

T.6S. R.6W. B.11.
T.7S. R.6W. B.11.



SEP 29 1992

IDAHO DEPARTMENT OF WATER RESOURCES

T06S, R06W, S34 & 35
T07S, R06W, S03

6 = ACRES

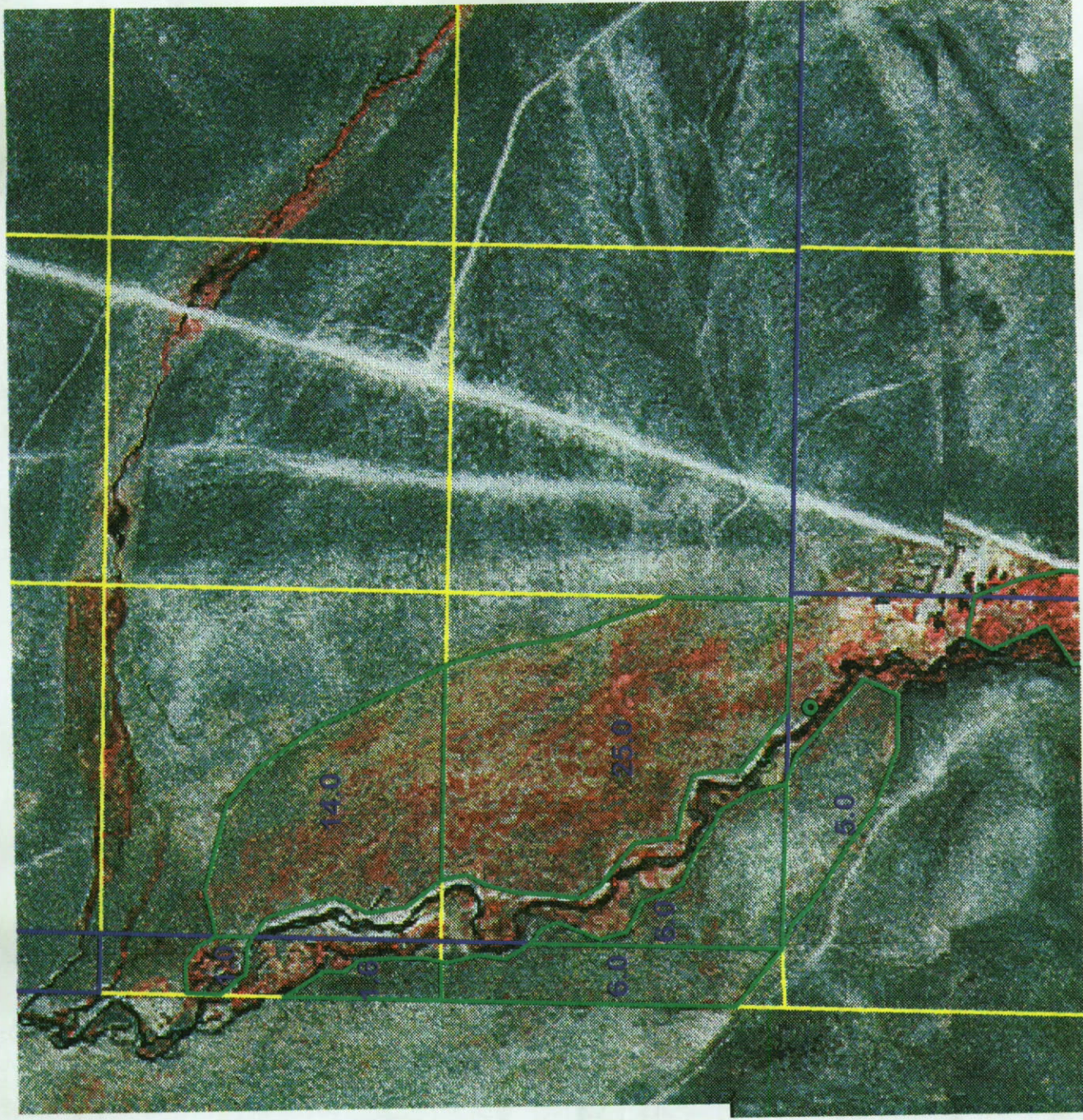
Section Lines

PLACE OF USE

1/4 1/4 Lines

POINT(S) OF DIVERSION

Claim(s): 55-04080
Owner(s): SEEBECK
Prepared by: KAY WALKER
Date: 05/06/1998
TOTAL ACRES = 58.6



0.5 Miles

0.25

0

1987 NAPP

**IDAHO DEPARTMENT
OF WATER RESOURCES**

**T06S, R06W
T07S, R06W**

6 = ACRES

Section Lines

PLACE OF USE

1/4 1/4 Lines

POINT(S) OF DIVERSION

**Claim(s): 55-04080
Owner(s): SEEBECK
Prepared by: KAY WALKER
Date: 04/20/1998**

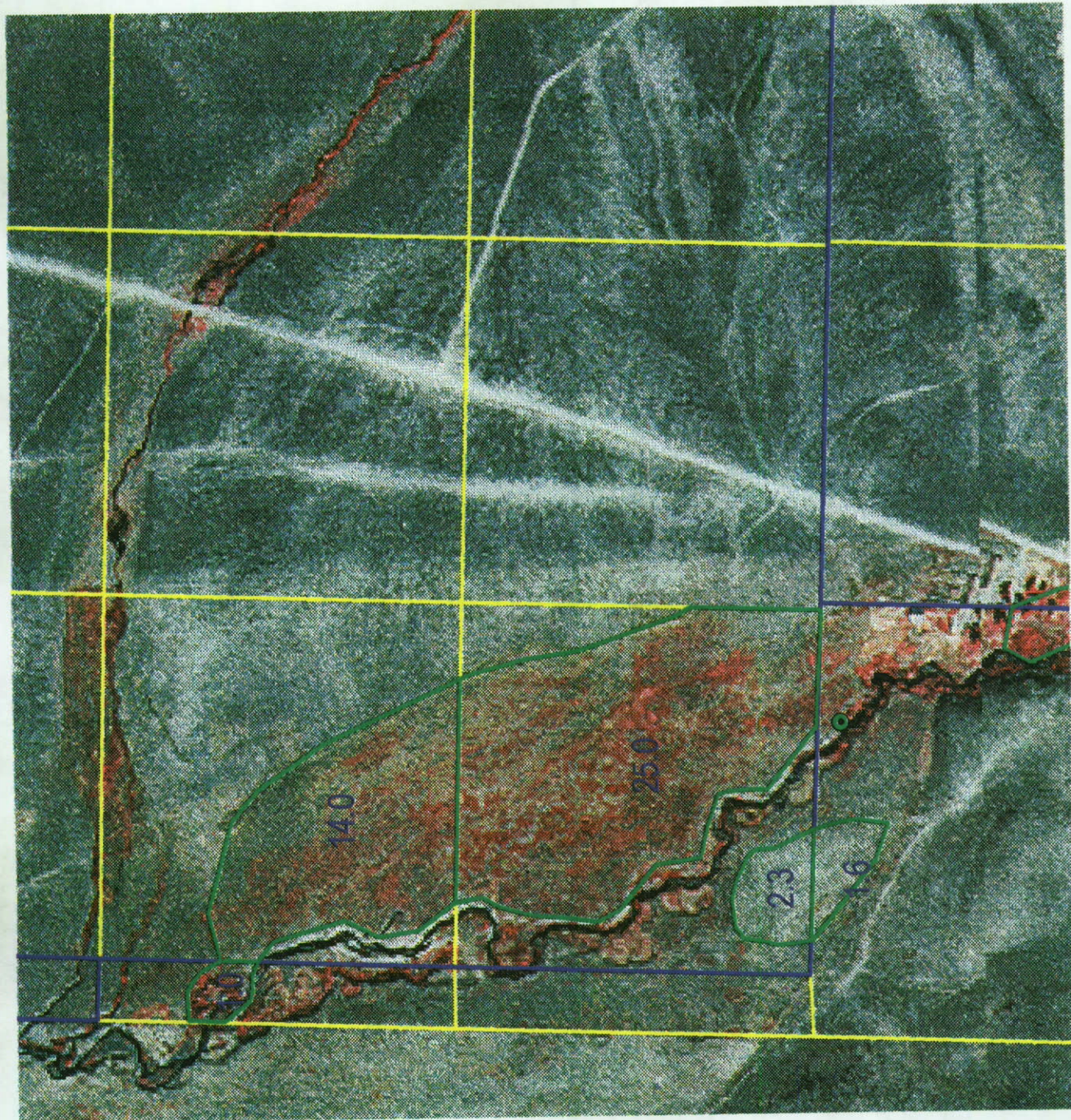


1987 NAPP

0

0.25

0.5 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T06S, R06W, S34 & S35



1987 NAPP PHOTO

CLAIM(S) : 55-04080
OWNER(S): SEEBECK
Prepared by: KAY WALKER
Date: 2/9/1998
TOTAL ACRES: 40

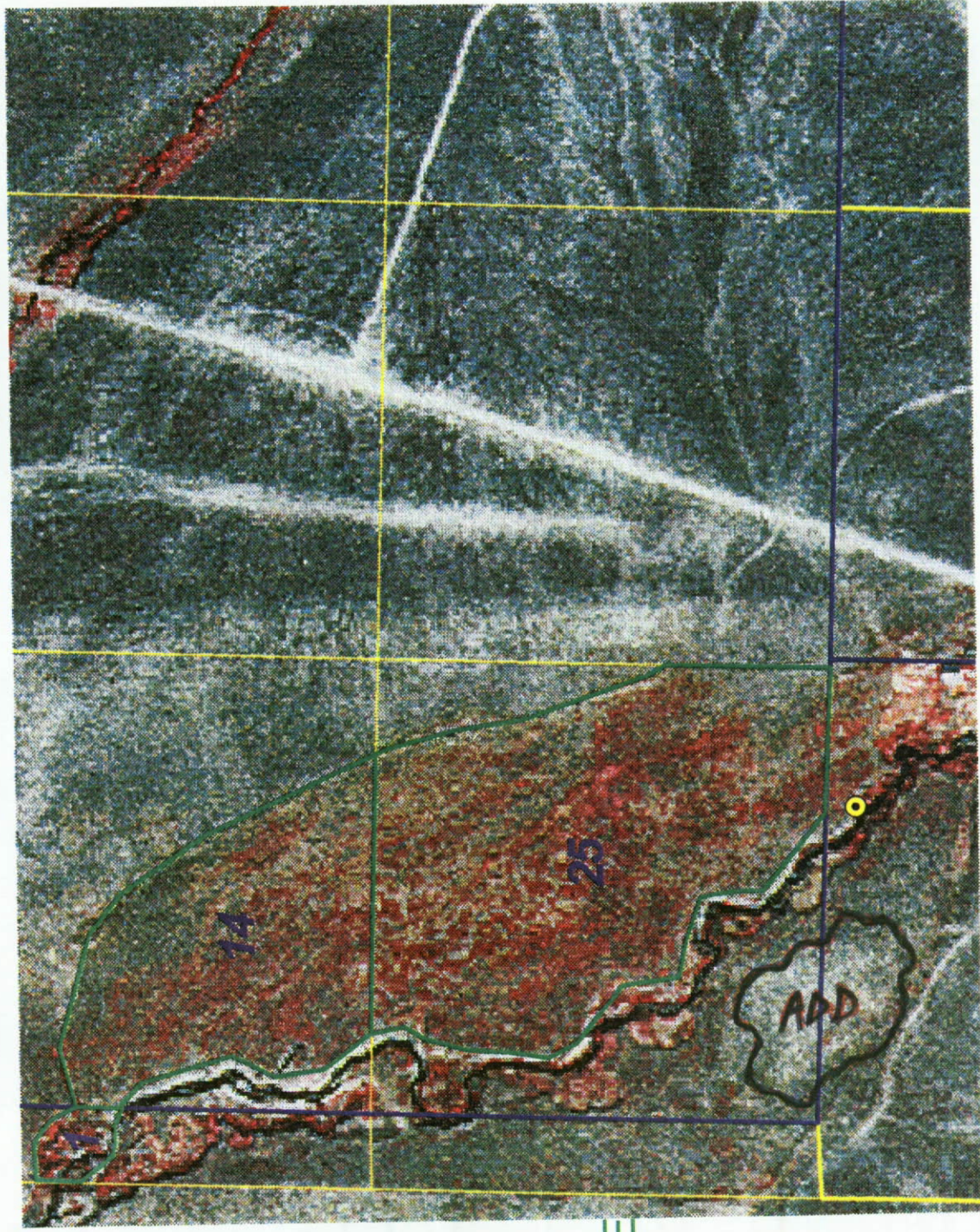
SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES



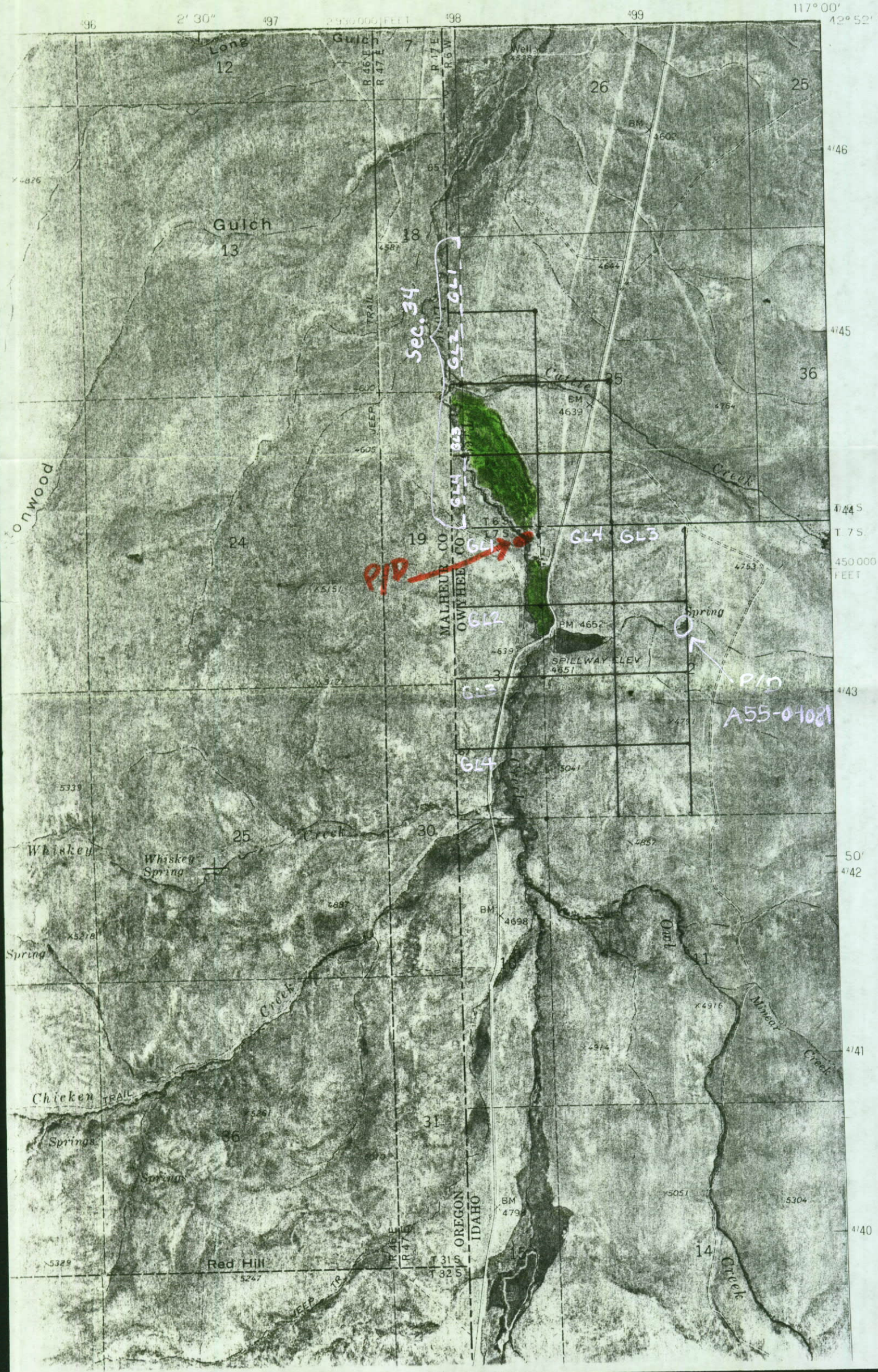
0.5 Miles

0.25

0

R6W

PARSNIP PEAK QUADRANGLE
OREGON-IDAHO
7.5 MINUTE SERIES (ORTHO PHOTOQUAD)



T6S
T7S



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS

8-1-96

FILE NO(S).

A55-04080



Point
where
lone tree
creek is
backed up
to point
water can
be pumped -



Place where
pump is
located
when in
use -



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-1-96

FILE NO(S). A55-04080



Pump
placed
on spot
above
Maria's
head -
Maria in
creek

Lone Tree
Creek
place
of use





(see file A55-04081 Pg. 4
for previous photos
at reservoir)

PHOTOGRAPHER: ~~KAY WALKER~~ Linda Werner

DATE OF PHOTOS 6/25/92

FILE NO(S). A55-04080, A55-04081 & A55-04082



old ditch
from Lone
Tree Creek -
cannot
be used -
Creek became
too deep to
divert into
this ditch.

Place of
use for
Lone Tree
Creek water -
~~W¹/₂ NW¹/₄, Sec.~~
W¹/₂ NW¹/₄, Sec.
35, 6S, 6W
Picture looking
towards creek
& westerly portion of field



PHOTOGRAPHER: ~~KAT WALKER~~ Linda Werner

DATE OF PHOTOS

6/25/92FILE NO(S). A55-04080, A55-04081 + A55-04082

Place of
use W $\frac{1}{2}$ NW $\frac{1}{4}$
Sec. 35, 6S,
6W- Picture's
taken west
to east -
see also
photo on
bottom of
Page 4 -
Creek in
background.



Place of
use in
SWSW, Sec. 35,
T06S, R 06W



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: **A55-04080**
Date Received: 1/23/1989
Receipt No: C005251
Received By: [Signature]

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: MELVIN EDWARD SEEBECK, JR. 916-665-1712
Address: PO BOX 8
CLARKSBURG CA 95612

AND

Name: WILLIAM GARRETT SEEBECK 916-665-1712
Address: PO BOX 8
CLARKSBURG CA 95612

2. Date of Priority: APR 1, 1885

3. Source: LONE TREE CREEK Trib. to: JORDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06W	3		4	OWYHEE

5. Description of diverting works:
ROCK DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.500		

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

8. Total consumptive use is 612.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	06W	26	NW SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	06W	26	SW	SW		IRR	36.0
						Section Acres	46.0
		27			4	IRR	7.0
						Section Acres	7.0
		34			1	IRR	7.0
					2	IRR	7.0
					3	IRR	5.0
						Section Acres	19.0
		35	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	30.0
						Section Acres	150.0
07S	06W	3			1	IRR	9.0
					2	IRR	5.0
						Section Acres	14.0
						Total Acres	236.0

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:

14. Remarks:

OWNERSHIP CHANGED BY JS ON 10-21-91.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
SEP 29 1992

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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SEP 29 1992

Am: Perused from: 8/24/91
LA2 Mendocino
P.O. Box 52
Jordan Valley Oregon 97910

* Ted Payne
Called for slip
8/17/91
*(208) 583-2477

RECEIVED
AUG 30 1991

CHANGE IN OWNERSHIP

Department of Water Resources Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s):

A55-04080
A55-04081
A55-04082

A-55-04080
A-55-04081
A-55-04082

Lone Tree Creek
"Spring"
"Lone Tree Creek"

[] Name and Address of Former Claimant(s):

William E. Ross

Jordan Valley Oregon - 97910

Phone 503-586-2380

[] New Claimant(s):

Melvin Edward Seebeck Jr. & William Barrett Seebeck

[] New Mailing Address:

P.O. Box 8

Clarksburg, California 95612

New Telephone Number: (916) 665-1712 or (916) 744-1120

or (916) 775-1318

[] Does the change in ownership result in a splitting of the water right claimed? yes ☒ no ☐

If yes, then describe the portion of the water right that is now claimed by the new owner:

N/A

[] Attach proof of ownership

Describe proof attached:

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

[] Signature of New Claimant(s):

Melvin Edward Seebeck Jr.
& William Barrett Seebeck

(208) 334-2190

Date:

8/24/91

* Need to meet Kay at Site

* Need to come to understanding of these "rights"

* Need to document "Cottle Creek" water rights too !!

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SEP 29 1992

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s):

(See Attached Proof of ownership)

Date:

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-21-91

By: *[Signature]*

Further Action Needed: *N/A*

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date: 10-21-91

By: *[Signature]*

Claim Numbers of Split, if any: *None*

*Proof of ownership submitted via Special
Warranty Deed w/ Exhibit A showing lands
covered under all 3 claims listed*

After form has been completed, please return to the nearest
IDWR office below:

WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

Atn. Kay Walker

EASTERN REGIONAL OFFICE
150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE
1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE
222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE
1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

AJ5807NP
(OD-117)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJ. LISTING OF WATER RIGHTS

DATE: 08/01/91
PAGE: 1

RIGHT
NUMBER

A55-04080

NAME & ADDRESS

WILLIAM E. ROSS
JORDAN VALLEY OR 97911

PRIORITY
DATE

04/01/1885 IRRIGATION

WATER USE

IRRIGATION

USE PERIOD
FROM TO

04-01 10-31

MAXIMUM
DIVERSION

3.50 CFS

STAGE

STATUTORY CLAIM

TOTAL DIVERSION RATE:
TOTAL DIVERSION VOLUME:
CONSUMPTIVE USE:

3.50 CFS
0.00 AFA
612.5 AFA

SOURCE: LONE TREE CREEK

TRIBUTARY: JORDAN CREEK

OTHER RIGHTS:

CONDITIONS OF APPROVAL:

REMARKS:

POINT OF DIVERSION:
T07S R06W S03 LOT 4 ()

PLACE OF USE: IRRIGATION

T06S R06W S26 LOT NWSW 10.0
S27 Lot 4 () 7.0
S34 Lot 1 () 7.0 Lot 2
S35 NWSW 40.0
T07S R06W S03 Lot 1 () 9.0 Lot 2
236.0 ACRES TOTAL

SWSW 36.0
Lot 3
NWSW 5.0
SWSW 40.0
SWSW 30.0

*Listing of Diversion
8/24/91
claims filed
by Mr. Ross -
for your information.
East*

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SEP 29 1992

"Lone Tree Creek"
A55-04080
(Right)
Oct. 31
April 1 → 3.5 Cubic Ft. per second
= 1570 gpm

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A55-04081	WILLIAM E. ROSS JORDAN VALLEY OR 97911	04/01/1885	IRRIGATION	04-01 10-31	2.00 CFS	STATUTORY CLAIM
			IRRIGATION FROM STORAGE	01-01 12-31	60.00 AFA	
			DIVERSION TO STORAGE	04-01 10-31	60.00 AFA	
			DIVERSION TO STORAGE	01-01 12-31	2.00 CFS	
			TOTAL DIVERSION RATE:		2.00 CFS	
			TOTAL DIVERSION VOLUME:		1180.00 AFA	
			CONSUMPTIVE USE:		392.0 AFA	

SOURCE: SPRING

TRIBUTARY: LONE TREE CREEK

OTHER RIGHTS: 55-04080

CONDITIONS OF APPROVAL:

REMARKS:

POINT OF DIVERSION:
T07S R06W S02

SENE

PLACE OF USE: IRRIGATION

TOGS	R06W	S26	NWSW	10.0
S27	Lot 4	()	7.0	
S34	Lot 1	()	7.0	
S35	NWNW	40.0		
T07S R06W S03	Lot 1	()	9.0	
236.0 ACRES TOTAL				

PLACE OF USE: IRRIGATION FROM STORAGE
SAME AS: IRRIGATION

SWSW 30.0

NWSW 40.0

Lot 3 7.0

SWSW 36.0

Lot 2 7.0

SWSW 40.0

Lot 2 9.0

SWSW 5.0

"Spring 04081"
A55-04081
12/31
11/11 → C.B. 1/11
2 C.B. 1/11
= 897 gpm

AJ5807NP
(00-117)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJ. LISTING OF WATER RIGHTS

DATE: 08/01/91
PAGE: 3

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

MAXIMUM
DIVERSION

STAGE

A55-04082

WILLIAM E. ROSS
JORDAN VALLEY OR 97911

04/01/1907 IRRIGATION

04-01 10-31

4.50 CFS

STATUTORY CLAIM

4.50 CFS
0.00 AFA
787.5 AFA

TOTAL DIVERSION RATE:
TOTAL DIVERSION VOLUME:
CONSUMPTIVE USE:

SOURCE: LONE TREE CREEK

TRIBUTARY: JORDAN CREEK

OTHER RIGHTS:

CONDITIONS OF APPROVAL:

REMARKS:

POINT OF DIVERSION: LOT 2 ()

PLACE OF USE: IRRIGATION

T06S R06W S26 LOT 1 () 40.0
S27 Lot 1 () 7.0 Lot 2 2
S34 Lot 3 () 4.0 Lot 4 4
S35 SWSW 9.0
T07S R06W S03 Lot 1 () 7.0 Lot 2 2
135.0 ACRES TOTAL

SWNW 30.0
Lot 3
NWSW 14.0
7.0

" Lone Tree Creek
A55-04082
(Right) 4/1-10/31
4.5 CFS
= 2,019 gpm

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SEP 29 1992

**LAND TITLE
INSURANCE & ESCROW CORPORATION**

Cost everything
To bury 3/21/91

RECEIVED
AUG 3 0 1991

March 14, 1999

WILLIAM GARRETT SEEBECK
MELVIN EDWARD SEEBECK, JR.
P.O. BOX 8
CLARKSBURG, CA 95612

"Deary Place"

Recorded
3/13/91

Department of Water Resource

Re: Escrow No. MEC1180

Property Address: Ranch in Owyhee County, Idaho, commonly known as the Deary Place

Gentlemen,

In connection with the above numbered escrow, we enclose the following which should be retained by you as part of your permanent record:

Check in the amount of \$3.00 which is a refund of recording fee
Escrow Closing Statement (PLEASE RETAIN FOR YOUR TAX RECORDS)
Receipt for deposit to close
Original recorded Special Warranty Deed
Original Assignment of Lease
Copy of Sale Escrow Instructions
Map of property (the pink outlines the deeded land, the yellow outlines the State lease)

Title Insurance Policy No. 6686 will follow

It has been a pleasure serving you in this transaction. If we can be of further assistance to you, please do not hesitate to call us.

Sincerely,

LAND TITLE INSURANCE & ESCROW

Norm Nelson

Norm Nelson
Escrow Closer

2043 MAIN STREET
BAKER, OREGON 97814
PHONE (503) 523-3663

70 S. W. THIRD AVENUE
ONTARIO, OREGON 97914
PHONE (503) 889-6451

111 WEST WASHINGTON
BURNS, OREGON 97720
PHONE (503) 573-2039

MICROFILMED

SEP 29 1992

SPECIAL WARRANTY DEED

GRANTOR, CIRCLE BAR RANCHES, INC., an Idaho corporation, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto WILLIAM GARRETT SEEBECK, a single person, whose current address is PO Box 8, Clarksburg, California 95612, an undivided 50% interest; and unto MELVIN EDWARD SEEBECK, JR. and LOIS ARLENE SEEBECK, husband and wife whose current address is PO Box 8, Clarksburg, California 95612, an undivided 50% interest, GRANTEES, and to Grantees' heirs and assigns forever, all of the real estate located in Owyhee County, State of Idaho, more particularly described on Exhibit "A" attached hereto and incorporated herein.

Grantor does hereby covenant that the above-described real estate is free from encumbrances done, made or suffered by the Grantor or any persons claiming under him.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument this 8th day of March, 1991.

CIRCLE BAR RANCHES, INC.

By: Lazaro Mendez V.P.
Vice President

STATE OF IDAHO

County of Malheur :SS

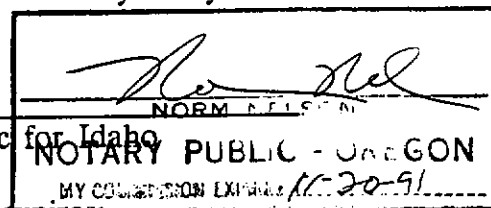
On this 8 day of March, 1991, before me, a Notary Public, personally appeared Lazaro Mendez, known to me to be the Vice - President of the corporation that executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year set forth in this acknowledgement.

Notary Public for Idaho

Residing at:

Commission expires:



SPECIAL WARRANTY DEED - 1

MICROFILMED

SEP 29 1992

EXHIBIT "A"

IN TOWNSHIP 6 SOUTH, RANGE 6 WEST, B. M. OWYHEE COUNTY, IDAHO

Section 26: $W\frac{1}{2}$ $W\frac{1}{2}$ ✓
Section 27: Lots 1, 2, 3 & 4 ✓
Section 34: Lots 1, 2, 3 & 4 ✓
Section 35: $SW\frac{1}{4}$ $NW\frac{1}{4}$, $W\frac{1}{2}$ $SW\frac{1}{4}$, $NW\frac{1}{4}$ $NW\frac{1}{4}$ -

IN TOWNSHIP 7 SOUTH, RANGE 6 WEST, B. M. OWYHEE COUNTY, IDAHO

Section 1: Lots 3 & 4, $S\frac{1}{2}$ $NW\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{4}$ ✓
Section 2: Lots 1, 2, 3 & 4, $S\frac{1}{2}$ $N\frac{1}{2}$, $N\frac{1}{2}$ $SE\frac{1}{4}$ ✓
Section 3: Lots 1 & 2 ✓

Together with all tenements, hereditaments, and appurtenances thereunto belonging or anywise appertaining to the property, including all existing fixtures; subject to any and all easements, rights of way, or restrictions of record, and the exceptions, provisions and reservations contained in patents or deeds from the United States of America, or the State of Idaho, or in other deeds or record.

204655

FILED-RECORDED

MAR 13 2 10 PM '91

BARBARA LIND
OWYHEE COUNTY RECORDER
BY E. Schumann
DEPUTY

REQUEST OF

O.T.C.

FEE 6.00

INDEXED
MICROFILMED

Recorded
3/13/91

MICROFILMED

SEP 29 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A55-04080

Date Received: 1/23/1989

Receipt No: C005251

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM E. ROSS
Address: JORDAN VALLEY, OR 97911
503-586-2380

2. Date of Priority: APR 01, 1885

3. Source: LONE TREE CREEK Trib. to: JORDAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06W	3		4	OWYHEE

5. Description of diverting works:
ROCK DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.500		

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

8. Total consumptive use is 612.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	06W	26	NW	SW	IRR	10.0
			SW	SW	IRR	36.0
Section Acres						46.0

A55-04080

Page 1

Date: 01/23/89

MICROFILMED

957 2 9 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	06W	27		4	IRR	7.0
				Section Acres		7.0
		34		1	IRR	7.0
				2	IRR	7.0
				3	IRR	5.0
				Section Acres		19.0
		35	NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	30.0
				Section Acres		150.0
07S	06W	3		1	IRR	9.0
				2	IRR	5.0
				Section Acres		14.0
				Total Acres		236.0

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:

14. Remarks:

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A55-04080Date Received 1-19-89Receipt Number C005251

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

REC'D

JAN 19 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Bill Ross (William E. Ross) Phone (503) 586-2380Mailing Address Jordan Valley, Oregon Zip 979112. Date of Priority (Only one (1) per claim) April 1, 1885 or earlier3. Source of water supply (a) Lone Tree Creek
which is tributary to (b) Jordan Creek4. a. Location of existing point of diversion is: Township 7S Range 6W Section 3,
1/4 of 1/4 of 1/4, Govt. Lot, 4 B.M., County of Owyhee

Additional points of diversion if any: _____

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

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

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Rock dam and ditch.

MICROFILMED

SEP 29 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

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

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

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

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

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 10-31 amount 3.5 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 612.5 acre feet per annum.

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	6W	26										10	36						46
6S	6W	27	Lot 4 (7)																7
6S	6W	34	Lot 1 (7), Lot 2 (7), Lot 3 (5)																19
6S	6W	35						40	40			40	30						150
7S	6W	3	Lot 1 (9), Lot 2 (5)																14

Total number of acres irrigated 236

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
Claim to a Water Right No. 55 04081 or None ()

14. Remarks: The priority of this water right might be earlier than 1885. The 1885 priority date was obtained from the statement on Application for permit, No. 17073, filed in 1915 by a previous owner. Other information might establish an earlier priority date.

Last Name Ross Ident No. _____

MICROFILMED
 Copies: White State, Yellow Claimant

SEP 29 1992

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

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

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

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

Scale: 2 inches equals 1 mile

[illegible]

COPIES: White-State, Yellow-Claimant

SEP 29 1992

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

Decree _____

If applicable provide IDWR Water Right Number 55 04080

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1

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

Signature of Claimant (s) William E. Ross Date 1/19/89

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 19th day of January 19 89

SEAL

Notary Public Anita C. McCormick

Residing at Boise, Idaho

My Commission Expires 11-14-92

Please Print Name

17. Notice of Appearance:

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

Signature W. F. Ringert

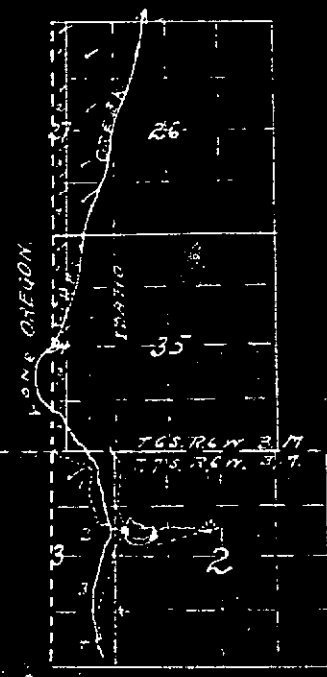
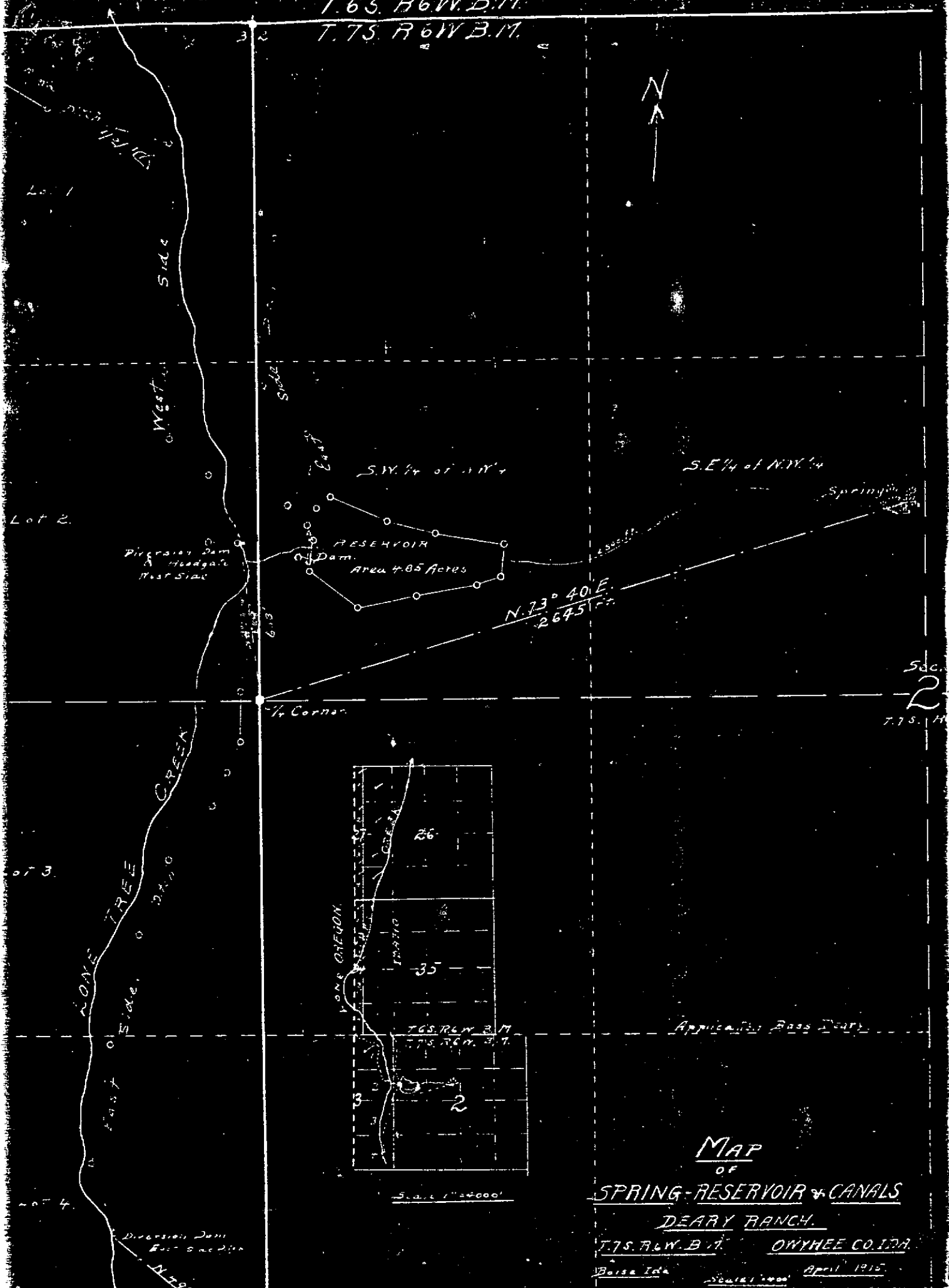
Address P. O. Box 2773, Boise, Idaho 83701

Date January 19, 1989

Last Name Ross Ident. Number _____

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

T. 6 S. R. 6 W. B. 11.
T. 7 S. R. 6 W. B. 11.



Sec. 2
T. 7 S. R. 6 W.

Applicable Base Line

MAP
OF
SPRING-RESERVOIR & CANALS
DEARY RANCH.
T. 7 S. R. 6 W. B. 11. Owyhee Co. Ida.

Boise Ida. April 1915

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Ross

CLAIM IDENT. NO.

A55-04080

DATE RECEIVED

1-19-88

CK #

C005251

AMOUNT \$

YES

NO

1. Is the name and address complete with zip code?

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required) N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

Is the consumptive use correct?

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

Exempt

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by:

Rat

Comments:

MICROFILMED

WESTERN REGION

CLAIM NUMBERS 55-04080

AGENT Kay DATE 6-15-98

TOTAL ACRES FROM RECOMMENDATION _____

GEOGRAPHIC INFO SYSTEM ACRES _____

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																			
GIS																			
RECOM																			
GIS																			

POLYGON CREATED ON 80__

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

ATTRIBUTES OF B51-POU.SHP (455)(367)()()()

ATTRIBUTES OF B51-POD.SHP (176)()()()()

B51-DBPOU.DBF _____ UPDATED BY

B51-DBPOD.DBF _____ UPDATED BY

updated mother 6/15/98

RDH GPSTABLE

AJ0749NP
No. R55-04080

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

DATE: 05/06/98
PAGE: 1

OWNER
CODE
C MELVIN EDWARD SEEBECK JR
C WILLIAM GARRETT SEEBECK
PO BOX 8
CLARKSBURG CA 95612
(916) 665-1712

PRIORITY
DATE
04/01/1885 IRRIGATION

WATER USE
04-15 10-15
1.17 CFS
TOTAL DIVERSION:
1.17 CFS

DIVERSION
RATE
1.17 CFS

DIVERSION
VOLUME

Water Source: LONE TREE CREEK

Tributary to: JORDAN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R06W S03 Lot01(NENE)

OWYHEE County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE				
		NENE		NWNW		NWSW		NWSE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SESE	SUM
06S	06W	34	:	:	:	:	:	:	:	:	:	8.6
06S	06W	35	:	:	:	:	14	31	:	:	04-06	45.0
07S	06W	3	:	01-05	:	:	:	:	:	:	:	5.0
											TOTAL ACRES	58.6

POJ County: OWYHEE

Other Rights: 55-04081

Remarks: EXP RIGHT NO. 55-04082 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Dates: Exam Made Date: 06/25/1992 Verified Date: 05/06/1998 Objection Filed Date:

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

Comments: Date: 01/31/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
OWNERSHIP CHANGED BY JS ON 10-21-91.

Date: 03/04/1998 User-ID: AUJ10-DS Subject: AUJ10 CONDITION UPDATE
CONDITION CODE(S) H03 H04 ADDED IF NOT ALREADY PART
OF RECORD THRU

Date: 05/01/1998 User-ID: KWALKER Subject: RECOMMENDATION

AJ0749NP
No. R55-04080

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

DATE: 05/06/98
PAGE: 2

Comments:

Date: 05/01/1998 User-ID: KWALKER Subject: RECOMMENDATION
PER NOTICE OF ERROR AND VISIT WITH CLAIMANTS ON 4/2/1998, WE
ADDED A 3.9 ACRE FIELD TO THIS RECOMMENDATION. I ALSO CORRECTED
THE POINT OF DIVERSION THAT I HAD MADE AN ERROR ON THE LEGAL
DESCRIPTION ON.

Date: 05/06/1998 User-ID: KWALKER Subject: RECOMMENDATION
SKIP SEEBECK CAME IN FROM CALIFORNIA YESTERDAY TO SUBMIT
ADDITIONAL INFORMATION REGARDING THE PRIORITY DATE. WE WENT OVER
THE CHANGES I HAD MADE TO THESE CLAIMS SINCE THE LAST OFFICE
VISIT AND HE HAD INFORMATION STATING THAT LANDS ON BOTH SIDES
OF LONE TREE CREEK HAD BEEN IRRIGATED. HE INSISTED THAT WE ADD
ALL THE LAND ON WEST SIDE OF CREEK TO OREGON BORDER. THE CHANGES
MADE THIS DAY WILL BE THE LAST CHANGES BEFORE THIS CLAIM IS
RECOMMENDED TO THE COURT.

Audit: 05/06/98 KWALKER

**IDAHO DEPARTMENT
OF WATER RESOURCES**

**T06S, R06W, S34 & 35
T07S, R06W, S03**

6 = ACRES

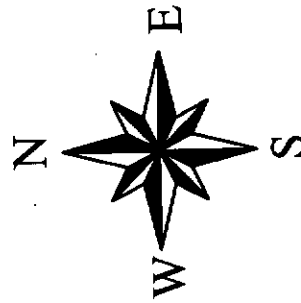
 **Section Lines**

 **PLACE OF USE**

1/4 1/4 Lines

 **POINT(S) OF DIVERSION**

**Claim(s): 55-04080
Owner(s): SEEBECK
Prepared by: KAY WALKER
Date: 05/06/1998
TOTAL ACRES = 58.6**

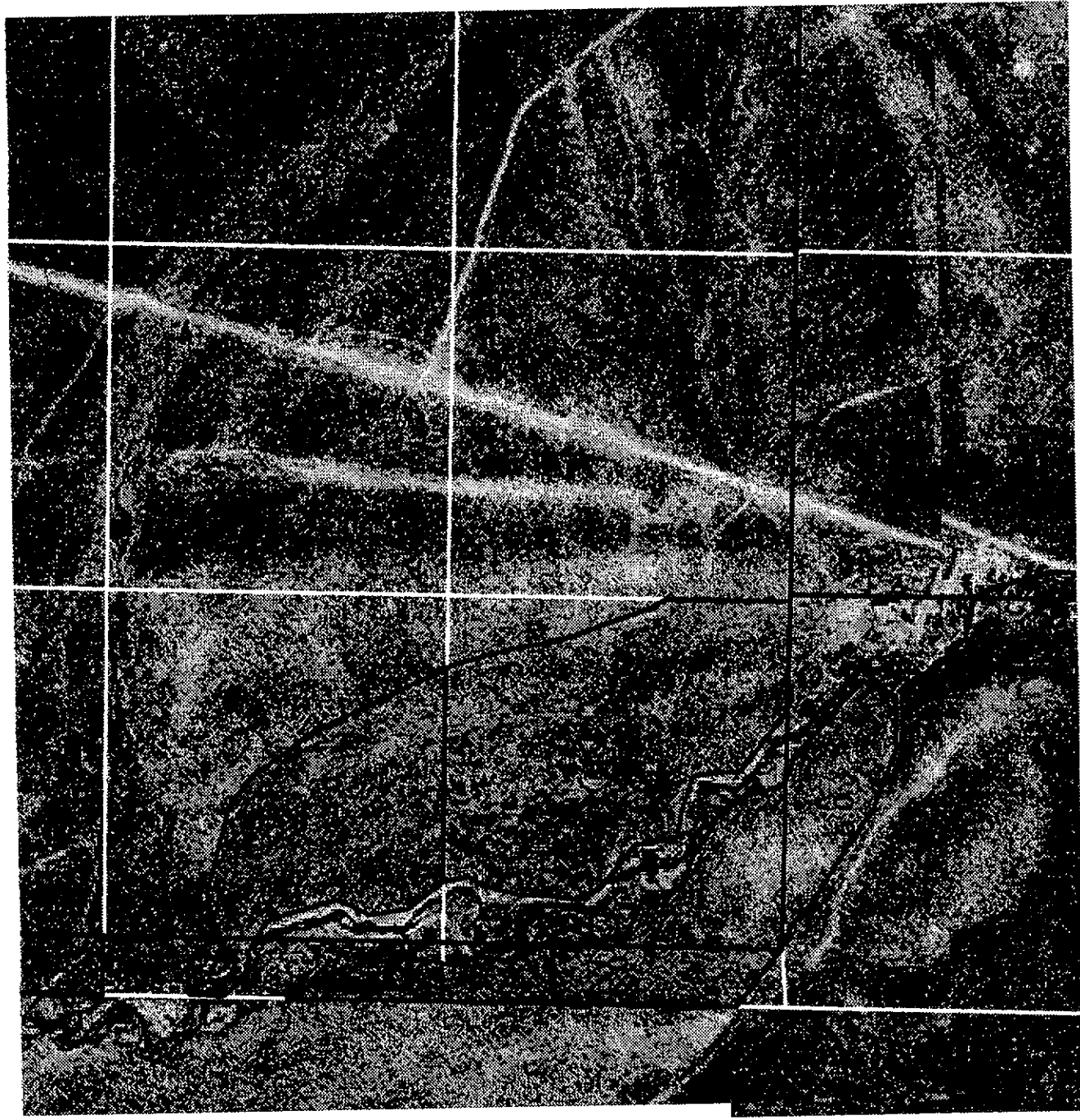


1987 NAPP

0.5 Miles

0.25

0



RECEIVED

MAY 05 1998

WATER RESOURCES
WESTERN REGION

Jordan Valley, Or.
May 4, 1998

to Whom It May Concern:

The old Deary Ranch on Lone Tree Creek in Owyhee County was acquired by me in 1944 and remained in my ownership until 1990. The water from Lone Tree Creek, Cattle Creek and the spring was used continuously for irrigation and livestock water during that period of time. We watered all the Idaho acreage described in my claim for a water right filed in 1982 on both sides of Lone Tree Creek. The irrigated lands lay in sections 34 & 35, Township 6S and Range 6W and section 3 Township 6S and Range 7W.

I have lived in the Jordan Valley area for my entire lifetime (70 years) and knew B. B. Deary from the earliest years of my recollection. We stayed over night with our cattle on the Deary Ranch while trailing them back and forth between Jordan Valley & the Juniper Mountain area for many years before we acquired the Deary property and we fed our cattle hay grown on that ranch with water from the above indicated sources. I knew

Bas Deary very well and he told me much of the early history of the area and specifically of his ranch.

To the best of my belief, based upon information supplied me by Mr. Deary and others much older than myself, the property has made continuous beneficial use of the water from the previously mentioned sources since at least 1885.

People who have worked for me and irrigated at the Deary Ranch during my ownership include Raymond Bluck, Ed Holt, Ed Baltor and Frank Lacer. Others who worked there that I can recall are Simon Costa and Alphonso Accordagaita.

Among documents given me by the Dearys was a letter from Bas Deary's mother telling of people she had known who had worked there and knew of extremely early usage of the water used for irrigation. This dated back to the late 1880's. I have misplaced the letter and can't offer it as proof but can only tell you what I remember reading.

The old barn at the Deary place was built from lumber supplied by a saw

mill in the Silver City area. To the best of my belief the mining activity was tapering off before the turn of the century but such businesses as a saw mill likely wasn't working that late. The barn was constructed with a large central area for hay storage.

Yours very truly
William D. Root

Note: He met Fred Little F. & Mary D. Little in 1891. He had old bath

(Kays 1985)

ANDERSON, KAUFMAN, RINGERT AND CLARK
CHARTERED
LAWYERS

RICHARD ANDERSON
SAMUEL KAUFMAN
WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN

THE LAW CENTER
599 WEST BANNOCK STREET
P. O. BOX 2773
BOISE, IDAHO 83701

EUGENE H. ANDERSON
(1902-1972)

TELEPHONE (208) 342-4591

June 8, 1982

Mr. Bill Ross
Jordan Valley, Oregon 97910

Re: Water Rights - Lone Tree Creek

Dear Bill:

This is a brief report of my findings to date regarding your water rights on Lone Tree Creek.

(48 55-0606)
The application filed by Bas Deary in 1915 states that 3.5 c.f.s. of water from Lone Tree Creek and 2.0 c.f.s. of water from a spring had been used for irrigation more than 30 years. I think that is sufficient to warrant filing claims of water rights for those quantities, claiming a priority date of March 1, 1885.

The 1915 application also states that water of Lone Tree Creek to the extent of 4.5 c.f.s. has been used for the previous eight years through the ditch on the west side of the creek. I think that would be sufficient to warrant filing a claim of water right for that quantity, with a priority of March 1, 1907.

The Clerk of the District Court in Owyhee County advised me that no judgment was entered in the case of Driscoll v. Maher and others. The defendants in that suit included P. B. Deary and Mrs. M. J. Deary, who appear to be previous owners of your property. P. B. Deary probably is the Bas Deary who filed the application in 1915. Driscoll claimed a water right for 720 inches (14.4 c.f.s.) with a priority of 1871. However, his complaint indicated that only 4.0 c.f.s. had been applied to beneficial use in 1871, and that the balance of the water was appropriated at various times between 1871 and 1895. Apparently his facts were not strong enough to warrant proceeding with the lawsuit, and the court record really is of questionable value in establishing the quantity and priority of the Driscoll water rights.

RECEIVED

MAY 05 1998

WATER RESOURCES
WESTERN REGION

See Ross Mined
Attorney 1982
To Substantiate Rights

June 8, 1982

We inquired of the Idaho Department of Water Resources regarding water rights on Lone Tree Creek. The Department does not show any licensed water rights on the creek. They do show three uncanceled permits and four claims of water rights under the constitutional method of appropriation that I discussed with you when you were in the office.

The only priority date earlier than your 1885 water right claim is a claim by William Maher for 1.1 c.f.s. with a claimed priority date of July 1, 1872. The diversion point is in Section 22, T. 7 S., R. 6 W., which is upstream from your diversion points. Besides the 1872 claim there are two claims stating priority dates earlier than your 1907 claim. One is by Thomas R. and Anita Gluch for 9.77 c.f.s. with a claimed priority date of January 1, 1887. The other is a claim by Terry Warn for 4.44 c.f.s. with a claimed priority date of March 1, 1904.

By reason of these other claims, there is a possibility that a water right for 1.1 c.f.s. might come ahead of your 1885 and 1907 claims, and that two water rights aggregating 14.21 c.f.s. might also come ahead of your 1907 claim.

I have compared the land descriptions stated in the 1915 application with the map prepared in connection with that application, and with our Metzger maps and your tax collector's notices. From what I have found thus far, it appears that the claimed 1885 water rights would have been used to irrigate approximately 153 acres on the east side of the creek, and the claimed 1907 right would have been used to irrigate 212 acres on the west side of the creek. I think the 640-acre figure stated in the 1915 application assumed that the government survey lots in Sections 27 and 34 in T. 6 S., R. 6 W., were approximately 40 acres, each, when in fact those lots are only 7 acres, each, according to the Metzgers map.

Part of the 1885 claim is for 2.0 c.f.s. from a spring in the SE¼NW¼ of Section 2, T. 7 S., R. 6 W., B.M. Because the spring drains into Lone Tree Creek at a point downstream from the William Maher point of diversion under the 1872 claim, that 1872 claim would not have any effect on the water from the spring. The Gluch 1887 claim and the Warn 1904 claim are both later than the 1885 claim for the water from the spring, and if the priority dates are correct, the Gluch and Warn claims would not have any effect on the water from the spring.

Mr. Bill Ross

-3-

June 8, 1982

As I might have indicated when you were in the office, the Idaho Legislature passed a law several years ago requiring that written claims to water rights be filed with the Department of Water Resources for all water rights that are not evidenced by a court decree, or by a valid permit or license issued by the Department of Water Resources. Those claims must be filed before June 30, 1983, and any water rights for which such claims are not filed automatically will be forfeited. You need to file notices of claims for your water rights on Lone Tree Creek and the water right from the spring.

Perhaps you should call me at your convenience to discuss this water right situation.

Yours very truly,

ANDERSON, KAUFMAN, RINGERT & CLARK

By

Bill
W. F. Ringert

WFR:am

May 5, 1998

RECEIVED

MAY 05 1998

WATER RESOURCES
WESTERN REGION

TO WHOM IT MAY CONCERN:

Statements from Tex and Agnes Payne regarding the Deary Ranch on Lone Tree Creek. Tex and Agnes are long-time residents of the area; and Agnes is the ~~step~~-daughter of Gertrude Deary's

1st Husband
(AmBrosio male)

Gertrude Deary was Bas Deary's sister.

1. Based on what we were told of past Deary Ranch irrigation practices, and by our own personal acquaintance with Bas Deary, it is our belief that this ranch was under irrigation by one owner or another from the time it was first homesteaded ^{just after the} ~~mid~~ mid-eighteen hundred's.
2. We recall Bas Deary irrigating the Deary Ranch around 1940--running Lone Tree Creek water ~~(which was at a much higher level at the time so sub-surface irrigation could grow)~~ to fertile land on both the East and West sides of Lone Tree Creek, and as far to the Northern Ranch sections as possible. We have always been under the assumption that this irrigation method was the same method employed on the Ranch by Bas Deary's predecessors.

May 5/1998

Tex Payne
Agnes Payne

**LAND TITLE
INSURANCE & ESCROW CORPORATION**

3/91

Copy Enay ✓

from Larry
5/3/98
Examinator
= one draw
South + north.

March 26, 1991

WILLIAM GARRETT SEEBECK
MELVIN EDWARD SEEBECK, JR.
P.O. BOX 8
CLARKSBURG, CA 95612

RECEIVED

MAY 05 1998

WATER RESOURCES
WESTERN REGION

Re: Escrow No. MEC1180
Property: Ranch in Owyhee County, Idaho,
known as the Deary Place

Gentlemen,

In connection with the above referenced escrow, I have enclosed the following:

Policy of Title Insurance from Chicago Title Insurance Company of Idaho

It has been a pleasure serving you in this transaction. If we can be of further assistance to you, please do not hesitate to call us.

Sincerely,

LAND TITLE INSURANCE & ESCROW


Norm Nelson
Escrow Closer

Copy to Kay 5/5/98

typical mobile home rural tract. Completing the sale of this land to Mr. Mobley would have no significant influence on the value, capacity, or ease of management of the subject ranch property.

Pat Bought YOUNG PLACE This unimproved 365.55 acre parcel is rectangularly shaped and mostly level bottom lands in meadow and variable pasture. The location is about 1/2 mile southwest of Jordan Valley in a primarily agricultural area but the north end is within the Jordan Valley City limits. Access is good to this north end from Highway 95 but there is no crossing over nearby Jordan Creek and access to the majority of the property is from the south end from the dirt road along the Antelope Feeder Canal that cuts through the southwest corner. This access is reasonably handy but a fairly steep and loose sandy pitch down from the canal bank to the bottom lands tends to limit ease of exit with farm machinery or 2-wheel drive vehicles.

South of the canal is a 20 acre piece of steep rangeland that has good bunchgrass forage but appears to be fenced in with adjoining lands. Utilization of this small acreage is probably impractical for subject in terms of poor access and fencing expense.

Irrigation on the Young Place is all from Jordan Creek with flood and sub-irrigation requiring modest management effort. When water volumes are adequate it reportedly irrigates itself. Land classes and soils are very similar to those on the Home Place. In past good water years approximately 150 acres have been hayed on the Young Place but the usual amount is much less. The class IV areas show relatively good meadow grass growth this year but most of the class V areas have variable and mostly too thin to be worth haying. Both class IV and V fields in the Young Place are highly irregular in shape which makes haying less efficient. The class VI+ areas are not hayed and have variable forage in rye grass, salt grass, greasewood and rabbitbrush. The class VI areas are flat or undulating with mostly dry cheat grass forage little better than typical class VII rangelands.

DEARY PLACE About 10 miles south of Jordan Valley (12 miles by road) is the 1114.82 acre Deary Place on the Idaho side of the state line. A well-maintained gravel county road cuts through this "L" shaped property and provides relatively good access.

Irrigated Lands At present there are only about 8 acres actively irrigated on this property and that is in pasture south of the centrally located homesite. ~~About 67 acres have been irrigated in the more recent past, however, and nearly all is on good quality bottom soils that are well-drained and suited to alfalfa production.~~ These class IV areas are located just northwest of the homesite and on both sides of Lone Tree Creek. The small stream of Lone Tree Creek runs from south to north through the western part of the property and was originally ditched out onto the fields. More recent years have reportedly seen the creek wash deeper in the channel and it became more difficult to ditch the water out of the channel so a sprinkling system was used until economic problems forced its retirement 5+ years ago. About 18 acres were sprinkled last year north of the homesite but all the alfalfa had died out and it was used for pasture only. This use was reportedly mainly to maintain water rights. The gas pump, handline and wheeline sprinklers on this parcel will be described later in the report. There is no formal pumping site on the creek.

was 1989 or 1990

↑
sprinklers

Both sides

8 June 67

Deary Ranch

Log Kay 5/5/98

The majority of the formerly irrigated areas have reverted back to cheatgrass pasture. The former owner and a neighbor both indicated good quality alfalfa stands on all of these fields in years past with yields upwards of 3 tons per acre in 2 cuttings. Irrigation water volume was often limited, however, and Lone Tree Creek was little more than a trickle at the time of inspection. Water rights are also available from a pond south of the homesite that is spring-fed and covers about 6 acres. This pond fully irrigates the 8 acres of pasture south of the homesite and was brimming full on July 11, 1990, and also full in September of 1988, both "drought" years.

Section 26 (North)

Towards the north end is another nearly level area of good quality soils along Lone Tree Creek that has been farmed in dryland alfalfa in the past. This class V area (83.4 Acres) is now completely reverted back to cheatgrass and sagebrush pasture but has good potential for production. Water rights from Lone Tree Creek and springs cover this area and potential for some sprinkle irrigation to establish a stand is good. Aerial photos indicate good uniform production in past years but irrigation water supply is apparently insufficient for full irrigation in normal years.

83 Acres

Dry Grazing Lands The rangelands have all native forage in cheatgrass, fescues and some bunchgrass. Most is in average to good condition. Grazing capacity is typical for the area at 5 to 8 acres per AUM. About 60% of the topography is too steep or rolling for range seeding and rocky or gravelly soils also limit such potential. Elevations range from about 4600' up to 5200' in the southeast portion. Stock water is in good supply and well distributed on the range.

In the very north end are about 63 acres of class VI lands that are very gentle, mostly bottom soils of good quality that have good potential for range seeding or sprinkle irrigation if water were available. Their present grazing capacity is no more than class VII rangelands, however.

63 Acres

Deary Ranch

Idaho State Grazing Lease Fenced in with and attached to the Deary Place is an Idaho State grazing lease on about 640 acres in section 36 on the north side of the eastern portion. This lease calls for 53 AUM at a current cost of \$5.21 per AUM (\$276.13). Actual use is not closely monitored, however, and if damage to the forage does not occur additional livestock can be grazed. Most years would allow significantly heavier use without detriment to the range.

minor unit / unit = 120000 / 53

640 120000 / 53

Fenced-Out Acreages Approximately the north 65 acres of the Deary Place are fenced in with the neighbors land to the north. A roughly equal amount is fenced in with the subject on the east side of this area which is not included in the subject's legal description. For practical purposes there appears to be little difference in value, land use, potential or acreage and no adjustments are made. The "neighborly" swap was made for ease of management.

T.G. took this back.

A somewhat similar situation exists in the southeast portion where about 160 acres are reportedly fenced in with an adjoining owner to the south. Appearing to compensate is additional acreages that are fenced in with the subject and the Idaho State grazing lease on the north side of this southeast portion. No attempt was made to calculate precise acreages or make adjustments to the legal description acreages as the fence locations were not on any available maps.

W. 2450

ABSTRACT OF TITLE

The west half of the southwest quarter and the southwest quarter of the northwest quarter of Section thirty-five and the lots numbered one, two, three and four of Section thirty-four in Township six south of Range six west of Boise Meridian, Idaho.

The west half of the northwest quarter and the west half of the southwest quarter of Section twenty-six and the lots one, two, three and four of Section twenty-seven in Township six south of Range six west of the Boise Meridian, Idaho; and

Lots one and two of Section three in Township seven south of Range six west of the Boise Meridian, Idaho.

Section 35
Section 34
Section 26
Section 27
Section 3

RECEIVED

MAY 05 1998

WATER RESOURCES
WESTERN REGION

Prepared for P. B. Deary, Jordan Valley, Oregon,
by the Owyhee County Abstract Co.

100
4-24-98

RECEIVED

MAY 05 1898

WATER RESOURCES
WESTERN REGION

United States, : Character of Instrument,
Grantor, : Patent.
to : Date of Instrument,
Thomas Wilson, : March 20th, 1886.
Grantee. : Date of Record,
: Apr. 13th, 1898, at 6 o'clock P.M.
: Book 5 of Patents, pages 393 & 394,
: Owyhee County Records.

Homestead Certificate No. 290.

Application 924.

Issued pursuant to the act of Congress approved 20th May, 1862,

"To Secure Homesteads to actual settlers on the public domain," and
the acts supplemental thereto.

and Executed by the President: Grover Cleveland.

Seal: By M. McKean, Secretary.

S. W. Clark, Recorder of the General Land Office.

Seal of the General Land Office affixed.

Recorded, Vol. 1, Page 411.

Description---The west half of the south west quarter, and
the south west quarter of the north west quarter of section thirty-
five and the lots numbered two, three and four of section
thirty four in township six south of range six west of Boise Meri-
dian in Idaho, containing one hundred and forty eight acres.

Covenants---Subject to the water right and mineral
reservations.

ABSTRACTERS

SILVER CITY, IDAHO

OWNER CODE: C
NAME & ADDRESS: MELVIN EDWARD SEEBECK JR
PO BOX 8
CLARKSBURG CA 95612
(916) 665-1712

PRIORITY DATE: 04/15/94
WATER USE: IRRIGATION
USE PERIOD FROM TO: 04-15 10-15
DIVERSION RATE: 0.88 CFS
DIVERSION VOLUME: 1.17

TOTAL DIVERSION: 0.88 CFS 1.17

Water Source: LONE TREE CREEK
Tributary to: JORDAN CREEK
Point(s) of Diversion: T07S R06W S03 Lot01(NENE)
Stage: BENEFICIAL USE
ONYHEE County

Place of use Legal Description for: IRRIGATION									
NE					SE				
NENE NWNE SWNE SENE					NW NW NW SW NW SENE				
Lt Ac Lt Ac Lt Ac Lt Ac					Lt Ac Lt Ac Lt Ac Lt Ac				
T	R	S							SUM
06S	06W	34							
06S	06W	35							
07S	06W	3							
01-015					14 31				
					03 2.6				
					6.0				
					1.6				
					13.9				
					58.4				
					TOTAL ACRES				

POU County: ONYHEE
Other Rights: 55-04081
Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-13475 A55-13475

Other Water Rights Listing Overlapping Place(s) of Use:
A55-04071 A55-04080 A55-04081 A55-04082 R55-04081 R55-04082

Remarks: EXP RIGHT NO. 55-04082 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
Dates: Exam Made Date: 06/25/1992 Verified Date: 05/04/1998 Objection Filed Date:
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:
Comments: Date: 01/31/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
OWNERSHIP CHANGED BY JS ON 10-21-91.
Date: 03/04/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE

*Added to file
copy to [unclear]
[unclear]*

AJ0749NP
No. R55-04080

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

DATE: 05/04/98
PAGE: 2

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: 05/01/1998 User-ID: KWALKER Subject: RECOMMENDATION
PER NOTICE OF ERROR AND VISIT WITH CLAIMANTS ON 4/2/1998, WE
ADDED A 3.9 ACRE FIELD TO THIS RECOMMENDATION. I ALSO CORRECTED
THE POINT OF DIVERSION THAT I HAD MADE AN ERROR ON THE LEGAL
DESCRIPTION ON.

Audit: 05/04/98 KWALKER

**IDAHO DEPARTMENT
OF WATER RESOURCES**

**T06S, R06W
T07S, R06W**

6 = ACRES

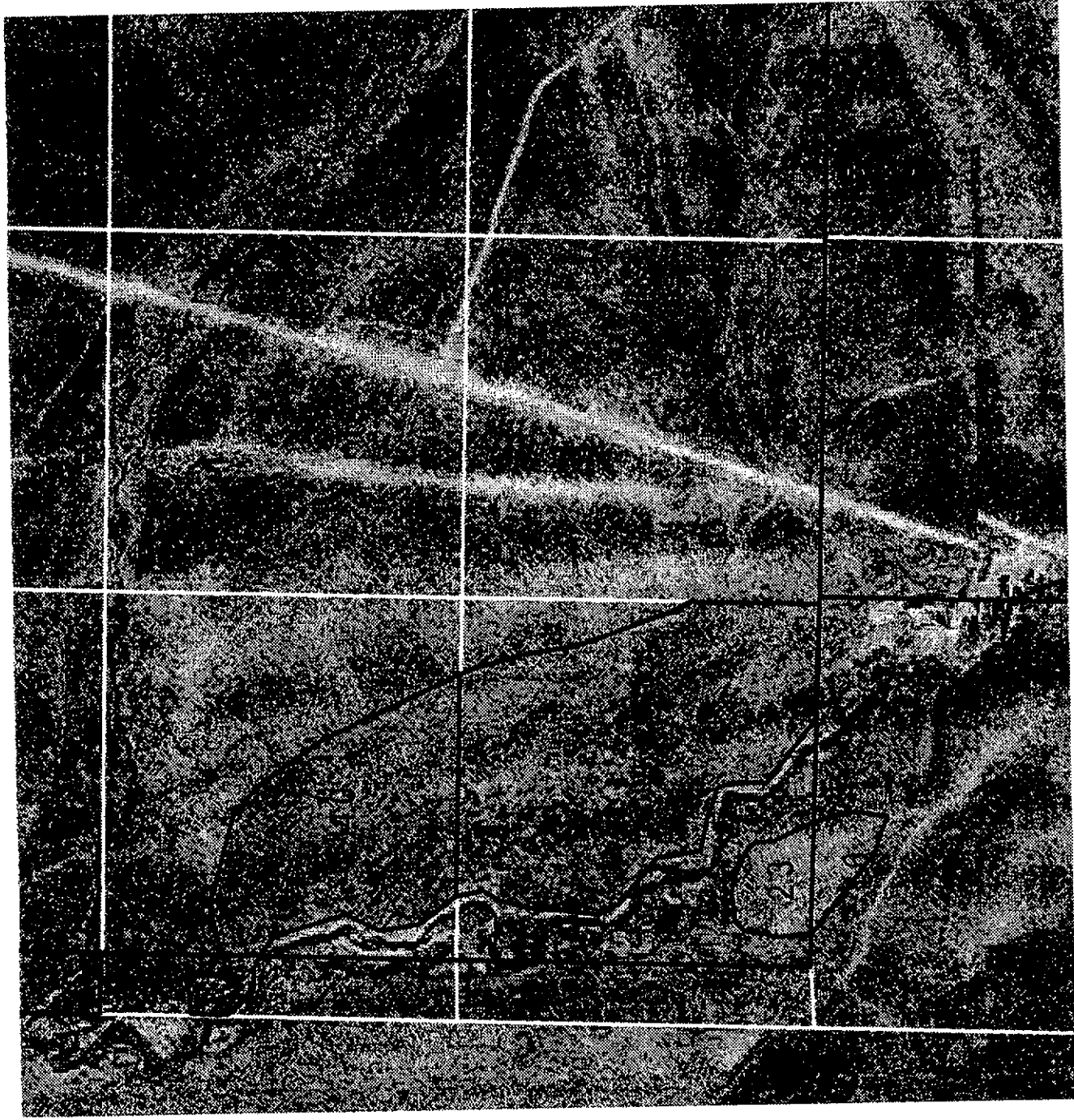
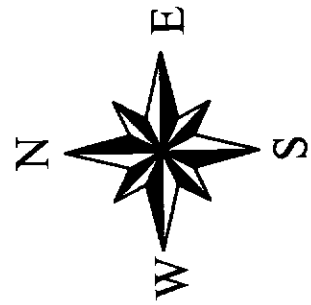
 **Section Lines**

 **PLACE OF USE**

1/4 1/4 Lines

 **POINT(S) OF DIVERSION**

**Claim(s): 55-04080
Owner(s): SEEBECK
Prepared by: KAY WALKER
Date: 04/20/1998**



1987 NAPP

0

0.25

0.5 Miles





EAGLE POINT ORCHARDS

Eagle Point Pear Juice

P. O. Box 8

Clarksburg, CA 95612

RECEIVED

MAR 25 1998

**WATER RESOURCES
WESTERN REGION**

Kay Walker

Idaho Dept Water Resources

Western Region

2735 Airport Way

Boise, Idaho 83705-5082

3/23/98

Dear Kay,

As per our Talk Today enclosed are the forms
showing we do not accept the following water rights as
they were written in your 3/4/98 correspondence:

- 1) Right # 55-04082 "Lone Tree Creek" "no Beneficial use"?
- 2) Right # 55-04081 "Spring"
- 3) Right # 55-04080 "Lone Tree Creek"
- 4) Right # 55-02069 "Cattle Creek"

Also, on 7/30/97 we received Right # 55-13475 for our Little
Domestic Spring on Cattle Creek.

Thanks for your Time on the phone today and we look forward
to meeting with you on April 2nd 1998 (Thursday) at your office. I'm
sure we can work out all the details at that time. Thanks for
your help in figuring out the details of these water rights.

Sincerely M.S. Sebeck Jr. (88)

March 6, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

MAR 25 1998

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:

55-04080

MELVIN EDWARD SEEBECK JR

WILLIAM GARRETT SEEBECK

PO BOX 8

CLARKSBURG CA 95612

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):

A) Priority date incorrect.

B) Quantity of water used incorrect

C) Period of use is O.K.

D) Place of use incorrect

E) Water used yearly

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

We wish to see the water rights better reflect the original water rights in all aspects.

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:

3/23/98

SIGNATURE:

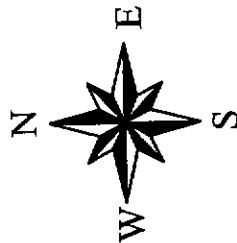
Melvin E. Seebek Jr.

Please print your name:

Melvin E. Seebek Jr.
William G. Seebek
William G. Seebek

IDAHO DEPARTMENT OF WATER RESOURCES

T06S, R06W, S34 & S35



1987 NAPP PHOTO

CLAIM(S) : 55-04080
 OWNER(S): SEEBECK
 Prepared by: KAY WALKER
 Date: 2/9/1998
 TOTAL ACRES: 40

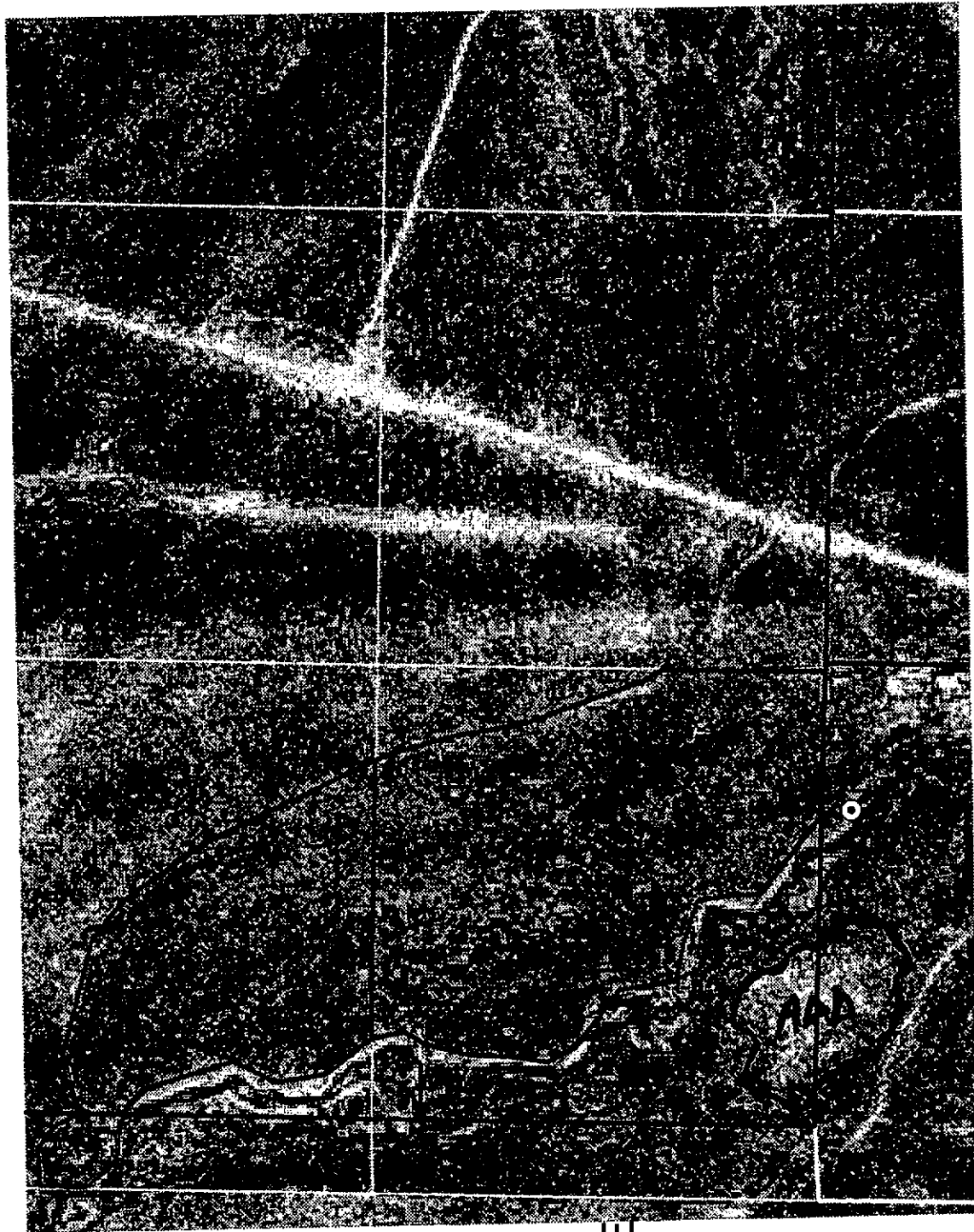
SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES



0.5 Miles

0.25

0

AJ0749NP
No. R55-04080

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	MELVIN EDWARD SEEBECK JR	04/15/1944	IRRIGATION	04-15 10-15	0.80 CFS	
C	WILLIAM GARRETT SEEBECK PO BOX 8 CLARKSBURG CA 95612 (916) 665-1712				0.80 CFS	
TOTAL DIVERSION:						

Water Source: LONE TREE CREEK Tributary to: JORDAN CREEK Stage: BENEFICIAL USE
Point(s) of Diversion: T07S R06W S03 Lot01(NWNW) ONYHEE County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE		SUM	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
06S	06W	34	:	:	:	:	:	:	:	:	:
06S	06W	35	:	:	:	:	:	:	:	:	:
										TOTAL ACRES	40.0

POU County: ONYHEE

Other Water Rights Listing Overlapping Place(s) of Use:
A55-04071 A55-04080 A55-04081 A55-04082 R55-04081 R55-04082

Dates: Exam Made Date: 06/25/1992 Verified Date: 02/09/1998 Objection Filed Date:

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

Comments: Date: 01/31/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
OWNERSHIP CHANGED BY JS ON 10-21-91.

Audit: 02/09/98 KWALKER

AJ0749NP
No. R55-04080

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

DATE: 01/31/98
PAGE: 1

OWNER CODE NAME & ADDRESS
C MELVIN EDWARD SEEBECK JR
C WILLIAM GARRETT SEEBECK
PO BOX 8
CLARKSBURG CA 95612
(916) 665-1712

PRIORITY DATE
04/15/1944 IRRIGATION

WATER USE

USE PERIOD FROM TO
04-15 10-15

DIVERSION RATE
~~0.90 cfs~~ 0.80

DIVERSION VOLUME
~~0.90 cfs~~ 0.80

TOTAL DIVERSION:
0.80 cfs

Water Source: LONE TREE CREEK Tributary to: JORDAN CREEK Stage: BENEFICIAL USE
ONTHEE County

Point(s) of Diversion: 107S R06W S03 Lot01(NWNW)

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE						
		NENE				NENW				NWSW				NWESE				SUM		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
06S	06W	34	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	2.0
06S	06W	35	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	3.0	
																		14	25	39
																		TOTAL ACRES		40

PQU County: ONTHEE

Other Water Rights Listing Overlapping Place(s) of Use:

NO A55-04071 A55-04080 A55-04081 A55-04082

Dates: Exam Made Date: 06/25/1992 Verified Date: 01/31/1998 Objection Filed Date:

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

Comments: Date: 01/31/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS OWNERSHIP CHANGED BY JS ON 10-21-91.

Audit: 01/31/98 KWALKER

↑ per GIS
shape
fill kw
2/9/98

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A55-04080

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>Y</u>	<u>6-25-92</u>					
PT. OF DIV.							
SOURCE							
PL. OF USE							
DIV. AMOUNT CFS/AF							
CONSUMPTIVE USE							
NATURE OF USE							
PERIOD OF USE							
BASIS OF CLAIM	<u>Statutory</u>						
REMARKS							

DATA ENTRY COMPLETED
BY _____ DATE _____

FINAL RECOMMENDATION
BY _____ DATE _____

VERIFICATION CODES
 TOPO MAP/ORTHO PHOTO = 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 ☒ NO ☐

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

COMMENTS:

13:35:39
05/14/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

LAST: ROSS
ADDRESS: JORDAN VALLEY
CITY: OR ZIP: 97911
PHONE NUMBER: 503-586-2380

OWNER CODE: O

LAST: SEEBECK JR ✓
ADDRESS: PO BOX 8
CITY: CLARKSBURG
PHONE NUMBER: 916-665-1712

OWNER CODE: C

LAST: SEEBECK ✓
ADDRESS: PO BOX 8
CITY: CLARKSBURG
PHONE NUMBER: 916-665-1712

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? Y() N()

CLAIM REMARKS: GEN OWNERSHIP CHANGED BY JS ON 10-21-91.

FIELD
EXAMINER
Y() N()

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 / NOTES:

See next sheet -

Bring copy of
app. & all
we know about
water rights

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

NAME OF CONTACT Mr. Seebeck
PHONE NUMBER 916-665-1712 ADJ. AGENT Ray
DATE SET FOR EXAM June 25⁽⁹²⁾ 8:00 AM
LOCATION/DIRECTIONS From Jordan Valley go 13
miles toward South ^{Juniper} Mtn. Stay
right - at 10 miles schoolhouse -
go right (off pavement) log cabin & barn
Diverting at full rates? 3 more "Deary" right hand side.
Place.
Type of measuring devices? _____
Places to make measurements? _____
Type of System? (pipelines, ditches) _____

How many laterals are used? _____
Length and size of mainline? _____
Size of motor used for each P/D? _____
Estimate of depth to water? _____
Pressure at well? _____
Pressure at sprinkler heads? _____
COMMENTS 7/19/96
Called Seebeck number & left
message ^{that} I would be going out
to Jordan Valley on 7/23/96 to
look at Cattle Cr. water.

A. AJ CLAIM: # A55-04080 PRIORITY DATE: 04-01-1985 STAGE: S

B. WR RECORD: # 55-04080 PRIORITY DATE: 04-01-1985 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y() N(☒)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y() N(☒)E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)Y(☒) N()

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A() Y() N()

FIELD EXAM COMPLETED

N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N()

LICENSE ISSUED

N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?N/A() Y(☒) N()* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N()

NOTES:

Evidence submitted only. provides information of use since 1944 - Exception in this file of A55-04082 existing use of water - Recommended allowing 1944 priority for portion of claimed acres

change to B/U statutory from

RECOMMENDED PRIORITY DATE:

4-15-1944

REVIEWED BY

fw

DATE

1-31-98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A55-04080	07S 06W	3				~~1~~ <i>1</i>		OWYHEE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A55-13475 NONE
(domestic spring)

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: LONE TREE CREEK

TRIB: JORDAN CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
55-04080	07S 06W	3				4		OWYHEE		

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A55-13475 NONE

SOURCE: LONE TREE CREEK

TRIB: JORDAN CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM)

AJ FIELD EXAM (DATE OF FIELD EXAM 6-25-92) NAME OF EXAMINER kw & lw Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

8-1-96

kw & mm

Gone Tree CK.

Pump info -

- HP -
- pressure (when operating)
- lift from CK.
- place on stream when used

(veg) 8-1-96

Berkley pump
model B3TOKLS-9
HP

Serial G180893
Impeller ~~6.95~~
Diameter 6.593

VanGard 9 HP motor
(new) Briggs & Stratton type
model 161432 004701

see Skip & Leebeck 7-22-96:
pump slides in below on
barn ~ about 100 yds. ~ gone
~~#~~ 9.5 HP pump
Berkley
rain pipe

A. ROOT WATER RIGHT NUMBERS: A55-04080

B. POU LISTING											
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06S	06W	26	NW	SW		SEEBECK JR, MELVIN EDWARD	A55-04080 / 10.0	55-04080 / 10.0	39.0		
			NW	SW		SEEBECK JR, MELVIN EDWARD	A55-04081 / 10.0	55-04081 / 10.0			
			NW	SW		SEEBECK, WILLIAM GARRETT	A55-04082 / 14.0	55-04082 / 14.0			
06S	06W	26	SW	SW		SEEBECK JR, MELVIN EDWARD	A55-04080 / 36.0	55-04080 / 36.0	25.0		
			SW	SW		SEEBECK JR, MELVIN EDWARD	A55-04081 / 36.0	55-04081 / 36.0			
06S	06W	27			4	SEEBECK JR, MELVIN EDWARD	A55-04080 / 7.0	55-04080 / 7.0	7.0		7.0
					4	SEEBECK JR, MELVIN EDWARD	A55-04081 / 7.0	55-04081 / 7.0			
06S	06W	34			1	SEEBECK JR, MELVIN EDWARD	A55-04080 / 7.0	55-04080 / 7.0	3.0		
					1	SEEBECK JR, MELVIN EDWARD	A55-04081 / 7.0	55-04081 / 7.0			
06S	06W	34			2	SEEBECK JR, MELVIN EDWARD	A55-04080 / 7.0	55-04080 / 7.0			
					2	SEEBECK JR, MELVIN EDWARD	A55-04081 / 7.0	55-04081 / 7.0			
06S	06W	34			3	SEEBECK JR, MELVIN EDWARD	A55-04080 / 5.0	55-04080 / 5.0	7.0		
					3	SEEBECK JR, MELVIN EDWARD	A55-04081 / 5.0	55-04081 / 7.0			
					3	SEEBECK, WILLIAM GARRETT	A55-04082 / 4.0	55-04082 / 4.0			
06S	06W	35	NW	NW		SEEBECK JR, MELVIN EDWARD	A55-04080 / 40.0	55-04080 / 40.0	1.0		
			NW	NW		SEEBECK JR, MELVIN EDWARD	A55-04081 / 40.0	55-04081 / 40.0			
06S	06W	35	SW	SW		SEEBECK JR, MELVIN EDWARD	A55-04080 / 40.0	55-04080 / 40.0			
			SW	SW		SEEBECK JR, MELVIN EDWARD	A55-04081 / 40.0	55-04081 / 40.0			
06S	06W	35	NW	SW		SEEBECK JR, MELVIN EDWARD	A55-04080 / 40.0	55-04080 / 40.0	19.0		
			NW	SW		SEEBECK JR, MELVIN EDWARD	A55-04081 / 40.0	55-04081 / 40.0			
06S	06W	35	SW	SW		SEEBECK JR, MELVIN EDWARD	A55-04080 / 30.0	55-04080 / 30.0	34.0		
			SW	SW		SEEBECK JR, MELVIN EDWARD	A55-04081 / 30.0	55-04081 / 30.0			
			SW	SW		SEEBECK, WILLIAM GARRETT	A55-04082 / 9.0	55-04082 / 9.0			
			SW	SW		LU RANCHING CO INC	A55-04071 / 4.0	55-04071 / 4.0			
06S	06W	3			1	SEEBECK JR, MELVIN EDWARD	A55-04080 / 9.0	55-04080 / 9.0	27.0		
					1	SEEBECK JR, MELVIN EDWARD	A55-04081 / 9.0	55-04081 / 9.0			
					1	SEEBECK, WILLIAM GARRETT	A55-04082 / 7.0	55-04082 / 7.0			
			NE	NE	1	SEEBECK JR, MELVIN EDWARD	A55-13475 /				
06S	06W	3			2	SEEBECK JR, MELVIN EDWARD	A55-04080 / 5.0	55-04080 / 5.0	17.0		
					2	SEEBECK JR, MELVIN EDWARD	A55-04081 / 5.0	55-04081 / 9.0			
					2	SEEBECK, WILLIAM GARRETT	A55-04082 / 3.0	55-04082 / 7.0			

ADDITIONAL POU FOUND

75 ac
40 total
per GIS shape
file, 2/10/98

POU COUNTY: OMYHEE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(✓)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A55-04080	LONE TREE CREEK	SEEBECK JR, MELVIN EDWARD	3.500	0.014		
~~A55-04077~~	JORDAN CREEK	LU RANCHING CO INC	0.920	0.020		
A55-04081	SPRING	SEEBECK JR, MELVIN EDWARD	2.000	0.008	1180.00	5.00
A55-04082	LONE TREE CREEK	SEEBECK, WILLIAM GARRETT	4.500	0.033		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A55-13475	STOCKWATER	SEEBECK JR, MELVIN EDWARD	FROM 01-01 TO 12-31	0.020 CFS	
A55-13475	DOMESTIC	SEEBECK JR, MELVIN EDWARD	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(✓) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

See A55-04081 for Spring trib. to Lone Tree Ck.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N(✓)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(✓) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y(✓) N()

CHECK DOCUMENTS USED TO VERIFY POU: (X) ORTHOPHOTOQUAD, IDWR NO. AA52; () TOPOGRAPHIC QUAD, IDWR NO. _____;(X) NAPP, IDWR NO. AA52 NE; () ASCS PHOTO; () OTHER _____

NOTES:

Pump not at pth when field exam done at visit of 6-25-92 & 8-1-96. Viewed pump in back of pick-up in barn on 8-1-96. See pump information on page 5 of this report. Location of pump ~~was~~ when in use found by walking creek below barn as suggested by claimant. See photos of pth location identified by this examiner.

Found high water mark (where water would back up at pump location) to be 5'-10' of dirt to where sprinkler pipe could be connected to pump.

RECOMMENDATIONS:

TOTAL ACRES:

~~45~~ 40 kw 2/9/98

N/A ()

REVIEWED BY:

kw

DATE:

1-31-98

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A55-04080 IRRIGATION	FROM 04-01 TO 10-31	3.500 CFS	
TOTAL DIVERSION RATE/VOLUME		3.500 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
55-04080 IRRIGATION	FROM 04-01 TO 10-31	3.500 CFS	
TOTAL DIVERSION RATE/VOLUME		3.500 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(✓) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(✓) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(✓) N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N(✓)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(✓) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(✓) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y(✓) N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(✓) Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(✓) Y() N()

NOTES:

Recommend IDWR standard season
of use 4-15 to 10-15.

AJ CLAIM TOTAL DIVERSION RATE: 3.500 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.500 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

FLOW MEASUREMENT

MEASUREMENT METHOD theoretical, SEE ATTACHED CALCULATIONS.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 470 x 0.02 CFS/ACRE = 9.4 CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = N/A AF/A

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

TOTAL DIVERSION VOLUME N/A AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = N/A 612.5 AF/A

ACRES N/A x CONSUMPTIVE VOL. AF/A FOR AREA N/A =

TOTAL CONSUMPTIVE USE N/A AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

1b. CALCULATIONS

*Discussed excessive
flow with claimants
6/25/92 - they did not
wish to pursue excessive
flow - would be
happy with 1" to a/c.*

NOTES:

$$Q = \frac{(8.8) \times (HP) \times E}{H}$$

$$Q = \frac{(8.8) \times (9.) \times .70}{5' \text{ lift}} = 11.09 \text{ cfs}$$

$$Q = \frac{(8.8) \times 9.0 \times .7}{10' \text{ lift}} = 5.54 \text{ cfs}$$

Allow 0.90 cfs for the 45 acres
recommended as place of use -

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	DATABASE EXAMINER	DATABASE EXAMINER	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION ✓	4-15 10-15 ~~04-01 40-31~~	3500 ~~0.80~~ 0.80	N/A	N/A	N/A	612-5 N/A
TOTAL FOR THIS RIGHT		3500 ~~0.80~~ 0.80	N/A	N/A	N/A	612-5 N/A

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED () *pw 2/19/98 per GIS shape file - Post acre*

REVIEWED BY: kw DATE: 1-31-98

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP	ACCEPTED	NEEDS
FORFEIT/ABANDON	AS CLAIMED	REVIEW
ADDITIONAL DIV. AMOUNT	()	()
	()	()
	()	()

B. SPLIT WATER RIGHT REVIEW

N/A

ROOT WATER RIGHT NUMBER: 55-04080

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE	EXAMINER	CFS
3.500		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A55-04080	3.500	-		55-04080	3.500

TOTAL CFS 3.500

3.500

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 DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
Y	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

Signature: Ray Walker DATE: 1-31-98
 Name: Ray Walker Title: Sr. Agent

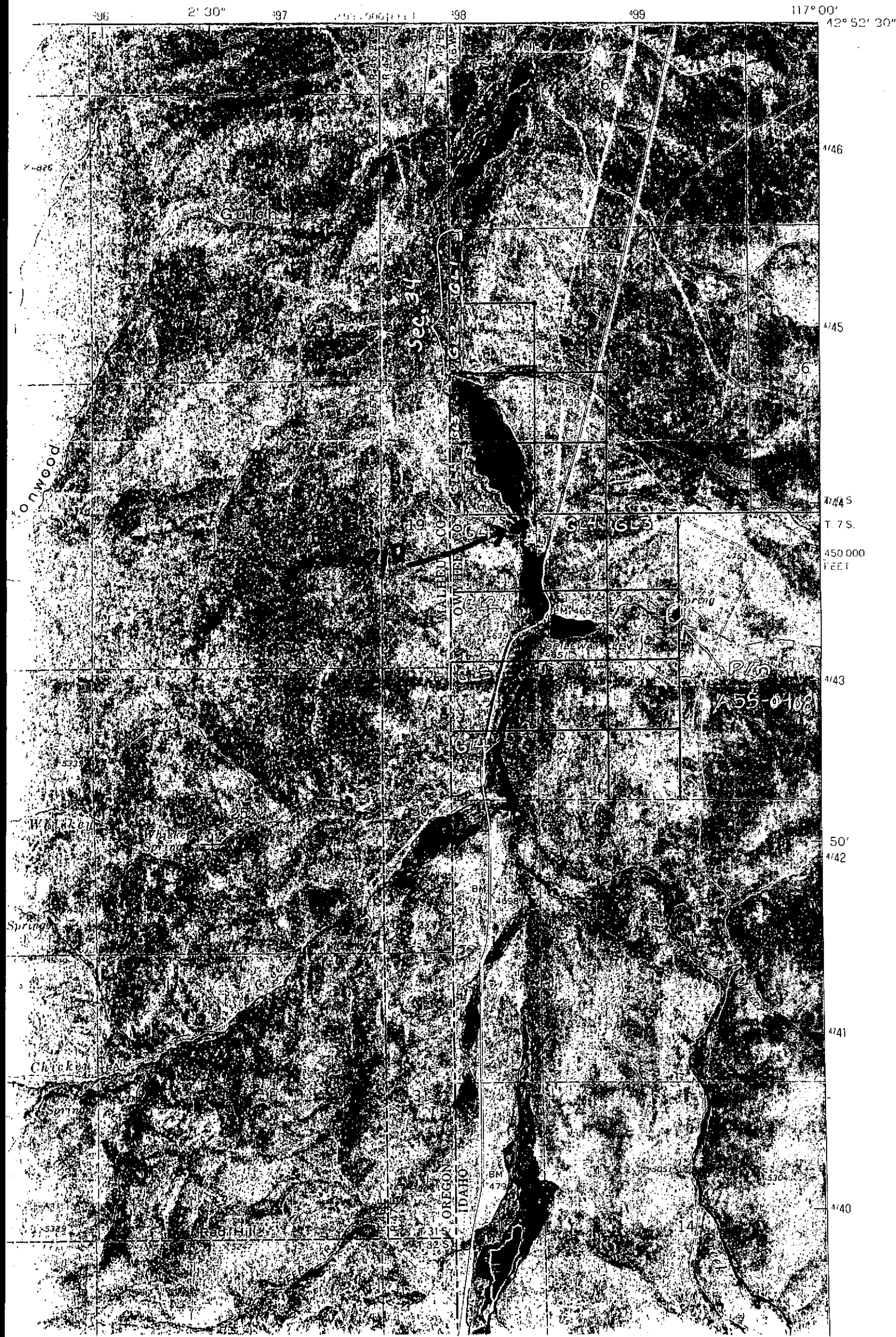
MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1979</u> IDWR ID NO. <u>AA52</u>	Y() N() ☒
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☒ MAP	DATE OF PHOTO <u>7-31-1987</u> IDWR ID NO. <u>AA52NE</u>	Y() N() ☒
☐ 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 <u>6-5-6W(1944)</u> <u>75-6W(1909)</u>	Y() N() ☒
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() 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 <u>8-1-96</u>	<u>2</u>	<u>5 total</u>
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED <u>6-25-92</u>	<u>3</u>	<u>(4.5 - one page only 1/2)</u>
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____

R6W

PARSNIP PEAK QUADRANGLE
OREGON-IDAHO
7.5 MINUTE SERIES (ORTHO PHOTOQUAD)



T6S

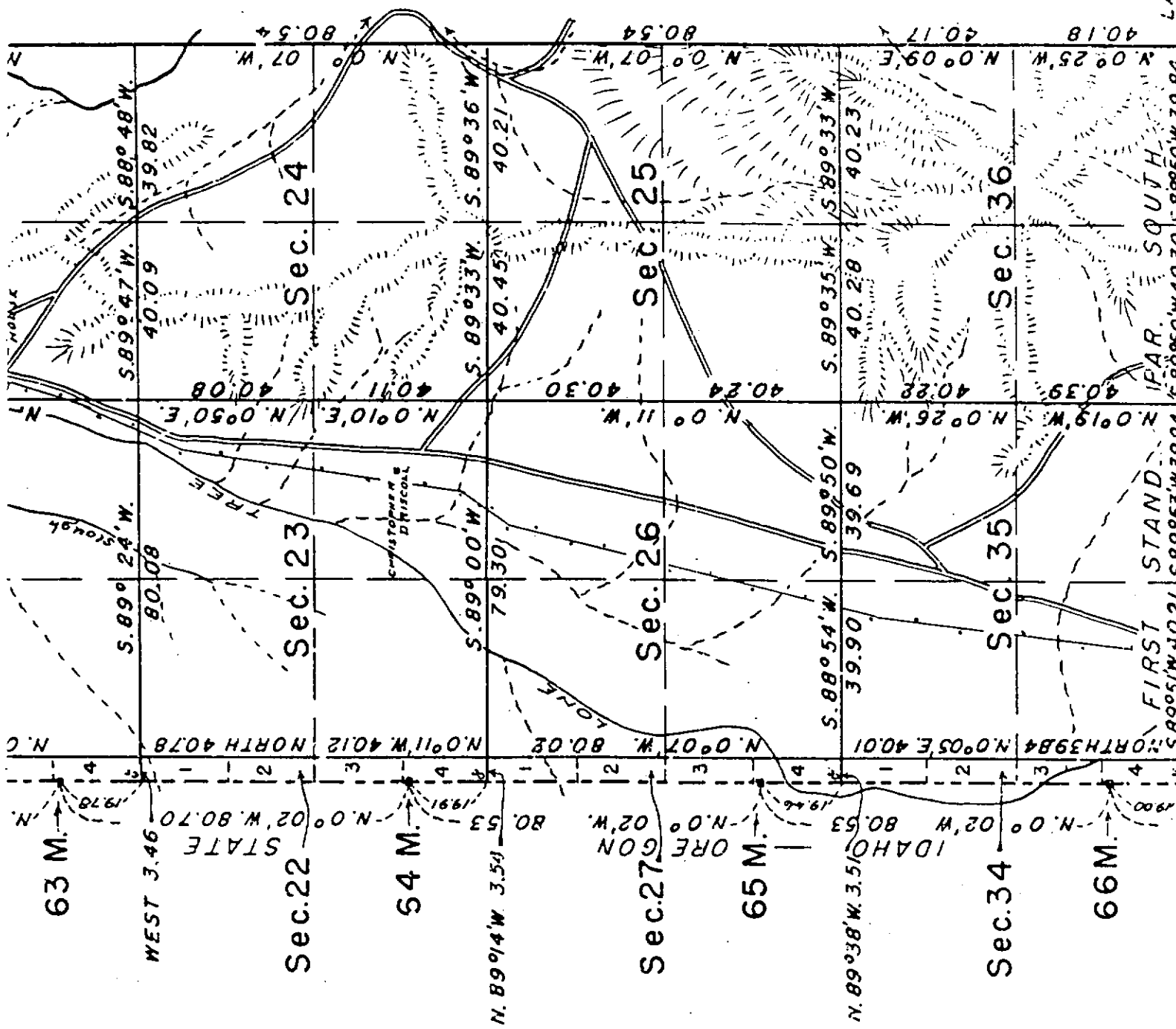
T7S

A55-04081
only 5

1145

SYSTEM
TOTAL

SYSTEM
TOTAL

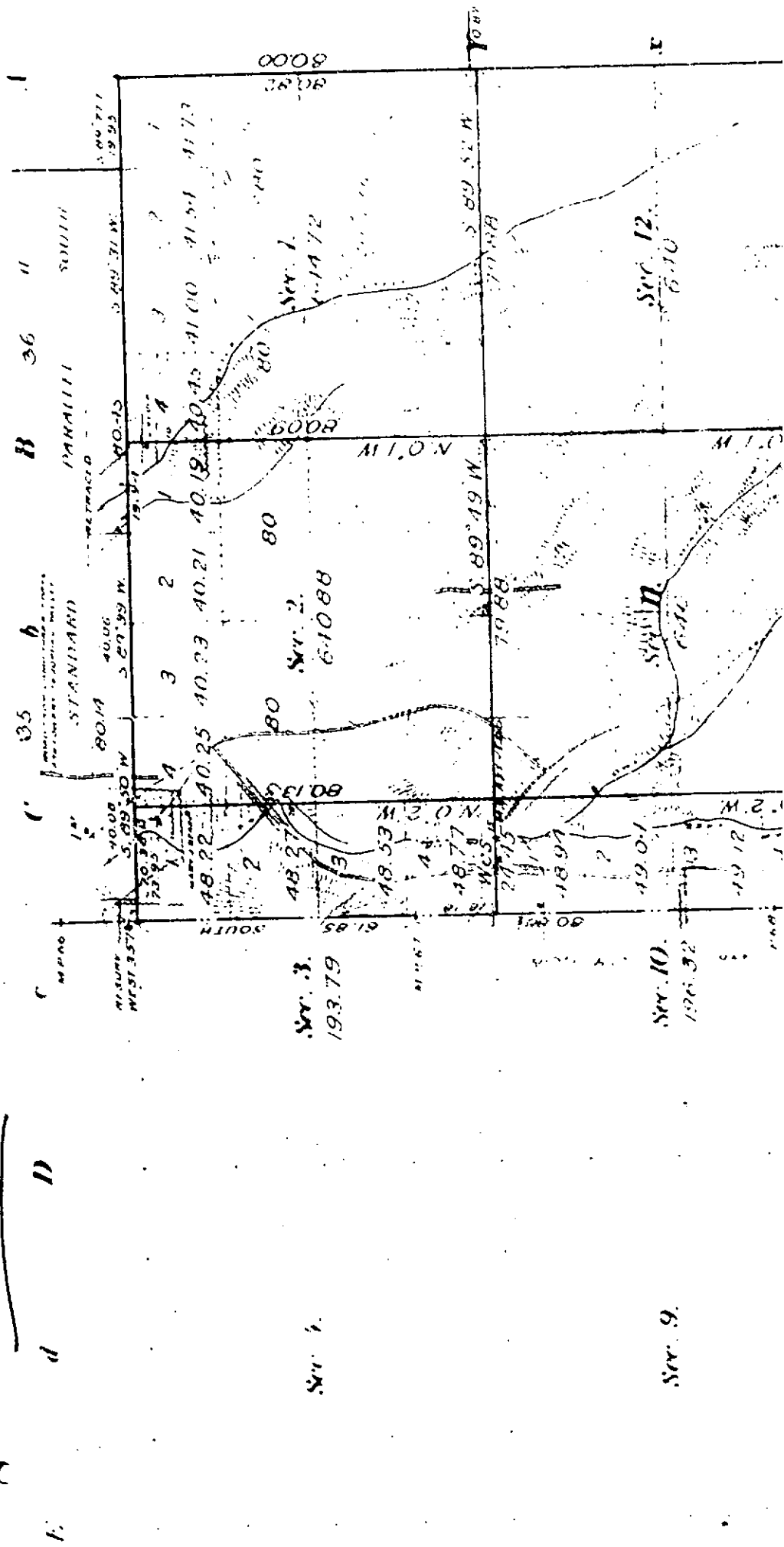


LATITUDE 42° 51'

7 South

(7523-7)

Range No 6 West of the Boise Meridian, Idaho.





PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS

8-1-96

FILE NO(S).

A55-04080



Point
where
lone tree
creek is
backed up
to point
water can
be pumped -



Place where
pump is
located
when in
use -



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8-1-96

FILE NO(S). A55-04080



Pump
placed
on spot
above
Maria's
head -
Maria in
creek

Lone Tree
Creek
place
of use



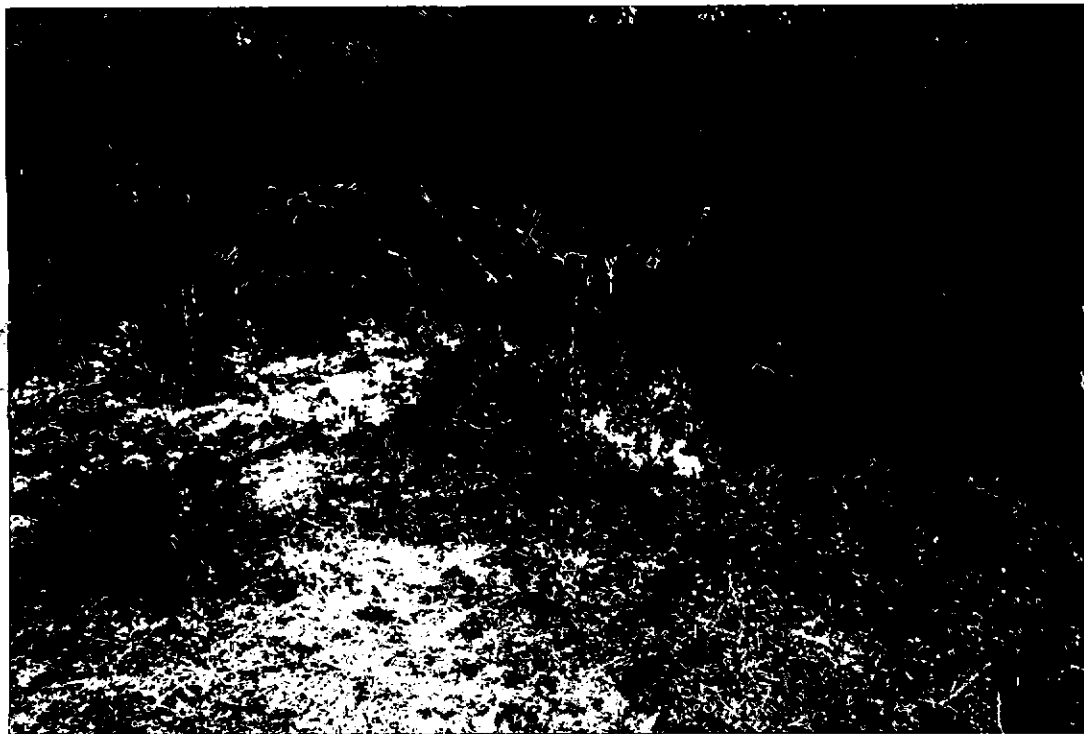
(see file A55-04081 Pg. 4
for previous photos
at reservoir)



PHOTOGRAPHER: ~~KAT WALKER~~ Linda Werner

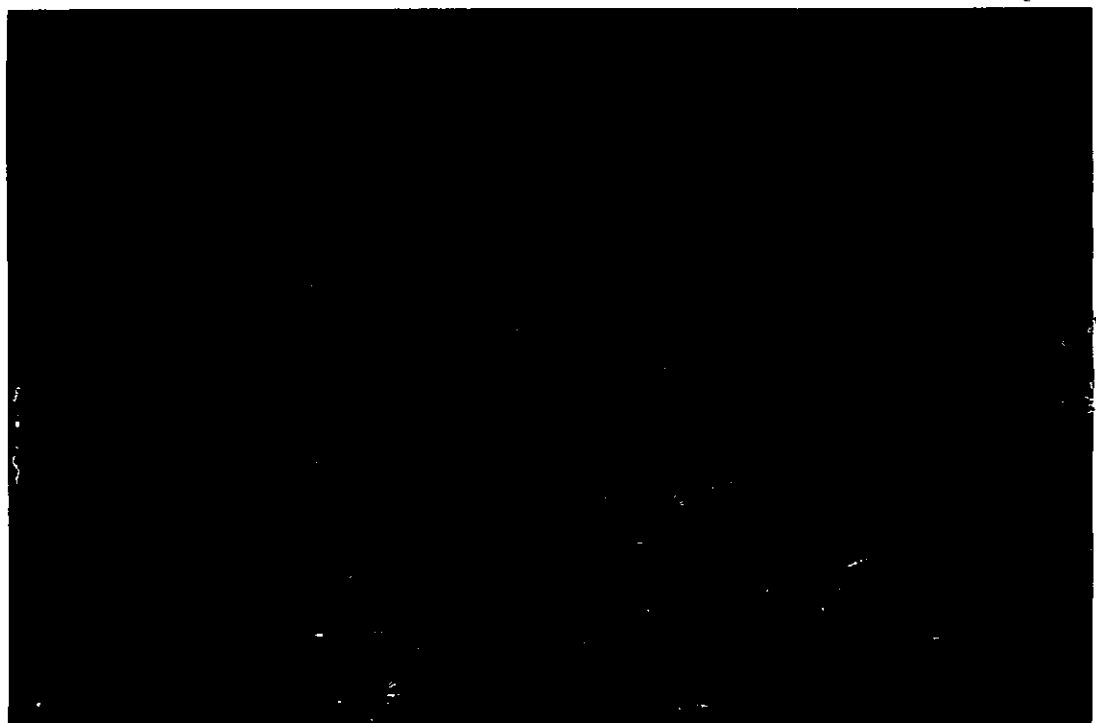
DATE OF PHOTOS 6/25/92

FILE NO(S). A55-04080, A55-04081 & A55-04082



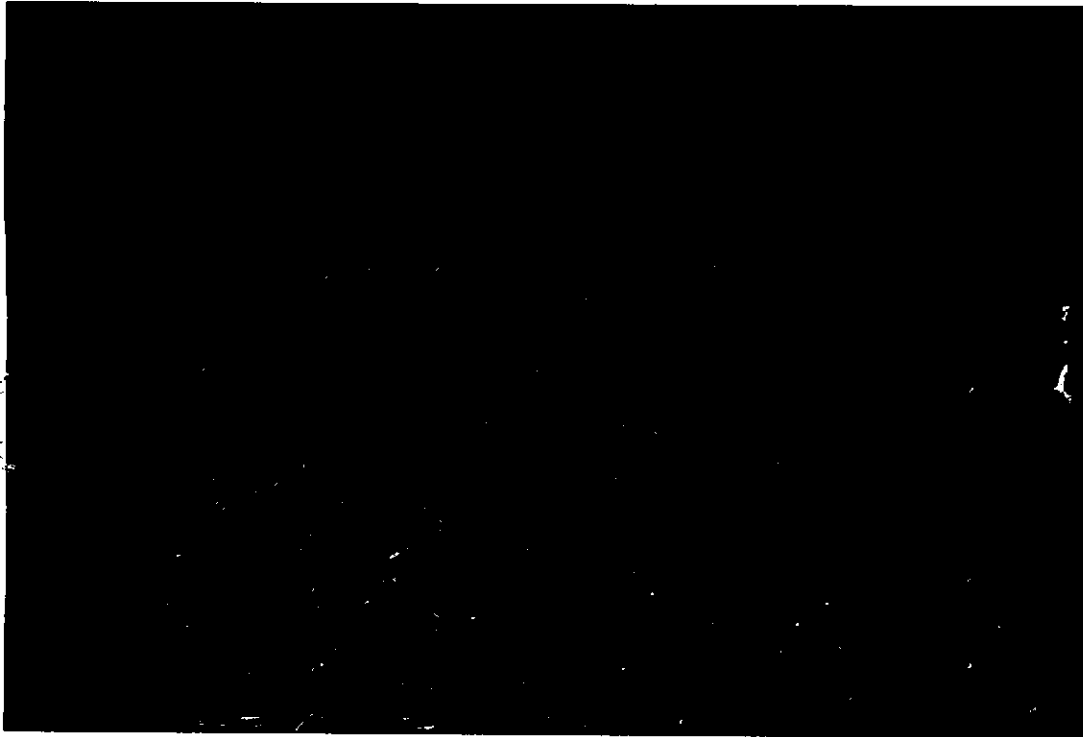
old ditch
from Lone
Tree Creek -
cannot
be used -
Creek became
too deep to
divert into
this ditch.

Place of
use for
Lone Tree
Creek water -
~~W $\frac{1}{2}$ NW $\frac{1}{4}$~~ , Sec.
W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec.
35, 6S, 6W
Picture looking
towards creek
& westerly portion of field

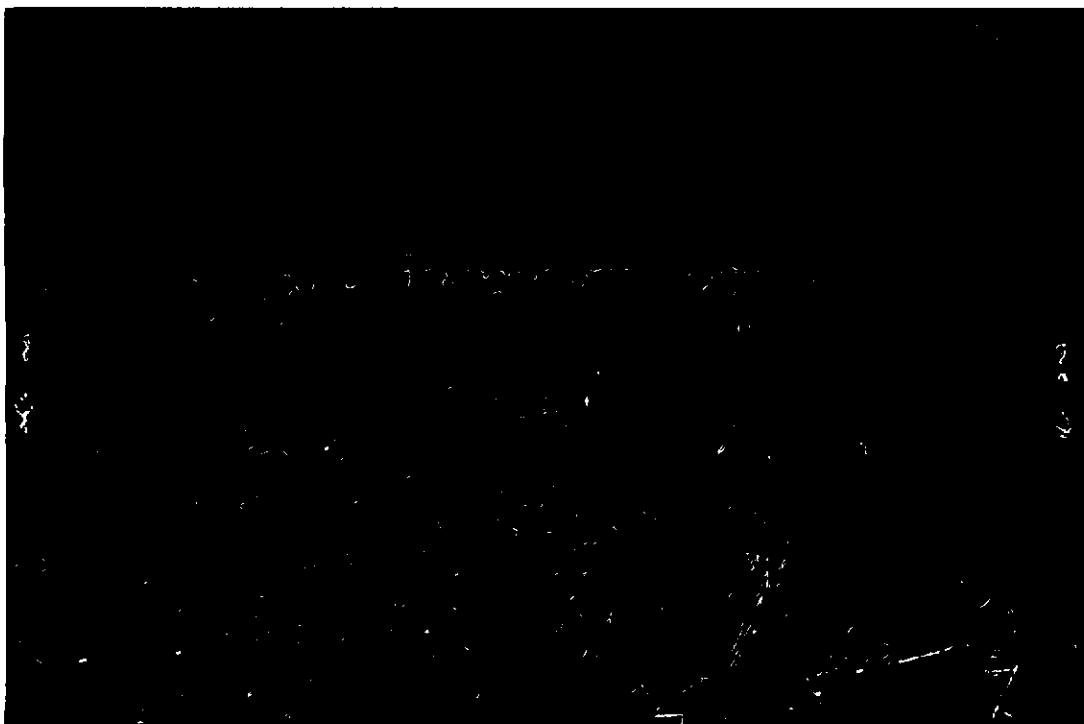


PHOTOGRAPHER: ~~KAT WALKER~~ Linda Werner

DATE OF PHOTOS

6/25/92FILE NO(S). A55-04080, A55-04081 + A55-04085

Place of
use W $\frac{1}{2}$ NW $\frac{1}{4}$
Sec. 35, 6S,
6W- Picture's
taken west
to east -
see also
photo on
bottom of
Page 4 -
Creek in
background.



Place of
use in
SWSW, Sec. 35,
T06S, R 06W



Seebeck -

A55-04080
-04081
-04082

Field notes
6-25-1992

48N
2E
NOT
this
system
6-29-92

Evidence of priority needed -
get copy of map in Permit
No. 17073 ~~micro-film~~ dated 1915
and copy of permit
Check 55-02069 +

used Lone Tree on lands
in 1989 - last time irrigated
Bankruptcy on farm caused
non-use of rights

Dam face $\geq 4'$ high between
big rock piles

A55-04081 Spring 1885
Reservoir size

A55-04080 Lone Tree Diversion 1885
→ Exception filed against
claim in 1982

A55-04082 Lone Tree 1907
→ Exception filed against
claim in 1983
— Excessive flow!! — not
wanted; spoke w/ Seebecks about
excessive flow - only want reg'd
cfs for 1"/ac.

135	236
.02	.02
2.70	4.72

Claim on spring to domestic

1 2 3/4" pipe from reservoir
to p/u

check w/ John on reservoir -

discussed evidence of priority
and use
recent

March 14, 1983

RE:

We, Tom Gluch, Terry Warn & Bob Wroten,

would like to file a exception to Water Right Claim

No. 55-4082,

40 Acres in NW 1/4 NW 1/4 - Sec. 26 - 30 Acres in SW 1/4 NW 1/4 - Sec. 26 and
21 Acres in NW 1/4 1-2 and 3 - Sec. 27 are in Brush land. Never Been Cultivated.
14 Acres in NW 1/4 SW 1/4 - Sec. 26 is Dryland Cultivated and Never Been Irrigated.
It will also interfere with other established downstream water rights

Tom Gluch
 Name
Box 257
Jordan Valley, Oregon 97910

Terry Warn
 Name
Jordan Valley, Oregon 97910

Bob Wroten
 Name
Box 317
Jordan Valley, Oregon 97910

RECEIVED

MAR 15 1983

Department of Water Resources
 Western Regional Office

STATE OF IDAHO
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: ___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 ___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

AA52 NE
see Folder
memoran
Aikenzie

B. After Conducting the Exam, the File Contains:

- ___ Fully Completed and Signed CVR Form
___ Completed Adjudication Claim Checklist
___ Photographs of Point(s) of Diversion and Place of Use
___ Completed map outlining Point(s) of Diversion and Place of Use



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 27, 1996

RE: Notice of Claims to Water Rights

Melvin &/or William Seebeck
P.O. Box 8
Clarksburg, CA 95612

Gentlemen:

I have completed my investigation of your water use of Cattle Creek. I found that you have a valid right on Cattle Creek and will recommend that it be decreed.

While at your Cattle Creek property we also happened across what appears to be a spring or well between four large trees. If it is a spring you need to file an application for permit to appropriate the water. As of May 20, 1971, it became mandatory that any new uses from surface water had to follow the application-permit-license procedure. I searched our records and could find no filing on this diversion. If it is a well, would you like to file a claim for it's use? If so, we will need to have a well log which details the specs (i.e. depth, amount of casing, how it was drilled, etc.) in addition to the claim form. It appeared that the only use from this diversion was for your camp trailer so you would just need a domestic water right unless you plan to develop additional uses from it.

I stopped at the "Deary Place" and found the location you put your pump into Lone Tree Creek when it is being used. We found the pump in the truck in the barn and obtained the information I needed (i.e. the horsepower, pump make and model numbers) to complete the write up on that place. I estimated the lift from the creek to the pump to be somewhere between five and ten feet. The last thing I need to know is at what pressure the pump operates when in use. If you have that information could you please let me know. Hopefully I can complete my recommendations for Lone Tree Creek once I find out the typical operating pressure of the pump.

If you have any questions or need any forms, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k



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

December 28, 1993

RE: SRBA Claims to Water Rights in Owyhee County

Melvin Edward Seebeck, Jr. and/or
William Garrett Seebeck
P.O. Box 8
Clarksburg, CA 95612

Gentlemen:

I just received the statements you submitted, from the Baltzor's, in regard to evidence of your claims to water rights in Owyhee County. Please be advised that these need to be signed by the Baltzor's in the presence of a notary public so that they can be used in court, if necessary, to establish the continued water uses. It would also be helpful if the statements contained the names of the creeks they used and the number of acres that they have irrigated from each source. Since the statutory claims were previously contested, the more information you can submit in regard to the water use on the "Deary Place", the better for your cause.

Feel free to contact me if you have any questions or comments in regard to the above.

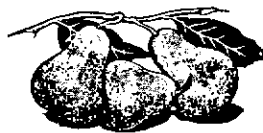
Sincerely,

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

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Kay Walker

Idaho Dept. of Water Resources
Western Region



EAGLE POINT ORCHARDS

Eagle Point Pear Juice

P. O. Box 8
Clarksburg, CA 95612

RECEIVED

DEC 27 1993

WATER
WEST

2735 Airport way

Boise, Idaho 83705-5082

12/19/93

Dear Kay,

I just received the two enclosed Testimonials/Verifications of our water rights, so I wanted to get them off to you as soon as possible. As you can see, these statements are from Michael & Carolyn Baltzer who have current as well as long-standing connections to our "Deary Place". If you need more information from us, or ^{need} more people to verify the continued use of the water rights, please let us know. We are hoping you have enough substantiation from us at this time to confirm all five of our water rights, which are well documented in my previous letters. Please let us know if you need more information.

On 12/6/93 we received the official "withdrawal" letter of our Cattle Creek (1991) Application # 55-7529. As per my previous letter to both you and David Tutthill Jr., we are assuming this withdrawal is correct because of the fact that we ~~have~~ already have the water right on "Cattle Creek" by virtue of the 1915 license.

Please let us know how things are progressing, as we are anxious to solidify our five water rights, so we can begin the long process of repairs/improvements needed on our "Deary Place".
Have a Great Holiday Season! Sincerely, Delvin E. (Skip) Seelach Jr.
Skip

Deary Place

I, Carolyn Baltzor, moved to the Deary Place right after I got married in July 1985.

Bill Ross had hired men at the time who were setting sprinklers and irrigating from water being pumped from Lone Tree Creek.

In 1986, my husband and I started irrigating. We continued to pump from Lone Tree and divert water from Cattle Creek to flood irrigate the hay fields.

We irrigated the upper meadow with water stored in the pond.

From 1985 to the present we have used water from both creeks and spring.

Dec 9, 1993

Carolyn Baltzor
Carolyn Baltzor

Deary Place

I, Michael Baltzor moved to the Deary Place Right after I got married in July 1985.

Bill Ross had hired men at the time who were setting sprinklers and irrigating from water being pumped from Lone Tree Creek.

In 1986, my wife and I started irrigating. We continued to pump from Lone Tree and divert water from Cattle Creek to flood irrigate the hayfields.

We irrigated the upper meadow with water stored in the pond.

From 1985 to the present we have used water from both creeks and spring.

In the late 1970's, my dad Ted Baltzor Sr. Built 2 earth dams in Lone Tree Creek, one above the house $\frac{1}{4}$ of a mile and one below the house about a mile in order to flood irrigate the meadows. Ted worked over

(over)

for Bill Ross at the time.

12-13-93

Michael Baltzor

Michael BALTZOR

sent all to [unclear]

proposed [unclear]

sent [unclear]

sent [unclear]

sent [unclear]

sent [unclear]

sent [unclear]

sent [unclear]

sent [unclear]

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sent [unclear]

sent [unclear]

sent [unclear]



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

December 22, 1993

RE: SRBA Claims to Water Rights in Owyhee County

Melvin Edward Seebeck, Jr. and/or
William Garrett Seebeck
P.O. Box 8
Clarksburg, CA 95612

Gentlemen:

Enclosed are computer generated copies of the claims you recently submitted to our office. Also enclosed is Departmental Receipt No. W016997 in the amount of \$95.00. The next step will be for me to verify the use of the water as claimed under the two new claims. I may drive up to Jordan Valley next week to examine your Cattle Creek claim. You do not need to be present.

In regard to the questions you presented in your letter of November 29, 1993, I offer the following: Application for Permit No. 55-07428 was filed for the irrigation of 152.5 acres. Existing License No. 55-02069 only covers the irrigation of 20 acres. Since the remaining 132.5 acres are not currently irrigated with Cattle Creek water we cannot include these acres or additional water on Notice of Claim No. A55-02069. The 0.40 cfs shown on this license is about 180 gallons per minute, which from what you said in your letter, is more than the creek can provide.

If you wish to pursue the application for permit you need to let us know **on or before January 22, 1994**, otherwise the withdrawal of the application will be accepted as final action in this matter. If you choose to pursue approval of the application, you will need to **provide some dates that you can be present for a conference and/or hearing** to resolve the protests.

On Claim No. A55-13475, your domestic and stockwater spring, I had to insert a month and day of first use. Since you did not provide this information I inserted December 31 of the year claimed, pursuant to Departmental guidelines. This can be amended if you want to provide additional information regarding the first use of the water.

I need some information on the pump that was used to irrigate your land from Lone Tree Creek. If possible, I need to know the horsepower of the pump used, the pressure, and the feet of lift from the creek to where the pump sits. I remember you saying that since the creek channel had become so deep, water had to be pumped to get it to the land but I don't remember discussing the pump information and it was not included in my field notes.

We will be spending this winter reviewing our field work notes and making our recommendations on the claims submitted. Our findings in regard to the adjudication claims will be mailed out sometime late next spring. I have tried to respond to each of your questions. Please let me know if you need further information. Feel free to contact me if you have any questions or comments in regard to the above.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

State of Idaho
Dept. of Water Resources

Kay Walker - Water Resource Agent

David Tutthill JR. - Manager, Western Region office

2735 Airport Way

Boise, Idaho 83705-5082

(Melvin JR. & William Seaback)
P.O. Box 8
Clarksburg, Calif 95612

RECEIVED

DEC 03 1993

WATER RESOURCES
WESTERN REGION

November 29, 1993

Dear Kay & David,

The purpose of this letter is to respond to your two letters: 1) 9/15/93 letter from Kay Walker, and 2) November 3, 1993 letter from David Tutthill. Since both these letters are in regard to our "Cattle Creek" Water Right, I thought it best to respond with this one letter which I will send to the attention of both of you. Let me preface this with my acknowledgement that we are not familiar with all of the complexities of Idaho Water Rights, and we are relying heavily on both of your expertise and suggestions as to how we can best re-affirm all of the Water Rights on our Owyhee County Ranch. As we have said before, we are determined to keep all previous Water Rights on our property, and, as my 9/10/93 correspondence to Kay Walker clearly details, we have provided your department alot of information and substantiation relating to our five Water Rights. Please let us know of any further information and/or substantiation you may need besides that which we have included with this response.

(Regarding the November 3, 1993 letter from David Tutthill Jr.)

As we stated in our 9/10/93 letter, we filed our 8/30/91 Request # 55-09428 for "Cattle Creek" Water Rights (which were later protested by Thomas Gluck & Terry Warr) before we discovered we already had an existing Water Right on "Cattle Creek" under License # 55-02069 dated October 2, 1915. We want to establish as many water usage rights as possible on "Cattle Creek". We feel we are justified in desiring use of this small creek not only because of the previous license, but also because this creek is, and always has been, an extremely integral part of the operation of our Ranch (See Page 3 of our 9/10/93 correspondence to Kay Walker). Further, this small creek starts as a spring just off our deeded property, and (except for heavy run-off periods) the water never even leaves our deeded property. Even though "Cattle Creek" only flows at about 30 gpm, we are sure that with appropriate diversions and storage management this creek can be an even more important part of our irrigation and stock watering system - especially during run-off periods, and with no adverse effect to anyone downstream.

With all of the above in mind, we will rely on your knowledge as to how we should proceed. It seems correct that since we already have an existing License

11/29/93
(Page 2)

(#55-02069) on "Cattle Creek" Water Rights (Dated Oct. 2, 1915), there is no need to proceed with the 8/30/91 Request # 55-07428. Do you agree?? Or should we pursue the new Application as well as keep the old license so as to get most water rights possible? Would this give us more usage during heavy run-off periods? These are all questions we would hope you could help us answer. Now that we have more information, we would be happy to meet with either or both of you to help lay out our options, and to get your opinion on how to best proceed with our five Water Rights. Please be advised that in no way do we feel our intentions are "speculative", and we are prepared in every way to pursue our Water Rights which would include any necessary conferences to remove any protests.

(Regarding the September 15, 1993 letter from Kay Walker)

Kay, as per your suggestion we got Bill Ross to notarize the "Evidence of Priority" on our Water Rights (2 copy of two pages are included for your files)

Regarding "Cattle Creek" previous Claim # 55-02069 (previously discussed in this letter) - I have completed the claim form you sent us as best as possible - Can we increase the appropriated quantity of water, or the number of use acres? I wasn't sure what you meant by "make any changes we would like to make....."

I have filled out the "Withdrawal Form" and signed it to withdraw Application # 55-07428. Again, we are relying on your judgement that this is the best thing to do to both clean-up and maximize our Water Rights. It certainly seems good to us to not have to deal with a protest (and possible bad feelings with new neighbors) if we can get all we need from this previously issued License.

I have also done my best to finish filling out the "Domestic Spring" form you sent us --- please let us know if you need more information. Remember, we want this to be approached as an existing usage, and not a new usage. Enclosed is our check #870 for \$95⁰⁰ which covers: 1) \$70 for "Cattle Creek" old license # 55-02069

Includes 20 acres - do we need more \$ if more acreage??

2) \$25 Claim for Domestic Spring (Cattle Creek)
(previous use back to 1944)

All forms are notarized as you requested - Thanks Again to you Kay, and also to Dave Tuthill JR. for helping steer us in the right direction as we get all these rights straightened out. Again, now that we seem to be getting close to finalizing the "Water Rights", we would be happy to make a trip up to meet one or both of you to expedite the process, and finish answering the questions I, as a novice on these matters, have posed in this letter.

Please let us know what else we need to do - - - - -

Thanks for your help!

Sincerely, Melvin E. Seelach Jr.

Z-3

RECEIVED

DEC 03 1993

WATER RESOURCES
WESTERN REGION

HEREFORDS AND HORSES
Bill and Phyllis Ross
Jordan Valley, Oregon 97910
503-586-2380

Original
From Bill Ross
10/16/93

Kays

(Copy)

This is to attest that the Deary Ranch was acquired by my father, Sam Ross, and myself from Bas Deary in 1944. It was operated continuously as a part of our cattle operation from that time until the property changed ownership in 1990.

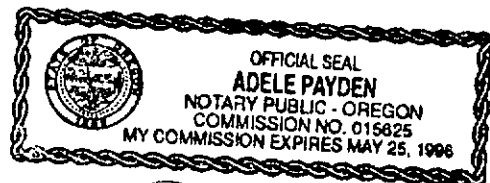
Beneficial use was made of the water rights on this property in accordance with Idaho water law throughout the time of our ownership. At no time was there a lapse of beneficial use extending for as long as three years on any of the five established claims and rights. A description of those filings and rights are listed below.

This statement is intended as a preliminary to a more detailed narrative which will follow when time permits me to organize and research such information.

Very truly yours,

William E. Ross

William E. Ross
date



Adele Payden 10-5-96
Notary for Oregon

1, Bill Ross being of sound state of mind, do hereby state the following facts as I know them to exist to the best of my recollection regarding the following water rights for the "Deary Place", which is located approximately 13 miles south of Jordan Valley, Oregon on the northwest slope of South Mountain, Idaho (Sections 1, 2, 3, 26, 27, 34, 35 in Owyhee County, approximately 1200 acres in total):

1. **LONE TREE CREEK** (established 4/1/1885, point of diversion T07S R06W S03 LOT 4) (CLAIM #A55-04080).
2. **LONE TREE CREEK** (established 4/1/1907, point of diversion T07S R06W S03 LOT 2). (CLAIM #A55-04082)
3. **SPRING SUPPLYING RESERVOIR** (CLAIM #A55-04081 DATED 4/1/1885)
DIVERSION T07S R06W S02 SENW.
4. **CATTLE CREEK** (WATER LICENSE #55-02089 dated 10/2/1915, Alfred Feltwell, point of diversion T07S R06W SECTION 1 TRACT NW NW.
5. **DOMESTIC SPRING ON CATTLE CREEK**

I owned the Deary Place from 1944 thru 1950 and to the best of my recollection there has never been a period of 3 years or more where water use on the Deary Place did not involve ALL of the above before mentioned water rights.

As proof of this, I petitioned the Idaho Department of Water Resources on several occasions for the acknowledgement and /or reestablishment of the aforementioned water rights (*list attached*). Further more, I am offering a list of names of fellow ranchers and employees and others who have first hand knowledge of continued use of water on the Deary Place which shows the continue utilization of water rights for the purpose of our cattle operation.

Since I owned the ranch for so many years and made so many efforts to preserve the existing water rights of the Deary Place, I am writing this affidavit to help the new owners finalize what I know to be the above five (5) water uses for the property said to be called Deary Place, as described above.

Bill Ross
9/7/93



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

September 15, 1993

RE: SRBA Claims to Water Rights in Owyhee County

Melvin Edward Seebeck, Jr. and/or
William Garrett Seebeck
P.O. Box 8
Clarksburg, CA 95612

Gentlemen:

I received your letter and evidence of priority for your claims yesterday. In a quick review of what you submitted, I have prepared a couple of claim forms for your signature, and have a suggestion regarding your evidence. The evidence of your priority dates should be in affidavit form (notarized statements) or it may not stand up in court if someone was to object to your claims.

The enclosed claim numbered A55-02069 is for the license on Cattle Creek. I prepared this based on the way the license was issued. If you have any changes that you would like to make on this form, just cross through the information and make your change, then **date and initial any corrections**. You also need to complete item 9, with the number and kind of stock you are watering. I am also enclosing a "Withdrawal" form that you should sign and return to withdraw Application No. 55-07428.

The second claim form (handwritten) is for the domestic spring located at the old Deary place. There were several items on this form that I could not complete. You need to complete items 2 (date of first use of the spring), item 9 (number of livestock that drink from the spring), item 13 (other water rights used for domestic and stockwater purposes at this location) and item 16, (either one of you can sign in the presence of a notary public).

The filing fee for Claim A55-02069 is \$70.00 (\$50.00 claim fee and \$20.00 per acre claimed). The fee for the claim on the spring is \$25.00. Please return these signed and notarized forms, along with the filing fee, at your earliest convenience. If you have any questions regarding any of this, please feel free to contact me at (208)334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

RECEIVED
SEP 14 1993

September 10, 1993

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Resources
Kay Walker, Senior Water Resource Agent
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Dear Kay,

I enjoyed talking with you today, and enclosed is the preliminary information from Bill Ross (*previous owner*) showing his proof of continued use of the five water rights on our "Deary Ranch" from 1944 through 1990. I have also enclosed a rough draft of the five water rights of our "Deary Ranch", which we put into summary form for Bill Ross' review. All this information, and much more will be re-organized and added to as we do more research.

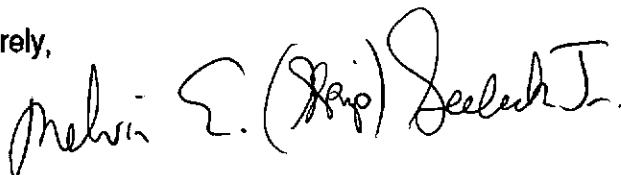
Other people who we intend to get written documentation from verifying continued "Deary Ranch" water use over the years include:

Frank Lazer
Mike Baltzor (for Ted Baltzor) (irrigated out of Lone Tree Creek late 1970's).
Ray Gluch (irrigated out of Lone Tree Creek with high pressure gun 1960's).
Alfonso Accordgoita
Simon Corta (continued use of domestic Cattle Creek Spring).
Mary Deary
and more ...

Kay, we appreciate your patience as we gather all the necessary information so that you people can officially recognize our five water rights as continuing usages and existing viable water rights. Please note: that we feel there is no need to pursue our new Cattle Creek Water Right Request #55-07428 (8/30/91) since we have now shown the old license #55-02069 dated October 2, 1915.

Your thoughts and assistance are greatly appreciated as we definitely want to get all our necessary documentation to you so that we can preserve all our previous five water rights and usages as we have listed them.

Sincerely,



Melvin E. Seebach, Jr.

HEREFORDS AND HORSES
Bill and Phyllis Ross
Jordan Valley, Oregon 97010
503-586-2380

This is to attest that the Deary Ranch was acquired by my father, Sam Ross, and myself from Bas Deary in 1944. It was operated continuously as a part of our cattle operation from that time until the property changed ownership in 1990.

Beneficial use was made of the water rights on this property in accordance with Idaho water law throughout the time of our ownership. At no time was there a lapse of beneficial use extending for as long as three years on any of the five established claims and rights. A description of those filings and rights are listed below.

This statement is intended as a preliminary to a more detailed narrative which will follow when time permits me to organize and research such information.

Very truly yours,



William E. Ross

9/7/93

date

I, Bill Ross being of sound state of mind, do hereby state the following facts as I know them to exist to the best of my recollection regarding the following water rights for the "Deary Place", which is located approximately 13 miles south of Jordan Valley, Oregon on the northwest slope of South Mountain, Idaho (Sections 1, 2, 3, 26, 27, 34, 35 in Owyhee County, approximately 1200 acres in total):

1. LONE TREE CREEK (established 4/1/1885, point of diversion TO7S R06W S03 LOT 4) (CLAIM #A55-04080).
2. LONE TREE CREEK (established 4/1/1907, point of diversion TO7S R06W S03 LOT 2). (CLAIM #A55-04082)
3. SPRING SUPPLYING RESERVOIR (CLAIM #A55-04081 DATED 4/1/1885) DIVERSION TO7S R06W S02 SENW.
4. CATTLE CREEK (WATER LICENSE #55-02089 dated 10/2/1915, Alfred Feltwell, point of diversion TO7S R06W SECTION 1 TRACT NW NW.
5. DOMESTIC SPRING ON CATTLE CREEK

I owned the Deary Place from 19~~44~~⁴⁴ thru ~~1990~~ and to the best of my recollection there has never been a period of 3 years or more where water use on the Deary Place did not involve ALL of the above before mentioned water rights.

As proof of this, I petitioned the Idaho Department of Water Resources on several occasions for the acknowledgement and /or reestablishment of the aforementioned water rights (list attached). Further more, I am offering a list of names of fellow ranchers and employees and others who have first hand knowledge of continued use of water on the Deary Place which shows the continue utilization of water rights for the purpose of our cattle operation.

Since I owned the ranch for so many years and made so many efforts to preserve the existing water rights of the Deary Place, I am writing this affidavit to help the new owners finalize what I know to be the above five (5) water uses for the property said to be called Deary Place, as described above.

Bill Ross
9/7/93

(Rough Draft)

RECEIVED
SEP 14 1993

Department of Water Resources
Western Regional Office

I, Bill Ross being of sound state of mind, do hereby state the following facts as I know them to exist to the best of my recollection regarding the following water rights for the "Deary Place", which is located approximately 13 miles south of Jordan Valley, Oregon on the northwest slope of South Mountain, Idaho (Sections 1, 2, 3, 26, 27, 34, 35 in Owyhee County approximately 1200 acres in total):

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3. **SPRING SUPPLYING RESERVOIR** (CLAIM #A55-04081 DATED 4/1/1885) DIVERSION TO7S R06W S02 SENW.
4. **CATTLE CREEK** (WATER LICENSE #55-02069 dated 10/2/1915, Alfred Feltwell, point of diversion TO7S R06W SECTION 1 TRACT NW NW.
5. **DOMESTIC SPRING ON CATTLE CREEK**

I owned the Deary Place from ¹⁹⁴⁴~~1943~~ thru ¹⁹⁹⁰~~1991~~ and to the best of my recollection there has never been a period of 3 years or more where water use on the Deary Place did not involve ALL of the above before mentioned water rights.

As proof of this, I petitioned the Idaho Department of Water Resources on several occasions for the acknowledgement and /or reestablishment of the aforementioned water rights (*list attached*). Further more, I am offering a list of names of _____ and employees and others who have first hand knowledge of continued use of water on the Deary Place which shows the continue utilization of water rights for the purpose of our cattle operation.

Since I owned the ranch for so many years and made so many efforts to preserve the existing water rights of the Deary Place, I am writing this affidavit to help the new owners finalize what I know to be the above five (5) water uses for the property said to be called Deary Place, as described above.

To best explain what I know about the above five (5) water rights, I will address each water right individually and explain how each was used continually as we ran our cattle operation.

WATER RIGHT #1 LONE TREE CREEK (established 4/1/1885, point of diversion TO7S RO6W SO3 LOT 4) (Claim #A55-04080).

This water right is very old and the point of diversion has been affected by recent changes in the depth of Lone Tree Creek caused by erosion. Nevertheless, I have made efforts to pump water from Lone Tree Creek into old diversion canals that dispensed water from Lone Tree Creek onto the Deary Place. Frank Baltzar, my employee, on several occasions operated this pump (1970 - 1980's) to bring water out of Lone Tree Creek onto the Deary Place.

WATER RIGHT #2 LONE TREE CREEK (established 4/1/1907, point of diversion TO7S RO6W SO3 LOT 2). (CLAIM #A55-04082)

This use of water from Lone Tree Creek is closely related to the other water right on Lone Tree Creek in that the elevation of Lone Tree Creek itself has lowered over the years due to erosion. Once again, however, we have made a continued effort over the years to use Lone Tree Creek water for irrigation in the production of hay on the 200+ acres of land located along Lone Tree Creek

WATER RIGHT #3 SPRING SUPPLYING RESERVOIR (established 4/1/1885, point of diversion TO75 RO6W SO2 SE NW), (Claim #A55-04081).

This spring originates on deeded land on the Deary Place and flows into the Deary Place reservoir from which it has always been dispersed annually onto the Deary Place pasture and hay fields. Further use of this spring since 1963 has been a water source for domestic use at the main ranch residence located approximated 1800 linear feet below the spring. This spring feeds the approximately 6 acre reservoir which supplies water directly to various Deary Place fields..

WATER RIGHT #4 CATTLE CREEK (WATER LICENSE #55-02069 dated 10/2/1915 point of diversion TO7S RO6W SECTION 1 TRACT NW NW).

Cattle Creek water has been used for stock and irrigation on the Deary Place since the 1800's. There exists various diversion canals off of Cattle Creek which we have used to dispense water to various points on the Deary Place. There are two diversion canals (*one small and one large*) approximately 1 mile east of the main road which have been used to dispense water to the meadows on the south side of Cattle Creek and the surrounding area. Also, Cattle Creek water that flows under the main road to the Deary Place meadows has always been diverted to continuously irrigate lower meadow areas. For the past 8 years, Mike and Carolyn Baltzar (*ranch tenants*) have used this Cattle Creek flow to irrigate the lower meadow area. Prior to this ranch employees have made sure Cattle Creek water was reaching Deary Place low lands and was dispersed as efficiently as possible to irrigate the various crops before the water reached Lone Tree Creek. As I understand it, in 10/2/1915 a license was issued for this ranch under the name of Albert Feltwell for the specific use of water on the Deary Place.

WATER RIGHT #5 DOMESTIC SPRING ON CATTLE CREEK

To the best of my knowledge this small spring in the form of a hand dug well was originally utilized for the old homestead which existed on the Deary Place from _____ to _____. This spring produces a small artesian flow that has been used for stock and domestic use continuously throughout the years. Because of the artesian flow a small pool of water located between four (4) large Lombardi popular trees has always been a known water source on the ranch. Other people who have used this old spring are _____, _____ and _____.



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

Mail Date: April 30, 1993

Response Date: May 30, 1993

Melvin Edward Seebeck, Jr. and/or
William Garrett Seebeck
P.O. Box 8
Clarksburg, CA 95612

Gentlemen:

We are currently in the process of preparing your Notice of Claims for court decree in the Snake River Basin Adjudication. The claims in question are as follows:

Claim No. A55-04080

This claim was filed based on beneficial use of water dating back to April 1, 1885, from Lone Tree Creek.

Claim No. A55-04081

This claim was filed based on beneficial use of water dating back to April 1, 1885, from a spring tributary to Lone Tree Creek. Our measurement of this spring turned out to be 0.73 cubic feet per second which is equivalent to 327 gallons per minute.

Claim No. A55-04082

This claim was filed based on beneficial use of water dating back to April 1, 1907, from Lone Tree Creek.

On October 21, 1991, the Department sent you a copy of a letter previously sent to William E. Ross, requesting that you submit evidence supporting the priority date that had been listed on the above claims. However, this evidence has not been received in our office.

Before the Department can make a recommendation to the Court for decree of these claims, some evidence of the priority date claimed must be submitted. Again we are enclosing a brochure outlining types of evidence you may submit. If we do not receive the requested information, these claims will be recommended for disallow due to lack of evidence supporting any priority date.

As for the use of the spring you have re-developed for domestic uses, you should file an application for permit. Enclosed is an application for permit form with instructions for your use in this matter. Any surface water sources that were developed after May 20, 1971, must be filed on. If I remember correctly, this spring was used for domestic purposes years ago and you had recently rebuilt the

*5-6-93
Skip Seebeck
called - is still
gathering evidence -
told him I had to
have it by the
end of this
summer.
KW*

Page 2 of 2
April 30, 1993

same system. I suggest you file the application for permit form rather than a claim, since the system had undergone some years of non-use.

Thank-you for your cooperation. If you should have any questions, or feel that you need help in any way, please feel free to contact me at (208)334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

May 22, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MELVIN E SEEBECK JR
WILLIAM G SEEBECK
PO BOX 8
CLARKSBURG CA 95612

RE: Claims filed in the Snake River Basin Adjudication

Dear Claimants:

*CLAIM NO. ASS-04080, ASS-04081,
ASS-04082 - DWYHER CO.*

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

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

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

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

In some cases, the date of priority claimed also needs to be verified. Letters were sent to some claimants notifying them that evidence of the date of first use of their water right(s) was required. If you received one of these letters and have questions, we can address those during our examination.

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

LINDA WERNER

KAY WALKER

RON HOWERTON

ROXANNE MCCARTHY

MICROFILMED

SEP 29 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Date 10-21-91

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Notice of Claim No.(s) A57-04080

A57-04081

A57-04082

[MERWIN E. SEEBECK, JR.]
WILLIAM G. SEEBECK
P.O. BOX 8
[CLARKSBURG, CA 95612]

Dear Claimant:

Enclosed is a copy(s) of the above referenced claim(s) which reflects the change in ownership of the lands and appurtenant water right(s) covered under the original filing(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree. * SEE BELOW.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

JAN SHURTE
WATER RIGHT SUPERVISOR
ADJUDICATION SECTION

JS:j
Enclosure(s)

RECEIVED
SEP 25 1991

* ATTACHED IS AN EVIDENCE OF PRIORITY LETTER WE SENT ON 6-28-91 TO THE PREVIOUS OWNER OF THESE CLAIMS. HE DID NOT SUBMIT THE EVIDENCE REQUESTED & THIS IS STILL A REQUIREMENT OF THESE CLAIMS. WE WILL BE IN THIS AREA NEXT SUMMER AND IF NO EVIDENCE IS IN BY THEN, WE WILL LET YOU KNOW.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

*No Copy sent with
Change of Ownership
letter sent 10-21-91 J*

A55-04080 *JUNE 28, 1991*
WILLIAM E. ROSS

RE: Claim No(s): A55-04080, 04081,

04082, 04144

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

JORDAN VALLEY OR 97911

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

JS:lh
Enclosures

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SEP 29 1992

RECEIVED

SEP 7 1982

August 31, 1982

Department of Water Resources
Western Regional Office

Re: 55-4080

wex, _____, would like to file a
exception to Water Right Claim. No. 55-4080,

Due To No Evidence of any old filing Records
and No application to Beneficial Use in the last.
this will Interfere with Downstream 10 years
Rights

Tom Glach

name

Box 257

Jordan Valley, Ore. 97910

address

Jerry Warn

Box 235

Jordan Valley

999 Ore.

Bob Wroten

Box 317

Jordan Valley, Ore.

97910

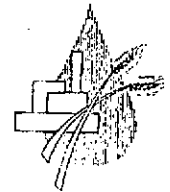
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MICROFILMED

SEP 29 1982

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that BILL ROSS

(Name of Claimant)

Jordan Valley, Oregon 97911

(Mailing Address)

Telephone No. (503) 586-2380

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1885

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Lone Tree Creek tributary to Jordan Creek

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

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>3.5 c.f.s.</u>	Use <u>irrigation</u>	Period of Use From <u>April 1</u>	To <u>Oct. 31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 3.5 c.f.s. TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

½ Lot 4 ½ Sec. 3 Twp. 7S Rge. 6W B.M., County of Owyhee

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, _____ Describe any changes in the system and give the date of the _____

priority date was obtained from the statement on Application for Permit,
No. 17073, filed in 1915 by a previous owner. Other information might
establish an earlier priority date.

SEE ATTACHED COPY OF MAP PREPARED IN 1915
BY E. B. ALSOP, C.E.

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,
~~and show the location and range of the public land survey system.~~

Old (D) Number -

+ Address

1 1 1
2 2 2

City- JORDAN VALLEY
Phone -

~~Stage~~
S - STATUTORY CLAIM

- - Tributary -
JORDAN CREEK ✓

Point of Diversion
ty

ЭНУМЕ

----- Water Use
Period From Period To

3.500

+ - Total Div. Capacity - +

Description	Amount
...	...

[illegible]

Total Acres: 236.0 ✓

+ - - Diversion Means - ROCK DAM & DITCH

+ - - Non-Irrigation Use -

+ . - Other Rights for Same Use -