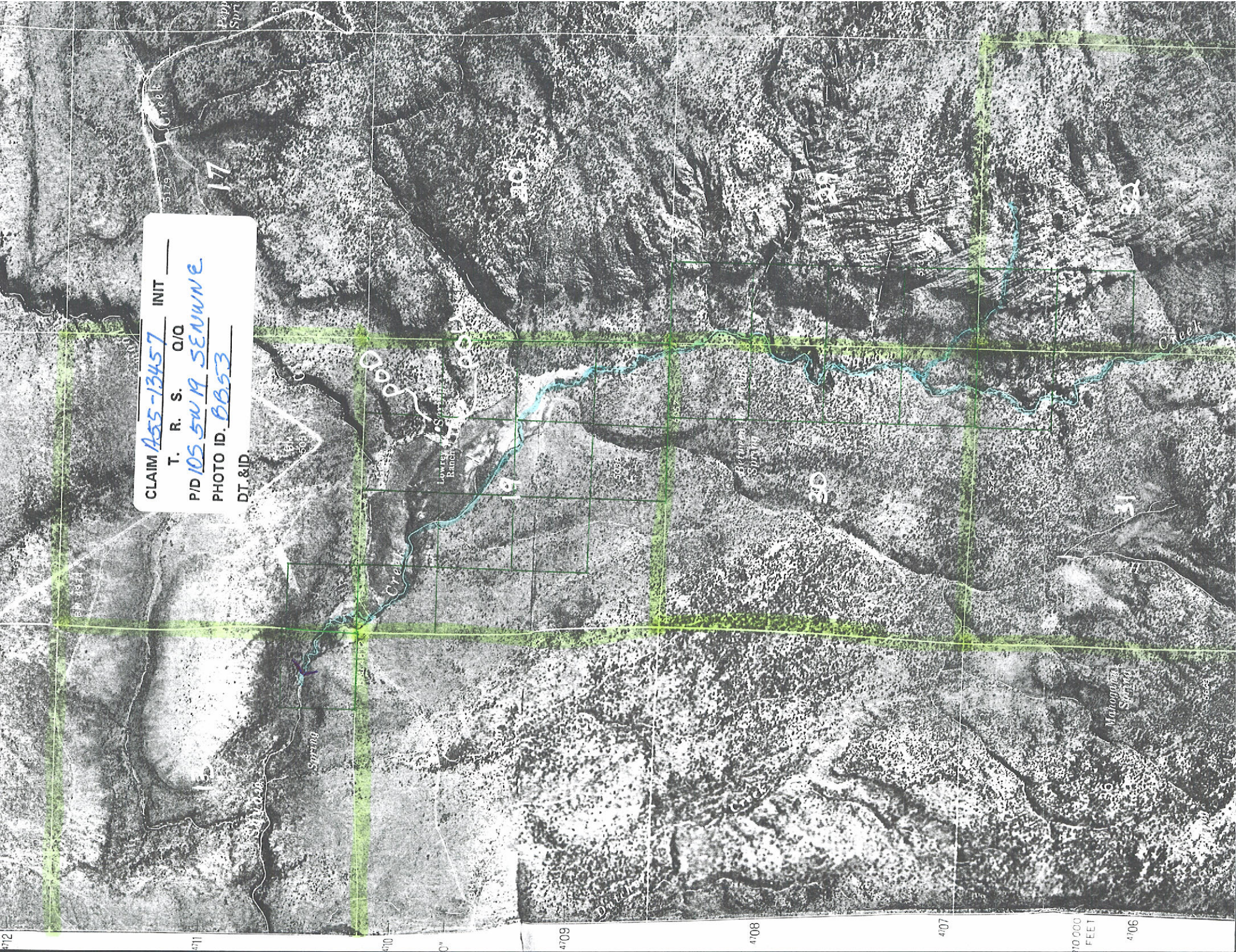


CLAIM A55-13457 INIT
T. R. S. O/Q
P/D 105.5W 19 SENEWE
PHOTO ID. BB53
DT & ID



~~A55-04042~~ A55-13457



8-18-93

Point of diversion - Spring



From spring source -
Pump in ditch.

8-18-93

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A55-13457
Date Received: 9/14/1993
Receipt No: W016731
Received By: _____

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

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

2. Date of Priority: JUN 1, 1951

3. Source: ELDERBERRY SPRING Trib. to: SQUAW CREEK

4. Point of Diversion:

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

5. Description of diverting works:
DIRT DAM, 12" PIPE TO GENERATOR, 10" PIPE DISCHARGES TO 2 DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	4.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER, GENERATION FOR LIGHTING HOUSE, BARN & SHOP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	05W	19	SW	NE		POWER	

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

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. R55-13457

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

DATE: 01/26/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TED PAYNE JORDAN VALLEY OR 97910 (208) 583-2477	06/01/1951	POWER	01-01 12-31	4.00 CFS	
TOTAL DIVERSION:					4.00 CFS	

Water Source: UNNAMED SPRING

Tributary to: SQUAW CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10S R05W S19

SENWNE

OWYHEE County

Place of use Legal Description for: POWER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
10S	05W	19	:				P													:

POU County: OWYHEE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-13455 A55-13455 R55-04042

Other Water Rights Listing Overlapping Place(s) of Use:
A55-04042 R55-04042

Remarks: USE POWER IS USED FOR HOUSE, BARN & SHOP

EXP SOURCE IS ALSO KNOWN AS ELDERBERRY SPRING.

Dates: Exam Made Date: 08/18/1993 Verified Date: 01/26/1998 Objection Filed Date:

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

Audit: 01/26/98 MSCHULTE

March 6, 1998

**NOTICE OF ERROR
REPLY**

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

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

NOTICE OF ERROR REPLY IS:

March 30, 1998

Water right number:

55-13457

TED PAYNE

JORDAN VALLEY OR 97910

Daytime Telephone Number:

Evening Telephone Number:

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

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: Mar. 30, 98

SIGNATURE:

Please print your name: _____

ADJUDICATION CLAIM C LIST

NOTICE OF CLAIM NO. A55-13457

VR 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*		8-18-93	Affidavit	N		L. Werner	
PT. OF DIV.		L. Werner	1, 4, 5	Y	N	2-17-95	DATA ENTRY COMPLETED BY _____ DATE _____
SOURCE			1, 4, 5	N			
PL. OF USE			1, 4, 5	N			FINAL RECOMMENDATION BY <u>LW</u> DATE <u>2-17-95</u>
DIV. AMOUNT CFS/AF			5	N			
CONSUMPTIVE USE			N/A				
NATURE OF USE			1, 4, 5	N			
PERIOD OF USE				N			
BASIS OF CLAIM				J			
REMARKS							

VERIFICATION CODES

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES ☒ NO ☐.

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

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

COMMENTS: _____

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>BB53</u>	Y(☒) N(☐)
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☒ NAPP	DATE OF PHOTO <u>7-31-87</u> IDWR ID NO. <u>BB53SAW</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 _____	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>8-18-93</u>	<u>1</u>	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED <u>8-18-93</u>	_____	<u>Theoretical</u>
☐ OTHER _____	DATE _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:25:43
02/15/95

PAGE: 1
GENERAL INFORMATION

17
CLAIM NUMBER: A55-13457

LAST: PAYNE FIRST: TED
ADDRESS:
CITY: JORDAN VALLEY STATE: OR ZIP: 97910
PHONE NUMBER: 208-583-2477

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
N

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Ted Payne

PHONE NUMBER: () 583 2477

DATE OF FIELD EXAM: 8/18/93 APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Saw phone conversation memo in A55-4041.

A. AJ CLAIM: # A55-13457 PRIORITY DATE: 06-01-1951 STAGE: J

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

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: affidavit submitted by claimant asserting personal
knowledge.

=====

RECOMMENDED PRIORITY DATE:

6-1-1951
REVIEWED BY Linda Warner

DATE 2-16-95

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

Elderberry Spring -)
Power)

State of Idaho)
County of _____)

AFFIDAVIT

Ged Payne being first duly sworn,
deposes and says: I was present when my
father installed this generator set up
in 1951

Ged Payne
(Signature)

Subscribed and sworn to before me this
day 14 of Sept., 1993.

SEAL

Linda Werner
(Notary Public)

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994.

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
A55-13457	10S 05W	19	SE	SW	NE			OWYHEE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A55-13455 NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: ELDERBERRY SPRING

TRIB: SQUAW CREEK

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. 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 _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 8-18-93 NAME OF EXAMINER PRW) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Spring is known as Elderberry spring. Is not named on the O-R quad; however, spring site is noted.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP. 10S	RGE. 05W	SEC. 19	1/4 SE	1/4 SW	1/4 NE	LOT	POD FLAG	COUNTY OWYHEE	DIVERSION NAME	DIVERSION NBR
10S	5W	19	SE	NW	NE	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: Ann Spring TRIB: Squaw Creek

REVIEWED BY: Linda Werner DATE: 2-16-95

SYSTEM DESCRIPTION: DESCRIBED BELOW (X), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

12" pipe from spring to generator. From this point water is taken by ditches, upstream & downstream, & used for irrigation.

CLAIM A55-13457 INIT
T. R. S. O/O
PID 105 SW 19 SE NW NE
PHOTO ID. B653
DT & ID

17

20

29

19

30

36

Mahoning Spring

Between No. 1 & 2
Spring

potholes

000

Creek

Howrey Ranch

BM 4531

Spring

0000
FEET

4706

4707

4708

4708

4710

1"

4711

4712

A. ROOT WATER RIGHT NUMBERS: A55-13457

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	05W	19	SW	NE		PAYNE, TED	A55-13457 /	- /	35.0		
			SW	NE		PAYNE, TED	A55-04042 /	35.0 /	35.0		
			SW	NE		PAYNE, TED	A55-13455 /	- /			

home & barn pou

ADDITIONAL POU FOUND

TOTAL ACRES A55-13457

35.00

POU COUNTY: OWYHEE

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
A55-04042	SPRING	PAYNE, TED	7.310	0.045		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A55-13457	POWER	PAYNE, TED	FROM 01-01 TO 12-31	4.000 CFS	
A55-13455	STOCKWATER	PAYNE, TED	FROM 01-01 TO 12-31	0.140 CFS	

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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(☒)

NOTES:

TOTAL ACRES: _____ N/A (X)
REVIEWED BY: Linda Wierman DATE: 2-16-95

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A55-13457 POWER	FROM 01-01 TO 12-31	4.000 CFS	
TOTAL DIVERSION RATE/VOLUME		4.000 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
----------------	---------------------------	------------------------	------------------------

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(☐)

AJ CLAIM TOTAL DIVERSION RATE: 4.000 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 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(☐)

E. FLOW MEASUREMENT

MEASUREMENT METHOD

Theoretical

, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

N/A

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

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 = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

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

NOTES: 15' head, 4.0 cfs (based on claimed amount), 50% efficiency
Equation 1 Potential power (Kw) = $(0.0846)(4.0 \text{ cfs})(15')(0.50) = 2.5 \text{ Kw}$
Equation 2 or $P = \frac{4.0 \text{ cfs}(15')(50\%)}{* 11.8} = 2.5 \text{ Kw}$

Claimant told me his generator can produce 2 Kw. The above equations support this.

*Note: 0.0846 is the inverse of 11.8

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
POWER	01-01	12-31	DATABASE 4.000	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT				_____		_____		_____

NON-IRRIGATION USES CLAIMED: POWER, GENERATION FOR LIGHTING HOUSE, BARN & SHOP

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: Linda Werner

DATE: 2-17-95

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

BOI: Elderberry Spring

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

~~A55-84042~~ A55-13457



8-18-93

Point of diversion - Spring



8-81-8

From spring source -
Pump in ditch.

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: 55-13457

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
-	A55-13457	4.000	-		-	
TOTAL CFS		4.000				

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
N EXAMINER
Y() N()

NOTES:

AUTHENTICATION

SIGNATURE:

Linda Werner

DATE:

2-17-95

NAME OF FIELD EXAMINER:

Linda Werner

TITLE:

Sr. WR Agent

SD-2503-3

Idaho Department Of Water Resources
Receipt Maintenance II - Maint. Screen 3

Date: 02/17/95
Time: 08:17:12

Receipt Number : M002150

Page 1 Of 3

Receipt Amt :

335.25

[illegible]

(Enter=Continue) (GOLD2=Update) (GOLD4=Prev Pg) (GOLD5=Next Pg)

Total acres = 136 ac.
Pd. under 4042

\$ 235.25
 - 136.00 acreage

 99.25
 - 50.00 claim fee

 49.25 X-Tra \$
 - 8.75

 \$ 40.50 credit

Power f/w = \$3.50/Kw

4.0 cfs produces $\approx 2.5 \text{ kW}$ w/ this system

$$\$350/\text{kW} \times 2.5 \text{ kW} = \$8.75$$

9-14-93

Ted Payne

1 Claim for Squaw cr. - In-stream stock
& add cr. running thru property - 1896
2 Power - 1951.

3 Squaw cr. - Use patent data on area.
About the spring

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

✓ location of spring. same? or on
line dividing $w/1/2$ & $e/2$

Affidavit

A. Hugula cr. - Pri. = Patent data
Actual ir. acres is 7 ac orig. filed
Add stock during ir. season. # of cattle
600. Ibid.

Net map.

Fee's Due.

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MAILING DATE: August 23, 1993
RESPONSE DATE: September 23, 1993
<ADDRESS ADDED TO ORIGINAL>

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

Dear Mr. Payne:

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

A55-04041, Squaw creek

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

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

/A55-04042, Elderberry spring

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

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

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

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

/A55-04043, Chiquita creek

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

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

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

Grave creek

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

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

Squaw creek

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

Spring

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

Chiquita creek

134.5"

Grave creek

389.5"

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

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

Sincerely,

Linda Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

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 A55-13457

Date Received 9-14-93

Receipt Number W16731

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ted Payne Phone (208) 583-2477

Mailing Address Jordan Valley, Oregon Zip 97910

2. Date of Priority (Only one (1) per claim) June 1, 1951

3. Source of water supply (a) Elderberry Spring
which is tributary to (b) Squaw Creek

4. a. Location of existing point of diversion is: Township T10S Range R5W Section 19,

SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Owyhee

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, SE 1/4 of SW 1/4 of NE 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. Dirt dam - pipe line

12" Pipeline to generator, 10" pipeline discharges to two ditch 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 Power purposes from 1-1 to 12-31 amount 4.00 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.00 (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.) Power generation for lighting of house, barn & shop

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	
10S	5W	19			P												B		

Total number of acres irrigated _____

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 ☒ 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 (X)

14. Remarks:

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.

X Signature of Claimant (s) Led Payne Date Sept. 14, 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 _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14 day of Sept. 19 93

SEAL

Notary Public Linda Werner

Residing at LINDA WERNER

My Commission Expires RESIDING AT EAGLE, IDAHO

MY COMMISSION EXPIRES DEC. 8, 1994

Please Print Name

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant