records of the Court of the County of [] State of []

And the undersigned further depose and say that the within and foregoing is a true and correct copy of the original of the same as the same appears from the records of the Court of the County of [] State of []

Subscribed and sworn to before me this [] day of [] A.D. 19[]

Notary Public for the County of [] State of []
My commission expires the [] day of [] A.D. 19[]

Notary Public
[]

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ADDENDUM - HOLDER

— 25 —

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This document contains information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552, and is being furnished to you for your information only. It is not to be distributed outside your agency.

100-443887-100

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UNITED STATES DEPARTMENT OF AGRICULTURE

[illegible]

15-00000

112 864.1. 7m 10.00m 12 feet with air war

Test depth of water: 0-75 feet diameter of pipe: inches

[illegible]

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

THE UNIVERSITY OF CHICAGO

26

[illegible]

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1. The first step is to identify the problem. This involves understanding the current situation and what needs to be changed.

THE UNIVERSITY OF CHICAGO PRESS

[illegible]

JOHN L. K. [Signature]

Handwritten signature: A. C. Freeman

محمّد بن عبد الله

REPUBLIC OF TEXAS
Department of Public Safety

OF COMPLETION OF WORKS

REPORT OF BOARD

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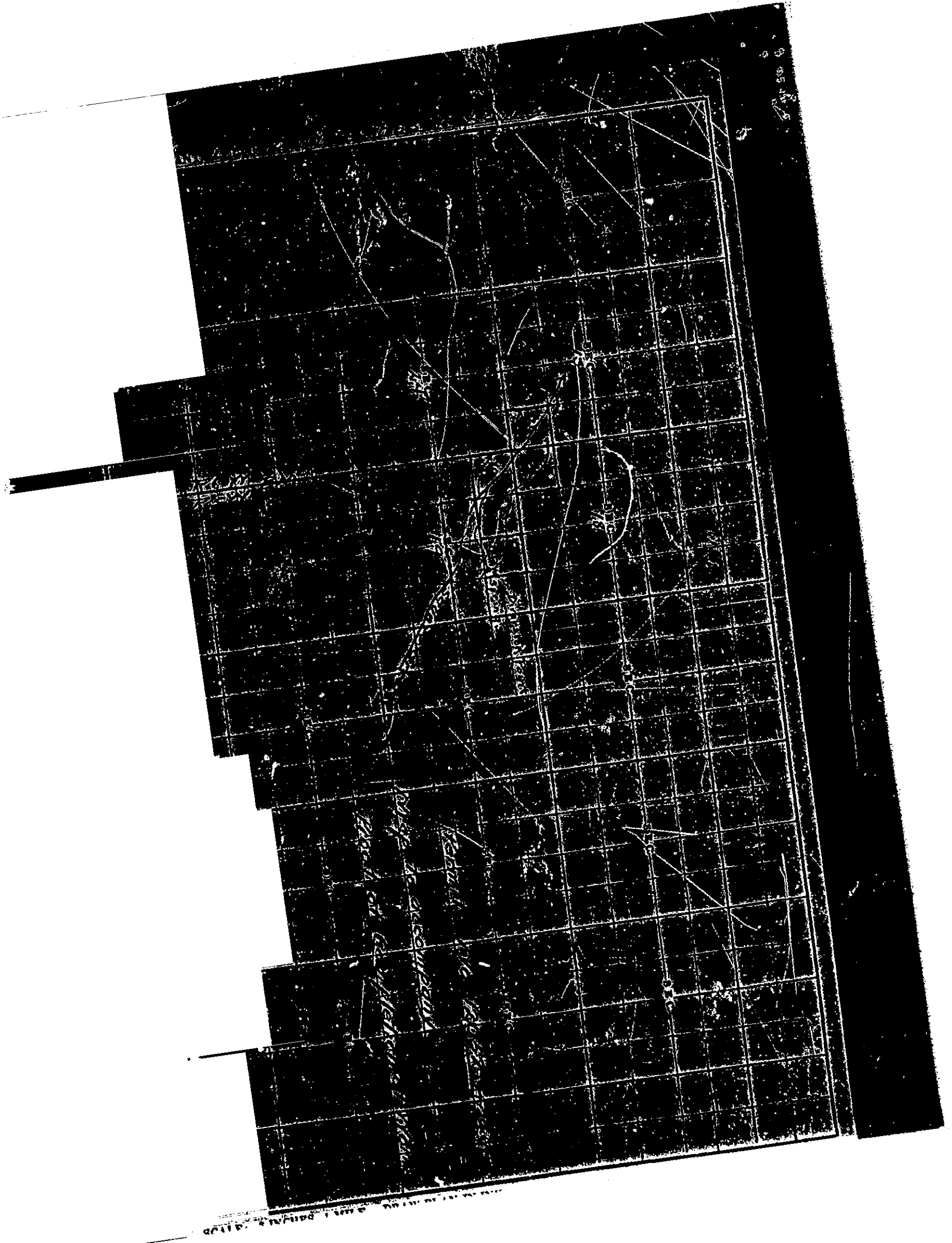
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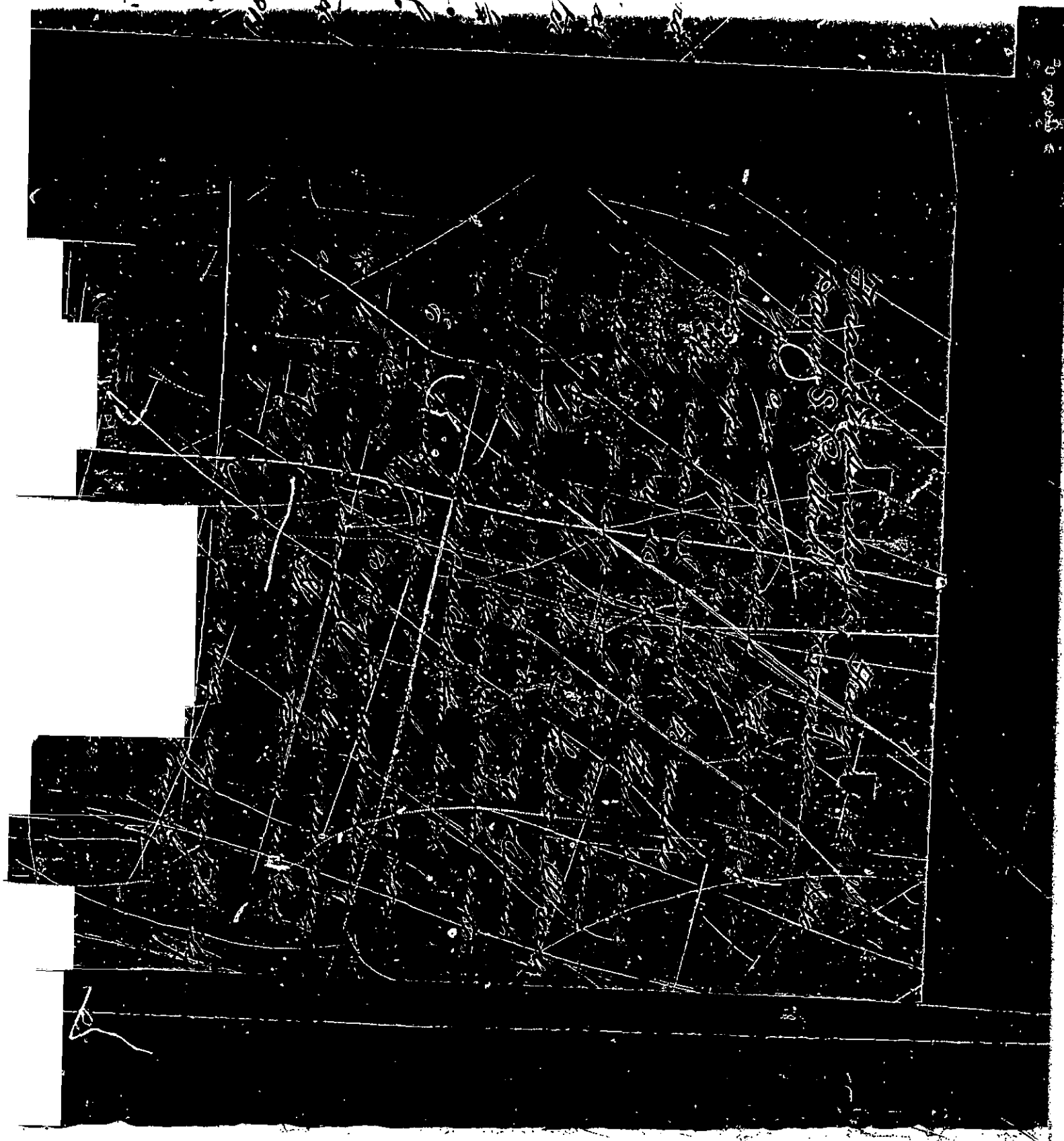
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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-04042	10S	05W	19	NE	SW	NE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX
NONE NONE

SOURCE: SPRING

TRIB: SQUAW CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
55-04042	10S	05W	19		NW	NE		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

55-02071

NONE NONE

SOURCE: SPRING

TRIB: SQUAW CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y	<u>Y</u>

REMARKS:

*Source run on map in SE 1/4 NW 1/4, Section 19
Spring also shown on E & Lakerose map. See info in A55-4041
relating to completion of work & Unofficial crew for source 55-2071.*

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:				LOT	COUNTY
TWP.	RGE.	SEC.	1/4		
10S	5W	19	SE	000	000

SOURCE: SPRING TRIB: SQUAM CREEK

REVIEWED BY: Donald D. Brown DATE: 8-20-93

SYSTEM DESCRIPTION

Spring in pond, pipeline to 3 ditches. Flood irrigation. (Pump in spring)
PVC pipe in middle ditch conveys water to house + stock tanks.
1/2 acre lawn irrigation.

A. ROOT WATER RIGHT NUMBERS: A55-04042

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	05W	18	SW	SW	4	PAYNE, TED	A55-04042 / 4.0	55-04042 / 4.0			
			SW	SW		PAYNE, TED	A55-04041 / 4.0	55-04041 / 4.0			
10S	05W	19	NW	NE		PAYNE, TED	A55-04042 / 23.0	55-04042 / 23.0			4
10S	05W	19	SW	NE		PAYNE, TED	A55-04042 / 35.0	55-04042 / 35.0			20
10S	05W	19	SE	NE		PAYNE, TED	A55-04042 / 2.0	55-04042 / 2.0			27
			SE	NE		PAYNE, DOROTHY	A55-04043 / 2.0	55-04043 / 2.0			36
10S	05W	19	NE	NW		PAYNE, TED	A55-04042 / 35.0	55-04042 / 35.0			30
			NE	NW		PAYNE, TED	A55-04041 / 8.0	55-04041 / 8.0			30
10S	05W	19	NW	NW	1	PAYNE, TED	A55-04042 / 20.0	55-04042 / 20.0			14
			NW	NW		PAYNE, TED	A55-04041 / 3.0	55-04041 / 3.0			14
10S	05W	19	SE	NW		PAYNE, TED	A55-04042 / 13.0	55-04042 / 13.0			5
10S	05W	19	NE	SE		PAYNE, TED	A55-04042 / 13.0	55-04042 / 12.0			24.0
			NE	SE		PAYNE, DOROTHY	A55-04043 / 13.0	55-04043 / 4.0			27
10S	05W	19	NW	SE		PAYNE, TED	A55-04042 / 10.0	55-04042 / 10.0			3
			NW	SE		PAYNE, DOROTHY	A55-04043 / 4.0	55-04043 / 1.0			3
10S	06W	13	SE	SE		PAYNE, TED	A55-04042 / 4.0	55-04042 / 4.0			5.0
			SE	SE		PAYNE, TED	A55-04041 / 4.0	55-04041 / 4.0			X
TOTAL ACRES							A55-04042	159.00	158.00	144.00	

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

See A55-04041

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y
FIELD EXAMINER

See attached
GIS Lab-8d

Also from
18-04041
cf. 100.
8-cr.

from
2-04041
cf.

Ba

A55-04042

A55-4041

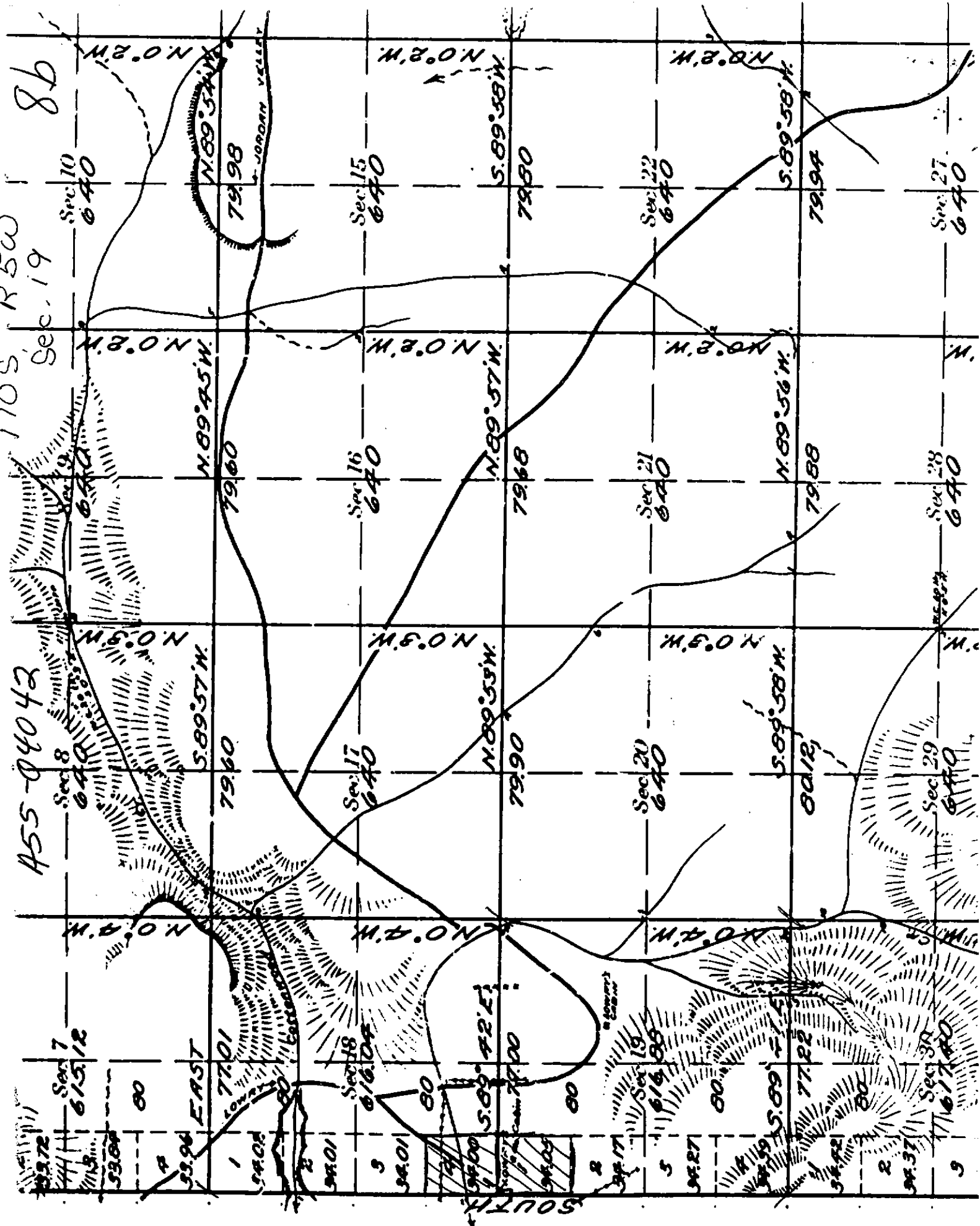
Grave
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Squid
cr. irr.

Chiquita
cr. inf.

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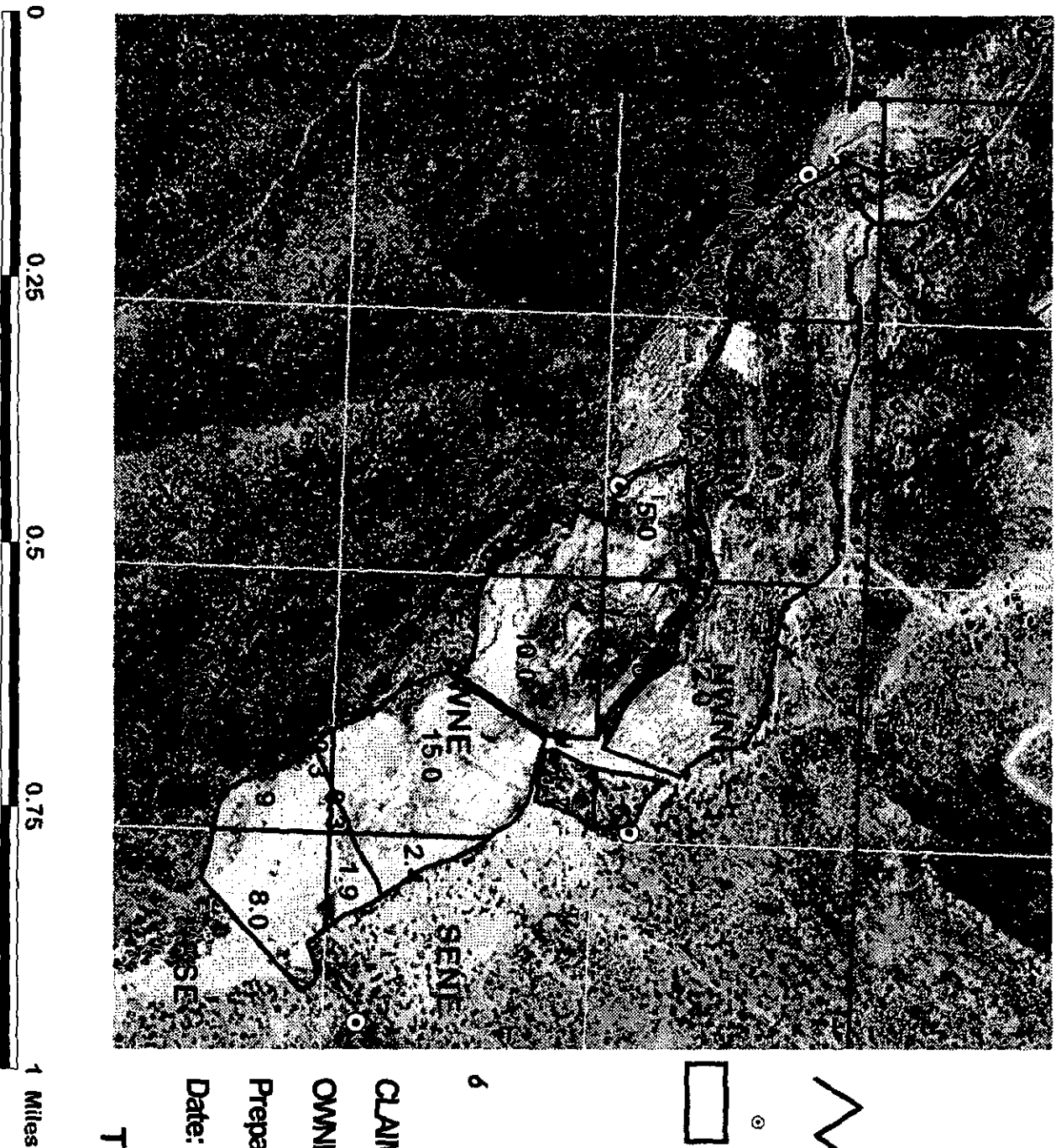
CLAIM(S) : 55-04042

OWNER(S): TED PAYNE

Prepared by: Mel Schulte

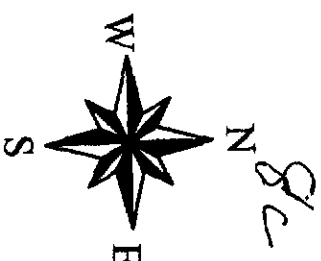
Date: 4/13/1998

TOTAL ACRES = 101.3

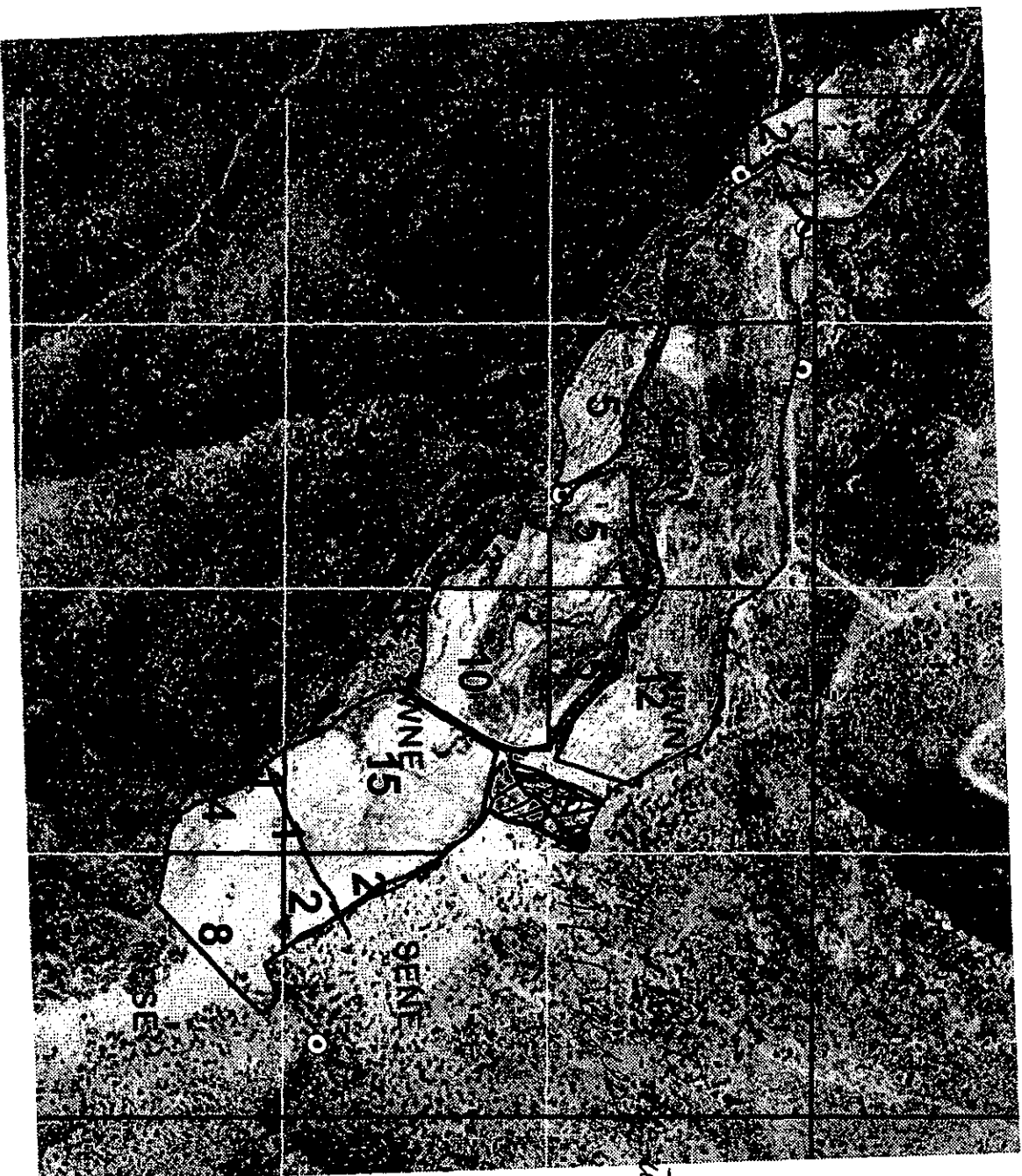


IDAHO DEPARTMENT OF WATER RESOURCES

T10S, R05W, S18 & S19



1987 NAPP PHOTO



SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-04042

OWNER(S) : TED PAYNE

Prepared by: Mel Schulte

Date: 1/27/1998

TOTAL ACRES = 100

0 0.25 0.5 0.75 Miles

Changes made 3/30/98 at Meeting meeting.

8d

WESTERN REGION

CLAIM NUMBERS 155-04042

AGENT MS DATE 2-20-98

TOTAL ACRES FROM RECOMMENDATION 100

GEOGRAPHIC INFO SYSTEM ACRES 100

READY FOR DECREE ☒ (YES) SENT FOR DECREE ☐ (YES)

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	105	5W	18											2					2
GIS			19		17	26	4	25	10		3					8	5		98
RECOM																			100
GIS																			

POLYGON CREATED ON 80 3

POLYGON # () () () () _____ UPDATED BY MS

ATTRIBUTES OF B57-POU.SHP () () () () ()

ATTRIBUTES OF B57-POD.SHP () () () () ()

B57-DBPOU.DBF _____ UPDATED BY MS

B57-DBPOD.DBF _____ UPDATED BY MS

See Amended CVR and GIS map
Dated 4-13-98

RDH GPSTABLE

8e

O=55-0404

Shape	Area	Perimeter	Acres	Acres deci		Acres Decimal
Polygon	44668.079	910.110	11	11.04	44	11.04
Polygon	16843.139	593.123	4	4.16	45	4.16
Polygon	9.646	43.785	1	0.00	0	0.00
Polygon	47442.955	1167.711	12	11.72	48	11.72
Polygon	12405.866	506.354	3	3.07	47	3.07
Polygon	26607.885	725.520	7	6.57	46	6.57
Polygon	31393.532	757.387	8	7.76	49	7.76
Polygon	1219.238	181.799	1	0.30	51	0.30
Polygon	15658.642	544.063	4	3.87	53	3.87
Polygon	14114.381	510.229	3	3.49	55	3.49
Polygon	22256.607	677.517	5	5.50	56	5.50
Polygon	8478.400	473.202	2	2.10	58	2.10
Polygon	47773.488	997.601	12	11.80	50	11.80
Polygon	21074.969	590.470	5	5.21	52	5.21
Polygon	10997.988	516.056	3	2.72	54	2.72
Polygon	79726.194	1214.726	20	19.70	57	19.70
Polygon	7701.553	391.257	2	0.00	59	1.90
Polygon	3434.752	256.214	1	0.00	60	0.85
Polygon	34409.022	802.652	9	0.00	61	8.50
Polygon	72019.344	1499.083	18	0.00	0	17.80
Polygon	114846.303	1534.080	28	0.00	0	28.38
Polygon	44860.845	1165.387	11	0.00	0	11.09
Polygon	37743.350	833.992	9	0.00	0	9.33
Polygon	44.311	38.255	1	0.00	0	0.01
Polygon	85931.303	1414.677	21	0.00	0	21.23
Polygon	19504.093	806.460	5	0.00	0	4.82
Polygon	28053.583	928.538	7	0.00	0	6.93
Polygon	38611.784	781.011	10	0.00	0	9.54
Polygon	13775.676	679.189	3	0.00	0	3.40
Polygon	24396.828	906.062	6	0.00	0	6.03
Polygon	25324.264	753.242	6	0.00	0	6.26
Polygon	104650.928	1320.486	26	0.00	0	25.86
Polygon	128415.957	1428.184	32	0.00	0	31.73
Polygon	17447.095	618.073	4	0.00	0	4.31
Polygon	60562.904	1133.163	15	0.00	0	14.97
Polygon	42336.600	931.095	10	0.00	0	10.46
Polygon	78458.270	1221.260	19	0.00	0	19.39
Polygon	54641.714	956.336	14	0.00	0	13.50
Polygon	61281.580	1118.423	15	0.00	0	15.14
Polygon	15612.424	539.945	4	0.00	62	3.86
Polygon	7641.530	386.797	2	0.00	63	1.89
Polygon	1321.276	199.835	1	0.00	67	0.33
Polygon	62231.644	961.482	15	0.00	68	15.38

8F.

Shape	Area	Perimeter	Acres	Acres deci		Acres Decimal
Polygon	9566.013	504.484	2	0.00	69	2.36
Polygon	18592.045	683.599	5	4.59	64	4.59
Polygon	42242.372	822.213	10	0.00	65	10.44

PRESUMPTION FLAG:

REMARKS:

* P.O.U. in Dec 13 S.E.S.E. is from previous only. Spring water is to be taken to
square on. but is public water at the point.
1.5 acres are noted on pg 6 also a lot is from Chiquita creek.
P.O.U. on property O.P. & field from P.O.U. & chimney area method
discussed & eliminated during exam.

RECOMMENDATIONS:

TOTAL ACRES:

49.116 - 28.21.95

REVIEWED BY:

Shirley A. Dwyer

DATE:

8.20.93

A. AJ CLAIMED USES:

PURPOSES	FROM	TO	MONTH/DAY
A55-04042 DOMESTIC	FROM 01-01	TO 12-31	
A55-04042 STOCKWATER	FROM 01-01	TO 12-31	
A55-04042 POWER	FROM 01-01	TO 12-31	
A55-04042 IRRIGATION	FROM 04-15	TO 10-15	

DIVERSION QUANTITY

.080 CFS
.070 CFS
4.000 CFS
3.160 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

7.310 CFS

B. WR RECORDED USES:

PURPOSES	FROM	TO	MONTH/DAY
55-04042 DOMESTIC	FROM 01-01	TO 12-31	
55-04042 STOCKWATER	FROM 01-01	TO 12-31	
55-04042 POWER	FROM 01-01	TO 12-31	
55-04042 IRRIGATION	FROM 04-15	TO 10-15	

DIVERSION QUANTITY

.080 CFS
.070 CFS
4.000 CFS
3.160 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

7.310 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

FIELD EXAM REQUIRED?	DATE TO WATER-USE DISCREPANCY?	DATE TO DIVERSION RATE DISCREPANCY?	DATE TO PERIOD FROM/TO DISCREPANCY?	Y/N	Y/N	Y/N	Y/N	FIELD EXAMINER

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

Did not see a power generator at diversion. Claimant said we had power records at office and he had given us the info on 2 occasions as did not know pump system. No info of this found in original file on microfilm. Claimant's records of priority flow not helpful. Power generator will need clearance contact.

Y (X) N (X)
Y (X) N ()

or house or house - New York City
Explain in remarks, below.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 7.310 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 7.310 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 remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y

FLOW MEASUREMENT

MEASUREMENT METHOD Mannings ditch capacity SEE ATTACHED CALCULATIONS.

B.

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

OTHER RIGHTS LISTED IN CLAIM: A55-04041 AND A55-04043

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A55-04042	SPRING	PAYNE, TED	7.310	0.045		
A55-04041	SQUAW CREEK	PAYNE, TED	0.380	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

119
MANNING EQUATION CHANNEL CAPACITY RESULTS

08-20-1993

File Number: A55-04042
Claimant: TED PAYNE
Channel measured: DITCH NO 1 FROM SPRING
Date of measurement: 8/18/93
Measurement location:

Calculation prepared by: LINDA WERNER
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 301 feet.
The upstream and downstream rod readings are 6.21 and 6.69 feet.
The channel cross section is 10.77 ft-sq.
The wetted perimeter is 11.13 feet.
The hydraulic radius is 0.97 feet.
The slope is 0.0016
The roughness coefficient is 0.0450
The flow velocity is 1.294 ft/sec.
The rate of flow is 13.93 cfs.

116

CROSS SECTION NUMBER 1

For File Number A55-04042 for the DITCH NO 1 FROM SPRING

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.56	0.56	1.00
3	1.34	1.34	2.00
4	1.44	1.44	4.00
5	1.39	1.39	6.00
6	0.97	0.97	8.00
7	0.70	0.70	9.50
8	0.00	0.00	10.40

The area for this cross section is 10.77 square feet
and the wetted perimeter is 11.13 feet.

Claim Number(s): A55-04042

Name of Claimant(s): T Payne

Name of Ditch, Canal, or Stream: Ditch from Spring

Date of Measurement: 8-18-93 Data Collected By: LRW

Measurement Location: NW 1/4 NE 1/4 Section 19 T10S R5W

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
REP 1.	<u>0</u>	<u>0</u>	7.	<u>7.0</u>
2.	<u>.56</u>	<u>1.0</u>	8.	<u>10.4</u>
3.	<u>1.34</u>	<u>2.0</u>	9.	
4.	<u>1.44</u>	<u>4.0</u>	10.	
5.	<u>1.39</u>	<u>6.0</u>	11.	
6.	<u>0.97</u>	<u>8.0</u>	12.	

Slope Data

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

Level Readings: upstream downstream

upper stadia 6.96 7.45

center 6.21 6.69

lower stadia 5.47 5.93

channel
length

stadia difference $(\underline{1.49} + \underline{1.52}) \times 100 = \underline{301'}$

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

Comments

Are maps and/or photos attached? yes ()

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			
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)				

MANNING EQUATION CHANNEL CAPACITY RESULTS

08-20-1993

File Number: A55-04042
Claimant: TED PAYNE
Channel measured: DITCH NO 2 FROM SPRING
Date of measurement: 8/18/93
Measurement location:

Calculation prepared by: LINDA WERNER
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 229 feet.
The upstream and downstream rod readings are 4.78 and 4.86 feet.
The channel cross section is 13.91 ft-sq.
The wetted perimeter is 12.43 feet.
The hydraulic radius is 1.12 feet.
The slope is 0.0003
The roughness coefficient is 0.0550
The flow velocity is 0.546 ft/sec.
The rate of flow is 7.59 cfs.

He

CROSS SECTION NUMBER 1

For File Number A55-04042 for the DITCH NO 2 FROM SPRING

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.80	0.80	1.50
3	1.85	1.85	3.00
4	2.07	2.07	4.00
5	1.96	1.96	6.00
6	1.76	1.76	7.00
7	1.16	1.16	8.00
8	0.62	0.62	9.60
9	0.00	0.00	11.50

The area for this cross section is 13.91 square feet
and the wetted perimeter is 12.43 feet.

Claim Number(s): A55-04042

Name of Claimant(s): T. Payne

Name of Ditch, Canal, or Stream: Ditch 2 - from spring

Date of Measurement: 8-18-93 Data Collected By: LRW

Measurement Location: SW 1/4 NE 1/4 Section 19 T10S R5W

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
1.	<u>0</u>	<u>0</u>	7.	<u>1.16</u>	<u>8.0</u>
2.	<u>.8</u>	<u>1.5</u>	8.	<u>0.62</u>	<u>9.6</u>
3.	<u>1.85</u>	<u>3.0</u>	9.	<u>0</u>	<u>11.5</u>
4.	<u>2.07</u>	<u>4.0</u>	10.		
5.	<u>1.096</u>	<u>6.0</u>	11.		
6.	<u>1.76</u>	<u>7.0</u>	12.		

Slope Data

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

Level Readings:	upstream	downstream	
upper stadia	<u>5.42</u>	<u>5.29</u> <u>5.38</u>	
center	<u>4.78</u>	<u>4.77</u> <u>4.86</u>	
lower stadia	<u>4.15</u>	<u>4.26</u> <u>4.36</u>	channel length
stadia difference	$(\underline{1.27} + \underline{1.03}) \times 100 = \underline{229'}$		

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

Comments

Are maps and/or photos attached? yes()

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)				

D.

1a. IRRIGATION RATE 100 RATE/VOLUME CALCULATIONS: (IRRIGATION)
ACRES 110 ~~46~~ 2.38 2.6 CFS
x 0.02 CFS/ACRE = 2.38 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 395.0 AF/A

ACRES 110 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 = 114

TOTAL CONSUMPTIVE USE 277.5 AF/A

3. IRRIGATION DIVERSION VOLUME 114

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()

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

Boi. Source is also known as Elderberry Spring.
EOL 55-04043, 238 cfs, C.U. vol: 297.08 AF, 114 acres
55-13456

600 hd stock = 0.14 cfs
claimed 300 head = 0.07 cfs
Domestic for 2 homes &
1/2 acre lawn: 0.06 cfs
Power recommendation
subject to claimant contact
response. Power recommended
under 55-13457

CARD NO.

Ted Payne

TOWNSHIP

10S

RANGE

5W EAST

6

5

4

3

2

1

7

8

9

10

11

12

18

17

16

15

14

13

30

29

28

27

26

25

31

32

33

34

35

36

Squaw cr H₂O & Spring H₂O do not overlap.
Overlap between the Spring, Chiquita cr. & Grave cr.

55-4041 - 17 Ac & 0.34cfs

Spring 55-4042 119 AC & 2.38cfs

C. 55-4043 15 Ac & 0.30cfs

55-13456 8 AC & 0.16

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
DOMESTIC	01-01 12-31	0.080		
STOCKWATER	01-01 12-31	0.070		
* POWER	01-01 12-31	4.000		
* IRRIGATION	04-15 10-15	3.160		
TOTAL FOR THIS RIGHT		7.310		

REVIEWED BY: John Howard DATE: 8-20-93

* To be determined. See 55-13457

* * See. Please C.U. changed as a result of recalculation of Cylinders or coverage.
A55-4043, LRU 2-21-95

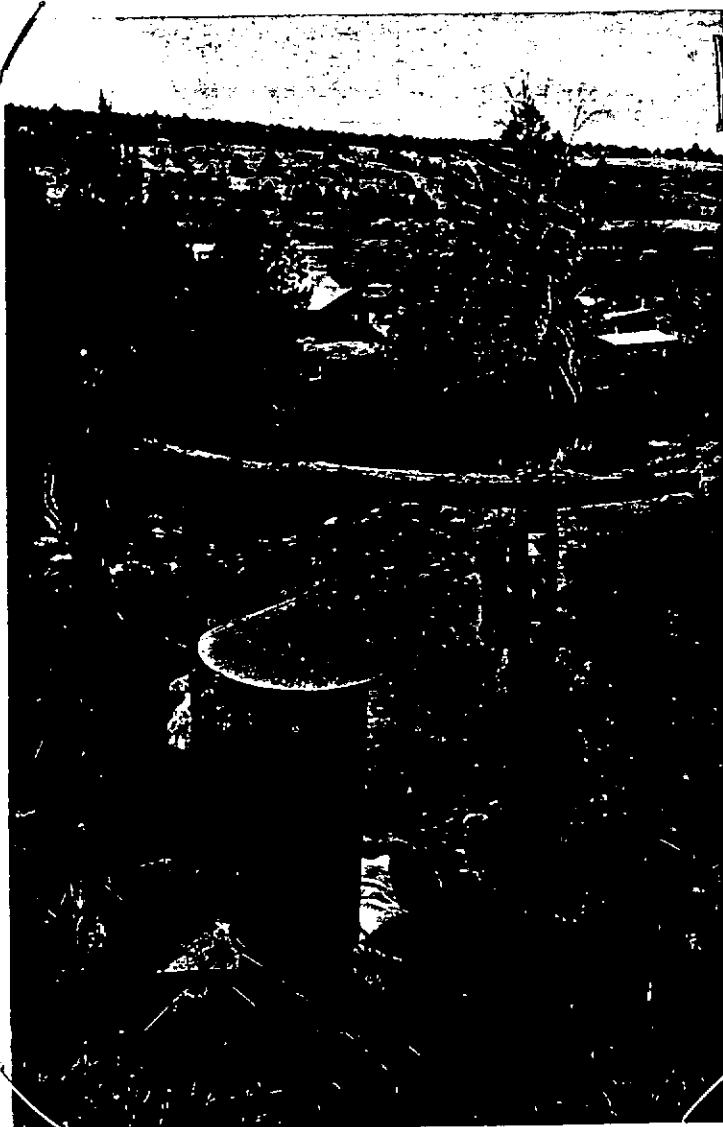
DATABASE EXAMINER 395.0
297.5
290.0

A55-4042



8-18-95

Point of diversion- Spring



From spring source -
Pump in ditch.

8-21-8

Original pictures in
A55-13457

A55-04042



Ditch from pump which runs
along northeastern edge of land

8-18-8



Place of use from
spring, looking west
by road & ditch...

8-18-93

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
(X)
()
()
()
NEEDS
REVIEW
()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-04042
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
7.310

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A55-04042	7.310	-	-	55-04042	7.310

TOTAL CFS

7.310

7.310

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)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION: *Phil Schulte*
SIGNATURE: *James W. Werner*
NAME OF FIELD EXAMINER: *A. Werner*

DATE: *8-20-93*
TITLE: *Sr. WR Agent*

8-20-98

9-14-93

Ted Payne

- 1 Claim for Squaw cr. - In-stream stock & also cr. running thru property - 1896
- OK 2 Power - 1951.
- 3 Squaw cr. - Use patent dates on irr. Also the spring.

Power: all H_2O goes thru the plant generate elec. for lights for house, barn & shop.

✓ location of spring: SWSE? or on line dividing $W\frac{1}{2}$ & $E\frac{1}{2}$

OK

Affidavit

1. Original cr. - Pri. = Patent date

Actual irr. acres is 7 as orig. filed

Add stock during irr. season. # of cattle
600 - 1hd.

Met map.

Fee's Due.

- | | |
|-------------------|---------|
| 1. Power claim | = \$ 50 |
| 2. Grave creek | 50 |
| 3. Instream stock | 25 |



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

MAILING DATE: August 23, 1993

RESPONSE DATE: September 23, 1993

ADDRESS ADDED TO ORIGINAL

RE: NOTICE OF CLAIM NO[S]: A55-04041, A55-04042, A55-04043

Dear Mr. Payne:

We are currently in the process of preparing the above referenced Notice(s) of Claim for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claims listed above. The following claims require the information or changes listed:

A55-04041, Squaw creek

This claim was originally filed without a stockwatering usage. I can recommend stockwater usage during the irrigation season at the amount of water used by 600 head of cattle which is 0.14 cfs. However, I cannot increase the total amount of water originally claimed which was 0.38 cfs. I found 17 irrigated acres rather than 19 acres. The recommendation would be for 0.34 cfs for irrigation plus 0.14 cfs for a total of 0.38 cfs. This limits the stockwatering usage to the irrigation season only. If the stock are drinking from the creek during the non-irrigation season you may want to file a Notice of Claim for instream stockwatering. I will enclose one along with a copy of the map which will help you to determine the location of the places of use.

Also, I found that there was a license issued for irrigation from Squaw creek and Elderberry spring. This license is *Not Claimed* numbered 55-02071, has a priority date of March 16, 1916 and covers land in section 13, T10S, R6W. The problem is that the field exam (which was done in 1920) and the proof of completion of works and proof of application of beneficial use shows that the land irrigated is in portions of section 19 which is where your irrigated land is located. You have the option of filing a claim on this if you like. The information in the file supports the irrigation in section 19 rather than section 13. However, the statutory claims that have already been filed cover the irrigation of all your lands from all three sources.

/A55-04042, Elderberry spring

The affidavits you submitted as evidence of the priority date were incomplete in that they did not support a first usage dating back to 1896. They also did not refer to the power usage. I have documents relating to the above license (55-02071) which do mention usage from the spring back to 1911 and usage from Squaw creek back to 1916 for irrigation. These are the two dates I am recommending as priority for the spring and the creek.

I am unable to recommend the power usage on your claim without any documents supporting this usage. If the power generation was added to the spring at a later date you may want to file an additional claim, with evidence of first usage, for the power generation. If you feel that the above dates are inaccurate and that the usage began as early as 1896, please submit further documentation to support this.

Also, I have checked the records here at the region and at the state office and there is nothing there relating to the power plant which will assist me in making a determination as to the water quantity. If you would like to include power generation on your claim, please send me the following information:

1. Horsepower of the pump.
2. Rated flow in cubic feet/second (if known).
3. Head in feet. This is the distance of fall between the pumping plant and the generator. 15' from top of H₂O to bottoms of ditch. 12" pipe thru g.m. out 10" tailpipe discharge to ditch

/A55-04043, Chiquita creek

The evidence of priority submitted for this claim only supported a date of first usage of 1935. The information in the above mentioned license file did not refer to a usage from this creek when the field exam was made in 1920 on Squaw creek and the spring. Because of this I am unable to recommend a priority date earlier than 1935. If you have information supporting an earlier date please feel free to submit it.

Also-when the early statutory claim was filed it included only 7 acres of irrigation with 0.14 cfs of water. You claimed 19 acres in the adjudication and I found 15 acres during the exam. The ditch measurement yielded a ditch capacity of 2.69 cfs or 134.5 inches. Is 15 acres and 0.30 cfs a more accurate representation of the early irrigation?

If so, your claim will need to be amended to reflect this amount and we will need further evidence to support the increase in acreage and flow back to the date of first usage. The stockwater usage can be added to your claim during the non-irrigation season as long as the total flow is not increased.

/Grave creek

We do not have any record on file of an irrigation usage from Grave creek. A Notice of Claim to a Water Right should be filed for this usage. Without a claim the usage will not be decreed in the Adjudication. I will enclose a claim form. We will also need proof of usage back to the priority date you will be claiming.

The ditch capacities from the sources measured during the exam are as follows:

Squaw creek

82" from the first ditch and 415" from the second ditch.

Spring

696.5" from the first ditch and 379.5" from the second.

Chiquita creek

134.5"

Grave creek

389.5"

There will be additional filing fees on any new claims that you file. The instream-stockwater claim will be \$25.00, the claim for power generation will be \$50.00 and the claim for Grave creek will be \$50.00. There will be no variable fee as the acreage fees were paid under the previous claim filings along with the kilowatt fee for the power generation from the spring. The fee you paid was for 7 1/2 kilowatts. I assume this is correct.

Please contact me if you have any questions regarding the information in this letter, or if you need assistance in completing the claim forms.

Sincerely,

Linda Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

DATE: 02/21/95
PAGE: 1

USE PERIOD	DIVERSION	DIVERSION
FROM TO	RATE	VOLUME
00-00 00-00	1.600 CFS	
00-00 00-00		

1-600 CFS

Stage: LICENSE

DWYHEE County

5

TOTAL ACRES

Pou County: OMYHEE

Dates:	App. Received:	Priority Date:
	Proof Due Date:	Proof Made Date:
	Exam Made Date:	Exam Sent to S.O.:
	Licensed Date:	
	06/21/1979	
Misc:	Water District Number:	Field Exam Fee:

Not named - Po4 is probably incorrect



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

A55-04041
TED PAYNE
DOROTHY PAYNE

JUNE 28, 1991

RE: Claim No(s): A55-04041, 04043

04043

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

JORDAN VALLEY OR 97910

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

MICROFILMED

SEP 24 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

April 14, 1998

PHILIP E. BATT
GOVERNOR

TED PAYNE
JORDAN VALLEY OR 97910

KARL J. DREHER
DIRECTOR

RE: 55-13456, 55-04042, 55-04043

Dear Ted:

Enclosed are adjudication profile reports and new maps for the above referenced SRBA claims. These reports and maps relate to your personal claims. I will address the claims in the name of P P & H Partnership in a separate letter and mailing. Listed below are explanations for each claim.

1) 55-04043---Your Notice of Error and claim amendment on 3/30/1998 added stockwater for 750 range cattle to the claim. The profile report reflects the addition of the stockwater component to the water right.

2) 55-13456---The changes made to our GIS map at the meeting in Marsing on 3/30/1998 moved one point of diversion and added acres to the place of use from Grave Creek. You will note on the new GIS map that both points of diversion are now in the NENW, Section 19 and there is an additional 4.4 acres in the place of use. These changes should reflect the amendments you wanted to make to this water right.

3) 55-04042---The Notice of Error and amendment to this claim on 3/30/1998 requested the addition of the pasture area around the house, increasing the stockwater component from 300 to 750 range cattle and a change in the priority date to 1896. The profile report and GIS map shows that I added the pasture area and increased the stockwater to support 750 head.

As we promised to you on March 30th, Susan Hamlin and I reviewed again the priority date evidence in all of our files, including the original files in our State Office vault. We did not find any documents to support 1896 as the first year water from Elderberry Spring was used for irrigation. We did, however, find in some licensing documents for water right 55-02071 reliable statements that irrigation from the spring started as early as 1911. The only place we found the 1896 date in our records is in the original statutory claim, 55-04042, you filed in 1979. The validity of 1896 as a priority date was not confirmed in 1979 and we still lack sufficient evidence to support it now. If you have any suggestions or any additional information you can provide concerning this matter please let me know immediately.

4) 55-04041 & 55-13457---The Notices of Error you filed for these two indicate you agree with our preliminary recommendations. No changes will be made in our final reports to the SRBA court for these rights.

April 15, 1998

Page 2

We plan to remit our directors report for Basin 55 to the SRBA court the first week of May 1998. We have to have all changes to water rights in the report by April 20th to provide us with enough time to prepare the final report. After the final report is submitted to the court, change requests will have to be made through the objection process directly to the court.

Thanks again for the input and assistance you have provided us. It is our goal to present the most accurate and defensible recommendation possible for all of your water right claims. Call me at the number below if you have questions or discussion.

Sincerely,

A handwritten signature in cursive script that reads "Mel Schulte".

Mel Schulte

ADJUDICATION BUREAU

Department of Water Resources

Western Region Office

(208) 334-2190

Enc.

CLAIM TO A WATER RIGHT

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

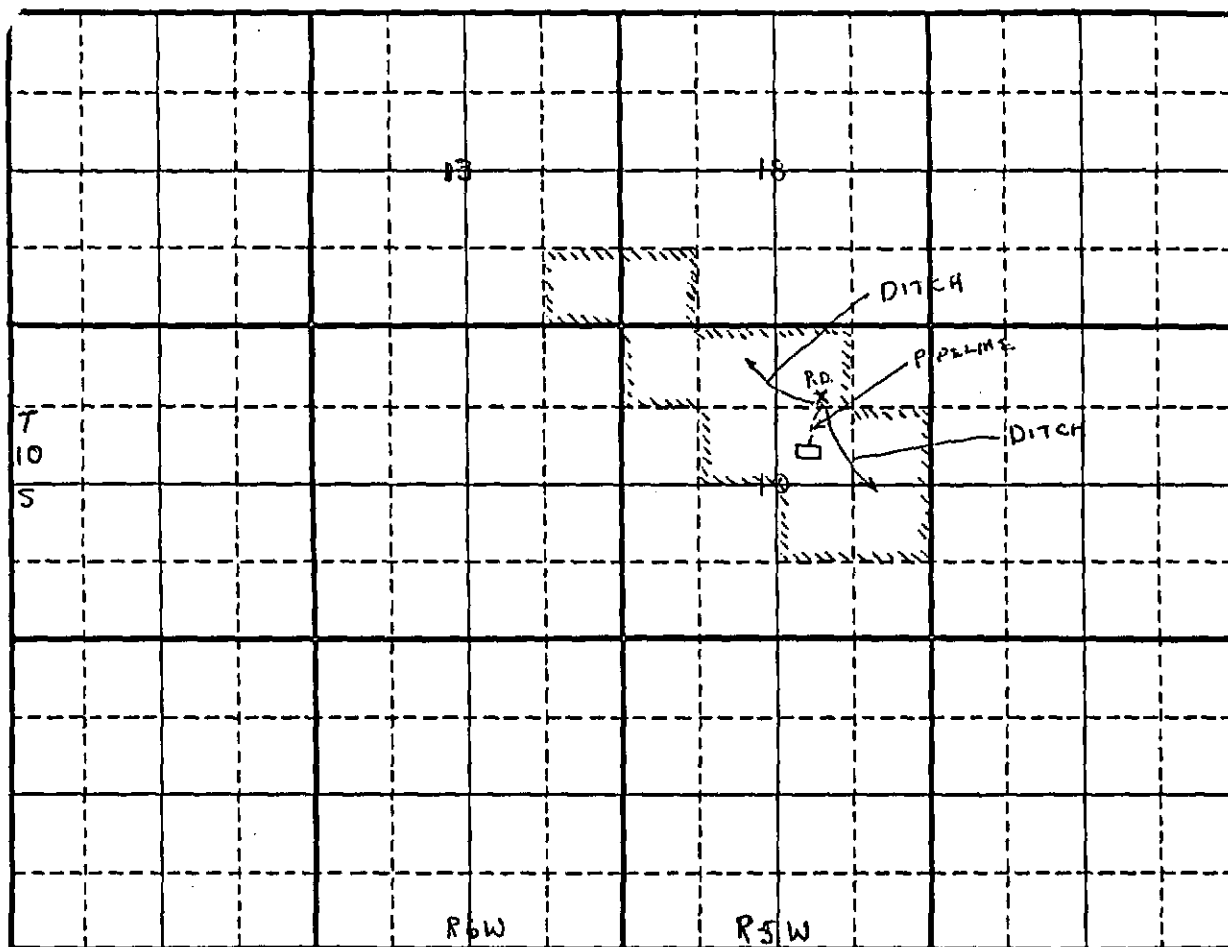
(Name of Claimant)

(Mailing Address)

(Zip Code)

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

Remarks _____



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 29 day of November, 1979.
Ed Payne (Claimant)

Harla Knecht
Notary Public
Residing at Boise, Id.

My commission expires life

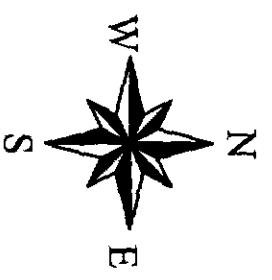
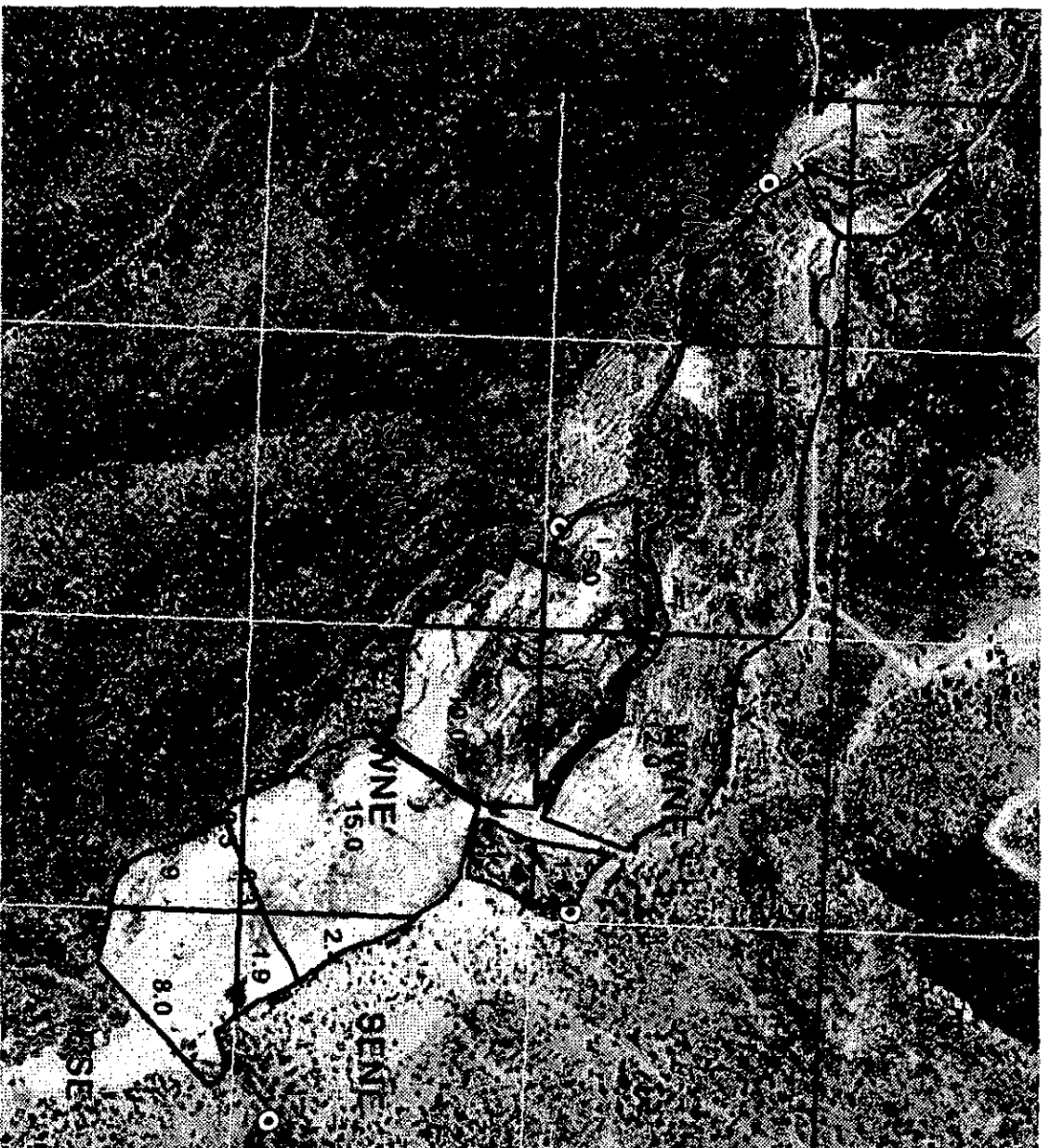
FOR DEPARTMENT USE ONLY

Received by SR Date 11/29/79 Exception filed by: _____ Date _____
Prelim. check by 665 Date 11/29/79 # 15265 Forwarded to claimant by: _____
\$20.00 fee received by SR Date 11/29/79
Published in Owyhee Nugget
Dates 12/13 & 12/20/79

IDAHO DEPARTMENT OF WATER RESOURCES

T10S, R05W, S18 & S19

Copy



1987 NAPP PHOTO

SECTION LINES

POD

POU

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-04042

OWNER(S): TED PAYNE

Prepared by: Mel Schulte

Date: 4/13/1998

TOTAL ACRES = 101.3