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Documents
In File

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: A55-10355
Date Received: 4/30/1993
Receipt No: W016196
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES HAYHURST 503-586-2696
Address: 1455 HWY 95 N
JORDAN VALLEY OR 97910

2. Date of Priority: MAR 1, 1893

3. Source: COW CREEK Trib. to: COW LAKES

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	06W	1	NW	NE		2	OWYHEE

5. Description of diverting works:
DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.560		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 400 HD MIXED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

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

13. Other Water Rights Used:
NONE

14. Remarks:
PLACE OF USE IN OREGON: 28 ACRES
T28S, R46E, SECTION 13, NWSW(28)

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

AJ0749NP
No. R55-10355

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

DATE: 02/27/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES HAYHURST 1455 HWY 95 N JORDAN VALLEY OR 97910 (503) 586-2696	04/15/1893	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	0.56 CFS 0.09 CFS	
TOTAL DIVERSION:					0.65 CFS	

Water Source: COW CREEK

Tributary to: MAHOGANY CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T04S R06W S01 Lot02(NWNE)

OWYHEE County

POU County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A55-10014 A55-10355 R55-10014

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Remarks: POU1 PLACE OF USE INCLUDES THE IRRIGATION OF 28 ACRES WITHIN THE
STATE OF OREGON.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 55-10014
STOCKWATER, 400 RANGE CATTLE & HORSES

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

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

Comments: Date: 02/03/1995 User-ID: LWERNER Subject: COPIED FROM REMARKS
PLACE OF USE IN OREGON: 28 ACRES
T28S, R46E, SECTION 13, NWSW(28)

Date: 02/03/1995 User-ID: LWERNER Subject: GOVERNMENT LOT
GOVERNMENT LOT NUMBER IS ACTUALLY 2A.

Audit: 02/27/98 MSCHULTE

AJ0749NP
No. R55-10355

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

DATE: 02/03/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES HAYHURST 1455 HWY 95 N JORDAN VALLEY OR 97910 (503) 586-2696	04/15/1893	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	0.56 CFS 0.09 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.65 CFS	

70.00 AFA

delete

Water Source: COW CREEK

Tributary to: COW LAKES

Stage: BENEFICIAL USE

Point(s) of Diversion:

T04S R06W S01 Lot02(NWNE)

OWYHEE County

POU County:

EXP range

Non-Irrigation Uses: STOCKWATER, 400 CATTLE HORSES

Remarks: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 55-10014
PLACE OF USE INCLUDES THE IRRIGATION OF 28 ACRES WITHIN THE
STATE OF OREGON.

*EXP F05
POU J05*

Dates: Exam Made Date: 06/09/1992 Verified Date: 02/03/1995

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

Comments: Date: 02/03/1995 User-ID: LWERNER Subject: COPIED FROM REMARKS
PLACE OF USE IN OREGON: 28 ACRES
T28S, R46E, SECTION 13, NWSW(28)

Audit: 02/03/95 LWERNER

March 6, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

MAR 24 1998

**WATER RESOURCES
WESTERN REGION**

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:

55-10355

JAMES HAYHURST

1455 HWY 95 N

JORDAN VALLEY OR 97910

Daytime Telephone Number: 541-586-2696

Evening Telephone Number: //

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 3-19-98

SIGNATURE: James Hayhurst

Please print your name: James Hayhurst

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

COPY INCLUDED
IN FILE?

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	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 _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
(X) OTHER <u>Cow Creek Decree page</u>	DATE <u>5-14-1932</u> <u>Oregon Decree (Page 2b)</u>	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 _____		
(X) WATER RIGHT LICENSE	DATE LICENSE SIGNED <u>11-20-1929</u>	<u>1</u>	<u>Oregon Cert of Water Right - Page 2a.</u>
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____		
() SYSTEM DESCRIPTION	DATE DRAWN _____		
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____		
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____		
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____		
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____		
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____		
() OTHER _____	DATE _____		
() OTHER _____	DATE _____		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:46:47
05/25/93

PAGE: 11
QUICKLOOK INFORMATION

11
CLAIM NUMBER: A55-10355

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		⁹ 6-3-92	Y	*6			
POINT OF DIV	Y		L. Werner	Y	4, 5			
SOURCE	Y			N	5			
PLACE OF USE				N	1, 4, 5			
DIV. AMOUNT CFS/VOLUME	Y			N	5			
CONSUMPTIVE USE	-				-			
PURPOSES	Y			N	1, 4, 5			
PERIOD OF USE	Y			Dept. Std.	Dept. Std.			
BASIS OF CLAIM	Y				J			
REMARKS	Y							

"VERIFIED BY" CODES

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

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

See A55-10014 for more information. L.R.W. 2-3-95

Based on Oregon decreed rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:46:47
05/25/93

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A55-10355

LAST: HAYHURST
ADDRESS: 1455 HWY 95 N
CITY: JORDAN VALLEY
PHONE NUMBER: 503-586-2696

FIRST: JAMES
STATE: OR ZIP: 97910

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: PLACE OF USE IN OREGON: 28 ACRES
T28S, R46E, SECTION 13, NWSW(28)

FIELD EXAMINATION INFORMATION

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:

Saw phone conversation memo in A55-10014.

A. AJ CLAIM: # A55-10355 PRIORITY DATE: 03-01-1893 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

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

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

NOTES: Priority date evidence based on previously decreed
Oregon water right. Although priority put that
date is March 1, 1893 our rules state the month &
day of priority should be beginning of irr. season
per Idaho Standards. This would be April 15.

RECOMMENDED PRIORITY DATE:

4-15-1893

REVIEWED BY

Linda Warner

DATE

5-28-93

2a

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This is to Certify, That MAUDE HAYLETT

of Jordan Valley, State of Oregon has a right to the use of the waters of Cow Creek for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Malheur County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 9 at page 1; that the priority of the right thereby confirmed dates from 1893 for Tract #1; 1896 for Tract #2; March 15, 1899 for Tract #3; March 15, 1891 for Tract #4; March 1, 1893 for Tract #5

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2 acre feet per acre prior to June 1st, and $\frac{1}{2}$ acre foot per acre during any calendar month after June 1st, of each irrigation season from April 1st to October 15th.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

TRACT #1: 9.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T. 28 S., R. 46 E., W.M. (East side of Cow Creek)

TRACT #2: 9.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T. 28 S., R. 46 E., W.M.

TRACT #3: 17.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ (West side Cow Creek), 34.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T. 28 S., R. 46 E., W.M., being a total of 52.1 acres.

TRACT #4: 35.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 34.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, 1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 15.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 6.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T. 28 S., R. 46 E., W.M., being a total of 102 acres.

TRACT #5: 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T. 28 S., R. 46 E., W.M.

-3-15-1891

-3-1-1893

And said right shall be subject to all other conditions and limitations contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 20th day of November, 1929.

REMA LUPER,
State Engineer.

TE PRINTING DEPT.

Decree - May 14, 1932

Order Supreme Court

Recorded - Vol. 11, p. 447

Recorded - Vol. 12, p. 395

RECORDED - Vol. 11, p. 447

Haylett, Maude

(Continued)

March 15,
1891

102

Irrigation

Goodyear

Cow
Creek

35.3 acres in NE NW
8.1 acres in NW NW
34.9 acres in SW NW
Section 13,
1 acre in SE NE
15.9 acres in NE SE
6.8 acres in SE SE
Section 14,
T. 28 S. R. 46 E. N. M.

March 1,
1893

40

Irrigation

Haylett

Cow
Creek

40.3 acres in NW SW
Section 13,
T. 28 S. R. 46 E. N. M.

1933

Jordan Valley Cattle Co., July 5, 1887
a corporation,
224 Idaho Bldg.,
Boise, Idaho.
By: Timoteo Lequerica, Agt.,
Danner, Ore.

682.8
ac.
total
from
East
Cow
Creek

143.3

Irrigation

Checks,
dams,
ditches,
flooding

East
Cow
Creek
Springs
& three
other
springs

37.5 acres in SW SE
35.4 acres in SE SW
35.9 acres in SW SW
Section 15,
34.5 acres in SE SE
Section 16,
40 acres in NE NE
40 acres in SE NE
Section 21,
33.3 acres in NW NW
31.5 acres in NE NW
res in SW NW
res in SE NW
res in NW NE
res in NW SW
Section 22,

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-10355	04S	06W	1		NW	NE	2	OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD	
A PREFIX	R PREFIX
A55-10014	NONE

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: COW CREEK

TRIB: COW LAKES

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER

NOTES:

NOTES: Point of diversion very close to the new section 1;
however, O-P quad shows it in NWNE, Section 1.
See A535-10014 for map.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

[illegible]

SOURCE: Cow creek

TRIB: Cow lakes

REVIEWED BY: Linda Warner

DATE: 5-28-93

=====

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A55-10355

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TOTAL ACRES							A55-10355				

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

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY:
DUE TO POU DISCREPANCY? (Y/N) N _____

PRESUMPTION FLAG:

NOTES:

Place of Use in Oregon.
T28S, R46E, Sec. 13, NW 1/4 (28)
See A55-10014 for more info.

RECOMMENDATIONS:

TOTAL ACRES: 28
REVIEWED BY: Linda Wierman

DATE: 5-28-93

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A55-10355 IRRIGATION	FROM 04-01 TO 11-01	.560 CFS
A55-10355 STOCKWATER	FROM 01-01 TO 12-31	.090 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.650 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
----------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) N() Explain in notes, below.

NOTES:

4-15 to 10-15

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.650 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

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

FLOW MEASUREMENT REQUIRED?

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD Mannings, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

See results on A55-10014
Measured channel capacity is
3.34 cfs

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 28 x 0.02 CFS/ACRE = 0.56 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 28 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 70.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

FOG: 55-10014 & Burgess PAD
JO5: 28 acres in Oregon.

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>Irrigation</u>	<u>4-15 10-15</u>	<u>0.56</u>	<u> </u>	<u>70.0</u>
<u>Stockwater</u>	<u>1-1 12-31</u>	<u>0.09</u>	<u> </u>	<u> </u>
TOTAL FOR THIS RIGHT		<u>0.65</u>	<u> </u>	<u>70.0</u>

REVIEWED BY: Linda Warner

DATE: 5-28-93

Stockwater, 400 mixed

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-10355

TOTAL DIVERSION RATE OF WR SPLITS DATABASE EXAMINER CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A55-10355	0.650	-		-	
TOTAL CFS		0.650				

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

NOTES:

AUTHENTICATION:

SIGNATURE: Linda Werner

DATE: 5-28-93

NAME OF FIELD EXAMINER: L. Werner

TITLE: Sr. WR Agent



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

February 28, 1994

JAMES HAYHURST
1455 HWY 95 NORTH
JORDAN VALLEY OR 97910

Dear Mr. Hayhurst;

Enclosed you will find information relating to my field exam findings regarding the found point of diversion and number and location of irrigated acreage.

You have two Notices of Claim to a Water Right on file with the Department. These are numbered A55-10014 and A55-10355. The water usage relating to each is as follows:

A55-10014

Priority date-4/15/1891
Point of diversion-T4S, R6W, Section 1, NW1/4NE1/4
Place of use-In Oregon at T28S, R46E, Section 13, NE1/4NW1/4-29 acres, NW1/4NW1/4-4 acres, SW1/4NW1/4-30 acres; Section 14, NE1/4SE1/4-13 acres and SE1/4SE1/4-6 acres
Total acreage = 82 under the 1891 priority date.
Duty of water is 82 inches
Stockwater for 400 cattle on the above lands at 0.09 cfs. (4.5 inches)

A55-10355

Priority date-4/15/1893
Point of diversion-Same as above
Place of use-In Oregon at T28S, R46E, Section 13, NW1/4SW1/4-28 acres
Total acreage = 28 under the 1893 priority date.
Duty of water is 28 inches.
Stockwater for 400 cattle on the above 28 acres at 0.09 cfs.

I am enclosing a map outlining the above diversion and places of use. Remember that the above findings are preliminary recommendations and may be subject to change. Although I do not anticipate any changes, we still have to go through the notification process, notice of error procedure and objection period before these claims are completed and recommended for final court decree.

Page 2
February 28, 1994

Feel free to contact me if you have any comments or questions.

Sincerely,

Linda Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 21, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JAMES HAYHURST
1455 HWY 95 NORTH
JORDAN VALLEY OR 97910

Dear Mr. Hayhurst;

Enclosed please find the two Notices of Claim to a Water Right, which we discussed in our phone conversation Wednesday. Before signing, be sure to look these over to be sure they accurately reflect your usage. I am enclosing a map which shows the place of use. I will also enclose a copy of the document reflecting the priority dates for the lands in question.

Upon receipt I will continue with my field exam write-up and subsequent recommendation. You will be receiving a notice sometime during the winter of 1993 which will outline the preliminary recommendation for the Court. At such time you will then be given a period of time to file a notice of error should there be a problem.

In the meantime, feel free to contact me should you have any questions. Please be sure to return these to my attention as soon as possible.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

4-28-93- J. Hayhurst called, said he was
sending claims in w/ additional fee

CONVERSATION MEMORANDUM

DATE 4-21-93FILE A55-10355

NAME OF PARTY

EMPLOYEE

James HayhurstLinda Worman

RE:

Amended claims

Stock - How long are they at P.O. A.? ^{Year} Around
May change season of use. Does he
want to include them as usage? 400 hd = 0.09
Irrigation season of use will be 4-15 to 10-15.

Priority date will be beginning of irr. season.
4-15-1891 * 4-15-1893

Calculated acreage - more than claimed
106 claimed vs 110 found. Need an
extra \$4.00

Quantity - did not claim an inch to the acre
Why not? Does he want to?



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MAILING DATE: April 13, 1993
RESPONSE DATE: May 13, 1993

James Hayhurst
1455 Hwy 95 North
Jordan Valley, OR 97910

RE: NOTICE OF CLAIM NO: A55-10014

Dear Mr. Hayhurst:

We are currently in the process of preparing the above referenced Notice of Claim for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claim listed above. If you filed other claims with yet a different prefix for the claim number, such as AO2 or A51, please be advised that these claims will be reviewed at a later date. The following claim requires the information or changes listed:

Priority Date and Place of Use

The date of priority claimed for this usage is April 1, 1865. The information you submitted supporting this date is based on an Oregon decree which supports the dates of 1891 and 1893 for the places of use. On January 2, 1992, we corresponded with Aaron Kasper who indicated that a recommendation of the 1891/1893 priority date based on the decree would be a better representation of the date usage began.

The problem is that there is a portion of the land which is decreed with the 1893 priority date while the rest of the lands have the 1891 priority. We are unable to recommend a water right with two priority dates on the same Notice of Claim. The options would be to file another Notice of Claim for the land that is decreed with the 1893 priority date. Or, the priority of 1893 could be claimed for all the lands listed under place of use.

The places of use and priority dates are as follows:
T28S, R46E, Section 13, NE1/4NW1/4, NW1/4NW1/4, SW1/4NW1/4 and Section 14, SE1/4SE1/4 and NE1/4SE1/4 with a priority of March 15, 1891, and T28S, R46E, Section 13, NW1/4SW1/4, with a priority of March 1, 1893.

Page 2
4/13/93

I am enclosing a copy of the Notice of Claim to a Water Right, A55-10014, previously submitted. Should you prefer to amend the priority date to 1893 for all of the lands. You can make the change on this form under item two.

Should you prefer to retain the priority date of 1891, please contact me for assistance. There will be an additional \$50.00 filing fee should you go this route.

Please contact me by the response date listed above. If I do not hear from you within that date your claim may be recommended with the latest priority date for all acreages. I can be reached at 208-334-2190.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

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

A55-10355

Date Received

4-30-93

Receipt Number

11016196

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 30 1993

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) James Hayhurst Phone (503) 586-2696Mailing Address 1455 Hwy 95 N Jordan Valley, OR Zip 979102. Date of Priority (Only one (1) per claim) March 1, 18933. Source of water supply (a) Cow creek
which is tributary to (b) Cow Lakes4. a. Location of existing point of diversion is: Township 4S Range 6W Section 1,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, 2a 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. Dam & ditches

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 11-1 amount 0.56 or _____

For Stockwater purposes from 1-1 to 12-31 amount 0.09 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.65 (cfs) and/or (b) _____ (acre feet)

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

9. Non-Irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater, 400 hd cattle mixed

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	

Total number of acres irrigated _____

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

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. _____ or None ()

14. Remarks: Place of use in Oregon

T28S, R46E, Sec. 13, NW 1/4 SW 1/4 = 28 acres

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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.

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

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) James Hayhurst Date 4-27-93

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 Oregon)

SS.

County of Malheur)

Subscribed and sworn (or affirmed) before me this 27th day of April 19 93

SEAL

Notary Public Adele Payden

Residing at Jordan Valley

My Commission Expires 5-25-96

Please Print Name



17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant