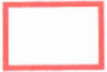


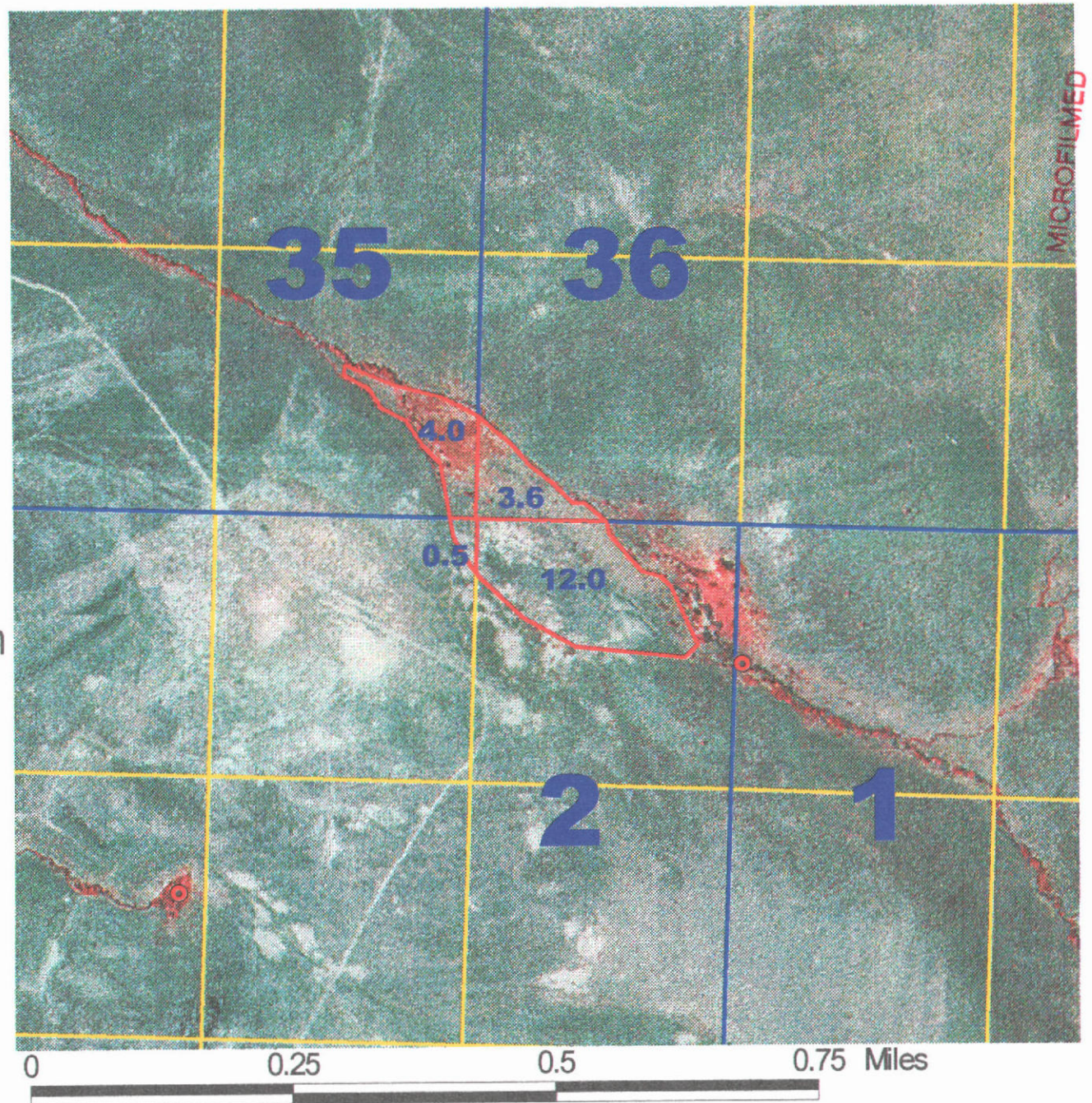
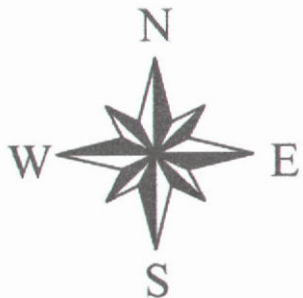
RECOMMENDED CLAIM 55-02069

T06S, R06W, S35 & 36
T07S, R06W, S01 & 02

Owner(s): SEEBECK

Prepared by: KAY WALKER

-  Place of Use
-  Point(s) of Diversion
-  Section Lines
-  1/4 1/4's



APR 13 1999

pg. 5A of 6

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF OWYHEE)

RECEIVED

OCT 30 1998

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

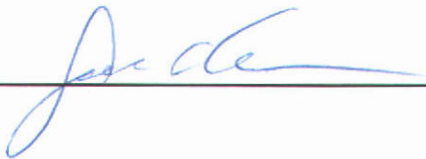
3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

October 21 and 28, 1998

Signed 

Subscribed and sworn to me this 28th day of October A.D., 19 98



Notary Public in and for the State of Idaho
Residing at Homedale, Idaho

Commission expires 04/22/2002

APR 13 1999

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5328

Notice is given that **Melvin Seebeck, Jr. and Garrett Seebeck** of PO Box 8, Clarksburg CA 95612 have applied to the Department of Water Resources to change Place of Use pursuant to I.C. § 42-222 for the following irrigation license in Owyhee County:

55-02069, priority 10/2/1915, .40cfs, diverted from Cattle Creek tributary to Lone Tree Creek in NWNWNW S1, T7S R6W used in S35, T6S R6W, 20 acres total.

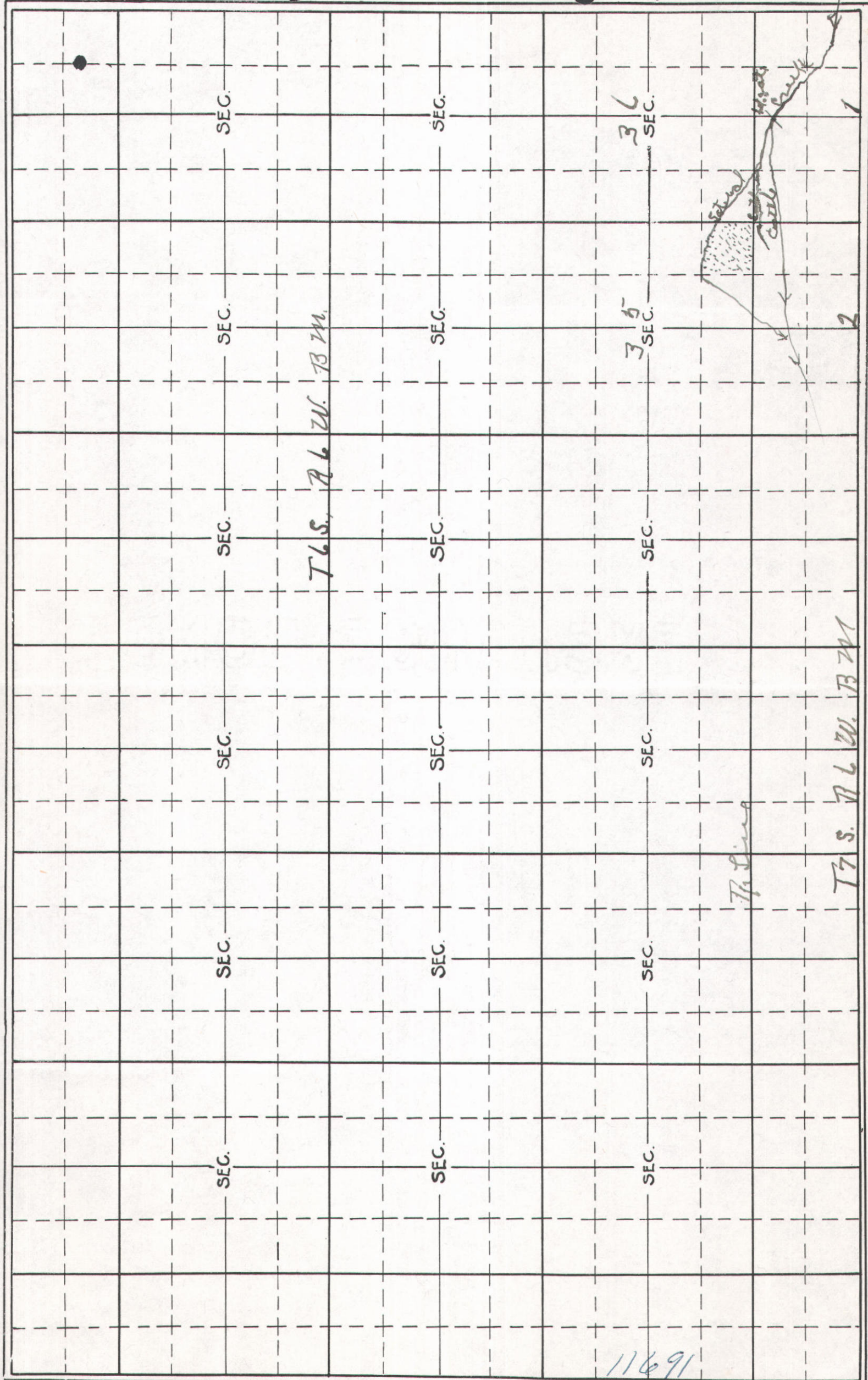
PROPOSED CHANGE

Remove irrigated acres from public land in S35 to private land in S36, T6S R6W and S2, T7S R6W. No increase in licensed acres or flow rate proposed.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before November 9, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
10/21&28/98

Name of Applicant - Alfred B. Zeltwiler, No. 16939



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

Name of Applicant.....

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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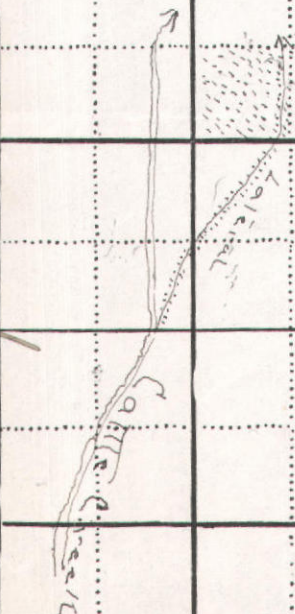
SEC.

SEC.

T15-R6M-BM

11691

2



County: Owyhee (U)
Stream: Cattle Creek.
Amount: 2/5 of 1 sec.ft.
Use: Irrigation & Domestic
Priority: October 2 1915.

STATE OF IDAHO

Water License No. 11691

Water District No. 54.

WHEREAS, On the 2nd day of October, A. D. 1915, ALFRED FELTWELL,

of Jordon Valley, County of Malheur, State of Oregon, duly made application (No. 16939) to me for a permit to use 1/2 of 1 cubic foot per second of the waters of Cattle Creek - Water District No. 54.

County of Owyhee, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 16th day of October, A. D. 1915 Permit No. 11691 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 16th day of October, A. D. 1916, and for the application to beneficial use of said water on or before the 16th day of October, A. D. 1916, and,

WHEREAS, On the 28th day of April, A. D. 1916, ALFRED FELTWELL,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1/2 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 11691 dated May 24, 1916, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1/2 of 1 cubic foot per second of said water, with date of priority of October 2, 1915, and

WHEREAS, On the 24th day of June, A. D. 1916, ALFRED FELTWELL,

the holder of said permit, duly made proof of the application to beneficial use of 2/5 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

ALFRED FELTWELL,

of Jordon Valley, County of Malheur, State of Oregon, the holder and owner of said Permit No. 11691, a perpetual right, dating from October 2, 1915, to the use of 2/5 of 1 cubic foot per second of the waters of Cattle Creek.

in the County of Owyhee and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1/4 of a mile East of Sec. Cor. common to Secs. 1 and 2, T. 7 S., and Secs. 35 & 36, T. 6 S., in Range 6 W. B.

and conducted to and upon about 20 acres in the SE 1/4 of SE 1/4 Sec. 35, T. 6 S., R. 6 W. B. M.

for the purpose of Irrigation and domestic use. subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 29th day of July A. D. nineteen hundred and Sixteen.

J. E. SMITH.

(Seal)

State Engineer 35 2069

No. 16939.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

1. Name of applicant: Alfred B. Feltwell

Postoffice address: Jordan Valley

County: Malheur

State: Oregon.

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is $\frac{1}{2}$ cubic feet per second.

3. Source of water supply: Cattle Creek.

4. Location of point of diversion: $\frac{1}{4}$ mile east of section corner common to Sections 1, 2, T. 7 S. 35 and 36 Twp. 6 S. Rge. 6 W. B. M.

County of Owyhee,

5. To be used for: Irrigation and domestic use

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 40 acres.

(b) In the following legal subdivisions: SE-SE Section 35, Twp. 6 So. Rge. 6 W. B. M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
point of return:

(d) If so, name stream and locate

6. Estimated cost of works: \$100.00

7. Description of works for diversion:

I. Kind of works: Water to be taken from an old ditch now in use, extension.

II. Dimensions of works:

(a) Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acres feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit Ditch width at bottom $1\frac{1}{2}$ feet,width at water line $1\frac{1}{2}$ feet, depth of water 8 inches feet; diameter of pipeinches; average grade per mile is 8 feet. Length of conduit is $\frac{1}{2}$ miles,
and it crosses the following quarter sections: NW Sec. 1, Twp. 7 So. Rge. 6 W. SW Sec.
36 and onto SE Sec. 35 Twp. 6 So. Rge. 6 W. B. M.

8. The time required for the completion of the construction of such work is 12 months years.

9. Time required for the complete application of the water to the proposed use is none
additional years.BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the
public waters of the State of Idaho as herein set forth.Alfred F. Feltwell,
Applicant.

By J. M. Harbour Agent.

Date of first receipt at office of State Engineer 9.00 a.m. October 2, 1915.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 11691

Recorded in Book 40 Page 11691 Approved October 16, 1916.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of to be filed on or before

Work to begin on or before December 15, 1915 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 16, 1916.

The whole of said work to be completed on or before October 16, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before October 16, 1916.

Witness my hand this 16th day of October, 1915.

J. H. Smith,
State Engineer.

Remarks:

Proof of Completion of works made : April 28, 1916.

Certificate of Completion issued: May 24th, 1916.

Permit No. 11691.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:-

This is to certify that Alfred Feltwell of Jordon Valley, County of Malheur, and State of Oregon, the holder of Permit No. 11691, issued upon Application No. 16939, bearing date of priority of October 2, 1915, authorizing the diversion of $\frac{1}{2}$ of 1 second foot of the waters of Cattle Creek, County of Owyhee, State of Idaho, for irrigation and domestic purposes has fully complied with the provisions of the laws of the state of Idaho, relating to the proof completion of works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use $\frac{1}{2}$ of 1 second foot of the water of Cattle Creek; that the point of diversion of said waters is $\frac{1}{4}$ mile east of Section corner common to sections 1 and 2, Twp. 7 S., and Secs. 35 and 36, Twp. 6 S., in Range 6 W., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southeast quarter of Southeast quarter ($SE\frac{1}{4}SE\frac{1}{4}$), Sec. 35, Twp. 6 S., R. 6 W. B. M., containing 40 acres.

Witness my hand this 24th day of May A.D. 1916.

J.H.SMITH, State Engineer of the Sta



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

April 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MELVIN E &/OR WILLIAM G SEEBECK
PO BOX 8
CLARKSBURG CA 95612

Re: Application for Transfer of Permit No. 55-02069; Transfer No. 5328

Dear Applicants:

This office acknowledges the withdrawal of the above-referenced application for transfer of water right.

The application will now be removed from the Department's records.

If you have any questions concerning this matter, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

CC: THOMAS R GLUCH
PO BOX 257
JORDAN VALLEY OR 97910

MICROFILMED

APR 13 1999

Filing Fee = \$100.00

Page 1 of 6

**WATER RESOURCES
WESTERN REGION**

STATE OF IDAHO

Transfer No. 5328

RECEIVED

DEPARTMENT OF WATER RESOURCES

APR 08 1999

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of Applicant Melvin Edward Seebeck, Jr. or Phone 916-665-1712
Post Office address PO Box 8, Clarksburg, CA 95612

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other WIT
2. Describe the reason for the proposed changes Remove acres from BLM to private land to resolve objection of claim.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|-----------|-----------------------|------------------|---------------|
| 55-02069 | 10-2-1915 | 0.40 | irrigation | 4-15 to 10-15 |
| 55-02069 | 10-2-1915 | 0.02 | stockwater | 1-1 to 12-31 |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>0.40</u> cubic feet per second and/or _____ acre-feet per annum | | | | |
| 3. Source of water <u>Cattle Creek</u> tributary to <u>Lone Tree Creek</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres

20

PART 1

6. General Information:

a. Description of diversion system Dam in creek & ditches
to provide water to place of use.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

4 acres recommended in SESE, S35, T6S, R6W,
owned by BLM. Moving these 4 acres to
private land to resolve objection of claim.
See BLM land release attached.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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APR 13 1999

pg 3A of 6

WR0749NP
No. 55-02069

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/08/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALFRED FELTWELL JORDAN VALLEY OR	10/02/1915	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	0.400 CFS	
					TOTAL DIVERSION:	0.400 CFS

Water Source: CATTLE CREEK

Tributary to: LONE TREE CREEK

Stage: LICENSE

Point(s) of Diversion: T07S R06W S01 NW NW County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: SUM
															20	20.0
TOTAL ACRES															20.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: OWYHEE

Remarks: GEN P/D INCOMPLETE. SEE FILE.

Dates: App. Received: Priority Date: 10/02/1915
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/21/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/85 04/30/88 CONVERT

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APR 13 1999

AJS809NP
No. 55-02069

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/14/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM GARRETT SEEBECK	10/02/1915	IRRIGATION	04-01 10-31	0.40 CFS	
C	MELVIN EDWARD SEEBECK JR PO BOX 8 CLARKSBURG CA 95612 (916) 665-1712		STOCKWATER	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.40 CFS	

Water Source: CATTLE CREEK

Tributary to: LONE TREE CREEK

Stage: LICENSE

Point(s) of Diversion:

T07S R06W S01 Lot04(NWNWNW)

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
06S	06W	35	:																	:	4.0
06S	06W	36	:																	:	3.6
07S	06W	2	:	01-12	02-.5															:	12.5
TOTAL ACRES																				20.1	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: OWYHEE

Conditions of Approval:

- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.
- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- A07 - IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION
- FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER
- RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE
- PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT
- COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO
- TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF WATER RIGHTS.

Remarks: EXP STOCKWATER, 100 RANGE CATTLE

Dates: Exam Made Date: 08/01/1996 Verified Date: 05/01/1998 Objection Filed Date: 09/04/1998

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

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SEP 14 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by:

- a Decree No _____ Decreed to _____
 in case of _____ vs _____
 dated _____ in _____ county of _____
- b. License No 55-02069 issued by the Idaho Department of Water Resources
- c Claim No 55-02069 on file with the Idaho Department of Water Resources
- d Transfer No _____ which produced this right.

see profile reports attached

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below

☐ Tax Notice

☐ Warranty Deed

☒ Other BLM land release

3. Source of water _____ tributary to _____

4. Date or priority _____

5 Water is used for the following purpose

amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6 Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum

7 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use

Twp.	Rge.	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use

Twp	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion

3 Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

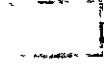
Total acres _____

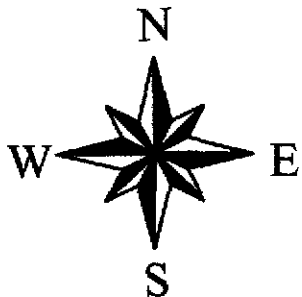
RECOMMENDED CLAIM 55-02069

T06S, R06W, S35 & 36
T07S, R06W, S01 & 02

Owner(s): SEEBECK

Prepared by: KAY WALKER

-  Place of Use
-  Point(s) of Diversion
-  Section Lines
-  1/4 1/4's

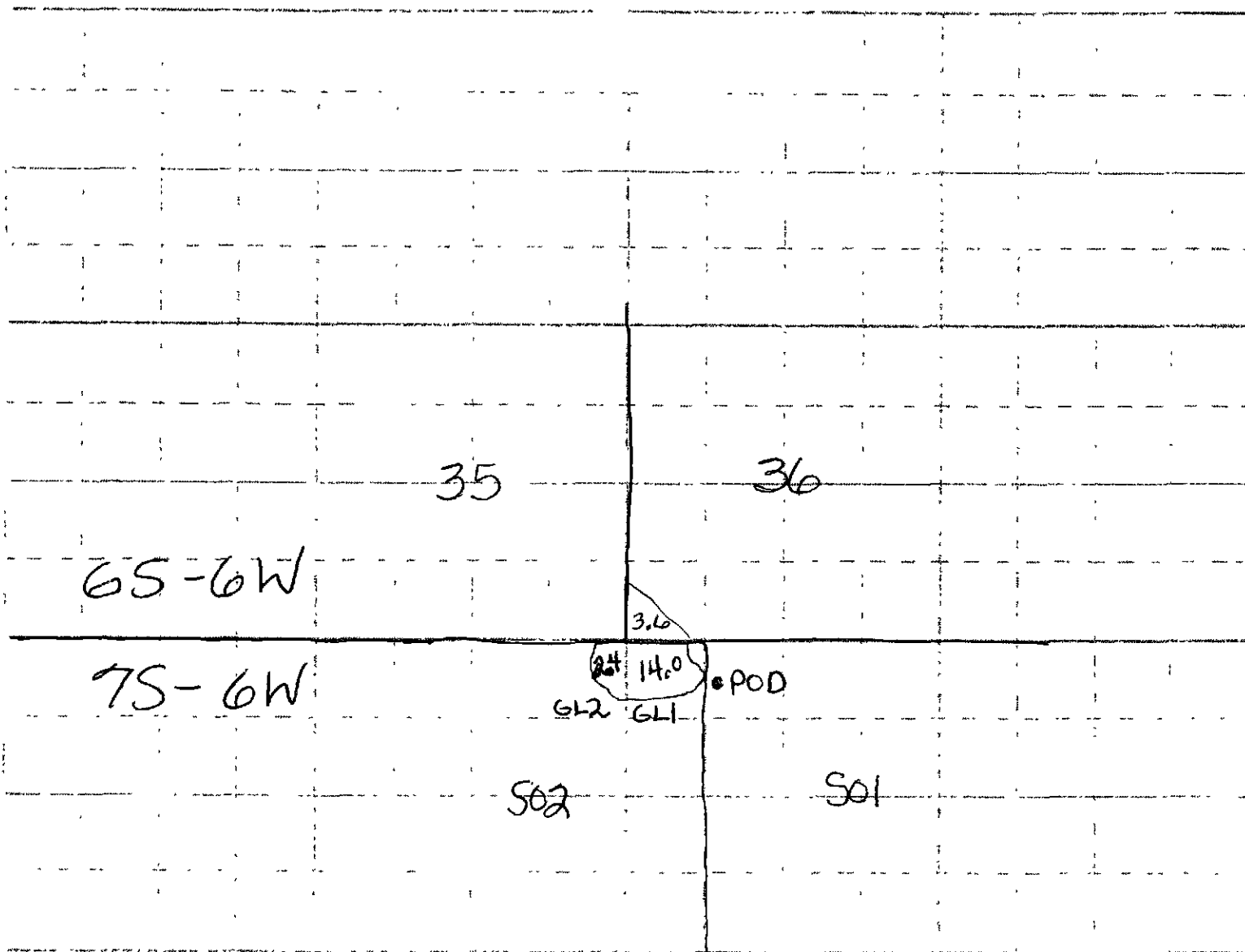


0 0.25 0.5 0.75 Miles

APR 13 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



P/U after transfer

6S 6W S36	3.6 ac	SWSW
7S 6W S02	14.0 ac	NENE - Gov Lot 1
7S 6W S02	2.4 ac	NWNE - Gov Lot 2
<u>20.0 ac</u>		

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APR 13 1999

PART 3**B. CHANGES IN NATURE OF USE**N/A

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

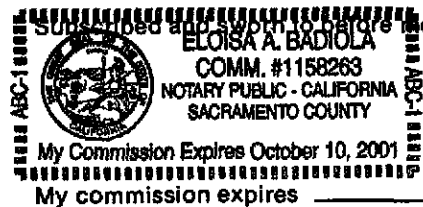
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

X William G. Seebach
(Signature of Applicant)

Subscribed and sworn to before me this 21st day of September, 19 98.

X ELOISA A. BADIOLA
(Notary Public)



10-10-2001

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments (BLM Document)

Received by Kh Date 9/24/98 Protest filed by _____

Prelim. check by _____ Fee \$100.00

Receipted by Kh Date 9/24/98 W024435

Published in Olympic Avalanche Copies of protest forwarded by _____

Pub. dates 10-21 & 28-1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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APR 13 1999

RECEIVED

MAR 29 1999

WATER RESOURCES
WESTERN REGION

W I T H D R A W A L

TO WHOM IT MAY CONCERN:

~~We~~ I hereby withdraw Application for Transfer of Water

Right No(s). 55-02069
_____.

I understand that the withdrawal does not adversely
affect the above-referenced water right(s).

Signed at Clarkburg California
city state

on this 22nd day of MARCH 1999.

Melvin Edward Seebach Jr.

William G. Seebach

Applicant Holder

WITNESSED BY

William P. T. [Signature]

MICROFILMED

APR 13 1999

Copy



EAGLE POINT ORCHARDS
Eagle Point Pear Juice

P. O. Box 8
Clarksburg, CA 95612

RECEIVED

MAR 29 1999

WATER RESOURCES
WESTERN REGION

March 20, 1998

Attn: Kay Walker
Idaho Dept. Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Kay:

As per our conversation on 3/17/99 and our previous letters of 11/17/98 & 2/11/99 & telephone discussions regarding our Transfer of Water Right # 55-02069 we want to reiterate that we are confident of the validity and substantiation of this water right (as we are with all our water rights), and we are certain we would prevail in the May 18, 1999 Hearing. Since the protest deadline date of September 10, 1998 had long since passed before Mr. Gluch made his protest of the transfer, we feel that the "Protest of Transfer" filed by Thomas Gluch is only applicable to the Transfer per se and can in no way be conceived as a Protest of the Total Water Right # 55-02069. Since this protested transfer was only to correct the four acres of our irrigated deeded area that inadvertently got mapped out on BLM Land, we feel the best solution to avoid alot of wasted time by everyone is to simply withdraw the application for transfer and to simply forget the four acres rather than transfer it back into our deeded acreage where we are sure it rightfully belongs. By doing the above, as we discussed, the Transfer of Water Right will be eliminated and, as a result, the objection to transfer by Mr. Gluch becomes a non issue.

As per your letter of 3/18/99, it appears your office is in agreement with the facts stated above. We have enclosed the signed "Withdrawal of Transfer Request" form as well as signed the form requesting the exclusion of the four acres of Water Right # 55-02069 that are in BLM Land.

We are glad to finally be done with the finalizing of all our water rights and we thank you and your office staff for the time you have spent working on those water rights.

Sincerely

Melvin E. Seebeck Jr.

Melvin E. Seebeck, Jr.

William G. Seebeck

William G. Seebeck

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1999 - 3 1999

copy

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MAR 29 1999

WATER RESOURCES
WESTERN REGION

To Whom It May Concern:

We wish to exclude the four acres of irrigation that are located on BLM land from our recommended Right No. 55-02069 in order to resolve the objection filed by the Bureau of Land Management. These four acres are located within the SESE, Sec. 35, Twp. 6S, Rge. 6W, Owyhee County.

We recognize that the exclusion of these four acres will reduce our Right No. 55-02069 to the irrigation of 16 acres and 0.32 cfs, with no other adverse effect.

Signed this 22nd day of MARCH, 1999.

William Garrett Seebeck
William Garrett Seebeck, Claimant

Signed this 22nd day of MARCH, 1999.

Melvin Edward Seebeck, Jr.
Melvin Edward Seebeck, Jr., Claimant

Please see our Attached 3/20/99 letter attached.

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APR 13 1999

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APR 08 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT

Seebach

TRANSFER NO.

5328

INITIAL ALLOCATION REVIEW BY

Ly

DATE

10/7/98

1. Right number(s)

55-02069

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Analysis memo (always - unless justify why not needed)
- b. ☒ All of right
- c. N/A Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. ☐ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right - check rate of flow, diversion volume and consumptive use volume. Comments:

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APR 08 1999

Department of Water Resources

- j. ☒ Overlapping rights - check current & proposed scenarios:
- Current _____
- Proposed _____
- k. _____ SRBA claim(s) recommended - objected by
BLM, this transfer represents
resolution to be submitted to SRBA court
- l. ☒ Comment letters _____ Yes ☒ No
If yes _____ Water District #
_____ Other, see #2 below for name
_____ and address

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ☒ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters: See attached information

3. Transfer published correctly? ☒ Yes ☐ No
4. Affidavit of publication received? ☒ Yes ☐ No
5. Protests received? ☒ Yes ☐ No; Acknowledgement sent? ☒ Yes
6. Data entry of application completed? ☒ Yes

RECOMMENDED ACTION

1. Approve See attached memo
2. Deny due to _____
3. Conditions (special conditions in Water Districts) _____
- _____
4. By _____ Date _____

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ✓ Yes *jam*
2. File forwarded to S.O.: by *At* date 4-6-99

PROTEST INFORMATION SHEET

APPLICANT: Melvin &/or Garrett Seebeck

WR #: 55-02069 - TRANSFER

DATE FILED: 9-24-98

PROTEST DATE: 11-9-98

PROTESTANT(S) NAME & ADDRESS:

Thomas R. Gluch
PO Box 257
Jordan Valley OR 97910

Attorney - Name & Address

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters 11-12-98

Hearing Notice _____

Hearing Date _____

Other: _____

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APR 13 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

March 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Listing of Rights on Lone Tree Creek

Skip & Gary Seebeck
P.O. Box 8
Clarksburg, CA 95612

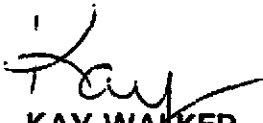
Gentlemen:

Pursuant to our telephone conversation yesterday, enclosed you will find a listing of the rights we have recommended to the court for decree on Lone Tree Creek. I have changed the stage of the ones that have been decreed to a "D" on this listing. The ones that show the stage as "J" have not been decreed yet.

I have also included a "Withdrawal of Transfer" form in case you decide to withdraw your transfer to resolve the protest of your Cattle Creek Right. I talked with Gary Spackman and he agreed that if you withdrew your transfer the protest would be resolved. We would then need a request from you to exclude the four acres located on BLM land from your proposed recommendation of Rt. 55-02069. As I told you on the phone this would reduce the water right to 16 acres of irrigation and 0.32 cfs of water. The request to remove the four acres can be addressed to me which I will then forward to our legal staff. I have prepared a sample of the request which you can use if you want.

If I can be of any other help to you, please do not hesitate to contact me.

Sincerely,


KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

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APR 13 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT) **NOTICE OF HEARING**
NO. 55-02069 IN THE NAME OF)
MELVIN E. SEEBECK, JR. &/OR)
WILLIAM G. SEEBECK)

On September 24, 1998, Melvin E. Seebeck, Jr. &/or William G. Seebeck filed with the Idaho Department of Water Resources (IDWR) application for transfer of permit no. 55-02069. The application was protested by Thomas R. Gluch. The telephone prehearing conference held by IDWR on Thursday, February 25, 1999, did not resolve the matter of protest.

IDWR has scheduled the matter for hearing on Thursday, May 18, 1999, at 9:00 a.m. at the Owyhee County Courthouse, courtroom no. 2, Highway 78, Murphy, Idaho 83650. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of IDWR. A copy of the rules may be obtained from IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise IDWR within ten (10) days prior to the hearing.

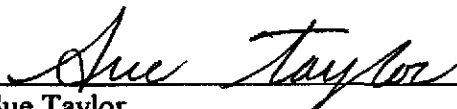
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 11th day of March, 1999.



GARY SPACKMAN

I hereby certify that on the 12th day of March, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

CERTIFIED MAIL

MELVIN E &/OR WILLIAM G SEEBECK
PO BOX 8
CLARKSBURG CA 95612

THOMAS R GLUCH
PO BOX 257
JORDAN VALLEY OR 97910

MICROFILMED
APR 13 1999

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed appropriation injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof of issues 1, 2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate

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APR 13 1999

and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 11, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY ID 83650

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for the 18th day of May, 1999, at 9:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script that reads 'Sue Taylor'.

Sue Taylor
Senior Secretary

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APR 13 1999

SEEBECK PREHEARING CONFERENCE

February 25, 1999

Permit in 1915 -

Affidavits of prior owners -

Used it themselves since 1991 -

In 1915 private ground. Later became property of BLM.

Nobody else has water on Cattle Creek -

Tom Gluch -

Around for 50 years - water was never used
Some of the land is school land -

No BLM release -

Only runs about 20 inches -

Only source of water for cattle -

Irrigation & stock water ~~out~~ rights out of Cone Tree -
From 1950 thru 1990

All open. There weren't any fences

Hasn't observed irrigation since Sebeck

Graded cattle on property below -

Never used all water out of Cattle Creek -

Sebeck {

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APR 13 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR TRANSFER OF PERMIT)	CHANGE OF PREHEARING
NO. 55-02069 IN THE NAME OF)	CONFERENCE
MELVIN EDWARD SEEBECK, JR.)	
&/OR WILLIAM GARRETT SEEBECK)	
_____)	

On September 24, 1998, Melvin E. Seebeck, Jr. &/or William G. Seebeck filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Thomas R. Gluch.

The prehearing conference scheduled for Thursday, February 25, 1999, at the Owyhee County Courthouse has been changed. The conference will now be a **telephone conference**, but the date and time remain the same, **Thursday, February 25, 1999, at 1:00 p.m. Mountain Standard Time.** The telephone number for the applicant is 1-916-744-1441 and the telephone number for the protestant is 1-208-583-2287. If the parties will not be available they must notify IDWR, Western Region, 2735 Airport Way, Boise, Idaho 83705 at least one (1) day prior to the conference.

The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

Dated this 22nd day of February, 1999.

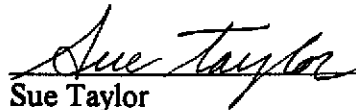

Gary Spackman

CHANGE OF PREHEARING CONFERENCE 1

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APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of February, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

MELVIN E &/OR WILLIAM SEEBECK
PO BOX 8
CLARKSBURG CA 95612

THOMAS R GLUCH
PO BOX 257
JORDAN VALLEY OR 97910

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APR 13 1999



EAGLE POINT ORCHARDS

Eagle Point Pear Juice

P. O. Box 8
Clarksburg, CA 95612

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FEB 16 1999

WATER RESOURCES
WESTERN REGION

Thomas R. Gluch
P.O. Box 257

Jordan Valley, Oregon 97910

Feb. 11, 1999

Dear Mr. Gluch,

This letter is our second effort to Communicate with you regarding your 11/9/98 Protest of our 9/24/98 Transfer of Water Right #55-02069. In our 11/17/98 letter to you (copy enclosed) we explained the details of the Transfer to you, and the fact that this is simply a transfer of an existing right requested by both the Idaho Department of Water Resources (D.W.R.) and the Bureau of Land Management to correct a 4 acre mistake made on the mapping of this established water right # 55-02069.

Since we haven't heard from you, possibly you have decided not to pursue the protest you put forth. In our 2/10/99 conversation with Gary Spackman of the Idaho D.W.R. we suggested we write you this letter to see if you are interested in this matter any longer, and to see if you are still planning on pursuing the protest, and, if so, to see if you want to participate in a conference call on February 25, 1999 with ourselves and with Gary Spackman and Kay Walker with the Idaho D.W.R.

Everyone is confident this call will clear up any concerns you may still have about this pending transfer. Please advise us on Gary Spackman of your intentions as soon as you receive this letter.
(208) 334-2190 ↑

MICROFILMED

Sincerely, Melvin E. Seelbach Jr. William M. Seelbach
(916) 744-1441

APR 13 1999

EAGLE POINT ORCHARDS

Eagle Point Pear Juice

P. O. Box 8
Clarksburg, CA 95612

November 17, 1998

Thomas R. Gluch
PO Box 257
Jordan Valley, Oregon 97910

Dear Mr. Gluch.

We have both received November 10, 1998 letters from the Idaho Dept. of Water Resources regarding your 11/9/98 "Notice of Protest" regarding our proposed "Transfer of Water Right # 55-02069."

As per these letters, it is the Department's desire that we try to settle this dispute ourselves before the Department of Water Resources needs to get involved. This letter is our attempt to apprise you of the details of this protested transfer.

It is our understanding that this Transfer # 5328 is simply an adjustment to our existing right that is necessitated by an error made on the original application that inadvertently contained four acres of BLM land that it should not have contained. The transfer only corrects the error and adds no more net acreage.

We hope the above explanation is helpful and we hope your protest can be lifted as the transfer is something that not only we want, but is also wanted by both the BLM and the Idaho Dept. of Water Resources.

Please call Kay Walker at the Dept of Water Resources at (208) 334-2190 for verification or further clarification of the above facts. You, of course, are welcome to give us a call anytime to discuss this or any other issue we as neighbors may need to discuss. (916) 744-1441

Sincerely

Melvin E. Seebeck Jr.

William G. Seebeck

Melvin E. Seebeck, Jr.

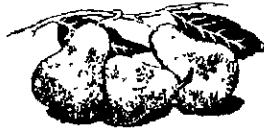
William G. Seebeck

(No response from Mr. Gluch as of 2/12/99)

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APR 13 1999

*Gary, ← made 11/17/98 ✓
To: Gary Spickman
Idaho Dept. of Water Resources
Western Region Boise, Idaho 83725-508
2935 Airport way
This is a copy of our letter to Thomas Gluch which you can have for your files. Kay Walker is aware of this letter and our efforts, and suggested we send you this copy.
Sincerely,
MS Seebeck Jr.*



EAGLE POINT ORCHARDS
Eagle Point Pear Juice

P O Box 8
Clarksburg, CA 95612

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FEB 16 1999

WATER RESOURCES
WESTERN REGION

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Jordan Valley, Oregon 97910

Feb. 11, 1999

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(208) 334-2190

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APR 1 1999

(916) 744-1441

Sincerely, Melvin E. Seebach Jr. & William M. Seebach

EAGLE POINT ORCHARDS

Eagle Point Pear Juice

P O Box 8
Clarksburg, CA 95612

November 17, 1998

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Sincerely

Melvin E. Seebeck Jr.

Melvin E. Seebeck, Jr.

William G. Seebeck

William G. Seebeck

(No response from Mr Gluch as of 2/12/99)

Cary, ← This is a copy of our letter to Thomas Gluch which you can have for your files. Kay Walker is aware of this letter and our efforts, and suggested we send you this copy.

*Sincerely,
MS Seebeck Jr.*

*made 11/17/98 ✓
To: Gary Spackman
Idaho Dept. of Water Resources
Western Region
2935 Airport way
Boise, Idaho 83705-568*

MICROFILMED
APR 13 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)
APPLICATION FOR TRANSFER OF	)
WATER RIGHT NO. 55-02069 IN THE	)
NAME OF MELVIN E. SEEBECK, JR.	)
&/OR WILLIAM G. SEEBECK	)
	)

**NOTICE OF PREHEARING
CONFERENCE**

On September 24, 1998, Melvin Edward Seebeck, Jr. &/or William Garrett Seebeck filed with the Department of Water Resources (Department) an application for transfer of water right. The application was protested by Thomas R. Gluch.

The Department has set the matter of protest for a prehearing conference to be held on Thursday, February 25, 1999, at 10:00 a.m. in the small conference room of the Owyhee County Courthouse, Highway 78, Murphy, Idaho 83650. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The prehearing conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 22nd day of January, 1999.



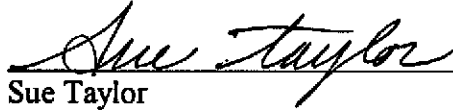
Gary Spackman

MICROFILMED

APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of January, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

MELVIN E SEEBECK JR &/OR
WILLIAM GARRETT SEEBECK
PO BOX 8
CLARKSBURG CA 95612

THOMAS R GLUCH
PO BOX 257
JORDAN VALLEY OR 97910

MICROFILMED

APR 13 1999

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

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APR 13 1999

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AMERICANS WITH DISABILITIES ACT

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MICROFILMED

APR 13 1999

P 590 141 758

US Postal Service

Receipt for Certified Mail

MELVIN E &/OR WILLIAM G

SEEBECK

PO BOX 8

CLARKSBURG CA 95612

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry.

P 590 141 754

US Postal Service

Receipt for Certified Mail

THOMAS R GEUCH
PO BOX 257

JORDAN VALLEY OR 97910

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom, Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

PS Form 3800, April 1995

MICROFILMED
APR 13 1990

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make an inquiry

SENDER:

37-02069

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to.

THOMAS R GLUCH

PO BOX 257

JORDAN VALLEY, OR 97010
 NOT FILMED

DEC 13 1994

4a. Article Number

P 590 141 754

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

3-18-99

5. Received By: (Print Name)

Thomas Gluch

6. Signature: (Addressee or Agent)

X Thomas Gluch

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED
APR 13 1999

RECEIVED

56



MAR 19 1999

WATER RESOURCES
RN REGION

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered

55-02069

I also wish to receive the following services (for an extra fee).

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MELVIN E &/OR WILLIAM G
 SEEBECK
 PO BOX 8
 CLARKSBURG CA 95612

MICROFILMED

4a. Article Number

P 590 141 758

4b. Service Type

- ☐ Registered ☐ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

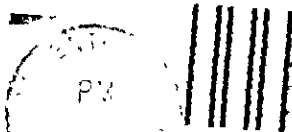
Date of Delivery

3/17/99

5 Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature (Addressee or Agent)**

X

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

MAR 22 1999

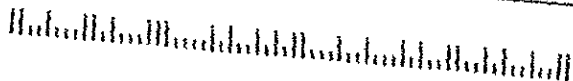
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED

APR 13 1999

05



IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 Airport Way

Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

MICROFILMED
APR 13 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 19, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY ID 83650**

Re: Prehearing Conference

This letter is to confirm the conference room reservation made by the Department of Water Resources for the 25th day of February, 1999, at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Senior Secretary

MICROFILMED

APR 13 1999



EAGLE POINT ORCHARDS
Eagle Point Pear Juice

P. O. Box 8
Clarksburg, CA 95612

RECEIVED

NOV 20 1998

WATER RESOURCES
WESTERN

November 17, 1998

Thomas R. Gluch
PO Box 257
Jordan Valley, Oregon 97910

Dear Mr. Gluch:

We have both received November 10, 1998 letters from the Idaho Dept. of Water Resources regarding your 11/9/98 "Notice of Protest" regarding our proposed "Transfer of Water Right # 55-02069."

As per these letters, it is the Department's desire that we try to settle this dispute ourselves before the Department of Water Resources needs to get involved. This letter is our attempt to apprise you of the details of this protested transfer.

It is our understanding that this Transfer # 5328 is simply an adjustment to our existing right that is necessitated by an error made on the original application that inadvertently contained four acres of BLM land that it should not have contained. The transfer only corrects the error and adds no more net acreage.

We hope the above explanation is helpful and we hope your protest can be lifted as the transfer is something that not only we want, but is also wanted by both the BLM and the Idaho Dept. of Water Resources.

Please call Kay Walker at the Dept of Water Resources at (208) 334-2190 for verification or further clarification of the above facts. You, of course, are welcome to give us a call anytime to discuss this or any other issue we as neighbors may need to discuss. (916) 744-1441

Sincerely

Melvin E. Seebeck Jr.

Melvin E. Seebeck, Jr.

William G. Seebeck

William G. Seebeck

*Gary,
This is a copy of our
letter to Thomas Gluch which you can
leave for your files. Kay Walker
is aware of this letter and our efforts, and
suggested we send you this copy.
Sincerely,
M.E. Seebeck Jr.*

MICROFILMED

APR 13 1999



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

RECEIVED
NOV 13 1998
WATER RESOURCES
WESTERN REGION

In Reply Refer To:

7250 (SRWR) (931)

November 12, 1998

Kay Walker *KW*
Western Regional Office
Idaho Department of Water Resources
State of Idaho
2735 Airport Way
Boise, Idaho 83705

**RE: Snake River Basin Adjudication (SRBA) Claim
55-02069 Seebeck**

Dear Ms. Walker:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that William G. Seebeck and Melvin E Seebeck, Jr., as owners of water claim 55-02069, wish to transfer water recommended in the Director's Report under that claim from the federal public property to land which the Seebeck's own as private property. The federal public property legal description is as follows:

T06S R06W S35 SESE 4.0 acres

4.0 acres TOTAL to be transferred off of public land.

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

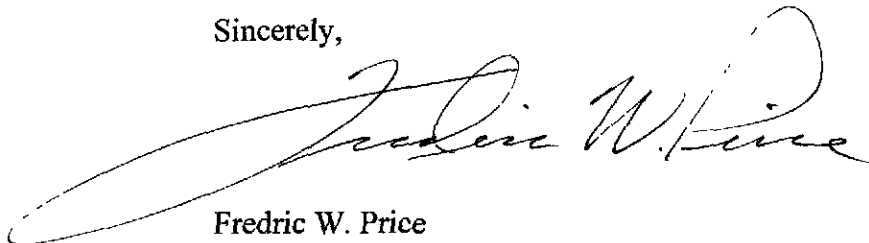
Seebeck Transfer

REDISCOVER YOUR PUBLIC LANDS

MICROFILMED ^{page 1}
APR 13 1999

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above.

Sincerely,

A handwritten signature in cursive script, reading "Fredric W. Price". The signature is written in dark ink and is positioned above the printed name.

Fredric W. Price
Water Rights Specialist

cc:

William & Melvin Seebeck

Larry A. Brown, Attorney for Dept. of Justice, Gen. Lit. Sec., Envir. & Nat. Res. Div.

Susan Hamlin, Attorney for IDWR

CACI, Boise

SUBSCRIBED and SWORN to before me this 12th day of November, 1998.

STATE OF IDAHO)
) ss:
 COUNTY OF ADA)

On this 12th day of November, 1998, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



John W. Thornburgh

John W. Thornburgh
 Notary public in and for the
 State of Idaho,
 County of Ada
 Residing at Boise, Idaho
 My commission expires: 05-16-2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

November 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MELVIN E &/OR WILLIAM G SEEBECK
PO BOX 8
CLARKSBURG CA 95612

Re: Application for Transfer of Water Right No. 55-02069

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application for transfer. You should be aware that the following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be assistance, please contact us.

Sincerely,



Gary Spackman

GS:st

Enclosure

MICROFILMED

APR 13 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

NOV 09 1998

WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested Transfer no. 5328 (Water right no. 55-02069)
2. Name of protestant Thomas R. Gluch
3. Protestant's representative for service (If different than protestant)
self
4. Service mailing address P.O. Box 257, Jordan Valley, Or. 97910
5. Service telephone no. (208)-583-2287
6. Basis of protest (including statement of facts and law upon which the protest is based)
Lands have not been irrigated - water rights are forfeited.
Protestant's water rights will be injured by approval.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 9th day of November, 19 98.

Thomas R. Gluch
 PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

APR 13 1999

NOTE:

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
- b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.
-

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by Kh Date 11/9/98 Time 11:51
\$25.00 fee Receipted by Kh # W024569 Date 11/9/98

MICROFILMED

APR 13 1999

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED
OCT 30 1998
WATER RESOURCES
WESTERN REGION

I, Joe E Aman, being first duly sworn, depose and say,

1 That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2 That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3 That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s).

October 21 and 28, 1998

Signed [Signature]

Subscribed and sworn to me this 28th day of October A.D. 19 98

[Signature]

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho

Commission Expires 04/22/2002

APR 13 1999

POSED CHANGE OF
WATER RIGHT,
TRANSFER
NO. 5328

Notice is given that Melvin Seebeck, Jr. and Garrett Seebeck of PO Box 8, Clarksburg, CA 95612, have applied to the Department of Water Resources to change Place of Use pursuant to LC 8-42-222 for the following irrigation license in Owyhee County, 55-02800, priority 10/2/1915, 40cfs, diverted from Cattle Creek tributary to Lone Tree Creek in NW 1/4 Sec 31, T7S R6W used in 1998, T7S R6W, 20 acres total.

PROPOSED CHANGE
Remove irrigated acres from public land in S35 to private land in S36, T6S R6W and S3, T7S R6W. No increase in licensed acres or flow rate proposed.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Alameda Way, Boise, ID 83705-8082, together with a check for \$25 on or before November 9, 1998. The protest must also send a copy of the protest to the applicant.

Karl J. Decker, Director
10/21/98/99

MEMO

DATE: 10/08/1998

FROM: Lori Graves

TO: File

RE: License No. 55-02069 X-fer

The purpose of this transfer is to resolve an objection filed by BLM against the recommendation of license no. 55-02069 in the SRBA. This right was licensed for 20 acres located on public land in SESE, S35, T6S, R6W. The SRBA recommended 16 acres on private land in S36 and S2, and 4 acres in S35 on BLM land. Of course, BLM objected to the 4 acres.

BLM is willing to withdraw their objection if irrigation is removed from public land and redistributed to private land, which is the reason for this transfer. Fred Price will be submitting a land release of water right statement from BLM for the four acres in question.

No other water rights are used.

This transfer should be processed pending receipt of the BLM release statement.

MICROFILMED

APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Notice of Claim to Water Right No. 55-02069

Gary &/or Skip Seebeck
P.O. Box 8
Clarksburg, CA 95612

Gentlemen:

Enclosed is a transfer application which I have tried to complete for you. You need to go over the form and make any changes or corrections that you feel will clarify the transfer application. The form then needs to be signed by one of you, on the last page, in the presence of a notary public. The filing fee for this application is \$100.00 and must accompany the form.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kay'.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

MICROFILMED

SEP 13 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **W024438**

Date: **9/24/1998**
Time: **10:59:56**

Received
From: **DEARY RANCH**

	Type of Payment	Program Acct	Amount
APPLICATION FOR TRANSFER	62105	229 21 1155	100.00
CHECK	1022	Total	\$ 100.00

Region: **WESTERN**

Signature: _____

Harvey Gale

MICROFILMED

APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 14, 1998

OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before **NOVEMBER 9, 1998.**

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Senior Secretary

Encl.

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHT, TRANSFER NO. 5328**

Notice is given that **Melvin Seebeck, Jr. and Garrett Seebeck** of PO Box 8, Clarksburg CA 95612 have applied to the Department of Water Resources to change Place of Use pursuant to I.C. § 42-222 for the following irrigation license in Owyhee County:

55-02069, priority 10/2/1915, .40cfs, diverted from Cattle Creek tributary to Lone Tree Creek in NWNWNW S1, T7S R6W used in S35, T6S R6W, 20 acres total.

PROPOSED CHANGE

Remove irrigated acres from public land in S35 to private land in S36, T6S R6W and S2, T7S R6W. No increase in licensed acres or flow rate proposed.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before November 9, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Owyhee Avalanche on October 21 & 28, 1998.

MICROFILMED

APR 13 1999

August 2nd, 1916.

Re Permit 11691.

Judge R.H. Leonard,
Silver City, Idaho.

Sir:--

Enclosing herewith water license issued under the
above permit, together with receipt for fee for certified
copy, which has been mailed to the U.S. Land Office at Boise.

Ten cents additional should be sent for certified
copies where same are required for the Land Office, as
a ten cent revenue stamp is now required on each copy.

Very truly yours,

J. H. SMITH,

State Engineer.

R8474

By _____

11691

ROBERT H. LEONARD
PROBATE JUDGE OF OWYHEE COUNTY
SILVER CITY, IDAHO

June 24, 1916.

In re. Permit No. 11691- Feltwell.

Hon. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:

Enclosed find proof of application of water to beneficial ^{use} under above Permit, Affidavit of publication of notice and Feltwell's check for 75¢, for which please file with the U. S. Land Office, Boise, Idaho, a certified copy of license, in support of final proof, recently made.

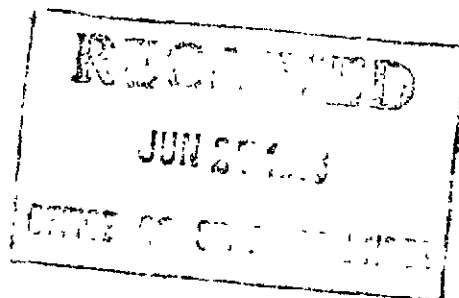
Mr. Feltwell came in a week ago to make this proof but forgot to bring his Permit, etc., and the weather has been so severe, since then, that he was unable to come in again before last evening.

I understand that the examining engineer's report has been filed in your office.

Trusting you will find the proof satisfactory, I am,

Very truly yours,

R. H. Leonard
Probate Judge.



11691

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 17th day of June, 1916, at Silver City, County of Owyhee, State of Idaho, before Robert H. Leonard Probate Judge, proof will be submitted of the application to beneficial use of one-half of One cubic foot per second of the waters of Cattle Creek in accordance with the terms and conditions of Permit No. 11691, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding such permit is Alfred Feltwell, Jordan Valley, Oregon.

2. The use to which said water has been applied is Irrigation and Domestic.

3. The amount applied to beneficial use is one-half of One cubic foot per second.

4. The place where said water is used is SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 35, Township 6 S., Range 6 W., B. M.

5. The date of the priority which said user is prepared to establish is October 2, 1915.

J. H. SMITH, State Engineer.

4t—First pub. May 26, 1916
Last pub. June 16, 1916

AFFIDAVIT OF PUBLICATION.

STATE OF IDAHO,
County of Owyhee,

I, J. H. Leonard, Publisher

of THE OWYHEE AVALANCHE, a weekly newspaper, published at Silver City, Owyhee County, Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for Four consecutive weeks, commencing with the issue dated May 26 1916, and ending with the issue dated June 16, 1916

Subscribed and

sworn to before me this 17th day of June, 1916

R. H. Leonard

Probate Judge.

11691

PERMIT No. 11691**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Alfred Feltwell, age 50, residence, Cattle Creek, Owyhee County, Idaho, Occupation rancher, P.O. Jordan Valley, Oregon.

Ques 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with refrence to same, and your authority for appearing in its behalf.

Ans. 0

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 11691, October 16, 1915. October 2, 1915.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Cattle Creek. Point of diversion is $\frac{1}{4}$ mile east of Section corner common to Sections 1 and 2, T. 7 S., and Sections 35 & 36, T. 6 S., all in Range 6 W., B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Ditch, width at bottom 1 foot, width at water line $1\frac{1}{2}$ feet, depth of water 8 inches. Capacity about $\frac{1}{2}$ second foot of water.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have *actually* been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic use. 20 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T. 6 S., R. 6 W., B.M., planted to timothy, alfalfa, red top and grain and irrigated, producing a fair crop of hay.

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. 0

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. One inch of water per acre.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Same person

11/29/13

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. During the irrigation seasons of 1912, 1913, 1914 and 1915, irrigated portions of this land and 1916 am irrigating 20 acres of this land, using about one inch of water per acre.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None used.

(Sign)

Alfred Faltwell

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Silver City, County of

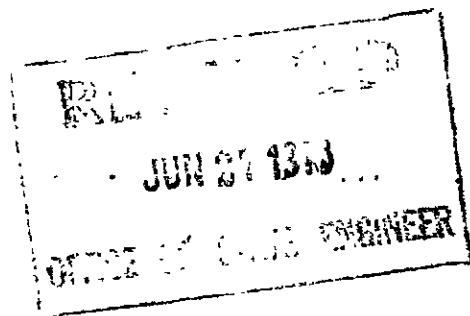
Owyhee, State of Idaho, on this 24th day of June,

A. D. 1916.

R. H. Leonard

Probate Judge.

11691



Permit No. 11691

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Joseph Gluch, age 36, residence and Post Office, Jordan Valley, Oregon. Occupation rancher.

Ques. 2. Are you acquainted with Alfred Feltwell, the holder of Permit No. 11691? How long have you known him and where does he reside?

Ans. I am. Known him 6 years. He resides in Pleasant Valley, Owyhee County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11691, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Cattle Creek. Place of diversion $\frac{1}{2}$ mile east of Section corner common to Sections 1 and 2, T. 7 S. and Sections 35 and 36, T. 6 S., all in Range 6 W., B. M. Ditch 1 ft. wide at bottom, $1\frac{1}{2}$ ft. wide at top, depth of water 8 inches. ~~Capacity of ditch $\frac{1}{2}$ of 1 second foot.~~

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. $\frac{1}{2}$ of 1 second foot of water. Have seen ditch full of water.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic use. 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T. 6 S., R. 6 W., B.M., planted to red top, timothy, oats, alfalfa and rye, and irrigated. No natural meadow.

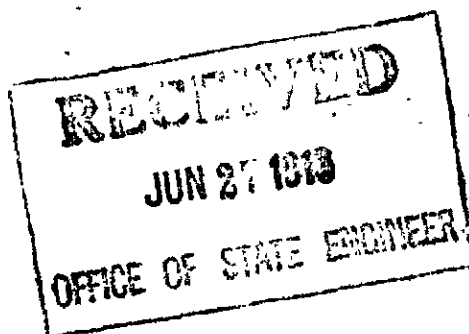
Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 0

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Agricultural land. Black loam, One inch of water per acre, required for profitable cultivation.

11691



11691

My Commission Expires

Probate Judge. ~~XXXXXXXXXX~~

State of Idaho, on this 24th day of June, A. D. 1916.

before me, in Silver City, County of Owyhee,

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to

(Sign)

Joseph Frank

inch of water per acre.

In June, 1916, have seen 20 acres being irrigated, using about one

Ans. In June, 1916, saw 15 acres of this land being irrigated and

beneficial use of water diverted under said permit.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to

Ans. No, I have not.

and to what extent?

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way

Permit No. 11691

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Bruno Gluch, age 37, residence Pleasant Valley, Owyhee County, Idaho, occupation rancher. Post Office, Jordan Valley, Oregon.

Ques. 2. Are you acquainted with Alfred Feltwell, the holder of Permit No. 11691? How long have you known him and where does he reside?

Ans. Yes sir. Known him 5 years. He resides in Pleasant Valley, Cattle Creek, Owyhee County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11691, and are you familiar with its provisions and conditions?

Ans. Yes sir.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Cattle Creek. Place of diversion, $\frac{1}{2}$ mile east of Section corner common to Sections 1 and 2, T. 7 S., and Sections 35 and 36, T. 6 S., all in Range 6 W., B.M. Ditch 1 ft. wide at bottom, $1\frac{1}{2}$ ft. wide at water line, at top, depth of water 8 inches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. $\frac{1}{2}$ of 1 second foot of water. All the ditch would carry.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic use. 20 acres in SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 35, T. 6 S., R. 6 W., B.M., cleared, plowed and planted to oats, rye, timothy red top and alfalfa, and irrigated. No natural meadow.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 0

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Agricultural land. Black, doby soil, requiring one inch of water per acre.

11691

RECEIVED
JUN 27 1918
OFFICE OF STATE ENGINEER

11691

My Commission Expires.

Probate Judge. ~~Notary Public~~

State of Idaho, on this 24th day of June, A. D. 1918.

before me, in Silver City, County of Owyhee,

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to

(Sign)

William G. Smith

about one inch of water per acre.

and in May and June, 1916, have seen 20 acres being irrigated using

Ans. In May and June, 1915, saw 15 acres of this land being irrigated

beneficial use of water diverted under said permit.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to

Ans. No sir.

add to what extent?

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way

(Place) Idaho
(Date) May 16 1916

State Engineer, Boise.

Dear Sir:

I have your letter of May 15th enclosing Notice of Proof of Beneficial Use of Water under Permit No. 11691 which will be published as you request, beginning with our issue of May 26

Owyhee Avalanche
by J. H. Canagan
11691

June 7, 1916.

Re Permit 11691- Alfred B. Feltwell.

Mr. J. M. Harbour,
Jordan Valley, Oregon.

Sir:--

I am just in receipt of your report on
beneficial use of water under above permit.
Same has been checked and is satisfactory.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

11691

REPORT OF ENGINEER

11691

1. State name of applicant and number of permit: Alfred B. Feltwell, No. 16039
2. State source of water supply: Cattle Creek
3. Location of point of diversion: Lot 3, Sec. 1, T. 7 S., R. 6 W.,
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.
5. Describe works as they exist, giving dimensions and capacities of same: Head gate, 29 in. wide, 24 inches high; dam, 10 ft. on top, 6 ft. on bottom, earth and stone; ditch, 1 foot on bottom, 1/2 ft. at water line, length, half-mile.
6. State whether or not water has been turned into works of diversion: Yes.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SE 1/4 SE 1/4 Sec. 35, T. 6 S., R. 6 W., B.M. Ten acres under cultivation. Thirty-nine acres subject to irrigation and cultivation.
8. Submit map on enclosed plat, showing location and details of above description.
- Remarks: Water for this land is taken out at headgate built for the irrigation of original homestead entry; this headgate has not been enlarged and no more water is used than for the homestead, being used by rotation method.

This examination was made on the 2d day of June 1916.

(Signed)

J. M. Harbour

Examiner.

11691

(This report must be sworn to when not made by an attache of the State Engineer's office)

OREGON
STATE OF ~~IDAHO~~

County of Malheur } ss.

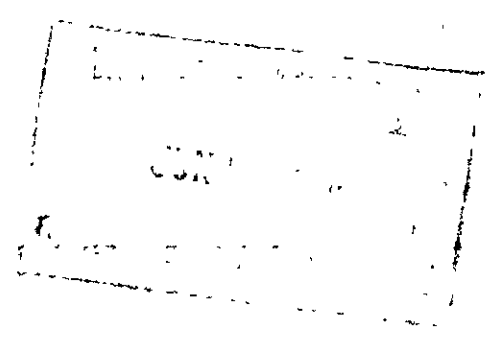
J. M. Harbour, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 5th day of June 1916

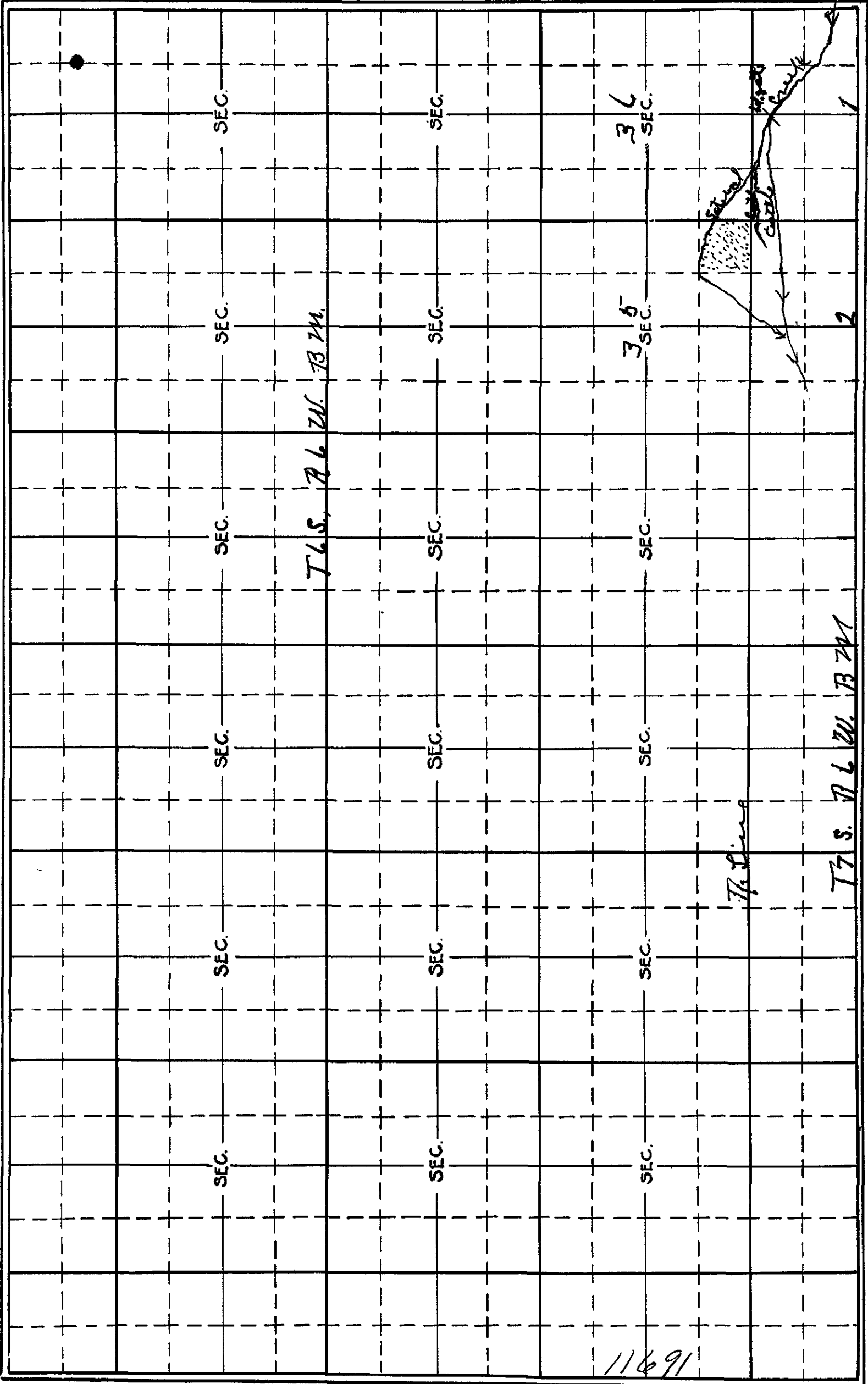
My Commission Expires Apr. 8, 1920

Harry Looney
Notary Public.
Malheur

11691



Name of Applicant: Alfred B. Zeltner, No. 16939



June 1st, 1916.

Re: Permit 11691.

Alfred Feltwell,

Jordan Valley, Oregon.

Dear Sir:-

Enclosed herewith please find Certificate of
Completion of Works, issued under the above permit,
also receipt of fees.

Very truly yours,

J.H. SMITH,

State Engineer.

By _____

C.C.W.

Receipt 8249.

11691

Office of the State Engineer

Boise, Idaho, May 25 1912

Mr. J. H. Harbour,
Jordan Valley, Ore.

DEAR SIR:

.....Alfred Feltwell....., residing at Jordan Valley,
County of, State of Oregon....., has requested that
you make examination required under Permit No. 11691..... Will you
therefore, arrange with the holder of said Permit to make such examination as will
enable you to answer the questions on the enclosed blank? Also, make a sketch on
the enclosed blank plat showing source of supply, point of diversion, route of ditch
and place of use. You should, also, arrange with the holder of said Permit for the
payment of your fee for your services, and such proper expenses as you will incur in
making this examination and report.

Please advise me promptly of receipt of this communication, and whether or not
you will be able to make the examination and report as required.

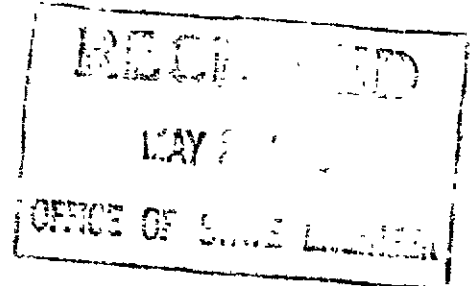
Very truly yours,

J. H. SMITH, ~~XXXXXXXXXXXX~~

State Engineer.

11691

State of Idaho
Engineering Department
Boise



May 15, 1916.

Re Permit 11691.

Mr. Alfred Feltwell,
Jordan Valley, Oregon.

Sir:--

Am just in receipt of corrected papers for proof of completion of works and beneficial use of water under above permit. In order to allow time for the required four weeks publication of notice of final proof, the date for making proof has been changed to June 17th and notice has today been mailed to the Silver City Avalanche. Deposition blanks will later be mailed to Judge R.H. Leonard.

Very truly yours,

J. H. SMITH,

State Engineer.

By Chas. H. Brown,

P.S.

If you will send the name of some one to make the examination and report required, the necessary blanks will be mailed to him.

J.H.S.

11691
Dear Sir,
You may send all necessary blanks
to J. H. Harbour
Jordan Valley, Ore,
And oblige Alfred Feltwell.

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

Alfred Feltwell,
c/o Judge R.H. Leonard,
Silver City, Idaho.

BOISE, IDAHO, May 22, 1916.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. 11691.

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On.....June.....17th....., the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Silver City, before Judge Leonard.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

J. H. SMITH,

State Engineer.

11691

May 15, 1916.

Re Permit 11691.

Mr. Alfred Feltwell,
Jordan Valley, Oregon.

Sir:--

Am just in receipt of corrected papers for proof of completion of works and beneficial use of water under above permit. In order to allow time for the required four weeks publication of notice of final proof, the date for making proof has been changed to June 17th and notice has today been mailed to the Silver City Avalanche. Deposition blanks will later be mailed to Judge R.H. Leonard.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

P.S.

If you will send the name of some one to make the examination and report required, the necessary blanks will be mailed to him.

J.H.S.

11691

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 10th day of June, 1916,
 at Silver City, County of Owyhee, State of Idaho,
 before Probate Judge, R. H. Leonard, proof will be submitted
 of the application to beneficial use of 1/2 of 1 cubic ~~feet~~ per second of the waters of
Cattle Creek, in accordance with the terms and conditions of Permit No. 11691,
 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are
Alfred Feltwell, Jordan Valley, Oregon.
2. The use to which said water has been applied is irrigation and domestic use.
3. The amount applied to beneficial use is 1/2 of 1 cu. ft. per sec.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
SE 1/4 of SE 1/4, Sec. 35, T. 6 S., R. 6 W. B.M.
5. The name of the canal or ditch or other works by which said water is conveyed to the place of use is
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
6. The right to take the water from such source is based upon ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
7. The source of such right is ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
8. The date of the priority which said user is prepared to establish is October 2, 1915.

J. H. SMITH,

State Engineer.

11691

Permit No. 11691

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Owyhee } ss.

Alfred Feltwell, being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 11691 and that his postoffice address is Jordan Valley State of Oregon

Second: That the name of the stream from which said water is to be diverted is Cattle Creek

Third: That the point of diversion of said water is 1/4 mile east of section corner common to 2 T. 7. S., 35 & 36 T. 6. S. Range 6 N. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Oct 16th 1916.

Fifth: That the use for which said water is intended is Irrigation & domestic use

Sixth: That on the date above mentioned, the works constructed under said permit were (~~or were not~~) fully completed and consisted of the following:

I. Kind of works: Ditch
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit ditch width at bottom 18 in feet, width at water line 18 in feet, depth of water 8 in feet; diameter of pipe _____ inches; average grade per mile is 8 feet. Length of conduit is 1/2 miles.

Seventh. That said works are capable of conducting to the place of intended use _____ second feet of water.

Eighth. That water appropriated under said permit is available for 40 acres of land described as follows: SE 1/4 & SW 1/4 of sec 35 T. 7 S. - R. 6 N. - B. M.

Ninth. Remarks: That _____

Alfred Feltwell
(Sign here.)

Subscribed and sworn to before me this 28 day of April, 1916.

My commission expires _____

Justice of Peace
Notary Public.

11691

May 1st, 1916.

Re Permit 11691.

Mr. Alfred Feltwell,
Jordan Valley, Idaho.

Sir:--

We are in receipt of affidavit and fee for proof of completion of works, together with notices for final proof under above permit.

In checking these I note that the instructions given in our letter of the 22nd ult. have not been conformed with. This letter stated that the affidavit for proof of completion could be sworn to before some notary public in Oregon but that the final proof would be required to be made before some notary public, or other officer, within the State of Idaho and that the notice would be required to be published in some paper printed in the county within the lands are located.

I note that the description of the lands to be irrigated in the affidavit for proof of completion of works does not agree with the permit. The permit gives the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 35 instead of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said section. The affidavit is accordingly returned for correction in this particular, accompanied with the check for fees.

I have had filled out and enclose herewith notices for final proof for your inspection. These should be returned to us, in duplicate, at which time one notice will be mailed to the Owyhee ~~Malanche~~, at Silver City, for the required four weeks publication prior to June 10th.

Am also returning the notice filled out by you with letter naming the Jordan Valley paper.

Very truly yours,

J. H. SMITH,

State Engineer.

Enc.

By _____

11691

April 22, 1916.

Re Permit 11691.

Mr. Alfred Feltwell,
Jordan Valley, Ore.,

Sir:--

At the request of Judge Leonard, of Silver City, I enclose herewith blanks for proof under above permit. All that is required for the proof of completion is the affidavit of holder and fee of \$5.00. This affidavit can be made before a notary in Jordan Valley.

The notices for final proof should be filled out and returned to us in time for the notice to be published four full weeks prior to the date of making the proof and the proof must be made before a notary within the State of Idaho. The notice must be published in the county in which the lands are located.

Very truly yours,

J. H. SMITH,

State Engineer.

5-6-3NU

By _____

11691

ROBERT H. LEONARD
PROBATE JUDGE OF OWYHEE COUNTY
SILVER CITY IDAHO

April 20, 1916.

Hon. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:

Mr. Alfred Feltwell, the owner and holder of Permit No. 11691, to appropriate $\frac{1}{2}$ cubic foot per second of the waters of Cattle Creek, this County, desires to make proof of completion of works and also proof of application of water to beneficial use.

Please send the necessary papers, to him, at Jordan Valley, Oregon, and if he can make this proof before a Notary Public, at Jordan Valley, Oregon, advise him to that effect, otherwise he will have to come to Silver City.

Very truly yours,

R. H. Leonard
Probate Judge.

5-6 - 2710
1711

11691

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit # 11691-Feltwell.
Mr. James M. Harbour,
Jordan Valley, Oregon.

Boise, Idaho,
Oct. 16, 1915.

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

J.H.Smith.

State Engineer

11691

Name of Applicant.....

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.

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SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.

T75-R6M-BM

11691

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