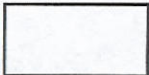
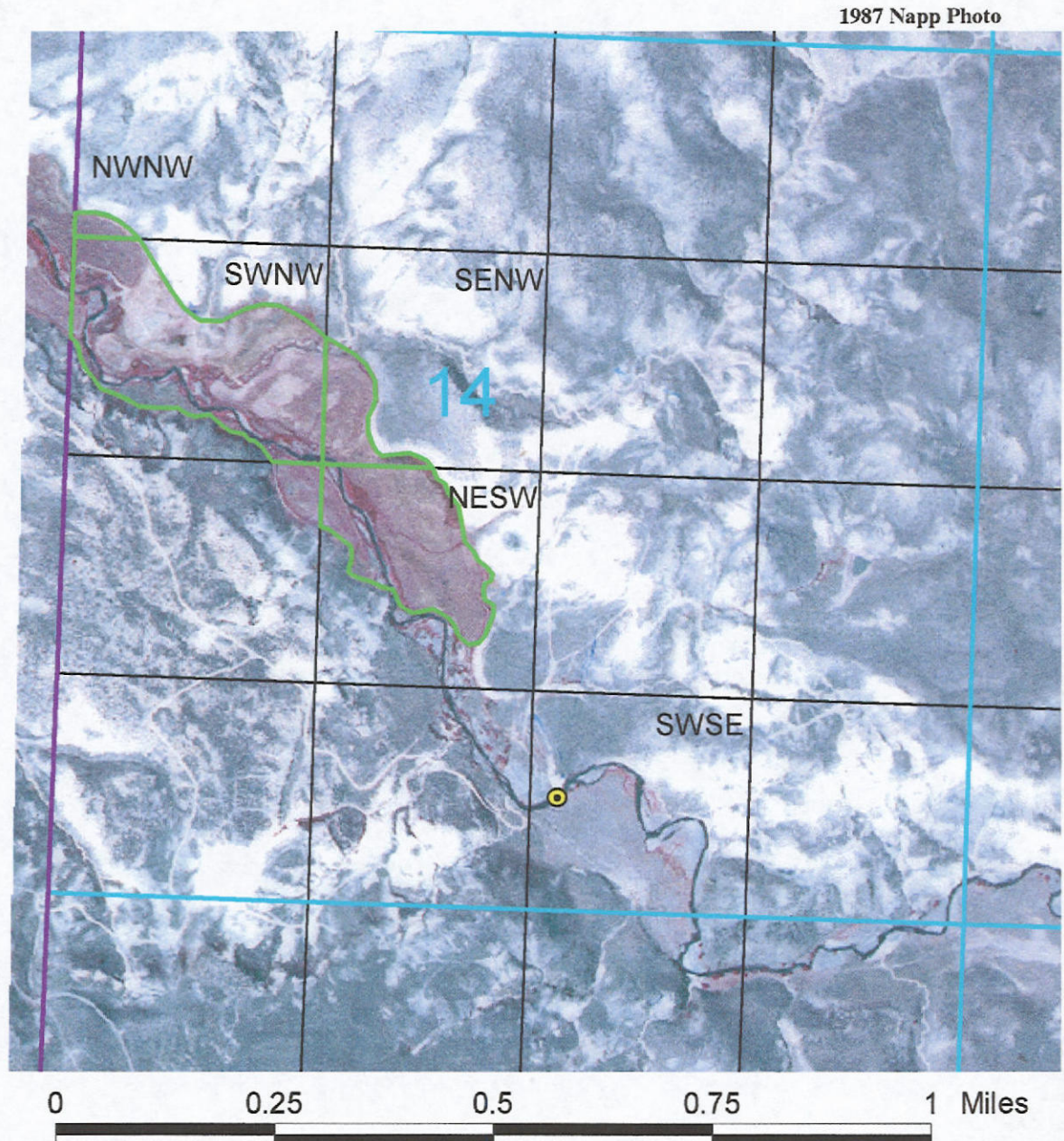
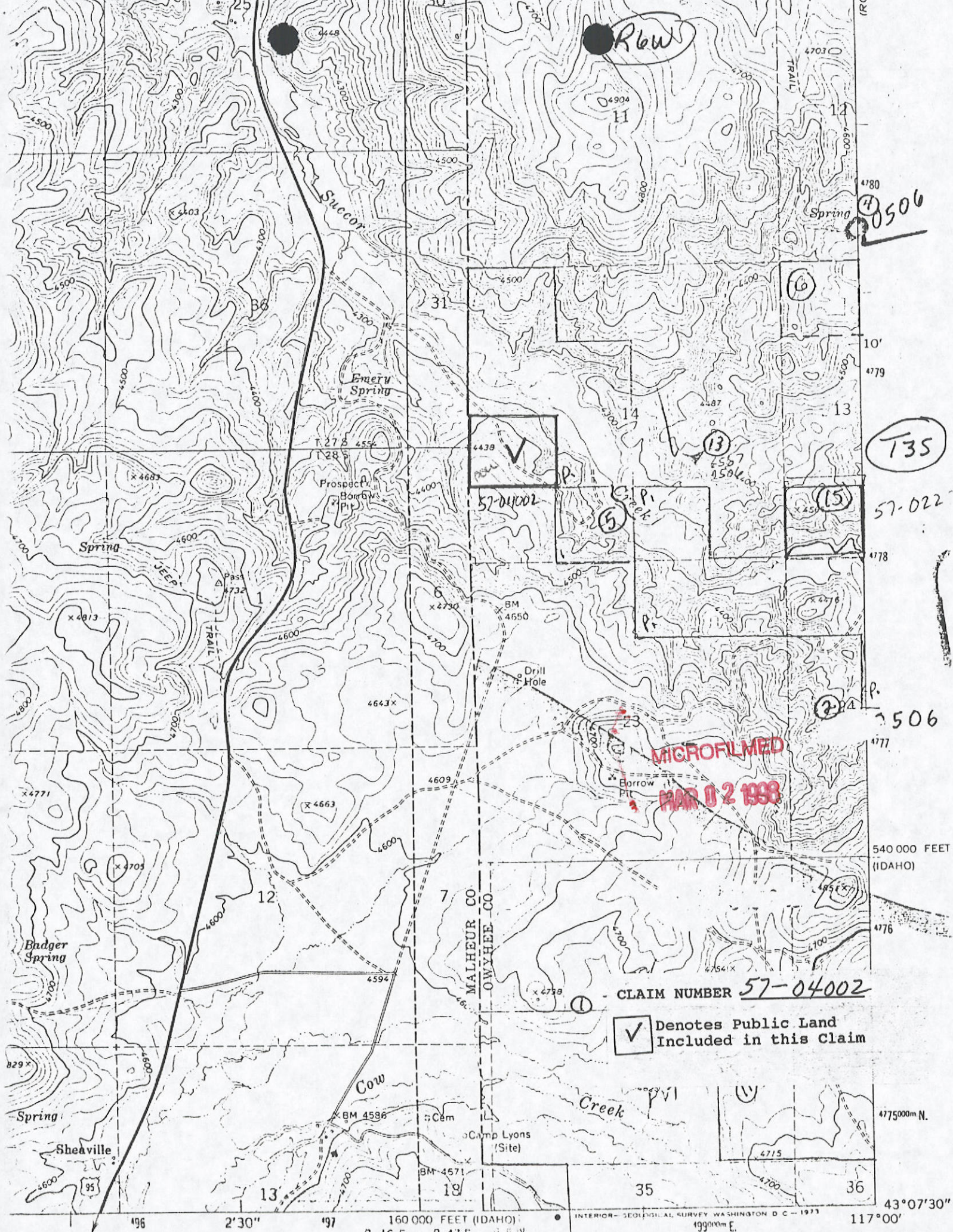


Idaho Department of Water Resources

Claim Number: 57-04002
Legal: T03S, R06W, S14
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines





R6W

0506

T35

57-022

506

MICROFILMED
MAR 02 1938

CLAIM NUMBER 57-04002

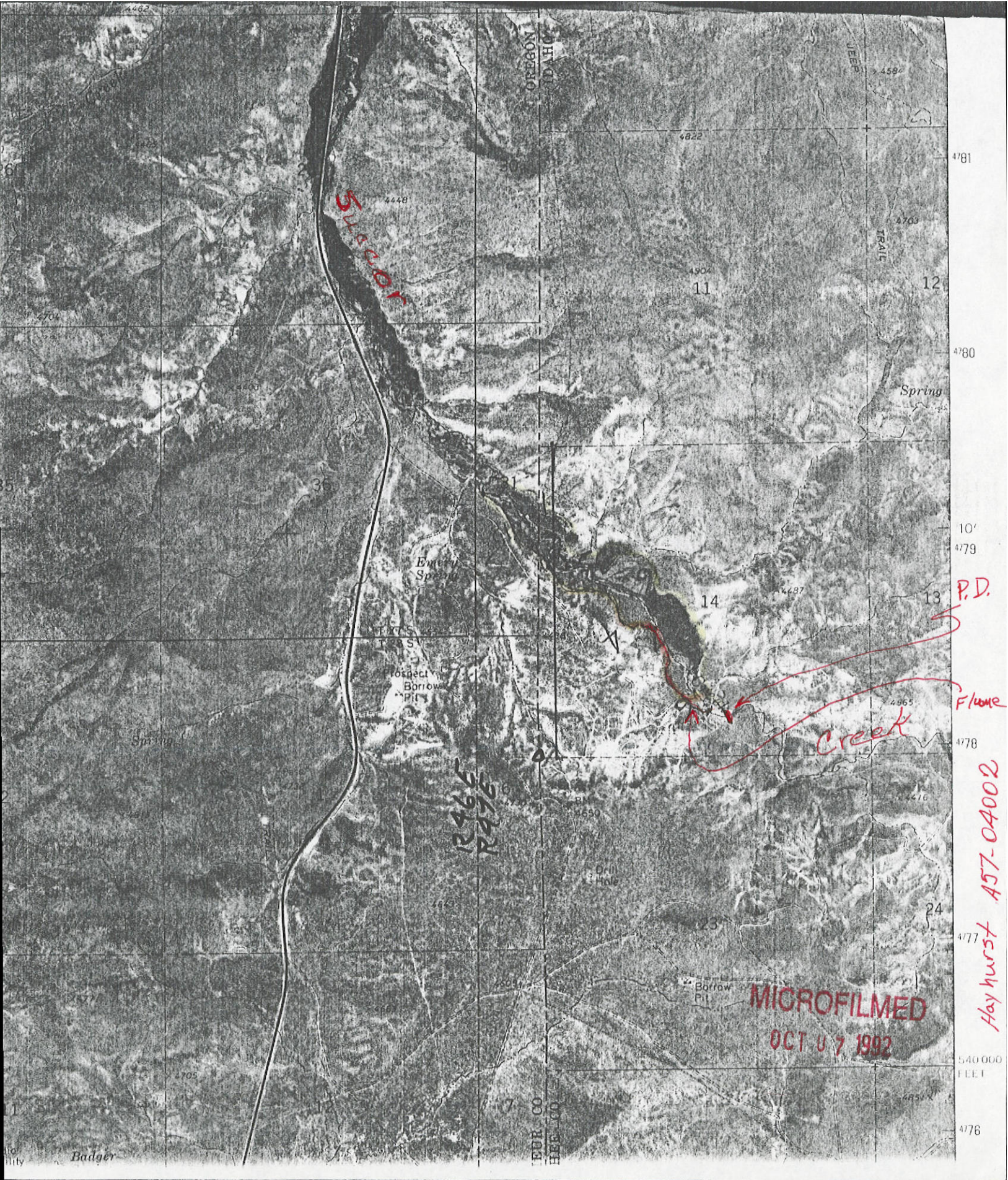
✓ Denotes Public Land Included in this Claim

JORDAN VALLEY 10 MI.

160 000 FEET (IDAHO)
R. 46 E. R. 47 E. R. 6 W.

INTERIOR- GEOLOGICAL SURVEY WASHINGTON D. C. - 1973
1999m E.

43°07'30"
117°00'



SUSUOY

R466
R476

P.D.

Flume
Creek

MICROFILMED
OCT 07 1992

HAYHURST 457-04002

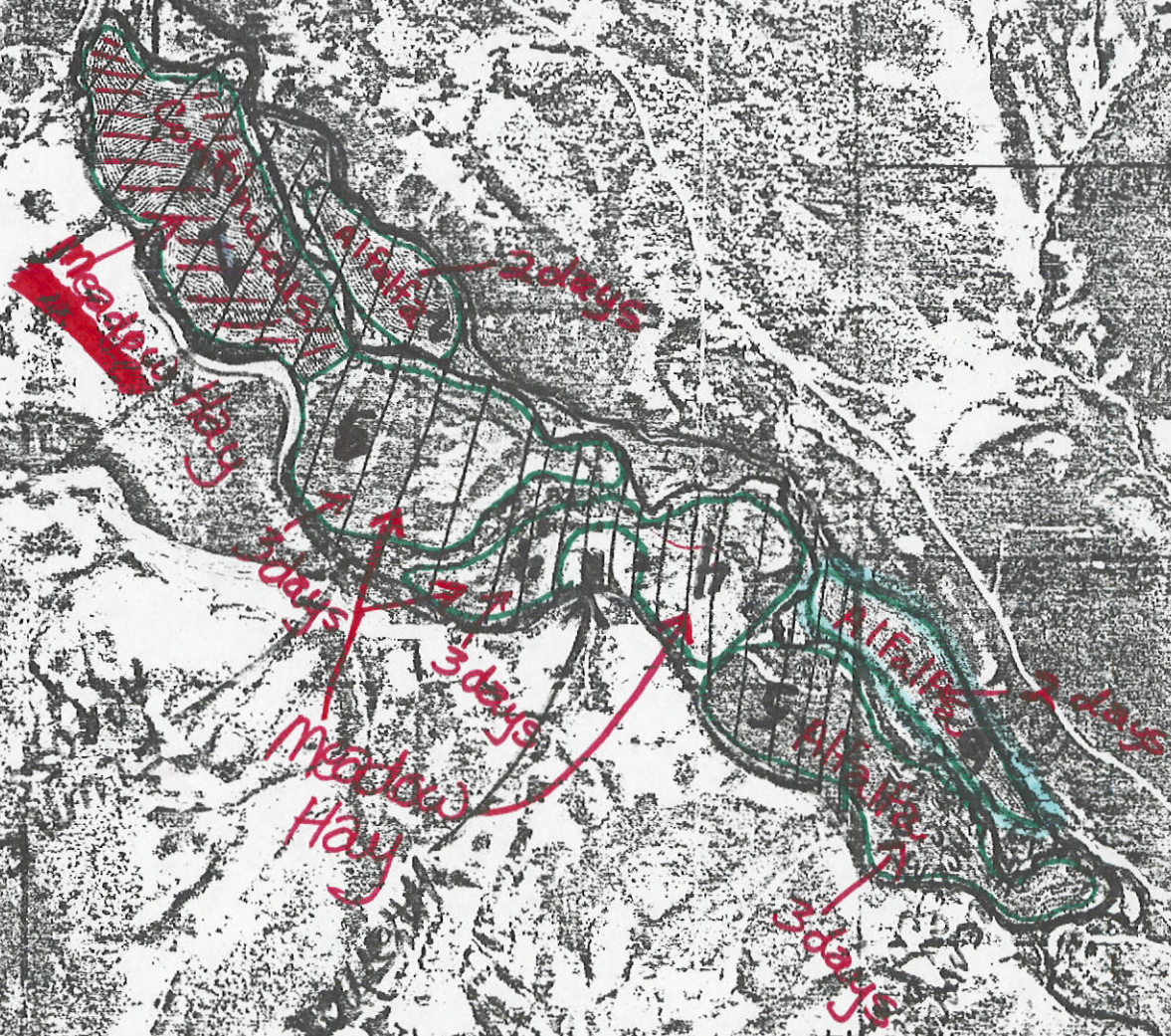
Badger

EUR CO
HIE CO

540 000
FEET

MICROFILMED
OCT 8 7 1992

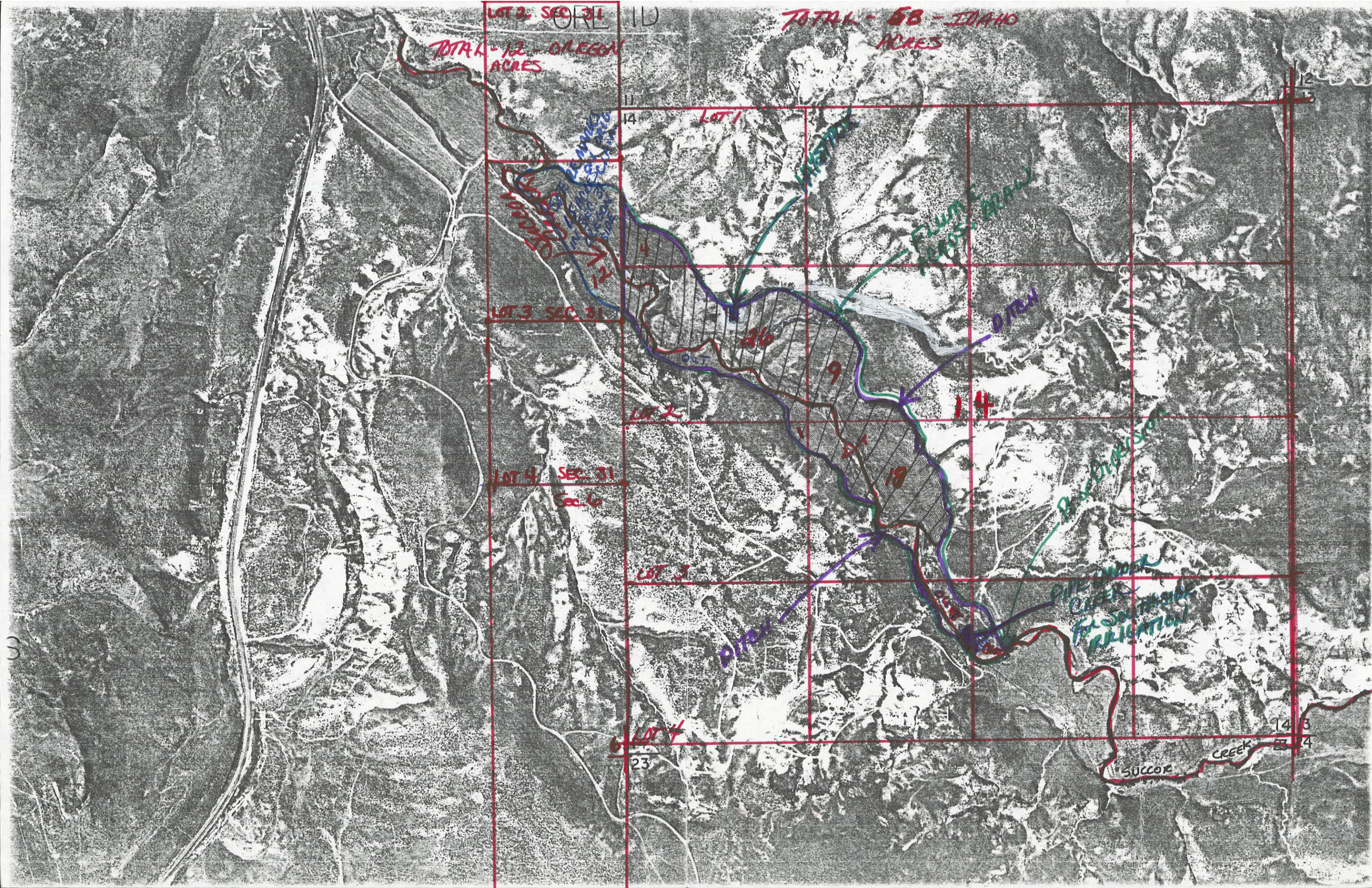
23
14



14

11

ORE ID



Accepted
of the 3d

16

Sec. 10

Sec. 15

Sec. 22

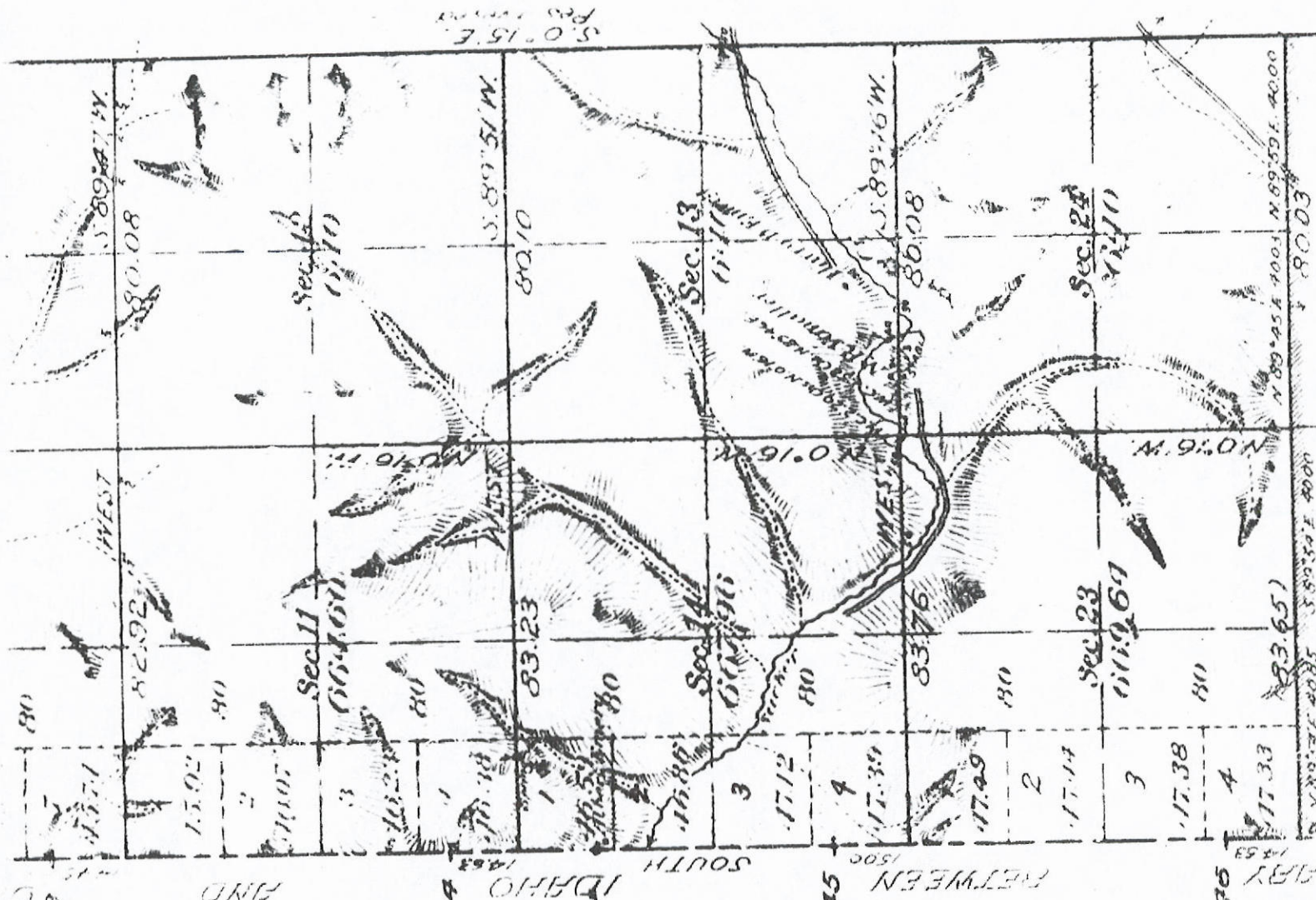
M. P. 905

M.P. 45

M.P.99

MP. 93

0/





A57-04002

MICROFILMED
Thomas Creek
OCT 07 1992

POINT OF DIVERSION
A57 - 04002



MICROFILMED
OCT 07 1992

PLACE OF USE - A57-04002
JAMES HAYHURST



MICROFILMED
OCT 07 1992

PLACE OF USE
CLAIM NO. A57-04002



MICROFILMED
OCT 07 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

RECEIVED

JAN 23 1989

Ident. Number: A57-04002
Date Received: 12/06/1988
Receipt No: C003778
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: JAMES HAYHURST 503-586-2697
Address: 1455 HWY 95 N
JORDAN VALLEY, OR 97910

2. Date of Priority: APR 01, 1908

3. Source: SUCCOR CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	06W	14	NE	SW	SE		OWYHEE

5. Description of diverting works:
DAM & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.660		
STOCKWATER	01/01	12/31	4.660		

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

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER 400 HEAD MIXED STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03S	06W	14	NW	NW	1	IRR	1.0
			SW	NW		IRR	33.0

A57-04002

Page 1

Date: 01/10/89

MICROFILMED
OCT 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	06W	14	SW	NW	2	IRR	3.0
			SE	NW		IRR	6.0
			NE	SW		IRR	17.0
			NW	SW		IRR	4.0
			SE	SW		IRR	6.0
						Section Acres	70.0
						Total Acres	70.0

11. Place of use in counties: OWYHEE

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

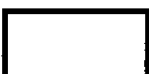
13. Other Water Rights Used:
57-07153

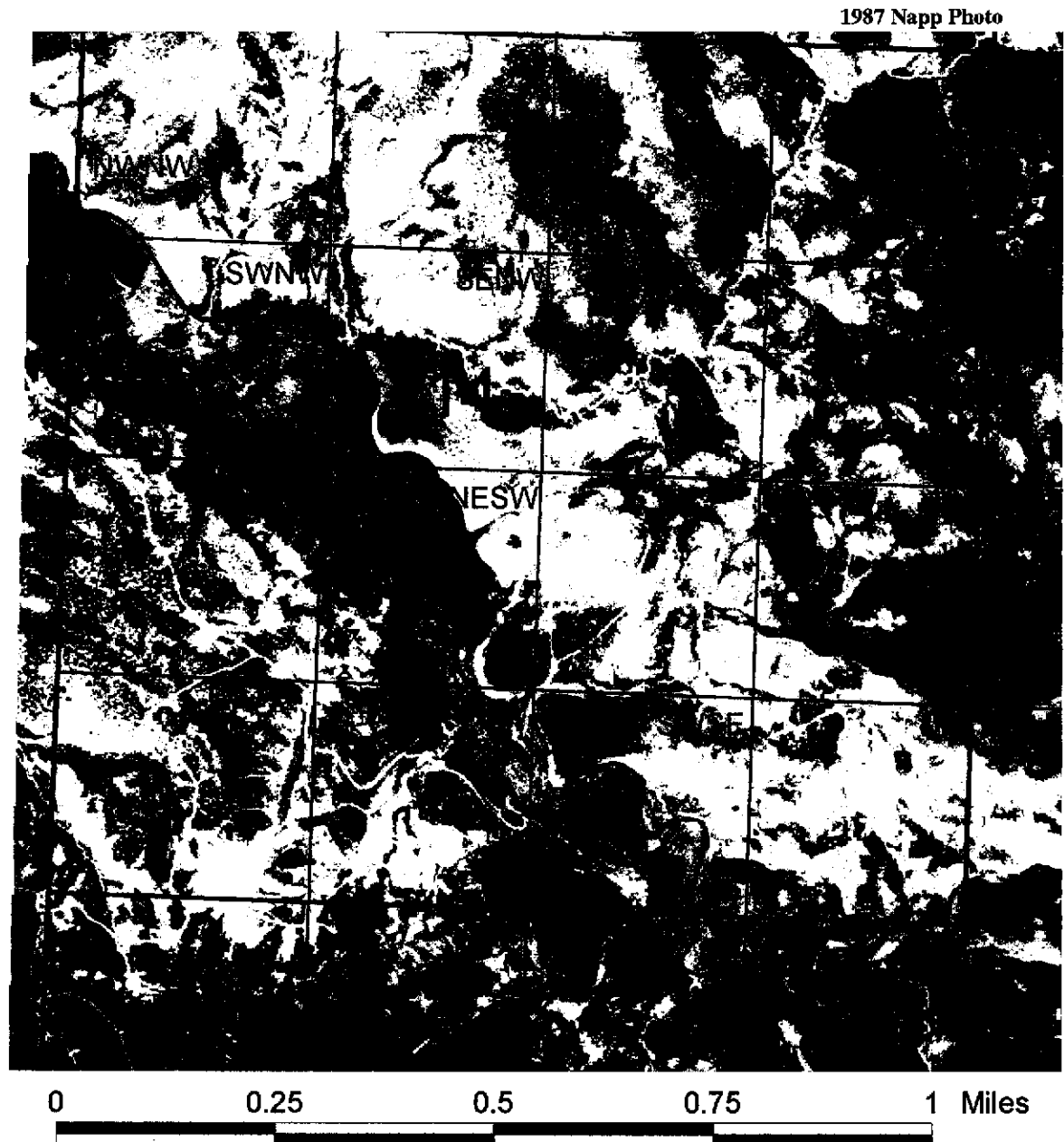
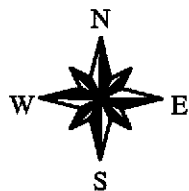
14. Remarks:
PLACE OF USE INCLUDES 15 AC. IN NWSW(LT. 3), S. 31, T27S, R47EWM

15. Basis of Claim: BENEFICIAL USE

Idaho Department of Water Resources

Claim Number: 57-04002
Legal: T03S, R06W, S14
Reviewed By:

- Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-04002

Date: 7-9-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	35	6W	14						01- 4	02- 26	9 18									57
GIS									1	28	5 16									50
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 57

Overlapping FOU Claim #'s:

Total GIS Acres: 50

COMMENTS:

POU per claim map - the field has acres in
NWSEW that aren't on claim but might help discrepancy
in decreed acres versus digitizing.

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

January 24, 2003

James Hayhurst
1455 Hwy 95 N
Jordan Valley, OR 97910

RECEIVED

JAN 27 2003

Department of Water Resources

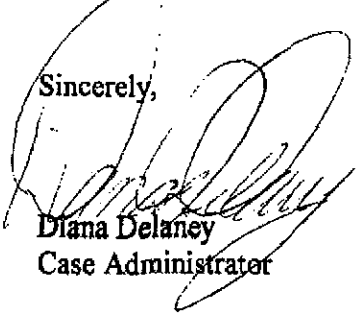
Dear Water Right Claimant(s):

This letter accompanies a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 57-4002. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order*, in combination with the *Partial Decree* that was issued for this water right on September 9, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of this water right. The original of the *Order* and the original of the *Partial Decree* for this water right is on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued on the same date that the *Partial Decree* was originally issued.

Sincerely,


Diana Delaney
Case Administrator

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

RECEIVED

JAN 27 2003

2003 JAN 24 PM 4 20

Department of Water Resources

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

In Re SRBA	)	Water Right 57-4002
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on September 9, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 to 10-31

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as

may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated January 24, 2003



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 57-04002
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

MICROFILMED

MAR 02 1998

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting: United States of America
Bureau of Land Management
Name: U.S. Department of the Interior
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:

The United States, through the Bureau of
Land Management, is the owner of the land
upon which this water right is claimed,
and claimant does not have a valid water
right.

2. Owner of the water right:

Name: claimant James Hayhurst MICROFILMED
Address: 1455 Hwy 95 N MAR 02 1998
Jordan Valley, OR 97910

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U. S. Department of Justice
500 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: 202-272-4134/8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

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

1993 JUN 18 PM 2:18
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 57-04002 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)

MICROFILMED

MAR 02 1998

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2544

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

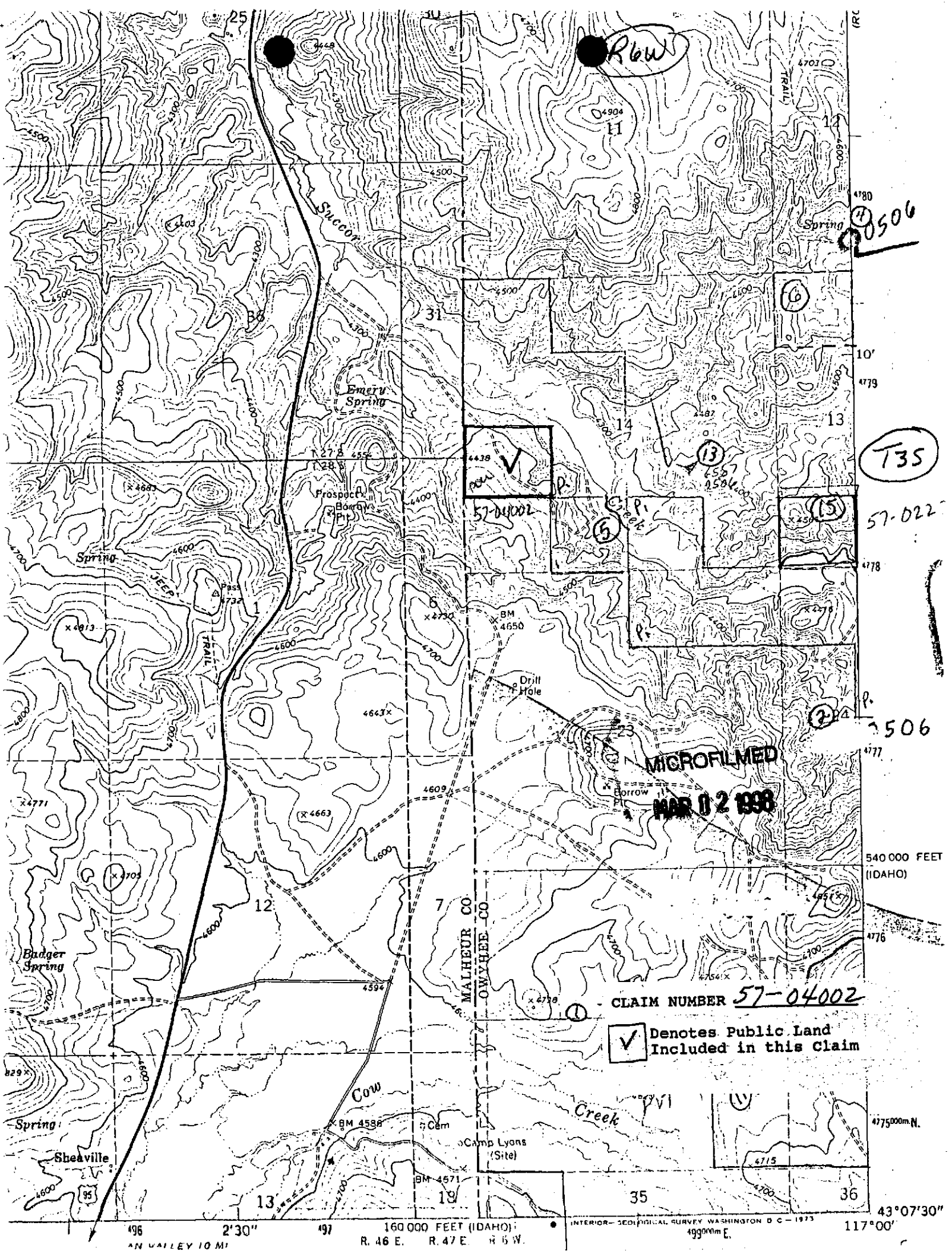
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
4. ☒ Priority Date: I respond to the objection concerning the priority date.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:
10. ☒ Consumptive Use: I respond to the objection concerning annual volume of consumptive use.

MICROFILMED
MAR 12 1998



☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

1. Map of claim on public land

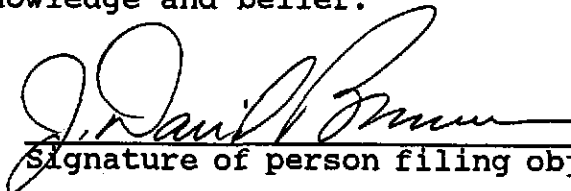
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of FEB,
1993.

MICROFILMED

MAR 02 1998

Clarence D. Bale
Notary Public for Ada County
Residing at: Boise, Idaho
My Commission expires: April 26, 1997

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I ^{personally} mailed the original and ^{filed} copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: James Hayhurst
Owner's address: 1455 Hwy 95 N
Jordan Valley, OR 97910

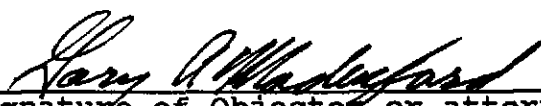
3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

MICROFILMED
MAR 12 1998


Signature of Objector or attorney
mailing on Objector's behalf

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

MICROFILMED
MAR 8 2 1998

(Over)

12. ☒ Water Right Recommendation: I object to:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The United States of America, acting through the Bureau of Land Management, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water right or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The Directors report should be changed to recommend disallowance of this claim.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

12. ☒ Water Right Recommendation: I respond to the objection concerning:

12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 7, 8, 9, 10, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A57-04002

3

MICROFILMED
MAR 02 1998

(Over)

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

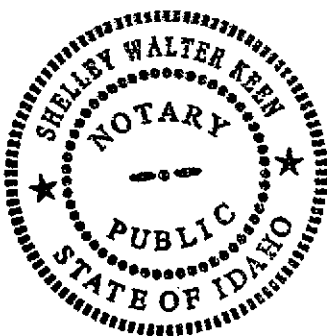
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

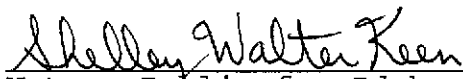
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing response

By: 
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th day of June,
1993.




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1997

MICROFILMED
MAR 02 1998

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

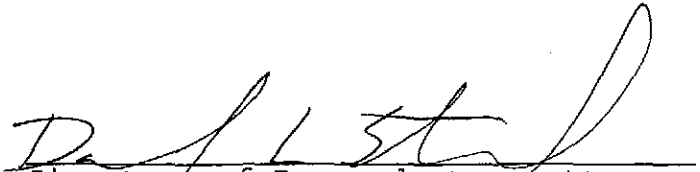
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: JAMES HAYHURST
Address: 1455 HIGHWAY 95 N
JORDAN VALLEY OR 97910

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
PO BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

MICROFILMED
MAR 02 1998

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: APR-4-1994
PAGE: A-5

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

SOURCE: SUCCOR CREEK

TRIBUTARY: SNAKE RIVER

57-04002	JAMES HAYHURST 1455 HWY 95 N JORDAN VALLEY OR 97910	04/01/1908	IRRIGATION	04-15 10-15	2.28	CFS
			STOCKWATER	01-01 12-31	.09	CFS

TOTAL QUANTITY:	2.37	CFS
CONSUMPTIVE USE:	175.0	AFY

172.5

NON-IRRIGATION-USES:

STOCKWATER, 400 HEAD COW/CALF PAIRS.

POINT OF DIVERSION:

T03S R06W S14 NWSWSE

PLACE OF USE: IRRIGATION

T03S R06W S14	Lot 1 (NWNW) 4.0	Lot 2 (SWNW) 26.0	SENE 9.0	NESW 18.0
	~~Lot 3 (NWSW) 1.0~~			

57.0 - 58.0 ACRES TOTAL

PLACE OF USE: STOCKWATER

T03S R06W S14	Lot 1 (NWNW)	Lot 2 (SWNW)	SENE	NESW
	~~Lot 3 (NWSW)~~			

REMARKS: USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM SUCCOR CREEK DISTRICT IMPROVEMENT COMPANY.
PLACE OF USE INCLUDES THE IRRIGATION OF 12 ACRES WITHIN THE STATE OF OREGON LOCATED IN THE NESE, S31, T27S, R47E.
.60 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

MICROFILMED

MAR 8 2 1994

Movant's Name:
UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Acting Assistant Attorney General
Environment and Natural Resources Division

PETER C. MONSON
LEIF JOHNSON
Attorneys, Department of Justice
Indian Resources Section
Environment and Natural Resources Division

K. JACK HAUGRUD
DARIA J. ZANE
R. LEE LEININGER
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351, (202) 272-4692

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

In Re SRBA	)	Subcase No. 57-04002 - 0001
	)	
Case No. 39576	)	STIPULATION AND ORDER
	)	TO RESOLVE OBJECTION

DESCRIPTIVE SUMMARY

This is a stipulation and order to resolve the United States' objection to water right number 57-04002.

STIPULATION

To resolve the dispute over the above-captioned water rights, the claimant, James Hayhurst, the objector, the United States of America, and the Idaho Department of Water Resources (IDWR), stipulate and agree as follows:

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MAR 02 1998

1. The place of use as recommended in the Director's Report is incorrect. The following place of use should be deleted: T03S R06W S14 Lot 3 (NWSW) 1.0 acre.

2. ~~In connection with the deletion of these places of use, the amount of water recommended shall be reduced proportionately with the reduction of acreage. The amount of water shall be reduced from _____ to _____.~~

3. The water rights are accurately described in Exhibit 1, 2, and 3, revised pages of the Director's report containing the changes described above showing specific changes made to the Director's original recommendation in an underline/overstrike format.

4. All decrees, whether partial or final, should describe the water rights as modified and described in Exhibits 1, 2 and 3.

5. Upon entry of partial and final decrees for Water Right No. 57-04002, describing the rights as shown in Exhibits 1, 2, and 3, including the modifications indicated thereon, the objections of the United States shall be deemed withdrawn.

6. Because there are no remaining objections to these water rights, partial decrees may be entered for them pursuant to I.C. 42-1412(8).

7. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

8. This stipulation is entered into and executed voluntarily by all parties in good faith, and without fraud,

MAR 02 1998

misunderstanding, overreaching, misrepresentation, duress, or undue influence, whatsoever.

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MAR 02 1998

Respectfully submitted,

CLAIMANT

Dated:

James Hayhurst

Dated:

UNITED STATES OF AMERICA
on behalf of the BLM

By:

Daria J. Zane
R. Lee Leininger
Attorneys
General Litigation Section
Environment & Natural Resources Division
U.S. Department of Justice

Dated:

BUREAU OF LAND MANAGEMENT

By:

J. David Brunner
District Manager
Boise District
Bureau of Land Management

IDAHO DEPARTMENT OF WATER RESOURCES

Dated:

By:

Daniel L. Steckel
Deputy Attorney General
Department of Water Resources

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MAR 02 1998

ORDER

This matter having come before the Court upon stipulation of counsel, and good cause having been shown,

IT IS HEREBY ORDERED that the Court shall enter a partial decree for water right ____-____ as described in the attached Exhibit 1. The United States' objection shall be deemed withdrawn upon entry of the partial decree. Because no other objections have been raised to this water right, the hearing for entry of this partial decree is scheduled for _____, 199__, at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

DATED and signed this ____ day of _____, 1993.

DANIEL C. HURLBUTT JR.
District Judge

MICROFILMED
MAR 02 1998

Status of Contested Case

- ☒ record re-formatted date: *2-3-97*
- ☐ SF5 information sent date:
- ☐ SF5 signed
- ☐ Special Master Report requested and sent date:
- ☐ Partial Decree requested and sent date:

DO NOT FILM!

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MAR 02 1998

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SUCCOR CREEK		TRIBUTARY: SNAKE RIVER				
57-04002	JAMES HAYHURST 1455 HWY 95 N JORDAN VALLEY OR 97910	04/01/1908	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	2.28 .09	BENEFICIAL USE
TOTAL QUANTITY:					2.37	CFS
CONSUMPTIVE USE:					172.5	AFY
					173.10	AFY
NON-IRRIGATION USES:						
STOCKWATER, 400 HEAD COW/CALF PAIRS.						
POINT OF DIVERSION:						
T03S R06W S14 NWSWSE						
PLACE OF USE: IRRIGATION						
T03S R06W S14 Lot 1 (NWNW) 4.0 Lot 2 (SWNW) 26.0 SENW 9.0 NESW 18.0						
57.0 ACRES TOTAL						
173.10 ACRES TOTAL						
PLACE OF USE: STOCKWATER						
T03S R06W S14 Lot 1 (NWNW) Lot 2 (SWNW) SENW NESW						
173.10 ACRES TOTAL						
REMARKS: USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM SUCCOR CREEK DISTRICT IMPROVEMENT COMPANY.						
PLACE OF USE INCLUDES THE IRRIGATION OF 12 ACRES WITHIN THE STATE OF OREGON LOCATED IN THE NESE, S31, T27S, R47E.						
.60 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.						

MICROFILMED
 MAR 02 1993

RECEIVED

JAN 21 1997

Department of Water Resources

1997 JAN 16 AM 11:50
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) NOTICE SETTING STATUS
) CONFERENCE

)
) SUBCASE NO: 57-04002

MICROFILMED

MAR 02 1998

Please be advised that Special Master FRITZ X HAEMMERLE
has set a Status Conference in the above subcase(s)
as follows:

THURSDAY, FEBRUARY 13, 1997 at 01:30 PM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to FEBRUARY 10, 1997.

Dated: JANUARY 16, 1997

/S/ DEBBIE LASH

Deputy Clerk

Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JANUARY 16, 1997, with sufficient first-class postage to the following:

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720
Phone: 208-334-2400
Rep: STATE OF IDAHO

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JACK HAUGRUD
US DEPT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 202-305-0438
Rep: USDI BLM

JAMES HAYHURST
1455 HIGHWAY 95 NORTH
JORDAN VALLEY, OR 97910

MICROFILMED
MAR 02 1998

RECEIVED

FEB 24 1997

Department of Water Resources

1997 FEB 21 AM 08:41
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING HEARING
	)	
Case No. 39576	)	
_____	)	SUBCASE NO: 57-04002

Please be advised that Special Master FRITZ X HAEMMERLE
has set for hearing the ORDER TO SHOW CAUSE AS TO WHY WATER RIGHT
SHOULD NOT BE DISMISSED.

FRIDAY, MARCH 28, 1997 at 01:45 PM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

MICROFILMED
MAR 02 1998

IT IS SO ORDERED.

Dated: FEBRUARY 21, 1997

/S/ FRITZ X HAEMMERLE
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on FEBRUARY 21, 1997, with sufficient first-class postage to the following:

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720
Phone: 208-334-2400
Rep: STATE OF IDAHO

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JACK HAUGRUD
US DEPT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 202-305-0438
Rep: USDI BLM

JAMES HAYHURST
1455 HIGHWAY 95 NORTH
JORDAN VALLEY, OR 97910

MICROFILMED
MAR 02 1998

RECEIVED

APR 03 1997

Department of Water Resources

1997 APR -1 PM 4: 24

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

In Re SRBA

Case No. 39576

) Subcase 57-04002

) ORDER CONDITIONALLY
) DISMISSING WATER RIGHT

MICROFILMED
MAR 02 1998

On Friday March 28, 1997 an *Order to Show Cause Hearing* was held on the above listed subcase. This claim was made by James Hayhurst. The Hayhursts failed to appear for that hearing.

Notice was provided to the Hayhursts for the hearing date. Because Hayhurst failed to appear at the *Order to Show Cause Hearing* scheduled for March 28, 1997 the court **conditionally recommends** that the claim made by the Hayhursts be **decreed as disallowed**.

However, the court shall set this matter for an *Second Order to Show Cause Hearing*, at which time a representative for this claim may appear and give cause as to why this subcase should not be **decreed as disallowed**. For good cause the court shall reopen this subcase for further action.

IT IS SO ORDERED.

DATED April 1, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

CERTIFICATE OF MAILING

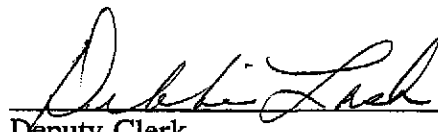
I certify that a true and correct copy of the **ORDER CONDITIONALLY DISMISSING WATER RIGHT** was mailed on April 1, 1997, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

The U.S. Department of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

James Hayhurst
HC 87 Box 235
Pine, Idaho 83647


Deputy Clerk

RECEIVED

APR 03 1997

Department of Water Resources

1997 APR 01 PM 01:38
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA) NOTICE SETTING HEARING
Case No. 39576)
SUBCASE NO: 57-04002

Please be advised that Special Master FRITZ X. HAEMMERLE
has set for hearing the ORDER CONDITIONALLY DISMISSING WATER RIGHT.

THURSDAY, APRIL 17, 1997 at 03:15 PM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

MICROFILMED
MAR 02 1998

Dated: APRIL 01, 1997

/S/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING HEARING was mailed on APRIL 01, 1997, with sufficient first-class postage to the following:

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720
Phone: 208-334-2400
Rep: STATE OF IDAHO

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JAMES HAYHURST
1455 HIGHWAY 95 NORTH
JORDAN VALLEY, OR 97910

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835
Rep: USDI BLM

MICROFILMED

MAR 02 1998

RECEIVED

APR 21 1997

Department of Water Resources
Adjudication Bureau

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

**IN Re SRBA
Case No. 39576**

STANDARD FORM 5

SUBCASE NO: 57-04002

**PROPOSED ELEMENTS OF A
WATER RIGHT**

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

INSTRUCTIONS FOR USE

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

MICROFILMED

MAR 02 1998

1. The name and address of the claimant is:

James Hayhurst
1455 Hwy 95 N
Jordan Valley, OR 97910

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Succor Creek,
Tributary to Snake River

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

3. The quantity of water used in cubic feet per second or the
quantity of water stored in acre-feet per year is:

2.37 CFS

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 04/01/1908

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

5. The legal description of point(s) of diversion is; if the
claim is for an instream flow, then a legal description of the
beginning and ending points of the claimed instream flow:

T03S R06W S14 NWSWSE

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Irrigation, Stockwater

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

MICROFILMED

MAR 02 1998

7. The period of year when the water is to be used is:

Irrigation	Irrigation Season	2.28 CFS
Stockwater	01/01 - 12/31	.09 CFS

Total Quantity: 2.37 CFS

Required Statement: IDWR and the parties stipulate that this is the correct description of the period of year when the water is to be used.

8. The legal description of the place of use or of the reservation is:

Irrigation
T03S R06W S14 Lot 1 (NWNW) 4.0 Lot 2 (SWNW) 26.0 SENW 9.0
NESW 18.0

57.0 Acres Total

Stockwater
T03S R06W S14 Lot 1 (NWNW) Lot 2 (SWNW) SENW NESW

All POU's are located in Owyhee County.

Place of use includes the irrigation of 12 acres within the state of Oregon located in the NESE, S31, T27S, R47E.

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use.

~~9. The annual volume of consumptive use is: 172.5 AF~~

~~Required Statement: IDWR and the parties stipulate that this is the correct description of the annual volume of consumptive use.~~

10. Other matters necessary to define this water right:

Explanatory Material: Basis of Claim - Beneficial Use

Use of water under this right is combined with water from Succor Creek District Improvement Company.

MICROFILMED

MAR 8 2 1998

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name of Objector:

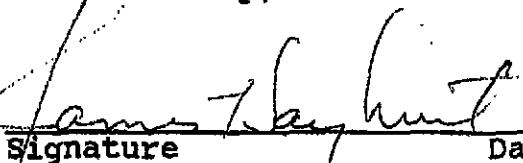
United States through
Department of Justice for BLM
601 Pennsylvania Ave., NW
Washington, DC 20004

Attorneys of Record: R. Lee Leininger/Paul F. Holleman/
William Ferry

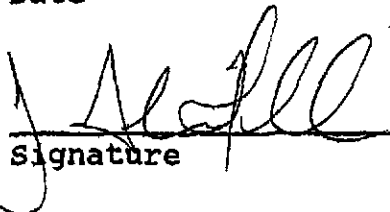
 4/17/97
Attorney's Signature Date

Name of Claimant:

James Hayhurst
1455 Hwy 95 N
Jordan Valley, OR 97910

 April 17, 1997
Signature Date

IDWR Concurrence:

 April 17, 97
Signature Date

1. The name and address of the claimant is:

James Hayhurst
1455 Hwy 95 N
Jordan Valley, OR 97910

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Succor Creek,
Tributary to Snake River

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

3. The quantity of water used in cubic feet per second or the
quantity of water stored in acre-feet per year is:

2.37 CFS ~~or 1.75 AFY~~

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 04/01/1908

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

5. The legal description of point(s) of diversion is; if the
claim is for an instream flow, then a legal description of the
beginning and ending points of the claimed instream flow:

T03S R06W S14 NWSWSE

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Irrigation, Stockwater

Required Statement: ~~IDWR and the parties stipulate that this is
the correct description of the purpose of use.~~

AS recommended

7. The period of year when the water is to be used is:

Irrigation	Irrigation Season	2.28 CFS
Stockwater	01/01 - 12/31	.09 CFS

Total Quantity: 2.37 CFS
~~Consumptive Use: 175.0 AFY~~

Required Statement: IDWR and the parties stipulate that this is the correct description of the period of year when the water is to be used.

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MAR 02 1998

8. The legal description of the place of use or of the reservation is:

Irrigation
T03S R06W S14 Lot 1 (NWNW) 4.0 Lot 2 (SWNW) 26.0 SENW 9.0
NESW 18.0

57.0 Acres Total

Stockwater
T03S R06W S14 Lot 1 (NWNW) Lot 2 (SWNW) SENW NESW

All POU's are located in Owyhee County.

Place of use includes the irrigation of 12 acres within the state of Oregon located in the NESE, S31, T27S, R47E.

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use.

9. The annual volume of consumptive use is: 172.5 AF

Required Statement: IDWR and the parties stipulate that this is the correct description of the annual volume of consumptive use.

10. Other matters necessary to define this water right:

Explanatory Material: Basis of Claim - Beneficial Use

Use of water under this right is combined with water from Succor Creek District Improvement Company.

MICROFILMED

MAR 02 1998

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name of Objector:

United States through
Department of Justice for BLM
601 Pennsylvania Ave., NW
Washington, DC 20004

Attorneys of Record: R. Lee Leininger/Paul F. Holleman/
William Ferry

Attorney's Signature Date

Name of Claimant:

James Hayhurst
1455 Hwy 95 N
Jordan Valley, OR 97910

Signature Date

IDWR Concurrence: _____

MICROFILMED

MAR 02 1998

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Department of Justice
C/O Boise Adjudication Team
380 Park Center Blvd.
Suite 330
Boise, Idaho 83706

Claimant
James Hayhurst
1455 Hwy. 95 N.
Jordan Valley, OR 97910

Chief
Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Idaho Department of Water
Resources
1301 N. Orchard St.
Boise, ID 83706

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

MICROFILMED

Signature of person or attorney
mailing the form

MAR 02 1998



IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM: Department of Justice
Environment and Natural Resources Division
General Litigation
601 Penn. Ave. N.W. Rm#821
Washington DC 20004
Fax No. (202)305-0506
Voice No. (202)305-0431

SENT BY: Paula Clinedinst

TO: Andrew Helmlinger

FAX No. 8,2083275400

NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 7

SPECIAL INSTRUCTIONS:

Andrew, attached is a draft SF-5 for 57-04002, which is set for status conference 2/13. The BLM has objected to James Hayhurst's irrigation/stockwater claim. Please review it and let me know of any changes. Thanks, Paula

MICROFILMED

MAR 02 1998

1997 MAY 15 PM 1:22

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-04002

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 15, 1997, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

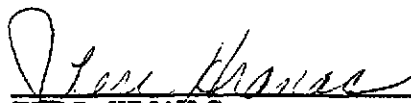
U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

JAMES HAYHURST
1455 HIGHWAY 95 NORTH
JORDAN VALLEY, OR 97910

MICROFILMED

MAR 02 1998


TERI HRANAC

CERTIFICATE OF MAILING

PAGE 1
05/15/97

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

In Re SRBA)
Case No. 39576)
_____)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-04002

1997 MAY 15 PM 1:22

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: JAMES HAYHURST
1455 HWY 95 N
JORDAN VALLEY OR 97910

SOURCE: SUCCOR CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.37 CFS

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

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T03S R06W S14 NWSWE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	IRRIGATION	Irrigation Season	2.28 CFS
STOCKWATER	STOCKWATER	01-01 12-31	0.09 CFS

PLACE OF USE: IRRIGATION Within Owyhee County
T03S R06W S14 Lot 1 (NWNW) 4.0 Lot 2 (SWNW) 26.0 SENW 9.0 NESW 18.0
57.0 ACRES TOTAL

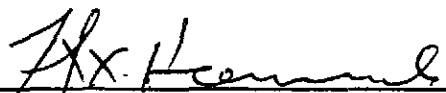
PLACE OF USE INCLUDES THE IRRIGATION OF 12 ACRES WITHIN THE
STATE OF OREGON LOCATED IN THE NESE, S31, T27S, R47E.

STOCKWATER Within Owyhee County
T03S R06W S14 Lot 1 (NWNW) Lot 2 (SWNW) SENW NESW

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

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

DATED: MAY 15 1997


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED
MAR 02 1998

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-04002

PAGE 1
APR-24-1997

1997 MAY 15 PM 1:22

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

F

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

In Re SRBA

) Subcase 57-04002

Case No. 39576

)
) PRELIMINARY SPECIAL
) MASTER'S REPORT
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409(1990) by James Hayhurst. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

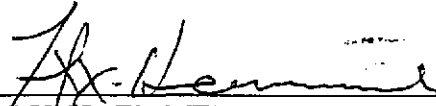
An objection to the *Director's Report* for water right 57-04002 was filed by United States (BLM). Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The *Standard Form 5* was accepted by the court; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-04002 be decreed as recommended in the attached *Preliminary Special Master's Report and Recommendation for Partial Decree*.

MICROFILMED

DATED May 15, 1997.

MAR 02 1998


FRITZ X. HAEMMERLE

Special Master, Reporting Area 2
Snake River Basin Adjudication

RECEIVED

MAY 16 1997

Department of Water Resources
Adjudication Bureau

1997 MAY 15 PM 1:22
DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-04002

On May 15, 1997, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before May 29, 1997.

DATED May 15, 1997.


TERI HRANAC
Deputy Clerk

MICROFILMED

MAR 02 1998

1997 JUN 23 AM 9:34

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 57-04002

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 23, 1997, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

JAMES HAYHURST
1455 HIGHWAY 95 NORTH
JORDAN VALLEY, OR 97910

MICROFILMED

MAR 02 1998


DEBBIE LASH

CERTIFICATE OF MAILING

PAGE 1
06/23/97

1997 JUN 23 AM 9:34

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

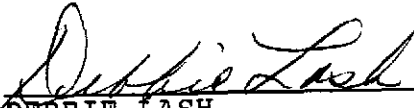
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-04002

On June 23, 1997, Special Master FRITZ X HAEMMERLE
issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above
subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

Pursuant to SRBA Administrative Order 1, Section 14b, any party
to the adjudication may file a Notice of Challenge to a SPECIAL MASTER'S
REPORT AND RECOMMENDATION within 21 days following the date of
publication of the filing of the Special Master's report in the Docket
Sheet except parties to the subcase who failed to file a Motion to
Alter or Amend before the Special Master (AO1, Section 9f).
The Notice of Challenge shall appear on the Docket Sheet and shall be
served on parties to the subcase(s) covered by the challenged report
and the SRBA Court Reporter.

DATED June 23, 1997.


DEBBIE LASH
Deputy Clerk

MICROFILMED

MAR 02 1998

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

In Re SRBA)
Case No. 39576)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-04002

1997 JUN 23 AM 9:34

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED PL

NAME & ADDRESS: JAMES HAYHURST
1455 HWY 95 N
JORDAN VALLEY OR 97910

SOURCE: SUCCOR CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.37 CFS

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

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T03S R06W S14 NWSWSE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.28 CFS
	STOCKWATER	01-01 12-31	0.09 CFS

PLACE OF USE: IRRIGATION Within Owyhee County
T03S R06W S14 Lot 1 (NWNW) 4.0 Lot 2 (SWNW) 26.0 SENW 9.0 NESW 18.0
57.0 ACRES TOTAL

PLACE OF USE INCLUDES THE IRRIGATION OF 12 ACRES WITHIN THE
STATE OF OREGON LOCATED IN THE NESE, S31, T27S, R47E.

STOCKWATER Within Owyhee County
T03S R06W S14 Lot 1 (NWNW) Lot 2 (SWNW) SENW NESW

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

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

DATED: 6/23/97

Fritz X. Haemmerle
FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED

MAR 02 1998

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-04002

PAGE 1
APR-24-1997

RECEIVED

JUN 24 1997

Department of Water Resources
Adjudication Bureau

1997 JUN 23 AM 9:34

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED PK

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

In Re SRBA

) Subcase 57-04002

Case No. 39576

)
)
) SPECIAL MASTER'S REPORT
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by James Hayhurst. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-04002 was filed by United States (BLM). Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The *Standard Form 5* was accepted by the court.

A *Preliminary Special Master's Report and Recommendation* for this right was issued. No motion to alter or amend was filed and the time for filing such motions has now expired; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-04002 be decreed as recommended in the attached *Special Master's Report and Recommendation* **MICROFILMED** decree.

DATED 6/23, 1997.

MAR 02 1998

Fritz X. Haemmerle
FRITZ X. HAEMMERLE

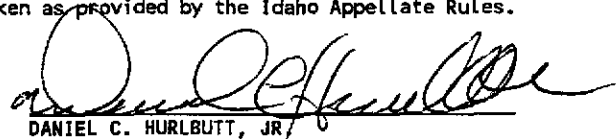
Special Master, Reporting Area 2
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED:

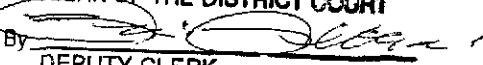
SEP 09 1997

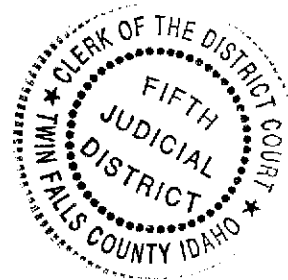

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT

CLERK OF THE DISTRICT COURT

By 
DEPUTY CLERK



MICROFILMED

MAR 02 1998

RECEIVED

SEP 16 1997

Department of Water Resources
Adjudication Bureau

1997 SEP -9 AM 10:14

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

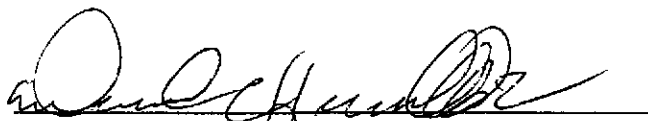
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-04002
_____	)	

On June 23, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-04002 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 9, 1997.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

MAR 02 1998

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 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.

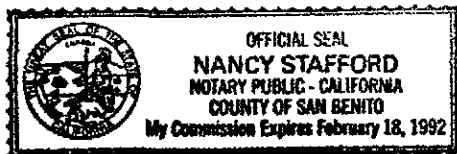
Signature of Claimant(s): James Hayhurst Date: 1-19-89
Date: _____

State of ~~Idaho~~ California)
County of San Benito) SS.

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

Nancy Stafford
Notary Public

Seal



Residing at 390 Fifth Street - Hollister
CA 95023
My Commission Expires February 18, 1992

MICROFILMED

MAR 02 1993

Date: 01/10/89

MICROFILMED
OCT 07 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: A57-04002

Date Received: 12/02/1988

Receipt No: 603778

Received By: *[Signature]* 12/06/88

REC-1
DEC 06 1988

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: JAMES HAYHURST 503-586-2697
Address: 1455 HWY 95 N
JORDAN VALLEY, OR 97910

2. Date of Priority: APR 01, 1908

3. Source: SUCCOR CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	06W	14	NE	SW	SE		OWYHEE

5. Description of diverting works:
DAM & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.660		
STOCKWATER	01/01	12/31	4.660		

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

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER 400 HEAD MIXED STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03S	06W	14	NW	NW	1	IRR	1.0
			SW	NW		IRR	33.0

A57-04002

Page 1

Date: 12/02/88

MICROFILMED
OCT 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	06W	14	SW	NW	2	IRR	3.0
			SE	NW		IRR	6.0
			NE	SW		IRR	17.0
			NW	SW		IRR	4.0
			SE	SW		IRR	6.0
						Section Acres	70.0
						Total Acres	70.0

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:
57-07153

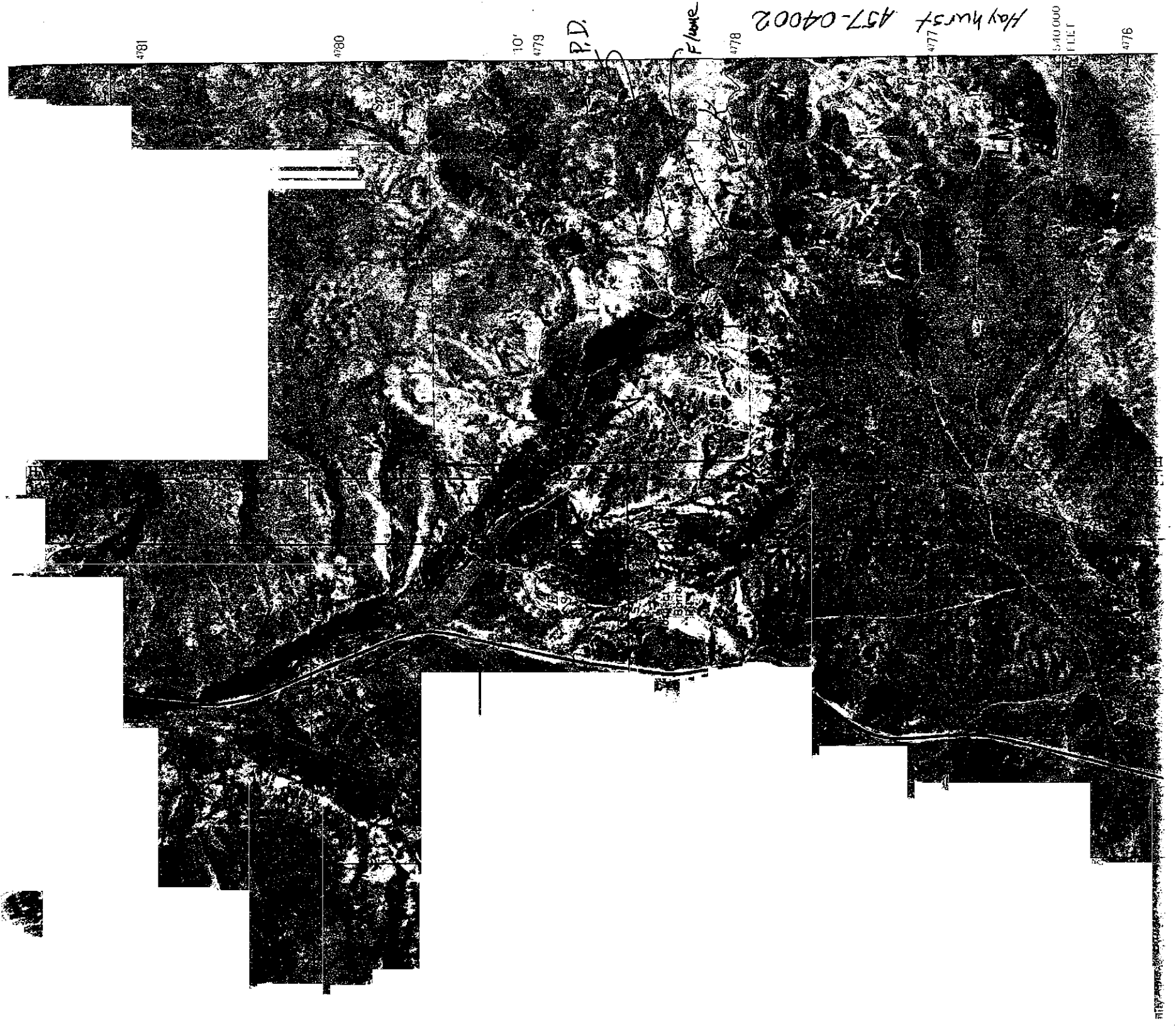
14. Remarks:
PLACE OF USE INCLUDES 15 AC. IN NWSW(LT. 3), S. 31, T27S, R47EWM

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
OCT 07 1992

(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 X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

MICROFILMED
OCT 07 1992



4781

4780

10'

4779

P.D.

F/line

4778

Hayhurst 457-04002

4777

540,000
FEET

4776

Water Right Number - 57-04002

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
FENWICK

J.S.

1 - 1644 RIMVIEW DR.

2 -

3 -

City- CALDWELL

State- ID Zip- 83605

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1908 ✓ 14 S - STATUTORY CLAIM+ - - Source - - - - - + + - - - - - Tributary - - - - - +
SUCCOR CREEK ✓ SNAKE RIVER ✓+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

03S ✓ 06W ✓ 14 ✓ SW SE ✓ (73) OWYHEE ✓ 272.0 334.0 47.9

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

01 - IRRIGATION ✓

04/01 ✓

09/15 1/1

9.480 ?

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
Stock
9.480 ?+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

03S ✓	06W ✓	14 ✓	NW NW ✓	1 ✓	8	01	IRRIGATION	(73) OWYHEE
03S	06W	14	SW NW ✓	2		01	IRRIGATION	(73) OWYHEE
03S	06W	14	SE NW		40.0	01	IRRIGATION	(73) OWYHEE
03S	06W	14	NE SW		40.0	01	IRRIGATION	(73) OWYHEE

Total Acres:

70.
80.0

+ - - Diversion Means - DAM & DITCH.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
AC. IRR.=173.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.MICROFILMED
OCT 07 1992

Water right number - 57-04002

Adj. flag translation: Standard Water Right Number

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

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 01/08/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 01/08/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-	Microfilm Roll Number	-

MICROFILMED
OCT 07 1992

Identification No.

Claim No.

Map No.

57-4002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant J. S. FENWICK
post office address 1644 Rimview Drive, Caldwell, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 14 Township 3 South
Range 6 West B.M. located on Succor Creek
(name of source)
tributary to Snake River in Owyhee County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

April 1, 1908 amount: 9.48 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April 1 to Sept. 15 depending on avail-
(both dates inclusive) abil
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Cement Dam
_____ ; length is 45 feet; height is 4 feet;
width at bottom is 3 feet; width at top is 3 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

_____, if so, give dates and explain _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible none

Water is measured through a headgate rectangular in shape and three feet across.

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe

location of reservoir by 40-acre subdivisions _____

describe _____

Section	Subsection	Acres	Owner
1	1	10	John Doe
1	2	10	John Doe
1	3	10	John Doe
1	4	10	John Doe
1	5	10	John Doe
1	6	10	John Doe
1	7	10	John Doe
1	8	10	John Doe
1	9	10	John Doe
1	10	10	John Doe
2	1	10	John Doe
2	2	10	John Doe
2	3	10	John Doe
2	4	10	John Doe
2	5	10	John Doe
2	6	10	John Doe
2	7	10	John Doe
2	8	10	John Doe
2	9	10	John Doe
2	10	10	John Doe
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9	8	10	John Doe
9	9	10	John Doe
9	10	10	John Doe
10	1	10	John Doe
10	2	10	John Doe
10	3	10	John Doe
10	4	10	John Doe
10	5	10	John Doe
10	6	10	John Doe
10	7	10	John Doe
10	8	10	John Doe
10	9	10	John Doe
10	10	10	John Doe
11	1	10	John Doe
11	2	10	John Doe
11	3	10	John Doe
11	4	10	John Doe
11	5	10	John Doe
11	6	10	John Doe
11	7	10	John Doe
11	8	10	John Doe
11	9		

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
none

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
none

- b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____
6. Where water is used for stock watering, give number of each kind of stock watered not applicable
7. Where water is used for domestic or municipal purposes give number of families served not applicable name of town supplied _____
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. Not applicable
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

November 13, 1968
(Date)

Joe Perovich
(Signature of Claimant)

State of Idaho

County of Canyon

ss.

On this 13th day of November 19 68, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~ they) executed the same.

Debra W. Rithy

Notary Public residing at Caldwell, Idaho

My commission expires 7-8-69

For Department Use Only

Received by df Date 12-6-68

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by Debra Date 12-6-68

Fee received by df Date 12-13-68 Fee \$10.⁰⁰

Approved for publication by df - 12-23-68

Published in Owyhee Dates 1-2-69

August 11-9-69

78 2000

DRILL

3000
2500
2000
1500
1000
500

23
4

13 days

March

Flower

Meadow

UNCLASSIFIED

DATE 12-19-97

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) 586-2697	04/01/1908	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	2.28 CFS 0.09 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.37 CFS 175.0 AFA

Water Source: SUCCOR CREEK

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T03S R06W S14 NWSWE OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
03S	06W	14	:									01-04	02-26	09	:	18	03-01			:	58.0
																			TOTAL ACRES	58.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
03S	06W	14	:									01-S	02-S	S	:	S	03-S			:

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 400 HEAD COW/CALF PAIRS.

Other Rights: NONE.

Remarks: USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM SUCCOR CREEK DISTRICT IMPROVEMENT COMPANY. PLACE OF USE INCLUDES THE IRRIGATION OF 12 ACRES WITHIN THE STATE OF OREGON LOCATED IN THE NESE, S31, T27S, R47E. .60 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

Dates: Exam Made Date: 10/24/1990 Verified Date: 01/27/1992

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

Audit: 08/01/91 WHITNEY 08/19/91 SHURTE 08/20/91 SHURTE 08/21/91 SHURTE
08/23/91 SHURTE 09/03/91 SHURTE 09/30/91 SHURTE 01/21/92 SHURTE
01/27/92 SHURTE

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ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. P57-04002

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*	N/A	N/A	6	NO	NO	8/19/91	
PT. OF DIV.	YES	2/10/24/90	5 & 1	YES	NO - ^{NOTE IN} PREL. REPORT	8/19/91	DATA ENTRY COMPLETED BY _____ DATE _____
SOURCE	NO				NO	8/19/91	
PL. OF USE	YES	2/10/24/90	5 & 1 & 2	YES	NO ^{NOTIFIED IN} PRE. REP.	" "	FINAL RECOMMENDATION BY _____ DATE _____
DIV. AMOUNT CFS/AF	YES	2/10/24/90	5	YES	YES ^{EXCESSIVE} FLOWSAKE	" "	
CONSUMPTIVE USE	NO						
NATURE OF USE	YES	2/10/24/90	5	NO	NO	" "	
PERIOD OF USE	NO	2/10/24/90	5	NO	NO	" "	
BASIS OF CLAIM	NO	"	N/A			" "	
REMARKS	NO	"	N/A			" "	

VERIFICATION CODES

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

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

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

COMMENTS

Need letter concerning excessive flow, otherwise, will recommend at 10" per acre. - Excessive flow speed returned 9-11-91 & approval of .024 cfs per acre from Dave Shaw, plus a 60 cfs ditch loss gives more than 1" per acre.

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CCT 71892

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:49:33
08/23/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-04002

LAST: FENWICK
ADDRESS: 1644 RIMVIEW DR.
CITY: CALDWELL
PHONE NUMBER: 208-000-0000

FIRST: J.S.

STATE: ID ZIP: 83605

OWNER CODE: 0

LAST: HAYHURST
ADDRESS: 1455 HWY 95 N
CITY: JORDAN VALLEY
PHONE NUMBER: 503-586-2697

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 INCLUDES 15 AC. IN NWSW(LT. 3), S. 31, T27S, R47EWM

→ Change to J05 using 12 acres in Oregon.

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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.)
- N/A 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 Xyes 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? kw 10/19/90 (initial & date)

see CVR Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

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

C. Review and Processing:

Claim No. submitted for weekly exam completed prog. report? Yes No

Exam completed date data entered on claim Sp 8-20-91 (initial & date)

Claim Verification Report completed _____ (initial & date)

Was CVR spot-checked by Supervisor? Yes No _____ (initial & date)

R claim file created Sp 8-20-91 (initial & date)

Recommendations entered on R claim file _____ (initial & date)

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CONTACT PERSON: AARON KASPER

PHONE NUMBER: () -

DATE OF FIELD EXAM: 10/24/90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: same as above

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: Leasee

DIRECTIONS TO PROPERTY / REMARKS:

Hwy 95 toward Jordan Valley. Go 3.1 miles
past the Idaho/Utah state line - see Tucco
Peak & look for sign stating Hayhurst
farming & Harvesting, Inc. Right side of road.
Address: 1455 Hwy. 95 N.

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A. AJ CLAIM: # A57-04002 PRIORITY DATE: 04-01-1908
B. WR RECORD: # 57-04002 PRIORITY DATE: 04-01-1908

STAGE: J ← change to S
STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
J

See evid. of priority
submitted in 1988 (NOV + DEC)
in claim correspondence.

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

REMARKS:

An exception was filed in 1968 to the orig. statutory claim's
claimed priority date. Copy in this file. This exception stated
that there had been a period of non-use of this water between 1926
and 1946. Previously filed before the exception - 1968 - there are 4
affidavits from lifetime residents in the area that date
continuous water use back to 1908 & one affidavit from a rela-
tive of the orig. owner which specifically states that he witnessed
water use from 1926 on & prior to that. All affidavits went back
to 1908. Hank Balthaz filed the exception and in checking his

RECOMMENDED PRIORITY DATE:
04-01-1908

REVIEWED BY

DATE

8/15/91

water rights for Tucson Creek, an unlicensed right was
claimed with a 1959 priority. Since his exception
dealt with non-use from 1926 until 1946, either
way, with a 1908 or 1946 priority date, this right will
exist in time. Since there are your affidavits
stating the use dates back to 1908, I am recommend-
ing the claimed 1908 priority for this right.

NOT RECORDED
OCT 07 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-04002	03S	06W	14	NE	SW	SE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SUCCOR CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-04002	03S	06W	14		SW	SE		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: SUCCOR CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

REMARKS:

*Change is only to the 10-acre tract - no actual
change of point of diversion has occurred and
no date of change is required.*

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>35</u>	<u>6W</u>	<u>14</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u> </u>	<u> </u>

SOURCE: SUCCOR CREEK

TRIB: SNAKE RIVER

REVIEWED BY: *Jr*

DATE: 8/15/91

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A. ROOT WATER RIGHT NUMBERS: A57-04002
A57-10568

R57-04002

R57-10568

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03S	06W	14	SW	NW	2	HAYHURST, JAMES	A57-04002 / 33.0	- /		26	26
			SW	NW		HAYHURST, JAMES	R57-04002 / 26.0	57-04002 /			
			SW	NW		GARDNER, DALE L.		57-04059 / 32.0			
03S	06W	14	SE	NW		HAYHURST, JAMES	A57-04002 / 6.0	57-04002 / 40.0	5.0	9	9
			SE	NW		HAYHURST, JAMES	R57-04002 / 9.0	- /			
			SE	NW		GARDNER, DALE L.		57-04059 / 15.0			
03S	06W	14	NE	SW		HAYHURST, JAMES	A57-04002 / 17.0	57-04002 / 40.0	13.0	18	18
			NE	SW		HAYHURST, JAMES	R57-04002 / 19.0	- /			
			NE	SW		GARDNER, DALE L.		57-04059 / 25.0			
03S	06W	14	NW	SW	3	HAYHURST, JAMES	A57-04002 / 4.0	- /		1	1
			NW	SW		HAYHURST, JAMES	R57-04002 / 1.0	- /			
03S	06W	14	SE	SW		HAYHURST, JAMES	A57-04002 / 6.0	- /		0	0
			SE	SW		HAYHURST, JAMES	R57-04002 / 2.0	- /			
03S	06W	14	NW	NW	1	HAYHURST, JAMES	A57-04002 / 1.0	57-04002 /		4	4
			NW	NW	1	HAYHURST, JAMES	R57-04002 / 4.0	- /			
			NW	NW		GARDNER, DALE L.		57-04059 / 10.0			
03S	06W	14	SW	NW	2	HAYHURST, JAMES	A57-04002 / 3.0	57-04002 /	19.0		
			SW	NW	2	HAYHURST, JAMES	R57-04002 / 26.0	- /			
			SW	NW		GARDNER, DALE L.		57-04059 / 32.0			
TOTAL ACRES							A57-04002	70.00	80.00	37.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

TOTAL IDAHO
ACRES = 58

TOTAL OREGON
ACRES = 12

TOTAL 70

See above - SWNW
repeated twice
on orig. claim
to include the
Oregon acres.

See remarks

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PRESUMPTION FLAG: NO

REMARKS:

JOS - Place of use includes the irrigation of 12 acres
within the State of Oregon.

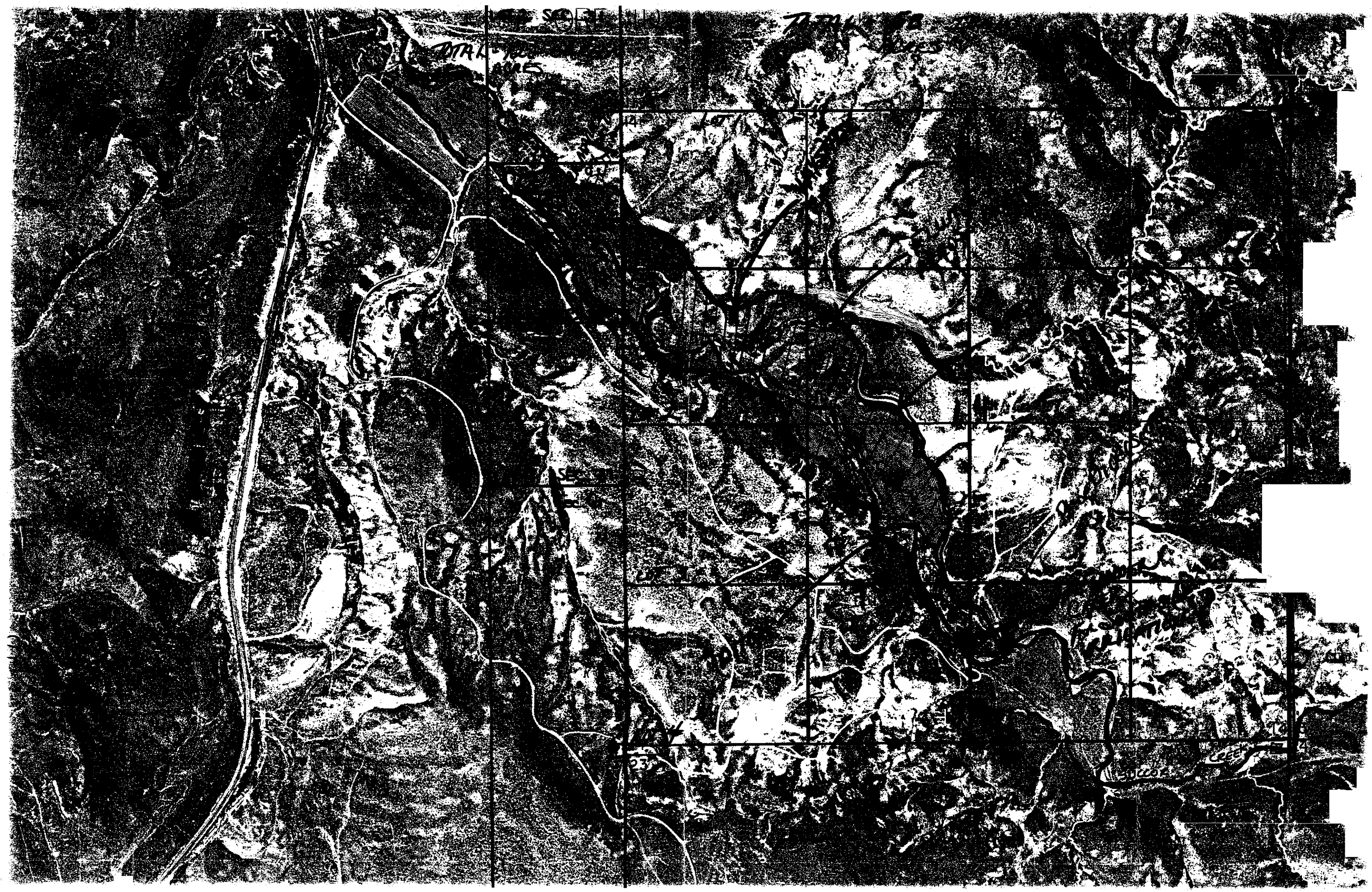
RECOMMENDATIONS:

TOTAL ACRES: 70

REVIEWED BY: [Signature]

DATE: 8/15/91

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DTR

BUES

DTR

BUES

DTR

BUES

DTR

BUES

DTR

BUES

DTR

BUES

04002

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY
A57-04002	IRRIGATION	FROM 04-01 TO 11-01
A57-04002	STOCKWATER	FROM 01-01 TO 12-31
TOTAL DIVERSION RATE/VOLUME CLAIMED		

DIVERSION QUANTITY

~~4.660 CFS~~ → 1.4 CFS

~~4.660 CFS~~ → .09 CFS

~~4.660 CFS~~ →

1.49 CFS

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY
57-04002	IRRIGATION	FROM 04-01 TO 09-15
TOTAL DIVERSION RATE/VOLUME CLAIMED		

DIVERSION QUANTITY

9.480 CFS

9.480 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)

DUE TO DIVERSION RATE DISCREPANCY? (Y/N)

DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE

Y

Y

Y

FIELD EXAMINER

[Signature]

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(5) N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

Stockwater is being recommended although it was not included on the stat. claim. The reason for this is because this ranch is a stock ranch & always has been, the year round use for stockwater has been available ever prior to Succor Ch. Reservoir due to spring flows throughout the year. Dripping was not made during the winter, but enough water flows naturally in creek for the stock. No other source of water has been developed over the years, so it stands to reason that stock drank from the Creek.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 4.660 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 9.480 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y *[Signature]*

B.

FLOW MEASUREMENT

MEASUREMENT METHOD MANNINGS, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 57-07153

LIST ALL RIGHTS WITH A SAME POI AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-04002	SUCCOR CREEK	HAYHURST, JAMES	4.660	0.066		
R57-04002	SUCCOR CREEK	HAYHURST, JAMES	1.350	0.021		

NO RIGHTS WITH SAME POI BUT NOT USED FOR IRRIGATION

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Claim No(s): A57-04002
 Name of Claimant: James Hayhurst
 Name of Ditch, Canal, or Stream Name: Succor Creek Ditch
 Date of Measurement: 10-24-90 Data Collected By: Jan Thunte/Kay Walker
 Measurement Location: SW 1/4 SE 1/4 Section 4 T 35 R 6W

General Description and Comments

Cross-section Data

Basis: High water mark () Maximum capacity (X)

Note: A minimum of five readings is necessary; first and last rod reading must be equal or zero.

Depth or Rod Reading	Dist. from Initial Point	Depth or Rod Reading	Dist. from Initial Point
1. <u>.4'</u>	<u>.8'</u>	11. _____	_____
2. <u>.8'</u>	<u>1.6'</u>	12. _____	_____
3. <u>1.2'</u>	<u>2.4'</u>	13. _____	_____
4. <u>.8'</u>	<u>3.2'</u>	14. _____	_____
5. <u>.4'</u>	<u>4.0'</u>	15. _____	_____
6. _____	_____	16. _____	_____
7. _____	_____	17. _____	_____
8. _____	_____	18. _____	_____
9. _____	_____	19. _____	_____
10. _____	_____	20. _____	_____

Slope Data

Basis: High water mark () Channel bottom () Land surface (X)

Channel length from cross section: Upstream 150' Downstream 150'

Total channel length used for slope measurement: 300'

Rod reading at engineers level: —

Upstream rod reading 9.95' - High Water Mark(if taken from channel bottom) — = 9.95'

Downstream rod reading 10.55' - High Water Mark(if taken from channel bottom) — = 10.55'

Note: The downstream rod reading must be higher than the upstream rod reading.

Are maps and/or photos attached? Yes (X)

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MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS							
earth	.020		(1)	negligible	.000		(1)				
rock	.025		(2)	minor	.010		(2)				
fine gravel	.024		(3)		.015		(3)				
coarse gravel	.028		(4)	appreciable	.020		(4)				
					.030		(5)				
				severe	.040		(6)				
					.050		(7)				
					.060		(8)				
				SURFACE IRREGULARITY				VEGETATION			
				smooth	.000		(1)	low	.005		(1)
minor	.005		(2)	.010		(2)					
moderate	.010		(3)	medium	.015		(3)				
severe	.020		(4)		.020		(4)				
					.025		(5)				
				high	.030		(6)				
					.040		(7)				
					.050		(8)				
				very high	.060		(9)				
					.075		(10)				
					.100		(11)				
				VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000		(1)	minor	1.00		(1)				
occasional	.005		(2)	appreciable	1.15		(2)				
frequent	.010		(3)	severe	1.30		(3)				
	.015		(4)								

See attached Sheet

Natural Channels Or Valleys^{2/}

River, or Ditch

By

Date _____

10-24-90

OCT 6 7 1952

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1/ Based on Supplement "B" to Sec. 5, Hydraulics, National Engineering Handbook

2/ Agricultural Flood Plains 0.05 to 0.06 Low, 0.07 to 0.09 Average, 0.10 to 0.20 High

* Total "n" = 81 + 6

MANNING EQUATION CHANNEL CAPACITY RESULTS

06-06-1980

File Number: A57-04002

Claimant: HAYHURST

Channel measured: SUCCOR CREEK DITCH

Date of measurement: 10-24-90

Measurement location:

Calculation prepared by: JAN SHURTE

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 300 feet.

The upstream and downstream rod readings are 9.95 and 10.55 feet.

The channel cross section is 2.72 ft-sq.

The wetted perimeter is 4.47 feet.

The hydraulic radius is 0.61 feet.

The slope is 0.0020

The roughness coefficient is 0.0350

The flow velocity is 1.367 ft/sec.

The rate of flow is 3.72 cfs.

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CROSS SECTION NUMBER 1

For File Number A57-04002 for the SUCCOR CREEK DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.40	0.40	0.80
3	0.80	0.80	1.60
4	1.20	1.20	2.40
5	0.80	0.80	3.20
6	0.40	0.40	4.00

The area for this cross section is 2.72 square feet
and the wetted perimeter is 4.47 feet.

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 20 x 0.02 CFS/ACRE = 1.4 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

Sent 8/23/91 See attached documents submitted 9/11/91.

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 212.5 AF/A

ACRES 20 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 = 175

TOTAL CONSUMPTIVE USE 175 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 175 AF/A

ACRES 20 x DIVERSION VOL. AF/A FOR AREA 2.5 = 175

TOTAL DIVERSION VOLUME 175 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

Will recommend the .024 cfs per acre + additional 160 gfs for ditch loss per attached document.

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

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		4/15 to 10/15 per new standards as of 1-6-92		
IRRIGATION	4-1 11-7	2.28*	N/A	193.0 or per new standards (same)
STOCKWATER	1-1 12-31	.09	N/A	N/A
		2.37*		

TOTAL FOR THIS RIGHT

REVIEWED BY: [Signature]

DATE: 8/15/91

* Per excessive flow sheet submitted and Dave Shaw's approval we can allow .024 cfs per acre which is being used on all 70 acres. Also, per our ditch loss calculations we can add a .60 cfs loss. Total cfs = $.024 \times 70 + .60$ cfs = 2.28 cfs

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INSTRUCTIONS FOR IRRIGATION FLOW RATE QUESTIONNAIRE

The information required in this questionnaire will describe your water delivery system and irrigation methods. This information is essential in order for staff of IDWR to evaluate your irrigation water requirements. Much of the information is technical, and you may wish to contact the Soil Conservation Service or other professionals for assistance with this form.

Please provide your name, address, and phone number where you may be contacted for further information or clarification. Include the claim number(s) for those claims where the irrigation flow rate is more than 0.02 cfs (1 miner's inch) per acre.

1. provide the total number of acres irrigated for the claims listed.
2. provide a breakdown in acres of the types of crops grown in a typical irrigation season for each of your irrigation system types.

Items 3 through 8 must be completed for each of the irrigation system types you specified in item 2. This information must be completed as accurately as possible. All information must be based on peak water use during the irrigation season.

Inflow -

this is the flow of water applied to an individual furrow, border, ditch, etc.; proper evaluation requires good accuracy

spacing or width -

this is the distance between individual furrows, border ridges, sprinkler laterals, etc.

length -

this is the maximum length of run of furrows, corrugations, borders etc.

field slope -

this is the slope of the field in the direction of the run of furrows, borders, etc.; specify in percent or give units if specified otherwise

set time -

this is the number of hours that water is applied during an irrigation set

frequency -

this is the number of days between irrigation start times of the same set of furrows or border(s) etc.

9. complete the appropriate items for the main ditch from the point of diversion to the farm; if this ditch is shared by other water users a more complete description of the system will be required

Items 10, 11, 12, and 13 see questionnaire.

IRRIGATION FLOW RATE QUESTIONNAIRE

THIS INFORMATION IS REQUIRED FOR ANY ADJUDICATION CLAIM(S) FOR WHICH THE IRRIGATION FLOW RATE CLAIMED IS MORE THAN 0.02 CFS PER ACRE (ONE EXCEPTION IS THAT 0.03 CFS PER ACRE MAY BE ALLOWED FOR IRRIGATION OF UP TO 5 ACRES).

CLAIM NO(S). A57-04002
 NAME Mr. Aaron Kasper ^{phone} (503-586-2697)
 ADDRESS 1455 Hwy. 95 N.
 PHONE Jordan Valley, OR 97910

1. TOTAL IRRIGATED ACRES SHOWN ON CLAIM(S) REFERENCED ABOVE 70 ACRES.

2. SHOW THE NUMBER OF ACRES OF CROPS GROWN FOR YOUR IRRIGATION SYSTEM(S) DURING A TYPICAL SEASON

	Border	Furrow	Corrugation	Sprinkler	Contour Ditch	Other
Alfalfa <u>X</u>						<u>23.4</u>
Beans						
Field Corn						
Silage						
Spring Grain						
Winter Wheat						
Orchard						
Pasture						
Potatoes						
Sugar Beets						
Other - <u>Meadow Hay</u>						<u>46.6</u>

PLEASE COMPLETE ITEMS 3 THROUGH 8 FOR EACH OF THE IRRIGATION SYSTEM TYPES SPECIFIED ABOVE

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3. BORDER (COMPLETE BELOW BASED ON PEAK USE)

inflow to border (cfs)	border width (feet)	border length (feet)
field slope (%)	set time (hours)	number of borders per set
frequency (days)		

4. FURROW (COMPLETE BELOW BASED ON PEAK USE)

inflow to furrow (gpm)	furrow spacing (inches)	furrow length (feet)
field slope (%)	set time (hours)	number of furrows per set
frequency (days)		

5. CORRUGATION (COMPLETE BELOW BASED ON PEAK USE)

inflow to corr. (gpm)	corr. spacing (inches)	corr. length (feet)
field slope (%)	set time (hours)	number of corrugations per set
frequency (days)		

6. SPRINKLER (COMPLETE BELOW BASED ON PEAK USE)

average nozzle flow (gpm)	nozzle spacing (feet)
lateral length (feet)	lateral spacing (feet)
number of laterals per set	set time (hrs.)
frequency (days)	

7. CONTOUR DITCH (COMPLETE BELOW BASED ON PEAK USE)

inflow to ditch (cfs)	field slope (%)
ditch length (feet)	distance between ditches (feet)
number of ditches per set	set time (hours)
frequency (days)	

8. OTHER IRRIGATION SYSTEM TYPE (specify) Canvas Dams, Flood Irrigation
 (COMPLETE BELOW BASED ON PEAK USE)
3.72 cfs
 inflow (cfs)
3-3 1/2%
 field slope (%)
SEE ATTACHED SHEET
 frequency (days)

SEE ATTACHED SHEET
 total area irrigated per set (acres)
SEE ATTACHED SHEET
 set time (hrs.)

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9. **CONVEYANCE FROM SOURCE TO FARM**

SEE ATTACHED SHEETS - ESTIMATING CONVEYANCE LOSS

UNLINED DITCH-SPECIFY SOIL TYPE _____

length (feet) _____

ave. depth from land surface (inches) _____

ave. top width of water surface (inches) _____

LINED DITCH-SPECIFY TYPE OF LINING _____

length (feet) _____

ave. depth from land surface (inches) _____

ave. top width of water surface (inches) _____

PIPELINE

length (feet) _____

_____ diameter (inches)

IS THIS CONVEYANCE SYSTEM SHARED BY OTHER WATER USERS? NO

IF YES, PLEASE DESCRIBE OR SKETCH THE SYSTEM SHOWING THE NUMBER OF WATER USERS, LOCATION OF HEADGATES, LENGTHS ETC.

10. ON-FARM DISTRIBUTION SYSTEM-DRAW A SIMPLE SKETCH OF YOUR ON-FARM WATER DISTRIBUTION SYSTEM. AN AERIAL PHOTO/FARM PLAN WITH THE IRRIGATION SYSTEM SKETCHED ON IT MAY BE USED. THIS SKETCH MUST INCLUDE THE FOLLOWING INFORMATION FOR EACH REACH: LENGTH, TOP WIDTH OF WATER SURFACE, DEPTH FROM LAND SURFACE, SOIL TYPE OR LINING, AND PERCENT OF TOTAL FLOW DURING USE.

SEE ATTACHED MAP.

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 300 feet; width of ditch at top is 4 feet; width of bottom of ditch is 2.5 feet; depth of water is 14 inches; grade of ditch per 1000 feet is two feet; material through which ditch passes is earth; maximum length of pipe line to first place of use is none feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. none

Water is measured through a headgate rectangular in shape and three feet across.

- d. If water is stored: name of reservoir not stored; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

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5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

11. HAVE YOU CHANGED YOUR IRRIGATION SYSTEM FROM THE ONE HISTORICALLY USED? (FOR EXAMPLE, LAND LEVELING, CHANGING LENGTH OF RUNS, CHANGE FROM FURROW TO SPRINKLER, ETC.) *NO*

IF YES, PLEASE DESCRIBE:

12. HAVE YOU HAD ANY IRRIGATION SYSTEM DESIGN/EVALUATIONS OR FARM SOIL SURVEYS COMPLETED BY THE SOIL CONSERVATION SERVICE, PRIVATE CONSULTANTS, OR IRRIGATION EQUIPMENT DEALERS?

IF YES, PLEASE DESCRIBE OR ATTACH COPIES *NO*

13. PLEASE INCLUDE ANY FURTHER COMMENTS WHICH WILL AID IN THE EVALUATION OF YOUR WATER REQUIREMENTS.

THANK-YOU

PLEASE RETURN FORMS TO:

kw
9/11/91

Hayhurst/Casper A57-04002

Field No.	Crop	Acres	Rotation	Frequency
1	Meadow Hay	18.6	Continuous H ₂ O due to Slope	↓ irrigates each field for 24 hours every 3 days. ↑ used this for excess flow review kw
2	Alfalfa	4.2	2 days to irrigate	
3	Meadow Hay	16.0	3 days to irrigate	
4	Meadow Hay	12.0	3 days to irrigate	
5	Alfalfa	13.0	3 days to irrigate	
6	Alfalfa	6.2	2 days to irrigate	
Meadow Hay		18.6	9-17-91 Per Mr. Casper's land leveler on 9-17-91 through phone con. w/ Mr. Casper the slope on his land was 3 1/2 ft. to every 100 ft. - the field on east was flatter and the field on the west was steeper. kw MICROFILMED OCT 07 1992	
		16.0		
		12.0		
Total		46.6 acres		
Alfalfa		4.2		
		13.0		
		6.2		
Total		23.4 acres		

Soil (per claimant) is impervious clay type soil - water must stand on field for crop to irrigate - Due to slope water runs off quite readily.

$$IE. = \frac{\overset{\substack{\text{Net Irrig.} \\ \downarrow \\ \text{Application}}}{NIA}}{\underset{\substack{\uparrow \\ \text{Gross} \\ \text{Irr. Application}}}{GIA}}$$

FOR ALFALFA

$$NIA = 3.75''$$

$$GIA = 43200 \text{ g T} / \text{AREA} = 11.34''$$

$$\begin{aligned} \text{AREA} &= 7.8 \text{ AC} \\ &= 340000 \text{ FT}^2 \end{aligned}$$

conversion
factor
↓

$$= 43200 (3.72) (24) / 340000$$

$$IE = \frac{3.75}{11.34} \times 100 = 33\%$$

FOR MEADOW HAY (PASTURE)

$$NIA = 2.37''$$

$$GIA = \frac{43200 (3.72) (24)}{677000}$$

$$\begin{aligned} &15.53 \text{ AC} \\ &= 677000 \text{ FT}^2 \end{aligned}$$

$$= 5.70''$$

$$IE = \frac{2.37}{5.70} \times 100 = 42\%$$

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See pg. 20-21
Guidelines for
the Evaluation
booklet

DATE: 9-20-91
ID NO. A57-04002

TABLE

LARGEST SUMMARY MONTHLY VALUE 5.65, DIVIDE BY SUMMARY IRR. EFF. = 14.49 MM/DAY, MULTIPLY BY 0.001657 = 0.024 CFS/ACRE FIELD REQUIREMENT, ADD ~~FARM APPLICATION LOSS~~ ^{CONVENANCE LOSS} 60 CFS/AC. = 2.28 CFS/AC., MULTIPLY BY SUMMARY ACRES = CFS FIELD REQUIREMENT. ADD
 CONVENANCE LOSS OF = CFS = CFS DIVERSION REQUIREMENT. DIVIDE BY SUMMARY ACRES TO CHECK CFS/ACRE = AT THE DIVERSION POINT.

SNAKE RIVER ADJUDICATION SOIL PROPERTIES

TECH: cw

DATE: 9-20-91

[illegible]

SNAKE RIVER ADJUDICATION SOIL PROFILES

TECH: kwDATE: 9-20

SOIL: SAMPLE		
DEPTH	AVAILABLE WATER	
0	0.12	0
12		1.44
14	0.04	1.68
24		2.08
36		2.56
48		3.04
60		3.52

SOIL:		
DEPTH	AVAILABLE WATER	
INCHES	IN/IN	INCHES

TECH: Beetville

DATE: _____

SOIL:		
DEPTH	AVAILABLE WATER	
INCHES	IN/IN	INCHES
0-	0.16	0
12"		1.92
13"	0.115	2.08
24"		3.35
36"		4.73
48"		6.11
60"		7.49

SOIL:		
DEPTH	AVAILABLE WATER	
INCHES	IN/IN	INCHES

TECH: BabbingtonDATE: 9-20

SOIL:		
DEPTH	AVAILABLE WATER	
INCHES	IN/IN	INCHES
0	0.165	0
4"	0.175	0.66
12"		2.06
24"		4.16
29"	0.16	5.04
36"		6.16
42"	0.05	7.12

8' x 175'

SOIL:		
DEPTH	AVAILABLE WATER	
INCHES	IN/IN	INCHES
~~60"~~		
48"		7.42
60"		8.02
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SNAKE RIVER ADJUDICATION MANAGEMENT ALLOWED DEFICIT

DATE: 9-20-91TECH: Kyle Walker NAME: James HayhurstID. NO. 857-04002

CROP			MANAGEMENT ALLOWED DEFICIT IN INCHES BY SOILS										
NAME	ROOTING DEPTH FT.	STRESS POINT 1/4	WEATHER STATION										
			Babbington				Peetville						
ALFH.	5	0.50	8.02 = 4.01					7.49 = 3.75					
ALFS.	5	0.50											
BEANS	2	0.40											
F.CRN	4	0.50											
SILGE	4	0.50											
S.CRN	3	0.40											
PEAS	3	0.5											
POTAT	3	0.35											
SBEET	5	0.50											
SGRAN	4	0.50											
WGRAN	4	0.50											
PAST.	3	0.50	6.16 = 3.08					4.73 = 2.37					
ORCHD	5	0.5											
HOPS	5	0.5											
LENTILS	3	0.5											
VEGES USE BELOW													
TOMAT	5	0.5											
TRCKA\1	1	0.35											
TRCKA\2	2	0.35											
TRCKA\3	3	0.5											
MELON	5	0.5											

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\1 LETTUCE, RADISHES, ONIONS

\2 CABBAGE, BROCCOLI, CAULIFLOWER, SPINACH

\3 TURNIPS, PARSNIPS, CARROTS

\4 FRACTION OF AWC READILY AVAILABLE TO CROP

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MEMORANDUM

DATE: 18-Sep-1991 08:21

TO: FILE A57-04002

FROM: KAY WALKER *kw*

RE: EXCESSIVE FLOW INFORMATION

Pursuant to the irrigation flow rate questionnaire and determination of the need for excessive flow rate requested on this claim I contacted Harley of the SCS office in Boise and asked him what type of soil was located on Mr. Hayhurst's property. After giving Harley the location of the property he gave the information to Al Harkness who looked up the information and returned my call with the information. The information he gave me was that the soil type on this land was:

Beetville
Babbington-~~Beetile~~ Map Loams, 0 - 3% slopes...
55% of the map area was Babbington and 20% was ~~Beetile~~ *Beetville*

Babbington area information:
depth 40-60" water table
moderately well drained
very slow to slow permeability
moderately slow to slow runoff
available water capacity - very high
erosion by water is slight
flooding is rare

Beetville
~~Beetile~~ area information:
40-60" seasonal water level
very slow runoff
moderate permeability
high available water capacity
slight hazard of water erosion
occasional hazard of flooding

The land capability classification was 2W on the irrigated land and 5W on the non-irrigated land. Ranking 1-8. Mr. Harkness ~~was not~~
was not bad soil if irrigated.

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SCS soil - 334-1033

MLRA(S): 11, 25
REV. AH-NP, 8-90
ARIDIC CALCIC ARGIXEROLLS, FINE-LOAMY, MIXED, MESIC

THE BABBINGTON SERIES CONSISTS OF VERY DEEP SOILS ON BOTTOMLANDS AND ALLUVIAL FLATS. THEY FORMED IN ALLUVIUM FROM BASALT. TYPICALLY, THE SURFACE LAYER IS GRAYISH BROWN LOAM 4 INCHES THICK. THE UPPER PART OF THE SUBSOIL IS BROWN CLAY LOAM 25 INCHES THICK. THE LOWER PART IS LIGHT BROWNISH GRAY LOAM 13 INCHES THICK. THE SUBSTRATUM IS STRATIFIED LOAMY SAND AND VERY GRAVELLY SAND TO 60 INCHES. VERY GRAVELLY SAND TO 60 INCHES. SLOPES RANGE FROM 0 TO 3 PERCENT.

LANDSCAPE AND CLIMATE PROPERTIES					
ANNUAL AIR TEMPERATURE	FROST FREE DAYS	ANNUAL PRECIPITATION	ELEVATION (FT)	DRAINAGE CLASS	SLOPE (CT)
45-50	90-130	10-13	3400-5300	MW	0-3

ESTIMATED SOIL PROPERTIES					
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	FRAC. >10 IN. (CT)	FRAC. 3-10 IN. (CT)
0-4	IL	CL-ML	A-4	0	0
0-4	SIL	CL-ML	A-4	0	0
4-29	CL, SIL	CL	A-6, A-7	0	0
29-42	IL, SIL, CL	CL	A-6	0	0
42-60	SR-LS-GRV-S	SM, SP-SM, GM, GP-GM	A-2, A-1	0	0-5

DEPTH (IN.)	LIQUID LIMIT	PLASTICITY INDEX	MOIST BULK DENSITY (G/CM3)	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (pH)	SALINITY (MMHOS/CM)	SAR	CEC (ME/100G)	CACO3 (PCT)	GYPSUM (PCT)
0-4	20-30	5-10	1.25-1.35	0.6-2.0	0.15-0.17	6.6-7.3	-	-	20-30	-	-
0-4	20-30	5-10	1.25-1.35	0.6-2.0	0.16-0.18	6.6-7.3	-	-	15-25	-	-
4-29	30-45	10-20	1.30-1.40	0.2-0.6	0.16-0.19	6.6-7.3	-	-	25-35	0-4	-
29-42	30-40	10-20	1.30-1.45	0.6-2.0	0.15-0.17	7.4-8.4	<2	0-5	20-30	2-15	-
42-60	-	NP-5	1.50-1.70	2.0-20.0	0.03-0.07	7.4-8.4	<2	0-5	5-15	0-4	-

DEPTH (IN.)	ORGANIC MATTER (PCT)	SHRINK SWELL POTENTIAL	EROSION INDEX	WIND EROD. INDEX	CORROSIVITY
0-4	2-4	LOW	.32	5	48
0-4	1-3	LOW	.43	5	56
4-29	.5-2	MODERATE	.37		
29-42	<.5	LOW	.37		
42-60	<.5	LOW	.05		

FLOODING		HIGH WATER TABLE		CEMENTED PAN		BEDROCK		SUBSIDENCE		HYD. POTENTIAL	
FREQUENCY	DURATION	MONTHS	DEPTH (IN)	KIND	MONTHS	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INIT. (IN)	TOTAL (IN)
RARE			3.5-5.0	APPARENT	APR-JUN		>60				

55%

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SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	0-15%: SEVERE-WETNESS, PERCS SLOWLY 15+%: SEVERE-WETNESS, PERCS SLOWLY, SLOPE	ROADFILL	0-15%: GOOD 15-25%: FAIR-SLOPE 25+%: POOR-SLOPE
SEWAGE LAGOON AREAS	0-7%: SEVERE-SEEPAGE 7+%: SEVERE-SEEPAGE, SLOPE	SAND	PROBABLE
SANITARY LANDFILL (TRENCH)	0-15%: SEVERE-WETNESS 15+%: SEVERE-WETNESS, SLOPE	GRAVEL	PROBABLE
SANITARY LANDFILL (AREA)	0-8%: MODERATE-FLOODING, WETNESS 8-15%: MODERATE-FLOODING, WETNESS, SLOPE 15+%: SEVERE-SLOPE	TOPSOIL	0-15%: POOR-AREA RECLAIM 15+%: POOR-AREA RECLAIM, SLOPE
DAILY COVER FOR LANDFILL	0-8%: FAIR-THIN LAYER 8-15%: FAIR-SLOPE, THIN LAYER 15+%: POOR-SLOPE	WATER MANAGEMENT	
		POND RESERVOIR AREA	0-8%: SEVERE-SEEPAGE 8+%: SEVERE-SEEPAGE, SLOPE
BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	0-15%: SEVERE-CUTBANKS CAVE 15+%: SEVERE-CUTBANKS CAVE, SLOPE	EMBANKMENTS DIKES AND LEVEES	MODERATE-THIN LAYER, PIPING, WETNESS
DWELLINGS WITHOUT BASEMENTS	0-15%: SEVERE-FLOODING 15+%: SEVERE-FLOODING, SLOPE	EXCAVATED PONDS AQUIFER FED	SEVERE-SLOW REFILL, CUTBANKS CAVE
DWELLINGS WITH BASEMENTS	0-15%: SEVERE-FLOODING 15+%: SEVERE-FLOODING, SLOPE	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	0-8%: SEVERE-FLOODING 8+%: SEVERE-FLOODING, SLOPE	IRRIGATION	0-3% L: FAVORABLE 3+% L: SLOPE 0-3% SIL: ERODES EASILY 3+% SIL: SLOPE, ERODES EASILY
LOCAL ROADS AND STREETS	0-15%: SEVERE-LOW STRENGTH 15+%: SEVERE-LOW STRENGTH, SLOPE	TERRACES AND DIVERSIONS	0-8%: ERODES EASILY 8+%: SLOPE, ERODES EASILY
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	0-8%: SLIGHT 8-15%: MODERATE-SLOPE 15+%: SEVERE-SLOPE	GRASSED WATERWAYS	0-8%: TOO ARID, ERODES EASILY 8+%: TOO ARID, SLOPE, ERODES EASILY

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RECREATIONAL DEVELOPMENT	
CAMP AREAS	0-15%: SEVERE-FLOODING 15+%: SEVERE-FLOODING,SLOPE
PLAYGROUNDS	0-2%: MODERATE-DUSTY 2-6%: MODERATE-SLOPE,DUSTY 6+%: SEVERE-SLOPE
PICNIC AREAS	0-8%: MODERATE-DUSTY 8-15%: MODERATE-SLOPE,DUSTY 15+%: SEVERE-SLOPE
PATHS AND TRAILS	0-15% L: MODERATE-DUSTY 15-25% L: MODERATE-SLOPE,DUSTY 25+% L: SEVERE-SLOPE 0-25% SIL: SEVERE-ERODES EASILY 25+% SIL: SEVERE-SLOPE,ERODES EASILY

[illegible][illegible]

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WINDBREAKS			
CLASS-DETERMINING PHASE	SPECIES	HT	SPECIES
	NONE		

WILDLIFE HABITAT SUITABILITY											
CLASS-DETERMINING PHASE	POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:				
	GRAIN & SEED	GRASS & LEGUME	WILD HERB	HARDWOOD TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLD WILDLIFE	WOODLD WILDLIFE	WETLAND WILDLIFE
0-2% IRR	GOOD	GOOD	FAIR	-	-	FAIR	POOR	FAIR	GOOD	-	POOR
2-3% IRR	FAIR	FAIR	FAIR	-	-	FAIR	POOR	FAIR	FAIR	-	POOR
0-3% NIRR	POOR	POOR	FAIR	-	-	FAIR	POOR	POOR	POOR	-	POOR

POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION) (A)											
COMMON PLANT NAME	PERCENTAGE COMPOSITION (DRY WEIGHT) BY CLASS-DETERMINING PHASE										
	PLANT SYMBOL (NLSN)	ALL									
BASIN WILDRYE	ELC12	25									
BLUEGRASS	POA++	15									
SEDGE	CAREX	10									
BOTTLEBRUSH SQUIRRELTAIL	SIHY	5									
IDAH0 FESCUE	FEID	5									
OTHER PERENNIAL GRASSES	PPGG	5									
PHLOX	PHLOX	5									
OTHER PERENNIAL FORBS	PPFF	5									
BASIN BIG SAGEBRUSH	ARTRT*	\$ 20									
OTHER SHRUBS	SSSS	\$ 5									
		\$									
POTENTIAL PRODUCTION (LBS./AC. DRY WT):											
FAVORABLE YEARS			1600								
NORMAL YEARS			1200								
UNFAVORABLE YEARS			800								

A RANGE SITE: 025XY0281 LOAMY BOTTOM 12-16.

FOOTNOTES

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20%

ID1539

SOIL INTERPRETATIONS RECORD

BEETVILLE SERIES
FLOODED

MLRA(S): 25, 11

REV. AH,NP, 9-90

FLUVENTIC HAPLOXEROLLS, COARSE-LOAMY, MIXED, MESIC

THE BEETVILLE, FLOODED CONSIST OF VERY DEEP SOILS FORMED IN ALLUVIUM ON LOW TERRACES AND BOTTOMLANDS. VEGETATION IS BIG SAGEBRUSH AND WILDRIE. TYPICALLY, THE SURFACE LAYER IS VERY DARK GRAYISH BROWN LOAM 13 INCHES THICK. IT IS UNDERLAIN BY DARK GRAYISH BROWN STRATIFIED SILT LOAM AND GRAVELLY LOAMY SAND TO 60 INCHES.

LANDSCAPE AND CLIMATE PROPERTIES					
ANNUAL AIR TEMPERATURE	FROST FREE DAYS	ANNUAL PRECIPITATION	ELEVATION (FT)	DRAINAGE CLASS	SLOPE (PCT)
47-51	100-130	10-12	3400-4650	MW	0-2

\$

ESTIMATED SOIL PROPERTIES										
DEPTH (IN.)	USDA TEXTURE	UNIFIED	AASHTO	FRAC. >10 IN. (PCT)	FRAC. 3-10 IN. (PCT)	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				CLAY (PCT)
0-13	L	ML, CL-ML	A-4	0	0	4	10	40	200	12-20
13-60	SR-SIL-GR-LS	SM, SC-SM, ML, CL-ML	A-1, A-2, A-4	0	0	95-100	90-100	80-95	60-75	12-20
						70-100	65-100	40-90	15-80	8-18

DEPTH (IN.)	LIQUID LIMIT	PLASTICITY INDEX	MOIST DENSITY (G/CM3)	BULK DENSITY (G/CM3)	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHQS/CM)	SAR	CEC (ME/100G)	CAC03 (PCT)	GYP SUM (PCT)
0-13	20-30	NP-10	1.40-1.50	0.6-2.0	0.15-0.17	6.6-8.4	6.6-8.4	-	<5	10-25	-	-
13-60	20-30	NP-10	1.50-1.70	0.6-6.0	0.06-0.17	6.6-8.4	6.6-8.4	-	<5	10-20	-	-

DEPTH (IN.)	ORGANIC MATTER (PCT)	SHRINK-SWELL POTENTIAL (K)	EROSION: EACI	WIND EROD. GROUP	WIND EROD. INDEX	CORROSIVITY: STEEL	CORROSIVITY: CONCRETE
0-13	2-4	LOW	.32	5	5	5	MODERATE
13-60	1-3	LOW	.28				

FLOODING		HIGH WATER TABLE		CEMENTED PAN		BEDROCK		SUBSIDENCE		HYD: POTENTIAL	
DEPTH	KIND	DEPTH	KIND	DEPTH	KIND	DEPTH	KIND	INITIAL	TOTAL	GRP	FROST

OCT 17 1992

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BEETVILLE SERIES
FLOODED

ID1539

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	SEVERE-FLOODING, WETNESS	ROADFILL	GOOD
SEWAGE LAGOON AREAS	SEVERE-SEEPAGE, FLOODING	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-FLOODING, SEEPAGE, WETNESS	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	SEVERE-FLOODING, SEEPAGE	TOPSOIL	POOR-SMALL STONES
DAILY COVER FOR LANDFILL	FAIR-TOO SANDY, SMALL STONES	WATER MANAGEMENT	
		POND RESERVOIR AREA	SEVERE-SEEPAGE
BUILDING SITE DEVELOPMENT			
SHALLOW EXCAVATIONS	SEVERE-CUTBANKS CAVE	EMBANKMENTS DIKES AND LEVEES	SEVERE-SEEPAGE, PIPING
DWELLINGS WITHOUT BASEMENTS	SEVERE-FLOODING	EXCAVATED PONDS AQUIFER FED	SEVERE-CUTBANKS CAVE
DWELLINGS WITH BASEMENTS	SEVERE-FLOODING	DRAINAGE	DEEP TO WATER
SMALL COMMERCIAL BUILDINGS	SEVERE-FLOODING	IRRIGATION	DROUGHTY, FLOODING
LOCAL ROADS AND STREETS	SEVERE-FLOODING	TERRACES AND DIVERSIONS	TOO SANDY
LANDSCAPING AND GOLF FAIRWAYS	MODERATE-DROUGHTY, FLOODING	GRASSED WATERWAYS	DROUGHTY

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ID1539

REGIONAL INTERPRETATIONS	
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WOODLAND SUITABILITY						
CLASS- DETERMINING PHASE	ORD	MANAGEMENT PROBLEMS	POTENTIAL PRODUCTIVITY	COMMON TREES	SITE/PROD	TREES TO PLANT
		SYM:EROS'N:EQUIP.:SEEDL.:WINDTH:PLANT				
		HAZARD:LIMIT:MORT'Y:HAZARD:COMPET			INDX:CLAS	

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OCT 07 1992

BEETVILLE SERIES
FLOODED

ID1539

WINDBREAKS													
CLASS-DETERMINING PHASE	SPECIES	HT	SPECIES	HT	SPECIES	HT	SPECIES	HT	SPECIES	HT	SPECIES	HT	SPECIES
ALL	RUSSIAN OLIVE	33	SIBERIAN PEASHRUB	12	TATARIAN HONEYSUCKLE	34	ROCKY MT. JUNIPER	14					
	GREEN ASH	28	LILAC	12	SCOTCH PINE	39	IDAHO HYBRID POPLAR	40					
	PEKING COTONEASTER	8	EUROPEAN PRIVET	7	BLUE SPRUCE	35	AUSTRIAN PINE	40					
WILDLIFE HABITAT SUITABILITY													
CLASS-DETERMINING PHASE	POTENTIAL FOR HABITAT ELEMENTS							POTENTIAL AS HABITAT FOR:					
	GRAIN & SEED	GRASS & LEGUME	WILD HERB	HARDWOOD TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLD	WOODLD	WETLAND	RANGELD	
ALL	GOOD	GOOD	GOOD	-	-	GOOD	GOOD	GOOD	GOOD	-	GOOD	GOOD	
POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION) (A)													
COMMON PLANT NAME	PLANT SYMBOL (NLSN)	PERCENTAGE COMPOSITION (DRY WEIGHT) BY CLASS-DETERMINING PHASE											
BASIN WILDRYE	ELCI2	30											
BLUEGRASS	POA++	20											
SEDGE	CAREX	10											
ROCKY MOUNTAIN IRIS	IRMI	5											
BASIN BIG SAGEBRUSH	ARTRT*	20											
OTHER PERENNIAL GRASSES	PPGG	5											
OTHER PERENNIAL FORBS	PPFF	5											
OTHER SHRUBS	SSSS	5											
POTENTIAL PRODUCTION (LBS./AC. DRY WT):													
FAVORABLE YEARS			1600										
NORMAL YEARS			1200										
UNEAVORABLE YEARS			800										

FOOTNOTES

A RANGES: 025XY0281 LOAMY BOTTOM 12-16 ARTRT/ELCI2.

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Hayhurst Fields - Upper Ditch

ESTIMATING CONVEYANCE LOSS

Formula: $S = (W)(i)(0.0667)$ where: S is loss in cfs per mile
 W is the top width of the high water mark in feet
 i is the loss rate in feet per day (see Table)
 0.0667 is a factor used to convert to cfs per mile

Table:	Type of soil	Loss rate i (ft/day)
	medium clay loam	0.5 to 1.5
	impervious clay	0.5
	medium soils	1.0
	somewhat pervious soils	1.5 to 2.0
	gravel	2.5 to 5.0

Worksheet: $S = (\underline{4'} \text{ ft}) (\underline{1.0} \text{ ft/day}) (0.0667)$
 $S = \underline{0.2668} \text{ cfs/mi}$
Conveyance loss = $(S)(\text{length of ditch in miles})$
Conveyance loss = $(\underline{0.2668} \text{ cfs/mi}) (\underline{1.25} \text{ mi})$
Conveyance loss = $\underline{.33} \text{ cfs}$

assuming both
ditches are used
at same time - ditch
see lower ditch
next sheet.

Hayhurst Fields - Lower Ditch

ESTIMATING CONVEYANCE LOSS

Formula: $S = (W)(i)(0.0667)$ where: S is loss in cfs per mile
 W is the top width of the high water mark in feet
 i is the loss rate in feet per day (see Table)
 0.0667 is a factor used to convert to cfs per mile

Table:	Type of soil	Loss rate i (ft/day)
	medium clay loam	0.5 to 1.5
	impervious clay	0.5
	medium soils	1.0
	somewhat pervious soils	1.5 to 2.0
	gravel	2.5 to 5.0

Worksheet: $S = (4' \text{ ft})(1.0 \text{ ft/day})(0.0667)$
 $S = 0.2668 \text{ cfs/mi}$
Conveyance loss = $(S)(\text{length of ditch in miles})$
Conveyance loss = $(0.2668 \text{ cfs/mi})(1 \text{ mi})$
Conveyance loss = 0.27 cfs

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED ☒
NEEDS
REVIEW ☐
☐
☐

B. SPLIT WATER RIGHT REVIEW

N/A

ROOT WATER RIGHT NUMBER: 57-04002

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
5.380

EXAMINER
[Signature]

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-04002	4.660	R57-04002	1.350	57-04002	9.480
57-04001	A57-10568	2.690	R57-10568	2.690	57-04001	2.690
57-04031	A57-10568	2.690	R57-10568	2.690	57-04031	2.690
-	R57-04002	1.350	R57-04002	1.350	57-04002	9.480
TOTAL CFS		11.390	8.080		5.380	

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

[Signature]

JAN THURTE

DATE:

8/15/91

TITLE:

WTR. RTS. SUPERVISOR

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OCT 07 1992

SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. A57-04002

Cement diversion dam in creek with headgate diversion heading north. Boards are placed in cement structure & back water up to flow into cement headgate structure approx. 3' high with headgate in center. Headgate thru 24" culvert pipe into dirt ditch. Ditch is approx. 4' wide at top, 3' wide at the bottom, with a high water mark at 1'. Total depth of ditch is 14". Ditch is approx. 1 1/3 miles long on the north side of the fields. Main ditch flows from headgate approx. 600' where a pipeline branches off from the main ditch underground & under Tuccon Creek to the south side of the creek into another ditch which flows on the south side of the fields & irrigates from the south side. This ditch is approx. 1 mile long. Stock water from these ditches & creek.

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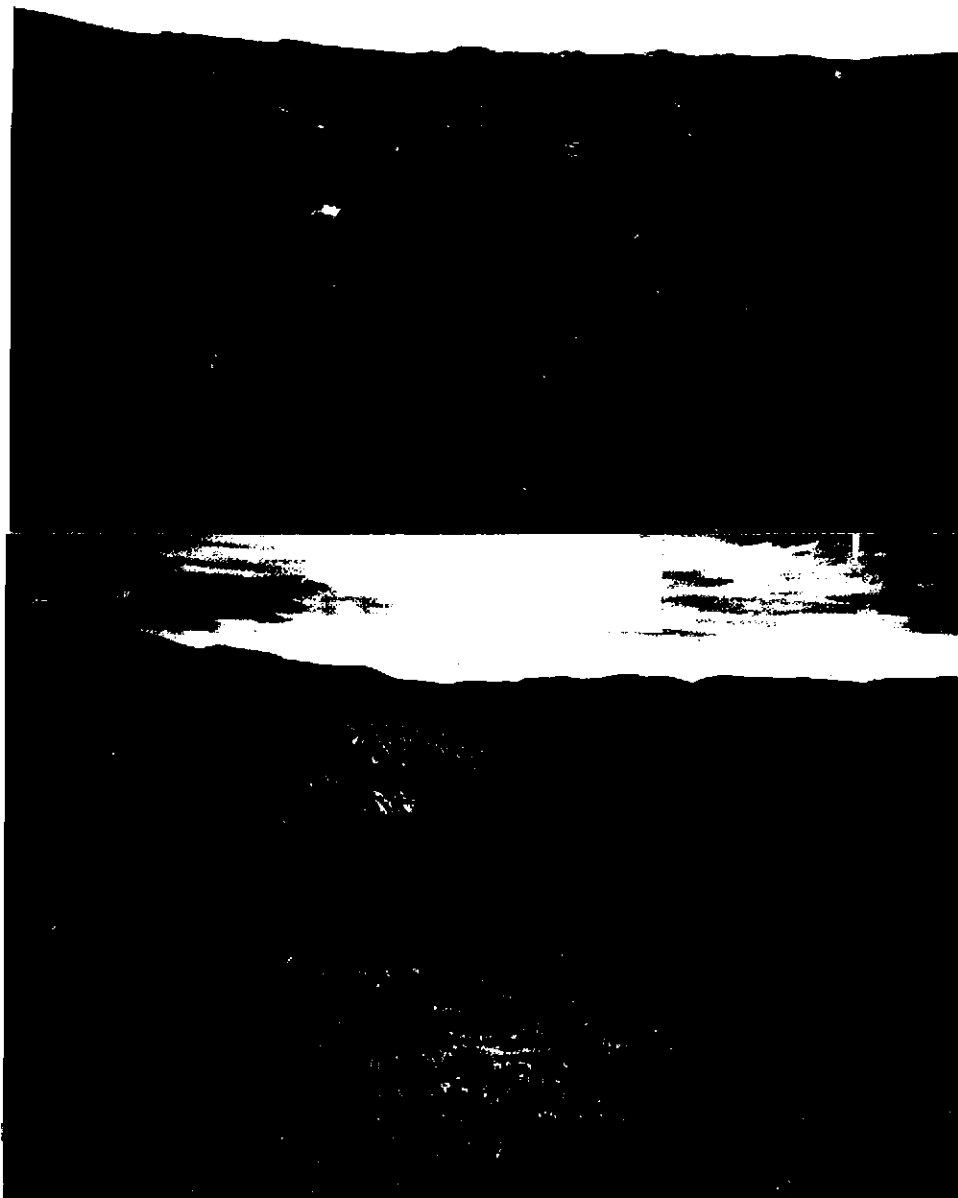
OCT 07 1992

POINT OF DIVERSION
A57 - 04002



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PLACE OF USE - A57-04002
JAMES HAYHURST



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OCT 07 1992

PLACE OF USE
CLAIM NO. A57-04002



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OCT 07 1992

From: DWR80::SHURTE 30-SEP-1991 13:39:23.81
To: DWR03::SHAFF
CC: SHURTE
Subj: REMARK CONDITION NO. J05

HI DON. JUST THOUGHT I WOULD RUN THIS PAST YOU. ON ONE OF MY CLAIMS THAT HAVE IRRIGATED GROUND IN OREGON: 1- I BASED THE CFS ON THE TOTAL ACRES IRRIGATED (PLUS EXC. FLOW) - 70 AC - IDAHO & OREGON LANDS; 2- PLACE OF USE ONLY SHOWS THE LANDS IN IDAHO - 58 AC; 3- USED CONDITION NO. J05 THAT STATES - PLACE OF USE INCLUDES THE IRRIGATION OF 12 ACRES WITHIN THE STATE OF OREGON. I GUESS MY MAIN QUESTION IS CONCERNING THE WORD INCLUDES IN THAT CONDITION. ACTUALLY, THE PLACE OF USE SHOWN ON THE CLAIM DOES NOT INCLUDE THE 12 ACRES IN OREGON - ACTUALLY THE 12 ACRES ARE NOT LISTED ANYWHERE ON THE CLAIM. MY IDEA IS TO MAKE THE CONDITION SOMEHOW SAY THAT THERE IS AN ADDITIONAL 12 ACRES NOT SHOWN IN THE PLACE OF USE THAT LIE IN OREGON AND THE TOTAL ACRES IRRIGATED ARE 70. IS THIS TOO NITPICKY? I JUST THINK THAT THE CLAIMANT WILL THINK THE 58 ACRES SHOWN IN THE PLACE OF USE INCLUDE THE 12 ACRES IN OREGON. WHAT DO YOU THINK? JAN

Leave as is. Per ~~Don~~ Shafl on 9/30/91

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OCT 07 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 18, 1991

RE: Infrared Aerial Photography

Aaron Kasper
1455 Hwy. 55 N.
Jordan Valley, OR 97910

Dear Mr. Kasper:

During another review of your file and following your visit to our office the other day, I finally found out where you could obtain the aerial photography of your place. I am sorry it has taken me so long to get this information. The place to contact to get these photos is:

U.S. DEPT. OF AGRICULTURE
ASCS - Salt Lake
Aerial Photography Field Office Phone: 801-524-5856
P.O. Box 30010
Salt Lake City, UT 84130

The photo's that we have in our office are identified as being color infrared positive on ciba paper and the cost is \$16.00 each. The two photos of your place are identified by these numbers:

Succor Creek Water - NAPP 429-158 dated 7-31-87
Cow Creek Water - NAPP 429-156 dated 7-31-87

If I can be of any further help to you, please feel free to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

MICROFILMED

OCT 07 1992

August 23, 1991

James Hayhurst or Aaron Kasper
1455 Hwy 95 N
Jordan Valley, OR 97910

Dear Sirs:

We are currently in the process of reviewing and preparing Notice of Claim No. A57-04002 for court decree in the Snake River Basin Adjudication. During this review a question arose concerning the flow rate claimed for the 70 acres of irrigation.

This claim was filed claiming 4.66 cfs for 70 acres, which is approximately 3 inches of water per acre. Idaho water law states that the normal duty of water in Idaho be limited to 1 inch of water per acre, unless it can be shown that more water is needed. In order to determine if more water is necessary, the enclosed Irrigation Flow Rate Questionnaire must be completed. Once this form is completed and returned, the Department can then determine if more than 1 inch per acre is needed. Please complete the questionnaire and return it to this office within 30 days. If we do not receive the completed questionnaire within this amount of time, we will recommend 1.40 cfs which is 1 inch per acre for the 70 acres mentioned above. The claim will also include .09 cfs for stockwater use for 400 head cow/calf pairs with a total of 1.49 cfs.

Enclosed is a copy of the orthophotoquad for the 70 acres, which also shows the location of the point of diversion and the number of acres to be recommended for each quarter-quarter in both Idaho and Oregon. If you have any problems with the acres found or point of diversion location, please let us know. Feel free to contact us with any other questions you may have.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Adjudications Section

MICROFILMED

OCT 07 1992

October 19, 1990

James Hayhurst
1455 Hwy. 95 N.
Jordan Valley, OR 97910

RE: Claims filed in the Snake River Basin Adjudication

Dear Claimants:

The Department of Water Resources is now conducting beneficial use and water right claim verification examinations in your area. 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 and legal descriptions of the point of diversion and/or place of use.

In order to expedite these field examinations, due to the oncoming winter months, we request that you contact our office at (208)334-2190 within two weeks to make an appointment at a time convenient for you.

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 also needs to be verified. Recently, 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.

If you have any questions or problems with the exam verification, please call within the two week period.

Sincerely,

KAY WALKER
Water Resource Agent

KW:k

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OCT 07 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 16, 1989

Mr. James Hayhurst
P. O. Box 498
Hollister, CA 95023

RE: Snake River Basin Adjudication

Dear Mr. Hayhurst:

Following the instructions of your farm manager in Oregon, the claim forms for water rights diverted in Idaho I assisted Aaron Kasper complete, are enclosed. These water rights should be claimed in Idaho's Snake River Basin Adjudication.

After reviewing the forms, please complete Item #16 on each claim, having your signature notarized. Please return the completed forms to this office to my attention by February 3, 1989 to avoid any late fees.

Thank you for your cooperation.

Yours Truly,

Donald V. Shaff
Adjudication Section Supervisor

DVS:db

Enclosures

Claim #A55-10014

Claim #A57-04002

How You Will Receive Notice

*208-653-2135
per answer machine
@ 541-586-2696
(per '93 claim
submitted
#A55-10355)
KW
3/25/97*

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OCT 07 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 16, 1989

Mr. James Hayhurst
P. O. Box 498
Hollister, CA 95023

RE: Snake River Basin Adjudication

Dear Mr. Hayhurst:

Following the instructions of your farm manager in Oregon, the claim forms for water rights diverted in Idaho I assisted Aaron Kasper complete, are enclosed. These water rights should be claimed in Idaho's Snake River Basin Adjudication.

After reviewing the forms, please complete Item #16 on each claim, having your signature notarized. Please return the completed forms to this office to my attention by February 3, 1989 to avoid any late fees.

Thank you for your cooperation.

Yours Truly,

A handwritten signature in dark ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Adjudication Section Supervisor

DVS:db

Enclosures

Claim #A55-10014

Claim #A55-04002

How You Will Receive Notice

MICROFILMED

OCT 07 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 3, 1989

Mr. Aaron Kasper
1455 Highway 95 North
Jordan Valley, OR 97910

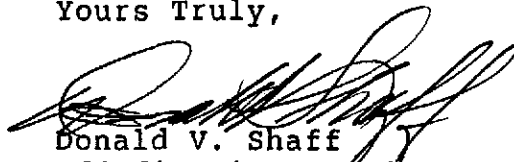
RE: A55-10014, A57-04002

Dear Mr. Kasper:

As the above referenced claims were filed on December 2, 1988, I discussed with you the necessity of a power of attorney for yourself on behalf of James V. Hayhurst. To date a copy of this power of attorney has not been received.

I will look for a copy of the power of attorney on or before February 3, 1989; otherwise the claims will be returned. If this time schedule is inconvenient, please inform me.

Yours Truly,


Donald V. Shaff
Adjudication Section
Supervisor

DVS:db

MICROFILMED

OCT 07 1992

RECEIVED RECEIVED

DEC 6 1908

NOV 10 1908

Department of Agriculture Department of the Interior

AFFIDAVIT IN SUPPORT OF CLAIM FOR WATER RIGHT

STATE OF OREGON)
County of Malheur) ss

JESS STRODE of Vale, Oregon, being first duly sworn, deposes and says:

That he resides in and about Vale, Malheur County, Oregon. That for many years immediately last past he has been continuously familiar with the following described land located in Owyhee County, Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and Lots 1 and 2: all in Section 14, Township 3 South, bearing 6 West of the Boise Meridian, Owyhee County, Idaho.

That the above said property is now owned by J. S. Fenwick of Caldwell, Idaho, and that he has been familiar with the said land since the year 1908 when the land was first occupied by Albert Emery.

That the natural channel of Succor Creek, which is a natural stream, flows through the said lands. That in each year since 1908 he has observed that waters flowing in the natural channel of the said Succor Creek have been diverted from the said stream and appropriated and applied to the said land. That I have personally observed the waters from said creek being diverted and flowing in the irrigation ditches located on the said property and the application of such water since said date to the growing of hay crops on said property.

That the appropriation and use of said waters as aforesaid, has generally begun about April 1 of each year and continued so long as sufficient water remained in the creek for diversion; the length of time of appropriation use varied from year to year depending upon the water supply, and some years went as late as the month of September.

DUNLAP, RETTIG & ROSENBERRY
Attorneys at Law
914 Main Street
Caldwell, Idaho

57-4002

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Dated this 8 day of October, 1968.

Jess Strode
Jess Strode

Subscribed and sworn to before me this 8 day of October, 1968.

Marionie Frappone
Notary Public for
Residing at
My commission expires: 5-5-72

(SEAL)

RECEIVED RECEIVED

DEC 6 1938

NOV 18 1938

Department of Reclamation Department of Reclamation

AFFIDAVIT IN SUPPORT OF CLAIM FOR WATER RIGHT

STATE OF OREGON)
County of Malheur) SS

S. K. SKINNER, of Jordan Valley, Oregon, being first duly sworn, deposes and says:

That he resides in and about Jordan Valley, Malheur County, Oregon. That for many years immediately last past he has been continuously familiar with the following described land located in Owyhee County, Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and Lots 1 and 2; all in Section 14, Township 3 South, bearing 6 West of the Boise Meridian, Owyhee County, Idaho.

That the above said property is now owned by J. S. Fenwick of Caldwell, Idaho, and that he has been familiar with the said land since the year 1908 when the land was first occupied by Albert Emery.

That I have on many occasions in each year since 1908 personally observed the described lands and the use being made thereof by Mr. Emery and its subsequent owners and occupiers.

That the natural channel of Succor Creek, which is a natural stream, flows through the said lands. That in each of the years since 1908 I have observed that waters flowing in the natural channel of the said Succor Creek have been diverted from the said stream and appropriated and applied to the above described land for the useful purpose of irrigating hay crops grown and harvested thereon.

That the appropriation and use of said waters as aforesaid, has generally begun about April 1 of each year and continued so long as sufficient water remained in the creek for diversion; the length of time of appropriation use varied from year to year depending upon the water supply, and some years went as late as the month of September.

DUNLAP, RETTIG & ROSENBERRY
Attorneys at Law
914 Main Street
Caldwell, Idaho

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Dated this 27th day of September 1968.

S. K. Skinner
S. K. Skinner

Subscribed and sworn to before me this 27th day of September, 1968.

Hubert W. Retts
Notary Public for Idaho
Residing at Caldwell
My commission expires: 7-8-69

(SEAL)

RECEIVED RECEIVED

DEC 6 1968

NOV 18 1968

Department of Reclamation Department of Reclamation

AFFIDAVIT IN SUPPORT OF CLAIM FOR WATER RIGHT

STATE OF OREGON)
County of Malheur) ss

HUGH H. SCOTT of Jordan Valley, Oregon, being first duly sworn, deposes and says:

That he resides in and about Jordan Valley, Malheur County, Oregon. That for many years immediately last past he has been continuously familiar with the following described land located in Owyhee County, Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and Lots 1 and 2: all in Section 14, Township 3 South, bearing 6 West of the Boise Meridian, Owyhee County, Idaho.

That the above said property is now owned by J. S. Fenwick of Caldwell, Idaho, and that he has been familiar with the said land since the year 1908 when the land was first occupied by Albert Emery.

That I have on many occasions in each year since 1908 personally observed the described lands and the use being made thereof by Mr. Emery and its subsequent owners and occupiers.

That the natural channel of Succor Creek, which is a natural stream, flows through the said lands. That in each of the years since 1908 I have observed that waters flowing in the natural channel of the said Succor Creek have been diverted from the said stream and appropriated and applied to the above described land for the useful purpose of irrigating hay crops grown and harvested thereon.

That the appropriation and use of said waters as aforesaid, has generally begun about April 1 of each year and continued so long as sufficient water remained in the creek for diversion; the length of time of appropriation use varied from year to year depending upon the water supply, and some years went as late as the month of September.

DUNLAP, RETTIG & ROSENBERRY
Attorneys at Law
914 Main Street
Caldwell, Idaho

1 Dated this 23rd day of September, 1968.

2
3 Hugh H. Scott
4 Hugh H. Scott

5
6 Subscribed and sworn to before me this 23rd day of
7 September, 1968.

8 Robert W. Petty
9 Notary Public for Idaho
10 Residing at Caldwell
My commission expires: 7-8-69

11 (SEAL)

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DUNLAP, RETTIG & ROSENBERRY
Attorneys at Law
914 Main Street
Caldwell, Idaho

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Department of Reclamation Department of Reclamation

AFFIDAVIT IN SUPPORT OF CLAIM FOR WATER RIGHT

STATE OF IDAHO)
County of Canyon) ss

E. C. FENWICK, of Jordan Valley, Oregon, being first duly sworn, deposes and says:

That he resides in Jordan Valley, Malheur County, Oregon.

That he is familiar with the following described property located in Owyhee County, Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and Lots 1 and 2; all in Section 14, Township 3 South, bearing 6 West of the Boise Meridian, Owyhee County, Idaho.

That I lived within approximately three (3) miles of the said property for twenty-four years until 1926. That during that period and the period continuously since 1926 I have observed and actually been in and upon the said property and inspected the same.

That the natural channel of Succor Creek, which is a natural stream, flows through the said lands and has done so ever since I first became acquainted with the said property.

That the first occupant of the said land was Albert Emery and that in 1908 he constructed a rock dam across the natural channel of Succor Creek about four feet in height and thereby diverted and conducted water from said stream through ditches constructed by him, and applied to hay crops grown upon the said lands.

That the said Albert Emery and the subsequent owners and occupiers up to the ownership of J. S. Fenwick, continuously during those years used and appropriated water from said creek to the irrigation of hay crops grown and harvested thereon, utilizing the same ditches constructed by Mr. Emery.

That J. S. Fenwick purchased the land in 1946 and utilized the same irrigation works each year to apply and appropriate water from said stream to the growing of hay crops upon the said land.

1 That in and about the year 1950 the said J. S. Fenwick
2 removed the said rock dam across the said stream and constructed
3 the cement dam four feet in height in its place, which has been
4 used each year ever since in diverting waters from the natural
5 channel of the said stream for application to the said lands in
6 the same manner and for the same beneficial purposes as set forth
7 above. That the change in the diversion works has not resulted
8 in an increase or decrease in the amount of waters diverted from
9 said stream and applied as aforesaid.

10 That the appropriation and use of the waters from said
11 stream as aforesaid, has generally begun about April 1 of each
12 year and continued so long as sufficient waters remained in the
13 creek for diversion; that the length of time of such appropriation
14 and use varied from year to year depending on the water supply and
15 in some years, appropriation lasted into the month of September.

16 Dated this 24 day of October, 1968.

17 E. C. Fenwick
18 E. C. Fenwick
19

20 Subscribed and sworn to before me this 24 day of _____
21 October, 1968.

22
23
24 (SEAL)

25 Marjorie Fragonone
26 Notary Public for Idaho
27 Residing at Caldwell, Idaho
28 My commission expires: 5-5-72
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AFFIDAVIT

Department of Reclamation

STATE OF OREGON)
County of Malheur) ss

Frank Baltzor, being first duly sworn upon his oath, deposes and says:

I live on a ranch near Jordan Valley, Oregon, I am more than 55 years old and have lived in that area during all of my lifetime. My father lived in that area for many years preceding my birth. I am in the ranching business and I have extensive real property holdings. I know and have known properties in that area for many years. Part of my holdings are in the State of Idaho and I know and have known for many years properties in the State of Idaho near the Oregon border in the area of Jordan Valley, Oregon.

J. S. Fenwick has made application for a water right for irrigation upon the following described real property:

Sec. 14, Twp. 3 S., R. 6 W. B. M., Idaho:
SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 1 and 2.

I know and have known this tract for many, many years.

This property was purchased by Mr. Fenwick in 1946. Prior to that time for at least 20 years, there was absolutely no use of any irrigation water made upon this land nor was there any water application pertaining to this land. During this extensive period, the land was in brush and was not cultivated at all. This land was first deeded to Albert Emery, then to the McCloud Brothers. The balance of the unit was in Oregon where the house had been located before its destruction by fire.

Furthermore, there is not 173 irrigable acres (the number of acres applied for) upon this tract.

I make this Affidavit as a filing to the State of Idaho, Department of Reclamation, pertaining to Claim No. 57-4002 (J. S. Fenwick.)

Frank Baltzor

Subscribed and sworn to before me this 19th day of February, 1969

Maxine Ryan
Notary Public for Oregon
My commission expires 9/26/69