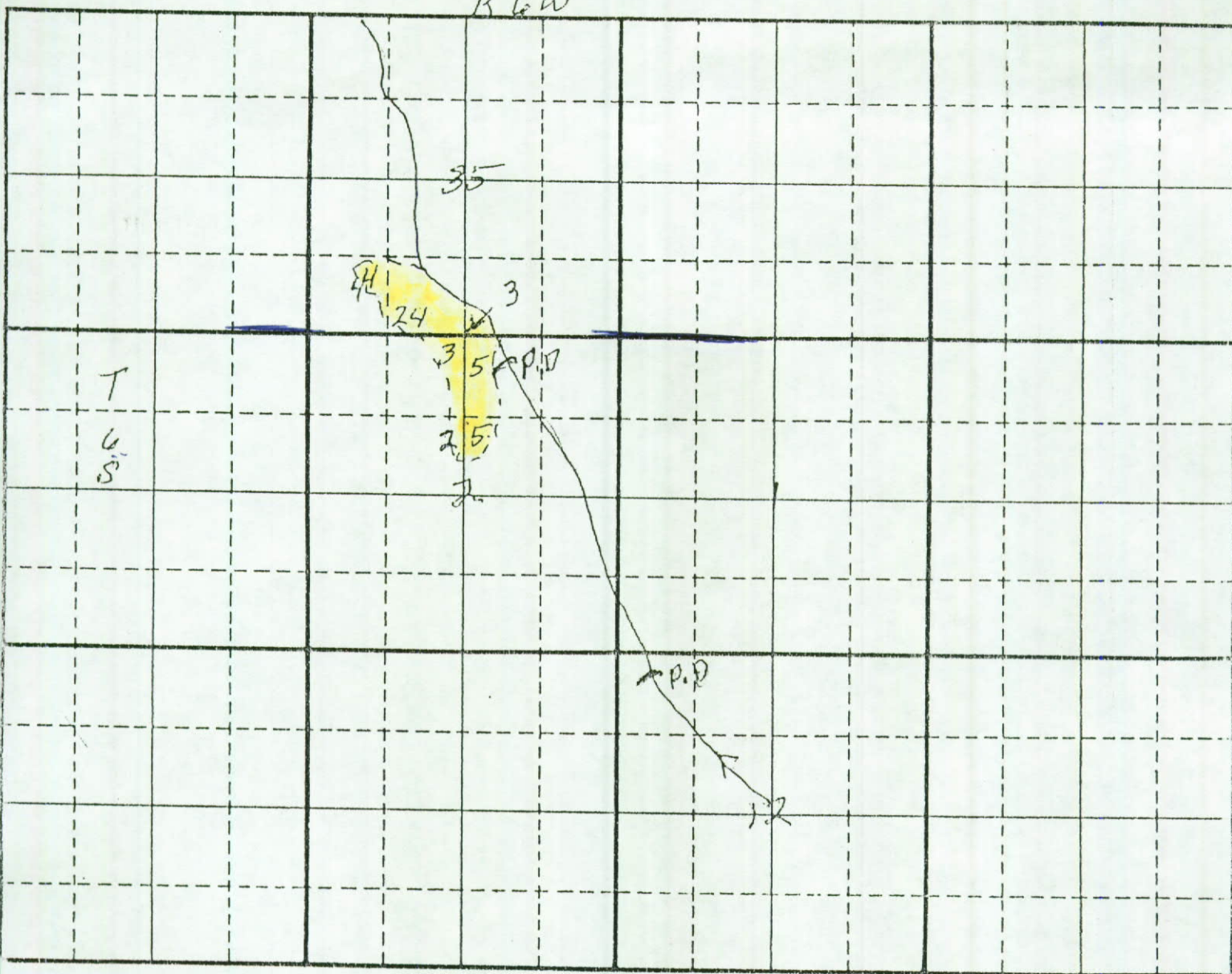


Priority to be
Served - not if
\$30 per

30 Dec

R L W



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.

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.

Donald J. McKay
(Claimant)

X(Claimant)

1982

1935
 Joseph Hellerin
 Notary Public
 Residing at Jordan Valley Ore
 Comm expires 7-30-83

Notary Public
Residing at

My commission expires _____

Received by SP Date 2/5/82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JG Date 2/10/82 claimant by: _____
\$20.00 fee received by SP Date 2/9/82 2/9/82
Published in Quintan Roozard
Dates 2/18 & 2/25/82



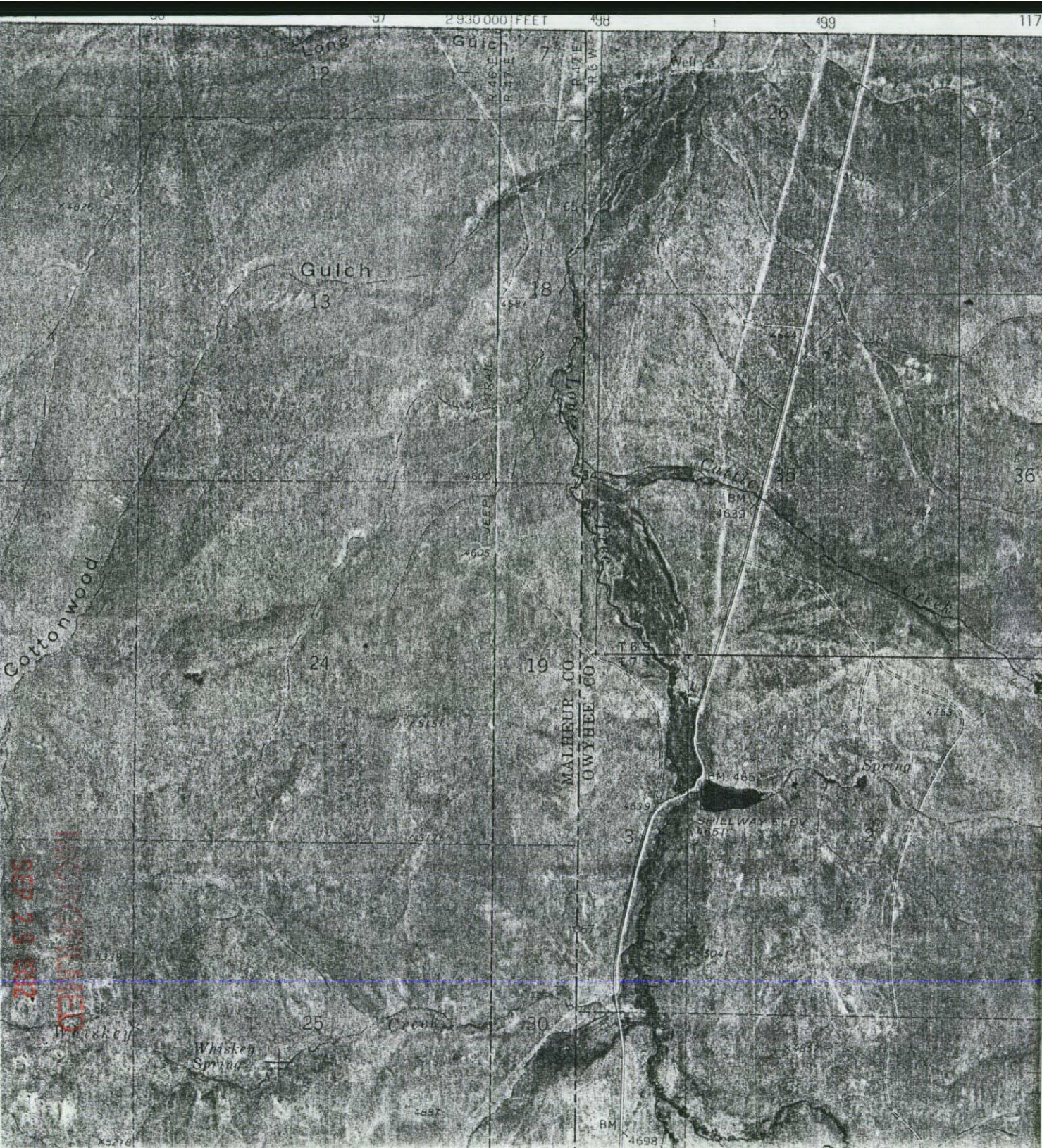
T 5S

T 6S

6S 6W

Sec 2 & 12

NOT COMPLETED
SEP 29 1982



117° 00'
42° 52' 30"

656W
Sec 35

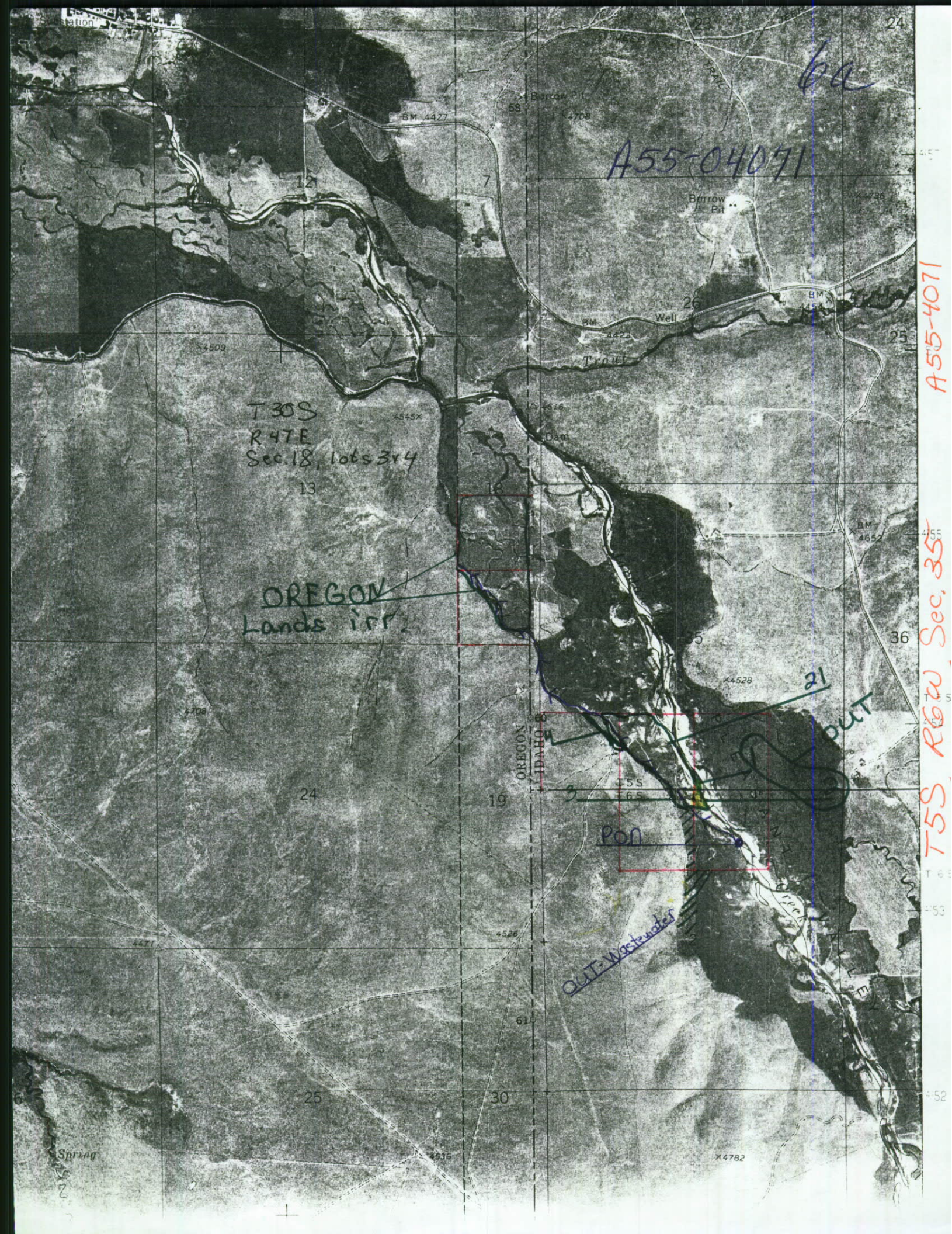
T6S
T7S

RECEIVED
SEP 29 1962

4746
4745
4744 S.
T. 7 S.
450 000
FEET

4743

50'
4742

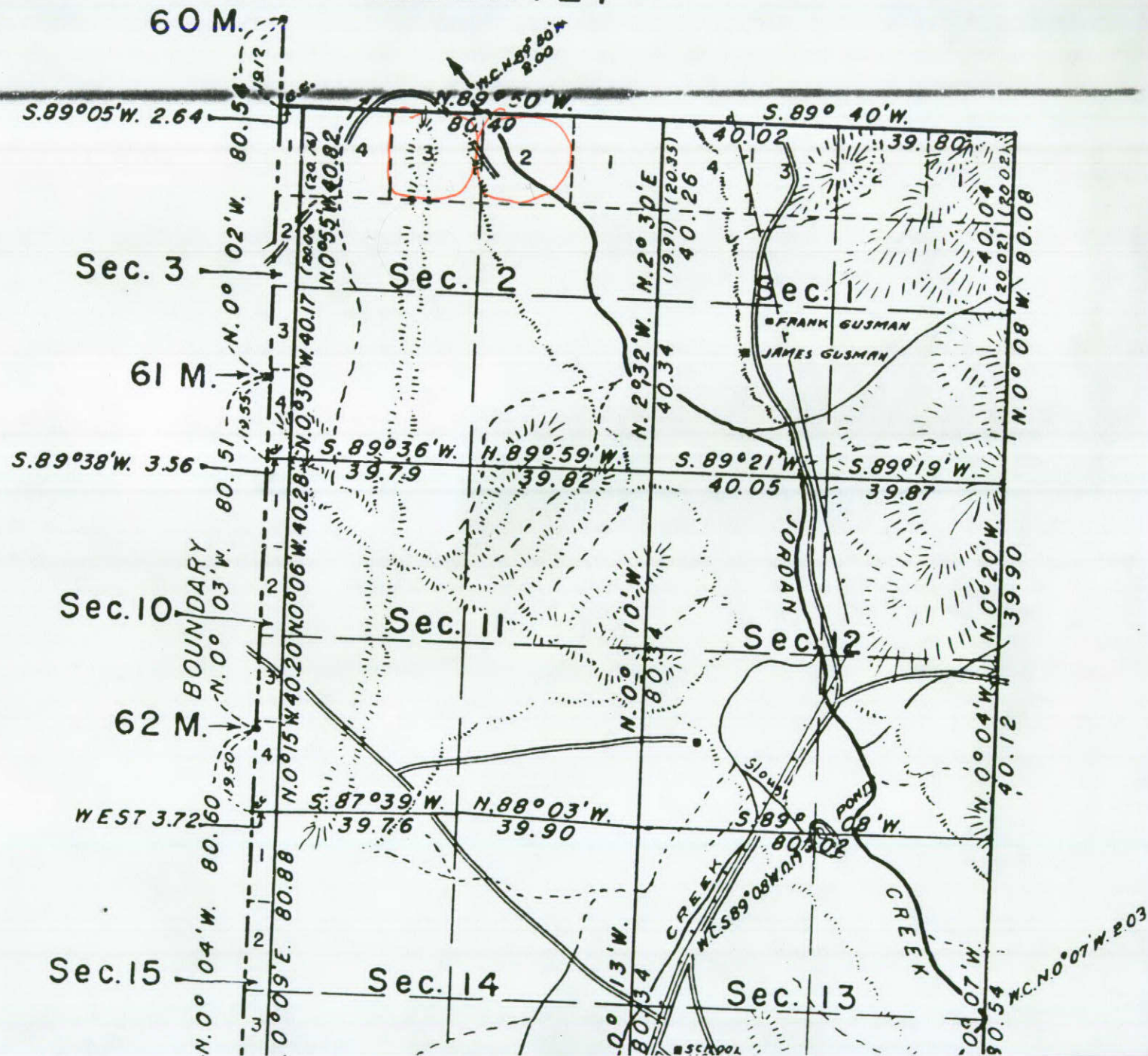


SOUTH , RANGE N° 6 WEST OF THE BOI

DEPENDENT RESURVEY

66

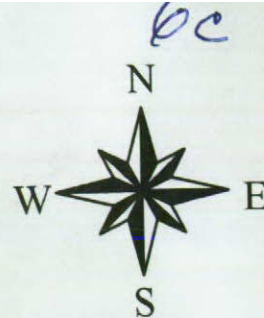
TGS
RGW
Sec. 2



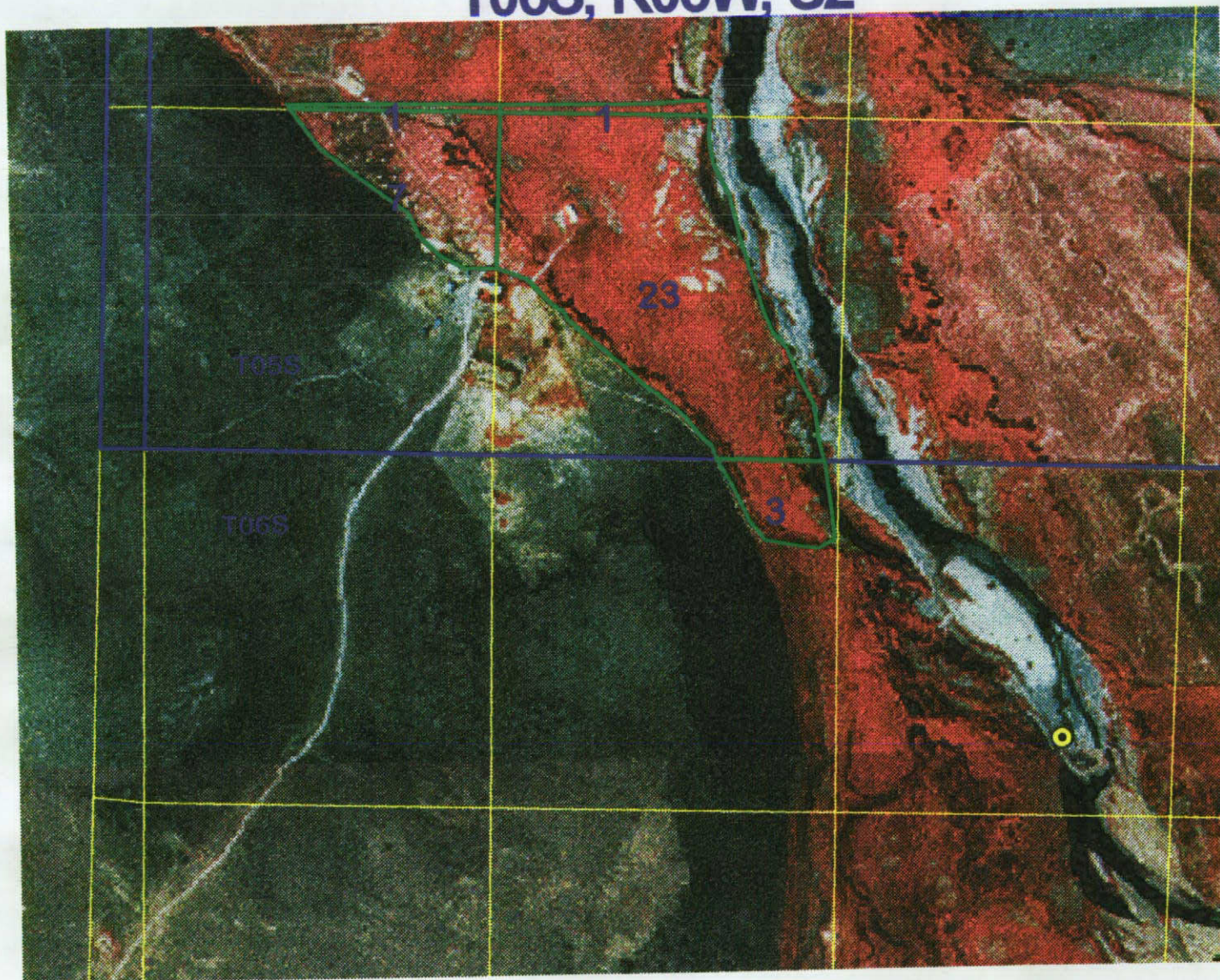
IDAHO DEPARTMENT OF WATER RESOURCES

T05S, R06W, S35

T06S, R06W, S2



1987 NAPP PHOTO



 SECTION LINES

 POD

 PLACE OF USE

 1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-04071

OWNER(S): LU RANCHING

Prepared by: Mel Schulte

Date: 1/31/1998

TOTAL ACRES = 35

0 0.25 0.5 Miles

A55-04071

11a



Diversion from Jordan creek.



Ditch from Jordan cr. diversion

A55-04071

116



Place of use in section 35, SESW[↑]
and section 2, DENW_↓



A55-04071

11c



Irr. land in front of the house

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A55-04071
Date Received: 11/21/1988
Receipt No: W001465
Received By: E. H.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LU RANCHING CO. INC. 208-583-2443
Address: BOX 415
JORDAN VALLEY, OR 97910

2. Date of Priority: JAN 01, 1928

3. Source: JORDAN CREEK Trib. to: OWYHEE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	06W	2	NW	NE			OWYHEE
		12	NW	NW			OWYHEE

5. Description of diverting works:
DIVERSION DAMS & GRAVITY DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.920		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/350 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	06W	2	NW	NE		IRR	5.0
			SW	NE		IRR	5.0

A55-04071

Page 1

Date: 11/21/88

MICROFILMED
SEP 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	06W	2	NE	NW		IRR	3.0
			SE	NW		IRR	2.0
			Section Acres				15.0
		35	SW	SW		IRR	4.0
			SE	SW		IRR	24.0
			SW	SE		IRR	3.0
			Section Acres				31.0
			Total Acres				46.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

ORIGINAL CLAIM WAS FOR 0.52 CFS FOR 46 ACRES. THIS CLAIM IS FOR 0.92 CFS TO MAKE UP FOR THE ERROR IN ORIGINAL FILING. BENEFICIAL USE FOR THE 0.92 CFS SINCE 1928.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Tom A. Lowry* Date: *11-21-88*
Cumer Date: *11-21-88*

State of Idaho)
County of *Ada*) ss.

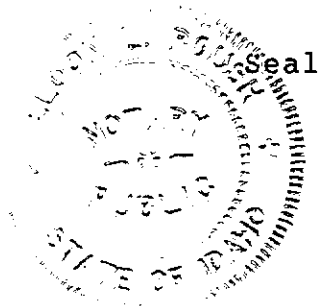
Subscribed and sworn (or affirmed) before me this *21* day

of *Nov* 19 *88*

Elden J. Poush
Notary Public

Residing at *Bow*

My Commission Expires *09/08/1997*

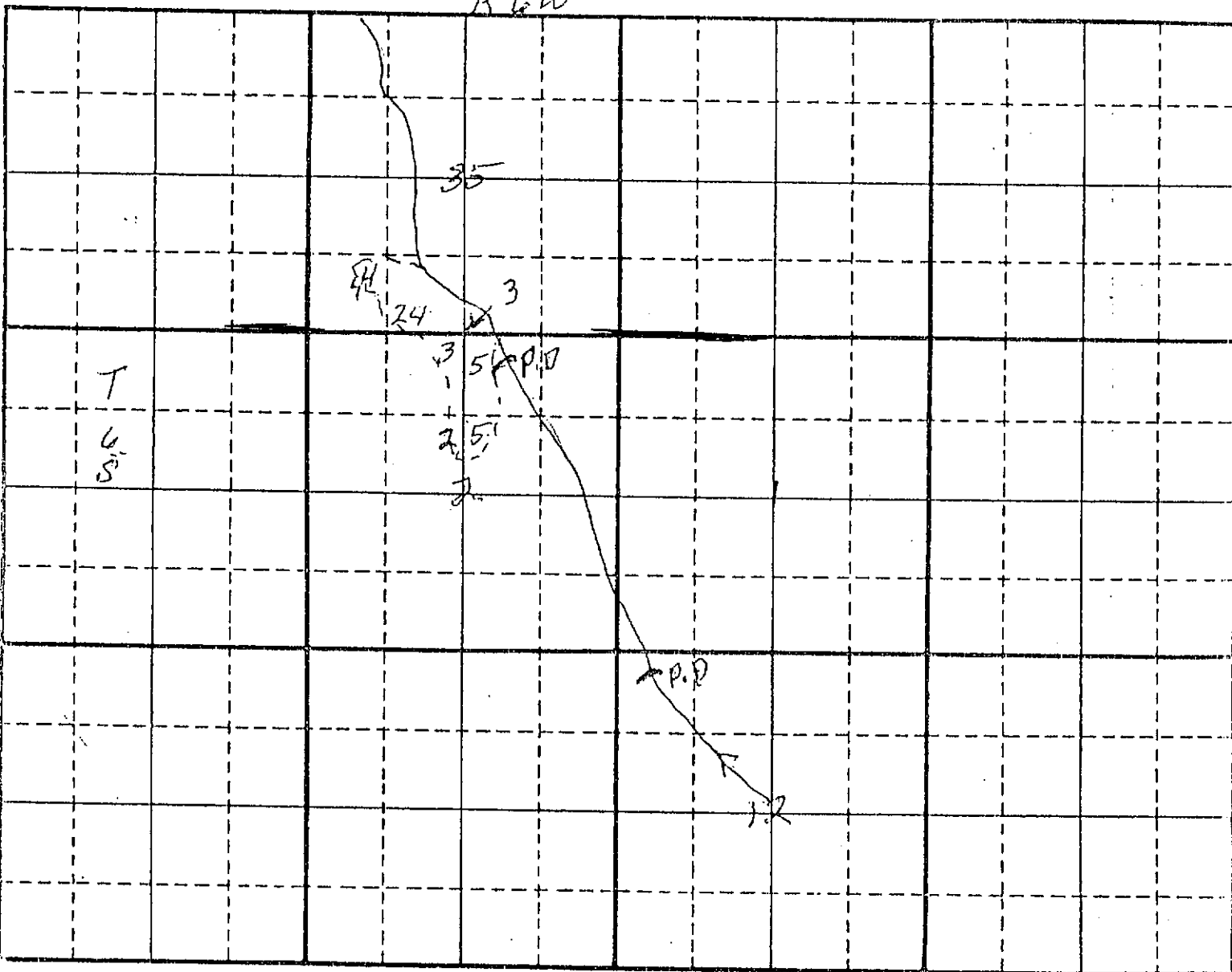


Claimant map

8) Remarks:

These grounds were patented Dec 12, 1929 and probably were irrigated at least one year prior to this

R 6 W



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 Malheur) 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 28th day of Jan 1982

Donald G. McKay (Claimant)
Jose Hellerin
Notary Public
Residing at Jordan Valley Ore
Comm expires 7-30-83

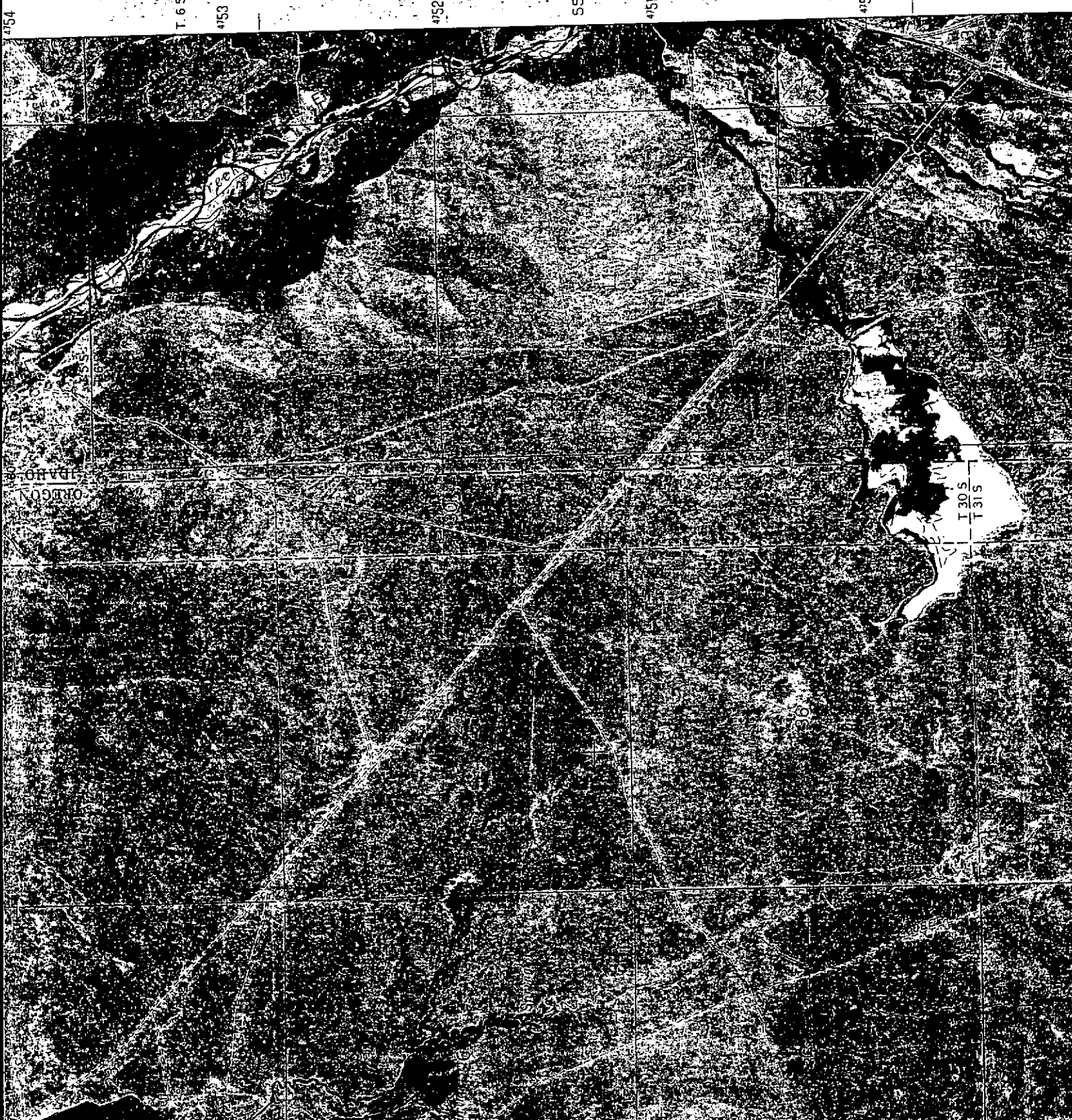
My commission expires _____

FOR DEPARTMENT USE ONLY

Received by SP Date 2/9/82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by IG Date 2/10/82 claimant by: _____
\$20.00 fee received by SP Date 2/9/82 21917
Published in Oregonian
Dates 2/18 & 2/25/82

15S
T6S

6S 6W
Sec 2 & 12



4754

T 6 S

4753

4752

55'

4751

4750

IDAHO
OREGON

T 30 S
T 31 S

117° 00' 42° 52' 30"

489

498

2530000 FEET

37

38

4746

4745

4744 S.

T. 7 S.

450 000
FEET

4743

50'
4742

6366

Sec 35

T6S

T7S



AJ0749NP
No. R55-04071

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

DATE: 02/09/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LU RANCHING CO INC PO BOX 415 JORDAN VALLEY OR 97910 (208) 583-2443	04/15/1928	IRRIGATION	04-15 10-15	0.70 CFS	
TOTAL DIVERSION:					0.70 CFS	

Water Source: JORDAN CREEK

Tributary to: OMYHEE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06S R06W S02 Lot02(SENWNE)

OMYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05S	06W	35	:											01	01	07	23			32.0
06S	06W	2	:																	3.0
TOTAL ACRES																			35.0	

POU County: OMYHEE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A55-04071 A55-10218 R55-10337

Other Water Rights Listing Overlapping Place(s) of Use:
A55-04044 A55-10218

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 55-10337

Dates: Exam Made Date: 04/22/1992 Verified Date: 02/09/1998 Objection Filed Date:

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

Comments: Date: 01/31/1995 User-ID: LWERNER Subject: COPIED FROM REMARKS
ORIGINAL CLAIM WAS FOR 0.52 CFS FOR 46 ACRES. THIS CLAIM IS FOR
0.92 CFS TO MAKE UP FOR THE ERROR IN ORIGINAL FILING. BENEFICIAL
USE FOR THE 0.92 CFS SINCE 1928.

Audit: 02/09/98 MSCHULTE

March 6, 1998

**NOTICE OF ERROR
REPLY**

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:

55-04071

LU RANCHING CO INC

PO BOX 415

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):

I DISAGREE WITH THE SEASON OF USE - IT SHOULD
BE 3-1 TO 10-15 OR ONLY "IRRIGATION SEASON"

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

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

DUE TO FLOW IN ~~JORDAN~~ JORDAN CREEK IN SOME
YEARS WATER NEEDS TO BE PUT ON THE LAND
AS SOON AS POSSIBLE.

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

DATE: 3-30-98

SIGNATURE: Wm A Lowery

Please print your name:

Wm A Lowery

Preliminary Recommendation

RIGHT NUMBER: 55-04071

NAME AND ADDRESS: LU RANCHING CO INC
PO BOX 415
JORDAN VALLEY OR 97910

SOURCE: JORDAN CREEK TRIBUTARY: OWYHEE RIVER

QUANTITY: 0.7 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY-DATE: 04/15/1928

POINT OF DIVERSION T06S R06W S02 LOT 2 (SEWNNE) Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	0.7 CFS
STOCKWATER	01-01 12-31	0.08 CFS

POSSIBLE ALTERNATIVE PERIOD OF USE 04/15 10/15
SEE EXPLANATORY MATERIAL BELOW.

PLACE OF USE: IRRIGATION Within OWYHEE County

Section	NE	NW	SE	SW
T05S R06W S35	1	1	1	1
T06S R06W S02 LOT 3 (NENW)	3			
35 ACRES TOTAL				

Place of use for STOCKWATER is same as IRRIGATION

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

IRRIGATION PERIOD OF USE IS CURRENTLY ON APPEAL TO THE IDAHO
SUPREME COURT. THE SRBA COURT RULED "IRRIGATION SEASON" IS
ADEQUATE AND APPROPRIATE TO DESCRIBE THE PERIOD OF USE.

APPELLANTS ARGUE A SPECIFIC CALENDAR DESCRIPTION IS NECESSARY
TO DESCRIBE THE PERIOD OF USE FOR A WATER RIGHT. IF THE IDAHO
SUPREME COURT OVERTURNS THE DECISION OF THE SRBA COURT ON USING
"IRRIGATION SEASON" THE SPECIFIC CALENDAR DESCRIPTION SHOWN MAY
BE USED.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 55-10337
STOCKWATER, 350 RANGE CATTLE

AJ0749NP
No. R55-04071

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

DATE: 01/08/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LU RANCHING CO INC PO BOX 415 JORDAN VALLEY OR 97910 (208) 583-2443	04/15/1928	IRRIGATION	04-15 10-15	~~0.56 cfs~~	.70
TOTAL DIVERSION:					0.56 CFS	.70

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R06W S02 Lot02(SENWNE)

OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05S	06W	35	:																	25.0
06S	06W	2	:																	3.0
																				32
TOTAL ACRES																				28.0
																				35

POU County: OWYHEE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A55-04071 A55-10218 R55-10337

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 55-10337

Dates: Exam Made Date: 04/22/1992 Verified Date: 01/08/1998 Objection Filed Date:

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

Comments: Date: 01/31/1995 User-ID: LWERNER Subject: COPIED FROM REMARKS
ORIGINAL CLAIM WAS FOR 0.52 CFS FOR 46 ACRES. THIS CLAIM IS FOR
0.92 CFS TO MAKE UP FOR THE ERROR IN ORIGINAL FILING. BENEFICIAL
USE FOR THE 0.92 CFS SINCE 1928.

Audit: 01/08/98 MSCHULTE

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.

AA52Y(☒) N(☐)Page 6a☐ TOPOGRAPHIC

DATE FIELD CHECKED

IDWR ID NO.

Y(☐) N(☐)☒ MAP CIS

DATE OF PHOTO

1-31-1998

IDWR ID NO.

Y(☒) N(☐)Page 6c☐ ASCS AERIAL PHOTO

DATE OF PHOTO

Y(☐) N(☐)☐ 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

Page 6bY(☒) N(☐)☐ SCS SOIL SURVEY MAP

DATE ISSUED

Y(☐) N(☐)☐ SUBDIVISION PLAT MAP

DATE OF MAP

Y(☐) N(☐)☒ OTHERAffidavitDATE 8-13-1991Page 3aY(☒) N(☐)☒ OTHERWarranty DeedDATE 6-28-1984Pages 3a, cY(☒) N(☐)☒ OTHERConversation MemoDATE 5-14-92Y(☒) N(☐)

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM

DATE OF FIELD EXAM

☐ WATER RIGHT LICENSE

DATE LICENSE SIGNED

☐ IDWR APPROVED TRANSFER

DATE TRANSFER APPROVED

☐ SYSTEM DESCRIPTION

DATE DRAWN

☒ PHOTOGRAPHS

DATE(S) PHOTOS TAKEN

4-22-923Pages 11a, b, c☐ SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED

☐ HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED

☐ CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED

☒ FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED

11-17-924Pages 9a, b, c, d☐ OTHER

DATE

☐ OTHER

DATE

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A55-04071

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*		<u>4-22-92</u>		<u>Y</u>	<u>Y</u>		
PT. OF DIV.		<u>L. Werner</u>	<u>5</u>	<u>Y</u>	<u>Y</u>		
SOURCE		<u>S. Curtis</u>	<u>5</u>				
PL. OF USE			<u>1, 4, 5</u>	<u>Y</u>	<u>Y</u>		
DIV. AMOUNT CFS/AF				<u>Y</u>	<u>Y</u>		
CONSUMPTIVE USE			<u>Dept. Std</u>				
NATURE OF USE			<u>5</u>				
PERIOD OF USE			<u>Dept. Std.</u>	<u>Y</u>	<u>N</u>		
BASIS OF CLAIM			<u>OK</u>				
REMARKS							

DATA ENTRY COMPLETED
BY _____ DATE _____FINAL RECOMMENDATION
BY _____ DATE _____

VERIFICATION CODES

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

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES X NO _____

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

COMMENTS:

Field exam completed due to type of claim.
Claimant contact required before final recommendation

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:00:09
05/22/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A55-04071

LAST: MC KAY
ADDRESS: P.O. BOX 36
CITY: JORDAN VALLEY
PHONE NUMBER: 208-000-0000

FIRST: DONALD J.

STATE: OR ZIP: 97910

OWNER CODE: O

LAST: MC KAY
ADDRESS: P.O. BOX 36
CITY: JORDAN VALLEY
PHONE NUMBER: 208-000-0000

FIRST: ELIZABETH

STATE: OR ZIP: 97910

OWNER CODE: O

LAST: LU RANCHING CO. INC.
ADDRESS: BOX 415
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2443

FIRST:

STATE: OR ZIP: 97910

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: ORIGINAL CLAIM WAS FOR 0.52 CFS FOR 46 ACRES. THIS CLAIM IS FOR
0.92 CFS TO MAKE UP FOR THE ERROR IN ORIGINAL FILING. BENEFICIAL
USE FOR THE 0.92 CFS SINCE 1928.

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 A55-04047

A. AJ CLAIM: # A55-04071 PRIORITY DATE: 01-01-1928 STAGE: S
 B. WR RECORD: # 55-04071 PRIORITY DATE: 01-01-1928 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
 N

FIELD
 EXAMINER
 N

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

REMARKS: Claimant has submitted proof of priority in form of affidavit from previous owner McKay. He submitted a warranty deed w/it but the deed doesn't include *T6S, R6W Sec. 2, NWNE of which 21 acres were found or *T5S, R6W, Sec. 35, SWSE of which 1 acre was found. Claimant contact will be made for ownership of those two parcels.

*The above 2 parcels no longer included under P.O.U.
 The excerpt from Jordan Valley news found in A55-4047 also contains some info. regarding the "Shea" property.

RECOMMENDED PRIORITY DATE: 4-15-1928
 01-01-1928

REVIEWED BY Linda Wimmer

DATE 1-6-93

3a.

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

AFFIDAVIT

A55-04071)
)
)
)

State of Idaho)

County of Carney)

Don McKay being first duly sworn,
deposes and says: his reference to the
land that I bought from Bill
Shear case number 39576.
and that this ground has been
under irrigation since priority date
Jan 01 1928. I lived on these
properties from 1948 to 1984 —
This pretains to Ident. No A5504071

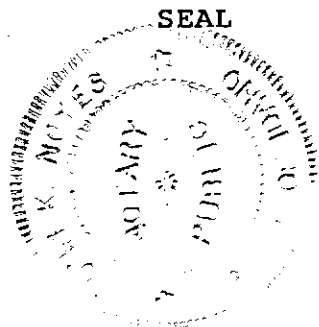
Donald G McKay
(Signature)

Subscribed and sworn to before me this
day 13th of Aug., 1981.

John K. Moxley
(Notary Public)

Residing at Caldwell, Idaho.

My Commission Expires Sept 21, 1994



WARRANTY DEED

A55-4071
36

For Value Received

Donald J. McKay and Elizabeth McKay, husband and wife

the grantor S do hereby grant, bargain, sell and convey unto
L U Ranching Company, an Idaho Corporation

the grantee , whose current address is, P. O. Box 595, Jordan Valley, OR 97910
the following described premises, to-wit: (Total consideration \$325,000.00)
Lands in Owyhee County, Idaho and Malheur County, Oregon.

IN TOWNSHIP 6 SOUTH, RANGE 6 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 3: Lots 1 and 2

IN TOWNSHIP 5 SOUTH, RANGE 6 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 34: Lot 4
Section 35: S $\frac{1}{2}$ SW $\frac{1}{4}$

IN TOWNSHIP 9 SOUTH, RANGE 5 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 4: S $\frac{1}{2}$
Section 8: E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 9: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ NE $\frac{1}{4}$

IN TOWNSHIP 30 SOUTH, RANGE 46 EAST, W. M., MALHEUR COUNTY, OREGON
Section 23: All, EXCEPTING THEREFROM THE SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 24: All
Section 25: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$

IN TOWNSHIP 30 SOUTH, RANGE 47 EAST, W. M., MALHEUR COUNTY, OREGON
Section 18: Government Lots 3 and 4
Section 19: Government Lots 1 and 2.

IN TOWNSHIP 34 SOUTH, RANGE 46 EAST, W. M., MALHEUR COUNTY, OREGON
Section 16: S $\frac{1}{2}$ NE $\frac{1}{4}$

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to Oregon water Permit No. G-3496 for 1.31 cfs. and rights under Jordan Valley Irr. Dist. Subject to exceptions and reservations contained in patents from the United States. Also including 1,635 AUMs, Federal Grazing Permits. (over)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owner s in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: June 28, 1984

Donald J. McKay
Elizabeth McKay

STATE OF IDAHO, COUNTY OF Owyhee
On this 28th day of June, 19 84
before me, a notary public in and for said State, personally appeared Donald J. McKay and Elizabeth McKay

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at Murphy, Idaho
Comm. Expires lifetime

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at the request of

at minutes past o'clock m.,
this day of
19, in my office, and duly recorded in Book of Deeds at page

Ex-Officio Recorder
By Deputy.
Fees \$ L U Ranching Company
Mail to: P. O. Box 595, Jordan Valley, Or 97910

3c

Together with all minerals and mineral rights appurtenant thereto.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to current taxes, assessments, and all easements, restrictions and reservations of record.

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate City or County Planning Department to verify approved usage.

STATE OF OREGON

County of Malheur

COMPARED

Inst. No. 84-122288 certify
that the within instrument of
writing was received for record on
the 3 day of July 1984
at 8:53 O'clock A.M.

ROBERT L. MORCOM,
County Clerk

By Baron Harrison Deputy

181349

**** WARRANTY DEED ****

FILED-RECORDED

JUN 28 2 37 PM '84

BARBARA JAYO
TOWHEE COUNTY RECORDER
BY C. H. Hutton
DEPUTY

Donald J. McKay et ux

to

L U Ranching Company

REQUEST OF: OTC

FEE: 2.00

INDEXED

MICROFILMED

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-04071	06S	06W	12		NW	NW		OWYHEE
A55-04071	06S	06W	2		NW	NE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A55-04046 NONE
A55-04044
A55-04115
A55-10218

WR RECORDS IN SAME 40 ACRE TRACT

55-04046
55-02146
55-04044
55-04115

SOURCE: JORDAN CREEK

TRIB: OWYHEE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
55-04071	06S	06W	12		NW	NW		OWYHEE
55-04071	06S	06W	2		NW	NE		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

A55-04046 NONE

55-04046
55-02146
55-04044
55-04115

SOURCE: JORDAN CREEK

TRIB: OWYHEE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
Y
Y

REMARKS:

The diversion in section 12 has not been recommended because this is the neighbors diversion. Claimant uses the water from this diversion after it leaves their field so it then is considered wastewater.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
6S	6W	2	SE	NW	NE	2	OWY

SOURCE: JORDAN CREEK

TRIB: OWYHEE RIVER

REVIEWED BY:

Linda Warner

DATE:

4-23-92

The diversion consists of a plastic dam at the pt. of diversion from Jordan creek. Water conveyed by dirt ditch to places of use. Flood irr.

A. ROOT WATER RIGHT NUMBERS: A55-04071

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06S	06W	2	NE	NW	3	LU RANCHING CO. INC.	A55-04071 / 3.0	55-04071 / 3.0		7	3
06S	06W	2	SE	NW		LU RANCHING CO. INC.	A55-04071 / 2.0	55-04071 / 2.0	15.0	6	0
06S	06W	2	SW	NE		LU RANCHING CO. INC.	A55-04071 / 5.0	55-04071 / 5.0	34.0	34	0
			SW	NE		GUSMAN LIVESTOCK CO.	A55-04046 / 35.0	55-04046 / 35.0			
06S	06W	35	SW	SW		LU RANCHING CO. INC.	A55-04071 / 4.0	55-04071 / 4.0	34.0		
			SW	SW		ROSS, WILLIAM E.	A55-04080 / 30.0	55-04080 / 30.0			
			SW	SW		ROSS, WILLIAM E.	A55-04081 / 30.0	55-04081 / 30.0		4	7
			SW	SW		ROSS, WILLIAM E.	A55-04082 / 9.0	55-04082 / 9.0			
06S	06W	35	SE	SW		LU RANCHING CO. INC.	A55-04071 / 24.0	55-04071 / 24.0		21	21
06S	06W	35	SW	SE		LU RANCHING CO. INC.	A55-04071 / 3.0	55-04071 / 3.0		1	1
06S	06W	2	NW	NE		LU RANCHING CO. INC.	A55-04071 / 5.0	55-04071 / 5.0			
			NW	NE	2	GUSMAN LIVESTOCK CO.	A55-04046 / 35.0	55-04046 / 35.0		2	2
35 NE SW NW SW TOTAL ACRES							A55-04071	46.00	46.00	83.00	75

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

Acres recommended are based
on GIS calculations.
MTS
2-9-98



A55-4071

75S R6W Sec. 35

T 6 N

R 6 W

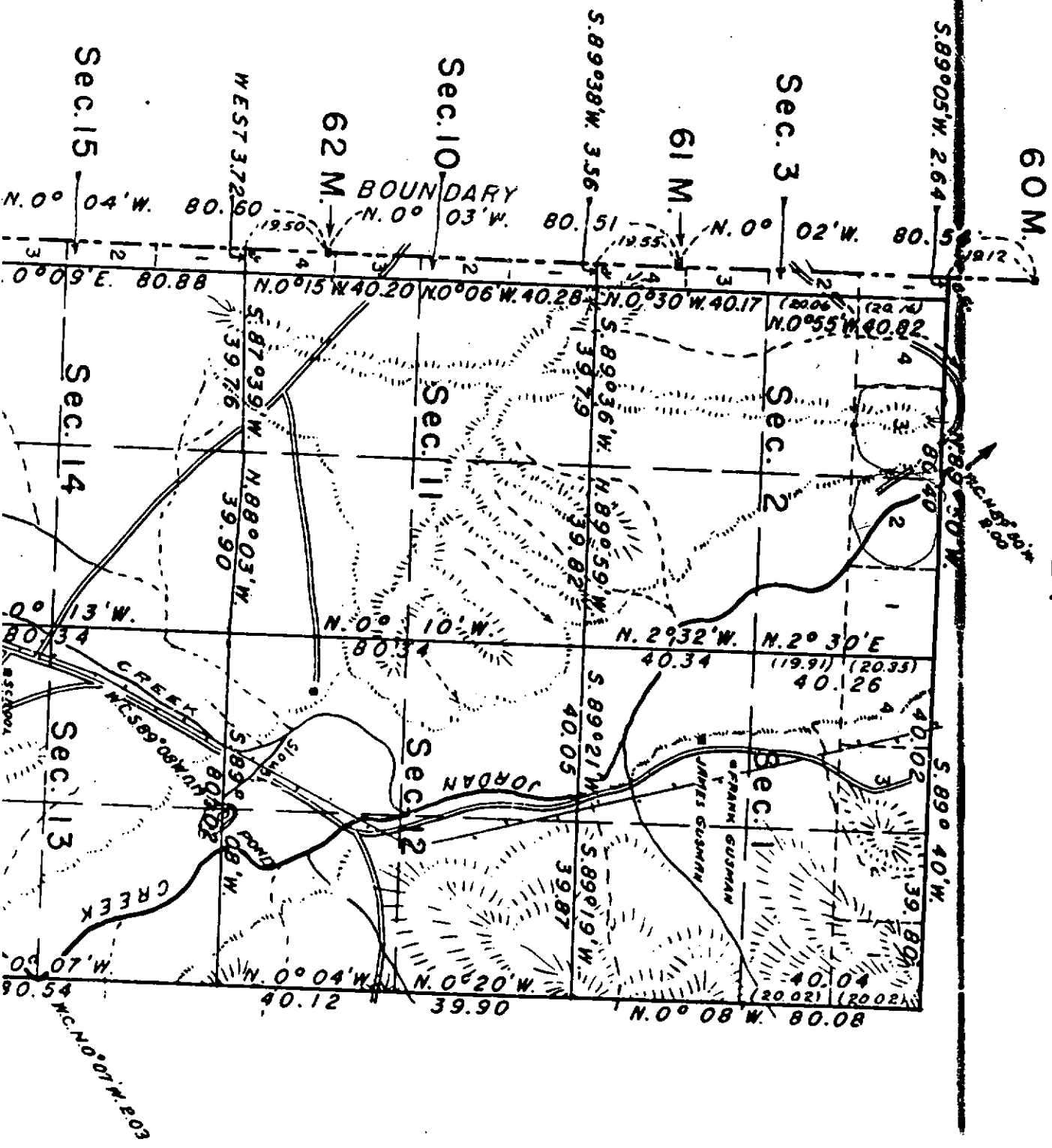
4-52

SOUTH, RANGE N° 6 WEST OF THE BOI

DEPENDENT RESURVEY

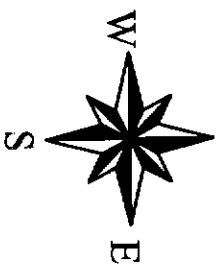
66

T 65
R 60
Sec. 2

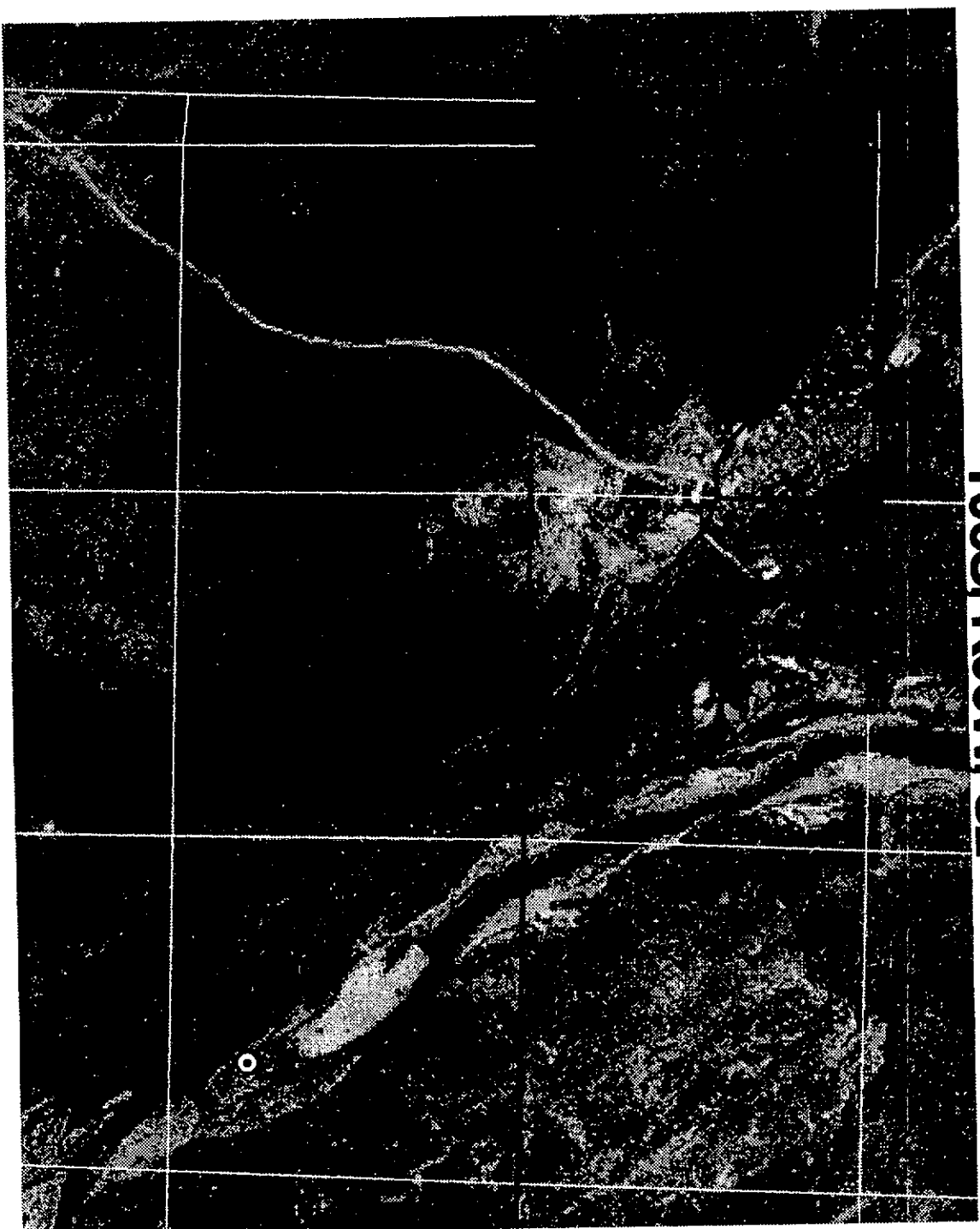


IDAHO DEPARTMENT OF WATER RESOURCES

T05S, R06W, S35
T06S, R06W, S2



1987 NAPP PHOTO



SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-04071

OWNER(S): LU RANCHING

Prepared by: Mel Schulte

Date: 1/31/1998

TOTAL ACRES = 35

0 0.25 0.5 Miles



PRESUMPTION FLAG:

REMARKS:

The acreage which was found over & above the 31 acres recommended are in by the neighbors wastewater

RECOMMENDATIONS:

TOTAL ACRES: * 31 28 35 MTS
2-9-98

REVIEWED BY: Linda Werner

DATE: 4-24-92 & 1-6-93 & 1-31-95

* Subject to claimant contact response

A. AJ CLAIMED USES:

PURPOSES
A55-04071 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
.920 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.920 CFS

B. WR RECORDED USES:

PURPOSES
55-04071 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
.520 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.520 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

DATABASE
N
Y
N

FIELD
EXAMINER
N
N
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N() Explain in remarks, below.

REMARKS:

4-15 to 10-15

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(X)AJ TOTAL CLAIMED DIVERSION RATE: 0.920 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.520 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?

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

FIELD
DATABASE EXAMINER
Y X

B.

FLOW MEASUREMENT

** MEASUREMENT METHOD * Mannings, SEE ATTACHED CALCULATIONS.C. ARE OTHER WATER RIGHTS USED? Y() N(X) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A55-04071	JORDAN CREEK	LU RANCHING CO. INC.	0.920	0.020		
A55-04046	JORDAN CREEK	GUSMAN LIVESTOCK CO.	16.000	0.031		
A55-04081	SPRING	ROSS, WILLIAM E.	2.000	0.008	1180.00	5.00
A55-04082	LONE TREE CREEK	ROSS, WILLIAM E.	4.500	0.033		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

* The mannings msmt. conducted on 4-22-92 turned out to be inaccurate. When I went back to redo on 4-29-92 the water had been turned out & it was too deep to do a msmt. even w/ chest waders. If there are no others diverting from this POU the acreage & flow can be recommended at 1"/Ac. More work to do in determining other uses w/POD. The ditch has the capacity to irr. these acres & his OR acreage at 1"/Ac. Stay tuned for further information. . . .

* Mannings msmt. of 11-17-92 yielded 13.6 cfs.

** 4-22-92 data sheets were destroyed (MTS 1-8-98)

MANNING EQUATION CHANNEL CAPACITY RESULTS

01-06-1993

99

File Number: A55-10218

Claimant: 06 LIVESTOCK

Channel measured: JORDAN CREEK DIVERSION DITCH

Date of measurement: 11/17/92

Measurement location:

NWNE

Calculation prepared by: LINDA WERNER

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 245 feet.

The upstream and downstream rod readings are 7.06 and 7.97 feet.

The channel cross section is 7.98 ft-sq.

The wetted perimeter is 11.03 feet.

The hydraulic radius is 0.72 feet.

The slope is 0.0037

The roughness coefficient is 0.0430

The flow velocity is 1.702 ft/sec.

The rate of flow is 13.59 cfs.

96

CROSS SECTION NUMBER 1

For File Number A55-10218 for the JORDAN CREEK DIVERSION DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.38	0.38	1.00
3	1.40	1.40	4.00
4	1.50	1.50	7.10
5	0.30	0.30	10.20
6	0.00	0.00	10.80

The area for this cross section is 10.23 square feet
and the wetted perimeter is 11.34 feet.

9c

CROSS SECTION NUMBER 2

For File Number A55-10218 for the JORDAN CREEK DIVERSION DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.40	0.40	1.00
3	0.72	0.72	3.00
4	0.64	0.64	6.00
5	0.63	0.63	9.00
6	0.20	0.20	10.00
7	0.00	0.00	10.50

The area for this cross section is 5.73 square feet
and the wetted perimeter is 10.73 feet.

MANNING EQUATION - DATA COLLECTION

9d

Claim Number(s): A55-10218

Name of Claimant(s): _____

Name of Ditch, Canal, or Stream: Jordan

Date of Measurement: 11/17 Data Collected By: LRW

Measurement Location: NW1/4 NE1/4 Section 2 T6S R6W

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>0</u>	<u>0</u>
2. <u>.38</u>	<u>1.0</u>	8. <u>.40</u>	<u>1.0</u>
3. <u>1.4</u>	<u>4.0</u>	9. <u>.72</u>	<u>3.0</u>
4. <u>1.55</u>	<u>7.1</u>	10. <u>.64</u>	<u>6.0</u>
5. <u>.30</u>	<u>10.2</u>	11. <u>.63</u>	<u>9.0</u>
6. <u>0</u>	<u>10.8</u>	12. <u>.20</u>	<u>10.0</u>
		<u>0</u>	<u>10.5</u>

Slope Data

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

Level Readings:	upstream	downstream	
upper stadia	<u>7.49</u>	<u>7.49</u>	<u>8.78</u>
center	<u>7.06</u>	<u>7.97</u>	
lower stadia	<u>6.65</u>	<u>7.17</u>	channel length
stadia difference	<u>(84 + 161) x 100 = 245'</u>		

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

Comments

Are maps and/or photos attached? yes()

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020		(1)	negligible	.000	/	(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028	/	(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
				SURFACE IRREGULARITY			
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			
gradual	.000		(1)	minor	1.00	/	(1)
occasional	.005	/	(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

D. Fount

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES 31 x 0.02 CFS/ACRE = 0.62 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A
ACRES 31 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =
TOTAL CONSUMPTIVE USE 77.5 AF/A

3. IRRIGATION DIVERSION VOLUME N/A

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.)

None

P. FOG: Other rights frame POD: A55-10337
OG Livestock

Per GIS calculations more acres were found than originally
calculated using Orthophoto map.

28 AC
@ .02 CFS
0.56 CFS

28 AC @
2.5 AF/A = 70.0 AFA

35 ac x .02 = .70 cfs
MTS - 2-9-98

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
X IRRIGATION	<u>4-15</u> 04-01	<u>10-15</u> 11-01	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
			0.920	<u>0.62</u> ^{1.10}			0.0	<u>27.5</u> ^{NA}
TOTAL FOR THIS RIGHT			0.920	<u>0.62</u> ^{1.10}			0.0	<u>27.5</u> ^{NA}
REVIEWED BY: <u>Linda Wimmer</u>			DATE: <u>4-24-92</u> & <u>1-6-93</u> & <u>1-31-95</u>					

* Recommendation pending receipt of requested information from claimant;

A55-04071

11a



Diversion from Jordan creek.



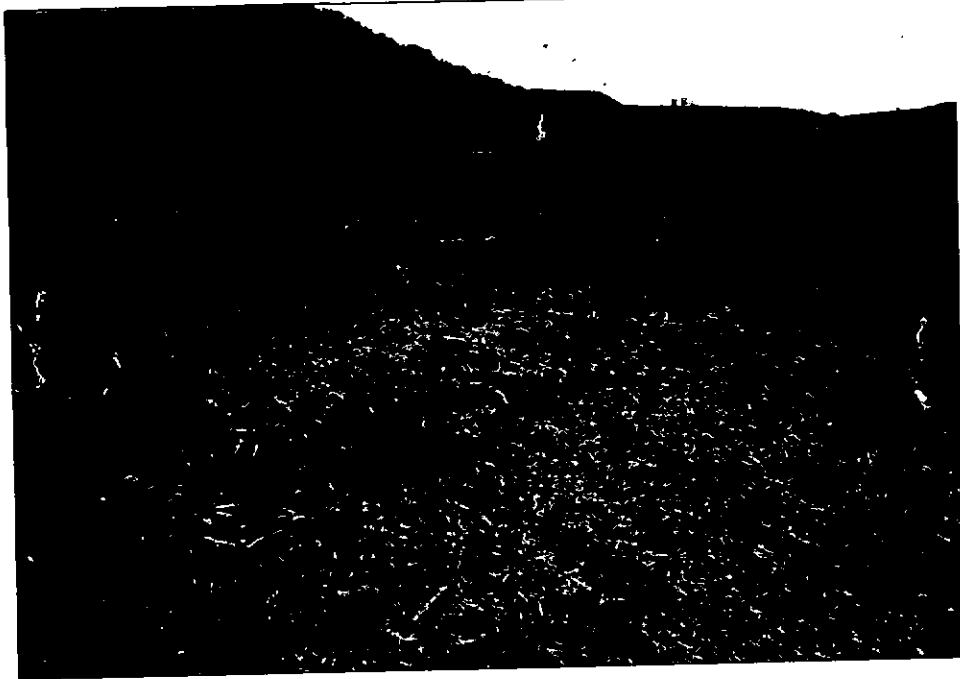
Ditch from Jordan cr. diversion

A55-04071

116

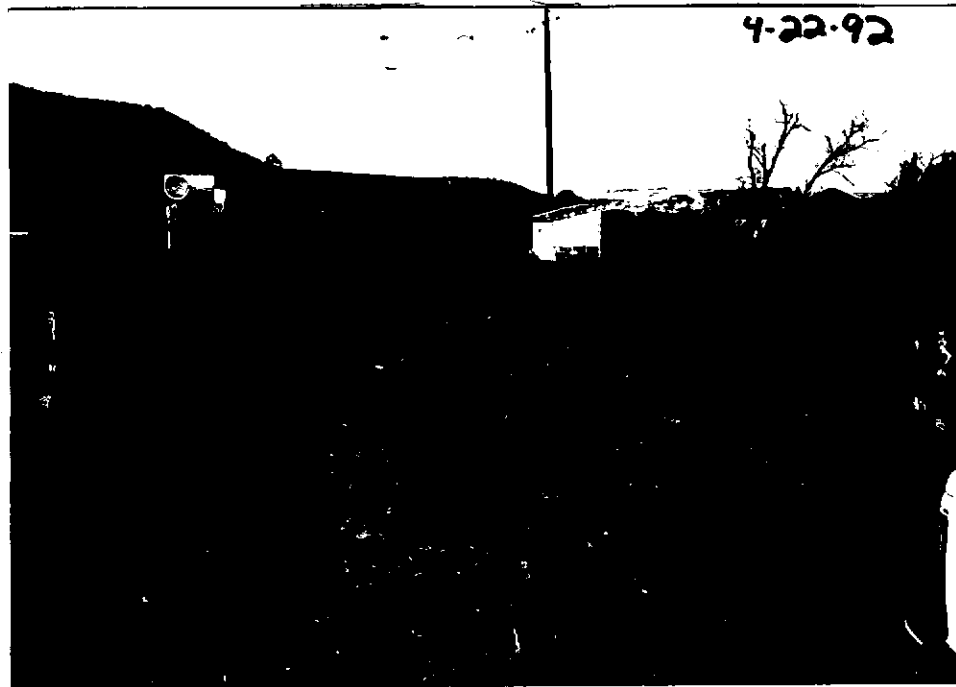


Place of use in section 35, [↑]SESW
and section 2, _↓DE NW



A55-04071

11c



Irr. land in front of the house

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED
AS CLAIMED

NEEDS
REVIEW

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

(X)
()
()

(X)
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-04071

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.520

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A55-04071

0.920

-

55-04071

0.520

TOTAL CFS

0.920

0.520

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
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Linda Warner

DATE:

4-24-92 & 1-6-93

NAME OF FIELD EXAMINER:

Same

TITLE:

Sr. WR Agent

CONVERSATION MEMORANDUM

DATE 5-14-92FILE A55-4047 & 4071NAME OF PARTY Wm LowryEMPLOYEE Linda WimmerRE: Claimant contact letter of 5-7-92

✓ Wm Lowry in on 5-28 responding to my cl. contact letter.

1. He will look for warranty deed which covers the missing acreage off of Jordan cr.

✓ Also - Trout cr. Trout cr. has the largest block of land that's missing priority proof. He may only be able to submit an affidavit on it. Apparently, Ezra Mills, the person who patented this property, lived where the bridge crosses Trout cr. [Sec 26, SE 1/4 NE 1/4].

2. A55-40971 - Jordan cr.

Wastewater - He will file a claim on it as soon as he can get priority proof. The wastewater comes off Gusman Horstock land [A55-4046]

✓ Hold off on this one until we review Gusman's claims.

✓ OR land - The attached w.r. from OR shows usage back to 1879. He believes that A55-4071 was also cr. at the same time & if he can find proof to substantiate this, he will amend claim to include OR land otherwise will file a new claim on it.

6-1-92: Wastewater continued: He is not sure if this is w.w. or sub water. At this time it would not be prudent to file a claim.

LU Ranching Co., Inc.
c/o William Lowry
Box 415
Jordan Valley, OR 97910

MAILING DATE: May 7, 1992

RESPONSE DATE: June 8, 1992

RE: NOTICE OF CLAIM NO[S]: A55-04047, A55-04071

Dear Mr. Lowry;

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. All claims with an A55 prefix number are being reviewed at this time. If you have other claims with this prefix, that are not shown here, we may be contacting you again if questions should arise during their review.

Priority Date and Place of Use-Trout Creek and Jordan Creek

These claims were filed showing the priority date as March 15, 1880 and January 1, 1928, respectively. However, the information you submitted substantiating the land with the date of first usage does not include all the property.

On the irrigated lands from Trout creek the priority proof does not include the land in Section 24, SESW and Section 25, N1/2NE1/4 and NE1/4NW1/4 all in T5S, R6W. The Jordan creek property is missing the priority date proof for the land in Section 2, NW1/4NE1/4, T6S, R6W, and also the parcel located in Section 35, SW1/4SE1/4, T5S, R6W. I am enclosing a map which shows the lands referred to.

I will also enclose a couple blank affidavit forms which can be used to substantiate the irrigation back to it's date of first use. Also-a warranty deed from the abstract company like you submitted on the Trout creek lands would also be useful.

Place of Use-Jordan Creek

When we did the field exam on the lands irrigated from Jordan creek we learned that a portion of the lands you claimed are actually irrigated from your neighbors wastewater. These lands should not be included on your claim as the claim is for lands irrigated from the actual Jordan creek diversion. In my recommendation for this claim I will not include those lands.

Page 2
5-7-92

It is not necessary to file a claim on wastewater usage; the thought is that the water is available for your usage as long as the other person continues to irrigate. If for some reason, he should stop irrigating this would affect your usage. If you would like to file a claim on this you may.

Also-apparently there is some land in Oregon that is also irrigated from this Jordan creek diversion. I don't have any record of a claim filed on this land. It is important that a claim be made on this usage. Whenever water is diverted in Idaho, even if it's used in Oregon, it is considered Idaho water and a filing should be made.

I will enclose two Notice of Claim to a Water Right forms which may be used for filing on the above referenced water uses. Plus I will send some other information which outlines the types of proof which can be submitted for those pieces of land which are missing the priority date proof of first usage.

Lastly, be sure to call me if you have any questions regarding this letter and my findings. I will be glad to discuss them with you.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

Lu Ranching
Wm. Lowry
A55-04071

CLAIM INVESTIGATION LOG: CLAIMANT CONTACT CHECKLIST

Name and address (p.1)

☒ Change in address ownership

Priority

☐ Claim based on recent decree; priority claimed later than decreed priority (I-C, p. 2)

Other claims based on decree

☐ More recent adjudication (II-B-2, p. 5)

☐ Priority claimed less than five years after date of decree (II-E-1-a, p. 7)

☐ Priority claimed more than five years after date of decree (II-E-1-b, p. 7)

Claim based on recent license

☐ Priority claimed earlier than licensed priority (III-B-2, p. 9)

☐ Priority claimed later than licensed priority (III-C, p. 10)

Other claims based on license

☐ Prior adjudication (IV-B-2, p. 13)

☐ Priority claimed earlier than licensed priority (IV-D-2, p. 14)

☐ Priority claimed less than five years after date license issued (IV-E-1, p. 16)

☐ Priority claimed more than five years after date license issued (IV-E-2, p. 16)

Claim based on permit

☐ Priority claimed earlier than permit proposed priority (V-D-2, p. 19)

Claim based on beneficial use (including statutory claim)

☒ Date of beneficial use

☐ Prior adjudication (VI-B-2, p. 23)

Claim based on posted notice

☐ Prior adjudication (VII-B-2, p. 27)

☐ Priority claimed same as date of posting (VII-E, p. 28)

☐ Priority claimed earlier than date of posting (VII-F, p. 28)

☐ Priority claimed later than date of posting (VII-G, p. 29)

Claim based on second presumption; date of beneficial use

Source

☐ Date of change (I-C, p. 37; III-C, p. 40)

Point of Diversion

☒ Date of change (I-C, p. 48; III-C, p. 51) The wastewater div. deleted

Nature of Use, Amount of Each NU, and Total Amount

Claim based on decree or license

☐ Total amount discrepancy (I-A-2, p. 61; II-A-2, p. 70)

☐ Total amount claimed greater than decreed or licensed amount
(I-B-2-b, p. 62; II-B-2-b, p. 70)

C.C.C.
Pg. 1 of 2

Claim based on recent decree or license, total amount claimed less than decreed or licensed amount (I-B-3-b, p. 62)
Claim based on older decree or license, total amount claimed less than decreed or licensed amount (II-B-3-b, p. 71)
Claim based on older decree, NU not stated in decree (II-C-4, p. 72)
Claim based on recent decree or license, date of change (I-D, p. 63)
Claim based on older decree or license, date of change (II-D, p. 74)
Verify change (I-E-1-a, p. 65; II-E-1-a, p. 76; I-F-3, p. 67; II-F-3, p. 77)
Additional NU (I-G-2, p. 67; II-G-2, p. 79)
Injury (I-H-4, p. 68; II-H-4, p. 80)

Claim based on permit; claim less than permit (III-B-3, p. 83)

Claim based on beneficial use (including statutory claim or posted notice)
Verify current use (IV-A-3, p. 85)
Unclaimed verified NU(s) or amounts (IV-B-2, p. 86)
Reasonableness of verified use (IV-C-2, p. 87)
Increase in total amount (IV-D-2, p. 87)
Date of change (IV-G, p. 90)
Alternate NU: injury (IV-I-5, p. 93)
Additional NU (IV-J-3, p. 94)

Season of Use

Claim based on older decree; SU not stated in decree; SU in excess of IDWR standard (I-E-3, p. 98)
Claim based on decree or license, increase in SU (I-D, p. 99)
Claim based on beneficial use (including statutory claim, posted notice, 2nd presumption), claimed SU in excess of IDWR standards (III-C, p. 104)

Place of Use

Claim based on decree or license
Verify change (I-B-3, p. 108; II-B-3, p. 113; III-B-3, p. 120; IV-B-3, p. 124)
Date of change (I-C, p. 109; II-C, p. 115; III-C, p. 121; IV-C, p. 126)
Claim based on beneficial use
Verify current use (VI-A-3, p. 131)
Verified PU not claimed (VI-B-3, p. 132)
Date of change (VI-D, p. 133)

There is This same POD irr. ~ 60 ac. in ~~DE~~ OR. I See map

Change in Place of Use Attachment

Evidence of ownership (I-A, P. 136)
Right claimed is supplemental right, injury (II-C-4, p. 138)
Injury (III-B, p. 140)

Forfeiture Attachment

Total forfeiture, resumption of use (I-E, p. 145)
Partial forfeiture, resumption of use (II-E, p. 148)

Other

Describe:



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

A55-04047 *JUNE 28, 1991* RE: Claim No(s): A55-04047 04071
LU RANCHING CO. INC.
BOX 415

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

Jan Shurte
Water Rights Supervisor
Adjudication Section

*Extension given to Sept. 1, 1991 -
D.R.W.*

JS:lh
Enclosures

MICROFILMED

SEP 29 1992

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For
SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
☒ Copy of Adjudication Claim
☒ Copies of pertinent files(prev. rts., exams, etc.)
☐ Well Inspection Form (If Needed)
☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
☐ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap yes no If yes: for stock copy of claims & water rights incl?
Type of Overlap? Add acres or uses to existing system
 Increase rate of flow or volume
 Other:
☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap yes X no If yes: copy of claims & water rights incl?
Type of Overlap? Increase rate of flow or volume
 Add P/D's
 Increase number of acres within tracts
 Different source for same acres
 Other:
 Appointment Letter Sent? (initial & date)
☒ Appointment Made and Telephone Conversation Memo Attached See 55-4047

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
☒ Photographs of Point(s) of Diversion and Place of Use
☒ Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

- Claim No. submitted for weekly exam completed prog. report? ☒ Yes No
Exam completed date data entered on claim LRW 5-7-92 (initial & date)
Claim Verification Report completed LRW 1-6-93 (initial & date)
Was CVR spot-checked by Supervisor? Yes X No (initial & date)
R claim file created 1-31-95 LRW (initial & date)
Recommendations entered on R claim file (initial & date)